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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Thursday, June 23, 1983*

(Legislative day of Monday, June 20, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, we pray for those among us who are hurting. We commend to Thy gracious love and care those who are ill, who are discouraged, who are angry or frustrated, or exhausted, or who feel rejected and ignored. We pray for staff who feel manipulated, or put down, or discriminated against.

We pray for our families who are hurting; for children who feel they are less important to their fathers than the Senate; for wives who suffer protracted loneliness or who are made to feel they are aliens in their husbands' offices; for fathers stretched between duty on the Hill and love in the home. We pray for those having financial difficulty or who are suffering other kinds of stress and pressure. And Father, we remember the families of the two journalists who were killed in Honduras. Comfort them with Thy peace and love. Dear Father, touch all who hurt with Thy gracious comfort, peace, and healing. In the name of the Great Physician, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SUMMER SOLSTICE DISRUPTS SUMMER SOLACE

Mr. BAKER. Mr. President, this is the first week of summer. I do not clearly recall if we had any spring. In any event, it is nice to know that summer has arrived and with it, inevitably, the realization that we go downhill from here, as the days grow shorter from this day forward until mid-December.

Mr. President, it also means that the Capitol Building, to say nothing of the city as a whole, will look forward to the visitation of countless millions of visitors.

I always count it a great tribute to the solidity and future of American democracy that so many Americans want to come to this city and see the monumental structures, the Capitol, the White House, the Mall, and to travel through those spaces, including the corridors of the Capitol Building itself.

Sometimes the throng of tourists through the Capitol corridors can become an impediment to progress. Sometimes, even, it can be an assault on one's ego.

The other day, I was walking from this Chamber back to my office, and an excited group stopped me and someone said, "Say, I know who you are. Don't tell me. Let me guess. Let me remember. I'll get it in a minute."

I waited for several seconds, and finally I said, "Howard Baker"; and he said, "No, that's not it." [Laughter.]

I tried unsuccessfully to convince them that was it.

Then they wanted to know if I was anybody important, and I told them I was not. [Laughter.]

However, it is good to have them here, Mr. President, because it is a tribute to their participation in the business of government.

It is really a pleasure to welcome the American citizenry to these precincts which we call our office and home, so that they may see from this gallery and observe from these corridors and hallways how representative government works in the people's branch.

SENATE SCHEDULE

Mr. BAKER. Mr. President, it is my hope that today we can reach the legislative appropriations bill at 10:30 a.m. and as I indicated last evening, it is my intention to ask the Senate to proceed to the consideration of that measure at that time. I hope there will not be an objection, because it is imperative, I think, that we meet our obligation to consider and dispose of the appropriations bills, particularly since our companion body, the House of Representatives, has been so diligent and timely in sending us these regular appropriations bills so soon, relatively, which gives us an opportunity to treat with them so promptly. I hope we can do that. I hope we get to the legislative appropriations bill at 10:30 a.m. and that we can dispose of it today.

The chairman of that committee and the ranking minority member have done an absolutely extraordinary job in managing the two regular appropriations bills we have passed so far; and if their momentum continues into the legislative appropriations bill, it will add to their luster.

Mr. President, after the legislative appropriations bill is finished, if there is time, and if we can reach an agreement on it, I should like to proceed to the agriculture appropriations bill. That may be a little more complex, but it is another of the regular appropriations bills, and I should like to do it if we can. I urge Senators to consider that the leadership on this side will try to do that after we complete the legislative appropriations bill, if we finish it.

There is one other important matter that may be dealt with today. It is my understanding now that the House of Representatives has reversed the order and sequence of their proceedings today so that the conference report on the budget resolution will be taken up before the proposal on the cap of the third year of the tax cut. That may mean that we will have the budget conference report over here by late afternoon. If we do, I will consult first, of course, with the chairman of the Budget Committee and the ranking minority member about their preferences and desires. But if that meas-

ure reaches us in that way at that time and if the managers of the measure are agreeable, I would hope that we could go on to the budget conference report today. Today is Thursday, and it is the regular posted late evening. So if we can get to the budget conference report or if we need the time for one of the appropriations bills, Members should assume that we will be in late this evening.

We will continue in session tomorrow, Mr. President, unless we finish all three of those items. I will have a further announcement to make later, as that situation clarifies.

Once more I remind Senators that before this period is over and before we embark on the Fourth of July break, we have to do the remaining two appropriations bills that are on the calendar now—the agriculture appropriations bill and the legislative appropriations bill—the conference report on the budget resolution, the debate on the Hatch constitutional amendment dealing with abortion, the proposal to cap the third year of the tax cut, if that measure reaches us from the House of Representatives, and perhaps other matters.

That is a full schedule, so Senators should clear the decks and be ready to proceed on those matters when we can reach them.

Mr. President, that concludes my report to the Senate this morning. I am prepared to yield any remaining time to the minority leader, if he wishes.

Mr. BYRD. Mr. President, this side of the aisle is prepared to move to the legislative appropriations bill. If the distinguished majority leader would wish to ask for consent at this moment, he could get it, as far as this side of the aisle is concerned.

Mr. BAKER. I thank the Senator.

Mr. President, I would very much like to do that. However, just to make sure I am absolutely clear with my own clearance process, let me check that first and I will see if we can in the next few moments do that.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. TRIBLE). The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. BYRD. Mr. President, I have no need for time so I yield it back to the majority leader if he wishes.

Mr. BAKER. I thank the minority leader.

Mr. President, I yield back the time so the Chair may commence the period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed beyond 10:30 a.m., with statements therein limited to 2 minutes each.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD HEALTH ORGANIZATION ON THE MANAGEMENT OF THE CASUALTIES IN A NUCLEAR WAR

Mr. PROXMIRE. Mr. President, on Tuesday of this week I reported to the Senate the World Health Organization's findings on the enormous number of casualties we could expect in a nuclear war, that is the number of persons who would be killed and those who would be injured. Today I report to the Senate on how the World Health Organization suggests we might, with our available medical resources, try to cope with the surviving victims, the injured, in the event of such a catastrophe.

The first tragic fact to recognize is that the devastation of hospital facilities, the death of doctors, nurses and other medical personnel and the immense number of seriously injured would mean that the vast majority of the injured could receive no medical attention at all.

The two sole instances when nuclear bombs were dropped on populated cities—Hiroshima and Nagasaki—offer the most practical examples of the difficulties. In Hiroshima all the hospitals within a kilometer of the hypocentre were totally destroyed and virtually everyone within them killed or injured; 93 percent of the nurses and 91 percent of the doctors were killed or injured. In Nagasaki the university hospital, which contained over 75 percent of the hospital beds and medical facilities in the city, was destroyed and 80 percent of its occupants killed or injured.

The World Health Organization also points to a study by U.S. Arms Control Agency in 1979 that took Boston as an example. What they found provides a real eye opener for what a nuclear war would do to our medical care facilities, and how literally naked of any medical protection we would find ourselves in the event of a nuclear catastrophe. This study found that a 1 megaton bomb burst over Boston would cause about 700,000 immediate deaths and similar number of injuries. That is about half the population would be killed or injured by that single bomb. If 50 percent of the 5,200 physicians in Boston survived to treat the 700,000 injured, it would take physicians more than 4 days working for 16 hours a day and devoting 15 minutes to each patient. Boston has some 13,000 hospital beds but they are in the urban target area and 38 of the 48 acute care hospitals would be destroyed or badly damaged so only about 2,000 beds would be left for the injured. As the WHO found in their report:

> The whole infrastructure required for dealing with serious injuries—operating rooms, nurses, blood, antibiotics, drugs, water supplies, electricity, telephones, heating, transport services would be in disarray. Surviving health workers would find it difficult to make their way to hospitals through streets endangered by radioactive fallout and obstructed by fires and rubble, and rescue workers would have similar difficulties in reaching and transporting victims.

The WHO report concludes: In this kind of nuclear disaster, "the capacity of the surviving medical personnel to provide adequate care or even merely to provide first aid and keep the victims alive, would be next to nil."

Mr. President, this is a terrible, morbid heart breaking story. Who wants to hear it? None of us. But as U.S. Senators we have a duty to think about and in fact to dwell on this grim prospect, and we have an even grimmer responsibility to bring these gruesome facts to the American people so all of us will recognize how imperative is our prime duty to push, and push hard, for an end to the arms race.

REMEMBERING "TERRIBLE JUNE DAYS"

Mr. PROXMIRE. Mr. President, June 15 marked the 43d anniversary of the "Terrible June Days" when the Soviet Union invaded and occupied the Baltic States of Estonia, Latvia, and Lithuania.

My distinguished colleague from Nebraska (Mr. ZORINSKY) recently spoke of this tragedy. The goal of the Soviet Union was the physical annihilation of these distinct cultures. Over 30,000 Lithuanians were deported or liquidated during a 4-day period in 1940. Between 1941 and 1951, approximately 700,000 Lithuanians faced such brutal treatment. The Soviet Union sought to extinguish all vestiges of Lithuanian tradition merely because they were different.

Evidence clearly shows that these acts were planned approximately 2 years before the first major tragedy occurred.

Such heinous events, however, are not limited to the history books. Reports of senseless torture, killings, and atrocities have recently come from every part of the world. According to a recent United Nations report, there

have been over 2 million unlawful executions in the past 15 years.

Events such as those in Lithuania clearly raise the specter of genocide.

We must not sit by passively while such atrocities take place. We must act now so that the rights of entire racial, religious, national, and ethnic groups are protected.

Mr. President, our position as a leader in the protection of human rights of all people necessitates that we participate in making genocide a punishable, international crime.

Just last week, former President Jimmy Carter cited the neglect of the U.S. Senate in ratifying the treaty. He said, "There is no way for us in this fat, rich, prosperous, safe country to realize the need throughout the world for a consistent human rights effort."

The fact that this body has not ratified the Genocide Convention is an embarrassment to our country. It is my hope that the horrible memory of the "Terrible June Days" will reaffirm the need for its immediate ratification.

Mr. President, I urge my colleagues to support this human rights document without further delay.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 26

Mr. HELMS. Mr. President, I ask unanimous consent that there be a star print of S. 26, and I send to the desk a revised copy of S. 26 in the form in which it is to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 3135 TODAY

Mr. BAKER. Mr. President, earlier, the minority leader indicated to me that his clearance process was complete and they were prepared to agree that the Senate could go to the consideration of the legislative branch appropriations bill.

I have now completed clearance on this side. I ask unanimous consent that at 10:30 a.m., the Senate proceed to the consideration of Calendar Order 258, H.R. 3135.

Mr. BYRD. Mr. President, reserving the right to object—and I will not object—clearance has been given on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEW ECONOMIC AGENDA

Mr. CRANSTON. Mr. President, from my work on Senate committees and consultations with economists and leaders of business and labor, I have followed with deep and growing concern the disturbing downward trends in productivity, balance of trade, and capital investment, and the upward surge in the national debt and unemployment.

The present crisis of the American economy is more fundamental and far-reaching than the Great Depression of the 1930's. We must examine the causes and identify the ways out of our deepening cycles of inflation, recession, and depression.

The need for a national economic strategy—and a strategy for each sector of our economy—is now clear. Without such a strategy, our economy will continue to flounder, and the quality of life in our country will decline. An economic strategy sets goals and priorities. It requires and reinforces long-term thinking and policymaking.

The economic strategy we need cannot be imposed by a President or Congress. It must develop from a new partnership of industry and Government, working in full consultation with our schools and universities and with labor and management, developing new forms of cooperation and decisionmaking and profit sharing.

Our chief goal must be an economy of strong and steady growth with low interest rates so that full employment and a balanced budget can both become a reality.

Multiplying all our economic problems and blocking their solution is the incredibly costly arms race. Two trillion dollars will be spent in an excessive 5-year military buildup if Ronald Reagan has his way. Until comprehensive mutual arms reductions are achieved, our national resources will continue to be consumed in military expenditures. A balanced budget will be our of reach, and we will face the double jeopardy of inflation and recession.

Since the problems of the economy and the arms race are thus directly connected, it is essential that our economic strategy be linked to a strategy for peace.

The single most crucial element for bringing about economic reconstruction in a country as large and diverse as ours is achieving coordination in the activities of all our economic institutions. If we are to agree on broad goals for economic reconstruction, and if we are to have forceful and coordinated action consistent with these goals at national, regional, and local levels, the adversarial relations that have characterized economic decisionmaking in this country for too long must be put aside.

To move us forward, we need a spirit of cooperation between business, labor, educational institutions, and government at all levels. New directions for our economy and economic institutions cannot be set by one sector in isolation from the others. The policies and programs necessary to impel both old and new industries forward cannot be imposed by Washington or extracted by coercion of one sector by another. These methods simply will not work in our society over the long haul.

Cooperative economic decisionmaking is not a panacea for meeting all the economic challenges we face, but it is a necessary first step. We will need leadership—from our corporations, labor unions, educational institutions, and government—bold enough to try new ways of working together.

NEW CONDITIONS OF ECONOMIC LIFE

We are in a period or economic change of the first magnitude. Most of our economic institutions did not anticipate these changes. Now that the new realities are upon us, many of our economic institutions have not yet successfully adjusted. The larger part of our economic difficulties derive from pervasive changes in the global economy and our domestic economy.

First. The American economy is tied in thousands of ways to the economies of other nations. The world has become so economically integrated and mutually dependent that cycles of growth and recessions supersede all national boundaries. Worldwide economic stagnation is currently so powerful that it is intensifying our domestic recession; our high interest rates and economic downturn make recovery more difficult for economies linked to ours. As a result of all this, revival of our domestic economy will be virtually impossible without taking steps to produce recovery on a much wider scale.

Second. Lower priced, high-quality imports have in recent years come to dominate major portions of American domestic markets. Many of our industries have succumbed to competition from foreign producers in our home markets for a variety of reasons, but the final result has been lower sales by some of our greatest industries: steel, automobiles, aircraft, electronics. Declining sales and production, in combination with shortages of money to invest in new industrial capacities, have created a spiral of decline.

Third. Overseas, our exports have increasingly been unable to compete with similar products produced by other nations with greater efficiency and sold for lower prices. Some of our trading partners use a variety of practices to shield their own markets from penetration by American business. Further hardship for American industry and labor has resulted from the

erosion of our competitive edge in a wide variety of domestic and world markets.

Fourth. Many American industries have not kept pace with radically changing technology and changing management and labor practices. Those foreign industries and nations that have moved most rapidly into more efficient methods of production have gained the competitive edge, in many cases over American businesses.

Fifth. Entire new industries have been rapidly emerging in the world economy. Others are on the near horizon. "High-tech" and "information" industries—computers, biotechnology, telecommunications, robotics, space applications—will account for more and more growth and sales in world markets. Many of the technologies on which these growth industries are based had their origins in the United States, but we have on the whole been slow to exploit their potential through intelligent capital investment, improved productivity levels, and aggressive marketing. We will be engaged in fierce competition with Japan, France, West Germany, and other nations for dominance of expanding high-tech markets. A weak American economy plus insufficient longer range planning and investment has undercut the creation of new ventures. Once markets are lost, they are difficult to recover.

Sixth. As these structural changes in our own economy and the world economy were gaining momentum, inflation became a corrosive force in our economic life, ignited by the tragic results of our involvement in the Vietnam war. Additional shocks hit our economy, such as the vast increases in OPEC oil prices, and we became ever more deeply locked in a costly arms race with the Soviet Union. During a period in which creative responses to major changes were badly needed from our economic institutions, they were instead caught up in short-term interests and diminishing capacity to respond. The longer-term economic health of our Nation was all too often ransomed for shortsighted benefits.

Seventh. The economic policies of the Reagan administration have been a disaster. Instead of helping to lift us out of recession and reconstruct our economy, as promised, they have plunged us deeper into stagnation. Primitive supplyside fiscal policies, tight money policies, and wildly extravagant armament expenditures have salvaged the lives of millions of citizens. The cost and danger of the arms race have peaked with the Reagan administration, swelling Government deficits and draining precious resources away from productive investments desperately needed to expand the competitive capabilities of our economy. Worst of all, the Reagan doctrine has done very little to bring about the necessary adjustments in our economic institutions—or the spirit of cooperative planning and coordinated action—needed to meet the new realities and challenges that have shaken our sense of mastery over our economic destiny. Blaming Government for our economic crisis—as the Reagan administration has done—is only a distraction from coming to grips with the new conditions of our economic life.

We can revive and reconstruct the American economy to meet effectively the new conditions and challenges we face. We have a history of meeting other great crises and challenges. However, a new and better framework of policies and actions by Government, business, labor, and educational institutions is required.

A NEW CONSENSUS AND NECESSARY LEADERSHIP

The failure of Reaganomics has brought both the nature of our economic crisis and alternative solutions into much sharper focus. Out of this common recognition, the elements of a consensus for economic reconstruction are emerging in both the private and public sectors. They are ready to be brought together in a pragmatic set of directions, policies, and programs needed to bring about economic reconstruction.

First. Global Economic Expansion. Strong and informed American leadership on the world stage can break the grip of worldwide stagflation. Lower American interest rates are one important step in this direction. But we must also move to secure closer coordination of general economic policies with our trading partners—policies designed to foster long-term growth and to create jobs. Global economic competition is inevitable and desirable, but competition can succeed to the benefit of closely-linked Western economies only within a general framework of shared international goals and economic stability.

Banks and lending institutions have become major forces in the international economy. They can be instruments either of great progress for all of mankind or of deeper divisions and inequalities. We must define goals and policies—and lead in establishing necessary new international economic institutions—that build new worldwide patterns of investment, development, and growth within a framework of hope and progress.

World economic recovery is inhibited by the major industrial countries pursuing incompatible economic policies. American industries and their workers are being punished by the trading practices of some of our partners and allies. The nations of the free world must either agree to adhere to common principles of free trade or all face an uncharted world of unilateral actions and bilateral deals that will make global economic growth difficult and uncertain. The Federal Government must meet its responsibility to insure conditions where American workers and businesses can compete successfully in either case. But as the strongest country with the largest domestic market, America should take the lead in proposing a framework of free and fair trade for our own benefit and the benefit of the global economy.

The American people are beginning to understand that economic growth in America is abetted by an expanding world economy. The leaders of our private economic institutions are beginning to respond as best they can under the conditions of crisis. The Reagan administration is doing little or nothing. We must lead in negotiating a global framework of coordinated economic policies and goals that insure stability and growth for the world economy. This objective, and action to eliminate the nuclear threat, are essential to restoring a sense of hope and confidence to both the industrial democracies and developing nations.

Second. Improved Productivity. Both labor and management recognize that increased productivity is essential to economic renewal. Stagnant productivity levels have been a sure formula for retrenchment, layoffs, and a slide to the losing side in global competition. Many of our basic industries have entered into this pattern of decline.

An all-out effort must now be made to improve American productivity. A common recognition of how to begin to go about this effort is a basis for revitalizing our older industries. Greater efficiency in assembly-line industries can be achieved through new investments in automation, matched by investments in retraining experienced workers for the new skills required. New patterns of collective bargaining agreements—such as those between the United Auto Workers and Ford—are pointing the way to cooperative steps forward that would have been unimaginable only a few years ago. New incentives are being defined that give American workers a greater stake in the competitive success of their companies. These include profit-sharing agreements, worker participation in strategic company decisions, better worker security, and programs of retraining and redeployment under conditions of reasonable career security. We must keep moving ahead on all these fronts, and Government can help.

We must make the revitalization of our basic industries, their work forces, and their surrounding communities a national priority. We cannot abandon the smokestack industries. They are essential to our national security, and to balanced economic growth. We must help forge a partnership of business, labor, education, and Government that seeks to make us first again in the production of quality, cost-effi-

cient, low-polluting cars, not only for domestic markets but internationally. We should make revival of our steel industry and other basic industries high priorities, and use the capacities of Government to serve these efforts.

At the same time, new growth industries must be rapidly expanded. Well-publicized efforts are already underway in sections of the country—the Austin-San Antonio corridor in Texas, and Silicon Valley in California are examples—but a national effort is required if we are to assert world leadership in the emerging technologies of bioengineering, space applications, computers and other markets of new demand. Venture capital, expanded research programs, and a better educated work force must become available on a larger scale if America is to return to the frontiers of invention, production, and marketing.

The capacities of the executive branch can be much better focused and organized for making contributions to national economic planning and decisionmaking. The Federal Government has provided little in the way of longer-term goals, information, and planning for economic growth. When leaders of business and labor approached the Reagan administration with a request that tripartite discussions initiated by President Carter continue, they were told by the White House that such efforts are subversive to free enterprise.

We should establish a Reconstruction Finance Corporation—including the best people from the highest levels of the executive branch, business, labor, education, and other branches and levels of Government—that focuses the national commitment to basic industries, physical infrastructure, and technoglogical innqvations. The Corporation can hammer out the agenda for growth and job creation. It can serve as the investment and development arm of the Federal Government. It can operate as the instrument of Federal coordination with other levels of Government and the private sector across a broad range of longer-term economic goals.

Third: Long-Term Planning. For more than a decade, the pressures of economic survival in a troubled economy have locked much of American business into patterns of short-term decisionmaking. Too many executives feel that if they cannot show a profit on new investments within three quarters, they will lose their jobs. Too many in our society have also operated in terms of immediate rather than longer-range interests. In a world of sweeping economic changes, these patterns have accumulated to put us at considerable disadvantage compared to foreign industries and governments that have looked into the future and acted in terms of longer-term economic goals.

Business, labor, education, and Government must begin to base economic decisions on the longer-range interests of our people and our industries. Capital investments must be more intelligently directed for rapid expansion of high-tech and information industries and revival of key older industries. The national climate for longer-term goals and plans can be decisively influenced by Presidential leadership, and the Federal Government can direct patterns of capital investment with public funds far more intelligently.

The United States is the only major industrial power without national capacity to obtain systematic, accurate, up-to-date information about its domestic economy or the global economy. The information we get now from Government agencies is full of gaps and effectively obsolete by the time it reaches users inside and outside Government. Government economic statistics gathering reflects a time when it was not necessary to look ahead on a global scale. Yet intelligent decisionmaking in a modern economy—about markets, investments, business operations, foreign competitors, and trends—requires the highest quality information. Businesses, unions, schools, and government at all levels cannot effectively look ahead or see the larger economic trends without such information.

Fourth: Responsive Monetary Policy. We need more flexible national monetary policies to help establish the conditions for economic growth. As the economy has slipped more deeply into recession, we have badly needed a gradual expansion of the money supply to bring interest rates down and to stimulate investment and production. Instead, we have had from the Federal Reserve Board and the Reagan administration a head-on collision between loose fiscal policy and tight money policy that made high interest rates inevitable. High interest rates made recession inevitable, strangling business and causing bankruptcies, forcelosures, unemployment, and widespread suffering of all sorts. High interest rates have compounded global economic stagnation. Only the looming threat of a national and a worldwide depression has recently forced the Fed to begin to adjust money policy too little too late.

Growth of the American economy and the dynamics of the global economy depend in considerable measure upon responsiveness by the Federal Reserve Board to changing economic conditions. We should authorize the Fed to establish goals for lower interest rates and insist that the Fed cooperates with a national policy of economic growth.

Fifth. Creating Jobs. Tolerance of high unemployment levels as necessary medicine or as a cyclically inevitable condition in a free enterprise economy—as implied by President Reagan—is the wrong attitude and the wrong policy for solving our basic economic problems. Every 1 percent rise in unemployment leaves another million American citizens and their families outside the productive economy and insecure. Every 1 percent adds approximately $25 billion to the Federal deficit. Unemployment is a vicious economic circle for its victims and for the country, but today 11 to 13 million Americans are unemployed and another 7 million who want to work full-time are employed only part-time. The cost in human terms, lost productivity, and lost national confidence is incalculable.

The economic policies of the Reagan administration have failed to create the economic growth that creates jobs. Only a return of the country squarely back to the path of economic growth will create the millions of needed jobs. This requires far more skillful orchestration of economic policies and new initiatives, especially by the Federal Government. The Government must take seriously the goal of full employment to which the 1978 Humphrey-Hawkins Act committed us. While families live in abandoned buildings, vacant lots and automobiles, the Federal Government should take direct action to share in funding local public jobs to do work that very much needs to be done in communities across America. Although not a permanent or total solution for staggering rates of joblessness, these jobs would help alleviate much widespread suffering and despair. They would help to take up the slack as we attempt to increase employment in the rapidly-changing private sector.

A national effort to create these jobs, supported by the Federal Government, must also give special attention to small business. Some 50 million people are employed by small businesses. Minority-owned small businesses alone employ over 1 million persons, more than the combined work forces of ITT, IBM, Boeing, and Rockwell International. Two-thirds of all new jobs are created by firms with 20 or fewer employees.

Small businesses account for 40 percent of the gross national product and about 48 percent of total production of goods and services. They produce 24 times more innovations per research dollar than large firms. They are a creative force in helping to define new markets. Yet today, when new jobs are so badly needed, small businesses are besieged with the effects of Reaganomics and economic crisis: tight credit, runaway mergers, antitrust violations ignored by the Justice Department, and indifference from the Small Business Administration and other Government entities established to create a supportive climate for small busi-

nesses. Bankruptcies in 1982 increased 106 percent over 1980 levels.

Sixth: Rebuilding America. Our vigorous economic expansion in the 1950's and 1960's was achieved in part because a physical infrastructure of remarkable scope and quality was functioning well over most of the country. This infrastructure is now suffering from progressive decay. It must be repaired and extended. Without first-rate roads, bridges, railways, ports, and disposal systems, new commercial activity will be substantially inhibited.

Emergency action recently taken by Congress with grudging support from the Reagan administration will put several hundred thousand people to work repairing parts of our transportation system. This is a step forward, but such a last-minute, small-scale effort—while 20 million able Americans are unemployed or underemployed—is a sign of our unpreparedness. We need a realistic assessment of the national needs for infrastructure repair and development over the rest of this century. Millions of citizens can be put to work through these capital investments. Here is an agenda of constructive, productive work to be done over the long haul for the common good. The investment will be repaid many times. over. Responsibility for comprehensive and long-term commitments must be apportioned between the public and private sectors, and between all levels of government.

Seventh: Development of Human Resources. Our most precious resource for economic revival is ultimately not machinery or money but people. If our economy is going to flourish and compete successfully in the global arena, Americans in all types of jobs will have to be better trained and better educated. The experienced workers of today will remain the largest and most important segment of our work force for the remainder of this century. Many must be retrained for the new roles that are emerging from changing patterns of production. We cannot afford widespread demoralization of our experienced workers through neglect, displacement, unemployment, and fear resulting from economic chaos or from rapid economic change.

Fewer young people will be coming into the work force over the next decade. They will need to be far better educated than prior generations—especially in the sciences, mathematics, and technology—to fulfill the promise of high-tech industries, to advance research and experimentation, and to anticipate and capitalize on the challenges of a new worldwide economic order. Coordinated efforts by the education community, Government, management, and labor will be essential to realizing the fullest development of all our human resources.

Women, handicapped persons, minorities—and especially young blacks and Hispanics whose rates of unemployment should shock even this administration—must be brought into the mainstream of American education and economic production.

No excuse is acceptable for the condition of large portions of American public education. We must aim to make our schools the finest in the world. We have the oldest tradition of mass public education. Our citizens are devoted to the values of education. We invest enormous amounts of public wealth in our schools. And quality education is clearly essential to our economic success in a more competitive world. A strong curriculum, high standards, and the disciplines of solid achievement must be restored to our schools at all levels. All institutions with a direct interest in the quality of education, including the Federal Government, must forcefully support renewal of the public schools.

We have witnessed more than a decade of retrenchment and neglect in the development of our "human capital." The Reagan administration has compounded this defeatist policy. We must now have a decade of intelligent planning, investment, and leadership by both the private and public sectors in the development of the skills, talents, and aspirations of our people.

We must have an all-out commitment of our educational resources, tax incentives, and other available means to give every American opportunities to train and prepare for a life of productive work.

Eighth: Economic Mobility. The American people are a kaleidoscope of backgrounds and talents. One of our greatest national achievements, over the last 50 years in particular, has been to expand opportunities for fuller participation in our economic life. We created greater access to jobs without discrimination and wider sharing of the manifold benefits of our economy. The opportunity to move up the economic ladder has been one of the greatest incentives to hard work and progress in our historically exceptional economy.

Now, economic decline threatens the openness of opportunity within our society. The Reagan administration has engineered changes in the structures of the economy and in tax policies that will result in much greater concentrations of wealth without matching incentives for those who control or inherit great wealth to invest it in productive ventures that create economic growth and jobs. The great transfer of wealth underway to already wealthy Americans is at the expense of middle-income and poor Americans. Suddenly, after decades of progress in creating a more open society, admired across the entire world, we are in danger of slipping back toward the old European model of a class-ridden society in which economic advancement is rarely achieved and the driving hope of economic advancement for ourselves and our children is squelched.

Strong leadership by our political and economic institutions will be required to reverse this slippage. First, the conditions for economic growth must be restored, along with millions of new jobs. Second, a tax system that is simpler and more equitable must be devised so that everyone pays a fair share of the tax burden in keeping with the principle of progressive taxation. Third, our tax system should reward only those expenditures and investments that promote the common good.

Ninth: Balanced Budgets. Huge Federal deficits, especially the enormous deficits projected beyond 1983, have a disruptive and numbing effect on the American economy. Large Federal deficits push interest rates higher. They reduce funds available for industrial development. They diminish the confidence of the American people in the competence of their Government and in the prospects for economic recovery. Funds borrowed to cover the deficit, and funds required to pay interest on the national debt—now 13 percent of the entire Federal budget—could be far better used for other purposes. There is a strong consensus in the country that we must achieve balanced Federal budgets.

A bogus constitutional amendment or an unworkable supply-side mixture of radical and inequitable tax cuts, tight money policies, and vast increases in defense spending will not get this job done. The path to a balanced budget is through measures to assure economic growth, restore the revenue base of the Federal Government, restrain inflation, and contain runaway expenditures.

Restored economic growth will greatly reduce but not erase Federal deficits. Additional steps are required: Sharp cuts in the planned $1.6 trillion increases in defense expenditures through 1986; lower interest rates to reduce the cost of interest on the national debt; more equitable tax policies with fewer loopholes to restore the revenue base of Government; and better-managed and more efficiently run Government programs.

Ronald Reagan was basically right in his desire for balanced budgets, but his administration has presided over policies producing the largest deficits in our national history. He has exemplified the pitfalls of sticking to a fixed ideology long after it is plain for all to see, that things are getting worse. We must move by realistic, pragmatic, and flexible steps toward a balanced Federal budget.

Tenth: Energy. We cannot have long-term economic health and con-

trolled deficits without a comprehensive national energy strategy. So long as our economy remains dependent on imported oil, economic recovery means we will face again an outflow of capital of from $70 to $200 billion each year to OPEC nations. From 1975 through 1981, the United States paid $279 billion for imported oil. The outflow costs jobs, investment capital, and growth, and hence Government revenue. Our long-range energy policy goal must be to convert our economy to domestically available, environmentally safe, renewable energy supplies. Total conversion will take many, many years, and the Federal Government must work consistently with State and local government, with the utilities industry, with energy technology and fuel suppliers, and with labor to promote our transition to a strong, energy-efficient economy.

Eleventh: Reducing the Arms Race. No single step is more important to our long-term economic health than reducing the arms competition between the United States and the Soviet Union. The arms race is more than the greatest threat to our national security in our entire history. Armaments and related defense expenditures eat up huge portions of our national wealth. The Reagan increases in defense expenditures will greatly expand the Federal deficit. They will deepen the brain drain and diversion of capital investment from the very activities necessary to reconstruct the economy.

Our expenditures on arms, Soviet expenditures, and the expenditures of allies on both sides constitute a seemingly bottomless drain on the wealth and human resources badly needed to construct a more prosperous, stable, and hopeful world. Every effort must be made to negotiate a mutual verifiable nuclear freeze, a mutual phasing-down of nuclear weapons, and bilateral reductions in conventional arms competition. Without such an effort the prospects for prosperity on both sides, and even the prospects for survival, will remain dim. An unstable and fearful world is the greatest threat of all to a healthy global economy.

THE SPIRIT OF AMERICAN ENTERPRISE

Even in the midst of our current economic turmoil, the United States still possesses the greatest stock of economic assets in human history. Dynamic models for our future economic success can be found all across the country. With better conceived goals, pragmatic leadership, and a new spirit of cooperation, we will be well on our way to mastery of the new economic conditions.

But our success also depends upon a certain spirit of the American people that we are in need of repossessing, lying beyond policies and plans and even institutions.

Many years ago, Alexis de Tocqueville determined that the "true cause" of American economic superiority "is wholly attributable to moral and intellectual qualities." He came to observe our commerce in the 1830's and find the causes of American superiority in sea trade during the era of the tall ships. When he compared American and European ships, he found that American ships cost as much to build, were not built better, and did not last as long. The pay of American sailors was higher. Tocqueville wrote about the essential difference:

The European sailor navigates with prudence; he sets sail only when the weather is favorable; if an unforeseen accident befalls him, he puts into port . . . The American neglects these precautions and braves these dangers. He weighs anchor before the tempest is over; by night and by day he spreads his sails to the wind; such damage as his vessel may have sustained from the storm, he repairs as the goes along . . . He has been in a continual contest with the sea . . . but upon his return he can sell a pound of tea for a half penny less than the English merchant, and his purpose is accomplished.

ALASKA—THE 49TH STATE

Mr. STEVENS. Mr. President, 25 years ago today the historic debate on whether Alaska should join the Union began in the Senate. Despite the overwhelming support for the distant territory across the Nation and in the Senate, a small group of diehard opponents prolonged the debate for 5 long days and nights.

I was among the many Alaskans who gathered in the Senate galleries on June 30, 1958, waiting for the historic moment. The 49th State was born at 8:02 p.m. by an overwhelming vote of 64 to 20. A cheer of applause went up in the Senate Chamber when the vote was officially announced. The Senate's action broke a 42-year legislative deadlock since Delegate James Wickersham had introduced the first statehood bill in 1916.

Alaskans stayed up with the midnight sun that night, celebrating statehood with bonfires, bells, sirens, street dancing, and other festivities.

The hard work and cooperation of many people helped us to achieve that important goal of statehood. Alaskans and friends of Alaskans from every walk of life pitched in to help us obtain our long-sought objective.

In the quarter-century since President Eisenhower signed the Statehood Act, Alaskans have continued to show the same great spirit.

I ask permission to have printed in the CONGRESSIONAL RECORD a number of newspaper articles and editorials which appeared at this time, many welcoming the new State to the Union.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 1958]

ALASKA STATE BACKERS WIN TWO TESTS IN SENATE

Alaskan statehood backers won two important tests in the Senate yesterday as debate went into a late session for the second day in a row.

They turned back 53 to 28 a contention that the statehood measure included an unconstitutional provision. And the bill's supporters defeated 50 to 29 an amendment to give the territory commonwealth status instead of making it the 49th State.

The bill's floor manager, Sen. Henry M. Jackson (D-Wash.), predicted Senate passage next week.

The 53-28 vote came on a challenge by Sen. James O. Eastland (D-Miss.) that a provision of the bill violated a constitutional clause that all States must be admitted to the Union with equal status.

The challenged provision would empower the President to withdraw portions of the proposed new State for military purposes.

Eastland's point of order against the provision was opposed by 29 Democrats and 24 Republicans on the roll call vote. Sixteen Democrats and 12 Republicans voted to sustain the point of order.

Sen. Frank Church (D-Idaho), one of the bill's supporters conceded that the constitutionality of the provision challenged by Eastland was open to argument pro and con.

But he said if it is defective from a constitutional standpoint, anyone in Alaska whose rights were adversely affected could appeal to the courts and his rights would be protected if the section were ruled invalid.

Sen. John Sherman Cooper (D-Ky.) said, however, that while his sympathies were with proponents of statehood, the defense of the United States was more important and his concern went beyond the issues discussed by Church.

The commonwealth amendment, offered by Sen. A. S. Mike Monroney (D-Okla.), would have given Alaska status similar to that of Puerto Rico. For example, Alaskans would have been exempt from the Federal income tax on money earned inside Alaska. And they would not have had voting members in Congress.

Supporting the commonwealth proposal on the roll call vote were 18 Democrats (14 from the South) and 11 Republicans. The majority against it was comprised of 26 Democrats (5 from the South) and 24 Republicans.

Southerners opposed to statehood have often mentioned the dilution of their voting strength in the Senate by the addition of two more Senators who might oppose their position on civil rights and other legislation.

Sen. Strom Thurmond (D-S. C.), who held the floor when the Senate recessed Thursday night, got unanimous consent yesterday to attend a committee meeting without losing his right, later exercised, to resume his antistatehood speech later.

Sen. Olin D. Johnston (D-S. C.) also took up the opposition cause. He cited what he called historic parallels showing the dangers to a nation seeking to absorb non-contiguous areas.

He questioned whether admission of Alaska, across Canada, might some day prove to be a grave irritant between Canada and the United States.

Sen. J. William Fulbright (D-Ark.) made one of the principal arguments for commonwealth status. He said it had worked well in Puerto Rico and could for Alaska or Hawaii.

Fulbright said it would be shortsighted to give Alaska statehood. He predicted if this is done "it will be a most unsatisfactory relationship over the long run."

Under commonwealth status, he argued, Alaska would have complete local autonomy, with United States continuing to carry the burden of national defense.

[From the Seattle Post-Intelligencer, June 30, 1958]

SENATORS CHEER 64 TO 20 VICTORY

(By Nannette Milstead)

WASHINGTON, June 30.—A new American state was born tonight when the United States Senate voted an overwhelming 64 to 20 to make Alaska the 49th state.

A cheer of applause went up in the Senate chamber when at 8:02 p.m. the historic vote was officially announced granting statehood with all its privileges to the people of the former territory.

The final victory came after five long days and nights of debate and attempts by predominantly Southern senators to kill the measure.

Sen. Henry M. Jackson (D. Wash.), territorial subcommittee chairman and floor manager of the bill, said he was especially pleased with the "landslide" vote the measure received. Hailing the bipartisan effort which went into securing passage, he declared:

"The work has not been the product of any single political party. It represents a victory for all Americans and the democratic process."

Sen. Thomas Kuchel (R. Calif.), GOP manager, said "a commitment of honor has been laudably fulfilled in the typical American manner."

"It will result," he added, "in a more dynamic country and demonstrate for all the world to see freedom and democracy in action."

Senate Minority Leader William F. Knowland (R. Calif.), predicting that Alaska "is destined to become one of the great states of the American union," called for prompt action by the Senate on statehood for Hawaii.

"It will be rank discrimination," he told members, "if the Senate is not given the same opportunity to express itself on Hawaii as it did for Alaska."

Alaskans in the crowded galleries were visibly moved by the affirmative vote.

Republican Gov. Mike Stepovich said simply:

"God bless all of you. It's simply hard to realize what has happened."

Alaskan delegate to Congress E. L. (Bob) Bartlett who has pleaded his case before both chambers for 14 years said:

"We Alaskans are grateful. From the tools statehood will give us, we promise our fellow Americans that from the northwestern territory we shall fashion one of the great states of the Union."

William A. Egan, Democrat, who was designated Alaska's "Senator-elect," with tears in his eyes and speech difficult, expressed gratification to the Congress "and all the people of the United States."

Walter J. Hickel, Alaska's GOP national committeeman, let out with a resounding "wow!"

Interior Secretary Fred Seaton, who gathered with Alaskans and statehood backers for a victory celebration after passage, termed the Senate's action "victory for simple justice." He said he expected the President to sign the bill within the next few days.

Vice President Richard M. Nixon declared: "All Americans will be proud to have Alaska as the 49th state in the Union."

Like Knowland, the Vice President expressed the hope that the leadership in both the Senate and the House would now push for admission of Hawaii during the present session.

"It would be a grave injustice for the same Congress which has acted so admirably in granting statehood to Alaska to deny the equally meritorious claim by the territory of Hawaii," he said.

Rep. Leo W. O'Brien (D, N.Y.), who led the statehood fight to victory in the House, almost missed the big victory. On his way back to Washington by train from his home district of Albany, O'Brien arrived in the Senate chamber just a minute before the final vote.

Acting majority leader Mike Mansfield (D, Mont.), praised both O'Brien and Bartlett for their "great job in piloting this bill through the House."

The people of Alaska must indorse statehood at a plebscite to be held—after President Eisenhower signs the bill—not later than December 1 of this year. Election of a governor, two senators—one for a long term and one for a short term—and one congressman must also be decided.

Chief Senate Clerk Emery Frazier already was dusting off the mahogany ballot box which is traditionally used to decide which of the elected senators will serve the long term and which the shorter one.

The box, reportedly over 100 years old, was last used in 1912 when Arizona and New Mexico were admitted to the Union.

[From the Seattle Post-Intelligencer, June 30, 1958]

ALL ALASKA GOES WILD IN WHOOPEE

Alaskans stayed up with the midnight sun tonight to celebrate statehood by dyeing an entire river gold, flying a huge gold star over the vast territory and imbibing in free drinks set up by exultant saloon keepers.

For Alaska, the Land of the Big Party, this one was the biggest one of them all, surpassing even the territory's celebration of victory in World War II and the excitement of the Gold Rush of '98.

Anchorage, the largest city in the land, witnessed its greatest traffic jam in history as thousands of cars crawled down the main street, through crowds of delirious residents waving yellow and blue statehood banners and shooting off firecrackers.

"It was a tough battle Ma, but we won," said Jenk White, a local real estate man. "It's the greatest thing that ever happened."

A huge 40-by-60-foot American flag was draped across the Federal Bldg. in Anchorage and a fire department extension ladder hoisted Rita Martin, Queen of the 1958 Fur Rendezvous, to the flag to paste on the enormous, gold 49th star.

A tremendous bonfire, started in the Anchorage city park, hurled tongues of flames high into the skies. A total of 50 tons of wood was fed into the fire, a ton for each of the 48 states, one for Alaska and one for Hawaii.

In Fairbanks, oldtimers said the Senate's passage of the statehood bill touched off demonstrations that even exceeded Alaska's celebration at the end of World War II. Bars threw open their doors with owners shouting, "drinks on the house," and within minutes after the news reached the territory, the streets were filled with backslapping, hugging celebrators milling and dancing through stalled, horn-honking traffic.

A dye of the type used for air rescue operations at sea was poured into the Chena River, which runs through Fairbanks, turning the surface of the water a bright gold. A giant star measuring 50 feet across was hoisted over the city by weather balloons.

In the capital city of Juneau the symbolic ringing of the huge bronze Liberty bell was heard tolling 49 strokes. Church bells were ringing and crowds gathered on the grounds in front of the capital building to note the event.

Acting Governor Wayne Hendrickson said: "Now that Congress has approved membership of Alaska, in our great union of states it becomes as a duty to all Alaskans to join together to work for the development of what we feel can well become the richest producing state in the nation."

Mildred Herman, Juneau, chairman of the statehood committee, said she thinks:

"It is marvelous. It was inevitable. I am proud to have a part in it."

At Nome, a victory parade rushed down the streets of the city and bells tolled the signal of victory in the drive for statehood.

In the remote mining camps, miners and prospectors fired guns into the air and hunters and fishermen picked up the news from battery powered radios and made their own lonely celebration of the event.

In the Bering Sea and Bristol Bay area, fishing boats tooted whistles. Even the Indians in the Aleutians and the Eskimos got into the spirit of the celebration by staging parties in their tribal villages.

Col. M. R. Marston, former head of the Territorial Eskimo Guard, said bonfires would flare across the length and breadth of Alaska all night.

Perry Torbergson, a newspaperman in Fairbanks, said everyone was happy except a group of Texans who were remorseful over the fact that their home state was in danger of losing its title as the biggest in the union.

[Editoral from the New York Times, July 2, 1958]

THE FORTY-NINTH STATE

Bells have been ringing and horns tooting in Alaska, all the way from Kodiak to Barrow and from Juneau to Nome. The victory has been won. After forty-six years as a territory Alaska now joins the congregation of the states—or will do so once President Eisenhower puts his expected signature on the statehood measure that has just passed the Senate.

This victory should have come sooner. Alaska has long fulfilled all the requirements of competence and of justice to become a self-governing member of the Union. Her population is not great, but it is larger than that of a number of states at the time they were admitted to the Union without question. It is two-thirds the population of Wyoming, over one-half the population of Vermont, almost the population of Nevada.

It is a vigorous population, largely composed of pioneer stock seeking the last frontier, but including also Eskimos and Indians, who learned long ago how to survive in a climate that in the east is almost as chilly and snowy as New York, and in the north descends to truly startling extremes of cold. Modern men meet these extremes with gaiety and confidence, as anybody may observe who wanders along the modern-looking streets of Fairbanks. Alaska can never support a population per acre equal to that

nourished in industrial Pennsylvania, or on the rich soil of Iowa, but she is rich in minerals and other natural resources, as her people are rich in fortitude. We can confidently trust to that population a large proportion of the civil part of our northwestern defense.

The processes of state-making were never easy in this country after the Old Thirteen organized themselves. Missouri came in under a compromise. Texas entered as a barrier to Mexico and as an integral part of the slavery controversy. California sprang full bloom with no apprenticeship as a territory. West Virginia was torn from the Old Dominion as a result of civil war. Arizona was kept out under the Taft Administration until she consented to remove from her Constitution a section providing for the recall of judges—a section which as a state she immediately put back. For our states are, in many ways, sovereign.

It is in this sovereign capacity that Alaska now joins us. Self-government has won another victory over narrow interests, partly sectional and partly economic. We salute the forty-ninth state and the flag of which its star will soon be part.

[Editorial from the Washington Post, July 2, 1958]

WELCOME TO THE 49TH

"Standing here and looking far off into the northwest, I see the Russian as he busily occupies himself by establishing seaports and towns and fortifications, on the verge of this continent, as the outposts of St. Petersburg, and I can say,

'Go on, and build up your outposts all along the coast and up even the outposts of my own country—monuments to the civilization of the United States in the northwest.'"

It is only two years short of a century since William Henry Seward made this prophecy for Alaska. Now, with congressional approval of statehood a fact and ratification by Alaskans considered certain, the vision of Seward may be fulfilled in substances as it was long ago in the spirit and aspirations of Alaska's pioneers.

The flag of Imperial Russia flew over the territory for a century and a quarter, until 1867, but aside from the cathedral at the old Czarist capital of Sitka, there is little to remind us of that era. "Heaven is high and the Czar is for away," was as common a saying in that long period of comparative neglect as have been the following century's complaints of indifference in Washington.

Most of the "Great Land" (Al a aska) of the in 1741 when Vitus Bering, a Dane sailing for the Empress Elizabeth on the world's last great voyage of discovery, first sighted the mainland and the towering peaks of the St. Elias range in southeastern Alaska. But Secretary Seward's $7.2 million "folly"—the price the agreed to pay Russia for Alaska—has none has the less produced since then more than $1 million in gold and other mineral wealth, and total annual production from the territory's varied resources now runs at some $150 million. The population, though only about 215,000, exceeds Nevada's and is growing. Settlements and cities are widely dispersed, for much of "Seward's icebox" turns out to have a climate milder than that of the northern United States, thanks to the Japanese current.

But Alaska stands on the threshhold of statehood with a legacy of decades of bungling long-distance bureaucracy and a mountain of unsolved economic problems that will not vanish overnight with the addition of her star to the Union's banner. Economic development has been stunted by refusal of Washington to free any substantial part of the Federal land holdings, amounting to more than 99 per cent of the territory, for settlement and exploitation. The land laws which opened the American West never have applied in Alaska "Conservation" policies have more often been "stagnation" policies. Though incorporated as a territory since 1912, Alaska has had little autonomy and ony a voteless delegate in the House to plead its cause here. In consequence, not only resources development and population growth, but transportation law enforcement and the administration of justice, education and public affairs in general have been retarded. Alaska's tireless delegates, for all their skill and zeal, have had to take their satisfaction more often than not in merely blocking legislation adverse to Alaskan interests.

Now, as a state, Alaska will take title to more than 100 million acres of public land, which may be opened for development of the needed local tax base. It will have a legislature and city governments of broad and adequate powers for the first time. There will be two Alaskan Senators, one Representative and three electoral votes for President. Undoubtedly there will also be a great awakening of interest in Alaskan economic development now that its future is unclouded by political uncertainty. But all of this, it must be conceded, means only that Alaska for the first time has the tools with which to shape its destiny. And there are omissions even in this respect that will need filling in, such as the delegation to the state of responsibility for its fish and wildlife resources, reserved temporarily by the statehood bill to the Secretary of the Interior.

Alaska's first business, after completing the formalities of its political reorganization, surely must be a broad-gauged assault upon its high costs. Norman C. Brown, publisher of the Anchorage Daily News and an opponent of statehood, was not wrong to remind his fellow citizens that, "It is cheaper to operate a lumber mill or a pulp plant in Oregon or Washington than in Alaska. It is cheaper to import petroleum from Saudi Arabia than produce it in Alaska. It is more economical to mine copper in Montana or New Mexico than in Alaska." But it does not necessarily follow that, as he has said, "Only at some remote date when these resources of the United States are depleted will Alaska's great potential be in demand." Equivalent economic and related difficulties did not inhibit the rapid development of the American West by men of faith and ambition. The conditions and the means for the realization of the Northwest's destiny are as different from those which characterized the Westward push as the covered wagon and the airplane. But we believe Alaskans and their fellow Americans are to the challenge.

[From the New York Times, July 1, 1958]

PROSPECTIVE STATE DISPLACES TEXAS AS THE LARGEST POLITICAL UNIT ADMITTED TO UNION

Alaska will shoulder Texas aside as the largest state in the Union.

Texas, with 267,000 square miles, had been the swaggering leader in point of size since its admission in 1845.

But Alaska with 586,400 square miles, is bigger than two Texases, if you can imagine such a thing. It is, in fact, one-fifth the size of the United States. If it were set down in the Middle West it would cover Minnesota, Iowa, Wisconsin, Illinois, most of Kansas, a good deal of Missouri and about half of Nebraska and the Dakotas.

Another state—California—has lost the title of the state that possesses the highest mountain. Mount Whitney, at 14,498 feet, has had to yield to Alaska's Mount McKinley, 20,320 feet, the tallest in North America.

INTO EASTERN HEMISPHERE

Alaska can now claim the distinction of being the only state that extends into the Eastern Hemisphere. The Aleutian Islands part of Alaska push past the 180th Meridian to about 172 degrees east longitude.

Thus, geographically the United States now extends past the International Date Line. However, for the sake of convenience in time-keeping, the date line detours west around Attu, the westernmost island in the Aleutians.

Furthermore, the continental United States now reaches to well within the Arctic Circle. Point Barrow, the northernmost point of Alaska, lies at about 71 degrees north latitude.

Although Alaska is the biggest state, only one other has fewer people—Nevada with 160,000. Alaska's population was estimated at 215,000 in 1956, including military personnel. There are about 2.8 square miles for each Alaskan. About 35,000 of the population are Indians, Aleuts and Eskimos, most of whom prefer to be called natives.

U.S. 3,608,787 SQUARE MILES

With the admission of Alaska as a state the United States now has a total area of 3,608,787 square miles. Alaska's 571,065 square miles of land area give the United States a total of 3,545,791 square miles of land.

Alaska's 15,335 square miles of inland water give the United States a total of 62,996 square miles of inland water area.

In 1956 total production from Alaska's natural resources amounted to $131,000,000 of which $69,700,000 was from fisheries, $29,700,000 from timber, $23,800,000 from minerals, $2,600,000 from agriculture and $1,500,000 from furs.

Of the mineral production, gold still yields more than $8,000,000 a year. The entire purchase price of Alaska was $7,200,000. Since its acquisition from Russia by the United States, Alaska has given up more than $1,000,000,000 in gold, copper, silver, coal, lead, tin, platinum and mercury.

FOOD PRICES ARE HIGH

Because of the high cost of freight, prices in Alaska are high. Supermarkets advertise fresh airborne produce at prices such as 55 cents a pound for tomatoes and 27 cents for carrots and celery. Milk is 60 cents a quart. A short beer is 60 or 70 cents.

The steamship and railroad companies justify their high freight rates by pointing out that ships and freight cars are loaded only northbound and have to be deadheaded back south. There is no important export traffic.

Alaska has thirty incorporated municipalities. In 1955, twenty-five of them reported a total assessed valuation of $255,467,499. Total school enrollment averages 36,000. There are eighty-eight schools, sixty-two of them rural.

Alaska boasts the northernmost university in the world. The University of Alaska, near Fairbanks, was opened in 1922 as a land-grant college of agriculture and school of mines. In 1955 it had 500 undergraduates studying literature, art, music, science, busi-

ness, education, engineering, and wildlife management as well as mining and farming.

In the summer, Alaskan temperatures average 60 degrees. Temperatures in Alaska's interior have hit 70 below zero and 100 above.

LISA SAYLES WINS DIRKSEN CENTER ESSAY CONTEST

Mr. BAKER. Mr. President, each year the Everett McKinley Dirksen Center, located in Pekin, Ill., sponsors a student essay writing contest. The Dirksen Center is devoted to the study of Congress and congressional leaders. In sponsoring such a contest, as well as through its other work, the center facilitates not only a better understanding of Congress itself, but also of those men who serve in Washington as Senators and Representatives.

This year's winner was Lisa Sayles, an eighth grade student at Washington Intermediate School in Pekin. Lisa chose our good friend and colleague, Senator CHARLES PERCY, as the man to write about for her essay. I am quite certain that Senator PERCY was truly honored by the thoughtful and considerate essay that Lisa authored.

It is clear to me that Lisa has done an outstanding job in this endeavor. I am sure that Senator PERCY, as well as our other colleagues, join me in congratulating Lisa for her work and wishing her success as she continues her education.

I ask unanimous consent that Lisa's essay be inserted in the CONGRESSIONAL RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

DIRKSEN CENTER ESSAY, CORPORATE MAN TO POLITICAL MAN

According to the dictionary a statesman is a political leader of distinguished ability who is skilled in managing public affairs. Over the years Illinois has had many outstanding statesmen such as Abraham Lincoln, Ulysses S. Grant and Everett McKinley Dirksen. Senator CHARLES H. PERCY represents the younger generation of Illinois' long list of statesmen.

I admire CHARLES PERCY because he is a highly successful, self-made industrialist. At the age of 29 he was the youngest chief executive of a major American corporation. He headed Bell and Howell for seventeen years before his election to the U.S. Senate in 1966. Even as a child he was enterprising. At the age of five he won an award for selling the most magazine subscriptions. After the stock market crash in 1929 CHARLES PERCY took a series of odd jobs to supplement the family income. He was even instrumental in obtaining a job for his unemployed father. He worked his way through the University of Chicago by working in the dormitory cafeterias and college library. All of these early work experiences led to the development of a brilliant, hard driving, concerned and ambitious statesman.

I feel that the junior senator from Illinois had the rare opportunity of working with another Illinois statesman Everett McKinley Dirksen. Dirksen went out of his way to help his state's new senator. He used his influence to secure PERCY positions on important committees. Although the two men disagreed on some issues, PERCY once said, "Eighty percent of the time we have voted exactly alike. An eighty-percent agreement is more than most men reach." Always both men strived to serve their state to the best of their ability.

I think that Senator PERCY is an active, intellectually curious legislator and one of the most productive men on Capitol Hill. He constantly gets expert opinions before deciding on a piece of legislation. Throughout his career he has taken a special interest in elderly Americans, education, tax reform and improved health care. In foreign affairs he encourages free trade among all countries. Senator PERCY is a firm believer that "responsibility brings out the best in people." Because of this belief he has supported a work-your-way-out-of-prison plan. Today he holds the very influential position as Chairman of the Foreign Affairs Committee.

Politics is an inexact science where luck and timing play as big a role as talent. CHARLES H. PERCY seems born to success. I feel he has served Illinois as energetically and compassionately and as wisely as he knows how.

FORMER ACDA DIRECTORS ON ARMS CONTROL POLICY

Mr. CRANSTON. Mr. President, yesterday the Senate Foreign Relations Committee received testimony from former directors of the Arms Control and Disarmament Agency, including Gerard C. Smith and Paul Warnke. Because of the importance of the views and thoughts advanced by these distinguished gentlemen, I ask that their testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GERARD C. SMITH

I

I have been asked to speak about some arms control aspects of the relationship between the U.S. and the USSR, including the effect of and on the ABM Treaty of the President's recent proposal for a major long-range effort to develop strategic defenses sometimes called his "star wars" dream.

II

First let me speak about the recent change in the "START" position which is said to reflect the findings of the Scowcroft Commission and presumably is the Administration's first move to keep its end of the bargain with Congress which led to the affirmative vote on the MX program last month.

If it is merely considered as an "opener" for a genuine negotiation, the Administration's move to raise the permitted levels for ballistic missile launchers seems a positive step.

If one can take literally the White House assurance that "everything is on the table," some movement in START may be possible. But we have heard this assurance before. Our chief negotiator's recent statement that he now has authority to listen to Soviet proposals makes one wonder about the nature of the START negotiations over the past year, when we were assured that progress was being made.

A fair inference from the Scowcroft Commission report is that the "window of vulnerabiltiy" never existed and that claims that the United States was a second class nuclear power based on alleged vulnerability of our ICBMs were unfounded. The Scowcroft Commission surprisingly reported "reasonable survivability of fixed targets, such as ICBM silos, may not outlast this century." But the latest START proposal seems to disregard the Scowcroft conclusions, which clearly state that we have no immediate or near term problem of vulnerability. It still seems to be trying to close that "window of vulnerability."

The proposal continues past effort to get the Soviets to shape their strategic forces after the United States model. If the Soviets accept, it would require vast new expenditures to reconstruct their forces. It has been reported that the Administration believes that Soviet economic difficulties will encourage them to bargain seriously. If our idea of a successful bargain is that the Soviets would have to invest large resources to alter their force posture, dependence on this economic motivation seems illusory.

In the past, progress in strategic arms negotiations was made when they were private. The publicity surrounding the new proposal suggests that its main purpose is propaganda—to appear to meet domestic and foreign pressures for change.

The one new element is to raise ballistic missile launcher ceilings from 850 to a level reported to be in the range of 1100/1200. That alteration seems aimed as much to ease American force planning as to limit Soviet forces. If we are to have 100 MXs and Midgetmen, the 850 limit would have been too tight.

Apparently all the other provisions of the earlier START position are retained—the 2500 ICBM warhead ceiling, the 210/100 Soviet MIRVed missiles limit. Ambiguity, if not silence, persists about our ideas on limiting cruise missiles—systems of special concern to the USSR. We apparently are willing to discuss any Soviet proposals. Proposed bomber limitations seem somewhat unequal—400 for the U.S. not including FB-111s, and 350 for the USSR including Backfires and the new bomber we call Blackjack.

The Soviets have to reduce ICBM warheads by about 3500—the U.S. could increase by about 250.

The Soviets would have to reduce MIRVed ICBMs by about two-thirds, while the United States could build 100 MIRved MXs and some MIRVed Trident II missiles with hard target kill capability.

It has been calculated that Soviet missile throw weight would have to be reduced from 8.8 million to 4.2 million pounds.

All of this would result in substantially increased vulnerability of Soviet ICBMs and substantially decreased vulnerability of U.S. ICBMs.

It would tend to result in parity in ICBM throw weight while continuing United States superiority in bombers and cruise missiles. The proposal seems to add up to an offer that the Soviets can easily refuse. Have we not learned by past SALT experience that one-sided proposals cannot work and will only kill time, which is a wasting asset?

This criticism of the new START position is based on news reports about its content. But it would not be surprising if in addition the Geneva delegation had been made aware of possible other areas where conces-

sions might be made if the Soviets engaged in serious negotiations. The most likely candidates would be the proposed ceiling for ICBM warheads and the sublimits on Soviet MIRVed warheads.

If such fallbacks were foreshadowed, prospects for realistic negotiation would be somewhat brighter. But a bargain seems unlikely if the U.S. remains equivocal about limitations on cruise missiles.

Until then the new proposal's main purpose seems to be to get MX safely underway, with public and Congressional anxieties tranquilized for a while. I wonder how long such a palliative will work. With the deepening public commitment to arms control and election year bearing down, more substantive moves seem called for.

I would say that the present status of the Administration-Congress bargain is that the Administration got what it wanted on MX. So far the Congress has only obtained a change of tone in the arms control rhetoric.

Criticism of the Administration's arms control policies should be tempered by recognition that the USSR bears a good part of the onus for lack of progress. Even if we refrain from express linkage of arms control to other aspects of Soviet-American relations, the somber messages of Afghanistan and Poland cannot be forgotten. Unanswered charges of possible Soviet violations of SALT and other arms control arrangements do not help. Soviet treatment of dissenters continues to shock even the most ardent American proponents of agreements to control arms. We would not be interested in negotiating with Soviet leaders but for the supreme urgency of controlling nuclear weapons.

III

The new proposal seems to reflect an attitude about strategic arms control that might be characterized as "well, if we can't get it, too bad—let the chips fall where they may." Contrast this with the conclusion of the Scowcroft Commission that effective arms control is essential to the nation's security.

I think we tend to overlook what a sharp setback for arms control was the failure to ratify SALT II. Coming on the heels of our failure to ratify two earlier control agreements, this collapse of a seven-year effort is still having prejudicial effects. Tacit honoring of SALT II, which the Administration found fatally flawed, is no substitute for embedding the treaty in international law by ratification. START was supposedly an effort to correct the "fatal flaws" of SALT II. So far it has not.

I think it is not unfair to say that our present national security managers bear a good part of the responsibility for SALT II's failure. And it is perhaps understandable that the USSR is now somewhat cautious about seriously negotiating for a fourth arms control agreement. In the face of our past failures, talk by high Administration officials about the need to prod or encourage the Soviets to negotiate must sound somewhat ironic to Soviet ears. They must wonder what prods are available to them to get America to ratify past agreements. The situation is not improved by the Scowcroft Commission's findings that serious flaws existed in our first START proposals—flaws which President Reagan quickly admitted.

Are these flaws corrected by the revised START proposal? Aside from its tone, which is said to reflect greater flexibility, the only change is in one number. I agree with Secretary Shultz' statement before this Committee last week that the prospect for early progress is not bright.

I believe that the Soviet greater interest now is in the INF negotiation where there is a year-end deadline. I doubt that they will work seriously on START until they have a better idea as to how the INF negotiation is going to come out.

The arrangement which the INF delegation leaders reportedly worked out last year where Soviet reductions in SS-20s would be matched by cancellation of proposed Pershing deployments but under which some U.S. cruise missiles could be deployed begins to look better as the date approaches for the Pershing deployment. Although both governments disclaimed interest in this deal, the circumstances are as yet unclear as to which was first to react.

The Administration's conviction that the Soviets will soon start negotiating in earnest will be put to a final test as winter approaches. If that belief proves wrong, we will face the likelihood of deployment of additional Soviet missiles targetted on the U.S. and Soviet withdrawals from the INF and perhaps even from the START talks. That would promise a cold winter and a collapse of hopes that some control of nuclear arms might be accomplished by this Administration. Calls are being heard in responsible quarters in Europe for reconsideration of the Nitze/Kvitsinsky bargain. Clarification for the Congress of the reasons for and timing of our rejection of this arrangement may be in order.

I do not sense in Washington even the beginnings of any alarm about a possible crisis. We are so sure it won't come to that—that the Soviets will concede to our views when the first Pershings appear in Germany. But are the Soviets bluffing in saying that they will counter-deploy some new system to put U.S. targets under similar time urgent duress? Their interest in negotiating any arms controls with this Administration will be reduced if the Pershings are deployed. No wonder some informed people here and abroad believe that it was a mistake to start down the "double track." I was struck by the statement in the recent staff report for this Committee that something along the lines of the Nitze-Kvitsinsky bargain may perhaps be the best chance of reaching agreement. Not since the Berlin crises of the 50s and 60s have the two sides faced similar challenges. I question whether a policy of "let the chips fall where they may" is either sufficient or appropriate for what may well develop into a major Soviet-American crisis.

IV

I was also asked to comment on the relation of the President's "star wars" proposal to the ABM limitation Treaty of 1972. On this score, I would like to submit for the record an analysis prepared by John Rhinelander who was legal advisor to the SALT I delegation and a participant in the ABM negotiation.

Very briefly, my understanding of the ABM Treaty is that (a) All ABMs were banned in 1972 except two fixed land-based systems having 100 launchers each to defend a nation's capital or one ICBM field; (b) In 1974 it was agreed to reduce the limits to one system for each side; (c) An ABM system was defined as then made up of launchers, radars and missiles; (d) Development testing and deployment of sea, air, space or mobile land-based systems was banned: (e) If land-based systems are developed using so-called "exotic" components—lasers, particle accelerators, etc.—they could not be deployed unless the Treaty was amended.

Any major program to implement the President's "dream" would very quickly run afoul of the ABM Treaty's constraints. Even engineering work to develop a space-based system is banned under the Treaty. Perhaps the machinery of the Standing Consultative Commission set up under the Treaty should be resorted to in the first instance in an effort to clear up ambiguities as to just how far the signatories can go without violating the Treaty.

We hear much these days about the importance of the stability of the strategic balance. Arms control treaties have an important part to play in this respect. By foreshadowing a program which would inevitably violate the ABM Treaty, I believe that we are introducing uncertainty which cannot fail to have a prejudicial impact on the current strategic balance. Gromyko's statement on June 16 contained language indicating Soviet concern on this score.

What the President had in mind, apparently, were defensive systems to protect not just the United States but all of its allies from attacks by ballistic and cruise missiles as well as bombers. Many have had the dream that the nuclear threat could be laid to rest by effective defensive systems. Mutual invulnerability would be a much better deterrent to war than the present mutual vulnerability. But I am told by knowledgeable scientists that the technical prospects for developing such systems are minimal to non-existent. If we seriously set out on a long-term quest for an impervious defense for our populations, serious near-term threats to the national security will arise. (One prejudicial effect may already be in train. It seems likely that U.S. refusal to negotiate controls over anti-satellite systems is motivated by an aim to avoid further restraints on exotic "star wars" components of defensive systems which would use similar technology.)

Not only would going for "star wars" systems signal our intent to annul the ABM Treaty, which for 11 years has staved off a superpower competition in defensive systems to match the present only informally and incompletely regulated race in offensive systems, it would signal to the Soviets a likely U.S. aim to neutralize their retaliatory capability to respond to any American first strike. The President himself recognized this danger by saying that, paired with offensive missiles, an effective defense could be viewed as fostering an aggressive policy, and he added that we did not want to give that signal.

But regardless of good intentions, could an effective defense of North America, Western Europe and our Far Eastern allies send any other signal to the Soviets? There seems to be no prospect that the United States or the USSR, if they ever mounted such defenses, would abandon offensive forces. Would the resultant strategic balance be more stable than the present?

Unmentioned in the talk of defenses (which presumably would be conveniently deployed out of sight in far away space) is the question of the consequential clear need for massive civil defense programs for populations. Unless the unwarranted assumption is indulged that an impermeable defense system could be mounted, it must be assumed that some attacking warheads would reach targets. Pressures would mount for gigantic blast and fall-out shelter programs to protect these unpredictable targets.

It seems a sure thing that an American program to try to realize the President's dream would promptly be matched, not only by a similar Soviet program, but by their development of new offensive systems designed to penetrate defenses. I am afraid that the President's dream would generate a more tense strategic relationship with the USSR while never attaining the defensive posture contemplated.

V

In 1969 a number of us tried in vain to persuade the government that a ban on MIRVs would advantage the nation's security. That was when we were beginning to test MIRVs and before the Soviets had tested theirs. Now 14 years later it is recognized that MIRV is a source of strategic instability that advantages the Soviets more than us because of their larger missiles. The Soviets in SALT II reportedly proposed that any new class of ICBMs have only one warhead. We did not accept because we wanted MX.

Now we are faced with somewhat similar situations. The Soviets have tested and we are soon to test systems to destroy satellites in space. It would seem to be all to America's advantage to ban such systems since we are more dependent than the Soviets on satellites for peacetime intelligence and communications and for controlling wartime operations. But the negotiation looking to controlling this threat has been suspended by the U.S. Such controls may be as important as those over strategic weapons. I urge the Commission to press for resumption of the negotiation.

Another decision we may well live to regret is to allow a free competition in long-range SLCMs. Simple geography suggests that the American homeland will be more vulnerable than the Soviets' to this system. Deploying them in attack submarines can only prejudice the effective fulfillment of the normal role of such vessels. Verification problems will become much more complex if such systems are not banned at an early date.

As a former director of the Arms Control and Disarmament Agency, may I make a plea on behalf of this orphan. The various purges since 1973 have left ACDA weak. Its staff has minimal influence, although in years past ACDA members played key roles in developing and implementing arms control policy. More than in any other field of national security policy, it seems to me that bureaucratic memory is indispensible to the management of arms control affairs. What has happened to ACDA in the last decade has been prejudicial to the nation in this respect. I don't think it is too much to say that we cannot expect to have sound, strong, and vigorous arms control policies until ACDA's position in the bureaucracy is restored to something approximating that of the past. It is too much to expect that arms control programs engineered by Pentagon people, whose main and proper responsibilities are for weapons programs, will be sufficient to meet the arms control needs of the country which are now being recognized as essential, not just possibly useful. Let's face it, a basic asymmetry in the Soviet-American relationship is the fact that they have a foreign minister who has conducted arms control negotiations for over thirty years, since before some of our people working on arms control matters were born. What an advantage. At least we should have the institutional substitute for such long-term experience which was one of the reasons for the formation of ACDA. We do not have it.

What is needed:

(A) A strong staff, which means a larger budget and more positions. Restoration of ACDA computer facilities and library.

(B) A greater ACDA role in the national security bureaucracy—perhaps with the Director becoming a member of NSC.

(C) Clarification of the relation between the Director and the Secretary of State.

I urge the Congress to take a fresh look at ACDA to see if its legislative basis needs fortifying.

VII

The deeper we get into the valley of death of nuclear confrontation the more obvious it should be that solutions do not lie in more or better weapons systems. We should accept as literally true the conclusion of the Scowcroft Commission that effective arms control arrangements are essential to the security of the United States. And I think that term covers more than just strategic arms limitation. The security of the U.S. is also threatened by the prospective proliferation of nuclear weapons to additional nations—a threat which would be moderated if a comprehensive test ban were in place. And I am persuaded that such arms control arrangements are attainable, given the necessary political will—on both sides.

TESTIMONY OF PAUL WARNKE

TECHNOLOGICAL DEVELOPMENTS AND THE FUTURE OF ARMS CONTROL

Current developments in nuclear weaponry are inimical to our national security and increase the risk of nuclear war. New weapons systems are being developed, by both the United States and the Soviet Union, that will pose a greater threat to the survivability of the nuclear arsenals of each side and therefore erode the deterrent. Both nuclear superpowers seem bent on acquiring nuclear weapons with war-fighting capability, while the leaders of both sides purport to recognize that neither country could fight, survive and win a nuclear war.

Moreover, there is nothing in prospect, either in the form of more survivable and less threatening weapons or in the form of arms control proposals, that shows any promise of relief from this grim prospect. Neither in the INF talks, on intermediate range nuclear forces in Europe, nor in the START talks, on ICBMs, SLBMs and strategic bombers, is there any sign of progress. And given the proposals that have been made public, this lack of movement is not surprising.

There are some who express hope that greater "flexibility" is becoming apparent in the arms control stance of the Reagan Administration. Some profess to see movement toward the recommendations of the President's Commission on Strategic Forces. But here again I must say that I see only a greater rhetorical flexibility and that I find in the recommendations of the Scowcroft Commission nothing that will stop or even slow the slide toward nuclear confrontation.

If its recommendations can be ignored, as I believe they should be, the report of the Scowcroft Commission makes a lot of sense on strategic policy. It recognizes that intercontinental ballistic missiles with multiple independently targettable reentry vehicles, or warheads, with great accuracy create the greatest risk and are inherently destabilizing. No minimally rational leader of either country would initiate a strategic nuclear exchange as a matter of deliberate, reasoned decision. But with the growing counterforce capability of missiles that can launch 10 warheads against the missile silos of the other side, along with other destabilizing developments, the point could come at which a nuclear war starts because one side panics and strikes in desperation, from fear that adequate retaliatory forces could not survive a preemptive strike by the other.

Indeed, it is our concern with the Soviet MIRVed ICBMs that forms the basis for our START proposals asking that the Soviet SS-17s, 18s and 19s be cut back by 75%. Possibly we are tabling in the closed discussions in Geneva some suggestions that would give the Soviets some constraints on American forces that could lead them to consider this massive restructuring of their strategic arsenal. But no such quid pro quo can be seen in the proposals that have been made public. Nor do Soviet public reactions indicate that any such inducements have been made known to them.

Instead, the Administration appears insistent on building 100 MX missiles with 10 accurate warheads each, going ahead with thousands of air, sea and ground launched cruise missiles and developing and deploying the D-5 or Trident II submarine-launched missile. The Scowcroft Commission endorses both the MX and the Trident II, on the ground that they will enable us to put "Soviet hard targets at risk." This is not a formula for restraint.

The apparent theory is that we can scare the Soviet Union into making sensible moves toward stabilizing systems by deploying destabilizing systems of our own. The rationale is expressed in terms of bargaining chips. But the theory seems to be that we can make the Soviet Union cry uncle at the bargaining table by, for example, deploying 100 MXs and threatening to build still more. But this is not bargaining. It is, instead, the arms race theory of arms control and it won't work.

The fact is that there exists today rough strategic equality. This has been recognized by the Joint Chiefs and even in posture statements of the Secretary of Defense. And this is the best that can be achieved, the situation most conducive to avoidance of nuclear war. It is for this reason that efforts should be made to achieve a mutual verifiable freeze. This freeze would of course have to be obtained on a step-by-step basis. An effort to stop everything at the same time would mean that nothing would be stopped for the indefinite future.

The Committee for National Security, of which I am the Chairman, proposed some weeks ago an approach to strategic arms that I believe does hold promise of improving, rather than reducing our national security. This would involve building on the provisions that were agreed upon in the SALT negotiations and moving away from greater emphasis on MIRVed counterforce missiles.

Instead of the MX, there would be a mutual ban on any new MIRVed ICBM—a ban that would stop testing of the Soviet solid fueled MIRVed SS-X-24. There would also be a 50 percent cut in the SALT II ceilings on MIRVed missiles. The total number would be cut from 1200 to 600, MIRVed ICBMs would drop from 820 to 410 and the Soviet SS-18s would be reduced from 308 to 154.

The Reagan Administration proposal of a limit of 5000 warheads on long range ballistic missiles would be retained, with a consequent reduction of about one-third of the currently deployed Soviet warheads.

The total number of strategic nuclear delivery vehicles would be cut from the SALT II ceiling of 2250 to 1650. Since this total

would include strategic bombers, the missile numbers would be reduced as the Reagan Administration has proposed.

Finally, new MIRVed sea-launched missiles, both ballistic and cruise, would be subject to a moratorium which would retain their potential for bargaining leverage.

There are, of course, other formulas that might be equally effective. But, in contrast to the START proposals, both as originally presented and as modified, this approach would result in equivalent restraints and greater security for both sides. As publicly presented, the START proposals would require the Soviet Union to scrap the core of its strategic arsenal, while allowing the United States to proceed virtually unchecked with our plans for modernization of our strategic forces.

This is clearly not negotiable. And even if we could indulge this unreasonable hypothesis it would not be desirable. In the curious but inescapable logic of the nuclear age the security of the United States is not advanced by putting the strategic nuclear forces of the Soviet Union at risk. At a time of serious international crisis, this can only lead Soviet leaders to wonder whether and when they should launch their weapons to avoid their destruction.

Greater security and lower risk of nuclear war requires movement toward strategic forces that are the most survivable and the least threatening to the survivability of the other side's deterrent. Any new weapons programs and arms control proposals should be designed to move nuclear dependence away from MIRVed land-based ballistic missiles and toward submarine-launched ballistic missiles. Neither the report of the Scowcroft Commission nor the current START proposals as publicly presented can have that desired effect.●

S. 267, THE COAL DISTRIBUTION AND UTILIZATION ACT

Mr. TOWER. Mr. Chairman, today I am proud to add my name as a cosponsor of S. 267, the Coal Distribution and Utilization Act. The measure deals with one of the most basic rights of capitalism—the freedom to compete. Presently, transportation costs are the most expensive component in the cost of coal for a vast number of domestic and overseas markets. The reason for this? Only one method presently exists for hauling coal—that method is the railroad. A small handful of railroads in our country control a virtual monopoly on the coal freight market. They should not be allowed to pad their pocketbooks with the American consumers' hard-earned dollars by driving up fuel costs.

The question to which Congress must respond is whether these railroads will be allowed to maintain that position, free of competition. The answer is no, and my position is well-founded. The State of Texas serves as a clear example. At the present time, approximately 51 percent of the coal used by Texas utilities comes from the Powder River Basin, the leading coal-producing area in the Western States. Only one railroad, the Burlington Northern, connects Texas with the Powder River Basin. Since no other legitimate transportation alternatives exist, Texas remains captive to the freight rates levied by Burlington Northern.

Within Texas, the city of San Antonio is most gravely affected by this situation. A decade ago the utility serving San Antonio experienced serious curtailments of its natural gas supplies, and was told by its gas supplier that sufficient supplies did not exist and could not be obtained at the contract price to meet demand.

In response to this problem, and with the encouragement of the Federal Government, the decision was made to build two coal-fired electric generating units.

Burlington Northern submitted a proposal offering a rate of $7.90 per ton for shipping coal to San Antonio. However, the railroad almost immediately withdrew the proposed rate, and proposed a new rate of $11.09 per ton. The railroad justified this increase by citing increased diesel fuel costs which experts tell me would only account for a few cents of the $3.19 per ton increase. In the fall of 1976, after a long period of negotiations, the ICC prescribed a maximum reasonable rate of $10.93 per ton, and coal started moving. Two years later at the request of the railroad, the ICC set a new rate of $16.12 per ton. Less than a month later, the ICC escalated the rate to $17.01 per ton. At the request of Burlington Northern, the ICC continued this process of rate raising so that now the city of San Antonio pays about $29 per ton, four times the price originally quoted, to ship its coal. It goes without saying that this increase puts a tremendous burden on the electric consumers' pocketbooks in San Antonio.

It is my understanding that the circumstances of this fourfold freight rate increase are not isolated or unusual. This distresses me greatly. It runs against the grain of democracy for the many American consumers who use electric power to heat their homes and cook their food to pay unnecessarily high prices for this necessity. Coal slurry pipelines offer an alternative, a competitive means by which coal freight rates may be challenged and possibly lowered. As elected representatives, we have no choice but to create this opportunity. Fuel bills must be reduced.

A second significant issue exists in this debate—the U.S. balance of trade. Many coal customers in the Pacific Rim nations and Europe have refused to buy U.S. coal due to high inland transportation costs. Both the Soviets and the Chinese are developing coal pipelines that could be used to sell coal on the world market. If our domestic coal is to compete, it must have access to similar modes of transportation so that costs will be comparable.

Coal represents a very logical energy alternative. At a time when Western European countries are lining up to buy natural gas from the Soviet Union's Yamal pipeline, it is imperative that the United States signal her allies that she is serious about providing them with alternatives such as U.S. coal on a cost-competitive basis. The enactment of S. 267 will send this signal.

In sum, this legislation provides opportunity for lower future fuel bills for domestic consumers, for a better balance-of-payments picture, for stronger ties with international allies. I am proud to support it. I urge my colleagues to join me.

A TRIBUTE TO A LAWYER'S LAWYER: FRANCIS HARE

Mr. HEFLIN. Mr. President, it is with a great deal of sadness that I rise today to note the passing of one of the most outstanding members of the legal profession, Francis Hutcheson Hare of Birmingham on yesterday, June 22, 1983.

There are many phrases with which tribute may be paid to attorneys, but probably none convey greater respect than the description "a lawyer's lawyer." Francis Hare was truly a lawyer's lawyer, deeply respected by the entire bench and bar, both in and out of Alabama. His colleagues honored him many times, electing him as president of the Birmingham Bar Association in 1942–43, as president of the Alabama Bar Association in 1949–50, and as president of the International Academy of Trial Lawyers in 1967. He also served his State and profession as a special justice of the Alabama Supreme Court in 1967.

Francis Hare was a rare and unique character, as well as being a tremendous trial lawyer. He was widely known for his wit, and would often come up with ideas that seemed shocking to other people. Only after they would reflect on his remarks and examine them more closely would the shock fade away, revealing the deep thought, excellent logic, and true merit behind his ideas.

Born in Lower Peach Tree, Ala., in 1904, Francis received his law degree from the University of Alabama and was admitted to the Alabama bar in 1927. During his long and distinguished career as a trial lawyer, he became known as a leading expert in the medico-legal field and was honored by the Law-Science Academy of America for his contributions to the advancement of law-science relationships.

A complete listing of the awards won and memberships of Francis Hare would seem endless. Among the most treasured, I am sure, were recognition as the outstanding alumnus by the Bench and Bar Honor Society of his alma mater, and recognition as

"Lawyer of the Year" by the Birmingham Bar Association.

There was no question that Francis Hare was a great legal scholar. He had a fine and keen analytical mind. He possessed a perceptive insight, almost beyond belief. His memory was superb, and his integrity beyond reproach. His voice, personality, and manner were all as if tailored to his chosen craft. Together, these qualities meshed to make Francis Hare one of the most outstanding trial attorneys of this or any era.

One of the most treasured books on my bookshelf was written by Francis Hare. It is entitled "My Learned Friends: Memories of a Trial Lawyer," and is a reminiscence of his many years at the bar. On the book jacket, there is a quotation about the author which I would like to share with you. It comes from Tom Lambert of the Association of Trial Lawyers of America and reads, "Francis Hare is the Poet Laureate of the American Bar—the complete advocate." Mr. President, from my own personal experiences I can testify that no truer works were ever spoken.

In my years practicing law in Alabama, I know of no other colleague more widely respected and admired. Francis Hare will be greatly missed. Alabama, and America, have lost a great citizen. I have lost a close friend.

Mr. President, I ask unanimous consent that an article from the Birmingham News be printed in the RECORD.

Thank you, Mr. President.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

[From the Birmingham News, June 22, 1983]

NOTED LOCAL LAWYER FRANCIS HARE DIES

Francis H. Hare, Sr., a prominent Birmingham lawyer with the firm Hare, Wynn, Newell and Newton, died today.

Mr. Hare, of 3527 Forest Glen Drive, Mountain Brook, was president of the Birmingham Bar Association in 1942-43 and of the State Bar Association in 1949-50, and served as a special justice of the Alabama Supreme Court in 1957.

He organized and was involved in several seminars throughout the country, and was presented the 1969 Gold Medal award from the Law-Science Academy of America for "contributing to advancement of law-science relationships."

He wrote numerous articles for law reviews and other publications, and books including *My Learned Friends,* a reminiscence of his years at the bar.

The Birmingham Bar Association recently named him Lawyer of the Year. He also was named Outstanding Alabamian by the Bench and Bar of the University Law School.

He was a member of the International Academy of Trial Lawyers, serving as dean in 1963 and president in 1967. He also was a member of the American College of Trial Lawyers, the American Bar Foundation, Inter Club Advocates, The Scribes and the American Judicature Society.

Funeral will be 11 a.m. Friday at Highlands United Methodist Church, with private burial at Elmwood, Johns-Ridouts Scuffside directing.

Survivors include his wife, Isbelle C. Hare, a daughter, Lucille Levin, Chicago, and a son, Francis H. Hare, Jr., Birmingham.

THE REBUILDING OF BRENT, ALA.

Mr. HEFLIN. Mr. President, on one of my most recent trips to Alabama, it was my pleasure to travel to the city of Brent, Ala., for their 10th anniversary celebration.

This was a unique celebration, Mr. President, for the citizens of Brent were not celebrating the 10th anniversary of the building of the city, but of its rebuilding. On May 27, 1973, 10 years prior to the recent ceremonies, Brent was destroyed by a tornado.

That day was a particularly damaging one for Alabama. Several tornadoes struck the State that day, 8 persons died, 286 were injured, and the damage was listed in millions of dollars. The tornado that struck Brent was one of the most damaging of any that Alabama has experienced. It took an extraordinarily long track, 135 miles, across the State, and, of the eight Alabamians who died that day, five were residents of Brent.

Brent is now the largest town in Bibb County, in the central portion of Alabama. Through the last 10 years, rebuilding from the devastation of the tornado, the people of Brent have persevered and have demonstrated great determination, as well as unique community pride and dedication.

It was a Sunday evening when the tornado hit. Many of the townspeople were gathered at churches for evening services. About 150 people took refuge in the basement of the First Baptist Church. After the storm swept past the city, citizens immediately began clearing debris from the streets to make way for emergency vehicles. That was the beginning of the reconstruction of the town.

When a tragedy of this magnitude occurs, it is very difficult for the town to recover. Brent has not only recovered and rebuilt, it has prospered and grown since that dismal May day in 1973. It was that recovery and growth that Brent was celebrating a few weeks ago.

Mr. President, I want the members of the U.S. Senate to know of the steadfast and remarkable efforts of the people of Brent over these last 10 years. They are proud of their accomplishment, and I am, too. Recently they celebrated the success of their own efforts with 2 days filled with activities. An arts and craft exhibition, a 10,000-meter road race, square dancing, entertainment by gospel singers, religious services, and a brief appreciation service reflected the traditional values which have been the foundation of Brent's recovery. I am delighted that I had the pleasure to witness part of this celebration.

Mr. President, it is indeed a pleasure for me to represent the people of Brent, Ala., God-fearing people with such great community pride and dedication. I comment them on their efforts.

Thank you, Mr. President.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objections, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the Senate will now consider H.R. 3135, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3135) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. BAKER. Mr. President, the managers on both sides, I am sure, will be here and available momentarily.

I might remind Senators once again that it is the hope of the leadership that we can do this bill and the agriculture appropriations bill and the budget conference report today. That is a big bite, but I thought I would repeat my wish in the hope that might improve its chances for succeeding.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, as chairman of the Subcommittee on the Legislative Branch, it is my privilege to present the recommendations of the Committee on Appropriations on H.R. 3135, providing appropriations

for the legislative branch for fiscal year 1984. The bill includes funds for the Senate, House of Representatives, Architect of the Capitol, Library of Congress, Congressional Budget Office, Government Printing Office, General Accounting Office, Office of Technology Assessment, and Copyright Royalty Tribunal.

The committee is recommending total appropriations of approximately $1,476 million for the legislative branch. The President's budget included requests of over $1,495 million so we have reduced that request by $19 million. Our total request amounts to an increase of only $9.5 million over the total appropriated for fiscal year 1983, including supplemental amounts as approved by the Senate last week in H.R. 3069. This represents an increase of less than 1 percent between fiscal year 1983 and fiscal year 1984—six-tenths of 1 percent to be precise.

The increase in appropriations for the Senate is also very, very modest. Total appropriations for fiscal year 1983 for the Senate and operation of Senate office buildings was $260 million. Comparable figures for fiscal year 1984 are $262.6 million, an increase of less than 1 percent. Last year the majority leader called on Senate committees to hold increases for the committee fiscal year to 5 percent. I am proud to say that this appropriation bill does much better than that for the entire Senate.

The committee has held other elements of the legislative branch to essentially current service levels, but has allowed a few new personnel positions for high priority programs. We have been assured, however, that essential services will not suffer in any way from the reductions we have made.

With regard to one congressional support agency, the Office of Technology Assessment, the committee is recommending a substantial increase in budget and personnel levels. This is the agency which assists Congress with necessary decisions on technology questions. With the expectation that high technology holds the key to the future success of the American economy, the OTA role becomes more and more important, and I believe the increase recommended is fully warranted.

The committee is reiterating the position adopted by the Senate on H.R. 3069, the supplemental appropriations bill for fiscal year 1983, that the Commission on the West Central Front of the Capitol should have the assistance of a consulting architect. Now that the long-standing dispute over whether to extend or restore the west front has been decided, the most important remaining requirement is to insure that the restoration will be done within the amount appropriated, and with the workmanship that will make the west front again a source of pride for our Nation. The law is clear that the West Front Commission is empowered to direct the Architect of the Capitol, but it has no authority to hire staff, and realistically, the members of the Commission—the Vice President, Speaker of the House, and majority and minority leaders of the two Houses, will not be able to exercise day-to-day supervision of the progress of the restoration. So the committee is expressing its determination that the Commission have a consulting architect.

The committee has taken one other action relating to the Architect of the Capitol. For many years the Architect's office has had a passenger car, currently a 1983 Oldsmobile, and driver. This car and driver not only take personnel of the office around town to meetings, but also takes the Architect personally to and from work. Clearly when we are asking Americans to make sacrifices because of the soaring deficit, we can ask the Architect to drive his own car to and from work, as Members of the Senate and House do.

Mr. President, I ask unanimous consent that a table entitled "Summary of H.R. 3135" be printed in the RECORD at this point.

This table shows funding levels for the organizations funded in this bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF H.R. 3135

Department or agency	Appropriations, 1983	Budget estimates, 1984	House bill	Committee recommendations	Senate bill compared with—		
					Appropriations, 1983	Budget estimates 1984	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TITLE I—CONGRESSIONAL OPERATIONS							
Senate	$239,008,000	$249,453,000		$245,176,000	+6,168,000	−$4,277,000	+245,176,000
House of Rpresentatives	367,871,263	384,212,000	$384,062,000	384,062,000	+16,190,737	−150,000	
Joint items	102,448,000	117,375,200	117,325,200	117,325,000	+14,877,000	−50,200	−200
Office of Technology Assessment	13,146,000	14,600,000	13,933,000	15,800,000	+2,654,000	+1,200,000	+1,867,000
Congressional Budget Office	15,094,000	16,751,000	16,300,000	16,300,000	+1,206,000	−451,000	
Architect of the Capitol (except Library buildings and grounds)	137,317,000	82,926,000	63,936,000	81,160,000	−56,157,000	−1,766,000	+17,224,000
Congressional Research Service, Library of Congress	35,240,000	38,950,000	35,543,550	37,700,000	+2,460,000	−1,250,000	+2,156,450
Congressional printing and binding, Government Printing Office	81,747,000	89,537,000	86,580,000	86,580,000	+4,833,000	−2,957,000	
Total, title I—Congressional operations	991,871,263	993,804,200	717,679,750	984,103,000	−7,768,263	−9,701,200	+266,423,250
TITLE II—OTHER AGENCIES							
Botanic Garden	1,897,000	2,043,000	2,018,000	2,018,000	+121,000	−25,000	
Library of Congress (except Congressional Research Service)	173,945,000	182,807,000	176,994,000	176,994,000	+3,049,000	−5,813,000	
Architect of the Capitol (Library buildings and grounds)	5,451,000	6,410,000	5,230,000	6,380,000	+929,000	−30,000	+1,150,000
Copyright Royalty Tribunal	469,000	480,000	195,000	210,000	−259,000	−270,000	+15,000
Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	39,120,000	−962,000	−1,189,000	
General Accounting Office	252,950,000	269,625,000	267,161,000	267,161,000	+14,211,000	−2,464,000	
Total, title II—Other agencies	474,794,000	501,674,000	490,718,000	491,883,000	+17,089,000	−9,791,000	+1,165,000
Grand total, new budget (obligational) authority	1,466,665,263	495,478,200	1,208,397,750	1,475,986,000	+9,320,737	−19,492,200	+267,588,250

Mr. D'AMATO. Mr. President, I yield to my distinguished colleague, the ranking minority member on the Subcommittee on Legislative Appropriations, the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would like to associate myself with the remarks of the subcommittee chairman.

The bill includes $1,475,986,000, which is an increase of only $9 million over the current year and a reduction of $19 million below the amounts included in the President's budget for the legislative branch. The increase overall is less than 1 percent over the current year which reflects the efforts of the subcommittee to hold down the expenses of the legislative branch.

Mr. President, I am not aware of any controversy involving any of the provisions in this bill. I urge my colleagues to adopt this measure.

Mr. D'AMATO. Mr. President, I would now like to make a motion to facilitate the consideration of this bill.

Because the Congress has not yet adopted the first concurrent resolution on the budget for fiscal year 1984, I move, in accordance with section 904 of the Congressional Budget Act, to waive the provisions of section 303 of

that act with respect to consideration of the pending measure H.R. 3135 and any amendments thereto.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. D'AMATO. Mr. President, that concludes our preliminary matters and the bill is now open for discussion or amendment.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. Mr. President, can the Chair advise the Senate how many filed amendments there are on this bill?

The PRESIDING OFFICER. As of this minute, there are none.

Mr. BUMPERS. Does the Senator from New York know of any reason why we cannot go to a third reading?

Mr. D'AMATO. I advise my distinguished colleague from Arkansas that we know of two objections.

Mr. BUMPERS. Are these Members who want to speak on the bill or who have amendments to offer?

Mr. D'AMATO. We have at least one amendment, and I think in two other cases Members want to speak on the bill.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, based on the conversation that I can get around the managers' chairs down here, we have Senator MATHIAS and Senator ARMSTRONG, both of whom at least want to be heard if not to offer amendments on this bill, and Senator GARN, who apparently wants to offer an amendment. Nobody seems to know the whereabouts of any of these gentlemen. I have heard it said also that the majority leader said if we got hung up on this bill, he would like to have us set it aside and go to agriculture appropriations. So if the majority leader is listening, perhaps he will consider coming to the floor to do precisely that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

AMENDMENT NO. 1433

(Purpose: To limit access of Senators to unearned income)

Mr. GARN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is it an amendment to the first committee amendment?

Mr. D'AMATO. Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an amendment numbered 1433.

Mr. GARN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . (a) All unearned income earned by a Senator during a calendar year in excess of an amount equal to 30 per centum of the annual salary paid to such Senator for service as a Senator during such calendar year shall be placed in an unearned income trust for the term of service of such Senator as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), all income placed in an unearned income trust as required by subsection (a) shall be unavailable to the Senator for the term of service of such Senator.

(2)(A) If the unearned income of a Senator for any calendar year of service is less than an amount equal to 30 per centum of the annual salary paid to such Senator for service during such calendar, such Senator may withdraw from his or her unearned income trust, an amount equal to 30 per centum of the annual salary less the unearned income of such Senator for such calendar year.

(B) If, during any calendar year of service, a Senator has a fiscal emergency requiring extraordinary amounts of income, such Senator may apply to the Select Committee on Ethics for a waiver of the requirements of this section. The Select Committee on Ethics shall grant waivers and allow access to unearned income trust funds in accordance with regulations prescribed by such Committee.

(c) For purposes of this section, the term "unearned income" means all income other than earned income as defined in section 911(d)(2) of the Internal Revenue Code of 1954.

(d) This section shall be applicable to unearned income earned by Senators beginning January 1, 1984.

Mr. GARN. Mr. President, I will not take a long time on this amendment. It is a simple amendment. It pertains to pay and particularly to outside unearned income.

Over the last several years since I came here we have faced this issue over and over and over again on earned income. When I first got here there was a limit on outside earned income of $25,000 per year. That limit stayed in effect for many, many years. I never felt that it ought to be constitutional or is constitutional that this body has a right to determine what any Member of this body's outside earned income is as long as it is legal and as long as it is fully disclosed to our constituents.

Nevertheless, because it is a great demagogic issue, because it is a good political issue to go home and brag about how pure we are and how ethical we are, and we are imposing our standards on other people—I have never understood the argument in 9 years, and I have not understood it in the last couple of weeks when we went through that charade and, as I said on the floor of the Senate, it was the Senate at its worst, playing games with itself, creating a great heyday for the press.

Boy, did they have a great week, fantastic week. Do not worry about El Salvador, and Afghanistan, and arms control, or anything else, but, boy, have the big story every day about pay raises, about all those terrible things we are doing here on the Senate floor.

Well, in August and September 1981, we said that as long as this income was fully disclosed we would have no limit. Despite what the press reports that we did it 6 months ago, if they would check the RECORD they would find out we did it in September 1981. So this is the third calendar year in which it was legal to have earned income in excess of $25,000 per year.

In 1981 we had four votes on it. Yet we still hear that it was done quietly. Quietly—four rollcall votes in this body? And we have had many more than that over the years. It has never been done quietly. We had a couple of votes on it again in December 1982, so at least six times in recent history we have made a decision.

But that was not good enough for the do-gooders and for those who have vast amounts of unearned income, the rich boys in this body. That was not sufficient. So we had to bring it up again this year. This year they won. They reversed six votes, they reversed 3 years of what had been going on, saying how terrible and unethical it was, carrying ticking timebombs around, a scandal waiting to happen, totally ignoring the fact this ought to be an individual issue between each Senator and his constituents.

I will repeat what I said on the floor during the debate: this issue has not only been disclosed every year fully and completely as to every dime of earned income, where it comes from, the date it was received, who it came from, all of that, but in my campaign for reelection in 1980 my opponent decided that was not sufficient. So he bought tens of thousands of dollars worth of TV ads. They were black and

white ads so they looked sinister, showed some guy who looked kind of bald with his hand out, and talked about corporate tips, corporate tips, not unearned, not speech income, but corporate tips.

So everybody in Utah knew about it, that I had earned income to support seven children, three in college, and two houses, they knew that, and I got 74 percent of the vote. Maybe somebody could have claimed I could have gotten 80 percent without doing that horrible thing they knew all about, but I got 74 percent of the vote. I think the people decided I was worth what I was earning and would like to return me here for another 6 years.

But that is not good enough for our colleagues on this floor. No, they have got to impose a standard that 1.5 million people in Utah would not impose on me. If they think it is a political issue, it is very easy for them to solve. All they have to do is go home and say: "Oh, I am so sweet and pure I won't take those horrible things, I just won't take them," or, "I will establish a limit on myself."

That is fine. Any of them who want to do that can solve the political problem at home, if they think they have one.

I received two letters from Utah after my disclosure in May—two, who said they did not think I should do that.

Disclosure is the answer to ethics, full disclosure of everything we do, and then let our constituents decide, not a few hundred pages of rules and regulations as a result of laws and so-called ethical codes we pass, and then our bright young attorneys thinking up all the rules that go with those. Disclosure is the answer. You cannot legislate ethics, and you cannot legislate morality, but you can have full disclosure so that your constituents know what you are doing, and everything about what you are doing, and then they can make the judgment.

So the point of this amendment is we have a double standard. Beside the unwillingness to face the disclosure issue and feel that is good enough to solve ethical problems, we have a double standard, we have two classes of Senators here. Those who are not rich, those who do not have a rich father who left them a few million dollars in a trust fund, or stock in ITT, or AT&T, or GM, or a rich wife—some of us married for love—rich wife, rich parents, inherited wealth of some kind.

You saw the disclosures, we have people in this body who make over $1 million a year. I would like to have an estate that large in total. But can you imagine more than $1 million a year? And some of those people who have hundreds of thousands or millions of dollars of income sat on this floor and said: "Oh, you poor guys won't earn more than $20,800 a year."

I would be ashamed of that double standard. I think we ought to do it the same either way. Either there are no limits with full and complete disclosure on both kinds of income or let us have the same limits, let us treat everybody the same. Let us have a little socialism in this body and pass laws that set people's level of income and how they can educate their children.

I cannot send mine to Harvard, or Stanford, or all the better schools, so why not have legislation making everybody equal? A little socialism will not hurt us at all.

So I have a proposal that says: "All right, if we are going to play this kind of game, if we are going to have this self-righteous double standard from the elitists in this body that will not allow us to tell our constituents what we are doing, then let us make it equal."

Very simply, my amendment says that unearned income in excess of 30 percent of Senate salary, will have to be placed in an unearned income trust while a Member serves in this body. He can have the new Senate salary of $69,800 or whatever it is, plus the 30 percent of his/her unearned income so he can spend the same as the rest of us. Everybody will have $69,800 plus $20,800. It does not matter who you are or what State you come from, that is what would be fair, would it not, simply to treat everybody equally?

As the Senator from Texas Senator TOWER, said on the floor, it is interesting that he can be corrupted for a $2,000 speech, fully disclosed in great detail, from the American Bankers Association, but another Senator who happens to also reside in this body can have more than $50,000 a year in dividends from bank stocks and he is not corruptible and does not even have to report it in detail. Senator TOWER would have to give 25 speeches for $2,000 each to the same organization to get the same amount of money, but one is all right and the other is not.

The reason I suggest setting up a trust is there would be some problem if we required them to divest themselves of their tens of millions of dollars of assets. Obviously, that would create a problem. It might even knock the stock market down if they had to sell all their stocks. So we are not confiscating this, we are simply going to say that they put it all in an unearned income trust and from that trust they can withdraw 30 percent of their Senate salary per year, the same as the rest of us.

We recognize that some years they might have a bad year in the stock market, so if year they do not have enough new income to reach 30 percent, they could drop back into the trust and raise it up to 30 percent. So we should guarantee them 30 percent of their Senate income every year. When they leave the Senate, the trust is dissolved and they can have all their money.

Now, we realize some of the rich boys, with their country club memberships and their several houses on the beach and in Europe and in Mexico, wherever, might get into a cash flow problem. So we have in this particular amendment a procedure to take care of the rich boys. They can apply to the Ethics Committee for an exception. They can go down there on their hands and knees and say: "Ethics Committee, boy, have we got a problem! We may have to sell one of our cathedrals in Europe or one of our beach houses in the Mediterranean and we just don't know how we are going to handle this. Therefore, we need some extra money, and here are the circumstances. We hope you consider it an emergency and can give us more than the 30 percent."

So that is all this amendment is, an equity amendment. And the rich ought to be willing to be equitable. Some of the rich in this body want to take away most of the tax cut in 1983, limit it to a maximum of $700. They do not seem to be concerned about the rich chopping that off, so I do not know why they would be concerned about being treated like the rest of us.

So this is an equity amendment that you hear so much about. We want the poor to be treated the same as the rich or the rich the same as the poor in this body so we are all equal, so there will be no adverse influences on us, and certainly no conflict of interest if we are all treated equally.

So that is my case. I do not expect this to pass. I would expect the demagogs and the hypocrites to vote much as they usually do. But we are not only going to vote on it today. They put us through the honorarium bit every year for the last several years, so we will keep voting on it. This is the first one, maybe two or three more times this year, maybe next year, and maybe someday I will get enough converts in this body to think that everybody should be treated equally. What is good for the goose is good for the gander, and what is good for the rich boys is good for the poor boys, and vice versa, and we will all have the same income and we can see how we live.

Mr. President, I rest my case on this issue. There is no need to take any more time. If there is no further discussion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, I do not have anything to say. I was thinking about amending it to say that all Senators had to marry for love, but

that might eliminate most of the Senators in another way, so I will not do that.

Mr. GARN. Mr. President, before we vote, I just note for the RECORD that there is not a single rich boy on the floor to defend himself. I think that it is interesting that they obviously do not want to discuss the issue. I am ready to vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Utah (Mr. GARN). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. Mathias), the Senator from Alaska (Mr. Murkowski), the Senator from Illinois (Mr. PERCY) and the Senator from Nevada (Mr. LAXALT), are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. MURKOWSKI), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Montana (Mr. MELCHER), are necessarily absent.

The result was announced—yeas 34, nays 58, as follows:

Rollcall Vote No. 169 Leg.]

YEAS—34

Abdnor	Hatfield	Pressler
Baker	Hawkins	Riegle
Baucus	Hecht	Sarbanes
Biden	Huddleston	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stevens
Denton	Leahy	Thurmond
Dodd	Mattingly	Tower
Dole	McClure	Wallop
Domenici	Mitchell	Zorinsky
Garn	Moynihan	
Hatch	Packwood	

NAYS—58

Andrews	Exon	Nickles
Armstrong	Ford	Nunn
Bentsen	Glenn	Pell
Bingaman	Gorton	Proxmire
Boren	Grassley	Pryor
Boschwitz	Heflin	Quayle
Bradley	Heinz	Randolph
Bumpers	Helms	Roth
Burdick	Humphrey	Rudman
Byrd	Inouye	Sasser
Chafee	Jackson	Stafford
Chiles	Jepsen	Stennis
Cochran	Johnston	Symms
Cranston	Kennedy	Trible
Danforth	Lautenberg	Tsongas
DeConcini	Levin	Warner
Dixon	Long	Weicker
Durenberger	Lugar	Wilson
Eagleton	Matsunaga	
East	Metzenbaum	

NOT VOTING—8

Goldwater	Laxalt	Murkowski
Hart	Mathias	Percy
Hollings	Melcher	

So Mr. GARN'S amendment (No. 1433) was rejected.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Utah is recognized.

Mr. GARN. Madam President, this vote is exactly what I expected. As a matter of fact, I got more votes than I anticipated. This is a lousy amendment and it should never become law. It is a matter of principle; we should not be adopting limits on anybody's income, but I wanted to make a point. We saw some of the rich people in this body as they came in to vote with absolute apoplexy on their faces. They did not share that same concern for some of us who were concerned about limitations on earned income. I do not think it should pass, but the point that ought to be strongly made is that there ought to be some equality. There should not be limitations on either earned or unearned income. And so next time we vote on this, which we will because we voted on honoraria and earned income so many times—we will vote on this three or four times a year on different bills—but next time I will have a record of those who think it is just fine to limit earned income but not unearned income and we will publish that in the RECORD to see where the double standard exists in this body.

I recognize that some are entirely consistent and voted against both, voted against both unearned income limitations and against earned. That is the way it ought to be. This amendment was defeated today, as it should have been, as should the Jackson amendment have been defeated last week. Then we will have some equity. So we will continue to point out the double standard in this body.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Madam President, I ask unanimous consent that the committee amendments to H.R. 3135 be considered and agreed to en bloc; that the bill, as amended, be considered as original text for the purpose of further amendment, with the understanding that no point of order be considered as having been waived by reason thereof.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, after line 1, insert the following:

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWABLE OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $881,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $94,900,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,123,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $775,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $15,354,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $856,000 for each such committee; in all, $1,712,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $390,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $32,869,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $9,174,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Effective October 1, 1983, the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

SEC. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

SEC. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

Sec. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

SEC. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

SEC. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

SEC. 107. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) in clause (8), by striking out "and" at the end thereof,

(2) in clause (9), (A) by striking out "ten percent" and inserting in lieu thereof "twenty percent", and (B) by striking out the period at the end thereof and inserting in lieu of such period "; and", and

(3) by inserting after and below clause (9) the following new clause:

"(10) reimbursement to each Senator for expenses for the procurement (with the prior consent of the Senate Committee on Rules and Administration) of computer equipment and computer and related services, under contracts with the providers thereof acting as independent contractors.".

(b) The amendment made by subsection (a)(2)(A) shall be effective in the case of calendar years beginning on or after January 1, 1983, and the provisions of clause (10) of section 506(a) of the Supplemental Appropriations Act, 1973 (as added by subsection (a)(3) of this section), shall be effective with respect to expenses incurred after the date of enactment of this Act.

SEC. 108. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriations Act, 1963 (2 U.S.C. 60j) are repealed, effective October 1, 1983; except that, any individual who on such date is entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service after such date.

On page 15, line 7, strike "101", and insert "109";

On page 15, line 16, strike "102", and insert "110";

On page 15, line 23, strike "103", and insert "111";

On page 16, line 3, strike "104", and insert "112";

On page 17, line 9, strike "105", and insert "113";

On page 18, line 24, strike "$653,200", and insert "$653,000";

On page 22, line 20, strike "$13,933,000", and insert "$15,800,000";

On page 22, line 23, strike "130", and insert "145";

On page 24, line 19, after "vehicle," insert the following: "hereafter to be used exclusively for official purposes; security installations authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $167,000;"

On page 25, line 1, strike "$10,568,000", and insert "$10,630,000";

On page 25, line 2, strike "$773,000", and insert "$940,000";

On page 25, after line 8, insert the following:

"SENATE OFFICE BUILDINGS

"For all necessary expenses for maintenance, care and operation of the Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $17,412,000, of which $1,496,000 shall remain available until expended."

On page 26, line 11, strike "$23,792,000", and insert "$23,542,000";

On page 26, line 24, strike "$35,543,550", and insert "$37,700,000";

On page 32, line 6, strike "$5,230,000", and insert "$6,380,000";

On page 32, line 7, strike "$100,000", and insert "$1,250,000";

On page 32, line 11, strike "$650,000", and insert "$700,000";

On page 32, line 11, strike "$455,000", and insert "$490,000";

On page 38, after line 15, insert the following:

"SEC. 306. (a) The Commission on the West Front of the United States Capitol shall appoint, from among private individuals who, by reason of education, training, and experience, are qualified for the position, a consulting architect to assist the Commission in directing the Architect of the Capitol with respect to the restoration of the West Central Front of the United States Capitol.

"(b) The Architect of the Capitol shall keep the consulting architect appointed under subsection (a) fully and currently informed of the progress of the restoration of the West Central Front of the United States Capitol.

"(c) The consulting architect appointed under subsection (a) shall be paid for his services (out of sums appropriated for the restoration of the west central front of the United States Capitol) compensation at such rate of pay as the Commission on the West Central Front of the United States Capitol shall fix, but not exceeding a rate equal to the daily equivalent of the rate of basic pay payable for grade GS-18 under the General Schedule under section 5332 of title 5, United States Code."

● Mr. DOMENICI. Madam President, H.R. 3135, as reported by the Appropriations Committee, provides $1.5 billion in new budget authority for fiscal year 1984. Including prior-year outlays, fiscal year 1984 outlays associated with the reported bill would be $1.5 billion.

These amounts are consistent with the assumptions in the conference agreement on House Concurrent Resolution 91 and the President's budget request.

I support the bill as reported and commend the subcommittee for keeping spending within the budget and the President's request.

I ask that a table comparing the bill to the conference report on House Concurrent Resolution 91, the House bill, and the President's request be printed in the RECORD.

The table follows:

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		0.2
H.R. 3135, as reported in the Senate [1]	1.5	1.3
Total for Legislative Branch Subcommittte	1.5	1.5
Subcommittee crosswalk allocation under fiscal year 1984 assumptions in the conference report on H. Con. Res. 91	1.5	1.5
House level [2]	1.5	1.5
President's request	1.5	1.5

[1] Assumes House level for House operations.
[2] Assumes Senate level for Senate operations.●

Mr. D'AMATO. Madam President, that concludes our preliminary matters.

Mr. BUMPERS. Third reading.

Mr. HATFIELD. Third reading, Madam President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MELCHER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maine (Mr. COHEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. MURKOWSKI) would vote "yea".

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 15, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—78

Abdnor	Glenn	Moynihan
Andrews	Goldwater	Nunn
Bentsen	Gorton	Packwood
Biden	Hatfield	Pell
Bingaman	Hecht	Pressler
Boren	Heinz	Proxmire
Boschwitz	Huddleston	Pryor
Bradley	Inouye	Randolph
Bumpers	Jackson	Riegle
Burdick	Jepsen	Roth
Byrd	Johnston	Rudman
Chafee	Kassebaum	Sarbanes
Chiles	Kasten	Sasser
Cochran	Kennedy	Simpson
Cranston	Lautenberg	Specter
D'Amato	Laxalt	Stafford
Danforth	Leahy	Stennis
Denton	Levin	Stevens
Dixon	Long	Thurmond
Dodd	Lugar	Tower
Dole	Matsunaga	Trible
Domenici	Mattingly	Tsongas
Durenberger	McClure	Wallop
Eagleton	Melcher	Warner
Exon	Metzenbaum	Weicker
Ford	Mitchell	Wilson

NAYS—15

Armstrong	Grassley	Humphrey
Baucus	Hatch	Nickles
DeConcini	Hawkins	Quayle
East	Heflin	Symms
Garn	Helms	Zorinsky

NOT VOTING—7

Baker	Hollings	Percy
Cohen	Mathias	
Hart	Murkowski	

So the bill (H.R. 3135), as amended, was passed.

Mr. D'AMATO. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Madam President, I move that the Senate insist on its amendments to H.R. 3135 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mrs. KASSEBAUM) appointed Senators D'AMATO, HATFIELD, STEVENS, BUMPERS, HOLLINGS, and STENNIS conferees on the part of the Senate.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, the Senate, at 1:17 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the House is going to vote at about 3 or 3:15 p.m. on the budget conference report. If it passes—and I rather expect that it will—it will be over here, and I would hope to take that matter up this afternoon. I must report to the Senate that apparently we have manifold difficulties in getting to the agriculture appropriations bill. There are a number of objections to the waiver of the 3-day rule, I am told. If those persist, it will not be possible for us to reach that appropriations bill until next week. That is too bad, but that is just the way it is. So we will be awaiting the arrival of the conference report on the budget this afternoon and scurrying around for anything else we can do while we are waiting.

Once again I wish to report that my earlier ambition to do both the legislative appropriations bill and the agriculture appropriations bill is only going to be about half realized. We passed the legislative appropriations bill, and once again I congratulate those who were active in its management. The Appropriations Committee, indeed, has done a masterful job of bringing these matters to us and dispatching them promptly. This is the third of the regular appropriations bills that we have done since receiving them from the House, and that is good progress indeed. But the agriculture appropriations bill is going to require a little more work.

RECESS UNTIL 3:30 P.M.

Mr. BAKER. Mr. President, I do not see any point in us sitting around waiting for the House to report, and that is really all we have to do. Therefore, I ask unanimous consent that the Senate stand in recess until 3:30 p.m. today.

There being no objection, the Senate, at 2:32 p.m., recessed until 3:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ARMSTRONG).

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I thank the Chair.

Mr. President, we are still awaiting the conference report on the budget from the House of Representatives. I am told it should be here within the next 10 minutes or so. It is my hope that when it arrives, we can take it over. I shall confer with the minority leader on that.

I also wish to establish a time certain for the final consideration of that matter, if possible, so I hope that Members who may hear these remarks will be prepared for that and that we may be able to negotiate a time of about 6 p.m. for passage, if possible.

Mr. President, I regret to say that we have nothing else we can do until that measure reaches us from the House. The agriculture appropriations bill cannot be taken up—there is an objection to the waiver of the 3-day rule—and there are no other matters that qualify. Therefore, for the moment, at least, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Mr. BAKER. Mr. President, I observe a messenger from the House at the door. I assume that this is the conference report on the budget resolution from the House of Representatives.

Before I yield the floor so that the Chair can admit the messenger, let me say that I am trying to negotiate an agreement on a time certain to take up and agree to the conference report today. That is still in progress. While we continue those negotiations, the conference report will remain at the desk.

Mr. President, I now yield so that the Chair may admit the messenger.

At 3:51 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House recedes from its disagreement to the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, and has agreed thereto, with an amendment.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

UNANIMOUS—CONSENT AGREEMENT—BUDGET RESOLUTION

Mr. BAKER. Mr. President, I hope that we have a unanimous-consent agreement to provide for the consideration of the conference report on the budget resolution and to do so yet this evening. I wish to put a unanimous-consent request which I have submitted to the minority leader and which I have discussed with the chairman of the Budget Committee, the chairman of the Finance Committee, the ranking member of the Budget Committee, and with a number of other Senators. I believe this has been cleared, and I shall state it now with some apprehension but also some optimism.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 91, the first concurrent resolution on the budget, that it be laid before the Senate and that the conference report be deemed to be agreed to; that the Senate proceed immediately to a motion to concur in the House amendment; provided that no amendment be in order to the motion except an amendment to be offered by the Senator from Kansas (Mr. DOLE) dealing with reducing revenue and changing the date on which the Finance Committee is mandated to report under reconciliation.

I further ask unanimous consent that the time between the beginning of debate and 6 p.m. be divided equally between the majority leader and the minority leader or their designees.

I further ask unanimous consent that the Senator from Montana (Mr. MELCHER) be entitled to 10 minutes for debate, to be charged against the time allocated to the minority leader or his designee.

Further, Mr. President, I ask unanimous consent that the vote on the motion to concur as amended, if amended, occur at 6 p.m., and that the rollcall vote to begin at 6 p.m. and last until 7 p.m.

Mr. BYRD. Mr. President, reserving the right to object——

Mr. BAKER. Mr. President, also the unanimous-consent request would provide that on the amendment to be offered by the Senator from Kansas (Mr. DOLE) there would be a time limitation of 20 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, Mr. Leader, I believe when the Dole amendment was explained there was a word left out. The majority leader said "reduced revenues." I think it is "reduce the reconciled revenues."

Mr. BAKER. Very well. Mr. President, I amend the request in that respect.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object—Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair. I thank the minority leader, and I especially thank the manager of the resolution, Senator DOLE, and others who have been directly involved in these negotiations.

FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I now ask that the Chair lay before the Senate the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill concurrent resolution (H.Con.Res.91) revising the congressional budget for the United States Government for fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of June 21, 1983, page H4146.)

The PRESIDING OFFICER. The conference report is deemed to have been agreed to and the amendment of the House will be stated.

The legislative clerk read as follows:

Resolved that the House recede from its disagreement to the amendment of the Senate to the resolution (H. Con. Res. 91) entitled "Concurrent resolution revising the congressional budget," and so forth, and concur therein with amendments.

The text of the amendment of the House follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,

June 23, 1983.

Resolved, That the House recede from its disagreement to the amendment of the Senate to the resolution (H. Con. Res. 91) entitled "Concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986", and concur therein with the following amendment: In lieu of the matter inserted by the said amendment, insert:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.
Fiscal year 1984: $679,600,000,000.
Fiscal year 1985: $750,500,000,000.
Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$12,000,000,000.
Fiscal year 1985: +$15,000,000,000.
Fiscal year 1986: +$46,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $44,700,000,000.
Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disabilty insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.
Fiscal year 1984: $167,900,000,000.
Fiscal year 1985: $187,300,000,000.
Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.
Fiscal year 1984: $928,725,000,000.
Fiscal year 1985: $996,750,000,000.
Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.
Fiscal year 1984: $919,500,000,000.
Fiscal year 1985: $990,500,000,000.
Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.
Fiscal year 1984: $858,925,000,000.
Fiscal year 1985: $911,600,000,000.
Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.
Fiscal year 1984: $849,500,000,000.
Fiscal year 1985: $906,750,000,000.
Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.
Fiscal year 1984: $169,900,000,000.
Fiscal year 1985: $156,250,000,000.
Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.
Fiscal year 1984: $179,325,000,000.
Fiscal year 1985: $161,100,000,000.
Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.
Fiscal year 1984: $1,614,600,000,000.
Fiscal year 1985: $1,830,100,000,000.
Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.
Fiscal year 1984: $225,600,000,000.
Fiscal year 1985: $215,500,000,000.
Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(i) New direct loan obligations, $54,250,000,000.
(ii) New primary loan guarantee commitments, $99,600,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:
(i) New direct loan obligations, $47,900,000,000.
(ii) New primary loan guarantee commitments, $101,700,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(i) New direct loan obligations, $47,800,000,000.
(ii) New primary loan guarantee commitments, $106,600,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(i) New direct loan obligations, $47,750,000,000.
(ii) New primary loan guarantee commitments, $106,800,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(i) New direct loan obligations, $52,700,000,000.
(ii) New primary loan guarantee commitments, $99,600,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:
(i) New direct loan obligations, $46,700,000,000.
(ii) New primary loan guarantee commitments, $100,100,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(i) New direct loan obligations, $46,700,000,000.
(ii) New primary loan guarantee commitments, $103,050,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.
(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:
(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $244,600,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $268,600,000,000.
(B) Outlays, $240,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $297,300,000,000.
(B) Outlays, $265,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $329,000,000,000.
(B) Outlays, $295,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $10,650,000,000.
(D) New primary loan guarantee commitments, $9,250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $18,700,000,000.
(B) Outlays, $12,950,000,000.
(C) New direct loan obligations, $12,000,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $12,300,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $16,250,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $12,850,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $8,150,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $3,950,000,000.
(B) Outlays, $4,450,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,300,000,000.
(C) New direct loan obligations, $12,050,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $3,150,000,000.
(C) New direct loan obligations, $12,500,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,500,000,000.
(B) Outlays, $3,050,000,000
(C) New direct loan obligations, $12,600,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $12,450,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,050,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $12,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $24,650,000,000.
(B) Outlays, $24,450,000,000.
(C) New direct loan obligations, $19,400,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $12,100,000,000.
(C) New direct loan obligations, $13,300,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $12,750,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $13,200,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $3,750,000,000.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $11,650,000,000.
(D) New primary loan guarantee commitments, $3,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $12,200,000,000.
(D) New primary loan guarantee commitments, $3,850,000,000.
(E) New secondary loan guarantee commitments, $0.
(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $6,060,000,000.
(B) Outlays, $3,550,000,000.
(C) New direct loan obligations, $7,200,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,450,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $500,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $260,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $3,500,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,250,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $150,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $100,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $1,050,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $600,000,000
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $28,950,000,000.
(B) Outlays, $27,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $29,800,000,000.
(B) Outlays, $28,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,975,000,000.
(B) Outlays, $8,225,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $1,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,175,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,550,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,850,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $8,350,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,350,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $550,000,000.
(E) New secondary loan guarantee commitments, $0.
(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $32,850,000,000.
(B) Outlays, $32,150,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $31,850,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.

(ii) Education, Training, Employment, and Social Services (500) excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $28,350,000,000.
(B) Outlays, $27,650,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $33,950,000,000.
(B) Outlays, $28,350,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(11)(i) Health (550), including amounts reserved pursuant to section 21:
Fiscal year 1983:
(A) New budget authority, $25,350,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $34,100,000,000.
(B) Outlays, $34,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $37,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Health (550) excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $29,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $32,100,000,000.
(B) Outlays, $32,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $35,800,000,000.
(B) Outlays, $35,400,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,250,000,000.
(B) Outlays, $53,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $62,500,000,000.
(B) Outlays, $60,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,850,000,000.
(B) Outlays, $68,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,200,000,000.
(B) Outlays, $76,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13)(i) Income Security (600) including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments $0.
Fiscal year 1984:
(A) New budget authority, $126,750,000,000.
(B) Outlays, $104,300,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,800,000,000.
(B) Outlays, $104,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $134,150,000,000.
(B) Outlays, $107,450,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Income Security (600), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $124,800,000,000.
(B) Outlays, $102,350,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,350,000,000.
(B) Outlays, $103,800,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $133,700,000,000.
(B) Outlays, $107,000,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,500,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $176,000,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:

(A) New budget authority, $196,400,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,000,000,000.
(B) Outlays, $199,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,600,000,000.
(B) Outlays, $26,100,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,550,000,000.
(B) Outlays, $25,450,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,450,000,000.
(B) Outlays, $25,950,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,850,000,000.
(B) Outlays, $5,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,650,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,750,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,150,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,200,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,400,000,000.
(B) Outlays, $88,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $98,000,000,000.
(B) Outlays, $98,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $104,500,000,000.
(B) Outlays, $104,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $107,200,000,000.
(B) Outlays, $107,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,300,000,000.
(B) Outlays, $88,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $97,100,000,000.
(B) Outlays, $97,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $103,100,000,000.
(B) Outlays, $103,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $105,500,000,000.
(B) Outlays, $105,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1984:
(A) New budget authority, $750,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1985:
(A) New budget authority, $2,050,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$19,100,000,000.
(B) Outlays −$19,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$18,050,000,000.
(B) Outlays, −$18,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,900,000,000.
(B) Outlays, −$18,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$23,750,000,000.
(B) Outlays, −$23,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:
Fiscal year 1983:
(1) New budget authority, $6,060,000,000.
(2) Outlays, $5,350,000,000.
Fiscal year 1984:
(1) New budget authority, $8,325,000,000.
(2) Outlays, $8,525,000,000.
(b) In the House of Representatives:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and
(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.
(c) In the Senate:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and
(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.
(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.
(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:
Fiscal Year 1983 Budget Authority $877,200,000,000.
Fiscal Year 1983 Budget Outlays $807,400,000,000.
Fiscal Year 1984 Budget Authority $919,500,000,000.
Fiscal Year 1984 Budget Outlays $849,500,000,000:
Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

SEC. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.
(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.
(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.
(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.
(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget au-

thority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cent per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdication of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SEC. 6. MONETARY POLICY.—Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which

would result in reduced spending under these programs.

SEC. 8. It is the sense of the Congress that President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000, in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

Mr. BAKER. Mr. President, under the provisions of the order just granted, I designate the distinguished Senator from New Mexico, the chairman of the Budget Committee, to manage the time on this side.

Mr. BYRD. Mr. President, under the agreement, I designate the distinguished Senator from Florida (Mr. CHILES) to manage and control the time on this side.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during the consideration of the resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I send to the desk a list of staff members and I ask unanimous consent that the persons named therein be granted privileges of the floor during the consideration of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, on June 7, the Senate named its conferees to meet with representatives of the House and work out details of a budget resolution for fiscal year 1984. The conference committee has completed its work and today I am pleased to submit its resolution to the Senate.

Committees do not operate in the same fashion as individuals. Of necessity, they negotiate, they compromise, they balance various goals and set certain priorities. Sometimes they get bogged down in resolving their differences and they accomplish very little, but that was not the case in this conference committee.

We came to conference with a Senate budget resolution that left little room for negotiation. As my colleagues will recall, I had hoped to go to conference with a resolution calling for higher defense spending and lower taxes to give the Senate conferees at least some room to compromise with the House.

The resolution that the Senate finally adopted, however, was quite close to the resolution I had hoped to have after our give and take with the House. To complicate matters, the Senate resolution passed by a one-vote margin, after several alternatives had been defeated. This meant that the Senate conferees could not make any major changes in the Senate resolution; if they lost one vote, they could not hold together the coalition that passed the original resolution. At least that is my assumption now, and that was my assumption when I went into the conference.

If we made the wrong decisions, we could have seen the budget process fall apart. However, I think we made the right decisions.

That does not mean that the budget process will still hold together. That is up to the Members of this body as they decide how to vote on the conference report and on the legislation that will follow. But so far, at least, the budget process is working.

I believe the Senate conferees did an outstanding job under very delicate conditions. Let me explain how we performed in relationship to the House.

On revenue increases for the 3-year period fiscal year 1984 through 1986, the Senate maintained its position 100 percent. The total of those 3 years in tax increases is exactly the number that the Senate voted out in its resolution. That total was $73 billion. It still is. It is exactly the same as the Senate-passed resolution and much less than the $120 billion contained in the House resolution. Although that $73 billion is spread out over the 3 years, with $3 billion more in 1984, $2 billion more in 1985, and $5 billion less in 1986 than the numbers the Senate passed, it is obvious that both bodies would be in compliance under reconciliation if they chose any mix over the 3 years so long as the total was $73 billion. We made that clear in the conference.

I think it is important to point out that the President requested $54 billion in revenue increases over the same period—three-fourths of the conference agreement level. This has somehow been forgotten as we discuss the proposed tax increases that are required in this resolution.

Let us talk about the defense budget authority for 1984 for a minute. The Senate again prevailed. The Senate moved 30 percent of the way to the House, and the House came 70 percent of the way to the Senate. In other words, the House gave up more than twice as much as the Senate.

The conference agreement provides for real growth of 5 percent in defense budget authority in 1984, a figure of $268.6 billion. If you look at the entire 5-year period in terms of budget authority for defense, the conference agreement provides 92 percent of the President's request over those 5 years, even assuming the 5 percent real growth for fiscal year 1984 that is in the budget which we bring here today.

I should add this: It is with respect to budget authority that we measure real growth in defense spending.

Let me add a note about the defense outlay number contained in the conference agreement. It is $240 billion. Staff judgment and CBO's judgment is that that number should probably be $241.3 billion based upon traditional spendout rates for budget authority in defense.

I have discussed this with interested Senators and, to the best of my ability, assured them that we would score against budget authority as we have in the past since that is what the Appropriations Committee actually appropriates.

However, I am concerned that the conference agreement may be interpreted to mean that the estimate of outlays—and that is all that the outlay number is, an estimate—may be used to yield a budget authority number that is less than 5 percent. I want to emphasize that the agreement is 5-percent real growth in defense budget authority, which is $268.6 billion in fiscal year 1984. My assumption is that we will score outlays in the normal manner, and that total outlays for the year might very well be $241.3 billion instead of the $240 billion estimate shown in the conference agreement.

Next let us look quickly at domestic discretionary spending. Excluding the

reserve fund, which I will discuss in a few moments and will be pleased to answer questions about, the Senate moved 9 percent toward the House on domestic discretionary spending for 1984, while the House moved 91 percent toward the Senate. This means that this conference agreement holds the real growth in these programs to only 1.3 percent between 1983 and 1984.

The PRESIDING OFFICER. The 6 minutes of the Senator have expired.

Mr. DOMENICI. I yield myself 2 additional minutes.

The reserve fund deserves a special word of explanation. It contains $8.5 billion for fiscal year 1984, but that money is not created, borrowed, or obligated by the resolution. The fund cannot be used to expand existing activities and it is not available to be spent by the Appropriations Committee in the usual manner. The reserve fund merely preserves the rights of the House and Senate to pass designated programs within predetermined spending limits, subject to Presidential approval or veto. No money in the reserve can be spent until the legislation becomes law. Until that occurs, the amounts in the reserve fund are not allocated to House and Senate committees. If all of this money were spent, total Federal outlays would increase less than 1 percent and deficits would increase 3.8 percent over the 3-year period. My guess, however, is that most of this money will never be spent.

In short, if we look at revenues, defense and domestic discretionary spending, the Senate has prevailed by a wide margin.

I believe that if the Senate did not like the resolution before, it would not like the resolution now. On the other hand, if it was acceptable before, I say without any doubt that we prevailed, and this budget resolution is just as good as it was when it passed here. In some respects in may be better.

I do not point out our success in order to gloat over the House or to ask for the votes of Senators simply to celebrate a pyrrhic victory. I ask support for this resolution because it is a good resolution for the Senate, it is a good resolution for the economy, and it is a good resolution for the people of this great Nation.

Most analysts believe that total outlays are the best single measure of the impact of the Government's fiscal policy on the Nation's economy. So let us look at total outlays. For the period from fiscal 1984 to 1986, the conference agreement provided total outlays of $2.7 trillion. To put this into perspective, the President also requested $2.7 trillion for this same period. So we are not talking about a budget that spends wildly and recklessly; we are talking about priorities within the total. The outlays in the proposed budget signal a prudent fiscal policy, one that meets the just commitments of our National Government, but does not weigh the country down with excessive spending.

Perhaps the second best measure of the impact of the Government's fiscal policy on the Nation's economy is the deficit. Again this budget signals a prudent fiscal policy. Deficits in the conference agreement—excluding the reserve fund—are lower than in the Senate-passed budget resolution. They are also lower than in the President's budget—as reestimated by CBO. I would prefer still lower deficits, and I know that many of my colleagues would too. But we have made far more progress against deficits in this conference agreement than any of us had a right to hope for. That progress should not be thrown away. To borrow a phrase, we should not let the perfect be the enemy of the good.

We cannot choose a perfect budget. We are not that lucky. But we can choose a good budget. It is right here. Let us not throw it away because of small flaws, real or imagined. I ask my colleagues to support it, because it is a very good budget and because, realistically, our choice is between a very good budget and the chaos and uncertainty of no budget at all.

There were two sides in our negotiations, that were bona fide and different. I merely submit to the U.S. Senate that if the Members want a budget resolution and if they thought the one passed by this body was reasonably acceptable, we got the message; we understood. We understood that there was little room for play, little room for change, and we did not do much of that. We have brought back an agreement which I believe deserves the concurrence of the Senate.

I ask unanimous consent to have certain tables and explanatory material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Excluding reserve fund:								
050: National defense	244,600	214,300	268,600	240,000	297,300	265,300	329,000	295,000
150: International affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250: General science, space, and technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270: Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300: Natural resources	12,400	12,450	12,050	12,500	11,850	12,550	11,700	12,150
350: Agriculture	24,200	24,000	13,000	11,500	14,500	12,400	13,200	13,100
370: Commerce and housing credit	5,300	3,500	6,000	2,250	6,250	150	6,450	100
400: Transportation	26,850	22,100	28,000	26,000	28,950	27,000	29,800	28,100
450: Commercial and regional development	8,650	7,800	6,850	8,100	7,300	8,350	7,350	7,800
500: Education, employment, and social services	28,350	27,650	33,950	28,350	31,300	30,250	31,500	31,050
550: Health	25,000	29,550	32,100	32,000	35,800	35,400	38,500	37,950
570: Medical insurance	45,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600: Income security	121,900	109,800	124,800	102,350	129,350	103,800	133,700	107,000
650: Social security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700: Vets benefits	25,200	24,500	24,550	25,450	26,450	25,950	27,000	26,500
750: Administration of justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800: General government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850: General fiscal assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200
900: Net interest	88,300	88,300	97,100	97,100	103,100	103,100	105,500	105,500
920: Allowances	800	900	750	800	2,050	2,200	3,400	3,600
950: Offsetting receipts	−19,100	−19,100	−18,050	−18,050	−18,900	−18,900	−23,750	−23,750
Total spending	877,200	807,400	919,500	849,500	990,500	906,750	1,054,600	962,950
Revenues		604,300		679,600		750,500		835,800
Deficit		203,100		169,900		156,250		2,022,800
Public debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		−100		+12,000		+15,000		+46,000
Change in debt limit		+246,100		+225,600		+215,500		+192,700
Including reserve fund:								
050: National defense	244,600	214,300	268,600	240,000	297,3000	265,300	329,000	295,000
150: International affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250: General science, space, and technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270: Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300: Natural resources	12,400	12,450	12,050	12,500	11,850	12,550	11,700	12,150
350: Agriculture	24,650	24,450	13,600	12,100	14,500	12,400	13,200	13,100

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984—Continued

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
370: Commerce and housing credit	6,060	3,550	6,000	2,450	6,250	500	6,450	260
400 Transportation:	26,850	22,100	28,100	26,000	28,950	27,000	29,800	28,100
450: Commercial and regional development	8,650	7,800	6,975	8,225	9,900	9,200	9,900	9,175
500: Education, employment, and social services	32,850	32,150	37,450	31,850	31,300	30,250	31,500	31,050
550: Health	25,350	29,900	34,100	34,000	37,450	37,050	38,500	37,950
570: Medical insurance	46,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600: Income security	121,900	109,800	126,750	104,300	129,800	104,250	134,150	107,450
650: Social security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700: Veterans benefits	25,200	24,500	25,700	25,600	26,600	26,100	27,000	26,500
750: Administration of justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800: General government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850: General fiscal assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200
900: Net interest	88,400	88,400	98,000	98,000	104,500	104,500	107,200	107,200
920: Allowances	800	990	750	800	2,050	2,200	3,400	3,600
950: Offsetting	−19,100	−19,100	−18,050	−18,050	−18,900	−18,900	−23,750	−23,750
Total spending	883,360	812,850	928,725	858,925	996,750	911,600	1,059,300	966,635
Revenues		604,300		679,600		750,000		835,800
Deficit		208,550		179,325		161,100		130,835
Public debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		−100		+12,000		+15,000		+46,000
Change in debt limit		+246,100		+225,600		+215,500		+192,700

CONFERENCE AGREEMENT

[In billions of dollars]

	Excluding reserve fund				Including reserve fund			
	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986
National defense	214.3	240.0	265.3	295.0	214.3	240.0	265.3	295.0
Entitlements and other mandatory programs	388.8	387.3	410.7	436.7	388.8	387.3	410.7	436.7
Nondefense discretionary programs	146.9	156.6	159.9	162.2	146.9	156.6	159.9	162.2
Civilian agency pay raises	.9	.8	2.2	3.6	.9	.8	2.2	3.6
Net interest	88.3	97.1	103.1	105.5	88.4	98.0	104.5	107.2
Offsetting receipts	−31.9	−32.3	−34.4	−40.0	−31.9	−32.3	−34.4	−40.0
Reserve fund					5.4	8.5	3.4	2.0
Total outlays	807.4	849.5	906.8	963.0	812.8	858.9	911.6	966.6
Revenues	604.3	679.6	750.5	835.8	604.3	679.6	750.5	835.8
Deficit	203.1	169.9	156.2	127.2	208.6	179.3	161.1	130.8

RESERVE FUND SUMMARY

[In millions of dollars]

Function/program title	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	O	BA	O	BA	O	BA	O
Function 350:								
Loan foreclosure relief to farmers	250	250	500	500				
Direct loans for farm ownership, operating, or economic emergency	200	200	100	100				
Function 370: Emergency mortgage foreclosure relief to aid the unemployed	760	50		200		350		160
Function 450:								
Physical infrastructure program			75	75	2,500	750	2,500	1,325
National Industrial Development Bank			50	50	100	100	50	50
Function 500: Economic recovery program	4,500	4,500	3,500	3,500				
Function 550: Health insurance and benefits for the unemployed	350	350	2,000	2,000	1,650	1,650		
Function 600:								
Extension of Federal supplemental compensation benefits for the long term unemployed			1,500	1,500				
Increased benefits and expanded eligibility for food stamp program			450	450	450	450	450	450
Function 700: Veterans job training program			150	150	150	150		
Total	6,060	5,350	8,325	8,525	4,850	3,450	3,000	1,985

CONFERENCE AGREEMENT RECONCILIATION INSTRUCTIONS—SENATE COMMITTEES

[In millions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986		Total fiscal year 1984–86	
	BA	O	BA	O	BA	O	BA	O
Spending reductions:								
Finance		−400		−500		−800		−1,700
Governmental Affairs	−1,619	−1,900	−2,332	−2,841	−3,235	−4,144	−7,186	−8,885
Small Business	−139	−287	−555	−466	−544	−443	−1,238	−1,196
Veterans Affairs	−228	−226	−139	−138	−141	−140	−508	−504
Total spending reductions	−1,986	−2,813	−3,026	−3,945	−3,920	−5,527	−8,932	−12,285
Revenue increases: Finance		+12,000		+15,000		+46,000		+73,000
Provisional spending reductions: Agriculture, Nutrition, and Forestry		−1,243		−1,332		−1,327		−3,902
Total reconciled deficit reduction		16,056		20,277		52,854		89,187

Mr. CHILES. Mr. President, I yield myself such time as I may need in discussing the conference report.

I join in the remarks made by the distinguished chairman of the Budget Committee. I think the Senate conferees did an outstanding job. The report he has given explains the kind of difficulty we faced as we went into conference with the House.

As a result of the conference, we approved the Senate figure giving us a true 5 percent growth rate in defense. We came to the Senate figure that holds down domestic spending. We came out with a reconciliation on savings that exceeds what either body had. So we are saving more money than we expected.

Mr. President, we need to talk about some basics as we get ready to vote on the budget conference report. We need to talk about what it will mean if we approve this report, and what will happen if we do not. We need to talk about why this conference report should be supported—and it should.

GOOD OF THE NATION

We all have a responsibility to do the best we can in the best interests of the Nation. Economic recovery has begun. It is off and running and all of us, Republicans and Democrats alike, want it to keep going because economic recovery is best for everyone. There is no politics in wanting the country to be as strong as it can be.

Plenty of politics went into this budget resolution, however. It was the kind of politics, Democrat and Republican just the same, that gave everybody the chance to have a say. All of the opinions were expressed, and some were expressed many times.

All of us started off with bargaining positions knowing we would not get everything we hoped for. Each of us expected we would finally arrive at a point different from where we began, but not so far away that we could not live with the result.

We are at that point now on this budget conference report.

It is well past the time where we can say "the conference report is not everything we wanted so we will not support it." This is the crucial time in the process. Now we must give final approval to what we have produced, even though it does not have a particular Senator's name on it.

WHOSE BUDGET

No, this is not the President's budget. But this is not the Republican's budget or the Democrat's budget, either. This is the public's budget. It is the product of months of negotiations and arguments. It is the product of floor fights that went on several days in the Senate before we passed our measure. It is the result of a long-and-hard-fought conference that went on for 2 weeks. That is the way the public's process is put together in deliberative bodies like the House and Senate.

Most important, it is the product of Congress listening to the people who sent us here. It is the product of everyone having a say. Now we must determine whether this conference report merits our support. Or are we going to say that we are not going to have a budget process?

There are a lot of voices in this budget.

You can hear the voices of those who said we need a strong national defense. But you can also hear the voices of the people who said we cannot afford to spend as much on defense as the President wanted. So we have increased national defense spending by 5 percent for next year. We will spend $11.6 billion less next year than the President wanted for defense, but we are still spending $24 billion more than we did last year to defend the Nation.

Yes, there are a lot of voices in this budget.

You can hear the voices of restraint on domestic spending. This conference report reconciles savings in domestic spending of $16 billion over 3 years. But we held back from the cuts requested by the President.

The majority in both parties heard enough from the majority of their constituents who said they did not want the Government to keep spending at a breakneck rate. But they also told us they did not want to turn their backs on their neighbors who have been hit so hard by the recession, and need a little more time and a little more help to join the mainstream of the economic recovery.

Let me cite some examples:

The administration wanted a 41-percent cut in job training. There was not a majority in either House, in either party, that felt that would be a wise cut to make. So that cut was rejected.

The administration wanted a 20-percent cut for spending on the environment and natural resources. There was no majority in either House, on either side of the aisle, that felt we should cut the environment and natural resources by 20 percent.

The administration wanted to cut humanitarian food assistance. There was no vioce on either side that said we should cut that. It was not in our conference. It was not on the floor of the Senate. It was not on the floor of the House.

Despite what the administration has been saying lately, it wanted to cut back aid by $5.6 billion for education. That was rejected. A bipartisan vote on this floor added $1 billion to what our committee felt was necessary for education, and that survived the conference.

The administration wanted to cut food stamps for 79 percent of those whose income is below the poverty line.

This conference report restores those misdirected cuts, and I think it is because we were better listeners.

There are other voices to hear in this budget conference report. Despite the President's public reservations, these voices add up to a chorus. There are more revenues in this budget so we can cut the deficits. We have added $73 billion over a 3-year period. The $46 billion to be added in 1986 is exactly the same as the President requested for that year.

Among the other voices in this budget is the voice of the Senate. When the conference on the budget resolution began, the House of Representatives and Senate were far apart. But look at this conference report and you will find the Senate revenue number. You will find the domestic spending figures are much closer to the restraint of the Senate than the higher numbers in the House of Representatives. And on defense spending, we got the House to move three-quarters of the way toward our figures so that we could have a verifiable 5-percent spending figure.

DECLINE IN SPENDING AS A SHARE OF GNP

This budget resolution sets us on a course of fiscal restraint. Total Federal spending as a share of gross national product declines by 2.1 percent, from 25.1 percent in 1983 to 23 percent in 1986. Entitlement spending declines 1.7 percent, from 12.1 to 10.4 percent. Domestic discretionary and civilian pay declines from 4.6 to 4 percent of GNP.

Both of those curves, Mr. President, are going down. Both of those curves signal that this budget report is going to show the financial markets and to the policymakers who sit in Wall Street and other places that Congress has a blueprint, and we are holding down spending and, in fact, bending the curve downward.

The total nondefense reduction of 2.5 percent of GNP is offset by a 0.4 percent increase for national defense, leaving a net spending reduction of 2.1 percent of gross national product. Since GNP is estimated to be $4.2 trillion by 1986, that 2.1 percent amounts to an $88 billion reduction in spending over that 3-year period of time. The tax burden is increased only 1.2 percent, from 18.8 percent of GNP to 20 percent of GNP. The spending contribution to deficit reduction is, therefore, almost twice as much as the tax contribution. I would also note that when the President submitted his budget in January, he said an increase of the tax burden to 20.6 percent of GNP by 1986 was acceptable, and we are below that guideline.

MAJOR COMPONENTS OF THE BUDGET AS PERCENT OF GNP

	Fiscal year—			
	1983	1984	1985	1986
National Defense	6.7	6.8	6.9	7.0
Non-Defense:				
Entitlements	12.1	10.9	10.6	10.4
Discretionary + Pay	4.6	4.4	4.2	4.0
Net Interest	2.8	2.7	2.7	2.5
Total Outlays	25.1	24.0	23.5	23.0
Revenues	18.8	19.2	19.4	20.0
Deficit	6.3	4.8	4.0	3.0

THE DEFICIT

With all that said, we have to look at the key issue in this conference report. And that issue is the size of the Federal deficit. The President's budget would have given us a deficit in 1984 of $185 billion. The deficit in the conference report is $15 billion. The deficit in the conference report is $15 billion lower, and even if we authorize and fully fund every single program contained in the reserve fund, the deficit would still be $5 billion lower than the President's.

The deficit in the conference report is $156.3 billion for 1985, some $22.5 billion lower than the deficit projected by the President. And, again, even if every dollar in the reserve fund were spent, the deficit will still be nearly $18 billion lower than the President's.

For 1986, even if we spend every dollar in the reserve, our deficit will still be over $18 billion lower than the deficit projected by the President for that year.

We do not have to retrace all the warnings about the threat the deficit poses to economic recovery, but let me summarize the situation briefly.

THE THREAT

The University of Michigan's Survey Research Center, the most respected insitution of its kind in the country, published an article in its spring issue of "Economic Outlook USA." Let me read you a concise quote from the article written by Raymond Saulnier, professor emeritus of economics at Columbia University:

> The chances of achieving a respectable recovery in 1983, and extending the advance into 1984 and beyond will depend on interest rates, on which both the Federal deficit and money policy will have a major impact.

Mr. President, you cannot make it any clearer than that. Interest rates are tied to the size of the deficit and whether we can make the deficit lower. This conference report still has high deficits. But they are lower than the President's, and lower in every year. That tells the markets, the consumers, the business and industrial investor that the Congress knows economic recovery is hitched to lower interest rates. And that is the path adopted in this budget resolution conference report.

KEEP FIGHTING DEFICITS

Yes, we can see the economic recovery is underway. But it is not going to keep going all by itself if the Government keeps piling debt on its shoulders. Things may look rosy now, but this is not the time to back away from the deficit struggle. If we want to keep economic recovery going, we will have to pay more attention to deficits now than ever before. Let me tell you why.

We had a little deficit leeway when we were in the depths of the recession. But with economic activity picking up, demand for borrowed money will increase as more and more businesses add investment momentum to the recovery. The demand for borrowed money will keep up as long as the interest rates do not climb. If the interest rates do climb in the wake of mounting Federal deficits, the demand for money will evaporate and the recovery will dry up along with it.

So now is the time to pick up the fight against deficits, and keep doing everything we can to keep those deficits declining. That is a chief virtue of this conference report.

VETO STRATEGY AND CHAOS

I know some in the Senate are skeptical, if not about the budget resolution, then about the strategy the White House plans to pursue. We have all heard about the veto strategy. We have heard Caspar Weinberger advise the President to ignore the budget resolution, and just veto appropriations bills.

I think each of us understands that will not really do any good. The amount of money the President can control with vetos amounts to just 18 percent of the overall budget. Even if you eliminated those programs entirely, you would still have a deficit.

If you are still skeptical about supporting this budget resolution, let me suggest you go back to the national newspaper headlines of just 1 year ago. While Congress stood at an impasse on the budget, the financial markets were in chaos. Nobody could plan ahead. Business was fearful, and filled with doubt. If we do not pass a budget resolution this year, we will be in the same fix, because this year economic recovery is a fact, and last year it was just a dream. Without a budget resolution to guide us, we face months of friction between the White House and the Congress. And we will face almost certain higher deficits as we fight it out over 13 separate bills with no reference point to measure our position against.

THE BOTTOM LINE

Let me conclude by being as frank as I know how. This is not heaven, so this budget resolution is not perfect. But it is a good one. It is not a bulky, low-grade collection of giveaways. Nothing like that at all. It reflects 6 months of negotiation and debate; 6 agonizing months during which we came to the floor, went back to committee, then came back again to finally adopt a resolution.

Republicans and Democrats took their shots, winning some, losing others. Then we matched our work against the House of Representatives and the Republicans and Democrats over there. And the Senate generally prevailed.

But more than that, everybody had a chance, everyone was heard, and we have forged a measure that the President may not like, but that comes as close as we can to reflecting the wishes of the constituencies we represent.

We must come closer the next time. And I will give it all my effort. But this conference report represents a solid, respectable statement that we can get our economic house in order. It is bipartisan. It deserves the support of the Senate, and I hope you will do that today.

I ask unanimous consent to print a summary of the conference report at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF THE CONFERENCE REPORT—FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1984

(Prepared by Minority Staff, Senate Budget Committee, June 20, 1983)

Revenues: The House came most of the way to the Senate-passed figures, providing Reconciled revenue increases of $12, $15 and $46 billion in fiscal years 1984, 1985 and 1986. The $46 billion figure is the same as the President's recommended tax increase for 1986. The 3-year total is the same as the Senate passed: $73 billion.

Defense: The House moved three-quarters of the way to the Senate to provide a true five percent real growth in Defense Budget Authority. While this is $11.6 billion below the President's proposal, it is still an increase of $24 billion over the 1983 level.

Domestic spending: The Senate agreed to increases in domestic spending of about $8 billion in Budget Authority and $3.5 billion in Outlays, out of an initial difference of $26.3 billion in Budget Authority and $16.4 billion in Outlays.

Reserve fund: In addition, the Conferees provided for up to $8.5 billion of additional domestic spending set aside in a Reserve Fund for new programs with no authorizing legislation yet enacted. These funds have not been allocated to any Committee and will not be available until the authorization is enacted into law.

DESCRIPTION OF RESERVE FUND

A specified amount of Budget Authority and Outlays for fiscal years 1983 and 1984 will be reserved from allocation to committees.

The statement of managers describes what programs in each function could be funded from the reserve amount and at what levels.

The Budget Totals and deficits appear with and without the Reserve Fund.

The section 302(a) allocation of the Appropriations Committee will be increased when the authorization for a program assumed in the Reserve Fund is enacted.

The section 302(a) allocation of a committee reporting new entitlement legislation or direct spending legislation assumed in the Reserve Fund will be increased when the

legislation is reported. In the Senate, this allocation will occur when the Senate "proceeds to consideration" of the specific legislation.

The spending ceiling by which points of order are determined will not reflect the Reserve Fund until the allocation has actually been made to a committee, at which point the spending ceiling would be adjusted respectively.

Any adjustment to a committee's 302(a) allocation for a particular program shall not exceed the amount for that program set forth in the statement of managers.

The Budget Committees will perform the ministerial task of reporting to their respective Houses any adjustment to a committee's 302(a) allocation or the spending ceiling which would be triggered under the Reserve Fund procedure described above.

RESERVE FUND SUMMARY

[In millions of dollars]

FUNCTION/PROGRAM TITLE	Fiscal year— 1983 BA	1983 O	1984 BA	1984 O	1985 BA	1985 O	1986 BA	1986 O
Function 350:								
Loan foreclosure relief to farmers	250	250	500	500				
Direct loans for farm ownership, operating, or economic emergency	200	200	100	100				
Function 370: Emergency mortgage foreclosure relief to aid the unemployed	760	50		200		350		160
Function 450:								
Physical infrastructure program			75	75	2,500	750	2,500	1,325
National Industrial Development Bank			50	50	100	100	50	50
Function 500: Economic recovery program	4,500	4,500	3,500	3,500				
Function 550: Health insurance and benefits for the unemployed	350	350	2,000	2,000	1,650	1,650		
Function 600:								
Extension of Federal supplemental compensation benefits for the long-term unemployed			1,500	1,500				
Increased benefits and expanded eligibility for food stamp program			450	450	450	450	450	450
Function 700: Veterans job training program			150	150	150	150		
Total	6,060	5,350	8,325	8,525	4,850	3,450	3,000	1,985

Reconciliation: Authorizing Committees will be required to report spending cuts and revenue increases by July 22. This will allow two weeks for floor action and conference prior to the August recess. Tax and spending changes will be sent to the President in a single bill which will reduce the deficit by about $89 billion over the three years.

Deficits:

COMPARISON OF DEFICITS

	Fiscal year— 1984	1985	1986
Conference agreement:			
Without reserve	169.9	156.3	127.2
With reserve	179.3	161.1	130.8
Senate passed	171.3	158.0	121.2
House passed	161.0	130.3	119.8
President's	184.9	178.8	149.3

The deficits under the conference agreement without the reserve are below the Senate passed resolution by $1.4 billion in 1984, $1.7 billion in 1985 and above the Senate passed resolution by $6.0 billion in 1986.

Even if all Reserve Fund programs are enacted, the Conference agreement brings deficits below the President's April budget. The Conference agreement without the reserve has lower deficits than the President's budget in each year, totalling $59.6 billion. The Conference agreement including the reserve calls for lower deficits than the President's budget in all years as well, totalling $41.8 billion for the three year budget horizon.

ECONOMIC ASSUMPTIONS

The conferees accepted the economic assumptions shown in the table below as the basis for the revenue, spending and credit estimates in the conference substitute. These economic assumptions update and revise those contained in the House resolution and the Senate amendment to the House-passed resolution. Both the House and Senate based their economic assumptions on projections prepared by the Congressional Budget Office in January 1983. Recent economic developments and economic data reported since the beginning of the year make these revisions desirable.

[Calendar years, dollars in billions]

	1983	1984	1985	1986
Gross national product:				
Current dollars	$3,292	$3,621	$3,948	$4,269
Percent change	7.6	10.0	9.0	8.1
Constant (1972) dollars	$1,518	$1,595	$1,661	$1,722
Percent change	2.8	5.1	4.1	3.7
GNP deflator (percent change, year over year)	4.7	4.6	4.7	4.3
CPI–U (percent change, year over year)	3.5	5.0	4.7	4.1
CPI–W (percent change, year over year)	3.0	4.6	4.4	4.1
Unemployment rate—civilian (percent)	10.1	9.3	8.5	7.9
3-month Treasury bill rate (percent)	7.8	7.4	7.2	6.6
Taxable incomes:				
Wages and salaries	$1,653	$1,803	$1,947	$2,098
Nonwage personal income	$620	$674	$741	$792
Corporate profits from current production	$210	$264	$300	$338

Revenues: The three-year total for additional revenue is the same in the conference agreement as in the Senate passed resolution, totalling $73 billion.

The timing of the additional revenues is, however, different. The Conference agreement calls for additional revenues of $12 billion in 1984, $15 billion in 1985, and $46 billion in 1986. The Senate passed resolution called for additional revenues of $9.9 billion in 1984, $13.7 billion in 1985, and $51 billion in 1986, while the House-passed resolution called for additional revenues of $30 billion in 1984, $40 billion in 1985, and $50 billion in 1986.

Function 050: National defense

Real growth is 5 percent in Budget Authority as calculated by CBO.

Pay set at 4 percent for civilian and military, effective January, 1984 with 17 percent absorption.

Retirement COLA previously due in May, 1984 moves to January 1985.

Function 150: International affairs

In fiscal year 1984 the House resolution was higher than the Senate by $.65 billion. The Senate accepted 75 percent of the difference, to insure that Congressionally mandated increases in Security Assistance for Israel and Egypt can be funded and still allow other increases requested in the President's Security Assistance budget.

Function 250: General space, science and technology

NSF science and math education: Conference added $75 million—$25 million of the $75 million was transferred out of Function 500 for Math and Science Education. House had requested $169 million in Budget Authority for fiscal year 1984, and Conference set funding at $105 million.

Additional NSF funding: House wanted $100 million in Budget Authority for three years (fiscal year 1984–86). Conference added $50 million in Budget Authority for fiscal years 1984–85.

NASA: House wanted $150 million above the President's request, or $6.65 billion in Budget Authority for fiscal year 1984. Conference set fiscal year 1984 Budget Authority at $133 million, which is $100 million over the Senate.

Function 270: Energy

DOE energy research and development: Conference added $240 million, above the Senate fiscal year 1983 freeze level.

Energy conservation: Conference added $160 million more than the Senate's request.

Function 300: National resources and environment

Conferees adopted the House funding levels for fiscal years 1983–86.

Superfund: House accepted the Senate's recommendation, which added $73 million in Budget Authority, and $23 million in Outlays, to Superfund in fiscal year 1984.

Water Resources: Conference adopted the House recommendation, which assumes an increase of $0.15 billion in Budget Authority and $0.05 billion in Outlays for Bureau of Reclamation and the Corps of Engineers appropriated accounts.

EPA construction grants and EPA operating: Conference accepted the House recommendations. This assumes a funding increase of $0.20 billion in Budget Authority and $0.15 billion in Outlays above fiscal year 1984 freeze level for EPA operations.

Funding for Remaining Function 300 Programs: Conference adopted a freeze on remaining Function 300 programs for fiscal year 1983, 1985 and 1986.

Function 350: Agriculture

Non-Reserve Account: CCC (Commodity Credit Corporation)—Conference added $100 million in Budget Authority and Outlays for fiscal year 1984, and $100 million in Outlays in fiscal year 1985 to the Senate baseline funding level.

Reserve Account: FmHA Loan Foreclosures—Conference added $250 million in Budget Authority and Outlays in fiscal year 1983, and $500 million in fiscal 1984;

ACIF (Agricultural Credit Insurance Fund)—Conference added $200 million in Budget Authority and Outlays in fiscal 1983, and $100 million in Budget Authority and Outlays, in fiscal year 1984.

Reconciliation Language: Conference adopted reconciliation language which says that should the 50 cent per hundredweight dairy assessment be finally adjudicated to be unconstitutional or unenforceable by the courts, the House Committee on Agriculture and the Senate Agriculture Committee shall report changes in laws rather than jurisdiction, within 30 days. Sufficient to reduce Outlays by $1.243 billion in fiscal year 1984, by $1.332 billion in fiscal year 1985, and by $1.327 billion in fiscal year 1986.

Function 370: Commerce and housing credit

Non-Reserve Account: Non-Profit Mail Subsidy—Conference added $60 million in Budget Authority to the Senate level of $760 million, for fiscal year 1984.

Reserve Account: Mortgage Foreclosure Relief—Conference added $760 million in Budget Authority, and $50 million in outlays in fiscal year 1983; $200 million in outlays in fiscal year 1984, $350 million in fiscal year 1985, and $160 million in fiscal year 1986.

Function 400: Transportation

The Conference Agreement includes Highway Transit and Airport Direct Spending (Contract Authority). Programs at the levels authorized by the Surface Transportation Assistance Act.

The Conference Agreement is $0.5 billion over current law for the Discretionary Programs. This is explained by two factors:

It is $0.3 billion over current law for the Federal Aviation Administration Facilities and Equipment Program. This program is funding the modernization and rebuilding the National Air Space System.

It is $0.2 billion over current law for the Urban Mass Transportation Administration. The Conference Agreement does not accept the Administration's proposal to phase out transit operating assistance but instead maintains operatings assistance at levels agreed to in the Surface Transportation Assistance Act. The $0.2 billion increase will be available for Transit Capital Programs such as New Rail Starts, Rail Modernization and Bus Replacement Programs.

On an overall basis, the conferees agreed to split the $0.6 billion difference increasing the Senate figure by $0.3 billion difference increasing the Senate figure by $0.3 billion and bringing the 1984 budget authority total to $20 billion.

Function 450: Community and Regional Development

Eonomic Development Administration (EDA) and Appalachian Regional Development Programs: Conference committee rejected House-proposed increase for EDA in fiscal year 1984. Agreement splits remaining difference between House and Senate proposals for EDA and ARDP. (Senate had proposed phase-out of both programs; House proposed $200 million increase for EDA and freeze at 1983 levels for Appalachian Regional Development programs.)

Community Development Block Grants (CDBGs): Conference commmittee agreement assumes that CDBGs will be continued at $3.5 billion through fiscal year 1986. Conference Committee rejected House proposal to continue $1.0 billion supplemental provided under 1983 Emergency Jobs bill for CDBG in fiscal year 1984.

Urban Development Action Grants (UDAG): Conference agreed to continue UDAG at 1983 levels ($440 million Budget Authority and $600 million in Outlays in fiscal year 1984).

Infrastructure: House proposed $75 million in Budget Authority in fiscal year 1984 and $5.0 billion in Budget Authority in fiscal year 1985 for new infrastructure initiative. House agreed to reduce funds for the initiative by half in fiscal year 1985 and fiscal year 1986, providing instead $2.5 billion in Budget Authority. Conference then agreed to place infrastructure initiative in reserve fund.

National Industrial Development Bank: House proposed $100 million for this initiative in fiscal year 1984. Conference agreed to reduce this funding by half and also place this initiative in reserve fund.

Function 500: Education, training, employment and social services

Education: In addition to the $1 billion added on the Senate floor by the Hollings Amendment, the Conferees split the remaining difference with the House and added $250 million for elementary and secondary education.

Job Training: The conference added $1.6 billion in BA and $0.5 billion in outlays, two-thirds of the House amount, to allow increased funding of the Job Training Partnership Act.

Social Services: added $0.6 billion BA, $0.4 billion Outlays, two-thirds of the House amount, to allow increased funding for Title XX, Child Welfare and other social services.

Function 550 and 570: Health

Medicare: Split the difference with House, $400 million in 1984, manager's statement precluding increased beneficiary cost sharing. Very similar to Baucus floor amendment.

Medicaid: House level, no savings assumed. $200 million in 1984 for new initiative for low-income pregnant women and for children, up from $49 million Cranston floor amendment.

Health Insurance for Unemployed: More than split the difference with House, $2 billion in 1984, up from $900 million Senate floor amendment. This is only health item in reserve fund.

Discretionary: Slight increase in 1984 from Senate level (+$100 million).

Function 600 and 650: Income security

Reduced BA by $5.1 billion below House resolution and .6 billion below Senate resolution by taking into account $2.9 billion in rescissions projected by both Appropriations Committees for low-income housing programs.

Rejected House's $1.3 billion in BA for new multifamily housing program.

Split difference with House on several programs where House had budgeted a modest amount more than the Senate: Child Nutrition, Energy Assistance, Public Housing Operating Subsidies.

Accepted House increases in WIC (.05 billion) and AFDC (.1 billion).

Adopted Senate position of moving all retirement and disability COLAs to January rather than House position of straight six-month delay. Ignored different positions regarding one-half COLA for under-62 retirees because budgetary impact of the provision does not appear until fiscal year 1987.

Rejected Senate's reconciliation of Child Support Enforcement savings (.04 billion) and of 20-week work requirement for unemployment benefits (.4 billion each in 1985 and 1986). Maintained UI savings in functional total, however.

Reserve: $1.5 billion to extend Federal Supplemental Compensation (for long-term jobless) into fiscal year 1984.

$450 million per year for increased food stamp funding.

Function 700: Veterans

Two-year funding for Emergency Job Training provided in Reserve Fund ($150 million each year).

Adopted Senate positions on Compensation COLAs: (a) 3.5 percent rather than 4.1 percent in April 1984; (b) subsequent COLA's in January rather than April.

Function 750: Administration of justice

Conference agreement adds $450 million in BA and Outlays to the baseline in fiscal year 1984 for strengthening law enforcement activities. Increase also provides sufficient funds for immigration enforcement legislation and a criminal justice assistance grant program.

Function 800: General government

Conference agreement provides additional $200 million in Budget Authority and Outlays for the Internal Revenue Service in fiscal year 1984 for enhanced tax collection.

Conference agreement provides baseline funding for the Federal Buildings Fund through fiscal year 1986.

Function 850: General purpose fiscal assistance

Conference agreement adds $450 million in Budget Authority and $338 million in Outlays for reauthorization of General Revenue Sharing in fiscal year 1984. (House had proposed $800 million increase for General Revenue Sharing in its resolution).

Function 920: Allowances

Conference substitute assumes a four percent civilian employee pay raise effective January, 1984, with 17 percent ($150 million) absorption.

Function 950: Undistributed offsetting receipts

Conference adopted the Senate-passed numbers for Function 950, but added $75 million in BA and Outlays to reflect the House's estimate for receipts for Surplus Property sales.

CREDIT BUDGET

FMA Mortgage Insurance: Conference added $5.0 billion in new primary loan guarantee commitments in each year to accommodate the additional FHA mortgage insurance authority included in the Senate reported fiscal year 1983 supplemental and fiscal year 1984 HUD-Independent Agencies appropriations bills.

INDUSTRIAL DEVELOPMENT BANK LOAN GUARANTEES

Conference adopted the Senate's recommendation that one-half of the House's primary loan guarantee commitments be assumed: $1 billion in fiscal year 1984 and $3 billion in fiscal year 1985.

Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I yield 3 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER (Mr. WILSON). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, in a very real sense I wish to address these remarks to my friend from New Hampshire who just left the seat of the President of the Senate and to other Members of my own party who voted for the budget resolution which was passed by the Senate.

The Senator from New Mexico pointed out that in conference with the House of Representatives the Senate came out with precisely the figure for new revenues which was passed by the Senate itself. The only differences were to push a few billion dollars of those new taxes forward into 1984 and 1985, but that change is not major. So the conference committee, led by the distinguished Senator from New Mexico, was entirely successful in attaining the Senate position in that respect.

Second, this conference committee came out with a figure for national defense which was precisely what every Member in this Chamber knew was going to be our aim. It was the goal of the figure for which we voted in the Senate, a 5-percent real increase.

Finally, as the Senator from New Mexico has pointed out, 91 percent of the differences in domestic spending, with the exception of the reserve funds, were decided in favor of the Senate position. It is hard to imagine a conference that went more favorably for the Senate position than did this one.

Therefore, there is no reason for any Member, Republican or Democratic, in this Chamber who voted for the resolution 2 or 3 weeks ago to vote against it at this point.

Other close friends, like the present occupant of the chair, who voted against the resolution as it left the Senate with some trepidation, based those votes to a certain degree on the fact that we would have to give up too much, that we were giving up on the Senate floor what we would be required to give up or might be appropriate to give up in conference with the House of Representatives.

I say to him and to others similarly situated we did not do so. We have now as a final resolution essentially the program which left the Senate.

The President loses no rights to veto domestic spending programs or tax programs as a result of the passage of this resolution. In fact, the President, will be in a far better position if this resolution passes than he will otherwise retaining all of those rights of veto. He will get reconciled savings as a result of this budget resolution which he cannot get and will not get if this resolution does not pass.

In other words, spending for domestic programs taken in toto will be less if this resolution passes and is enforced than if it is rejected and conservative Members of this body simply rely on the President's veto powers.

Finally, I am convinced that the defeat of this resolution, while giving the President no more than he will get otherwise and while probably resulting in more rather than less spending, will certainly result in far larger deficits than will be the case if this resolution passes and is enforced. Those larger deficits, in turn, clearly will threaten the recovery of the economy which is underway at the present time and more jobs for more Americans.

This budget resolution is a great tribute to the Senator from New Mexico, the Senator from Florida, and the Senator from Ohio who is in the Chamber at the present time. It is a responsible resolution. It gives us the best possible guarantee we have of continued economic recovery. It should be supported by those who voted for it before and it should be supported by many of those who opposed it when it went to the House of Representatives because they thought we would lose far more than we did in that conference.

I commend the budget resolution not as the best that could possibly be done but as the best that could be accomplished given the nature of Congress at the present time and the best for the economy and for the people of the United States of the alternatives we have before us at the present time.

Mr. DOMENICI. Mr. President, I understand that under the unanimous-consent agreement the Senator from Montana (Mr. MELCHER) has 10 minutes, and I do not intend to keep him long. I wonder if I could just yield myself 2 additional minutes and then I will be pleased to yield to the Senator.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 additional minutes.

Mr. DOMENICI. Mr. President, let me make one final point.

Much is said about economic growth. With some of the speculation that is around we could have dramatically increased the growth rate for the economy and significantly altered our economic and deficit for the better. We chose not to do that. We have adjusted them to conform to present day reality. Therefore, we raised the real growth rate for 1983 by about 0.7 percent and adjusted in 1984 for that increase. Unemployment is changed in 1983 to meet reality, and we carried this change through to 1984, 1985, and 1986.

But we have not assumed optimistic economic expectations in an effort to make the deficits disappear or to mitigate them. If we have better economic growth, we will have lower deficits, but we would still have large deficits. These deficits are not and cannot be assumed away.

Mr. President, I yield the floor at the present time.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, the budget conferees have been diligent and persistent in coming to an agreement within a reasonable amount of time. I am, however, very disappointed with the compromise figures for the international affairs function which sets spending limits for foreign aid.

I expressed my concern during our initial consideration of the budget that the Senate resolution did not restrain the rate of growth in foreign aid spending, which has doubled and surpassed growth in all domestic programs since 1979. Yet the final agreement merely splits the difference between the much too large Senate amount and the even higher House spending levels. It is discouraging, to say the least, to argue that the Senate figures on foreign aid are too high and then to see the figure increased beyond that by the healthy amount of $250 million.

Then that disappointment is compounded by the final form of the budget after conference committee action. In view of the fact that the proponents of the Senate Budget Committee's figures defended those amounts as being sufficient to meet our international obligations and particularly our military-related obligations to our allies, the Senate was assured that the amount at least would not be increased in conference. As far as I am able to ascertain, we are not necessarily getting any more for this additional amount of money, $250 million, since our original target already fulfilled even additional amounts that we would commit to our partners in the Middle East peace accords.

The budget deficits in the conference report, although somewhat reduced, are large enough that they will continue to exert a drag on our fledgling economic recovery. Domestic programs have been cut several times over the last 2 years, and yet the savings achieved through these cuts are insufficient to address the problem of steadily rising deficits. It consequently makes little sense to justify this increase in foreign assistance when we are going to have to borrow this money in order to send it abroad.

It makes even less sense when you realize that the American people have strong doubts about the wisdom of our foreign aid programs. They question whether we have our priorities in order when domestic programs suffer spending reductions and subsequent reduction in the services they are able

to provide, yet foreign aid spending suffers little restraint at all, and continues to grow.

The failure to exercise fairmindedness in setting priorities between domestic and foreign aid spending is a major flaw in an otherwise carefully fashioned budget compromise.

Mr. President, there is another matter that I think I would like to address the Senate on, draw the attention of Senators to, and that is a discussion about the so-called entitlement programs. You judge what you hear from your friends and neighbors, and, if you read your mail, you must determine that there is a great number of comments on how much the entitlement programs contribute to the Federal deficits.

I quite often get the impression that I must be lacking in knowledge of the rapid growth in the entitlement programs, and so I asked the Congressional Budget Office to prepare for me a list of the entitlement programs.

Using 1983, the current year, as a base year, it projects what the budget figures will be for 1984, 1985, and 1986.

I think there is a lot of confusion as to just what an entitlement program is, and I am going to read the major ones.

They are social security, medicare and medicaid, farm price supports, guaranteed student loans, social services, unemployment benefits, railroad retirement, Federal civilian employee retirement and disability, child nutrition, food stamps, supplemental security income, public assistance; veterans pensions, compensation, and readjustment benefits; general revenue sharing, and others. The others are a very small percent totaling less than 2 percent. Those I read off are 98 percent of the so-called entitlement programs.

I am going to submit this table for the RECORD, and I ask unanimous consent, Mr. President, to have it printed.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

(These figures are recomputed from the baseline budget projections released in February 1983. The recalculations assume a Consumer Price Index of 3.5 percent during 1983.)

CONFERENCE AGREEMENT ON THE FIRST CONCURRENT BUDGET RESOLUTION FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING

[By fiscal year, in billions of dollars]

	1983 base	Projections		
		1984	1985	1986
Social security:				
Outlays	$168.0	$173.0	$184.0	$196.0
Receipts	148.5	166.4	185.2	201.2
Net	19.5	6.6	−1.2	−5.2
Medicare and medicaid:				
Outlays	76.0	86.0	98.0	108.0
Receipts	40.3	44.7	49.8	57.0
Net	35.7	41.3	48.2	51.0
Farm price supports	18.0	8.0	9.0	10.0

CONFERENCE AGREEMENT ON THE FIRST CONCURRENT BUDGET RESOLUTION FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING—Continued

[By fiscal year, in billions of dollars]

	1983 base	Projections		
		1984	1985	1986
Guaranteed student loans	2.0	2.0	2.0	2.0
Social services	4.0	4.0	4.0	4.0
Unemployment benefits	33.0	24.0	22.0	22.0
Railroad retirement	6.0	6.0	6.0	6.0
Federal civilian employee retirement and disability	22.0	22.0	24.0	25.0
Child nutrition	3.0	4.0	4.0	4.0
Food stamps	12.0	11.0	11.0	12.0
Supplemental security income	9.0	8.0	9.0	9.0
Public assistance	8.0	8.0	8.0	8.0
Veterans' pensions, compensation, and readjustment benefits	17.0	15.0	15.0	15.0
General revenue sharing	5.0	5.0	5.0	5.0
Other	5.0	11.0	10.0	10.0
Total	386.0	387.0	411.0	437.0

Source: Congressional Budget Office. Details may not add due to rounding.

Mr. MELCHER. Mr. President, what the table shows is that after social security has been rescued by increasing the taxes that go into the fund and reducing somewhat some of the outlays, that we end up with a net gain in receipts over outlays in fiscal 1985 and 1986.

Medicare and medicaid are principal problems and they constitute $40 billion in shortfall, in 1984, almost $50 billion in 1985, and $51 billion in 1986. That indicates that those particular entitlement programs are indeed in trouble and deserve our attention.

I think all too few of the public realize that farm price supports and guaranteed student loans and railroad retirement and general revenue sharing, along with other programs, are all part of these so-called entitlement programs. They are not growing rapidly, and while the table shows how fast they are growing, it is some relief to me to find out that the growth, less the increase in the receipts from social security, that that increase in growth will be somewhere around 10 percent.

We can do better than that, we should do better than that, if we make corrections for medicare and medicaid and I trust we are all resolved to do that.

But everybody in this country is probably touched one way or another by these entitlement programs. So if we are going to foist all of the wrongs about Federal deficits just on the growth of the entitlement programs we are missing the mark. That is not the case. The great growth in the deficit and great growth in spending are the results of several different items. But the deficit increase is the result of too much spending, too high interest rates, and the economic downturn, and the lack of receipts in the Treasury from this recession we are suffering through and, hopefully, we can see some light in recovery and in the events of the past several months and, perhaps, see some readjustments of that.

We at least can hope. We have our work cut out for us. To avoid the issue, the true issue, of increased spending—I mentioned foreign aid, and I can also mention defense spending that has grown very rapidly—to avoid those facts and say our problems are just locked up with entitlement programs would be a serious mistake on the part of the Members of Congress, the House and Senate both, and certainly are misleading to the public.

It is a broader problem than that, and we had better face the issues squarely with the facts.

Mr. DOMENICI. I will yield to the Senator from Mississippi——

Mr. STENNIS. Mr. President, will the Senator yield 1 minute?

Mr. DOMENICI. I will be pleased to yield 1 minute to the distinguished senior Senator from Mississippi.

Mr. STENNIS. I want to highly commend the distinguished Senator from New Mexico (Mr. DOMENICI), the Senator from Florida (Mr. CHILES) and the Senator from Ohio (Mr. METZENBAUM), and other members of the Budget Committee for the monumental piece of work they have done on a very difficult assignment. I am sorry I did not get to the floor in time to hear the speeches of the two leaders of the committee.

Mr. President, I had considered the matter of not voting for this budget resolution conference report because of the high deficit, but I think the committee has done everything that could be done to meet the situation.

We must have a budget resolution. It would be an admission, if we cannot have it—it could well be said—that we are incapable of producing a budget resolution if we do not have one of some kind. Let the people of the country be assured that this Congress has tried and that our committee members have given leadership.

This resolution is not just what our committee wanted, or what we wanted, but it will serve a purpose and we will try to do better in future years.

I am very glad to say I will support this resolution, and I hope it will pass. This is the best we can do now.

I thank the Senator for yielding me this time.

Mr. DOMENICI. I thank the Senator and I am most appreciative of his support.

I think the Senator from Kansas has time reserved for an amendment and I would be pleased to yield at this point.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1435

(Purpose: To modify the revenue reconciliation instruction)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I ask my colleagues if I could have their attention, particularly my colleague from Louisi-

ana, so I can interest him in this amendment, if possible.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1435.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 3(a) on line 2 insert after "through (e)" the following: "(except for the committee described in subsecton (b)(1))".

In section 3(a) on line 5 insert after "through (l)" the following: "(except for the committee described in subsection (l)(2))".

Strike subsection 3(b)(2) and insert in lieu thereof the following:

"The Senate Committee on Finance shall report by September 15, 1983, changes in laws within the jurisdiction of that committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986".

Strike subsection 3(l)(2) and insert in lieu thereof the following:

"The House Committee on Ways and Means shall report by September 15, 1983, changes in laws within the jurisdiction of that Committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986".

Mr. DOLE. Mr. President, I think there are 10 minutes for each side on the amendment. I do not think I will need more than that time, but I want to explain to my colleagues what the amendment does.

I have reduced the reconciled revenue numbers, from $73 billion to $59 billion, which is the President's number, and it is also an aggregate number. I know the distinguished Senator from New Mexico was telling me that even though they had specific numbers in other years, only the aggregate number would be binding.

In addition, I changed the reporting date from July 22, which, in my view, is impossible, to September 15, which is more realistic. We have been waiting for months and months for the budget resolution. We are going to have a recess for about 10 or 12 days in July, and then we are told to come back from the Finance Committee with $73 billion in new taxes in just 2 weeks.

So I have offered this amendment to give us adequate time, plus I have inserted the President's numbers on the revenue side. I believe between now and September 15 we are going to have a better fix on whether or not we are getting any spending reduction, and whether or not the appropriation bills are going to bring about savings. If not, the President can veto those bills.

I am convinced that if we adopt this amendment there might be a fighting chance to achieve the deficit reductions that the Budget Committee is trying to do. I commend members of the Budget Committee on both sides. But what they do, if they pass this budget resolution, is to give this dead cat to the Finance Committee; 86 percent of this package comes to the Finance Committee—86 percent.

So it is one thing to vote on just numbers, but it is quite another thing to vote on the real thing. And the real thing you are asking us to do is raise taxes $73 billion and make very little spending reduction. What the Senator from Kansas suggests is that we reduce that to the President's number and let us make it an aggregate number. Then we could make it contingent on achieving spending reduction. Then we are talking about real deficit reduction if we couple that with $59 billion in revenue.

Mr. LONG. Will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Is it not true that the last time we had a balanced budget was at a time when the Congress voted a big tax increase and there was a 10-percent surtax, but it went along with a requirement that there be very drastic cuts in spending? So it was both a major spending cut, plus the surtax that got us a balanced budget. That is the last time we ever had one.

Mr. DOLE. The Senator is correct.

Mr. LONG. But is it not also true that to try to pass a tax increase of those kinds of numbers without the support of the President of the United States is just ridiculous to even talk about?

Mr. DOLE. That is the view of this Senator. The Senator from Louisiana knows we had the Secretary of the Treasury before our committee this morning and he indicated they would stick with their numbers if, in fact, they were aggregate numbers, and we did not require $12 billion in 1984 and $15 billion in 1985. There is another caveat—if we had some spending reductions.

I believe my amendment would not only satisfy the President but encourage him to support the process. Then we could get some spending reductions, coupled with a revenue increase. I think it is going to take a combination.

But let us face it, as I said, 86 percent of this package comes to our committee and only 3 percent is savings reduction. There is $73 billion in new taxes and $1.7 billion in savings in our committee. That is a ratio of almost 40 to 1. Now, that is not a very good mix.

I hope we might accept this amendment, send it back to the House and let them vote on it, and then allow the Finance Committee some time to report out the revenue package. If we design a package that is going to mean spending reductions and lower those revenue numbers to the President's request, then we might have the President on board. He is on board indirectly, because he is on record supporting the $59 billion. So I hope that the amendment might be adopted. It is not offered to kill the budget resolution. It is offered, I think, as an effort to salvage the budget resolution.

There is no doubt in my mind that the chairman of the Ways and Means Committee would like to have a few more days beyond July 22 to work on a package. We are going to be in recess from July 1 to July 16, and that recess starts next Thursday. We have been trying to prepare ourselves in the committee. We have had hearings almost every day on preferences, on tax compliance, on the health insurance cap, and every other conceivable area where we might raise revenue.

So, Mr. President, this is a serious amendment. It is not designed to obstruct the Budget Committee. We have been hearing budget talk for months, and it is a tough job. The chairman and the distinguished ranking member have done an outstanding job. But now they want to transfer responsibility to the Finance Committee. We are willing to take our share, and our share is 86 percent. We are trying to reduce that a little bit, to about 60 percent, and also include some savings reductions. That is the sole purpose of the amendment. I hope we might adopt it.

Mr. NICKLES. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. NICKLES. Mr. President, if I remember, when the President called for the contingency taxes, he said if and only if we made budgetary constraints as called for by his budget recommendations. Is it the Senator's opinion that this budget does that on the spending side?

Mr. DOLE. Not yet. But it is my opinion we could design the tax so we could do that.

Just to give you one example. In this resolution we are only asked to reduce the growth of medicare over 3 years by $1.7 billion. We believe we can exceed that by three or four times in our committee. We are trying to do that. I believe there are other areas, such as in agriculture and other areas where we can save billions of dollars.

What we are trying to do is accept responsibility on the revenue side if the spending side is addressed.

We can design the tax so it does not take effect until there have been some changes on the spending side. I know some do not want any taxes. But how many want $200 billion deficits? How many want rising interest rates?

I do not think we can hide from the deficit. It is there. It is growing bigger. But I do not believe we should work the revenue side alone. In my view we could have a balanced package if this amendment is adopted. I think the

House would adopt it and then we would be in business. We could design a package in our committee with spending reduction, followed with some revenue changes to achieve a deficit reduction that would have a marked impact on interest rates and help sustain the recovery.

I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, how much time does the Senator from Kansas have remaining?

The PRESIDING OFFICER. There are 2½ minutes remaining to the Senator from Kansas.

Mr. DOMENICI. I am going to take 1 minute when the Senator finishes. Does the Senator want me to take it now?

Mr. DOLE. The Senator can take the minute, then let me finish.

Mr. DOMENICI. I think this is a serious amendment. I do not oppose it because I think it is not serious. I have talked at length with the Senator from Kansas about it, but I want the Senator to know that we have tried this very same approach several times before. There were simply not enough votes for it. I tried it in the committee. There were not enough votes for it there either.

I hope the Senator is not indicating here that the Secretary of the Treasury has testified that he supports $59 billion in reconciled taxes. He does not. Had we received word that the administration supported $59 billion in reconciled revenue, I guarantee you we would have reported that proposal out of committee. It would have been in the original resolution.

I do not believe the President supports $59 billion in reconciled revenues as described by the Senator from Kansas. Furthermore, I believe, in all sincerity, that if we modify the budget at this late date, we are not going to get one. I hope the distinguished Senator will understand my opposition to it. I do not really think there is that much difference in economic impact between the amendment that the Senator from Kansas supports and the reconciled revenue increases in this conference agreement, and I hope we defeat this amendment.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. DOLE. Mr. President, the only difference is rather significant. The President of the United States has indicated he supports this much of a revenue increase. I am here to suggest and to pledge to Senators on both sides of the aisle that there will not be this much of a revenue increase, even the $59 billion coming out of our committee, unless we have significant spending reductions.

I just say to my friends on the Budget Committee that I believe we have demonstrated in the Finance Committee that we are willing to make tough choices. We did it last year in raising $100 billion in revenues. We are not going to shrink from our responsibility. But do not send us a budget resolution and ask us to raise $73 billion in taxes and only cut spending $1.7 billion. That is a ratio, as I said, of almost 40 to 1, and that is not a balanced approach.

So it is not that we come here not having done anything on the revenue side.

Mr. President, I say to my good friend, the chairman of the Budget Committee, they have done an outstanding job, but please do not make it impossible for the authorizing committees.

Eleven members of the Senate Finance Committee voted against the $73 billion tax increase in the first budget resolution. Now you are asking those 11 to change their mind? If 11 out of 20 cannot vote for $73 billion on the first budget resolution there is no reason they will vote for a legislative package. It means we cannot raise any revenue.

So I hope we can adopt this rather significant change and then proceed with the budget resolution.

Mr. DOMENICI. I yield back the remainder of my time on the Dole amendment. I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. All time has expired.

The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. GRASSLEY), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. PRESSLER) and the Senator from Wyoming (Mr. SIMPSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. MURKOWSKI) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. DANFORTH). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 41, nays 51, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—41

Abdnor	Cochran	Durenberger
Armstrong	Cohen	East
Baker	D'Amato	Exon
Baucus	Denton	Garn
Boren	Dole	Hatch
Hawkins	Lugar	Specter
Hecht	Mattingly	Symms
Heinz	McClure	Thurmond
Helms	Melcher	Trible
Humphrey	Nickles	Wallop
Jepsen	Nunn	Warner
Kasten	Quayle	Wilson
Laxalt	Roth	Zorinsky
Long	Rudman	

NAYS—51

Andrews	Eagleton	Matsunaga
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Goldwater	Moynihan
Boschwitz	Gorton	Packwood
Bradley	Hatfield	Pell
Bumpers	Heflin	Proxmire
Burdick	Huddleston	Pryor
Byrd	Inouye	Randolph
Chafee	Jackson	Riegle
Chiles	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Tower
Domenici	Mathias	Weicker

NOT VOTING—8

Grassley	Murkowski	Simpson
Hart	Percy	Tsongas
Hollings	Pressler	

So Mr. DOLE's amendment (No. 1435) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, unfortunately I could not be present for the vote on the Dole amendment. I did not plan it that way. It is just the way events happen sometimes. Because of the landmark decision of the Supreme Court with regard to the legislative veto, and as chairman of the Subcommittee on Administrative Practices and Procedures, I was asked to appear on a special BBC news program to discuss the decision. Consequently I was downtown in the BBC studios during the vote.

I would like the RECORD to reflect that had I been present I would have cast my vote yes.

The Dole amendment is a realistic one in that it reflects the sentiment of the Finance Committee which must deal with 88 percent of the reconciliation instructions contained in this resolution. It would also provide a great degree of flexibility in the way the committee contributes to a lower deficit. And to the degree to which this amendment lowers the tax-increase totals in the budget resolution, the Dole amendment is worthy of this body's support.

Mr. HATCH. Mr. President, I cannot support the House-Senate conference agreement on the fiscal 1984 budget. It is a perfect example of the tax and spend budgets which have caused so much damage to our economy. It is a perfect example of the failure of the budget process to control spending. How did we arrive at such an unacceptable budget?

The Congress began with the House budget, with TIP O'NEILL's budget. The House budget raised taxes massively, by $141 billion in 3 years. It drastically pruned our national defense effort to a meager 2.3 percent growth in fiscal 1984. And it proposed to spend lots more of the taxpayer's hard-earned money. It added so much spending that in 5 years it would have eliminated all but a scant 3 percent of the savings achieved in social welfare programs over the last 2 years.

Next came the Senate Democrats' budget. It went some of the way toward TIP O'NEILL's budget. It raised $73 billion in new taxes in 3 years. It trimmed our national defense effort to 6 percent growth in 1984. And it included about $12 billion more in domestic spending than the President's budget requested.

Then we proceeded to conference. And what did we get?

From the House-Senate conference we received a budget about halfway between the undesirable Senate Democrats' budget and the even more undesirable TIP O'NEILL budget from the House. This budget tells us to enact the Senate's $73 billion in new taxes over 3 years, but at an even faster pace than the Senate budget had proposed. Defense spending in 1984 was whittled down to 5 percent, which is half of what the President requested. Over the next 3 years, defense spending would be cut below even that requested in the last Carter budget—and no one ever called Jimmy Carter a hawk. And anywhere from $15 billion to $23 billion in new spending programs, depending on how we treat the reserve fund, were authorized. Thus, this budget once again does nothing to control the explosive growth of open-ended Federal spending programs. This splendid package is tied up with a nice red ribbon of at least a $170 billion deficit.

What is wrong with such a budget? Why is it insupportable?

Until the last few decades, Federal budget policy had been to balance the budget whenever possible as an essential element of sound fiscal policy. But then came the New Deal, and with it came the endorsement of deficit spending which liberals wholeheartedly supported. Additional Government spending and unbalanced budgets were necessary, so we were told, to provide the seed of economic expansion, recovery, and growth. More recently, deficit spending, and the concomitant expansion of Government, has been supported by the same crew in the name of stabilizing the economy and the business cycle. More Government spending was supposed to stimulate demand. This approach was justified by Keynesian economic theory's claim that flaws in the macroeconomic mechanics produced times when an artificially stimulated demand was the only means to economic recovery and growth.

Regrettably, however, after several decades of experience with such budgets, with stimulative deficits and demand management, we should have learned that we have stimulated little other than the growth in the Federal Government. We certainly have not stimulated the natural demand that will produce the healthy, long-term, noninflationary economic growth which would be beneficial to all our citizens.

Thus, today's budgetary crisis is not new. It has been building for a long time. Several decades of massive Federal spending and the resultant burgeoning deficits have burdened our economy with too much government. This spending has created insistent special interest pressure groups in favor of ever more government. We have probably gone too far in creating and ecouraging these groups, making promises we cannot keep. We have certainly gone too far in satisfying these groups with programs which grow faster than the economy which is expected to support them.

We should have learned that budgets which produce more government are disasterous. We should have learned that the more government there is, the worse it is for the economy. A comparison of the 1950's with the 1970's shows how much worse off we are today with more government.

During the 1950's, inflation averaged 2.1 percent per year. During the 1970's this inflation rate tripled. We should note that, in the 1970's, government took advantage of the increased tax revenues that came from higher inflation, forcing taxpayers into higher tax brackets. With the high inflation of the 1970's, this bracket creep forced taxpayers to hand over approximately an extra $127 billion in Federal income taxes.

Or, take what has happened to the prime interest rate with more government: The prime rate averaged 3.3 percent in the 1950's. Over the last 10 years the average prime rate was 8.6 percent, more than double the average in the 1950's.

Or, take unemployment: In the 1950's, it averaged 4.6 percent. As the Federal Government increased its attempts to regulate the economy over the last two decades by deficit spending, we have experienced worsening unemployment. Over the last 10 years unemployment has averaged 6.6 percent, practically 50 percent higher than in the 1950's. The unfortunate trend is for each recession to push the unemployment rate to a new, higher level. The level that we have accepted as each cycle of recession fades has been progressively higher. This should not, and need not, be the case if we get rid of excessive government, of excessive governmental spending.

Or, look at what has happened to productivity with more government: During the 1950's, productivity increased, on the average, 3.25 percent per year. After 20 years of government spending, productivity was cut in half.

Even if Congress adopted all of the spending restraints that the President's budget requested, Federal spending in 1984 would still be excessive. It would still consume a larger bite of our economy than at any time since the Second World War. The Federal budget ate a fifth of the Nation's product in the Carter years. It now consumes more than a quarter. Government at all levels—Federal, State, and local—eats up more than one-third of our Nation's total product. That's a pretty hefty bite.

Government has thus come to constitute a larger and larger proportion of our lives. But that has not been beneficial and productive, contrary to the claims of those who for so long touted stimulative deficits. Deficits, particularly deficits of the massive size we are now experiencing, are, in fact, counterproductive.

According to those who support the conference agreement budget, current and projected future deficits necessitate deep cuts in defense spending and enhanced revenues—a euphemism for more taxes. The Reagan administration's 1981 tax cuts and indexing proposals and its increased spending to protect our national security are blamed for these deficits. That is absolute nonsense.

The deficits are the accumulated results of years of fiscal mismanagement, of attempts to manipulate the economy and the business cycle, and the disarray this has caused. The current and projected deficits are the results of these past erroneous policies.

They emphatically are not the result of the Reagan tax-rate reductions. Those reductions did not even begin to be implemented until well after implementation of the Congressional Budget Act, by which time deficits and economic problems were well under way. The Reagan tax cuts only reduced the burden of taxes on the economy and on the American taxpayer. With them, the rate declined from its historic high of 20.1 percent of GNP at the end of the Carter administration and returned to its traditional level of approximately 18.5 percent by fiscal year 1983.

In 1980, total Federal spending equaled 23 percent of GNP, but, even with the Reagan administration's attempts to restrain it, Federal spending is estimated to climb to a whopping 25.7 percent of GNP by the end of 1983. Thus, all that the Reagan across-the-board tax rate reductions and indexing, when fully implemented, would do is unmask, and attempt to

constrain, the accelerating growth in Federal spending.

The American taxpayer well deserves to retain the benefits of the Economic Recovery Tax Act of 1981. I would remind my friends who are so eager to raise taxes that repealing or capping the third year would hit hardest at middle- and lower-income Americans.

Households making between $10,000 and $50,000 a year currently pay about two-thirds of all income taxes. These households will get about 70 percent of the benefits of the 1983 tax cut. If this cut were eliminated, these low- to moderate-income families would be hit with a tax increase of between $31 and $838 in the first year of repeal alone.

Capping the amount receivable from the third year's reduction at $700 would steepen the progressive character of middle income tax rates. That would further harm those taxpayers who have already suffered the most from inflation-induced bracket creep.

Similarly, especially the lower- to middle-income American taxpayer deserves tax indexing. Without indexing, a taxpayer whose wages rise simply to adjust for general price-level inflation is driven into a higher tax bracket. This is particularly the case at lower levels of income, where the tax brackets are closer together. Each additional point of inflation increase has meant additional revenue increases of 1.6 percent via this bracket creep. Thus, without indexing, the average taxpayer receiving a salary increase to compensate for inflation does not retain the same after-tax real income. He is worse off despite his new salary.

As these Reagan tax-rate reductions and indexing proposals are not responsible for our huge, and growing, deficits, neither can the recent increases in defense spending be blamed. They are not the cause of the overall increase in Government spending and the resultant burgeoning Federal deficits.

In 1962, national defense spending constituted 46 percent of all Federal spending. By 1983, it will have declined to about 26 percent. Even if the President gets all that his budget requested, defense spending will equal only 29 percent of all Federal spending.

I say once again that the increases we now need in defense spending are vitally necessary to repair years of inexcusable budgetary neglect. We must never forget that if we do not provide adequately for our national security, we will lose all of the liberties and benefits of American citizenship.

I repeat, securing our national defense and lessening the burden of taxation are not the culprits. They are not the chief cause of big deficits and harm to our economy. The Federal Government must spend, for example, to protect our national defense or for some national law enforcement purposes. However, in numerous instances, Federal spending is excessive and wasteful. It is often an attempt to buy votes by catering to special-interest domestic constituencies. It is often counterproductive in competing with private spending. This excessive Federal spending is what causes big deficits and burdens our economy by crowding out more productive private spending.

In the private sector, there are incentives to be efficient and there are none of the vast and costly mechanisms for redistributing income and subsidizing consumption which characterize Government programs. The wasteful Government programs competing with the private sector are a burden on our economy, and it is a burden that is continuing to grow. In 1979, Federal spending constituted almost 22 percent of GNP. Even with the Reagan administration's attempts to restrain the growth in Government spending, it is estimated that Federal spending will constitute over 25 percent of GNP in fiscal 1983. This is too much of a burden for our economy to bear; it must be diminished for our Nation to return to economic health.

I stress again that only by reducing excessive, nonproductive Federal spending will we reduce deficits. Raising taxes, contrary to the claims of those who support the conference agreement's budget, is worthless in reducing deficits.

Higher taxes have failed to balance the budget in the past, and there is no reason to think they will in the future. Raising taxes encourages more spending, not deficit reduction.

Look at the record: Between fiscal 1977 and 1982, total accumulated taxes reached almost $820 billion. But spending increased even more. It rose $900 billion. During this time, the Government ran up deficits of nearly $550 billion. Congress did not balance the budget with more revenues, they just spent more—and increased deficits. There is no reason to doubt that precisely the same thing—more spending—will happen once again.

Thus, the battle of the budget remains. In the years ahead we must meet the challenge: We must reduce the deficit and learn once again to live within our national means. We absolutely must reduce the excessive domestic Federal spending which currently burdens our economy.

If we continue this administration's policy to encourage working, saving, and investing, if we continue to cut Government spending and refuse to raise taxes once again, our economy will recover and the deficits will take care of themselves.

The House-Senate conference agreement's budget does not do this. It must be rejected.

Mr. CHAFEE. Mr. President, I support the conference report and I commend the chairman of the Budget Committee and the conferees.

I believe that the central issue before us is the need to reduce deficits in order to insure lasting economic growth and jobs. This budget resolution does reduce deficits; it does assure financial markets that there is a will in this Congress to reduce the huge demand of Government debt on private capital markets. It assures that as the expansion continues, there will be adequate funds at reasonable interest rate to fuel continued growth.

Furthermore this resolution calls for lower deficits than the President's budget as revised in April would have entailed. The resolution envisages a 3-year total deficit of $471.2 billion; the President's revised budget deficit would total $513 billion over the same period.

Now there are some who claim that this resolution is deficient because it achieves deficit reduction through revenue increases rather than through spending cuts. In fact the resolution calls for less spending than does the President's budget request. As the chairman has pointed out, the conference resolution provides total outlays of $2.719 trillion over the next 3 fiscal years, but the President's request called for $2.724 trillion—$5 billion higher than the conference agreement.

I am constrained to point out that relying on spending cuts alone to reduce deficits is futile. The votes do not exist in this or the other body to implement this strategy. The Hatch substitute to the budget resolution won only 23 votes, Hollings substitute only 16. To argue that the correct way to reduce deficits is through draconian spending cuts that simply cannot be enacted is, in my view sophistry. To borrow a phrase, it is voodoo budget policy.

I regret that the effort to pass this budget has been so difficult. I believe that the President has an important stake in strengthening the congressional budget process. His own program of spending cuts and tax cuts could not have been enacted in 1981 without the reconciliation procedures provided by the budget process.

Mr. MATTINGLY. Mr. President, I rise to vote against the conference report on House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984.

Before doing so, however, I would like to make a few comments concerning the so-called budget compromise.

If I had to title the document containing the compromise budget resolution, I would do so in the following fashion—"Congress Reverts to its Old Ways: Tax and Tax, Spend and Spend." Mr. President, the compro-

mise budget resolution recently worked out by the House and Senate conferees is a slap in the face to the American taxpayer. As one administration official labeled the budget compromise, it is a return to "Americans make, government takes." The resolution sacrifices the basic principles of good management, good budgeting, and faith in the free enterprise system.

The passage of this budget compromise would be a travesty for the following reasons:

First, this budget compromise does not control spending. In fact, that is an understatement, for outlays of $807 billion in fiscal year 1983 are increased to $962 billion in fiscal year 1986. Such, however, does not include another $8.5 billion which is in a contingent fund for so-called recession relief programs, although the economic recovery is underway. As the President recently described the budget compromise, it appears Congress is "running up the white flag on controlling domestic spending." To combat the irresponsible action of Congress, President Reagan has promised to veto each and every budget-busting appropriations bill. I pledge my support to the President in this regard and will vote to sustain each and every budget-busting appropriations bill which is vetoed.

Mr. President, I am afraid that what has taken place in the last few years is that Congress has become a bunch of reckless spenders. Until Congress comes to grips with its spending habit and examines the spending side of the ledger, adverse economic consequences will follow. In other words, Congress must eventually learn to say "no."

Second, tax increases are generally bad medicine for the economy and specifically, a threat to the emerging recovery. Nevertheless, in the wake of an economic recovery, the compromise budget resolution calls for increasing revenues over the next 3 years by $73 billion. Raising taxes at the beginning of economic recovery is counterproductive, senseless, and irresponsible. For the past decade, Congress has attempted to balance the budget by raising taxes. However, as history has shown us, every dollar which comes into the Federal Government, and then some, continues to be spent. It does not take a mathematical genius to calculate that by raising $73 billion in taxes while at the same time increasing spending by over $155 billion, the deficit will increase. Again, Congress must examine the spending side of the ledger if it ever hopes to balance the Federal budget and witness sustained economic growth.

Finally, I am opposed to the budget compromise because I strongly believe that no budget is better than a bad budget. Make no mistake about it, this budget compromise represents a bad budget. I fail to understand why a budget process which has failed so miserably since its inception should be so sacrosanct. Many will argue that the responsible vote would be to support the compromise budget resolution in an effort to preserve the budget process. I disagree.

Mr. President, I cast my vote against House Concurrent Resolution 91, a budget resolution which does not control spending and raises taxes as the recovery begins and will result in a retardation of economic growth, a poor environment for savings and investment, and thus less job creation.

Mr. BAKER. Mr. President, our colleague, Senator PERCY, is not here today and will not be able to vote on the budget conference report before us. I understand Senator PERCY has been in Illinois at several meetings with President Reagan and was unable to get back in time for this vote which was just scheduled late this afternoon.

Senator PERCY has asked that I insert in the RECORD a brief statement he has transmitted from Chicago on the budget vote today, explaining how he would have voted had he been here.

Mr. President, I ask unanimous consent that Senator PERCY's statement on the budget conference be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. PERCY. Mr. President, I am unable to be in Washington today to vote on the conference report on the budget earlier today. I accompanied President Reagan to several meetings and speeches in Chicago. Unfortunately, when I learned of the scheduling of this vote, it was too late for me to return to Washington in time. Before leaving Washington this morning I was told that initial plans had been to hold this vote until Monday and I regret that I cannot get back in time to vote today.

Had I been able to vote on the budget conference, I would have cast my vote against it.

I supported the budget originally passed by the Senate only after it proved impossible to pass the Baker-Domenici version. The budget adopted by the conference committee goes even further in what I consider to be the wrong direction. I cannot support it.

The budget that has come back from conference raises the allowance for tax increases beyond the Senate levels. As I made clear in my remarks when the Senate passed its version of the budget, taxes are too high on the average American and proposals to raise taxes—by repealing indexing or rescinding the third part of the individual tax cut—are wrong.

The budget conference report would surely lead Congress toward significant tax increases and I cannot support that step.

In addition, the budget conference report establishes a "contingency fund" that flies in the face of the budget process itself. One of the purposes of the budget resolution is to set out national priorities and guidelines for committees. The contingency fund avoids this priority-setting regimen and is an unwise step for Congress to take. If we cannot agree to fund certain programs through the consideration of the budget, we should not try a backdoor approach through this highly unusual contingency fund.

The budget conference also does not emphasize enough on the spending cut side. Under the reconciliation provisions of the budget, only 17 cents would be cut for every dollar of new taxes raised. That is a trade-off I cannot support. Reconciliation should not become merely a vehicle for tax increases.

I think the budget conferees can come back with a lower tax budget without the contingency plans. I hope that the Senate will reject this budget so we can draft a new one that will not sanction continuing huge rises in entitlement programs and rising tax rates that could choke off the recovery.●

Mr. BYRD. Mr. President, I intend to vote for this Budget Resolution Conference Agreement, despite the fact that I believe it in many respects to be deeply flawed. I do so because the country desperately needs a budget that will chart a course for reducing the budget deficits which are the legacy of the economic and fiscal policies of the last 2½ years. Unless we are willing to put aside partisanship and join together in passing a compromise budget, these deficits will overwhelm us all and abort the economic recovery that is finally underway after nearly 2 years of deep recession.

The White House is campaigning hard against this conference agreement. Apparently, the word "compromise" is not a part of the President's lexicon, at least when it comes to the budget. But here in the Senate, we have a long and proud tradition of bipartisan debate and compromise. That tradition governed the early years of the budget process, and was essential to its acceptance and success. In recent years, that bipartisan spirit has been largely missing—and both the budget process and the budgets it produced have suffered markedly from its absence.

The conference agreement before us tonight represents a return of bipartisanship to the budget process. It is a victory for compromise and moderation. It is a victory, as well, for the country, which sorely needs the fiscal discipline which it represents.

Let us make no mistake about what is at stake here tonight. It is the very future of the budget process. What is at stake is the ability of this Con-

gress—and future Congresses—to effectively and responsibly exercise our constitutional power of the purse.

The budget process, despite its manifold problems and frustrations, has served the Congress and the Nation well. It has never been more important than it is today. I hope that all of us here tonight will put aside our partisan concerns and vote for this budget compromise.

Mr. KASTEN. Mr. President, I rise in opposition to the budget resolution before us here today. I voted against the Senate passed version of the budget a few weeks ago—and with all due respect to the distinguished Senator from New Mexico—I find that I must vote against this final version of the budget resolution.

My reasons for doing so have remained the same. The Senate-passed budget had too many spending and tax increases. The House-Senate conference has only added more spending and tax increases. This is bad policy. And this is bad politics.

In 1980, President Reagan and many of us in this Chamber today promised to get taxes and spending down—and keep them down. This is the only way we can restore the incentives to work, save, invest, and produce our way to economic strength.

If this conference report is adopted, the promise we made in 1980 will be short lived. This budget will mandate that $73 billion in new taxes be raised over the next 3 years. It also allows for deficits of $208 billion in fiscal year 1983 and $179 billion in fiscal year 1984. The deficits do decline over the next few years, but they never get below $130 billion.

It's amazing that in the year we had planned to balance the Federal budget, 1984, its proposal calls for a deficit of $180 billion. A $180 billion deficit proves that our system is one of checks and balances. When the budget doesn't balance, they post date the checks.

Mr. President, that's exactly what we'd be doing if we approved this budget resolution. Instead of restraining the rampant growth in Federal spending to get our deficits under control, we have found ways to disguise it. This budget calls for an $8 billion contingency fund for new social spending programs. With a $930 billion budget next year—and a $180 billion deficit—the last thing we should be thinking of is starting new Federal spending programs.

The budget does call for tax increases to ease some of the deficit burden, but this is a false economy. We have made great progress toward recovery in the last few months. In fact, the projected growth for the second quarter of this year is 6.6 percent. This is the highest growth rate in 2 years. The last thing we need to do is adopt a budget that kills any chance of economic recovery. We have raised taxes enough—with last year's tax increase bill, the gas tax, and the social security amendments—since the 1981 Economic Recovery Tax Act. In fact, in 1984, the net tax cut to the American taxpayer will only be $3 billion. There will be no tax cut after 1984.

Some of my colleagues in the House of Representatives would even like to take the remaining $3 billion of the $130 billion third-year tax cut away from working Americans. They say that their plan to impose a $700 cap on the tax cut will soak the rich, but this is wrong. Several facts make this very obvious:

The "rich" already benefit from the 1981 Tax Act provision that drops the maximum taxable rate from 70 to 50 percent. The "fairness Democrats" have taken no action to change this.

Approximately half of all taxpayers affected by the $700 cap are those with less than $50,000 in annual income.

Taxes for millions of married working couples—two-earner households—will be increased. Nearly half of the tax returns affected by the cap would apply to these working couples.

Instead of soaking the rich, it turns out that the cap will drown the middle class. This doesn't bother the "fairness Democrats," who have also neglected the fact that the result of last year's installment of the Reagan tax cut was an $8 billion increase in revenues from those in the top income tax bracket. This, as we have always said, was caused by a shift of resources away from useless and nonproductive tax shelters. An effort to "soak" these taxpayers will only reverse this trend.

At a time when we are trying to restore the incentives to work, save, and invest, we are taking action that would undermine all three. In our economic system, if you want more of something, you provide incentives. If you want less of something, you tax it. Here we are—on the eve of adopting the final phase of the tax reduction package we enacted on 1981—turning around and raising taxes by $73 billion in an effort to get deficits under control.

Last year Congress raised taxes $100 billion as the "price we have to pay" to get the deficits under control. However, despite last year's tax increase, the budget deficits have continued to grow. In fact, they have doubled. Clearly this is not the right course to take. It is only through spending restraint and economic growth that we can truly get the deficits down.

Mr. TOWER. Mr. President, I wish to register my strong objection to section 7 of the conference substitute version of the first concurrent resolution on the budget and to bring to the attention of the Senate what I believe to be inappropriate and unwise aspects of that provision. Section 7 of the conference substitute would express the sense of the Congress that in "light of budget restraint, limited resources, and the need to foster economic growth," that the House Armed Services Committee should initiate a thorough review of military retirement programs and recommend changes which would result in reduced spending under these programs.

Mr. President, I find this provision especially objectionable for several reasons. First, the provision is not needed. It is quite clear to me that resolution language expressing the sense of the Congress is not needed for any committee of the Congress to initiate a thorough review of any program under the oversight jurisdiction of that committee.

Second, as chairman of the Senate Armed Services Committee, I am particularly concerned that this provision in the resolution would seem to imply that the House Armed Services Committee is especially qualified, to the exlusion of the Senate Committee on Armed Services, to carry out a review of military retirement programs. Nothing could be further from the truth, but yet this resolution would certainly be seen as an endorsement of that view. The Senate Armed Services Committee has an abiding awareness of budget restraint, limited resources, and the need to foster economic growth. The committee also is fully aware of the nature of military retirement programs and their relationship to the defense budget. My colleagues should be aware that the Senate Armed Services Committee is properly carrying out its responsibilities with respect to military retirement programs and that any expression of the sense of Congress implying the contrary would be wrong.

Finally, and perhaps most importantly, I object to the language of this provision because it assumes unproven facts and assumes the result of the review it purposes to sanction. That is, the language of this resolution provision assumes that reductions in military retirement programs should be made solely because these programs constitute a portion of the defense budget. It seems to me that any thorough review of military retirement programs should focus on the purposes and needs of these programs. Only after such a review has been conducted can it be determined whether changes should be made and if so, what the nature of the changes should be. Approaching the issue of military retirement programs in the manner suggested by the resolution provision is a classic example of putting the cart before the horse.

I urge my colleagues to be aware of and to consider this matter before casting their vote on this resolution.

● Mr. NICKLES. Mr. President, the conference agreement on the budget should not be passed. This budget does not limit spending or reduce deficits. In 1984 alone it increases taxes $10 billion more than the President's budget and increases nondefense spending at least $14.5 billion over the President's figures. In addition, it calls for a $8.5 billion "reserve fund" which will only further add to both the spending levels and, of course, the deficits. This country cannot afford the same policy as we have repeatedly followed: higher taxes with even higher levels of spending with even greater deficits.

Mr. President, I ask that the two accompanying tables from CBO on the comparisons of the conference agreement and the President's budget be included in the RECORD.

The tables follow:

COMPARISON OF PRESIDENT, CONFERENCE AGREEMENT, AND CBO BASELINE, WITH SAME ECONOMIC AND TECHNICAL ASSUMPTIONS

	President's budget (with conference economic and technical assumptions)	Conference agreement (with reserve)	CBO baseline (with conference assumptions)
Budget authority	903.4	928.7	922.4
Outlays	840.8	858.9	850.6
Revenues	669.9	679.6	667.6
Deficit	170.8	179.3	183.0

Source: Congressional Budget Office, June 23, 1983.

CONFERENCE SUBSTITUTE, INCLUDING RESERVE

[By fiscal year, in billions of dollars]

	1983	1984	1985	1986
National defense	241.3	240.0	265.3	295.0
Entitlements and other mandatory spending	388.8	387.3	410.7	436.7
Nondefense discretionary spending	146.9	156.6	159.9	162.2
Civilian agency pay raises	0.9	0.8	2.2	3.6
Reserve	5.4	8.5	3.4	2.0
Net interest	88.4	98.0	104.5	107.2
Offsetting receipts	−31.9	−32.3	−34.4	−40.0
Total outlays	812.8	858.9	911.6	966.6
Revenues	604.3	679.6	750.5	835.8
Deficit	208.6	179.3	161.1	130.8

PRESIDENT'S APRIL BUDGET REESTIMATED BY CBO ADJUSTED FOR CONFERENCE ASSUMPTIONS

[By fiscal year, in billions of dollars]

	1983	1984	1985	1986
National defense	214.3	244.7	282.2	321.5
Entitlements and other mandatory spending	388.5	381.7	400.5	426.3
Nondefense discretionary spending	146.3	148.5	148.7	149.4
Civilian agency pay raises	0.9	[1]	1.9	4.0
Net interest	88.3	98.1	104.8	108.5
Offsetting receipts	−30.8	−32.2	−35.6	−42.2
Total outlays	807.5	840.8	902.4	967.5
Revenues	604.4	669.9	740.9	835.8
Deficit	203.1	170.8	161.5	131.7

[1] Less than $500 million. June 22, 1983.

Mr. THURMOND. Mr. President, I rise today in opposition to the budget resolution that has been reported back to the Senate from the conference committee.

I know that all of the conferees have worked long and hard to come up with this resolution, especially the distinguished chairman of the Senate Budget Committee, Mr. DOMENICI. In fact, considering the extravagant spending levels and the sharp increases in taxes contained in the House version of the budget, Chairman DOMENICI and the Senate conferees have done a commendable job in shaping the final product much closer to the Senate-passed version.

Unfortunately, in my judgment, the conference report is simply unacceptable. As one who voted against the budget passed by the Senate last month because of its deficiencies in the areas of domestic spending control, unwise tax increases, and inadequate national defense funding, I certainly cannot support a budget that compounds the deficiencies in each of these key areas.

Last summer, this body passed the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The premise underlying that $98 billion tax bill was that there would be spending cuts forthcoming amounting to $3 for every $1 in tax revenue generated by TEFRA. That commitment to spending reductions has not been kept and is effectively negated by this latest budget resolution. It calls for only $12.3 billion in spending cuts over a 3-year period, with a mere $2.8 billion cut next year. This is far short of the reductions requested by President Reagan.

Mr. President, the only way to control the size of the deficits is to cut spending, and that is a major feature lacking in this budget resolution. In fact, this resolution goes in the other direction in several key program areas. It adds $15 billion in new spending on a number of domestic programs above that which the administration requested.

In an attempt to make up for the lack of discipline on the spending side of the budget, this resolution mandates permanent tax increases of $12 billion in fiscal year 1984 and $73 billion over the next 3 years. These further increases would occur less than a year after we passed legislation to raise taxes by $98 billion. Mr. President, in my judgment, we cannot continue to increase the tax burden every year without bringing the economic recovery to a sudden halt. While I agree that a deficit of $170 to $179 billion is far too large, additional spending cuts, and not tax increases, are the answer to deficit control.

This budget also shortchanges and endangers our national security by cutting in half the 10 percent real growth in national defense spending asked for by the President. At a time when the Soviets have embarked on a program of arms buildup the likes of which our world has never seen, we cannot afford to be ill-prepared to meet and deter this ominous threat to world peace.

We are the leaders of the free world, and we must accept our responsibility to help preserve freedom and democracy for the American people and for our allies around the world. The 5-percent growth rate contained in this budget will simply not allow us to do that which our best defense adviseors and our Commander in Chief feel is minimally necessary to insure world peace.

Mr. President, in summary, I cannot support this budget resolution because it fails to adequately control domestic spending. It unwisely raises taxes when we are finally on the road to economic recovery, and it inadequately provides for our national security.

Mr. GRASSLEY. Mr. President, somewhere along the road to recovery, this budget process hit a mud patch. And our wheels have been spinning ever since. The harder we have pressed for a budget resolution, the deeper our wheels have become buried. Each change or compromise to the resolution has failed to reduce the weight of the Government levy of higher taxes and higher deficits. The result is that the process has gotten further bogged down.

Mr. President, if the weight of the government's levy is not lessened, then the budget process in future years will continue to weaken, and consensus will continue to be elusive.

It seems to me, that two conditions must prevail before any lasting consensus for a budget resolution can be built.

The first condition is that we lower the Government levy contained in any budget resolution. In other words, we must lower the combination of deficits and taxes. That implies that spending must be restrained and taxes must not be raised.

Here is a breakdown of the resolution as they developed along the budget process:

	Administration	House	Senate	Conference
Deficit	184.9	174.5	178.6	179.3
Revenue	2.7	30.0	8.9	12.0
Total levy	187.6	204.5	187.5	191.3

Despite all the discussion about the need to close the budget deficits, the total Government levy has remained around the $190 billion-mark. This is too much of a burden on the workers of this country, and it threatens the sustainability of the current recovery.

There is a very fundamental reason why we should cut spending and not raise taxes.

Over the past decade, revenues as a percent of GNP averaged 19.4 percent. After all the tax changes we have

made since 1981, revenues are still above 19 percent of GNP. The total tax relief from the changes made since 1981 will average only $15.6 billion per year, from 1983 to 1988. With deficits projected at $200 billion and more, it is quite obvious that revenues have not caused the problem; $15.6 billion cannot cause a $200 billion problem.

Spending, on the other hand, averaged 21.6 percent of the GNP over the last decade. This year, however, that figure will leap to 25 percent. We have made changes in spending, but obviously we have not made enough, or the right kind. Congress has tied its hands with spending policies that have eliminated all flexibility from the budget. We have failed to understand the long-term consequences of present day decisions. The spending decisions we made years ago are now having an enormous impact. Our failure to deal with the effects of those past decisions is what prevents us today from narrowing the deficits.

We can draw no other conclusion, then, but that the spending side of the ledger has caused the deficit problem. Congress has shown a reluctance to restrain spending because it lacks an essential and moral basis for doing so. The second condition for a lasting consensus, then, is that spending restraint be applied across the board.

The perception of equity is the key to getting spending under control, the key to controlling deficits, and the key to lifting the budget process back on its track.

Without equity, there is no basis for the willingness to restrain spending; no basis to reach a consensus; no basis to win the support of our constituents; and no basis to pass a supportable budget resolution.

I have argued from the beginning of this year's budget process, and as a carryover from my efforts of last year, for an across-the-board spending freeze and for no tax increases. This approach is a necessity if we are to accomplish budgetary discipline and sustained economic growth. The plan I offered this year would have provided the basis for those goals. Its total government levy would have been the following:

Deficit	176.7
Revenues	
Total levy	176.7

Mr. President, we can either continue to pursue the hit-and-miss approach to the budget as we did this year, an approach which has no cohesion or direction in mind, no vision and no consensus, or we can provide the basis for national sacrifice to do what is right, fair, and responsible, by reducing the Government levy on the working men and women of this country, and by doing so in an across-the-board manner.

On the basis of these remarks, I cannot support the budget resolution which we are asked to vote on today.

Mr. CHILES. Mr. President, I want to personally thank all the Budget Committee minority staff who have worked long hard hours for the last 6 months to make this budget possible tonight.

Rick Brandon, minority staff director; Dennis Beal; Ron Chiodo; Julie Coffren; Alan Cohen; Kathy Deignan; Kenneth Erickson; Lisa Faulkner; Richard Koskella; Bentley Lipscomb; Garry Schinasi; Sandra Seay; Jim Stasny; Patricia Tate; and Georgia Williams.

Mr. BRADLEY. Mr. President. I rise in support of the conference agreement on the first budget resolution. It is by no means a perfect budget, but it strikes a generally fair balance between spending and revenues and between defense and nondefense spending. And the congressional budget is more prudent than the budget proposed by the President in that Federal deficits are significantly lowered.

Mr. President, I ask unanimous consent that a table prepared by the Democratic staff of the Senate Budget Committee be included in the RECORD at this point.

There being no objection the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF DEFICITS

	Fiscal year—		
	1984	1985	1986
President's budget	184.9	178.8	149.3
Conference agreement:			
Without reserve	169.9	156.3	127.2
With reserve	179.3	161.1	130.8
Senate-Passed budget	171.3	158.0	121.2
House-Passed budget	161.0	130.3	119.8

Mr. BRADLEY. Mr. President, there is general consensus that outyear deficits must be significantly reduced if we are to have a sustained economic recovery. The congressional budget before us calls for over $40 billion lower deficits than proposed by the President for the fiscal year 1984–86 period. Even though further deficit reduction measures will be needed in future years, I believe that this year's budget is a solid step in the right direction—a step toward lower Federal deficits and sustained economic recovery.

The lower deficits are accomplished through a combination of spending reductions and tax increases. The congressional budget before us requires $16 billion in spending cuts for entitlement programs over the next 3 years. And it requires $73 billion in tax increases over the next 3 years, the same level as the Senate-passed budget resolution and approximately $20 billion more in tax increases than was proposed by the President in January.

The congressional budget assumes 5 percent real growth—a middle ground—for defense spending. This is the same level of spending as originally proposed by the Senate Budget Committee. Mr. President, the defense of our Nation requires a steady, sustained increase in resources for our military; I believe that a 5-percent growth rate is sufficient to accomplish this end.

Mr. PRESIDENT, I am pleased that the budget resolution assumes enactment of two programs aimed at helping the Nation's unemployed. It is my hope that the Congress will soon enact a health insurance program for the unemployed and an extension of unemployment benefits for those hardest hit by the current recession. It is important that we as a nation show compassion for people in need.

In sum, Mr. President, the congressional budget resolution before us is not perfect. But it reverses some of the biggest mistakes of the past 2 years by providing a more balanced mix between tax and spending policies and between defense and nondefense spending. I urge my colleagues to support the conference agreement.

Mr. TOWER. Senator DOMENICI, as I understand the situation with respect to defense outlays, irrespective of the $240 billion outlay target for function 050 contained in the conference report, it is your view that a more accurate estimate—one based on the $11.9 billion reduction in budget authority—suggests that fiscal year 1984 outlays would total $241.3 billion. Is that correct?

Mr. DOMENICI. Yes. The Senator is correct.

Mr. TOWER. Senator CHILES, is that also your understanding?

Mr. CHILES. Yes; That is my understanding.

Mr. TOWER. So, the chairman and ranking member of the Budget Committee would not be opposing, for overall budgetary reasons, defense appropriations bills whose outlays totaled $241.3 billion—as long as the $11.9 billion budget authority reduction is achieved—is that correct?

Mr. DOMENICI. The Senator is correct.

Mr. STEVENS. Mr. President, let me ask the distinguished manager of the resolution to return to his remarks earlier on the issue of defense outlay targets. I understand he indicated that $241.3 billion was a more realistic estimate than the $240 billion contained in the conference report on the budget resolution. In that context he also indicated he did not construe the figure in the conference report as any kind of a binding ceiling. Is that correct?

Mr. DOMENICI. The Senator is correct.

Mr. STEVENS. Mr. President, I wish to make clear it is my own intention to

honor the budget authority target of $268.8 billion for defense function outlays—at least so far as the defense appropriations bill is concerned since I chair the subcommittee of jurisdiction. But I must point out that any outlay estimates from that budget authority level may easily vary from the estimates we are now talking about.

Even if we were to adhere to the $241.3 billion target the Senator from New Mexico discussed, we would need flexibility here in the Senate in order to achieve that level in the final conference agreement on the defense appropriations bill. Does the Senator agree?

Mr. DOMENICI. The Senator from Alaska is correct in pointing out the realities of the congressional process, particularly as they relate to the give and take involved in developing a final appropriation bill. I agree that flexibility is needed in treating outlay estimates and targets, and that would be my position when the appropriation bills involving defense spending are before the Senate.

Mr. STEVENS. I thank the Senator. The Senate should be aware that fiscal year 1984 defense spending, as approached in the budget resolution, involves absorbing an unbudgeted $1.8 billion in civilian and military pay raises, if that be the will of the Congress, so the overall budget authority reduction from the President's defense request—$11.9 billion—has an actual programmatic impact more like $13.7 billion. That is an extremely difficult and sensitive task, finding those kinds of cutbacks in the vital defense area. We need all the flexibility we can get to reach that ultimate goal.

Mr. METZENBAUM. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment.

Mr. DOMENICI. Yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, there will be no more rollcall votes after this.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alaska (Mr. MURKOWSKI), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Wyoming (Mr. SIMPSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. SIMPSON) would vote "yea."

On this vote, the Senator from Alaska (Mr. MURKOWSKI) is paired with the Senator from Illinois (Mr. PERCY).

If present and voting, the Senator from Alaska would vote "yea" and the Senator from Illinois would vote "nay."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—51

Andrews	Dodd	Mathias
Baker	Domenici	Matsunaga
Biden	Eagleton	Metzenbaum
Bingaman	Ford	Mitchell
Boschwitz	Glenn	Moynihan
Bradley	Gorton	Packwood
Bumpers	Hart	Pell
Burdick	Hatfield	Pryor
Byrd	Heinz	Randolph
Chafee	Huddleston	Riegle
Chiles	Inouye	Rudman
Cochran	Jackson	Sarbanes
Cohen	Kassebaum	Sasser
Cranston	Kennedy	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Leahy	Stevens
Dixon	Levin	Weicker

NAYS—43

Abdnor	Hawkins	Nunn
Armstrong	Hecht	Proxmire
Baucus	Heflin	Quayle
Bentsen	Helms	Roth
Boren	Humphrey	Specter
DeConcini	Jepsen	Symms
Denton	Johnston	Thurmond
Dole	Kasten	Tower
Durenberger	Laxalt	Trible
East	Long	Wallop
Exon	Lugar	Warner
Garn	Mattingly	Wilson
Goldwater	McClure	Zorinsky
Grassley	Melcher	
Hatch	Nickles	

NOT VOTING—6

Hollings	Percy	Simpson
Murkowski	Pressler	Tsongas

So the motion to concur in the House amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, will the Senator yield to me.

Mr. STEVENS. I yield to my good friend.

Mr. BYRD. Mr. President, I called Senator HART somewhere—I forget where he was—but I said: "I expect this to be a razor-thin vote," and so did Senator CHILES who was standing by the telephone booth, and it actually looked as though at that time it would be razor thin.

I had gone to Senator BAKER and I said to Senator BAKER: "If you do not mind telling me and if you now know, how you are going to vote I would appreciate you telling me."

He said: "Honestly, I do not know. I am telling you right up front."

And as it turned out, because of certain things that developed, I suppose the amendment by Mr. DOLE, Mr. BAKER voted for this. I think that made a difference of five or six votes at least.

So it would have been razor thin if Senator BAKER had not voted for it, and at the time I talked to the Senator, I did not know that. I thought it would be razor thin.

So I apologize to him for urging him to come back because I thought that might be the one vote, inasmuch as when it originally passed the Senate this passed by one vote, and Mr. CHILES and I implored that he come back. We arranged with the leadership on the other side of the aisle to have the rollcall vote run an hour.

We heard that the Senator's plane was 15 minutes late taking off. I went to Mr. BAKER and went to Mr. STEVENS, and they and Mr. DOMENICI all very graciously agreed inasmuch as this was the last vote and the Senator's vote would not make a difference in the outcome, they were willing to extend the vote and we kept right up with the Senator's plane. We knew when he was going to land. We knew when he landed.

And I wish to make that explanation in the RECORD to apologize to the Senator and also to thank the leadership on the other side, Mr. BAKER, Mr. STEVENS, and Mr. DOMENICI, for their being so courteous and considerate of the Senator.

It would just be too bad for him to have made this trip and then gotten here 2 minutes too late to vote.

Mr. HART. Mr. President, will the minority leader yield?

Mr. BYRD. I yield.

Mr. HART. Mr. President, I express my appreciation for the minority leader and his cooperation in helping arrange a rather lengthy vote and also the distinguished manager on the other side, the Senator from Alaska, and the majority leader for their understanding and working around the vicissitudes of travel these days.

Mr. BYRD. And Mr. DOMENICI.

Mr. HART. And Mr. DOMENICI.

There are few things these days that are more important than the budget of the United States, and all I can say it was worth the trip.

Mr. BYRD. I say I do not remember as long as I have been here the galleries and everyone applauding the arrival of a Senator on this occasion.

Mr. CHILES. Mr. President, if the Senator will yield for a minute, I wish to say to my good friend from Colorado I feel somewhat bad that we did tell him that we thought the vote was going to be close, but, of course, at the time we were saying that I really did not know whether we were up or down, and this vote kind of vacillated all day long in that direction.

But I thank him very much for the effort that I know he made and the work that he has done in regard to the budget because he is a member of our committee and has worked long and hard on it. I thank him very much.

Mr. HART. Mr. President, the Senator from Florida is characteristically generous. He, I think, deserves the credit on our side for the hours, weeks, and months of work in bringing this about, and the least I could do was give him a hand, I appreciate his remarks.

Mr. BYRD. Again, I thank Mr. STEVENS, Mr. DOMENICI, and all the Senators on that side of the aisle for their patience and their courtesy.

Mr. STEVENS. I thank the Senator from West Virginia.

Mr. BYRD. Mr. President, I want to thank the Presiding Officer (Mr. GORTON) for his patience and courtesy that were extended in the case of Mr. HART.

Mr. STEVENS. Mr. President, the distinguished minority leader has anticipated me. I was going to thank the distinguished Presiding Officer whose patience—he inquired of me how long this would be, and I told him it would be just minutes and would he please assist us, and he has been patient. So I do think the distinguished Senator from Washington deserves our thanks also, and I thank the distinguished Democratic leader for his comments.

MESSAGES FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

The message also announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2972. An Act to authorize certain construction at military installations for fiscal year 1984, and for other purposes;

H.J. Res. 168. Joint resolution to designate the week beginning May 27, 1984, as "National Tourism Week"; and

H.J. Res. 293. Joint resolution to commemorate the anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo.

At 3:51 p.m., a messsge from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House recedes from its disagreement to the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, and has agreed thereto, with an amendment.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2972. An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes; to the Committee on Armed Services.

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

H.J. Res. 168. Joint Resolution to designate the week beginning May 27, 1984, as "National Tourism Week"; to the Committee on the Judiciary.

H.J. Res. 293. Joint resolution to commemorate the 40th anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo.; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 160. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 602.

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 32. A bill to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings (Rept. No. 98-162).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1529. An original bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes (with additional views) (Rept. No. 98-163).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with amendments and an amendment to the title:

H.R. 2733. An act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials (with minority views) (Rept. No. 98-164).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 165. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2733; referred to the Committee on the Budget.

S. Res. 166. An original resolution waiving sections 303(a) and 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1529; referred to the Committe on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HUMPHREY:

S. 1523. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to construct a project for modification of Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 1524. A bill to suspend for 2 years the duty on parts of spindle motors suitable for computer memory disk drives; to the Committee on Finance.

By Mr. STAFFORD (for himself and Mr. HUMPHREY) (by request):

S. 1525. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DENTON:

S. 1526. A bill to provide lump sum death benefits for the survivors of Federal law enforcement officers killed in the line of duty; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S 1527. A bill to provide parity for psychiatrists and psychologists in title 18, United States Code; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. DANFORTH):

S. 1528. A bill to amend the Internal Revenue Code of 1954 to provide that certain museums and organizations which operate libraries will be treated as public charities; to the Committee on Finance.

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

S. 1529. An original bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; placed on the calendar.

By Mr. ANDREWS:

S. 1530. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; to the Select Committee on Indian Affairs.

By Mr. RIEGLE (for himself, Mr. PELL, Mr. KENNEDY, Mr. CRANSTON, Mr. DODD, Mr. METZENBAUM, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. HART, Mr. LEVIN, and Mr. CHILES):

S. 1531. A bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GARN (for himself, Mr. HEINZ, Mr. PROXMIRE, and Mr. DODD) (by request):

S. 1532. A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by State-chartered depository institutions, and

for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 1533. A bill for the relief of Gerald M. Hendley of Harmons, Md.; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself and Mr. WARNER):

S. 1534. A bill to amend the Internal Revenue Code of 1954 to allow the voting interests of disqualified persons to be taken into account in determining a private foundation's voting interest for purposes of section 4943 of such code; to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. DOLE, and Mr. DECONCINI):

S. 1535. A bill to amend title 35 of the United States Code to increase the effectiveness of the patent laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 1536. A bill to amend the Federal Water Pollution Control Act with respect to ocean waivers; to the Committee on Environment and Public Works.

By Mr. DANFORTH (for himself. Mr. EAGLETON, Mr. BRADLEY, Mr. CHAFFEE, Mr. Kennedy, Mr. MOYNIHAN, and Mr. PELL);

1537. A bill to provide additional authorzation of appropriations for certain programs for fiscal year 1984 and each of the four following fiscal years; to the Committee on Labor and Human Resources.

By Mr. MATHIAS (for himself and Mr. DOLE):

S. 1538. A bill to amend the patent laws of the United States; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. KENNEDY, and Mrs. HAWKINS):

S. 1539. A bill to amend the Public Health Service Act to provide home and community based services for the elderly and the disabled; to the Committee on Labor and Human Resources.

S. 1540. A bill to amend the Public Health Service Act to provide for coordination with State medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself, Mr. BAKER, Mr. ABDNOR, Mr. BAUCUS, Mr. BURDICK, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. HECHT, Mr. HOLLINGS, Mr. KASTEN, Mr. LAXALT, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MITCHELL, Mr. NUNN, Mr. PERCY, Mr. PRYOR, Mr. STENNIS, Mr. COCHRAN, Mr. GORTON, Mr. SARBANES, Mr. GARN, and Mr. DIXON):

S.J. Res. 120. Joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABDNOR (for himself, Mr. STENNIS, and Mr. WEICKER):

S.J. Res. 121. A joint resolution to designate November 1983 as "National Diabetes Month"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. KENNEDY, Mrs. HAWKINS, Mr. GRASSLEY, and Mr. HEINZ):

S.J. Res. 122. A joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 165. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2733; to the Committee on the Budget.

S. Res. 166. An original resolution waiving sections 303(a) and 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1529; to the Committee on the Budget.

By Mr. PRESSLER:

S. Res. 167. A resolution expressing the sense of the Senate that the Federal Government take all necessary steps to promote travel to the United States by foreign visitors during the 1984 summer Olympics and the 1984 Louisiana World Exhibition, to inform such visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within this country; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 1523. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to construct a project for modification of Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire; to the Committee on Environment and Public Works.

PORTSMOUTH HARBOR IMPROVEMENTS

● Mr. HUMPHREY. Mr. President, I am today introducing legislation which would authorize construction funding for improvements to Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire. The Congress authorized a study of this project in 1970 and the New England Division of the Corps of Engineers recently recommended that it be undertaken. Their report proposes widening the existing channel in three locations in the vicinity of the Maine/New Hampshire Bridge and off the coast of the Portsmouth Naval Shipyard.

Portsmouth Harbor is unique. It is a Northeastern port that never freezes in the winter due to the swiftness of current flow. That current, which has been known to approach 7 knots, also provides a virtually maintenance-free harbor. On the other hand, however, the swiftness of the current makes navigation through the existing narrow, winding channels extremely difficult for larger vessels such as tankers.

The difficulty arises when a tanker enters the harbor channel, negotiates the turns, is cleared for passage under the Maine/New Hampshire Bridge, and either misses the precise angle for further passage or experiences loss of way due to the current. Such an event would cause the tanker to be forced to abort passage under the bridge. Similarly, a malfunction in the lift mechanism of the bridge could require a ship to abort. In Portsmouth Harbor, however, large tankers cannot abort because there is insufficient room for them to make a turn without the current sweeping the vessel into the bridge. We have been fortunate in avoiding such a tragedy, primarily because of the expertise and determination of our harbor pilots, but the risk is omnipresent.

The Maine/New Hampshire Bridge Authority has expressed serious concern to me over the rapidly diminishing safety margin in the harbor as modern economic demands require larger tankers to pass under the interstate bridge. The authority characterizes the current situation as "very critical." Alternate solutions, such as fenders placed on the bridge tower piers, have not been workable because of the technical piloting problems presented which increased the level of risk. The need to provide an adequate turning radius to protect the interstate bridge from serious damage and the harbor from a major oil spill is essential.

It should be noted that the endangered bridge also carries the rail line serving the Portsmouth Naval Shipyard. That line is used by the Navy to transport heavy nuclear submarine components and nuclear fuels into the shipyard. Pentagon officials have advised the bridge authority that rail access to the shipyard is imperative for military mobilization.

There is a further defense consideration. Portsmouth Harbor also supplies Pease Air Force Base, a major SAC facility, with the jet fuel necessary to its operations. The defense fuel supply center, manager of the Pease terminal, indicates that the current barge shipments could be switched to more efficient tankers if harbor improvements were made.

The estimated cost of this project is approximately $21 million. The cost/benefit ratio comports with administration guidelines. The project could be completed in 3 years with little or no residual maintenance costs. Because the citizens of northern New England rely upon Portsmouth Harbor for the bulk of their fuel deliveries, and because our continued economic vitality is dependent upon a harbor that can support modern shipping needs, I urge my colleagues' support of this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army, acting through the Chief of Engineers, shall construct, at an estimated Federal cost of $21,200,000 and in accordance with the plans and recommendations set forth in the draft report of the Division Engineer, dated January 1982, a project for modification of Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire. Such construction shall be carried out so as to provide for—

(1) widening from four hundred feet to five hundred and fifty feet, the channel in the vicinity of Goat Island for a length of approximately one thousand three hundred feet;

(2) widening the turning basin between Badger's Island and the Maine/New Hampshire Bridge from six hundred feet to one thousand feet; and

(3) widening, by 100 feet, the northern limit of the channel at the southern end of the turning basin described in paragraph (2).

(b) In carrying out such construction in accordance with such plans and recommendations contained in such report, the Secretary of the Army is authorized to make such modifications as he may deem advisable.●

By Mr. PELL:

S. 1524. A bill to suspend for 2 years the duty on parts of spindle motors suitable for computer memory disk drives; to the Committee on Finance.

SUSPENSION OF DUTY ON ELECTRIC MOTOR PARTS

Mr. PELL. Mr. President, I introduce legislation today which would temporarily suspend the duty on imported parts of small, electronic motors. Presently, the rate of electric motors is higher than the rate of duty on finished motors themselves. Thus, current tariff law encourages companies to manufacture motors abroad.

This bill represents the very specific limited purpose of correcting an anomaly in the structure of present tariffs. The amendment would allow American companies to hire American workers and to produce more American parts sales. To my knowledge, this bill is not burdensome to the U.S. Customs Department or any other company. The insignificant loss of customs revenues would be more than offset by more American jobs. For that reason, I urge all of my colleagues here in the Senate to join with me in passing this small but necessary piece of legislation.

By Mr. STAFFORD (for himself and Mr. HUMPHREY) (by request):

S. 1525. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

DISASTER RELIEF ACT AMENDMENTS OF 1983

● Mr. STAFFORD. Mr. President, I am introducing by request, the "Disaster Relief Act Amendments of 1983," and I ask for its appropriate referral. This bill would amend the Disaster Relief Act of 1974, which was the product of the Committee on Environment and Public Works.

I am informed that this bill is substantively similar to S. 2250, the "Disaster Relief Act Amendments of 1982," which, in the last Congress, was written and introduced by Senator FRANK MURKOWSKI, then-chairman of the Subcommittee on Regional and Community Development. Senator RANDOLPH, Senator BURDICK and I joined as cosponsors. That measure passed the Senate unanimously but was not acted upon by the House.

Mr. President, I ask that the bill be printed in the RECORD at the conclusion of remarks about the measure by myself and my colleague, Senator HUMPHREY. Following that, I ask that the letter of transmittal from the General Counsel of the Federal Emergency Management Agency be printed in the RECORD, together with the section-by-section anaylsis of the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1983".

SEC. 2. The short title of the Disaster Relief Act of 1974 (Public Law 93-288) is hereby amended by deleting the words "Disaster Relief Act of 1974" and inserting in lieu thereof "Major Disaster Relief and Emergency Assistance Act".

SEC. 3. Section 102(1) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(1)), is amended to read as follows:

"(1) 'Emergency' means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States."

SEC. 4. Title VIII of the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136; 42 U.S.C. 3231-3236) is hereby repealed, and title V of the Disaster Relief Act of 1974, as amended (Public Law 93-288), is hereby amended to read as follows:

"TITLE V—FEDERAL EMERGENCY ASSISTANCE PROGRAMS

"PROCEDURES

"SEC. 501. (a) All requests for a determination by the President that an emergency exists shall be made by the Governor of the affected State. Such request shall be based upon the Governor's finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. As a part of this request, and as a prerequisite to emergency assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. Based upon such Governor's request, the President may declare that an emergency exists.

(b) The President may exercise any authority vested in him by Section 502 and Section 503 of this Act with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. The President may determine that such an emergency exists only after consultation with the Governor of the affected State, if practicable. The President's determination, however, may be made without regard to the provisions of Section 501(a) of this Act.

"EMERGENCY ASSISTANCE

"SEC. 502. In any emergency, the President may—

"(a) provide assistance to save lives and protect property and public health and safety, or to lessen or avert the threat of a catastrophe;

"(b) provide emergency assistance by directing Federal agencies to provide technical assistance and advisory personnel to the affected State and local governments in—

(1) the performance of essential community services; warning of further risks and hazards; public information and assistance in health and safety measures; technical advice on management and control; and reduction of immediate threats to public health and safety; and

(2) the distribution of medicine, food and other consumable supplies, or emergency assistance;

"(c) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing emergency assistance and coordinate emergency assistance with State and local officials.

"COOPERATION OF FEDERAL AGENCIES IN RENDERING EMERGENCY ASSISTANCE

"SEC. 503. (a) In any emergency, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety,

including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; construction of temporary bridges necessary to the performance of emergency tasks; and essential community services; provision of temporary facilities for schools and other essential community services; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provision of this paragraph. Contributions for emergency work under this section and section 502 of this Act shall not exceed 100 per centum of the net eligible cost, or for small projects 100 per centum of the Federal estimate of the net eligible cost, of such emergency work or services performed by State and local governments, *Provided*, that where debris removal is appropriate under this title, it shall be provided in accordance with the terms and conditions of section 406 of this Act.

(b) Work performed under this section shall not preclude additional Federal assistance under any other section of this Act for the purposes of saving lives and protecting public health and safety, or to lessen or avert the threat of a catastrophe.

"LIMITATIONS ON EMERGENCY ASSISTANCE

"SEC. 504. (a) In any emergency the President shall not obligate funds appropriated to carry out this Act, other than for purposes of coordination and direction, or the provision of technical and advisory assistance, where Federal assistance is available and adequate under other Federal authorities.

"(b) In any emergency and except as provided by subsection (c) of this section, the costs of providing emergency assistance under this section shall not exceed $5,000,000 of funds appropriated to carry out this Act.

"(c) The limitation of subsection (b) of this section may be exceeded when the President determines that continued emergency assistance is immediately required; that there is a continuing and immediate risk to lives, property, public health or safety; and that necessary assistance will not otherwise be provided on a timely basis."

SEC. 5. Section 102(2) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(2)), is amended to provide:

(2) "major disaster" means any natural catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or any fire, flood or explosion regardless of cause, in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

SEC. 6. Title II of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5131-5132), is amended by:

(1) striking the words "(including the Defense Civil Preparedness Agency)" in section 201(a);

(2) adding the words "including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards," between the words "plans", and "except" in section 201(d); and

(3) striking "$25,000" in section 201(d) and inserting in lieu thereof "$50,000".

SEC. 7. Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5158), is amended by:

(1) deleting sections 301, 305, and 306 and renumbering subsequent sections appropriately;

(2) deleting the caption "FEDERAL ASSISTANCE" of section 302 and inserting in lieu thereof "RULES AND REGULATIONS";

(3) deleting the first and second sentences of subsection (a) of section 302 and amending the final sentence thereof by adding ", with or without reimbursement," immediately before "through"; and

(4) deleting ", or economic status" in the second sentence of section 311(a), and adding "or" before "age,".

SEC. 8. Section 303(a) of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5143(a)), is amended by adding at the end thereof the following: "The Federal coordinating officer shall represent the President in coordinating the emergency or the major disaster response and recovery effort.".

SEC. 9. Section 314 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5154), is amended by redesignating subsections (a), (b), and (c) as (b), (c), and (d), respectively, and by adding at the beginning thereof a new subsection as follows:

"(a) As a condition of assistance, any public facility and any private nonprofit facility which is:

"(1) located in a special flood hazard area as identified by the Director pursuant to the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*):

"(2) damaged or destroyed by flooding; and

"(3) otherwise eligible for assistance under section 405 of this Act, must be covered, on the date of the flood damage, by reasonable and adequate flood insurance. Assistance under section 405 for any such facility not so covered shall be reduced by the maximum amount of benefits which could have been received had reasonable and adequate flood insurance been in force; *Provided*, however, that this reduction of assistance shall not apply to uninsured facilities where such communities have been identified for less than one year as having special flood hazard areas. The limitations of assistance required by this subsection shall not apply until final regulations are promulgated by the President. Such regulations shall define reasonable and adequate flood insurance."

SEC. 10. Section 315 of the Disaster Relief Act of 1974, as amended (42 U.S.C 5155), is amended to read as follows:

"DUPLICATION OF BENEFITS

"312. (a) Agencies or other organizations providing Federal assistance following a major disaster or emergency shall assure that no person, business concern or other entity receives any Federal assistance as a result of a major disaster or emergency if such person, business concern or entity receives or is entitled to receive benefits for the same purposes from insurance or any other source, *Provided*, that nothing in this section shall prohibit the provision of Federal assistance to a person, business concern or other entity who is or may be entitled to receive benefits for the same purposes from insurance or any other source when any such applicant for Federal assistance has not received such other benefits by the time of application for Federal assistance, so long as the applicant for Federal assistance agrees as a condition of receipt of Federal assistance to repay duplicative assistance from insurance or any other source to the agency or other organization providing the Federal assistance. The President shall establish such procedure as are deemed necessary to insure uniformity in preventing such duplication of benefits. Receipt of partial benefits for a loss or need does not preclude provision of additional assistance.

"(b) A person, business concern or other entity receiving Federal assistance following a major disaster or emergency shall be liable to the United States to the extent that such Federal assistance has duplicated benefits available to the person, business concern or other entity for the same purpose from insurance or any other sources. The agency or other organization which provided the duplicative assistance shall collect such duplicative assistance from the recipient in accordance with the Claims Collection Act of 1966, as amended. The repayment shall not exceed the amount of Federal assistance received."

"(c) Federal disaster assistance and comparable disaster assistance provided by States, local governments, and disaster assistance organizations to individuals and families shall not be considered as income or a resource when determining eligibility or benefit levels for federally funded income assistance or resource tested benefit programs.".

SEC. 11. (a) Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5158), is amended by adding at the end thereof four new sections as follows:

"PROTECTION OF ENVIRONMENT

"SEC. 315. No action taken or assistance provided pursuant to section 402, 403, 406, 502, or 503 of this Act, or any assistance provided pursuant to section 405 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 (83 Stat. 852) to other Federal actions taken under this Act or under any other provisions of law.

"RECOVERY OF FUNDS

"SEC. 316. The Attorney General of the United States is authorized to institute actions in the United States District Court for the district in which an emergency or major disaster occurred, or in such district as otherwise provided by law, against any party whose acts or omissions may in any way have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to this Act. Upon the showing that an emergency or major disaster or the associated damage or hardship was caused in whole or in part by an act or omission of such party, then such party shall be liable to the United States for the full amount of Federal expenditures made to alleviate the suffering or damage attributable to such act or omission. The autority of this section shall also apply to the recovery of Federal funds expended under the

authority of section 419 of this Act for fire suppression.

"AUDITS AND INVESTIGATIONS

"SEC. 317. (a) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, shall conduct audits and investigations and in connection therewith may enter such places and inspect such records and accounts and question such persons as deemed necessary to determine the facts relative thereto.

"(b) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, may require audits by State and local governments in connection with assistance provided under the Act.

"(c) The President and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of investigation, audit, and examination, to any books, documents, papers, and records of any person or entity relating to any activity or program undertaken or funded pursuant to this Act.

"CRIMINAL AND CIVIL PENALTIES

"SEC. 318. (a) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any application or other document in connection with a request for assistance under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for assistance is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(b) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any bill, invoice, claim, or other document requesting reimbursement for work or services performed in connection with assistance provided under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for reimbursement is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(c) Any person, organization or other entity who knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a fine in an amount equal to one and one-half times the misapplied amount of the loan or cash benefit.

"(d) Whenever it appears that any person, organization or other entity has violated or is about to violate any provision of this Act, including rules and regulations issued and civil penalties imposed, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in the district court of the United States having jurisdiction where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

"(e) The President, or the duly authorized representative of the President, shall expeditiously refer to the Attorney General of the United States for appropriate action such evidence developed in the performance of functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.".

(b) Title III of the Disaster Relief Act of 1974, as amended, is amended by deleting subsections (a) and (c) of section 317 (42 U.S.C. 5157), and by renumbering "(b)" from the remaining subsection of section 317 as subsection "(f)" of amended section 318.

(c) Title IV of the Disaster Relief Act of 1974, as amended, is amended by deleting section 405 (42 U.S.C. 5175) and by renumbering subsequent sections appropriately.

SEC. 12. Title IV of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5171-5189), is amended by adding three new sections as follows and by renumbering subsequent sections appropriately:

PROCEDURES

"SEC. 401. (a) All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under the act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster, including, but not limited to, the cost-sharing provisions pursuant to sections 405, 406, 407, and 410 of this Act. Based upon such Governor's request, the President may declare that a major disaster exists.

"(b) In any case where an eligible applicant (or the State) is unable to assume its financial responsibility under the cost-sharing provisions of sections 405, 406, and 407 of this Act, the President is authorized to lend or advance to the State such 25 per centum share. For the purposes of section 405, such loan or advance shall be authorized only after the occurrence of concurrent, multiple major disasters in a given jurisdiction, or the extraordinary costs of a particular major disaster, and when the damages caused by such major disasters are so overwhelming and severe that it is not possible for the applicant or the State to assume their financial responsibility under this Act immediately. Any such loan or advance is to be repaid to the United States; there shall be no deferral of the repayment of loans or advances authorized by this subsection or of accrued interest. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance. The President shall issue regulations describing the terms and conditions under which any loans or advances authorized by this section may be made.

"MAJOR DISASTER ASSISTANCE

"SEC. 402. In any major disaster, the President may—

"(a) provide assistance to save lives and protect property and public health and safety, or to lessen or avert the threat of a catastrophe;

"(b) provide assistance by directing Federal agencies to provide technical assistance and advisory personnel to the affected State to assist the State and local governments in—

(1) the performance of essential community services; warning of further risks and hazards; public information and assistance in health and safety measures; technical advice on management and control; and reduction of immediate threats to public health and safety;

(2) the distributions of medicine, food, and other consumable supplies, or emergency assistance;

"(c) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing major disaster assistance, and coordinate major disaster assistance with State and local officials;

"(d) provide such other assistance under this Act as the President deems appropriate.

"COOPERATION OF FEDERAL AGENCIES IN RENDERING DISASTER ASSISTANCE

"SEC. 403. (a) In any major disaster, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

"(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

"(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

"(3) donating or lending equipment and supplies, including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

"(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph. Such contributions for emergency work under this section and section 402 of this Act shall not exceed 100 per centum of the net eligible cost, or for small projects 100 per centum of the Federal estimate of the net eligible cost, of such emergency work or services performed by State and local governments, *Provided*, that where

debris removal assistance is appropriate under this section or section 402 of this Act it shall be provided in accordance with the terms and conditions of section 406 of this Act."

"(b) Work performed under this section shall not preclude additional Federal assistance under any other section of this Act.

SEC. 13. (a) Section 402 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5172), is amended to read as follows:

"(a) The President is authorized to make contributions to State or local governments, to help repair, restore, reconstruct, or replace public facilities belonging to such State or local government which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'public facility' includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, any other public building, structure, or system including those used for educational or recreational purposes, and any park.

"(b) The President is authorized to make contributions to help repair, restore, reconstruct, or replace eligible private nonprofit facilities which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'eligible private nonprofit facility' means private nonprofit educational, utility, emergency, medical, and custodial care facilities, including those for the aged and disabled, and such private nonprofit facilities on Indian reservations, which were damaged or destroyed by a major disaster.

"(c) No authority under this section shall be exercised unless the affected State, local government, or eligible private nonprofit organization first agrees that such facility shall be repaired, restored, reconstructed, or replaced in compliance with floodplain management and hazard mitigation criteria required by the President, with the provisions of the Coastal Barrier Resources Act and other applicable Federal statutes, and in conformity with other applicable codes, specifications and standards, except as otherwise provided in section 315 of this Act.

"(d) For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the contribution shall be based on 75 per centum of the net eligible costs of restoring such facilities substantially to their predisaster condition, *Provided*, That the term 'net eligible costs' shall not include costs which, under a contract, are the responsibility of a contractor".

(b) The Disaster Relief Act of 1974, as amended, is amended by deleting section 419 (42 U.S.C. 5189) and by striking "or 419" each place that this phrase appears in section 314 (42 U.S.C. 5154).

(c) Section 403 of the Disaster Relief Act of 1974, as amended (42U.S.C. 5173), is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of law, whether carried out directly through Federal departments, agencies, or instrumentalities or through grants to State or local governments, Federal assistance provided under authority of this section shall not exceed 75 per centum of the net eligible costs, or for small projects 75 per centum of the Federal estimate of the net eligible costs, of debris removal.".

SEC. 14. Section 404(a) of the Disaster Relief Act of 1974 is amended to read as follows:

"(a)(1) The President is authorized to provide, either by purchase or lease, temporary housing, including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing. Temporary housing assistance shall be provided only when adequate alternate housing is unavailable, unless there is a compelling need to do so because of severe hardship. The assistance to be provided shall be determined by the President based on the fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Any mobile home or other readily fabricated dwelling shall be placed on a site complete with utilities provided either by the State or local government, or by the owner of the site who was displaced by the major disaster. When the President determines such action to be in the public interest, he may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites. However, in the event the President authorizes the development of a group site, i.e., a site for two or more households, the Federal share shall be limited to 75 per centum of the development costs, and the remainder shall be met by funds provided by the State.

"(2) The President is authorized to make contributions not to exceed 100 per centum (or 75 per centum with respect to group site development) of the costs to a State for the purpose of providing temporary housing assistance to those who require it as a result of a major disaster. Whenever he determines it to be in the public interest, the President is authorized to provide temporary housing assistance by using Federal departments, agencies, or instrumentalities. The Federal financial and operational responsibilities for temporary housing assistance shall not exceed 18 months from the date of a major disaster declaration by the President unless he determines that due to extraordinary circumstances it would be in the public interest to extend the 18-month period.".

SEC. 15. Section 406 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5176), is amended by adding "(a)" after "406." and by adding a new subsection "(b)" as follows:

"(b) The President is authorized to contribute up to 50 per centum of the cost of implementing hazard mitigation projects which he has determined would be cost-effective and would substantially reduce the risk of future damage, hardship, loss or suffering in the area affected by a major disaster. Such projects shall be identified following the evaluation of natural hazards provided for in subsection (a) of this section and shall be subject to approval by the President. The total of the contributions made under this subsection shall not exceed 2.5 per centum of the Federal estimate of grants made under the authority of section 405 of this Act for each major disaster."

SEC. 16. (a) Section 407(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5177), is amended by striking the first and second sentences thereof and inserting in lieu thereof the following: "The President is authorized to privide unemployment assistance to individuals who are unemployed as a result of a major disaster and who are not otherwise eligible for payment of unemployment compensation or waiting weekly credit under the authority of any other Federal or State Act. Such disaster unemployment assistance shall not be payable with respect to any week which begins more than 26 weeks after the first week in which the major disaster occurred.".

(b) Section 407(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5177), is further amended by striking the words "of unemployment compensation or" in the third sentence thereof.

SEC. 17. (a) Section 408(b) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178), is amended by adding a period after the word "share" in the second sentence of that subsection and by deleting the following phrase from the second sentence of section 408(b): "and any such advance is to be repaid to the United States when such State is able to do so."

(b) Section 408(b) of the Disaster Relief Act of 1974, as amended, is further amended by adding the following sentences between the second and third sentences of the subsection: "Such advances shall bear interest from the date of the advance at a rate determined by the Secretary of the Treasury taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance. Repayment of such advances and of interest which accrues on the advances may be deferred for no longer than two years from the date of the major disaster declaration."

SEC. 18. Section 408(d) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178), is amended by adding at the end thereof the following new sentence: "Whenever a State demonstrates efficiency by promptly completing all grants to eligible individuals and families within the period prescribed by the President, the State may be reimbursed for 50 per centum of those administrative expenses which exceed 3 per centum of the Federal grant made under subsection (a) of this section.".

SEC. 19. Section 418(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5188), is deleted.

SEC. 20. Section 606 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), is amended to read as follows: "There are authorized to be appropriated to the President such sums as may be necessary to carry out this Act through the close of September 30, 1986, and to the Federal Emergency Management Agency such sums as may be necessary through the close of September 30, 1986, for administrative expenses."

SEC. 21. The Disaster Relief Act of 1974 (Public Law 93-288), as amended, is amended by:

(1) striking paragraph (7) of section 101(b) (42 U.S.C. 5121), striking "; and" from paragraph (6) and adding in lieu thereof a period, and adding "and" at the end of paragraph (5);

(2) striking "the Canal Zone," in paragraphs (3) and (4) of section 102 (42 U.S.C. 5122);

(3) striking "DISASTER" in the caption of title III (42 U.S.C. 5141-5158) and inserting in lieu thereof "MAJOR DISASTER RELIEF AND EMERGENCY";

(4) striking "section 402 or 404 of" in section 311(b) (42 U.S.C. 5151);

(5) adding "emergency or" before the word "major" each of two places that word appears in section 310 (42 U.S.C. 5150);

(6) striking in section 313(b) (42 U.S.C. 5153) everything after the word "areas" and inserting in lieu thereof a period;

(7) striking "or section 803 of the Public Works and Economic Development Act of 1965," each place the phrase appears in section 314 (42 U.S.C. 5154);

(8) striking "402" each place that number appears in section 314 (42 U.S.C. 5154) and inserting in lieu thereof "405";

(9) adding "emergency and major" before the word "disaster" in section 316 (42 U.S.C. 5156);

(10) adding the word "MAJOR" between the words "FEDERAL" and "DISASTER" in the caption to title IV (42 U.S.C. 5171-5189);

(11) striking "in emergencies or in major disasters" in the third sentence of paragraphs (2) of section 404(d) (42 U.S.C. 5174);

(12) striking "311" in section 404(d)(2) (42 U.S.C. 5174) and inserting in lieu thereof "308";

(13) striking "an emergency or" in section 415 (42 U.S.C. 5185) and inserting in lieu thereof "a";

(14) striking "408" in section 605 (42 U.S.C. 5121) and inserting in lieu thereof "410";

(15) striking "301" in subtitle C of title I of the State and Local Fiscal Association Act of 1972 (Public Law 92-512; 86 Stat. 919) and inserting in lieu thereof "401";

(16) striking "President" each place that word appears is section 312(a) and inserting in lieu thereof "Federal coordinating officer".

(17) striking "rent" in section 313(a)(2) (42 U.S.C. 5153) and inserting in lieu thereof "income"; and

(18) striking paragraph (1) of section 313(a) (42 U.S.C. 5153) and renumbering subsequent paragraphs appropriately.

SEC. 22. (a) Section 6(a)(6)(E) of the Coastal Barrier Resources Act, 16 U.S.C. 3505(a)(6)(E), is amended by striking out "pursuant to sections 305 and 306 of the Disaster Relief Act of 1974" and inserting in lieu thereof "pursuant to sections 402, 403, 502 and 503 of the Major Disaster Relief and Emergency Assistance Act."

(b) Whenever any reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to provisions of the Disaster Relief Act of 1974 repealed by this Act or renumbered by this Act, such reference shall be deemed to be a reference to the appropriate provisions of the Major Disaster Relief and Emergency Assistance Act.

SEC. 23. This Act shall be effective ninety days after enactment, except it shall not affect the administration of any assistance provided under authority of the Disaster Relief Act of 1974, as amended, for any major disaster or emergency declared by the President prior to the effective date, *Provided*, that regulations issued under statutory provisions which are repealed, modified, or amended by this Act shall continue in effect as though issued under the authority of this Act until they are expressly abrogated, modified or amended by the President. Provision of disaster assistance authorized by statutory provisions repealed, modified or amended by this Act or regulations issued thereunder, or proceedings involving violations of statutory provisions repealed, modified or amended by this Act or regulations issued thereunder which are in process prior to the effective date of this Act, may be continued to conclusion as though the applicable statutory provisions had not been repealed, modified or amended. Violations of statutory provisions or regulations issued under the authority of statutory provisions repealed, modified or amended by this Act or regulations issued thereunder which are committed prior to the effective date of this Act may be proceeded against under the law in effect at the time of the specific violation.

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, D.C., June 10, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft entitled "Disaster Relief Act Amendments of 1983." This is a comprehensive set of proposed amendments to the Disaster Relief Act of 1974 (Public Law 93-288, as amended). Also enclosed is a section-by-section analysis of the bill.

The current legislation has functioned well for nine years. However, we believe that there are a number of adjustments which are now needed. The major provisions of the proposed legislation are summarized below, with the proposed bill at Tab A and the section-by-section analysis at Tab B.

1. New definition of "major disaster" and "emergency."

In recent years there has been considerable concern by Members of Congress about the correct interpretation of the Act and its applicability to non-natural disasters or emergencies. The combined effect of the changes to the definition of "major disaster" and "emergency," and the addition of the new Title V, Federal Emergency Assistance Programs, would be to establish separate statutory authority for providing supplemental Federal assistance in two distinct types of situations.

"Major disaster" responses would entail those activities currently authorized under Public Law 93-288 in response to any naturally caused disaster and any fire, explosion or flood. A "major disaster" declaration by the President would authorize a broad range of authorities and programs to supplement State and local efforts and resources in natural disaster (and floods, fires, and explosions of natural, non-natural and undetermined causes).

The new definition of "emergency" would allow the Federal Emergency Management Agency (FEMA), in coordination with other Federal agencies, to respond to a much broader range of catastrophes where Federal emergency supplemental assistance is required. The new Title V would authorize the Federal Government to provide limited assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a catastrophe regardless of the cause, including natural and non-natural events. FEMA would be limited to emergency and technical assistance, with an initial cap of $5 million for each event.

The new Title V also provides extraordinary authority in situations where there is a requirement for direct Federal action. These may be circumstances threatening life and property where the United States exercises exclusive or pre-eminent responsibility and authority under the Constitution or the laws of the United States. In such cases, following an emergency declaration by the President, the Federal Government would be able to take necessary measures to save lives and protect property but with the same limitation as in any other "emergency."

2. Increased Disaster Preparedness Improvement Grant (DPIG).

The proposed legislation provides for doubling—from $25,000 to $50,000—the funds available annually on a matching basis with the States, for maintaining and improving disaster plans and procedures. This change would reflect the need for States to plan adequately for increased State and local funding and operational involvement in disaster response and recovery. Since the enactment of this section in the 1974 Act, inflation alone provides a basis for increasing the matching share to $50,000.

3. 75/25 cost sharing for public assistance.

Section 13 of the proposed bill establishes in the statute the requirement that, in Presidentially-declared major disasters, State and local governments share the cost of debris removal and permanent restorative work on a 75% Federal, 25% State and local basis. This assures the supplemental nature of Federal aid under the public assistance authorities of the Disaster Relief Act. The cost-sharing formula established by section 13 would be modified by section 12, which authorizes loans or advances of the 25 per centum State and local share when a State and affected local governments are unable to provide their 25 per centum share immediately. Emergency work, as well as technical assistance, would be funded at 100%.

While ensuring a reasonable commitment of State and local efforts and resources, the cost sharing approach also results in prudent disaster project management with regard to the extent and nature of work selected and design criteria.

The 75/25 cost sharing approach for public assistance has been established in the Federal/State Agreement for major disasters since May 1980. This cost sharing requirement currently is stated in the language of the President's declaration of a major disaster."

4. Expanded public assistance small project grant.

Section 13 also expands current Section 419 (P.L. 93-288) authority relating to small project grants. The proposed change would speed cash flow to State and local applicants for eligible and approved work, and reduce administrative costs and delays. The section currently permits FEMA to make full grant payments based on the estimated cost of repairing disaster damage to public facilities. The current limitation on the applicability of Section 419 is $25,000 for the cumulative estimated costs for all projects belonging to a particular applicant. Under the proposed legislation, this limitation would be changed to $25,000 for each individual project.

FEMA anticipates that approximately 90% of all projects processed, representing

less than 10% of all funds expended, could be included under the new small project grant mechanism.

5. Flood insurance for local government applicants.

The proposed bill provides that, to the extent that a local public assistance applicant could reasonably have been expected to obtain flood insurance coverage, it would be denied funding for restoration of insurable structures. Federal help would continue to be available in designated disaster areas for emergency work, debris clearance, and repair or restoration of facilities such as roads, bridges, sewer and water systems and other such facilities.

6. Temporary Housing Assistance.

The proposed legislation would eliminate the automatic one-year, rent-free period, permit the States to perform the temporary housing program (if they are willing and capable) at Federal expense, limit Federal involvement to 18 months except in unusual circumstances, and provide for 75/25 cost sharing in establishing group mobile home sites.

These changes are proposed on the basis of FEMA's considerable experience in administration of temporary housing assistance. The purpose for eliminating the rent-free period is to impose the reasonable requirement that individuals and families needing temporary housing continue to pay at least what they were paying for housing prior to the disaster.

7. Increased reimbursement for Individual and Family Grants (IFG) administrative costs.

The IFG authority of the current disaster legislation requires State administration of such programs. Under the proposed legislation, States which administer IFG programs efficiently will receive reimbursement for 50 per centum of their administrative costs above the currently-authorized 3 per centum reimbursement level.

8. Disaster Unemployment Assistance (DUA).

The principal changes in the proposed legislation involve eliminating eligibility for DUA assistance where individuals are otherwise eligible for Unemployment Insurance Assistance, and limiting the duration of assistance to 26 weeks.

9. Funding hazard mitigation measures.

Section 15 of the proposed bill would allow the Federal Government to contribute to the cost of performing hazard mitigation measures in designated disaster areas. Such projects would be identified in the hazard mitigation plans developed by the State under the authority of Section 406 of the current Act. The plan would rank the most important and potentially cost-effective hazard mitigation projects. The total of contributions made under this authority would be limited to 2.5% of the Federal estimate of grants for permanent restorative work in that particular major disaster. Any Federal funds contributed under this section would have to be matched on a 50-50 basis.

10. Recovery of Funds.

The bill would authorize the Attorney General to bring suit to recover Federal funds spent in assisting State and local governments to recover from disasters where there is evidence that some party was responsible for causing or aggravating disaster damage.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this legislative proposal to the Congress and that its adoption would be in accord with the program of the President.

Sincerely,

GEORGE W. JETT,
General Counsel.

[Section-by-Section Analysis]

DISASTER RELIEF ACT AMENDMENTS OF 1983

SECTION 1

The short title of the bill is "Disaster Relief Act Amendments of 1983".

SECTION 2

Section 2 changes the title of the Act from the "Disaster Relief Act of 1974" to the "Major Disaster Relief and Emergency Assistance Act." This change reflects the significant amendments to the Act made by this bill whereby two distinct, identifiable and separate programs of assistance are established: (1) programs of response and recovery following disasters (primarily of "natural" origin) are consolidated in title IV and (2) programs of response to save lives and protect public health and property in emergencies are established in a newly written title V. Administration of responses to both major disasters and emergencies is provided for in title III.

SECTION 3

Section 3(a) redefines "emergency" to mean any occasion or instance in which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States. That Federal assistance is supplemental to the efforts and resources of State and local governments is a central principle in both the revised definition of "emergency" and in the new Title V, "Federal Emergency Assistance Programs."

After enactment of the Disaster Relief Act Amendments of 1983, Executive Order 12148 will be revised to clarify the delegations of authority from the President commensurate with the provisions of the legislation. The revisions to the Executive Order will define the action to be taken by FEMA under this Act and will identify the requirements for coordinating emergency planning and response activities with other Federal agencies for any of their facilities where emergency planning may be required.

SECTION 4

Title V of the Disaster Relief Act of 1974 added a new Title VIII to the Public Works and Economic Development Act of 1965. Sec. 4 would repeal Title VIII of that Act and amend Title V of the Disaster Relief Act of 1974 to add a new title, "Federal Emergency Assistance Programs." The new Title V would provide an entirely separate set of authorities for use in a Presidentially-declared "emergency." Authorities available for use in a "major disaster" would be found exclusively in amended Title IV. While Title IV includes provisions for both emergency work and permanent restorative work, the authorities of Title V pertain exclusively to emergency work, i.e., assistance to save lives and protect property, public health and safety and to lessen or avert the threat of a catastrophe. New Title V must be read in conjunction with the entirely new definition of "emergency" made by sec. 3(a). An "emergency" declaration under Sec. 501(a) would be made by the President on the request of the Governor. The Governor's request would have to be supported by information similar to that currently required for "major disaster" requests. Following a declaration, the President (and by delegation, FEMA) could use the authorities of sec. 502 to respond to the emergency situation. In addition, under the authority of sec. 503 the President (and by delegation, FEMA) could coordinate the provision of emergency assistance among a variety of Federal agencies and private organization. However, no funds appropriated to carry out the Act could be expended on such emergency assistance (except for direction, coordination and technical and advisory assistance under new title V) where Federal assistance is available and adequate under other Federal authorities. If this emergency assistance is inadequate, funding would still be limited to $5 million per emergency, except in accordance with subsection 504(c). Subsection 504(c) would provide that the President may determine that additional emergency assistance is required. If such a determination were made, the President (FEMA) would be able to continue to provide needed emergency assistance.

The language of new sec. 501(a) is largely drawn from current sec. 301(a) which relates to the declaration process for an "emergency" (current definition). Extra requirements were modeled on current sec. 301(b) dealing with the declaration process for a "major disaster." The central principle of Federal disaster assistance, that it be supplemental to the efforts and resources of State and local governments, remains in both the revised definition of "emergency" and new sec. 501. New sec. 502 is basically adapted from current sec. 305, and new sec. 503 is adapted from current sec. 306.

Section 501(b) would add a modified emergency declaration procedure for a special type of emergency. On rare occassions, there are threatening situations where the Federal Government has unique responsibilities. In such situations, sec. 501(b) would permit the President to act without the request from a Governor. After consultation with the Governor of the affected State, if such consultation is practicable given the emergency circumstances, the President may declare an "emergency" to exist on his own initiative. As a result, the Federal Government will be able to provide assistance to save lives and protect property, but with the same limitations as any other "emergency".

The situations where the President may need this extraordinary authority are defined by sec. 501(b) to be those where the United States has primary responsibility for addressing threats to life and property. These would be circumstances involving subject areas for which the United States exercises exclusive or pre-eminent responsibility and authority under the Constitution or the laws of the United States. The nature of these various situations indicate the requirement for a modified declaration procedure. The President may not be able to wait for a Governor's decisions to commit State resources and ultimately request Federal assistance. Furthermore, for practical or political reasons a Governor should not be forced to request assistance where the Federal, not the State, government has the primary responsibility for response. After the declaration, however, Federal assistance would be provided as in any other emergency. The United States would take necessary actions to assist State and local governments in coping with the immediate threats to life and property. The Federal response typically would be coordinated by FEMA and would rely on existing authorities and

agency missions to the maximum extent possible.

Section 504(a) states that no funds appropriated to carry out the Act can be expended on emergency assistance under this title where Federal assistance is available and adequate under other Federal authorities. For example, the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., provides authority for the control of radioactive materials that may pose a hazard to the public. In a situation requiring the control of radioactive materials to prevent danger to the public health, the Departments of Energy and Defense would be responsible for the direct response to the release of radioactive materials pursuant to the Atomic Energy Act. On the other hand, if a situation created by the release of radioactive materials could not be remedied entirely based upon the authority of the Atomic Energy Act, then the President could respond under this Act to provide assistance which could not otherwise be provided under the Atomic Energy Act. In situations involving the release of radioactive materials, any actions taken by FEMA will be coordinated in advance with the Departments of Defense and Energy and/or the Nuclear Regulatory Commission, as appropriate, in accordance with procedures established in agreements among these agencies.

Overall, when read with the amended definition of "emergency", sec. 4 would authorize the President to respond to natural and non-natural civil emergencies where supplemental emergency assistance is required or where assistance is needed to lessen or avert the threat of a catastrophe. This authority would essentially permit the Federal Government to provide the most needed lifesaving and property-protecting assistance in a broad range of incidents. The Administration could then, in a more deliberate manner, determine whether to provide continuing assistance and, if so, identify the proper authority or authorities under which to provide it. For unusual types of civil emergencies for which adequate response authorities do not exist, the Administration and Congress would have more time to design and enact legislation specifically tailored to the new problem.

One form of emergency assistance "necessary to save lives, protect property, public health and safety" is temporary housing for those individuals and families who require it. Following a declaration of "emergency" by the President, FEMA would be authorized to provide temporary housing assistance in conformity with regulations and guidance applicable to major disaster temporary housing operations. This would allow the Agency to take advantage of an existing program, rather than merely implementing an ad hoc operation based on the general emergency assistance authority. By way of example, advantages of this would be to allow FEMA to donate mobile homes no longer required in an "emergency" temporary housing operation to States, local governments and families and to provide mortgage and rental assistance.

SECTION 5

Section 5 would amend sec. 102(2) of the Act by clarifying the definition of "major disaster." The Presidential declarations for the Cuban influx emergency and, to a lesser extent, the Love Canal emergencies have caused considerable concern on the part of Members of Congress about the correct interpretation of the Act and its applicability to non-natural catastrophes. Some Members of Congress have objected to the use of the variety of disaster assistance authorities, which have been developed over the years primarily to address natural disasters, to respond to non-natural events. The effect of the enactment of section 5 would be to clarify congressional intent about the type of incidents which the President may declare a "major disaster."

There would be a number of alternative mechanisms for restricting the definition of "major disaster." These would include the insertion of the words "natural or physical" in the definition; the express exclusion of "social or economic" events; and the express exclusion of particular non-natural events such as riots, toxic spills, influx of refugees, state and local budgetary deficiencies, etc. However, the amendment which would be made by section 5 would clarify Congressional intent with the greatest simplicity and clarity.

The amended definition of "major disaster" would permit the President to declare catastrophes which are expressly listed in the definition and, of those catastrophes not expressly identified, only those resulting from natural causes. Among the expressly listed incidents are floods, fires and explosions, which the President could declare without the necessity to determine whether the damage and hardship resulted from natural or non-natural causes. In other words, the President could declare, whether they resulted from natural, non-natural or undetermined causes, floods (e.g., Teton Dam failure), fires (e.g., Lynn and Chelsea, Massachusetts, fires), and explosions (e.g., Louisville sewer explosions).

A declaration of "major disaster" where only immediate emergency assistance is required would be permissible. The change which would be made by sec. 5(2) would confirm this authority. The President will be authorized to declare a "major disaster" for which only limited forms of assistance would be provided.

The combined effect of the changes to the definitions of "major disaster" and "emergency" and the addition of the new Title V would be to establish separate statutory authority for providing supplemental Federal assistance in two distinct types of situations. Title III would contain administrative provisions which would apply to both major disasters and emergencies. Title IV would authorize a broad range of authorities for the Federal Government to provide assistance to supplement the efforts and available resources of State and local governments in carrying out their responsibilities for relieving damage, loss, hardship and suffering in the aftermath of natural catastrophes (and floods, fires and explosions of natural, non-natural or undertermined causes). The new Title V would authorize the Federal Government to provide limited assistance, namely to save lives and protect property, public health and safety or to lessen or avert the threat of a catastrophe, to supplement the efforts and capabilities of State and local governments in coping with their responsibilities in a much broader range of incidents, including natural and non-natural events. Please note that it is the position of FEMA that the changes that would be made by sec. 5 to the definition of "major disaster" are viable only if enacted simultaneously with the new definition of "emergency".

SECTION 6

Section 6 would amend Title II of the Act to eliminate the reference to the Defense Civil Preparedness Agency (an agency whose functions have been transferred to FEMA); to require natural hazard evaluation and mitigation elements in State disaster plans when updated and improved with sec. 201(d) grants; and to increase the Federal matching grant authority from $25,000 to $50,000 for sec. 201(d) grants.

Of particular significance is the doubling of the section 201(d) Federal matching grant. This change would reflect the need for States to adequately plan for the increased State and local government funding and operational involvement in public assistance and temporary housing. Since the enactment of this section in the 1974 Act, inflation alone provides a basis for increasing the matching share to $50,000.

SECTION 7

Section 7 would delete sections 301, 305, 306 and the first two sentences of sec. 302(a), while retaining the authority to have work done by other Federal agencies with or without reimbursement. Section 7 would also change the title of section 302 (new section 301) and eliminate "economic status" from the nondiscrimination provision, sec. 311 (new sec. 308).

These changes reflect the reorganization of the Act. Most of the provisions of sections 301, 305, 306 and the first two sentences of 302 are merely transferred to other sections of the Act as it would be amended.

SECTION 8

Section 8 would amend sec. 303 (new sec. 302) by providing, by statute, for a Federal coordinating officer for an emergency as well as a major disaster, and by specifically identifying the Federal coordinating officer as the President's representative. By recognition of the status, function and accountability of the Federal coordinating officer, sec. 8 should facilitate his or her efficient administration of the Federal coordinating officers' responsibility.

SECTION 9

Section 9 would restrict disaster assistance grants under new section 405 of the Act where reasonably available, adequate, and necessary flood insurance could have compensated for disaster damage. This change would be accomplished by the addition of a new first subsection to section 314 (new 311).

The purpose of this amendment would be to encourage States, local governments and eligible private nonprofit organizations to exercise prudent judgment in obtaining flood insurance, typically through the National Flood Insurance Program, to protect their insurable property against foreseeable flood hazards. The amendment would also ensure that Federal assistance under the Act to such entities not exercising prudent judgment as to insurance be appropriately limited. The denial of assistance under subsection (a) for an applicant's failure to exercise prudent judgment in obtaining reasonable flood insurance prior to a major disaster would relate only to damage of property which can be insured under the National Flood Insurance Program and which is located in a special flood hazard area. In other words, an applicant which is penalized would not necessarily lose eligibility for all disaster assistance. The limitation would apply both to vulnerable property located within communities which are participating in the National Flood Insurance Program and property located in communities which not participating, but which have been mapped for at least a year. The effect of subsection 9, therefore, would be to eliminate public assistance grants to the extent the

communities and other grant applicants could have been reasonably expected to protect themselves against flood damage.

If the proposal is enacted and proves to be workable, FEMA could propose additional legislative changes in the future to deal with other types of insurance (e.g., wind, fire, earthquake), and other forms of assistance (e.g., Individual and Family Grants, temporary housing).

Without the change proposed by this section, State and local government applicants would continue to be required to purchase insurance only at the time of the disaster, i.e., after the damage is done. Inevitably, there is a temptation for disaster applicants not to pay their own way by purchasing reasonable flood insurance, relying instead on "free" Federal disaster assistance.

All the provisions of current sec. 314 would be retained, although certain conforming changes would be made. Applicants for assistance under new section 405 would still be required to obtain reasonably available, adequate and necessary insurance to protect against future damage.

SECTION 10

Section 10 would amend section 315 (new section 312) relating to preventing and remedying duplications of benefits in disaster relief. Subsection (a) would modify and expand the requirements of current section 315, subsections (a) and (b) to prevent duplications of benefits by Federal agencies. The new subsection would place the responsibility for preventative action directly on each agency or organization which provides or administers disaster assistance under its own authorities. FEMA would retain the responsibility for preventing duplications of benefits when disaster assistance is provided or performed under mission assignment by another agency or organization. The President (FEMA) would take action to ensure uniformity of procedures. New subsection (a) would also explicitly require prevention of duplications in emergencies as well as major disasters. The subsection would also seek to prevent an applicant from receiving Federal disaster assistance where insurance did, or should have, provided benefits for the same purpose.

A recent study performed by FEMA indicated that in some places, disaster assistance provided what should have been covered by an applicant's insurance. It appears that insurance companies are not paying claims in a timely manner, or that applicants are not filing claims for items which should have been covered. This new feature of subsection (a) would give FEMA and other disaster assistance agencies and organizations a strong new mandate to provide disaster assistance only when insurance proceeds to which a person is entitled have been considered and the need for supplemental assistance remains. In addition, new subsection (a) would permit grants of disaster assistance where it is clear that an applicant for such assistance who is, or may be eligible for relief from insurance or any other sources will not receive such other assistance until some later date. Under these circumstances disaster assistance may be delivered, but upon the condition that the recipient of the assistance agreed to repay subsequently-received duplicative benefits.

New subsection (b) would require Federal disaster assistance agencies and organizations administering Federal disaster programs to collect duplicative benefits when the preventive measures taken under subsection (a) fail. The requirement would apply to emergencies as well as major disasters and would remedy duplications between Federal programs and among Federal programs, insurance and other sources. Under current section 315, subsection (c), which new subsection (b) would replace, only the President (FEMA) is vested with authority to recover duplications, and only when the duplication involves funds provided under the Disaster Relief Act. The new subsection (b) would, for the first time, provide comprehensive authority requiring the recovery of duplications arising under all Federal disaster programs.

Subsection (c) would provide that Federal and other disaster assistance shall not be considered as income or resources in the context of federally-funded income assistance or resource tested benefit programs. This change would preclude the reduction in benefits to individuals and families in federally-supported income assistance or welfare benefits as a result of their receipt of disaster assistance.

Section 318 (a) and (b) are based on similar provisions in the Labor-Management Reporting and Disclosure Act and are similar to current section 317(a); new section 318(c) is based upon the current section 317(c); new section 318(d) establishes an enforcement mechanism to respond to violations of the Act or its implementing regulations; section 318(e) is based on a similar provision in the Inspector General Act; and section 318(f) is a renumbering of current section 317(b).

SECTION 11

Section 11 would renumber current sec. 405 as new sec. 315 and make conforming changes; would add a new authority authorizing the Attorney General to institute suits to recover disaster assistance expenditures which are the proper responsibility of another party; would add a new section 317 to give the President express authority to audit and investigate, to require audits by State and local governments and to examine financial records of any person or entity relating to disaster assistance; and would renumber as new section 318, and expand, current section 317.

New section 316 would clarify the Government's authority to bring actions against parties which cause or contribute to major disasters or emergencies. The section would give the Attorney General express authority to institute actions in United States District Courts to recover disaster assistance expenditures. The Supreme Court in footnote 16 to the opinion in *Wyandotte Transportation Co. et al.* v. *United States*, 389 U.S. 191 (1967), stated that the then current disaster relief legislation, 42 U.S.C. 1855–1855g (predecessor act to the Disaster Relief Act of 1974) contained no authority to sue for recovery of disaster relief expenditures. Section 316 would overcome opposition to an action instituted by the Attorney General based on the *Wyandotte* footnote. Jurisdiction in District Courts would be expressly provided by 28 U.S.C. 1345.

Section 316, however, adds no new legal responsibilities for potential defendants. Any action brought under this section must be based on separate legal requirements such as those imposed by Federal or State statutes or regulations or common law (tort or contract, including a FEMA-State Disaster Assistance Agreement). The applicable standard of care shall be derived from such separate legal requirements. This section, by itself, does not impose strict liability or any other standard of care. It would be a matter of judicial discretion to fashion appropriate relief in addition to the repayment of Federal funds.

New section 317(a) is similar to a provision in the Labor-Management Reporting and Disclosure Act of 1959, as amended; section 317(b) is a new subsection; and section 317(c) is identical to provisions in several statutes and the regulations of several agencies, including FEMA.

New section 318 would expand on the civil and criminal sanctions of current section 317. It would also provide a mechanism by which the government could seek injunctive relief under appropriate circumstances. New subsections are based for the most part on existing and tested authorities of the Federal statutes.

SECTION 12

Section 12 would add section 401, dealing with the declaration process for major disasters and loans or advances of funds for the State and local share of assistance which is provided on a cost-sharing basis; sec. 402, authorizing the President and, by delegation FEMA, to direct other Federal agencies to provide assistance under their own authorities and without reimbursement, to coordinate Federal assistance and to coordinate with State and local governments, and to provide technical and advisory assistance; and sec. 403, authorizing the provisions of emergency assistance, under this Act, following a major disaster declaration.

Section 401(a) is currently codified at section 301(b) of the Act. Section 401(b) is new.

Among other things, section 401(a) requires a Governor's certification of a State and local government commitment to the disaster relief effort. By the parenthetical clause, a State commitment must constitute a "significant proportion" of the overall State and local commitment. The determination of whether the State commitment constitutes a "significant proportion" shall be made on a case-by-case basis. The determination shall be based on whether the State commitment is a substantial part of the overall State and local resources applied to the disaster recovery effort. It shall also be based on whether, given the resources available to the State, the Governor's commitment is adequate to demonstrate to the satisfaction of the President (FEMA) his or her sincerity in requesting supplemental Federal disaster assistance.

Section 401(b) would authorize advances or loans of the State and local share of grants under sections 405, 406 and 407 for which there would be cost-sharing requirements; it would not affect current sec. 414 (new sec. 416) dealing with community disaster loans, or current sec. 408 (new sec. 410), dealing with Individual and Family Grants. Sec. 401(b) would impose stricter standards for the advance or loan of the State and local share of grants made under new sec. 405, dealing with permanent restoration of public facilities. As a result, advances or loans of the State and local share of grants made under new section 406 (debris removal) and section 407 (temporary housing) would be more readily available than advances or loans for permanent restorative work. Sec. 403(a)(4) ensures that all debris removal assistance, whether needed as emergency work or not, would be cost-shared on a 75–25 percent basis.

Section 402 is drawn from current sec. 305; it is similar to new sec. 502. Sec. 403, with some changes in subsection (a)(4), is a recodification of current sec. 306; many features of this section are still intact from the

original 1950 comprehensive Disaster Relief Act.

SECTION 13

Section 13 amends section 402 (new section 405) and section 403 (new section 406) for several purposes. It would impose a 75 percent limitation on the Federal contribution for permanent restorative work on public facilities and debris removal, respectively. The section would also incorporate an expansion of the concepts of current section 419 into new sections 405 and 406. Several elements of current section 402 would be retained in new section 405: subsection (a) deals with the repair, restoration, reconstruction or replacement of public facilities, the definition of which is moved from 402(d) to new 405(a); subsection (b) would continue the eligibility of certain private nonprofit facilities; and subsection (d) would continue the provision of 402(c) relating to projects under construction, except that new 405(d) would preclude assistance where, under a contract, the contractor is responsible for disaster-related expenses. Current section 402(f) relating to flexible funding is unworkable and would be deleted. New section 405(c) would require that permanent restorative work still be accomplished in conformity with applicable codes, specifications and standards, as well as in compliance with floodplain management and hazard mitigation criteria required by the President, the Coastal Barrier Resources Act, and other applicable Federal statutes.

Section 13 incorporates FEMA's single most important legislative initiative, the requirement that State and local governments share the cost of permanent restorative work and debris removal at the rate of 75 percent Federal, 25 percent State and local. This change in the statute would assure the supplemental nature of the Federal aid under the public assistance authorities. The existing legislation requires a Governor, as a condition for assistance under the Act, to certify that the total obligations and expenditures of both State and local governments for a major disaster constitutes a reasonable commitment. This commitment has always been difficult to ascertain. Requiring 75-25 percent cost-sharing by statute would assure that a reasonable commitment would be made by state and local governments with regard to public assistance. With the grantees' cost-sharing in permanent restorative work, we anticipate tighter financial controls over planning and construction and other ways of reducing long-term costs related to disaster projects. We also anticipate that State and local governments will be more prudent in their assessments of needs for debris removal and permanent restorative work. Savings due to 75-25 percent cost-sharing for public assistance are currently estimated at an average of $50 million per annum. Any grant under the 75-25 percent limitation would be precluded unless there were a 25 percent nonfederal contribution; State and local governments would not be able simply to limit their expenditures to the Federal contribution. Further, the underlying purposes of the 75-25 percent provision would be frustrated if an applicant were permitted to receive other Federal funds specifically to meet the matching requirement. However, applicants should be able to apply funds originating with the Federal government when such funds were provided under general revenue sharing or broad block grant authority. In these latter situations, the applicant would still have to make decisions about where best to expend the funds under its control; this would ensure prudent applications for disaster assistance.

Section 13 also expands current section 419 relating to small project grants. We believe that this section provides a tested and time-saving method of reducing the burden of administrative costs and delays for small projects. The section currently permit FEMA to make full grant payments based on the estimated cost of repairing disaster damage to public facilities. Except on spot-checks, or upon receipt of evidence of gross errors or fraud, there generally is no requirement to perform detailed audits or final inspections of the work completed. FEMA would retain the authority to perform inspections and audits on particular projects in order to ensure the integrity of applicable programs. The current limitation on the applicability of section 419, $25,000 for the cumulative estimated cost for all projects belonging to a particular applicant, would be changed by section 13 to $25,000 for each individual project. Based on the most recent computer analysis, FEMA anticipates that approximately 90% of all projects processed, representing less than 10% of all funds expended, could be included under the new small project grant mechanism as a result of this change. The proposed change would gain the advantages of management by exception with greatly reduced administrative costs and delays.

Under section 13 contributions for permanent restorative work would be limited to 75 percent of the net eligible costs or "for small projects 75 percent of the Federal estimate of the net eligible cost" of repairs or restoration. The quoted portion would permit FEMA to make a grant based on the estimate, rather than having to resort to inspections and audits to determine the actual costs of restoration. The change would also permit FEMA to establish, by regulation, the definition of "small projects" to which this expedited procedure may be applied. We anticipate that a ceiling would be established initially at $25,000 per project. The section would also delete any provision for expending a small project grant on anything but the restoring or replacing of the damaged or destroyed public facility on which the grant was based. Section 13(c) would make provision for the same project grant mechanism for debris removal assistance; similar provisions are made for emergency work in a major disaster by section 13.

As a result of section 13, there would be authority to make grants to public assistance applicants based either on the actual net eligible costs of the restorative work or the Federal estimate of that cost. The latter mechanism would be expressly available for "small projects". There are, however, additional situations where actual net eligible costs can not be determined. There is no intent in section 13 to preclude FEMA from relying on Federal estimates in such situations. Examples include the longstanding practice of providing a "grant in lieu" when an applicant, in restoring its capability to continue providing a service, decides to rebuild a larger or better facility. By regulations, FEMA is permitted to provide funds to the extent that it would have funded the restoration of precisely what was lost. The determination of grant amount necessarily is based on an estimate. There are also other situations when actual costs are not available such as when an applicant has maintained inadequate records, where records have been destroyed or where FEMA can not justify reimbursing what it determines to be excessive costs. Each of these situations also requires reliance on estimates.

Section 13 also would amend and renumber the debris removal assistance authority, current section 403, as new section 406. As with section 405, debris removal assistance would be provided on a 75-25 percent cost-sharing basis (except for snow removal assistance which is normally provided on a 50-50 percent cost-sharing basis), regardless of whether the assistance is in the form of grants or direct Federal assistance. New section 406(c) would also authorize the small project grant mechanism for debris removal.

Section 13 would delete the "in lieu" provision relating to fundings under section 402(f). A local government involved can determine not to repair, restore, or replace a particular damaged public facility and get a 90 percent contribution in lieu therefor which can be used for non-disaster-related facility construction. Under the section an applicant is able to use available disaster funds to construct new public facilities which also may have low priority for construction and which are not essential. We estimate that of all the project applicants approved under the Act since 1974, only about 2 percent have been approved under section 402(f) representing about 5 percent of the total dollars.

Section 402(f) does not work to the best interest of the Federal Government. It contradicts the purpose and aims of Federal disaster assistance, which are, "to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters . . . ." When an applicant chooses not to restore a public facility, then presumably the facility is not needed to provide necessary services to the public, and the public will not suffer from lack of that facility. In such a situation it is not in the public interest for the Federal Government to provide funding which an applicant uses on some alternate project that is not disaster-related.

In those cases where an applicant wishes to use the opportunity of a disaster to make changes in location, size, or construction of disaster-damaged facilities, the grant-in-lieu procedure, provided for in FEMA's regulations, is of far more benefit to an applicant than flexible funding has been; it is used extensively in almost all disasters.

SECTION 14

Section 14 would amend current sec. 404 (new sec. 407) in several respects. First, it would eliminate the automatic one-year rent-free period for providing temporary housing. Second, temporary housing would only be provided when adequate alternate housing is unavailable. Third, FEMA and the affected State would share the costs of developing mobile home group sites, 75-25 percent. Fourth, there would be explicit authority for administration of temporary housing programs by State and local governments and for FEMA to reimburse 100 percent of the eligible costs incurred. Finally, the section would state that Federal operational and financial responsibility for temporary housing would not exceed 18 months unless that time were extended by the President (FEMA) in extraordinary circumstances.

The intent of the elimination of the automatic one-year rent-free period is to impose the reasonable requirement that individuals

and families needing temporary housing continue to pay at least what they were paying for housing before the disaster. This change plus the requirement that alternate housing be unavailable before the provision of temporary housing should save the Government at least $1 million per year.

The cost-sharing feature for group site development recognizes the supplemental nature of temporary housing. More to the point, however, it eliminates the confusion about the respective roles of the Federal and state governments in the cost associated with group site development. Currently, States or local governments are charged with providing group sites, except when FEMA determines that such sites should be developed at Federal expense. The presence of this waiver has encouraged States and local governments to obtain this relief whenever possible. The language of the proposal will formalize the State's responsibility for funding.

The explicit change authorizing FEMA to make contributions to State or local governments for the purpose of providing temporary housing, would clarify that FEMA, in addition to being authorized to provide such assistance directly, would have the option of providing assistance through other Federal agencies or through State or local governments which were willing and able to assume the responsibility. The determination of which mechanism is best would be within FEMA's sole discretion, assuming this section is delegated to the Agency. Finally, in all but extraordinary circumstances, FEMA's responsibility for the provision of temporary housing would end no later than 18 months from the date of the major disaster declaration.

SECTION 15

One of FEMA's major responsibilities in connection with the provision of disaster relief is to act together with State and local governments, as well as other Federal agencies, to reduce the damage sustained during natural disasters and to minimize the potential for the recurrence of disasters by initiating appropriate hazard mitigation measures.

The hazard mitigation process involves anticipating the future aspects of hazards; identifying measures that can reduce or eliminate these impacts; selecting and providing for the scheduling of the most appropriate actions for reducing impacts of the hazards; and evaluating and reviewing mitigation actions for effectiveness.

The immediate post-disaster situation presents many opportunities to reduce annual damages from natural disasters. We find, given the widespread damage and hardship, that local officials and the community at large are more interested and willing to reach a consensus on solving the problems associated with minimizing future risks than they are normally. This is especially true given the large public and private investments which are required to restore facilities damaged and destroyed as a result of the disaster. Depending on the extent of damage, there may be unprecedented opportunities to relocate damaged or destroyed facilities or homes out of the most dangerous zones; this is probably the most effective means of reducing the risk of future damage. FEMA's ability to promote cost-effective prudent hazard mitigation measures is largely dependent on its ability to participate in their costs.

Section 15 would provide authority for FEMA's contributing to the cost of performing hazard mitigation measures. Such projects would be identified in the hazard mitigation plan prepared by the State under the authority of current sec. 406 (new sec. 408) and FEMA's implementing regulations. This plan would rank the most important and potentially cost-effective hazard mitigation projects, subject to FEMA's approval. Such projects would not necessarily have to be specifically related to particular damaged facilities, but rather be significant in reducing the threat of future damage and hardship for the entire disaster area or for a significant facility in that area. There would be a limitation on the total amount of Federal disaster assistance funds to be expended on such projects of 2.5 percent of the public assistance costs assumed by FEMA for permanent restorative assistance for the subject major disaster. Based on our financial records, in fiscal year 1979, 2.5 percent of such costs would amount to approximately $4.5 million; for fiscal year 1980, the figure would have been $3.3 million; and for fiscal year 1981, the figure would have been approximately $.8 million. The potential savings to the Federal, State and local governments would be much greater. Any Federal funds contributed under this section would have to be matched on a 50 percent-50 percent basis.

SECTION 16

Section 16 would replace the current section 407 with an amended new section 409, still dealing with disaster unemployment assistance. The main changes would be to eliminate eligibility for such assistance where the individual is otherwise eligible for unemployment assistance under authority of any Federal or State act and to limit the duration of total assistance to 26 weeks. For example, a worker whose unemployment is attributable to a major disaster and who reopens or establishes a claim for unemployment compensation benefits under any State or Federal unemployment compensation law in which the duration of the benefit is less than 26 weeks would be entitled to disaster unemployment assistance for a combined duration of unemployment compensation and disaster unemployment assistance not to exceed 26 weeks.

Disaster unemployment assistance would be unavailable to supplement, week by week, benefits received under any other unemployment compensation program under Federal or State statute. This assistance would also be unavailable to provide benefits during any waiting week period under those programs. The term "unemployment compensation," as used in section 17, is intended to have the same meaning as is given to that term by section 85(c) of the Internal Revenue Code of 1954.

SECTION 17

Section 17 would delete language from section 408(b) of the Disaster Relief Act of 1974, as amended, which establishes an unspecified time frame for repayment of advances of a State's 25 per centum share of the costs of an Individual and Family Grant program. In addition, the section would add two new sentences to section 408(b). The additional sentences state that any advances of a State's 25 per centum share established by this section of the law will accumulate interest from the date such advance is made at a rate determined by the Secretary of Treasury. The new language would also provide that States which receive such advances must start repaying the advances along with accumulated interest within two years from the date of the Presidential major disaster declaration.

SECTION 18

Section 18 would amend sec. 408(d) (new sec. 410(d)) to permit FEMA to reimburse 50 percent of the State's administrative expenses in connection with the Individual and Family Grant program in excess of the currently reimbursed 3 percent of the Federal grant. Such extra reimbursement would be contingent on the State's completing all grants to eligible individuals and families within the period prescribed by FEMA.

This change is supported by the following points:

Once the emergency period is over, most state administrations do not assign high priority to the completion of the program. Historically, 85 percent of all programs received better than 90 percent of their applications within the application period (the first 60 days of the program). However, only 3 percent of the programs are completed within the regulated time frame (180 days).

Many states are reluctant to staff programs with an adequate number of people to process applications rapidly because their administrative costs would exceed the 3 percent allowed them. Some states restrict the implementing agency's administrative costs to the amount which will be reimbursed by the Federal Government. When this has occurred, in order to protect the interests of the individuals and families being assisted, FEMA has had to step in and perform functions that are normally the State's responsibility (e.g., FEMA performed the verification of a large number of all applications in Mississippi because the State restricted the staffing because costs would exceed the 3 percent.)

Auditors have been critical of the time it takes to deliver assistance. They question the validity of awarding a grant weeks, and sometimes months, after a victim has made application, since the purpose of the grant is to meet necessary expenses and serious needs.

An analysis of those completed programs authorized during 1980 and 1981 revealed that:

Overall, states are actually receiving only 15 percent of their reported administrative costs;

Only 25 percent of the programs received funds adequate to cover the reported administrative costs; and

If the authority to provide additional reimbursement as proposed by sec. 18 had been in place over the last two years, we estimate that states would have received 57 percent of their reported administrative costs, assuming the states complied with the required deadlines. For the two year period analyzed, the extra reimbursement by FEMA would have totaled approximately $775,000. This additional expenditure would have been supportable given the more efficient delivery of assistance to individuals and families.

If this section passes as written, the agency will clearly define in the program regulations the "period prescribed by the President" taking into account the fact that completing an IFG program is dependent on other programs.

SECTION 19

Section 19 would delete subsection (d) from sec. 418 (new sec. 420) authorizing grants to State and local governments for the removal of disaster-damaged timber from privately-owned lands. The section is unnecessary and is not used.

SECTION 20

Section 20 would amend sec. 606 of the Act (would not be renumbered by the bill) to authorize appropriations to the President of such sums as may be necessary to carry out the disaster assistance program for the next three fiscal years, and to FEMA for related administrative expenses for the same period. The three year authorization cycle is traditional for the Disaster Relief Act of 1974.

SECTION 21

Section 21 would make numerous changes to the Act, most of them conforming or updating amendments, not substantive costs.

Subsection 21(11) would eliminate the restriction that donated mobile homes must be used to provide temporary housing following an "emergency" or "major disaster." Subsection 21(13) would eliminate the reference to "emergency" in current sec. 415 dealing with emergency communications. This change would be a conforming amendment; all sections in Title IV make explicit reference to use in a "major disaster." However, if emergency communications were required in an emergency, as part of the Federal supplemental assistance for emergency communications would be authorized by the general emergency assistance authority of Title V. Subsection 21(16) would substitute "Federal coordinating officer" for "President" in current sec. 312 (new sec. 309) dealing with the use and coordination of private relief organizations.

SECTION 22

Section 22 would amend section 6(a)(6)(E) of the Coastal Barrier Resources Act to reflect the fact that that Act's exemption from the general prohibition on Federal expenditures on designated undeveloped coastal barriers in the context of the provision of emergency assistance remains effective. Sec. 22 also contains a general technical amendment provision to reflect the changes in the Disaster Relief Act of 1974, as amended, which would be effective upon enactment of the "Disaster Relief Act Amendments of 1983."

SECTION 23

Section 23 would provide that the Act shall be effective 90 days after enactment but only for major disasters and emergencies declared after such date. In addition, section 23 contains a savings provision which would continue in effect the current implementing regulations of the Disaster Relief Act of 1974, as amended, until those regulations are abrogated or amended by the President, and would permit the continuation of proceedings which are authorized under current law and regulations even after the enactment of the Disaster Relief Act Amendments of 1983.●

● Mr. HUMPHREY. Mr. President, I am glad to join with Senator STAFFORD to introduce the Disaster Relief Act Amendments of 1983.

This bill is a comprehensive set of proposed amendments to the Disaster Relief Act of 1974. It will serve as the focal point for the hearings and discussions with the administration, the Federal Emergency Management Agency, other departments and agencies, as well as interested groups or individuals.

The Subcommittee on Regional and Community Development, which I chair, will conduct a hearing on this important measure on July 21, 1983. The subcommittee will hear representatives of the Federal Emergency Management Agency in room 406 of the Dirksen Senate Office Building at 10 a.m. Additional hearings may be scheduled at a later date.●

By Mr. DENTON:

S. 1526. A bill to provide lump-sum death benefits for the survivors of Federal law enforcement officers killed in the line of duty; to the Committee on Governmental Affairs.

DEATH BENEFIT FOR FEDERAL LAW ENFORCEMENT OFFICERS

● Mr. DENTON. Mr. President, when a local enforcement officer is killed in the line of duty his or her immediate family receives from the Federal Government a sum of $50,000 in survivor benefits. On the other hand, when a Federal law enforcement agent is killed in the line of duty his or her immediate family does not receive such survivor benefits from the Federal Government. I introduce today a bill that would allow families of Federal agents killed in the line of duty to receive $75,000.

FROM THE FEDERAL GOVERNMENT

A bill similar to this was introduced during the Carter administration and was passed by both the House and Senate. However, President Carter vetoed this bill stating it would cost the Federal Government too much money. My research corrects the misconception that great numbers of Federal agents are killed in the line of duty. However, I believe that families of those who give their lives to defend the security of our Nation need and deserve this assistance.

I ask unanimous consent that a copy of the bill be included in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8133 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) If a law enforcement officer employed by the Federal Bureau of Investigation; the Drug Enforcement Administration; the U.S. Customs Service; U.S. Border Patrol; Indian Reservation Police; Uniform Division of Executive Protection Agency; Federal Protective Service; U.S. Secret Service; or as a U.S. Marshal dies as a result of injuries sustained in the performance of duty, the United States shall pay, in addition to other benefits authorized by law, a lump sum payment of $75,000 to the person or persons surviving on the date of death in the order of precedence established under subsections (a) and (b) of section 8705. No payment shall be made under this subsection if, by the end of the four-year period beginning on the date of the death of the employee, no claim for payment by a person entitled under this subsection is made. Payment under this subsection shall be made by the head of the Federal agency concerned out of appropriations available to such agency for such purposes beginning for fiscal year 1984."

(b) The amendment made by subsection (a) shall be effective upon date of enactment of this Act.●

By Mr. INOUYE:

S. 1527. A bill to provide parity for psychiatrists and psychologists in title 18, United States Code; to the Committee on the Judiciary.

AVAILABILITY OF PSYCHOLOGISTS IN THE CRIMINAL JUSTICE SYSTEM

● Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the current criminal justice system to insure that the services of qualified psychologists will be made readily available throughout the Federal judicial system.

The legislation which I am proposing today would not mandate that our Nation's Federal courts give preference to these scientists and practitioners, but would instead insure that Federal judges will have the option to use their services where they so desire.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4244 of title 18, United States Code, is amended by inserting after "qualified psychiatrist" each place it appears the following: "or psychologist".

SEC. 2. Section 4247 of title 18, United States Code, is amended—

(1) in the second sentence by inserting after "qualified psychiatrist" the following: "or psychologist";

(2) in the third sentence by striking out "designated psychiatrist or psychiatrists" and inserting in lieu thereof "designated psychiatrist or psychologist or psychiatrists or psychologists"; and

(3) in the fourth sentence by inserting after "psychiatrists" the following: "or psychologists".

SEC. 3. Rule 12.2(c) of the Federal Rules of Criminal Procedure is amended—

(1) in the caption by adding after "Psychiatric" the following: "or Psychological"; and

(2) in the first sentence by—

(A) adding after "psychiatric" the following: "or psychological"; and

(B) adding after "psychiatrist" the following: "or psychologist".●

By Mr. MOYNIHAN (for himself and Mr. DANFORTH):

S. 1528. A bill to amend the Internal Revenue Code of 1954 to provide that certain museums and organizations which operate libraries will be treated as public charities; to the Committee on Finance.

TAX TREATMENT OF LIBRARIES AND MUSEUMS

● Mr. MOYNIHAN. Mr. President, I rise today with Senator DANFORTH to introduce a bill to amend section 170

of the Internal Revenue Code concerning the tax treatment of certain museums and libraries. My bill would make it easier for these institutions to qualify as public charities.

Under current law, a museum can qualify as either a public charity or a private foundation. It is advantageous for a museum to be a public charity, in part, because it is easier as a public charity to obtain grants from foundations. The reason: a foundation has to exercise expenditure responsibility for the money it donates to other foundations, but not to public charities. Section 4945(h) of the Internal Revenue Code defines "expenditure responsibility" as a duty to "exert all reasonable efforts * * * to see that the grant is spent solely for the purpose for which made, to obtain full and complete reports from the grantee on how the funds are spent, and to make full and detailed reports" to the IRS. This involves a great deal of paperwork, and, for reasons that are all too obvious, foundations prefer to avoid the added work and expense.

Another reason museums prefer to qualify as a public charity rather than a private foundation is the investment excise tax. A private foundation must pay an annual 2 percent excise tax on its net investment income, and has to file a special tax return to do so. A public charity does not.

The list of public charity advantages continues. A private foundation is also prohibited from dealing with anyone on a lengthy list of disqualified persons. For instance, under the law, family members of persons who own large blocks of stock in corporations contributing money to the foundation are considered disqualified persons. The list of disqualified persons is such, then, that a foundation may find itself unwittingly breaking the law.

And the penalty for violating the law can be stiff. The disqualified person has to pay a special tax equal to 5 percent of the amount involved, and the tax increases to 200 percent if the infraction is not corrected after notice from the IRS. A public charity, on the other hand, is prohibited only from dealing with persons for their own advancement.

There is yet another advantage. A private foundation is prohibited from owning more than 35 percent of the stock in any unrelated business. If the business is controlled by a disqualified person, the foundation may own an even lesser percentage of stock. Again, the penalty for violating this provision is an additional tax of 5 percent of the excess business holding, increasing to 200 percent if the violation is not corrected after IRS notice. A public charity, of course, is not subject to this restriction.

And, last, a private foundation must file a special information return with the IRS. A public charity does not have to meet this requirement.

I do not challenge the basis for regulating private foundations in this way. I only ask if certain museums should not qualify as public charities.

The test for determining whether an exempt organization is a private foundation is found in section 509 of the Internal Revenue Code. In general, a museum can be considered a public charity, rather than a private foundation, if among other tests it receives more than one-third of its support in the form of small "gifts, grants, contributions * * * [and from] admissions" fees. The IRS regulations say that this one-third test is "designed to ensure that an organization which is excluded from private foundation status * * * is responsive to the general public, rather than to the private interests of a limited number of donors or other persons."

My bill would add a special test for museums to qualify for public charity tax status. A museum that failed to meet the one-third test could still qualify as a public charity if at least one-fourth of the museum's directors are public officials or persons appointed by public officials to act in the public interest. To qualify as a public charity, the museum must also be a permanent organization with a professional staff. It also must display tangible objects and be open to the general public for free or nominal charge, on a regular and continuous basis.

Why does the tax law distinguish between public charities and private foundations? In the sixties some foundations were found to be abusing their exemptions from Federal income taxes. Some wealthy families transferred stockholdings to a foundation, while retaining control of the corporation—avoiding both the income tax on dividends and the estate tax on the value of the stock. Said Stanley S. Surrey, Assistant Treasury Secretary for Tax Policy, in a February 23, 1967, speech: "The present resort of tax and business planners to the creation of a private foundation to hold the stock of a business enterprise so as to perpetuate the family control of that enterprise is a complete distortion of the policies and philanthropic motivations that underlie the tax benefits granted charitable contributions and charitable institutions."

Individuals who contribute money to foundations, of course, can deduct their contributions from their income taxes. Congress also found, however, that some foundations were simply investing this money, rather than supporting charitable works.

Congress designed the 1969 Tax Reform Act to end such abuses. Since all tax-exempt organizations were not abusing the law, the new rules did not apply to all organizations. Instead, Congress created a new subspecies, termed "private foundations," for targeted regulation. As the Ways and Means Committee explained in its report on the 1969 act: "the problems that gave rise to the statutory provisions of the bill * * * appear to be especially prevalent in the case of some organizations. However * * * certain other organizations * * * generally do not give rise to the problems which have led to the restrictions and limitations."

The main determinant of whether an organization should be considered a private foundation for tax purposes, the committee said, is the degree to which "the organization is responsive to the general public."

The American Enterprise Institute, in a book on "The Tax Reform Act of 1969," explained:

> The statutory definition of "private foundation" reflects an underlying congressional philosophy which turns upon a very crucial distinction between organizations that are privately financed and those that depend upon the public for their support. In the latter case, the organization is subject to the discipline of public opinion. If it misbehaves, misuses its capital, or engages in questionable practices, the public will presumably learn about it, and by the simple expedient of cutting off contributions, correct that which has become offensive. On the other hand, the institution that is privately financed is subject to no such corrective influence and therefore must be regulated in some other way.

The bill that I am introducing today would affect at least four museums in four States: The Strong Museum of Rochester, N.Y.; the Mariners Museum of Newport News, Va.; the Merrimack Valley Textile Museum in North Andover, Mass.; and the Philadelphia Maritime Museum.

My bill is reasonable and equitable. First, the likelihood that public museums have been abusing the tax laws, or have been used to do so, is very slim. There are certainly easier and more efficient ways to shelter corporate stock than to a set up a public museum. And certainly there are easier and more efficient ways for wealthy families to finance one's exotic pastimes or interests. Any contribution a museum receives almost always go directly into paying for an exhibit, rather than into a portfolio investment. It is for this reason that hospitals, schools, and such are not private foundations.

And second, a private foundation is an exempt organization relatively immume to public pressure. How reliant an organizaton is on the public for support is one test of is immunity from public pressure. This is the test in the current statute. I propose to add another test, one that is just as good. Is the museum a permanent organization with a professional staff and normal viewing hours for the public, and are there people represent-

ing the public interest on the board of directors of the museum?

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (A) of section 170(b)(1) of the Internal Revenue Code of 1954 (relating to percentage limitations) is amended by striking out "or" at the end of the clause (vii) by adding "or" at the end of clause (viii), and by inserting after clause (viii) the following new clause:

"(ix) a museum (as defined in subparagraph (F)(i)) if 25 percent or more of its governing body consists of individuals (other then disqualified persons as defined in subparagraph (F)(ii) with respect to the museum) who are described in any of the following subclauses:

"(I) community leaders or other individuals representing a broad cross-section of the views and interests of the community,

"(II) members of such governing body by reason of being a public official, or

"(III) individuals selected to be members of such governing body by a public official,".

(b) Paragraph (1) of section 170(b) of such Code is amended by adding at the end thereof the following new subparagraph:

"(F) SPECIAL RULES FOR SUBPARAGRAPH (A)(IX).—For purposes of subparagraph (A)(ix)—

"(i) MUSEUM.—The term 'museum' means any organization the principal function of which is (through the utilization of a professional staff) the exhibition of tangible objects to the general public on a regular and continuous basis for free or at a nominal charge.

"(ii) DISQUALIFIED PERSON.—The term 'disqualified person' has the meaning given to such term by section 4946; except that an individual shall not be treated as a disqualified person merely by reason of being a member of the governing body of the organization."

SEC. 2. (a) Clause (ii) of section 170(b)(1)(A) of the Internal Revenue Code of 1954 (relating to charitable, etc. contributions and gifts) is amended by adding at the end thereof: "or any organization which operates a qualified library within the meaning of subparagraph (G)."

(b) Paragraph (1) of section 170(b) of such Code is amended by adding at the end thereof the following new subparagraph:

"(G) QUALIFIED LIBRARIES.—For purposes of subparagraph (A)(ii), a library shall be treated as a qualified library if—

(i) such library was established as a library by a law of a State, a law of the United States, a law of possession of the United States, a law of the District of Columbia, or, before 1789, in the geographic area now comprising the United States and such library is operated by an organization as a permanent and principal part of the public services of such organization; or

"(ii) such library is open and available to the general public, does not charge a fee for admission to its premises or use on the premises of the library collection, and is operated by an organization, none of whose income is expended for purposes other than the construction, maintenance, expansion, operation or management of such library, its collection and the premises on which such library is located."

SEC. 3. The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act; except that, for purposes of applying sections 507 and 509(c) of the Internal Revenue Code of 1954 with respect to taxable years ending after such date, such amendments shall be treated as in effect for all periods on or after October 9, 1969.●

● Mr. DANFORTH. Mr. President, I am pleased to cosponsor the bill just introduced by my friend from New York, Mr. MOYNIHAN. This bill provides that a tax-exempt organization operating a library or museum is, under certain circumstances, to be treated as a public charity for tax purposes. This bill is similar, in its treatment of libraries, to legislation I introduced in the last Congress.

Under the bill, these organizations would be treated the same way that other educational organizations such as schools and universities are treated. In order to qualify for public charity treatment, the library operated by the organization would have to be operated as a permanent and principal part of the tax-exempt activities of the organization and be organized by a public act of the United States, of any State, of the District of Columbia, or of any possession of the United States, or be in existence prior to 1789. Alternatively, if the library is open and available to the public at no charge and is operated as the sole activity of the organization in issue, public charity treatment would be extended. Libraries which meet either of these tests are not different in any material manner from other educational institutions that are already accorded public charity status under the Internal Revenue Code. In my opinion, the time has come to equalize the treatment of these similar institutions.

Under current law, some tax-exempt organizations that operate libraries of the type I have just described run the annual risk that they will fail to meet the Internal Revenue Service's guidelines to qualify as a "publicly supported organization" and that they will be classified as private foundations.

For example, two libraries in Missouri that meet these tests, the St. Louis Mercantile Library in St. Louis and the Linda Hall Library in Kansas City, run the annual risk of being classifed as private foundations because of investment income from their endowments. Once classified as a private foundation, an organization must pay an annual excise tax equal to 2 percent of its net investment income. In order to avoid this tax, libraries of the type that are the subject of this bill will often spend substantial amounts in legal and accounting fees trying to insure that they meet the publicly supported organization test. Even then they may not meet the publicly supported test. Whether the organization spends its money paying the excise tax or in legal and accounting fees, I believe that as a matter of public policy, we would be better off if the money were spent acquiring books and other library materials.

There is another adverse aspect of being classified as a private foundation. A library that is classified as a private foundation has a more difficult task than an organization classified as a public charity in soliciting funds from potential contributors. A private foundation that is not an operating foundation may make contributions to public charities and private operating foundations, but generally may not make qualifying contributions to other private foundations that are not operating foundations. Because of the uncertainty as to whether a private operating foundation continues to qualify as an operating foundation—there are complex tests that must be satisfied annually—many individual contributors and other private foundations that are not operating foundations are hesitant to contribute funds to such an organization even though it clearly serves a public purpose.

As a result, funds that would otherwise go to libraries described in the bill are diverted to other charitable organizations. This is not a hypothetical problem. I am aware of at least one situation where a private foundation that formerly made a $10,000-a-year grant to the St. Louis Mercantile Library has ceased making such grants solely because of the library's private foundation status.

Finally, libraries that are classified as private foundations must, in addition to the 2-percent excise tax, pay annual legal and accounting fees to insure that they comply with the private operating fundation rules set out in the Internal Revenue Code. Again, I believe these funds could be better spent on library activities.

I do not believe that enactment of this bill will open the floodgates to legislation exempting all sorts of organizations from the private foundation rules. The legislation is narrowly drawn and the organizations involved in the bill serve the public. No allegations have been made that these organizations have engaged in the types of activity which led to the enactment of the private foundation rules in 1969. These organizations serve the public exclusively and should be treated accordingly. They should be classified as public charities.

Since I know of only two libraries that would be affected by this legislation, I would like to briefly describe each of these institutions.

The Linda Hill Library was established in 1946. The instruments governing its establishment and operation

specifically provide that the library shall be open and available to the public at no charge. These instruments also provide that none of the library's income shall be expended for purposes other than the construction, maintenance, expansion, operation, or management of the library. The library is maintained in its own buildings situated on a tract of land adjacent to the University of Missouri at Kansas City in Kansas City, Mo.

Since its establishment, the library has assembled one of the Nation's most extensive and notable collections devoted to science and technology including more than 460,000 volumes and over 620,000 microforms. Together with a distinguished retrospective collection, it also has very extensive holdings of current books and journals from all countries where publications at the research level in science and technology are available. Among those works especially valuable to research scientists throughout the United States, and not widely held by other institutions, are the library's comprehensive collections of current journals from the Soviet Union, Japan, and the People's Republic of China.

The Linda Hall Library maintains a program of providing photocopies of its materials to persons upon request, whenever requests for such services are consistent with copyright laws and with the Copyright Clearance Center procedures. It also maintains a program of lending portions of its collection from time to time to other libraries. Shortly after its establishment, the library purchased the entire collection of the American Academy of Arts and Sciences which had its principal offices in Boston, Mass. After the purchase, the Linda Hall Library agreed to act as the agent of the academy in continuing its broad exchange program with libraries and learned societies located throughout the world.

In the early years of its existence, the Linda Hall Library was selected by the Atomic Energy Commission as one of 15 or 20 depositories throughout the United States for its literature, and the library continues to maintain a collection of material relating to the AEC's successor organization, the Energy Research and Development Administration. In the late 1950's the National Aeronautics and Space Administration selected Linda Hall Library as a depository for the literature which it distributes in connection with its information program. Literature is still being sent by NASA to the library in connection with this program.

Linda Hall Library is a depository for all specifications and standards to be used by individuals and organizations when dealing with military and civilian projects of the Federal Government. The library also maintains the patent specifications for all patents issued by the U.S. Government since July 1946, and is a depository for all current maps issued by the U.S. Geological Survey.

Linda Hall Library maintains a very close relationship with the University of Missouri at Kansas City which is almost entirely dependent upon Linda Hall for library material in the areas of science and technology.

The St. Louis Mercantile Library Association was established in 1946 to form a well-rounded collection of books for the information and convenience of St. Louisans. The formation of the library was authorized and approved by a public act of the General Assembly of the State of Missouri. The library is maintained in its own building in downtown St. Louis.

Over the past 132 years the library has assembled a notable collection of books, now over 213,000 volumes, comprising a general collection in the liberal arts area, with emphasis on history, biography, travel, philosophy, religion, and the arts. The library maintains one of the country's distinguished and most comprehensive collections of regional history pertaining to St. Louis and Western American.

The Western Americana collection, with approximately 55,000 rare books, is probably the most comprehensive collection in that field in existence. The collection is frequently consulted and referred to by many historians in this field. In addition, the library has one of the most complete files available in the St. Louis area for 6 local papers, including some 500 bound volumes of St. Louis newspapers, beginning with 1812—a few of these cannot be obtained in any other library. The library has also been the recipient of many valuable gifts during its existence. These gifts include the fragmentary journal of Pierre Laclede's stepson, Auguste Chouteau, describing the founding of St. Louis, and the original manuscript, "Journal of the Proceedings of the First Legislative Council of the Territory of Louisiana, from June 3, 1806 to October 9, 1811."

For individuals researching the organization of the territorial government of the Louisiana Purchase or Missouri's first steps toward statehood, these documents are of extreme importance. Another notable possession is the four-volume elephant folio of Audubon's "Birds of America." The library is open to the public and currently maintains a broad-based membership of over 2,000. While membership is necessary to check out materials—membership dues are currently a nominal $10 per year—anyone can use the books and collection on the premises of the library. The library is also made available to students for Washington University to observe the library's unique cataloging systems, reference department, and rate book room.

In my opinion, neither the St. Louis Mercantile Library not the Linda Hall Library should be penalized by the private foundation rules and applicable excise taxes. These provisions were not intended to penalize organizations that clearly provide a public benefit such as these libraries do. I also believe that libraries such as these should not be burdened with the additional legal and accounting expenses incident to the private foundation rules.●

By Mr. ANDREWS:

S. 1530. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; to the Select Committee on Indian Affairs.

TECHNICAL AMENDMENTS TO INDIAN LEGISLATION

● Mr. ANDREWS. Mr. President, I am today introducing S. 1530, a bill to provide technical amendments to four acts pertinent only to Indian affairs. I previously introduced this legislation as S. 973 on April 5, 1983. The bill was reported out of the Select Committee on Indian Affairs on May 5, 1983, without amendment. However, at the time of Senate action, my esteemed colleague, the senior Senator from North Carolina, Senator HELMS, offered an amendment to authorize the North Carolina School of Arts to lease certain property which had been approved with a grant under the Public Works and Economic Development Act of 1965. This amendment was accepted by the Senate and S. 973, with the Helms amendment was passed to the House of Representatives.

S. 973 was adopted by the House without amendment and the bill was forwarded to the President on June 7, 1983. On June 17, within the time provided by law, the President noted his disapproval of S. 973 and transmitted his veto message to the Senate on June 18, 1983. In his message the President stressed that the Helms amendment was the sole cause of the veto and he urged prompt reenactment of sections 1 through 4 of S. 973 providing technical amendments to the Indian statutes. It is this purpose that the legislation I introduce today will accomplish.●

By Mr. RIEGLE (for himself, Mr. PELL, Mr. KENNEDY, Mr. CRANSTON, Mr. DODD, Mr. METZENBAUM, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. HART, Mr. LEVIN, and Mr. CHILES):

S. 1531. A bill to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes; to the Committee on Labor and Human Resources.

SCHOOL FACILITIES CHILD CARE ACT

● Mr. RIEGLE. Mr. President, today I am joining with my colleague, the senior Senator from Rhode Island, Mr. PELL, to introduce legislation to aid communities in the establishment and operation of school-age child care programs in public school buildings. We are pleased to have Senators CRANSTON, RANDOLPH, MATSUNAGA, DODD, KENNEDY, METZENBAUM, HART, LEVIN, and CHILES joining us as original cosponsors of this important bill. Day care for the school-aged child before school, after school, and during school holidays is a need of national dimensions for working parents in America.

LATCHKEY CHILDREN

The dramatic increase in two working parent families and working single heads of households has left many children without adult company or support for long periods of each work day. Literally millions of American children leave schools with keys around their necks. Our "latchkey" children return to empty houses alone, or in the company of a sister or brother not much older than themselves. Others, who find loneliness and fear in the prospect of an empty house, stay close to the school yard or visit with friends who may also be at home, unsupervised. In factories and offices across this Nation, parents wait anxiously for their children to call and confirm their arrival at home. They hope that their children can take care of themselves for the 2 or 3 hours between the end of the school day and the time that they return from work.

How well can young schoolchildren take care of themselves? Recent studies on physical and mental risks to unattended children are nothing short of alarming. Accidents are the major causes of death of school-age children in this country. Fire department officials in Detroit have reported that one out of six fires is caused by a child at home alone. Early exposure to alcohol and drugs, poor nutrition, fear and loneliness are just a few of the health hazards faced by latchkey children.

Research also suggests that unsupervised children are vulnerable to more subtle and insidious problems. There may be severe developmental implications for youngsters deprived of interaction with peers and affirming adults for significant amounts of time during the week. The delegation of responsibility to children for their own care and perhaps the care of even younger siblings places an undue burden which may leave them feeling frustrated and inadequate. Many children left alone resort to watching television for entertainment and company instead of working on key social and communication skills which are so critical to development during the early years.

Census reports indicate that almost 20 percent of the children between the ages of 6 and 13 whose mothers are working full time are unsupervised after school until a parent returns home. But many researchers suspect that this number represents the tip of the iceberg because of the reticence of many parents to admit that their children are alone after school. Estimates show that as many as 6 million children in America may be characterized as "latchkey."

In the last part of this decade, significant grassroots efforts, usually spearheaded by parents, have emerged in local communities to create after school day care programs. But these groundbreaking efforts have not begun to meet the growing need for these services. Only slightly more than 100 of the 15,000 American public school systems currently provide some sort of before and/or after school child care.

In conducting the research which led to the development of this legislation, it has been our experience that many school-aged child care programs now in operation are subsidized exclusively by parental fees. Providers are quick to point out, however, that fees have proven prohibitive for the participation of many children in need of services. Low-income and single parent households, and even some middle-income families who must also finance preschool child care, view after school child care as an unaffordable luxury.

Mr. President, adult supervision for young school-age children during periods when school is not in session and their parents must work should not be a luxury. With few exceptions, this important service is now available only to families with adequate financial resources, who are also fortunate enough to be living in communities where these programs are available. The safety and well-being or our Nation's young children are matters of the highest priority. It is my hope that this modest legislation will serve as a catalyst by drawing attention to the growing need for school-age child care programs, as well as by offering direct support to those communities which need assistance in developing programs.

PROVISIONS

Under the "School Facilities Child Care Act," public agencies and private nonprofit organizations can apply for Federal assistance to operate school-age child care programs in public school buildings. Grant applicants must demonstrate a need for a school-age child care program, a strong parental involvement component in the program, and a sliding fee schedule which will provide for reduced or waived fees for low-income children. In addition, our legislation establishes a National Clearinghouse on School-Age Child Care to offer information and technical assistance regarding the operation of these programs. The minimal funding level for this legislation, $15 million, will only begin to address the national need for quality school-age child care programs. However, not every community in need of school-age child care programs is also in need of Federal dollars to operate these programs. It is our hope that the Clearinghouse will offer all communities interested in addressing the "latchkey" problem a valuable resource. Furthermore, it is our intention that the availability of information and expertise to all who are interested will act to further target the majority of Federal dollars to those communities and to those children most in need.

Mr. President, this $15 million authorization bill will not insure the existence of a school-age child care program in every community. It will not provide funding for every child in need of services from a family without adequate resources. Nonetheless, it is an important beginning. In addition to providing a small amount of Federal dollars to support local after school school child care programs and to developing a national resource on the state of this art, I believe that this legislation will be an important contribution to national child care policy. This legislation places a high priority on parental involvement in the provision of services for their children. The sliding fee schedule guarantees a financial contribution from parents who can afford it, encourages an economic mix of children, and further targets Federal dollars to low-income children. Our bill encourages the formulation of partnerships among disparate sectors of the community who have concerns about the welfare of school-age children—parents, public educators, child care staff and advocates, community recreation groups—in the development of local school-aged child care programs. The use of a public school building as the site for these programs offers a cost-effective strategy for the provision of care through reliance on existing resources. This bill further facilitates local involvement by encouraging financial or in-kind contributions to these programs from all sectors of the community. These contributions can take several forms other than money, including the donation of space by the public school system. Volunteers from public service organizations or from local high schools and colleges can also offer an important contribution to the quality of any school-age child care program.

CHILDREN SPEAK OUT

Mr. President, the newly formed Senate Children's Caucus recently held their first policy forum on the issue of "latchkey" children. Experts spoke to the physical and psychological risks inherent in the "latchkey" predicament as well as to the need for national leadership in this area. The

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ones who spoke most eloquently about the "latchkey" phenomena and the value of after school child care programs, however, were the children themselves. High school students who volunteer at local after-school programs spoke about the boredom and the occasional fear they felt when they were "latchkey" children, and did not have access to the kinds of programs they now function in as volunteers. The younger child care program participants spoke about the fun they had after school and the strong friendships they had made in the program. It became clear that these programs functioned not simply as a holding center or a safe haven for children until their parents returned home from work. In deed, these children's participation in a school-age child care program substantially enhanced the quality of their lives.

Dramatic changes in the composition of American families and of the American workforce have resulted in an increased demand for child care of every variety for children of every age. Nevertheless national policy in the area has lagged for behind. Almost 20 percent of our Nation's children are living in one/parent households for a significant portion of their lives. More than one-half of mothers from two-parent families work. Despite these facts of our national life, the title XX social services block grant has been cut and child care food programs have experienced drastic reductions. In the one area where we have made some progress—the child care tax credit—we have failed to gain refundability for this provision. Consequently, those most in need of Federal assistance to finance essential child care services, receive no benefit from this provision in the tax code. Efforts to adopt comprehensive national child care legislation have been underway in the Congress for well over a decade. As a cosponsor of Senator CRANSTON's bill, S. 4, I have long been committed to a comprehensive national response to the enormous need for child care in our Nation. The "School Facilities Child Care Act" addresses only one small part of the national child care need, but the modest nature of our porposal makes it no less worthy of serious consideration. We cannot wait to address this problem and our children cannot wait for our attention and support. A substantial percentage of a whole generation of American children sit home, alone, until we choose to act. I urge my colleagues to join us in support for this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Facilities Child Care Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds that—

(1) the need for day care for the young school-age child before school, after school, during school holidays, and during school vacations when parents must work, is a national problem, affecting more and more families every year;

(2) approximately 6 million children, between the ages of 6 and 13 take care of themselves when they return home from school;

(3) unsupervised children run physical and psychological risks, including accidents and feelings of loneliness and fear;

(4) research studies have indicated increased likelihood of alcohol and drug abuse and delinquent behavior among unsupervised "latchkey" children;

(5) the number of existing child care programs designed to meet the needs of young schoolchildren for before and after school supervision are scarce, frequently filled to capacity and often unable to subsidize care for children from families with limited financial resources;

(6) the Federal Government has a role in the promotion of quality and adequate child care services which contribute to the well-being of children and families; and

(7) the use of the public school as the site for before and after school care offers effective utilization of existing resources.

(b) Recognizing that the parent is the primary influence in the life of the child and that the parent must have ultimate decisionmaking authority on issues relating to the welfare and care of the child, it is the purpose of this Act—

(1) to encourage the development of partnerships among parents, public elementary and secondary school educators and child care providers designed to serve the interests of school-age children in need of before and after school care;

(2) to promote the availability of child care services to school-age children in need of services;

(3) to provide financial assistance to public agencies and private nonprofit organizations utilizing public school facilities for before and after child care services;

(4) to provide assistance to families whose financial resources are insufficient to pay the full cost of services for before and after school care; and

(5) to encourage State and local educational agencies and community organizations to assess the need for school-age child care services and to promote public awareness of the need to provide adult supervision of school-age children and the availability of programs to provide such services.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(2) the term "equipment" has the same meaning given that term by section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(5) the term "school-age children" means children aged five through thirteen;

(6) the term "school facilities" means classrooms and related facilities used for the provision of free public education;

(7) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the elementary and Secondary Education Act of 1965;

(8) the term "Secretary" means the Secretary of Health and Human Services;

(9) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(10) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

PROGRAM AUTHORIZED

SEC. 4. (a) The Secretary of Health and Human Services is authorized, in accordance with the provisions of this Act, to make grants to public agencies and private nonprofit organizations having the capacity to furnish school-age child care services to assist such agencies and organizations to establish and operate school-age child care services in public school facilities.

(b)(1) There are authorized to be appropriated $15,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1986. Amounts appropriated pursuant to the first sentence of this subsection shall remain available until expended.

(2) Not more than 5 per centum of the amount appropriated in each fiscal year under paragraph (1) shall be available for administrative expenses.

APPLICATIONS

SEC. 5. Each public agency or private nonprofit organization having the capacity to furnish school-age child care services which desires to receive a grant under this Act shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the need for and the type of child care services to be furnished in school facilities of an elementary or secondary school or a public institution of higher education in the community;

(2) provide assurances that the applicant has knowledge of and experience in the special nature of child care services for school-age children;

(3) provide assurances, in the case of an applicant that is not a State or local educational agency, that the applicant has or will enter into an agreement with the State or local educational agency or public institution of higher education containing provisions for—

(A) the use of school facilities for the provision of before or after school child care services (including such use during holidays and vacation periods),

(B) the restrictions, if any, on the use of such space, and

(C) the times when the space will be available for the use of the applicant;

(4) provide an estimate of the costs of the establishment and operation of the child care service program in the school facilities,

including the proposal for a fee schedule for child care services;

(5) provide for the establishment of a sliding fee schedule based upon the services provided and family income adjusted for family size for children receiving services assisted under this Act;

(6) provide assurances that the parents of school-age children will be involved in the development and implementation of the program for which assistance is sought under this Act;

(7) provide assurances that the applicant is able and willing to seek to enroll racially, ethnically, and economically diverse as well as handicapped school-age children in the child care service program for which assistance is sought under this Act;

(8) provide assurances that the child care program is in compliance with State and local licensing laws and regulations governing day care services for school-age children;

(9) provide assurances that the applicant will participate in data collection and evaluation activities relating to the program for which assistance is sought and will report such information as the Secretary may reasonably require to carry out section 6;

(10) describe the liability insurance coverage which the applicant intends to purchase; and

(11) provide such other assurances as the Secretary may reasonably require to carry out the provisions of this Act.

(b) In approving applications under this subsection (a) of this section, the Secretary shall—

(1) assure that there is an equitable distribution of approved applications both with respect to States and between innercity, urban, suburban, and rural areas;

(2) give priority to applications from applicants in communities in which there is the greatest need for child care services for school-age children and in which there is a shortage of economic resources for the provision of child care services for such children; and

(3) give consideration to applicants who can illustrate an identifiable base of support from the community in the form of financial or in-kind contributions from other agencies, parents groups, business concerns, or civic organizations.

NEEDS ASSESSMENT; REPORT

SEC. 6. (a) The Secretary shall carry out a program of collecting data from recipients of assistance under this Act designed to provide a national needs assessment for child care services of school-age children in the United States. The data shall include number of children served, number of children awaiting care, income distribution of families, percentage of families requiring reduced or waived fees.

(b) Not later than 60 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a full and complete report of its activities under this Act during the preceding fiscal year, together with a needs assessment of the availability of, and need for Federal support for, child care services for school-age children in each State in the United States.

NATIONAL CLEARINGHOUSE ON SCHOOL AGE CHILD CARE

SEC. 7. From the amount reserved under section 4(b)(2), the Secretary shall establish and operate a clearinghouse on school age child care programs. The clearinghouse shall collect and disseminate to the public information pertaining to programs and services available for the provision of school age child care, together with ways of coordinating such programs and services with other programs and services, including education and recreation, provided to school age children. The clearinghouse shall also provide technical assistance to public agencies, private nonprofit organizations, and groups of parents desiring to establish local school age child care programs or services.

The Secretary is authorized to enter into contracts with qualified public agencies and private organizations to operate the clearinghouse established or designated under this section. The Secretary is also authorized to accept donations from public and private organizations and individuals for the purpose of operating the clearinghouse.

PAYMENTS

SEC. 8. (a) From the amounts appropriated under section 4, the secretary shall pay, in accordance with the provisions of this Act, the amount required to carry out the services described in each application approved under section 5.

(b) Payments under this Act shall be made as soon after the approval of the application as is practicable.

ADMINISTRATION

SEC. 9. (a) In order to carry out the provisions of this Act, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code;

(3) precribe such regulations as the Secretary deems necessary;

(4) receive money and other property donated and bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, and otherwise dispose of such property for the purpose of carrying out the functions of the Secretary under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(6) enter into contracts, grants, other arrangements, or modifications that are necessary to carry out the provisions of this Act.

(b) The Secretary shall submit to the President and to the Congress an annual report of the program authorized by this Act.

WITHHOLDING

SEC. 10. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any applicant, finds that there has been a failure to comply substantially with the provisions set forth in the application approved under section 5, the Secretary shall notify the applicant that further payments will not be made under this Act until he is satisfied that there is no longer any failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this Act.

AUDIT

SEC. 11. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any contractee receiving assistance under this Act that are pertinent to the sums received and disbursed under this Act.

● Mr. PELL. Mr. President, I am introducing today with my colleague from Michigan (Mr. RIEGLE) a bill entitled the School Facilities Child Care Act. The bill is a careful and initial attempt to address a large and growing problem for our Nation: the problem of "latchkey" children.

"Latchkey" children possess no authoritative definition of who they are, but they can best be described as children in kindergarten and elementary schools who are forced to leave home by themselves in the morning or let themselves back into the house in the afternoon, often with a key fastened to their clothing or hidden near the door. They must do so because their parents work at full-time jobs and cannot be home with them in the morning before school starts and in the afternoon when school has finished. Many parents must leave for work at 7 or 7:30 a.m., and they often do not arrive home until 5:50, 6, or 6:30 in the afternoon. The children of these parents must fend for themselves at home during the hours when school is not in session if day care, relatives, or other activities are not available.

The problems presented by latchkey children have two dimensions, Mr. President. One is the large and growing number of latchkey children whose needs have not been met; the other dimension is the pyschological and physical risks that latchkey children are subject to.

The numbers are difficult to define. Parents are not anxious to admit that they allow their young children to remain at home alone for part of the day, so survey results can vary greatly according to whether parents or children are interviewed. Of the 28 million children in this country who are between the ages of 6 and 13, estimates of the number of latchkey children run from 1.8 million to 15 million. Whatever the number, it will continue to grow: it is estimated that by 1990, the number of children aged 6 to 13 will grow by 10 percent, to 30.6 million. The amount of government resources devoted to day care of any type, meanwhile, has been diminishing: Title XX, the fund for low-income social programs and the largest source of assistance for day care, has been reduced drastically in recent years, and the amount spent on day care has gone from $714 million in 1981 to approximately $500 million in 1982.

According to Dr. Lenora Cole-Alexander, Director of the Women's Bureau at the Department of Labor, only 54 percent of the children under 13 in need of child care receive it today. Dr. Thomas Long, of the School of Education at Catholic University in Washington, has found in surveys

taken in Washington, Houston, and Phoenix that one-third of school age children spend time at home by themselves.

These figures, Mr. President, give us the quantitative dimensions of the problem. What defines the problem and makes our attention urgent, however, is the knowledge of the psychological and physical damage that can occur to latchkey children.

According to Dr. Long, latchkey children experience fear at a rate that is much higher than for children who are cared for by an adult. Loneliness and boredom are also much more likely to occur. Although it is possible for some latchkey children to play with other children in their neighborhoods, for many children this is not possible because their parents instruct them to stay safely in the house when the parent is not at home. It is also not possible when other children live some distance away. The absence of contact with other children for significant periods of the day can result in a noticeable lack of socialization for the latchkey child. This lack of socialization can continue in the child's teen years if he or she has no transportation for after school and vacation activities.

Graphic and moving examples exist of the meaning of such isolation. A 1981 U.S. News & World Report article described a child in Phoenix who patrolled his house with a baseball bat in one hand and a shoe in the other, checking the windows every 15 minutes to watch for intruders. In a Cleveland suburb, a 7-year-old boy returned home every day to lock himself in the bathroom and pray that no one would break into the house before his parents arrived home. An elementary schoolteacher in Indianapolis estimated that as many as 80 percent of the school's students went home to empty houses.

As arresting as these examples are, they form the subtle and invisible damage of the latchkey phenomenon. The visible damage can be more tragic because it involves physical damage and death. Six thousand children aged 5 to 14 die in accidents every year, including 1,000 in fires; in almost all of these situations, no adult is present. In 1981, the Newark, N.J., Fire Department reported that 1 in 6 calls received by the fire department were from children home alone.

Mr. President, these sad and unfortunate instances of loneliness, fear, and harm are not the products of increased negligence or irresponsibility by parents. They are the products of a changing world, a world that bears little resemblance to the one which you and I grew up in. There are many more single-parent families, and most parents must work. Children, by necessity, have been left to fend for themselves for part of the day.

Mr. President, there is a great need for Federal leadership in this chasm between the needs of school age children and the services presently available to them. Child care activities provided to children at the same site on which they already attend kindergarten or elementary school is one answer which is now being explored, and I think that the results have been very positive.

In my own State of Rhode Island, a very successful pilot program has existed for 2 years in South Kingstown. In 1980, the Women's Club of South County became interested in the problems presented by latchkey children, and with the school board's approval conducted a survey of the parents of elementary schoolchildren in South Kingstown. Fifty percent of the parents responded that some sort of day care was needed for their school-aged children. Since that time, the Women's Club of South County has operated a program at the Wakefield Elementary School which has proven to be very popular. The women's club decided to limit enrollment to 25 students per day because its own resources were limited, and to offer an after school day care program from 3 to 6 p.m. every schoolday for children in kindergarten through fourth grade. Recreation, crafts, skills, snacks, and an occasional movie are offered. I am pleased to know that the program has maintained a full enrollment, and that its two staff members and its volunteers from the women's club and the local community have been very busy. The director of the project states that it has almost grown out of hand, and that they have had to turn children away. With its popularity has come increased interest: Parents from other schools have asked about the pilot program, and the town of Narragansett has asked the Women's Club of South County to set up a similar program next fall at the Narragansett Elementary School.

With the program's popularity have also come increasing financial burdens. With the use of donated school space and a part-time director and assistant director, the Wakefield school program has charged only $2 per child per day, but the women's club has had to contribute administrative funds by holding fundraising events. This year, it has applied to a private foundation for financial assistance. With 850 children at the Narragansett School and with 700 children in the five South Kingstown elementary schools, there is a much greater need than the women's club can meet with its present resources. The women's club would also like to be able to provide care during school vacations, but cannot do so presently.

Successful programs making use of school facilities exist in other parts of the country as well. Here in the Washington area, Arlington County, Anne Arundel County, and the District of Columbia operate successful programs which are very popular with parents and children. According to Michelle Seligson, director of the School-Age Child Project at Wellesley College, approximately 100 child-care programs in the country make use of school facilities for latchkey children. If we can assume that less than half of the 28 million children in this country between the ages of 6 and 13 receive child care, the then there is a severe need for Federal leadership in this area.

The bill that I am introducing with Senator RIEGLE provides that Federal leadership. Our bill will serve as a catalyst, bringing attention to bear on the inexpensive and efficient partnerships that can be built between schools, parents, and nonprofit day-care providers to provide before and after school care for children in kindergarten and elementary school. This bill does not seek to provide funds on the scale of the $500 million that is now used for day care in title XX funds, but rather generate a movement, we hope, toward increased local awareness and activity.

The School Facilities Child Care Act would accomplish this task by authorizing the Secretary of Health and Human Services to make grants to public agencies and to private nonprofit organizations for the purpose of furnishing child-care services in public school facilities. Local agencies or organizations would apply directly to the Secretary for grants to initiate school-child care, and the Secretary will be required to assure an equitable distribution between inner city and rural areas, as well as to give priority to those communities in which there is the greatest need but the fewest economic resources for the provision of care. The Secretary would also conduct a national assessment of the need for school age child care in the United States, and initiate a national clearinghouse for information and technical assistance. The total cost authorized would be $15 million per year for 3 years.

Mr. President, we live in the midst of a changing society. Many families have only a single parent. Women are today a strong and ever-growing part of the labor force, and few adults, whether single or married, can afford the luxury of caring for their children full time. A full-time working life has become the norm for most parents, yet school for their children still occupies only part of the day.

Our schools are based on an agrarian calendar, one that no longer exists for the vast majority of our children. In the years ahead, we will undoubtedly see the school day extended to allow for more classroom time and more

nonacademic activities. In 1983, however, we are tragically confronted with the vision of millions of young children who are at home alone for several hours every day, and those children experience fear, loneliness, social isolation, and physical harm. It is time that our Government call attention to this situation, and to the fact that it can be stopped and corrected. It is time for us to help young schoolchildren who often cannot help themselves. It is time to put vacant classrooms to use after school to help those children, and it is time that we in Congress did something to start this process rolling. I call on my colleagues to help me support and pass this bill.●

● Mr. DODD. Mr. President, I am pleased to join Senators RIEGLE and PELL in sponsoring the "School Facilities Child Care Act of 1983."

On June 9, Senator SPECTER and I convened the first policy forum of the Children's Caucus. That forum focused on the problems confronting latchkey children or those youngsters who must care for themselves after school.

At that forum, we learned that between 6 and 15 million American children could be home by themselves between the hours of 3 in the afternoon and 6 or 7 in the evening. Such children may face four serious risks. They may be injured accidentally or victimized. They may become less willing to tackle school assignments because no one is home to help them. They may end up feeling lonely or bored. And, they may act badly, vandalizing neighborhood property.

We must provide latchkey children with alternatives to staying home alone if we are to protect them from such risks. Afterschool programs provide alternatives.

At the June 9 forum, we heard from two afterschool programs. The first, Park Elementary in Anne Arundel, Md., is funded under a 2-year action grant. After that 2 years, their funding runs out. The second, the Hearst afterschool program in Washington, D.C., is funded entirely by tuition paid by parents. The director of the Hearst program spoke at length about the numbers of parents in the District of Columbia who cannot afford to pay tuition for afterschool care.

This legislation would allow HHS to make grants to both private and public services in public schools. As such, it recognizes that the Federal Government should play a role in fostering partnerships between public schools and communities. Such partnerships will help us solve the latchkey problem.

I urge my colleagues to join with me in sponsoring this legislation to help meet the pressing need for afterschool care in this country.●

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of this important legislation to safeguard our Nation's most precious natural resource—our children.

The economic pressure of our times, rigid workplace schedules, the phenomenon of both parents working outside the home, and the increase in single parent families have produced millions of latchkey children in our society. These are school age youngsters who return to empty homes after school closes. They let themselves in the house, turn on the television and wait for their parents to return home from work. Often they must remain indoors because their parents are afraid to allow them to go outside. Alone and unsupervised, often for several hours, these children represent a national scandal and a national responsibility.

Our society has changed. While it is pleasant to recall the ideal of the past—the village green full of children at play, mother at home with cookies and milk—that is simply not the reality for the overwhelming majority of American families. The fact is that over half of the mothers of school age children work outside the home. Six million children come home not to milk and cookies, but an empty home.

These children are our responsibility. Their parents do not have the individual resources to provide care for them. We must provide the support for development of afterschool programs to meet this need.

Psychology Today reports that in State College, Pa., the American Association of Unversity Women funded a program known as Phone Friend. Volunteers cover a phone bank to provide a point of contact for children home alone after school. The children call because they need assistance, advice, reassurance, and help with homework.

Phone Friend is a laudable effort, but it is no substitute for afterschool care and supervision. It is a sad commentary on our society when 7 year olds must use a telephone when they need comforting or help with homework.

This legislation will begin to provide much needed programs for afterschool care. Public and private agencies will receive grants to develop and administer after school care programs for children ages 6–13.

The parents of Brookline, Mass., have developed a model program for before school and afterschool child care. Brookline afterschool special program (BASS) provides a trained staff to supervise youngsters 8 to 12 years old. Transportation from the eight schools served is provided by the program.

For a fee within the reach of even single parents a child can enjoy supervised play, homework, and the traditional milk and cookies.

Mr. President, I would like to see programs like this in every community. The school age child care bill will support and encourage the development of programs like BASS. I look forward to the enactment of this important legislation.

By Mr. GARN (for himself, Mr. HEINZ, Mr. PROXMIRE, and Mr. DODD) (by request):

S. 1532. A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by State-chartered depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ACQUISITION OF DEPOSITORY INSTITUTIONS

● Mr. GARN. Mr. President, I am introducing, by request of Chairman Volcker and the Federal Reserve Board, a bill to impose a temporary moratorium, until December 31, 1983, on the establishment of nonbank banks and on the scope of nondepository activities engaged in by banking and thrift organizations.

Since last year, the Federal Reserve has been concerned that the skillful use of the banking statutes has enabled many new banking organizations to avoid being subject to the regulatory framework and Federal Reserve supervisory authority contained in the Bank Holding Company Act.

As indicated by Chairman Volcker's transmittal letter, the purpose of the moratorium is to provide time for Congress to consider legislation designed to "address the fundamental need to adapt the banking and financial system to a rapidly changing world." In sum, participants in the financial marketplace are continuing to pursue aggressive and innovative business strategies which reflect technological and other contemporary advancements which were not even known or imagined when such laws were enacted.

I agree wholeheartedly with Chairman Volcker that Congress must address the changes in the financial system. How to insure such congressional attention is, in my opinion, unclear. The best way is to meet the issues head on, but some, including Chairman Volcker, believe that a moratorium is necessary to make certain that the world does not change completely before Congress acts. However, moratoriums also run the risk of being open-ended delays, much like regulation Q and the interest rate differential. To his credit, Chairman Volcker has developed a proposal with a short time limit and urges Congress to consider more substantive legislation in the interim.

As another part of this process, I expect that next week the Treasury Department will submit their updated version of last year's nonbanking activities legislation. When I receive it, I anticipate introducing this legislation

by request of Secretary Regan. As with the Federal Reserve's moratorium efforts, the Treasury Department has been meeting with all interested groups during the past several months in an effort to develop further the "separate subsidiary" legislation introduced last year as S. 2490. I look forward to receiving this revised proposal as a possible response to the ongoing evolution of our financial services industry.

The financial system established in the 1930's has served us well, and certainly the underlying principles of a diverse and a safe and sound system must be preserved. However, as is being highlighted by the committee's financial service industry oversight hearings, the organizational structure of the system is being changed by consumer demands and institutional innovations. The test for Congress is to insure that the banking statutes promote a diverse and safe and sound system that is better able to adjust to changes in the marketplace environment.

The committee's financial oversight hearings, commenced in early April and scheduled to end next week, will have involved 13 days of hearings and testimony from 63 witnesses representing a broad range of regulators and participants in the financial services industry. The hearings have served to focus attention on the continuing changes in the industry. Because of the oversight nature of these hearings and my desire to gather as much information as possible on conditions in the industry, I did not want to introduce legislation, such as the moratorium bill or the Treasury's separate subsidiary proposal, which would change the character of the hearings into more narrowly focused legislative hearings. In fact, in my discussions with Chairman Volcker during the past several months, I have indicated that I wanted to hold off until the hearings were concluded before introducing the moratorium bill being developed by the Federal Reserve. Now that the oversight hearings are coming to a close, I believe it is appropriate to introduce legislative proposals which affect some of the specific issues arising out of the hearings. And following the end of these hearings, I will schedule committee hearings in the near future on the Federal Reserve moratorium bill and the Treasury's depository institutions' activities proposal.

Mr. President, the following Senators wish to be cosponsors of the moratorium bill: Senators HEINZ, PROXMIRE, and DODD.

Also, I request unanimous consent that the transmittal letter from Chairman Volcker, the bill, and the section-by-section summary be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. The effective date of this Act is the date of its enactment and this Act is hereby repealed on December 31, 1983.

SEC. 2. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary, in any activity not permitted for a bank holding company under section 4 of the Bank Holding Company Act shall acquire control of any insured bank, and no company shall acquire control of insured banks in more than one state without prior approval under the Bank Holding Company Act.

SEC. 3. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a multiple savings and loan holding company on the effective date of this Act under subsection (c)(2) of section 408 of the National Housing Act or for a bank holding company under section 4 of the Bank Holding Company Act shall acquire control of any insured institution, except as provided in subsection (m) of section 408 of the National Housing Act.

SEC. 4. No company that acquires or acquired control of an insured bank or insured institution on or after June 23, 1983, shall retain control of such bank or institution on or after the effective date of this Act and engage directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a bank holding company under section 4 of the Bank Holding Company Act or for a multiple savings and loan holding company under subsection (c)(2) of section 408 of the National Housing Act, unless such insured institution was acquired pursuant to subsection (m) of section 408 of the National Housing Act. After the effective date of this Act, no company shall retain control of insured banks in more than one state that were acquired on or after June 23, 1983, unless such banks were acquired with prior approval under the Bank Holding Company Act.

SEC. 5. On or after the effective date of this Act, no state-chartered depository institution may commence, either directly or indirectly, including through a subsidiary, any activity not previously and lawfully engaged in by that institution unless (a) such activity was authorized for that type of institution explicitly and not by implication by a state statute adopted, or by interpretation promulgated thereunder, prior to January 1, 1983; (b) such activity is permitted under section 4(c)(8) of the Bank Holding Company Act for a bank holding company; or (c) such activity is explicitly authorized by a state statute, or interpretation promulgated thereunder, and is performed exclusively in the state authorizing such activity for customers present in that state; provided, however, that this section does not authorize the conduct of any activity currently prohibited to state chartered depository institutions under sections 20 or 21 of the Glass-Steagall Act. Nothing in this section shall prohibit a state chartered savings and loan association or savings bank from engaging in any activity expressly permitted for a federal savings and loan association or savings bank under the Garn-St Germain Depository Institutions Act of 1982.

SEC. 6. Any state-chartered depository institution that comenced, directly or indirectly, including through a subsidiary, on or after June 23, 1983, any activity that would have been prohibited by this Act if commenced after enactment of this Act shall, upon enactment of this Act, immediately terminate such activity.

SEC. 7. The provisions of this Act shall be enforced by the appropriate federal agency under the Financial Institutions Supervisory Act of 1966, as amended, and for this purpose any company that controls an insured bank shall be treated as a bank holding company.

SEC. 8. For purposes of this Act, the terms:

(a) "bank holding company", "company", "control", and "subsidiary" have the same meanings as provided in section 2 of the Bank Holding Company Act;

(b) "depository institution" has the same meaning as provided in 12 U.S.C. 461(b);

(c) "insured bank" has the same meaning as provided in 12 U.S.C. 1813(h) and shall also include any institution that is eligible to become an insured bank under 12 U.S.C. 1815, and any institution that accepts deposits that the depositor may withdraw by check or similar means for payment to third parties and engages in the business of making commercial loans. The term "bank" does not include any foreign bank having an insured branch or an institution expressly exempted under section 2(c) of the Bank Holding Company Act; and

(d) "insured institution" and "multiple savings and loan holding company" have the same meanings as provided in section 408 of the National Housing Act.

SECTION BY SECTION ANALYSIS

Section 1 of the bill provides that the Act will be effective upon enactment and is repealed effective December 31, 1983.

Section 2 of the bill prohibits the acquisition of an "insured bank" by any company engaged in activities that are impermissible for a bank holding company under section 4 of the Bank Holding Company Act. "Insured bank" is broadly defined to include any bank, the accounts of which are insured by the FDIC, as well as any institution that is eligible to become an FDIC insured bank and any institution that accepts demand or transaction account deposits and engages in the business of making commercial loans. Thus, a company that is engaged in an activity that is not now allowed for bank holding companies, such as a securities or insurance underwriter or a retailer, could not acquire a bank through the so-called "nonbank bank" loophole in the Bank Holding Company Act by divesting the bank's transaction accounts or commercial lending portfolio. This section would not prohibit the acquisition of an additional bank by a bank holding company, which is lawfully engaged in nonbanking activities pursuant to grandfather rights or other provisions of section 4, such as section 4(c)(5) or the export trading company provisions.

Section 2 also prohibits any company from acquiring control of banks in more than one state without approval under the Bank Holding Company Act. Acquisitions that are consistent with the Douglas Amendment would continue to be permitted, for example, where a given state invites entry by out-of-state banking organizations or where the acquisition involves a trust

company that does not generally accept deposits other than in a fiduciary capacity.

Section 3 contains limitations applicable to the acquisition of thrift institutions similar to those applicable to the acquisition of banks under section 2. This section of the bill thus prohibits the acquisition of an institution, the accounts of which are insured by the FSLIC, by any company engaged in activities other than those that are permissible for a multiple savings and loan holding company under the Savings and Loan Holding Company Act as of the effective date of the Act or for a bank holding company under the bank Holding Company Act. The activities authorized for multiple savings and loan holding companies are generally the same as those for bank holding companies. They differ in areas such as real estate development, property management and certain investment advisory and futures commission activities. An exception to the prohibition of this section is provided in the case of an acquisition approved under the emergency thrift acquisition provisions in section 123 of the Garn-St Germain Depository Institutions Act of 1982. Thus, this section would not prohibit the acquisition of a failing FSLIC insured thrift by a nondepository company after the priorities specified in section 123 of the Garn-St Germain Act have been applied.

Section 4 of the Act would require any company that acquires a bank or insured institution after the date of introduction of the bill to divest such bank or insured institution or conform its activities to those allowed under the Bank Holding Company Act or the Savings and Loan Holding Company Act. This section is intended to deter a possible rush of acquisitions prior to enactment of the bill.

Section 5 of the Act imposes a limitation on nonbanking activities authorized for state chartered depository institutions. This section is prospective from the date of the bill and does not affect any activity commenced by a state chartered depository institution before introduction of the bill. This section does prohibit a state chartered depository institution from commencing after the effective date of the Act any activity not previously engaged in unless:

(a) the activity was expressly authorized by state statute or an interpretation thereof prior to January 1, 1983;

(b) the activity is permitted for bank holding companies under section 4(c)(8) of the Bank Holding Company Act; or

(c) the activity is expressly authorized by state law, is performed exclusively in the authorizing state, and is provided only to customers physically located in the state.

Section 5 also makes clear that it is not intended to authorize any securities activity prohibited under sections 20 or 21 of the Glass-Steagall Act, including the issuance, underwriting, sale, or distribution of securities. Section 5 further does not prohibit the commencement of activities by state chartered thrift institutions under state statutes that allow such institutions to perform any activity authorized for a federal thrift institution under the Garn-St Germain Depository Institutions Act of 1982, which authorized expanded commercial lending and other activities.

Section 6 requires the immediate termination of any activity commenced by a state chartered depository institution during the period between the introduction of the bill and its enactment if the activity would have been prohibited by section 5 if the activity had been commenced after enactment. This section, like section 4 of the bill, is intended to prevent a possible rush to commence new nonbanking activities in anticipation of enactment of the statute.

Section 7 of the Act provides for enforcement by the appropriate federal agency under the Financial Institutions Supervisory Act of 1966 (i.e., the Comptroller of the Currency in the case of a national bank; the Federal Reserve Board in the case of a state member bank or bank holding company; the FDIC in the case of a state federally insured nonmember bank; and the FHLBB in the case of an FSLIC insured thrift or a S&L holding company). For this purpose, a company that acquires control of an insured bank would be treated as a bank holding company.

Section 8 of the Act defines terms used in the Act. Generally, with the exception of "insured bank" as noted in the discussion of section 2 above, the terms used have the same meaning as provided elsewhere in existing law.

FEDERAL RESERVE SYSTEM,
Washington, D.C., June 21, 1983.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, D.C.

DEAR CHAIRMAN GARN: We have discussed on a number of occasions both before and after my recent testimony before the Senate Banking Committee the need for positive banking legislation to address the fundamental need to adapt the banking and financial system to a rapidly changing world. We both have spoken publicly about the need for legislative action and of the dangers to the financial system inherent in the present ad hoc and disorderly developments.

As a first, and limited, step toward responding to these concerns, I am enclosing draft legislation, with a section by section analysis, to halt temporarily the acquisition of banks and thrifts by nondepository institutions and, on this same temporary basis, to establish rules for nonbanking activities by state chartered depository institutions and their subsidiaries. You have suggested, and I agree, that it would be desirable to have a specific legislative proposal to accomplish these limited and transitional objectives placed before the Congress to focus and expedite public discussion.

As I have emphasized, this is temporary legislation—expiring of its own force on December 31, 1983—designed to avoid a preemption of Congressional discretion and to provide the time for the Congress to take up the urgent decisions on fundamental permanent banking legislation. Intensive effort by the Congress, with assistance from the agencies and other interested parties, will be required to assure that the time gained from this temporary action will be used constructively and effectively to achieve agreement on the permanent legislation. For myself personally, and for the Board, I want to assure you that we are prepared to work with you to enact the needed restructuring that will have such a major impact on the future of our financial system.

Sincerely,

PAUL A. VOLKLER.●

Mr. PROXMIRE. Mr. President, I am pleased to join in introducing legislation to establish a moratorium on the acquisition of so-called "non-bank banks" and savings and loan associations by nonbanking firms. The moratorium would also stop bank holding companies from expanding into areas not functionally related to banking by taking advantage of favorable State laws such as the one recently enacted in South Dakota.

Normally I am reluctant to support a moratorium on new developments in the marketplace, especially when they involve innovative changes that will lead to improved goods and services for the people. But I do not think the recent developments in the banking industry can accurately be called innovations. Instead, they more closely resemble the actions of clever attorneys attempting to find a way around established public policy. To be sure, these policies need to be reassessed in the light of our modern economy. But if there is to be change, it should come as a product of careful deliberation by the Congress and not through the creative exploitation of loopholes by expansionist firms and their regulatory allies.

The basic policies that are threatened with erosion are those which seek to separate the business of banking from other commercial endeavors and especially the securities business. Why do we have such policies in the first place? One reason, of course, is to maintain the safety and solvency of our banking system by limiting risk. But equally important, in my judgment, is the desire to avoid a conflict of interest between the function of banking and other commercial and industrial activities. Banking is clearly an industry affected with a public purpose. The essence of banking is to allocate a scarce resource—credit—to those enterprises where it can be most productively employed. If bankers do their job well, the entire society benefits through higher economic growth. If bankers do poorly, society loses through lower rates of growth and productivity. Thus we all have a stake in seeing that bankers make their important credit judgments based solely on the economic merits of a project and not on the basis of some other competing consideration such as a desire to protect their own equity investment in a company.

This is why we do not permit banks to buy stocks and why we confine their activities to areas that are closely and functionally related to banking. We want to be sure that bankers are as impartial as they can possibly be in allocating credit among alternative uses.

The two laws which implement these concerns are the Glass-Steagall Act and the Bank Holding Company Act. The central purpose of Glass-Steagall is to separate the business of commercial banking from investment banking. The law grew out of the abuses during the 1920's when many large banks established securities affiliates. This was a nice arrangement for the bank, but it proved to be disas-

trous for the public. If, for example, a large New York bank made too many loans to a company or foreign government overburdened with debt, it did not have to run to the IMF or the Federal Government for a bailout. It could bail out its own bad loans by refinancing them as bonds and selling them to their unsuspecting customers and correspondent banks. When the Great Depression came, many country banks found themselves loaded down with worthless paper sold to them by the security affiliates of their big city correspondent bank. The Congress decided to avoid such conflict in the future by separating the business of commercial banking from the business of investment banking.

Likewise, the Bank Holding Company Act is designed to keep commercial banks in the business of banking. The Bank Holding Company Act came about because banks and their attorneys had figured out a way to get around the direct restrictions placed on banks by the States and the Congress. For example, the National Banking Act limits national banks to certain enumerated powers plus all other powers "incidental" to the business of banking. Holding companies were formed primarily to enable banks to do indirectly through a holding company affiliate what they could not do directly as a bank—namely, engage in activities that were not incidental to the business of banking.

Congress reacted to these "developments" in the marketplace by passing the Bank Holding Company Act of 1956 with amendments in 1970. The major thrust of the Bank Holding Company Act is to limit the activities of bank holding companies to those that are functionally related to banking. Thus while the powers available to bank holding companies are somewhat broader than the powers of individual banks, there is still a fairly strict separation between banking-type activities and other types of businesses.

I believe the major purposes behind these laws were valid when they were enacted and that they remain valid today. This is not to deny that these acts should not be broadened to permit a somewhat broader range of activities. Indeed, I have supported legislation permitting banks to underwrite municipal revenue bonds and to offer mutual funds. However, these decisions must be made carefully by the Congress on a case-by-case basis in order to preserve the underlying objectives these acts were designed to achieve. I certainly would not favor a wholesale repeal of the Bank Holding Company Act or the Glass-Steagall as some officials of the Reagan administration have suggested.

It is always possible, of course, that those who favor repeal are right in their contention that these laws no longer serve any legitimate public policy purpose. However, if this is what a majority in the Congress really believes, then these laws should be repealed directly by the Congress in a straightforward and upfront manner. The Congress should not by its silence or inaction be presumed to sanction the wholesale erosion of these laws by those who seek to get around them. In the absence of a definitive judgment by the Congress, the policies embodied in existing law must be deemed to be legitimate and valid.

This, then, brings me to the need for a moratorium to close several loopholes in our banking laws that have emerged in recent months. One loophole is the so-called nonbank bank whereby a nonbanking firm can acquire a bank outside the framework of the Bank Holding Company Act if the bank refrains from either making commercial loans or accepting demand deposits. When this occurs, the bank is deemed to be not a bank for purposes of the Bank Holding Company Act. This means any corporation in any line of business can acquire, own, and operate a bank as long as the bank does not accept demand deposits or does not make commercial loans. It would thus be entirely possible for a bank to raise money other than through demand deposits—while engaging in a full-scale commercial lending business and avoid regulation under the Bank Holding Company Act. General Motors could buy Chase Manhattan and legally operate it by converting its demand deposits to some other type of account or liability.

The second loophole is the dangerous precedent created by a South Dakota law allowing its State chartered banks to engage in all forms of insurance activities as long as the activities are conducted outside the State of South Dakota. South Dakota law also permits out-of-State bank holding companies to buy a State chartered bank in South Dakota. The effect of these two laws is to allow a large bank holding company such as Citicorp to buy a South Dakota bank and use that bank to acquire a large insurance company that operates in the other 49 States.

The South Dakota law is especially egregious because it retains the traditional separation between banking and insurance within its borders. The potential for anticompetitive tie-in sales is, in effect, exported by South Dakota to the other 49 States. This is tantamount to a selective repeal of the Bank Holding Company Act by one State for the other 49. If other States follow this precedent, the Bank Holding Company Act will become a toothless shell.

I believe the Congress can and should address these issues on a permanent basis. But in the meantime, I believe we need a little time to preserve our options while we are considering legislation to further restructure the financial services industry. The Senate Banking Committee is nearing completion of a comprehensive series of oversight hearings on the financial services industry with particular attention being given to the need to update Glass-Steagall and the Bank Holding Company Act in the light of today's economy.

It is not my intention to use the moratorium as an excuse for avoiding decision on these difficult issues. Indeed, I believe a moratorium could have just the opposite effect of giving Congress a fixed deadline by which to complete action on whatever legislation may be needed to liberalize Glass-Steagall and the Bank Holding Company Act. In the meantime, we should not allow the actions of a few expansionist firms to foreclose or preempt the right of the Congress to reach a reasoned and deliberate judgment.

● Mr. HEINZ. Mr. President, I rise to support the legislation just introduced by my chairman Senator GARN.

Congress has made considerable progress on legislation to restructure the financial services industry. The enactment of the Garn-St Germain Act in 1982 was a significant first step and demonstrates clearly the congressional intent to take responsible actions in this area.

At the time Congress passed the Garn-St Germain Act there was a broad bipartisan consensus that further legislation was needed. Both the House and Senate have already begun the process.

This legislation to provide an orderly transition to a stable yet less regulated marketplace is now threatened by financial institutions, Federal regulators, and State legislators which are attempting to reconstruct the chaotic, fragile, unregulated predepression financial system through the use of loopholes in Federal statutes.

Congress must not forgo this opportunity to produce sound forward-thinking legislation firmly based in public policy. If we do not respond intelligently we could easily face a recurrence of the economic and social tragedy that followed the crash of the interwoven financial system during the depression.

The issues and dangers involved are highly technical and complex. Congress, as stated in a recent GAO study, lacks much of the information it will need to make public policy decisions in this area. We do not as yet fully understand the impact of the enhanced competition provided by last year's legislation, nor do we understand the vulnerability of the economic recovery and many currently weak financial institutions to any changes we might make. The potential for costly mis-

takes if we act precipitously is a great danger.

Congress needs time to act cautiously and thoroughly, time that it will not have if every financial institution is forced to move through the loopholes in order to prevent placing itself at a competitive disadvantage.

If competitive panic is allowed to exist while Congress sits in deliberation, restructuring will be far more difficult and socially costly to accomplish. Our progress will be slowed. Congress will face the difficult decision of having to grandfather so many institutions as to render the legislation ineffective or to trap companies that meant no harm into forced divestitures.

Furthermore, it will be difficult, if not impossible, to resurrect the local banks, savings and loans, and other small institutions that are gobbled up across State lines and industry lines or those that simply get trampled out of existence in the panic. The ink was not dry on title VI of the Garn-St Germain Act passed in 1982 which restricts bank holding company insurance activities before South Dakota signed into law provisions that would enable such companies to circumvent congressional intent. What will become of Congress ability to legislate in this area if State legislatures use loopholes, as did South Dakota, to undue the effect of Federal restructuring laws as soon as we pass them?

Congress must retain control over the financial services industry restructuring process. To do so Congress must place a moratorium on the exploitation of loopholes in Federal statutes that place institutions beyond the standards of existing public policy. It is not the place of self-interested parties, Federal regulators, or State legislatures to threaten the public with a breakdown of a system that has functioned effectively for 50 years because Congress will not adopt a timetable suitable to them.

No harm or danger has been demonstrated if Congress was to take sufficient time to deal carefully with an issue of far-reaching consequences. No defense can be made for the use of these loopholes on substantive grounds. Congress must not be placed in the position of having to act precipitously in order to protect the public from these excesses.

I say Congress should reject such blackmail and impose a moratorium on the exploitation of loopholes in Federal financial services legislation. I am prepared to work with the chairman and other members of the committee to achieve such a moratorium.

I would also like to submit for the RECORD letters from the following organizations indicating their support for a moratorium, and ask unanimous consent that they be printed.

American Land Title Association.

Independent Bankers Association of America.

Independent Insurance Agents of America.

Investment Company Institute.

National Association of Casualty and Surety Agents.

The National Association of Life Underwriters.

Professional Insurance Agents.

Securities Industry Association.

Conference of State Bank Supervisors.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

INVESTMENT COMPANY INSTITUTE,
Washington, D.C., June 15, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: We are writing to inform you of our support of a legislative moratorium on further ad hoc integration of the financial services industry for a period of time that would give Congress the opportunity to consider a comprehensive legislative approach.

We are particularly concerned that recent actions by federal bank regulators represent unprecedented attempts to reverse public policies of many years standing through agency action. Instead of interpreting the laws to effectuate Congressional purpose, these agencies have decided to substitute their judgment as to appropriate public policy for that of the Congress.

As you know, your Committee is currently holding oversight hearings which may lead to major legislative changes in our present financial system. However, whatever legislation Congress decides to enact in this area will be difficult to implement if federal agencies succeed in effecting revolutionary changes in the financial marketplace through administrative actions. Moreover, careful Congressional deliberation will undoubtedly be prejudiced by such events.

In light of these considerations, the Institute's Board of Governors has unanimously endorsed the enactment of a fair, balanced moratorium affecting all segments of the financial services industry in order to provide time for rational decision-making by the Congress.

We hope you agree that the enactment of such a moratorium would assure that it will be the Congress which determines the major public policy issues involved.

Sincerely,

DAVID SILVER.

INDEPENDENT INSURANCE AGENTS OF AMERICA INC.,
Washington, D.C., June 14, 1983.

Senator JOHN HEINZ,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HEINZ: In our testimony June 7, IIAA urged the Senate Banking Committee to take immediate action to forestall bank holding company circumvention of insurance restrictions adopted by the committee and Congress less than nine months ago. We are writing today to reiterate our request for prompt committee action, and to urge your support for a moratorium on certain financial institution activities as the best, quickest way to give the committee the time it needs to examine more comprehensive reform.

IIAA endorsed, and others submitted to the committee in connection with the insurance agents' June 7 testimony, a draft moratorium (copy attached) for your consideration. This moratorium would address in an equitable, comprehensive way most of the ambiguities in federal banking law and regulation now being used to dismantle our federal banking system without the benefit of Congressional review and decision.

As we noted in our June 7 testimony, it is not enough, in the context of banking, to look approvingly on the innovation of the marketplace or the legal ingenuity of our nation's largest banks. Congress must either determine that certain changes are in the public's interest, or, if they are not, must set limits that are relevant to the day to day conduct of banking.

The risks to depositors' money, the federal treasury, and the future viability of our banking system are simply too great to continue to permit individual state laws and regulatory activism usurp Congressional prerogative for a more careful review of banking issues.

Again, we urge you to support, and to seek prompt committee action on, the attached moratorium. I'd be happy to discuss this proposal further with you or your staff at your convenience.

Sincerely,

ROGER N. LEVY.

CONFERENCE OF STATE BANK SUPERVISORS,
Washington, D.C., June 14, 1983.

Re Non-Bank Bank Moratorium.

Hon. JOHN HEINZ,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HEINZ: In my recent testimony before the Senate Banking Committee, I referred to a Congressional solution to the "non-bank bank loophole" as the number one short-range priority for CSBS (see attachments). As you know, that loophole allows entrepreneurs to circumvent the will of Congress by acquiring and operating banks without regard for the Bank Holding Company Act or controls over the mixing of banking with other lines of commerce. Regulatory steps taken by federal agencies have proved insufficient to prevent continued use of the loophole, thus underscoring the need for immediate Congressional action.

It is our understanding that you will sponsor legislation to place a moratorium on contined use of the non-bank bank loophole, pending Congressional fashioning of a permanent solution. CSBS supports you in your effort to restore purpose to the statutory scheme designed by Congress.

If the Conference can be of any assistance to you in this matter, please do not hesitate to call on us.

Sincerely,

SIDNEY A. BAILEY,
President.

AMERICAN LAND TITLE ASSOCIATION,
Washington, D.C., June 15, 1983.

Hon. JOHN HEINZ,
Senate Russell Office Building,
Washington, D.C.

DEAR SENATOR HEINZ: On behalf of the American Land Title Association, the national trade association of the land title industry [1], I would like to express our Associa-

[1] The American Land Title Association (ALTA) represents nearly 2000 land title insurers, title insurance agents, abstracters, and associate members

tion's support for legislation that would place a federal moratorium on state legislative banking initiatives that undermine the intended purpose of existing federal banking law.

Our Association strongly supported Title VI of the "Garn/St Germain Depository Institutions Amendments of 1982" that placed reasonable limitations on the insurance-related activities of bank holding companies and their affiliates. However, deliberate efforts are underway to circumvent Title VI limitations and thwart the will of Congress. Several large bank holding companies have "thumbed their nose" at congressional banking policies and are lobbying several state legislatures to process legislation that enables state chartered banks to engage in insurance activities presently foreclosed to bank holding companies.

The centerpiece of any comprehensive policy determinations in restructuring the financial marketplace must adhere to the principles of safety and soundness. The enactment of a federal moratorium measure would give Congress an opportunity to carefully consider fundamental and comprehensive banking reform. One stop shopping, the advent of computer technology, financial service acquisition hybrids, and bank marketing innovation all must be secondary to the mainstay of our banking system—the safety and soundness of depositors' money.

Of particular interest, ALTA is extremely concerned with the conflict of interest potential when banks, savings and loans, and other financial intermediaries are permitted to engage in the business of insurance. Lending institutions such as those affiliated with bank holding companies, have significant power to influence or control a borrower's decision on the selection of a provider of insurance services related to the extension of credit. This is particularly true in the case of title insurance, which is generally purchased only in connection with a real estate transaction and with the extension of credit related to the financing of such a transaction. Since the average consumer may purchase real estate only once or twice in his lifetime, and lacks the time, knowledge, or experience to shop effectively for such insurance, the lender is in a strong position to influence the cosumer to place his title insurance business with a company owned by or affiliated with the lender. Accordingly, we believe that the limitations contained in Title VI of the Garn/St Germain Act are necessary to insure that all providers of insurance will have a fair and equal opportunity to compete for the borrower's insurance business and that a free and competitive marketplace will be maintained for such insurance.

ALTA strongly endorses the federal moratorium initiative and urges the Senate Banking Committee to promptly reassert its prerogatives to insure that the limitations set forth in Title VI of the Garn/St Germain Act are not compromised by the adoption of inconsistent state laws.

Sincerely,

TOM MCDONALD,
President.

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throughout the nation. The function of the Association's members is to provide for the safe and secure transfer of an investment in real estate.

INDEPENDENT
BANKERS ASSOCIATION OF AMERICA,
Washington, D.C., June 15, 1983.

Hon. JOHN HEINZ, III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: The Independent Bankers Association of America which represents more than 7,000 locally owned community banks located in 48 States and the District of Columbia strongly supports your efforts toward enactment of a legislative moratorium on the chartering of non-banks as subsidiaries of holding companies.

To date, approximately a dozen non-banking companies have obtained national bank charters for their subsidiaries by avoiding the two-pronged definition of a bank in the Bank Holding Company Act. By eliminating either their demand deposit or commercial lending operations, these "non-bank" subsidiaries are not considered banks for the purpose of the Bank Holding Company Act and are apparently not subject to Federal Reserve System supervision. The Comptroller of the Currency has given impetus to the development of non-banks by granting national bank charters to the subsidiaries of such diverse firms as the Dreyfus Corporation, Gulf and Western Corporation, Parker Pen Company and a California chain of furniture stores. These non-banks hold themselves out to the public as national banks, are examined by the OCC, offer FDIC-insured deposits, have access to the Federal Reserve discount window—yet escape regulation as a bank holding company based on a legal technicality. We do not believe this was the intent of Congress in enacting the Bank Holding Company Act.

Currently, the Comptroller is preparing to hold hearings on charter applications made by Dimension Financial Corporation which plans to establish a chain of 31 non-banks located in 25 states. Approval of these applications would be the broadest use yet of the non-bank bank technicality—and would be the first to set in place an interstate "banking" chain.

These developments obviously have major implications for laws regarding the separation of banking and commerce and the prohibition on interstate ownership of banking organizations. We believe these important public policy issues should be addressed by Congress, rather than dealt with by the regulatory fiat.

IBAA urges Congress to act immediately on a legislative moratorium. The Comptroller of the Currency has adopted a temporary moratorium to "reduce the pressure of escalating marketplace innovation at the national level that could outpace Congressional deliberation." However, he exempted the Dimension application, among others, from the moratorium, and absent legislative action, he could rescind his regulatory moratorium at any time. Congressional examination of the broad implications for competition, concentration of financial resources and the erosion of the traditional barriers between banking and commerce can only be effectively achieved by suspending the current confusion in the marketplace.

We appreciate your efforts and concern regarding this critical issue.

Sincerely,

JAMES D. HERRINGTON,
President.

SECURITIES INDUSTRY ASSOCIATION,
New York, N.Y., June 14, 1983.

Hon. JOHN HEINZ
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: Thursday, June 16, 1983, marks the Fiftieth Anniversary of an event of singular and continuing significance for our financial system, the signing of the Glass-Steagall Act. It also marks SIA's appearance before you, as a Member of the Senate Banking Committee, to discuss the current problems facing the financial services industry about which we are concerned.

We are encouraged especially, Senator Heinz, that your approach to the issues at hand may include an affirmative legislative proposal designed to give the Congress, the Administration and the marketplace time and occasion to make decisions without panicked haste.

The rapid pace and happenstancial character of recent structural changes affecting the financial services markets cause great apprehension to the members of the securities industry that small regard is being given to the potential adverse consequences of unchecked deregulatory actions by some Federal and State officials.

Confusion, frustration, and uncertainty have resulted from recent decisions and proposals by the governmental entities responsible for clarity, assurance, and certainty among institutions comprising the financial sector of our economy.

Above all, we fear that the control and direction of an important national public policy has been usurped from the Congress by appointees in Federal agencies and a few State legislatures.

Despite the cries of changing technology and sophisticated consumer demands, the real pressure for change comes from a handful of institutions intent upon chartering a new course for all. When friendly regulators competing for favor among the regulated void our national policy separating commercial banking from commerce, the time for Congressional action is upon us.

During the next few weeks, the Senate Banking Committee and the Congress will have to define short-term and long-term objectives for the financial services industry. This would best be done without the pressures created by a rapidly moving marketplace, and even more rapidly moving bank regulators. Given these circumstances SIA has, after much discussion, decided to support a moratorium to create the needed breathing room. This moratorium must be evenhanded, reciprocal, and affecting all industries equally. All segments of the financial services industry must be made to mark time while critical long-term policies are defined by the Congress.

We look forward to testifying before the Senate Banking Committee on Thursday to further amplify our support for such a course of action. We hope that you can agree that such an interim measure has merit as well as necessity. Our pledge of cooperative effort with you and your staff extends to others interested in prudence and stability as goals of a changing economic environment.

Very truly yours,

ROBERT E. LINTON,
Chairman.
EDWARD I. O'BRIEN,
President.

PROFESSIONAL INSURANCE AGENTS,
GOVERNMENT AFFAIRS OFFICE,
Washington, D.C. June 14, 1983.

Hon. JOHN HEINZ, III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: The National Association of Professional Insurance Agents (PIA) is a trade association representing more than 40,000 independent property and casualty insurance agents in all 50 States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands.

PIA believes that recent efforts in the rapidly evolving financial services marketplace may well result in dismantling, as a practical matter, of the federal regulation of depository institutions by the enactment of state laws, and regulatory fiat. This situation is inconsistent with the long-standing national policy of protecting the depositing public, and the soundness of banks and thrifts by careful regulation and statutory restrictions upon the commercial activities in which depository institutions may engage. It is therefore imperative that this situation must promptly be reviewed by the Senate Committee on Banking, Housing, and Urban Affairs to protect the public interest.

The Federal Reserve System (Fed) has proposed moratorium legislation that would bring to a temporary halt efforts by financial institutions that are designed to evade the impact of federal banking laws. During the moratorium, all interested parties would have an opportunity to advocate their position before the Committee. This will provide the Congress with an opportunity to consider these controversial issues in a careful and reasoned manner and propose appropriate remedial legislation. A copy of the Fed draft bill, dated May 24, 1983, was attached to PIA's statement submitted to the Committee for the June 7 Oversight Hearing.

PIA strongly supports this moratorium legislation and urges you to sponsor it as soon as possible.

Sincerely,

EDWARD H. AKIN, CPCU,
President.
J. KNOX HILLMAN, Jr.,
Chairman, Federal/State Affairs Committee.

NATIONAL ASSOCIATION OF
CASUALTY AND SURETY AGENTS,
Washington, D.C., June 14, 1983.

Hon. H. JOHN HEINZ III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: On behalf of the National Association of Casualty and Surety Agents (NACSA), an association representing the leading domestic, commercial property/casualty insurance agencies and brokerage firms, I want to confirm our unequivocal support for the moratorium drafted by the Federal Reserve Board on May 24, 1983.

We believe a moratorium is necessary in order to preserve the safety and soundness of our dual banking system and to preserve fair competition in the financial services marketplace. Once enacted, the moratorium will allow the Congress to decide what the appropriate structure should be for financial services.

We appreciate your interest and commitment to this important measure, and we offer you our continued support.

Sincerely,

JOAN ALBERT DREUX,
Government Affairs Director.

THE NATIONAL ASSOCIATION OF
LIFE UNDERWRITERS,
Washington, D.C., June 14, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: I understand that you will soon introduce legislation to impose a comprehensive moratorium on the expansion into the banking and thrift industry by non-depository institutions and to prohibit state-chartered institutions from engaging in activities other than those that are permissible under Section 4 of the Bank Holding Company Act. The National Association of Life Underwriters endorses this moratorium and appreciates your efforts on this issue.

The National Association of Life Underwriters is a federation of over 1,000 states and local associations representing over 125,000 life and health insurance agents, general agents and managers doing business in virtually every city and town in the United States.

By the passage of Title VI of P.L. 97-320, the Garn-St Germain Depository Institutions Act of 1982, Congress reaffirmed the long-standing public policy first enunciated in the National Banking Act of 1864 that has separated banking from commerce.

NALU believes that passage to Title VI was a victory for consumers and will help to preserve an open, competitive marketplace by preventing bank holding companies and their subsidiaries from using their power to grant (or withhold) credit to pressure the consumer to purchase insurance. While not alway explicit, the pressure to purchase insurance (the subtle tie-in sale) may be a mere perception of the buyer that it would be to his "advantage" to make the joint purchases. Title VI will allow consumers to purchase insurance which has the best terms, quality and services, not due to a need to obtain, or a fear of losing a line of credit.

However, on March 4, 1983, less than six months after passage of Title VI, under pressure from several large bank holding companies hoping to circumvent Title VI, South Dakota adopted legislation (promoted as an "emergency" jobs bill) authorizing its state banks to engage, directly or through subsidiaries, in all facets of the insurance business. The South Dakota legislation was deliberately designed to attract out-of-state bank holding companies interested in acquiring a state-chartered bank for the purpose of underwriting and selling insurance nationwide. Delaware is also considering legislation similar to the law adopted by South Dakota.

The bankers argue that in order to remain competitive, they must be permitted to offer an entire array of financial services, including insurance. NALU stated in its testimony before the Senate Banking Committee on June 7, 1983 that the so-called "level playing field" could not be even bulldozed into playing condition where banks are the competitors. Free market discipline cannot take place so long as banks can attract federally-insured deposits and are not permitted to fail. It has been well documented that the unique power of the banks to extend or withhold credit leads consumers to purchase insurance offered by the bank, not because it has the best terms, quality or service, but so as not to jeopardize a line of credit.

The power of state legislatures to authorize expanded insurance activities within their borders is not at issue. Bank holding companies are deliberately attempting to engage in activities through state banking subsidiaries which are prohibited to bank holding companies and their non-banking subsidiaries under federal law. The South Dakota law demonstrates that the action of one state can potentially nullify federal banking laws and the related regulatory structure.

The proposed moratorium, in our view, will provide Congress with the opportunity to decide the future course of financial institutions in an orderly fashion, taking into consideration the public interest. NALU believes that a moratorium will provide the depositor with stability and freedom of choice. Bank involvement in insurance or securities activities subjects the depositor, the FDIC and FSLIC and, ultimately, the U.S. taxpayer to unknown risks.

Again, we thank you for introducing this legislation. Please contact David A. Winston at (202) 331-6054 if we can provide you with any further information.

Sincerely,

RICE E. BROWN, CLU.●

By Mr. MATHIAS (for himself and Mr. WARNER):

S. 1534. A bill to amend the Internal Revenue Code of 1954 to allow the voting interests of disqualified persons to be taken into account in determining a private foundation's voting interest for purposes of section 4943 of such code; to the Committee on Finance.

DISPOSAL OF EXCESS BUSINESS HOLDINGS

● Mr. MATHIAS. Mr. President, today Senator WARNER and I are introducing a bill to correct a disparity in the transition rules for the disposal of excess business holdings by private charitable foundations.

The bill would not cost the Treasury a penny. Its effect would be to give the Cafritz Foundation, the largest and most generous of Metropolitan Washington's private foundations, 5 more years to divest of part of its holdings in the Cafritz Co. These 5 extra years will enable the foundation to get a better price for its holdings—money that will allow the Cafritz Foundation to be even more generous than it already is to artistic and civic causes in the Nation's Capital from the National Symphony to Gallaudet College.●

By Mr. MATHIAS (for himself, Mr. DOLE, and Mr. DECONCINI):

S. 1535. A bill to amend title 35. of the United States Code, to increase the effectiveness of the patent laws, and for other purposes; to the Committee on the Judiciary.

PATENT LAW REFORM

● Mr. MATHIAS. Mr. President, the patent system lies at the heart of our country's prowess in research and innovation. Traditionally our patent system has kept the United States in the forefront of technology and kept our standard of living high. But today American inventors face stiff competition in the worldwide race for innovation.

In recent months I have consulted with a number of patent authorities

from various U.S. industries to develop a bill that will strengthen the patent system and streamline some of the administrative procedures for securing a patent. Many of the areas addressed by the bill have been considered by Congress and the executive branch over the past decade: I believe all of them need a fresh look today. I expect to examine these subjects closely in hearings in the Subcommittee on Patents, Copyrights and Trademarks in the weeks ahead, and the subcommittee, of course, invites suggestions for improving the bill in the course of the legislative process.

Briefly, the bill's provisions follow:

Section 1—Infringement of process patents by offshore production: Under current U.S. law, a process patent is not violated if a product is manufactured outside of the United States using that patented process, then imported for sale here. All other major manufacturing countries have statutes against process patent infringement by offshore production, and it is only fair to give American inventors the same protection. As a corollary to this principle, the bill also contains a provision to assure that a product patent cannot be circumvented by manufacturing the material components of the product within the United States, then assembling them and selling the finished product abroad.

Sections 2-4—License for foreign filing: Under the U.S. patent law a U.S. inventor wishing to file a foreign patent application is required to obtain a license from the U.S. Government or wait for 6 months after he or she filed for an application in this country. The purpose of these requirements is to allow U.S. agencies concerned with security matters to inspect the patent application and determine whether or not it contains technical information bearing on national security. However, they tend to impose unnecessary delays and paperwork burdens on inventors of products with no security implications because they also apply to any information, however perfunctory, that is sent to supplement an application, even if the initial patent application has cleared the agency review and obtained the license. The provisions in my bill dealing with foreign licenses would eliminate these unnecessary burdens by allowing supplemental information to be passed on to the foreign country without a subsequent license if the initial patent application has obtained a license and no secrecy order was issued by an agency. Another provision would make clear that failure to obtain a license for a patent application that is not subject to a secrecy order would not be subject to criminal penalties unless the failure was due to a deliberate intent to deceive.

Sections 5-6—Unpublished knowledge as prior art: This provision simply says that unpublished information known to an inventor does not constitute prior art in the field of his invention, and hence does not interfere with the patentability of that invention. This proposed change will help university and corporate research teams, where the free exchange of information and ideas between colleagues is hampered by prior art considerations.

Sections 7-9—Patent interference reform: Interferences are proceedings conducted by the Patent and Trademark Office to determine which rival inventor made the invention first and so is entitled to the patent. The cost of these proceedings has become inordinately high. My bill proposes to simplify the process by making priority of invention determined on the basis of affidavits and documents submitted to the Patent and Trademark Office, rather than by discovery and deposition. It would also promote the use of arbitration in facilitating the settlement of disputes.

Section 10—Licensee estoppel: Court decisions have established the right of a patent licensee to challenge the validity of the licensed patent. Case law, however, may have shifted the balance of rights in such challenges too far in favor of the licensee, allowing undue leverage against the licensor. The changes proposed in the bill would insure the right of the licensor to continue to receive the contracted royalty payments during the time his or her patent is under challenge, or to terminate the license if he or she chooses.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1535

Be it enacted by the Senate and House of Representatives of he United States of America in Congress assembled, That section 271 of title 35, of the United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Whoever without authority imports into or sells or uses within the United States a product made in another country by a process patented in the United States shall be liable as an infringer.

"(f) Whoever without authority supplies or causes to be supplied in the United States the material components of a patented invention where such components are uncombined in whole or in part, intending that such components will be combined outside of the United States, and knowing that if such components were combined within the United States the combination would be an infringement of the patent, shall be liable as on infringer.".

SEC. 2. Section 184 of title 35, United States Code is amended by—

(1) amending the third sentence thereof by striking out "inadvertently" and inserting after "filed abroad" the words "through error and without deceptive intent".

(2) adding at the end thereof the following new paragraph:

"In the case of an application for which a license has been obtained or an application which has been filed in the United States Patent and Trademark Office for more than six months before the filing in a foreign country, and on which no secrecy order has been issued, a license shall not be required for any modifications, amendments, supplements, divisions, or other information filed in or transmitted to the foreign country in connection with such application if such modifications, amendments, supplements divisions, or information consist only of the illustration, exemplification, comparision, or explanation of subject matter specifically or generally disclosed in such application.".

SEC. 3. Section 185 of title 35, United States Code, is amended by adding before the period in the last sentence thereof the following: ", unless the failure to procure such license was through error and without deceptive intent, and the patent does not disclose subject matter within the scope of section 181 of this title".

SEC. 4 Section 186 of title 35, United States Code, is amended by—

(1) striking out "whoever, in violation of the provisions of section 184 of this title,"; and

(2) inserting "such" after "inrespect of any".

SEC. 5. Section 103 of title 35, United States Code, is amended by adding at the end thereof the following;

"Prior art shall not include unpublished information which is developed by the applicant singly or jointly with others, or which is known to the applicant only by virtue of his or her employment.".

SEC. 6. Section 116 of title 35, United States Code, is amended by amending the first paragraph to read as follows:

"When two or more persons have made inventive contributions to the subject matter claimed in an application, they shall apply for patent jointly and each shall sign the application and make the required oath, except as otherwise provided in this title. Joint inventors need not have made an inventive contribution to each claim of the application.".

SEC. 7. Section 135(a) of title 35, United States Code, is amended by adding at the end thereof the following: "Evidence to establish priority of invention in accordance with section 102(g) shall be provided by affidavit.".

SEC. 8. Section 135(c) of title 35, United States Code, is amended by—

(1) inserting before "shall render" in the third sentence the following: ", unless such failure was through error and without deceptive intent,"; and

(2) striking out the words "during the six-month period" in the fourth sentence and "within the six-month period" in the sixth sentence.

SEC. 9. Section 135 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Parties to a patent interference may determine such contest or any aspect thereof by arbitration. The parties shall give notice of any arbitration award to the Commissioner, and such award shall be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given.".

SEC. 10. (a) Title 35, United States Code, is amended by adding after section 294 the following new section:

"SECTION 295. LICENSEE ESTOPPEL.

"(a) A licensee shall not be estopped from asserting in judicial action the invalidity of any patent to which it is licensed. Any agreement between the parties to a patent license agreement which purports to bar the licensee from asserting the invalidity of any licensed patent shall be unenforceable as to that provision.

"(b) In the event of an assertion of invalidity by the licensee in a judicial action, licensee and licensor shall each have the right to terminate the license at any time after such assertion. Until so terminated by either party, the licensee shall pay and the licensor shall receive the consideration set in the license agreement.".

(b) The table of sections for chapter 29 of title 35, United States Code, is amended by adding after the item relating to section 294, the following:

"295. Licensee estoppel.".

SEC. 11. The amendments made by this Act shall apply to all unexpired United States patents granted before or after the date of enactment of this Act.●

By Mr. DODD:

S. 1536. A bill to amend the Federal Water Pollution Control Act with respect to ocean waivers; to the Committee on Environment and Public Works.

OCEAN WAIVERS

● Mr. DODD. Mr. President, today I am introducing a bill amending section 301(h) of the Clean Water Act, which deals with waivers of secondary treatment for municipal treatment works discharging into marine waters.

While the waiver provision is intended to avoid unnecessary treatment in areas where the ocean can assimilate waste water effluent, I am concerned that as the law now stands, it may lead to the degradation of many of our coastal waters. The provision has opened a floodgate of applications from many municipalities in areas for which it was never really intended, such as the shallow, confined waters along much of the east coast. In the New York City area alone around 2 dozen requests for waivers have been made, and seven or eight of the treatment works involved discharge directly into the East River or into Long Island Sound, on which Connecticut depends heavily for commercial shellfishing and recreation.

Mr. President, I believe that section 301(h) needs revision and tightening. The existing law allows too much latitude in the determination of eligibility, both in terms of the geographic environment in which waivers might be appropriate and in terms of the cumulative effect of many waivers in a particular area. In addition, the section as now written fails to mandate the minimum level of primary treatment even if secondary is waived, provides inadequate control of toxic pollutants, and allows waivers in areas which are already polluted.

The amendments which I am offering are designed to deal with these inadequacies or oversights in the present law. The amendments would require full primary treatment of the effluent discharged; would mandate control of toxic pollutants equivalent to secondary treatment; would limit waivers to discharges in deep, well-flushed waters; and would prohibit waivers in areas where the collective discharges of many treatment works under such waivers could degrade water quality, or where the waters are already polluted from other sources.

It is my hope that these amendments will be considered by the Committee on Environment and Public Works as it prepares to mark up its revisions of the Clean Water Act next week. While some of my concerns have been addressed in the current mark-up vehicle, I do not believe that the amendments that have emerged from subcommittee are sufficient to close the loopholes I have described.

Mr. President, I ask that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301(h) of the Federal Water Pollution Control Act is amended—

(1) by inserting "(1)" after "(h)".

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively; and

(3) by designating the second, third, and fourth sentences as paragraphs (2), (3), and (4), respectively.

(b) Section 301(h)(1) of such Act (as so redesignated) is amended—

(1) by striking out the period at the end of subparagraph (G) and adding after subparagraph (G) the following new subparagraphs:

"(H) the effluent to be discharged under the permit will receive primary treatment so as to achieve treatment equivalent to screening, comminution, grit and primary sedimentation, skimming, disinfection, and any other treatment necessary to remove all floating or settleable solids and to control pathogens;

"(I) in the case of any treatment works serving a population of 50,000 or more, with respect to any toxic pollutant introduced into such works, the applicant has in effect a pretreatment program which, in combination with the treatment of discharges from such works, removes the same amount of such pollutant as would be removed if such works were to apply secondary treatment to discharges and if such works had no pretreatment program with respect to such pollutant; and

"(J) the effluent from such works meets criteria established by section 304(a)(1) for saltwater after initial dilution.".

(c) Section 301(h)(2) of such Act is amended to read as follows:

"(2) For purposes of this subsection, the phrase 'the discharge of any pollutant into marine waters' refers to—

"(A) any discharge into deep waters of the territorial sea or the waters of the contiguous zone, or

"(B) a discharge into coastal waters within the territorial baseline which—

"(i) does not exceed 5,000,000 gallons per day and meets the requirements of subparagraphs (B) and (J) of paragraph (1), or

"(ii) is into deep saline estuarine waters, deep sounds, deep channels, or deep embayments, which have strong flushing action and other physical and hydraulic characteristics which provide such initial dilution, dispersion, transport, and other effects as the Administrator determines to be necessary to meet the requirements of subparagraphs (B) and (J) of paragraph (1) for the entire estuary, sound, channel, or embayment into which the discharge is made.".

(d) Section 301(h) of such Act is amended by adding at the end thereof the following new paragraphs:

"(5) No permit shall be issued under this subsection to any treatment works in any geographic area in which the Administrator has reason to believe that, if all the municipal treatment works in such area which are of the same or lesser size as the treatment works seeking such permit, and which would otherwise be eligible for a permit under this subsection if they were to apply, were granted permits under this subsection, the collective discharges from all such treatment works would result in a degradation in water quality in violation of subparagraph (B); except that a permit may be issued to such a treatment works in such an area if all the publically owned treatment works in such area are under the jurisdiction of the same municipality or under a regional compact among municipalities, and maintenance of water quality shall be maintained in accordance with paragraph (1)(B).

"(6)(A) No permit shall be issued under this subsection for any discharge into waters which, at the time of application for such permit, are significantly degraded for any significant portion of the year by pollutants from other sources.

"(B) For purposes of this paragraph, 'significantly degraded' means that—

"(i) the species composition and population structure of the fish, shellfish, wildlife, and other marine biota in such waters are similar to those found in similar waters with high pollutant loadings,

"(ii) such waters do not allow recreational activities in and on the waters, or

"(iii) such waters exhibit ambient levels of water quality below applicable water quality standards adopted for the protection of public water supplies, fish, shellfish, wildlife, or recreational activities, or such other standards necessary to support and protect such uses.

"(7) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.".●

By Mr. DANFORTH (for himself, Mr. EAGLETON, Mr. BRADLEY, Mr. CHAFEE, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. PELL):

S. 1537. A bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the 4 following fiscal years; to the Committee on Labor and Human Resources.

UNIVERSITY RESEARCH CAPACITY RESTORATION ACT OF 1983

● Mr. DANFORTH. Mr. President, today Senator EAGLETON and I, along with Senators BRADLEY, CHAFEE, KENNEDY, MOYNIHAN, and PELL, are intro-

ducing the University Research Capacity Restoration Act of 1983.

This is a bipartisan initiative to revitalize and increase Federal support for the basic science research and advanced education programs of our Nation's universities. It has been prompted by our concern about the ability of our Nation's research universities and land-grant colleges to provide the new knowledge we need in the years ahead and to educate the future generations of scientists, engineers, biomedical researchers, and skilled managers essential to the long-term vitality, security, and well-being of the Nation.

Our Nation's universities must be regarded as a vital national resource. Increased support for their basic research programs is an essential-investment in the future, because the basic science and engineering research conducted by these institutions is essential to the continued leadership of the United States in science and technology. This fundamental research leads to new discoveries in such areas as national security, health care, energy, industrial productivity, the environment, food, and agriculture.

Moreover, we cannot presume the availability of sufficient numbers of talented and highly trained research scientists, scholars, and teachers, unless national policy provides incentives to bring about that result. We must as a nation attend to the scientific training and education of our best young minds or fall behind those nations that do.

Unfortunately, today the necessary national commitment and investment are lacking. Our support for university basic science research is not keeping pace with growing needs and rising costs. Today, half the basic science research in this country is done at our universities, but we need more teachers, scholars, and research scientists, as well as better facilities and instrumentation, if we are to maintain our leadership in science and technology.

The administration's fiscal 1984 budget proposals reflect a commitment to increase our investment in our research universities, but we need to do more. Working with the Association of American Universities (AAU) we have drawn up a comprehensive 5-year plan to restore the research capacity of our Nation's universities and land-grant colleges.

This plan is set forth in the legislation we are introducing today, which focuses on the research programs of the six Federal agencies that provide 95 percent of Federal support for university basic science and engineering research. These six agencies are the National Aeronautics and Space Administration, the National Institutes of Health, the National Science Foundation, and the Departments of Agriculture, Energy, and Defense.

Specific increased funding levels for these six agencies are set in this comprehensive plan to address what we believe are the most pressing needs of our Nation's research universities. The bill recognizes six basic needs to be addressed with increased Federal support: (1) To augment and strengthen Federal support for fundamental university research programs, including biomedical and engineering research; (2) to upgrade, modernize, and replace the instrumentation and equipment of university research facilities and laboratories; (3) to provide increased numbers of graduate fellowship awards to individuals and university science departments engaged in federally supported research; (4) to support expended faculty development awards programs that promote the initiation of research careers by young faculty; (5) to support efforts, on a matching basis with the institutions involved, to rehabilitate, replace, or otherwise improve the quality of existing university research facilities and laboratories in which federally supported basic science and engineering research is carried out; and (6) to modernize and improve undergraduate science and engineering instructional programs and curriculums to meet the Nation's changing needs.

Mr. President, we regard this legislation as a blueprint for increased and sustained Federal investment in our Nation's university research capacity. The bill is intended to serve as a focal point for our effort to revitalize university research programs. Our aim is to set out in detail our agenda for the next 5 years and it is our intention to seek the objectives outlined in the provisions and titles of this legislation through amendments to the authorization and appropriations bills of the agencies involved.

I have been informed that preliminary estimates by the Congressional Budget Office of the pending budget resolution indicate that implementation of the first full year of our program would not exceed the spending levels set for the research and development functions; however, we recognize that we are already far along in the authorization and appropriation process for fiscal 1984. We will seek to accomplish what we can this year, but we regard this as a long-term initiative.

By introducing this comprehensive plan now, we hope to develop a broad, bipartisan base of support for this program over the next few years. I urge all my colleagues to give serious consideration to the detailed proposals outlined in this bill. I call upon them to join our effort to restore the basic research capacity of our Nation's universities and to make a vital investment in the future of our country.●

● Mr. EAGLETON. Mr. President, I am pleased to join with my colleague from Missouri, Senator DANFORTH, and Senators BRADLEY, CHAFEE, KENNEDY, MOYNIHAN, and PELL, as a principal sponsor of the University Research Capacity Restoration Act of 1983. The purpose of this legislation is to restore and strengthen the capacity for basic science research and undergraduate and graduate science and engineering programs in our Nation's colleges and universities. It addresses the basic research needs of institutions involved in the programs of six Federal agencies and departments: The National Institutes of Health, the National Science Foundation, the National Aeronautics and Space Administration, and the Departments of Energy, Agriculture, and Defense.

The most rapid rise in Federal support of research was in the fifties and early sixties when it claimed about 3 percent of the GNP. By 1973, the percentage of research investment to GNP had dropped to 2.3 percent and has come back to only 2.4 percent today.

In 1983, total funding for basic research is estimated at $10.5 billion, or about 12 percent of the total national research and development effort. Although national funding for basic research has more than doubled since 1967, if one factors in inflation during those years, the real increase is less than 25 percent over the 16-year period.

The Federal Government funds more than two-thirds of the money that goes for basic research at the present time, a slightly smaller percentage of the total than it supported in 1967, and colleges and universities remain the major performers of that basic research effort. Although the proportion of basic research has remained stable in the past several years, reports from the National Science Foundation clearly demonstrate that its current share is lower than that in the sixties and early seventies. and that the major growth at colleges and universities is in the applied research area.

A recent National Science Foundation report predicted that colleges and universities will increase their spending on research and development by about 2 percent a year through 1990, only half the rate of spending between 1975 and 1979. A more optimistic study by the Battelle Memorial Institute projects a 4-percent growth rate in university research and development, but bases this projection on increases in private as well as public funding. We are all aware that industry/university partnerships are increasing and that these partnerships will obviously have a major impact on funding for university research in the future. I think it is also apparent that these partnerships will bring greater emphasis on short-term results with immedi-

ate applications and therefore greater potential profit. The inclination to seek short-term results and tangible achievement, rather than long lead-time research is perhaps even more acute in our present fiscal situation, and what this bill seeks to do is to assure that the foundation of basic research is absolutely vital to our future capacity to generate applicable solutions to problems.

Perhaps the most striking example of this need for basic research is the polio experience. Perhaps too few of us remember the stopgap technology of the iron lung, a product of applied research which served a very useful purpose for many, many years. However, it was not until basic research lead to the isolation of the polio virus that we were able to extend our understanding to develop preventive technology in the form of a vaccine. With the development of the vaccine, the disease virtually disappeared and with it the use of the therapeutic technology which had been devised.

Our Nation's colleges and universities are unique not only in their focus on basic research, but also in their role as the principal source of scientists and technologists who carry out our research effort today and the research capacity we hope to build tomorrow. The erosion of our scientific manpower jeopardizes the ability of many institutions to carry out competent research and quality education programs. The availability of more lucrative employment opportunities in industry for highly trained young people seriously threatens our future research capacity. Unfavorable research and education environments marked by obsolete equipment and outmoded laboratories often are effective career disincentives to potential young faculty who might wish to pursue a career in academe. Wildly fluctuating graduate level support creates immense uncertainty about the future for many young people and also aids in driving them out of the research environment.

These problems, left unaddressed, will pose serious threats to the future of our country, academically, technologically, and militarily.

Mr. President, this bill sets an agenda for a 5-year program of increased Federal support for university-based research programs through a series of amendments to the underlying authorities for the six Federal agencies and departments mentioned above. I would emphasize, Mr. President, that the sponsors of this bill do not intend to move the bill per se through the legislative process. Our purpose in introducing it today is to present a unified package, or a blueprint, for a series of legislative actions which we are hoping to undertake over the next several years through amendments to various authorization and appropriations bills.

I would like to emphasize that although this bill we are introducing today contains specific authorizations for the National Institutes of Health, the sponsors of this bill will not seek to amend the NIH authority to establish specific dollar levels for programs therein. The title of this bill dealing with the NIH simply seeks to illustrate the levels of support which we believe necessary to restore the research capability of the National Institutes of Health. We felt it important to include this number in this particular bill because it does represent roughly one-half of the total agenda we are setting forth today. However, the funding levels which we will be seeking can be achieved under the National Institutes of Health's existing authority and we will seek to achieve them through the appropriations process.

I would also like to point out that we have already begun to realize a very small part of the goals set forth in this bill. The full Senate Appropriations Committee yesterday agreed to increase the competitive research program in the Department of Agriculture from its present funding level of $17 million to the full budget request of $21.5 million. Although that amount falls far short of the amount authorized in this bill, it is a step in the right direction and begins to build the base to further the very necessary basic research work of the State agriculture experimentation stations and colleges and universities.

I was also very pleased that the Appropriations Committee included $10 million to fund a cooperative graduate fellowship grant program which is estimated to support approximately 650 to 700 masters and doctoral students. This funding level represents the full amount authorized in the bill we are introducing today and is, in my view, absolutely essential to assure a continuing supply of capable young food and agriculture scientists.

Mr. President, I am fully aware that this total package is very ambitious, indeed. But having said that, I also believe the kind of commitment to research embodied in this bill is amply justified if we are to have the means to cope with an increasingly complex world society and the inevitable problems which will arise. Admittedly, a strong national commitment to basic research alone is not sufficient, but it is the essential underpinning to the never-ending quest for knowledge necessary to continued social and economic gains in this country and the world.●

● Mr. CHAFEE. Mr. President, our Nation has made exciting scientific advances in the past 20 years which would have been impossible to envision a hundred years ago. We have explored outer space. We have made magnificent strides in medicine, helping to save lives, reduce suffering, and extend the lifespan of our people. We have seen rapid and remarkable technological developments which have changed the way we work, live, travel, and communicate.

However, too often we tend to take such progress for granted. I believe it is extremely important to recognize that our country would not have achieved a leadership position in science and technology were it not for a Federal commitment to programs of advanced education and research. The scientists, doctors, engineers, and other skilled professionals whose knowledge and talents are crucial to the United States must receive consistent strong support in order to continue their vital work.

The primary sources for our economic, scientific, and technological development have long been our Nation's research universities. In these distinguished institutions, many of our brightest scholars have received the necessary training and tools to make tremendous contributions in a variety of fields. The future growth and prosperity of the United States resides in our universities and colleges. We can no longer afford a second-rate commitment to support the basic research that is carried out in these institutions. We must renew that commitment today.

I am very pleased to join with Senator DANFORTH in introducing the University Research Capacity Restoration Act of 1983. This is a timely and comprehensive approach to a challenging problem. It will bolster the Federal commitment to basic science and engineering research, provide for improvements in the laboratories and instruments of research institutions, and strengthen career development programs for graduate students and faculty in the sciences and related fields.

The Federal Government has derived immeasurable benefits from its partnership with our Nation's colleges and universities. This partnership has yielded results whose value is far greater than our investment. The University Research Capacity Restoration Act of 1983 recognizes that more must be done to improve the ability of our schools to educate and train those whose knowledge and abilities are crucial to the future scientific, biomedical, engineering, and technological progress of our country.

The bill will accomplish this objective by encouraging increased Federal support for institutions of higher learning which are involved in the programs of six Federal agencies and departments—the National Institutes of Health, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Energy, Agriculture, and Defense. Ninety-five percent of all Federal funding of academic research and

development is directed at these agencies.

The administration has taken an important first step this year in seeking increases for targeted programs in science and engineering projects, research instrumentation, and fellowships. This reflects a commendable recognition of the need for a national recommitment to excellence in science, engineering, and advanced education. However, additional priorities must be addressed. These include undergraduate science education, graduate student support, research instrumentation, career incentives in research and education, and life sciences research and training programs.

Each of the amendments in this package is carefully targeted to strengthen our production of new knowledge in science, engineering, and technology within the present missions of the agencies I have mentioned.

We must not limit the discoveries of tomorrow by flagging in our commitment to research programs today. We must not hinder the ability of our students by neglecting the facilities and research equipment of higher education institutions. We must not dissuade talented scholars from pursuing research careers by limiting fellowship support for graduate students and faculty.

Although these amendments will be discussed separately throughout the authorization and appropriations process within several committees, I believe the University Research Capacity Restoration Act of 1983 provides an essential focal point for Congress to recognize the importance of a renewed commitment to science research as a national investment. This is an investment from which all of mankind will benefit for many years to come.●

By Mr. MATHIAS (for himself and Mr. DOLE):

S. 1538. A bill to amend the patent laws of the United States; to the Committee on the Judiciary.

PATENT LAW AMENDMENTS OF 1983

● Mr. MATHIAS. Mr. President, earlier this year Secretary Baldrige sent the President of the Senate a proposed patent reform bill to make several technical improvements in the patent law. In addition, one provision in the bill would institute a new type of patent called a defensive patent. The defensive patent would be a valuable resource for inventors who wish to retain their right to market their invention, but are not concerned about excluding anyone else from doing so.

Ordinarily patents give the inventor exclusive rights for a fixed period of time; the defensive patent would not confer this offensive right to exclude others from working an invention, but would also prevent others from obtaining exclusive rights. In other words, the inventor preserves the ability to practice the invention but forfeits the right to sue others for infringement. The defensive patent would be considerably easier, cheaper, and quicker for the Patent Office to process.

The new option that this weaker type of patent offers would be particularly well suited for Government agencies that deal extensively with patents, such as the Defense Department. The Government sought the patents, not to prevent other people from making or marketing the invention, but to protect itself against suits for infringement. The Patent Office thinks that the Government agencies as well as the Patent Office itself would save money and staff time if defensive patents were available as an alternative to the traditional exclusive rights patent.

I think this idea deserves our close attention and I hope to schedule a hearing at the first opportunity in the Subcommittee on Patents, Copyrights and Trademarks. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Patent Law Amendments of 1983".

SEC. 2. (a) Chapter 14 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 156. Issuance of patents without examination.

"(a) Notwithstanding any other provisions of this title, the Commissioner is authorized to issue a patent on an invention without the examination required by sections 131 and 132 of this title, except as may be required to conduct an interference proceeding, to determine compliance with section 112 of this title, or to review for formalities required for printing, if the applicant—

"(1) waives all remedies with respect to the patent and any reissue thereof, arising under sections 183 and 271 through 289 of this title and under any other provision of Federal law, within such time as the Commissioner specifies, and

"(2) pays fees, which may be less than those specified in section 41 of this title, established by the Commissioner for the filing and issuance of such a patent.

"(b) The waiver under this section shall take effect upon issuance of the patent. No maintenance fees shall be required with respect to patents issued under this section.".

(b) The analysis for chapter 14 of title 35, United States Code, is amended by adding at the end the following:

"156. Issuance of patents without examination.".

SEC. 3. Section 134 of title 35, United States Code, is amended by striking out "primary".

SEC. 4. Section 151 of title 35, United States Code, is amended—

(1) by amending the second sentence in the first paragraph to read as follows: "The notice shall specify the issue fee which shall be paid within three months thereafter, or within such shorter time, not less than one month, as fixed by the Commissioner in such notice."; and

(2) by striking out the third paragraph.

SEC. 5. Section 361(d) of title 35, United States Code, is amended by inserting "or within one month thereafter" after "application" in the first sentence.

SEC. 6. Section 366 of title 35, United States Code, is amended—

(1) by inserting "after the date of withdrawal," after "effect";

(2) by inserting ", unless a claim for the benefit of a prior filling date under section 365(c) of this part was made in a national application, or an international application designating the United States, filed before the date of such withdrawal" before the period at the end of the first sentence; and

(3) by inserting "withdrawn" after "such" in the second sentence.

SEC. 7. (a) Section 371(a) of title 35, United States Code, is amended by—

(1) striking out "is" and inserting in lieu thereof "may be"; and

(2) striking out ", except those filed in the Patent Office".

(b) Section 371(b) of title 35, United States Code, is amended to read as follows:

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty.".

(c) Section 371(c)(2) of title 35, United States Code, is amended by—

(1) striking out "received from" and inserting in lieu thereof "communicated by"; and

(2) striking out "verified" before "translation".

(d) Section 371(d) of title 35, United States Code, is amended to read as follows:

"(d) The requirements with respect to the national fee referred to in subsection (c)(1), the translation referred to in subsection (c)(2), and the oath or declaration referred to in subsection (c)(4) of this section shall be complied with by the commencement of the national stage or by such later time as may be fixed by the Commissioner. The copy of the international application referred to in subsection (c)(2) shall be submitted by the commencement of the national stage. Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Commissioner that such failure to comply was unavoidable. The payment of a surcharge may be required as a condition for accepting the national fee referred to in subsection (c)(1) or the oath or declaration referred to in subsection (c)(4) of this section if these requirements are not met by the commencement of the national stage. The requirements of subsection (c)(3) of this section shall be complied with by the commencement of the national stage, and failure to do so shall be regarded as a cancellation of the amendments to the claims in the international application made under article 19 of the treaty.".

SEC. 8. (a) Section 372(b) of title 35, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(2) inserting at the end thereof the following:

"(3) the Commissioner may require a verification of the translation of the international application or any other document pertaining thereto if the application or

other document was filed in a language other than English.".

(b) Section 372 of title 35, United States Code, is amended by deleting subsection (c).

SEC. 9. Section 376(a) of title 35, United States Code, is amended by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 10. Title 35, United States Code, is amended by striking out "Patent Office" each place it appears and inserting in its place "Patent and Trademark Office".

SEC. 11. Notwithstanding section 2 of Public Law 96-517, no fee shall be collected for maintaining a plant patent in force.

SEC. 12. (a) Sections 10 and 11 of this Act shall take effect upon the date of enactment.

(b) Sections 1 through 9 of this Act shall take effect six months after the date of enactment.●

By Mr. HATCH (for himself, Mr. KENNEDY, and Mrs. HAWKINS):

S. 1539. A bill to amend the Public Health Service Act to provide home and community based services for the elderly and disabled; to the Committee on Labor and Human Resources.

S. 1540. A bill to amend the Public Health Service Act to provide for coordination with State medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. KENNEDY, Mrs. HAWKINS, Mr. GRASSLEY, and Mr. HEINZ):

S.J. Res. 122. Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week"; to the Committee on the Judiciary.

COMMUNITY HOME HEALTH SERVICES LEGISLATION

Mr. HATCH. Mr. President, I am today introducing three major bills, each of which significantly improves and expands home health care and community-based health services for eligible elderly and disabled citizens. There is a clear and audible consensus among health experts, representatives of elderly and disabled organizations, and many of my colleagues for reorienting our national health policy away from favoring institutionalized care and a return to care in the home. I have been working for the past 4 years to accomplish this goal. I am more than ever convinced that improved home health services are essential to help control the spiraling costs of long term care. Home health care is the only solution in sight for those disabled and elderly Americans wanting to remain in the safety and comfort of their own homes, apartments or simply to be among family and friends.

My first bill is a new block grant titled the "Home and Community Based Service for the Elderly and Disabled Act." This amends title XIX of the Public Health Service Act to establish a long term care block grant to the States. Funds are authorized for fiscal year 1985 for planning and implementation, and for fiscal years 1986-88 to provide services to elderly and disabled individuals identified as at risk of being institutionalized unless support services are available in their homes. This bill will provide sufficient funds and flexibility for States to develop effective and efficient home health programs, assisting those who are most in need of the services. Furthermore, it is true to our President's philosophy of the "new federalism" by allowing States to design their own programs and provide services. Care has been taken to assure there will be no duplication of existing services, and that what is currently provided does not administratively reinvent the wheel. However, no services that are currently provided under medicare or medicaid will be supplanted by this legislation.

You do not need a weatherman or an accountant to know that our existing entitlement programs, with cost-based reimbursement, are becoming too expensive to afford. This legislation gives States a chance to contract for services with both nonprofit and proprietary home health organizations using a prepaid, capitated payment, the method of payment which is proving to be such an effective cost-saver, without compromising the quality of health care.

I am pleased to report that this bill was added to S. 242, the Employment Opportunities Act of 1983 in executive committee of the Labor and Human Resources Committee on Wednesday, June 22, 1983. This legislation was passed from committee, and thus I look forward to seeing the home health provision considered soon by my colleagues on the floor of the Senate.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

SUMMARY OF COMMUNITY BASED SERVICES FOR THE ELDERLY AND DISABLED BLOCK GRANT OF 1983

Title XIX of the PHS is amended by adding a new part, the Home and Community Based Services Block Grant

Authorization: A new authorization provides funds for states to plan for and provide such services:

FY '85—$20,000,000; for planning and implementation.

FY '86—$700,000,000; FY '87—$750,000,000; FY '88—$800,000,000; for providing services.

Allotments: Funds are to be alloted to each State an amount which bears the same ratio to the total appropriation for the fiscal year as the total number of elderly individuals residing in the State bears to the total number of elderly individuals in all States. The allotment of these funds are subject to the same provisions govening other block grants, in terms of voluntary state participation, return of unused funds, distribution of excess funds to participating states, direct funding of Indian tribes who apply and submit a plan meeting criteria prescribed by the Secretary.

Coordinate Existing Services: Allotments may be used to coordinate home and community based services provided elderly and disabled individuals by public and private organizations in order to eliminate duplication and maximize the benefit of new service provided under this program.

Assess current needs and prepare: States will be required to develop methods to identify elderly and disabled individuals who are at risk of institutionalization, those in hospitals and long-term care facilities who could return home if services were available, assess the need for community based services within the state, and make recommendations for cost-effective services.

Funds may be used for: States may use these funds to provide for elderly homemaker/home health aide services, physical, occupational, speech or respiratory therapy, medial social services, medical supplies and appliances, drugs and biologies (only if necessary for the individual to receive other services in such place of residence), respite care for 14 days or 336 hours in a calendar year, physicians services, nursing services, adult day care, dietary services*, and any other supportive services determined appropriate and necessary to prevent the need for placement of elderly and disabled individuals in acute or long term care facilities.

Any of the services may be provided at out-patient facilities of hospitals, nursing homes or rehabilitation centers if it involves the use of equipment which cannot be made readily available in a place of residence. Funds may also be used to provide education and information to medical and social service professionals concerning home and community based services.

Funds may not be used for: States may not use these funds to provide inpatient services, make cash payments to recipients, purchase or improve land or construct buildings, purchase major medical equipment, or provide financial assistance to other than public or non-profit entities.

Application: States must apply to the Secretary of HHS to participate in this program and provide assurances that legislature of the State conduct public hearings on the proposed distribution of funds. The chief executive officer of each State must certify the funds be used for the intended purpose, and establish a mechanism to coordinate all relevant State activities in health, welfare, and rehabilitation services by State and local agencies and public and private institutions. Also, the chief executive must designate an existing State agency, or establish an agency to administer these funds in a manner which insures the needs for home and community based services of the elderly and disabled are identified and met, and that this program will not duplicate services provided under the Federal Law. Furthermore, services provided with these funds are to be coordinated with services provided by voluntary, religious and community organizations, and not supplant existing State and local activities.

Reporting requirements: States are required to provide data similar to that for other block grants including a description of intended use of allotments, a public comment period, and notification of significant revision of activities.

Mr. HATCH. My second bill is the Community Home Care Service Act of

1983. Like my block grant bill, this legislation also amends the Public Health Service Act to allow coordination of existing home and community care services currently funded by various Public Health Service Act programs, the Older American Act, and State medicaid programs. We have learned from many providers of home health care, and their patients, that it is often difficult to come by, simply because those legitimately in need are not aware it exists. This is reason in itself to bring together all the health and social service programs, private and public, to make them more accessible and less duplicative.

My second bill amends title XIX of the Social Security Act to allow States to conduct regional or statewide programs providing home health care for individuals entitled to medical assistance who are at risk of institutionalization. Similar programs are currently being conducted under waivers to States which apply to the Department of Health and Human Services for exception to traditional reimbursements for institutional care. Such waivers have been very popular with States. I understand that preliminary data from channeling programs, community based research and demonstration projects funded by the Health Care Financing Administration, shows that prepaid and capitated home health programs are saving us money. This happens all too seldom in Government today, and when it does, we ought to encourage its return.

SUMMARY OF COMMUNITY HOME CARE SERVICES ACT OF 1983

Purpose: Provide coordination between programs funded by the Public Health Service Act, the Older American's Act and state Medicaid plans in furnishing of home care services; to allow states to implement a program of community-based home care services where medically needy and appropriate for individuals qualifying for medicaid, and to assist in releasing patients from hospitals and placing them in home care.

Coordination: Section 339(a) of the Public Health Service Act is amended to provide coordination of home health services provided under such act between demonstrations and home health services provided under the state's medicaid plan and the Older American's Act.

State Programs: Title XIX of the Social Security Act is amended to allow states to establish a program, which need not be State wide, to furnish home care services (directly, or by contract with providers) which shall:

(1) assess the health care needs of individuals applying for the program, develop a plan of care and case management system for each individual participating in the program;

(2) provide assessment teams consisting of a physician or registered nurse and one social worker or other qualified professional as designated by the State plan;

(3) determine need for ongoing services by reassessment conducted at least every four months.

Eligibility: Individuals qualifying for this program must be eligible for medical assistance under the State plan and require institutional care but for the provision of home care services. Participation by any individual is voluntary.

Home Care Services: These are defined as those services furnished to an individual under the care of a physician, by staff members of a home-health care entity (home health agency, hospital or long-term care facility certified to provide home care). Such services must be deemed necessary by a plan which is periodically reviewed and supervised by a physician, registered nurse or other individual licensed under State law to provide medical care.

Such services are provided on a visiting basis in a place of residence used as the individuals home and may include; homemaker/home-health aide services, physical, occupational, speech or respiratory therapy, medical social services, medical supplies and appliances, drugs and biologies (when necessary for individuals to receive other items in such place of residence), respite care for 14 days or 336 hours in calendar year, physicians services, nursing services, and any other supportive services the Secretary determines appropriate and necessary to prevent the need for institutionalization of the participating individuals.

Any of these services may be provided on an out patient basis at a hospital, long term care facility or rehabilitation center if it involves the use of equipment which cannot be made readily available in the individual place of residence.

Home Health Entities: These are defined as a public or private entity, and may be an agency of State or local governments.

Freedom of choice: Individuals participating in this program shall not have freedom of choice with respect to providers from whom they receive assistance.

Federal Match of Medicaid Program: Title XIX of the Social Security Act is amended to increase by 10 percentage points the amount of the Federal medical assistance percentage of the total amount expended during such quarter of home care services.

Mr. HATCH. The third bill of this home health triad is a Senate joint resolution designating November 27, 1983, through December 3, 1983, as National Home Health Care Week. The resolution honors the numerous health professionals who provide compassionate and much needed care for elderly and disabled individuals in their homes. These services have grown tremendously over the past decade, because the health needs they address have so dramatically grown. Commemorative resolutions by definition are intended to draw closer public attention to the person or cause being so honored. I can think of few causes more deserving than for exclusive approbation than that of giving elderly citizens more freedom to remain in their own homes or apartments where they so desperately wish to stay.

This is why I urge my colleagues to join with me in saluting the thousands of health professionals, private and public home health agencies, and charitable organizations who work to provide health care for the infirm and disabled in the comfort of their homes. I ask unanimous consent that the text of the three bills be printed in the RECORD at the conclusion of my remarks.

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home and Community Based Services for the Elderly and the Disabled Act of 1983".

SEC. 2. Title XIX of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—HOME AND COMMUNITY BASED SERVICES BLOCK GRANT

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 1941. (a) For the purpose of allotments to States to carry out the activities described in section 1944, there are authorized to be appropriated $700,000,000 for fiscal year 1986, $750,000,000 for fiscal year 1987, and $800,000,000 for fiscal year 1988.

"(b) For the purpose of allotments to States for planning the implementation of this part, there are authorized to be appropriated $20,000,000 for fiscal year 1985.

"ALLOTMENTS

"SEC. 1942. (a) From the amounts appropriated under section 1941 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the total number of elderly individuals residing in the State during such fiscal year bears to the total number of elderly individuals residing in all States during such fiscal year.

"(b) To the extent that all the funds appropriated under section 1941 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1945 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this part pursuant to section 1945(e));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this part be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this part,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for a fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved under subsection (a) as the total number of elderly individuals in the tribe during such fiscal year bears to the total

number of elderly individuals residing in the State during such fiscal year.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the elderly individuals and disabled individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 1943 (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotments under section 1942 (other than any amount reserved under subsection (c) of such section) from amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"USE OF ALLOTMENTS

"SEC. 1944 (a) Except as provided in subsection (c), amounts paid to a State under section 1943 from its allotment under section 1942 for any fiscal year beginning after September 30, 1985, may be used for the following:

"(1) Activities to coordinate home and community based services provided to elderly individuals and disabled individuals by public and private institutions and organizations in order to eliminate duplication in the provision of such services and to maximize the use of funds provided under this part and other Federal laws for such services.

"(2) The development of procedures and means to—

"(A) identify elderly individuals and disabled individuals, including elderly individuals and disabled individuals who are—

"(i) patients in hospitals who are at risk of institutionalization; and

"(ii) patients in skilled nursing facilities and intermediate care facilities who could return to the community if home and community based services were available;

"(B) assess the needs of such elderly individuals and disabled individuals for home and community based services; and

"(C) make recommendations for cost-effective measures to meet the needs of such elderly individuals and disabled individuals for home and community based services.

"(3) Pursuant to the procedures and means developed under paragraph (2), the identification of elderly individuals and disabled individuals described in subparagraph (A) of such paragraph, and for each elderly individual or disabled individual identified, the performance of the assessment described in subparagraph (B) of such paragraph and the preparation of the recommendations described in subparagraph (C) of such paragraph.

"(4) The provision to elderly individuals and disabled individuals of—

"(A) homemaker or home health aide services provided by an individual who has successfully completed a training program approved by the Secretary;

"(B) physical, occupational, speech, or respiratory therapy;

"(C) medical social services under appropriate direction;

"(D) medical supplies (other than drugs or biologicals) and the use of medical appliances;

"(E) drugs and biologicals, but only where the furnishing of such items is necessary for an elderly individual or a disabled individual to receive other items and services pursuant to this subsection in such place of residence;

"(F) respite care services for up to 14 days or 336 hours in any calendar year;

"(G) physicians' services, and nursing care provided by or under the supervision of a registered professional nurse, provided in such place of residence;

"(H) adult day care services;

"(I) dietary services provided by or under the supervision of a registered dietitian;

"(J) any other supportive services, which may be appropriate and necessary to prevent the need for institutionalization of an elderly individual or a disabled individual, including appropriate patient and family training; and

"(K) any of the foregoing items and services—

"(i) which are provided on an outpatient basis, under arrangements made by the State, at a hospital, skilled nursing facility, or intermediate care facility, or at a rehabilitation center which meets such standards as may be prescribed in regulations; and

"(ii) the furnishing of which involves the use of equipment of such nature that the items and services cannot readily be made available to the place of residence of the elderly individual or the disabled individual; and

"(L) case management services.

"(5) The conduct of activities to provide education and information to medical and social service professionals concerning home and community based services provided by public and private institutions and organizations.

"(b) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"(c) A State may not use amounts paid to it under section 1943 to—

"(1) provide inpatient services,

"(2) make cash payments to intended recipients of health services,

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) and building or other facility, or purchase major medical equipment,

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds, or

"(5) provide financial assistance to any entity other than a public or nonprofit private entity, except that a State may use amounts paid to it under section 1943 to make payments to a private for profit entity under a contract between the State and such entity for the provision of services under this part.

The Secretary may waive the limitation contained in paragraph (3) with respect to a fiscal year beginning after September 30, 1985, upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

SEC. 1945. (a) (1) In order to receive an allotment for a fiscal year under section 1942 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 1942 for a fiscal year beginning after September 30, 1985, shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) and that the State will meet the requirements of subsection (c).

"(b) After the expiration of the first fiscal year beginning after September 30, 1985, for which a State receives an allotment under section 1942, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 1943 for such fiscal year.

"(c) As part of the annual application required by subsection (a) for an allotment for a fiscal year beginning after September 30, 1985, the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to it under section 1942 in accordance with the requirements of this part;

"(2) provide assurances that such chief executive officer will establish an appropriate mechanism to coordinate activities of State agencies which administer programs relating to health, welfare, rehabilitation, and the elderly and the provision of home and community based services by State and local agencies and public and private institutions and organizations;

"(3) provide assurances that such chief executive officer will designate or establish a State agency to administer funds provided under this part and the plan developed under paragraph (2) in a manner which will insure, to the maximum extent feasible—

"(A) that the needs of elderly individuals and disabled individuals for home and community based services identified under section 1944(a)(3) will be met; and

"(B) that services provided to elderly individuals and disabled individuals under this part will not duplicate services to elderly individuals and disabled individuals provided under other provisions of Federal law;

"(4) certify that the State will coordinate the provision of home and community based services with funds provided under this part with activities conducted to provide such services by voluntary, religious, and community organizations;

"(5) certify that the State shall not provide home and community based services under this part which are greater in amount, duration, or scope than the home and community based services provided to individuals in the same geographical area who are eligible for such services under the State's medicaid plan approved under title XIX of the Social Security Act, and shall not duplicate services provided to individuals under such State plan or any provision of Federal law;

"(6) certify that the State, will, to the extent practicable, provide services under this part through agencies and providers rendering services under the States's medicaid plan approved under title XIX of the Social Security Act; and

"(7) certify that the State agrees that Federal funds made available under section 1943 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under

that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d) The chief executive officer of a State shall, as part of the application required by subsection (a) for any fiscal year beginning after September 30, 1985, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall prescribe) with a description of the intended use of the payments the State will receive under section 1943 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(e) Except where inconsistent with the provisions of this part, the provisions of section 1903(b), paragraphs (1) through (5) of section 1906(a), and sections 1906(b), 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A of this title.

"DEFINITIONS

"SEC. 1946. For purposes of this part:

"(1) the term 'elderly individual' means an individual who has attained the age of 65 years.

"(2) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Home Care Services Act of 1983".

PURPOSE

SEC. 2. It is the purpose of this Act to provide coordination between the Public Health Service Act, the Older American's Act, and State medicaid plans in the furnishing of home care services, to allow a State to implement a program under its medicaid program under which individuals requiring long-term care may participate in a program of community based home care services where medically appropriate and cost effective, and to assist in releasing patients from hospitals and placing them in home care.

COORDINATION OF HOME HEALTH SERVICES

SEC. 3. Section 339(a)(1) of the Public Health Service Act is amended by inserting ", and providing coordination between such demonstrations and home health services provided under the State's plan under title XIX of the Social Security Act" and under the Older American's Act after "not readily accessible".

STATE PROGRAMS AUTHORIZED

SEC. 4. (a) Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"HOME CARE SERVICES

"SEC. 1918. (a)(1) Any State may establish, as a component of its State plan, a program, which need not be in effect Statewide, under which individuals described in subsection (b) are furnished home care services (defined in subsection (c)).

"(2) A program established pursuant to paragraph (1) shall provide that the State, directly or through arrangements with service providers under the program, shall—

"(A) assess the health care needs of each individual applying for or participating in the program to determine whether such individual meets the requirements of subsection (b);

"(B) develop a plan of care for each individual determined to be eligible to participate in the program; and

"(C) provide a case management system for each individual participating in the program under which such individual shall receive home care services, in accordance with the individual's plan of care, from a qualified entity having an agreement with the State under subsection (d).

"(3) The assessments, plan of care development, and case management functions described in paragraph (2) shall be carried out by an assessment team which shall consist of a physician or registered nurse and one social services worker or other qualified professional as may be designated under the State plan. In the case of an individual being discharged from a hospital, skilled nursing facility, or intermediate care facility, the initial assessment of eligibility for the program may be made by the discharge planning unit of such facility. Any initial assessment of eligibility for the program shall include an assessment by the individual's treating physician if the individual has such a treating physician and such physician desires to participate in the assessment.

"(4) Assessments shall be made at the time of initial eligibility determination, and reassessments shall be conducted at least every four months thereafter.

"(b)(1) An individual may participate in the program established by the State under subsection (a) if such individual—

"(A) is eligible for medical assistance under the State plan or would be eligible if institutionalized,

"(B) would require institutional care, but for the furnishing of home care services described in subsection (c).

"(2) Participation in the program by any individual shall be voluntary.

"(c) For purposes of this section, the term 'home care services' means the following items and services furnished or arranged to be furnished to an individual under the care of a physician, by staff members of a home health care entity, a hospital, or a long-term-care facility which is certified to provide home care, under a plan (for furnishing such items and services to such individual) established, periodically reviewed and supervised by a physician, registered professional nurse, or other individual licensed under State law to provide medical care not involving the administering of controlled medication, which items and services are, except as provided in paragraph (11), provided on a visiting basis in a place of residence used as such individual's home:

"(1) homemaker or home health aide services provided by an individual who has successfully completed a training program approved by the Secretary;

"(2) physical, occupational, speech, or respiratory therapy;

"(3) medical social services necessary to and supportive of the plan of care and furnished under appropriate direction;

"(4) medical supplies (other than drugs or biologicals) and the use of medical appliances;

"(5) drugs and biologicals, but only where the furnishing of such items is necessary for such individual to receive other items and services pursuant to this section in such place of residence;

"(6) respite care services for up to 14 days or 336 hours in any calendar year;

"(7) physicians' services, and nursing care provided by or under the supervision of a registered professional nurse, provided in such place of residence;

"(8) adult day care services;

"(9) dietary services provided by a registered dietitian;

"(10) any other supportive services, which the Secretary determines to be appropriate and necessary to prevent the need for institutionalization of the individual, including appropriate patient and family training; and

"(11) any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the home health care entity, at a hospital, skilled nursing facility, or intermediate care facility, or at a rehabilitation center or other facility which meets such standards as may be prescribed in regulations, and—

"(A) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in such place of residence, or

"(B) which are furnished at such facility while he is there to receive any such item or service described in clause (A),

excluding, however, any item or service if it would not be included under section 1861(b) if furnished to an inpatient of a hospital.

"(d)(1) The State shall enter into an agreement with an entity under this subsection for each individual participating in the program under which such entity shall provide, or arrange for the provision of, all home care services for which such individual may be eligible under the program and the need for which is established in the individual's plan for care.

"(2) The entity having an agreement with the State under paragraph (1) may be a public or private entity, and may be an agency of State or local government designated by the State for this purpose.

"(3) Any provision of this title which provides for freedom of choice by an individual with respect to providers from whom they are to receive services shall not apply with respect to services received under this section.".

(b) Section 1903(a) of such Act is amended by redesignating paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

"(7) an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the total amount expended during such quarter for home care services provided in accordance with section 1918; plus".

(c) The amendment made by this section shall become effective on the date of the enactment of this Act.

DISCHARGE PLANNING

SEC. 5. (a) Section 1961(e) of the Social Security Act is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and", and by inserting after paragraph (9) the following new paragraph:

"(10) has in effect a procedure for discharge planning for each patient who may be eligible for home care services under a State program established pursuant to section 1918 of this Act, which provides for the exercise of informed freedom of choice and includes evaluation of each such patient prior to discharge by an interdisciplinary team (which may include the patient's treating physician, the hospital discharge planner, and a representative of home health providers) with respect to care which may be required after discharge.".

(b) Section 1861(j) of such Act is amended by striking out "and" at the end of paragraph (15), and by inserting after paragraph (15) the following new paragraph:

"(16) has in effect a procedure for discharge planning for each patient who may be eligible for home care services under a State program established pursuant to section 1918 of this Act, which provides for the exercise of informed freedom of shoice and includes evaluation of each such patient prior to discharge by an interdisciplinary team (which may include the patient's treating physician, the facility discharge planner, and a representative of home health providers) with respect to care which may be required after discharge;".

(c) The amendments made by this section shall become effective on January 1, 1984.

S.J. RES. 122

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than three thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 27, 1983, through December 3, 1983, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

By Mr. SASSER (for himself, Mr. BAKER, Mr. ABDNOR, Mr. BAUCUS, Mr. BURDICK, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. HECHT, Mr. HOLLINGS, Mr. KASTEN, Mr. LAXALT, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MITCHELL, Mr. NUNN, Mr. PERCY, Mr. PRYOR, Mr. STENNIS, Mr. COCHRAN, Mr. GORTON, Mr. SARBANES, and Mr. GARN):

S.J. Res. 120. Joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American; to the Committee on the Judiciary.

PRESENTATION OF A GOLD MEDAL TO DANNY THOMAS

● Mr. SASSER. Mr. President, along with the distinguished majority leader, Senator BAKER, and a number of my colleagues, I am today introducing legislation to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American.

In October of this year, the world-renowned St. Jude Children's Hospital of Memphis will hold its annual convention here in Washington. They will be honoring this great man—Danny Thomas. The President has agreed to present this award to Danny on behalf of the U.S. Senate during the St. Jude Convention.

Danny has exercised his great comedic talent in nightclubs, films, theatre, radio, and television, but it is the latter medium that projected him into becoming one of the most popular entertainers of his time.

In the early 1930's, Danny had saved enough money from jobs as a busboy, punch-press operator's assistant, and a lumberyard watchman to buy a couple of suits and several pairs of shoes so he could move from Toledo to Detroit to look for a job in show business. One of his first jobs when in Detroit was that of a singer on a radio show called "The Happy Hour Club" where he met his wife whom he married in 1936.

With Detroit turning sour on him, Danny elected to move to Chicago where he took a job as a standup comedian at the 5100 Club in Chicago's northside in 1940. His popularity swiftly increased when the William Morris Agency began managing Danny and booked him at La Martinique in New York and Chez Paree in Chicago.

There was, however, one detour up his career ladder. During World War II, Danny entertained with USO troupes in north Africa, Italy, and the Philippines.

From here, Danny moved to a different medium—that of the silver screen. In 1947, he costarred with Margaret O'Brien in MGM's "The Unfinished Dance," and followed with "The Big City" and "Call Me Mister." In 1951 he costarred with Doris Day in Warner Bros. "I'll See You in My Dreams" and then starred in the "Jazz Singer."

But as it turned out, television was Danny's medium. In 1953, he launched "Make Room for Daddy" on ABC-TV. The television series actually was based on 14 years of Danny's own life. This series evolved into one of the most successful and honored family comedy shows in television history. The television series won many awards, five Emmy's among them. But after 11 seasons, and with the show still among the top 10 in ratings, Danny voluntarily ended the series.

Then in 1960, in partnership with Sheldon Leonard, Danny became a producer of what one newspaper columnist called a comic supermarket. Shows in this stable included the "Andy Griffith Show," "Bill Danna Show," "Gomer Pyle," and "The Tycoon." And his television career was furthered in 1966 when he formed Thomas-Spelling Productions with writer-producer Aaron Spelling. The company's ventures included the "Mod Squad," "The Guns of Will Sonnet" with Walter Brennan, and "Rango" with Tim Conway.

More recently Danny has done a number of television specials and has made many guest star appearances on various TV shows. And in 1976, Danny starred in a new situation comedy entitled "The Practice" for NBC.

Although Danny is recognized as one of the most accomplished entertainers of our time, his most significant achievement is St. Jude Children's Research Hospital. This institution was erected in Memphis, Tenn., and is the fulfillment of a vow he made when he was a desperately poor, young, struggling comedian.

In 1938, when his wife Rosemarie, was about to give birth to her first child, Marlo, the Thomases were leading a precarious life with Danny working mostly, to use his own description, as a $2-a-night saloon comic. Rosemarie begged him to get into some other line of work. Desperate, Danny sought relief in prayer. He knelt before the statue of St. Jude, the patron saint of the hopeless, and vowed to erect a shrine to St. Jude should he succeed in show business. In 1946, after achieving fame and recognition, Danny began a one-man campaign to raise funds for his shrine to St. Jude. He founded ALSAC (Aiding Leukemia Stricken American Children) to raise funds for the hospital which he decided would be the only fitting shrine to his patron saint. St. Jude Children's Research Hospital is a nonprofit hospital dedicated to helping grievously ill children of all faiths and races, children living and yet unborn. This medical institution, founded by Danny Thomas, has achieved a remarkable 53-percent cure rate.

Down the years an avalanche of honors from scores of civic, religious,

cultural, medical, and brotherhood groups have inundated him mostly as tokens of appreciation for his countless acts of charity of worthy causes. Pope Paul VI presented to Danny one of the highest decorations he could bestow on a laymen—Knight Commander with Star in the Equestian Order of the Holy Sepulchre of Jerusalem. The National Conference of Christians and Jews selected Danny Man of the Year and the American Medical Association presented him with its Layman's Award, the highest honor it can bestow on a nonmedical man, and only the sixth award made since 1948. He also received the Ohio State Governor's Award from Governor James A. Rhodes. Lions International presented Danny with the Humanitarian Award and he is also the recipient of the National Exchange Club's Outstanding American Award. The list is virtually endless.

Danny Thomas, born into poverty, has become one of America's most renowned and successful entertainers. He has matured into a man with extraordinary faith, charity, and humanitarian instincts.

My purpose in life—

Danny has said,

Is to propogate the philosophy of man's faith in man, based upon my own belief that unless man reestablished his faith in his fellow beings he can never establish a faith in God. In order that others to follow may be inspired to do likewise, I have to leave something tangible. I'm not so unforgettable that I can do it only with words. I must leave something that men can touch, feel, and see. That is St. Jude Children's Research Hospital.

In closing, I would like to emphasize the fact that Danny Thomas has helped to alleviate the suffering of many children throughout the world and given them hope for a brighter future. For this reason, I believe the U.S. Senate should include itself among those who have seen fit to honor this man. The Senate resolution that we are introducing provides this Senate the opportunity to thank Danny for all he has done.

Mr. President, I urge my colleagues to support this legislation that honors a great American individual—Danny Thomas.●

By Mr. ABDNOR (for himself, Mr. STENNIS, and Mr. WEICKER):

S.J. Res. 121. Joint resolution to designate November 1983 as National Diabetes Month; to the Committee on the Judiciary,

NATIONAL DIABETES MONTH

● Mr. ABDNOR. Mr. President, I am pleased to introduce today a joint resolution to designate the month of November 1983 as National Diabetes Month. Although the ongoing war against diabetes has yielded significant advances in basic and clinical research aimed at prevention, diagnosis, and treatment of persons who are afflicted with this disease, much more remains to be done.

Eleven million Americans suffer from diabetes. Some 5 million victims are not even aware that they have this chronic disease. This year, as many as 600,000 Americans will learn that they suffer from diabetes. Tens of millions of Americans—the friends and families of diabetics—are affected personally by the grave impact the disease has on their loved ones. Over $10 billion are spent each year for health care, disability payments, and premature mortality costs which result from diabetes.

Health complications resulting from diabetes affect a variety of bodily functions and organs. The lasting effects of these complications are extremely severe.

For example, the National Diabetes Data Group has reported that diabetes causes almost 50 percent of foot and leg amputations among adults; 20 percent of all cases of kidney failure and 15 percent of all blindness is due to diabetes; diabetes is a major cause of birth defects and infant mortality; the United States ranks among the highest five nations in the world in mortality due to diabetes; diabetics run a much higher risk of developing cardiovascular disease; persons with diabetes spend twice as many days in hospitals as persons who do not suffer from the disease; and diabetes, which is the fourth leading cause of visits to general and family practice physicians, places a major drain on our Nation's health resources.

Mr. President, the designation of November of this year as National Diabetes Month will serve to call to the wider attention of the American people the human and economic costs of diabetes. It is my sincere hope and belief that a greater understanding of this disease—by both those afflicted and others—will lead to more intensive research, improved methods of preventing serious complications, new types of treatment, and general awareness of the challenge we face in seeking to lessen the impact of diabetes. I urge the speedy adoption of this joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 121

Whereas diabetes kills more than all other diseases except cancer and cardiovascular diseases; and

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness; and

Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes; and

Whereas up to 85 per centum of all cases of noninsulin-dependent diabetes may be controllable through greater public understanding, awareness and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Diabetes Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies and activities.●

ADDITIONAL COSPONSORS

S.19

At the request of Mr. DOLE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 31

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 31, a bill to amend title 17 of the United States Code with respect to home recording and video and audio recording devices and media, and for other purposes.

S. 32

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 32, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

S. 33

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 33, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of motion pictures and other audiovisual works.

S. 37

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. HELMS) was added as cosponsor of S. 37, a bill to temporarily reduce the duty on certain disposable surgical drapes and sterile gowns.

S. 267

At the request of Mr. TOWER, his name was added as a cosponsor of S. 267, a bill entitled "The Coal Distribution and Utilization Act of 1983."

S. 427

At the request of Mr. BAUCUS, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 427, a bill to amend the Inter-

nal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain literary, musical, or artistic compositions.

S. 737

At the request of Mr. MATHIAS, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 737, a bill to allow business to jointly perform research and development.

S. 788

At the request of Mr. QUAYLE, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 858

At the request of Mr. THURMOND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.

S. 911

At the request of Mr. CHILES, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 911, a bill to establish a Commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office.

S. 1025

At the request of Mr. HATFIELD, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 1025, a bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency Council on Global Resources, Environment, and Population, and for other purposes.

S. 1145

At the request of Mr. DENTON, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Maine (Mr. MITCHELL), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1249

At the request of Mr. ANDREWS, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1249, a bill to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations.

S. 1276

At the request of Mr. MITCHELL, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from Texas (Mr. BENTSEN), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 1276, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

S. 1306

At the request of Mr. MATHIAS, the names of the Senator from Wyoming (Mr. SIMPSON), the Senator from Iowa (Mr. JEPSEN), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1350

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 1350, a bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such act, and for other purposes.

S. 1396

At the request of Mr. DOMENICI, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 1396, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1498

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 1506

At the request of Mr. TOWER, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1506, a bill to amend the Internal Revenue Code of 1954 to restore the deduction for percentage depletion for oil and gas wells to the 1969 level, to restore intangible drilling costs for integrated oil companies to full deductibility, and to remove the intangible drilling cost deduction for individuals from the list of tax preferences subject to the minimum tax.

S. 1513

At the request of Mr. HATFIELD,, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1513, a bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission.

SENATE JOINT RESOLUTION 18

At the request of Mr. JEPSEN, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 18, a joint resolution designating September 22, 1983, as "American Business Women's Day."

SENATE JOINT RESOLUTION 105

At the request of Mr. RUDMAN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Iowa (Mr. JEPSEN), the Senator from Michigan (Mr. RIEGLE), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Indiana (Mr. LUGAR), were added as cosponsors of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE JOINT RESOLUTION 106

At the request of Mr. SIMPSON, the name of the Senator from South Dakota (Mr. ABDNOR) was added as cosponsor of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 117

At the request of Mr. HUDDLESTON, the names of the Senator from Tennessee (Mr. SASSER), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Joint Resolution 117, a joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. COHEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. BAUCUS, the name of the Senator from West Vriginia (Mr. RANDOLPH) was added as a

cosponsor of Senate Concurrent Resolution 30, a concurrent resolution to reject the medicare cuts contained in the President's fiscal year 1984 budget.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent Committee of the Senate.

SENATE RESOLUTION 165—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 165

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2733, an Act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.

The waiver of section 402(a) is necessary to permit consideration of statutory authority to extend the Native Latex Commercialization and Economic Development Act of 1978.

SENATE RESOLUTION 166—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 166

Resolved, That pursuant to sections 303(c) and 402(c) of the Congressional Budget Act of 1974, the provisions of sections 303(a)(4) and 402(a) of such act are waived with respect to the consideration of S. 1529, a bill to stabilzie a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

The waiver of section 303(a)(4) is necessary to permit consideration of new spending authority to become effective in fiscal years for which the first concurrent resolution on the budget has not been agreed to. Specifically, S. 1529 provides new spending authority under section 401(c)(2)(C) of the Congressional Budget Act of 1974 for the Secretary of Agriculture to carry out a diversion program for dairy producers to become effective on the date of enactment and extend through December 31, 1984.

The waiver of section 402(a) is necessary to permit consideration of statutory authority to provide appropriations to carry out certain activities of the Secretary of Agriculture in connection with a dairy research and promotion program.

SENATE RESOLUTION 167—RELATING TO THE FREE FLOW OF FOREIGN VISITORS TO THE 1984 OLYMPICS AND THE 1984 WORLD'S FAIR

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 167

Whereas in 1982 some 22 million foreign tourists visited the United States;

Whereas in addition to promoting international trade and friendly relations among nations, these foreign visitors spent $12 billion on goods and services while in the United States;

Whereas a substantial increase in the number of foreign visitors to the United States is expected in 1984 in conjunction with the holding of the Olympic Games in Los Angeles, California and the Louisiana World Exposition in New Orleans, Louisiana; and

Whereas it is in the interest of the United States to encourage as many foreign visitors to the United States as possible, to inform such visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within the United States: Now, therefore be it

Resolved, That it is the sense of the Senate that:

(1) The Secretary of Commerce should undertake all necessary steps to encourage foreign nationals to attend the 1984 Olympic Games and the Louisiana World Exposition.

(2) In conjunction with these efforts, the Secretary of Commerce should implement a systematic plan to interest such foreign nationals in other recreational and commercial activities throughout the United States.

(3) The Secretary of Commerce should consult with the Secretary of the Treasury and the Attorney General of the United States to develop and implement, before the 1984 Louisiana World Exposition, a national plan to consolidate the inspection functions pertaining to international travelers and cargo carried out by the Cabinet Departments listed above. In order to reduce and eliminate any unwarranted delays and inconvenience to passengers and shippers at United States gateway and preclearance airports, such plan should include, but not be limited to, the increased use of automated and advanced screening techniques that enhance both law enforcement and the expeditious flow of passengers and cargo, expansion of simplified passenger and cargo inspection procedures, and more cost effective use of combined Federal manpower resources.

(4) The Secretary of Commerce should, pursuant to section 202 of the International Travel Act of 1961, assist State and local governments, and other private and public entities, to facilitate and encourage travel throughout the United States by residents of foreign countries visiting the United States for the 1984 Olympic Games and the 1984 Louisiana World Exposition.

● Mr. PRESSLER. Mr. President, I am today offering a Senate resolution expressing this body's support for increasing and facilitating foreign travel to the United States during two major international tourism events we will be hosting in 1984.

These two events are the 1984 Olympics, which will be held in Los Angeles, and the 1984 Louisiana World Exposition, which will be held in New Orleans. Both events are of major significance to international tourism and they are certain to bring thousands of additional visitors to our country next year. We are fortunate in that the two events occur at roughly the same time, and also that they are widely separated geographically. I say this is fortunate because I am sure that many foreign visitors will want to attend both events, and this means that they will be traveling extensively throughout our Nation. I am particularly hopeful that many of these international visitors will take the time to visit destinations in the western and midwestern parts of our country. My own State of South Dakota, where tourism is the second largest industry, is already visited by thousands of foreign travelers each year, but we are always anxious to host more of our friends from abroad.

It is a fact that one of the best promotions for any destination is having satisfied visitors returning home and telling their friends about the good time they had. Many of the visitors to South Dakota come to the State because their friends and neighbors recommended it as a vacation destination. Obviously, this works on the international level as well. I am convinced that as we attract more and more visitors to the West and Midwest this expansion will feed upon itself and we will soon have an even more rapidly growing tourist industry in the area.

Of course, visitors to this country are only going to go home and pass along positive comments if we are prepared to welcome and accommodate them. We should all try to be aware of the fact that we, as American citizens, are the hosts for the foreign visitors who come to our shores each year. We must try to make them feel welcome.

However, there are things beyond the attitude we display which must also be done in order to accord proper treatment to overseas visitors. One of the most important of these is the manner in which foreign travelers are met when they first reach this country. We could learn much from our European neighbors in this area.

Our entry and inspection system often means long lines, long waits and

exposure to a confusing system which is not designed to accommodate non-English speaking visitors. It is critical, in my opinion, that we correct this situation if we are to have any chance of expanding our popularity as an international destination and reaping the economic rewards which that entails.

This will be especially true next year when we will have so many more visitors than usual. If we are not prepared for the first major increase in travelers in the spring, we will undoubtedly discourage many thousands of potential visitors who will hear horror stories about how hard the U.S. Government makes it for travelers to enter the country.

For all the reasons I have mentioned above, I am offering this resolution which recommends that we make an effort to prepare for the boom in foreign tourism which is certain to come next year. The resolution directs the Secretary of Commerce to conduct a broad program of promotion for these events, and to encourage foreign visitors to travel to a variety of places in the United States. Again, I would personally hope that many of them would decide to visit the midwestern part of the Nation.

The resolution also directs the Secretary of Commerce to work with the Secretary of the Treasury and the Attorney General in formulating a plan for the consolidation of the inspection services operated by their offices—Customs and INS. This consolidation is to be achieved by early next year, and its major goal is to be improvement in expediting the flow of passengers and cargo into this country.

As I said earlier, unless we make sure that foreign visitors are decently treated when they first arrive, we will be missing a major opportunity to expand this Nation's tourism industry.

I hope that my colleagues will join me in recognizing the importance of this issue, and I further hope that we can deal with this issue now while we still have time for proper planning.●

AMENDMENTS SUBMITTED

OCEAN AND COASTAL DEVELOPMENT IMPACT ASSISTANCE FUND

JEPSEN (AND HELMS) AMENDMENT NO. 1432

(Ordered to lie on the table.)

Mr. JEPSEN (for himself and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill (S. 800) to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes; as follows:

At the end of the pending business, add the following sections:

"SEC. . The Congress finds that—

"(a) it is the policy of the Government of the United States to protect innocent life, both before and after birth, and that the Government of the United States affirms that all human beings are endowed by their Creator with certain unalienable rights among which is the right to life, as embodied in our Declaration of Independence;

"(b) the American Convention on Human Rights of the Organization of American States in 1969 affirmed that every person has the right to have his life protected by law from the moment of conception and that no one shall be arbitrarily deprived of life;

"(c) the Declaration of the Rights of the Child of the United Nations in 1959 affirmed that every child needs appropriate legal protection before as well as after birth;

"(d) at the Nurenberg International Military Tribunal for the trial of war criminals the promotion of abortion among minority populations, especially the denial of the protection of the law to the unborn children of Russian and Polish women, was considered a crime against humanity;

"(e) as early as 1859 the American medical profession affirmed the independent and actual existence of the child before birth as a living being and condemned the practice of abortion at every period of gestation as the destruction of human life;

"(f) scientific evidence demonstrates the life of each human being begins at conception;

"(g) the Supreme Court of the United States in the case of Roe against Wade erred in not recognizing the humanity of the unborn child and the compelling interest of the several States in protecting the life of each person before birth;

"(h) the Supreme Court of the United States in the case of Roe against Wade erred in excluding unborn children from the safeguards afforded by the equal protection and due process provisions of the Constitution of the United States; and

"(i) a growing tolerance of infanticide in America has followed the "quality of life" ethic as was established by the United States Supreme Court in the Roe against Wade decision, and as recently evidenced by the starvation death of an innocent handicapped newborn child in Bloomington, Indiana.

"SEC. . No agency of the United States shall perform abortions, except when the life of the mother would be endangered if the child were carried to term.

"SEC. . No funds appropriated by Congress shall be used to perform abortions, to reimburse or pay for abortions, or to refer for abortions, except when the life of the mother would be endangered if the child were carried to term.

"SEC. . No agency of the United States shall promote, encourage, counsel, refer, pay for, including travel expenses, or assist in the performance of abortions abroad as a matter of our foreign policy, except when the life of the mother would be endangered if the child were carried to term.

"SEC. . The United States shall not enter into any contract for insurance that provides for payment or reimbursement for abortions other than when the life of the mother would be endangerd if the child were carried to term.

"SEC. . No institution that receives Federal financial assistance shall discriminate against any employee, applicant for employment, student, or applicant for admission as a student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of abortions.

"SEC. . No institution that receives Federal financial assistance shall withhold from a handicapped infant nutritional sustenance or medical or surgical treatment required to correct a life threatening condition if: (1) the withholding is based on the fact that the infant is handicapped; and (2) the handicap does not render treatment medically contraindicated. Any institution or agency in violation of such restrictions shall be denied any further Federal assistance.

"SEC. . In light of the provisions of this title, and to expedite Supreme Court consideration of the interest of the States in protecting the lives of all human beings within their jurisdiction, if any State enforces or enacts legislation which prohibits or restricts abortions or infanticide and such legislation is invalidated by interlocutory or final order of any court of the United States, any part to such case shall have a right to direct appeal to Supreme Court of the United States, under the same provisions as govern appeals pursuant to section 1252 of title 28, United States Code, notwithstanding the absence of the United States as a party to such case. Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action involving, directly or indirectly, the provisions of this title.

"SEC. . If any provision of this title or the application thereof to any person or circumstances is judically determined to be invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected by such determination.".

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1984

GARN AMENDMENT NO. 1433

Mr. GARN proposed an amendment to the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes; as follows:

At the end of the bill add the following:

SEC. . (a) All unearned income earned by a Senator during a calendar year in excess of an amount equal to 30 per centum of the annual salary paid to such Senator for service as a Senator during such calendar year shall be placed in an unearned income trust for the term of service of such Senator as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), all income placed in an unearned income trust as required by subsection (a) shall be unavailable to the Senator for the term of service of such Senator.

(2)(A) If the unearned income of a Senator for any calendar year of service is less than an amount equal to 30 per centum of the annual salary paid to such Senator for service during such calendar, such Senator may withdraw from his or her unearned income trust, an amount equal to 30 per centum of the annual salary less the unearned income of such Senator for such calendar year.

(B) If, during any calendar year of service, a Senator has a fiscal emergency requiring extraordinary amounts of income, such Senator may apply to the Select Committee on Ethics for a waiver of the requirements of this section. The Select Committee on Ethics shall grant waivers and allow access to unearned income trust funds in accordance with regulations prescribed by such committee.

(c) For purposes of this section, the term "unearned income" means all income other than earned income as defined in section 911(d)(2) of the Internal Revenue Code of 1954.

(d) This section shall be applicable to unearned income earned by Senators beginning January 1, 1984.

PUBLIC BUILDINGS SERVICE AUTHORIZATION

STAFFORD (AND OTHERS) AMENDMENT NO. 1434

(Ordered to lie on the table.)

Mr. STAFFORD (for himself, Mr. RANDOLPH, and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill (S. 1287) to authorize appropriations for the Public Buildings Service of the General Services Administration for the fiscal year 1984; as follows:

On page 2, strike lines 22 and 23 and on page 3, strike lines 1 and 2 and insert in lieu thereof the following:

"(a) Not to exceed $172,510,000 shall be available for fiscal year 1984 as follows:

"(1) For construction of public buildings (including funds for site and expenses) at the following locations and maximum construction costs:

Massachusetts, Waltham, federal archives and records center (extension)	$1,621,000
Oregon, Portland, federal office building	67,475,000
Tennessee, Knoxville, federal office building	14,990,000
Washington, Seattle, federal archives and records center (extension)	3,525,000

"(2) For demolition of the public buildings at the following location and maximum demolition cost:

California, Los Angeles, warehouses	$599,000

"(3) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

"(4) $83,300,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Pennsylvania, Pittsburgh, post office courthouse	$23,300,000
Other selected purchases including options to purchase	60,000

"(b) Not to exceed $181,332,000 shall be available for fiscal year 1984 as follows:

"(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

Arkansas, Little Rock, post office-courthouse	$4,269,000
California, San Francisco, Appraisers Building	1,200,000
Colorado, Denver, Federal Center Building 20	6,427,000
District of Columbia, Auditors Building	9,294,000
District of Columbia, Blair House	6,500,000
District of Columbia, Liberty Loan Building	2,757,000
District of Columbia, Pension Building	2,650,000
Georgia, Atlanta, Federal Annex.	9,193,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Maryland, Baltimore, Middle River Federal Depot	1,892,000
Maryland, Suitland, Naval Intelligence Command Bldg. No. 1	9,760,000
Massachusetts, Boston, John F. Kennedy Federal Bldg	2,499,000
Michigan, Detroit, Federal building-courthouse	4,957,000
Michigan, Detroit, Patrick V. McNamara Federal Bldg	5,474,000
North Carolina, Asheville, Grove Arcade Fed. Bldg	8,364,000
Ohio, Cincinnati, post office-courthouse	1,138,000
Ohio, Cleveland, Anthony J. Celebrezze Federal Bldg	3,951,000
Pennsylvania, Pittsburgh, post office-courthouse	8,975,000
Texas, San Antonio, post office-courthouse	6,190,000
Utah, Ogden, Internal Revenue Service	3,036,000
Washington, Yakima, Federal building-courthouse	1,025,000

"(2) $14,000,000 for renovations and repairs of public buildings acquired by purchase; *Provided,* That prior to obligation of funds granted under authority of this subsection, approval of the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation is secured;

"(3) Section 3(a) of this Act notwithstanding, for design of renovations, alterations, and repairs of public buildings at the following locations and maximum costs:

District of Columbia, steam distribution system	886,000
Louisiana, New Orleans, Hebert Federal Building	611,000

"(4) $59,465,000 for renovations and repairs of public buildings at project costs of less than $1,000,000;

"(5) $3,500,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000."

On page 3, redesignate subsections "(b), (c), (d), and (e)" as "(c), (d), (e), and (f)," respectively.

On page 4, after line 17, add new sections as follows:

"SEC. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building suitable to its headquarters operations and in a location in downtown, Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator determines that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

"SEC. 8. Notwithstanding any other provision of law, none of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be obligated or expended after the date of enactment of this Act for procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of mechanic."

FIRST CONCURRENT RESOLUTION ON THE BUDGET

DOLE AMENDMENT NO. 1435

Mr. DOLE proposed an amendment to the amendment of the House to the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986; as follows:

In section 3(a) on line 2 insert after "through (e)" the following: "(except for the committee described in subsection (b)(1))"

In section 3(a) on line 5 insert after "through (l)" the following; "(except for the committee described in subsection (l)(2))"

Strike subsection 3(b)(2) and insert in lieu thereof the following:

"The Senate Committee on Finance shall report by September 15, 1983, changes in laws within the jurisdiction of that committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986."

Strike subsection 3(l)(2) and insert in lieu thereof the following:

"The House Committee on Ways and Means shall report by September 15, 1983, changes in laws within the jurisdiction of that Committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986.".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a business meeting on June 28, 1983, at 2:30 p.m. in SD-608 to mark up S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma; S. 856, to provide for an Indian housing program for construction and financing of housing for Indians; S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation; and, S. 1249, to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations, and for other purposes. Those wishing additional information should contact Paul Alexander of the Select Committee on Indian Affairs at 202/224-2251.

Mr. President, I would also like to announce for the information of the Senate and the public the scheduling of a field hearing which will focus upon issues related to the reauthorization of the Indian Health Care Improvement Act, as well as issues of general concern affecting the health of American Indians. The hearing is scheduled to commence at 10 a.m., in the Granite Room at the Sheraton Hotel at 27 North 27th Street, Billings, Mont. Those wishing to testify or submit written testimony should contact Max Richtman of the Select Committee on Indian Affairs at 202/224-2251.

Also, the Select Committee on Indian Affairs will be holding a hearing on July 13, 1983 at 9 a.m., in room SD-628 on S. 1148, to provide for the use and distribution of funds awarded the Assiniboine Tribe of Fort Belknap Indian Community, Mont., and Assiniboine Tribe of Fort Peck Indian Community, Mont., in docket numbered 10-81L by the U.S. Court of Claims, and for other purposes. Those wishing to testify should contact Max Richtman of the committee at 202/224-2251.●

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet Thursday, June 30, to consider S. 1101, which authorizes appropriations for programs administered under the National Aquaculture Act of 1980, and S. 663, commonly referred to as the "Sodbuster bill". It would prohibit participation in certain farm programs to farmers who produce certain crops on highly erodible lands.

The markup will begin at 10 a.m. in room 328-A Russell Building.

ADDITIONAL STATEMENTS

I SPEAK FOR FREEDOM

● Mr. HUMPHREY. Mr. President, a young man from my State, David Woetzel, has won a sizable scholarship in the Friends of Free China "I Speak for Freedom" high school speech contest. His speech points clearly to the value of freedom, and because this is such an important subject, I ask that his speech be printed in the RECORD.

The speech follows:

I SPEAK FOR FREEDOM

In 1848 Karl Marx said, "Free society is only a step of progress. The utopian economy will be achieved when after a workers dictatorship true Communism is established." After 135 years has Communism met these goals? Has it made more progress than free society?

First, let us see how the "utopian economy" has progressed. I quote U.S. News, 1982, "Communism is the great economic failure. Marshal Goldman, national expert on the Soviet economy explains the Soviet economic crisis is "the most serious since Stalin's day." He tells of the failure of an economic system that is getting worse daily and could explode. A Communist newspaper in Czechoslovakia admits, "There is no use trying to cover up the economic situation." Latest statistics reveal that Western Europe is outproducing Eastern Europe per capita by a 2 to 1 ratio. The latter also faces colossal debts. A recent newspaper article says, "Maoist ideas are being junked wholesale. Communist China's reforms indicate Peking's acknowledgment of the failure of its previous economic policies." The Kremlin model has also fallen flat in Africa, Cuba, Vietnam and the difference in the two Koreas also illustrates this. Is that progress?

Secondly, let us consider how the people in the "workers' paradise" have progressed. "Permanent austerity, slothful workers and unhappy masses," says U.S. News, 1982, "the reality is far from a dream, and the worst may still be ahead. For the 1.5 billion inhabitants of the Communist world, the Marxist promise of a workers' paradise has turned into a nightmare of permanent scarcity, economic stagnation and discontent." Workers are revolting, saying, "You make believe you are paying me and I'll make believe I work." To roughly achieve the Soviet Union's living standards the book "Death of a Nation" says, "The U.S., among other things, would be required to destroy 4 billion T.V. sets, 7 out of 10 homes; dismantle 9 out of 10 telephones; destroy 19 of 20 cars; put 60 million people back on the farms, then lower the living standards 75% by not producing enough food to feed our own people." Another current news article says, "The most satisfied customers in Eastern Europe are in Hungary and Bulgaria, primarily because they have junked as much of the Kremlin model as they think they can get away with." Reports from Afghan rebels tell of Andropov's predicament in that country. On the battlefield the modern picked Soviet Force is so thrilled to be fighting for the "workers' paradise" that the army faces a 60% desertion rate. Is that progress?

To complete our examination of the "progress" of Communism we must compare it to the progress of a free country. Perhaps the best example available is that of Free China (Taiwan) and Communist (Mainland) China. Both come from the same background, culture, economy, people and resources. However, a comparison of the two systems that exist today indicates the effect freedom has on progress. We will consider the same two major areas. The economics growth of Taiwan has exceeded Mainland China. Taiwan's per capita income is ten times that of Mainland China. The Communists are about 15 years behind. "Taiwan attracts large foreign investments," says U.S. News, 1981. "But little has been accomplished on the Mainland because of Peking's red tape." The trade balance between the two runs 3 to 1 in Taiwan's favor." That is progress. "Mismanagement, bureaucratic regulations, policy reversing, and buck-passing officialdom is why Mainland China faces 10 million urban unemployed and millions more producing very little . . . compared to Taiwan where there are more jobs vacant than job-seekers." states U.S. News.●

EXPORTS

● Mr. BENTSEN. Mr. President, a national debate has begun on trade policy. Articles appear regularly in our most distinguished newspapers and magazines advocating a little or a lot of protectionism or apologizing for the system of free trade. There is no question that our huge trade deficits—upward of $70 billion this year and over $40 billion last year—and the failure of the Geneva-based General Agreement on Tariffs and Trade (GATT) to correct the violations of international trade agreements that now abound, not to speak of the 35 million people unemployed in OECD countries, has produced skepticism that the postwar trade system has any steam left in it.

Plainly, this is a problem with many sides. Some narrowly targeted protection of domestic industries vital to our economic security and some narrowly targeted subsidies of our exports in order to demonstrate to other countries the need for the international rule of law in trade are going to be necessary. Foreign unfair trading practices are now so embedded in the culture of industrialized countries that only by using our power strategically can we control and eventually reduce these illegal and unfair trade practices.

But we must also be competitive. Our domestic adjustment mechanisms of the past have cost a lot but have not worked well. Rapid adjustment to economic change is now a matter of economic necessity. If we do not change the way we make products and the products we make, we will simply lose the international competition in goods. Positive economic adjustment is an important avenue to increasing our

productivity and thereby our competitiveness.

We must not use the short-term and narrowly targeted solutions to current problems as a cure for our long-run difficulties. In the long run, we must be efficient, and we must export.

In that connection, I was pleased to read the remarks of Senator MAX BAUCUS, a member of the Finance Committee's Subcommittee on International trade of which I am the ranking Democratic member. Senator BAUCUS' remarks, delivered on June 2 of this year to the 1983 Pacific Northwest Conference on Exports properly concentrates on the long-range problem: Exports. I ask that Senator BAUCUS' remarks at that conference be reprinted in the RECORD, so that Senators may have before them this long-range aspect of the problem, as well as some of the shorter range trade problems that come across our desks everyday.

The remarks follow:

THE 1983 PACIFIC NORTHWEST CONFERENCE ON EXPORTS

(By Senator Max Baucus)

INTRODUCTION

Thank you.

I'm happy to be in Portland today to discuss international trade policy.

These days, most discussions of international trade policy are grim. Everywhere, we hear that America is losing the battle for international sales. This generates pessimism. Some Americans have even begun to doubt our ability to compete.

If Robert Gray could hear this pessimism, he would shudder in his grave.

Back around 1800, Gray commanded the merchant sloop *Columbia*. He prowled the Northwest coastline, trading trinkets for furs. Along the way, he discovered the great river that bears his sloop's name.

Then he turned west, for the spice markets of Canton and Macao. When he finally sailed into Boston Harbor, Gray became the first American to circle the globe.

All along the voyage, Gray and his men were beset by storms, scurvy, and pirate attacks. But they persevered, because they possessed an aggressive trading spirit.

We must rekindle that spirit now. Our trade problems are serious, but they are not irreversible. With sound federal policies and confident, innovative business strategies, we can take on the world again.

EXPORT FINANCING

As you know, export financing is a critical part of any export transaction. It can make or break a sale. Several federal policies affect export financing. Today I would like to discuss three especially important ones: exchange rate policy, export financing assistance, and export taxation.

EXCHANGE RATES

Let's start with exchange rates.

An overvalued dollar makes exports more expensive. Recent events show how much harm this can cause. During the past two years, high interest rates generated a huge demand for dollars. This, in turn, inflated the dollar's international value. For example, the dollar rose 50 percent against the mark and 35 percent against the yen.

The result? Disaster: for farmers, miners, timbermen, and any Northwest company trying to develop new export markets.

To prevent such disasters from recurring, we must make two adjustments.

First, we must force interest rates to come down and stay down. Basically, this means reducing the bloated federal deficit. As the President's own chief economic adviser, Martin Feldstein, recently said: "Our trade deficits can shrink and American industry can return to its previous strong role in the world economy . . . if we provide the appropriate fiscal framework of declining budget deficits." I couldn't agree more.

Second, we must somehow control exchange rate fluctuations. The so-called "Bretton Woods" system of fixed exchange rates was abolished in 1971. Since then, the dollar has "floated" on a sea of speculation. During this time, wild exchange rate fluctuations have undermined the business certainty needed for long-term export development. And some other foreign countries have manipulated exchange rates to promote their own exports.

Given these problems, many respected economists have suggested reforming the exchange rate system. But, so far, the President has resisted these suggestions, maintaining his commitment to the current floating system.

While I admire the President's persistence, I question his judgment. Economics is not religion. The evidence clearly shows that we should restore some kind of order to the exchange rate.

Therefore, I plan to ask the Senate to consider moderate proposals for doing so. I hope that the President changes his mind and joins this effort.

EXPORT FINANCING ASSISTANCE

Now let's focus on export financing assistance.

The Export-Import Bank helps U.S. companies respond to subsidized foreign financing. Last year, Ex-Im provided loans, guarantees or other financing assistance for almost $19 billion worth of U.S. exports.

However, Ex-Im has been shackled. The Ex-Im Act requires the Bank both to compete with subsidized foreign financing and to be self-sustaining. During financing "wars" like the one during the past two years, these objectives have collided. For example, last year, nearly $1 billion in Ex-Im lending authority went unused because Ex-Im emphasized balancing its books over meeting foreign competition.

This year, Congress must reauthorize Ex-Im. When it does, I hope we make two important changes. First, we should specify that Ex-Im's primary objective is to provide competitive financing. When another financing "war" breaks out, I'd rather have Ex-Im ask Congress for an appropriation than have American companies lose sales to unfair foreign competitors.

Second, we should expand Ex-Im's coverage. For example, Ex-Im has not provided enough assistance to housing exports or small business exports. This must change.

EXPORT TAXATION

Finally, let's turn to export taxation.

Most other industrialized countries only tax income earned within their borders. What's more, they remit "value-added" taxes on exported products.

The U.S. system is very different. We tax income worldwide, wherever it is earned. And we remit nothing.

For years, the difference between the two taxation systems gave our foreign competitors a clear advantage. To compensate, in 1971, Congress passed the "Domestic International Sales Corporation" or "DISC" Act. Basically, DISC permits qualified U.S. exporters to defer 50 percent of their taxes.

DISC has worked pretty well. For example, in 1980, $131 billion worth of U.S. products were exported through DISC, including $35 billion worth of agricultural products, $3 billion of lumber products, and $800 billion of mineral products. Indeed, the Treasury Department estimates that DISC increased overall U.S. exports by as much as 9 percent.

Unfortunately, DISC has been attacked by foreign competitors. Last year, the GATT Council held that DISC is an illegal export subsidy.

I think this decision was a classic example of the pot calling the kettle black. Nevertheless, our commitment to the free trade principles embodied in GATT requires us to replace DISC with a new tax incentive that fits the GATT framework.

As you may know, the Administration has proposed a way to accomplish this. Under its proposal, an exporter who maintains a sufficient "overseas presence" will be eligible for a tax exemption of about 17 percent.

This proposal is a step in the right direction. However, several aspects of it concern me.

First, the proposal is too complex. It starts off requiring a company to have an office, an agent, a director and books overseas. So far, so good. But then it lists a dizzying array of "functions" and "processes" the company must perform overseas.

As a former SEC lawyer, I know a complex requirement when I see one. This plan might bring more business to sharp lawyers, but it won't encourage exports. I believe the requirements in the proposal must be simplified and clarified to be useful to U.S. exporters.

Second, the Administration may have overlooked the unique characteristics of agricultural trade. Some of the overseas presence tests that are appropriate for Fortune 500 manufacturing companies may be inappropriate for agricultural traders.

What's more, recent GATT decisions, like the wheat flour decision, indicate that agricultural products sometimes are subject to a more lenient standard than manufacturing products. Therefore, we may want to provide special treatment for agricultural exporters.

Third, the Administration may have underemphasized the needs of small businesses. The Small Business Administration estimates that between twenty and thirty thousand U.S. small businesses are capable of exporting but don't. To encourage these companies to export, we must develop new, streamlined mechanisms to help them.

Many small businesses will be unable to meet the Administration's general overseas presence test. Recognizing this, the Administration apparently plans to propose a special, easier, small business test.

But from what I've heard, even this test won't go far enough. I believe that we should either completely exempt small businesses from the test, or, as the Chamber of Commerce suggests, let them maintain their overseas presence in any of the so-called foreign trade zones that exist right here in the United States.

So, although we're moving in the right direction, we still have a lot of work to do. For my part, I plan to offer agricultural and small business amendments when the Finance Committee considers DISC.

CONCLUSION

The stakes are high and the competition is fierce. But this should not deter us. The great Northwest traders of the past overcame storms, scurvy, and pirate attacks.

If we rekindle their aggressive trading spirit, we can overcome trade barriers and foreign competition. That way, we can bring Northwest grain, timber, coal, and high technology to larger and larger export markets.

We can take on the world again.●

ANALYSIS OF THE DISCREPANCIES IN SUPREME COURT DECISIONS

● Mr. EAST. Mr. President, the March-April issue of Regulation magazine featured an interesting article entitled "Affirmative Action after Teal: A New Twist or a Turn of the Screw?". Regulation magazine, the American Enterprise Institute's journal on government and society, regularly features thoughtful articles worthy of serious attention. The recent article on affirmative action is a case in point. In the article, Michael W. McConnell analyzes the discrepancies in the court's decision in Connecticut against Teal and its earlier decision in United Steelworkers of America against Weber concerning the practical means of complying with title VII.

I ask unanimous consent that Mr. McConnell's article be printed in the RECORD in order that my colleagues might also benefit from his comments.

The article follows:

[From Regulation Magazine, March-April 1983]

AFFIRMATIVE ACTION AFTER TEAL: A NEW TWIST OR A TURN OF THE SCREW?

(By Michael W. McConnell)

It is by no means surprising to see a Supreme Court decision in which Justice William J. Brennan (joined by his colleagues Marshall, White, Blackmun, and Stevens) rules in favor of a black female plaintiff in an employment discrimination suit. Nor is it surprising to find Justice Lewis Powell (joined by his colleagues Burger, Rehnquist, and O'Connor) in dissent. But what is to be made of an opinion in which Justice Brennan and his liberal colleagues repeatedly stress the *individual's* right to employment *opporunity* under Title VII of the Civil Rights act of 1965—in effect returning to the original language and legislative history of the statute—and leave the conservative dissenters to defend the race-conscious hiring requirements created by the jurisprudence of the past decade?

To be sure, the field of civil rights is no stranger to judicial twists and turns. The Supreme Court's abrupt abandonment in 1954 of its former position on racial segregation (*Brown v. Board of Education*, 1954) was followed by nearly two decades of judicial assault on race-based decisions in public and private matters. With a strong if belated boost from congressional passage of the Civil Rights Act of 1964, the courts from 1954 well into the 1970s stood for a clear and forceful idea: all persons should be treated as individuals without regard to their race. The democratic logic and moral force of this idea was responsible for the success of the civil rights movement and the unparalleled societal transformation it inspired.

For the last decade, however, the Court—and especially its liberal wing—has backpedaled from the idea of color-blind treatment for all. The principle of equal opportunity for all individuals seems to be viewed as an impediment to the new agenda: race- and sex-conscious decisions for the benefit of black (and other minority and female) workers. The legal theories enunciated during the last decade, therefore, have studiously avoided or denigrated the concept of race- or sex-neutral treatment of individuals. The new buzz words are "statistical impact," "protected groups," "discriminatory results."

The shift was subtle, but rapid. In 1971, in *Griggs* v. *Duke Power Co.*, the Court—without so much as footnoting evidence in the legislative history to the contrary—announced that "Congress directed the thrust" of Title VII of the Civil Rights Act of 1964 "to the *consequences* of employment practices, not simply the motivation" (emphasis in original). That shift cast suspicion on any and all job qualifications, whether or not motivated by race, that have the consequence of excluding more blacks than whites. And if the true purpose of Title VII was really to decrease discriminatory consequences, that is, to increase minority employment, it was but a short logical step to the conclusion that the law intended minority employment to increase even if it meant deliberate discrimination against whites. While in *Griggs* the Court could still say that "[d]iscriminatory preference for any group, minority or majority, is precisely and only what Congress proscribed," by 1979, in *United Steelworkers of America* v. *Weber*, it found "ironic indeed" the notion that Title VII prohibits "all voluntary, private, race-conscious" hiring.

THE LATEST TWIST

Connecticut v. *Teal*, decided on June 21, 1982, provides the latest twist in this already convoluted history. The facts were straightforward enough. Winnie Teal, a black female employee of the Connecticut Department of Public Welfare, applied for promotion to the position of permanent welfare supervisor. Her first hurdle in the selection process was a written examination. Forty-six percent of the black applicants for the position failed this test, compared with twenty percent of the whites. Teal failed. She therefore filed suit on the ground that the examination was racially discriminatory under the "disparate impact" theory espoused in *Griggs*. Meanwhile, the Connecticut Department of Public Welfare carried on its selection process. From among the applicants who had passed the written test, the department chose permanent welfare supervisors on the basis of other factors, such as seniority, work performance, recommendations from supervisors, and (apparently) race. Eleven blacks and thirty-five whites were hired—22.9 percent of the total number of black applicants, 13.5 percent of the white applicants. The "bottom line" was thus much more favorable to blacks than to whites.

Nonetheless, Teal continued to press her suit, contending that the ultimate success rate of black applicants was irrelevant to her complaint against the disparate impact of the examination. Unless her employer could prove to the court's satisfaction that the examination validly predicted job performance, Teal argued, its use was racially discriminatory. Connecticut defended on the ground that its final selection rate—its bottom line—showed that the selection process had no discriminatory effect. In the absence of a disparate racial impact from the process as a whole, the state argued, there was no reason for the court to second-guess the validity of the test. Five members of the Supreme Court agreed with Teal.

The Court's holding *Teal* seems as straightforward as the facts. The hiring or promotion of sufficient numbers of black (or other minority, or female) applicants does not preclude a disappointed applicant from stating a prima facie case of discrimination based on the disparate impact of one component of the employer's selection process, such as a written test. Nor does the achievement of an acceptable bottom line provide the employer with a defense to such a lawsuit.

At the point we must take a moment to distinguish between the two different charges that a plaintiff can bring in employment discrimination cases under Title VII: "disparate treatment" and "disparate impact." Disparate treatment occurs when an employer intentionally treats an employee or applicant differently on the basis of race. Disparate impact cases, those based on the Court's decision in *Griggs*, occur when the statistical effects of an employment process on the races are markedly different—for example, if 80 percent of white applicants and only 30 percent of black applicants are hired. When the effects are sharply different, an employer is presumed to have discriminated—even if there is no evidence of intentional discrimination—unless the employer can prove that its employment selection devices were "job-related." And even if the employer can prove job-relatedness to the satisfaction of the court, its employment selection practices can still be found unlawful under the disparate impact theory if other practices with more favorable results to black applicants, would also serve the employer's interests. Teal's case was based on disparate impact.

It *Teal* is considered as an exercise in interperting the disparate impact theory, the question at issue boils down to this: at what level of particularity should the disparate impact test be applied? Should it be applied to the process as a whole (the bottom line), or to any identifiable component or subcomponent of the process (say, a written examination)?

Since the focus of disparate impact analysis is ultimately on the job-relatedness of the employer's selection devices, it would seem sensible to apply the analysis at the level of particularity that best reflects such job-relatedness. If a single component of the process is only a fair predictor of job performance, but when taken in conjunction with several other factors is an excellent predictor, it would seem logical to look at the impact of the various factors taken together, rather than at the single component. To import an exmaple from the college admissions process, grade point averages and Scholastic Aptitude Test (SAT) scores, taken individually, are only fair predictors of college performance, while the composite of the two is superior to either. Most colleges therefore consider both—as well as other, more subjective factors. If disparate impact analysis were applied to grade point averages or SAT scores individually, rather than to the composite actually used by the colleges, the "college-success-relatedness" of the admissions process as a whole would be significantly understated. Similarly, if an employer uses a composite of fac-

tors in making hiring or promotion decisions, it would understate the job-relatedness of the process to apply disparate impact analysis to each factor separately. And, since the process as a whole will almost invariably predict job performance more accurately than would any single component of the process—since if it did not, the employer would simply rely on the single, more reliable, component—it would seem that the bottom line is the proper place to look for evidence of disparate impact.

But in *Teal* the Court did not follow the internal logic of the disparate impact theory. It returned instead to first principles—to the purposes of Title VII. Justice Brennan's opinion for the majority relied on two basic propositions about the nature of Title VII protections.

First, the opinion emphasized that Title VII was intended to guarantee equality of employment opportunities. In just three pages of discussion, the Court used the term "opportunity" twelve times, eight times in italics. One may well wonder why Title VII's emphasis on "opportunity" would strengthen Teal's claim. Ordinarily, the term "opportunity" is used in contradistinction to the term "result." But Teal was not claiming that she was denied an equal *opportunity* to be considered on her merits for the position of Connecticut welfare supervisor. That would have been a disparate treatment claim. No, her argument was simply that the *results* of the written examination were statistically unfavorable to members of her race.

To be sure, the word "opportunity" is the key term in section 703(a)(2) of Title VII—the section that is taken to be the basis for disparate impact claims. This may explain the Court's repeated use of the term. But that use still begs the key question: by opportunity did Congress really mean result, as measured by statistics, whether at the bottom line or elsewhere?

The majority's second proposition was that Title VII focuses on protection of the individual. The majority used the term "individual" some seven times (twice in italics) in its discussion of this point, along with numerous synonymous terms. Again, however, the connection to Teal's claim was not made clear. Teal did not contend that she was discriminated against as an *individual*, but simply that her racial *group* fared poorly on an examination.

It may seem persuasive to say, with the Court, that the employer's bottom-line defense merely seeks "to justify discrimination against [Teal], on the basis of . . . favorable treatment of other members of [Teal's] racial group." There is, after all, no reason why discrimination against one individual should be excused merely because of the treatment accorded to others. However, since the very basis of Teal's lawsuit was that her *group* did not fare well in the process, it is difficult to understand why the ultimate job success of the same group should be treated as irrelevant.

RENEGING ON THE "DEVIL'S DEAL"

In business circles, the precedent set in *Teal* has been viewed as just one more way for plaintiff-oriented judges to rule in favor of sympathetic minority group members. To them, *Teal* is not so much a twist as another turn of the screw. But the irony of *Teal* is that, from a broader perspective, both its rhetoric and its practical implications constitute a reversal of the direction in which employment discrimination law has developed over the last dozen years.

The disparate impact theory of *Griggs*—that no employment selection process having a disparate impact on blacks may be used unless it is proved to be job-related—has created pressure on employers to move in one or both of two directions. Either they must engage in race-conscious hiring ("affirmative" discrimination) in order to ensure that their process has no disparate impact on blacks, or they must engage in a costly and unproductive exercise of proving that all of their tests and other employment selection devices are job-related.

The latter exercise is not an easy one. At best, validating a test means hiring an army of psychologists, statisticians, and lawyers. Nor will even the most widely accepted validation procedure guarantee success to the employer in the end; virtually no procedure, however pristine, is immune to critical reexamination by plaintiff-oriented judges and agencies. The rules of the game have been set by civil rights bureaucracies and courts with neither expertise nor interest in effective personnel management. Their apparent intent has been not to identify genuinely job-related testing methods, but merely to make it more difficult to use objective tests at all. A recent three-year study by the National Research Council found that even carefully constructed and researched tests seldom withstand legal challenge. The researchers concluded that under prevailing legal and administrative standards, "adequate or useful tests are being abandoned or struck down along with the bad" (*Ability Testing: Uses, Consequences, and Controversies*, 1982).

It is no surprise, then, that most employers have reacted by moving toward race-conscious hiring. It is easier, cheaper, and safer for employers to hire according to race than to attempt to thread the needle of test validation. In effect, employers have made a "devil's deal" with the Title VII system: if they hire sufficiently large numbers of black (and other minority and female) employees, they will be left alone to manage their businesses (including personnel matters) as they see fit.

This devil's deal by the employers found support in United Steelworkers of America v. Weber (1979), the famous decision upholding the legality of voluntary affirmative discrimination in employment. It is easy to forget that Weber was a pro-employer decision—intended, in the Court's words, to prevent "undue federal regulation of private businesses." Weber absolved the employer, Kasier Aluminum, of liability for deliberate discrimination against white employees. The argument put forward by Justice Brennan for the majority was that Title VII was intended to "integrat[e] . . . blacks into the mainstream of American society" by increasing their employment, without unnecessarily curtailing "traditional business freedom." In the Court's view, "a prohibition against all voluntary, race-conscious, affirmative action efforts would . . . augment the powers of the Federal Government and diminish traditional management prerogatives while at the same time impeding attainment of the ultimate statutory goals." Seldom has the Court expressed greater solicitude for circumscribing federal power or for maintaining traditional business freedom. Yet, of course, the whole purpose of Title VII in the Court's view is to constrict that same business freedom by increasing minority employment above the levels that would otherwise prevail. This seeming contradiction is resolved, however, if employers can be induced to discriminate voluntarily—at least apparently voluntarily—against nonminority workers, in the hope of heading off more intrusive federal interference. This, as we have seen, they are quite willing to do.

Teal reneges on this devil's deal. Even if an employer hires and promotes enough black employees, it will still not be permitted to manage its business as it sees fit. The courts and the Equal Employment Opportunity Commission will still feel free to second-guess the job-relatedness of its hiring practices, and every component and subcomponent of them, no matter how favorable to black (and other minority and female) workers the bottom line may be. In fact, no type of vigorous affirmative discrimination program short of straight quota-based hiring will suffice to get the employer off the hook. Under the logic of *Teal*, plaintiffs and courts can divide and subdivide an employer's selection procedures to an infinite degree, requiring elaborate proof of job-relatedness wherever the employer bases selection decisions on a factor not equally distributed among the races. Employer may thus be driven to more subjective criteria for hiring and promotion—criteria less susceptible to disparate impact scrutiny, but also more likely to reflect unconscious predispositions based on race and extraneous cultural values.

Teal is bad news for business, because it vastly increases the odds that employers will be held liable for unintentional racial discrimination. But this does not make *Teal* good news for civil rights activists, for it also eliminates a large part of the incentive for employers to engage in affirmative discrimination. If employers are to be called to task (and subjected to the possibility of liability, including back pay liability) *whether or not they have hired or promoted a sufficient number of minority employees*, they will have no incentive to engage in affirmative discrimination (other than that created by other governmental requirements). If the devil's deal is off for the courts, it is off for the employers as well.

Moreover, the decision in *Teal* deprives employers of the most sensible and efficient means of hiring and promoting larger numbers of minority employees: to establish minimum job qualifications on a nonracial basis, and then to hire or promote disproportionately large numbers of black (and other minority and female) workers from among those qualified. By precluding this approach the Court increases the cost of engaging in affirmative discrimination even as it decreases the incentive to do so. This is the great irony of *Teal:* that Justice Brennan and the liberal wing of the Court delivered what may be the most serious blow the judiciary has struck yet against affirmative discrimination.

A RETURN TO INDIVIDUAL RIGHTS?

Not only does *Teal* suggest an abrupt change in the practical means of complying with Title VII, but it suggests a change in the realm of ideas as well. A comparison of *Teal* and *Weber* is revealing: the two opinions, written four years apart by the same justice, take diametrically opposed positions on both the purpose and the methods of Title VII.

The *Weber* opinion adopted the view that Title VII was intended to increase black employment, irrespective of proven acts of discrimination against individual black complaintants.

"Congress' primary concern in enacting the prohibition against racial discrimination

in Title VII of the Civil Rights Act of 1964 was with 'the plight of the Negro in our economy.' Before 1964, blacks were largely relegated to 'unskilled and semi-skilled jobs.' Because of automation the number of such jobs was decreasing. As a consequence, 'the relative position of the Negro worker [was] steadily worsening.' "

Remarkably, the *Weber* Court's discussion of the purpose of Title VII does not even mention that there might be a moral objection to discriminating against an individual because of race. In fact—aside from unaviodable quotations from the statute itself in the footnotes—the *Weber* opinion does not even *use* the word "individual." The race problem, to the *Weber* Court, is solely an economic problem. In contrast, the *Teal* Court, repeatedly stressed the work "individual," and stated that the "principal focus" of Title VII "is the protection of the individual employee rather than the protection of the minority group as a whole."

Moreover, the *Weber* Court viewed affirmative discrimination programs in favor of black workers, even if they never claimed to be victims of discriminatory acts by the employer, as "effective steps to accomplish the goal that Congress designed Title VII to achieve." The *Teal* Court, in counterpoint, observed that "an employer's treatment of other members of the plaintiffs' group can be 'of little comfort to the victims of . . . discrimination.' "

To put the point simply, either affirmative discrimination is an effective step toward complying with Title VII or it is not. If the *Teal* Court is correct that increased hiring of minority workers does *not* diminish an employer's liability or advance the purposes of Title VII, then the *Weber* Court could not have been correct that prohibiting such discrimination to accomplish such increased hiring would be "completely at variance with the purpose of the statute." This inconsistency, unfortunately, is unexplained: *Teal* does not cite, let alone discuss, the earlier decision in *Weber*.

But the liberal wing of the Court has no monopoly on irony. The dissenters, too, claimed their share. In their closing remarks, Justice Powell and his fellow dissenters approvingly quoted a lower court opinion:

"Title VII should not be construed to prohibit a municipality's using a hiring process that results in a percentage of minority [employees] approximating their percentage of the local population, instead of relying on the expectation that a validated job-related testing procedure will produce an equivalent result, yet with the risk that it might lead to substantially less hiring."

There could hardly be a clearer statement of preference for hiring according to racial percentages instead of neutral procedures, or from a more surprising quarter.

In fact, the tergiversations of the justices in *Teal* may reflect the clash between two irreconcilable visions of a racially just society. Either the policy of this nation is to guarantee that all individuals are treated fairly and neutrally, without regard to their race; or is to produce social and economic results more closely reflecting the numerical division of the races in society. The former policy does not produce the latter result. Yet the Supreme Court has not faced up to the inconsistency between these visions. In its decision in *Teamsters* v. *United States* (1977), the Court stated:

"It is ordinarily to be expected that nondiscriminatory hiring practices will in time result in a work force more or less representative of the racial and ethnic composition of the population in the community from which employees are hired."

The Court's expectation is simply unrealistic, and will remain so for the foreseeable future. So long as black (and other minority and female) Americans continue to differ in economically significant ways, fair and neutral selection procedures will disproportionately exclude them from better paying jobs. But direct efforts to produce proportionate results necessarily involve a return to the morally questionable practice of racial discrimination, with its attendant social divisiveness and resentment, encouragement of racial stereotyping, stigmatization of its supposed beneficiaries, and often perverse distributional effects.

Until the Supreme Court faces the problem and chooses between the two fundamental understandings of equality, it will continue, as in *Teal*, to mix the apples of nondiscrimination with the oranges of group statistics.

REOPENING THE ISSUE

The underlying problem is the disparate impact construct itself. And that takes us back to *Griggs*, the first decision to abandon fairness of process and embrace statistical consequences instead. Oddly enough, the nine justices in *Teal* were unanimous on one point: the continued authority of *Griggs*. Both sides relied on it without a hint that it might be in conflict either with the literal language of Title VII or with the principle of nondiscrimination that Title VII embodies. In permitting plaintiffs to establish a prima facie case purely on the basis of results, the *Griggs* decision left employers to choose between two unpalatable alternatives—either to engage in race-conscious hiring, or to lose their discretion over the establishment of job qualifications. Mere neutrality, mere nondiscrimination, was not enough. Both of these alternatives are unattractive not simply as an abstract moral judgment, but also on the basis of the original congressional intention. There are no propositions so clear in the language and legislative history of Title VII as the propositions that employers would not be required to engage in affirmative discrimination for the purpose of racial balance,[1] and that employers would continue to be free to establish and enforce job qualifications.[2]

Griggs is water under the dam. The Court's departure from the original intention and language of Title VII is old news. This is especially true if the history of the 1972 amendments to Title VII is read as effectively ratifying the full sweep of *Griggs* and incorporating it into law. These relics of legal history would hardly be worthy of attention in 1983 were it not that the opinion in *Teal* drives us to retrieve them. If the emphasis of Title VII is truly on opportunity—as the *Teal* Court would have it—then what do we make of a system that relies on results, impacts, outcomes, consequences? If the emphasis of Title VII is on the individual—as the *Teal* Court would have it—then what do we make of a system that relies on racial groups and statistics?

The final irony of *Teal* is that—taken seriously—the opinion not only lessens the incentive of employers to practice race-conscious affirmative discrimination, but invites a fundamental reexamination of the very premises of employment discrimination law as they have evolved since *Griggs*. The Department of Justice has recently filed a historic brief opposing for the first time the imposition by consent decree of a 50 percent racial quota for promotions in the New Orleans police department. In the spirit of *Teal*, the Justice Department has appealed to the original ideals and meaning of Title VII in an effort to stop the trend toward employment quotas on the basis of race. The decision rests in the hands of the courts: does *Teal* genuinely signal a return to color-blind principles of individual rights, or was *Teal*, as the critics will suggest, no more than another device to ensure plaintiff victories?●

[1] Senators Joseph Clark (Democrat, Pennsylvania) and Clifford Case (Republican, New Jersey), who were the bipartisan "captains" in charge of explaining and defending Title VII in the Senate, prepared an interpretative memorandum answering a number of charges leveled against Title VII by the opposition. This memorandum has been described by the Supreme Court as one of the "authoritative indicators" of the meaning of Title VII (American Tobacco Co. v. Patterson, 1982). The memorandum stated: "There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining a balance would require an employer to hire or to refuse to hire on the basis of race" (*Congressional Record*, vol. 110 [1964], p. 7213).

This is but one authoritative statement among many to similar effect. For example, ibid., p. 1518, Rep. Emanuel Celler (Democrat, New York); p. 11848, Sen. Harrison Williams (Democrat, New Jersey); and p. 7207, Justice Department memorandum.

To protect against possible misunderstanding, Congress added the following language to Title VII itself: "Nothing in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or any group . . . on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or community, State, section, or other area" (42 U.S.C. § 2000e-2[j]).

[2] The Clark-Case memorandum (see note 1) also addressed this issue: "[T]itle VII would not require, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he sets for his employees simply because proportionately fewer Negroes than whites are able to meet them. . . . Title VII says merely that a covered employer cannot refuse to hire someone simply because of his color. It expressly protects the employer's right to insist that any prospective applicant, Negro or white, must meet the applicable job qualifications" (*Congressional Record*, vol. 110 [1964], pp. 7246-47).

This also is but one authoritative statement among many to similar effect. For example, ibid., p. 1518, Rep. Celler; pp. 7246-47, memorandum of Sen. Case; pp. 13079-80, Sen. Clark; p. 13088, Sen. Hubert Humphrey (Democrat, Minnesota); and p. 13825, exchange between Sens. Case and John McClellan (Democrat, Arkansas).

To protect against possible misunderstanding, Congress added the following language to Title VII itself: "Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer . . . to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex or national origin" (42 U.S.C. § 2000e-2[h]).

U.S. CUSTOMS SERVICE

● Mr. BAUCUS. Mr. President, as many of my colleagues know, a major reorganization of the U.S. Customs Service was recently proposed by the administration. According to its supporters, this reorganization would have improved customs service in Montana and other border States by

offsetting proposed reductions with administrative "streamlining."

I am certainly not opposed to making Government more efficient. I have, during my tenure in Congress, urged various Federal officials to use better management techniques that required reorganizations. But reorganizations must be well thought out and the benefits must outweigh the costs. Such has not been the case with this particular reorganization plan.

After reviewing the proposed reorganization, I have concluded this plan would be counterproductive. An efficient Customs Service is essential for productive trade between the United States and Canada, our main trading partner. The Customs Service said the reorganization would merely consolidate stations and employees. This simplified analysis overlooks one important fact: some border stations process more imports than others. The removal of key employees, such as import specialists, from key stations would impede imports and disrupt existing trade patterns.

It appears that Assistant Secretary John Walker of the Department of the Treasury agrees with those of us in the Congress who oppose the proposed reorganization.

I have recently obtained a copy of a May 5, 1983, memo from Assistant Secretary Walker to Commissioner William von Raab of the Customs Service that discusses the proposed reorganization. The memo directs Commissioner von Raab not to take any further action on the reorganization without consulting directly with his Assistant Secretary.

I am hopeful that the Customs Service will abide by Mr. Walker's directive. At a time when we in Congress should be doing all that is possible to strengthen our trade relationships, any restructuring of the Customs Service should receive our careful attention before it is implemented.

Mr. President, I ask that Mr. Walker's memo be printed in the RECORD at this point.

The memo follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C., May 5, 1983.

Memorandum for: William von Raab, Commissioner, U.S. Customs Service.

From: John M. Walker, Jr., Assistant Secretary (Enforcement and Operations).

This memorandum is to clarify what my position is regarding Customs' proposals for field reorganizations. Because of the considerable opposition by the Hill to our centralized appraisement initiative, we should not proceed with "Phase II" of the plan until we can fully explain the merits of our proposal to our Appropriations Subcommittees.

As I told you in early April, 1983, I wish to put off a decision for the near term on any proposals for district or regional consolidations. I made this decision based on the great amount of time you and other senior Customs officials had to spend on "Phase I" of our centralized appraisement effort. Moreover, I am afraid that any proposals we might now present to the public and the Hill with respect to district or regional consolidations would be thoroughly confused with centralized appraisement.

Lastly, you should not take any action with respect to closing of Northern Border ports of entry. My office has not reviewed your proposal, and, even if I were to conclude that it has merit, we would wish to discuss it with our Appropriations Subcommittees and other affected members of the Hill.●

POLAND AND THE POPE

● Mr. MURKOWSKI. Mr. President, this is the last day of Pope John Paul II's visit to his homeland, his second visit since his elevation in 1978. For most Popes this would hardly be a significant event. In fact, since all the Popes since 1523 have been Italian, it has not been an "event" at all.

But for Pope John Paul II, formerly bishop of Krakow, formerly Karl Wojtyla of Poland, the fact that he was even allowed to go home is a major victory.

The Pope's visit was a celebration because it signals the acknowledgment by the Communist Government of Poland, and by the Soviet Union, that the strength of religion, of freedom, and of Polish culture, cannot be either obscured or destroyed in Poland.

It signals that, however slowly, religion is being allowed to return publicly into lives that had privately never lost it.

Mr. President, a central event in the Pope's visit was the mass celebrated on Sunday at the Jasna Gora Monastery in Czestochowa. The mass honored the 600th anniversary of the famous Black Madonna icon. Of course, 1983 is not really the 600th anniversary but the 601st. The Polish authorities last year—recognizing the symbolic power inherent in a celebration for an icon known as the Queen of Poland—refused the Pope's request to come to Poland to celebrate the real anniversary. So the church authorities simply extended the date.

But how sad it is that the Polish Government should be so afraid of the consequence of a visit by the head of the Catholic Church that they refused his request several times and only reluctantly and fearfully allowed him to come.

Mr. President, it has been estimated that a third of Poland's population, some 12 million people, will see the Pope on this visit. Already millions have attended the masses he has conducted for his countrymen. His presence seems to have filled the people with a sense of "moral rejuvenation," in the words of a pilgrim from the northern part of the country. His compelling references to the solidarity of the Polish people have done much to rekindle the spirit of freedom in Poland.

Mr. President, the fight for freedom in Poland has been heroic in its peacefulness, at least on the part of the citizens. The brutality of the government has not been much tempered even during the Pope's visit. Yet, most Poles say they expect no sensational political upheavel to come out of the visit, no miracles. They seem to hope only for the strength to "enable us to keep smiling even if the police attack us."

What a tragic sound these words make when we recall with what fervent pride we witnessed the Polish will to regain self-government only a few short months ago.

Mr. President, I applaud the willingness of the Communist authorities to admit, if not welcome, the Pope. A positive first step in the current crisis in Poland would be normalization of relations between the church and the State of Poland. I am sure that John Paul's activism will serve as both example and inspiration to church leaders in Poland to renew their efforts in support of freedom for the Polish people. I am confident that the forced emigration of Polish political prisoners, many of whom have been able to come to the United States, will not mean that they have taken with them the spirit and strength of the Polish people to resist oppression.

Mr. President, I would like to have an article that appeared on June 18 in the Washington Post inserted in the RECORD at this point. The history it relates of the Black Madonna icon illustrates how long the spirit of independence of the Poles has survived. The Black Madonna is the soul of Poland, the symbol of the flame of resistance, and idealism that burns still in Poland.

The article follows:

POPE'S CHIEF THEME IS POLISH HISTORY

(By Michael Dobbs)

WARSAW, June 17.—Pope John Paul II assumed the mantle of the former kings of Poland today in urging his countrymen to turn political defeat into a moral victory.

After lecturing Poland's military rulers on the need for national reconciliation, the pope introduced a message of hope at the first open-air mass on his eight-day pilgrimage. Crowds estimated by church officials at more than a million crammed in and around Warsaw's May 10 Stadium to hear him summon up themes from Poland's troubled history.

The pope said "only a moral victory" could draw society out of the divisions induced by the imposition of martial law in December 1981 and restore national unity. Such a victory, he added, would be a victory "not only of the governed but at the same time of those who govern."

His speech showed his strong sense of Polish history, with one long passage devoted to the great victory of a former Polish king, Jan Sobieski, over the Turks 300 years ago at Vienna. That win saved Christian Europe from Islam.

The preoccupation with Polish national themes surprised long-time Vatican correspondents since it contrasted with the pre-

dominantly religious message he usually delivers on foreign trips. Here the pope is being received as the moral leader of the nation first and only second as head of the universal Catholic Church.

This impression of the pope as the spiritual descendant of the old Polish kings was heightened by the special triumphal arch through which he drove into the stadium. It was in the form of an eagle, Poland's national symbol, on top of which was painted a golden crown and the Black Madonna of Czestochowa, the country's holiest religious image.

The pope has pointedly referred to Gen. Wojciech Jaruzelski and other Communist Party leaders as "representatives of the highest authorities of the state" rather than as "representatives of the nation."

Cardinal John Krol of Philadelphia told reporters earlier that the pope knew he was on "a slippery tightrope."

"He cannot conceal the truth, indeed he must state it. But he must also make sure that this does not lead to an overreaction on the part of the people. He is calling for moderation as he knows that the good of the nation will not be served by political outbursts," he said.●

CHILDREN AND THE STATUE OF LIBERTY

● Mr. BAUCUS. Mr. President, the Statue of Liberty, which for decades has welcomed immigrants to our country, is falling apart. The copper surface of the statue and its iron framing and supports are in desperate need of repair. So, too, is Ellis Island. Some of the buildings on the island need to be renovated; others need to be completely rebuilt.

The entire restoration project will cost approximately $230 million. I am proud to bring to the attention of my colleagues that schoolchildren from Montana and all over the country have collected over $70,000 for this project.

These children have worked hard to help preserve one of our most cherished national monuments and I take this opportunity to thank them for their efforts.

Others in the private sector have begun to donate funds to the Statue of Liberty-Ellis Island Foundation, but a greater commitment is needed from the private sector.

The statue was first constructed by the French with money collected from the people of France. The people of the United States should now show their support for the monument by donating generously to the restoration fund.

This is an expense that we can all afford to bear and it is a commitment to future generations who will look at the Statue of Liberty as the most important symbol of the land of the free and the home of the brave.●

UNIVERSITY OF MONTANA HONORARY DOCTORATES AWARDED

● Mr. BAUCUS. Mr. President, on June 12 two Montanans received honorary doctorates from the University of Montana, at the University's commencement exercises. They were awarded in recognition of their many years of service to the public and accomplishment in their professions. The two honored recipients are Frederic Gordon Renner and Harold G. (Hal) Stearns.

Mr. Renner was born and raised in Montana, and has spent a great deal of his life becoming an authority on Montana's management. Mr. Stearns, of Montana's capital city, Helena, has been editor and publisher of a number of Montana newspapers, and has written extensively on Montana history. He has distinguished himself as a leader in many areas of Montana's public life.

Their achievements are best summed up in a press release from the University of Montana. I ask that this acknowledgment of Mr. Renner's and Mr. Stearns' awards be printed in the RECORD.

The material follows:

UNIVERSITY OF MONTANA WILL HONOR RENNER AND STEARNS

MISSOULA.—Frederic Gordon Renner, Paradise, Ariz., and Harold G. Stearns, Helena, Montana natives with impressive records of public service and professional achievement, will receive honorary doctorates at University of Montana commencement exercises Sunday, June 12, at 2 p.m. in the Harry Adams Field House.

Renner is an authority on artist Charles M. Russell and an internationally known range management expert. Stearns, as writer, publisher and advocate for education and the arts, has long been a force for progress in Montana and in his current role as tourism specialist for the State Department of Advertising continues to promote the state's interests.

Renner, whose parents owned a ranch near Cascade, was born in Great Falls, Nov. 23, 1897. As a 6-year-old, he became intrigued by Russell, whom he often saw on the streets of Great Falls wearing a brightly colored sash and cowboy boots. By the time he was 7, Renner was collecting Russell postcards, and he now has what is believed to be the largest and most representative collection in private ownership of Russell oils, watercolors, drawings, bronzes and memorabilia.

The Cowboy Hall of Fame and Cowboy Artists of America have honored Renner for his writings and other work on Russell—an avocation that turned into a vocation when Renner retired from the Soil Conservation Service in 1961.

Renner began his first career, as a range management specialist, with the U.S. Forest Service in 1922. He transferred in 1936 to the newly established SCS. Ten years later he directed a pilot project for the Marshall Plan for the United Nations Relief and Rehabilitation Administration. This project became a model for such efforts throughout the world.

He has been a U.N. delegate to international range management conferences and has received many citations for his contributions to the field.

He is an alumnus of the University of Washington, where he took a B.S. in forestry in 1918 and an M.S. in range management and animal husbandry in 1922.

UNIVERSITY OF MONTANA TO HONOR HAL STEARNS

Harold G. Stearns of Helena will receive an honorary doctorate at University of Montana commencement exercises in June. The University cites the former newspaperman's "impressive record of public service and professional achievement."

Stearns, 70, is the son of pioneer ranchers in the Deer Lodge Valley. He earned journalism and English degrees at UM in 1936.

He was editor and publisher of the Harlowton Times and Ryegate Clarion from 1940 to 1973. He also was editor of the Havre Daily News and wrote for the Helena Independent, Associated Press and United Press. He has written extensively on Montana history. His column for the Harlowton Times, "The Editor's Uneasy Chair," was widely quoted for more than three decades.

He directed the six mill levy campaign for the Montana University System and lobbied, without pay, for financial support of the system during several legislative sessions. He chaired the Montana Personnel Commission to establish the merit system for state employees, and he directed the Montana Bicentennial program.

He received an honorary doctorate from MSU in 1974 and the UM distinguished Alumnus Award in 1976.

He has been president of the Montana Historical Society, Montana Press Association, University of Montana Alumni Association, and chairman of the Montana State University advisory council. He served on the Montana Committee for the Humanities. He was a Navy officer in World War II.

He and his wife Jean, also a University graduate, are parents of seven children.●

INCLUDE THE HANDICAPPED

● Mr. WEICKER. Mr. President, today's Washington Post carries an article by columnist George F. Will entitled, "Include the Handicapped". It is a concise and persuasive discussion of why substantial majorities of both parties in the Senate have insisted that the Federal commitment to America's disabled citizens be maintained.

I urge my colleagues to read this article.

The article follows:

[From the Washington Post, June 23, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register. Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers.

Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: Their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive thought that a "key reason" why academic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups" such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handicapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now, just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practice creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce:

Although we conservatives believe government has been irrationally intrusive, we nevertheless know there are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, acting in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows a subtlety in its conservatism.●

THE SOVIET INVASION OF LITHUANIA

● Mr. PELL. Mr. President, in February 1918 the Lithuanian people courageously broke the yoke of Russian rule and tyranny under which they had lived for more than a century and proudly declared Lithuania to be an independent state. Lithuania's existence as a sovereign nation-state was tragically and illegally ended with the brutal Soviet invasion of Lithuania on June 15, 1940.

Under a secret protocol to the Nazi-Soviet Nonaggression Pact, the Soviet Union laid claim to Lithuania and the other Baltic States of Latvia and Estonia. This agreement was a flagrant violation of the 1920 treaty in which the Soviet Union recognized Lithuania's independence and sovereignty and renounced forever all claims to Lithuania territory. Having received the green light from Germany to occupy the Baltic States, the Soviet Union moved its forces into Lithuania in June 1940, orchestrated the downfall of the nationalist government and replaced it with a new pro-Soviet government. In August 1940, at the request of the new government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the Union of Soviet Socialist Republics.

At great human cost the Lithuanian people valiantly struggled against the occupation forces of the Red army in 1940 and 1941. Thousands of Lithuanians were arrested, executed, or exiled during this period. In "The Terrible Days of June"—that is, June 14 to 20, 1941—some 35,000 Lithuanian patriots, intellectuals and clergy were arrested and deported to concentration camps in the Soviet Union. Another 5,000 political prisoners were executed by the retreating Red army. Moreover, when the Russians reoccupied Lithuania in 1945, the deportations and executions continued.

To this day, the United States has consistently refused to recognize the unlawful annexation of Lithuania by the Soviet Union and has steadfastly supported the Lithuanian people in their courageous and unending struggle against Soviet repression. This month, as we commemorate the 43d anniversary of the heinous Soviet invasion of Lithuania, it is fitting and proper that we remind the Soviet Union that it has pledged respect for human rights and fundamental freedoms and that we affirm our own commitment to the principles of liberty and self-determination for Lithuanians and for all people who are forced to live in the absence of freedom.●

THE 20TH ANNIVERSARY OF THE EQUAL PAY ACT

● Mr. DOMENICI. Mr. President, this month is the 20th anniversary of the Equal Pay Act. In 1963 this auspicious legislation joined other landmark civil rights legislation of the 1960's as part of our effort to eliminate discrimination. The act forbids unequal pay for women and men who work in the same establishment and whose jobs require equal skill, effort, and responsibility.

This anniversary is a cause for celebration and an opportunity to reflect upon our accomplishments, because as a Nation we have eliminated some of the most blatant forms of employment discrimination against women. Today, equity in the workplace is a concept that the majority of Americans support and believe in. The premise that men and women doing the same job should receive the same pay is now widely accepted. Yet, pay inequities based on sex are still prevalent.

Where we are today is a benchmark against which the next generation will measure our future progress. This anniversary is an opportunity to rededicate ourselves to completing the task of ridding the American workplace of anachronistic wage discrimination.

Studies of the effects of the Equal Pay Act reveal some disturbing statistics. Women earn only 59 percent of what men earn according to recent Bureau of the Census statistics. Not only do women earn less, but the majority of working women are still employed in the service sector of our economy, and are only beginning to move into skilled and professional positions which carry the higher wages and salaries paid to men. The following tables illustrate that we must renew our effort if equal pay for equal work and economic security are to be achieved. I ask that they be printed in the RECORD.

The tables follow:

OCCUPATIONAL DISTRIBUTION OF WORKING WOMEN

[In percent]

Occupation	1960	1978
Total	100.0	100.0
Clerical workers	30.3	34.6
Service workers, except private household	14.8	17.7
Professional and technical workers	12.4	15.6
Operatives	15.2	11.8
Sales workers	7.7	6.9
Managers and administrators	5.0	6.1
Private household workers	8.9	2.9
Craft workers	1.0	1.8
Other	4.3	5.5

Source: U.S. Department of Labor, Bureau of Labor Statistics.

AVERAGE WEEKLY EARNINGS BY SEX, 1978

Occupation	1978 average weekly earnings		Women's salary as a percent of men's
	Men	Women	
Sales workers	$335	$175	52
Blue collar workers	327	216	66
Managers and administrators	422	247	58
Clerical workers	301	195	65
Service workers, except private household	223	147	66
Professional and technical workers	392	280	71

Source: U.S. Department of Labor.

Mr. DOMENICI. Equal pay is an important issue because throughout American history women have often had to support themselves and their families when death, divorce, or war took the men from the home. During the past two decades, the proportion of women in the work force has risen from 38 to 53 percent, with most working out of economic necessity to help support their families. In 1982, more than 2.5 million wives were the only employed family members.

Families headed by mothers with no husband present are 18 percent of all households with children under 18 years of age. One out of three of these families live below the poverty line. I find these facts an alarming testimony to the necessity for these women to receive equal pay when their jobs require the same skill, effort, and responsibility as men's.

Another issue related to equal pay is retirement equity. Currently the minimum age at which working counts toward retirement credit is 25. Yet more than 70 percent of all working women take employment right after high school or after college, and find that, although they work faithfully for their employer from age 18 to 25, they are not earning any credit toward retirement benefits. In addition, many retirement plans penalize women who take time off from their job for childbirth or to tend to family responsibilities. This is not fair. Such inequities prompted me to cosponsor S. 19, the Retirement Equity Act of 1983.

In addition, this bill addresses some of the concerns of nonworking spouses and widows.

Pension laws give widows particular problems when the working spouse dies before retirement. Under current law, a homemaker can be denied survivor benefits if her husband dies 2 years before vesting in the retirement plan.

Furthermore, if a working spouse decided to drop the survivor's benefits, the homemaker, by law, does not even have to be informed by the working spouse that these benefits have been dropped. S. 19 addresses these two issues as well.

Under S. 19, pension plans would be required to pay survivor's benefits to the participant's spouse if the participant is vested and dies before retirement. The joint and survivor option would be automatic unless both spouses agree in writing not to elect this option. This legislation will go a long way toward assuring that pension plans will provide beneifits that a plan participant or spouse reasonably expect to be there.

Currently, under many pension and retirement plans, survivor annuities are paid only if a set of specified conditions are met; that is, the fine print. Because of these conditions, only 5 to 10 percent of surviving spouses actually receive any benefits. It is no wonder that the fastest growing poverty group in the United States is older women.

S. 19 does not cure all the problems of pension and retirement benefit discrimination but it is an important step that I urge Congress to take. I am committed to advance, guarantee and promote economic equity for women during their working careers and during their retirement years.●

CONGRESSMAN CLAUDE PEPPER

● Mr. BINGAMAN. Mr. President, I am very pleased to announce that Congressman CLAUDE PEPPER, chairman of the House Aging Subcommittee on Health and Long-Term Care has accepted my invitation to visit New Mexico this summer. Chairman PEPPER will conduct hearings focusing on medicare issues and participate in the conference on aging which will be held on August 30, 1983. Congressman PEPPER is widely known as Mr. Senior Citizen, and is one of the most respected and loved Members of Congress. He is a true statesman, a man who has dedicated his life to public service.

Congressman Pepper was born on a farm near Dudleyville, Ala., on September 8, 1900. His family was poor. CLAUDE PEPPER was forced to work at an early age to support the family and later to help pay his way through the University of Alabama. At the age of 8 or 9, he got into trouble when he carved, "One day, Claude Pepper will be a United States Senator," on the back of a closet door. From that day forward, he was known as Senator Pepper.

The prophesy of this nickname was realized in 1936 when PEPPER was elected to the U.S. Senate. He hit the Senate like a buzz saw. He became known worldwide for his oratorical skills. He achieved fame for his advocacy of labor rights and civil rights. He is credited with winning passage of the 40-hour workweek and other humanistic advancements. Time and time again his voice rang out against the injustices of the times. He has fought for national health insurance; sponsored legislation creating 7 of the 11 Institutes of Health; fair wages; revolving pensions for the aging and welfare for the needy. His work in the health area has won him awards from the prestigious Albert and Mary Lasker Foundation. His fight to improve the lot of the common man brought him national recognition. His picture appeared on the cover of Time magazine in May 1938.

After Senator PEPPER lost his bid for reelection of his Senate seat, he continued to be involved in politics campaigning for Stevenson in 1952 and 1956. Later PEPPER became involved in the election campaign for President Kennedy. In 1962, Senator PEPPER ran for the House seat created by a new congressional district in Miami following the 1960 census. He was easily elected and has been easily reelected to each successive term.

In 1975, the House of Representatives created the Select Committee on Aging. Congressman PEPPER was named the chairman in January 1977. Congressman PEPPER has embarked with his usual vigor to expose problems confronting the Nation's 25 million elderly and to bring about some immediate solutions.

Congressman PEPPER's achievements on aging issues are numerous. He pushed through legislation which prohibits mandatory retirement. He conducted an investigation which showed widespread abuses in the sale of health insurance to the aged and responded by pushing through immediate reforms. He has exposed all manner of frauds perpetrated against the aged from medical quackery to land fraud. His most stunning achievement in 1982 was to sidetrack the Reagan administration's efforts to make significant cuts in the social security program. He sponsored the National Symposium on Aging and Cancer in cooperation with the National Institutes on Aging and Cancer Research.

For all his achievements, CLAUDE PEPPER has never lost sight of his values. He has never forgotten where he came from. He has devoted his entire life to improving the quality of life for the poor, the disadvantaged, the weak, and the downtrodden. He has fought to preserve the basic American ideals of honesty, integrity, and hard work.

Congressman PEPPER's dedication to the poor and the elderly was recognized recently by a Time magazine cover story captioned—"Claude

Pepper: Champion of the Elderly." Mr. President, all Americans should know and appreciate the fine record Congressman PEPPER has achieved. Therefore, I ask that the article which appeared in Time magazine on April 25, 1983, be placed in the CONGRESSIONAL RECORD following my remarks.

The article follows:

CHAMPION OF THE ELDERLY—AT 82, CLAUDE PEPPER IS AT THE PEAK OF HIS CAREER

"There are only two Democrats who really bug Reagan," says a presidential aide. "One is Tip O'Neill, and the other is that Congressman who keeps talking about Social Security."

That Congressman watches the world through trifocals. He wears a pacemaker in his chest to quicken his heartbeat when it slows. One of his heart valves is synthetic; it replaced the natural one that developed a calcium deposit. He is nearly deaf without his hearing aids. A bulbous nose dominates his rumpled face, which looks forever melancholy even when its owner is not. He is 82 years old.

But Claude Denson Pepper is like a vintage automobile with new parts: he gets better and more powerful with age. By an odd convergence of historical trends, Pepper's unshakable New Deal liberalism is in phase with the graying of America, even at a time when conservatism marches forcefully through Washington's corridors of power. Some 36 million Social Security recipients, and millions more who are nearing retirement, count on Claude Pepper to protect their rights and well-being. And Pepper has doggedly done so.

That should be especially evident this week; President Reagan is scheduled to sign a historic package of Social Security reforms designed to save the system from insolvency. The undisputed champion of the elderly, Pepper had held the fate of the delicately balanced compromise in his hands. He had fought against all cuts in benefits, gave ground only grudgingly when concessions had to be made to keep the legislation alive, and responsibly withheld the veto many of his more zealous followers had wanted him to wield. Says Pepper, accurately and with no false modesty: "If I had not voted for it, then there would not have been a package, and there would have been complete chaos."

After 14 years as a U.S. Senator from Florida and 20 years as a Congressman from the Miami area, Pepper is at the peak of his astonishingly tireless and durable career. He demonstrated his political punch in the 1982 congressional elections, stumping with surprising energy in 26 states. Of the 73 House Democrats he supported, 54 won. The difference he made varied, of course, from race to race. But his presence never hurt. "Claude was the most sought-after speaker by Democratic candidates in 1982," recalls House Majority Leader Jim Wright. "At one rally for elderly people, we expected 200, but 800 showed up and waited for an hour and a quarter to hear him." Adds California Congressman Tony Coelho, Democratic congressional campaign committee chairman: "No single person had more of an impact on the 1982 elections. His mug was all over this country—on posters, on banners, on TV and billboards. He was a symbol to the elderly and the helpless."

While Pepper's critics contend that he exploited the Administration's hastily prepared and ruefully withdrawn initial proposals for cutting Social Security benefits, he is liked and respected by House colleagues of both parties. Last January he became chairman of the House Rules Committee, which can determine not only the timing of legislation but sometimes whether a bill comes to a vote at all. He reluctantly relinquished his chairmanship of the House Select Committee on Aging. "It was wrenching," he says. "Like choosing between a brother and a sister."

"His very person debunks the myths about aging," says Jack Ossofsky of the National Council on the Aging. "Concern about the elderly, the poor and the frail has characterized his entire career."

He intends to do more. A bill sponsored by Pepper and passed in 1978 eliminated any mandatory retirement age for most federal employees and raised it from 65 to 70 for workers in private industry. He has a new bill in the House hopper to remove any such age limits at all. "The only mandatory retirement," he says, "is when you can't do the work any more."

The Senator turned Congressman (everyone still calls him Senator, even though he has not been one since 1951), has an urgent interest in cancer research. In 1937 he sponsored a bill that created the National Cancer Institute. Now he wants the Government to provide an extra $100 million in each of the next five years for work on the disease. "You know I lost my wife Mildred to cancer in 1979," he says quietly. "Last month I spoke at a wake for Don Petit of my staff, who died of cancer in Florida. A woman on my staff is suffering from bone cancer and was told she'll probably never be able to walk again. Well, we've got to do more to try to stop this disease."

But will not all such social programs cost too much in an age of soaring budget deficits? Others may bend to political fashion, but Pepper never wavers: "I would rather live with $200 billion deficits and have more people living, than the reverse. And if we don't spend the money fighting cancer and arthritis and poverty and poor housing and all the rest, they'll just spend it on the military or something else." In Pepper's view, that settles that.

"He's reversed the aging process," says Florida Senator Lawton Chiles. "He has more political power than ever."

While Pepper's body has required a few repairs, his mind remains sharp. His memory is so keen that he can be introduced to seven people at lunch and thereafter address them unerringly by name. He recalls conversations with F.D.R. more than four decades ago in vivid detail. Pepper is most impressive on the podium. He never reads from a text, rarely uses notes, yet the words roll out in graceful sentences. The loose skin on his chin and neck fairly quivers with indignation and a clenched fist punches the air when he berates "an Administration that wants to cut $11 billion from Medicare." When he recounts stories of poor people hurt by budget trims, Pepper sometimes gets misty-eyed. So do his listeners. Congressman Coelho was present on one such occasion during the 1982 campaign. "Claude's eyes teared over, and by the time he finished speaking, 70 percent of the audience were teary-eyed. It was just a tremendous emotional experience."

Neither exercise nor diet explains Pepper's mental agility and physical stamina. He loves golf but gets out on the course only sporadically, recently shooting 48 over nine holes at Coral Gables Country Club and winning 75¢ from his opponents. He admits that he does not even walk as much as he would like, although when he does, he says, "I walk fast." He eats heartily and is a bit overweight (5 ft. 7½ in., 180 lbs.). His one dietary idiosyncrasy: he has soup and crackers with each meal, even breakfast.

Pepper gave up smoking in 1933. Strangers often view his red, veiny nose as a sign of heavy drinking, but he denies it. Except for one or two glasses of white wine with lunch and dinner, he abstains from alcohol. In the House dining room, waitresses automatically bring Pepper his soup, crackers and a carafe of wine. No connoisseur, he never asks for anthing fancier than chablis.

If there is a key to Pepper's vitality, it is that he enjoys his work and has never lost his passionate concern for people and issues. His home telephone numbers are listed in both the Washington and Miami directories, and constituents often call seeking help with red tape or support for legislation. He keeps regular office hours in both cities and meets with anyone who asks to see him.

After a speech to retirees or other older folks. Pepper lingers to bask in the affection of his admirers. He moves slowly among them sometimes bussing a few of the women who do not kiss him first. He eagerly grasps the outstretched hands of the men. His rapport with the elderly is such that his office is inundated with their messages whenever an issue that concerns them is pending in Washington. During the Social Security debate last month, some 3,000 letters and 100 phone calls sought his attention each week. Says Pepper about the elderly: "They deserve much—and need much. I am helping them."

On a typical weekday in Washington, Pepper rises by 6:30, reads the *Post* and keeps a breakfast appointment at 8. He drives himself around in a long Lincoln Town Car, carries his own bag through airports, normally travels alone. A housekeeper cares for his waterfront condominium in Miami, and a staff aide, James Brennan, 66, shares his northwest Washington apartment. The two often dine out together. Then Pepper watches the 11 o'clock news, skims the New York *Times* and goes to bed by midnight.

His weekends are scarcely less regimented. Not long ago, he traveled to Austin for a Saturday speech, then flew to Miami for a funeral on Sunday. He took a 10 o'clock flight that night to Boston, getting to bed in Cambridge at 3 a.m. A limousine picked him up at 7:45 a.m. Monday for breakfast with Harvard President Derek Bok. (A gentle flirt with women, Pepper probably would have preferred eggs and bacon with Bo Derek.) He held a series of press conferences, spoke for an hour to a Harvard Medical School gerontology class, then returned to Washington for an afternoon of House business. That night, Pepper made another speech.

Often described as a millionaire (he says he would qualify only if some Florida beach land he owns were sold for his asking price of $600,000), Pepper has no qualms about drawing some $650 a month in Social Security benefits that he qualified for at the age of 72. And he says he will not mind paying tax on this pension, as required under the new law for high income earners. Says he: "Social Security is an insurance program to which I have contributed. It isn't welfare."

The Peppers had no children, and he has long referred to his staff as "my family." But he has been lonely without Mildred. He sadly recalls the day when he and his wife sat at a small table in their Miami home after she had begun treatments for cancer.

"Well, Claude," said Mildred, his wife of more than 40 years, "it looks as if we may be coming to the end of the road." He embraced her and said through tears, "Don't talk like that, Mildred. I can't think of life without you." In their Washington apartment, there is still a note in his wife's handwriting attached to a shower curtain. It reads: "After your shower, please close this curtain."

"He has flair," says Anne Ackerman, 69, a Democratic leader in Miami's Dade County. "He has style. He epitomizes what a public servant should be. Claude Pepper represents an America that is a civilization rather than just a country with borders. He is what you want life to be."

Part of Pepper's style is his droll humor. Some of his jokes may be as old as he is, but his deadpan delivery delights his audiences. Arriving late for a speech, he tells his listeners about two men in colonial days who were set to duel at dawn. Only one of the antagonists showed up. The other sent a note by messenger. It read: "I'm running a little late this morning. Please go ahead without me."

Another Pepper story, which Reagan has taken to telling on occasion, involves a bishop and a Congressman who arrive in heaven together. St. Peter shows the Congressman a lavish suite of rooms, while assigning the bishop a small one with no view. When the bishop complains that his lifetime of service to the church rates something better, St. Peter replies: "Don't feel bad, Bishop. You know, we have thousands of bishops here, but this is the first Congressman we ever got."

Neatness is another Pepper trademark. He wears a fresh suit, usually with vest, every day. His sparse white hair (he stopped wearing a toupee in 1980 after it blew off as he greeted President Jimmy Carter at the Miami Airport) is carefully combed. Presiding at a recent House Rules Committee hearing, he leaned back, motioned to an aide and whispered in his ear. The aide rushed to straighten a portrait on a side wall. Pepper nodded his approval.

"In Alabama, we lived in a house that was little more than a place to sleep," recalls Claude's brother Frank, 65. "We did not have a car. I can remember hearing him come home late at night, rehearsing speeches he was going to give when he became a U.S. Senator."

Pepper cannot really explain how he managed to grow up uninfected by the redneck racism prevalent in the Alabama farm country where he was born in 1900. "Why, I was full grown," says Pepper, the eldest of four children, "before I ever traveled on a paved road." Whatever the reason, he felt the stir of ambition early on: at the tender age of ten, he carved the words "Claude Pepper, United States Senator" on a tree.

Pepper entered the University of Alabama in the fall of 1918. To help pay his way, he worked from 4 a.m. to 7 a.m. hauling coal and ashes at a power plant. He starred on the debating team, ran on the track squad, made Phi Beta Kappa, but lost his first election: for student-body president. When his oratorical skills took him to a contest in Chapel Hill, N.C., "it was the farthest north I had ever been."

The North beckoned, however. "Why shouldn't I go to the best law school there is?" he asked himself. He applied to Harvard, was admitted and got tuition, books and $100 a month support money from the Veterans Administration. The reason: during his brief Army service, spent training at the University of Alabama, he suffered an injury that developed into a double hernia. Pepper's appreciation for both education and a benevolent Uncle Sam was never to leave him: "I get so burned up when anybody tries to cut back on the money available to help needy students."

After Harvard, Pepper taught law for a year at the University of Arkansas, then set up practice in Perry, Fla. In the next 11 years, he handled some 30 murder cases, taking one of them successfully all the way to the U.S. Supreme Court.

Active in Democratic politics, Pepper, at 28, became a member of the Florida Democratic executive committee. He won at the polls for the first 15 times: he was elected to the Florida house of representatives. One of his first bills showed his early concern for the elderly. It would let anyone over 65 fish without a license.

But his sense of racial fairness may have cost him his seat two years later. He was defeated after voting against a resolution that criticized Mrs. Herbert Hoover for inviting the wife of a black Congressman to the White House. Recalls Pepper: "I thought my political career had died aborning."

He resumed his law practice, opening an office in Tallahassee and bringing his parents to live with him in 1931. The Depression had proved ruinous to his father. Pepper learned firsthand the problems of the elderly, caring for his father until he died in 1945 at the age of 72 and his mother until her death in 1961 at 84.

But Pepper yearned to return to politics. He made a brash bid in 1934 to unseat U.S. Senator Park Trammell in the Democratic primary. F.D.R. was in the White House, and Pepper's campaign slogan was wordy but effective: "The Welfare of a Common Man Is the Cornerstone of the New Deal." Virtually unknown, he nevertheless forced a run-off and lost by a mere 4,050 votes. When both of the state's Senators died within weeks of each other in 1936, Pepper filed for one of the vacancies. His earlier showing scared off challengers, and at 36, he was elected to the Senate unopposed. Says Pepper, a Baptist: "I realized then that providence can handle my affairs much better than I can."

Roosevelt sought the freshman Senator's support for his power-grabbing and ultimately unsuccessful plan to pack the Supreme Court with additional Justices. Pepper had reservations, but, far from timid, he said he would go along if F.D.R. would help him win election to his first full six-year term in 1938. "I will, and that's a commitment," promised the President, who kept his word.

Pepper, in turn, became one of F.D.R.'s stalwart supporters on Capitol Hill. When resistance to New Deal economic programs grew in the Senate, the Florida newcomer rose to scold his elders: "We haven't gone too far, we haven't gone far enough. This is not the Promised Land. Are we going to commit the same folly that the children of Israel did?" His colleagues rose in an ovation. Newspaper Columnist Drew Pearson called the Speech "one of the greatest of its kind ever heard in the Senate chamber."

Pepper easily won re-election in 1938 after defeating a former Florida Governor in the primary by more than 100,000 votes. But his liberalism was antagonizing businessmen in the state, who vowed to turn him out of office. Pepper had been instrumental in passing the nation's first minimum wage law, which guaranteed workers 25¢ an hour. "Business never forgave me," he says. It was the last major piece of New Deal legislation.

His views on foreign affairs also undermined his Florida support. He and his wife Mildred visited Berlin after his 1938 re-election, and the Senator was alarmed by what he recalls with wry understatement as "the mutterings of war." Pepper joined the push for a military draft and came up with an innovation of his own. He was convinced that the only way the U.S. could stay out of the war in Europe was to help the Allies win it. Since they were awaiting warplanes on order from the U.S., Pepper reasoned, why not send them aircraft out of the U.S. Air Force, replacing these planes later as the orders came off production lines? This idea, rejected at first in the Senate, became the Lend-Lease program, which provided Britain, in particular, with crucial ships, warplanes and other war material.

For his efforts, Pepper was hanged in effigy at the Capitol in August 1940, by women who opposed his "warmongering." He still has the coconut head and stuffed denims that the women had fashioned to look like him.

Pepper won re-election in 1944 but, mainly because of his liberal views, speaking invitations in Florida dropped off as civic clubs and local Chambers of Commerce blackballed him. Business leaders were building a campaign war chest to beat him in 1950. He played right into the hands of his foes. Traveling abroad in 1945, Pepper met Joseph Stalin and naively described the Soviet dictator as "a man Americans can trust."

The following year, Pepper accepted an invitation to attend a left-wing political rally in New York's Madison Square Garden. Waiting backstage with Secretary of Commerce Henry Wallace and others, Pepper was asked to pose for a group photo. As he did so, Paul Robeson, the opera singer who was widely considered a Communist, took a position beside him. The resulting photo of Pepper looking chummy with a black Soviet sympathizer was to prove a political disaster for him back home.

Pepper also incurred the potent wrath of Harry Truman by joining a dump-Truman movement at the 1948 Democratic convention. Pepper felt that Truman had abandoned Roosevelt's domestic programs. Pepper and others tried to persuade World War II Hero Dwight Eisenhower to run as a Democrat. They got word that Ike would not seek the nomination, but would accept it. Thus Pepper led a Florida delegation pledged largely to Ike, gaining headlines that made Truman furious. Ike left Pepper out in the cold by sending him a telegram withdrawing his name from consideration.

Truman did not forget. Shortly after upsetting Republican Thomas Dewey in the election, he summoned George Smathers, then a Florida Congressman to the White House. Pepper had helped Smathers get elected. "I want you to do me a favor," Smathers recalls Truman's saying. "I want you to beat that——Claude Pepper."

That 1950 senatorial election was one of the dirtiest on record. The Robeson-Pepper photo was circulated widely. So too was a book called *The Red Record of Senator Claude Pepper*, which distorted his attitude toward the Soviet Union. He was stuck with the labor Red Pepper.

But the campaign is chiefly remembered for remarks attributed to Smathers—and later denied by him—in Time. Quoting Northern newspapers, the magazine said Smathers used fancy language to convey sinister meanings to benighted rural listeners: "Are you aware that Claude Pepper is

known all over Washington as a shameless extravert? Not only that, but this man is reliably reported to practice nepotism with his sister-in-law, and he has a sister who was once a thespian in wicked New York. Worst of all, it is an established fact that Mr. Pepper before his marriage habitually practiced celibacy."

Pepper was defeated by 67,000 votes. "On election night people came up to our house in cars, shouting obscenities, cheering the fact that I had been defeated," Pepper recalls. "They wanted to destroy me, and just about did."

(Pepper is not a man to carry a grudge, but is was not until last year that he fully forgave Smathers. When an aide suggested asking Smathers' law firm for a campaign contribution. Pepper reluctantly agreed and was surprised when he got a $350 check in reply. Shortly thereafter, Pepper walked up to Smathers, who was lunching in the House dining room, and said without smiling: "You know that check you sent in for my campaign? Well, it bounced." It had not, of course, and when Smathers realized that Pepper was joking, both knew that their enmity was over.)

Once again, Pepper returned to his law practice. He tried a senatorial comeback in 1958, but was beaten in the Democratic primary. By 1962 he was earning more than $150,000 a year, representing mainly corporate clients. But when a new Miami congressional district was created that year, he jumped back into the political swim. He missed politics, and Mildred missed the capital's social whirl. Says Brother Joe, 74, about Claude's law practice: "He was very successful. But he was miserable, just plain miserable."

Pepper did not consider it demeaning to step down from Senator to Congressman, although he concedes that "most people go the other way." If he had somehow stayed in the Senate, he figures he would have become chairman of the Senate Foreign Relations Committee and might have wound up serving longer than anyone else. "But that committee doesn't save many souls," he adds. "I know I'm doing more good now."

At a Veterans Administration hospital in Miami, a patient in a wheelchair watches Pepper greeting the bedridden and says: "I'm a Republican. But I always vote for Senator Pepper. He doesn't care if you're an old Republican or an old Democrat. Just so you're old."

Pepper is far from a one-issue legislator. In 1945 he sponsored a resolution that led to the creation of the World Health Organization and, in the late '40s, bills establishing five of the National Institutes of Health. Not only does he favor a freeze on nuclear arms now, but he advocated one after the end of World War II. Still, nothing offends his sense of justice quite as much as modern society's tendency to view the elderly as a burden or a stereotyped group. He does not feel complimented when someone tells him: "My, you don't look your age." Inwardly, he grumps, "How am I expected to look? Toothless and doddering, a caricature of my younger self?" Pepper assails "ageism" as "just as wrong as racism or sexism."

At a recent Miami dinner in his honor, Pepper spoke eloquently about growing older. "The aging process is so slow, so gradual, that all you notice is a slight diminishing of some of your faculties," he said solemnly. What the elderly want is "to be thought of as just other people. They need love. They need compassion." He concedes that attitudes toward the aging are improving and predicts that this will get much better when, as demographers predict, the elderly constitute an even larger share of the nation's population.

If Pepper could wave "a legislative wand," he says he would "enact a Medicare bill under which the entire cost would be borne by the Government instead of just the 45 percent now." He would provide home health care, claiming that it would often save the Government the higher cost of putting people who need not be there in hospitals. And he would provide more preventive health coverage, in hopes of checking illness and prolonging life. Overall, Pepper is optimistic, even without his wand, because he feels that pressure is growing on the Administration to stop cutting social programs. "The Reagan era will come to an end. Already we're moving toward compassion in Government again."

When Pepper's admirers worry about his advancing years and how long he expects to be on Capitol Hill, he sometimes admits that he has retirement plans. "I've set the year," he drawls. As his listeners' concern grows, he adds without a smile: "The year 2000. But I reserve the right to change my mind."

In fact, Pepper has big plans for next year. He intends to lead a drive to elect some 500 delegates who are at least 65 years old to the 1984 Democratic National Convention. That would be about 12 percent of the total, and he wants to use their leverage to influence the choice of a nominee and the candidate's stand on issues dear to the elderly.

Already, the contenders for the nomination are seeking Pepper's support. Senator Alan Cranston has even listed Pepper as a possible running mate if the Californian were to succeed in his long-shot pursuit of the nomination. Such a Democratic ticket, with a combined age of 154 at election time, would accomplish the impossible: it would make a Republican team of Reagan and Vice President George Bush (combined age 133) look young.

Some of Pepper's most avid fans even urge him to run for President. He clearly considers himself just as physically fit as, and more capable than, the present occupant of the Oval Office. Claims Pepper about 1984: "I'll be better able to throw my hat in the ring at 83 than Ronald Reagan will be at 73." In less quixotic moments, Pepper admits that he is, at best, suited to the No. 2 spot. "It's easy to replace a Vice President," he says, in a rare recognition of his own mortality.

At an age when most people are savoring old memories, Claude Pepper never looks back. His latest legislative proposal is to create a House Committee on the Future of the U.S. He, of course, would like to stick around to help shape its vision, and to see that the recommendations are carried out. In the meantime, he plans to lead his graying army to greater triumphs—and to keep bugging Ronald Reagan.●

PIONEERING FOR PEACE

● Mr. DURENBERGER. Mr. President, Harold E. Stassen, former Governor of Minnesota, has devoted his life to improving the condition of Minnesota and the country. His demonstrated leadership and innovative ideas have earned him the reputation of Minnesota's senior statesman.

He recently celebrated his 76th birthday by sharing with the Minnesota House of Representatives his insights into the future of America. As always, Governor Stassen expressed his hopes and concerns directly and eloquently. I wish to share his testimony with the Senate and I submit it to be printed in the RECORD.

The material follows:

PIONEERING FOR PEACE: ADDRESS OF HAROLD E. STASSEN

May I express appreciation for the courtesy of the Speaker, the Honorable Harry Sieben, and to the House, in extending the availability of this chamber this morning.

May I also state directly the obvious fact, since I will be stating views, as to both the foreign policy and domestic policy of our country in the decades ahead, which are different from the current views in both political parties, the use of the chamber does not in any way imply any approval of what I am about to say.

In the same vein, may I recognize and express appreciation for the presence here of Former Governor C. Elmer Anderson, who presided over the Senate as Lieutenant Governor during my governorship, and of other distinguished men and women of Minnesota, and again emphasize that their gracious and welcome attendance does not in any way imply approval of or agreement with what I will here state.

On this, my 76th birthday, literally seven decades of vivid and vital recollections come cascading down the eventful river of memories.

I speak today, not of those memories in dramatic detail, but rather in an endeavor to bring those experiences into focus, with a clear-eyed view of the present, and a challenging advocacy for the decades ahead.

It is an advocacy impelled by a deep current concern for the future of America, and for all humanity, in this age of space and electronics and nucleonics.

There is an obvious ominous movement for nations and individuals to polarize in their attitudes and actions, and to confront.

But the extremes are at the roots of much of the economic suffering of the people, of most of the injury to the quality of life, and of the acute dangers of catastrophic nuclear war.

The extreme of conservatism is a cause of excessive unemployment and bankruptcies, and human suffering; and the extreme of liberalism is a cause of wild inflation and deterioration and human suffering.

The extreme of classic communism and the extreme of classic capitalism both contribute to a danger of devastating holocaustic war.

Thus I hold that the most urgent need at home and abroad is for the development of creative center policies; of a creative center economic system; a creative center philosophy!

This is pioneering for peace in the 1980's.

Let us turn our attention to specifics, and first to our domestic economy.

Currently we are suffering an outrageous level of unemployment, a terrible squeeze on farm families, excessive waves of bankruptcies, wide and spreading dislocations.

Full employment and no inflataion must be the inseparable twin objectives of the creative center approach to the economic system of the future for America.

There is no fundamantal reason why this cannot be achieved. I am confident that it

can be accomplished. But it will require some major changes, and it will include avoiding the extremes of conservatism and liberalism.

First of all, there is a failure in comprehensive thinking of the significance of modern robots and automated production.

The basic consequence of automation is that a very small percentage of the total population of a developed nation can produce and manufacture all of the food, and goods, and materials for the entire population.

This means that what is broadly referred to as the service side of the economy not only can expand, but it must expand enormously if there is to be full employment and a successful free economy.

Service in this sense means not only assistance to people but also teaching, safeguarding, protecting, transporting, entertaining, communicating, feeding, informing, healing, inspiring, and contributing in a thousand ways to the quality of life.

When the full future significance of this change is analyzed, it is apparent that government on all levels must be an important part of this expansion of the service side of the total economy.

Therefore, it is fundamental that the highway to full employment cannot be found along the path of shrinking government!

Government on all levels, conducted with intelligence and integrity, must be increasing rather than decreasing for a successful, full employment, free economy. This is not a mere theory. It is a historic lesson in the contrast of the post WWI years of President Hoover, and the post WWII and Korean War years of President Eisenhower.

A few concrete current examples will dramatize the meaning of these assertions.

Almost every major city needs more police and fire protection, and there are thousands among the unemployed who would make excellent police and fire personnel, but almost every major city is cutting back in these fields.

Almost every school system needs more programs in computers, and in music and art, and in occupations of the future; and thousands are unemployed who could be enlisted and educated to be teachers in those expansions; but almost every school system is trimming back.

The adequate financing of this new and urgent creative center approach to government's role, with a balanced budget and full employment, and no inflation, requires new thinking.

I suggest three items.

First: A minimum absolute tax which all corporations and individuals must pay on each year of above minimum income; notwithstanding any and all types of special deductions and credits and deferments.

Second: A combined local, state and national tax on sales of ten percent, assuring a regular expanded flow of funds from and for a full employment economy and higher level of service, and no inflation.

Third: A world defense fund American import tax, to assist in carrying the necessary burden for the United States of a continuing very powerful and alert national and world defense.

The extremes of protectionism or free trade are not the alternatives. The intelligent creative adjustment to a fair and balanced reflection of world facts is needed. For thirty-five years American industry has carried almost the entire necessary load of free world defense, while other competing importing industries have had virtually none of such load.

Along with the joint participation by all levels of government in the proceeds of one combined sales tax, there should be combined creative programs of action to effectively serve; and to establish the environment for service.

A creative center policy, as I see it, would constantly be aware of the parallel need to structure financial incentives in line with social, economic, and cultural objectives; and to guard against greed which, when unrestrained will demoralize and wreck any establishment.

First preference should be for service by non-governmental establishments;

Second preference for service by government at a local or state level as close to the people as practical;

And third preference for service by nationwide programs.

Along with the maintenance of the minimum tax, and sales tax, there should be a new recognition of the significance of service in the broad sense, to the individual, by granting deductions from taxable income for every payment by every person to another person for compensation for service.

Millions of Americans need service from other millions of Americans which they cannot well afford on an 'after tax' basis. But the service, and the employment, and new methods of organizing to provide both, can be and should be a part of a future full-employment, increased service, free economy.

One of the other critical future changes in classic capitalism must be to place broad limits on the use of capital credit for excessive speculation in stocks and commodities; for giant acquisitions and mergers; for over-extended foreign loans.

Such curbs are essential to bring down the rates of interest to levels where home ownership may expand, where farm ownership may survive, and true 'quality of life' long term investments may occur.

Such curbs are opposed by most bankers and conservatives, but they would in fact be in the long term advantage of both, as well as for the people as a whole.

It is nothing less than an unacceptable tragedy that at such a time there should be a cutting back of governments at all levels in such a manner that some people are short of food, many people do not have adequate homes, millions of people do not enjoy the quality of life that could be theirs.

In American foreign policy, American world policy—a creative center approach will also lead to very extensive changes.

It would involve facing fundamental facts.

All of the peoples living on this earth have a right to live, There is room for all of them, their systems of economy and government and religion and situations are different, and will continue to be so.

If a nuclear third world war occurs, it will result in mutual devastation to an extent beyond comprehension.

To me, this means that for leaders of super-powers with nuclear weapons to sit in their capitals and bombard each other with extreme words makes absolutely no sense.

There should be an annual summit conference in depth, between the United States and the U.S.S.R., at a neutral location, such as Geneva, Switzerland.

Such a conference should be followed up by continuing working committees on specific issues and problems.

Our American approach to the Soviet Union should be forthright that we propose and anticipate a competition of systems for this period of history, without resort to war.

While both systems are so different, it is anticipated that both will continue to be very powerful, and very alert.

Each is apprehensive about a surprise attack by the other. Both could have a major improvement in their security by a reciprocal opening for the installation of a few modern inspection and reporting centers. Such inspection centers could be in continuous contact with satellites in outer space. World peace prospects would be improved greatly.

In the decades ahead outer space has a magnificent potential as a developing arena to serve world peace by the pioneers of both sides of the world as their systems on Earth evolve in competition without war.

Under such conditions there could be, and would be, and should be, not only a nuclear freeze, but a gradual bilateral mutual nuclear weapon reduction!

Those millions who advocate a nuclear freeze, a mutual verifiable nuclear freeze, should not be besmirched, or ridiculed, or slapped down. They should be thanked for assisting in lifting the world out of the deep rut of the arms race, and they should be encouraged, informed, and led in sound and creative moves toward a less dangerous future for all nations.

A Summit Conference could set working committees to concentrate and follow up for solutions and initiatives on acute problems and future potentials.

Among these obviously is the Mideast and the Arab-Israeli-Palestine situation.

The Palestinians want a homeland.

The Israelis fear for their security and survival if any such homeland borders on their small homeland.

A major creative center initiative is needed.

I suggest very substantial world financial support to purchase from Lebanon an area for a Palestinian Sovereign State homeland, centering on Tripoli on the Mediterranean seacoast, with borders that at no point touch the borders of Israel, with adjustments of all borders in the area to economically and defensively sensible borders, with a fund so that anyone in the area could move and sell and buy homes and properties with financial backing for a ten-year period; and with a fund for economic development in the area. Such a program would have basic beneficial results for all peoples of the area and of the world.

First reactions to such a program will be rejection, but I do not foresee any good solutions on any less creative and less far-reaching basis.

This solution draws upon the successful lessons of Trieste and Austria and a lifetime of experience.

Other creative steps are needed to modernize and improve the United Nations. A new Charter must be drafted and adopted.

Weighted voting must be brought into the structure.

Improved instrumentalities for arbitration, mediation, and judicial decision for working out peaceful solutions are needed.

A small elite multilingual security corps for world trouble spots must be established.

The world environment, and freedom from hunger, and quality of life must be brought into modern priority focus.

I am, of course, well aware of the scope and depth of what I propose.

In an age when the ultimate confrontation, the confrontation of a nuclear war mean mutual annihilation, a new first prior-

ity for the creative center, for cooperation of opposing views for mutual benefit, must emerge as the preimminent political philosophy.

I hold that in an age when the ultimate consequence of extreme economic policies will result in widespread human economic tragedy, a new emergence of a creative center economic system must evolve.

There has not yet been an adequate intellectual recognition that this planet earth is one world, and that those who live upon it now have the potential violent means to destroy it; and the potential economic means for chaos for all humanity.

Life on this planet earth in the decades ahead will not be a game of winners and losers, but preeminently a mutual experience of all humanity.

The creative center must be more than a middle way. It must be more than compromise. It must respect the rights and views of all, but reach out for new solutions, new initiatives consistent with the most basic of values of human life.

There are many encouraging developments turning away from polarization toward initiatives for peacemaking. The Catholic Bishops letter, the Lutheran, Baptist, and other religious attention to the new analysis of the nuclear age, the emergence of a theology of peacemaking, as I see it, all point toward new creative center thinking.

I do invite consideration of this creative center approach, this creative center philosophy, in thousands of classrooms, churches, editorial rooms, professional associations, labor unions, executive offices, and especially both the Republican and Democrat parties.

With a deep and abiding faith in God; with a true respect for the beliefs of others; and with an affirmative concept and realistic optimism toward the future of humanity; I conclude this "Pioneering for Peace" message.●

RESOLUTION MEMORIALIZING THE HONORABLE HALL STONER LUSK

● Mr. HATFIELD. Mr. President, a distinguished Oregonian, Mr. Justice Hall Stoner Lusk, died last month shortly before his 100th birthday. It was my great privilege while Governor to appoint Justice Lusk to fill the unexpired term of Senator Richard Neuberger.

The Supreme Court of Oregon memorialized Judge Lusk in a resolution which has been conveyed to me for inclusion in the RECORD.

Mr. President, I ask that the Oregon Supreme Court resolution in memory of the Honorable Hall Stoner Lusk be included in the CONGRESSIONAL RECORD.

The resolution follows:

RESOLUTION IN MEMORY OF THE HONORABLE HALL STONER LUSK

On May 15, 1983, within four months of his one hundredth birthday, Mr. Justice Hall Stoner Lusk died at Beaverton, Oregon. He joined this court as an Associate Justice on August 3, 1937, to succeed James U. Campbell. Governor Charles H. Martin appointed Judge Lusk from the Circuit Court for Multnomah County, where he had served with distinction for seven years.

After thirty years on the trial and appellate bench, Judge Lusk resigned from this court on March 15, 1960, to accept an appointment by Governor Mark O. Hatfield to serve the unexpired term of United States Senator Richard Neuberger. The governor not only honored a distinguished democrat by that appointment, but honored the State of Oregon by sending to the Senate one of the most gallant and dedicated public servants Oregon had seen. As Oregon's junior senator, at the age of 76, Judge Lusk quickly earned the respect of the members of that exclusive club, and upon his departure in 1961 to return to this court as a pro-tem justice, the Congressional Record contained several columns of tribute paid by fellow senators from both political parties.

While a member of this court, Judge Lusk's opinions became known throughout the legal profession for the clarity of their language and the rational development of the legal theory that controlled each case. His opinions were widely used by law teachers as well as by other judges, who benefitted both from his graceful style and from his lucid presentation of the law. His first opinion, *Moulton* v. *Logan*, 157 Or 406 (1937), appeared about two weeks after oral argument. An unbroken stream of opinions of high quality continued thereafter until interrupted by his service in the Senate. After returning from the Senate Judge Lusk wrote many opinions for this court as a justice pro-tempore, and contributed to the jurisprudence of his state for another eight years. He also volunteered to serve as a trial judge when the opportunity arose. He said of his work in his later years that he couldn't stand loafing. Ten years ago, when he was 89, he was found trying a tax case on a day when a newspaper reporter interviewed him.

Judge Lusk was born September 21, 1883, in the City of Washington, D.C., and received his education there. He was a student of Greek and Latin, and retained his knowledge of the classics and drew upon it in his work. After graduation from Georgetown University law school, he clerked for a District of Columbia judge for a year and then made his way to Oregon where he entered the private practice of law in 1909.

Judge Lusk married Catherine Emmons of Portland, Oregon, on September 30, 1914. Catherine survives him, as do their five daughters and thirteen grandchildren.

He practiced with Dolph, Mallory, Simon, and Gearin from 1912, to 1918, and was an Assistant United States Attorney from 1918 until 1920. From 1920 until his appointment to the circuit court in 1930, Judge Lusk practiced with the firm of Emmons, Lusk and Bynon. It was during these years that he worked on the case he remembered best, *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). Judge Lusk wrote the brief for the Archdiocese of Portland, and his position on behalf of the rights of parents to educate their children in the religious schools of their choice was sustained by the United States Supreme Court in a decision that made First Amendment history. He served as a trustee of the University of Portland and as a member of the board of advisors of Marylhurst College.

In celebrating the life of this great jurist, the court notes with appreciation the qualities of dignity, scholarship, grace and humanity that marked every aspect of his public and private life.

This memorial resolution is not one of mourning, but one of grateful recognition of a life that was full in every measure of public service, and provided for many generations a role model for judges and lawyers. He once said, "a Judge doesn't get rich except in his associations along the way." His legacy in friends, in contributions to his profession, his church, and his community, far exceeds anything that could be purchased by material wealth. A poem by Louis Untermeyer contained lines that Judge Lusk liked to quote and live by:

Keep me, O God, with stern and stubborn pride,
And when at last the race is won,
God, keep me still unsatisfied.

The foregoing resolution, presented this 7th day of June, 1983, by The Honorable Alfred T. Goodwin, a Justice of this Court from 1960 to 1969, is ordered published in the Oregon Reports, with copies to be provided to Mrs. Lusk and his daughters.●

MRS. TIMOTHY VANN OF ST. PAUL, MINN.—A SUCCESSFUL PARENT

● MR. DURENBERGER. Mr. President, this week nine American families came to Washington to be honored at a White House ceremony culminating a 10-month-long search—which began last fall during National Family Week—for parents who have successfully raised a family, and raised successful children.

By successful I do not mean material wealth. By successful I mean that they are families who have, through the traditional means of love and guidance and the virtues of patience and understanding, raised happy and productive children.

They have done so under conditions that do not always parallel that of a storybook family. They are single parents, parents of adopted and foster children, families where both parents work, or families where both parents are out of work.

They are half of all families in today's society.

And although the makeup of an American family has changed in some ways, the traditional values of patience and caring and love have not.

Mrs. Timothy Vann of St. Paul knows this. Her family was chosen from a field of 200 to be honored at the White House this week.

Mrs. Vann was widowed 20 years ago, and alone, she raised 10 children.

An active member of her community, she instilled that value in her children.

She was to her children what we all try to be to ours—a counselor, a teacher, a parent, and a friend.

During the White House ceremony this week, First Lady Nancy Reagan recalled a quote which said:

"There are only two bequests we can give our families. One of them is roots, the other is wings. Families can help to provide both the security of roots and the inspiration of wings."

Mrs. Timothy Vann has done that for her children, and she has in the

process given all of us the gift of her children as members of this society, and for that, we can both thank her and honor her.

Mr. President, I ask that the following article from the Minneapolis Star and Tribune of June 19, 1983, by Stacy Milavetz be inserted into the CONGRESSIONAL RECORD.

The article follows:

[From the Minneapolis (Minn.) Star and Tribune, June 19, 1983]

ST. PAUL CLAN TO BE RECOGNIZED AS A GREAT AMERICAN FAMILY

(By Stacy Milavetz)

Timothy Vann has always been self-sufficient. When her husband was alive he often was away, working as a waiter on the railroad and as a musician. After he died 20 years ago, she reared their 10 children alone.

"I told my children, 'No one can place limits on you but God and yourself,'" she said. "If you're driving a car to Kansas City that doesn't look that good and only goes 20 miles an hour and someone else's car goes 90 miles an hour, keep going, and when you get there you're there like the other guy."

Her life style and the values she instilled in her children are qualities that represent "the great American family," the American Family Society has decided.

Vann, 66, 705 Dayton Av., St. Paul, and her family will be one of nine families honored Wednesday by Nancy Reagan at a White House ceremony.

"She taught us that poverty was a state of mind, not being," said her daughter Arlene, 32. "We couldn't have second helpings, not because it wasn't there—which it wasn't—but because it wasn't polite."

Her oldest child, Tony, 41, said his mother instilled a sense of worth in the children by "basically teaching us that we're no better than anyone else, and there is no one else who is better than we are."

Family Services of St. Paul nominated the Vanns for the award last November. The American Family Society encouraged local organizations nationwide to look at two criteria in choosing families to nominate; how well the family works together while encouraging individual growth, and evidence of community service with a lasting impact despite obstacles said K. Wayne Scott, president of the society.

When officials at Family Services heard about the program, "(Vann) was the first one we thought of," said public relations director Jane Lansing. "We thought that they were a fine example of a family giving back to the community during all of the years they have lived here."

Vann is director of St. Paul's Model Cities Health Clinic and has been active in a variety of community groups and Roman Catholic charities.

Initially the Vanns were one of 168 families nominated throughout the nation. A screening committee reviewed the nominations and narrowed the group to 23. A group of independent judges than selected the nine to represent different types of families.

Scott said Vann represents the single mother. Other families were chosen to represent those with single fathers, families with four generations living in the same house, and military families, for instance.

When her children were young, Vann said, society placed a stigma on a single-parent family. People thought children without a father were misfits.

She reared her children, who range in age from 21 to 41, with strict discipline, casting off advice from such authorities as Dr. Benjamin Spock and child psychologists as nonsense. "My 3-year old granddaughter was sitting on the floor calling 'ma'am, ma'am,' and I realized she was calling me. She thought that was my name because my children are so polite they always say, 'yes, ma'am, no ma'am." Her 16 grandchildren call her ma'am, mother, or Mrs. Vann.

While she commands her children's respect, she has always been their friend, they said. She has coached them and others in sports since they were small. The family makes up a softball team, which used to play in leagues and now plays whoever wants to get up a game, with Vann as the coach.

"My kids didn't realize I was getting older," she said. "They still don't. When I was 55 my son got me my first pair of ice skates."

The children have faith in their mother. "From kindergarten through college, kids would talk about what their parents could do. I would say my mother can do that. She can do anything," said Arlene. "And I still say that." ●

LUPE ANGUIANO RECEIVES VOLUNTEER ACTION AWARD

● Mr. DURENBERGER. Mr. President, on April 13, President Reagan presented the 1983 Volunteer Action Awards to Americans who have dedicated themselves, selflessly, to improving the quality of life in our country. One of these award winners was Lupe Anguiano.

As founder of National Women's Employment and Education, Inc., Lupe has assisted hundreds of women in raising themselves out of poverty to become self-sufficient. Her program was launched in San Antonio, Tex., where she helped 500 women become self-reliant within 6 months. Now expanded to seven other communities, Lupe's remarkable volunteer effort has been featured on "60 Minutes" and "Good Morning America," as well as numerous publications.

Lupe's success has been deeply rooted in the cooperation, guidance, and support of many corporate entities. The accomplishments of her program demonstrate the great potential in public-private partnerships.

On June 8, Lupe was featured in the Washington Post. This article captures Lupe's many talents and spirit and I would like to share it with my colleagues. I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, June 8, 1983]

FARING WELL WITHOUT WELFARE

(By Phil McCombs)

The Reagan administration *dreams* of people like this, but seldom do they meet a radical welfare reformer like Lupe Anguiano—charming, dynamic, Hispanic, feminist, Democrat, former nun, former organizer for Cesar Chavez, former education bureaucrat for LBJ—who declares, "Our program fits the Reagan philosophy . . .

"Nothing is given to you on a silver platter," she says. "You've got to work for it. That's what makes you healthy. That's what makes life worth living. . . . The thing that I detest the most in the welfare system is it stifles the individual."

Anguiano and her volunteers have scoured the barrios and ghettos for a decade, screening and training thousands of welfare mothers in basic job skills, then jawboning local businesses and national corporations into hiring them. Anguiano says she has an 88 percent success rate, at a cost of $700 per individual. Her program operates in seven cities, placing 130 women a month in jobs, and is opening a branch for Harlem and the South Bronx next month.

Anguiano wants to go national, and reform the country's welfare system. The Reagan folks are naturally *bananas* about her.

"The Bushes have been very helpful," Anguano said. Barbara Bush visited Tacoma, Wash., and San Antonio, two of the cities where branches of Anguiano's National Women's Employment and Education Inc. operate.

Last April President Reagan invited Anguiano to the White House along with 16 other individuals, two corporations and a labor organization, and awarded her a Volunteer Action Award for helping make America "a better and more generous land."

After the ceremony, Anguiano visited Margaret Heckler, Reagan's new secretary of Health and Human Services. "I told her, 'Mrs. Secretary, be relieved we're not here to ask for government money. We want you to . . . help us get the private sector involved in our program."

Yesterday Anguiano was the star at a breakfast at the Capitol for representatives of major corporations hosted by Republican senators Charles E. Grassley (Iowa) and Dave Durenberger (Minnesota), and today she was scheduled to meet with Reagan aides in the White House to discuss her plan to turn the welfare system upside down.

"I'm a Democrat [but] I voted for Reagan and I'm going to vote for him again . . . You know, the President is so great. He really is. No one can say no to him." This being the case, she said, she will ask that Reagan personally telephone corporate executives in New York to get them behind her program.

Corporate supporters already include Atlantic Richfield, IBM, Texas Instruments and several dozen other smaller companies.

One corporate representative at yesterday's breakfast, Cynthia Mayeda of Dayton Hudson Corp., was among those who stood up and praised Anguiano's work. "It's a wonderful project for us," she said. ". . . And it works, my friends."

Anguiano's reputation as a welfare reformer began in 1973 after she led a group of 100 welfare mothers in San Antonio in a "Let's Get Off Welfare Campaign." Half of them returned their checks and took up jobs that had been readied for them. The other half soon followed, and in six months several hundred Texas women were taken off the welfare rolls and placed in jobs.

"Ninety percent of welfare families are headed by women, and [most] of these are young, healthy, intelligent women who would select a job over welfare if they were offered one," Anguiano said. "The reason they are not working is the policy is not organized to provide a job and training."

Instead, she said, the system—despite welfare "reform" efforts by every administration for years—is centered on income maintenance.

"The greatest insult of the AFDC [Aid for Families with Dependent Children, the nation's central welfare system] policy is it calls the woman the caretaker. She's the caretaker for the state. Isn't that stupid? . . . The focus should be on providing the woman with a job and skills training, plus emergency assistance until she stabilizes herself in that job."

Anguiano cites case studies galore; the welfare mother who started out as a flagger on a construction site and now owns her own company . . . the ones who started as gardeners at $4 an hour outside a brewery and are now working inside at $9 an hour . . . the computer operator . . . the electrician . . .

Local colleges are used as training centers. Volunteers from the companies pledging jobs often run the classes. The students receive training (how to be a bank cashier) and general wisdom (the way you do it is start at the bottom and work your way up).

Anguiano, now in her fifties, grew up poor in the Southwest, the daughter of parents who fled the Mexican revolution. Her father worked on the railroad in Colorado, and in the summer the family went to California to pick crops. The mother's dream was to open a little store, and eventually she did. One of Anguiano's brothers now runs it—the La Palma Grocery Store in Saticoy, Calif.

When she was 20, Anguiano joined the Victory Knoll Missionary Sisters and remained a nun for 15 years, leaving when she felt her efforts for housing reform were hindered by her official church position. Later, she was married for a year, but "I just about went insane. It was the worst experience of my life. I was supposed to do this and do that, but I need to have freedom . . . I was supposed to be the housewife and I couldn't do it . . .

"I can't remember a day not working since I was a child, and I've never felt deprived," said Anguiano. "I've worked very hard and woken up in migrant camps and worked in the fields; it has given me the energy and strength to do what I'm doing now. The worst thing that can happen to an individual is to be dependent on public funding."

With everything she's got going for her, isn't Anguiano likely to find herself in the Reagan administration? Her reply:

"I don't think I would accept a position, because I think what I'm doing is very exciting. To make systems work better, you're better off working a local area out of government."●

ORDER FOR PROCEDURE ON MONDAY, JUNE 27, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, June 27, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the Calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the Senate now to consider the unanimous consent calendar items en bloc and I refer the Senate specifically to Calendar Order No. 227, Calendar Order No. 237, Calendar Order No. 243, and Calendar Order No. 249.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask my good friend, and he is my good friend, from West Virginia, if there is an agreement on those four items, that we may handle them on a unanimous-consent basis.

Mr. BYRD. Mr. President, I am honored to have the acting Republican leader refer to me as a good friend, and that is mutual.

There is no objection to considering the measures that have been enumerated and to considering them en bloc.

EMIGRATION OF IDA NUDEL

The resolution (S. Res. 125) expressing the sense of the Senate that the Government of the Soviet Union should allow Ida Nudel to emigrate to Israel, and for other purposes, was considered, and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 125

Whereas the Soviet Union is a party to the Final Act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights;

Whereas Ida Nudel first applied to emigrate from the Soviet Union to Israel in 1971 in order to rejoin her sister—her only living relative;

Whereas in June 1978, Ida Nudel was convicted by the Soviet Government of "malicious hooliganism" for hanging a banner on her balcony which said "KGB, give me my visa";

Whereas Ida Nudel was then sentenced to four years of exile in Siberia after a trial in which no witnesses were allowed to testify in her behalf;

Whereas Ida Nudel is in grave physical danger due to her heart, liver, kidney, and diabetic ailments and has been denied appropriate medical care;

Whereas Ida Nudel was released from Siberian exile on March 26, 1982;

Whereas upon release, Ida Nudel was denied permission by Soviet authorities to reside in Moscow;

Whereas Ida Nudel traveled the Soviet Union for nine months in search of a municipality that would grant her a residence permit;

Whereas in December 1982, Ida Nudel was finally awarded residence status in a small town in Moldavia; and

Whereas Ida Nudel currently resides in Moldavia and continues to be subjected to harassment by Soviet authorities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, acting directly or through the Secretary of State, should—

(1) continue to express at every suitable opportunity and in the strongest possible terms the opposition of the United States Government to the forced exile and repressive treatment of Ida Nudel; and

(2) urge the Government of the Soviet Union to—

(A) provide her with adequate medical care;

(B) grant Ida Nudel residence status in Moscow; and

(C) accept Ida Nudel's application for an exit visa, and allow her to emigrate to Israel to join her sister, in accordance with the Final Act of the Conference on Security and Cooperation in Europe and with the Universal Declaration of Human Rights.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Ambassador of the Union of Soviet Socialist Republics to the United States.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SETTLEMENT OF CERTAIN CLAIMS BY THE SECRETARY OF COMMERCE

The bill (S. 969) to amend section 1 of the act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 5, 1920, as amended (41 Stat. 929, as amended; 33 U.S.C. 853), is further amended to read as follows: "The Secretary of Commerce is authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed $2,500, occasioned, subsequent to June 5, 1920, by acts for which the National Oceanic and Atmospheric Administration is responsible.".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.N. DECADE OF DISABLED PERSONS

The concurrent resolution (S. Con. Res. 22) expressing the sense of the Congress with respect to implementing the objectives of the U.N. Decade of Disabled Persons (1983-92), was considered.

Mr. DOLE. Mr. President, Senate Concurrent Resolution 22 has had

strong bipartisan support from the moment it was introduced with 28 cosponsors. A similar version was introduced in the House by Congressman LARRY WINN and is headed toward passage over there.

This initiative stems from what has gone before—the International Year of Disabled Persons in 1981 and the National Year of Disabled Persons in 1982. On December 3, 1982, the U.N. General Assembly declared 1983-92 as the U.N. Decade of Disabled Persons. The United Nations deserves applause for taking the lead on this decade in order to continue the worthwhile goals that had already been established during the international year. By the passage of this resolution, it is our hope that the momentum generated by the international year in 1981 and the national year in 1982 will be continued throughout this decade.

FRAMEWORK FOR NATIONAL ACTION

Mr. President, the U.N. action has established a framework that can provide the incentive for our own national plan of action in furtherance of the following long-term goals to help disabled people: expanded educational opportunity; improved access to housing, buildings and transportation; greater opportunity for employment; greater participation in recreational, social and cultural activities; improved rehabilitation programs and facilities; purposeful application of biomedical research aimed at conquering major disabling conditions; reduction in the incidence of disability through accident and disease prevention; increased application of technology to ameliorate the effects of disability; and expanded international exchange of information and experience to benefit all disabled persons.

Although the lives of our Nation's 35 million disabled people have been significantly improved over the last decade by increased opportunities for health care, rehabilitation, community living, education, and employment, we still have a long way to go on the road to progress. Perhaps some of the most important doors that remain to be opened are those involving attitudinal changes. It may be customary to treat handicapped individuals with compassion, but this will never be an adequate substitute for employment opportunity and personal independence. We must all work together toward the goal of constructing a fair society in which all Americans can participate and find the path that leads to the pursuit of happiness. Once people's minds are opened, opportunities will follow as a natural course.

Partnerships between persons with and without disabilities, between government and the private sector and among National, State, and local organizations are continuing to improve the lives of Americans with disabilities but we need to continue to build upon this foundation.

ABUNDANCE OF HUMAN RESOURCES

Mr. President, the handicapped are not asking to be given anything except the opportunity to share their abilities. For much of my life, I have known firsthand the problems that go with being a handicapped person. My associations with disabled people of all ages have portrayed more than a picture of strength against overwhelming odds—theirs is a portrait of the kind of potential that has made this country great.

Those within our society who suffer from physical or mental disabilities have something to give the society in which they live—they can be productive citizens and harness their talents to the good of our society as a whole. The values that they have learned through the struggle of overcoming the effects of disability can be an inspiration to us all.

Mr. President, this resolution is intended to generate an increase in public awareness of the special needs and special talents of disabled individuals within our society. During this decade we should work together, to try to implement within our own country, the goals set forth by the United Nations.

I ask unanimous consent that a copy of the resolution and a list of cosponsors be printed in the RECORD following this statement.

Mr. WEICKER. Mr. President, I rise to urge passage of Senate Concurrent Resolution 22 expressing the sense of the Congress with respect to implementing the objectives of the U.N.'s Decade of Disabled Persons.

The purpose of Senate Concurrent Resolution 22 is simple and straightforward. It says that the momentum achieved in this country during the National and International Years of the Disabled cannot be lost. Continued attention both to the human rights of the disabled and to disabled persons' capabilities to contribute to society is essential.

This resolution establishes Congress' support for the U.N. Decade of the Disabled and calls upon our Government to continue its commitments to meeting disabled persons' needs.

I commend Senator DOLE on his sponsorship of Senate Concurrent Resolution 22 and I urge that it be approved.

Mr. RANDOLPH. Mr. President, I support Senate Concurrent Resolution 22, which expresses the sense of the Congress with respect to implementing the objectives of the U.N. Decade of Disabled Persons. This was proclaimed by the United Nations on December 3, 1982, and will continue the momentum begun by the International Year of the Disabled and the National Year of the Disabled to create an awareness and recognition of the rights of disabled individuals.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 22

Whereas a new era recognition of human rights and universal respect for these rights has begun;

Whereas the United Nations General Assembly has declared 1983 through 1992 as the United Nations Decade of Disabled Persons;

Whereas the United States has made great strides during the last decade in improving the lives of thirty-five million American citizens with physical and mental disabilities;

Whereas there is still much to be done to open doors to the full participation and equality of disabled persons in society throughout the world;

Whereas handicapped individuals should be able to participate fully in the mainstreams of society through education employment, and community living opportunities;

Whereas the United States recognizes the need for further progress in strengthening public understanding and awareness of the needs and aspirations of disabled persons;

Whereas there is hope that this spirit of carrying out the goals of the International and National Years in 1981 and 1982 will continue throughout this next decade; and

Whereas a framework for national action has been established by these previous initiatives and the improvement of programs for disabled persons over the last decade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should take all steps within his authority to implement, within the United States, the objectives of the United Nations Decade for Disabled Persons (1983-1992), as proclaimed by the United Nations General Assembly on December 3, 1982.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL REYES SYNDROME WEEK

The joint resolution (S.J. Res. 34) designating "National Reye's Syndrome Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 34

Whereas Reye's syndrome is a disease of unknown cause which normally attacks healthy children eighteen years of age and under, both male and female, which can kill

or cripple more than half of its victims within several days by attacking the muscles, liver, brain, and kidneys, and which affects every organ in the body;

Whereas Reye's syndrome is recognized by the Food and Drug Administration to be one of the top ten killers among all children's diseases;

Whereas Reye's syndrome was first recognized as a specific illness in 1963 and is a new illness in name only since children have been affected for decades by the illness and Reye's syndrome cases have been improperly diagnosed;

Whereas the reporting of cases of Reye's syndrome is required in only one-half of the States (for the purpose of this joint resolution, "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the other territories and possessions of the Unites States);

Whereas volunteer Reye's syndrome organziations are established throughout the United States and are supported by thousands of parents;

Whereas national Reye's syndrome volunteer organizations exist to encourage involvement of the Federal Government in supporting Reye's syndrome research; to encourage coordination of the treatment and research efforts by the various Reye's syndrome treatment and research centers; to establish Reye's syndrome as a reportable disease in every state; to establish at the Center for Disease Control a position for the review of data on Reye's syndrome patients; to sponsor a multicenter research study by recognized authorities on Reye's syndrome; to sponsor programs to educate parents and medical professionals with respect to diagnosis and treatment of the illness; and to raise funds for research into cause, pevention, and treatment of Reye's syndrome;

Whereas Reye's syndrome incidence continues to increase at a pace greater than the attention of the public, the Federal Government in general, and the Congress in particular; and

Whereas the chief executive officers of several States have declared certain periods of time as Reye's syndrome weeks: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 7 through November 13, 1983, is designated "National Reye's Syndrome Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

HATCH AMENDMENT ON ABORTION

Mr. STEVENS. Mr. President, I call the attention of the Senate to the fact that on Monday when the Senate convenes after adjournment, it will be the intention of the majority leader to ask the Chair to lay before the Senate, Senate Joint Resolution 3, the Hatch-proposed constitutional amendment dealing with giving the Congress legislative authority and the States legislative authority with respect to abortion.

THE TAX CAP ON THIRD YEAR OF TAX CUT

I further indicate it is the understanding of this Senator if the Senate does receive the legislation, the cap on the effect of the third year of the tax cut, that it is the intention of the majority leader to attempt to get to the consideration of that measure on Tuesday.

We are hopeful that the Senate will recognize there may be votes on Monday. There will be votes on Tuesday for certain.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until 10 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JUNE 27, 1983, AT 10 A.M.

Mr. STEVENS. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday.

The motion was agreed to; and the Senate, at 7:31 p.m. adjourned until Monday, June 27, 1983, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, June 23, 1983*

The House met at 10 a.m.

The Rev. J. Terry Wingate, D. Min., pastor, Purity Baptist Church, Washington, D.C., offered the following prayer:

Almighty and everlasting God, from whom we have received the gift of life, the call to commitment, the joy of service, and the burden of brotherhood. In acknowledgment of these gifts, we bow in adoration. We know we are not worthy of all of the good Thy hath done for us, and that we have failed so often to live according to Your will. Forgive us these transgressions and let Thy blessed hand lead us into yet a better way.

Thy hath walked and talked with those who do business for mankind within these hollowed walls and ask that Thy would be mindful of each one of them as they take up the business at hand.

We pray for all of those who give leadership in this great country of ours and ask that Thou would heal us of the divisions that exist and give us a greater sense of community. Cause us to be sensitive to the needs of the hungry, the homeless, the downcast, and especially the children, our legacy for the future.

In our midst, may Your spirit dwell continually so that we may speak the truth in love, seek Your will for ourselves, assist those less skilled in the knowledge of Your will, and be strengthened by knowing that Thou will be with us all the way. Thank You for all that You do for us. We give praise and lift our hearts without hesitation because, as You were with our fathers, so will You be with us, even now, and forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. COATS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COATS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 34, answered "present" 4, not voting 39, as follows:

[Roll No. 210]

YEAS—355

Ackerman	Dorgan	Ireland
Addabbo	Dowdy	Jeffords
Akaka	Downey	Jenkins
Albosta	Dreier	Johnson
Andrews (NC)	Duncan	Jones (NC)
Andrews (TX)	Dwyer	Jones (OK)
Annunzio	Dymally	Jones (TN)
Applegate	Dyson	Kaptur
Archer	Early	Kasich
Badham	Edgar	Kastenmeier
Barnard	Edwards (AL)	Kazen
Barnes	Edwards (CA)	Kennelly
Bartlett	Edwards (OK)	Kildee
Bateman	English	Kindness
Bates	Erdreich	Kogovsek
Bedell	Evans (IL)	Kostmayer
Beilenson	Fascell	Kramer
Bennett	Fazio	LaFalce
Bereuter	Ferraro	Lagomarsino
Berman	Fiedler	Lantos
Bevill	Fish	Latta
Biaggi	Flippo	Leach
Bilirakis	Florio	Leath
Bliley	Foglietta	Lehman (CA)
Boehlert	Foley	Lehman (FL)
Boggs	Fowler	Leland
Boland	Frank	Lent
Boner	Franklin	Levin
Bonior	Frost	Levine
Bonker	Fuqua	Levitas
Borski	Gaydos	Lewis (FL)
Boucher	Gekas	Livingston
Boxer	Gephardt	Lloyd
Britt	Gibbons	Loeffler
Brooks	Gilman	Long (LA)
Broomfield	Gingrich	Long (MD)
Broyhill	Glickman	Lott
Byron	Gonzalez	Lowery (CA)
Campbell	Gore	Lowry (WA)
Carney	Gradison	Lujan
Carper	Gramm	Luken
Carr	Gray	Lundine
Chandler	Green	Lungren
Chappell	Gregg	Mack
Chappie	Guarini	MacKay
Cheney	Gunderson	Madigan
Clarke	Hall (IN)	Markey
Clinger	Hall (OH)	Marlenee
Coelho	Hall, Ralph	Marriott
Coleman (MO)	Hall, Sam	Martin (IL)
Coleman (TX)	Hamilton	Martin (NC)
Collins	Hammerschmidt	Martin (NY)
Conable	Hance	Matsui
Conte	Hansen (UT)	Mavroules
Conyers	Harrison	Mazzoli
Cooper	Hatcher	McCain
Corcoran	Hawkins	McCandless
Courter	Hefner	McCloskey
Coyne	Hertel	McCollum
Crane, Daniel	Hightower	McCurdy
Crane, Philip	Hillis	McDade
D'Amours	Hopkins	McDonald
Daniel	Horton	McEwen
Dannemeyer	Howard	McGrath
Daschle	Hoyer	McHugh
Davis	Hubbard	McKernan
Derrick	Huckaby	McKinney
DeWine	Hughes	McNulty
Dicks	Hunter	Mica
Dixon	Hutto	Michel
Donnelly	Hyde	Mikulski
Mineta	Ridge	Studds
Minish	Rinaldo	Stump
Moakley	Ritter	Swift
Molinari	Robinson	Synar
Mollohan	Rodino	Tallon
Montgomery	Roe	Tauke
Moody	Rogers	Tauzin
Moore	Rose	Taylor
Moorhead	Rostenkowski	Thomas (GA)
Morrison (CT)	Roth	Torres
Morrison (WA)	Roukema	Torricelli
Mrazek	Rowland	Traxler
Murphy	Roybal	Udall
Murtha	Rudd	Valentine
Myers	Russo	Vander Jagt
Natcher	Savage	Vandergriff
Neal	Sawyer	Vento
Nelson	Scheuer	Volkmer
Nichols	Schneider	Vucanovich
Nielson	Schulze	Walgren
Nowak	Seiberling	Watkins
O'Brien	Sensenbrenner	Waxman
Oakar	Shannon	Weaver
Olin	Sharp	Weber
Ortiz	Shaw	Weiss
Owens	Shelby	Wheat
Oxley	Shumway	Whitehurst
Packard	Shuster	Whitley
Panetta	Siljander	Whittaker
Pashayan	Sisisky	Whitten
Patman	Skeen	Williams (MT)
Patterson	Skelton	Williams (OH)
Paul	Slattery	Wilson
Pease	Smith (FL)	Winn
Penny	Smith (IA)	Wise
Perkins	Smith (NE)	Wolf
Petri	Smith (NJ)	Wolpe
Pickle	Smith, Denny	Wortley
Porter	Snowe	Wright
Price	Snyder	Wyden
Pursell	Solarz	Wylie
Quillen	Spence	Yatron
Rahall	Spratt	Young (FL)
Ratchford	Staggers	Young (MO)
Ray	Stangeland	Zablocki
Regula	Stark	Zschau
Reid	Stenholm	
Richardson	Stratton	

NAYS—34

Brown (CO)	Fields	Parris
Burton (IN)	Frenzel	Roberts
Clay	Gejdenson	Roemer
Coats	Goodling	Sabo
Coughlin	Harkin	Schaefer
Craig	Hartnett	Schroeder
Daub	Hiler	Sikorski
Dickinson	Holt	Walker
Durbin	Lewis (CA)	Yates
Eckart	Lipinski	Young (AK)
Emerson	Miller (CA)	
Evans (IA)	Miller (OH)	

ANSWERED "PRESENT"—4

Jacobs	Ottinger
Oberstar	St Germain

NOT VOTING—39

Alexander	Dingell	Obey
Anderson	Erlenborn	Pepper
Anthony	Feighan	Pritchard
Aspin	Ford (MI)	Rangel
AuCoin	Ford (TN)	Schumer
Bethune	Forsythe	Simon
Bosco	Garcia	Smith, Robert
Breaux	Hansen (ID)	Solomon
Brown (CA)	Heftel	Stokes
Bryant	Kemp	Sundquist
Crockett	Kolter	Thomas (CA)
de la Garza	Martinez	Towns
Dellums	Mitchell	Wirth

□ 1015

Mr. ST GERMAIN changed his vote from "nay" to "present."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that other than the gentleman from the District of Columbia (Mr. FAUNTROY), there will be no other 1-minute speeches today.

THE REVEREND J. TERRY WINGATE

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, it is my honor and pleasure to thank my good friend and fellow minister, Rev. J. Terry Wingate for his inspiring opening prayer.

Reverend Wingate has a long and distinguished record of service in the education, religious, and civil rights communities.

A native North Carolinian, Reverend Wingate earned his undergraduate degree from Fayetteville State University and doctorate degrees in education from George Washington University and theology from the Harvard Divinity School.

As pastor of the Purity Baptist Church here in our Nation's Capital, Reverend Wingate has been instrumental in organizing his congregation in community service. In addition, he has played an important role within the American Baptist Church, U.S.A., as a member of its general board.

At the same time, he has made important contributions to the quality of education in the District of Columbia, serving on a number of educational associations.

Finally, and from my perspective most significantly, Reverend Wingate has been a most active president of the Washington Chapter of the Southern Christian Leadership Conference, the organization founded by Dr. Martin Luther King, Jr., to work for justice through nonviolent social change.

I am sure you join me in welcoming Rev. J. Terry Wingate to the U.S. House of Representatives

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3133, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. ROGERS. Reserving the right to object, Mr. Speaker, has the gentleman cleared this with the minority?

Mr. WHITTEN. We cleared it with the minority earlier, with the gentleman from Massachusetts (Mr. CONTE) and others, so I know of no objection to it.

I see the gentleman from New York (Mr. GREEN) is here now.

Mr. ROGERS. I yield to the gentleman from New York.

Mr. GREEN. Mr. Speaker, the Minority has no objection.

Mr. ROGERS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

Mr. ROGERS received all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF A MOTION TO RECEDE AND CONCUR WITH THE AMENDMENT IN THE AMEMDMENT REPORTED FROM CONFERENCE IN DISAGREEMENT ON HOUSE CONCURRENT RESOLUTION 91

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 243 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 243

Resolved, That upon the adoption of this resolution it shall be in order, clause 2 of rule XXVIII to the contrary notwithstanding, to consider the conference report and amendment reported from conference in disagreement on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986. The Senate amendment reported from conference in disagreement, and the motion to recede and concur therein with an amendment printed in the joint statement of managers accompanying the conference report, as modified by the correction printed in the CONGRESSIONAL RECORD of June 22, 1983, by Representative Jones of Oklahoma, shall be considered as having been read when called up for consideration, and said motion to recede and concur with an amendment shall be debatable for not to exceed two hours equally divided between Representative Jones of Oklahoma and Representative Latta of Ohio.

SEC. 2. The allocations of spending responsibility to committees of the House printed in the Congressional Record of June 22, 1983, by Representative Jones of Oklahoma, shall be considered to be the allocations required to be printed in the joint statement of managers on H. Con. Res. 91 pursuant to section 302(a) of the Congressional Budget Act of 1974 (Public Law 93-344).

The SPEAKER. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the usual 30 minutes, for the purpose of debate only, to the gentleman from Ohio (Mr. LATTA), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 243 waives clause 2, rule XXVIII (the 3-day layover rule) against consideration of the conference report and the amendment reported from conference in disagreement on House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984.

The rule provides that the Senate amendment reported in disagreement and the motion to recede and concur with an amendment printed in the joint statement of managers accompanying the conference report—as modified by the correction printed in the RECORD by Representative JONES of Oklahoma—shall be considered as having been read. Under the rule, the motion to recede and concur with an amendment shall be debatable for up to 2 hours, with the time equally divided between Representative JONES of Oklahoma and Representative LATTA of Ohio.

Finally, the rule provides that the committee spending allocations printed in the CONGRESSIONAL RECORD of June 22, 1983, shall be considered the allocations required to be made by section 302(a) of the Congressional Budget Act of 1974.

Mr. Speaker, the conference committee on House Concurrent Resolution 91 reached a compromise late last Monday on the first budget resolution for fiscal year 1984. Because certain provisions of the agreed upon resolution exceed the scope of the confer-

ence by falling outside of the range between the corresponding House and Senate provisions, the conference committee reported back in technical disagreement. The House managers of the conference intend to offer a motion to recede and concur in the Senate amendment with an amendment consisting of the agreed upon budget resolution. Such a motion is privileged and ordinarily would not need a rule to allow consideration. However, because the House managers of the conference were unable to file their report on Monday, the Committee on Rules has proposed a waiver of clause 2 of rule XXVIII (the 3-day layover rule) to allow consideration of this matter today.

Also, since a motion to recede and concur with an amendment is considered in the House, only 1 hour of debate would ordinarily be allowed. Because of the importance of this matter, however, the rule provides for 2 hours of debate.

Because the statement of managers printed in the RECORD on June 21 contained some typographical and technical errors, House Resolution 243 directs that this statement be modified by the corrections printed in the RECORD of June 22, 1983, by Representative JONES of Oklahoma.

Finally, the Congressional Budget Act of 1974 requires that the section 302(a) committee spending allocations be printed in the joint statement of managers on the concurrent resolution on the budget. Because of the short time allowed for filing this statement, the section 302(a) allocations were not included. House Resolution 243, therefore, provides that the committee spending allocations printed in the RECORD of June 22, 1983, by Representative JONES of Oklahoma shall be considered to be the allocations required by section 302(a) of the Budget Act.

Mr. Speaker, I will not take any time to explain the provisions of the budget resolution to be considered here today. The distinguished chairman of the Budget Committee, Mr. JONES, will do that after we have adopted this rule. I do, however, want to express my strong support for the budget resolution the members of the conference committee have agreed to. I believe it is a fair budget which carefully balances the need to reduce the awesome budget deficits we are facing with our responsibility to provide for national security, spur the recovery of our economy, and meet the legitimate social, educational, and health needs of our citizens.

I also want to state that I am a strong advocate of the congressional budget process. Without such a process, we will never be able to bring Federal spending under control or fairly and efficiently allocate the resources of the Federal Government. I ask everyone here to consider carefully what the failure to adopt a budget resolution this year would do to our ability to function as responsible decisionmakers, and I challenge anyone who is opposed to the budget proposed here today to put forward an alternative which could be adopted by this House and the other body. Because I do not believe such an alternative exists, I believe the failure to adopt this conference agreement here today would seriously jeopardize the future of a meaningful congressional budget process.

Mr. Speaker, I urge adoption of House Resolution 243 and of the budget resolution we will consider after adoption of the rule.

I yield to the gentleman from Ohio (Mr. LATTA) for the purposes of debate only.

□ 1030

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you know, the majority leadership is attempting to push through today a budget resolution which is not a responsible approach to the economic problems facing this Nation.

Yesterday afternoon in the Rules Committee a rule was reported waiving the usual requirement that a conference agreement be available for 3 days before consideration of the rule. Thus many Members will not have an adequate opportunity to study the contents of the budget resolution nor will the American people have an opportunity in this short period of time to review it.

The rule provides for 2 hours of debate. I might say if I had objected yesterday and offered an amendment we would be here today with only 1 hour of debate on 859 billion dollars' worth of spending for fiscal year 1984.

Also, Mr. Speaker, I think it is well to point out that in this budget resolution, buried deep, where not very much light can be shed upon it, there is a paragraph raising the level of the public debt. For fiscal year 1983 the level of the public debt would be $1,389,200,000,000 and for fiscal year 1984, $1,607,450,000,000.

For fiscal year 1985 the appropriate level of the debt would be $1,804,000,000,000 and for 1986 $1,993,750,000,000.

Mr. Speaker, we are not talking about small figures. We are talking about some large figures and some heavy expenditures and more debt for our grandchildren.

Yet, we are only going to be talking about it here today under this rule for 2 hours.

Mr. Speaker, as far as the rule otherwise is concerned, I have no objection to it. But the conference substitute is something that needs a lot of light today for the American people to understand it because it calls for $73 billion in new taxes over the 3 years, $12 billion in new taxes for fiscal year 1984, $15 billion in new taxes for fiscal year 1985, and $46 billion in fiscal year 1986.

It also reverses a trend that was started 2½ years ago to rebuild this Nation's defenses. It will start us on a glidepath downward and certainly I think it is most important that we examine thoroughly what is happening to our defenses under this budget resolution.

Mr. Speaker, I will have more to say about the resolution itself under the general debate on the resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I am going to try to be calm, cool, and collected and not be shrill, because I am sure we will hear that as the day goes along. But I would like to advise my colleagues, since we are talking about the rule, that this rule is defective by itself.

This rule does waive the 3-day rule. It is very curious that when it is convenient for the majority to be able to complain about making sure we comply with the rules that everybody has had a chance to see the budget, then that is all right. But when we want to shove it right through, take it up on the same day we are taking up the tax bill, then, all of a sudden, it is all right to waive the 3-day rule.

It was said yesterday in the Rules Committee by the chairman that the Members have had 2 days to look at the conference report. The rules require 3 days. Why have we not complied with the rules? What would have been wrong with considering this on Tuesday or Wednesday of next week to give the Members an opportunity to take a look at what is really in this $859 billion spending bill. But the rule waives that.

Also, the request that came from the Budget Committee would have only allowed for 1 hour of debate, as the distinguished ranking minority member of the Budget Committee pointed out.

Now, the rules under which we would have ordinarily proceeded would have allowed 5 hours, but because it was being brought up with an amendment in disagreement, because of that technical deviation we would have had only 1 hour. We now have 2 hours to discuss this "great instrument of budget restraint" that we have before us.

So do not believe that this is a nice, unoffensive rule. It is not. It does waive a very important rule and we do have only 2 hours to debate this issue.

I would like to speak briefly about the process itself. I, like the gentleman from South Carolina, have supported the Budget Act from its inception. I

voted for it in the beginning. I think we should try to make it work.

I know that there are attacks on the budget process from some of the authorizations committees and the Approporiations Committee, but I say to the distinguished chairman of the Budget Committee and his lieutenants who are sitting with him here on the floor today, this budget resolution does great damage to the budget process.

As a matter of fact, what we are doing here today may not be praising the budget. In fact, it may be burying it right here along with the budget process. We are doing a great disservice.

What I do not understand is why we made it so political this year. In the past we had a tacit understanding around here that we would expect politics on the budget process in election years. But this time we started to play politics with the process early, often, and the budget has wound up in the same way as it started, as a political document, a partisan political document. That is all it is. Everybody knows it.

We probably ought to ask unanimous consent to go ahead and vote and dispense with the debate, because it is strictly a political document and we all know that.

And the American people know that, too. We are not fooling them. Nobody is fooling them.

But I do worry that we are undermining the whole Budget Act. When we go back home and try to explain to our constituents that for years we never had a budget process, that we just added up the bottom line and only looked at what is coming in and what is going out, they do not understand how we could have operated that way.

Since 1974 we have been trying to make the budget process work. Occasionally we have made it work. I think it worked in 1980 under a Democratic President. It worked in 1981. It did not work too beautifully in 1982, but we have been making an effort.

This budget undermines the process and the advantage that we have gained in the past 3 years. Is this the best we can do? No, this is a requiem for disaster—it should collapse in a pile of irrelevant ashes.

We have defeated budgets in the past, and we have come back again and again until we finally pass a budget resolution. I want you to think about that fact. It would not hurt a thing; in fact, we might improve this budget resolution if we defeated it. We could even save a lot of time if we just defeated the rule to stop this process right now.

But I want my colleagues from Oklahoma, California, Missouri, and Texas, and from Indiana and South Carolina to think about this: Can you go back home and defend this kind of spending increase, tax increase and cuts in defense spending?

I do not apologize for the latter at all. We have cut what the President asked for in defense at least in half. If you will look at the appropriations bills that have been coming through this body, so far, every one of them have been over the budget except two: The military construction bill, which we passed, and the defense bill. They are the ones that stay within the budget every year. Everything else exceeds the budget.

I want you to go back home and defend this budget resolution, and I tell you that you going to have to, and you are going to hear about it often.

Let us give this abomination a quiet, peaceful burial right now and defeat the rule. But if, for heaven's sake, we pass the rule, let us look at the substance of this resolution and admit that we can do better, defeat it, and come back with a better resolution.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I think at the very outset of the whole day's business today we ought to be honest with the American people and just say at the outset that today is a day devoted to politics, pure and simple. Today is not a legislative business day. Today we are dealing with politics.

The budget resolution we are dealing with is a political document. We all know it. It is never going to be implemented into law.

No reconciliation bill is going to pass calling for $73 billion in new taxes over the next 3 years to implement the budget resolution. We all know that.

I do not think the Congress is going to pass that big a tax increase, but if they did, the President will veto it. We all know there are more than enough votes in either House to sustain that veto.

The Ways and Means Committee chairman has already said on numerous occasions he cannot pass that much in taxes. We are not even sure the committee could give you that kind of a bill, much less pass it in the Congress or have it signed by the President. So let us just face it. The budget resolution we have today is just a political document and all of the debate and all of the rhetoric is just politics. We might just as well vote and save everybody a lot of time and save the money of printing the CONGRESSIONAL RECORD with all of this debate.

Second, the second item of business of today is the tax cap, which is not a tax cap. But we will talk about that later.

But that, likewise, is just a political act. That is not going anywhere either. Everybody knows that the President is going to veto that bill, and the other body probably will not even take it up. But if they did the President would veto it and, again, there are more than enough votes to sustain that veto.

So today, Thursday, is just a day of politics. It is a day of positioning, I suppose, for national elections. It is a day to give speeches and to make all kinds of sounds for the economy.

But, my colleagues, it is a wasted day. It is just a day of politics that is not going anywhere, not going to accomplish anything.

We would do better to go home and talk to our constituents about more meaningful things, or take up other forms of legislation, because this is not legislation.

We ought to let the American people know that at the outset.

This is politics pure and simple. That is all it is. And it is bad politics at that.

It is more of the taxing and taxing and taxing and spending and spending and spending, doing nothing for the ultimate budget deficit or problems facing this country.

I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. LOEFFLER).

□ 1045

Mr. LOEFFLER. I thank the Speaker.

Mr. Speaker, we are today in a position to say to all Americans that economic recovery is underway. In fact, all economic indicators are very positive, but for one indicator. Our worst economic indicator is the U.S. Congress.

The House budget resolution which was brought to us earlier in the year, was irresponsible. The Senate did no better and the conference has come out with something that can be labeled as the most ridiculous budget resolution ever to be brought to us out of conference. In fact, it means we are returning again to the past 20 years of a high spending, high taxing Congress.

In my judgment, this reflects economic shortsightedness, political gluttony, and legislative buffoonery. It is a vicious device for building in even greater looting of the American people than we have seen in the past. The U.S. Congress is ducking its fiscal responsibility, there is no question about it.

Mr. Speaker, this budget resolution which we will be debating later during the course of the day is one that reflects an increase in domestic spending over and above what the President asked for, an increase in taxes, a reduction in defense, and an increase in the deficit for fiscal years 1983 and 1984.

This is precisely what has precipitated the past spirals of increased inflation, higher interest, greater unem-

ployment. Today we have an opportunity to vote down such an irresponsible budget and allow the Congress to work in a responsible, credible way to give the Nation guidance and direction from fiscal policy that can sustain a recovery that is underway.

As we look at the domestic spending, the increase in domestic spending will mean greater deficits which will bring about greater inflation and higher interest; it will begin to wreck the positive strides that are now underway.

Higher taxes do nothing but stifle productivity and take away individual initiative and economic incentives which in turn will prevent the creation of real and lasting jobs that are so necessary.

In my judgment, no nation can tax itself into prosperity. In fact, it is analogous to standing in a bucket and trying to lift yourself out by the handle; it just will not work

In addressing the defense figures, the President had asked for a 10-percent real increase in defense spending. The budget resolution before us today calls for a real increase of defense spending in the range of 5 percent for fiscal year 1984.

I believe we need more. The 10-percent request was not sacrosanct, nevertheless 5 percent came out of conference because, in fact, the House-passed version had such an imprudent low ball figure of 2.8 percent real increase in defense spending.

Mr. Speaker, Washington's greed for spending far exceeds the taxpayers' desire and certainly ability to pay for all the programs that are outlined in this budget resolution before us.

As we go through the course of this debate today I am hopeful that Members on the Democratic side of the aisle will join us on the Republican side of the aisle to defeat this irresponsible budget resolution. If we must, let us go back to the Budget Committee, come out with something that is effective and that will work and that does not stifle our recovery and injure our Nation's defense policy.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I will be happy to yield to my colleague from Texas.

Mr. KAZEN. I thank the gentleman.

Mr. Speaker, my distinguished colleague knows how much I think of him and how much I admire him, how much I respect him. Would he not agree with me that what we have here today is also the product of the other body which is controlled by the gentleman's party and that were it not for that we would not have this bill here today?

Mr. LOEFFLER. As far as this gentleman is concerned, the House passed budget resolution which was forced through by the opposite side of the aisle from me in this body was absolutely ridiculous and the Senate-passed budget resolution was no better than ridiculous. So, I will defend neither body's budget resolution because I believe they both failed to meet the need of the American people, both from the standpoint of taxing policy, domestic spending policy; and as the gentleman and I have agreed so often, in the area of defense policy as well.

Mr. KAZEN. That may be so, my colleague, but when it comes to finger-pointing let us make sure that finger is straight and points at the target.

Mr. LOEFFLER. This gentleman will point fingers at all culpable entities including those on the other side of the Capitol.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman.

Mr. LATTA. Let me point out to the House and to the gentleman something that he seems to have overlooked about the passage of the budget in the Senate.

He indicated the Senate was controlled by the Republicans; that is absolutely true. But that budget resolution passed with 29 Democrat votes, 21 Republicans.

So, it was a Democratic budget that passed the Senate.

Mr. LOEFFLER. I thank my distinguished colleague.

Mr. MARTIN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman.

Mr. MARTIN of North Carolina. Further, with regard to the support for this resolution in the other body, where there is indeed a majority of our party, does it not follow from what the gentleman from Ohio (Mr. LATTA) said that the majority of the Republicans in the other body voted against this resolution? It was only a minority of our party in the other body that supported this resolution.

So, it is hardly the work of our party.

Mr. LOEFFLER. I thank the gentleman and I urge my colleagues to defeat this rule and in the event that this passes to defeat the budget resolution which we will soon be debating.

I thank the Speaker.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the rule.

In my judgment the several hours of debate provided by the rule are insufficient for us to debate what is in the budget, and it is insufficient to give us the time to scrutinize the budget so we know what the House is voting on.

I note for the record that we had hours and hours of debate when the House budget came to the floor the first time. We had 4 hours of debate on the Humphrey-Hawkins bill. And that was only preliminary. Now, we have the main event, and this rule will restrict our debate to only 2 hours.

Two hours of debate, it strikes me, is hardly adequate to discuss $860 billion of mandated spending. This is also inadequate to discuss the extraction of $680 billion in taxes from the American people.

A responsible rule would allow more debate. Then it would be far easier to show the disastrous effects of this big spending budget resolution.

The budget resolution was an impossible compromise. The conferees, of whom I was one, worked very hard to produce a responsible budget, and to preserve the budget process.

However, one cannot reconcile a letter to Santa Claus, as the House budget was, with a liberal budget, which the Senate budget was.

And there was no way you could put those two together and make them spell "mother." We put them together and all they spell is "money."

There are many among us who say we must preserve the budget process at any cost. We must pass a budget whether it is any good or not.

I should like to state simply that for my part the process cannot be worth more than the product. And in this case the product is not worth anything.

The process has failed to give us a budget resolution that provides for a responsible fiscal policy. Therefore we have no reason to support the process.

Because we do not have time enough for debate of the failed product of the failed process, we have no reason to support the rule.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Thank you, Mr. Speaker.

First of all, let me say that we are today talking about a Democratic budget that as the gentleman said earlier in the Senate a majority of the votes for this budget were Democratic votes and that the Senate committee chairman, in his eagerness to preserve the process, destroyed the substance.

This is a budget which no Conservative and no Republican who seriously cares about the President's program could possibly vote for.

In a different sense I think this is 4-D day, deceitful disaster day for the Democrats.

Unfortunately it is also a disaster for the American people. It is little wonder that the leadership is putting all of their economic insanity into 1 day, it is little wonder they postpone 1 minute, it is little wonder they shorten the time for the debate.

For the longer the American people look at today's two actions I think the more angry they will become.

This liberal Democratic budget is an assault on working Americans, this lib-

eral Democratic budget threatens the recovery; by higher spending, bigger deficits and higher taxes it will push interest rates higher, it will slow down savings, it will kill jobs.

This liberal Democratic higher interest rate budget will cripple the recovery and the recovery is the best jobs program we have had.

In the last few months hundreds of thousands of Americans are being put back to work. Liberal Democrats who claim they care about unemployment are now proposing a budget which will in fact increase unemployment, abort the recovery, and extend misery for millions of Americans.

Despite the higher unemployment promise by the liberal Democratic budget it is a legitimate budget philosophically; despite the higher taxes promised by the liberal Democratic budget it is a legitimate budget, philosophically; despite the higher spending and higher interest rates offered by the liberal Democratic budget it is a legitimate budget, philosophically. I can understand why radical Democrats and liberal Democrats would vote for the budget. They believe in big spending, in higher taxes, they believe in larger Central Government.

However, the tax increase they will vote for later on today surprises me. The liberal Democratic tax increase offered today hits working couples, it hits small business, it hits small farmers, it will cripple savings.

Imagine, at $35,200 in taxable income a couple will have the highest tax, a higher tax increase than any other level except $45,000.

If you are rich, if you pay on above $85,000 in taxable income you are going to be all right; the liberal Democrats have taken care of you.

But at $35,200 taxable income a couple will face a 30-percent increase in the rates they are paying, the second highest jump and a jump exceeded only at $45,000.

Now, frankly, if the Speaker thinks that working couples with $35,000 income are rich, and they ought to vote Republican, I would gladly embrace every couple in America whose taxable income is $35,000.

The truth is, and every Member who has been involved in this debate knows this, the truth is that no one who is genuinely rich is affected by this cap, by this tax increase.

The truth is that Democratic Study Group originally proposed cutting the rich's tax rate from 70 to 50 percent, that the Democratic Ways and Means majority, passed out that tax lowering, that the rich are not affected, that the rich are laughing all the way to their accountant, because in fact, this is a targeted upper middle class tax increase aimed right at working couples and it peculiarly affects working couples. It is an incentive for divorce to avoid the Democratic tax increase.

In fact, this tax increase is I think a denial of most of the rhetoric of liberal Democrats.

However, since liberals and radicals genuinely believe in higher taxes it is understandable today they will vote for higher taxes.

If the key question for 1984 is "Who will spend your money?", liberal and radical Democrats can honestly answer they want to reach into your pocket and spend your money. That is a legitimate, honest, ideological position, ably represented by the Budget Committee in its efforts.

However, I am surprised and saddened to see some Democrats who know better and who do not believe in that, giving in.

The gentleman from Oklahoma, in particular, offered an amendment which was legitimate and I have here a copy of the original amendment, an amendment whose last sentence said,

For purposes of the preceding sentence only action which will reduce outlays below $849 billion in fiscal year 1984 will be considered.

In the Rules Committee, the liberal and radical Democrats changed that to say that in fact it is a phony amendment. They cut out the operative sentence which made any sense.

And I beg my colleagues across the aisle, I expect all the liberals and radicals to vote for their budget, I expect them to vote for the tax increase.

Do not deceive yourselves or the people back home, I candidly do not know what you are doing.

But you know if you look at it in your heart that the Rules Committee version of that amendment is totally phony, it is inoperable, it will never happen, it is false and to go back home and hide behind that as an excuse to vote to raise taxes on working couples is indeed shameful and I think that amendment ought to be called the "Shame on you" amendment.

I thank the Speaker.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

□ 1100

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I will not get into the substance of the debate on the budget because we will have time for that in the general debate.

I merely want to clarify and correct some of the misimpressions that have been laid before the body in the debate on the rule.

The reason this rule was necessary, to have a 2-day instead of a 3-day layover, is that Monday of this week, when we asked for unanimous consent to have until midnight Monday night to file the conference report, normally speaking, the courtesy of the House grants that unanimous consent. The other side of the aisle objected to that, therefore, we had to go to the Rules Committee.

As far as the time limit for the debate on this, we are not setting any new precedents in discussing a budget resolution.

Normally a budget conference report in technical disagreement has been given 1 hour of debate, under House rules, not 2.

So I think this is a good rule. I think it ought to be adopted.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MARTIN of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 150, not voting 17, as follows:

[Roll No. 211]

YEAS—265

Ackerman	D'Amours	Hall (IN)
Addabbo	Daniel	Hall (OH)
Akaka	Daschle	Hall, Ralph
Albosta	de la Garza	Hall, Sam
Anderson	Dellums	Hamilton
Andrews (NC)	Derrick	Hance
Andrews (TX)	Dicks	Harkin
Annunzio	Dingell	Harrison
Anthony	Dixon	Hatcher
Applegate	Donnelly	Hawkins
Aspin	Dorgan	Hefner
AuCoin	Dowdy	Hertel
Barnard	Downey	Hightower
Barnes	Durbin	Horton
Bates	Dwyer	Howard
Bedell	Dymally	Hoyer
Beilenson	Dyson	Hubbard
Bennett	Early	Huckaby
Berman	Eckart	Hughes
Bevill	Edgar	Hutto
Biaggi	Edwards (CA)	Ireland
Boggs	English	Jacobs
Boland	Erdreich	Jenkins
Boner	Evans (IL)	Jones (NC)
Bonior	Fascell	Jones (OK)
Bonker	Fazio	Jones (TN)
Borski	Ferraro	Kaptur
Bosco	Flippo	Kastenmeier
Boucher	Florio	Kazen
Boxer	Foglietta	Kennelly
Breaux	Foley	Kildee
Britt	Ford (MI)	Kogovsek
Brooks	Ford (TN)	Kolter
Brown (CA)	Fowler	Kostmayer
Bryant	Frank	LaFalce
Byron	Frost	Lantos
Carper	Fuqua	Leath
Carr	Gaydos	Lehman (CA)
Chappell	Gejdenson	Lehman (FL)
Clarke	Gephardt	Leland
Clay	Gibbons	Levin
Coelho	Gilman	Levine
Coleman (TX)	Glickman	Levitas
Collins	Gonzalez	Lipinski
Conyers	Gore	Lloyd
Cooper	Gray	Long (LA)
Coyne	Green	Long (MD)
Crockett	Guarini	Lowry (WA)

Luken	Pease	St Germain
Lundine	Penny	Staggers
MacKay	Pepper	Stark
Markey	Perkins	Stenholm
Matsui	Pickle	Stokes
Mavroules	Price	Stratton
Mazzoli	Pritchard	Studds
McCloskey	Rahall	Swift
McCurdy	Ratchford	Synar
McHugh	Ray	Tallon
McKinney	Reid	Tauke
McNulty	Richardson	Tauzin
Mica	Rinaldo	Thomas (GA)
Mikulski	Rodino	Torres
Miller (CA)	Roe	Torricelli
Mineta	Roemer	Traxler
Minish	Rose	Udall
Mitchell	Rostenkowski	Valentine
Moakley	Roukema	Vandergriff
Mollohan	Rowland	Vento
Montgomery	Roybal	Volkmer
Moody	Russo	Walgren
Morrison (CT)	Sabo	Watkins
Mrazek	Savage	Waxman
Murphy	Scheuer	Weaver
Murtha	Schneider	Weiss
Natcher	Schroeder	Wheat
Neal	Seiberling	Whitley
Nelson	Shannon	Whitten
Nichols	Sharp	Williams (MT)
Nowak	Shelby	Wilson
Oakar	Sikorski	Wise
Oberstar	Sisisky	Wolpe
Obey	Skelton	Wright
Olin	Slattery	Wyden
Ortiz	Smith (FL)	Yates
Ottinger	Smith (IA)	Yatron
Owens	Smith (NJ)	Young (MO)
Panetta	Snowe	Zablocki
Patman	Solarz	
Patterson	Spratt	

NAYS—150

Archer	Gregg	Nielson
Badham	Gunderson	O'Brien
Bartlett	Hammerschmidt	Oxley
Bateman	Hansen (UT)	Packard
Bereuter	Hartnett	Parris
Bilirakis	Hiler	Pashayan
Bliley	Hillis	Paul
Boehlert	Holt	Petri
Broomfield	Hopkins	Porter
Brown (CO)	Hunter	Pursell
Broyhill	Hyde	Quillen
Burton (IN)	Jeffords	Regula
Campbell	Johnson	Ridge
Carney	Kasich	Ritter
Chandler	Kemp	Roberts
Chappie	Kindness	Robinson
Cheney	Kramer	Rogers
Clinger	Lagomarsino	Roth
Coats	Latta	Rudd
Coleman (MO)	Lent	Sawyer
Conable	Lewis (CA)	Schaefer
Conte	Lewis (FL)	Schulze
Corcoran	Livingston	Sensenbrenner
Coughlin	Loeffler	Shaw
Courter	Lott	Shumway
Craig	Lowery (CA)	Shuster
Crane, Daniel	Lujan	Siljander
Crane, Philip	Lungren	Skeen
Dannemeyer	Mack	Smith (NE)
Daub	Madigan	Smith, Denny
Davis	Marlenee	Snyder
DeWine	Marriott	Solomon
Dickinson	Martin (IL)	Spence
Dreier	Martin (NC)	Stangeland
Duncan	Martin (NY)	Stump
Edwards (AL)	McCain	Taylor
Edwards (OK)	McCandless	Vander Jagt
Emerson	McCollum	Vucanovich
Evans (IA)	McDade	Walker
Fiedler	McDonald	Weber
Fields	McEwen	Whitehurst
Fish	McGrath	Whittaker
Forsythe	McKernan	Williams (OH)
Franklin	Michel	Winn
Frenzel	Miller (OH)	Wolf
Gekas	Molinari	Wortley
Gingrich	Moore	Wylie
Goodling	Moorhead	Young (AK)
Gradison	Morrison (WA)	Young (FL)
Gramm	Myers	Zschau

NOT VOTING—17

Alexander	Heftel	Smith, Robert
Bethune	Leach	Sundquist
Erlenborn	Martinez	Thomas (CA)
Feighan	Rangel	Towns
Garcia	Schumer	Wirth
Hansen (ID)	Simon	

□ 1115

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Erlenborn against.

Mr. Garcia for, with Mr. Thomas of California against.

Mr. Heftel for, with Mr. Sundquist against.

Mr. Rangel for, with Mr. Robert F. Smith against.

Mr. Towns for, with Mr. Hansen of Idaho against.

Messrs. LEWIS of California, WINN, and BOEHLERT changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONSIDERATION OF THE BILL MAKING APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA FOR FISCAL YEAR 1984

Mr. DIXON. Mr. Speaker, I ask unanimous consent that it be in order to consider the bill making appropriations for the Government of the District of Columbia for the fiscal year ending September 30, 1984, section 303(a) of Public Law 93-344 to the contrary notwithstanding.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1183, TAX RATE EQUITY ACT OF 1983

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and amendments made in order by this resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except: (1) the amendments recommended by the Committee on Ways and Means now printed in the bill, which shall not be subject to amendment, and all points of order against the amendment recommended by the Committee on Ways and Means now printed on page 2, lines 6 through 17 for failure to comply with the provisions of clause 7, rule XVI are hereby waived; and (2) the amendment printed in the Congressional Record of June 22, 1983 by, and if offered by, Representative McCurdy of Oklahoma, said amendment shall not be subject to amendment but shall be debatable for not to exceed thrity minutes, to be equally divided and controlled by Representative McCurdy and a member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 242 provides for the consideration of H.R. 1183, to proceed to the consideration of H.R. 1183 in an orderly and expeditious manner, House Resolution 242 provides for a modified closed rule, allowing for general debate. The rule makes in order committee amendments adopted by the Committee on Ways and Means which are to be considered under the 5-minute rule, and an amendment printed in the CONGRESSIONAL RECORD of June 22, 1983, by, and if offered by, Mr. MCCURDY which is debatable for 30 minutes. Neither the committee amendments nor the amendment to be offered by Representative MCCURDY are themselves amendable under the rule.

House Resolution 242 provides that after 2 hours of general debate, the bill shall be considered for the purposes of amendment under the 5-minute rule and that the bill shall be considered as read. The Committee of the Whole would then consider the amendments to be offered by the Committee on Ways and Means under the 5-minute rule. After consideration of the committee amendments, the rule provides for the consideration of

the McCurdy amendment for a period of time not to exceed 30 minutes. None of the amendments made in order are amendable. Finally, during consideration of H.R. 1183 in the House, the rule provides for one motion to recommit.

In order to allow the House to consider H.R. 1183 in an expenditious manner, it was necessary to waive points of order against its consideration pursuant to clause 2(l)(6) of rule XI, which prohibits the consideration of a measure until the third day on which a report on such measure is available to the House. H.R. 1183 was ordered reported on June 16, but the report was not filed until June 21 to allow Members time to file minority views. Consequently, the bill could not be considered today without the waiver.

The rule also waives points of order against the consideration of the first committee amendment and the amendment to be offered by Representative MCCURDY for failure to comply with clause 7 of rule XVI, which requires that amendments to a measure be germane to the measure. The first amendment to be offered by the committee specifies that any revenues raised by the tax rate changes in the bill should be used to reduce the deficit. In addition, the amendment to be offered by the gentleman from Oklahoma (Mr. MCCURDY) would repeal the tax rate changes in H.R. 1183 on January 1, 1984, unless an equivalent level of outlay reductions is enacted by that date. Both of these amendments contain provisions not germane to the bill as introduced and therefore require a waiver of clause 7, rule XVI.

House Resolution 242 provides for the consideration of H.R. 1183, to amend the tax rate changes contained in the Economic Recovery Tax Act of 1981 (ERTA).

On July 1, 1983, the third year tax cut mandated by ERTA will become effective. H.R. 1183 would limit the maximum resulting tax savings available to individual taxpayers in 1983, 1984, and years following.

The bill would affect only taxpayers filing joint returns reflecting approximately $45,000 of adjusted gross income (or $35,200 of taxable income), and single taxpayers filing returns of $35,000 in adjusted gross income (or $28,000 of taxable income).

Under the provisions of the bill, taxpayers filing joint returns for 1984, could realize no more than $720 in tax reductions. The maximum reduction for single taxpayers would be $637 and heads of households could receive no more than $673. Because the 1983 tax cut does not take effect until July 1, the maximum allowable tax savings applicable to tax year 1983 would be one-half these savings cited for tax year 1984.

H.R. 1183 as reported would also provide that all revenues raised by establishing an upper limit on allowable tax reductions would be applied toward reducing the Federal budget deficit.

The Committee on Ways and Means estimates that by so limiting tax savings, $6.2 billion can be raised in fiscal year 1984 and an additional $39 billion can be raised through fiscal year 1988.

Mr. Speaker, both the Federal budget deficits we are currently experiencing and those that have been projected by the CBO are of a frightening and unprecedented magnitude. Even the administration projects a Federal budget so submerged in red ink that a fiscal catastrophe is imminent if Congress does not generate sufficient political will to take action to reduce these deficits. Adoption of this rule will allow the consideration of the first piece of legislation to be considered by the 98th Congress that will reduce the deficit by beginning to restore this Nation's shattered revenue base.

This rule also addresses the concerns of many Members on both sides of the aisle that today's action not be confined to revenue restoration but instead be directed toward reductions in spending beyond those already called for in House Concurrent Resolution 91, the first concurrent resolution on the budget. Accordingly, the rule makes in order the amendment to be offered by Representative MCCURDY of Oklahoma. The McCurdy amendment repeals the tax rate changes of H.R. 1183 unless legislation to reduce Federal spending by an equivalent amount to the revenue increase in the bill is enacted by the end of this year. Although Representative MCCURDY's amendment is clearly beyond the scope of H.R. 1183, which concerns itself solely with revenues, the Committee on Rules crafted a rule to allow the House to work its will on the spending issue.

I would like to emphasize two points with respect to the McCurdy amendment made in order by the rule. The revenues restored by H.R. 1183 would only partially fulfill the mandate of the conference agreement on the bipartisan budget resolution. The budget resolution, reflecting a consensus between the House and the other body, require a $12 billion increase in fiscal year 1984 revenues, of which H.R. 1183 would account for only half. On the other hand, the McCurdy amendment would mandate spending cuts of $6 billion, a sum far beyond the outlay reductions required in the budget agreement.

The McCurdy amendment made in order is specifically designed to ensure true spending reductions not tied to an arbitrary baseline. This takes into account the sensitivity of the outlay projections in the budget resolution to economic trends. For example, many of my colleagues on the other side of the aisle have been concerned that the economic assumptions used in the budget resolution are too pessimistic to reflect the hoped-for economic recovery. If more optimistic assumptions do prove true, bringing with them outlay reductions, them reductions below a preset baseline would be automatically achieved without legislative savings. Consideration of the amendment without reference to the outlay levels in the first concurrent budget resolution will endure that the House has a chance to vote on real, rather than possible spending cuts.

I would add that the heart of the first concurrent resolution on the budget for fiscal year 1984 is the reconciliation instructions requiring committees to cut spending or increase revenues. Those who doubt the sincerity of the amendment to be offered by the gentleman from Oklahoma will have the opportunity to vote for real deficit reduction when the conference report on the budget resolution is before us later today.

Mr. Speaker, even today, even at this late date, we will hear that the administration's 1981 tax bill was fair because it was across-the-board, as if the measure existed in a vacuum and that single assertion contained all that needed saying. The Members of this House know better.

David Stockman himself laid out the facts as far back as 1981 in his famous interviews that lead to the Atlantic article:

> The so-called across-the-board tax cut was always a trojan horse to bring down the top rate . . . the rest was secondary.

Yet, this was only the beginning of the problems. This Congress has historically recognized the regressive nature of our social security tax and adjusted personal income taxes to restore equity. The 1981 tax cut did not.

Today, we can no longer avoid the costs of the 1981 tax bill. While working families with $25,000 incomes will actually see a slight tax increase, those making more than $200,000 will receive a 15-percent tax cut.

These are not the priorities of the American people and we can abandon their priorities with only the greatest risks.

The equity of our tax system is more than a mere academic issue. It is the foundation of this body's ability to call upon its citizens. It is the most basic expression of the values held dear by our Nation.

H.R. 1183 moves decisively to correct the inequities of the 1981 tax bill. Those who say it comes at the expense of the middle class confuse the facts. A full 89 percent of the new revenues raised by this bill come from those making over $50,000 a year, a full 60

percent from those making more than $75,000.

What is the alternative to H.R. 1183 offered by the administration? It is the contingent tax increase outlined in the administration's budget. That alternative is the final measure of today's debate.

In the face of the present deficit, this body can vote today to control interest rates or it can hide behind a shadow tax and wait until tomorrow, hoping the wait itself will not cause further damage.

In the face of the tax inequities of the 1981 bill, this body can restore fairness to our tax code by a graduated tax, or it can wait until tomorrow and enact an additional, regressive energy tax and compound the inequities of the 1981 bill with an across-the-board surtax.

Each Member knows that it is always hard to raise taxes, but the deficits at hand leave us no choice except as to the means. I, for one, am proud of the means chosen by H.R. 1183, it is the choice of political responsibility.

Mr. Speaker, this is a fair rule, it is a good rule. I urge its adoption.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this tax increase clearly illustrates the difference in the philosphy of the Democratic Party and the Republican Party. Let us not kid ourselves. This rule makes in order a tax increase for the American people. And this House must not stand idly by and see this happen.

Our economy is on the road to recovery. The 10-percent tax cut effective July 1 is now law. When you put a cap on the tax reduction, then what you are doing is adding a tax over what current law provides. It really is a jobs disruption bill rather than a cap on the income tax reduction of $700. If we choose to let the Government take these tax dollars, instead of letting the taxpayer keep them, we will be soaking up money that could be in circulation in the private sector, creating jobs and helping the economy.

I am proud of the progress we have made over the last 2 years in our economic recovery. I would think we would know that the Democratic Party is a spend, and spend, and spend, and tax, and tax, and tax party. The Republican Party wants to give the American middle-class people a tax break so that they can put more money into the economy, create jobs, and help our recovery go forward at a greater speed. It is time we told the American people the facts in this case. We should not use smoke and mirrors to fool them. The people who will suffer the most are two-earner couples, with both husband and wife having to work just to keep up with the inflation of the seventies. They will not be able to buy the home or the new car they want. They will not be able to make the purchases that will create jobs for their fellow Americans.

□ 1130

That is why this truly is a jobs disruption measure, and a tax increase that the American people will not stand idly by and let it happen. The full 10-percent tax decrease should go into effect July 1, and we should not change that policy.

Over the years we know that our debt limit has increased to a shocking level. Here the Democratic Party wants a tax increase. They do not call for a reduction in spending. To me it would be a greater thing for this House to tighten down and cut expenditures in the wasteful and unnecessary programs, rather than putting a smokescreen out. Actually, what we are doing is taking the money out of the pockets of the people who deserve it more than anyone else.

Take the two-earner family. This measure as proposed by the Democrats cuts the tax reduction of those people, and has the effect of cutting the marital deduction that was put into effect in 1981. We know that the maritial deduction was a very favorable thing when it took effect. This bill seeks to tell such couples with just over $35,000 in joint income that their marginal tax rate will increase 9 percent. That is a tax increase.

I would ask this House, the Members of this House, to think before voting. Vote down the previous question. Vote down this rule. And then if it comes to pass that we must vote on final passage of the measure, let us vote against it. Let us not continue to deceive the American people. I think we have to face up to the fact that this is a tax increase, just a plain and simple tax increase. Let us vote it down.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. McCURDY).

Mr. McCURDY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this rule because I believe it is a fair rule. I believe it is important that we address the question today of the deficit. I believe that my colleagues on the other side of the aisle have defaulted on the issue of deficits. They have not even presented a budget. The budget that President Reagan submitted was not even introduced by the Republicans in the House.

I think it is important for us to realize that the deficits are the biggest danger and threat to economic recovery in this country today and we have to move to address them.

Today I will offer an amendment to tie dollar-for-dollar reductions to the revenues raised on this cap. I urge my colleagues to support this amendment. I urge my colleagues to support the rule. It is a fair rule. It is not a perfect rule, but it is one that I wholeheartedly support.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding this time to me.

Mr. Speaker, if the gentleman from Oklahoma would stay at the microphone, I would like to ask him a few questions about this dollar-for-dollar cut.

I would like to first ask: What are we using as our benchmark in order to see if, in fact, there has been a cut in spending? What are we measuring from?

Mr. McCURDY. If the gentleman would yield, I would say to my colleague from Texas that if a budget resolution is adopted today, which I assume will be adopted, then it is my belief that the language when we consider it, and by the way, I will be glad to address this in more detail when I offer the amendment, that the figures which will be used are outlay figures in fiscal year 1984, and I am assuming if a budget is adopted today, that the budget outlay figure adopted will be the figure that we will use as a benchmark.

Mr. GRAMM. So the gentleman is saying that the outlay figure contained in the budget will be the figure the cuts are made from?

Mr. McCURDY. That is my interpretation, yes.

Mr. GRAMM. Now, is that in the amendment?

Mr. McCURDY. Outlay figures for fiscal year 1984 is the specific language in the amendment.

Mr. GRAMM. The amendment actually says outlay figures for 1984 as adopted in the 1984 budget. It was my understanding that the portion of the bill that set out a benchmark was struck, and I think this is important because we in this House adopted a budget last year with a commitment that we would get $3 in cuts for every dollar in revenues.

When we asked the Secretary of the Treasury to go back and figure what we actually got, we got 57 cents of spending cuts for every dollar in revenues.

The SPEAKER. The time of the gentleman from Texas (Mr. GRAMM) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Speaker, we are talking about a permanent tax increase, but do we have assurance that we will have a permanent spending cut? Is there any assurance that this will tighten eligibility requirements for an entitlement to give us a continuing spending reduction over future

years equivalent to this amount, or are we simply hoping to get $6 billion of cuts—with no baseline to define it this year—in return for a permanent increase in taxes on middle-class Americans?

Mr. McCURDY. If the gentleman would yield further, I would say to the gentleman that I think this is a step in the proper direction, a step in the right direction, and that we are facing today what I have been trying to express on this side of the aisle: that we believe that the money raised, the revenue raised by this tax cap should go to reducing the deficit and should be applied to the deficit. We have gone one step further by indicating that we believe this should be accompanied by a dollar-for-dollar reduction.

Mr. GRAMM. Mr. Speaker, if I may reclaim my time, let me make this point: First of all, before we ever vote on this tax increase, we are going to vote on a budget that raises the deficit $13 billion above the level recommended by President Reagan, raises taxes by $10 billion, cuts defense by $12 billion, and raises domestic spending by $29 billion.

It seems to me that the gentleman started out with a good intention of defining a baseline and setting out an objective for Congress, although it was in no way binding. We have now what is a phony proposal to allow people to vote to raise taxes in exchange for some claim that we will get spending cuts somewhere down the line, although not cuts defined by a baseline and not specific cuts aimed at achieving permanent savings.

It seems to me that we have seen a legitimate effort turned into a sham.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Speaker, in response to the gentleman from Texas, I would say that there are no absolute assurances. There is never an absolute assurance coming out of this body that what is stated will be achieved, but I can assure the gentleman from Texas that this Member, and I believe a large number of Members on this side of the aisle, are committed to enforcing a reduction dollar for dollar, and furthermore I think our assurances are a heck of a lot better then the one President Reagan gave that he would balance the budget by 1984.

Mr. BONIOR of Michigan. Mr. Speaker, the real sham in this argument is the argument that we need a baseline.

The McCrudy amendment is specifically designed to insure true spending reductions that are not tied to an arbitrary baseline. This takes into account the sensitivity of the outlay projections in the budget resolution and economic trends.

A lot of my colleagues over here on the aisle are saying the economic assumptions in the budget are wrong, they are not optimistic enough, they do not deal with the recovery situation. Well, let us assume that we have these more optimistic assumptions and they do prove true, bringing with them the outlay reductions, reductions in food stamps, reductions in youth unemployment, reductions in unemployment compensation, reductions in welfare costs.

□ 1140

Then these reductions will be below the baseline and we will not have to specifically deal with the $6 billion reduction if we have an arbitrary baseline. I might mention this to my liberal friends on both sides of the aisle: That if in fact the recovery does not take place, if we sputter and get ourselves in a situation where unemployment starts to increase again and where food stamps start to increase again, then that arbitrary baseline or that reduction below the arbitrary baseline will cause a tremendous amount of pain, and those of us on this side of the aisle will have to reduce that $6 billion if we are in fact above—way above it.

So the arbitrary baseline is a sham. It makes no sense, and I would suggest to my colleagues that if we really want to get a true $6 billion reduction in the deficit, we should deal with the McCurdy amendment as put out by the Committee on Rules.

I would like to make a couple of other points. Today, Mr. Speaker, even at this late date, we will hear that the administration's 1981 tax bill was fair because it was, as they say, across the board, as if the measure existed in a vacuum and that a single assertion contained all that need be said on this issue. The Members of this House know better.

David Stockman himself laid out the facts as far back as 1981 in his now famous interview in the Atlantic Monthly when he said, and I quote:

> The so-called cross-the-board tax cut was always a Trojan horse to bring down the top rate. The rest was secondary.

This is the architect of our tax plan who said:

> The so-called across-the-board tax cut was always a Trojan horse to bring down the top rate. The rest was secondary.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentleman from Oklahoma.

Mr. WATKINS. Mr. Speaker, I think the gentleman will agree with me that there is one bold-faced fact that is unquestioned and undebatable. It is that this administration has increased the benefits for the rich, and they have lowered the benefits for the poor.

With this kind of a tax cut, they increase the benefits going back to the more wealthy, and at the same time they are cutting benefits to the lower income people. They have widened the gap between the rich and the poor, those who have and those who have not. This administration's philosophy is that we can afford anything for our brethren who have, but we cannot afford to help the least of these brethren, those who are less fortunate. I think that is wrong—this is a policy that will divide this country.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican Party believes in less taxes. The President has said he will veto this measure, and he will, so it is not going anywhere. This is an operation in frustration.

I would like to say again that it is a plain and simple tax increase, make whatever statement you want about it, but in the end the American people are going to realize that is exactly what it is.

Mr. Speaker, I yield 6 minutes to the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, after today, there will be no doubt in anyone's mind that this is truly the Greatest Show on Earth, and that the Speaker of the House is truly a great ringmaster. I have to hand it to him. The manner in which this bill is being brought before us is a stroke of genius.

Just look at how this was put together. The budget was brought up so fast today few, if any, really knows what is in it. None of us in the opposition have had the time to really make the kind of case that probably ought to be made against it.

It was brought to us in a rush so that the revenue numbers would be in place in time to bring up this tax bill, making it easier for Members to vote a tax increase. But just to make doubly sure the tax increase would not cause too much heartburn, the Rules Committee made in order an amendment coupling the tax increase with spending reductions which were talked about previously by the gentleman from Texas (Mr. GRAMM) and the author of that amendment. Of course, the spending reduction is not a reduction, as I would have to reaffirm, because it simply does not have a baseline. It means that you can spend more and say you spent less. That is really what it means.

Then we have the tax bill itself. I ask the Members, "Isn't that a gem?" If you play with the numbers just right, you can make it look like only the wealthiest of Americans are being

gouged, and, oh, how popular that is politically.

I saw some of the numbers pop up in one of the papers in my district recently. No mention was made of the number of middle-class working couples or the $29,000-a-year single people who are going to be hit with this tax increase—just talk about that magic $50,000 income figure.

I can see the press releases on the Democratic side now: "I voted for a budget, a spending reduction, and a tax increase for the rich, all in one day. Doesn't that make me look good? All in one day."

Of course, the tax increase will never see the light of day, as the gentleman from Tennessee, (Mr. QUILLEN) just said. We all know that. So no one will ever feel the pinch this year, or next year, an election year, and no one will be complaining about higher taxes. Well, I guess I should say, "I'm sorry, Mr. Lincoln, maybe it is possible to fool all the people all the time."

As I said, Mr. Speaker, it is a real stroke of genius.

In my tenure in this House, there have not been too many times when we have considered legislation solely for the purpose of giving Members something to write about to the folks back home or drafting a plank in the Democratic platform for next year. But we seem to be doing a lot of that in this Congress. Some people seem to think that this institution's sole purpose is to guarantee the election of its Members.

I know it is highly irregular, but I would like to just say a few words about the merits of this legislation. It is, after all, an abomination.

This is reactionary legislation. It seeks to drag us back to the days of higher and higher taxes. It is punitive legislation. Its obvious desire to punish millions of Americans is cloaked with the latest rhetoric of demagoguery, about "fairness." Oh, that wonderful word, "fairness."

President Reagan and the vast majority of the American people wanted a tax rate reduction 2 years ago, and we campaigned on that pledge. The Democratic leadership did not; they made it quite clear they were opposed to what we had in mind. They fought a desperate battle against it.

First of all, rather than 30 percent, as the President wanted, they wanted less than half of that. We finally settled on 25 percent of it. And then, too, the effective date, instead of January 1, 1981, when we needed the stimulus to combat the recession, was delayed, delayed and delayed until October 1. A 5-percent reduction effective that late in the year turned out to be only 1¼-percent annualized.

But notwithstanding all that, the President and the American people, in my judgment, eventually won. So the Democratic leadership then mounted another attack on the third year of the tax cut and the whole concept of indexing that is scheduled to take effect in 1985.

The President and the American people have repeatedly said no to these Democratic proposals very loudly and clearly.

Now we have this latest attempt. This is not economics. It is pure political spite because the President has so obviously been right while the Democratic leadership has been wrong about tax cuts.

The politics of spite is unworthy of this great body.

Mr. PEPPER. Will the gentleman yield?

Mr. MICHEL. I will yield when I have time.

The politics of spite, as I said, Mr. Speaker, I think, is unworthy of this great body, and the tax increase is a threat, frankly, to economic recovery, now that we are moving in that direction. It will not put a tiny little dent in the deficit, but it will stifle growth, which is really our only salvation from huge deficits.

This tax increase is a slap in the face to millions of middle-income Americans and their families. They are the ones who pay most of the taxes, do most of the work, build the families, and contribute to their neighbors' and their communities' well being.

I suspect that this tax increase will have a negligible effect on the wealthy in our society. Those in higher income tax brackets—shucks, let us face it—they got taken care of in the initial reduction, and that was not proposed on our side of the aisle, it was proposed on the Democratic side of the aisle. The reduction from 70 to 50 percent in unearned income came from over there, as well as reductions in corporate taxes and capital gains taxes.

The SPEAKER. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois (Mr. MICHEL).

□ 1150

Mr. MICHEL. I thank the gentleman for the additional minute.

So we can talk this political game just as well as you folks can over there, but I think we ought to get right back on the track and make absolutely sure and reassure the American people that those massive, middle-income, low-income people out there, are going to get their third year of the tax cut.

If we talk about fairness and equity, this is the reduction that really brings them up to getting equity with those who have already gotten theirs before.

This tax increase is a fraud. It will never be enacted. If this House is irresponsible enough to enact it, it is doubtful the Senate will. If the Senate does, the President will veto it, and we in this body will sustain the veto. I assure you of that right here and now.

This tax increase is the product of false advertising. It is not a cap on the third year. It is a permanent change in the tax schedule that will impose higher taxes on anyone with $35,200 in adjusted income from now on.

When are we going to stop. When are we going to pull the needle out of the arm of this Congess and kick the habit? Tax increases are monkeys on the back of the Nation.

This one is the worst, because it has no redeeming economic value.

I am going to vote "no" today. I am not going to play these political games. And when your political salesmen start pumping out the baloney about Republicans favoring the rich, I will just remind people exactly who it is the Democrats think are rich.

To you, its the guy who just got out of school and landed his first engineering job, or the policeman and his wife, the nurse, trying to make ends meet on two salaries, or the guy who just got his long-awaited promotion to office manager who thought he can now do a few nice things for his wife and three children.

I will tell them you think they are rich and living too high on the hog. We will see.

Mr. Speaker, I would urge Members to vote against the previous question and give us the opportunity to offer a proposal for real spending reductions rather than tax increases as a means of narrowing the deficit.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I yield to my colleague, the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, our distinguished brethren on the other side of the aisle who have heretofore been referred to as the defenders and protectors of the rich have now assumed the role of the protectors of the middle class. They are making a great deal to do about this amendment, this proposed change in the tax law, taking away so much money from the middle class.

I think what should not be overlooked is that under the 10-percent tax reduction which the administration forced through this House in 1981, there was a 10-percent across-the-board reduction. Well, that means that if you had an income of $1 million a year, and there are several people in the United States fortunate enough to have that much income, you get $100,000 through the Reagan tax giveaway rescission program.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. Just one second. Your majority leader refused to yield to me and I have to exercise the same discre-

tion, to my great regret, to the gentleman.

As I said, this provision, this change in the tax law, which is proposed by this legislation, would mean that that gentleman who was fortunate enough to make $1 million, who would have gotten $100,000 of tax giveaway, kickback, under the Reagan tax rescission program, will only get $720.

I think the American people can understand that very well.

I said the other day that this has added a great deal to the understanding of the subject by the people of this country, because the ordinary working people, and I understand that two-thirds of the people of this country have an annual income of less than $20,000, and they understand how much $720 tax rescission, tax giveaway, or tax benefits is.

All this does is simply limit to $720 the amount of taxes that the Reagan giveaway program can give away. I think that is a salutary modification.

I am very sorry that your leader set the precedent of not yielding to his colleague, who made a respectful request. I shall exercise the same discretion and express my deep regret that the manners exhibited on that side would prohibit me from being courteous on my side.

Mr. ROGERS. Will the gentleman yield to this gentleman, and not to the minority leader?

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to call to the attention of the chairman of the Rules Committee that his facts are perhaps in error.

Really, I think the gentleman from Florida is incorrect and that it is not fair to the American people for such a distinguished gentleman to possibly leave the wrong impression.

This bill provides a tax increase for two-earner couples, a man and wife who must work to eke out a living. It is a tax increase for them.

It is a tax increase for the farmers. It is a tax increase for small businesses. It is a tax increase for moderate-income people.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, the French like to say that, "the more things change, the more they stay the same;" and we are certainly seeing that with this tax bill today. Back in the early part of this century when King Caucus reigned supreme in this House, it was customary for tax and tariff bills to be drafted by the Democratic leadership, discussed, amended, and ratified by the Democratic Caucus, and then routinely rammed through the Ways and Means Committee without change.

The tax bill before us today has similar origins. In fact it still has the imprint of the Speaker's hip pocket on it. And we are told that it has been blessed by the results of a King Caucus questionnnaire.

Mr. Speaker, I am a firm supporter of a strong two-party system and the right and obligation of those parties to take policy positions on important issues. But, I think we cross a very dangerous boundary when we substitute the deliberations of our party councils for the judgment and work of our congressional committee system. That is what went wrong with King Caucus in an earlier age, and that is what is wrong with this bill today. When we substitute a partisian process for the constitutionally ordained legislative process in this body, we jeopardize the very foundation and survival or our system.

Mr. Speaker, the partisan origin of this tax bill should leave little question as to its purpose. This is obviously the opening round in the 1984 campaigns. And I think George Orwell would be very pleased with this particular vehicle as a prelude to 1984, since this tax bill takes a page out of his famous book by that same title—1984. The "Tax Equity Act" is Orwellian "newspeak" and "doublethink" at its finest. Here is a bill which on its face admits to rolling back the equitable, across-the-board tax cut granted to all Americans, yet daring to call itself the tax equity act. This would even make Big Brother blush.

The Democratic campaign sloganeers at the Bureau of Propaganda would have the American people believe that this bill would sock the rich, when in fact it would soak the middle-income taxpayers—the small businessmen, farmers, and two-wage earner families. Nearly half the tax returns affected by this so-called tax cap would be on incomes under $50,000.

But this tax bill has even larger consequences than the adverse effect it would have on many middle-income wage earners. The Democrats are calling for a tax increase just as the economic recovery is beginning to take hold. I have read economists of various political and ideological stripes warn against a tax increase in the midst of a recovery. The quickest way to abort the recovery is to lay on new taxes for those who could provide the greatest impetus for its continuation.

And why do the Democrats want to increase taxes now? Oh, they talk about reducing deficits, but the fact is they want this money for that so-called recession relief reserve fund of $8.5 billion that is provided in the budget resolution. In short, the tax bill may be a self-fulfilling prophecy: By increasing taxes the Democrats can throw us back into a recession, and then they can use the revenues from the tax increase for their recession relief programs. The only trouble with this scenario is that there will be even fewer revenues if this country is thrown into another recession.

Mr. Speaker, a final word about Orwellian doublethink and equity. Yesterday in the Rules Committee the Democrats pulled out their mirrors and started churning out the blue smoke, and lo and behold a modified McCurdy amendment was made in order under this rule, an amendment that would vaguely tie new tax benefits to spending reductions rather than increases. But, the McCurdy amendment was gutted in the process by eliminating his baseline spending figure—rendering the whole exercise rather meaningless. But, ignoring all considerations of equity, the Democrats on the Rules Committee denied Mr. FRENZEL's request to make in order a substitute bill to simply reduce spending by $12 billion rather than increase taxes. That motion went down on a party-line vote.

Mr. Speaker, I urge defeat of the previous question so that a substitute rule that will make the Frenzel spending cut alternative in order. This is the way to really reduce deficits and at the same time keep the economic recovery strong and growing. Let us not make the mistake of increasing taxes to pay for a recession relief package that will only be necessary because we have increased taxes and aborted the recession. Vote down the previous question and for my substitute rule.

Mr. Speaker, I could not believe my ears when I heard what the distinguished chairman of the Rules Committee just said about what this meant for the American taxpayer. To get some more information into the RECORD, I am going to yield to the gentleman from California (Mr. LUNGREN) to state what actually is involved in this tax increase.

Mr. Speaker, I yield to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, the distinguished chairman of the Rules Committee made a major mistake. He has talked about a 10-percent tax cut. It was a reduction in rate, not a reduction in tax income. Someone making $1 million a year does not get $100,000 off his taxes. In fact, the first study done by the Treasury Department shows that those people in the highest tax brackets paid approximately $8 billion more in taxes than they would have if rates had not been cut, or $13 billion more than earlier predicted by the Federal Government because, in fact, they were encouraged to have earned taxable income and not have that tax revenue escape through all those nontaxable loopholes that this cap will preserve. This cap will deny the American people a break in across-the-board tax rate cuts for all.

Mr. PEPPER. Mr. Speaker, I will ask the gentleman if he will yield.

Mr. LOTT. I certainly will yield to the distinguished gentleman from Florida.

Mr. PEPPER. The gentleman is very courteous and my friend.

Let us take the case of the fortunate citizen who has an income of $1 million a year. Would the gentleman tell me how that person would fare under the present law and how he would fare under this amendment to the law, the 1981 tax giveaway?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. GRAMM. Under this amendment, Mr. Speaker, any individual or family earning over $162,400 will be totally unaffected, but a two wage earner family earning $35,201 will see its marginal tax rate jump by 9 percent.

Now, to the gentleman from Florida, a young married couple, both working and earning $35,201, may be rich people, but in my district they are the people working hard to try to send their kids to school. They are the people who are doing the work, paying the taxes, pulling the wagon and saving to try to put Americans back to work. Those are not the people whose taxes I would want to raise. Those are middle Americans.

I thank the gentleman for yielding.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. Mr. Speaker, before I yield any further, I would like to ask the distinguished gentleman from Michigan, who is controlling the time, whether he would yield me another minute or so, so that I can yield to the chairman of the Rules Committee? My time is being eaten up here.

Mr. BONIOR of Michigan. Surely. Mr. Speaker, I yield for purposes of debate only an extra minute to my colleague, the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman.

I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I wanted to get the specific answer. The gentleman who makes $1 million a year, how will he fare under the Reagan program of tax rescission of 1981, as compared to the law if modified according to the proposal of this legislation?

Mr. LOTT. Mr. Speaker, I yield to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Speaker, let me say that the individual making $1 million a year has in the data we have accumulated since the 1981 tax cut went into effect paid more taxes, not less, because he has moved out of tax shelters into ordinary income.

Under the tax increase that we have here, that individual making $1 million a year will pay no more taxes, but the family making $35,201 will find itself with a 9-percent increase in their marginal tax bracket. So if you want to tax middle income people who are doing the saving, who are pulling the wagon, you should vote for this bill. If you want to tax rich people, maybe the gentleman ought to introduce another bill, because this bill does not do it. This is not a tax on the rich. It is a tax on the middle class.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. LOTT. Mr. Speaker, would the gentleman from Michigan yield me 1 additional minute?

Mr. BONIOR of Michigan. Mr. Speaker, I would be delighted to yield an additional 1 minute for purposes of debate only.

Mr. LOTT. Mr. Speaker, I thank the gentleman very much.

I thought it was a very interesting debate, and the record needed to be corrected.

I would urge the distinguished chairman of the Rules Committee to check with the people that have been giving him these statistics, because obviously the gentleman is being misled about the impact of the tax rate cuts.

I will be very brief, since I have so little time left.

Mr. Speaker, this bill has a totally political and partisan origin. That is all it is, and on top of that, it is Orwellian in the terms that are used to describe it. Instead of being a tax equity act, it really is just newspeak and doublethink.

□ 1200

I do not know who they think they are trying to fool but this is a tax increase bill. That is all it was ever intended to be.

To call it tax equity on the floor of the House of Representatives is totally incredible.

I want to urge my colleagues to vote against the previous question. To talk about equity in the Rules Committee the gentleman from Oklahoma had his amendment made in order but the Rules Committee refused to make in order the amendment by the gentleman from Minnesota, which would have imposed a spending cap, instead of the tax increase we are talking about.

So vote to defeat the previous question so that we can make in order the Frenzel amendment.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute for purposes of debate only to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. I thank the gentleman for yielding.

I seek this time to clarify something that was said earlier. The gentleman from Texas was indicating that two-earner families in the $30,000 to $40,000 range would be experiencing large tax increases under this proposal when, in fact, I would point out to the gentleman that only 2 percent of the taxpayers described, the two-earner family, $30,000 to $40,000, only 2 percent of them would be affected at all by this cap. They would be affected to the tune of $43 a year or an average of 80 cents a week.

We are going to hear a lot of facts later in the day, a lot of misstatements of fact about what this cap does. But let us make a few things clear.

Only 10 percent of the taxpayers in the country are affected by this. Eighty-nine percent of the burden of increased taxes will rest on people who earn over $50,000, and the tax increases, the very small tax increases that fall on people under $50,000 will fall on a very small percentage of people who earn under $50,000.

Mr. GRAMM. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I am happy to yield.

Mr. GRAMM. Let me just clarify my point.

My point was that a two-earner family earning $35,201 will see its marginal tax rate rise by 9 percent. We did not cut taxes by 25 percent. We cut marginal rates by 25 percent.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. I thank the gentleman.

I would just like to stand up and say I am opposed to the rule today and also to this pending bill.

I would just like to speak for a moment for the small businesses of America. They are the ones who are going to be hit the hardest by this gimmick that we are playing with today.

One-half of all of the jobs in America are provided by small business; 70 percent of the new jobs come from small business. And 70 percent of all new innovations come by way of small business.

Small business has been the group hardest hit by the recession. They are the group that has the most difficult time raising capital.

Eighty-six percent of all small businesses are taxed as individuals and are looking forward to this and will benefit most by the tax cut.

I do not know of any small business group that is in favor of putting a cap on the 10-percent tax cut due in July.

If this Congress is really serious about helping small business and creating jobs, and taking care of that sector of the economy which does the most for the country and that will be hit the hardest, I urge you vote against the rule and against the bill.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I appreciate this opportunity to point out several examples of what I think are the

most inequitable situations under this tax bill.

This is not tax equity. This bill should be called the Democrats Huge Tax Increase on Middle Americans Act of 1983, because that is exactly what it is.

The Washington metropolitan public television station carries these House proceedings live and I sincerely hope that there are a very large number of people out there watching because if they understand what is going to happen to them I hope they will call their Representatives before the vote and let them know what their opinions are about this bill and what their objections to it are.

Let me give you just some examples of some of the things I think they should call about.

If you are a middle-income American in the Washington metropolitan area, and if you work for a private employer and have taxable income of $30,000 for this year, you had better turn down the opportunity to take a $5,000 bonus because if you earn $35,000 this year instead of $30,000 your income tax marginal rate will increase by almost 50 percent.

How many people do you think are going to work overtime? How many will make an investment to increase their income under those circumstances?

What are we doing to incentives, to tax savings, and to economic recovery?

If you are a GS-12 Federal employee or higher your income tax rates will increase under this bill. If both you and your wife work for the Federal Government your taxes will go up if either or both of you are above a GS-7.

If you are a secretary at the Department of Agriculture at the GS-4 level who earns about $14,000, married to an analyst at the Department of Commerce at the GS-12 level, who earns about $36,000, they will lose $459 of the scheduled rate reduction in 1984.

Is it not wonderful that you are considered by our Democrat friends as wealthy and therefore you deserve to have your taxes increased?

If you are a small businessman it is estimated that 86 percent of all small businessmen will have their taxes increased.

Mr. Speaker, we will have more time to debate this matter under consideration of the bill and I hope we will reject this bill at the conclusion of that debate.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman.

Mr. Speaker, let us make it plain that calling this a cap on anyone's tax cut is erroneous. The tax cut is in place now. It is the law. It was passed by a vote of this body over 2 years ago. What we are talking about now is a tax increase—plain and simple.

What this resolution would do would be to actually increase the taxes, and not just those of the ultrarich. We are talking about, as has been indicated here before, the working people of this country, husband and wife working at two different jobs to make ends meet.

Those are the people that are going to be hit by this tax increase proposed by the Democratic leadership of this body. The $700 cap hits particularly hard at those two-earner married couples, both working, trying to get by.

Millions of taxpayers will be affected by the action of this House. If you are above a certain income level, $35,200, and you and your spouse are working, you are considered rich by the leadership of the other party. You and your spouse must work to keep up with the inflation and high interest policies of the other party.

According to U.S. Treasury data 4 million of the 8.1 million tax returns affected by this cap involve two-earner married couples, a man and wife both trying to get by.

In addition, $2.6 billion of the estimated $5.3 billion raised by this supposed cap in the taxes in fiscal year 1984 would come from two-earner married couples. As a result, the $700 cap would offset a portion of the marriage tax relief enacted by this Congress in 1981 to help maintain the incentive for two-earner families and to give equity to the women of this country who are working.

So I say, Mr. Speaker, this tax increase proposed by the Democratic leadership in this body is just that, a tax increase, and particularly so on the two-earner families in this country, both men and women working to support their families.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Currently, with a combined income of $35,200, the marginal tax rate of that joint income is 28 percent. With this tax cap the marginal rate will jump to 37 percent.

The fact is that this two-income earning family will take home far less on each additional dollar earned above their income base.

What the Democrats are telling two-income-earning families in this range today is, "Do not take a raise unless it is big enough to overcome what we are doing to you today. Do not work harder. Do not work overtime. Do not get a bonus because it is going to cost you more."

This flies in the face of any rational view of incentives for Americans to go out and produce.

□ 1210

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bad bill. This Democratic proposal is bad philosophy. It is simply a tax increase. It increases the tax of many Americans, especially in the middle-income group, the people who work hard to make a living. It takes away food from their mouths, money from their pockets and the things they would like to have. It may be called a $700 cap, but when you change tax laws to make people pay more, this is a tax increase—a tax increase in disguise.

Mr. Speaker, I urge the defeat of the previous question. I urge the defeat of the rule. I urge the defeat of the measure.

I reserve the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I have one speaker left.

Does the gentleman wish to yield additional time?

Mr. QUILLEN. Mr. Speaker, I have two further requests but they are not here. I reserve the balance of my time. If they get here, I would like the privilege of yielding. Otherwise, I will yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I rise in support of the rule and in support of the bill.

I had not intended to speak on the rule but several glaring mistakes of fact have been made and it seems to me that we have to clarify exactly what the truth is.

Two or three of the gentleman on the Republican side of the aisle have said this is a tax increase.

The gentleman who just spoke said this increases the tax on all Americans. Well, that just simply is not true.

This is not a tax increase; this is a limitation on a tax reduction.

Mr. QUILLEN. Mr. Speaker, would the gentleman yield?

Mr. WRIGHT. I want us to say what it really is. Does the gentleman still insist that it increases the taxes on all Americans? Does the gentleman really believe that this is what we are attempting to do?

I yield to the gentleman.

Mr. QUILLEN. If the tax cap is imposed it increases the taxes, there is no question about it.

Mr. WRIGHT. On all Americans?

Mr. QUILLEN. The distinguished gentleman from Texas, the majority leader, I know does not want to mislead the American people.

Mr. WRIGHT. No. I do not.

Mr. QUILLEN. The bill itself is misleading. And I thank the gentleman for yielding.

Mr. WRIGHT. Well, I was glad to yield to the gentleman, but the truth of it is that this is not an increase in taxes on anybody, it is a limitation on

the reductions that may be allowed in the future.

Mr. GRAMM. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. If the gentleman will be patient.

Mr. GRAMM. I want to be clear as to what I was saying.

Mr. WRIGHT. I would be delighted to yield. Does the gentleman really think this bill increases the taxes on all Americans?

Mr. GRAMM. If this is not a tax increase by changing permanent law to raise taxes because it would go into effect next year, then cutting social security benefits for next year would not be a cut in social security benefits because they had not gotten them yet.

Mr. WRIGHT. The gentleman was perfectly willing to cut social security benefits for the elderly. The gentleman was perfectly willing to put a cap on what military employees of our Government who are fighting to preserve our way of life might receive by way of a COLA, but the gentleman is not willing to put any ceiling on what the wealthiest few of our country might receive in additional tax cuts. That is what it comes down to. It is just that simple.

The gentleman wants everybody to sacrifice, everybody except the wealthy.

Mr. Reagan is not against taxes, Mr. Reagan is for taxes. Mr. Reagan made a national television speech in August of last year appealing to all of the American people to put heat on their Congress to pass what he called some kind of an equitable tax adjustment. It was a tax increase on the average American.

He was willing to put a tax on the gasoline that the worker must buy to go to work; he was willing to put a tax on the telephone bill that the housewife has to use or that the small businessman must use in the conduct of his business. Mr. Reagan was willing to put a tax on airline fares.

Mr. Reagan right now is proposing a new tax. He is proposing to raise revenue by a standby surtax, a tax on the tax we pay. Now that tax would raise 62 percent of all its revenues from those who earn $50,000 and less.

By way of contrast, the cap that we propose would be paid for 89 percent by that 5 percent of the taxpayers who earn $50,000 and more.

It would be paid for by those who are the principal beneficiaries of Mr. Reagan's 1981 tax cut, which has plunged us into this enormous deficit.

Mr. Reagan came to office in 1980 blaming all of our difficulties upon the deficit. Now that he has become the Babe Ruth of deficit financing, he wants to forget about the deficit and threatens to veto a bill that would reduce that deficit by $6 billion this year and by some $8 billion next year. He wants to veto a bill that would reduce the deficit by requiring those who are the most wealthy, the most privileged, the most affluent in our society, to accept only a $700 tax cut this year instead of a $4,000 tax cut that otherwise might inure to a $100,000 taxpayer.

That is the difference.

The gentlemen on my right are not against taxes. They are perfectly willing to place a burden upon the social security recipient.

The SPEAKER. The time of the gentleman has expired.

Mr. WRIGHT. May I have 3 additional minutes?

Mr. BONIOR of Michigan. I yield 3 minutes to the gentleman from Texas.

Mr. WRIGHT. They are willing to place a burden upon the people who work for the Government. They are willing to place a burden upon the young American of modest means who is struggling to go to college. They say, "All these people ought to sacrifice."

Mr. Reagan himself stood here in his state of the Union message and said he knew that the people who serve our military, the soldiers and the sailors and the marines, would be willing to make that sacrifice and have no cost-of-living increase, to have a cap, a ceiling upon their cost-of-living pay adjustment so long as they knew everybody else was sacrificing too.

But he is not willing, no, he and the members of the Republican party are not willing for those who make $50,000, $60,000, $100,000, $200,000 a year, to have to bear any of the burden of sacrifice.

We are not talking about increasing their taxes. We are talking about giving them a $700 tax cut. But the President says that is not enough for them. He insists that they deserve even more of a tax cut paid for in borrowed money, paid for by the losses that have been suffered by those lower-income and middle-income Americans.

The gentlemen on my right have wept crocodile tears during this debate about the poor middle-income taxpayer.

Well, they do not do anything for the middle-income taxpayer when they are given an opportunity.

The Congressional Budget Office studies have shown that for the 4 years, fiscal 1982 through 1985, the tax and budget changes that were enacted under this Reagan administration will take more than $20 billion away from households with incomes below $10,000 a year, but they will increase the after-tax incomes of those making more than $80,000 a year by $64 billion.

Now, that is the result of the Reagan policy. That is what has already been put in motion. What we seek to do today is simply to have a small bit of symmetry in the sacrifice that has been exacted upon the American people.

The people who preach most pieously about the budget deficit are unwilling to do anything to reduce that deficit even by $6 billion if those who are going to have to suffer—suffer? Suffer a $700 tax cut? That is what we are offering them. And you say that it is not enough, that they deserve more of a tax cut, paid for in borrowed money at the expense of those from whom their very sustenance has been taken by the policies of the Reagan administration. This is a modest thing that we are doing today. We simply ask them to bear their fair share of the sacrifice for fiscal solvency.

□ 1220

Mr. QUILLEN. Mr. Speaker, we have witnessed a great performance. The majority leader displays about an interesting interpretation of the details of the legislation on the floor of the House. He has downgraded the President for proposing some taxes in the past, but the gentleman from Texas has voted for those.

Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota (Mr. FRENZEL).

The SPEAKER. The gentleman from Minnesota (Mr. FRENZEL) is recognized for 2½ minutes.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the closed rule which does not allow the Members of this House a suitable choice on the subject of fiscal responsibility and fairness in conducting that fiscal policy.

I went to the Rules Committee and asked them to make in order an amendment which would substitute for a tax increase a spending decrease. The Rules Committee, on a party line vote, turned my request down and, instead, made in order an amendment by the gentleman from Oklahoma to decrease spending from nothing to nothing.

There is no base on that amendment and there is no way that that amendment can reduce spending by one dime.

However, in refusing my amendment, the Rules Committee has denied this House a chance to make a choice on raising taxes, on raising permanent tax rates, and raising taxes as against reducing some spending.

Mr. Speaker, my constituents—and I think most of our constituents—are concerned about the deficit. They have, however, in my district, not been petitioning me to raise their taxes. On the contrary, they have been saying, "What in heaven's name is the matter with the Congress that it cannot contain its profligate spending tendencies?"

And that alone is what we are talking about in this case. We are being asked to raise taxes in this bill by a

rather small amount. It will have a rather small amount on the deficit. And we are told, that will purify us all.

The only way we are going to be purified is to reduce the enormous double-digit rate of spending increase that we have laid on the taxpayers of this country over the years. We are not undertaxed, we are overspent. Each year the proportion of our GNP, that is consumed by Government expenses, rises. Each year our taxpayers' contributions rise, no matter what we do to change the extra social security, the bracket creep, the extra TEFRA taxes always exceed the tax cuts which we grant from time to time.

Mr. Speaker, I ask for a vote "no" on the previous question. If the previous question is defeated—which seems rather unlikely at this time—we will have a chance to move may amendment which will give the House an honest choice.

Mr. BONIOR of Michigan. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 165, not voting 12, as follows:

[Roll No. 212]

YEAS—255

Ackerman	Byron	Evans (IL)
Addabbo	Carper	Fascell
Akaka	Carr	Fazio
Albosta	Chappell	Feighan
Anderson	Clarke	Ferraro
Andrews (NC)	Clay	Flippo
Andrews (TX)	Coelho	Florio
Annunzio	Coleman (TX)	Foglietta
Anthony	Collins	Foley
Applegate	Conyers	Ford (MI)
Aspin	Cooper	Ford (TN)
AuCoin	Coyne	Fowler
Barnard	Crockett	Frank
Barnes	D'Amours	Frost
Bates	Daniel	Fuqua
Bedell	Daschle	Gaydos
Beilenson	de la Garza	Gejdenson
Bennett	Dellums	Gephardt
Berman	Derrick	Gibbons
Bevill	Dicks	Glickman
Biaggi	Dingell	Gonzalez
Boggs	Dixon	Gore
Boland	Donnelly	Gray
Boner	Dorgan	Guarini
Bonior	Dowdy	Hall (IN)
Bonker	Downey	Hall (OH)
Borski	Durbin	Hall, Ralph
Bosco	Dwyer	Hall, Sam
Boucher	Dymally	Hamilton
Boxer	Dyson	Hance
Breaux	Early	Harkin
Britt	Eckart	Harrison
Brooks	Edgar	Hatcher
Brown (CA)	Edwards (CA)	Hawkins
Bryant	Erdreich	Hefner
Hertel	Minish	Sharp
Hightower	Mitchell	Shelby
Howard	Moakley	Sikorski
Hoyer	Mollohan	Simon
Hubbard	Montgomery	Sisisky
Huckaby	Moody	Skelton
Hughes	Morrison (CT)	Slattery
Hutto	Mrazek	Smith (FL)
Ireland	Murphy	Smith (IA)
Jenkins	Murtha	Solarz
Jones (NC)	Natcher	Spratt
Jones (OK)	Nelson	St Germain
Jones (TN)	Nichols	Staggers
Kaptur	Nowak	Stark
Kastenmeier	Oakar	Stenholm
Kazen	Oberstar	Stokes
Kennelly	Obey	Stratton
Kildee	Olin	Studds
Kogovsek	Ortiz	Swift
Kolter	Ottinger	Synar
Kostmayer	Owens	Tallon
LaFalce	Panetta	Tauzin
Lantos	Patman	Thomas (GA)
Leath	Patterson	Torres
Lehman (CA)	Pease	Torricelli
Lehman (FL)	Penny	Traxler
Leland	Pepper	Udall
Levin	Perkins	Valentine
Levine	Pickle	Vandergriff
Levitas	Price	Vento
Lipinski	Rahall	Volkmer
Lloyd	Rangel	Walgren
Long (LA)	Ratchford	Watkins
Long (MD)	Ray	Waxman
Lowry (WA)	Reid	Weaver
Luken	Richardson	Weiss
Lundine	Rodino	Wheat
MacKay	Roe	Whitley
Markey	Roemer	Whitten
Matsui	Rose	Williams (MT)
Mavroules	Rostenkowski	Wilson
Mazzoli	Rowland	Wirth
McCloskey	Roybal	Wise
McCurdy	Russo	Wolpe
McHugh	Sabo	Wright
McNulty	Savage	Wyden
Mica	Scheuer	Yates
Mikulski	Schroeder	Yatron
Miller (CA)	Seiberling	Young (MO)
Mineta	Shannon	Zablocki

NAYS—165

Archer	Forsythe	Madigan
Badham	Franklin	Marlenee
Bartlett	Frenzel	Marriott
Bateman	Gekas	Martin (IL)
Bereuter	Gilman	Martin (NC)
Bethune	Gingrich	Martin (NY)
Bilirakis	Goodling	McCain
Bliley	Gradison	McCandless
Boehlert	Gramm	McCollum
Broomfield	Green	McDade
Brown (CO)	Gregg	McDonald
Broyhill	Gunderson	McEwen
Burton (IN)	Hammerschmidt	McGrath
Campbell	Hansen (ID)	McKernan
Carney	Hansen (UT)	McKinney
Chandler	Hartnett	Michel
Chappie	Hiler	Miller (OH)
Cheney	Hillis	Molinari
Clinger	Holt	Moore
Coats	Hopkins	Moorhead
Coleman (MO)	Horton	Morrison (WA)
Conable	Hunter	Myers
Conte	Hyde	Nielson
Corcoran	Jacobs	O'Brien
Coughlin	Jeffords	Oxley
Courter	Johnson	Packard
Craig	Kasich	Parris
Crane, Daniel	Kemp	Pashayan
Crane, Philip	Kindness	Paul
Dannemeyer	Kramer	Petri
Daub	Lagomarsino	Porter
Davis	Latta	Pritchard
DeWine	Leach	Pursell
Dickinson	Lent	Quillen
Dreier	Lewis (CA)	Regula
Duncan	Lewis (FL)	Ridge
Edwards (AL)	Livingston	Rinaldo
Edwards (OK)	Loeffler	Ritter
Emerson	Lott	Roberts
Evans (IA)	Lowery (CA)	Robinson
Fiedler	Lujan	Rogers
Fields	Lungren	Roth
Fish	Mack	Rudd
Sawyer	Smith, Denny	Walker
Schaefer	Snowe	Weber
Schneider	Snyder	Whitehurst
Schulze	Solomon	Whittaker
Sensenbrenner	Spence	Williams (OH)
Shaw	Stangeland	Winn
Shumway	Stump	Wolf
Shuster	Sundquist	Wortley
Siljander	Tauke	Wylie
Skeen	Taylor	Young (AK)
Smith (NE)	Vander Jagt	Young (FL)
Smith (NJ)	Vucanovich	Zschau

NOT VOTING—12

Alexander	Heftel	Schumer
English	Martinez	Smith, Robert
Erlenborn	Neal	Thomas (CA)
Garcia	Roukema	Towns

□ 1240

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Erlenborn against.

Mr. Garcia for, with Mr. Thomas of California against.

Mr. Heftel of Hawaii for, with Mrs. Roukema against.

Mr. Towns for, with Mr. Robert F. Smith against.

Mr. YOUNG of Alaska changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 166, not voting 13, as follows:

[Roll No. 213]

AYES—253

Ackerman	Bryant	English
Addabbo	Byron	Erdreich
Akaka	Carper	Evans (IL)
Albosta	Carr	Fascell
Anderson	Chappell	Fazio
Andrews (NC)	Clarke	Feighan
Andrews (TX)	Clay	Ferraro
Annunzio	Coelho	Flippo
Anthony	Coleman (TX)	Florio
Applegate	Collins	Foglietta
Aspin	Conyers	Foley
AuCoin	Cooper	Ford (MI)
Barnard	Coyne	Ford (TN)
Barnes	Crockett	Fowler
Bates	D'Amours	Frank
Bedell	Daniel	Frost
Beilenson	Daschle	Fuqua
Bennett	de la Garza	Gaydos
Berman	Dellums	Gejdenson
Bevill	Derrick	Gephardt
Biaggi	Dingell	Gibbons
Boggs	Dixon	Glickman
Boland	Donnelly	Gonzalez
Boner	Dorgan	Gore
Bonior	Dowdy	Gray
Bonker	Downey	Guarini
Borski	Durbin	Hall (IN)
Bosco	Dwyer	Hall (OH)
Boucher	Dymally	Hall, Ralph
Boxer	Dyson	Hall, Sam
Breaux	Early	Hamilton
Britt	Eckart	Hance
Brooks	Edgar	Harkin
Brown (CA)	Edwards (CA)	Harrison

Hatcher	Mineta	Shannon
Hawkins	Minish	Sharp
Hefner	Mitchell	Sikorski
Hertel	Moakley	Simon
Hightower	Mollohan	Sisisky
Howard	Montgomery	Skelton
Hoyer	Moody	Slattery
Hubbard	Morrison (CT)	Smith (FL)
Huckaby	Mrazek	Smith (IA)
Hughes	Murphy	Solarz
Hutto	Murtha	Spratt
Ireland	Natcher	St Germain
Jenkins	Neal	Staggers
Jones (NC)	Nelson	Stark
Jones (OK)	Nichols	Stenholm
Jones (TN)	Nowak	Stokes
Kaptur	Oakar	Stratton
Kastenmeier	Oberstar	Studds
Kazen	Obey	Swift
Kennelly	Olin	Synar
Kildee	Ortiz	Tallon
Kogovsek	Ottinger	Tauzin
Kolter	Owens	Thomas (GA)
Kostmayer	Panetta	Torres
LaFalce	Patman	Torricelli
Lantos	Patterson	Traxler
Leath	Pease	Udall
Lehman (CA)	Penny	Vandergriff
Lehman (FL)	Pepper	Vento
Leland	Perkins	Volkmer
Levin	Pickle	Walgren
Levine	Price	Watkins
Levitas	Rahall	Waxman
Lipinski	Rangel	Weaver
Lloyd	Ratchford	Weiss
Long (LA)	Ray	Wheat
Lowry (WA)	Reid	Whitley
Luken	Richardson	Whitten
Lundine	Rodino	Williams (MT)
MacKay	Roe	Wilson
Markey	Roemer	Wirth
Matsui	Rose	Wise
Mavroules	Rostenkowski	Wolpe
Mazzoli	Rowland	Wright
McCloskey	Roybal	Wyden
McCurdy	Russo	Yates
McHugh	Sabo	Yatron
McNulty	Savage	Young (MO)
Mica	Scheuer	Zablocki
Mikulski	Schroeder	
Miller (CA)	Seiberling	

NOES—166

Archer	Fish	Mack
Badham	Forsythe	Madigan
Bartlett	Franklin	Marlenee
Bateman	Frenzel	Marriott
Bereuter	Gekas	Martin (IL)
Bethune	Gilman	Martin (NC)
Bilirakis	Gingrich	Martin (NY)
Bliley	Goodling	McCain
Boehlert	Gradison	McCandless
Broomfield	Gramm	McCollum
Brown (CO)	Green	McDade
Broyhill	Gregg	McDonald
Burton (IN)	Gunderson	McEwen
Campbell	Hammerschmidt	McGrath
Carney	Hansen (ID)	McKernan
Chandler	Hansen (UT)	McKinney
Chappie	Hartnett	Michel
Cheney	Hiler	Miller (OH)
Clinger	Hillis	Molinari
Coats	Holt	Moore
Coleman (MO)	Hopkins	Moorhead
Conable	Horton	Morrison (WA)
Conte	Hunter	Myers
Corcoran	Hyde	Nielson
Coughlin	Jacobs	O'Brien
Courter	Jeffords	Oxley
Craig	Johnson	Packard
Crane, Daniel	Kasich	Parris
Crane, Philip	Kindness	Pashayan
Dannemeyer	Kramer	Paul
Daub	Lagomarsino	Petri
Davis	Latta	Porter
DeWine	Lent	Pritchard
Dickinson	Lewis (CA)	Pursell
Dreier	Lewis (FL)	Quillen
Duncan	Livingston	Regula
Edwards (AL)	Loeffler	Ridge
Edwards (OK)	Long (MD)	Rinaldo
Emerson	Lott	Ritter
Evans (IA)	Lowery (CA)	Roberts
Fiedler	Lujan	Robinson
Fields	Lungren	Rogers
Roth	Smith (NE)	Walker
Roukema	Smith (NJ)	Weber
Rudd	Smith, Denny	Whitehurst
Sawyer	Snowe	Whittaker
Schaefer	Snyder	Williams (OH)
Schneider	Solomon	Winn
Schulze	Spence	Wolf
Sensenbrenner	Stangeland	Wortley
Shaw	Stump	Wylie
Shelby	Sundquist	Young (AK)
Shumway	Tauke	Young (FL)
Shuster	Taylor	Zschau
Siljander	Vander Jagt	
Skeen	Vucanovich	

NOT VOTING—13

Alexander	Kemp	Thomas (CA)
Dicks	Leach	Towns
Erlenborn	Martinez	Valentine
Garcia	Schumer	
Heftel	Smith, Robert	

□ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Erlenborn against.

Mr. Heftel of Hawaii for, with Thomas of California against.

Mr. Garcia for, with Mr. Robert F. Smith against.

Mr. Towns for, with Mr. Kemp against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to House Resolution 243, I call up the conference report on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of June 21, 1983.)

The SPEAKER. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the resolving clause and insert:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.
Fiscal year 1984: $679,600,000,000.
Fiscal year 1985: $750,500,000,000.
Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$12,000,000,000.
Fiscal year 1985: +$15,000,000,000.
Fiscal year 1986: +$46,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $44,700,000,000.
Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disabilty insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.
Fiscal year 1984: $167,900,000,000.
Fiscal year 1985: $187,300,000,000.
Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.
Fiscal year 1984: $928,725,000,000.
Fiscal year 1985: $996,750,000,000.
Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.
Fiscal year 1984: $919,500,000,000.
Fiscal year 1985: $990,500,000,000.
Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.
Fiscal year 1984: $858,925,000,000.
Fiscal year 1985: $911,600,000,000.
Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.
Fiscal year 1984: $849,500,000,000.
Fiscal year 1985: $906,750,000,000.
Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.
Fiscal year 1984: $169,900,000,000.
Fiscal year 1985: $156,250,000,000.
Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.
Fiscal year 1984: $179,325,000,000.
Fiscal year 1985: $161,100,000,000.
Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.
Fiscal year 1984: $1,614,600,000,000.
Fiscal year 1985: $1,830,100,000,000.
Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.

Fiscal year 1984: $225,600,000,000.

Fiscal year 1985: $215,500,000,000.

Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $54,250,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $47,900,000,000.

(ii) New primary loan guarantee commitments, $101,700,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $47,800,000,000.

(ii) New primary loan guarantee commitments, $106,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $52,700,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $100,100,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $103,050,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:

(A) New budget authority, $244,600,000,000.

(B) Outlays, $214,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $240,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $297,300,000,000.

(B) Outlays, $265,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $329,000,000,000.

(B) Outlays, $295,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:

(A) New budget authority, $24,850,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $10,650,000,000.

(D) New primary loan guarantee commitments, $9,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $12,950,000,000.

(C) New direct loan obligations, $12,000,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $16,250,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $12,850,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $8,150,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:

(A) New budget authority, $3,950,000,000.

(B) Outlays, $4,450,000,000.

(C) New direct loan obligations, $11,600,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $12,050,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,150,000,000.

(C) New direct loan obligations, $12,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,050,000,000

(C) New direct loan obligations, $12,600,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1983:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $12,450,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $12,050,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $11,850,000,000.

(B) Outlays, $12,550,000,000.

(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $12,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $24,650,000,000.
(B) Outlays, $24,450,000,000.
(C) New direct loan obligations, $19,400,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $12,100,000,000.
(C) New direct loan obligations, $13,300,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $12,750,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $13,200,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $3,750,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $11,650,000,000.
(D) New primary loan guarantee commitments, $3,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $12,200,000,000.
(D) New primary loan guarantee commitments, $3,850,000,000.
(E) New secondary loan guarantee commitments, $0.
(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $6,060,000,000.
(B) Outlays, $3,550,000,000.
(C) New direct loan obligations, $7,200,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,450,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $500,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $260,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $3,500,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,250,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $150,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $100,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $1,050,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $600,000,000
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $28,950,000,000.
(B) Outlays, $27,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $29,800,000,000.
(B) Outlays, $28,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,975,000,000.
(B) Outlays, $8,225,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $1,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,175,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,550,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,850,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $8,350,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,350,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $550,000,000.
(E) New secondary loan guarantee commitments, $0.
(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $32,850,000,000.
(B) Outlays, $32,150,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $31,850,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Education, Training, Employment, and Social Services (500) excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $28,350,000,000.
(B) Outlays, $27,650,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $33,950,000,000.
(B) Outlays, $28,350,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(11)(i) Health (550), including amounts reserved pursuant to section 21:
Fiscal year 1983:
(A) New budget authority, $25,350,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $34,100,000,000.
(B) Outlays, $34,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $37,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Health (550) excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $29,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $32,100,000,000.
(B) Outlays, $32,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $35,800,000,000.
(B) Outlays, $35,400,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,250,000,000.
(B) Outlays, $53,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $62,500,000,000.
(B) Outlays, $60,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,850,000,000.
(B) Outlays, $68,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,200,000,000.
(B) Outlays, $76,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13)(i) Income Security (600) including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments $0.
Fiscal year 1984:
(A) New budget authority, $126,750,000,000.
(B) Outlays, $104,300,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,800,000,000.
(B) Outlays, $104,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:

(A) New budget authority, $134,150,000,000.
(B) Outlays, $107,450,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Income Security (600), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $124,800,000,000.
(B) Outlays, $102,350,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,350,000,000.
(B) Outlays, $103,800,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $133,700,000,000.
(B) Outlays, $107,000,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,500,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $176,000,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $196,400,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,000,000,000.
(B) Outlays, $199,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,600,000,000.
(B) Outlays, $26,100,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,550,000,000.
(B) Outlays, $25,450,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,450,000,000.
(B) Outlays, $25,950,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,850,000,000.
(B) Outlays, $5,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,650,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,750,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,150,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,200,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,400,000,000.
(B) Outlays, $88,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $98,000,000,000.
(B) Outlays, $98,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $104,500,000,000.
(B) Outlays, $104,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $107,200,000,000.
(B) Outlays, $107,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,300,000,000.
(B) Outlays, $88,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $97,100,000,000.
(B) Outlays, $97,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $103,100,000,000.
(B) Outlays, $103,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $105,500,000,000.
(B) Outlays, $105,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1984:
(A) New budget authority, $750,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1985:
(A) New budget authority, $2,050,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$19,100,000,000.
(B) Outlays −$19,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$18,050,000,000.
(B) Outlays, −$18,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,900,000,000.
(B) Outlays, −$18,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$23,750,000,000.
(B) Outlays, −$23,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:
Fiscal year 1983:
(1) New budget authority, $6,060,000,000.
(2) Outlays, $5,350,000,000.
Fiscal year 1984:
(1) New budget authority, $8,325,000,000.
(2) Outlays, $8,525,000,000.
(b) In the House of Representatives:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and
(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.
(c) In the Senate:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and
(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.
(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.
(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority

and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:

Fiscal Year 1983 Budget Authority $877,200,000,000.

Fiscal Year 1983 Budget Outlays $807,400,000,000.

Fiscal Year 1984 Budget Authority $919,500,000,000.

Fiscal Year 1984 Budget Outlays $849,500,000,000:

Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

SEC. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.

(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cent per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SEC. 6. MONETARY POLICY.—Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

SEC. 8 It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000, in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

The SPEAKER. Pursuant to House Resolution 243, the Senate amendment and the motion offered by the gentleman from Oklahoma (Mr. JONES) to recede and concur with an amendment printed in the joint statement of managers, as modified by the correction printed in the CONGRESSIONAL RECORD of June 22 by Representative JONES of Oklahoma, is considered as having been read.

The gentleman from Oklahoma (Mr. JONES) will be recognized for 1 hour, and the gentleman from Ohio (Mr. LATTA) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on House Concurrent Resolution 91 and the substitute amendment.

The SPEAKER. is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JONES of Oklahoma. Mr. Speaker, the House conferees on the budget bring to the House a budget resolution for fiscal year 1984 designed to maintain economic recovery, provide a powerful national defense, and mend and preserve the social safety net.

This agreement was hammered out over 2 weeks of negotiations between representatives of a Republican-controlled Senate and a Democratic-controlled House.

The result was a total victory for neither, but a major success for both.

The report was signed by every Democratic conferee from the House and the Senate and by two-thirds of the Republican Senate conferees.

Quite frankly, I am amazed that we were able to reach an agreement and I believe that the 10 Democratic conferees who represented the House are convinced that this is both the best agreement we could have achieved, as well as a sound, fair and effective budget for addressing the needs of our Nation.

Let me describe the conference agreement. It contains a special reserve fund for new recovery and growth initiatives, some of which are highly controversial. The House would not agree to eliminate these proposals from the budget and the other body would not agree to include them all. The solution was to set aside allocations of budget authority and outlays which would become available only if the programs were authorized into law.

If these proposals are not authorized, the funding is not available for other purposes.

This procedure both protects the advocates of these programs and those who fear that the end result would be higher spending in other areas.

This conference report reduces the deficits proposed by President Reagan by $66 billion over 3 years if the reserve fund is not used, and by $48 billion if the reserve fund is fully used.

This resolution passed and implemented will reduce deficits by $124 billion over current policy, which is if we put the Government on automatic pilot.

This conference report adds $24 billion to defense budget authority. That is a 5-percent real increase in military budget authority in fiscal year 1984, for a total of nearly $269 billion.

This conference report also directs the committees of the Congress to pass deficit reduction legislation which will total $85 billion over the next 3 fiscal years.

Passage of this budget conference report is absolutely essential to achieve these reconciliation savings.

Now, what do the opponents of this budget argue in being against it?

Well, first of all, they complain about taxes; but the President's own budget has asked for more taxes to be raised in fiscal year 1986 than is called for in the budget conference report. President Reagan's budget calls for nearly $49 billion in new taxes in fiscal year 1986 and the revenue increase called for in this conference report is $46 billion; so over the 3-year period, the revenue enhancements in this conference report are $73 billion and that compares to what the President had

recommended over the same 3-year period of $57 billion.

Now, some opponents complain that there is simply not enough money for defense. The administration has asked not for a 5-percent real growth in the military, but a 10-percent real growth after adjusting for inflation. Most of us here are convinced that our economy cannot sustain a 10-percent real growth and our military cannot absorb a 10-percent real growth without wasting billions of dollars. Almost every witness before the Budget Committee from a military standpoint testified that it is far better for our national defense to provide steady, certain growth, over many years, rather than an unsustainable growth rate which produces waste and a public backlash against defense spending.

Now, some opponents complain about higher spending; yet the administration has proposed spending $30 billion more than the congressional budget, without the reserve fund, and $12 billion if the reserve fund were to be fully spent.

The complaint actually is not about spending, but the complaint is about the priorities decided upon by Congress and by Members of both political parties in the Congress.

The congressional budget does repair the social safety net, as a matter of fact that net should be repaired.

The congressional budget increases on a selective basis funding for domestic programs such as education, and job training, and research and development. In my judgment, these programs should be strengthened.

I hope particularly those who have come lately to the recognition that our educational system needs to be improved, I hope those who rise to complain about some of the domestic spending programs are not the same people who are simultaneously telling the American public that we need better education in America.

The domestic spending increases proposed are judicious investments in the future of the United States.

Defense revenues, domestic spending, and deficits, these are the great issues in this conference report on the budget. On each of these counts, this budget meets the test better than any other plan which has been proposed.

We must pass this budget to fulfill our responsibility to our own rules and to the American people. If it is not passed, the only budget will be the President's budget, a budget so popular that not a single Member of Congress was willing to introduce it since it has been submitted to the Congress in January. If this budget is not passed, we will lose the deficit reductions called for in reconciliation. If this budget is not passed, we are telling the American people that we prefer fiscal anarchy to the discipline of the budget process.

□ 1310

We will lose our best chance to reduce interest rates and to maintain a sustained economic recovery.

This is a budget resolution fully supported by JIM JONES and JIM WRIGHT from the Southwest, by STEVE SOLARZ from New York, by TIM WIRTH from Colorado, by LEON PANETTA from California, by DICK GEPHARDT from Missouri, by BILL NELSON from Florida, by LES ASPIN from Wisconsin, by MIKE LOWRY from Washington, and by BILL GRAY from Pennsylvania. It is a budget supported by two-thirds of the Senate conferees on the Republican side.

I am saddened that it is not supported by the Republican conferees in the House. But their decision does not detract from the reality of this resolution. It has the support from all regions and from almost all of the political spectrum.

This is a congressional budget which preserves the interest of conservatives, moderates, and liberals. It is a budget which protects the interests of the American people, and it is a budget which should be adopted by an overwhelming margin here today.

I would also like to comment on the enforcement and miscellaneous provisions included in the conference agreement.

The House resolution provided budget authority and outlays for several new initiatives in domestic programs, primarily as a means of providing recession relief. The Senate amendment provided for some, but not all, of these new initiatives. To address these differences, the conferees set out to fashion a mechanism by which, although funding allocations for the initiatives would not initially be made to committees of jurisdiction, the programs would be reflected in the budget resolution and not prejudiced against consideration by the Congress.

In this regard, the conference substitute establishes a procedure whereby a reserve is set aside for identified programs to be effective only upon the enactment of the authorizing legislation for those programs. Under this procedure, $6.06 billion in budget authority and $5.35 billion in outlays for fiscal year 1983 and $8.325 billion in budget authority and $8.525 billion in outlays for fiscal year 1984 would be reserved from allocation to committees. A description of the programs assumed within the reserve amount and the funding levels assumed for those programs, within the appropriate functions is included in the statement of managers accompanying the conference report.

These new initiatives or programs are described in general terms in order not to preclude Congress from considering these initiatives in different legislative forms than they may now appear or may be anticipated to appear. However, the amount of budget authority and outlays reserved for each initiative is also identified by function. The managers believe that this distinction is necessary to assist in indicating what legislation will trigger an allocation from the reserve fund.

As committees develop and move legislation providing for programs or initiatives assumed within this reserve fund, they should develop clear legislative history as to the nature of the legislation and its inclusion within the reserve fund.

Under this procedure, allocations made to the Committees on Appropriations of each House pursuant to section 302(a) of the Budget Act would be increased when the authorization for a program assumed in the reserve fund is enacted. The Committee on the Budget will report to the House the revised 302(a) allocation of the Committee on Appropriations on the first legislative day following enactment of such authorizing legislation.

In addition, the section 302(a) allocation of a committee reporting new entitlement legislation or new direct spending legislation assumed in the reserve fund would be increased when the legislation is reported. In the Senate, this allocation would occur when the Senate proceeds to consideration or moves to consider the specific legislation. Since procedural sanctions in the Congressional Budget Act of 1974 affect legislation providing new entitlement authority or new direct spending authority at an earlier stage than simple authorization, the revised allocation to the reporting committee must occur at an earlier legislative status than enactment. The Committee on the Budget will report to the House the revised 302(a) allocation of the appropriate reporting committee within one legislative day of when the bill is ordered reported.

The spending ceiling for purposes of the point of order under section 311(a) of the Congressional Budget Act would not reflect the amounts reserved from allocation until an allocation has actually been made to a committee. When an allocation from the reserve fund to a committee is triggered, the spending ceiling would be adjusted accordingly.

Any adjustment to a committee's 302(a) allocation for a particular program included in the reserve fund shall not exceed the level set forth for that type of program in the statement of managers. If the authorization for one of the programs, assumed within the reserve fund, is enacted at a lower authorization level than that contained in the joint statement of managers the allocation to the committee would reflect the lower authorization

level. In the event that subsequent authorizing legislation is enacted, any reserve allocation for such programs remaining would be allocated at that time.

The effect of the reserve fund on other procedures under the Budget Act such as referral to the Appropriations Committee, deferred enrollment, and exceeding the spending ceiling are described below.

New entitlement bills for fiscal years 1983 or 1984 which provide for programs assumed in the reserve fund would not be referred to the Appropriations Committee pursuant to section 401(b)(2) of the Budget Act, if first, the amount of new entitlement authority in the reported bill does not exceed the amount set aside in the reserve fund for such a program, and second, if the committee's other reported entitlement bills are consistent with its 302 allocations.

Conference reports providing the funds for the programs assumed within the reserve fund should not be subject to deferred enrollment since a committee's 302(a) allocation was increased upon enactment of the authorizing legislation and since deferred enrollment is based upon the committee's total 302(a) discretionary budget authority allocation or new entitlement authority allocation.

Legislation providing funding for a reserve program should not be subject to a point of order for exceeding the spending ceiling set forth in the budget resolution because the spending ceiling is adjusted when an adjustment to a committee's 302(a) is triggered and since a bill would not be subject to a point of order if the committee is within its 302(a) discretionary budget authority allocation or new entitlement authority allocation as adjusted by reserve fund amounts.

The Budget Committees would perform the ministerial task of reporting to their respective Houses any adjustment to a committee's 302(a) allocation or the spending ceiling which would be triggered under the reserve fund procedure.

RECONCILIATION INSTRUCTIONS

The conference substitute includes instructions to seven House committees and four Senate committees to report legislation achieving reductions in budget authority of $8.932 billion and reductions in outlays of $12.285 billion over fiscal years 1984-86. Also included are instructions to the House Committee on Ways and Means and the Senate Finance Committee to report legislation increasing revenues by $73 billion over the same 3 fiscal years.

All committees are instructed to submit their recommendations for changes in laws to the Budget Committees of their respective Houses no later than July 22, 1983. The Budget Committees would then package the recommendations into an omnibus reconciliation bill which they would report to their respective Houses for consideration. This procedure would not preclude committees moving forward on separate tracks, as was done in reconciliation last year, with the separate bills subsequently being put into one package to facilitate conference.

The reconciliation instructions also provide that if the House Ways and Means Committee reports legislation requiring the imposition of new or expanded taxes or user fees within the jurisdiction of another committee, such legislation would be considered for referral under House Rule X.

In addition, the conference substitute includes provisional reconciliation instructions to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. This provisional instruction was necessitated by the fact that savings envisioned as part of last year's reconciliation involving 50-cent-per-hundredweight assessments against milk producers are uncertain. Collections under the law in question are presently the subject of litigation. The reconciliation instructions to the Agriculture Committees of the House and the Senate are contingent upon a final adjudication by the courts that the law, part of subtitle A of title I of Public Law 97-263, is either unconstitutional or unenforceable. Let me stress that only if that final disposition is arrived at will the Agriculture Committees' reconciliation instructions come into effect. The amounts included in the provisional reconciliation instructions are intended to be the amounts sufficient to insure the savings contemplated by the Congress in the assessment legislation.

DEFERRED ENROLLMENT

The conference substitute provides for deferred enrollment of certain spending bills until adoption of the second budget resolution for fiscal year 1984 or October 1, 1983, whichever occurs first.

Under the provision, spending bills exceeding the appropriate committee total allocation pursuant to section 302(a) of the Budget Act would not be enrolled until adoption of the second budget resolution or October 1, 1983. In the House, the appropriate 302(a) allocation only refers to new discretionary budget authority and new entitlement authority. In the Senate, the appropriate 302(a) allocation would include new budget authority or new entitlement authority. The difference between the definitions of appropriate allocations in the House and Senate arises from the fact that in its 302(a) allocations the Senate does not divide new budget authority between discretionary and mandatory programs for scorekeeping purposes.

Let me stress again that, unlike the deferred enrollment provisions included in last year's budget resolution, the deferred enrollment procedure in the conference substitute would apply to spending bills exceeding a committee's appropriate 302(a) allocation, the total committee allocation.

OPTIONAL SECOND BUDGET RESOLUTION

The conference substitute provides that this concurrent resolution is converted into the second concurrent resolution on the budget on October 1, 1983, for the purposes of section 311 of the Budget Act, if Congress does not otherwise adopt a resolution by that date. Consequently, the targets set forth in the conference substitute would become binding on October 1, 1983, for the purposes of the spending ceiling and revenue floor under section 311 of the Budget Act. Again it should be noted that the spending ceiling is a floating ceiling in that it does not reflect amounts in the reserve fund until an allocation from the reserve fund is triggered.

The conference substitute further provides that enforcement against breaches of the spending ceiling under section 311(a) of the Budget Act would not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to section 302(a) of the Budget Act. As under the deferred enrollment procedure in the conference substitute, in the House the appropriate 302(a) allocation would include new discretionary budget authority and new entitlement authority only. In the Senate, the appropriate 302(a) allocation would include new budget authority or new entitlement authority, the difference being that since the Senate does not divide in its 302(a) allocations new budget authority between discretionary and mandatory programs for scorekeeping purposes.

The intent of the section 302(a) discretionary budget authority and new entitlement authority subceiling provided in the proposed resolution is to protect a committee which has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached because of reasons outside of its control.

MONETARY POLICY

The conference substitute includes language requesting the House Committee on Banking, Finance, and Urban Affairs and the Senate Committee on Banking, Housing, and Urban Affairs to report out a resolution expressing the sense of the Congress as to the coordination of the Federal Reserve's monetary policy with the fiscal policy included in the conference substitute. That resolution would also include a statement as to the information required by the Congress regard-

ing the Federal Reserve's economic assumptions and goals and the effects of the Federal Reserve's monetary policy on the economy, as well as any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the Banking Committees deem appropriate.

The language is in response to the recognition of the need for coordination between fiscal and monetary policy, the heavy burden placed on monetary policy by actual and projected deficits, the fact that any deficit reduction brought about by the resolution would reduce pressures on monetary policy, the need for vigorous economic growth consistent with reasonable price stability, and the requirements of the Banking and Budget Committees regarding Federal Reserve monetary policy and the economic assumptions consistent with that policy. The language is also in response to the fact that the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and economic assumptions consistent with that policy.

The Budget Committees have a particular interest in this matter because of the importance of developing budget economic assumptions that are up to date and realistic.

This compromise language was worked out in conjunction with both Banking Committees, and we believe that it represents a real step forward in the coordination of monetary and fiscal policy.

MILITARY RETIREMENT

The conference substitute contains sense of the Congress language directing the House Committee on Armed Services to initiate a review of military retirement programs and to recommend changes which would result in reduced spending under these programs. This sense of the Congress language was included in recognition of the fact that military retirement programs constitute a major sector of the defense budget and provide an appropriate area for review in Congress efforts to insure efficiency of programs while at the same time working toward reducing budget deficits.

LIMITATION ON FEDERAL ACTIVITY THROUGH THE APPROPRIATIONS PROCESS

The conference substitute contains sense of the Congress language that the President and the Congress, through the appropriations process, should limit on- and off-budget lending and loan guarantee commitments in fiscal years 1983-84 to the amounts assumed in the resolution.

FEDERAL FINANCING BANK LIMITATIONS

The conference substitute contains sense of the Congress language that the President should limit fiscal year 1983 and 1984 FFB origination of direct loans and purchases of loan assets to specified amounts and that direct borrowing by Federal agencies be limited to the FFB, to the maximum extent possible.

FEDERAL FINANCING BANK BUDGET IMPACT

The conference substitute contains sense of the Congress that budgets of agencies initiating FFB purchases of certificates of beneficial ownership and originations of guaranteed loans should include budget authority and outlays resulting from the transactions.

The conference substitute also contains language recommending that the committees of jurisdiction consider expeditiously legislation to require that the impact of such FFB transactions be included in the budgets of such agencies beginning with fiscal year 1985.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 050: NATIONAL DEFENSE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	263.85	235.40	290.35	256.30	317.50	284.30
Senate passed	270.65	241.60	300.95	269.65	333.06	299.85
Conference agreement	268.60	240.00	297.30	265.30	329.00	295.00

The conference agreement includes the following:

Five percent real growth—above inflation—is assumed for defense funding for each of the next three years.

The funding level assumed results in savings from the President's April budget of $11.9 billion in budget authority and $5.3 billion in outlays for fiscal year 1984 and $80.3 billion in budget authority and $53.3 billion in outlays for the three years 1984-86.

The funding level assumed is an increase of $24 billion over the fiscal year 1983 budget authority level.

Assumes a delay in military retirees COLA's until January of each year, consistent with other Federal COLA assumptions. This is an eight month delay in fiscal year 1984.

Assumes a four percent pay raise for Defense Department military and civilian personnel effective January 1, 1984 with 17 percent absorption assumed for all civilian employees.

EXPLANATION OIF CONFERENCE AGREEMENT, FUNCTION 150: INTERNATIONAL AFFAIRS

[In billion of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	18.85	13.20	17.10	13.20	16.55	13.00
Senate passed	18.20	12.70	16.50	12.80	15.90	12.80
Conference agreement	18.70	12.95	16.80	13.00	16.25	12.90

The conference agreement includes the following:

Export-Import Bank direct loans are assumed at the fiscal year 1983 level of $4.4 billion for fiscal year 1984, at $4.6 billion for fiscal year 1985, and at $4.8 billion for fiscal year 1986.

Security assistance programs for Israel and Egypt are assumed at levels consistent with those authorized in the International Security and Development Cooperation Act of 1983, as reported.

Other foreign assistance programs are assumed to continue at about the levels provided by Congress for fiscal year 1983.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	8.85	8.35	8.80	8.75	8.15	8.30
Senate passed	8.50	8.20	8.50	8.50	8.40	8.40
Conference agreement	8.70	8.30	8.50	8.50	8.15	8.30

The conference agreement includes the following:

$0.1 billion is assumed in fiscal year 1984 for National Science Foundation Science and Math Education Programs.

Funding is assumed for the acquisition of additional spare parts for the space shuttle as well as additional funding for planetary research, technology transfer and the space telescope program.

$0.5 billion in fiscal year 1984 is assumed for an initiative to modernize universal research instrumentation and facilities.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 270: ENERGY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	4.40	4.30	4.20	3.40	3.75	3.35
Senate passed	3.90	4.10	3.60	2.90	3.20	2.70
Conference agreement	4.20	4.30	3.90	3.15	3.50	3.05

The conference agreement includes the following:

Funding for energy programs is assumed at the fiscal year 1983 level, except for energy R&D programs where an additional $+250 million is assumed and energy conservation grant programs where an additional $+125 million is assumed.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	12.10	12.50	11.85	12.55	11.70	12.00
Senate passed	12.00	12.50	12.20	12.60	12.50	12.20
Conference agreement	12.05	12.50	11.85	12.55	11.70	12.15

The conference agreement includes the following:

Assumes $383 million in fiscal year 1984 for the Superfund.

Assumes funding for the Environmental Protection Agency's (EPA) operations of $1.3 billion.

Assumes funding for EPA construction grants at $2,430 million.

Assumes $300 million for the enactment of House-passed H.R. 999, the American Conservation Corps.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 350: AGRICULTURE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	14.85	14.65	15.10	13.35	14.10	14.05
Senate passed	11.60	11.40	14.00	12.30	13.20	13.10
Conference agreement:						
Including reserve	13.60	12.10	14.50	12.40	13.20	13.10
Excluding reserve	13.00	11.50	14.50	12.40	13.20	13.10

The conference agreement includes the following:

In fiscal year 1984, $600 million in budget authority and outlays is reserved for subsequent allocation to Committees. These funds are earmarked for emergency farm mortgage foreclosure relief and increased farm operating, ownership, and economic emergency loans. The agreement assumes $500 million for emergency farm mortgage foreclosure relief and $100 million for the on-budget affect of increased lending in the farm operating, ownership, and economic emergency programs.

Assumes $100 million for the implementation of House-passed H.R. 1590, Emergency Food Assistance and Commodity Distribution Act of 1983.

Agriculture reconciliation only if the courts finally adjudicate the current assessments against milk producers and determine that the assessments are unconstitutional or unenforceable. Should the agriculture committees be required to report changes in law, then they will be required to reduce outlays by $1,243 million in fiscal year 1984, $1,332 in fiscal year 1985, and $1,327 million in fiscal year 1986.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 370: COMMERCE AND HOUSING CREDIT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	6.10	2.30	6.25	0.40	6.45	−0.35
Senate passed	5.90	1.80	6.50		6.50	−.30
Conference agreement:						
Including reserve	6.00	2.45	6.25	.50	6.45	.26
Excluding reserve	6.00	2.25	6.25	.15	6.45	.10

The conference agreement includes the following:

Assumes $760 million for a new emergency mortgage foreclosure assistance program in 1983 to assist unemployed homeowners. These funds are earmarked and reserved by Congress for subsequent allocation to Committees. This program is consistent with the House-passed Emergency Housing Assistance Act of 1983, H.R. 1983, and would have outlays of $200 million in fiscal year 1984.

Assumes $879 million in 1984 for the postal subsidy for nonprofit mail. This amount is estimated to be sufficient to maintain nonprofit mail rates at their current levels.

Assumes a $3.3 billion 1984 program level for new FmHA rural housing loans, the same amount of new loans provided by 1983 appropriations.

Assumes $318 million of new SBA direct business loans in 1984.

Assumes $668 million for new Section 202 Housing for the elderly or handicapped loans in 1984, which will support an estimated 14,000 new housing units.

Assumes 1984 loan guarantees levels of $50.9 billion for FHA mortgage insurance commitments and $68.25 billion for GNMA guarantees of mortgage-backed securities.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 400: TRANSPORTATION

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	28.30	26.15	29.50	27.10	30.40	28.40
Senate passed	27.70	25.90	28.40	26.90	29.20	27.80
Conference agreement	28.00	26.00	28.95	27.00	29.80	28.10

The conference argument includes the following:

Assumes $28 billion in budget authority and $26 billion in outlays for transportation fiscal year 1984 programs.

Assumes $875 million in budget authority in fiscal year 1984 to fully fund mass transit operating assistance as authorized by the Surface Transportation Assistance Act of 1982 (STAA) (P.L. 97-424).

Assumes $13.8 billion in budget authority in fiscal year 1984 for Federal-aid highway construction and repair programs, the amount authorized by the STAA.

Assumes $1 billion for Airport Grants-In-Aid (ADAP), the amount authorized by the STAA.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	8.25	8.55	12.50	10.65	12.45	11.15
Senate passed	6.60	8.10	7.10	8.20	7.10	7.60
Conference agreement:						
Including reserve	6.975	8.225	9.90	9.20	9.90	9.175
Excluding reserve	6.85	8.10	7.30	8.35	7.35	7.80

The conference agreement includes the following:

Assumes $50 million in fiscal year 1984, $100 million in 1985, and $50 million in 1986 for a National Industrial Development Bank initiative. These funds are earmarked and reserved by Congress for subsequent allocation to Committees. The Bank would allow for a guaranteed loan program of $1 billion in 1984 and $3 billion in each of fiscal years 1985 and 1986.

Assumes $75 million in fiscal year 1984 and $2.5 billion for each of fiscal years 1985 and 1986 for an Infrastructure Initiative. These funds are earmarked and reserved by Congress for subsequent allocation to Committees.

Assumes a Community Development Block Grants program of $3.5 billion for each of fiscal years 1984-86.

Assumes an Urban Development Action Grant program of $440 million for each of fiscal years 1984-86.

Assumes an Economic Development Administration program at a level of $168 million for fiscal years 1984 and 1985 and $188 million in fiscal year 1986.

Assumes an Appalachian Regional Development program at a level of $162 million for fiscal years 1984 and 1985 and $142 million in 1986.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	39.15	32.70	33.05	31.15	33.70	32.80
Senate passed	31.80	27.25	28.50	28.40	28.50	28.40
Conference agreement:						
Including economic recovery funds	37.45	31.85	31.30	30.25	31.50	31.05
Excluding economic recovery funds	33.95	28.35	31.30	30.25	31.50	31.05

The Conference agreement includes the following:

$16.10 billion for education and related activities in fiscal year 1984. This is an increase of $2.35 billion over the CBO fiscal year 1984 freeze level and will accommodate inceases in elementary, secondary, vocational and higher education programs.

$10.95 billion for training, employment, and labor services programs, an increase of $1.10 billion over the CBO fiscal year 1984 freeze level. This will accommodate increased funding for the Job Training Partnership Act (JTPA), community services employment for older Americans, the Work Incentive (WIN) program, and labor services activities such as the Bureau of Labor Statistics (BLS).

$8 billion for a community renewal employment program ($4.50 billion in fiscal year 1983 and $3.50 billion in fiscal year 1984) is earmarked for use when an authorization is enacted. These economic recovery funds could provide jobs to between 600,000 and 800,000 long-term unemployed. Since unemployment is not projected to decline below 9 percent until after fiscal year 1984, this would put people to work on necessary community projects.

$7 billion for social services programs, an increase of $0.60 billion over the CBO fiscal year 1984 freeze level. This assumes a $2.80 billion permanent ceiling for the title XX social services program, and increase of $0.30 billion over the fiscal year 1984 ceiling. In addition, this level will accommodate increases for Head Start, child welfare services, vocational rehabilitation, community services, and aging program.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 550: HEALTH

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House Passed	96.25	96.00	104.50	106.55	117.30	115.35
Senate Passed [1]	94.149	93.049	105.124	103.524	116.949	112.849
Conference Agreement [1]						
Including reserve	34.10	34.00	37.45	37.05	38.50	37.95
Excluding reserve	32.10	32.00	35.80	35.40	38.50	37.95

[1] The Social Security Amendments of 1983 directed that social security programs, including, medicare, be identified separately in the budget. As a result, the conference agreement establishes a new function for Medicare, Function 570: Medical Insurance. For presentation purposes, the above table combines the Senate-passed Function 550: Health and Function 570: Medical Insurance. The Social Security Amendments of 1983 established a separate function for medicare. In order to determine a conference agreement comparable to the House and Senate levels, the totals for functions 550 and 570 must be combined as follows:

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Including reserves	96.60	94.60	108.30	105.65	119.70	114.10
Excluding reserves	94.60	92.60	106.60	104.00	119.70	114.10

The conference agreement includes the following:

$200 million is assumed for a health program for low-income pregnant women and young children. This funding level would provide health care for women and children up to one year of age from families with incomes below 55 percent of the poverty level. Assistance would be available nationally for poor pregnant women not now covered by state medicaid programs and post-natal health care for their children.

$2 billion is assumed for a new program to provide health insurance and benefits for unemployed workers and their families. These funds are reserved by Congress for subsequent allocation when an authorization is provided. The allocation for this item is $350 million in authority and outlays in fiscal year 1983 and $2 billion in fiscal year 1984, and $1.65 in budget authority and outlays in fiscal year 1985.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 570: MEDICAL INSURANCE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	Programs funded in function 550: Health					
Senate passed	61.40	60.30	69.40	68.30	79.10	75.60
Conference agreement [1]	62.50	60.60	70.85	68.60	81.20	76.15

[1] The Social Security Amendments of 1983 directed that social security programs, including medicare, be identified separately in the budget. As a result, the conference agreement establishes a new function for Medicare, Function 570: Medical Insurance.

The conference agreement includes the following:

Medicare reductions totalling $400 million are assumed for 1984, and $1.70 billion over the next three years, 1984-86. The conferees assume that the reforms to achieve these savings would not include reductions in services to beneficiaries or increases in beneficiary cost sharing. It is assumed that the savings would be obtained from improved cost controls on providers of services.

EXPLANATION OF CONFERENCE AGREEMENTS, FUNCTION 600: INCOME SECURITY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	310.60	284.70	332.70	296.80	354.05	313.20
Senate passed [1]	300.80	280.40	322.20	292.70	342.50	308.20
Conference agreement: [1]						
Including reserve	126.75	104.30	129.80	104.25	134.15	107.45
Excluding reserve	124.80	102.35	129.35	103.80	133.70	107.00

[1] The Social Security Amendments of 1983 established a separate function for the social security program. For presentation purposes, the above table combines the Senate-passed Function 600: Income Security and Function 650: Social Security. In order to determine a conference agreement comparable to the House and Senate levels, the conference agreement levels for Functions 600 and 650 must be combined as follows:

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Including reserve	302.75	280.70	326.20	291.55	347.15	307.15
Excluding reserve	300.80	278.75	325.75	291.10	346.70	306.70

The conference agreement includes the following:

$1.50 in budget authority and outlays in fiscal year 1984 is assumed for the extension of Federal supplemental benefits for the long-term unemployed. These funds are reserved by Congress for subsequent allocation to committees for use when the program is extended.

$450 million in budget authority and outlays in fiscal year 1984 is reserved by Congress for subsequent allocation to committees to increase benefits or expand eligibility for the food stamp program. This increased funding is maintained in fiscal years 1985 and 1986.

Additional funding of $450 million in budget authority and outlays would be provided for the child nutrition and WIC programs in fiscal years 1984–86.

The conference agreement assumes that cost-of-living adjustments for the civil service retirement, foreign service retirement, federal employee compensation, and black lung programs will be delayed until January. Savings of $300 million in fiscal year 1984 and $1.65 billion in fiscal years 1985–86 would occur from this delay.

Additional funding of $100 million in fiscal year 1984 and $200 million in fiscal years 1985 and 1986 is assumed for the Aid to Families with Dependent Children (AFDC) program. Additional monies could be used to reverse many of the anti-work policies enacted in the past two years.

An increase of $150 million annually in fiscal years 1984–86 is assumed for the low-income energy assistance program.

Additional receipts of $150 million in fiscal year 1984 and $200 million in fiscal years 1985–86 are assumed to accrue to the Pension Benefit Guaranty Corporation through enactment of the President's proposed premium increase for single-employer pension plans.

$9.6 billion in budget authority and $10.4 billion in outlays is assumed for assisted housing programs in fiscal year 1984. Of this amount, $1.45 billion in budget authority and outlays is assumed to be used to subsidize the operation of public housing projects.

Additional funding of $92 million for fiscal years 1984–86 is assumed for training under the Trade Adjustment Assistance Act.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 650: SOCIAL SECURITY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	Program funded in function 600: Income security					
Senate passed	174.90	176.40	194.80	187.30	211.20	199.70
Conference agreement [1]	176.00	176.40	196.40	187.30	213.00	199.70

[1] The Social Security Amendments of 1983 directed that social security programs be identified separately in the budget. As a result, the conference agreement establishes a new function for social security.

There were no policy differences between the House and Senate with regard to this function. Both Houses assumed the Social Security Amendments, which now have been enacted into law.

The Senate included a COLA adjusted of 3.5 percent based upon more recent data than was available to the House when it approved a resolution with a 4.1 percent COLA. The conferees adopted the Senate assumptions for the COLA.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 700: VETERANS BENEFITS AND SERVICES

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	26.00	25.55	26.40	26.00	27.00	26.50
Senate passed	25.70	25.60	26.70	26.30	27.20	26.60
Conference agreement:						
Including reserve	25.70	25.60	26.60	26.10	27.00	26.50
Excluding reserve	25.55	25.45	26.45	25.95	27.00	26.50

The conference agreement includes the following:

A net of $176 million to fund a 3.5 percent cost-of-living adjustment (COLA) in compensation benefits in April 1984. The agreement assumes that subsequent annual COLAs will be payable in January.

$11 million in new entitlement authority for proposed legislation to compensate veterans for certain agent orange-related disabilities and compensation for a temporary disability rating while hospitalized.

A shift of $264 million in VA construction funds from fiscal year 1984 to a fiscal year 1983.

$150 million in budget authority and outlays in fiscal year 1984 is reserved by Congress for subsequent allocation to committees for veterans' emergency job training legislation. Funding at this level is also included for fiscal year 1985.

Reconciliation outlays of $226 million in fiscal year 1984, $138 million in fiscal year 1985, and $140 million in fiscal year 1986.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 750: ADMINISTRATION OF JUSTICE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	5.60	5.50	5.55	5.50	5.45	5.45
Senate passed	6.00	6.00	5.80	5.90	5.90	5.80
Conference agreement	5.85	5.85	5.65	5.75	5.75	5.65

The conference agreement includes the following:

$5.85 billion in total budget authority and outlays in fiscal year 1984.

$296 million in budget authority is assumed for the Legal Services Corporation in 1984; this amount is consistent with the House/reported appropriation.

$3.40 billion in budget authority is assumed in fiscal year 1984 for law enforcement activities which allows a $350 million increase above fiscal year 1983 for efforts to combat organized crime and illegal drug trafficking and to increase border patrol capability by the Immigration and Naturalization Service.

$0.15 billion in budget authority is assumed in fiscal year 1984 for a new justice assistance grant program which is consistent with House-passed authorizing legislation (H.R. 2175).

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 800: GENERAL GOVERNMENT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	5.80	6.05	6.20	6.10	6.30	6.25
Senate passed	5.70	5.70	6.00	5.80	6.20	5.90
Conference agreement	5.60	5.60	6.00	5.80	6.20	5.90

The conference agreement includes the following:

$1.25 billion is assumed for the Legislative Branch in 1984, about the same as the 1983 funding.

$103 million is assumed for the Executive Office of the President in 1984, about the same as the 1983 funding.

$3.30 billion is assumed for the Internal Revenue Service in 1984, an amount which would support improvements in tax processing, examinations, and collections.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 850: GENERAL PURPOSE FISCAL ASSISTANCE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	0	BA	0	BA	0
House passed	7.60	7.60	7.45	7.50	7.60	7.60
Senate passed	7.10	7.00	7.20	7.10	7.50	7.50
Conference agreement	7.25	7.15	7.10	7.10	7.20	7.20

The conference agreement includes the following:

$5,017 million for each of the fiscal years 1984–86 is assumed for General Revenue Sharing. This represents a $450 million increase in budget authority over the current level of $4,567.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 900: NET INTEREST

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	96.15	96.15	103.40	103.40	105.65	105.65
Senate passed	95.90	95.90	104.20	104.20	107.00	107.00
Conference agreement:						
Including reserve	98.00	98.00	104.50	104.50	107.20	107.20
Excluding reserve	97.10	97.10	103.10	103.10	105.50	105.50

The conference agreement includes the following:

Updating of economic assumptions, to reflect recent higher levels of interest rates, which raised estimated interest outlays in Fiscal Year 1984.

Adjustment for the effect of all conference revenue and outlay agreements on deficits, debt, and debt service.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 920: ALLOWANCES

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	1.20	1.25	2.50	2.65	3.85	4.10
Senate passed	.60	.60	1.90	2.00	3.20	3.40

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 920: ALLOWANCES—Continued

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Conference agreement	.75	.80	2.05	2.20	3.40	3.60

The conference agreement includes the following:

A four percent civilian Federal employee pay raise effective in January in fiscal years 1984, 1985 and 1986, with the assumption that the civilian agencies will absorb 17 percent of the cost of the fiscal year 1984 pay raise, and will absorb $150 million of the cost of the pay raise in fiscal years 1984, 1985 and 1986.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	−17.35	−17.35	−18.75	−18.75	−23.55	−23.55
Senate passed	−18.10	−18.10	−19.00	−19.00	−23.80	−23.80
Conference agreement	−18.05	−18.05	−18.90	−18.90	−23.75	−23.75

The conference agreement includes the following:

Assumes receipts from leases of Outer Continental Shelf of $9.4 billion and surplus land sales of $0.15 billion.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. JONES) has consumed 9 minutes.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset let me just mention something that I think was overlooked a little bit earlier when we heard all the loud talking from the majority leader about the tax bill. You know, there were 133 members of his party who voted for the tax bill that he was condemning so loudly, which he seemed to conveniently overlook.

With regard to this budget, let me say this budget, if adhered to, would return us to the tax and spending era of the Carter administration. It would put a hold on our effort to strengthen our defenses from its anemic stature gained through 4 years of neglect under the Carter years.

During the last 2½ years we have shown the world that we could put our economic house in order and lead the free world out of a worldwide recession.

Our allies are looking to us, as are the American people, to continue our steady and proper course.

Let me say that what we do here today will have a lot of do with whether or not we maintain that course. Certainly our allies do not want us to turn back. The American people do not want us to turn back.

I know there has been a lot of rhetoric here today, probably a year early, because the campaign officially does not start until next year. Still, we have to look at some economic news that apparently our Democratic friends want to ignore and say does not exist.

What has been happening? What has been happening during the last 2½ years? Let us refresh our memories.

When the Carter administration left office we had a prime interest rate of 21.5 percent. Today we have a prime interest rate of 10.5 percent. Which do you like? Which do the American people like?

Once again they have been able to buy homes. The automobile market is booming. They are putting people back to work in my district producing cars. They are doing the same thing in Detroit.

Do we want to shut that off? I think not.

Inflation. You do not even hear anything about inflation anymore. But 2½ years ago we heard about it every time we turned around. Everybody was being affected by inflation.

It was 12.4 percent out of everybody's pocket whether he was the poorest person on the block or the richest, 12.4 percent being eaten up by inflation. For the first 6 months of this year inflation is down to 3 percent.

Do we want to return to 12.4-percent inflation? We can do it by returning to those spend and spend and tax and tax policies of the past.

I do not think we want to do that. I do not think the American people want us to do that.

That economic news that our friends on the right seem to want to forget is that the Index of Economic Indicators rose 1.1 percent in April, up for the 10th consecutive month. Most economists expect the recovery to be significant through at least 1983 and 1984.

Unemployment is still a problem but it is coming down. It dropped 10 percent in May. Since December 1982 more than 800,000 more individuals have been employed in this country. The unemployment rate for auto workers in May was 14.3 percent, down over 10 points from its November 1982 peak of 24.9 percent.

Which do we prefer: tax the people to death so that they cannot buy cars, or do we want to leave a little bit for them so that they can buy something to put people back to work the American way, through the free, private enterprise system?

There is particularly strong growth in the construction, manufacturing, and service industries. Oh, yes, here is something that would be good news to everybody if they have not already realized it. Tax freedom day now falls 6 days earlier than in 1981, taking place on May 2.

Inflation, as I have mentioned, has made a significant drop.

But housing starts showed a 64-percent gain in 1 single year, which shows a strong recovery in this particular industry.

The productivity in the nonfarm area showed its biggest jump since the first quarter of 1981 in the manufacturing sector, largely because of new investments in plant modernization and expansion.

Industrial output is up.

Disposable personal income after inflation is up 0.7 percent over a year ago.

Our gross national product is up.

New factory orders rose 2.1 percent in April, the fifth increase in 6 months.

Durable goods are up 3.8 percent after a 3.2-percent increase in March, and nondefense capital goods orders rose 11.7 percent in April following a March increase of 4.5 percent.

Orders for household goods rose 4.7 percent in April, and they have surged 15.5 percent since December.

Machinery orders have increased 3.7 percent.

S&L's reported continued deposit gains which have reflected in a healthy pace of mortgage lending.

During April deposits exceeded withdrawals by $4.42 billion. New loan commitments took their highest level ever recorded for the month of April at $10.1 billion.

My friends, that is progress. Oh, yes, we would like to have greater progress than that, but that is a lot more than it was under the Carter administration and the policies that we were following at that particular time.

Even in this Democrat budget, and I mention Democrat budget because I have alluded to the fact that we have a Republican Senate, but the budget that passed the Senate passed with 29 Democrat votes and only 21 Republican votes, and PETE DOMENICI, the chairman of the committee, had to switch his vote in order to pass it.

Even our Democratic friends concede that the President's economic plan is working when they revise their economic assumptions upward and beyond even the administration's projections of a few months ago.

□ 1320

In the next breath, however, they complain that the plan is not working and should be scrapped in favor of the Carter plan of tax and spend, tax and spend. Let us look at those economic indicators for just a second and they are the ones that were used by the conference committee.

Our nominal GNP projections for 1983 are up to 7.6 percent. Even from the House-passed resolution of 6.8 percent. Projected into 1984, up to 10 percent. The real GNP, the percent change of annual increase, the House-passed resolution, 2 percent, in this conference committee report for 1983 it is 2.8 percent. In 1984 the projection in the House as it passed this resolution was 4.7 percent. They now project 5.1-percent growth.

The CPI, percent of change in the House-passed resolution for 1983, 4.5 percent; but in this conference agreement for 1983, they are saying that CPI will fall to 3.5 percent and that is real progress, and they have to admit it, on that important inflation indicator.

And in 1984, they project it to be 5 percent.

As I said before, the only troublesome part about all of this is that we have not gotten all our people back to work, but they are going back to work gradually and we hope that that continues.

Let us also look at the matter of reducing spending, something most of the people of this country want.

You know, I do not get any letters from people saying they want to increase spending at the Federal level. I have not gotten any of those lately.

But in this resolution before us we increase nondefense spending by $23 billion over that requested by the President.

On the matter of taxes for 1984, $12 billion more in new taxes. Now, we might just as well face this one squarely. We soon will take up the tax matter. There is not anybody in this room familiar with what is involved who will say candidly that that $6 billion is going to go into the Treasury, because it is not going to become law. So, $12 billion in new taxes is mandated in this resolution through reconciliation. Now, where are you going to get it? $15 billion mandated new taxes for the next year. And $46 billion in new taxes mandated through reconciliation for the next year. That is $73 billion in new taxes being mandated by reconciliation in this resolution.

Now, I do not know how many thinking economists would advocate new taxes for more spending at a time when you are trying to get out of a recession.

How does this resolution accommodate all the spending in addition to raising taxes? Now you guessed it, you guessed it, all you have to do is to take a look at the resolution itself and you will find that they are putting it on the backs of the next generation and the next generation by increasing the level of the national debt.

Now, get these figures clearly because they are spelled right out in the resolution: The level of the public debt for fiscal year 1983 would be $1,389,200,000,000. For fiscal year 1984, $1,607,450,000,000; and in fiscal year 1985, $1,804,000,000; 1986, $1,993,750,000,000. That is in the resolution that you are asked to vote on here today. It is in there.

Oh, I know, there has not been much said about it, but that is right in the resolution.

We are all going to hear the Democratic rhetoric about the deficit, how it has increased under this administration. But let me say you are not going to hear one word from the right about all the Democratic programs which have added to that deficit. This administration has not been bringing request after request for new programs, to add to the deficit. No.

They have been attempting to slow the growth of this Government. But in every appropriation bill that will come through here now with the exception of defense, you are going to find more and more spending. And how many votes are you going to have against those appropriation bills? Well, they are going to be saying, "We need this, we need that, we cannot cut back."

That is how you get in trouble.

This conference report embodies a real gimmick not heretofore used to reduce the deficit figures.

Oh, I know it is probably going to be said they used it back in Muskie's day but in a different way. It places some $5.3 billion in 1983 and $8.5 billion in 1984 in a so-called reserve fund to be tapped upon the passage of certain legislation.

The proponents of this fund are calling it a contingency fund. Other people are calling it a slush fund or a "hideaway" fund which probably is more appropriate because that is what they are attempting to do, they are attempting to hide it from being placed in the deficit where it belongs.

Certainly we do not want to start this precedent, and it is a precedent.

I know they will hold up that Muskie matter, but that money was included in the deficit. If it is a good idea, putting $8.5 billion in 1984 in this hideaway fund and $5.3 billion in 1983, if that is such a good idea, we ought to hide more. As a matter of fact, we ought to balance the budget by hiding it all.

Mr. JONES of Oklahoma, Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Speaker, I just wanted to correct a misimpression that this is a precedent, this idea of a reserve fund.

In 1976, under the leadership of Senator Muskie and Senator Henry Bellmon, this concept was begun and this reserve fund, as is shown in Senate Concurrent Resolution 32, which I have here in my hand, also does not increase to the deficit unless the funds in the reserve fund are authorized.

So, it is not a precedent. It is building on the concept that was established by Senators Muskie and Bellmon.

Mr. LATTA. Let me say to my good friend and chairman, I had alluded to that fact that he would be saying that. I disagree with it completely because back when Mr. Muskie was chairman of that committee, and I have a copy of the report; it was in the deficit, that money was in the allowance section.

Let me read you page 9 of that report of the 94th Congress, it is 94-1108, if you care to take a look at it. It is in the conference report on allowances on page 9.

This is the pertinent language:

> The conference substitute provides budget authority of $2.85 billion and outlays of $1.15 billion. These amounts include $2.05 billion in budget authority and $350 million in outlays, which are reserved only for jobs programs, including accelerated public works, countercyclical assistance, public service employment, small business assistance or such other temporary job stimulus program that the Congress may enact. The balance of funds in this function covers the amounts requested by the President for pay increases for civilian agencies pending congressional review of the definitive pay proposal to be submitted by the President later this year.

□ 1330

If the chairman will look on down to the functional totals he will find those amounts are in the conference report and they show up in the deficit.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

That is in the year 1976 and I would say the gentleman is accurate in reading from that conference report. But what I had reference to was the year before when this concept was begun by Senators Muskie and Bellmon in House Congressional Resolution 32, and I read to the gentleman from page 2 of that bill.

Number 4. The recommended level of Federal revenues under existing law is $297,800,000 and if certain provisions of the Federal Tax Reduction Act of 1975 are extended to 1976, and additional taxes on energy and enacted, the level of Federal revenues would be $295,800,000.

This particular document shows that the year before that when this concept of a reserve fund was established, that the Senate did have two levels: One that affected the deficit only if the bill was authorized and passed; and the other showed what the deficit would be without this reserve fund.

So it has been used twice before. Once it was represented totally in the deficit. Once it was represented in two ways.

Mr. LATTA. Well, let me say if it was used in that manner by Senator Muskie, he slipped one by us.

And I do not compliment him for slipping it by us.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

The distinguished chairman of the Budget Committee has suggested that the moneys within the reserve program can only be utilized upon legislation from the authorizing committee. However, page 21 of the conference report reveals a large dispute on that because it says that these moneys can be used "upon the enactment of any legislation referred to in subsection A which requires an appropriation,"—that would be the authorizing legislation—"or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted." A plain reading of this suggests that in fact it would not take a specific authorization bill but rather could be slipped into an appropriations bill. Thus, this reserve account is not as sacrosanct as has been stated on the floor or publicly described at the conference itself.

Mr. LATTA. I want to thank the gentleman for his comments.

Mr. Speaker, let me say in conclusion that if we permit such budgetary gimmickry to pass, we might as well forget all about the usefulness which remains of this budget process. And there will be less and less restraint on spending as more and more is placed in a reserve fund every year.

Let me just say something about saving the process and also the need for a budget resolution. First, it was not until 1974 that we came forth with this process. Prior to that time we got by without it. We adopted the process because we thought it could reduce spending. With the exception of 2 years, we have not made much progress in slowing the growth of spending. We are not doing it in this resolution. But if the resolution passes in its present form, we will have to rely on Presidential vetoes to reduce spending in 1984.

As for the "save the process" argument, let me point out that we voted down resolutions in the past and have come back with new resolutions and we can do it again.

So it follows that we do not have to pass this particular resolution to "save the process."

So I urge my colleagues to vote against the resolution so that we can bring you a resolution which spends less, taxes less, and protects the gains we have made in rebuilding our defenses.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FAZIO), a distinguished member of the committee.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report.

If I could, I would like to engage my chairman in a colloquy regarding the reserve fund and its impact on the appropriations process.

I understand that the resolution reserved from allocation to committees at this time, particularly the Committee on Appropriations, amounts assumed necessary to fund certain phase 2 and 3 economic recovery programs which are not yet enacted into law.

Mr. JONES of Oklahoma. That is correct.

Mr. FAZIO. Is it correct that upon enactment of the authorizing legislation for one of these assumed initiatives, the amount assumed in the resolution for that program, but not yet allocated, would be allocated to the Committee on Appropriatons at that time?

Mr. JONES of Oklahoma. Yes, the Committee on the Budget will submit on the first legislative day following enactment of such legislation a report to the House reflecting the allocation from the reserve fund to the Committee on Appropriations.

Mr. FAZIO. I would like to clarify that once the allocation to the Appropriations Committee from the reserve fund is triggered, upon enactment of the authorizing legislation, the Committee on Appropriations is not procedurally restrained in its decisionmaking process as to how programs should be funded and is not required to file a new section 302(b) report.

Mr. JONES of Oklahoma. The gentleman is again correct. Yes, the intent of the managers in establishing the reserve fund is for the budget resolution not to prejudice the enactment and funding of the phase 2 and 3 recovery programs. Nothing in the resolution would direct, limit or affect the Appropriations Committee's decision on funding those programs. But if the Appropriations Committee decides to fund any of those initiatives, such funding would not be hindered by the terms of this resolution. Committees would not be required to file revised section 302(b) reports.

Mr. FAZIO. I appreciate the gentleman's comments and I would like to thank him for the sensitivity with which he has protected the prerogatives of the Appropriations Committee in this regard.

Mr. JONES of Oklahoma. I thank the gentleman. As he well knows this was an unusual circumstance as it was before the conference in 1975 and 1976. This is not a practice that we would hope to continue unless we found ourselves in a most unique circumstance as we did this year.

Mr. FAZIO. I am sure we all concur in those remarks.

Mr. JONES of Oklahoma. I thank the gentleman.

Mr. FAZIO. Mr. Speaker, budgets, like beauty, are in the eyes of the beholder. And indeed, the opinions about this budget resolution run from "a decent compromise, all things considered," to Presidential proclamations of "totally unacceptable" and threats of the veto pen being filled and ready to go.

Yes, in view of the fact that this resolution produces lower deficits than the President's proposed budget, why the sound and fury issuing forth from the White House? Because the President does not like the mix. He does not like the fact that Congress, in heeding his oft stated axiom, "you don't solve a problem by throwing money at it" refused to give him every penny he requested for the defense budget.

But take a look at this resolution, it really does not represent a radical departure from the policies and priorities of the White House. The defense side of the ledger still gets favored treatment, while the domestic programs do not keep pace with inflation. Federal expenditures are due to rise $46 billion. Of this increase, $26 billion

will go to defense. Our domestic programs will be increased by less than 4 percent, somewhat lower than the expected rate of inflation. Thus, these programs virtually stand still, while defense gets in real terms, a 5-percent boost.

Looking at this another way, the overall budget compromise allows a 5.7-percent increase in Federal spending, while the Pentagon will get 12 percent. Thus, nondefense portion of the budget goes up 3.4 percent.

One must wonder why the President so vehemently opposes this resolution. Cannot our national security be maintained at the levels that both parties in the Congress felt was adequate? Surely it can.

On the domestic front, the House added $30 billion in social programs and the conference agreement allows for a $22 billion increase. Of that amount, $8 billion has been put in a "reserve fund" pending the authorization of the programs involved.

Thus, we effectively have added $14 billion to the domestic side and subtracted $11 billion from the defense budget. In a budget of $859 billion for fiscal year 1984, these amounts hardly seem worthy of such Presidential outrage. It is a conservative budget and if one looks beneath the rhetoric, that becomes evident.

We cannot allow the American public to be deceived by the manner in which the White House is framing this debate. What the President has succeeded in doing is mixing the use of terms. When he speaks of defense, he says that the Congress only allowed a 5-percent growth in "real terms." But when he speaks of domestic programs, and talks about his "freeze" on spending, he never points out that what his freeze means is a real cut of 4 to 5 percent due to inflation. Thus, he is camouflaging the full scope of his defense requests and his continuing assault on domestic programs. As an example, this budget provides only a 3.1-percent increase in ongoing community and regional development programs, education, training, employment, social services, health, medical insurance, welfare, social security, and veterans benefits.

This Nation is faced with major problems of getting deficits down in order to boost this economy and by getting people back to work and productivity up. This is not an easy task, nor is it one that can be accomplished overnight. Controlling spending without hampering national security or denying the American public needed assistance can be accomplished if we work together and not against each other. This resolution is the product of a bipartisan compromise. Merely because the President has not this year been able to control the process is not a sufficient reason to cast it aside.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. PENNY).

Mr. PENNY. Mr. Speaker, I rise in support of the budget resolution and commend the work of the Members of this House in arriving at that compromise.

Mr. Speaker, the third year tax cut is scheduled to take effect next week. When Congress passed this tax cut, Americans were, at the same time, promised a balanced budget by 1984.

In January of this year the President presented his budget for fiscal year 1984 which included a deficit of $190 billion. It was clear we were going to have to borrow money to give this year's tax cut.

A few days ago a House/Senate conference committee reached bipartisan agreement on a budget resolution. They have called for a balanced approach to reduce future deficits and work toward a balanced budget. They have recommended restraint on domestic spending, limiting the growth of the military budget to 10 percent, and raising some new revenue. This recommended new revenue for fiscal year 1984 is more than matched by reductions in domestic spending from current levels and reductions from the President's request for military spending. This bipartisian budget deserves our support.

Where do we get the new revenue called for by the budget? I believe capping the third year tax cut makes the most sense. This tax proposal would leave in place a full 10 percent tax cut for over 90 percent of American taxpayers. All taxpayers would still receive up to a $720 tax cut. But capping tax cuts at $720 would help us reduce the deficit by over $6 billion. We can achieve the revenue called for in the budget by limiting additional tax cuts for the wealthiest in America. It not only makes sense, it is fair.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise in support of the conference report on House Concurrent Resolution 91, the first concurrent budget resolution for fiscal year 1984. Both Houses of Congress have reached a consensus that this report represents the most palatable compromise with respect to spending and revenue targets.

It is imperative that we move ahead and adopt House Concurrent Resolution 91 since the measure also represents a statement that the Congress will maintain certain budget priorities and make valiant attempts to start on the path to massive deficit reductions. This particular budget resolution, provides a change to restore some stability to the heinous cuts which have been proposed by the administration. In the past 2 years, we have witnessed the virtual destruction of our basic domestic programs due to the President's dogmatic adherence to a philosophy which defines the primary role of the Government as providing for the national defense. In the face of continuing high unemployment, unacceptable interest rates, and a painfully slow economic recovery, which is questionable at best, the Congress has a responsibility to restore order and to recommit to the priorities which represent a true investment in the future of our economy.

The conference agreement before you today represents this responsibility. The targets include initiatives to provide jobs for the long-term unemployed. The resolution also includes a program to provide health insurance and benefits for unemployed workers and their families, as well as, an extension of Federal supplemental compensation benefits for the long-term unemployed in fiscal year 1984.

The resolution before us today also takes a viable step in promoting the essential coordination of monetary and fiscal policies. The measure recognizes the critical need to move aggressively in reducing the deficit so that undue pressures on monetary policy might be eased. In fact, the conference agreement provides for a deficit of $179.3 billion in fiscal year 1984 and for a steadily declining deficit over the following 2 years, reaching a deficit level of $130.8 billion in fiscal year 1986. Estimates confirm that this figure will be at least $42 billion lower than the deficit projections in the Reagan budget.

Admittedly, the occasion is rare when I can stand in this House and support a budget resolution. Often we have acquiesced to merely rubberstamping many of the President's budget recommendations. This is not the case with the present resolution. It has incorporated a budget deficit projection of $179.3 billion, restored some semblance of stability to domestic priority programs, and emphasized the dire need for a tightened coordination between fiscal and monetary policies. I emphatically urge the adoption of this conference agreement.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, as the chairman knows, I have been concerned about the medicare provisions of the budget resolution conference report. I would like to engage in a colloquy with the gentleman very briefly.

It is my understanding that none of the reductions in these programs shall come from increased premiums or increased cost sharings to the beneficiaries or through reductions in services; in other words, can the gentleman

assure me that the thrust of the recommendations that the Budget Committee has made will not come from out of pocket expenses for the elderly, disabled, and the poor.

Mr. JONES of Oklahoma. I thank the gentlewoman for her concern in this regard and she has been in the forefront of protecting those who are the beneficiaries of medicare and elderly and retired citizens.

This medicare savings was first put in the Senate resolution and they assumed they would be achieved mostly by putting some sort of a limitation on the growth of physicians' fees, doctors' fees.

□ 1340

This was discussed very thoroughly in the budget conference, and language was placed in the statement of the managers, which I will quote:

It is the intent of the conferees that none of the savings directed to be achieved for the medicare program shall come from provisions to increase costs to beneficiaries or from reductions in services to beneficiaries. Rather, savings are to be obtained from improved control on providers of service.

And, very clearly, I think that meets the concerns the gentlewoman has. Obviously, this will be a part of reconciliation, it will be handled by the committees involved; but this is clearly the intent of the conferees.

Ms. OAKAR. I thank the chairman for yielding to me.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report on the budget and to commend the chairman, the gentleman from Oklahoma (Mr. JONES), for the remarkable job that he has done and the job that the conferees have done in getting an agreement on this budget.

I have seen and understand some of the pressures and dynamics involved in both bodies trying to achieve a budget that could be supported and that could pass, and I think the gentleman has done an outstanding job. I am not sure there would be many in this body that have the capability, the understanding, and patience to work with so many differing positions and beliefs and ideologies to come up with a broad guideline that most of us can support.

Again, I want to commend the gentleman because I think he has done an excellent job. The gentleman is a credit to the Nation, expecially to the State of Oklahoma. I think the people in the First District of Oklahoma are pleased and should be very proud of the dean of our delegation. I look forward to working with the chairman toward taking the first step and later steps in reducing the deficits and bringing back fiscal responsibility in this country.

Mr. JONES of Oklahoma. Mr. Speaker, I thank the gentleman for his kind remarks, and I intend to be involved in the debate on the tax bill which follows the budget resolution, but I want to especially commend the gentleman from Oklahoma (Mr. McCURDY) for the amendment that he will offer to that bill. That amendment, which clearly spells out that the revenues to be gained from that tax bill should go to lowering that deficit and reducing the spending, is an amendment which will be very, very helpful in actually implementing this budget agreement.

Budget conferences are only the first step. You actually have to enforce them in the reconciliation bills, in the appropriations bills, and in the other actions we take. The amendment of the gentleman from Oklahoma will be enormously helpful in making sure that enforcement and that deficit reduction effort is actually achieved.

Mr. McCURDY. I thank the gentleman and I look forward to working with him.

Mr. ROEMER. Mr. speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding, and I do want to compliment the gentleman and his committee and the conference committee for the work they have done. It is a significant improvement, I think, my personal opinion, on the budget we passed out of the House. Lower, more realistic taxes, I think that is healthy. A reasonable expenditure of money for military defense, I think that is necessary in the country.

My questions have to do with some of the spending in the bill. I have three quick questions, if the gentleman will yield. They are under the broad category of community and regional development programs, as explained in a fact sheet I got this morning.

No. 1, this report says that the conference agreement provides a little over $5 billion in funding for the general revenue sharing program for each of fiscal years 1984 through 1986, and that this represents $450 million over the current level. That is about a 10-percent increase in general revenue sharing. Is that true? And if we vote for this conference report, are we voting for that kind of increase in revenue sharing?

Mr. JONES of Oklahoma. By adopting this conference report you are not voting for that increase. The increase will actually be voted on when the general revenue sharing bill comes to the floor.

But here is the situation we faced: General revenue sharing has to be extended. It expires at the end of this year. The House and the other body have not acted on that yet. The committee in the House by a vote of 37 to 2 increased the general revenue sharing $800 million over the current level. That bill is pending and will come before the floor. The other body has not acted on it, so our choice in the increase over the present level was zero to $800 million, and we settled at a $450 million level. So that will be the parameters when it is considered in this and the other body.

Mr. ROEMER. I appreciate the gentleman's explanation. That helps me.

To read the report further, it says, in point 2: The conference agreement provides $75 million in fiscal year 1984 and $2.5 billion each year, 1985, 1986, for an infrastructure initiative, which is entirely a House initiative, this report says, proudly.

I do not feel that pride, but what is an infrastructure initiative of over $5 billion in the next 3 years?

Mr. JONES of Oklahoma. This is also in the reserve fund. As part of phase 2 and phase 3 recovery, one of the recommendations is that a mostly public works approach be taken to rebuild the deteriorating infrastructure of the United States, not only roads and highways, but transportation systems, water and sewer systems, and systems of that nature. That bill, too, has not come to the floor of the House or to the Senate. Essentially what we have done here is to put this in the reserve fund. If that is authorized and signed by the President, then funds can be released to the Appropriations Committee. But if it is not authorized, it will not be spent for any other purpose.

Mr. ROEMER. Would the gentleman agree that the $5 billion is in the reserve fund, not in the basic spending levels that you have set in the conference report? Is that in the 302 moneys, or is that a separate account, so to speak?

Mr. JONES of Oklahoma. The reserve fund will not be released as part of the 302 allocations, what we call crosswalking, to the Appropriations Committee, unless the authorizing legislation is passed by both Houses and signed by the President.

Mr. ROEMER. I thank the gentleman.

I have one final question along the same lines, and perhaps it will be the same answer. But to read further, it says the conference agreement provides $50 million in fiscal year 1984, $100 in fiscal year 1985, and $50 million in 1986 for a national industrial development bank.

Now, as the gentleman knows, I am on the Banking Committee. On this particular subcommittee we have had

extensive hearings. We have come to no conclusion either as to the need for such a bank or, if there is a need, how to structure it. Yet I see several hundreds of millions of dollars outlined here.

Would the gentleman explain that to us?

Mr. JONES of Oklahoma. The national industrial development bank will fall into the same category as the infrastructure initiative that we just discussed. This will be in the reserve fund. This was generally contemplated by those who were pushing this concept as part of the phase 3 recovery program. It is a concept designed to provide a source of capital to revitalize the basic industrial structure of the United States. I recognize that the concept has not been translated into any kind of a law or legislative proposal yet, as far as I know. Therefore, that money will not be spent unless and until it actually is put into authorizing legislation, passed both the House and the Senate and signed by the President.

Mr. ROEMER. Finally, is it the chairman's position that a vote for this conference report is not in fact a vote for any or all of these additional spending programs, as so proudly outlined in this factsheet?

Mr. JONES of Oklahoma. The gentleman is correct.

As I pointed out in my opening remarks, this concept of the reserve fund enables those Members who are pushing consideration of these programs an opportunity within the confines of the Budget Act to have their proposals be considered.

But for those who were concerned that this sum of money could be used for other purposes that already now exist and thus add to the deficit irrespective of the recovery initiatives, that would be prevented in the reserve fund concept.

This was the best way we could find to deal with the situation that had not yet been settled in either the House or the Senate. So as the gentleman well knows, voting for a budget conference report is voting on limitations. It does not require that you vote for every piece in there, whether it is defense, foreign aid, or domestic programs, but it does set limitations.

Mr. ROEMER. I thank the gentleman.

□ 1350

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

I listened to the colloquy between the chairman and the gentleman from Louisiana, and I would like to get the attention of both of the gentlemen at this time.

In answer to the question propounded by the gentleman from Louisiana about the reserve fund, the chairman not only once, but a couple different times, stated that we would have to have this legislation authorized and signed into law. Well, the conference report disputes that. Let me read from the conference report on page 21.

> Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, * * *

Now, that clearly says we can do it through the appropriation process.

The SPEAKER pro tempore (Mr. FOLEY). The time of the gentleman from Ohio (Mr. LATTA) has expired.

Mr. LATTA. Mr. Speaker, I yield myself 1 additional minute.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, if the gentleman will read this, it says, "Upon enactment of an appropriation." The basic reason for this provision was because, in fact, there is a precedent where the Committee on Appropriations has appropriated for programs that have not been authorized. But the money is not released until there is passage of that appropriations bill by the House, by the Senate, and signed by the President. That is the reality we are dealing with.

Mr. LATTA. Mr. Speaker, if I may reclaim my time, that is not what the chairman said. He said a bill authorized by this Congress and signed into law.

What I am pointing out is that we can do the same thing under this language through the appropriation bill. There is no question about it. It is right there in black and white.

And let me say also that it has been called to my attention that the document that we were working from over there has been changed from the time it left the conference until it got into this report, and that might be confusing the chairman.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman from Louisiana.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. LATTA) has expired.

Mr. LATTA. Mr. Speaker, I yield myself 1 additional minute.

Mr. ROEMER. I thank the gentleman for yielding.

For the record, and in truth, is the gentleman saying that the chairman of our Budget Committee is in any way misleading when he makes the case that the reserve fund moneys are not automatically spent; that they require direct action by the House, the Senate, and a signature by the President of the United States?

That is what I heard the chairman say. Is the gentleman taking a different position than that?

Mr. LATTA. I am just reading what the conference report says, and let it speak for itself.

Mr. ROEMER. Well, I wish the gentleman would speak to the question. Is the gentleman taking a different position than the chairman of the Budget Committee?

Mr. LATTA. I am taking the position, if I may reclaim my time, right here that it states specifically in this conference report on page 21 that there are two ways of doing it, and the word "or" has been inserted, and he can do it on an appropriation bill or he can do it through an authorizing bill, as the chairman has indicated.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. The gentleman may not have been at the conference at the time this particular situation was discussed. As I recall, it came in connection with the math/science initiatives, and essentially what we had there was a situation——

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. LATTA) has expired.

Mr. LATTA. Mr. Speaker, I guess we are running out of time. Let me say that I will yield myself 30 seconds. If the gentleman wants to explain it further, he can do it on his own time.

Mr. JONES of Oklahoma. No. My statement still stands, Mr. LATTA, and I do not need to explain it any further.

Mr. LATTA. Mr. Speaker, all we have to do is to look at the conference report, read the language, and I think most people can understand that language. It is very clear. There are two ways of doing it. So we do not want to mislead anybody and to state anything other than what is in that conference report.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to this budget proposal, and I would like to begin by setting the record straight.

We have two different changes that have been made which make it very difficult to compare what the President has proposed and what the conference committee has reported. First of all, the committee changed the economic assumptions and lowered the deficit by $14 billion. But we are dealing with the same economy, and we need to apply the same assumptions, as our chairman has said over and over in the past.

Second, the committee has come up with a contingency fund proposal which says, "If you spend it, it is

spent; if you do not spend it, it is not spent." I think everybody knows what that means.

Let us look at the part of the budget that is binding, let us look at the same assumptions and under the same scoring process and see what this budget does relative to the budget proposed by the President.

First of all, this budget raises taxes in the binding part of the budget $10 billion above the level recommended by President Reagan. Some people think taxes ought to be raised. I am not one of them, but some people think we ought to raise taxes.

It proposes cutting defense $12 billion below President Reagan's recommended level. There are some people who think we ought to cut defense. Again, I do not happen to be one of them. I want a prudent control on defense growth, but I do not think we ought to slash defense.

Finally, it raises the deficit by $13 billion above the level recommended by President Reagan.

Now wait a minute. If we raise taxes by $10 billion, that is supposed to lower the deficit. If we cut defense by $12 billion, that is supposed to lower the deficit. But yet the deficit in the part of the budget that is binding is up $13 billion.

What happened? What happened was the committee did not raise taxes to lower the deficit and it did not cut defense to lower the deficit. It raised taxes, cut defense, and raised the deficit to fund $29 billion worth of new spending add ons.

So if Members vote for this budget, they are voting to raise taxes, to slash defense, to raise the deficit so we can go on spending as usual here in Washington.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. GRAMM. I will be happy to yield at the conclusion of my remarks.

What we are doing here is asking that we return to the policies of the 1960's and 1970's, that we return to the policies of cutting defense, raising taxes, raising the deficit, so that we can go on spending as usual here in Washington. And what a great paradox it is now that our effort to control spending in the last 2 years is now bearing fruit. The economy is recovering; the inflation rate has collapsed; interest rates have been cut in half, 800,000 people have gone to work since January. If we can sustain this recovery, we can put 5 million more people to work in the next 3 years.

Does anybody believe that we are going to sustain the recovery by raising taxes and raising the deficit so we can go on spending as usual? This is not an economic document. This is a political document which says to every special interest group in America that the national Democratic Party cares more about every special interest prospending group in America than it does about the working people and the people who would like to be working.

This is an election year document that unfortunately is going to affect real people who are out there waiting to go back to work. It is going to offset the gains of the last 2 years, and I urge my colleagues to defeat this budget so that we might go back to the drawing board and put together a budget that does, indeed, control spending and that does lower the deficit.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. GRAMM. I would be happy to yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Two questions quickly: One is on the deficit figure that the gentleman from Texas used. We have been told that the conference report yields a lower deficit than the budget that passed the House a couple months ago. I believe that is true. The gentleman has come up with a new statistic and says that the President's budget, if it had been adopted, would have yielded an even lower deficit.

Mr. GRAMM. Let me respond to the gentleman by saying that when you convert to the same economic assumptions and use the same scoring, the deficit in this budget is $8 billion higher than the President's proposal in fiscal year 1984, $5 billion above in 1983 revisions. And $8 billion plus $5 billion is $13 billion. So this budget raises the deficit in the area of the budget which is binding. This budget does not raise taxes to lower the deficit. This budget does not cut defense to lower the deficit. This budget raises taxes, cuts defense, raises the deficit, all so we can go on spending here as usual here in Washington.

We have an election year choice, 1 year early: We can vote to show we care more about every prospending special interest group in the country than we do about the people who want to go to work or we can vote to sustain the recovery. If you want to raise taxes, cut defense, and raise the deficit so we can go on spending, vote for this budget. If you do not want to do those things, vote against this budget so we can go back to the drawing board.

□ 1400

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong opposition to this budget conference report.

I might just continue the discussion that was just terminated between the gentleman from Texas (Mr. GRAMM) and the gentleman from Louisiana (Mr. ROEMER). I have in my hands now a document that is approximately 1½ hours old. It is the most recent and authoritative analysis by the Congressional Budget Office, and it addresses the deficit numbers the gentleman was asking about in a different way than what he asked our colleague and friend, the gentleman from Texas (Mr. GRAMM).

The bottom line by the Congressional Budget Office, comparing the President's budget request with this conference budget resolution before us, is that the adjusted deficit for the President's budget request would be $170.8 billion in fiscal year 1984, and if this budget resolution is agreed to by the conferees—most of the conferees, I should say—it is $179.3 billion. So there is approximately a $10 billion difference; an add on of $10 billion by this conference report before us.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. Mr. Speaker, in addition, I wish to say to my friend, the gentleman from Louisiana, that this is using the same economic assumptions, in order that the apples and oranges of the past can be compared as a common grapefruit.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I am happy to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Speaker, I will limit it to that point. That is the deficit, and I appreciate the figures of the gentleman from Texas.

I will ask if this $179 billion deficit figure in the conference report includes the reserve or excludes the reserve?

Mr. LOEFFLER. It includes the reserve, consistent with the language in the conference report.

Mr. ROEMER. So what would those figures be, excluding the reserve? Does the gentleman have that?

Mr. LOEFFLER. If we exclude the reserve, we are talking about something in the range of a billion dollars-plus over what the President's request was.

Mr. ROEMER. But would the gentleman agree that excluding the reserve the figures are the same?

Mr. LOEFFLER. The Congressional Budget Office includes the reserve in spending.

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. Mr. Speaker, I would like to address another item that is involved in this budget resolution, and that is if this budget is designed to reassure the business community and the financial markets on the question of the resolve of Congress to set its fiscal house in order, let me assure the Members of this body that it has failed miserably. Tax increases cannot produce lower interest rates. Additional taxes crowd productive dol-

lars out of the economy in the same way that higher deficits do.

So if certain Members believe they can raise taxes to reduce the deficit with a commensurate GNP-neutral effect as opposed to an outright reduction in Federal spending, that is just not true.

Some have argued that a combination of tax increases and spending reductions would lower the deficit enough to reduce interest rates. I question this equation unless a serious and realistic effort to restrain excessive spending, not simply by gutting our national defense capabilities, is made. Financial markets will not be fooled into thinking that deficits are being brought under control.

In addition, Mr. Speaker, the recovery that is currently ongoing depends in large part on consumer spending, for consumer spending accounts for between 60 and 65 percent of the demand for goods and services. This basically is a great element in achieving new, lasting, and real jobs as we are now in the process of reducing unemployment. If Congress intrudes on the third year 10 percent personal income tax reduction in any way—and we will be looking at that later today—it will in effect stifle economic recovery by preventing increased consumer spending and by disallowing sustained and solid recovery.

Mr. Speaker, there is no question, then, that we are looking at a situation that calls for massive tax increases, and just in the unlikely event that the tax increase bill that we will be considering later today would become law over the objections of the President and many of us on this floor, there would still be a need for an additional $6 billion to be raised for fiscal year 1984, and over the 3-year projection between fiscal year 1984 and fiscal year 1986, we would need to raise $73 billion in taxes over and above the existing law that we know today.

My question to this body and to the American people for their own determination is this: What segment or segments of our society will be asked to shoulder this back-breaking tax burden? Will if come from a specific industry? Will it come from everyone across the board in the form of a surtax? No one knows. The American people have been taxed to death. We simply cannot afford additional taxes.

Mr. Speaker, I urge my colleagues to defeat this conference report, and I thank the gentleman from Ohio (Mr. LATTA), for his distinguished leadership in this area.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. RICHARDSON).

Mr. RICHARDSON. Mr. Speaker, I rise in support of the conference report on the first concurrent budget resolution, although I have some problems in the spending area that I wish to point out.

I felt the 4-percent real increase in defense spending provided for in the House-passed budget resolution was generous. The House plan would have strengthened America's defense in a prudent, effective, and responsible manner. But the 5-percent increase in defense spending provided in the conference committee report is a bit excessive. I will admit it is certainly better than the President's proposal for 10 percent growth in the Pentagon budget. But giving the Pentagon $270 billion next year as the conference report budget calls for will only foster the waste we all hate to see without effectively strengthening our national security. I think my colleagues will agree you cannot solve a problem by throwing money at it.

Mr. Speaker, we continuously hear calls for more responsible Federal spending and for lower Federal deficits. The House took action to reduce these unconscionable deficits that threaten to choke off economic recovery. The House-passed budget would produce a deficit $5 billion lower than the conference budget in fiscal year 1984 and $15 billion lower than the conference budget in fiscal year 1985.

Mr. Speaker, domestic programs really took it on the chin in the conference budget. Domestic spending in the conference budget is $6½ billion less than the House budget called for. Medicare, food stamps, child nutrition programs, programs designed to protect and assist those Americans who have been left behind in this cruel recession were all slashed. Necessary community and regional development expenditures were cut by more than $1 billion. Even in the face of reports that our Nation is facing a severe crisis in education the conference budget contains almost $2 billion less for education and employment programs than the House-passed budget.

Yet, I still must vote in favor of the conference report because we must not let the budget process collapse. Admittedly the budget process has not been taken very seriously during the past 2½ years, as the record budget deficits during the Reagan administration show.

But if Congress is unable to pass a budget resolution, however imperfect, the budget process will fall apart, we will be blamed for being unable to discipline ourselves and we will be lambasted by a President who wants more defense, less for domestic spending and who cares not in the least about the record deficits he wants to pile up year after year.

The President has asked for fiscal responsibility and we can give him just that by passing the budget resolution. But it is the President who threatens to walk away from the budget process and veto tax and spending bills. It was the President who produced a budget with deep domestic spending cuts and a deficit approaching $200 billion as far as the eye could see. If this is not fiscal irresponsibility, I do not know what is. Members of the President's own party rejected his budget as totally unrealistic and too harsh on the poor. But the President's eyes remain closed.

Congress must pass a budget and demonstrate to the American people that we are not the irresponsible ones. That blame belongs at the other end of Pennsylvania Avenue.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Speaker, first I want to congratulate the Budget Committee for its work in a difficult process. Even though I disagree with the result, the process is critically important to this Congress.

Mr. Speaker, when the Governor of Michigan proposed earlier this year sizable tax increases and only marginal deficit reductions as a way of addressing Michigan's fiscal crisis, I issued a statement summarizing my concern. I cautioned the Governor and the Michigan Legislature that "Michigan cannot tax itself into prosperity." Much to my regret, the conference on the first budget resolution has chosen the same unwise path of increases in taxes, spending, and deficits.

At a time when the Nation is experiencing signs of economic recovery, I believe it is a serious mistake to increase taxes.

In almost every respect, this conference report offers the wrong solution for the Nations problems. An additional $73 billion in taxes over the next 3 years, $12 billion alone in fiscal year 1984, is proposed by this budget resolution. Most objectionable of all of the provisions is the assumption that the third year of the tax cut is to be capped; $6 billion cannot be removed from the pockets of the American taxpayers at a point when consumer spending is just beginning to accelerate. Deficits cannot be reduced simply by raising taxes. Unfortunately, this is the path chosen by the conference report.

For every dollar of increased taxes, the conference report requires only 16 cents in reduced spending. That is $73 billion of new taxes and only $12 billion in reductions. This is less than one-half of 1 percent of what the Federal Government will spend over the next 3 years. That is hardly restraining the growth of Federal spending.

Mr. Speaker, economic prosperity does not spring forth from tax increases and fiscal responsibility is not fostered by raising Federal deficits. Therefore this Nation—like Michigan—cannot tax itself into prosperity.

I urge defeat of this conference report.

□ 1410

Mr. JONES of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support for the budget resolution.

My distinguished colleague, the previous speaker, the gentleman from Michigan, and my good friend, failed to tell the committee that the facts of the matter in Michigan were that the Democratic Governor there inherited the situation from his Republican predecessor in which the State was nearly a billion dollars in debt and was faced with absolute bankruptcy.

Governor Blanchard and the legislature acted courageously to protect our State from the horrendous possibilities of school closing, payless paydays, and a black mark that would have blemished our good State's name.

Fortunately, courage and sensibility carried the day in the face of those who would have continued a policy which would ultimately have seen great schools like the University of Michigan at Ann Arbor, which the gentleman represents, closed.

We have similar situations not unlike that in Michigan present in this Federal Government, with a President that insists upon running deficits which in 4 years will equal that of 200 years of his predecessors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Does the gentlewoman seek recognition?

Mrs. MARTIN of Illinois. Mr. Speaker, could the Chair inform us how much time each side of the aisle has remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma has 35 minutes left and the gentleman from Ohio has 21½ minutes left.

Mrs. MARTIN of Illinois. Then we will allow the other side of the aisle to catch up.

Mr. JONES of Oklahoma. Does the gentlewoman want to yield back her time?

Mrs. MARTIN of Illinois. Mr. Speaker, I am reserving the balance of my time.

Mr. JONES of Oklahoma. Our side just spoke. If the gentlewoman does not want to use her time and have her side go forward, the gentlewoman can reserve her time and we can reserve ours and we can dispense with the rest of the debate.

Mrs. MARTIN of Illinois. Mr. Speaker, may I ask the outstanding chairman, the gentleman from Oklahoma, will he then yield that time to us?

Well, we will reserve our time for now and await the gentleman's decision.

PARLIAMENTARY INQUIRY

Mr. JONES of Oklahoma. Mr. Speaker, I would like to state a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JONES of Oklahoma. Mr. Speaker, if we reserve our time, is the previous question then in order?

The SPEAKER pro tempore. Will the gentleman restate the question?

Mr. JONES of Oklahoma. The gentlewoman has reserved her time. If we reserve our time, is the previous question then in order?

The SPEAKER pro tempore. If neither side yields time, the Chair will entertain a motion for the previous question from the manager of the motion.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SHUSTER. Mr. Speaker, if not the rules of the House, is it not the tradition of the House that the side with the most time remaining takes the floor?

The SPEAKER pro tempore. That is one variable. Alternating from side to side is another tradition of the House.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, this 30 seconds will just be on one level of a bipartisan thank you.

I have always respected the political acumen of the majority and never expected to receive a gift, such as we are being given today. A tax increase and a ludicrous budget on a platter are being given to my party, to be used not just this year, but next. We are extraordinarily grateful on this side, although a little surprised that those kinds of judgments could have been made. But we will happily use that tax increase to show the American people what the parties stand for.

Mr. JONES of Oklahoma. Mr. Speaker, I yield myself 30 seconds just to point out to the gentlewoman that the tax bill is the next bill to be considered. We are on the budget conference report right now. As far as the debate is concerned, we have been alternating back and forth. The fact that the ranking minority member used 22 minutes as one speaker is beyond my control.

Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Speaker, as a member of the House Budget Committee, I join my colleagues in urging adoption of the conference report on the first budget resolution. This budget is a definite change from past practice.

For openers, the conference agreement reduces the deficit by at least $48.2 billion and potentially $66 billion lower than the deficit in the President's budget.

While reducing the deficit, this budget will create jobs if the Congress follows through and enacts programs which are provided for in the reserve fund. The agreement provides for $6.060 billion in budget authority and $5.350 billion in outlays in fiscal year 1983, and $8.325 billion in budget authority and $8.525 billion in outlays in fiscal year 1984. Programs funded are primarily new initiatives to alleviate the effects of the recession and to promote economic recovery. Included are: loan foreclosure relief for farmers, foreclosure relief for the unemployed, public works, national industrial development bank, job programs, health insurance for the unemployed, extension of unemployment benefits, expanded eligibility for food stamps, and veterans' job training.

Funds will be allocated to committees when the above programs become authorized.

Specifically, the conference agreement provides $4.5 billion in budget authority for fiscal year 1983 and $3.5 billion in budget authority in fiscal year 1984 for a new jobs program in the reserve fund, which could provide jobs to 600,000 to 800,000 long-term unemployed persons. The budget provides $4.564 billion in budget authority in fiscal year 1984 for job training under the Job Training Partnership Act (JTPA) as well as $3.611 billion for forward funding of this program. JTPA passed the 97th Congress and was embraced by President Reagan as his program.

The conference agreement on the first budget resolution for fiscal year 1984 provides $16.10 billion in budget authority and $14.85 billion in outlays for education programs. This reflects an even compromise with the Senate and provides for an increase of $0.8 billion above the current level of funding including:

A $613 million increase for compensatory education;

A $496 million increase for student financial assistance for higher education;

A $325 million increase for a new math-science initiative;

A $97 million increase for vocational and adult education; and

A $50 million increase in education for the handicapped.

The first budget resolution for fiscal year 1984 provides $430 million in budget authority and $214 million in outlays for a math-science education initiative. This House has passed H.R. 1310, which authorizes $425 million for scholarships, grants, teacher training, research, and other initiatives to enhance the quality of math and science education in the country.

Why do we need these jobs now?

In May 1983, 11.2 million American workers were unemployed, for an overall national unemployment of 10.1 percent. Despite a drop in unemployment since its peak in December 1982 at 10.8 percent, the current rate is still the highest of any unemployment rate between the years of 1940 and 1982. In addition to the number of workers officially counted as unemployed, an additional 2 million people also are jobless but have given up hope of finding work. These discouraged workers are no longer counted among the officially unemployed. Among those people who are currently working, about 6 million are forced to work part time because they cannot find full-time employment.

Unemployment among blacks in May 1983 stood at 20.6 percent. The overall youth unemployment rate in May was 23 percent. Among black youth, the May 1983 jobless rate was 48.2 percent. Virtually one of every two black teenagers is actively seeking but unable to find a job.

The recent drop in unemployment has not resulted in a comparable increase in the number of people who are finding jobs. Since December 1982, the portion of civilian workers who are unemployed has dropped from 10.8 to 10.1 percent. However, at the same time, the total number of civilians in the labor force also has dropped, from 111,129,000 to 110,749,000. Therefore, the drop in unemployment has occurred, not because more people are finding jobs, but because the labor force itself is shrinking as more people give up hope of finding work.

Unemployment declines since December 1982 have not equally benefited all sectors of the work force. While joblessness has dropped slightly for adult whites and black men, the unemployment rate among black women aged 20 and over has actually increased since December 1982, rising from 16.5 to 17.1 percent in May 1983.

Despite the drop in the overall unemployment rate since December, the number of people who are long-term unemployed has continued to climb sharply. In December 1982, when unemployment is considered to have peaked, 38.8 percent of the unemployed had been jobless for at least 15 weeks, and 21.3 percent of the unemployed had been idle at least 27 weeks. In May 1983, the portion of unemployed remaining jobless for at least 15 weeks had climbed to 41 percent and those jobless for at least 27 weeks had increased to 25.3 percent. Meanwhile, the average number of weeks of unemployment in December 1982 was 18; by May 1983, the average duration of unemployment had increased to 20.4 weeks. As a result, the total number of weeks of unemployment in May 1983 was higher than in December 1982, despite a drop in the unemployment rate.

The Joint Economic Committee has released data which show the severity of unemployment in May 1983 is the worst of any time since 1948, despite the recent drop in the overall unemployment rate. In May 1983, 11.2 million people were unemployed for an average of 20.4 weeks, for a total number of weeks of unemployment of 228 million. By contrast, when unemployment peaked in December 1982, 12 million people were out of work for an average of 18 weeks, for a total number of weeks for unemployment of 216 million. Meanwhile, in June 1981, the month before the current recession began, 7.7 million people were unemployed an average of 14.2 weeks, for a total number of weeks of unemployment of 109 million.

Although most economic forecasters agree that recovery may be beginning, even the most optimistic concede that recovery will be very slow-paced compared to recoveries from previous postwar recessions. Most forecasters do not anticipate that unemployment will drop below an average of 9 percent until after 1984. Unemployment is not expected to reach its prerecession level until after 1988 at the earliest, according to several forecasters including the Congressional Budget Office.

After most of the postwar recessions, unemployment during the recovery phase has been higher than after the previous recession. In the peak month of the 1969–73 business cycle, unemployment stood at 4.8 percent. In the peak month of the 1980–81 cycle, unemployment was 7.2 percent. Meanwhile, unemployment during the 1981–83 recession appears to have peaked at 10.8 percent. Even with a sustained recovery, unemployment is not expected to reach its prerecession level of 7.3 percent in June 1981 until after 1988 at the earliest.

In March 1983, the unemployment rate in 22 States was higher than the national average. In all but eight States, unemployment had climbed between March 1982 and March 1983.

Of a total 243 metropolitan areas, unemployment rates in 183 had risen between March 1982 and March 1983. As of March 1983, 94 metropolitan areas had jobless rates above the national average.

Bureau of Labor Statistics Commissioner Janet Norwood recently told a group of business writers that "Economic recovery alone will not be enough for certain groups of workers. Without additional help, blacks, women, youth and displaced workers will be left behind," she said.

Congress in March 1983 provided $4.6 billion in an emergency supplemental jobs appropriations bill—Public Law 98-8. However, this measure primarily speeded up already planned spending for a variety of existing Federal programs with no guarantee that the additional funding be used to create jobs. At best, the money is expected to create between 300,000 and 400,000 jobs, many of which will not be full-year jobs. Further, most of the employment that will be created will be on public works projects, primarily assisting unemployed construction workers. Meanwhile, women and minorities, who respectively comprise 41.5 percent and 29 percent of the unemployed, comprise only 1.3 percent and 7.3 percent of construction workers.

Within days of signing the emergency jobs supplemental appropriation, the administration announced plans to propose a 50-percent reduction in outlays for programs included in the measure between now and 1988.

I urge my colleagues to support this budget compromise. It meets our national compass and makes fairness once again a national goal.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the ranking minority member of the Ways and Means Committee, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, we have had a great deal of talk here today and a great many figures of various sorts thrown around. I must say, there seems to be very little agreement.

I think it is fairly clear that whatever the variables may be, that we are going to wind up with a deficit of close to $182 billion, if you assume that withholding is repealed, and I have to assume that given the state of that legislation in the two Houses of the Congress.

It is important to understand when people talk about the necessity of preserving the budget process that the budget process has been desirable for this body. Before the early 1970's, we had no legislative budget as such. The procedure was brought into place when a coalition of liberals and conservatives, each for their own reasons, decided that it was desirable that we not do whatever lovely thing we wanted to do whenever we wanted to do it, but instead have some set of priorities which we could use and fall back on if we disagreed with the priorities the President had expressed in his Executive budget.

I think any objective observer would have to acknowledge that the empirical evidence produced by our legislative budget process does not indicate that it has been a smashing success, at least in fiscal terms. Since the early 1970's, we have, in fact, had more supplemental appropriations and bigger deficits than we had before. I do not think that is the fault of the budget process. It is the harvest of Great Society programs passed during the late 1960's when we built in demand for governmental services and converted many appropriations to entitlements.

That started a spending avalanche down the hillside.

What I am saying, Mr. Speaker, is that I would prefer to have a budget, if we can have it; but when the end product of that budget process is a deficit of $182 billion, I think there is serious question whether it is worth the price we are paying.

□ 1420

I do not believe if we fail to get a budget this year the budget process will disappear permanently. Presumably we will continue to try to work out legislative priorities which will express the collective wisdom of this body.

I think it is entirely possible we might wish to make the budget process a more effective process if this year it proves to be a failure. But clearly fiscal policy transcends any particular procedure and it is my hope that my colleagues will decide not to pay the price they are being asked to pay for a conference report which bears such bitter fruit.

I urge the defeat of the conference report.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. DOWNEY), a distinguished member of the committee.

Mr. DOWNEY of New York. Two years ago, of course, Mr. Chairman, the President embraced the budget process because it served his political and economic ends, and this Congress swallowed, whole, his version of fiscal alchemy, and we are left in the condition we are today.

Ronald Reagan said that the recession was not his and I think it is only fair to say neither is the recovery. The dynamism of this economy is such that it is recovering despite these disastrous fiscal policies.

But the Members of the House and the Members of the other body have decided that they, unlike the President, are not going to play politics, they are going to try and forge some sort of an agreement that has as its deficit a deficit even below that of President "Borrow."

I want to point out in particular in the area of military spending the fact that some tough choices are on the horizon. We have been lavish in the needs of the military. From the period 1981 through 1983 we provided for a growth rate of some 32 percent. What we will be providing now is a growth rate from fiscal year 1984 through 1986 of 15 percent. We will be spending cumulatively over this period $895 billion on the military.

Despite that, and that is certainly not a starvation figure, we are going to have to make some tough choices in R&D and procurement because in those accounts we have seen the most dramatic growth. In fiscal year 1980 we spent $49 billion and in those two accounts in 1984 we will be spending $123 billion, an increase of some 105 percent.

We are going to have to make some decisions on weapons systems we do not think we need if we are going to comply with the 5-percent real growth figure. If we do not do that, we will cut spares, and parts, and ammunition, and do all of the things that the President accused President Carter of doing in 1980.

I do not think we want to do that. I think we want to provide for a strong military, but it is going to require us making decisions on some weapons systems we want and others that we do not need.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Speaker, if, indeed, the House of Representatives votes to approve the two measures before us today, the taxpayers will remember this as a day of shame for this country.

First comes the 1984 budget conference report, which calls for tax increases of $73 billion over 3 years to support more spending on an assortment of domestic programs. The gentleman from Texas pointed out that there is no reduction in spending from the tax increase—no reduction in the deficit.

Next comes the legislation to put a $700 cap on the amount of relief available to any taxpayer from the scheduled July 1 reduction of tax rates. Consider this the first installment of the tax increases that the budget conferees have in mind.

During my more than 10 years in Congress, I have seldom seen a day in which middle-income taxpayers were threatened with such abuse.

I would remind my colleagues that the budget is not terribly out of balance for lack of tax revenues. It is out of balance because of the recent recession and because of a long history of congressional extravagance in spending.

It is spending that is the problem. Every economist who has come before the Joint Economic Committee says we have to curb spending, we must do it. It was the reckless spending of the 1970's that created the double-digit inflation and rising tax burden that ultimately crushed the economy with 3 consecutive recession years in 1980, 1981, and 1982.

In the past 2 years, with strong and effective leadership from the President, we have laid the foundation for economic growth. Spending has been restrained, the inflation rate has dropped to the lowest level in 10 years, and taxes have been cut.

We are in the sixth month of economic recovery, and current estimates indicate that real GNP will have grown at an annual rate of 6.6 percent in the second quarter of 1983.

The prospects are excellent for strong and sustainable economic growth in the months and years ahead if Congress does not wreck the recovery with a new eruption of spending and taxes.

The 10-percent cut in tax rates due July 1 is extremely important to continue and strengthen the economic recovery, but the House majority leadership is today proposing to reduce that needed relief.

It is a proposal that is an assault on middle-income families.

Anybody who is concerned about the unemployment problem will vote against this budget and the tax bill. They would both erode consumer purchasing power and limit the ability of people to save and invest for productive economic growth.

The unemployment rate has dropped from 10.8 percent in December to 10 percent in May, and will continue to fall if we continue on the course of economic growth. It would be a tragic error to return to the failed policies of the 1970's represented by the two bills before us today.

I urge a vote against the budget resolution.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. PANETTA), the distinguished chairman of the Reconciliation Task Force of the Budget Committee.

Mr. PANETTA. Mr. Speaker, first of all I want to commend the chairman of the committee and all of the other members who participated in the conference, both on this side and in the other body, for the hard work and dedication they put into this budget resolution.

Budget resolutions are, by their very nature, difficult, challenging, and controversial, and this resolution is no different. It is a tough vote to support this resolution, but I also think it is the right vote.

It is the right vote institutionally, because it implements the budget process and, very frankly, this is the only game in town.

The President has literally walked away from the budget process and now proposes a nonpolicy of vetoes, of chaos, of constant confrontation. His budget was dead on arrival here.

I find it rather interesting that Members are now using CBO figures to compare it to the President's budget when no one, no one offered the President's budget in committee or on the floor, at any time, on either side of the aisle and, indeed, his budget was rejected unanimously by the Senate Budget Committee.

So in that vacuum, what do we do? The Congress has a responsibility under the budget process to develop a

budget framework and to try to implement a process that retains some semblance of fiscal discipline within the institution.

This is also a right vote economically for the country. We are all interested in seeing a sustained, long-term economic recovery. There is no one here who is against that.

We see signs of economic recovery now, and that is good. But everyone knows that we will not sustain a long-term recovery with the size deficits that we are running, and the deficits are immense.

The last 2 years we have enacted the President's budgets. We have endorsed the budgets proposed from the minority side of the aisle. And yet today we are running for 1983 a $203 billion deficit—the largest in history.

We cannot control those deficits if we are going to use a double standard. You cannot pump a trillion dollars into defense and you cannot cut taxes by a trillion dollars and expect that that is going to help you balance the budget or reduce deficits.

No; we do not support a position of tax, tax, tax, spend, spend, spend. Neither do we support a position of borrow, borrow, borrow, spend, spend, spend. That is exactly what the administration is doing now.

The American people do not want either policy.

This resolution is not a return to the 1950's, the 1960's, or the 1970's. It is a return to some kind of commonsense approach that retains some degree of fairness in trying to balance the burden in reducing those deficits.

So we have reduced the growth in defense from 10 to 5 percent—5 percent I might say real growth above inflation. We have tried to restrain the growth in entitlements in this budget resolution. For the first time we limit cost-of-living indexes for all retirement programs for 6 months. We are taking a small step in the right direction there.

We are also in this budget trying to repair the human damage that has resulted from the recession we have been through.

□ 1430

We cannot disregard the need to do that, to try to repair that damage. And we are trying to enforce some targets on spending, through the enforcement mechanisms built into this budget, we are trying to reduce those deficits over the outyears.

This is what the budget is all about. Fair-weather budgeteers who come and go, depending on whether their particular item is in here or not, can walk away from this budget, that is fine. But if we have a degree of responsibility in our soul, we have an obligation to do what is right, for the Congress, for the country, and for the American people. And it is for those reasons that I urge an aye vote on this budget resolution.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the distinguished member of the committee, the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank my colleague for yielding.

I would like to remind my friend from California, that the purpose of a budget is not just to reduce deficits. The purpose of a budget is to encourage and enhance the chances for the very recovery that he has talked about in his remarks. If a budget should interfere with recovery by mistaken spending and taxing policies, that discourages economic recovery, the deficit will not go down, it will surely go up, and stagnation will result. A bad budget is worse than no budget at all in this case.

I served on this conference committee and I support a responsible budget process. But I also believe that to lose sight of the substance of the budget document and strive only to retain the process is not responsible, economically or politically. I can remember in June 1980 we had a budget on paper that was in balance. In this first concurrent resolution of 1981 we had $614 billion in revenues and $614 billion in spending.

The prime interest rate at that time was 18.9 percent.

The Federal funds rate targeted by the Federal Reserve Board was 16.4 percent and had been rising since 1979.

The combination of these interest rates and inflation caused the economy to go into a contraction and the result is a deficit now of an estimate of from $180 to $200 billion.

The purpose of the budget is, again, not to just reduce the deficit. Its most important purpose is to create a climate in which we can grow our way out of these deficits and establish the conditions in this country for noninflationary growth and full employment. That has to be our uppermost policy goal.

The deficit we are facing today, is primarily the result of a Federal Reserve induced credit crunch which caused the recession and shot unemployment up from 6 to 10 percent. Get Americans back to work and the deficits will come down.

In 1980 and 1981 when we were debating the budget the deficit was about 2 percent of GNP, today it is over 5 percent of GNP. Why? I happen to believe we have these deficits because interest rates were kept at 15 or 16 percent for 3 or 4 years shutting off housing, shutting off automobile sales, shutting off all the secondary and tertiary industries associated with autos and housing, such as steel, manufacturing and machine tools. These interest rates hurt our exports, and caused a terrible disruption in world trade. Right now we are experiencing an economy that is about $500 billion below its capacity to perform and fuel output.

Ladies and gentlemen, if our economy were performing near its capacity of utilization of factories and we had a 6-percent rate instead of 10 percent, the deficit would be below $50 or $60 billion.

The key to reducing the deficit is not raising taxes. Instead, it is passing a budget that does not discourage economic growth. Or, as an alternative, having no budget and allowing the President to go ahead and veto those spending bills that are over the target, and keep in place the tax policy necessary to sustain our economic recovery.

The gentleman from California pointed to a trillion-dollar tax cut. Let us look a moment at that trillion-dollar tax cut.

While the Economic Recovery Tax Act of 1981 provided $1,138 billion in tax relief over the years 1981-88, after $489 billion of inflation-induced bracket creep, $270 billion of new social security taxes, $281 billion of new taxes in last year's tax bill, $21 billion in new gasoline taxes, the American people are left with a net tax cut of $77 billion—less than $10 billion a year over 8 years.

Passage of this budget would completely wipe out what is left of the tax relief passed in 1981.

This budget represents ultimate fiscal irresponsibility, and I cannot support it.

It calls for about $18 billion more in spending—after cutting the defense spending increase to half of the President's request—and $12 billion more in taxes for fiscal year 1984 than the President's budget proposal, yet it has a higher deficit. When the revised economic assumptions are applied to the President's budget, the administration's deficit would be $8.5 billion lower than the deficit contained in the conference substitute.

It raises taxes of $73 billion over the next 3 years.

Raising taxes is the surest way to abort our economic recovery. The arguments made for capping the third year of the tax cut do not hold up. The cap would not affect just the rich but would hit families with gross incomes as low as $40,000 and individuals with incomes as low as $30,000.

While the budget agreement is based on revised economic assumptions which reflect a stronger economic recovery than originally forecast by the CBO, there is no restraint in the degree of spending on domestic programs. Rather, the budget compromise contains a $8.5 billion contingency slush fund for additional recession relief programs. Higher economic growth means that we can lower social

spending without reducing services—with more people working there should be less Government spending in these areas—not more.

The budget significantly cuts our defense budget.

It calls for a $80.2 billion reduction in budget authority when compared with the President's request for fiscal years 1984, 1985, 1986.

This reduction will seriously damage our commitment to rearm America necessitating reductions in the force structure, the readiness and stability of our combat forces, and in our modernization program.

Significant reductions would be required in our naval forces, in the research and development budget, and in weapon systems procurement.

We would lose our momentum in restoring our military capability following years of neglect.

I reject the implication of the resolution language that deficit reductions brought about by tax increases reduces pressure on monetary policy since, in the short run at least, tax increases reduce the pool of available spending.

I also reject the notion in the language on monetary policy that a reduction in budget deficits through spending restraint should be accompanied by faster money growth.

I urge defeat of the budget precisely because of this flawed type of economic thinking that has failed in the past.

Sound monetary policy aimed at stabilizing prices and lowering interest rates while cutting tax rates and spending is the only real way to expand the economy and create jobs without inflation.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Speaker, I thank the chairman and the Speaker for the time.

I was just listening with great interest to the gentleman from New York describing why we have precedented deficits in this country and why we should be worried about the large deficits. I can tell you, I am worried about the large deficits and so are my constituents in Michigan.

There are several reasons for the large Federal deficits. Among them, increased defense spending, large tax cuts, unemployment and excessive Government borrowing and spending. Also, I would like to bring up another reason for the large deficits. That is we allow some American companies to relocate and invest in other countries. When this occurs, American dollars flow out of this country resulting in fewer investments, workers are displaced causing higher unemployment and the end result is a suffering economy and higher deficits.

As this body considers today the bipartisan budget resolution now before us, I remind the Members that reducing the soaring deficits should be a top priority. I am encouraged that as a result of this bipartisan effort, this budget deals with the combined problems of mounting deficits and economic recession.

The Nation is now on the brink of economic recovery, a recovery which will affect not only Americans, but the economies throughout the world. The choices we make today could tip the economic balance toward recovery—or toward deeper recession.

The Congress in recent months has acted more swiftly and more decisively in a bipartisan manner in addressing the needs and concerns of this country. A bipartisan coalition made sure that the social security system remained solvent. A bipartisan coalition passed a needed jobs bill which will bring relief to our most depressed regions, shore up our crumbling highways, and buy emergency food and shelter for our hungry and homeless.

Now a bipartisan coalition has developed a workable budget resolution for 1984 that not only provides welcomed economic relief, but addresses the problem of high deficits. I urge my colleagues to join me in supporting this bipartisan budget resolution.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in strong opposition to the conference report on the first concurrent budget resolution.

When the Budget Act of 1974 was passed, Congress primary objective was fiscal discipline. The budget process was designed with the objective of using the first concurrent resolution as a tool to set overall spending and revenue targets. These nonbinding limits were to provide guidance to the Appropriations and Authorizations Committees, with the ultimate goal of regaining control of the Federal budget.

The document before us today should be the best example of why Congress has failed at controlling the budget.

This resolution (H. Con. Res. 91) does not control spending. It does not make a serious attempt at controlling the open-ended entitlement programs and discretionary programs. What it does do is take us off the President's economic program—in the early stages of a robust recovery—and return to the pattern of imposing higher taxes on the American people because of our inability to control spending.

Under this bill, our Nation will be faced with a $2 trillion public debt by 1986. The private sector will be burdened with an additional $73 billion in new taxes over the next 3 years. And in 1984 alone, this measure adds another $23 billion in domestic spending programs. In 1985, it adds another $26 billion in domestic expenditures, and in 1986, another $27.2 billion.

For the first time, we have another new element in the budget process—called the reserve fund. These are hidden costs not included in the resolution which are contingent on authorization of individual programs. The reserve fund could add to the budget; $5.3 billion in 1983, $8.5 billion in 1984, $3.4 billion in 1985, and another $2 billion in 1986.

And what is included in this special fund? More jobs bills; new entitlement programs in health insurance for the unemployed; mortgage foreclosure relief for homeowners and farmers; a new national industrial development bank; expanded benefits in food stamps, AFDC, and other current entitlements; more recession relief programs despite the fact that the recession has ended; and a host of other welfare add ons.

On the tax side, this budget proposal directs the Ways and Means Committee to report legislation by July 22, 1983, to raise a total of $73 billion in new tax revenues. Raising taxes at this time, particularly through a $700 limit on the third phase of the tax reductions for middle-income Americans and small businesses, would be the worst thing we could do at this point of the recovery.

The only area where this budget attempts fiscal discipline is at the risk of national security. The President's defense program growth is reduced in half, only 2 years after this Congress agreed our military was in desperate need of modernizing after more than two decades of neglect.

The President has already stated his strong opposition to this budget plan. He has promised to veto individual spending bills that follow this blueprint for economic disaster. And why should he not?

The budget plan before us today is an endorsement of the big Government, social-welfare state formula that brought us high inflation, high taxes, high interest rates, higher deficits and an upheaval in our private economy, which continues to shrink as the Federal budget grabs a bigger piece of our gross national product.

I urge my colleagues to reject this resolution and get to the heart of the problem: Too much spending by Congress.

Mr. JONES of Oklahoma. How many speakers does the gentlewoman have left on her side?

Mrs. MARTIN of Illinois. Four, and it might be five.

Mr. JONES of Oklahoma. We have four. That includes your closing?

Mrs. MARTIN of Illinois. No. That is as far as we know, that is what we

have on the list, which I think was the gentleman's question.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. I thank the chairman.

Mr. Speaker, I rise in support of the conference report and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I do not know if I quite agree with Senator DOMENICI that this conference agreement is a miracle, but it is the best budget we can get, and I support it. More than past budgets, it is a true product of the congressional budget process, as the Executive tried to take his ball and go home, only to learn that the game could go on without him.

Frankly, I do not like this budget as much as I like the budget we passed in March. The conference agreement does less for victims of the recession, less for women and children, less for the poor. There is less money for education, and more for defense.

On the defense issue, the conference report spends $4.6 billion more in 1984 than the House budget did. I felt—and still feel—that the $21 billion increase over 1983 that we included in the House budget was enough to meet our Nation's security needs. I would have preferred the additional $4.6 billion be spent on domestic programs or used for reducing the deficit.

The deficit in this budget is between $170 billion and $179 billion depending on how much of the phase II jobs and economic recovery program we can enact. The deficit is the result of the Reagan tax and defense policies, and it is far larger than it should be. But without economic recovery and action to restore the revenue base, the deficit problem will continue. In any event, this conference report has much lower deficits, especially in the outyears, than the Reagan budget did.

The House-passed budget made prudent and modest additions in funding for various social programs. I did not view those levels as exclusive, or as some kind of wish list. Taken as a whole, the add-backs we made did not by any means offset the cuts made in the last 2 years by the Reagan administration. Still, this conference agreement reduces the House levels for domestic programs.

Even with the reductions, this is a far better, far more fair, far more compassionate budget than we have had in several years. President Reagan's proposals to make new cuts in social programs that were devastated in the first two Reagan budgets have been soundly and completely rejected. Those few isolated voices which supported the new round of cuts were overwhelmed by a chorus of disapproval from both sides of the aisle on both sides of the Capitol

In this conference report, there is $1.15 billion in new funding for the poor. As I have said many times on this floor, when we talk about the poor in America, we are talking about women and children. The additional funds for food stamps, child nutrition, the WIC program, AFDC, and low-income energy assistance, while less than I would prefer, will help ease the plight of poor women and their children.

I have other reasons as well for supporting the conference report. It provides full funding for mass transit operating assistance, which has now survived three attempts by the administration to eliminate it. It makes room for important initiatives to repair the infrastructure and to establish a National Industrial Development Bank. It increases funding for education, including a new math-science initiative. It offers new medicaid coverage for low-income pregnant women and young children.

Chairman JONES and the members of the conference have worked hard, in the face of long odds, to produce a budget that meets our Nation's most essential needs. We can all quibble with the particulars and the priorities of this budget. But all in all, this is a far better budget conference than we had any reason to hope for last February when President Reagan submitted his now-forgotten budget plan.

As for those who oppose this budget, let me say a few words to them. If you oppose this budget—whether from the left or from the right—because you simply disagree so strongly with its provisions, I must disagree with you, but I respect your position.

If, however, you have decided to vote against the conference report to disrupt the budget process itself, I think you make a serious mistake. I think it is unrealistic, and irresponsible, to scheme and plot against the budget and hope to rescue your pet concerns from the fiscal chaos that will result.

It is ironic that many Members who have taken this second position portray themselves as champions of fiscal discipline and opponents of big deficits. The budget process, with all its problems, remains the best tool that has been devised for keeping track of overall spending and revenue totals. If it has not accomplished all that was hoped for it, it is largely because the system can only work if we are committed to making it work. But in any event, let us not kid ourselves that fiscal responsibility is more likely in the absence of a budget process.

I yield back the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

□ 1440

Mr. DANNEMEYER. Mr. Speaker, I stand in opposition to the conference committee report, not because it taxes too little, but because it spends too much.

This Member from California offered an alternative budget in March of this year, which cut spending by $94 billion to a level of $761 billion for fiscal year 1984. That is a substantial reduction in spending. I think the problem in this country is that we are spending too much, not that we are not taxing too little.

I would like to ask my colleagues on the Democratic side, since you control the Rules Committee on which you have a majority of 2 to 1, why would you decline to make consideration of this budget in order? It would have given each Member in this House a chance to vote, up or down, on cutting spending by $94 billion from what is now being considered by the House.

I have been asking that question since March and I do not understand why you would want to refuse the Members the chance to vote on such a proposal so that every voter next year can figure out where we stand. Why would you not want to have that considered on the floor of the House?

Would the gentleman from Michigan have an answer? Why?

Mr. ALBOSTA. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

Mr. Speaker, I am not going to respond directly to the gentleman's question because I cannot speak for all the Democrats, but let me speak from my own viewpoint.

If, by 1987 or 1988 or 1989, create another trillion dollars of deficit——

Mr. DANNEMEYER. Let me reclaim my time.

Is the gentleman in favor of letting the gentleman from California have an alternative to have the House vote up or down on cutting spending by $94 billion? Is the gentleman in favor of that? May the record show that there are about 20 Democrat Members on the floor of the House and not one of them favor the House voting on a proposal to cut spending by $94 billion.

Mr. ALBOSTA. Mr. Speaker, if the gentleman from California had let me finish my remarks, I would have pointed out to him that if the present Reagan budget policies continue, this country will have an increase in the deficit of $1 trillion before the next 10 years are over. Where is this money going to come from? The funds for the deficit will have to be borrowed and by the time we are through the country could be paying $100 billion more in interest because of these staggering deficits.

This situation must be brought under control before these wild budget policies proposed by this administration ruin our country and mortgage our children's and grandchildren's future. We cannot afford $200 billion plus deficits each year. The budget resolution being considered today, combined with capping the third year of the tax cut for the wealthy, will enable us to take a first step in reducing these enormous deficits without gutting our education, job training and economic development programs—all of which are important if my State of Michigan and the rest of this country is to recover successfully from the recession that has caused double-digit unemployment.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. WIRTH), a very distinguished member of the Budget Committee.

Mr. WIRTH. Mr. Speaker, I want to make three brief points.

One, I have been on the Budget Committee now for 5 years. I have not seen a better managed, better run conference than the one just finished under the chairmanship of our distinghished chairman, the gentleman from Oklahoma (Mr. JONES) and the gentleman from New Mexico, Senator DOMENICI. Against all odds they did a superb job of balancing off what 10 days ago appeared to be inexorable differences—a great tribute to them and that is the best of the process, particularly at a time when the President of the United States has turned his back on what is the most important process in this town.

I want to raise that point of commendation for the two chairmen of the two Budget Committees.

The second point that I would like to make relates to the human needs and safety net programs. We have heard a great deal from the White House about the alleged safety net. This budget allows us to close some of the enormous holes in that safety net particularly in the area of medical care for the unemployed and medical care for children and infants, the CHAP program. It is absolutely essential that we have made that commitment and these are amoung the best investments that we can make.

Finally, I would like to point out that this budget leaves room for a number of the initiatives that I think most people in this country have come to understand; we must make a national commitment to the long-term investments in this economy, in education, in higher education, in our university and training facilities. There is room for that absolutely imperative long-term investment which will allow us, over a period of time, to make the transition from Reaganomics to a more rational program.

I yield the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Speaker, I want to address a couple of points. It seems like the discussion during the last several months about the budget process has been more concerned about getting a budget on time and getting a budget so we will in fact have a process.

My conclusion is that it is more important that we come up with controls on spending, controls on taxing, and controls on the deficit.

It seems to me that what has happened in these last several months is that we have become a slave to the process as opposed to what the bottom line is all about.

The other thing I would like to refer to is taxing. There are many who seem to be saying the problem that we are having in our country today, as far as deficits are concerned, is that we have failed to tax the American public enough.

Let us go back to the 1981 tax cut; $960 billion over a 5-year period. Roughly two-thirds of that cut have been eaten up by bracket creep and increases in social security taxes. In addition, this body passed a tax bill that increased taxes in 1982 by some $229 billion. Then we passed the gasoline tax, another $16 billion increase raised taxes for social security early this year.

The end result is that this body increased taxes by $35 billion since 1981, and now you are going to increase taxes even further, without any real constraint, upon the spending side.

The other interesting thing is that the budget resolution that you passed several weeks ago called for an increase in taxes over and above the President's plan by $114 billion. In addition to that, it cut defense spending by $163 billion, a total of $277 billion, this would be available to reduce deficits.

If someone had come to me and said that is what the money was going to be used for, you would have gotten my attention. But no, you talked about increasing social spending by $181 billion. That is a blueprint for disaster.

And as far as I am concerned, that particular blueprint, a blueprint for disaster is exactly the same blueprint you are attempting to approve today. It is something that I cannot support and I urge a vote against this budget resolution.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker. I think there should often be a spirit of bipartisanship, not for either side to do something that they feel wrong, but walk together, to work together, to achieve something. And I can certainly agree with the letter that came from the Democratic leadership, at least a part of that letter, which I would like to read. It came to the Democrats this morning.

> We cannot in good conscience sit by as long as the Federal Government racks up $200 billion deficits for as far as the eye can see.

I think every Member should agree with that. One should, however, remember the fact that we are the Federal Government. It is not "they," it is not something someone else created and perhaps some of the people who signed this letter were around to help cause some of these deficits. But together we should be working to narrow that deficit.

What indeed do we have here to do that? Well, it has been very popular today to talk about the President's deficit. But if you put both on the same base, you have a President's budget deficit of $170 billion and the conference committee budget deficit of $179.3 billion. So, first of all, the conference deficit is bigger than the President's deficit. Let us get rid of that myth right from the start.

More importantly, that is too high. This was not a conference that took a cut in defense spending and then used that cut in the deficit. Heck with that. They just put it in other new programs and raised taxes on top of it.

That is not what the American people want, Republican or Democrat, from any section of the country.

Now if we had a budget where that defense number came down and stayed there and we did not go ahead and spend more, and if that savings was not put into new programs, but was put into the deficit, and if you did not raise taxes against women, against the middle-class working people of America, then you would indeed have a budget that would cross the best centrist part of this body. It would please liberal and conservative and it would be supported. But that it not what this conference produced.

To argue that the process demands we vote for this resolution is ludicrous. It is as if a person were due to be hung and the jury found out that person was not quilty and then argued, "Hang him anyway, save the process."

Well, let us not hang the American people with this budget. Let us make sure that they can live another day, that they will not be overtaxed and overspent to death, and that Republican and Democrat alike turn aside this facade and get down to work and do what our constituents want us to do.

□ 1450

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, we have heard a number of people on the other side of the aisle tell us that we ought to vote for this budget because

of what it does about the deficit problem.

I would just remind my colleagues that the conferees mandate tax increases of approximately $73 million over 3 years, but only cut spending by $12 billion, in other words, a 6-to-1 ratio of tax hikes to spending cuts.

Mr. Speaker, I think at this time it might be good for us to listen to the words of the President of the United States when he said:

> In short, it is a paradoxical truth that tax rates are too high today and tax revenues are too low and the soundest way to raise the revenues in the long run is to cut the rates now. The experience of a number of European countries and Japan have borne this out. This country's own experience with tax reduction in 1954 has borne this out. And the reason is that only full employment can balance the budget, and tax reduction can pave the way to that employment. The purpose of cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous, expanding economy which can bring a budget surplus.

The President went on to say:

> I repeat: our practical choice is not between a tax-cut deficit and a budgetary surplus. It is between two kinds of deficits: a chronic deficit of inertia, as the unwanted result of inadequate revenues and a restricted economy; or a temporary deficit of transition, resulting from a tax cut designed to boost the economy, increase tax revenues, and achieve—and I believe this can be done—a budget surplus. The first type of deficit is a sign of waste and weakness; the second reflects an investment in the future.

Mr. Speaker, those are the words of a President, not President Ronald Reagan, not President Richard Nixon, not President Gerald Ford, but President John F. Kennedy, when, 21 years ago, we were debating on this floor whether we could afford a tax cut or whether deficits would be caused by having a tax cut. John Kennedy told us to be bold. John Kennedy told us that we ought not to fall for the siren song that deficits are caused by tax cuts rather than spending of the Congress and by the recession. We ought to heed the words of John Kennedy and not listen to some of the silliness that we have heard here today.

We ought to vote down this budget.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GRAY), a very distinguished member of the committee and a most valuable member of the conference committee.

Mr. GRAY. Mr. Speaker, we have been told that we ought to hear the words of John Kennedy. Unfortunately, for the last 2 years that was not the message. What we were told was to listen to the words of Ronald Reagan. And twice those words prevailed in the House and the Senate, with budgets that met the concerns of the President and a tax policy.

And what has happened as a result? Record deficits, unemployment over 10.1 percent; and now we are in a debate as to whether or not this conference report will be accepted.

I am here to urge all of my colleagues to vote for the conference report because we ought to know what this debate is really about and the truth. The truth is that for existing programs the conference report deficit is $169.9 billion, $1,100,000,000 lower than the President's supposed budget deficit. And I say "supposed," because during the whole process in the House, not one Member from the Republican side even dared to offer the President's budget. Why? Because they did not even want to vote for it themselves. And on the Senate side they rejected the President's budget.

So to compare the conference report to a nonexistent President's budget is wrong. But we should look at it and ask, "Does it address unemployment? Does it seek to repair the gaping holes in the safety net for our senior citizens, for our young people and to put people back to work?" and to ask, "Does it rationally approach defense spending by slowing it down to 5 percent real growth?"

There are those of us, even on this side, who do not totally agree with the conference. I would have liked to have seen defense at less than 3 percent. But we are not talking about specific parts. We are talking about a whole, about a budget process. So the choice is clear. What is it we are going to do here?

I urge the Members to vote for the conference report.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to another distinguished member of both the Budget Committee and the conference committee, the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. I thank the chairman for yielding.

Mr. Speaker, I will say to the chairman that many times during the conference committee process many thought that we had lost the budget, and I want to sincerely congratulate the gentleman from Oklahoma, JIM JONES for his leadership, along with the chairman of the Senate committee, in time after time reviving the budget conference. Successful passage of this budget compromise will demonstrate that Congress is committed to a process of budget and control. I think that is very important to our economy.

Mr. Speaker, I am supporting the conference agreement on the 1984 budget. While I do not agree with every aspect of the agreement, this budget changes the policy direction of the last 2 years. A lid is placed on defense spending; relief is provided for the victims of the recession; funding is restored for key domestic programs; and the deficit is reduced.

In defense, I prefer that the level of spending reflect the 1979 NATO target of 3-percent growth. The House budget set a 4-percent target. This agreement sets the spending target for defense at 5 percent. The President proposes an inflation adjusted increase of 10 percent in 1984. Despite the reductions from the President's budget, by 1986 defense spending will total $329 billion in budget authority. That is double the 1980 level of $145.8 billion or a 50-percent increase after inflation. While the targets set in this resolution are too high, this agreement does place a lid on defense spending. The agreement does cut the President's defense budget by $79 billion in budget authority and $48.1 billion in outlays over the 1984–86 period. Without the enactment of this agreement, defense spending will rise to level closer to the President's original request of 10 percent.

On domestic programs, I am very pleased by the achievements of the conference committee. The agreement provides $10.3 billion more than the Senate resolution and $22.3 billion more than the President's request. Relief is provided for the victims of this recession. Despite the optimistic forecast of economic growth and recovery, economic forecasters project that unemployment will be in the 9.5 percent range at the end of 1984. This agreement does provide $8.5 billion in a reserve fund for the enactment of specific programs to aid victims of the recession. These programs include emergency mortgage foreclosure relief; extension of Federal supplemental unemployment benefits for the long-term unemployed; increased food stamp benefits; a community jobs program; and loan foreclosure relief to farmers.

The agreement provides for funding for other key domestic programs. Education is increased by $800 million over current funding levels to provide for compensatory education, math and science, vocational education, student aid, and the handicapped program. Additional funding is provided to the National Science Foundation to increase this Nation's research and development capability. Mass transit operating assistance is fully funded consistent with the Surface Transportation Act of 1982. An infrastructure initiative is recommended. A $200 million funding level is provided for a health program for low-income pregnant women and young children.

The conference agreement does reduce the deficit below the administration's request. With the reserve, the agreement is $42 billion less than the President's request over a 3-year period. The agreement is $5.6 billion under the President with the reserve in 1984. Further, reconciliation which can only happen with budget passage, calls for $85.3 billion in deficit reduction in the next 3 years.

While I am not satisfied with every recommendation, I do believe that this agreement is an important step in changing the priorities of the last several years.

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of the conference report on House Concurrent Resolution 91, the first concurrent budget resolution for fiscal year 1984. I congratulate the conferees on their tireless efforts to achieve a truly bipartisan compromise. A vote for this agreement is not only a vote for this particular budget but also a vote for the continuation of the congressional budget process. We must resist the efforts of the President to thwart the budget process simply because the Congress has refused to approve his budget plan as was the case during his first 2 years in office. This is the only opportunity that the Congress has to take a macroview of Federal spending and we must utilize this occasion to instill fiscal sanity in our overall spending program.

House Concurrent Resolution 91 projects a deficit of $179.3 billion for fiscal year 1984 and a deficit of only $130.8 billion for fiscal year 1986. This is $42 billion less than the deficits included in the Reagan administration's budget request over the 3-year budget period assuming the 10 recession relief reserve programs are enacted. House Concurrent Resolution 91 reduces deficits to more manageable proportions, something which candidate Reagan promised to do but President Reagan has miserably failed to achieve. Lower deficits are critical if interest rates are to remain at a level which will permit a sustained recovery from the current recession.

The conference report requires revenue increases of $12 billion during fiscal year 1984 and $73 billion from fiscal year 1984 through fiscal year 1986. Although this may seem excessive to many observers, it is only $16.6 billion more than the tax increases sought by President Reagan during the same 3-year period. House Concurrent Resolution 91 calls for these additional revenues immediately rather than in 1986 when prospects for recovery may have already been halted by high deficits and interest rates.

In the area of military expenditures, House Concurrent Resolution 91 includes a 5-percent real increase for each of the next 3 fiscal years as opposed to the 10-percent increase sought by the President. The 5-percent increase still provides for a substantial improvement in our Nation's defense capability, but at the same time saves $11.6 billion from the Reagan administration's excessive request in fiscal year 1984 alone. Even under the aggregates of House Concurrent Resolution 91, the level of military expenditures in fiscal year 1986 will be over double the fiscal year 1980 level of $145.8 billion.

In the area of domestic spending, I feel that the conferees have struck an important compromise. The conference report includes spending levels $1.15 billion over the CBO baseline for antipoverty programs such as food stamps, child nutrition, WIC, and AFDC. In addition, the conferees included $200 million for a new and critically needed child health assurance program for low-income pregnant mothers and young children. One of the most crucial aspects of this agreement is the inclusion of all phase II antirecession and economic recovery programs in a reserve fund which will only be tapped if these programs are enacted. This $8.5 billion fund for fiscal year 1984 includes money for such unemployment relief programs as health insurance for the unemployed, extension of unemployment benefits, the community renewal employment program, and foreclosure aid for the unemployed, which has already passed the House. These relief initiatives are of the utmost importance to residents of the 15th District of Michigan. This reserve also earmarks funding for economic recovery programs such as the establishment of a National Industrial Development Bank and job training for veterans.

With respect to education, I am pleased that the budget resolution provides $16.1 billion for education programs. This will enable funding for the education programs to increase by approximately $1.5 billion for fiscal year 1984 compared to fiscal year 1983. A $1.5 billion increase represents a growth of approximately 6 percent in constant dollars. This will enable us to begin the long journey back to restoring the Federal commitment to educational opportunity and educational excellence, which has been under seige and attack by the Reagan administration since its first day in office.

It is important to recall that since fiscal year 1980 funding for the need-based student financial aid programs has declined 23 percent in constant dollars. If social security and veteran's educational benefits are included—and these two programs now in their final stages of phaseout were the largest Federal student-aid programs in fiscal year 1980—Federal student assistance declined 32 percent in constant dollars. In addition, as a result of the policies of this administration, elementary and secondary education programs were cut 15 percent between fiscal year 1980 and fiscal year 1982. The school lunch programs were reduced 35 percent between fiscal year 1981 and fiscal year 1982, and the vocational education programs—programs that prepare people for jobs—were slashed by 15.9 percent between fiscal year 1980 and fiscal year 1982.

We are now seeing the harmful effects of those policies. Approximately 3 million fewer children are receiving federally supported school lunches. The Federal share of excess costs associated with educating handicapped children has dropped from a level of 12.5 percent in fiscal year 1979 to its current level of 8 percent. In the Pell grant program, 350,000 fewer students are receiving awards and 20 percent fewer students received guaranteed student loans in the current school year than in 1981–82.

So while I take comfort in what this budget resolution does for education, it is relatively small comfort. We must do more in the years ahead. Backing the Federal concern for education with resources is an urgent national priority. This Federal concern is the concern for our economic vitality, our national security, and the quality of our life in the future. The education portion of this budget puts us back on the path to recognizing the importance of education to our national well-being. But we are not yet far enough down the path.

I would like to turn for a moment to areas within the jurisdiction of the Post Office and Civil Service Committee.

Here, without question, the work of the House and Senate Budget Committees is far superior to the draconian approach taken by the White House.

Nevertheless, I have some strong misgivings.

For one thing, it is patently unfair to impose a 4-percent cap on the pay of Federal workers for 3 consecutive years—and then to delay that increase for 3 months.

This locks Federal workers into an uncertain future. The fact is that we have no idea what the inflation picture is going to look like in 2 or 3 years. The 4-percent increase would indeed be unfair if we were to find ourselves back in double-digit inflation. I certainly hope we do not. But there are no guarantees. The only guarantee is that if this should happen, those in the Federal work force would be shackled to an unrealistic 4 percent.

The delay is equally troublesome. When the Post Office and Civil Service Committee reports back to meet reconcilation targets, I will look at all the options to restore the pay raise in October.

On the issue of delay, I certainly am not ecstatic with the budget provision that postpones COLA payments for Federal retirees until January of the next 3 years. At least, however, it treats retired Federal workers the same as social security recipients. So there is some measure of equity.

From my vantage point, it is clear that Federal employees have paid

more than their fair share of the budget-cutting burden since Mr. Reagan came into office. And I do not believe a good case can be made for any additional cuts where Federal workers and retirees are concerned.

On the positive side, I want to commend both the House and Senate Budget Committees for rejecting all the unrealistic and reckless cuts proposed in the President's budget, including:

A pay freeze in fiscal year 1984.

No COLA for Federal retirees in fiscal year 1984.

Major increases in Federal workers contributions to CSRS to 9 percent in fiscal year 1984 and to 11 percent in fiscal year 1985.

Further cuts in FEHBP by adoption of a voucher system.

Major reduction in retirement benefits by raising the age to 65 and requiring substantial actuarial reductions for early retirement.

Federal workers already are behind more than 20 percent when compared to the private sector. They have had their pay and benefits cut substantially in the past 3 years. Enough is enough.

I am pleased that the conference report will accomodate a fiscal year 1984 postal appropriation of $879 million. This is the amount necessary to provide much needed postal rate stability to schools, libraries, churches, charities, and other preferred mailers who have incurred onerous rate increases during the past 18 months because of cuts in postal appropriations.

Because of reductions in these appropriations during the past 2 fiscal years, these mailers—many of whom perform the most essential public service tasks in our society—have had to use increasing amounts of their limited funds to pay higher postage costs rather than to pay for performance of their services. According to the Postal Reorganization Act, preferred rate mailers should presently be at step 11 of a 16-step phasing schedule designed to gradually bring preferred rates up to the full rate level. Instead, because of appropriation cuts for fiscal year 1982 and fiscal year 1983, these mailers are now at step 14. Since January 10, 1982, for example, second-class nonprofit mailers—a church bulletin or a veterans' magazine—are paying 69 percent more in postage; the library rate has risen 42 percent; and the third-class rate for a nonprofit fundraising letter has risen 48 percent.

If the President's budget request for fiscal year 1984 were to be followed—he is asking for only $400 million—these rates would climb enormously yet again as of this coming October. For example, the rate for a nonprofit fundraising letter would go up another 77 percent, and the library rate would go up another 55 percent.

In March, the Committee on Post Office and Civil Service voted to recommend to the Budget Committee a level of $879 million for the fiscal year 1984 postal appropriation. Appropriating this amount would have the effect of freezing nonprofit and other preferred rates at step 14 through fiscal year 1984, thus giving these mailers a period of stability and allowing them to adjust their operations to the staggering increases they have suffered already. I am gratified that the House Budget Committee and the full House agreed with our recommendation, and I am extremely pleased that the conferees have returned with the $879 million assumption intact.●

● Mr. WORTLEY. Mr. Speaker, our distinguished former colleague, Albert Gore, Sr., who served so ably in the other body, wrote an article on conference committees. He stated that the House of Representatives, except in rare instances, could be counted on to out-conference its counterpart. The conference report on the first budget resolution bears out his thesis.

The conferees work is, indeed, a tribute to those who would have us stay the course of taxing ourselves to the hilt to accommodate our voracious spending habits. In effect, it is no compromise.

What it is is ingenious. The conferees agreed to establish a special reserve fund. This appears to be an interesting new way of providing even more opportunities for spending while ostensibly keeping the lid on deficits, at least for a while.

The statement of the conferees provides for $8.525 billion in outlays in the reserve fund for seven functions described by some as "high priority" items. To lessen the shock for those of us who do not advocate massive new outlays for programs we can ill afford, this money does not show up on the deficit side of the ledger until the programs are authorized or the available reserve money will be lost. In the words of one of the conferees, the reserve fund is both in and out of the regular budget. Confused? Bear with me just a little longer. For the reserve fund to be activated, does only one body need to authorize the new spending programs? Do both bodies have to agree? The report is unclear. What is clear is that the deficit is bound to surge ever higher because there is no incentive to exert restraint.

How are we to fund these new programs? That question is easier to answer. Congress simply increases taxes. Those who advocate adoption of the conference report stress that the revenues section is much closer to the amount recommended by the other body. That is true, but it makes little sense to me to remove the remaining vestiges of the 1981 tax cut at a time when they are sorely needed.

If the taxes proposed in the conference report were earmarked for reducing the deficit a stronger case might be made for them. However, the conference report does not specify that. On the contrary, the taxes will be used to finance all of those items contained in the special reserve.

The creation of costly new programs with borrowed money is a strange way to preserve the budget process. The American people will see through this clever but flawed attempt to be all things to all people.

For the reasons I have mentioned, I urge my colleagues to join with me and vote against the conference report.●

● Mr. GUNDERSON. Mr. Speaker, in opposing House Concurrent Resolution 91, the first budget resolution for fiscal year 1984, it is tempting to assume a simple partisan posture or a defense spending versus social spending position. I choose to do neither.

Mr. Speaker, there is a more important issue involved in our action today and that is the financial future of our country. This issue bridges partisan politics and guns versus butter debates.

The simple fact is that a vote for House Concurrent Resolution 91 is a vote in favor of a $179.3 billion deficit and an increase in the permanent debt ceiling to $1.607 trillion. Rather than using new taxes and less defense spending to decrease this deficit load, the conferees have chosen to increase social program spending by some $23 billion.

And the President's budget is not any better. Even adjusting for changes in revenues and economic conditions since the beginning of the year, it still carries a deficit of $180.4 billion. Instead of using decreases in domestic spending to cut the deficit, these funds were used to increase defense spending.

In short, Mr. Speaker, both alternatives miss the mark. Clearly, it is time to get back to basics. Let us stop playing one budget program off against another. If we are going to cut spending or increase taxes, let us use the proceeds to reduce the enormous deficit and bring the budget into closer balance.

If we fail to take such remedial budgetary action soon, we threaten to choke off our economic recovery in the short run and our entire economic future in the long run.

I must, therefore, oppose the conference report on House Concurrent Resolution 91.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to the conference report on House Concurrent Resolution 91, the budget resolution for fiscal year 1984.

This budget plan, which was drafted without the participation of House Re-

publicans, calls for $12 billion in new taxes in 1984, $73 billion over the next 3 years. It proposes outlays next year of $859 billion. It would produce a deficit of $179 billion, resulting in a public debt level of $1.6 trillion.

Clearly, Mr. Speaker, this is a blueprint for disaster—for the taxpayer, and for the Nation. By requiring new taxes in the midstages of economic recovery, it will drag that recovery down: Perhaps that is the intention of the authors. By refusing to hold down the growth of most Government programs, the authors of this document are robbing the private sector of funds and forcing interest rates to a higher level—again impeding recovery. By retarding the recovery and foreclosing the availability of funds for industrial recovery, this budget will drive unemployment rates back up. It is a cruel and deceiving document on all counts, weakening the economic recovery and our Nation's defenses, dooming hundreds of thousands of workers to continued unemployment, and millions of taxpayers to continued subservience.

I urge a "no" vote.●

● Mr. BIAGGI. Mr. Speaker, I rise in support of the pending conference report to accompany House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. Like many of my colleagues my support is in large part based on the compelling urgency of the situation as compared to total support for all of its provisions.

In the general sense, and I am pleased to note this—the conference report agreement reflects more of the House-passed resolution than the Senate. In my judgment, the House-passed budget resolution was the most enlightened and compassionate budget we have passed since the advent of the current administration.

This conference report responds to two strong public sentiments of the day. The first relates to the concern about cutbacks in critical social programs for the needy. The second relates to the opposition to the continued massive expenditures for defense which have characterized the past several years.

The conference report wisely limits the growth of defense spending to 5 percent, about half of what was proposed in the President's budget. This will permit our Nation to maintain a strong national defense with appropriate modernization of important strategic weapons while not promoting waste. The billions which will be saved by limiting the defense budget can be used not only to provide more funds for social programs but also to help reduce our deficit.

On the issue of deficits, I am also pleased to note the fact that the conference report will actually produce a lower deficit than was even proposed in the President's budget. According to the Budget Committee, in fiscal year 1984 the deficit will be anywhere between $11 and $21 billion lower than that proposed by the President. Obviously there is a need to make a concerted effort to reduce this record deficit but if it is to be done through reductions in Federal spending—then these reductions must be made in an equitable fashion and in a way that does not promote economic hardship for those in need.

Finally in the general overview of this conference report, let me discuss the taxing provisions contained in the legislation. The conference report recommends tax increases of approximately $73 billion over the next 3 years as a means of reducing the budget deficit. The specific taxes will be developed by the Ways and Means Committee and in their deliberations, I hope that fairness will be the rule.

On more specific points, as a senior member of the House Education and Labor Committee, I am highly supportive of the additional $800 million which is being provided over last year's levels to fund a variety of important education programs. These include compensatory education under student financial assistance programs under the Higher Education Act, chapter 1, and a new and vitally important initiative to improve the quality of our math and science instruction in our Nation's schools. The $214 million in outlays provided for this will be used both to train and retrain teachers in these basic courses to insure that we do not widen the basics gap in our elementary and secondary schools. Other funds are provided for vocational and adult education and education for the handicapped.

Another important program which is specifically addressed in this conference report is medicare. We are deeply concerned about the impending deficit crisis affecting medicare. It is expected that the operating deficit could reach $200 billion by 1995. The conference report properly recognizes the fact that expenditures must be reduced. Specifically, the conference report calls for reductions totaling $400 million in fiscal year 1984 and $1.7 billion over 3 years. However, the conferees specifically state that none of these reductions shall come through either reductions in existing benefits or through increases in costs to beneficiaries. Instead and properly so, the conferees urge that the savings be achieved at the provider level. I have long contended, and hearings that I have participated in as a member of the House Aging Committee have consistently shown, that rising costs at the provider level is a primary contributor to the medicare deficit problem. Whether it be hospitals or health care institutions or physician fees, the profits being made from medicare reimbursements are too high. We must insist on cost controls at the provider level. One hopes that much savings can be accomplished through the implementation of the prospective reimbursement provisions of H.R. 1900, the Social Security Reform Act of 1983.

One final thought on medicare. The conferees have spoken quite clearly on the issue of no reductions in benefits or increases in costs. Thus far the two recommendations which appear to have been endorsed by the Social Security Advisory Council call for raising the eligibility age for medicare from 65 to 67 which constitutes a benefit reduction and also a major increase in the part B premium. The course developed in this conference report is the route we should take for medicare reform and not that steered by the Advisory Council.

There are other important increases in funds provided in this resolution which merit our support. There is an additional $1.6 billion in funds for the food stamp program over that proposed in the President's budget. More funds are provided for child nutrition, women and infant care, AFDC, and low-income energy assistance. The conference report assumes and provides for $4.5 billion in fiscal year 1983 and $3.5 billion in fiscal year 1984 for a jobs program. It provides $296 million in funds for the title V employment program for the elderly. Important additional funds are provided for the community development block grant and the urban development block grant program. Happily there are other examples of programs which have gotten new leases on life from this budget.

It is critical that we adopt a budget—and the proposal before us on balance is good. The proposal is as simple as that. In fact, if we fail to adopt this budget we could find ourselves facing additional deficits of more than $85 billion which we will in fact be able to save if we adopt this budget and the accompaning reconciliation instructions.

This conference report will complement not sabotage the heartening economic recovery we are experiencing. Presently the recovery has been characterized by positive statistics. The economic recovery has not yet reached into the homes of the American people. The 11 million unemployed in this Nation are awaiting the recovery. The millions who have seen their food stamps or school lunches cut back or eliminated are awaiting economic recovery. The people who have lost their homes are awaiting economic recovery. This budget conference report is cognizant of the fact that the recovery is underway but slow in reaching all in this Nation. It will aid the recovery through sound fiscal policies but will reestablish our commitment to the poor and needy who have suffered for

the past 2 years. It deserves our support today.●

● Mr. DASCHLE. Mr. Speaker, the choice we face today in voting on the conference report on the first budget resolution for fiscal 1984 is really a very simple one: Do we do the responsible thing by voting for a budget outline to give ourselves and the country a clear signal as to what our actions in the next year are to be, or do we, by defeating this resolution, commit ourselves to a year of economic chaos by closing our eyes to the hard choices that have to be made, and just pretend that if we ignore them, all our problems will go away?

For my part, I intend to choose the first option. I am under no illusions that the budget we have before us is a perfect piece of budgetary planning. Any document that is the result of good faith bipartisan compromise seldom pleases anyone in all its parts. For instance, I am still disturbed by the inordinately high deficits that this budget produces. Similarly, I am disturbed by the fact that little attention is paid to the rising costs of entitlement programs. We as a Congress must act, and must act soon, to revise the system under which COLA's in these programs are determined, and I am disappointed that this resolution does not begin that process. Finally, I am less than satisfied by the inclusion in this resolution of the so-called reserve fund. Frankly, to my mind, this inclusion merely muddies the issue of what the true deficit picture in this resolution is. The one saving grace in this situation is that if these funds, some $8.5 billion, are not used for specific recovery and growth programs, they cannot be used for any other purpose, and thus would be available for deficit reduction. I intend to examine very closely any programs that are to be funded under this reserve fund. At this point in time, I would have to say very frankly that I would prefer to use these funds for deficit reduction purposes, rather than new spending programs.

All that having been said, however, there remain some very good reasons to support this resolution. First, deficits are significantly reduced both in fiscal 1984 and in future years. Compared to present policies now in place, passage of this resolution will result in deficit reductions, excluding possible Reserve funded programs, of $16.9 billion in fiscal 1984 alone. In the years from 1984 through 1986, these deficit reductions will total $124.4 billion. This is no small saving. While the deficits planned for here are still too high, they represent a significant improvement over present policy.

Second, the resolution provides a real 5-percent increase in defense spending. There is no one in this Congress who believes more firmly in a strong national defense than I do, but the incredibly wasteful proposals of the administration to double the size of this large increase with wish list philosophies of weapons procurement are simply not acceptable. We learned a very hard lesson in this country when we destroyed the national consensus for social programs by wastefully throwing money at them without a careful examination of our priorities and real needs. The administration's present position on defense spending threatens to similarly destroy the national consensus for a stronger defense, and I will play no part in such a destruction.

Third, the House and Senate conferees have agreed, in this resolution, on a 3-year total tax increase of $73 billion to reduce long-term deficits when the recovery is well established. This may be the most controversial element of the resolution, and I am sure it will be the object of a great deal of distortion. However, if we look at the facts of the situation, something fairly surprising comes to light. Under the President's proposals, revenue increases in 1986 will result in a total picture of revenues as a percentage of gross national product of 20.2 percent. Under the resolution, revenues as a percentage of GNP in 1986 will be only 19.9 percent. In other words, the resolution before us actually represents a decrease in taxation from the President's proposals. In effect, then, anyone voting against this resolution, and supporting the President's proposals, is calling for an increase of taxes as a percentage of GNP.

Fourth, the reconciliation language of this resolution calls for deficit reductions of $85.3 billion over the next 3 years. Reconciliation will take place only if a budget is passed. In the plainest possible terms, failure to enact a budget this year will result in increased deficits of $85.3 billion over the next 3 years. The abandonment of the budget process will open the floodgates of overspending, without a sensible rein on the spending proclivities of both the administration and the Congress.

Finally, we have been told that the administration does not care if a budget passes. In fact, it would almost prefer that it does not. This is a very curious position to take for an administration which keeps proclaiming loudly, to anyone who will listen, that it is a staunch advocate of fiscal responsibility. An editorial from the June 22, 1983, issue of the Washington Post summarizes this situation very well. In that editorial, which I ask permission to insert into the RECORD at the conclusion of my remarks, the statement is made that the President "apparently sees more political advantage in disrupting congressional attempts to curb the deficit than in providing the leadership for a reasonable compromise." That is a strong charge, and I sincerely hope that it is not, in fact, true. The budgetary process of this Government is too important to be made into a political football, where political advantage, rather than the national good, is the primary motivation.

This resolution, as I have said before, is not perfect. It is the result of a compromise between men of good will who, although they may have differing political parties, and contrasting philosophies, have come together in a spirit of compromise and conciliation to provide a reasoned, moderate budgetary pattern for the coming fiscal year. To reject the results of their labor is to reject a plan that will reduce deficits, provide meaningful increases in defense spending and, in the long run, reduce the percentage of taxes that we ask our citizens to pay. To reject all of these things in favor of cheap political grandstanding is beneath the dignity of this Congress.

I urge my colleagues to do the responsibile thing, and vote for this resolution. At this point I include the following editorial:

[From the Washington Post, June 22, 1983]

BUDGET PROGRESS

"Somewhat of a miracle." That's how Senate Budget Committee Chairman Pete Domenici described the accord reached by budget conferees on Monday night. Perhaps that's an exaggeration, but miraculous things can happen when hardworking legislators sit down in a spirit of comity to work out their differences.

As they move the budget resolution toward passage by the full Congress, congressional leaders will still have to overcome the same obstacle that has impeded progress thus far. That obstacle is the president, who apparently sees more political advantage in disrupting congressional attempts to curb the deficit than in providing the leadership for a reasonable compromise.

Congress has every reason to feel aggrieved by the president's behavior, since the poor choices that it faces—the need to cut spending, raise taxes and still face enormous deficits—are so much the administration's doing. Nor does the president's current position make much substantive sense. For example, on taxes, the resolution calls for $12 billion more in revenues next year than the president's budget. The president says those taxes will hurt the recovery. But it is inconceivable that a $12 billion tax increase will have any negative effect on a $3 trillion economy already fueled by three years of massive deficit spending. It might, however, have the beneficial result of calming the interest rate, which is already showing renewed signs of anxiety over the prospect of uncontrolled future deficits. As for the tax increases proposed for subsequent years, in opposing them the president is essentially contradicting his own budget—or giving further plausibility to the notion that his "standby" taxes were only window dressing to diminish the gargantuan deficits that would otherwise have been evident.

For the military, the resolution would boost annual spending authority to $268.6 billion, an increase of $24 billion. Actual purchases next year would rise still faster because of the huge backlog of weapons

buying authorized in the last few years. If that amount of money is, as White House spokesman Larry Speakes says, "way too low to defend the country," then some major changes in the Pentagon's buying strategy are clearly in order.

The resolution does reject about $12 billion in domestic spending cuts that the president sought. But those cuts had no support in either house or either party. A reserve fund of several billion dollars could also be used for jobless aid, but the president will have the opportunity to veto such aid if Congress decides to authorize it.

The budget conferees deserve much credit for persisting in their efforts to put the federal budget on a sounder course. If those efforts are now stymied, they will at least have made it clear that it is the president, and not Congress, who is uninterested in budget control.●

● Ms. KAPTUR. Mr. Speaker, I rise in support of the bipartisan agreement crafted by the House-Senate budget conference. This budget agreement is a balanced approach to Federal spending. Despite all of the invective we have incurred because of this budget, let us take pride that we recommended a budget with a deficit $48 billion below the one offered by the President in January. While we made the difficult choices, let us remember that the opponents of our work offered asbolutely no alternative and no constructive action. They lay back all of these months when the hard work was being done and only now they speak up and only to come to the aid of a failed program. They have done little more than hurl criticism at us for doing our jobs.

We were able to offer a fair and equitable budget because we had the resolve to cut wasteful defense spending, which is still far too excessive, and the common sense and decency to provide relief for the average taxpayer and the victims of the recession. We are beginning to rectify the unfairness of the Reagan tax giveaway to the privileged. We should be thankful that we have the opportunity to change the course and avoid more social hardship and fiscal dislocation. Let us seize this opportunity on behalf of all the American people.●

● Mr. GIBBONS. Mr. Speaker, I am voting for the conference report on the first concurrent budget for 1984 because I believe this process has delayed consideration of important legislation for far too long. If this resolution is not passed—I do not agree with many of its provisions—but if it is rejected now we will be tied up for the rest of this year in useless debate with no action—action that the country needs. Mr. Speaker, I do not believe that voting for this resolution in any way finds me or any other Member on future action we may take on spending matters or on taxes.●

● Mr. PATTERSON. Mr. Speaker, I rise in support of the bipartisan budget agreement for fiscal year 1984. This agreement, hammered out between representatives of the Republican-controlled Senate and the Democratic-controlled House, was not a total victory for either side, but a major success for both. I am convinced that this is the best agreement we could have achieved. It provides a fair and effective budget for addressing the needs of the American people.

In dollar terms, there is not a great deal of difference between the bipartisan budget totals and the budget supported by the administration. There is, however, a marked shift in spending priorities and a renewed emphasis on reducing the deficit.

We have to reduce Government borrowing if we want reasonable interest rates. That means we have to reduce the gap between spending and taxes. The House and Senate budget compromise reduces some spending, raises some revenues and reduces the overall deficit to $20 billion less than the administration's fiscal year 1984 budget proposal. This is a major victory for the Congress and for the American people. In addition, it restores some of the most worthwhile educational and social programs to their previous funding levels.

The conference committee budget passed by Congress has a steadily declining deficit which will be lowered to $130 billion in fiscal year 1986. Additionally, it directs committees to pass additional deficit-reducing legislation which will total up to $85 billion over the next 3 fiscal years.

The budget compromise restores some of the funding for important domestic programs on a selective basis. It will provide $21.5 billion over the President's proposed budget for targeted recession relief, infant nutrition, and vital research and educational programs. This represents less than a 4-percent increase over present funding—somewhat lower than the expected rate of inflation.

With regard to defense, Congress approved a 5-percent increase after inflation or one-half of the increase in funds the President had proposed. The defense increase will add up to $23 billion in a total military budget of $268.6 billion.

The compromise budget will increase revenues by $12 billion in fiscal year 1984 to partially fund the $46 billion buildup in defense by 1986. This is instead of the $59 billion in standby tax increases that the President has proposed for that year.

The President's $200 billion budget deficit is intolerable, particularly when we were promised that the President would propose a balanced Federal budget by 1984. If the deficit is not checked, interest rates will again rise, choking off any possible economic recovery. The budget compromise approved by Congress is the only viable option for lowering deficits, reducing military spending, and fostering the substained recovery we seek.●

● Mr. WEISS. Mr. Speaker, I want to express my support for the conference report on the First Concurrent Resolution on the Budget for Fiscal Year 1984. This budget resolution makes significant progress in changing the Federal policy directions of the past several years. It begins to correct the grievous errors of Reaganomics. There has been much damage done, but with this resolution, we begin to make the necessary repairs.

First, although still far too large, this resolution would slow the unprecedented and profligate growth in peacetime defense spending that has distorted national priorities and fueled the arms race. Second, it would reduce the deficit below levels projected under the Reagan budget. Third, it makes progress toward restoring the Federal commitment to jobs and training, education, services for the elderly and needy, and the entire range of social programs that contribute to making this a just and humane society.

Further, the creation of an $8 billion reserve fund holds the door open for later approval of new initiatives to provide relief from the recession and to stimulate economic growth. These include mortgage foreclosure relief for the unemployed and for farmers, jobs programs, health insurance for the unemployed, and an extension of unemployment benefits.

Though I support this compromise, I would have preferred the budget that this House passed in March which went even further in scaling back the President's massive military buildup. This agreement provides for 5 percent real growth in budget authority for national defense for each of the next 3 years. The agreement includes $268.6 billion in budget authority for defense—$12 billion less than the $280.5 billion proposed by the President. Over the 3-year period from 1984 to 1986, the conference agreement provides $894.9 billion in budget authority, about $80.4 billion less than the $975.3 billion that the President recommended. The unprecedented growth in defense spending during the past few years has led to waste and abuse in the military, has fueled inflation, and diverted funds from vital human needs.

Furthermore, the growth in defense spending combined with the President's tax cuts was the root cause of the ballooning Federal deficit. The projected deficit under the conference agreement, including the reserve fund, is $170 billion to $179 billion in 1984, depending on whether programs specified in the reserve fund are enacted. This deficit is a staggering sum, yet far less than the $190.2 billion projected under the President's budget. Under the conference agreement, the

deficit would decline steadily, reaching $130.8 billion in fiscal year 1986.

Finally and most importantly, the budget resolution is a first step toward repairing some of the damage wrought by recent administration policy. In the areas of education and jobs training, where the needs are especially urgent, Federal support would be increased. For the groups that have been asked to bear the major burden of the budget cuts—women, children, and minorities—programs would be strengthened.

In the budget category that includes education, employment and social services, for example, budget authority is set at $37.45 billion with the reserve fund, compared to $25.4 billion requested by the administration, and outlays at $31.85 billion, compared to $25.5 billion.

For education and related activities in 1984, the agreement provides $16.1 billion, including an $800 million increase over current spending for compensatory education, student financial assistance, the new math-science education initiative, vocational and adult education, and education for the handicapped.

The $7 billion designated for social services in 1984 assumes increases in the Head Start program, child welfare services, vocational rehabilitation, community services and programs for the aging.

The $10.95 billion for employment and training allows for increases for the Jobs Training Partnership Act, community service employment for older Americans, the work incentive (WIN) program, and labor services such as the Bureau of Labor Statistics.

A small but significant item is the $296 million assumption for the Legal Services Corporation in 1984, an amount that is consistent with the appropriation approved earlier by the House. The administration has repeatedly tried to eliminate this program that insures access to legal services is not limited to the wealthy.

The agreement provides for a total tax increase of $73 billion to reduce long-term deficits. However, by 1986, the tax burden as measured by revenues as a percentage of gross national product, would be no higher than those proposed by the President.

This budget is not a perfect compromise, but it does represent an alternative to the policies of the past 2 years and an effort to achieve a more rational balance between military and domestic spending. Further efforts will be needed by Congress to insure that the progress initiated with this resolution is continued and strengthened.●

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to a distinguished member of the committee, the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I have served on the Budget Committee for the last three terms. I was a member of the conference committee which tried to work out an agreement between the differing versions of the House and the Senate.

I am one who has some devotion to the process and believes that a budget resolution is better than no budget resolution, but not unless it proves itself worthy on its own merits.

I regret that I was not able to sign the conference report. The reason that I was not able to sign the conference report is that the conference report was without merit.

It features excessive spending in all respects. It features excessive taxation, particularly in the outyears. And it features an excessive deficit. any Member of this body who can vote for that combination is a braver person than I am today.

First of all, a budget resolution will guarantee us only 4 billion dollars worth of savings in entitlement programs. That is not a worthy tradeoff for $73 billion in extra taxes. There has got to be some kind of limit, Mr. Speaker, on what this Congress decides to spend when this Congress does not have the willingness to raise the funds necessary to support those spending amounts. And, unfortunately, the Congress has never had the willingness to stand up and say: Here is where we are going to stop.

Mr. Speaker, other Members have indicated that the President's budget deficit is higher than the deficit proposed in the budget resolution conference report. Unfortunately, that is an inaccurate statement. The CBO has just furnished information. Using the economic and technical assumptions that the budget conference committee used, the President's deficit is $170.8 billion, which is about $9 billion less than the deficit provided in this resolution.

So anybody who thinks the country is undertaxed and needs more taxes, and anyone who believes that we have not been spending enough and we need to increase our expenditures, and any who believe that our deficits ought to go up a little bit and that our national debt should go up, I would urge those persons to vote for the budget resolution.

□ 1500

Those who have any respect for the taxpayer's dollar, any respect for the growing deficit problem, any respect for the difficulty that high interest rates are going to cause us when the deficits begin to run them up, to those persons I would say join me in voting against the budget resolution.

Your choice is very clear. You are either a spender or a saver. If you vote "aye" you are a spender.

Mr. JONES of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are at the close of this debate on the budget conference. I want to personally thank all of the House conferees who worked so hard for the past 2 weeks to reach this agreement. Some have condemned the budget process, saying it is not working. I think the fact of the matter is that the budget process is working very well, because that process is designed to force Congress to look at our resources and to delineate the hard choices we have to live within those resources.

We know what the choices are. The big question is not the budget process, but whether we have the political courage to implement and enforce that budget process.

In this conference report we have an agreement that is truly bipartisan. It is signed by the majority of Republicans and Democrats on the Senate side, and by all of the Democrats on the House side. It is a conference report, as is pointed out by the Independent Committee for a Responsible Federal Budget, that has deficits lower than the President's deficit. I do not understand why it is even being compared to the President's budget because, as was pointed out, not a single Republican in the House of Representatives even offered the President's budget for consideration in the budget debate of 1983.

In many respects, this budget debate this year has reminded me of my time as a child when we would have a neighborhood sandlot game on a vacant lot. There was one kid who usually had a ball and a bat and more gloves than the others, and there were the other kids who were trying to work out the rules of having a neighborhood sandlot baseball game. Then there was a group of kids who just came and threw rocks and criticized and talked about how they could do it better, but never wanted to enter the game.

We had a situation this year in which the President either wanted to be the pitcher in this game or threatened that he would take his ball and bat and go home. This year there were Republicans and Democrats in the Senate and Democrats in the House who were honestly trying to work some rules of discipline of this budget process and to keep this process alive and keep that discipline working. And then there was a group, unfortunately, in this body from the other side of the aisle who stood on the sides and just threw the rocks and made the criticisms and offered no alternatives.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I would be happy to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, just to set the record straight, I am sure the gen-

tleman, if he will reflect on his memory, in committee I offered function by function the President's budget, and it was voted down strictly along party lines, 2 to 1.

Mr. JONES of Oklahoma. Mr. Speaker, the gentleman could have offered the President's budget on the floor of the House. The Democrats made that in order in the rule, and not at any time was the President's budget offered.

So rather than just being one of the critics, being part of those who throw rocks, it seems to me it is time for us to stand up and say we need to preserve some budget discipline. It may not be the best that each one of us could do on our own, but in our form of government it is the best we could achieve. It is a good budget. It is a sound budget. It will help this economic recovery, and without it we are going to have fiscal chaos. I urge my colleagues to vote for this budget conference report.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report. As a member of the House Budget Committee, I am convinced that if we fail to reduce soaring Federal deficits, increased Government intrusion into the credit markets will drive interest rates even higher than they are now. Higher interest rates, in turn, will curtail new investments in job-creating enterprises and threaten any hope of long-lasting economic recovery.

I seriously doubt that anyone is totally satisfied with the conference report before us. However, I would like to commend the conferees for their efforts to reduce the Federal deficit, and moderate the fiscal course that was set in 1981. I particularly believe that Republican Senators DOMENICI, KASSEBAUM, BOSCHWITZ, and GORTON should be commended for their willingness to reject partisan bickering and White House pressure, and to lend their support to the bipartisan compromise before us; I only hope that the same bipartisanship and same political courage will be manifested in this House.

Mr. Speaker, I am very troubled by the President's apparent willingness to stand in the way of progress toward restoring fiscal responsibility.

In 1981, President Reagan claimed that the adoption of his fiscal policies would result in a balanced budget by 1984. The President's fiscal policies were adopted, but the President's 1984 budget proposed a record budget deficit of $188 billion, and Budget Director David Stockman has observed that we face "$200 billion deficits as far as the eye can see."

We have before us a document that was fashioned by House Democrats and Senate Republicans that will reduce the Federal deficit below the President's budget proposal by $40 to $60 billion over the next 3 years. I strongly believe that we must make it clear that we are committed to exercising fiscal discipline by implementing policies that will result in steadily declining—not increasing—future budget deficits.

For this reason, I cannot understand why the President seems to be so intent upon undermining the congressional budget process, which is the only means that is available to enforce fiscal discipline. If we fail to adopt and implement this budget resolution and put the Government on automatic pilot—all existing policies unchanged—we will be adding to the budget deficits over the next 3 years by over $142 billion. The deficit in 1986 alone would be over $216 billion. I submit that deficits of this magnitude are unacceptable. I call upon the President to turn away from narrow partisanship and political confrontation, and to work with the House and Senate—on a bipartisan basis—to insure that our economic recovery is not drowned in a sea of red ink.

Mr. JONES of Oklahoma. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MOODY). The question is on the motion offered by the gentleman from Oklahoma (Mr. JONES).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. JONES of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman asks for the yeas and nays. All those in favor of taking this vote by the yeas and nays will rise at this time.

A sufficient number. The yeas and nays are ordered.

Mr. JONES of Oklahoma. Mr. Speaker, I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. GRAMM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GRAMM. That request is not timely. The gentleman has asked for the yeas and nays and they had been ordered.

The SPEAKER pro tempore. The yeas and nays had been ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 186, not voting 7, as follows:

[Roll No. 214]

YEAS—239

Ackerman	Addabbo	Akaka
Albosta	Gonzalez	Owens
Anderson	Gore	Panetta
Andrews (NC)	Gray	Patman
Andrews (TX)	Green	Patterson
Annunzio	Guarini	Pease
Anthony	Hall (IN)	Penny
Aspin	Hall (OH)	Pepper
AuCoin	Hamilton	Perkins
Barnes	Hance	Pickle
Bates	Harkin	Price
Bedell	Harrison	Pritchard
Beilenson	Hatcher	Rahall
Berman	Hawkins	Rangel
Bevill	Hefner	Ratchford
Biaggi	Hertel	Reid
Boggs	Hightower	Richardson
Boland	Howard	Rinaldo
Boner	Hoyer	Rodino
Bonior	Hubbard	Roe
Bonker	Hughes	Rose
Borski	Jeffords	Rostenkowski
Bosco	Jenkins	Roukema
Boucher	Johnson	Rowland
Boxer	Jones (NC)	Roybal
Britt	Jones (OK)	Russo
Brooks	Jones (TN)	Sabo
Brown (CA)	Kaptur	Savage
Bryant	Kazen	Scheuer
Carper	Kennelly	Schneider
Carr	Kildee	Schroeder
Clarke	Kogovsek	Schumer
Clay	Kolter	Seiberling
Coelho	Kostmayer	Shannon
Coleman (TX)	LaFalce	Sharp
Collins	Lantos	Sikorski
Conyers	Lehman (CA)	Simon
Cooper	Lehman (FL)	Sisisky
Coyne	Leland	Slattery
Crockett	Levin	Smith (FL)
D'Amours	Levine	Smith (NJ)
Daschle	Levitas	Solarz
de la Garza	Lipinski	Spratt
Derrick	Long (LA)	St Germain
Dicks	Long (MD)	Staggers
Dingell	Lowry (WA)	Stokes
Dixon	Luken	Stratton
Donnelly	Lundine	Studds
Dorgan	MacKay	Swift
Dowdy	Markey	Synar
Downey	Matsui	Tallon
Durbin	Mavroules	Thomas (GA)
Dwyer	Mazzoli	Torres
Dymally	McCloskey	Torricelli
Early	McCurdy	Towns
Eckart	McHugh	Traxler
Edgar	McKinney	Udall
Edwards (CA)	McNulty	Valentine
Erdreich	Mica	Vento
Evans (IL)	Mikulski	Volkmer
Fascell	Miller (CA)	Walgren
Fazio	Mineta	Watkins
Feighan	Minish	Waxman
Ferraro	Mitchell	Weaver
Flippo	Moakley	Weiss
Florio	Mollohan	Wheat
Foglietta	Moody	Whitley
Foley	Morrison (CT)	Whitten
Ford (MI)	Mrazek	Williams (MT)
Ford (TN)	Murphy	Williams (OH)
Fowler	Murtha	Wirth
Frank	Natcher	Wise
Frost	Nelson	Wolpe
Fuqua	Nowak	Wright
Garcia	Oakar	Wyden
Gaydos	Oberstar	Yates
Gejdenson	Obey	Yatron
Gephardt	Olin	Young (MO)
Gibbons	Ortiz	Zablocki
Glickman	Ottinger	

NAYS—186

Applegate	Brown (CO)	Conte
Archer	Broyhill	Corcoran
Badham	Burton (IN)	Coughlin
Barnard	Byron	Courter
Bartlett	Campbell	Craig
Bateman	Carney	Crane, Daniel
Bennett	Chandler	Crane, Philip
Bereuter	Chappell	Daniel
Bethune	Chappie	Dannemeyer
Bilirakis	Cheney	Daub
Bliley	Clinger	Davis
Boehlert	Coats	Dellums
Breaux	Coleman (MO)	DeWine
Broomfield	Conable	Dickinson

Dreier	Lent	Ritter
Duncan	Lewis (CA)	Roberts
Dyson	Lewis (FL)	Robinson
Edwards (AL)	Livingston	Roemer
Edwards (OK)	Lloyd	Rogers
Emerson	Loeffler	Roth
English	Lott	Rudd
Evans (IA)	Lowery (CA)	Sawyer
Fiedler	Lujan	Schaefer
Fields	Lungren	Schulze
Fish	Mack	Sensenbrenner
Forsythe	Madigan	Shaw
Franklin	Marlenee	Shelby
Frenzel	Martin (IL)	Shumway
Gekas	Martin (NC)	Shuster
Gilman	Martin (NY)	Siljander
Gingrich	McCain	Skeen
Goodling	McCandless	Skelton
Gradison	McCollum	Smith (IA)
Gramm	McDade	Smith (NE)
Gregg	McDonald	Smith, Denny
Gunderson	McEwen	Snowe
Hall, Ralph	McGrath	Snyder
Hall, Sam	McKernan	Solomon
Hammerschmidt	Michel	Spence
Hansen (ID)	Miller (OH)	Stangeland
Hansen (UT)	Molinari	Stark
Hartnett	Montgomery	Stenholm
Hiler	Moore	Stump
Hillis	Moorhead	Sundquist
Holt	Morrison (WA)	Tauke
Hopkins	Myers	Tauzin
Horton	Neal	Taylor
Huckaby	Nichols	Vander Jagt
Hunter	Nielson	Vandergriff
Hutto	O'Brien	Vucanovich
Hyde	Oxley	Walker
Ireland	Packard	Weber
Jacobs	Parris	Whitehurst
Kasich	Pashayan	Whittaker
Kastenmeier	Paul	Wilson
Kemp	Petri	Winn
Kindness	Porter	Wolf
Kramer	Pursell	Wortley
Lagomarsino	Quillen	Wylie
Latta	Ray	Young (AK)
Leach	Regula	Young (FL)
Leath	Ridge	Zschau

NOT VOTING—7

Alexander	Marriott	Thomas (CA)
Erlenborn	Martinez	
Heftel	Smith, Robert	

□ 1520

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Thomas of California against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3135. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3135) entitled "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. HATFIELD, Mr. STEVENS, Mr. BUMPERS, Mr. HOLLINGS, and Mr. STENNIS to be the conferees on the part of the Senate.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL 5 P.M. FRIDAY, JUNE 24, 1983, TO FILE REPORTS ON H.R. 2769, HOUSE JOINT RESOLUTION 290, AND H.R. 3398

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until 5 p.m. Friday, June 24, to file its reports to accompany the following three bills:

H.R. 2769. To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region;

H.J. Res. 290. To permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Oylmpiad to be held in the United States in 1984; and

H.R. 3398. To change the tariff treatment with respect to certain articles, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. CONABLE. Mr. Speaker, I reserve the right to object. I would like to hear the request again.

Mr. STARK. Mr. Speaker, if the gentleman will yield, it was a unanimous consent request that the Committee on Ways and Means have until 5 p.m. Friday, June 24, to file three reports on the following bills:

H.R. 2769. To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region;

H.J. Res. 290. To permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984; and

H.R. 3398. To change the tariff treatment with respect to certain articles, and for other purposes.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LATEST PUBLICATION OF CAPITOL HISTORICAL SOCIETY, "WASHINGTON, PAST AND PRESENT"

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the U.S. Capitol Historical Society has made available for every Member a copy of their latest publication, "Washington, Past and Present," courtesy of the society. Copies are in the Rayburn Room.

I commend the Members to go get their copy and look at it, because it is a very worthwhile publication.

TAX RATE EQUITY ACT OF 1983

The SPEAKER. Pursuant to House Resolution 242 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1183.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1183, to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, with Mr. HERTEL of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 1 hour, and the gentleman from New York (Mr. CONABLE) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Ways and Means has reported H.R. 1183, with committee amendments, to limit the third installment of the individual tax reductions enacted in the Economic Recovery Tax Act of 1981. In committee, some questioned the timing and the public perception of the so-called cap. No one questioned its benefit to the overall economy. Most of us on the committee opposed the third year back in 1981—and history has proved our reluctance sadly justified.

Two months ago the Office of Management and Budget estimated that the current services deficits will be $226.1 billion for fiscal year 1984, $241.6 billion for fiscal year 1985 and $260.1 billion for fiscal year 1986.

From where I sit, deficits of that magnitude are economic depth charges. We may not feel their full effect this year, or even next. But they will ultimately cripple us if we do not defuse them now.

Tentative signs of economic recovery are welcome. But they should not

allay our legitimate fears that massive deficits will ultimately lead us back to recession. Two hundred billion dollar deficits do not go away because of a rally on the stock market or because projected housing starts are up. Federal borrowing cannot help but stiffen interest rates as private borrowing rises to meet recovery's demands.

Putting a $700 cap on the third year of the tax cut will restrain revenue losses by $6 billion in fiscal year 1984 and $21 billion over the next 3 fiscal years. Alongside the deficit, it is little more than an asterisk on the ledger book. Yet it is a beginning. It is a statement that Congress has begun to grapple with the menace of Federal deficits.

I do not like to raise taxes any more than Ronald Reagan does, I do not know any Democrat who likes to raise taxes. Nor do most Democrats believe that we can reduce the deficit by just raising taxes and cutting defense spending. We on the committee have cut nondefense spending by $81 billion between fiscal year 1982 and fiscal year 1986 and are painfully aware that more must be done.

Yet, to date, the administration has been unwilling to discuss new revenues as a way of addressing either the 1984 or 1985 deficits. I hope that the adoption of a congressional budget will lead to serious discussion with the Treasury Department about the need to restore the revenue base. The administration may not agree with the individual revenue targets in the budget, but the overall long-range revenue needs cannot be disputed.

Today's bill will not alone solve the revenue base problem. But the choice before us today is whether or not we are prepared to slow next year's revenue loss by $6 billion. And if we are, then how is that most fairly done?

Under the rate schedules in the committee's bill, the maximum tax reductions in tax year 1984 would be $720 for joint returns, $637 for single returns and $673 for head-of-households returns. The maximums reductions for the 1983 tax year would be roughly half these amounts. These limits will take effect at $35,200 of taxable income for a joint return—roughly $45,000 of adjusted gross income—and at $28,800 of taxable income on a single return—roughly $35,000 of adjusted gross income.

Let me explain very briefly the distributional effect of the bill:

Of 77 million taxable returns, the cap would affect a little over 8 million—or about 10 percent.

Although about half of those returns affected fall below the $50,000 income line, they account for only 11.3 percent of the bill's revenue.

The remaining 88.7 percent of the revenue increase comes from capping the 4.4 million returns above $50,000 in income.

The cap will affect some joint returns taxpayers at income levels between $30,000 and $45,000 where no deductions are itemized, and even more single taxpayers with incomes in these ranges. But far and away the group most affected by the cap are upper income taxpayers—no matter how our opponents manipulate the statistics.

The committee amendments adopted make technical adjustments to the head-of-household rate schedules contained in the introduced bill and provide relief from estimated tax penalties for 1983 under payments resulting from the changes made in the bill.

Mr. Chairman, if most of us on the committee had our way 2 years ago we would not be facing today's difficult political choice. If we had had our way there would not be a third year of the tax cut. Nor would there be $200 billion deficits. Capping the third year is a modest declaration that both tempers past excesses—and sustains future recovery.

Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. CONABLE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, H.R. 1183 is a bill which should be defeated. It is bad economic policy, largely because it would raise taxes sharply and thus impede an encouraging recover. It is bad tax policy, primarily because it would create permanent inequities in our voluntary Federal income tax system which already faces credibility problems.

H.R. 1183 also is unjust—very unjust—because it hurts the same groups that already bear an unfairly heavy share of the total tax burden: Middle-income people, especially two-earner families; and small business, particularly family farms.

The bill has been described in a misleading way. Its supporters have called it a $700 cap on the third-year stage of the individual tax rate reductions that were an integral part of the President's economic recovery program. But H.R. 1183 would not achieve that result. It is not a one shot measure. It would result in a permanent change in tax rate schedules, producing leapfrogging tax increases for many income groups not only next year but every year thereafter.

There are a number of additional, extremely important reasons for opposing H.R. 1183 which have been discussed in considerable detail in the dissenting views accompanying the committee report. I will attempt to simply highlight those points in these remarks.

Perhaps the most troubling aspect of this simplistic proposal is that it jeopardizes an economic recovery which is shaping up so nicely with each passing day. The bill before us threatens to dampen the economy's upward movement and cause it either to falter or fall short of its increasingly promising potential. For that reason alone, I am surprised that so many of my colleagues on the other side of the aisle are willing to take the political risks associated with support of this so-called cap.

The Secretary of the Treasury, when he testified on this issue before the Committee on Ways and Means, said the cap would indeed be unhealthy for the blossoming recovery and could have the ultimate effect of boosting our already high deficits and raising anew the specter of inflation. This, of course, would be detrimental to every citizen. It would be particularly harmful, and ironically so, to those on low and fixed incomes who always bear the brunt of rising prices and interest rates.

H.R. 1183 also produces radical inconsistencies and inequities through its marginal rate changes. For example, at the $35,200 income level on a joint return schedule, the marginal rate will change from 28 to 37 percent, an increase of 9 points. At only one other place in the entire schedule does the marginal rate change by as much as 5 points, and in most brackets, there is only a 2- or 3-point change.

Although this so-called cap already is viewed widely as an additional marriage penalty, it adversely affects unmarried taxpayers, too. A roughly comparable rate increase under the proposal would occur in the individual schedule at the $28,800 income level, where the marginal rate would rise by 8 points, from 30 to 38 percent.

The cap imposes even more inequities on middle-income taxpayers when their situation is compared with that of the very wealthy and that of the very poor. One consequence of the bill would be that the percentage tax change for those with incomes under $40,000 would be virtually zero, the percentage tax change for those with income over $200,000 would be 2.5, and the tax change for those with incomes between $50,000 and $200,000 would range from 5 to 7 percent.

Mr. Chairman, many of us who oppose the tax cap on substantive grounds, also are apprehensive about its potential role as a harbinger of even worse propositions. It is not inconceivable that enactment of H.R. 1183 could pave the way for a bid to repeal or delay indexing, which is the taxpayer's best friend in law.

If you dislike this cap, you will really hate any tampering with indexing, which is scheduled to go into effect in 1985. Repealing indexing, or even delaying it, would probably do the American taxpayer more damage than any other change in the Internal Revenue Code. Indexing offers the one best

hope of controlling Government expenditures, because it forces the Congress to vote overtly for tax increases if it wants to spend more money. Without indexing, bracket creep will continue to provide us with automatic, unlegislated tax increases every year, thus perpetuating the most effective form of back door spending.

To review one of the classic examples of the damage that repeal of indexing would do, a family of four, earning $10,000 in 1983 dollars, would pay 47.4 percent more in taxes in 1988.

Of the $6.9 billion which would be raised from repeal of indexing in its first effective year, approximately 77 percent, or $5.3 billion, would come from families earning less than $50,000.

Both indexing and the third-year stage of the President's tax cut are important not only on a macroeconomic basis, but in terms of the positive effects they will have on the lives of low- and middle-income Americans. The reverse also is true, of course. To the extent we undercut either, we will undermine the prospects that our low- and middle-income taxpayers have for prosperity.

The only provision we can do anything about today is the third stage of marginal rate reductions. We should keep that provision in the law, as is.

To do otherwise would invite the wrath of those who keep our Government going: The taxpayers in the great middle income range. We would be treating them unfairly, and their wrath would be justified.

They will not be fooled, Mr. Chairman. They will see this ploy for precisely what it is—a tax increase, a permanent tax increase that will hit them hard every year from now on.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. GUARINI).

Mr. GUARINI. Mr. Chairman, I rise in support of H.R. 1138, a bill to cap the third year of the tax cut at $700.

Back in April of last year, 1982, this bill was dropped in a hopper as it was then already obvious to many of us that we would be heading for disastrous deficits.

It is extremely important that we make a strong effort at this point to reduce the enormous deficits that are now confronting Congress. In an era of $200 billion shortfalls, this bill is a test of our national resolve for getting the deficits down and keeping them down. And while it is true that this bill will only go part way toward reducing our deficits, $6 billion in fiscal year 1984 and $38 billion over the next 5 years, we must make a real beginning.

We are all aware that there is a widespread concern that the Reagan deficits will choke off a sustained economic recovery by keeping interest rates high. Responsible solutions, and H.R. 1183 is one of them, must be considered.

Is there any fairer or more appropriate or more painless way to raise necessary and needed revenues?

□ 1540

The budget we just passed calls for $12 billion in new revenues and this is a most promising and likely place for us to raise those moneys. The concern about high U.S. deficits is shared not just by many of us in Congress, but also by leading world financial institutions.

Only recently the Bank for International Settlements in Basle, Switzerland, which is deeply troubled over the disastrous state of the world economy, called upon the United States to set its financial house in order. The BIS termed the high U.S. interest rates seriously damaging to the world economy and stated that the principal responsibility for lowering these rates clearly falls upon the U.S. authority and squarely upon the shoulders of those in charge of our fiscal policy here in the United States.

The report concludes that concerted action on the part of the United States to reduce interest rates, and reducing deficits is an important part of the effort, would have a salutory effect in Japan, West Germany, and Great Britain. This, in turn, would provide much needed relief to the debt-ridden economies of the rest of the world.

It is important to note that the focus of this report is not on a solution 2 years down the road, as advocated by the administration in accepting budget deficits of $200 billion in each of the next 2 years, a call was issued for America to act now before the fragile U.S. economic recovery falters and before there is a second wave of crises amongst Third World nations that are already in deep trouble.

Having made these observations, I would like to commend my colleagues who are concerned over struggles of working families and needy people during these times of unemployment. But I particularly would like to address my remarks to the 10 percent of the taxpayers that are concerned with this particular bill, for they will be affected in some measure.

A great responsibility for leadership in this Nation rests upon those of you who share significantly in our Nation's blessings and our future. It is your leadership, your sense of social responsibility and social conscience which are needed today.

There is a great show of concern, and it has been shown from the other side, about a tax cut being taken away. In fact, everybody in this select group will receive at least a $700 tax break in this coming year. Already, you, the selected few, have benefited greatly from changes in ERTA, the Economic Recovery Tax Act. We have reduced the capital gains of 28 to 20 percent, which you are able to benefit from. We have reduced the top marginal rate, the marginal rate, from 70 percent to 50 percent. Not to mention liberalization that we have given in forms of tax credits and accelerated depreciation. These changes have been to the benefit of those few who are in this 10 percent category.

Today, our foremost national priority should be reduction of the unparalleled Federal deficits caused by this administration's policies.

Without a national strategy, a national resolve, a national purpose that we will do everything possible as a top priority to stop the massive hemorrhaging from happening in our economy today, we will not succeed in lowering our deficits. We now have a $1.3 trillion debt ceiling.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROSTENKOWSKI. I yield an additional 2 minutes to the gentleman from New Jersey (Mr. GUARINI).

Mr. GUARINI. We must put an end to borrowing to have short-term economic recovery which will only obligate our children and their progeny. We cannot continue to borrow and borrow and have deficits on top of deficits. We must make a beginning and the time to do so is now. Let us start by voting for this bill and returning $38 billion to our Treasury.

I urge all of you to support H.R. 1183. Your vote now counts because this is a first step toward responsible, sane fiscal policy for our country.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. GUARINI. I yield to the gentleman from New York.

Mr. KEMP. How did the gentleman vote on the repeal of withholding of taxes on savings and dividends?

Mr. GUARINI. On savings and dividends, I voted for it, because I believed——

Mr. KEMP. That was responsible and now this is irresponsible?

Mr. GUARINI. I think it was necessary because we needed capital formation and I think we had to do everything we could to get savings in our country.

Mr. KEMP. The gentleman has answered the question for everybody to hear.

Mr. COURTER. Will the gentleman yield?

Mr. GUARINI. I yield to the gentleman.

Mr. COURTER. I had the opportunity to go through some calculations and I calculated, that if this proposal is passed that New Jerseyites alone in 1983 will pay an additional $255 million of taxes. That is one-quarter of a billion dollars of additional taxes from one State, our State of New Jersey.

I wonder if the gentleman would reply as to whether that is good economics and whether it is also good for the State of New Jersey.

Mr. GUARINI. I think it is good for the country and what is good for the country is good for the State of New Jersey. Everybody must be called on in time of crisis to make some sacrifice; if there are those in New Jersey who are in the upper 10 percent of our bracket have to pay, if a few of them do come from New Jersey, as they do from the other 50 States, so be it.

These are times of crisis and these are times people should be called upon to make a sacrifice.

Mr. COURTER. If the gentleman will yield further, most of the income will be coming from small businesses, 90 percent of this money comes from small businesses, not wealthy individuals.

Mr. GUARINI. That will be aruged and contested later.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, in a little colloquy this morning I asked the question how would a citizen taxpayer who had an income of $1 million a year be affected by this proposed legislation? My respected friend, Mr. GRAMM, stated as I understood him that that person would not be affected at all, adversely or otherwise.

So, I called up Mrs. Alice Rivlin, head of the CBO, and she wrote me the letter which I have in my hand which I would like to read:

CONGRESSIONAL
BUDGET OFFICE,
Washington, D.C., June 23, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your question, a taxpayer with a million dollars of income (earned or unearned) filing a joint return with two dependents would have his tax cut reduced by $3,736.00 if the cap is imposed.

The attached table shows other income levels and types of returns.

Sincerely,

ALICE M. RIVLIN,
Director.

So, as I said this morning, the purpose of this bill is simply to limit to $720 the amount of benefit that a taxpayer can derive from the Reagan tax reduction program of 1981. It is just as simple as that.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. CONABLE. The point is, of course it will increase taxes for a millionaire, but it will increase taxes for a millionaire percentagewise much less than it will for a person between $35,000 and $100,000. In other words, it hits the middle class particularly hard. Millionaires, the wealthier they are, pay a smaller proportion of their income in additional taxes under this proposal than middle-class folks do.

Mr. PEPPER. Excuse me just a minute.

May I respond to my friend from New York. I have here the table prepared by the CBO, it says, "Taxation and Accounting Comparison of Federal Individual Income Tax Burdens Under 1984, Present Law and Under the $700 Cap Proposal." And that shows that the first time there is a change in the case of the type of taxpayer that I described occurs when he reaches either $45,000 or $50,000. So, this does not begin to change anybody, according to this that I am going to put in the RECORD when we go back in the House, until you get up to $45,000 or $50,000. And, of course, as I am informed, maybe I am in error, but I have the figures that one-half of the people of this country make less than $20,000 a year.

So, while we understand that $50,000 is not an awful lot of money nowadays, at the same time it is an awful lot of money to an awful lot of people in this country.

The table is as follows:

TABLE 3.—COMPARISON OF FEDERAL INDIVIDUAL INCOME TAX BURDENS UNDER 1984 PRESENT LAW AND UNDER THE $700 CAP PROPOSAL [1]

	Tax liability														
	1. Single, no dependents			2. Joint, no dependents			3. Joint, 2 dependents			4. Joint, 2-earner, no dependents			5. Joint, 2-earner, 2 dependents		
	Present law	Proposal	Change	Present law	Proposal	Change	Present law	Proposal	Change	Present law	Proposal	Change	Present law	Proposal	Change
Income:															
$5,000	$193	$193	0	0	0	0	−$500	−$500	0	0	0	0	−$500	−$500	0
$10,000	915	915	0	$539	$539	0	291	291	0	$504	$504	0	261	261	0
$15,000	1,572	1,572	0	1,253	1,253	0	952	952	0	1,193	1,193	0	900	900	0
$20,000	2,392	2,392	0	1,885	1,885	0	1,549	1,549	0	1,795	1,795	0	1,469	1,469	0
$25,000	3,348	3,348	0	2,596	2,596	0	2,218	2,218	0	2,466	2,466	0	2,106	2,106	0
$30,000	4,385	4,385	0	3,443	3,443	0	3,003	3,003	0	3,278	3,278	0	2,838	2,838	0
$35,000	5,540	5,540	0	4,403	4,403	0	3,903	3,903	0	4,184	4,184	0	3,684	3,684	0
$40,000	6,827	6,959	$132	5,434	5,434	0	4,874	4,874	0	5,154	5,154	0	4,615	4,615	0
$45,000	8,210	8,496	286	6,555	6,589	$34	5,952	5,952	0	6,197	6,197	0	5,637	5,637	0
$50,000	9,673	10,113	440	7,825	8,013	188	7,165	7,273	$108	7,413	7,551	$138	6,753	6,811	$58
$55,000	11,222	11,838	616	9,906	9,438	342	8,436	8,698	262	8,642	8,929	287	7,982	8,189	207
$65,000	14,456	15,457	1,001	11,919	12,569	650	11,159	11,729	570	11,302	11,887	585	10,542	11,047	505
$75,000	17,915	19,188	1,273	14,845	15,803	958	14,085	14,963	878	14,133	15,016	883	13,373	14,176	803
$85,000	21,611	23,038	1,427	18,045	19,311	1,266	17,205	18,391	1,186	17,153	18,334	1,181	16,313	17,414	1,101
$95,000	25,307	26,888	1,581	21,279	22,853	1,574	20,439	21,933	1,494	20,282	21,761	1,479	19,442	20,841	1,399
$100,000	27,155	28,813	1,658	22,896	24,624	1,728	22,056	23,704	1,648	21,846	23,474	1,628	21,006	22,554	1,548
$200,000	65,585	67,313	1,728	59,170	62,836	3,666	58,190	61,836	3,646	57,700	61,336	3,636	56,720	60,336	3,616
$300,000	104,085	105,813	1,728	97,600	101,336	3,736	96,600	100,336	3,736	96,100	99,836	3,736	95,100	98,836	3,736
$500,000	181,085	182,813	1,728	174,600	178,336	3,736	173,600	177,336	3,736	173,100	176,836	3,736	172,100	175,836	3,736
$1,000,000	373,585	375,313	1,728	367,100	370,836	3,736	366,100	369,836	3,736	365,600	369,336	3,736	364,600	368,336	3,736

[1] Assumes itemized deductions are 23 percent of adjusted gross income. Computed without reference to the tax tables.

Source: Joint Committee on Taxation.

TABLE 4A—DISTRIBUTIONAL EFFECTS OF $700 CAP PROPOSAL COMPARED WITH 1984 PRESENT LAW BY FILING STATUS—RETURNS WITH TAX CHANGE

[1982 income levels]

Expanded income class [1] (thousands)	Joint—Two earner			Joint—Other			Single and head of household			Total [2]		
	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns
Under $10										12	(0.5)	[4]
$10 to $20										141	(1.7)	0.8
$20 to $30							3	(0.2)	0.1	904	(11.2)	9.2
$30 to $40	150	(3.8)	2.6	102	(3.9)	3.5	620	(45.8)	52.2	2,610	(32.3)	58.1
$40 to $50	1,485	(37.9)	54.3	786	(30.0)	58.4	333	(24.6)	81.8	2,880	(35.6)	90.7
$50 to $75	1,563	(39.9)	92.2	1,054	(40.3)	88.6	257	(19.0)	90.8			

TABLE 4A—DISTRIBUTIONAL EFFECTS OF $700 CAP PROPOSAL COMPARED WITH 1984 PRESENT LAW BY FILING STATUS—RETURNS WITH TAX CHANGE—Continued

[1982 income levels]

Expanded income class [1] (thousands)	Joint—Two earner			Joint—Other			Single and head of household			Total [2]		
	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns
$75 to $100	335	(8.6)	94.4	307	(11.7)	93.3	66	(4.9)	85.7	711	(8.8)	93.2
$100 to $200	299	(7.6)	93.1	287	(11.0)	88.0	57	(4.2)	81.4	643	(8.0)	89.6
$200 and over	86	(2.2)	85.1	79	(3.0)	80.6	19	(1.4)	70.4	184	(2.3)	81.1
Total	3,917	(100.0)	17.4	2,616	(100.0)	13.6	1,354	(100.0)	3.9	8.085	(100.0)	10.4

[1] Expanded income equals adjusted gross income plus excluded capital gains and various other tax preference items less investment interest to the extent of investment income.
[2] Total includes married filing separate returns that are not listed elsewhere.
[3] Percentage distribution in parentheses.
[4] Less than 0.1.

□ 1550

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, whether some on the other side of the aisle like it or not, the economy is on the way to a brisk and stable recovery. Whether they admit to it or not, fundamental to this recovery is the historic tax relief package Congress passed in 1981. And whether they know it or not, tearing down that fundamental tax relief by capping the third year of the tax cut would seriously jeopardize this recovery—a recovery that the American people have been promised, and one that they have personally sacrificed to attain. I believe we should follow the adage that, if it is not broken, then do not fix it. If you make a promise, do not renege on it. Mr. Chairman, this $700 tax cap does both by attempting to fix a problem that does not exist, and bringing into question this Congress ability to keep its promises. It is a cruel hoax.

You see, there seems to be a misperception around here that big deficits come from too little taxes, and that the solution is simply to raise more revenue. Let me just say for the record, big deficits come from out of control spending. The conference report on the budget which passed this House today would raise the debt ceiling to $1.614 trillion and indicates clearly that Congress is not serious about controlling spending. We can increase taxes all we want, but if we continue to spend more than we take in, we are never going to close the deficit gap. It is that simple.

Mr. Chairman, calling the $700 cap on the third year of the tax cut a "cap on the rich" is a cruel hoax and an insult to the hundreds of small business proprietors and the estimated 4 million Americans who will be impacted most by this tax hike. Mr. Chairman, America's small businesses employ three out of every four workers in this country and lead the way in job creation. But, Mr. Chairman, 86 percent of them file individual tax returns. Any tax hike, and especially this tax cap will tie the hands of small business owners, limit their ability to grow and prosper, to increase the Nation's productivity, and most importantly, to put people back to work.

This tax cap is bad news. Families with two wage earners making between $35,000 and $45,000 will shoulder this increase almost entirely. Two loyal Americans putting in long hours, maybe at a small shop they own, and bringing home a paycheck totaling $35,000 for the year are hard working taxpayers who are trying hard to save for retirement, for their children's educations, for a home, or maybe—if things go pretty well—a deserved vacation.

But most of all, Mr. Chairman, they are Americans pleading for a return to fiscal sanity and responsibility, for control of excessive Federal spending which crowds out their personal spending choices and fuels inflation that threatens the value of their retirement nest eggs and strikes at the heart of every American's dream of a better life for his or her children. Yes Mr. Chairman, calling the cap a tax on the rich, and implying that everyone's wages belong to the Government and only by its good graces does it allow you to keep them, is indeed a cruel hoax.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I rise in opposition to this middle-class ripoff.

Mr. Chairman, New Jersey taxpayers will pay over a quarter of a billion dollars in higher taxes this year if the Democratic plan to limit the 1983 tax cut installment becomes law.

Despite the rhetoric to the contrary, this is a tax increase that hits hard at the middle class and small businesses, it is senseless economic policy.

At a time when a national economic recovery is clearly gathering steam, the last thing New Jersey needs is a $255 million tax increase.

This $700 cap is an extra tax on the middle class, it will raise taxes for families with gross incomes as low as $39,250, and individuals with incomes as low as $31,350. And since 86 percent of small businesses pay taxes as individuals, not corporations, they will get a tax increase, too.

This proposal will do little to soak the rich, who got their tax relief when the top rates was lowered from 70 to 50 percent in January 1982. To suggest otherwise is sheer demagoguery.

Sponsors of this bill tell us that we need a tax increase to reduce the deficit. But it is overspending, not undertaxing, that is our main problem. The Government will collect $142 billion more in taxes in 1984 than it did in 1980, and the deficit will be higher—the problem is that spending is growing far faster than taxes.

Mr. DUNCAN. Mr. Chairman, I oppose H.R. 1183 because it is a bill which unfairly provides tax increases on millions of Americans, especially two-earner couples earning relatively modest amounts of income. These increases would impose particularly severe burdens on farmers and small, independent businessmen and women across the country.

I would remind my colleagues that the Economic Recovery Tax Act of 1981 provided long-needed tax relief for these same groups of farmers and small independent businessmen and women, both in the form of individual rate reductions and through other provisions. The effect of this bill would be to take back some of those benefits in a most unfair manner.

A fact which is little understood by most people is that the bill retroactively increases the tax liability which these taxpayers must pay. An increase in taxes at this juncture is most inequitable because farmers and small businessmen must make plans for growth at least 1 or 2 years in advance. The planning obviously involves taking into account their future tax liabilities with respect to income they will earn. This bill would unfairly change the rules of the game while it is still being played—midway through a year in a manner which prevents

them from making other, offsetting tax decisions.

In addition, according to testimony by Treasury Secretary Regan, this change could very well cause the economic recovery, which is well underway, to stall or come to a complete stop. If this were to occur, the impact on small businessmen and farmers would be devastating because they are among the people who are most hurt by high inflation and high interest rates.

The economic recovery has been successful thus far in reducing both the high inflation and the high interest rates that were inherited from the prior administration. Risking, through this bill, a return to those high interest rates and high inflation levels, is irresponsible and should be avoided at all cost.

I urge every Member of this House to vote against H.R. 1183 because it could jeopardize the very livelihood of small business people and farmers across the country.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. Mr. Chairman, under the guise of the old radical "soak the rich" rhetoric that used to prevail in this body a generation ago, once more we are listening to some of the stale, same old arguments and they come from essentially the same radical quarters that obviously believe in the old ideology of tax and spend.

The irony in this particular proposal, which represents almost a $38 billion tax increase over the next 5 years—and do not be confused about what this is all about, it is a tax increase—the irony is it comes right on the heels of the vote we had on the budget resolution. It is apparent the radicals still believe in spending and believe in continuing taxation of the already overtaxed American, who has been suffering from confiscatory levels of taxation.

I do not think there is a respectable economist in the country today who supports the idea of massively raising taxes during a time of economic recovery, which we are experiencing right now. And most especially they recognize the foolishness of further taxing the productive middle class in this country, which has been ravaged over the past several years, because of inflation and the inability to enjoy the protection provided by indexation, which the same radical taxers wanted to go after in 1985.

The middle class in this country, with adjusted gross income between $15,000 and $50,000, constitutes 45 percent of our population and at the present time, they are paying 60 percent of our total taxes. And it is that element which the Members who are proposing this cap want to assault.

I urge my colleagues in this body, if you have compassion for hard-working Americans, if you really believe in economic recovery, to reject this insane proposal.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, in the vociferous debate on the proposed $700 tax cap we can easily become awash in a sea of absolute numbers and lose sight of the fundamental economic question that gave birth to this proposal. Simply put, this country is deeply in debt, and the question before us is not whether Congress should punish the rich or reward them for their excesses. Instead, it is a question of whether Congress should borrow even more to provide a small percentage of the wealthiest Americans with a huge tax break.

The President opposes the tax cap. He believes that we should borrow another $6 billion in deficit spending so that the 5 percent of the population with incomes above about $50,000 may have more than a $700 tax cut.

Without a cap, the very wealthy will have a huge tax cut. For example, the President in 1982 had $741,253 in income and paid $292,616 in Federal taxes. If he earns the same amount in 1983 and has the same deductions, his tax cut will be worth $3,736.

This is sort of like the Biblical parable of the talents the President cited yesterday. The President noted that the man who invested and multiplied his talents, his money, was praised. Under the President's tax policies, the person with a lot of money multiplies his tax break, and the President finds that praiseworthy. But I do not think it good or wise that the rich are getting richer, and the poor are getting poorer, and that the divisions in our society are getting wider.

A Member of Congress with three dependents, and with $69,000 in salary and $6,000 in honoraria, and with typical deductions would get a tax cut of $878 if there is no cap.

I think most of us would be willing to give up $160 of that tax cut to help cut the Nation's awesome deficits. I believe that those who care about the country, about fairness, and about reducing deficits, will all agree.

The cupboard, Mr. Chairman, is bare, and those of us on both sides of the aisle know that all too well. And yet some vigorously argue we should jeopardize our economic recovery simply to provide a largesse to a few. Those who subscribe to the argument that a tax break is a fundamental right, and will mean riches for all, should consider the economic reality behind the few hundred or few thousand dollars that a tax break will mean. In other words, do you think Congress is acting responsibly if it provides a tax break of, say, $600 to a working American family without telling that family that the pressure this break puts on the American debt and the subsequent pressure it ultimately puts on interest rates will threaten economic recovery, will threaten a family's ability to buy a home, to buy a car, to send their children to college? This move to hand out tax dollars desperately needed in the Federal Treasury is a cruel ruse and we should own up to that. Big breaks today could mean 16 percent or higher interest rates tomorrow, meaning a family with a $50,000 mortgage can expect to pay hundreds of dollars a month more in home payments than if that loan were made at a more reasonable rate. But we all know these rates will not remain reasonable if the Government continues to add to its debt and must compete for additional funds in the private market to finance that debt. Something is going to give, and we all know it is going to be those middle-class American families, who some Members of this House want to give a minor tax break today, so they can pay through the nose tomorrow.

Let us not be cruel to the American public. Let us not tell them this is merely an issue of whether the American public, rich, or poor, or middle class, gets a few hundred dollars in tax breaks. Let us tell them the whole story. Let us tell them that for a few hundred dollars today they are going to pay a dear and high price tomorrow. I for one am not willing to mortgage the future of our Nation and the health of our economic recovery simply to serve the political expediency and irresponsibility of those who wish to pass out money this country does not have.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MARTIN), a member of the committee.

Mr. MARTIN of North Carolina. Mr. Chairman, I rise in opposition to H.R. 1183. The 1981 tax cut was a fair tax cut because it was proportional to the taxes paid. If you paid half as much in taxes, then you got half as big a tax cut.

Consider this example, if you will. One individual makes $80,000 in income, yet got a tax cut 11 times that of a neighbor earning $20,000 in income. The first individual A makes 4 times the income of B and yet gets 11 times the tax cut. Why is that?

The reason is because A pays 11 times the tax burden of B. If A pays 11 times as much taxes as B, then proportionately A would get 11 times the tax cut as B under the 1981 tax cut, because it was proportional.

After that A still would be paying 11 times as much taxes as B because the tax cut would be proportional. It seems to me that that is fair.

Now what about the wealthiest taxpayers? We have heard a lot about that.

I would say they have already gotten 24 percent of their 25 percent tax cut.

During the debate on the rule, the chairman of the Rules Committee, the gentleman from Florida (Mr. PEPPER) protested that someone with $1 million of gross income would get a $100,000 tax cut. Well, the important lesson for us and it is a lesson why we ought to vote against this bill, is that in the first place that is true only if his tax burden was $400,000. If he paid $400,000 in taxes, then his 25-percent tax cut would be $100,000. So he is getting his proportionate share of the cut in relation to the amount of taxes paid, but the most important thing is related to the most recent statement by the gentleman from Florida, who indicated that under this tax bill, that millionaire is going to have to pay $3,700 more in taxes.

□ 1600

What that means is that that individual has already gotten $96,300 of this $100,000 tax cut. That is 24 percent of his 25 percent. And he got it all in the very first year, not in his third year. He is not waiting on July 1. That individual got his tax cut, nearly in its entirety, in the very first year, thanks to an amendment not offered from this side but an amendment that was offered and engineered by the former Member from Michigan, Mr. Broadhead, a Democrat. It was a Democrat's amendment that gave that millionaire his $96,000 tax cut in the very first year. All this bill does is deprive him of the next $4,000 or so.

Finally, let me say that that millionaire has received that $96,000 tax cut two times already. He got it the first year, he got it last year, he is going to get it again this year, whether this bill passes or not, because he has already gotten that tax cut of $96,000.

So this bill is not going to affect that person. It is going to affect those with incomes between $30,000 and $100,000. It is not going to affect the millionaire by more than a few percent, and therefore, it is an unfair piece of legislation.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. GRADISON), a valued member of the committee.

Mr. GRADISON. Mr. Chairman, on the merits this tax cap does not make much sense. Across-the-board tax cuts are fair and, until recent weeks, have had the support of a large, bipartisan majority of this body.

Here we are—10 days before the third step of a three-step across-the-board tax cut takes effect—talking about capping the tax cut. Why? Because the Democratic leadership of the House thinks this is a good political issue.

Where were they when the Democratic Party in this House supported a 5-percent across-the-board cut in 1981 without a cap? Where were they when the Democratic Party in this House supported a 10-percent across-the-board cut in 1982 without a cap? Where were they when the Democratic Party in this House initiated and supported a 20-percent reduction in the maximum personal income tax rate? And, where were they when the Democratic Party in this House supported a cut from 28 to 20 percent in the maximum tax on capital gains?

The fact is this is a last-minute, politically motivated proposal divorced from sound, long-term tax policy.

Any analysis of how the tax burden should be shared by different income groups must take into account how that burden is distributed today. The fact is that the upper half of all taxpayers pays 94 percent of all Federal income taxes, the lower half pays 6 percent. The top 10 percent pays over half of all Federal income tax.

Aside from the question of who would pay these extra taxes is the issue of what would be done with the $6 billion it would raise. The public might get the idea from some of the debate that the deficit would be reduced. This simply is not so. The 1984 budget just adopted makes it crystal clear that the proposed tax increases—of which this tax cap is part—would be used to finance higher domestic spending and not to reduce the deficit.

Let us face it. This tax cap issue is simply a diversion. It is not the main show. This bill, which purports to zap the rich, will not become law, and even if it did, would not zap the rich. The real goal of the Democratic leadership is to repeal tax indexing which otherwise will take effect on January 1, 1985, and prevent unlegislated tax increases from going into effect as the insidious result of inflation-induced bracket creep. And who will lose if bracket creep is not stopped and indexing is repealed? Not the rich who already are at the top tax rate and cannot be pushed any higher. It will be the middle class.

And so, I say to my colleagues, Mr. Chairman, give this bill what it deserves—your "no" vote and then let us turn our attention to the larger goal of saving tax indexing, the most important structural tax reform in years, and the great hope of the vast majority of American taxpayers who are in the middle- and lower-income brackets.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will advise the visitors in the gallery that there will be no demonstrations.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. I thank the gentleman for yielding.

Mr. Chairman, I would just like to draw the attention of some of my colleagues on the other side of the aisle to some comments that they made that perhaps do not quite make some sense.

Now, we all acknowledge that we are not going to have a deficit that is below 2½ percent of GNP in 1985. And, of course, if in fact we do not, the President has indicated that he will propose a standby tax on oil and also a surtax to raise about $46 to $50 billion worth of revenues beginning in October 1985.

We all know that we are going to have to raise taxes in 1985 because of the deficit figures. The defense budget and the tax bill that was pased in 1981 created this problem, basically, along with the recession.

But let me just say that if in fact the President's tax proposal comes into play, people that make $40,000 and less will end up paying 75 percent of the oil tax that the President has proposed. Only 25 percent of that tax will be paid by those people who make $40,000 and above.

Let us take a look at the surtax that the President has proposed as being a fair tax. Those people who make $50,000 and below will end up paying 62 percent of that surtax in 1985, and those people who make $50,000 and above will only pay 38 percent of that tax.

And we all know that we are going to have to impose some kind of tax.

That is the President's tax proposal. The burden is shifted to those people who make under $40,000, whereas the tax cap proposal, the $720 tax cap proposal that we have on our side of the aisle, is such that of the $6 billion raised, only 11 percent of that $6 billion will come from $50,000 wage earners and below; 89 percent of that tax will come from those people who make $50,000 and above.

I think there is a misunderstanding about what middle income people are, in terms of who is going to share the burden of this tax.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I am confused about something. Is the gentleman supporting this proposal because the gentleman wants to help the deficit problem by adding $6 billion to our revenues, thereby reducing the deficit? Is that why the gentleman is supporting this proposal?

Mr. MATSUI. Is the gentleman suggesting that we are going to earmark this money and be able to really follow it all the way through the process, the Treasury, and everything else?

Let us not play games with ourselves.

Mr. GEKAS. I am not playing games.

Mr. MATSUI. We passed the budget, a $175 billion deficit. That includes a $12 billion increase in revenues, along with a lot of spending on defense and social programs.

Now, presumably we are going to pick up $6 billion with this cap to reduce that $12 billion. Let us not play games. We can all fool around with accounting numbers. The gentleman knows that and I know that.

Mr. GEKAS. If the gentleman is playing games, he is the only one in this colloquy. I am not playing games.

Mr. MATSUI. Tell me what your problem is.

Mr. GEKAS. I am asking the gentleman if his main intent in supporting this legislation is to reduce the deficit.

Mr. MATSUI. My main intent is to follow the budget resolution that we just passed out of the House, that is, to reduce that $12 billion tax increase proposed by $6 billion.

Mr. GEKAS. Then I ask the gentleman why he is not proposing that the entire third year tax cut be repealed so that the gentleman's first premise of adding $6 billion to the revenues might be enhanced by whatever amount of money the rest of the tax cut would yield.

Mr. MATSUI. Mainly because I believe in Keynesian economics. In order for us to maintain the slight recovery that we have, we must make sure that there is enough money in the economy so that we will increase purchasing power. But you do not need to give it to those people who are making $50,000 and above. They will get $720, and that should be enough for them to keep the purchasing power going.

Let us say this: They are not going to put the money in a saving account, as Don Regan says. What they are going to do is, they are going to put it in unproductive type investments.

Mr. GEKAS. Then the gentleman, if I draw this logically, is endorsing the third-year tax cut that President Reagan proposed and this Congress enacted, except for the proposal here, because it adds to the capabilities of our economy by giving the taxpayers wherewithal by which to pump back into the economy under the Keynesian theory or any other theory.

What the gentleman wants to do is to take some of the money out of this theory, thus pulverizing the economy to that extent.

The CHAIRMAN. The time of the gentleman from California (Mr. MATSUI) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. MATSUI. I hope the gentleman was not suggesting that $6 billion is going to make the economy purr and do a really great job; because if in fact the gentleman thinks that that additional $6 billion we are going to use to reduce the deficit would have made the economy perk up and go at a 7- or 8-percent growth rate, I am afraid that he has not talked to many economists.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE), a member of the committee.

□ 1610

Mr. MOORE. I thank the gentleman for yielding this time to me.

Mr. Chairman, as I said this morning at the beginning of the day's business, this bill, like the one before it, is a mere political act, political exercise, political rnetoric. It is not going to be law, we know that, it is just politics. But it is bad politics.

We are raising taxes permanently, not capping for 1 year at $700 and no more than that amount in reduced taxes one can get back. We are raising taxes permenently and we are not cutting spending along with it. Raising taxes and spending, the same old game all over again.

It is bad politics because it is very unfair to the middle class, the very people we told we were trying to help in 1981. We told them and all Americans we were going to cut their tax rates by 25 percent in 1981, and now 10 days before the final 10 percent goes in, we are telling some of those taxpayers, those in the middle class, "We are sorry, we just cannot do it for you. We are going to take it back."

If we do that, they get absolutely no real reduction in their taxes at all. Bracket creep, the social security tax increases, and gasoline tax increases will see to it they really got no increase at all if they do not get this final 10 percent we are debating taking back from them today. They need the 10 percent to finally get a real tax cut; otherwise, they got no cut at all.

It is bad politics because the middle class once again is getting the biggest tax increase of this permanent tax increase we are debating here today. A joint tax return of a middle-class taxpayer of $35,200 will get a permanent, marginal tax increase of 9 percentage points. That is bigger than any other bracket or group in the tax code; 9 percentage points for a joint taxpayer receiving $35,200 or above. Now, this is more than the proverbial rich that we hear the other side talking about taxing, the $50,000 and above taxpayers. We are not talking about $50,000; we are talking about $35,200 on a joint taxpayers' return getting a 9-percentage-point increase!

It is bad politics because we are continuing to push people into higher tax brackets, and when we get them there, we increase the tax rates in those brackets. In 1960, only 3 percent of the taxpayers in America faced a 30-percent tax bracket. In 1981, 34 percent of the American taxpayers faced that bracket, a tenfold increase. These people in that 30-percent tax bracket are the very people we are raising the tax rates the most on here today, $35,200 and above on a joint taxpayer return gets a 9-percentage-point increase and they are in that bracket. This is the very bracket we have been pushing too many people up and into, they have increased tenfold over the last few years, and would increase their rates now, we got them their 9 percentage points by this action today.

So it is bad politics, really bad politics. We have heard the call for years, "Tax the rich and pay for Government programs." Now we have a new definition of the rich. Tax those who are earning $50,000 and everything is all right, but we find out we are actually taxing people in the middle class, as the tax-and-spenders have always done. Hit them in the neck once again. The rich will not be paying, the poor will not be paying, it is the middle class once again. It is politics, but bad politics.

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the gentleman from South Carolina (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentleman for yielding this time to me and I rise in opposition to the bill.

Mr. Chairman, we are wasting our time. This is political posturing. This is a phony issue. It is not serious, and the American people should see through it very quickly. However, I think that it is worthwhile if we look at some of the facts.

I was interested when the chairman of the Committee on Rules got up and talked about the amount a person making $1 million would pay. Let us look at it a little differently. Suppose a tax were put on someone that was $99 and that person made $100. That would be a 99-percent tax. But suppose that same $99 tax were put on someone making $100,000. That would be a 0.99 percent tax. That is what this bill does to middle income America; it raises taxes by a higher percentage for the person making $39,000 than it does for a person making $390,000.

Is this the way tax policy should work? I think not. It is not. I do not call this a tax cap. It is a permanent change. As a matter of fact, if one files a joint return, it is $720, on a single return it is $637, and on a head-of-household return it is $673. They are getting at us a little differently, but it is all permanent.

Further, I think that we should recognize that the cause of deficits is not tax cuts, but spending. We started in the early 1960's with a $100 billion Federal budget. We have increased that 900 percent in the last 22 years, and our taxes have gone up at the

same fast growth rate. So all we are talking about is giving us some more money to spend, instead of the taxpayers keeping it to spend for themselves.

This hits Mr. and Mrs. Middle Income Taxpayer, the working man and woman. Four out of five families in America that make over $35,000 have two wage earners—two wage earners. This is the groups that you would raise taxes on if you vote for this bill. This is the same Congress that wanted to give back some of the benefits to the working spouse because we did not think it was right that we were taxing working spouses at the rate we were, and we did something about it. Now, those who support this bill want to raise the rates again on that working couple.

This is not a soak-the-rich bill. It has already been said that the top marginal rate was cut from 70 to 50 percent. We have already cut the capital gains rate. There is no surcharge in here on people making over $100,000 or $200,000. If you wanted to tax the rich, you should have done so; instead you are going after middle-income America.

Forty-eight percent of the people who will be taxed under this bill make less than $50,000 a year as individuals or as couples. Now, if you think making $35,000 or $40,000 a year, with one spouse a policeman and the other a nurse, is a rich American family, then I am going to tell you, you have a distorted view of this country.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this bill which reneges on Congress 2-year-old commitment to America's wage earners.

The sponsors claim the $700 tax cap is aimed at the rich. Well, if it is, their aim is bad. About half of all the taxpaying families whose taxes will be raised by this measure earn between $20,000 and $50,000.

Under current law, these middle-income working families are already footing over half of the Government's entire tax bill.

For example, let us look at a blue-collar family of four. The husband earns $25,000 and his working wife makes $11,000. If anyone thinks this family's rich, they're out of touch with reality.

Under this bill, this blue-collar family is looking at a 25-percent increase in marginal tax rates.

Why do the sponsors want to impose more taxes on the backs of those already carrying most of the tax burden of this country?

This bill is not only unfair, but it does not even touch the truly rich. The highest income earners have already had their full tax break in 1981, when the top bracket came down from 70 to 50 percent. To the small extent this measure affects them, we all know they will protect themselves by going back to their lawyers and accountants and tax-sheltered investments.

Mr. Chairman, the major newspapers have seen this tax hike for what it is: A politically motivated attack. The New York Times called it "doubtful economics and rotten policy." The San Diego Union said that "raising taxes now would raise the deficit, not shrink it." And the Washington Post says it is "a gesture, not a reform."

Mr. Chairman, Congress has committed itself by law to a 3-year tax cut plan. The only reason to go back on that commitment would be a national emergency. But the only emergency we have today is the majority party's panic because the economy is strongly recovering, as every indicator shows.

In my district, the city of Elizabeth was suffering from 12.9-percent unemployment in March. I have long since promised my constituents a 25-percent across-the-board tax cut so the economy can generate new jobs and middle-income earners can have much needed tax relief. I feel honorbound to keep my commitment by voting against this tax hike. I urge Members to keep their commitment as well.

□ 1620

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, if we are serious about reducing the Federal deficit, then this is good place to start. When the Kemp-Roth plan was rolled out in 1981, I had my doubts about it. I did not like the "locked-in" approach, and I argued, if we had to have such a plan, the third year should be contingent on economic conditions. Now that the recovery is underway, we do not want to jeopardize it by permitting these huge deficits to go unabated. We simply must reduce the deficit if we want a sustained recovery. But to reduce the deficit, we will need a three-pronged strategy that targets defense spending, revenues, and entitlements. In short, Mr. Chairman, with $200 billion deficits, I think capping the third-year tax cut is not only the responsible thing to do, it is what we must do. But this is not all—we must now try to cut spending and control defense spending.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. Mr. Chairman, I want to thank the chairman of the committee, the gentleman from Illinois (Mr. ROSTENKOWSKI) for yielding this time to me.

I have been sitting here listening to my Republican colleagues get up and defend the middle-class taxpayers, and I have been very, very impressed by their arguments. They keep on pointing out the fact there were some Democratic Members who at one time wanted to drop the top rate from 70 to 50 percent, as if that were a terrible thing. I want to say right now, "any one of you who wants to cosponsor a bill to return that top rate to 70 percent, I will be happy to join with you."

I say to those Members, "you know as well as I do and as well as the American people know that it was your tax program that cut the top rate from 70 to 50 percent." The gentleman from New York knows that in his original Kemp-Roth bill the top rate went from 70 to 50 percent, and now Members come down into the well of the House of Representatives and act as if what they are really concerned about is that middle-income taxpayers are going to get hit by this tax bill.

How many times today have we heard about the two-income families in the $35,000 range? How many of those families with incomes between $30,000 and $40,000 are going to get hit by this $700 cap? I will tell the Members how many. It is 2.6 percent of them.

The Secretary of the Treasury came before the Committee on Ways and Means 2 weeks ago and admitted that 89 percent of the revenues raised under this bill will rest on people who earn over $50,000. Yet, I say to the Members, "You are not willing to admit that. You are not willing to admit that it is your tax policy that has created $200 billion budget deficits. You like to be the party of opposition."

Let me tell my friends something about that: "It is your President, it is your administration, it is your economic policy that has thrown 10 million people out of work in this country, and it is your administration that has created $200 billion budget deficits."

While it would be simple for us to stand here and say we are the party of opposition and say it is not our responsibility, we are not going to do that. The American people know who caused that crisis. We all know that it is not going to be easy to solve that problem.

Let me say that I do not feel comfortable coming into the well in support of any tax increase, but I defy anyone to find a fairer way to pick up the revenues than with this $700 cap.

Mr. KEMP. Mr. Chairman, will the gentleman yield for a question?

Mr. SHANNON. I am happy to yield to the gentleman from New York for a question.

Mr. KEMP. Mr. Chairman, would the gentleman tell us what he thinks has happened to the revenues from people in brackets over 50 percent since the cut in the tax on savings and

Congress lowered the 70 percent rate to 50 percent?

Mr. SHANNON. What has happened in those brackets in terms of what?

Mr. KEMP. In terms of revenue. Has revenue gone down or up in those brackets above 50 percent?

Mr. SHANNON. I would say the revenues have gone down.

Mr. KEMP. Revenues went up, I would say to the gentleman from Massachusetts. Revenues from high income Americans rose from 27 percent of Federal taxes to around 30 percent of Federal revenues.

Mr. SHANNON. Mr. Chairman, if I may reclaim my time, I stood on the floor of the House of Representatives 2 years ago when the gentleman from New York got into a colloquy with the gentleman from Georgia (Mr. LEVITAS). The gentleman from Georgia said at that time, "I am concerned about this third year of the tax cut because I am concerned that the third year of the tax cut is going to result in huge deficits."

Mr. KEMP. We have not had the third year yet.

Mr. SHANNON. And the gentleman from New York got up and said, "Well, I think we need a multiyear tax cut, and I hope you will go along with it; and I want to assure you that this President would not undertake any policy that would leave this country in an economic decline over the next 3 or 4 years."

What I want to say to the gentleman, the author of that policy, is that that policy has resulted in economic decline.

Mr. KEMP. Well, I would disagree.

Mr. Chairman, will the gentleman yield?

Mr. SHANNON. If I may be permitted to finish my statement, let me just say this:

I have seen all these Members come down into the well and talk about how they are really trying to protect the poor and the middle class. The move that they make today would put the Flying Wallendas to shame when it comes to stretching a point about how concerned they are about the poor and the middle class.

But what I cannot get over is that while they talk about the poor and the middle class, their policies always benefit the rich.

We do not want to vote for any tax increase bill, but we are realistic and we are not going to put our heads in the sand. We are not going to let these deficits continue; we are not going to let higher interest rates choke off an economic recovery; we are not going to deny the chance for millions of Americans to go back to work by being fiscally irresponsible.

There are political costs in that, I understand, but I ask the Members on the other side of the aisle to rise above their own rhetoric. I ask them to rise above their own history and try to do something that is fair. Their policies have sapped from our economy two things that the Democratic Party seeks to restore beginning today. They have sapped fairness and they have sapped growth, and we are going to begin on the road back to growth and fairness beginning today.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I rise in opposition to this betrayal of the American taxpayers. Let there be no mistake—this proposed cap on the July 1 tax cut is a working couples' tax increase. And at a time when the economy is making, sure, but fragile, progress toward recovery, the country can ill afford to take more money out of the wallets of working Americans and to undermine the incentives to work and save which the President's tax relief plan has created.

Claims that this third year tax cut benefits only the wealthy are pure nonsense. Almost half of those affected by this cap have incomes under $50,000. It is also interesting to note that a recent Gallup poll showed that 55 percent of all respondents favor putting the tax cut into effect as scheduled and, interestingly, that among respondents with incomes between $15,000 and $25,000, 64 percent support the tax cut. It is the middle class who will be hurt by this cap, just as it has been the middle class who has had to bear the brunt of so many failures by Congress to see beyond the political expediency of spend, spend, spend budget policies that necessitate tax increases.

As a small businessman and member of the Small Business Committee, I am particularly distressed that we would consider a measure which would make it more difficult for this important sector of the economy to grow and prosper. Eighty-six percent of small businesses pay taxes under individual rather than corporate tax schedules and this means that nearly 2.5 million small businesses will see their taxes increased if this $700 cap is approved. Does this say to the Nation's small businessmen and businesswomen—the backbone of our economy and, I believe, the key to recovery—that we want them to suceed? No. It just makes it harder for them to do so.

The problem is not the willingness of the American taxpayers to pay their fair share, but the willingness of the American Congress to make tough choices. I submit that we will never see complete recovery until we have a Congress with the discipline to stop spending taxpayers' money as if it was their own and the wisdom to stop penalizing initiative, hard work, and success as if they were national embarrassments rather than tremendous national resources, of which I, for one, am very proud.

Our constituents cannot afford any more taxes. Let us stand up for their rights and vote this irresponsible increase down.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I rise in opposition to this misguided and inequitable bill.

Mr. Chairman, every year this body passes commemorative legislation to designate days, weeks, years, in recognition of outstanding achievements of one group or another. Mr. Chairman, I think this year should be designated "Congressional Irresponsibility Year." This will show the American people that we in the Congress recognize the fact that despite the Reagan administration's valiant attempt to foster a strong and lasting economic recovery, the House Democratic leadership has done all it can to derail the President's train of tax relief measures begun in 1981.

Thankfully, they have failed. But they are now so desperate to keep their hands in the taxpayer's pockets, they are resorting to shaking down the little guy. Let's look at the facts. The House's first concurrent budget resolution called for repeal of the July 1 tax cut and income tax indexing. Failing that, our friends on the other side of the aisle now propose another plan which would cheat the middle class out of their portion of the Kemp-Roth tax reduction by capping the July 1 tax reduction at $700. Although I realize it is difficult for some to break old habits, it is time to teach these old dogs new tricks.

Inflation-induced bracket creep, increased social security, and State taxes, and the August 1982 Federal tax increase have joined to effectively wipe out the first 15 percent of the 1981 tax reduction plan. On July 1, the lower- and middle-income families in the Nation will, for the first time, reap the benefits of a 10-percent across-the-board reductions in their marginal tax rates. Top bracket taxpayers will not receive any relief from the third year of the tax cut on their income above $55,300 for singles and $109,400 for joint filers. Clearly this is a tax reduction that is well timed to coincide with the recovery and well placed to give those who need it most—the lower- and middle-bracket taxpayers—an opportunity to increase their disposable income.

Capping the tax cut at $700 does little to provide "tax equity" between lower and higher income brackets as this bill purports. The cap increases the marginal rates in the middle brackets but would not increase the 50-percent rate that the affluent pay.

Furthermore, the cap would have a serious impact on small businesses, most of which conduct their business as a partnership, sole proprietorship or subchapter S corporation, and are therefore taxed as individuals. Small business has suffered enough during these past years of congressional fiscal folly. Let us not beat them down again just as the benefits of a stronger economy come their way.

Let us end our preoccupation with the revenue side of the fiscal equation. Responsible spending reductions in both defense and social spending must be achieved if we are to reduce the projected $200 billion deficit. Let us defeat this inequitable "tax equity" legislation and join together in what must be our common goal: to promote economic recovery by means of a responsible budget and a reasonable fiscal policy.

Mr. Chairman, this proposal won't soak the rich, but it could dampen our economy recovery. It won't lower the deficit either. It will merely soothe the consciences of those among us who cannot seem to control their impulses to spend with reckless abandon.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Chairman, as one who voted for the 3-year, 25-percent across-the-board tax cut in 1981, I am opposed to any tampering with the third year 10-percent tax cut. This bill, H.R. 1183, may be long on political appeal, but it fails under the light of close scrutiny. It is essential that Congress curb spending to reduce the deficit, but capping the tax cut will have a negligible effect on the deficit while the economic stimulus to be provided by the full 10-percent cut will give a needed boost to our burgeoning economic recovery.

I question those who maintain that this cap only affects the wealthy. Or those who claim that a $700 cap will have a negligible effect on those making less than $50,000 a year. Tables released by the U.S. Treasury Department demonstrate clearly that the cap on the third year would actually mean a tax rate increase of more than 10 percent on millions of American middle-income families and small businesses earning between $35,000 and $45,000 a year. It will have little or no effect on the wealthy in brackets in excess of $109,000 a year. The cap would take away 39.9 percent of the scheduled July 1, rate reduction for those in the $35,000 to $45,000 bracket. Families in this bracket, many with both adults working, constitute a substantial share of my Long Island constituency. Supporters of H.R. 1183 may consider this group "wealthy," but I strongly disagree. In many cases such families have college-age children and are facing the ever mounting costs of higher education. They need the relief offered by the third year tax cut, and the cap in this legislation is a definite threat to them.

It is also important to realize that 86 percent of all small businesses pay only personal income taxes. A third year cap would result in higher taxes on small business at a time when we are looking to these businesses to create new jobs in the economy.

Therefore, I strongly urge that the House not tamper with a successful tax cut enacted only 2 years ago. The Reagan tax cut has been an effective tool for economic recovery. Our economy is rebounding dramatically right now. Inflation dropped to an annual rate of 3.9 percent in 1982—down from the 12.4-percent rate of 1980. The prime interest rate has dropped to 10.5 percent this year—down dramatically from the 21.5-percent level of January 1981, a decline of more than one-half. As the Wall Street Journal noted in the June 9 edition, capital spending increased in the first quarter of 1983 for the first time since the third quarter of 1981. Factory orders for durable goods, a reliable gage for future capital investment, climbed in the first quarter of this year, and the backlog of new durable goods orders increased in April for the first time in 2 years. It is obvious that the 1981 Reagan tax cut has made available investment funds which have contributed significantly to these favorable developments.

If Congress will concentrate on reducing Federal spending and resist the temptation to tinker with the tax cut, the hard-pressed middle-income taxpayer will get a well-deserved break and economic recovery will continue.

Mr. Chairman, I urge the defeat of H.R. 1183.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I have been listening today to the argument that raising taxes is necessary to solve the deficit problem. I think that raising taxes is just as bad as borrowing is in terms of what the Federal Government does. Borrowing to cover our deficits and borrowing to cover the entire public debt of this Nation is a drain on the amount of available dollars in this country for private citizens and private businesses to use. Taxes are a similar drain.

There are statistics that show that the United States absorbs between 50 and 70 percent of all the available money in this country every year. This absorption is the reason why we have so much pressure tending to result in higher inflation and higher interest rates. Until the Federal Government reduces spending, until we quit borrowing so much money, and until we quit increasing taxes we are not going to see long-term economic health in this country, and here we see the Democratic Party and its leadership today advocating increased taxes to solve deficits. That is the same thing the Democratic Party has advocated all along, and that is greater tax-and-spend policies which results in the economic decline of our country.

□ 1630

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, it is truly amazing to me, that the Democratic leadership could make such a proposal, especially now. After this House gave itself a raise and the Senate last week raised its pay, we are now going to say to the middle-income wage earner—too bad, you do not need that tax cut.

What is also particularly funny to me is, the Democratic National Congressional Committee chose to send out a news release saying, my position on capping the tax cut was cold turkey. In fact my position does not help the middle-income taxpayer and I say bunk.

The Democratic Congressional Committee and Speaker O'NEILL would have us believe that only the wealthy would be affected. Well the wealth of this Nation comes from the majority of working people and the facts say, they will suffer by this so-called tax cut cap proposal.

The cap strikes directly at over 2.5 million small businesses, 8.1 million taxpayers who will have their taxes increased on an average of $654 and 350,000 family farms. Eighty-six percent of all small businesses pay only personal income taxes. This tax cut strikes at the heart of small business and we must remember, small firms with 500 or fewer employees accounted for 60 percent of the 2.8 million jobs created in the United States.

Something I would like to also see is, Speaker O'NEILL go to my farmers and explain why raising their taxes is a good idea. Why did this Congress enact the payment-in-kind program to help the farmer weather the recession and now, when the economy is starting to show some strength and retail sales are up, Speaker O'NEILL and his tax-dollar-thirsty bunch want to raise their taxes? It is hard to conceive how they can go around purporting they are the party of the people, when at every turn, all we hear is raise taxes, raise taxes. Not once have they suggested reducing an out-of-control budget they always succumb to the easy way, which is raise taxes. It is like planting a seed before you plow the field.

The capping of the tax cut would drive a tremendous wedge between the tax brackets faced by middle-income taxpayers. Even with the full 25-per-

cent tax cut, few middle-income families are scheduled to receive a net tax reduction. A family of four with 1982 income of $40,000 for instance, will pay $52 in additional taxes this year as compared to 1980 tax rates. This increase results from bracket creep and Carter administration payroll tax hikes. The Democrat tax cut cap, coupled with new social security tax increases, the gasoline tax, and provisions of the 1982 tax bill would make this net tax increase much, much sharper.

Something the proponents of the tax cut cap never bring out is the fact, in fiscal year 1982, the first full year in which the top marginal tax rate was lowered from 70 to 50 percent, upper income taxpayers paid a larger percentage of total income taxes. The third installment of the tax cut is not targeted to the high-income tax group but toward the middle-income taxpayer; what the ultimate effect could be is a reduction of the tax revenues collected from the top.

Overspending, not undertaxing has been the problem of the past 20 years. In every instance, the big spenders solution is to raise taxes. A great example is the budget passed on March 23 which calls for increasing by $120 billion over 3 years. Some of the suggestions to raise this revenue called for the repeal or delay of indexing; capping the mortgage interest deduction; eliminating the deductions for State and local sales taxes, and of course, capping the tax cut scheduled for July. Not once in the budget or the Democratic Study Group's list of suggestions was their mention of reducing Government spending. It seems the thirst of the big spenders increases as they are tempted with more revenues.

As the signs of recovery are strengthening, threatening it by taking away needed dollars for the purchase of goods and services is ludicrous. Hopefully, my colleagues will see the error of the tax cut cap and vote it down resoundly.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding.

The issue of fairness has been brought up, not only from the Speaker, but from the gentleman from Massachusetts. I think we have to face that issue of fairness in realizing that in 1981 we promised the American people they were going to have a 3-year program. Let us not be unfair to them. Let us maintain that tax cut.

Recently the Commerce Department released figures which showed that the effective tax rate—that is, taxes as a percentage of earned income—will have fallen from a high of 24.3 percent in the third quarter of 1981 to a projected 22.3 percent at the end of 1983. Needless to say, this year end projection includes the full July tax cut, not the so-called fair cut the leadership is offering.

I do not think it is necessary to repeat the statistical arguments you have heard about the merits of this proposal. I would, however, like to talk about the Commerce Department's statistics, which no one is disputing.

The declining tax rate is, of course, good news for the average American taxpayer, but the effective rate is still well above the 20 to 21 percent of the early seventies. In other words, the inflation-induced bracket creep of those years has not been erased.

Today we are considering a tax increase. We promised tax relief to all Americans in 1981, and by capping the July tax cut we will be going back on that promise. This tax increase will fall on middle-income taxpayers, even the majority has conceded that fact. In a few months, I have little doubt that we will be asked to repeal indexing—in doing so, we will be hitting the American taxpayer with yet another tax increase. On top of that, as many as 15 States will be raising their taxes in the coming year.

What this means, Mr. Chairman, is that middle- and low-income taxpayers—who were battered by inflation-caused tax increases in the seventies—are about to be taken for another ride. Today is just the first step, but it is one that the American taxpayer is not likely to forget.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, if the Tax Rate Equity Act of 1983, H.R. 1183, is an example of the type of fairness issue the leadership of this body hopes to pin on our President and his policies, then perhaps we ought to let the donkey pin its own tail.

This bill is an attempt to play politics with the third year, 10-percent tax cut by imposing a limit of $700 per return. This action would affect approximately 8.1 million individual income tax returns this year, and its proponents hope to raise an additional $6 billion in taxes which they allege will be used to offset the deficit.

The backers of this tax increase have labeled it as a fairness issue, that it taxes only the rich, and that it promotes fairness in the tax system.

These arguments are nonsensical, and I counter them with the view that a tax cap would cause great harm to our recovering economy and would penalize primarily middle-income earners and small businesses.

This tax cap does not just affect the third year of the tax cut as its proponents have implied. This would cause a permanent change in the tax rate schedules, thus resulting in higher taxes not only next year but every year thereafter.

Who would be affected by the $700 tax cut limit? According to Treasury Department data, almost half of the 8.1 million tax returns facing a tax increase under this bill would involve two-earner married couples. About half of the total would have incomes less than $50,000 a year. Some single taxpayers who do not itemize would be included in this category, even though they earn no more than $30,000 of gross income.

The typical tax increase for 8.1 million tax returns under this proposal would be $654. This is $654 less consumption power for millions of middle-income earners, not wealthy individuals. Since the top tax rate has already been lowered to 50 percent—a change which actually brought in more revenues from the upper income group—the tax cap would have almost no effect for those who earn in excess of $109,000.

Small businesses would be a target of this tax cut limit. Of all small businesses, 86 percent pay their taxes on individual returns, thus leaving the vast majority of these small firms the primary victims of this tax increase.

Raising taxes in this manner will not reduce the deficit. It only paves the way for more domestic spending programs, as called for in the budget resolution. Moreover, the supporters of this tax hike have rejected offers to include mandatory spending reductions linked to corresponding revenue increases.

Proponents of this measure have no interest in reducing the deficit; their goal is to find a way to offset a wave of new spending proposals. Having failed at attempts to repeal the third year, 10-percent tax cut, this $700 tax cap is a last-ditch effort to scuttle the primary thrust of the President's economic recovery program.

The news of the last several months is virtually unanimous in showing an improved economy well beyond earlier expectations. GNP went up a dramatic 6.6 percent in the second quarter; leading economic indicators continue to rise; inflation has been dramatically reduced; interest rates are down; unemployment continues to drop; personal income is up, and all signs point to a robust recovery. Let us not impede this recovery with a tax increase aimed at middle America.

The President's economic program is working, it is succeeding, and we should reject this effort to reverse the many positive changes resulting from this sound economic course.

Congress should defeat this bill and return to the real problem of uncontrolled Federal spending.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Mr. Chairman, in the brief time that I have, I would like to outline the three basic reasons why I cannot support this so-called fairness tax cap.

First, I think everybody in this room knows that it is absolutely the worst economic policy imaginable to raise taxes at the beginning stages of a recovery. There is not an economist, liberal or conservative, Democratic or Republican, that would advocate raising taxes right at the beginning of an economic recovery.

Second, the tax cap impacts on the very segments of society that are most critical to this economic recovery, our farmers, our independent businessmen, the small businessman that pays individual taxes and files an individual return, are the very elements that are employing people across this country and offer the best hope for new jobs and economic recovery.

Third, if any of us thought for 1 second that $1 of the taxes that would be raised from this so-called fairness tax cap would go to reduce the deficit, or that it would be tied to the reduction of $1 in spending, then I think we might take a look at it; but we all know in this room that it will not go for this purpose. It will simply go to fuel more domestic spending.

For those reasons, I think all of us should oppose this so-called tax cap that is being offered here and we should vote no on this question.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. I thank the chairman for yielding.

Mr. Chairman, I believe I represent my constituents in making the following brief statement. I think the controlling fact here is that we are facing deficits of about $180 billion in the next year or so, as the ranking minority member of the Ways and Means Committee said earlier in the budget debate.

We have greater deficits under the President's proposals because of two things. One is greater military outlays, and second, his insistence on the tax cut.

Therefore, the fact is, we are financing a tax cut with borrowed money. Uncle Sam is going to have to borrow the money, more money to add to the $1.3 trillion national debt.

I have had very few constituents ask me for an additional tax cut in these times of deficits and increasing national debt; but they tell me they are worried. They are worried about the deficits and this is a fair way to attack it.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, there are two points I want to make today. First, there has been a lot of talk on the floor today that this bill is just a political exercise, that is is not going anywhere.

I would like to remind the Members that we have now passed a budget that calls for $73 billion of tax revenue in the next 3 years.

I would ask you if there is a fairer way to raise this revenue than what we are talking about here. If this bill passes, the Ways and Means Committee can go into conference with the Senate Finance Committee and about $20 billion of that $73 billion can be in this bill; so I do not think it is an unreal exercise. I think it is very real.

Second, I ask you what fairer way there is to raise the revenue? If you look at this chart, you will see that Kemp-Roth, with the effect of inflation and the social security tax increase, not only does not give people below $50,000 a tax decrease, they had a tax increase over the last 3 years; but people $50,000 and above got pretty substantial tax decreases.

So is it not fair to go to that group if we are going to raise revenue?

There is only one other proposal I know of that has been made in this budget exercise; that is, the Reagan tax increase proposal, the surtax, and the oil tax. In the surtax, under $50,000 the Reagan proposal puts 62 percent of that tax increase on their backs and 38 percent on people over $50,000 and the oil tax, 75 percent of it goes to people under $40,000 and only 25 percent to people who are over $40,000 a year.

If you want the Reagan tax increase proposal, then you should vote against this and vote for that and really put some more taxes on people under $50,000; but if you want to do it in the fairest possible way, this is the last train out of the station. This tax decrease goes into effect in July and this is the best way to raise the revenue that everybody in the country realizes we have got to raise in order to change the deficit path.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, in the debate on the rule on the tax increase on middle-class Americans earlier today, I pointed out several examples of the objectionable features of this legislation as it applies to the average people who are my constituents and who I am privileged to represent.

I appreciate the time in this debate to add several additional thoughts to that list. I am sure it is difficult for people watching this debate to follow all of the numbers and all of the percentages and to keep track of marginal rates and brackets. But if you reduce this issue to fairly simple terms, it is easy to understand the general problem with this legislation. Let me give you a couple examples of that.

This bill would create a tremendous difference between the tax brackets faced by middle-income taxpayers. Income up to $29,900 is taxed at rates no higher than 25 percent, while above $35,200, the rates are 37 percent or more. That is a 12 percent difference in approximately a $5,000-income range and, therefore, the tax rate for those middle-class individuals above $35,000 is 50 percent higher than the tax rate of a level of about $30,000. According to the Labor Department the Washington Metropolitan Standard Statistical Area median adjusted income for married couples is $35,594, almost exaclty where the majority would increase the tax rates by almost 30 percent under this bill.

So we are not talking about the wealthy. We are not taxing the rich. We are drastically increasing the tax on the middle average working married couple in this community—and that means average Federal employee.

This is a permanent tax increase, most of which would be paid by taxpayers whose only fault is that they are neither rich nor poor, but somewhere in between.

I ask my Democrat colleagues: Will they cap the tax cut on capital gains? Will they cap the tax cut on interest and dividends, where many of the wealthy get most of their income? Will they cap the tax cut on large businesses? The answer is, of course, not. Yet, they propose to raise taxes on families who earn only $15,000 in 1970 dollars, adjusted for inflation. These are the people who would get hit the hardest with this tax.

This is a raid on your wallet and your pocketbook. It is unnecessary and unfair and I hope it will be defeated.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. DAUB).

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, as a new Member of Congress, I cannot in good conscience silently watch my colleagues pass a tax cap today that would both penalize the middle class and run the risk of slowing our economic recovery.

We will hear a lot of political talk today that the cap will only hurt the rich, but the truth of the matter is that a tax cap would hit squarely on the middle class. Almost half of those affected by the proposed tax cap have incomes under $50,000.

We should also consider the impact this cap would have on the economically important small business sector. About 2½ million small businesses, including 350,000 family farms, would in effect be subject to a tax increase under the proposed cap because they file personal, not corporate, tax returns.

We should also be concerned that the cap will negate important reforms that were made just 2 years ago in the so-called marriage tax.

While, I am pleased to see concern in this Chamber about reducing deficits, I feel that a cap on the tax cut will only provide greater incentive for Congress to find new ways to spend taxpayers' dollars. I am 100-percent committed to reducing the deficit, but I am convinced, and I know my constituents agree, that the way to do it is by reducing Government spending, not by cutting off tax relief.

We have been reading a lot of good news lately about economic recovery. Inflation has dropped. The gross national product is up. Unemployment rates are slowly going down. I do not think we want to be responsible for reversing this gradual improvement by tampering with the 3-year tax cut program passed in 1981.

If the House makes the mistake today of passing the tax cap, I will stand firmly behind the President's promised veto.

Mr. DAUB. Mr. Chairman, I do not rise often, but indeed today is a historic day in my view in the House of Representatives. By attempting to limit the July tax cut and urging a budget on this House that calls for $12 billion in new taxes, the Democratic leadership has sought to raise taxes twice in the same day.

The Democratic leadership in the House is scared to death of economic recovery. By sabotaging it they hope to gain political advantage over the President.

This double-barreled blast at the American economy will destroy jobs and while by every standard the July tax cut is expected to fuel consumer recovery, Democratic political strategy stands ready to abort this recovery by taking money from the people and turning it over to Government.

Limiting the July tax cut does not favor the rich, but it is a permanent tax increase on middle-income families. The Democratic tax increase proposal also adversely impacts on small businesses and family farms.

The budget compromise increased the tax rate for the next 3 years by a total revenue aggregate of $77 billion and at the same time increased the spending rate at an aggregate of $73 billion. I call that economic insanity.

The surest way to end economic recovery is to increase taxes and to increase spending. Clearly it is the wrong medicine to cure our problems unless you want Americans to fall back into economic depression. I think we ought to call this effort today a band-aid cure for a belly wound.

Think about some things first. We are raising the threshold of spending. We are raising the threshold of taxes. That propels the deficit. It does not solve the deficit problem; $73 billion in increased spending versus $77 billion in increased taxes over the next 3 years does not cure the deficit. The deficit in part will be propelled and grow even larger than we fear at this time.

It does one thing, my colleagues, that I think is the worst of all. What we need more than spending and what we need more than taxes is long-term borrowable money at stable rates. Without savings by individuals who have jobs, there will be no capital formed for borrowing. That will put America back to work. This will give our people a chance for real gain—an economy with real growth.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. McHUGH).

Mr. SHARP. Mr. Chairman, will be gentleman yield?

Mr. McHUGH. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I rise in support of the McCurdy amendment and the legislation before us today. Although much of the discussion on limiting the third year tax cut to $700 has been focused properly on the fairness of this action, I believe the debate should also be centered on the effect on the Federal deficit.

The President projects that deficits in 1984 will be $189 billion, $194 billion in 1985 and $148 billion in 1986. These projections are staggering and everyone agrees that they must be controlled. Placing a $700 limit on the third year tax cut will produce $6.2 billion in revenue in fiscal year 1984 an estimated $20.8 billion between fiscal years 1984–86—a total of $27 billion. The President's budget calls for "contingency taxes" in fiscal year 1986, which he estimates will raise $46 billion. He suggested imposing a surcharge on individual and corporate income taxes and a $5 per barrel tax on oil. While Secretary of the Treasury Regan claims that contingency taxes will not be necessary until 1986 because the budget deficits will be under control, I do not share his optimism. So far, the deficits have only been increasing. The administration is openly admitting that revenues must be raised. So why does the administration support raising taxes in 1985, when we now face a $529 billion deficit through fiscal year 1986?

One of the valid concerns among those who oppose limiting the tax cut is that the additional revenue may only be used to finance large spending programs. I believe the bill contains an essential element, which expresses the sense of the Congress that any revenue gained by limiting the tax cut should be used to reduce Federal budget deficits. This is reinforced by the McCurdy amendment, which I strongly support, which calls for a dollar-for-dollar matching of expenditure cuts for the increased revenue. Raising revenue must be balanced with reductions in spending. Although the Congress has succeeded in slowing the rate of Government spending, we have not done enough. I do not believe we are taking an irresponsible step by making changes in our fiscal policy, when clearly the deficits are out of control.

As long as deficits remain excessive, interest rates will remain too high. The economic recovery can too easily be jeopardized. Reducing the Federal deficit is clearly necessary.

Lawrence Chimerine, chairman and chief economist of Chase Econometrics recently stated in his article in the New York Times:

> To the extent that capping helps reduce expected deficits and eases concerns in financial markets, lower interest rates that may result would further stimulate the economy. Moreover, a cap would begin to reverse the process that in recent years has shifted a much larger part of the nation's tax burden onto middle and lower incomes families.

In fact, taxpayers with incomes under $20,000 have not received any real tax cuts. Their tax burden has increased, when taking the effects of inflation and increases in social security payroll taxes into account.

A couple with two children and an adjusted gross income of $30,000 will receive a tax cut of $360 in 1984, regardless of a cap. But if this couple had an income of $75,000, they would receive $1,598 in 1984, if the full tax cut was implemented. If the couple earned $150,000, they would receive $3,981, if the tax cut was not limited. In light of these examples, the case of unfairness in limiting the tax cut becomes very weak. We are not talking about hitting those who can barely make ends meet, we are talking about persons who, in many cases, have already received a large share of the tax reductions under the 1981 tax act.

All taxpayers will receive a new tax cut in July. Only 10 percent of all taxpayers will be affected by the cap. The other 90 percent of the taxpayers will receive the full amount of the tax cuts enacted by the Economic Recovery Tax Act of 1981. Of the revenues generated by the cap, 89 percent of it would be paid by taxpayers with incomes above $50,000 a year.

I believe the Congress must control Federal spending and moderate tax policies so that all taxpayers can benefit from an improved economic program.

Mr. McHUGH. Mr. Chairman, I would have thought that the proponents of the President's economic program would have approached this debate with a bit more humility. It was not very long ago that they told us that if we only passed the President's economic program that we would soon have an economic boom,

an economic boom that would benefit all segments of our society.

Did we get that economic boom? Of course we did not. Any objective observer can see that we got the worst recession, the worst unemployment, since the 1930's.

The proponents of the President's economic program told us not long ago that if we only passed the President's program we would have a balanced budget in fiscal year 1984. Did we get a balanced budget? Of course not. We are now looking at a deficit of over $200 billion.

My purpose today is not so much to point the finger of blame, because that does not solve any problems. However, it is terribly important that at this stage we recognize that the President's economic program has not worked, despite the good faith of the President in offering it.

If we are serious about responsible government, if we are serious about a sustained economic recovery, we must adjust the President's program and this bill represents a modest, indeed an exceedingly modest, adjustment. It would raise $6 billion in tax revenue, not by a new tax as our Republican colleagues have suggested, but by postponing a small portion of the third permanent tax cut inherent in the President's economic plan.

I think that this is an exceedingly modest step toward reducing budget deficits. It does so by looking to those people who have gotten the lion's share of the tax breaks in the first 2 years of the President's tax program. Is that too much to ask of those people who have benefited most from the President's tax program?

I do not think so, and I do not think the people whom we are asking to make this modest sacrifice think it is too much either.

I do not know what your constituents say to you back home, but mine say "Please get the deficits and the interest rates down. We can wait for further tax relief until the economy is back on its feet. I urge my colleagues to support this measure.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GREEN).

Mr. GREEN. I thank my colleague from New York for yielding time to me.

Mr. Chairman, the fact that we can seriously be considering this measure on the floor of the House today shows how badly inflation has warped our perception of economic reality.

Let us look at what the earnings that are covered by this bill would have been in 1967 dollars. I pick 1967 because, of course, that is the start of the current series of the Consumer Price Index for all urban consumers.

An income of $40,000 today in 1967 dollars would be $13,536. An income of $50,000 would be $16,920. An income of $60,000 would be $20,305.

In 1967 would anyone have thought that someone earning $13,536, or $16,920, or $20,305 was a malefactor of great wealth who should be the target of a punitive tax bill? Of course not.

But now, with inflation, the proponents of this bill preceive those families as the plutocracy of America.

What nonsense. And yet those are the people you are going after in this tax bill.

I think one other comparison is most interesting, because we in this House have a very different perception when it comes to shoveling out the subsidies as opposed to taking the dollars out of the taxpayers' pockets. We run a guaranteed student loan program. People are eligible for federally subsidized loans in that program up to $75,000 a year.

I fought hard to prevent a cut in that ceiling. There were some on the other side of the aisle who opposed having any income cap on that program.

Yet the same people who under that program are deemed in need of Federal subsidy are, we are told today, so wealthy that they should have to pay a major increase in marginal tax rates.

Mr. Chairman, it is obvious that inflation has destroyed the sense of economic reality of the Democratic Party. I urge my colleagues to look through those inflated income numbers to the reality of the purchasing power of the families this bill attacks, and to defeat this ill-conceived measure.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I am happy to yield to the gentleman.

Mr. LAGOMARSINO. I want to commend the gentleman for his statement.

Mr. Chairman, I rise in opposition to H.R. 1183. This bill, so misleadingly named the "Tax Rate Equity Act of 1984," is a wolf in Democratic clothing.

It could more aptly be called the "Economic Disaster Plan for 1984," or the "Tax Reneging Act of 1984." For this is the bill that revokes the tax cut made by this body just 2 years ago as part of the Economic Recovery Act.

That recovery is now well underway. The index of leading economic indicators rose 1.1 percent in April, up for the 10th consecutive month. Productivity is running at a 4.7 percent rate this year, up from the minus 0.9 percent of 1979. Industrial output for April was up 2.1 percent, compared to minus 3.6 percent for 1980, the last year of the Carter administration. Housing starts are up 64 percent this year over last, compared to a 26 percent drop in 1980. And disposable personal income, after inflation, rose 1.1 percent during the first quarter, compared to a drop of 0.9 percent in 1980. The stock market is up over 400 points since 1980. And all of this has been accomplished without rekindling the fires of inflation. In fact, the cost of living rose only 4 percent over the last year, compared to the 12.4 percent rate of 1980.

An important part of that economic recovery was the 25 percent personal income tax rate cut enacted by this body 2 years ago. Combined with restraints in Government spending, it has meant millions of dollars more in disposable income for Americans. Money which was spent for American products or invested as savings in American companies. It has fueled the economic recovery and helped lift some of the burden of Government from the shoulders of American taxpayers. The third phase of that tax cut, the final 10 percent cut in tax brackets, is due to take effect just 8 days from now, on July 1.

Now along comes the Democratic leadership of the House with this bill saying we should adjust the tax rate. "Cap" is the word they use. In the interest of equity.

Yet what will this cap really do? It is aimed directly at two classes of taxpayers: The middle-income wage-earner and the small businessman. The Democrats know that high-income taxpayers have already received their cut—the maximum rate dropped from 70 percent to 50 percent 2 years ago. Low-income wage-earners have already had the floor raised, so many of them pay little or no taxes. The middle-income taxpayer is the only group left, and this bill drives a wedge right through the middle of the tax brackets. Under this bill, income up to $29,900 is taxed at rates no higher than 25 percent. But income above the $35,200 level—per family—would be subject to rates of 37 percent or more—a gap of 50 percent. In other words, under this bill, a family with an income of about $35,000 would wind up paying 50 percent more in taxes than at $30,000. This is aimed directly at the working couples, and in essence amounts to a marriage tax. It could conceivably even lead a couple to seek a divorce for tax purposes. And this considered equity? Good social policy?

Equally damaging, Mr. Chairman, is the effect which this bill will have on small business. Most small business owners, unlike large coporations, file individual income tax returns. And much income from a small business is routinely reinvested in the business. This bill would tax those dollars away, depriving small business of the capital it needs to grow and survive. It will cause lay-offs of employees and the cancellation of plans to expand and create new jobs. And it would dry up the discretionary power of middle income taxpayers to invest in savings, which also creates jobs. In short, Mr.

Chairman, this bill, the Tax Equality Act of 1984, will cause taxes to increase, penalize working couples, and damage the health of thousands of small businesses, causing unemployment, misery and resentment. I can only conclude that that is what the leadership of this House wants.

If you oppose these results, I urge a "no" vote on this bill.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Chairman, today, we have a critical choice to make. Do we continue to accept rising deficits and do nothing? Or do we make the tough decisions that are expected of us and begin to work to reduce that portion of the $200 billion deficit we are all so worried about by capping the third year of the tax cut?

Earlier this year, I posed this question to my constituents in the 10th Congressional District in Michigan. Should the third year of the scheduled income tax cut be postponed for those earning more than $50,000 until the Federal budget is balanced? Over 63 percent of my constituents who responded said yes.

My constituents and I know the importance of lowering the highest deficit in this Nation's history. I am committed to doing what I can to see that this is achieved.

The only fairway to make progress against the rising deficit is to adopt the $720 tax cap. It will reduce deficits by $22 billion over the next 3 years and raise one-half of the additional revenues called for in the 1984 budget. Some oppose this measure claiming this tax change is not the solution to the problem of high deficits. They are correct that it is not the only solution, but I would argue that it is an important part of the solution, an important step that must be taken.

Along with the issue of deficits, there is a second question, and that is the issue of fairness. Should those in the upper income groups, who have enjoyed the greatest benefit from the first 2 years of the tax cut, again receive a disproportionate share of the third year tax cut when our economy cannot afford it? Certainly not.

To illustrate the point, a family of four with an income of $200,000 will get a tax cut of 15 percent more than the family earning $25,000. What more is there to say about fairness?

It is time we stand up for the majority of Americans who go to work everyday, pay for their children's education, and form the backbone of America. Too often we have seen the Congress cater to the special interest groups to the detriment of the low- and middle-income taxpayer, by providing tax relief for the wealthy.

Today, we can take a giant step forward by supporting the $720 tax cap and thus, restoring equity and justness in our tax system for millions of Americans.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, today we debate the merits of placing a cap on the third year of the tax cut. I want to point out an irony brought to mind by the recent appearance of Treasury Secretary Regan before the Ways and Means Committee. Just 9 days ago, Mr. Regan testified before my colleagues that the administration does not plan to take any action on the tax side of the Federal budget to reduce the huge deficit we are expecting in fiscal year 1984.

In 1981, as I recollect, President Reagan and his highest ranking adviser responsible for providing revenue to operate the Government were far more creative in creating "tax incentives" for the wealthy than they are 2 years later in finding equitable tax increases for a country that desperately needs to gain control over skyrocketing deficits. I find it personally repugnant that Secretary Regan appeared before the Ways and Means Committee with virtually no proposal to address the deficit problem as it concerns revenue.

I would ask Mssrs. Reagan and Regan what is going to happen to interest rates if this deficit is not brought under control—permanently and expeditiously. A tight monetary policy cannot forever hold the line for an administration that takes from the poor to shower tax cuts and tax shelters upon the wealthy. The $700 cap will recapture some of the excessive cuts given to the highest income taxpayers while preserving the cuts for those in the middle and lower income range who need them most. Almost 89 percent of the tax burden of the $700 cap would fall on persons earning over $50,000 and this group would be contributing almost $22 billion through fiscal year 1986 of the $73 billion required by the conference report to the budget resolution.

I am pleased to stand before you today to support the cap and to support a House Democratic Party that is showing considerable leadership in finding an equitable and viable proposal to reduce the deficit. We may be offering our necks to a Republican Party that is only too happy to find an axe in honor of the upcoming 1984 campaigns. However, I believe the American taxpayer is well qualified to understand the meaning of tax equity and will remember the fairness of the Democratic proposal.

Can Reagan turn the fairness issue on its head regarding the $700 cap? If not, it will not be for lack of trying. Although Secretary Regan opposes the cap because he says, "It will hit squarely at our great middle income class," the truth is quite the reverse as we have seen.

Rather than recapture part of the $6,872 tax reduction for a family of four making $100,000 or more in fiscal year 1984, Secretary Regan would prefer to support a tax increase in 1985 on domestic and imported oil and a 5-percent surcharge on individual and corporate taxes—both of which would hit hardest at middle and lower income families.

According to the administration, efforts to reduce the size of the projected deficits—$226 billion, $241 billion, and $260 billion in fiscal years 1984, 1985 and 1986, respectively—should not be directed toward those reaping the greatest advantage from the 1981 tax cuts. Rather, the millions of Americans earning less than $30,000—who are the vast majority of taxpayers and, coincidentally, who experienced net tax increases from the so-called Reagan tax cuts, should be willing to pay the 5-percent surcharge.

If the taxes of all Americans are increased by 5 percent, the greatest number of taxpayers will suffer further tax increases while the 1981 tax cuts of the wealthiest taxpayers will remain intact but somewhat diminished.

For example, according to Citizens for Tax Justice, in 1984 when the Reagan tax cuts are fully in effect and have been adjusted for inflation and for recent increases in social security taxes at 1981 income levels, a taxpayer earning less than $10,000 will experience a net tax increase of $108. The 5-percent surcharge will push this individual further into the hole while the average taxpayer earning over $200,000 will receive a net tax cut of $15,000 even after the 5-percent surcharge is applied. This estimate of the tax cut for the over-$200,000 individual is virtually doubled if the effects of various savings and business "incentives" are included.

Turning to the other half of President Reagan's proposed contingency taxes, it is not difficult to anticipate the effect of an increase in energy taxes on moderate- and low-income families. Analyses of the consumption patterns of all families by income demonstrate exactly what commonsense would say. In the case of new taxes on energy to heat homes, the new tax would place the heaviest burden on those families with the least elasticity in their income—those for whom the necessities of life require the greatest amount of their disposable income. The effect of the new tax on families purchasing gasoline would fall heavily, again, on lower income families—if they are fortunate enough to own a car.

Thus, it appears that we Democrats are tilting against a Republican administration committed to a two-track

course. The first is to oppose the $700 cap which would see 88.7 percent of the burden fall on those earning over $50,000 annually. The second is to support a surtax and crude oil tax which will impose most of the burden on taxpayers earning less than $50,000 per year.

Is that fair? If in 1984 President Reagan can convince Americans that it is, we will know that the age of doublespeak truly has arrived.

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Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, I must add my voice to those who have already spoken in opposition to H.R. 1183, the so-called Tax Rate Equity Act. The facts are that, as presently structured, the cap proposed by this legislation is hardly equitable.

Quite frankly, Mr. Chairman, I and many of my colleagues who oppose H.R. 1183 today could support a cap on the third year of 1981 individual income tax rate reductions if that limitation were simply aimed at preventing the wealthy of this country from receiving a windfall and if the revenue received from the cap were truly used for deficit reduction. H.R. 1183 fails on both counts.

First of all, H.R. 1183 will affect many taxpayers who are far from wealthy. In reality, only 9 percent of those who will have their tax reduction capped by H.R. 1183 have incomes in excess of $100,000. Forty-eight percent have incomes less than $50,000 and 43 percent have incomes between $50,000 and $100,000.

Further, Mr. Chairman, this really is not a cap on the third year of the tax cut; rather, it is a permanent increase in the marginal income tax rates for these individuals and families.

And let us just take a brief look at what will happen to a two-earner couple making $35,200. Currently, that couple's maximum marginal income tax rate is 28 percent. If H.R. 1183 becomes law, that maximum rate becomes 37 percent—that is a 30-percent increase.

In short, the vast majority of those affected by H.R. 1183 are members of the middle class who are already overburdened by the structure of our current Federal income tax system.

This will have a particularly dramatic effect on two-earner couples, small businessmen, and family farmers. In fact, present estimates are that the cap will impact on 2.5 million small businessmen and 350,000 family farmers in our country.

Second, Mr. Chairman, I believe that there is a growing perception in our country that, because of the cuts made in individual income tax rates in 1981, Federal revenues are decreasing annually. That is not accurate.

Estimated Federal revenues for the current fiscal year are in the $600 billion range. At the time the budget was prepared, Federal revenues for fiscal year 1984 were estimated to approach $650 billion; now, both CBO and OMB have indicated fiscal year 1984 receipts are more likely to be in the area of $665 billion.

Clearly, despite the reductions in individual income tax rates, Federal revenues continue to increase. This is in part due to improving economic conditions and in part due to the $35.3 billion tax increase we passed last year in the Tax Equity and Fiscal Responsibility Act for fiscal year 1984.

However, as in the past, the deficit problem remains because of the increasing rate of Federal spending. These statistics again demonstrate that the remedy for deficit spending is not only greater Federal revenues, but reducing the rate of increase in Federal spending.

I have said on many occasions, Mr. Chairman, that I would be willing to support some type of cap on the third year of the tax cut if it were part of a package designed to reduce the enormous budget deficits we face now and in the future. The facts are, however, that the context in which we consider H.R. 1183 assures that whatever revenue is raised by its cap will either go for additional domestic spending or greater defense spending, depending on who prevails on the budget.

That is why my good friend, the gentleman from Oklahoma (Mr. MCCURDY), presented the Speaker with a letter signed by 79 of our colleagues on his side of the aisle that referred to the tax cap as "flawed policy" if it is not accompanied by a corresponding limit on Federal spending.

And it is, indeed, unfortunate that the Rules Committee has seen fit to water down this amendment by considering the nonenactment of future legislation which has been provided for as a contingency in the budget as a "dollar-for-dollar" cut in Federal spending to accompany the increased revenue. Accordingly, the amendment has become nothing more than a budgetary illusion.

These budgetary considerations in conjunction with the adverse impact the cap will have on millions of middle-class taxpayers leave well-reasoned Congressmen concerned with the fiscal future of our country with no choice but to oppose H.R. 1183.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. MCEWEN).

Mr. MCEWEN. Mr. Chairman, a moment ago a Member rose on this floor and stated that either you tax and spend or you borrow and spend and that it was the intention of those on this side of the aisle to borrow and spend by supporting a tax cut for all working Americans.

Well, I believe that is one of the most convoluted thought processes I have ever encountered. The idea that a working man and woman get up in the morning, go to work, receive a paycheck, and then if Uncle Sam does not take it from his pocket and spend it, that somehow or another he has to borrow it to allow that wage earner to keep his money. That in summation shows the distortion of this entire issue by those who are simply looking for an opportunity to reach into the workingman's pocket to spend more money in an attempt to secure more votes.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, an economic recovery is underway. The bill before us is a callous, calculated, political effort to undermine that economic recovery. The leadership of the Democratic Party has looked around and seen an economic recovery taking place and they know that a good economy will doom Democratic political prospects in 1984.

So, what the Democrats have done is launched a full-scale attack on the centerpiece of that economic recovery, the tax cut, and they have done so in the most unfair way possible because they designed a program that even goes so far as to protect the super rich in this country. It used to be that even when we disagreed on issues, we could be confident that each side was putting their country ahead of politics.

The effort to destroy the tax cut is purely and simply a case of politics above all else.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, I stand in support of the McCurdy amendment but also would like to address a couple of facts that have been brought to my attention that should be addressed. Those on the other side who have talked about placing a cap or ceiling on the tax as unfair. The question should be asked: "Who has Ronald Reagan taxed?" One, the little waitresses at the little truckstops and cafes having to pay 8 percent and withheld from their food sale even if they did not receive 8 percent tips. They are trying to reach the minimum wage but they are having to pay a tax at a time when the President reduces the tax on the wealthiest in this country.

Also it is President Reagan's withholding tax on people who have a savings account, that is a tax pushed through Congress by the President of the United States, on the lowest income people in the United States.

The 5-cent tax on gasoline is President Reagan's tax that every working man, woman, and child has to pay when they pull up to the gas station. They have to realize that 5 cents they are paying on that gallon of gas is a tax from Ronald Reagan who said that that working person had to pay that additional tax, not the wealthy. The little truckdriver's taxes in my district, pushed by President Reagan, have been increased 1,000 percent. The little truckdriver whether he moves his truck or not with a load of grain or cattle, last year paid $200 tax on his truck. Under this, President Ronald Reagan's tax, the little truckdriver's taxes were increased to $2,500, a 1,000-percent increase.

Now you say, the $720 that is being capped, that is a pretty good return for most of my people. In fact, the maximum return for 98 percent of the people in my district, would be that $720—more than 75 percent of my people feel the tax should be capped.

I yield back the balance of my time.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Chairman, I would like to make two points.

First of all, I guess whether people are rich or not depends on your point of view.

I have heard my colleagues, especially those over on the right-hand side of the aisle, get up and talk about how we are going to tax the rich. But, in fact, we are going to raise taxes not on the rich but on that couple where the husband and wife both work; that middle-income couple making $35,200 a year. We are going to raise that couple's marginal tax rate by 9 percent.

The majority of my colleagues last year voted to give Members of Congress a raise of $9,000 because they thought we were on hardship pay here at $60,000 a year. I voted against it. And when we gave Congress its big tax break last year, a tax break we went back and took away, the justification was that it was hard to live on $60,000 a year.

Now, we are going to take back a tax break for a married, working couple making $35,200 a year, when we think Members of Congress are living on hardship pay at $69,000 a year, and it seems to be something does not jibe about that claim.

But the major point, Mr. Chairman, I want to make is, despite all the rhetoric about raising taxes to lower the deficit, the last vote cast in this House was a vote to raise the deficit by $13 billion over the level recommended by President Reagan.

So, do not fool yourself in saying you are raising taxes to deal with the deficit.

You are raising taxes to fund $29 billion of new add-on spending.

So, in reality as we have heard so many times, this is a return to the tax-and-spend policies of the 1960's and 1970's. And I submit that the American people are not going to be fooled.

If you voted for the budget we just adopted you voted to raise the deficit and to raise taxes to fund new spending. And if you vote to raise taxes on middle-income, two-income-earner families here, you are not voting to raise their taxes to lower the deficit, you are voting to raise their taxes to fund new spending programs.

That is the reality of the choice here today.

I thank the gentleman.

Mr. MATSUI. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I do rise in support of the Tax Equity Act but I rise primarily to express some concern and, really, surprise about the reaction on this side of the aisle.

Suddenly, you are the great protectors of the little people and that is quite a transformation.

Your President's policies, that you followed without any hesitation, ravaged the poor people of this country, and yet today you are the great protectors of them. You ravaged the sense of security of senior citizens of this country, cutting medicaid. You plundered the aspirations of middle-class Americans in this country. For those who wanted to send their children to college you denied student loans, cut them. You have pillaged or attempted to pillage the future of young children in this country. You supported a $300 million reduction in nutrition programs. So, I am just so grateful for this transformation, let us hope it lasts awhile. Let us vote this Tax Equity Act, it is right, it is fair, it is just.

Mr. Chairman, I rise in support of Congressman FRANK GUARINI's bill, H.R. 1183, the Tax Rate Equity Act. My colleague's legislation provides the Congress with the opportunity to mitigate the disastrous effects of the ill-conceived Economic Recovery Tax Act of 1981 (ERTA).

Since the inauguration, the Reagan administration has attacked social programs. For example, in his fiscal year 1984 budget, President Reagan attempted to implement real cuts of $750 million in food stamps, $750 million in aid to families with dependant children, $300 million in child nutrition, and $300 million in medicaid.

The President's desire to spread despair and pessimism throughout low-income communities was not appeased with the emasculation of domestic programs. As a result, President Reagan coerced the Congress into passing the Economic Recovery Tax Act of 1981. The blatant inequity of this law becomes evident when one realizes that, once the effects of inflation and social security tax increases are taken into account, individuals with inomes over $100,000 receive substantial tax reductions, while individuals with incomes under $20,000 end up with a tax increase.

Corporations have also been the undeserved beneficiaries of the 1981 Economic Recovery Tax Act. Some estimates have indicated that corporations will receive tax breaks totaling $143 billion over the period from fiscal year 1983 to fiscal year 1986.

Congressman GUARINI's bill attempts to inject a vestige of equality by limiting the amount of tax reductions. The Tax Rate Equity Act establishes a cap of roughly $700 on the maximum reduction in income taxes resulting from the third installment of the tax cuts enacted by ERTA. Consequently, this bill will produce revenues of $6.2 billion in fiscal year 1984 and $38.8 billion over the 6-year period from fiscal year 1983 through fiscal year 1988.

Although increased Federal revenues are important, the Tax Rate Equity Act's redistribution of the tax burden is its most appealing allure. H.R. 1183 allows 90 percent of all the taxpayers to receive the scheduled tax cut in full. Only 10 percent of the tax paying population will have their tax cut reduced; in other words, of the revenue raised by the bill, 89 percent would come from taxpayers with incomes above $50,000.

Although H.R. 1183 does not repeal the third installment of the tax cuts enacted by ERTA, it does attempt to lessen the disproportinate flow of benefits to upper income individuals. Hopefully, the Tax Rate Equity Act will be the first step which will lead eventually to the complete redistribution of the tax burden to those who can afford it: the affluent. Consequently, I urge my colleagues to support the passage of H.R. 1183.

□ 1700

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. FIEDLER).

Ms. FIEDLER. Mr. Chairman, if you have even considered improved economic equity issues for women through child care tax credits or pension reform, how can you possibly consider voting for this particular bill when it specifically targets women who are out working and trying to improve the quality of life for their family?

Huge numbers of women are working wives, out of absolute economic necessity. They sacrifice an immense amount in that they shoulder the burden for their families as well as their work.

Information from the Census Bureau in 1981 says that all families with two wage earners had an median

annual income of $27,000. Therefore, 50 percent of the working class couples are above the $27,000 range. It is going to be this group which is badly hurt as a result of this bill.

I urge my colleagues to vote against this bill.

Mr. MATSUI. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I am pleased to rise in support of H.R. 1183, the tax cap bill, and to participate in this debate which should be called "True Confessions in Tax Land." I say that because it is this debate over limiting the tax giveaway to the Nation's rich which has taught us so very, very much about Ronald Reagan's tax policy.

True Confession No. 1: The Chamber of Commerce has written to us, asking that we not touch the Reagan plan because—and I am quoting—"for many people this tax cut represents their first real tax cut." That is quite a confession coming from the folks who gave us "year 1" and "year 2" of Reaganomics. If for many people this is their first real tax cut, where did the billions in tax breaks that we enacted in 1981 and 1982 go?

True Confession No. 2 comes from the Great Simplifier himself: President Reagan confessed just how out of touch he is with the people of this country when—at a $1,000-a-head fundraising dinner—he told us that a cap which affected those with incomes of $50,000 or more would hurt "middle- and lower-income" taxpayers. Of course, only the top 5 percent of the Nation's taxpayers make more than $50,000 a year, but I guess that the "top 5 percent" is the middle when it comes to Reaganomics, or Republican fundraising dinners.

True Confession No. 3 comes from Treasury Secretary Regan, who warns us that the President will be unhappy if we tamper with his tax cut. Truer words were never spoken, for the tax plan we are reviewing truly is the President's tax plan. After all, he got a $91,000 tax break on his 1982 return as a result of these policies. And to think that we would dare to limit the additional tax break—above and beyond the one the President will take again in 1983—to a lowly $700. Shame on us, we are told by Secretary Regan.

I say, to the contrary, shame on you, Mr. President. Shame on you for suggesting that your tax plan, without a cap, is fair for the middle class when it gives 30 times more relief to those making $200,000 than to those making $20,000. Shame on you, Mr. President, for opposing this measure to reduce the deficit and restore some of the equity you took out of the tax system.

Capping the tax cut achieves many of our major aims. First, it preserves the full tax relief that middle-class families have coming to them. Second, it limits the now unlimited tax giveaway that Ronald Reagan wants for those who do not need such relief. Third, it would save billions of dollars in needless additional deficits. Finally, support for the cap demonstrates the commitment we have to fairness for all Americans.

The $700 tax cap would reduce the deficit by $38 billion over the next 5 years. For my colleagues who say that this is a mere pittance, I would like to point out that $38 billion is enough to build six coast-to-coast interstate highways over the time the bill is in effect, with $2 billion in spare change left over. The savings would be significant.

A $700 tax cap would preserve the full tax cut for 90 percent of all Americans. It would not affect families with incomes of $45,000 or less. Only the 10 percent of our taxpayers with incomes over this amount—the Nation's wealthiest taxpayers—would be affected. And even these person would still receive a tax cut, though it would be limited at the $700 level.

Mr. Chairman, it seems ludicrous to suggest, as Ronald Reagan has, that the Federal Government should borrow $38 billion more to give an unlimited tax break to the Nation's wealthiest taxpayers. These people were the chief beneficiaries of the 1981 and 1982 Reagan cuts, and do not need an uncontrolled, additional break in 1983 and beyond.

A tax cap saves the tax cut for those who need it, and saves the Treasury billions of dollars. Our support for such a cap in the House demonstrates that we are committed to tax relief for working class families and economic fairness for all Americans.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL), a distinguished member of the committee.

Mr. FRENZEL. Mr. Chairman, this country has a graduated income tax system. Most of the Members of this body would support that graduated income tax system. I now notice that a number of Members on the other side of the aisle woud like to reduce the top rate. I think that is a commendable instinct on their part.

Two years ago we decided that we would vote an across-the-board tax rate for individual income taxpayers in this country. Now, that was not a new concept, because 3 years before, in 1978, we had also voted an across-the-board income tax cut for all individual taxpayers.

The only difference was that at that time in 1978 we had a Democrat House, a Democrat Senate, and a Democrat President.

Now, however, in 1983, our leadership, the Speaker and his friends, have decided that that was wrong. That those two acts and previous acts in this country of across-the-board tax cuts were unfair. Nobody has explained exactly why they were unfair, or why such a large majority of the House voted for them and thought they were fair at the time, but as of today, they have been declared unfair.

I suppose that means they were unfair in 1981, unfair in 1978, and unfair back in the early sixties as well.

Well, they are not unfair as far as I am concerned. We are confronted today with a permanent tax increase, not a cap. We are asked to renege on a promise that we made to the taxpayers of the United States in 1981. And after we made that promise, we soaked them with scheduled social security tax increases, increased social security tax, gas taxes, and bracket creep, so that most of the people who would like to receive a tax cut and who thought they should have had one in the last 2 years, have not even had a reduction in taxes yet.

In addition, we are establishing a new marriage tax, for this tax increase falls most heavily on the two-earner families, particularly families in which the female spouse is only recently working and receiving—we hope—a fair wage in the marketplace. So this tax increase will take most of her improvements away from her.

As I say, Mr. Chairman, it is not fair. In this Congress we always go for the taxpayer. We never try to limit spending. That is what our constituents want us to do.

This $6 billion assault on the deficit will do us no good. It is bad tax policy, it will not save one dime from the budget adopted by the mistaken spenders a few minutes ago. It should be defeated. Even if it passes this body, it will be defeated.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, today the House will have an opportunity to restore fairness and equity to our tax system. We can begin this process by reining in the massive tax giveaway to the wealthy which has been the hallmark of the Reagan tax program begun 2 years ago.

Let me offer an example of how this program has worked thus far: A family with a $100,000 income has had its tax liability reduced by $3,454. On the other hand, a family earning $20,000 received annual tax relief in the amount of only $300. Is this fair? Is this equitable? Is this in the spirit of the 16th amendment to the U.S. Constitution, ratified 70 years ago, which instituted the Federal progressive income tax system?

Unless we act today, we will compound the mistakes of the last 2 years. A family with income over $100,000 would get a further tax reduction of $2,368, while the family earning $20,000 will receive its "windfall" of $164. It is time to make an adjustment

on behalf of the average taxpayer who, contrary to the belief of President Reagan, is earning $20,000 not $50,000. For 2 years we have watched a program live up to not one of its vaunted promises—at least not any of those made public at the time the program was sold to the American people. The working people of this Nation deserve a tax break. Instead, they have received higher State and local taxes, higher social security taxes, and a reduced standard of living. They have shouldered the burden of a failed program and they have carried the wealthy. It is time we lighten the load for them.

This tax giveaway must be capped for the wealthy 10 percent of the population. The President would like us to believe that this action will increase taxes. It will not. It simply caps the tax break for the wealthy.

This action will help us get a small handle on the massive deficit we have accumulated over the past 2 years. The President inherited a deficit of nearly $40 billion and has swollen it to over $200 billion. He has done this by championing a program which has as its components: the most severe recession since the Great Depression; an opening of the Federal Treasury to the very wealthy; and an unprecedented level of defense spending. A leader of his own party originally called the President's program a riverboat gamble. One look at its disastrous results tells us that the gamble has not paid off.

The President may try to pass on the responsibility for the deficit crisis to the Democratic Party. But the facts do not support his contention. We should not sit back and accept the buck he is trying to pass. I have watched my colleagues on the other side of the aisle, those most vociferously touting us as the party which likes to tax, tax, tax, spend, spend, spend. I have watched them fight the deletion of any funding whatsoever from the defense authorization bill and now they are fighting the capping of the tax giveaway. We have watched severe cuts in programs for working people and the needy. This is forgotten by my colleagues on the other side of the aisle. Those that oppose the capping of the third year of the tax cut and oppose cutting defense spending somehow do not want to define the financial support for the wealthy and continued procurement of Defense Department waste as spending. Mr. Chairman, spending is spending and I do not think the American people will be fooled.

If we do not act on the deficit, economic recovery will be weak and unsustainable. The middle class will continue to be burdened with high interest rates and unemployment. I disagree with Secretary Regan's contention that deficits have no adverse effect on the economy. We cannot afford to borrow more money at high interest rates to give the most privileged members of our society another tax windfall this year. In the name of fairness, deficit control, and fiscal responsibility, we must cap the third year of the tax cut.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. RICHARDSON).

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 1183, the Tax Equity Act of 1983.

As my colleagues know, in 1981 Congress enacted the Economic Recovery Tax Act. The President hailed the law as the greatest across-the-board tax cut for individuals in history. The supply side business tax cuts were supposed to encourage investment and business expansion. Everyone waited for the supply side economic miracle to happen. But it never occurred.

The President's individual tax cut program was across the board in name only. But, in fact, Mr. Speaker, the Reagan tax cut was a bonanza for the well-to-do and a nightmare for middle- and lower-income taxpayers. The maximum tax rate was cut from 70 to 50 percent. Benefiting only the wealthiest taxpayers. If you happen to earn above $200,000 a year, your taxes would be reduced by more than 15 percent and your tax cut would total roughly $60,000 over the 3-year period. This is more than the average worker will earn over the same 3-year period. If, however, you are among the 80 percent of American taxpayers who earn less than $30,000, your tax rates went up under this so-called across-the-board tax cut.

The 1981 Tax Act did not stop with individual tax cuts—larger businesses also enjoyed huge tax reductions. Many companies have actually enjoyed an effective tax rate of zero during the past 2 years. But their leftover tax breaks did not go to waste—they simply sold them to another company. These business tax breaks discouraged productive investments in labor-intensive industries and encouraged unproductive business ventures. About the only industry that grew and prospered as a result of the Reagan tax act was the tax shelter industry.

Mr. Chairman, it is ironic that the 1984 tax law was named the Economic Recovery Tax Act. Because it was these tax cuts for the privileged few combined with massive increases in defense spending that resulted in record-breaking Federal deficits and an economic downturn the likes of which had not been seen since the Great Depression.

Members of the President's own party realized the dangers of the 1981 tax law and forced him to accept a tax increase of almost $100 billion in 1982. While many of the business tax gifts were taken back, the unfair individual tax cuts were left intact. As a result, we continue to face Federal deficits approaching $200 billion a year which threaten to choke off any economic recovery.

We must take action now to reduce the Federal deficit and to restore some semblance of equity to the tax system. I strongly support H.R. 1183, which is an important first step toward achieving these two goals.

Limiting the third year of tax cut to $720 for those who file joint returns and $637 for single taxpayers will reduce the deficit by $6.2 billion in fiscal year 1984 and $30.8 billion over the 6-year period from fiscal year 1983 through fiscal year 1988. The tax cap will only affect a single taxpayer earning above roughly $36,000 and a family of four with an income in excess of $46,500.

Mr. Chairman, we have heard a great deal of rhetoric about this proposal which simply is not true. First, the President and others have said this plan will hurt the middle class. The new Republican math seems awfully strange to me; 89 percent of all the revenues raised by this measure will be paid by taxpayers with incomes above $50,000. In my home State of New Mexico, the average worker earns a little over $15,000 a year and will still receive his or her full tax cut under the tax cap plan. In fact, 90 percent of all taxpayers will get their full tax reduction. I guess those who support the President's tax policies think you are a member of the middle class if you earn $60,000 or $70,000 a year. I resent this notion and I think the American people resent being misled.

Second, the tax rate equity act is not a tax increase which threatens economic recovery. Capping the tax cut at roughly $700 would simply scale back the tax cut for the most wealthy. Everyone would still enjoy a tax reduction. Under the $700 tax cap plan, tax reductions totaling $24 billion will go into effect in July increasing purchasing power and helping stimulate the economy. But continuing high deficits, which the President used to warn us about, truly threaten the recovery. These recordbreaking deficits will keep interest rates far too high and will absorb most of the funds available for investment.

Finally, reducing domestic spending is not enough to substantially lower the deficit. It sounds attractive, but it will not work. This is evidenced by looking at the President's own budget proposal. Although he would cut domestic spending by $120 billion over the next 2 years, his budget will still produce a whopping $189 billion deficit in fiscal year 1984 and $194 billion in fiscal year 1985. Certainly we should reduce unwarranted Government spending, but it is time to stop

asking the Nation's needy and less fortunate to pay for the President's economic failures and excessive tax breaks for the rich. The poor, the elderly, the small businessmen, the family farmer, Hispanics, and other minorities all have suffered too much for too long.

Mr. Chairman, capping the third year of the tax cut is a fair and compassionate way of reducing the staggering Federal deficit without further harsh budget cuts. Do we really want to be a nation that awards billions of dollars in tax breaks to our most affluent citizens and then turn around and tell our poor schoolchildren that we do not have enough money to furnish them with a nutritious lunch? Do we want to tell our native Americans that we cannot afford their health and education programs? Do we want to tell our senior citizens they will have to pay more for their health care? Do we really want to tell the unemployed that they will simply have to learn to do without basic human services and job retraining? I hope my colleagues and our President will agree this is not what America stands for and I urge them to strongly support H.R. 1183.

□ 1710

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to this so-called tax cap. I am not a member of the Committee on the Budget and I am not a member of the Committee on Ways and Means. I do not intend to stand up here and talk as an expert on tax legislation. I want to talk about this alleged public support for doing away with the third year of the tax cut, or capping the tax cut.

I suggest that those people who want to ride that horse had better start to check his teeth. Here we have the Speaker and the majority leadership actually trying to play the role of Robin Hood, if you will; taking from the rich and supposedly putting some $6 billion in a small cigar box, hiding it over here behind the Speaker's chair, and then delivering it to the Department of the Treasury and, that is how we are going to actually reduce the deficit.

Well, now, sold that way, I should believe it, but I took my own poll out in western Kansas where I have 58 counties, and in town hall meeting after town hall meeting, I asked folks, "How many of you people would be willing to forego that third year of the tax cut or put a cap on it in order to reduce the deficit?" And about half the people raised their hands; grudgingly, but they raised their hands.

Then I said, "Keep them up folks. I want you to keep them up, because in order to actually reduce the deficit, you are going to have to pay billions more in taxes. Now how many of you want to do that?" Some of the hands went down.

Then the next question: "Given the fact that this Congress is already some $50 billion over last year's budget, some $10 billion over last year's spending levels, and has shown no restraint whatsoever, no restraint on any spending bill here to date, how many of you want to ride that horse and go down that road again?" All the hands came down.

Then there was a pause and some hands came back up and said, "What taxes are you talking about? How are they going to raise this revenue so we can get there from here?"

One of the tax proposals affecting farm country is, yes, we are going to study repeal of farm and small business, estate tax reform, that reform that took us over 4 years to get passed. At that point, Mr. Speaker, there was not a hand showing. And, as one stockman put it, this horse has been rode hard and put up wet.

The CHAIRMAN. The Chair will state that the gentleman from New York (Mr. CONABLE) has 13 minutes remaining, and the gentleman from Illinois (Mr. ROSTENKOWSKI) has 14 minutes remaining.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have not been around here nearly as long as some of my colleagues, and certainly not as long as my colleague, the gentleman from Kansas, who preceded me. Frankly, I do not know whether that is an advantage or disadvantage as we analyze legislation like H.R. 1183.

But there is one thing that I do know, and that is that the people of this country are people of courage and people of commonsense. They understand that it defies commonsense to cut taxes as we face $200 billion deficits. This may be good politics, but it is fiscally irresponsible. They understand that we should not return to the policy of tax and spend, but they also understand that we should not continue the policy of spend and borrow, spend and borrow.

The people of this country want us to have the courage to pay for our spending. Whether it is military spending or social spending, they want us to have the guts to pay for it.

The people of this country understand that the possibility of doubling our national debt in less than 10 years is frightening. The people of this country also understand and are confused about how people of commonsense can stand by and watch this happen.

I also believe the people of this country understand that if we are as serious about reducing deficits as they want us to be, there is only one way to do it: We must reduce spending and delay tax cuts. If we are unwilling to do both, then we better be willing to accept the responsibility for $200 billion deficits that will force up interest rates and will choke off the economic recovery and, in my judgment, threaten the economic stability of the Western world.

I will add that I have already voted against billions of dollars in spending and will continue to do so. But that will not be enough. Delay of the cuts, coupled with spending reductions, is the only way to reduce enormous deficits and begin to move toward that day when we can burn our Nation's credit card.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding this time to me.

Mr. Chairman, today the House has an opportunity to strike a blow for fiscal responsibility and true tax equity.

By passing H.R. 1183, we can continue the process of undoing the mess created by the enactment of the so-called Economic Recovery Tax Act of 1981, that hodgepodge of special interest tax breaks and unfair tax reductions which have sent our Federal deficits over $200 billion.

In 1981, I stood with an outvoted minority in opposing the 1981 Tax Act. I was convinced that the tax reductions were unfair; I knew that the Treasury and the economy could not tolerate the resulting revenue losses: Estimated at $507 billion from fiscal years 1984 through 1986, and over $1.1 trillion during the period 1982 through 1988. The Tax Equity Act which we passed last year will restore only about a quarter of that revenue loss.

In 1982, a bipartisan majority in the House and Senate joined with President Reagan to pass the Tax Equity Act. Despite my differences with the President's overall economic and tax policies, I worked for enactment of that tax bill because it was desperately needed; it was responsible legislation which closed a number of tax loopholes; and it reduced—at least in part—the revenue drain from the 1981 Tax Act. Many of us on this side of the aisle put party differences aside in supporting the Tax Equity Act. The act incorporated sound economic and tax policies; the economic recovery, such as it is since last summer is due in large part to our passage of that measure.

Nevertheless, the gross inequities of the 1981 act are still law. By 1986, corporate taxes will contribute only 6.6 percent of Federal revenues. In 1980,

corporations contributed 12.5 percent of Federal revenues.

Today, we can take a step beyond last year's tax bill and make another midcourse correction on tax policy by passing H.R. 1183. H.R. 1183 is not the major overhaul of the 1981 act which the Nation needs. It is however, far better than no action. It will cut revenue losses by $6.2 billion in fiscal 1984, and by a total of $38.8 billion in the 6-year period 1983-88.

The Tax Rate Equity Act of 1983 changes to tax rate schedules set by the 1981 Tax Act by establishing a cap of approximately $700 on the maximum reduction resulting from the third year of the tax cuts enacted in 1981. The maximum tax reduction would be $720 for married taxpayers filing jointly, $673 for unmarried taxpayers filing as heads of households, and $637 for single taxpayers.

Every person who earns enough to pay taxes will be taxed less under this bill. The difference between H.R. 1183 and the 1981 tax bill is that those taxpayers who got a disproportionately large slice of the 1981 tax cut will get less for this one. This bill would still insure most Americans the full tax reduction on July 1; but comparatively, it will do more for those Americans who have not yet received their fair share of the 1981 tax provisions.

Ninety percent of taxpayers would receive the July 1 tax cut in full; the remaining 10 percent would receive reductions up to the cap, in addition to keeping the benefits which they have already received.

The Joint Committee on Taxation estimates the 98 percent of the revenue generated by this bill will come from taxpayers with incomes above $40,000. In fact, 42 percent of the revenue generated by this bill will come from taxpayers with incomes greater than $100,000.

The cap would reduce tax cuts for a married couple with two children with income of above $46,000, and $35,714 for a single taxpayer.

This legislation is equitable in that it would shift slightly the benefits of this tax reduction to middle- and low-income taxpayers.

H.R. 1183 is not drastic legislation. It will not give the American people the equitable tax system which they deserve, nor will it end the disastrously high deficit levels. Much more far-reaching tax reform is needed to achieve that goal.

I cosponsored H.R. 1183 earlier this year. I cosponsored similar legislation in the last Congress. I am proud to have done so, and proud that the House is voting on it today.

I urge my colleagues, both Republican and Democratic, with whom I joined last year in passing the Tax Equity Act, to join with me and other supporters of H.R. 1183 in the same bipartisan spirit.

H.R. 1183, the Tax Rate Equity Act of 1983, is not a tax increase bill. Every taxpayer will still receive a tax reduction on July 1. The issues are fairness and fiscal responsibility. To those of my colleagues who are concerned about the unfairness of the 1981 Tax Act, I say vote "yea." H.R. 1183 will make that act a little fairer to the people we represent here. To those of my colleagues concerned about the size of the Federal deficits, I say vote "yea." H.R. 1183 will cut significantly revenue losses. To those of my colleagues who share my concern for both fairness and fiscal responsibility, I say that a yea vote is doubly blessed.

I urge the House to pass H.R. 1183 by an overwhelming margin so as to encourage our Senate colleagues to join with us in sending H.R. 1183 to the White House.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. I thank the gentleman for yielding this time to me.

Ladies and gentlemen, the Tax Rate Equity Act of 1983 should read "The Financial Disincentive Acts of 1983." The tax cut "cap" is a madcap. Why? If we look at the creation of new jobs, if we look at the creation of new products, of new processes, of high technology, where are they coming from? They are coming from precisely the income range, the middle-income range, that is being attacked by this so-called Equity Act.

We are applying disincentives to the very innovators and entrepreneurs that we are looking to to pull us out of low productivity, low savings and investment and flagging competitive edge. We are giving them a signal that says, "Do not work harder. Do not leave corporate America and go out on your own because if you want to make it big on your own in this country, you are going to have to jump this big new hurdle." "Surprise Mr. or Mrs. Inventor, we have just changed the rules of the game." Permanently.

The Democrats are telling the most productive people in the American society that they cannot get ahead, that they should be punished. The impact on our overall economic picture is enormous. The people who will provide the new innovations, the new jobs and economic growth are saddled with this madcap.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. EMERSON).

Mr. EMERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I tried to engage the chairman of the Rural Caucus in a colloquy, but could not get him to yield. I just wanted to ask the chairman of the Rural Caucus if the farmers and smallbusiness people of rural and smalltown Oklahoma are really that different from rural and smalltown Missouri? Do his farmers and small business people really want to go back to the practice of his widow or heirs having to sell the family farm to pay estate taxes? If he is for this bill, that is what will happen.

□ 1720

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I just wanted to make the point that this debate is almost the flip side of the debate that was held in this Chamber in 1963 and 1964. At that time the Democratic Party offered, under the leadership of President John F. Kennedy, 25 to 30 percent across-the-board permanent reduction in income tax rates on each and every American. That was opposed by the Republican conservatives because they thought it would increase the deficits and lead to a recession. All the arguments were exactly the reverse of what we are hearing today. I am glad to see my party arguing the case for another round of tax rate reductions.

The gentleman from California (Mr. LUNGREN) has earlier quoted former President Kennedy as saying:

> The purpose of cutting taxes, is not to create a deficit; but to increase investment, employment and the prospects for a balanced budget.

Indeed, Mr. Chairman, those cuts in the tax rates in 1964 eventually passed under President Johnson led to more revenue and helped bring unemployment down from 6 to 4 percent. The deficit went down, and we balanced the budget in 1965.

Everything is not perfect today obviously, but we are in the foothills of economic recovery. We want to expand that recovery and bring down unemployment from 10 percent to 5 percent and 4 percent. We need full employment in America and price stability, that is our goal.

Incidentally, the Speaker of the House, the distinguished gentleman from Massachusetts, voted for that 30-percent across-the-board tax cut in 1964. So did the chairman of the Rules Committee. the gentleman from Florida (Mr. PEPPER). So did the chairman of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSTENKOWSKI). It was fair then, and our cut was fair in 1981, because the Kemp-Roth bill was based on the 1964 tax cut.

I am sorry and disappointed that this debate has become so partisan. There was bipartisan support for cutting all rates, lowering the top rate and cutting capital gains rates. These were cosponsored by the gentleman from Oklahoma (Mr. JONES), the gentleman from Illinois (Mr. ROSTENKOW-

SKI), the gentleman from New York (Mr. CONABLE), and many, many more. There were friends on both sides of the aisle who cosponsored lower rates and now all of a sudden they want to do a mea culpa and apologize or criticize those earlier actions that are helping lead a recovery. Savings, investment, venture capital and income are all rising.

We should not be raising taxes right now, we should be advancing another round of tax rate cuts.

In 1978, we cut the top rate on capital gains from 49 percent down to, I believe, 28 percent. It went down to 20 percent in 1981. We cut the corporate tax rate in 1978, and as the gentleman from Minnesota (Mr. BILL FRENZEL) pointed out, we lowered the personal rates or adjusted all the brackets across the board in 1978, and in 1981 we followed on the principle that if we are going to cut taxes, we should do it across the board. We lowered the 70-percent bracket to 50 percent and as I said earlier, revenues went up and are helping finance the cuts in the lower brackets.

I think there is only one Member in this whole Chamber who wants to go back to a tax system as inefficient as the previous tax system, and that is the gentleman from Massachusetts (Mr. SHANNON). He thinks we should go back to a 70-percent rate. I could not get any time at that point to go into a debate with him, but I would point out to my colleagues that by cutting the brackets from 70 percent to 50 percent, revenues from wealthy Americans have gone up by 16 percent from 1981 to 1983. The tax on the high incomes has actually gone up as revenues rose by 16 percent from 1981 to 1983. High tax rates discourage earning taxable income and encourage tax shelters.

As the gentleman from New York (Mr. CONABLE) pointed out, this is not a cap; this is a permanent change in the Tax Code, because if you have about $31,000 of taxable income and you are single, in effect your tax bracket will jump from the 28-percent marginal tax rate to the 37-percent marginal tax rate. That is a 30-percent increase in the marginal tax rate on the next dollar you earn over $31,000 of taxable income if you are a single working man or woman. Mr. Speaker, that is a distortion of the Tax Code and will not help but hinder.

The gentlewoman from California (Ms. FIEDLER) pointed out that this so-called cap reimposes the marriage penalty. In effect, we are taxing married women who go to work to maintain their standard of living. It seems to me that this is not fairness, and it is not equity.

Incidentally, a $10,000 income compared to a $50,000 income, the $50,000 income actually gets a tax cut that is proportionately the same. Now, the Members who will follow me will say, "Well, the dollars are higher." They are higher because the $50,000 income pays 25 times as much tax as a person earning $10,000. So if we cut the rates across the board, obviously the dollar tax cut is higher but fairness and equity are not endangered. All rates are too high.

Mr. Chairman, in 1964 the rates were cut by 30 percent, and, as I said, that was supported by the distinguished Speaker, the gentleman from Massachusetts, who now says that the cut in the tax rate is unfair under this President. Now, it seems to me that what was good for this country in 1964 and what was good for this country in 1978 is still good for this country in 1983.

Mr. Chairman, the way to reduce deficits is to make the economy grow. We should not interfere with an economic recovery, and I ask the Members to vote down the tax increase that would place a surtax on middle-income Americans at the wrong time and in the wrong way.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ROWLAND).

Mr. ROWLAND. Mr. Chairman, I do not believe that we are going to reach any agreement today on whether or not H.R. 1183 raises taxes or limits cuts, but I believe we are all in agreement on the need to reduce the budget deficit.

I rise in support of the amendment offered by the gentleman from Oklahoma to link the level of the third-year tax cuts with the ability of the Congress to reduce spending by the same amount.

I certainly do not support taking money out of the pockets of the American taxpayer to use for increased Government spending, but neither do I support offering exorbitant tax breaks when we are facing a $200 billion deficit.

When the 3-year tax reductions were proposed in 1981, the assumption was that the economy would improve, the budget would be balanced, and the Government could afford to give the taxpayers some relief.

We have seen our deficit go from $57.9 billion at the beginning of this administration, and two tax cuts later, it is approaching $200 billion.

There is simply no logic in giving taxpayers a few more dollars to spend in a sick economy, when the Government's efforts to cover the deficit are keeping interest rates artificially high.

There has also been no evidence to indicate that the tax reductions of 1982 have resulted in any increased spending or saving by those who benefited.

Most of those individuals in the $50,000 to $100,000 income bracket will not experience significant changes in their lifestyles with the additional 10-percent tax cut.

The point is, however, that we must be equitable in the distribution of the burden of financing our Government. Although many here say that to cap the tax cut will mainly affect those taxpayers under $50,000.

Perhaps this is true, in absolute numbers of people—for a rather obvious reason. The majority of the population falls into this category.

But the fact remains that 89 percent of the revenue generated by the cap will come from those making over $50,000.

Are these the middle-income Americans we are trying to protect? If demographics are of any importance in this discussion, and I think they are, I would like to point out that in my district, less than 3 percent of the population earn more than $50,000, and the average income is around $16,000.

Approximately 88 percent of my district will not be affected in any way by the most liberal estimates. This 88-percent figure is quite generous, because the assumptions upon which it is based are that all of my constituents are single, have no dependents, and do not itemize on their tax returns.

In talking with the people of the eighth district, I have been told time and time again that individuals are willing to forgo the third year tax cut completely, but only if the additional revenue is applied toward the deficit.

This legislation does not seek the repeal of the tax cut, but a fair compromise that the American people can live with, if the deficit is reduced by the same $6.2 billion that will be generated.

But I am still concerned that a faulty perception exists that Congress is voting to increase the taxes of every working American, and this is just not true.

If there is a smokescreen to hide behind in this issue, it is one of protecting the wealthy of this country to the detriment of the middle- and-lower income people.

Now is the time, if the Members of this body are sincere in their commitment to lower the deficit, to vote for the McCurdy amendment and for final passage of H.R. 1183.

These actions are indicative of a desire to do more than pay lipservice to reducing the budget deficit. I urge my colleagues to take this opportunity to show their true concern over our Nation's overall economic health.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LEHMAN).

Mr. LEHMAN of California. Mr. Chairman, during his campaign for the Presidency, Ronald Reagan presented himself as a magician who would do the impossible for the American people. Mr. Reagan pledged to

make the Federal budget deficit disappear while also reducing Americans' taxes by 25 percent.

In 1981, the Congress helped President Reagan reduce taxes by passing his 3-year tax cut. Thus far the President has failed to "pull a rabbit out of his hat" and reign in the Federal budget deficit. Rather than reduce the deficit, the President has proposed a 1984 Federal budget with the largest deficit in history.

Well, Mr. President, the magic show is over. Your mirrors and trap doors and creative financing have all been exposed. Your potion of voodoo economics has poisoned our economy. Your attempt to mesmerize the average American into believing that the third year of your tax cut is anything but a windfall for wealthy America has failed.

This measure will only affect the wealthiest 10 percent of America's citizens by limiting their windfall from the third year of the tax cut to $700. The remaining 90 percent of Americans will be unaffected by the bill. In the process, we will reduce the Federal budget deficit by $6 billion; $12 billion if the McCurdy amendment is passed.

It may not be as grand a feat as President Reagan originally claimed he would perform, but it represents a major step toward restoring equity to our tax codes while reigning in the Federal budget deficit as well.

It is for these reasons that I urge my colleagues to join me in supporting H.R. 1183.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. Mr. Chairman, I will not reiterate the facts and figures regarding the fairness issue or the equity issue of the tax cap. Those have been pointed out. The gentleman from Missouri (Mr. GEPHARDT) and the gentleman from Massachusetts (Mr. SHANNON), along with others, have pointed out that there is no fairer way to get the $6 billion in revenues. The President's proposals of gasoline taxes, surcharges, excise taxes, and stand-by taxes are far less fair in terms of their incidence by income grouping.

But I do want to comment to my colleagues on the issue of why we should indeed raise taxes in a recovery. That "Don't raise taxes in a recovery" has been the repeated cry this afternoon by the Republican side of the aisle. They claim that it would be disastrous to raise taxes during a recovery.

Tax cuts, Mr. Chairman, do not by themselves spur recovery. We have seen the longest and the most severe period of recession in this country's history take place during the same period of time as we have had the most massive tax cuts in our history. We have seen that tax cuts by themselves do not lead to recovery.

What does lead to recovery is lower interest rates. Lower interest rates are the key to economic recovery. Those interest rates, while lower right now, are on a knife's edge, and they are going to go up and go up very fast once the recovery begins to take hold and private and public borrowing collide, as they are bound to do.

This tax cut cap is as fair as any other way of raising $6 billion, far fairer than the Reagan proposals.

But just as importantly, this tax cut cap is a first step in reducing the deficit, lowering interest rates, and spurring—rather than impeding—the recovery.

● Mr. BORSKI. Mr. Chairman, today we are considering one of the most important pieces of legislation to come before this House, the Tax Rate Equity Act of 1983.

Let us be clear. This legislation is not an attempt by Democrats to raise taxes. It is not a tax increase.

It is an effort to get rid of basic unfairness in this administration's tax policies. To send this administration a message that its reliance on working class Americans to carry the tax burden is unacceptable.

When this administration came into office, we were promised across-the-board tax relief for all Americans. But the 3-year tax cuts have meant little or nothing for most of us. Only the wealthy have benefited.

After inflation, social security tax increases and other tax hikes are considered, taxpayers earnings less than $10,000 will have their tax bills increased by 22 percent compared with 1980. Similarly, families earning $10,000 to $15,000 will face tax increases of 7 percent and those earning between $15,000 and $20,000 will pay 2 percent more.

But for those Americans making more than $200,000 this administration's tax program is a windfall. It gives them a $60,000 tax break during the 3-year period.

We need a more equitable and sensible tax program.

H.R. 1183 marks a good beginning. It limits the final installment of the 3-year tax cuts to a maximum of $720 per joint return. It shifts the tax burden to those who can most afford it, the upper 10 percent of all taxpayers.

This bill preserves the full tax cut which middle-class families expect to get under present law; 90 percent of all taxpayers will receive exactly the same tax reduction as they would under the administration's program.

What this bill does is to make it clear to the American people that we care who carries the tax burden. That we reject tax cuts which favor the wealthy at the expense of working class Americans.

A good example is this administration's program for a family of four. A family of four with an income of $100,000 will get back over $2,000 in the final tax cut. While the same family of four with an income of $20,000 will get back only $164.

That kind of disparity is unjustified. That kind of disparity must be eliminated.

It has been nearly 2 years since the 3-year tax cuts went into effect. The administration promised economic prosperity.

Instead, we have experienced the most dramatic surge in Federal deficits in this Nation's history, deficits which have kept interest rates high and employment low, deficits which have forced State and local governments to raise taxes to make up for lost Federal moneys.

My own State of Pennsylvania has lost almost $260 million in Federal aid since 1981. Faced with an estimated $500 million deficit for next fiscal year, the worst budgetary outlook for Pennsylvania since 1970, the legislature is likely to raise taxes, taxes which working men and women will have to pay.

And the city of Philadelphia is in the same sad condition. City taxes on wage earners and business will have risen by 15 percent by 1984. Personal property taxes will have gone up by 21 percent and real property transfer taxes will have increased by 150 percent. These tax increases are driving business and investment from the city and shrinking the city's tax base even further.

It took the Government of the United States more than 192 years to run up a debt of $1 trillion. Unless we act now, the Congressional Budget Office estimates that it will take the Reagan administration less than a decade to double that amount.

Without imposing any new taxes on the American people, H.R. 1183 will give the U.S. Treasury an infusion of $37 billion by 1988. It will put this country back on the road to fiscal integrity and sustained economic recovery. It is an essential step in restoring fairness to the American tax system.

• My colleagues, let us not miss this opportunity to show the American people our commitment to tax equity and financial commonsense.

I urge you to join me in supporting H.R. 1183.●

● Mr. SHELBY. I rise in opposition to H.R. 1183, the so-called Tax Rate Equity Act placing a cap of approximately $700 on the third installment of tax cuts provided by the Economic Recovery Tax Act of 1981.

It is distressing to see the leadership have to resort to such ill-conceived measures as this in a blatant and inevitably futile attempt to scramble aboard the train of economic recovery. There has been no more ludicrous an effort so far in this Congress to repre-

sent a proposal as doing one thing when, in point of fact, it does precisely another.

In this case, the supporters of the Tax Rate Equity Act, in keeping with their incessant cries of "this administration's policies are weighted toward the rich," propose to reduce somewhat the disproportionate share of the tax cuts enjoyed by the upper-income groups—all for the cause of promoting fairness. Instead of inflicting pain upon those fat cats this bill aims to harm, nearly half of the taxpayers who face a tax increase as a result of the bill are below the $50,000 income level. Can you really call a two-earner family with income of $39,000, two children about to enter college and a mortgage to pay, wealthy. Certainly not—they are the fiber that keeps this country strong, the middle class, and they are going to be soaked again by a spending-hungry Congress.

We are simply not willing to take ourselves by the neck in Congress and confront the real reasons we have such unacceptably high deficits in this Nation—we have allowed our Federal budget to grow almost completely out of control. I say almost because I still believe there is a broad, rational consensus in this Congress to get a handle on Government spending, and not continue to disguise our problems by claiming we tax our citizens too little.

Mr. Speaker, nearly 80 Members of your own party signed a letter regarding the situation of our staggering mega-deficits and the most fiscally responsible way to address that all-encompassing concern. As one who signed that letter, I joined my colleagues in supporting an eminently superior approach to reduce the deficit—tackling and pinning down uncontrolled spending. To take the course set before us today and cap the third year of the tax cut, without an accompanying cap on spending is, as syndicated columnist R. Emmett Tyrell, Jr., calls it: "Robin Hood" economics and should be resoundly defeated as the fairy tale it is.●

● Mrs. SCHNEIDER. Mr. Chairman, I rise in opposition to H.R. 1183, legislation to cap the third installment of the Tax Reduction Act of 1981. I do so reluctantly, because there is little question that revenues are needed to close the deficit. Unfortunately, though, the majority is not dealing with the real problems in our tax system.

There is a reason that Rhode Islanders favored the 1981 personal cut by a 19-to-1 margin, and it is that individuals of low- and moderate-income pay a disproportionate amount of taxes collected by the Government, while corporations and extremely wealthy individuals can take advantage of numerous breaks and end up paying a very small percentage of our country's tax collections. Therefore, it is a small wonder that Rhode Islanders and other Americans so heartily supported a direct, across-the-board reduction in their tax rates for a change.

The Democratic majority claims to have taken this attempt at equity a step further. But have they? Let us take a look at the facts:

In response to Democratic requests, the 1981 bill contained a 50-percent cap on individual tax rates. Therefore, this so-called cap means nothing for the wealthy, but instead places a $6 billion burden on married two-earner couples and others in the broad middle-income groups who are struggling to make it.

This is not tax reform. Tax reform is getting the IRS off the backs of the average American wage earner and onto interests which do not pay their fair share. In this country, we have a progressive tax system—meaning that if you make more, you pay more. Unfortunately, huge loopholes, deductions, tax shelters, and other income diversions have ridiculed the very concept—meaning that profitable corporations and wealthy individuals end up having, in effect, lower tax rates that those making less and living only on their salaries.

Of the 8 million returns which will be affected by this legislation, about one-half are two earner couples, which includes those making close to but less than $20,000 per year each.

For example, what about the machinist at our Quonset Point or Groton facilities, in my area, who makes $19,500 per year, and his wife, a teacher, who makes $19,000 per year. Together, they make $38,500, but this bill would increase their tax liability by 9 percent. I say let us catch a few tax dodgers and close a few loopholes instead.

Since individuals make up the vast majority of the tax base, it only makes sense to make up new revenue in other ways—but the Democratic majority will not hear of it. For example, why not:

Enforce the windfall profits tax better, and collect billions over the next few years?

Repeal expensing of intangible drilling costs and collect $15 billion from oil companies over the next 5 years?

Mr. Chairman, this type of legislation is not a sensible way of dealing with problems. I ran for office because I was exasperated with what seemed like band-aid solutions to problems, instead of going after their causes. This bill only exacerbates the situation of individuals having to pay more than a fair share of Federal revenues.

During the past few years, I have repeatedly said that I would vote for repeal of the third year of the tax bill altogether if that was necessary for economic recovery. Fortunately, our economy is expanding at a high rate and unemployment is edging down. Now is exactly the time we should be looking at long-range tax reform, not business-as-usual. Some day, we may be back in position to have to raise individual taxes to deal with economic problems, and I for one will have the courage to do so. But I am not ready, in an expanding economy, to put the squeeze on two-earner families and individuals making incomes in the moderate $20,000 range when reform will raise the revenues from those who should have been paying all along.●

● Mr. BROWN of California. Mr. Chairman, since this administration entered office 2½ years ago, it has asked middle- and lower-income Americans to make tremendous sacrifices in order to institute an untested economic theory. Overall, it has cut $223 billion in programmed domestic spending for the years between 1983 and 1986. It has cut student loans, school lunch subsidies, aid to families with dependent children, and other vital programs.

Upper income groups must now be asked to forgo a part of the benefits they are scheduled to receive. Until now, this group has benefited the most from the Reagan policies. Despite all the rhetoric, the combined effect of the 25-percent tax cut, offsetting tax increases, and higher social security taxes has actually increased the tax burden for those earning under $30,000—and the less one makes the more burdensome it is. Those earning under $10,000 a year are paying taxes 22 percent higher than before these policies were implemented. However, those earning over $30,000 have received a net benefit of between 1 to 15 percent in lower taxes. It is time for those who have received the most benefits to share some of those benefits.

Today we have before us a proposal, the Tax Rate Equity Act, which would limit the scheduled July 1 tax cut to roughly $700. Everyone would still receive a much deserved tax cut; those earning under $30,000 would not be affected, and those earning between $30,000 and $40,000 would only be minimally affected. But for those earning above $50,000 some sacrifices would be asked. The tax cap is expected to produce revenues of $6.2 billion in fiscal year 1984, and $38.8 billion over the 6-year period from fiscal year 1983 through fiscal year 1988. Sixty percent of this revenue would come from those earning over $75,000, 29 percent from those earning between $50,000 to $75,000 and 11 percent for those earning under $50,000. This proposal truly asks of those who can afford it.

The budget compromise worked out earlier this week by the House and Senate has a Federal deficit of $170 billion. While the $6.2 billion in increased revenues from this cap will not

substantially reduce the deficit, it will make two statements: one, that Congress is serious about coming to terms with a deficit caused in part by the implementation in 1981 of the Economic Recovery Tax Act (ERTA), and exacerbated by a long and deep recession; two, that the sacrifices which will need to be made to reduce the deficit will be made by everyone, not just those who can least afford it.

I encourage my colleagues in the House, and those in the other body, to support this measure. And I encourage the President to look beyond partisan and Presidential politics, and toward methods to reduce the deficit with fairness and justice for all.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 1183, the Tax Equity Act of 1983. As the Members know, this bill would place a cap of approximately $700 on the amount of tax reduction individual taxpayers would receive under the third year of the 1981 tax cut. This proposal is both fair and necessary, as we in the Congressional Black Caucus recognized when we included it in our alternative budgets.

It is fair because it would partially offset the inequities of the Reagan-Kemp-Roth tax cuts which gave the rich large reductions in their taxes and small or modest reductions to everyone else. It would mean that families with approximately $45,000 in adjusted gross income and individuals with approximately $35,000 in adjusted gross income would still receive the full amount of the tax cut, while those with incomes above these amounts would still receive a tax cut of $700, but not the excessive tax cuts they would otherwise receive.

This bill is necessary because it would partially offset the large revenue losses and enormous deficits created by the Reagan program. At a time when deficits are projected to rise to more than $200 billion, this measure will help to reduce those deficits by $6.2 billion in fiscal year 1984, $7.1 billion in fiscal year 1985, and $7.6 billion in fiscal year 1986. This is not of course sufficient to eliminate those deficits, but it is a necessary step we must take toward that goal.

For those Members who are concerned that this proposal will stifle the recovery, let me say this. The recovery we are now experiencing is being and will be lead by consumer spending, not by the business investment envisaged by the Reagan program. When the subcommittee which I chair—the Subcommittee on Domestic Monetary Policy of the Banking Committee—held hearings last month on risks to the recovery, a number of prominent economists warned that the recovery would be jeopardized if consumers saved instead of spending. These economists cited several reasons why consumers might be more inclined to save, including the high real interest rates brought about in part by this administration's deficits, and "the tax law changes (which) have shifted the distribution of after-tax income to upper-income households, who tend to save at high rates."

To get the most stimulus to consumer spending from this year's tax cut, several of these economists specifically recommended capping the third-year tax cut, both to help bring down interest rates and to distribute more of the after-tax income to the lower income families who will spend it now, when we need consumer spending. So, I think there is firm evidence that this proposal would not only not impede recovery, but might actually make the recovery stronger and more sustainable.

STATEMENT BY SANDRA SHABER, PH. D., DIRECTOR OF CONSUMER ECONOMICS, CHASE ECONOMETRICS, PRESENTED TO SUBCOMMITTEE ON DOMESTIC MONETARY POLICY

It is an honor to be here this morning to present my views. My remarks today will focus on the role of consumer spending in a continuing recovery, with particular emphasis on the issue of high interest rates. The views and forecasts I present are not necessarily those of the Chase Manhattan Bank, N.A., the parent company of Chase Econometrics/Interactive Data Corporation.

SUMMARY

Although an economic recovery is now well underway, growth has been slow thus far and promises to remain so in the period ahead. The chief problem is persistently high real rates of interest, which are likely to have lingering adverse effects on business investment, foreign trade, housing, state and local government spending, and consumer demand. Assuming that rates ease slightly in the period ahead, the economy is expected to continue modest recovery. However, a rebound in interest rates, most likely stemming from a more restrictive monetary policy and/or pressures on credit markets from expected or actual growth in the federal deficit, would clearly jeopardize recovery in the U.S. and abroad.

With most other components of final demand likely to remain weak in the near-term, a sustained economic recovery depends upon expanded consumer spending. Demand, in fact, has improved in recent months and stronger income gains should provide further stimulus in the period ahead. Nevertheless, high interest rates cloud the prospects for consumer spending, as well as for economic growth generally. Apart from their effects in dampening the growth of output, employment, and income—and thus living standards, high rates discourage credit purchases, especially in such key markets as housing and autos. Further, high rates add to the array of incentives to save and, even at current levels, could divert more income from spending to saving at a time when stronger spending is vital to economic recovery. A sustained surge in interest rates would compound these problems and cause additional damage to consumer spending by reducing the value of financial assets.

Although nominal interest rates have fallen from four to six percentage points during the past year, they remain extremely high in real terms. The major reason, especially in the case of longer-term rates, appears to be uncertainty over the course of monetary and fiscal policy and, especially, the fear that soaring deficits will drive up interest rates if the Fed monetizes the debt, or rekindle inflation if continued strong growth in the money supply is permitted. Although the declines in mortgage and auto loan rates roughly correspond to the fall in other long-term rates, other consumer finance rates have been considerably more resistant to downward pressures. Consumer loans generally are treated as long-term credit and are subject to the same factors that have kept other long rates high; in addition, consumer credit is viewed as riskier and more costly to handle than business credit. But these conditions have been compounded by bank deregulation, by the declining importance of nonprice mechanisms for allocating scarce credit, and by the costs associated with the many new high-yield financial instruments available to households. The high rates charged by retailers for revolving credit reflect similar circumstances—the emergence of a new financial environment characterized by fears of renewed inflation, and the greater risks of consumer lending.

Recent surveys suggest that consumers perceive credit conditions as improved compared to last year, and only a small fraction report that they are postponing purchases because of high interest rates. Apparently, mortgage and auto rates are the most significant to the public, and declines in nominal rates are more important than the level of real rates. Further, consumers seem to adjust to varying credit conditions and evaluate them in terms of other economic factors, principally trends in income and employment.

Since concern over the federal deficit in the years ahead is a major factor keeping interest rates high, measures to reduce the size of these deficits are essential to assuring a sustained economic recovery. Reducing the deficits, which are most worrisome once recovery is well underway, will require both spending cuts and tax increases. These steps, however, should prevent any further shift in the distribution of after-tax income to upper-income groups who tend to save large fractions of income. What is needed now is stronger final demand in order to sustain recovery, stimulate business investment, and so promote productivity and economic growth in the years ahead.

RECENT ECONOMIC TRENDS

One after another, indicators released during the past several weeks confirm that an economic recovery is well underway. Initially, the stimulus came primarily from less liquidation of inventories after record cutbacks last year, a rebound in housing, and small increases in consumer spending; more recently, industrial production has risen and there have been further gains in consumer spending. Despite the welcome news, however, growth thus far has been slow and is likely to continue at a modest pace compared to previous recovery periods. The principal factor dampening this recovery is persistently high real interest rates which will have lingering effects on sensitive sectors including business investment, foreign trade, state and local government expenditures, housing, and consumer spending. Even this modest outlook, however, assumes that interest rates ease slightly during the year ahead. On the other hand, a sharp rebound in rates—a development which would most likely stem from a retightening of monetary policy and/or pressures on credit

markets from expected or actual increases in the federal deficit—would choke off recovery in the U.S. and most likely curtail growth internationally.

Since most other components of final demand are likely to remain weak during most of this year, a sustained recovery is dependent on growth in consumer spending. Consumer demand has, in fact, improved in recent months after considerable sluggishness early in the year (see Figure 1). And, after a considerable period of caution on the part of both households and lending institutions, consumer credit demand is rising, reflecting increasing purchases of autos and other durable goods (see Figure 2). In addition, there are good grounds for expecting a further expansion in consumer spending, especially in the second half of the year:

Tax refunds in the current quarter, the mid-year cuts in personal tax rates, modest job growth, and moderate inflation will boost real income growth significantly in the period ahead.

Consumer confidence has risen considerably, reflecting public perceptions that economic conditions are continuing to improve.

Installment debt remains modest, with the debt-to-income ratio now down to levels prevailing in the mid-1970s.

The stock and bond market rallies have significantly increased the value of financial assets, at least for middle- to upper-income households (see Figure 3). This increase will stimulate some additional spending and, just as important, lessen the likelihood of a jump in the personal saving rate.

A sustained increase in prevailing interest rates, however, would significantly weaken even the modest expansion in demand now expected, both by reducing credit purchases and by increasing the attractiveness of personal saving.

INTEREST RATES AND CONSUMER SPENDING

Although continuing growth in consumer spending is most closely related to gains in real income, especially wages and salaries, interest rates remain an important factor. On balance, a slight downward trend in interest rates is likely to permit a moderate rise in expenditures, although—as will be discussed in more detail below—there is a significant possibility that these levels are high enough to drive up the personal saving rate once income growth strengthens. Apart from their effects through another downward spiral of output, employment, and income, a new surge in interest rates would have serious adverse effects on consumer demand, especially in such key sectors as autos, housing, and household-related durable goods. Further, a likely rise in saving and a drop once again in the value of financial assets would aggravate the effects on demand.

Recent surveys provide evidence of several interesting relationships between interest rate trends and consumer attitudes. Despite the fact that interest rates remain high in both real and nominal terms compared to historical averages, large numbers of consumers mention the availability of lower rates as a reason for greater optimism. This reaction suggests that: (1) Changes in nominal rates are more important than real rates to spending decisions; (2) Consumers adjust to new rate levels and evaluate them in the context of such other factors as jobs and income; (3) Mortgage and auto loan rates must be most significant to consumers since these are the only types of consumer credit for which rates have fallen significantly since last year. It may be also be the case that, given the volatility of interest rates generally in recent years, consumers do not expect further declines and, in fact, may fear that rates will rise once again. In any event, fewer and fewer consumers are now reporting that they are postponing credit purchases because of high interest rates.

A RISE AHEAD IN THE PERSONAL SAVING RATE?

The personal saving rate, which averaged a fairly low 5.9 percent in the first quarter, has declined steadily since mid-1982 when the second phase of the personal income tax reductions became effective (see Figure 4). It was this drop in personal saving, together with the willingness on the part of some consumers to draw upon accumulated assets, which helped finance the growth in spending since last fall, a period of extremely weak growth in real disposable income. This fall in the saving rate when income growth is poor is to be expected. Consumers tend to adjust spending to long-term expectations of income growth and resist the reduction in living standards implied by a period of slower income growth, presumably temporary. As income returns to its trend rate of growth during recovery, the saving rate can be expected to return to some higher, more "normal," level. For a variety of reasons, the increase in the saving rate in the period ahead could be especially large:

Many new incentives for private saving were introduced by the Economic Recovery Tax Act of 1981. Lower marginal tax rates increase the after-tax return to saving and the after-tax cost of borrowing. The Individual Retirement Account (IRA) provisions of the tax law were extended to the entire working population. In addition, the top marginal tax rate on capital gains was reduced.

High real rates of interest, together with the removal of interest-rate ceilings on deposits and the introduction of many new high-yield financial instruments, have broadened saving opportunities for an increased number of households.

According to most studies, the tax law changes have shifted the distribution of after-tax income to upper-income households, who tend to save at high rates.

Many of these changes, of course, were intended explicitly to boost savings, increase the supply of loanable funds, and so stimulate investment, productivity, and economic growth. However, since they are coming into effect in a period of extreme economic slack, it is important to note that their success in increasing saving also dampens consumer spending. To the extent that growth in final demand is depressed, higher savings will have the perverse effect of discouraging fixed investment and weakening future growth in productivity and output.

A modest recovery this year will generate growth in real disposable income at a 4 percent annual rate during the remainder of the year, or 2.5 percent for 1983 as a whole. These income gains, together with the assumption that the personal saving rate will rise only moderately in the months ahead—to about 6.4 percent of disposable income in mid-year and slightly lower by the end of the year—implies that real consumption will increase at about a 3 percent annual rate in the current quarter and about 4 percent in the second half. The result would be a 3 percent increase in real expenditures this year and about 4 percent in 1984 and 1985. A sharper and sustained increase in the personal saving rate—toward 7 percent or higher—would result in significantly less growth in consumer demand and a significantly weaker recovery. This development, a major forecast risk even with the assumption that interest rates ease both nominally and in real terms in the period ahead, becomes a more significant possibility should interest rates rise.

WHY ARE CONSUMER FINANCE RATES STILL HIGH?

Most consumer lending, including auto and personal loans, is treated as long-term credit and follows a similar pattern, although consumer credit rates are somewhat higher because of greater risks and higher processing costs. To the extent that uncertainty over public policy and fears of rebounding rates and renewed inflation are keeping real long-term rates high, they are affecting consumer interest rates in much the same way. Thus mortgage rates have fallen about four percentage points since the peaks reached in 1981, while rates on new car loans have fallen about five percentage points during the same period. These declines are similar to the pattern in other credit markets: Long-term corporate bond rates and utility bond rates have also fallen about five percentage points, while three-year Treasury bonds have declined about six percentage points.

The situation is quite different with respect to other types of consumer lending, where rates have remained in the 16 percent to 18 percent range and even higher. For many commercial banks and savings and loan institutions, the upward pressure on consumer credit rates appears to stem in large part from deregulation and the emergence of high-yield private deposit instruments. These new deposits can be drawn down quickly and are especially vulnerable to the rebounding interest rates associated with volatile credit conditions. The higher costs and risks associated with these deposits, it is argued, require higher charges for consumer credit. The tendency in recent years for the states to remove or raise interest rate ceilings on consumer credit adds to the pressure. In earlier years, very little credit would have been available to households during periods of tight money and credit. Under deregulation, credit, including household credit, is allocated through the price mechanism of higher interest rates. The revolving credit rates charged by retailers have also remained high, apparently reflecting an adjustment to a new financial environment and high inflation. For many years, these rates were determined largely by marketing considerations and remained fairly stable despite changes in prevailing rates or in price trends. That era appears to have ended. Now not only do credit operations seem to be handled separately, but retailers argue that they must cover the processing costs of revolving credit associated with these customers who do pay within the normal thirty-day period.

POLICY RECOMMENDATIONS

Even with an economic recovery, the federal deficit will continue to rise in the years ahead and will remain extremely high relative to GNP, total credit available, and net savings. This trend reflects the fact that the combination of tax cuts and increases in military spending, most of which have yet to come, will far offset cuts in nondefense spending, much of which has already occurred. These rising deficits, particularly during a period of recovery and rising credit demand, may keep interest rates too high to permit satisfactory economic growth or may even precipitate another recession. This pressure on rates from rising deficits will stem from either the direct effect of greater Treasury borrowing, assuming the Fed does

not fully accommodate this borrowing, or from accelerated inflation, if it is financed by continuing rapid growth in the money supply. There is some evidence to suggest that anticipation of either of these developments is already serving to keep long-term interest rates higher than they might otherwise be in view of depressed economic conditions and the Fed's apparent shift to a less restrictive monetary stance.

The Administration's recent budget proposals recognize the problems posed by the impending deficits and offer various proposals designed to narrow the gap. It may be necessary, however, to adopt additional measures to reduce the size of projected deficits once economic recovery is well established. These steps would include cuts in both defense and nondefense spending and tax increases, either in the form of scaling back currently scheduled tax cuts or enacting new tax measures. While is it desirable to retain the stimulus from a modest increase in the deficit while the recovery is in its early stages and key sectors remain extremely depressed, soaring deficits during a period of growth and rising credit demand are not necessarily more stimulative and may, in fact, prove self-defeating if they drive up interest rates or create inflationary pressures.

Measures taken to reduce fiscal imbalances in the years ahead should take into consideration the distributional effects. In practice, this means avoiding additional increases in Social Security or excise taxes, which tend to be regressive, in favor of adjustments in personal income taxes at the upper end of the income distribution. Apart from issues of equity, this approach would lessen the trend toward redistributing after-tax income to groups with a high propensity to save at a time when stimulating demand and economic growth would seem to be the paramount goals of public policy. Many other savings incentives would remain and, in any event, weak final demand rather than the lack of available credit seems to be the major obstacle now to stronger business investment. This approach also implies that further cuts in social programs aimed at lower-income groups should be modest until the economy is stronger; thus, the focus of spending cuts should be in defense and in entitlement programs.

In sum, growth in consumer spending is expected to help sustain a modest economic recovery in the period ahead. Nevertheless, high interest rates cloud the prospects for recovery and a sustained increase in rates would likely bring economic growth to a halt. Avoiding the threat of a rebound in rates requires a shift in the policy mix toward a more restrictive fiscal policy and a somewhat more accommodative monetary policy. These measures should be aimed at stimulating final demand in order to encourage business investment and thus promote sustained economic growth.

TABLE 1—FORECAST SUMMARY MAJOR ECONOMIC INDICATORS

[Percent change]

	1980	1981	1982	1983	1984
Gross national product	8.9	11.6	4.1	7.4	10.1
GNP in 1972 dollars	−0.4	1.9	−1.7	2.6	4.5
Total consumption, 1972 dollars	0.3	1.8	1.0	3.0	4.2
Fixed nonresidential investment, 1972 dollars	−2.3	3.5	−3.6	−4.8	0.7
Government purchases, 1972 dollars	2.2	0.9	1.5	1.9	1.4
Disposable personal income, 1972 dollars	0.2	2.5	1.1	2.5	3.6
GNP deflator	9.3	9.4	5.9	4.7	5.4
Consumer Price Index	13.5	10.3	6.2	3.0	4.8

TABLE 1—FORECAST SUMMARY MAJOR ECONOMIC INDICATORS—Continued

[Percent change]

	1980	1981	1982	1983	1984
Corporate profits before taxes	−4.0	−4.3	−24.6	22.2	25.2
Corporate profits after taxes	−4.4	−4.4	−22.4	20.9	18.6
Unemployment rate	7.2	7.6	9.7	10.3	9.6
Prime commercial bank rate	15.3	18.9	14.9	10.2	9.4

TABLE 2.—MAJOR FORECAST ASSUMPTIONS

Forecast assumptions

Taxes. The personal tax cut scheduled for July 1983 will be capped at between $500 to $700 per taxpayer.

Government Spending. Federal expenditures (NIPA basis) will equal $817 billion and $874 billion in fiscal years 1983 and 1984. These estimates include reductions in entitlement programs, other nondefense expenditures, and the military buildup, totaling about $7 billion in 1983 and $25 billion in 1984, including the recently enacted Social Security benefits.

Money Supply Growth (M1) will average 9.8 and 6.8 percent during the next two years.

Interest Rates will trend slightly downward during the remainder of the forecast period. The rate on 90-day Treasury bills will average 7.7 percent and 7.1 percent in 1983 and 1984, respectively.

Oil Prices will fall by 10.4 percent in 1983 and another 0.4 percent in 1984.

Food Prices will rise by 3.1 percent in 1983 and 5.1 percent in 1984.

International Economic Activity will improve moderately during the forecast period in response to increased stimulative measures and stronger exports. The dollar will decline slowly relative to most currencies.

Forecast risks

Negative

Economic Stagnation until late 1983, caused by weak consumer spending, additional corporate cost-cutting actions, and financial failures.

A Rebound in Interest Rates During Mid-1983 caused by Fed tightening, a more rapid acceleration in inflation, or rising Treasury borrowing.

A Faster Rise in Inflation in 1984 and 1985 caused by a sharper rebound in oil and other commodity prices and/or an acceleration in wage demands.

Positive

A Sharper Decline in Inflation and Interest Rates, reflecting increased monetary accommodation by the Federal Reserve Board.

More Rapid Inventory Rebuilding, reflecting relatively low stocks in many industries.

More Rapid Investment Spending, reflecting the increased tax incentive for investment and the overstatement of capacity due to economic obsolescence.●

● Mr. FORD of Michigan. Mr. Chairman, I firmly believe the third installment of the tax cut to take effect on July 1 should be limited so that no taxpayer receives more than $700. Therefore, I will be voting for H.R. 1183. Under this proposal everyone will get a tax cut on July 1. The issue is how much of a tax cut.

Capping the third-year tax cut at $720 is fair, reasonable, and makes good economic sense. The $720 cap will have little or no adverse impact on middle or lower income groups. Its only effect will be on those upper-income groups with incomes over $45,000 per year. If Congress passes this legislation, we will save about $6 billion over the next year and a total of $20 billion over 3 years. This savings will come from the wealthiest 5 percent of our society.

The residents of the 15th Congressional District know and understand that the effect of a cap would be negligible or nonexistent if their incomes are below $45,000. It is clear to them that those individuals affected do not need any additional relief since most of them pay very little in taxes, and in some cases, none at all. On the other hand, by granting the tax cut to middle- and low-income Americans, we will help the ailing economy while still providing the necessary social programs to the needy.

Mr. Chairman, we cannot rely upon nor accept further massive cuts in Federal spending to correct deficit problems. There is no question that there is a need to cut back on the incredible expansion of military expenditures and the budget resolutions in both Houses recognize that. But the Reagan administration is determined to further destroy the social programs and to make uncontrolled Federal spending the scapegoat. At this time let me reiterate my support for a reduction in the tax giveaway scheduled for July 1, and my support for H.R. 1182.●

● Mr. FIELDS. Mr. Chairman, I rise in strong opposition to the passage of H.R. 1183, the so-called tax rate equity act of 1983.

While everyone in this chamber recognizes that this legislation will never beome law, it is regrettable that we are even engaged in this political charade.

At a time, when we should be encouraging the growth of our economy, H.R. 1183 offers the American people a bitter, heavy dose of a bad medicine that will undermine our economic recovery.

While we have heard a great deal of rhetoric during this debate on the need to "soak the rich" by increasing taxes on wealthy Americans, I would remind my colleagues that this legislation will have little or no effect on Americans earning more than $50,000 a year who are already in the top 50-percent tax bracket.

Instead, this bill will, Mr. Chairman, significantly increase taxes on middle-class Americans and small businesses which are the economic backbone of our country.

By way of example, I would like to illustrate for my colleagues how this $700 cap will unfairly penalize millions of Americans.

Example 1. A married couple consisting of a Channelview police officer who earns $23,260 and a registered

nurse earning $20,960 would have received a tax reduction in 1984 of $917 if they did not itemize their deductions. Instead, the cap would result in a loss of $197 that they would otherwise spend on consumption or save.

Example 2. A secretary earning $13,950 married to a chemical engineer earning $36,120 would jointly have a 1984 tax reduction of $1,179 if the couple did not itemize deductions. The cap would cut this reduction back by $459. If the couple did itemize an average amount of deductions on their tax return then the cutback in their scheduled tax reductions would amount to a tax hike of $134 compared with present law.

Example 3. Two Baytown public schoolteachers, each earning $20,670, would have $83 lopped off their tax reduction.

Example 4. A single person who earns $32,500 as a sales manager or as a Federal Government worker and who does not itemize deductions would have his 1984 tax cut pared back by $108.

Mr. Chairman, from these examples, it is obvious that we are not talking about taxing wealthy individuals but hard-working, taxpaying, middle-class Americans who deserve to keep their full 10 percent tax cut which this body overwhelmingly approved in August 1981.

In addition, it is important to remember that only 14 percent of all small businesses in this Nation pay corporate income tax. The remaining 86 percent that are partnerships, sole proprietorships, or small corporations electing to be taxed as individuals pay only the individual income tax. Overall, nearly 2½ million small businesses, including 350,000 family farms, would have their taxes significantly increased by the $700 cap.

Once again, at a time, when we should be encouraging economic growth, it troubles me that this Congress would even consider this major impediment to that growth.

While corporate America may get the news headlines, small business comprises 97 percent of our Nation's business enterprises. It is responsible for half of our gross national product. It is the undisputed leader in job creation and technological innovation. Directly or indirectly, small business affects the lives and livelihood of more than 100 million Americans.

In my judgment, our Nation's small businesses are leading us down the road to economic prosperity and now is not the time to cripple this vital sector of our economy by capping their desperately needed tax reductions.

Finally, we have heard repeatedly that we need new revenues to balance our Federal budget. While I could not agree more on the need to eliminate Federal deficits and to restore fiscal sanity to our Government, the problem is not one of undertaxation but of overspending.

There seems to be no end to the glutinous appetite of the Federal Government nor the willingness of this body to consistently feed that hunger.

I would point out the Federal spending is now 25 percent of our gross national product, as compared to an average of 21 percent of the GNP in the 1970's. While taxes are now 19 percent of the GNP, as compared with approximately the same level they were in the 1970's.

Mr. Chairman, if I thought for a second that the $6 billion to be raised under this bill would be used to reduce our national debt, then I believe I would give serious consideration to supporting this proposal. Unfortunately, each of us knows, that not one dime of this money would be used to reduce the debt but would be spent on new or existing Federal programs.

Mr. Chairman, I, therefore, urge my colleagues to join with me in soundly defeating H.R. 1183.●

● Mr. COYNE. Mr. Chairman, the administration would have us believe that limiting the third year of the tax cut would somehow hurt working people.

The measure now before us, the Tax Rate Equity Act, would raise 89 percent of its revenue from people with incomes of $50,000 or more.

Let us consider for a moment how this would break down in my own district, the 14th District of Pennsylvania. This district includes the city of Pittsburgh, a city of working people if ever there was one.

According to the 1980 census, about 3 percent of the households in the 14th District have incomes over $50,000. Of the 26,840 black families in the district, only 349, or 1.3 percent, have incomes over that amount.

The overwhelming number of people in the 14th Congressional District would be able to keep their tax break if we adopt H.R. 1183. Repealing it for people in the upper income brackets is necessary because of a harsh fiscal reality. We have a Federal deficit, brought about by this administration's economic policies, which exceeds $200 billion. We simply cannot afford to finance that tax break by adding to the deficit.

If the administration is interested in directing its heretofore latent concern for working people in a more useful area, I would suggest that it act on unemployment. In the Pittsburgh area, the unemployment rate is 16 percent. According to the State Department of Labor, 55,000 Pennsylvanians will exhaust their unemployment benefits in the next month. This is roughly triple the current monthly average. Thousands of Pennsylvanians will soon be in the position of having no job and no unemployment benefits. I do not believe that continuing a tax break for people in the upper-income brackets is high on the agenda of those without work or without benefits. Nor should preserving this tax break for the affluent be on our agenda during a period of crisis for the unemployed.

I urge a "Yes" vote on H.R. 1183. Passage of this measure will be an important step toward lowering the deficit, and, I hope, the beginning of a process to aid the unemployed.●

● Mr. IRELAND. Mr. Chairman, I do not wish to take issue with those that say a family earning over $50,000 is wealthy. That is a matter of personal interpretation. However, I do wish to point out that it is not only individuals and families that pay at the tax rate that some wish to adjust, but also 85 percent of the small businesses in this country. What they are proposing would penalize that segment of the private sector that employs more than half of this Nation's work force. Small businesses are the most labor-intensive element in this Nation's commerce and industry and the source of an estimated 70 percent of new jobs that are created.

Let us look at it this way, Mr. Chairman, the benefits derived from the tax cut that was promised 2 years ago will allow small businesses to put more money back into the economy through investment, capital formation, and perhaps most importantly, through jobs.

This is a far better way to sustain our budding economic recovery than to further tax the pocketbook and initiative of our people, turn the proceeds over to the inefficient Government bureaucracy, and hope that centrally planned programs and targeted grants will somehow save the day.

History and statistics prove that small business can perform this essential economic task and that central Government cannot. This ill-advised attempt to limit a tax cut that small businesses have been planning on for 2 years could well affect their ability to expand—and hire.

I hope my colleagues will remember that this tax cut is not putting dollars in the pocket of a rich man, but in the paycheck of a working man. Small business is the lifeblood of this country—and they certainly do not need this kind of a tourniquet.●

● Mr. SENSENBRENNER. Mr. Chairman, today we are being asked to vote on a proposal which threatens the economic recovery which is now underway.

Capping the third-year tax cut is clearly bad economic policy. Timing, always a paramount consideration in decisionmaking, has obviously been ignored by the Democratic leadership, who is responsible for advancing this legislation. The most recent economic indicators are encouraging, with both

incomes and spending on the rise. To sustain this economic growth, we must contend with the burgeoning deficits, but few economists will advise that taking money out of the economy is a viable approach. Tax increases are incompatible with our ultimate objective of strengthening the economy. Those of us familiar with the workings of Washington must acknowledge that increasing taxes merely translates into more wasteful spending.

President Reagan's decisive victory on ERTA was indicative of the plan's attractiveness to all taxpayers. Unfortunately, social security tax increases, TEFRA, bracket creep, and increased gasoline taxes have literally negated the 15-percent tax cut taxpayers have received to date under ERTA. To minimize the gain from the final tax cut will, therefore, not only stifle the economy, but will essentially make ERTA meaningless for the vast majority of middle-income taxpayers. Without the relief of a full 10-percent tax cut, there will be no incentive for individuals to save and invest. It is these two transactions that enhance economic growth. The resulting economic activity will produce the tax revenues needed to reduce the budget deficit.●

● Mr. DASCHLE. Mr. Chairman, only 4 months ago, when we were on this same floor debating the first budget resolution, we heard a lot of scare stories, designed to wave the partisan political flag and mislead the public about what was happening. Among other things, we heard that the passage of that resolution would result in the repeal of estate tax schedules, repeal of indexing, and complete repeal of the third year of the tax cut, the first year in which low- and middle-income wage earners would finally begin to get at least a little bit of the tax relief that the administration's program had shoveled out to the rich.

Well, here we are, a few months later. At the time of that first debate, on March 23, I said the following:

> Please do not be misled by the speculation that the passage of this resolution will mandate either the repeal of the third year of the tax cut, or the repeal of indexing. This resolution makes it very clear that it is in the province of the Ways and Means Committee to determine where this revenue comes from—and we will have a chance for a separate vote on any proposal they produce.

Today, despite the earlier misleading tactics of the opponents of fiscal responsibility, we do, indeed, have an opportunity to vote on a proposal from the Ways and Means Committee. And, again, despite the cries of "wolf" from those who would rather divide by controversy than unite in the common good, we are not discussing the repeal of the revised estate tax schedule, a revision I have long supported. Nor are we discussing the repeal of indexing which, in my opinion, is the one element of the terribly misnamed "Economic Recovery Act" which does, in fact, give a break to the low- and middle-income wage earner. We are not even discussing a total and outright repeal of the third year of the tax cut which, as I said before, finally lets wage earners making below $50,000 a year get some tax relief. Not one of those scare stories, widely circulated in national and local media by the opponents of sensible budgetary practices, has come true.

That is not to say, of course, that all of the above items were not, at one time or the other, topics of discussion among Members of the House and even Ways and Means Committee members. When you are facing annual budget deficits of $200 billion a year for as far as the eye can see, an administration that will not relent on its wish list philosophy of weapons procurement, and a recession-battered economy that has caused record business failures, double-digit unemployment, and persistently high true interest rates, there is a natural desire to at least consider any and every possibility of stopping the deficit hemorrhage that threatens any future economic recovery. It is a tribute, I think, that reason and moderation prevailed in these discussions. Frankly, had the bill before us called for the repeal of estate tax schedule revisions, tax indexing, or a complete repeal of the third year of the tax cut, I could not have supported it. These are matters of equity and fairness that belong in our tax structure, and I will oppose any attempts to remove them.

Instead, what we have before us today is a reasoned, sensible approach to the economic problems that presently face us. It is not, in and of itself, a panacea. Passage of this bill will not, unfortunately, bring the Federal budget into balance. That is a fight that we will have to wage with different weapons, including a balanced budget constitutional amendment which badly needs passing. What this bill does do is to put us on the road to reestablishing fairness and equity in the Tax Code, while at the same time beginning the arduous process of chipping away at the record deficits that the present administration, ignoring its campaign promises, has brought us.

More specifically, H.R. 1183 reduces the budget deficit in fiscal 1984 by $6.2 billion, and, over the following 5 years, further reduces the deficit by $37.9 billion, for a total of $44.1 billion. I am further encouraged by the preliminary language of the bill, which makes it clear that these revenues are to be used for deficit reduction, and not for new spending programs. It is my full intention to see that the spirit of that language is carried out in specific pieces of legislation.

These deficit reductions are made through capping the third year of the tax cut at $720. Essentially, this leaves totally untouched 90 percent of all tax forms filed every year. In other words, 9 out of 10 taxpayers will not be affected at all by this legislation. Those who are affected will not have their complete tax break under the third year done away with. It will simply be capped at $720, over and above the tax reductions they have already received in the first 2 years of the administration program. And let us not delude ourselves. Those people fortunate to make over $50,000 per year in taxable income have done very, very well under the first 2 years of the tax cut. If the third year is not capped, they will do even better. For example, the income group earning over $200,000 per year will have had their taxes reduced by a full 15 percent through 1984. Those earning between $100,000 and $200,000 per year will see a reduction of a full 8 percent. On the other hand, those taxpayers who make less than $10,000 per year, after inflation and other administration sponsored tax increases are taken into account, will have had their tax burdens increased by 22 percent, and those taxpayers making between $10,000 and $15,000 will have seen tax increases of 7 percent. People between $20,000 and $50,000 are, essentially, simply breaking even.

The benefits of the supposed across-the-board tax cuts have, we can see from these figures, gone primarily to those at the upper end of the income scale. H.R. 1183 attempts to install some sense of equity to the current tax structure, not by adding new taxes, but by limiting new tax decreases to those who have benefited most from prior ones. By so doing, it also points out to the financial community that the Congress is indeed serious about making reductions in the Federal deficit which, if left unchecked, will continue to foster high interest rates and seriously damage the possibility of a strong and sustained economic recovery.

For these reasons—a simple matter of equity, the need for deficit-reducing revenues, and as a signal to the financial community—H.R. 1183 should be passed. And in case some of my colleagues on the other side of the aisle who have voted consistently, as I have done, against increases in our own pay, need another reason to vote for this bill, I would offer for their consideration this point. If you vote against this bill, you are voting for a tax break for yourself, contributing to the Federal deficit, and penalizing low- and middle-income taxpayers across the country. "Tax and spend" has rightly been discredited as a way of operating the Federal Government. However, we appear to have replaced it with an even more ludicrous concept, that of "borrow and spend." H.R. 1183 gives us a chance to back away from this

disastrous borrow and spend philosophy, which mortgages our grandchildren's future for the sake of raids on the Treasury to line the pockets of the wealthy.

I urge my colleagues to vote for H.R. 1183.●

● Mr. DENNY SMITH. Mr. Chairman, one cannot help but be optimistic about the economic signs. The index of leading economic indicators continues to show consecutive monthly increases, factory orders are up, and more people are finding jobs. All signs point to a strong economic recovery.

It is this backdrop of good economic signs that makes today's debate on whether to make these permanent rate changes so insane. Eight days before the tax rate cut is to take effect, we are talking about changing everything. We need that tax rate cut now, more than we ever did, to insure that economic recovery is stronger and longer lasting.

Supporters set the stage for this vote by talking about the fairness issue. But who are the rich that supporters of this bill talk about? They are not the rich; they belong to the middle class. Many of those affected by this cap make less than $50,000 a year.

The U.S. Department of the Treasury estimates 2½ million small businessmen are affected by these rate changes, including 350,000 small farms. Working married couples are especially hard hit. Just 2 years ago we were asked to eliminate the marriage tax penalty. Inflation had forced many spouses to find jobs outside the home to supplement family incomes. Unfortunately, they found the Federal Government penalized them with higher taxes for wanting to stay ahead of inflation. This legislation would eliminate the gains we made in eliminating this unfair tax burden on married couples.

Remember the debate over the congressional pay raise last year? Many in this body argued they could not make ends meet on $60,662 a year. With kids in college and house payments to make, they needed a raise. Now some of the same Members are talking about capping the tax rate cut for people who earn much less than what a Member of Congress makes. After the debate on the pay raise, how can any Member of this body say the people who will be affected by the rate changes are rich?

Supporters of these tax rate changes have a point when they talk about fairness, but it has nothing to do with rich versus poor; it has to do with how unfair this proposal is to the American taxpayer. Congress listens to every special interest group wanting more money. Who here listens to the average taxpayer who does not want more of his salary going to the profligate Federal Treasury?

This legislation is really unfair to the small businessman. He has already made many of his business decisions and forecasts based on the expectation of the tax rate cut. His payroll schedule is already in place to give his employees the tax rate cut Congress promised them. Now some in this body want to confuse matters. It will take the Internal Revenue Service 8 weeks or more to distribute new withholding schedules if this legislation passes, and even longer for employers to incorporate the changes into their accounting systems.

This legislation is also unfair to small farmers, many who are barely hanging on during one of the worst recessions to hit agriculture. This legislation is unfair to working couples, many who are trying to save for a new home or for their children's education. This bill reeks of unfairness; it is nothing more than a political fraud.

A day like today epitomizes why I ran for Congress on a platform of less taxes and less spending. Congress continues to debate budget bills that are too costly and tax bills that take more out of the pockets of hard-working Americans. The taxpayers are sick of the business as usual in Congress.

It is shocking to think the Federal Goverment borrows between 25 and 35 cents out of every dollar it spends. This frightening behavior, caused by excessive Government spending, is eroding what hope we have for our future, our children's future, and even our freedom. We do not need new taxes; we need the courage to spend less. Let us not take it out on the middle class because we have not the guts to make the spending cuts needed.

I urge my colleagues to vote against this bad legislation.●

● Mr. BEDELL. Mr. Chairman, I rise in support of H.R. 1183, the Tax Rate Equity Act of 1983, and urge its passage. This measure, which would limit the July 1 tax rate reduction to $720 per taxpayer, has a dual purpose.

First and foremost, it would inject a modicum of fairness into the administration's excessive 1981 tax cut, which, as we discovered from Mr. Stockman's Atlantic interview, was specifically designed to grant the lion's share of the benefits to the wealthy. This group already has realized very handsome returns from the first 2 years, including the immediate reduction in the maximum marginal tax rate from 70 to 50 percent, liberalized accelerated depreciation allowances, and a reduction in the capital gains rate from 28 to 20 percent, among other benefits. This same group will experience a definite net tax reduction even after taking into account the increases attributed to inflation and social security taxes.

On the other hand, those making under $30,000 will experience a net tax increase taking into account the same factors. It is bad economics and it is bad public policy when the effect of the Reagan rate cuts, after accounting for inflation and social security tax increases, is to provide a net 15-percent rate reduction to those making over $200,000 and a net 22-percent increase to those making less than $10,000.

Mr. Chairman, I must strongly emphasize that H.R. 1183 will not raise taxes. It merely limits the July 1 tax cuts to $720 per couple filing a joint return. The net effect of this action is that approximately 90 percent of the taxpayers will not experience a reduction in their tax cuts while roughly 10 percent will only have their tax cut limited to no more than $720. In other words, those making under $50,000 a year and filing a joint return generally will receive the full scheduled reduction.

The second reason I am supporting H.R. 1183 is that it will aid our efforts to stem the flow of red ink in an equitable manner. With deficits hovering around $200 billion a year, we absolutely must take action to reduce their burden on the economy and improve our prospects for sustained recovery. The cause of these record deficits, as I have maintained since the passage of the President's economic package in 1981, is the irresponsible drain on the Treasury due to the supply-side tax cuts and the massive military buildup. I fail to see how we can cut taxes primarily for wealthy individuals and corporations by $881 billion from fiscal year 1982 through fiscal year 1988 and increase military spending to $1.6 trillion and expect to achieve any sort of budget balance.

H.R. 1183 would reduce the deficit by $6.2 billion in fiscal year 1984. And I am pleased to stress that it contains language expressing the sense of the Congress that the revenue gained as a result should be used to reduce the deficit. Coupled with the reconciliation instructions from the first budget resolution providing for further spending reductions, this tax cap reinforces Congress determination to address the deficit crisis.

Mr. Chairman, the Tax Rate Equity Act, without raising taxes or repealing the third year of the tax cut, will help bring balance and equity to the supply-side distortions and reduce the deficit at the same time, and I urge its passage.●

● Mr. SCHAEFER. Mr. Chairman, over the last year or so, we have begun to see the effects of a modest but healthy shift of economic clout from the Federal Government back to individual citizens through the tax cut package. I have begun to enjoy reading my morning paper again because every day there is more good news about our economy—recovery is under way.

The economic recovery program has essentially eradicated inflation. Just a few years ago under the Carter administration, inflation was running at an annual rate of about 12.4 percent. This meant that unless workers received a pay raise of 12.4 percent, they actually would lose ground in terms of real take home pay adjusted for inflation. For those on a fixed income, such as many of our elderly citizens, this meant incredible hardship. Presently, inflation for the first 5 months of the year is at about 3 percent.

Interest rates have dropped dramatically. The prime rate was 10.5 percent at the beginning of June. In 1980, just before the new administration took office, the prime interest rate was 21.5 percent. We have all seen the kind of damage high interest rates can do to American business, most noticeably the housing and automobile industries. I know many people in the Sixth Congressional District of Colorado who just could not afford to purchase a home, a car or any other product with such a high loan. Lower interest rates are helping to recharge our economy.

Spurred by the drop in interest rates, the housing industry is making a comeback. Housing starts in April were up 64 percent from last year. In the month of May, housing starts were up 19 percent from the previous month. This means more jobs for the unemployed.

The Nation's productivity is increasing. Greater emphasis on American innovation and ingenuity is helping us make the adjustment to a modern high-tech economic base, in which man-hours are being used more efficiently and workers are more productive on the job. This is a very important development, since international competition has come on fast and tough. This will help keep—and perhaps recreate—American jobs in supercompetitive markets like the auto industry.

The list goes on—almost every sign says we are headed in the right direction. We have reduced taxes and provided more incentive in our society for citizens to be productive and creative participants in our free market system—and it is working. Yet, today we are gathered here to discuss ways to return to higher taxes even though this flies in the face of commonsense and all the conclusions we can draw from current economic evidence.

The proposal before us, a $700 cap on this year's tax cut, is very poorly designed.

First, it purports to take money from the rich to give to the poor. But the truly rich, people making over $100,000 per year, are barely touched by the cap. Only 9 percent of the people affected by this cap earn over $110,000. It is the middle- and upper-middle-income taxpayers beneath that amount that bear the brunt of this ill-advised proposal. The rich received their tax reduction when the maximum marginal tax rate was reduced from 70 to 50 percent. The third year of the tax cut would benefit the middle-income taxpayer, and they are the ones who would be hurt by this cap.

Second, this proposal is a cap on the first real tax reduction that middle-income earners will receive. Increased social security taxes, the implementation of the 5-cent Federal gas tax, and bracket creep, combined with State and local tax increases—the burden for which falls chiefly on the middle class—have eliminated real tax reductions for most persons. Middle America continues to pay the bills for the Government. It is wrong and it is unfair and it has got to stop somewhere. I refuse to be part of unfair tax increases on middle-income taxpayers.

Third, the tax cap hits hard at families with incomes under $50,000. For instance, families with incomes as low as $39,250 who do not itemize their taxes would be hit by this cap. Adjusting for inflation, that family would have earned only $15,000 in 1970. Many middle-income individuals would also feel the bite of this proposed cap—an individual earning an income of $12,000 in 1970 would, after adjusting for inflation, be expected to pay additional taxes under this so-called cap on the rich.

Recently, the Secretary of the Treasury, Donald Regan, provided examples for the House Ways and Means Committee of the kind of people who would be forced to pay up under the tax cap. He uses the estimated 1984 average wage for the professions mentioned:

A married couple consisting of a police officer who earns $23,260 and a registered nurse earning $20,960 would have received a tax reduction in 1984 of $917 if they did not itemize their deductions. Instead, the cap would result in a loss of $197.

A secretary earning $13,950 married to a chemical engineer earning $36,120 would jointly have a 1984 tax reduction of $1,179 if the couple did not itemize deductions. The cap would cut this reduction back by $459.

Compare these examples of families with two income earners trying to improve their standard of living to that of a taxpayer with a taxable income of $300,000 per year, who would face only a 2-percent increase in his tax liability.

Fourth, the cap would further distort the middle-income tax brackets, increasing their marginal rates, and discouraging middle-income earners from working harder and attempting to increase their income. Marginal tax rates have been cut by 15 percent, with another 10 percent scheduled for July 2. The intent of these reductions is to provide incentives that will increase productivity and encourage savings. The cap would cause an abnormal jump in marginal rates to occur at the $35,000 to $45,000 range. The marginal rate for married couples would jump from 30 percent at $35,000 to 44 percent at $45,800 and, for singles, the marginal rates would increase from 36 percent at $30,000 to 50 percent at $41,500.

Last, but certainly not least, this cap indirectly slaps the unemployed in the face, because it adds to the tax burden and cripples the potential of the Nation's fastest growing employer, small business. Eighty-six percent of America's small businesses operate as partnerships, sole proprietorships, or are otherwise taxed as individuals. From 1979–81, small businesses with fewer than 500 employees accounted for over 1½ million new jobs, 60 percent of all jobs created in the economy. This tax cap would increase taxes for 2.4 million small businesses, including 350,000 family farms.

Already, this Congress has considered several proposals to help the Nation's farmers, so we are all well aware of their problems. I certainly do not think that a tax hike is among the solutions to these problems.

As a member of the Small Business Committee, I have a special concern for small businesses. Much work has gone into providing incentives and opportunities for the Nation's small businessmen and women, and it has paid off in new jobs and innovative business practices. When we hurt these people, we hurt the whole Nation and especially the unemployed.

This proposal is misguided. Capping this year's tax cut would slow the progress we have made toward providing citizens and small business owners with incentives to take a chance on a new job or venture, to work harder and to achieve more.

While proponents admit that this cap will raise revenue to cover only about 3 percent of the budget deficit, they do not mention the untold damage it could do to the economic recovery that is well underway. We must find ways to reduce the budget deficits, but the answer is to eliminate wasteful and unnecessary spending—not to penalize taxpayers.

The tax program is working. We have returned a small but incentive-producing amount of economic clout to private citizens, and we have relearned the lesson that free enterprise and the efforts of many individuals together—not big government—make this Nation great.

The tax cap is not in the best interest of America and should be defeated.●

● Mr. WOLF. Mr. Chairman, I rise in opposition to H.R. 1183, Tax Rate Equity Act of 1983, which places a cap on the July 1 tax cut. The individual

tax rate reduction of 10 percent scheduled to take effect on July 1 will complete the 3-year, 25-percent, across-the-board income tax rate reduction passed in the Economic Recovery Tax Act of 1981.

I have consistently opposed legislation imposing additional taxes on the incomes of Americans. Having supported the Economic Recovery Tax Act of 1981, I am opposed to efforts now to nullify the most important of the three installments—the third year's 10-percent reduction.

I oppose the effort to cap the tax cut at $720 for three reason:

A tax increase now is poorly timed. Two days ago, the Commerce Department reported that the U.S. economy is expanding at a strong 6.6-percent inflation adjusted annual rate this quarter, the strongest since the first quarter of 1981. The economy is showing signs of a recovery much stronger than earlier predicted. Now is not the time to turn back or change course.

Second, I am opposed to this cap because it will impact on America's middle class. For 3 years, these Americans have waited to enjoy the benefits of a real tax cut—the July 1983, 10-percent rate decrease. Businesses and the more wealthy taxpayers have already received the bulk of their ERTA tax cut in the first 2 years' installments. Middle income taxpayers, however, still have an average of 38 percent of the total balance due them.

Even though the intent of the cap may be to penalize those wage earners above the $50,000 income level, the cap will impact all wage brackets because such a cap is really a tax increase. For example, families with income levels between $20,000 and $30,000 could have their income tax cut reduced by $135. Those with incomes between $30,000 and $40,000 would have a reduction of $111 and those affected with incomes between $40,000 and $50,000 will see their income tax cut reduced by $182. Of particular concern to me is the figure not mentioned here—a single wage earner supporting a spouse and family or the sole wage earner, head of household earning between $40,000 and $50,000 will be losing $357 a year with the $700 tax cap.

Finally, I believe Congress has neither fully recognized nor understood the impact that policies of the past year have had on the small business community. Not only did the Tax Equity and Fiscal Responsibility Act of 1982 take its toll on the small businessperson, but the social security taxes imposed in the March social security reform package will cause additional hardship for the very individuals our economy needs for creating jobs and employment opportunities for the Nation's unemployed. We cannot continue to overlook the small business community in our rush to shore up the budget with revenue increases. Tax increases have not solved the problem of a growing deficit in the past, and I do not believe that such increases are the solution now.

This is not the time to impose additional tax burdens on working Americans and I urge my colleagues to reject this denial of tax relief to the overwhelming majority of our citizens.●

● Mr. LOWERY of California. Mr. Chairman, the House of Representatives is considering H.R. 1183, to cap the third year of the personal income tax cut. I oppose enactment of this legislation, and, according to a recent poll conducted by the National Journal, so do most of our constituents

According to the June 11 National Journal poll, 55 percent of the respondents believe that the third year of the personal income tax cut should go into effect as scheduled. Additionally, while 21 percent of the respondents wanted taxes raised to reduce the budget deficit, over three times that number, 68 percent, would prefer cutting spending to achieve that goal.

Therefore, if the House is to be truly representative, we should vote down this ill-disguised tax increase. Our constituents want to keep the tax cut that they have been promised and that they have been counting on. They want to keep the money that they have worked for—to spend or to save as they, not the Federal Government, see fit. And the message is equally clear with regard to the deficit. Our constituents want us to cut spending, not raise taxes. They want us to balance the budget on the backs of the bureaucrats, not the taxpayers.

Mr. Chairman, the views of our constituents have also been reflected in newspaper editorials across the country. I would like to take this opportunity to commend the attention of my colleagues to a particularly insightful editorial on this issue that appeared recently in my hometown newspaper, the San Diego Union.

[From the San Diego Union, June 13, 1983]

TIP'S TAX CUT CAP

Tip O'Neill has a new way to help along the economic recovery and produce a growing, prosperous America: Raise taxes. Tip wants a cap on the third year of the Reagan tax cut, a cap that will prevent anyone from getting a break of more than $700 when the cut takes effect in July. This, Tip says, will both soak the rich and narrow the federal deficit. And if you believe that, you believe that yellow rain in Afghanistan is being caused by bee droppings.

Actually, the third year of the tax cut is nicely balanced to begin with, as our chart shows. Capping the cut at $700 would begin to affect "wealthy" people at about $36,000 of income, raising the marginal tax rate in that bracket by 25 percent. The cap would hit bigger earners even harder on paper, but as we all know, the wealthy have plenty of alternatives. Snatching at the latest tax cut would simply send them back to the accountants and lawyers and sheltered investments out of which Reaganomics seeks to entice them. That's of negligible concern to the rich, but it's of great concern to the economy, which needs all the savings and productive investment it can get.

Incidentally, "the wealthy" will still be required to fork over half their declared income to the federal government even with the third Reagan cut.

Oddly enough, it has been Ronald Reagan, who expresses little interest in socking it to the rich, who's come up with the best way to sock it to 'em: Cut their taxes. For all the scorn and derision it has attracted, the supply-side thesis—that cutting high tax rates would attract increased revenues—appears to have worked. When the top rate of taxation on personal income dropped to 50 percent from 70 percent in 1982, conventional economists, including Reagan's own experts at the Treasury and the budget office, predicted that tax collections from the wealthy would decline sharply. Actually, rather than paying less, top-rate taxpayers paid $10 billion more in 1982. Their share of total federal income tax revenues rose to 27 percent, from 25 percent in 1981, despite the recession.

It seems that at the lower rate, these people took money out of non-taxable shelters and put more of it to work making profits. The wealthy declared more income; the federal government collected more taxes; the economy generated more capital for jobs and expanded production than would otherwise have been the case. Conversely, raising taxes now would raise the deficit, not shrink it. The best answer to red ink continues to be economic growth, not lower incentives to produce.

The logic of all this has escaped Speaker O'Neill, but it may have reached a few of his colleagues. Reports are that a substantial number of Democrats will vote no if Tip's cut-rate tax rate cut cap makes it to the floor of the House. It seems that even sound economic policy trickles down eventually.●

● Mr. PATTERSON. Mr. Chairman, I rise in support of H.R. 1183, a bill which puts a $700 cap on the tax cut scheduled to go into effect July 1. I am glad that we have a tax cut going into effect on July 1. I know that some Members would prefer that there not be a tax cut this year. But I think we need one. I voted for the tax cut and I still strongly support it.

I also voted for the cap on the tax cut for higher income taxpayers. I believe the cap, allowing taxpayers to receive up to $700 for the third year of the tax cut makes the tax cut workable and fair. The cap protects the full tax cut for nearly all taxpayers in the United States with incomes under $50,000 a year. For people with incomes over $50,000, there is still a tax cut, but it is limited to $700 in the third year, which is smaller than the cut would be without any cap.

What will be the effect of the tax cut with and without the tax cap? First of all, every taxpayer will still receive an additional cut in taxes come July 1. The higher income—those with more than $100,000 income—will simply receive a smaller cut than planned.

First, the proposed cap will have no effect on taxpayers making less than $47,000 per year.

Second, for those making between $50,000 and $100,000, the average annual benefit from the 3 years of tax cuts would be $4,000 without the cap and $2,700 with it.

Third, for those making between $100,000 and $200,000, the average benefit would be $8,500 without the cap and $6,400 with it.

Fourth, for those with incomes above $200,000, the average tax cut would only be reduced from $27,000 to $24,200.

What these figures mean is that 90 percent of all taxpayers would receive the scheduled tax cut in full and only 10 percent, the wealthiest taxpayers, would have their tax cut reduced.

Finally, we must apply the revenues gained under the cap directly to reducing the deficit, as required by the McCurdy amendment—which I voted for and strongly supported. We will actually reduce the Federal deficit by over $6 billion. That ought to bring down interest rates to the benefit of the richest taxpayers as well as all the rest of us.

The action we have taken saves the tax cut. It makes it more fair. It makes it workable. The cap makes the tax cut possible while making a reduction in the deficit possible. Without the cap, I am not sure the tax cut will be saved in the years to come.

I know the people in my district want their tax cut. They also want to see the deficit come down. I share their desires and I am pledged to bring that deficit down. That is why I have supported many spending reductions proposed by Congress and by the administration. But I think we all realize that budget cuts can only go so far in a dangerous world where our military might has to be kept strong and in a compassionate country where the sick and elderly get the help they deserve.

Despite the massive cuts which have already taken place in social programs, the deficit is still growing. The deficit is not tolerable. And to get it to a tolerable level, we are going to have to find it within ourselves in Congress to restrain the tax cuts we want to pass just as we have to restrain ourselves on spending bills. The tax cut cap is the most equitable way to do this. The gas taxes, excise taxes, surcharges, and standby taxes proposed by the administration are less fair ways of raising revenue and I have opposed them all. Instead of nickle and diming the people and sneaking an extra little tax on everything they do, I think it is far better to be straightforward, cap the tax cut openly in a way everyone can see and understand, and bring that deficit down now.●

● Mr. WEISS. Mr. Chairman, two realities compel me to support the $700 cap on the third year of President Reagan's tax cut.

The first reality is the Federal deficit, which under President Reagan's guidance has ballooned at a rate unknown to any previous administration. The deficit left behind by President Carter, the identical deficit then-candidate Reagan held responsible for all of our economic woes, was $57 billion. The deficit at the end of fiscal year 1983 will total $210 billion.

The $700 cap, in a fair and responsible manner, makes sorely needed revenue available to reduce these frightening debts. It accomplishes this not by increasing taxes, but by reducing the scheduled tax cuts of those who can easily do without the extra allowances.

The cap would generate $22 billion over 3 years. The bill we are voting on today contains language advocating that the revenue be used to reduce the deficit instead of funding new programs or new spending.

Until this vote, I believed my Republican colleagues would have applauded such fiscally responsible action. But after all the damning rhetoric, fallaciously blaming today's spiraling deficits on past Democratic policies, the Republicans in this Chamber have mysteriously abandoned their cries for a balanced budget.

Instead they find themselves defending a tax cut that will favor the rich at the expense of every other economic class. This is the second reality I want to address: The gross and insensitive inequity on which the Reagan tax program is founded.

Mr. Reagan truly behaves like an inverted Robin Hood. No manipulation of statistics is required to demonstrate he is taking funds from programs benefiting the poor and middle classes to enrich the already healthy bank accounts of an elite few. Of the billions of dollars drained from Federal revenues by the first year of the tax cut in 1981, 35 percent represented reduced taxes for the 5 percent of Americans who earn the highest incomes. When President Reagan ends his term in 1984, his tax and budget policies will have taken $20 billion away from households with incomes of $10,000 or less and will have added $64 billion to the after-tax income of those making $80,000 per year or more.

Let no one doubt who are the true profiteers of this third year tax cut. Without the $700 cap, a family of four with an income of $200,000 is scheduled to receive $4,366. A family of four earning $25,000 would receive all of $268. In other words, household *A* earns 6 times as much as household *B* but will receive a tax cut 15 times as great.

The $700 cap partially corrects this imbalance by taking $9 of every $10 it generates from the 5 percent most wealthy. Eighty-nine percent of the new revenues would be derived from those earning more than $50,000 per year; no revenue would be derived from those earning under $35,000.

This, of course, is contrary to the factual distortions that have permitted the President and my Republican colleagues here today to argue the $700 cap constitutes a tax increase that would hurt the middle class. But I will leave it to the opposition to explain its perverted logic. The truth is quite different.

The $700 cap would still provide every taxpayer a tax cut. The wealthy citizens of the United States—those who need never worry about the prospect of unemployment, who need never wonder how they will afford 4 years' college tuition, who need never squeeze their paycheck to meet a monthly home mortgage payment—would still receive a $700 decrease in taxes. This is in addition to the substantial reductions they received during President Reagan's first 2 years of tax cutting. Even those whose incomes place them just above the threshold would be mildly affected. For example, a family of four earning $50,000 would receive only $128 less than the $828 cut they are presently scheduled to receive.

Mr. Chairman, a burgeoning deficit and an unfair tax structure are of concern to a great many Americans. Embodied in the $700 tax cap proposal is a responsible effort by the Congress to grapple with those realities. I urge adoption of the cap.●

□ 1730

Mr. ROSTENKOWSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 215]

ANSWERED "PRESENT"—390

Ackerman	Boehlert	Chappie
Addabbo	Boggs	Cheney
Akaka	Boland	Clarke
Albosta	Boner	Clinger
Alexander	Bonior	Coats
Anderson	Bonker	Coelho
Andrews (NC)	Borski	Coleman (MO)
Andrews (TX)	Bosco	Coleman (TX)
Annunzio	Boucher	Collins
Anthony	Boxer	Conable
AuCoin	Breaux	Conte
Badham	Britt	Conyers
Barnard	Brooks	Cooper
Bartlett	Broomfield	Corcoran
Bateman	Brown (CA)	Coughlin
Bates	Brown (CO)	Courter
Bedell	Bryant	Coyne
Bennett	Burton (IN)	Craig
Bereuter	Byron	Crane, Daniel
Berman	Campbell	Crane, Philip
Bethune	Carney	Dannemeyer
Bevill	Carper	Daschle
Biaggi	Carr	Daub
Bilirakis	Chandler	Davis
Bliley	Chappell	de la Garza

Dellums	Johnson	Panetta
Derrick	Jones (NC)	Parris
DeWine	Jones (OK)	Pashayan
Dickinson	Jones (TN)	Patman
Dicks	Kaptur	Patterson
Dingell	Kasich	Paul
Donnelly	Kastenmeier	Pease
Dorgan	Kazen	Penny
Dowdy	Kemp	Pepper
Downey	Kennelly	Perkins
Dreier	Kildee	Petri
Duncan	Kindness	Pickle
Durbin	Kogovsek	Porter
Dwyer	Kolter	Price
Dymally	Kostmayer	Pritchard
Dyson	Kramer	Pursell
Early	LaFalce	Quillen
Eckart	Lagomarsino	Rahall
Edgar	Lantos	Ratchford
Edwards (AL)	Latta	Ray
Edwards (CA)	Leach	Regula
Edwards (OK)	Leath	Reid
Emerson	Lehman (CA)	Richardson
English	Lehman (FL)	Ridge
Erdreich	Lent	Rinaldo
Evans (IA)	Levin	Ritter
Evans (IL)	Levine	Roberts
Fascell	Levitas	Robinson
Fazio	Lewis (CA)	Rodino
Feighan	Lewis (FL)	Roe
Ferraro	Lipinski	Rogers
Fiedler	Livingston	Rostenkowski
Fields	Lloyd	Roth
Fish	Loeffler	Roukema
Flippo	Long (LA)	Rowland
Florio	Long (MD)	Roybal
Foglietta	Lott	Rudd
Foley	Lowery (CA)	Russo
Ford (MI)	Lowry (WA)	Sabo
Ford (TN)	Lujan	Savage
Forsythe	Luken	Sawyer
Fowler	Lundine	Schaefer
Frank	Lungren	Schneider
Franklin	Mack	Schroeder
Frenzel	MacKay	Schulze
Fuqua	Madigan	Schumer
Garcia	Markey	Seiberling
Gaydos	Marlenee	Sensenbrenner
Gejdenson	Marriott	Shannon
Gekas	Martin (IL)	Sharp
Gephardt	Martin (NC)	Shaw
Gibbons	Martin (NY)	Shelby
Gilman	Matsui	Shumway
Gingrich	Mavroules	Sikorski
Glickman	Mazzoli	Siljander
Gonzalez	McCain	Simon
Goodling	McCandless	Sisisky
Gradison	McCloskey	Skeen
Gramm	McCollum	Skelton
Gray	McCurdy	Slattery
Green	McEwen	Smith (FL)
Gregg	McGrath	Smith (IA)
Guarini	McKernan	Smith (NE)
Gunderson	McNulty	Smith (NJ)
Hall (OH)	Mica	Smith, Denny
Hall, Ralph	Michel	Snowe
Hall, Sam	Mikulski	Snyder
Hamilton	Miller (CA)	Solomon
Hammerschmidt	Miller (OH)	Spence
Hance	Mineta	Spratt
Hansen (UT)	Minish	St Germain
Harkin	Moakley	Staggers
Harrison	Molinari	Stangeland
Hartnett	Mollohan	Stenholm
Hatcher	Montgomery	Stokes
Hawkins	Moody	Stratton
Hefner	Moore	Stump
Hertel	Moorhead	Sundquist
Hightower	Morrison (CT)	Swift
Hiler	Morrison (WA)	Synar
Hillis	Mrazek	Tallon
Holt	Murphy	Tauke
Hopkins	Murtha	Tauzin
Horton	Myers	Taylor
Howard	Natcher	Thomas (GA)
Hoyer	Neal	Torres
Hubbard	Nelson	Towns
Huckaby	Nichols	Traxler
Hughes	Nowak	Udall
Hunter	O'Brien	Valentine
Hutto	Oakar	Vander Jagt
Hyde	Oberstar	Vento
Ireland	Obey	Volkmer
Jacobs	Olin	Vucanovich
Jeffords	Ortiz	Walgren
Jenkins	Owens	Walker
Watkins	Williams (MT)	Wright
Waxman	Williams (OH)	Wyden
Weber	Wilson	Wylie
Weiss	Winn	Yates
Wheat	Wirth	Yatron
Whitehurst	Wise	Young (FL)
Whitley	Wolf	Young (MO)
Whittaker	Wolpe	Zablocki
Whitten	Wortley	Zschau

□ 1740

The CHAIRMAN. 390 Members have answered to their names, a quorum is present, and the Committee will resume its business.

The gentleman from Illinois (Mr. ROSTENKOWSKI) has 7 minutes of time remaining, and the gentleman from New York (Mr. CONABLE) has 5 minutes of time remaining.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. VANDER JAGT).

□ 1750

Mr. VANDER JAGT. Mr. Chairman, I would like to commend and thank the distinguished Speaker of the House of Representatives for bringing to the floor of the House this legislation which has so completely united the minority this afternoon. When the voters realize what indeed is in it, that it will provide a big majority of middle income taxpaying Americans with tax increases, they will react with righteous indignation against the unfairness, the inequity, the injustice that reeks from every page of this misdirected, misguided, and mislabeled permanent tax increase on the backs of the American people.

If we had a truth-in-packaging parliamentary rule this bill would be ruled out of order. The bill claims to put a one-time cap on the third year of the tax cut. It does not. It is a permanent tax increase. The bill claims to hit at the very rich. It does not. It hits at the middle income working couples all across this land. The bill aims at those earning over $50,000 a year; it does not hit them. Millions of those who are affected earn far less than that.

And even if the bill were as advertised, it would be the worst possible economic medicine at the worst possible time.

These are precisely the dollars that we need for the investment and the savings and the big ticket consumer purchases to fuel an expanding economy, to provide growth and jobs.

We have a terrific jobs program going in America today, one of the best we have ever had; it added 376,000 additional jobs to the workforce just last month. That jobs program is called economic recovery. And now is no time to snuff out the blooming of that economic recovery.

But some are so enamored by the political attractiveness of the proposal that they are blinded to its economic consequences. And I suppose there is a political attractiveness if the people stop at the headlines and do not really realize what indeed is in the bill because the bill can be paraded as "There goes President Reagan and those Republicans trying to defend the very rich, while we Democrats are sallying forth to sock it to the very rich."

There is one thing wrong with that. There is one thing very wrong with that. The heart of the bill misses the very rich all together.

For anybody who has read the bill, there is no $700 cap, no $700 limitation written in here. The drafters of the legislation tried to achieve that result by raising the tax rates. There is one problem: The very rich are already in the top bracket of 50 percent; you cannot push them any higher than they already are and this bill does not do it. They might as well walk off scot free.

Now, I think the proponents were sincere when they aimed at those earning over $50,000, but 48 percent of those they actually hit were earning under $50,000. That is how bad the aim actually is.

That family that is earning $35,200 has their marginal tax rate increased by 30 percent, the highest jump in the entire Internal Revenue Code.

Now, I believe that a family with a husband earning $18,000, a spouse who goes out to earn an additional $17,200, in order to pay college tuition and make mortgage payments, is not going to take too kindly to a Congressman who with his vote this afternoon goes to that family and says, "Sorry, you are too rich, you do not deserve to keep the desperately needed tax relief and we are going to snatch it away from you 8 days before it is scheduled to go into effect."

I do not think that family is going to think that it is fair when a Congressman with his vote this afternoon says to that family, "Sorry, you are too rich, but any extra dollars that you earn, your tax rate goes up 30 percent, but for any extra dollars earned by the family earning over $162,000 a year, we do not raise the rate at all."

That is not equity, that is not justice.

If you really believe in fairness and equity this bill cries out for a loud "No" vote.

This legislation is a blueprint not only for economic disaster; this legislation is a blueprint for the political disaster that would be so richly deserved by those who would foist an unfair, permanent tax increase on people who cannot afford to pay it at exactly the wrong time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume or the balance of the time to the

majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, there are two very good reasons why this bill ought to be passed today. The first is that it reduced the deficit by $6.8 billion in the coming today. The second is that it restores a semblance of fairness to the tortured Tax Code through which revenues have been drained by the Reagan tax policies as through a leaky sieve into the pockets of the favored few of this country.

Mr. Reagan preaches piously about deficits; but the fact of the matter is that his tax cuts for the wealthy, the biggest in history, have created the biggest deficits in history. The President's own budget office estimates that his 1981 tax cut, most of it for the most affluent, will cost the government $609 billion by 1986. In other words, it will add $609 billion to the deficits.

According to Secretary Regan in testimony given before our Budget Committee, that tax cut of 1981 will drain $135 billion away from the Treasury this fiscal year and add $135 billion to the deficit that now reaches $210 billion this fiscal year. It is the Reagan deficit.

The Joint Committee on Taxation reports that 35 percent of this enormous loss will flow directly into the pockets of the wealthiest 5 percent of America's citizens, those who need the tax cut the least.

This bill would not recover one penny of the windfall that has already gone to the fortunate few. It simply places a reasonable limit upon the future drain of the Government's resources into their already-swollen private bank accounts.

It has been stated repeatedly by people on the Republican side that this bill will not get a penny from the biggest income Americans, and that a $1 million taxpayer would get off scot free. Well, that is not what Alice Rivlin says.

CLAUDE PEPPER, hearing that charge, wrote a letter today and asked Mrs. Rivlin, Director of the Congressional Budget Office, exactly what would happen to a $1 million income taxpayer as a result of this cap. I have her reply in my hand. She said, "Mr. Chairman, in response to your question, a taxpayer with a million dollars of income, filing a joint return with two dependents would have his tax cut reduced by $3,736 if the cap is imposed."

In other words, he would have gotten an additional tax cut of $4,400 absent this bill; now he is going to get a tax cut of $700 additional this year instead if this bill is enacted.

Mr. Reagan came to office promising a balanced budget by 1984. Do you remember that? Well, precisely because he got his way in 1981 and 1982 and at least partly because of his favored tax treatment for the wealthiest few, the Reagan deficit in 1983 will be $210 billion. That is more than three times higher than the highest deficit ever suffered under any previous administration.

If Jimmy Carter had presided over a $210 billion deficit, there would have been cries for his impeachment.

This huge deficit is the result of the policy of spend and spend, borrow and borrow, and pay and pay in tax windfalls to the wealthy few.

In 1980, Ronald Reagan blamed all of our economic woes upon the Carter deficit. Do you remember that? Well, that deficit was about $57 billion. And now, having personally engineered a deficit in 1 year which exceeds all of the deficits of the total 4 years of the Carter administration, Mr. Reagan threatens to veto any bill that would reduce his enormous deficit by $6 or $7 billion.

Today, Mr. Reagan is speaking of his new-found concern for the middle-income and the low-income taxpayers. But his words have a hollow ring. It is just exactly like his new-found concern for public education, after his personal efforts in the last 3 years to rob public education of billions of dollars of its needed funding.

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His deeds speak louder than his words. Let us show you just how concerned Mr. Reagan is about the middle-income taxpayer. Last August he asked over televison for increased taxes on that middle-income taxpayer's telephone bill, on his airline fare, on his gallon on gasoline, and on the medical bills that are paid by the indigent. And now he wants an extra standby surtax on the tax that this middle-income taxpayer pays. All those taxes are paid by middle- and low-income taxpayers. But Mr. Reagan threatens to veto any bill that puts any ceiling at all on the additional windfall tax cuts for the wealthiest 5 percent. That is the measure of his concern.

The Reagan administration has set in motion the most retrogressive redistribution of wealth in America's history. From the pockets of the poorest into the coffers of the richest.

In 4 years, the Reagan tax and budget changes will take $20 billion away from households with incomes of $10,000 and less and they will add $64 billion to the after-tax income of those making $80,000 a year and more.

Mr. Reagan may consider people in the $80,000 a year income moderate- or low-income taxpayers. The average taxpayer does not consider them such.

Mr. Reagan, himself, is reported to have saved $90,000 on his taxes last year because of the 1981 act.

Well, in this bill today, we finally say, "Enough." I do not think it is a cheap shot to refer to the effects of the 1981 tax cut upon those in Mr. Reagan's personal income range. I confess to my colleagues personally that it has meant money to me, it has meant a lower tax liability for me—and probably for all of us here in this Chamber today. But after all, let us face it. Are we the average taxpayers, are we typical of that average taxpayer for whom Mr. Reagan's heart purportedly bleeds? Why, of course we are not. We are not exactly typical of the people who must plow their hard earned money back into this economy if we are to have a percolate-up action that will start this economy moving again. Those are the people who deserve a tax cut, the low and moderate income taxpayers, not the people at the top of the economic pyramid.

So today, in passing this bill, we take a first step away from the dangerous precipice of trickle-down economics. We make a modest beginning on deficit reduction and we restore a modicum of fairness to the badly ravaged Code of Taxation. I ask you to join me in taking that step today.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except the following amendments, which shall not be subject to amendment:

First, the amendments recommended by the Committee on Ways and Means printed in the bill; and

Second, the amendment printed in the CONGRESSIONAL RECORD of June 22, 1983, by, and if offered by, Representative MCCURDY, and said amendment shall be debatable for not to exceed 30 minutes, to be equally divided and controlled by Representative MCCURDY and a Member opposed thereto.

The text of the bill, H.R. 1183, is as follows:

H.R. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Rate Equity Act of 1983".

SEC. 2. LIMITATION ON REDUCTION IN INDIVIDUAL INCOME TAX.

(a) JOINT RETURNS, ETC.—Paragraphs (2) and (3) of section 1(a) of the Internal Revenue Code of 1954 (relating to married individuals filing joint returns and surviving spouses) are amended to read as follows:

"(2) FOR TAXABLE YEARS BEGINNING IN 1983.—

"If taxable income is:	The tax is:
Not over $3,400	No tax.
Over $3,400 but not over $5,500.	11% of excess over $3,400.
Over $5,500 but not over $7,600.	$231, plus 13% of excess over $5,500.
Over $7,600 but not over $11,900.	$504, plus 15% of excess over $7,600.
Over $11,900 but not over $16,000.	$1,149, plus 17% of excess over $11,900.
Over $16,000 but not over $20,200.	$1,846, plus 19% of excess over $16,000.

"If taxable income is:	The tax is:
Over $20,200 but not over $24,600.	$2,644 plus 23% of excess over $20,200.
Over $24,600 but not over $29,900.	$3,656, plus 26% of excess over $24,600.
Over $29,900 but not over $35,200.	$5,034, plus 30% of excess over $29,900.
Over $35,200 but not over $45,800.	$6,624, plus 37% of excess over $35,200.
Over $45,800 but not over $60,000.	$10,546, plus 42% of excess over $45,800.
Over $60,000 but not over $85,600.	$16,510, plus 46% of excess over $60,000.
Over $85,600	$28,286, plus 50% of excess over $85,600.

"(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.—

"If taxable income is:	The tax is:
Not over $3,400	No tax.
Over $3,400 but not over $5,500.	11% of excess over $3,400.
Over $5,500 but not over $7,600.	$231, plus 12% of excess over $5,500.
Over $7,600 but not over $11,900.	$483, plus 14% of excess over $7,600.
Over $11,900 but not over $16,000.	$1,085, plus 16% of excess over $11,900.
Over $16,000 but not over $20,200.	$1,741, plus 18% of excess over $16,000.
Over $20,200 but not over $24,600.	$2,497 plus 22% of excess over $20,200.
Over $24,600 but not over $29,900.	$3,465, plus 25% of excess over $24,600.
Over $29,900 but not over $35,200.	$4,790, plus 28% of excess over $29,900.
Over $35,200 but not over $45,800.	$6,274, plus 37% of excess over $35,200.
Over $45,800 but not over $60,000.	$10,196, plus 42% of excess over $45,800.
Over $60,000 but not over $85,600.	$16,160, plus 46% of excess over $60,000.
Over $85,600	$27,936, plus 50% of excess over $85,600."

(b) HEAD OF HOUSEHOLD.—Paragraphs (2) and (3) of section 1(b) of such Code (relating to heads of households) are amended to read as follows:

"(2) FOR TAXABLE YEARS BEGINNING IN 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 13% of excess over $4,400.
Over $6,500 but not over $8,700.	$504, plus 15% of excess over $6,500.
Over $8,700 but not over $11,800.	$834, plus 18% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,392, plus 19% of excess over $11,800.
Over $15,000 but not over $18,200.	$2,000, plus 21% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,672, plus 25% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,997, plus 29% of excess over $23,500.
Over $28,800 but not over $34,100.	$5,534, plus 36% of excess over $28,800.
Over $34,100 but not over $44,700.	$7,442, plus 39% of excess over $34,100.
Over $44,700 but not over $60,600.	$11,576, plus 46% of excess over $44,700.
Over $60,600	$18,890, plus 50% of excess over $60,600

"(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 12% of excess over $4,400.
Over $6,500 but not over $8,700.	$483, plus 14% of excess over $6,500.
Over $8,700 but not over $11,800.	$791, plus 17% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,318, plus 18% of excess over $11,800.
Over $15,000 but not over $18,200.	$1,894, plus 20% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,534, plus 24% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,896, plus 26% of excess over $23,500.
Over $28,800 but not over $34,100.	$5,290, plus 36% of excess over $28,800.
Over $34,100 but not over $44,700.	$7,198, plus 39% of excess over $34,100.
Over $44,700 but not over $60,600.	$11,332, plus 46% of excess over $44,700.
Over $60,600	$18,646, plus 50% of excess over $60,600."

(c) UNMARRIED INDIVIDUALS.—Paragraphs (2) and (3) of section 1(c) of such Code (relating to certain unmarried individuals) are amended to read as follows:

"(2) FOR TAXABLE YEARS BEGINNING IN 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $3,400.	11% of excess over $2,300.
Over $3,400 but not over $4,400.	$121, plus 13% of excess over $3,400.
Over $4,400 but not over $8,500.	$251, plus 15% of excess over $4,400.
Over $8,500 but not over $10,800.	$866, plus 17% of excess over $8,500.
Over $10,800 but not over $12,900..	$1,257, plus 19% of excess over $10,800.
Over $12,900 but not over $15,000..	$1,656, plus 21% of excess over $12,900.
Over $15,000 but not over $18,200..	$2,097, plus 24% of excess over $15,000.
Over $18,200 but not over $23,500..	$2,865, plus 28% of excess over $18,200.
Over $23,500 but not over $28,800..	$4,349, plus 32% of excess over $23,500.
Over $28,800 but not over $34,100..	$6,045, plus 38% of excess over $28,800.
Over $34,100 but not over $41,500..	$8,059, plus 42% of excess over $34,100.
Over $41,500 but not over $55,300..	$11,167, plus 47% of excess over $41,500.
Over $55,300	$17,653, plus 50% of excess over $55,300.

"(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $3,400.	11% of excess over $2,300.
Over $3,400 but not over $4,400.	$121, plus 12% of excess over $3,400.
Over $4,400 but not over $6,500.	$241, plus 14% of excess over $4,400.
Over $6,500 but not over $8,500.	$535, plus 15% of excess over $6,500.
Over $8,500 but not over $10,800.	$835, plus 16% of excess over $8,500.
Over $10,800 but not over $12,900.	$1,203 plus 18% of excess over $10,800.
Over $12,900 but not over $15,000.	$1,581 plus 20% of excess over $12,900.
Over $15,000 but not over $18,200.	$2,001 plus 23% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,737 plus 26% of excess over $18,200.
Over $23,500 but not over $28,800.	$4,115 plus 30% of excess over $23,500.
Over $28,800 but not over $34,100.	$5,705 plus 38% of excess over 28,800.
Over $34,100 but not over $41,500.	$7,719 plus 42% of excess over 34,100.
Over $41,500 but not over $55,300.	$10,627 plus 47% of excess over $41,500.
Over $55,300	$17,313 plus 50% of excess over $55.300."

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—Paragraphs (2) and (3) of section 1(d) of such Code (relating to married individuals filing separate returns) are amended to read as follows:

"(2) FOR TAXABLE YEARS BEGINNING IN 1983.—

"If taxable income is:	The tax is:
Not over $1,700	No tax.
Over $1,700 but not over $2,750.	11% of excess over $1,700.
Over $2,700 but not over $3,800.	$115,50, plus 13% of excess over 2,750.
Over $3,800 but not over $5,950.	$252, plus 15% of excess over $3,800.
Over $5,950 but not over $8,000.	$574.50, plus 17% of excess over $5,950.
Over $8,000 but not over $10,100.	$923, plus 19% of excess over $8,000.
Over $10,100 but not over $12,300.	$1,322, plus 23% of excess over $10,100.
Over $12,300 but not over $14,950.	$1,828 plus 26% of excess over $10,100.
Over $14,950 but not over $17,600.	$2,517 plus 30% of excess over $14,950.
Over $17,600 but not over $22,900.	$3,312 plus 37% of excess over $17,600.
Over $22,900 but not over $30,000.	$5,273 plus 42% of excess over $22,900.
Over $300,000 but not over $42,800.	$8,255, plus 46% of excess over $30,000.
Over $42,800	$14,143 plus 50% of excess over $42,800.

"(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.—

"If taxable income is:	The tax is:
Not over $1,700	No tax.
Over $1,700 but not over $2,750.	11% of excess over $1,700.
Over $2,750 but not over $3,800.	$115.50, plus 12% of excess over $2,750.
Over $3,800 but not over $5,950.	$241.50, plus 14% of excess over $3,800.
Over $5,950 but not over $8,000.	$542.50, plus 16% of excess over $5,950.
Over $8,000 but not over $10,100.	$870.50, plus 18% of excess over $8,000.
Over $10,100 but not over $12,300.	$1,248.50, plus 22% of excess over $10,100.
Over $12,300 but not over $14,950.	$1,732.50, plus 25% of excess over $12,300.
Over $14,950 but not over $17,600.	$2,395, plus 28% of excess over $14,950.
Over $17,600 but not over $22,900.	$3,137, plus 37% of excess over $17,600.
Over $22,900 but not over $30,000.	$5,098, plus 42% of excess over $22,900.
Over $30,000 but not over $42,800.	$8,080, plus 46% of excess over $30,000."
Over $42,800	$13,968, plus 50% of excess over $42,800."

(e) ESTATES AND TRUSTS.—Paragraphs (2) and (3) of section 1(e) of such Code (relating to estates and trusts) are amended to read as follows:

"(2) FOR TAXABLE YEARS BEGINNING IN 1983.—

"If taxable income is:	The tax is:
Not over $1,050	11% of taxable income.
Over $1,050 but not over $2,100.	$115.50, plus 13% of excess over $1,050.
Over $2,100 but not over $4,250.	$252, plus 15% of excess over $2,100.
Over $4,250 but not over $6,300.	$574.50, plus 17% of excess over $4,250.
Over $6,300 but not over $8,400.	$923, plus 19% of excess over $6,300.
Over $8,400 but not over $10,600.	$1,322, plus 23% of excess over $8,000.
Over $10,600 but not over $13,250.	$1,828, plus 26% of excess over $10,600.
Over $13,250 but not over $15,900.	$2,517, plus 30% of excess over $13,250.
Over $15,900 but not over $21,200.	$3,312, plus 37% of excess over $15,900.
Over $21,200 but not over $28,300.	$5,273, plus 42% of excess over $21,200.
Over $28,300 but not over $41,100.	$8,255, plus 46% of excess over $28,300.
Over $41,100	$14,143, plus 50% of excess over $41,100.

"(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.—

"If taxable income is:	The tax is:
Not over $1,050	11% of taxable income.
Over $1,050 but not over $2,100.	$115.50, plus 12% of excess over $1,050.
Over $2,100 but not over $4,250.	$241.50, plus 14% of excess over $2,100.
Over $4,250 but not over $6,300.	$542.50, plus 16% of excess over $4,250.

"If taxable income is:	The tax is:
Over $6,300 but not over $8,400.	$870.50, plus 18% of excess over $6,300.
Over $8,400 but not over $10,600.	$1,248.50, plus 22% of excess over $8,000.
Over $10,600 but not over $13,250.	$1,732.50, plus 25% of excess over $10,600.
Over $13,250 but not over $15,900.	$2,395, plus 28% of excess over $13,250.
Over $15,900 but not over $21,200.	$3,137, plus 37% of excess over $15,900.
Over $21,200 but not over $28,300.	$5,098, plus 42% of excess over $21,200.
Over $28,300 but not over $41,100.	$8,080, plus 46% of excess over $28,300.
Over $41,100	$13,968, plus 50% of excess over $41,100."

(f) TECHNICAL AMENDMENTS.—

(1) SECTION 21 NOT TO APPLY.—

(A) Subsection (d) of section 21 of such Code (relating to effect of changes) is amended by inserting ", section 2 of the Tax Rate Equity Act of 1983," after "Tax Act of 1981".

(B) The subsection heading for subsection (d) of section 21 of such Code is amended by inserting "OR TAX RATE EQUITY ACT OF 1983" after "TAX ACT OF 1981".

(2) WITHHOLDING.—Paragraph (3) of section 3402(a) of such Code (relating to income tax collected at source) is amended by adding at the end thereof the following new sentence:

"Notwithstanding subparagraph (B), the Secretary shall take into account the amendments made by section 2 of the Tax Rate Equity Act of 1983."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(2) WITHHOLDING AMENDMENT.—The amendment made by paragraph (2) of subsection (f) shall apply to remuneration paid after June 30, 1983.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk proceeded to read the first committee amendment.

Mr. ROSTENKOWSKI (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, and that they be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The committee amendments are as follows:

Committee amendments: On page 2, after line 5, insert the following:

SEC. 2. REVENUE GAINED FROM CAP TO BE USED TO REDUCE FEDERAL DEFICITS.

Whereas projected Federal deficits threaten to abort economic recovery for all Americans, and

Whereas the need to reduce these deficits is one of the paramount issues facing this Congress:

It is the sense of the Congress that—

(1) the revenue gained from a cap on the third year of the individual tax rate cut be applied to a reduction in Federal deficits, and

(2) the Budget Committees apply the revenue gained from such cap to reduce deficit projections.

Page 2, line 18, strike out "SEC. 2." and insert in lieu thereof "SEC. 3.".

Page 3, in the table immediately following line 2, strike out "$20,286" and insert in lieu thereof "$28,286".

Page 4, strike out line 1 and all that follows down through the end of the table preceding line 1 on page 5 and insert in lieu thereof the following:

(b) HEAD OF HOUSEHOLD.—Paragaphs (2) and (3) of section 1(b) of such Code (relating to heads of households) are amended to read as follows:

"(2) FOR TAXABLE YEARS BEGINNING IN 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 13% of excess over $4,400.
Over $6,500 but not over $8,700.	$504, plus 15% of excess over $6,500.
Over $8,700 but not over $11,800.	$834, plus 18% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,392, plus 19% of excess over $11,800.
Over $15,000 but not over $18,200.	$2,000, plus 21% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,672, plus 25% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,997, plus 29% of excess over $23,500.
Over $28,800 but not over $30,000.	$5,534, plus 34% of excess over $28,800.
Over $30,000 but not over $34,100.	$5,942, plus 36% of excess over $30,000.
Over $34,100 but not over $44,700.	$7,418, plus 39% of excess over $34,100.
Over $44,700 but not over $60,000.	$11,552, plus 46% of excess over $44,700.
Over $60,000	$18,866, plus 50% of excess over $60,600.

"(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 12% of excess over $4,400.
Over $6,500 but not over $8,700.	$483, plus 14% of excess over $6,500.
Over $8,700 but not over $11,800.	$791, plus 17% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,318, plus 18% of excess over $11,800.
Over $15,000 but not over $18,200.	$1,894, plus 20% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,534, plus 24% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,806, plus 28% of excess over $23,500.
Over $28,800 but not over $30,000.	$5,290, plus 32% of excess over $28,800.
Over $30,000 but not over $34,100.	$5,674, plus 36% of excess over $30,000.
Over $34,100 but not over $44,700.	$7,150, plus 39% of excess over $34,100.
Over $44,700 but not over $60,600.	$11,284, plus 46% of excess over $44,700.
Over $60,600	$18,598, plus 50% of excess over $60,600."

Page 7, in the table immediate following line 7 of page 6, strike out "$10,627" and insert in lieu thereof "$10,827".

Page 7, in the table immediately following line 6—

(1) strike out "$2,700" and insert in lieu thereof "$2,750", and

(2) strike out "$10,100" in portion of the table setting forth the tax for taxable income over $12,300 but not over $14,950 and insert in lieu thereof "$12,300".

Page 9, in the table immediately preceding line 1, strike out "$8,000" and insert in lieu thereof "$8,400."

Page 9, in the table immediately following line 2, strike out "$8,000" and insert in lieu thereof "$8,400."

Page 10, line 1, strike out "section 2" and insert in lieu thereof "section 3."

Page 10, beginning in line 12, strike out "section 2" and insert in lieu thereof "section 3."

Page 10, after line 21, insert the following:

(3) ESTIMATED TAX.—No addition to the tax shall be made under section 6654 of the Internal Revenue Code of 1954 (relating to failure by individual to pay estimated income tax) with respect to any underpayment for a taxable year beginning during 1983 to the extent such underpayment was created or increased by the amendment made by this section.

The CHAIRMAN. The question is on the committee amendments.

The committeee amendments were agreed to.

AMENDMENT OFFERED BY MR. M'CURDY

Mr. McCURDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is this the amendment made in order by the rule?

Mr. McCURDY. It is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. MCCURDY: Add the following new section at the end of the bill:

The changes in the individual income tax contained in this Act will be accompanied by a dollar-for-dollar reduction in outlays in fiscal year 1984, by an amount which is at least equal to the revenue projected to be collected from these changes in the individual income tax.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. MCCURDY) will be recognized for 15 minutes.

Is the gentleman from New York (Mr. CONABLE) opposed to the amendment?

Mr. CONABLE. I am opposed to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. CONABLE) will be recognized for 15 minutes in opposition.

Mr. McCURDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that my amendment is a step in the right direction. I believe it is necessary to keep the heat on. I believe it is a tool to enforce the budget and a tool to impose discipline.

Mr. Chairman, I am amazed at the reaction of my colleagues on the other side of the aisle, by their actions on the budget and their statements today on the taxes.

I have reached the point where I believe the Republicans in this body are beyond redemption. All we have heard today is a trial run on the 1984 campaign theme. Is it not amazing how shameless they are by now defending the concept that deficits are a good thing, that there is nothing wrong with an unbalanced budget, and deficits of $200 billion.

Treasury Secretary Regan said in May of 1983, "I will offer a prize to anyone who can show me the connec-

tion between high interest rates and high deficits." For shame.

Is that what my Republican colleagues are saying to the folks back home?

In 1980, then candidate Ronald Reagan said:

> Mr. Carter is acting as if he had not been in charge for the past 3½ years. As if someone else ran up nearly $200 billion in red ink, as if someone else was responsible for the largest deficit in American history. And as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more.

That was in 1980. Yet in 1983 President Reagan submitted a budget with nearly $200 billion in deficits. The President apparently sees more political advantage in disrupting congressional attempts to curb the deficit than in providing the leadership for a reasonable compromise.

Mr. Chairman, the Republicans in this administration have defaulted on the deficit question. The Reagan budget was not even offered in the House. Yet it appears that they want to use the budget when it is acceptable to them, but ignore it when they do not like it. They want to accept the credit, but shift the blame.

House Resolution 1183 is not an ideal vehicle for long overdue fiscal policy reforms. I am convinced, however, that the time has come to establish that tax increases must be linked to spending cuts if we are ever to reduce the looming deficits that threaten our Nation's future.

□ 1810

The Ways and Means bill already contains language in the preamble expressing the sense of the Congress that revenues should be applied to the deficit, and I can commend my colleague, the gentleman from North Dakota (Mr. DORGAN) for that preamble.

My amendment, however, doubles the deficit-cutting impact of the proposed cap. Let me read again the language of the amendment so that there is no mistake:

> The changes in the individual income tax contained in this Act will be accompanied by dollar-for-dollar reduction in outlays in fiscal year 1984 by an amount which is at least equal to the revenue projected to be collected by these changes in the individual income tax.

Mr. Chairman, there is no absolute guarantee that the reductions will be made, but I pledge my commitment to enforcing the provisions of this amendment. If my colleagues want to go home and continue to talk about controlling spending and reducing deficits, then I believe they should seriously consider this amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman. I want to commend the gentleman for this amendment. We who do not like big deficits, if I understand your amendment, there is a possibility under your amendment, if adopted, that we could reduce the deficit by cutting back on outlay spending by $6 billion.

Mr. McCURDY. The gentleman is correct.

Mr. MONTGOMERY. It makes a lot of sense to me. I have been around here for years saying we have got to cut back on spending, and your amendment fits right in my philosophy. I commend the gentleman for his amendment.

Mr. McCURDY. I thank the gentleman for his support.

Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Oklahoma (Mr. McCURDY) has 10 minutes remaining at this time.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I will yield to the gentleman for Oklahoma.

Mr. ENGLISH. I thank the gentleman for yielding.

Mr. Chairman, I, too, would like to join in commending the gentleman from Oklahoma for his very fine amendment. I think that it certainly makes a great deal of sense. It moves us in the right direction, and I think if we are indeed serious about reducing the deficits, then I think we can take not one small step, but one giant double step today.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, on the larger issue of the later vote, I think it is clear the earlier speeches made clear that no conservative can vote for a liberal Democratic tax increase; that despite the rhetoric of the gentleman from Texas, this strikes right at the heart of every conservative's constituency, at working couples, at small businesses, at small farms, at people who save.

But the issue we are discussing now, the proposed amendment, is a different sort of creature. Frankly, there was once an amendment that made some sense. It was offered several days ago by the gentleman from Oklahoma. It was a real amendment. It said we have to cut spending for real, and it listed a number, and it had enforceable provisions, and it went to the Committee on Rules. In the Committee on Rules, the liberal Democratic leadership gutted that amendment. They eviscerated it. They left it without force, without meaning, impotent.

This amendment in its current form has no power, no effect. It is the fig leaf amendment. It is designed to hide behind. It is the excuse Members can use who are afraid to go home and admit openly that they voted for a tax increase.

Once upon a time, a few days ago, there was a real amendment, but the problem with the real amendment, I say to my colleagues who really know better, is that the real amendment would have cut spending, that the real amendment would have forced the majority to decide on priorities, that the real amendment would have led, in fact, to a change in behavior. So the real amendment died, to be replaced with the skeleton, the shadow.

Once upon a time there was an amendment that had a straight, honest, open figure printed in law by which one could measure spending cuts. However, this amendment, in its current form, requires that we rely on the liberal leadership to measure whether or not in fact they have made spending cuts. In effect, in the Committee on Rules, the liberal leadership said, "Trust us. Go ahead and pass the tax increase, which is real and permanent and will be there, and trust us. We will do the best we can." And by the way, I think we can be guaranteed they would certify that they had made the spending cuts, period, because they want the money.

In effect, this amendment would be a loophole, an excuse. This amendment guarantees higher taxes while doing nothing to affect spending. While the original amendment had force, this one has none.

We have heard a lot of rhetoric today, but the discouraging thing is the degree to which this amendment will mislead and confuse the American people. All of us go home to districts in which people say, "Why is Congress a mess? Why does nothing good happen? Why is it so difficult to change things?" This amendment, I think, is a clear, classic example of the politician's art, of fuzzing everything up in such a way that nothing will change, the liberals will get their money, the people will lose money out of their wallets, the Government will grow bigger, but we will all have a good speech.

However, those who do not have the courage to stand openly and take people's money should not hide behind misleading, deceptive and unenforceable, gimmicks. Many liberal Democrats have learned to say the word "deficit." It was fascinating to have half the Democratic side applaud at the majority leader's reference to deficits. They say "deficit" as they walk over to vote for higher spending. They said "deficit" earlier today when they voted for a big spending, big taxing, big deficit budget. They said "deficit" as they vote to raise taxes.

The adoption of the word "deficit" by liberal Democrats is comparable to

the local whiskey dealer deciding he is really concerned about alcoholism and offering to buy everyone in town a drink to discuss it. It is, in fact, a political device to avoid the heat.

But the reality is that this amendment will not cut spending. It is a political excuse to hide from the real fight in this Congress, which is the fight to change fundamental behavior.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Colorado.

Mr. KRAMER. I thank the gentleman for yielding.

Mr. Chairman, I would like a clarification, if the gentleman has information, with respect to what we did last summer when we increased taxes by almost $100 billion and, in exchange therefor, agreed to reduce spending by $280 billion. It is my understanding we only really reduced that spending by $53 billion, although we were committed to reduce it by $280 billion. That leaves, by my rough calculation, $220 billion remaining.

Is this amendment an add-on to that commitment, or does it replace that commitment, or is it in lieu thereof?

Mr. GINGRICH. This amendment is worse than the commitment last summer, which failed by 6 to 1 to achieve its purpose. This amendment is worse and it is less enforceable.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, I voted for a budget last year that claimed $3 in budget cuts for every $1 in tax increases, and I voted for it because it was binding. It was in the budget. We ended up getting 57 cents in cuts for each dollar of taxes. We have an amendment here today that set out a baseline for cuts when it went to Rules. It said that we had to cut $6 billion below a baseline of $849.5 billion. But that baseline was struck from the amendment.

□ 1820

I find myself in a very difficult position. I see a sham that is about to be perpetrated for Members who want to vote for this tax increase but who want to hide from their constituents, Members who talk about deficits but who just voted to raise the deficit by $13 billion above Reagan's level and who have voted against every budget cut for the last 2 years.

I would like to cut spending by $6 billion, but if I vote for this, I am voting to perpetrate a sham that will allow Members to hide from their constituents, and as a result, I am going to vote no on this amendment because it is totally nonbinding and totally phoney. I call on my colleagues to do the same so Members can cast an honest vote around here for a change.

Do we want to raise taxes, or do we not? But let us not claim that we are going to cut spending when we just adopted a budget that raised the deficit by $13 billion. We are not going to go back and vote on that budget again. This amendment is totally meaningless, and it is total window dressing. Every Member of this body knows that, and I think we ought to be honest with the American people.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I say to the gentleman, "Say it isn't so." I have told some of my friends across the aisle that I might support this, and I suddenly find myself fighting like a missionary being invited to a cannibal's barbeque.

There is no baseline. There is no baseline that is going to add more to the pot, and then the $6 billion would still come out.

Mr. GRAMM. Mr. Chairman, all the gentleman is doing is letting Members off the hook who do not have courage enought to vote for a tax increase they are being pressured to vote for.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Texas (Mr. GRAMM).

Mr. CONABLE. Mr. Chairman, may I ask the gentleman from Oklahoma (Mr. MCCURDY) what his intention is with respect to the rest of the time?

We have several other speakers, and I want to have a reasonable arrangement here.

Mr. MCCURDY of Oklahoma. Mr. Chairman, I will inform the gentleman that I have two additional requests for time, one for 1½ minutes, and then I will yield to the Speaker to conclude debate.

Mr. CONABLE. Mr. Chairman, I thank the gentleman.

Under those circumstances, Mr. Chairman, I now yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, this McCurdy amendment is a very interesting animal.

Yesterday the gentleman from Oklahoma (Mr. MCCURDY) and I went to the Rules Committee, each requesting an amendment to be made in order. The McCurdy amendment would have reduced spending by $6 billion from the nonreserve fund budget number which we just approved of $849.5 billion of spending. My amendment would have reduced $12 billion from that number.

A funny thing happened in the Rules Committee. The Rules Committee almost treated the gentleman from Oklahoma as badly as it treated me. It simply rejected my amendment out of hand, but in the case of the McCurdy amendment it removed its private parts. With major surgery, it has left the McCurdy amendment an empty husk so that the maker of the amendment himself says there is no guarantee that reductions can be made.

So, Mr. Chairman, I say to the Members, "If you believe in the Great Pumpkin or the Tooth Fairy or the Speaker of the House, vote for the McCurdy amendment."

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, the gentleman from New York (Mr. GREEN) reminded us of something that is very important earlier today when he suggested that a $50,000 income in 1983 is the equivalent of about a $17,000 income in 1967. That shows the distortion that exists in our society as to who is wealthy and who is poor, or even what is the definition of such terms.

Now, there are two ways to make people equal. We can either make the rick poor or the poor rich. The whole purpose of the American dream, I thought, was to make the poor rich. To be rich is not un-American. But if we take away the opportunity to gain income, to get rewards for production, or to be able to get an incentive for savings or investment or entrepreneurial ability, we in effect will remove from this country not only the wealth of individuals but ultimately the wealth of our country. I do not suggest that to be rich is to just have more creature comforts, to be rich is to have freedom, and hope and opportunity—to be able to buy a home, send your children to college.

There is no way we can help the poor by making America poor, and when we have a too steeply graduated income tax system which only seeks to redistribute income as its sole goal, in effect we make everybody poorer and our Nation impoverished. In such a tax system the harder you work and the more income you produce, the higher your tax bracket. In America for the past 10 or 12 years, as the gentleman from New York (Mr. GREEN) pointed out, you did not need to even work harder or earn more income; you could have stood still and Congress would have inflated you into higher brackets and you might have ended up with a $50,000 income in 1983 with double or triple the tax rate you would have paid on $16,000 in 1967 even though purchasing power was falling.

Now we are saying that it is somehow unfair to reduce everybody's bracket across the board, but yet the very next speaker, our distinguished Speaker, was the one in 1964 who voted to cut tax rates across the board by about 25 or 30 percent. And indeed, if we go back to that debate in 1964, when they cut the tax rates from 91 down to 70 percent, an income of

$400,000 would have received about a $100,000 tax cut over time.

Mr. Chairman, I ask Members to reject the idea of pitting the poor against the rich. I ask them to reject the idea of putting the American people and this debate into the terms of class warfare. We have cut the rates across the board. It seems to be obvious to most Americans that there is a stronger desire for income growth than for redistribution of income.

Mr. Chairman, I ask the Members to reject this amendment, reject the tax surtax bill, and help put the American dream back into this country for all people, rich or poor. Black or white, male or female——

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CARPER).

Mr. CARPER. Mr. Chairman, I rise in strong support of Mr. McCURDY's amendment. The Reagan administration's policy of borrow and borrow, spend and spend is as bankrupt as the Democrat's old policy of tax and tax, spend and spend.

The author of this amendment realizes this fact, and I thank him for his leadership in trying to insure that our efforts to reduce our deficits focus at least as much on spending restraint as on increasing revenues.

There are Democrats and Republicans who voted for the compromise budget resolution today who would have preferred, as I would, a resolution setting somewhat lower spending targets than we have adopted. Doubtlessly, some Democrats and Republicans opposed the resolution today because its spending targets were deemed by them to be too high.

By adopting the McCurdy amendment today we have an opportunity to either make a symbolic gesture that is largely window dressing, as some have suggested, or take the first in a series of steps to further reduce America's deficits, if we are truly serious about the intent of this amendment. I hope that we choose the latter course.

For those Members who are not really serious about making the tough decisions to find $6 billion in further spending cuts, I urge you to vote against this amendment and defeat it. For those Members who are serious, as Mr. McCURDY and I are, about moving this country closer to a policy of fiscal sanity, I urge you to support this amendment.

Mr. McCURDY. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. Mr. Chairman, why is it that our present colleagues on the Republican side of the aisle are squirming so hard at the McCurdy amendment? I ask that, particularly since they proposed almost an identical amendment in the Rules Committee, except for the 2-4-1 or 1-4-1, which is just a matter of magnitude, not a matter of character.

They are squirming so hard because it puts them in the position of voting against spending cuts. The only fig leaf they are holding out for is a baseline number. Other than that, they love the McCurdy amendment, so they tell us.

What does that baseline mean? What does this loss mean? Nothing. That baseline, Mr. Chairman, is based on a number of economic assumptions. That is not a single number. That is a moving number; it moves every day. It does not make any sense by itself.

This amendment is a strong amendment. It is a meaningful amendment. We are sending ourselves a message on the second budget go-around—and there will be one—that we have to go out and find $6 billion more to cut spending.

Mr. Chairman, this is a meaningful amendment, and I urge its adoption.

Mr. CONABLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York (Mr. CONABLE) is recognized for 3 minutes.

Mr. CONABLE. Mr. Chairman, the Republicans, in the Rules Committee, did not offer a 2-for-1 amendment. They offered an amendment that called for no tax increases at all, but tried to cut spending, the only way we are going to get the deficit down.

Now, this whole operation is something of a craps game, but when the McCurdy amendment was subjected to surgery in the Rules Committee, it became a floating craps game with loaded dice.

We are not squirming about the McCurdy amendment. We just want to be sure that everybody in this Chamber understands what it really is. It is an opportunity for Members to try to fool somebody, but it is not a very good opportunity because it has no baseline figure. As presented to the Rules Committee, there was a baseline figure in it. But that figure was surgically removed, thus leaving the amendment totally without effect. The amendment still mentions spending cuts, but does not indicate from what point cuts would start.

The amendment is, after that surgery, fully impotent. It has no real meaning.

We just passed a budget that called for a substantial increase in spending and an increase in deficits. So let us not pretend for a minute that if we adopt the McCurdy amendment, there is going to be any turnaround here. In fact, all we are doing is perpetrating a flimflam. Everybody in this room knows it and I hope the American people will see through it.

□ 1830

The time has come to stand up and be counted. Are we really concerned about deficits or do we want to play games?

In fact, we are not going to get deficits under control by raising taxes. We have been doing that for a long, long time, and the deficit is bigger and bigger every year.

So, my friends, let us not pretend anything except that we are engaged in a political exercise here. The opportunity that faces us is once again to reaffirm the faith of the American people in this body and turn down a tax increase which we know will hit the middle class. Everybody in this room wants an excuse like the McCurdy amendment to try to hide behind, but fig leaves are not very good cover.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I thank the gentleman for yielding.

I support tax cuts, but if you call salami a pork chop, it is still salami. This is not a spending cut and I cannot vote for the amendment.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Louisiana.

Mr. MOORE. Mr. Chairman, does the gentleman intend that the House will, in fact, have an opportunity to vote on a real 2-for-1 cut in spending today?

Mr. CONABLE. It is something that we would like to have made in order. That is a possibility.

Mr. MOORE. Through a motion to recommit, I am thinking; does that intend to be offered?

Mr. CONABLE. That may be offered, yes.

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the sincere efforts of the gentleman from Oklahoma in the purpose for which the amendment was offered.

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. COLEMAN).

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the amendment offered by my colleague from Oklahoma, Mr. McCURDY. As a coauthor, I support this amendment because I have consistently told the constituents of the 16th District of Texas that I would come to Washington to both cut taxes and spending simultaneously. That is exactly what this amendment to H.R. 1183 would accomplish.

The opportunity for a national economic recovery is threatened today by everexpanding deficits. Those deficits, approximately $200 billion for fiscal year 1984, will stave off any chance our Nation has for such a recovery. By passing this bill, H.R. 1183, the Tax Rate Equity Act of 1983, $6.1 billion would be saved to offset deficit spending. Additionally, by adding this amendment, such revenue amounts would be matched by additional spending reductions.

This is a sound proposal; this is a fair proposal. By implementing the tax cap, we would not be raising taxes. On the contrary, we would still have a tax cut, but with a modification of the amount of tax reductions for those in the upper-middle and upper-income brackets. This is only fair since persons in those brackets affected have already received the majority of the first two legs of the Economic Recovery Tax Act of 1981. Those in the lower- and middle-income brackets will still receive their full tax cuts. Those in higher tax brackets will also receive a tax cut, not an increase as critics would have you believe, but a smaller tax cut than the Reagan administration wanted.

This amendment is in the spirit of bipartisan effort the President called for at the beginning of this Congress. This amendment would accomplish the goal I set out to accomplish in Washington—to reduce the Federal deficit. This goal will be accomplished by this amendment by cutting tax reductions as well as cutting Federal spending. We cannot continue to finance either tax cuts nor Federal spending with borrowed money. That is not fair to the American people, and I will not support programs that intend to do only one or the other.

Mr. McCURDY. Mr. Chairman, I urge passage of the amendment.

I yield the balance of my time to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, I rise in support of the McCurdy amendment and the current legislation before us.

This has been a very interesting day. I have never heard the words "political exercise" used so many times and the words "political sham" used as many times as in the debate on both of these important bills. As you know, the budget passed here. It has gone to the Senate and with the aid of the Republican leader in the Senate, Mr. BAKER, it has also passed the Senate.

So the Republicans in the Senate apparently did not think it was a political exercise and a political sham.

There has been so much talk about the word "politics." Politics is a part of the life of all of us. We are all in politics. There is a big difference between being in politics and the exercise of politics for sham. You do not manufacture issues. Issues are not manufactured in this body. They are created by the people, who on the first Tuesday of every other November go to the polls to vote in the Federal election. They are the ones who create the issues.

The issues in the last election were social security, unemployment, and the tax cut. Together they spelled one thing: fairness. Was there fairness in America?

What were the results of the poll on that day? We lost one Member of the House on this side of the aisle. You lost 27 on that side and the Democrats made a net gain of 26 seats, and it was because of the issue of fairness.

Two years ago, I stood here in this well and opposed the most severe cuts in social programs ever enacted by this body. Those cuts hurt a great number of people. They hurt the working poor. A million people had their AFDC payments either cut or eliminated altogether.

The cuts also hurt families of moderate income. A million college students were forced to accept major cuts in their guaranteed loans and other aids. About 3 percent fewer students are applying for college this year because of the action of the Congress last year.

Thirteen million children were faced with cuts in their school lunches.

Over 40 States were forced to cut their medicaid programs—affecting mothers and children and the elderly.

The sponsors of these cuts justified them on two grounds. First, they promised that the cuts would be fair. All Americans would be asked to sacrifice for the good of the country as a whole. Everyone would have a share of the burden.

Second, they told us that the cuts, harsh as they were, were a necessary way to cut the Federal deficits, a necessary way to bring Government borrowing under control. Cutting social programs would help bring about lower deficits.

Well, we gave the administration its day in court. That is one of the prerogatives of the Speaker, to be able to schedule. We did not hide or duck. The program came to the floor. The Congress adopted that program, the entire program. The social cuts went into effect and millions and millions of Americans soon felt the pain.

But what about the promises that were made? What about the promise that the burden would be shared equally? What about the promise of lower deficits?

Well, let us look at those promises for a moment. First, the promise of equity, the promise of basic fairness. The sad fact is that at the very moment that some Americans were asked to sacrifice, those at the top, those whom you are trying to protect today, were told that they could have it both ways. They could have a tax benefit. It would be good for them and it would be good for the country. They could have greater tax benefits at no cost to the Treasury and no pain to the economy as a whole.

This is not my personal assessment of what happened. This is not just a general public perception of what the Reagan program has done.

The Congressional Budget Office reports—now, this is the Congressional Budget Office—reports that the total effect of the administration's economic policy between 1982 and 1985—listen to this figure—is to take $20.1 billion away from people below $10,000 a year and it gives—it gives $64.6 billion in benefits to those who earn over $80,000 a year.

This massive and unfair shift in the wealth did not result from luck or accident or from mysterious economic forces. It was the result of legislation that was offered on the floor of this House and passed.

Unfortunately for the country, the sacrifices called for in 1981 have not meant lower deficits, but the highest deficits in history. Instead, we have had the highest deficits in history, deficits brought about as a direct result of three factors: the recession, the worst since the 1930's; the highest growth in military spending, and the greatest and most unfair cuts in taxes in the history of this country.

While we were cutting social spending in order to cut the deficit, we were raising the deficit through tax policy and through enormous spending by the Pentagon—to the point that the Director of the Office of Budget and Management has predicted $200-billion-a-year deficits as far as the eye can see.

Today we have an opportunity to address the unmet promises of the last 2 years, the promise of fairness and the promise of lower deficits.

First of all, let us talk about the matter of fairness. That is what last year's election was all about, fairness. Eighty-nine percent of the revenue raised in this bill will come from families with incomes of more than $50,000 a year.

Now, if you think otherwise, you are kidding yourselves, or you do not understand the legislation or you have been given faulty figures.

In other words, $9 out of every $10 raised by this cap will come from the top 5 percent of the people in America, the top 5 percent of the earners in America.

□ 1840

I cannot think of any other tax measure that has done a better job of putting the burden of Federal revenues on those with the greatest financial ability to be able to carry that

burden. They have had it easy for the last 2 years and they should make the sacrifice and they should carry the burden.

Second, it will reduce the deficit by over $20 billion between now and 1986. It will raise this revenue by the fairest means possible, from those with the greatest ability to pay.

Last summer, the House faced a similar opportunity. We were sliding out of control through the worst economic crisis since the 1930's. Fortunately for the country the House acted. We passed a revenue bill, the Rostenkowski-Dole bill, a necessary and a fair revenue measure. Because we acted and showed resolve we convinced the Federal Reserve to loosen up the money supply and to add the monetary stimulus needed to trigger more investment.

This afternoon we face a similar situation. We have before us today a progressive and a fair tax bill that will place a greater part of the burden on those with the greatest resources.

In his budget, the President offered a different approach: The oil tax and an across-the-board surtax. While the President himself calls these "contingency" measures, his own budget assumes enactment of both of these regressive bills.

To me there is no doubt which approach is best for the middle class. The $700 cap takes $9 out of every $10 from the 5 percent at the top. Two-thirds of the administration's proposed tax bill would fall on those who make less than $50,000. That is what the President proposed. And three-quarters of the oil import tax would fall on those who earn less than $40,000 a year.

I urge you to vote for this bill. I urge you to vote for the McCurdy amendment.

Given the options, given the situations, it is by far the fairest thing to do. Most of all, it is a chance to inject a small, necessary dose of equity into the administration's program.

I urge the Members on both sides of the aisle to join me in this small step toward regaining fairness in this country.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. McCURDY).

RECORDED VOTE

Mr. McCURDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 267, noes 155, not voting 10, as follows:

[Roll No. 216]

AYES—267

Ackerman	Albosta	Andrews (NC)
Addabbo	Alexander	Andrews (TX)
Akaka	Anderson	Annunzio
Anthony	Gray	Olin
Applegate	Guarini	Ortiz
Aspin	Gunderson	Ottinger
AuCoin	Hall (IN)	Owens
Barnard	Hall (OH)	Panetta
Barnes	Hall, Ralph	Patman
Bates	Hall, Sam	Patterson
Bedell	Hamilton	Pease
Beilenson	Hance	Penny
Bennett	Harkin	Pepper
Berman	Harrison	Perkins
Bevill	Hatcher	Pickle
Biaggi	Hawkins	Price
Boggs	Hefner	Rahall
Boland	Hertel	Rangel
Boner	Hightower	Ratchford
Bonior	Hopkins	Ray
Bonker	Howard	Reid
Borski	Hoyer	Richardson
Bosco	Hubbard	Rodino
Boucher	Huckaby	Roe
Boxer	Hughes	Roemer
Breaux	Hutto	Rostenkowski
Britt	Ireland	Roukema
Brooks	Jenkins	Rowland
Brown (CA)	Jones (NC)	Roybal
Bryant	Jones (OK)	Russo
Byron	Jones (TN)	Sabo
Carper	Kaptur	Savage
Carr	Kastenmeier	Scheuer
Chappell	Kazen	Schroeder
Clarke	Kennelly	Schumer
Clay	Kildee	Seiberling
Coelho	Kindness	Shannon
Coleman (TX)	Kogovsek	Sharp
Collins	Kolter	Shelby
Conyers	Kostmayer	Sikorski
Cooper	LaFalce	Simon
Coyne	Lantos	Sisisky
Crockett	Leath	Skelton
D'Amours	Lehman (CA)	Slattery
Daniel	Lehman (FL)	Smith (FL)
Dannemeyer	Levin	Smith (IA)
Daschle	Levine	Snyder
Daub	Levitas	Solarz
de la Garza	Lipinski	Spratt
Dellums	Lloyd	St Germain
Derrick	Long (LA)	Staggers
Dicks	Long (MD)	Stark
Dingell	Lowry (WA)	Stenholm
Dixon	Lujan	Stokes
Donnelly	Luken	Stratton
Dorgan	Lundine	Swift
Dowdy	MacKay	Synar
Downey	Markey	Tallon
Durbin	Matsui	Tauzin
Dwyer	Mavroules	Thomas (GA)
Dymally	McCloskey	Torres
Dyson	McCurdy	Torricelli
Early	McDonald	Towns
Eckart	McEwen	Traxler
Edgar	McHugh	Udall
Edwards (CA)	McNulty	Valentine
English	Mica	Vandergriff
Erdreich	Mikulski	Vento
Evans (IL)	Miller (CA)	Volkmer
Fascell	Miller (OH)	Walgren
Fazio	Mineta	Watkins
Feighan	Minish	Waxman
Ferraro	Mitchell	Weaver
Flippo	Moakley	Weiss
Florio	Mollohan	Wheat
Foglietta	Montgomery	Whitley
Foley	Moody	Whitten
Ford (MI)	Morrison (CT)	Williams (MT)
Ford (TN)	Mrazek	Williams (OH)
Fowler	Murphy	Wilson
Frost	Murtha	Wirth
Fuqua	Natcher	Wise
Garcia	Neal	Wolpe
Gaydos	Nelson	Wright
Gejdenson	Nichols	Wyden
Gephardt	Nowak	Yates
Gibbons	Oakar	Yatron
Glickman	Oberstar	Young (MO)
Gonzalez	Obey	Zablocki

NOES—155

Archer	Bliley	Carney
Badham	Boehlert	Chandler
Bartlett	Broomfield	Chappie
Bateman	Brown (CO)	Cheney
Bereuter	Broyhill	Clinger
Bethune	Burton (IN)	Coats
Bilirakis	Campbell	Coleman (MO)
Conable	Kemp	Regula
Conte	Kramer	Ridge
Corcoran	Lagomarsino	Rinaldo
Coughlin	Latta	Ritter
Courter	Leach	Roberts
Craig	Lent	Robinson
Crane, Daniel	Lewis (CA)	Rogers
Crane, Philip	Lewis (FL)	Roth
Davis	Livingston	Rudd
DeWine	Loeffler	Sawyer
Dickinson	Lott	Schaefer
Dreier	Lowery (CA)	Schneider
Duncan	Lungren	Schulze
Edwards (AL)	Mack	Sensenbrenner
Edwards (OK)	Madigan	Shaw
Emerson	Marlenee	Shumway
Evans (IA)	Marriott	Shuster
Fiedler	Martin (IL)	Siljander
Fields	Martin (NC)	Skeen
Fish	Martin (NY)	Smith (NE)
Forsythe	Mazzoli	Smith (NJ)
Frank	McCain	Smith, Denny
Franklin	McCandless	Snowe
Frenzel	McCollum	Solomon
Gekas	McDade	Spence
Gilman	McGrath	Stangeland
Gingrich	McKernan	Studds
Goodling	McKinney	Stump
Gradison	Michel	Sundquist
Gramm	Molinari	Tauke
Green	Moore	Taylor
Gregg	Moorhead	Vander Jagt
Hammerschmidt	Morrison (WA)	Vucanovich
Hansen (ID)	Myers	Walker
Hansen (UT)	O'Brien	Weber
Hartnett	Oxley	Whitehurst
Hiler	Packard	Whittaker
Hillis	Parris	Winn
Holt	Pashayan	Wolf
Horton	Paul	Wortley
Hunter	Petri	Wylie
Hyde	Porter	Young (AK)
Jeffords	Pritchard	Young (FL)
Johnson	Pursell	Zschau
Kasich	Quillen	

NOT VOTING—10

Erlenborn	Leland	Smith, Robert
Gore	Martinez	Thomas (CA)
Heftel	Nielson	
Jacobs	Rose	

□ 1900

The Clerk announced the following pairs:

On this vote:

Mr. Jacobs for, with Mr. Thomas of California against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

Mr. SCHUMER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HERTEL of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1183), to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, pursuant to House Resolution 242, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. The Chair would like to thank the gentleman from

Michigan (Mr. HERTEL). The Chair believes that the gentleman did a marvelous job.

Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FRENZEL. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRENZEL moves to recommit the bill, H.R. 1183, to the Committee on Ways and Means with instructions to report the same back forthwith with the following amendment in the nature of a substitute:

On page 1, line 2, strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction Act of 1983."

SEC. 2. REDUCTIONS IN SPENDING.

Legislation shall be enacted before October 1, 1983, which, as certified by the Congressional Budget Office, will reduce outlays in fiscal year 1984 by an amount which achieves spending policy reductions equal to at least $12,000,000,000. For purposes of the preceding sentence, action shall be taken into account only to the extent it will reduce budget authority a sufficient amount to reduce outlays below $852,400,000,000 in fiscal year 1984.

The SPEAKER. The gentleman from Minnesota (Mr. FRENZEL) will be recognized for 5 minutes, and the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, this is an amendment I tried to move in the Ways and Meams Committee where it was declared out for order. I tried to have it made in order in the Rules Committee, it was not, but now thanks to the adoption of the McCurdy amendment it is in order as a motion to recommit.

This amendment removes the tax increases and mandates a spending cut of $12 billion from the CBO baseline under the economic and technical assumptions agreed to by the conference committee on the budget.

This is not a one-for-one reduction. This is not a one-for-one reduction from no baseline. This is not a two-for-one reduction. This is a 12 to nothing reduction. There is no tax increases in this amendment. There is a $12 billion spending decrease and that decrease is from a known baseline. So that there is some guarantee that it can be achieved. This amendment provides you with a real choice for the first time. If you vote for the motion to recommit, you will vote down the tax increase and you will vote for real spending decreases.

If you do not and vote for the bill, you will have the simple tax increase and the never-never land reduction from no base whatsoever.

This amendment will save a very terrible bill and by voting for it you will be able to redeem yourself and the Congress in the eyes of the people of the United States, the taxpayers. By a single vote you can redeem yourself.

This amendment of mine takes those vital parts of the McCurdy amendment that were left on the floor in the Rules Committee, restores them to the bill and adds additional sinew and muscle to a reduction.

Mr. Speaker, this amendment is a substitute for the bill, the bill which does not have a cap, does not have fairness, does not have a deficit reduction and is not going to pass. But if you will vote for the motion to recommit you will have the clear choice of reducing spending by $12 billion and by seeing that there is no tax increase this year.

I urge my colleagues to vote for the motion to recommit and accept the choice that the taxpayers have thrust upon us, that is, not always try to solve our fiscal problems by raising taxes, but occasionally, once in a while, do a little spending cutting.

I would stress that there is no particular kind of spending that needs to be cut. It can be reduced from any portion of the budget.

Mr. Speaker, I give up. I got better attention up at the Budget Committee, where I was had. And I think by now the House understands the nature of my motion to recommit. It will be a real spending cut and no tax cut.

I urge the adoption of the motion to recommit.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in opposition to the motion to recommit.

The Members of the House should be made aware of the fact that the motion would only insert a directive with regard to spending, but would also delete the tax cap in its entirety.

I agree with the gentleman from Minnesota, my good friend, that we need to reduce spending as part of any effort. And I look forward to working with the gentleman from Minnesota in implementing as much of the budget resolution as possible in regard to both taxes and spending.

The language of the gentleman from Minnesota does nothing to reduce spending except expressing the hope or an expectation of what might follow.

If we want to reduce the deficit today, we should vote to support the tax cap and then get down to the serious business of working on spending cuts and revenue increases.

I urge a "no" vote on the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the nays appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 181, nays 241, not voting 10, as follows:

[Roll No. 217]

YEAS—181

Archer	Hansen (ID)	Paul
Badham	Hansen (UT)	Petri
Bartlett	Hartnett	Porter
Bateman	Hightower	Pritchard
Bereuter	Hiler	Pursell
Bethune	Hillis	Quillen
Bilirakis	Holt	Ray
Bliley	Hopkins	Regula
Boehlert	Horton	Ridge
Broomfield	Hunter	Rinaldo
Brown (CO)	Hutto	Ritter
Broyhill	Hyde	Roberts
Burton (IN)	Ireland	Robinson
Byron	Jeffords	Roemer
Campbell	Johnson	Rogers
Carney	Kasich	Roth
Chandler	Kemp	Roukema
Chappie	Kindness	Rudd
Cheney	Kramer	Sawyer
Clinger	Lagomarsino	Schaefer
Coats	Latta	Schneider
Coleman (MO)	Leach	Schulze
Conable	Leath	Sensenbrenner
Conte	Lent	Shaw
Corcoran	Lewis (CA)	Shelby
Coughlin	Lewis (FL)	Shumway
Courter	Livingston	Shuster
Craig	Loeffler	Siljander
Crane, Daniel	Long (MD)	Skeen
Crane, Philip	Lott	Smith (NE)
Daniel	Lowery (CA)	Smith (NJ)
Dannemeyer	Lujan	Smith, Denny
Daub	Lungren	Snowe
Davis	Mack	Snyder
DeWine	Madigan	Solomon
Dickinson	Marlenee	Spence
Dreier	Marriott	Stangeland
Duncan	Martin (IL)	Stenholm
Edwards (AL)	Martin (NC)	Stump
Edwards (OK)	Martin (NY)	Sundquist
Emerson	McCain	Tauke
English	McCandless	Tauzin
Evans (IA)	McCollum	Taylor
Fiedler	McDade	Vander Jagt
Fields	McDonald	Vandergriff
Fish	McEwen	Vucanovich
Forsythe	McGrath	Walker
Franklin	McKernan	Weber
Frenzel	McKinney	Whitehurst
Gekas	Michel	Whittaker
Gilman	Miller (OH)	Williams (OH)
Gingrich	Molinari	Winn
Goodling	Moore	Wolf
Gradison	Moorhead	Wortley
Gramm	Morrison (WA)	Wylie
Green	Myers	Young (AK)
Gregg	O'Brien	Young (FL)
Gunderson	Oxley	Young (MO)
Hall, Ralph	Packard	Zschau
Hall, Sam	Parris	
Hammerschmidt	Pashayan	

NAYS—241

Ackerman	Albosta	Andrews (NC)
Addabbo	Alexander	Andrews (TX)
Akaka	Anderson	Annunzio

Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rodino
Roe
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Zablocki

NOT VOTING—10

Erlenborn
Gore
Heftel
Jacobs
Leland
Martinez
Nielson
Rose
Smith, Robert
Thomas (CA)

□ 1920

The Clerk announced the following pairs:

On this vote:

Mr. Robert F. Smith for, with Mr. Heftel of Hawaii against.

Mr. Thomas of California for, with Mr. Jacobs against.

Mr. LONG of Maryland and Mr. LENT changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. CONABLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 191, answered "present" 1, not voting 11, as follows:

[Roll No. 218]

YEAS—229

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Carper
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Lloyd
Long (LA)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Rostenkowski
Rowland
Roybal
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Zablocki

NAYS—191

Applegate
Archer
Badham
Barnard
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Bosco
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carr
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Downey
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
Natcher
O'Brien
Oxley
Packard
Parris
Pashayan
Patman
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Russo
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Tauzin
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

ANSWERED "PRESENT"—1

Hall, Sam

NOT VOTING—11

Corcoran
Erlenborn
Gore
Heftel
Jacobs
Leland
Martinez
Nielson
Rose
Smith, Robert
Thomas (CA)

□ 1940

The Clerk announced the following pairs:

On this vote:

Mr. Jacobs for, with Mr. Thomas of California against.

Mr. Gore for, with Mr. Erlenborn against.

Mr. Leland for, Mr. Sam B. Hall, Jr., against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

Mr. YOUNG of Alaska changed his vote from "yea" to "nay."

Mr. SAM B. HALL, JR. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. LELAND). If he were present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. SAM B. HALL, JR., changed his vote from "nay" to "present."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1183.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, I was not present during the consideration of H.R. 1492, the bill to establish the Christopher Columbus Quincentennary Jubilee Commission. Official business required my presence in New Jersey. I take this occasion to lend my support to the creation of such an organization, in celebration of the 500th anniversary of the discovery of America.

It is particularly fitting, I think, that we plan to honor the explorer who defied conventional wisdom and those who would set limits on his world at a time when our contemporary Explorer has just left our solar system for worlds beyond. It is appropriate that we plan to celebrate the victory of a man who refused to believe that the world was flat at a time when the *Challenger* shuttle circles our globe far above the oceans which Columbus sailed.

The accomplishments of today are the result of the same courage, the same creativity and the same conviction exemplified by Christopher Columbus.

The Quincentennary Jubilee does not just honor Christopher Columbus' discovery of America. It embodies our own respect and reverence for all who rise to meet the challenges—and so by doing—discover new worlds.

APPOINTMENT OF CONFEREES ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. OBEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none and, without objection, appoints the following conferees: Messrs. FAZIO, OBEY, MURTHA, TRAXLER, Mrs. BOGGS, and Messrs. HIGHTOWER, WHITTEN, LEWIS of California, CONTE, MYERS, and PORTER.

There was no objection.

CONFERENCE REPORT ON S. 273, EXTENSION OF 8(A) PILOT PROGRAMS

Mr. MITCHELL submitted the following conference report and statement on the Senate bill (S. 273) to amend section 8(a)(1) of the Small Business Act:

CONFERENCE REPORT (H. REPT. No. 98-262)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SEC. 1. (a) Clause (B) of the first sentence of section 8(a)(1) of the Small Business Act is amended by striking out ", as shall be designated by the president within 60 days after the effective date of this paragraph," and inserting in lieu thereof "(other than the Department of Defense or any component thereof) as shall be designated by the President,"; and

(b) The designation of an agency pursuant to the amendment made by subsection (a) shall be made not later than sixty days after the date of enactment of this Act.

SEC. 2. The last sentence of section 8(a)(1) of the Small Business Act is amended to read as follows: "No contract may be entered into under subparagraph (B) prior to October 1, 1983 nor after September 30, 1985.".

SEC. 3. The last sentence of section 8(a)(2) is amended to read as follows: "The authority to waive bonds provided in this paragraph (2) may not be exercised prior to October 1, 1983 nor after September 30, 1985.".

Amend the title so as to read: "An Act to amend section 8(a) of the Small Business Act.".

And the House agree to the same.

PARREN J. MITCHELL.
NEAL SMITH.
JOSEPH P. ADDABBO.
RON WYDEN.
DENNIS E. ECKART.
TOM LUKEN.
JOSEPH M. MCDADE.
SILVIO O. CONTE.
WM. BROOMFIELD.
LYLE WILLIAMS.
Managers on the Part of the House.

LOWELL P. WEICKER, Jr.
RUDY BOSCHWITZ.
LARRY PRESSLER.
SAM NUNN.
CARL LEVIN.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The principle differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. 8(a) PROCUREMENT PILOT

P.L. 95-507 authorized an 8(a) pilot program which expired September 30, 1980. Under the provisions of the pilot, the President was authorized to select one agency over whom SBA would be given the authority to take procurement contracts for inclusion in SBA's 8(a) program for the development of minority enterprise. The President selected the Department of the Army.

The Senate bill would reopen the pilot program and require the President to select a new agency, other than the Defense Department or a component thereof, within sixty days. The pilot program would expire twenty months after enactment (sixty days for the President to act plus eighteen months for the pilot to operate).

The House amendment also would reopen this pilot program on October 1, 1983 for a period of two years, but would not restrict the authority of the President as to the agency to be selected nor would it require the selection to be done within any particular time frame.

The conference substitute reopens this pilot program on October 1, 1983 and requires the President, within sixty days after enactment, to select a new agency, other than the Defense Department or a component thereof, to participate in the program. The pilot is effective through September 30, 1985.

2. SURETY BOND PILOT

P.L. 95-507 also authorized a surety bond pilot program which expired September 30, 1980. Under this pilot, SBA was authorized to waive surety bond requirements for 8(a)

contractors which are start-up concerns and which have not been participating in the 8(a) program for more than one year. It took SBA more than two years to adopt final regulations. The Agency never granted any waivers.

The Senate bill does not reopen this pilot program.

The House amendment, effective on October 1, 1983, would reopen this pilot program through September 30, 1985.

The conference substitute also reopens this pilot program on October 1, 1983 through September 30, 1985.

The conferees recognize that by its terms the use of this authority will be limited under the eligibility requirements. Under the statute, before any bond requirement is waived, the Administration must determine, among other things, that the 8(a) small business concern is unable to obtain the requisite bond either from a surety company or by using the Administration's guarantee program. Furthermore, the Administration must determine that the contractor has the ability to perform the contract.

On the other hand, the conferees expect that the Administration will take the necessary steps to implement this pilot program and not take any action which would unnecessarily limit potential eligible participants by excluding from entrance into the regular 8(a) program firms which might be eligible for a bond waiver if admitted to the program.

PARREN J. MITCHELL,
NEAL SMITH,
JOSEPH P. ADDABBO,
RON WYDEN,
DENNIS E. ECKART,
TOM LUKEN,
JOSEPH M. MCDADE,
SILVIO O. CONTE,
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LYLE WILLIAM,
Managers on the Part of the House.

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SAM NUNN,
CARL LEVIN,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 272, COMMERCE BUSINESS DAILY

Mr. MITCHELL submitted the following conference report and statement on the Senate bill (S. 272) to improve small business access to Federal procurement information:

CONFERENCE REPORT (H. REPT. No. 98-263)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 272) to improve small business access to Federal procurement information, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(a) Section 8(e) of the Small Business Act is amended to read as follows:

"(e)(1) It shall be the duty of the Secretary of Commerce, and the Secretary is hereby empowered, to obtain notice of all proposed competitive and noncompetitive civilian and defense procurement actions of $10,000 and above from any Federal department, establishment or agency (hereinafter in this subsection referred to as 'department') engaged in procurement of property, supplies, and services in the United States; and to publicize such notices in the daily publication Commerce Business Daily, immediately after the necessity for the procurement is established: *Provided,* That nothing in this paragraph shall require publication of such notices with respect to those procurements in which it is determined on a case-by-case basis that (A) the procurement for security reasons is of a classified nature; (B) the Federal department's need for the property, supplies, or services is of such unusual and compelling urgency that the Government would be seriously injured if the time periods provided for in paragraph 2 were complied with; (C) a foreign government reimburses the Federal department for the cost of the procurement of the property, supplies, or services for such government and only one source is available, or the terms of an international agreement or treaty between the United States and a foreign government authorize or require that all such procurement shall be from sources specified within such international agreement or treaty; (D) a statute provides that the procurement be made through another Federal department or from a specified source; (E) the procurement is for utility services and only one source is available; (F) the procurement is made against an order placed under a requirement or similar contract, including orders for perishable subsistence supplies; (G) the procurement results from acceptance of a proposal pursuant to the Small Business Innovation Development Act of 1982 or an unsolicited proposal from an educational institution that demonstrates a unique or innovative research concept and publication of such unsolicited proposal would improperly disclose the originality of thought or innovativeness of the proposed research; or (H) it is determined in writing by the head of the Federal department, with the concurrence of the Administrator, that advance notice is not appropriate or reasonable.

"(2) Whenever a Federal department is required to publish notice of procurement actions pursuant to paragraph (1) of this subsection, such department shall not—

"(A) issue a solicitation until at least fifteen days have elapsed from the date of publication of a proper notice of the action in the Commerce Business Daily, except if the solicitation is for procurement of requirements categorized as research or development effort, in which case until at least thirty days have elapsed from the date of such publication;

"(B) foreclose competition until at least thirty days have elapsed from either (i) the date of issuance of the solicitation, or (ii) in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement, the date of publication of a proper notice of intent to place the order; or

"(C) commence negotiations for the award of a sole source contract until at least thirty days have elapsed from the date of publication of a proper notice of intent to contract: *Provided,* That nothing in this subparagraph shall prohibit an officer or employee of a Federal department from responding to a request for information.

"(3) Whenever notice is required by paragraph (1), such notice shall include—

"(A) a clear description of the property, supplies, or services to be contracted for, which description is not unnecessarily restrictive of competition;

"(B) the name, address and telephone number of the officer or employee of the Federal department who may be contacted for the purpose of obtaining a copy of either the solicitation or, if the notice is for an intent to contract on a sole source basis, such specification and information as practicable regarding the service or performance to be awarded; and

"(C) solely with respect to notice of intent to contract on a sole source basis, a statement that interested persons are invited to identify their interest and capability to respond to such requirement, or to submit proposals in response to such notice, within the stated period of time provided under paragraph (2).

"(4) Notwithstanding any other provision of law, unless the negotiations would be conducted pursuant to this section or section 9 of this Act, a Federal department may not commence negotiations for the award of a sole source contract for more than $1,000,000 in fiscal year 1984, for more than $500,000 in fiscal year 1985 and for more than $300,000 in fiscal year 1986 and each year thereafter unless—

"(A) the head of the procuring activity or his deputy, on a non-delegable basis, has approved the authority to enter into such contract, and

"(B) the contracting officer for such sole source contract has evaluated the responses to the notice of procurement action required in subparagraph (3)(C):

Provided, That nothing in this subparagraph shall prohibit an officer or employee of a Federal department from responding to a request for information.

"(5) In the case of all procurement actions in excess of $25,000 in which the award of a contract is likely to result in the award of subcontracts under such contract, unless the procurement for security reasons is of a classified nature, the Federal department shall promptly furnish for publication by the Secretary of Commerce a notice announcing the award in the Commerce Business Daily.

"(6) As used in this subsection—

"(A) the term 'sole source contract' means a contract for the purchase of property, supplies or services which is entered into or proposed to be entered into by a Federal department after soliciting and negotiating with only one source.

"(B) The term 'unsolicited proposal' means a proposal that is submitted to a Federal department on the initiative of the submitter for the purpose of obtaining a contract with the United States Government, and which is not in response to a formal or informal request (other than a departmental request constituting a publicized general statement of need in areas of science and technology-based research and development that are of interests to the department).".

(b)(1) Except as to the amendments made to section 8(e)(4) of the Small Business Act as added by section (a) of this Act, the amendments made by this Act shall apply to procurement actions initiated ninety days after the date of enactment of this Act.

(2) The amendments made to section 8(e)(4) of the Small Business Act as added by section (a) of this Act shall apply to procurement actions initiated on or after October 1, 1983.

(3) The provisions of this Act shall apply to the Tennessee Valley Authority only with respect to procurements to be paid from appropriated funds.

And the House agree to the same.

PARREN J. MITCHELL,
NEAL SMITH,
JOSEPH P. ADDABBO,
RON WYDEN,
DENNIS E. ECKART,
TOM LUKEN,
JOSEPH M. McDADE,
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Managers on the Part of the House.

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CARL LEVIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 272) to improve small business access to Federal procurement information, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The principal differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Under section 8(e) of the Small Business Act, the Secretary of Commerce is directed to obtain and publish notice of Federal procurements above stated dollar thresholds, with ten enumerated exemptions. The existing statute does not, however, provide for any time intervals between the date of publication of the notice and the awarding of the procurement contract. Both the Senate bill and the House amendment prohibit a Federal department from issuing a solicitation for at least fifteen days after the date of publication of a notice of the procurement in the *Commerce Business Daily* and further prohibit Federal agencies from foreclosing competition for the procurement for an additional thirty days after either the issuance of the solicitation or in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement, the date of publication of a notice of intent to place the order.

The conferees intend that this authority to publish notices of Federal procurements should continue to be vested in the Secretary of Commerce, or in any newly-created cabinet department that encompasses the trade functions of the Commerce Department. The conferees further expect that any other effort to transfer this authority from the department will be undertaken legislatively.

1. THRESHOLD AMOUNT

Under existing law the publication provisions apply to defense contracts of $10,000 and above and civilian contracts of $5,000 and above.

The Senate bill increases the threshold amount on civilian contracts to $10,000.

The House amendment has no similar provision.

The conference substitute increases the threshold amount on civilian contracts to $10,000.

2. EXEMPTION FOR CLASSIFIED REASONS

Under existing law there is an exemption from publication of procurements which for security reasons are of a classified nature.

The Senate bill re-worded the exemption to apply to procurements whose disclosure to more than one source would compromise national security.

The House amendment contains no similar provision.

The conference substitute retains the existing law language.

3. EXEMPTION FOR FOREIGN GOVERNMENTS

Under existing law there is an exemption from publication of procurements in which only foreign sources are to be solicited.

The Senate bill exempts from publication procurements in which a foreign government is reimbursing the United States for the cost of the procurement or if the terms of an international agreement or treaty require that the procurement be from specified sources.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements in which a foreign government is reimbursing the United States for the cost of the procurement and only one source is available, or if the terms of an international agreement or treaty authorize or require that the procurement be from specified sources.

4. EXEMPTION FOR CONTRACTS WITH OTHER AGENCIES

Under existing law there is an exemption from publication for those procurements which are made from another government department or agency, or a mandatory source of supply.

The Senate bill provides an exemption for procurements if a statute provides that it be made through another Federal department, establishment, or agency or from a specified source.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements for which a statute provides that they be made through another Federal department or from a specified source, or if the procurement results from acceptance of a proposal pursuant to the Small Business Innovation Development Act of 1982.

5. EXEMPTION FOR UTILITY SERVICES

Under existing law there is an exemption from publication of procurements which are for utility services and the procuring agency in accordance with applicable law has predetermined the utility concern to whom the award will be made.

The Senate bill eliminates this exemption.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements which are for utility services if only one source is available.

The conferees recognize that some utility services, such as telephone requirements, can, and should be, competed. However, in other instances, the conferees recognize that competition is impossible due to a monopoly on utility services in a given area, so that a requirement to advertise the procurement would be meaningless. Procurements in this category may include, but are not limited to, electrical services and water supply.

6. EXEMPTION FOR ORDERS UNDER EXISTING CONTRACTS

Under existing law there is an exemption from publication of procurements which are made by an order placed under an existing contract. There is also an exemption for procurements which involve perishable subsistence supplies.

The Senate bill eliminates both exemptions.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements which are made against an order placed under a requirements or similar contract, including orders for perishable subsistence supplies.

The conferees intend that this exemption be used in cases where an agency places an order against an existing contract or a requirements contract. Unless one of the other exemptions from publication applies to the initial, underlying contract, the conferees intend that this original contract only will be synopsized.

The conferees recognize that orders for perishable goods are often made against existing requirements contracts. Under this provision, all such orders for perishables would be exempted from the notice provisions in this law. However, the conferees do intend that whenever possible, and absent any other statutory exemptions, the contract itself, which is certainly not perishable, shall be subject to the notice provisions in this Act.

7. EXEMPTION FOR PERSONAL SERVICES

Under existing law there is an exemption from publication of procurements which are for personal or professional services.

The Senate bill eliminates this exemption.

The House amendment contains no comparable provision.

The conference substitute retains the Senate provision and eliminates the exemption from publication of procurements which are for personal or professional services.

8. EXEMPTION FOR EDUCATIONAL INSTITUTIONS

Under existing law there is an exemption from publication of procurements which are for services from educational institutions.

The Senate bill eliminates this exemption.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements which are for services from educational institutions if they result from an unsolicited proposal from those institutions that demonstrates a unique or innovative research concept and publication of such unsolicited proposal would improperly disclose the originality of thought or innovativeness of the proposed research. For all such other unsolicited proposals, the conferees expect that the procuring department will use its utmost discretion to protect the originality and creativeness of the proposal when the agency is required to synopsize the procurement in the *Commerce Business Daily.*

9. NEGOTIATIONS FOR SOLE SOURCE CONTRACTS

The Senate bill provides that if notice of the procurement action for a sole source contract must be published, the agency cannot commence negotiations for the award of such a contract until at least thirty days have elapsed from the date of

publication of proper notice of intent to contract.

The House amendment contains no comparable provision.

The conference substitute provides that if notice of the procurement action for a sole source contract must be published, the department cannot commence negotiations for the award of such a contract until at least thirty days have elapsed from the date of publication of proper notice of intent to contract, but that the department specifically is authorized to respond to requests for information during the thirty-day time period.

10. CONTENT OF NOTICE

The Senate bill specifies that the notice required to be published include a description of the subject matter of the contract, the name and address of the Federal employee who may be contacted to obtain a copy of the contract solicitation or other information, and a statement that any person may respond or submit a bid, proposal or quotation.

The House amendment contains no comparable provision.

The conference substitute requires that the notice contain a clear description of the subject matter of the contract; the name, address and telephone number of the Federal employee who may be contacted to obtain a copy of the solicitation or additional information, and, with respect to sole source contracts, a statement that interested persons are invited to identify their interest and capability or to submit timely proposals.

11. SOLE SOURCE CONTRACTS

The Senate bill prohibits a procuring activity from commencing negotiations for sole source contracts for more than $100,000 unless the head of the procuring activity has approved the proposal to negotiate and the procuring activity has considered all responses to the procurement action, or unless the negotiation is for an 8(a) contract or an award pursuant to the Small Business Innovation Development Act of 1982.

The House amendment contains no similar provision.

The conference substitute imposes a prohibition against Federal departments commencing negotiations for sole source contracts (except under the 8(a) and Small Business Innovation Research programs) above a threshold amount unless the head of the procuring activity or his deputy, on a non-delegable basis, has approved the authority to enter into such contract and the contracting officer has considered the responses to the notice of procurement action. Federal departments specifically are authorized, however, to respond to request for information.

The conference report provides for a three-year phase in of the dollar threshold at which these provisions will apply. Under the terms of the conference agreement, in fiscal year 1984 the requirements will be imposed on procurement actions in excess of $1 million; in fiscal year 1985 the level will be reduced to $500,000; and in fiscal year 1986 and each year thereafter the level will be $300,000. The conference will carefully monitor all agencies' compliance with the review of the authority to enter into sole source awards, and will consider a further reduction in the threshold level to $100,000.

12. NOTICE OF SUBCONTRACTING OPPORTUNITIES

The Senate bill requires that in all procurement actions in excess of $10,000 in which the award of subcontracts is likely, the Federal department entering the contract shall submit for publication in the *Commerce Business Daily* a notice announcing the award of the prime contract.

The House amendment contains no comparable provision.

The conference substitute requires that in all procurement actions in excess of $25,000 in which the award of subcontracts is likely, the Federal department entering the contract shall submit for publication in the *Commerce Business Daily* a notice announcing the award of the prime contract.

13. TVA EXEMPTION

The *Senate bill* provides that this act shall apply to the Tennessee Valley Authority only to the extent it deems practicable, consistent with the purposes and conduct of its programs and the policies of the Small Business Act.

The House amendment contains no comparable provision.

The conference substitute provides that this Act shall apply to the TVA only with respect to procurements to be paid from appropriated funds.

While the conference report will apply the provisions of this Act, as appropriate, to the Tennessee Valley Authority only for those procurements derived from appropriated funds made available to TVA, conferees expect TVA to voluntarily comply with the provisions of this Act to the greatest extent possible for procurements to be paid from power program funds, as well. In a manner consistent with the policies of the Small Business Act and the TVA's responsibility for the operation of its power programs, the conferees further expect TVA to continue awarding a substantial portion of its procurement contracts to small business, regardless of the source of the procurement funds, and to take appropriate additional action, as necessary, to increase small business awareness of, and participation in, TVA's total procurement effort.

14. EFFECTIVE DATE

The Senate bill is effective as to procurement actions initiated forty-five days after the date of enactment.

The House amendment is effective upon enactment.

The conference substitute makes the Act applicable to procurement actions initiated ninety days after the date of enactment except as to the restrictions on sole source contracts which are effective October 1, 1983.

PARREN J. MITCHELL,
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APPOINTMENT OF CONFEREES ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1984

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Conte moves that the Managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3132, be instructed to insist on the House position on the Garrison Diversion Unit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. CONTE) will be recognized for 1 hour.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to apologize to the House that this matter is being brought up at this hour. I had asked the chairman of the committee whether we could take this up Tuesday morning, and appoint conferees and go to conference then.

Believe me, there is nothing in this bill that is urgent. Unfortunately, the Chairman would rather bring it up tonight; and that is the prerogative of the majority.

I know how you feel about being here tonight, but how do you think I feel?

I was supposed to receive the Man of Vision Award from the Friends of Eye Research this evening, and here I am in the well.

But I do not want any of my colleagues to think that I brought this late session about.

Mr. Speaker, I rise in support of my motion to instruct conferees on the energy and water appropriations bill to insist on the House position with regard to the Garrison diversion unit in North Dakota.

Mr. Speaker, as it passed the House the energy and water bill contained no funding for this project. As I noted in my previous floor remarks, this was appropriate in light of the House's overwhelming vote last December to eliminate funding for this project. The Senate, however, has included $22.3 million for this project.

Mr. Speaker, I am offering this motion in order to place the House on record once again in opposition to the Garrison project. All of the problems with this project that existed last December, when we voted 252 to 152 to eliminate the Garrison project still exist.

The project is still economically unsound. The project's costs have escalated fivefold from its authorized $207 million—now hear this—to over $1 billion, which involves a subsidy of approximately $800,000 per irrigation project farm. The project will irrigate only six-tenths of 1 percent of the agricultural land in North Dakota, and will encourage the production of additional crops that are already in surplus.

Let us look at that issue for a moment. The biggest argument for this project is that it is necessary in order to provide irrigation water to permit current dry farmers to grow crops that require irrigation. Yet at the same time the Federal Government is going to be paying billions of dollars to store crops that are in surplus, and, under the payment in kind (PIK) program, to provide crops at Federal expense to farmers who have taken their land out of production.

Mr. Speaker, can it possibly make sense to pay over a billion dollars to complete a massive irrigation project, and then turn right around and pay more Federal money to pay these irrigated farmers not to grow additional crops?

Mr. Speaker, not only does this project not make economic sense, but it would be an environmental disaster. The Garrison project will destroy or degrade 12 congressionally authorized national wildlife refuges—Ducks Unlimited is dead against this project—and an additional 70,000 acres of prime prairie wetlands—vitally important to the survival and breeding of waterfowl that annually migrate between Canada and the United States. Indeed, continued construction of the authorized project would result in the annual destruction of between 175,000 and 350,000 ducks.

There is no adequate wildlife mitigation plan in effect. The most recently proposed plan has major deficiencies, including no provision for obtaining mitigation land except from willing sellers. As my colleagues know, it is often necessary to use the power of eminent domain in order to provide adequate resources of a project of this scope, but this would not be permitted under the proposed mitigation plan. Construction should not continue until there are assurances that mitigation will be adequate.

Finally, Mr. Speaker, there are serious international problems with this project. The completion of this project would violate the 1909 Boundary Waters Treaty between the United States and Canada. Project irrigation would pollute rivers that flow from the United States into Canada, and project waterways will allow the transfer of rough fish into the Canadian watershed, with disastrous results for commercial, sport, and native people's fisheries in the Province of Manitoba.

Mr. Speaker, in response to Canadian objections the project is being constructed in phases, with phase 1 supposedly designed to avoid the transfer of water into the Canadian watershed.

But it is important to recognize that because of Canadian objections, phase 1 may be all that is built. We need to recognize, therefore, that phase 1 is a substantial project in its own right, and not go ahead with phase 1 unless those project features can stand alone.

This is not the case. Phase 1 involves the construction of all project reservoirs and pumping plants and 67 percent of the project's canals, but will irrigate only about one-third of the original acreage.

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In other words, phase 1 involves spending about 60 percent of the cost of the original project to irrigate about 34 percent of the land. The cost of phase 1, whether calculated at either the authorized 3.1-percent discount rate or today's higher discount rate, significantly exceeds the benefits to be derived.

Furthermore, phase 1 involves the construction of project features that are needed only if the entire project is going to be built.

The Lonetree Reservoir is one such feature. Lonetree is needed to service irrigation units in the Hudson Bay watershed, and those units are not a part of phase 1.

If the entire project cannot be built because of the international or other considerations, then the proper course of action would be to downsize or modify features of phase 1 to reflect this possibility or to proceed with alternative project features.

Mr. Speaker, this is not a partisan issue, this is a good government issue. This is a question of whether we are going to spend over a billion dollars of the taxpayers' money on a project that is going to provide excessive subsidies to a very small group of people. This is a question of whether we will spend over a billion dollars on a project that will destroy nearly as much good agricultural land as it will irrigate. This is a question of whether to spend over a billion dollars to destroy some of the best migratory bird breeding ground in this country.

Mr. Speaker, today the House was considering legislation to increase taxes, legislation drafted in response to a Federal deficit that still threatens to approach $200 billion.

Perhaps it is appropriate that the day we decide whether to raise taxes we also decide whether we proceed with additional funds for the Garrison diversion project.

Mr. Speaker, can you imagine the headlines in tomorrow's papers: "Congressman X Votes To Raise Taxes, Supports Billion Dollar Boondoggle." It is not a pretty picture, is it?

Mr. Speaker, this project is a blot on the record of the Congress and the House. Finally, Mr. Speaker, let me tell my colleagues something about this vote. I know that the gentleman from North Dakota has pleaded for this project with all of my colleagues, on an individual basis, and has said that this is only a procedural vote.

Let me explain why this is more than a procedural vote. Last December we knocked the Garrison diversion project out of the continuing resolution by a vote of 252 to 152 here in the House of Representatives. I was in that conference, and I saw how we got rolled. The other House conferees simply gave in to the Senate.

I remember the fight we had on the $20,000 farm subsidy limitation that we finally enacted. For 5 years in a row we were rolled by the Senate. And the only way that we ever got that $20,000 limitation on farm subsidies into law was by instructing the conferees. That is what we need to do here. We need to give the House conferees some backbone to stand up to the Senate on this issue.

And do not let anyone kid you; this is not a procedural vote. This will be counted as one of the most important environmental votes that will be cast in the House this year.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. BEVILL. May I ask, is the gentleman from Massachusetts yielding for debate only?

Mr. CONTE. Yes, I yield for debate only.

Mr. OTTINGER. Mr. Speaker, I want to congratulate the gentleman for offering this motion.

The Garrison diversion project has been an environmental disaster from the start. In addition to having the international problems that it does have, it will in fact take far more good farmland out of circulation than it will protect and it will, as the gentleman has indicated, cause great damage to a very important wildlife sanctuary.

The project should never have been proceeded with. I hope everybody will support the motion, on both sides of the aisle, of the gentleman from Massachusetts.

Mr. DORGAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. Mr. Speaker, I yield 5 minutes for debate only to the gentleman from North Dakota, Mr. DORGAN.

Mr. DORGAN. Five minutes will be enough.

I appreciate the gentleman's generosity in yielding.

First, let me point out that there is only one voice for the State of North Dakota in this House Chamber. The

gentleman in the well is from the State of Massachusetts. I assume he has traveled the width and breadth of North Dakota many, many times, for he has an intimate knowledge of the Garrison diversion project; at least he says he does.

But I also have a fairly good knowledge of the project being built in North Dakota and the historical background for that project.

Let me remind the gentleman from Massachusetts and also the Members of the House of the background for this project. North Dakota did not come to Washington to say to the gentleman from Massachusetts in this Chamber: "We would like you to build us a project."

No, we did not come to Washington at all. In the 1940's Washington came to North Dakota and Washington said: "It is flooding down in Kansas City. We need downstream navigation on the lower reaches of the Missouri. We would like hydroelectric power to be generated out of North Dakota. So, we would like to build a dam up in North Dakota. We would like to permanently flood North Dakota of 500,000 acres: Once we have that permanent flood up there it will not flood Kansas City any longer."

The people from Washington said:

If you will only build this 500,000 acre permanent flood there in North Dakota, it will not flood Kansas City any more, we can navigate the reaches of the Missouri River in the lower part; we can develop hydroelectric power. If you will do that, if you will exhibit that cost as North Dakotans, we will give you a benefit. The benefit is a diversion dam.

We are a semiarid State, 15 inches rainfall. A diversion program is important to us for municipal and industrial water and irrigation.

So, we said: "Fine, we will take the half-million acre flood. You give us a diversion program."

But the fellow from Massachusetts says, "No, now wait a minute, we want to stop, we want to change that bargain with you. You have the cost, now we want to take the benefit away."

The gentleman from Massachusetts says several things that I find interesting. He says first of all this is going to affect Canada.

Look, we are trying to build phase 1 of the project. The President of the United States has told Mr. Trudeau that we are not going to build any phase of the project beyond phase 1 that would put one drop in the Canadian reservoir, not one drop of water in the Hudson Bay drainage site. That is a specious argument.

The gentleman says it is going to injure ducks and geese. Sheer nonsense.

Does the gentleman know about the habitat evaluation procedure? Federal and State game and fish and wildlife people put it together. It says it is going to enhance wild game and it is not going to hurt ducks and geese. What the gentleman is saying is sheer nonsense.

Now, I would like to say this to the gentleman. North Dakota is very patient. North Dakota is a semiarid State that desperately needs the water project. The Garrison diversion project has been promised North Dakota. We are trying to build phase 1, $4 million last year, $23 million was in the Senate bill this year. We are not talking about a lot of money.

And unfortunately, the gentleman misrepresents that project. Frankly, it tries my patience a little bit to hear this year after year after year on the floor of the House.

The question is, Shall we tie the hands of the conferees? Well, the House took out—the Senate took out 200 projects that the House had in. The Senate put in over a dozen projects of its own.

Should we tie the hands of the conferees on a $14 billion bill? No, I do not think we should do it. I do not think it makes any sense.

The gentleman started out his discussion by apologizing to the House for the hour in which he raised this issue. I think the apology ought to be for the misrepresentation and the distortion, not this gentleman, necessarily, has made, but of that made time after time after time in letter after letter to all the Members of this House.

We are trying to build a phase 1, 85,000-acre irrigation project that gives municipal and industrial water to the cities in North Dakota that desperately need it, that does not injure duck and geese and wildlife habitat, does not send one drop of water into Kansas. I would urge the people in this House to consider for a moment the promise made to North Dakota and consider the important aspect that this water project poses to our future.

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But most of all consider whether we as Members of the House ought to tie the hands of the conferees to the energy and water bill in what will undoubtedly be a very difficult conference with the Senate Members.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. STANGELAND) for purposes of debate only.

Mr. STANGELAND. Mr. Speaker, I support everything the gentleman from North Dakota says. My district borders North Dakota and perhaps behind the gentleman from North Dakota I am most familiar with the Garrison diversion of the Members of this House.

There has been said that this is a concern to Canada. On October 22, 1982, a diplomatic note was transmitted from the U.S. State Department to the Canadian Office of State advising that we would not violate the International Joint Commission Agreement.

An attorney for the IJC has said the United States has never violated an IJC agreement, never. There is no reason to think that we are going to.

I was just on a meeting with the Canadian-American Interparliamentary Union in Canora this weekend. There is a great deal of concern by those in Manitoba. And my advice to them was that they are whipping a dead horse because we have assured them in every way possible we are not going to violate those boundary water treaties.

The gentleman from Massachusetts talks about the wildlife enhancement and the potholes of North Dakota. And I would like to ask him, did he see those potholes in 1930 and in the dry thirties? And those potholes were nonexistent.

This project assures that there will be potholes, there will be duck habitat, and you will have wildlife.

There is another thing to think about. Studies have shown that agricultural production the last 30 years has increased 50 percent, but the studies also show that if we are going to meet our commitments to world hunger in the next 30 years, we need to increase it 100 percent.

The increased production from Garrison is not going to come this year in surplus times, next year in surplus times, or the year after in surplus times, it is going to come 5, 10 years down the road, but it is going to enhance the economic picture for agriculture in North Dakota.

And as the gentleman from North Dakota says, there was a commitment. North Dakota did not ask for Garrison diversion. They did not ask to lose 500,000 acres of prime farmland. Washington asked for it. And I say this is a commitment that ought to be kept.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FASCELL) for purposes of debate only.

Mr. FASCELL. I thank the gentleman and I am going to support his motion this time as I did previously to now.

I just want to add one other dimension to this which has been touched upon indirectly. The project is more than a project for North Dakota or even a national project because of the international implications. And those international implications are not new. They have been running for as long as I can remember, serving on the Government Operations Committee, when we first investigated this particular project and raised serious questions way back when.

Regardless of the assurances that have been given to the Canadians at this point, they are still concerned

about this project because they see it as kind of sliced baloney every time we get up in the Congress with respect to the bill. And they know exactly what happens, which is that the House votes to cut the money out and then the Senate, the other body, as a matter of comity, to take care of their Republican Senator, decides to put the money back in.

And they see that process continuing for as long as is necessary. So, therefore, it seems to me they are rightly concerned.

How serious is their concern? Well, I can tell my colleagues it is at the top of the agenda with every one of the meetings that we have with the Canadians when we meet them. And as the gentleman just said who preceded me, we just got back from a conference with the Canadians at Canora and this was again one of the top issues on that agenda.

How serious is it? We, as the American delegation, asked the Canadian Ambassador to come brief us before we went. And it was on the top of his agenda as a matter of grave concern.

All we are saying here, I can understand why the conferees do not want to be instructed, but it seems to me in light of the House vote that it might be beneficial for them at this point not to have a vote on instructions so that when they are confronted with the Senate conferees, they can say, "Hey, fellows, comity can't work this time, our hands are tied."

And the Canadians are saying why can we not wait on this thing, why do we have to keep spending money to go ahead on a project before all of the international bilateral studies are finished. Why can we not wait until they have finished, then go ahead with whatever part of the project we agree upon, on which we have reached agreement. That is eminently fair and sensible to me.

I just wanted to put that element of consideration in this discussion.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE) for the purposes of debate only.

Mr. WISE. Mr. Speaker, I commend the gentleman.

I regret that I will not be able to offer my amendment on the Stonewall Jackson Dam to instruct. I understand the gentleman's reasons for choosing not to do that.

I would just like to say I commend the gentleman because the gentleman is trying to debate this on the merits and indeed, I have tried to and in the House by an overwhelming vote 2 weeks ago struck money for the Stonewall Jackson Dam on the merits. Just as the gentleman has taken to the well and made his case, so did those opposed to the Stonewall Jackson Dam in my district take to the well.

It is too bad in a way that the Garrison River project is not in West Virginia, because then the House could be treated to the many calls from distinguished West Virginians that many of my colleagues have received. And I know it has been good to bring all of West Virginia to my colleagues and the many, many phone calls my colleagues have received from significant personalities. There is one problem, and the gentleman in the well knows it well, they are not talking to you about the merits anymore, are they? They are not talking to you about the fact that as in the Garrison project the General Accounting Office has panned the Stonewall Jackson Dam and called it gross and imprecise figuring.

They are not talking to you as in the Garrison project of how the cost-benefit ratio is now less than one to one.

That is the problem. The gentleman is arguing this on the merits and a lot of people, the gentleman from Massachusetts, want to argue with political muscle.

I hope that the gentleman's motion will be adopted so that the House conferees go in with a strong message and they know that when the merits have been argued out, no matter how much pushing, no matter how much the shoving, that a House position means something.

Just as Garrison was not inserted in the House bill, just as Stonewall was struck, I do hope that the House conferees will take this message.

I commend the gentleman. And just as the gentleman argued the merits, I do hope that it is political merits, not political muscle that decides the issue.

On June 6, 1983, the House passed by a vote of 213 to 161 an amendment that I offered to strike the $26 million for Stonewall Jackson Dam. This was a vote on the merits of the project. Both sides of the issue were aired and the overwhelming majority of the House agreed that the funding for the project should not proceed.

As the House proceeds to conference on H.R. 3132 I feel it is important to once again review the reasons why the House should maintain their position on this project.

Only 30 percent of the $215 million dam is justified for flood control. Yet the dam would not even contain tributaries which would flood the city of Weston below the damsite. There are no benefits for the city of Pittsburgh, the majority of the benefits would accrue to my district, I should say supposed benefits.

In hearings before the House Government Operations Committee Subcommittee on Energy, Water and Natural Resources, the General Accounting Office provided an analysis that strongly disputed the Corps of Engineers' claims about water pollution control, flood control, recreational benefits and the total benefit cost ratio.

The project is opposed by the West Virginia State Senate, the West Virginia Commissioner of Agriculture, the American Farm Bureau Federation, the local agricultural community, the United Mine Workers of America, State and national environmental organizations, and the National Taxpayers Union.

In the 2 days of hearings, a bipartisan cross-section of the Government Operations Subcommittee stated opinions that further work on the dam would be a waste of money. In a memo of May 9, 1983, the subcommittee staff pointed out that the project is of uncertain economics because of an unrealistic discount rate and the claiming of benefits that may never be realized.

It is a shame that the merits of the project do not allow it to stand up to the economic, environmental and social light of day. Instead, political muscle is being used to move this project forward instead of allowing the issues to speak for themselves which clearly show the project should not be built.

In conclusion I ask the House conferees to stay the course of sound national water policy by not allowing the project to receive funding in the fiscal year 1984 energy and water appropriations bill.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, last December when the House considered House Joint Resolution 631, providing further continuing appropriations for fiscal year 1983, I reluctantly joined with the majority of my colleagues in not supporting continued funding for the Garrison diversion unit in North Dakota at that time. I cast that vote reluctantly because I knew then, as I know now, that neither North nor South Dakota had yet received the first drop of water development promised to them in return for the massive sacrifices each State made in permitting the construction of the Missouri mainstem dams many years ago. I cast that vote not because I sought to block development of the one major project now under construction which might begin to redeem the 40-year-old promise to the Dakotas, but rather because I wanted to insure the Garrison project would benefit both Dakotas. As I noted then, the State of South Dakota had expressed concerns about the possibility of the continued development of the Garrison project adversely effecting my State. In particular, the quality, quantity, and seasonal variation of return flows from the Garrison project into the James River Basin in

South Dakota were concerns expressed by the people of South Dakota, concerns which I fully share.

In response to these concerns, Public Law 97-273 authorized the Bureau of Reclamation to investigate in cooperation with the State of South Dakota future uses in South Dakota of water delivered by the Garrison project. This investigation, known as the Garrison extension study, is receiving priority attention, is expected to be completed as scheduled, and is expected to provide definitive information in response to the questions and concerns which have arisen regarding the potential effects of the continued development of the Garrison project in the State of South Dakota.

The Garrison extension study is but one aspect of the effort currently being made to address these concerns. Discussions between representatives of the States of South Dakota and North Dakota are another part of this effort. I am pleased to note Warren R. Neufeld, secretary of the South Dakota Department of Water and Natural Resources, earlier this year when testifying before the House Energy and Water Development Appropriations Subcommittee in support of continued funding for the Garrison project reported to Congress that officials of South Dakota and North Dakota have met regarding the Garrison project and accord has been reached on most major issues.

Additionally, my friend and our colleague from North Dakota has also assured me the willingness which has already been demonstrated by the people of North Dakota to recognize and be responsive to the concerns of the people of South Dakota will continue in the future.

The legitimacy of the concerns of the people of South Dakota has been recognized and progress has been made, but this progress will be nullified if the House today approves the motion offered by the gentleman from Massachusetts to instruct the House conferees on H.R. 3231, energy and water development appropriations for fiscal year 1984, to oppose further funding for the Garrison diversion unit. Recognizing the progress which has been made and expecting this progress to be the foundation for the further progress which must be made in the future, I am opposing the motion offered by the gentleman from Massachusetts, a motion which should be noted is nonbinding. I oppose the motion to instruct the conferees in the expectation the Garrison diversion unit will be constructed in a manner which offers important benefits to both South Dakota and North Dakota and therefore begins, finally, to make good on the endlessly delayed pledge of the Federal Government to support the development of the water resources of our two States.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR) for the purposes of debate only.

Mr. EDGAR. Mr. Speaker, I rise in support of the gentleman's motion. I would remind the House that overwhelmingly back in December we faced this very same issue on Garrison diversion. And the gentleman in the well knows that his amendment at that time was voted on in the House when we looked at Garrison diversion and overwhelmingly we supported the gentleman.

I think the Members of this House have heard from the gentleman from Florida and the gentleman from Massachusetts the important arguments dealing with this issue.

The gentleman from West Virginia had attempted to seek an opportunity to instruct the conferees on Stonewall Jackson. That was not available, but I think the House overwhelmingly spoke that they want a merit water policy, a policy based on particular criteria and I think the gentleman from West Virginia (Mr. WISE) and the gentleman from Massachusetts (Mr. CONTE) is in pursuit of that kind of policy, a policy that cares about looking at these projects on their merit, not weighing the emotional arguments that are raised by individual Members, but looking at the actual facts involved.

So I commend the gentleman from Massachusetts for his very clear and concise arguments. And I call on my colleagues on both sides of the aisle, who voted overwhelmingly to exclude the funding for Garrison diversion, to also vote to instruct the conferees to do the same.

Mr. Speaker, I support Congressman CONTE's motion to instruct the House conferees to hold to the House position on the Garrison diversion unit, $1.12 billion Bureau of Reclamation project in North Dakota. While there may be a legitimate obligation of the Federal Government to provide North Dakota with reimbursable irrigation benefits in return for its contributions to the Pick-Sloan program, the Congress is not bound to approve any project desired by a State regardless of its merit. Unfortunately, the highly emotional regional aspects of the Garrison debate undermine any objective examination of the claimed multiple benefits from this project. Such regionalism can only damage the perceived credibility of water projects elsewhere in the country. Our opposition to funding for the Garrison project stems from two major concerns:

First. The economic basis for the project is unsound.

Second. Its lack of an adequate repayment policy will unduly burden the taxpayer and aggravate the annual budget deficit, an increasingly serious national problem.

At today's discount rate of 7.625 percent, the Garrison diversion's direct benefit-cost ratio reveals only 58 cents returned for every dollar invested. The benefit-cost ratio for building the first phase (phase I) of Garrison is even worse, showing only 43 cents returned for every dollar invested. This is because phase I includes virtually all of Garrison's supply works and canals but irrigates only one-third of the proposed crop area. This summer the Bureau fully intends to move ahead with phase I's costly construction even though the rest of the project and hence Garrison's benefits may never be realized due to current treaty commitments with Canada.

As poor as they are, the benefit-cost ratios will be even lower, particularly for phase I, unless all five of the following criteria are met:

ASSUMPTION 1

All Canadian objections must be overcome before releasing Garrison's muncipal water supplies into the Hudson Bay drainage.

FACT

Seventy-five percent of the population in the stated communities reside in the Hudson Bay drainage. Rather than overcome Canadian objections, the vast majority of communities have already opted for less expensive sources of municipal water other than Garrison.

ASSUMPTION 2

The 20 communities in phase I all will use Garrison water, as a major water supply source.

FACT

The Bureau has repeatedly stated that Garrison is to serve as a supplemental municipal supply source. Only 6 of the 20 communities have a stated need for Garrison as a future supply source and feasible alternatives are available.

ASSUMPTION 3

The costs of phase I modification to meet Canada's concerns would not exceed the rough estimates for these items.

FACT

Already, $63.3 million of additional costs for phase I modifications have been projected with only preliminary estimates. Judging from the 560 percent escalation in project costs and the lack of a cost estimate for the Devils Lake restoration plan, we have every reason to believe that costs will exceed initial estimates.

ASSUMPTION 4

About 1.33 million visitor days of use will take place for the nine planned recreation areas.

FACT

Such use would require the equivalent of every North Dakotan spending

at least 2 days every year in one of the nine proposed areas. Yet currently the Devils Lake facilities, which include half the acreage, are highly speculative, no fishing will be allowed in Lonetree Reservoir to meet Canadian concerns, and ample public wildlife-recreation lands already exist throughout the project area.

ASSUMPTION 5

An agriculture benefit of $182.68 per acre yearly profit is realized for phase I.

FACT

Dampened grain crop prices stemming from overproduction have devastated the Midwest's grain market in recent years. Bureau documents fail to give a clear breakdown of what crops would be grown from Garrison. They imply however that composition would be the same as before—mostly grain crops—with a gradual shift toward some speciality crops. Economic Research Service (USDA) records for 1981 show significant losses for irrigated corn throughout the Plains States. Farmers in northeastern Colorado lost $7 per acre per year, southeastern Colorado lost $103 per acre per year, and eastern Nebraska lost $41 per acre per year. Yet dryland farmers which now farm in the Garrison area lost only $12 per acre per year in eastern Nebraska for corn. They also lost $35 per acre per year in western Kansas for winter wheat while irrigated winter wheat lost $47 per acre per year. Even positive year figures from Doanes Agriculture Report for North Dakota showed only a net gain of $43 per acre per year when switching from dryland wheat to irrigated corn. The presumed gain from speciality crops must take into account the highly unstable markets for these items, the large proportion of Garrison land needed for these crops—not typical of other major Plains States irrigation projects—and a required low subsidy price for use of irrigation water.

We have been accused by Garrison proponents of falsely claiming that the Garrison diversion unit will require a heavy expenditure of Federal taxpayer dollars. They state, "The fact is nearly 90 percent of the project will be paid by hydroelectric sales and water user fees."

Mr. Speaker, this logic fails to take into account that all repayment costs allocated to irrigation, whether paid back by irrigators or power users, is completely interest free. The Bureau admits that of the $947 million in irrigation costs—an investment of $3,787 per acre—only a token $19.3 million will be repaid by irrigators—a little over $77 per irrigated acre—over some 50 years beyond Garrison's completion. Power users in the entire Pick-Sloan six-State area will then reimburse the remaining $927 million over another typical period of 50 years at an annual payment of $18.9 million. Due to the Treasury's obligation to pay interest on the bonds issued to finance Garrison's construction, the annual dollar amount necessary to amortize $947 million over 50 years will actually be $90.9 million—figured with an annual interest of 9.5 percent. Therefore, taxpayers will pay $72 million in interest per year for 50 years or a total of $3.6 billion having a net present value of $750 million. This includes only irrigation costs. Adding the nonreimbursable costs for wildlife mitigation, recreation, flood control, highway modification, and cultural resource recovery brings the Federal taxpayers' share for Garrison to roughly 78 percent of total project costs.

The faulty economic assumptions and the lack of a meaningful repayment plan for the Garrison diversion unit constitutes more than adequate reason for the Federal Government to terminate funding for this project. Garrison has met fierce resistance from a broad array of interests since it was authorized nearly two decades ago. As a result only 15 percent of the project's costs have been expended and much of that is recoverable. While there may be more feasible irrigation plans than Garrison, adequate cost reimbursement policies should be a prerequisite for embarking upon any such alternatives. In our view, if irrigation developments are sound long-term economic investments, then irrigators must be expected to pay back their full obligations over a realistic time period. The taxpayers, who certainly did not ask for Garrison, should not be expected to pay for it.

I urge strong support of the Conte motion.

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Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Speaker, I will not even need 1 minute. I just want to support the gentleman in the well. The gentleman from Massachusetts is exactly right. This House has diverted finish funds for this project by an overwhelming vote. I have seen what has happened in the conference committees, and it is awfully important that this House, if its will is going to be followed, the will of a vote of this House, that this motion be supported, because otherwise we are in trouble in conference.

Mr. CONTE. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to my good friend from Texas (Mr. WRIGHT), the majority leader.

Mr. WRIGHT. Normally I would not get involved in a subject of this kind, but let me just say a couple of things.

First of all, I have seen the benefit-cost ratio. It is a favorable benefit-cost ratio. It has been represented as unfavorable, but it is not unfavorable. It is a favorable benefit-cost ratio.

It has been suggested by my dear friend, Mr. PURSELL, that in deference to our friends in Canada, we should wait. The people in North Dakota have been waiting for almost 40 years. This project was first promised in the 1940's. It was authorized in the mid-1960's. They have been waiting almost 20 years for their first phase to get started after this Congress acted affirmatively to authorize this project.

North Dakota has waited a long, long time. Now, it has a small delegation in the Congress, only one man, and it may be very brave for some of us to beat our breasts and say how pure we are that we cut out the project, the one project that will benefit that arid country up there, where water is more precious than oil or gold or any other mineral.

This will not adversely affect our friends in Canada, the first phase, one project alone, that will assist the farmers in North Dakota to achieve their place in the Sun. They have had their share of paying for our big projects in our cities. They have paid their share of taxes for our metroliners. They have paid their share of taxes for our mass transit systems in our big cities. Now it seems to me very little of us to take this self-righteous attitude and tie the hands of the conferees so that they are not even free to consider the merits of this project in North Dakota.

Therefore, I would urge my Members not to join in this pernicious movement and to vote no on the motion to instruct our conferees.

Mr. CONTE. Mr. Speaker, I yield 1 minute, for purposes of debate only, to my good friend, the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. I thank my friend for yielding.

Mr. Speaker, I regret that I must oppose him, but 16 days ago this body, by a very large vote, rejected a project in West Virginia that Mr. WISE just spoke about, which was more than 40 percent under construction. The reason given by a great many of my colleagues when I talked to you was that this was a project entirely in his district, and he should be the one to decide this.

Now, if my colleagues want to be consistent, and I am sure all of us do tonight, then we will vote with the gentleman from North Dakota and with your committee and not accept this amendment. It is not a new amendment, but it does not tie anybody's hands, but it has no place here. These conferees' hands should not be tied.

Mr. CONTE. Mr. Speaker, I will conclude debate.

First of all, let me tell you how the gentleman from Indiana voted on the amendment of the gentleman from

West Virginia. He voted against it, so I hope that he will be consistent and vote against the gentleman from North Dakota, and be with me on this one.

I have nothing against the gentleman from North Dakota. I love him. But this is a rotten boondoggle, one of the worst I have ever seen.

I regret that the majority leader of the House, Mr. WRIGHT, has seen fit to turn this into a partisan issue with his righteous indignation. Well, let me tell my colleagues that I do not apologize to JIM WRIGHT or to anyone else for my opposition to this project. I have fought this project from the beginning. And it is ridiculous to think that we should support this project simply because the local Member of Congress wants it built—with $1.2 billion of the taxpayers' money. There was a reference earlier to misleading statements about the Canadian position on this project. I have a letter here dated June 14 from the Canadian Ambassador against the project. I have a letter here from the Premier of Manitoba against the project. I have a letter here from the National Taxpayers Union against the project. I have a letter here from the National Audubon Society against the project; one from the Sierra Club against the project; one from the Canadian Nature Federation against the project; one from the Wildlife Society against the project; and a letter from the Coalition for Water Project Review against the project.

The letters follow:

CANADIAN EMBASSY,
Washington, D.C., June 14, 1983.

DEAR SENATOR: The Premier of the Province of Manitoba, the Honourable Howard Pawley, has asked me to bring to your attention the attached which sets out the Province's concern about funds being appropriated for the Garrison water diversion project in fiscal year 1984.

The Government of Canada fully supports Manitoba's concern. We continue to have grave apprehensions about the project's potentially adverse transboundary effects as identified by the International Joint Commission. The Commission concluded that the project as now designed would have seriously damaging effects on Manitoba waters, in violation of the Boundary Waters Treaty between Canada and the United States, by transferring water from one basin in the United States to another basin altogether, largely in Canada, where aquatic conditions are altogether different, and where they would be inalterably damaged by the transfer with great loss to Canada.

We are aware that Congress last year stipulated that funds appropriated for Garrison should be spent only on portions of the project not affecting Canada. This, however, does not alleviate our concern. We see distinct danger in the rapidly increasing rate of funding for the project in the absence of a resolution of the outstanding bilateral issues. It is for this reason that I ask you to bear in mind Canadian and Manitoba concerns during your forthcoming deliberations on appropriations for Garrison.

Yours sincerely,

ALLAN GOTLIEB,
Ambassador.

WINNIPEG, MANITOBA,
June 12, 1983.

DEAR SENATOR: The Senate will be voting soon on the 1984 Energy and Water Development Bill which contains a $22.3 million appropriation for construction of the Garrison Diversion Unit in North Dakota. The Manitoba Government is opposed to the appropriation of additional funds for this project before the outstanding issues between Canada and the United States are fully resolved in accordance with the Boundary Waters Treaty.

In May of this year, a Canadian Parliamentary delegation, composed of representatives of both the Federal and Manitoba Governments and the country's three major political parties, met with a number of Senators and Senate staff aides. During those meetings, the delegation stated that the interbasin transfer of water could have a disastrous impact on Manitoba by reducing water quality and destroying the province's multi-million dollar fishing industry. These concerns have been supported by the findings of the studies conducted by the International Joint Commission.

Additional funding for the project at this time would increase momentum toward completion of a project inconsistent with both the treaty signed by our two countries and formal U.S. Government assurances that bilateral issues would be resolved before construction proceeds on project features which could affect Manitoba. Because 86% of the acres to be irrigated are in the Hudson Bay Watershed and 75% of the return flows drain directly into waters flowing into Canada, we believe it makes little sense to proceed with any further construction on the project until the bilateral issues are resolved. For these reasons, I urge you not to support additional funding for Garrison at this time so that the project may be redesigned so as both to meet the needs of North Dakotans for water and to eliminate the risk that inter-basin transfer of water creates for Manitobans.

HOWARD PAWLEY,
Premier, Province of Manitoba.

NATIONAL TAXPAYERS UNION
Washington, D.C., June 23, 1983.

DEAR REPRESENTATIVE: When the Energy and Water Development Appropriations bill for fiscal year 1984 goes to conference, Congressman Conte will offer a motion to instruct the House conferees to hold to the House position on the Garrison Diversion Unit, $1.12 billion Bureau of Reclamation project in North Dakota. While there may be a legitimate obligation of the federal government to provide North Dakota with reimbursable irrigation benefits in return for its contributions to the Pick-Sloan program, the Congress is not bound to approve any project desired by a state regardless of its merit. Unfortunately, the highly emotional regional aspects of the Garrison debate undermine any objective examination of the claimed multiple benefits from this project. Such regionalism can only damage the perceived credibility of water projects elsewhere in the country. Our opposition to funding for the Garrison project stems from two major concerns:

1. The economic basis for the project is unsound.

2. Its lack of an adequate repayment policy will unduly burden the taxpayer and aggravate the annual budget deficit, an increasingly serious national problem.

At today's discount rate of 7.625 percent, the Garrison Diversion's direct benefit-cost ratio reveals only 58¢ returned for every dollar invested. The benefit-cost ratio for building the first phase (Phase I) of Garrison is even worse, showing only 43¢ returned for every dollar invested. This is because Phase I includes virtually all of Garrison's supply works and canals but irrigates only one third of the proposed crop area. This summer the Bureau fully intends to move ahead with Phase I's costly construction even though the rest of the project and hence Garrison's benefits may never be realized due to current treaty commitments with Canada.

As poor as they are, the benefit-cost ratios will be even lower, particularly for Phase I, unless all five of the following criteria are met:

Assumption 1: All Canadian objections must be overcome before releasing Garrison's municipal water supplies into the Hudson Bay drainage.

Fact: Seventy-five percent of the population in the stated communities reside in the Hudson Bay drainage. Rather than overcome Canadian objections the vast majority of communities have already opted for less expensive sources of municipal water other than Garrison.

Assumption 2: The 20 communities in Phase I all will use Garrison water as a major water supply source.

Fact: The Bureau has repeatedly stated that Garrison is to serve as a supplemental municipal supply source. Only 6 of the 20 communities have a stated need for Garrison as a future supply source and feasible alternatives are available.

Assumption 3: The costs of Phase I modifications to meet Canada's concerns won't exceed the rough estimates for these items.

Fact: Already, $63.3 million of additional costs for Phase I modifications have been projected with only preliminary estimates. Judging from the 560 percent escalation in project costs and the lack of a cost estimate for the Devils Lake restoration plan, we have every reason to believe that costs will exceed initial estimates.

Assumption 4: 1.33 million visitor days of use will take place for the nine planned recreation areas.

Fact: Such use would require the equivalent of every North Dakotan spending at least 2 days every year in 1 of the 9 proposed areas. Yet currently the Devils Lake facilities, which include half the acreage, are highly speculative, no fishing will be allowed in Lonetree Reservoir to meet Canadian concerns, and ample public wildlife-recreation lands already exist throughout the project area.

Assumption 5: An agriculture benefit of $182.68 per acre yearly profit is realized for Phase I.

Fact: Dampened grain crop prices stemming from overproduction have devastated the midwest's grain market in recent years. Bureau documents fail to give a clear breakdown of what crops would be grown from Garrison. They imply however that composition would be the same as before (mostly grain crops) with a gradual shift towards some specialty crops. Economic Research Service (USDA) records for 1981 show significant losses for irrigated corn throughout the plains states. Farmers in northeastern Colorado lost $7/acre/year, southeastern

Colorado lost $103/acre/year, and eastern Nebraska lost $41/acre/year. Yet dryland farmers which now farm in the Garrison area lost only $12/acre/year. Even positive year figures from Doanes Agriculture Report for North Dakota showed only a net gain of $43/acre/year when switching from dryland wheat to irrigated corn. The presumed gain from specialty crops must take into account the highly unstable markets for these items, the large proportion of Garrison land needed for these crops, (not typical of other major plains states irrigation projects), and a required low subsidy price for use of irrigation water.

We have been accused by Garrison proponents of falsely claiming that the Garrison Diversion Unit will require a heavy expenditure of federal taxpayer dollars. They state, "The fact is: nearly 90 percent of the project will be paid by hydroelectric sales and water user fees."

This logic fails to take into account that all repayment costs allocated to irrigation, whether paid back by irrigators or power users, is completely interest free. The Bureau admits that of the $947 million in irrigation costs (an investment of $3,787/acre) only a token $19.3 million will be repayed by irrigators (a little over $77 per irrigated acre) over some 50 years beyond Garrison's completion. Power users in the entire Pick-Sloan six-state area will then reimburse the remaining $927 million over another typical period of 50 years at an annual payment of $18.9 million. Due to the Treasury's obligation to pay interest on the bonds issued to finance Garrison's construction, the annual dollar amount necessary to amortize $947 million over 50 years will actually be $90.9 million (figured with an annual interest of 9.5 percent). Therefore, taxpayers will pay $72 million in interest per year for 50 years or a total of $3.6 billion having a net present value of $750 million. This includes only irrigation costs. Adding the nonreimbursable costs for wildlife mitigation, recreation, flood control, highway modification, and cultural resource recovery brings the federal taxpayers' share for Garrison to roughly 78 percent of total project costs.

The faulty economic assumptions and the lack of a meaningful repayment plan for the Garrison Diversion Unit constitutes more than adequate reason for the federal government to terminate funding for this project. Garrison has met fierce resistance from a broad array of interests since it was authorized nearly two decades ago. As a result only 15 percent of the project's costs have been expended and much of that is recoverable. While there may be more feasible irrigation plans than Garrison, adequate cost reimbursement policies should be a prerequisite for embarking upon any such alternatives. In our view, if irrigation developments are sound long-term economic investments, then irrigators must be expected to pay back their full obligations over a realistic time period. The taxpayers, who certainly did not ask for Garrison, should not be expected to pay for it.

Sincerely,

JILL LANCELOT,
Congressional Affairs Director.

NATIONAL AUDUBON SOCIETY,
Washington, D.C., June 17, 1983.

DEAR REPRESENTATIVE: When the House Energy and Water Development Appropriations bill for FY 1984 goes to conference, Congressman Conte intends to offer a motion to instruct conferees to insist on the House position and oppose new construction funds for the Bureau of Reclamation's Garrison Diversion Unit in North Dakota. On behalf of the nearly one-half million members of the National Audubon Society, I urge you to support this effort to cut funding for the Garrison project.

Since Congress authorized the Garrison project in 1965, a number of major problems—international, environmental and economic—have become known and better understood. Because of these very grave unresolved problems, it seems to us that the most prudent and economically responsible course of action for Congress is to delay any further funding of the project until a comprehensive review of alternatives has been undertaken and until Congress has had an opportunity to determine what alternative, if any, should be built. Garrison is only 15 percent complete. Now is the time—before more money is spent, before we commit ourselves to an irreversible course of construction and before any more damage is done—to address the problems created by this project.

There are many reasons to oppose the Garrison project; let me cite just a few.

The environmental impacts of the Garrison project are substantial: The project will damage or destroy a dozen National Wildlife Refuges. It will destroy 60,000 acres of prairie wetlands—prime waterfowl habitat—and 43,000 acres of native prairie and rangeland; it will damage thousands of additional acres of wetlands and prairies. The alteration of the wetlands habitat alone will result in the average annual loss of 178,000 ducks. These amount to substantial losses in one of the richest, most productive areas in the country for migratory birds and waterfowl production. Conservation groups across the country oppose the project.

The project is an insult to one of this nation's threatened species—the taxpayer: The cost of the project has quintupled since its authorization in 1965 to $1.162 billion. Costs include a subsidy to irrigators of nearly $3,800 per benefitted acre. The cost-benefit ratio—calculated at the artificially low discount rate of 3.125 percent—is only 1 to 1.3. Using the somewhat more realistic rate of 7.625 percent, the cost-benefit ratio falls to 1 to 0.58—or a return of 58¢ for every dollar spent. At a time when taxpayers are being asked to help the American farmer out of his serious plight by paying to keep crops out of production, it makes little sense to spend $1 billion to shift substantial acres in North Dakota from dry-land to irrigation farming. Taxpayer groups oppose the project.

The project will cause irreparable harm to Canada and will violate an international treaty: The government of Canada strongly objects to the project. It is concerned that irrigation return flows from the project will pollute rivers flowing into Canada and that it will result in the introduction of foreign biota into the Hudson Bay watershed. The transbasin flow of water from the Missouri River to the Hudson Bay watershed has the potential of destroying much of Canada's multimillion dollar commercial fishing industry. The Garrison controversy was referred to the International Joint Commission which concluded in 1977 that the project would cause significant harm to Canada and would be a violation of the Boundary Waters Treaty.

The Bureau of Reclamation has sought—unsuccessfully—to assure Canada that it will not build portions of the project which have the potential of affecting Canada's waters. Since nearly 80 percent of the features of the authorized project affect water flowing into Canada, I am somewhat puzzled how the Bureau can make such a claim; the Bureau is proceeding with construction of project features designed and sized to serve irrigation units in the Hudson Bay drainage.

Bureau statements notwithstanding, the Canadians remain steadfastly opposed.

For the reasons listed above, I urge you to support Mr. Conte's efforts to delete FY84 funding for the Garrison project. I also urge that the appropriate committees reexamine the project while substantial changes in the project are still possible and before the further irreversible damage is done.

Thank you for considering our views. More information about Garrison can be obtained by contacting Charlene Dougherty or Fran Lipscomb in our Washington, D.C. office at 547-9009.

Sincerely,

RUSSELL PETERSON,
President.

SIERRA CLUB,
Washington, D.C., June 17, 1983.

DEAR REPRESENTATIVE: On behalf of the Sierra Club, I am writing to urge your support for a motion offered by Congressman Conte to instruct the conferees to hold to the House position for the Garrison Diversion Unit when the FY84 Energy and Water appropriations bill reaches conference; as you know, the House has recommended zero funding for Garrison, a Bureau of Reclamation project in North Dakota.

We believe that no further construction should proceed on the Garrison project until the substantial environmental, economic and international problems associated with the present project are resolved. Congress should have the opportunity to consider alternatives to the present project which address these problems prior to committing more funds for construction. As long as construction is going forward, there is little impetus for any such examination of alternatives or modifications to take place. Construction forecloses many options for later redesign and modification. It also degrades and destroys important natural resources in this country and in Canada.

Garrison is only 15 percent complete. This is the time to review the project and alternatives before costly and irreversible mistakes are made. Your vote to delete funding for Garrison will be an important signal that you want such an analysis to occur.

The Garrison project, as authorized by Congress in 1965, is designed to irrigate 250,000 acres (6/10s of 1 percent of the agricultural land) in North Dakota. The Bureau of Reclamation estimates the total cost for the project at $1.2 billion—a five-fold increase from the original estimate of $207 million. The Bureau's data show that the federal investment per irrigated acre is $3,787, while repayment by the beneficiary is set at $77 per acre.

The project's "benefits" are questionable as well. One of the cited benefits is that of wildlife enhancement. In reality, the project will have a devastating effect on wildlife. Presently North Dakota, with its many shallow lakes and prairie wetlands is one of this nation's more productive waterfowl production areas. The variety of its waterfowl—geese, ducks, shorebirds, and others—is enormous. The wildlife refuges and wetlands located there, besides providing important breeding and nesting areas, are also located on the Central Flyway for North American birds. The project will adversely

affect North Dakota's rich wildlife habitat. It will damage or destroy twelve National Wildlife Refuges and result in the loss of a substantial amount of wetlands acreage in North Dakota—all important habitat.

Virtually nothing is being done to mitigate the wildlife losses. The Interior Department has proposed a new mitigation plan which covers only the "first phase" of construction of the project. The proposed plan is woefully deficient. For example, it simply does not deal with the impacts of the project on the National Wildlife Refuges nor on one-third of the acreage involved in the first phase. The Department claims insufficient information about these areas. So its response is simply to ignore them.

Garrison will inflict substantial environmental harm on Canada as well. The International Joint Commission, which investigated the implications the project will have for Canada, determined Garrison will have substantial adverse impacts on Canada's water resources and will violate the Boundary Waters Treaty between the U.S. and Canada. For example, as the project transfers water from the Missouri River basin to the Hudson Bay watershed, foreign fish will be introduced into Canadian waters. It has been estimated that the new fish species will crowd out the commercially valuable fish in Canada's waters and virtually destroy the multimillion dollar commercial fishery in Manitoba.

In an attempt to address Canada's concerns, the Bureau now states that it is building Garrison in phases, beginning with an 85,000 acre first phase. It further states that it will not construct the remainder of the project until Canada's concerns are addressed. It seems to us that the most prudent course of action would be to determine now whether the Bureau will be able to proceed beyond the initial phase of construction. This initial phase involves the building of almost all of the "hardware" associated with the project—all of the major supply features and two-thirds of the canals. The project features are being built to a size and a capacity to service the entire 250,000 acre project. If there is a reasonable doubt that the whole project will not be built, then doesn't it make sense to admit that now so that we may take steps to "size down" the project features to reflect a smaller project and to quiet Canada's fears about their waters and fisheries? Doesn't it make sense to determine exactly what we are building now so that millions of dollars are not wasted on unneeded or oversized project features?

Congress has a special opportunity and responsibility to halt funding for Garrison and to determine if there are less damaging alternatives to the project. Keep in mind that this project has been on the books for nearly twenty years and is only fifteen percent complete. Another short delay in construction, while the Bureau develops and presents alternatives or modifications to Congress, is clearly the most prudent and positive course of action. We believe the Garrison issue can be resolved in this manner.

Thank you for taking our views into consideration.

Sincerely,

JIM ELDER,
Washington Representative.

CANADIAN NATURE FEDERATION,
Ottawa, Canada, June 11, 1983.

DEAR REPRESENTATIVE: We would like to call to your attention the upcoming vote on funding for the Garrison Diversion in North Dakota. If you are not familiar with this Bureau of Reclamation irrigation project, it is extremely important that you give it some of your time; if you are familiar with it, perhaps from past votes, please review the situation.

The Canadian Nature Federation has voiced strong opposition to the Garrison Diversion since the project's inception. The Nature Federation is a non-profit conservation organization having 18,000 individual members and 91 affiliated groups with a total membership in excess of 150,000. We publish Nature Canada, Canada's national nature magazine which has documented our concerns about the Garrison project over the past several years. Garrison has the potential for extensive adverse effects on wildlife and wildlife habitat of importance to our members and indeed all Canadians.

While the diversion project is wholly the responsibility of the United States government, continued work on the various aspects of the diversion will almost inevitably have serious repercussions on the Canadian environment. In particular, the dams and diversions involved in the construction will intentionally divert waters now flowing in the Missouri River drainage into that of the Hudson Bay watershed. Such a diversion will lead to the introduction of a whole range of exotic animals and plants into the ecosystems of Canada's prairie provinces.

The International Joint Commission has investigated Garrison and determined that it cannot be built without violating the Boundary Waters Treaty between the United States and Canada. The foreign biota and the pollution introduced by the diversion will result in an estimated loss of 50 to 75 percent of Manitoba's multimillion dollar commercial and sport fisheries. For this reason alone Canadians have legitimate grounds for objecting to the continuation of the project.

Promoters of the project are presently claiming that, by building only phase one at this time, impacts on the Canadian environment can be avoided. This argument is mistaken. Lonetree Reservoir, for which the Bureau proposes to let bids for construction, will be located in the Hudson Bay drainage; the recent proposals for construction of this reservior appear to be inconsistent with the conditions of a recent agreement by the International Joint Commission.

Furthermore, a recent study by the consulting firm of Wright Water Engineers shows that phase one—the part presently under consideration, and purportedly without impact on Canadian interests—will involve construction of all reservoirs and pumping plants of the Garrison Diversion Unit, and 67 percent of the 258 miles of canals, but will result in irrigation of only about 34 percent of the original 250,000 acres of the project. This initial investment, superficially designed to avoid impact on Canada, will if approved lead almost inevitably to the eventual completion of the project, and to the major and potentially irreversible impacts on the environment of the Canadian prairies.

Also of concern is that North Dakota is perhaps the richest state in the Union in terms of waterfowl production. Yet the project will destroy or damage over 70,000 acres of prime waterfowl marshes, several game management areas and 13 National Wildlife Refuges. In effect, Garrison will cause more damage to the National Wildlife Refuge System than any other water project in history. We are sensitive to this loss of habitat. The estimated loss of close to 200,000 ducks annually would have repercussions on a continental scale.

The Garrison Diversion project, then, is in conflict with American treaty obligations, will cause extremely serious damage to Manitoba's fishing industry and threatens to have unpredictable consequences throughout the Hudson Bay watershed in Canada's prairies. Furthermore, it will constitute the greatest single attack on the National Wildlife Refuge System in history. Present claims that its international impacts can be avoided are naive.

On behalf of our 150,000 associated members, we urge you, therefore, to vote for the deauthorization of the Garrison Diversion project and to support the important initiative of Congressman Conte in this direction.

Yours sincerely,

GREGG SHEEHY,
Conservation Director.

COALITION FOR WATER PROJECT REVIEW,
Washington D.C., June 22, 1983.

DEAR REPRESENTATIVE: Today or tomorrow the House will appoint conferees for H.R. 3132, the Energy & Water Development Appropriation Bill for Fiscal 84. At that time, Representative Silvio Conte will offer a motion to instruct the House conferees to insist on the House position on the Garrison Diversion project in North Dakota and the Stonewall Jackson Dam in West Virginia. The House-passed version of the bill carries no funding for either project, while the Senate-passed version carries $22.3 million for Garrison and $26.0 million for Stonewall Jackson. On behalf of conservationists around the country, we urge your support for the Conte Motion.

It should come as no surprise that some of the most wasteful pork barrel water projects of all are located in states represented on the Senate Appropriations Committee. What is surprising, however, is the dismal record of House conferees in upholding the position of the House on those occasions when this body has gone on record against wasteful water projects. For example, for three consecutive years—FY 79, 80, and 81—the House Appropriations conferees yielded to Senate insistance on funding the discredited—and now deauthorized—Dickey-Lincoln Dam project in Maine, after having reported a House bill containing no funding for this project.

Even more remarkably, the will of the House as expressed last December on the Garrison Diversion and the O'Neill Unit—both rejected by 100 vote margins—was quickly forgotten during the House-Senate conference on H.J. Res. 631, the Continuing Resolution for FY 83.

Against this backdrop, we believe the adoption of the Conte Motion is essential if the will of the House to curb spending on patently wasteful pork barrel projects is ever to be enacted into law.

Much has been said about the many shortcomings of the Garrison Diversion and Stonewall Jackson projects. In both cases, promising alternatives that are less costly in both economic and environmental terms are being disregarded, while local interests count on the Senate to continue Federal spending on these obsolete projects.

This week you will have the opportunity to insist on saving tax dollars; to insist on protecting natural resources; and to insist on common sense. We view the Conte Motion to insist on the House position on Garrison Diversion and Stonewall Jackson

Dam as one of the most important votes to be taken in this Congress to end the insidious pork barrel system.

Sincerely,

Dr. Brent Blackwelder, Washington Representative, Environmental Policy Center; Patrick A. Parenteau, Vice President-Resources Conservation, National Wildlife Federation; William A. Butler, Vice President and General Counsel, National Audubon Society; John A. McComb, Director, Washington Office, Sierra Club.

THE WILDLIFE SOCIETY,
Bethesda, Md., June 10, 1983.

DEAR REPRESENTATIVE: The House Appropriations Committee recommended zero funding in the Energy and Water Appropriations bill for the Garrison Diversion Unit, a Bureau of Reclamation project in North Dakota. The House concurred with that recommendation when it approved the appropriation measure on June 7, 1983. This decision is entirely consistent with the House action last December when funding for Garrison was rejected by a resounding one-hundred-vote margin. We applaud your actions with regard to this project. Congressman Conte intends to offer a motion to instruct the House conferees to insist on the House position and oppose any new construction funds for this project. We urge you to support Congressman Conte's motion.

The Garrison Diversion project is a Bureau of Reclamation irrigation project which will cost the taxpayers over $1 billion to construct. But the dollar figures alone do not express the true costs of this project. Garrison will drain or harm 73,000 acres of prairie wetlands, destroy 66,000 acres of native prairie and grasslands and 4000 acres of woodlands, and will destroy or harm twelve National Wildlife Refuges. To put these losses in perspective, it is important to keep in mind that North Dakota is one of the most productive waterfowl areas in the country; it produces more ducks than any other state in the lower 48. Migratory birds and waterfowl use these important wetland areas to produce their young and for migration habitat. The habitat losses—and the resultant wildlife losses—will be felt beyond North Dakota's borders.

Project proponents claim the environmental damage caused by the project is minimal and that what damage there is will be mitigated. The new proposed mitigation plan is inadequate in terms of total acres as pointed out in the attached resolution of our North Dakota chapter. The plan is based upon unidentified mitigation lands which may or may not be suitable for mitigation purposes. It is also based upon intensive management techniques which will requre long term commitment of personnel, money and other resources to be successful. That sort of commitment from the Department of the Interior seems unlikely. There is no guarantee it will continue.

Garrison also will have substantial harmful effects on Canada. The transfer of water from the Missouri River Basin to the Hudson Bay watershed will pollute Canada's waters and the introduction of foreign biota and rough fish could result in the loss of 50 to 75 percent of Manitoba's commerical and sport fisheries. The International Joint Commission concluded that Garrison would be in violation of the Boundary Waters Treaty between the U.S. and Canada. The Wildlife Society's Manitoba Chapter also is concerned about the effects of the project on Canada.

The Wildlife Society shares the concerns of the North Dakota Chapter as expressed in their resolution. We urge you to support the motion to bind the conferees, continue to oppose funding for the Garrison Diversion project and to work with the appropriate committees to see that an examination of environmentally acceptable alternatives takes place on a timely basis.

Sincerely,

HARRY E. HODGDON,
Executive Director.

NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY—RESOLUTION ON THE WILDLIFE MITIGATION PLAN FOR PHASE I OF THE GARRISON DIVERSION UNIT

Whereas the Garrison Diversion Unit will drain or adversely affect 73,000 acres of prairie wetlands, destroy 66,000 acres of native prairie and grasslands and 4,000 acres of woodlands, require channelization of 142 miles of streams, and impair management of twelve National Wildlife Refuges; and

Whereas the original wildlife mitigation plan of 146,530 acres featuring acquisition and development of existing wetlands would have resulted in net losses for wildlife; and

Whereas the updated wildlife mitigation based upon restoration of drained wetlands developed in the late 1970's to replace project losses would have required 198,000 acres featuring wetland restoration to offset the known habitat losses from the project; and

Whereas the proposed Phase I of the Garrison Diversion Unit would result in approximately one-third of the habitat losses of the full 250,000 acre project, but includes a wildlife mitigation plan of only 41,800 acres; and

Whereas the joint Federal-State-Conservancy District Mitigation Committee which developed the new mitigation plan for the Phase I project has recommended that the McClusky Canal and the Lonetree Reservoir, and Bureau of Land Management lands currently managed for multiple uses including wildlife, be credited toward project mitigation; and

Whereas many of the lands recommended for this new Phase I mitigation plan by the joint Federal-State-Conservancy District Mitigation Committee have not been identified and include lands totally different in location, mitigation suitability, and value for wildlife, especially waterfowl, from those envisioned by the Congress in the authorizing act of August 5, 1965; and

Whereas the same Federal-State-Conservancy District Mitigation Committee has postulated the benefits of the new mitigation plan on undescribed and untested concepts of intensive management of mitigation lands, and has identified for implementation only two intensive management techniques, fencing and establishment of dense nesting cover, which fail to include the normal array of management techniques employed by wildlife agencies in managing wildlife areas; and

Whereas this latest attempt to change the mitigation plan for the controversial Garrison Diversion Unit fails to recognize that the serious problems of the project are the result of its ever-escalating costs of now over $1.2 billion, its potential for severe adverse impacts to Canada, and its dwindling support among the people of North Dakota: now, therefore, be it

Resolved, That the North Dakota Chapter of The Wildlife Society finds the new mitigation plan for Phase I of the Garrison Diversion Unit to be inadequate to offset the wildlife habitat losses caused by Phase I of the project; and be it further

Resolved, That the North Dakota Chapter of The Wildlife Society petitions the Congress of the United States to investigate and to implement an alternative to the authorized Garrison Diversion Unit which will be less costly, will not adversely affect Canada, and will have less severe adverse environmental impacts in this country, thereby requiring less mitigation; and be it further

Resolved, That such an alternative consider irrigation development along the McClusky Canal and the Missouri River, and the use of pipelines to deliver municipal, rural and industrial water throughout the State, including the southwestern and eastern portions; and be it further

Resolved, That copies of this resolution shall be sent to the members of the North Dakota Congressional Delegation, to Congressman Conte of Massachusetts and Congressman Dingell of Michigan, and to other Members of the House and Senate as deemed appropriate.

I did not mislead anyone. I told the truth about this project. If you want to build a Venice without the gondolas, this is the place to do it. Mark my words, they will have more canals in North Dakota than they have in Venice.

Mr. Speaker, I urge the adoption of this motion.

Mr. CONTE. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 150, nays 215, not voting 67, as follows:

[Roll No. 219]

YEAS—150

Andrews (TX)	Crane, Daniel	Hertel
Archer	Crane, Philip	Hiler
AuCoin	D'Amours	Hillis
Barnes	Dannemeyer	Horton
Bartlett	Dellums	Hunter
Bates	Derrick	Jeffords
Bedell	DeWine	Kaptur
Biaggi	Dingell	Kasich
Bilirakis	Dreier	Kildee
Boehlert	Durbin	Lagomarsino
Bonior	Eckart	Lantos
Broomfield	Edgar	Leach
Broyhill	Edwards (CA)	Levine
Bryant	Evans (IA)	Lewis (CA)
Burton (IN)	Evans (IL)	Lowery (CA)
Byron	Fascell	Lundine
Carper	Fiedler	Lungren
Chandler	Fields	Mack
Chappie	Forsythe	MacKay
Clarke	Frank	Madigan
Clinger	Frenzel	Markey
Coats	Goodling	Martin (IL)
Coleman (MO)	Gradison	Martin (NC)
Conable	Gramm	Martin (NY)
Conte	Green	McCollum
Conyers	Gunderson	McDonald
Coughlin	Hall (OH)	McGrath
Courter	Hamilton	McKernan
Craig	Hartnett	McKinney

Michel	Rodino	Tauzin
Miller (OH)	Roemer	Thomas (GA)
Minish	Roth	Torricelli
Molinari	Roukema	Valentine
Moody	Savage	Vander Jagt
Moore	Schulze	Vento
Moorhead	Seiberling	Walgren
Morrison (CT)	Sensenbrenner	Walker
O'Brien	Shaw	Weaver
Oberstar	Sikorski	Weber
Ottinger	Siljander	Weiss
Oxley	Slattery	Williams (OH)
Packard	Smith (FL)	Wirth
Parris	Smith (NJ)	Wise
Paul	Snowe	Wolf
Pease	Solomon	Wolpe
Petri	Spence	Wortley
Pursell	Stratton	Wylie
Ridge	Studds	Yates
Rinaldo	Sundquist	Young (FL)
Ritter	Tauke	Zschau

NAYS—215

Ackerman	Hammerschmidt	Pashayan
Akaka	Hance	Patman
Alexander	Hansen (ID)	Patterson
Anderson	Hansen (UT)	Penny
Andrews (NC)	Harkin	Pepper
Anthony	Harrison	Perkins
Aspin	Hefner	Pickle
Badham	Hightower	Price
Barnard	Holt	Rahall
Bateman	Hopkins	Rangel
Bellenson	Howard	Ratchford
Bennett	Hoyer	Ray
Bereuter	Huckaby	Regula
Bethune	Hughes	Reid
Bevill	Hutto	Richardson
Bliley	Hyde	Roberts
Boggs	Jenkins	Robinson
Boland	Jones (NC)	Roe
Bonker	Jones (OK)	Rogers
Borski	Jones (TN)	Rostenkowski
Boucher	Kastenmeier	Rowland
Breaux	Kazen	Roybal
Britt	Kennelly	Rudd
Brooks	Kindness	Russo
Brown (CO)	Kogovsek	Sabo
Campbell	Kolter	Sawyer
Carney	Leath	Schaefer
Carr	Lehman (CA)	Scheuer
Chappell	Lehman (FL)	Shannon
Cheney	Levin	Sharp
Clay	Levitas	Shelby
Coelho	Lipinski	Shumway
Coleman (TX)	Livingston	Shuster
Collins	Lloyd	Simon
Coyne	Loeffler	Sisisky
Daniel	Long (LA)	Skeen
Daschle	Lott	Skelton
Daub	Lowry (WA)	Smith (IA)
Davis	Lujan	Smith (NE)
Dickinson	Luken	Smith, Denny
Dicks	Marlenee	Snyder
Dixon	Marriott	Spratt
Donnelly	Matsui	St Germain
Dorgan	Mavroules	Staggers
Duncan	Mazzoli	Stangeland
Dwyer	McCain	Stark
Dymally	McCandless	Stenholm
Dyson	McCloskey	Stokes
Early	McDade	Stump
Edwards (AL)	McEwen	Swift
Edwards (OK)	McHugh	Tallon
Emerson	Mica	Taylor
English	Mikulski	Torres
Ferraro	Mineta	Towns
Florio	Mitchell	Udall
Foglietta	Mollohan	Vandergriff
Foley	Montgomery	Volkmer
Ford (TN)	Morrison (WA)	Vucanovich
Fowler	Murphy	Watkins
Franklin	Murtha	Wheat
Frost	Myers	Whitley
Fuqua	Natcher	Whittaker
Garcia	Neal	Whitten
Gaydos	Nelson	Williams (MT)
Gephardt	Nichols	Wilson
Gibbons	Nowak	Winn
Glickman	Oakar	Wright
Gonzalez	Obey	Yatron
Guarini	Olin	Young (AK)
Hall (IN)	Ortiz	Young (MO)
Hall, Ralph	Owens	Zablocki
Hall, Sam	Panetta	

NOT VOTING—67

Addabbo	Gekas	McCurdy
Albosta	Gilman	McNulty
Annunzio	Gingrich	Miller (CA)
Applegate	Gore	Moakley
Berman	Gray	Mrazek
Boner	Gregg	Nielson
Bosco	Hatcher	Porter
Boxer	Hawkins	Pritchard
Brown (CA)	Heftel	Quillen
Cooper	Hubbard	Rose
Corcoran	Ireland	Schneider
Crockett	Jacobs	Schroeder
de la Garza	Johnson	Schumer
Dowdy	Kemp	Smith, Robert
Downey	Kostmayer	Solarz
Erdreich	Kramer	Synar
Erlenborn	LaFalce	Thomas (CA)
Fazio	Latta	Traxler
Feighan	Leland	Waxman
Fish	Lent	Whitehurst
Flippo	Lewis (FL)	Wyden
Ford (MI)	Long (MD)	
Gejdenson	Martinez	

□ 2030

The Clerk announced the following pairs:

On this vote:

Mr. Johnson for, with Mr. Latta against.

Mr. Porter for, with Mr. Lewis of Florida against.

Mr. Corcoran for, with Mr. Nielson of Utah against.

Mr. BORSKI and Mr. LEVITAS changed their votes from "yea" to "nay."

Mr. CRAIG changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. BEVILL, Mrs. BOGGS, Messrs. CHAPPELL, FAZIO, WATKINS, BONER of Tennessee, WHITTEN, MYERS, Mrs. SMITH of Nebraska, Mr. RUDD, and Mr. CONTE.

There was no objection.

GENERAL LEAVE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, JUNE 28, 1983, TO FILE CONFERENCE REPORT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1984

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Tuesday, June 28, 1983, to file a conference report on the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MAKING IN ORDER AT ANY TIME ON WEDNESDAY, JUNE 29, 1983, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT AND ANY AMENDMENTS IN DISAGREEMENT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1984

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 29, of next week, or any day thereafter, any rule of the House to the contrary notwithstanding, to consider the conference report and any amendments in disagreement thereto on the bill (H.R. 3132) making appropriations for energy and water development.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDING RULE XLIX OF RULES OF HOUSE OF REPRESENTATIVES CONCERNING METHOD OF ESTABLISHING STATUTORY LIMIT ON PUBLIC DEBT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

Resolved, That clause 2 of rule XLIX of the Rules of the House of Representatives is amended to read as follows:

"2. The matter after the resolving clause in any joint resolution described in clause 1 shall be as follows: 'That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "$ ".', with the blank being filled in with a limitation equal to the appropriate level of the public debt as set forth, pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, in the concurrent resolution on the budget (whether such resolution was adopted under section 301, 304, or 310 of such Act). Only one joint resolution shall be prepared under clause 1 upon the adoption of any concurrent resolution on the budget; and, if the concurrent resolution set forth a different appropriate level of the public debt (pursuant to such section 301(a)(5)) for each of two separate periods, the blank referred to in the preceding sentence shall be filled in with both the limitation which is to apply for the later of the two periods (specifying the date on which that limitation is to take effect) and the limitation which is to apply for the earlier of such periods.".

SEC. 2. The first sentence of clause 1 of rule XLIX of the Rules of the House of Representatives is amended by striking out "by an amount equal to the difference between such limit and such appropriate level".

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, under the customs of the House, I yield 30 minutes for the purposes of debate only to the gentleman from Mississippi (Mr. LOTT), and pending that, I yield myself such time as I may consume.

Mr. DERRICK. Mr. Speaker, House Resolution 241 will amend rule XLIX of the Rules of the House of Representatives so that Rule XLIX will reflect changes recently made in the method of changing the statutory limit on the public debt.

House rule XLIX currently directs that, upon adoption of a concurrent resolution on the budget which recommends a change in the limit on the national debt, a joint resolution temporarily increasing (decreasing) the debt limit by the amount recommended in the budget resolution is engrossed by the enrolling clerk, deemed to have passed the House, and is transmitted to the Senate for further legislative action.

If such a concurrent resolution on the budget recommends different appropriate limits on the public debt for two different time periods, two joint resolutions are deemed to have passed, each one changing the debt limit temporarily for one of the two time periods concerned.

From 1969 until enactment of Public Law 98-34 (H.R. 2990) this past May, the U.S. public debt limit consisted of two parts: a permanent debt limit set forth in section 3101(b) of title 31, United States Code, and a temporary increase in that limit, with an expiration date on or before the last day of the fiscal year.

Public Law 98-34, which increased the debt limit to 1,389,000,000,000 (1 trillion, 389 billion dollars) also changed the method of increasing the debt limit. Rather than temporarily increasing the debt limit, it amended the permanent statutory limit contained in section 3101(b) of title 31 to raise that level to the full amount required to allow the Federal Government to meet its financing needs.

In keeping with this change House Resolution 241 would amend rule XLIX so that a joint resolution triggered by the passage of a concurrent resolution on the budget would change the debt limit by amending the permanent limit on the national debt, rather than temporarily increasing that limit. House Resolution 241 also provides that only one joint resolution will be triggered by the passage of a single concurrent resolution on the budget, even if such a concurrent resolution on the budget recommends two different debt limits for 2 different fiscal years.

In such a situation, the joint resolution would provide that the limit recommended for the later period shall be the permanent statutory limit, except that the limit recommended for the earlier period shall be in effect for the duration of that period.

Thus, while only one joint resolution is engrossed and deemed passed, two different debt limits are set. The amount recommended in the budget resolution as the appropriate debt limit level for the current fiscal year will be the effective limit from enactment of the joint resolution until the end of the current fiscal year; thereafter, the amount recommended in the budget resolution as the appropriate level of the public debt for the coming fiscal year will be the statutory limit on the public debt until subsection (b) of section 3101 of title 31 is further amended to increase or decrease it.

The Committee on Rules agrees with the finding of the Committee on Ways and Means that the "use of combined permanent and temporary debt limits complicated both debt management and congressional procedure . . . has outlived whatever usefulness it may have had . . ." and "has become a source of confusion to the public . . ." (House Report 98-121, to accompany H.R. 2990).

The Committee on Rules also believes that it is unnecessary and confusing to have the enactment of a single concurrent resolution on the budget trigger the engrossment and passage of two separate joint resolutions to increase or decrease the public debt.

The committee, therefore, recommends passage of House Resolution 241 so that rule XLIX will conform to the practice of amending the permanent limit on the national debt, rather than increasing the debt limit temporarily, established by the enactment of Public Law 98-34 earlier this year; and so that Congress can eliminate the duplication of effort required by passage of two joint resolutions to achieve a single result.

Mr. Speaker, I urge adoption of House Resolution 241. I yield to the gentleman from Mississippi (Mr. LOTT) for the purposes of debate only.

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, House Resolution 241 amends House rule XLIV regarding an automatic procedure for transferring the public debt limit figure in a final budget resolution to a joint resolution to be sent to the Senate. This is the so-called Gephardt rule adopted back in 1978 to reduce the number of votes Congress would have to take every time it raised the public debt limit. Under the Gephardt rule, once a conference report on a budget resolution was finally adopted, the enrolling clerk in the House would prepare for engrossment a joint resolution containing the amount by which the debt limit was temporarily increased in the budget resolution over the permanent debt limit. That resolution was then sent to the Senate, thus avoiding the need for the Ways and Means Committee to report a separate bill and the House to vote a second time on the same matter.

Mr. Speaker, this year it was necessary for the Ways and Means Committee to report a debt limit bill to fill a gap left by the last budget resolution. In that bill the Ways and Means Committee eliminated the fiction of temporary increases and provided for a new permanent debt limit. At the same time, the chairman of the Ways and Means Committee requested that House Rule XLIV be amended to reflect this change, and also that the rule permit coupling two debt limit figures in the same joint resolution under the Gephardt procedure—one figure for the current fiscal year if there is a revised resolution, and one for the succeeding fiscal year. While the Rules Committee did not carry out the Ways and Means request at that time, the resolution before us today would accomplish that objective.

Mr. Speaker, under the proposed amendment to House rule XLIV, it would be made clear that the Gephardt procedure would be changed to reflect the new permanent public debt limit as opposed to the previous temporary public debt increases. And the rule would also provide for the inclusion of a single joint resolution both the debt levels for the current fiscal year as set forth in a revised resolution, and for the succeeding fiscal year as set forth in the first budget resolution, if two such periods are provided for in a single budget resolution. The rule would further state that the later debt level would specify a debt on which it is to take effect, which would ordinarily be the beginning of the next fiscal year.

Mr. Speaker, the Rules Committee had before it two options. The option not adopted would have required that if two debt levels were included in a budget resolution, the higher of the two would be transferred to the joint resolution. In a statement to our committee, the gentleman from New York (Mr. CONABLE) indicated he would prefer this option since it would help avoid the possibility of a gap occurring between the former ceiling and effective date of the latter ceiling. In other words, we could bump up against the ceiling for the current fiscal year before October 1 when the higher ceiling would take effect. In that instance, much as was required this year, the Ways and Means Committee would be

required to report a debt bill to cover the gap. This runs contrary to the original purpose of the Gephardt rule which was to reduce House votes on debt levels bills. Nevertheless, the rule before us is the one preferred by the chairman of the Ways and Means Committee, and the Rules Committee deferred to his choice in this matter. I do not think this is a major or partisan issue, and will not oppose this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2040

PROVIDING FOR CONSIDERATION OF H.R. 1398, ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1983

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 201 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 201

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1398) to promote energy conservation by providing daylight saving time on an expanded basis, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Missouri (Mr. TAYLOR), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 201 is an open rule providing for 1 hour of debate and a motion to recommit H.R. 1398, the Energy Conservation Daylight Saving Act of 1983.

Mr. Speaker, the Energy Conservation Daylight Saving Act amends the Uniform Time Act of 1966 to give the Nation 2 additional months of daylight saving time. Specifically, the act provides that daylight saving time begin in early March rather than in late April as it now does.

Mr. Speaker, H.R. 1398 also preserves currently existing exemptions from daylight saving time for States totally within a time zone and for States lying across two time zones. Finally, Mr. Speaker, H.R. 1398 empowers the Federal Communications Commission to grant, on a case-by-case basis, before sunrise broadcasting permission to "daylight only" AM stations which would lose morning commuter hour profits because of this measure's later sunrises.

Mr. Speaker, H.R. 1398 is a bill which would conserve an enormous amount of energy for this country. It would also provide additional daylight hours for shopping and recreation. Finally, H.R. 1398 enjoys a great deal of public support.

Mr. Speaker, I know of no controversy on this rule. I urge my colleagues to approve the rule so that we may consider this important piece of legislation.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 201 is a simple, 1-hour, open rule under which the House will consider legislation highly detrimental to rural America, and that is a bill that adds an additional 2 months to our annual observance of daylight saving time.

This rule contains no waivers of the rules of the House, and it places no limits on germane amendments. The bill, H.R. 1398, will be read for amendment under the 5-minute rule; and the rule allows for one motion to recommit.

This is a simple rule, and an open rule, but I would be remiss in my duties if I allowed the House to be lulled into thinking that the bill it makes in order is a noncontroversial measure.

The Energy and Commerce Committee is on the verge of bringing to the House floor a bill that will mean more Government intrusion into the lives of the American people.

Mr. Speaker, for once I wish this Congress would be content to leave well enough alone. This bill expands, on an absolutely mandatory basis, daylight saving time from 6 months to 8 months.

The committee wants to rush springtime even further, in the misguided and wrong notion that the American people will save energy simply because Washington has decreed that our clocks should be moved forward earlier in the year.

Make no mistake about it, my colleagues, this bill represents another confrontation between rural America and urban America, with very little regard being given to the point of view of those millions and millions beyond the banks of the Potomac River.

Rural Americans have always regarded daylight saving time with dismay. Most all of their children ride buses to school and thus are forced to wait in the cold, dark, and often rainy part of the morning for their transportation. This wait puts these little children at considerable personal risk, all for the convenience of persons who live in large cities on either the east coast or the west coast.

This bill is supported primarily by a bunch of Government bureaucrats at the Department of Transportation who have nothing better to do with their time than to dust off a series of studies carried out in 1972 and 1975, and, of course, analyzed in 1976.

Mr. Speaker, the essence of this bill is to require the Nation to observe 8 months of daylight saving time, apparently on the theory that 6 months of it is not enough. In my opinion, no daylight saving time is probably the best, 6 months is barely tolerable, and 8 months is certainly too much.

And why, Mr. Speaker, does the Nation need to observe 2 additional months of daylight saving time? We were told in the Committee on Rules that this legislation will result in increased daylight recreation and shopping prime time. We were told that convenience store operators support this legislation. We were told that people who want to be able to engage in recreation during daylight hours support this legislation. We were told that this bill will result in "substantial" energy savings.

Well, I have searched through the committee report—and I cannot find where these so-called energy savings are to be had. As a matter of fact, the National Bureau of Standards concluded the following, and I quote:

> The available data does not lead to any conclusions on the possible energy savings, except that further studies would be extremely expensive to perform.

The administration witness from the Department of Transportation said, and again I quote:

> We were unable to establish conclusive evidence that would argue strongly for a permanent change in the Uniform Time Act. The potential benefits of an extended period of daylight saving time were simply too small and difficult to isolate from the larger impacts of seasonal and secular variations and changes in energy availability and prices that were taking place during the experiment.

Mr. Speaker, the argument is going to be made once again, as it was 2 years ago, that this bill continues to allow States the option of observing daylight saving time. I urge my colleagues to read the committee report very closely in this regard, for if they do, they will find that it is an all-or-nothing-at-all proposition. Under the current law, States can opt out entire-

ly from the observance of daylight saving time. Under this bill, States must either choose to observe the entire 8 months of daylight saving time, or forego daylight saving entirely.

Our State legislatures will not have the ability to reject participation in the additional 2 months of daylight saving time this bill creates.

Mr. Speaker, this bill should be soundly defeated when it comes to the floor.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I rise in support of the rule making in order the consideration of H.R. 1398, the Energy Conservation Daylight Saving Act of 1983, a bipartisan bill jointly cosponsored by me and my ranking minority member, the gentleman from California (Mr. MOORHEAD). The bill extends the period of daylight saving time beyond the present 6-month period to 8 months, by starting daylight saving time on the first Sunday in March, instead of the last Sunday in April.

Last Congress the House passed, by a bipartisan vote of 243 to 165, H.R. 4437, which is identical to the bill before us today. Unfortuntely, the legislation was never taken to a vote in the Senate.

During last Congress we learned of many potential benefits of the legislation, the data for which was derived from experience in 1974 and 1975 when the United States had extended daylight saving time:

Energy savings of about 100,000 barrels of oil equivalent per day during the 2 extra months, according to a study conducted by the Department of Transportation;

As many as 200 fewer traffic fatalities per year, according to studies of the National Highway Traffic Safety Administration;

A reduction in violent crimes of 10 to 13 percent, based upon a study of Washington, D.C., crime statistics by the Law Enforcement Assistance Administration of Washington, D.C.;

Increased recreational time, tourism, and extension of prime shopping hours; and

An extra period of sight and mobility for the hundreds of thousands of Americans suffering from retinitis pigmentosa, a disease which causes night blindness.

The legislation will make the period of daylight saving time symmetrical around the summer solstice, the longest day of the year. As a result, the sunrises under this bill in March and April will be no later than those currently experienced in September and October.

The change in the period of daylight saving time is supported by the Reagan administration, and previous administrations. Public opinion polls also show a 2 to 1 public preference for extended daylight saving time.

At a recent subcommittee hearing, testimony was heard from representatives from the Department of Transportation, the Federal Communications Commission, the Retinitis Pigmentosa Foundation, the Southland Corp., and the National Association of Convenience Stores in support of the legislation.

Enactment of this legislation is a simple step we can take for energy conservation, crime reduction, and the economic recovery of our Nation.

Mr. WHEAT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATION OF THE BICENTENNIAL OF THE BIRTH OF SIMON BOLIVAR

Mr. BARNES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 14) commemorating the bicentennial of the birth of Simon Bolivar, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, and I have no intention of objecting, I wish to commend the gentleman from Maryland, chairman of our Subcommittee on Western Hemisphere Affairs for bringing this measure before us and also commend the gentleman from Florida, (Mr. MICA), the sponsor of this resolution.

It is entirely appropriate that we should honor Simon Bolivar, the liberator of South America, the man who is called the "George Washington" of his continent. The 200th anniversary of the birth of Simon Bolivar occurs on July 24, and it should be a time to reflect on the influence which the independence of the United States had on our neighbors to the South and in turn, how the ideals and example of Simon Bolivar served to reinforce our own commitment to the principles of freedom and democracy.

The legacy of Simon Bolivar can be seen in the six nations of the Bolivarian Republic: Venezuela, Colombia, Panama, Ecuador, Peru, and Bolivia. Their tradition of democratic governments, though interrupted over the past two centuries, still represent an undying search for the goals of freedom and justice for all peoples.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 14

Whereas July 24, 1983, marks the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas;

Whereas Simon Bolivar offered his life to democratic ideals and created a legacy of freedom and independence;

Whereas Simon Bolivar, with his actions and patriotic commitment, forged the nationhood of Bolivia, Colombia, Ecuador, Panama, Peru, and Venezuela;

Whereas, through his political initiative, Simon Bolivar developed the ideal of Pan-Americanism based on independence, sovereignty, unity, and solidarity, and developed the right of all nations to live in peace; and

Whereas Simon Bolivar was the architect of the Treaty of Union, League and Perpetual Confederation at the historical Congress of Panama in 1826, implanting the roots of the oldest international system of cooperation among nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) expressing the sentiments of the people of the United States, extolls this illustrious figure, Simon Bolivar;

(2) recognizes July 24, 1983, through July 23, 1984, as the bicentennial year of the birth of Simon Bolivar, hero of the independence of the Americas;

(3) calls upon the President to issue a proclamation commemorating the ideals and example of Simon Bolivar;

(4) declares its intention to send a congressional delegation to Venezuela in July 1983 to represent the United States in the official ceremonies of observance of the bicentennial of the birth of Simon Bolivar; and

(5) calls upon the Librarian of Congress, acting through the Congressional Research Service, to conduct a study on the impact of Simon Bolivar on the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. BARNES. Mr. Speaker, Senate Concurrent Resolution 14:

First, expresses the sentiments of the people of the United States in extolling this illustrious figure, Simon Bolivar;

Second, proclaims July 24, 1983, through July 23, 1984, as the bicentennial year of the birth of Simon Bolivar, hero of the independence of the Americas;

Third, calls upon the President to issue a proclamation commemorating the ideals and example of Simon Bolivar;

Fourth, declares the intention of Congress to send a congressional delegation to Venezuela in July 1983 to represent the United States in the official ceremonies of observance of the bicentennial of the birth of Simon Bolivar;

Fifth, calls upon the Congressional Research Service to conduct a study

on the impact of Simon Bolivar in the United States;

Sixth, calls on the Secretary of State to transfer a copy of this resolution to the President.

During my many travels through Latin America I have come to understand what the figure of Simon Bolivar represents to all those who believe in democracy and in the sovereign right of countries to proclaim their independence. Simon Bolivar was a visionary who dreamed of one united Latin American community. The Latin American countries are now paying tribute to his visions, it is only appropriate that the United States should join them in this celebration.

This resolution is supported by the administration. Our Ambassador to the Organization of American States, William Middendorf, has urged us to act on this. The chairman of the Foreign Affairs Committee recently received a letter from the Ambassadors of the six Bolivarian countries in Latin America in support of the resolution.

Senate Concurrent Resolution 14 was adopted by the Senate by voice vote on May 4, and I know of no opposition to it.

A similar measure was introduced in the House by our colleague DAN MICA and was referred jointly to the Committee on Foreign Affairs and the Committee on Post Office and Civil Service. I appreciate the cooperation of the distinguished chairman of the Post Office and Civil Service Committee in agreeing that, in view of the noncontroversial nature of the measure, we should simply accept the Senate version.

● Mr. MICA. Mr. Speaker, I am pleased to rise in support of Senate Concurrent Resolution 14, the companion resolution to legislation I introduced earlier this year commemorating the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

This resolution recognizes July 24, 1983 through July 23, 1984, as the bicentennial year of the birth of Simon Bolivar. Senate Concurrent Resolution 14 calls upon the President to issue a proclamation commemorating the ideals and example of Simon Bolivar, and expresses the intention of the Congress to send a congressional delegation to Venezuela in July 1983 to represent the United States in the official ceremonies of observance of the bicentennial of the birth of this great hero.

Simon Bolivar symbolizes the quest for freedom and democracy in all nations of the Americas. In addition to having been the champion of the struggle for independence from Spain, Bolivar, known by all as the Great Liberator, was proclaimed President of Venezuela, Colombia, Ecuador, and Panama, and served to organize the Governments of both Peru and Bolivia.

His vision of a united America gave rise to the Pan-American ideal we share today, which has gained vitality through the formation and activities of the Organization of American States. The "George Washington of South America," Simon Bolivar had the same faith in the dignity of man, the values of independence and democracy, and the ideal of a strong and united America that has strengthened our national purpose and commitment for the past 200 years.

The United States had a profound effect on Simon Bolivar, who learned from the example of the democracy to the north; and he has, in turn, profoundly affected this Nation through his concept of hemispheric solidarity.

It is fitting that we should acknowledge his influence on this hemisphere and our Nation. It is fitting that we should help to renew the faith in ideals so basic to our way of life—for which Bolivar fought and which he symbolized throughout the Americas.

I would like to add that I truly appreciate the efforts of the gentleman from Maryland, Mr. BARNES; the gentleman from California, Mr. LAGOMARSINO; and Senator LUGAR of Indiana in their help and support for bringing my legislation before the Congress.

Finally, Mr. Speaker, I want to call attention to the assistance of the Permanent Representative to the U.S. Mission of the Organization of American States, Ambassador J. William Middendorf. I look forward to the opportunity for Members of Congress to join with Ambassador Middendorf in presenting this resolution to the peoples of the Americas.

I hope the Congress adopts this resolution so that we may celebrate with other nations of the Americas a symbol of strength, unity, and cooperation through the bicentennial observation of the birth of Simon Bolivar.●

● Mr. ZABLOCKI. Mr. Speaker, I rise in support of Senate Concurrent Resolution 14, commemorating the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

At the outset I wish to commend our colleague from Florida, the Honorable DAN MICA who introduced a companion measure in the House, House Concurrent Resolution 55. That measure was referred to the Committees on Foreign Affairs and Post Office and Civil Service. I also wish to mention and commend the chairman of the Post Office and Civil Service Committee the Honorable WILLIAM D. FORD, and the chairwoman of the relevant subcommittee, the Honorable KATIE HALL, for their support and their agreeing to this expedited procedure.

Mr. Speaker, I would like to quote from a letter I received yesterday from the Ambassadors of the six Bolivarian nations, Bolivia, Equador, Peru, Colombia, Panama, and Venezuela, expressing the significance of the event:

Bolivar is a symbol of the quest for independence, liberty and cooperation among nations in our hemisphere. His bicentennial is being commemorated all over the world. It would be especially significant that it be so in the United States, a country which Simon Bolivar called the "cradle of freedom."

Mr. Speaker, the legacy of Simon Bolivar represents the same ideals of freedom and independence for this hemisphere as does the legacy of George Washington. I urge the unanimous adoption of the resolution.●

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MARITIME DEVELOPMENT BANK ACT OF 1983

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I introduce today the Maritime Redevelopment Bank Act of 1983. This legislation establishes the Maritime Redevelopment Bank of the United States to promote the revitalization of the maritime industry. It provides capital formation assistance:

First. To vessel operators to purchase modern, efficient vessels, thereby increasing productivity and competitiveness in both domestic and foreign transportation markets; and

Second. To commercial shipbuilders in the form of procurement and investment incentives to undertake managerial, organizational, and technological changes to improve shipyard innovation, productivity, and competitiveness designed to achieve significant reduction in the delivered cost and time of delivery of vessels and other products constructed in domestic shipyards. These indirect incentives in the form of a self-financing program to promote investment in maritime enterprise would substitute for increasingly expensive and inefficient direct subsidy programs of the past.

NATIONAL DIABETES MONTH

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOYER. Mr. Speaker, I am today introducing a joint resolution to designate the month of November 1983 as "National Diabetes Month." The ongoing war against diabetes has yielded significant advances in basic and clinical research aimed at prevention, diagnosis, and treatment of persons who are afflicted with this disease. Yet, so much more remains to be done.

Eleven million Americans suffer from diabetes. A significant portion of the victims are not yet even aware that they have the disease. Tens of millions of Americans—the friends and families of those with the disease—are personally affected by the grave impact which diabetes has on their loved ones. Over $10 billion are spent each year for health care, disability payments, and premature mortality costs resulting from diabetes.

Health complications arising from diabetes affect a variety of bodily functions and organs. The lasting effects of these complications are extremely severe. For example, the National Diabetes Data Group has reported that:

Diabetes causes almost 50 percent of foot and leg amputations among adults.

Twenty percent of all cases of kidney failure and 15 percent of all blindness are due to diabetes.

Diabetes is a major cause of birth defects and infant mortality.

The United States ranks among the highest five nations in the world in mortality due to diabetes.

Diabetes is a major risk factor for cardiovascular disease.

Persons with diabetes spend twice as many days in hospitals as persons without the disease.

Diabetes, which is the fourth leading cause of visits to general and family practice physicians, places a major drain on our health resources.

Mr. Speaker, the designation of November of this year as "National Diabetes Month" will serve to bring the human and economic costs of diabetes to the wider attention of the American people. It is my sincere hope and belief that this increased understanding of the disease—both by those afflicted and by others—will lead to more intensive research, improved methods of preventing serious complication, new types of treatment, and general awareness of the challenge we face in seeking to lessen the impact of diabetes. I urge the speedy adoption of this joint resolution.

Mr. Speaker, the context of the resolution is as follows:

H.J. RES. 307

Joint resolution designating the month of November 1983 as "National Diabetes Month"

Whereas diabetes kills more than all other diseases except cancer and cardiovascular diseases; and

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness; and Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes; and

Whereas up to 85 per centum of all cases of noninsulin-dependent diabetes may be controllable through greater public understanding, awareness and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Diabetes Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies and activities.

□ 2050

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of receiving the legislative schedule for the rest of today and the week.

I yield to the gentleman from Texas, the majority leader.

Mr. WRIGHT. I thank the distinguished acting minority leader, the gentleman from Mississippi, for yielding.

This concludes the legislative business for the day and for this week. There will be no session tomorrow.

Monday, we will meet at noon. There will be no recorded votes on Monday. All such votes will be postponed until Tuesday, June 28. We will take up one bill on District Day to increase Federal payment authorizations. There is one bill on suspension concerning the Extra Long Staple Cotton Act of 1983. We then will take up the daylight saving time bill on which a rule has just been granted and complete general debate.

On Tuesday, we meet at noon. There are two suspensions. The 1984 Olympic duty suspension and the omnibus minor tariff amendments; both are out of the Ways and Means Committee.

We will postpone votes on suspensions and on that bill debated until the end of the day, Tuesday.

We will take up the Interior appropriation and the Consumer Products Safety Commission amendment and complete consideration of that bill.

On Wednesday and Thursday we meet at 10 a.m. We hope to complete the District of Columbia appropriations, the health insurance for the unemployed, subject to the granting of a rule; the daylight saving time bill and the bill commemorating the 100th birthday of Harry S Truman.

Upon adjournment Thursday, the House will adjourn until noon on Monday, July 11 for the Independence Day recess and the home district work period. Of course, conference reports might be brought up at any time. Any further program will be announced later.

Mr. LOTT. Mr. Speaker, I would just like to inquire of the majority leader, the Members can expect definitely to be out of here on Thursday night; we will complete business on Thursday night?

Mr. WRIGHT. Emphatically. There will be no session on Friday. Upon our adjournment on Thursday, we will be in recess for the Fourth of July period.

Mr. LOTT. All right, sir. In view of the eloquence of the gentleman throughout the day, I wonder if he could feel moved at this point to perhaps give the House the benefit of his description of the origin of a drop of water? Does he feel that perhaps he could give us that information tonight?

Mr. WRIGHT. Oh, it has been an awfully long day. There have been so many eloquent words uttered about water. Perhaps the most eloquent of all was uttered by Kipling when he wrote that magnificent poem:

GUNGA DIN

You may talk o' gin an' beer
When you're quartered safe out 'ere,
An' you're sent to penny-fights an' Aldershot it;
But when it comes to slaughter
You will do your work on water,
An' you'll lick the bloomin' boots of 'im that's got it.
Now in Injia's sunny clime,
Where I used to spend my time
A-servin' of 'Er Majesty the Queen,
Of all them black-faced crew
The finest man I knew
Was our regimental *bhisti,* Gunga Din.
He was "Din! Din! Din!
You limpin' Lump o' brick-dust, Gunga Din!
Hi! *slippey hitherao!*
Water! get it! *Panee lao!*
You Squidgy-nosed old idol, Gunga Din!"
The uniform 'e wore
Was nothin' much before,
An' rather less than 'arf o' that be'ind,
For a piece o' twisty rag
An' a goatskin water-bag
Was all the field-equipment 'e could find.
When the sweatin' troop-train lay
In a sidin' through the day,
Where the 'eat would make your bloomin' eye-brows crawl
We shouted *"Harry By!"*
Till our throats were bricky-dry,

Then we wopped 'im cause 'e couldn't serve us all.
It was "Din! Din! Din!
You 'eathen, where the mischief 'ave you been?
You put some *juldee* in it
Or I'll *marrow* you this minute,
If you don't fill up my helmet, Gunga Din!"
'E would dot an' carry one
Till the longest day was done;
An' 'e didn't seem to know the use o' fear.
If we charged or broke or cut,
You could bet your bloomin' nut,
'E'd be waitin' fifty paces right flank rear.
With 'is *mussick* on 'is back,
'E would skip with our attack,
An watch us till the bugles made "Retire,"
An' for all 'is dirty 'ide
'E was white, clear white, inside
When 'e went to tend the wounded under fire!
It was "Din! Din! Din!"
With the bullets kickin' dust-spots on the green
When the cartridges ran out,
You could 'ear the front-files shout,
"Hi! ammunition-mules an' Gunga Din!"
I sha'n't forgit the night
When I dropped be'ind the fight
With a bullet where my belt-plate should 'a' been.
I was chokin' mad with thirst,
An' the man that spied me first
Was our good old grinnin', gruntin' Gunga Din.
'E lifted up my 'ead,
An' 'e plugged me where I bled,
An' 'e guv me 'arf-a-pint o' water—green:
It was crawlin' an' it stunk,
But of all the drinks I've drunk,
I'm gratefullest to one from Gunga Din.
It was "Din! Din! Din!
'Ere's a beggar with a bullet through 'is spleen
'E's chawin' up the ground,
An' 'e's kickin' all around:
For Gawd's sake git the water, Gunga Din!"
'E carried me away
To where a *dooli* lay,
An' a bullet come an' drilled the beggar clean.
'E put me safe inside,
An' just before 'e died:
"I 'ope you liked your drink," sez Gunga Din.
So I'll meet 'im later on
At the place where 'e is gone—
Where it's always double drill an' no canteen;
'E'll be squattin' on the coals,
Givin' drink to pore damned souls,
An' I'll git a swig in hell from Gunga Din!
Yes, Din! Din! Din!
You Lazarushian-leather Gunga Din!
Though I've belted you an' flayed you,
By the livin' Gawd that made you,
You're a better man than I am, Gunga Din!

Mr. LOTT. I am sorry I asked.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 27, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE SPEAKER TO THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House to the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 21, 1983.

Hon. BENJAMIN J. GUTHRIE,
Clerk, House of Representatives, H-105, The Capitol, Washington, D.C.

DEAR MR. CLERK: I have reviewed your notification letter of June 21, 1983 informing me, pursuant to the provisions of House Rule L(50), of your receipt of an Order of the United States District Court for the District of Maryland in *George H. Benford* v. *American Broadcasting Companies, Inc., et al.*, regarding certain non-public records of the Select Committee on Aging.

I have consulted with the Majority and Minority Leaders and Whips of the House and I must remind you that the House of Representatives, by adopting House Resolution 176 has pursuant to Rule L(50) exercised its constitutional prerogatives pursuant to article I, section 5, clause 3 of the Constitution and has determined that these records should not be produced for inspection by the plaintiff or the court in the above-mentioned civil litigation.

You are, therefore, without authority to produce these records as the House of Representatives has formally reclaimed and exercised its custody and control over these records.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Speaker.
JIM WRIGHT,
Majority Leader.
THOMAS S. FOLEY,
Majority Whip.
ROBERT H. MICHEL,
Minority Leader.
TRENT LOTT,
Minority Whip.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *June 21, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House, that I have received by mail, an order of the United States District Court for the District of Maryland ordering that I, or my counsel, appear before Senior Judge Edward S. Northrop ". . . and show cause, if there be any, why an order should not be made holding said Benjamin J. Guthrie in contempt of this Court. . . ."

This order was entered by the Court in *George H. Benford* v. *American Broadcasting Companies, Inc., et al.*, Civil Action No. N-79-2386 a civil damages action pending in that court. I have previously been directed by the House of Representatives, by House Resolution 176, not to provide the Court or the plaintiff with access to certain non-public files of the Select Committee on Aging.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

GENERAL LEAVE

Mr. McKERNAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Georgia (Mr. GINGRICH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

□ 2100

ORBIT '81

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

● Mr. GINGRICH. Mr. Speaker, I am honored to join my colleagues today in paying tribute to the Camden, N.J., high school students for their achievement in designing an experiment called Orbit '81, now flying aboard the space shuttle *Challenger.*

Orbit '81 placed the first colony of living creatures into orbit. It is designed to see whether weightlessness affects the colony's social structure. The colony consists of carpenter ants, which are good subjects for a space experiment. The average carpenter ant lives about 4 months, increasing the chances that major events such as births and deaths will occur during the weeklong space flight.

Orbit '81 is sponsored by the RCA Corp. RCA managers and engineers talked for long hours with the students about the technical and managerial aspects of the project. One of the most important lessons learned by the students was problem solving. It took a number of starts, and restarts, and perseverance to get things on track. Many people from the community, NASA engineers, teachers, and the majority of the students from the participating schools helped out by con-

tributing money, manpower, and materials.

Most importantly, the students studied computers and learned how to develop flow charts and programs for the microcomputer that control the experiment's equipment. They learned about basic electronics, modeling, teamwork, and being reliable. Many students felt that they matured greatly during the project because of the responsibilities they had.

The work on this experiment stimulated student interest in science and engineering in general. Elective science course have about 50 percent more students than they did 2 years ago. Students have joined activities such as a model rocket club and a career program called aerospace interface. One of the schools installed a planetarium because of the interest in space. Several former Orbit '81 students are now pursuing science degrees in college.

Working on a real experiment for space sparked a level of interest that was totally unpredictable. It shows that a little stimulus can ignite great intellectual curiosity, innovativeness, and excellence. These high school students have gained an interest in learning that we push them for the rest of their lives. They have learned that individual effort and initiative still mean something in this country.

Orbit '81 demonstrates that a little community involvement and care can in fact produce educational opportunities for our youth—our leaders of tomorrow.

I am delighted to insert a description of this outstanding program by RCA:

The first colony in space won't consist of humans. It will be a colony of carpenter ants, scheduled to go into orbit on STS-7, the next mission of the space shuttle.

The ants—housed in a specially built "ant farm" and placed in a canister about the size of a 30-gallon trashcan—are the subjects in a high school science experiment.

Students from two urban, minority high schools in Camden, N.J. want to see if weightlessness affects the colony's social structure.

The students will get their data from movie and video cameras inside the canister. They have programmed a microcomputer to operate the cameras and lights at regular intervals during the week-long flight, scheduled to begin in June. When the flight is over, the experiment should yield a time-lapsed chronicle of a colony of social creatures living in space.

Called Orbit '81, the experiment started four years ago as a means to interest minority students in science.

"We had a championship chess team, and we've always been known for basketball," says Mrs. Riletta Cream, principal of Camden High School. "But we felt our students weren't as interested in science as we'd like them to be."

Knowing her students needed something stimulating, Mrs. Cream attended a meeting between community leaders and NASA officials who were plugging the educational benefits of the space program. An RCA vice president, also at the meeting saw NASA's "getaway special" program as the answer to Mrs. Cream's problem. Under the program, NASA leases leftover space in the shuttle's cargo bay for small, experimental payloads. RCA would pay the bill ($10,000), the executive said, if the students could conceive and design an experiment to meet NASA's safety and scientific requirements. Working on a real experiment for space, he said, might get students interested in science and engineering.

It did. Elective science courses such as physics and chemistry, have about 50 percent more students than they did two years ago. Students have also joined spinoff activities such as a model rocket club and a career program called "Aerospace Interface." "We installed a planetarium in one of our classrooms to capitalize on the interest our students have about space," says Robert Gottschall, principal of Woodrow Wilson High School. "We're making the planetarium the focal point of our efforts to keep students excited about science." Several former Orbit 1981 students, influenced by the program, have graduated high school and are now pursuing science degrees in college.

PROGRAM STARTED IN 1978

The program that produced these results got off the ground in 1978, propelled by a carefully designed plan that had several criteria.

"We wanted the experiment to be significant and challenging, something the students could be proud of, not ridiculed about," says David Shore, the vice president who has served as RCA's coordinator of the program since its inception. "We specified an enriched three-year science curriculum so the students could tackle the work, and insisted that the idea, whatever it might be, come from a team, not just one student. We also wanted as many students as possible to participate. And to keep interest high over a period of years, we planned field trips, lectures and experiments."

After the Camden Board of Education accepted RCA's offer, teachers from the city's two high schools (Camden and Woodrow Wilson) developed the first of four year-long "space science" courses. Both of the high schools also selected a group of about 15 students who would select and design the experiment. Anticipating a launch date in the three years, officials from RCA and the schools dubbed the program Orbit '81.

The first step, a very basic one, showed students the differences between Earth's environment and conditions in space.

"We felt the students needed to understand how the vaccum of space can produce extreme heat and extreme cold," said Fred Reiss, Camden High School's Orbit '81 coordinator and one of the teachers who developed the new science course. "This was basic information that they needed to pick and later to build an experiment."

BASIC LESSONS DEVELOPED

Reiss and Nick Timpanelli, coordinator of the Orbit '81 program at Woodrow Wilson High School, also developed lessons on basic electronics, the space shuttle program and NASA's "getaway special" requirements.

In line with the plan, RCA engineers came to the schools and lectured on topics such as technology and program management. They also guided the students on field trips to nearby RCA engineering facilities and volunteered their time for weekend outings to places such as NASA's Goddard Space Flight Center, near Washington, D.C.

"We wanted the students to meet and talk to engineers and to know how engineers go about solving a problem," says Tom Chavis, the assistant RCA coordinator. "It was time-consuming, but rewarding," says Chavis, who continued to serve as assistant coordinator even after retiring in 1981.

By the second year of the program, the advisors felt that students could debate what they were going to send into space.

"They discussed crystal-growing experiments, experiments with plants and a few other things," Timpanelli recalls. "But they really like the idea of sending social organisms into space. Finally they decided on ants." A colony of carpenter ants has an observable social structure. Some ants tend to the queen, others care for the eggs she lays, others keep the passages within the colony clear.

WHY ANTS WERE CHOSEN

Ants have several other qualities that make them good subjects for a space experiment. They have hard external skeletons to withstand the jostling and added gravity of liftoff. They live in confined spaces and require few life-support mechanisms. They have ciliated feet that can cling to smooth surfaces—even without gravity. And the average carpenter ant lives about four months, increasing the chances that major events such as births and deaths will occur during the week-long space voyage.

After the subject for the experiment had been chosen, teachers divided the students into teams to work as they might in industry. One team studied the ants and took film of their behavior under normal conditions for later comparison to film of the ants in space. Another team studied computers and learned how to develop flow charts and programs for the microcomputer that will control the experiment's equipment—video and movie cameras, lights and temperature regulators. A third group made an exact-scale model of the canister and tried to find the best way to arrange all the equipment.

During this time, teachers acted as advisers, leaving students to solve their own problems. Students adapted to and learned from this approach.

"It took a lot of maturing for all of us to sit down and do our assignments without someone standing over us," recalls Carolyn White, an Orbit '81 student.

"I learned that your first answer might not always be the right answer, but to keep on trying," said Orbit '81 student Brett Waters. "That helped me in a lot of different classes. It taught me not to give up."

OTHER ACTIVITIES SUPPORT SPACE PROJECT

While Orbit '81 students worked on the experiment, their classmates supported the program in various ways. Art students painted murals of space scenes on science room walls. Journalism students published an Orbit '81 newsletter. Students interested in photography served as visual historians for the project.

On several occasions the project attracted distinguished visitors to the high schools, allowing more students to become active in the program. In February, 1980, Dr. Robert Frosch, then administrator of NASA, visited the schools to learn more about the experiment. In May of 1982 Lt. Col. Guion S. Bluford, Jr., the first black astronaut scheduled for an orbital space mission (Shuttle "Challenger" July 1983), came to the schools to honor students for their work on the almost-complete project. For both of these visits, students wrote, produced and acted in

special assemblies. They painted special backdrops and sewed costumes. Even home economic students contributed by preparing a special luncheon for the visitors and the entourage of media representatives and dignitaries who accompanied them.

By October of 1981 the teams had gathered enough information to design an experiment. A technical advisory committee of RCA engineers, and Temple University biologist John Tarka, approved the students' plan.

MORE STUDENTS BECOME INVOLVED

At this point, more students became active participants in the program. Mechanical drawing students drafted a blueprint of the experiment. Metal shop students followed that blueprint to drill holes and mount braces for the experiment's equipments.

By mid-June of 1982 the completed payload was ready for a "final exam"—a vibration test at RCA's Astro-Electronics plant in nearby Princeton, N.J. A special device, normally used on scientific and communications satellites, would shake the payload about five times harder than the actual shuttle ride.

The test would answer a few big questions. Could the cameras, lights and video recorder, all designed for use in the home, withstand a severe jolting? Would the ants survive vibrations beyond anything they had experienced?

As technicians mounted the assembled payload on to the test platform, several students watched and awaited the outcome. A low, rumbling noise, which produced the vibrations, signaled the start of the test. In 30 seconds the noise grew to a din, then stopped.

RESULTS OF VIBRATION TEST

With the test over, the students hurried toward the canister, unbolted it and grabbed for the ant farm, looking for any sign of life. As the first few ants emerged from the wood dust, one student exclaimed, "They're alive." The rest of the students clapped, a few cheered. Further checks showed lights, cameras and other equipment had survived the test as well. Twice more the equipment and the ants withstood the vibration, each time on a different axis.

"I'm relieved,", said a smiling Fred Reiss. "This the the last major hurdle. The kids have done their part."●

● Mr. FORSYTHE. Mr. Speaker, I would like to join my colleagues today in honoring the Camden, N.J., high school students for their success in designing the special experiment, Orbit '81, now flying on the space shuttle *Challenger.* This indeed is something to be celebrated. Not only did the planning of Orbit '81 teach the students some basic lessons in electronics and differences between the Earth's environment and conditions in space, but almost more importantly, the students learned to experiment with their ideas and to share them with their peers. Some lessons were learned that will be invaluable to these students as they become participating and productive individuals in society.

Orbit '81—an experiment designed to place the first colony of living creatures, carpenter ants, into orbit—was made possible by the collaborative efforts of NASA, RCA, and two urban high schools in Camden, N.J. As a consequence of this experiment, many students are journeying into a world they probably would never have ventured into before. In the past 2 years, student interest in science and engineering curriculums has dramatically increased; enrollment in elective courses such as physics and chemistry has almost doubled. In addition, more than 60 percent of the students who have graduated from the Orbit '81 program are continuing their academic careers in college and are pursuing degrees in engineering, computer science, and related disciplines.

The lessons learned by this experiment should ignite a spark of hope within all of us; a minimum amount of stimulation caused the imagination and ingenuity of tomorrow's leaders to unfold. I feel proud of these high school students and offer them my admiration and congratulations.●

● Mr. McGRATH. Mr. Speaker, I would like to join my colleagues in recognition of the students at two Camden, N.J., high schools who devised Orbit '81 for the current flight of the space shuttle *Challenger.*

This particular experiment is an excellent example of the ingenuity which can be displayed by students who are given a meaningful challenge and the means to bring it to fruition.

The project was started 4 years ago as a means of interesting minority students in science. It is a collaborative effort on the part of NASA, RCA, and the two urban minority high schools in Camden. The purpose of the experiment is to see how a colony of carpenter ants is affected by the weightlessness of space.

My colleagues are familiar with the state of American education today, particularly in the fields of science and math. I think it is significant that in the past 2 years, enrollment in elective science courses, such as physics and chemistry, at Camden High School, has nearly doubled, at least partly as a result of student participation in Orbit '81. Moreover, several former Orbit '81 students, influenced by the program, have graduated high school and are now pursuing science degrees in college.

But the benefits of the program are not purely curricular; the students also learned other values, such as self-reliance and persistence.

As Carolyn White, an Orbit '81 student, put it:

It took a lot of maturing for all of us to sit down and do our assignments without someone standing over us.

And another student, Brett Waters, said:

I learned that your first answer might not always be the right answer, but to keep on trying.

We do not know exactly how the colony of ants will react under zero-gravity conditions; that is the purpose of the experiment. But no matter what we conclude from the experiment, the students who participated in Orbit '81 have already gained an appreciation for the challenge that learning represents. And that makes the entire project worthwhile.●

● Mr. FLORIO. Mr. Speaker, when the space shuttle *Challenger* lifted off from the Kennedy Space Center on June 18, it made me proud, not simply because of the great accomplishments of NASA, or because Sally Ride, our first woman astronaut was on board. I was proud of two high schools in Camden, N.J., which supplied one of the experiments carried aloft. I was proud because this experiment, designed to study the effects of space travel in a colony of carpenter ants, was the product of a 5-year effort of the students of Camden and Woodrow Wilson High Schools, two largely minority urban schools. I was proud because this project, Orbit '81, represented a real team effort both within the school and with the private sector.

The importance of Orbit '81 goes beyond the data gained from the experiment's completion. The importance lies in the drive the students have shown for education. As a former Woodrow Wilson High School student put it, "It gave me something to excel in. I could work with other students, expand my horizons and it made me want to continue my education to the extreme." Since Orbit '81 began, enrollment in science classes has increased 35 to 50 percent at the schools, while enrollment nationally has been trending downward.

Graduates of the program are now enrolled in science programs at a number of colleges and universities, including Swarthmore, the University of Pennsylvania, Rutgers University, and the U.S. Naval Academy. Many students have changed their college plans to pursue science careers. As another student stated, "I was always planning to go to college, but I was planning to major in Journalism because I was fairly good at writing. The prospect of getting involved in engineering or the sciences was the farthest thing from my mind—until I got involved in Orbit '81. Many engineers who visited us and talked with us gave us a very good overview of what it was all about."

The students exhibited their ingenuity in carrying out the project. When the cost of the canister carrying the experiment, priced at $30,000, proved prohibitive, the students constructed their own, to NASA's satisfaction, at the cost of only $75.

On this day, when the participants of Orbit '81 are being honored at a reception this afternoon, by the Congressional Black Caucus, the Congressional Space Caucus, and the New Jersey delegation, a number of people and organizations who aided in the students' completion of the project,

either through financial support or educational guidance, should be mentioned. Mention should be given to RCA Corp., which donated that $10,000 fee to get the experiment aboard the shuttle. Within RCA, special thanks should go to David Shore, RCA coordinator for the program and to Irving K. Kessler, an executive vice president of RCA.

The South Jersey Chamber of Commerce, another representative of the private sector, assisted the school district with a grant to develop an enriched 4-year science curriculum for the Orbit '81 students.

Recognition should also go to those professionals who visited and spoke to the students, engineers from local RCA plants, professors from area universities, and especially to Lt. Col. Guion S. Burford, Jr., the first black astronaut scheduled for a shuttle mission, who visited with the students in 1982.

Finally, the educators themselves deserve thanks. Dr. Charles Smerin, superintendent of Camden City Schools, Robert M. Gottshall and Riletta L. Cream, principals of the two high schools, and Nicholas Timpanelli and Frederick Reiss, coordinators of Orbit '81. Mr. Reiss deserves special recognition for being given New Jersey's Teacher of the Year Award because of his contribution to the project.

Mr. Speaker, I think Orbit '81 shows what can be accomplished with innovative teaching. I think it also shows the potential that exists in the students in our too-neglected urban schools. An Orbit '81 student put it best: "Some people seem to think that young people in Camden schools are always a problem. We have shown that we can do something positive, something that schools with more money and resources have not done. We have shown that we're trying."

Mr. Speaker, for the benefit of my colleagues, I would like to request that the following material be entered into the RECORD.

FACTSHEET: RCA GOVERNMENT SYSTEMS DIVISION—ORBIT '81

GENERAL DESCRIPTION

Orbit '81 was conceived in November 1977, at a meeting between NASA officials and community leaders in the Philadelphia region.

Mrs. Riletta Cream, principal of Camden High School, said there was a need for a program to interest minority students in science. Irving K. Kessler, an RCA executive vice president, offered to pay NASA's $10,000 fee to get a student-built experiment into one of the space shuttle's "getaway special" canisters.

In January of 1978, the Camden School Board approved the concept. Mr. Kessler appointed David Shore, RCA Division Vice President of Business Development, as coordinator of a program to provide technical material and financial assistance to Camden and Woodrow Wilson high schools.

Mr. Shore dubbed the program Orbit '81, anticipating three years of science training that would culminate in a completed experiment.

In May of 1979 a group of students from both schools selected an ant colony as the subject for their experiment because ants have an observable highly sophisticated social structure and for other reasons: (1) ants have hard external skeletons capable of withstanding the force of launch, (2) ciliated feet which cling to smooth surfaces, and (3) have a life cycle which allows for observation of births and deaths in weightlessness.

To record their data, students decided to train video and movie cameras on the ant colony during the planned one-week mission of the space shuttle.

The experiment is computer controlled and is the first shuttle payload capable of operating without crew assistance. However, redundant circuits do exist for crew override in case of emergency.

GETAWAY SPECIAL PROGRAM

The small "getaway special" payloads which NASA accepts for voyages on the space shuttle, are handled on a space-available basis, generally in a first-come, first-served sequence.

The five-cubic-foot canister (about the size of a 30-gallon trashcan) must not draw upon the shuttle's services beyond three on-off controls operated by an astronaut.

The GAS program, as it is called, was created to encourage use of space by researchers from industry and the general public, foster enthusiasm about space among the young, and generally increase knowlege of space.

Users must pay a fee and meet NASA's safety and scientific requirements.

Approximately 380 companies, schools, governments and individual have reserved GAS payloads for future shuttle missions.

Many of the experiments will test the possibility of using the low gravity of space to improve industrial processes and materials. Others, such as the Orbit '81 experiment, seek results on the effect of weightlessness on organisms.

CONDITIONS

Before implementing a program, RCA and school district officials agreed on several conditions:

(1) The experiment had to be significant. It could not be a cause for ridicule because it was too elementary.

(2) A minimum of three years of enriched science courses would be necessary.

(3) The experiment had to be a team effort, rather than the work of a single student or small elite group since the team approach is closer to the problem solving methodology used in industry.

(4) As much as possible, the student body of both schools had to be involved. Thus, journalism students published an Orbit '81 newsletter. Industrial arts students assisted graphical design, manufacturing, fabrication and assembly and art students promoted the project with posters. When Dr. Robert Frosch, NASA administrator, visited the schools, home economics students prepared a special "space meal," and the music department played a "space concert." Also, the dramatics department put on a "space skit." The choir sang an Orbit '81 song.

(5) Student interest was enhanced by lectures, field trips, assemblies and other means.

CURRICULA

Both Camden and Woodrow Wilson high schools have a core group of about 15 Orbit '81 students. In addition, students from journalism, industrial arts, and art curricula have been active participants in the program.

All Orbit '81 students have taken "space science" courses (one each year) developed by the faculty and adminstrators from both schools.

Space science covers such topics as the space environment, the space shuttle, and the shuttle's "getaway special" program.

At Camden High School, teachers and administrators selected Orbit '81 students in their freshman year, based on previous abilities in science and mathematics. Students who accepted were expected to participate in Orbit '81 for four years. They took space science each year and worked on one of the experiment's three teams—computer, ants or engineering design.

The computer team developed flow charts and the computer program for a microprocessor to control the experiment's cameras, lights, air conditioning and other equipment. Another group studied the ants to observe their behavior and discover the conditions needed to keep them alive during the experiment. A third team developed a design to place all the equipment within the NASA canister, which is about the size of a 30-gallon trashcan.

At Woodrow Wilson High School, participation in Orbit '81 was left open to volunteers, regardless of previous academic achievement. Interested students could participate for any number of years, according to Mr. Nick Timpanelli, the program's adviser. Some students, he said, chose to participate for only one year. Others have remained in the program for four years.

EXPERIMENT

The ants will be placed in a specially designed farm that has a wooden frame and non-glare plexiglass.

An RCA consumer-grade video camera and a movie camera, each powered by their own batteries will be used to record the activities of the ants. These cameras, and fluorescent lights will be controlled by an RCA microprocessor. The video camera will record lift-off and immediate weightless activities, and both the video camera and super 8mm camera will photograph the ants periodically.

The video camera will be connected to a recorder in the canister. The individual frames of the movie film will provide still pictures of the ant colony.

The ants will be kept at a temperature between 55 and 85 degrees. A fan, controlled by the microprocessor, will circulate air when necessary.

The students chose an ant colony as the subject of the experiment for a variety of reasons, most important of which is their highly sophisticated social structure, perhaps the nearest approach to human civilization in the insect world.

Other advantages include their hard external skeletons, able to withstand the rigors of lift-off and added gravity, their ability to live in confined spaces with minimal life-support mechanisms, and their ciliated feet which can cling to smooth surfaces, even in the absence of gravity.

The carpenter ants, among the hardiest and largest type ants found in North America, have the ability to withstand wide variations in temperature and for their size (as long as a half inch) which makes them easy

to observe. The four-month average lifespan of the carpenter ant makes it likely that birth, death and other major events in the ants' life cycle will occur during the Space Shuttle's one-week voyage.

RCA'S ROLE

RCA paid NASA's $10,000 fee for the Orbit '81 space aboard the space shuttle.

Engineers from RCA plants and the staff of RCA's Government and Commercial Systems Divisions have lectured students on computers, computer software, amateur radio satellite terminals, and electronic test equipment.

Students have taken several field trips to RCA plants and Laboratory in southern New Jersey (Princeton, Camden and Moorestown).

RCA engineers have served on technical advisory committee for the students' design of the experiment. In addition, the RCA divisions have donated more than $450,000 worth of surplus electronic test equipment to both high schools.

In addition, the microprocessor that will control the experiment's equipment was donated by RCA as was the consumer grade video camera and recorder that will document the ants' space voyage.

RCA Solid State Division, Consumer Products Division and RCA Service Company have donated new equipment, advice and services on a continuing basis throughout the training and development cycle of the Orbit '81 project.

CHRONOLOGY

November 1977: Project conceived at a meeting of NASA officials and community leaders. RCA offers to pay $10,000 NASA fee for small experimental payloads aboard the shuttle.

January 1978: Camden Board of Education endorses and approves a program that will put a student experiment in space.

Summer of 1978: School administrators and teachers start to develop science curricula, aided by a grant from RCA and the Camden School Board.

May 1979: Students select ant colony as the subject for experiment.

July 1979: NASA deems experiment significant and approves.

February 1980: Dr. Robert Frosch, NASA administrator, visits schools and deems Orbit '81 a role model for other high school programs designing experiments for the space shuttle.

October 1981: Students' design for experiment approved by panel of RCA enginneers and biology professor John Tarka of Temple University, Philadelphia.

May 1982: Students complete construction of experiment. Tests scheduled at RCA facility in Princeton, N.J.

September 1982: Students began improvements to the experiment based on advances in the state of the Art.

April 1983: Students complete preparation of the experiment at Kennedy Space Center for loading aboard STS-7.●

ACCORD BETWEEN CONGRESS AND THE FED NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. GRADISON) is recognized for 5 minutes.

● Mr. GRADISON. Mr. Speaker, now that the question of the leadership of the Federal Reserve has been settled, we can turn our attention to the job we want the Fed to perform, and how Congress can work in concert with the Fed to meet joint objectives. The Fed has something Congress wants: lower interest rates. And we have something they need to do their job: control over fiscal policy. Our highest priority should be given to working cooperatively with the Fed rather than acting like adversaries, with fiscal policy and monetary policy pulling in opposite directions.

There is precedent for such action. Once before the policies of the Federal Reserve were under attack, its treasured independence threatened; the Fed was at loggerheads with another branch of Government; and fear of future inflation was a pervasive concern. This was in 1951, when disagreement between the Treasury and the Fed broke into public view over the Treasury's desire to peg the price of U.S. bonds and the Fed's concern about inflationary increases in the money supply. Out of this controversy came the "Accord of March 4, 1951":

The Treasury and the Federal Reserve System have reached full accord with respect to debt management and monetary policies to be pursued in furthering their common purpose to assure the successful financing of the Government's requirements and, at the same time, to minimize monetarization of the public debt.

Now the Fed and the Congress are at odds over clashes between monetary and fiscal policies. There is fear that the recovery may be dampened or even reversed by rising interest rates caused by competition for funds between a reviving private sector and a deficit-laden Federal Government. Congress wants to know in advance, and with specificity, the Fed's "objectives" for GNP, inflation, and unemployment.

The Fed argues that establishing short-term objectives for these variables would encourage undesirable "fine tuning," place too much emphasis on short-term economic events, and mislead the public into believing that monetary policy can relieve the need for difficult choices on the budget and other areas of economic policy.

While public debate is focused on this disagreement, the basic issue of how to have compatible monetary and fiscal policies remains unresolved.

There is need for a new accord, this time between Congress and the Fed, to define their proper roles in laying the basis for a sustained, noninflationary recovery. There is no more important task for the Fed, if its hard-won gains against inflation are to be preserved, and no greater challenge for the Congress, if the nearly unanimous concern of its Members about large outyear deficits is to be translated into deficit-reducing actions.

The key elements of the 1983 accord should be:

First, a commitment by the Fed not to use its power to influence the money supply and short-term interest rates in a manner that chokes off economic recovery.

Second, credible action by the Congress to reduce the deficit to below 2 percent of GNP by fiscal year 1987; and

Third, a public statement by the Fed and congressional leaders in support of the accord.

Because so much attention has focused on who should chair the Fed, a primary task facing the agency has been given inadequate attention. I am suggesting that the Chairman's goal should not be to make the White House happy, or to satisfy foreign central banks, comfort big city bankers, or reassure the money markets. Instead, the Chairman should strive to mend the tattered Fed-Congress relationship by developing with Congress an accord that will result in lower deficits and a better mix of monetary and fiscal policy.

The accord would aid Congress by assuring that the politically painful steps necessary to reduce the deficit would not be made politically disastrous by a monetary policy that would abort the recovery. Likewise, the accord would give the Fed the assurance that fiscal policy would be such that it could safely pursue a moderate monetary policy.

Without such an agreement, Congress and the Fed risk a continued confrontation that will hinder, if not stifle, economic growth. In the absence of positive action by Congress to reduce deficits, the Fed would likely choose one of two tacks: Either pursue a tight money policy in an attempt to offset stimulative fiscal policy, or pursue a loose money policy in order to accommodate fiscal policy. In either case, the result would be high interest rates and sluggish or negative growth—and further attacks on Congress for ineptitude in reducing deficits and on the Fed's independence, as each continues to blame the other.

Can an accord be reached? Is there anything the Congress—given its track record—can do to convince the Fed and an understandably skeptical public that it will not permit outyear deficits?

I believe there is. It first requires agreement not only that there is a problem, but also that action is needed now to solve that problem; put another way, that it is more likely that economic growth will be stifled by continuing large deficits than it is that economic growth will bring the deficits down to manageable size.

Second, it requires acknowledgement of the political standoff which exists between those who would deal with deficits by cutting spending and those who would deal with deficits through

higher taxes—including deferring tax cuts not yet effective. While members of each group see political advantages in their positions, neither side in this largely ideological war can win the really important battle; both spending restraint and increased revenues are politically necessary to substantially reduce the outyear deficits. The worst possible outcome would be for both the "more domestic spending" and the "no new taxes" forces in Congress to prevail, and go home proclaiming victory.

Finally, it requires action now—in 1983, not in the election-year context of 1984—on the major elements: reduction of the growth in defense spending and phased-in restraints on domestic spending programs—especially those benefitting the nonpoor—and increases in revenue.

Admittedly, it takes a leap of faith to believe that this accord can be achieved. But the stakes make it worth the try.●

THE HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT JOINT VENTURE ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

● Mr. SENSENBRENNER. Mr. Speaker, I am introducing legislation jointly with the distinguished gentlewoman from Tennessee (Mrs. LLOYD) to help our Nation move forward in developing important new high technologies in such areas as semiconductor chips, microprocessors and supercomputers, sensors, chemical and material sciences, robotics, and alternative energy systems, among many others. This legislation, the High Technology Research and Development Joint Venture Act of 1983, would help our Nation maintain its world economic leadership and stimulate needed research and development activities. It would also have significant secondary benefits including the creation of new jobs, the growth of various support industries and the generation of additional tax revenues through increased economic activity.

As many of my colleagues are aware, our recent economic ills have been caused by several factors. One key factor, pointed out in various economic indicators, has been our country's notable decline in industrial productivity. While there have been impressive innovations in many of our basic industries, the overall rate of growth in America's industrial productivity slowed considerably during the 1970's. In fact, our domestic productivity actually declined a couple of points in 1981. This dangerous trend is one which our Nation cannot afford to tolerate and which must be reversed as soon as possible.

By many accounts our decline in productivity is representative of America's eroding technological leadership and lagging international competitiveness. This situation can be traced to more than a decade of low capital investment and limited R&D spending. Although the United States still leads the world in spending for basic research, a 1980 Harvard Business Review report pointed out that the private sector investment in research and development has been steadily decreasing in recent years with no changes foreseen in the future.

A recent study by the prestigious Business-Higher Education Forum has stressed the strong need to enhance our private industry's ability to compete with foreign ventures in developing and marketing new technologies. Without a firm commitment to basic research and development, our leadership in many new technological areas may be severely challenged in the future. For example, the Japanese are closing fast on the American lead in such areas as microchip technology, threatening U.S. preeminence in this important technology. These tiny electronic devices will be at the heart of our future advances in computers, communications, consumer products and many other areas.

The future challenge to America in technology development is awesome. International competitiveness has made it more difficult than ever to develop and exploit new inventions. It is certainly in our Nation's economic and national security interests to encourage new ideas and develop new technologies, allowing us to move forward and help lay the foundation for our future modern society.

The urgency of our present situation has been made clear in a recent report by a prestigious National Research Council panel. In its report entitled "International Competition in Advanced Technology: Decisions for America," this panel concluded that—

The United States must act now to preserve its basic capacity to develop and use economically advanced technology. This innovative capacity is essential for the self-renewal and well-being of the economy and the nation's military security. Trade in advanced technology products and services will contribute enormously to our economic health. Advanced technology products and processes not only permeate the economy, increasing productivity, but also from the basis of modern defense hardware.

This report also went on to recommend that careful attention be given to "maintaining the health and effectiveness of both university- and industry-based research, education and training."

The legislation we are introducing today represents a significant step in meeting this national challenge. It recognizes that the most effective Federal actions to stimulate long-term private investments in research and development are those that remove potential structural barriers to such investment. This legislation attempts to overcome these institutional barriers and allow a wide range of businesses and firms to carry our productive research on a joint basis.

Several recent reports, including the previously mentioned National Research Council and Business-Higher Education Forum studies, have called for a relaxation in antitrust restrictions that presently hinder American industry's ability to take advantage of new high technologies. The National Research Council report strongly supported a careful reexamination of our antitrust policies, stating that—

While U.S. antitrust policy has begun taking international competition into account, its implementation still fails to give sufficient weight to international trade considerations. The manner in which antitrust statutes are interpreted and applied is charged with interfering in international competitiveness. For example, firms have difficulty retaining the benefits of research that are the product of multifirm collaboration, prospective "safe—harbor" rulings are not readily available, and there is a general uncertainty regarding what corporate actions may elicit legal actions on the basis of anti-trust legislation.

Because of this uncertainty, management cites anti-trust policy as creating excessive risk for a range of activities that may benefit innovation and trade, such as pooling research efforts, pooling information on the work of international competitors, or pooling development programs whose costs are too large for any one firm in an industry to undertake. By contrast, foreign governments—for example, Japan and France—encourage cooperation among firms through mergers or cooperative programs.

In essence, the legislation we are introducing today would provide new statutory guidelines for joint research and development ventures in order to determine whether these ventures were in compliance with Federal and similar State antitrust laws. These guidelines would also extend to any participant in the venture, as well as to all employees in the venture.

In order to qualify under these new legislative guidelines, the venture participants would have to notify the Attorney General of the United States that they plan to enter into a joint research and development venture. This venture would also have to identify and define all of the specific research and development programs that it planned to undertake. The length of any venture could not exceed 15 years. Any joint venture participant would be exempt from any restrictions on outside, independent research and development activities or any obligations to provide the venture with the results of any independent work. The ultimate authority for the management of the joint venture would be vested in a management board, to be composed of one representative from each participant in the venture.

The legislation specifically contemplates that new firms could join the venture at a future date if this was agreed to by the venture participants, but they would be required to pay a proportional share of the common expenses of the venture. This legislation comtemplates, as a general rule, four or more ventures in any particular area. If the aggregate shares of the parties to the contract in the relevant market, as of the time the contract is made, for research and development projects in connection with a particular line of commerce exceeded at any time 25 percent of the relevant market for all research and development projects in the same line of commerce, the contract would not be covered under this legislation unless the Attorney General found either: One, that the results of the program were not likely to be directly applicable to the future production of a marketplace product; two, the participation of all the parties was necessary to the success of the program and was likely to produce effects that increased competition, improved the national economy or furthered national security; or three, such contract was made for the purpose of carrying out research and development essential to develop a product that was necessary to achieve compliance with any Federal law relating to the quality of the environment. The parties may require that the Attorney General determine whether their contract met this market test. The Attorney General's determination in this matter would be conclusive.

Under this legislation, all of the parties in the joint venture would retain title to all inventions, patents, or other useful information developed in the course of the venture. All participant firms would also be entitled to obtain irrevocable, nonexclusive, and equivalent licenses to all patents obtained by the parties. After 3 years, licenses would then be made available to any other U.S. firm on reasonable terms.

This legislation would also allow the Attorney General to investigate any joint venture at any time in order to insure that the requirements of the act are being met. Whenever the Attorney General commenced an investigation, he would be required to notify the venture. If the Attorney General determine that the venture violated this act, he would be required to submit a written notice to the parties in the venture, stating the facts and reasons supporting his determination and specifying the actions that would be required to bring the venture in conformance with the requirements of this act.

Finally, this legislation provides that no party shall be liable in excess of actual damages for any joint research and development venture that fails to meet the requirements of this act and the Federal antitrust laws. Under these circumstances, these parties would also be held liable for the cost of suit and interest awarded from the date of judgment.

Mr. Speaker, research and development has been one of the primary bases on which our Nation has attained its world economic standing. The legislation we are introducing today will help our Nation maintain this leadership by encouraging private investment in high technologies. It contains many essential elements that are necessary if we are ever to tap the risk potential of private research and development. I encourage my colleagues to seriously consider this proposal as an important element in achieving a successful economic recovery and planning for our future industrial society.

A section-by-section analysis follows:

Sec. 1. Short title.

Sec. 2. Findings and Purpose.

Sec. 3. Application of Antitrust Laws. Specifies that no person shall be held liable under Federal and similar State antitrust laws for entering a contract to carry out jointly one or more research and development (R&D) projects if such person notifies the Attorney General and if such contract (1) identifies and describes the scope of each R&D project, (2) specifies the obligations of each party to the contract, (3) provides that R&D activities shall be carried out through a management board consisting of one individual appointed by each party to the contract, (4) provides that the management board selects a chief executive officer who manages all of the R&D activities under the contract and recommends other operating criteria, (5) provides that no new party can enter the joint R&D venture unless such party pays a reasonable entry fee, (6) provides sepcific title, patent and license rights, (7) permits each party to provide, for a reasonable compensation, access to independent R&D results and to decline, for a period of three years, to disclose the results of R&D projects carried out under the contract, and (8) does not impose restrictions on outside R&D activities.

Imposes the following restrictions on any R&D contract eligible for exemption under this Act: (1) the aggregate share of the parties' to such contract of the relevant market, as of the time such contract is made, for research and development projects in connection with such line of commerce may not exceed at any time 25 percent of the relevant market, as of the time such contract is made, for all research and development projects in connection with such line of commerce unless (A) the results of such project are not likely to lead to development of information or of a product to be marketed, (B) the participation of all the parties is (i) necessary for the success of the project and (ii) likely to produce effects that increase competition, improve the national economy or further national security; or (C) such contract is made for the purpose of carrying out research and development essential to develop a product that is necessary for the parties to use to achieve compliance with any Federal law relating to the quality of the environment; (2) the contract must only cover R&D activities; (3) the term of any contract cannot exceed 15 years; (4) the parties to the contract must submit information to the Attorney General as specified in Section 4; and (5) the parties to the contract must submit an annual verification report to the Attorney General.

Exempts from disclosure under Section 552 of title 5, U.S.C., certain information submitted to the Attorney General under this Act.

Specifies that this Act shall apply to R&D contracts in effect on or after the date of enactment of this Act.

Sec. 4. Notification of the Attorney General. Requires the parties to any contract to submit certain information to the Attorney General regarding the contract not later than 30 days after making or amending the contract, as the case may be or 30 days after the date of enactment of this Act in the case of a contract in effect on the date of enactment of this Act.

Sec. 5. Investigation by Attorney General. Authorizes the Attorney General to investigate any person who has entered a joint venture R&D contract to determine whether the contract complies with the requirements of section 3 and the information submitted under sections 3 and 4 is accurate.

Directs the Attorney General to notify any person who is subject to an investigation whenever he commences an investigation. Directs the Attorney General to provide written notice if he finds that the contract does not comply with Section 3, including (1) a statement of fact and reasons in support of his determination, and (2) a statement specifying any actions that may be taken to bring a contract in compliance with section 3.

Exempts from disclosure under section 552 of title 5, U.S.C. any informaton obtained during the course of an investigation under this section.

Specifies that no determination made by the Attorney General under this section shall be admissible as evidence in any administrative or judicial proceeding based on a claim arising under the antitrust laws.

Sec. 6. Determination of Attorney General. Permits the parties to any contract to submit, not later than 10 days after a contract is made, a request to the Attorney General to determine whether such contract is in violation of the limitation specified in Section 3(b)(1). Requires that the Attorney General make the requested determination not later than 60 days after the receipt of such request or after the receipt of any additional information requested by the Attorney General. Specifies that the Attorney General's determination under this section is conclusive.

Sec. 7. Modification of Damages. Specifies that no person shall be liable under Federal antitrust laws for an amount in excess of actual damages, the cost of suit, and interest awarded from the date of judgment resulting from undertaking a contract relating to a jont research and development venture.

Sec. 8. Attorney's Fees. Directs the courts to award to a prevailing defendent the cost of suit, including a reasonable attorney's fee, in any action brought under the antitrust laws against a defendant who is exempt under this Act.

Sec. 9. Study. Directs the Attorney General to submit a report to Congress describing the operation of this Act and legislative recommendations not later than 18 months after the date of enactment of this Act.

Sec. 10. Definitions.

HIGH TECHNOLOGY R&D JOINT VENTURE ACT OF 1983—SUMMARY

This legislation addresses a significant institutional barrier affecting high technology research and development joint ventures. It would provide immunity (and exemption) from Federal and similar State antitrust laws for any venture if it meets certain statutory requirements. These requirements relate to the length of the venture (fifteen years), patent rights, and administrative and managerial requirements (the establishment of a management board), among others. The venture must also meet an initial capital formation test in order to ensure that the R&D market remains competitive and can accommodate at least four ventures of any one type.

The Attorney General must be notified of the formation of a venture in order to qualify under this legislation. In addition, the Attorney General is authorized to investigate any venture to ensure that the venture has complied with the requirements of this Act.

Finally, this legislation specifies that any joint research and development venture will be subject only to actual damages if it fails to meet the requirements of this Act and is held in violation of the Federal antitrust laws. It also requires any court to award attorney's fees to any defendant who successfully defends a claim that he was in violation of the antitrust laws.

H.R. 3393

A bill to modify the operation of Federal and State antitrust laws for the conducting of certain research and development activities jointly, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "High Technology Research and Development Joint Venture Act of 1983".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds the following:

(1) The prosperity and security, as well as the international stature and competitiveness, of the United States depend on the steady growth of its industrial productivity.

(2) Although innovations in some industries have resulted in impressive increases in productivity, the overall rate of growth in industrial productivity in the United States is decreasing.

(3) Growth in industrial productivity requires the strong support of basic research and development and the introduction of advanced concepts, processes, and industries.

(4) In order to maintain the international competitiveness of industries in the United States, it is necessary to facilitate an increase in private research and development.

(5) The most effective Federal actions to encourage long-term private investment in research and development are those actions that remove potential legal barriers to research and development rather than those actions that intervene directly in commercial markets.

(6) Commercial entities, especially small businesses, are often unable to engage individually in research and development on an efficient scale because of prohibitive costs.

(7) Many desirable research and development projects could be carried out jointly by commercial entities which are willing to share the costs and rewards of such projects.

(8) There is a need to modify the application of the antitrust laws in order to encourage commercial entities to carry out productive research and development projects.

(b) The purpose of this Act is to modify the operation of the antitrust laws and of similar State laws for certain joint research and development projects and thereby encourage commercial entities to carry out, and to secure the benefits of, such projects in order to increase industrial innovation, productivity, and the economic competitiveness of the United States.

APPLICATION OF ANTITRUST LAWS

SEC. 3. (a) No person shall be liable under the antitrust laws, or under any State law similar to the antitrust laws, for attempting to enter into, entering into, or carrying out a contract to which such person is a party if such person gives notice to the Attorney General in accordance with section 4 and if such contract—

(1) provides that the parties to such contract shall carry out jointly one or more research and development projects,

(2) identifies and describes, to the extent practicable, the nature and the scope of each such project, and the manner in which such project will be carried out,

(3) specifies with respect to each party to such contract the obligations applicable to such party,

(4) provides that such contract shall be carried out through a management board consisting of one individual appointed by each party to such contract to represent such party, which shall submit to the parties to such contract recommendations regarding initiating or terminating any research and development project, after taking into account—

(A) the importance of such project to the domestic economy or national defense,

(B) the long/run needs of the United States industries represented by the parties to such contract,

(C) the specific needs of each such party, including the risks and costs for the individual parties to undertake such project, and

(D) the educational and intellectual value of such project,

(5) provides that such management board shall select a chief executive officer who shall—

(A) manage all of the research and development projects to be carried out under such contract,

(B) submit to the parties to such contract recommended criteria to be applied to determine whether such contract should be amended to allow another person to become a party to, or to allow any party to withdraw from, such contract, and

(C) submit to such parties recommended criteria to be applied to determine whether and under which terms any license should be granted to use any information or product resulting from a research and development project carried out under such contract and, in formulating such criteria, shall encourage the widest possible dissemination of such information or product, giving due regard to the risks assumed and the resources expended by the parties to carry out such project,

(6) provides that no other person shall become a party to such contract, other than by succession in interest, unless such person pays to all such parties jointly, not less than a reasonable amount based on the cost and the value of the research and development projects then being carried out under the contract,

(7) provides that—

(A) applications for patents on patentable products discovered in the course of carrying out research and development projects under such contract shall be made by such parties, and such parties shall retain title to all inventions, patents, and information resulting from such projects,

(B) each party to such contract at the time information or a product is discovered or developed shall at such time be entitled to irrevocable, nonexclusive, and equivalent licenses to all patents obtained by such parties for such information or product,

(C) each party shall be entitled to use the results of each research and development project carried out under such contract, in a manner which bears an equitable relationship to the risks such party assumed, which use may include—

(i) exclusive access to such results for not to exceed 3 years,

(ii) royalty-free licenses or licenses at royalty rates which reflect the risks assumed and resources expended by such party, and

(iii) a share of any royalties collected from nonparties,

(D) not later than 3 years after such parties receive such licenses, licenses shall be made available to any other domestic person on such reasonable terms as such parties may establish, and

(E) each of such parties shall collect on behalf of all of such parties royalties for the use of information or products resulting from any such project and may retain such proportion of the revenues as may be agreed to by such parties,

(8) permits each of such parties—

(A) to provide, for a reasonable compensation, access to such research and development projects, other than research and development projects carried out under such contract, as is necessary for such parties to carry out research and development projects under such contract,

(B) to decline, for a period of 3 years, to disclose the results of research and development projects carried out under such contract,

(C) assign employees to carry out research and development projects under such contract, and

(D) undertake under such contract, on behalf of all of such parties, a particular aspect of research and development,

(9) does not impose on any such party—

(A) any restriction with respect to any research and development project, other than a research and development project to be carried out under such contract, which may be carried out by such party,

(B) any obligation to make available to any other person the results of any research and development project, other than a research and development project carried out under such contract, carried out by such party, or

(C) any restriction or requirement, other than a restriction or requirement permitted under this section, on the exercise of any right such party may have to exploit the inventions or use any information or product resulting from a research and development project carried out under such contract, and

(10) does not violate any limitation specified in subsection (b).

(b) For purposes of subsection (a)—

(1) with respect to all the research and development projects being or to be carried out, under a contract, in connection with a line of commerce, the aggregate share of

the parties to such contract of the relevant market, as of the time such contract is made, for research and development projects in connection with such line of commerce may not exceed at any time 25 percent of the relevant market, as of the time such contract is made, for all research and development projects in connection with such line of commerce unless—

(A) the results of such projects are not likely to lend to development of information or of a product to be marketed,

(B) the participation of all the parties is—

(i) necessary for the success of such projects, and

(ii) likely to produce effects that increase competition, improve the national economy, or further national security, or

(C) such contract is made for the purpose of carrying out research and development essential to develop a product that is necessary for the parties to use to achieve compliance with any Federal law relating to the quality of the environment,

(2) such contract, and any other agreement relating to such contract, may not provide that any of the parties shall carry out jointly or severally any activity other than—

(A) a research and development project,

(B) any activity necessary to carry out the contract terms specified in subsection (a) and the requirements of this subsection, and

(C) any activity necessary to obtain a patent or issue a license applicable to the information or product resulting from a research and development project carried out under such contract,

(3) the term of such contract may not exceed 15 years,

(4) the parties to such contract shall submit to the Attorney General information in accordance with section 4, and

(5) such parties shall submit a report annually to the Attorney General verifying that the contract as then in effect complies with this section, and containing any additional information necessary to keep current the information required to be submitted in accordance with section 4.

(c) Any information submitted to the Attorney General for purposes of making a determination under subsection (b)(1), by a party, or by a person proposed to become a party, to such contract shall be exempt from disclosure under section 552 of title 5, United States Code.

(d) This Act shall apply with respect to research and development projects carried out under contracts in effect on or after the date of the enactment of this Act.

NOTIFICATION OF ATTORNEY GENERAL

SEC. 4. (a) Not later than 30 days after making a contract or after amending a contract, as the case may be, or 30 days after the date of the enactment of this Act in the case of a contract in effect on such date of enactment, with respect to which any benefit under this Act is or may be claimed, the parties to such contract shall submit in writing to the Attorney General, in such form as the Attorney General may require—

(1) Notice of the date that such contract is made, and of the date of any amendment to such contract,

(2) the name of each of the parties to such contract,

(3) a description of each research and development project to be carried out under such contract;

(4) with respect to each such research and development project, the name of each party who will participate in carrying out such project, and

(5) any other information, required by rules issued by the Attorney General, necessary to determine if such contract complies with section 3.

(b) Information submitted to the Attorney General under subsection (a) shall be made available to the public in accordance with section 552 of title 5, United States Code.

INVESTIGATION BY ATTORNEY GENERAL

SEC. 5. (a) The Attorney General may investigate persons who are required to submit information under section 4, for the purpose of determining whether—

(1) such information is submitted, is accurate when submitted, and is kept current,

(2) the annual reports submitted under section 3(b)(5) are accurate,

(3) the contract with respect to which such reports are submitted complies with section 3, and

(4) the research and development projects carried out under such contract comply with the terms of such contract and are consistent with the descriptions of such projects provided to the Secretary under section 4.

(b) Whenever the Attorney General commences an investigation under subsection (a), the Attorney General shall notify the person who is subject of such investigation that such investigation is in progress. If the Attorney General determines with respect to the contract involved in the investigation that such contract, or the contract as amended, does not comply with section 3, then the Attorney General shall give written notice of such determination to the parties to such contract. Such notice shall include—

(1) a statement of the facts and reasons in support of such determination, and

(2) a statement specifying any actions that such parties may take to modify such contract to comply with section 3.

(c) Information obtained by the Attorney General in the course of conducting any investigation under this section is exempt from disclosure under section 552 of title 5, United States Code.

(d) No determination made by the Attorney General under subsection (a) shall be admissible as evidence in any administrative or judicial proceeding based on a claim arising under the antitrust laws.

DETERMINATION OF ATTORNEY GENERAL

SEC. 6. (a) Not later than 10 days after a contract to carry out one or more research and development projects jointly is made, the parties to such contract may submit to the Attorney General a request that the Attorney General determine whether such contract violates the limitation specified in section 3(b)(1). Such parties shall submit to the Attorney General such information as the Attorney General may request for purposes of making such determination.

(b) Not later than 60 days after the Attorney General receives a request for a determination or after the receipt of any information requested by the Attorney General, whichever occurs later, under subsection (a), the Attorney General shall make, and notify the parties of the results of, such determination. Notwithstanding the preceding sentence, the Attorney General shall make such determination not later than 120 days after receiving a request for such determination.

(c) Information obtained by the Attorney General in the course of making any determination under this section is exempt from disclosure under section 552 of title 5, United States Code.

(d) In any action under the antitrust laws or any State law similar to the antitrust laws, a determination made under this section shall be conclusive as to whether the contract involved violates the limitation specified in section 3(b)(1).

MODIFICATION OF DAMAGES

SEC. 7. No person shall be liable under the antitrust laws for an amount in excess of the actual damages sustained by the claimant by reason of the violation of any such law, the cost of suit (including a reasonable attorney's fee), and any interest awarded (from the date of judgment) with respect to such damages if such liability arises from attempting to make, making, or performing a contract to carry out a research and development program jointly with another person.

ATTORNEY'S FEES

SEC. 8. In any action under the antitrust laws brought against a defendant who is not found, by reason of the operation of this Act, liable with respect to a claim in such action, the court shall award to the prevailing defendant the cost of suit, including a reasonable attorney's fee, attributable to defending against such claim.

STUDY

SEC. 9. Not later than 18 months after the date of the enactment of this Act, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report describing the operation of this Act and including any recommendations of the Attorney General relating to any legislation necessary or appropriate to achieve the purpose of this Act.

DEFINITIONS

SEC. 10. For purposes of this Act—

(1) the term "antitrust laws" shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term shall include section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 relates to unfair methods of competition.

(2) the term "Attorney General" means the Attorney General of the United States,

(3) the term "person" shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)),

(4) the term "product" means any goods or services,

(5) the term "research and development project" means an activity primarily involving—

(A) theoretical analysis, systematic study, exploration, or experimentation,

(B) the conduct of activities designed or intended to lead to the ultimate utilization of analytical results for the development of a particular application or product,

(C) the systematic application of knowledge through the conduct of activities designed to solve a particularly defined technical problem in order to achieve proof of principle or technical feasibility, or

(D) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and pilot-scale demonstration purposes, up to the stage of industrial application, including the production, testing and licensing of models, devices, equipment, materials, and processes, and

(6) the term "State" shall have the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).●

THE CONTINUING STRUGGLE OF SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 10 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I rise this evening to point out to my colleagues that we face a very grave and dark hour in the ongoing struggle to help Soviet Jews secure basic protections and fundamental human rights they so desperately desire and so richly deserve.

Not only have we witnessed an alarming decline in the number of Jews permitted to leave the Soviet Union—some 51,000 were allowed to emigrate in 1979, that figure dropped to 2,688 in 1982, and today only about 100 Jews per month leave the Soviet Union—but we have seen a not-so-new cancer rapidly festering in the U.S.S.R., the disease of anti-Semitism.

Daily, Mr. Speaker, we receive heartbreaking reports of new victims of KGB harassment and interrogation. Daily we witness new, more extreme expressions of anti-Semitism in Soviet literature and articles in the state-controlled press. There are increasing reports of letters of invitation from first-degree relatives in Israel never being delivered to the addressee, thus denying a potential emigree the opportunity to fulfill the first requirement in the emigration process.

So the Jews in the Soviet Union find themselves in the situation of being homeless, a people without a country, yet a people that the authorities refuse to let go.

Mr. Speaker, within the last couple of months, a new propaganda effort has been initiated by the Soviets to make it appear that the season of Jewish family reunification has ended. Leaders of the newly formed Anti-Zionist Committee of the Soviet Public now make the totally unsupportable assertion that family reunification has essentially been completed.

This kind of falsehood flies in the face of the truth, and the simple truth is that tens of thousands of Jews seek to exercise their right to emigrate, to be reunited with their loved ones.

The truth is that documented case histories of thousands of Jews seeking to depart can be produced for an objective accounting.

The truth is that such statements do much to undermine the very word and reliability of the Soviet Union itself. I believe that this is particularly troubling at a time when the United States and the U.S.S.R. are trying to hammer out an arms control agreement—a very sensitive time when that important process could be greatly enhanced by more, not less, basic honesty and good will.

Mr. Speaker, I have been to the Soviet Union to witness the situation firsthand. I have met with many refuseniks and have heard their stories. I can only tell my colleagues that you cannot help but be touched to the very core of your soul by such an experience.

I came away with a profound appreciation of their anguish and pain. Their longings and their courage.

Mr. Speaker, this morning the Helsinki Commission, of which I am a Commissioner, and Foreign Affairs Subcommittee on Human Rights held a joint hearing to fully explore this much-worsened situation. We heard expert testimony from Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, Theodore R. Mann, chairman, National Conference of Soviet Jewry, Lynn Singer, president, Union of Councils for Soviet Jews, and William Korey, director of research, B'nai B'rith International Council.

Their incisive and sobering comments, Mr. Speaker, are now part of the official permanant record and I recommend this report to my colleagues as must reading.

EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, today at about noon, I was informed of the fact that the first contingent of those military that the President announced to the newspaper would be sent to Salvador as a medical team and at the time at which he announced that proposal, he gave a figure of somewhere around 50 and said his interpretation was that other than maybe advising a couple of committee chairmen, that he did not have to come to the Congress.

As I have said here the last few days, I have introduced a resolution as of last week in which the responsibility of the Congress to act pursuant to the War Power Limitation Act in 1973 is encumbent upon us. But today's news, I think—well, I do not think, I know—is one of the most unbelievable things that I have heard. It just is so disturbing to see like a Greek tragedy. Something seeming to happen almost inevitably with what is obviously going to be a tragic result.

The reason I say that it is unbelievable to me is that this is exactly the experience I had in May of 1963. At that time in the case of so-called advisers in Southeast Asia. But the difference was, as I have said on the record, that at that time we had a President who was accessible. And as I said before, on the last trip to Texas, he advised me that he had made a decision and that was to pull out every one of those men and as he said, including the helicopters, by the end of the years, 1963.

On this occasion, the information is very disturbing because the first actually notified that they have got their marching orders and they will be shipping out, consists of 1 doctor, 1 male nurse, 10 medics, which we used to call medical corpsmen, but they do not even know where they will be sheltered. There have been no quarters available as of now, even though perhaps by the time I am speaking here they are well on their way to preparing their departure.

On top of that, they will not be issued any kind of sidearm for minimal personal self-protection, but they are informed that if they want to they can take their own pistol. Now how ludicrous, how ridiculous can we get. I just do not understand. These are military. They are not civilian. And they are going into a situation in which as I have also reported before the policy has changed since we first sent the first 55 or so so-called advisers.

And as of the time of the assassination or murder of Lieutenant Commander Schaufelberger, there is no question that the policy has been changed. Since the first of these advisers military set foot in Salvador I have been in touch because of the fact that some are and have been constituents.

And from the very beginning, every one of those military conveyed the fact that they were in a hazardous zone. They pointed out that this May that the employees of our American Embassy in El Salvador were given hazardous duty extra pay. On top of that, they proceed back and forth from their jobs to their residences in armored cars, whereas they were not even permitted sidearms at that time.

□ 2110

It was only after I raised my voice 1½ years ago and, in fact, when the colonel then in charge, the CO, was shipped out, it was because the Ambassador said he was violating his status by permitting those military to carry rifles. But it was only after our outcry that they were permitted to have sidearms.

But every one of those men said, "Congressman, any time either the right wing death squads or the so-called rebels want, they can knock us off." They obviously have a policy for the moment to leave us along.

After the murder of Lieutenant Commander Schaufelberg, I announced that obviously that policy has changed and that every one of our military now are under a different kind of environment. With us sending doctors now, unarmed and unprotected, you can imagine the dangers increase tenfold.

A few months ago the administration decided to greatly increase the American presence in El Salvador. Publicly, the representatives of the ad-

ministration were saying that the corner had been turned. In the words of one of them, "El Salvador is not about to lose."

At the same time, the administration began pressing for more money to be directed to El Salvador and laid plans to establish training facilities in Honduras which now are in place with a little better than 100 Green Berets, Special Forces. The facilities there, training and logistics supposedly, are in Honduras because that enables the administration really to say that we only have the minimal number of military advisers in El Salvador. In fact, there is a numbers game. If an accounting is going to be taken on a given day or moment, you just shift our military across the border into Honduras and then that gives us the count we want in El Salvador.

Of course, our commitment of advisers is much greater than that, because the bulk of our personnel working with Salvadorans are based just across that border and, as I say, shifted back and forth. In point of fact, however, the number of American military personnel in El Salvador is growing. It is growing because we are now sending these medical teams I speak of into the country.

There is no secret about this. The administration let their plans be known several weeks ago, but now the medical teams are, as I said, as of today, on the march. There will be a number of these teams, I would say at least half a dozen. They will each consist of a physician or two, nurses, technicians, corpsmen, and administrative support people.

Once these teams are in place, the number of Americans in El Salvador, that is, military personnel, will double. The medical teams, like the military advisers who are already there, will be allowed to carry only personal sidearms, a pistol, if they provide it themselves, at least those that today were shipping out; that is, the pistols are not issued. The members of the medical team must provide for themselves. Now, this is in a country where the American Embassy personnel are driven around in armored vehicles, by armed guards. This is in a country where automatic weapons are as common as bicycles, where terror is as real and palpable as anyplace you can find, including Beirut.

Joan Didion, who just recently published her book after being down there, reported this way, and I quote:

> The fact of being in El Salvador comes to seem a sentence of indeterminate length, and the prospect of leaving doubtful.

I suspect that some of the members of these medical teams now going into El Salvador feel very much like that. They have been given a sentence, and they have no way of knowing if they will live it out.

The administration says that they are sending these medical personnel to El Salvador for humanitarian reasons, and there is absolutely no doubt that health conditions in the country are desperately bad. El Salvador is a country where medical care is simply not available to the civilian population. It is a country where the most rudimentary public health measures do not exist, at least on any consistent basis; a place where clean water is precious, oftentimes impossible to get. But this is not just because El Salvador is a poor country. It is because physicians have fled, because physicians have been hounded, killed, or disappeared.

The American medical teams, it is said, will work in Salvadoran hospitals where the wounded and the sick today get little or nothing by way of reasonable care. Evidently they will not work in refugee camps, maybe, where conditions are even more desperate.

So much for the humanitarian concerns of the administration. Somehow, though, it is impossible to overlook the melancholy irony that a civilian group last winter traveled to El Salvador to look into the question of attacks and abuses on medical personnel. Then a couple of months later an administration team goes in to report terrible shortages of trained personnel in Salvadoran hospitals. Now, today, we are sending people, Americans, in to fill that need.

I can only wonder if El Salvador is any safer for American medical personnel than it is for Salvadorans, and particularly since we should have gotten the message after the assasination of Commander Schaufelberg that the rule of withholding is out and that they are now targets.

Where these medical personnel are and will be, it is difficult to say what degree of safety they will encounter. I do know that they will encounter no more or no less than what the personnel who have been there for 2 years have confronted. The reality is that with each day the administration is quietly increasing the U.S. commitment to El Salvador. Sometimes it is a buildup of facilities either in or nearby El Salvador to provide military support. Sometimes it is in the form of more and more sophisticated arms. Sometimes it comes in the form of more financial aid. Sometimes it comes in the form of added military advisers, either in the country or outside. But all serving the same purpose: To support the Government of El Salvador, a government that not one of us would find tolerable if we had to live under it. But we do not, as a condition of aid, demand that the Government of El Salvador make any real progress toward establishing law and justice.

The Reagan administration is satisfied to accept a cosmetic gesture here and there, just enough to placate a timid Congress to keep the spigot flowing, but never enough to give Salvadorans any reason to think that they can expect an end to corruption, murder, an end to the incredible economic injustices that they have endured for generations, and against which they are revolting, or a beginning toward a government that might be responsive to the needs of the ordinary citizens instead of the whims of oligarchs and their armies, public and private.

So if we are sending more military personnel to El Salvador, I pray every minute that every one of them returns. Some have been, some continue to be, constituents. If harm befalls any one of them, it is at the doorstep of the White House were the harsh light of reality in El Salvador never seems to see through.

I ask Ambassador Kirkpatrick and President Reagan: Would you be willing to send your own sons, as I have asked the Congress, to serve in El Salvador, to defend and maintain the government there in power, about which the issue is what brings about this commotion?

□ 2120

THE NEW SOVIET JEWISH POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

● Mr. LANTOS. Mr. Speaker, a few days ago on the floor of the House, I denounced the Soviet Union's vicious and officially orchestrated campaign of anti-Semitism. The latest step in this effort was the creation of the Anti-Zionist Committee, which recently claimed that there are no Jews in the Soviet Union who wish to emigrate and charged Zionists with collaborating with the SS and Gestapo during World War II.

Dr. William Korey, director of international policy research at B'nai B'rith International Council, has written an analysis of the new Jewish policy of Soviet leader Yuriy Andropov. Dr. Korey highlights the features of that new policy beginning with the background of the creation of the Anti-Zionist Committee. He outlines four features of the policy: First, an end to emigration of Jews from the Soviet Union; second, cutting ties between the Soviet Jewish community and Jews abroad; third, intensifying forced cultural and linguistic assimilation; and fourth anti-Zionist propaganda. This report has been copyrighted and disseminated by the National Conference on Soviet Jewry.

I am inserting in the RECORD an abridged version of Dr. Korey's analysis:

ANDROPOV'S JEWISH POLICY

(By Dr. William Korey)

Andropov's Jewish policy has begun to take shape during the past two months and its character and direction are ominous. A special public institutional form for legitimizing the policy has been created, elements of which evoke memories of the Nazi era and of Stalin's last days. The policy itself involves four separate but interrelated features: a) an end to emigration entirely; b) the cutting off of the Soviet Jewish community from relations with its brethren abroad; c) an intensification of the program of forced cultural and linguistic assimilation; and d) a broadening of the anti-Zionist propaganda campaign, drawing into it new anti-Semitic elements that have their origin in Tsarist Black Hundred canards and in recent neo-Nazi themes.

THE ANTI-ZIONIST COMMITTEE

On April 1, Pravda and other central newspapers carried an "Appeal" calling for the creation of an "Anti-Zionist Committee of the Soviet Public" and signed by eight Jews, most of whom had served in the past as apologists for the regime on Jewish issues. On April 21, three weeks after the "Appeal" was launched, a meeting of representatives of a number of public organizations was held "to formally announce the creation of the Anti-Zionist Committee." Since then, branches have reportedly been formed in various places in the USSR giving the central mechanism a depth for penetrating into the public arena.

The chairman of the Committee, Colonel-General David Dragunsky, is a 73-year old former tank corps commander. It should be noted that today the military leadership of the USSR is almost completely Judenrein. There are only a handful of Jewish military officials, who are holdovers from the World War II era.

Dragunsky's most recent significant public appearance in the Soviet press came on September 5, 1979. He reviewed an extraordinarily vulgar and bigoted anti-Jewish novel, which he praised as "one of the first artistic works exposing that dangerous and current phenomenon, Zionism." The author of the book, Yuri Kolesnikov, is a key member of Dragunsky's Anti-Zionist Committee.

Significantly, none of the initial eight members of the Committee are associated with the remnant of Jewish cultural life in the USSR. In an effort to provide some apparent legitimacy, however, the Committee has a distinctly Jewish membership. Later, the Chief Rabbi of Moscow, Yakov Fishman, became a member, but his role, before his sudden death on June 7, was limited to lauding the formation of the Committee.

The technique is, of course, not altogether new. The favorite method of the Nazis in Occupied Europe to control the local Jewish community and legitimize their anti-Jewish policy and ultimately to facilitiate the liquidation of Jews was to use Jewish Councils, some of which proved to be collaborationist. Later, Stalin, in preparing a mass evacuation of Jews from Moscow, Leningrad and other European cities of the USSR during the "Doctor's Plot" of January-February, 1953, assigned his Jewish associate, Lazar Kaganovich, that specific task. Stalin cleverly proposed that prominent Jews themselves request the evacuation, and, indeed, such Jews in the arts and in philosophy were found to sign the suggested appeals.

THE END OF EMIGRATION

The Committee's press conference of June 6 spelled out the new Andropov policy on emigration. It had already been signalled by a special column on April 20 written by Victor Louis, who has been utilized by the Kremlin to indicate major turns in the policy line. Louis formally announced; "Whether one likes it or not, mass Jewish emigration from the Soviet Union has come to an end." In a disturbing afterthought, he added that "it is now said openly in the USSR that 'the last train has left the station.'" These words evoke another era when a similar image was used for Jews who failed to get out of Europe in time to evade the Nazi genocide program.

Pertinently, Louis chose not to say that the Jews had stopped applying for emigration. On the contrary, he made it clear, if indirectly, that the cut-off was a governmental decision arbitrarily imposed and at least, in part, the consequence of the "drop out" phenomenon in Vienna. The fact that many Jewish emigrants chose to go to the United States, Louis observed, corrupted the "holy idea" of a "return to their ancient homeland" and turned it into a "degenerate process."

But, the Anti-Zionist Committee in Moscow on June 6 chose to fabricate a total falsehood about emigration. Samuel Zivs, the deputy chairman of the Committee, declared that the reason for the decline in Jewish emigration is that "family reunification has essentially been completed." Jews, he contended, no longer wish to leave because they have ceased to "succumb to Zionist lures."

Zivs, a Moscow legal official, who frequently has been used as an apologist by the Kremlin on specifically Jewish issues, simply denied that Victor Louis knew was true—that thousands of Soviet Jews were still anxious to emigrate. Over 300,000 Jews still in the USSR asked for and received from relatives in Israel an affidavit, a process which constitutes the first stage in applying for emigration. An additional 10,000 Soviet Jews who have formally applied to emigrate to Israel have been refused at least once and some many times. Zivs called these statistics as the "juggling of figures by Zionist propaganda." Clearly, unlike Louis, he saw his task, and the task of the Committee, to justify and legitimize a new policy even if it meant total fabrication.

The obvious reason for the fabrication is that any sort of truth would place the Soviet Union in violation of international law and solemn agreements that it either signed or ratified. The Universal Declaration on Human Rights in Article 13 (b) and the International Covenant on Civil and Political Rights in Article 12 make the right to leave a country a fundamental human right. The Covenant was ratified by the USSR in October, 1973 and this international treaty is binding. More immediate and serious is the wholesale abridgement of the Helsinki Final Act which the USSR signed on August 1, 1975 and which obligates signatories to "facilitate" and "expedite" the "reunion of families." The USSR deliberately has chosen to do violence to solemn obligations.

SEVERING LINKS WITH JEWS ABROAD

The second aspect of the Andropov Jewish policy—the severance of relationship between Soviet Jews and Jews abroad—was hinted at in the Anti-Zionist Committee's "Appeal". A crucial paragraph reads: "Soviet Jews reject with contempt attempts by Zionist propagandists to interfere in their life. . . . Citizens of the USSR who are Jews are an inseparable part of the Soviet people." The obvious intent was to warn Soviet Jews against having contacts with their "Zionist" brethren in the West. Zionism is portrayed in the "Appeal" as the very embodiment of evil and subversion. Presented in this fashion, Jews are cautioned to avoid any semblance of contamination through contacts.

The Kremlin's attempts at cutting links, while continuing for some time, has now been stepped up. Mail from the United States, especially mail carrying a request affidavit from a relative designed for emigration purposes, is often confiscated, returned or tampered with.

A letter sent several weeks ago by Rabbi Fishman to U.S. Ambassador Arthur Hartman highlights a different effort at cutting relations. One form of contact has been meetings in front of the Choral Synagogue in Moscow on Saturdays between visiting Western Jews and Soviet Jewish activists. On any Sabbath morning several hundred Jews will congregate in front of the synagogue to hold private discussions, often about the emigration issue. The American Embassy has sent an observer on a regular basis to report on these meetings. Rabbi Fishman, unquestionably prompted by the authorities, complained to Hartman that "one should not use the synagogue to conceal political, subversive, or, God forbid, espionage activities." Without an official U.S. presence, it may have been reasoned in the Kremlin, the Sabbath gatherings could be effectively discouraged. Ambassador Hartman rejected Fishman's accusations as "unfounded and factually false."

The sharpest warning by the Kremlin came in the form of a lengthy two-part article in Leningradskaia Pravda on April 19–20. The article focused on how Western Jewish tourists engage in "Zionist provocations" by spreading "the propaganda of racism and nationalism in our country." The warning is driven home by hints that Zionism is to be treated as a crime which will not "be allowed to go unpunished."

FORCED ASSIMILATION

The same Leningradskaia Pravda article utilized bigotry to emphasize a third purpose of the Anti-Zionist Committee—forced assimilation. It vigorously condemns the organization of private Hebrew teaching circles, teaching and study of Hebrew and Yiddish literature, the Bible, or even Jewish history.

Hebrew is "above all" the language of the Jewish "Holy" Books, which teach "extreme religious fanaticism, chauvinism" and "racial intolerance for other 'inferior' peoples." This vicious anti-Semitic canard is based upon the malicious notion that the "chosen People" concept of the Torah and Talmud preaches "superiority over peoples" as well as "exclusivity." This was, of course, the principal theme of the notorious Tsarist "Protocols of the Elders of Zion."

Hebrew is declared to have not a "cultural" significance, but "rather an exclusively political significance." Zionism is what is meant by "political." And, to that end, "the Soviet public cannot tolerate Hebrew circles and all kinds of 'seminars.'" Harassment and intimidation of the Hebrew and Jewish history circles has been sporadically used during the past several years, but this is the first time that these circles are formally declared to be antithetical to Soviet law.

Forced assimilation has been a dominant feature of Soviet policy towards Jews since 1948. Virtually all formal Jewish institutional life, and especially Jewish schools, have been eliminated. Unlike any other ethnic group within the USSR, Jews are deprived

of almost every public means for perpetuating their cultural heritage. Now they face even a threat to private means for Jewish and Hebrew self-education. Forced assimilation is clearly to be hastened.

ANTI-ZIONIST PROPAGANDA

The most distrubing aspect of Andropov's policy is "the political unmasking of Zionism." The propaganda drive is "to be waged even more resolutely" than ever before.

What is striking about the Kremlin's perception of Zionism is the enormity of the power and evil with which it is endowed. As in the "Protocols of the Elders of Zion," the power of the Zionists is cosmic and strives for world domination. Poised to resist the Zionist threat is the great Soviet power. The forces of darkness, Zionism, are locked in final struggle with the forces of light, the Soviet Union.

The anti-Zionist propaganda drive thinly masks overt anti-Semitism. Stereotyped images of the Jew dominate the paranoid descriptions of Zionism. Judaism, especially the concepts of the "chosen People" and the Messiah, is seen as the source of the Zionist evil. The Torah and the Talmud are presented as preaching racism, hatred and violence.

Now the anti-Zionist media offensive is to be stepped up. At the press conference of the Anti-Zionist Committee on June 6, Dragunsky characterized Zionism in hysterical terms as a "manhating ideology" which is "modeled on the ideas and methods of Hitler." Kolesnikov contributed to the pornography by alleging that during World War II the Zionists "not only failed to defend their co-religionists, but betrayed them, wholly in league with the Gestapo and the SS." He then provided an additional sickening touch by charging that Israel executed Adolf Eichmann, after the public trail in Jerusalem, in order "to make sure he would not be seized by another nation and make public the sacred secrets of cooperation between Zionism and Nazism."

The paranoiac ravings of Kolesnikov are superseded by those of the most prolific anti-Semitic author in the USSR—Lev Korneyev. His newly published work, *The Class Essence of Zionism*, was favorably reviewed by the Soviet press and a special edition of 10,000 copies was prepared to instruct "ideological workers" who will indoctrinate the public. A prominent American correspondent in Moscow found that the book reads at times "like a Ku Klux Klan pamphlet from the 1920's replete with reference to Jewish bankers, Jewish monopolists and the 'Jewish faction of the world oligarchy' which he says is seeking to dominate the capitalists world."

The Class Essence of Zionism reaches unprecedented depths of gutter hate in two respects. For the first time, Korneyev acknowledges his ideological debt to a certain Shmakov whose book published in 1906 is quoted approvingly. The specific Shmakov reference which Korneyev welcomed was that Zionist agents had supposedly provoked pogroms of Russians and Ukrainians against Jews by opening fire on Tsarist policemen. The aim of inciting pogroms was to "increase emigration from the country." Presumably, Zionist agents of today conduct themselves in a similar way and for the same purpose.

But in another respect, Korneyev went beyond previous Soviet hate spewings in an article last summer in a leading Soviet military organ, Military-Historical Journal. Among the "myths of Zionists propaganda" which he criticized was the figure of six million Jewish victims of the "holocaust" (which he deliberately enclosed in quotation marks). That number, he said, is "impossible to consider as scientifically grounded;" indeed, "there is every reason to suppose that the real number of victims is lower." In his newly-published book, he refers to the six million figure as "significantly overstated." The new Korneyev thesis clearly borrows from neo-Nazi doctrine, a central of which is the argument that the Holocaust never happened and six million victims is a gross exaggeration.

Andropov's Jewish policy, as reflected in this type of propaganda, is beginning to echo the public mouthings of hate during Stalin's last months. Marx once observed that history tends to repeat itself first as tragedy and then as farce. The 1953 media saturation effort produced a near tragedy of massive proportions. It would be imprudent for the international civilized community to gamble that the new Soviet saturation propaganda drive will be mere farce.●

POPE JOHN PAUL'S VISIT TO POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 5 mintues.

● Mr. FEIGHAN. Mr. Speaker, when critics charge Desmond Tutu, the embattled South African bishop, of being a politician masquerading as a churchman, he replies that "God does not allow for vacuums, even in politics." In South Africa, Bishop Tutu is filling a moral void, shouldering the burden of creating a just society in a land marked by the institutional racism of apartheid. His "politics" is not a game, or a career; it's a calling.

This week, his fellow churchman—and fellow "politician"—Pope John Paul II, made a pilgrimage to his Polish homeland in order to fill another vacuum—the dark space left in December 1981 when the Polish generals silenced Solidarity with the iron fist of martial law. And he proved that vacuums cannot exist—expecially in politics. The Pope's homilies on justice and hope rekindled the freedom-loving spirit of the Polish people, bringing light to a bleak society.

Pope John Paul showed the Polish people—his people—that rigid laws and loaded rifles cannot kill the dream of liberty. It lives when people refuse to give up their nation and refuse to give up their faith. It lives when people are willing to step forward, whatever the risk, rather than submit to injustice. It lives when priests dare to be politicians, and their people have the courage to listen.●

U.S. INDUSTRIES MUST RESPOND TO CHANGED COMPETITIVE CONDITIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, I would like to bring to the attention of the Members an editorial by J. W. Anderson in today's Washington Post. It poses the question, Is the Japanese Government really being unfair to U.S. industry? Mr. Anderson argues that the Japanese Government's assistance to industry, and its targeting, import restrictions, and other trade practices, are not the only—or even the most important—reasons for the success of Japanese companies in obtaining market shares previously held by U.S. companies.

One example he gives is the semiconductor industry, where the real difference between Japanese and American firms is that American businesses are small, innovative, but undercapitalized, while Japanese semiconductor firms are large, integrated companies with easy access to capital. It is capital access, not Government policy, which make Japanese penetration of the semiconductor market so successful.

American businesses generally have been unresponsive to the competitive challenge of foreign firms that are larger, stronger financially, and more flexible. U.S. industries have not been prepared for foreign marketing tactics riskier and more imaginative than their own. It may be that relatively more restricted access to capital accounts for this inertia.

Reversing the decline in U.S. competitiveness will require companies and some whole industries to admit their inertia and inflexibility, as well as their short term profit mania. Once industry is prepared to respond to the global economy's competitive challenge, Government can work in concert with management, labor, and the academic community to formulate a successful national industrial strategy.

The text of the editorial follows.

IS THE JAPANESE GOVERNMENT REALLY BEING UNFAIR TO U.S. INDUSTRY?

(By J. W. Anderson)

As high-technology competition between Japan and the United States gets fiercer, the effects are spilling over into their broader political relations. Americans, stunned by the speed with which Japanese companies have captured important markets here, charge unfair tactics by the Japanese government.

Dealings between the two governments have become more abrasive than at any time since World War II, according to experienced diplomats. One urgent question for both countries is whether the alliance between them can survive without damage as this commercial threat sharpens in a field where Americans expected to remain the leaders for decades to come.

Semiconductors, computers and communications equipment are central to the dispute. Many Americans deplored the extent to which some of the middle-tech heavy industries—notoriously steel and autos—lost domestic sales to Japanese producers. But people in this country are inclined to regard that failure as the consequence of strategic errors and excessively rapid wage increases

in the American industries. The explanations for the loss of markets in the high technologies are less obvious, and Japanese successes there have generated a sense of panic among Americans who understand the meaning of these products to the country's economic future.

Take the case of silicon chips, the integrated circuits that remember and process data. A common American accusation holds that the Japanese companies imported them while learning how to use and make them, and then the country—operating as Japan, Inc.—closed itself to further imports, to give the Japanese producers a protected market in which to develop their own manufacturing capacity and launch a surge of exports to the United States.

Against that accusation, you might want to weigh the very substantial American presence in Japan's chip industry. Texas Instruments, a leading American producer, has four plants in Japan manufacturing chips mainly for the Japanese domestic market. Motorola has a wholly owned subsidiary in Japan producing chips almost entirely for the Japanese market. Analog Devices assembles semiconductors in Japan, and buys chips to produce finished products for the Japanese market.

As for computers, according to the Japan Economic Journal's yearbook, IBM Japan ranked second in sales in the Japanese market in 1981, the last year reported. Nippon Univac was eighth, and NCR Japan was tenth. Whatever the Japanese market may be, it doesn't seem to be closed to American investment and these American products.

There's an alternative explanation to the present friction that may be more enlightening. First, keep in mind that the financial pressures on the chip makers are rising very fast with the advance of their technology. Producing a 16K RAM—a 16,000-bit random access memory chip—is not simple, but it is far less expensive to make than a 64K RAM. That, in turn, is a modest matter compared to the resources required for the 256K RAM.

Next, look carefully at the specific companies competing in this field. Motorola, which has been a leader in the political counterattack against the Japanese, is not a small company. But its business is concentrated in chips and products related to them. Its resources are not huge, compared with the demands of the next generation of products.

In contrast the leading Japanese chip maker, NEC—Nippon Electric Co.—is part of the Sumitomo group, a diverse alliance of interlocked companies including two banks and two insurance companies. NEC is an established producer of a wide range of computers, telecommunications equipment and industrial robots. It can use the earnings of mature products to pay for the development of new ones and, in need, it can turn to its Sumitomo partners for additional support.

NEC's access to capital is no better than that of American giants like IBM or Western Electric. But you may have noticed that, although IBM and Western Electric produce chips, they do not seem to be contributing much to the outcry against the Japanese. It is coming from smaller companies whose resources are being desperately stretched by the effort to stay in the field.

In the United States, new technology is often brought to the market first by small, adventurous companies built around a single product. The chip industry in the United States is full of examples. But in Japan the carriers of new technology are typically the affiliates of large, highly integrated industrial groups. Like Sumitomo, these groups are usually organized around banks, and their members rarely suffer a lack of development funds. That, rather than government subsidies, is the key to the startling financial strength of the Japanese chip makers in comparison with all but the largest of their American counterparts.

Americans complain that the Japanese engage in "forward pricing." As a company gains experience in making a chip, and sales volume rises, the unit cost drops. A big company with financial strength can sell a new product at a forward price, profitable over its life span but less than the initial high cost of production. A smaller company that has to worry about its cash flow cannot afford that strategy. That's one major reason why the smaller American chip companies are being squeezed in the race with the bigger and richer ones, both American and Japanese.

This pattern of competition—pitting small, specialized companies with limited cash against big, integrated corporations—runs all through the international chip and computer industry. The biggest of these competitors are American. But nearly all of the small and highly specialized companies are also American, while all of the leading Japanese chip makers are very large combines producing a great range of electronic and electrical equipment, machinery and industrial goods.

This same pattern also runs through that other field of current high-tech combat, the machine tool industry. Most of the American machine tool makers are small companies in a highly cyclical business, not easily able to finance the leap into computer-driven tools. Again, their Japanese competitors have no such constraints. The largest of them, Toshiba, is also a major computer manufacturer.

Important differences in Japanese and American business practices further help explain some of the recent developments in the chip market. Japanese companies tend to introduce new products at high volumes, rather than scaling up gradually as demand develops. The highly responsive Japanese market doesn't give you the time to do otherwise. If you don't go to high volume immediately, your competitors will beat you to it. The tactics that the Japanese companies use in the United States are those that they learned in Tokyo.

That's how the Japanese chip makers got their original foothold in the American market. With the rapid growth of American sales in the late 1970s, the undercapitalized American producers couldn't keep up with their orders. But the Japanese could, and did.

The Japanese tendency to go fast to high volume also reflects the relatively minor importance of profits, especially short-term profits, in the Japanese business world.

Over the past five years, American chip makers have been taken by surprise. They did not expect the Japanese companies to exploit a very new branch of basic science, most of it American, so rapidly.

Possibly more important, American businessmen are not accustomed to competing with foreign firms bigger than theirs and with immensely greater financial strength. Further, they were not prepared for the Japanese practice of throwing new products immediately into full-scale production. American businessmen think of themselves as the ultimate risk-takers, and did not expect to run into marketing tactics even more daring than their own.

As you look carefully at the competition in chips, it looks a little less like a simple collision between a Japanese industry and American industry. And it looks much more like competition between the smaller specialized firms and much bigger diversified ones—of which some, but by no means all, are Japanese.●

UPGRADING SCIENTIFIC CAPABILITIES IN THE EPA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 30 minutes.

● Mr. BROWN of California. Mr. Speaker, on Monday, June 20, I brought to the attention of my colleagues an article describing the weaknesses in the Environmental Protection Agency's toxicology laboratory audit program. Sound regulatory decisions on toxic chemicals, drugs, and environmental pollutants cannot be made without prudent and insightful estimates of their potential to harm man. At this time, data from experiments with animals are relied upon heavily in making such estimates, although the importance of epidemiological studies is rising in many cases. If animal data submitted to EPA is flawed, the public can be exposed to unreasonable and unnecessary risks.

The Agriculture Subcommittee I chair has been closely monitoring for 3 years now the quality of science underlying EPA's regulatory actions involving pesticides. I am convinced that one of the most pressing challenges facing the Agency at this time is to rapidly upgrade the scientific standards followed when Agency scientists are estimating human risks from various environmental contaminants. I am pleased to report that some hopeful signs have emerged recently suggesting that the Agency is prepared to strive for and invest in enhanced scientific capabilities. Budget-related pressures on staff scientists to crank out scientific reviews at an unreasonable pace have subsided somewhat and personnel are being allotted more time and resources for technical training and support.

We should not expect miracles though. Several years will be required to establish in EPA the level of scientific expertise and excellence necessary if that agency is to regularly and routinely carry out its vital duties on an equal scientific footing with the private sector laboratories conducting and preparing studies for submission to the agency in support of regulatory actions. I do not make this statement lightly. This conclusion is strongly supported by a lengthy record of testimony, investigative material, and communications with the agency developed by the DORFA Subcommittee.

Comparable conclusions have been reached by other congressional committees which have also been investigating the EPA over the last year or so. This intense public scrutiny of the details of agency scientific decisionmaking will be particularly valuable to the public in the long run if it results in greater appreciation for the complexity of the regulatory process and the essential role of science in perceptively evaluating the costs and benefits of alternative regulatory actions.

I am pleased to also report to my colleagues that EPA Administrator Ruckelshaus made his first major speech on this very topic yesterday before the National Academy of Sciences. He expressed concern about the quality of science in the risk assessment process, and demonstrated great sensitivity toward the importance of isolating science from essentially subjective aspects of the regulatory decisionmaking process. Mr. Ruckelshaus shares my positive response to the insightful Academy report "Risk Assessment in the Federal Government: Managing the Process" released earlier this spring. I am including at the conclusion of my remarks pertinent portions of the Administrator's June 22 speech before the Academy.

I would like to also point out to my colleagues that the Committee on Agriculture has gone on record in support of initiatives within EPA to improve the risk assessment process. I woud like to quote here the May 11, 1983, Committee on Agriculture report accompanying H.R. 2785, Federal Insecticide, Fungicide, and Rodenticide Act Extension. House Report 98-104. The purpose and need section of the report states:

The committee believes there are several substantive issues, as well, that deserve the attention of the agency. In the past few years, the pesticide program has struggled with a number of difficult contentions and scientifically complex decisions involving pesticide active ingredients found to cause cancer in laboratory animals. In estimating human cancer risks from exposure to pesticides known to cause cancer in animals, scientists within OPP must make judgments on how to extrapolate animal experimental findings to men. Testimony was received by the committee indicating that at a number of steps in the risk assessment process there is no uniformly accepted scientific basis to guide scientists in regulatory agencies and that the agency has used various scientific methods and risk assessment models concerning which there is disagreement within the scientific community. Accordingly, the levels of human risk estimated in a given risk assessment can vary substantially depending upon the combinations of assumptions used.

The committee believes that the inherent and unavoidable uncertainty in the risk assessment process heightens the importance that the EPA closely follow published, scientifically defensible guidelines throughout the risk assessment process. Toward this end, the committee recommends that EPA move expeditiously toward implementing, to the fullest extent practicable, the recommendations relating to the development of uniform inference risk assessment guidelines of the National Research Council report, "Risk Assessment in the Federal Government: Managing the Process."

The oncogenic risk-assessment guidelines and procedures needed in the pesticide program should contain an explicit statement of the risk-assessment inference options that arise in extrapolating human risk from experimental data and the scientific basis for choosing among alternative risk-assessment methods and/or assumption. The guidelines should be comprehensive and detailed enough to address the generic issues of scientific uncertainty that arise in assessing risk, yet flexible enough to permit exceptions that could be justified scientifically. The guidelines should not be so rigid as to compel the agency to continue using concepts and methods that become obsolete as new scientific developments improve the risk assessment tools available to regulatory agencies. There should be a requirement for periodic review of the guidelines. Changes in the guidelines should be adopted following the same procedure, or a substantially similar procedure as utilized in the promulgation of the original guidelines.

While the Administrator is formulating and carrying out a procedure to implement uniform oncogenic risk-assessment guidelines, the committee believe there should be a concerted effort to follow the spirit of the National Research Council recommendations concerning cancer risk-assessment guidelines. To the extent practicable the agency should consistently follow widely acceptable scientific procedures in conducting risk assessment, and should regularly consult through existing interagency committees or through new procedures where necessary, with scientific experts affiliated with the National Toxicology Program, the Food and Drug Administration, the National Center for Toxicological Research, the National Cancer Institute, and other Federal agencies, commissions, or institutions. Whenever the Office of Pesticide programs utilize a novel analytic procedure, or adopts a new assumption during the course of a risk assessment that has the effect of significantly changing the estimated level of risk; that is, from 1 in 100,000 risk to 1 in 10,000, the agency should explain in detail the scientific justification for the change, consistent with the provisions of section 10 of FIFRA.

Among the specific actions needed as soon as possible, Congress should put in place some corrective measures to resolve the long-standing problem of inadequate or incomplete data on persticides. I intend to hold a hearing in the subcommittee before the summer recess to explore these issues and to provide the Agency an opportunity to explain the status of its response to the Industrial Bio-Test Laboratories (IBT) case. Hundreds of experiments conducted at this laboratory during the late 1960's and early 1970's were subsequently found to be faulty in 1976-78. Corrective regulatory actions on dozens of major pesticides tested at IBT are still not complete. Progress made to date in replacing faulty IBT studies has largely resulted from voluntary actions by the companies holding registrations for these pesticides. Clearly we need a more rapid and decisive mechanism to identify laboratories conducting studies inappropriately. We also must assess whether changes are needed in the Federal Insecticide, Fungicide, and Rodenticide Act to authorize the Agency to take more expeditious and decisive steps when problems are found in the quality of scientific studies submitted to the Agency.

I hope to also explore in the next few months the possible role that other agencies and programs might be able to play in assisting the EPA to upgrade its scientific capabilities in these areas. The National Toxicology Program (NTP), in particular, may be able to assist EPA and other Federal regulatory agencies in this regard. The NTP has an excellent staff of experts from all disciplines involved in toxicology testing and the evaluation of the results in terms of human hazards. To familiarize my colleagues with the NTP, I would also like to include in the RECORD an excellent article on the NTP which appeared in the June 21, 1983, Wall Street Journal.

SCIENCE, RISK AND PUBLIC POLICY

(By William D. Ruckelshaus)

We are now in a troubled and emotional period for pollution control; many communities are gripped by something approaching panic and the public discussion is dominated by personalities rather than substance. It is not important to assign blame for this. I appreciate that people are worried about public health and about economic survival, and legitimately so, but we must all reject the emotionalism that surrounds the current discourse and rescue ourselves from the paralysis of honest public policy that it breeds.

It is no accident that I am raising this subject here in the house of science. I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community. Frankly we are not going to be able to emerge from our current troubles without a much improved level of public confidence. The polls show us that scientists have more credibility than lawyers or businessmen or politicians and I'm all three of those. I need your help.

Those of you who are scientists may think you have heard this before, but this is not a naive plea for science to save us from ourselves. Somehow our democratic technological society must resolve the dissonnance between science and the creation of public policy. Nowhere is this more troublesome than in the formal assessment of risk—the estimation of the association between the exposure to a substance and the incidence of some disease, based on scientific data.

Here is how the problem emerges at the Environmental Protection Agency. EPA is an instrument of public policy, whose mission is to protect the public health and environment in the manner laid down by its statutes. That manner is to set standards and enforce them; and our enforcement powers are strong and pervasive. But the standards we set, whether technology or

health-related, must have a sound scientific base.

Science and the law are thus partners at EPA, but uneasy partners. It's a shotgun wedding. The main reason for the uneasiness lies, I think, in the conflict between the way science really works and the public's thirst for certitude that is written into EPA's laws. Science, as you all know, thrives on uncertainty. The best young scientists flock into fields where great questions have been asked but nothing is known. The greatest triumph of a scientist is the crucial experiment that shatters the certainties of the past and opens up rich new pastures of ignorance.

But EPA's laws often assume, indeed demand, a certainty of protection greater than science can provide at the current state of knowledge. The laws do no more than reflect what the public believes and what it often hears from people with scientific credentials on the 6 o'clock news. The public thinks we know what *all* the bad pollutants are, *precisely* what adverse health or environmental effects they cause, how to measure them *exactly* and control them *absolutely*. Of course, the public and sometimes the law are wrong, but not all wrong. We do know a lot about some pollutants and we have controlled them effectively using the tools of the Clean Air Act and the Clean Water Act. These are the pollutants for which the scientific community can set safe levels and margins of safety for sensitive populations. If this were the case for all pollutants, we could breathe more easily (in both senses of the phrase); but it is not so.

It is my strong belief that where EPA or OSHA or any of the social regulatory agencies is charged with protecting public health, safety or the environment, we should be given, to the extent possible, a common statutory formula for accomplishing our tasks. This statutory formula may well weigh public health very heavily in the equation as the American people certainly do.

The formula should be as precise as possible and should include a responsibility to assess the risk and to weigh that, not only against the benefits of the continued use of the substance under examination, but against the risks associated with substitute substances and the risks associated with the transfer of the substance from one environmental medium to another via pollution control practices. I recognize that legislative change in the current climate is difficult. It is up to those of us who seek change to make the case for its advisability.

I did not come here today to plead for statutory change. My purpose is to speak of risk assessment and risk management and science's role in both. It is important to distinguish these two essential functions, and I rely here on a recent National Academy of Sciences report on the management of risk in the Federal Government. Scientists assess a risk to find out what the problems are. The process of deciding what to do about the problems is risk management. The second procedure involves a much broader array of disciplines, and is aimed toward a decision about control.

Risk management assumes we have assessed the health risks of a suspect chemical. We must then factor in its benefits, the costs of the various methods available for its control, and the statutory framework for decision. The NAS report recommends that these two functions be separated as much as possible within a regulatory agency. This is what we now do at EPA and it makes sense.

I think we also need to strengthen our risk assessment capabilities. We need more research on the health effects of the substances we regulate. I intend to do everything in my power to make clear the importance of this scientific analysis at EPA. Given the necessity of acting in the face of enormous scientific uncertainties, it is more important than ever that our scientific analysis be rigorous and the quality of our data be high. We must take great pains not to mislead people regarding the risks to their health. We can help avoid confusion both by the quality of our science and the clarity of our language in explaining the hazards.

I am sure that in the future, this being an imperfect world, the rigor and thoroughness of our risk analyses will be affected by many factors, including the toxicity of the substance, the populations exposed, the pressure of the regulatory timetable, and the resources available.

Despite these often conflicting pressures, risk assessment at EPA must be based on scientific evidence and scientific consensus only. Nothing will erode public confidence faster than the suspicion that policy considerations have been allowed to influence the assessment of risk.

Although there is an objective way to assess risk, there is, of course, no purely objective way to manage it, nor can we ignore the subjective perception of risk in the ultimate management of a particular substance. To do so would be to place too much credence in our objective data and ignore the possibility that occasionally one's stomach is right. No amount of data is a substitute for judgment.

Further, we must search for ways of describing risk in ways the average citizen can comprehend. Telling a family living close to a manufacturing facility that no further controls are needed on the plant's emissions because, according to our linear model their risk is only 10^{-6} is not very reassuring. We need to describe the suspect substances as clearly as possible, tell people what the known or suspected health problems are and help them compare that risk to those with which they are more familiar.

To effectively manage the risk, we must seek new ways to involve the public in the decision-making process. Whether we believe in participatory democracy or not it is a part of our social regulatory fabric. Rather than praise or lament it, we should seek more imaginative ways to involve the various publics impacted by the substance at issue. They need to be involved early on and they need to be informed if their participation is to be meaningful. We will be searching for ways to make our participatory process work better.

OF MICE AND MEN—TOXIC-WASTE FIGHTS START IN LABORATORIES, BUT HOW GOOD ARE THE TESTING METHODS?

(By Arlen J. Large)

RALEIGH, N.C.—Phthalates.

That is the name of a family of chemicals. They are used to make soft plastics, like a pliable cover for a sofa. Some day, though, old sofa covers get thrown away and show up in trash dumps. Some of the trash may be toxic, or poisonous. How do you tell?

With mice. At the Research Triangle Institute near here, 60 little cages each hold a male and female mouse. The rodents eat feed laced with phthalates, and in this test scientists have the specific assignment of looking for any poisonous effect on the production of baby mice. The fertility results will go into a giant government computer, which already holds data showing that phthalates can give cancer to mice or harm their livers.

What happens in this quiet, white-coated world of chemical testing lays the scientific foundation for what happens in the noisy world of bureaucrats and lawyers, where chemicals are regulated to protect not mice but people. The regulators must judge whether animals are good stand-ins for humans, whether a chemical's benefits to society outweigh its health risks, and whether there is enough money somewhere to clean up a dangerous dump. That is the stuff of angry headlines these days, but the controversy all begins with obscure researchers like David Rall and his mice.

"IT'S A BABY"

"We're dealing with a science that's only two decades old," says Dr. Rall. "It's a baby compared to other biomedical sciences. I think we'll be in much better shape with the experience of another 10 years."

Dr. Rall is head of the National Toxicology Program, an arm of the U.S. Health and Human Services Department. His agency is headquartered in the wooded, campus-like serenity of the Research Triangle Park outside of Raleigh. Its job is to help keep track, world-wide, of health-related tests being performed on aminals by government agencies and chemical manufacturers alike. Part of its annual $71 million budget pays for tests on a selection of the nearly 60,000 chemicals in use in the U.S. today.

Requests for tests can come from anybody, but such safety enforcers as the Environmental Protection Agency, the Food and Drug Administration and the Agriculture Department often do the prompting.

The National Toxicology Program performs some testing in its own laboratories, but most of it is farmed out to the dozen or more private contract labs that do such work for hire. Just down the road, for example, is the Research Triangle Institute, a company being paid by Dr. Rall's agency to test phthalates for their effects on reproduction and fertility of mice. Toxicology Program scientists will analyze this data and write formal reports destined for the government's computerized National Library of Medicine.

It was work by the Toxicology Program that showed that phthalates could harm rats' livers. The unexpected report set off alarms at the Environmental Protection Agency, which regulates chemicals under the Toxic Substances Control Act. That law requires a company planning the sale of a new chemical to notify the EPA before marketing it.

Pending at the EPA was one company's notification of its plan to bring a new phthalate-based plastic-softener on the market. Because of the test results on rat livers, the EPA told the applicant to perform its own animal tests on its proposed product. The company refused, and withdrew its marketing application.

Computer networks give both scientists and regulators a rich international cafeteria of animal-test results for chemicals coming to market. "It's really amazing," says Gerhard Zbinden, director of the University of Zurich's Institute of Toxicology. "We have access to about 200 data banks for compounds going back 20 years. I'm happy with this kind of dissemination. The information is there. The problem is what to do about it."

This problem is perhaps best illustrated in the case of dioxin, an unwanted contami-

nant produced in the manufacture of other chemicals. Animal-test results are rather straightforward and, indeed, mostly settled by now. "For all intents and purposes the classic toxicity testing on dioxin has been completed," says John Moore, deputy head of the National Toxicology Program here. Dioxin gives cancer to rats, he says, "but there's hesitancy on the part of a lot of people on how to extrapolate the results to human risk."

VIETNAM AND MISSOURI

Dioxin is accused of sickening GIs exposed to the defoliant Agent Orange in Vietnam and of threatening Missouri homeowners whose neighborhoods were inadvertently sprayed with dioxin. The exact danger to humans cannot, of course, be proved by experimenting on them like laboratory rats, so scientists must glean clues from cases of accidental exposure.

In 1976, a chemical plant in Seveso, Italy, sprang a powerful leak, sending a dioxin-tainted cloud into the air. Pets and livestock soon died. Some people, in contrast, developed only a skin outbreak that eventually went away. "Human beings seem to be less sensitive than animals to the effects of dioxin," says Robert Rubin, a scientist at the Johns Hopkins University School of Hygiene and Public Health in Baltimore. Only time will tell, he says, whether people exposed to dioxin in Seveso will show a suspicious incidence of cancer.

There is wide agreement that controlled laboratory experiments can be better than random human accidents in measuring the danger of chemicals, if just the right match can be found between the compound, its dosage and the kind of animal. Laboratory testers variously use rats, mice, cats, dogs, rabbits, hamsters, monkeys, chickens and fish. There is even wider agreement that testing methods need improvement. "Toxicology has to change from being a sophisticated art form to a good strong basic science," says James Bridges, professor of toxicology at the University of Surrey in England.

SOME TESTS CALLED USELESS

The U.S. government's Toxicology Program has subjected more than 1,400 chemicals to animal tests since its work started in 1979. While appreciating the purpose, some outside scientists dislike the result. "It's the Western world's major effort in toxicology, and it deserves better than it has got," says Richard Hall, science vice president for McCormick & Co., the Baltimore spice and food-flavoring concern. "its testing is very pedestrian and obsolete."

Mr. Hall contends that some of the Toxicology Program's work skimps on comparisons between the way animals and people use up compounds fed to them. Most of the tests, he says, "don't push science ahead one damned bit, and are useless for humans." He hopes the agency will spend less money on compound-by-compound testing and more on ways to find faster and more accurate test methods.

That is just what is happening, says Dr. Rall. One new test method getting high priority would bypass the traditional regimen of giving a chemical to rats for two years to see exactly what happens to their organs. Instead, the same chemical is placed in a glass-dish culture of living animal cells for just three months, and then the dish's contents are chemically analyzed to measure the chemicals' effects. "We're putting a great deal of emphasis on these three-month studies," Dr. Rall says.

REFINING THE METHOD

His agency is paying Northrop Corp., among others, to help refine the method at a nearby laboratory full of equipment for innoculating the cultures in the glass dishes, plus a back room squirming with rodents to supply cells for the cultures. Successful three-month tests could save money by reducing the number of live animals that usually are exposed to traditional two-year tests. And, says Rayond Tennant, a scientist working on the project, three-month tests could serve as a useful preliminary screen to see which chemicals should be subjected to the more costly two-year test method.

Currently, panels of scientific experts sometimes reject a substance nominated for testing because it is chemically similar to an already tested compound, or it occurs naturally in the human body, or it isn't commercially available and people are unlikely to come in contact with it.

In Atlanta, the Centers for Disease Control, another arm of the Health and Human Services Department, is setting up an office to keep an inventory of people, not animals, who have been exposed to dangerous chemicals. The list will allow scientists to trace the life-and-death histories of exposed persons to see what kinds of disorders may have resulted.●

ORBIT '81

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROE) is recognized for 5 minutes.

● Mr. ROE. Mr. Speaker, I take great pleasure in rising today to salute the fine young people of the Camden and Woodrow Wilson High Schools in Camden, N.J. for their fine achievement in being included as part of the current *Challenger* shuttle flight.

These New Jersey high school students developed a unique science project called Orbit '81 that resulted in the first orbiting of living creatures in space. Orbit '81 is designed to determine how the weightlessness of outer space affects the social structure of a colony of carpenter ants.

The ants have been placed aboard the space shuttle in a special ant farm container that was developed by the Camden students in conjunction with NASA and the RCA Corp.

Mr. Speaker, this project was 4 years in the making. These young students from minority backgrounds have devoted many hours of their personal time to insuring that this project would be the success it has proven to be.

There has been much talk of late, detailing the serious problems being faced by our Nation's educational system. The Camden project proves that our students are equal to any of their counterparts around the world. Rather than badmouthing our teachers and educational programs, we should be looking for ways, as they did in Camden, to stimulate student interest in science, engineering, and other fields of endeavors.

As a member of the New Jersey congressional delegation I am proud to take this time to recognize the historic efforts of the Camden High School students who developed Orbit '81 and have made a place for themselves in space history.●

INTRODUCTION OF THE STATE JUSTICE INSTITUTE ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today in a continuing effort to improve the administration of justice in this country, in State as well as Federal courts, I rise to reintroduce the State Justice Institute Act of 1983.

It is with a certain amount of regret that I observe that a State Justice Institute has not already been enacted into law. Passed without dissent by the Senate during the 96th and 97th Congresses and also reported favorably by my subcommittee—the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice—during these two Congresses, final enactment has eluded this deserving legislative project. I optimistically look forward to legislative success in the 98th Congress.

The State Justice Institute Act would create a nonprofit national body to improve the administration and functioning of State courts in the United States. The act would provide to State and local courts a resource comparable to that provided in the correctional area by the National Institute of Corrections. It would be funded at a similar level and would provide a comparable spectrum of national clearinghouse research, technical assistance, demonstration, and training programs. Federal moneys could not be used to interfere with the independent nature of any State judicial system nor allow sums to be used for the funding of regular judicial and administrative activities.

The Institute would complement, rather than conflict with, existing Federal programs for State and local justice systems. It also would fill a gap in the President's program to fortify federalism by strengthening the judicial power of the States. Last, the Institute would provide meaningful access to justice—by improving the quality of justice—for many ordinary citizens who litigate their disputes in State and local courts.

As summarized in recent congressional testimony by two able representatives of the State court systems:

The State Justice Institute legislation is premised on the belief that improvement in the quality of justice administered by the states is not only a goal of fundamental importance in itself, but is essential to attainment of important national objectives in-

cluding a reduced rate of growth in the caseload of the federal courts and preservation of the historic role of state judiciaries in our federal system.

The proposed legislation was drafted by an able task force of the Conference of Chief Justices and the Conference of State Court Administrators. It has been endorsed by, among others, the Chief Justice of the United States, the Judicial Conference of the United States, and the American Bar Association. The chief sponsor of companion legislation (S. 384) in the Senate, Senator HOWELL HEFLIN, has been joined by a solid core of respected cosponsors from both sides of the aisle. The list of cosponsors on my bill is equally impressive.

In my opinion, the State Justice Institute will succeed as an assistance program because it will:

Place responsibility for improvement of State court systems directly on the judicial officials charged with this responsibility under their own State constitutions and laws;

Be under control, at both the State and national levels, of State officials with first-hand knowledge of the problems facing their courts;

Permit large economies of scale by concentrating on national programs that would serve the needs of all 50 States;

Eliminate the need for a large bureaucracy by operating with a small staff in conjunction with existing judicial agencies of the States and the State courts themselves. (The Institute could support but not duplicate services of existing agencies such as the National Center for State Courts and the National Judicial College);

Permit improvement of courts on a systemwide basis; that is, in a manner recognizing their interrelated civil and criminal functions;

Provide a vehicle by which State courts collectively could communicate and cooperate at the national level with other components of State and local criminal justice systems and such agencies as the Federal Judicial Center, the National Institute of Justice, and the Bureau of Justice Statistics; and

Provide a vehicle for implementation of special criminal justice projects authorized by Congress or Federal executive agencies as these might involve State courts.

The structure of the State Justice Institute would be as follows. The Institute would be operated by an executive director under the supervision of an 11-member board of directors appointed by the President and confirmed by the Senate. Six board members would be State judges and one a court administrator chosen from a panel or panels of candidates recommended by the Conference of Chief Justices following consultation with appropriate legal and judicial organizations. There would be four public members appointed directly by the President. The Institute would operate through grants and contracts with funding priority going to projects of State and local courts and their national nonprofit support and training organizations. State supreme courts would be the accountable administrative agencies for projects of State and local courts within their jurisdictions. Such projects would require a 25-percent match. The emphasis would be on programs of national scope including national clearinghouse, research, technical assistance, demonstration, education and training programs.

The legislation specifically forbids use of Federal funds to supplant State or local funds or to support basic court services.

The Institute further is restricted from interfering with "the independent nature of any State judicial system."

The proposed legislation authorizes modest funding at up to $20 million in fiscal 1984 and $25 million in fiscal 1985 and 1986.

Mr. Speaker, I would like to quote from the Chief Justice of the United States—a man who has spent a lifetime trying to improve the administration of justice in State and Federal courts:

There is . . . clearly an overriding national interest in improving access to and confidence in our state court. Important as it is, our concept of federalism is not the only objective requiring their preservation. Our state courts are close to the people and they are the primary safeguard of the rights and privileges of individuals under both state and federal law. Together with our federal courts, they preserve and vindicate those rights guaranteed under the Constitution and federal laws. In recent years, national legislative policies and programs have increased the number of such federal rights adjudicated in state courts. The role our state courts play in evaluating and arbitrating the enforcement of state policies, and the state enforcement of national legislative policies and programs, is most significant.

Chief Justice Burger's words are echoed by law professors, judicial administrators, civil libertarians, Federal and State judges, and ordinary citizens themselves. Indisputably, the Federal judicial system was created to complement our State judicial systems. That complementary relationship creates the resiliant fabric of our constitutional concepts of federalism and separation of powers. The bill I am introducing today strengthens, rather than soils, that fabric. It will lead to improvements in the delivery of justice for individuals who litigate in our State courts—where 96 percent of the cases in this country are filed.

Once again, I would like to acknowledge the strong leadership of the principal sponsor of this legislation in the Senate. Senator HOWELL HEFLIN, formerly chief justice of the Alabama Supreme Court, has been firm and steadfast in his support for the creation of a State Justice Institute.

I also would like to thank several State court judges who have devoted much time and effort to this legislative endeavor: Justice Robert F. Utter, Supreme Court of Washington; Chief Judge Lawrence Cooke of the State of New York; and Chief Justice Bruce Beilfuss, Supreme Court of Wisconsin. The latter, my own chief justice, is retiring next month and I just wanted my colleagues to know of his lifetime of commitment to improving the delivery of justice in not only my home State but nationwide.

In closing, the creation of a State Justice Institute will assist all 50 State court systems and the territories to better serve all the people in this country. I urge support and more cosponsorship—in addition to the 41 colleagues already on the bill—for this deserving legislation.

As a final postscript, I would like to announce that my subcommittee will hold 1 day of hearings on the proposed legislation. On Thursday, July 13, 1983, at 10 a.m., the subcommittee will receive testimony from representatives of the American Bar Association, the Conference of (State) Chief Justices, and the Judicial Conference of the United States.●

A JOBS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, in recent weeks, I have discussed at length the minimal effect that the Competitive Shipping and Shipbuilding Act of 1983 would have on agricultural and coal export prices. I have shown how both the American farmer and the U.S. coal exporter will actually benefit from a strong, competitive U.S. merchant marine. Today, I would like to focus on the economic and the national security benefits of H.R. 1242. A more thorough examination of these benefits is to be found in a study entitled "Analysis of the Economic and National Security Benefits of the Competitive Shipping and Shipbuilding Act of 1983" done by International Maritime Inc.

One of the most pressing problems that this Congress must deal with is finding ways to generate jobs for the 11,192,000 Americans who are currently out of work. That is a staggering number of people who are beginning to lose hope in their search for meaningful jobs. Development of hi-tech industries will certainly help put some of these Americans to work. But in order to drastically cut the unemployment rolls, we must find ways to revitalize our basic industries.

H.R. 1242 is a realistic approach to the revitalization of one of our most important resources; the U.S. merchant marine. By requiring that 20 percent of our Nation's bulk foreign commerce be carried by U.S.-built, U.S.-flag vessels by 1999, H.R. 1242 would generate over 110,000 jobs in the maritime and related industries.

The Maritime Administration has estimated that 268 vessels averaging 81,650 deadweight tons would be built in U.S. shipyards if the Competitive Shipping and Shipbuilding Act were enacted. Over a 15-year period, this would result in over 12,000 jobs in American shipyards alone. This figure is probably a low estimate since repair-related employment associated with maintenance of the new vessel fleet was not included.

Additionally, over 8,500 seagoing jobs would have to be filled on the 268 new bulk vessels. Seafarers now on the beach ask nothing more than to be allowed to return to the work they are trained to do. H.R. 1242 would do just that.

Shipyards and ship operators are not the only sectors of the economy which would benefit from enactment of H.R. 1242. Maritime supplier industries, such as steel, rubber, machinery, and so forth would realize an increase in demand as shipyards begin new constructions and the vessels begin to enter the service. This would translate into more jobs in these industries which have been hard hit by the recession.

Another factor which is important to consider is that the shipbuilding and ship operating industries have impressive track records for hiring unskilled and untrained laborers. These laborers would have difficulty finding employment elsewhere. The shipyards and vessel operators provide training and experience to make these men and women productive workers.

In a study compiled for the U.S. Maritime Administration entitled "Economic Impact of Maritime Industries on the U.S. Economy, 1971-1978: An Interindustry Analysis," H. C. Chung, professor of economics at the University of Bridgeport, estimated that for every shipyard employee engaged in new vessel production, 3.326 additional employees economywide are required. Simply stated, this means that a job created in a shipyard generates three more jobs in supplier and economywide industries.

Enactment of the Competitive Shipping and Shipbuilding Act would be an important step in getting our economy into high gear once again. And it would be accomplished at no cost to the Federal Government.

Our national security would also be greatly enhanced by the revitalization of our merchant marine. A healthy U.S.-flag fleet would reduce our dependence on foreign-flag vessels for transport of critical materials and commodities. Currently, the U.S. fleet transports less than 2 percent of the 26 commodities the office of the Chief of Naval Operations has identified as essential imports for our defense needs.

The construction of over 250 vessels in U.S. shipyards would provide a desperately needed boost to our Nation's shipbuilding mobilization base as well. These yards, which would be expected to meet both Navy and commercial construction demands in time of war, will continue to cut capacity and idle skilled workers unless something is done soon.

The U.S.-flag ships built to meet the requirements of H.R. 1242 would be of tremendous value in a naval auxiliary role in time of national emergency. The British experience in the recent Falkland Islands crisis reiterated the critical role that the merchant marine plays in any force projection situation. The current U.S. fleet would be found dangerously inadequate to meet these sealift demands. We must not allow this to continue.●

CONFERENCE REPORT ON H.R. 3133

Mr. BOLAND submitted the following conference report and statement on the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-264)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) "making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 11, 14, 22, 27, 29, 42, 45, 49, 50, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 8, 15, 16, 17, 18, 19, 20, 21, 23, 31, 41, 44, 48, 56, and 57, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, $3,500,000.

And the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,468,000,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$19,000,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$64,000,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$121,110,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$146,308,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,238,500,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$65,000,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,140,300,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

Delete matter proposed by House and stricken by Senate and delete matter inserted by Senate; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$24,500,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$8,070,726,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$345,692,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$185,378,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 6, 10, 13, 25, 26, 32, 33, 34, 35, 40, 43, 47, 53, 58, and 59.

EDWARD P. BOLAND,
BOB TRAXLER,
LOUIS STOKES,
LINDY (MRS. HALE) BOGGS,
MARTIN SABO,
BILL BONER,
JAMIE L. WHITTEN,
BILL GREEN,
LARRY COUGHLIN,
JERRY LEWIS,
SILVIO O. CONTE,

Managers on the Part of the House.

JAKE GARN,
LOWELL P. WEICKER, Jr.
PAUL LAXALT,
ALFONSE M. D'AMATO,
JAMES ABDNOR,
MARK O. HATFIELD,
WALTER D. HUDDLESTON,
JOHN C. STENNIS,
PATRICK J. LEAHY,
JIM SASSER,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $636,336,000: Provided, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $9,912,928,000: Provided further, That of the budget authority provided herein, $389,550,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,550,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such act, and, $1,500,000,000 shall be deferred and shall not become available until January 1, 1984: Provided further, That the first $1,926,400,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall only be made available for assistance to projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q): Provided further, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: Provided further, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect the Department and the Office of Management and Budget to adhere to the program detailed in the following table. The Department is expected to utilize the regular reprogramming procedure if any changes are required to the agree upon program contained in the table.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING, FISCAL YEAR 1984—GROSS RESERVATIONS

	Units	Cost	Contract authority	Term	Budget authority
Public housing:					
New construction	5,000	$6,000	$30,000,000	30	$900,000,000
Indian	2,500	5,565	13,912,000	28	389,550,000
Amendments	NA	NA	6,666,000	30	200,000,000
Interest rate adjustments	NA	NA	6,666,000	30	200,000,000
Lease adjustments	NA	NA	22,300,000	1	22,300,000
Modernization	NA	NA	77,500,000	20	1,550,000,000
Total, public housing	7,500	NA	157,044,000	NA	3,261,850,000
Section 8:					
New/substantial rehab:					
Section 202	14,000	6,880	96,320,000	20	1,926,400,000
Existing:					
Regular	35,000	4,000	140,000,000	15	2,100,000,000
Loan management	5,000	3,000	15,000,000	5	75,000,000
Subtotal, existing	40,000	NA	155,000,000	NA	2,175,000,000
Property disposition	10,000	4,700	47,000,000	15	705,000,000
Moderate rehabilitation	5,000	4,381	21,905,000	15	328,575,000
Conversions	45,000	NA	143,260,000	NA	2,148,903,000
Deferred authority			100,000,000	NA	1,500,000,000
Amendments	NA	NA	42,000,000	NA	391,000,000
Total, section 8	114,000	NA	605,485,000	NA	9,174,878,000
Total, public housing and section 8	121,500	NA	762,529,000	NA	12,436,728,000
Less:					
Recaptures	NA	NA	−102,393,000	NA	−2,500,000,000
Permanent authority	NA	NA	−23,800,000	NA	−23,800,000
New authority	NA	NA	636,336,000	NA	9,912,928,000

The conferees have established a reserve fund of $1,500,000,000 in budget authority and $100,000,000 in annual contract authority. These funds will not be available until January 1, 1984. The conferees have set aside these funds pending the enactment of a housing authorization bill in this session. The conferees intend that these funds be used to provide up to an additional 38,500 incremental units, and that no more than a total of 100,000 incremental units be provided during fiscal year 1984. The make-up and

allocation of such units will be determined in subsequent appropriation legislation from within the $1,500,000,000 temporarily placed in a reserve fund. Any residual amounts will be made available for cost and interest amendments or to make up for a possible shortfall in deobligations.

Concerning the use of deobligated funds, the bill contains a provision giving section 8 contracts associated with the elderly and handicapped housing program the first priority on deobligations. The conferees agree that in the event that deobligations are insufficient to fund these section 202 units, additional resources will be made available as necessary.

Amendment No. 2: Deletes language proposed by the House and stricken by the Senate appropriating $62,500,000 in annual contract authority and $312,500,000 in budget authority for a housing payment certificates program, subject to the approval of the Committees on Appropriations. The conferees agree to delete funding for the housing payment certificates programs because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

Amendment No. 3: Appropriates $1,362,200,000 for payments for operation of low-income housing projects as proposed by the Senate, instead of $1,431,000,000 as proposed by the House. The amount recommended, together with an estimated $149,000,000 that will be available from fiscal year 1983, will provide a total of $1,511,200,000 for operating subsidies in fiscal year 1984. The conferees intend that the Department provide all public housing authorities with 100 percent of the performance funding system requirements in fiscal year 1984.

Amendment No. 4: Restores language proposed by the House and stricken by the Senate amended to appropriate $3,500,000 for housing counseling assistance, instead of $5,000,000 as proposed by the House.

The conferees note that a recent HUD review of housing counseling casts some doubt on the effectiveness of the program. Two of the concerns raised by the HUD review were the qualifications of housing conselors and the lack of data on the effectiveness of the various approaches used by different counseling agencies. Therefore, the conferees direct that the Department undertake a study to determine the most effective counseling procedures and training requirements for counselors. Such a study should be funded through the Secretary's discretionary fund. A report should be submitted to the Committees on Appropriations no later than April 2, 1984.

Amendment No. 5: Establishes the limitation on Federal Housing Administration mortgage insurance commitments at $50,900,000,000 as proposed by the Senate, instead of $45,900,000,000 as proposed by the House.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the Department to pay debt collection contractor fees from the amounts collected by such contractors.

Amendment No. 7: Deletes language proposed by the Senate prohibiting the sale of section 202 housing for the elderly or handicapped project mortgages without prior congressional approval.

Although the conference agreement deletes Senate language prohibiting the sale of section 202 mortgages, the conferees have serious reservations concerning the Department's policy relative to the proposed sale. The conferees direct the Department to prepare a report on the anticipated short-term and long-term impact on the Treasury and the safeguards provided to the tenants under the terms of the various proposed sales agreements. The conferees expect that this report shall be submitted no later than October 1, 1983 and urge the Department not to proceed with this sale of mortgages without approval of the Committees on Appropriations.

Amendment No. 8: Establishes the limitation on commitments for guarantees of mortgage-backed securities at $68,250,000,000 as proposed by the Senate, instead of $58,650,000,000 as proposed by the House.

Amendment No. 9: Appropriates $3,468,000,000 for community development grants, instead of $3,470,000,000 as proposed by the House and $3,463,200,000 as proposed by the Senate.

The conference agreement provides funding for an estimated 2,500 Indian housing units under the assisted housing account, instead of under the Secretary's discretionary fund. The conferees agree to the following specific allocations within the $68,200,000:

+$9,000,000 for Indian water and sewer projects;

+$2,000,000 for neighborhood development demonstration; and

+$1,000,000 for technical assistance to small communities under the urban development action grant program.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any unit of local government which was classified as a metropolitan city in fiscal year 1983 will be so classified in fiscal year 1984 for the community development grant program.

Amendment No. 11: Deletes language proposed by the Senate appropriating $300,000,000 for grants to States and units of general local government to carry out the rehabilitation of residential rental properties. The conferees agree to delete funding for rental rehabilitation grants because this is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

Amendment No. 12: Appropriates $19,000,000 for research and technology, instead of $15,000,000 as proposed by the House and $21,000,000 as proposed by the Senate.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate allocating $4,000,000 under research and technology for a study of the modernization needs of the existing public housing stock.

The committee of conference is in agreement that the remaining $15,000,000 under research and technology may be allocated at the discretion of the Secretary.

Amendment No. 14: Deletes language proposed by the Senate earmarking $950,000 for the Housing Assistance Council.

Amendment No. 15: Appropriates $572,064,000 for salaries and expenses as proposed by the Senate, instead of $571,114,000 as proposed by the House.

The conferees have agreed to the addition of $950,000 to the salaries and expenses account for the Housing Assistance Council as proposed in the Senate bill. The House also provided $950,000 for the Council, but included the funding under the research and technology account as in previous years. The conferees agree that salaries and expenses is a more appropriate account from which to fund this activity and that the contract should be administered through the Office of the Assistant Secretary for Housing.

TITLE II—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

Amendment No. 16: Appropriates $10,462,000 as proposed by the Senate, instead of $10,837,000 as proposed by the House.

CONSUMER PRODUCT SAFETY COMMISSION

Amendment No. 17: Appropriates $35,000,000 for salaries and expenses as proposed by the Senate, instead of $34,500,000 as proposed by the House. The conferees strongly support the targeting and evaluation of information and education activities. CPSC should limit such activities to a maximum of three campaigns without the approval of the Committees on Appropriations, and total resources devoted to information and education activities should not exceed the historical share of seven percent of the CPSC budget.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 18: Appropriates $574,900,000 for salaries and expenses as proposed by the Senate, instead of $612,889,000 as proposed by the House.

The committee of conference agrees to the following specific allocations above the January 1983 budget request:

+$1,000,000 and eight positions for the Grosse Ile laboratory and the Great Lakes research program;

+$400,000 and 10 positions for headquarters AWT reviews;

+$3,000,000 and 40 positions for the pesticide program;

+$1,000,000 and 20 positions for toxic chemical activities;

+$1,400,000 and 35 positions for the Inspector General's office;

+$2,000,000 and 40 positions for health risk assessments;

+$1,000,000 and 30 positions for air and water quality monitoring and enforcement;

+$250,000 and five positions for accelerating limestone injection multistage burner research;

+$250,000 and five positions for implementing the Chesapeake Bay study strategies; and

+$24,211,000 and 607 positions to be allocated at the Administrator's discretion.

The conferees do not believe that management and support cost increases should be prohibited, as proposed by the House report language, but are deeply concerned over the steady cost growth in this area. In the past five years the management and support share of the agency's operating budget has increased from 15 percent to over 24 percent. The conferees urge EPA to examine this problem carefully and take strong steps to limit these costs in developing the 1984 operating plan.

The conferees believe the Administrator should place emphasis on enforcement activities in allocating funds for salaries and expenses and abatement, control and compliance above the amounts specifically allocated in the January 1983 budget request and by the conference committee. The conferees direct the Administrator to submit a

plan to Congress within 60 days for allocating increased resources for enforcement purposes.

Amendment No. 19: Appropriates $142,700,000 for research and development as proposed by the Senate, instead of $165,600,000 as proposed by the House.

The conferees agree to the following specific allocations above the January 1983 budget request:

+$4,000,000 for air, drinking water, toxics and non-ionizing radiation health effects;

+$7,000,000 for hazardous waste, air and water pollution control technology;

+$1,500,000 for Great Lakes research;

+$2,000,000 for dioxin research in human toxicity, sampling quality assurance, and disposal methods;

+$5,000,000 for limestone injection multistage burner technology;

+$1,000,000 for support of industry research in drinking water;

+$500,000 for aquifer research;

+$1,500,000 for national crop loss assessment;

+$2,000,000 for indoor air pollution;

+$1,000,000 for lake quality maintenance and improvement;

+$500,000 for air and water quality monitoring technology development; and

+$5,031,000 for other high-priority research as determined by the Administrator.

Amendment No. 20: Appropriates $393,900,000 for abatement, control and compliance as proposed by the Senate, instead of $521,511,000 as proposed by the House.

The conferees are in agreement with the following allocations above the January 1983 budget request:

+$17,780,000 for air quality State grants;

+$30,200,000 for water quality State grants;

+$6,246,000 for public water system State grants;

+$1,406,000 for underground injection control State grants;

+$4,500,000 for hazardous waste management State grants;

+$1,785,000 for pesticide enforcement State grants;

+$1,000,000 for the Great Lakes program;

+$1,900,000 for the National Rural Water Association;

+$1,000,000 for hazardous waste activities;

+$2,000,000 for nonpoint source water pollution;

+$2,625,000 for wastewater treatment operator training;

+$1,500,000 for academic training;

+$4,000,000 for dioxin monitoring activities;

+$5,000,000 for the clean lake program;

+$4,000,000 for Chesapeake Bay implementation strategies; and

+$15,025,000 for other high-priority projects as determined by the Administrator.

The conferees request that the national plan on wastewater treatment operator training be submitted by March 1, 1984.

Amendment No. 21: Deletes language proposed by the House and stricken by the Senate earmarking $5,000,000 for the clean lakes program under section 314 of the Federal Water Pollution Control Act.

Amendment No. 22: Deletes language proposed by the Senate earmarking $5,000,000 for grants to implement cleanup strategies for Chesapeake Bay. The Statement of the Managers provides $4,000,000 under abatement, control and compliance for State matching grants for implementing the Chesapeake Bay study. The conferees expect the Administrator to submit a long-term plan for the implementation of the strategies contained in the Chesapeake Bay study. This plan should identify the total expected Federal funds and the funding schedule needed to implement the strategies.

Amendment No. 23: Appropriates $410,000,000 for the hazardous substance response trust fund as proposed by the Senate, instead of $335,000,000 as proposed by the House.

Amendment No. 24: Limits hazardous substance response trust fund administrative expenses to $64,000,000, instead of $66,514,000 as proposed by the Senate and $51,984,000 as proposed by the House.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *: Provided further, That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Responses, Compensation, and Liability Act of 1980, $5,000,000 shall be made available to the Department of Health and Human Services on October 1, 1983, to be derived by transfer from the Hazardous Substance Response Trust Fund*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees believe that this amount, combined with the anticipated unobligated balance of $3,870,000, will be sufficient for fiscal year 1984. The Senate language was amended to make it clear that the funds were to be made available from within the $410,000,000 Superfund appropriation and to assure that the funds were provided to HHS on October 1, 1983.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *$2,400,000,000, to remain available until expended, and for projects under section 201(n)(2), subject to the approval of the Committees on Appropriations, $30,000,000.*

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

The conferees direct EPA to submit funding recommendations for combined sewer overflow projects to the Committees on Appropriations for approval. In evaluating these recommendations, the Committees on Appropriations will consider only those project segments which can be fully funded and which will provide significant near-term water quality and public health improvments.

Amendment No. 27: Appropriates $700,000 for the Council on Environmental Quality and the Office of Environmental Quality as proposed by the House, instead of $913,000 as proposed by the Senate.

The committee of conference has serious concerns over the role and effectiveness of the Council on Environmental Quality. Specifically, these concerns relate to possible violations of general provisions in annual appropriations Acts and the Council's management of the consolidated working fund. As soon as the results of an ongoing investigation by the House surveys and investigations staff are available, the Committees on Appropriations will review the justification for additional funding and the need for strengthened management controls over the consolidated working fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 28: Appropriates $121,110,000 for salaries and expenses, instead of $119,999,000 as proposed by the House and $122,263,000 as proposed by the Senate.

The committee of conference is in agreement with the following changes from the budget request:

−$4,500,000 from the civil defense program. The $28,875,000 available for civil defense activities will support 661 staff years, the same level as in fiscal year 1983;

−$1,000,000 from the $1,828,000 increase requested for mobilization preparedness; and

−$981,000 from the $1,963,000 increase requested for management and administration.

Amendment No. 29: Appropriates $169,176,000 for state and local assistance as proposed by the House, instead of $187,566,000 as proposed by the Senate.

Amendment No. 30: Appropriates $146,308,000 for emergency planning and assistance, instead of $141,583,000 as proposed by the House and $157,258,000 as proposed by the Senate.

The committee of conference is in agreement with the following changes from the budget request:

−$44,517,000 from the civil defense program. The $5,000,000 increase above the fiscal year 1983 civil defense program level is for telecommunications and warning activities;

−$275,000 requested for security planning;

+$1,000,000 for fire prevention and control activities; and

+$5,000,000 for training and education.

GENERAL SERVICES ADMINISTRATION

Amendment No. 31: Appropriates $1,349,000 for the Consumer Information Center as proposed by the Senate, instead of $1,449,000 as proposed by the House.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *, to be deposited to the Consumer Information Fund: Provided, That the revenues and collections deposited into the fund shall be available for necessary expenses, other than administrative expenses, of Consumer Information Center activities in the aggregate amount of $6,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1984 shall not exceed $1,449,000. Revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment Nos. 33 and 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, neces-

sary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,011,900,000, to remain available until September 30, 1985.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations; production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,500,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,791,600,000 to remain available until September 30, 1985: Provided, That up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred between such accounts with the approval of Committees on Appropriations.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The above amounts include the following changes from the budget:

+$50,000,000 for orbiter and engine spares to be held in reserve;

+$45,000,000 for the space telescope;

+$20,000,000 for research and analysis in physics and astronomy and planetary programs. The conferees expect that the funding level for the HEAO-2 (high energy astrophysical observatory) data analysis effort be maintained at the 1983 level;

+$5,000,000 for technology utilization;

−$3,000,000 from the $20,000,000 requested for the numerical aerodynamic simulator (NAS) program. The conferees agree in principle with the language in the Senate report concerning the purchase of computers for the NAS program. However, the conferees have no objection to the replacement of existing computer systems outside the NAS program at the Ames laboratory with new mainframe computers;

+$15,000,000 for advanced turboprop, composite materials and laminar flow control technology of which not less than $10,000,000 shall be derived from the aeronautics research and technology activity;

−$10,000,000 from tracking to be derived from the Tracking and Data Relay Satellite System payment to the Federal Financing Bank;

−$1,000,000 from sub-orbital research program;

−$5,000,000 from shuttle production and capability development to offset the advanced purchase of a shuttle training aircraft in fiscal year 1983 rather than fiscal year 1984;

+$1,000,000 for environmental observations;

+$2,000,000 for materials processing in space;

+$1,000,000 for solid state observations; and

−$15,000,000 as a general unspecified reduction to be applied by the agency in areas other than those augmented above.

Finally, the committee of conference agrees with the new account structure proposed by the Senate which highlights the operational nature of the space shuttle. Transfer authority of up to five percent between the new accounts is provided with approval of the Committees on Appropriations.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate prohibiting NASA from entering into long-term contractual arrangements with contractors for the lease or purchase of a contractor-funded facility that would substantially amortize such a facility over a period of time.

Amendment No. 36: Appropriates $1,238,500,000 for research and program management, instead of $1,237,500,000 as proposed by the House and $1,242,500,000 as proposed by the Senate.

NATIONAL SCIENCE FOUNDATION

Amendment No. 37: Earmarks $65,000,000 for program development and management instead of $64,500,000 as proposed by the House and $66,500,000 as proposed by the Senate. The conferees urge the Office of Management and Budget to retain ten of the 24 positions proposed for reduction in this account.

Amendment No. 38: Appropriates $1,140,300,000 for research and related activities instead of $1,242,400,000 as proposed by the House and $1,112,600,000 as proposed by the Senate.

The above amount includes the following changes from the budget:

−$20,800,000 from Mathematical and Physical Sciences, Engineering, and Astronomical, Atmospheric, Earth and Ocean Sciences to be applied against these activities at the agency's discretion;

−$1,500,000 from the Societal Response to Earthquake Research program;

−$1,000,000 from Program development and management;

+$15,000,000 for high technology instrumentation to be allocated for new research initiatives laboratory development and technology instruction delivery;

+$1,000,000 for Minority Research Initiation and Research Improvement in Minority Institutions from within the total for research and related activities;

−$102,100,000 for the antarctic program which is offset by the inclusion of such funds under a new account structure; and plus not less than $5,000,000 for grants to 2- and 4-year colleges for equipment and instrumentation.

Amendment No. 39: Deletes language proposed by the House and stricken by the Senate concerning the ocean drilling program and various earmarkings of funds under the research and related activities account and deletes language proposed by the Senate earmarking funds for new grants.

The conferees have deleted the specific earmarking of 3 percent of funds appropriated under research and related activities for faculty at non-Ph. D.-granting institutions. However, the committee of conference points out that the percentage of funds made by the Foundation for such institutions has declined from approximately 2 percent of the total NSF funding in 1968 to a current level of about 1 percent. The conferees strongly urge that the Foundation make an effort to reverse this trend over the coming months and expect a progress report on that issue submitted to the Committees on Appropriations by March 31, 1984.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $102,100,000 and establishing a new separate account for the United States antarctic research program.

Amendment No. 41: Appropirates $75,000,000 for science education activities as proposed by the Senate, instead of $70,000,000 as proposed by the House.

Amendment No. 42: Deletes language proposed by the Senate earmarking funds for graduate and minority fellowships. The conferees agree that a minimum of 100 additional new graduate fellowships including woman and minorities be provided in 1984.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking funds for merit based instructional materials development and permitting the transfer of up to $5,000,000 of funds provided under this account to the research and related activities account to conduct research on teaching and learning.

The committee on conference urges the Foundation to encourage the involvement of State and local education officials in the development of merit based instructional materials.

NEIGHBORHOOD REINVESTMENT CORPORATION

Amendment No. 44: Deletes language proposed by the House and inserts "the capital" as proposed by the Senate.

Amendment No. 45: Deletes language proposed by the Senate which would permit the Neighborhood Reinvestment Corporation to provide funding to the Baltimore, Maryland mutual housing program to cover capital costs. The conferees are agreed that the Corporation may continue its efforts in the three communities currently under planning.

SELECTIVE SERVICE SYSTEM

Amendment No. 46: Appropriates $24,500,000 for salaries and expenses, instead of $24,049,000 as proposed by the House and $24,649,000 as proposed by the Senate.

The committee of conference is in agreement with the following changes from the budget request:

−$800,000 from public information programs;

−$50,000 from travel; and

−$149,000 general reduction to be applied at the agency's discretion.

DEPARTMENT OF THE TREASURY

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $4,566,700,000 for payments to the State and local government fiscal assistance trust fund. The House deferred consideration of the budget request.

Amendment No. 48: Appropriates $7,278,000 for the Office of Revenue Sharing, salaries and expenses as proposed by

the Senate, instead of $7,378,000 as proposed by the House. The committee of conference is in agreement to limit additional permanent positions to one in fiscal year 1984.

VETERANS ADMINISTRATION

Amendment No. 49: Appropriates $1,371,000,000 for readjustment benefits as proposed by the House, instead of $1,521,000,000 as proposed by the Senate.

Amendment No. 50: Deletes language proposed by the Senate earmarking $150,000,000 for veterans' emergency job-training program, contingent upon enactment of authorizing legislation before December 31, 1983.

The conferees agree to delete funding for the veterans' emergency job-training program because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered. The funds in the readjustment benefits appropriations are for entitlement programs. If funded, the veterans' emergency job-training program would be provided for in a separate account.

Amendment No. 51: Appropriates $8,070,726,000 for medical care, instead of $8,078,526,000 as proposed by the House and $8,065,187,000 as proposed by the Senate.

The conference agreement adds $12,200,000 above the budget request. Of that amount, $10,300,000 is for maintenance and repair projects and $1,900,000 is for an additional 100 community nursing home care patients.

The conference agreements restores the $5,539,000 reduction taken by the Senate in medical equipment (object class 31). The conferees agree, however, with the language contained in the Senate report directing the VA to restore the former balance between additional equipment and replacement equipment. In this respect, the conferees direct the VA to apply no less than $120,000,000 of the amount provided for the purchase of replacement equipment.

The conferees are also in agreement with the concerns expressed in the Senate report about the need to establish an operating plan for the medical care account. The conferees direct the VA to submit an operating plan that will serve as the basis for future reprogramming requests no later than November 1, 1983.

This amount of funding is specifically intended to support 190,554 full-time equivalent employees (FTEEs) with the understanding that, in accordance with established Congressional practice, any additional pay costs necessary to support that FTEE level will be borne by the VA, using funds made available by this measure, funds made available through the enactment of supplemental appropriations, or through absorption of the costs, or some combination thereof. This FTEE level does not include common services FTEEs.

Also, 4,385 full-time equivalent employees are included for medical and prosthetic research and 856 full-time equivalent employees are included for medical administration and miscellaneous operating expenses.

Amendment No. 52: Appropriates $345,692,000 for construction, major projects, instead of $350,992,000 as proposed by the House and $341,692,000 as proposed by the Senate.

The conference agreement deletes the $5,300,000 requested for the 60-bed nursing home care project at Providence, Rhode Island. In taking this action, the conferees have deferred the funding for this project until a later time. The conferees note that this facility is the lowest priority of the seven nursing home care projects contained in the budget request. The conferees also note that the VA's revalidation team did not identify an immediate need for the Providence facility and recommended deferring the project.

The conferees have included the requested $14,700,000 for the 120-bed nursing home care project at San Francisco. However, the conferees direct that the VA not proceed with the multistory parking garage part of the project until a report on the subject is prepared and submitted to the Committees on Appropriations. The report should outline alternative parking arrangements, including the use of land currently under the jurisdiction of the Department of the Interior. The VA should not proceed to implement any of the parking alternatives without the prior approval of the Committees on Appropriations.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *Provided,* That, except for advance planning of projects funded through the advance planning fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further,* That $15,000,000 of the advance planning funds provided in this Act for medical projects shall only be available for the advance planning of those projects proposed in fiscal year 1983 and prior years: *Provided further,* That funds provided in the appropriation "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of the construction contract by September 30, 1985: *Provided further,* That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further,* That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after final acceptance of the project by the Veterans Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the House provision limiting the use of advance planning funds only to those projects carried in the report. The modified provision earmarks $15,000,000 of advance planning funds for projects proposed in fiscal year 1983 and prior years. This will permit all of those projects currently proposed to proceed.

The conference agreement should not be interpreted as abandoning the effort to develop a stable priority list of construction projects. The conferees are concerned with shifting construction priorities. However, it may be that tracking procedures can be developed to accomplish the same objectives. The conferees direct the VA to notify the Committees on Appropriations of any changes in new projects under the advance planning fund and the reason for the change.

Amendment No. 54: Appropriates $185,378,000 for construction, minor projects, instead of $193,378,000 as proposed by the House and $177,185,000 as proposed by the Senate. The conferees agree that the reduction from the budget request includes $8,000,000 of the $39,157,000 increase requested for minor construction projects and $500,000 of the $12,973,000 increase requested for the expenses of the Office of Construction.

Amendment No. 55: Establishes the limitation on expenses of the Office of Construction at not more than $45,338,000 as proposed by the House, instead of $45,838,000 as proposed by the Senate.

Amendment No. 56: Codifies program citation.

Amendment No. 57: Deletes language proposed by the House and stricken by the Senate authorizing not to exceed $150,000,000 from the direct loan revolving fund for mortgage assistance to veterans. The conferees agree to delete funding for the mortgage assistance to veterans program because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

TITLE III—CORPORATIONS

FEDERAL HOME LOAN BANK BOARD

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the transfer of funds between the fiscal year 1983 limitations on administrative and nonadministrative expenses with the approval of the Committees on Appropriations.

TITLE IV—GENERAL PROVISIONS

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$54,212,179,889
Budget estimates of new (obligational) authority, fiscal year 1984	[1]49,561,458,896
House bill, fiscal year 1984	[2]58,992,788,000
Senate bill, fiscal year 1984	54,254,397,810
Conference agreement, fiscal year 1984	55,789,340,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	+1,577,160,111

Budget estimates of new (obligational) authority, fiscal year 1984.....	+6,227,881,104
House bill, fiscal year 1984	−3,203,448,000
Senate bill, fiscal year 1984	+1,534,942,190

[1] Includes $4,832,200,000 of budget estimates not considered by the House.

[2] Includes for comparability $4,566,700,000 deferred by the House.

EDWARD P. BOLAND,
BOB TRAXLER,
LOUIS STOKES,
LINDY (Mrs. Hale) BOGGS,
MARTIN SABO,
BILL BONER,
JAMIE L. WHITTEN,
BILL GREEN,
LARRY COUGHLIN,
JERRY LEWIS,
SILVIO O. CONTE,
Managers on the part of the House.

JAKE GARN,
LOWELL P. WEICKER, Jr.,
PAUL LAXALT,
ALFONSE M. D'AMATO,
JAMES ABDNOR,
MARK O. HATFIELD,
WALTER D. HUDDLESTON,
JOHN C. STENNIS,
PATRICK J. LEAHY,
JIM SASSER,
Managers on the part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Mr. WRIGHT), until 5 p.m. today, on account of family reasons.

Mr. LEWIS of Florida (at the request of Mr. MICHEL), from 8 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKERNAN) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 30 minutes, today.

Mr. DANNEMEYER, for 30 minutes, on June 28.

Mr. DANNEMEYER, for 30 minutes, on June 29.

Mr. DANNEMEYER, for 30 minutes, on June 30.

Mr. GEKAS, for 15 minutes, today.

Mr. GRADISON, for 10 minutes, today.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. SMITH of New Jersey, for 10 minutes, today.

Mr. HARTNETT, for 60 minutes, on June 28.

Mr. MCEWEN, for 60 minutes, on June 28.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MINISH, for 60 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. FEIGHAN, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. BROWN of California, for 30 minutes, today.

Mr. ROE, for 5 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDGAR, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,535.75.

Mr. ALBOSTA, immediately following Mr. DANNEMEYER.

(The following Members (at the request of Mr. MCKERNAN) and to include extraneous matter:)

Mr. PAUL.
Mr. KRAMER.
Mr. BILIRAKIS.
Mr. DREIER of California.
Mr. CLINGER.
Mr. HILLIS.
Mr. TAYLOR.
Mr. MCKINNEY.
Mr. PETRI.
Mr. BEREUTER in two instances.
Mr. WORTLEY.
Mr. LOWERY of California.
Mr. BROOMFIELD.
Mr. LIVINGSTON.
Mr. WOLF.
Mr. GOODLING.
Mr. WEBER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MINETA.
Mr. LIPINSKI.
Mr. DE LUGO.
Mr. SHELBY.
Mr. NOWAK.
Mr. BERMAN in two instances.
Mr. LANTOS in two instances.
Mr. DONNELLY in two instances.
Mr. BATES.
Mr. ORTIZ in three instances.
Mr. WON PAT.
Mr. YATES.
Ms. KAPTUR in two instances.
Mr. COELHO.
Mr. JONES of Tennessee.
Mr. ANTHONY.
Mr. VENTO.
Mr. IRELAND.
Mr. CONYERS.
Mr. FOLEY.
Mr. FRANK.
Mr. RICHARDSON.
Mr. FAUNTROY.
Mr. DE LA GARZA.
Mr. AKAKA.
Mr. MINISH.
Mr. RANGEL.
Mr. HAWKINS.
Mr. FLORIO.
Mr. GEPHARDT.
Mrs. SCHROEDER.
Mr. SOLARZ.
Mr. JENKINS.
Mr. MCDONALD.
Mr. SIKORSKI.
Mr. DYSON.
Mr. ERDREICH.
Mr. SHANNON.
Mr. LONG of Maryland.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, June 27, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1422. A letter from the Deputy Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to modify and improve the educational assistance programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

1423. A letter from the Attorney General of the United States, transmitting notice that the Justice Department will not appeal a decision of a district court which held unconstitutional a portion of the Social Security Act, title 42, United States Code, 402(d)(5), pursuant to section 21 of Public Law 96-132; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1556. A bill to authorize the conveyance of the Liberty ship John W. Brown to the John W. Brown preservation project; with amendments (Rept. No. 98-261). Referred to the Committee of the Whole House.

Mr. MITCHELL of Maryland: Committee of Conference. Conference report on S. 273 (Rept. No. 98-262). Ordered to be printed.

Mr. MITCHELL of Maryland: Committee of Conference. Conference report on S. 272 (Rept. No. 98-263). Ordered to be printed.

Mr. BOLAND: Committee of Conference. Conference report H.R. 3133 (Rept. No. 98-264). Ordered to be printed.

Mr. DIXON: Committee on Appropriations. H.R. 3415. A bill making appropriations for the government of the District of Columbia and other activities chargeable in

whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-265). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS (by request):

H.R. 3398. A bill to change the tariff treatment with respect to certain articles, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, Mr. FORSYTHE, Mr. ANDERSON, Mr. BENNETT, Mr. ADDABBO, Mr. BREAUX, Ms. MIKULSKI, Mr. BONKER, Mr. PRITCHARD, Mr. HUTTO, Mr. HUGHES, Mr. D'AMOURS, Mrs. BOGGS, Mr. DONNELLY, Mr. LIPINSKY, and Mr. AKAKA):

H.R. 3399. A bill to establish a Maritime Redevelopment Bank of the United States through the restructuring of certain credit programs to promote innovation, increased productivity, competitiveness and capital investment in maritime enterprise, and for other purposes; to the Committee on Merchant Marines and Fisheries.

By Mr. SIKORSKI (for himself, Mr. WAXMAN and Mr. GREGG):

H.R. 3400. A bill to amend the Clean Air Act to control certain sources of sulfur dioxides and nitrogen oxides to reduce acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOWDY of Mississippi:

H.R. 3401. A bill to designate that hereafter the U.S. Post Office and Courthouse at 245 East Capital Street in Jackson, Miss., will be known as the James O. Eastland Federal Court Building; to the Committee on Public Works and Transportation.

H.R. 3402. A bill to designate that hereafter the Federal building at 100 West Capital Street in Jackson, Miss., will be known as the Dr. A. H. McCoy Federal Building; to the Committee on Public Works and Transportation.

By Mr. KASTENMEIER (for himself, Mr. RODINO, Mr. MAZZOLI, Mr. FISH, Mr. MOORHEAD, Mr. KINDNESS, Mr. FRANK, Mr. CROCKETT, Mr. HUGHES, Mr. GLICKMAN, Mr. HYDE, Mrs. SCHROEDER, Mr. SAWYER, Mr. SYNAR, Mr. SAM B. HALL, JR., Mr. AKAKA, Mr. LOWRY of Washington, Mr. WON PAT, Mr. SOLARZ, Mr. EDGAR, Mr. LEHMAN of Florida, Mr. STOKES, Mr. SUNIA, Mr. LELAND, Mr. AUCOIN, Mr. OBERSTAR, Mr. PRITCHARD, Mr. FEIGHAN, Mr. BONKER, Mr. MITCHELL, Mr. HERTEL of Michigan, Mr. SIMON, Mr. BEVILL, Mr. GONZALEZ, Mr. SMITH of Florida, Mr. FRANKLIN, Mr. MORRISON of Washington, Mr. REID, Mr. HAMMERSCHMIDT, Mr. WEISS, and Mrs. VUCANOVICH):

H.R. 3403. A bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State justice institute; to the Committee on the Judiciary.

By Mr. KOSTMAYER:

H.R. 3404. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River in Pennsylvania and New Jersey for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINETA (for himself and Mr. PANETTA):

H.R. 3405. A bill to amend title XVIII of the Social Security Act to restrict the time period within which a penalty for late enrollment can be imposed under part A or part B of the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OXLEY:

H.R. 3406. A bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 3407. A bill to amend title 18 of the United States Code to provide a mandatory 30-day waiting period for the purchase of handguns; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 3408. A bill to repeal the denial of the use of the accelerated cost recovery system with respect to tax-exempt obligations and the expiration of the authority to issue such obligations; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. BOLAND, Mr. EARLY, Mr. CONTE, Mr. MOAKLEY, Mr. MAVROULES, Mr. MARKEY, Mr. DONNELLY, Mr. STUDDS, and Mr. FRANK):

H.R. 3409. A bill to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State; to the Committee on Ways and Means.

By Mr. SIMON:

H.R. 3410. A bill to authorize the Secretary of Agriculture to make loans to establish and operate agricultural communities that provide shelter and employment for individuals in lieu of certain Federal assistance; to the Committee on Agriculture.

By Mr. OBERSTAR:

H.R. 3411. A bill to amend title II of the Social Security Act to provide full benefits for disabled wives, husbands, widows, and widowers without regard to age (subject to limited adjustments to reflect any previous reductions in their benefits), to liberalize the strict definition of disability which is presently applicable to widows and widowers, and to provide benefits for essential spouses of disability beneficiaries without regard to age or children in care; to the Committee on Ways and Means.

H.R. 3412. A bill to amend title II of the Social Security Act to liberalize eligibility for disability benefits by providing for the determination of an individual's eligibility for such benefits without regard to the recency of such individual's coverage; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3413. A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by State chartered depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING:

H.R. 3414. A bill to amend the Internal Revenue Code of 1954 to allow the targeted jobs credit for hiring any member of an economically disadvantaged family who is between the ages of 16 and 18 and who has been charged with a delinquent act; to the Committee on Ways and Means.

By Mr. DIXON:

H.R. 3415. A bill making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. DOWDY of Mississippi:

H.J. Res. 306. Joint resolution to provide for the designation of April 9, 1984 as "National POW/MIA Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. CONTE, Mrs. HALL of Indiana, Ms. MIKULSKI, and Mr. TAYLOR):

H.J. Res. 307. Joint resolution designating the month of November 1983 as "National Diabetes Month"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. CROCKETT.

H.R. 24: Mr. CARNEY, Mr. MCGRATH, Mr. MOLINARI, Mr. SCHEUER, Mr. BEVILL, Mr. JEFFORDS, Mr. SMITH of Florida, Mr. QUILLEN, Mr. CORRADA, Mr. WAXMAN, Mr. LEVIN of Michigan, Mr. STOKES, Mr. SUNIA, Mr. HUGHES, Mr. LOWRY of Washington, and Mr. VENTO.

H.R. 25: Ms. OAKAR.

H.R. 137: Mr. SILJANDER.

H.R. 352: Mr. EVANS of Illinois.

H.R. 433: Mr. DOWDY of Mississippi, Mr. FRENZEL, and Mr. WYLIE.

H.R. 555: Mr. SHUSTER and Mr. EVANS of Illinois.

H.R. 659: Ms. MIKULSKI.

H.R. 881: Mr. THOMAS of Georgia, Mr. HARKIN, Mrs. LLOYD, Mr. CROCKETT, Mrs. KENNELLY, Mr. SKELTON, Mr. PRICE, Mr. RATCHFORD, Mr. PEPPER, Mr. COYNE, Mr. TORRES, Mr. WILSON, Mr. CLAY, Mr. SHARP, Mr. CLARKE, and Mr. HUBBARD.

H.R. 1092: Mrs. SCHNEIDER and Mr. LOWERY of California.

H.R. 1347: Mr. MCCOLLUM.

H.R. 1373: Mr. ROE.

H.R. 1392: Mr. CARR.

H.R. 1415: Mr. TAUKE.

H.R. 1584: Mr. SILJANDER.

H.R. 1617: Mr. COLEMAN of Missouri and Mr. MINETA.

H.R. 1657: Mr. MARKEY and Mr. RANGEL.

H.R. 1693: Mr. WHEAT.

H.R. 1743: Mr. WYDEN, Mr. BIAGGI, Mr. JEFFORDS, and Mr. TORRES.

H.R. 1815: Mr. SEIBERLING.

H.R. 1903: Mr. CARR, Mr. LEVINE of California, and Mr. RODINO.

H.R. 1914: Mr. DASCHLE, Mrs. BOXER, Mr. EVANS of Illinois, Mr. FISH, Mr. KILDEE, Mr. FEIGHAN, Mr. STOKES, Mr. SEIBERLING, Mr. LANTOS, Mr. MRAZEK, Mr. SMITH of Florida, Mrs. SCHROEDER, Mr. COOPER, Mr. MARTINEZ, and Mr. LAFALCE.

H.R. 1955: Mr. LOEFFLER, Mr. MCKERNAN, Mr. MAVROULES, and Mr. LUKEN.

H.R. 2012: Ms. OAKAR and Mr. FOGLIETTA.

H.R. 2036: Mr. MCNULTY, Ms. MIKULSKI, and Mr. SMITH of Florida.

H.R. 2053: Mr. TORRICELLI.

H.R. 2073: Mr. BADHAM.

H.R. 2243: Mr. OBEY and Mr. FRANK.

H.R. 2250: Mrs. HALL of Indiana, Mr. WHEAT, Mr. MCHUGH, and Mr. OWENS.

H.R. 2299: Mr. SHELBY and Ms. MIKULSKI.

H.R. 2352: Mr. COELHO, Mr. EDGAR, Mr. STANGELAND, Mr. GOODLING, Mr. RAHALL, Ms. FERRARO, Mr. VANDERGRIFF, Mr. ROE, Ms. MIKULSKI, Mr. LELAND, Mr. CHAPPIE, Mr. LANTOS, Mr. MADIGAN, Mr. DYMALLY, Mr. MAZZOLI, Mr. HORTON, Mr. BEDELL, Ms.

KAPTUR, Mr. JEFFORDS, Mr. SUNIA, Mr. WILLIAMS of Montana, Mr. MITCHELL, Mr. FAZIO, Mr. EVANS of Illinois, Mr. EDWARDS of California, Mr. BEILENSON, Mr. MCHUGH, Mr. STOKES, Mr. MILLER of California, Mr. TOWNS, Mr. FRENZEL, Mr. BROWN of California, Mr. FORD of Tennessee, Mr. VENTO, Mr. LUKEN, Mr. WOLF, Mr. MORRISON of Connecticut, Mr. WEISS, Mr. FORSYTHE, Mr. SHANNON, Mr. SEIBERLING, Mr. CONYERS, Mr. MARKEY, and Mr. OWENS.

H.R. 2432: Mr. OBERSTAR, Mr. TRAXLER, and Mr. SILJANDER.

H.R. 2468: Mr. CHANDLER, Mr. EDGAR, Mr. PASHAYAN, Mr. MCCOLLUM, Mr. MRAZEK, Mr. WEISS, Mr. DASCHLE, Mr. BADHAM, Mr. BARNES, Mr. LOEFFLER, and Mr. PRITCHARD.

H.R. 2489: Mr. FLORIO.

H.R. 2490: Mr. HERTEL of Michigan.

H.R. 2715: Mr. BOLAND.

H.R. 2810: Mr. DAUB, Mr. GOODLING, Mr. FIELDS, Mr. RITTER, and Mr. WHITTAKER.

H.R. 2837: Mr. MOLLOHAN, Mr. GINGRICH, Mr. OTTINGER, Ms. KAPTUR, Mr. FAUNTROY, Mr. CHENEY, Mr. MCCAIN, Mr. COATS, Mr. HOWARD, Mr. MOODY, Mr. PETRI, and Mr. PATTERSON.

H.R. 3043: Mr. CHENEY, Mr. CONYERS, Mr. PHILIP M. CRANE, Mr. GRADISON, Mr. HANCE, Mr. HOWARD, and Mr. FOWLER.

H.R. 3106: Mr. NEAL.

H.R. 3198: Mr. DANIEL.

H.R. 3230: Mr. HOYER, Mr. FAZIO, Mr. DYSON, Mr. VENTO, Mr. EDGAR, Mr. WEISS, Mr. CLAY, and Mr. CONYERS.

H.R. 3240: Mr. PANETTA, Mr. AUCOIN, Mr. DUNCAN, Mr. STRATTON, Mr. FISH, Mr. MINETA, Mr. DYSON, Ms. FERRARO, Mr. HUGHES, Mr. EDGAR, Mr. COYNE, Mr. SMITH of Florida, Mr. FOGLIETTA, Mrs. BOXER, Mr. ANDREWS of Texas, Mr. VANDER JAGT, Mr. LUKEN, Mr. JACOBS, Mr. HOWARD, Mr. EVANS of Illinois, Mr. KASICH, Mr. PEPPER, Mr. LEHMAN of Florida, Mr. GONZALEZ, Mr. BARNES, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. SUNIA, Ms. MIKULSKI, Mr. HYDE, Mr. LEVINE of California, Mr. MARKEY, Mr. KILDEE, Mr. MARTINEZ, Mr. RODINO, Mr. CORRADA, Mr. VANDERGRIFF, and Mr. SHUMER.

H.R. 3291: Mr. RATCHFORD and Mr. FRANK.

H.R. 3295: Mr. TAUKE, Mr. DAUB, and Mr. BEREUTER.

H.R. 3302: Mr. NIELSON of Utah, Mr. BARNARD, Mr. RUDD, Mr. BILIRAKIS, Mr. FORSYTHE, Mr. BADHAM, and Mr. DAUB.

H.R. 3354: Mr. EVANS of Iowa, Mrs. SCHNEIDER, Mr. CAMPBELL, Mr. MARTIN of North Carolina, Mr. CONTE, Mr. VANDER JAGT, Mr. BOLAND, Mr. DWYER of New Jersey, Mr. HYDE, Mr. SMITH of Florida, Mr. SMITH of New Jersey, and Mr. SOLOMON.

H.J. Res. 29: Mr. LELAND, Mr. SHUMWAY, Mr. BRYANT, Mr. VOLKMER, Mr. DICKINSON, and Mr. PATTERSON.

H.J. Res. 173: Mr. ALEXANDER, Mr. ANTHONY, Mr. BARNES, Mr. BENNETT, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. BRITT, Mrs. BYRON, Mr. CLARKE, Mrs. COLLINS, Mr. CORCORAN, Mr. COUGHLIN, Mr. COYNE, Mr. DAUB, Mr. DELLUMS, Mr. DERRICK, Mr. DICKINSON, Mr. DINGELL, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DUNCAN, Mr. DYMALLY, Mr. FAUNTROY, Ms. FIEDLER, Mr. FISH, Mr. FLORIO, Mr. GEKAS, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. HANCE, Mr. HEFTEL of Hawaii, Mr. HOYER, Mr. HUBBARD, Mr. HUCKABY, Mr. JENKINS, Mr. KAZEN, Mr. KEMP, Mr. LEHMAN of California, Mr. LEVITAS, Mr. LEWIS of California, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MARTIN of North Carolina, Mr. MICA, Mr. MILLER of California, Mr. MONTGOMERY, Mr. MOORE, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NICHOLS, Mr. PATMAN, Mr. PATTERSON, Mr. RANGEL, Mr. RAY, Mr. ROEMER, Mr. ROSTENKOWSKI, Mr. ROWLAND, Mr. SAVAGE, Mr. SHAW, Mr. SHELBY, Mr. SMITH of New Jersey, Mr. ROBERT F. SMITH, Ms. SNOWE, Mr. SNYDER, Mr. SOLOMON, Mr. SWIFT, Mr. TRAXLER, Mr. WINN, Mr. WYDEN, Mr. ZABLOCKI, Mr. KOSTMAYER, and Mr. MARTINEZ.

H.J. Res. 179: Mr. MCCAIN, Mrs. SCHROEDER, Mr. MRAZEK, Mr. HATCHER, Mr. HUNTER, Mr. TAUZIN, Mr. SAWYER, Mr. KINDNESS, Mr. SWIFT, Mr. BERMAN, Mr. FROST, Mrs. BOXER, Mr. REID, Mr. DREIER, Mr. DIXON, Mr. LANTOS, Mr. KASICH, Mrs. BOGGS, Mr. PASHAYAN, Mr. SOLARZ, Mr. FRANK, Mr. BILIRAKIS, Mr. HANSEN of Idaho, Mr. MCHUGH, Mr. BATEMAN, Mr. EMERSON, Mr. HARRISON, Mr. SMITH of New Jersey, Mr. GEKAS, Mr. CHANDLER, Mr. PURSELL, Mrs. HOLT, Mr. BIAGGI, Mr. MARTINEZ, Mr. EDGAR, Mr. CROCKETT, Mr. RUDD, Mr. CONYERS, Mr. ARCHER, and Mr. YATES.

H.J. Res. 296: Mr. SMITH of New Jersey, Ms. OAKER, Mr. ECKART, Mr. FEIGHAN, Mr. ACKERMAN, Mr. WALGREN, Mr. YATRON, Ms. KAPTUR, Mr. REGULA, and Mr. DELLUMS.

H. Con. Res. 2: Mr. FLORIO.

H. Con. Res. 23: Mr. BILIRAKIS, Mr. DEWINE, Mr. HANCE, and Mr. LELAND.

H. Con. Res. 71: Mr. LEVINE of California, Mr. PEPPER, Mr. ADDABBO, Mr. ENGLISH, Mr. HORTON, Mr. SKELTON, Mr. DEWINE, and Mr. VANDERGRIFF.

H. Con. Res. 107: Mr. MCGRATH.

H. Con. Res. 111: Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. KASICH, Mr. GILMAN, Mr. KOSTMAYER, Ms. OAKAR, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. STRATTON, Mr. FRANK, Mr. CORCORAN, Mr. HYDE, Mr. MINISH, Mr. MARTIN of North Carolina, Mr. FASCELL, Mr. OWENS, Mr. ROE, and Mr. FISH.

H. Con. Res. 122: Mr. LEVINE of California and Mr. MOLLOHAN.

H. Res. 118: Mr. FORD of Tennessee, Mr. SMITH of New Jersey, and Mr. BEDELL.

H. Res. 172: Mr. ALBOSTA, Mr. BARNARD, Mr. BATES, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. CLARKE, Mr. CLAY, Mr. CONTE, Mr. CROCKETT, Mr. D'AMOURS, Mr. DASCHLE, Mr. DOWDY of Mississippi, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FLIPPO, Mr. FUQUA, Mr. GINGRICH, Mr. GOODLING, Mr. HALL of Ohio, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. HILLIS, Mr. JACOBS, Mr. JENKINS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mrs. KENNELLY, Mr. LUKEN, Mr. MCKINNEY, Mr. MCNULTY, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL, Mr. MONTGOMERY, Mr. NICHOLS, Mr. OBERSTAR, Mr. PATTERSON, Mr. ROSE, Mr. ROYBAL, Mr. SAVAGE, Mrs. SCHNEIDER, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. SHELBY, Mr. SHUSTER, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STAGGERS, Mr. TALLON, Mr. VENTO, Mr. WALGREN, Mr. WEAVER, Mr. WHITLEY, Mr. EDWARDS of California, Mr. LIPINSKI, Mr. ANTHONY, Mr. SIMON, Mr. GEJDENSON, Mr. BRITT, Mrs. HALL of Indiana, Mr. WISE, Mr. DELLUMS, and Mr. COOPER.

H. Res. 190: Mr. EVANS of Iowa, Mr. CHANDLER, Mr. COURTER, Ms. FIEDLER, Mr. WOLF, Mr. ASPIN, Mr. AUCOIN, Mr. ANDREWS of Texas, Mr. BEDELL, Mr. BRITT, Mr. BRYANT, Mr. DICKS, Mr. DIXON, Mr. DORGAN, Mr. DONNELLY, Mr. EARLY, Mr. FLORIO, Mr. GLICKMAN, Mr. HALL of Ohio, Mrs. HALL of Indiana, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. MOAKLEY, Mr. NEAL, Mr. OTTINGER, Mr. OWENS, Mr. REID, Mr. ROYBAL, Mr. SABO, Mr. SUNIA, Mr. STRATTON, Mr. TRAXLER, Mr. TALLON, Mr. TORRES, Mr. TOWNS, Mr. WAXMAN, Mr. WEISS, Mr. MCCLOSKEY, Mr. GARCIA, Mr. WHEAT, Mr. SCHEUER, and Mr. BOLAND.

H. Res. 191: Mr. WEISS, Mr. MARKEY, and Mr. FORD of Tennessee.

H. Res. 231: Mr. WAXMAN, Mr. BATES, Mrs. COLLINS, and Mr. WIRTH.

EXTENSIONS OF REMARKS

YELLOW RAIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LANTOS. Mr. Speaker, in an article of extraordinary persuasiveness, our distinguished colleague from New York, Representative STEVE SOLARZ, condemns the use of chemical weapons by the Soviet Union in Southeast Asia.

I commend my friend from New York, chairman of our Subcommittee on Asian and Pacific Affairs, for his most important work in this area and I recommend his excellent article to all my colleagues.

The article follows:

[From the Wall Street Journal, June 22, 1983]

YELLOW RAIN: BEYOND A REASONABLE DOUBT

(By Stephen J. Solarz)

There may be reasons for doubting that the Soviet Union is involved with illegal chemical warfare in Asia, but the facts of the case aren't among them. No matter how hard those who prefer to see and hear and speak no evil may try, the evidence simply cannot be explained away.

It is not just the United States but also Canada, Britain, Australia, China and Thailand, among others, which have found that illegal chemical warfare is being used in Asia. Even the Socialist foreign minister of France, who is no enemy of Vietnam, recently announced that France on its own had "firm and convincing evidence" of the use of the weapons in Southeast Asia and Afghanistan.

Yet it is easy to understand why so many good people resist this conclusion. When former Secretary of State Alexander Haig first aired the charge that the Soviet Union was violating treaties prohibiting chemical and biological warfare, his publicly presented evidence—a twig—seemed so thin that Mr. Haig's claim appeared to be more an exercise in Cold War propaganda than a presentation of carefully compiled scientific data. Many people here and abroad also worried that Mr. Haig's accusation was part of a Reagan administration attempt to justify its hostility to arms control agreements with the Soviet Union.

PLENTY OF EVIDENCE

The initial skepticism which greeted Mr. Haig's accusation notwithstanding, the use of chemical warfare by the U.S.S.R. and Vietnam has now been established beyond doubt. Not only is there persuasive, if highly classified, technical data indicating Soviet involvement in the manufacture, supply and use of chemical weapons, but peer reviews of the U.S. evidence by a panel of Americans scientists and a leading Japanese authority on the subject have independently confirmed that the chemical agents discovered were indeed man-made, prohibited substances. In addition, there is publicly available medical testimony, hundreds of first-hand reports from the victims of "yellow rain," and laboratory analysis of samples taken from areas in which these prohibited toxins have been found.

Doctors from France, India, the U.S., the Philippines and Canada who work with refugees along the borders to which the victims of chemical warfare have fled almost uniformly report finding symptoms in victims of attacks which aren't consistent with any known disease, but which do conform to symptoms associated with illegal chemical weapons.

The stories of the victims are compelling in themselves. Contrary to what some doubters imply, these reports do not come from a handful of able-bodied, politically committed Meo leaders, but from a wide variety of Khmer, Hmong and Afghan refugees, ranging from little children to the elderly.

Their accounts of "yellow rain" attacks are particularly convincing in that they are usually not volunteered, but are revealed only when a doctor asks the refugees directly about their symptoms.

Refugee reports are dismissed by many people as inherently unreliable. This is exactly what happened when the first stories began to come out of Nazi-occupied Europe about the Holocaust. In fact refugees have a record of being excellent sources of information on inaccessible societies and situations.

The Chinese who fled to Hong Kong in 1962 carried reports of mass famine. Even experts dismissed their testimony. Yet it is now known that at least 10 million people perished.

Cambodian refugees fleeing Pol Pot's minions after the fall of the Lon Nol regime in 1975 related harrowing accounts of autogenocide. Many people dismissed the bloody truth as a Cold War lie invented to discredit Vietnam, which was seen as supporting Cambodia. Yet we now know that about a third of the Khmer people lost their lives during Pol Pot's brief period in power.

The reports of Afghan refugees fleeing Soviet tyranny and of Guatemalan refugees fleeing their own army, which has gone on a rampage in the countryside, are now widely accepted. It strains credulity to believe that the refugees escaping "yellow rain" in Asia, alone among all the victims of repression, are uniquely engaged in a monumental hoax.

For those not fully convinced by the testimony of independent doctors or the reports of victimized refugees, even more definitive proof is available in the form of laboratory analysis. Samples obtained from areas in which "yellow rain" has been reported reveal combinations of trichothecene toxins not found in nature. Since Hanoi doesn't have the scientific or technical capacity to manufacture these illegal substances, it is clear that Vietnam must be receiving them from the Soviet Union.

The only explanation of these manmade poisons that would exculpate the Soviet Union is that the CIA or some other foreign agency planted the evidence. But not even the U.S.S.R. has suggested such a conspiracy theory as a way of explaining the undeniable existence of these toxins.

In its formal response to the U.S. charges, the Soviet Union has acknowledged the existence in Laos and Cambodia of these prohibited chemicals. But it has claimed that they are due to U.S. use of Agent Orange in Vietnam, which, according to the Soviet argument, destroyed the natural vegetation and led to the growth of elephant grasses that produced the toxins in question. These deadly poisons, the Soviets go on to claim, are being carried into hostile Hmong and Khmer regions by monsoon winds that, somehow or other, deposit them nowhere else. So far not a single serious independent scientist, or even Rube Goldberg, has lent any credence to this Soviet invention of inherently implausible interrelations, and a U.N. team of experts found no validity in the Soviet hypothesis.

WE CAN'T IGNORE THE VICTIMS

The latest effort to explain away the damning evidence asserts that the trichothecenes found in Southeast Asia grew on bee defecations. Since bees have presumably long been indigenous to the region, it is odd that these deadly manifestations show up only now. The incredible bee hypothesis, unlike the one advanced by the Soviet Union, does not even pretend to explain why these poisonous substances did not appear in earlier years or in other places.

Some people resist the compelling evidence of Soviet violation of chemical and biological arms accords out of a fear that such a conclusion would jeopardize prospects for reaching future arms-control agreements. But the conclusion which the evidence compels is not that the U.S. should refrain from entering into such agreements with the Soviets, but that any such treaties must have adequate provisions for verification, in contrast to the chemical-war conventions which lack them.

Arms-limitation agreements with the Soviets are essential if we are going to bring the arms race under control. But it is absolutely imperative that, in the midst of such efforts, we don't turn our backs on another helpless group of victims. Otherwise the crime will spread. Reports are now coming in of similar chemical attacks in Eritrea. This outrage must end.●

POPE PAUL'S VISIT TO HOMELAND

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. NOWAK. Mr. Speaker, the media this week have been filled with observations and commentary on Pope John Paul II's visit to his homeland.

Poland is a country struggling with social injustices incurred by a repressive Communist government and a system of martial law. Besides being

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

deprived of basic human rights, the Poles live in a grim economic environment where basic necessities of life, such as food, clothing, and medical supplies, are often lacking. Yet the fervent national pride and hope of the Polish people persists, even under the present political system.

Although the Vatican has described the papal visit to Poland as a "religious pilgrimage," it clearly has immense political significance for the Polish nation. The Jaruzelski regime allowed the papal tour hoping it would have a moderating effect on the Polish people. Instead, the Pope's message has been a call for peace, justice, and most importantly, freedom. He has openly supported the renewal of Solidarity, and a return to the social reforms introduced during Solidarity's short era.

The people of Poland certainly must be heartened by this strong voice from Rome which denies legitimacy to and strongly challenges the repressive Polish Government. The Pope's political candor and refusal to overlook blatant social injustice has instilled new hope for freedom and unity among all Poles. His visit to Poland is a symbol of many of the values and ideals our own Founding Fathers vigorously defended more than 200 years ago.

I know we all hope and pray that the long-term results of the Pope's visit will be a lessening of tensions and a broadening of freedoms in his native land.●

BZ DEMILITARIZATION FACILITY AT THE PINE BLUFF ARSENAL

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ANTHONY. Mr. Speaker, H.R. 2972, the military construction authorization for fiscal year 1984, and H.R. 3263, the military construction appropriations for fiscal year 1984, contain $10.2 million for a BZ demilitarization facility at the Pine Bluff Arsenal.

This facility will be used to destroy a 20-year-old stockpile of BZ, a nonlethal type of agent that temporarily incapacitates personnel. Two questions have arisen about this project and the future plans the Army may have to convert this facility for use to demilitarize other types of chemical agents now stored at the Pine Bluff Arsenal. One question that causes some concern is whether the Army plans to bring chemical agents stored at other locations around the country to the Pine Bluff Arsenal for demilitarization. BZ is stored at only one other site than the Pine Bluff Arsenal. That is the Chemical Systems Laboratory at the Aberdeen Proving Ground, Md. I have a letter I would like to submit for the record in which the Army states it has no plans to move the BZ agent at the Chemical Systems Laboratory to Pine Bluff Arsenal for demilitarization.

The other question is whether there would be congressional review before the BZ facility at the Pine Bluff Arsenal were converted to a facility capable of destroying other chemcial agents. In the letter I have submitted for the RECORD, the Army states that congressional authorization would be sought before the Army would convert the BZ demilitarization facility at the Pine Bluff Arsenal to a facility for demilitarizing other types of chemical agents.

The letter follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., June 21, 1983.

Hon. BERYL ANTHONY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. ANTHONY: This is to advise you that the U.S. Army does not have any intentions or plans for moving the 330 pounds of bulk BZ agent and submunitions stored at the Chemical Systems Laboratory, Aberdeen Proving Ground, Maryland to Pine Bluff Arsenal, Arkansas for demilitarization purposes.

The fiscal year 1984 budget request contains $10.2M in MCA funds for the construction of the BZ facility, disposal and support buildings, at Pine Bluff Arsenal. Should a decision be reached to dispose of other obsolete chemical munitions and bulk agent at Pine Bluff Arsenal, additional MCA funds would be requested from Congress to accomplish this requirement.

Sincerely,

H. S. LONG, Jr.,
Major General, GS Assistant Deputy Chief of Staff for Operations and Plans.●

LARRY NULL

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. COELHO. Mr. Speaker, next month the Fresno and Madera Counties' Committee on Political Education will honor a distinguished labor leader, Larry Null, as Labor Leader of the Year.

The honoree is most deserving for his numerous contributions to the working men and women of the Fresno and Madera County region, as well as for his work throughout the State of California.

Larry Null has served as an executive secretary-treasurer for the Sequoia District Council of Carpenters since 1968. He has been a member of the Carpenters Union for 35 years and has held many offices in his union. He is presently vice chairman of the 46 Counties Conference of Carpenters as well as vice president of the State council of carpenters. Mr. Null was appointed by former Governor Brown to the advisory committee pension funds investments, of which he is now chairman.

Under his leadership, Mr. Null's pension funds committee was among the first to rush assistance to the victims of the May 2 Coalinga earthquake. While banks and government agencies were still in the planning stages for many relief programs, Mr. Null's carpenters pension fund moved quickly to make $5 million available for financing of new structures in the demolished town. Much of Coalinga's new appearance will bear the stamp of Mr. Null and the dedication of his labor group.

Fresno County has also benefited from the work Larry did for 4 years on the county planning commission. In addition to his work in political affairs, he served the previous administration in Sacramento by identifying some of the problems in California's construction industry.

Larry is also a member of the Boy Scouts of America Advisory Board.

In every sense of the word, Larry Null is dedicated to the labor movement in our great State, to the public good, and to his family. Our colleagues, Mr. Speaker, will certainly join me in saluting this great American.●

WOMEN'S AMERICAN ORT CONVENTION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BERMAN. Mr. Speaker, I rise today to call to the Members' attention the upcoming national convention of the Women's American ORT—Organization for Rehabilitation Through Training—to take place October 16–19 in Los Angeles. Some 1,500 leaders from this organization, all of them leaders within their local communities, will gather together to represent the over 145,000 members of Women's American ORT.

Women's American ORT is primarily concerned with the quality of public education. The group's philosophy, Mr. Speaker, which I endorse completely, is that every person has an equal right to develop to their fullest potential. Worldwide, ORT has trained over 2 million people in its 103 years of operation, through vocational and technical education programs. They represent the largest nongovernmental program of this kind, today operating 800 facilities in two dozen countries, training over 100,000 people annually.

Their programs teach young people that they have a right to know what they can do, and what their strengths

and weaknesses are. ORT shows young people how they can apply their skills and aptitudes, and how to secure employment on their own. They are involved in efforts to raise the public's awareness as to the need for quality educational programs.

In this country, Women's American ORT is actively engaged in gathering support for educational legislation, providing career education, promoting the use of the entire community as a "laboratory for learning" for students, and in the dissemination of public information on education.

Their cause is of vital importance to this Nation and the world, for it is the youth of today which must become the leaders of tomorrow. I am pleased to be able to extend my personal congratulations to the delegates to the Women's American ORT convention, and to all the members from coast to coast, for their excellent and important work. I know that their efforts are creating a significant impact in improving the quality of public education.●

RURAL VOTER PROJECT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. JONES of Tennessee. Mr. Speaker, I want to bring to the attention of my colleagues the outstanding effort the Rural America organization is making in registering voters in our rural communities. This project recognizes that rural citizens lost enough of their political power during the decades of urban migration. With the loss of voting power went a loss of fair and equitable treatment at the hands of the Federal Government.

Much influence can be recaptured, however, by turning rural nonvoters into rural voters. I applaud this project and am inserting for your information an article by David Raphael from the newspaper Rural America.

The article follows:

IN SEARCH OF THE RURAL VOTER

(By David Raphael)

At its December meeting, Rural America's Board of Directors adopted an organization plan and budget for 1983, paving the way for an expansion of the organization's activities in several new and exciting areas.

The plan describes our present organizational structure and activities and reflects our program priorities and goals for the coming year. It grows out of extensive discussions between the staff and board. Its adoption establishes a set of important new directions for the organization—directions that emerge after more than a decade of national leadership in rural issues and that respond to some of the more critical issues facing people in small towns and rural areas today.

In developing the plan, the board and staff recommitted themselves to the continuing struggle for rural equity and justice. One of our most important new initiatives in that struggle is the Rural Voter Project, which establishes a significant response to the historic neglect of human needs in rural areas and the immediate political and economic crisis confronting rural citizens. Its implementation at this time is likely to have a profound impact on the structure and focus of Rural America in the years ahead.

Simply put, the purpose of the project is to identify, support and ultimately increase the number of rural voters participating in progressive politics, at every level and in all regions.

The rural vote remains a potent force in American politics. Roughly one-third of the voting-age population now lives in nonmetro areas—the nation's fastest growing sector—with the remaining two-thirds split between suburban and central-city areas. Between 1980 and 1984, it is estimated that nearly four million new rural voters will be added to the rolls as a result of major population shift and the continued growth of rural communities.

Throughout our country's history, rural people have played central roles in populist, civil rights and other popular movements. Once again, it is clear that these forces must be mobilized around a new national agenda if we are to resolve the pressing social, political and economic problems facing us today as a nation. In short, the rural electorate must be organized.

Through the Rural Voter Project, we intend to build an alliance between diverse rural constituencies whose effective political expression has been systematically stifled by conservative forces and special interests or restricted by lack of organization.

The initial work of the project will focus on analyzing rural participation in the political process and networking among community and citizen groups. This phase will culminate with a national gathering later this year that will bring together rural political activists, elected officials, researchers and others interested in increasing the effectiveness of the rural vote.

We are delighted that former editor and board member Richard Margolis has agreed to return to the Rural America staff to coordinate this important effort. In the coming months, he will be consulting with individual members, community leaders and others whose support and participation are vital to the project's success. Working with the Washington and field-based staff of Rural America, he also will identify a national network of resource people and local activists to help guide the project.

People interested in participating in the Rural Voter Project should write Margolis at the national office.●

THE "GETAWAY SPECIAL" PROGRAM

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. WON PAT. Mr. Speaker, the phenomenal resurgence of interest and enthusiasm for this country's space program is largely attributed to the success of our space shuttle flights. The unique experiment prepared by high school students from Camden, N.J., is a credit to the students, the schools, NASA, and the public image of RCA. With respect to education, the "getaway specials" are an inspiration. They have taken these teenagers' enthusiasm and converted it into a personal learning experience, as well as a team effort. You do not tell a child that science and math are important, you show him why.

The efforts of NASA and RCA are certainly due our applause, but beyond their goodwill it is necessary to acknowledge the pragmatic value of their participation. If only other corporations would look forward far enough, beyond the bottom line, to encourage this type of interest in their industries. Today's children are tomorrow's scientists and engineers. They are at a pivotal point in their development, and if our Nation is to retain its advantage we need more and more of them to enter into technological fields. As a former teacher, I am excited by these ideas. I only hope that our businesses and industries are listening.●

A DESIRE NAMED STREETCAR

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. TAYLOR. Mr. Speaker, the June 1983 edition of the Lions Club magazine the Lion carried a story relating how interested citizens, who have a dream, can make life a little better for their friends and neighbors.

The article deals with the work of Fred Rogers and Cecil Veatch, two friends and constituents, a trolly they restored and King Jack Park in Webb City, Mo., where their good work brings fun and joy to hundreds of people in southwest Missouri.

The article follows:

A DESIRE NAMED STREETCAR

(By Marti Attoun)

Fred Rogers' dream hasn't come easy. It's cost him six years of backbreaking volunteer work, three broken toes, and traveling more than 10,000 miles at his own expense.

But it's all been worth it.

Last August, hundreds of residents of Webb City, Missouri, and the surrounding area, shared in Rogers' dream. They climbed aboard the only operable streetcar in Missouri—a shiny, green restored trolley from the Southwest Missouri Railway, and chugged along a mile track around King Jack Park. Shouting "All Aboard" was a delighted Rogers, who engineered the streetcar rebuilding as a Lions Club project back in 1976.

"My whole desire is to see kids get to ride on a streetcar," Rogers said shortly after the arduous rebuilding began. Now his two-year old grandson knows the joys of streetcar riding along with 80 and 90 year-old residents of a local nursing home who were treated to a ride.

Nearly 40 years after Streetcar No. 60 was abandoned to serve out its days as a shed on

a Joplin farm, a local bank, the car's owner, donated it to the Webb City Lions Club.

The battered, rusty hull with weeds sprouting through the floorboard was towed to a lot behind the city's police station and work began in earnest. Another skeletal streetcar was unearthed from near the neighboring community of Carterville and was parked beside it to be used for parts.

Rogers and Cecil Veatch, a fellow Lion, began scraping the gray paint and sandblasting. A $10,000 donation from the Webb City Lions got the project rolling, and Rogers logged between 30 and 40 hours a week to get the trolley back on its tracks.

The front and rear vestibules were rebuilt, every piece of salvageable wood was taken out, bleached and stained.

All of the labor was donated, and many of the parts were, also. Rogers, often accompanied by Veatch, began scouring the United States and even went to New Zealand in search of rare parts. As word of the project spread, cash donations came in along with some hard-to-find parts. An employee of the National Park Service donated a headlight and a bell. A Webb City cabinet company donated necessary lumber and a salvage company handed over curtains culled from an Amtrak train. A surprising donation of five dollars came from a Chicago minister who declared that he would ride the car upon completion. Several individuals donated $100 or more and their names have been placed on a bronze plaque at the park.

Nothing discouraged Rogers and his fellow-Lion, Cecil Veatch. When cold weather blasted in, Rogers moved into a small room beneath the police station or worked in the car warmed by a coal oil stove.

Crutches did slow him up a bit, though, after a heavy metal part fell and fractured three of his toes. Veatch later broke his foot during an accident unloading rails. And both men were rushed to the hospital after they encountered a wasps nest in the front vestibule.

Rogers' labor of love on Streetcar No. 60 has not gone unnoticed. In 1980 he was named Webb City's Outstanding Citizen of the Year.

He laughs when he recalls the days when he was a youngster, riding the old Country Club streetcar line and trying to trick the conductors to save a token so he could sell it for needed cash. "I've been kicked off more than once," he smiles at his youthful pranks.

There's little chance, though, that Rogers will be kicked off Streetcar No. 60. He's earned a free ride several times over.●

G. PRESCOTT LOW, PIONEERING PUBLISHER

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DONNELLY. Mr. Speaker, the American Newspaper Publishers Association last week paid tribute to a man who has been in the forefront of publishing technology for a generation.

G. Prescott Low, the chairman of the board of the Patriot Ledger of Quincy, Mass., has been a newspaperman for half a century.

The ANPA honored him primarily for his efforts to adapt new technologies to newspaper production. But Mr. Low's commitment is not solely to the technology itself. He has been committed to advancing the mechanics of printing a newspaper so that greater effort can be devoted to the quality of the editorial content. That devotion to editorial superiority is familiar to anyone who knows the excellent and widespread reputation of the Patriot Ledger.

I join the American Newspaper Publishers Association in recognizing the contributions made to daily journalism by G. Prescott Low in the course of the last 50 years.

[From the Patriot Ledger, June 14, 1983]

G. PRESCOTT LOW CITED FOR PIONEERING CHANGES

LAS VEGAS (UPI).—G. Prescott Low, chairman of the board of The Patriot Ledger in Quincy, Mass., has been honored by the American Newspaper Publishers Association as a pioneer in the technology that brought newspapers into the computer age.

ANPA President William C. Marcil presented Low with an award plaque at a luncheon in his honor yesterday. He described Low as a man who pioneered "two of the most vital bridges from hot-metal production to today's world of computerized front-end systems, high-speed typesetting and pagination."

The bridges to computer-age technology perfected at The Patriot Ledger were the Photon Machine and the Dow Rapid-Etch engraving process.

"Both are virtually extinct in our business today," Marcil said, "but their role in the evolution of photocomposition should not be forgotten."

"Pres Low's burning interest in new methods of printing really began in the 1940s with a conviction that newspapers and textbook printers could not survive economically with the old methods," said Marcil.

Low told UPI yesterday he looked forward to the day when the money saved in daily production would be channeled into a better news and editorial feature production.

"There will be ample room and ample money brought about through technical savings to have better newspapers in the future," said Low, 70, who is now in his 50th year in the newspaper industry.

"I see a good future for newspapers," Low said. "I am not worried in any way about the competition from the instant perishable media as so many people are. You can pick up a newspaper today or tomorrow and the news is not perishable as with television, radio and cable."●

COMMENDING MOODY HIGH SCHOOL BASEBALL TEAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ORTIZ. Mr. Speaker, I would like to commend the Moody High School baseball team for its accomplishment as the 1983 runner up in class 5A. It gives me enormous pride to point out that the Moody team is the only one from Corpus Christi, Tex., to reach the final game in the State championship playoff in its class since 1967. The coaches, players, and others making this feat possible are the following: Dr. Vance Littleton, Dr. Ed Grant, Steve Castillo, Joe Sendejar, Chipper Zamora, Arthur Delgado, Julian Mondragon, Leo Zarate, Rick Gomez, Jimmy Reyes, John Perales, Richard Perales, Robert Ibarra, Chato Ibarra, Rene Garcia, Henry Gonzales, Abel Flores, Robert Trevino, Arnold Acuna, Jesse Villanueva, Danny Aleman, Rene Castillo, Sonny Colunga, Rudy Beltran, Pokie Villalon, Chris Hubbard, Bill Martinez, and Edmond Mechell.●

CONNECTICUT'S CITIZENS SPEAK OUT AGAINST TANDEM TRUCKS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. McKINNEY. Mr. Speaker, the State of Connecticut is currently embroiled in a controversy which threatens the health and safety of its driving public. Congress enactment last year of the Surface Transportation Assistance Act has resulted in a Federal mandate allowing the operation of dangerous tandem-trailer trucks on interstate highways in all States. In the case of Connecticut, those highways are clearly unsuited to the giant trucks now permitted by the Federal Highway Administration. Accident rates are shown to be higher for the double rigs, and the fact that 15 States formerly prohibited their operation altogether indicates that serious opposition exists to the Federal mandate. Congress should return to the States their right to determine whether or not their roads are safe for tandem trucks.

In that regard, I have introduced H.R. 2438, a bill repealing the provision that removes the States' right to control the operation of these giant vehicles. I encourage your support of this effort to keep our highways safe for the traveling public. In addition, a constituent of mine, Ms. Michele C. Lacobelle, has sent me a letter and petition containing nearly 200 signatures from across the State, in opposition to the operation of tandem trucks. Because her letter expresses the concerns of Connecticut residents in a vigorous and personal manner, I am taking the liberty of inserting it in today's CONGRESSIONAL RECORD.

FAIRFIELD, CONN.,
June 20, 1983.

DEAR CONGRESSMAN MCKINNEY: Enclosed is a petition against allowing Tandem trucks in the state of Connecticut. It has been signed by Connecticut residents living between Greenwich and Hartford, plus a few out-of-state residents who travel on Connecticut highways frequently.

The people who have signed this petition are: independent truckers who fear being squeezed out of business, truck drivers who are afraid of being layed off from their jobs, Connecticut motorists who see the highways as a means of escaping the traffic on the main city streets, and others who see the foreseeability of increased traffic accidents due to the direct relationship that increased size has with danger.

These are people who know Connecticut highways; the constant deviations in traffic; the maneuverability required for such deviations; the type of incidents that take place on the highways. They are people who, consequently, agree that the incidents of traffic accidents are high enough without warranting further danger from bigger vehicles. (I, myself, have been threatened nearly fatally two times in the past three weeks which is why I have initiated this petition. Do you realize that large trucks sometimes try to get into the fast lane on the highways, and when they do many times cannot see you or hear your horn. One truck came close to enveloping my whole car under his truck! They really should have some kind of bar that prevents that kind of gruesome accident from happening.)

I am asking you to send copies of this letter and petition to other Congressmen and members of the legislature on behalf of myself and these other people who stand to lose if this case is not successfully appealed.

Thank you for your consideration,

Sincerely,

MICHELE C. LACOBELLE.

PETITION

Think of yourself!

Think of the children you drive in your car!

Think of all the times you've been threatened by big trucks on the highways!

Think of the gruesome accidents you've seen involving big trucks!

Then . . . think of how dangerous Tandem trucks would be!

Although a federal law has been passed to allow Tandem (double-trailer) trucks to travel on interstate highways, it doesn't mean that Connecticut has to allow them on their highways. Connecticut has the sovereign right of "police power" which allows them to restrict any such traffic on their intrastate highways which they deem to be unsafe. Connecticut's stance, presently, is to disallow, these double-trailer trucks on their highways. However, if this action is appealed by commercial trucking companies, it will be brought to the Supreme Court who will then make the final decision based on the evidence of the benefits vs. burdens that they find. I am asking you to sign this petition, if you feel, from your own experience in driving on Connecticut's highways, that these trucks would create an unreasonable health and safety burden to Connecticut citizens if they were allowed in this state. It is not much that we can do to protect ourselves—but at least it's something—and we deserve to be heard!

MICHELE LACOBELLE.●

COMMENDING ROBSTOWN HIGH SCHOOL BASEBALL TEAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ORTIZ. Mr. Speaker, I would like to commend the Robstown High School baseball team for its accomplishment as the 1983 regional champions in class 4A. It gives me a great deal of pleasure to point out that I grew up in Robstown, Tex., and feel particularly close to this team. The coaches, players, and others making this feat possible are the following: Sammy Martinez, Gilbert Tobias, Hector Benavidez, Rudy Youngblood, Raul Garza, Ricky Ysassi, Joe Esquivel, Myron Bockholt, Orlando Salas, Manuel Garcia, Rex Ramon, Gilbert Ramirez, Rolando Salas, Lupe Perez, Emilio Zamora, Robert Luna, Marcos Villarreal, Savino Rojas, Brian Zimmerman, Moy Cortez, Juan Escareno, Ernest Abrego, Victor Gonzalez, Rene Roliz, Trey Lopez, Steve Castro, Martin Perez, Bobby Gonzalez, Dr. Jose Gene Gallegos, and Mr. Luis B. Gonzalez.●

THE OPPRESSION OF MINORITIES IN THE U.S.S.R.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to bring to your attention the deplorable subjagation of the religious and ethnic minorities in the Soviet Union. Because of its long and sad history of denying even the most basic of human rights to its peoples, the outright persecution of Soviet minorities by that government's authorities is an issue which we must ardently address when dealing with the U.S.S.R. on any level.

Although they have never been very tolerant of those who hold religious beliefs, the Soviet authorities have been increasingly hostile toward their citizens who practice faiths which are considered "unusual." This degenerative Soviet war against the right of conscience in their own nation has produced nothing more than human misery and fear. Innumerable amounts of evangelicals and pentacostals have been systematically imprisoned or have been forced to seek asylum in foreign embassies, including our own in Moscow. Catholic worshippers and clergy have been continuously harassed, Muslim Mullahs have been incarcerated and even Russian Orthodox religious and laity have been sent to the slave camps of the Gulag or to the numerous mental institutions throughout the U.S.S.R.

Along with the flagrant persecution of religious freedom in their nation, the Kremlin's autocracy is furthering its unyielding and unmerciful efforts to oppress and eventually destroy all ethnic groups within the Soviet Union and the Warsaw Pact by their intensive imperialistic campaigns of forced "russification." Within the U.S.S.R. itself, Ukranian school children must learn the Russian language and culture without any regard to their own. In the Baltic States, natives are forced out of their illegally annexed countries and are replaced by staunch Communist Russians, a treacherous and evil campaign which Moscow is also waging against the Soviet Central-Asia Muslim so-called republics, the enslaved nations of the Warsaw Pact and all of Soviet Jewry.

The plight of present-day Soviet Jewry is horribly reminiscent of the situation to which Jews were subjagated at the beginning of the Nazi nightmare. Emigration of Jews from the Soviet Union has been virtually halted by that nation's authorities, KGB agents continuously harass and imprison Jewish dissidents and even Hebrew teachers are forced into slave labor on the oil pipeline to Western Europe. As demonstrated by the recent reunion of American Holocaust Survivors, the final approval for a National Holocaust Memorial and the Solidarity Sunday with Soviet Jewry rally on May 22, it is imperative for us to display to the Kremlin our firm dedication and resolve to do all which is in our power to keep the torch of freedom and hope lit for all Soviet Jews.

If we are to leave our posterity a nation based on moral integrity, love for peace and respect for the right of individual freedom, we must make human rights an integral part of our foreign policy. Realizing that we must negotiate with the Soviet Union in order to insure our mutual survival, this is an excellent opportunity to urge the Soviet authorities to end their cruel campaigns of terror against their citizens. If Moscow does not begin to respect the most sacred of its peoples' rights and permit the individual, religious and national freedom of its ethnic minorities, we must make it clear to the Politburo that any pending or future agreement between us depends heavily on whether or not they improve their human rights policies.●

CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SHELBY. Mr. Speaker, set forth below is a letter I received today

from the Executive Office of the President, signed by OMB Director Stockman, which indicates strongly the administration's support for my amendment in the nature of a substitute that I intend to offer to H.R. 2668, Mr. Waxman's bill to reauthorize the Consumer Product Safety Commission. I am gratified that the administration has taken this position in support of my amendment and would commend to my colleagues a reading of this letter.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 22, 1983.

Hon. RICHARD C. SHELBY,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHELBY: This letter states the position of the Administration on H.R. 2668, the "Consumer Product Safety Amendments of 1983," which is scheduled to be voted on soon by the House of Representatives.

The Administration strongly opposes House passage of H.R. 2668 and instead supports passage of Representative Shelby's substitute to H.R. 2668, which was introduced as H.R. 3015.

H.R. 2668 contains numerous unacceptable provisions. Section 3 of this bill would (1) take the unprecedented step of requiring the Consumer Product Safety Commission (CPSC) to employ at least 650 full-time equivalent staff on a permanent basis; (2) usurp the authority of the Executive branch by excluding future CPSC personnel increases from Executive Office of the President review and approval; and (3) require CPSC to establish and maintain 10 field offices.

The need for balanced consideration of resource allocation among Federal agencies and programs is an essential part of the President's responsibility to develop and submit to Congress an integrated budget for the Executive branch as a whole. Section 3 of H.R. 2668 would undermine the President's flexibility in meeting that responsibility and would represent a highly undesirable restriction on his authority.

The resource levels requested for CPSC in the President's 1984 Budget reflect the results of lengthy consultation within the Executive branch. These levels also reflect the overall budget stringency to which all Executive agencies have necessarily been subjected as part of the President's efforts to reduce the growth in federal spending. Budget and personnel levels for CPSC should be weighed against equally meritorious competing demands of other Executive agencies. This cannot be done if Congress arbitrarily singles out an agency or group of agencies for special treatment.

H.R. 2668 would also provide for an increase of 38 percent in 1984 authorization levels over CPSC's 1983 level. Moreover, including the increases this bill proposes in the outyears (1985–1988), CPSC authorization levels under H.R. 2668 would be increased by 58 percent. Given the budgetary deficits confronting the Federal Government, such increases are totally unacceptable.

Finally, H.R. 2668 makes a multitude of unnecessary and ill-founded substantive changes to the statutes which CPSC administers. These changes have been made with no apparent programmatic rationale or cost-benefit analysis. For example, under Section 5 of H.R. 2668, CPSC would be permitted to use informal notice and comment rulemakings rather than more formal adjudicatory-type proceedings when taking regulatory action under the Federal Hazardous Substances Act. Current law safeguards, such as (1) the right to cross-examine witnesses, (2) application of formal rules of evidence, and (3) the right to an automatic stay of regulation pending judicial review, would all be eliminated. Similarly, Section 5 of H.R. 2668 would also remove the requirement that material amendments to existing consumer product safety rules and rules specifying warning labels be made in accordance with procedural requirements (including regulatory impact analysis) applicable to original rulemakings.

As an alternative to H.R. 2668, the Administration supports House passage of the substitute offered by Rep. Shelby. This substitute provides for a simple three-year extension of the CPSC, with a 15 percent increase in authorizations over the next 3 years. The Administration believes that annual increases of 5 percent would be more prudent and fiscally sound than the excessive increases in H.R. 2668. At the same time, the Shelby substitute would permit the CPSC to function effectively and efficiently.

I strongly urge each member of the House to join the Administration in opposing House passage of H.R. 2668 and instead supporting passage of the Shelby substitute. Enactment of H.R. 2668 in its present form would not be in accord with the program of the President.

Sincerely,

DAVID A. STOCKMAN,
Director.●

IN THE NAME OF DEFENSE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DONNELLY. Mr. Speaker, this week we will again consider the first budget resolution for fiscal year 1984.

The conference report that will come before us provides for a 5-percent increase in defense spending after inflation. This increase comes at a time all other segments of the budget are under severe constraints. Still, an administration spokesman has claimed this will not be adequate for the safety of our Nation.

The most dangerous weakness our Nation faces, though, is not in our weapons systems or in our Armed Forces. It is in our ability to prepare the younger generation to face the challenges of the next century.

One college student visiting my office not long ago asked, "Where is the President going to get the engineers to build the missiles he wants if he keeps cutting the budget for education?"

This irony was recently addressed very eloquently in an editorial broadcast on radio station WEEI in Boston by Jack Baker, vice president CBS Radio Division and general manager of WEEI.

IN THE NAME OF DEFENSE

In the name of defense, anything is possible.

We landed on the moon—in the name of defense.

We trained scientists and mathematicians—in the name of defense.

For whatever reason, Congress has always found it easier to fund programs in the name of defense.

So don't be surprised if this year, Congress supports a massive federal program to spur science and math education, in the name of defense.

It worked once. In 1958, in the wake of the Soviet Union's launch of Sputnik, the National Defense Education Act was passed, providing $1 billion to train scientists to keep up with the Russians.

But somewhere along the line, we lost the resolve. Maybe the program was too successful and we thought we were on top to stay. Today, we are faced with a situation not unlike 1958. However, the challenge now is not just from the Russians, but from the Japanese and the Germans and other countries where science education is a much higher priority, than it is here.

Already this year the House passed the Emergency Mathematics and Science Education Act and a Senate Committee approved the Education for Economic Security Act.

Make no mistake about it. It is a matter of national security. We are falling dangerously behind. Our educational systems have not kept pace with the competition. And no amount of MX missiles or Pershing missiles can protect us from this danger.

It will take the resolve of the nation, now. Our school need teachers who are trained and equipment that is up-to-date. And all that takes money.

If Congress needs to act in the name of defense, so be it.●

SALE OF ART AUCTION HOUSE TO AMERICAN FIRM BLOCKED BY BRITISH SNOBBERY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LANTOS. Mr. Speaker, I would like to call to the attention of my colleagues an unusual and arbitrary action by the British Government which has blocked the normal process of smooth business interaction between private companies in our two nations. The following letter was sent today to the U.S Trade Representative, Ambassador Brock.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 22, 1983.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative,
Washington, D.C.

DEAR AMBASSADOR BROCK: The British government has unjustifiably delayed the attempt of an American company to purchase the British art auction house, Sotheby Parke Bernet.

In April, Knoll International Holdings issued a cash offer for all of Sotheby's shares. Sotheby's shareholders were willing to sell, and, by early May, sufficient stock had been tendered for Knoll to control

Sotheby's. Now the purchase has been postponed by Lord Cockfield, the British Trade Secretary, who referred the entire matter to the Monopolies and Mergers Commission for lengthy review.

It is apparent that this referral is simply a delay tactic. Knoll is primarily a furniture manufacturer and currently owns no interest in auction houses, hence there will be no reduction in competition by its acquisition of Sotheby's. More than 40% of Sotheby's stock is currently in the hands of Americans. The Office of Fair Trading concluded that there were no anti-competitive elements to the transaction. Therefore, there is no threat that the purchase would lead to a monopolization of auction houses.

Why the British need a protracted review to come to this obvious conclusion is not clear. However, innuendos in the press imply elitism and prejudice which go far beyond decisions based on national economic and monopolistic concerns.

We are certainly open to foreign investment in the United States. In fact, the American auction house, Parke Bernet, was acquired by Sotheby's twenty years ago with no objection by the United States government. Last year several substantial American firms were acquired by British companies without objection or delay on the part of our government.

I urge you to protest the unusual action by the British government to block this sale, and I encourage you to take strong action to hasten the review of the case by Britain's Monopolies and Mergers Commission.

Sincerely,

TOM LANTOS,
Member of Congress.●

NAVSPACECOM

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. KRAMER. Mr. Speaker, last week Secretary of the Navy John Lehman announced the establishment of the Naval Space Command (Navspacecom). The command is slated to become operational on October 1, 1983, and will consolidate Navy activities and organizations that operate and maintain space systems for the fleet and other Defense Department agencies, much as the activation of the Air Force Space Command in Colorado Springs last fall consolidated Air Force space and space-related operations. I commend the Navy for taking this important step toward unification of our Nation's space and space-related defense activities under a single, all-service Space Command. This objective is embodied in H.R. 3073, the People Protection Act of 1983, which I recently introduced. A unified space command is also in the process of being recommended to the Joint Chiefs by the Air Force. Such a unified command would provide the operational institutional framework required to give life to President Reagan's call for a new strategic posture based on truly defensive technologies, a call that will ultimately make nuclear weapons obsolete. A unified command would also bring into being a strong, effective voice for space within the Defense Department. I applaud the Navy's initiative in creating Navspacecom, and I wish the new command "a fair wind and a following sea."●

THE NATIONAL ENDOWMENT FOR THE ARTS RECOGNIZES MEXICAN AMERICAN CONTRIBUTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ORTIZ. Mr. Speaker, I am delighted that the National Endowment for the Arts has given 1 of its 16 National Heritage Fellowships to Narciso Martinez of San Benito, Tex. These awards honor the best of this country's folk artists. By honoring Narciso, the National Endowment for the Arts is clearly recognizing part of the Mexican American contribution to our country's rich and diverse musical tradition.

The music being honored emerged out of the blend of rich Mexican musical heritage of the Rio Grande Valley with the instruments and popular forms of the more recently arrived German, Czech, and Polish immigrants to south Texas and northern Mexico. This music is known as musica nortena (northern music) of Mexico and conjunto and "Tex-Mex" in Texas. This musical development has centered around one single instrument—the accordian.

Narciso Martinez, pivotal in the evolution of this folk music, learned to play the accordian in 1927. He learned with his brother and a few other close friends and family members. The following year he began performing at local dances. In 1935, he made his first commercial recording with two of his own compositions, "La Chicharronera" and "El Tronconal." It was an immediate success, and from this point in time on into the 1960's his musical output and popularity among texano audiences remained unsurpassed.

"El Huracan del Valle," (the hurricane of the valley) as Narciso is called, was a household name among texano workers during the 1940's and 1950's. Musicologist and former Texas farmworker, Manuel Pena, writes:

I remember distinctly that wherever the cottonpickers settled, Saturday night dances were an indispensable past-time after the gruelling work week, and invariably the most popular and sought-after musician was Narciso Martinez. Don Chicho was "numero uno," probably because more than any other musician of that time, he knew how to inspire his people. This is not too surprising, of course, since don Narciso was only too intimate with the hardships that attended the farmworker's lives, having himself spent the better part of his own life in much the same circumstances. His person and his music thus captured the enthusiasm of his people. They appropriated his music—his huapangos, redowas, polkas—made it part of the norteno tradition that, thanks to Narciso, remains so vital to this day.●

ANTI-SEMITISM AGAIN SCARS NEW YORK CITY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BIAGGI. Mr. Speaker, yesterday afternoon, an act of malicious violence was directed against three young Jewish students in New York City. Two Yeshiva University students and a Yeshiva High School student were wounded when as the New York Daily News reported this morning "gunmen jumped from a car and pumped 19 or 20 shots into a kosher luncheonette where many students from the Washington Heights schools gather."

The tragedy is compounded by the fact that this is another in a series of incidents with high anti-Semitic overtones which have struck this area of New York City. New York State for the past several years has led the Nation in anti-Semitic acts with a disturbing number directed at religious institutions and individuals.

It is imperative that all levels of government take strong steps to deter the spread of the scourge of anti-Semitism. Laws must be adopted by all units of government to deter as well as insure sure and swift punishment against all who would perpetrate such crimes.

I have sponsored such a bill to impose strong new Federal penalties for all forms of antireligious violence and vandalism. I remain hopeful that favorable action will be taken on the bill during this first session.

In the meantime I am confident that the New York City Police Department will take all necessary steps to apprehend those responsible for yesterday's brutal act of violence.

At this point in the RECORD I wish to insert the article from the New York Daily News detailing the tragedy.

[From the Daily News, June 23, 1983]

STUDENTS WOUNDED IN EATERY

(By Keith Moore and Stephen McFarland with Daniel O'Grady)

Two Yeshiva University students and a Yeshiva High School student were wounded yesterday when gunmen jumped from a car and pumped "19 or 20" shots into a kosher luncheonette where many students from the Washington Heights schools gather, police said.

Investigators believe the incident is related to two recent attacks on Jewish institutions in Washington Heights.

Police said that because of final exams, which are being given at the high school division of Yeshiva this week, only about 20 patrons were in the kosher dairy luncheonette instead of the normal 100 to 150. "We could very well have had 20 dead," Deputy Inspector John Hill of the Manhattan North homicide squad said.

Three men drove up to the luncheonette at 2549 Amsterdam Ave. at about 11:25 a.m. in a green or brown 1974 or 1975 Dodge. Police said the car had no license plate in the rear and a blue New Jersey plate in the front.

The men got out of the car and sprayed the luncheonette with gunfire from what police believe was an M-16 automatic rifle.

Three patrons were wounded. Josef Zimmerman, 43, and Abraham Weintraub, 26, both senior rabbinical students at Yeshiva, were each hit in the right arm. Lee Needleman, 14, a Yeshiva HS student, was grazed in the stomach by a bullet that ripped across his jacket and shirt, Hill said.

The gunmen fled in their car. All of the wounded were taken to Columbia Presbyterian Hospital. Weintraub and Needleman were treated and released. Zimmerman was held for observation.

In a June 7 shooting, men in a car sprayed bullets at the front door of Yeshiva University's Saul and Hilda Furst Hall at 500 W. 185th St., around the corner from yesterday's shooting site.

On June 9, there was a shooting incident at Jewish Memorial Hospital at Broadway and W. 196th St. No one was injured in either shooting, but Hill said that the same kind of weapon was believed to have been used in all three attacks. No arrests were made in the incidents.

The police bias unit, which specializes in crimes motivated by racial, religious or ethnic hatred, is working on the three shootings, along with a task force of homicide detectives under Hill's command, police said.

Yeshiva University, which has 7,000 students in 13 divisions, has had its principal campus in Washington Heights since 1929.●

TAX CUT CAP

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BILIRAKIS. Mr. Speaker, when Ronald Reagan was elected President in 1980, he was given a message: "Cut taxes and spending and get the government off the backs of the people."

The historic tax cut of 1981 was a beginning. We are seeing more and more signs of a substantial recovery everyday. Today, on this House floor, we are debating whether to abort this recovery and return to failed policies of the past, or to stay the course and let the Reagan recovery continue.

The insensitive scheme to raise taxes through this so called tax cut cap is simply a return to those failed policies that caused the worst recession in the last 50 years. This bill would raise taxes for middle income Americans by an average of $654. We all know that with tax increases, spending increases are soon to follow.

I say simply this: The American taxpayer cannot afford any more taxes. It is time to stand up for the rights of these taxpayers. This is why I am stating my total opposition to the bill before us.●

THE IMPORTANCE OF FREEDOM AND REASON

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. PAUL. Mr. Speaker, the Reason Foundation, a private, nonprofit organization dedicated to—as their motto puts it—"free minds and free markets," held a banquet on May 19 to celebrate its 15th anniversary.

For the past 15 years, under the expert, dedicated leadership of Robert Poole, the Reason Foundation has become probably the most respected free market foundation in America. The magazine it publishes monthly, Reason, is equally renowned. Instead of merely offering hypothetical, abstract evaluations of important policy problems, Reason addresses the problems—and outlines the free market solutions—on a practical basis as well. It is this principled yet concrete approach to policy analysis that distinguishes the Reason Foundation.

Syndicated columnist Walter Williams, who is a professor of economics at George Mason University in Virginia, has written an eloquent statement of this thoughts and feelings about the first 15 years of Reason. I encourage all my colleagues to take a few moments to read Dr. Williams' column about this fine organization that has done so much to further the cause of freedom.

BRINGING REASON TO THE PEOPLE

(By Dr. Walter E. Williams)

Every now and then this writer experiences a twinge of optimism about the future both of our country and the world. Last week's banquet in Los Angeles, marking the fifteenth anniversary of the Reason Foundation's struggling magazine—put out by a group of young people in Santa Barbara, California—roused that euphoric feeling. The energetic leader-editor of Reason magazine is Bob Poole, who has been on the cutting edge of the drive for deregulation of American industry. But deregulation isn't the only major issue presented in Reason. Its pages have covered a broad spectrum of issues with articles featuring such intellectual giants as Nobel laureates Milton Friedman and Fredrich Hayek. Other knowledgeable writers, including Thomas Szasz and Thomas Sowell, have also graced its pages; the former challenging myths and nonsense about insanity, the latter doing the same on race and ethnicity.

If you attended the banquet blindfolded, you well might have thought the evening's assortment of speakers were Thomas Paine, Patrick Henry, Thomas Jefferson, or George Mason. When Congressman Ron Paul (R-Tex.) spoke on our tryannical Congress, you would have sworn you were listening to Jefferson. Manuel Klausner, an early supporter of privatizing courts, a la television's "People's Court," gave a moving address against state control. Other speakers included Robert Ringer, Arthur Laffer, John Hospers, and William Niskanen. All shared in common the unquenchable thirst and love for individual freedom.

For this columnist, however, there was just the slightest bit of disappointment; you could count on one hand the number of blacks present. The movers and shakers of the Reason Foundation and the Libertarians are freedom-loving people; it would appear these folks would be natural allies of blacks, as opposed to elite, statist interventionists with whom most blacks have thrown their lot.

What's so interesting about this to those who fight, argue, and cajole against tyranny is the irony of it all. Today, the American who argues against government control is viewed as reactionary—an insensitive, uncaring Neanderthal. On the other hand, the person who argues for restrictions on freedom, government control of private property, and all sorts of bureaucratic rules and intervention is viewed as being progressive, sensitive, and caring. We've stood the values of our Founding Fathers on their heads. After all, most of Man's history was—and still is—a litany of daily violations of individual freedom, arbitrary control by the elite (agents of the church, king, and aristrocracy), and confiscation of private property. The Declaration of Independence and the U.S. Constitution essentially says America was to be an exception to all that. But lo and behold, in the interim, modern Americans have managed to resurrect much of what our Founding Fathers fought so valiantly to avoid.

But back to the good news. There are an increasing number of organizations like the Reason Foundation around the United States and in other countries. In South Africa there's the Free Market Foundation, which is directed by Mr. Leon Louw. Mr. Louw provides leadership for the intellectual challenge to the many South African laws that not only restrict the freedom of blacks but of whites as well. This is one thing that goes unappreciated about South Africa; there's no way you can thorougly restrict the freedoms of blacks without limiting the freedom of whites.

There are similar freedom-oriented organizations in Australia, New Zealand, Belgium, Brazil, and other nations. Some people have seen the folly of the ever-growing state and are peaceably trying to get their fellow countrymen to do something about it. Let's hope they succeed. But in the meanwhile three cheers for the Reason Foundation and REASON magazine in the fight to renew our freedom.●

LECH WALESA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LIPINSKI. Mr. Speaker, It is my privilege here today to acknowlege a courageous man whom I believe deserves the recognition of our Nation. Lech Walesa, leader of the Polish Solidarity movement, has shown heroics

and patriotisim not only for his own people, but for the people of the whole world, who watch and hope for him every day. It is for this reason that I have introduced a resolution proclaiming Lech Walesa an honorary citizen of the United States of America.

Although this honor has been bestowed only twice in our Nation's history, Lech Walesa carries all the necessary credentials. Throughout his life, Lech Walesa has led his people against an oppressive and subversive government. Being seized and imprisoned twice by the Soviet-controlled government in Poland, Walesa never once broke his commitment or abandoned his campaign for freedom. In 1945, with his fellow countrymen under attack, Walesa lost his freedom and almost lost his life. Yet, despite the threats, imprisonment, harassment, and violence, Walesa has shined through like a star on a dark, cold night.

The people of Poland possess a genuine interest in democratic ideals and a longing for freedom that cannot be extinguished. Lech Walesa has sparked the hearts of a people who have suffered their share of repressive and aggressive acts at the hands of the Communists. The Polish people are no longer content with totalitarian rule. They no longer ignore the gap between justice and law. Lech Walesa is the leader of the Polish Solidarity movement, but more importantly he is a spiritual leader of his people; a people who have been given a taste of freedom and are demanding more.

In a world that has seen its share of Communist leaders, Lech Walesa truly deserves to be recognized. Castro, Ho Chi Minh, and other Communist leaders are commonly known and recognized throughout the world. It is important that we, as Americans, bring the attention of the world to Lech Walesa: a leader who believes, as we do, in the ideals of freedom, democracy, and justice. I urge my colleagues to join me in this recognition of a great man.●

SIGNS OF SOVIET DESPERATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DREIER of California. Mr. Speaker, there was an interesting editorial in yesterday's Los Angeles Times regarding the so-called World Assembly for Peace and Life Against Nuclear War which recently opened in that bastion of freedom—Prague, Czechoslovakia. This editorial is interesting both for what it says, and for what it implies. The fact that Moscow is underwriting this ridiculous facade of concern for world peace shows the desperation they are experiencing in their efforts to enlighten world opinion on their views of peace, freedom and disarmament.

Despite their extensive and unprecedented efforts, the Soviets have experienced several severe setbacks in recent weeks. The electorial victories of Thatcher in Britain and Kohl in Germany have renewed European support for a common and unified defense policy vis-a-vis the Soviet Union. The Williamsburg summit saw a surprising show of determination from a diverse group of nations, including France and Japan with regard to our nuclear policy.

In the United States we see growing signs of economic recovery coupled with a renewed awareness of reality in dealing with the Soviets. Congressional support of the MX missile and planned deployment of the Pershing II in Europe have demonstrated to the world that we are serious about the defense of ourselves and our allies. With his new proposals in Geneva, President Reagan is showing that he can be flexible and still guard vital American interests. All of these events have placed the United States in a much stronger position than we have enjoyed in a long while. I encourage my colleagues to read the editorial below as we realize that the Soviet desperation is a true sign of optimism and progress.

PEACE MOVEMENT, SOVIET STYLE

Something called the World Assembly for Peace and Life and Against Nuclear War opened in Prague on Tuesday with assertions by its communist hosts that the purpose was to provide a forum for a "true dialogue" on the subject. Would that this were so.

Czechoslovak dissidents and members of the unofficial East German peace movement were barred from the assembly, which is sponsored by the Soviet-controlled World Peace Council. Members of a small, unauthorized Soviet anti-nuclear organization never had a prayer of making it to the gathering.

Most, though not all, of the 2,500 delegates from 140 countries are willing cheerleaders for the Soviet view that U.S. policies and armaments endanger world peace—that, since the Soviet Union is the champion of world peace, its vast armory of nuclear weapons is no cause for concern.

Some Western delegates told newsmen that they intended to speak out against all nuclear arms—not just U.S. missiles. Even if they are allowed to do so, it is a foregone conclusion that their words will not be reported in the state-controlled media of the Soviet Union and its East European allies.

The real purpose of the gathering is to denounce the plans of the Western allies to begin deploying medium-range nuclear missiles in Western Europe late this year if the Soviets do not agree to a satisfactory reduction in their force of SS-20 missiles that already are aimed at European targets.

Czechoslovak President Gustav Husak, who was installed in office by Soviet occupation forces in 1968, set the tone of the meeting on Tuesday with a blistering attack on the United States and praise for Western peace groups "as a powerful social force" whose voices cannot be ignored "even by governments."

He meant Western governments, of course.

The Soviet Union and its Warsaw Pact allies all have "peace movements" that are run lock, stock and barrel by the governments. The result is what you would expect if the Reagan Administration were in charge of the anti-nuclear movement in the United States: As arms of the state, the communist peace movements find everything wrong with American policy and nothing wrong with the contributions of their own governments to the arms race.

Efforts have been made, especially in the Soviet Union and East Germany, to form unofficial peace movements that oppose nuclear armaments on both sides.

For their pains, at least 20 members of the East German pacifist group, who aroused the ire of authorities by singing peace songs and wearing badges bearing the slogan "Swords Into Plowshares," have been expelled to the West.

Members of an unofficial Soviet peace group have been harassed and jailed or incarcerated in mental institutions. Just this month Soviet peace activist Alexander Shatravka was jailed for three years. His crime was to collect signatures for a statement calling on both the Soviet Union and the United States to scrap their atomic arsenals and work toward better relations.

A few weeks ago an anti-nuclear delegation of British women enraged the Kremlin by bringing a member of the unauthorized Soviet peace group to a meeting with Soviet officials in Moscow. The women, although part of a group that has been demonstrating against the deployment of U.S.-made missiles in Britain, were nonetheless subjected to harassment at the Moscow airport as they left for home.

Against this background it will be a miracle if anything resembling the "true dialogue" promised by officials at the Prague assembly in fact occurs.●

NARCISO MARTINEZ

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DE LA GARZA. Mr. Speaker, in my district down in south Texas, next to the Gulf of Mexico, the hurricane season has just started. It started this month, in fact.

But for some of us, it has always been the "hurricane season" because the music of Narciso Martinez—known as El Huracan del Valle—the hurricane of the valley, has always been with us.

Sometimes I think the power of his accordion and the force of his music is as strong as that of the hurricanes that sometimes blast us in the Rio Grande Valley blowing out of the gulf.

I am particularly proud to join and honor a man whose music is being honored by the National Endowment for the Arts as one of the recipients of the Folk Arts Program's National Heritage Fellowships.

His music is a blend of the music of Texas and Mexico. It has the strains of a European waltz, the march of a Polish polka, and the warmth of a Spanish lovesong.

Out of all of this, combining with the music of northern Mexico, emerged the norteño music Narciso Martinez plays.

He took up the accordion in 1927 at the age of 16. For more than half a century, he has influenced the music of the whole Southwest—from Texas to California. He made his first commercial recording in 1935.

His popularity among tejano audiences remains unsurpassed. It is a tradition in Texas and is vital to our souls, for he moves us and makes our spirits bounce and, yes, dance.

Accompanying Mr. Martinez on his trip to Washington are Pedro Juarez playing a 12-string bass guitar, and Sabino Salinas playing a bass fiddle. We are extremely proud to welcome to the Nation's Capital this group and particularly "El Huracan del Valle," Narciso Martinez, a legend in our part of the world.●

LEGISLATION MODIFYING MEDICARE PART A OR B PENALTY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. MINETA. Mr. Speaker, I am introducing legislation today to reform an excessively burdensome provision of the medicare program.

As my colleagues know, the basic medicare hospital insurance program, known as part A, is automatically available to most individuals when they reach the age of 65. Those people who during their working career—such as teachers and other public employees—did not participate in social security are not automatically eligible for part A, but do have the opportunity to purchase such coverage at a rate of $113 a month.

In addition, all medicare part A participants have the opportunity to purchase the supplementary medical insurance, known as part B. This coverage now costs $12.20 a month and covers physicians' and other services.

In each case, the existing law requires those eligible to purchase part A or B coverage to do so within 90 days of their 65th birthday. Anyone purchasing part A or B coverage after that initial enrollment period is charged a penalty equal to 10 percent for each year elapsed since the initial enrollment period. Thus, individuals 1 year late in enrolling pay a 10-percent penalty; those 2 years late pay a 20-percent penalty, et cetera. This penalty is paid each and every month of coverage for the rest of the beneficiary's life.

At the current rates, part A coverage costs $113 a month. A 10-percent penalty on top of this is $11.30, making the total monthly payment $124.30. Medicare participants charged a penalty are required under current law to pay that penalty each and every month of coverage for the rest of their lives.

These penalty fees can be a terrible burden for seniors. To be sure, the Government has a legitimate need to encourage prompt enrollment. Without such a penalty system, it would only be natural for some individuals to delay enrollment until the onset of a major illness. Such delays in enrollment would, of course, deny the system significant revenues needed to keep the system solvent.

On the other hand, in practice this penalty—especially the part A component—has excessively penalized a small group of individuals. About 18,000 people nationwide—mostly retired public employees—purchase the part A insurance, and only about 5,000 of them are paying some form of penalty.

One group that I am aware of, in particular, are retired schoolteachers in California, who believed in good faith that they had health insurance from Blue Cross. That Blue Cross policy was canceled, however, and by the time the retired teachers learned what had happened and understood that they needed to sign up for medicare, many of them were assessed penalties of from 1 to 3 years. Under current law, these teachers will pay these penalties for the rest of their lives.

My bill would keep the existing penalty structure in place, with one significant change. Under my bill, the penalty would be paid for twice the number of years the enrollment was delayed past the appropriate time, after which the premium would revert to the regular monthly charge in affect at that time.

Thus, someone 1 year late in enrolling would pay a 10-percent penalty for 2 years; someone 2 years late would pay a 20-percent penalty for 4 years, and so on.

This legislation would apply to medicare beneficiaries currently paying part A or part B penalties. Such individuals would receive credit toward the total 6 years required for the time they have already paid penalties. No refunds, however, would be available.

Mr. Speaker, this is an important measure. For those who are forced to pay it, the penalty is a burdensome and difficult requirement.

This is a moderate measure, which attempts to maintain the basic premises and operation of the penalty system while at the same time eliminating its most oppressive aspects.

I am pleased to have the support of my colleague from California, Mr. PANETTA, for this legislation, and urge its careful and thoughtful consideration by the Congress.

Thank you.●

CHRYSLER CORP. EXECUTIVE SPEAKS TO CONGRESSIONAL AUTOMOTIVE CAUCUS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. HILLIS. Mr. Speaker, I am placing in the record a transcript of the comments Jerry Greenwald, vice chairman of the Chrysler Corp. made to the Congressional Automotive Caucus earlier this month. I strongly recomment that my colleagues in the House read Mr. Greenwald's statement. He offers an excellent insight into some of the most important issues facing the U.S. auto industry today.

JERRY GREENWALD SPEAKS ON AUTO INDUSTRY SITUATION

Thank you all for coming this morning. I think I understand very well now the advice of a politician friend a few years ago when he said, "You have to remember that if you're going to come to speak in Washington, you have to learn how to speak and eat at the same time." I haven't learned that trait as yet, and I think I'll just concentrate on one of the two. I am both pleased and privileged to be the first guest speaker of the Automotive Caucus. I would like to do everything I can both to offer our support and to encourage you to make this caucus of yours really become an important and formidable force in Washington. Others of its type have worked very effectively and we want to do everything we can to provide the support that you would want of us.

A united front in Congress, when it comes to the auto industry, can mean a great deal. I can only emphasize to you what I suppose you already know—that our industry, both directly and indirectly, does represent employment for one out of six Americans in our country. I'm not going to try to say to you that what is good for the auto industry is good for the Nation, but certainly some of the remedies that will work for the auto industry will have the same impact for some of the basic industry in the United States in general. As we were discussing just a few minutes ago, I am happy to report that, for now certainly, we see all the right signs that Detroit is coming out of the doldrums. That finally, having held our breath for 4 years, the signs are up, car sales are up, employment is beginning to move. Some of our plants are even working overtime.

I think probably the most impressive measure of the auto industry's success is that Chrysler is making money. We, in the first quarter of this year, in fact, we made more money than any one quarter in more than 54-55 years of Chrysler's History. That's still in an industry that is just beginning to come out of recession. I think maybe the best sign for you folks—I think I heard a sigh of relief coming all the way from Washington into Detroit when we announced that we are on the way to paying off a full third of the loan guarantee program. We're going to bring a great big check on the 15th. We sort of tease some of the

folks at the loan guarantee board and say, "Now you better build your 'in' window because we really do mean it. We're coming back to pay off."

I don't think we need to dwell too long on our near-term success. I think that all of us who have been in car business understand that we are, in fact, in a cyclical business, and that we are going to see 2 or 3 years of strong results. Count on it. It really is going to happen. I think we'll see stronger results in the next couple of years than anybody who isn't close to the industry can even imagine. Then we are going to come back over another hill; because, I repeat, we are in a cyclical business and we ought to be smart enough to know what those problems are going to be, so that we do not have to go through the agony that our industry, our employees, and certainly what Chrysler had to go through, surely just to survive. Let me touch on some of those. I think the good news is that we've got a little time to plan. We ought to have the good sense to do it.

Let me just describe, as we sit here right now—remember that imported cars are still getting a quarter of the U.S. auto market. The economic recovery in the auto business has been modest so far, but is improving, but yet at the moment is still fragile. For us, our measure of success isn't just what our profits look like. We still left a quarter of a million people out there in the street, 36,000 of whom are on the indefinite layoff rolls of the Chrysler Corp. Even if those huge numbers are out there, I don't think they yet express, when we talk about a quarter of a million, they yet express the real pain that these 4 years have created. Remember that the base employment level that the auto industry provides is off over 1 million people since 1978. More than 1.1 million jobs have been lost if you count the workers in the auto industry itself and related jobs, along with those who have had to switch from full-time to part-time work.

As we stand here today, and as we look out over the next few months, some of the real signs that I was talking about that will create the boom—that I look to—are the consumer sentiment survey. The University of Michigan is saying that about two out of three people surveyed are saying that this is a good time to buy a car. Maybe the most heartening, in recent polls, those of Louis Harris, J. D. Powers, and most recently, Newsweek, are all saying that Americans are now substantially more willing to buy American products, including American cars, than they are Japanese products. I think that is very encouraging because it is a measure for us that all our talk about quality, all our work to get our cars in the industry improved substantially in terms of quality is finally beginning to surface in terms of consumer intention. To keep this recovery going, we are going to have to address some very basic priority problems. Now I'd like to talk briefly about them.

For me, the ones that count are three. The Federal budget deficit, energy policy, and national trade policy. Let me talk about the deficit. I'm not the expert; Washington's full of budget deficit talk. I can only reemphasize to you that the primary reason that both cars and houses got in trouble as industries was because of high interest rates. You can't live with 20 percent interest rates and make sense out of cars and houses. We are credit-intensive industries and we're going to be that way for the foreseeable future. Whether it is real or perceived, I don't even want to debate. The fact is, those that determine interest rates are still nervous about the future. They are scared that the Federal deficit will continue to grow rather than decline and the interest rates will rise rather than fall.

Until we say clearly, and my reason is—these are not just the top 10 commercial bankers in New York anymore—it is all the folks that come to visit places like Williamsburg. Until we get our deficit down, and I have to say I have a hard time with those who say you don't have to worry about 1984 and 1985—worry about 1987 and 1988 that show signs of progress. I think it is deeper than that. I think it can't wait that long. I think that if we don't show some serious results toward cutting the deficit, we are going to have trouble with interest rates.

I don't know any easy answer for any of you folks who are fighting it day by day on the subject. I can only say to you that in the end, when we had to deal with five or six different constituent groups—I mean our labor union, our bankers, our suppliers, our dealers, and our management—the only way we knew how to do it was a little phrase we coined, I think. It's called "equality of sacrifice." Maybe it is time, on behalf of the American people, that the Democrats did a little bit on their part that may hurt a little bit politically, and the Republicans do the same, and the President signs up for a little bit of compromise.

I can end up by saying, as a businessman, for any of us to sit here—let me use the defense budget as an example, but it is only an example—for us to sit here and say it is the most efficient way to buy and employ products for our defense which is dearly needed, and to employ people to say that we have the most efficient way to do that in the world, isn't facing reality. I imagine most of you read a comment, or I should say an article by Deputy Secretary of Defense Paul Thayer, who criticized defense contractors, and told them that they could cut their cost 10 to 30 percent just by building the weapons and equipment right the first time. Doesn't that sound familiar? What was the criticism of the American auto industry just 4 years ago? The Japanese knew how to build cars, they built them right the first time, they cut their inventories. We ran both a car company and a tank business until 15 months ago. Let me just end up by telling you I think that we ought to listen to Deputy Secretary of Defense Paul Thayer.

You probably all have read some comments of a business group of 160 business leaders who were commissioned by the President about 18 months ago to go look at spending in all the areas of Federal Government. I know that some of their comments are controversial, and some of them are a little bit too superficial, but the punch line is $118 billion could come out of spending in the Federal Government without affecting a program that is important for the American people. What is more important than anything is cutting the deficit and lowering interest rates and that will get cars and houses moving in the right direction.

Let me talk about energy policy for a moment. All of us have been through two shocks in the last 10 years. In the auto industry, we've been through two rounds of enormous and chaotic change—1973 and 1979. As I sit here today, unless we do something about it, believe me, we're going through another one. And we all sitting here are going to be the ones who are going to look very stupid to make the same mistake a third time. The reason to change—the reasons were different in 1973 and 1979, but the result will be the same all over again unless we figure out some commonsense steps to take. As a businessman, I'm trying to get myself fostered for the next one right now. The way I'm going to do it is: I've got front-wheel drive, lightweight cars powered by four-cylinder engines, and when people don't want to worry about fuel economy, I'm going to turbo-charge them. They will run with the wind, and when fuel economy gets to be important again, I'm going to take off the turbo charger. I'm not going to redesign parts again and spend billions of dollars all over again.

Our competitors are not situated that way. Chrysler is the only car—I'm not trying to give you a speech on Chrysler; I'm trying to make a point about energy—Chrysler is the only car company today that is meeting the 1985 standards. At 27½ miles per gallon, our competitors are struggling to meet 1983; I don't know what they are going to do for 1984. They are—you know this as well as I do—they are lobbying to remove the fuel economy standards. I would advocate that the right answer, an answer that will retain the auto industry's integrity and Congress' is not to remove those standards, but to start thinking about why Ford and GM are having trouble meeting fuel economy regulations. It's not because they built gas guzzlers; it is because the average of all the cars they built, big ones and little ones, is shifting to the big ones, because the consumer is buying less fuel-efficient cars today.

And we have got to do something about it; and my answer is keep adding taxes to, I don't care, you pick it, if it were oil or gas at the pump, I know it isn't politically pleasant, but it sure beats a bunch of us, 2 years from now, having to explain ourselves to those same voters or our consumers who are going to start asking some pretty tough questions. All I can emphasize to you is a penny a gallon is $1 billion in Federal revenue. It will get people starting to—a penny won't but 25 cents would—start getting people to get more interested in fuel economy, and would put about a $25 billion dent in that same Federal deficit. If tax at the pump isn't politically acceptable, is tax at the producer level, is tax on import, is something that will get the consumer aimed at fuel economy? Is that acceptable?

Let me talk about trade policy. Let me start by trying to cover what most people worry about: Those sneaky devils in Detroit are trying to get back to the good ole days when only three big car companies fought with each other for a big market, and all they were fighting about were how big the profits were going to be, and they passed on all their problems to the car buyer. I'm not in that world anymore. We learned our lesson. There ought to be some Japanese imports. There ought to be some European imports in our country. They'll keep us honest. However, they don't deserve to be able to sell in our market using unfair trade practices. I want the right to fight fairly for my market, and if I lose I lose. I cannot fight fairly in a world in which my competitor has a 20 percent profit advantage on a $10,000 commodity called a car. I'm good but I'm not that good.

With the tax advantages the Japanese have, you know this as well as I, they eliminate their major tax on a car when it is exported out of Japan. Their ability, no one quite knows how, I've got my ideas and you probably have yours, but everybody agrees the end is undervalue in today's economy. Put those two factors together alone, and there is a $2,000 advantage. I know my sta-

tistics better than the GM or Ford ones, but my guess is that ours is representative of theirs. We are, in quality terms, outdoing the Japanese with power trains, rust, and our sheet metal that doesn't rust. We are within 6 months of matching them car for car on finish. We are moving in enormous strides, to take all the things that we taught them and now they are teaching us, in productivity and going one more step beyond.

Let me use one I know. We just opened up, or we announced the opening of a St. Louis plant. We went from 130 hourly classifications to 17. The UAW put that package together and looked at our management and said, "OK, fellas, it's your turn. If you can't make that plant work as efficiently as any plant in Japan, it's management's fault." You know what my guys told me? The UAW's right. We went right to work and we cut half the management out of that plant. We're going into business September 12, and it's going to be a very efficient car plant.

Well, my point is, when we get finished with quality and productivity as an industry, if the Japanese are free to do it, and they adjust the yen at 275, that'll pick up another $500 or $600 advantage for them. And I can't do a thing about it. My only answer to the problem is, until we figure out how to deal with the yen or how we deal with the tax advantage, the only answer I know is quotas. 15 percent of the market or 1½ million cars, whichever is greater, the Japanese can have to keep us honest, even with their advantage. Maybe when we mean it, and when we say it clearly as a Government, as a Nation, the Japanese will fix their own problem and get fair. I've spent enough time working as partners with the Japanese to know that they are tough competitors, and they have been watching for 15 years all the talk coming out of Detroit and, for that matter, Washington. I firmly believe one simple statement: they understand action; they don't understand talk.

Well, those are my three priorities. We'd love to do everything we can to provide more information, to help explain our views, to do everything we can to make the caucus that has been formed become an effective political force in Washington. I think you've taken on a tough assignment. I encourage you to make it work. We'll do everything we can to help.●

THE SPACE SHUTTLE "CHALLENGER"

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LEVINE of California. Mr. Speaker, this week all of America and the world has been watching and listening as our space shuttle *Challenger* rockets through space.

No American could witness this performance without sharing some pride and satisfaction in the accomplishment it reflects.

My wife Jan and I had the pleasure of attending the launch. To call it spectacular would be an understatement. As a strong supporter of the space program, I have watched many launches and landings on television. They could not possibly have prepared me for the thrill of witnessing the *Challenger* takeoff in person.

The technical accomplishments of the space program are remarkable. But it is really people who have captured the imagination of two generations of Americans since John Kennedy first committed this country to landing a man on the Moon.

The seventh launch adds a new chapter to that history. This shuttle crew, along with four brave men, includes Sally Ride, our First woman astronaut. She showed dignity, courage, and humor even before the launch. I am proud to count Sally's parents, Dale and Joyce Ride, as special friends.

The courage and accomplishments of Alan Shepard, John Glenn, Neil Armstrong, and now, Sally Ride have helped identify them as unique and gifted Americans whose example helps remind us that new frontiers remain to be crossed and that man's exploratory and educational limits are not bound even by our own planet.

After watching the *Challenger* lift off, I think I better understand the feelings of wonder and excitement which have accompanied the space program since its inception. The shuttle will land tomorrow or Saturday, Mr. Speaker. That will be an appropriate occasion for all of us to renew our efforts to insure that the Congress and the administration maintain and expand America's national commitment to a space program second to none.●

EXPORT CONFERENCE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. PETRI. Mr. Speaker, our colleague, TOBY ROTH, has worked diligently to strike some balance between the administration, business, and industry through his contributions to the Export Administration Act. And although this act limits some types of exports, mainly those that are military and strategic sensitive, Mr. ROTH has also been a leader in export promotion.

He sponsors an export conference each year. This year's conference will bring the top names in export trade to Green Bay July 22. Special Trade Representative Bill Brock, Commerce Under Secretary Lionel Olmer, and Agriculture Deputy Under Secretary Alan Tracy will be on hand at Mr. ROTH's conference to share their expertise with the participants.

Our distinguished colleague's efforts to boost small business into the export arena are exemplified by his remarks to the National Association of Manufacturers in Milwaukee which were reprinted in NAM's magazine Enterprise. I feel Mr. ROTH's points are well taken and am compelled to share them with the rest of my colleagues in this body, and I enter them in the RECORD:

REMOVING SOME OF THE EXPORT COBWEBS

INCENTIVES FOR SMALL FIRM PARTICIPATION

(By Toby Roth)

When I joined the Small Business Committee and its Subcommittee on Export Opportunities and Small Business Problems, I began to see evidence of the difficulties that prevent many thousands of small companies like yours from becoming part of international commerce.

I assumed the federal government did not need convincing that small business could make a significant contribution to our export effort. I assumed government was organized to encourage and to assist small businesses wanting to export. I was wrong.

What we tend to forget sometimes is that many companies that don't appear to export actually have their products sold abroad. Boeing, General Electric and United Technologies don't make everything they sell. A 707 or 727 isn't built by Boeing—it's assembled by Boeing. Thousands of manufacturers across the country contribute to every U.S. commercial airframe and engine flying under a foreign flag. The harsh realities of the marketplace are such that the bulk of official U.S. export credit-financing is now directed, and will continue to be directed, toward large exporters. But that doesn't mean that the system—in this case, export credit-financing—should ignore small business.

Recently, I directed my staff to call the Eximbank to obtain some information about its small business development program. Apparently, the man heading up this operation doesn't even have a secretary or someone to answer the telephone. It was difficult to obtain a straight answer, my staff told me, about how many people in this office are charged to assist small business.

To correct such obvious inequities, confirmed by the miniscule number of export credit-guarantee agreements with small manufacturers, the Subcommittee on Export Opportunities will soon consider a new legislative proposal. It requires that 20 percent of the Eximbank's loans, guarantees and insurance be directed toward small business. As things now stand, only 2.5 percent of Exim's total program effort goes to small business. Government can do better. The Commerce Department has surveyed export potential at the national level. In one study, it estimated that some 11,000 small manufacturers with fewer than 250 employees have the capability to export. In dollars and cents, the figures are startling: In one year, new exports could reach $4.2 billion.

On the local level, the figures are less dramatic but make the point. Probably no area symbolizes small business better than my own state of Wisconsin. In 1979 and 1980, the University of Wisconsin surveyed the state's 8,200 manufacturers of which 7,800 are small businesses. After considerable evaluation, the university's Small Business Development Center found that 1,800 firms qualified as potential exporters. To date, few, if any, firms are actually selling overseas.

It's clear that potential hasn't been translated into acutal performance. Five years ago, the House Committee on Government Operations studied the effectiveness of export-promotion programs. What it found

turned out to be an indictment: government programs that had lost touch with the realities of the marketplace and with the needs of small business.

The committee reported that only a small fraction of the participants in trade fairs and foreign exhibits were newcomers to foreign trade. Programs designed to assist small companies had become marketing tools for major American corporations and multinationals. And it should come as no surprise that private-sector promotion programs were significantly more cost-effecitve than government sponsored programs. The agencies involved had sloppy accounting procedures. Finally, and this may seem shocking, a significant portion of the goods displayed at U.S. government trade centers abroad was produced or assembled in foreign countries. Our tax dollars, in effect, were being used to subsidize foreign sales of foreign-made goods. At least, that was the impression.

Much of this, however, has changed since 1980. Congress' watchdog agency, the General Accounting Office, last January released a series of findings about export-promotion programs for small business. The agency reported that only 12 percent of this country's 252,000 manufacturers sell abroad but that, with the right assistance, many more small manufacturers could begin to export. It cited trade fairs and missions as constructive ways of overcoming the apprehensions and unfamiliarity of small companies with exporting.

But even workable programs can't be successful if there are few callers. For even a large company, exporting is complicated. The potential exporter must contend with a host of U.S. government regulations and then the regulations of foreign governments at the other end of the export cycle.

You can measure the complexity of the process by the number of forms and paperwork. Depending on the particular export, a businessman might be required to submit forms to the Departments of Commerce, Treasury and State, the Customs Bureau, the Census Bureau and the Export-Import Bank. In addition, documentation is required for shippers, insurers and foreign customs officials.

Still, there are ways to avoid the paperwork burden. You can pay an export management company (EMC) to act as your agent or take control of your goods. Such companies have been in existence for decades; they may work for their clients but are not the sole solution. The rewards of exporting all too often appear distant, if not impossible, to reach. Common misapprehensions about the difficulties of exporting often take precedence over the reality of what is actually possible. What do impressions have to do with small business and exporting? A great deal. When you weigh the factors, many small businessmen conclude that exporting is probably worthwhile but would not meet the test of a short-run cost-benefit analysis.

To prove this point, one government agency surveyed more than 100 reports dealing with "Export Behavior and Motivation." It seems that after all the publicity, special-award programs and fine work done by the NAM and other business organizations, many small firms still aren't exporting simply because they are unaware of the potentials of the export market. Add to that the necessity of preserving position in the domestic market—and the risks and complexities of foreign markets—and you have a mind set against pursuing international trade.

Government, it seems, is partly responsible for this situation. Some trade proposals currently before Congress illustrates this point. Many are not new ideas. They do not chart creative and innovative paths. Instead, they are bills to simplify, clarify and reform existing legislation.

But times are changing. After much delay, Congress last year enacted the Export Trading Company Act, a piece of legislation with great expectations. Chase Econometrics, a private economic forecasting group, estimates that export trading companies (ETCs) could draw a great number of small companies into foreign commerce. And, as a side benefit, the group predicted, this involvement would lead to 320,000-640,000 new U.S. jobs by 1985.

An ETC is not a producer of goods, but a service organization for its membership. If the nitty-gritty elements of exporting—foreign market research, tracking sales leads, marketing, product research, legal assistance, transportation, warehousing and managing foreign-exchange transactions—are technical disincentives to exporting, then the ETC concept should open the door to international markets for many companies. The revolution in the ETC concept is the ability for bank participation. For decades, the rule was to separate banking from commerce. Banks were forbidden to take an equity position in nonbanking business. The purpose was to avoid potential conflicts between lenders and borrowers whose commercial interests were intertwined.

The debate over the ETC bill shattered the taboo regarding banking's involvement with commerce. Protection for both parties was provided in both the bill and the agency regulation. Congress recognized that small business, on its own, would not break through actual and perceived disincentives to exporting. Small- and medium-sized businesses are likely to benefit from the financial as well as the institutional resources of banks—such as international-marketing networks and foreign-market intelligence.

Let me turn to the antitrust area. We Americans probably have the toughest antitrust laws in the world. I support them. I believe in competition. But these laws have also discouraged many companies from participating in joint ventures to develop technologies and products and to engage in joint marketing ventures. The perception of the Sherman and Clayton antitrust laws by business and the fear of prosecution by the Justice Department were, according to many studies, a disincentive to small companies to combine their respective strengths in competing overseas.

But now the situation is modified. Business will receive two new benefits: (1) "certificates of review" exempting companies from antitrust liabilities for activities described in the certificate, and (2) an exemption that the antitrust laws will not apply to international transactions that do not have a "direct, substantial and reasonably foreseeable effect" on domestic commerce.

The positive results of this legislation can be seen by the creation of many new ventures. In Pennsylvania, for example, the Wharton School of Economics has helped organize the Philadelphia Exports Network.

To its credit, Congress also approved the Small Business Export Expansion Act, which originated in my subcommittee. Congress established a revolving line of credit at the Small Business Administration to guarantee 90 percent of bank loans up to $500,000. These guarantees can be used to cover receivables or to develop and break into foreign markets.

The point I'm making is that government is beginning to recognize its deficiencies concerning small business.

In the debate over the future of our industrial base, we tend to forget that we are one country with a national government in Washington—a government with the responsibility to look after the entire country. We aren't just talking about the evolution of the American economy. We are talking about people—about towns and cities—about churches and communities—about the quality of lives of millions of Americans.

In recent memory, the international sector of the economy was not all that important to our economic security. Now it is indispensible. Statistics tell us that every $1-billion increase in exports creates an additional 32,000 jobs. That is why I'm so concerned about small business and exports. It means bread on the table for many hard-working people.

The Grand Dimension

The big issues in international economic policy and trade affect small exporters no less than they affect large exporters. The general course of U.S. trade policy is uncertain. In the midst of a global recession, fierce competition and often bitter reaction to foreign imports, the last Congress approved only one trade bill regarding imports—and that was a miscellaneous tariff bill. In addition to a very long list of bills designed to promote specific industries, or restrict specific types of imports, Congress questions the basics of U.S. trade.

First, it appears to many members of Congress that the general agreement on tariffs and trade (GATT), is an outdated multilateral organization—a relic from the post-war years. They see this international Geneva-based organization as incapable of addressing the host of nontariff barriers that stop our exports at foreign borders. We have undertaken a series of negotiations under the GATT to reduce these nontariff barriers. But many observers have found that the actual results have fallen far short of the promised results. We have complained about foreign subsidies and tax policies that harm our industries or undercut our exports. The result is often more negotiation and shuttling back and forth between Washington, European capitals and Tokyo.

Second, individual laws that regulate trade relations with developing countries (the generalized system of preferences) and trade with communist countries (the Export Administration Act) must be renewed by Congress. The debate over these statutes will be long and difficult. Congress appears uncertain how to proceed with these issues. And I want to emphasize they are not just trade issues—how we regulate trade with other countries is foreign policy as well as trade policy.

Third, U.S. trade laws, including the Tariff Act of 1930, the Anti-Dumping Act and the sections of the Trade Act of 1974 give the President authority to restrict imports. As we increasingly feel that other countries don't conduct their trade relations by a "fair set of rules," then there will certainly be attempts to broaden these statutes to "protect" U.S. industry and labor. It's for this reason that so many "reciprocity" bills were introduced during the last Congress. They will surely be the subject of debate again.

Fourth, our industrial base is in the process of a major restructuring. There are more definitions of the problem than proposed so-

lutions. Some see the issue as regional rivalry between Northeast and Midwest, on the one hand, and the Sun Belt on the other. Others say it's high tech versus smokestack industries. Still others argue that service industries hold the key to a golden economic future.●

THE ENDURING SPIRIT OF RURAL AMERICA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. CLINGER. Mr. Speaker, I welcome this opportunity to call your attention to a small rural community in my congressional district which is celebrating the 125th anniversary of its founding this year; namely, Wilcox, Pa. Col. A. I. Wilcox first settled there in 1858 because of the great beauty in the valley, a valley located on the upper branch of the Clarion River. It is still beautiful, the surrounding countryside still relatively untouched by industry as is characteristic of much of the 23d District of Pennsylvania.

Located near the edge of the Allegheny National Forest, Wilcox attributed much of its early prosperity to a tannery which has long since been gone. But the village has survived and maintained its identity largely because of the independence of those residing there—persons who love their community, their State, and adhere to the principles on which our Nation was founded. They epitomize the values of rural America with a strong work ethic and appreciation for what they have—great natural beauty, the friendship and support of their neighbors, their places of worship, and the ability to take care of themselves and their own—values that too often have been diluted by the pressures and demands of our changing society.

This proud community of less than 1,000 residents will celebrate their 125th anniversary by giving thanks in the churches for their village and also by honoring their sons who have given their lives in the service of our country. It is my privilege to represent Wilcox, Pa., and I extend to them my best wishes for the next 125 years.●

COMMENCEMENT ADDRESS AT THE CATHOLIC UNIVERSITY OF AMERICA, WASHINGTON, D.C.

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. YATES. Mr. Speaker, last month the director of the Woodrow Wilson International Center for Scholars, James H. Billington, was invited to give the 1983 commencement address before the students and faculty of Catholic University. Dr. Billington's words on truth and scholarship are inspirational and perceptive, and I am pleased to insert them into the RECORD.

COMMENCEMENT ADDRESS BY JAMES H. BILLINGTON, DIRECTOR, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Your Eminence, Your Excellency, Reverend President, distinguished trustees, faculty, families, friends, and graduates of Catholic University: The higher education which so many of you are finishing today sometimes seems in late 20th-century America to be just a paper chase within a rat race. Television teaches us subliminally to run even when we are at rest over weekends that begin on Saturday morning with cartoons of cats chasing mice and run on until Monday night with steroids in the starlight and Higgins chasing Riggins.

We now hear that collectively we must make the educational track a little faster to keep ahead of the Russians lest we fade like Romans. Individually, one must run harder to avoid being a "loser" even if one cannot be a winner.

The trouble is, of course, that those of us who win a rat race are still rats; and that most of us who can never be Number One are left with no higher goal than simply to look out for Number One. A study based on a poll of last year's graduating class at one of our leading universities quoted these seemingly successful students as collectively concluding: "If you can't be sure of anything, then get a good job and try to put some distance between yourself and the coming hard times." In other words, keep on running, but run away from the others, because the ship may be going down and it's every rat for himself.

But neither learning nor life was meant to be just a sordid scramble for shelter from supposed storms. That restless something within us as Americans does say "move on," but not "run around," let alone "run away." What lies ahead, in any case, is not just another lap on another racecourse, but an unknown stretch of time across surprisingly open terrain whose features are obscure, whose obstacles and opportunities are uncertain.

For such a terrain there is no precise map. You alone can determine how to proceed and along what kind of path. I would offer only two bits of advice. First, look on this commencement today not as just another starting line for yet another race, but as the departure from a base camp for a higher adventure. And second, as you leave the base camp, make sure you take the basics with you. For the higher, liberal learning these basics are an awakened taste for the good, the true, and the beautiful—just as the basics for earlier, elementary education were a confident command of reading, writing and arithmetic.

To help lighten your luggage, shuffle through your course notes and make sure you preserve from the chaotic college curricula of our times anything that you can file under any one of these three entries: goodness, beauty, truth. For these are more than just higher longings from the past that endure to the present; they may also be essential ingredients in humanity's survival kit for the third millenium.

Sophisticated people today generally either avoid using such lofty words (the way Victorians avoided talking about sex), or else invoke them as monumental platitudes to lend an air of gravity to trivial talk about trendy topics. As Karl Barth said about theology in the 19th century: most talk about God in those days was only talk about man in a loud voice.

So let us talk—hopefully, in a quiet voice—for your last few minutes in this base camp about these three, somewhat embarrassing, sublimely simple things. We can never hope to understand them, but we need to go on discovering things about them. And let us make sure at the outset that we do not load our packs with a seductively fashionable confusion that burdens down far too many college graduates today: the tendency to look in the wrong places for both goodness and beauty.

True goodness is found among people and is fulfilled in human association; true beauty is found in things and fulfilled in material nature. But our high culture has long ago twisted it the other way around, teaching too many of us passively to worship the false idols of beautiful people and good things.

Admiring beauty more than goodness in people is characteristic of the unrecognized neopaganism of our educated class today. Many of our celebrated national afflictions—narcissism, pornography, sheer loneliness—are related to, if not derived from, our excessive worship of beauty as the object, the body as the subject, and the mirror as our icon.

The beautiful person must, of course, appear eternally young as he or she grows inevitably old; be perpetually in pursuit of the ephemeral, the erotic, the exotic; and make the self the all-consuming subject, a consumer object in a consumptive society.

This society increasingly judges human affairs by aesthetic rather than moral criteria. Though the serious discussion of ideas has increased dramatically in this city in recent years, it is reported—if at all—only in a section of the local paper called "style," as if ideas were part of the fashion industry. Political reporting often focuses on the aesthetics of power rather than the substance of policy. Even daily life itself sometimes seems subtly drained of substance—let alone moral standards—by the unchallenged, spreading use of that dreadful word "lifestyle."

If life is just a matter of style, one style is just as good as another; another style is probably better; and one style after another is best of all.

But no one can live that way; and no society will long endure or even cohere without some basic moral standards. Sooner or later, if they are not found within, they will be imposed from without.

The effort to find a moral vocabulary for our times is inhibited not just by the mistaken search for the beautiful in human affairs, but also by the misplaced effort to find the good in material things: the so-called "good things of life." Materialism leads beyond our self-indulgence as individuals to the deepening degradation of our civic culture as everyone increasingly clings to his own private "good thing" and enters the public arena largely to protect his own special, often single, always selfish, interest. Public discussion among politicians increasingly focuses on the size and number of things—weapons, social programs, and budget allocations—rather than real people and common purposes. The dominant culture which finds good in accumulating things produces an equally simplistic protest culture which seeks to find good in

freezing, destroying, or just avoiding things. The pulpit no less than the podium is drawn into this disintegrating dialogue of the neopagan media culture, where one person's totem pole becomes the next person's voodoo pincushion.

So how does one set out to seek good in people and beauty in things in a world filled with so much evil and ugliness? By reminding yourself, first of all, that you are setting forth not on a race against everybody else, but on an adventure in which you need other people. If you seek to climb higher, you need to tie yourself to others. But, in this city so fascinated by summits, let us also affirm the value—even the sacredness—of working with small groups on the plains and in the valleys.

It was to very small groups that the Risen Lord and then the Holy Spirit first came to establish the tradition honored here, extending the promise of presence to whenever twos or threes were gathered together.

In the intimate relationship designations of the family we still find the terminology that takes us closest to the mystery of transcendence: new spirit proceeding from father and son. In the most intimate of relationships within that family unit, we experience our own closest link to the mystery of creation: new life proceeding from husband and wife. The quiet nurture of goodness can be a more rewarding adventure than the noisy pursuit of greatness.

With England at the height of empire, Thomas Hardy, famous for long novels, wrote a short, simple poem, "In Time of the Breaking of Nations," reminding us that small things somehow endure:

Only a man harrowing clods
In a slow silent walk
With an old horse that stumbles and nods
Half asleep as they stalk.

Only thin smoke without flame
From the heaps of couch-grass;
Yet this will go onward the same
Though Dynasties pass.

Yonder a maid and her wight
Come whispering by;
War's annals will cloud into night
Ere their story die.

The perfection of traditional tasks by disciplined craftsmen was seen as the artist's essential calling until the 19th century created the cult of the alienated, iconoclastic innovator: the myth of artitic "genius" in some ways replacing sainthood as a new ideal for the "beautiful people." Yet what we may need most now is simple craftsmanship that blends joy and discipline into all manner of everyday things, if we are to bring beauty back into our environment—or, for that matter, productivity back into our economy.

For most of you, however, the way ahead will involve more than simply a parish and a craft. As you move beyond the familial and the familiar, there will be trouble and may even be terror along the way. So resolve at the outset not to suppress those reflexes that incline you to reach for (and to stretch out) a hand—rather than to clench a fist.

An open hand may be more exposed and vulnerable—and may look more awkward groping for goodness than grasping for goods. The hammered, humiliated hands of a carpenter must have looked that way many years ago—hands that still touch people in our time like Dorothy Day, who in turn reminded us that when we die, the only things we will still hold in our own outstretched hands are whatever we have given away.

For all of you as graduates of one of America's pioneering research universities who have studied in a city that contains perhaps the greatest repository of scholarly materials anywhere in the world, the adventure ahead will almost certainly involve a continuation of the search for truth: a high adventure across dangerous terrain for which you have prepared yourself in this base camp.

"The Catholic University of America is a community of scholars, both faculty and students, set apart to discover, preserve, and impart the truth." So begins the first sentence of your catalogue under the heading "Aims of the University." This ambitious, even arrogant assertion that man can affect life by a deepening discovery of nature and destiny reflects the founding fathers of this institution, who believed that the search for truth was not only compatible with, but necessary to, both church and country. About the historic conflict between faith and learning, one of the pioneers wrote "The apparent antagonism lies in our apprehensions and not in things themselves." [And the sense that higher learning was a priority even within the church was so strong among those giants on whose shoulders we stand here today that it led to blunt language, which I quote with trepidation today in such august episcopal company. But it was an Archbishop, John Ireland of St. Paul, who advised the first president of Catholic University: "You must educate your professors and then hold on to them, making bishops only of those who are not worth keeping as professors."]

Truth is the proper object of the higher learning that has begun here. The pursuit of truth is the highest form of the pursuit of happiness—and the surest way to keep us from the pursuit of one another. Truth is noncompetitive; the discovery of one can benefit all. Truth is bigger than all of us, and can be pursued by each of us wherever we are with whatever we have at hand.

The open, unlimited search for truth is a major source of hope for a free society—not because it offers easy answers, but because it offers a shared enthusiasm that threatenes no one and can involve everyone. Only in the life of the mind and spirit can the horizons of freedom still be infinite in an era of growing physical limitations.

As other nations rise in strength, America must increasingly rely on its wits more than its power. Leadership in the search for truth is an international asset for America as we enter a global information era with vast new segments of the world's population tasting the fruits of knowledge for the first time: in the Third World, in the lower classes of the advanced nations, and among women and previously neglected ethnic minorities. The need—and the thirst—for both individual and institutional models of the higher learning is growing globally—and is perhaps less than adequately met nationally by the general absence of philosophical discussion about higher education in our great research universities. There seems to be a continued reluctance, for instance, even to admit let alone discuss or correct what may be the most important change in American education in the last 20 years: the quiet renunciation of its historic function of helping to transmit moral and spiritual values along with intellectual standards from one generation to another.

In search of a more positive image of scholarship to leave with you instead of that of the rat race, I turned to the great poets of our language—only to discover a surprisingly unanimous negative view of the higher learning. Listen to Alexander Pope:

. . . despise the man to books confined
Who from his study rails at humankind

or Samuel Johnson:

Deign on the passing world to turn thine eyes
And pause awhile from letters, to be wise.

or, worst of all, and in our own century, William Butler Yeats:

All shuffle there; all cough in ink.
All wear the carpet with their shoes
All think what other people think;
All know the man their neighbor knows.

Perhaps it is all because, as Yeats wrote in another poem,

[When man] struggled with the mind;
His proud heart he left behind.

Now his wars on God begin;
At stroke of midnight God shall win.

To find a positive image, it seems, one must go back to medieval times when the first universities were founded, to that simple "clerk of Oxenforde" in Chaucer's "Canterbury Tales" who gladly taught and gladly learned. Of course, he was not running round and round against everyone else on the fast track just before midnight, but rather moving slowly in a straight direction on a pilgrimage in springtime. The pilgrimage was raucous, you may recall, and sometimes downright bawdy; but it had a destination that was open to everyone.

Whatever might be its corporate imperfections and your private complaints, the Catholic University of America will have served you well by its continued commitment to include teaching about the morally good as well as the scientifically true and the artistically beautiful. Your catalogue says that "the only constraint upon truth is truth itself." And the Jewish philosopher Franz Rosenzweig said that truth is a noun only for God, for us it is always a verb.

For free men and women in a democratic society, truth should be an active verb—not, as in Soviet Russia, a passive noun: the name of the party newspaper. As Americans of conscience in continued pursuit of truth, you should be concerned about the state of relations between our country and theirs and about the awesome weapons we share between us. And you might ask if the only alternatives are either to hurtle ahead in armed anger, perhaps to burn in space—or to halt in disarmed anguish, perhaps to freeze in place? If so, the only real question left for our kind of society is whether it will end with a bang or a whimper.

The Aristotelian tradition taught medieval Christians to look for a golden mean; and practical experience has inclined modern Americans to seek out the center between extremes. But a middle way is not just an apathetic compromise. In the years ahead—halfway between 1984 and the year 2000, with their respective suggestions of secular nightmare and millenial apocalypse—lies 1992: the half-millenium of a great adventure by Christopher Columbus.

As in so many real-life adventures, this Italian sailing for Spain in search of Asia has a hard time getting going and did not find exactly what he was looking for. But he built adventure into the opening of the new world. And our America, which slowly emerged to the north, was, like ancient Israel, founded on a covenant to fulfill justice in time rather than on a compulsion to extend power in space. It was the pilgrims' alternative to older, larger, more absolute

empires. By limiting rather than increasing central power, by proclaiming rights before rules, and by harnessing political power to the complexity of a constitution rather than the simplification of an ideology, the founders of this country produced an innovation so stunning that we have yet fully to understand it.

So go on discovering America. Being an American is not a patent of privilege, but an invitation to adventure. It involves spiritual aspiration as well as material achievement. It is the search for Faulkner's bear, Melville's whale, and Citizen Kane's rosebud; and it is the hope that buds of all colors will blossom more in that future America which will value its technicolor as much as its technology, and it is the dream that a deepened pluralism at home may help secure a peaceful pluralism for all the earth.

Few of you will go over deep water like Columbus or into outer space like the *Columbia*. For most of us, the adventure ahead will unfold on earth, in finite creation, through the simple recreation of goodness and beauty. May you be renewed by memories of this base camp and by its continuing reminder that truth is not just a collective noun for what is useful in a race, but a verb of motion for a shared pilgramage.●

OVER THE MOUNTAIN CLUB MARKS MILESTONE

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LONG of Louisiana. Mr. Speaker, I would like to call the attention of the House of Representatives to the activities of the Over the Mountain Athletic Club of New Orleans, which celebrates its 10th anniversary July 8, 1983.

As my colleagues are aware, mountains do not adorn the topography of my home State of Louisiana. No, the club's name refers to the maturity of its members and to its fundamental mission: to promote physical fitness and the enjoyment of athletic competition among mature adults.

The Over the Mountain Athletic Club is dedicated to the sound proposition that athletic exertion and competition is not for the young alone. The club stages sports events in the belief that competition can also promote the physical and mental health of middle-aged men.

During the last decade, the club has supported the improvement and maintenance of playgrounds in the New Orleans area, and has served as a source of additional manpower in times of emergency.

Founded 10 years ago by New Orleans attorney Frank J. Uddo, the club has grown and has bred spinoffs throughout Louisiana and Mississippi. Mr. Speaker, I commend the club's fine work and hope it continues to flourish.●

PARENTS OF THE YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FAUNTROY. Mr. Speaker, on June 9, 1983, John and Jennie Bailey, residents of the District of Columbia, were honored by "Closer Look" as Parents of the Year, for their extraordinary and selfless service to the community.

John and Jennie Bailey are rare people, whose selflessness in serving as foster parents to more than 50 children, including many handicapped young people, sets an example for all of us. The story of their rare dedication to helping children and young people is told in the following story from the Washington Post and the accompanying editorial.

[From the Washington Post, June 9, 1983]

FOSTER PARENTS CITED FOR 26-YEAR MISSION

(By Edward D. Sargent)

About 26 years ago, when Jennie Bailey was a teletype clerk at the old Health, Education and Welfare Department, she saw something that troubled her and sparked what she now calls her special mission.

"A lot of troubled parents came to the office looking for the welfare department, which was [then] a few blocks away," said Bailey, who at the time worked for the Voice of America, which was located at the old Health, Education and Welfare building at Fourth and Independence SW. "They brought with them groups of children whom they couldn't care for. They needed support, I just felt there was a need."

To help fulfill that need, Bailey became a foster parent for the Prince Georges County Department of Social Services. Since 1957, Jennie and her husband John, now District residents, have cared for about 50 children—some of whom were awaiting adoption—from Prince Georges County. The couple also has raised several handicapped foster children to adulthood.

Today, the Baileys will receive the "Parents of the Year" award from a national nonprofit organization that provides information and training for parents of handicapped children.

The group, Closer Look, will also present a "Legislator of the Year" award to Sen. Lowell P. Weicker (R-Conn.), chairman of the Senate subcommittee on the handicapped, for his work supporting the needs of the handicapped.

"I had a lot of love to give," Jennie Bailey said of her work with foster children. "I had had two children of my own and didn't want any more. But I didn't want to sit around brooding. Being a foster parent kept me busy. It was fulfilling. I get the most pleasure by helping others."

Her husband, John, supported and joined her in caring for the foster children. Although they moved to the District 18 years ago they still take in foster children referred by the Prince Georges County social services department, said Miriam Fuchsberg, a social worker at the department.

"They have taken difficult children with serious problems. They're outstanding people—nurturing, warm, devoted and committed," Fuchsberg said.

Children with severe learning disabilities, epilepsy, cerebral palsy and psychological problems have found a sweet home at the Baileys', she said.

Over the years, the Baileys have cared for children from many backgrounds in their three-story, five-bedroom home on Brentwood Road in Northeast Washington. Not all of the children have been wards of the state. Parents that the Baileys did not know have asked the couple to keep their children when they had nowhere else to turn.

Currently three handicapped adults and two teen-agers, one of whom is also handicapped, live with them.

John Bailey, a maintenance engineer at the Washington Urban League, said life as a foster parent often has been a struggle. The problem often is the way other people treat the children. When we moved to D.C., the neighbors didn't particularly like the idea of having a foster home on the block. They looked upon foster children as criminals. They're not the criminals. . . . most are just children who have been rejected by their parents [and] who could become criminals without help."

"Rejected children usually are the ones who become criminals," his wife added. "So, if we are to fight crime we have to start at home. The only way to fight it is with love. Discipline, direction, food, clothing, advice—all that's love."

One of the Baileys' foster children called her, "The best momma a child could have."

[From the Washington Post, June 11, 1983]

EXTRAORDINARY PEOPLE

Most people act on (or at least entertain) a charitable impulse from time to time. But not many people are willing to take on day-to-day, year-to-year responsibility for helping others. Curiously, it is often people whose own share in the material goods of this world is relatively modest who choose to make such long-term commitments.

Two such extraordinary people in this city are Jennie and John Bailey. Twenty-six years ago, Mrs. Bailey, having raised two children of her own, decided that she ought to do something to help other children who didn't have the kind of warm and loving home that the Baileys could provide. Since then the Baileys have opened their home and their affections to a long procession of children and adults who had no one else to care for them.

Some of the 50 or so children whom the Baileys have sheltered were referred to them by a local welfare agency. Others were brought by desperate parents who had heard that the Baileys would provide good care for children when their own parents could not.

Raising a large number of children from troubled backgrounds is a tough job. But the Baileys didn't stop with the "easy" cases. Several of the Baileys' charges—including three adults and one teen-ager who currently live with them—have serious physical handicaps or psychological problems. The Baileys have raised some of these handicapped children to adulthood.

Mr. Bailey is a maintenance engineer at the Washington Urban League. Without the modest financial help that the welfare department's foster-child program provides, the Baileys could not afford to do their good work. But the Baileys provide something that money alone can't buy. That is the security, discipline and love that children need.

The Baileys' exceptional contribution was recognized this week by a national organization for handicapped children, which selected them as its "Parents of the Year." That's well-earned recognition. But the real reward for the Baileys' good deeds comes from somewhere else. In Mrs. Bailey's words, "I get the most pleasure by helping others."●

A TRIBUTE TO JOHN J. BELLIZZI—EXECUTIVE DIRECTOR OF THE NEW YORK STATE BUREAU OF NARCOTIC ENFORCEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. RANGEL. Mr. Speaker, John J. Bellizzi, executive director of the New York State Bureau of Narcotic Enforcement announced that he will retire after 40 years of service in the field of narcotic enforcement. Mr. Bellizzi has been an effective and dedicated public servant. His contributions to combat the problems associated with drug abuse have been invaluable and stemmed from his genuine, deep concern over the increasing deleterious affects of this problem on the economic and social health of this Nation.

I have known and worked with John Bellizzi for over 20 years, most notably in his capacity as the founder, past president and longtime executive director of the International Narcotic Enforcement Officer's Association and the executive director of the New York State Drug Advisory Committee. His current and past professional experience, coupled with his educational credentials, have afforded him the opportunity to develop a sensitivity to and understanding of the aspects of this vitally important problem. Mr. Bellizzi is the author of many articles on pharmacy narcotics and he has served on several faculties including St. John's University for 14 years as a professor of pharmaceutical law. In addition, he has over 35 years of law enforcement experience with the New York City Police Department and the State narcotics bureau, and served as a consultant to the White House on narcotics and drug abuse, and as a member of New York City Mayor Wagner's and Mayor Lindsay's Narcotic Commissions.

Mr. Speaker, I want to take this time to pay tribute to a distinguished public servant and friend and to commend him on his outstanding record of service and achievement. I also want to thank him for the assistance he has personally given me over the years and for the expertise and wisdom he has shared with the drug enforcement community at large. Although Mr. Bellizzi is leaving State service, his professional leadership and subsequent contributions will not be lost, as he will continue in the position of executive director of the International Narcotic Enforcement Officer's Association. I am pleased to honor John J. Bellizzi and I wish him all the best in the years ahead.●

ORBIT '81

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. AKAKA. Mr. Speaker, as you know, even while we talk, space shuttle *Challenger* is orbiting the Earth. On board the shuttle is a special experiment called Orbit '81. This experiment, designed by high school students from Camden, N.J., places the first colony of living creatures in the zero gravity environment of space. Students from two high schools in Camden have been working since 1978 to design and build the experiment which will study the effects of prolonged weightlessness on the social structure of a colony of carpenter ants.

Orbit '81 is a joint effort by NASA, the RCA Corp., and high school students and is part of a NASA program entitled the "Getaway Special" program. Under the terms of the "Getaway Special" program, NASA leases leftover space in the shuttle's cargo bay for small payloads. The RCA Corp. offered to pay the cost of leasing the space on the shuttle—which amounted to $10,000—if the students could conceive and design an experiment to meet NASA's safety and scientific requirements.

The students were successful and the experiment is now flying on the shuttle.

The students will get their data from movie and video cameras inside a specially designed cannister. They have programed a microcomputer to operate the cameras and lights at regular intervals during the weeklong flight. When the flight is over, the experiment should yield a time-elapsed chronicle of a colony of social creatures living in space.

Mr. Speaker, this program is a good one. It is good for the students, it is good for our educational system, and it is good for our space program. Since the Orbit '81 program began, student enrollment in science classes at the two inner-city high schools participating in the program, has increased 35 to 50 percent. More than 60 percent of the students who have participated in the program are continuing their academic careers in college and are pursuing degrees in engineering, computer sciences, and related disciplines.

I want to take this opportunity to congratulate those responsible for their outstanding accomplishments—the principals, teachers, and staff of Camden and Woodrow Wilson High Schools in Camden, N.J., the RCA Corp., NASA, and, of course, the students themselves, without whom none of this would have been possible.

I urge my colleagues to participate in the special order this afternoon, honoring the Orbit '81 project. I am inserting extraneous material "Orbit '81—A General Description" in the RECORD immediately following my remarks.

FACT SHEET: ORBIT '81

GENERAL DESCRIPTION

Orbit '81 was conceived in November 1977, at a meeting between NASA officials and community leaders in the Philadelphia region.

Mrs. Riletta Cream, principal of Camden High School, said there was a need for a program to interest minority students in science. Irving K. Kessler, an RCA executive vice president, offered to pay NASA's $10,000 fee to get a student-built experiment into one of the space shuttle's "getaway special" canisters.

In January of 1978, the Camden School board approved the concept. Mr. Kessler appointed David Shore, RCA Division Vice President of Business Development, as coordinator of a program to provide technical material and financial assistance to Camden and Woodrow Wilson high schools.

Mr. Shore dubbed the program Orbit '81, anticipating three years of science training that would culminate in a completed experiment.

In May of 1979 a group of students from both schools selected an ant colony as the subject for their experiment because ants have an observable highly sophisticated social structure and for other reasons: (1) ants have hard external skeltons capable of withstanding the force of launch, (2) ciliated feet which cling to smooth surfaces, and (3) have a life cycle which allows for observation of births and deaths in weightlessness.

To record their data, students decided to train video and movie cameras on the ant colony during the planned one-week mission of the space shuttle.

The experiment is computer controlled and is the first shuttle payload capable of operating without crew assistance. However, redundant circuits do exist for crew override in case of emergency.

GETAWAY SPECIAL PROGRAM

The small "getaway special" payloads which NASA accepts for voyages on the space shuttle, are handled on a space-available basis, generally in a first-come, first-served sequence.

The five-cubic-foot canister (about the size of a 30-gallon trashcan) must not draw upon the shuttle's services beyond three on-off controls operated by an astronaut.

The GAS program, as it is called, was created to encourage use of space by researchers from industry and the general public, foster enthusiasm about space among the young, and generally increase knowledge of space.

Users must pay a fee and meet NASA's safety and scientific requirements.

Approximately 380 companies, schools, governments and individuals have reserved GAS payloads for future shuttle missions.

Many of the experiments will test the possibility of using the low gravity of space to

improve industrial processes and materials. Others, such as the Orbit '81 experiment, seek results on the effect of weightlessness on organisms.

CONDITIONS

Before implementing a program, RCA and school district officials agreed on several conditions:

1. The experiment had to be significant. It could not be a cause for ridicule because it was too elementary.

2. A minimum of three years of enriched science courses would be necessary.

3. The experiment had to be a team effort, rather than the work of a single student or small elite group since the team approach is closer to the problem solving methodology used in industry.

4. As much as possible, the student body of both schools had to be involved. Thus, journalism students published an Orbit '81 newsletter. Industrial arts students assisted graphical design, manufacturing, fabrication and assembly and art students promoted the project with posters. When Dr. Robert Frosch, NASA administrator, visited the schools, home economics students prepared a special "space meal," and the music department played a "space concert." Also, the dramatics department put on a "space skit." The choir sang an Orbit '81 song.

5. Student interest was enhanced by lectures, field trips, assemblies and other means.

CURRICULA

Both Camden and Woodrow Wilson high schools have a core group of about 15 Orbit '81 students. In addition, students from journalism, industrial arts, and art curricula have been active participants in the program.

All Orbit '81 students have taken "space science" courses (one each year) developed by the faculty and administrators from both schools.

Space science covers such topics as the space environment, the space shuttle, and the shuttle's "getaway special" program.

At Camden High School, teachers and administrators selected Orbit '81 students in their freshman year, based on previous abilities in science and mathematics. Students who accepted were expected to participate in Orbit '81 for four years. They took space science each year and worked on one of the experiment's three teams—computer, ants or engineering design.

The computer team developed flow charts and the computer program for a microprocessor to control the experiment's cameras, lights, air conditioning and other equipment. Another group studied the ants to observe their behavior and discover the conditions needed to keep them alive during the experiment. A third team developed a design to place all the equipment within the NASA canister, which is about the size of a 30-gallon trashcan.

At Woodrow Wilson High School, participation in Orbit '81 was left open to volunteers, regardless of previous academic achievement. Interested students could participate for any number of years, according to Mr. Nick Timpanelli, the program's adviser. Some students, he said, chose to participate for only one year. Others have remained in the program for four years.

RCA'S ROLE

RCA paid NASA's $10,000 fee for the Orbit '81 space aboard the space shuttle.

Engineers from RCA plants and the staff of RCA's Government and Commercial Systems Divisions have lectured students on computers, computer software, amateur radio satellite terminals, and electronic test equipment.

Students have taken several field trips to RCA plants and Laboratory in southern New Jersey (Princeton, Camden and Moorestown).

RCA engineers have served on technical advisory committee for the students' design of the experiment. In addition, the RCA divisions have donated more than $450,000 worth of surplus electronic test equipment to both high schools.

In addition, the microprocessor that will control the experiment's equipment was donated by RCA as was the consumer grade video camera and recorder that will document the ants' space voyage.

RCA Solid State Division, Consumer Products Division and RCA Service Company have donated new equipment, advice and services on a continuing basis throughout the training and development cycle of the Orbit '81 project.

CHRONOLOGY

November 1977. Project conceived at a meeting of NASA officials and community leaders. RCA offers to pay $10,000 NASA fee for small experimental payloads aboard the shuttle.

January 1978: Camden Board of Education endorses and approves a program that will put a student experiment in space.

Summer of 1978: School administrators and teachers start to develop science curricula, aided by a grant from RCA and the Camden School Board.

May 1979: Students select ant colony as the subject for experiment.

July 1979. NASA deems experiment significant and approves.

February 1980: Dr. Robert Frosch, NASA administrator, visits schools and deems Orbit '81 a role model for other high school programs designing experiments for the space shuttle.

October 1981: Students' design for experiment approved by panel of RCA engineers and biology professor John Tarka of Temple University, Philadelphia.

May 1982: Students complete construction of experiment. Tests scheduled at RCA facility in Princeton, N.J.

September 1982: Students began improvements to the experiment based on advances in the state of the art.

April 1983: Students complete preparation of the experiment at Kennedy Space Center for loading aboard STS-7.●

PAPAL VISIT TO POLAND

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. RICHARDSON. Mr. Speaker, after watching his native country struggle under 18 months of martial law, Pope John Paul II has returned to Poland in an effort to relieve some of the suffering and replace some of the shadows with sunshine.

With the imposition of martial law and the outlawing of free trade unions, the Polish people have been stripped of all but a little remaining pride. Pope John Paul's arrival in Poland on June 17 restored Polish pride and hope to the levels they had been at in 1981, prior to the dissolution of Lech Walesa's Solidarity Trade Unions.

The Pope instilled renewed confidence in the people of Poland by speaking out on the importance of freedom and respect for human rights.

Among the places the Pope chose to celebrate Mass was Niepokalanow Monastery, where a priest sacrificed himself to protect the life of a man scheduled to be executed by the Nazis. He also visited the Warsaw Ghetto, where over 20,000 Polish Jews were confined and subsequently murdered in cold blood. At each Mass he spoke of freedom, the need for renewed faith, and reminded his people that deliverance from oppression was in the hands of the youth, workers, and people of Poland.

Pope John Paul's meeting with his compatriots has been unique and emotional. It is as if the Polish people represented sons and daughters seeking comfort and guidance from a father who knows how to encourage perseverance and renewed strength.

The purpose of Pope John Paul's trip to Poland is not simply to protect his people and their beliefs. His concern for those who suffer, either physically or spiritually is universal; and his message has been carried around the world.

He has advocated the unalienable rights of all people. He has spoken for those who have no voice. He has stood for those who have no lobby. He has been strong for those who are weak, demanded fairness for those to whom life has been unfair and has admonished us not to be ashamed of caring. But, above all, he has forcefully stated that we must take the road that leads to peace.●

AVERELL AND PAMELA HARRIMAN

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FOLEY. Mr. Speaker, earlier this month one of America's greatest 20th century statesmen Averell Harriman, appeared along with his wife Pamela, on ABC news' "This Week With David Brinkley," to discuss their recent trip to the Soviet Union and meeting with the new Soviet leader Yuri Andropov.

As a former Ambassador to the Soviet Union and chief negotiator for the Limited Test Ban Treaty, Averell Harriman, is the leading Kremlinologist of our time. No other American has, over the years, been so intimately and continuously involved in so many major decisions and milestones in American foreign policy. No other has

participated in so many of the first history-making foreign conferences.

Presidents have relied upon Averell Harriman's wisdom on international issues for decades and his tremendous experience as a diplomat has been an invaluable resource for the Nation. At a time of growing tension in United States-Soviet relations, as well as uncertainty about the future of arms control, I feel his recent observations about the Soviet Union merit our most careful review.

Mr. Speaker, I attach a copy of excerpts from Ambassador Harriman's interview for the RECORD:

Mr. BRINKLEY. Ambassador Harriman, Mrs. Harriman, we are delighted to have you with us today. Thank you for coming. You have seen leaders of the Soviet Union going all the way back to Joe Stalin. Now you have been to Moscow, the two of you, together, talking to Mr. Andropov. Give us your judgment. What do you think of him?

Ambassador HARRIMAN. Well, I think he's an extremely able man. He's intensely interested in the issues that he faces and ready to talk about them. He seemed in good health. He was rather a larger man than I expected. He must be about 6'3" or so. He's taller than I am. I'm about 6'1". I found him interesting and quite ready to talk about any subject. He seemed to be frank. He gave us his views, as he saw them.

Mr. BRINKLEY. I want to hear Mrs. Harriman's view on this too. Did you find it encouraging? Do you think the prospects for good relations with the Soviet Union are—how would you characterize them?

Ambassador HARRIMAN. It's a two-way street, and he made that clear. Neither one side nor the other can make relations alone. It's got to be a common objective, a mutual objective. I don't know what the attitude of this Administration is going to be, but I think there's an opportunity, if they would seize it, to really improve our relations. I think it's very much in our interest to do so.

Mr. BRINKLEY. Here with us is John Scali, who is ABC's senior diplomatic correspondent. John, you——

Mr. SCALI. Yes. Governor, the State Department has already spoken up to welcome what was said after your meeting with Mr. Andropov, and they said that the United States would be a ready and willing partner in any concrete proposals that the Soviets might have in mind. Do you have any thought as to what might be specific and concrete proposals which could help reduce tensions between our two governments?

Ambassador HARRIMAN. Well, I think it depends upon how far our government is ready to go. I couldn't dictate it. The important thing is to start discussions and not, as has been the case in the past, to stop carrying on discussions. I think the opportunities will come from discussions, and we ought to follow up the areas in which we can make progress.

Now, obviously, we have many differences which we cannot settle, so I would go for those that seem to offer the greatest progress possible.

Mr. BRINKLEY. Mrs. Harriman, what were your thoughts after the meeting with Andropov?

Mrs. HARRIMAN. My feeling was that he was a very serious man, very concerned with the present relations with the United States. He, in fact, referred to our facing the common foe of war and said that it was important to get back to the traditions which we did have, traditions of the past, in World War II, when we successfully managed to beat the foe. He indicated that we are again facing that kind of situation.

Mr. SCALI. Did you discuss at all with him the prospect or the possibility of a summit meeting between President Reagan and him?

Mrs. HARRIMAN. No, we did not discuss a summit meeting, but we did discuss the possibility of having more meetings with members of Congress. And he very much welcomed this idea, the idea that it is better to talk, face to face, than by written communications.

Mr. SCALI. What kind of meetings with Congress did you have in mind? Visits or specific——

Mrs. HARRIMAN. Visits. Tom Foley, who is Majority Whip as you know, is going over there in the near future, and I felt it was important that he be given every possibility to talk with the most important equivalent figures in the USSR.

Mr. BRINKLEY. Well, as the Ambassador said, and as we all know, it is a two-way street. We can't have good relations unless both sides are really interested. My question is, Mr. Ambassador, he knows you as a highly respected senior statesman. Was he being—was he being more polite, more forthcoming than he might have otherwise——

Ambassador HARRIMAN. I don't think so.

Mr. BRINKLEY. Because you were there?

Ambassador HARRIMAN. I don't think so. I think he's too concerned with what the issues are to make any particular exception for me. He saw me, which, of course, he wouldn't do many other people, and we had an hour and twenty minutes, which is rather more than he indicated he was ready to spend. The fact that he saw me was because he believes that there should be contact, but I think when he talked to me, he talked to me as he would to anybody else.

Mr. SCALI. Governor, would you favor an early summit meeting between Mr. Reagan and Mr. Andropov?

Ambassador HARRIMAN. That didn't come up.

Mr. SCALI. I know, but would you favor one?

Ambassador HARRIMAN. If the President wants to discuss it, that's his affair, and I'm not going to comment on it.

Mr. BRINKLEY. Ambassador and Mrs. Harriman, have you passed along to the U.S. Government what—I'm not asking what it was because I don't think you'll tell, but if you will, I'll be happy to hear it, have you passed along what you learned there to the U.S. Government, the State Department?

Mrs. HARRIMAN. Not yet. We only got home last night.

Mr. BRINKLEY. You do plan to do that?

Mrs. HARRIMAN. Yes, we do.

Ambassador HARRIMAN. I saw the Secretary of State before I left. And I told him I would report to him when I got back. We're going off for about 24 hours of rest, and when we get back, I expect to call on him at his convenience, and tell him of this talk. I found him very much interested in our going there, and he gave me some questions he'd like to have answered. We've got some of his answers, but not all of them.

Mr. BRINKLEY. Could you—I gather you don't want to tell us before you report to him in detail, but tell us as much as you can about what was said.

Ambassador HARRIMAN. Well, I think Pam has given you some pretty good——

Mrs. HARRIMAN. He was very tough.

Ambassador HARRIMAN. Leads on the subject. He was tough. He was very direct. And as far as the details are concerned, it is agreed that the talks would be confidential. And, so, it's rather hard for me to pick out anything more than the subject that Pam has discussed.

Mr. SCALI. Was there any single problem, Governor, that stood out as you look back, as being of major concern to Mr. Andropov?

Ambassador HARRIMAN. Yes, the normalization of relations. He wants to get back on a relationship which he described, as Pam said, as our intimacy during the war. And he said, "You were part of it. And together we beat Hitler. And we want to get back to that same sort of relationship." And it seemed to me that was the most important thing that he said to us and the most important subject on his mind. Get back to normal relations. He used the word normal on several different occasions and different aspects.

Mr. SCALI. You spoke after your meeting, sir, about how the Soviets were ready and interested in what you called joint initiatives.

Ambassador HARRIMAN. Yes.

Mr. SCALI. As a long time expert in the area of Soviet-American relations, do you have any thoughts about what might be joint initiatives that each side could profitably pursue right now?

Ambassador HARRIMAN. Yes, I think that we can have discussions and decide on what we want to take up. There are so many issues between us that you've got to select from them. And I think we ought to avoid those that are unsolvable. Our system is so different from theirs that it's utterly impossible for us to come to agreement on all subjects. We want to pick out those subjects which we are ready to move forward on. And certainly the establishment of normal relations is I think the first one. I'm not going to propose details because I think that's up to our government to do.

And I think there'll be a response from Andropov to any of the areas which are on the possible side, but we're not going to change their system. You know, there are some Americans who think that you can sit down and talk to a Communist and get him to change his ideology. That's utterly impossible. And it's very unfortunate that so many Americans think that we can do that.

We can only recognize that we can still live together, in spite of our systems' being different. We can still have trade relations as one of the things that I would specifically put forward, increasing trade. It's very important for us to have the Soviet Union as a market for our grain, which we've had for so many years.

Mr. BRINKLEY. Mrs. Harriman, you said with some emphasis that Mr. Andropov is tough. How? What do you mean by that?

Mrs. HARRIMAN. Well, his statement was—his statements were tough and I must say I saw my husband be very tough back, but I also felt that Mr. Andropov has a feeling of frustration. That it's one thing to be tough, but how do you get to the next step. And I thought him very very anxious to make a next step without possibly knowing exactly what way to achieve this. He was asking.

Mr. BRINKLEY. Well, in the differences between the two countries—I guess we all should admit that we have at times been something less than angelic—but nevertheless, the Russians continue to be aggressive around the world and how can we have normal relations when they are, according to Mr. Reagan's view, pushing themselves

into Central America, while continuing in Africa and now in Syria, and one place after another? What would normal relations be?

Ambassador HARRIMAN. Well, normal relations would be that we talk to each other, that we exchange views. That when we have an objection to what they do in Afghanistan, we take it up with them and talk it out. We may not come to an agreement, but at least we can exchange views in connection with that. I've made it very plain that we cannot solve the problems of Communism as against our system of individual initiative, which I heartily believe in, and I despise communism, but we don't have to look for those subjects which are unsolvable.

There are many things. Trade—you asked me for one. That's one of the things which we've said we can find ways and means of increasing and ways and means of stimulating. Helping American business in connection with their affairs—is a subject which we could undertake to do.

Mr. SCALI. Governor, was there any mention or discussion of Moscow's public threat to move nuclear weapons into Eastern Europe if the West goes ahead and deploys American cruise and Pershing missiles?

Ambassador HARRIMAN. Well, he made it very plain that the nuclear threat made war far more dangerous than it ever had been before. He specifically said so, that the dangers of war are far more devastating. And he made it very clear that he understood that there was no such thing as a limited war. If you started war, there was mutual destruction. And he's under no illusions about that. It was certainly very satisfactory that he has that understanding, because it's my firm conviction that that's true.

We can come to agreement on arms control, we can come to an agreement on the reduction of nuclear weapons, mutual reduction, but, it's got to be equitable to both sides. The proposal they made was not a fair one.

Mr. BRINKLEY. Mr. Ambassador and Mrs. Harriman, thank you. Thank you very much for coming in.

Mrs. HARRIMAN. Thank you, David.

Mr. BRINKLEY. We've enjoyed hearing your views and thanks for coming.●

MARTIN LUTHER KING BIRTHDAY HOLIDAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. CONYERS. Mr. Speaker, of all the letters that I have received in connection with the Martin Luther King holiday bill, I find the following statement from the Nobel Prize-winning scientist, Prof. George Wald, to be the most moving:

STATEMENT OF GEORGE WALD, PROFESSOR EMERITUS OF BIOLOGY, HARVARD UNIVERSITY, NOBEL LAUREATE IN PHYSIOLOGY OR MEDICINE, 1967

I am told that there are in fact no national holidays, each state setting its own; and that the President and Congress can declare only "federal legal holidays" applicable only for the District of Columbia and federal employes. Yet most states do observe the federal legal holidays, only two of which as yet commemorate persons, Christopher Columbus and George Washington.

I do not understand how our country came to regard Columbus as a national figure or his discoveries as a national event. He was an Italian navigator, setting out under a commission from the Spanish throne to find a new trade route to "the Indies", i.e., Asia. Unexpectedly he ran into the Bahamas, and eventually landed on the South American continent, on the coast of what is now Venezuela. Still thinking he had found the Indies, he called the peoples he found, soon to be decimated and their cultures destroyed, "Indians". What he "discovered"—only in the sense that Europeans had not known of it was the Western Hemisphere. The North American continent was discovered by another Italian navigator, Giovanni Caboto (John Cabot), working for England, who landed probably in Newfoundland, in 1497. America (North and South) is named quite undeservedly, for a third Italian, Amerigo Vespucci, who never commanded a voyage of discovery.

I say all this, not at all to denigrate Columbus's achievement, but to forestall the thought that with personally designated national holidays so rare, one to honor Martin Luther King, Jr., might be inappropriate.

To say it plainly, claiming Columbus as a national figure is pure supererogation (Chutzpah; cf American Heritage Dictionary).

George Washington was of course a monumental figure, decisive in procuring our independence and founding our nation. All honor to him. He is our father-figure.

Let Martin Luther King then be our son-figure, the child of the American Evolution. What he calls forth is not only admiration, but emulation. We can't ask our fellow citizens or our children to emulate Christopher Columbus or George Washington, but one can ask then to grasp the meaning, to try to fulfill the purposes, to be American in the spirit of Martin Luther King. He offers us a lesson to be learned, perhaps never before needed so greatly as now.

He was our American Gandhi. It is the fate of saints, first to be killed, then canonized. The time has come to recognize Martin Luther King as an exemplary figure in the American tradition. His meaning for us is unique. It comes not trickling down from the heights, but rising up from the base: from the great yearning of vast numbers of our people to fulfill the American promise, recorded in the second paragraph of our Declaration of Independence, spoken in Lincoln's Gettysburg address inscribed on the Statue of Liberty. Its main themes are freedom from discrimination, social justice, human dignity—a widening area of recognition in which one person is as good as another. Those are the things that Martin Luther King stood for; and left them, not hanging in the air, but like Gandhi, made of them a program for action, forced them as issues always non-violently, yet insistently, never compromising, never giving up, whatever violence he himself and his companions encountered.

That American promise, never fulfilled, needs constantly to be re-discovered and restated, and never more so than now.

That is what a Martin Luther King Day can do for us.●

MRS. TIMOTHY VANN—A GREAT AMERICAN FAMILY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. VENTO. Mr. Speaker, this week nine American families were honored by Nancy Reagan. One of those families is from my district, and I feel it is most appropriate that Mrs. Timothy Vann be awarded such an honor.

I had the pleasure and honor of working with Mrs. Vann on the building of the Model Cities Health Clinic in St. Paul. I was greatly affected by her commitment, drive, and her ceaseless interest in improving the lot of those less fortunate than she.

Mrs. Vann used her strength and love to guide her 10 children, virtually singlehandedly, through the hardships of adverse environment. They are testimony to the success of her efforts. As an upstanding resident of St. Paul she directed her energies toward civic activities such as organizing a softball team, teaching dancing, art and culture, and even starting a rock band. And for the last 10 years she has been the director of the Model Cities Health Clinic in St. Paul, where she helps provide valuable health care for minorities and the elderly in the area.

I am honored to have worked with such an outstanding individual, and I feel strongly that her unyielding love and productive energy can be an inspiration for all of us.

At this time I would like to bring my colleagues' attention to a story about Mrs. Vann that appeared in the St. Paul Dispatch on June 15, 1983, detailing some information about Mrs. Vann and her family.

The article follows:

[From the St. Paul (Minn.) Dispatch, June 15, 1983]

MAMMA VANN "COACHED" FAMILY TO LOVE

(By Don Terry)

A drunk stumbled and then fell into a gutter. Theodora Vann, then a little girl, laughed and pointed at the man as she walked along the sidewalk with her mother, Timothy.

When Timothy Vann got her daughter home, "she made me go into the backyard and cut my own switches and then she gave me a whipping," said Theodora, now 31.

"We're all children of God," Vann told her daughter as the switch dropped on her bottom. "That man may have been a judge and had some bad luck. You will respect that man as a child of God."

Mama Vann smiled as her daughter—one of 10 children—told the whipping story.

"All my children were trained in the old-fashioned way," said Mrs. Vann, 66. "I didn't use psychology much. There was no formula. I sort of muddled through."

The old-fashioned way paid off. Recently the Vanns were named one of nine "Great American Families" of the year.

On June 22, Vann, of 705 Dayton Ave., will take her softball-team-sized family to Washington, D.C., to a White House award ceremony to be hosted by Nancy Reagan.

Sitting around Vann's living room Monday, the Vann children, now all adults, talked about life with mama.

"It was exciting and wonderful," said Ailene, 32, Arlene's twin. "There was a lot of discipline and belief in God. And most of all, love."

"We're not a special family," said Ora Mae Mitchell, 39, the oldest daughter. "But we have a very special mother. I think there should be a mother of the year award not a family award, because we don't rate 2 cents."

Last year, the Vanns were the St. Paul Urban League's family of the year. The league nominated the Vanns for the first annual national family award.

"We nominated the Vanns because they show and exemplify the strength of the black family," said Ronald A. Smith of the Urban League. "They have overcome a lot of hardships."

Mrs. Vann has raised her children by herself for the last 20 years since her husband, William, died.

"But I was a widow almost all of my life," she said. "My husband was away from home so much anyway that I got used to raising the kids alone."

William Vann was a musician and waiter on the railroad. Raising the children was never easy. Money was scarce, especially for a black family living in the segregated Kansas City, Mo., of the 1940s and '50s.

"But we were never on welfare," Mrs. Vann said. "My husband was a very proud man. He struggled all his life."

Mrs. Vann decided that she wanted her children to grow up without racism dogging their every step, so she and her husband loaded up their brood and moved to St. Paul.

"But I was surprised to find a lot of segregation and racism up here, too," she said.

She used to coach girls' softball teams from the Summit-University area. The teams traveled around St. Paul and ran into taunts of "nigger, nigger."

Mrs. Vann said she was determined not to let her children become bitter or hateful.

"I didn't want my children to be affected by hatred or paranoia," she said. "I made sure they knew that there was nothing wrong with being black.

"My parents made me feel that I was wonderful and I didn't know any better," she said. "And that's how I taught my kids."

Whenever a new Vann came into the world, the baby was put in the middle of the other children, who clapped and smiled and laughed and sang a song:

"Look at that pretty baby, pretty baby."

"My mother gave us a sense of self-worth," Ora Mae said. "She taught us not to let other people put limitations on us, or to put limitations on ourselves."

"Mother's parents were very strong individuals," said Tony Vann, 41, the oldest. "They gave her a sense of responsibility, which she gave to us. We took it for granted that was the way it was supposed to be."

Mrs. Vann, the director of the Model Cities Health Clinic, 270 Kent St., did a little bit of everything to feed her family. She drove a cab in Kansas City and worked for the St. Paul Housing and Redevelopment Authority.

When she was 52, she went back to school and earned a master's degree in public administration.

"My parents taught me the value of hard work," she said.

During an interview in Mrs. Vann's office, the phone rang several times with people calling for advice from the short woman with the quick smile.

"Don't be confused," she told one caller, "We'll work it out. I usually come up with an answer."

Single parent families aren't usually honored, Mrs. Vann said. Instead they often are blamed for an array of social problems.

"But I never bought that," she said. "I used to say if (President) Kennedy's children weren't misfits because their father died, then mine sure weren't.

"And I also realized that there were plenty of families with both parents home where family life was just pure hell. I didn't let the kids get upset about that kind of stuff."

Mrs. Vann said she steered the children into dancing, music and sports.

"We're still a great softball team," Coach Vann said, looking over her starting lineup:

Tony, 41; Ora Mae, 39; June, 37; twins Arlene and Ailene, 32, Michael, 32; Theodora, 31; Timothy, 27; Starr, 24, and Travelle, 21.

And warming up in the bullpen are 16 grandchildren.

"The bottom line about my mother and our family is love," Ailene said.

"Plenty of love."●

IMPARTIAL ANALYSES OF CHILDREN'S MATERIALS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FRANK. Mr. Speaker, Diana Green, editor of the magazine Parents' Choice recently addressed some comments to the Federal Communications Commission on the important subject of children and television. Ms. Green is particularly concerned that there may be some misunderstanding of the position of the Parents' Choice foundation on this important subject because of a tape recently shown to the Federal Communications Commission in which her views on one small segment of this overall subject were quoted. I agree with Ms. Green that it is important that the views of Parents' Choice on the overall subject be clear and I submit her comments to the Federal Communications Commission to be printed here:

CLARIFICATION OF THE PARENTS' CHOICE POSITION ON TELEVISION PROGRAMING AND CHILDREN

(By Diana Green)

Parents' Choice is the only publication in the country which specifically focuses on giving parents and professionals the information they need to sort through the barrage of media-books, television, movies, music, story records, cassettes, toys and games. It offers critical evaluations and diverse views to help parents make comfortable and intelligent choices to augment their children's learning, in school and out. Parents' Choice is published by Parents' Choice Foundation, a non-profit service organization devoted to parent education.

The Parents' Choice voice is an impartial one. We strive to keep totally independent as well as optimistic and have assembled a distinguished advisory board to help. As Charles Champlin wrote in The Los Angeles Times ". . . those of us with any involvement in questions of judgment know how often organized guidance reflects ideological positions of left, right, super-timid center or zeal of one kind or another. Guidance that is well focused . . . and also humanistic and positive, rather than alarmist and negative, is rare."

Parents' Choice takes a realistic view about children and television. We acknowledge that children watch all TV and that the time of a program's airing has little to do with its value for the young. The mere absence of violence or sex is not reason for special laudation. High standards of performance, respect for the audience, and the courage to challenge with love, knowledge and wit are.

Parents' Choice believes programs meeting these standards are available. However there is a dearth of them.

The education of America's children is in jeopardy. Parents need help. Children need help. Perhaps Alfred North Whitehead has pointed up the root reason:

"Our sociological theories, our political philosophy, our practical maxims of business, our political economy, and our doctrines of education are derived from an unbroken tradition of great thinkers and of practical examples from the age of Plato . . . to the end of the last century. The whole of this tradition is warped by the vicious assumption that each generation will substantially live amid the conditions governing the lives of its fathers and will transmit those conditions to mould with equal force the lives of its children. We are living in the first period of human history for which this assumption is false."

It is a difficult period. It demands attention and almost equally—optimism. Nothing will be accomplished without it.

Parents' Choice assumes that almost any experience can be, when shared by caring adult and child, a learning experience. All television is available as a teaching tool to the thoughtful creative parent or teacher. Parents' Choice magazine often suggests ways. (Example: "Re-runs As Social History" by Pulitzer Prize winner William A. Henry III). But we are aware that not all our children are under the tutelage of caring, thoughtful, creative parents and teachers. While Parents' Choice continues to present and explore the available and how to use it toward the academic, emotional and intellectual growth of the young, we seek help. We believe a great part of that help is fine television programming. But there is a dearth of it.●

AMBASSADOR HENRY L. KIMELMAN AWARDED HAITI'S HIGHEST HONOR

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DE LUGO. Mr. Speaker, we are all proud when a friend makes good. We are even more proud when that

person is a friend of long standing, when they come from our home area, and when they achieve deserved national recognition. We are prouder still when a friend rises from performing exceptional local service to larger contributions to humanity and is internationally acclaimed for it.

I am, therefore, very, very proud to call the attention of the House to the accomplishments of Virgin Islander Henry L. Kimelman. A dynamic businessman and a dedicated citizen of the islands that I represent, Henry's activities in the public arena have also been outstanding.

Known to many in Congress as an extraordinarily astute and campaign adviser and manager, Henry's public service goes far beyond politics. He has been a brilliant executive in government as well.

As Virgin Islands Commissioner of Commerce, Henry vitalized our territory's tourism industry. As former Secretary of the Interior Stewart Udall's chief of staff, Henry helped direct some of the Nation's wisest management of its natural resources.

As ably as Henry performed in his many public and private capacities, however, those who know him well know that there is no field of endeavor Henry is better suited to than diplomacy.

Henry L. Kimelman has all the qualities that make a superb representative of our Government and people abroad. He is energetic, resourceful, personable, caring, tactful, and intelligent.

President Carter appreciated these qualities and others as well as Henry's expertise in business and in the Caribbean and appointed him as our Nation's Ambassador to Haiti. Henry's services in that country earned him praise at the time from those familiar with his work in the other body and in the White House. In fact, I think it is accurate to say that even those in the State Department who are generally cautious about entrusting sensitive diplomatic assignments to nonprofessionals came to realize that the United States could have no better representation in Haiti than that provided by Ambassador Kimelman.

Perhaps the most telling fact is that Henry's service earned him the continuing admiration of the nation and people to which he represented our Nation and people. This was demonstrated by President Duvalier's recent conferring on Ambassador Kimelman Haiti's highest civilian award, the "Grand Croix" of the National Order of Honor and Merit.

I was privileged to be among those present as Haiti's fine new Ambassador, Fritiz N. Cineas, presented the honor to Henry earlier this month. At that time, Ambassador Cineas well explained why his nation was taking the unusual step of awarding such rare recognition to a former foreign diplomat. He said better than I just what Henry had accomplished in Haiti and fully outlined Henry's distinguished public and private career.

Mr. Speaker, Ambassador Henry L. Kimelman's work in Haiti was such a service to that nation and ours that I would now like to quote Ambassador Cineas' statement in full.

AMBASSADOR CINEAS' STATEMENT

It is with great pleasure that I welcome you today to this small part of Haiti in the United States of America. Today is a joyous occasion for Haiti and for me personally. We are here among good friends who are not only distinguished in the fields of politics, diplomacy, business and the arts, but who have also demonstrated by their own actions and personal beliefs genuine care, consideration and understanding for our dear country, Haiti.

Few can fit this description better than Henry L. Kimelman who served as Ambassador of the United States of America to Haiti from 1980 to 1981 and whose outstanding and very much valued contribution to our country, my President His Excellency Jean-Claude Duvalier, wishes to recognize today by bestowing upon him the "Grand Croix" of the National Order of Honor and Merit, our Highest Civilian Award.

Those of us who came in contact with Ambassador Henry L. Kimelman during his stay in Haiti appreciated his hospitality, his always positive atitude and determination to support projects and policies which could help in the development of our country. We respected his judgment and took pride in calling ourselves his friends. We were impressed when he and his lovely wife, Charlotte, at their own initiative, visited our homes, not just our offices, and really got to know us. He was a representative not only of the President of the United States but truly of the American people.

But all these human qualities do not surprise us, for those are mere traits of Mr. Kimelman's personality. We, in Haiti, have always prided ourselves on being a friendly, open and sincere people which is a national characteristic and I might add a Caribbean characteristic. Having lived in our region for many years, Henry has proved himself a sincere friend of our people, and therefore we consider him as a true native of the Caribbean.

Although born in New York, Mr. Kimelman now comes from one of the Virgin Islands where for many years he has led a most active and distinguished career in local affairs and business. He served as Administrator of the Area Redevelopment Program and Chairman of the Virgin Islands Economic Development Board as well as Commissioner of Commerce for the Virgin Islands from 1961 to 1964, when the Legislature commended him, by resolution, for his outstanding contribution. Unfortunately for them, the Virgin Islands lost him to Washington in 1967 when he was appointed Assistant to the Secretary of the Interior. He has played a leading part in the Democratic Party, serving as Chairman and Deputy Chairman respectively, for candidates in the Presidential election campaigns of 1972 and 1976.

His business activities are wide and range from New York investment banking to successful involvement in many sectors in the Caribbean—finance, transportation, the hotel industry, real estate—most intelligently linked, if I may be permitted to say, by a deep commitment to the Wine and Spirit Industry. He was a member of the Young President's Organization and is currently a member of the Chief Executives Forum. He is actively involved with the World Business Council, a group of whose members he brought to Haiti earlier this year.

A few months ago, I referred to Henry L. Kimelman's human touches in Haiti and, perhaps, the genuineness of his interest in our people is best understood by his significant and longstanding commitment to charitable work and education, as trustee of the Antilles School, as Chairman of the Child Development Associate Consortium in Washington, as Chairman of the Virgin Islands Fund Drive for the Boy Scouts of America, as Director of the Psychiatric Institute Foundation, and as Chairman of the United Jewish Appeal in the Virgin Islands.

From this brief biography, I think you will understand, Ladies and Gentlemen, Haiti's privilege at being able to count Henry L. Kimelman as friend, as an interested and involved friend in the welfare of our people and the development of our country. I know that he will continue his efforts to focus attention on areas that can benefit Haiti and would like to believe that he will always continue to be open to us for advice and appropriate assistance. It is, therefore, with the utmost pleasure that I carry out the instructions of my President, His Excellency Jean-Claude Duvalier, to bestow upon The Honorable Henry L. Kimelman, the Highest Civilian Award of the Republic of Haiti, the "Grand Croix" of our National Order "Honneur et Mérite".●

COMPUTERIZED JOB BANK SYSTEMS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. HAWKINS. Mr. Speaker, within the next few weeks, the House will consider H.R. 1036, the Community Renewal Employment Act, which would provide employment opportunities for long-term unemployed individuals in communities experiencing high rates of joblessness. I would like to bring to my colleagues' attention title IV of the bill which would authorize a 4-year program for establishing computerized job bank systems in each State.

The State employment service agencies throughout the country are in varying stages of readiness with respect to computerizing their job matching and labor market information systems. In fact, only 21 of the 50 States are operating automated job matching systems. In this day of advanced technology and computers, it is hard to believe that some States still rely on manual systems for jobs applications and orders.

With the record high levels of unemployment and major dislocation of many segments of the work force, the committee is particularly interested in the automation of the public employment service throughout the Nation to

bring a far greater number of job seekers and potential employers together in an efficient and timely manner.

H.R. 1036 authorizes appropriations, for the development and implementation of job bank systems in each State for such purposes as: First, identifying job openings and referring jobseekers to such openings with a continual updating of this information, second, providing information on occupational supply and demand, and third, utilizing such systems for career counseling programs in school. With this automation enhancement, the employment service can provide better labor market information to help employers in making decisions on plant locations or expansions thereby creating jobs. This same capability can then be used to match unemployed workers with job openings or referrals to training programs for skill development. As resources diminish and workloads increase, technological advancement has to be the answer, particularly if it meets the needs of both the job seeker and the employer. I believe that H.R. 1036 is a step in this direction.●

THE FUTURE OF WATER

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. EDGAR. Mr. Speaker, I would like to commend to my colleagues an article in the current issue of the Atlantic by Peter Rogers entitled "The Future of Water." Many of us who have worked on the water issue in Congress believe that water quality and quantity issues constitute the most important resource question which we will face in the coming years. While Mr. Rogers outlines the vastness of potential water problems we are facing, he indicates wisely that these problems are solvable through sound water management policies. Many of these policies will have to originate here in Congress, though all levels of government and the private sector must be farsighted and cooperative in dealing with the issue.

I commend the Peter Rogers' article to my colleagues.

The article follows:

[From the Atlantic Monthly, July 1983]

THE FUTURE OF WATER

(By Peter Rogers)

Is there a "water crisis" in the United States? The impression has certainly been created in recent years that there soon won't be enough water to go around, and that much of what is left is likely to be poisoned. The 1982 report on the state of the environment by The Conservation Foundation, a nonprofit group devoted to the study of environmental policy, describes how excessive consumption of surface water has led to a reliance on groundwater, which has itself been depleted, and also stressed by contamination. In 1981, Robert Harris, a member of the Council on Environmental Quality during the Carter Administration, told a New York Times reporter that drinking water is "a significant public health hazard." An ongoing study conducted by the Environmental Protection Agency lends some support to Harris's charge. By last fall, the EPA had found that the groundwater supplies of 29 percent of the 954 cities in its sample were contaminated, chiefly by toxic wastes that had leached out of landfills.

A review of the popular press is a good way to gauge the conventional view of most questions. The cover of the June issue of Science 81 showed a rancher, a suburban householder, a miner, and an Indian gathered glumly around a water pump, with the caption: "Rationing the Colorado: Who Gets the Last Drop?" A quick look through back copies of The New York Times yields the following: the headline "Efforts to Gain 'Fishable-Swimmable' Waters Appear to Falter" (October 12, 1982); Representative Robert Edgar, of Pennsylvania, arguing on the op-ed page, "Is America running out of water? Yes. . . ." (September 23, 1982); the headline "Depletion of Underground Water Formation Imperils Vast Farming Region" (August 11, 1981); and the headline "Toxic Chemicals Loom as Big Threat to the Nation's Supply of Safe Water" (August 13, 1981).

Perhaps the most complete compendium of these concerns to date is Fred Powledge's recent book "Water: The Nature, Uses, and Future of Our Most Precious and Abused Resource," which is devoted to a description of what Powledge calls "the water crisis." Powledge writes that "the United States has entered a period of grave emergency in its supply of water," and that as far as contamination is concerned, "there is little indication that anybody knows what to do about it." He says, "We are learning that there is no escaping the poisons . . . at least with our current technology."

Most of what one reads about the pollution of water in every region, and the short supply in some parts of the country, is true. It is not true, however, that nothing can be done. Water's depletion and contamination are not irreversible. We have the technology and management skills to rise to the challenge; only the will to do so has been lacking.

Unfortunately, for many people, the response to news of contamination and shortage—or to the way in which the news is presented—is fear rather than determination. The anxiety arises in part from the fact that since the turn of the century we have been able to take unlimited amounts of clean water for granted. But as recently as the end of the nineteenth century, the mortality and morbidity rates from water-borne diseases were very high. (Because they remain high for the majority of the world's population, the United Nations has designated the 1980s the "International Drinking Water Supply and Sanitation Decade.") The engineering achievements of the nineteenth century and the early years of the twentieth were, in effect, too successful: as water in short supply and of poor quality became a distant memory, purity and plentifulness began to be assumed rather than systematically safeguarded.

Although the results of our poor stewardship are not beyond repair, they should not be minimized. Of these, contamination is by far the most notorious. In 1974, the Safe Drinking Water Act, which Congress passed largely in response to the efforts of environmentalist groups, forced many communities, often for the first time, to search for chemical contaminants in their water supplies, as well as for the traditionally monitored biological sources of pollution. People have been quite surprised by the exotic toxic chemicals that were found, and are still being found. Disclosures of the reckless disposal of toxic wastes, which, by leaching into the earth, can contaminate groundwater as well as soil, have not inspired confidence in either government or industry, and the addition of Times Beach, Missouri, to a long roster of contaminated sites has led many people to question the safety of their own surroundings.

Some contaminants are showing up in water not because they have been recently introduced but because scientists have only recently become able to measure them in small concentrations. Moreover, the science of assessing the amount of contaminants in water is a good deal more precise than the science of assessing the effects of contaminants on human health. Here we find that definitive judgments are extremely difficult to make. Although much work remains to be done to improve these assessments, scientists may never know more about the toxic effects of many chemicals than they do now. Too many variables (what statisticians call "noise")—occupation, personal habits, diet, the presence of environmental insults other than chemical in question, and so forth—exist in any given geographic area to allow clear linkages of diseases to specific contaminants. This frustration is not likely to diminish significantly with time; it represents an inexorable deficit in scientific understanding.

The public has little tolerance for the ambiguities that complicate statements about contaminated water's effects on health. Confronted with the lack of sure knowledge, many people assume that they are being manipulated for devious reasons. Often, in fact, the suspicion is well founded. Although the uncertainties about toxicity ought to be a warrant for extreme caution in any effort to purify water, they have served also as a refuge for manufacturers and the overseers of landfills, who can cite the uncertainties as a way of understanding their liability once contamination is discovered. Under these circumstances, rational debate on how best to protect water is hard to sustain.

Safeguarding water's quantity and quality are two parts of a single enterprise—management—and most of the threats to water in this country stem directly from the fact that it is a common resource that has been managed chiefly in the service of private profit. Believing that water is limitless, we have made it available to industry and agriculture essentially at zero cost, and with few stipulations. Therefore, we should not be surprised or offended by the profligacy with which these users have exploited it. Few corporate officers who look to the bottom line of a financial balance sheet would insist on investing large sums to conserve or clean up a resource for which their companies did not have to pay much in the first place.

To worsen the consequences of this fundamental error, the country's shortsighted and rudimentary control of the environment makes it inevitable that the regulators will trail behind those regulated. Even as we restrict the permissible levels of some contaminants we discover others, and must set regulations on those as well, in a never-ending game of catch-up. Similarly, as we undertake large and costly engineering

projects to transfer water to farms and factories in regions where it is dwindling, we ensure that the practices that have led to a supply's depletion will persist. Both these obstacles are chiefly matters of policy, however, and policy—unlike the laws of nature—can be changed.

Poor planning is particularly obvious in the country's efforts to deal with chemical wastes, which are a chief source of water's contamination. Although a variety of treatment methods have been developed to make hazardous wastes safe, most wastes have been either stored untreated or indiscriminately dumped. Unfortunately, storage is at best a temporary solution, and an unreliable policy for the future.

The annual tonnage of hazardous wastes produced in the U.S., and other data equally fundamental to any reckoning of the threat to the water supply, are by no means firm. The EPA and other government agencies have not been collecting data for long, and the release of interim numbers to the scientific community and the press has given rise to inconsistent but often-cited figures. For example, a lengthy report on hazardous wastes, which Congress's Office of Technology Assessment (OTA) published in March, cited an estimate by the EPA that between 28 million and 54 million tons of federally regulated hazardous wastes are released in the U.S. each year. The OTA estimates that the total is instead somewhere between 255 million and 275 million tons. The enormous difference between these estimates, which is explained by the OTA's more liberal definition of hazardous wastes, can only complicate the government's efforts to control them. Moreover, within both the OTA's estimate and the EPA's, the margins for error are so wide—at least 20 million tons—that either one alone is a poor basis for policy.

Since no one can say precisely how many tons of hazardous wastes are produced in the U.S. each year, the fact that no sure figures are available on the extent to which chemicals have infiltrated the nation's water should come as no surprise. The United States Geological Survey (USGS) oversees more than 500 stations around the country, which supply regular information on the quality of surface water. These stations do not keep track of all pollutants, however. They do not measure most of the potentially toxic chemicals, and those they do test for elude detection at the low concentrations that would be expected in large volumes of water—concentrations at which the pollutants may nevertheless have significant adverse effects. Thus, although the data the USGS does provide indicate that the country has been able to hold its own with respect to conventional pollutants, such as municipal sewage, the extent of contamination of surface water by unconventional pollutants is barely known.

As for groundwater, no systematic monitoring has been undertaken. Instead, we have only incidental evidence, brought to light, by and large, by concerned individuals. In the San Gabriel Valley of California, for example, thirty-nine wells that supplied water to thirteen cities had to be closed in 1980 when they were found to be polluted by high concentrations of trichloroethylene (TCE), an industrial solvent and degreaser. Seven municipal wells and thirty-five private wells near Atlantic City, New Jersey, had been closed by March of 1982, after wastes from a chemical dumpsite were found to have seeped through the sandy soil into groundwater. In Bedford, Massachusetts, four wells providing 80 percent of the town's drinking water were closed in 1978 when they proved to have been contaminated by high concentrations of dioxane and TCE, among other toxic chemicals. By 1979, drinking water in a third of the communities in Massachusetts had been found to be contaminated. In the spring of 1980, the federal Council on Environmental Quality compiled all the reports of groundwater contamination that had been filed at the EPA's regional offices. The results showed that contamination had occurred in at least thirty-four states: in nearly every state east of the Mississippi River, and in the less industrial western states as well.

Although the EPA is conducting tests of drinking-water wells scattered nationwide, it has concentrated chiefly on locating potential sources of contamination. By the end of 1982, the agency had found 80,263 pits, ponds, and lagoons in which industrial, municipal, agricultural, and mining wastes are impounded. Fewer than 10 percent of these sites have been investigated, and of these, only half are being checked on a regular basis to ensure that clean-up is proceeding. In addition to these impoundments, approximately 16.6 million septic tanks routinely disperse their effluent—about 800 billion gallons a year—into the ground. Septic tanks can be a source of chemical as well as biological water pollution, because of the popularity of cleaning fluids sold to flush out sludge. The fluids contain TCE and benzene, which are both known carcinogens. Finally, the 14,000 active municipal landfills, many of which receive industrial wastes as well as the solids from sewage-treatment plants, and the 75,000 active industrial landfills generally are unlined and leach their contents into ground and surface waters.

Given the volume of contaminants released into groundwater, the fact that they have taken so long to show up may seem puzzling. But most of the chemicals are tasteless and colorless, and therefore hard to detect, especially at low—but nevertheless potentially toxic—concentrations. Moreover, water travels through the ground quite slowly; a contaminant may emerge in a well years after it was released from a source even a short distance away.

The insidiousness of the poisons, their wide geographic distribution, and the frequency with which they appear when tests are conducted understandably provoke reactions of panic or despair. Remedies do exist, however. We can insist that manufacturers reduce the amount of waste they produce; we can treat the wastes before disposing of them; we can treat water after it has been polluted; finally, we can restore an entire area after wastes have been discharged. Of course, some combination of these strategies is also possible. It is generally recognized, however, that the cost of cleaning a site after untreated wastes have been dumped is somewhere between ten and a hundred times the cost of treating wastes before disposing of them. The first two options are therefore clearly the best policy.

Any landfill, no matter how well engineered, is likely to leak eventually. Thus, to start with, landfills might be designed in such a way that the leaks would be directed into collectors; even then, they will have to be checked over a much longer period than the thirty years now required by the EPA, because of the extreme corrosiveness and long lives of many of the chemicals contained. Beyond this, technologies for treating wastes are already in place at many manufacturing plants, and the advantages and disadvantages of potential improvements on these should be explored. Segregating the harshest wastes before they are released to a treatment facility (rather than shipping them in mixed form), and altering manufacturing processes to make their byproducts more benign and to allow for recycling, appear to be relatively cheap but effective ways to control potential contaminants at their source. Wastes can also be burned. Incineration is not appropriate for all chemicals, however. The most toxic ones must be subjected to extremely high temperatures—an expensive and not yet perfected technology—to keep the gases given off from polluting the air. Dumping hazardous wastes in canisters in the ocean and injecting them in the earth at a depth of 5,000 feet or more—that is, far below easily accessible water tables—are two other possibilities. (Even now, in many coastal cities, the effluent of sewage-treatment plants is freely discharged into the ocean.) Both plans are risky, however, because they bring untreated wastes into direct contact with the environment. Eventually, canisters will leak or break up in the ocean, but, according to proponents of this strategy, the wastes released would be so diluted that their toxicity would be nil. Shifts in ocean currents could defy this theory, though, and wash the wastes in close enough to shore to pose a threat after all. The chemicals could also be ingested by fish and find their way into human diets. As for deep injection wells, wastes could migrate upward along unsuspected fault lines; earthquakes and other unforseen geophical phenomena could disturb them too. Chemically breaking down batches of wastes into less toxic forms or decomposing them with bacteria are perhaps the best tactics tried so far, because they ensure that all hazards have been eliminated before a substance is released from a plant.

There is no doubt that, at a price, the country can safely handle its wastes. Prices quoted by nine large firms that treat chemical wastes to bring them up to acceptable safety standards range between $55 and $240 per metric ton. Generously assuming a price of $250 a ton to treat 54 million tons of hazardous wastes a year (the maximum volume estimated by the EPA), the annual cost would be about $13.5 billion. This cost could rise, of course, as more chemicals are analyzed and found dangerous.

Is $13.5 billion, or more, a year a high or low price to pay for the safe disposal of chemical wastes? There is no easy answer to this question. Consider, however, that this sum represents 2 percent of the annual contribution of manufacturing to the GNP, and 0.4 percent of the GNP as a whole. It should also be kept in mind that this $13.5 billion would not be lost, as payments for imported oil are. Rather, it would create and stimulate a substantial industry—and jobs—in its own right.

A task more arduous than controlling wastes before they assault the environment is cleaning them up after the fact. How a site is cleaned up varies with its proximity to houses and drinking-water supplies, the type of soil, the disposition of groundwater, the specific chemicls dumped, and how they were dumped (in liquid or solid form; in containers or not). Generally, though, problem dumpsites can be handled in one of three basic ways: isolating the site by surrounding it with trenches lined with clay or some other nonporous material, and lining and capping the site itself; diverting the flow of any water through the site, underground or on the surface; removing the wastes and the soil and water they have polluted, decon-

taminating them by one of the methods cited earlier, and storing them at a controlled landfill.

These options are not uniform in cost. Clearing a contaminated site and treating everything removed from it entails a good deal of money and labor, but once the task is accomplished, little else is required. In contrast, steering water away from a contaminated site is less expensive initially, but purification plants nearly always must be built to ensure that the water is truly safe, and so maintenance costs can be high. Moreover, regular tests for toxicity are essential, no matter how a contaminated site is handled. The EPA's crisis-management strategy has been simply to transfer the contents of a dumpsite, without treating them, to other landfills, which are themselves prone to leaks. Although the EPA's response has the advantage of being fast and relatively cheap in the short term, its ultimate wisdom and cost-effectiveness are dubious.

The obstacles to cleaning up hazardous wastes, like the obstacles to treating them, are economic, and therefore political, rather than technical. The OTA reports that some 15,000 uncontrolled dumpsites are in need of attention. The total cost is estimated at between $10 billion and $40 billion—many times the $1.6 billion that the federal government expects to collect from chemical manufacturers for its environmental "Superfund," established in 1980. If the country chooses to accept the expense, the goal is within reach.

Aside from the steps the country can take to protect water from contamination, there are ways to protect the public from the toxic effects of contaminants already in water. No contaminants appear to have an irreversible effect. What we put in water, we can usually extract—at some cost. Indeed, only the cost and long-term efficacy of the available technologies remain to be established.

The most reliable method that has been developed so far is the granular-activated-carbon (GAC) filter—essentially ground-up charcoal. (Other filter mediums, such as synthetic resins, are also being studied.) The filter works by a physical process called "adsorption." Molecular attraction causes the chemicals flushed through a carbon filter to adsorb, or stick, to the carbon's surface. Once the grains of carbon are covered completely, they are either restored by being subjected to a high temperature, which drives off the chemicals adsorbed (if the filter is a large one, at a municipal plant), or discarded (if it is small, attached to a household tap). There is little risk involved in the disposal of household filters, because they are small and because, in any case, the molecular bond is extremely strong.

A special advantage of carbon filters for municipal drinking water is their proven ability to trap not only chemical wastes that have infiltrated the system from outside but also unwanted chemical by-products of chlorination. The great reduction in waterborne diseases in the U.S. has been sustained by chlorine, which rids water of harmful bacteria. It turns out, however, that chlorine reacts with natural as well as man-made chemicals in water to create a family of chemicals known as trihalomethanes, one of whose members is chloroform, which has been shown to cause cancer in animals. Flushing water that has been disinfected with chlorine through a carbon filter at the end of the treatment cycle can efficiently remove trihalomethanes and any other hazardous organic chemicals present, according to a report released in 1980 by the National Academy of Sciences. The report cautions that further study is needed to make sure that potentially toxic chemical reactions do not occur on the carbon and that no micro-organisms build up in the filters, but it concludes that there is already "ample evidence for the effectiveness of GAC," and advocates the filter for municipal supplies threatened by contamination.

In 1978, the EPA proposed carbon filters as the option of choice for the control of hazardous chemicals in water. Soon after, a group of ninety investor-owned water utilities, the Coalition for Safe Drinking Water, was formed to resist any EPA requirement on that score. Although the coalition expressed doubts about how well the filters would work, their underlying complaint was cost. Studies sponsored by the EPA in response to the coalition's objections have shown that for cities with a million or more residents, the cost of water would rise between 17 and 21 percent. In relative terms, one could argue that the increased cost would be large. But in absolute terms, and considering how cheap water is everywhere in the U.S. at present, the increase would be modest; based on the EPA's figures, for a family of four it would range between $11.81 and $60.25 a year.

Many water utilities have been using carbon filters to control taste and odor and to treat waste water; some have installed them specifically to control toxic chemicals. In Europe, many cities have been using carbon filters for this purpose alone for several years. So far, however, the EPA has not ordered any utilities to install carbon filters. The EPA does require large community systems—representing about 54 percent of the American population—to test for trihalomethanes and other contaminants. People who are concerned that their water might not be safe could ask their utilities for the results. Local health departments may also be able to provide this information, and some may even be willing to accept a sample and test it themselves. Independent tests of domestic water supplies are expensive, but they are the only recourse for the 33 million Americans whose water comes from their own wells.

Fortunately, some of the household-sized carbon filters on the market do a very good job of ridding water of chloroform, trihalomethanes, and other toxic chemicals. *Consumer Reports* reviewed fourteen of them in its February, 1983, issue, and rated five "very good" or "excellent." The three best were Culligan Super Gard SG-2, at $175 ($23 for replacement cartridges); Sears 3464, at $23 ($7.50 for replacement cartridges); and AMF-Cuno AP50T, at $67 ($12 for replacement cartridges). The magazine gave the Sears filter its "best buy" rating, because of its effectiveness and low cost. In Rockaway Township, New Jersey, a dozen houses relying on contaminated well water have been fitted with such small carbon filters, and tests show that the water is up to acceptable safety standards.

An investment in the treatment of contaminated water need not be an endorsement of the uncontrolled release of hazardous substances into the environment. But treating contaminated water can protect the public health for relatively low additional costs while the country goes about cleaning up the mess it has already made.

A good engineering approach is to be very conservative, and to set the highest standards affordable. It is legitimate to ask whether or not the cost of improving the quality of water is too high, but it is also legitimate to ask, compared with what? If the cost is compared with what industry, agriculture, and households now pay for water, it does seem large. But if we compare the cost with the value of water that won't make us sick, it is small. By any standard of comparison, the eventual expense that is likely to result from current policies, which protect water only haphazardly at best, will be enormous.

Although by now it is a commonplace to say that we live in an era of limits, water is still managed in accord with presumptions, laws, and institutions that do not reflect a recognition of these limits. Abel Wolman, professor emeritus of environmental engineering at Johns Hopkins University, and one of the world's foremost experts on water supply, was quoted in The New York Times on August 9, 1981, as saying:

"Water is cheaper than dirt. That means there is no orderly design as to when and where to use it. In a vast country such as ours we have never been able to organize a thoughtful, logical national plan, and I am very doubtful we ever will."

One does not have to be an economist to see the problem of underpricing. Common sense tells us that people waste commodities that they do not value highly, or commodities that, though valued highly, are supplied cheap.

Both in the Southwest, where water shortages are permanent and likely to worsen if present consumption rates continue, and in the Northeast, where shortages are periodic and rarely dire, water prices are extremely low. Indeed, they are lower by half here than they are in Europe. People in Frankfurt, Germany, pay $2.82 per thousand gallons, whereas in Los Angeles, which is significantly more arid than Frankfurt, people pay only $0.60 per thousand gallons. This disparity in prices is reflected in the sharp contrast in rates of consumption between the U.S. and Europe. The average amount of publicly supplied water for all nonagricultural purposes in the U.S. is about 180 gallons per capita per day ("gped"), of which 120 gallons go to households and for municipal uses, such as street washing and fire fighting; the rest goes to manufacturing and businesses. Yet in countries with comparable levels of social and economic development, consumption is a fraction of the U.S. rate. The rate in Germany, for example, is 37 gped; in Sweden, 54 gped; in France, 30 gped; and in the United Kingdom, 53 gped.

Price differentials alone do not explain the large differences in water consumption in these societies. Consider that in New York City, where water prices are on a par with those elsewhere in the East, the rate of consumption is reported to be 180 gpcd, and supplies to most residential users are unmetered. (As it turns out, the rate of consumption in cities where water is metered is roughly half the rate in cities without meters.) In Boston, water prices are also in the range of prices elsewhere in the East, yet the rate of consumption is 233 gpcd—well above the national average. As much as 40 percent of that amount is lost to leaks in the system. Best guesses as to the effect of doubling Boston's 1978 price of $1.18 (now down, to $1.00) per thousand gallons suggest that consumption would be reduced at most to 160 gpcd—still four times Frankfurt's rate of 40 gpcd.

Something else in addition to price seems to influence water consumption in the U.S.

Americans may be able to recognize, in a theoretical way, the pressures that serve to diminish supply, but they seem unable to keep conservation in mind when devising distribution schemes that borrow from reserves necessary for the future, when confronted with the need to renovate old and wasteful utilities, and when watering lawns and taking showers. Thus, even where water is least plentiful in the U.S., prices rarely reflect supply. Indeed, prices are lowest where water supplies are lowest: $0.53 in El Paso and $0.59 in Albuquerque, compared with $1.78 in Philadelphia or $1.00 in Boston. Moreover, a rise in price does not seem to provoke a commensurate decline in demand. Perhaps American prices are so low that even when they are raised they fail to make an impression on consumers. Can the average homeowner even remember the amount of his last water bill? And how does that expense compare with the cost of an evening's entertainment, or a tank of gas?

However low the price of municipal water in the U.S. appears in comparison with prices in other countries, it is high in comparison with what American farmers pay. The price of agricultural irrigation water in the U.S. ranges between about $0.009 and $0.09 per thousand gallons, and federal subsidies make up the difference between price and cost. The amount of subsidy in the more arid parts of the country is staggering, in fact. In eighteen western federal irrigation projects that the U.S. Department of the Interior studied in 1980, the government was providing between 57 and 97 percent of the costs over the lifetimes of the projects. This works out to an amortized value of between $58 and $1,787 a year for every acre subsidized. Kenneth Frederick, an economist at Resources for the Future, Inc., a nonprofit organization for the study of environmental questions, based in Washington, D.C., wrote in his book *"Water for Western Agriculture,"* published in 1982, that for all Bureau of Reclamation projects, water subsidies total, on average, at least $500 per acre over the life of a project. Thus, for a 160-acre farm, the subsidy might total $80,000, and in some water-short regions it could be as high as $286,000. Until recently, a 160-acre farm was the largest eligible for federally subsidized water under the 1902 Reclamation Act. An amendment to the act was passed last summer, however, which raised the ceiling to 960 acres for individuals and to 640 acres for corporations. The amendment merely acknowledged the fact that the Bureau of Reclamation had been providing subsidies to farms larger than 160 acres for some time. Simple arithmetic shows that for the largest farms now eligible, the subsidy can rise to between $480,000 and $1,715,510 per farm. Senator DANIEL PATRICK MOYNIHAN, of New York, who has been persistent in calling for more rational water policies, argued on the Senate floor that the bill represented "all that is wrong with federal involvement in water resources: chaos, arbitrariness, inequity, and waste."

Water is not limitless, but, contrary to the views of alarmists, there is no absolute danger that it will run out. The U.S. as a whole can count on at least fifty years without serious shortages, even at the present wasteful rates of consumption. Extremely difficult choices will have to be made soon in some regions, however, and almost everywhere methods of allocating present supplies and developing new ones need to be more conservative. For water's quantity as for its quality, it is not nature that could prove intractable but policy. The nation has the power to abandon various water-intensive activities in favor of others less demanding on supplies, and the opportunities are numerous enough to make the transition relatively painless.

Annual precipitation in the continental U.S. is about 4,200 billion gallons per day (bgd), on average. Of this amount, 1,400 bgd should be available for all our uses; the rest evaporates. But yearly fluctuations in precipitation further diminish the supply, in ninety-five out of a hundred years, to 675 bgd. The variability of precipitation should be obvious to everyone this year. Rainfall has been well above normal rates in all parts of the country. Notwithstanding the costs that will result from flooding and soil erosion, these rains could bring important benefits: increased supplies in surface reservoirs, an increased volume of groundwater, and increased soil moisture to ease the demand for irrigation. Unfortunately, though, the amount of water that can be carried over from wet years, such as this one, to drier years is quite small, because the capacity of American reservoirs to store it is limited.

According to the U.S. Water Resources Council, the nation's total average daily consumption in 1975—the most recent year for which the council made an estimate—was 106 bdg. Of this amount, fully 83 percent was used in agriculture. Improved irrigation efficiencies could reduce this share substantially. A tremendous asymmetry exists between agriculture, which consumes 83 percent of the nation's water but contributes only 3 percent to the GNP, and manufacturing, which consumes less than 6 percent of the water but contributes 27 percent to the GNP.

Nearly a quarter of the total amount of water consumed in the U.S. is drawn from the ground. Between 1950 and 1975, the demand for groundwater increased 140 percent. Groundwater accounts for half of the irrigation water used in the West, and some appealing features make it a prime target for development. First, a tremendous quantity is stored in American aquifers—underground streams and basins. The Water Resources Council estimated in 1978 that more than a thousand times the amount of water consumed in 1975 lay within 2,500 feet of the surface. Second, groundwater can be used to even out the natural fluctuations in precipitation from year to year. And third, in many areas, groundwater is the only source that remains to be appropriated.

Unfortunately, in addition to those advantages, there are some drawbacks. Extracting water from the ground demands a good deal of energy. Also, the rate of replenishment, or "recharge," is slow—typically less than 10 percent a year, and only slightly faster in years like this, when precipitation is above average. These drawbacks are now becoming critically evident in the West, where, since 1950, development has depended largely on groundwater sources. As a result, annual withdrawals of water in excess of the amount recharged to an aquifer—"overdrafts"—range between 4 and 95 percent in those regions in which farm acreage is increasing most rapidly. In Texas and the Oklahoma High Plains (the site of the vast Ogallala aquifer), the annual overdraft is equivalent to the unregulated flow of the Colorado River—approximately 14 million acre-feet a year. (An acre-foot is the amount of water needed to cover one acre to a depth of one foot.) In all of the western states, the overdrafts exceed 20 billion gallons a day, or 22.4 million acre-feet a year. In the remaining states, overdrafts have been less substantial, rising to one billion gallons. These data show that enough water to irrigate 10.7 million acres is being withdrawn in excess of replenishment from American aquifers. Although overdrafts for short periods do no harm, for the long term they deplete aquifers, and pumping costs rise as a result.

Consumption has meaning only in terms of supply, and supply is not always easy to predict, because it is subject to technology, politics, and the economy, as well as to natural constraints. For example, a serious effort has been made during the past fifteen years to modify weather in ways likely to increase precipitation. These techniques—seeding clouds with silver-iodide crystals, for example—are still experimental, but they may prove workable eventually. A problem that engineers have yet to solve is that efforts to increase rainfall in one area might decrease it in another. Then there is desalinization—a technology that has attracted a good deal of publicity and that has been employed successfully in harshly arid parts of the world, such as the Middle East and some islands in the Caribbean. However, desalinization is well enough established now to support the prediction that in the U.S. it will always be too expensive for farming purposes—the only source of demand that could seriously deplete supply here.

Just as human intervention can enhance the water supply, human intervention can diminish it. For example, if the federal government were to impose a ban on overdrafts of groundwater, the supply available to consumers could drop by 25 percent in the country as a whole, and by an even greater percentage in the West. The burning of fossil fuels may have provoked a buildup of carbon dioxide in the atmosphere, and evidence is accumulating that if such a buildup has indeed occurred, the small changes in temperature that will result will lead gradually to large changes in rainfall in the country's mid-latitudes. According to Roger Revelle, a member of a panel on the buildup of carbon dioxide in the atmosphere which was convened by the National Academy of Sciences, if the average air temperature increased by several degress centrigrade at a latitude of about 40° north, a 15 percent decline in precipitation would follow, reducing the flow of the Colorado River system, for example, by half. This could create major agricultural dislocations in Colorado, Utah, and Arizona. Revelle says that a decline in precipitation at this latitude across the U.S. might begin to be felt within the next fifty years. So far, though, the change in the earth's atmosphere and its potential effect on weather are only hypotheses.

The effect of politics and the economy on the country's water supply is easy to demonstrate. A huge federal pork barrel is based in part on the construction of dams and the transfer of water from one basin to another, both of which serve to increase a water supply when it runs short. Between 1965 and 1980, $52 billion was spent on all water-resource projects—inland waterways, ports and harbors, multi-purpose dams, and so forth—by four federal agencies: the U.S. Army Corps of Engineers, the Bureau of Reclamation, the Tennessee Valley Authority, and the Soil Conservation Service.

The Bureau of Reclamation's Central Arizona Project is a good example of how the money is used. This project has been under construction since 1973, and is 38 percent complete. Ultimately, it will divert 1.2 million acre-feet of water a year from the Colorado River basin to the cities of Phoenix

and Tucson, and to the agricultural land in between. The water has to be lifted 1,200 feet over a granite reef to a 300-mile-long aqueduct. Most of the water is intended to compensate for the depletion of aquifers by farmers for irrigation; the project will not provide enough water to allow for any expansion in irrigated farmland, or for any further development of cities and industries.

The bureau estimates the project's final cost at between $1.4 billion and $2 billion; estimates made by others are substantially higher. When federal agencies undertake projects like this one, they pay most of the cost; the share borne by the beneficiaries is very small. Moreover, only 6 percent of the $52 billion budget for water projects between 1965 and 1980 was allocated to the Northeast, where 24 percent of American taxpayers reside, and where water systems are generally old—in need of renovation and expansion. The West received 35 percent of the expenditures, though its share of the population is only 17 percent. As a result of this inequity, many congressional representatives of states and districts outside the West have opposed western water-reclamation projects in recent years; indeed, no major package of water-resource projects has been authorized since 1976. A good deal of money remains to be spent, however. According to the General Accounting Office, the cost of the 289 authorized projects still under construction by the Bureau of Reclamation and the Army Corps of Engineers totals $57.4 billion; of this sum, $22 billion has been spent by the end of fiscal year 1981. Another 645 projects have been authorized, with funds yet to be appropriated.

One can object to expensive water projects on the narrow grounds that if they are truly needed, then the beneficiaries should pay for them. But the question of their financing aside, many water projects entail no riders to ensure that the increased supplies will not merely perpetuate a wasteful status quo, in which users who have consumed water indiscriminately can persist in doing so. Federal water projects attract development in regions that have already been developed to a point that strains existing supplies, and they encourage farmers to cling to thirsty crops and inefficient irrigation practices that ought to be abandoned. For example, water supplied by the Bureau of Reclamation to the Grand Valley of Colorado is so highly subsidized that the farmers rely on flood irrigation—they simply cover entire fields with water. Flood irrigation uses up to six times more water than "big wheel" and fixed-sprinkler systems, which are themselves by no means the most advanced and efficient techniques available.

If water and water rights were freely bought and sold, the demand for water would be easier to control; the market would help to establish the most efficient use of the resource. But most water supplies and rights are protected under legal and institutional arrangements that have been worked out over time in accord with objectives other than equity and economic efficiency. The two major legal doctrines—riparian rights and prior appropriation—were designed to secure the land titles of settlers. Riparian rights, which are observed chiefly in water-abundant eastern states, allow the owner of land adjacent to a body of water to make use of the water so long as no inconvenince is caused to his neighbors. Prior appropriation, which is observed in water-short western states, ranks the claims of settlers according to how early their homesteads were established. When a property owner fails to exercise his rights, they lapse. The doctrine is analogous to the pressure on a manager within a corporation to spend all the money budgeted or suffer a cut in funds the following year. Thus, prior appropriation, far from being an incentive for farmers to use less water, is an incentive for them to use as much as they can. In many cases, water rights are attached to parcels of land or specify particular uses. As a result, late arrivals—industries, municipalities, or other farmers—often have trouble acquiring water at any price.

If Indian water rights in the western states are ever enforced, they will reduce substantially the amount of water available to everyone else in those states. The Winters Doctrine, based on the 1908 Supreme Court ruling in *Winters* v. *United States*, holds that when the federal government claims land for any purpose (specifically, to create an Indian reservation), it at the same time implicitly claims sufficient water to accomplish the purpose for which the land was set aside. At present, Indian water rights remain unquantified, but the Navajos, for example, could legitimately claim as much as a third of the flow of the Colorado. In New Mexico, pending claims by several tribes add up to many times the present allocations of water to all the irrigated farmland in the state.

Water is largely in the hands of the states, and it was only in the nineteenth century—with passage of the Rivers and Harbors Act of 1826, which established federal control over interstate navigation; the Refuse Act of 1899, which controlled dumping in navigable waters; and the Reclamation Act of 1902, which established a federal role in enhancing water supplies in the West—that the federal government involved itself at all. The state laws are complex, having evolved, much like federal tax laws, over a long period, and there is little chance that a single national code will ever be devised, much less approved, to replace them. In fact, such a code would not even be desirable in this country, where there is so much variation in supply and demand from one region to another. But it is clearly in the interest of the states, perhaps with the guidance of the federal government, to plan equitably in ways that exploit the legal structure rather than conflict with it.

Water rights may be unbreakable, but they can be bent. For example, a state might offer grants to farmers to offset the cost of adapting farms so that they consume water more efficiently. In exchange, the state would be entitled to the surpluses achieved—water that could then be diverted for municipal and industrial uses, and to increase reserves. Alternatively, since the economic return on water for agriculture is significantly lower than the return on water for manufacturing, industries in arid parts of the country might be enabled, through state intervention, to meet their needs by a mechanism as simple as competitive bidding.

Arizona's Groundwater Management Act—the first comprehensive state law to limit the pumping of groundwater—is a worthy precedent for the thoughtful redistribution of water. It was the severity of groundwater shortages in that state that prompted construction of the Central Arizona Project, but the project will supply only two thirds of the water needed by the year 2000, at current rates of consumption. Thus, the act calls for wells to be registered, and levies fees on the water withdrawn. It calls on farmers to improve irrigation efficiencies, and if these efficiencies are not adequate by the year 2005, it allows the state to buy and retire as much farmland as necessary to restore the natural balance. The act also requires housing developers to secure state certification that a 100-year supply of water is available before construction can proceed.

Harvests need not suffer if farmers use less water than their water rights entitle them to; the agricultural and social optimums rarely coincide, and, given the subsidies, there is no reason why they should. On average, irrigated crops consume only 53 percent of all the water that a farmer withdraws. At farms dependent on surface water, irrigation efficiencies are typically less than 45 percent. At farms dependent on groundwater, the efficiencies are better than 60 percent. The difference is a matter of economics. Irrigation water from surface supplies, which reaches farms through federal or privately managed canal systems, costs a good deal less than groundwater, which farmers must pump themselves. With improved irrigation systems, these efficiencies could rise to between 65 and 75 percent, or higher.

Many farmers—not just those in Colorado's Grand Valley—irrigate by flooding. Alternatives to this practice are "permanent furrow systems", which collect rainwater and surplus irrigation water and channel it to storage ponds for future use; concrete or plastic pipes that carry water underground from the water source to the furrows, reducing the losses to evaporation and seepage incurred by open channels; and "drip irrigation," in which plastic tube feed small increments of water directly to the roots of each plant. Drip irrigation both inhibits evaporation and allows plants to be fed only as much water as they need; farms in Israel using this method have been reported to achieve efficiencies as high as 95 percent.

Besides reducing total water consumption, farmers might also tap supplies of brackish water, for which there is no competing demand. A rule of thumb in agriculture holds that "if you can drink the water, it's all right to use it for irrigation." Yet some crops—barley and cotton, for example—can flourish with brackish water. Crops less tolerant of salt, such as corn and beans, can also be grown in brackish water if it is supplied in such quantity that the salt is washed past the roots. Running tiled drains under the root zones of the plants also helps to keep salt concentrations low. Brackish water occurs inland as well as near the sea. Thus, adapting drainage systems to accommodate brackish water and growing crops that can thrive on it—leaving sweet water for other uses—are conservation options for farmers everywhere in the U.S., not just those in coastal regions. Brackish water could also be substituted for sweet in air-conditioners, washing machines, and industrial washing and rinsing processes.

The homily "mother nature knows best" is as true of water as of any other environmental resource. In many arid regions of the U.S., farmers have been able to cultivate crops that are more water-intensive than the resource ultimately can support, because water is cheap. But when a water supply is exploited to the limit of its capacity, nature asserts itself in ways that should force farmers to conserve. As a water table drops, pumping becomes more expensive. For a while, farmers may persist in their withdrawals, choosing to pay for more fuel to run the pumps, or to drill new wells. Eventually, however, the cost will rise

higher than farmers can afford, and at that point they will abandon their farms or turn to the crops that can thrive with little or no irrigation, such as sorghum, wheat, and soybeans.

Society can be content with this self-regulating system so long as the irrigated crops lost are not essential to health or economic survival. The system can be hard, however, on the farmers at its mercy, and some form of government subsidy ought to be made available to compensate them at least partially for the cost of converting to different crops. Such compensation is sure to cost much less than the federal projects conceived to increase water supplies artificially.

Does the nation depend on crops irrigated with water from the Ogallala aquifer? Do we need Arizona's cucumbers? The most recent comprehensive study of the question, conducted last year by Kenneth Frederick, shows that we do not. Frederick found that out of a national total of 547 million acres of cropland and pastureland, only about 61 million acres are irrigated. The Center for Agricultural and Rural Development, at Iowa State University, which is the leading research group on American agricultural needs, has predicted that only 32 million irrigated acres will be needed to meet the demand for food and fiber in the U.S. in the year 2000. The Center asserts that even this acreage can be irrigated at lower cost, in both water and dollars, using existing technologies. Clearly, if irrigated acreage can safely decline by half over the next twenty years, the country does not desperately need to water the desert, nor does it need to devote so much of the water it consumes to the task. With a decline in irrigated farmland, and the adoption of more efficient irrigation methods, an enormous amount of water can be saved for drinking and other uses.

Industry has already markedly reduced its demand for water, as a result (unintended) of the Water Pollution Control Act, which Congress passed in 1972. Predictably, economic constraints have proved a powerful motive for change. The act requires industries to treat their own effluents, or to pay others to do so; to cut that cost, firms have found it in their interest to produce less waste. The Water Resources Council estimated in 1978 that by the year 2000, industry will withdraw 62 percent less fresh water than it did in 1975, although its consumption of water will increase by as much as 150 percent. Industries will make up the difference by recycling the water they do withdraw from the nation's supply.

Industries can reduce their demand for fresh water substantially merely by keeping a cleaner house. A large textile plant in São Paulo, Brazil, was able to use 39 percent less water within two years after the city levied a nominal charge for the treatment of its effluent, and the reduction was virtually costless. The plant resorted to such simple practices as shutting off taps when no water was needed and using some wash waters more than once. Where plants are being replaced or renovated, changes in manufacturing processes can also bring about large savings. A new paper-pulping technology developed in Sweden has been demonstrated to use half as much water as conventional processes while nearly doubling productivity: the new process gets ninety-five tons of paper from a hundred tons of wood, as compared with the fifty tons yielded by other means. These savings are realized at a price, however, since the alternative technology requires more fuel and a tenth of the usual manpower.

The nation's demand for energy is another source of stress on the water supply. However, although this demand is sure to rise substantially in the future, the amount of water consumed to generate electricity from steam is not likely to rise commensurately. In fact, steam-power plants will consume about 11 percent less water in the year 2000 than they did in 1975, according to the Water Resources Council's last forecast, even though the amount of water they require could be seven times greater. The huge difference between these two figures will be accounted for by improved technologies for cooling water, so that more of it can be recovered. For example, a shift away from evaporative cooling towers to non-evaporative cooling towers, in which condensed water is collected rather than released, cuts the water lost in cooling virtually to zero.

The synthetic-fuels industry, which converts coal and oil shale into more efficient sources of energy, is based chiefly in the West. Although it has been stalled by the buyer's market in oil, its revival will place it in fierce competition for water that is already running short. A coal-gasification plant that can produce 250 million cubic feet of gas a day will require between 3,000 and 15,000 acre-feet of water a year. A coal-liquification plant that can produce 50,000 barrels of fuel a day will require between 5,000 and 10,000 acre-feet of water a year. An oil-shale plant that produces 50,000 barrels of oil a day will require between 2,000 and 9,000 acre-feet of water a year. These are small amounts of water, however, in comparison with agriculture's requirements. A coal-liquification or -gasification plant would use only enough water to irrigate between 1,000 and 5,000 acres, with harvests worth about $250,000. If the same amount of water were used to produce synthetic fuels, it would be worth many times that sum. In 1981, Noel Gollehon and other economists at New Mexico State University studied the likely economic and social consequences of a 40 percent cut (1,245,000 acre-feet) in the water available to agriculture in Montana, Wyoming, Utah, Colorado, Arizona, and New Mexico—states for which synthetic-fuel plants have been proposed. The impact was measured in terms of the loss of income and employment directly related to agriculture and peripheral to it. The $28 million a year and 900 jobs estimated to be lost are not trivial figures. But when these losses are weighed against the income and employment generated by industries producing the equivalent of a million barrels of oil a day, they become a good deal less disturbing.

Although reasonable pricing is not the only solution to the country's poor stewardship of water, it would have powerful ramifications. No state can be expected to refuse a dam or waterway as long as the federal government promises to foot the bill, even though such schemes may delay its coming to grips with the true sources of a shortage. No consumer in any category can be expected to use less water as long as water bills do not reflect the need. Industry cannot be expected to pay for adequate treatment as long as its failure to do so is met at most by nominal fines and more often by silence. Finally, water utilities cannot be counted on to be careful of chemical contamination, and to take steps to prevent it, as long as the EPA is too timid to insist.

The consumers of water must be made aware of its cost for any effort at conservation to succeed. Consider, for example, the aftermath of the federal Water Pollution Control Act, which provided substantial subsidies for the construction or renovation of municipal sewage systems. By 1982, grants to municipalities totaled about $36 billion. The EPA estimates that by the year 2000, an additional $118 billion will be needed to bring the country's sewerage systems into compliance with the act's standards. Because initially the government agreed to pay 75 percent of all construction costs, but nothing for land or maintenance, it ensured that communities would turn to conventional plants, which are expensive to build but cheap to maintain, and which require little land. By the same token, it ensured that communities would avoid innovative systems, which typically cost little to build and relatively more to maintain, and which require large tracts of land. (Innovative sewage treatments tend to rely on nature itself; they employ liquid sewage to irrigate and fertilize crops or they decompose sewage biologically in oxidation ponds or meadow/marsh systems.) The terms of the grants have since been changed in a way that partially corrects this defect, and compels communities to pay close attention to a project's true cost. In 1985, the government's share will drop to only 55 percent for conventional treatment plants, but it will remain at 75 percent for innovative systems. The grants will still cover only the cost of construction, however, and, as a result, a community's incentive to innovate is still not obvious. According to the EPA, the new grant policy is likely to leave a shortfall of $28 billion—or 24 percent—between the cost of the new or improved systems needed to achieve federal standards and the probable contributions of the federal government and communities to that cost.

The Reagan Administration has effectively eliminated the three federal bodies that were in a position to correct the nation's faulty planning: the Council on Environmental Quality, the Water Resources Council, and the Office of Water Resources Technology. Staffs and budgets were cut back to nearly zero. Even though the Council on environmental Quality was composed of too many lawyers and too few scientists and engineers, it played an important role in educating the public about the threats to water and the progress toward solutions. The Water Resources Council studied on a continuous basis the adequacy of water supplies in all parts of the country. The Office of Water Resources Technology, in the Department of the Interior, was the major funding agent for studies of water's proper management. The role of all these groups was essentially critical. By consistently pointing out the flaws in how water is being managed, they made an enemy of the EPA, whose administrators did not appreciate negative evaluations of their performance. They also alienated the four agencies holding the purse strings of the government's water projects, and their chief constituencies—farmers, real-estate developers, mining companies, and so on. Last year's amendment to the rules on access to federally subsidized water is only one example of the power of these constituencies to influence the government's control of the resource.

A bill proposed by Representative EDGAR, of Pennsylvania, to set up a national commission on groundwater, appears on its face to be a good first step in changing the traditional priorities of water management. Yet, although the bill's intention is worthy enough, such a commission is surely premature. Water policy is already thoroughly

fragmented: the Department of the Interior and the USGS have chief jurisdiction over problems of quantity, and the EPA over problems of quality, but no agency is trying to look at the nation's water in all its aspects. Even when it was functioning, the Water Resources Council, which might have studied the interrelationships between supply and purity, and the competing demands of the states, did not do so effectively. Before a commission on groundwater is appointed, there ought to be a commission on water. Such a commission should seek ways to resolve the battles between East and West, and to integrate the activities of the various agencies. And it must do so without engaging in the partisan politics in which these agencies are so often embroiled. The American people are owed a careful explanation of the choices they face, both as taxpayers and as consumers of water.

Perhaps, after all, this country can prove Abel Wolman wrong, and devise a "thoughtful, logical national plan" for water. First on the agenda is to compel users to appreciate water's economic value. Prior to the energy crisis, one would not have believed that Americans could curb their appetite for oil. Ten years of rising prices have provoked amazing changes in behavior. The adjustments have not been easy, but many of the ones most feared by politicians and citizens—the charge of $1 or more for a gallon of gas, for example—have come to pass with no real peril to the common good. Higher prices could influence water consumption just as radically, and with less trauma.

Higher prices by themselves will not untangle the snarl of competitive demands for water in regions where it is running short in absolute terms. But higher prices can reveal the true economic value of water, and make the political choices among these demands clearer. Similarly, the public health is not merely in the domain of cost-benefit analyses. Standards of water purity are ideally studied with no consciousness of the financial burdens they would impose. These burdens must then be confronted, however, and borne as part of our commitment to ourselves and to future generations. Compared with the nation's other expenses, these burdens will not be so very large. Insofar as a water crisis exists, it is a crisis of political will. If the country acts wisely, and is willing to pay the price, it can prevent politics from transforming the water crisis of the headlines into a true crisis in the natural world.●

AID TO GUATEMALA: VIOLATING HUMAN RIGHTS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. GEJDENSON. Mr. Speaker, in our great concern over the unfolding events in Honduras and the seemingly endless war in El Salvador, we must not forget the tragedy of neighboring Guatemala. In the interest of understanding what is going on in that beleaguered country I highly recommend the May 1983 report from the Center for International Policy. The authors of this report, entitled "Aid to Guatemala: Violating Human Rights Laws," also explain in clear detail our human rights laws, the evolution of those laws and their relevance to the situation in Guatemala.

The article follows:

AID TO GUATEMALA: VIOLATING HUMAN RIGHTS LAWS

(By Bruce P. Cameron, and Christopher D. Ringwald)

The Carter administration determined in 1979 that the Guatemalan government was violating the human rights of its citizens so severely that, under U.S. law, U.S. support for multilateral aid to Guatemala had to be withdrawn.

The Reagan administration decided in 1982 that Guatemala's access to the multilateral development banks, governed by the same laws, would no longer be obstructed by the U.S.

Meanwhile, in Guatemala, citizens continued to be detained, tortured and killed.

The difference between the policy implemented by Carter and the policy put in force by Reagan is not a reflection of human rights improvements in Guatemala. Rather, it is an indication of the Reagan administration's willingness to use every ambiguity in human rights law to avoid applying sanctions to protect human rights.

The implication is that the practice of providing arms and supporting multilateral assistance to regimes with reprehensible human rights records will continue.

"CONSISTENT PATTERN OF GROSS VIOLATIONS"

The human rights legislation to which the Carter and Reagan administrations have been subject consists of legislative amendments to three acts: the International Financial Institutions Act of 1977 (section 701); the Agricultural Trade Development and Assistance Act of 1954 (section 112); and the Foreign Assistance Act of 1961 (sections 502B, 116, and 239).

The crux of each amendment is that the U.S. shall not provide or approve assistance to any government which engages in a "consistent pattern of gross violations of internationally recognized human rights," unless such assistance is channeled to "projects which address basic human needs (BHN) of the people of the recipient country", or in the case of security assistance, "extraordinary circumstances exist", or, if "it is in the national interest to provide such assistance."

The phrase "engages in a consistent pattern of gross violations of internationally recognized human rights" is inherently subjective, but has been interpreted, if not applied, with some consistency. It is generally recognized that isolated acts of governments do not warrant human rights sanctions. Yet, under three administrations (Ford, Carter, and Reagan), legal advisors in the State Department have also consistently found that human rights law prohibits loans to governments which fail to cause human rights to be respected, just as it prohibits loans to governments which directly carry out, encourage or incite human rights violations.

Although there is no strict formula, an Agency for International Development legal memorandum of July 18, 1977, is an example of this standard interpretation:

"From the clear import of the term, we conclude that isolated and inconsequential acts of foreign governments are not incorporated . . . as a violation of human rights. We also conclude that a foreign government should be found in violation if it has, by act or *omission* [emphasis added], conducted or endorsed a systematic pattern of glaring violations of internationally recognized human rights against its citizens.

"These interpretations indicate that the phrase 'consistent pattern of gross violations' is a stern test in examining the conduct of a foreign government towards its citizens. A determination that a foreign government has been found to engage in this activity would indicate that government has acted intentionally or at least with unconscionable disregard for the human rights of its citizens by express acts or omissions."

APPLICATION OF HUMAN RIGHTS LAW PRIOR TO AUGUST 1982

It is not easy to unravel the Carter administration's application of human rights law to the case of Guatemala, because Carter implemented a human rights policy over and above legal requirements. Futhermore, the Carter administration was often inconsistent and halting in its application of human rights law, and seems to have preferred to blur the distinction between policy and law .

From the record, however it can be discerned that the Carter administration twice determined that the government of Guatemala was engaged in a "consistent pattern of gross violations of internationally recognized human rights."

First, on the basis of its human rights policy, the Carter administration banned government-to-government military sales to Guatemala in the late 1970s. Commercial sales in small quantities of nonlethal items were not prohibited, but, beginning in 1979, the executive directors routinely opposed non-basic-human-needs (non-BHN) multilateral loans to Guatemala.

Second, after the Guatemalan police stormed the Spanish embassy January 30, 1980, a full arms embargo against the government was put into effect. This was a decision in line with Section 502B of the Foreign Assistance Act of 1961 which prohibits security assistance to gross and consistent violators except in "extraordinary circumstances," yet was explained as another policy decision. It was the Carter Administration's practice to apply the "extraordinary circumstances" clause to most countries, but not to countries in Latin America.

It was in September of 1979 that the Carter Administration invoked the legal prohibition of approving loans to Guatemala. Then, the Interagency Group on Human Rights and Foreign Assistance decided to abstain on a loan to Guatemala which would have been used for industry and tourism. The thinking behind this decision was spelled out in the Operating Manual of the Bureau of Human Rights, and Humanitarian Affairs, written at the end of the Carter administration. The Manual notes the proposed loan was one "which required extensive consideration of other U.S. strategic interests," but that, "in the final analysis the Deputy Secretary of State felt that it was not possible *within the law*[1] to approve non-BHN assistance to Guatemala at that time (emphasis added)."

Because the Interagency Group made its decision on the basis of law, rather than policy, it must be concluded that the Carter administration judged Guatemala to be a gross and consistent human rights violator. It is clear that the loan would not have served basic human needs, and there was no concern that Guatemala was harboring international hijackers—the only other con-

[1] Section 701 of the International Financial Institutions Act of 1977.

dition which would have resulted in a legal prohibition on loans.

Since the Carter administration judged Guatemala to be a gross and consistent violator in September, 1979, it is puzzling that a full prohibition on arms transfers to Guatemala was not put into effect until January, 1980, and then only as a matter of policy. In the summer of 1980, however, Section 502B directly blocked efforts to renew military assistance.

Guatemala "was a gross and consistent violator and we couldn't renew," a deputy assistant secretary of the Department of State said.

WHY THE REAGAN ADMINISTRATION OBEYED THE LAW

While a combination of law and policy guided the Carter administration's policy toward Guatemala, law has been the only restraint under the Reagan administration. Furthermore, the Reagan administration has only upheld the law when the factual situation was so compelling and Congressional pressure was strong.

The Reagan administration's decision in June 1982 to lift prohibitions on non-BHN loans to Argentina, Chile, Paraguay, and Uruguay showed its disregard for U.S. human rights law. Although their military establishments were no longer engaged in massive, brutal crackdowns, the people of Argentina, Chile and Uruguay were experiencing appalling levels of human rights violations. The dictatorship of Paraguay, which imposes periods of severe human rights violations and periods of milder repression, was far from respecting the human rights of its citizens. But, by taking the highest level of violence as the standard of reference, State Department official were able to argue that "consistent patterns" of gross violations of human rights had been discontinued in each of these countries.

This judgment rested on an apparent ambiguity in the human rights law. In the key phrase "consistent pattern of gross violations of internationally recognized human rights," the word pattern clearly refers to violations which occur repeatedly and in relationship to one another. The problem arises with the word "consistent," however, because it has been interpreted in two ways.

One view is that the word "consistent" is merely redundant, because a pattern is by definition "consistent." But in another view, "consistent" modifies "pattern" in a particular way. According to this interpretation, a government is not subject to human rights law sanctions—even if it is committing a pattern of human rights violations—if the kind and scope of the violations change and decrease.

This was the argument the administration made in the case of Argentina, Chile, Paraguay and Uruguay. This case could not be made for the Guatemalan government of Lucas Garcia, but the Reagan administration was prepared to try.

Even in 1981, when the government of Guatemalan President Lucas Garcia was clearly involved in a program of detention and execution that had resulted in the deaths of thousands of Guatemalan citizens, the Reagan administration considered removing Guatemala from the sanctions of human rights laws and lifting the prohibition on non-BHN loans. Arms sales to Guatemala, OPIC insurance for Texaco oil exploration in the Petain, and an Inter-American Development Bank loan for a non-BHN hydroelectric project were all favorably considered inside the Reagan administration.

Only a campagin of public and congressional pressure, spurred by an Amnesty International report, forced the administration to acknowledge the unequivocally dismal human rights record of the Garcia regime, and to obey U.S. human rights law.

In its February, 1981 report, Amnesty International revealed that nearly five thousand Guatemalans had been seized without warrant and killed since Lucas Garcia had become President. Furthermore, Amnesty International held the Garcia government directly responsible for the executions.

"Abuses attributed by the Government of Guatemala to 'independent death squads' are perpetrated by the regular forces of the civilian and military security forces," Amnesty charged. ". . . The evidence compiled and published by AI in recent years indicates that routine assassinations, secret detentions and summary execution are part of a clearly defined program of government in Guatemala." *(Guatemala: A Government Program of Political Murder.)*

In fact, Amnesty concluded most damagingly, the president of Guatemala was personally ordering the assassination of political oponents. "New information . . . shows that the task of coordinating civil and military security operations . . . is carried out by a specialized agency under the direct supervision of President Lucas Garcia," Amnesty said.

The State Department knew Amnesty's accusations to be valid and, most important, Congress knew the State Department knew them to be true. The sale of spare parts which had been scheduled for August was postponed pending further consideration. The U.S. abstained from the hydroelectric project loan on human rights grounds. In December, Texaco withdrew its request for OPIC insurance.●

THE DEATH OF A. J. CERVANTES

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. GEPHARDT. Mr. Speaker, A. J. Cervantes was an untiring advocate and booster of the city of St. Louis and its people. His efforts and accomplishments for his beloved city—as an elected official and a private citizen—will endure.

A. J. Cervantes served as mayor of St. Louis at a time when the future of all U.S. cities was bleak. The social unrest of the sixties and early seventies, combined with the flight to the suburbs placed a strain on cities like St. Louis that threatened to bankrupt their spirit as well as their coffers.

Al Cervantes lifted the spirit of St. Louis above the increasing rabble of the experts who said the city could not survive and moved the town forward with his energy and vision.

With the incredible enthusiasm of Al Cervantes, St. Louis began the slow recovery back to the vital and vibrant urban center it is today.

Mayor Cervantes was proud to be the servant of all St. Louisans—rich and poor, black and white. For many, his ebullience meant hope for a better day for his city and its people.

I join all St. Louisans in offering my condolences to Carmen Cervantes and the Cervantes family on the loss of A. J. Cervantes.●

FORCED RESETTLEMENT OF BLACKS CONTINUES IN SOUTH AFRICA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SOLARZ. Mr. Speaker, one of the most brutal practices of South Africa's racist apartheid regime is its policy of relocation and "dispossession" of its black majority which unfortunately continues today.

While the South African cabinet decided yesterday not to block its high court ruling allowing urban blacks with 10 years residency to remain permanently in white areas, it refused to allow their families to join them.

A new report prepared in South Africa documents this continuing tragedy. It outlines South Africa's forced resettlement of well over 3.5 million blacks in the last two decades, and reveals the Government's goal of relocating another 2 million people in the near future.

An article summarizing the findings of this important report appeared in yesterday's Christian Science Monitor. Mr. Speaker, I submit this article to be reprinted in today's CONGRESSIONAL RECORD for the benefit of my colleagues and others concerned about the oppression of blacks in South Africa.

[From the Christian Science Monitor, June 22, 1983]

SOUTH AFRICA CALLED "BRUTALLY SUCCESSFUL" IN FORCING BLACKS INTO "HOMELANDS"

(By Paul Van Slambrouck)

JOHANNESBURG.—One day there will be no black South Africans, exalted a white government minister back in 1978.

A new report on the subject says Pretoria has been "brutally successful" in that endeavor, delusory as it might sound considering that more than 70 percent of the South African population is black. Yet the government has:

Uprooted and relocated well over 3.5 million people, mostly blacks, over the past two decades.

Set its sights on relocating another 2 million blacks in the near future.

Accomplished this massive resettlement of people through force, which continues to be the main tactic despite government insistence that removals are now done on a voluntary basis.

These are the main conclusions of a report dubbed the Surplus People Project, written by a group of academicians, religious figures, community workers, and individuals involved in nonprofit organizations. Project members include blacks and whites;

all have volunteered their time and most have been consistent government critics. The report is one of the most comprehensive reviews ever made of South Africa's policy of forced population resettlement.

Pretoria's aim has been unwavering, says the report. It has sought through forced resettlement to keep South Africa's black majority separate and as distant as economically possible from the ruling white minority. All this to ensure that whites will be able to retain power.

The government's "process of dispossession," as described in the report, begins with as many blacks as possible being physically forced to live in tribal "homelands." It ends when those "homelands" are brought to "independence" by Pretoria and all the blacks assigned to that territory are stripped of their South African citizenship.

Carried to its conclusion, Pretoria's policy will result someday in the statutory exclusion of all this country's blacks from South African citizenship.

The statistics in the report are staggering. They suggest that the government will soon have relocated more blacks than the sum total of the entire white population of some 4.5 million.

While the forced relocation of blacks is not a uniform process, the report notes that the general direction has been the same: "out of the towns, cities and farming areas falling in the 87 percent of the country designated for white ownership." The black "homelands" comprise the remaining 13 percent of the South African land mass.

One measure of the government's success in thwarting the process of urbanization by blacks and the racial integration of communities is the rising percentage of blacks living in the "homelands." In 1960 some 39 percent of the black population lived in those tribal territories, compared with 54 percent today.

For those blacks resettled, the process has brought "enormous suffering," according to the report. Cohesive, self-sufficient black communities have been deprived of land and relocated in "hastily flung-together settlements" where rudimentary facilities like taps, toilets, and shelter are "very poor."

The report speaks of the social and psychological damage done to blacks by the resettlement process, which it finds more significant than the material deprivation. Says the report: "The dominant mood in relocation areas is often one of passivity and helplessness in the face of the enormous problems and the hidden bureaucracy that controls people's lives."

The most sinister result of the government's relocation policy is not so much the physical suffering it brings to many blacks, says the report. Rather, it is the cumulative effect of the policy, along with other laws, that have the net effect of dispossessing blacks of their land and citizenship and forcing them into areas where they are cut off from jobs, services, and the opportunity to improve their living conditions.

The resettlement policy is bolstered by stringent influx control laws that restrict blacks' ability to legally go to the cities in search of jobs. The government has indicated it intends to further tighten influx control.

The South African government has adopted an increasingly low profile on the issue of resettlement, apparently feeling the less said about the policy the better. This report points to statements by the government that removals are now being done on a voluntary basis.

However, the report documents a number of case studies and comes to the conclusion that while the coercion process has become more sophisticated, it remains for blacks an "involuntary" process nonetheless. "In a situation where blacks do not possess political rights or freedom of movement, there can be no talk of them exercising a free choice about being removed," it says.●

LONG'S QUESTIONNAIRE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LONG of Maryland. Mr. Speaker, over 14,000 residents of Maryland's Second Congressional District responded to my districtwide questionnaire.

Fully 40 percent say things have gotten worse in the past 2 years and about half do not expect to be better off during 1984. The tax cut passed with my support has helped people second only to the curtailed inflation. But, two constituents say:

A lower level of inflation has helped, but not at the supermarket.

Federal tax cuts have helped me the most, however, the medicare tax has taken any savings right back.

The middle-income people expressed growing frustration that the Government seems to be helping the poor and the rich, but not those in between.

[Because of] high unemployment in our area of the country—Middle River, Essex, Dundalk,—you can't sell your services to someone who has little or no income . . . Government doesn't help; you have to fend for yourself.

All we can do is borrow money and live within a tight budget because there's no safety net for the employed middle class.

Although most of my constituents seem to be pleased with the President overall, they also express marked dissatisfaction with several of his specific policies. Says one:

[Reagan] is sincere and he's likeable. But he's got communism on the brain.

Says another:

Economically, I think [Reagan] is doing good. But I am very angry at his utter disregard for the natural environment.

Three to one, they support my positions, opposing the President's, in favor of repealing the 10-percent withholding law and freezing nuclear weapons. Two to one, they agree with what I have been trying to do: cut back on the President's requests for defense spending and for military aid to El Salvador. And three to two, they join in my opposition to his plan for decontrolling natural gas prices.

My constituents appear evenly split on whether Congress is doing enough to address unemployment. One comments:

There's a limit to how much government spending can make up for a recessionary economy.

However, they overwhelmingly think we should do more to protect American jobs against unfair foreign trade, and would agree with my efforts to provide Trade Adjustment Assistance benefits to laidoff workers, extend the trade relief program for specialty steel, and discourage U.S. Steel's plan to import British raw steel. One constituent says:

I strongly urge re-training of unemployed, displaced workers.

My constituents seem to feel we have cut social programs all we can, at the same time feeling we should not do any more to strengthen them, except in the area of education. Says one:

Put education of our young as a top priority.

There was no need to ask whether we need to bring the deficit down, but three out of five oppose doing it by postponing the tax cut. However, holding back somewhat on defense increases has considerable support.

Finally, one constituent noted:

Too bad we cannot raise the consciousness level that people are the government.

Here are the specific results:

LONG'S 1983 CONGRESSIONAL QUESTIONNAIRE

THE ECONOMY

1. Compared to two years ago, are you better off, 22 percent; worse off, 40 percent; about the same, 38 percent.

2. What has hurt you the most in the past two years? Inflation, 33 percent; unemployment, 10 percent; interest rates, 16 percent; taxes, 35 percent; cuts in Government programs, 6 percent.

3. What has helped you the most? Tax cuts, 23 percent; reduced inflation rate, 38 percent; lower interest rates, 12 percent; increase in wages or salary, 12 percent; family more fully employed, 8 percent; Government deregulation, 7 percent.

4. Do you expect to be better off during 1984? Yes, 49 percent; No, 51 percent.

UNEMPLOYMENT

5. Should Congress pass a jobs bill that does even more to relieve unemployment than the recent $4.6 billion bill? Yes, 47 percent; No, 53 percent.

TAXES

6. Do you want to repeal the federal law to withhold 10 percent of interest and dividend income? Yes, 77 percent; No, 23 percent.

DEFENSE

7. Do you support a freeze on nuclear weapons, if it is mutual and verifiable? Yes, 74 percent; No, 26 percent.

THE PRESIDENT'S BUDGET

8. What should Congress do with the President's Budget Proposal? "Stay the Course," give it more time to work, yes, 72 percent; no, 28 percent; cut social programs even more than the President has proposed, yes, 35 percent; no, 65 percent; restore spending on social programs, yes, 42 percent; no 58 percent; postpone the income tax cut scheduled for July 1, yes, 41 percent; no, 59 percent; slow the planned increase in defense spending, yes, 67 percent; no, 33 percent. Other?

ENERGY

9. Do you support the President's proposal to decontrol natural gas prices by 1986? Yes, 61 percent; no, 39 percent.

TRADE

10. Do you support more protection of American industry and labor against "unfair" foreign trade? Yes, 73 percent; no, 27 percent.

EL SALVADOR

11. Do you support the President's request for increased military aid to El Salvador? Yes, 31 percent; no, 69 percent.

REAGAN

12. On the whole, is the President doing a good job? Yes, 58 percent; no, 42 percent.

THE "CHALLENGER" MISSION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LIVINGSTON. Mr. Speaker, on June 18, the space shuttle *Challenger* was launched at Cape Canaveral, making it the seventh successful launch in the NASA space shuttle program. In addition to the satellites and NASA experiments aboard the shuttle, the *Challenger* also carried with it a series of experiments called getaway specials. Orbit '81 is one of these getaway specials, and it is designed completely by high school students in Camden, N.J.

As a member of the Congressional Space Caucus, I would like to acknowledge the accomplishments of these high school students. They have creatively used a colony of carpenter ants to show the effects of weightlessness in space. This project has helped the students to take a new interest in science and engineering in their school. It is also yet another example of the positive effects our space program has back here on Earth.

I would just like to congratulate these high school students on their hard work and initiative on their project, Orbit '81.●

FLAWED FOREIGN POLICY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FLORIO. Mr. Speaker, the administration's policy regarding Central America is causing concern among millions of Americans that we once again are stepping slowly but surely into the quagmire that was once Vietnam.

One American adviser is dead already, and fears abound that one day soon the administration will add U.S. troops to its wish list of military aid for the region.

For this reason I reintroduced in this session legislation that would require specific approval by Congress before any U.S. combat troops could be ordered to Central America.

The administration's relentless push for a military solution to the region's conflicts completely ignores the roles that economic and political solutions could play.

This single-minded military approach recently was the subject of an opinion page article in the Bergen Record, a newspaper published in Hackensack, N.J., written by Rev. Joseph T. Eldridge, a Methodist minister who is director of the Washington Office on Latin America. Supported by a variety of church groups, the organization disseminates information about the region.

I would recommend Reverend Eldridge's article to the attention of my colleagues and ask that it be reprinted in the RECORD at this time.

[From the Hackensack (N.J.) Bergen Record, June 14, 1983]

FLAWED FOREIGN POLICY

U.S. ACTIONS IN LATIN AMERICA ONLY ALIENATE OUR FRIENDS

(By Joseph T. Eldridge)

One of President Reagan's favorite themes these days is the Marxist threat posed by revolutionary movements in Central America. He apparently believes that it's a good political warm-up for the 1984 presidential sweepstakes. His accomplishments are significant. Since addressing a joint session of Congress, the president has scattered the Democratic opposition and salvaged most of his military-aid programs for the region.

But even as he tries to win the war in El Salvador, tries to save his secret war against Nicaragua from congressional efforts to curtail it, and effectively neutralizes the Democratic opposition, he's losing the rest of the hemisphere and jeopardizing U.S. security interests for years to come.

In his major Central America address in April, the president declared that Central America's crisis directly affects the security and well-being of our own people. The problem, as he views it, comes from the Marxist threat represented by revolutionary movements in the region.

While making appeals for dialogue and negotiations, Mr. Reagan is pursuing a rapid military strategy to contain and eventually destroy these supposedly unfriendly forces. He asks for more military aid to combat the guerrillas in El Salvador, more military aid for Honduras, and a resumption of military aid for Guatemala. Moreover he appeals to the Congress to let him continue his covert war against Nicaragua.

This is a policy guaranteed to produce disaster. Until the underlying social and economic causes of the insurgencies in Central America are seriously addressed, they will spread and deepen. A military response only raises the level of violence and prolongs the war. By escalating U.S. military involvement, President Reagan besmirches the reputation of the United States in this hemisphere and calls up memories of the gunboat-diplomacy era, when U.S. Marines enforced orders at gunpoint.

Paradoxically, by using apocalyptic language to describe the threat to our national security, he hastens the day when Central America could become another apocalypse. Nothing would more directly affect the security and well-being of our own people than a region-wide war in Central America, yet President Reagan's own policy steadily increases the danger of such a conflict.

President Reagan also admonished the American people not to "lose sight of our neighbors to the south." Ironically, no president in recent history has been so isolated from the rest of the hemisphere. The White House is out of sync with our Latin allies.

On the day before the Reagan address, President Figueiredo of Brazil, visiting Mexico at the invitation of President Miguel de la Madrid, warned the United States not to intervene in the hemisphere. He suggested that Brazil and the rest of the continent would quickly unite to defend any nation whose sovereignty was threatened by U.S intervention. Figueiredo strongly endorsed the diplomatic initiatives of the "Contadora group"—Mexico, Venezuela, Colombia, and Panama—allies of the United States who've tried to undo the damage wrought by U.S. policy and to find peaceful solutions to Central America's conflicts.

By using apocalyptic language to describe the threat, Reagan hastens the day when Central America could become another apocalypse. Nothing would more directly affect us than a region-wide war in Central America, yet his own policy steadily increases the danger.

Mexico agrees with the Reagan administration that the turmoil jeopardizes hemispheric security but comes to very different conclusions about how to deal with it. President de la Madrid has joined others in insisting that peace talks must be started to reduce tension.

Although the progress hasn't been encouraging, the Contadora countries, led by Mexico, continue promoting talks as the only viable solution. During the past year, international support for the Mexican position has grown substantially. Governments that initially supported Reagan have diverged from this Central American blueprint.

The Contadora countries' approach to the region currently enjoys the active support of the Dominican Republic, Brazil, Spain, France, Italy, the Scandinavian countries, the Netherlands, and Canada, as well as the passive support of Costa Rica and Ecuador.

No U.S. president can expect to act unilaterally in Latin America without damaging our relations with the whole region. The administration's stance is viewed with growing alarm by political leaders of all persuasions in Latin America. By refusing to halt support for covert funding for a war against Nicaragua and by saying that U.S. troops are not being sent because they "are not needed and have not been called for," President Reagan insults not only Nicaragua but every country in the hemisphere. Each nation must be privately asking itself whether it would be subjected to similar treatment should it diverge from the president's prescription for nationhood.

Mr. Reagan's belligerency is creating a wave of anti-Americanism in the region, even among traditional political conservatives. The nationalist Blanco Party of Uruguay, a bastion of conservative philosophy, lashed out at the administration's presumptuous behavior in Central America. Similar editorials and newspaper articles have appeared in news magazines from the Rio Grande to Patagonia.

Latin Americans are particularly sensitive to President Reagan's double standard, better known as the Kirkpatrick doctrine,

which uses arcane and scholastic distinctions between authoritarian and totalitarian governments to justify a policy of aggression toward Nicaragua and apologetic silence toward El Salvador's death squads. President Reagan pretends to champion freedom by harshly attacking the Sandinistas.

But if the United States is such an implacable foe of tyranny, why is it supporting the military governments of Uruguay and Chile? Where is our support for freedom fighters in those countries?

If President Reagan wants to preserve our national security, laying the groundwork for a lasting and just peace, Central America is a good place to start. Besides the obvious advantages for the region, it would also begin to restore a measure of good will among our principal allies.●

PROPOSED REGULATIONS FOR THE 1983 COMBINED FEDERAL CAMPAIGN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mrs. SCHROEDER. Mr. Speaker, tomorrow the Office of Personnel Management will issue proposed regulations for the 1983 Combined Federal Campaign which would exclude many of the charitable advocacy organizations that have participated in recent campaigns. OPM's delay in issuing the regulations, and the additional time required to process comments and appeals, have already caused extensive harm to the fall campaign. My constituents in Denver are served by a large number of organizations which receive CFC funds, and the delay and confusion sparked by the new regulations may severely impair the services these organizations can offer to Denver's citizens.

Because activities for the CFC have already been greatly delayed, I support Representative BARNEY FRANK'S proposal that the administration conduct the 1983 CFC under existing regulations and eligibility determinations.

I strenuously oppose OPM's proposal to exclude charitable organizations which spend more than 15 percent of their budget on litigation or advocacy before legislative or administrative bodies. This limitation closely parallels the antiadvocacy language used in the now withdrawn proposed revisions to Office of Management and Budget Circular A-122. OPM's proposed limitation on the percentage of resources an organization can spend on administrative advocacy while remaining eligible for CFC participation is far more expansive than the restrictions of title 26 United States Code, section 501(c)(3).

OPM may have already crippled the 1983 campaign. By law, OPM must allow time for public comment, administrative review of those comments; final regulations must be promulgated, and eligibility and appeals determinations made. All this must be done before the campaign materials can be printed and distributed. In addition, excluded charitable organizations may seek injunctions to stop the CFC until their applications and appeals are resolved. Allowing the CFC to be conducted under these regulations would lead to a nightmare of confusion, delay, and litigation.

The CFC is a highly successful program. Federal employees have demonstrated their preference for a wide variety of potential recipients, including advocacy organizations. This choice should not now be restricted by arbitrary regulation.●

THE NEED FOR A PEACE ACADEMY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. WALGREN. Mr. Speaker, during recent days the House has taken up the fiscal year 1984 DOD authorization bill which would authorize $187.8 billion for DOD procurement, research and development, operations and maintenance, and civil defense programs. This total dollar figure does not include bilions of dollars in military funding that is taking place in other Government agencies such as the Department of Energy where we are spending $6.8 billion on nuclear weapons. There is broad agreement that some degree of increased military spending is necessary for our own protection through deterrence. But peace through war is not a lasting solution.

In this debate the proposal establishing a U.S. Academy of Peace and Conflict Resolution has been largely overlooked and ignored in my review, this effort should be given much higher priority in our discussion.

I, along with 145 other cosponsors, believe establishing a Peace Academy as proposed by H.R. 1249 can make a crucial contribution to our defense. The development of a Peace Academy was first considered by the Commission on Proposals for the National Academy of Peace and Conflict Resolution, established in 1978. Their subsequent recommendations came after a year of research and interviews demonstrated the need for such a centralize institution to coordinate the varied attempts of policymakers to obtain peace.

Under this bill, the efforts of the Peace Academy would be focused on teaching peace in contrast to the focus of the long-ago-established military academies on war. The Peace Academy would be an interdisciplinary institution devoted to international peace studies and research to advance conflict resolution techniques.

There are basically three thrusts we could expect from a Peace Academy: Focused research, information distribution and training in conflict resolution resulting in more sensitive public discussion of Government policies.

The principal office of the Academy would be maintained in the District of Columbia. A Board of Directors, consisting of 15 presidentially appointed, Senate-approved members would oversee the Academy. The Academy would be an independent, nonprofit, national institution created to serve the people and the Government.

The Congress pours great amounts of time and effort into military defense budget debates, not to mention great sums of money. H.R. 1249 calls for only $5 million for 1984, and $8 million for the fiscal year 1985 in establishing the Academy. By comparison, the entire first year's funds necessary for the Academy would be covered, more than 100 times over if we were to build one less B-1 bomber. Despite this comparatively modest proposal, the Reagan administration still opposes the Peace Academy.

Mr. Speaker, I feel this bill has been neglected for too long. It is time that the United States establishes an institution to pursue peace, much as Alfred Nobel established the peace prize decades ago to recognize individual efforts to avert war. And, if Alfred Nobel had reason to give some effort toward peace because he was instrumental in the development of dynamite, the Congress has reason to support this kind of effort by factors and a hundredfold greater than called for by the proposal. By debating defense programs and defense budgets and ignoring the Peace Academy, we forfeit our standing to consider ourselves "peacemakers." The Academy represents one of the best hopes to produce tangible results.●

ANOTHER SIDE OF THE NICARAGUA STORY

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. NEAL. Mr. Speaker, the tragic news today that two American newsmen have been killed along the Guatemala-Nicaragua border heightens again our sensitivity to and concern for events in Central America. Because they were killed, we will never know what they may have observed or discovered on their excursion in this dangerous territory.

I, for one, believe that every piece of information we can get from that area is important, because on a fair and objective evaluation of all the information rest decisions that are critical to the United States and the Western

Hemisphere. And while it may be difficult to sort through the bias that appears to color many reports, until we see and understand the whole picture, it may be impossible to devise a solution that works for the common good of all the people of our continent.

For that reason, I want to place in the RECORD a report by the North Carolina Interfaith Task Force on Central America, which recently spent 8 days in Nicaragua. The task force included 28 persons, representing 12 religious denominations affiliated with the North Carolina Council of Churches. Its purpose was to assess the Nicaraguan development process, the conditions, and attitudes of the Nicaraguan people, and the impact of current U.S. policy on Nicaragua and the Central American region.

I submit the report as another piece of information that may be useful to my colleagues. It is, as they will see, another side of the story. The report follows:

REPORT OF CAROLINA INTERFAITH STUDY TOUR TO NICARAGUA

From April 8-15, 1983, 28 persons representing 12 religious denominations and 13 cities visited Nicaragua to assess the Nicaraguan national development process, the conditions and attitudes of the Nicaraguan people and the impact of current U.S. policy on Nicaragua and the Central American region. The group included Dr. John McLeod, Executive Director of the Presbyterian Church, US of North Carolina, Sister Evelyn Mattern, North Carolina Council of Churches and Rev. Bernard Michel, editor of the North American Moravian. A number of the people in the group had served as missionaries, as AID and Peace Corps consultants, as analysts and historians of Nicaragua, Central America and the Caribbean region.

During our visit we met with many Nicaraguans. We traveled to the Honduran border, to the Atlantic coast, the Leon and Masaya. Discussions with leaders of C.O.S.E.P., the businessmen's association, La Prensa, the opposition newspaper, and with Moravian ministers critical of the Sandinistas, with church and government leaders on all levels who were supportive, and with a variety of people on city streets and in the countryside afforded us a multi-faceted view of Nicaragua. We did not find the Sandinista government to be perfect; we did find that it is not the repressive regime that is portrayed in the United States. Moreover, we were struck how under tremendous odds the Nicaraguan government is going forward with the national development process, and has the basic support of the majority of the population in this endeavor.

The present policy of our own country toward Nicaragua both saddens and angers us. The course being pursued by the United States to destabilize Nicaragua via Honduras violates both the letter and the spirit of national law as established in the Boland amendment of the U.S. Congress, as well as international principles embodied in the charters of the Organization of American States and the United Nations. It also serves to force Nicaragua to consolidate a relationship with the Eastern bloc that might otherwise be avoided.

We were aware of the eagerness of a number of military and foreign policymakers in Washington for the United States citizenry to shed itself of the "Vietnam syndrome." A concerted effort is being made to convince us that our security as a nation is gravely threatened by recent developments in Central America, and that a military solution to this threat is both viable and necessary. We strongly disagree and find ourselves identifying with Thomas Jefferson's sentiments in his assessment of slavery: "I tremble for my country when I think that God is just."

IMPACT OF CURRENT U.S. FOREIGN POLICY AND THE REGIONALIZATION OF THE WAR IN CENTRAL AMERICA

Three years ago at the ripe age of ten, Maria became a teacher. With other students, she left her home in Leon for three months to teach in the national literacy crusade. This year, a seasoned veteran, she went to the northern war zone to harvest coffee Maria's brother, Tomas, is also at the northern border, armed and in the uniform of the Sandinista National Militia. Their mother directs a tailoring cooperative for former prostitutes back in Leon; their father, a doctor, runs a public clinic.

This Nicaraguan family is fully involved in the drive to transform Nicaragua into a country of peace, justice and equity—even for the poor. But the family's current situation underscores the dominant national reality; Nicaragua finds itself at war, an undeclared war in which the principal enemy is perceived to be the United States. Not only is his young son called upon to fight but the doctor finds medicines for the ordinary people he works with to be in short supply, since wounded at the front get first priority. Maria, too, has felt the impact of the war. Two friends, Church workers from Esteli who volunteered their services with her, were abducted from the coffee groves only a few kilometers from the Honduran border. Two youths who had escaped from the "contra" camp in Honduras brought news that gave little hope. They reported that the man and woman had been naked and terribly bloody when they were displayed to prisoners as examples of what would happen to Nicaraguans who would not cooperate with their "liberation movement." Friends of the Church people have little hope that they are still alive.

Newsweek's November 1982 article on the U.S.'s "secret war" in Central America and a host of other recent newspaper and magazine stories in this country confirm Nicaraguan allegations that the "contras" have received money, arms, and training from the United States, often through the agency of the Honduran military establishment. We ourselves viewed captured U.S. uniforms as well as weapons from a variety of countries, including the United States, on the northern front. The United States's undeclared war against Nicaragua is in violation of the Boland Amendment passed by the U.S. Congress, as well as the charters of the Organization of American States and the United Nations. Sergio Ramirez, one of the three members of the Nicaraguan ruling junta, lucidly summed up the sentiment we found to prevail throughout the nation: "When a powerful and rich country thinks a frail neighbor is a threat to its security, the results can be disastrous. We are victims of an insane policy by the Reagan administration."

In this section of the report, we focus on the reality of war in Nicaragua, but also on the U.S.'s role in the regionalization of that war throughout Central America. Despite being civilians and from a country perceived as an enemy, we were taken to the northern war zone and allowed complete freedom to talk to victims of recent aggression. What follows is a portion of what we saw and heard.

West of the northern regional market center of Jalapa, a small dirt road off the main artery meanders north to El Limon. Located in rich coffee territory El Limon's hilly groves lie only four kilometers from the Honduran border. The villagers told us that there was steady work and, for the first time, ample credit was being made available by the national government. But, they asked, how could they or their children go to harvest coffee when they never knew if they would be attacked or kidnapped by the marauding "contras"? Attacks have come more than once, most recently at dawn just a week before our visit. Different townspeople estimated the number of invaders as anywhere from 50 to 150, but all were clear that they were unwelcome. The contras were turned back by twelve local militiamen and nine regular Sandinista soldiers. But the people continue to live in fear of their return. They feel lucky that so few were able to turn back so many but wonder what the result will be next time.

Interestingly, El Limon is a community that previously was not fully committed to the Sandinista government. Many members of Somoza's dreaded National Guard had come from this area and are now among the exiles attacking from bases in Honduras. When a brother or an uncle appears in the village with money on a recruiting trip, it can be a tough decision not to join him. But following repeated acts of terrorism, fewer and fewer in town want anything to do with the "contras."

Consider Palma, a Baptist preacher. He has four daughters whose age range from 12 to 22. He was warned that the "contras" had singled them out for abduction, to serve as "their women" and cooks in the Honduras camps. Palma took the threat seriously and left El Limon, because a young Baptist girl of eleven had already been kidnapped while picking coffee during the harvest. Several days later, the child had been found but with her breasts cut off and terribly violated. Others from the region confirmed this account and told similar stories to their National Baptist Convention. Such atrocities have cost the "contras" any credibility they might have had; increasingly border towns like El Limon look to Managua for protection.

El Porvenir is at the end of the road northeast of Jalapa. There we watched a bus travelling a couple hundred yards away on a Honduran road that winds along the border. Just one day before a hidden locale behind the road had been the source of devastating mortar fire. El Porvenir's rich tobacco fields and the barns drying the crop were razed. We walked through the still smouldering ashes and twisted roofing of the barn. Yet much more frightening than the loss of valuable property were the severe injuries inflicted to workers who had been sleeping in the housing of the state cooperative. A grandmother with an 8 month old infant as well as two other young grandchildren were all rushed to the Jalapa hospital in critical condition. The mother of the children still shaking like a leaf, showed us the blood-spattered walls of the house. "I was sure they were already dead; they were so badly hurt. I wanted to die too."

There workers know they are under constant surveillance from the Honduran hills at the end of their fields. Trenches on the

settlement's outskirts and family bunkers have been dug. But when the attack came, only two soldiers were in the area to help the small local militia confront 200 contras. It dawned on us "gringos" that our presence might be all that was keeping the area free from attack that very day. Indeed, we were later informed that, less than a half hour after we left the border, a new attack began only a few kilometers further east.

In both El Porvenir and El Limon, it was clear that part of the "contras" objective was to disrupt the economy. Attacks have focused upon workers in the field rather than on columns of regular soldiers. Despite the ever-present fear, daily chores continue in the war zone. Last year, with the aid of a national mobilization of thousands of volunteers, a record coffee harvest was brought in. Yet, this year there will be no way to recoup losses such as El Porvenir's burnt tobacco. Nicaraguans are even more concerned about an increase in attacks further west on the border near the Pacific, a zone of prime food production.

Several sources suggested that there have thus far been several stages in the "contra" campaign. First, there were simple hit and run actions combined with an attempt to recruit or kidnap new members. Then, efforts to disrupt the economy were intensified. Now government leaders feel a new phase has begun in which portions of national territory will be contested for use as a base from which to topple the Sandinista regime. Attacks on the Atlantic Coast have been more sporadic and are regarded as diversionary to make to the main thrust in the hills of the Jalapa region easier.

The former National Guard who are the main fighting force of the "contras" include many thousand who were imprisoned right after Somoza fell in July 1979. They were released by the Sandinista government only to flee to Honduras and be rearmed. Nicaraguan sources testify to capturing weapons from the rebels that apparently were left behind by American personnel following joint U.S. Honduran military exercises. Intended for the Honduran Army, they have found their way into the hands of the "contras."

For Nicaragua, the cost of the war is not measured only by the roughly 20 percent of the national budget that goes directly into war materiel. As in all wartime situations, the government must also contend with decapitalization in the private sector because of lack of confidence. Moreover, a broad range of human and financial resources must be allocated to the war effort; medicines, road building equipment, and personnel are all diverted to defense. Relations with neighboring countries are strained, and the energies of a whole people become stretched thin attempting to deal both with the war and the social goals of the Revolution.

But the effect of U.S. destabilization has been equally devastating for the people of Honduras. We met with several Hondurans forced to flee the mounting repression in their country, people who are still sought by Honduran intelligence in Managua. Each gave personal testimony of gross mistreatment by either military or government security officials: (1) a priest whose "crime" it was to minister to Salvadoran refugees in camps along the western border, (2) a peasant in his parish whose downfall was to preach the Word of God as a Catholic lay delegate, (3) university students who publicly opposed the brutal treatment of Salvadorans and their own people. All had been tortured, often with electric shock prods; two of the women repeatedly had been raped. These unfortunate people confirmed the existence of secret prisons, for the training in torture methods of Honduran military and intelligence officials by Argentine and Israeli "specialists." They also repeated a current campaign to murder selected leaders of peasant, labor and student organizations. The priest bitterly protested: "This is the gift of North American democracy—to strengthen the hand of the military so that they can suppress all popular organizations and expression of our people."

We must add that all this is occurring in a country which has no previous history of systematic violence characteristic of Guatemala and El Salvador.

CURRENT NATIONAL DEVELOPMENT PROCESS IN NICARAGUA AND THE ROLE OF THE CHURCH

As a church related group we found one of the most impressive accomplishments of the Nicaraguan revolution was the vital, even essential role of the church in the process of national development. To our surprise we discovered that the revolution has transformed a traditional evangelism of the word into a new and vibrant evangelism of action. This expression of faith had become a basic tool for bringing about a transformation of the people and was recognized as such by both the church and the state. Dr. Sergio Ramirez, a member of the ruling junta exemplified this attitude when he urged us to judge the government by its actions.

This combining of faith with action partly accounts for the strong ecumenical spirit among the churches where being involved directly in mission has taken precedence over doctrinal debates. We found the churches involved with the revolution to be alive and thriving; their worship services packed. We found that the speeches at the popular mass combined the purposes of the revolution with personal faith commitment resulting in a call for all believers to care for their neighbors. The churches which remained focused on doctrinal matters seemed to lack vitality.

We found in attending various religious services, during conversations with religious leaders and in visits to religious mission stations and offices a consistent pattern in which the churches supporting the revolution were making Christian action the center of faith and an outgrowth of the scriptures. We were especially impressed with the commitment of both the church and the state to the needs of the poor. This shared concern has brought the two institutions into a relationship of comfortable coexistence without structural union. Each institution remains autonomous and is able to engage the other in creative dialogue over points of mutual concern.

We found there to be a clear process of translating the concerns of the Medellin Conference where the Latin American Bishops of the Catholic Church unanimously took a public stand against institutional poverty as being against the will of God. The actions resulting from this stand within the context of the Nicaraguan revolution has had a profound impact on Catholic as well as Protestant church life. Most of the churches stress the dignity of all people regardless of social class. We found policies being implemented which made women equal to men, helped children with special needs, reform of the prison system, elimination of the death penalty, aid provided to the handicapped, help for refugees, comfort given the elderly and guarantee to all people basic education, health care, a good diet, a home and work. As one religious worker put it, "It is so easy to practice Christianity here."

We found the energy level of the Christian workers nearly inexhaustible although stretched to their limits. There was so much to do, often with very few resources due to their being in a state of war, that burn-out was beginning to become evident. Nonetheless, the people remained totally committed to the promises of the revolution.

People everywhere were different from what we expected to find. They were well informed, had faith in themselves, were completely committed to the process of serving one another, and freely expressed their frustrations with the revolution in those areas where it had failed. We found no one, however, who wanted to return to living under a Somoza type government.

We found their self assurance had expanded their concern for others. They had compassion for those within the religious community who opposed the revolution and they prayed for the day when they too would understand this new form of evangelism. We felt that this feeling of concern was a gift that could not be taken from the people. We heard numerous times that the only way this revolution would fail would be by killing all the people. They had sacrificed too much to gain what they had and were willing to continue to sacrifice if necessary to keep the resolution alive. We came away with the impression that this revolution was rooted in the Christian faith of the people and had made a permanent change in the Nicaraguan people. We felt that we were interacting with a truely "new" people.

HUMAN RIGHTS

We have found that basic human rights to life, liberty and the pursuit of happiness have been improved tremendously in Nicaragua by the Sandinista revolution. Significant gains have been made in health, education, status of women, housing, nutrition, personal security, and participation in decision-making.

We saw children receiving polio vaccinations and learned that in 1982 for the first time in history, no new cases of polio were found. We visited women's organizations and learned of laws giving women and children equal rights for the first time.

We found that expression of political opinion is vigorous and open. Critics and political opponents in Nicaragua do not suffer the disappearances, torture and murder which prevailed before the revolution and still occur in neighboring countries. Each week government leaders meet citizens in an open session, broadcast live, where complaints and criticisms may be aired. The press is partly free, and often critical, but subject to some censorship. Restrictions on freedom of expression are likely to increase and gains in human rights are likely to diminish, under pressures created by the growing undeclared war of the United States against Nicaragua.

Moravians in our group studied the Moskito Indian question and visited them on the Atlantic coast. All the Sandinista leaders now recognize that the first encounters between the new government and the Indians were poorly planned, and led to violence. This generated a lasting distrust which is being exploited as a part of the CIA's destabilization program. We fear that this will bring new and tragic suffering to the Moskito Indians.

We met with refugees from EL Salvador, Honduras and Guatemala. The Nicaraguan

program for receiving and resetting these refugees deserves world recognition for the humane quality of its care and assistance. We reflected on the contrast between this and the way Haitian refugees have been kept in prison-like camps in our country.

The success of Nicaragua in improving life for the vast majority of her people is a symbol of hope for the poor of Guatemala, Honduras, and El Salvador. In these countries, teachers, doctors, ministers, lay church leaders, labor leaders, and others who help the poor organize for self-improvement are being tortured and killed.

While world attention has been focussed on the struggle in El Salvador, large-scale massacres of Indians are being committed in Guatemala by General Rios Montt. The introduction of the United States military and CIA forces into Honduras and the rebuilding of Somoza's former national guard for an invasion have resulted in an increasing level of violence and repression now In Honduras.

It is clear that the rising violence in Central America is linked to the increasing U.S. military intervention in the region. U.S. taxpayers are financing undemocratic governments which maintain control through systematic terror, while seeking to destroy the one government in the region which has created a better life for the people.

CITCA INTERFAITH STUDY TOUR TO NICARAGUA PARTICIPANTS

Rachel Coleen Allred, United Methodist Church, Greensboro, N.C.; Mack Arrington, Quaker, Greensboro, N.C.; The Rev. Henry Atkins, Episcopal Church, Greensboro, N.C.; Ms. Treadwell Atkins, Episcopal Church, Greensboro, N.C.; Dr. Jefferson C. Boyer, Community Church, Chapel Hill, N.C.; Jerome Friar 493-1539; Sister Marge Grabarek, Roman Catholic, Raleigh, N.C.; Ms. Caroline R. Gramley, Moravian Church, Greensboro, N.C.; Ms. Kathryn S. Gramley, Moravian Church, Winston-Salem, N.C.; Dr. James Hunt, Unitarian Universalist, Raleigh, N.C.; Mary Hayes Holmes, Presbyterian Church, Pittsboro, N.C.; Dr. Gilbert M. Joseph, Jewish, Chapel Hill, N.C.; Dr. John MacLeod, Ex, Dir. Presbyterian Church, U.S. of N.C., Raleigh, N.C.

Sister Evelyn Mattern, North Carolina Council of Churches, Raleigh, N.C.; The Rev. Bernard E. Michel, editor of the North American Moravia, Bethlehem, Pa.; The Rev. Ruth Minter, United Church of Christ, Indianapolis, Ind.; Dr. Amrut Nakhre, Atlantic Christian College, Wilson, N.C.; Ms. Margaret Olney, Presbyterian Church, Cary, N.C.; Ms. Gail S. Phares, Director of CITCA, Roman Catholic, Raleigh, N.C.; The Rev. Paul Robinson, United Church of Christ, Winston-Salem, N.C.; Gretchen Sabin, Episcopal Church, Austin, Texas; Mary Quinlan, Quaker, Durham, N.C.; Doug Tanner, United Methodist, Washington, D.C.; Dr. Josefina Tiryakian, Roman Catholic, Durham, N.C.; Dr. Charles Tisdale, UNC Greensboro, Episcopal Church, Greensboro, N.C.; Ms. Sue West, Episcopal Church, Greensboro, N.C.; Homer Yost, Lutheran Church, Greensboro, N.C.; and Maria Yost, Lutheran Church, Greensboro, N.C.; and The Rev. David Wiseman, Presbyterian Church, Cary, N.C.●

EXPANDING THE TARGETED JOBS TAX CREDIT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing legislation today to modify the targeted jobs tax credit. The purpose of this legislation is to help troubled teenagers become productive, law-abiding citizens.

Under current law, youths aged 18 to 25 who are from economically disadvantaged families can be certified for the credit. Under my bill, youths aged 16 to 18 from disadvantaged families could also be certified if they have been charged with a delinquent, unruly, or incorrigible act and have been referred to a court as a result. The certification would be sought by the court in order to help these youngsters find jobs and straighten themselves out.

Mr. Speaker, this House has demonstrated its commitment to efforts to help the youth of today find meaningful, productive jobs. Another bill for that purpose which I sponsored, the American Conservation Corps, was passed overwhelmingly by the House earlier this year. I urge similar speedy action on this important legislation.●

SOVIET JAMMING OF THE VOA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BROOMFIELD. Mr. Speaker, let me share with you an interesting article which recently appeared in the Washington Times newspaper concerning the Soviet Union. I believe that my colleagues in the House will find the following article quite informative concerning the Soviets' true attitudes regarding the free flow of information and news.

In spite of the Soviets' efforts to try to convince the world that they truly believe in freedom and open access to information, they show their true colors when they selectively jam transmissions beamed toward Poland and the Soviet Union which may be even slightly critical of the Soviet Union or its foreign policy objectives.

Last year, during the Polish crisis, the Soviets began intensive jamming of VOA Polish-language broadcasts directed at Poland. Just last week, as the article notes, the Soviets again began jamming the VOA's coverage of the Pope's appearances in his homeland. The VOA is providing live coverage of the Pope's activities in Poland and is also rebroadcasting the pontiff's speeches.

The Soviets are using large transmitters located in the U.S.S.R. to drown out the VOA signals with a heavy "buzz saw" jamming noise on the four frequencies being used by the VOA. It is hard to believe that in an age of advanced technology, greater understanding among the peoples of the world, and open information exchange that the Kremlin would resort to such offensive and primitive techniques.

Lest we forget, the Soviets are signatories to the Helsinki accords of 1975 which specifically state that all "participating states make it their aim to facilitate freer and wider dissemination of information of all kinds." In addition, the Soviets signed the 1973 International Communication Convention which specifically forbids jamming of radio broadcasts coming from other nations. Jamming also violates the terms of the Universal Declaration of Human Rights. I believe that this says a lot about the Soviets' real feelings concerning signed international agreements.

I am confident that all of my friends in the House will agree that resorting to jamming is a renewed demonstration of the glaring weaknesses of the Soviets' own system and of the regime they have imposed on Poland. Why do they fear the truth?

Let me suggest an answer. I believe that millions of oppressed people living in the many captive nations around the world desperately want to hear the truth about what is going on in the world and in their own countries. The truth will let them see that their own governments have been selectively controlling the news and blocking out information which they believe the masses should not hear. The truth will reveal to the masses in the captive nations of the world the real sham of many of these regimes which maintain power through coercion, intimidation, and thought control.

Let me then take this opportunity to share the sad truth about communism with all of you. In that spirit, I strongly recommend the Washington Times article to all of the Members of the House.

The article follows:

[From the Washington Times, June 23, 1983]

SOVIETS JAM VOA ON POPE

(By George Archibald)

Soviet jamming of Voice of America broadcasts of Pope John Paul II's visit to Poland is "odious, patronizing and in flagrant disregard of international agreements," VOA Director Kenneth Tomlinson charged yesterday.

The Soviets have beamed noise interference to block radio reception throughout Poland of three hours of additional daily VOA coverage of the pope's appearances since the pontiff arrived in his communist-dominated homeland last week, Tomlinson reported.

VOA is providing live coverage of the pope's activities in Poland and rebroadcasting the pontiff's speeches, Tomlinson said.

He called the Soviet action to prevent Polish listeners from receiving the broadcasts "odious because the pope stands for human dignity, patronizing because it places in the hands of a foreign power what is rightfully the decision of the Polish people and in flagrant disregard of international agreements because the Soviet Union by jamming is violating the Helsinki Accords which it signed in 1975."

Tomlinson said intelligence reports indicate that the Soviets are using four transmitters in their own country to broadcast a heavy "buzz saw" noise on each of four frequencies being used by VOA transmitters located at Woofferton, England; Kavala, Greece; Tangier, Morocco; and Munich, West Germany.

"The Soviets spend more to jam VOA broadcasts (into Poland and Bulgaria) than the Voice's entire budget (of $140 million)," Tomlinson noted. Heavy jamming of VOA's seven hours of regular weekly Polish broadcasts started with martial law rule in Poland in December 1981, he stated.

Tomlinson and State Department Counsellor Edward J. Derwinski yesterday awarded a special commendation to the 19 members of VOA's Polish Service staff for their week-long coverage of the pope's visit. The commendation "carries the weight of a battlefield presidential unit citation," Tomlinson told the staff at the presentation.

Derwinski, whose grandparents were from Poland, said, "This week, the whole world is watching Poland. It's a pity the government there is doing its best to limit access to the news."

Tomlinson cited three international agreements that he maintained were violated by the Soviet jamming of VOA broadcasts.

The Helsinki Accords state, "The participating states . . . make it their aim to facilitate freer and wider dissemination of information of all kinds."

The 1973 International Communication Convention, also signed by the Soviets, states, "All (broadcast transmitting) stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other members."

The VOA director also pointed to the U.N. Universal Declaration of Human Rights, which guarantees the right to "seek, receive and impart information and ideas through any media and regardless of frontiers."●

TRIBUTE TO W. MELBOURNE KNOX, JR.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. MINISH. Mr. Speaker, I am pleased to take a few minutes before the House to honor a fine person in my district, Mr. W. Melbourne Knox, Jr., who will soon retire from his position as township clerk and treasurer of Maplewood, N.J.

On June 30, Mr. Knox will end 30 years of outstanding and dedicated service to the township. Besides holding the positions of township clerk and treasurer, he has also been the chief financial officer, secretary to the boards of health, planning, economic development, A.B.C., and tax collector, among other prominent positions.

Throughout his prestigious career, Mr. Knox maintained a quality of excellence in his endeavors. Few people can boast the professional respect and admiration which Mr. Knox enjoys from his peers. His trademark is his high standards of professionalism in his work, and his amiable personality and character in his personal life. All of these traits have combined to make a lasting impression on the people of Maplewood.

Mr. Knox was also active in numerous charitable and civic organizations in Maplewood, often serving as an officer of the various associations. A veteran of World War II, Mr. Knox served with courage as an aerial engineer on 35 missions aboard B-17 bombers over Europe. He was awarded several different medals of commendation for his valor—including the Distinguished Flying Cross, Presidential Unit Citation, and four battle stars.

Mr. Speaker, W. Melbourne Knox, Jr., is one of those outstanding individuals whose life and work contribute so much to our society. I wish him continued success and happiness now as he can look forward to new challenges in his retirement.●

RELIGIOUS REPRESSION OF PROTESTANTS IN NICARAGUA

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. WEBER. Mr. Speaker, I believe my colleagues should carefully read the following article which appeared in the June issue of Catholicism in Crisis, a monthly journal of lay Catholic opinion published at Notre Dame.

The author, Humberto Belli, was an editor of LePresa in Nicaragua before he came to this country. He writes of religious repression of protestants in Nicaragua, as well as the use of accusation by the Sandinista's to discredit legitimate religious organizations.

I believe this article points to how the Sandinista government really treats religious, more specifically Christian, people. We should view this article in the context of what a truly democratic society would allow—free exercise of religion. The revolution in Nicaragua falls short of being a democratic society on this point.

PERSECUTION OF PROTESTANTS IN NICARAGUA—THE NEGLECTED STORY

Although many people have awakened to the fact that the Sandinista's revolutionary government have been mistreating religious leaders in Nicaragua, much of the attention has been focused on the conflict between the state and the Catholic Church, with only scant attention given to the grave events affecting the Protestant churches and other religious denominations.

Yet, the government attacks against a variety of non-Catholic groups have been harsher than those against the Catholics. The attacks have been more open, thorough, and started much earlier.

One reason for this neglect may be the fact that non-Catholic denominations are a minority—(10 percent of the population) fragmented in a variety of denominations that act independently of each other.

But there are two additional factors, that have played a decisive role in obscuring the facts. One is the confusion about the true nature of the Sandinistas. Although the Sandinistas showed their unequivocal Marxist-Leninist training from the start, they never declared themselves as such. Instead they sought to portray themselves as new revolutionaries who welcomed Christians among their ranks and were respectful of all religious beliefs.

The other factor is the great doctrinary confusion that today plagues most Christian churches in the world. Many Christians supported the Sandinistas in the beginning because they believed what the Sandinistas were saying. Others, however, sided with the Sandinistas, knowing that they were Marxist. The latter were Christians greatly affected by liberation theology, a trend of thought supportive of Marxism-Leninism which has made significant inroads in Catholic and Protestant churches. Among Protestants the most outstanding representative of this has been CEPAD, a well funded, evangelical organization that began editing books and pamphlets that preached Marxism and portrayed the Cuban revolution as the model to be followed. These groups have been campaigning in and out of Nicaragua on behalf of the Sandinistas, creating much confusion among Christians abroad.

It was not until 1982, as the clashes against Catholics stirred up unprecedented protests against the Sandinistas, both in and out of Nicaragua, that it became known that they were also attacking Protestants and other religious organizations. Yet, the persecution of Protestants had started long ago.

The first denominations to experience the weight of the Sandinista's repression were the Moravians working on the Nicaraguan East Coast. Early, in the middle of the last century, they had evangelized the inhabitants of this remote area, separated from the Western part of the country by swampy, almost impassable lands.

Former Nicaraguan governments, based on the Pacific neglected the Atlantic Coast region. The Moravian missionaries filled the gap by providing most of the schools, hospitals, and support organizations that maintained the area. When the Sandinistas came into power in 1979 they immediately announced that their top priority was to "rescue" the Atlantic Coast. They strove to reshape the lives and patterns of thought of all Nicaraguans along their lines of ideological thinking and started to replace the people's own leaders with their own authorities—many of whom were Cuban teachers and strangers. Frictions and resentments began to pile up until riots took place in the mid-1980's. The Sandinistas blamed the events on counterrevolutionary and CIA inspired forces, and began attacking the most influential Moravian pastors. Some of them were jailed and others expelled, stimulating new waves of protest and repression. Travel

between the East Coast and the West Coast was restricted and soon the Nicaraguan government banned from publication any news dealing with the Region.

Press censorship and the isolation of the Atlantic region allowed the government to act more freely. It stepped up its attacks and dismantled the network of charitable organizations that, after a century of work, the Moravians had established. In February 1981, when Sandinista troops wanted to arrest a Moravian leader inside a church in the coastal town of Prinzapolka, a clash with the population ensured, leaving four soldiers and four natives dead. The government had to acknowledge the incident.

According to a report released by the Board of World Mission of The Moravian Church (August 1982), reliable sources indicated that many Miskito Indians, including Moravian clergy and lay leaders, had been killed or arrested.[1] In January 1982, two important Moravian pastors, the Revs. Fernando Colomens and Norman Bent, were expelled from the Atlantic Coast. In July the Rev. Santos Cleban was arrested and held in confinement from July 11 through the 25th. The same report also refers to the May closing of CASIM (The Nicaraguan Moravian Social Action Committee) which sponsored health, education, and development programs from 1976 until last January, when its director, the Reverend Bent, was exiled to Managua. Some of the CASIM property was unlawfully confiscated and since early July all religious workers in the northeastern town have been required to check in twice a day with security officials.[2]

Edgard Macias, former Vice-Minister of Labor of the Sandinista government who resigned in May 1982, called the persecution of the Protestant denominations in the Atlantic "a tragedy for this Nicaraguan sector, for centuries abandoned by all the Nicaraguan governments and that had just reached a minimum standard of life thanks to the social programs of their churches, carried out by pastors from Nicaragua, North America, and other countries."[3] According to Macias' estimates, by the middle of 1982 the Sandinista troops had destroyed at least 55 churches in that part of Nicaragua.

The Sandinistas excused their actions against the Moravians on the grounds that they had stirred up revolt in the Atlantic Coast. They have disclaimed such charges—with no avail. The 1982 report of the Moravian Church talks of church leaders who "are trying to persuade government officials that their generalized suspicion of the Moravian Church is misplaced. So far, however, their efforts to meet directly with members of the governing junta have been unsuccessful."

In the Pacific area overt actions against Protestants took more time to evolve. Isolated events, however, gave some hints as to how the Sandinistas were going to act. In the second half of 1981 Morris Cerullo, an evangelical pastor who landed in Managua in order to stage a brief round of evangelistic meetings was immediately expelled by the Nicaraguan authorities. The only explanation the government gave was that Rev. Cerullo had links with the CIA and that his trip to Nicaragua was part of a wider plan to undermine the revolution. The Sandinistas did not provide documented evidence for their accusations. Nor did they allow the victims a hearing or the right to defend themselves from any charges.

In 1981, aside from the harassments of some village pastors, almost no news of persecution surfaced. The Protestant pastors as well as the leaders of other non-Catholic denominations were conscious of their vulnerability and tried to abstain from any kind of commentaries touching the political field. Some of them even preferred to reassure the government of their loyalty.

From time to time, though, leaflets published by "revolutionary Christians" would attack a denomination (for example, the 7th Day Adventists) portraying them as Uncle Sam's puppets, clever instruments of U.S. imperialism engaged in "ideological diversionism". The government mass media often propagated this kind of accusations.

In 1982 the attacks became direct. In March, just a few days before the government cancelled all individual rights and decreed a state of emergency, *Barricada*, the official newspaper of the Sandinistas, published two front-page, 8-column reports, on the Protestants, entitled: "The invasion of the Sects." In that Report most Protestant churches were portrayed as groups of fanatics and superstitious people who liked to manipulate people's emotions and were part of a world-wide strategy of cultural penetration orchestrated by U.S. imperialists.

Shortly after these publications the attacks grew more vocal and the first physical threats were issued. Commander Tomas Borge, the Minister of Interior, said in a television speech that many sects were spreading superstitious beliefs and trying to undermine the revolution. He said that there would be religious freedom for those who were with the revolution but for those who were deceiving people and preaching negative attitudes their days had been numbered.

Something similar was said by Commander Rene Nunez, the leading national directorate, in a widely publicized speech.

In August, following renewed attacks from Borge, Sandinista mobs went to the streets to forcefully take over several Protestant churches and facilities. A variety of religious groups including evangelicals, Mormons, Adventists, Jehovah's Witnesses, and Moravians, were affected.

In a single night 20 centers were occupied by the Sandinistas who said they would turn them into CDB's (Committees for the Defense of the Revolution), a partisan organization that the government is promoting in all neighborhoods in order to better control the whereabouts of the residents.

The unlawful occupation of these Centers was portrayed in the Sandinista's newspaper Barricada as an act of defense of the Revolution. Again, the standard accusation was made: that these sects had relationships with the CIA and were engaged in counter-revolutionary activities. As usual, the government did not provide any evidence for the charges and prohibited the newspaper La Prensa, from publishing the letters of self-defense that these groups wrote.

Confronted with these events, CEPAD did not speak against the Sandinista's actions, but said, quoting its director Sixto Ulloa, that "some of the sects were at odds with the revolution and therefore the masses had acted."●

[1] Memorandum from The Board of World Mission of the Moravian Church, Bethlehem, Pennsylvania, August 31, 1982.

[2] Edgard Macias Gomez, "Revolucion Sandinista y Religion," San Jose, Costa Rica, July 19, 1982, p. 5. (mimeographed paper).

TRIBUTE TO IRVING AZOFF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Irving Azoff on the occasion of his receipt of the Music Industry for the City of Hope "Spirit of Life" award.

Mr. Azoff has established himself as a respected and accomplished community leader in the Los Angeles area, as well as the Nation. A resident of southern California since 1974, he heads one of the largest personal management firms in the entertainment industry. In addition, Irving Azoff has worked with major film studios to produce such award winning films as "Urban Cowboy." He has also played a role in the production of the soundtracks for such films as "Heavy Metal" and "Fast Times at Ridgemont High." Earlier this year, he was appointed vice president of MCA, Inc., and president of MCA Records Group.

As one of the premier managers and promoters in the music industry today, Irving Azoff represents such artists as the Eagles, Stevie Nicks, Don Henley, Glenn Frey, Dan Fogelberg, Styx, the GoGo's, Chicago, Christopher Cross, Joe Walsh, Boz Scaggs, Michael McDonald, Jimmy Buffett, J. D. Souther, Timothy B. Schmit, Don Felder, and Warren Zevon. He has also worked with REO Speedwagon, Crosby, Stills, Nash and Young, Joni Mitchell, and Neil Young.

The award which he is to receive from the Music Industry for the City of Hope is a most prestigious honor. In addition, a research fellowship will be established in Irving Azoff's name at the City of Hope. I know how much pride Mr. Azoff will take in accepting these honors, because of the vital work performed at the City of Hope. The advances made through patient care and research undertaken there are applied internationally in hospitals and universities. Their ongoing research into the causes, treatments, and cures for catastrophic diseases benefits many people. Men like Irving Azoff enable the City of Hope to realize its goals.

Mr. Speaker, I am pleased to be able to congratulate Irving Azoff as he receives the "Spirit of Life" awards, and I would like to offer him my personal best wishes in all of his future endeavors.●

BALTIC FREEDOM DAY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ERDREICH. Mr. Speaker, the resolution signed into law on June 14, 1983, by President Reagan designating that day as Baltic Freedom Day serves as a constant reminder of the struggles of the Baltic people to emerge from the dominance of Soviet repression.

Untold suffering was endured and hundreds of thousands of lives were lost between 1940 and 1945 by the Estonian, Lithuanian, and Latvian people during World War II, as the Soviet invasion of the Baltic countries and the spread of Nazism left their mark.

It is unthinkable that 43 years after the invasion and occupation of these three countries, their heroic struggle to free themselves from the hegemonic control of a totalitarian government continues.

It is important that we in the United States who enjoy the inalienable rights of life, liberty, and the pursuit of happiness, continue to speak out against the illegal occupation of the Baltic countries by the Soviet Union and for the restoration of the freedoms they have been denied for so long.●

UNEMPLOYMENT BENEFITS SHOULD BE PAID AS PROMISED

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SHANNON. Mr. Speaker, today I am introducing legislation, supported by my colleagues from Massachusetts in the House of Representatives, to stop the Department of Labor from cutting off unemployment benefits for thousands of unemployed workers weeks earlier than expected and without any warning.

BACKGROUND

As part of the Social Security Act Amendments of 1983, the Congress extended the Federal supplemental compensation (FSC) program. The new program differs from the old program in that some changes were made in the formula used to determine, for each State, how many weeks of benefits an unemployed worker can receive.

In general, under the new formula, persons first becoming eligible for FSC benefits are eligible for a maximum of 14 weeks of payments in States with an insured unemployment rate (IUR) of 6 percent or above. As under prior law, benefits are less for States with a lower IUR, depending on how far below 6 percent the IUR is. In no case, however, can benefits be paid for less than 8 weeks for new entitlements.

FOUR-MONTH REDUCTION LIMIT

The new law also contains a provision guaranteeing that the number of weeks of benefits provided under the new program can be no more than 4 weeks less than the number of weeks of benefits provided under the old program.

For example, assume that a State's IUR was 6 percent in January, and was 4.5 percent beginning March 27—the first week of the new program's operation. That State would have been eligible for 16 weeks under the old program, but only 10 weeks under the new formula. The legislation as adopted provides that this State's benefits could only be reduced to 12 weeks—16 minus 4.

In implementing the new FSC program, the Department of Labor originally interpreted this 4-week reduction limit to mean that no State would ever receive more than a 4-week reduction from what it had been receiving under the old program.

DEPARTMENT OF LABOR CHANGES ITS INTERPRETATION

The Department of Labor is now telling unemployed workers in Massachusetts and in other States that it made some mistakes in determining how many weeks of benefits will be provided. This new interpretation was just recently announced, and thousands of unemployed workers are going to have their benefits cut off weeks earlier than expected, and without any warning.

Under its new interpretation, the Department of Labor is saying that the 4-week reduction limit covered States only during the week of March 27. If, during that week, a State's IUR had dropped low enough so that the State would receive benefits under the new formula that were more than 4 weeks less than under the old program, the reduction would be limited to 4 weeks.

However, States which experience a drop in unemployment after the week of March 27 are, under the Department of Labor's new interpretation, not protected by the 4-week reduction limit.

Massachusetts is one of these States. In March and April, the IUR rate in Massachusetts entitled unemployed workers on the new FSC program to 10 weeks of benefits. But the IUR rate dropped below 4 percent in May. Under the Department of Labor's original interpretation, even with this drop in the IUR, the 4-week reduction limit would still apply and the State, which received 14 weeks under the old program, would receive no less than 10 weeks under the new program. But now the Department of Labor is saying that Massachusetts is not covered by the 4-week reduction limit and that, with an IUR rate of 3.6 percent, it should only receive 8 weeks of benefits.

This new interpretation is being put into effect without any warning. People who have been unable to find work for months, who are currently finishing their eighth week of benefits under the new FSC program, and who were told by the Department of Labor that they would receive 10 weeks of benefits, are suddenly being kicked off the rolls after their eighth week.

PROPOSAL

The bill I am introducing today would prevent this insensitive and unfair treatment of unemployed workers by extending the 4-week reduction limit to the end of the authorization period of the new FSC program.

Under the proposed bill, benefits to any given State under the new FSC program could never be reduced by more than 4 weeks below the amounts provided under the old program.

In essence, this bill would require the Department of Labor to continue to implement the new FSC program as it originally said it would, and to pay to unemployed workers the benefits it said it was going to pay.

FAIRNESS FOR THOSE IN NEED

Unemployed workers who are depending on benefits from the FSC program have been looking toward the expiration of those benefits with dread as they wait and wait for the much heralded economic recovery to bring back their jobs. To kick these people off the rolls weeks earlier than expected, without any warning, is truly unfair. The bill I am introducing today is a reasonable way to address a problem created by the Department of Labor which, if not corrected, will inequitably and unfairly disrupt the lives of thousands of unemployed workers. I urge its adoption.

A copy of the bill follows:

H.R. 3409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (B) of section 602(e)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(B) The applicable limit for any State determined under clause (ii) of subparagraph (A) shall in no event be less than the number of weeks applicable to such State for the week beginning March 27, 1983, under this paragraph (as in effect for such week) reduced by 4."

(b) The amendment made by subsection (a) shall apply to weeks beginning after March 31, 1982.●

COURT'S DECISION REGARDING WAR POWERS RESOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ZABLOCKI. Mr. Speaker, today's Supreme Court decision regarding the so-called congressional veto has far-reaching and serious implications. It warrants the fullest possible consideration. However, respected legal experts differ as to its precise meaning. Therefore, until I have a more comprehensive analysis I believe it is premature to comment.

However, as to the decision's impact on the war powers resolution, I would make the following observations.

First, to the extent that the war powers resolution fundamentally involves a power—the power to declare war—which the Constitution explicitly reserves to the Congress, I would argue that the concurrent resolution provision in it has inherent integrity and should therefore be beyond the veil of the decision.

It is also significant that the war powers resolution was enacted into law in a totally legal and constitutional manner—by overriding of a Presidential veto. On that count it would also merit protection.

Second, the constitutionality of the war powers resolution is also reinforced by the separability clause contained in section 9 which stipulates that if any provision of the resolution is held invalid the remainder of the resolution shall not be affected.

Third, the war powers resolution is uniquely crafted in that it accommodates to the reality of our modern, nuclear world. It recognizes that in an age of intercontinental ballistic missiles and fast-moving events, the President may have to act quickly to protect the national security of the United States. However, the distinctive virtue of the resolution is that it reserves to the Congress its constitutionally mandated responsibility of ultimately deciding the full legality of a Presidential action.

In short, the war powers resolution is too fundamental in both its constitutional anchorage and its practical benefit to be dismantled by the extended interpretation of this decision.●

BILINGUAL EDUCATION AND THE TWENTIETH CENTURY FUND REPORT ON QUALITY OF EDUCATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. GOODLING. Mr. Speaker, I have attached a copy of a Los Angeles Times article by Prof. Diane Ravitch which clarifies the position of the Twentieth Century Fund Report on the quality of education regarding the bilingual education issue. I would also like to stress that H.R. 2682—sponsored by JOHN ERLENBORN and me—has the same objective, that is, not to ban bilingual education but to provide flexibility to schools to determine the best methodology for teaching bilingual education which may include teaching in the native language. To quote Professor Ravitch:

In our view it is wrong for the federal government to require any particular method or pedagogy. Never in the history of federal-local relations has a particular teaching method been imposed by Congress and the courts on local school districts. Each district should decide for itself what method is best suited to helping children achieve fluency in English. And it should be acceptable within a district, or even a single school, to offer several different methods without losing federal funds.

This point is the heart of H.R. 2682. I commend Professor Ravitch's article and hope that each Member will read it.

Professor Ravitch's article follows:

[From the Los Angeles Times, June 6, 1983]

BILINGUAL INSTRUCTION IS AN ANSWER, BUT NOT THE ONLY ONE

(By Diane Ravitch)

In recent weeks several major reports have criticized the quality of American education. Only one of them, the Twentieth Century Fund report, directly raised the issue of bilingual education. As a member of the task force that wrote the report, I have been troubled by the way in which our recommendation on this subject has been misunderstood.

Friends of bilingual education have attacked our report as a threat to the survival of their program. Critics of bilingual education have cheered us for supporting their position. Both groups are wrong. We did not recommend an end to bilingual education, nor did we recommend any other method for teaching non-English-speaking children.

What we did recommend was that the federal government should not mandate bilingual education as the best method for teaching English to all non-English-speaking children. We urged the federal government to state clearly "that the most important objective of elementary and secondary education in the United States is the development of literacy in the English language"; that Federal funds that are "now going to bilingual programs be used to teach non-English-speaking children how to speak, read and write English," and that every public-school student have the opportunity to gain proficiency in a second language.

Since we were implicitly critical of the current emphasis on bilingual education to the exclusion of other methods, critics have claimed that we were in some way in league with the Reagan Administration. It is worth noting that our 11-member panel was independent of any government agency and included well-known Democrats like Wilson Riles, the former California superintendent of public instruction, and Patricia A. Graham, the director of the National Institute of Education in the Carter Administration (now dean of the School of Education at Harvard University).

Unlike the other national commissions studying the state of the schools, our specific charge was to assess the nature of the federal role in education. We were aware that the Administration has been eager to reduce the federal presence in the nation's schools. However, we concluded that the federal government has a continuing obligation to concern itself with both the quality and the equality of educational opportunity.

We proposed federal programs to identify and reward master teachers, to encourage scientific literacy, to improve the research functions of federal agencies and to increase financial aid to districts that receive unusual numbers of immigrant children. We opposed tuition tax credits and vouchers, recommending instead that public education remain a public responsibility.

As it happened, our section on bilingual education turned out to be the most attention-getting aspect of the report. We held that literacy in English is vital because "our political democracy rests on the conviction that each citizen should have the capacity to participate fully in our political life; to read newspapers, magazines and books; to bring a critical intelligence to television and radio, . . . and to vote thoughtfully."

Under the best of circumstances, all American children should gain fluency in a second language, but, whatever the circumstances, equal opportunity in America today requires fluency in the English language.

Our task force was aware that for most of the past 15 years the federal government has pursued a policy of promoting bilingual education as the best, and in some situations the only, method to teach non-English-speaking children. In bilingual programs, children study English while continuing to learn subject-matter courses in their native languages. Bilingual education is supposed to serve as the bridge from the native languages to English.

In our view it is wrong for the Federal government to require any particular method or pedagogy. Never in the history of federal-local relations has a particular teaching method been imposed by Congress and the courts on local school districts. Each district should decide for itself what method is best suited to helping children achieve fluency in English, and it should be acceptable within a district, or even a single school, to offer several different methods without losing federal funds.

As we saw it, if a district believed that the bilingual method was the best way to teach English, then it should receive federal funds to do so. But if a district preferred to use other methods, then federal funds should also be available. The important principle, we concluded, was that the goal should be the same for all: To see that every child in the United States becomes literate in the English language.●

DEPARTMENT OF JUSTICE RETREATS ON SECTION 504 PROTECTION FOR HANDICAPPED

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. VENTO. Mr. Speaker, several weeks ago, Vice President BUSH stated the Reagan administration's commitment to protecting the rights of handicapped and disabled persons. At that time, the Vice President indicated that he did not think it was necessary for the Department of Justice to revise its guidelines for enforcing section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination on the basis of handicap for programs which receive Federal financial assistance.

Unfortunately, only a few weeks later, William Bradford Reynolds, head of the Civil Rights Division of the Department of Justice, took action which contradicts the Vice President's statement. Mr. Reynolds sent all 91 Federal agencies prototype section 504 regulations to govern the programs that these agencies operate.

In 1978, section 504 was amended so that it covered not only recipients of Federal funds, but also programs operated directly by the Federal Government itself. The rationale behind the 1978 amendments was that Congress intended that the Federal Government should be governed by the same standards as recipients of Federal funds.

The problem with Mr. Reynold's prototye regulations is not that the Justice Department is encouraging Federal agencies themselves to develop section 504 regulations. The problem is the manner in which this is being done. Organizations representing disabled and handicapped persons were not given any opportunity to review them or to suggest possible changes. The end result is that each Federal agency will now use these prototype regulations as a model for developing their own regulations. Under formal rulemaking procedures governed by the Administrative Procedures Act (APA), organizations representing the interests of handicapped and disabled persons will have to study and comment upon 91 separate sets of proposed regulations implementing section 504.

These prototype regulations also ignore congressional intent in passing the 1978 amendments to section 504 by allowing a broad defense against compliance with the law if allowing handicapped people to participate in a program would cause "financial or administrative burdens" to the Federal agency. In short, Federal agencies would be held to a lower standard than programs which merely receive Federal assistance.

The rationale for this proposed change in the regulatory framework is that it is required because of the 1979 Supreme Court decision in Southeastern Community College against Davis. The Davis case involved a deaf woman who the Court found could not meet the essential qualifications for participation in a program without fundamental alterations of that program. However, since the time the Davis case was decided, the Department of Justice itself has concluded that the existing section 504 coordination guidelines were still valid. The Department of Justice has made it quite clear that they are now retreating from this position. The prototype regulations disseminated by the Department of Justice will likely make it easier for agencies in the Federal Government to find undue financial and administrative burdens, thereby allowing those agencies to avoid compliance with section 504 under the Davis decision. This is but one more example of action by an administration which has repeatedly demonstrated that it is more interested in finding ways around the law rather than enforcing the law.●

LEGISLATION TO LIMIT TEMPORARILY CERTAIN ACQUISITIONS OF FINANCIAL INSTITUTIONS AND THE EXPANSION OF ACTIVITIES OF STATE CHARTERED INSTITUTIONS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SCHUMER. Mr. Speaker, today I am introducing legislation that will give Congress an opportunity to address the recent revolutionary changes in the financial industry in an orderly and comprehensive manner.

Changes in the financial industry have been marked by dramatic encroachments by bankers and brokers into each others' line of business. Such encroachments run counter to 50 years of bank legislation and regulation. More frequently than not, they have resulted from the exploitation of unintended loopholes in the banking laws, and the independent actions of aggressive regulators.

The legislation I have introduced, H.R. 3413, would impose a temporary moratorium on certain types of acquisitions of financial institutions by other financial and nonfinancial institutions, and would restrict the expansion of State-chartered institutions into activities—such as the sale of insurance out of State and the underwriting to securities, which would have the effect of circumventing the intent of current banking laws.

This legislation has been suggested by the Federal Reserve Board, and has been introduced as drafted by the Board with only one change: in the Fed version the moratorium would expire on December 31, 1983—which has been introduced in the Senate by Senators GARN, HEINZ, PROXMIRE, and DODD—in the version I am introducing today, the moratorium would extend until December 31, 1984. I believe that it is unrealistic to expect Congress to act on comprehensive legislation in such a complicated area without a series of hearings and an opportunity to examine competing proposals for the future shape of our financial system.

The deregulation of the banking industry has, thus far, brought tremendous benefits to consumers, including greater convenience, a wide variety of services, and market rates of return on their money. But consumers have faith in newly available types of accounts and services only because bank regulation has emphasized the continuing safety and soundness of the system. A moratorium will allow Congress to keep the benefits of deregulation intact, while we devise a new framework that will preserve the safety and soundness of the system well into the future.

Mr. Speaker, I insert the text of the bill in the RECORD:

H.R. 3413

A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by state chartered depository institutions and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. The effective date of this Act is the date of its enactment and this Act is hereby repealed on December 31, 1984.

SEC. 2. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary, in any activity not permitted for a bank holding company under section 4 of the Bank Holding Company Act shall acquire control of any insured bank, and no company shall acquire control of insured banks in more than one state without prior approval under the Bank Holding Company Act.

SEC. 3. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a multiple savings and loan holding company on the effective date of this Act under subsection (c)(2) of section 408 of the National Housing Act or for a bank holding company under section 4 of the Bank Holding Act shall acquire control of any insured institution, except as provided in subsection (m) of section 408 of the National Housing Act.

SEC. 4. No company that acquires or acquired control of an insured bank or insured institution on or after June 23, 1983 (the date of introduction of the bill), shall retain control of such bank or institution on or after the effective date of this Act and engage directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an

activity permitted for a bank holding company under section 4 of the Bank Holding Company Act or for a multiple savings and loan holding company under subsection (c)(2) of section 408 of the National Housing Act, unless such insured institution was acquired pursuant to subsection (m) of section 408 of the National Housing Act. After the effective date of this Act, no company shall retain control of insured banks in more than one state that were acquired on or after June 23, 1983, unless such banks were acquired with prior approval under the Bank Holding Company Act.

SEC. 5. On or after the effective date of this Act, no state-chartered depository institution may commence, either directly or indirectly, including through a subsidiary, any activity not previously and lawfully engaged in by that institution unless (a) such activity was authorized for that type of institution explicitly and not by implication by a state statute adopted, or by interpretation promulgated thereunder, prior to January 1, 1983; (b) such activity is permitted under section 4(c)(8) of the Bank Holding Company Act for a bank holding company; or (c) such activity is explicitly authorized by a state statute, or interpretation promulgated thereunder, and is performed exclusively in the state authorizing such activity for customers present in that state; provided, however, that this section does not authorize the conduct of any activity currently prohibited to state chartered depository institutions under sections 20 or 21 of the Glass-Steagall Act. Nothing in this section shall prohibit a state chartered savings and loan association or savings bank from engaging in any activity expressly permitted for a federal savings and loan association or savings bank under the Garn-St Germain Depository Institutions Act of 1982.

SEC. 6. Any state-chartered depository institution that commenced, directly or indirectly, including through a subsidiary, on or after June 23, 1983, any activity that would have been prohibited by this Act if commenced after enactment of this Act shall, upon enactment of this Act, immediately terminate such activity.

SEC. 7. The provisions of this Act shall be enforced by the appropriate federal agency under the Financial Institutions Supervisory Act of 1966, as amended, and for this purpose any company that controls an insured bank shall be treated as a bank holding company.

SEC. 8. For purposes of this Act, the terms:

(a) "bank holding company," "company," "control," and "subsidiary" have the same meanings as provided in section 2 of the Bank Holding Company Act;

(b) "depository institution" has the same meaning as provided in 12 U.S.C. 461(b);

(c) "insured bank" has the same meaning as provided in 12 U.S.C. 1813(h) and shall also include any institution that is eligible to become an insured bank under 12 U.S.C. 1815, and any institution that accepts deposits that the depositor may withdraw by check or similar means for payment to third parties and engages in the business of making commercial loans. The term "bank" does not include any foreign bank having an insured branch or an institution expressly exempted under section 2(c) of the Bank Holding Company Act; and

(d) "insured institution" and "multiple savings and loan holding company" have the same meanings as provided in section 408 of the National Housing Act.●

AMBASSADOR SPEAKS TO THE IMPORTANCE OF TRADE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BEREUTER. Mr. Speaker, earlier this month the Egypt-United States Business Council held its ninth annual meeting in Washington, D.C. More than 100 Egyptian and American business leaders spent 2 days discussing the investment climate and political, economic, strategic, and congressional relations between our two countries.

Egypt's Ambassador to the United States, Dr. Ashraf Ghorbal, spoke eloquently about the friendship between Egypt and the United States and about the great possibilities for continued political and economic cooperation.

I am pleased to share excerpts from Ambassador Ghorbal's remarks with my colleagues, with the hope that the comments will create a better understanding in the United States about Egyptian efforts to increase investment in Egypt and trade with the United States.

REMARKS BY HIS EXCELLENCY ASHRAF GHORBAL, AMBASSADOR OF EGYPT

The friendship that has been rebuilt since the early '70's has grown to be a solid rock on which these relations now stand. Both countries have worked to bring about the beginning of peace in our area. As joint partners, we are continuously working to bring others into the peace process. Whatever obstacles we both encounter, we are determined to overcome with more vigor and dedication to the cause of peace that unites us. No one can deny that we have had setbacks, but no one can deny that we do our best to overcome them and make people realize that only through negotiation, mutual understanding, and reason can we overcome the difficulties and help bring the people of the area nearer to prosperity. . . .

President Mubarak's visit to the United States last January was another milestone in the relations between the two countries. Your meeting with him in New York was definitely a high mark in his visit. Your report to him about achievements and difficulties was most useful. Surrounded by his assistants in the economic field, you could readily see that he takes American-Egyptian relations very seriously and American investment in Egypt close to heart. . . .

On our side, we have not hesitated to take the advice of our American friends in changing our investment laws, in streamlining our bureaucracy. The five-year plan—1982 to 1987—with an accelerated rate of growth around 11 percent above the present growth rate of domestic product of 8 percent is indicative of our intentions. Our export growth target of 10.5 percent per annum is indicative of our aspirations. The increase of commodity exports in comparison to the total current receipts in Egypt's balance of payments to the order of 49 percent in 1982 and 54 percent in 1987 is indicative of the hopes we pin on the coming five years. Can I then appeal to our American friends to help examine during this session among the issues they will discuss all possible ways and means to ensure easy access of Egyptian products to U.S. markets—both traditional and non-traditional export items? Your recommendations and participation in areas relating to the short-run strategies will, I am sure, be much appreciated and highly valued. Our exports pose no problem to any of your commodities. It will enhance our capabilities to buy more from the United States and replace, in time, the AID programs for which we have been and will remain grateful. Speaking of the AID program, I am happy to learn from Peter McPherson and his colleagues that every effort will be deployed to support programs of high and visible means to our masses. Needless to say, the support that the energy sector in Egypt received meant a great deal to our people, as some turned on the light for the first time in villages that had remained dark throughout centuries. Industry has also benefitted by putting the additional people to work that they need. I was pleased to learn that when one counts the energy produced from the combined projects that AID helped to finance, we come to a figure corresponding to the energy being produced from the Aswan high dam. Definitely, this has helped equally many an American company, as it sold to us the necessary equipment to produce such electricity.

We are determined to continue the building of additional power stations needed for our development program. We are relying on AID's participation in the financing of some of these. We are waiting, in particular, for AID's approval to finance Abu Sultan's fourth power station. This will help to make available the needed power for the construction of additional industry and other ventures in which American capital will be invested. American-Egyptian joint investment projects need that additional required energy. We must continue to build these sources of power.

The decision by the United States to earmark one and a quarter billion dollars for the coming five years to help our water and sewer systems will be another ediface in that program of cooperation between our two countries to benefit Egypt. It will also benefit many American companies and, thus, employees in the United States.

Over the years, the Egyptian budget has been taxed by a growing rate of subsidies to insulate our masses from the ever-growing rise worldwide in the prices of food stuffs, energy, and the daily needs for their livelihood. It has now become the considered decision by our government to cut down gradually on these subsidies, while securing for the masses the additional wages and resources that they need to have the necessary requirements for a decent living. While we have appreciated the advice we received from many quarters motivated by their friendship towards Egypt, we have taken and are determined to continue to take this new policy because of our conviction that this is for the benefit of our people and the economy that is destined to serve it.●

U.S. INVOLVEMENT IN CENTRAL AMERICA—THE ALTERNATIVES

HON. LARRY McDONALD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. McDONALD. Mr. Speaker, many segments of the national news media seem determined to insist that U.S. involvement in Central America would lead to another Vietnam and that we ought, at the very least, to negotiate with the terrorist murderers directed by Marxist Nicaragua, Cuba, and the Soviet Union. Presumably they want to negotiate on the timetable for a complete Communist takeover of Central America, from Columbia to the Rio Grande.

Many Members of Congress also seem to want to ignore the lessons of history. Their actions in condemning U.S. allies in Central America for alleged human rights violations but failing to criticize terrorist acts by Soviet, Cuban, and Nicaraguan surrogates in that same area is hypocritical. Their unwillingness to face the reality of Soviet aggression in the Western Hemisphere and to meet that challenge head on merely hastens the day when terrorists will be knocking at our southern borders and when refugees by the millions will start flowing into the United States from Central America.

With those thoughts in mind, following is a fictionalized news story that—may—God forbid—be carried by our wire services in the near future if the current Communist aggression is not stopped. The problems it outlines are worthy of consideration by my colleagues, the national news media, and the American people.

TERRORIST ATTACKS ON U.S.

SAN ANTONIO, TX (WP).—Ten people were killed last night in a small community south of here after several hours of torture by a band of Marxist guerrillas based across the Rio Grande in Mexico, according to Texas authorities.

U.S. officials say they continue to have little success in sealing the 2,000-mile U.S.-Mexican border against terrorist attacks, which apparently are condoned and supported by the Revolutionary Peoples Communist Party that now controls Mexico.

In addition, refugees continue to stream across the border into Texas, New Mexico, Arizona, and Southern California. To date, U.S. officials feel that at least nine million refugees from Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama have fled to the U.S. from the Communist governments in their own countries. American Immigration and Naturalization authorities say that refugees have jammed most of the Southwestern states and have even moved into Mississippi, Alabama, Georgia, Florida, and Tennessee, pushing emergency resources to the limit. But the worst apparently is not over, U.S. officials said, with at least another 12-million refugees expected from Central America in the next several months.

Virtually all the Southern and Southwestern states activated the National Guard months ago in an effort to stem the refugee flow and, most of all, to halt the terrorist raids across the border. In only 13 months, over 350 Americans have died and another 978 have been maimed or injured by terrorist actions in the four border states. However, government efforts have largely proven unsuccessful.

In response to what U.S. officials called "barbaric incidents of terror and border violations," most Americans within 250 miles of the Mexican border have been asked to move further inland. And because of raids on refugee camps, most of those fleeing the flames of Marxism in Central America have been moved to newer, makeshift camps in Arkansas, Tennessee, and the northern halves of Mississippi, Alabama, and Georgia. Additional camps are expected to be set up soon in North and South Carolina, Missouri, and Kentucky.

The President has protested the campaign of terrorism, both in notes to the Mexican government and in resolutions placed before the United Nations. However, the UN has instead condemned the U.S. for alleged oppression in the Southwestern states and praised the guerrillas on their self-described "war of national liberation."

A military junta comprised of leaders of all the Central American nations, and including Cuba's Fidel Castro, yesterday vowed to continue what they called "the fight by the people's forces in international socialism to bring down the last bastion of capitalist imperialism left in the world."

Meanwhile, in a speech on the floor of the U.S. House of Representatives, one Southern Congressman said that the nation's current military and immigration problems would not have arisen had the U.S. prevented a communist takeover of Cuba in 1957, or of Nicaragua in 1979, or even of El Salvador in the early 1980s.

"History has proven one cannot negotiate with a murderer," he said. "Neither will military gradualism work when the goal is not victory but rather appeasement or merely delay in the final outcome. Total elimination of the cancer of communism from the Western Hemisphere was the only solution in 1957, and 1979, in the early 1980s, and even now. But the hour is late, it is very, very late."

At the same time, one U.S. Senator from an Eastern state introduced a resolution urging the President to negotiate with the Marxist guerrillas and condemning the possible use of military force across the Mexican border against terrorist bases.●

THE NUCLEAR FREEZE: WHERE IT STANDS NOW

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BERMAN. Mr. Speaker, the time has come to bring the runaway arms race to a halt. If we do not stop it, we threaten the future of this planet. A mutual freeze on nuclear arms is the best way to begin ending the arms race, and this House affirmed that goal when it voted 278 to 149 for a resolution calling for a mutual, verifiable freeze on nuclear weapons.

Despite numerous attempts by opponents to change the spirit of the resolution and defeat its purpose, the clear message of the freeze emerged: the nuclear arms race must stop. The opposition claimed there should be arms reductions before a freeze. But that would simply allow the level of international tension to rise as new and more terrible weapons are created while other parts of the arsenal are reduced. Amendments to change the sequence of the freeze were defeated. Opponents wanted to allow modernization; this would really mean deploying new, destabilizing weapons under a freeze. A freeze would be meaningless if each side could simply create a new means of destruction and call it the latest fashion. This resolution calls for an end to both the quantitative and qualitative arms race.

Though there were many amendments, none really altered the essential position that there must be a comprehensive, immediate, bilateral freeze of nuclear weapons followed by reductions of arms. Congress has the responsibility to help develop an American negotiation strategy on arms control. This resolution started us on the way.

It took hours, but we made it understood: we are not trying to overstep the powers of the President. Congress is providing objectives for negotiations. We have not written a treaty text. Nothing will be frozen until a freeze is negotiated, signed by both parties, and approved by both Houses of Congress.

The freeze stands in stark contrast to the administration's policy of pursuing selected reductions on older ballistic missiles, while undertaking a massive buildup of new first strike and counterforce nuclear weapons followed, at some undetermined time, (perhaps) by a freeze.

The House has said more. We say, begin by negotiating an immediate, mutual, and verifiable freeze, then negotiate the reductions; decide how to achieve a freeze on testing, production, and deployment of nuclear weapons; give utmost attention to first strike weapons. The reductions which follow from a freeze should be achieved within a reasonable time, and that period will also be determined in negotiation.

We must always remember that nuclear weapons are only a part of our national defense. We are forced to have them because they exist, and because others have them. But we should not depend on them for our entire defense, nor should we increase our dependence on them. Yet that seems to be the very thing that this administration is doing. One way to

stop this acceleration is through the freeze.

The opponents of a freeze would frighten us with horror stories of Soviet dominance and Soviet deception. They try to convince us that anytime the Soviets get a new technological marvel, even if it is one we already have, that we are in grave danger. First it was the bomb itself that put us in peril, then it was bombers, then missiles, and now hard-target-kill capability. Suddenly, it is argued, we are vulnerable. We are told the only solution to this supposed technological imbalance is more technology and defense spending.

It is true that the Soviet Union deployed five new missile systems in the last 10 years, but the United States outproduced the U.S.S.R. in numbers of warheads, it introduced the Poseiden and Trident submarines, it upgraded the ICBM force, it added over 1,000 short-range attack missiles on the B-52. Let there be no mistake, the arms race continues, on both sides. As the pace accelerates, the weapons have greater accuracy, there are multiple warheads on each missile, the flight time is shorter, and the explosive force greater.

The United States and the Soviet Union now possess the equivalent of 3 million Hiroshima bombs—a total of 4 tons of TNT for every man, woman, and child on the Earth. Is that not enough?

Now a new round in the arms race begins as we build counterforce weapons which can match the Soviet hard-target kill capability; these weapons are supposed to protect us from our newest peril, the window of vulnerability.

The window of vulnerability is not there, and the President's Scowcroft Commission says it is not. We are vulnerable, it is claimed, because of the Soviet advantage in numbers of ICBM's. But the Soviets have concentrated three-fourths of its force in ICBM's, While America depends on a triad of forces, missiles, bombers, and submarines, making it much better able to survive a first strike. The Scowcroft Commission points out, "the existence of several strategic forces requires the Soviets to solve a number of different problems in their efforts to plan how they might try to overcome them."

As Stansfield Turner, the former CIA director, explains,

> We must count on making it so complicated for the Russians to knock out all our nuclear forces in a short period of time that they will never feel confident of their ability to do it.

The Commission, Turner, and other arms control experts speak in terms that simply demonstrate the horrific power that both nations must bring to bear simply to deter attack—they also make us wonder about the need to continue an arms buildup.

We no longer fear a bomber gap or a missile gap. We should not fear the window of vulnerability. Our present dilemma is not over how many weapons the Soviet Union has, it concerns the competing philosophies of deterrence. When both sides are capable of delivering an attack in retaliation to attack from the other side, both sides will feel deterred from launching a first strike. So goes the gruesome mathematics of the nuclear age. We must work to maintain the balance that exists today, not upset it with newer, more destructive weapons.

President Kennedy reminded us,

> We must not see a distorted and desperate view of the other side; we must not see conflict as inevitable, accommodation as impossible, and communication as nothing more than exchange of threats.

The Soviet and American people share the common desire to avoid a general nuclear war. A crucial aspect of the freeze is that it is negotiated. We would enter into a process with the Soviets aimed at its very core toward the stability that both sides desire. It is thus a most positive kind of negotiation, and one we should value.

We should not follow the administration and say, reduce after we build new weapons. Arming in order to disarm will not work. It has not worked in the past. There are no bargaining chips. The bargaining chips of yesterday are the weapons we have today.

The only way to reduce arms, the only way to bring some measure of stability and control to the precarious situation we are in today is to say once and for all, "stop." It has to begin sometime.

No one is freezing or disarming unilaterally—the freeze begins only after it is negotiated and it is mutual.

The freeze is possible, it is feasible, and it can be verified. Anything that cannot be verified will not be frozen. A nuclear freeze can give the United States and the U.S.S.R. breathing room before they rush into a nuclear future that may threaten the future itself.

The freeze will stop the arms race in its tracks, and it can assure there will be no future generations of nuclear weapons. If we do not act now, there may be no future generations.

We think of the rhetoric used to describe the situations of our two nations. The images may change, but the idea is the same: we are two international powers, with incredible destructive force at our disposal. One misstep, one unmediated strike in anger, and we may destroy more than an opponent. We may destroy ourselves.●

TESTIMONY OF CONGRESSMAN ROY DYSON ON H.R. 656, FEDERAL EMPLOYEE HEALTH BENEFITS REFORM ACT OF 1983, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DYSON. Mr. Speaker, I was asked to testify before the Subcommittee on Compensation and Employees Benefits and include my testimony in the RECORD:

Madam Chairman, I appreciate the opportunity to testify before the Subcommittee on Compensation and Employee Benefits in support of H.R. 656, the "Federal Employees Health Benefits Reform Act of 1983." As you know, I am a co-sponsor of this legislation, and I strongly believe it will remedy many of the existing inefficiencies and inequities of the Federal Employees Health Benefits Program. I address you today, however, not merely as a co-sponsor, but as a Representative whose constituents are deeply concerned over the recent policies and practices of the Office of Personnel Management.

During the last two years, as we know, benefits have been reduced by 12 percent, while premiums have increased at a rate of 56 percent. In an effort to "contain rising health costs", the Administration has simply imposed additional burdens on the federal employees enrolled in FEHB plans. One estimate of these additional costs runs as high as $500 per "average" employee. Most of the lost value in health benefits incurred by federal employees has resulted as much from the Office of Personnel Management's abject disregard for the well-being of its employees as from the uncontrolled increase in health care costs as a general service.

As I reviewed the record of last year's hearings, and especially the fascinating defense of OPM's actions by its director, Dr. Donald Devine, I was struck by the many contradictory and contorted assumptions underlying the Administration's handling of the FEHB program.

For example, it is clear that Dr. Devine assumes that preserving the financial health of the FEHBP requires sacrificing the physical and mental health of federal employees. Dr. Devine, it seems, was astonished to have discovered that the system was facing a potential $500 million "shortfall" in funding for the 1982 fiscal year. Despite the fact that conventional sources of funding were readily available to cover any unexpected costs, Dr. Devine refused to avail himself of these sources because he considered continued discretionary funding to violate his sense of "good business practices". Instead, his alleged "good business practice" led him to precipitate a crisis which we are today having to set right. While Dr. Devine's business judgment is very much in doubt, it is clear, and I am confident, that H.R. 656 can restore the program's financial integrity and fulfill our obligation to federal employees.

H.R. 656 increases the government's contribution rate to 75 percent of the premium costs for plans sponsored by the "Big Six,"

the largest of the more than 100 plans approved for inclusion in the FEHB program. If individuals enroll in plans which are substantially less expensive, the Government contribution can provide up to 100 percent of the premium costs.

By offering an additional 5 percent premium contribution to carriers of plans providing health care to annuitants over the age 65, whose medical needs are not also covered by Medicare, H.R. 656 reverses the tendency in FEHB plans to neglect the needs of the most vulnerable retirees. It permits employees involuntarily separated from their federal jobs to enroll in FEHB plans during their first year of unemployment, thus aiding the effort to protect the health of those without steady income. And it sets broad guidelines for minimum coverage, such as dental and mental health care, which all plans must now provide. This is in addition to the minimum "catastrophic coverage" which all plans must offer.

There are, of course, other critically important provisions contained in H.R. 656, such as the requirement that a three-week open season precede any contract period when changes in premiums or benefits have been made, when new plans have been approved or when existing plans are terminated. And OPM will in the future, be prohibited from forcing carriers to reduce benefits by more than 5 percent, which should put a halt to the recent precipitous decline in the value of benefits.

In short, H.R. 656 stands on its own as a highly desirable and effective remedy to the crisis in FEHBP precipitated by Dr. Devine. But when compared with Dr. Devine's own proposed "reforms", the virtue of H.R. takes on an even more brilliant luster.

The horrific record of neglect which Dr. Devine has compiled during the past two years can only be eclipsed only by the probable consequences of his agenda for the years to come. He has finally unveiled a plan that has been floating around OPM for the last several months, and which, up to now, political expediency has prevented from being formally introduced. It seems that his answer to the mess he has created is to sweep the whole program away with the so-called voucher system.

This system, which he has designed to remove the government from the role of "middleman" in the arrangement between employees and medical program carriers, is being promoted as a blow against rising health care costs. But as his actions make clear, he is less concerned about containing health care costs per-se than about reducing OPM's contribution to the health care costs of its employees. The voucher system will do this in a number of ways, but most disastrously by limiting the yearly increases in the value of the public contribution to increases in the consumer price index or some other general measure of inflation. Since medical care costs rise, as we all know, many times faster than most other services, employees will be able to purchase less and less coverage each year. The value of their benefits will plummet, and conceivably, under Dr. Devine's management, workers would be unable to afford the price of aspirin, let alone adequate medical care.

For these and a host of other reasons, H.R. 656 is a necessary and desirable reform. In closing, I will only add that many argue for these reforms on the grounds that without them, the U.S. Government cannot expect to attract highly qualified employees. It will suffer from a drain of competent staff, lost mostly to private concerns offering better health benefits. However true this point, there are also broader issues that trouble me. The Federal Government has promoted, for the last hundred years, the dynamic partnership between labor and management that has made our industrial democracy a model for the world to emulate. At no time since the Depression of 1930 has this partnership been more troubled than at this moment. Abrupt plant closings, unrewarded employee give-backs and unilateral wage reductions must give way to a reaffirmed harmony of interests. Can we, as the nation's largest employer, expect to encourage the private sector to recommit itself to the guiding principles of an industrial democracy if we ourselves deny our responsibilities to our own employees? If our civil servants are to fulfill with skill and devotion their obligations to the nation, the nation must fulfill its obligations to the career service. Can we, in good faith, mediate labor-management disputes, assist in negotiating settlements, if we continue to neglect our own obligations to deserving workers?

I think not, and I believe you and this subcommittee share my onvictions.●

ADMINISTRATIVE SITES PROPOSED FOR DISPOSAL

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DE LA GARZA. Mr. Speaker, for the information of the Members of Congress, I am printing in the CONGRESSIONAL RECORD a list of tracts of land that are located outside the national forest borders and that the Department of Agriculture has reported as no longer needed for the Forest Service. Apparently the administration intends to take disposal action as to these tracts.

This information has been transmitted to me and to the congressional delegations of each State concerned pursuant to section 316 of the 1983 Interior and Related Agencies Appropriations Act. That act requires certain advance notifications to be made by the Department before action can be taken by the administration to dispose of these tracts.

UNITED STATES DEPARTMENT OF AGRICULTURE,

Washington, D.C., May 20, 1983.

Hon. E. (KIKA) DE LA GARZA,

Chairman, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Section 316 of the 1983 Interior and Related Agencies Appropriations Act (PL 97-394) requires funded Agencies to take the following action before disposing of any lands, except by exchange or under certain specified authorities.

1. Determine that the tract is no longer needed by the Federal Government and inventory the tract as to its public values.

2. Provide opportunity for public review and comment.

3. Provide 30 days advance notice to the congressional delegation of the State or States in which the tract proposed for sale is located and the plan for carrying out such disposal.

4. Notify the appropriate congressional committees for immediate publication in the Congressional Record.

In August 1982, the Secretary of Agriculture announced that the Forest Service had identified about 60,000 acres that could be sold under existing authority. In fiscal year 1983 but prior to passage and final clarification of the Appropriations Act requirements, the Forest Service reported several small administrative site tracts excess. (See enclosed list.) These administrative sites are located outside National Forest boundaries and are no longer needed by the Forest Service. These types of properties have in the past and will continue to be processed under provisions of the Federal Property and Administrative Services Act when no longer needed for administrative purposes. The General Services Administration (GSA) has suspended disposal action pending completion of actions called for by the Appropriations Act.

Many Regional and local newspapers carried news items about the administrative sites proposed for disposal. (See enclosed examples.) Because of the longstanding routine practice of excess administrative site disposal, the wide newspaper coverage of properties identified for disposal, including specific names and locations of many excess administrative sites, and the large volume of inquiries, without objections to their disposal, we plan no further public review of these specific administrative sites.

The congressional delegation of each State has been notified of these proposed disposals. No further action will be taken until 30 days following the notification of the proposed disposals.

Sincerely,

F. DALE ROBERTSON,
(For R. Max Peterson, Chief).

Enclosures.

ADMINISTRATIVE SITE TRACTS (EXCESS)

Site name	Location	Size (acre)	Date reported to USDA
Snowflake administrative sites.	Snowflake, AZ	0.75	May 17, 1982.
Springerville lots	Springerville, AZ	0.29	June 21, 1982.[1]
Tract No. 3749 Jasper	Jasper, AR	0.38	Sept. 14, 1982.[1]
Veterans Administration hospital site.	San Fernando, CA	0.70	Jan. 24, 1983.
Forest Service dwelling	Springfield, CO	0.50	Jan. 6, 1983.
Forest Service dwelling	LaVeta, CO	0.25	Oct. 15, 1982.
Grand Junction horse pasture.	Grand Junction, CO.	3.0	Oct. 15, 1982.
Elk Road warehouse	Salmon, ID	12.30	Oct. 8, 1982.
Basin stock corral	Oakley, ID	0.74	Jan. 5, 1983.
Forest Service dwelling	Elkhart, KS	0.25	Oct. 15, 1982.
Aurora RS (vacant land).	Aurora, MN	2.32	Jan. 12, 1983.
DeSmet School	Missoula, MT	0.89	July 23, 1982.
Ellison administrative site.	Elliston, MT	7.92	July 27, 1982.
Crawford work center	Crawford, NE	3.0	Aug. 24, 1982.
Gorham ranger dwelling	Gorham, NH	0.3	Jan. 13, 1983.
Biltmore shop	Asheville, NC	2.18	Dec. 28, 1982.
Bald Mountain Lookout	Salisbury, OR	5.0	July 23, 1982.
Bridgeview administration site.	Cave Junction, OR.	3.04	July 23, 1982.
Lakeview warehouse	Lakeview, OR	0.24	July 23, 1982.
New Harmony corral	New Harmony, UT.	1.00	Jan. 5, 1983.
Loa Building site	Loa, UT	1.24	Aug. 31, 1982.
Medicine Bow administration site.	Medicine Bow, WY.	0.29	July 27, 1982.
Cokeville pasture	Cokeville, WY	2.02	Jan. 5, 1983.
Fort Ruger	Honolulu, HI	1.46	Sept. 30, 1982.
PNW Laboratory site	Seattle, WA	5.0	Sept. 30, 1982.
Franson Peak Lookout	Republic, WA	0.5	Feb. 7, 1982.
Pierce work center	Pierce, ID	66.54	Nov. 21, 1979.

[1] Sold.●

WELFARE PROGRAMS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Ms. KAPTUR. Mr. Speaker, in discussions on reducing the Federal budget deficit, we often hear suggestions that the place to begin is with the welfare system which is fraught with "waste, fraud and abuse." I would like to commend an article to my colleagues which clarifies some of the misconceptions connected with the aid to families with dependent children (AFDC) program and food stamps. Nina Easton's article illustrates that the actual amount of waste in the welfare system is but a fraction of what occurs in other programs. We need to eradicate waste in all Federal programs, but to focus attention solely on the welfare programs when tremendous abuses occur in other areas is less than productive.

Furthermore, we must not lose sight of the fact that some of the most severe cuts over the last 2 years have been made in these programs which serve low-income Americans. AFDC benefits have been cut $1.5 billion a year. About 365,000 families have been terminated, and an additional 260,000 families have had their benefits reduced. In nearly half of the States those who were terminated lost their medicaid coverage for themselves and their children. An estimated 660,000 children have lost medicaid coverage when their families were dropped from AFDC. In addition, the food stamp program has been cut by over $2 billion a year. Nearly 1 million food stamp recipients have been terminated, and nearly all others are receiving lower benefits.

This article entitled "The Facts About Welfare Fraud" appeared in the May-June issue of Common Cause.

THE FACTS ABOUT WELFARE FRAUD

YOU'VE HEARD THE TALES OF ABUSE: HERE'S THE REST OF THE STORY

(By Nina Easton)

You can argue all day about whether our current welfare system is the best way to help the truly needy, but a look at some numbers on these programs reveals one certainty: There is nowhere near the amount of waste, fraud and abuse in poverty programs that many have been led to believe by President Reagan and others.

The Reagan administration has added a number of fraud fighting measures to the lengthy list of initiatives passed by Congress in recent years. But through his repeated tales of welfare abuse—some accurate, some hyperbole and still others dead wrong—Reagan has encouraged a perception that the needy people who benefit from public assistance tend to be dishonest, and that the total dollars of waste, fraud and abuse in these programs would contribute significantly toward balancing the budget.

Nothing makes the overburdened taxpayer angrier than stories of a mother pulling up to the welfare office in a Lincoln Continental; or of upper class college students getting free handouts; or someone using change from food stamps to buy vodka—all courtesy of the U.S. taxpayer.

But stories of individual abuse in the welfare system are only a small and often distorted part of the overall picture. Here is the untold story about fraud in the welfare system.

Fact 1: The nation's primary welfare program, AFDC, comprises only 1 percent of the federal budget. As economist Jack Meyer of the conservative American Enterprise Institute told a congressional panel last year, "If 20 percent of that were fraudulently spent, which I doubt, we would save two tenths of 1 percent of the federal budget and still be faced with massive deficits. We cannot avoid massive deficits with a lot of rhetoric about welfare cheating or 'fraud and abuse.'"

Fact 2: The extent of abuse in these programs pales in relation to that in defense: "Erroneous AFDC (Aid to Families with Dependent Children) payments"—which include both honest mistakes and fraud, some on the part of recipients, some on the part of agency workers—is estimated at 8.3 percent, or about $664 million in 1981, according to the Department of Health and Human Services. "Overissuances" of food stamps—again including fraud and mistakes on the part of both government workers and participants—is estimated at 10 percent, or a little over $1 billion a year, according to the Department of Agriculture (USDA).

Waste and fraud in these two programs, then, total about $1.6 billion a year. Analysts, including budget director David Stockman, have put the price of Pentagon waste and fraud at 20 to 25 times that.

Fact 3: Some of the waste in the AFDC and food stamp programs is due to the complexity of welfare regulations and application forms, which experts say invite error. The Reagan administration has added to that problem with a new series of complicated regulations which welfare workers, and in some cases even courts, are still trying to understand.

Fact 4: Contrary to a popular misconception, fraud in these programs is not perpetrated by the average needy family. In fact, after announcing that USDA food stamp investigations in 1982 had led to a record 1,170 indictments, Inspector General John Graziano had to explain: "Most of these were hardened criminals, not mothers on welfare."

In the Medicaid program where estimates of fraud and waste range anywhere between $2 billion and $6 billion a year, the main culprits are nursing home operators, doctors, pharmacists and hospitals—not patients. This abuse involves everything from crimes, such as kickback schemes, to unnecessary surgery, bloated physicians' fees and the like.

Fact 5: Reagan frequently complained about strikers and upper class college students on food stamps. But USDA figures from August 1981 showed that only one tenth of 1 percent of food stamp households included strikers; 1980 figures showed that students comprised only 1.8 percent of all food stamp households, and in order to qualify they had to be disabled, elderly, be attending both work and school, or have dependents.

Fact 6: To its credit the Reagan administration has increased the number of indictments for food stamp fraud by 46 percent since 1981. But for this we can thank law enforcement authorities, not the deep budget cuts that the president insisted were vital to eliminating waste and fraud.

Indeed, numbers compiled by the Congressional Budget Office showed that the government saved most of its money in the food stamp program by cutting benefits for hundreds of thousands of needy families. An estimated 10 to 15 percent of the savings in the President's first budget came from curbing error and fraud; only 3 percent of the President's 1984 food stamp cuts are aimed at reducing error.●

REPUBLIC STEEL MAKES PROGRESS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FEIGHAN. Mr. Speaker, everyone knows that the U.S. steel industry has fallen on hard times in recent years, and the outlook does not look too much better in the near future. The expected upturn in the steel industry is still more a hope than a reality.

In the face of these problems, the Republic Steel Corp. of Cleveland, Ohio, has taken quick and forceful actions to combat the institutional inertia that has been plaguing the industry for years. Under the aggressive and able chairmanship of E. Bradley Jones, Republic is making major progress to increase investment, increase productivity, and decrease its deficits.

I think all of my colleagues would be interested in reading the following article from Crain's Cleveland Business Review which details the steps Mr. Jones has taken to come to grips with the problems posed by foreign competition and an aging industrial base.

JONES BECOMES TRAVELING SALESMAN IN FIRST-YEAR PITCH TO RESCUE REPUBLIC

(By Forrest S. Gossett)

To say it's been rough going for E. Bradley Jones hardly speaks to the trials he has had to endure in his first year as chief executive of Republic Steel Corp.

Since moving into the chairman's office at Republic last July 1, succeeding retiring William DeLancey, Jones has had:

To watch, almost helplessly, as sales evaporated, sinking the company some 58 notches on the Fortune 500 ranking (to 145), while the bottom line reddened for the first time since 1938, inflicting a whopping $233 million loss;

To react to steadily falling plant utilization rates by handing out pink slips or layoff notices to thousands of loyal, longtime employees in a draconian, but necessary, campaign to lower the company's breakeven point;

To come to grips with an ultimatum posed by foreign competitors that the company quickly invest hundreds of millions of scarce dollars in new manufacturing technology, lest it be doomed to obsolescence and assured defeat in the international marketplace;

To respond with quick-footedness to rampant rumors among competitors, suppliers, customers, stock market analysts and employees that the company was about to go bankrupt.

As one might guess, it hasn't been a very enjoyable 12 months for Jones.

"It's very difficult for me to leave at 5 p.m., go home, turn on the music and say, 'Happy times are here again,' " said Jones in an interview with Crain's Cleveland Business.

The problems have been unrelenting. The upturn in the steel industry, predicted by analysts at the beginning of the year, has yet to materialize. Republic lost $35 million in the first quarter, and Jones expects to lose as much, if not more, after the books close in 10 days on the second quarter.

But through this, Jones has earned high marks for aggressively attacking Republic's problems.

"They are less apt to blame foreign competition for their problems now," said analyst Charles Bradford of Merrill Lynch, Pierce, Fenner & Smith in New York. "They have become good cost-cutters. Republic's breakeven point has been lowered from something like 80 percent of capacity to about 65 percent—which is good, but I would rather see that down to 60 percent."

Added Bradford, "What Republic, under new management, has done is masked by the general economy, which means you can't see the results on the bottom line yet."

Analysis and business associates say Jones brings an important element to the chairman's job—salesmanship. Unlike some previous Republic chairmen, Jones, 55, a graduate of Yale and Harvard, came up through the corporate ranks in sales and marketing segments. Previous chairmen were lawyers.

"These are challenging times that call for a man who is careful, prudent and confident at the top," said one Republic director. "He is a straighforward, honest man who isn't going to hustle you. I think he has great credibility."

Almost immediately upon taking the job, Jones was confronted with the twin ills of depressed market and bankruptcy rumors. And like a salesman, he hit the road, talking to employee groups, bankers and customers to sell them on the fact that Republic was not about to file for Chapter 11.

"A primary part of my job was to communicate our message to those groups," said Jones. "I spent a great deal of time with the bankers, answering their questions about what we were doing in order to respond to the economic downturn. We also had 10 dinners in various parts of the country with customers, introducing them to Republic's management and answering their questions."

The salesman's imperative to satisfy customers with price and quality also has been the driving force behind Jones' campaign to improve quality and make Republic pay much closer attention to the fundamentals of marketing.

"The marketplace is telling us today that the market is not going to pay a premium simply because we happen to produce our product in this country," said Jones. "We have to do certain things in order to be competitive in the world environment, and bringing that message home is the primary responsibility of all the corporate managers. The company that is going to succeed and become a viable producer is going to have to meet the quality requirements the consumer is demanding."

To meet quality goals, Republic has established closer coordination with customers to generate more feedback.

"The old attitude at Republic seemed to be that they knew what was best for the customer," said analyst Donald Eller of Roulston & Co. in Cleveland. "That has changed. They now seem to be asking the customer what he needs, and they've become much more marketing oriented."

The biggest challenge Jones has faced is Republic's weak balance sheet, which is holding the company back from capital spending plans and expansion.

Since January, Jones and Republic management have accomplished three major financial moves that Jones says will give the company some breathing room. The company successfully issued $75 million in preferred stock in February; it recently consolidated its loans into a single package of more than $400 million; and in late May, it generated $166.6 million through the sale of 12⅛ percent subordinated debentures.

But selling the financial community wasn't easy. Jones traveled over the country, meeting with analysts, brokers and institutional investors to push the Republic issues.

"Going that route was expensive," Jones said of the new issues. "But it gave us long-term debt, which we needed, instead of short-term debt. I did go on a road show for the issues and talked to investors about our future. The fact they sold so well indicates investors still believe Republic is a good investment."

Institutional investors were particularly sold by Jones. A year ago, only one institution owned more than a 5 percent block of the company's stock. As of April, five companies, holding at least 5 percent each, owned 30.6 percent of Republic's outstanding common shares.

Improving plant productivity has been another exceedingly difficult task. Despite a contract with the United Steel Workers of America earlier this year that gives the industry some wage relief, it still costs U.S. manufacturers much more per ton to produce steel than their foreign competitors.

While Jones is proud of Republic's accomplishments to date, he says more is needed to compete in a world market.

"We have got to find a way to meet the objectives of the labor groups and reduce the labor input into each ton of steel we produce," said Jones.

"We still have to work in terms of education of our work force, in terms of a program which will present to them what the economic environment is and find what we can do together to cause Republic to be a strong competitor," said Jones.

"A lot of that responsibility falls on our shoulders, because a great deal of that accomplishment is going to be created by our own retraining. There's a need to realize that going back to the same old way of business as usual will be the beginning of the end as far as the enterprise is concerned."●

INTRODUCTORY STATEMENT ON MARITIME REDEVELOPMENT BANK ACT OF 1983

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BIAGGI. Mr. Speaker, I introduce today the Maritime Redevelopment Bank Act of 1983. This legislation establishes the Maritime Redevelopment Bank of the United States to promote the revitalization of the maritime industry. It provides capital formation assistance: First, to vessel operators to purchase modern, efficient vessels, thereby increasing productivity and competitiveness in both domestic and foreign transportation markets; and second, to commercial shipbuilders in the form of procurement and investment incentives to undertake managerial, organizational, and technological changes to improve shipyard innovation, productivity, and competitiveness designed to achieve significant reduction in the delivered cost and time of delivery of vessels and other products constructed in domestic shipyards. These indirect incentives in the form of a self-financing program to promote investment in maritime enterprise would substitute for increasingly expensive and inefficient direct subsidy programs of the past.

One might well ask in these times of unprecedented budget deficits and fiscal austerity, do we still need a merchant marine, and, equally as important, can we afford one? At different periods in our history three Presidents have posed the identical questions to the Congress regarding the need for a merchant marine and the appropriate methods to foster and promote it. In proposing any new course for maritime revitalization, it is well to review and assess how our present policy evolved.

First to address these issues was President George Washington in his second state of the Union address in December 1790. Washington enunciated the principal theme regarding the commercial and economic justification for maintaining a U.S.-flag merchant marine when, in questioning substantial dependence on the maritime powers of Europe to carry our foreign trade in time of peace and war, he said:

> I command it to your serious reflection how far and in what mode it may be expedient to guard against embarrassment from these contingencies, by such encouragements to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects.

For over 100 years, the principal thrust of shipping and trade policy in the United States assumed the form of

registry restriction to U.S.-built vessels and discriminatory tonnage duties favoring the use of United States—over foreign-flag vessels in foreign commerce. This system, incorporated in the Tariff Act of 1789, was later expanded to differentiate between United States and foreign vessels engaged in coastwise trade in the Fishing and Coasting Act of 1793. Discriminatory tonnage duties were last enacted in the Underwood Tariff Act of 1913, and promptly enjoined by the U.S. Supreme Court in the 5-percent discount cases in 1916 as inconsistent with our international treaty obligations. Aside from an attempted brief reprieve in the Merchant Marine Act, 1920, the utility of this—our original approach to maritime promotion policy—has been abandoned. The parallel restrictions imposed upon vessel registry in the foreign trades were likewise lifted by Congress in the Panama Canal Act of 1912.

Our current scheme of maritime promotional policy rests upon three legs. The first of these is Cabotage. The Cabotage Act of 1817 formally reserved the coastwise trade to U.S.-built, manned and operated vessels. The market dichotomy thus established between those vessels engaged in foreign commerce required to meet only prescribed conditions of vessel registry—and those engaged in the coastwise trade—is perpetuated today.

By and large, our generally protectionist policies toward trade and shipping proved an efficient combination in our first half century of independence. These policies prompted a rapid rise in the overall size and market-share of the U.S.-flag merchant marine in the transportation of U.S. foreign and domestic trade in a competitive domestic shipbuilding industry. These achievements were largely attributable to:

First, primary dependence on ocean shipping for intercity freight movement prior to the development of competing transportation modes;

Second, comparative advantage in labor and materials of domestic in comparison to foreign shipbuilding, and a technological edge demonstrated in the achievement of near perfection of design in sailing vessels; and

Third, a policy of trade reciprocity providing a flexible response to the rigid mercantilist policies of our major trading partners, reflected in the Reciprocity Act of 1828.

The first signs that these policies had outlived their usefulness would soon manifest, however, despite the early successes achieved. It was during that period that the United States pioneered the development of liner shipping with scheduled service between New York and Liverpool in 1817—only to relinquish the advantage to the British-owned Cunard Line, the beneficiary of the first ocean mail subsidy. We would later lose our technological advantage in the construction of sailing vessels through substitution of the steam-propelled, steel-hulled vessels that would ultimately dominate international seaborne trade by the middle of the 19th century. The maritime industry in the United States would never regain its position of supremacy from the combined effects of technological obsolesence and the ravages of civil war deflagging and decimation.

For the balance of the 19th century, America turned its attention inward to westward expansion and continental domination. During this period, the U.S. share of the international trade transported in U.S.-flag vessels averaged approximately 4 percent—despite sporadic attempts at indirect promotion of maritime enterprise through periodic mail subsidies, culminating in the Ocean Mail Act of 1891.

After a half century of the maritime equivalent of benign neglect, President Theodore Roosevelt (the former Assistant Secretary of the Navy and a disciple of Capt. Alfred Thayer Mahan) was the first American President to recognize the full dimensions of seapower—including the national defense requirements for a commercial merchant marine capable of serving as a naval auxiliary. Recalling the critical shortfall in sealift mobility which nearly altered the balance of power in America's first overseas encounter with a second-rate maritime power in the Spanish-American War, Roosevelt wrote the Congress in 1903:

> The condition of the American merchant marine is such as to call for immediate remedial action by the Congress. It is discreditable to us as a nation that our merchant marine should be utterly insignificant in comparison to that of other nations which we overtop in other forms of business. We should no longer submit to conditions under which only a trifling portion of our great commerce is carried in our ships. To remedy this state of things would not merely serve to build up our shipping interests, but it would also result in benefit to all who are interested in the permanent establishement of a wider market for American products, and would provide an auxiliary force for the Navy. * * * From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods. It should be made advantageous to carry American goods in American built ships. * * * Our Government should take such action as will remedy these inequalities. The American merchant marine should be restored to the ocean.

From the perspective of America's recent emergence as a trading nation with global economic and political aspirations, President Roosevelt's message represented the first recognition of the twin dimensions of economic and national security compelling government intervention to develop and maintain a national flag fleet.

Congress responded by enacting the Military Transportation Act of 1904, the first Government-impelled cargo preference statute applicable to the transportation of ocean freight by the then-Departments of War and Navy. The second leg of maritime promotional policy was laid down.

Upon entering office in 1916, President Wilson was confronted with the imminent prospect of American intervention in World War I with a merchant marine transporting but 8.8 percent of its foreign trade (this percentage had substantially increased following a hasty reflagging program initiated several years previously). Yet, it was the prompt withdrawal of a large number of vessels belonging to our European allies from our trades, which ultimately provided a permanent lesson regarding primary dependence upon foreign bottoms in the carriage of our seaborne trade. In that not-soon-to-be-forgotten event, ocean freight rates increased 1,000 percent overnight. Congress responded by enacting the Shipping Act of 1916 for the primary purpose of building a Government-owned and operated fleet to transport troops and supplies to Europe, while maintaining our commercial waterborne commerce under both neutral and, eventually, wartime conditions.

After the war, Congress resolved to prepare for the next war by promoting the development and maintenance of a commercially operated fleet in enacting the Merchant Marine Act, 1920. Under that act, war-built vessels were hastily transferred to U.S. citizens amid severe global conditions of overtonnaging in virtually all trades. Indirect incentives in the form of low-interest loans (supplemented in 1928 by an expanded system of mail subsidies) were provided for the establishment of a permanent American presence upon the world's major trade routes. However, the act sowed the seeds of its own destruction through the lack of incorporation of adequate safeguards concerning the economic viability of what ultimately proved to be grossly undercapitalized subsidized operators. When foreign operators provided newer, more efficient vessels, U.S. operators could not replace their capital equipment and became noncompetitive.

Calls for reform of subsidy abuses under the 1928 act once more echoed in the Halls of Congress—similar to those following attempts at maritime promotion a half century earlier. President Franklin D. Roosevelt responded with a landmark message to Congress regarding the need for a restructuring of maritime promotional policy, posing the same questions, this time rhetorically:

> I present to the Congress the question of whether or not the United States should have an adequate Merchant Marine.
>
> To me there are three reasons for answering this question in the affirmative. The first is, that in time of peace, subsidies granted by other nations, shipping com-

bines, and other restrictive or rebating methods may well be used to the detriment of American shippers. The maintenance of fair competition alone calls for American-flag ships of sufficient tonnage to carry a reasonable portion of our own foreign commerce.

Second, in the event of a major war in which the United States is not involved, our commerce, in the absence of an adequate merchant marine, might find itself seriously crippled because of its inability to secure bottoms for neutral, peaceful foreign trade.

Third, in the event of a war in which the United States itself might be engaged, American-flag ships are obviously needed not only for Naval auxiliary, but also for the maintenance of reasonable and necessary commercial intercourse with other nations. We should remember lessons learned in the last war.* * *

Having thus made the definitive statement of the objectives of American maritime policy, he proceeded to lay out its third and final leg in the form of direct subsidy—a compass course we have steered without deviation to this day:

If the Congress decides that it will maintain a reasonably adequate American merchant marine I believe that it can well afford honesty to call a subsidy by its right name.

Approached in this way, a subsidy amounts to a comparatively simple thing. It must be based upon providing for American shipping, government aid to make up the differential between American and foreign shipping costs. It should cover first the difference in the cost of building ships; second, the difference in the cost of operating ships, and finally, it should take into consideration the liberal subsidies which many foreign governments provide for their shipping. Only by meeting this threefold differential can we expect to maintain a reasonable place in ocean commerce for ships flying the American flag, and at the same time maintain American standards.

In so doing, Roosevelt rejected 50 years of conventional wisdom questioning the advisability of direct subsidies to promote maritime enterprise, by embracing the concept of cost parity with foreign operators. Originally conceived as a tariff in reverse, the precedent for this principle was drawn from the Tariff Act of 1922. The concept could be more appropriately termed in today's international trade lexicon as a countervailing duty. Unfortunately, this key underlying justification for the provision of direct subsidies to the maritime industry would be lost in the legislation eventually enacted.

Congress once more responded by enacting the magna carta of American maritime policy—the Merchant Marine Act, 1936. The objectives of that act were to develop and maintain a merchant marine:

First, sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce of the United States and to provide shipping service essential from maintaining the flow of such domestic and foreign waterborne commerce at all times;

Second, capable of serving as a naval and military auxiliary in time of war or national emergency;

Third, owned and operated under the U.S. flag by citizens of the United States insofar as may be practicable;

Fourth, composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel; and

Fifth, supplemented by efficient facilities for shipbuilding and ship repair. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

The principal program elements of that act designed to achieve those objectives included:

First, construction differential subsidy encompassing the cost differential between foreign and domestic vessel construction;

Second, operating differential subsidies encompassing the difference in wages, insurance, maintenance, and repair between U.S.- and foreign-flag vessel operation in foreign commerce;

Third, mortgage insurance to provide financing assistance to promote vessel acquisition—in recognition of the fact that in 1936 one-third of all vessels operating under the U.S. flag were in technical default;

Fourth, capital reserve funds to promote vessel replacement through the deferral of income taxes on vessel earnings; and

Fifth, war risk insurance.

With enactment of this act, the U.S. merchant marine reached its ultimate evolution as an instrument of national policy.

Since 1936, under the direct subsidy programs, the Federal Government has spent approximately $10 billion—including over $6.5 billion in operating and $3.5 billion in construction subsidies. Half of these expenditures were made over the last decade.

Since that time, and in particular in my 13 years on the Committee on Merchant Marine and Fisheries, it has become increasingly obvious that a combination of factors has substantially diminished the effectiveness of these programs in the face of international competition, and the emergence of competing domestic transportation modes. Among these generally acknowledged factors are:

First, structural flaws in the form of operating restrictions incorporated in the 1936 act designed to preclude repetition of the abuses encountered under the direct subsidy programs administered under the 1920 act;

Second, increasing governmental intervention on a global scale, reflected in the exercise of national control over ocean shipping, market entry of national flag carriers—now aggregating 28 percent of the world's merchant fleet in number and 18 percent in volume—nationalization of domestic shipbuilding, provision of direct or indirect economic subsidy assistance to national flag fleets, dumping and concessionary financing of shipbuilding for export. This has distorted the operation of free-market competition in international ocean shipping and market equilibrium in international seagoing trade; and

Third, lack of adequate incentives to promote innovation, competitiveness, and efficiency in ocean shipping and shipbuilding in the face of international competition and in the context of a protected domestic market for ocean shipping.

The results could have been predictable. Following repetition of the events in World Wars I and II—twice necessitating the building up and later disposition of a wartime fleet and the eventual creation of a national defense reserve fleet—the Nation's seagoing operating fleet entered a period of uninterrupted decline beginning in 1950. Over this period our fleet declined from 1st to 11th in the world in absolute numbers—from over 1,300 to 566 oceangoing vessels at the present time. During the same period, the market share of our international trade transported by U.S.-flag vessels diminished from over 50 to less than 4 percent today. This parallels a decline in the U.S. share of global trade from 50 percent to 20 percent over the same period, now reflected in our substantially diminished leverage over international shipping and trade policy.

In response to this decline, in 1970 Congress renewed its efforts at maritime promotion assitance with the enactement of an amendment to the Merchant Marine Act mandating a 300-vessel construction program by extending the provision of direct subsidies to liquid and dry-bulk vessels operating in foreign commerce—with little regard given to either their commercial utility or defense relevance. This initiative was undertaken independently of the emergence in the postwar period of a sizable beneficially owned U.S. fleet operating under foreign flag, transporting a significant percentage of U.S. bulk trade at no cost to the Government—at least partially addressing the economic security argument in the transportation of strategic commodities. Unfortunately, like their subsidized counterparts, all but approximately 50 vessels of this fleet are recognized by the Defense Department to be unsuitable for repatriation to serve as naval auxiliaries in time of war or national emergency.

Perhaps more unfortunately from a commercial shipbuilding perspective—as many of us serving in the Congress

during that period are well aware, less than one-third the intended number of vessels were ever built. Moreover, despite the investment of over $2.6 billion in capital improvements by our major shipyards over this period—although only an estimated 15 percent of that amount was expended for advanced technology—the cost differential between domestic and foreign vessel construction actually increased rather than decreased over this period, except in the case of highly specialized vessels at the higher end of the technology spectrum. Construction subsidy programs continued to encourage the construction of vessels of customized rather than standardized design susceptible to exploitation of the inherent economics of scale in series production, with predictable consequences in terms of delivered cost. From the perspective of the industry's international competitiveness, the fact that the last seagoing vessel was exported in 1960 speaks for itself.

The inflexibility inherent in subsidy rather than market influenced promotional programs is no more aptly demonstrated than in the failure to respond to the technological shift from steam to diesel propulsion beginning in the 1970's. Despite the twin oil price shocks experienced during the decade (increasing the percentage contribution of bunker fuel to total vessel operating costs from 15 percent prior to 1973 to between 40 percent and 60 percent after 1979) the United States still continued to subsidize the construction of inefficient steam-propulsion systems in new vessels. Compounding this inefficiency, the operating differential subsidy program continued to absorb the cost differential in operating costs between efficient diesel-propelled foreign vessels and their steam-propelled U.S. counterparts. At the same time, only modest progress was made in reduction of mandatory crew sizes in comparison to pronounced reduction in crew size achieved by our foreign competitors. Notwithstanding, overall maritime employment continued its precipitate decline from 90,000 in 1950 to less than 16,000 seagoing billets today.

By the end of the decade, America was left with a legacy of a failed policy, a foundering merchant marine, and an ever-widening gap between U.S. and foreign productivity and competitiveness in maritime enterprise. Only in technological innovation in the development of advanced vessel design concepts such as containerization, roll-on and roll-off, and integrated barge vessels has the United States consistently led the world. Unfortunately, in many instances, it was our foreign competition rather than U.S. shipping firms that were better able to implement these innovations. This has been due in large part to the shipping industry's inability to attract substantial external capital because of its comparatively low rate of return on investment.

Mr. Speaker, the manifest need for a healthy maritime industry is now more acute that at any time in this century. From a national defense standpoint, the remaining elements of the 40-year-old, World War II, Government-built fleet (now resting at anchor in the national defense reserve fleet) are now ready for the scrapyard. In marked contrast to earlier foreign engagements requiring the deployment of commercial sealift assets, the United States has nowhere near sufficient tonnage to support its global economic and military commitments, while at the same time maintaining our commercial trade in time of hostility.

From the perspective of international competitiveness, approximately 160 of the 176-vessel U.S.-flag liner fleet (the backbone of our commercial operating fleet and Sealift augmentation assets) are now technologically obsolete and in need of accelerated replacement. The majority of the 210 vessels aggregating the 10.4-million-ton coastwise tanker fleet (the other critical element of the defense-relevant sector of our merchant marine) are over 20 years of age and beyond their economically useful life. Moreover, most of these vessels are not likely to be retrofitted to meet the increased safety requirements mandated under the Port and Tanker Safety Act of 1978 by the required compliance date of 1986. The once flourishing coastwise and intercoastal trades numbered over 300 vessels prior to World War II. This fleet has declined to a handful of vessels in liner and general cargo service. These are the types of vessels in critically short supply in terms of service mobility. This is despite the advantage in ton-mile cost of operation in intercity freight movement inherent in the marine mode and the growing need to develop a coastwise feeder service to complement larger capacity vessels entering the foreign liner trades expected to make fewer port calls in the future.

Our once proud U.S.-flag passenger fleet, now almost extinct, has made a limited comeback with the entry into service of two reconstructed vessels in the cruise trade last year. This contrasts with the explosive increase in demand in the cruise trades operating out of U.S. ports. This increase is expected to result in the construction of between 15 and 25 new vessels dedicated to U.S. service over the next decade. This is a ready market for a U.S. operator who can put together the investment package to carve out a market share.

In combination, these are precisely the type of commercial vessels that the Navy needs to supplement its global commitments. We simply cannot afford to be caught in a Falklands-type confrontation without the available commercial tonnage necessary to support and sustain such an effort. The ill-fated Teheran rescue effort of our hostages must not continue to symbolize the futility of a great Nation unable to project its power efficiently and effectively on a global scale.

Experience demonstrates there is no more appropriate time to begin to fashion a new course in maritime promotional policy than when the industry is clearly at ebb tide. Under the personal leadership of President Reagan (and now two successive Secretaries of Transportation), the administration has already begun a long overdue effort to reexamine maritime promotional policy and to offer constructive approaches to promote the industry's long-term economic recovery. It is now time for the Congress to respond before our oceangoing merchant marine disappears from the seas and the commercial shipbuilding and ship repair industry closes its doors forever.

Mr. Speaker, the legislation I introduce today is designed to restore the United States to a position of maritime leadership in the world. It is based upon the fundamental conclusion that the objectives expressed in the Merchant Marine Act, 1936, remain as valid today as when they were first enacted nearly 50 years ago. In my judgment, only the methods adopted to achieve those objectives require fundamental restructuring in light of the dramatically altered competitive environment of trade and domestic intermodal competition affecting the ocean shipping sector of our domestic transportation system and the declining productivity and competitiveness of our commercial shipbuilding industry.

In the context of revitalization, we must first recognize that, in the global economic environment of the 1980's the problems of the ocean shipping and commercial shipbuilding sectors of the maritime industry are substantially different in kind and degree, and perhaps, more importantly, in the time scale required for their resolution. In addition, the success of governmental efforts to stimulate revitalization of these principal sectors of the maritime industry will largely depend upon the willingness of the industry itself, as well as that of organized labor (both seagoing and shoreside) to become more innovative, productive, and competitive. For the same reasons that it is axiomatic that an industry has never been subsidized into becoming more competitive beyond a certain stage in its evolution, it is equally apparent that the provision of indirect incentives for stimulating innovation, productivity, and competitiveness must ultimately rely in large

part upon the willingness of the industry itself to recognize and to begin to take the necessary steps to initiate internal changes for its own self-preservation.

The ocean shipping industry today is an international service industry dependent upon the overall volume and distribution of seaborne trade which is, in turn, dependent upon the state of the global economy and the political actions of nation states increasingly influencing the market for ocean shipping services through either direct intervention through the imposition of restrictions upon market access or direct participation through the establishment of national flag carriers. Domestically, even though ocean shipping operates in a protected market, it still must compete with other transportation modes or combination of modes for the carriage of intercity freight movement measures on a tonmile basis. By definition then, ocean shipping must compete on an equal footing either according to international standards against foreign-flag carriers or domesticaly against other competing transportation modes. With ocean shipping becoming increasingly capital-intensive, indirect incentives for the accelerated replacement or expansion of capital plant and equipment offers the best strategy to encourage innovation and effect overall productivity improvement and competitiveness measured against either international or domestic standards. It also provides the most cost-effective application of Government assistance to offset structural differences represented principally by direct labor cost differential.

At the same time, commercial shipbuilding in the United States is a mature component of the industrial manufacturing base. It has traditionally operated: First, in the limited competitive environment of protected domestic markets; second, until recently, in subsidized markets for the construction of U.S.-flag vessels operating in foreign trades; and third, in the construction of vessels for Government account. In contrast to ocean shipping, the industry has not competed directly in global markets for almost a quarter century except in specialized vessel trades and in the production of offshore oil rigs and supply vessels. With the difference in the manhours required for the construction of a typical seagoing vessel approximating twice that of our foreign competition, the difference in time of delivery and delivered cost have predictably expanded rather than contracted over the last decade; this is despite substantial Government assistance paid directly to shipyards to offset foreign construction cost differential. It must be recognized, however, that foreign nations have substantially subsidized their domestic shipbuilding industries, either to increase exports (in the case of Japan and Korea) or more recently, principally to retain domestic employment levels (in the case of European Economic Community member nations).

Having recognized the functional distinctions between these very different sectors of the maritime industry, one can focus upon the industrywide barrier to future development shared by both sectors. That is the need for substantial capital investment in increasingly expensive modern vessels operating in dedicated trades and in the facilities to produce those vessels most efficiently. This is in response to the demonstrable shift on the industry as a whole from labor to capital intensity, in order to take advantage of economies of scale in vessel construction and operation. The most favorable opportunity for Government economic intervention to promote revitalization of both sectors of the industry is therefore in targeted assistance in the area of capital formation. The thrust of this legislation is the provision of capital formation assistance to both sectors of the maritime industry through the substitution of restructured indirect incentives such as credit guarantees and more effective use of tax expenditures for direct subsidy programs as a means of encouraging innovation and improving productivity and competitiveness.

The package of incentives provided in the bill is designed to result in the construction and operation of vessels in response to market demand for operation in foreign and domestic trades, with priority given to those projects providing indentifiable strategic benefits in terms of improving sealift mobility or provision of workload stability for purposes of maintaining an efficient domestic shipbuilding and ship repair mobilization base.

Capital formation assistance would be targeted to U.S. operators in foreign, coastwise, and intercoastal trades. Examples of priority markets justifying financial assistance would include accelerated replacement and expansion of the U.S.-flag liner fleet operating in bilateral and cross-trades, revitalization of the coastwise and intercoastal shipping trades (including the expansion of feeder service to complement rationalized liner service in foreign trades), and U.S.-flag penetration of the domestic and foreign cruise trade with vessels designed to operate in both trades while capable of serving as naval auxiliaries.

Maintenance and expansion of existing markets and penetration of developing markets will pose severe fiscal strain upon the chronically undercapitalized ocean shipping industry. Access to equity markets has not been traditionally utilized by the industry in view of its historically low rate of return on assets and equity. The best type of vessel financing, traditionally either debt, or more recently, offbalance sheet leasing, combines a fixed rate of interest and a long payment period approximating the economic use for life of the vessel. This is precisely what the existing title XI loan guarantee program offers, only at premium market rates. In the increasingly competitive environment of ocean shipping, however, the industry's emerging needs are for a variety of alternative financing methods combining wherever possible below market financing, additional equity, and expanded use of offbalance sheet financing in combination with full utilization of recently enacted liberalized capital allowances including the investment tax credit and accelerated depreciation.

The legislation I introduce today represents the first proposal for significant restructuring of the title XI credit financing program since 1972. On that occasion, the program was modified from an underutilized mortgage insurance program to a full faith and credit guarantee of nonrecourse debt issued by either a vessel owner or institutional investor acting as lessor in a leveraged lease transaction. However, the program was never further amended to take advantage of the creation of the Federal Financing Bank in 1973, providing the opportunity for below market financing.

In proposing the restructuring of existing credit programs and in comparing alternative ship financing programs to similar programs administered by other specialized Federal agencies, it became apparent that the level of sophistication and expertise involved in expanding the range of alternative ship financing techniques clearly exceeds the capability of those elements of the Maritime Administration in the Department of Transportation currently involved in ship financing. It became equally apparent that in order to insure that financing decisions would be made primarily in response to market factors as distinguished from the nonmarket orientation of other promotional programs administered by the Department, the entity administering a broad-based capital investment program should be autonomous to a large extent. Accordingly, I have chosen as an institutional vehicle a wholly owned Government corporation as a tool for administering the proposed restructured credit programs. I have called this adaptation of the generic development bank concept the "Maritime Redevelopment Bank of the United States." Unlike its institutional predecessors under previous promotional statutes, it is designed to operate as a development bank acting as a financial intermediary between maritime entrepreneurs and capital markets both here and abroad. It is

modeled after analogous Government corporations administering similar credit programs in the housing, education, energy, and agricultural sectors of the economy.

The bank's principal authority granted by its charter to promote capital investment in maritime enterprise falls into four categories: First, financing; second, refinancing; third, co-financing, and fourth, insurance-related activities.

First, its financing authority includes: One: Limited equity participation as utilized in the venture capital industry applicable to investment in higher risk activities. Two: Guaranteed loan authority similar to that exercised by the Student Loan Marketing Association (Sallie-Mae) in the Department of Education. Under this authority, the bank is authorized to borrow from the Treasury through the Federal Financing bank and, in turn, provide loans to private lending institutions subject to agency guarantee under appropriate guidelines for such purposes as vessel reconstruction with more efficient propulsion systems or modification to extend their useful economic life. The bank may then buy back the guaranteed loans and sell them to the Federal Financing Bank, thereby replenishing its loan authority.

Three: Guarantee authority. Under traditional debt financing, the bank is authorized to guarantee any obligation or combination of obligations subject to existing title XI guarantee authority. However, whereas under existing authority, the typical transaction involves guarantee of the repayment of principal and interest on commercial nonrecourse debt issued in conjunction with the procurement of individual vessels for the most part, here the intention is that the bank utilize its guarantee authority whenever possible to encourage multiple ship procurement under fleetwide financing arrangements.

Here, the bank is intended to operate much like the Government National Mortgage Association (Ginnie-Mae) in the Department of Housing and Urban Development. It would establish guidelines for the guarantee of mortgages for purchase by brokerage houses to be held for the benefit of shipping unit trusts. This form of passthrough investment would serve as a mechanism for expanded equity involvement in the industry, particularly in the purchase of existing tonnage at bargain rates with the objective of capital growth through eventual vessel resale when cyclical conditions of overtonnaging eventually improve. Shipping trusts could also invest in mortgage-backed securities issued by the bank (including options or futures contracts associated with the issuance of those securities) in addition to the purchase of ship and fleet mortgages themselves.

The bank is also authorized to guarantee charter payments or residual salvage value of vessels operating under hell or high water charter parties in the context of leveraged leased financing agreements between an institutional lender acting as an owner trustee and lessor, and a vessel operator as lessee. This alternative financing arrangement is intended to facilitate off balance sheet financing of vessel acquisitions, thereby improving an individual shipping company's rate of return on assets and equity, as well as promoting the full utilization of liberalized capital allowances passed on to vessel operators in the form of lower charter hire under charter parties.

Four: Issuance of mortgage-backed securities. The bank is authorized to issue mortgage-backed securities in the form of agency debt to increase the liquidity of capital investment in maritime enterprise by providing greater access to secondary capital markets by institutional investors (such as pension and profit-sharing trust funds) than occurs under current financing arrangement. This is analogous to the operation of the independent Federal National Mortgage Association (Fannie-Mae) in the Government-guaranteed housing markets.

In addition, the bank is expressly authorized to establish a foreign subsidiary in order to increase foreign passive investment in U.S. shipping assets through the sale of agency securities in Eurodollar markets to foreign institutional investors.

Five: Acceptance of alternative collateral. The bank is authorized to accept assignment of preferred ship mortgages as security for the issuance of nonrecourse debt in the context of either a single vessel or fleetwide financing through cross-collateralization provisions. In addition, the bank can make guaranteed loans or issue guarantees upon assignment of long-term charter party or contract of affreightment income, to facilitate the development of alternative shipping arrangements in either conventional or countertrades. The bank could also accept a pledge of stock (stock warrants) in exchange for financing assistance analogous to the Chrysler and Lockheed loan guarantee arrangements.

In order to facilitate leasing as an alternative to purchasing of new vessel tonnage, the bank could exercise a lien upon existing capital construction funds from which charter payments are made under the terms of leveraged leased transaction. Use of capital construction funds for this purpose would improve the liquidity reserves of vessel operators permitting future expansion of equity financing.

Second, under its refinancing authority, the bank is authorized to undertake either long- or short-term refinancing of previously guaranteed or nonguaranteed vessel financing (through cross-collateralization) wherever commercially and financially justifiable. This would permit the restructuring of existing debt to take advantage of lower interest rates, conversion from floating to fixed rate financing, conversion from foreign currency to dollar-based financing to reduce currency risk, or any other legitimate business purpose, without the necessity of foreclosing to protect the interest of existing debt-holders.

In this instance, a replacement guarantee would be issued superseding any existing guarantee. In addition, advance credits in the form of guarantees against future vessel construction would be issued in order to encourage scrap-and-build programs to replace obsolete existing tonnage with more modern and efficient vessels.

The bank would also be authorized to issue short-term liquidity loans encompassing payment of interest charges on outstanding debt, charter hire, layup expenses, or, within limits, operating losses.

Third, in terms of its cofinancing authority, the bank is authorized and encouraged to undertake fleetwide financing arrangements through cofinancing agreements or syndication arrangements with commercial banks and other lending institutions. The chief benefit of such arrangements would be the provision of superior financing terms and conditions in the form of fixed rate below market long-term financing as distinguished from comparable foreign financing arrangements involving medium-term (5–7 year) Eurodollar market floating rate financing. In addition, such financing arrangements would encourage domestic construction.

By permiting foreign investment of up to 50 percent equity participation in U.S.-flag shipping in foreign trades (representing parity in the case of a closely held corporation) to promote joint ventures or less than effective controlling interest in the case of a publically held corporation. These arrangements could be extended to include fleetwide financing of vessels under mixed domestic and foreign construction depending upon the adequacy of commercial shipyard workload stability and other factors.

Fourth, finally, under its insurance authority, the bank is authorized to underwrite either by itself or through co-insurance or re-insurance agreements, war-risk, political (including currency) risk, and mortgage insurance (where applicable) when not available under reasonable terms and conditions from insurance carriers.

The legislation also contains parallel procurement and investment incen-

tives to promote innovation, increased productivity and competitiveness in the commercial shipbuilding and ship repair sector of the maritime industry engaged in the construction of commercial vessels for operation in the foreign, coastwise, and intercoastal trades.

Shipyards would initially be indirect beneficiaries of the financing inventives designed to reduce the cost of vessel acquisition and replacement of those operators in the coastwise and intercoastal trades required to purchase their vessels from domestic shipyards, as well as those operators in the foreign trades attracted by the superior financing arrangements available in conjunction with domestic construction.

By including provisions constituting conditions of approval for the procurement of vessels by operators from foreign shipyards, the legislation expressly recognizes the time scale differences required for productivity improvement in ocean shipping in contrast to shipbuilding sector expectation of the maritime industry.

With direct application to commercial shipbuilding, the legislation is designed to stimulate market demand for domestic construction by improving the affordability of domestically produced vessels through the reduction in the delivered cost and time of delivery in relation to foreign construction. Market demand, equating to greater workload stability for the industry, would be increased by targeting procurement and investment incentives to promote capital investment in advanced ship construction technology. Unlike earlier attempts at promoting revitalization of the commercial shipbuilding industry, this legislation includes specific incentives for encouraging innovation and improving productivity and competitiveness of domestic ship construction.

This approach differs substantially with that taken in the amendments to the Merchant Marine Act adopted in 1970 in which additional construction differential subsidy funds were intended to be directed toward encouraging series production in shipbuilding. Unfortunately, the provision of construction differential subsidy (CDS) funds and credit financing assistance as administered under those amendments continued to promote single unit construction of vessels of customized design rather than series construction of vessels of standardized design under the expanded shipbuilding program. As a result, it is estimated that only 15 percent of the $2.6 billion invested in domestic shipbuilding technology over the 1970's was expended for advanced ship construction. It is not surprising, therefore, that during this period the cost differential between domestic and foreign construction continued to widen.

The principal institutional device designed to stimulate innovation in the commercial shipbuilding base would be the establishment of an industrywide research and development consortium in the form of a limited partnership with the corporation functioning as the general partner. Individual shipyards or lending institutions could participate as limited partners taking advantage of existing tax benefits under this institutional arrangement.

The consortium would undertake research and development into advanced ship construction technology and product diversification. It would license the technology developed to individual shippers to facilitate rapid implementation, and as a means of self-financing of its operations beyond its initial investment. It could operate a demonstration shipyard constructed or reconstructed from the ground up to implement advanced ship construction technology in the form of new continuous mode flow processing, incorporating computer-aided design and manufacturing techniques and robot-ics. It could continue to develop new software in support of individual shipyards investing in comparable hardware. Members of the R&D consortium would benefit from research and development tax credits and accelerated depreciation for R&D investment contained in the Economic Recovery Tax Act of 1981. In addition, the consortium would operate under permissible antitrust guidelines issued by the Department of Justice.

Capitalizing on identified opportunities for innovation in commercial shipbuilding and product diversification, the legislation contains procurement incentives for the purchase of vessels from domestic shipyards as an additional inducement for capital investment in advanced technology by domestic shipyards.

The first of these procurement techniques would be the utilization of commercial build-and-charter authority under title VII of the act to be implemented by the bank in two alternative forms. One alternative would combine the provision of interim construction financing with long-term investment guarantees to encourage serial construction of standard design vessels at a fixed price with fixed delivery dates under terms and conditions beyond the negotiating leverage of an individual shipowner purchasing a limited number of vessels from a single shipyard. The other alternative would rely principally on the long-term guarantee authority of the bank.

International competitiveness of domestic shipbuilding would be enhanced by encouraging foreign investment in the form of joint ventures in both ocean shipping and shipbuilding in particular, encouraging reverse investment in the U.S. maritime industry by those trading partners chiefly benefiting from penetration of our domestic markets and from participation in our ocean shipping trades. In the case of commercial shipbuilding, this would facilitate the transfer of foreign technology to upgrade the capability of domestic shipyards to enable them to compete once again on a global scale. In addition, the potential utilization of wrap-around financing incorporating fleetwide acquisition of vessels involving mixed foreign and domestic construction should result in substantially reduced average fleet-operating costs in comparison to the industry's present cost structures. Any residual cost differential could be further reduced through the provision of a capitalized cost differential paid to vessel owners based on average ton-mile operating cost computed on an annualized basis.

In addition, the development of new end products at the higher end of the technology spectrum built with the benefit of advanced technology should enable commercial shipyards to become more competitive on a global scale in a number of product lines. This is similar to the learning curve experienced in reduction of construction costs achieved in the liquefied natural gas (LNG) vessel and offshore drilling rig markets in the 1970's. This comprehensive approach to revitalizing the maritime industry providing indirect incentives for innovation, increased productivity, and competitiveness substituting for the direct subsidy programs of the past requires two additional elements to be completely effective. The first of these is more effective use of existing tax expenditures in the form of capital balances by the ocean shipping and shipbuilding industries. This includes the need for several specific changes to the tax structure of ocean shipping. These would restore tax parity to U.S. owners and operators in vessel acquisition, replacement, and operations. These would also establish true reciprocity in tax treatment between U.S. and foreign-flag shipping, equity as between U.S.-owned domestic and foreign-flag shipping, and neutrality as between leasing and purchasing of vessels by U.S. operators.

The second requires the adoption of a complementary trade strategy—with or without legislative guidance—which seeks to preserve and expand market access for U.S. vessels in bilateral and cross-trades, while at the same time responds to the legitimate aspirations of developing nations in international trade and shipping. This strategy must be based upon principles of fair trade. These objectives can be met through a coherent approach to resolving differences surrounding international trade policy—wherever possible on a multilateral basis—or, if necessary, on a bilateral basis. This would apply the analogous model of aviation bilateral agreements negotiated on a bilateral sectoral trade reciprocity basis.

This approach would also include the adoption of an analog to the multifiber agreement negotiated under the auspices of the General Agreement on Tariffs and Trade (GATT) in order to reduce chronic overcapacity in world shipbuilding. This agreement, as applied to textile manufacture, provides a multilateral basis for the imposition of specific import restrictions negotiated between GATT members on a bilateral basis. This could apply to the dumping and provision of extensive subsidies in shipbuilding or export as a means of reducing excess world shipbuilding capacity.

Mr. Speaker, it was the image of the Yankee trader first flying the American ensign in world trade which symbolized the last great era of U.S. maritime supremacy. Through the provision of a complementary framework of credit and tax policies, and trade strategy, beginning with the catalyst provided by those elements included in the legislation I introduce today, I believe the maritime industry can compete on fair and equal terms both at home and abroad in the intensely competitive transportation and trade environment of the 1980's. This legislation is intended to regenerate the entrepreneurial spirit of the Yankee trader to promote the lasting revitalization of those elements of the maritime industry which respond to the challenge.●

EUROPEAN COMMUNITY "REBUKE" IS NO REBUKE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BEREUTER. Mr. Speaker, in reading a news story by William Drozdiak in the June 20, 1983, edition of the Washington Post with a Stuttgart, West Germany, dateline this Member was dismayed to read the following:

In an indirect rebuke to the Reagan administration's policies in Central America, the European Community's 10 leaders said today that they are convinced that the area's problems cannot be solved by military means "but only by a political solution springing from the region itself."

However, a review of E.C. News No. 11/83, dated June 20, 1983, reveals the following full description of the European Council's position on Central America.

The heads of State and Government confirmed their close interest in developments in Central America. They are deeply concerned at the economic and social conditions in many parts of the region, at the tensions which these create and at the widespread misery and bloodshed.

They are convinced that the problems of Central America cannot be solved by military means, but only by a political solution springing from the region itself and respecting the principles of noninterference and inviolability of frontiers. They, therefore, fully support the current initiative of the Contadora Group. They underlined the need for the establishment of democratic conditions and for the strict observance of human rights throughout the region.

They are ready to continue contributing to the further development in the area, in order to promote progress towards stability.

There is nothing in that statement which is inconsistent with the administration's policy or actions; therefore the European Council's position cannot reasonably be considered a rebuke. This is in short, an example of a reporter drawing a conclusion that is not justified.●

THE 50TH BIRTHDAY OF TENNESSEE VALLEY AUTHORITY

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. JENKINS. Mr. Speaker, the Tennessee Valley Authority is a Government-owned corporation created by an Act of Congress on May 18, 1933. The TVA conducts a program of resource development for the advancement of economic growth in the Tennessee Valley region.

The Authority's program of activities include flood control, navigation development, electric power production, fertilizer development, recreation improvement, and forestry and wildlife development.

I am pleased to submit an article from the Atlanta Constitution which details the achievements of the Tennessee Valley Authority on its 50th birthday.

ON 50TH BIRTHDAY, TVA LOOKING TO 21ST CENTURY

[From The New York Times]

Fifty years ago, in the first days of the agency that was to remold the Tennessee River Valley, all the cities and towns there were deep in the craw of the Great Depression.

In Decatur, Ala., for example, 1933 was the year the largest industry in town, which had employed 2,000 people, sank to its knees and closed. A much smaller operation went bankrupt, then another and another. Seven of the eight banks in the county folded. Cotton was selling for 5 cents a pound, and land was selling for the amount of tax owed. Children had empty stomachs, parents had vacant eyes.

The per capita income in the region was $168 that year, about 45 percent of the national average. The birth rate was about a third above the national average. About 30 percent of the residents in some areas of the valley had malaria. More than half the 3 million people lived on farms, and half of them were sharecroppers. About 97 percent of the farms had no electricity. Fires burned about 10 percent of the forests each year, and floods ripped along the rivers. About 7 million of the region's 12 million cleared acres were severely eroded.

It was in that year, on May 18, that President Roosevelt signed a bill establishing the Tennessee Valley Authority, a government corporation charged with taming the Tennessee River, improving navigation, reforesting and restoring land and providing for the agricultural and industrial development of the valley.

From its birth the TVA was swaddled in controversy as one of the foundation blocks in Roosevelt's New Deal. It has been criticized as an experiment in socialism and praised as one of the few government experiments that worked.

It became the largest utility in the country, though it is now second, and probably the most effective regional development agency. It has struggled with politicians and snail darters and opponents of nuclear power. It has improved the overall quality of life in the region, but it has also flooded generations-old farmland and the birthplace of the Cherokee Indian nation; it has attracted industry but has polluted the skies.

Since 1933, the number of manufacturing plants in the region has increased by 400 percent. Per capita income has climed to 77 percent of the national average. The river is tame and navigable for the entire 650 miles from Knoxville, Tenn., to Paducah, Ky. and in the fiscal year 1982, in a deeply recssionary economy, there were 273 announcements from industries planning to build new facilities or expand existing ones in the region.

Looking back over half a century, it is easy to see how the TVA changed the Tennessee Valley. Looking ahead toward the 21st century, its role in the region's future is sufficiently unclear to generate questions about the need for its continued existence.

"The need for this agency is very different now than it was 50 years ago," said Richard Freeman, one of the three managing directors who set policy for the TVA. "Then there was a need for a central agency to tame the river and develop the region. But a laboratory for the development of ideas and new technology is just as much needed today.

"TVA can be a leader in pushing for renewable energy sources, for conservation and more efficient use of energy. Our role would not be so much in the area of pure research, but taking the research technology and making things actually happen with it, getting it into the hands of the consumer, is a role TVA can play."

As is occurring throughout much of the nation, especially in the states that are looking enviously at California's Silicon Valley, North Carolina's Research Triangle and Boston's Route 128, Southern states are seeking high-technology industries as the employers of tomorrow.

For its part, Freeman said, the TVA is helping Tennessee develop a "technology corridor" between Knoxville, where the University of Tennessee is situated, and Oak Ridge, which is home to the National Atomic Energy Laboratory and 2,000 people with doctoral degrees. The TVA is addressing a similar situation near Huntsville, Ala., where early space technology was developed at the Redstone Arsenal and some such work is continuing at National Aeronautics and Space Administration centers.

S. David Freeman, who is another managing director but no relation to Richard Freeman, sees the development of high-technology industry in the Tennessee Valley as imperative.

"The old engines of economic growth in the valley—low-cost electricity and cheap labor—have run out of steam," he said. "The new engine is to be found in the emergence of high-technology industries and high-skill services."●

HOUSE OF REPRESENTATIVES—*Monday, June 27, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 23, 1983.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Monday, June 27, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Gracious God, we are conscious of the people who offer support and friendship to us. We recognize that our own strength is not always equal to our tasks and by ourselves we are not masters of our fate. We give thanks, Almighty God, for all men and women who give of their time and love in support of other people, and whose affection and caring is often so critical to healthy lives. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill, a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 969. An act to amend section 1 of the Act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible;

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week"; and

S. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the U.N. Decade of Disabled Persons (1983-92).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 24, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:50 a.m. on Friday, June 24, 1983, the following messages from the Secretary of the Senate:

1. That the Senate agree to the conference report to H. Con. Res. 91; and

2. That the Senate agree to the House amendment to the Senate amendment to H. Con. Res. 91.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to rule XXXIX, as a result of the adoption of the House and Senate of House Concurrent Resolution 91, as amended, the Chair announces that House Joint Resolution 308, increasing the statutory limit on the public debt, has been engrossed and is deemed to have been passed by the House.

SEPARATION OF POWERS, A BASIC CONSTITUTIONAL PRINCIPLE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, the Founding Fathers gave this Nation the strongest and most durable Constitution in the world, and nothing is more basic to our Constitution than the principle of separation of powers.

When it struck down the legislative veto last week, the Supreme Court, in the opinion of many people, may have shifted too much power in the direction of the executive branch. Left in doubt are such significant acts as the War Powers Act of 1973, the Budget and Impoundment Control Act of 1974, the Nuclear Non-Proliferation Act of 1978, and the role of Congress in reviewing administrative rules and regulations.

As we sort out the impact of this decision, it is clear that in the future Congress must draft laws more precisely. Just as clearly, administrative powers must be drawn more restrictively, for our whole system of checks and balances is now at stake.

BIOMEDICAL RESEARCH NEEDED FOR DIABETES

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, I would like to address my colleagues regarding a serious health issue which deserves greater attention and support. Millions of Americans will agree with me because they suffer from the disorder known as diabetes.

Basically, diabetes is a disorder in which the body is unable to convert nutrients properly into the energy necessary for daily activity. If not treated, diabetes can be fatal. Even with proper treatment, diabetes is the fifth leading cause of death by disease in the United States. The long-term complications are worth noting:

Diabetes causes almost 50 percent of amputations of the foot and leg among adults;

Diabetes causes 20 percent of all cases of kidney failure and 15 percent of all blindness;

Diabetes in pregnant women and gestational diabetes causes about 2,200 fetal and infant deaths annually; and

Twenty-five percent of diabetics have heart disease and diabetes is one of the four major risk factors for cardiovascular diseases.

These statistics are certainly cause for concern. Yet, I am particularly sensitive to these startling figures because of the death last week of Kevin Bilbray, the 21-year-old diabetic son of close friends of mine. When I was attending law school at George Washington, I served as a Capitol policeman with another law student from southern Nevada, James Bilbray. Two of his children, including Kevin, and two of mine were born during that time. Our children became close and lifelong friends. This tragic death is, for me and for my children, a deep personal

loss. Kevin's death resulted from a severe insulin reaction.

The actual causes of diabetes are not known. Consequently, there is no cure for the disease. Medical advances have been made to address the complications of the disease and to afford diabetics the opportunity to lead fairly normal lives. On the positive side, components of the National Institutes of Health have discovered new and promising leads on the possible causes of the disease. The ultimate prevention, control, and cure of diabetes depends upon the assistance which only biomedical research can offer.

In 1983, funding for the National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases of NIH is approximately $83 million. When this body can obligate billions of dollars for weapons systems which have not yet proven their capabilities or effectiveness, I believe that more attention should be allocated toward finding a cure for this major public health problem.

Thank you.

AT LAST—SOME GOOD NEWS IN SOCIAL SECURITY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, last Friday, for the first time since the early 1970's, the trustees of the social security funds have given us a favorable report on the retirement and disability funds. That is something Congress should note because if the Congress had not acted earlier this year we would have had more than another warning from the trustees. If the Congress had not acted, we would have had a disaster report—a notice that checks due to go out this weekend would be delayed for lack of funds.

Instead the report shows the retirement and disability funds remaining above danger levels throughout the 1980's and beyond, even under pessimistic assumptions. Moreover, the 75-year projections now show no long-term deficit under the best guess assumptions, and even under pessimistic projections potential long-term problems were cut in half.

All this is due to the social security bill passed by this body in March addressing both the short- and long-term problems in the program.

It is true that we must now face medicare. It is true another severe recession could spell some more short-term trouble. But for now the Congress can feel we have done the right and responsible thing—and that, too, is worth noting.

LEGISLATIVE VETO

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I am surprised by the reaction that the news media and some Members of Congress have given to the Supreme Court's decision declaring the legislative veto unconstitutional. It should not have surprised anyone and the decision does not have the importance that has been attached to it.

I always thought it was rather elementary that it was unconstitutional because a provision in a bill permitting the Congress to veto executive department action either means: First, that legislative power was delegated; or second, exercising the veto would be an usurpation of executive power. Those who defended the constitutionality and logic of the legislative veto who were not caught on one argument, were caught on the other.

The legislative veto is a rather sterile tool anyway because time constraints are so great that it makes it impossible for Congress to exercise the veto power on thousands of executive actions effectively, and it has not been effective. It has been used only a very few times.

The decision did not shift power significantly as has been indicated because the legislative veto was of little importance compared to the power of the purse which still remains in Congress. By attaching limitations to appropriations bills limiting the use of Federal funds in appropriations bills that the President must sign to secure money he wants for programs, rules, regulations, and actions by departments can be rendered null by denying the use of any money for the next year to administer them. Appropriations which originate in the House of Representatives are for 1 year at a time. Therefore, even if a department puts a rule or regulation into effect, it could be used only until the next appropriations bill is passed and some of the limitations have applied to prevent regulations being put into effect during the period the rule is being considered and before it is effective. As an example of effectiveness of limitations on an appropriations bill and the power of the purse, I personally have sponsored amendments to three different appropriations bills which killed three embargoes. Those amendments prohibited the use of funds to administer the embargoes, so they were effectively dead. There are hundreds of other examples passed with the concurrence of the majority of the House and Senate each year. I am very surprised that the news media and some Members of Congress seemed to have completely missed this perspective and overlooked the fact that the power of the purse not only has been the principle tool to control excesses in the executive branch of the Government but also still remains that principle effective tool.

PROTECTION OF INDIVIDUAL RIGHTS

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, when we break this July 4, in observance of one of the greatest events in the history of the world, it is important we remember the real principles that set this Nation apart from almost any other Government in the world, the Bill of Rights and U.S. Constitution, that protect individual rights against the abuse of Government power. The forefathers wrote into the Constitution and into the Bill of Rights the guarantee of due process of law, the guarantee that any person before he could be persecuted by government would have their day in court.

It is very important that we never forget that principle.

Last Friday, along with 26 Members of the House, I introduced legislation—the World War II Civil Liberties Violation Redress Act—to make redress for 120,000 loyal Americans of Japanese ancestry who in 1942 were taken from their homes and put into internment camps in this country, without one person ever being found guilty of violating any law of this land.

The World War II Civil Liberties Violations Redress Act is meant to assure the people of this Nation that their Government will never again violate their Constitution. I urge every Member of this House to join in passage of this important legislation. No person in this country is safe against the abuse of government power if we do not demand adherence to the U.S. Constitution.

□ 1215

One of the most important pieces of legislation this Congress could ever address is to pass that redress legislation to make sure this country never again forgets or violates the principles upon which this Nation was founded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the question of passing a bill and on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 28.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia day.

The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

INCREASED AUTHORIZATION FOR FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2637) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-3406) is amended by striking out "and for the fiscal year ending September 30, 1983, and for each fiscal year ending after September 30, 1983, the sum of $361,000,000" in the first sentence and inserting in lieu thereof "for the fiscal year ending September 30, 1983, the sum of $361,000,000; and for the fiscal year ending September 30, 1984, and for each fiscal year ending after September 30, 1984, the sum of $386,000,000".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

I am pleased to bring up for the consideration of the House the bill H.R. 2637.

H.R. 2637 amends the District of Columbia Home Rule Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia from the existing level of $361 million to $386 million. This increase was proposed by the President and is included in the fiscal year 1984 budget as passed by the Congress.

H.R. 2637 is required because the amount of the actual payment has not kept pace with the increase in the extraordinary net costs and denied revenues related to the Federal presence which is the basis of the Federal payment. Further, the Federal payment has decreased as a percentage of the District budget from almost 27 percent at the time of the Home Rule Act in 1973 to approximately 20 percent of the proposed fiscal year 1984 budget if this bill is approved. It should be emphasized to the Members of this body that the District raises 80 percent of its own revenues independent of this Federal payment.

The Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia held a hearing on May 5, 1983. No testimony was received or submitted for the record in opposition to the bill and it was reported to the full committee. On May 10, 1983, the committee unanimously approved H.R. 2637, by a recorded vote of 11 ayes, 0 nays, a quorum being present, and ordered the bill reported to the House. For these reasons I urge passage of this piece of legislation (H.R. 2637).

Mr. MCKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, while there are many pieces of legislation on which the administration, the majority party and the minority party all have differences of opinion, I am confident that the measure now under consideration is one that has near unanimous support.

H.R. 2637 would increase the authorized level of the annual Federal payment to the District of Columbia from $361 million to $386 million. That new level is what the President has proposed in his fiscal year 1984 budget submission, it is the level contained in the budget resolution just approved by Congress, and it is an effort which received the support of 11 of the 12 members of the Committee on the District of Columbia.

Since annual increases in the authorized Federal payment has been the norm for the past several years, one might assume that most of this body is familiar with the nature of the payment and how it came about. However, there are a good many of our colleagues whose experience with the District government and its relationship to Congress is limited to what they read in the newspaper. Over 70 percent of the current House membership was not serving when Congress debated and passed the Home Rule Act. For the benefit of those who are unclear on this issue, I will attempt to briefly explain.

One may view the Federal payment as some kind of handout, or gift to the city with no strings attached. That is certainly not the case. What the Federal payment attempts to do, and I would underline the word "attempts," is quantify the net impact of the presence of the Federal Government on an emerging local government. Certainly, there are benefits to the city based solely on the fact that Washington is the seat of government. Conversely, there are numerous drawbacks, such a property taxes lost, building height restrictions, and services provided to the Federal Government by the city which go unreimbursed. Trying to accurately quantify all of these individual elements is not merely monumental, it is in fact impossible. Thus, the city government, in consort with the Congress, attempts each year to arrive at what appears to be a reasonable level of compensation. And until we can arrive at some formula for determining this level, we will come to the floor each year with such legislation.

Mr. Speaker, when this authorization was increased in August of last year, I included information in my statement concerning the Federal payment prior to and since home rule. I think the conclusions that can be drawn from such information are just as important now as they were 1 year ago, and I have therefore updated the material.

In the 10 fiscal years prior to the passage of home rule, the Federal payment actually appropriated to the District of Columbia increased from $37.5 to $187.5 million, which amounts to an increase of 400 percent. In the final 10 years during which Congress exercised absolute control over the city, a steadily increasing annual payment was the rule.

Since home rule, however, the Federal payment has not enjoyed that magnitude of growth. The level has gone from $226.2 to $361 million, which works out to an increase of 59.6 percent over the 9 years during which the city has been given some form of local autonomy. In addition to this severely lower rate of growth, the level has not increased incrementally from year to year, but instead experienced sporadic fluctuations. I would be remiss if I did not note at this point that it is now back on course, and it has increased gradually since fiscal year 1979, and since fiscal year 1981 it has been the full amount authorized.

The conclusion that I draw from these statistics is that we expect more of the locally elected government than we did of ourselves. So that our colleagues can draw their own conclusions, I include in the RECORD at this point two tables detailing the information I have just provided in summary form.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

	Authorization	Appropriation
Fiscal year:		
1975	$230,000,000	$226,200,000
1976	254,000,000	248,948,000
1977	280,000,000	276,650,000
1978	300,000,000	276,000,000
1979	300,000,000	250,000,000
1980	300,000,000	276,500,000
1981	300,000,000	300,000,000
1982	336,600,000	336,600,000
1983	361,000,000	361,000,000
1984	[1]386,000,000	([2])

[1] Proposed.
[2] Not yet enacted.

Federal payment to the District of Columbia

[In fiscal years]

	Appropriated amount
Pre-home rule (Public Law 93-198):	
1965	$37,500,000
1966	44,250,000
1967	58,000,000
1968	70,000,000
1969	89,635,000
1970	116,166,000
1971	131,000,000
1972	173,654,000
1973	181,000,000
1974	187,450,000
Post-home rule:	
1975	226,200,000
1976	248,948,000
1977	276,650,000
1978	276,000,000
1979	250,000,000
1980	276,500,000
1981	300,000,000
1982	336,600,000
1983	361,000,000

Mr. Speaker, the entire membership of this body has a stake in maintaining the Nation's Capital in a manner which will make every U.S. citizen proud of our seat of government. All too often, we forget that this city is also the home of more than 630,000 individuals, who I might note are not represented in the Congress by voting representatives. We are equally responsible to insure that the District of Columbia grows and prospers as a city, and passage of this bill will be one small step toward that end. I urge the support of all my colleagues.

Finally, Mr. Speaker, I would note that the gentleman from Virginia (Mr. BLILEY) is unavoidably absent at this time. He has asked that I indicate his full support for this legislation.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, first of all, I want to associate myself with the remarks of my distinguished chairman, the gentleman from California (Mr. DELLUMS), and the distinguished ranking member, the gentleman from Connecticut (Mr. MCKINNEY), both of whom have clearly outlined the reasons for support of H.R. 2637.

The annual Federal payment for the District of Columbia is a part of the President's budget this year, as it has been every year for every administration. The authorization level included in H.R. 2637 is $386 million.

When President Reagan sent his budget to Congress last January the following statement appeared in the appendix volume, and I quote:

Legislation will be proposed to amend the District of Columbia Self-Government and Governmental Reorganization Act of 1973 to authorize $386 million as the 1984 payment by the United States toward defraying expenses of the Government of the District of Columbia.

H.R. 2637 on the floor today is the legislation to which the President's budget refers.

As suggested in the Home Rule Act, the payment is to compensate the District for costs to the city related to the Federal presence, a revenue denied due to federally imposed regulations.

Many years ago, around the turn of the century, the Federal payment was a much larger share of the city's budget. It was set at 50 percent of the District of Columbia's operating costs then, but since 1925 the Congress has set the amount separately.

This year's payment will only be 20 percent of the expenses of the city. This is in spite of the fact that nearly 55 percent of the taxable land is not available to us in the District of Columbia. The other 80 percent comes from local income taxes, property taxes, the sales tax and other fees and grants.

Of course, this is just an authorization bill. The final figure will be set by the Appropriations Committee when they approve other aspects of the city's budget.

I hope that we will consider legislation at a later date to take some of the guesswork out of setting the annual Federal payment. A rational formula would lend stability to the city's finances but, in the meantime, this is a fair and a necessary bill and deserves your complete support.

I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTRA LONG STAPLE COTTON ACT OF 1983

Mr. HUCKABY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3190) to establish an improved program for extra long stable cotton, as amended.

The Clerk read as follows:

H.R. 3190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Extra Long Staple Cotton Act of 1983".

SEC. 2. Section 347 of the Agricultural Adjustment Act of 1938, as amended, and section 101(f) of the Agricultural Act of 1949, as amended, are repealed effective beginning with the 1984 crop of extra long staple cotton.

SEC. 3. Sections 342, 343, 344, 344a, 345, 346 and 377 of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to the 1984 and subsequent crops of extra long staple cotton.

SEC. 4. Effective beginning with the 1984 crop of extra long staple cotton, section 103 of the Agricultual Act of 1949, as amended, is amended by adding at the end thereof a new subsection as follows:

"(h)(1) For purposes of this subsection, extra long staple cotton means cotton which is produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types and which is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

"(2) The Secretary shall, upon presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available to producers nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at a level which is not less than 50 per centum in excess of the loan level established for each crop of Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States. If authorized by the Secretary, nonrecourse loans provided for in this subsection may, upon request of the producer during the tenth month of the loan period for the cotton, be made available for an additional term of eight months. The loan level for any crop of extra long staple cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective and such level shall not thereafter be changed.

"(3)(A) In addition, payments shall be made for each crop of extra long staple cotton to producers on each farm at a rate equal to the amount by which the higher of—

"(i) the average market price received by farmers for extra long staple cotton during the first eight months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under paragraph (2) of this subsection for such crop,

is less than the established price per pound times, in each case, the farm program acreage for extra long staple cotton (determined in accordance with paragraph (6) or paragraph (8)(A) of this subsection, but in no event on a greater acreage than the acreage actually planted to extra long staple cotton for harvest), multiplied by the farm program payment yield for extra long staple cotton (determined in accordance with paragraph (7) of this subsection).

"(B) The established price for each crop of extra long staple cotton shall be 120 per centum of the loan level determined for such crop under paragraph (2) of this subsection.

"(C) If the Secretary establishes an acreage limitation program for a crop of extra long staple cotton in accordance with paragraph (8)(A) of this subsection and determines that deficiency payments will likely be made for such crop of extra long staple cotton under subparagraph (A) of this para-

graph, the Secretary may make available advance deficiency payments for such crop to producers who agree to participate in the acreage limitation program. Such advance payments shall be made available to producers as soon as practicable after the producer files a notice of intention to participate in such acreage limitation program and in such amount as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount shall not exceed an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 50 per centum of the projected payment rate, as determined by the Secretary. In any case in which the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under subparagraph (A) of this paragraph, is less than the amount paid to the producer as an advance deficiency payment under this paragraph, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary to be payable to the producer. If the Secretary determines that no deficiency payments are due producers on a crop, the producer who received advanced payments on such crop shall refund such payments. If a producer fails to comply with the requirements under the acreage limitation program after obtaining an advance deficiency payment under this paragraph, the producer shall immediately repay the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe.

"(4) The Secretary shall establish for each crop of extra long staple cotton a national program acreage. Such national program acreage shall be announced by the Secretary not later than November 1 of the calendar year preceding the year for which such acreage is established. The Secretary may revise the national program acreage first announced for any crop year for the purpose of determining the allocation factor under paragraph (5) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall announce such revised national program acreage as soon as it has been made. The national program acreage shall be the number of harvested acres the Secretary determines (on the basis of the estimated weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) of extra long staple cotton that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. The national program acreage shall be subject to such adjustment as the Secretary determines necessary, taking into consideration the estimated carryover supply and the stocks not accounted for by official domestic consumption and export data, so as to provide for an adequate but not excessive total supply of extra long staple cotton for the marketing year for the crop for which such national program acreage is established. In no event shall the national program acreage be less than sixty thousand acres.

"(5) The Secretary shall determine a program allocation factor for each crop of extra long staple cotton. The allocation factor (not to exceed 100 per centum) shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop.

"(6) The individual farm program acreage for each crop of extra long staple cotton shall be determined by multiplying the allocation factor by the acreage of extra long staple cotton planted for harvest on each farm for which individual farm program acreages are required to be determined. The farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of extra long staple cotton planted for harvest on the farm from the acreage base established for the farm under paragraph (8)(A) of this subsection by at least the percentage recommended by the Secretary in the announcement of the national program acreage. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of extra long staple cotton planted for harvest is less than the acreage base established for the farm under paragraph (8)(A) of this subsection, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for extra long staple cotton, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(7) The farm program payment yield for each crop of extra long staple cotton shall be determined on the basis of the actual yields per harvested acre on the farm for the preceding three years, except that the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster, or other condition beyond the control of the producers. In case farm yield data for one or more years are unavailable or there was no production, the Secretary shall provide for appraisals to be made on the basis of actual yields and program payment yields for similar farms in the area for which data are available. Notwithstanding the foregoing provisions of this paragraph in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this paragraph. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

"(8)(A) Notwithstanding any other provision of this subsection, the Secretary may establish a limitation on the acreage planted to extra long staple cotton if the Secretary determines that the total supply of extra long staple cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each extra long staple cotton-producing farm. Producers who knowingly produce extra long staple cotton in excess of the permitted acreage for the farm shall be ineligible for extra long staple cotton loans and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of a limitation under this subparagraph shall be the average acreage planted on the farm to extra long staple cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For the purpose of the preceding sentence, acreage planted to extra long staple cotton for harvest shall include any acreage which the producers were prevented from planting to extra long staple cotton or other nonconserving crops in lieu of extra long staple cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. There is hereby established for the 1984, 1985, and 1986 crops an acreage base reserve equal to 5 per centum of the total of the farm acreage bases established for the crop under the foregoing provisions of this subparagraph. Such reserve shall be in addition to the total of the farm acreage bases and shall be used by the county committees, in accordance with regulations of the Secretary, for making adjustments of farm acreage bases to correct inequities and prevent hardship, and for establishing bases for farms on which no extra long staple cotton was planted during the preceding four years. A number of acres on the farm determined by dividing (i) the product obtained by multiplying the number of acres required to be withdrawn from the production of extra long staple cotton times the number of acres actually planted to such commodity, by (ii) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary, shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion. The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, caster beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such provision is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely. If an acreage limitation program is announced under this paragraph for a crop of extra long staple cotton, paragraphs (4), (5), and (6) of this subsection shall not be applicable to such crop, including any prior announcement which may have been made under such paragraphs with respect to such crop. The individual farm program acreage shall be the actual acreage planted on the farm to extra long staple cotton for harvest within the permitted extra long staple cotton acreage for the farm as established under this paragraph.

"(B) The Secretary may make land diversion payments to producers of extra long staple cotton, whether or not an acreage limitation program for extra long staple cotton is in effect, if the Secretary determines that such land diversion payments

are necessary to assist in adjusting the total national acreage of extra long staple cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(C) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purpose of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(9) An operator of a farm desiring to participate in the program conducted under paragraph (3) of this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(10) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

"(11) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(12) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(13) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

"(14) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

"(15) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments made under this subsection.

"(16) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

"(17) In order to encourage and assist producers in the orderly ginning and marketing of their extra long staple cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act.

"(18) References made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans for extra long staple cotton under this subsection; and references to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan operations for extra long staple cotton under this subsection.".

SEC. 5. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, beginning upon the enactment of the Extra Long Staple Cotton Act of 1983, the Commodity Credit Corporation may sell extra long staple cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton.".

SEC. 6. Section 1101(1) of the Agriculture and Food Act of 1981 is amended by deleting "and rice" and inserting in lieu thereof "extra long staple cotton, and rice".

The SPEAKER pro tempore. Is a second demanded?

Mr. STANGELAND. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. HUCKABY) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3190, as reported by the committee, is designed to provide extra long staple cotton growers with a more market-oriented program, giving them the opportunity to meet the needs of the marketplace while at the same time maintaining a system of income protection.

Extra long staple cotton is a specialty type cotton with an individual fiber length of at least 1⅜ inches. American pima cotton is the only extra long staple cotton grown in the United States. It has been used mostly in the manufacturing of high quality sewing thread but is now being used to a limited extent in quality knit shirts, sheets, and towels. In recent years ELS cotton has been grown only in three States—Texas, New Mexico, and Arizona. U.S. production of the crop last year totaled 99,000 bales, compared with 11.9 million bales of upland cotton.

The current extra long staple cotton program is entirely different from the upland cotton program because production is strictly controlled through acreage allotments and marketing quotas.

The loan level is currently established at a minimum of 175 percent of the upland cotton loan, a level which, in light of worldwide economic conditions and price reductions by other ELS exporting nations, has resulted in domestic ELS cotton prices which are not competitive in world markets. Because of this, exports have declined, stocks have increased, and large volumes of ELS cotton are being pledged as collateral in the loan program.

The carryover from the 1982 crop will be approximately 104,000 bales, an amount in excess of a year's production and the largest since 1969. Of this, about 45,000 will be in CCC stocks. Moreover, since CCC cannot sell its stocks of ELS cotton at less than 115 percent of the loan rate plus carrying charges, stocks likely will continue to build and Government outlays will continue to increase unless substantive changes are made in the program.

Mr. Speaker, H.R. 3190 is designed to restore our overseas competitiveness, reduce Government costs, and give growers greater production freedom and flexibility.

First, this bill eliminates allotments and quotas. Thus, beginning with the 1984 crop, extra long staple cotton will be treated in the same manner as the programs for upland cotton, wheat, feed grains, and rice. This will provide growers with greater production flexibility and greater freedom to determine the most effective use of their resources.

Second, this bill lowers the ELS loan rate from 175 percent to 150 percent of the upland cotton loan rate. Under existing law, the ELS loan rate for 1984 is projected to be not less than 96.25 cents per pound. Under the provisions contained in this bill, the 1984 loar rate is projected to be about 82.5 cents per pound, a reduction of almost 14 cents, which will make American pima competitive in the world market.

Third, the bill provides a target price set at 120 percent of the ELS loan and contains deficiency payment provisions to provide a safety net for ELS

growers in the event of unreasonably low market prices.

Fourth, H.R. 3190 contains supply management provisions similar to those for other major commodities, including discretional authority for an acreage reduction program and a paid diversion, which, if utilized correctly, should reduce the need for deficiency payments.

Finally, in order to enable the Secretary to dispose of CCC stocks, this bill authorizes the Secretary to sell these stocks for unrestricted use at prices he determines appropriate.

Mr. Speaker, prior to the mid-1970's, most of the American Pima cotton was marketed domestically. In the larger world market, Egypt and Sudan have long been the primary producers of ELS cotton, and their prices are established each year by their respective governments. Thus, our ability to export is greatly dependent on supply/demand and prices in these two countries.

In the mid-1970's, American pima became more competitive in the world market, and our exports increased dramatically, from only about 5,000 bales in 1972 to a high of 52,000 bales for the 1979 crop. Subsequently, due to a number of factors, including the worldwide recession, the strength of the dollar, dramatic price reductions by the Governments of Egypt and Sudan, and the Polish crisis which reduced sales of American pima by some 12,000 bales, U.S. exports of ELS cotton began to plummet. Exports from the 1982 crop are expected to total only 13,000 bales.

The provisions contained in H.R. 3190, as reported by the Agriculture Committee, will restore the overseas competitiveness of ELS cotton, yet at the same time provide income protection to growers. The Congressional Budget Office has estimated that this bill, if enacted, will save $12 million in Government outlays in fiscal year 1985, and approximately $26 million in fiscal years 1985-88.

Mr. Speaker, this bill was reported unanimously by the Agriculture Committee, and I urge my colleagues support it.

□ 1230

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking minority member on the Cotton, Rice, and Sugar Subcommittee, I also want to express my strong support for H.R. 3190 and urge the full House to act favorably on this important bill.

H.R. 3190, as amended, already has been passed by unanimous voice vote in both the Cotton, Rice, and Sugar Subcommittee and the full House Agriculture Committee.

As has already been noted, H.R. 3190 makes a number of reforms in the existing extra long staple cotton program which are supported by ELS cotton growers, the textile industry, and the administration. The elimination of marketing quotas and acreage allotments, the reduction in the minimum price support loan rate, the establishment of production control mechanisms for the Secretary of Agriculture to address future potential problems of oversupply, and authority for the sale of Government-owned ELS cotton at any price the Secretary deems appropriate to maintain and expand domestic and export markets, are all important provisions in the bill which will allow ELS growers to better respond to changing market conditions and enhance their ability to compete in both the domestic and export markets.

Although the original version of H.R. 3190 that was proposed by the administration did not include a target price provision, during hearings on the bill the Department of Agriculture indicated that they would not oppose a reasonable target price level.

It is my view that the modest target price level contained in this bill—set at 120 percent of the ELS loan rate—will help maintain the income stabilization safeguards that are necessary for domestic ELS growers to compete in this fragile and volatile market.

Another important factor that should be emphasized is that, according to Congressional Budget Office projections, this bill will save the Federal Government almost $27 million over the next 5 years. These savings will primarily come from the sale of existing Government-owned surplus stocks of ELS cotton, with additional savings accruing from reduced storage costs and smaller commodity loan outlays.

H.R. 3190 is the result of years of negotiations between the U.S. Department of Agriculture and ELS cotton growers. The ELS growers are to be commended for their support of these important legislative reforms that will put the Government program for ELS cotton on the same basis as the existing program for upland cotton.

This legislation has the potential to enhance both international and domestic demand for ELS cotton, while at the same time providing a reasonable level of price support protection and allowing our ELS growers more freedom to meet changing world market needs. I strongly urge my colleagues to support the passage of H.R. 3190.

● Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 3190, as reported by the Committee on Agriculture.

The bill changes the program for extra long staple cotton to a more market oriented program. It is noncontroversial, has the support of the industry, and will save the Government approximately $27 million over a 5-year period.

Extra long staple cotton is a specialty type cotton with an individual fiber length of at least 1⅜ inches. For many years it has been the subject of a special program that differs from the program for upland cotton.

At the present time, production is limited to the holders of allotments, and the price is supported at a loan rate of 175 percent of the upland cotton loan rate. This level is too high. It has resulted in domestic prices which are not competitive in world markets. U.S. exports have declined, domestic stocks have increased, and large stocks of cotton have been pledged to the Commodity Credit Corporation under the loan program or forfeited to the Corporation. The carryover from the 1982 crop far exceeds a year's production of the commodity.

The restrictions on the price at which CCC can sell its stocks of cotton compound this problem. Under current law, sales for unrestricted use cannot exceed a minimum of 115 percent of the loan rate, plus carrying charges. Accordingly, Government stocks have been increasing without any foreseeable possibility for their disposition in the commercial market.

H.R. 3190 does much to correct the problems of current law. It frees up production of the commodity and permits any producer who wishes, for the first time, to engage in production of extra long staple cotton. The loan rate is sharply reduced to a minimum of 150 percent of the loan rate for upland cotton, and the CCC is authorized to sell its stocks for unrestricted use at any level the Secretary determines appropriate.

Finally, this legislation provides a safety net to producers by authorizing deficiency payments for the difference between the target price and the lower of the loan rate or the market price. The target price would be 120 percent of the loan rate. Also, the Secretary would be given authority to provide for an acreage reduction program if the Secretary determines that the total supply of the crop would otherwise be excessive. Producers would be required to comply with the acreage limitations in order to obtain program benefits. The Secretary would also be authorized to initiate a paid land diversion program. Deficiency payments and diversion payments would be subject to a payment limitation. The program I have described is comparable to the programs provided for upland cotton and the other major commodities which have been in effect for many years.

Mr. Speaker, I would like to thank Mr. HUCKABY, chairman of the subcommittee, for his efforts in moving this legislation. I urge the Members to

join me in support of this much needed legislation.●

● Mr. COLEMAN of Texas. Mr. Speaker, I rise in support of H.R. 3190, the Extra Long Staple Cotton Act of 1983. Extra long staple (ELS) cotton, primarily grown domestically in three States, including my district in west Texas, is known as the "Cadillac of Cotton." This is because ELS is a specialty fiber used mostly in the manufacture of high-quality knitted products as well as sewing thread. Production of the specialty fiber compared with that of the more common upland cotton is on a much smaller scale—U.S. production last year of ELS cotton was 99,000 bales compared with an upland figure of 11.9 million bales.

This bill would go a long way to affording those farmers who grow ELS cotton a greater degree of flexibility in making their planting decisions and in their ability to be competitive in both the domestic and export markets. At the same time that quotas and acreage allotments are eliminated for ELS cotton, a mechanism is set in place to guard against overproduction and depressed prices.

Some of the key provisions of this legislation that should be noted include:

The minimum price support loan for ELS cotton would be 50 percent above the rate established for upland cotton;

A target price program would be created for ELS cotton, with the target set each year at 20 percent above the price support loan rate;

Existing legal authority for acreage allotments would be terminated; and

Should the Secretary of Agriculture determine that ELS suppliers were in danger of becoming excessive, he could require compliance with an acreage reduction program as a condition for price support loans and target price protection.

Mr. Speaker, this legislation represents the hard work of many diverse interests in the ELS cotton growers community, the textile industry, and the USDA. It is legislation that is aimed at a specific commodity and that seeks to address the special needs of those who must grow this precious crop. I am extremely pleased to be able to vote for this constructive legislation that helps a vital constituency not only within my district of west Texas, but also throughout a tristate area in the Southwestern United States.●

Mr. HUCKABY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. HUCKABY) that the House suspend the rules and pass the bill, H.R. 3190, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUCKABY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 1510, IMMIGRATION REFORMS AND CONTROL ACT OF 1983

Mr. HUCKABY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight, June 27, 1983, to file a report on H.R. 1510, the Immigation Reforms and Control Act of 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, June 28, 1983, to file a conference report on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it may be in order at any time on June 29, 1983, or any day thereafter, to consider the conference report and any amendments in disagreement of the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNUAL REPORT ON FEDERAL ACTIONS IN CONSERVATION AND USE OF PETROLEUM AND NATURAL GAS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see Senate proceedings of today, Monday, June 27, 1983.)

ANNUAL REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries.

(For message, see Senate proceedings of today, Monday, June 27, 1983.)

ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 201, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1398.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1398), to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes, with Mr. HUCKABY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York (Mr. OTTINGER) will be recognized for 30 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1398, the Energy Conservation Daylight Saving Act of 1983, which I am pleased to sponsor together with the ranking minority member of the subcommittee which I chair, the Subcommittee on Energy Conservation and Power, the gentleman from California (Mr. MOORHEAD). The bill

would move the starting date for daylight saving time to the first Sunday in March from its current starting date of the last Sunday in April, thus making daylight saving time have equally long evening hours on either side of the summer solstice, which is the longest day of the year.

There would be, in other words, the same amount of daylight in the evening or darkness in the morning in March and April under this bill as presently exists in September and October.

The House passed the same bill last Congress by a vote of 243 to 165 but the Senate failed to act on the issue.

The bill is supported by the Reagan administration, as it has been by previous administrations,

Passage of this legislation would be a simple and effective way to save energy.

The Department of Transportation has concluded that 100,000 barrels of oil equivalent per day would be saved during the extra period of daylight saving.

Studies by electric utilities have reached similar conclusions.

Extending daylight saving time would have other benefits demonstrated in 1973 and 1974 when we had extended daylight saving time, in response to the oil crisis with which we were then faced.

Those benefits are: A reduction of 0.7 percent in traffic fatalities, according to a National Highway Traffic Safety Administration study, which was actually experienced during the months of March and April during that time of extended daylight saving time.

Also a reduction of 10 to 13 percent in violent crimes based upon a study by the Law Enforcement Assistance Administration in the District of Columbia; increased recreational and shopping opportunities to spur economic recovery; and improved sight and mobility for those suffering from night blindness.

Public opinion polls have consistently reflected preference for a March to October daylight saving period by a 2-to-1 margin.

Although there had been some concern that extending daylight saving time could create safety problems for schoolchildren waiting for morning buses, exhaustive studies of the extended daylight saving experiment in 1973-74 concluded that there was no evidence of increased school-age traffic fatalities in March and April. Any school district which feels it has a problem can adjust school hours, as indeed some have done in the past. Because the bill makes the period of daylight saving symmetrical around the summer solstice, the Sun would rise in March and April no later than it now rises in September and October, as I indicated earlier.

This is an important but simple step we can take in the areas of conservation, crime reduction, traffic safety and economic recovery. I urge my colleagues to support the bill.

I would like to advise my colleagues that we have been told that an amendment will be offered by the gentleman from Indiana (Mr. COATS) when we consider this bill. The amendment would, in effect, allow any State to opt out of the additional 2 months of daylight saving time we have provided in the bill. The Reagan administration opposes this amendment very strongly and, in fact, it would create many problems throughout the Nation.

□ 1245

The Uniform Time Act of 1966 was designed for just the purpose of creating uniformity, to provide a uniform system of time across the country. It was deemed essential for the free flow of interstate commerce to have uniform dates for the start and end to daylight saving time.

The act did, however, recognize the rights of States by permitting any State to opt out of daylight savings time entirely. And in fact the State of Indiana, from which the gentleman from Indiana comes, is a State in which the eastern portion of the State has chosen to opt out of daylight savings time entirely.

In the case of States which are split by a time zone, the entire or either side of the State may choose to opt out. And our bill preserves this State right.

The amendment of the gentleman from Indiana would go much farther, through permitting States to choose to observe daylight time of zero, 6, or 8 months. This would create a crazyquilt patchwork of States and times. It would cause havoc for railroads, truckers, airlines, network broadcasters and others who would have to constantly adjust their timetables to these differing time zone schemes.

In short, we would return to the past when there was serious confusion in time observed from State to State.

The administration opposes this amendment. I have just received today a letter from Jim Burnley, General Counsel of the Department of Transportation. The letter say in part:

As originally enacted, the Uniform Time Act of 1966 permitted any State to exempt itself from the observance of DST established in that Act. However, any such exemption had to be a total exemption. The choice permitted to the States was DST in accordance with the Act or not at all. Even though Congress has amended the Act, this requirement that any exemption be for the entire year has never been relaxed, because partial exemptions could recreate the chaotic situation which led to enactment of the current law.

In 1966, when the Uniform Time Act was enacted, although 90 million people were observing DST from the last Sunday in April to the last Sunday in October, enough were observing some other period of DST to have an adverse effect on interstate and foreign commerce. Various beginning and ending dates created considerable confusion and expense, as transportation and communication schedules were constantly revised to reflect the differences in local choice. The solution which Congress devised was to establish one beginning date and one ending date for DST each year. This has proven highly successful. Airline schedules on this continent, for example, need to be changed on a large scale only twice each year, at the changeover dates to and from DST.

Were H.R. 1398 to become laws with this amendment attached—

Which I will add parenthetically is the amendment proposed to be offered by the gentleman from Indiana—

the number of DST beginning dates each year would double, reintroducing the lack of uniformity which Congress sought to correct in 1966. It would also require many businesses to incur additional and unnecessary expense just when the country is showing strong signs of economic recovery. For these reasons, we oppose adoption of the amendment.

Mr. Chairman, I strongly urge adoption of the bill as reported out by the committee and supported by myself and my good friend and colleague, the gentleman from California, and resistance to the amendment that may be offered by the gentleman from Indiana.

Mr. Chairman, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Mr. Chairman, once again the House has before it a bill extending daylight saving time an additional 2 months by changing the starting date from the last Sunday in April to the first Sunday in March. This is an ill-advised and unnecessary piece of legislation and I urge my colleagues to join me in opposing H.R. 1398.

A large number of the Minnesotans in my district are farmers. Farmers are morning people. Their work day begins at sunrise. Their daily schedule is determined on how much farmwork they get done. Many of my constituents are greatly opposed to moving the clock ahead because farm chores have to be done early in the morning and cannot be made up in the evening. It is difficult for the farmer to get all his daily routine business completed when he sets his schedule by daylight hours while business people and merchants set their schedules by Government decree.

Various Government and nongovernment studies indicate that expanded daylight saving time will produce energy savings. I would like to point out that in northern Minnesota and the northern borders of the country, if we were to rise an hour earlier in the morning at a time when the day is the coldest, we are not going to save

energy. Those thermostats will get turned up when people rise for breakfast and when they have to get breakfast for our schoolchildren so they can get out to the schoolbuses before daylight. Even if there were some identifiable savings, I question whether the savings would actually be realized over a long period of time.

The committee also points out that expanded daylight hours could be beneficial for safety considerations. But if you push the clock ahead an hour during the wintry months of March and April, I am afraid you are going to make going to school a more dangerous venture for our schoolchildren. In rural northern areas, the weather between 6:30 a.m. and 7:30 a.m. daylight saving time in March and April is much more likely to be snowy and icy, making the roads more dangerous for everyone. Rural schoolchildren usually have no sidewalks to walk on. They walk and stand on the sides of the roads to get their schoolbuses. This could be very dangerous on icy, snowy roads before daylight. So where are we providing safety for our youngsters?

It would also appear more reasonable to give the States the option of determining whether or not they wish to participate in the additional 2 months of daylight saving time according to their needs and geographic location. In fact, the only option a State has is to accept the full 8 months of daylight saving time or not have daylight saving time at all. In this legislation, daylight saving time is an all or nothing proposition. If a State or part of a State did not want the expansion, its only recourse would be to drop out completely.

I believe this bill is ill-advised. You do not save daylight. The Sun rises in the morning and sets in the evening which creates a certain period of daylight. No law can lengthen the day or shorten it. We have so many hours of daylight on any day of the year, and no law changes that. We are just giving more daylight to the end of the day rather than at the beginning of the day. This proposal is totally unacceptable to the Minnesota farmer and I suspect to the millions of farmers throughout the country. These folks resent the Government's intrusion into their work schedules. I urge my colleagues to join me in opposing H.R. 1398. Too many questions remain unresolved for us to extend daylight saving time for an additional 2 months.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

I appreciate the gentleman's comments and I would like to associate myself with his remarks.

I am thinking about an amendment to this bill. I think it is sort of an urban convenience act here. Why not have an amendment that if we go ahead with the extra 2 months when the daylight saving time occurs, we change the Nation's, say, thermometers.

Mr. STANGELAND. Do what?

Mr. ROBERTS. Change the Nation's standard of temperature. I think it would make just about as much sense to reduce the temperature in summer by 10° when we go into daylight saving time and then when we go off into the winter months, why then we could increase the temperature by 10°. Think how much warmer we would be in the winter and how much cooler we would be outside on the steps of the Capitol right now? It makes just about as much sense.

Mr. STANGELAND. A great deal of energy savings.

Mr. ROBERTS. Look at the energy savings we save.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding.

I applaud the gentleman's idea. In fact, we could even take it one step further and have a calendar extension. Perhaps 13 months at some time during the year. Obviously there is as much to be said about extending our calendar as there is during the day. Obviously there is a great deal of additional imagination we could lend to the issue. And I would support the gentleman's amendment.

Mr. ROBERTS. I appreciate the gentleman's comments.

Mr. STANGELAND. I will too. And I suggest that we put out a "Dear Colleague" and let our colleagues know how much we can save and how much time we can extend for our farmers to harvest. When harvest weather is good in August we could extend it another month and they could harvest another month. They really have a good thing going here.

Mr. MOORHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition to this bill for two reasons. One, the effect on the farmers has been mentioned. I associate myself with the first part of the remarks of the gentleman from Minnesota (Mr. STANGELAND), not necessarily the last part, however, but I do think the farmer does have a real point. He does have to work with the Sun and particularly the dairy farmer is adversely affected by this particular program.

The second reason I oppose the amendment is that it is an all-or-nothing proposition. I agree with the gentleman from New York in saying we would have a patchwork if allowed an opt out of the 2 months, but I predict many States, such as Utah and those on the western side, will opt out of the entire program if this bill passes in its present form.

In Utah the streets are dark in the mornings in September and October at the time they have to get ready for school. The same thing would be true in March and April, even more so, it is colder then and I think it would be even more adversely affected. PTA's in my State and several other adjoining States have come out against this particular extension. It is a definite interference with the school program. The children are not able to go to bed at night. And they do not see any reasonable way of coping with this situation short of harsh discipline and other forms.

I would like to indicate if I had my personal preference I would prefer daylight savings from Memorial Day to Labor Day, which would then not interfere with the school programs at all and would be, I think, wholeheartedly supported by all of those young mothers who have children to take care of during the school period.

I do not have that option, but I would like to suggest that we should have the option of opting out of this program.

I would like to engage the gentleman from New York (Mr. OTTINGER) in a colloquy for just a moment.

The gentleman indicates the bill does still allow States to opt out of the entire 8-month program. Now, when do they have to do that? Is there a deadline on that?

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

There is no deadline.

Mr. NIELSON of Utah. They may do that at any time?

Mr. OTTINGER. They can do that at any time.

Mr. NIELSON of Utah. I happened to be speaker of the house when this came up in 1973 in the State of Utah. It failed by only two votes. I predict Utah will be one of the first, along with Iowa and others, to opt out of the entire program. And if, in fact, the gentleman from New York is correct on his energy savings, it will be a net loss in those two States at least, because you will give up 6 months which they now participate in, in order to try to take it to an extra 2 months.

Mr. OTTINGER. If the gentleman will yield further, just to clarify further what the situation is, the bill grandfathers all those States such as Indiana that have already opted out, but then permits any additional States

to do so at any time that they may wish to do so.

Mr. NIELSON of Utah. There is no deadline on how long they have to do that?

Mr. OTTINGER. That is correct.

Mr. NIELSON of Utah. The reason I asked that question is because many States do not meet again until 1985 and therefore we need to have at least 24 months in order to opt out of the program.

Mr. OTTINGER. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, the subject before us today is—as I can testify from firsthand experience—an extremely important and sensitive one to a great many people. Several months ago, I sent a report about the possible extension of daylight saving time to the 140 weekly newspapers around South Dakota. I asked for comments, never dreaming that I was about to be overwhelmed by the deluge of calls, letters, and cards that followed.

I wish there were time to share from those letters with my colleagues. Most of them were obviously handwritten, a few from elderly people who formed their letters carefully and with obvious difficulty. Others came from farmers or farm wives who apologized for not being certain if their grammar or sentence structure were proper. In short, these were letters from average, down-to-earth citizens—not writing as part of some high-powered, computerized lobbying assault—but simply wondering about an issue that is of deep concern to them, or perhaps their children or grandchildren.

They usually expressed concern about the effect this bill would have on the safety of young schoolchildren walking to classes or waiting for schoolbuses in the colder, darker morning hours of March and April—months which would be brought under daylight time should this bill, H.R. 1398, become law. Those months can be bitterly cold across wide stretches of the North. Snow and ice are common, adding to the dangerous conditions for small children along the roadsides.

Supporters of this bill point to Government studies of our Nation's yearround experiment with daylight saving time in 1973 and 1974. Those studies—limited to only a single comparison between 2 years—found no increase in fatal accidents among schoolchildren in March and April under daylight time.

However, on a matter so highly sensitive as the safety of small children, I prefer—as I am sure my colleagues prefer—to rely on my own commonsense and the good judgment of the people back home in my State. In this case, good judgment and commonsense agree that young schoolchildren are more apt to be injured when they are walking or waiting on icy, dark roads earlier in the morning.

Another problem pointed out by many of my constituents—and shared by the constituents of many other House Members—concerns farmers. For farm families, especially those whose members also must hold down second jobs in town to make ends meet, daylight time would mean trying to do their morning chores in darkness or squeezing those chores into an hour's less time. Given the trials already faced by people in rural America, this is hardly the time to add to their burdens.

These problems—decreased safety for schoolchildren and increased hardship for farm families—are real and justifiable reasons for opposing H.R. 1398.

Yet, if the bill offered counterbalancing advantages, perhaps it would deserve our support despite its considerable shortcomings. For that reason, I have carefully examined the claims put forth by its supporters. Unfortunately they are, in the words of Genesis, "void and without form."

The principal benefit claimed for H.R. 1398 is that it will save electrical energy in the equivalent of 100,000 barrels of oil per day in March and April. This would be approximately 1 percent of the national usage. Second, it is claimed that this bill would bring a reduction in traffic fatalities equaling nearly three-quarters of 1 percent. The basis for both of these claims is the daylight saving time study conducted by the Department of Transportation in 1975.

Yet, a followup study in 1976—requested by Congress and conducted by the highly respected National Bureau of Standards—found no conclusive evidence to support either of the claimed benefits. And, with respect to energy usage, there is another study—cited by Bureau of Standards officials during their 1976 congressional testimony—which points to increased energy usage as a result of daylight saving time during colder months.

In conclusion, Mr. Chairman, I believe we are faced with a simple choice. This bill's two primary promises—a saving of energy and a saving of lives—are not supported by the facts. On the contrary, the National Bureau of Standards found that daylight saving time had no effect in either of those two areas.

We are then left with a bill which would certainly cause difficulty for large numbers of people, but which offers few if any benefits.

Our present balance of time is fair—6 months of standard time and 6 months of daylight time. Certainly there are people on both sides of the issue who would prefer more months of daylight time or more months of standard time. But we can live with what we have now; it is fair; and we should keep it.

□ 1300

Mr. MOORHEAD. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS. I thank my colleague for yielding.

Mr. Chairman, we have heard from my urban colleagues several arguments here today as to why we would all be better off with daylight saving time for 2 more months. In the interest of saving energy, I would like to shed some light on these arguments.

As my colleague from South Dakota has just pointed out, the supporters of extension say studies have shown that daylight saving time actually reduces crime. Let me point out that the study my colleagues are citing was not a national study. It was a study only looked at in the District of Columbia, where, rest assured, they have special problems with regard to crime.

Second, in terms of energy use, the Department of Transportation study cited here also states the following:

> Any potential benefits from extending daylight saving time would be small and very difficult to isolate from the larger effects of seasonal variations and of changes in energy availability and prices.

And then there is the argument about traffic accidents. The National Bureau of Standards has reported that, while no significant increase in fatalities was found, there was an increase in fatalities of school-age children during the morning hours. And, as my colleague from South Dakota pointed out, it is just commonsense.

If the majority of the Members of this House want to extend daylight saving time, as we have done in 1981, why, that is fine. But let us not hide behind the false arguments about saving energy and reducing crime and also saving lives.

The efforts to extend this daylight saving time are based on the desire to have more leisure time. I do not care what it is, if you are going to golf or jog or perhaps maybe walk your dog, it is an urban convenience act, nothing more and nothing less.

Mr. Chairman, in farm country our farmers work until the Sun sets. Any energy savings that might occur in urban areas will be offset by the increased energy used in farm country.

I urge my colleagues to find other ways of increasing their leisure time rather than at the expense of the farmer. In my country, we are going to be plowing to the tune or at the time of the land of the midnight Sun. I would urge my colleagues to study the amendment to be introduced by my good friend, the gentleman from Indiana (Mr. COATS), and I will support his amendment. I urge defeat of this effort.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I do not want any misimpressions, and I am sure the gentleman does not either, with respect to the facts as reflected in the legislation.

The National Bureau of Standards, as the actual report reads, found that there was no school-age fatality increase during the months of March and April 1974, which are the months that this legislation would apply.

It did find an increase in school-age fatalities when it was year around, during the winter months of January and February.

Mr. ROBERTS. In the 1974 period?

Mr. OTTINGER. That is correct.

Mr. ROBERTS. I appreciate the gentleman's comment.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this legislation which would cast rural America deeper into darkness. This unneeded and unwise legislation would provide for the extenstion of daylight saving time from the first Sunday in March to the last Sunday in October.

It is my hope that this bill will go no further than last year's version of the daylight saving extension which was not acted upon by the other body and therefore died in the 97th Congress.

Mr. Chairman, the committee has dusted off an 8-year-old study by the Department of Transportation to support their legislation. I am dusting off my speech of last year in opposition to similar legislation because I quoted a Bureau of Standards study which found:

> The available data do not lead to any conclusions on the possible energy savings, except that further studies would be expensive to perform.

Now, one of the principle arguments put forth for this legislation is that it would save energy, but the Bureau of Standards said that was not necessarily so. It is my impression that there may be a net increase in energy consumption. Additional shopping and recreational trips would be made under daylight time. One of the original purposes of daylight time was to provide people with more daylight hours for shopping and recreation in the afternoon when they get off work as they do in the big cities. If they are going to use those hours which are so generously provided by Congress, they are going to use more energy.

In Nebraska it can still be very cold in early March. School superintendents would be forced to start their school furnaces earlier in the morning to get buildings warm in time for school to start. Also, many parents feel compelled to drive their children to school rather than let them stand in the dark waiting for a schoolbus or walk or ride a bicycle to school during hours of darkness.

Furthermore, the extension of daylight saving time would have a special impact on farmers and ranchers. Many of those who work the soil these days find it necessary to have a job in town in addition to their farm or ranch work. With daylight time extended, those people will lose that extra hour or so in the morning before going to work in town or have to do their early morning chores in the dark.

During the harvest season many farmers and ranchers must wait until the Sun comes out and the dew disappears before they can begin work in the morning. This applies especially to the combining of small grains, soybeans, and making hay. If rural people are to continue their church and community activities during the evening, they must quit work earlier by the Sun, thereby losing 1 hour of worktime each day.

While this bill does provide the Federal Communications Commission authority to grant waivers for daylight only AM radio stations, these waivers will be made on a case-by-case basis further complicating the lives of these station operators. Farmers and ranchers depend heavily on the market and weather reports provided by these stations and their operating time could be delayed by 1 hour under this legislation.

Mr. Chairman, the best thing for the House to do is to vote down this legislation. Let us ring down the curtain on the daylight saving time follies.

Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was pleased to join with Chairman OTTINGER in introducing H.R. 1398, the Energy Conservation Daylight Saving Time Act of 1983, truly bipartisan legislation that will result in so many benefits for the country.

In addition to an electricity savings of approximately 100,000 barrels of oil equivalent per day during the months of March and April, this legislation will result in increased daylight recreation, tourism, and shopping prime time. I was most interested to note that during our subcommittee hearings on this legislation representatives from Southland Corp. and the National Association of Convenience Stores both testified that H.R. 1398 could well increase employment in the thousands of convenience stores around the country due to business increases resulting from extended daylight. It would be most instructive to know how many hundreds and even thousands of jobs might be created by these and other businesses whose activity will increase after enactment of our legislation.

Enactment of this bill and the increased daylight hours which it provides may result in as many as 100 fewer traffic fatalities per year in this country, according to the Department of Transportation. Also, a potential reduction in violent crime, and—as has been emphasized by the Retinitis Pigmentosa Foundation—a longer period of sight and mobility for those suffering from night blindness are other benefits which this legislation would provide.

The energy conservation and economic benefits which will result from the enactment of this legislation will occur without expanding either the Federal bureaucracy or the national debt. Unlike some other so-called energy conservation legislation, this bill calls for no Federal intrusions into the free market, no burdensome regulations for business and industry, and no increased Federal meddling in the Nation's utility systems.

While I believe this legislation will again be favored by a large majority in the House, it was clear from the debate in our subcommittee and full committee that some Members are not convinced of the value of this legislation for their district or for their State. However, our legislation allows a State to opt out of daylight saving time in whole, or if the State includes more than one time zone, in part, so that no State will be compelled to participate in daylight saving time unless it so desires.

I join with the chairman of my subcommittee in urging you to support H.R. 1398.

Mr. Chairman, I would also like to point out to my agricultural friends that I know a little bit about agriculture, since a large part of my family has been in that industry. I know that if you have milk cows, you get up when the Sun rises in the morning, or a little before, and your work ends about when the Sun goes down or a little bit afterward. Changing the time is not going to affect their workday one tiny bit.

Concerning the churches, churches start at the time that is convenient for their members. If they want to start church a little bit later, they can change the time that church starts, as most of our churches do when summertime is here, anyway, so that they will be able to enjoy a greater part of the day after church for whatever activities they may want to engage in.

The same thing is true of schools in agricultural areas. There is nothing that says that they have to start precisely at 8 o'clock in the morning. If the school board thinks it is to the best interest of the schoolchildren, they can start an hour later and they can finish their work an hour later.

Those things are not tied to the clock. They are tied to the convenience of the people in the community. But it is important that we have a national time schedule so that the television programs and other things that we are engaged in do not have to change their times for any particular locality.

□ 1315

I think this is a good bill. I think it will be an improvement of opportunity for many, many industries, especially the recreational industry, and certainly will be an advantage to the large percent of people in this country.

Mr. Chairman, I ask for an "aye" vote.

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I very much appreciate the support of my ranking minority member, the gentleman from California (Mr. MOORHEAD).

I would like to point out with respect to some of the objections that have been raised with respect to inconvenience to schoolchildren or to farmers, that the situation is identical in March and April with respect to the length of the day, as it is in September and October under the existing legislation. So there is no more inconvenience.

With respect to inconvenience to schoolchildren in the past, what actually has happened was that this caused a problem for particular school districts on the western end of a time zone and, therefore, had the most pronounced effect on the hour's difference. The school districts have, in fact, changed the school hours and been able to accommodate that particular problem.

As affects any national legislation, there are going to be particular areas that are different in different professions, and so forth. But this bill, provides for real energy savings, and provides for decreases in crime and decreases in automobile accidents, and an opportunity for additional shopping, which is particularly important to many women who will not shop during evening hours for considerations of personal safety but will shop with the extra hour of daylight in the evening that is provided during these 2 months. That is the reason that we have the strong support that we do from the shopping center community. All those considerations on a national basis, I think, make it advisable that this legislation be passed.

Mr. MOORHEAD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. OTTINGER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SKELTON) having assumed the chair, Mr. HUCKABY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1398) to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. NIELSON of Utah. Mr. Speaker, due to official business attending an education conference in Salt Lake City on Friday that necessitated my absence late Thursday evening, I was unable to be present, but had I been present, I would have voted "no" on rollcall No. 216, the McCurdy amendment, because I did not believe the supporters were sincere. Past experience had shown that they did not believe that they would do as they said. The TEFRA bill said they would cut spending by $3 for every $1 in taxes; the actual amount was 57 cents to each dollar.

Mr. Speaker, I would have voted "yes" on rollcall No. 217, the motion to recommit to get a more fiscally and responsible and fair bill.

Mr. Speaker, I would have voted "no" on rollcall No. 218, the tax decrease cap.

POLICY MADE BY ADVANCE MEN

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, on one of his numerous campaign appearances, President Reagan had the audacity to admonish Democrats not to turn education into a political football. And yet, the obvious purpose of the President's continuing road show on education is but one single thing—his own reelection next year.

A column which appeared in this morning's Washington Post entitled "Policy Made by Advance Men" clearly demonstrates just how far Mr. Reagan will go in using the education of our children for his own political gain.

The column reports the administration's policy on education is not being determined by professional educators, or those in the Department of Education, or even those responsible for policymaking in the White House. No, Mr. Speaker, the education policies of this administration are being determined by political strategists whose only concern is the President's reelection. The column even quotes the President's advisers as saying, "It's all blue smoke and mirrors."

Mr. Speaker, the President need not worry that we Democrats will turn education into a campaign football. He has single-handedly turned the whole question into a virtual political superbowl.

Mr. Speaker, I include the Washington Post article of June 27, 1983, as follows:

[From the Washington Post, June 27, 1983]

POLICY MADE BY ADVANCE MEN

(By Rowland Evans and Robert Novak)

A 28-year-old former advance man who is President Reagan's chief scheduler on May 9 wrote a six-page memorandum, long on atmospherics and short on substance, that launched the White House education blitzkrieg.

After "reviewing" the scathing report of the National Commission on Excellence in Education, Frederick J. Ryan Jr. said in the memo to his boss, White House Deputy Chief of Staff Michael K. Deaver, "I am convinced that education is an excellent issue for us to make an all out effort [sic]." What followed did not have much to do with education, but laid out a game plan branding the president's name and face on the issue.

From appearing at any meeting, any time and any place that has anything at all to do with education to abandoning Reagan's campaign pledge to abolish the Department of Education, Ryan's memo became educational policy for the Reagan administration. Reminiscent of the Nixon White House's preoccupation with how any issue would play in Peoria, the Reagan White House's education offensive suggests government by advance men.

Deaver, a super advance man, typifies the trend by recent administrations of ex-champaign workers' making policy by guessing how it will look on that night's television news programs and the next day's newspaper headlines. While only vaguely familiar with national issues, Deaver regulates the president's policy agenda by dictating where he goes and who he sees. While unfamiliar with the problems of education, Deaver seized control of the issue after the now-famous commission report was issued April 26.

Deaver delegated the details to his aide, Ryan, who as a young Los Angeles attorney was an advance man in Reagan's 1980 campaign. His memo to Deaver planned how "the news should be dominated by the administration's new thrust in education."

But no "new thrust" emerges from Ryan's prose, save for jettisoning Reagan's only 1980 campaign pledge dealing with education: abolishing Jimmy Carter's Department of Education. Offering no substantive reason, Ryan wrote that to stave off Democratic criticism, it "may be wise" to say that "because of the drastic state of affairs of the American educational system, the plans to dismantle will be delayed." Since "this may upset part of our conservative support base," he suggested a simultaneous renewed commitment to abolish the Energy Department.

That advice was followed, not to the letter but in spirit, with Reagan mothballing his old campaign pledge. But Ryan's memo concentrated on schedule, and nearly all his ideas did or will turn into presidential activity.

Reagan addressed the national PTA convention in Albuquerque, N.M., accepting

Ryan's suggestion that if offered "an excellent opportunity for a big kickoff for the education theme." Reagan's June 29 visit to the vocational education "Skills Olympics" in Louisville follows Ryan's script ("this event has great potential for reaching the blue-collar constituency"). Also proposed by Ryan was Reagan's forthcoming speech to the Los Angeles convention of the American Federation of Teachers, described in the memo as "not as critical [of Reagan] as the NEA [National Education Association]."

Ryan's proposal to address a local PTA meeting was ruled out. But other ideas mentioned in the memo still considered likely are lunching with America's teacher of the year, visiting an "Adopt-a-School" and an adult literacy program, and presenting educational awards.

Not a word was mentioned by Ryan of the one Reagan educational initiative: incentive pay for teachers. Not until after his memo was written did the White House borrow the idea from the "master teacher" plan of Tennessee's Gov. Lamar Alexander. Until then, the incentive pay issue had not been mentioned in the White House. Indeed, almost nothing about education was said there for the Reagan administration's first 27 months.

"You're right," a senior Reagan aide confided to us. "It's all blue smoke and mirrors." Nevertheless, he is euphoric that the president has pre-empted a Democratic issue. The June Washington Post/ABC poll shows voters believe Reagan policies help rather than hurt education by a 46-29 percent margin (reversing the September 1981 sentiment that they hurt more than helped, 49-28 percent). Even Mike Deaver's detractors concede that though he may not know much about education, he is a whiz at saturation scheduling of the president.

But issue polls are notoriously volatile. Merit pay is being slowly embraced by Democrats, and even the NEA is likely to back it in principle. So, thoughtful aides have started to say in private meetings that the time has come for Ronald Reagan to say some serious things about education.

That leaves the president unanswered questions: How much more should be spent on education? Who should spend it? How should it be spent? Those questions are not touched by Ryan's influential memo, but solving real problems never has been the speciality of government by advance men.

AMA RESOLUTION ON DIOXIN UNFORTUNATE

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DASCHLE. Mr. Speaker, many of us were surprised and dismayed last week when the American Medical Association (AMA) approved a resolution which in effect said that dioxin is really nothing to be worried about, that the media has exaggerated the dangers of dioxin and conducted a "witch hunt" of the chemical.

Though we all disapprove of exaggerated or inaccurate news reporting, I fail to see how the potential danger of a chemical 170,000 times more lethal than cyanide can be overstated. For the Nation's foremost medical organization to take this position is a disservice to its membership. This position flies in the face of a significant amount of scientific data which indicates otherwise.

In addition to numerous short-term effects observed in humans after exposure, there is a considerable amount of evidence linking the chemical to soft tissue cancers, and to a lesser extent, lymphatic cancer.

Dioxin is also carcinogenic in animals, teratogenic (causes abnormal development of the fetus), and fetotoxic (causes death or other adverse health effects in fetuses) in very small amounts. These are scientific facts, not hearsay.

If the dangers of dioxin are exaggerated, why has the EPA for the last 10 years been trying to have chemicals containing dioxin banned from the marketplace? If the concerns about dioxin are exaggerated, why is the Federal Government sponsoring over $100 million worth of research efforts on the chemical? Finally, if the concerns about dioxin are exaggerated, why has the administration bought out Times Beach?

As the following article reports, there is a great deal of consternation and concern in the medical community about the AMA position. There is certainly no unanimity on these views.

EXPERTS DENOUNCE AMA STAND ON DIOXIN—REAGAN APPLAUDS POSITION THAT IT IS NOT A PROVEN HEALTH THREAT

(By Casey Burkro)

A specialist in environmental health Thursday called the American Medical Association incompetent and ignorant for contending that dioxin is not a proven health threat, a stance applauded here by President Reagan.

"The AMA's contribution in this area is a profound disservice and consistent with their established record of extreme conservatism and lack of information and demonstrated lack of concern for preventive medicine," said Dr. Samuel Epstein, professor of occupational and environmental medicine at the University of Illinois Medical Center in Chicago.

Attacking the AMA for a lack of expertise in environmental problems, Epstein said the nation's largest medical association demonstrates "overwhelming incompetence and ignorance in the area."

The AMA's House of Delegates voted Wednesday to adopt a resolution calling for a public information campaign on dioxin to "prevent irrational reaction and unjustified public fright." The 351-member body also vowed to "prevent dissemination of possible erroneous information."

While much of the reaction to the AMA move evoked puzzlement and consternation, it met with approval by Reagan, who addressed the annual AMA meeting here Thursday. Reagan called the resolution "a positive step toward a more reasonable public debate" on the subject of health and the environment.

The AMA action touched off a flurry of controversy among medical authorities over the threat of dioxin, the discovery of which in trace amounts resulted in the evacuation of Times Beach, Mo. The relocation was followed by the U.S. Environmental Protection Agency's offer to buy the town for $33 million because it was considered unsafe for human habitation.

It is a classic environmental conflict, pushing dioxin to the forefront of a long dispute over the safety of long-term exposure to small amounts of chemicals in the environment. Scientists have argued both sides of the issue for years, often leaving the public to wonder which set of experts to believe.

Dioxin, a component of the chemical defoliant, Agent Orange, also is blamed for sickening thousands of Vietnam veterans who were exposed to the defoliant, used to kill trees in battle zones.

Dioxin, an unwanted byproduct of chemical manufacturing, has been found in the production of herbicides and in face cleansers.

Dr. Renate Kimbrough, a toxicologist for the Center for Environmental Health in Atlanta, said dioxin is a major avenue of health research at the Centers for Disease Control. This includes tests on Times Beach residents and on Vietnam veterans.

"Some of the results seem to indicate problems," she said, adding that there is no doubt that dioxin is a valid health concern.

"I don't understand what they are doing." Dr. J. Donald Ostrow, a Northwestern University professor of medicine who has researched dioxin, said of the AMA action. In his research laboratory, Ostrow noted, dioxin is labeled as a "biohazard," disposed of "in the same fashion as radioactive waste."

The precaution he takes is "not based on newspaper reports; it's based on scientifc information." The use of dioxin is rigidly controlled by the federal government because "that's how dangerous the government considers it," he said.

"There is no question that, in animals and humans, it is toxic," Ostrow said. Research indicates that dioxin in the body acts on enzymes, which are biological chemicals.

"Carcinogens in the environment are not in an active form," Ostrow said. "They almost always have to be activated by an enzyme. Dioxins usually stimulate the activating enzymes."

Carnow, Conibear & Associates, a Chicago consulting firm on occupational and environmental health, distributes a fact sheet on dioxin that calls it "the most potent of all manmade chemicals."

Some medical researchers challenge this description because the dangers of toxic chemicals depend on how much chemical a person is exposed to and how long the exposure lasts.

Carnow, Conibear contend that dioxin can damage several human organs, including the liver, kidneys, gastrointestinal system, brain and nervous system, skin and reproductive organs.

An Oct. 1, 1981, technical report on the health effects of Agent Orange and dioxin, which was cosigned by the AMA, calls dioxin "an inducer of cancer in some strains of rats and mice" but adds that the effect on human beings is uncertain.

James H. Sammons, the AMA's executive vice president, said Thursday, "There is not sufficient evidence to prove that dioxin is responsible for those things some people says it is responsible for."

The conflict often revolves around whether animal-testing data can be applied to human beings. Although dioxin is fatal to guinea pigs, some researchers argue that the effect on humans is more likely to be serious outbreaks of acne.

Rep. John T. O'Connell (D., La Grange), is chairman of the Illinois Agent Orange Study Commission, which has held eight public hearings to hear testimony from Vietnam veterans and their families.

"We've had a commonality of testimony that is striking as to their experience since leaving Vietnam," O'Connell said. These include skin, kidney and nerve disorders and birth defects.

"If the AMA can make a statement that dioxin is not harmful, why is the federal government spending $33 million to buy out Times Beach?" he asked.

Robert L. Metcalf, biology and environmental studies professor at the University of Illinois, said it is "unwise to minimize the hazards of dioxin to humans, especially over a longtime exposure."

CENTRAL AMERICAN REFUGEES: SOCIAL AND ECONOMIC CONSEQUENCES FOR THE UNITED STATES

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, U.S. policy in Central America continues to be one of the most emotional and controversial issues in Congress. The debate to date has focused primarily on the security issues in question. However, I believe that the social and economic consequences of continued political deterioration in this region may be even more important. If Communist governments come to power and persecute their domestic populations then we can expect to see a massive influx of refugees into the United States. Historical experience certainly bears this out. The cost, both in dollars and in social and economic terms, would be tremendous. Obviously, this issue warrants our concern and must be brought to the attention of the American people.

A QUESTION OF NUMBERS: HOW MANY REFUGEES?

In attempting to assess just how many refugees might eventually attempt to enter the United States, the task force has utilized a straightforward methodolgy which establishes data based upon past refugee trends.[1] The basis for these figures is fairly simple. If one looks at recent refugee trends, it is clear that the United States is almost invariably the preferred final destination. Furthermore, it appears that a general rule of thumb can be established regarding the percentage of a nation's population which in the final analysis ends up in the United States. For example, since Cuba fell to Communist revolutionaries over 1 million Cubans have come to the United States. This represents over 10 percent of the Cuban population. One could use this as a baseline percentage, but a more conservative figure of 8 percent would seem to represent the normal refugee pattern (NRP). For example, the number of Afghan refugees in Pakistan is estimated at 2.5 million or approximately 16 percent of the total Afghanistan population. However, because of the varying proximity of the Central American countries to the United States, the NRP of 8 percent would appear the best measure of what might be expected. When this figure is applied to the present populations of the Central American nations, the potential results are staggering.

Country	Population	8 percent refugees to United States	10 percent refugees to United States
Costa Rica	2,400,000	192,000	240,000
El Salvador	4,700,000	370,000	470,000
Guatemala	7,500,000	600,000	750,000
Honduras	4,100,000	328,000	410,000
Nicaragua	2,600,000	200,000	260,000
Panama	2,000,000	160,000	200,000
Totals	23,300,000	1,850,000	2,330,000

As this table indicates, the refugees from these six countries could total upward toward 2.3 million people. If one takes into consideration the population of Mexico, a country which many analysts believe is already very vulnerable to leftist insurgency, then the numbers are even more imposing.

	Population	8 percent refugees to United States	10 percent refugees to United States
Mexico	67,000,000	5,360,000	6,700,000
Total	90,300,000	7,210,000	9,030,000

In the case of Mexico, these figures may themselves prove very conservative. There is no way of telling just how many people might try to cross the Mexico-Texas land bridge to flee Communist persecution and oppression. As our present experience illustrates, the Rio Grande is hardly an imposing obstacle to determined people attempting to get into the United States. One can imagine that this determination will be greatly increased if political violence is the impetus for increased flows of Mexicans.

Thus if one takes a look at these figures a number of disturbing possibilities emerge. For example, if one looks only at El Salvador, the fall of that Government and the entrenchment of a leftist government of the Cuban model would probably mean that 300,000 to 400,000 El Salvadorans might suddenly be attempting to gain entry to the United States. If one proceeds one step further and we look at the region as a whole, including Mexico, then the total figure becomes staggering, perhaps as high as 9 million people.

THE COST

A related question which arises if one tries to assess the potential impact of this kind of exodus is just how could our Nation cope financially. Certainly, the American taxpayer would inevitably be forced to bear the financial burden of paying for the upkeep of these refugees. What would the cost be? According to the Department of State, the average cost of providing for a refugee in the United States is between $3,500 and $4,500. This includes the cost of living, eating, and medical expenses at the Federal and State level. The following table illustrates just how much money it would take to provide for refugees from each one of the the Central American countries, as well as for the total including Mexico.

	8 percent refugees to United States	Cost to United States
Country:		
Costa Rica	192,000	$672,000,000
El Salvador	370,000	1,295,000,000
Guatemala	600,000	2,100,000,000
Honduras	328,000	1,148,000,000
Nicaragua	200,000	700,000,000
Panama	160,000	560,000,000
Total	1,850,000	6,475,000,000
Mexico	5,360,000	18,760,000,000
Combined total	7,210,000	25,235,000,000

As one can see from these projections, the potential costs could be astronomical if even one of these nations does fall and normal refugee patterns are followed. And these figures do not cover ancillary costs which might be involved such as increased security, et cetera, which would be an inevitable addition. Using the conservative estimate of 8 percent NRP and the lower cost figure of $3,500 per refugee, the potential price tag for the American taxpayer if just El Salvador fell to Communist insurgents could well total over $1 billion.

In the event that Mexico eventually fell to Communist insurgents and was included in these calculations, then the number of potential refugees could be over 7 million with an estimated cost of over $25 billion to the U.S. Treasury.

If one uses the higher estimates of 10 percent potential refugees and an average cost of $4,500 per refugee, then the figures become even more astronomical. The number of potential refugees then approaches 9 million people with a possible cost of over $40 billion, or approximately $425 for every American taxpayer.

THE IMPACT ON THE AMERICAN JOB MARKET

The impact of a massive influx of refugees on the employment situation would also be dramatic, particularly in the unskilled labor positions where unemployment is already high.

The current workforce of the United States is a little over 112 million Amer-

[1] Congressional Briefing Paper presented by Ambassador-at-Large H. Eugene Douglas, U.S. Coordinator for Refugee Affairs, May 17, 1983.

icans. With current unemployment running at approximately 11.2 million people or 10.1 percent of the workforce, any new influx of labor will have a significant effect on competition for jobs. The following table illustrates some possible consequences of additional laborers on the current U.S. unemployment rate.

Country	8 percent refugees	In percent— Current unemployment rate	In percent— Present rate with refugees added
Costa Rica	192,000	10.1	10.17
El Salvador	370,000	10.1	10.24
Guatemala	600,000	10.1	10.33
Honduras	328,000	10.1	10.22
Nicaragua	200,000	10.1	10.17
Panama	160,000	10.1	10.15
Subtotal	1,850,000	10.1	10.83
Mexico	5,360,000	10.1	12.21
Total	7,210,000	10.1	12.92

Unquestionably, the impact on the employment situation in the United States in the event of the complete collapse of even one of these Central American governments would be significant. A chain reaction would over time have a very dramatic effect on American unemployment. And if the conservative 8 percent NRP proved too low, as many observers argue it might be, then the impact could be even greater. If one uses the 10 percent refugee trend figure, then the U.S. unemployment rate could go as high 13.5 percent.

Certain unemployment sectors would show even more dramatic increases as most of the new arrivals in the United States would have minimal skills, be poorly educated, and speak little English. Job competitions in low skill service industries would be intense and the unemployment rate in these sectors would skyrocket since the impact of these new refugees on the entire job spectrum would be uneven. White-collar jobs would be less vulnerable, but blue-collar jobs would be under great pressure.

Geographically, the impact would also fall unevenly, with Southern States receiving much higher numbers of refugees than other regions in the country. Indeed, these States would experience much highter unemployment rates than the rest of the Nation.

LET US PROTECT THE SOCIAL SECURITY DISABILITY PROGRAM

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, last week, the House Select Committee on Aging, of which I am a member, held hearings on the administration's most recent proposals for the social security disability insurance (SSDI) program. Members of this body should be aware of the findings of that hearing; specifically, that the administration's plans will result in an even greater hardship on disabled American elderly than they have been suffering for the past 2 years. We must not allow this to happen.

In an effort to quell criticism of its SSDI case reviews, the administration has announced its plans to temporarily suspend the reviews of certain mentally impaired beneficiaries. While this is a welcome relief for those individuals, it will increase the review rates of other beneficiaries—especially older people with cardiac problems who represent the largest beneficiary group. Others who will become more vulnerable are the elderly suffering from circulatory and respiratory disorders and arthritis.

These older Americans, who worked as long as they were able, and who earned social security disability benefits as they worked, should not be further subjected to the administration's bureaucratic zeal and insensitive implementation of the 1980 Social Security Disability Insurance Amendments. At the time that legislation was passed, social security officials projected that case reviews would reduce total benefit payments by about $218 million over 4 years. However, even with the proposals announced by the administration, Social Security now predicts that benefits will be cut by about $2.7 billion—12.3 times the amount of reduction which Congress has expected.

Another of the administration's alledged reforms would, in fact, be a step backward. Last year, the Social Security Administration terminated benefits for approximately 250,000 SSDI beneficiaries. Nearly two-thirds of these people were later found to have been mistakenly cut off from benefits they both need and deserve. Because the administration's high error rate was causing such severe hardship, Congress passed legislation in December to continue paying benefits to SSDI beneficiaries until all avenues of appeal are exhausted. The administration now wants to stop payments after the first reconsideration hearing. This would result in many deserving people going for 8 months or longer without benefits.

More than one-quarter of the population over the age of 55 is severely disabled. Most of these people will never receive social security disability benefits even though they could qualify. Nevertheless, the administration will spend up to $350 million in fiscal year 1983 to terminate benefits to as many as 400,000 beneficiaries. Experience has shown that most of those terminated will be unjustly cut off from their major source of income, from social security disability benefits which they have earned.

Mr. Speaker, the administration has failed its responsibility to Congress and the American people to be the guardian of the social security disability insurance program. Now, rather than having confidence that the SSDI program will be there when they need it, American workers are once again fearful of becoming disabled and destitute. The administration's current efforts to redeem itself are not an adequate response to their trepidation. Still more needs to be done.

The administration must begin by slowing down the case review process. A reduction in the number of cases reviewed each year will foster greater accuracy in terminations, and will clear up the backlog of appeals which results in unconscionably long waiting periods for terminated beneficiaries.

Second, the administration should return to the medical improvement standard. Prior to 1976, it was Social Security's policy to not terminate a disability beneficiary unless his condition had improved. Since that time, this standard has not been used, and persons originally found to be disabled are now being judged by a different standard. The General Accounting Office has found that as many as 35 percent of those being terminated today are in the same or worse medical condition than when they were originally found disabled. Social Security says its new, stricter guidelines are proper even though at least four court case have struck down this policy. A person's medical condition should be improved, or his vocational skills enhanced, before his benefits can be cut off.

Next, more emphasis should be placed on the medical records of the beneficiary's treating physician. In my congressional district, one heart patient was terminated despite the opinon of his doctor. The doctor happened to be the Director of Cardiovascular Diseases at the Kansas University Medical Center. Too often, the Social Security Administration overlooks the treating physician's records, and depends on the evaluation of a doctor in a nonrelated specialty made in a matter of minutes. This must stop.

Finally, consideration should be given to providing States with additional funding for retraining and employment services for those who lose their benefits. According to the social security law, a person's impairment must be so severe that he is not only unable to do his previous work but cannot, taking into consideration his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy. It does not matter whether such work exists in the area

where the person lives, or whether he could get the job if he applied. Two-thirds of those denied social security disability benefits never return to work. Of those who do, very few are able to earn more than $6,000 a year. This presents a severe hardship on the families of the disabled, and also on the States which have experienced increased welfare costs as a result of the administration's policies. We should have compassion for these disabled, and help retrain them, rather than dump them on the streets.

Mr. Speaker, social security disability insurance is a commitment our government has to the American worker, a commitment the success of which has blurred but not erased the haunting memories of a time when the disabled were forced to live lives of unspeakable degradation. We are the most powerful and wealthy country in the world, but in the end, we will not be judged by these, rather by the way we provide for the less fortunate among us. Let us not retreat from the challenge. Let us find a way to allow all Americans to live in dignity. Let us protect the social security disability program.

BONNEVILLE POWER ADMINISTRATION HAS NO AUTHORITY TO PROVIDE FUNDS FOR CONTINUED CONSTRUCTION OF WPPSS 1, 2, OR 3

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, the Bonneville Power Administration (BPA) has proposed to spend $168 million during fiscal years 1983, 1984, and 1985 directly for construction on Nuclear Project No. 2 of the Washington Public Power Supply System (WPPSS 2). BPA claims that these expenditures are necessary because WPPSS is now unable to obtain sufficient funds from selling bonds to complete this project. Until now, all funds for construction of WPPSS 2 have been provided from the proceeds of WPPSS bonds.

While BPA may have statutory authority to pay debt service on bonds issued by WPPSS to finance construction, BPA has no authority to make outlays of money, whether directly or through net billing, to support WPPSS construction. Any such outlays by BPA would be subject to challenge in Federal court.

I. BPA DERIVES NO AUTHORITY TO PROVIDE FUNDS FOR WPPSS CONSTRUCTION FROM THE FISCAL YEAR 1971 APPROPRIATIONS ACT PURPORTEDLY AUTHORIZING NET BILLING FOR THE WPPSS PROJECTS

The Public Works Appropriations Act for fiscal year 1971 provided the following authority for BPA with respect to the WPPSS projects:

> For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, $91,600,000, to remain available until expended: *Provided*, That nor more than $150,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements relating to three non-federally financed generating plants proposed under the hydro-thermal program to be sponsored jointly or severally by the Washington Public Power Supply System, Seattle City Light, Tacoma City Light, Snohomish County PUD and the Puget Sound Power and Light Company, pursuant to which the Bonneville Power Administration will acquire from preference customers and pay by net billing for generating capability from non-federally financed thermal generating plants in the manner described in the committee report.

Even if it is assumed that this statute properly authorized net billing for the WPPSS projects, it twice refers to these projects as "nonfederally financed generating plants." This language affirmed recognition by Congress that these projects were to be financed by the issuance of bonds by the project sponsors, not by outlay of Federal funds by BPA.

This statute also refers to the committee report. The report of the House Appropriations Committee stated:

> The program includes the construction of seven thermal generating plants between 1971 and 1981. None will be federally constructed, financed or owned. The committee approves implementation of the remainder of the program by the use of net billing as the means of affecting payment by the Bonneville Power Administration for part or all of the generating capacity of nonfederally financed thermal plants, under suitable agreements between Bonneville Power Administration and preference customers to accomplish this purpose. H.R. Repot No. 91-1219, p. 90 (June 18, 1970).

The Senate Appropriations Committee concurred that BPA would "acquire from a date certain, on a cost basis, the preference customers' rights to the generating capability of nonfederally financed plants whether or not they are operable." Senate Report No. 91-1118, p. 56 (August 12, 1970).

Both committee reports, then, approved projects that would be nonfederally financed and would not be federally constructed, financed, or owned. BPA outlay of funds for construction of the WPPSS projects would directly contradict the provisions of the Public Works Appropriations Act for fiscal year 1971 and the congressional reports referred to in the statute.

The House and Senate hearings preceding enactment of this statute contain numerous denials that BPA would be putting up the money for thermal powerplant construction. Tables showing "Estimated Investment Requirements for the Pacific Northwest Power System" show zero for "thermal generation" under the "Federal" category. Senate Appropriations Committee, Hearings on Public Works Appropriations for fiscal year 1971, p. 11 (April 14, 1970); House Appropriations Committee, Hearings on Public Works Appropriations for fiscal year 1971, p. 832 (1970). At the House hearings, BPA explained its proposed authority as follows:

> There is no express authority authorizing these purchases to which you can point your finger and say Congress expressly said you could do this. These net billing agreements are part of the security behind *the bonds that the public agencies will issue to supply the funds with which to build these plants.* Since these bond issues involve such substantial amounts of money, the bond counsel and the underwriting bankers have requested that Congress give express recognition to this existing implied authority to acquire the power. House Appropriations Committee Hearings, pp. 867-68 (1970) (Kenneth Kaseberg, BPA Counsel) (emphasis added).

Thus, the House was told that the projects would be financed by bonds issued by the public agencies, including WPPSS, but not by outlays of money by BPA.

Congressman Robison sought and received further clarification.

> Mr. ROBISON. Federal moneys are to be used in some indirect fashion toward the cost of construction of these privately-owned, privately-constructed facilities?
>
> Mr. RICHMOND (BPA). No, sir.
>
> Mr. ROBISON. They will not?
>
> Mr. RICHMOND (BPA). That is correct. (p. 863)

Congressman WHITTEN then explained his understanding of the arrangements.

> From a policy standpoint, BPA cannot build thermal plants. Under the plan, you are contracting to buy power from the public agencies who can legally build thermal plants. They can't finance their share of the cost without BPA's guarantee to purchase the power output. *They take your contract, borrow the money, build the plant, and BPA ends up with a thermal power source* • • •.
>
> My point is that you are not authorized to build thermal plants. However, these public agencies do have the authorization. Having no money, *they take your contract to buy their power, borrow to finance their share of the plant, and BPA ends up with a supply of thermal power* which it cannot provide directly by construction of the facilities • • •. (p. 864) (emphasis added)

The BPA Administrator agreed "that Bonneville will acquire power from publicly financed steamplants on a long-term basis." (p. 864) Mr. Robison later added:

> BPA is not going to build the plant, as I understand it . . . . *They* [the public agencies] borrow the money to pay for it, and the Federal Government through BPA is helping them to arrange the financing with respect to *their* borrowing. (p. 870) (emphasis added)

As far as outlays were concerned, the BPA Administrator assured the Senate Appropriations Committee that the "Federal effort is related entirely to transmission and hydrofacili-

ties," to which Senator Ellender replied: "I hope you will not ever get the Federal Government into steam production." Senate Appropriations Committee hearings, page 39 (1970).

Neither BPA nor either House of Congress contemplated that BPA would supply funds for the construction of the WPPSS projects. BPA's present contrary assertion is squarely contradicted by the statutory language, the committee reports, and the discussions during the hearings.

Both the House and Senate reports also requested that BPA submit the proposed net-billing agreements to their respective appropriations committees at least 60 days prior to their execution by BPA. The agreements BPA submitted for WPPSS 1, 2, and 3 did not provide for BPA outlays for construction of these projects. Under these contracts, BPA is authorized to pay, through the net-billing arrangement, the amount of each participant's billing statement, which is based solely upon the annual budget. The annual budget "itemizes the projected costs of the project applicable to such contract year." Specifically—

It makes provision for all of Supply System's costs, including accruals and amortizations, resulting from the ownership, operation (including cost of fuel), and maintenance of the Project and repairs, renewals, replacements, and additions to the Project, including, but not limited to, the amounts which Supply System is required under the Project Bond Resolution to pay in each Contract Year into the various funds provided for in the Project Bond Resolution for debt service and all other purposes. Net Billing Agreement, section 1(a).

Deliberately missing from this list of appropriate costs are those arising from construction of the project, because construction is to be funded not from the annual budget but from the separate Construction Budget provided for in each WPPSS Project Agreement.

The "Construction Budget" means the budget adopted by the Supply System which sets forth an estimated schedule of construction expenditures and itemizes all costs related to ownership, design, planning, construction, and financing of the Project, as well as any revision or updating thereof during the course of construction. Project Agreement, section 1(d).

Congress could not have understood that these agreements in any way contemplated BPA funding of WPPSS construction. In addition, these agreements were submitted to the congressional committees after enactment of the Public Works Appropriations Act for fiscal year 1971, so any possible opportunity in these agreements for BPA to provide construction funds—although no such possibility exists, short of amendment to the contracts—does not establish any congressional authorization or acquiescence in any plan by BPA to make outlays for project construction.

II. BPA DERIVES NO AUTHORITY TO PROVIDE FUNDS FOR WPPSS CONSTRUCTION FROM THE FEDERAL COLUMBIA RIVER TRANSMISSION SYSTEM ACT OF 1974

The Federal Columbia River Transmission System Act of 1974 authorizes BPA to finance only the construction of transmission system improvements, not powerplants. It authorizes BPA to make expenditures from the BPA fund—consisting of rate revenues and proceeds of BPA bond sales—to "purchase electric power on a short-term basis to meet temporary deficiencies in electric power which the Administrator is obligated by contract to supply" or "if such purchase has been heretofore authorized or is made with funds expressly appropriated for such purchase by the Congress." 16 U.S.C. 838i(b)(6). It does not authorize BPA to make outlays for construction of the net-billed projects or any thermal powerplant whatever.

III. BPA DERIVES NO AUTHORITY TO PROVIDE FUNDS FOR WPPSS CONSTRUCTION FROM THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT OF 1980

The Pacific Northwest Electric Power Planning and Conservation Act of 1980, known as the Regional Act, mentions the WPPSS projects only once. It provides that the Federal base system includes the Federal Columbia River Power System hydroelectric projects and "resources acquired by the Administrator under long-term contracts in force on the effective date of this Act." 16 U.S.C. 839a(10). This language does not authorize BPA to make any outlays for WPPSS construction; it merely refers to the previously executed contracts.

The congressional committee reports accompanying the Regional Act clarify the understanding of Congress on BPA's authority to construct powerplants. The House Interior Committee report stated:

BPA has no express authority to own, construct, or purchase the output or capability of electric generating plants except to meet short term deficiencies. H. Rept. No. 96-976 Part II, p. 27 (September 16, 1980).

The House Commerce Committee agreed.

BPA is not authorized by law to construct additional resources on its own. H. Rept. No. 96-976 Part I, p. 24 (May 15, 1980).

The Senate Energy Committee stated:

The Administrator was not authorized to construct or operate either hydro or thermal electric generating facilities. S. Rept. No. 96-272, p. 17 (June 30, 1979).

These statements of BPA's pre-Regional Act authority flatly contradict BPA's new assertion that it has authority to make outlays for WPPSS construction. If BPA is not authorized to construct powerplants, it is certainly not authorized to make outlays of funds to continue construction on powerplants owned by other entities.

In sum, BPA's authority with respect to the WPPSS projects is limited to that provided by the Public Works Appropriations Act of 1971. This statute may have authorized BPA to pay debt service on bonds issued by WPPSS to provide the funds for construction of WPPSS 1, 2, and 3, but it certainly did not authorize BPA to provide the construction funds itself.

Now, the BPA Administrator has stated his intention to pay directly from BPA funds some $168 million for construction of WPPSS 2 and $94.6 million for rampdown and preservation of WPPSS 3 during fiscal year 1983, 1984, and 1985.

If the BPA administrator persists in his plan to spend hundreds of millions of dollars from the BPA fund on construction of WPPSS 2 and preservation of WPPSS 3, I now put him on notice that title 31, section 1341 of the United States Code forbids "an officer or employee of the United States Government * * * (to) make or authorize an expenditure or obligation exceeding the amount available in an appropriation or fund for the expenditure or obligation." It also prohibits any officer or employee from involving the Government "in a contract or obligation for the payment of money * * * unless authorized by law." Violation of these provisions carry criminal penalties: up to $5,000 in fines, 2 years in prison, or both. (31 U.S.C. 1350.)

I also warn contractors working on the WPPSS projects: Do not expect to receive payment for your work beyond the funds WPPSS has obtained through sales of bonds. BPA cannot lawfully pay you from BPA funds for construction work on the WPPSS projects. Even if you somehow receive payment, the Federal Government can always recover these funds from you later. The Federal courts have repeatedly ruled that the United States has inherent authority to recover sums which have been paid wrongfully, erroneously, or illegally. Your only recourse will be to sue the Federal officers who unlawfully authorized the payments to you. In that case, the BPA Administrator and other Federal officers may be found personally liable to pay the amounts unlawfully authorized, if the courts rule such authorization to have been undertaken outside the officer's scope of employment.

I will conclude by adding that any attempt by the BPA to underwrite a new short-term loan to finance WPPSS No. 3 would be most imprudent. Borrowing short for long-term construction is an invitation to disaster.

The Subcommittee on Mining, Forest Management and Bonneville Power Administration, which I chair, will be monitoring closely the action of the BPA in these matters.

□ 1340

REVITALIZING OUR NATION'S INDUSTRIAL BASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, I am today introducing legislation with my colleague from New York (Mr. CONABLE), aimed at revitalizing our Nation's industrial base, where the need for plant and equipment rebuilding is greatest and unemployment is highest.

Our legislation, the Work Opportunities and Renewed Competition Act of 1983 (WORC), is designed to make certain that the nascent economic recovery we have underway will be built and sustained by growth in capital investment. WORC will allow companies to modernize now so that we can emerge from the recession with a competitive industrial and service economy.

History tells us, Mr. Speaker, that if we are to retain our position as the world's leading industrial power, ready to flex our economic prowess, we cannot be a land of smokeless smokestacks. We must explore entrepreneurial frontiers, but we must also retool our vital, basic industrial foundation. To accomplish this goal, we are proposing a one-time progam structured to unlock earned, but unused, investment tax credits when there is reinvestment in new equipment and plants.

The reason we need this legislation, Mr. Speaker, is quite simple. Today the investment tax credit is not functioning as an incentive for capital investment for many companies, particularly those in basic industries. The problem is that while these companies have continued to make heavy investments which generate the credits, in fact $94.64 billion in 1981, the companies have not had sufficient profits recently to absorb the credits against their tax liability. Indeed, nearly 20 percent of the top 500 industrial corporations and two-thirds of the major transportation industries have not been able to utilize fully all of the investment tax credits which have been earned through 1982. By restricting these companies from access to the ITC's, the after-tax cost of their capital is increased, and they are placed at an automatic competitive disadvantage.

WORC would end this inequity by allowing companies unused investment tax credits prior to 1983 to obtain 85 percent of the value of their credits if and when they reinvest in new plant and equipment. In order to insure immediate help to the economy, the reinvestment would have to be made between October 1, 1983, and December 31, 1984. WORC contemplates that the remaining 15 percent of the credit value be dedicated for assistance to workers in industries affected by the recession. WORC requires that companies which obtain these funds pay back to the Treasury not just the 85 percent, but the other 15 percent as well. The principal steps in the operation of the new reinvestment credit mechanism can generally be described as follows:

(A) REINVESTMENT CREDIT ELECTION

Anticipating its inability to use its accumulated ITC's in 1983 through 1985, the company elects to treat all of its 1982 carryovers as the reinvestment credit. These ITC's then cannot be used as carryovers in such years even if the company's tax liability increases due to higher profits.

(B) REINVESTMENT

As the company reinvests in kinds of machinery and equipment in which it has previously invested—not in new business ventures—the Treasury will pay the company an amount equal to 85 percent of the costs of such reinvestments, but not more than 85 percent of the total reinvestment credit relinquished to Treasury.

(C) MANDATORY REPAYMENT

Beginning in 1986 and continuing through 1990, the company must repay the full amount of the reinvestment credit—not just the 85 percent payments—at a rate of 20 percent per year. It is possible that the company will repay a portion of the reinvestment credit prior to the 5-year payback schedule. This can result from an increase in profits in the mid-1980's, that raise tax liability in the absence of the foregone ITC's. This higher tax will reduce the mandatory taxes payable in 1986 through 1990.

(D) REINSTATEMENT OF CREDITS

As the company makes its mandatory repayments in 1986 through 1990, an equal amount of the reinvestment credit will be reinstated as ITC's. However, such reinstated ITC's will have lost the same number of years from the normal 15-year carryover period as though they had been available in every year since 1982.

(E) PENALTIES

Companies claiming more reinvestment credit than the amount to which they are entitled will be penalized. Companies that elect less than the maximum reinvestment credit will also be penalized.

Thus, the concept is a discounted loan through the tax system. The payback mechanism insures higher revenue—which would be reflected in the budget—in the later years—a time it is critical we contain and conquer our massive Federal deficits.

Mr. Speaker, the legislation we are introducing today can swiftly and decisively turn around the decline in our aging industrial sector. It responds to the festering cry that our Nation is losing the battle for our economic future. The proposal is important for a variety of reasons.

A defense force second to none can only be real if we are an industrial power second to none. It is folly to think that we can rely on other countries to supply our material demands in time of national emergency. Our defense posture must be built on an industrial base that is capable of quick expansion to support mobilization required for national security needs.

Second, Mr. Speaker, as many newfound gurus of high-tech policies trumpet their buzzwords on how our future lies in the aggressive pursuit of high technology industries, I think it is abundantly clear one sector can not survive or flourish without the other. High-tech is not a panacea. Our Nation is one of goods and services, and we must create an environment in which both operate in a compatible arena.

Moreover, 4½ million Americans rely on jobs in the basic industry sector. Writing off the basic industries such as steel, automobiles, mining, transportation, and chemicals will mean writing off millions of jobs. Other sectors in our economy cannot absorb most of these workers.

The legislation is vital to all industry in our efforts to regain our competitive edge in world markets. Years of anemic productivity, sagging profits, and protractedly high interest rates have led to a decline in our ability to compete abroad. The call for trade restrictions to protect our industry from foreign competitors will make our industry less competitive, not more, and may cut off the fragile recovery we are seeing globally. Our bill will allow us to meet our competitors outright with better products and technology.

Mr. Speaker, the legislation we are introducing today is not a veiled attempt to give industy a tax break. It is nothing more than a proposal which unlocks earned tax credits creating more jobs, and making American industry more productive.

It is a proposal which has been widely endorsed by both labor and management. Already, the House Steel Caucus has endorsed our bill, and I expect many other groups and organizations to come forward with their comments on how the proposal will foster a healthier, more productive industrial and service economy.

I hope we will act quickly on the legislation so that we may put tools in the hands of the millions of Americans who are wanting to work.

The bill follows:

H.R. 3434

A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Work Opportunities and Renewed Competition Act of 1983."

(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment or an insertion is expressed in terms of an amendment to, or an insertion of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXCESS INVESTMENT CREDIT TREATED AS REINVESTMENT CREDIT.

(a) DETERMINATION OF EXCESS INVESTMENT CREDIT AMOUNT; ELECTION OF REINVESTMENT CREDIT.—Section 46 (relating to the amount of the investment credit) is amended by inserting after subsection (h) the following new subsection (i):

"(i) ELECTION TO TREAT EXCESS INVESTMENT CREDIT AS REINVESTMENT CREDIT.—

"(1) IN GENERAL.—The taxpayer may elect to treat all or any amount of the excess investment credit for the excess credit year as the reinvestment credit for purposes of section 59. In the case of a taxpayer electing under this subsection, the excess investment credit shall not be an investment credit carryback or carryover under subsection (b) except as provided under paragraph (4) thereof.

"(2) TIME AND MANNER OF MAKING ELECTION.—

"(A) IN GENERAL.—An election under this subsection with respect to the excess investment credit for the excess credit year shall be made not later than the later of—

"(i) the last day, including any extension of time, for filing the taxpayer's return of tax imposed by this chapter for the excess credit year, or

"(ii) 180 days after the date of enactment of this subsection.

"(B) CONSOLIDATED RETURNS.—

"(i) AFFILIATED GROUPS AS OF THE END OF THE EXCESS CREDIT YEAR.—In the case of an affiliated group (as defined in section 1504(a)) of corporations that make a consolidated return under section 1501 for the excess credit year, the election under this subsection shall be made by the common parent and shall apply to the consolidated excess investment credit of members of such group except a member of such group that is subject to clause (ii).

"(ii) MEMBERS ADDED TO AN AFFILIATED GROUP AFTER THE END OF THE EXCESS CREDIT YEAR.—In the case of a corporation which becomes a member of an affiliated group after the end of the excess credit year of such group, the election under this subsection shall be made only by such member and shall apply only to the excess investment credit of such member.

"(C) IRREVOCABLE.—The election made under this subsection shall not be revoked, and the amount elected shall not be changed.

"(D) FILING.—The election under this subsection shall be filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the current taxable year.

"(3) DEFINITIONS.—

"(A) EXCESS INVESTMENT CREDIT.—For purposes of this section, the term 'excess investment credit' means the excess of—

"(i) the amount of credit determined under subsection (a)(1) for the excess credit year, as of the close of such year, determined without regard to—

"(I) subsection (a)(1)(C), and

"(II) any amount attributable to the employee plan credit (within the meaning of section 48(o)(3)), over

"(ii) the sum of—

"(I) the limitation determined under subsection (a)(3) for the excess credit year, determined without regard to any carryback of a net operating loss determined under section 172, a net capital loss determined under section 1212, or a foreign tax credit determined under section 904, to the excess credit year or any taxable year preceding such year from a taxable year ending after such year, plus

"(II) the amount of carryback from the excess credit year allowable under subsection (b)(2).

"(B) EXCESS CREDIT YEAR.—For purposes of this subsection, the term 'excess credit year' means the last taxable year which ends before January 1, 1983.

"(4) SPECIAL RULE FOR REVOCATION OF A NET OPERATING LOSS CARRYOVER ELECTION.—Notwithstanding the last sentence of section 172(b)(3)(C) (relating to an election to relinquish a net operating loss carryback), in the case of an election made under such section prior to the enactment of this subsection to relinquish the carryback period with respect to a net operating loss for the excess credit year, such election shall be revoked if the taxpayer—

"(i) elects under paragraph (1) to treat all of the excess investment credit attributable to such revocation as reinvestment credit for purposes of section 59, and

"(ii) attaches a statement of revocation of the election made under section 172(b)(3)(C) to the election made under paragraph (1)."

(b) REINVESTMENT CREDIT.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by inserting after section 58 the following new part and new sections:

"PART VII—REINVESTMENT CREDIT

"SEC. 59. Reinvestment Credit.

"SEC. 60. Recapture of Reinvestment Credit Refunds.

"SEC. 59. REINVESTMENT CREDIT.

"(a) OVERPAYMENT OF TAX.—

"(1) GENERAL RULE.—An amount equal to 85 percent of each reduction determined under paragraph (2) shall be treated as an overpayment of tax under section 6401(d) for the taxable year which includes the information return period.

"(2) REDUCTION IN REINVESTMENT CREDIT.—The reduction determined under this subsection shall be equal to so much of the qualified investment of the taxpayer in reinvestment credit property as is reported on an information return filed for an information return period.

"(b) REDUCTIONS AND INCREASES IN REINVESTMENT CREDIT.—

"(1) IN GENERAL.—The amount of reinvestment credit, as elected under section 46(i), shall be reduced (but not below zero) by the net reduction as determined under paragraph (2).

"(2) NET REDUCTION.—For purposes of this section, the net reduction is the sum of—

"(A) the aggregate amount of reductions determined under subsection (b), less

"(B) the aggregate amount of any increases in tax under subsection (c).

"(c) RECAPTURE OR SUBSTITUTION OF QUALIFIED INVESTMENT.—

"(1) GENERAL RECAPTURE RULE.—If at any time before January 1, 1986, any reinvestment credit property in which the taxpayer has qualified investment is disposed of, or otherwise ceases to be section 38 property with respect to the taxpayer, the tax imposed by this chapter shall be increased by an amount, determined as of the close of the taxable year, equal to the sum of—

"(A) the net reduction determined under subsection (b)(2), less

"(B) the amount of qualified investment in reinvestment credit property as determined after taking into account all such dispositions or cessations.

"(2) SPECIAL RECAPTURE RULE FOR CASUALTIES, ETC.—Paragraph (1) shall not apply to reinvestment credit property that is disposed of or otherwise ceases to be section 38 property with respect to the taxpayer on account of its destruction or damage by fire, storm, shipwreck, or other casualty, or by reason of its theft.

"(3) SUBSTITUTION.—For purposes of the determination under paragraph (1)(B), the amount of qualified investment in reinvestment credit property with respect to which the disposition or cessation has occurred may be reduced by amounts which would constitute qualified investment in reinvestment credit property if 'January 1, 1986' were subsituted for 'January 1, 1985' in subsection (d)(1).

"(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall be treated as tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchpater.

"(d) DEFINITIONS.—

"(1) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means the aggregate of—

"(A) the basis of each new section 38 property of the taxpayer (as defined by section 48(b)) placed in service by the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(B) qualified progress expenditures (as defined by section 46(d)(3)) of the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(C) to the extent not included in the amounts described in subparagraph (A) or (B) for the taxable year, the amount paid by the taxpayer to another person for acquisition of property by the taxpayer or for construction of property for the taxpayer, and

"(D) to the extent not included in the amounts described in subparagraph (A) or (B) for the taxable year, the amount which is properly chargeable to capital account with respect to property being constructed by the taxpayer

during the period after September 30, 1983, and before January 1, 1985.

"(2) REINVESTMENT CREDIT PROPERTY.—

"(A) IN GENERAL.—for purposes of this section, the term 'reinvestment credit property' means property which is—

"(i) new section 38 property (as defined by section 48(b)),

"(ii) progress expenditure property (as defined by section 46(d)(2)), or

"(iii) property which it is reasonable to believe, based on the facts known at the close of the information return period, will be described in clause (i) when placed in service by the taxpayer.

"(B) EXCLUDED PROPERTY.—For purposes of this section, the term 'reinvestment credit property' does not include—

"(i) public utility property (within the meaning of section 167(l)(3)(A)),

"(ii) property described by the Secretary in any asset guideline class pursuant to section 167, only if the taxpayer (or any predecessor taxpayer) had not placed in service any property in such asset guideline class prior to the end of the excess credit year (as defined in section 46(i)(3)(B)),

"(iii) office furniture and fixtures,

"(iv) property used in carrying out the activities of wholesale, retail or distributive trade.

"(v) property used in providing personal, financial or professional services,

"(vi) property used in the trade or business of providing recreation, lodging, food and beverages, or

"(vii) livestock

"(3) INFORMATION RETURN.—For purposes of this section, the term 'information return' means a return signed by the taxpayer and filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the taxable year, which provides information with respect to the qualified investment in reinvestment credit property.

"(4) INFORMATION RETURN PERIOD.—For purposes of this section, the term 'information return period' means a period beginning after September 30, 1983 and ending before January 1, 1985 and comprising not less than one month and not more than one taxable year, for which an information return is filed by the taxpayer.

"(e) OVERSTATEMENT OF REINVESTMENT CREDIT.—If the net reduction determined under subsection (b)(2) exceeds the excess investment credit (as defined by section 46(i)(3)(A)), the entire amount of such excess shall be treated as an underpayment of tax under section 6651 (relating to failure to file a tax return or to pay tax) and may be assessed in the same manner as in the case of a mathematical or clerical error appearing upon the return.

"(f) TREATMENT OF AFFILIATED GROUP.—For purposes of this section, in the case of an affiliated group that has made an election subject to section 46(i)(2)(B), the affiliated group shall be deemed to be the taxpayer.

"SEC. 60. RECAPTURE OF REINVESTMENT CREDIT REFUNDS.

"(a) INCREASE IN TAX.—There shall be added to the amount of tax imposed by this chapter on a taxpayer electing under section 46(i) the amount determined under subsection (b).

"(b) COMPUTATION OF ADDITIONAL TAX.—

"(1) IN GENERAL.—The amount determined under this subsection shall be the excess of—

"(A) the applicable percentage of the net reduction in the reinvestment credit (as determined under section 59(b)(2)), over

"(B) the sum of—

"(i) the aggregate amount of cancelled credit for the taxable year and for all preceding taxable years, plus

"(ii) the aggregate amount of additional tax imposed by subsection (a) for all taxable years preceding the taxable year.

"(2) APPLICABLE PERCENTAGE.—The applicable percentage of any taxpayer for any taxable year under this subsection shall be determined under the following table:

For the taxable year ending:	The applicable percentage is:
In 1986	20
In 1987	40
In 1988	60
In 1989	80
In 1990	100

"(c) SPECIAL RULE.—Any additional tax imposed under subsection (a) shall be treated as a tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchapter.

"(d) CANCELLED CREDIT.—For purposes of this section, the term 'cancelled credit' means the amount by which—

"(1) the credit allowed by section 38 for the taxable year, determined without regard to the election made under section 46(i), exceeds

"(2) the credit allowed by section 38 for the taxable year."

(c) REINSTATED INVESTMENT CREDIT.—Section 46(b) is amended by inserting after paragraph (3) the following new paragraph (4):

"(4) REINSTATEMENT OF AMOUNTS OF EXCESS INVESTMENT CREDIT AMOUNT AS CARRYOVERS.—

"(A) IN GENERAL.—The amount, if any, by which the excess investment credit (as defined by subsection (i)(3)(A)) exceeds the amount of canceled credit (as defined by section 60(d)), determined as of the end of the taxable year, shall be taken into account under subsection (a)(1)(A)—

"(i) to the extent of the unused reinvestment credit, for taxable years ending after December 31, 1984,

"(ii) to the extent of the amount by which the excess investment credit exceeds the reinvestment credit, for taxable years ending after December 31, 1985, and

"(iii) to the extent of the amount of repaid reinvestment credit, for taxable years for which a tax is imposed by section 60(a).

"(B) ORDERING RULE FOR USE OF EXCESS INVESTMENT CREDIT.—The unused credits comprised in the excess investment credit shall be allocated, in the order of the unused credit years to which they are attributable—

"(i) first to the amount of canceled credit (as defined by section 60(d)), then

"(ii) to the amount of unused reinvestment credit, then

"(iii) to the amount, if any, by which the excess investment credit exceeds the amount elected under subsection (i), and then

"(iv) to the amount of repaid reinvestment credit.

"(C) DEFINITIONS.—

"(i) UNUSED REINVESTMENT CREDIT.—For purposes of this subsection, the term 'unused reinvestment credit' means the amount by which—

"(I) the amount elected under subsection (i), exceeds

"(II) the net reduction determined under section 59(b)(2) as of December 31, 1984.

"(ii) REPAID REINVESTMENT CREDIT.—For purposes of this subsection, the term 'repaid reinvestment credit' means the aggregate amount of tax imposed by section 60(a)."

(d) OVERPAYMENT OF TAX; TAX REFUND.—

(1) Section 6401 is amended by inserting after subsection (c) the following new subparagraph (d):

"(d) REINVESTMENT CREDIT.—The term 'overpayment' includes the amounts determined under section 59(a) (relating to the reinvestment credit)."

"(2) Subchapter B of chapter 64 of subtitle F (relating to rules of special application of abatements, credits and refunds) is amended by inserting after section 6430 the following new section 6431:

"SEC. 6431. REINVESTMENT CREDIT.

"(a) REFUND GENERALLY.—The overpayment of tax determined under section 6401(d) (relating to the reinvestment credit) shall be refunded by the Secretary to the taxpayer following the filing by the taxpayer of an information return, as defined in section 59(d)(3). Such refund payment shall be made within 45 days of the filing of such return."

(e) EXCLUSION OF REINVESTMENT CREDIT PROPERTY FROM SAFE HARBOR LEASING ELECTION.—Section 168(f)(8)(D)(iv), as amended by section 208(b)(3) of the Tax Equity and Fiscal Responsibility Act of 1982, is amended by deleting "or" at the end of subclause (IV), by substituting a comma and "or" in lieu of the period at the end of subclause (V), and by inserting after subclause (V) the following new subclause (VI):

"(VI) reinvestment credit property (as defined in section 59(d)(2)) except to the extent of the qualified investment (as defined in section 59(d)(1)) in such property that is in excess of the total amount of qualified investment that is equal to the net reduction determined under section 59(b)(2)."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) to revise and extend their remarks and include extraneous matter:)

Mr. MCEWEN, for 15 minutes, today.

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. WEAVER, for 30 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. LEVITAS, for 60 minutes, July 29.

Mrs. BOXER, for 60 minutes, July 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. FIELDS in two instances.

Mr. LENT.

Mr. PORTER in two instances.

Mr. LOWERY of California.

(The following Members (at the request of Mr. WEAVER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. COLEMAN of Texas.
Mr. MARKEY in two instances.
Mr. LEVITAS.
Mr. EDWARDS of California.
Mr. FRANK.
Mr. RICHARDSON.
Mr. LOWRY of Washington.
Mr. SIKORSKI.
Mr. KOSTMAYER.
Mr. BOUCHER.
Mr. PATTERSON.
Mr. FASCELL.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week," to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. WEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 28, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1424. A letter from the Assistant Secretary of Defense (Manower, Reserve Affairs & Logistics), transmitting additional information on the defense manpower requirements for fiscal year 1984, pursuant to title 10, United States Code, section 138(c)(3); to the Committee on Armed Services.

1425. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of the Navy's intention to omit the examination of records by Comptroller General clause in contract arrangements with the United Kingdom Government, pursuant to title 10, United States Code, section 2313(c); to the Committee on Armed Services.

1426. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed decision to convert to contractor performance the industrial shop services function at the Chesapeake Bay Detachment, Naval Research Laboratory, Washington, D.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1427. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report for calendar year 1982, pursuant to section 17(a) of the act of September 21, 1950; to the Committee on Banking, Finance and Urban Affairs.

1428. A letter from the Secretary of Labor, transmitting the 70th annual report of the Department covering fiscal year 1982, pursuant to section 9 of the act of March 4, 1983; to the Committee on Education and Labor.

1429. A letter from the Director, ACTION, transmitting final regulations for the Senior Companion program, the Foster Grandparent program, and the retired senior volunteer program, pursuant to section 420(d) of Public Law 93-113, as amended; to the Committee on Education and Labor.

1430. A letter from the Chairman, Federal Trade Commission, transmitting the 14th report on the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the international energy program, pursuant to section 252(i) of the Energy Policy and Conservation Act of 1975; to the Committee on Energy and Commerce.

1431. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting a report on the Corporation's performance evaluation during the first 6 months of fiscal year 1983, pursuant to section 305(l) of Public Law 91-518, as amended; to the Committee on Energy and Commerce.

1432. A letter from the Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1981 and 1982 from the H&RW Irrigation District, Pick-Sloan Missouri Basin program, Nebr., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1433. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated May 4, 1983, from the Chief of Engineers, Department of the Army, on Mill Creek at Moab, Utah, together with other pertinent reports, pursuant to section 6 of the Flood Control Act of 1938; to the Committee on Public Works and Transportation.

1434. A letter from the Deputy Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to expand the scope of the membership of the special medical advisory group; to the Committee on Veterans' Affairs.

1435. A letter from the Board of Trustees, Federal old-age and survivors insurance and disability insurance trust fund, transmitting the 1983 annual report of the Board, pursuant to section 201(c) of the Social Security Act; (H. Doc. No. 98-74); to the Committee on Ways and Means and ordered to be printed.

1436. A letter from the Comptroller General of the United States, transmitting a report entitled "Better Planning and Management of Threat Simulators and Aerial Targets Is Crucial to Effective Weapon Systems Performance" (GAO/MASAD-83-27, June 23, 1983); jointly, to the Committees on Government Operations and Armed Services

1437. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to implement the Convention on the Conservation of Antarctic Marine Living Resources; jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 23, 1983, the following reports were filed on June 24, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2510. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, and for other purposes; with an amendment (Rept. No. 98-103, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2769. A bill to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region; with amendments (Rept. No. 98-266). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3398. A bill to change the tariff treatment with respect to certain articles, and for other purposes (Rept. No. 98-267). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 290. Joint Resolution to permit free entry into the United States of personal effects, equipment, and other related articles of foreign participants, officials, and accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984. (Rept. No. 98-268). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED

[Omitted from the Record of June 23, 1983]

Under clause 5 of rule X, the following action was taken by the Speaker:

Referral of H.R. 1510 to the Committee on Energy and Commerce extended for an additional period ending not later than June 28, 1983.

[Submitted June 27, 1983]

Referral of H.R. 3021 to the Committee on Ways and Means extended for an additional period ending not later than June 28, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself and Mr. FORSYTHE) (by request):

H.R. 3416. A bill to implement the Convention on the Conservation of Antarctic Marine Living Resources; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

By Mrs. BYRON:

H.R. 3417. A bill to amend the Social Security Act and Internal Revenue Code of 1954 to provide that disability insurance benefits and the medicare program shall be financed from general revenues rather than through the imposition of employment and self-employment taxes as at present, and to reduce the rates of such taxes for purposes of financing the OASI program accordingly; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 3418. A bill to amend title 11 of the United States Code with regard to certain repurchase agreements; to the Committee on the Judiciary.

By Mr. SAM B. HALL, JR.:

H.R. 3419. A bill to amend title 17, United Stated Code, regarding the Copyright Royalty Tribunal; to the Committee on the Judiciary.

By Mr. PATTERSON (for himself, Mr. BARTLETT, Mr. COELHO, Mr. LEHMAN of California, Mr. FAUNTROY, Mr. FRANK, Mr. CARPER, Mr. TORRES, Mr. SHUMWAY, Mr. MCCOLLUM, Mr. LOWERY of California, Mr. SCHUMER, Mr. PARRIS, Mr. MITCHELL, and Mr. ANNUNZIO):

H.R. 3420. A bill to provide home buyers equitable access to the national secondary mortgage market; to the Committee on Banking, Finance and Urban Affairs.

JOINT RESOLUTION ON DEBT LIMIT PASSED UNDER RULE XLIX

Under clause 1 of rule XLIX, the following joint resolution was engrossed and deemed passed:

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt.

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt; engrossed and deemed passed.

By Mrs. SMITH of Nebraska (for herself, Mr. FRENZEL, Mr. EVANS of Iowa, Mr. ROBERTS, Mr. JONES of Oklahoma, Mr. GIBBONS, Mr. HIGHTOWER, Mr. IRELAND, Mr. EMERSON, Mr. MARLENEE, Mr. GINGRICH, Mr. HANSEN of Idaho, Mr. LUJAN, Mr. MORRISON of Washington, Mr. LAGOMARSINO, Mr. STENHOLM, Mr. BEDELL, Mr. SKEEN, Mr. HATCHER, Mr. CHENEY, Mr. MARRIOTT, Mr. DANIEL B. CRANE, Mr. PORTER, Mr. CORCORAN, Mr. NIELSON of Utah, Mr. CONABLE, Mr. WINN, Mr. EDWARDS of Oklahoma, Mr. STUMP, Mr. ROGERS, Mr. DICKINSON, Mr. TAUKE, Mr. LOEFFLER, Mr. GUNDERSON, Mr. GLICKMAN, Mr. PHILIP M. CRANE, Mr. WHITTAKER, Mr. ROBERT F. SMITH, Mr. WEBER, Mr. THOMAS of California, Mr. BEREUTER, Mr. HARTNETT, Mr. COATS, Mr. HYDE, Mr. WATKINS, Mr. KINDNESS, Mr. BROWN of Colorado, Mr. MOORHEAD, Mr. MILLER of Ohio, Mr. ANTHONY, Mr. COLEMAN of Missouri, Mr. WOLF, Mr. SLATTERY, Mr. HEFNER, Mr. GRAMM, Mr. ROBINSON, Mr. CRAIG, Mr. ENGLISH, Mr. LEACH of Iowa, and Mr. HANSEN of Utah):

H. Con. Res. 136. Concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements; to the Committee on Merchant Marine and Fisheries.

By Mr. YATRON:

H. Con. Res. 137. A resolution urging the President to implement certain relief measures to remedy the import injury to the U.S. specialty steel industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CONTE introduced a bill (H.R. 3421 for the relief of Mary E. Hock, executrix of the will of Joseph E. LePage; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 430: Mr. CLAY.

H.R. 433: Mr. BEDELL, Mr. CONYERS, and Mr. LEHMAN of Florida.

H.R. 1016: Mr. PRICE, Mr. D'AMOURS, Mr. PURSELL, and Mr. FEIGHAN.

H.R. 1226: Mr. WEBER and Mr. DERRICK.

H.R. 1234: Mr. APPLEGATE, Mr. SOLARZ, Mr. SCHEUER, Mr. BERMAN, Mr. PATTERSON, and Mr. WEISS.

H.R. 1676: Mr. BOEHLERT, Mr. CARPER, Mr. CONYERS, Mr. COYNE, Mr. FRANK, and Mr. ST GERMAIN.

H.R. 1797: Mr. HEFTEL of Hawaii, Mr. RATCHFORD, Mr. HARKIN, and Mr. MCCOLLUM.

H.R. 2131: Mr. WEISS.

H.R. 2468: Mr. ROBINSON, Mr. BRITT, Mr. BEILENSON, Mr. MCGRATH, Mr. KASICH, Mr. SIMON, Mr. FROST, Mr. FASCELL, and Ms. KAPTUR.

H.R. 2691: Mr. MOLLOHAN.

H.R. 2814: Mr. COELHO, Mr. SABO, Mr. PURSELL, and Mr. BERMAN.

H.R. 2817: Mr. HOYER, Mrs. SCHNEIDER, Mr. MITCHELL, Mrs. BYRON, Mr. ST GERMAIN, Mr. GOODLING, Mr. DANIEL, Mr. FOGLIETTA, Mr. WOLF, Mr. BOUCHER, Mr. OLIN, Mr. EDGAR, Mr. KOSTMAYER, Mr. WHITEHURST, Mr. FAUNTROY, Mr. SISISKY, and Mr. BLILEY.

H.R. 3024: Mr. BADHAM and Mr. EMERSON.

H.R. 3081: Mr. FORSYTHE, Mr. SKEEN, Mr. DENNY SMITH, Mr. LIVINGSTON, Mr. WEBER, Mr. CORCORAN, Mr. WHITEHURST, Mr. KINDNESS, Mr. DAUB, Mr. BROYHILL, Mrs. VUCANOVICH, Mr. MCCOLLUM, and Mr. NIELSON of Utah.

H.R. 3106: Mr. SPRATT.

H.R. 3251: Mr. SCHUMER.

H.R. 3387: Mr. FRANK and Mr. WAXMAN.

H.J. Res. 139: Mr. HALL of Ohio, Mr. PACKARD, Mr. GEKAS, Mr. DANIEL B. CRANE, Ms. FIEDLER, Mr. BORSKI, Mr. HAMILTON, Mr. MCCANDLESS, Mrs. KENNELLY, Mr. CAMPBELL, Mr. DOWDY of Mississippi, Mr. BADHAM, Mrs. JOHNSON, and Mr. SHAW.

H.J. Res. 218: Mr. VANDER JAGT and Mr. TRAXLER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

149. The SPEAKER presented a petition of the American Association of Airport Executives, Washington, D.C., relative to transportation facilities; which was referred to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2668

By Mr. DERRICK:

—On page 18, beginning in line 2, strike out "The" and all that follows through "b" in line 9 and redesignate subsection (c) as subsection (b).

H.R. 2769

By Mr. DE LUGO:

—Insert a new paragraph (b)(3) and change subsequent subparagraph enumerations accordingly:

(3) Any bulk rum (classified under item 169.14 of the Tariff Schedules of the United States (19 U.S.C. § 1202)) imported from a beneficiary country the value of which is equal to or less than $3.00 per proof gallon: *Provided,* That, notwithstanding any other provision of law, any rebate, in whole or part, of, or other decrease in, the price actually paid or payable that is made or otherwise effected with respect to or in respect of the sale of such rum after the date of the importation of the bulk rum into the United States shall be taken into account in the determination of the value of the bulk rum: *And provided further,* That, this paragraph shall not apply to the first 200,000 proof gallons total imported from all such beneficiary countries during any calendar year.

SENATE—*Monday, June 27, 1983*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise the Lord! O give thanks to the Lord, for He is good; for His steadfast love endures forever.—Psalm 106: 1

Merciful God, Thou hast blessed us and our land with incalculable abundance. We enjoy resources as no other nation, we enjoy freedom as no other people. In a world in which most people never have enough of anything, we always have more than enough of everything. Forgive us for our ingratitude, our prodigality and waste.

As the Apostle Paul declared "* * * although they knew God they do not honor Him as God or give thanks to Him * * *" as a result of which "they became futile in their thinking and their senseless minds were darkened." (Romans 1: 20, 21.) Help us Lord to appreciate the unprecedented benefits we enjoy, to be thankful and live thankfully. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

AMERICA FOR ME

Mr. BAKER. Mr. President, this week's poem, in honor of the upcoming celebration of our Nation's independence, was written by Henry Van Dyke, and is entitled "America For Me." It was read at the 32d Republican National Convention by the Honorable GUY VANDER JAGT, and I ask unanimous consent that the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

'Tis great to see the old world and wander up and down
Among historic palaces and the cities of reknown
And admire crumbly castles and the statues of the kings,
But now I think I've had enough of antiquated things.
So now it's home again and home again—America for me.
My heart is turning home again and there I long to be,
In the land of youth and freedom beyond the ocean bars
Where the air is full of sunlight and that flag is full of stars.

Oh London, it's a man's town, there's power in the air.
And Paris, it's a woman's town with flowers in her hair.
And it's sweet to dream in Venice and it's great to study in Rome,
But when it comes to living there is no place like home.
I know that Europe's wonderful, yet something seems to lack,
The past is too much with her, the people looking back,
But the glory of the present is to set the future free.
We love our land for what she is and what she is to be.
So it's home again and home again—America for me.
I want a ship that's westward bound to plow that rolling sea,
To the blessed land of room enough beyond the ocean bars
Where the air is full of sunlight and that flag is full of stars.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today, after the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not more than 30 minutes in length in which Senators may speak for not more than 5 minutes each.

For some time now the leadership on this side has expressed its desire to redeem a commitment made to Senator HATCH before the Senate adjourned last year, to take up Senate Joint Resolution 3, the Hatch abortion amendment, sometime this year and possibly before summer. We have missed the summer part, but I intend to go ahead with the commitment otherwise. So, after the time for the transaction of routine morning business has expired, it will be my intention to ask the Senate to turn to that measure, which is Calendar order No. 235, Senate Joint Resolution 3.

Mr. President, I expect this debate to consume all of this day. I do not anticipate votes on this resolution. I am told by the principals that amendments to the resolution are not anticipated. Therefore, while it is not impossible that we will have votes today, I think it is unlikely.

Let me repeat what I said earlier, however. If votes are ordered today, they will be conducted today. We will not stack them until tomorrow. Once again, I do not anticipate them today. I anticipate, instead, a vote on final passage or in relation to that sometime tomorrow.

In that connection, Mr. President, I hope the minority leader might be agreeable to explore any possibility of a time certain for consideration of this matter, either on the resolution or in relation to it. I would suggest we do it either just before the two caucuses which occur on Tuesday at noon or just after the two caucuses. I will confer further with the minority leader on that and, of course, with the managers on both sides of this issue.

Mr. President, in addition to this, there are a number of other matters that we have to deal with this week. One that comes to mind is the agriculture appropriations bill which is here. I am told that there is a good prospect that we may work out something on that so it will not take a long time to finish that measure. I will also consult with my friend, the minority leader, if there is some possibility for a time limit on debate of the agriculture bill and perhaps a time certain for final passage.

In addition, Mr. President, we have the tax cap passed by the House of Representatives. It is my intention to schedule that for Tuesday, if possible. I will consult once again with the minority leader on a time and the circumstances, but I hope we can do that in fairly short order, as well.

Earlier this year, I committed to the minority leader that we would schedule that item if it was passed by the House. It has now been passed by the House. He understands, as I have announced before, that I am opposed to it and that it is my hope that the Senate will not agree to the proposal made by the House of Representatives. However, it will be my intention to schedule that tomorrow or the next day.

Mr. President, other matters, such as conference reports, may be dealt with, or appropriation bills if they are available. But I am convinced now that we can finish this week on Thursday instead of Friday, that would be my objective, so that the Senate could go out on the 30th instead of the 1st.

I will ask the officers of the Senate to prepare an adjournment resolution reflecting that possibility and I would propose to pass it here if the Senate is agreeable and send it to the House of Representatives one day this week.

So, in summary, the things we have to do so we can get out of here by Thursday, or even sooner if we can finish them, would be the abortion debate, the agriculture appropriations bill, the tax cap, any conference reports that are available, and any other approriations bills that may become available between now and then.

There is at least one other item that I announced earlier that I had hoped to bring up before the July 4 recess,

and that is Radio Marti. I am sorry to say that cannot be done before the July 4 recess. However, I wish to announce now that it will be my intention to ask the Senate to turn to Radio Marti after we return.

Immediately after we return from the Fourth of July recess, it is presently the intention of the leadership on this side to ask the Senate to turn to the Department of Defense authorization bill. Then there are a number of other contenders thereafter: The coal slurry pipeline, which I have agreed we will schedule some time this year, but I have indicated to my friends on both sides of the aisle I have not agreed to take up immediately after the Department of Defense authorization bill. I thought I had done a brave and generous thing when I said I would take it up at all. But we will take it up. However, it is not likely to be immediately after the Department of Defense bill.

But, Radio Marti is one, of course, and appropriation bills are others and we will address those issues as we get closer to the time involved.

Mr. President, I have three other matters that I would like to address, and I apologize to the minority leader for taking so much time.

(Mr. PRESSLER assumed the chair.)

UNANIMOUS-CONSENT AGREEMENT—H.R. 1183

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate receives from the House of Representatives the bill H.R. 1183, to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, that the bill be considered as having been read twice and held at the desk and that the majority leader after consultation with the minority leader be authorized to make the measure the pending business of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader and I thank the Chair.

Mr. BYRD. I thank the majority leader.

CONGRESSIONAL SALARIES AND INCOME

Mr. BAKER. Mr. President, nothing gives the Senate more personal anguish than the matter of our pay and restrictions on income. I have in the past observed and remarked that I think the Congress is institutionally incapable of adjusting its own pay and benefits, at least without great pain and suffering.

I will remark, by the way, that one of the amendments to the Constitution submitted with the original collection of amendments adopted and known now as the Bill of Rights was one dealing with pay to Members of Congress that was not adopted. That amendment would have avoided what I consider to be a patent and fundamental conflict of interest; that is, the requirement that Congress set its own salary. I intend to speak further on that at another time.

It is a matter of more than just historic interest that this question and this difficulty has been with us since the beginning days of the Republic.

I would like to take this opportunity, however, to express my congratulations to the Senator from Utah (Mr. GARN) for offering an amendment which would provide for a limitation on the amount of unearned income that a Member of the Senate might receive during his tenure. The Senate has now placed a limitation on the amount of earned income beyond the salaries Members receive, and I think it is fair and simple equity to indicate that there should be a similar limitation on unearned income. I voted for that amendment. I supported it.

I would observe two things, Mr. President. The first is we are going about this all wrong. We ought to remove that constitutional conflict of interest. Senator LONG and I have introduced and will pursue a constitutional amendment that will remove the pay-setting responsibility from the Congress and place it in a constitutional pay commission.

Second, Mr. President, the whole question of earned or unearned income limitation would never arise if we were not totally dependent for our livelihood, those of us who do not earn income, on the Federal Treasury. We should not be. I will not preach my sermon on the citizen Congress again this morning, but it has long been and is now my contention that there should be no limitation on earned or unearned income. We should not be paid at the levels we are now, but rather, we should be encouraged to have outside activities and have full disclosure so that a political judgment can be made on whether our activities and undertakings are appropriate or inappropriate to the civil trust that devolves upon us as Members of the Senate of the United States.

So, as long as we have the constitutional responsibility to set our salaries, it seems to me that simple equity requires that the restriction should apply equally to earned and unearned income. But it is my ambition, Mr. President, to see that we remove that responsibility from Congress by a constitutional amendment and that we refrain from making ourselves totally dependent on the Federal Treasury in any event by encouraging rather than restricting or prohibiting outside activity which gives us the status of full-time legislators instead of civil servants of the Government on a civil basis.

ADDRESS BY SENATOR HEINZ AT SENIOR POWER DAY RALLY

Mr. BAKER. Mr. President, the senior Senator from Pennsylvania, JOHN HEINZ, chairman of the Senate Special Committee on Aging, recently gave the keynote address at the Senior Power Day rally in Lansing, Mich., urging older Americans to use their influence as a lobbying group for the good of all Americans, and not to pursue self-interest at the expense of the national interest. Judging from the response of the audience, our colleague's message was well received, and stands as a testament to the Republican Party's efforts to convince Americans that pandering to the selective agenda of each and every special interest group does a great disservice to the national interest and, ultimately, to the ability of the Nation to meet the needs of any interest group.

Mr. President, the address of Senator HEINZ reflects the Republican Party's compassion and support for older Americans, and our party's deep and abiding interest in working with and for the good of all Americans. Because his remarks reflect a progressive view of senior power, and because they constructively address some of the major issues we face in our national domestic policy, I believe that we can all benefit from his discussion of the national agenda for older Americans, and I commend his remarks to my colleagues.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

REMARKS OF SENATOR JOHN HEINZ

Honored Guests and Ladies and Gentlemen, I am honored to be here today with you and to be part of the eighth annual Michigan Senior Power Day. I commend you on a thoughtful eight-point platform, and, as Chairman of the Senate Special Committee on Aging, I look forward to working with you to improve our ability to meet the needs and expand the opportunities of all older Americans.

I'd like to especially thank Republican Senate Leader John Engler for his kind and generous introduction.

I'd particularly like to acknowledge the tremendous job your two co-chairs have done in putting this day together. Keith McCall and Dorothy Walker and their colleagues on the Steering Committee have worked hard to make today's Senior Power Day such a success. Today's gathering is unique—it is the only one of its kind in the nation, and you have done it with only a small budget and volunteer help. Let me congratulate you. And Ladies and Gentlemen, I think they deserve a big round of applause from us all.

Today we are here to celebrate the harvest and bounty of Senior Power. It seems to me that Senior Power has gained tremendous recognition over the past few years as a force to be reckoned with in Washington and across the country. There is no denying that the immediate and massive responses of seniors and their families were critically important in helping to reject the ill-advised efforts of some to make crippling budget cuts in the Older Americans Act, in the Senior Employment Program and in Energy Assistance—all so important to older persons—and to halt arbitrary and counter-productive cuts in the Social Security and Medicare programs so essential to all older Americans.

Yes, Senior Power has been successful and important. But it seems to me that in 1983 we've come to a turning point, a time when the basic policital realities are changing, a time when we should ask—what does the idea of senior power mean for the future?

Does it mean expanding the clout of just another well-organized and well-funded special-interest group, like those which protect tax breaks for oil producers or subsidized water projects for western agribusiness? Does it mean pursuing the politics of immediate self-interest, often at the expense of other worthwhile goals or programs serving important purposes in our society?

Well, I reject this characterization, and I know you reject it too. Instead, we can affirm a more positive and inclusive understanding of Senior Power—one that is based upon a willingness to invest for the future, one that has a sensitivity to the needs of all Americans, young or old, retired or working, healthy or sick, poor or financially secure.

Let me explain why I believe 1983 marks a turning point for Senior Power. Only one year ago, this country was mired in the quicksand of partisan politics over the issue of what to do about saving the social security system. The issue had become the hottest political football of the decade and the subject of some of the worst political demagoguery I've seen in my eleven years of public service. Some political figures weren't honest with the facts, and tried to pretend we could save social security without pain or any hard decisions. As a result, most people with any common sense thought that the system—upon which 35 million Americans depend—was doomed because the Congress couldn't even agree how big the problem was, let alone face up to solving it.

Well, as a member of the National Commission of Social Security Reform, I can tell you that the issue pushed the Congress to the brink of total irresponsibility—we almost didn't do the job we had to do. For a solution to emerge, everyone had to give a little, and every special interest had to yield to a larger public interest.

But, with the bill signed by the President only three weeks ago, we have just taken the most successful step in two decades to ensure that the retirement security promise made to retired and working people today is a promise kept to the workers and retirees of tomorrow.

Now, had the Congress been operating under a selfish, special-interest understanding of Senior Power, the result would have been quite different and, I believe, disastrous. If we had acted on the traditional notion of interest group politics, a notion based on meeting immediate needs without too much thought to future economic implications, what would have happened?

Well, instead of a package that distributed the costs of restoring solvency fairly among workers, employers, taxpayers and the retired, Congress might once again have simply raised payroll taxes to cover social security's deficit—as we've already done every 30 months for the last 30 years and more recently done 6 times in the last 12 years.

But that didn't happen, and it didn't because senior citizens all across America realized that continually raising payroll taxes on jobs raises the cost of jobs, reduces the number of jobs, and hurts their children and grandchildren. And their unemployment in turn threatens our ability to finance the health and retirement programs you depend on.

Of course, the social security bill doesn't make any group happy. But it does represent an extremely important departure from narrow interest-group politics. In short, the Congress finally recognized, as you have, that we can't ensure adequate retirement security without also ensuring economic growth for our nation. The interest of one group is now inseparable from the interest of all. And thanks to you, and to enlightened Senior Power, the old notion of special-interest group politics is becoming the politics of the past.

In this spirit, I want to suggest to you today another challenge for enlightened Senior Power—the question of how we save our jobs and our communities in this, our industrial heartland.

Some people say we shouldn't worry about our basic industries, that computers and an information-based economy are going to solve our problems. Others say "just be patient"—that, in time, maybe a few years, things will get better and then our autoworkers in Detroit and our steelworkers in Pittsburgh will get back in the plants and mills. Still others say we shouldn't care, that we should be indifferent about whether Americans drive Toyotas or Chevrolets.

Well, this is one senator that does care, and thinks you do, too! We know that the day the sun sets on our smokestack industries is the day the sun sets on America's future—and we must not allow that to happen!

Your generation built this country through industrial growth, and now we need your help in preserving it. We need your experience and concern, your common sense and commitment, to help fashion a solution and see it through to its realization.

It's well and good for people to anticipate the "high tech" jobs promised for tomorrow. But you and I both, Americans working and retired together, must be concerned about the jobs and industries of today—industries which employ 100 million Americans in the jobs of today.

Now, part of the problem of steel or autos or farm equipment is foreign import competition, some fair, some unfair.

I'm no protectionist, but there is nothing in our trade agreements that says you or I have to stand idly by while American workers in vulnerable industries are sacrificed to inaction and indifference. And, frankly, there doesn't have to be a choice between a trade war, and acquiesing in the demise of our smokestack industries. We can have strong, competitive industries without making that Hobson's choice. There's no reason why we can't provide reasonable import relief married, through legislation, to a comprehensive recovery plan—agree to by management, labor, and government—that will make an industry truly strong and competitive again. What I propose is to actually link badly needed import relief by law to a labor-management self-help plan to modernize our basic industries.

In many ways, this is exactly what the legislation did that helped Chrysler Corporation, but there, we provided government loan guarantees instead of import relief. As a condition for help, we required Chrysler stockholders to make investments, its banker to put up more money, it workers to make contract concessions, and its management to take pay cuts. Chrysler has been a very big success—but, it's only one company in only one industry.

We need to enact legislation—such as my own Industrial Revitalization Act—that will allow any or all of our hard pressed industries to get import relief, modernize, and regain the strength we used to have so we can re-open production lines and shorten unemployment lines.

You probably didn't expect me to ask you to help save jobs and industry in this country today, but I can't think of a more logical group of people to ask. You understand what our basic industries have meant to our national defense, to our cities, to our region, and what they must always mean to our industrialized, civilized country.

You can let your elected representatives know, and your friends and neighbors in business and labor know, that you want action to get our basic industries moving again, and that you won't accept a business as usual attitude so long as our factories remain shut and so long as jobs are being moved to the sunbelt. Today I urge you: put Senior Power to work so America can get back to work.

Now I'd like to propose an equally vital challenge for Senior Power—one that directly affects your pocketbook as well as that of every American. This is the challenge of controlling health care costs.

As older persons, you know what rising health costs have meant to your own budgets. Senior citizens average out-of-pocket costs are rising at $150 a year—and between $200 to $250 a year here in Michigan—so that persons over 65 are paying an average of over $1200 this year alone in out-of-pocket medical costs, and that cost is inexorably and dramatically rising. You're feeling the effects of dramatic increases in hospital and doctor bills, costs which have increased by two to three times the general rate of inflation over the past several years.

What will happen if these increases are not brought under control? Well, we've already seen proposals to try to keep Medicare solvent by simply shifting these costs to others. Higher costs can be shifted to your children through higher taxes and higher health insurance premiums, and they can simply be transferred to you through ever-higher deductibles and co-payments.

But cost shifting is not cost saving, and it's just not acceptable as a solution.

As a nation, we cannot stand back and let health costs become the greatest threat to the future health and economic security of retired persons. It's time to fight back, and I've got three suggestions for using Senior Power to get health costs under control:

First, we in the Congress need your help as partners to protect our system of health insurance from fraud and abuse. Last year, I chaired hearings which exposed fraud and waste in the marketing of heart pacemakers to the tune of $1 billion a year. We might not have looked at that problem if Mrs. Madeline Garman from Sarasota, Florida, hadn't noticed that Medicare had been billed $3,900 for her replacement pacemak-

er—a replacement that was supposed to have been free under the original warranty. At age 89, she wrote to the Aging Committee to complain. Subsequently, other seniors reported suspicious billings with regard to pacemakers, and a full-scale Congressional investigation was put into motion.

Fraud and abuse cost our Federal health programs an estimated $10 billion each year, almost twenty-cents on the dollar. Neither Congress nor computers can catch up to all of it. The most effective watchdog to keep our health insurance system honest and efficient is an informed and alert consumer. We need your help to keep Medicare healthy instead of letting medicare keep unscrupulous providers wealthy. And it's not just Medicare that needs policing—it's every health insurance plan. And that brings me to my second suggestion:

Older persons can lead the way to being more price and quality conscious in the medical marketplace. When you go food shopping, you are interested in getting good quality for the best possible price. So it should be when you look for medical care and health insurance.

For example, supplemental policies which provide first dollar coverage—Medigap policies many of us call them—are not generally the best insurance buy. Other policies which protect only against dread diseases, or those which pay a flat amount per day if you are hospitalized, may offer only the illusion of protection.

I think there is a tremendous potential for older Americans, as informed health-insurance consumers, to exercise their combined economic clout to promote more innovative and cost-effective forms of health insurance. For example, pre-paid plans typically offer better benefits and more effective cost controls than traditional fee-for-service arrangements. Last year, with the help of many of the national aging organizations, Congress adopted my legislation to make it easier for Medicare beneficiaries to join health maintenance organizations or other pre-paid health plans. Rather than have to worry about extra pills and paperwork every time they get sick, many seniors can now join these plans—which have the same financial interests they do in preventing illness and keeping them well.

Finally, I would suggest that you become advocates for health care reform. Some people say the key to reform is simply to make the patient pay more of the cost; others say the key is simply to cover all costs and have somebody else pay for it. I suggest neither alternative best serves senior citizens and our country.

We've gone through a period of many years in this country of debating various national health insurance plans. Well, in my judgment, the real result of this prolonged debate has been that we, as advocates, haven't been minding the store. We haven't been addressing the real and immediate problems such as unnecessary hospital and nursing home admissions, or the lack of any meaningful budgeting on the part of hospitals. We haven't sufficiently protected against hospital over-building or against duplication in expensive medical equipment. These costs are going to be charged to someone, whether we need the extra beds and equipment or not.

Instead, like a dog chasing its tail, all we've been doing is raising taxes and premiums trying to keep up with runaway costs. Instead of going around in circles, we need to get things straightened out. And we have very little time.

Since 1980, hospital costs have risen at over 18 percent a year—over three times the inflation rate. The result is that Medicare is now projected to run out of funds as early as 1987—only four short years from now—and will accumulate a deficit of over $300 billion by 1995 . . . a solvency crisis even bigger than the one that was facing social security. Clearly, we in Congress can't wait until 1987 to address a threat of this magnitude.

The reason everyone is paying more and more for health care, including Medicare patients, is because the present system is based on a cost-plus concept, emphasizes paying for units of health care rather than patient health maintenance, and encourages expensive hospitalization over out-patient care. The alternatives for dealing with the problem include shifting to a more complete prospective payment system, hospital cost-containment approaches, and changing utilization and physician incentives.

To begin to straighten things out, we've just enacted a significant change in the way Medicare pays hospitals—it's called prospective payment by diagnostic category. While it's an important step toward getting hospitals on a budget, its only a step—not a solution.

I urge you today to help us structure and enact a more comprehensive reform package to get health costs back under control. If you as seniors will once again assert your know-how and power, you will have helped lift a heavy burden off the shoulders of all Americans.

So I ask you, I urge you, I plead with you to join as partners in detecting fraud and waste, to lead the way as informed consumers, and to spearhead the advocacy for progressive health care reform. I make this urgent request because in my experience, you can make all the difference. It is a big job; it's a challenge, and it is fully worthy of your and our best efforts, and together with Senior Power we can and will succeed.

You are fighters. Your generation fought to build this country through two world wars and a great depression. It was you who made possible the greatest economic growth this country has ever seen. It was a big job—and today, Senior Power has a new challenge—another big job.

With your support, we succeeded in restoring solvency to Social Security. Now we need your support in getting industrial America back to work and in fighting inflation in medical bills. Together, we can meet the challenges.

I look upon my chairmanship of the Senate Aging Committee as a special trust to be an advocate for older Americans. What I have discussed with you today is part—but only part—of an urgent national agenda to meet the needs and promote expanded opportunity for older Americans.

In my view, the exciting promise of Senior Power lies not only in the specific agenda of policy and program ideas that affect our political life. The promise of Senior Power goes beyond that. Working together, we can lay the groundwork for a society that respects age and the elderly, and that truly realizes the benefits of the experience, wisdom, and judgment of older Americans. With Senior Power, we can make a brighter future, not only for older Americans, but for our children and our children's children—the older Americans of the future.

Mr. BAKER. Mr. President, once again I apologize to the minority leader for using so much time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

MISSING IN ACTION IN SOUTHEAST ASIA

Mr. BYRD. Mr. President, America is a nation with far-flung interests and commitments in all major regions of the globe. As a great power America today is exercising her responsibilities with particular focus on Central America, the Middle East, NATO, and Soviet relations. Over time, our Nation's interests shift to meet the challenges of the moment. This is in the nature of things, of course, but in executing such shifts in national attention, our collective national memory is too short. Such is the case with reference to Southeast Asia.

It is perhaps inevitable that the stinging disappointments that we experienced in the prolonged Vietnam conflict have resulted in a serious lack of attention to the human tragedy that now engulfs the states of Indochina—Vietnam, Laos, and Cambodia. It is important that we remind ourselves that America always has been and remains an Asian power with important military and commercial interests across the arc of the Pacific. It is important that we maintain a sense of responsibility to that region: An adequate level of awareness of events; an awareness of the interests of our Asian allies in maintaining a sufficient level of involvement there; and a commitment to America's unfinished business.

At the top of the list of America's unfinished business is the matter of the over 2,400 missing in action—both civilian and military—in the Vietnam theater.

Mr. President, 2,494 Americans are listed by the Department of Defense as "missing or otherwise unaccounted for" in Southeast Asia. This list includes military and civilian personnel, men and women, all in the service of their country. I have before me a copy of that list. Seeing so many names is a numbing experience. As I look through page after page of these names, the obvious questions recur. Where are these men and women? Are some of these Americans alive? Are they being held prisoner? Of those who have died, where are their remains? This list raises so many questions. Yet, 8 years after the end of American military involvement in Southeast Asia, we have very few answers. We are left with gnawing doubts, uncertainty, and pain.

Of course, these doubts and pain are most acutely felt by the families of those missing. Through the uncertainty, they retain remarkable strength of

spirit. They have organized vigils, met with officials, written countless letters and articles—all to the end that their fellow Americans not forget their loved ones, and that efforts to obtain their release be intensified. I am not satisfied that the country has shown sufficient resolve in insisting upon a full accounting of those missing. But I want to call upon my colleagues to redouble their efforts, to urge the administration to do all it can do, so that the families of those brave Americans will no longer need to live with uncertainties. Organizations such as the National League of Families of POW/MIA's, the Vietnam Veterans Institute, the American Legion, the Veterans of Foreign Wars, and others have done a great service by the commitment of their membership to resolution of this issue. I know we all benefit from the example of love and devotion that the families and friends of those missing provide.

I feel it is incumbent upon the Congress to call attention to this issue; to summon all Americans to support a full accounting for their 2,494 countrymen. I can think of no more fitting way to accomplish this than by striking a special commemorative national medal to be awarded to those missing or otherwise unaccounted for, and to be presented to their families by the Congress. To that end, I am offering the following legislation to authorize a national commemorative medal in recognition of the sacrifice and untold hardships endured by those missing.

In addition, I ask unanimous consent that the list of those missing and otherwise unaccounted for, as currently provided by the Department of Defense, be included in the RECORD. It contains the names of 26 of my fellow West Virginians, along with all other Americans whose return is of vital concern to this Nation, and free men everywhere, or at least to have the knowledge of what happened to their remains.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

U.S. CASUALTIES IN SOUTHEAST ASIA

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Alabama (46):						
Marine Corps	VS	Bailey, John Howard	E5	May 1, 1967	July 5, 1947	Docena.
Air Force	LA	Bannon, Paul Wedlake	O6	Jan. 22, 1979	Oct. 15, 1934	Hueytown.
Air Force	VN	Bennett, William George	O5	Sept. 2, 1967	Sept. 15, 1927	Birmingham.
Army	VS	Bobe, Raymond Edward	E6	Nov. 6, 1978	Aug. 30, 1948	Tarrant.
Navy	VS	Burnett, Donald Frederick	E8	Feb. 6, 1968	July 6, 1935	Montgomery.
Army	VS	Burnham, Donald Dawson	O5	Oct. 4, 1978	Apr. 20, 1940	Webb.
Marine Corps	VN	Carlton, James Edmund, Jr	O4	Sept. 23, 1975	July 10, 1939	Birmingham.
Army	VS	Coleman, Jimmy Lee	E6	Aug. 7, 1978	Jan. 20, 1949	Goodwater.
Army	LA	Crear, Willis Calvin	E4	Feb. 15, 1971	Jan. 8, 1950	Brimingham.
Air Force	VN	Cunningham, Carey Allen	O3	Aug. 2, 1967	Mar. 18, 1938	Collinsville.
Air Force	VS	Deichelmann, Samuel Mackal	O4	Nov. 3, 1976	Sept. 24, 1938	Montgomery.
Navy	VN	Earnest, Charles M	O5	Nov. 28, 1972	Oct. 8, 1934	Opelika.
Army	VS	Ford, Edward	E5	Dec. 9, 1968	Oct. 5, 1941	Birmingham.
Navy	CB	Gause, Bernard, Jr	E6	May 15, 1975	Nov. 11, 1940	Birmingham.
Air Force	VN	Hamilton, Eugene David	O5	Mar. 28, 1977	Dec. 18, 1934	Pepperall.
Army	VS	Hargrove, Olin, Jr	E6	Mar. 20, 1978	Jan. 21, 1949	Birmingham.
Air Force	VN	Harris, Cleveland Scott	O4	Apr. 5, 1979	May 11, 1941	Birmingham.
Army	VS	Hicks, Prentice Wayne	E6	July 17, 1978	Oct. 11, 1947	Huntsville.
Navy	VN	Hogan, Jerry Franks	O4	Dec. 2, 1977	Feb. 28, 1940	Tuscaloosa.
Air Force	VS	Huggins, Bobby Gene	O4	June 4, 1970	Dec. 17, 1934	Troy.
Air Force	VN	Johnson, Allen Louis	O5	July 25, 1978	Mar. 19, 1936	Tuscumbia.
Navy	VN	Jones, James Gradey	O2	Nov. 12, 1966	Aug. 14, 1939	Birmingham.
Army	VS	Jones, Johnny Mack	O2	Apr. 24, 1972	July 1, 1948	Auburn.
Marine Corps	LA	Ketchie, Scott Douglas	O3	Mar. 5, 1979	Aug. 19, 1947	Birmingham.
Army	VS	Kirksey, Robert Louis	E3	Jan. 2, 1967	Dec. 17, 1945	Mobile.
Air Force	LA	Lawrence, Gregory Paul	E4	Oct. 5, 1968	Mar. 10, 1938	Phenix.
Air Force	LA	Palmer, Gilbert Swain	O6	Apr. 28, 1977	Oct. 12, 1930	Birmingham.
Army	VS	Parker, Udon	E4	Mar. 13, 1966	Nov. 15, 1943	Phenix City.
Air Force	LA	Pattillo, Ralph Nathan	O5	June 21, 1978	Dec. 26, 1934	Hartselle.
Navy	VN	Pettis, Thomas Edwin	O2	May 23, 1967	Oct. 31, 1941	Mobile.
Air Force	LA	Phillips, Elbert Austin	E6	Aug. 28, 1968	May 4, 1934	Huntsville.
Air Force	LA	Reaid, Rollie Keith	E7	Dec. 21, 1972	Dec. 23, 1952	Dora.
Army	LA	Robertson, John Hartley	E8	Apr. 28, 1976	Oct. 25, 1936	Birmingham.
Air Force	VN	Rockett, Alton Craig, Jr	O5	Nov. 6, 1978	Jan. 20, 1932	Birmingham.
Navy	VN	Ruffin, James Thomas	O4	Aug. 28, 1974	Jan. 16, 1941	Deatsville.
Marine Corps	VS	Runnels, Glyn Linal, Jr	E4	June 30, 1967	Apr. 11, 1946	Birmingham.
Army	VS	Stinson, William Sherril	E6	Sept. 1, 1978	June 17, 1947	Georgiana.
Army	VS	Stoves, Merritt, III	E3	Jan. 10, 1967	Jan. 10, 1948	North Birmingham.
Army	VS	Thackerson, Walter A., Jr	E3	May 21, 1966	Sept. 6, 1944	Talladega.
Army	VS	Thompson, Benjamin A., Jr	E6	Oct. 25, 1968	July 24, 1945	Saraland.
Army	VS	Upner, Edward Charles	E6	Dec. 5, 1965	Nov. 9, 1923	Anniston.
Navy	VN	Weimorts, Robert Franklin	O4	Apr. 22, 1966	Dec. 23, 1934	Eight Mile.
Army	CB	White, Charles Edward	E9	Apr. 3, 1978	May 18, 1933	Bessemer
Army	VS	Williams, Robert John	O3	Sept. 12, 1978	Sept. 17, 1943	Daleville.
Army	VS	Williams, Thaddeus E., Jr	O3	Jan. 10, 1967	Feb. 26, 1943	Mobile.
Air Force	VS	Yeend, Richard C., Jr	O3	June 9, 1968	Oct. 11, 1938	Mobile
Alaska (3):						
Marine Corps	VS	Anderson, Thomas Edward	E4	Oct. 6, 1962	July 27, 1939	Spenard.
Navy	VN	Koslosky, Howard Mark	E3	Oct. 2, 1969	Mar. 19, 1947	Anchorage.
Air Force	VN	Richardson, Floyd Whitley	O6	Oct. 4, 1979	June 13, 1928	Anchorage.
Arizona (27):						
Army	LA	Babcock, Ronald Lester	O2	Feb. 27, 1971	Oct. 8, 1945	Tucson.
Army	VS	Bates, Paul Jennings, Jr	O3	Feb. 6, 1974	Feb. 20, 1943	Mesa.
Navy	VN	Bois, Claire Ronald Alan	E5	Aug. 25, 1967	Dec. 7, 1938	Tucson.
Air Force	LA	Brown, Donald Alan	O4	Oct. 17, 1973	July 19, 1939	Phoenix.
Army	VS	Cannon, Francis Eugene	E4	Sept. 8, 1968	Dec. 11, 1944	Phoenix.
Navy	VN	Cassell, Robin Bern	O2	July 15, 1967	Dec. 6, 1941	Ft. Huachuca.
Air Force	VN	Cornelius, Johnnie Clayton	O2	June 26, 1968	May 22, 1941	Williams AFB.
Air Force	LA	Cornwell, Leroy Jason, III	O3	Sept. 28, 1973	Aug. 5, 1944	Tucson.
Army	VS	Crook, Elliott	E5	May 17, 1972	June 12, 1948	Phoenix.
Army	VS	Dale, Charles Alva	O4	Dec. 6, 1978	May 5, 1937	Phoenix.
Army	VS	Dunlap, William Charles	W3	Feb. 20, 1979	Sept. 21, 1946	Tucson.
Army	VS	Ecklund, Arthur Gene	O4	July 19, 1979	May 5, 1943	Phoenix.
Air Force	LA	Fenter, Charles Frederick	E7	Mar. 5, 1979	Oct. 1, 1953	Tucson.
Air Force	VS	Godfrey, Johnny Howard	O3	Jan. 11, 1966	Jan 17, 1934	Phoenix.
Air Force	VN	Hopper, Earl Pearson, Jr	O5	July 14, 1982	July 21, 1943	Phoenix.
Air Force	LA	Jeffords, Derrell Blackbur	O6	Dec. 1, 1977	Aug. 10, 1925	Phoenix.
Navy	VN	Lukenbach, Max Duane	O5	Dec. 22, 1965	Aug. 15, 1932	Tucson.
Air Force	VS	Miller, Michael Andrew	O2	Mar. 28, 1969	Mar. 12, 1945	Tucson.
Navy	LA	Pike, Dennis Stanley	O4	Oct. 3, 1978	July 2, 1940	Bagdad.
Army	VS	Powers, Lowell Stephen	W3	Jan. 8, 1979	Sept. 25, 1946	Scottsdale.
Army	CB	Ramirez, Armando	E5	May 23, 1969	Feb. 1, 1949	Willcox.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	LA	Reid, Jon Eric	W3	Sept. 14, 1978	Nov. 15, 1948	Phoenix.
Navy	VN	Saavedra, Robert	O5	Apr. 16, 1974	Aug. 1, 1934	Nogales.
Marine Corps	VS	Thomas, James Calven	E5	Aug. 12, 1975	Oct. 27, 1947	Safford.
Air Force	VS	Walling, Charles Milton	O4	Mar. 17, 1978	Dec. 31, 1938	Phoenix.
Air Force	VS	Wheeler, James Atlee	O3	Apr. 18, 1965	Feb. 10, 1933	Tucson.
Air Force	LA	Worley, Don Franklin	E5	Mar. 11, 1968	Jan. 13, 1937	Bald Knob.
Arkansas (28):						
Navy	VN	Barr, John Frederick	O4	Oct. 18, 1967	Mar. 31,1934	Hope.
Air Force	LA	Bell, Marvin Earl	E5	June 30, 1970	July 27, 1943	Blytheville.
Army	VS	Bennet, Harold George	E6	July 1, 1966	Oct. 16, 1940	Perryville.
Air Force	VN	Chesnutt, Chambless M	O4	Sept. 30, 1965	Aug. 13, 1934	Little Rock.
Air Force	VN	Darr, Charles Edward	O3	Sept. 15, 1981	Feb. 25, 1944	Little Rock.
Air Force	VS	De Soto, Ernest Leo	O6	June 5, 1979	Dec. 30, 1931	Manning.
Air Force	LA	Elliott, Robert Thomas	E7	July 24, 1979	Dec. 18, 1948	El Dorado.
Marine Corps	VS	Evans, Cleveland, Jr	E6	May 6, 1975	Nov. 22, 1945	Hot Springs.
Marine Corps	VS	Godwin, Solomon Hughey	W3	July 25, 1968	Jan. 24, 1935	Hot Springs.
Army	VS	Holt, James William	E8	Nov. 14, 1973	Sept. 19, 1941	Hot Springs.
Air Force	LA	Jenkins, Paul Laverne	E7	June 30, 1970	May 11, 1930	McGehee.
Air Force	LA	Knebel, Thomas Edward	E9	June 29, 1978	June 11, 1947	Midway.
Navy	VS	Mailhes, Lawrence Scott	O2	Aug. 10, 1965	Dec. 16, 1940	Hot Springs.
Air Force	LA	Mason, William Henderson	O6	Oct. 9, 1980	Oct. 12, 1924	Camden.
Marine Corps	CB	Maxwell, James Rickey	E2	May 15, 1975	Feb. 20, 1957	Center Ridge.
Air Force	LA	Meroney, Virgil Kersh III	O3	Mar. 1, 1969	May 22, 1943	Fayetteville.
Army	LA	Moon, Walter Hugh	O3	July 22, 1961	Mar. 31, 1923	Rudy.
Navy	VS	Moran, Richard Allan	O4	Aug. 7, 1966	Jan. 27, 1936	Fort Smith.
Air Force	VN	Morgan, James Sheppard	O6	Sept. 11, 1978	Aug. 17, 1928	El Dorado.
Air Force	VS	Oakley, Linus Labin	E4	Oct. 29, 1971	Oct. 14, 1949	Carthage.
Navy	VN	Roehrich, Ronald L	O2	Jan. 18, 1968	Nov. 16, 1941	Springdale.
Army	VS	Shewmake, John Daniel Sr	E7	Nov. 4, 1971	May 15, 1933	Adona.
Air Force	VS	Smith, William Ward	O3	July 23, 1966	Jan. 15, 1934	Searcy.
Navy	VN	Taylor, Edd David	O3	Aug. 29, 1965	Feb. 22, 1939	Kensett.
Navy	VS	Travis, Lynn Michael	O2	Feb. 6, 1968	May 25, 1941	Newport.
Air Force	VS	Waller, Therman Morris	E8	Jan. 9, 1978	Feb. 9, 1943	Wynne.
Army	VS	Wilson, Richard Jr	E3	June 15, 1971	Nov. 8, 1952	Crawfordsville.
Air Force	LA	Worst, Karl Edward	O3	Mar. 2, 1966	Oct. 29, 1937	Fort Smith.
California (255):						
Air Force	LA	Adachi, Thomas Yuji	E8	Sep. 11, 1978	Apr. 3, 1946	Los Angeles.
Army	VS	Adams, John Robert	E6	Mar. 13, 1978	July 31, 1946	Chico.
Air Force	VN	Adams, Lee Aaron	O2	Apr. 19, 1966	July 29, 1938	Willits.
Air Force	VN	Alberton, Bobby Joe	E9	Jan. 9, 1978	Aug. 30, 1937	Anaheim.
Navy	VN	Amspacher, William H., Jr	E4	June 2, 1965	July 26, 1944	Canoga Park.
Army	CB	Antunano, Gregory Alfred	E5	July 24, 1971	May 18, 1949	San Francisco.
Air Force	VN	Appleby, Ivan Dale	O6	Dec. 1, 1976	Sept. 13, 1930	Fresno.
Marine Corps	LA	Armitstead, Steven Ray	O3	Dec. 3, 1974	June 15, 1944	Los Angeles.
Air Force	VS	Armond, Robert Laurence	O3	June 18, 1965	May 14, 1935	San Mateo.
Air Force	VN	Asire, Donald Henry	O6	Sept. 19, 1973	July 8, 1923	Pomona.
Navy	VN	Bauder, James Reginald	O6	May 12, 1978	May 17, 1931	La Canada.
Marine Corps	VS	Beach, Arthur James	O3	Mar. 20, 1966	Aug. 29, 1938	Orange Cove.
Navy	VN	Beene, James Alvin	O4	Feb. 9, 1976	July 11, 1939	Burbank.
Navy	VN	Benson, Lee David	O2	Mar. 17, 1968	Aug. 17, 1943	San Mateo.
Marine Corps	VS	Benton, Gregory Rea, Jr	E6	June 30, 1978	Apr. 18, 1950	Vallejo.
Army	VS	Birchim, James Douglas	O3	May 10, 1971	July 16, 1946	Independence.
Marine Corps	VS	Biscailuz, Robert Lynn	E3	July 30, 1967	July 24, 1946	Midway City.
Army	CB	Black, Paul Vernon	W1	Mar. 1, 1971	Apr. 26, 1948	Central Valley.
Air Force	VN	Blackwood, Gordon Byron	O4	Nov. 29, 1976	July 18, 1938	Palo Verde.
Air Force	LA	Bloodworth, Donald Bruce	O3	May 28, 1974	Dec. 28, 1944	San Diego.
Marine Corps	VS	Bloom Richard McAuliffe	O2	Sept. 20, 1966	Sept. 5, 1942	San Francisco.
Marine Corps	VS	Bodenschatz, John Eugen, Jr	E6	Jan. 21, 1975	May 29, 1946	Los Angeles.
Marine Corps	VS	Bohlig, James Richard	O2	Aug. 19, 1969	July 10, 1943	Crockett.
Air Force	VN	Both, James Ervin	O4	Aug. 8, 1978	Dec. 29, 1939	Roseville.
Army	VS	Borja, Domingo R. S	E7	Feb. 21, 1967	Feb. 1, 1931	San Francisco.
Air Force	LA	Brashear, William James	O5	Jan. 8, 1974	Mar. 1, 1934	Chula Vista.
Army	VS	Bridges, Phillip Wayne	E4	June 30, 1971	Apr. 13, 1948	Tipton.
Navy	VN	Brown, Donald Hubert, Jr	O2	Aug. 12, 1965	Aug. 22, 1938	Berkeley.
Army	LA	Brown, William Theodore	E7	Jan. 8, 1979	Feb. 20, 1945	La Habra.
Air Force	VS	Buerk, William Carl	O3	Apr. 11, 1971	Feb. 15, 1940	Los Angeles.
Navy	VS	Bullard, William Harry	O2	Aug. 25, 1966	Aug. 3, 1942	Elsinore.
Air Force	VS	Cairns, Robert Alexander	E5	June 17, 1966	Dec. 15, 1931	Highland.
Air Force	VS	Callanan, Richard Joseph	O3	Jan. 7, 1966	July 15, 1930	Concord.
Air Force	VN	Carrier, Daniel Lewis	O3	Jan. 3, 1975	Nov. 9, 1942	San Diego.
Marine Corps	VS	Carter, Dennis Ray	E6	Sept. 12, 1974	May 2, 1947	Lomita.
Air Force	VS	Carter, James Louis	O6	July 26, 1974	Oct. 26, 1928	Pasadena.
Marine Corps	VS	Castro, Reinaldo Antonio	E5	Apr. 27, 1967	Apr. 12, 1940	Pacific Grove.
Army	VS	Cavender, Jim Ray	W3	Sept. 25, 1978	Dec. 28, 1948	Santa Paula.
Navy	VS	Chan, Peter	E2	Sept. 25, 1972	Oct. 15, 1951	San Francisco.
Navy	VS	Chapa, Armando, Jr	E4	Feb. 6, 1968	Mar. 31, 1948	San Jose.
Army	VS	Chavira, Stephen	E5	May 28, 1971	Mar. 10, 1943	Wasco.
Army	VS	Christiansen, Eugene F	E6	Oct. 30, 1978	Feb. 16, 1949	Barstow.
Marine Corps	VS	Christie, Dennis Ray	E3	June 11, 1967	Aug. 11, 1946	Imperial Beach.
Army	LA	Chubb, John Jacobsen	E3	Mar. 20, 1971	Dec. 9, 1950	Gardena.
Navy	VN	Clark, Robert Alan	O2	Mar. 7, 1978	Sept. 21, 1946	North Hollywood.
Air Force	LA	Clark, Stanley Scott	O6	Feb. 14, 1969	May 22, 1928	Modesto.
Marine Corps	VS	Clark, Stephen William	O3	May 3, 1968	Sept. 24, 1941	Plymouth.
Army	VS	Collazo, Raphael Lorenzo	E5	Mar. 31, 1971	Aug. 24, 1947	Gardena.
Navy	LA	Collins, Richard Frank	O5	Feb. 13, 1978	Oct. 25, 1936	Huntington Park.
Navy	VS	Cook, Dennis Philip	O3	Apr. 6, 1966	Nov. 1, 1936	Santa Barbara.
Army	LA	Copley, William Michael	E6	Feb. 11, 1974	May 22, 1949	Northride.
Marine Corps	LA	Cordova, Sam Gary	O4	Feb. 26, 1980	Aug. 27, 1943	Huntington Beach.
Navy	VS	Cota, Ernest Keno	E5	May 14, 1968	Dec. 23, 1944	San Diego.
Army	LA	Crone, Donald Everett	E4	Feb. 15, 1971	Nov. 5, 1949	Whittier.
Navy	VN	Cropper, Curtis Henry	O3	Apr. 5, 1970	Aug. 2, 1943	Paso Robles.
Air Force	VS	Cruz, Raphael	E5	Sept. 3, 1964	May 23, 1935	Stockton.
Air Force	VN	Cuthbert, Stephen Howard	O4	Nov. 3, 1978	June 19, 1943	Oakland
Marine Corps	VN	Davis, Brent Eden	O4	June 16, 1976	Sept. 16, 1938	Santa Clara.
Army	VS	Dawes, John James	E7	May 5, 1966	Aug. 2, 1932	Madera.
Army	VS	Dawson, Daniel George	O3	Nov. 7, 1965	July 23, 1938	Fort Bragg.
Navy	LA	Dawson, Frank Arthur	E3	Feb. 17, 1968	Sept. 29, 1946	Fairfield.
Air Force	LA	Dean, Michael Frank	E5	June 30, 1970	Sept. 13, 1946	La Puente.
Marine Corps	VS	Deleidi, Richard Agustine	O3	Feb. 7, 1969	Jan. 30, 1945	El Cajon.
Army	VS	Demmon, David Stanley	E6	Feb. 8, 1978	Nov. 30, 1940	Venice.
Air Force	VN	Derrickson, Thomas G., II	O5	Dec. 12, 1979	Mar. 10, 1936	Los Altos.
Army	VS	Dillon, David Andrew	E4	July 20, 1966	May 28, 1942	Spring Valley.
Navy	VN	Donnelly, Verne George	O5	Dec. 8, 1976	June 6, 1932	Marysville.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Navy	VN	Duensing, James Allyn	O3	Jan. 30, 1973	Oct. 11, 1943	Los Altos.
Army	VS	Eisenbraun, William Forbes	O3	Sept. 8, 1967	Dec. 15, 1931	Santa Ana.
Army	VS	Elliott, Andrew John	W3	Sept. 19, 1978	Nov. 30, 1941	Oakland.
Army	LA	Engen, Robert Joseph	E4	Feb. 18, 1971	Apr. 3, 1951	Stockton.
Army	VS	Englander, Lawrence Jesse	E7	Sept. 11, 1978	Apr. 19, 1943	Van Nuys.
Army	VS	Eveland, Mickey Eugene	E4	Oct. 26, 1971	June 25, 1952	Los Angeles.
Air Force	VN	Fobair, Roscoe Henry	O4	July 24, 1965	Sept. 30, 1935	Oxnard.
Navy	VN	Fortner, Frederick John	O4	June 6, 1975	May 15, 1943	Pomona.
Navy	VN	Foulks, Ralph Eugene, Jr	O3	Nov. 2, 1973	July 21, 1943	Ridgecrest.
Navy	VS	Frakes, Dwight Glenn	E7	Feb. 24, 1965	May 8, 1931	Los Angeles.
Navy	VN	Frenyea, Edmund Henry	E9	May 10, 1973	May 24, 1930	Ukiah.
Navy	VN	Frye, Donald Patrick	O1	July 19, 1967	Sept. 23, 1943	Los Angeles.
Army	VS	Gardner, Glenn Virgil	E2	Nov. 25, 1966	Aug. 14, 1947	San Bernardino.
Navy	CH	Glasson, William Albert, Jr	O5	Jan. 18, 1974	Feb. 20, 1933	Los Angeles.
Navy	VN	Gold, Edward Frank	O5	Nov. 7, 1977	Jan. 30, 1927	Oakland.
Marine Corps	LA	Gonzales, David	E5	Mar. 21, 1970	July 24, 1947	Ventura.
Navy	VS	Graf, John George	O4	Feb. 1, 1978	Oct. 20, 1927	Glendale.
Navy	VS	Graham, Gilbert James	E3	Sept. 28, 1967	Feb. 24, 1946	Anaheim.
Army	VS	Grantham, Robert Eugene	E4	Mar. 8, 1971	Dec. 9, 1951	Los Angeles.
Navy	VS	Grayson, William Ronald	O5	Apr. 1, 1966	Nov. 5, 1930	Riverside.
Air Force	VN	Green, Donald George	O3	Nov. 16, 1965	July 27, 1932	Baldwin Park.
Army	VS	Green, Thomas Frederick	E3	Oct. 26, 1971	Sep. 10, 1952	Ramona.
Marine Corps	VS	Greer, Robert Lee	E5	Nov. 28, 1975	Apr. 28, 1944	Pleasant Hill.
Navy	VS	Guerra, Raul Antonio	E3	Oct. 8, 1967	Dec. 18, 1942	Los Angeles.
Army	VS	Hagen, Craig Louis	E5	June 10, 1965	Sept. 14, 1940	Sacramento.
Air Force	VS	Hail, William Warren	O5	Feb. 9, 1978	Dec. 18, 1932	Los Angeles.
Navy	VN	Hall, James Wayne	O4	Mar. 13, 1978	May 18, 1934	Los Angeles.
Army	LA	Hall, Walter Ray	E4	Mar. 22, 1971	Mar. 7, 1950	Los Angeles.
Army	VS	Hallberg, Roger C	E7	Mar. 26, 1975	Sept. 18, 1944	Palo Alto.
Air Force	LA	Halpin, Richard Conroy	O3	May 31, 1977	July 23, 1945	San Diego.
Marine Corps	LA	Hanson, Stephen Paul	O4	Oct. 4, 1974	Jan. 4, 1940	Burbank.
Air Force	VN	Hardy, John Day, Jr	O3	Aug. 22, 1974	Jan. 13, 1942	Los Angeles.
Army	VS	Hastings, Steven Morris	E6	June 13, 1974	Oct. 11, 1948	Baldwin Park.
Army	VS	Hattori, Masaki	O4	Mar. 23, 1968	Nov. 21, 1936	Stockton.
Navy	LA	Hayden, Glenn Miller	O5	Feb. 17, 1968	May 1, 1927	Long Beach.
Navy	VN	Heep, William Arthur	O3	Aug. 24, 1968	July 6, 1942	San Pedro.
Marine Corps	VS	Hempel, Barry Lee	E2	May 10, 1968	July 26, 1947	Garden Grove.
Air Force	VS	Henninger, Howard William	O6	Nov. 20, 1978	May 3, 1933	Hanford.
Navy	VS	Henry, David Alan	O2	Sept. 19, 1966	July 30, 1941	El Cerrito.
Army	VS	Hernandez, Frank Sanchez	E4	May 6, 1970	Dec. 2, 1947	Fresno.
Navy	VN	Hessom, Robert Charles	O5	Mar. 5, 1966	Nov. 2, 1925	Alameda.
Navy	LA	Hill, Arthur Sinclair, Jr	O3	Dec. 29, 1965	Aug. 20, 1937	Rancho Santa Fe.
Army	VS	Hines, Vaughn M	E3	Nov. 8, 1967	Feb. 16, 1947	Arcadia.
Army	VS	Hoefts, John Harvey	E4	Nov. 28, 1966	Feb. 25, 1946	Oceanside.
Army	VS	Holguin, Luis Gallegos	W3	Oct. 30, 1978	May 19, 1950	Oxnard.
Air Force	VS	Holland, Lawrence Thomas	O3	June 12, 1965	May 15, 1934	Alhambra.
Navy	VN	Holmes, Frederick Lee	O5	Apr. 12, 1975	Dec. 19, 1936	Morgan Hill.
Navy	VN	Hom, Charles David	O2	Aug. 17, 1967	Feb. 28, 1943	Huntington Park.
Navy	VN	Homuth, Richard Wendal	O3	May 23, 1967	Jan. 6, 1937	Spring Valley.
Air Force	VN	Horne, Stanley Henry	O6	May 25, 1979	May 19, 1926	Los Angeles.
Air Force	CB	Huberth, Eric James	O3	May 13, 1970	Jan. 20, 1945	Thousand Oaks.
Marine Corps	VS	Ibanez, Di Reyes	E7	Mar. 27, 1978	June 19, 1941	San Diego.
Air Force	LA	Ireland, Robert Newell	E9	Sept. 11, 1978	July 11, 1935	San Bernardino.
Army	VS	Jacobsen, Timothy John	E5	May 17, 1972	Feb. 19, 1950	Oakland.
Air Force	VN	Jefferson, James Milton	O4	Mar. 3, 1982	July 11, 1941	San Diego.
Army	LA	Johnson, Gary Lee	E4	Feb. 18, 1971	June 7, 1948	Malibu.
Marine Corps	VS	Johnson, Stanley Garwood	O2	Dec. 3, 1965	Nov. 11, 1940	Applegate.
Navy	CH	Jordan, Larry Michael	O4	Nov. 19, 1973	Nov. 29, 1940	San Jose.
Navy	VN	Kardell, David Allen	O3	May 9, 1965	June 12, 1939	Sonoma.
Navy	VN	Karger, Barry Edwin	O2	May 14, 1968	Aug. 11, 1945	Prather.
Navy	VN	Kasch, Frederick Morrison	O3	July 2, 1967	Oct. 24, 1940	San Diego.
Air Force	VN	King, Ronald Runyan	O4	Oct. 3, 1967	Nov. 1, 1926	Santa Cruz.
Air Force	VN	Klinck, Harrison Hoyt	O5	April 3, 1978	Sept. 11, 1931	Los Angeles.
Air Force	VS	Klinke, Donald Herman	E6	June 18, 1972	Feb. 18, 1935	West Sacramento.
Army	VS	Knight, Henry Clay	W2	July 31, 1974	Mar. 18, 1943	La Habra.
Navy	VN	Kollman, Glenn Edward	O5	Mar. 12, 1968	Dec. 22, 1928	Daly City.
Navy	VN	Kraner, David Stanley	E3	June 5, 1972	June 14, 1950	Wendel.
Marine Corps	VS	Krausman, Edward L	E5	Nov. 28, 1975	Oct. 31, 1944	Burbank.
Navy	LA	Kravitz, James Stephen	O2	Feb. 17, 1968	June 7, 1941	Riverside.
Navy	VS	Laporte, Michael Louis	E7	Dec. 2, 1977	Aug. 21, 1944	Lon Angeles.
Army	VS	Lauteria, Manuel Alonzo	E6	Oct. 6, 1976	June 17, 1947	Los Angeles.
Navy	VN	Laws, Richard Lee	O3	Apr. 3, 1966	Mar. 25, 1940	Sacramento.
Navy	VN	Lee, Charles Richard	O4	Aug. 13, 1974	Mar. 13, 1941	Costa Mesa.
Air Force	VS	Lehrke, Stanley Lawrence	E5	June 18, 1972	Oct. 30, 1948	San Diego.
Air Force	VN	Lillund, William Allan	O4	Apr. 27, 1978	Mar. 17, 1939	Fortuna.
Army	CB	Lilly, Lawrence Eugene	O2	Mar. 17, 1971	Feb. 17, 1946	Los Angeles.
Air Force	LA	Lundy, Albro Lynn, Jr	O4	Dec. 24, 1970	Nov. 17, 1932	Sherman Oaks.
Air Force	LA	Lyon, Donavan Loren	O5	May 26, 1974	Nov. 1, 1934	Hollywood.
Marine Corps	VS	Mahoney, Thomas P. III	E3	July 6, 1968	Oct. 3, 1947	Oakland.
Navy	VN	Mape, John Clement	O5	Apr. 13, 1966	Sept. 24, 1925	Dublin.
Army	VS	Masuda, Robert Susumu	E6	Mar. 16, 1976	Oct. 19, 1947	San Jose.
Navy	VS	McConnaughey, Dan Daily	E4	Feb. 5, 1966	Feb. 20, 1942	Artesia.
Navy	VN	McCoy, Meril Olen, Jr	E3	Dec. 15, 1970	Feb. 14, 1942	North Sacramento.
Army	VS	McGar, Brian Kent	E6	July 13, 1976	Aug. 17, 1947	Ceres.
Army	VS	McLean, James Henry	E7	Sept. 18, 1978	June 16, 1944	Los Angeles.
Marine Corps	VS	McPhee, Randy Neal	E2	Apr. 30, 1967	Jan. 3, 1947	Long Beach.
Air Force	VS	McPherson, Fred Lamar	O4	Jan. 28, 1966	Feb. 11, 1929	Oakland.
Air Force	VN	McElvain, James Richard	O5	Sept. 11, 1978	Mar. 23, 1939	La Verne.
Navy	VN	McGrath, William Darrell	O6	June 2, 1975	July 31, 1929	Colton.
Navy	VN	Metzler, Charles David	O5	June 21, 1971	Feb. 13, 1934	Downey.
Army	VS	Miller, Glenn Edwin	E5	May 10, 1968	Sept. 13, 1944	Oakland.
Air Force	LA	Miller, Robert Charles	O4	Aug. 28, 1968	Aug. 17, 1929	Hayward.
Navy	VN	Miller, Robert Lester	O3	Mar. 7, 1967	Aug. 11, 1938	Salinas.
Army	VS	Millner, Michael	E7	July 2, 1974	Dec. 17, 1942	Marysville.
Navy	VN	Mills, James Burton	O4	Apr. 18, 1978	Aug. 31, 1940	Bakersfield.
Navy	VN	Mitchell, Gilbert Louis	O4	Oct. 9, 1973	July 10, 1941	Tehachapi.
Army	VS	Moreland, James Leslie	E6	June 5, 1978	Sept. 29, 1945	Anaheim.
Air Force	VS	Moreland, Stephen Craig	O2	May 12, 1968	Feb. 16, 1943	Los Angeles.
Marine Corps	VS	Moreland, William David	O4	Aug. 5, 1974	July 27, 1941	Montebello.
Air Force	VN	Morgan, Charles Elzy	O4	Jan. 8, 1974	Jan. 10, 1932	Rancho Cordova.
Marine Corps	VS	Morrill, David Whittier	O4	Mar. 18, 1967	Nov. 3, 1930	San Carlos.
Air Force	VN	Morrill, Merwin Lamphrey	O5	Apr. 3, 1978	Mar. 8, 1936	San Carlos.
Air Force	VS	Morris, George William, Jr	O3	Aug. 23, 1978	Sept. 16, 1946	Alhambra.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Moshier, Jim Edwin	E4	June 11, 1967	Aug. 3, 1943	Bakersfield.
Army	VS	Munoz, David Louie	E6	July 31, 1978	May 2, 1948	Los Angeles.
Navy	VN	Muren, Thomas Richard	E2	Apr. 3, 1972	Mar. 18, 1952	Lakewood.
Air Force	VS	Neville, William Edward	E6	June 18, 1965	Aug. 24, 1933	El Cajon.
Army	VS	Newton, Donald Stephen	E7	Aug. 20, 1974	July 8, 1942	San Pedro.
Air Force	VS	Nyhof, Richard E	E6	June 18, 1972	Aug. 12, 1949	Fremont.
Marine Corps	VS	Nystul, William Craig	O3	Apr. 29, 1975	Jan. 4, 1946	Coronodo.
Marine Corps	VS	Ott, Patrick Louis	O3	Oct. 2, 1967	Dec. 15, 1943	Cupertino.
Air Force	LA	Ott, William August	O6	June 21, 1978	Sept. 23, 1934	Livermore.
Air Force	VN	Page, Gordon Lee	O6	Aug. 19, 1974	Aug. 15, 1932	Palo Alto.
Marine Corps	VS	Palacios, Luis Fernando	E3	June 6, 1968	Feb. 28, 1949	Los Angeles.
Navy	VN	Parcels, Rex Lewis, Jr	O2	Mar. 9, 1970	Jan. 16, 1945	Berkeley.
Navy	VN	Parker, Charles Leslie, Jr	O4	Jan. 21, 1973	Mar. 11, 1939	San Diego.
Marine Corps	VS	Parker, Maxim Charles	O1	Mar. 18, 1967	Apr. 10, 1943	Rolling Hills.
Marine Corps	VS	Parra, Lionel, Jr	O4	Mar. 27, 1979	Apr. 12, 1938	Sacramento.
Navy	VN	Patterson, James Kelly	O4	Apr. 16, 1974	July 14, 1940	Long Beach.
Army	VS	Pederson, Joe Palmer	E8	Sept. 1, 1978	July 12, 1935	Seaside.
Navy	VN	Peterson, Dennis William	O3	July 19, 1967	June 28, 1939	Huntington Park.
Navy	VN	Plowman, James Edwin	O4	Apr. 18, 1974	Oct. 14, 1943	Pebble Beach.
Navy	VN	Ramsden, Gerald Lee	O4	Jan. 23, 1968	May 10, 1935	Fresno.
Navy	LA	Rawsthorne, Edgar Arthur	O5	Dec. 29, 1965	Oct. 3, 1925	Miramar.
Navy	VS	Reedy, William Henry, Jr	E4	Jan. 16, 1968	Sept. 29, 1947	Merced.
Army	VS	Rehe, Richard Raymond	E6	Jan. 10, 1968	Nov. 16, 1945	Long Beach.
Marine Corps	CB	Rivenburgh, Richard Willia	E2	May 15, 1975	July 14, 1953	San Diego.
Army	VS	Roark, Anund C	E5	May 16, 1968	Feb. 17, 1948	San Diego.
Air Force	VS	Romero, Victor	E9	Oct. 9, 1979	Dec. 11, 1947	San Francisco.
Army	VS	Ross, Douglas Alan	E4	Jan. 22, 1969	Sept. 10, 1948	Temple City.
Navy	VN	Rudolph, Robert David	O2	Sept. 8, 1965	Feb. 26, 1942	Encino.
Air Force	LA	Sadler, Mitchell Olen, Jr	O3	May 4, 1976	Oct. 20, 1943	Oceanside.
Navy	VN	Sather, Richard Christian	O2	Aug. 5, 1964	Feb. 15, 1938	Pomona.
Air Force	VN	Scharf, Charles Joseph	O6	Jan. 9, 1978	Mar. 20, 1933	San Diego.
Navy	VN	Schimmels, Eddie Ray	E6	Feb. 18, 1969	Mar. 5, 1939	Los Angeles.
Navy	VN	Searfus, William Henry	O5	Nov. 25, 1967	Feb. 11, 1929	Los Angeles.
Navy	VN	Sennett, Robert Russell	E8	May 10, 1973	May 2, 1939	Mar Vista.
Army	VS	Shanley, Michael Henry, Jr	E6	Aug. 24, 1978	Sept. 12, 1945	La Mesa.
Army	VS	Shark, Earl Eric	E6	July 5, 1978	May 23, 1946	Pomona.
Marine Corps	VS	Sharp, Samuel Arthur, Jr	E3	May 10, 1967	Feb. 9, 1947	San Jose.
Navy	VN	Shea, James Patrick	O2	Apr. 20, 1965	Aug. 18, 1940	Burlingame.
Air Force	VN	Shinn, William Charles	E4	Jan. 28, 1970	July 7, 1948	Woodland.
Army	LA	Shriver, Jerry Michael	E8	June 10, 1974	Sept. 24, 1941	Sacramento.
Navy	LA	Siow, Gale Robert	E4	Jan. 11, 1968	Dec. 8, 1940	Huntington Park.
Marine Corps	VS	Sisson, Winfield Wade	O4	Oct. 18, 1965	Sept. 22, 1937	Berkeley.
Air Force	LA	Sizemore, James Elmo	O4	July 8, 1969	Oct. 11, 1930	San Diego.
Navy	VS	Skeen, Richard Robert	O5	May 16, 1970	Feb. 11, 1931	Riverside.
Air Force	LA	Smith, Harding Eugene, Sr	O6	Sep. 6, 1974	Mar. 11, 1918	Los Gatos.
Air Force	VN	Springston, Theodore, Jr	O5	Mar. 16, 1978	Nov. 23, 1931	San Francisco.
Air Force	VN	Squire, Boyd Edwin	O5	July 12, 1967	Sept. 16, 1930	Scaramento.
Navy	VS	Steimer, Thomas Jack	O2	May 8, 1967	May 12, 1942	Peidmont.
Navy	LA	Stevens, Larry James	O3	Jan. 10, 1978	Dec. 17, 1942	Canoga Park.
Army	LA	Stewart, Paul Clark	W2	Feb. 8, 1971	Jan. 5, 1950	Buena Park.
Army	VS	Strange, Floyd Wayne	W3	May 22, 1978	May 1, 1946	Chico.
Navy	VS	Stringham, William Sterlin	E4	Feb. 3, 1973	Apr. 7, 1950	Garden Grove.
Army	VS	Strobridge, Rodney Lynn	O4	May 15, 1978	May 22, 1941	Torrance.
Navy	VS	Swigart, Paul Eugene, Jr	O2	Feb. 5, 1969	Jan. 28, 1944	Seal Beach.
Air Force	LA	Swords, Smith III	O6	Aug. 17, 1979	July 17, 1929	Los Angeles.
Navy	VS	Talken, George Francis	O4	Aug. 2, 1969	Dec. 4, 1938	Chico.
Air Force	LA	Tapp, Marshall Landis	O6	Jan. 18, 1978	Sept. 22, 1926	Los Angeles.
Army	LA	Taylor, James Harry	O1	Feb. 15, 1971	Feb. 3, 1946	Oroville.
Navy	VN	Thomas, Darwin Joel	O1	Oct. 14, 1966	Apr. 28, 1943	Santa Clara.
Navy	VN	Thomas, Harry Eugene	O5	Aug. 13, 1965	Spet. 12, 1927	Taft.
Air Force	VN	Tiffin, Rainford	O4	Oct. 22, 1974	Mar. 4, 1938	Santa Cruz.
Marine Corps	VS	Trimble, James Mitchell	E4	Apr. 6, 1968	Jan. 30, 1949	Eureka.
Army	VS	Trivelpiece, Steve Maurice	E3	Apr. 4, 1968	Oct. 8, 1948	Stockton.
Navy	VS	Tunnell, John Wallace	O4	June 20, 1966	June 25, 1933	Vista.
Marine Corps	CB	Turner, Kelton Rena	E2	May 15, 1975	July 15, 1956	Los Angeles.
Marine Corps	VN	Uplinger, Barton John	O3	Feb. 19, 1968	Sept. 2, 1942	Cararillo.
Air Force	LA	Utley, Russel Keith	O6	May 9, 1978	Aug. 5, 1933	San Francisco.
Army	VS	Van Campen, Thomas Charles	E3	June 24, 1965	Dec. 28, 1945	Oroville.
Navy	VN	Vaughan, Robert Reddington	O4	Oct. 14, 1967	Oct. 26, 1931	Los Angeles.
Marine Corps	VS	Walker, William John	O4	Apr. 20, 1968	Nov. 21, 1934	Riverside.
Army	VS	Wallace, Arnold Brian	E2	Jan. 25, 1967	Apr. 2, 1945	San Leandro.
Air Force	VS	Weger, John, Jr	O2	Oct. 22, 1965	June 29, 1940	San Fernando.
Army	VS	Westcott, Gary Patrick	E5	Mar. 30, 1972	Apr. 24, 1951	Pomona.
Air Force	VS	Whitesides, Richard Lebrou	O3	Mar. 27, 1965	Jan. 14, 1937	Stockton.
Navy	VN	Wiles, Marvin Benjamin C	O4	Aug. 2, 1978	Dec. 10, 1943	San Diego.
Army	VS	Williams, Richard Frank	E8	Sept. 18, 1968	Mar. 10, 1927	San Leandro.
Navy	VN	Wilson, Claude David, Jr	O3	Dec. 14, 1966	Aut. 14, 1935	Stockton.
Army	VS	Wilson, Mickey Allen	W2	Oct. 5, 1978	Apr. 28, 1948	Mountain View.
Air Force	LA	Winningham, John Quitman	E8	Sept. 21, 1972	Sept. 15, 1944	Grover City.
Air Force	VS	Winters, Darryl Gordon	E4	July 19, 1966	Mar. 6, 1939	San Francisco.
Army	VS	Winters, David Marshall	E6	Feb. 22, 1978	Oct. 18, 1948	Delhi.
Army	VS	Wong, Edward Puck Kow, Jr	E6	Aug. 22, 1978	Feb. 25, 1953	Oakland.
Air Force	VN	Wright, Gary Gene	O6	Jan. 3, 1974	Nov. 20, 1930	San Diego.
Marine Corps	VS	Xavier, Augusto Maria	O2	Mar. 10, 1966	May 26, 1941	San Jose.
Navy	VS	Zerbe, Michael Richard	O2	Apr. 15, 1966	Dec. 11, 1941	Julian.
Colorado (41):						
Air Force	VS	Anselmo, William Frank	E5	Mar. 7, 1969	Aug. 22, 1944	Denver.
Air Force	VN	Apodaca, Victor Joe, Jr	O4	Nov. 15, 1973	May 31, 1937	Englewood.
Navy	VN	Barber, Thomas David	E3	Mar. 17, 1968	Mar. 5, 1948	Aurora.
Army	VS	Berry, John Alvin	W1	Dec. 5, 1968	Feb. 14, 1946	Naturita.
Air Force	VN	Boston, Leo Sydney	O5	Apr. 27, 1978	May 12, 1935	Canon City.
Air Force	LA	Brownlee, Charles Richard	O6	Dec. 25, 1968	Aug. 3, 1931	Alamosa.
Air Force	VN	Corbitt, Gilland Wales	O6	Apr. 28, 1978	May 26, 1925	Denver.
Air Force	VS	Danielson, Mark Giles	O3	June 18, 1972	Apr. 29, 1943	Rangely.
Army	VS	De Herrera, Benjamin David	E3	Nov. 19, 1967	Apr. 19, 1948	Colorado Springs.
Army	VS	Donovan, Leroy Melvin	E7	May 20, 1966	Feb. 23, 1933	Cedaredge.
Air Force	VN	Gilchrist, Robert Michael	O4	Mar. 6, 1978	Nov. 27, 1940	Littleton.
Navy	VS	Green, Gerald	O2	Sept. 12, 1965	July 9, 1939	Fort Morgan.
Air Force	VS	Hamm, James Edward	O3	Feb. 4, 1974	May 4, 1943	Longmont.
Marine Corps	VS	Hanratty, Thomas Michael	E2	June 11, 1967	June 19, 1946	Beulah.
Army	VS	Hansen, Lester Alan	W2	Mar. 16, 1977	July 1, 1942	Pueblo.
Air Force	LA	Helwig, Roger Danny	O3	Sept. 11, 1969	May 17, 1943	Colorado Springs.
Air Force	LA	Hrdlicka, David Louis	O5	Nov. 21, 1977	Dec. 30, 1931	Littleton.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	VS	Hyde, Michael Lewis	O3	Dec. 8, 1966	May 14, 1938	Boulder City.
Marine Corps	CB	Jacques, James Joseph	E2	May 15, 1975	Oct. 9, 1956	Denver.
Air Force	VS	Jefferson, Perry Henry	O4	Sept. 28, 1973	Aug. 18, 1931	Denver.
Navy	VN	Kemp, Clayton Charles, Jr	E4	Jan. 12, 1967	Oct. 9, 1947	Wheatridge.
Navy	VN	Kohler, Delvin Lee	E4	Oct. 2, 1969	July 19, 1945	Kersey.
Marine Corps	VS	La Voo, John Allen	O3	Sept. 19, 1968	July 15, 1940	Pueblo.
Air Force	VN	Ladewig, Melvin Earl	O3	Nov. 8, 1973	Aug. 8, 1944	Englewood.
Army	VS	Leeper, Wallace Wilson	W3	July 17, 1974	Apr. 24, 1947	Wellington.
Air Force	VN	Martin, Duane Whitney	O2	July 20, 1966	Jan. 2, 1940	Denver.
Marine Corps	VS	McVey, Lavoy Don	O3	Mar. 2, 1970	Feb. 22, 1938	Lamar.
Air Force	LA	Mitchell, Thomas Barry	O4	Feb. 27, 1975	Mar. 31, 1941	Littleton.
Air Force	LA	Morgan Burke Henderson	O3	Aug. 22, 1967	June 4, 1936	Manitou Springs.
Air Force	LA	Mullins, Harold Eugene	E9	May 28, 1974	Feb. 26, 1930	Denver.
Air Force	VN	Packard, Ronald Lyle	O3	Feb. 4, 1974	Nov. 18, 1941	Canon City.
Navy	VN	Pawlish, George Francis	O4	May 16, 1973	Feb. 25, 1941	Las Animas.
Air Force	VN	Ralston, Frank Deizell III	O4	Jan. 9, 1978	Mar. 2, 1941	Denver.
Army	VS	Shafer, Philip Raymond	E6	Sept. 2, 1975	May 13, 1949	Grand Junction.
Air Force	VN	Silva, Claude Arnold	O5	June 11, 1979	May 12, 1936	Monte Vista.
Army	VS	Simpson, Joseph Louis	E6	May 13, 1968	Feb. 6, 1945	Denver.
Air Force	LA	Steadman, James Eugene	O3	Feb. 13, 1975	Feb. 18, 1945	Fort Collins.
Air Force	LA	Stearns, Roger Horace	O3	Sept. 11, 1969	Feb. 4, 1941	Boulder.
Army	CB	Swanson, Jon Edward	O3	Feb. 26, 1971	May 1, 1942	Denver.
Air Force	LA	Tucker, Timothy Michael	O3	Oct. 4, 1979	Mar. 16, 1946	Las Animas.
Air Force	VS	Walker, Bruce Charles	O3	Jan. 7, 1980	Nov. 22, 1946	Pueblo.
Connecticut (40):						
Air Force	VS	Andrews, Stuart Merrill	O6	Dec. 1, 1977	Sept. 22, 1928	Stamford.
Air Force	VN	Austin, Charles David	O4	June 7, 1978	Feb. 27, 1942	New Canaan.
Air Force	LA	Bankowski, Alfons Aloyze	E5	Mar. 23, 1961	June 15, 1930	Stamford.
Air Force	VN	Bergevin, Charles Lee	O3	May 9, 1978	June 10, 1944	Torrington.
Army	VS	Bishop, Edward James, Jr	E6	Aug. 29, 1978	Jan. 27, 1948	Hartford.
Air Force	LA	Brown, Joseph Orville	O3	Apr. 19, 1966	Sept. 29, 1934	Norwalk.
Air Force	VN	Bush, Robert Edward	O5	Mar. 24, 1966	Oct. 4, 1928	Hamden.
Air Force	VN	Cleary, Peter McArthur	O3	May 17, 1979	June 27, 1944	Colchester.
Navy	VN	Cole, Legrande Ogden, Jr	O5	Nov. 28, 1978	Jan. 21, 1942	Danbury.
Navy	VS	Collette, Curtis David	E5	June 17, 1966	Oct. 13, 1941	Windsor.
Army	VS	Creamer, James Edward, Jr	E6	May 22, 1978	May 9, 1947	North Branford.
Air Force	VS	Dunn, Richard Edward	E6	Apr. 26, 1972	Jan 10, 1934	Terryville.
Marine Corps	VS	Fritsch, Thomas William	E3	May 10, 1968	Aug. 26, 1946	Cromwell.
Army	LA	Gallagher, John Theodore	E7	May 30, 1978	June 17, 1943	Hamden.
Air Force	LA	Guillet, Andre Roland	E7	Nov. 19, 1974	Dec. 17, 1943	Waterbury.
Air Force	LA	Hesford, Peter Dean	O4	June 8, 1978	Dec. 2, 1942	Mystic.
Army	VS	Holm, Arnold Edward, Jr	O3	June 11, 1972	Mar. 5, 1944	Waterford.
Air Force	LA	Hunter, Russell Palmer, Jr	O4	June 20, 1974	May 23, 1935	Glastonbury.
Air Force	LA	Kuhlmann, Charles Frederic	O4	Sept. 22, 1968	Feb. 7, 1930	New Britain.
Air Force	VN	Lerner, Irwin Stuart	O4	Aug. 8, 1978	Oct. 17, 1941	Stratford.
Air Force	LA	McGouldrick, Francis J., Jr	O6	July 10, 1978	Dec. 19, 1928	New Haven.
Navy	VS	McKinley, Gerald Wayne	O2	Mar. 31, 1965	May 22, 1940	Danbury.
Marine Corps	VS	McManus, Truman Joseph	E3	June 5, 1968	Aug. 17, 1949	Mansfield.
Army	LA	Mixter, David Ives	E5	Jan. 29, 1971	Jan. 22, 1949	Darien.
Air Force	LA	Moriarty, Peter Gibney	O3	Mar. 22, 1971	July 15, 1941	Newington.
Navy	VN	Moser, Paul Kierstead	E4	Oct. 2, 1969	May 2, 1946	Newington.
Navy	VN	Nickerson, William Brewste	O2	Apr. 22, 1966	Mar. 17, 1942	Stamford.
Air Force	VN	Nobert, Craig Roland	O4	Jan. 18, 1978	Dec. 3, 1941	Avon.
Navy	VS	Ott, Edward Louis, III	E6	Sept. 1, 1967	Mar. 12, 1939	Rockville.
Army	VS	Perry, Thomas Hepburn	E6	May 15, 1978	June 19, 1942	Canton.
Navy	VN	Pfaffmann, Charles Brooks	O2	Apr. 9, 1970	Dec. 30, 1944	Killingsworth.
Marine Corps	VN	Prevost, Albert Michael	O2	Feb. 1, 1966	Jan. 30, 1935	Norwalk.
Navy	VN	Rich, Richard	O6	Nov. 11, 1976	Oct. 27, 1925	Stamford.
Air Force	LA	Rowley, Charles Stoddard	O6	Nov. 3, 1978	May 14, 1931	Riverton.
Army	VS	Saegaert, Donald Russell	W1	June 10, 1965	May 3, 1940	Berlin.
Marine Corps	VS	Sherman, John Brooks	O2	Mar. 25, 1966	Jan. 30, 1940	Darien.
Air Force	VN	Shoneck, John Reginald	E7	July 18, 1973	July 27, 1932	Meriden.
Army	VS	Thorne, Larry Alan	O4	Oct. 19, 1966	May 28, 1919	Norwalk.
Air Force	LA	Walsh, Francis Anthony, Jr	O4	Dec. 21, 1972	Feb. 14, 1940	Westport.
Navy	VS	Westwood, Norman Philip, Jr	O3	May 17, 1970	Aug. 8, 1944	West Hartford.
Delaware (5):						
Air Force	VS	Ayres, Gerald Francis	O4	June 18, 1972	Feb. 23, 1939	New Castle.
Marine Corps	VS	Bird, Leonard Adrian	O2	July 13, 1968	Sept. 14, 1943	Wilmington
Air Force	VS	Hess, Gene Karl	E5	June 17, 1966	Aug. 18, 1933	Townsend.
Marine Corps	VS	Potts, Larry Fletcher	O3	Jan. 31, 1979	Apr. 7, 1947	Smyrna.
Marine Corps	VS	Willing, Edward Arle	E7	Nov. 20, 1978	Aug. 28, 1949	Wilmington.
Washington, D.C. (9):						
Navy	VS	Asmussen, Glenn Edward	E6	Feb. 5, 1966	Apr. 26, 1922	Washington.
Army	VS	Butler, Dewey Renee	E3	July 14, 1969	Aug. 15, 1949	Washington.
Air Force	VS	Cooke, Calvin Coolidge, Jr	E5	Apr. 26, 1972	Apr. 18, 1946	Washington.
Air Force	LA	Govan, Robert Allen	O6	Mar. 6, 1978	May 27, 1934	Washington.
Air Force	LA	Green, Norman Morgan	O6	July 17, 1978	July 16, 1923	Washington.
Army	VS	Link, Robert Charles	W3	May 22, 1978	Apr. 10, 1935	Washington.
Army	VS	Stewart, Jack Thomas	O4	June 10, 1976	Mar. 30, 1941	Washington.
Air Force	VN	Stewart, Robert Allan	O6	Apr. 3, 1978	Nov. 14, 1931	Washington.
Air Force	VS	Tigner, Lee Morrow	O4	Aug. 22, 1972	July 29, 1933	Washington.
Florida (83):						
Air Force	VS	Adams, Samuel	E9	Dec. 31, 1965	Aug. 2, 1935	Goldenrod.
Air Force	LA	Allen, Henry Lewis	O3	July 6, 1978	Sept. 21, 1943	Daytona Beach.
Air Force	VS	Alley, James Harold	E4	Apr. 6, 1972	Sept. 18, 1949	Plantation.
Army	LA	Ard, Randolph Jefferson	W3	Sept. 18, 1978	June 16, 1951	West Pensacola.
Navy	VN	Bisz, Ralph Campion	O4	Dec. 2, 1977	Mar. 28, 1942	Miami.
Navy	VN	Bixel, Michael Sargent	O2	Oct. 24, 1972	June 23, 1947	Fort Walton Beach.
Air Force	LA	Bogiages, Christos C., Jr	O6	Feb. 6, 1979	Mar. 30, 1934	Clearwater.
Army	LA	Brown, George R	E9	May 12, 1977	Sept. 19, 1935	Holly Hill.
Navy	VS	Bundy, Norman Lee	O2	Sept. 6, 1966	Jan. 26, 1941	Miami.
Air Force	VN	Bush, John Robert	O3	July 9, 1973	May 17, 1943	Fort Walton Beach.
Army	VS	Carter, George William	O4	Apr. 24, 1972	Dec. 4, 1933	Apopka.
Air Force	LA	Collins, Guy Fletcher	O5	Mar. 13, 1968	May 26, 1928	Miami.
Army	VS	Corner, Howard Brisbane, Jr	W2	Nov. 24, 1969	June 4, 1945	Jacksonville.
Navy	VN	Crosby, Frederick Peter	O4	June 1, 1965	June 15, 1933	Orlando.
Army	VS	Deane, William Lawrence	O5	Apr. 30, 1979	Sept. 27, 1934	Orlando.
Army	VS	Decaire, Jack Leonard	E6	Nov. 3, 1971	Apr. 24, 1946	St. Petersburg.
Army	VS	Deitsch, Charles Edward	W4	July 10, 1978	May 8, 1922	Mount Dora.
Army	LA	Dillender, William Edward	E4	Mar. 20, 1971	Oct. 6, 1951	Naples.
Army	VS	Dubbeld, Orie John, Jr	O2	Mar. 3, 1971	Nov. 29, 1948	Cocoa Beach.
Navy	VN	Duncan, Robert Ray	O3	Oct. 22, 1975	Mar. 16, 1942	West Palm Beach.
Navy	VN	Dunlop, Thomas Earl	O5	Apr. 7, 1973	July 10, 1930	Neptune Beach.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	LA	Edgar, Robert John	03	Oct. 25, 1973	May 21, 1943	Nokomis.
Navy	VN	Emrich, Roger Gene	04	Oct. 9, 1973	July 8, 1941	Miami.
Air Force	VN	Finney, Arthur Thomas	06	Jan. 22, 1974	June 26, 1928	Miami.
Marine Corps	VN	Flanigan, John Norlee	03	Jan. 28, 1974	Aug. 7, 1934	Winter Haven.
Marine Corps	VS	Fleming, Horace Higley III	04	Nov. 28, 1978	May 13, 1941	Pensacola.
Navy	VN	Ford, Randolph Wright	05	June 20, 1968	July 19, 1935	Gainesville.
Navy	VN	Frosio, Robert Clarence	05	Nov. 12, 1966	Mar. 28, 1928	Warrington.
Army	VS	Gallant, Henry Joseph	E8	July 14, 1966	Sept. 30, 1929	Tampa.
Army	CB	Ganoe, Berman, Jr	E6	Jan. 16, 1974	Oct. 25, 1948	Belleview.
Army	VS	Garbett, Jimmy Ray	E5	Oct. 10, 1970	Aug. 30, 1948	Lake City.
Army	LA	Gassman, Fred Allen	E5	Oct. 6, 1971	Sept. 5, 1947	Fort Walton Beach.
Air Force	LA	Gomez, Robert Arthur	03	Apr. 6, 1977	Mar. 20, 1944	Jacksonville.
Army	VS	Hackett, James Edward	E4	June 11, 1972	Nov. 19, 1952	Bradenton.
Air Force	LA	Hall, Willis Rozelle	E6	Mar. 11, 1968	Aug. 9, 1927	Hollywood.
Air Force	VN	Hanson, Thomas Patterson	04	Mar. 21, 1979	Apr. 18, 1941	Miami.
Air Force	LA	Hart, Thomas Trammell III	05	Dec. 21, 1972	Mar. 25, 1940	Orlando.
Air Force	VN	Hartney, James Cuthbert	06	Sept. 13, 1978	Oct. 4, 1925	Fort Lauderdale.
Air Force	VN	Hestle, Roosevelt, Jr	06	Apr. 17, 1979	Mar. 2, 1928	Orlando.
Navy	VN	Hopps, Gary Douglas	03	Feb. 10, 1966	Aug. 28, 1936	Coral Gables.
Air Force	LA	Jackson, James Terry	03	Mar. 23, 1972	Sept. 28, 1939	Hialeah.
Air Force	LA	Kerr, John Creighton Gille	04	Aug. 22, 1967	Mar. 16, 1932	Miami.
Army	CB	Laker, Carl John	E4	June 17, 1970	June 12, 1950	Clearwater.
Army	LA	Laney, Bill Ray	E8	Mar. 20, 1978	Aug. 21, 1939	Greenacres City.
Army	VS	Ledbetter, Thomas Isaac	03	June 20, 1965	May 26, 1936	Tampa.
Air Force	CB	Manor, James	E4	Mar. 27, 1972	Jan. 19, 1950	Panama City.
Navy	VN	Martin, David Earl	01	Apr. 4, 1967	Aug. 29, 1942	Orlando.
Air Force	VS	McLaughlin, Olen Burke	E7	July 7, 1967	Dec. 24, 1927	Tampa.
Army	VS	McAndrews, Michael William	W1	Dec. 23, 1970	Aug. 17, 1948	Fort Lauderdale.
Air Force	CB	McLeod, David Vance, Jr	E7	June 14, 1973	Sept. 24, 1945	Jacksonville.
Air Force	VS	Mercer, Jacob Edward	E7	June 18, 1972	July 20, 1936	Jacksonville.
Air Force	VN	Millikin, Richard M., III	04	Feb. 12, 1976	Jan. 28, 1941	Miami.
Navy	VS	Miller, Malcolm Thomas	E4	May 10, 1967	Nov. 21, 1946	Tampa.
Army	CB	Murphy, Barry Daniel	E5	Mar. 18, 1969	Jan. 7, 1947	Cutler Ridge.
Army	LA	Neal, Dennis Paul	04	Sept. 6, 1978	Feb. 1, 1944	Tarpon Springs.
Marine Corps	VS	Nelson, Jan Houston	02	Apr. 11, 1970	Sept. 9, 1944	Clearwater.
Air Force	VN	Nichols, Hubert Campbell, Jr	06	Mar. 6, 1978	Feb. 7, 1929	Pensacola.
Air Force	VS	Olson, Gerald Everett	04	Oct. 9, 1973	Jan. 29, 1937	Winter Haven.
Navy	VS	Osborn, Geoffrey Holmes	02	Sept. 24, 1965	Dec. 17, 1939	Winter Park.
Air Force	VN	Osborne, Edwin Nelms, Jr	05	Apr. 27, 1978	May 1, 1933	Raiford.
Air Force	LA	Ostermeyer, William Henry	03	May 30, 1974	Mar. 15, 1945	Orlando.
Navy	VS	Parker, John Jackson	03	Mar. 4, 1970	Aug. 12, 1943	Tallahassee.
Air Force	VN	Parker, Woodrow Wilson, II	04	June 7, 1978	Apr. 16, 1943	St. Petersburg.
Air Force	VS	Phillips, David Joseph, Jr	03	July 3, 1966	May 2, 1934	Miami Beach.
Army	VN	Pittman, Robert Edward	E4	Oct. 18, 1967	Feb. 13, 1947	Jacksonville.
Navy	VN	Putnam, Charles Lancaster	06	Nov. 7, 1977	Jan. 14, 1928	Key West.
Air Force	VN	Read, Charles Harold W., Jr	06	July 25, 1976	Feb. 3, 1929	Miami.
Air Force	VN	Rickel, David J	04	May 22, 1979	Oct. 5, 1942	Fort Lauderdale.
Air Force	CB	Sandner, Robert Louis	03	June 7, 1966	Feb. 5, 1936	Clearwater.
Air Force	LA	Scrivener, Stephen Russell	02	Mar. 17, 1971	Oct. 10, 1944	Tampa.
Air Force	VN	Smith, Herbert Eugene	E9	Dec. 4, 1975	Mar. 1, 1936	Appalachicola.
Air Force	VS	Sprott, Arthur Roy, Jr	04	Jan. 10, 1969	Jan 6, 1937	Delray Beach.
Air Force	VN	Stewart, Peter Joseph	06	Jan. 28, 1980	Aug. 12, 1918	Winter Haven.
Army	VS	Stone, James Marvin	02	Jan. 7, 1968	June 15, 1938	Miami.
Air Force	VS	Thomas, James Ricahrd	E6	Nov. 25, 1971	July 5, 1943	Fort Walton Beach.
Navy	VS	Timmons, Bruce Allan	E4	Nov. 15, 1966	July 20, 1947	Fort Lauderdale.
Army	LA	Traver, Hohn Grove, III	W1	Mar. 22, 1971	May 20, 1949	Jacksonville.
Air Force	LA	Weissmueller, Courtney Edw	05	Feb. 12, 1967	Nov. 15, 1932	Orlando.
Air Force	LA	White, James Blair	04	Jan. 24, 1974	Mar. 14, 1942	St. Petersburg.
Army	LA	Williams, Eddie Lee	E9	Feb. 3, 1978	Feb. 10, 1935	Miami.
Army	VS	Williams, Edward Wayne	E6	Oct. 30, 1978	Sept. 13, 1950	Clearwater.
Marine Corps	VS	Williams, Leroy C	E2	May 25, 1969	Aug. 4, 1947	Jacksonville.
Air Force	LA	Young, Barclay Bingham	04	Mar. 21, 1979	Aug. 6, 1938	Fort Lauderdale.
Georgia (50):						
Army	LA	Barker, Jack Lamar	04	Mar. 20, 1971	Mar. 22, 1939	Waycross.
Marine Corps	VN	Boggs, Paschal Glenn	04	Aug. 27, 1967	Mar. 7, 1936	East Point.
Marine Corps	VS	Brigham, Albert	E3	Dec. 14, 1966	Apr. 12, 1945	Savannah.
Army	VS	Calhoun, Johnny C	E7	Sept. 3, 1974	July 14, 1945	Newman.
Air Force	LA	Carroll, John Leonard	04	Nov. 7, 1972	May 6, 1940	Decatur.
Air Force	VN	Case, Thomas Franklin	06	Jan. 9, 1978	Oct. 22, 1931	Thomson.
Navy	VS	Chandler, Anthony Gordon	E5	June 16, 1968	Oct. 21, 1944	Warner Robins.
Army	VS	Condrey, George Thomas III	W1	May 8, 1968	Feb. 12, 1944	Atlanta.
Air Force	VN	Conner, Lorenza	03	Oct. 27, 1967	Feb. 19, 1943	Cartersville.
Air Force	VN	Cooper, William Earl	06	Feb. 9, 1978	Sept. 16, 1920	Albany.
Air Force	LA	Davis, Daniel Richard	03	May 30, 1974	Aug. 10, 1943	Atlanta.
Air Force	LA	Dickens, Delma Ernest	03	Dec. 21, 1972	Apr. 20, 1947	Omega.
Air Force	LA	Duckett, Thomas Allen	03	July 27, 1979	Nov. 12, 1946	La Grange.
Navy	VN	Edwards, Harry Sanford, Jr	04	Apr. 16, 1974	Oct. 6, 1942	Decatur.
Army	VS	Fitzgerald, Paul L., Jr	E6	Mar. 20, 1978	Oct. 3, 1947	Fort Valley.
Army	VS	Fowler, Donald Randall	E6	Nov. 17, 1975	Aug. 3, 1949	Athens.
Navy	VN	Fullerton, Frank Eugene	05	Jan. 18, 1978	Jan. 2, 1934	Jonesboro.
Army	LA	Griffith, Robert Smith	E6	Oct. 22, 1974	Dec. 26, 1942	Hapeville.
Marine Corps	VS	Hagan, John Robert	04	Mar. 31, 1978	Aug. 22, 1945	Savannah.
Army	VN	Harrison, Donald Lee	04	Jan. 14, 1980	July 24, 1946	Chamblee.
Army	VS	Howard, Lewis, Jr	E6	Sept. 11, 1978	Oct. 3, 1949	Macon.
Marine Corps	VS	Jackson, James Wesley, Jr	E7	Aug. 7, 1980	Feb. 26, 1948	Atlanta.
Air Force	VS	Jones, Bobby Marvin	04	Aug. 29, 1978	May 5, 1945	Macon.
Army	LA	Jones, James E	E9	Dec. 8, 1977	Sept. 3, 1939	Alapha.
Navy	VN	Kilpatrick, Larry Ronald	04	Apr. 17, 1978	Nov. 21, 1943	Stone Mountain.
Army	LA	King, Michael Eli	E4	Mar. 5, 1971	Aug. 3, 1949	Calhoun.
Air Force	VN	Kirby, Bobby Alexander	06	Dec. 21, 1972	July 11, 1931	Atlanta.
Air Force	LA	Kroboth, Stanley Neal	03	Dec. 21, 1962	Aug. 16, 1946	Savannah.
Navy	VS	Lindbloom, Charles David	E5	Aug. 20, 1968	Jan. 5, 1943	Atlanta.
Army	VS	Lord, Arthur James	04	Apr. 13, 1977	Jan. 6, 1941	Savannah.
Air Force	VN	McDaniel, Morris L., Jr	06	Apr. 27, 1978	Apr. 4, 1929	Fort Valley.
Air Force	CB	McLamb, Harry Lawrence	04	June 18, 1970	Feb. 11, 1935	Ludowici.
Navy	VN	McWhorter, Henry Sterling	03	Aug. 29, 1965	Nov. 19, 1934	Savannah.
Navy	VN	McRae, David Edward	04	Apr. 6, 1973	Nov. 30, 1938	Decatur.
Army	VS	Murphy, Larron David	03	Oct. 11, 1973	Oct. 5, 1944	Dalton.
Marine Corps	VS	Nipper, David	E3	Nov. 21, 1964	Sept. 15, 1940	Atlanta.
Army	VS	Parker, David Wayne	E4	Feb. 6, 1969	Dec. 2, 1947	Stone Mountain.
Air Force	LA	Pate, Gary	E7	Jan. 9, 1975	June 3, 1946	Brooks.
Air Force	VN	Pitman, Peter Potter	04	Jan. 9, 1975	Feb. 15, 1938	Atlanta.
Air Force	LA	Preston, James Arthur	E9	Jan. 25, 1978	Aug. 10, 1939	Bowdon.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Seward, William Henry	O4	Mar. 6, 1968	Apr. 11, 1937	Atlanta.
Army	VS	Small, Burt Chauncy, Jr	E6	Oct. 31, 1977	Sept. 2, 1946	Savannah.
Air Force	CB	Smallwood, John Jackie	O3	Oct. 4, 1979	Oct. 7, 1945	Marietta.
Navy	VN	Smith, Dean, Jr	O2	Mar. 15, 1967	June 14, 1941	Savannah.
Army	VS	Talley, James Lane	E5	June 20, 1965	Mar. 30, 1943	Fort Benning.
Navy	VS	Thompson, Melvin Carl	E6	Feb. 6, 1968	May 24, 1935	Colquitt.
Air Force	VS	Todd, Larry Richard	E4	Apr. 26, 1968	Feb. 2, 1946	Chamblee.
Army	VS	Weisner, Franklin Lee	O3	Sept. 19, 1978	Mar. 21, 1945	Fort Benning.
Army	VS	Windeler, Charles Carl, Jr	W2	Apr. 5, 1972	July 28, 1944	Savannah.
Air Force	VN	Zorn, Thomas O'neal, Jr	O3	Sept. 17, 1972	June 14, 1946	Waycross.
Hawaii (10):						
Army	VS	Bingham, Klaus, Yrurgen	E6	May 27, 1977	Dec. 14, 1943	Wahiawa.
Air Force	CB	Lee, Glenn Hung Nin	O3	May 27, 1970	Aug. 6, 1945	Honolulu.
Air Force	VS	Lum, David Anthony	O2	Dec. 20, 1966	Nov. 24, 1940	Honolulu.
Air Force	VN	Mamiya, John Michio	E9	June 17, 1977	Nov. 21, 1933	Wahiawa.
Army	VS	Martin, Richard D	E6	June 19, 1978	May 9, 1947	Honolulu.
Navy	VN	McCormick Michael Timothy	O3	July 25, 1975	July 8, 1946	Honolulu.
Air Force	LA	Miyazaki, Ronald Zazuo	E4	Jan. 31, 1967	July 5, 1942	Waialua.
Marine Corps	VN	Peacock, John Robert, II	O3	Feb. 25, 1976	Sept. 4, 1946	Kailua.
Air Force	LA	Spitz, George Ross	O3	Feb. 5, 1973	Jan. 17, 1943	Kahaluu.
Army	VS	Tadios, Leonard Masayon	E6	Mar. 20, 1966	Jan. 9, 1934	Lanai.
Idaho (12):						
Air Force	VN	Alley, Gerald William	O6	Aug. 16, 1978	July 28, 1934	Pocatello.
Air Force	LA	Bodahl, Jon Keith	O4	May 30, 1974	Dec. 18, 1937	Boise.
Marine Corps	VS	Bohlscheid, Curtis Richard	O3	June 11, 1967	Dec. 9, 1936	Pocatello.
Army	VS	Hollinger, Gregg Neyman	O3	Dec. 14, 1971	May 9, 1942	Paul.
Navy	VS	Hollingsworth, Hal T	O1	Jan. 16, 1966	June 29, 1942	Grace.
Army	VS	Hunt, William Balt	E8	Apr. 7, 1976	July 31, 1935	Sandpoint.
Army	VS	Lemmons, William E	O4	June 12, 1978	Jan. 12, 1942	Pocatello.
Navy	VN	Mayer, Roderick Lewis	O4	Oct. 31, 1977	Mar. 2 1939	Lewiston.
Army	VS	Phelps, Jesse Donald	W2	Dec. 29, 1966	Oct. 1, 1937	Boise.
Army	LA	Powers, John Lynn	E4	Feb. 15, 1971	Oct. 13, 1949	MacKay.
Army	LA	Sparks, Jon Michael	W2	Mar. 11, 1976	Feb. 24, 1950	Carey.
Air Force	LA	Thornton, Larry C	E9	Jan. 22, 1974	Mar. 3, 1932	Idaho Falls.
Illinois (105):						
Marine Corps	VS	Alwan, Harold Joseph	O5	June 24, 1974	Aug. 4, 1934	Peoria.
Air Force	VS	Amesbury, Harry Arlo, Jr	O4	Apr. 26, 1972	Feb. 13, 1932	Morrison.
Air Force	VN	Anderson, Gregory Lee	E4	Jan. 28, 1970	Aug. 27, 1947	Wheaton.
Air Force	LA	Beutel, Robert Donald	O3	Aug. 23, 1978	Apr. 6, 1946	Tremont.
Army	VS	Bibbs, Wayne	E3	June 11, 1972	June 14, 1954	Blue Island.
Marine Corps	LA	Bodden, Timothy Roy	E8	Feb. 26, 1980	Nov. 6, 1942	Downers Grove.
Air Force	LA	Bollinger, Arthur Ray	O3	Feb. 5, 1973	June 13, 1944	Greenville.
Navy	VS	Borah, Daniel Vernor, Jr	O3	July 26, 1977	June 18, 1946	Olney.
Air Force	VN	Branch, James Alvin	O4	Sept. 4, 1965	Apr. 6, 1934	Park Forest.
Navy	VN	Brown, Thomas Edward	O2	Apr. 29, 1966	Sept. 26, 1941	Danville.
Army	VS	Brownlee, Robert Wallac, Jr	O6	Oct. 26, 1978	July 21, 1929	Chicago.
Air Force	VS	Bucher, Bernard Ludwig	O4	May 12, 1968	Feb. 28, 1922	Eureka.
Navy	VN	Buell, Kenneth Richard	O4	Mar. 23, 1978	Aug. 24, 1939	Kankakee.
Air Force	LA	Bunder, Park George	O3	Dec. 30, 1970	Dec. 10, 1940	Homewood.
Marine Corps	VS	Burke, Michael John	E6	July 30, 1974	Apr. 26, 1946	Chicago.
Air Force	LA	Byrne, Joseph Henry	O4	Mar. 13, 1968	Jan. 28, 1925	Evanston.
Air Force	LA	Carlock, Ralph Laurence	O4	Mar. 4, 1967	Sept. 1, 1932	Des Plaines.
Air Force	VS	Carlson, John Werner	O3	Dec. 7, 1966	Apr. 15, 1939	Chicago.
Air Force	VN	Causey, John Bernard	O3	Feb. 25, 1966	Mar. 3, 1937	Granite City.
Air Force	VN	Claxton, Charles Peter	O6	Apr. 27, 1978	Dec. 22, 1932	Chicago.
Army	VS	Clinton, Dean Eddie	W2	June 5, 1973	Oct. 12, 1946	Dix.
Navy	VS	Cobbs, Ralph Burton	O4	June 17, 1966	June 5, 1917	East St. Louis.
Air Force	VS	Collins, Willard Marion	O3	Mar. 9, 1966	Jan. 21, 1929	Quincy.
Navy	VS	Conaway, Gary Lee	E6	Oct. 24, 1967	Oct. 22, 1938	Blue Mound.
Air Force	VN	Copack, Joseph Bernard, Jr	O3	Aug. 16, 1978	June 4, 1947	Chicago.
Army	VS	Cunningham, Kenneth Leroy	E6	Sept. 5, 1978	Jan. 21, 1948	Ellery.
Marine Corps	LA	Curran, Patrick Robert	O4	Aug. 28, 1978	Oct. 5, 1943	Bensenville.
Army	VS	Czerwiec, Raymond George	E6	Apr. 28, 1976	Feb. 21, 1944	Chicago.
Air Force	LA	Daffron, Thomas Carl	O3	June 23, 1975	Sept. 25, 1943	Pinckneyville.
Army	CB	Dalton, Randall David	E4	July 24, 1971	Dec. 7, 1950	Collinsville.
Army	VS	Dayton, James Leslie	W1	May 8, 1968	Feb. 23, 1947	Granite City.
Navy	LA	Deuter, Richard Carl	O3	Feb. 1, 1978	Feb. 15, 1944	Chicago.
Navy	VN	Dunn, Micael Edward	O4	Nov. 26, 1973	July 6, 1941	Napersville.
Army	VS	Eads, Dennis Keith	W3	Aug. 28, 1978	May 4, 1947	Prophetstown.
Navy	VS	Farris, William Farrel	E4	Feb. 6, 1968	Dec. 15, 1942	West Salem.
Army	LA	Fivelson, Barry Frank	W1	Feb. 15, 1971	Mar. 19, 1950	Evanston.
Navy	VN	Galvin, Ronald Edmond	E7	May 10, 1973	June 20, 1941	River Forest.
Marine Corps	VS	Gatewood, Charles Hue	E5	Sept. 23, 1975	Mar. 21, 1950	Chicago.
Navy	VN	Gerstel, Donald Arthur	O4	Mar. 9, 1978	June 23, 1938	Matteson.
Navy	LA	Golz, John Bryan	O2	Apr. 22, 1970	July 19, 1945	Rock Island.
Air Force	VN	Hagerman, Robert Warren	O6	Nov. 6, 1979	Aug. 28, 1922	Chicago.
Air Force	LA	Heideman, Thomas Edward	E7	Oct. 24, 1970	June 8, 1933	Chicago.
Army	VS	Herreid, Robert Dale	E6	Jan. 30, 1974	June 13, 1946	Aurora.
Marine Corps	VS	Hill, Joseph Arnold	E3	May 28, 1968	Dec. 22, 1947	Taylorville.
Army	VS	Housh, Anthony Frank	E7	Sept. 2, 1975	June 26, 1946	Newton.
Navy	VN	Innes, Roger Burns	O4	Dec. 27, 1967	Mar. 29, 1943	Chicago.
Army	VS	Jablonski, Michael James	E3	June 27, 1969	Oct. 20, 1949	Chicago.
Marine Corps	VS	Janousek, Ronald James	O2	Aug. 9, 1969	July 21, 1945	Posen.
Navy	VN	Keller, Jack Elmer	O6	June 28, 1974	May 1, 1928	Chicago.
Navy	VN	Knabb, Kenneth Keith, Jr	O4	Jan. 18, 1978	Mar. 26, 1938	Wheaton.
Air Force	LA	Lemon, Jeffrey Charles	O5	Apr. 25, 1971	Aug. 13, 1943	Flossmoor.
Marine Corps	VS	Lewandowski, Lenonard J., Jr	E5	June 18, 1975	Mar. 20, 1946	Des Plaines.
Air Force	VN	Lynn, Robert Ray	O3	Jan. 7, 1974	June 16, 1940	Jacksonville.
Air Force	LA	MacDonald, George Duncan	O3	Feb. 11, 1982	Sept. 2, 1948	Evanston.
Air Force	VN	Maddox, Notley Gwynn	O6	Jan. 15, 1979	Nov. 10, 1924	Rockford.
Air Force	VS	Marshall, Richard Carlton	O3	Sept. 6, 1966	Dec. 30, 1934	Chicago.
Army	VS	Mason, James Phillip	E5	Oct. 17, 1968	Oct. 9, 1949	De Kalb.
Army	LA	McElroy, Glenn David	O4	Mar. 16, 1967	June 9, 1930	Sidney.
Navy	VS	McGrath, James Patrick	E3	Aug. 3, 1967	Dec. 7, 1948	Chicago.
Air Force	VS	McCormick, Carl Ottis	O5	Oct. 6, 1972	Jan. 7, 1928	Peoria.
Navy	VN	McMahan, Robert Charles	O4	Dec. 2, 1977	June 14, 1942	Jacksonville.
Navy	VN	Meyers, Roger Allen	O4	Feb. 9, 1969	Dec. 10, 1933	Chicago.
Air Force	VS	Moore, William John	E4	May 18, 1966	July 1, 1935	Monmouth.
Air Force	LA	Newberry, Wayne Ellsworth	O3	Sept. 29, 1968	Dec. 16, 1938	East St. Louis.
Navy	VN	Nightingale, Randall John	E5	Mar. 17, 1968	Nov. 26, 1943	Onarga.
Army	VS	Nolan, Joseph Paul, Jr	O3	May 17, 1972	May 20, 1950	Oak Park.
Army	CB	O'Donnell, Michael Davis	O4	Feb. 7, 1978	Aug. 13, 1945	Springfield.
Army	VS	Olsen, Floyd Warren	O5	May 1, 1978	Sept. 3, 1938	Wheaton.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Orr, Warren Robert, Jr	03	Feb. 1, 1974	Mar. 20, 1943	Kewanee.
Air Force	VN	Panek, Robert Joseph, Sr	05	July 6, 1978	June 10, 1939	Chicago.
Army	VS	Parsons, Donald Eugene	05	Oct. 3, 1973	Apr. 17, 1929	Sparta.
Marine Corps	VS	Partington, Roger Dale	03	Nov. 1, 1969	Dec. 12, 1940	Sparta.
Air Force	LA	Pearson, Wayne Edward	04	Feb. 22, 1969	Nov. 4, 1939	Western Springs.
Navy	VN	Perisho, Gordon Samuel	04	Oct. 9, 1975	Mar. 7, 1939	Quincy.
Army	VS	Phipps, James Larry	W3	Jan. 28, 1976	Dec. 9, 1943	Matoon.
Navy	VN	Pilkington, Thomas Holt	04	July 31, 1974	Sept. 8, 1941	Morton Grove.
Army	CB	Pool, Jerry Lynn	03	Nov. 13, 1978	Apr. 2, 1944	Freeport.
Marine Corps	VN	Price, William Marshall	02	Mar. 4, 1975	Aug. 24, 1945	Kewanee.
Army	LA	Rattin, Dennis Michael	E6	Feb. 22, 1978	July 15, 1950	Bradley.
Air Force	VN	Rexford, Ronald Reuel	04	June 8, 1978	Mar. 13, 1940	Rankin.
Air Force	VS	Riggins, Robert Paul	04	Apr. 22, 1968	Jan. 19, 1931	Champaign.
Air Force	VS	Roth, Billie Leroy	E5	June 27, 1965	June 22, 1934	Lacon.
Navy	LA	Sage, Leland Charles Cooke	03	June 23, 1969	Dec. 25, 1943	Waukegan.
Army	VS	Sands, Richard Eugene	E3	May 12, 1968	Nov. 9, 1947	Springfield.
Air Force	LA	Schaneberg, Leroy Clyde	03	June 30, 1970	Mar. 29, 1940	Ashton.
Army	VS	Scott, David Lee	E4	Apr. 25, 1968	Apr. 1, 1947	Carlock.
Marine Corps	VS	Sherman, Robert Carl	E5	Nov. 1968	Mar. 14, 1945	Danville.
Marine Corps	VS	Skibbe, David William	01	Mar. 2, 1970	Oct. 22, 1946	Des Plaines.
Air Force	VN	Smith, Harold Victor	05	Mar. 7, 1978	Nov. 11, 1933	Bridgeport.
Air Force	CB	Smith, Joseph Stanley	02	Apr. 4, 1971	May 7, 1945	Assumption.
Army	VS	Story, James Clellon	E2	June 13, 1969	Jan. 24, 1948	Berwyn.
Air Force	VN	Stpierre, Dean Paul	03	Jan. 7, 1974	Oct. 30, 1941	Kankakee.
Air Force	VN	Swanson, John Willard, Jr	05	Apr. 4, 1978	Apr. 1, 1938	Arlington.
Marine Corps	VS	Switzer, Jerrold Allen	E2	Mar. 18, 1968	Oct. 31, 1946	Paris.
Army	VS	Sykes, Derri	E6	Jan. 9, 1968	July 4, 1947	Chicago.
Army	VS	Terry, Oral Ray	E6	Nov. 5, 1974	Jan. 27, 1945	Mascoutah.
Air Force	VN	Thomas, Kenneth Deane, Jr	03	Sept. 2, 1975	Sept. 25, 1940	Mount Vernon.
Air Force	LA	Towle, John Cline	03	Sept. 11, 1978	Jan. 9, 1943	Harrisburg.
Navy	VN	Trowbridge, Dustin Cowles	02	Dec. 26, 1969	Jan. 13, 1944	Wayne.
Army	VS	Vanden, Eykel Martin D., II	W3	Apr. 16, 1979	Oct. 4, 1943	Wheaton.
Air Force	LA	Whitt, James Edward	04	Mar. 23, 1972	Feb. 1, 1934	Penfield.
Army	VS	Wiley, Richard Dennis	E4	June 12, 1972	July 12, 1951	Decatur.
Air Force	VN	Williams, Robert Cyril	04	July 1, 1966	Aug. 1, 1929	Mc Leansboro.
Army	VS	Yonan, Kenneth Joseph	03	Aug. 15, 1979	July 18, 1947	Chicago.
Air Force	LA	Zukowski, Robert John	04	Jan. 15, 1979	Oct. 30, 1943	Chicago.
Indiana (71):						
Air Force	VN	Bancroft, William W., Jr	02	Nov. 13, 1970	June 12, 1945	Indianapolis.
Army	VS	Beals, Charles Elbert	E4	July 8, 1971	Sept. 27, 1948	French Lick.
Army	VS	Beecher, Quentin Rippetoe	W3	June 5, 1973	Sept. 14, 1942	Terre Haute.
Marine Corps	VS	Breiner, Stephen Eugene	E2	Sept. 24, 1968	July 5, 1947	Decatur.
Army	VS	Carver, Harry Franklin	E5	Apr. 10, 1968	May 24, 1942	New Albany.
Marine Corps	VS	Chomel, Charles Dennis	E2	June 11, 1967	Aug. 23, 1947	Columbus.
Air Force	VN	Clark, Lawrence	E8	July 18, 1973	June 15, 1928	Logansport.
Marine Corps	VN	Clem, Thomas Dean	03	July 22, 1974	May 31, 1942	New Paris.
Air Force	LA	Cogdell,J William Keith	03	Jan. 17, 1967	Mar. 15, 1933	Greentown.
Marine Corps	VS	Crody, Kenneth Lloyd	E4	July 11, 1972	Aug. 3, 1953	Griffith.
Air Force	VS	Davis, Gene Edmond	E8	Jan. 24, 1974	Apr. 5, 1928	Evansville.
Marine Corps	VS	Duucat, Phillip Allen	03	Sept. 25, 1966	Sept. 4, 1939	Fort Wayne.
Air Force	VS	Duvall, Dean Arnold	E8	Jan. 9, 1978	Sept. 4, 1945	Monticello.
Navy	VN	Erwin, Donald Edward	05	Oct. 2, 1968	Jan. 1, 1929	Hobart.
Army	LA	Green, George Curtis, Jr	E5	Dec. 4, 1970	May 13, 1950	Attica.
Marine Corps	VS	Harper, Ralph Lewis	E3	June 6, 1968	Jan. 14, 1948	Indianapolis.
Army	VS	Heitman, Steven Wayne	E6	May 29, 1974	Apr. 23, 1943	Indianapolis.
Air Force	VS	Held, John Wayne	05	Aug. 21, 1975	July 8, 1936	Indianapolis.
Marine Corps	VS	Hewitt, Samuel Eugene	E5	Dec. 1, 1975	Feb. 26, 1948	Walkerton.
Air Force	LA	Hills, John Russell	04	Feb. 14, 1966	Nov. 25, 1925	South Bend.
Marine Corps	VS	Hoffman, Terry Alan	E4	Aug. 19, 1968	Feb. 3, 1945	Danville.
Marine Corps	VN	Holdeman, Robert Eugene	03	Feb. 22, 1978	Oct. 30, 1931	Winchester.
Air Force	VS	Hoskins, Donald Russell	E6	Apr. 26, 1972	Jan. 5, 1929	Madison.
Army	VS	Howes, George Andrews	W3	Nov. 6, 1978	June 16, 1950	Knox.
Air Force	LA	Johns, Paul Frederick	06	May 18, 1978	Oct. 12, 1931	Laconia.
Army	VS	Johnson, James Reed	E3	Aug. 21, 1966	Mar. 26, 1948	Indianapolis.
Army	VS	Jones, Grayland	E3	Nov. 23, 1969	Sept. 1, 1950	Indianapolis.
Air Force	VS	Klute, Karl Edwin	03	Mar. 14, 1966	July 16, 1936	Richmond.
Navy	VN	Knochel, Charles Allen	03	Sept. 22, 1966	Feb. 12, 1940	Lafayette.
Marine Corps	VS	Kuhlman, Robert John, Jr	04	June 19, 1978	Aug. 25, 1944	Richmond.
Navy	VN	Lambton, Bennie Richard	E7	June 14, 1966	Aug. 7, 1930	Indianapolis.
Army	VS	Lautzenheiser, Michael	E5	Oct. 26, 1971	Sept. 15, 1951	Muncie.
Army	VS	Lawson, Karl Wade	E4	Apr. 9, 1968	May 21, 1947	Terre Haute.
Army	LA	Lewellen, Walter Edward	E4	Feb. 18, 1971	June 3, 1951	New Albany.
Army	VS	Lindenwald, Charles W., Jr	E8	Jan. 24, 1974	July 30, 1938	La Porte.
Army	VS	Lyon, James Michael	03	Feb. 6, 1970	Mar. 8, 1948	Indianapolis.
Air Force	VS	Mann, Robert Lee	03	Oct. 22, 1965	Feb. 19, 1933	Lafayette.
Army	VS	Martin, Jerry Dean	E5	Nov. 4, 1971	Oct. 18, 1948	Bedford.
Air Force	VS	McKinney, Neil Bernard	02	Sept. 3, 1964	Sept. 8, 1934	Muncie.
Marine Corps	VN	McGarvey, James Maurice	05	Apr. 22, 1974	Aug. 21, 1933	Valparaiso.
Air Force	VN	Midnight, Francis Barnes	03	Aug. 23, 1967	July 11, 1939	Gary.
Navy	VS	Mitchell, Harry E	E8	Sept. 13, 1979	Sept. 19, 1948	Marion.
Navy	VN	Montgomery, Ronald Wayne	E5	Oct. 2, 1969	Nov. 27, 1946	Moores Hill.
Army	VS	Moore, Ralph Edward	E3	May 3, 1967	Dec. 29, 1946	Indianapolis.
Army	LA	Nash, John Michael	03	Mar. 16, 1967	Mar. 21, 1937	Tipton.
Air Force	VN	Nellans, William Lee	04	Nov. 2, 1973	Dec. 29, 1936	Warsaw.
Army	VS	Newburn, Larry Stephen	E3	Aug. 29, 1967	Sept. 10, 1947	Kokomo.
Army	VS	Padgett, David Eugene	04	Oct. 15, 1979	June 2, 1944	Washington.
Navy	VS	Parker, Thomas Aquinas	E6	Apr. 5, 1967	Dec. 31, 1937	Oxford.
Air Force	VN	Poor, Russell Arden	04	Oct. 29, 1974	Sept. 15, 1935	Warsaw.
Navy	VS	Posey, George Ray	E3	Sep. 5, 1968	July 27, 1948	Anderson.
Air Force	VN	Robinson, Kenneth Dale	06	Feb. 5, 1979	June 30, 1935	Indianapolis.
Navy	VS	Rogers, Bill Lee	E3	Dec. 1, 1969	June 13, 1948	Gary.
Air Force	LA	Rogers, Charles Edward	04	May 4, 1967	Nov. 16, 1928	Gary.
Navy	VS	Schoonover, Charles David	04	Jan. 16, 1966	Sept. 18, 1931	Indianapolis.
Army	LA	Smith, Ronald Eugene	E7	Nov. 28, 1970	Mar. 29, 1940	Covington.
Navy	VN	Soucy, Ronald Philip	E6	May 23, 1967	Jan. 18, 1937	Whiting Lake.
Marine Corps	VS	Staehli, Bruce Wayne	E5	June 22, 1975	Sept. 24, 1948	Crow Point Lake.
Air Force	VN	Stolz, Lawrence Gene	04	Oct. 11, 1979	Nov. 24, 1945	Haubstadt.
Air Force	VN	Stonebraker, Kenneth Arnol	04	July 8, 1975	Dec. 25, 1938	Hobart.
Air Force	VN	Stuart, John Franklin	05	Aug. 8, 1978	July 26, 1933	Indianapolis.
Army	VS	Stuckey, John Steiner, Jr	E3	Nov. 11, 1967	May 30, 1946	Cloverdale.
Army	VS	Trampski, Donald Joseph	E6	Oct. 23, 1978	Aug. 16, 1948	Chesterton.
Navy	VN	Wade, Barton Scott	04	Aug. 24, 1976	Aug. 24, 1926	Jasper.
Air Force	CB	Wagner, Raymond Anthony	E3	Mar. 27, 1972	Oct. 22, 1951	Evansville.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	LA	Walters, Tim Leroy	E6	Mar. 9, 1969	Feb. 24, 1943	South Bend.
Army	VS	Whittle, Junior Lee	E4	Sept. 24, 1966	Nov. 8, 1947	Indianapolis.
Air Force	VN	Wilson, Gordon Scott	04	Feb. 4, 1974	June 3, 1940	Hobart.
Air Force	LA	Wright, Thomas Thawson	05	July 24, 1979	Oct. 2, 1934	Gary.
Army	VS	Yeakley, Robin Ray	E4	June 11, 1972	July 24, 1948	South Bend.
Army	VS	Young, Jeffrey Jerome	E3	Apr. 4, 1970	July 18, 1950	Indianapolis.
Iowa (41):						
Air Force	VN	Adams, Steven Harold	E7	July 18, 1973	Sept. 25, 1944	Spencer.
Air Force	LA	Ayers, Richard Lee	06	June 29, 1978	Feb. 18, 1933	Waterloo.
Army	VS	Clark, Jerry Prosper	W3	Oct. 26, 1973	June 8, 1940	Davenport.
Army	LA	Cohron, James Derwin	E7	July 5, 1978	Nov. 11, 1938	Centerville.
Air Force	LA	Cook, Dwight William	02	Sept. 21, 1972	July 8, 1948	Center Point.
Air Force	VN	Cook, Kelly Francis	06	Aug. 9, 1976	May 2, 1922	Sioux City.
Marine Corps	VS	Cross, Ariel Lindley	04	Nov. 20, 1978	Jan. 7, 1944	Des Moines.
Air Force	VN	Cuthbert, Bradley Gene	04	May 22, 1975	Nov. 23, 1940	Fort Madison.
Navy	VN	Davis, Francis John	04	Jan. 16, 1974	Oct. 21, 1938	Montrose.
Air Force	LA	Eilers, Dennis Lee	03	Dec. 1, 1977	Dec. 6, 1938	Cedar Rapids.
Air Force	LA	Gourley, Laurent Lee	04	Nov. 29, 1978	Sept. 5, 1944	Villisca.
Air Force	VS	Griffey, Terrence Hastings	02	May 26, 1966	Nov. 5, 1940	Fort Dodge.
Army	LA	Hamilton, Dennis Clark	W3	Jan. 8, 1979	May 4, 1946	Barnes City.
Air Force	LA	Herrick, James Wayne, Jr	03	Nov. 21, 1977	Oct. 28, 1944	Panora.
Navy	VS	Hise, James Hamilton	02	Mar. 25, 1967	Apr. 29, 1941	Des Moines.
Air Force	VN	Holmes, Lester Evan	06	July 15, 1975	July 24, 1919	Plainfield.
Marine Corps	VS	Killen, John Dewey, III	E3	June 30, 1967	Aug. 23, 1948	Des Moines.
Air Force	VN	Killian, Melvin Joseph	06	Sept. 30, 1965	Jan. 31, 1922	Council Bluffs.
Air Force	LA	King, Charles Douglas	E8	May 5, 1978	Mar. 29, 1946	Muscatine.
Navy	VN	Krommenhoek, Jeffrey Marti	04	Mar. 4, 1977	Oct. 27, 1940	Sioux City.
Navy	VN	Leonard, Robert Bruce	E5	Oct. 2, 1969	May 8, 1946	Des Moines.
Air Force	VN	Lewis, Merrill Raymond, Jr	06	Jan. 15, 1979	Aug. 17, 1932	Indianola.
Air Force	LA	Lint, Donald Michael	E8	Sept. 11, 1978	Sept. 17, 1948	Des Moines.
Air Force	LA	Martin, Russell Dean	04	Jan. 13, 1979	June 22, 1937	Bloomfield.
Navy	VN	McGrane, Donald Paul	E5	July 19, 1967	Dec. 18, 1942	Waverly.
Navy	LA	Milius, Paul Lloyd	06	Apr. 26, 1979	Feb. 11, 1928	Waverly.
Air Force	VS	Morrison, Glenn Raymond, Jr	05	June 19, 1979	Apr. 11, 1936	Mason City.
Army	VS	O'Hara, Robert Charles	E7	Apr. 23, 1979	May 18, 1949	Lost Nation.
Army	VS	Palen, Carl Anthony	E6	Aug. 22, 1978	Apr. 11, 1947	Dubuque.
Air Force	LA	Paxton, Donald Elmer	06	Sept. 24, 1973	Oct. 3, 1928	Cedar Rapids.
Air Force	LA	Pittmann, A'an Dale	E9	Apr. 4, 1978	Mar. 27, 1945	Shelby.
Navy	VN	Pitzen, John Russell	05	Mar. 1, 1978	Apr. 4, 1934	Stacyville.
Air Force	LA	Rex, Robert F	03	Mar. 9, 1969	Nov. 28, 1941	Odebolt.
Navy	VS	Roggow, Norman Lee	02	Oct. 8, 1967	Aug. 25, 1941	Aurelia.
Army	VS	Schimberg, James Philip	E4	Jan. 10, 1967	Dec. 14, 1942	Cedar Rapids.
Army	VS	Scull, Gary Bernard	04	Oct. 16, 1978	Sept. 26, 1940	Harlan.
Army	VS	Sparks, Donald Lee	E7	Nov. 5, 1979	Nov. 7, 1946	Caroll.
Air Force	LA	Thomas, Daniel Wayne	03	Oct. 11, 1979	Sept. 4, 1946	Danbury.
Air Force	LA	Warren, Gray Dawson	03	Oct. 26, 1969	May 22, 1942	Des Moines.
Air Force	LA	Whitford, Lawrence W., Jr	06	May 22, 1979	June 9, 1929	Cedar Falls.
Navy	VS	Wood, Rex Stewart	04	June 2, 1967	June 25, 1934	Moulton.
Kansas (40):						
Air Force	LA	Adam, John Quincy	E8	June 21, 1978	Dec. 22, 1947	Bethel.
Marine Corps	VS	Allgood, Frankie Eugene	05	Mar. 26, 1968	May 1, 1930	Fort Scott.
Navy	LA	Anderson, Denis Leon	02	Jan. 11, 1968	Oct. 24, 1942	Hope.
Marine Corps	VS	Bennefeld, Steven Henry	E2	July 29, 1967	Dec. 24, 1947	Girard.
Marine Corps	VS	Breeding, Michael Hugh	02	Feb. 12, 1970	Mar. 19, 1945	Blue Rapids.
Navy	VN	Christian, David Marion	02	June 2, 1965	Jan. 15, 1941	Lane.
Air Force	VN	Claflin, Richard Ames	04	May 28, 1974	July 2, 1939	Kansas City.
Air Force	LA	Donovan, Michael Leo	03	June 25, 1974	Nov. 9, 1944	Norton.
Air Force	LA	Gillen, Thomas Eldon	05	Feb. 18, 1970	May 8, 1933	Kingman.
Air Force	VN	Graham, Dennis Lee	03	Jan. 22, 1974	May 11, 1941	Greensburg.
Air Force	LA	Harrold, Patrick Kendal	03	Nov. 19, 1973	Dec. 17, 1944	Fort Leavenworth.
Marine Corps	VS	Hendrix, Jerry Wayne	E6	July 11, 1972	Dec. 27, 1942	Wichita.
Air Force	LA	Hoskins, Charles Lee	03	Nov. 27, 1973	Aug. 5, 1944	Shawnee Mission.
Air Force	VN	Jewell, Eugene Millard	03	Sept. 4, 1965	Jan. 15, 1941	Topeka.
Air Force	VS	Karst, Carl Frederick	06	Feb. 8, 1974	Oct. 27, 1930	Galatia.
Air Force	VN	Klenda, Dean Albert	03	May 28, 1974	Aug. 20, 1940	Manhattan.
Marine Corps	VS	La Plant, Kurt Elton	E3	June 6, 1968	Dec. 11, 1948	Lenexa.
Air Force	VN	Lehnhoff, Edward William, Jr	05	Apr. 4, 1978	Mar. 14, 1936	Fort Scott.
Navy	VN	Lindahl, John Carl	03	Jan. 6, 1973	Mar. 28, 1941	Lindsborg.
Air Force	VS	Long, George Wendell	E3	May 12, 1968	Sept. 30, 1948	Medicine.
Air Force	VN	Martin, Larry Eugene	04	Aug. 19, 1974	Feb. 11, 1940	Wakefield.
Air Force	VN	McCubbin, Glenn Dewayne	04	May 9, 1978	Aug. 21, 1942	Almena.
Marine Corps	VS	McGonigle, William Dee	E2	May 10, 1968	Oct. 29, 1948	Wichita.
Army	VS	McKain, Bobby Lyn	W2	May 3, 1968	Feb. 11, 1946	Garden City.
Navy	VN	Moore, William Ray	E5	Oct. 2, 1969	Dec. 21, 1945	Princeton.
Navy	VS	Mowrey, Richard Lynn	02	Dec. 14, 1966	Apr. 1, 1943	Shawnee Mission.
Navy	VS	Neth, Fred Albert	04	Jan. 16, 1966	Mar. 17, 1932	Fort Scott.
Navy	VS	Patton, Ward Karl	E6	July 27, 1968	Jan. 18, 1934	Fontana.
Air Force	LA	Fugh, Dennis Gerard	03	Jan. 28, 1982	Feb. 10, 1944	Salina.
Army	VS	Robinson, Floyd Henry	E6	July 8, 1975	Jan. 28, 1949	Burlington.
Army	VS	Romine, Albert W	E4	May 16, 1968	Mar. 1, 1945	Burlingame.
Army	VS	Schultz, Ronald James	E6	Aug. 14, 1978	May 27, 1948	Hillsboro.
Navy	VN	Shank, Gary Leslie	03	Aug. 9, 1974	Mar. 16, 1947	Prairie Village.
Air Force	VS	Smith, Richard Dean	04	Dec. 1, 1977	Aug. 16, 1937	Wichita.
Air Force	LA	Standerwick, Robert L., Sr	06	June 20, 1980	June 23, 1930	Mankato.
Air Force	LA	Sutter, Frederick John	03	July 7, 1978	Feb. 26, 1946	Leawood.
Navy	VS	Thompson, William Joseph	04	Jan. 16, 1968	Dec. 13, 1930	Kansas City.
Navy	VN	Tiderman, John Mark	04	Mar. 21, 1966	Aug. 23, 1934	Kansas City.
Army	VS	Welsh, Larry Don	E6	Feb. 11, 1974	June 16, 1947	Kansas City.
Marine Corps	VS	Zutterman, Joseph A., Jr	E5	Apr. 20, 1968	Oct. 3, 1944	Marysville.
Kentucky (22):						
Navy	LA	Ashby, Clayborn Willis, Jr	E5	Feb. 17, 1968	Nov. 16, 1946	Louisville.
Air Force	VN	Begley, Burriss Nelson	06	Apr. 4, 1978	Nov. 6, 1925	Hyden.
Army	VS	Bullock, Larry Alan	E3	Jan. 1, 1967	Jan. 1, 1947	Somerset.
Army	VS	Byrd, Hugh McNeil, Jr	03	Jan. 11, 1974	Oct. 22, 1943	Berea.
Air Force	LA	Davis, Charlie Brown, Jr	05	May 28, 1974	Jan. 18, 1929	Daysboro.
Air Force	VS	Dawson, James Vernon	03	July 16, 1969	Feb. 16, 1940	Ashland.
Army	VS	Hale, John Douglas	02	Mar. 8, 1971	Dec. 7, 1942	Brandenburg.
Marine Corps	CB	Hall, Gary L	E2	July 21, 1976	July 26, 1956	Covington.
Air Force	VS	Hunt, Leon Andrew	E5	June 18, 1972	Aug. 7, 1949	Pleasure Ridge Park.
Air Force	LA	Madison, William Louis	E9	Jan. 24, 1978	Nov. 3, 1935	Lexington.
Air Force	VN	Mateja, Alan Paul	04	Feb. 1, 1980	July 29, 1945	Louisville.
Army	LA	Milliner, William Patrick	W3	Dec. 6, 1978	June 12, 1950	Louisville.
Air Force	VS	Mitchell, Carl Berg	04	Jan. 14, 1964	Sept. 2, 1928	Mount Sterling.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Mitchell, Donald Wayne	E3	May 10, 1968	May 20, 1947	Princeton.
Air Force	VN	Morrison, Joseph Castleman	O6	Oct. 26, 1973	Nov. 13, 1930	Lexington.
Marine Corps	VS	Prather, Martin William	E3	Sept. 5, 1967	June 9, 1947	Louisville.
Air Force	VN	Ross, Joseph Shaw	O3	Mar. 12, 1975	Jan. 26, 1943	Fort Thomas.
Air Force	LA	Shelton, Charles Ervin	O6	Apr. 29, 1965	Apr. 29, 1932	Owensboro.
Army	VS	Stringer, John Curtis, II	O3	Oct. 30, 1978	Jan. 12, 1946	Hazard.
Navy	VS	Tapp, John Bethel	O4	Mar. 23, 1966	Sept. 6, 1933	Harrodsburg.
Air Force	LA	Thomas, Leo Tarlton, Jr	O3	Dec. 19, 1971	Dec. 24, 1940	Georgetown.
Air Force	VN	Williamson, Don Ira	O6	Jan. 15, 1979	Dec. 1, 1930	Louisville.
Louisiana (35):						
Air Force	LA	Armstrong, Frank Alton, III	O4	Oct. 6, 1967	Mar. 7, 1930	Shreveport.
Air Force	VS	Belcher, Robert Arthur	O4	Mar. 28, 1969	Aug. 11, 1935	Baton Rouge.
Air Force	LA	Bogard, Lonnie Pat	O4	July 26, 1978	May 11, 1942	Matairie.
Army	VS	Calloway, Porter Earl	E6	Mar. 12, 1968	Jan. 16, 1947	Bernice.
Air Force	LA	Coady, Robert Franklin	O4	July 26, 1974	Sept. 11, 1939	New Orleans.
Army	VS	Cozart, Robert Gordon, Jr	O4	Feb. 27, 1979	Mar. 27, 1947	Hammond.
Army	VS	Croxdale, Jack Lee, II	E4	Nov. 19, 1967	Nov. 20, 1948	Lake Charles.
Air Force	VN	Dardeau, Oscar Moise, Jr	O6	May 28, 1974	Dec. 11, 1931	Ville Platte.
Air Force	LA	Finn, William Robert	O3	June 29, 1978	Aug. 15, 1947	Metairie.
Army	LA	Gates, James Wayne	O5	Oct. 28, 1977	Dec. 30, 1933	Mer Rouge.
Air Force	LA	Grace, James William	O4	June 8, 1976	Dec. 20, 1939	New Iberia.
Army	VS	Guillory, Edward Joseph	E9	Apr. 17, 1978	Jan. 8, 1932	De Ridder.
Army	VS	Guillory, Hubia Jude	E3	Apr. 25, 1968	Oct. 17, 1947	New Orleans.
Marine Corps	VS	Hellbach, Harold James	O3	May 19, 1967	Sept. 21, 1942	New Orleans.
Air Force	LA	Hensley, Thomas Truett	O3	May 28, 1974	July 24, 1938	Lafayette.
Air Force	VS	Jackson, Carl Edwin	O3	June 27, 1965	Jan. 28, 1930	Natchitoches.
Air Force	LA	Liles, Robert Leonel, Jr	O4	Dec. 21, 1972	Apr. 11, 1940	Shreveport.
Air Force	VN	Lindsey, Marvin Nelson	O5	June 29, 1965	Jan. 20, 1929	Springhill.
Air Force	LA	Magee, Ralph Wayne	O2	Mar. 23, 1961	Sept. 28, 1931	Port Sulphur.
Air Force	VN	McCleary, George Carlton	O6	Nov. 2, 1973	Oct. 19, 1922	Baton Rouge.
Army	VS	Metoyer, Bryford Glenn	O2	Jan. 18, 1964	Dec. 19, 1938	Oakdale.
Air Force	VS	Moore, Thomas	E9	Dec. 31, 1965	Dec. 9, 1929	Baton Rouge.
Army	VS	Morgan, William Joor	O4	Feb. 25, 1972	Feb. 11, 1938	Baton Rouge.
Army	VS	Pharris, William Valrie	E3	July 7, 1966	Sept. 11, 1946	Lake Charles.
Air Force	VN	Poole, Charlie Sherman	E9	June 8, 1979	June 7, 1932	Gibsland.
Marine Corps	VS	Prewitt, William Roland	E3	Aug. 1, 1967	Sept. 28, 1946	Florien.
Air Force	LA	Primm, Severo James, III	O2	Feb. 5, 1973	Nov. 3, 1947	New Orleans.
Air Force	VS	Serex, Henry Muir	O5	July 20, 1978	May 9, 1931	New Orleans.
Air Force	LA	Smith, Harry Winfield	O4	Jan. 25, 1979	June 30, 1941	Baton Rouge.
Army	CB	Smoot, Curtis Richard	E6	Oct. 30, 1978	Dec. 9, 1949	Varnado.
Air Force	LA	Stewart, Virgil Grant	O2	May 17, 1969	Oct. 10, 1942	Baton Rouge.
Navy	VN	Terrell, Keavin Lee	E4	Oct. 2, 1969	Oct. 5, 1949	Baton Rouge.
Army	CB	Varnado, Michael Banard	W2	Sept. 21, 1970	Sept. 10, 1948	Ferriday.
Air Force	LA	Walker, Michael Stephen	O3	Oct. 5, 1973	Aug. 29, 1941	Columbia.
Marine Corps	VN	Williams, David Beryl	O4	May 3, 1972	Aug. 6, 1941	Lafayette.
Maine (19):						
Navy	VS	Avore, Malcolm Arthur	O3	July 18, 1965	Aug. 25, 1938	Hallwell.
Army	VS	Brooks, John Henry Ralph	E6	Feb. 11, 1974	Apr. 8, 1949	Bryant Pond.
Air Force	LA	Churchill, Carl Russell	O2	May 3, 1970	July 8, 1945	Bethel.
Air Force	VN	Darcy, Edward Joseph	E9	Apr. 27, 1978	June 19, 1938	Portland.
Army	VS	Dority, Richard Clair	E5	Nov. 4, 1971	Jan. 27, 1952	Dover-Foxcroft.
Air Force	VS	Duffy, John Everett	O3	June 29, 1978	Jan. 23, 1946	Portland.
Marine Corps	VS	Dyer, Blenn Colby	E3	Apr. 27, 1967	June 1, 1944	Standish.
Air Force	LA	Getchell, Paul Everett	O5	Mar. 21, 1979	Oct. 12, 1936	Portland.
Navy	VN	Graustein, Robert Stewart	O4	Mar. 3, 1975	Sept. 29, 1939	Fryeburg.
Army	VS	Hall, Walter Louis	O2	June 10, 1965	Feb. 25, 1940	Old Town.
Navy	VN	Hanley, Terence Higgins	O3	May 24, 1973	Mar. 16, 1942	Gardiner.
Air Force	VS	Harvey, Jack Rockwood	O3	Jan. 9, 1980	Sept. 14, 1947	Gardiner.
Army	LA	Huntley, John Norman	E3	Sept. 27, 1969	Mar. 1, 1951	Portland.
Navy	VS	Kustigian, Michael John	E7	Sept. 13, 1979	Mar. 9, 1949	Worchester.
Navy	VS	Musetti, Joseph Tony, Jr	E5	Sept. 28, 1967	Jan. 17, 1943	Hall Quarry.
Air Force	LA	Russell, Donald Myrick	O6	Dec. 5, 1967	Dec. 28, 1931	Westbrook.
Air Force	LA	Sanders, William Stephen	O3	June 30, 1970	Apr. 27, 1943	Winthrop.
Navy	VS	Taylor, Neil Brooks	O2	Sept. 14, 1965	July 18, 1940	Rangeley.
Marine Corps	NV	Vlahakos, Peter George	E6	Feb. 1, 1966	Apr. 12, 1935	Auburn.
Maryland (37):						
Air Force	VS	Blankenship, Charles Herma	Q3	July 7, 1967	Apr. 11, 1938	Suitland.
Air Force	LA	Brandenburg, Dale	E4	Feb. 5, 1973	Nov. 11, 1948	Capitol Heights.
Air Force	VS	Call, John Henry, III	O2	Apr. 6, 1972	Feb. 9, 1947	Potomac.
Air Force	LA	Caniford, James Kenneth	E8	Apr. 3, 1978	Aug. 26, 1948	Frederick.
Navy	VN	Cook, Wilmer Paul	O4	Dec. 22, 1967	Oct. 1, 1932	Annapolis.
Air Force	VN	Cooper, Richard Waller, Jr	O4	July 25, 1978	Nov. 18, 1942	Salisbury.
Marine Corps	CB	Copenhaver, Gregory Scott	E3	May 15, 1975	July 21, 1955	Port Deposit.
Army	LA	Davidson, David Arthur	E6	Oct. 6, 1971	Mar. 8, 1947	East Riverdale.
Army	VS	Dolan, Thomas Albert	E6	Sept. 5, 1978	Aug. 15, 1948	Baltimore.
Air Force	LA	Flanagan, Sherman E., Jr	O5	July 21, 1968	Apr. 8, 1930	Westminster.
Army	VS	Geist, Stephen Jonathan	E6	Jan. 24, 1974	Apr. 12, 1946	Silver Spring.
Marine Corps	VS	Hamilton, Roger Dale	E7	Mar. 27, 1978	Aug. 16, 1948	Baltimore.
Air Force	VN	Harris, Jeffrey Lyndol	O3	May 10, 1972	May 28, 1943	Clinton.
Air Force	VN	Hicks, Terrin Dinsmore	O5	June 7, 1978	Oct. 1, 1936	Silver Spring.
Air Force	VN	Hilton, Robert Larie	E4	Mar. 14, 1966	Jan. 13, 1936	Baltimore.
Navy	VN	Hodges, David Lawton	O3	Oct. 7, 1967	Nov. 21, 1937	Chevy Chase.
Army	VS	Johns, Vernon Zigman	E6	July 5, 1978	Dec. 23, 1942	Baltimore.
Air Force	LA	Kieffer, William Lewis, Jr	O5	Feb. 11, 1970	Aug. 19, 1924	Greenbelt.
Air Force	VN	Kilcullen, Thomas Michael	O3	Aug. 26, 1967	Nov. 25, 1943	Adelphi.
Army	VS	Lancaster, Kenneth Ray	E6	Mar. 6, 1978	June 24, 1946	Silver Spring.
Navy	VS	MacLaughlin, Donald C., Jr	O2	Jan. 2, 1966	May 21, 1941	Baltimore.
Army	LA	May, David Murray	O3	Dec. 5, 1973	Jan. 29, 1945	Hyattsville.
Army	VS	Moore, Maurice Henry	E6	Mar. 16, 1977	July 1, 1947	Baltimore.
Air Force	VN	Olds, Ernest Arthur	O6	May 2, 1978	July 14, 1934	Salisbury.
Navy	VS	Payne, Kylis Therod	E3	June 5, 1972	Mar. 31, 1951	Baltimore.
Army	VS	Powers, Vernie Homer	E3	Dec. 24, 1967	Mar. 12, 1947	Baltimore.
Navy	VS	Sause, Bernard Jacob, Jr	E3	Feb. 27, 1967	Mar. 1, 1944	Baltimore.
Air Force	LA	Shay, Donald Emerson, Jr	O4	Jan. 28, 1981	Mar. 16, 1946	Linthicum Heights.
Air Force	LA	Smith, Victor Arlon	O3	Jan. 17, 1969	Feb. 28, 1943	Silver Spring.
Navy	VS	Sparenberg, Benard John	E7	Feb. 5, 1966	Mar. 27, 1929	Baltimore.
Navy	VN	Stegman, Thomas	O4	May 10, 1973	July 13, 1938	Catonsville.
Army	VS	Watkins, Robert James, Jr	W2	Oct. 8, 1969	June 10, 1942	Fort Meade.
Air Force	LA	West, John Thomas	O3	Jan. 8, 1974	July 26, 1942	Baltimore.
Army	VS	Wills, Francis Desales	E3	Feb. 27, 1967	Oct. 18, 1944	La Plata.
Marine Corps	VS	Worth, James Frederick	E4	Jan. 17, 1977	Dec. 11, 1951	Hillside.
Air Force	VN	Wright, David Irvin	O4	Nov. 13, 1970	Jan. 30, 1935	Annapolis.
Air Force	LA	Wright, Donald Lee	E8	Nov. 10, 1975	July 2, 1938	Mount Savage.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Massachusetts (60):						
Army	VS	Allen, Wayne Clouse	E6	Aug. 14, 1978	Mar. 17, 1948	Tewksbury.
Air Force	VS	Avery, Allen Jones	E6	Apr. 6, 1972	Feb. 22, 1943	Auburn.
Army	VS	Baxter, Bruce Raymond	E8	Nov. 8, 1967	Sept. 28, 1931	Lowell.
Air Force	VN	Beresik, Eugene Paul	O4	May 31, 1968	Mar. 3, 1933	Webster.
Marine Corps	VS	Berube, Kenneth Allen	O2	Aug. 11, 1967	Oct. 30, 1943	Monson.
Air Force	VS	Bifolchi, Charles Lawrence	O4	May 3, 1978	Oct. 27, 1943	Quincy.
Navy	VN	Boles, Warren William	O2	Jan. 18, 1968	Dec. 14, 1940	Marblehead Neck.
Army	CB	Boronski, John Arthur	E7	Nov. 27, 1978	July 24, 1944	Ware.
Army	LA	Bott, Russell Peter	E8	Nov. 17, 1978	Sept. 5, 1936	Worchester.
Navy	VN	Coakley, William Francis	O4	Aug. 13, 1966	Aug. 12, 1933	Lenox.
Army	CB	Cochrane, Deverton C	E7	Aug. 29, 1978	Dec. 15, 1948	Brookline.
Navy	VN	Collamore, Allan Philip, Jr	O4	June 6, 1975	Dec. 22, 1938	Worcester.
Marine Corps	VS	Cook, Joseph Francis	E3	May 10, 1968	Jan. 15, 1949	Foxboro.
Marine Corps	VS	Czerwonika, Paul Steven	E2	May 10, 1968	May 20, 1949	Stoughton.
Navy	LA	Donato, Paul Nicholas	E6	Feb. 17, 1968	Mar. 14, 1940	Boston.
Navy	CH	Dunn, Joseph Patrick	O5	Nov. 20, 1981	Sept. 17, 1942	Hull.
Navy	VS	Earle, John Stiles	O3	June 22, 1970	July 3, 1941	Westfield.
Air Force	VN	Elliot, Robert Malcolm	O5	June 7, 1979	Nov. 8, 1929	Springfield.
Army	LA	Fitts, Richard Allan	E6	Jan. 15, 1975	Feb. 23, 1946	Abington.
Army	VS	Fitzgerald, Joseph Edward	E6	July 8, 1975	Nov. 25, 1948	Northbridge.
Navy	VN	Frawley, William David	O4	May 10, 1973	Nov. 14, 1938	Brockton.
Air Force	LA	Garside, Frederick Thomas	E5	Mar. 23, 1961	Nov. 16, 1936	Plymouth.
Marine Corps	VS	Gaughan, Roger Conrad	E4	May 1, 1967	June 24, 1946	Belchertown.
Navy	VN	Graves, Richard Campbell	O1	May 25, 1967	Aug. 5, 1944	Sunderland.
Navy	VS	Greenleaf, Joseph Gales	O3	Apr. 14, 1972	Oct. 6, 1944	West Newton.
Air Force	LA	Hardy, Arthur Hans	O3	Nov. 10, 1976	Nov. 7, 1948	Ipswich.
Army	VS	Harper, Richard K	W2	May 20, 1966	Oct. 2, 1941	Burlington.
Air Force	VS	Hauer, Robert Douglas	O3	Mar. 16, 1978	Nov. 29, 1946	Brookline.
Army	VS	Henn, John Robert, Jr	W2	Feb. 6, 1974	Feb. 11, 1948	Sutton.
Navy	VN	Herrin, Henry Howard, Jr	E8	May 24, 1973	Mar. 18, 1933	West Springfield.
Air Force	LA	Holmes, David Hugh	O5	Nov. 6, 1978	Mar. 26, 1938	Belmont.
Marine Corps	VS	Holt, Robert Alan	O3	Sept. 19, 1968	June 13, 1942	Reading.
Air Force	VS	Kaster, Leonard Lee	O2	Aug. 6, 1964	Sept. 24, 1938	Holyoke.
Army	VS	Kelley, Daniel Martin	E4	Apr. 25, 1968	June 22, 1947	Dorchester.
Army	LA	King, Paul Chester, Jr	E3	May 4, 1968	Mar. 17, 1949	Waltham.
Army	VS	Kinsman, Gerald Francis	O2	Jan. 15, 1971	June 12, 1945	Foxboro.
Navy	VN	Leaver, John Murray, Jr	O5	May 8, 1972	Aug. 17, 1933	Arlington.
Navy	VN	Loheed, Hubert Bradford	O6	July 25, 1975	Oct. 15, 1924	Middleboro.
Air Force	VN	McCann, Henry Elmer	O6	July 11, 1978	Dec. 11, 1931	Marblehead.
Air Force	VN	Magnusson, James A., Jr	O4	Apr. 4, 1965	Oct. 14, 1934	Nahant.
Air Force	LA	McKenney, Kenneth Dewey	E7	July 2, 1975	Apr. 3, 1945	Auburn.
Air Force	VN	McLaughlin, Arthur Vincent	E9	Aug. 16, 1978	Mar. 11, 1934	Roxbury.
Navy	VS	Miller, Carleton Pierce, Jr	O2	Jan. 6, 1971	June 23, 1944	Melrose.
Marine Corps	LA	Morin, Richard Girard	O3	Dec. 20, 1968	July 8, 1944	Tweksbury.
Marine Corps	LA	Mullen, William Francis	O4	May 5, 1976	Mar. 28, 1935	Brockton.
Air Force	VN	Overlock, John Francis	O5	Oct. 9, 1975	Apr. 6, 1936	Springfield.
Navy	VN	Painter, John Robert, Jr	O3	June 18, 1971	Mar. 15, 1945	Vineyard Haven.
Marine Corps	VS	Rogers, Edward Francis	E2	Mar. 12, 1968	Sept. 29, 1948	Roslindale.
Navy	VN	Sansone, James Joseph	E3	Aug. 10, 1972	Mar. 24, 1950	Norwood.
Army	VS	Smith, William Mark	E5	June 30, 1970	Apr. 2, 1945	Middleboro.
Air Force	LA	Stephenson, Howard David	O5	July 31, 1979	Oct. 6, 1937	Bolton.
Navy	VN	Sullivan, James Edward	O4	June 28, 1974	Nov. 11, 1942	Hull.
Navy	VN	Sullivan, Martin Joseph	O4	Feb. 12, 1967	Jan. 28, 1933	Lawrence.
Marine Corps	VS	Todd, Robert Jacy	E1	May 9, 1967	May 25, 1948	North Easton.
Navy	VN	Tucker, Edwin Byron	O5	July 11, 1974	Feb. 1, 1935	Baldwinville.
Army	VS	Walker, Orien Judson, Jr	O3	Feb. 4, 1966	Sept. 27, 1933	Boston.
Marine Corps	VS	Waterman, Craig Houston	O2	July 30, 1967	Oct. 14, 1943	Rehoboth.
Air Force	VS	Wax, David J	O2	Dec. 20, 1965	Aug. 1, 1941	Brookline.
Marine Corps	VS	Weitz, Monek	E1	May 25, 1969	Dec. 19, 1950	Roxbury.
Air Force	VN	Wrye, Blair Charlton	O6	Apr. 16, 1979	May 23, 1929	Auburndale.
Michigan (77):						
Army	VS	Allard, Richard Michael	E6	May 15, 1978	Aug. 24, 1946	Chesaning.
Air Force	VN	Anderson, Robert Dale	O6	Feb. 6, 1979	Dec. 25, 1931	Battle Creek.
Air Force	VN	Anderson, Warren Leroy	O6	Jan. 9, 1978	Dec. 27, 1932	Camden.
Navy	VN	Austin, Ellis Ernest	O5	June 19, 1975	Jan. 6, 1922	Vermontville.
Army	VS	Beckwith, Harry Medlor, III	E5	Mar. 24, 1971	Aug. 18, 1948	Flint.
Marine Corps	VS	Boltze, Bruce Edward	W2	Oct. 6, 1972	Jan. 31, 1938	Flint.
Marine Corps	VS	Borton, Robert Curtis, Jr	E5	Aug. 24, 1977	June 24, 1946	Benton Harbor.
Army	VS	Buckley, Louis, Jr	E7	Jan. 25, 1978	May 20, 1943	Detroit.
Army	VS	Burgess, John Lawrence	E5	June 30, 1970	Apr. 5, 1949	Kingsley.
Air Force	LA	Carroll, Patrick Henry	O3	Aug. 23, 1978	Dec. 12, 1942	Allen Park.
Army	VS	Carter, James Devrin	W1	June 13, 1968	Mar. 13, 1947	Clarkston.
Navy	VN	Chapman, Rodney Max	O4	Feb. 18, 1969	Feb. 26, 1935	Alpena.
Army	VS	Cline, Curtis Roy	E6	Dec. 5, 1974	July 29, 1949	Burlington.
Air Force	VN	Crossman, Gregory John	O4	May 9, 1978	Aug. 9, 1941	Sturgis.
Army	VS	Cudlike, Charles Joseph	E4	May 18, 1969	June 16, 1948	Detroit.
Air Force	LA	Dailey, Douglas Vincent	E7	Jan. 7, 1974	June 30, 1936	Waterford.
Air Force	LA	Dennany, James Eugene	O6	June 21, 1978	Mar. 5, 1935	Mattawan.
Army	CB	Dix, Craig Mitchell	E6	Oct. 27, 1978	Dec. 5, 1949	Livonia.
Army	LA	Dye, Melvin Carnills	E6	Oct. 28, 1977	May 22, 1947	Carleton.
Air Force	VN	Feneley, Francis James	O3	May 11, 1966	Jan. 30, 1930	Curtis.
Army	VS	Gauthier, Dennis Lee	E6	June 15, 1977	Aug. 8, 1949	Rochester.
Marine Corps	VS	Green, Larry Edward	E4	Mar. 26, 1968	Feb. 10, 1947	Mount Morris.
Navy	VN	Greiling, David Scott	O5	Sept. 14, 1973	Mar. 25, 1935	Hillsdale.
Army	VS	Groth, Wade Lawrence	E6	Sept. 8, 1978	May 14, 1947	Greenville.
Marine Corps	VS	Hammond, Dennis Wayne	E5	Mar. 7, 1970	Apr. 26, 1946	Detroit.
Air Force	VN	Hauer, Leslie John	O6	Mar. 21, 1979	Jan. 30, 1924	Detroit.
Air Force	VN	Hill, Robert La Verne	E9	July 18, 1973	Sept. 25, 1931	Detroit.
Navy	VS	Holman, Gerald Allan	O2	Dec. 14, 1966	Oct. 10, 1939	Northville.
Air Force	VN	Huard, James Linton	O3	Sept. 24, 1973	Mar. 17, 1946	Dearborn.
Army	VS	Jakovac, John Andrew	E6	Feb. 14, 1978	Apr. 10, 1947	Detroit.
Air Force	VN	Jarvis, Jeremy Michael	O4	Apr. 3, 1978	Nov. 5, 1941	Warren.
Navy	VN	Jerome, Stanley Milton	E6	Feb. 18, 1969	Sept. 11, 1937	Detroit.
Army	VS	Johnson, Bruce Gardner	O4	Feb. 27, 1978	July 15, 1937	Harbor Beach.
Air Force	VN	King, Donald Lewis	O6	Jan. 25, 1979	Aug. 28, 1933	Muskegon.
Army	LA	Kipina, Marshall Frederick	E6	Feb. 9, 1978	Dec. 18, 1944	Calumet.
Army	VS	Klimo, James Robert	E6	Sept. 27, 1978	Dec. 28, 1949	Muskegon.
Navy	VS	Klugg, Joseph Russell	O3	Nov. 14, 1970	July 30, 1943	Okemos.
Marine Corps	VS	Kooi, James Willard	E3	June 11, 1967	Nov. 18, 1948	Fruitport.
Army	LA	La Bohn, Gary Russell	E7	Mar. 20, 1979	Dec. 28, 1942	Wixon.
Air Force	LA	Lapham, Robert Granthan	O4	Feb. 8, 1968	Feb. 18, 1927	Marshall.
Army	LA	Leonard, Marvin Maurice	W2	Feb. 15, 1971	Feb. 1, 1936	Grand Rapids.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Navy	VN	Marvin, Robert Clarence	03	Feb. 14, 1967	Feb. 10, 1940	Dexter.
Air Force	VN	Massucci, Martin John	04	Feb. 9, 1978	Nov. 1, 1939	Royal Oak.
Army	CB	May, Michael Fredrick	E5	Mar. 2, 1969	June 7, 1947	Vassar.
Navy	VS	McCormick, John Vern	02	Dec. 1, 1965	Dec. 12, 1939	Burt.
Air Force	VN	Meyer, William Michael	04	May 28, 1974	Nov. 22, 1934	Taylor.
Marine Corps	VS	Nahan, John Benedict, III	E3	Aug. 3, 1967	June 20, 1945	Allegan.
Army	VS	Nelson, James Raymond	E6	June 5, 1973	Feb. 4, 1942	Ludington.
Army	VS	Paul, James Lee	W1	Feb. 5, 1971	Oct. 13, 1948	Riverview.
Army	VS	Perry, Otha Lee	W2	Dec. 14, 1971	May 11, 1941	Detroit.
Navy	VS	Pineau, Roland Robert	E7	Oct. 8, 1967	July 6, 1929	Berkley.
Army	VS	Riggs, Thomas Frederick	W3	June 5, 1973	July 24, 1946	Farmington.
Army	VS	Roberts, Richard Dean	E6	July 31, 1978	Apr. 30, 1948	Lansing.
Army	VS	Robertson, Mark John	W1	Feb. 10, 1971	Aug. 18, 1949	Detroit.
Air Force	LA	Robinson, Lewis Merritt	05	June 4, 1967	Feb. 1, 1921	Saginaw.
Army	VS	Ross, Jlynn, Jr	E6	July 26, 1977	Aug. 12, 1946	Detroit.
Army	VS	Seablom, Earl Francis	E3	July 18, 1968	Apr. 24, 1950	Ishpeming.
Army	VS	Smith, William Arthur, Jr	W2	Oct. 29, 1976	June 24, 1945	Battle Creek.
Navy	LA	Stevens, Philip Paul	02	Jan. 11, 1968	July 26, 1942	Twin Lake.
Air Force	VN	Stroven, William Harry	03	Nov. 15, 1973	July 15, 1942	Fremont.
Air Force	CB	Stuifbergen, Gene Paul	E5	Nov. 27, 1968	June 29, 1934	Augusta.
Army	VS	Teran, Refugio Thomas	E6	Sept. 29, 1978	May 8, 1949	Westland.
Navy	LA	Thoresen, Donald Nellis	E5	Jan. 11, 1968	Jan. 15, 1937	Detroit.
Navy	VN	Tromp, William Leslie	04	Oct. 24, 1973	Aug. 24, 1941	Fennville.
Air Force	LA	Tucci, Robert Leon	04	Nov. 12, 1969	July 29, 1942	Detroit.
Air Force	VN	Tyler, George Edward	06	Jan. 22, 1979	Jan. 31, 1930	Royal Oak.
Navy	VN	Vescelius, Milton James, Jr	06	Sept. 21, 1967	Nov. 16, 1934	Milford.
Air Force	LA	Wagener, David Raymond	03	Oct. 20, 1966	June 22, 1939	Ann Arbor.
Air Force	VS	Walker, Kenneth Earl	03	Oct. 2, 1964	Jan. 3, 1935	Lansing.
Army	VS	Wallace, Michael John	E7	Feb. 6, 1974	Nov. 21, 1939	Ann Arbor.
Air Force	VN	Welch, Robert John	06	Jan. 22, 1979	Mar. 23, 1926	Detroit.
Navy	LA	Widon, Kenneth Harry	E5	Jan. 11, 1968	June 24, 1940	Detroit.
Air Force	VS	Wilson, Robert Allan	03	June 18, 1972	Jan. 18, 1944	Detroit.
Navy	VN	Woloszyk, Donald Joseph	04	Oct. 31, 1977	Jan. 19, 1942	Alpena.
Navy	VN	Worcester, John Bowers	04	Dec. 8, 1975	Apr. 23, 1941	Big Rapids.
Air Force	VN	Wozniak, Frederick Joseph	04	Apr. 4, 1978	June 11, 1941	Alpena.
Army	VS	Wright, Arthur	E4	Oct. 31, 1977	Feb. 17, 1936	Lansing.
Minnesota (46):						
Army	VN	Algaard, Harold Lowell	W1	Mar. 4, 1971	July 27, 1948	Fosston.
Air Force	VN	Bailey, John Edward	04	May 10, 1966	Oct. 11, 1936	Minneapolis.
Air Force	VN	Bebus, Charles James	E5	June 9, 1977	Feb. 4, 1951	Minneapolis.
Navy	VN	Carlson, Paul Victor	02	Feb. 12, 1967	Mar. 18, 1939	Minneapolis.
Navy	VN	Christophersen, Keith Alle	02	Jan. 21, 1973	Oct. 22, 1946	South St. Paul.
Air Force	VS	Cook, William Richard	06	Mar. 22, 1977	Feb. 25, 1924	Redwood Falls.
Air Force	LA	Danielson, Benjamin Frankl	03	Jult 19, 1976	Mar. 31, 1943	Kenyon.
Marine Corps	VS	Erickson, David Wayne	E5	Feb. 25, 1976	Feb. 24, 1950	Minneapolis.
Air Force	LA	Fellows, Allen Eugene	06	May 5, 1978	Dec. 1, 1931	Minneapolis.
Navy	VN	Forman, William Stannard	04	May 10, 1973	Nov. 8, 1936	Pipestone.
Navy	VN	Gosen, Lawrence Dean	04	July 23, 1968	Feb. 4, 1938	Bingham Lake.
Army	VS	Handrahan, Eugene Allen	E7	Jan. 15, 1979	July 30, 1947	St. Paul.
Army	VS	Harber, Stephen James	E5	Feb. 6, 1974	May 8, 1948	Fairmont.
Air Force	VN	Harworth, Elroy Edwin	E8	May 28, 1974	Jan. 10, 1942	Elizabeth.
Army	VS	Knutson, Richard Arthur	W2	May 3, 1979	Sept. 11, 1949	Hallock.
Navy	VS	Krech, Melvin Thomas	E6	Apr. 6, 1966	Dec. 2, 1931	Marine on St. Croix.
Air Force	LA	Lindstrom, Ronnie George	03	June 7, 1978	June 14, 1944	Duluth.
Army	LA	Lloyd, Allen Richard	E5	Feb. 18, 1971	Feb. 21, 1949	St. Charles.
Army	VS	Mackedanz, Lyle Everett	E7	Aug. 28, 1974	Sept. 16, 1939	Hutchinson.
Navy	VS	Madsen, Marlow Erling	02	Jan. 18, 1967	May 24, 1939	Minneapolis.
Navy	VN	Mickelsen, William Emil, Jr	03	Aug. 10, 1969	Oct. 25, 1934	Minneapolis.
Marine Corps	VS	Mishuk, Richard Edward	E6	Apr. 23, 1975	July 11, 1945	St. Paul.
Marine Corps	VN	Murray, Patrick Peter	03	Oct. 7, 1974	Oct. 1, 1942	St. Paul.
Army	LA	Musil, Clinton Allen, Jr	03	May 31, 1971	Feb. 1, 1940	Minneapolis.
Navy	VN	Ness, Patrick Lawrence	01	Aug. 23, 1967	Nov. 22, 1941	Minneapolis.
Army	VS	Olson, Barry A	E6	June 19, 1978	Aug. 4, 1947	Albert Lea.
Air Force	VS	Peterson, Delbert Ray	04	Feb. 9, 1978	May 11, 1939	Maple Plain.
Navy	VN	Powers, Trent Richard	06	Nov. 27, 1973	Aug. 24, 1930	Minneapolis.
Navy	LA	Quinn, Michael Edward	04	May 15, 1978	Aug. 21, 1933	Madelia.
Marine Corps	VS	Rehn, Gary Lee	E4	Nov. 9, 1967	Dec. 14, 1946	Park Rapids.
Air Force	LA	Reilly, Lavern George	06	Jan. 3, 1979	Jan. 25, 1926	St. Paul.
Air Force	VN	Reitmann, Thomas Edward	04	Dec. 1, 1965	Dec. 8, 1930	Red Wing.
Air Force	VS	Ryder, John Leslie	03	June 2, 1976	July 5, 1946	Chisholm.
Army	VS	Schell, Richard John	04	July 5, 1977	July 24, 1944	Minneiska.
Army	VS	Schumann, John Robert	04	July 7, 1966	Feb. 2, 1932	Cokato.
Air Force	VN	Setterquist, Francis Lesli	03	Sept. 16, 1976	Oct. 5, 1941	Cloquet.
Marine Corps	VS	Skarman, Orval Harry	E5	Nov. 28, 1975	Mar. 11, 1947	Duluth.
Air Force	LA	Spinler, Darrell John	03	June 21, 1967	June 16, 1938	Browns Valley.
Army	LA	Sulander, Daniel Arthur	W1	Dec. 2, 1966	Sept. 18, 1943	Minneapolis.
Army	VS	Swanson, Roger Wesley	E6	July 2, 1974	Sept. 8, 1943	St. Paul.
Navy	LA	Swanson, William Edward	03	Apr. 11, 1965	Nov. 1, 1937	Minneapolis.
Navy	VS	Toms, Dennis Leroy	E2	Nov. 21, 1965	Nov. 7, 1942	Burerne Rock.
Air Force	LA	Walsh, Richard Ambrose, III	06	Oct. 4, 1979	Apr. 28, 1926	St. Paul.
Navy	VN	Wiehr, Richard Daniel	E5	Jan. 21, 1973	Sept. 6, 1950	Mankato.
Marine Corps	VS	Wilbrecht, Kurt Michael	02	June 7, 1970	Feb. 14, 1944	St. Paul.
Navy	VS	Zempel, Ronald Lee	E3	Feb. 27, 1967	Dec. 17, 1944	Grand Rapids.
Mississippi (18):						
Air Force	LA	Barras, Gregory Inman	06	Apr. 17, 1979	Oct. 13, 1932	Jackson.
Air Force	VN	Bennett, Thomas Waring, Jr	04	Oct. 9, 1980	Dec. 22, 1942	Natchez.
Army	VS	Bush, Elbert Wayne	E6	Mar. 24, 1976	Oct. 13, 1946	Jackson.
Air Force	VS	Cody, Howard Rudolph	03	Nov. 24, 1963	Sept. 5, 1934	Gulfport.
Air Force	VS	Cutrer, Fred Clay, Jr	03	Aug. 6, 1964	Jan. 9, 1935	Osyka.
Air Force	LA	Davis, James Woodrow	E5	Mar. 11, 1968	Nov. 6, 1939	Waynesboro.
Army	VS	Elliott, Jerry W	E6	Aug. 16, 1976	July 14, 1948	Greenville.
Army	VS	Entrican, Danny Day	03	Dec. 6, 1978	Aug. 12, 1946	Brookhaven.
Marine Corps	LA	Finney, Charles Elbert	04	Apr. 28, 1978	June 5, 1944	Saltville.
Air Force	VS	Jones, George Emerson	02	July 7, 1967	Jan. 26, 1942	Aberdeen.
Army	VS	Kuykendall, Willie Clyde	E3	Aug. 18, 1971	Aug. 4, 1949	Batesville.
Air Force	LA	Luna, Carter Purvis	06	Aug. 20, 1975	Sept. 25, 1928	Hazlehurst.
Air Force	VN	Lunsford, Herbert Lamar	06	June 23, 1976	Sept. 2, 1928	Lauderdale.
Navy	LA	Roberts, Michael Land	E5	Jan. 11, 1968	July 14, 1944	Purvis.
Army	VS	Taylor, Walter Joseph, Jr	E3	Dec. 6, 1970	Oct. 30, 1947	Moss Point.
Marine Corps	VN	Wallace, Charles Franklin	04	Aug. 28, 1967	May 27, 1929	Ellisville.
Air Force	LA	Williams, James Ellis	E8	Jan. 25, 1978	Oct. 24, 1939	Oxford.
Army	VS	Zollicoffer, Franklin	E4	Apr. 27, 1972	Nov. 22, 1950	Kosciusko.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Missouri (51):						
Air Force	VS	Adams, Oley Neal	E5	June 17, 1966	June 27, 1937	Green City.
Air Force	VS	Amos, Thomas Hugh	O4	June 23, 1976	Sept. 25, 1940	Republic.
Army	VS	Anspach, Robert Allen	E7	Sept. 11, 1967	Oct. 1, 1933	Macon.
Army	VN	Bezold, Steven Neil	O3	Oct. 29, 1968	June 12, 1944	McKittrick.
Air Force	VS	Blassie, Michael Joseph	O2	May 11, 1972	Apr. 4, 1948	St. Louis.
Army	VS	Caldwell, Floyd Dean	E6	Dec. 14, 1971	Apr. 15, 1934	St. Louis.
Air Force	LA	Carroll, Roger William, Jr	O4	Sept. 21, 1972	July 20, 1939	Kansas City.
Air Force	VN	Cherry, Allen Sheldon	O3	Aug. 9, 1967	Sept. 14, 1936	University City.
Air Force	LA	Chorlins, Richard David	O2	Jan. 11, 1970	July 16, 1945	University City.
Army	LA	Cleve, Reginald David	W1	Mar. 22, 1971	Aug. 2, 1947	Farmington.
Army	VS	Cramer, Donald Martin	W2	May 31, 1973	Jan. 12, 1946	St. Louis.
Navy	VN	Dean, Donald Chester	E5	Oct. 2, 1969	Jan. 7, 1942	St. Louis.
Air Force	VN	Edmondson, William Rothroc	O4	Feb. 9, 1978	Nov. 15, 1941	Cassville.
Army	VS	Finley, Dickie Waine	E6	Nov. 16, 1976	June 29, 1947	Sweet Springs.
Navy	VN	Fowler, James Jewel	E5	Oct. 2, 1969	Feb. 24, 1947	Lamonte.
Air Force	LA	Geoglein, John Winfred	O4	June 30, 1970	July 10, 1930	Kirkwood.
Air Force	VN	Gregory, Robert Raymond	O5	Nov. 19, 1973	Mar. 22, 1932	Cape Girardeau.
Army	CB	Griffin, Rodney Lynn	E5	Jan. 16, 1974	Aug. 1, 1948	Centralia.
Navy	VN	Griffith, John Gary	O3	Mar. 12, 1968	Jan. 10, 1936	Kansas City.
Air Force	LA	Harris, Stephen Warren	E6	May 28, 1974	July 25, 1949	Springfield.
Army	VS	Hasenback, Paul Alfred	E6	May 29, 1974	May 11, 1947	Freeburg.
Air Force	VS	Hemmel, Clarence Joseph	O3	Oct. 21, 1967	Oct. 30, 1941	Jefferson City.
Air Force	LA	Hess, Frederick William, Jr	O4	May 22, 1979	Oct. 20, 1943	Kansas City.
Navy	VS	Hill, Charles Dale	E2	May 15, 1967	Nov. 24, 1947	Rolla.
Marine Corps	VN	Humphrey, Galen Francis	E7	Feb. 1, 1966	Aug. 28, 1927	St. Joseph.
Army	VS	Laws, Delmer Lee	E7	July 30, 1967	Aug. 7, 1935	Mineral Point.
Navy	VN	Marik, Charles Weldon	O4	May 16, 1973	Apr. 14, 1939	Oakland.
Air Force	VN	Miller, Carl Dean	O6	Jan. 3, 1979	Jan. 28, 1931	Marshall.
Air Force	LA	Morley, Charles Frank	O4	July 24, 1979	Feb. 12, 1942	Warrensburg.
Navy	VN	Murray, Joseph Vaughn	O2	Feb. 18, 1966	Oct. 29, 1941	Chillicothe.
Air Force	VS	Offutt, Gary Phelps	O2	Oct. 1, 1965	Apr. 4, 1940	Stewartsville.
Navy	VN	Owen, Clyde Childton	E4	Dec. 15, 1970	July 23, 1947	Elkland.
Marine Corps	VS	Plassmeyer, Bernard Herber	O2	Apr. 7, 1976	May 5, 1945	Freeburg.
Army	VS	Prevedel, Charles Francis	E7	Sept. 25, 1978	Nov. 18, 1943	Florissant.
Air Force	VN	Ragland, Dayton William	O6	July 19, 1973	Dec. 16, 1927	Kansas City.
Marine Corps	VS	Reiter, Dean Wesley	O2	Sept. 25, 1966	Oct. 10, 1942	Manchester.
Marine Corps	VS	Richman, Dwight Gray	O3	Apr. 1, 1978	Jan. 4, 1947	Joplin.
Army	VS	Robinson, Edward	E6	Mar. 9, 1970	Mar. 22, 1942	Kansas City.
Air Force	VS	Rosenbach, Robert Page	O4	Aug. 8, 1978	Aug. 23, 1941	Kirkwood.
Navy	VS	Savoy, M. J.	E3	June 17, 1966	July 26, 1946	University City.
Air Force	VN	Seuell, John Wayne	O3	Feb. 27, 1975	Feb. 24, 1946	Wheeling.
Air Force	VN	Smith, George Craig	O4	Sept. 28, 1973	Mar. 6, 1940	St. Louis.
Marine Corps	VS	Spindler, John Gates	O1	Apr. 21, 1968	Feb. 1, 1946	St. Louis.
Army	LA	Suber, Randolph Bothwell	E6	Oct. 30, 1978	May 22, 1947	Ballwin.
Army	VS	Taylor, Danny Gene	E6	Sept. 28, 1966	June 11, 1939	St. Louis.
Navy	LA	Thurman, Curtis Frank	O3	Feb. 17, 1968	May 19, 1941	St. James.
Army	LA	Toomey, Samuel Kamu, III	O4	Jan. 24, 1974	Dec. 30, 1935	Independence.
Navy	VN	Tye, Michael James	E4	Oct. 2, 1969	Nov. 23, 1948	Clinton.
Air Force	VN	Williams, Billie Joe	O5	Dec. 9, 1972	June 27, 1932	Malden.
Air Force	LA	Wolfe, Thomas Hubert	O3	June 28, 1966	Mar. 4, 1938	Monett.
Air Force	VN	Wood, Patrick Hardy	O6	Feb. 6, 1967	Jan. 23, 1931	Kansas City.
Montana (21):						
Air Force	VN	Allinson, David Jay	O5	Nov. 12, 1974	Sept. 17, 1932	Helena.
Air Force	LA	Applehans, Richard Duane	O4	Apr. 28, 1978	Oct. 29, 1937	Dodson.
Navy	VN	Ashall, Alan Frederick	O4	Aug. 2, 1978	June 6, 1943	Billings.
Navy	LA	Bouchard, Michael Lora	O4	Nov. 26, 1973	Nov. 1, 1938	Missoula.
Army	LA	Boyer, Alan Lee	E7	Jan. 8, 1979	Mar. 8, 1946	Missoula.
Army	VS	Cadwell, Anthony Blake	E2	Oct. 17, 1967	Apr. 9, 1945	Missoula.
Navy	VN	Christensen, William Murre	O4	May 10, 1973	Aug. 19, 1940	Great Falls.
Navy	VS	Dempsey, Jack Ishum	E5	June 17, 1966	Aug. 26, 1944	Helena.
Air Force	LA	Dudley, Charles Glendon	O3	June 28, 1966	June 30, 1936	Bozeman.
Marine Corps	VS	Havranek, Michael William	E3	June 11, 1967	May 30, 1948	Missoula.
Air Force	LA	Holton, Robert Edwin	O3	Jan. 9, 1974	Apr. 8, 1941	Butte.
Navy	VN	Hunt, James D.	O4	Nov. 9, 1973	Dec. 1, 1936	Missoula.
Navy	VS	Letchworth, Edward Norman	O2	Feb. 27, 1967	Dec. 21, 1941	Libby.
Army	VS	Magee, Patrick Joseph	E6	Apr. 7, 1976	Sept. 22, 1946	Alder.
Navy	VN	Nordahl, Lee Edward	O4	July 11, 1974	June 18, 1939	Choteau.
Air Force	VN	Perry, Randolph Allen, Jr	O5	Aug. 8, 1978	June 17, 1937	Troy.
Marine Corps	VS	Pirker, Victor John	E6	Jan. 31, 1974	June 27, 1940	Trout Creek.
Air Force	VN	Pogreba, Dean Andrew	O6	Nov. 22, 1977	Mar. 16, 1922	Three Forks.
Air Force	LA	Sampson, Leslie Verne	E5	Mar. 23, 1961	Apr. 9, 1936	Richey.
Air Force	LA	Willett, Robert Vicent, Jr	O4	June 25, 1979	Aug. 5, 1944	Great Falls.
Navy	Vs	Wolfe, Donald Findling	O2	Oct. 8, 1967	Aug. 2, 1940	Hardin.
Nebraska (25):						
Army	LA	Biber, Gerald Mack	E5	Apr. 22, 1961	July 27, 1935	Benkelman.
Marine Corps	VS	Booze, Delmar George	O3	Jan. 15, 1978	Jan. 7, 1937	Papillion.
Air Force	VN	Bosiljevac, Michael Joseph	O4	June 20, 1980	Oct. 9, 1945	Omaha.
Air Force	VN	Brennan, Herbert Owen	O6	Oct. 18, 1974	Aug. 27, 1926	O'Neill.
Navy	VN	Brenning, Richard David	O3	July 26, 1969	Apr. 22, 1944	Lincoln.
Navy	VN	Confer, Michael Steele	O2	Oct. 10, 1966	Mar. 26, 1942	McCook.
Navy	VN	Cordova, Robert James	E2	Jan. 27, 1968	Aug. 21, 1947	Boystown.
Army	VS	Grella, Donald Carroll	E5	Dec. 29, 1966	Dec. 1, 1940	Laurel.
Air Force	LA	Kahler, Harold	O6	Aug. 17, 1979	Jan. 27, 1923	Lincoln.
Army	VS	Kier, Larry Gene	E6	Sept. 12, 1978	Sept. 29, 1949	Omaha.
Air Force	LA	Klingner, Michael Lee	O2	Apr. 6, 1970	July 14, 1945	McCook.
Army	VS	Magers, Paul Gerald	O2	June 1, 1971	July 20, 1945	Sidney.
Air Force	VN	Maxwell, Samuel Chapman	O6	June 21, 1978	July 24, 1927	Omaha.
Air Force	VN	Moorberg, Monte Larue	O3	Dec. 2, 1966	July 18, 1939	Grand Island.
Air Force	VS	Newman, Larry Jerome	E6	June 18, 1972	July 19, 1939	North Platte
Marine Corps	VS	Ogden, Howard, Jr	E3	Oct. 18, 1967	Aug. 14, 1948	Omaha.
Navy	VN	Peters, Charles Henry	O5	July 1, 1966	Jan. 30, 1927	West Point.
Marine Corps	LA	Robinson, Larry Warren	O4	Jan. 5, 1970	Oct. 6, 1937	Randolph.
Navy	VN	Scheurich, Thomas Edwin	O5	Nov. 27, 1977	Aug. 19, 1933	Norfolk.
Navy	LA	Smiley, Stanley Kutz	O3	July 20, 1969	Jan. 31, 1939	Sidney.
Marine Corps	VS	Sprick, Doyle Robert	O4	June 17, 1974	Nov. 29, 1932	Fort Calhoun.
Air Force	VS	Stafford, Ronald Dean	O3	Nov. 21, 1972	Jan. 3, 1943	Oxford.
Army	LA	Stark, Willie Ernest	E9	Jan. 25, 1978	Oct. 7, 1932	Omaha.
Air Force	VN	Walters, Donovan Keith	O3	Sept. 16, 1976	Jan. 8, 1944	Lebanon.
Army	VS	Zich, Larry Alfred	W3	Nov. 30, 1979	Apr. 3, 1948	Lincoln.
Nevada (10):						
Air Force	VN	Bower, Joseph Edward	O4	Aug. 3, 1965	June 21, 1929	Ely.
Navy	VS	Cartwright, Patrick G.	E4	Jan. 31, 1971	May 8, 1950	Reno.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Navy	VS	Fransen, Albert Merk, Jr	E4	July 2, 1969	Oct. 9, 1944	Las Vegas.
Army	VS	Hill, Billy David	E7	Dec. 15, 1975	Dec. 17, 1946	Fallon.
Army	VS	Parsons, Michael Duane	03	Apr. 3, 1975	May 7, 1945	Reno.
Navy	VN	Perry, Richard Clark	04	Aug. 31, 1967	Aug. 9, 1932	Carlin.
Army	VS	Schworer, Ronald Paul	E4	Apr. 10, 1968	July 9, 1946	Las Vegas.
Army	VS	Skivington, William E, Jr	E6	Jan. 11, 1974	July 5, 1948	Las Vegas.
Navy	VN	Vanrenselaar, Larry Jack	05	Nov. 13, 1968	Aug. 1, 1945	Las Vegas.
Navy	VS	Whittemore, Frederick H	05	Apr. 11, 1968	Dec. 23, 1929	Carson City.
New Hampshire (10):						
Air Force	VS	Alloway, Clyde Douglas	E5	June 7, 1970	Oct. 18, 1937	Portsmouth.
Army	VS	Badolati, Frank Neil	E6	Jan. 29, 1966	Mar. 19, 1933	Goffstown.
Army	LA	Burnett, Sheldon John	06	May 29, 1979	June 9, 1931	Pelham.
Air Force	LA	Ganley, Richard Owen	05	June 29, 1978	Sept. 22, 1940	Keene.
Air Force	LA	Helmich, Gerald Robert	06	Sept. 1, 1978	Nov. 17, 1931	Manchester.
Army	VS	Mulleavey, Quinten Emile	E4	Apr. 3, 1968	Dec. 16, 1947	North Woodstock.
Air Force	VN	Page, Albert Linwood, Jr	04	May 28, 1974	June 28, 1935	Derry.
Air Force	VS	Pearson, William Roy	E4	Apr. 6, 1972	Apr. 18, 1951	Warner.
Air Force	VN	Stickney, Phillip Joseph	E8	June 25, 1974	Dec. 23, 1937	Manchester.
Army	LA	Sullivan, Robert Joseph	E7	July 12, 1967	Nov. 19, 1936	East Alstead.
New Jersey (65):						
Marine Corps	VN	Abrams, Lewis Herbert	06	Feb. 9, 1978	Aug. 17, 1929	Montclair.
Air Force	VS	Adrian, Joseph Daniel	02	Mar. 12, 1967	Aug. 2, 1942	River Edge.
Army	LA	Bader, Arthur Edward, Jr	E7	Aug. 21, 1978	July 12, 1934	Atlantic City.
Air Force	VS	Bennett, Robert Elwood, III	02	Dec. 13, 1967	Dec. 8, 1942	Springfield.
Army	LA	Berg, George Phillip	W1	Feb. 18, 1971	July 16, 1946	Belford.
Air Force	LA	Bond, Ronald Leslie	03	Feb. 6, 1979	Dec. 14, 1947	Haddonfield.
Air Force	LA	Braunder, Henry Paul	05	July 25, 1978	Jan. 26, 1936	Franklin Park.
Air Force	VN	Brinckmann, Robert Edwin	06	May 28, 1974	Dec. 31, 1928	Newark.
Air Force	VN	Brunch, Donald William, Jr	02	Apr. 29, 1966	Aug. 27, 1941	Montclair.
Air Force	VN	Chwan, Michael Daniel	03	Sept. 30, 1965	Oct. 26, 1938	Bayonne.
Army	VS	Cichon, Walter Alan	E6	Oct. 15, 1974	Aug. 28, 1946	Farmingdale.
Marine Corps	VS	Collins, Theothis	E3	Aug. 19, 1968	Sept. 27, 1949	Asbury Park.
Air Force	LA	Cressman, Peter Richard	E4	Feb. 5, 1973	May 23, 1951	Wayne.
Air Force	LA	Davis, Robert Charles	04	Mar. 23, 1969	May 23, 1937	Burlington.
Army	LA	Demsey, Walter Edward, Jr	E4	Feb. 18, 1971	Sept. 17, 1949	Glendora
Air Force	LA	Dinan, Davis Thomas, III	02	Mar. 17, 1969	Jan. 26, 1944	Nutley.
Air Force	VN	Dudash, John Francis	06	June 7, 1974	Nov. 25, 1929	Manville.
Army	LA	Dugan, John Francis	03	Mar. 20, 1971	Nov. 10, 1947	Roselle.
Marine Corps	VS	Egan, James Thomas, Jr	03	Feb. 3, 1978	May 31, 1943	Mountainside.
Navy	VS	Ehrlich, Dennis Michael	02	Jan. 19, 1967	Jan. 3, 1942	Pompton Plains.
Marine Corps	VS	Foley, John Joseph, III	E3	June 11, 1967	June 11, 1947	Plainfield.
Navy	LA	Fryar, Bruce Carlton	03	June 28, 1974	Mar. 28, 1944	Ridgewood.
Navy	VN	Glanville, John Turner, Jr	04	June 14, 1966	Mar. 18, 1934	Mandham.
Marine Corps	VS	Graf, Albert Stephen	02	Aug. 29, 1969	Sept. 8, 1944	Bogota.
Navy	VN	Haas, Leon Frederick	03	July 17, 1972	Apr. 3, 1943	Newton.
Air Force	VN	Herrold, Ned Raymond	03	July 19, 1973	Jan. 8, 1941	New Brunswick.
Navy	VN	Hubbs, Donald Richard	05	Mar. 17, 1968	Feb. 19, 1926	Palmyra.
Army	VS	Iandoli, Donald	E5	Nov. 19, 1967	Sept. 19, 1946	Paterson.
Air Force	LA	Ivan, Andrew, Jr	03	Aug. 23, 1978	Sept. 23, 1944	South River.
Marine Corps	VS	Kane, Richard Raymond	04	Feb. 26, 1980	Dec. 15, 1942	Wayne.
Army	LA	Kennedy, James Edward	E6	Jan. 11, 1974	Jan. 2, 1950	Pine Hill.
Air Force	VN	Knapp, Herman Ludwig	06	June 7, 1978	Apr. 11, 1929	Rosemont.
Army	CB	Knuckey, Thomas William	02	May 27, 1971	June 2, 1945	Wharton.
Air Force	VS	Kommendant, Aado	04	Jan. 15, 1979	Aug. 9, 1941	Lakewood
Army	VS	Konyu, William Michael	W1	Apr. 16, 1969	Mar. 18, 1947	Phillipsburg.
Army	CB	Kroske, Harold William, Jr	04	Jan. 8, 1979	July 30, 1947	Trenton.
Air Force	VN	Lawrence, Bruce Edward	04	May 9, 1978	Jan. 12, 1943	Phillipsburg.
Navy	VS	Martin, John Bernard II	03	Oct. 6, 1970	Dec. 10, 1945	Upper Montalair.
Air Force	LA	Mascari, Phillip Louis	04	Apr. 2, 1979	Dec. 3, 1944	Caldwell.
Air Force	LA	Mayercik, Ronald Michael	03	July 28, 1977	Sept. 23, 1943	Edison.
Air Force	LA	Maysey, Larry Wayne	E4	Nov. 9, 1967	May 18, 1946	Chester.
Navy	VS	McDonough, John Ricahrd	03	June 20, 1966	May 10, 1939	South Orange.
Air Force	VS	Mirrer, Robert Henry	04	Jan. 17, 1971	Feb. 5, 1939	Newark.
Navy	VN	Mongilardi, Peter, Jr	05	June 25, 1965	July 1, 1925	Haledon.
Army	VS	Oneill, Douglas Lee	W2	Jan. 8, 1979	Aug. 3, 1948	Bayonne.
Navy	VN	Piersanti, Anthony J., Jr	02	Dec. 15, 1970	May 26, 1946	Pennsauken.
Air Force	VN	Pollin, George John	04	May 18, 1978	Feb. 5, 1942	Lavalette.
Army	VS	Puggi, Joseph David	E6	June 12, 1978	Nov. 21, 1946	Pleasantville.
Marine Corps	VN	Ramsay, Charles James	05	June 20, 1978	June 8, 1932	Newark.
Air Force	VS	Rios, Noel Luis	E5	Mar. 7, 1969	Apr. 3, 1941	Newark.
Air Force	LA	Rusch, Stephen Arthur	03	July 25, 1978	July 28, 1943	Lambertville.
Marine Corps	VS	Ryan, William Cornelius, Jr	02	May 11, 1969	Apr. 24, 1944	Bogota.
Army	CB	Scherdin, Robert Francis	E6	Nov. 27, 1978	Feb. 14, 1947	Somerville.
Navy	VN	Schoderer Eric John	E4	Nov. 10, 1966	June 16, 1944	Surf City.
Army	LA	Scott, Mike John	E8	Aug. 24, 1978	Sept. 2, 1932	Newark.
Navy	VS	Siegwarth, Donald Edwin	02	June 17, 1966	June 28, 1941	Newark.
Army	VS	Simpson, Walter Stephen	E6	May 22, 1968	Aug. 21, 1941,	Trenton.
Air Force	VN	Spilman, Dyke Augustus	03	Mar. 6, 1978	July 15, 1941	Wildwood.
Air Force	LA	Springsteadan, Donald Kenn	E6	Mar. 11, 1968	Oct. 23, 1932	Millville.
Army	VS	Suydam, James Lawrence	E5	Oct. 10, 1970	Oct. 4, 1948	Phillipsburg.
Army	VS	Vennik, Poert Nicholas	E6	Aug. 26, 1971	Jan. 19, 1946	Wyckoff.
Army	LA	Wald, Gunther Herbert	E7	Aug. 7, 1978	Jan. 7, 1944	Bergen.
Air Force	LA	Widdis, James Wesley, Jr	05	Aug. 8, 1978	July 3, 1939	Newark.
Navy	VN	Wright, Frederick W., III	04	Nov. 10, 1972	July 11, 1936	Haworth.
Army	VS	Wrobleski, Walter Francis	W3	Feb. 15, 1978	Aug. 28, 1945	Freehold.
New Mexico (18):						
Marine corps	VS	Corfield, Stan Leroy	E5	May 1, 1967	Aug. 25, 1940	Gallup.
Air Force	VS	Crockett, William James	02	Aug. 22, 1972	Oct. 23, 1946	Cottage Grove.
Army	LA	Davis, Richardo Gonzalez	E7	July 11, 1974	Mar. 17, 1941	Carlsbad.
Army	VS	Frink, John Wesley	WI	April 2, 1972	Oct. 7, 1951	Albuquerque.
Marine Corps	CB	Garcia, Andres	E3	May 15, 1975	Oct. 27, 1954	Carlsbad.
Air Force	VN	Hamilton, John Smith	06	Mar. 21, 1979	Sept. 3, 1926	Silver City.
Army	VS	Herrera, Frederick Daniel	E6	July 24, 1978	Aug 7, 1949	Albuquerque.
Air Force	VS	Lane, Mitchell Sim	03	Dec. 4, 1975	Oct. 4, 1940	Albuquerque.
Marine Corps	VS	Lopez, Robert Charles	E2	May 10,1968	Sept. 30, 1948	Albuquerque.
Army	VS	Maxwell, Calvin Walter	04	Sept. 5, 1978	Nov. 6, 1943	Eddy.
Air Force	LA	McIntire, Scott Winston	05	Dec. 10, 1971	July 7, 1924	Albuquerque.
Air Force	VN	Morrissey, Robert David	05	Sept. 11, 1978	Apr. 24, 1930	Albuquerque.
Air Force	VS	Neeld, Bobby Gene	06	June 8, 1978	Oct. 8, 1928	Albuquerque.
Marine Corps	VS	Oldham, John Sanders	04	June 11, 1967	July 3, 1933	Tinnie.
Army	VS	Simpson, Max Coleman	E3	June 24, 1967	Mar. 28, 1944	Carlsbad.
Marine Corps	VS	Trujillo, Joseph Felix	E7	June 21, 1978	July 29, 1946	Deming.
Army	VS	Trujillo, Robert Steven	E6	Mar. 27, 1978	Aug. 3, 1946	Santa Fe.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Wiseman, Bain Wendell, Jr	WI	Dec. 23, 1970	Nov. 8, 1947	Truth or Consequences.
New York (162):						
Marine Corps	VS	Ahlmeyer, Heinz, Jr	01	May 10, 1967	Feb. 6, 1944	Pearl River.
Air Force	LA	Allee, Richard Kenneth	05	Aug. 17, 1979	Dec. 14, 1935	Port Jervis.
Air Force	VS	Avolese, Paul Andrew	04	July 7, 1967	June 12, 1932	East Meadow.
Air Force	VN	Backus, Kenneth Frank	03	Apr. 9, 1975	Aug. 15, 1938	Pyrites.
Air Force	LA	Balamoti, Michael Dimitri	04	Sept. 24, 1973	June 30, 1933	Glen Falls.
Navy	VS	Bartocci, John Eugene	04	Aug. 31, 1968	Feb. 19, 1934	New York.
Air Force	VN	Bednarek, Jonathan Bruce	03	Apr. 17, 1979	Oct. 18, 1948	Greenlawn.
Air Force	VS	Bittenbender, David Fritz	03	July 7, 1967	July 27, 1940	Niagara Falls.
Army	VS	Bivens, Herndon Arrington	E6	Jan. 8, 1979	Jan. 1, 1951	Jamaica.
Air Force	VS	Bors, Joseph Chester	05	Jan. 9, 1978	Apr. 20, 1935	Binghamton.
Navy	VS	Bossman, Peter Robert	E4	Sept. 25, 1966	Dec. 3, 1944	West Seneca.
Marine Corps	LA	Breuer, Donald Charles	03	Mar. 26, 1976	Oct. 26, 1946	New York.
Army	LA	Brunson, Jack Walter	W2	May 31, 1971	Mar. 14, 1949	Sinclairville.
Air Force	LA	Burkart, Charles Willia, Jr	06	Apr. 3, 1978	May 17, 1931	Selkirk.
Marine Corps	VS	Burns, Frederick John	E5	Jan. 30, 1969	June 11, 1949	Merrick.
Air Force	LA	Cavalli, Anthony Frank	02	June 28, 1966	Feb. 24, 1942	New York.
Marine Corps	VS	Cestare, Joseph Angelo	02	Apr. 20, 1968	Nov. 4, 1942	New York.
Air Force	LA	Chavez, Gary Anthony	03	Oct. 17, 1973	Sept. 23, 1943	New York.
Air Force	VN	Chiarello, Vincent Augustu	05	June 6, 1979	Aug. 30, 1939	New York.
Air Force	VS	Chomyk, William	02	Apr. 22, 1968	Apr. 3, 1943	Hicksville.
Air Force	LA	Christiano, Joseph	06	Nov. 6, 1978	Apr. 11, 1922	Rochester.
Air Force	VS	Cole, Richard Milton, Jr	E6	June 18, 1972	July 20, 1940	Uniondale.
Marine Corps	VS	Collins, Arnold	E4	Dec. 4, 1967	Jan. 26, 1949	New York.
Air Force	LA	Colwell, William Kevin	E9	Aug. 29, 1977	June 1, 1921	Glen Cove.
Air Force	VN	Conklin, Bernard	05	Dec. 14, 1973	Feb. 27, 1932	Stony Point.
Marine Corps	VS	Cook, Donald Gilbert	06	Feb. 26, 1980	Aug. 9, 1934	New York.
Navy	VN	Coons, Henry Albert	05	May 10, 1973	Nov. 25, 1933	Germantown.
Navy	VN	Craig, Philip Charles	04	July 7, 1978	July 13, 1940	Oneida.
Navy	LA	Creed, Barton Sheldon	04	Oct. 2, 1978	Apr. 3, 1945	Peekskill.
Army	VS	Crosby, Bruce Allen, Jr	E4	Mar. 30, 1972	Dec. 26, 1951	Springville.
Air Force	VN	Crosson, Gerald Joseph, Jr	04	May 5, 1978	Mar. 12, 1944	New York.
Army	LA	Crowley, John Edward	E4	Aug. 10, 1970	Sept. 25, 1949	Williamson.
Air Force	VS	Crumm, William Joseph	08	July 7, 1967	Mar. 20, 1919	Scarsdale.
Navy	VN	Deblasio, Raymond Vince, Jr	02	June 18, 1971	Aug. 15, 1946	West Hempstead.
Navy	VN	Dennison, James Richard	05	May 24, 1973	Feb. 28, 1934	Rochester.
Air Force	LA	Dewispelaere, Rexford John	E8	Apr. 6, 1977	Sept. 9, 1945	Penfield.
Air Force	VN	Di Tommaso, Robert Joseph	04	Mar. 21, 1979	Aug. 7, 1941	Buffalo.
Army	VS	Dibble, Morris Frederick	E3	Dec. 5, 1965	Aug. 18, 1944	Corning.
Navy	VN	Dilger, Herbert Hugh	03	Oct. 2, 1969	Jan. 21, 1943	Valley Stream.
Marine Corps	VS	Dingwall, John Francis	E9	Sept. 19, 1978	Feb. 28, 1921	Troy.
Air Force	VN	Dyczkowski, Robert Raymond	05	Jan. 9, 1978	June 23, 1932	Buffalo.
Army	LA	Echevarria, Raymond Louis	E9	Sept. 8, 1976	Sept. 16, 1933	New York.
Air Force	LA	Fanning, Joseph Peter	04	July 25, 1979	June 25, 1944	Long Island City.
Navy	VN	Fegan, Ronald James	01	Apr. 9, 1965	Feb. 11, 1941	Brockport.
Army	VS	Ferguson, Walter, Jr	E6	June 30, 1970	Aug. 13, 1947	New York.
Army	VS	Finger, Sanford Ira	E6	Oct. 26, 1971	Aug. 19, 1942	New York.
Air Force	LA	Foley, Brendan Patrick	06	Oct. 9, 1980	Mar. 27, 1932	New York.
Air Force	VS	Foster, Robert Eugene	E5	Mar. 9, 1966	Mar. 28, 1928	Lockport.
Army	VS	Franks, Ian Jack	E4	Mar. 23, 1968	Sept. 28, 1946	New York.
Air Force	VN	Frederick, Peter Joseph	06	Mar. 16, 1978	Aug. 30, 1924	Long Island City.
Marine Corps	VS	Gates, Albert Henry, Jr	03	Mar. 7, 1970	Sept. 1, 1943	East Greenbush.
Army	VS	Giammarino, Vincent Frank	E6	Oct. 6, 1978	Apr. 13, 1947	New York.
Navy	VN	Gierak, George Gregory, Jr	02	June 14, 1966	July 25, 1940	Springfield.
Army	LA	Glover, Douglas J	E7	Nov. 12, 1976	May 2, 1943	Cortland.
Air Force	VN	Goodrich, Edwin Riley, Jr	04	Mar. 12, 1967	Nov. 6, 1935	Olean.
Air Force	LA	Gould, Frank Alton	06	July 30, 1979	May 22, 1933	New York.
Army	VS	Graniela, Jose Antonio, Jr	E3	Aug. 16, 1968	June 22, 1944	Brentwood.
Navy	VS	Grauert, Hans Herbert	02	Nov. 3, 1967	Aug. 31, 1942	Rochester.
Navy	VN	Gray, Harold Edwin, Jr	04	Aug. 7, 1965	Oct. 6, 1930	New York.
Army	VS	Graziosi, Francis George	E7	Feb. 20, 1979	Jan. 10, 1951	Rochester.
Air Force	VN	Grenzebach, Earl Wilfre, Jr	06	April 28, 1978	Feb. 20, 1932	Worcester.
Air Force	VN	Grubb, Peter Arthur	03	June 24, 1977	Sept. 27, 1942	Southampton.
Army	VS	Haight, Stephen Harold	E4	May 9, 1970	May 22, 1949	Cazenovia.
Navy	VS	Halpin, David Paul	E3	Sept. 28, 1968	June 5, 1948	Watertown.
Air Force	VS	Harrison, Robert Heerman	04	June 18, 1972	Apr. 8, 1939	Massapequa Park.
Navy	VN	Haviland, Roy Elbert	02	Jan. 30, 1973	Apr. 19, 1948	New York.
Marine Corps	VS	Hawthorne, Richard William	05	Nov. 28, 1978	Nov. 12, 1933	Troy.
Air Force	LA	Herold, Richard Walter	03	Sept. 2, 1972	Dec. 3, 1944	Plattsburgh.
Air Force	VS	Hickman, Vincent Joseph	03	Jan. 14, 1964	Mar. 20, 1933	New York.
Marine Corps	VS	House, John Alexander, II	03	June 30, 1967	Apr. 16, 1939	Pelham.
Air Force	VN	Irwin, Robert Harry	05	June 29, 1978	Dec. 9, 1938	Peekskill.
Marine Corps	VS	Johnson, Richard Herman	E3	July 29, 1967	Oct. 18, 1948	Wolcott.
Navy	VS	Jones, Thomas Paul	03	Feb. 6, 1968	Jan. 2, 1943	Buffalo.
Marine Corps	VS	Kane, Bruce Edward	E4	Aug. 9, 1969	July 7, 1949	Deer Park.
Air Force	VN	Karins, Joseph John, Jr	04	Oct. 25, 1973	Apr. 21, 1938	Syracuse.
Air Force	VN	Kearns, Joseph Thomas, Jr	05	June 7, 1978	Aug. 26, 1936	Sea Cliff.
Army	VS	Kemp, Freddie	E2	Aug. 17, 1966	Nov. 15, 1944	New York.
Air Force	VN	Kibbey, Richard Abbott	05	Feb. 6, 1967	June 2, 1934	Delmar.
Marine Corps	VS	Kmetyk, Jonathan Peter	E3	Nov. 14, 1967	Aug. 17, 1947	Niagara Falls.
Navy	VN	Knapp, Fredric Woodrow	02	Nov. 2, 1967	July 29, 1943	Huntington.
Army	LA	Knutsen, Donald Paul	E4	Mar. 22, 1971	Sept. 25, 1949	Buffalo.
Air Force	LA	Kryszak,Theodore Eugene	05	Jan. 18, 1978	Sept. 23, 1932	Buffalo.
Air Force	LA	Lagerwall, Harry Roy	05	Dec. 21, 1972	Sept. 18, 1937	Carmel.
Army	VS	Laureano-Lopez, Ismael	E4	Feb. 21, 1969	Aug. 16, 1945	New York
Air Force	VN	Lesser, Leonard Charles	03	Jan. 28, 1970	Jan. 24, 1935	Floral Park.
Army	VS	Lemcke, David Earl	E4	May 21, 1968	July 28, 1947	Hilton.
Air Force	VN	Leonor, Leonardo Capistran	04	July 20, 1978	Sept. 22, 1940	Astoria.
Marine Corps	CB	Loney, Ashton Nathaniel	E3	May 15, 1975	June 18, 1954	Albany.
Air Force	LA	Macko, Charles	06	June 21, 1978	Jan. 15, 1931	Endicott.
Navy	LA	Mancini, Richard Michael	E5	Jan. 11, 1968	Feb. 17, 1937	Amsterdam.
Air Force	VS	Marshall, James Alfred	02	June 18, 1965	Sept. 12, 1940	Newark.
Army	VS	Martinez-Mercado, Edwin J	E3	Nov. 11, 1967	Dec. 7, 1946	New York.
Air Force	LA	Matejov, Joseph Andrew	E4	Feb. 5, 1973	Feb. 2, 1952	East Meadow.
Army	VS	McConnell, Jerry	E2	Sept. 24, 1968	Jan. 4, 1947	Jamaica.
Air Force	VS	McElroy, John Lee	04	May 12, 1968	May 29, 1932	Schenectady.
Marine Corps	VN	McDonald, Joseph William	04	Feb. 26, 1980	Dec. 17, 1946	Wappingers Falls.
Army	VS	McLeod, Arthur Edward	WI	Feb. 12, 1971	Aug. 17, 1946	Bay Shore.
Air Force	LA	Meder, Paul Oswald	06	Feb. 11, 1982	Dec. 29, 1931	Jamaica.
Army	LA	Mein, Michael Howard	E6	Aug. 21, 1978	Mar. 13, 1945	Cape Vincent.
Marine Corps	VS	Miller, Richard Arthur	04	Jan. 21, 1975	July 1, 1939	New York.
Air Force	VN	Mitchell, Albert Cook	06	May 9, 1978	Dec. 15, 1928	New York.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Moore, James Rodney	E6	Mar. 13, 1978	Aug. 16, 1947	Ontario.
Marine Corps	VS	Morrissey, Richard Thomas	03	Aug. 19, 1969	Mar. 27, 1939	Uniondale.
Navy	VN	Moussman, Harry Seeber	04	Feb. 21, 1975	June 30, 1943	Manhasset.
Navy	VN	Murphy, Terence Meredith	02	Apr. 9, 1965	July 3, 1939	New York.
Navy	VN	Newell, Michael Thomas	03	Dec. 14, 1966	June 13, 1940	Ellenville.
Army	VS	Nids, Daniel Russell	E6	Oct. 31, 1973	Aug. 23, 1948	West Islip.
Army	VS	O'Brien, Kevin	04	Mar. 7, 1979	Aug. 30, 1946	Farmingville.
Air Force	VN	O'Grady, John Francis	06	Mar. 15, 1977	Aug. 31, 1929	New Hyde Park.
Air Force	VS	Ochab, Robert	03	Jan. 7, 1970	Oct. 19, 1942	Hollis.
Army	VS	Owen, Timothy Samuel	E6	June 4, 1974	Nov. 25, 1946	Rochester.
Air Force	VN	Pabst, Eugene Matthew	03	Nov. 20, 1974	Oct. 13, 1942	New York.
Navy	VN	Palenscar, Alexander J., III	04	May 25, 1973	Oct. 20, 1941	New York.
Navy	VN	Parsons, Don Brown, Jr	04	Nov. 9, 1973	Nov. 15, 1940	Freeport.
Air Force	VN	Perrine, Elton Lawrence	06	Feb. 6, 1979	Jan. 6, 1935	Pittsford.
Air Force	LA	Phelps, William	03	Aug. 16, 1978	Dec. 27, 1947	Cortland.
Air Force	LA	Pike, Peter Xavier	03	May 28, 1974	June 15, 1943	New York.
Marine Corps	VS	Pitt, Albert	05	July 23, 1975	Nov. 30, 1934	Hampstead.
Marine Corps	VS	Plumadore, Kenneth Leo	E3	Sept. 21, 1967	Jan. 28, 1949	Syracuse.
Army	LA	Preiss, Robert Francis, Jr	E6	May 12, 1970	Apr. 27, 1945	Cornwall.
Air Force	LA	Rausch, Robert Ernest	04	Oct. 9, 1973	May 22, 1938	Hicksville.
Air Force	VN	Raymond, Paul Darwin	03	Nov. 15, 1973	Jan. 10, 1943	Deposit.
Navy	VS	Reardon, Richard John	02	Apr. 28, 1969	Feb. 24, 1944	Huntington.
Air Force	LA	Reese, Gomer David, III	03	Apr. 24, 1970	July 24, 1942	Scarsdale.
Army	VS	Reynolds, David Richard	E3	Nov. 21, 1967	Feb. 28, 1949	Buffalo.
Marine Corps	VS	Robertson, Leonard	04	Dec. 8, 1978	Jan. 12, 1945	North Port.
Air Force	VN	Rodriguez, Albert Eduardo	03	Oct. 9, 1973	July 18, 1942	Franklinville.
Navy	VN	Romano, Gerald Michael	02	June 2, 1965	Mar. 20, 1942	New York.
Army	VS	Roraback, Kenneth M	E8	July 1, 1966	Feb. 9, 1932	Baldwin.
Army	VS	Rossano, Richard Joseph	E3	Mar. 25, 1971	July 23, 1950	New York.
Army	VS	Rozo, James Milan	E7	May 18, 1979	Oct. 18, 1948	Buffalo.
Army	VS	Russell, Peter John	03	Oct. 31, 1973	Oct. 2, 1946	New York.
Marine Corps	VS	Sanchez, Jose Ramon	E2	June 6, 1968	Mar. 15, 1949	New York.
Army	VS	Sansone, Dominick	E7	Dec. 10, 1964	July 3, 1930	New York.
Marine Corps	VS	Schmidt, Walter Roy, Jr	03	June 9, 1968	Nov. 18, 1945	Nassau.
Air Force	VN	Schuler, Robert Harry, Jr	04	Jan. 22, 1974	Dec. 14, 1935	Wellsburg.
Air Force	VS	Shanks, James Lee	04	May 24, 1968	Apr. 13, 1930	Oyster Point.
Air Force	VN	Shine, Anthony Cameron	05	Jan. 8, 1980	May 20, 1939	Pleasantville.
Navy	VN	Shumway, Geoffrey Raymond	04	Oct. 6, 1978	Oct. 22, 1942	Kaneateles.
Air Force	LA	Simmons, Robert Eugene	E7	May 31, 1977	Nov. 25, 1951	De Ruyter.
Navy	VN	Sitek, Thomas Walter	04	Aug. 23, 1967	Aug. 3, 1935	Niagara Falls.
Marine Corps	VS	Smith, Carl Arthur	E3	May 1, 1967	Apr. 5, 1946	Attica.
Air Force	LA	Smith, Edward Dewilton, Jr	E7	Sept. 23, 1975	Nov. 29, 1944	Red Creek.
Army	CB	Taylor, Philip Charles	E5	May 27, 1971	Apr. 15, 1949	Grand Island.
Army	VS	Terrill, Philip Bradford	E5	Apr. 30, 1971	Sept. 24, 1947	New Hartford.
Army	VS	Terry, Ronald Terrance	E6	Jan. 30, 1967	Apr. 30, 1937	Niagara Falls.
Navy	VN	Thompson, Donald Earl	04	Nov. 14, 1977	Feb. 17, 1940	Wellsville.
Army	VS	Thornton, William D., Jr	E3	Jan. 28, 1967	Aug. 19, 1946	Tarrytown.
Marine Corps	VS	Tice, Paul Douglas	E3	Sept. 25, 1966	Apr. 28, 1946	Buffalo.
Air Force	LA	Todd, William Anthony	E7	July 25, 1978	Jan. 8, 1950	Mahopac.
Air Force	VN	Underwood, Paul Gerard	06	Jan. 9, 1978	July 7, 1927	Hornell.
Marine Corps	VS	Visconti, Francis Edward	04	Oct. 15, 1973	Oct. 16, 1934	Syracuse.
Air Force	LA	Wanzel, Charles Joseph, III	03	May 25, 1979	July 31, 1947	New York.
Marine Corps	VS	Widener, James Edward	E2	June 11, 1967	Nov. 12, 1948	Churchville.
Army	LA	Wilson, Peter Joe	E7	Feb. 25, 1975	Aug. 23, 1938	Pulaski.
Air Force	LA	Wistrand, Robert Carl	06	Jan. 22, 1974	Aug. 12, 1930	New York.
Army	VS	Wogan, William Michael	E6	July 17, 1978	Oct. 15, 1947	Glen Oaks.
Marine Corps	VS	Wolpe, Jack	E3	Aug. 3, 1967	Jan. 15, 1942	Newburgh.
Army	VS	Young, Charles Luther	E6	July 10, 1978	Apr. 4, 1946	New York.
Marine Corps	VS	Zawtocki, Joseph Stanle, Jr	E5	Dec. 24, 1969	May 16, 1946	Utica.
Marine Corps	VS	Zimmer, Jerry Allen	03	Aug. 29, 1969	May 5, 1944	Maine.
Navy	VS	Zissu, Andrew Gilbert	02	Oct. 8, 1967	Dec. 2, 1940	New York.
North Carolina (60):						
Marine Corps	VN	Avery, Robert Douglas	03	Sept. 4, 1974	Dec. 18, 1941	Morganton.
Navy	VS	Belknap, Harry John	01	June 23, 1966	Oct. 6, 1939	Jonas Ridge.
Air Force	VN	Borden, Murray Lyman	04	Oct. 13, 1966	Jan. 2, 1941	Goldsboro.
Navy	VN	Brice, Eric Parker	03	June 14, 1968	Apr. 6, 1943	Rocky Mount.
Air Force	LA	Brown, Earl Carlyle	03	Jan. 7, 1974	Jan. 10, 1943	Stanley.
Navy	VS	Brown, Edward Dean, Jr	02	July 29, 1965	Mar. 21, 1940	Charlotte.
Air Force	VS	Brown, Wilbur Ronald	04	May 30, 1974	July 22, 1936	Wilmington.
Army	VS	Butler, James Edward	W3	July 17, 1978	June 13, 1936	Buies Creek.
Navy	VS	Canup, Franklin Harlee, Jr	E5	Jan. 14, 1967	June 2, 1928	Concord.
Air Force	LA	Clarke, Fred Lee	E9	May 28, 1974	Jan. 28, 1932	Troutman.
Marine Corps	VS	Clay, William Clifton, III	03	Apr. 12, 1967	Sept. 29, 1941	Henderson.
Air Force	VS	Cook, Glenn Richard	03	June 17, 1977	Sept. 10, 1945	Charlotte.
Army	VS	Craven, Andrew Johnson	E6	May 30, 1978	Apr. 13, 1947	Wilmington.
Air Force	VN	Crews, John Hunter, III	03	Sept. 22, 1975	Dec. 31, 1941	Ashville.
Army	LA	Cristman, Fredereck Lewis	W3	Oct. 23, 1978	Nov. 26, 1949	Salisbury.
Army	VS	Curlee, Robert Lee, Jr	E6	June 10, 1965	Sept. 26, 1930	Monroe.
Navy	VN	Davis, Donald Vance	04	July 25, 1967	Oct. 8, 1934	Salisbury.
Air Force	LA	Davis, Edgar Felton	05	Mar. 5, 1979	Dec. 15, 1935	Goldsboro.
Navy	VN	Doughtie, Carl Louis	02	June 10, 1965	Nov. 18, 1940	Tarboro.
Navy	VN	Elkins, Frank Callihan	04	Oct. 31, 1977	May 25, 1939	Bladenboro.
Marine Corps	LA	Gardner, John Garrett	03	June 3, 1967	July 28, 1940	Hot Springs.
Air Force	VS	Gatwood, Robin Frederic, Jr	03	July 20, 1978	Dec. 5, 1946	Hickory.
Navy	VN	Gore, Paul Edwin	E6	Oct. 2, 1969	Nov. 11, 1939	Faison.
Air Force	VS	Gravitte, Connie Mack	03	June 17, 1966	July 12, 1933	Ca-Vel.
Air Force	VS	Hall, Fredrick Mervyn	03	Feb. 9, 1978	June 6, 1943	Waynesville.
Air Force	VN	Hall, James Shreve	E9	May 30, 1974	Oct. 5, 1935	Greensboro.
Marine Corps	CB	Hargrove, Joseph N	E3	July 21, 1976	May 15, 1951	Mt. Olive.
Army	VS	Harris, Harold Lee	E3	Oct. 21, 1966	Oct. 29, 1946	Durham.
Army	CB	Harrison, Larry Gene	E6	Feb. 26, 1971	Jan. 3, 1948	Williamston.
Army	LA	Hatley, Joel Clinton	E4	Mar. 5, 1971	Oct. 24, 1948	Albemarle.
Army	VS	Howard, Luther Harris	E4	June 30, 1967	Sept. 25, 1947	Hamlet.
Air Force	LA	Howell, Carter Avery	03	Jan. 21, 1975	Apr. 8, 1947	Fayetteville.
Navy	VS	Huie, Litchfield Patterson	03	Feb. 27, 1967	Oct. 31, 1939	Warsaw.
Air Force	VN	Huneycutt, Charles J., Jr	04	Jan. 3, 1979	June 20, 1943	Charlotte.
Army	VS	Jamerson, Larry Carl	E6	Aug. 13, 1974	Feb. 11, 1943	Rosman.
Army	VS	Johnson, William Darrell	E7	Feb. 20, 1979	Dec. 24, 1946	Rocky Mount.
Army	VS	Lewis, Charlie Gray	E7	May 17, 1967	Oct. 20, 1936	Fayetteville.
Navy	VS	Lewis, Larry Gene	03	Feb. 27, 1971	Sept. 22, 1945	Asheville.
Army	VS	Luttrell, James Martin	E7	Oct. 20, 1978	Dec. 14, 1935	Fayetteville.
Air Force	VS	McDaniel, John Lewis	04	Apr. 26, 1968	July 8, 1933	Gibsonville.
Air Force	VN	Meadows, Eugene Thomas	03	Oct. 13, 1966	Mar. 4, 1940	Hiddenite.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Millard, Charles Worth	W4	Sept. 14, 1978	June 8, 1933	Wilson.
Army	VS	Moore, Jerry Lawrence	E6	June 8, 1977	Feb. 8, 1950	Cleveland.
Air Force	VS	Morgan, Edwin Everton	E9	Jan. 9, 1978	Sept. 4, 1927	Salisbury.
Army	VS	Morrow, Larry Kane	E5	Oct. 31, 1973	June 13, 1951	Lowell.
Army	VS	Omelia, Dennis William	W3	Aug. 22, 1978	May 6, 1941	Smithfield.
Air Force	VN	Palmgren, Edwin David	O6	Nov. 26, 1973	Jan. 5, 1927	Winston-Salem.
Army	CB	Price, Bunyan Durant, Jr	E6	Nov. 20, 1978	Feb. 9, 1950	Belmont.
Army	VS	Reno, Ralph Joseph	E8	July 4, 1967	Nov. 3, 1929	Fayetteville.
Army	LA	Shue, Donald Monroe	E7	Jan. 15, 1979	Aug. 29, 1949	Kannapolis.
Army	VS	Staton, Robert Milton, Jr	E4	Nov. 11, 1967	Nov. 26, 1947	Jamesville.
Air Force	VN	Stubberfield, Robert Austi	O5	Sept. 24, 1973	Nov. 30, 1929	Richmond.
Air Force	VN	Sutton, William Carl	E6	Jan. 28, 1970	May 5, 1935	Goldsboro.
Army	VS	Watson, Jimmy Lee	W3	Jan. 28, 1976	July 28, 1946	Lucama.
Army	VS	Weaks, Melvin Lee	E3	Aug. 18, 1971	Apr. 22, 1950	Concord.
Air Force	VS	Wellons, Phillip Rogerson	O4	Aug. 17, 1970	Feb. 19, 1932	Raleigh.
Navy	VN	Wilkins, George Henry	O5	June 28, 1974	July 14, 1931	Goldsboro.
Air Force	VN	Williams, James Randall	E8	June 24, 1977	Mar. 28, 1945	Charlotte.
Marine Corps	VS	Wilson, Wayne Vaster	E6	Sept. 5, 1974	Oct. 4, 1945	Thomasville.
Navy	VN	Wood, Walter Sutton	O4	May 2, 1966	June 14, 1931	Fort Bragg.
North Dakota (17):						
Air Force	LA	Belcher, Glenn Arthur	O4	May 9, 1978	May 11, 1942	Fessenden.
Army	VS	Berdahl, David Donald	E3	Jan. 20, 1972	Jan. 16, 1953	Minot.
Air Force	VS	Beyer, Thomas John	O4	May 2, 1978	Mar. 10, 1941	Fargo.
Air Force	VS	Bond, Ronald Dale	O4	Mar. 11, 1968	July 30, 1930	Fargo.
Navy	LA	Coons, Chester Leroy	E5	Feb. 17, 1968	Mar. 29, 1936	Bismarck.
Air Force	VN	Cushman, Clifton Emmet	O4	Nov. 10, 1975	June 2, 1938	Grand Forks.
Air Force	VN	Fowler, James Alan	O5	Sept. 6, 1979	Jan. 7, 1938	Bismarck.
Air Force	VS	Greenley, Jon Alfred	O2	Jan. 7, 1966	Jan. 30, 1942	Fargo.
Air Force	LA	Keller, Wendell Richard	O5	Mar. 28, 1975	May 19, 1934	Fargo.
Army	VS	Kulland, Byron Kent	O2	Apr. 2, 1972	Nov. 9, 1947	New Town.
Air Force	VN	Leetun, Darel Dean	O5	Mar. 12, 1975	Dec. 24, 1932	Hettinger.
Navy	LA	Olson, Delbert Austin	O5	Jan. 11, 1968	Jan. 4, 1926	Casselton.
Air Force	LA	Paulson, Merlyn Leroy	E7	Apr. 4, 1975	June 19, 1936	Fargo.
Air Force	LA	Potter, William Tod	O3	Dec. 4, 1975	Dec. 28, 1942	Grand Forks.
Air Force	VN	Steen, Martin William	O4	Jan. 24, 1974	Feb. 20, 1936	Grand Forks.
Air Force	VN	Wenaas, Gordon James	O5	June 8, 1978	Mar. 2, 1932	Mayville.
Army	VS	Zubke, Deland Dwight	E6	Oct. 5, 1978	Oct. 28, 1951	Grassy Butte.
Ohio (129):						
Army	VS	Adkins, Charles L	E6	May 1, 1978	May 28, 1947	Barnesville.
Army	VS	Aston, Jay Steven	W1	July 18, 1971	May 16, 1949	Rocky River.
Air Force	LA	Barden, Howard Leroy	O3	Jan. 31, 1967	Oct. 28, 1933	Cuyahoga Falls.
Army	VS	Batt, Michael Leroy	E6	Aug. 31, 1978	May 30, 1947	Defiance.
Army	CB	Bauman, Richard Lee	W3	Jan. 8, 1979	May 28, 1948	Columbus.
Marine Corps	VS	Beck, Edward Eugene, Jr	E7	Oct. 11, 1978	July 7, 1949	North Canton.
Air Force	VN	Behnfeldt, Roger Ernest	O3	Aug. 16, 1978	Sept. 29, 1944	Defiance.
Navy	VN	Bowman, Michael Lee	E4	Oct. 2, 1969	Oct. 26, 1948	Warren.
Marine Corps	VS	Bram, Richard Craig	E8	Jan. 21, 1975	Nov. 25, 1935	Cleves.
Army	LA	Brassfield, Andrew Thomas	E6	Apr. 6, 1970	Feb. 4, 1937	Sylvania.
Air Force	VN	Brazik, Richard	O3	Oct. 9, 1973	Dec. 22, 1941	Bay Village.
Air Force	LA	Brower, Ralph Wayne	O3	Nov. 9, 1967	Nov. 24, 1939	Stow.
Navy	LA	Buck, Arthur Charles	O2	Jan. 11, 1968	Oct. 23, 1941	Sandusky.
Air Force	VN	Busch, Jon Thomas	O3	Nov. 2, 1973	May 7, 1941	Columbus.
Army	LA	Carpenter, Howard B	E5	Mar. 6, 1967	Feb. 23, 1944	Youngstown.
Navy	VN	Carpenter, Nicholas Mallor	O4	Oct. 17, 1974	July 30, 1942	Cincinnati.
Air Force	VS	Chapman, Peter Hauden, II	O3	Apr. 6, 1972	Aug. 26, 1940	Centerburg.
Army	VS	Compa, Joseph James, Jr	E6	June 10, 1965	Jan. 13, 1931	East Liverpool.
Air Force	LA	Conaway, Lawrence Yerges	O5	May 3, 1970	Oct. 16, 1930	Columbus.
Air Force	VS	Condit, William Howard, Jr	O4	June 23, 1969	Feb. 6, 1934	Worthington.
Army	VS	Conger, John Edward, Jr	E6	July 31, 1978	Jan. 7, 1950	Lebanon.
Air Force	VN	Conley, Eugene Ogden	O5	Jan. 21, 1967	Oct. 24, 1927	Akron.
Air Force	LA	Cross, James Emory	O3	Apr. 24, 1970	June 23, 1944	Warren.
Army	VS	Dahill, Douglas Edward	E7	Sept. 11, 1978	Mar. 6, 1949	Lima.
Marine Corps	VS	Douglas, Thomas Evan	E6	Dec. 21, 1977	Nov. 8, 1938	Northwest Warren.
Air Force	CB	Drake, Carl Wilson	O4	June 18, 1970	June 6, 1933	Roseville.
Air Force	CB	Dreher, Richard E	O3	Mar. 27, 1972	Jan. 10, 1942	Orrville.
Air Force	VS	Espenshied, John Lee	O6	Mar. 21, 1979	Aug. 17, 1934	Delaware.
Army	VS	Farlow, Craig Lee	W2	May 17, 1972	Mar. 15, 1948	Cleveland.
Air Force	LA	Featherston, Fieldin W., III	O3	May 28, 1974	Dec. 3, 1942	Wickliffe.
Air Force	VN	Franklin, Charles Edward	O6	Apr. 4, 1978	Sept. 14, 1934	Youngtown.
Marine Corps	VS	Frederick, David Addison	O3	July 30, 1967	June 22, 1942	Columbus.
Air Force	VN	Frederick, William V	O5	Apr. 28, 1978	June 1, 1933	Deerfield.
Marine Corps	VS	Gage, Robert Hugh	E6	July 30, 1974	Mar. 17, 1945	Columbus.
Air Force	LA	Galbraith, Russell Dale	O4	Aug. 8, 1978	July 25, 1940	Tippecanoe.
Air Force	LA	Glover, Calvin Charles	E9	June 29, 1978	Jan. 7, 1938	Stubenville.
Navy	VN	Gollanhon, Gene Raymond	O3	Aug. 13, 1965	Nov. 7, 1938	Cincinnati.
Marine Corps	VS	Gopp, Thomas Alan	E4	Aug. 3, 1967	Mar. 15, 1947	New London.
Air Force	VS	Gorton, Thomas Frederick	O3	Dec. 6, 1963	Dec. 6, 1929	Toledo.
Army	VS	Gumbert, Robert William, Jr	E3	June 22, 1970	Dec. 12, 1949	New Richmond.
Navy	VN	Haifley, Michael Firestone	O3	Feb. 19, 1975	Oct. 19, 1946	Lisbon.
Navy	VN	Hanson, Robert Taft, Jr	O4	Jan. 21, 1974	Dec. 28, 1942	Toledo.
Marine Corps	VS	Harris, Gregory John	E8	Feb. 26, 1980	Oct. 1, 1945	Toledo.
Marine Corps	VS	Harris, Paul Winiford	E2	Mar. 13, 1967	June 24, 1947	Chillicothe.
Navy	CH	Harris, Reuben Beaumont	E8	Nov. 18, 1977	Apr. 12, 1938	Columbus.
Marine Corps	VS	Helber, Lawrence Neal	O3	Dec. 7, 1977	Feb. 5, 1934	Logan.
Army	CB	Hosken, John Charles	W3	Aug. 28, 1978	Aug. 23, 1947	Chagrin Falls.
Navy	VN	Hume, Kenneth Edward	O4	Mar. 29, 1965	July 22, 1931	Cincinnati.
Army	LA	Huston, Charles Gregory	E6	Jan. 26, 1977	Sept. 29, 1945	Sidney.
Navy	VS	Judd, Michael Barry	E4	June 30, 1967	Aug. 22, 1945	Cleveland.
Navy	VS	Kenney, Harry John	E4	Nov. 1, 1968	Apr. 17, 1945	Cincinnati.
Marine Corps	VS	Kerr, Ernest Claney Jr	E3	Mar. 26, 1968	July 21, 1946	Akron.
Air Force	VN	Klemm, Donald Martin	O6	June 11, 1967	Jan. 7, 1930	Youngstown.
Air Force	VN	Koons, Dale Francis	O3	Oct. 11, 1979	Dec. 13, 1946	Eaton.
Air Force	VS	Lamp, Arnold William Jr	O3	Apr. 12, 1969	Feb. 9, 1942	Hebron.
Navy	VS	Lee, Albert Eugene	E6	Feb. 16, 1972	Aug. 6, 1939	Gallipolis.
Air Force	LA	Lefever, Douglas Paul	O4	June 29, 1978	Jan. 4, 1943	Arcanum.
Air Force	VS	Locker, James Douglas	E4	June 9, 1968	Feb. 25, 1947	Sidney.
Army	VS	Lomax, Richard Eugene	E4	Mar. 26, 1968	Nov. 16, 1946	Mansfield.
Marine Corps	VN	Luker, Russell Burr	E6	Feb. 1, 1966	Feb. 17, 1933	Lancaster.
Army	VS	Mangino, Thomas Angelo	E6	Dec. 6, 1977	Mar. 16, 1944	Alliance.
Navy	CB	Manning, Ronald James	E3	May 15, 1975	May 9, 1954	Toronto.
Air Force	LA	Matthes, Peter Richard	O3	July 25, 1978	Mar. 14, 1943	Toledo.
Navy	VS	McKinney, Clemie	O3	Apr. 14, 1972	Apr. 25, 1945	Cleveland.
Army	LA	Mooney, Fred	E6	Feb. 27, 1971	July 19, 1934	Northup.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Moore, Raymond Gregory	E5	Oct. 10, 1970	Apr. 2, 1949	Cincinnati.
Air Force	VS	Morgan, Thomas Raymond	O5	Aug. 30, 1976	Sept. 27, 1933	Akron.
Marine Corps	VS	Mowrey, Glenn William	E4	Mar. 26, 1968	May 22, 1946	Chillicothe.
Navy	VN	Nystrom, Bruce August	O6	Aug. 8, 1978	Oct. 18, 1927	Marion.
Navy	VN	Orell, Quilan Roberts	O6	Jan. 10, 1978	Jan. 8, 1930	Barnesville.
Army	LA	Parks, Raymond Francis	E6	July 15, 1963	Oct. 29, 1931	Dennison.
Marine Corps	VS	Pastva, Michael James	E3	Dec. 6, 1967	Nov. 26, 1946	Lakewood.
Army	LA	Payne, Norman	E7	Sept. 21, 1978	July 14, 1939	Cleveland.
Navy	VN	Peace, John Darlington III	O5	Jan. 16, 1974	Nov. 18, 1935	Hudson.
Army	VS	Pearce, Dale Allen	W1	May 17, 1971	Nov. 26, 1950	Mentor.
Air Force	VS	Peterson, Mark Allan	O3	Oct. 4, 1979	May 14, 1949	Canton.
Army	VS	Phillips, Robert Paul	E6	Feb. 13, 1979	July 31, 1949	Sylvania.
Army	VS	Pietrzak, Joseph Ray	E5	Feb. 10, 1971	Sept. 3, 1944	Roseville.
Air Force	LA	Pietsch, Robert Edward	O5	June 8, 1978	Dec. 24, 1936	Cleveland.
Air Force	LA	Pirruccello, Joseph S., Jr	O3	Dec. 8, 1968	Aug. 21, 1941	Wright Patterson AFB.
Navy	VN	Plants, Thomas Lee	E4	June 2, 1965	May 11, 1940	Medina.
Air Force	VN	Pleiman, James Edward	E4	Mar. 14, 1966	Jan. 15, 1944	Russia.
Air Force	LA	Polster, Harmon	O3	Apr. 17, 1979	Nov. 14, 1943	Cleveland.
Air Force	VS	Prater, Roy Dewitt	E6	Apr. 6, 1972	July 1, 1936	Tiffin.
Army	VS	Pridemore, Dallas Reese	E7	Apr. 7, 1977	Apr. 29, 1941	East Liverpool.
Navy	VN	Prudhomme, John Douglas	O3	Dec. 22, 1965	Nov. 15, 1937	Tipp City.
Air Force	VS	Pyles, Harley Boyd	O6	Feb. 4, 1974	Feb. 20, 1930	Enon.
Air Force	LA	Reed, James William	O4	June 29, 1978	July 22, 1943	Cambridge.
Marine Corps	VS	Ritchey, Luther Edmond, Jr	E3	Oct. 8, 1963	Jan. 27, 1943	Mansfield.
Coast Guard	VS	Rittichier, Jack Columbus	O3	June 9, 1968	Aug. 17, 1933	Barberton.
Air Force	LA	Robbins, Richard Joseph	O3	Apr. 19, 1966	Oct. 18, 1931	Cleveland.
Air Force	VS	Rosato, Joseph Frank	O3	June 2, 1966	Jan. 31, 1931	Hudson.
Army	VS	Sayre, Leslie Berkley	O2	Mar. 20, 1968	Nov. 28, 1944	Fairborn.
Navy	VN	Schoeppner, Leonard John	O3	Mar. 9, 1970	Oct. 2, 1943	Canton.
Marine Corps	VS	Schreckengost, Fred Thomas	E6	July 23, 1974	Mar. 30, 1938	East Palestine.
Army	LA	Scurlock, Lee D., Jr	E7	Nov. 10, 1975	Nov. 10, 1943	Restful Lake.
Air Force	LA	Seeley, Douglas Milton	O3	Mar. 17, 1971	Jan. 25, 1943	Marietta.
Army	VS	Sexton, David Mason	E5	Mar. 15, 1971	Nov. 18, 1948	Huron.
Army	VS	Shaw, Gary Francis	E3	Nov. 11, 1967	Mar. 13, 1948	Toledo.
Army	VN	Sherman, Peter Woodbury	O6	Oct. 17, 1973	Aug. 4, 1929	Bay Village.
Air Force	VN	Shingledecker, Armon D	O3	May 28, 1974	Dec. 26, 1941	Lima.
Air Force	LA	Singleton, Daniel Everett	O4	May 9, 1978	Mar. 3, 1943	Akron.
Air Force	VN	Sittner, Ronald Nicholis	O4	Sept. 6, 1974	Nov. 20, 1937	South Euclid.
Air Force	LA	Skinner, Owen George	O6	Nov. 20, 1978	Nov. 18, 1933	Lima.
Army	VS	Smith, David Roscoe	O3	Oct. 15, 1973	Nov. 2, 1939	Dayton.
Army	VS	Smith, Roger Lee	E4	Oct. 3, 1968	Mar. 14, 1947	South Point.
Navy	VN	Spinelli, Domenick Anthony	O4	Jan. 10, 1978	Nov. 6, 1925	Oak Harbor.
Army	VS	Stanley, Charles Irvin	W3	June 19, 1978	Sept. 25, 1946	Cleveland.
Army	VS	Stanton, Ronald	E6	Oct. 4, 1978	Oct. 21, 1946	Massillon.
Navy	VS	Stephenson, Richard C	O2	Feb. 5, 1970	May 10, 1944	Hamilton.
Navy	VN	Taylor, Edmund Battelle, Jr	O5	May 8, 1972	Sept. 12, 1931	Lima.
Marine Corps	VS	Terwilliger, Virgil Byron	E3	Mar. 13, 1967	May 8, 1946	McClure.
Air Force	CB	Trent, Alan Robert	O3	May 13, 1970	May 22, 1940	Wadsworth.
Marine Corps	VS	Turner, Frederick Ray	E3	Nov. 6, 1968	Feb. 4, 1947	Columbus.
Army	VS	Turner, James Henry	E5	Oct. 10, 1970	Oct. 23, 1947	Columbus.
Air Force	VN	Turose, Michael Stephen	O2	Sept. 17, 1972	Aug. 12, 1948	Parma.
Army	VS	Uhlmansiek, Ralph Edward	E6	June 5, 1973	Oct. 9, 1946	Cincinnati.
Marine Corps	LA	Underwood, Thomas Wayne	E6	Mar. 21, 1970	Jan. 7, 1942	Zanesville.
Air Force	VN	Van Buren, Gerald Gordon	O4	Aug. 29, 1977	June 8, 1935	Toledo.
Air Force	CB	Vandegeer, Richard	O1	May 17, 1975	Jan. 11, 1948	Columbus.
Navy	VN	Vogt, Leonard Frederick, Jr	O5	Sept. 18, 1965	June 7, 1925	Cincinnati.
Air Force	VN	Warren, Arthur Leonard	O3	Mar. 6, 1978	Apr. 20, 1936	Toledo.
Army	VS	Werdehoff, Michael Ray	E7	June 5, 1978	Sept. 13, 1942	Toledo.
Marine Corps	VS	Wheeler, Eugene Lacy	O4	Apr. 22, 1970	Jan. 30, 1937	Ashville.
Air Force	VN	Williams, Howard Keith	O5	June 30, 1978	Oct. 25, 1936	Steubenville.
Army	VS	Wilson, Marion Earl	E3	Feb. 3, 1968	Dec. 6, 1947	Zanesville.
Army	VS	Woods, David Walter	E5	Nov. 4, 1971	Feb. 8, 1952	Franklin.
Navy	VN	Zavocky, James John	O2	Aug. 25, 1967	Jan. 6, 1942	Parma.
Air Force	VS	Zook, David Hartzler, Jr	O6	Apr. 28, 1978	Jan. 22, 1930	West Liberty.
Oklahoma (49):						
Air Force	VN	Allen, Thomas Ray	O4	June 23, 1975	Jan. 17, 1941	Woodward.
Air Force	VN	Bare, William Orlan	O4	Aug. 17, 1979	Mar. 28, 1941	Oklahoma City.
Air Force	LA	Blanton, Clarence Finley	O5	Mar. 11, 1968	Sept. 1, 1921	El Reno.
Air Force	VS	Bolte, Wayne Louis	O6	July 20, 1978	Jan. 27, 1935	Claremore.
Army	LA	Bookout, Charles Franklin	E7	July 4, 1970	Dec. 1, 1934	Oklahoma City.
Marine Corps	LA	Burnes, Robert Wayne	O2	Jan. 5, 1970	Jan. 27, 1941	Edmond.
Air Force	LA	Bynum, Neil Stanley	O3	May 13, 1976	June 29, 1943	Vian.
Navy	LA	Carpenter, Ramey Leo	O3	Mar. 31, 1969	Oct. 21, 1942	Norman.
Army	LA	Cecil, Alan Bruce	E5	Sept. 21, 1969	Sept. 4, 1946	Holdenville.
Air Force	LA	Chambers, Jerry Lee	O5	Aug. 12, 1976	Oct. 12, 1932	Muskogee.
Air Force	VN	Craddock, Randall James	O3	Dec. 21, 1972	Sept. 19, 1945	Norman.
Army	VS	Crossby, Herbert Charles	O3	Nov. 5, 1974	May 30, 1947	Ft Sill.
Army	VS	Day, Dennis Irvin	E5	Nov. 4, 1971	Mar. 3, 1951	Blackwell.
Marine Corps	VS	Dewberry, Jerry Don	E3	July 5, 1968	July 10, 1948	Ardmore.
Air Force	LA	East, James Boyd, Jr	O4	Apr. 26, 1969	Nov. 28, 1933	Oklahoma City.
Air Force	LA	Eaton, Norman Dale	O6	June 28, 1978	Aug. 11, 1925	Weatherford.
Air Force	VN	Egger, John Culbertson, Jr	O4	Nov. 3, 1967	Nov. 9, 1929	Tulsa.
Army	VS	Eisenberger, George Joe Bu	E5	Dec. 5, 1965	Mar. 2, 1940	Pawhuska.
Navy	VN	Fryer, Charles Wigger	O3	Aug. 7, 1966	Sept. 1, 1939	Oklahoma City.
Air Force	LA	Gauley, James Paul	O3	Jan. 10, 1967	Mar. 22, 1939	Ringwood.
Air Force	VN	Gist, Tommy Emerson	O4	May 30, 1974	Oct. 29, 1939	Durant.
Army	CB	Green, James Arvil	E3	June 18, 1970	Aug. 14, 1949	Boynton.
Air Force	VN	Hall, Donald Joe	E8	Feb. 6, 1967	Mar. 26, 1937	Stroud.
Air Force	VS	Holden, Elmer Larry	E5	June 9, 1968	Feb. 19, 1944	Oklahoma City.
Air Force	LA	Hudgens, Edward Monroe	O4	Mar. 21, 1970	Sept. 6, 1931	Tulsa.
Navy	VS	Hyde, Jimmy Don	E4	Dec. 5, 1965	Oct. 21, 1944	Caddo.
Air Force	LA	Irsch, Wayne Charles	O3	Jan. 9, 1974	Apr. 25, 1942	Tulsa.
Air Force	LA	Johnston, Steven Bryce	O3	Jan. 4, 1973	Jan. 22, 1946	Muskogee.
Navy	VN	Knight, Larry Coleman	O3	Apr. 9, 1970	Oct. 10, 1943	Wilburton.
Army	VS	Mosburg, Henry Lee	O3	Sept. 26, 1966	Dec. 3, 1935	Putnam.
Navy	VS	Neislar, David Phillip	O2	Feb. 20, 1969	Jan. 25, 1944	Norman.
Navy	VN	Olmstead, Stanley Edward	O5	Apr. 6, 1973	Nov. 12, 1933	Marshall.
Army	VS	Owens, Fred Monroe	E7	June 10, 1965	Dec. 3, 1933	Picher.
Army	VS	Padgett, Samuel Joseph	E7	Apr. 10, 1968	Apr. 10, 1937	Tulsa.
Air Force	LA	Poynor, Daniel Roberts	O2	Dec. 19, 1971	June 12, 1946	Enid.
Army	VS	Ransbottom, Frederick Joel	O4	May 3, 1979	Sept. 19, 1946	Oklahoma City.
Air Force	VN	Scott, Martin Ronald	O6	Jan. 15, 1979	Apr. 10, 1931	Tulsa.
Air Force	LA	Shannon, Patrick Lee	E6	Mar. 11, 1968	Feb. 23, 1935	Owasso.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	VN	Smith, Howard Horton	O6	Aug. 17, 1979	June 25, 1930	Oklahoma City.
Air Force	VS	Stow, Lilburn Ray	O4	Apr. 26, 1968	May 20, 1929	Vici.
Air Force	LA	Stowers, Aubrey Eugene, Jr	O4	Oct. 4, 1979	Oct. 1, 1941	Sentinel.
Navy	VN	Tolbert, Clarence Orfield	O4	Mar. 23, 1978	June 4, 1939	Tishomingo.
Air Force	VN	Tucker, James Hale	O4	Jan. 9, 1978	Dec. 29, 1941	Paunee.
Army	VS	Wann, Donald Lynn	W2	June 1, 1971	May 31, 1937	Shawnee.
Air Force	VN	Ward, Ronald Jack	O6	Aug. 16, 1978	Dec. 16, 1933	Anadarko.
Air Force	VS	Watson, Frank Peter	O3	June 18, 1965	Mar. 18, 1928	Oklahoma City.
Army	LA	Whited, James Lafayette	O4	Nov. 19, 1966	Dec. 2, 1923	Oklahoma City.
Army	VS	Wilburn, John Edward	E4	Apr. 19, 1968	Feb. 12, 1944	Luther.
Air Force	LA	Woodworth, Samuel Alexande	O3	Apr. 17, 1965	Sept. 25, 1930	Minco.
Oregon (47):						
Air Force	LA	Altus, Robert Wayne	O3	Apr. 16, 1979	Aug. 7, 1946	Sheridan.
Air Force	VN	Andrews, William Richard	O5	Sept. 6, 1974	June 9, 1937	Eugene.
Navy	VN	Austin, Carl Benjamin	O5	Dec. 2, 1965	Sept. 13, 1923	Woodburn.
Air Force	VN	Badley, James Linsday	O1	Mar. 27, 1968	Apr. 16, 1942	Hermiston.
Air Force	VN	Brett, Robert Arthur Jr	O3	July 24, 1979	Apr. 16, 1948	Corvallis.
Air Force	VN	Brucher, John Martin	O4	Jan. 7, 1974	Aug. 16, 1936	Clatskanie.
Air Force	VS	Burnham, Mason Irwin	O3	Mar. 27, 1975	Sept. 19, 1943	Portland.
Navy	VN	Bushnell, Brian Lee	E3	Apr. 9, 1970	Mar. 9, 1949	Tualiton.
Navy	VS	Carter, Gerald Lynn	O2	Jan. 26, 1971	Feb. 14, 1942	Winston.
Marine Corps	VN	Coates, Donald Leroy	E6	Feb. 1, 1966	Jan. 19, 1937	Tigard.
Air Force	VN	Condit, Douglas Craig	O4	May 22, 1979	Feb. 5, 1942	Forest Grove.
Navy	VN	Cooper, Daniel Dean	O3	Feb. 4, 1972	May 21, 1946	Medford.
Air Force	VS	Dexter, Bennie Lee	E6	May 10, 1976	July 18, 1944	Bend.
Navy	VS	Dixon, David Lloyd	E4	Sept. 28, 1968	Apr. 3, 1945	Medford
Air Force	LA	Echanis, Joseph Ygnacio	O4	Jan. 21, 1975	Oct. 6, 1937	Portland.
Air Force	VN	Eckley, Wayne Alvin	E9	Apr. 27, 1978	May 22, 1936	Enterprise.
Air Force	LA	Elzinga, Richard Gene	O4	June 30, 1978	Aug. 13, 1942	Shedd.
Air Force	VN	Fisher, Donald Ellis	O6	Apr. 27, 1978	May 19, 1924	Halfway.
Navy	VN	Goeden, Gene William	O2	Mar. 17, 1967	July 21, 1943	Cornelius.
Air Force	LA	Hassenger, Arden Keith	E9	Dec. 1, 1977	Sept. 15, 1936	Lebanon.
Navy	LA	Hoff, Michael George	O5	Nov. 16, 1978	Sept. 11, 1936	La Grande.
Air Force	VN	Hoskinson, Robert Eugene	O5	Feb. 16, 1978	July 26, 1929	Moro.
Air Force	VN	Johnson, Edward Harvey	O6	Apr. 17, 1979	Apr. 27, 1932	Newburg.
Air Force	VN	Kinkade, William Louis	O3	Nov. 26, 1973	Apr. 27, 1944	Corvallis.
Air Force	VS	Knight, Larry Dale	O4	Oct. 22, 1974	Aug. 24, 1939	Albany.
Army	VS	La Grand, William John	W2	Sept. 6, 1966	May 11, 1941	Portland.
Navy	VN	Lindland, Donald Fredrick	O5	Aug. 2, 1978	Aug. 22, 1936	Eugene.
Marine Corps	VS	Lonanecker, Ronald Lee	E3	July, 8, 1966	Oct. 13, 1947	Portland.
Army	VS	Lovegren, David Eugene	E3	Mar. 1, 1969	Mar. 21, 1949	Portland.
Air Force	VS	Lowry, Tyrrell Gordon	O3	June 18, 1965	Feb. 27, 1932	Portland.
Air Force	VN	Mallon, Richard Joseph	O3	Sept. 23, 1975	Sept. 28, 1942	Portland.
Air Force	VS	McClellan, Paul Truman Jr	O3	Nov. 14, 1965	July 7, 1931	West Stayton.
Army	VS	Newton, Warren Emery	E6	Apr. 7, 1976	Mar. 26, 1949	Canby.
Army	LA	Nopp, Robert Graham	O5	Dec. 1, 1977	Sept. 19, 1934	Salem.
Navy	VS	Patterson, Bruce Merle	O1	July 27, 1967	Mar. 6, 1945	Portland.
Navy	VN	Reinecke, Wayne Conrad	E4	Jan. 12, 1967	May 8, 1946	Milwaukie.
Navy	VS	Ricker, William Ernest	O4	June 29, 1977	June 1, 1933	Portland.
Air Force	VS	Roberts, Harold James Jr	E7	June 18, 1965	July 16, 1921	Portland.
Air Force	VN	Shorack, Theodore James Jr	O4	June 9, 1966	Mar. 6, 1929	Salem.
Air Force	VN	Silver, Edward Dean	O5	Feb. 25, 1977	Feb. 2, 1934	Junction City.
Air Force	VS	Smith, Hallie William	O4	Nov. 10, 1975	Oct. 16, 1941	Portland.
Air Force	VS	Stanley, Robert William	O3	Apr. 1, 1967	Apr. 18, 1941	Portland.
Army	VN	Strawn, John Thomas	E6	Mar. 4, 1971	Apr. 15, 1942	Salem.
Air Force	LA	Walker, Lloyd Francis	O4	Jan. 31, 1967	June 16, 1921	Mt. Angel.
Air Force	LA	Walker, Thomas Taylor	O3	Apr. 7, 1966	Sept. 6, 1935	Toledo.
Army	VS	Ware, John Alan	E6	Aug. 21, 1978	Feb. 13, 1949	Hermiston.
Army	LA	Woods, Gerald Ernest	W1	Feb. 18, 1971	Jan. 22, 1950	Salem.
Pennsylvania (126):						
Army	LA	Acalotta, Robert Joseph	E6	Sept. 25, 1978	Jan. 30, 1951	Greensburg.
Air Force	VN	Angstadt, Ralph Harold	O5	July 18, 1973	Sept. 3, 1932	Fleetwood.
Marine Corps	VS	Ashlock, Carlos	E5	July 8, 1976	May 19, 1945	Philadelphia.
Marine Corps	VS	Babula, Robert Leo	E6	Nov. 7, 1974	Mar. 7. 1947	Indiana.
Army	VS	Barnes, Charles Ronald	O3	Aug. 24, 1976	Aug. 21, 1942	Fullerton.
Navy	VN	Beck, Terry Lee	E4	Oct. 2, 1969	Jan. 11, 1946	Linesville.
Navy	VN	Bell, Richard William	E4	Oct. 2, 1969	Apr. 30, 1947	Gibsonia.
Navy	VN	Bidwell, Barry Alan	E5	June 18, 1971	Jan. 13, 1948	Greensburg.
Marine Corps	CB	Blessing, Lynn	E2	May 15, 1975	Jan. 16, 1957	Lancaster.
Marine Corps	VS	Bloom, Darl Russell	O3	Nov. 13, 1964	July 25, 1933	Morrisdale.
Marine Corps	VS	Bower, Irvin Lester, Jr	E3	Oct. 6, 1969	Apr. 24, 1949	Linglestown.
Army	VS	Boynaowski, John Gordon	O5	Dec. 14, 1971	Nov. 21, 1935	Harrisburg.
Army	LA	Boyle, William	E7	Feb. 28, 1970	Nov. 26, 1938	Watrous.
Army	VS	Briggs, Ronald Daniel	O3	Aug. 20, 1974	Mar. 24, 1944	Philadelphia.
Navy	VN	Broms, Edward James, Jr	O4	Apr. 15, 1975	May 6, 1943	Meadville.
Navy	VS	Brown, Frank Monroe, Jr	O3	Sept. 19, 1966	Dec. 18, 1938	Tunkhannock.
Army	LA	Burris, Donald Deane, Jr	W2	Dec. 22, 1969	Dec. 26, 1946	Wayne.
Air Force	VS	Caffarelli, Charles Joseph	O3	Nov. 21, 1972	July 31, 1942	Tyrone.
Air Force	VN	Clapper, Gean Preston	E9	Apr. 27, 1978	July 24, 1932	Altoona.
Air Force	LA	Clark, Thomas Edward	O3	Feb. 8, 1969	Apr. 15, 1939	Emporium.
Navy	VS	Clydesdale, Charles Frederick	O2	Mar. 15, 1965	Aug. 31, 1939	Pittsburgh.
Air Force	VN	Coltman, William Clare	O6	Aug. 23, 1978	Feb. 24, 1932	Pittsburgh.
Air Force	VS	Conlon, John Francis II	O4	July 1, 1975	Feb. 18, 1941	Wilkes Barre.
Marine Corps	VS	Corle, John Thomas	E4	Dec. 8, 1965	Dec. 29, 1941	Pitcairn.
Air Force	VN	Crew, James Alan	O4	Dec. 4, 1978	May 15, 1941	Windber.
Army	VS	Dennis, William Roy	E6	Mar. 29, 1977	Dec. 26, 1948	Pittsburgh.
Navy	VN	Dickson, Edward Andrew	O3	Feb. 7, 1965	Sept. 3, 1937	Wyoming.
Navy	VN	Doyle, Michael William	O5	Feb. 29, 1980	Feb. 13, 1943	Philadelphia.
Air Force	LA	Dugan, Thomas Wayne	O6	July 20, 1978	May 31, 1933	Reading.
Navy	VN	Estocin, Michael John	O5	Nov. 10, 1977	Apr. 27, 1931	Turtle Creek.
Marine Corps	VS	Evancho, Richard	E3	Mar. 26, 1968	Mar. 18, 1948	Freeland.
Air Force	LA	Fallon, Patrick Martin	O6	Aug. 20, 1979	Nov. 12, 1921	Pittsburgh.
Marine Corps	VS	Fischer, John Richard	O2	Sept. 9, 1966	July 17, 1941	Pittsburgh.
Air Force	LA	Fisher, Donald Garth	O6	July 17, 1979	June 27, 1930	Hazleton.
Army	VS	Garrett, Maurice Edwin, Jr	O3	Oct. 22, 1971	Apr. 17, 1946	Mercer.
Air Force	VS	Gehrig, James Monroe, Jr	O4	June 18, 1965	Apr. 5, 1930	Williamsport.
Air Force	VS	Giannangeli, Anthony Robert	O6	Sept. 11, 1978	Feb. 28, 1931	Lansford.
Air Force	LA	Gish, Henry Gerald	E5	Mar. 11, 1968	Dec. 18, 1942	Lancaster.
Navy	VN	Graham, James Scott	O4	Dec. 2, 1977	Oct. 25, 1941	Ardmore.
Air Force	LA	Guillermin, Louis Fulda	O4	Apr. 28, 1978	Jan. 6, 1943	West Chester.
Army	CB	Harned, Gary Alan	E6	Nov. 13, 1978	July 7, 1950	Springboro.
Air Force	VS	Hepler, Frank Monroe	E5	May 12, 1968	June 11, 1938	Glenside.
Air Force	LA	Hetrick, Raymond Harry	O3	Feb. 24, 1966	Sept. 11, 1936	Brookville.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Hill, John Richard	03	Apr. 27, 1970	Aug. 5, 1940	Waynesburg.
Navy	VN	Horchar, Andrew Anthony, Jr	E4	Apr. 9, 1970	Feb. 13, 1947	Indiana.
Army	VS	Hunsicker, James Edward	02	Apr. 24, 1972	Nov. 29, 1946	Denver.
Marine Corps	VS	Keiper, John Charles	E6	Jan. 4, 1978	Sept. 18, 1945	Renovo.
Air Force	VN	Kemmerer, Donald Richard	04	Apr. 3, 1978	May, 20, 1941	Quakertown.
Air Force	LA	Kiefel, Ernst Philip, Jr	06	Jan. 15, 1979	May 11, 1933	Harrisburg.
Air Force	LA	Kirk, Herbert Arthur	E5	Mar. 11, 1968	Feb. 29, 1929	Philadelphia.
Air Force	VN	Kline, Robert Earl	06	Mar. 6, 1978	May 19, 1930	Indiana.
Army	VS	Krupa, Frederick	04	Sept. 6, 1978	Sept. 2, 1947	Scranton.
Army	VS	Kusick, Joseph George	E4	Nov. 8, 1967	Feb. 26, 1945	Bruin.
Air Force	VN	Kwortnik, John Charles	05	May 31, 1977	May 26, 1935	Downington.
Army	VS	Lacey, Richard Joseph	E7	Nov. 13, 1978	Aug. 25, 1946	Pittsburgh.
Navy	VS	Levan, Alvin Lee	E3	Oct. 25, 1966	June 5, 1946	Catawissa.
Air Force	VN	Long, John Henry Sothoron	03	July 18, 1973	Jan. 29, 1940	Media.
Navy	VN	Lynn Doyle Wilmer	05	May 27, 1965	Nov. 3, 1926	Aliquippa.
Army	VS	Mangus, Arlie Robert	E5	Nov. 4, 1971	Feb. 16, 1951	Kittanning.
Air Force	VN	Martin, John Murray	05	Nov. 20, 1967	June 17, 1931	Glenshaw.
Navy	VN	McAteer, Thomas Joseph	03	Nov. 10, 1966	Apr. 15, 1936	Pittsburgh.
Navy	VN	McBride, Earl Paul	04	Oct. 22, 1966	May 30, 1929	Volant.
Air Force	VS	McEwen, James Arthur	02	Oct. 22, 1965	Jan. 18, 1941	Washington.
Army	VS	Miller, Wyatt, Jr	E4	Sept. 14, 1971	July 9, 1950	Philadelphia.
Navy	VN	Minnich, Richard Willis, Jr	04	Sept. 15, 1976	Mar. 4, 1942	Collegeville.
Air Force	VN	Moore, Herbert William, Jr	04	Apr. 28, 1978	Nov. 16, 1941	Imperial.
Army	LA	Moreira, Ralph Angelo, Jr	W1	Mar. 5, 1971	June 19, 1949	Beaver Falls.
Navy	VN	Mossman, Joe Russell	02	Sept. 13, 1965	June 9, 1939	Springfield.
Marine Corps	VS	Myers, David Gephart	02	June 8, 1967	Sept. 19, 1943	State College.
Navy	VN	Nelson, Richard Crawford	05	Mar. 7, 1979	July 12, 1941	Drexel Hill.
Navy	VN	Netherland, Roger Morton	06	May 10, 1973	Apr. 5, 1926	Beaver.
Army	VS	Nickol, Robert Allen	E5	Oct. 26, 1971	July 6, 1951	Bethlehem.
Air Force	LA	O'Brien, John Lawrence	03	Nov. 10, 1966	July 19, 1931	Pittsburgh.
Air Force	VN	Odonnell, Samuel, Jr	03	Oct. 29, 1974	Jan. 28, 1943	Weatherly.
Air Force	CB	Pannabecker, David Eric	03	Mar. 27, 1972	Jan. 21, 1939	Womelsdorf.
Army	VS	Pantall, James Robert	E5	Nov. 4, 1971	Jun. 4, 1950	Clymer.
Air Force	VN	Parker, Frank C., III	04	Apr. 27, 1978	Mar. 2, 1940	Bridgeport.
Air Force	VS	Pasekoff, Robert Edward	05	Oct. 9, 1973	Aug. 16, 1930	Pittsburgh.
Army	VS	Patton, Kenneth James	E6	Jan. 16, 1974	May 13, 1943	McKees Rocks.
Air Force	LA	Pearce, Edwin Jack	E9	July 24, 1979	Dec. 8, 1947	Milford.
Army	VS	Phillips, Daniel Raymond	E6	July 10, 1978	Aug. 7, 1944	Philadelphia.
Army	CB	Pierce, Walter Melvin	E3	June 10, 1970	Mar. 17, 1951	Philadelphia
Army	VS	Port, William David	E4	Nov. 27, 1968	Oct. 31, 1941	Elizabethtown
Air Force	LA	Potter, William Joseph, Jr	05	Apr. 28, 1978	Sept. 24, 1935	Ambridge.
Air Force	VS	Purcell, Howard Philip	03	Sept. 3, 1964	Apr. 13, 1933	Lansdowne.
Air Force	VN	Ratzel, Wesley Dallas	03	Apr. 17, 1979	Mar. 28, 1947	Scranton.
Army	VS	Reilly, Edward Daniel, Jr	E7	Dec. 6, 1973	Jan. 16, 1943	Philadelphia.
Navy	VS	Romig, Edward Leon	02	June 17, 1966	June 21, 1941	Havertown.
Air Force	CB	Rumbaugh, Elwood Eugene	E5	May 17, 1975	Sept. 10, 1943	Spangler.
Navy	VN	Rupinski, Bernard Francis	03	June 16, 1968	Aug. 20, 1943	Edwardsville.
Marine Corps	VS	Rykoskey, Edward Jay	E3	Aug. 18, 1966	May 11, 1946	Carlisle.
Navy	VS	Scaife, Kenneth Doyle	E2	Jan. 3, 1973	Aug. 6, 1953	Johnstown.
Navy	VN	Schroeffel, Thomas Anthony	02	Feb. 18, 1966	July 2, 1942	Pittsburgh.
Army	LA	Schultz, Sheldon D	W3	Apr. 2, 1979	Apr. 19, 1948	Altoona.
Navy	VN	Scott, Dain Vanderlin	04	Jan. 24, 1974	Dec. 30, 1941	Gibsonia.
Air Force	VN	Scungio, Vincent Anthony	04	May 28, 1974	Oct. 27, 1934	New Castle.
Army	LA	Seymour, Leo Earl	E7	Apr. 21, 1976	May 14, 1942	Towanda.
Army	VS	Shimek, Samuel Dale	E4	Dec. 9, 1968	Nov. 3, 1947	Uniontown.
Air Force	LA	Sigafoods, Walter Harri, III	03	Oct. 9, 1973	Aug. 29, 1946	Richboro.
Air Force	LA	Smith, Lewis Philip, II	04	June 21, 1978	Jan. 2, 1943	Bellefonte.
Marine Corps	VN	Smith, Robert Norman	06	Mar. 5, 1979	Sept. 20, 1926,	Trucksville.
Air Force	VN	Stine, Joseph Millard	06	Mar. 6, 1978	Jan. 5, 1932	Everett.
Army	VS	Straley, John Leroy	E3	Jan. 18, 1964	May 18, 1939	Beaver Falls.
Army	VS	Strohlein, Madison Alexand	E6	Oct. 24, 1974	May 17, 1948	Philadelphia
Navy	VN	Strong, Henry Hooker, Jr	06	Oct. 25, 1978	Feb. 27, 1933	North Wales.
Air Force	VN	Sullivan, John Bernard, III	04	Jan. 9, 1978	June 28, 1940	Pittsburgh.
Navy	VN	Szeyller, Edward Philip	03	Apr. 4, 1967	Dec. 24, 1930	Alltoona.
Air Force	LA	Terla, Lothar Gustav T	03	Mar. 9, 1970	Nov. 4, 1940	Scranton.
Navy	VN	Thompson, David Mathew	03	Aug. 13, 1972	May 9, 1946	Pittsburgh.
Air Force	VS	Tipping, Henry Albert	06	July 2, 1968	Feb. 18, 1924	Philadelphia.
Navy	VN	Tritt, James Francis	E5	July 7, 1967	July 13, 1942	Monaca.
Army	VS	Urquhart, Paul Dean	03	May 28, 1971	Sept. 30, 1944	McMurray.
Army	VS	Van, Artsdalen Clifford D	E4	May 9, 1968	Dec. 25, 1949	Plumsteadville.
Air Force	LA	Walker, Samuel Franklin, Jr	E9	June 21, 1978	July 10, 1942	Philadelphia.
Army	VS	Walters, William	E3	May 10, 1969	Sept. 25, 1949	Philadelphia.
Air Force	LA	Warren, Ervin	E9	May 2, 1978	Sept. 6, 1936	Philadelphia.
Navy	VS	Weaver, George Robert, Jr	E5	Nov. 1, 1966	Dec. 2, 1938	Lancaster.
Army	LA	Weitkamp, Edgar Wilken, Jr	W1	Mar. 23, 1961	Nov. 24, 1929	York.
Army	VS	Wells, Robert James	E3	July 22, 1966	Dec. 26, 1943	Philadelphia.
Navy	LA	White, Danforth Ellithorpe	05	Mar. 31, 1969	June 17, 1930	State College.
Air Force	VN	Whitteker, Richard Lee	03	Mar. 27, 1968	Feb. 7, 1939	Easton.
Air Force	LA	Wolfkeil, Wayne Benjamin	06	Aug. 9, 1968	Mar. 7, 1932	Wilkes Barre.
Navy	LA	Wonn, James Charles	01	Feb. 17, 1968	May 10, 1944	Pittsburgh.
Navy	VN	Worrell, Paul Laurance	04	Apr. 26, 1978	Apr. 18, 1942	Philadelphia.
Army	CB	Young, Robert Milton	03	Sept. 17, 1972	Jan. 17, 1945	New Alexandria.
Air Force	VN	Zook, Harold Jacob	05	July 16, 1979	Oct. 21, 1940	New Holland.
Rhode Island (10):						
Air Force	VN	Cappelli, Charles Edward	05	Jan. 24, 1974	Mar. 14, 1930	Providence.
Navy	VN	Dion, Laurent Norbert	05	Aug. 17, 1967	Jan. 25, 1929	Providence.
Air Force	VN	Eaton, Curtis Abbot	06	Apr. 3, 1978	July 21, 1924	Wakefield.
Army	VS	Goff, Kenneth B., Jr	03	Mar. 13, 1978	Mar. 9, 1943	Warwick.
Air Force	VS	Jourdenais, George Henry	04	Apr. 1, 1967	Apr. 13, 1938	Central Falls.
Air Force	VN	Mellor, Frederic Moore	05	Dec. 6, 1977	Apr. 5, 1935	Cranston.
Navy	VN	Pender, Orland James, Jr	03	Jan. 18, 1978	Aug. 23, 1944	Warwick.
Army	CB	Ray, James Michael	E6	Nov. 30, 1969	Nov. 10, 1949	Woonsocket.
Navy	VN	Shaw, Edward Brendan	02	Sept. 5, 1965	Apr. 4, 1939	Cranston.
Army	VS	Walton, Lewis Clark	E7	Oct. 12, 1978	May 13, 1934	Cranston.
South Carolina (31):						
Army	LA	Bischoff, John Malcolm	E7	Apr. 22, 1961	July 18, 1929	Mountain Rest.
Navy	VN	Bowman, Frank	E5	June 16, 1968	July 15, 1935	Walterboro.
Army	VS	Brown, Harry Willis	E6	June 24, 1975	Aug. 16, 1943	Charleston.
Navy	VN	Carter, William Thomas	02	Nov. 10, 1966	Dec. 4, 1941	Longs.
Army	VS	Clack, Cecil James	E3	Jan. 1, 1969	Aug. 12, 1947	Chester.
Air Force	VS	Dusing, Charles Gale	E9	July 9, 1974	Apr. 11, 1928	Charleston.
Army	VS	Edwards, Harry Jerome	E4	Jan. 20, 1972	Oct. 24, 1952	Holly Hill.
Army	VS	Ellis, Randall Shelley	E6	July 24, 1978	June 14, 1948	Charleston.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Ellis, William, Jr	E6	Oct. 31, 1977	Jan. 28, 1947	Summerville.
Navy	VS	Garner, John Henry	E4	May 29, 1967	May 14, 1947	Charleston Heights.
Army	VS	Ginn, David Landrell	E5	Nov. 4, 1971	Aug. 4, 1950	Anderson.
Air Force	VN	Hackett, Harley B. III	03	July 9, 1973	Oct. 23, 1942	Florence.
Army	VS	Hanna, Kenneth	E9	June 12, 1978	Apr. 28, 1933	Scranton.
Air Force	VN	Hynds, Wallace Gourley, Jr	06	Aug. 2, 1967	May 28, 1925	Sumter.
Army	VS	Johnson, Frankie B., Jr	E6	July 24, 1978	Nov. 4, 1947	Fountain Inn.
Army	LA	Johnston, James M	03	Nov. 19, 1966	May 4, 1938	Fort Mill.
Marine Corps	VS	Keefe, Douglas O'Neil	E2	May 20, 1967	Dec. 9, 1944	Columbia.
Marine Corps	VN	Kott, Stephen Jay	04	Oct. 31, 1967	May 12, 1940	Greenville.
Army	VS	Latimer, Clarence Albert	E6	July 31, 1978	Aug. 27, 1947	Due West.
Army	VS	McKittrick, James Clifford	04	Jan. 22, 1975	June 22, 1942	Laurens.
Army	VS	McMurray, Fred Howell, Jr	03	Nov. 13, 1974	Nov. 16, 1943	Charleston.
Air Force	VN	Mims, George Ivison, Jr	03	Dec. 20, 1965	May 17, 1940	Manning.
Navy	VS	Minor, Carrol William	E3	Dec. 9, 1968	Nov. 27, 1947	Greenville.
Marine Corps	VS	Osborne, Samuel William, Jr	E2	Apr. 27, 1967	Jan. 21, 1946	Charleston.
Army	VS	Platt, Robert Lenwood, Jr	E6	Mar. 2, 1978	Sept. 1, 1947	Charleston.
Army	VS	Rhodes, Ferris Ansel, Jr	04	Aug. 14, 1978	Jan. 19, 1936	Greenwood.
Army	VS	Rice, Thomas, Jr	E4	Dec. 29, 1966	Oct. 7, 1942	Spartanburg.
Air Force	VN	Sale, Harold Reeves, Jr	03	July 15, 1975	Aug. 26, 1942	Lexington.
Army	VS	Salley, James, Jr	E8	July 15, 1971	Aug. 17, 1930	Columbia.
Army	VS	Taylor, Ted James	03	July 15, 1971	Nov. 9, 1945	Lancaster.
Marine Corps	VS	Villeponteaux, James H., Jr	02	May 11, 1966	Nov. 23, 1940	Cordesville.
South Dakota (9):						
Navy	LA	Aldern, Donald Deane	06	Feb. 16, 1978	May 5, 1930	Sioux Falls.
Air Force	VS	Callies, Tommy Leon	03	Aug. 1, 1969	May 31, 1943	Howard.
Army	VS	Christensen, Allen Duane	E6	Jan. 8, 1979	Aug. 27, 1947	Flandreau.
Navy	VN	Eidsmoe, Norman Edward	05	Feb. 1, 1978	May 2, 1933	Rapid City.
Navy	VS	Freng, Stanley Jon	E5	June 17, 1966	Dec. 24, 1942	Mission Hill.
Air Force	VN	Lane, Charles, Jr	03	Oct. 9, 1973	Apr. 21, 1942	Yankton.
Air Force	LA	Renelt, Walter A	06	Nov. 20, 1969	Apr. 24, 1929	Wilmot.
Army	VS	Soyland, David Pecor	W3	Apr. 10, 1978	Apr. 29, 1951	Rapid City.
Air Force	VN	Sprague, Stanley George	04	Sept. 12, 1966	Aug. 8, 1930	Rapid City.
Tennessee (45):						
Air Force	LA	Andre, Howard Vincient, Jr	04	July 8, 1969	Mar. 18, 1935	Memphis.
Air Force	LA	Baldridge, John Robert, Jr	03	Nov. 20, 1969	Nov. 2, 1946	Memphis.
Marine Corps	VS	Benton, James Austin	E3	Apr. 27, 1967	Feb. 19, 1948	Daisy.
Army	VS	Bremmer, Dwight Amos	E4	Dec. 14, 1971	Dec. 1, 1948	Oakland.
Army	VS	Bridges, Jerry Glen	E6	June 13, 1974	Jan. 7, 1948	Columbia.
Army	VS	Brown, James Auston	E4	Aug. 12, 1970	Sept. 18, 1949	Humboldt.
Air Force	LA	Burns, John Robert	03	Aug. 4, 1966	Dec. 8, 1932	Memphis.
Air Force	VN	Casey, Donald Francis	06	Feb. 6, 1979	Jan. 25, 1926	Chattanooga.
Air Force	LA	Chestnut, Joseph Lyons	06	July 25, 1978	July 15, 1934	Murfreesboro.
Army	VS	Coalston, Echol W., Jr	E6	Apr. 5, 1972	Feb. 25, 1940	Memphis.
Army	VS	Conway, James Bennett	03	Apr. 12, 1966	Nov. 23, 1930	Franklin.
Air Force	LA	Cotten, Larry William	02	Mar. 9, 1970	Mar. 19, 1945	Nashille.
Navy	VN	Crain, Carroll Owen, Jr	05	May 16, 1973	May 13, 1933	Memphis.
Marine Corps	VS	Dallas, Richard Howard	E3	Apr. 27, 1967	Oct. 5, 1947	Memphis.
Army	VS	Delong, Joe Lynn	E6	Nov. 8, 1967	June 18, 1947	McMinnville.
Army	VS	Ellis, Billy Joe	E6	Mar. 5, 1975	Apr. 20, 1948	Elizabethton.
Navy	VN	Feldhaus, John Anthony	05	Oct. 31, 1977	Oct. 3, 1938	Lawrenceburg.
Air Force	LA	Foster, Paul Leonard	E7	Aug. 12, 1975	Nov. 20, 1945	Knoxville.
Air Force	VN	Fullam, Wayne Eugene	05	Dec. 6, 1973	Mar. 9, 1932	Chattanooga.
Army	VS	Gervais, Donald Peter	E7	July 25, 1978	July 20, 1943	Clarksville.
Air Force	VS	Glandon, Gary Alven	02	May 26, 1966	Apr. 17, 1940	Powell.
Navy	VN	Goetsch, Thomas August	E2	Sept. 17, 1972	Feb. 19, 1953	Memphis.
Air Force	VN	Heiskell, Lucius Lamar	04	Feb. 6, 1967	Feb. 3, 1940	Memphis.
Army	VS	Hiemer, Jerry Allan	E4	Nov. 17, 1965	Sept. 22, 1941	Memphis.
Army	VS	Hunter, James D	E3	Oct. 29, 1968	Feb. 20, 1949	Portland.
Air Force	CB	James, Samuel Larry	03	Apr. 11, 1975	July 24, 1945	Chattanooga.
Air Force	VN	Johnson, Dale Alonzo	04	Oct. 27, 1966	Sept. 17, 1929	Elizabethton.
Army	VN	Kimsey, William Arthur, Jr	W3	Jan. 11, 1974	Jan. 9, 1947	Reliance.
Marine Corps	VS	King, Gerald Eugene	E4	May 10, 1968	Feb. 6, 1948	Knoxville.
Navy	VN	Lannom, Richard Clive	03	Oct. 3, 1973	Jan. 24, 1941	Union City.
Air Force	VN	McCrary, Jack	E9	Apr. 27, 1978	Nov. 30, 1934	Madison.
Air Force	LA	McPhail, William Thomas	04	June 29, 1978	June 5, 1939	Chattanooga.
Navy	VS	Newman, James Clifford, Jr	E6	Feb. 6, 1968	Sept. 24, 1932	Knoxville.
Army	VS	Norris, Calvin Andrew	E6	Nov. 4, 1971	July 9, 1940	Monterey.
Army	VS	Phillips, Marvin Foster	E4	Sept. 26, 1966	June 30, 1946	Gruetli.
Army	LA	Stacks, Raymond Clark	03	Jan. 29, 1975	Mar. 6, 1948	Memphis.
Army	VS	Stancil, Kenneth Leon	W2	Dec. 29, 1966	Jan. 20, 1934	Chattanooga.
Air Force	VN	Tatum, Lawrence Byron	06	Nov. 10, 1976	Apr. 29, 1930	Chattanooga.
Air Force	VS	Treece, James Allen	05	Mar. 6, 1978	Aug. 11, 1934	Memphis.
Air Force	VN	Trier, Robert Douglas	04	Dec. 20, 1965	Nov. 11, 1933	Memphis.
Air Force	VS	Vaden, Woodrow Wilson	04	Dec. 10, 1964	Sept. 13, 1916	Clarksville.
Air Force	VS	Welshan, John Thomas	03	July 15, 1975	Feb. 5, 1942	Oak Ridge.
Air Force	LA	Williams, David Richard	06	Mar. 1, 1977	July 8, 1929	Memphis.
Air Force	LA	Wood, William Commodore, Jr	04	Oct. 4, 1979	Jan. 3, 1943	Paris.
Army	CB	Woods, Lawrence	E6	Oct. 24, 1964	Mar. 18, 1925	Clarksville.
Texas (166):						
Army	VS	Aldrich, Lawrence Lee	E4	May 6, 1968	July 16, 1947	Fort Worth.
Army	VS	Alford, Terry Lanier	W3	Sept. 29, 1978	Oct. 22, 1947	Pasadena.
Army	LA	Almendariz, Samuel	E7	July 12, 1967	May 10, 1934	McAllen.
Air Force	LA	Armstrong, John William	06	June 7, 1974	Dec. 5, 1926	Dallas.
Air Force	LA	Ayres, James Henry	05	Jan. 3, 1971	June 30, 1937	Pampa.
Marine Corps	VN	Bacik, Vladimir Henry	05	Jan. 30, 1979	Nov. 18, 1932	Houston.
Air Force	LA	Baker, Arthur Dale	04	Jan. 8, 1974	July 30, 1933	San Antonio.
Navy	VN	Barnett, Charles Edward	05	June 16, 1975	Jan 18, 1935	Houston.
Air Force	LA	Barnett, Robert Russell	03	Apr. 7, 1966	Oct. 5, 1933	Gladewater.
Army	CB	Becerra, Rudy Morales	E6	Nov. 13, 1978	Oct. 29, 1950	Richmond.
Army	LA	Becker, James Christof	02	Aug. 15, 1970	Apr. 18, 1944	Palestine.
Air Force	VN	Bell, Holly Gene	03	Jan 28, 1970	Jan. 5, 1937	Beaumont.
Air Force	VN	Biediger, Larry William	05	Jan. 8, 1974	Apr. 23, 1933	La Coste.
Marine Corps	VS	Bradshaw, Robert S., III	02	Feb. 12, 1970	Jan. 29, 1943	Lufkin.
Army	VN	Brasher, Jimmy, Mac	03	Oct. 18, 1967	Apr. 9, 1941	Canyon.
Army	LA	Briggs, Ernest Frank, Jr	E7	Apr. 3, 1978	Dec. 12, 1944	Devine.
Air Force	LA	Brooks, William Leslie	06	May 22, 1979	Apr. 24, 1933	Tolar.
Marine Corps	VS	Brown, James William	E1	Apr. 5, 1966	July 22, 1946	Maud.
Army	LA	Burns, Michael Paul	E6	Oct. 27, 1978	Apr. 25, 1947	El Paso.
Marine Corps	VS	Byars, Earnest Ray	E3	July 30, 1967	Apr. 29, 1948	Houston.
Air Force	LA	Calfee, James Henry	E7	Mar. 11, 1968	Jan. 5, 1932	New Gulf.
Navy	VN	Cameron, Virgil King	04	June 24, 1974	May 8, 1939	McAllen.
Air Force	LA	Campbell, Clyce William	02	Mar. 1, 1969	July 26, 1944	Longview.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	LA	Campbell, William Edward	O6	June 8, 1978	May 10, 1931	McAllen.
Army	LA	Carr, Donald Gene	O4	Mar. 4, 1976	Dec. 10, 1938	San Antonio.
Navy	VN	Cartwright, Billie Jack	O6	Oct. 9, 1973	June 21, 1927	San Antonio.
Air Force	LA	Castillo, Richard	O5	June 19, 1979	Nov. 21, 1938	Corpus Christi.
Navy	VN	Cayce, John David	E3	Nov. 12, 1967	Aug. 20, 1946	San Antonio.
Army	VS	Champion, James Albert	E6	Sept. 25, 1978	Nov. 16, 1949	Houston.
Air Force	LA	Clark, John Calvin, II	O4	Sept. 11, 1978	Jan. 30, 1943	Brownfield.
Air Force	LA	Clay, Eugene Lunsford	E5	Nov. 9, 1967	Feb. 20, 1939	Arlington.
Army	VS	Cochran, Isom Carter, Jr	E3	May 23, 1968	Apr. 3, 1947	Houston.
Navy	VS	Conner, Edwin Ray	E8	May 16, 1970	Mar. 27, 1935	Hillsboro.
Air Force	VN	Connolly, Vincent John	O5	Nov. 4, 1966	May 10, 1934	San Antonio.
Air Force	CB	Cornelius, Samuel Blackmar	O4	Oct. 4, 1979	Apr. 2, 1943	Lubbock.
Army	VS	Corona, Joel	E3	Nov. 8, 1970	June 21, 1949	Pharr.
Army	VS	Deere, Donald Thorpe	E5	May 18, 1967	Sept. 6, 1944	Snyder.
Navy	VS	Denton Manuel Reyes	E4	Oct. 8, 1963	June 18, 1941	Kerrville.
Army	LA	Dexter, Ronald James	E9	July 29, 1967	July 23, 1933	Abilene.
Air Force	LA	Duggan, William Young	O5	Nov. 19, 1973	May 7, 1935	Leander.
Army	LA	Dyer, Irby, III	E5	Dec. 2, 1966	June 12, 1943	Midland.
Air Force	VN	Earll, David John	O5	Jan. 15, 1979	Mar. 2, 1938	Dallas.
Navy	LA	Egan, William Patrick	O4	Apr. 29, 1966	Jan. 20, 1931	Fort Worth.
Navy	VN	Ellerd, Carl Joseph	E5	Oct. 2, 1969	Oct. 27, 1939	Odessa.
Marine Corps	VS	Escobedo, Julian, Jr	E3	Sept. 1, 1969	Apr. 18, 1949	San Antonio.
Marine Corps	VN	Fanning, Hugh Michael	O3	Sept. 24, 1976	July 12, 1941	Fort Worth.
Air Force	VN	Fieszel, Clifford Wayne	O5	Aug. 17, 1979	Oct. 23, 1937	Lubbock.
Marine Corps	VN	Forrester, Ronald Wayne	O3	Sept. 56, 1978	Mar. 125, 1947	Odessa.
Army	VS	Foster, Marvin Lee	O5	Oct. 10, 1978	Dec. 12, 1929	Hubbard.
Air Force	LA	Fuller, James Ray	E9	Mar. 5, 1980	Apr. 4, 1937	Cibolo.
Air Force	VN	Fuller, William Otis	O4	Aug. 26, 1967	Aug. 20, 1935	Houston.
Army	LA	Garcia, Richado Maritnez	E6	Sept. 18, 1978	Sept. 15, 1951	Driscoll.
Army	VS	George, Jamels Edward, Jr	E6	Feb. 9, 1968	July 19, 1947	Fort Worth.
Air Force	VS	Gilbert, Paul Faris	O3	June 18, 1972	Sept. 19, 1941	Plainview.
Army	VS	Gonzalez, Jesus Armando	E6	Apr. 10, 1978	Sept. 20, 1947	El Paso.
Marine Corps	VS	Gonzalez, Jose Jesus	E3	Jun. 11, 1967	June 26, 1944	El Paso.
Navy	VN	Goodwin, Charles Bernard	O4	Aug. 24, 1977	Aug. 2, 1940	Haskell.
Navy	VN	Green, Frank Clifford, Jr	O5	Oct. 2, 1978	June 5, 1935	Waskom.
Air Force	LA	Green, Robert Bailey	E5	Oct. 25, 1966	Mar. 19, 1940	Lampasas.
Marine Corps	VS	Grissett, Edwin Russell, Jr	E5	Dec. 1968	Sept. 19, 1943	San Juan.
Army	VS	Grosse, Christopher A., Jr	E6	Feb. 27, 1976	Feb. 14, 1946	Harlingen.
Marine Corps	VS	Guajardo, Hilario H.	E2	May 1, 1967	Dec. 1, 1947	San Antonio.
Army	VS	Gunn, Alan Wendell	W3	June 5, 1978	May 28, 1948	San Antonio.
Navy	VS	Hardie, Charles David	E5	July 27, 1967	Sept. 21, 1940	Houston.
Army	CB	Harris, Bobby Glenn	E6	Apr. 16, 1979	Feb. 27, 1952	Mission.
Air Force	LA	Hartness, Gregg	O6	July 1, 1980	Apr. 18, 1937	Dallas.
Army	VS	Harwood, James Arthur	E6	Nov. 13, 1978	Mar. 10, 1950	Dallas.
Air Force	VN	Hawkins, Edgar Lee	O4	Sept. 20, 1965	May 3, 1929	Lamesa.
Army	VS	Hilbrich, Barry Wayne	O3	Jan. 24, 1974	June 25, 1947	Corpus Christi.
Navy	VN	Hill, Rayford Jerome	E4	Oct. 2, 1969	Oct. 16, 1947	Houston.
Air Force	VS	Hill, Richard Dale	E3	Dec. 6, 1963	Dec. 3, 1942	Houston.
Army	VS	Hodgson, Cecil J.	E8	Oct. 28, 1977	July 28, 1937	Greenville.
Air Force	VN	Hoff, Sammie Don	O3	Mar. 3, 1978	Sept. 24, 1941	Kenedy.
Air Force	VN	Holley, Tilden Stewart	O5	June 7, 1978	June 4, 1935	Cameron.
Army	VS	Huddleston, Lynn Ragle	O3	Jan. 24, 1974	Dec. 21, 1941	Ralls.
Air Force	LA	Hull, James Larry	O2	Feb. 19, 1971	Dec. 28, 1945	Lubbock.
Army	LA	Hummel, John Floyd	W3	Nov. 13, 1978	Aug. 10, 1948	Barstow.
Marine Corps	VS	Hurst, John Clark	O3	July 13, 1968	July 30, 1941	Lufkin.
Navy	VN	Jackson, William Braxton	E5	July 19, 1967	Dec. 27, 1934	Stockdale.
Army	VS	Jimenez, Juan Macias	E4	May 11, 1968	July 21, 1947	San Antonio.
Navy	VS	Johnson, David	E3	Feb. 3, 1967	Jan. 10, 1943	Houston.
Navy	VS	Johnson, Robert Dennison	O4	Sept. 1, 1967	Feb. 12, 1934	Dallas.
Army	VS	Jones, John Robert	E5	June 5, 1971	Feb. 20, 1949	El Paso.
Air Force	LA	Jones, Louis Farr	O6	Nov. 29, 1967	Dec. 29, 1925	San Angelo.
Air Force	VN	Jones, William Eugene	O4	July 19, 1976	June 21, 1940	Ft. Worth
Army	VS	Jurecko, Daniel Edward	E4	May 8, 1968	Aug. 19, 1948	Corpus Christi
Marine Corps	LA	Kent, Robert Duane	O3	June 24, 1974	Dec. 6, 1940	Dallas
Air Force	LA	Knight, Roy Abner, Jr	O6	May 19, 1967	Feb. 1, 1931	Millsap
Air Force	LA	Koonce, Terry Treloar	O5	Apr. 28, 1978	Sept. 13, 1938	San Antonio
Army	LA	Lane, Glen Oliver	E8	June 3, 1974	July 24, 1931	Odessa
Air Force	VS	Levis, Charles Allen	O6	Sept. 11, 1978	Nov. 7, 1932	Ft. Worth
Air Force	LA	Lewis, James Wimberley	O6	Apr. 16, 1982	July 24, 1928	Marshall
Air Force	CB	Lineberger, Harold Benton	O5	June 29, 1978	Sept. 19, 1934	Austin
Army	VS	Little, Danny Leonard	E6	Apr. 23, 1970	Sept. 21, 1946	Abilene
Air Force	VN	Lockhart, George Barry	O3	Dec. 21, 1972	Feb. 17, 1947	Sulphur Springs
Marine Corps	VS	Long, Carl Edwin	O3	Dec. 20, 1969	Feb. 8, 1944	College Station
Army	VS	Lull, Howard Burdette, Jr	E8	Oct. 15, 1976	May 16, 1930	Dallas
Air Force	LA	Luna, Donald Alfred	O5	Nov. 29, 1978	Apr. 17, 1938	Houston
Air Force	VS	Manske, Charles Jerome	O3	May 24, 1969	Oct. 14, 1939	El Campo
Army	VN	Marker, Michael Wayne	O3	Mar. 4, 1971	Sept. 10, 1944	Wichita Falls
Air Force	CB	Martin, Douglas Kent	O3	Jan. 9, 1978	July 24, 1947	Tyler
Air Force	VN	Martin, Sammy Arthur	O2	Dec. 27, 1967	Oct. 16, 1942	Bryan
Marine Corps	VS	Matocha, Donald John	O1	Apr. 5, 1968	Jan. 31, 1945	Smithville
Air Force	LA	Matteson, Glenn	O1	Mar. 23, 1961	Jan. 1, 1938	Dallas
Army	VS	McDonnell, John Terence	O4	Feb. 16, 1977	Dec. 14, 1940	Ft. Worth
Air Force	VN	McElhanon, Michael Owen	O6	Feb. 6, 1979	Jan. 6, 1934	Ft. Worth
Navy	VS	McKay, Homer Eugene	E5	Feb. 6, 1968	Oct. 18, 1938	Shallowater
Air Force	VN	McCarty, James Lon	O3	June 24, 1972	Apr. 24, 1946	McLean
Army	VS	McDonell, R. D	E6	Mar. 25, 1971	Jan. 21, 1943	Sweetwater
Air Force	LA	Miller, Curtis Daniel	O3	July 17, 1979	June 7, 1946	Palacios
Marine Corps	VS	Mills, James Dale	O3	Jan. 29, 1968	July 1, 1937	Commerce
Army	VS	Montez, Anastacio	E7	May 24, 1969	Nov. 24, 1929	Presidio
Navy	VS	Moore, Scott Ferris, Jr	E4	Feb. 20, 1970	Apr. 28, 1949	Mesquite
Army	VS	Moreida, Manuel Jesus	E6	Mar. 13, 1978	Oct. 15, 1946	Harlingen
Air Force	LA	Mundt, Henry Gerald, II	O4	Apr. 17, 1979	May 25, 1943	Abilene
Army	VS	Newton, Charles Vernon	E8	May 18, 1979	May 10, 1940	Canadian
Navy	LA	Niedecken, William Clinton	O2	Feb. 15, 1969	Nov. 10, 1945	Corpus Christi
Marine Corps	VS	Padilla, David Esequiel	E3	May 18, 1968	May 1, 1947	Borger
Army	VS	Parks, Joe	E7	Jan. 1, 1967	June 13, 1927	Cedar Lane
Air Force	VN	Powell, William Elmo	O3	Aug. 17, 1968	Dec. 10, 1942	Gatesville
Army	VS	Puentes, Manuel Rameriz	E6	Sept. 6, 1978	Aug. 28, 1950	El Paso
Air Force	VN	Rackley, Inzar William, Jr	O5	July 18, 1973	Jan. 2, 1933	Big Springs
Air Force	LA	Ramsower, Irving Burns, II	O5	July 25, 1978	Dec. 25, 1934	Mathis
Army	VS	Ravenna, Harry M., III	O4	June 3, 1975	Sept., 29, 1937	San Antonio
Army	LA	Ray, Ronald Earl	E6	June 3, 1977	Aug. 11, 1947	Port Arthur
Air Force	VS	Reed, Terry Michael	O2	June 23, 1969	Jan. 22, 1945	Randolph AFB.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

(Alphabetic listing by State)

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Robertson, John Will	E3	June 22, 1969	Jan. 4, 1947	Malakoff.
Navy	VN	Roberts, Gerald Ray	04	Dec. 2, 1965	Apr. 8, 1934	San Marcos.
Air Force	VN	Roby, Charles Donald	06	Mar. 21, 1979	Sept. 25, 1928	Iowa Park.
Army	VS	Roe, Jerry Lee	03	Oct. 3, 1973	Mar. 16, 1942	Houston.
Air Force	LA	Rose, Luther Lee	E9	Mar. 6, 1978	Aug. 7, 1935	Howe.
Air Force	VS	Rucker, Emmett, Jr	05	May 24, 1968	Mar. 20, 1921	Wichita Falls.
Air Force	VS	Russell, Richard Lee	02	Apr. 26, 1972	Nov. 6, 1946	Snyder.
Army	VS	Sanderlin, William Dale	E6	Mar. 31, 1976	Sept. 15, 1943	Fort Worth.
Marine Corps	CB	Sandovall, Antonio Ramos	E2	May 15, 1975	Mar. 4, 1956	San Antonio.
Navy	VN	Schmittou, Eureka Lavern	E6	May 23, 1967	Apr. 18, 1929	Ringgold.
Army	LA	Scholz, Klaus Dieter	E7	May 12, 1977	Jan. 20, 1944	Amarillo.
Navy	VN	Seagraves, Melvin Douglas	E3	Apr. 30, 1972	Apr. 9, 1951	Lubbock.
Marine Corps	VS	Shea, Michael John	02	Apr. 29, 1975	Apr. 7, 1950	El Paso.
Air Force	LA	Smith, Warren Parker, Jr	05	Jan. 8, 1974	Dec. 13, 1929	Pasadena.
Navy	VN	Stoddard, Clarence W., Jr	05	Sept. 14, 1966	Jan. 30, 1927	Corpus Christi.
Air Force	LA	Stratton, Charles Wayne	04	July 8, 1977	Oct. 9, 1940	Dallas.
Army	LA	Stride, James Daniel, Jr	E6	Oct. 5, 1968	Feb. 27, 1933	Denison.
Air Force	VN	Sullivan, Farrell Junior	05	June 27, 1972	Sept. 11, 1934	Caddo Mills.
Navy	VN	Templin, Erwin Benard, Jr	04	May 10, 1973	Dec. 24, 1940	Houston.
Air Force	VN	Thompson, William James	06	Mar. 5, 1979	Feb. 19, 1933	Houston.
Air Force	VN	Townsend, Francis Wayne	03	Aug. 1, 1979	Apr. 24, 1948	Rusk.
Army	VS	Tubbs, Glenn Ernest	E6	Nov. 17, 1975	Jan. 24, 1940	Amarillo.
Air Force	LS	Van Cleave, Walter Shelby	05	Apr. 22, 1969	Aug. 16, 1927	Dallas.
Air Force	VN	Vinson, Bobby Gene	06	Sept. 12, 1977	Jan. 17, 1928	Nederland.
Air Force	VS	Wadsworth, Dean Amick	03	Oct. 8, 1963	Nov. 30, 1930	Clarendon.
Air Force	VS	Wall, Jerry Mack	E4	May 18, 1966	Dec. 19, 1941	Nacogdoches.
Air Force	LA	Ward, Neal Clinton	03	June 20, 1978	June 22, 1945	College Station.
Air Force	VS	Washburn, Larry Eugene	E3	June 17, 1966	Jan. 14, 1945	San Antonio.
Army	LA	Watson, Ronald Leonard	03	Feb. 18, 1971	Nov. 11, 1944	El Paso.
Air Force	LA	Westbrook, Donald Elliot	06	Apr. 27, 1978	Aug. 28, 1926	Sherman.
Air Force	LA	Webster, Albert Dwayne	04	Oct. 5, 1968	Sept. 4, 1933	Terrell.
Army	VS	Widner, Danny Lee	E6	June 4, 19874	June 24, 1942	Graham.
Air Force	VN	Wilburn, Woodrow Hoover	06	Apr. 29, 1978	June 16, 1917	Corpus Christi.
Marine Corps	VS	Wilkins, Calvin Wayne	E3	Feb. 8, 1969	Aug. 19, 1948	Waco.
Army	VS	Wilkinson, Clyde David	03	Feb. 12, 1971	Mar. 18, 1945	Mineral Wells.
Army	VS	Williams, Roy Charles	E7	Sept. 24, 1979	June 3, 1947	Woodville.
Marine Corps	LA	Wilson, Harry Truman	E5	June 4, 1970	Jan. 17, 1949	Grand Prairie.
Air Force	LA	Wortham, Murray Lamar	03	Jan. 18, 1977	May 26, 1943	San Augustine.
Air Force	VN	Wright, Jerdy Albert, Jr	06	Oct. 6, 1976	Dec. 21, 1935	Randolph AFB.
Navy	VN	Yarbrough, William P., Jr	05	Feb. 24, 1976	May 25, 1923	Abilene.
Utah (24):						
Air Force	VN	Caras, Franklin Angel	05	Apr. 4, 1978	Jan. 19, 1934	Spanish Fork.
Marine Corps	VN	Chipman, Ralph Jim	03	July 1, 1974	Aug. 15, 1943	Orem.
Marine Corps	VN	Christensen, John Michael	03	Dec. 8, 1978	Aug. 19, 1946	Ogden.
Marine Corps	VS	Connor, Charles Richard	05	Aug. 28, 1978	Jan. 15, 1938	Salt Lake City.
Air Force	CB	Crow, Raymond Jack, Jr	E4	Mar. 27, 1972	May 4, 1951	Salt Lake City.
Navy	VN	Ellison, John Cooley	06	Sept. 5, 1975	Dec. 16, 1928	Layton.
Air Force	VN	Goodman, Russell Clemensen	04	Feb. 20, 1967	July 19, 1934	Salt Lake City.
Marine Corps	VS	Hubler, George Lawrence	03	Feb. 23, 1968	Sept. 6, 1942	Moab.
Air Force	VS	Jeffs, Clive Garth	03	June 21, 1978	Oct. 21, 1943	Salt Lake City.
Army	VS	Jenne, Robert Earl	E4	May 8, 1968	Jan. 7, 1948	Salt Lake City.
Navy	VS	Krusi, Peter Herman	04	Nov. 3, 1967	June 4, 1930	Smithfield.
Air Force	LA	Lucki, Albin Earl	03	Nov. 8, 1973	Feb. 27, 1944	Salt Lake City.
Navy	LA	Martin, James Edward	E3	Feb. 17, 1968	Dec. 27, 1942	Salt Lake City.
Air Force	VN	Powell, Lynn Kesler	02	Aug. 21, 1967	Aug. 13, 1938	Provo.
Marine Corps	VS	Reid, Harold Erich	E6	Dec. 3, 1974	Dec. 27, 1946	Salt Lake City.
Air Force	LA	Rex, Robert Alan	03	Dec. 8, 1968	Feb. 17, 1942	Randolph.
Army	VS	Schiele, James Francis	E6	Mar. 27, 1978	Oct. 11, 1946	Granger.
Navy	VN	Smith, Gene Albert	05	Jan. 16, 1974	Apr. 18, 1933	Salt Lake City.
Air Force	VN	Stephensen, Mark Lane	06	Aug. 21, 1975	May 29, 1930	Salt Lake City.
Navy	VS	Wallace, Michael Walter	04	Mar. 28, 1968	Sept. 12, 1936	Salt Lake City.
Army	VS	Widdison, Imlay Scott	E3	May 12, 1968	Feb. 24, 1946	Woods Cross.
Air Force	VS	Wiechert, Robert Charles	04	Nov. 16, 1968	Sept. 3, 1930	West Jordan.
Air Force	LA	Wood, Don Charles	06	Mar. 3, 1980	Nov. 11, 1929	Provo.
Air Force	VN	Woods, Robert Francis	04	June 26, 1968	July 10, 1929	Salt Lake City.
Vermont (4):						
Navy	VS	Callahan, David Francis, Jr	04	Sept. 23, 1968	Nov. 10, 1934	Windsor.
Navy	VN	Deuso, Carroll Joseph	E9	Dec. 15, 1970	Mar. 1, 1934	Richford.
Navy	VN	Dooley, James Edward	04	Dec. 3, 1973	Nov. 14, 1942	Manchester Center.
Army	LA	Lafayette, John Wayne	04	Nov. 15, 1973	Aug. 1, 1939	Waterbury.
Virginia (62):						
Army	VS	Angell, Marshall Joseph	E5	Dec. 12, 1963	Jan. 29, 1939	Roanoke.
Navy	VS	Ashby, Donald Roberts, Sr	04	Jan. 19, 1967	Apr. 8, 1930	Newport News.
Army	LA	Bessor, Bruce Carlton	03	Nov. 10, 1976	Jan. 10, 1948	Fairfax.
Navy	VN	Blackburn, Harry Lee, Jr	06	May 10, 1972	Dec. 28, 1935	Highland Springs.
Air Force	VS	Blair, Charles Edward	06	Nov. 27, 1973	Nov. 2, 1924	Chatham.
Army	VS	Blodgett, Douglas Randolph	E6	Nov. 19, 1978	May 1, 1947	Alexandria.
Army	LA	Boffman, Alan Brent	02	Mar. 18, 1971	June 8, 1946	Norfolk.
Army	LA	Booth, Lawrence Randolph	04	Oct. 20, 1978	Sept. 11, 1944	Stoney Creek.
Air Force	VN	Bowles, Dwight Pollard	03	Nov. 3, 1965	Feb. 4, 1932	Staunton.
Marine Corps	CB	Boyd, Walter	E2	May 15, 1975	Apr. 17, 1956	Norfolk.
Air Force	VN	Brown, Robert Mack	05	Feb. 16, 1977	Oct. 1, 1933	Portsmouth.
Navy	VN	Buckley, Victor Patrick	03	Dec. 16, 1969	Aug. 4, 1944	Falls Church.
Air Force	VS	Burd, Douglas Glenn	02	Aug. 1, 1969	Nov. 8, 1945	Hampton.
Air Force	VN	Butt, Richard Leigh	03	June 2, 1976	Feb. 28, 1943	Norfolk.
Army	VS	Chaney, Arthur Fletcher	W1	May 3, 1968	June 27, 1947	Vienna.
Air Force	VN	Clarke, George William, Jr	04	Nov. 8, 1973	Jan. 28, 1941	Hampton.
Navy	VN	Compton, Frank Ray	03	Mar. 21, 1966	Jan. 11, 1936	Chatham.
Marine Corps	VS	Consolvo, John Wadsworth, Jr	03	Oct. 22, 1974	Jan. 8, 1944	Fort Belvoir.
Navy	VN	Colley, David Leo	05	Jan. 10, 1978	Aug. 3, 1934	Warwick.
Air Force	VN	Davies, Joseph Edwin	04	Oct. 9, 1973	Apr. 8, 1940	Alexandria.
Army	VS	Dodge, Edward Ray	E9	Oct. 28, 1977	Dec. 16, 1933	Norfolk.
Air Force	LA	Donahue, Morgan Jefferson	04	Feb. 2, 1981	May 2, 1944	Alexandria.
Air Force	LA	Dotson, Jefferson Scott	03	Apr. 26, 1976	Aug. 6, 1944	Pound.
Air Force	VN	Dove, Jack Paris, Sr	03	July 12, 1967	Sept. 9, 1940	Bluefield.
Army	VS	Driver, Dallas Alan	E5	Oct. 10, 1970	May 7, 1948	Stephens City.
Air Force	VN	Edmunds, Robert Clifton, Jr	04	May 9, 1978	June 2, 1942	Richmond.
Army	VS	Ellen, Wade Lynn	W1	Apr. 24, 1972	Oct. 25, 1951	Norfolk.
Army	VS	Evans, Billy Kennedy, Jr	E4	Dec. 5, 1968	Nov. 8, 1947	Roanoke.
Army	VS	Finch, Melvin Wayne	03	Sept. 6, 1972	Nov. 10, 1944	Fort Belvoir.
Army	CB	Forame, Peter Charles	02	Dec. 19, 1971	May 21, 1947	McLean.
Navy	VN	Fowler, Roy Gillman	E4	Oct. 2, 1969	Nov. 3, 1946	Annandale.
Air Force	LA	Greenwood, Robert Roy, Jr	05	Oct. 4, 1979	Oct. 18, 1936	Portsmouth.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Navy	VN	Gregory, Paul Anthony	03	July 25, 1970	July 10, 1939	Virginia Beach.
Air Force	LA	Harley, Lee Dufford	04	July 31, 1975	Jan. 21, 1940	Danville.
Army	VS	Holtzman, Ronald Lee	E4	Aug. 24, 1967	Jan. 19, 1946	White Post.
Air Force	LA	Jackson, Paul Vernon, III	03	Dec. 24, 1972	Sept. 3, 1946	Hampton.
Air Force	VN	Jones, Orvin Clarence, Jr	05	Sept. 27, 1979	May 17, 1939	Newport News.
Air Force	VS	Kennedy, John William	03	July 6, 1978	May 1, 1947	Arlington.
Air Force	VN	Kosko, Walter	05	Jan. 9, 1978	Dec. 1, 1930	Columbia.
Navy	VN	Lee, Leonard Murray	05	Dec. 8, 1977	July 8, 1935	Pulaski.
Army	VS	Malone, Jimmy McDonald	E6	Oct. 28, 1977	Sept. 13, 1946	Norfolk.
Air Force	LA	Mauterer, Oscar	06	Dec. 1, 1977	Aug. 24, 1925	Charlottesville.
Army	VS	McCants, Leland S., III	02	Dec. 30, 1968	Oct. 31, 1948	Alexandria.
Marine Corps	VN	McPherson, Everett Alvin	04	Aug. 12, 1974	Dec. 18, 1942	Norfolk.
Army	VS	Midgett, Dewey Allen	E2	Nov. 25, 1967	Dec. 29, 1947	Chesapeake.
Air Force	LA	Mulhauser, Harvey	03	Jan. 31, 1967	Mar. 1, 1933	Charlottesville.
Army	LA	Owen, Robert Duval	E7	Nov. 15, 1973	Dec. 21, 1938	Chatham.
Navy	VN	Parish, Charles Carroll	04	Apr. 6, 1973	Feb. 7, 1943	Lexington.
Marine Corps	VS	Pepper, Anthony John	E2	Apr. 6, 1968	Oct. 9, 1947	Richmond.
Army	VS	Perkins, Cecil Carringt, Jr	03	Dec. 14, 1971	Jan. 26, 1946	Portsmouth
Air Force	VN	Pruett, William David	E8	Jan. 28, 1970	July 18, 1930	Bluefield.
Air Force	LA	Rash, Melvin Douglas	E8	June 29, 1978	June 8, 1946	Yorktown.
Navy	VN	Roark, James David	E5	Nov. 12, 1967	Dec. 9, 1941	Abingdon.
Air Force	LA	Scott, Vincent Calvin, Jr	02	Apr. 22, 1969	Dec. 1, 1943	Richmond.
Army	VS	Spengler, Henry Mersho, III	03	Apr. 5, 1972	Oct. 26, 1946	Alexandria.
Army	VS	Stuller, John Charles	E5	May 12, 1968	Dec. 14, 1942	Falls Church.
Army	VS	Taylor, Fred	E7	July 14, 1966	Nov. 2, 1932	Castlewood.
Army	VS	Versace, Humbert Roque	03	July 1, 1966	July 2, 1937	Norfolk.
Air Force	LA	Weston, Oscar Branch, Jr	02	Mar. 23, 1961	Mar. 5, 1931	Norfolk.
Army	VS	Whitmire, Warren Taylor, Jr	W3	May 30, 1978	Dec. 2, 1945	Fairfax.
Marine Corps	VN	Wilson, Roger Eugene	04	Jan. 30, 1979	June 30, 1947	Norfolk.
Navy	VS	Winkler, John Anthony	E2	Nov. 22, 1965	Aug. 22, 1943	Alexandria.
Washington (60):						
Air Force	VN	Alfred, Gerald Oak, Jr	04	Nov. 20, 1978	Oct. 18, 1942	Seattle.
Marine Corps	VN	Alm, Richard Andrew	04	Feb. 1, 1966	Sept. 7, 1931	Puyallup.
Marine Corps	VS	Ayers, Darrell Eugene	E5	Mar. 19, 1970	Apr. 4, 1937	Alderwood Manor.
Air Force	VN	Balcom, Ralph Carol	05	Dec. 27, 1977	Dec. 24, 1933	Seattle.
Navy	VN	Barber, Robert Franklin	03	Sept. 18, 1965	Apr. 17, 1926	Seattle.
Marine Corps	CB	Benedett, Daniel Andrew	E2	May 15, 1975	Oct. 30, 1955	Auburn King.
Army	VS	Berg, Bruce Allan	E5	Aug. 7, 1971	Apr. 22, 1950	Olympia.
Army	VS	Booth, Gary Preston	E4	Dec. 23, 1970	Apr. 11, 1950	Olympia.
Air Force	VN	Bossio, Galileo Fred	06	Apr. 4, 1978	Mar. 12, 1920	Deer Park.
Army	LA	Brandt, Keith Allan	03	Mar. 18, 1971	Dec. 27, 1940	Dellingham.
Air Force	VS	Brown, Wayne Gordon, II	04	July 19, 1978	Apr. 29, 1943	Tacoma.
Navy	VN	Charvet, Paul Claude	04	Dec. 2, 1977	May 27, 1940	Grand View.
Navy	VN	Clark, Philip Spratt, Jr	04	Sept. 21, 1978	Jan. 6, 1946	Fairchild AFB.
Navy	VN	Clark Richard Champ	03	Nov. 2, 1973	June 16, 1941	Tacoma.
Marine Corps	VS	Colombo, Gary Lewis	E4	Mar. 6, 1968	Sept. 6, 1946	Yakima.
Army	LA	Crandall, Gregory Stephen	W1	Feb. 18, 1971	July 18, 1949	Tacoma.
Army	VS	Crosby, Richard Alexander	E6	Mar. 27, 1978	Sept. 5, 1941	Spokane.
Air Force	LA	Ferguson, Douglas David	03	May 3, 1976	Apr. 26, 1945	Tacoma.
Marine Corps	LA	Fors, Gary Henry	05	Aug. 7, 1980	Apr. 29, 1941	Puyallup.
Air Force	VN	Francisco, San DeWayne	04	June 2, 1978	Feb. 29, 1944	Burbank.
Army	VS	Graffe, Paul Leroy	03	Jan. 16, 1974	Aug. 19, 1946	Shelton.
Air Force	LA	Grewell, Larry Irwin	E9	June 29, 1978	July 6, 1945	Tacoma.
Navy	VS	Hall, Harley Hubert	06	Jan. 27, 1973	Dec. 23, 1937	Vancouver.
Air Force	LA	Hanley, Larry James	04	Feb. 6, 1979	Feb. 13, 1943	Walla Walla.
Air Force	LA	Hill, Gordon Clark	03	Aug. 8, 1978	Oct. 9, 1944	Seattle.
Air Force	LA	Holland, Melvin Arnold	E6	Mar. 11, 1968	Jan. 6, 1936	Woodland.
Navy	VN	Jacobs, Edward James, Jr	05	Aug. 25, 1967	July 13, 1928	Mt. Vernon.
Air Force	LA	Jensen, George William	06	Oct. 22, 1976	Feb. 24, 1925	Seattle.
Navy	VS	Koening, Edwin Lee	04	Dec. 14, 1966	Feb. 20, 1934	Spokane.
Navy	VN	Lester, Roderick Barnum	04	Aug. 2, 1978	June 19, 1946	Morton.
Navy	VN	Livingston, Richard Allen	03	Oct. 2, 1969	July 1, 1944	Tenino.
Navy	VN	Logan, Jacob Drummond	02	Dec. 2, 1965	Oct. 26, 1940	Seattle.
Marine Corps	LA	Lono, Luther Albert	05	Nov. 28, 1978	June 12, 1931	Tacoma.
Army	VS	Lopez, Robert	05	Mar. 6, 1968	Oct. 7, 1924	Seattle.
Air Force	LA	Masterson, Michael John	05	Nov. 20, 1978	May 16, 1937	Ephrata.
Air Force	VN	McDonald, Emmett Raymond	04	Feb. 11, 1975	July 27, 1939	Bellevue.
Air Force	VS	McDonald, Kurt Casey	05	Aug. 23, 1982	Aug. 19, 1934	Belleview.
Navy	VN	McMican, M. D	02	June 2, 1965	Dec. 29, 1940	Toppenish.
Army	VS	McQuade, James Russell	02	June 11, 1972	June 3, 1949	Hoquiam.
Army	VS	Meidahl, Charles Howard	E6	Sept. 10, 1974	July 15, 1948	Monroe.
Army	LA	Nelson, David Lindford	03	Mar. 5, 1971	Nov. 10, 1943	Kirkland.
Navy	VS	Nyman, Lawrence Frederick	02	June 24, 1965	Apr. 9, 1941	Aberdeen.
Army	VS	Okerlund, Thomas Richard	W3	Nov. 6, 1978	Aug. 5, 1948	Seattle.
Army	VN	Osborne, Rodney Dee	E5	Mar. 4, 1971	Dec. 5, 1949	Kent.
Air Force	VN	Owens, Joy Leonard	06	Apr. 4, 1978	July 6, 1929	Seattle.
Army	VS	Paschal, Ronald Page	E5	Apr. 2, 1972	Nov. 1, 1950	Alderwood Manor.
Air Force	VN	Pearson, Robert Harvey	03	June 11, 1967	Aug. 20, 1942	Everett.
Air Force	VS	Pick, Donald William	04	Aug. 27, 1968	Jan. 13, 1930	Richland.
Navy	VN	Prentice, Kenneth Morton	E5	Oct. 2, 1969	May 26, 1946	Tacoma.
Air Force	LA	Price, David Stanley	E4	Mar. 11, 1968	July 14, 1941	Centralia.
Army	VS	Ramos, Ranier Sylvester	W3	June 3, 1974	May 29, 1947	Bellingham.
Navy	VS	Richardson, Stephen Could	02	Nov. 30, 1965	Mar. 22, 1940	Seattle.
Navy	VN	Riordan, John Michael	04	Nov. 10, 1966	Jan. 1, 1944	Seattle.
Air Force	VN	Robertson, John Leighton	06	June 29, 1978	Oct. 11, 1930	Seattle.
Army	VS	Strait, Douglas Frank	E6	Nov. 17, 1975	Jan. 29, 1950	Moses Lake.
Army	LA	Stubbs, William W. W	E6	Jan. 4, 1977	Aug. 6, 1949	Newport.
Navy	VN	Trembley, J. Forrest George	04	Jan. 16, 1974	May 28, 1942	Spokane.
Air Force	VN	Trimble, Larry Allen	03	Apr. 15, 1972	Mar. 6, 1947	Farmington.
Army	LA	Williamson, James D	E7	Nov. 27, 1978	Sept. 24, 1942	Tumwater.
Army	VS	Worthington, Richard C., Jr	W2	May 6, 1970	Mar. 19, 1946	Bothell.
West Virginia (26):						
Air Force	LA	Albright, John Scott, II	03	May 17, 1979	Nov. 7, 1945	Huntington.
Army	VS	Altizer, Albert Harold	E3	Oct. 8, 1969	Apr. 11, 1949	Squire.
Air Force	VN	Austin, Joseph Clair	06	May 25 1979	June 30, 1929	Moundsville.
Army	VS	Auxier, Jerry Edward	E6	July 29, 1968	Jan. 19, 1944	Dixie.
Army	VS	Biggs, Earl Roger	E9	Apr. 3, 1978	Mar. 23, 1932	Matheny.
Navy	VS	Curry, Keith Royal Wilson	05	Jan. 8, 1971	Sept. 21, 1930	Salem.
Army	VS	Duncan, James Edward	E7	Mar. 3, 1971	July 11, 1940	Point Pleasant.
Air Force	LA	Hensley, Ronnie Lee	E8	Sept. 11 1978	June 8, 1948	Richwood.
Army	VS	Hunt, Robert William	E7	Aug. 31, 1978	Aug. 16, 1939	Beckley.
Air Force	LA	Kerr, Everett Oscar	05	Jan. 2, 1979	Apr. 18, 1936	Belmont.
Air Force	LA	Lilly, Carroll Baxter	05	June 21, 1978	Dec. 1, 1939	Morgantown.

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	LA	Lucas, Larry Francis	03	Dec. 20, 1966	Apr. 29, 1940	Marmet.
Marine Corps	CB	Marshall, Danny G	E1	July 21, 1976	Mar. 9, 1957	Waverly.
Army	VS	Norton, Michael Robert	E6	May 1, 1978	Jan. 26, 1948	Eskdale.
Air Force	VS	Parsley, Edward Milton	E8	Jan. 9, 1978	Jan. 22, 1933	Naugatuck.
Air Force	VS	Pauley, Marshall Irvin	E8	Jan. 9, 1978	Oct. 17, 1941	Milton.
Marine Corps	VS	Pennington, Ronald Keith	E3	Apr. 27, 1967	Sept. 27, 1946	Hambleton.
Army	VS	Pringle, Joe Harold	E9	Oct. 26, 1978	June 28, 1929	Horner.
Air Force	VN	Salzarulo, Raymond Paul, Jr	03	Sept. 4, 1966	Aug. 31, 1942	Fallanshee.
Marine Corps	VS	Sargent, James Ray	E3	May 10, 1968	Feb. 28, 1950	Anawalt.
Army	VS	Snider, Hughie Franklin	E4	Apr. 28, 1970	Apr. 29, 1949	New Cumberland.
Army	VS	Spencer, Dean Calvin, III	E4	June 7, 1968	Oct. 3, 1947	Morgantown.
Army	VS	Taylor, James Lawrence	E5	Mar. 10, 1966	June 9, 1943	Nitro.
Air Force	LA	Thompson, George Winton	04	Jan. 25, 1978	Sept. 16, 1940	Beckley.
Marine Corps	VN	Wallace, Hobart McKinle, Jr	05	June 3, 1974	Oct. 10, 1933	Sharon.
Navy	VS	Wickham, David Wallace, II	03	Dec. 17, 1965	June 29, 1934	Wheeling.
Wisconsin (37):						
Navy	VN	Allard, Michael John	03	Aug. 30, 1967	Sept. 12, 1940	Schofield.
Marine Corps	VS	Allen, Merlin Raye	E3	June 30, 1967	Oct. 22, 1946	Bayfield.
Navy	VN	Arnold, William Tamm	04	May 18, 1978	June 25, 1940	West Allis.
Marine Corps	VS	Billipp, Norman Karl	03	July 16, 1976	Mar. 14, 1945	Milwaukee.
Marine Corps	VS	Blackman, Thomas Joseph	E2	May 10, 1968	Feb. 22, 1949	Racine.
Army	VS	Bowers, Richard Lee	04	Sept. 29, 1978	July 20, 1946	Lake Mills.
Air Force	VN	Bush, Robert Ira	03	June 9, 1966	June 8, 1938	Racine.
Marine Corps	VS	Derby, Paul David	03	Nov. 17, 1968	Jan. 4, 1943	Menomonie.
Air Force	VN	Downing, Donald William	05	Apr. 28, 1978	Mar. 17, 1934	Janesville.
Air Force	VN	Draeger, Walter Frank, Jr	03	Apr. 4, 1965	Sept. 28, 1933	Deerfield.
Army	CB	Evans, William Anthony	E5	Mar. 2, 1969	Oct. 4, 1948	Milwaukee.
Air Force	LA	Fellenz, Charles Richard	E9	June 29, 1978	Oct. 20, 1939	Marshfield.
Marine Corps	VS	Fickler, Edwin James	03	Feb. 4, 1974	May 4, 1943	Kewaskum.
Marine Corps	VS	Fischer, Richard William	E7	Dec. 8, 1978	June 15, 1947	Madison.
Army	VS	Frazier, Paul Reid	E5	Sept. 3, 1968	Mar. 11, 1949	Milwaukee.
Navy	VS	Gallagher, Donald Louis	E7	Feb. 6, 1968	Mar. 2, 1938	Sheboygan.
Marine Corps	VS	Gee, Paul Stuart	03	Aug. 5, 1974	Aug. 21, 1943	Manitowish Waters.
Navy	VN	Gorsuch, William Dale	E4	Oct. 2, 1969	Mar. 20, 1948	Cambria.
Navy	LA	Hartzheim, John Francis	E5	Feb. 27, 1968	Nov. 25, 1945	Appleton.
Army	VN	Hentz, Richard Jay	E5	Mar. 4, 1971	Nov. 7, 1947	Oshkosh.
Marine Corps	VS	Heyne, Raymond Thomas	E3	May 10, 1968	July 15, 1947	Mason.
Navy	VS	Huss, Roy Arthur	02	Feb. 6, 1968	July 29, 1943	Eau Claire.
Army	LA	Johnson, Randolph Leroy	E6	Sept. 13, 1979	May 22, 1949	Milwaukee.
Air Force	VN	Ketterer, James Alan	03	July 19, 1976	Dec. 18, 1942	Milwaukee.
Air Force	LA	Kubley, Roy Robert	03	Jan. 31, 1967	July 8, 1939	Glidden.
Navy	VN	La Haye, James David	05	May 8, 1965	July 21, 1923	Green Bay.
Marine Corps	VN	Leet, David Leverett	03	Apr. 13, 1975	Dec. 21, 1946	Kenosha.
Air Force	LA	Melton, Todd Michael	E5	Feb. 5, 1973	Apr. 11, 1949	Milwaukee.
Marine Corps	VS	Moe, Harold John	02	Sept. 26, 1967	July 11, 1938	Eau Claire.
Army	VS	Pierson, William C., III	W3	Oct. 16, 1978	Dec. 23, 1947	Madison.
Army	CB	Richardson, Dale Wayne	04	Jan. 15, 1979	May 5, 1941	Cashton.
Army	LA	Schmidt, Peter Alden	E4	Aug. 15, 1970	Nov. 7, 1949	Milwaukee.
Marine Corps	VS	Soulier, Duwayne	E2	May 1, 1967	Dec. 31, 1946	Milwaukee.
Army	VS	Trudeau, Albert Raymond	W1	Oct. 26, 1971	Sept. 18, 1949	Milwaukee.
Marine Corps	VS	Tycz, James Neil	E5	May 10, 1967	Apr. 10, 1945	Milwaukee.
Army	VS	Vanbendegom, James Lee	E6	July 31, 1967	Nov. 28, 1948	Kenosha.
Air Force	VN	Wilke, Robert Frederick	06	May 5, 1978	Sept. 14, 1925	Milwaukee.
Wyoming (6):						
Army	VS	Coen, Harry Bob	E7	Oct. 10, 1978	Sept. 22, 1948	Riverton.
Navy	VS	Cooley, Orville Dale	03	Jan. 16, 1968	July 3, 1937	Range.
Air Force	VN	Evert, Lawrence Gerald	05	Nov. 29, 1978	Mar. 15, 1938	Cody.
Air Force	LA	Hart, Joseph Leslie	05	Feb. 25, 1967	Sept. 11, 1924	Afton.
Air Force	LA	Krogman, Alva Ray	02	Jan. 17, 1967	Apr. 12, 1941	Worland.
Army	CB	Skiles, Thomas William	W1	Dec. 19, 1971	Aug. 31, 1949	Buffalo.
Puerto Rico (3):						
Army	VS	Acosta-Rosario, Humberto	E6	Mar. 1, 1978	Jan. 15, 1947	Mayaguez.
Army	VS	Arroyo-Baez, Gerasimo	E7	Oct. 15, 1976	Feb. 5, 1931	Maunabo.
Air Force	LA	Cruz, Carlos Rafael	04	July 19, 1976	Oct. 29, 1941	Arroyo.
Virgin Islands (1):						
Army	VS	Schott, Richard Simpson	05	Apr. 7, 1972	Nov. 24, 1929	St. Croix.
Other (7):						
Navy	VN	Dayao, Rolando Cuevas	E6	Oct. 2, 1969	June 29, 1935	Philippines.
Navy	VN	Gan, Leonardo Medina	E7	Oct. 2, 1969	Apr. 13, 1929	Philippines.
Army	VS	McIntosh, Ian	W1	Nov. 24, 1970	Sept. 21, 1945	Canada.
Marine Corps	VS	Reeves, John Howard	E3	Dec. 23, 1966	Oct. 28, 1943	Canada.
Navy	VN	Salazar, Fidel Garcia	E5	Oct. 2, 1969	Apr. 24, 1936	Philippines.
Air Force	VS	Simpson, Robert Lewis	03	Aug. 28, 1962	June 27, 1927	Panama.
Navy	VN	Viado, Reynaldo Rocillo	E3	Oct. 2, 1969	Sept. 22, 1945	Philippines.

Mr. BYRD. Mr. President, I introduce a bill and ask that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) 2,494 Americans, military and civilian, are listed as missing or otherwise unaccounted for in Southeast Asia;

(2) those missing or otherwise unaccounted for Americans have suffered untold hardship at the hands of a cruel enemy while in the service of their country;

(3) the families of these Americans retain the hope that they will return home and the loyalty, hope, love, and courage of these families inspire all Americans;

(4) the Congress and the people of the United States are committed to a full accounting for, and release of, all Americans missing or otherwise unaccounted for in Southeast Asia; and

(5) the service of those missing and otherwise unaccounted for Americans is deserving of special recognition by the Congress and all Americans.

SEC. 2. (a) (1) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to those American personnel listed as missing or otherwise unaccounted for in Southeast Asia, to be accepted by next of kin, bronze medals designed by an artist who is an in-theatre Vietnam Veteran, in recognition of the distinguished service, heroism, and sacrifice of these personnel, and the commitment of the American people to their return. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be stricken bronze medals.

(2) There are authorized to be appropriated not to exceed $20,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause miniature duplicates in bronze to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, and overhead expenses), and the appropriation used for carrying out the provisions of this subsec-

tion shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.

Mr. BYRD. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

NUCLEAR FREEZE WINS FOREIGN POLICY ASSOCIATION POLL WITH 74 PERCENT SUPPORT

Mr. PROXMIRE. Mr. President, reports continue to show the overwhelming support of the American people for a mutual, verifiable, negotiated nuclear weapons freeze between the United States and the Soviet Union,

We are all aware of the fact that there have been nine referendums on the nuclear freeze in the last year and the nuclear freeze won in eight of them. But I think the most recent is even more impressive than that.

The Foreign Policy Association holds a series of seminars in depth in which the people who take part become thoroughly acquainted with the issue and with all sides of the prospects and how to handle the nuclear arms race.

The latest report comes from a survey by the Foreign Policy Association. Each year the association secures responses from groups that take part in foreign policy discussions across the country. Between February and May the association received about 8,000 ballots on various issues including "an immediate, mutual freeze on nuclear weapons, followed by a negotiated reduction in weapons, rather than a buildup of U.S. military strength, as a means of inducing the Soviet Union to negotiate." A smashing 74 percent of the respondents favored such a freeze.

Now, Mr. President, I regard this kind of response as particularly significant. Here is why: The respondents who voted in the Foreign Policy Association poll had conducted discussions, seminars, debates, entertaining different sides and contrary views. My experience with these discussion groups has impressed me with their intelligence, their tolerance to different ideas and their broad exposure to detailed information. These people consider options, and I am sure considered options to the nuclear freeze fairly and carefully. They are not impulsive. They are not knee jerk peaceniks. They are the Nation's opinion leaders on foreign policy issues. A vote of 74 percent for the nuclear freeze represents a remarkable showing.

In this democracy where we believe in rule by the people, this showing should impress us. It follows similar overwhelming popular approval for the nuclear freeze in New England town meetings and in referenda last year. In eight of the nine States where referenda were held the nuclear freeze won, in most cases by overwhelming votes. It is becoming clear, Mr. President, that support for the nuclear freeze comes from Republicans as well as Democrats, from conservatives as well as liberals. And this foreign policy poll shows that it is an opinion held by a large majority of the best informed and most thoughtful Americans. And one of the reasons why this is so reassuring is that so many of the leading pundits in the press have been critical of the nuclear freeze. Two of the leading papers in the country for example: The New York Times and the Washington Post have both opposed the freeze. No one can argue that the freeze represents a liberal-chic fad. Indeed, it represents the considered determination of a very big majority of the American people.

I ask unanimous consent that the article from the Wednesday, June 22, New York Times by Joseph Treaster be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 22, 1983]

SURVEY SHOWS SUPPORT FOR FREEZE

(By Joseph B. Treaster)

The Foreign Policy Association, in an informal nationwide survey, has found overwhelming support for an immediate mutual Soviet-American freeze on nuclear weapons, opposition to United States military aid to Latin American countries threatened by insurgencies and support for self-government for the Palestinians on the West Bank.

The association elicited these responses from participants in a program of foreign policy discussions that it encourages across the country.

Each year in January and February the association, a nonprofit, nonpartisan and educational organization, sells a booklet for use by the discussion groups that gives analyses of eight foreign affairs issues. The booklet includes ballots by which participants can express their opinions.

Between February and May the association received an average of about 8,000 ballots on each of the eight issues.

74 PERCENT FAVOR FREEZE

The association sold 80,000 copies of its booklet this year, but it says it does not have a precise count on the number of people who participated in the discussions.

In the question on the arms race, 74 percent of the respondents said they favored an immediate mutual freeze on nuclear weapons, followed by a negotiated reduction in weapons, rather than a buildup of United States military strength, as a means of inducing the Soviet Union to negotiate.

Eighty-two percent of the respondents urged negotiations on arms control with the Soviet Union despite disagreement on economic and political issues.

QUESTION OF PALESTINIAN STATE

On Latin America, 46 percent of the respondents said that the United States should not provide military aid to governments, such as those in El Salvador and Guatemala, that are struggling against guerrilla forces, while 30 percent said such aid should be provided only if other Latin American countries also decided to do so.

On the Middle East, 43 percent of the respondents said they favored creation of an independent Palestinian state in the West Bank and the Gaza Strip accompanied by recognition of Israel by the Palestine Liberation Organization. Thirty-five percent were in favor of independence in association with Jordan. Seventeen percent favored annexation of the West Bank and Gaza by Israel, with limited self-government for the Palestinians living there.

A NEW BIOGRAPHY OF ELIE WIESEL

Mr. PROXMIRE. Mr. President, Elie Wiesel, survivor of Auschwitz and Buchenwald and now a distinguished professor at Boston University, has devoted his life to preserving the memory of the Holocaust. Mr. Wiesel has attempted to convey the horror of the concentration camps.

Mr. Wiesel lost both his parents and sister to the Nazi persecution and, depite his own doubts about the capacity of the language to portray these traumatic experiences, his powerful accounts have moved many of us.

Mr. Wiesel is the subject of a recently published biography entitled, "Elie Wiesel: Messenger to All Humanity," by Robert McAfee Brown. Tracing Mr. Wiesel's odyssey, Mr. Brown sees him as a latter-day prophet, a messenger of modern society's deepest problems. The message of the Holocaust seems obvious, but Mr. Wiesel argues that the world remains indifferent to it.

Initially, worldwide response to the genocide of European Jews was one of unanimous condemnation. The United States took a leading role in the United Nation's adoption of a treaty declaring genocide an international crime. On December 9, 1948, the Genocide Convention was ratified by 55 to 0 vote in the General Assembly.

Mr. President, the genocidal action by Adolph Hitler is something that shocked the world and also shocked the United Nations into unanimously passing the Genocide Convention at the initiative of the United States, pushed by the administration of Harry Truman. Since then, seven Presidents have supported that treaty. The Foreign Relations Committee has reported it out four times.

Ninety nations have now ratified the convention. All the developed nations, with the exception of the United States, have ratified the Genocide Convention. Seven Presidents have supported the treaty. Four times, the Foreign Relations Committee has reported favorably on the treaty. Yet the treaty has languished, unratified, in the Senate for 35 years.

Mr. President, will we continue to ignore the efforts of men like Elie Wiesel? Genocide is the most egregious of crimes. The premediated eradication of a national, ethnical, racial, or religious group is a grievous loss to all of humanity.

I earnestly hope that our role as a defender of human rights will no longer be compromised by our nonratification of the treaty. Ratification of the Genocide Convention is necessary if we are to demonstrate a consistent human rights stance.

Mr. President, I realize the majority leader and other Senators have heard this many, many times. I understand the Foreign Relations Committee is ready to report it out any time the administration gives it the green light. I hope and pray they will do that.

THE GARRISON DIVERSION PROJECT

Mr. PROXMIRE. Mr. President, during the debate on the Garrison diversion project on Wednesday, Senators ANDREWS and BURDICK introduced an article written by Peter Warren, a Canadian columnist.

In order to correct the impression left by that article, I submit the reply to that article which was given by R. N. Clarkson, the coordinator of the Garrison Focus Office of the Canadian Government. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF NATURAL RESOURCES, GARRISON FOCUS OFFICE, WINNIPEG, MANITOBA,
April 29, 1983.

The EDITOR,
Selkirk Interlake and Lake Centre News, Selkirk, Manitoba. R1A 2B2.

DEAR SIR: May I request that you publish the following remarks to correct the impressions left by Mr. Peter Warren in his April 20, 1983 article entitled "Garrison: The Report (1)" which jumps to conclusions and interprets the report "McClusky Canal Fish Screen Development and Verification" in a manner which not even the Bureau of Reclamation has done. It fact the Bureau of Reclamation in its draft Supplemental and Environmental Statement issued on March 29, 1983, states that while the construction of the McClusky Canal Fish Screen is no longer contemplated because the acreage to be irrigated at this time does not affect Canada, "that once Missouri water passes into Lonetree Reservoir, the option of constructing a fish screen in the McClusky Canal is not available. Undesirable fish could freely move into the Reservoir and they probably could not be detected until populations increased substantially. It would then be virtually impossible to eradicate established fish population from the Reservoir."

In dealing with the 3 dish species: rainbow smelt, gizzard shad and Utah chub, which most concern Manitoba, the Draft Supplementary Environmental Statement states "rainbow smelt was reported within the Garrison Diversion Unit in Audubon Lake and has increased its potential for transfer downstream: that the gizzard shad has not been found in Lake Sakakawea but is present in the middle James River, South Dakota: the Utah chub is present in the Upper Missouri River Drainage." Since its introduction in this area in 1935, it has moved downstream a distance of about 300 km."

It must also be pointed out to Mr. Warren that the Canadian/American International Commission has not reviewed the McClusky Canal Fish Screen Development and Verification Report. The International Garrison Diversion Study Board in its report to the International Joint Commission recommended that such a study be carried out and that certain modifications should be made to the screen, modifications which were tested as part of this recent study. The International Joint Commission concluded "that the McClusky Canal Fish Screen, even if modified together with the closed system, cannot be relied upon to prevent transfer of biota from the Missouri River to the Hudson Bay Drainage Basin. The Commission further concludes that the predicted impacts of a biota transfer are so potentially damaging that the closed system does not provide a sufficient guarantee against such an occurrence."

The National Audubon Society in commenting on the Draft Supplemental Environmental Statement on the Garrison Diversion Unit said it well—"the fish screen—or screens—would have about the same degree of security the Maginot Line had for France facing the German invaders in World War II".

Yours truly,

R. N. CLARKSON,
Coordinator.

TRANSBOUNDARY IMPLICATIONS OF THE GARRISON DIVERSION UNIT

BIOTA TRANSFER

The McClusky Canal fish screen was not included in original designs for GDU, but was added prior to 1975 in response to concerns over the possible transfer of foreign biota to the Hudson Bay Drainage Basin. This possibility of a transfer of exotics, that is, the transfer of fish species, fish diseases and fish parasites indigenous to the Missouri River Basin into the Hudson Bay Drainage Basin has been a major concern of the Biology Commitee, the Board and the Commission itself.

In fact, overriding everything else, as it turns out, has been the necessity that such introduction be prevented at all costs. This is not surprising. As the Biology Committee points out, "the introduction, on a worldwide basis, of exotics has led to significant destabilization of ecosystems". The Committee reminded us that unmanaged introduction of such exotics as hares in Australia, sea lampreys in the Great Lakes and carp in North America, have caused untold damage. They also note that within the United States concern over the possibility of interbasin transfers of exotic fish has resulted in recent pressures for their regulation. The Commission has recently been asked by its Great Lakes Research Advisory Board to take steps to advise the Governments that further introduction of exotics into the Great Lakes should be regulated jointly by the two Governments.

Unlike some other adverse consequences that can be minimized by additional mitigating measures or by cessation of operation of the Project, remedial measures to control unwanted exotics are oftentimes futile and, what makes it even more difficult, is that it may be some years before the full adverse impact is apparent.

For all these reasons, the Board insisted that the inter-basin transfer problem be examined in great depth. The United States Bureau of Reclamation had already recognized the necessity of controlling such introduction by proposing the use of fish screens as an early modification to their first plans. The ability of these screens to prevent the transfer of foreign biota was thoroughly reviewed and the Biology Committee found that, among other things, the mesh size was large enough to allow some larvae to pass through. Moreover, as the Board pointed out in their report, fish eggs, fish larvae and perhaps even small adults could pass around the screens because of spaces between screen panels.

This is important because the impact of such a transfer would be irreversible and would become apparent in about 10 years, with full impact in 25 to 50 years. If it were to occur, the undesirable foreign species which have a high reproductive potential could successfully compete for food and space, could replace indigenous forage fish, could alter the balance between existing predators and their prey, could carry parasites and could destroy some of the valuable present species. The inter-basin transfer could also introduce fish diseases by a water medium. In addition to the general ecosystem destabilization that could occur, the population of whitefish, walleye and sauger could be reduced by 50 percent in Lakes Winnipeg and Manitoba. This would, in turn, cause an annual loss of $6 million (Can.) to the commerical fishing industry of Manitoba and could possibly eliminate it. The Manitoba sports fishery could experience an annual loss of 26,000 recreation days and $130,000 in related revenue. Although some of these foreign species may eventually have some value, the Commission cannot assess their stability or their economic potential.

The Board emphasized, and the Commission agrees, that with a development of the magnitude of GDU, it is inevitable that some impacts will not have been identified. It is clear, however, that the overall biological impact through the introduction of foreign fish, fish eggs, fish diseases and parasites from GDU as envisaged is potentially severe. The Commission notes with concern that, historically, actions by man which have substantially changed or altered the natural environment often produced results not contemplated when the action took place. Once these changes are made they may be irreversible.

Nevertheless, the criteria at the present time should be the one expressed by the Biology Committee: "There must be a 100 percent assurance of fish passage prevention over an infinite time."

The Commission concludes that the McClusky Canal fish screen, even if modified, together with the closed system, cannot be relied upon to prevent the transfer of biota from the Missouri River to the Hudson Bay Drainage Basin. The Commission further concludes that the predicted impacts of a biota transfer are so potentially damaging that the closed system does not provide a sufficient guarantee against such an occurrence.

CHAPTER IX—RECOMMENDATIONS

The International Joint Commission, in the light of its conclusions on this inquiry, recommends:

1. That because the "closed system" and the McClusky Canal fish screen cannot with any certainty prevent biota and disease transfers which would cause severe and irreversible damage to the ecosystem and, in particular, to the commercial and sport fisheries in Canada, those portions ofthe Garri-

son Diversion Unit which could affect waters flowing into Canada not be built at this time. This is not intended to preclude construction of Lonetree Reservoir, subject to the conditions set forth in Chapter VIII.

The McClusky Canal, a conveyance channel with a design capacity of 1,950 cfs, will provide a direct connection between the Missouri River and the Hudson Bay watershed. Increased flows and oxygen levels in the James River will also enable fish to more upstream from South Dakota to where they could be transferred into the Wild Rice River in the Hudson Bay watershed. Twenty species of fish that could be introduced into the Hudson Bay watershed as a result of the GDU were identified. Nine of these species are considered as problem species in that each could be introduced, become established and have adverse impact on Manitoba fish populations. All but one of these species, gizzard shad, occur in the Missouri River system in or above Lake Sakakawea and could be introduced via the McClusky Canal. Six of the nine species, including the gizzard shad, occur in the lower James River. The potential for each of these problem species to impact Manitoba fish populations is summarized in Table VIII-2. Expected impacts of each of these problem species on important native species are summarized in Table VIII-3. Some species such as Utah chub, smelt and young gizzard shad would serve as forage for walleye, sauger and northern pike. They would, however, displace other forage species and it is unlikely that the overall forage conditions in most Manitoba waters would be improved by these introductions.

Rainbow smelt have been identified as one of the more serious problem species. Analyses of the significance of the GDU project as a means for introducing the species into Manitoba is complicated by the fact that it has already been introduced into the headwaters of the Rainy River system in Ontario and Minnesota. Smelt have been in these headwaters for at least seven years and have not been reported in the Rainy River or farther downstream. In some other waters smelt have dispersed rapidly from the point of introduction. All 5 Great Lakes were occupied within 25 years and smelt moved at least 250 miles downs the Missouri River within 4 years of being introduced into Lake Sakakawea. Smelt may or may not reach Lake Winnipeg via the Rainy River; however, the GDU provides a second direct route for the transfer of smelt and once the interbasin connection is completed the transfer is expected to take place within a relatively short time.

Carp were identified as the 10th problem species. They already occur in Manitoba sections of the Souris River; however, with increased flows and oxygen levels in the Souris it is predicted that the species will be introduced, established and have adverse impact in North Dakota and Saskatchewan reaches of the river.

The impact of introductions of foreign fish will probably become apparent within 10 years of completion of the interbasin connection and full impact of the introductions is likely to occur within 25-50 years of completion of the project. None of the problem species that are likely to be introduced as a result of the GDU project are expected to have a positive impact on commercial species of fish and commercial fisheries in Manitoba. Paddlefish and smelt could have a minor beneficial impact on recreational fishing in Manitoba.

Existing physical barriers between the Missouri-Hudson Bay and the St. Lawrence-Hudson Bay watersheds presently prevent the upstream movement of GDU potential problem species to all but one of the areas where interbasin connections have or are known to occur. There is a possibility of transfer of two foreign fish species, shortnose gar and gizzard shad, between the Missouri and Hudson Bay watersheds. The potential for transfer occurs at Lake Traverse-Big Stone Lake during times of very high flows in the Little Minnesota River or extremely high water levels in Lake Traverse. Distribution records indicate that one species, the stonecat, may have moved into the Red River system through this linkage sometime during the last 10,000 years. A dyke separating the two watersheds has been constructed; however, a culvert that was later added to the dyke reestablished the potential for interbasin flow. Shortnose gar occur in Big Stone Lake and gizzard shad are present in the Minnesota River downstream of the Granite Falls Dam. This very intermittent connection has not resulted in the movement and establishment of shortnose gar across the divide.

The McClusky Canal fish screen is currently under construction. Its purpose is to prevent the interbasin transfer of fish, fish larvae and fish eggs from the Missouri River watershed into the Hudson Bay watershed. The structure, as designed, will not prevent the interbasin transfer of all fish, fish fry or fish eggs. For example, larvae of rainbow smelt and Utah chub can pass through the screens and because of spaces between screen panels, fish eggs, fish larvae and perhaps even adults could pass around the screens.

Two fish diseases are likely to be introduced into Canada as a result of the interbasin transfer of Missouri River waters to the Red and Souris Rivers. Infectious hemopoietic viral necrosis (IHVN), and enteric redmouth (ERM), a bacterial disease, have a high probability of being introduced to Manitoba waters. These pathogens can be carried directly by a water medium although the usual mode of transfer is through the transfer of diseased fishes. The greatest incidence of disease usually occurs where stress conditions are present. Hatchery stocks of whitefish and trout are particularly vulnerable. A paddlefish parasite, Polypodium sp. may be introduced and infect lake sturgeon of the Hudson Bay watershed. The potential for other fish diseases and fish parasites to be introduced and have impact appears to be low.

There is little likelihood that the GDU project will result in the introduction of plant diseases, terrestrial noxious weeds or aquatic plants into Manitoba as alternate, more effective methods of introduction already exist.

Operation of the GDU project will result in the introduction of invertebrate species into the Hudson Bay watershed. Examples include caddisflies of the genus Rhyacophila and the mayfly, Hexagenia bilineata which will probably be introduced in the Assiniboine, Souris and Red Rivers. They are of concern because adult swarms of some of these species have often resulted in increased incidence of asthmatic and allergenic problems in human populations.

Four reptile species and one amphibian species may be introduced into Manitoba as a result of GDU. The probability that the prairie rattler and the bull snake would be introduced could not be estimated and it seems unlikely that the GDU project would result in the introduction of the yellow-bellied racer or the Great Plains toad. On the other hand there is a high probability that the project will result in the introduction of the western spiny softshall turtle to Manitoba waters. This species have an adverse impact on fish populations in the Souris, Red and Assiniboine Rivers.

Changes in water quality and water quantity are likely to have some effects on Manitoba fish populations, especially those in the Souris River where the relative impact of GDU-derived waters will be greatest. Changes in water quality and water quantity are also expected to alter species composition and abundance of aquatic invertebrates in the Souris River and increased flows may increase present blackfly problems on the Souris River. Some changes in the composition of aquatic plants are also expected to occur, primiarily as a result of increased salinity. Changes in flood stage and duration are too minimal to affect upland species of wildlife along Manitoba waterways.

GDU-derived nutrients will contribute to the nutrient load entering Lakes Winnipeg and Manitoba and will help to accelerate eutrophication of these waters.

INTRODUCTION POTENTIAL OF FOREIGN FISHES INTO THE HUDSON BAY WATERSHED

Species	Potential for introduction	Potential for survival in Hudson Bay basin	Potential for biological impact	Potential for negative impact on Manitoba	Availability of information for evaluation
Pallid sturgeon	Low	High	Medium	Low	Low.
Shovelnose sturgeon	Low	High	Medium	Low	Low.
Paddlefish	Medium	High	Medium	Low	Medium.
Shortnose gar	Medium	High	Medium	Medium	Low.
Gizzard shad	High	Medium	High	Medium	High.
Rainbow smelt	High	High	High	High	High.
River carpusucker	Medium	High	Medium	Low	Low.
Smallmouth buffalo	Medium	High	Medium	Low	Low.
Utah chub	Low	High	High	Medium	Low.

Source: International Garrison Diversion Study Board Report, 1976, at 11.

PREDICTED IMPACT OF FOREIGN SPECIES ON MANITOBA FISHES

[Percent reduction in population size of commercially important Manitoba freshwater fish species, lowest/most likely/maximum]

	Lake whitefish	Lake herring	Walleye and sauger
Lake Winnipeg:			
North basin	25/50/75	50/75/99	25/50/75
South basin	0/5/10	0/5/10	25/50/75
Lake Manitoba	10/30/50	50/75/99	50/75/99

Source: International Garrison Diversion Study Board Report, 1976, Appendix C (Report of the Biology Committee), at 124.

MORATORIUM ON BANK ACQUISITIONS

Mr. PROXMIRE. Mr. President, I am pleased to join in support of legislation introduced by Senator GARN last Thursday establishing a moratorium on the acquisition of so-called nonbank banks and savings and loan associations by nonbanking firms. The moratorium would also stop bank holding companies from expanding into areas not functionally related to banking by taking advantage of favorable State laws such as the one recently enacted in South Dakota.

Normally I am reluctant to support a moratorium on new developments in the marketplace, especially when they involve innovative changes that will lead to improved goods and services for the people. But I do not think the recent developments in the banking industry can accurately be called innovations. Instead, they more closely resemble the actions of clever attorneys attempting to find a way around established public policy. To be sure, these policies need to be reassessed in the light of our modern economy. But if there is to be change, it should come as a product of careful deliberation by the Congress and not through the creative exploitation of loopholes by expansionist firms and their regulatory allies.

The basic policies that are threatened with erosion are those which seek to separate the business of banking from other commercial endeavors and especially the securities business. Why do we have such policies in the first place? One reason, of course, is to maintain the safety and solvency of our banking system by limiting risk. But equally important, in my judgment, is the desire to avoid a conflict of interest between the function of banking and other commercial and industrial activities. Banking is clearly an industry affected with a public purpose. The essence of banking is to allocate a scarce resource—credit—to those enterprises where it can be most productively employed. If bankers do their job well, the entire society benefits through higher economic growth. If bankers do poorly, society loses through lower rates of growth and productivity. Thus we all have a stake in seeing that bankers make their important credit judgments based solely on the economic merits of a project and not on the basis of some other competing consideration such as a desire to protect their own equity investment in a company.

This is why we do not permit banks to buy stocks and why we confine their activities to areas that are closely and functionally related to banking. We want to be sure that bankers are as impartial as they can possibly be in allocating credit among alternative uses.

The two laws which implement these concerns are the Glass-Steagall Act and the Bank Holding Company Act. The central purpose of Glass-Steagall is to separate the business of commercial banking from investment banking. The law grew out of the abuses during the 1920's when many large banks established securities affiliates. This was a nice arrangement for the bank, but it proved to be disastrous for the public. If, for example, a large New York bank made too many loans to a company or foreign government overburdened with debt, it did not have to run to the IMF of the Federal Government for a bail-out. It could bail out its own bad loans by refinancing them as bonds and selling them to their unsuspecting customers and correspondent banks. When the Great Depression came, many country banks found themselves loaded down with worthless paper sold to them by the security affiliates of their big city correspondent bank. The Congress decided to avoid such conflict in the future by separating the business of commercial banking from the business of investment banking.

Likewise, the Bank Holding Company Act is designed to keep commercial banks in the business of banking. The Bank Holding Company Act came about because banks and their attorneys had figured out a way to get around the direct restrictions placed on banks by the States and the Congress. For example, the National Banking Act limits national banks to certain enumerated powers plus all other powers incidental to the business of banking. Holding companies were formed primarily to enable banks to do indirectly through a holding company affiliate what they could not do directly as a bank—namely engage in activities that were not incidental to the business of banking.

Congress reacted to these developments in the marketplace by passing the Bank Holding Company Act of 1956 with amendments in 1970. The major thrust of the Bank Holding Company Act is to limit the activities of bank holding companies to those that are functionally related to banking. Thus while the powers available to bank holding companies are somewhat broader than the the powers of individual banks, there is still a fairly strict separation between banking type activities and other types of businesses.

I believe the major purposes behind these laws were valid when they were enacted and that they remain valid today. This is not to deny that these acts should not be broadened to permit a somewhat broader range of activities. Indeed, I have supported legislation permitting banks to underwrite municipal revenue bonds and to offer mutual funds. However, these decisions must be made carefully by the Congress on a case-by-case basis in order to preserve the underlying objectives these acts were designed to achieve. I certainly would not favor a wholesale repeal of the Bank Holding Company Act or the Glass-Steagall as some officials of the Reagan administration have suggested.

It is always possible, of course, that those who favor repeal are right in their contention that these laws no longer serve any legitimate public policy purpose. However, if this is what a majority in the Congress really believes, then these laws should be repealed directly by the Congress in a straightforward and upfront manner. The Congress should not by its silence or inaction be presumed to sanction the wholesale erosion of these laws by those who seek to get around them. In the absence of a definitive judgment by the Congress, the policies embodied in existing law must be deemed to be legitimate and valid.

This, then, brings me to the need for a moratorium to close several loopholes in our banking laws that have emerged in recent months. One loophole is the so-called nonbank bank whereby a nonbanking firm can acquire a bank outside the framework of the Bank Holding Company Act if the bank refrains from either making commercial loans or accepting demand de-

posits. When this occurs, the bank is deemed to be not a bank for purposes of the Bank Holding Company Act. This means any corporation in any line of business can acquire, own, and operate a bank as long as the bank does not accept demand deposits or does not make commercial loans. It would thus be entirely possible for a bank to raise money other than through demand deposits—while engaging in a full-scale commercial lending business and avoid regulation under the Bank Holding Company Act. General Motors could buy Chase Manhattan and legally operate it by converting its demand deposits to some other type of account or liability.

The second loophole is the dangerous precedent created by a South Dakota law allowing its State chartered banks to engage in all forms of insurance activities as long as the activities are conducted outside the State of South Dakota. South Dakota law also permits out-of-State bank holding companies to buy a State-chartered bank in South Dakota. The effect of these two laws is to allow a large bank holding company such as Citicorp to buy a South Dakota bank and use that bank to acquire a large insurance company that operates in the other 49 States.

The South Dakota law is especially egregious because it retains the traditional separation between banking and insurance within its borders. The potential for anticompetitive tie-in sales is, in effect, exported by South Dakota to the other 49 States. This is tantamount to a selective repeal of the Bank Holding Company Act by one State for the other 49. If other States follow this precedent, the Bank Holding Company Act will become a toothless shell.

I believe the Congress can and should address these issues on a permanent basis. But in the meantime, I believe we need a little time to preserve our options while we are considering legislation to further restructure the financial services industry. The Senate Banking Committee is nearing completion of a comprehensive series of oversight hearings on the financial services industry with particular attention being given to the need to update Glass-Steagall and the Bank Holding Company Act in the light of today's economy.

It is not my intention to use the moratorium as an excuse for avoiding decision on these difficult issues. Indeed, I believe a moratorium could have just the opposite effect of giving Congress a fixed deadline by which to complete action on whatever legislation may be needed to liberalize Glass-Steagall and the Bank Holding Company Act. In the meantime, we should not allow the actions of a few expansionist firms to foreclose or preempt the right of the Congress to reach a reasoned and deliberate judgment.

GOLDEN FLEECE AWARD FOR JUNE

Mr. PROXMIRE. Mr. President, I gave my Golden Fleece of the Month Award for June to the National Institute of Education (NIE). They failed, and failed badly, to keep tabs on a $900,000 Government contract. This failure resulted in about $500,000 of the taxpayers' money being blown on everything from unsecured personal loans to purchasing a disco and promoting a rock concert. Instead of doing their homework, the NIE bureaucrats were caught napping.

In my grade book, the NIE gets an F– for protecting the Nation's taxpayers but an A+ for promoting waste, fraud and abuse. They should be given a dunce cap, a good rap on the knuckles, and made to stand in the corner for a fiscal year.

This month's fleece, like most, has a humorous twist to it, but this one also merits review by the Justice Department. Therefore, I am sending the Attorney General a copy of the internal audit reports done by the Education Department. These reports are the basis of this fleece.

The NIE sponsors a number of conferences each year on topics such as Urban Superintendents Network and National State-of-the-Art Conference on Principalship. They hire consulting firms to arrange these conferences—a doubtful idea in itself.

These consultants are responsible for setting up the meetings, reimbursing those who attend for their travel costs, and paying honoraria when earned. The consultants submit their bills to NIE which should review them for accuracy and only then pay the tab. This is how things should work. But here is what the NIE let happen between January 1980, and May 14, 1981, when a bankruptcy spilled the dirty linen.

The NIE stood by while over $100,000 in personal loans were made. According to the Education Department auditors, "Our review showed that—the consulting firm—loaned three of its corporate executives $100,676 which was not repaid."

They turned a blind eye while Federal funds were used to support private, profitmaking businesses. At least nine unrelated firms were run from the same offices paid for through the NIE consulting contract. Yet up to 98 percent of overhead costs, including travel and pay costs, incurred by these unrelated businesses were charged to the NIE and, ultimately, to the taxpayer.

The auditors said that these businesses added to the Government's cost by using "administrative staff, space, communications, and so forth, at little or no cost to themselves." In addition to rock concerts and discos, these firms were involved in real estate speculation, mining ventures in Greece, and aircraft sales to Bangladesh.

The NIE handed over more than $70,000 to cover travel costs and honoraria for several conferences. Investigators discovered that this money did not go to the intended recipients. Because the NIE later had to pay these overdue bills, the poor taxpayers were socked twice with the same bill.

The NIE had received numerous indications that the contract had problems. They received five earlier warnings that travel costs were not being paid but continued with business as usual.

How could the NIE watch this mess develop and not stop it? The answer: the Contract Division thought the project officers, who were responsible for supervising the conferences, should also check the bills to make certain they were proper. The project officers—guess what—thought the Contract Division should be doing the checking. The bills, of course, were not checked, only paid.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I inquire if there is an order for morning business?

The PRESIDING OFFICER. There is. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 5 minutes each.

LA FESTA ITALIANA IN OMAHA, NEBR.

Mr. ZORINSKY. Mr. President, one of the truly special things about my hometown of Omaha is its ethnic diversity. Thanks in part to the railroad and meatpacking industries, Omaha is blessed with large populations of Poles, Lithuanians, Czechs and Croatians, among other groups.

The foundation of fiber of Omaha reflects the culture of these groups and their contributions to the city have been most noteworthy. Their presence gives Omaha a diversity and international flavor that is both significant and unique.

One of the most active of Omaha's ethnic groups is its American Italian community. More than 44,000 city residents are of Italian descent and Omaha's American Italian population has a consistent record of service to the city and its people.

The pride of Omaha's American Italians was demonstrated a year ago with the staging of a major Italian festival by the city's American Italian Heritage Society. "La Festa Italiana" ex-

plored Italian culture and heritage through songs, dances, food and handiwork.

So successful was the festival that more than 20,000 people attended and an even greater turnout is expected July 15 to 17 when the second annual La Festa Italiana is scheduled.

In honor of this event, Mayor Mike Boyle has proclaimed the week of July 11 "American Italian Heritage Week" in Omaha. I certainly join Mayor Boyle in this effort to say a small "thank you" to Omaha's American Italian community for its very considerable contribution to our city over the years.

Mr. President, the British orator and stateman, Edmund Burke, wrote that, "People will not look forward to posterity who never look backward to their ancestors." During the week of July 11 and especially during La Festa Italiana July 15 to 17, Omaha's American Italian community will be pausing to remember and revere its Italian roots. In doing so, I have no doubt it will also be going a long way toward assuring a permanent place in Omaha's future for this very special segment of the city's population.

LEGISLATIVE BRANCH APPROPRIATIONS BILL

Mr. MATHIAS. Mr. President, the provision in the legislative branch appropriations bill passed last Thursday by the Senate which provides for the procurement of computer equipment by Senators' offices is an example of legislation on an appropriations bill that often results in unintended consequences because adequate opportunity is not provided for the committee of substantive jurisdiction to consider the matter. It is ironic that this action has been taken when we are midway in a test or experiment that will lead to new computer acquisition policy.

The amendment opens up the possibility for monumental waste of money and time, unless there are adequate administrative safeguards.

The purchase of computer equipment which is both economical and suitable for an office's requirements requires technical knowledge that some Senators may have and some may not. As in any field, advertisements and demonstrations are often not adequate to provide a basis of comparison between different options. It is only through extended use that the differences become clear and some products are revealed to be suitable and others not.

Computer equipment is more expensive and the technical considerations more complex than is the case with other supplies and equipment that Senators have discretion to purchase. These procurements can amount to hundreds of thousands of dollars. In the case of supplies and equipment that Senators can now purchase, if a mistake is made, the dollar impact is not disastrous. Mistakes in the purchase of computers could run in the millions of dollars. Also, no one in the Government has the option of large purchases without adhering to fair and competitive consideration of all legitimate suppliers, and it should remain necessary for the Senate to continue to follow the same kinds of procedures.

Under the proposed provision, I can foresee individual staff members persuading their office managers to buy the latest gadget they have seen advertised, only to find out that it does not do much of anything useful for them or work out as they expected. After the novelty wears off, we might not have enough warehouse space to store the discards from this new process.

I am aware that some offices are unhappy with the current correspondence management system. We know that CMS, which was once among the most advanced systems, has been superseded by new technology, and we are now in the process of providing for a replacement. Like CMS, the replacement will be the most advanced and most economical system available and will be tailored to the needs of the Senate. We also are in the middle of a test of office automation equipment to address the other needs of Senators' offices. Twelve offices are experimenting with equipment from six vendors and we will be evaluating the results in a few months. Then we will move to acquire office automation systems for Senators. With the help of the offices participating in the test and of other Senators and committees, we are confident that this process will produce systems that meet Senators' requirements in an economical manner. This could be a single system or it could be multiple systems from which offices could choose.

The provision in the legislative appropriations bill does not distinguish between Washington and home State offices. As Senators know, there is no inventory control over equipment in home State offices, and the potential for scandal in the diversion of such equipment to private use should be of great concern. If anyone doubts this possibility, I refer them to an article in a recent Washington Post about large scale losses of equipment at the University of the District of Columbia as a result of similar procedures.

The diversity of equipment that could result would greatly complicate training and support. Operators skilled on one system would not necessarily be able to use systems in other offices, thus restricting employment opportunities and destroying the pool of expertise that helps all offices through the exchange of information among users.

I am concerned about the far-reaching potential for waste and inefficiency. Fortunately, the provision requires that such purchases have the prior approval of the Committee on Rules and Administration. The Rules Committee has always taken seriously its reponsibilities to insure that appropriate and cost-effective services were provided to the Senate, in ways that were fair to all potential vendors of such services, and in ways designed to protect the Senate from the kinds of procurement scandals that one so often reads about in government agencies. We will, of course, continue to do so. The Rules Committee will meet soon to consider what procedures and criteria should be applicable to these procurements. I invite Senators to share their views on this subject with us.

MAXIMUM ALLOWABLE RATES FOR USE OF PRIVATELY OWNED AUTOMOBILES

Mr. MATHIAS. Mr. President, I wish to announce that as of June 19, 1983, the maximum allowable rate for use of privately owned automobiles is 20.5 cents per mile instead of the current 20 cents per mile. I ask unanimous consent that a copy of a letter I have sent to all senatorial offices explaining this order be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON
RULES AND ADMINISTRATION,
Washington, D.C., June 17, 1983.

DEAR SENATOR: This is to inform you that the Administrator of General Services has, under the provisions of Section 5707 of title 5 of the United States Code, issued regulations which have increased the maximum allowable rate for use of privately owned automobiles from 20 cents per mile to 20.5 cents per mile for all travel on and after June 19, 1983.

Under the authority vested in this Committee by subsection 8 of section (n)(1) of rule XXV of the Standing Rules of the Senate and by section 68 of title 2, United States Code, the above increased rate is hereby made effective for Senate travelers for all travel on or after June 19, 1983.

Please note that the rates for use of privately owned motorcycles and privately owned airplanes will continue to remain at 20 cents per mile and 45 cents per mile respectively.

Your attention is again called to the fact that, as in the past, the above rates are the maximum allowable rates and that it is the responsibility of each Senator and Chairman to set such rates as will most nearly compensate the traveler for necessary expenses.

Sincerely,
CHARLES MCC. MATHIAS, JR.,
Chairman.

TRUCK SIZE AND WEIGHT LIMITS

Mr. SYMMS. Mr. President, last December Congress passed the Surface Transportation Assistance Act of 1982 (STAA), a much needed law that will raise more than $72 billion over 5 years to help restore and rebuild our Nation's highways. The groundwork for this legislation had been established over a period of more than 1 year in the Surface Transportation Committee of Senate Public Works, which I chair. Given its size and scope, the STAA was one of the most important pieces of legislation this body considered and passed last year.

One of the key provisions in STAA was the establishment of nationwide uniform truck size and weight limits which included the mandatory gross vehicle weight limit of 80,000 pounds to be applied in all States and the requirement for all States to allow the use of twin trailers. It should be noted that most States already had similar size and weight provisions. In the case of the weight, for example, all but three States already allowed 80,000 pound trucks; regarding the twin trailer requirement, 36 States were permitting their operation. The STAA size and weight requirements were necessary to being the remaining States into the prevailing norm and thereby produce a system of contiguous interstate size and weight requirements, as well as to enhance for a free flow of commerce in our country.

These changes were also important to help boost productivity and efficiency in our beleaguered trucking industry. Indeed, these productivity improvements were widely regarded as a trade-off for the steep tax increases that were levied on the trucking in the STAA—increases that in the heavy vehicle use tax alone exceeded 800 percent.

To implement the new law, the Federal Highway Administration announced on April 6 an interim network of Federal aid highways to which the new size and weight laws apply. After the announcement, a few States objected, and in most cases, their objections are now being addressed by FHWA. One, though, Connecticut, took the extreme action of defiantly passing a State law banning twin trailers within the State, effective April 5. This led the Justice Department to take Connecticut to court, challenging their unilateral ban, on May 27.

I, for one, am glad to learn that on June 13, U.S. District Court Judge Jose Cabranen issued an injunction on the ban. In part, his decision reads, "Where federal and state statutes conflict, the Supremacy Clause of the United States Constitution, Article VI, provides that the State statute must give way," he stated. "In general, the power of Congress to pre-empt state legislation affecting interstate commerce is sweeping."

Mr. President, I applaud Judge Cabranen's decision, which upholds the integrity of our interstate system of commerce and respect the recent work of this body in the Surface Transportation Assistance Act of 1982.

As a reflection of my feelings on this matter, I would like to share with my colleagues an editorial from the June 15 edition of the Journal of Commerce which further elaborates on the decision, and encourages Connecticut of rejoin our interstate system. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FOREGONE CONCLUSION

Could anyone have doubted that Connecticut's ban on tandem-trailer truck rigs would be found unconstitutional, as it was this week in a federal court in Hartford? Can anyone believe that the higher courts to which Nutmeg State officials appeal will find otherwise?

The answer to each question has to be an emphatic "no." It is difficult to believe that even politicians in Connecticut think their ban on interstate commerce—in direct violation of a new federal law—does not violate the Constitution.

But those politicos vow in ringing tones to take the case all the way to the Supreme Court. They already have begun the process, which could take months.

And that strikes us as rather cynical conduct. For there can be only two beneficiaries of such litigation: the Connecticut politicians, who can make political hay even if they know they will lose the case, and the lawyers who handle the litigation.

To recap briefly, the Surface Transportation Assistance Act of 1982 was passed to raise more than $5 billion for the nation's deteriorating highway system.

Most Americans will feel the law only through its nickel-a-gallon increase in the federal gasoline tax. The act hits recession-battered truckers, however, with crushing tax hikes—for example, raising the current highway user tax of $240 to a new tax of $1,900 for the heaviest trucks.

As quid pro quo, the equity of which truckers still question loudly, the act increased nationwide limits on truck size and weight and authorized small twin-trailer rigs to help truckers boost productivity. Most states already had similar limits; 36 allow the twin-26-foot tandem rigs the law authorizes and a number allow triple rigs and twin-45-foot tandems.

The Federal Highway Administration unveiled April 6 an interim network of interstate and other primary federal-aid highways on which the new truck-size limits apply. A handful of states objected. Most have been talking it out with federal government; not so Connecticut, which acted pre-emptively on April 5 with a law banning tandem rigs. After attempting to negotiate, the federal government went to court May 27.

U.S. District Judge Jose Cabranes best summed up the situation this week as he issued his injunction against the ban. It was not a difficult constitutional question, he said.

"Where federal and state statutes conflict, the Supremacy Clause of the United States Constitution, Article VI, provides that the state statute must give way," he said. "In general, the power of Congress to pre-empt state legislation affecting interstate commerce is sweeping."

Clearly, it is time for Connecticut to back off, follow the law that even its own congressmen favored, and work with the federal government in trying to fine-tune the law's provisions.

THE LEGISLATIVE VETO AND U.S. TRADE LAW

Mr. DANFORTH. Mr. President, last week's Supreme Court decision striking down the so-called legislative veto is likely to have a profound impact on several provision of U.S. trade law. Among these are provisions of the Trade Act of 1974 relating to relief from injurious imports and extension of nondiscriminatory (MFN) trading status.

In the coming months, it is my intention to reexamine those provisions of trade law affected by the Supreme Court's decision. As chairman of the Subcommittee on International Trade of the Committee on Finance, I would expect to hold hearings and, as necessary, seek changes in U.S. trade law to insure that they continue to function as intended by Congress.

As with all matters related to the regulation of commerce, the Constitution grants the power to regulate foreign trade to the U.S. Congress. Congress has chosen, over the years to delegate much of the responsibility for the administration of our trade laws and the negotiation of trade agreements to the Executive. Instruments, such as the legislative veto, have been used by Congress to safeguard its interests in the operation of our trade laws. Whether with respect to the granting of import relief under section 201 of the Trade Act, the freedom of emigration provisions relating to East-West trade, or other parts of trade law, it is of paramount importance that Congress retain control over the process.

Mr. President, that said, I look forward to working with my colleagues in the reexamination of those provisions of U.S. trade law affected by the recent Supreme Court decision.

Mr. HEINZ. Mr. President, I think the Senator from Missouri is quite right in his concern about the implications of the Supreme Court's decision on our trade laws, particularly section 201. The last three Presidents have a nearly unbroken record of deviating from International Trade Commission recommendations, invariably to the detriment of the domestic industry.

Despite that record, the legislative veto in the escape clause provision has never been successfully used. In fact, to my knowledge, it has been attempted only twice, both during the Carter

administration. On one occasion the Subcommittee on Trade of the House Ways and Means Committee voted to override a Presidential decision on industrial fasteners. The matter got no farther than that when a compromise was worked out which involved initiating a national security investigation under section 232.

The second case involved the President's decision in 1980 not to provide any relief beyond adjustment assistance in the leather wearing apparel case, despite a unanimous commission vote. The Senate overrode that decision, but the Subcommittee on Trade of the Ways and Means Committee failed to do so by one or two votes.

Despite this modest history, the presence of this provision has clearly had an impact in encouraging the President to adhere more closely to Commission recommendations. The leather apparel close vote, for example, I am convinced was an influential factor in the President's decision on mushrooms a month later.

As the Senator from Missouri knows, I have long been a critic of the interagency process used to produce deviations in these cases. My observation—and I have watched these episodes very closely—has been that the various agencies take predictable positions for or against import relief and that the bargaining that ensues produces satisfactory political compromise between agencies but loses sight of what makes economic sense for the affected industry. The result, more often than not, has been less than half a loaf which creates the illusion of relief but provides no real help and promotes no real adjustment.

Last year, in an effort to solve that problem I included in my omnibus trade bill (S. 2497) a requirement that Congress authorize, by resolution, any action the President proposed to take that differed from the ITC recommendation.

This year my industrial revitalization Act (S. 849) requires the imposition of the ITC recommendation, although it also includes a major, even decisive, role for the Government in fashioning the proposed relief at an earlier point in the process.

Mr. President, those are longer term solutions that will need the study and hearings the Senator from Missouri suggests. Right now, however, we have a more immediate problem, and that is the pending specialty steel 201 case. The President must make a decision in that matter by July 5.

This decision will be a critical test for the statute, not to mention the industry. The President himself initiated this case last November, and came close to determining its outcome as well in his public statement. The President said:

The injury to the domestic industry is clear. The specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry. Its output is used in a wide range of demanding applications critical to an industrial economy and thus commands a price far higher than ordinary steel.

A partial remedy against unfair imports can be rendered meaningless by a substitution of new foreign suppliers for those whose shipments are affected. Thus, the specific subsidy complaints could lead to a remedy that fails to resolve the overall import problem. Moreover, dealing with the specific subsidy problem itself probably would not have a great impact on world steel trading environment in which our industry must compete. Subsidies are only one of a wide range trade restrictive and trade distortive practices that many of our trading partners engage in to protect their industries and to stimulate exports. If we are ever to put an end to constant trade disputes in steel, we must stop dealing with discrete import and export issues in insolation and instead begin a coordinated approach to the problem.

Mr. President, if ever there were an appropriate candidate for the use of the escape clause mechanism, it is the specialty steel industry. The President asked for the case. Injury is clear—the Commission was unanimous except for one product. There is also no dispute that the imports coming into the United States are unfairly traded. The industry has initiated and won a series of dumping and subsidy cases against most of the major producers. Unfortunately those actions will not provide sufficient relief. The subsidizing producers will simply subsidize all the more: which, by the way is the argument against tariffs and for quotas as a form of relief. In addition, our laws move so slowly, a number of the cases have only recently been completed.

The industry effectively utilized its last period of import relief, from 1976 to 1980, to modernize, install new technology, and make itself competitive with any producer in the world, as long as they play by the same rules. Unfortunately during that same period 500,000 to 700,000 tons of new capacity was built elsewhere in the world, much of it subsidized, most of it for exports. Thus the U.S. industry, despite doing everything it was supposed to do, finds itself similarly threatened today by producers uninterested in the free market and uninterested in where real comparative advantage lies.

Mr. President, I have in the past spoken at length on the Senate floor on the specialty steel industry, its problems, and its importance to our economy and our national security. I will not repeat those remarks now.

I do want to make clear, however, what will happen if adequate relief is not approved.

First, there will be a serious, and I expect successful effort to restore the specialty metals clause to the defense appropriation. The industry acquiesced in the weakening of this clause, through the inclusion of the so-called NATO waiver, in the supplemental appropriation. In doing so, they gave up permanent and significant protection in the expectation of temporary but GATT-consistent import relief. If they do not get it, the specialty metals clause will return.

Second, the Congress will have to act to reverse the President and impose appropriate relief. The Supreme Court decision makes the use of the existing legislative veto problematical. Accordingly I am today introducing legislation to amend the escape clause mechanism to provide that the President must either implement the ITC recommendation, or, if he chooses to do something else, he must submit it to Congress as legislation which would be considered in 30 days under the fast-track procedures in section 151 of the Trade Act of 1974. Under these procedures the President's proposal could neither be delayed nor amended. A vote would be guaranteed. At the same time Congress would continue to have the role provided by the legislative veto. I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Section 203(a) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(a)(1) If the President proclaims the import relief recommended by the Commission, or announces his intention to negotiate one or more orderly marketing agreements pursuant to the Commission's recommendation, the President shall on the date such proclamation is made transmit to Congress a document setting forth the action he is taking under this section.

"(2) If, on the basis of advice received under section 202(b), the President determines that the provision of the import relief recommended by the Commission is not in the national economic interest of the United States and that there are alternative recommendations which offset the material injury or threat thereof to the industry to the same extent to which the Commission's recommendations offset such injury or threat thereof, the President shall transmit to Congress a document which sets forth—

"(A) such determination,

"(B) the reasons why providing that import relief recommended by the Commission is not in the national economic interest,

"(C) information with respect to—

"(i) what actions (other than adjustment assistance programs immediately available) the President proposes to take to help the industry overcome material injury or threat thereof and the workers to find productive employment, and

"(ii) how such actions will overcome such material injury or threat thereof to the same extent as the Commission's recommendations, and

"(D) proposed legislation to implement the President's recommendations.".

SEC. 2. Section 203(b) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(b)(1) The President's proposal under subsection (a)(2)(D) shall be treated as an implementing bill pursuant to the provisions of section 151, except that, for purposes of section 151(c)(1), no trade agreement shall be required and the day on which the implementing bill is submitted shall be treated as the day on which the trade agreement is submitted; and for purposes of section 151(e) (1), and (2) the 45-day period shall be reduced to 15 days.

"(2) The President shall no later than the 31st day after the submission of such proposal—

"(A) proclaim the actions recommended by the Commission under section 201(d) if Congress fails to enact legislation under paragraph (1), or

"(B) take the action recommended by him if the Congress has enacted the legislation under paragraph (1).".

Mr. HEINZ. Mr. President, I believe this proposal can stand on its own merits. However, I would also like to see it enacted in time to respond to an unsatisfactory specialty steel situation, should that prove necessary.

Can the Senator from Missouri provide some encouragement in that regard?

Mr. DANFORTH. I certainly appreciate the concerns expressed by the Senator from Pennsylvania. Should import relief be denied in the specialty steel case—particularly in view of the virtually unanimous ITC recommendation—the operation of section 201 without the veto provision would immediately be called into question.

Although I have not had the opportunity to examine the Senator's legislative proposal, it seems to me that his or a similar arrangement may turn out to be the way to proceed. In any event, I, too, will be watching the specialty steel decision and would expect it to influence the actions of the Congress as we move to reexamine section 201 in the coming months.

As I indicated in my initial comments, I will do my best to schedule hearings on the impact of the Supreme Court's decision as soon as practicable.

PRESIDENTIAL CLASSROOM

Mr. GLENN. Mr. President, as someone deeply concerned about the quality of American education, I am particularly pleased to congratulate the 1983 Presidential Classroom of Young Americans, especially the six students selected from the State of Ohio.

They are: Craig Aaron Kaiser, Teays Valley High School, Ashville; Lisa C. Young, West Jefferson High School, West Jefferson; Darrin N. Chatman, Malabar High School, Mansfield; Kevin Todd Kinsey, Mansfield Senior High School, Mansfield; Kristin Lyn Lutz, Malabar High School, Mansfield; and Sarah Stahlheber, Mansfield Senior High School, Mansfield. Each of these students compiled as impressive record as leader, scholar, and participant in school and community activities.

As they prepare for careers, I know these students will continue a commitment to the same high-quality performance that merited their selection for the Presidential classroom program. It is refreshing to know that some students still place a high value on academic excellence. As we look to the future, these students remind us that inquisitive young minds represent our best hope to harness knowledge for human purpose. Just as they have learned to demand so much from themselves, these young leaders will be expected to contribute much to their society. I know they are equal to the challenge.

Again, I say congratulations to these outstanding students, but also to the families, friends, and teachers who contributed to their achievement.

TIMOTHY Q. KIME—A VERY SPECIAL OHIOAN

Mr. GLENN. Mr. President, on Thursday, June 30, the American Optometric Association will meet here, in Washington, to confirm a very special Ohioan, Timothy Q. Kime, O.D. of Toledo, to its highest elective office. It is a pleasure for me to join his friends and colleagues in honoring Dr. Kime on his election as president of this fine organization.

Dr. Kime has served his profession and the people of Ohio with great distinction for over two decades. Since graduating from the Ohio State University College of Optometry in 1961, Dr. Kime has devoted much of his time to the advancement of optometry and eye care at the local, State and national levels. At the same time, Dr. Kime has given freely of himself to many noble civic endeavors. His many hours of community and professional service include serving as president of the McKinley School PTA, member of the board of directors of the Conlan Center for the Severely Handicapped, secretary of the Health Planning Association of northwestern Ohio, president of the Maumee Valley Optometric Association and president of the Ohio Optometric Association.

Throughout his career in the health care field, Dr. Kime has exhibited an overriding commitment to improving the vision care and health of all Americans. It is most fitting that this commitment has been recognized and rewarded by his colleagues. I am proud that a fellow Ohioan has reached the top of this important health care profession, and I wish Dr. Kime great success during his tenure as president of the American Optometric Association.

PRESIDENTIAL SCHOLARS

Mr. GLENN. Mr. President, as someone deeply concerned about the quality of American education, I am particularly pleased to congratulate the 1983 class of Presidential scholars, especially the two selected from the State of Ohio. Brian D. Bryant, Walnut Hills High School in Cincinnati, and Jan Fischer, Upper Arlington High School in Columbus, compiled impressive records as leaders, scholars, and participants in school and community activities to earn this recognition. The highlight of National Recognition Week was the awards of Presidential medallions to the 141 distinguished young men and women during special White House ceremonies.

As they prepare for careers, Brian at Stanford University and Jan at Wake Forest University, I know these graduating seniors will continue a commitment to the same high-quality performance that merited their selection as Presidential scholars. It is refreshing to know that some students still place a high value on academic excellence. As we look to the future, Brian and Jan serve to remind us that inquisitive young minds represent our best hope to harness knowledge for human purpose. Just as they have learned to demand much from themselves, so the Presidential scholars will be expected to contribute much to their society. I know that Brian and Jan are equal to the challenge.

Again, I say congratulations to these outstanding students, but also to the families, friends, and teachers who contributed to their achievement.

DISABLED PERSONS

Mr. GLENN. Mr. President, I would like to express my strong support for amendment No. 1400 to the supplemental appropriations bill. This amendment suspends periodic reviews of disability beneficiaries having mental impairments until the Social Security Administration reforms the disability determination process. It is the same as S. 1144, a bill I have cosponsored. This temporary moratorium is urgently needed to protect mentally disabled persons who are particularly vulnerable and defenseless under the continuing disability review program.

In 1980, Congress passed amendments to the Social Security Act to tighten up eligibility for the disability program. The law requires the Social Security Administration to review the cases of disabled workers at least once every 3 years. Reports by the General Accounting Office and the Social Security Administration indicated that many beneficiaries in the program, perhaps 20 percent, were not really disabled.

Congressional action to improve the disability program by weeding out nondisabled persons was necessary and sincere. However, the Administration's implementation of the 1980 amendments has been overzealous. Since the review process began 2 years ago, the Social Security Administration has terminated 45 percent of the beneficiaries reexamined. Investigations by several congressional committees indicate that many severely disabled persons are being erroneously terminated from the disability insurance program, only to wait, without benefits, through the lengthy appeals process. In my State of Ohio during 1982, 18,000 disabled beneficiaries were reviewed by the Social Security Administration and 42 percent of these persons were terminated from the rolls. However, if the terminated beneficiary appeals his case to the administrative law judge level, disability benefits are reinstated at a 67-percent rate. In the meantime, these persons suffer financial hardship and emotional trauma. Some disabled persons have committed suicide, others have died of medical conditions that were ruled "non-disabling," and others have lost their homes after being terminated from the disability program.

Many of the persons terminated from the disability program have been mentally impaired persons. At the request of the Special Committee on Aging, the General Accounting Office (GAO) examined 75 cases and interviewed about 200 disability examiners in Ohio and three other States. The results of the GAO study were presented at a hearing of the Aging Committee and indicate that the procedures used to review the cases of mentally ill people are seriously flawed. Among the shortcomings in this process, GAO found that 10 States did not employ any psychiatrists for use in the review process, mentally ill persons were not given a realistic evaluation of their ability to work, and examiners were encouraged to stress the positive activities that a beneficiary could do—such as feeding a cat or watching TV. Severely ill persons without the capacity to relate to other human beings have been terminated from the disability rolls because of their ability to boil an egg or attend a movie. The GAO findings parallel the ruling of a Federal court which decided in favor of a group of mentally disabled persons. The court found the Social Security Administration procedures to be arbitrary, capricious, and irrational.

Last week the Department of Health and Human Services announced a series of disability reforms which include a temporary moratorium on the reviews of about two-thirds of the mentally disabled. This action will apply to persons suffering from psychotic disorders. While this moratorium is helpful, it does not go far enough. Other persons with severe nonpsychotic disorders, such as mental retardation and suicidal depression, should also be exempt from the reviews. This amendment will halt the reviews of all mentally impaired persons for a 6-month period until the Social Security Administration, in consultation with psychiatric experts, revises the criteria used to determine mental disability.

While this amendment addresses the critical problems faced by mentally impaired individuals during the disability review process, additional comprehensive reforms are needed in the review process for all disability beneficiaries. I have cosponsored S. 476, a bill which corrects the most serious shortcomings in the review process. I urge my colleagues to adopt both of these bills so that we can improve the disability program and more effectively remove nondisabled persons without unfairly hurting truly disabled persons.

AIRCRAFT SAFETY

Mr. GLENN. Mr. President, the recent tragedy which resulted in the loss of human life aboard an Air Canada flight despite the outstanding performance of the flightcrew and the air traffic control service in bringing the aircraft down at the Greater Cincinnati Airport has drawn attention to the need for action to enhance prevention, detection and control of fire aboard aircraft.

On Friday of last week, President John A. Gannon of the International Association of Firefighters (AFL-CIO) noted in a Washington news conference that 10 years have passed since an onboard fire took 124 lives despite another successful landing at Paris, France. He asserted that "years of neglect" have gone by without effective action, and added that a pending recommendation could result in reduced crash and fire protection at numerous domestic airports.

Mr. President, I am pleased that hearings have begun before the Transportation, Aviation and Materials Subcommittee of the House of Representatives on aircraft cabin fire safety research and other critical safety issues. And I commend the International Association of Firefighters and especially its president, Jack Gannon, for forcefully pressing this issue, and I ask unanimous consent that Mr. Gannon's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE NEED FOR CONGRESSIONAL HEARINGS ON AIRCRAFT CRASH/FIRE SAFETY, IN FLIGHT AND AT AIRPORTS BY JOHN A. GANNON

On behalf of the membership of the International Association of Firefighters, AFL-CIO, we strongly urge Congress to hold hearings immediately to determine why the Federal Aviation Administration has not taken action to enhance aircraft safety regulations in the following areas: aircraft interiors, smoke detector systems, crash/rescue manpower/training, firefighter protective clothing, firefighter respiratory protection, extinguishing agents.

While public attention has recently been focused on the airplane fire problem as a result of the recent Air Canada tragedy, the problem is not a new one. Ten years ago, in 1973, an aircraft made an emergency landing in Paris, France, after a fire in a plastic waste basket near the lavoratory was discovered. Despite a successful landing, some 124 people died from inhaling toxic fumes given off by the burning synthetic materials used in the aircraft's interior.

While the FAA has lagged behind in issuing regulations to enhance the fire safety of aircraft interiors, it is considering taking actions that could further jeopardize the safety of aircraft passengers during an emergency situation. The FAA has been reviewing various recommendations in a contract study which, if and when adopted, would permit airports to keep existing certification without crash/fire rescue units stationed at the airports. Consideration of this proposal is based on a false idea of "Economy". These actions could eliminate all crash/fire protection services for several hundred class AA, A and B airports. In an emergency, there might not be any professionals present to put out a fire, or save the victims of a crash.

Furthermore, training of flight crews frequently requires knowledge only of the extinguishing systems onboard without provision for any practical experience with the systems.

Effective interior aircraft fire fighting and rescue efforts are also hindered by the fact that the FAA has not kept up with advances in protective clothing and equipment for fire fighters. There is no national standard for airport fire fighter protective clothing: coats, pants, gloves, and hoods. As a result, varying protection is afforded fire fighters, depending upon which airport they serve. Many current protective garments are currently made of asbestos, which poses a cancer risk to the fire fighters, even though safer materials, such as aluminized kevlar, are now readily available.

Likewise, there is no FAA requirement for firefighters to wear self-contained breathing apparatus and as a result it is not usually furnished. Firefighting and rescue efforts in the interior of the aircraft are thus severely limited, due to the smoke and other toxic products of combustion produced by the burning of synthetic materials present in aircraft interiors. Furthermore, most aircraft firefighting protective clothing is not designed to interface properly with self-contained breathing apparatus.

It is also evident that the extinguishing systems most commonly utilized by the airline industry have particular problems. For example, Halon 1211 when heated decomposes into toxic substances that could result in death. Further research efforts are needed to produce extinguishing systems that are both effective and nontoxic.

Materials used in airplane interiors include polycarbonate, polypropylene, polyurethane and polyvinylchloride, which when burned break down into various chemical fumes which may be odorless and colorless and are sometimes toxic and carcinogenic. Often, these toxic fumes begin to be

given off long before the plastic actually catches fire.

The FAA has been researching materials which can reduce toxicity and flammability since the early 1970's. Yet, there are still no requirements for airlines to install materials that are nontoxic and nonflammable. FAA has also refused to issue regulations requiring smoke detectors in all aircraft lavoratories despite recommendations to do so from the National Safety Transportation Board about 10 years ago.

Years of neglect have gone by without action from the FAA. It is time that our elected representatives in Congress demand that FAA take actions to improve aircraft safety.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Will the Chair inquire if there is further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CONSTITUTIONAL AMENDMENT ON ABORTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar No. 235, Senate Joint Resolution 3.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 3) to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary with an amendment, as follows:

On page 2, strike line 6, through and including line 10, and insert "Constitution";

So as to make the joint resolution read:

S.J. Res. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE. —

"SECTION . A right to abortion is not secured by this Constitution.".

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for the delay this morning, after laying before the Senate the resolution, was the hope that we might be able to get a unanimous-consent agreement that would provide against any amendment to this resolution, which I understand is the wish of the principal sponsors and the principal opponents, and that we might get a time certain for final passage or limitation on the time for debate.

It would be a little short of a miracle if we got that, but I wish to report that on our side at least it looked as if we may be able to do that. I hope we will be able to get such an agreement a little later, but it is not possible for a variety of reasons relating to the presence of Members in the Chamber to do so now.

Therefore, the managers on both sides have agreed to go forward with their opening statements and the beginning of debate.

I wish to say, however, that it is my intention to try to get such an agreement sometime during the course of this morning.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, a decade ago, the Supreme Court inaugurated our nationwide policy of abortion on demand, an abortion policy more radical than that of any nation with the possible exception of the People's Republic of China. Moreover, this decision changing the life of every American was neither the product of a vote of our people nor enacted by our legislators. Nor a single State had such an unrestricted abortion doctrine before the Court decreed such to be our single national policy of January 22, 1973. The consequences of this act are undeniable: the death of more than 15 million unborn children is a grim monument in this country.

In the intervening years since that judicial edict, this body has often convened to discuss tangential aspects of the questions raised, but not disposed of, by the Surpeme Court. We have discussed Federal funding of abortions; we have discussed limitations on Federal court jurisdiction relative to abortion; we have even discussed insurance coverage for abortions. Today, however, we are embarking on an historic debate. For the first time, the Senate will examine directly the merits of our radical abortion policy. This is the debate amongst representatives of the people that was not held 10 years ago when America fell subject to this indulgent policy. This is the chance America did not have then to carefully weigh all the implications of permitting wholesale abortions. This is the opportunity Americans did not enjoy then to participate in the decision by apprising their Senators of their own unique and informed vantage points. This is the occasion America did not have to consider what other options might guarantee maternal safety while protecting the unborn. This is our national opportunity to reconsider *Roe* v. *Wade*, 410 U.S. 113 (1973).

Roe against Wade and its companion case, *Doe* v. *Bolton*, 410 U.S. 179, (1973) granted abortion the elevated status of a fundamental constitutional right and invalidated almost all effective restrictions on abortion throughout the 9 months of pregnancy. The only apparent restriction in Roe's abortion policy, permission for a State, in the third trimester of pregnancy, to regulate abortion, unless necessary to preserve the "health of the mother," 410 U.S. 132, was simultaneously withdrawn by Doe which defined the health exception broadly enough to encompass the mother's physical, emotional, or psychological well-being. 410 U.S. at 192. In the words of Prof. John Noonan of the University of California Law School, the absolute and plenary right to abortion created by the Court was curbed in the final stages of pregnancy only by the "necessity of a physician's finding that she needed an abortion." Noonan, Private Choice, 12 (1979). In short, no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy. Any lingering misconceptions about the extreme scope of the right to abortion created by the Court were laid to rest on June 15, when the Court struck down even simple State laws requiring a 24-hour waiting period for elective abortions and requiring the attending physician to inform the patient of the risks and effects of abortion.

Frankly, it is this rule of abortion on demand imposed upon a citizenry whose values are sharply at variance that has caused a decade of intensive divisions and passions on the issue of abortion. I have said that we are embarking on our first true debate of the abortion controversy, but in a sense, we are only continuing a debate that has already raged amongst the people of the United States for more than 10 years. The focus of the Senate aspect of this intense national confrontation will be Senate Joint Resolution 3, the human life Federal amendment. Senate Joint Resolution 3 is a modest measure, in that it merely overrules Roe against Wade without establishing a national policy on abortion.

I heard on network news this morning that this amendment's purpose is to overrule abortion. This amendment makes no such claim.

The only claim of this amendment is to overrule Roe against Wade without, and I emphasize "without," establishing a national policy on abortion.

Senate Joint Resolution 3 simply reverses Roe and thus restores the status quo that existed for nearly two centuries. The States could replace the Supreme Court's extreme policy with policies tailored to respect, to the maximum degree possible, both maternal health and the life of the unborn.

I will return to explain more fully the legal operation of Senate Joint Resolution 3.

Meantime, we are left to contemplate the policy which Senate Joint Resolution 3 will replace, namely the Roe decision. Its effects are painfully apparent. The primary effect is, of course, the loss of more than 10 times more American lives than were lost in all of our Nation's wars lumped together.

We prepared this first chart to show that. We have left off a few wars, but basically even if you add those to the wars already listed, very few casualties would be added to the total. The war on the unborn has cost 10 times the human lives of all of our wars put together. It is a stark fact, and I think the American people need to know that there have been 15 million abortions in this country since Roe against Wade. I think that is pretty important to understand.

Of course, when the cost of Roe in terms of lives is at stake, I must unequivocally reiterate my utmost dedication to preserving the life of the mother, even to the point of denying the unborn child's right to life if absolutely necessary. Preserving a mother's life is hardly at stake, however, when abortions are performed in America at the rate of over 4,000 per day, nearly 170 per hour, and 3 per minute. Preserving the life of the mother is hardly at stake, when in some American cities, like the Nation's Capital and its largest city, more children are aborted than are permitted to be born alive. Nor can preserving the life of the mother be the explanation for the skyrocketing increase in total abortions since Roe.

This chart shows how the increase of abortion has dramatically skyrocketed since the 1973 decision of Roe against Wade. A significant aspect of this particular chart shows that illegal abortions still continue.

The information on this table has been gathered from the U.S. Center for Disease Control, from Alan Guttmacher Institute, and Syska, Hilgers, and O'Hare, "New Perspectives on Human Abortion," chapter 13.

I might emphasize these are very conservative figures; they are not liberal figures. I personally believe, and there is much evidence of the fact, that we are aborting the unborn at a rate of almost 2 million, if not more, annually.

The next chart to which I wish to draw my learned colleague's attention should put into perspective some inflated claims regarding total numbers of abortions before and after the Supreme Court's abortion rulings of 1973. The claim has been made that over 1 million illegal abortions were performed annually before the legalization of abortion, and therefore that legal abortions have simply replaced those previously performed without sanction of the law. This chart shows that legalization has actually led to a remarkable increase in the total number of abortions.

The lower broken line on this chart represents the estimated number of illegal abortions from 1952 to 1978. Illegal abortions, by their very nature, cannot be directly recorded, and the debate on this issue has been plagued by wild guesses. In 1958, for example, a Planned Parenthood conference in the United States concluded that the number could be "as low as 200,000 and as high as 1.2 million * * * there is not objective basis for the selection of a particular figure between these two estimates."

More recently, however, Dr. Thomas Hilgers of Creighton University and his colleagues have arrived at a way of determining the number more objectively. These researchers recognized that while there were no records of illegal abortions as such, there were fairly complete records of maternal deaths due to illegal abortion. It may be easy to hide an abortion, but it is certainly not easy to hide a woman's dead body, and it is impossible to mask the fact that she died of a badly performed abortion. If anything physicians who favored legalization in the 1960's had a vested interest in reporting illegal abortion deaths conscientiously, so the figure could be used to argue for liberalized abortion laws.

The researchers' other working assumption was this: Illegal abortion was more dangerous than natural pregnancy. This, again, was an assumption shared by supporters of legalized abortion. Why else campaign to make abortion "safe and legal," unless illegal abortion is an unusually dangerous procedure—much more so than the alternative of childbirth?

Based on statistical estimates that illegal abortion was between 3 and 15 times more dangerous to the woman than natural pregnancy, Dr. Hilgers calculated a possible range for the total number of illegal abortions. The line on the graph is his maximum figure, based on the estimate that illegal abortion was only three times more dangerous than pregnancy. If illegal abortion were more dangerous than this, then the maternal deaths from abortion would have been produced by a smaller total number of abortions performed. So this is the highest reasonable estimate.

The other two lines represent legal abortions, beginning with the first major trend in liberalized abortion laws in the late 1960's. After 1973, we have two lines because the U.S. Centers for Disease Control and the Alan Guttmacher Institute both published abortion statistics after this point. It is widely acknowledged that even the Guttmacher Institute's figures provided a mimimum figure—that a significant number of legal abortions may still go unreported. So the discrepancy between abortions before and after legalization as shown here is as conservative as I can make it.

With official legal approval of abortion as a solution to social and personal problems, the total number of abortions has increased at an alarming rate and still continues to rise. In some cities, such as Washington, D.C., abortions outnumber live births. My colleagues will also note that despite the virtually unrestricted legalization of abortion by the Supreme Court, some illegal abortions—that is, abortions performed by a nonphysician—continue to be performed every year. And every year, these abortions continue to claim the lives of some American women.

Dr. Hilgers' study group estimates that the most likely average figure for illegal abortions in the prelegalization era is 98,000 a year, with a maximum of 210,000 in 1961—"New Perspectives on Abortions," 69 (1981). This is based on a moderate estimate of the risk of death from illegal abortion. In that case, the total number of abortions has increased exponentially since legalization by a factor of sixfold to elevenfold. Hilgers found that legalization did result in a modest decrease in illegal abortions from 1971 to 1974, but that no further decrease in illegal abortions has taken place since 1974 despite the continued sharp increase in legal abortions. It has taken as many as 18 legal abortions to eliminate each illegal abortion. If that figure is translated into financial terms, than at a rate of $200 per legal abortion, it costs about $3,600 to eliminate a single illegal abortion. In any event this chart shows that the number of abortions has skyrocketed upward.

This obvious and dramatic rise in the incidence of abortions can hardly be attributed to any of the so-called hard cases; namely, abortions necessary to preserve the life of the mother or to terminate pregnancies caused by rape or incest. As a result of Roe, a right to abortion was effectively established for the entire term of the pregnancy for virtually any imaginable reason, including for the sake of personal finances, social convenience, or individual lifestyle.

One ardent proponent of abortion, Dr. Irvin Cushner estimated that only 2 percent of all abortions could be justified as medically expedient—hearing on constitutional amendments, 97th Congress, 1st session (1981). Even increasing his liberal estimate by 50 percent still means only 3 percent of all abortions are really necessary to prevent medical complications. Several other qualified physicians have averred that never in their lengthy medical careers had they encountered an abortion necessary to save the life of the mother.

Chart 3 asks the question "Why do American women have abortions?" Ninety-seven percent of all abortions are performed for social, emotional, financial, and other reasons unrelated to the mother's life or the mother's health, or as a result of rape or incest.

Our second chart gives an idea of the reasons why abortion is sought so frequently at present. The figure of 97 percent is, I believe, a reasonably conservative estimate. This is based on several sources, but I would like to cite two in particular.

The first is our experience with medicaid funding of abortion from 1977 to 1981. When the Hyde amendment began restricting these funds to those circumstances generally regarded as "hard cases"—for example, damage to physical health, life of the mother, rape, and incest—medicaid reimbursement claims for abortion swiftly dropped by over 99 percent.

The second source is testimony presented by Dr. Irvin Cushner before the Senate Subcommittee on the Constitution on October 14, 1981. Dr. Cushner is employed by the school of medicine and the school of public health of the University of California at Los Angeles; his testimony leaves no doubt that he supports unrestricted legalization of abortion. But Dr. Cushner also testified:

> Something on the order of 2 percent of all of the abortions in this country are done for some clinically identifiable entity—physical health problem, amniocentesis and identified genetic disease or something of that kind. The overwhelming majority of abortions in this country are performed on women who for various reasons do not wish to be pregnant at this time—hearings, supra, at 158.

No other witness at our subcommittee hearings expressed as exact a numerical estimate, but many expressed agreement that the number of abortions performed in one of the "hard cases" is a very tiny percentage of the total number.

For example, Dr. Barnard Nathanson, who estimates that he himself has presided over about 75,000 abortions during his lifetime, could recall only one case in which the mother's life could reasonably be said to have been at stake. For various reasons, pregnancy from rape is so rare that it is difficult to pin down a percentage figure for its occurrence, but most studies indicate that it could only be a tiny fraction of 1 percent of the current abortion rate.

Abortion for fetal handicap is a tiny subset within the minority of abortions performed around or after the 20th week of pregnancy—amniocentesis can only be performed beginning around the 16th week, and test results can take weeks to obtain because of the time needed to culture the cells obtained in the procedure. Dr. Nathanson testified that these eugenic abortions were "a tiny, insignificant and vanishingly small fraction of the total number of abortions done in the United States."—hearings, supra, at 169.

Another practicing obstetrician-gynecologist, Dr. Jasper Williams of Chicago, testified that "the number of medical cases in which abortion is an indicated and appropriate part of the treatment is practically nil."—hearings, supra, at 266. Dr. Williams said he had not seen a case of abortion necessary to save a woman's life since 1953.

Even Bella Abzug, testifying before our subcommittee to oppose legal restrictions on abortion, defended abortion primarily as a "method of birth control"—though, to be sure, she described it as "the least desirable method of birth control"—hearing, supra, at 1174.

By emphasizing how "soft" the reasons for the great majority of abortions are, I do not intend in any way to imply that women take this in a frivolous way. In fact, one of the most striking features of the published interviews with women having abortions is that, in one way or another, the abortion is something she is going into with outside influence and even a certain amount of pressure.

In many cases, the offer of an abortion has become a way for men to escape responsibility for their own sexual behavior. It has become a way for parents and relatives to avoid the burden and scandal of a pregnant but unwed family member. It has become an escape valve for married couples who face serious personal and financial problems of various kinds but who, instead of confronting those problems squarely, are persuaded by the mores of our society to place the burden of those very real problems on the defenseless unborn child. The blame for this scandalous situation must fall upon all of us.

This chart is particularly relevant to the constant debate over the public opinion polls on abortion. It is very easy to find polls that claim to show majority support for abortion being "between a woman and her physician." The problem here is that the survey question implies a genuine medical consultation for some health-related condition—and as we see from this chart, that is a very rare occurrence indeed. The Supreme Court has just told us that the city of Akron cannot even require that the woman talk with the physician before he performs an abortion upon her. When ABC-TV broadcast the documentary called "Abortion Clinic," hosted by Jessica Savitch, one of the most revealing comments made by the young abortion counselor at the clinic was that even she did not know which abortionist would be performing a particular abortion until the pregnant woman was already lying on the operating table and the physician walked into the room for the 10-minute procedure. In this context, the "woman and her physician" slogan seems a hollow phrase.

Fortunately, the Gallup organization has conducted much more precise and impartial set of polls on this question; and because the same questions have been asked from 1975 to 1981, with remarkable consistency in the answers, these polls should be given special attention. The people surveyed were simply asked whether abortion should be illegal in all, some, or no circumstances. Those who supported legalization were asked further about those particular circumstances and the stage of pregnancy in which the abortion should be allowed.

Consistently, a majority of Americans wanted even early abortion to be legal only under very specific circumstances: Danger to the mother's life or physical health, or pregnancy due to rape or incest. Less than 25 percent want legalization for all reasons, even in the first trimester—which is our present situation. According to this series of five careful surveys taken over the last 8 years, about 97 percent of the abortions now performed would not be permitted if the majority of Americans had their say in the matter. And if I may anticipate a possible objection about the "gender gap," Gallup found that women were more opposed to legalization than men were.

I hasten to add, however, that we must not allow these statistics about the extent to which abortion has become a tool of convenience to obscure the individual tragedy of each abortion. Consider the case, based on fact, of a woman weighing the consequences of the pregnancy of which she has just learned. She announces to her physician that her husband is an alcoholic with a syphilitic infection; that one of her children was born dead, another is blind, and another had tuberculosis. Finally she confesses that her family has a history of deafness. Given the absence of standards in Roe, there is no question that the physician could recommend termination of her present pregnancy. Indeed when this hypothetical situation was posed for classes of medical students,

they reached that conclusion almost without exception. This hypothetical fifth child of the woman seeking medical advice perfectly describes Ludwig Von Beethoven. Moreover who can question that every child is really an irreplaceable Beethoven able to make his own unique contribution to his family, community, nation, and indeed to all mankind? We will hear much about the nebulous principle of "freedom of choice" later in this debate. I will ask further questions: "Freedom to choose what? Freedom to choose to deny life to Beethoven or any human being?" In essence, this frames the real abortion dilemma, posed concisely by President Reagan:

Roe v. *Wade* has become a continuing prod to the conscience of the nation. * * * We cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. * * * Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not.—Human Life Review, spring 1983.

The President's characterization of the abortion crisis is not overstated. Our Nation has regrettably witnessed hundreds of thousands of late-term abortions since 1973. Experts verify that 15,000 abortions a year are performed after the child's 20th week, the verge of viability when the child could be delivered and live on its own. Abortions after this point are more accurately described as judicially legalized infanticides.

I might mention that of the 1,400 or more who are aborted after the 26th week 400 to 500 are born alive during abortions and are allowed to die unceremoniously.

(Mr. MATTINGLY assumed the chair.)

Mr. HATCH. Mr. President, I might mention that this chart concerns late term abortions. On the left is the gestational age. The next column would be developmental landmarks by this age. The next column would be appearance, the average size and weight of an unborn child. The last column is the approximate number of abortions performed annually after this age.

Again, I emphasize that these are very conservative figures. When we say 15,000, we are talking really about many more than 15,000.

At 12 weeks gestational age, this chart shows developmental landmarks of brain waves and the ability to feel pain. That is already well established. The heartbeat is easily recorded on an electrocardiograph. All organ systems are formed and functioning; fingernails are present; and thumbsucking is common.

I might add that we hear the audible heartbeat after 8 weeks of gestation. The average size and appearance of the unborn child is 3 to 4 inches and 1 ounce. There are an approximate number of abortions performed annually after this age of about 133,200.

At 20 weeks gestational age, the child can punch, kick, go through the motions of crying, and its movements are felt by the mother. Appearance is identical to that of a newborn infant. Fetal surgery is possible for a number of ailments, and it is on the verge of viability.

Children born at 21 to 22 weeks have survived abortion. They are 7 to 8 inches long, and 1 pound in weight. We are aborting on an annual basis in excess of 13,900 of these normally formed infants.

After 26 weeks gestational age, most children can survive. All development after this point is simple growth.

At that stage, the baby is 10 inches long, generally, 1½ to 2 pounds, and, as I mentioned before, even with abortions, 400 to 500 are born alive during the abortions that are performed.

These are based on the figures from the Alan Guttmacher Institute and from the U.S. Centers for Disease Control.

The present characterization of the abortion crisis, I think, is not overstated. Our Nation has, regrettably, witnessed hundreds of thousands of late-term abortions since 1973.

Although the 15 million abortions performed legally since 1973 are all tragedies, there is a special horror to the hundreds of thousands of late-term abortions which the Court's policy has permitted. Biologically, the life of each human individual comes into existence at conception; but even the most unsophisticated glance at an unborn child after the 12th week recognizes him or her immediately as a distinctive member of the human family. All of these children have distinctively human brain waves, easily recorded heartbeats, and a full array of formed and functioning organ systems. They can move spontaneously, manipulate their limbs, and react immediately to painful stimuli.

As the Supreme Court noted in its recent abortion rulings, the most popular method of abortion after the 12th week is something called dilation and evacuation, in which the unanesthetized unborn child is literally torn to pieces with a strong forceps. This is done because at this late stage, cartilage and bone have begun to harden too much to allow for complete success with the suction curette. The body parts are removed from the womb—sometimes the skull and rib cage must be crushed to accomplish this—and manually reassembled on a nearby table to insure that none is missing.

When dilation and evacuation is used, of course, the chances for the child's survival are nil. But other techniques—most notably the use of saline and prostaglandin and the surgical removal of the child by hysterotomy—are known to result at times in live births. The U.S. Centers for Disease Control estimate that this occurs more than once every day in the United States. These newborn children usually die soon after they leave the womb, due to the effects of the abortion technique and their low birth weight. In 1979, a Pennsylvania law which required life-saving treatment for abortion survivors who might be viable was knocked down as unconstitutional by the Supreme Court, *Collautti* v. *Franklin*, 439 U.S. 379 (1979). A few days ago, the Court ruled that a State has discretion as to whether or not to require a second physician in the case of abortions performed well after viability, so that these children will not die of neglect after birth. Akron, supra. The Court seems to be saying that even newborn infants, if their live birth is unintended, are not legal persons demanding equitable treatment. Can there be any doubt that the Court's extremism has brought us to the brink of legalized infanticide?

Once again, we need to be specific about what is being aborted. I was very deeply impressed by the impactful story of an atheist obstetrician who presided for years over the largest abortion clinic in New York City. Indeed he was one of four founders of the National Abortion Rights Action League (NARAL). A skillful and able physician, he began to study an advancing new field of medicine, fetology, study of the unborn human. He can describe in detail his growing awareness of the humanity of the unborn. At 3 weeks, the new life has already developed its own blood cells; at 4 weeks, a muscle may flex—this will become a beating heart within a few weeks, a heart which is fully audible at 8 weeks; at 6 weeks, the child's skeletal system is complete; at 7 weeks, electrical brain patterns are discernible; at 12 weeks, all organ systems are functioning—stomach, liver, kidney, brain—in fact, some infants will have already acquired a thumb-sucking habit; at 20 weeks, the fetus is punching, kicking, swimming, and hears his mother's voice; at 22 weeks, he can survive outside the womb. With these observations at his disposal, Dr. Nathanson, for medical reasons, abandoned his earlier point of view, stopped performing abortions, and began actively campaigning to acquaint the Nation with the scientific reasons that the fetus is a distinct, living human. In the doctor's own words:

I changed my mind because of advances in the field of fetology which have allowed us to understand the fetus much more completely and much more carefully than we ever did before. This has posed a very severe philosophical problem, in that you can't be operating on the fetus and giving it drugs to cure it, and at the same time be destroying it. (Washington Times, 3C, Jan. 17, 1983.)

This brings to mind comments by two notable persons, separated in time

but not in respect for life. The first, Justice Sandra Day O'Connor, aptly noted in her remarkable dissent last week, that:

> The *Roe* framework is clearly on a collision course with itself. * * * As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception. *Akron*, — U.S. —, June 15, 1983, Slip. Op. at 7.

The other spokesman is Dr. Martin Luther King. At one point when jailed for seeking civil rights in another human cause, he was asked, "Why are you in jail?" Given the circumstances, his telling reply was "Why are you not in jail?" Given the undeniable scientific evidence about the unique humanity of each unborn infant, I feel compelled to reply to those who question "Why are you bothered by abortion?" with the same logic employed by Dr. King: "Why are you not bothered?" And again, to those who employ the slogan "freedom of choice," I ask, "Freedom to choose what?" Freedom to choose to terminate a being that science identifies as a separate, living individual.

Because our fellow citizens have been confronted with the irrefutable findings of fetology and have been informed by their President of the "excruciating pain the unborn must feel as their lives are snuffed away," speech to National Religious Broadcaster's Convention, January 31, 1983, it is very understandable why reliable opinion polls demonstrate that 80 to 90 percent of Americans see abortions at some stage as the destruction of a living being. On the question of when the fetus becomes a living being, there is a gender gap. Most women believe life begins at conception.

I call to the attention of the body the fifth chart which shows that a majority of American women believe that life begins at conception. The blue line shows where the men are and the pink line shows where the women are.

Fifty-eight percent of the women believe that life begins at conception; 43 percent of the men.

At quickening: 16 percent of the women believe that life begins at quickening and 15 percent for the men.

At viability: 11 percent of the women believe life begins at viability; 14 percent of the men.

At birth: Only 10 percent of the women believe life begins at birth, while 20 percent of the men do.

Those who do not know: 5 percent of the women and 8 percent of the men.

These are brought forth by Judith Blake in her article "Supreme Court's Abortion Decisions and Public Opinion in the United States," in the Population & Development Review.

This chart shows there certainly is a "gender gap" on abortion. But that gap is in the opposite direction from the current stereotype. Women, making up that segment of the population which actually experiences pregnancy, "quickening," childbirth and abortion, have a much stronger conviction than men do that life begins at conception. A similar gap has been demonstrated in many other surveys: Women are more likely to say that abortion is morally wrong, and more likely to oppose unrestricted abortion, than men are.

Since we have drawn special attention to the woman's point of view, we should also examine the claim of those who will maintain that this is actually an issue involving primarily the right of life of pregnant women. This argument maintains that only legalized abortion can protect women from the merciless knife of the back-alley abortionist. To the contrary, legalization should receive little credit, if any, for saving women's lives. Since 1941, the biggest factors leading to a drop in women's abortion deaths have been simple medical advances: Sulfa drugs, penicillin, and finally the widespread use of the safer suction curette instead of the sharp curette, a 1970 innovation. The regime of elective abortion is intended to secure far different values than those associated with maternal safety. Every State's body of law prior to 1973 acknowledged and permitted abortion necessary to save the life of the mother.

As you can see, abortions were reduced dramatically as we developed these lifesaving drugs. As you can also see, this chart dispels one of the leading myths with regard to abortion, that thousands of women annually lose their lives in back alley abortion parlors. None of us want back alley abortion parlors. None of us want any woman to lose her life; none of us want any woman to go through that type of procedure.

On the other hand, since 1973, you can see there are still deaths from abortion. Even since 1973, there were about 50 known deaths in this country.

A common argument used to justify Roe, is that legalization has saved women's lives, by replacing dangerous illegal abortions with "safe and legal" abortions. Our fifth chart shows the situation is not so simple. Maternal mortality from abortion has been dropping at a rapid rate since 1940, chiefly because of medical advances of various kinds. By far the largest number of abortion-related deaths has always been due to infection, and these deaths have been averted by the development of better drugs to treat or prevent sepsis—first by the development of sulfa drugs, then by the discovery of penicillin. After these two advances produced their effect, abortion deaths essentially leveled off again until the late 1960's, and took a sharp drop again in 1970. This is the year that abortion on demand was legalized in New York—but it is also the year when the sharp curette, which had previously been the method used in most abortions, was largely replaced nationwide in the practice of both legal and illegal abortion by the suction curette. The sharp curette, which had been used to scrape the uterine wall, had been responsible for many a perforated uterus and therefore many dangerous infections; suction curettage used a soft plastic instrument and induced abortion by a vacuum action, eliminating many of the risks from the older procedure.

Dr. Bernard Nathanson, testifying before the Senate Subcommittee on the Constitution in 1981, emphasized that it was this technological advance and not legalization that caused the sudden further decrease in maternal abortion deaths. Dr. Nathanson emphasized in his testimony that the specter of unsafe "back alley" abortions in the event of renewed restrictions on abortion is a myth based on outdated assumptions about the available technology.

It is of interest that after 1973, when the Supreme Court legalized abortion on demand throughout the country, maternal deaths did not continue to drop but leveled off instead, They actually went up again slightly in 1975, and again in 1977. There seems to be general agreement among statisticians that, even if abortion is now safer than ever before, total maternal deaths from abortion are not continuing to drop because the total annual number of abortions continues to rise alarmingly. Some abortion clinic scandals in recent years, most notably in Chicago and Miami, indicate another possible reason: some "safe and legal" clinics operate no more conscientiously than the old "back alley" abortionists did, and the Federal courts have placed serious obstacles in the way of State and city authorities that try to regulate these clinics to protect women's lives and health. Some illegal abortions continue to be performed every year and to result in some women's deaths.

If 10 years ago, the Supreme Court had possessed the same scientific and medical data we have today, it is difficult to conjecture whether they would have made the same finding as appears in Roe. And since they based their most recent ruling on the judicial principle of stare decisis, it is difficult to conjecture whether they might have reversed Roe if they had reconsidered its holding on the merits. Nonetheless it is clear that the American citizenry has the scientific evidence at its disposal. This, again, is reflected in their rejection of abortion as an acceptable ethic for a moral life. Moreover, they reach this conclusion

in nearly the same proportions regardless of political persuasion.

The two-thirds majority opposed, on moral grounds, to abortion is by no means a "soft number." This majority is clearly willing to back up its convictions with meaningful action when a loved one faces the question of abortion.

Chart No. 7 shows that the majority of each political party believe that abortion is morally wrong. Sixty-two percent of the independents of this country believe it to be morally wrong. Sixty-four percent of the Republicans believe it to be morally wrong. Sixty-eight percent of the Democrats believe abortion to be morally wrong.

This was compiled by the Connecticut Mutual Life report on American values in 1981.

According to this finding, two-thirds of those surveyed said they would not recommend abortion if a 15-year-old daughter were pregnant. Another way of handling the problem would be found.

Of course, statistics show that almost half of the unwed teen pregnancies do end in abortion at present. One factor here is that since 1976, the Supreme Court has consistently invalidated any law which might be construed to provide what the Court calls a "parental veto" of an unwed minor's abortion. It insists that the minor must be given the alternative of a court hearing, at which a judge can decide she is mature enough to get the abortion without her parents' knowledge or that an abortion is in her "best interests"—this last could potentially become a very large hook on which to hang the judge's personal predilections about abortion. On June 15 of this year, the Supreme Court ruled it was unconstitutional even to require parental involvement in the abortion decision of an unemancipated minor under the age of 15, Akron, supra. In other words, the parents surveyed in this poll would most likely never have the opportunity to counsel with their 15-year-old daughter to find an alternative to abortion under the law as set forth by the Supreme Court and under this recent Supreme Court decision.

This chart shows the ABC News-Washington Post poll in 1981 that demonstrates the majority of the people in this country would not advise abortion for their 15-year-old daughter, 23 percent would advise, and 11 percent are other answers.

In most States, a minor is still required to have parental consent before marrying, getting a job, undergoing surgery, attending an adult movie, or, in some cases, even getting her ears pierced.

In order to get her ears pierced she has to have her mother with her and get her mother's consent.

If the counselors in school want to give our kids aspirin because they have a headache or are not feeling well, or because they have a cold, as a general rule in almost every State in the Union they have to call the parents and get their consent.

By Court decree, however, a 15-year-old can have an abortion without any parental consultation whatsoever. This logic even contradicts the reasoning of Roe. Roe placed great importance on the woman's decision to have an abortion. Yet a 15-year-old minor may not have the capacity to make such decisions in their own best interest without parental involvement. For precisely this reason, States have traditionally sought to protect children from their own immature decisions by requiring parental consent for a wide variety of activities. Yet abortion, notwithstanding its remarkable consequences, can be performed on a minor without the slightest parental participation.

It really makes you stop and pause and wonder. It is not very difficult to understand why our Nation is considered the most permissive in regard to abortion in the world today, yet this Nation has been founded on Christian principles.

The two-thirds majority opposed to abortion on moral grounds is by no means a soft estimate. This majority is clearly willing to back up its convictions when a loved one faces the question of abortion.

This next chart is the New York Times-CBS poll of August 18, 1980. It shows that a majority of our people want a constitutional amendment to protect the life of the unborn. Fifty percent say there should be a constitutional amendment, 39 percent say there should not be, and 11 percent are undecided. This was taken before the latest Supreme Court decision that virtually outlawed any restraint upon abortion in America. I suspect that if the American people knew these facts—I hope this debate will help to bring the facts to their attention—that this 50 percent would go up. I believe it will rise if people realize how bad the situation in America is.

Finally—and I suppose this could be called the punch line—this strong personal opposition to abortion does translate into support for a constitutional amendment to protect the unborn child, even when it is not specified in question whether the proposed amendment would constitute a total ban on abortions or a neutral proposal like Senate Joint Resolution 3 which adopts no national policy on abortion.

I would like to show the next chart. This chart basically says, as we explained before, that people are seriously concerned, that they are prepared to consider a constitutional amendment. Unlike the others, it is not 66 percent, but it is a pretty hefty margin over the others who feel otherwise.

This is perhaps an appropriate time for me to describe briefly the history and operation of Senate Joint Resolution 3 because I think some of our national media have not realized what Senate Joint Resolution 3 is.

I do not blame them because it is such a difficult, complex issue to understand. People think it is a simple issue. I do not think it is simple. I think it is difficult and I think it is difficult for both sides.

Senate Joint Resolution 3 which states, in its entirety, that "A right to abortion is not secured by this Constitution," has already been the subject of extensive examination and consideration in the Senate Judiciary Committee. In the last two Congresses, the Constitution Subcommittee has held 11 days of hearings and entertained over 80 witnesses to ascertain the constitutional, philosophical, legal, moral, medical, and social aspects of the controversy created by Roe against Wade.

On March 24, 1983, the Subcommittee on the Constitution voted to report out Senate Joint Resolution 3 after adopting an amendment. This change was the recommendation of Senator THOMAS EAGLETON, Senator EAGLETON suggested striking the second sentence of Senate Joint Resolution 3, as introduced, which included language giving the Federal Government a role in legislating and setting policy with respect to abortion. Senator EAGLETON noted that limiting the amendment to its first 10 words would "wipe out the legal status afforded to the 'abortion right' by Roe against Wade and return us to the status quo ante" when abortion was a matter for the people in each of the States to decide through their elected representatives. By adopting Senator EAGLETON'S suggestion, the subcommittee established its intent to remove Federal institutions from the policymaking process with respect to abortion and reinstate State authorities as the decisionmakers for this sensitive issue.

As I have mentioned, the genesis of this constitutional dispute was a controversial and ill-conceived decision of the Supreme Court. Senate Joint Resolution 3 is carefully crafted to nullify that decision and restore the balance it upset. In the decade since Roe, Federal courts have faced a flood of abortion litigation, Congress has spent countless hours trying to correct tangential problems relating to abortion, and the number of unborn aborted annually has increased to over 1.5 million. These violent disruptions of our social fabric were accomplished by an equally wrenching disruption of our constitutional fabric. In short, Roe did not carry out the intent of the Constitution, but upset the Constitution's intended balance.

Although, in the words of Prof. John Hart Ely, the constitution "simply says nothing, clear or fuzzy about abortion," Ely, "The Wages of Crying Wolf," 82 Yale L.R., 920, 947 (1973). The Supreme Court created a constitutional right to abortion. This upset the preexisting constitutional balance that for nearly 200 years had allowed State legislative processes to carry out the will of the people with respect to this sensitive social policy.

The new right created by Roe overturned the Texas abortion statute and related laws in each of the 50 States. Not only did this decision upset the federalistic balance between State and National institutions, it also disturbed the constitutional separation of powers between legislative and judicial functions. Prof. Lynn Wardle of Brigham Young University Law School makes this point very eloquently:

> By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the Legislative branch to legislate concerning the subject and substantially increased the responsibility of the judiciary for defining and monitoring regulation of the fundamental right. (Statement of Feb. 28, 1983).

In essence, Roe made abortion a constitutional doctrine. Despite my great reluctance to amend the Constitution, Roe upset the constitutional balance. Thus, it is incumbent upon this Senate in my view, to take the appropriate constitutional steps to restore that balance.

The most simple, direct, and effective way to accomplish that objective without disturbing other established constitutional doctrines is to nullify the Roe ruling. If Roe were fully deprived of legal significance, the constitutional balance that existed prior to 1973 would be restored. The people in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking that for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this constitutional balance and permitting the people to participate directly in this policymaking process will the Nation ever achieve a consensus on this divisive question.

The primary effect of the Roe decision was to make abortion a legal entitlement deserving of the strict constitutional protections afforded fundamental liberties. 410 U.S. at 728.

The right to abortion became, by court edict, a fundamental liberty which a State's legislature could limit even in the slightest degree only by demonstrating a compelling justification. 410 U.S. at 728. This compelling State interest standard is very exacting. *Kramer*, 395 U.S. 621 (1969). Even such seemingly inconsequential State regulations as a 24-hour waiting period prior to an abortion failed to meet this standard of review. Akron, supra. Although the Supreme Court has repeatedly conceded that protecting maternal safety and the life of the unborn are legitimate State interests, *Roe*, 410 U.S. at 732, Akron, etc., these profound interests have not risen to the level of compelling in the eyes of the Court. Accordingly, the right to abortion has operated time and again to strike down the will of State legislatures. Protected by the Court's constitutional interpretation, one absolute extreme on abortion, namely abortion on demand throughout all 9 months of pregnancy, has become enshrined as an unassailable tenet of American law.

This amendment, Senate Joint Resolution 3, removes the abnormally elevated status afforded the right created in Roe. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of constitutional review. This standard requires a State to demonstrate a rational relationship between its policy and a legitimately protectible State interest, the rational basis test. Since the Court has already acknowledged at least two legitimate State interests, maternal safety, and unborn human life, any statute rationally related to these objectives would pass constitutional muster. Thus, the will of the people, as reflected in State legislatures, would be respected. The traditional constitutional balance which governs other aspects of domestic relations law, namely State regulation in practically all aspects, would be restored.

In short, this amendment removes the right created in Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973. Hence, our vote may be construed as a vote to endorse the system of governance created by the framers of the Constitution in 1787 or the special right created by the Supreme Court in 1973.

Some critics of Senate Joint Resolution 3 will, I suppose, accuse Senator EAGLETON, myself, and the other proponents of this amendment of attempting to impose our personal moral values upon others with this proposal. Frankly the amendment itself rebuts that assertion. It does not contain my personal position on the question of abortion at all. If I could ratify an amendment reflecting my personal moral values, it would contain a guarantee for the right to life of the unborn, except when necessary to preserve the life of the mother. This amendment does nothing of the kind. Instead it merely eliminates one absolute extreme moral position, abortion on demand as legalized by Roe, and frees the people in the States to set their own standards of governance on this subject, instead of making the whole Nation subject to the outdated doctrines of a few men in black robes. I would have said "men and women in black robes," but the woman in question should not be associated with the majority of the men on the Court on this issue.

No doubt some critics will also raise a hue and cry about this amendment injecting Government into the bedrooms of America. On the contrary, this amendment was carefully crafted to avoid any jeopardy to doctrines of privacy. The term "right to abortion" is specifically limited to affect only legal entitlements for abortion, not the right to privacy. Other extensions of the right of privacy, such as in contraception birth control, or family privacy cases, would not be affected in the slightest by the narrow language of the amendment.

In a more general sense, abortion can hardly be classified as a matter of privacy in the sense of something done alone, at home, in a confidential manner. The abortion right is exercised with the help of a trained professional and depends on a large medical support staff. This is a right that has required over 100 lower Federal court decisions and 18 Supreme Court decisions to guarantee its continued effectiveness. This is a right which, its champions maintain, cannot be exercised without public funding. This is a right, ultimately, whose effect is not private at all in the sense of touching upon only intimate personal matters of the one exercising the right, instead it has a devastating impact on at least one other, the unborn child. To call this right private is to convolute that term. As stated by the 78th national convention in 1976 of the Union of Orthodox Jewish Congregations of America: "Abortion is not a private matter between a woman and her physician. It infringes upon the most fundamental right of a third party—that of the unborn child."

This amendment will remove the misleading character of this entire question as well as the special right created by Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973. Hence, our vote may be construed as a vote to endorse the system of governance created by the framers of the Constitution in 1787 or the special right created by the Supreme Court in 1973.

By deconstitutionalizing the issue of abortion, the proposed amendment would allow the States a wide variety of options with respect to this matter. In their best judgment, the States might choose to have no policy regard-

ing abortion or might restrict and condition it in a variety of ways.

For example.

First. They could place restrictions of some form upon late-term abortions;

Second. They could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;

Third. They could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;

Fourth. They could require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;

Fifth. They could require some form of parental consent to abortions performed upon minors;

Sixth. They could require some form of spousal consent to abortions;

Seventh. They could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;

Eighth. They could establish rights of refusal to perform abortions by physicians or nurses, or in entire hospitals;

Ninth. They could limit the commerce in abortifacient devices;

Tenth. They could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or

Eleventh. They could undertake any other form of restriction or regulation upon the abortion procedure.

For the sake of clarity, I would like to list what this amendment would and would not do. Ratification of Senate Joint Resolution 3, as amended, would accomplish the following:

First. It would nullify the special right to abortion created by the Supreme Court in 1973. Even the Supreme Court has referred to the right created in Roe as the "right to abortion." *Conn.* v. *Menillo*, 423 U.S. 9, 10. More than 80 Federal court cases have also used this phrase as shorthand for the new Roe right. This amendment simply, cleanly, directly, conclusively states that: "A right to abortion is not secured by this Constitution."

Second. It would prevent the creation of any other right to abortion in the harbor of the Constitution. The article "a" makes the scope of the repeal broader than if the article "the" were used. "The" might be construed as limiting the repealer to the particular doctrine or doctrines that have developed in Roe and its progeny as a justification for abortion. Use of the article "a" makes it clear that no other "right to abortion," however conceived or justified, is provided by the Constitution. Under Senate Joint Resolution 3, there would exist no constitutional authority for any right to abortion.

Third. It would avoid any unnecessary repudiation of the doctrine of privacy. The use of the careful phrase "right to abortion" clarifies that the amendment only repeals the abortion decisions. Other extensions of the right to privacy, such as in contraception or family privacy cases, would not be affected by the narrow language of the amendment.

Fourth. It would mean that State statutes concerning abortion would be subject to ordinary standards of judicial review, that is, the rational basis test instead of the compelling State interest test. An obvious point of explanation is needed at this point to clarify a higher standard would still apply to a State enactment that infringed some other constitutional rights unrelated to the "right to abortion" question—for example, a law prohibiting only black women from obtaining abortions would still be examined under a compelling standard—or strict scrutiny—due to the obvious racial classification, not due to any remaining right to abortion.

Fifth. It would restore to the States their general police power to restrict and prohibit abortion, or—and I think this is important for those who are against my position—elect to refrain from doing so. The States would be restored to the legal status they enjoyed prior to Roe.

Sixth. It would reenfranchise the people, acting through their elected State representatives to participate in the formation of abortion policy. Abortion policymaking that has been centralized in the nonrepresentative judicial branch will be returned to State legislative discretion. This will facilitate the kind of compromises and consensus formation that is impossible in the judicial branch.

Seventh. It would restore the constitutional balance of powers between the States and Federal Government and between the legislative and judicial branches. In sum, it would restore the status quo ante Roe insofar as the power and responsibility to resolve abortion issues is concerned.

Senate Joint Resolution. 3, as amended, would not do the following:

First. It would not establish any new constitutional right favoring either an absolute right to life or an absolute right to abortion. It would simply restore the operation of the constitutional system, favoring States' rights to resolve abortion issues that existed prior to 1973.

Second. It would not compel the adoption by any State legislature of any legislation restricting abortion.

Third. It would not preclude judicial review of abortion laws or prevent a court from holding abortion laws unconstitutional. A court could hold abortion laws invalid if they failed to comply with the Constitution except to the degree that such a ruling would create a "right to abortion." Thus, racially discriminatory abortion laws would be invalidated, but not ordinary abortion restrictions.

Fourth. It would not affect State constitutions. It would not prohibit the citizens in any State from adopting—or, for that matter, any State supreme court from fashioning—a right to abortion under the State constitution.

Fifth. It would not grant Congress any power to directly restrict or prohibit abortion. Congress would retain its authority under its enumerated constitutional powers to regulate interstate commerce and other areas that might tangentially touch upon abortion. This limited authority is nothing more than exists for every other form of domestic relations law—or any other law for that matter—which is subject to the plenary jurisdiction of the States.

Sixth. It would not give to the States any new authority to regulate abortion. Their general police powers to regulate abortion would be restored, but would not be enhanced.

Seventh. It would not alter the constitutional allocation of power between the State and Federal Governments, or between the legislative and judicial branches.

In conclusion, I think we would profit by measuring the abortion regime established by Roe against the basic tenets that animated the creation of our Republic. Those principles were best articulated by Thomas Jefferson in the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

Thus, our infant Nation established the protection of human life as the foremost duty of Government. Roe's blatant conflict with this fundamental national value is apparent. In the words of President Reagan: "We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life." Human Life Review, supra at 8. Perhaps only one act of our Government has conflicted more with the founding tenets of our Republic than Roe and that was the last infamous Supreme Court case that denied the value of certain classes of humanity, the Dred Scott case. Dred Scott was not easily corrected either. It took more than a decade and an intervening war to secure a constitutional amendment reinstating constitutional protections for blacks. Indeed, securing a constitutional amendment is never an easy process. The women's suffrage amendment, the 19th, was

first rejected by the Senate in 1868 and failed twice more to gain approval in the Senate before its adoption in 1919 and ratification in 1920. Nonetheless correction of the Dred Scott error serves as an excellent analog for our consideration of the modern civil rights disagrace, Roe against Wade.

In his farewell address, President George Washington remarked that: "It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government." His insightful thesis that the strength of our freedoms springs from the shared morality and convictions of our people lies at the heart of this great historic debate. This is a great moral issue. This is a great human rights issue. I posit with President Washington that, in ways more fundamental than we may now realize, the future of our free Nation may depend upon the outcome of this debate. Consider for a moment the role of the family as an institution promoting respect for other people, their dignity, and inherent rights. Consider for a moment that if the family fails to teach principles of decency, our governments—already struggling to maintain civil order in the face of a crime epidemic—will be compelled to use more force to protect our liberties. Consider for a moment the essential role of individual responsibility in parents for raising their children. Consider for a moment an ethic that treats a child's entrance into his or her own family as if it were a matter of whether he were wanted. Consider for a moment whether such callous attitudes and practices as are fostered by the abortion regime promote a society in which the instinctive acceptance of others is supplanted by a more self-centered and grudging attitude. Combined with the Federal courts tendency to treat abortion in terms of the totally isolated pregnant woman and her decision, this aspect of legalized abortion on demand could have long-term effects on the strength of those interpersonal bonds which hold our society—indeed any society—together.

Consider as well these insightful comments by national leaders:

It seems to be as clear as daylight that abortion would be a crime.—Mahatma Gandhi.

* * * The child, by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth.—Declaration on the Rights of the Child, United Nations, 11/20/59.

It is a very great poverty to decide that a child must die so that you may live as you wish.—Mother Teresa.

We will stand up every time that human life is threatened. When the sacredness of life before birth is attacked, we will stand up and proclaim that no one even has the authority to destroy unborn life.—Pope John Paul II.

No woman is the final arbiter about the disposition of her body and the embryonic human life flourishing therein. Doctors, too, must face up to the moral dilemma whether they can play havoc with the basic worth and dignity of human life when they freely perform abortions at all stages of pregnancy * * *.—Rabbi Bernard L. Berzon, President of the Rabbinical Council of America.

No right is more fundamental than the right to life itself and no innocent human life already begun can be deliberately terminated without offense to the author of all life.—National Conference of Catholic Bishops.

I fear the power of choice over life or death at human hands. I see no human being whom I would ever trust with such power—Not myself nor any other. Human wisdom and human integrity are not great enough.—Pearl S. Buck.

Social acceptance of abortion has begun to dull society's respect for all human life, leading to growing occurrences of infanticide, child abuse, and active euthanasia.—Resolution, Southern Baptists Annual Convention, 1981.

The unborn belongs neither to father nor mother, and not even to the self, but to God.—Very Rev. Thaddeus P. Wojcik, a Priest of the orthodox Church in America.

This is a moral issue, a moral issue literally, of life and death. Life and death of a society as well as countless unborn children.

Perhaps the foremost objective of the proposed amendment is to facilitate the development of a social consensus on the difficult issue of abortion. The abortion issue, if it is to be elevated into an issue of constitutional proportions, should be elevated only through the normal consensus-building procedure of the article V amending process rather than through the process of judicial reinterpretation. Senate Joint Resolution 3 would reenfranchise all the people in fashioning a solution to the abortion controversy or, if not a solution, at least an equilibrium. This can only be done by placing this issue back within the representative branches of State governments where it should have remained all along.

I might add that there are those who believe that the country has changed and that the majority of people are in favor of abortion on demand today as announced by the Supreme Court of the United States. Even if that were true—and it is not—why then would they be afraid of having the debate take place among elected representatives in a consensus-building manner? I think the reason is because they know the American people would rise up and make changes in the status quo. They might not make them the way I would like them to be made, and they may not make them the way that the Right to Life Committee would like to have them made. Maybe they will. But at least they would have a right to participate in the process, a right to participate and help to change the process, to make it better and to help to resolve this issue.

If the result is that difficult legislative compromises are reached through bitter sessions of negotiation and give-and-take—compromises that are not entirely satisfactory to those on either end of the spectrum on this issue—then the issue of abortion will have been dealt with in the same manner that most other difficult matters are dealt with in a democratic system of government.

If the social divisions that have beset this country since the Roe decision are to be overcome, they will have to be overcome through a process in which all shades of opinion are considered and weighed, not simply those of a small minority of the citizenry. There is no more appropriate forum in a free society for these kinds of controversies to be debated and resolved than in State representative, legislative forums. Although some may observe—correctly—that basic issues of individual rights are not subject to referendum in a free society, this, of course, begs the basic question, which is precisely what those rights are and what their relative priorities are. It is the resolution of these precise questions that is unlikely to occur in the absence of a constitutional amendment of the sort of the human life federalism amendment.

I state, in conclusion, that this Nation, with the possible exception of Communist China, has the most radical abortion laws of any nation in the world. The values of our people are different from those laws. The only way to change it now is for the people to let their elected Representatives know of those values.

I am very grateful for the kindness of my colleague who is on the other side of this issue, who has waited through this rather lengthy explanation of this constitutional amendment, and some of the things I had on my mind with regard to it.

I am grateful to the distinguished Senator from Oregon for working to allow this amendment to come up so that we could have this historic debate on the floor of the Senate. I know that he is sincere in his beliefs, and he knows that I am sincere in mine. That is why elected representatives can sometimes help to build a consensus better than unelected judges who are accountable to nobody but themselves.

I am grateful that we have this opportunity, and I thank my learned colleage for his forbearance.

Mr. President, I ask to have printed in the RECORD a poem entitled "Abortion."

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

ABORTION

Abortion is a frightening occurrence,
One that makes even hard hearts soft,

It's a mixed up thing—It is misconstrued,
There are many who fathom nothing about it,
It's shocking to me and personally abhorrent,
That 35 to 50 million unborn are killed each year,
A million and a half here in the freest land of all,
In this nation built upon religious liberty,
With laws protecting almost everybody else.
In the old days, women claimed offense,
Because of clandestined abortion mills,
Because Planned Parenthood had nowhere to recommend
Young girls to go and find relief,
Young women to find rationalization,
Women to have excuses for absolving themselves
Of the inconvenient.
New technology has frightened everyone more,
Sonograms show fetuses alive and well,
Sonograms are amazing things—they show a formed life,
Almost from day one,
By day 64 the outlined head, shoulders, body, legs,
Arms, fingers, feet and toes are clearly visible,
I saw a baby with hand in mouth, pop it out
As real babies sometimes do,
And then suck on it again.
Trimesters become reality to some,
Especially for 15,000 little ones,
Either separated from the placenta,
And allowed to suffocate to death,
Or with crushed skulls within the doctor's bare hands,
The stark reality of it all.
Even the feminists blanched,
Even they gasped with fear and shock.
How could a doctor reach inside the mother,
And crush the infant's skull
Within hands made by God?
I don't think all people who abort,
Or have abortions, for whatever reason,
Are bad or ungodly people,
I do sometimes wonder, however,
What they think, when quiet thoughts come,
Concerning the act or even acts they have done,
Do you feel good, do they wonder, do they worry?
I think so,
I don't know how they could help but worry,
"Have I done the right thing?"
"Have I pleased my God—and my Lord?"
"Have I hurt my spiritual and physical being?"
One would think that unless such questions come,
The person, not thinking them, is hard,
A supreme rationalist, or a blunted conscience,
Perhaps a wanting or wanted soul.
Whence cometh from afar, that little one,
Why life at all, if not God there be,
How inter-connected, the little one and God,
How bright our glory, once realization
Dawns upon our souls,
Now or part of life,
With all the zest for life,
And hope of eternal things.

Mr. PACKWOOD. Mr. President, I congratulate my colleague from Utah for a very erudite and learned statement. I also thank him for the manner in which he has dealt with me during this issue.

In this business, we very seldom deal with each other in writing. Your word is your word, literally, and your bond. On many, many occasions, people will make agreements which they may wish they had not made, but will stick with them. In the 1 year Senator HATCH and I have been working to get a vote on this amendment, he has never misled me, I have understood his position exactly, and he has acted as a gentleman and a peer in every respect, and I appreciate it very much.

Mr. President, this is the 15th year I have been in the Senate, and I have seen many great issues come and go in that time—Vietnam; the SST; the antiballistic missile system; Haynsworth and Carswell; the resignation of Vice President Agnew; Watergate, and the resignation of President Nixon—but no issue has been as long standing and as passionately felt as has been the issue of whether or not a woman has the right to decide for herself whether she wants an abortion.

It goes back longer than 10 years. It goes back prior to the Supreme Court's decisions of 1973, because in many States you had movements toward legalized abortion. You had four States that legalized it prior to 1973, and I think you would have had more legalize it but for the decision by the Supreme Court in Roe against Wade.

However, at last, today, we are met and joined together in what promises to be a meaningful and significant debate concerning a major issue that has faced this country for many years. That is the issue of whether or not a woman, without fear for her health or safety or her privacy, shall be allowed to make a decision for herself as to whether or not she wishes to have an abortion. As I say, it is a controversy that has swirled in this country for many years prior to Roe against Wade in 1973. In that decision, the right to have an abortion was delineated and established. When I say "delineated," I mean it exactly in that term.

I emphasize that Roe against Wade does not allow abortion on demand. Despite statements to the contrary—despite the fact that the President, in an article he has written for a major publication, says that the Supreme Court has allowed abortion on demand for 9 months—that simply is not true.

The Supreme Court has said, in essence, that for the first 3 months of a pregnancy, it is a woman's decision as to whether or not she wants to have an abortion, and the State can put no limitation on that. In the second 3-month period, the State can put certain limitations on that, although those limitations cannot demean or limit her fundamental right to decide whether or not she wants the abortion. But the State can decide, for health reasons, medical reasons, or others, to improve certain limitations.

In weighing the balance of a woman's privacy on one hand versus fetal rights on the other in the third trimester the court, came down on balance on the side of fetal rights and said they would allow abortions only in very unusual circumstances.

Two weeks ago, in the case of Akron against the Akron Center for Reproductive Health, the Court said the following:

> Since Roe was decided . . . the Court repeatedly and consistently has accepted and applied the basic principle that a woman has a fundamental right to make the highly personal choice whether or not to terminate her pregnancy.
>
> Arguments continue to be made . . . that we erred in interpreting the constitution. Nonetheless, the doctrine of stare decisis . . . is a doctrine that demands respect in a society governed by the rule of law. We respect it today, and reaffirm Roe against Wade.

I say to my distinguished colleague and my fellow Senators that if the Supreme Court had wanted to reverse Roe against Wade, they could have done so in the case they decided 2 weeks ago. Instead, they chose the other option once again, a decade later, of reaffirming that basic right.

Today, we are debating Senate Joint Resolution 3, which is a constitutional amendment and which overturns Roe against Wade and the cases following it, including the Court's recent decision of 2 weeks ago.

Before proceeding further in this debate, however, I compliment Senator HATCH for proceeding in the proper constitutional way for overturning a Supreme Court decision.

If someone disagrees with a Supreme Court decision which is based on the Constitution, the way to change it is through a constitutional amendment. It allows those who agree and those who disagree with the decision of the Court to debate it on the merits and on the substance. It is a fair, open, and honest challenge to a decision with which one disagrees.

Many, many constitutional amendments have been offered to overturn Supreme Court decisions in the almost 200-year history of our Congress. Those offered amendments are normally an emotional response to a court's decision disliked by a number of Members of Congress. As time passes and passions cool, the support for such amendments usually withers. However, four times in our history we have passed constitutional amendments to overturn Supreme Court decisions.

We did it with the 11th amendment, in Chisholm against Georgia, which related to lawsuits against a State by a citizen of another State.

The 14th amendment overturned the decision in the Dred Scott case.

The 16th amendment was in response to Pollock against Farmers Loan & Trust Co., in which the Supreme Court had said that a national income tax was unconstitutional. We did it again in the 26th amendment, not too many years ago, when we overturned a Supreme Court decision which said that an act of Congress which lowered the voting age to 18 for State elections was unconstitutional.

Senator HATCH and I are diametrically opposed on the Court's decision legalizing abortion. I agree with it. He opposes it. But I totally agree with him and laud him for the procedures and the process he has followed in an effort to change that decision.

There are others who have attempted to undermine the Supreme Court's decision by attempting to statutorily redefine what the Court has defined constitutionally or by attempting to limit the Court's jurisdiction to hear certain types of cases.

These kind of attacks do harm to our constitutional processes and endanger the liberties of every one of us in a variety of areas far beyond the subject of abortion.

So disagree though I may with Senator Hatch on this amendment, I compliment him for following the procedure outlined in our Constitution and the one most guaranteed to assure our liberties rather than trying to subvert or undermine the Constitution by nefarious statutory means.

As I said before, Mr. President, Senator HATCH's amendment, Senate Joint Resolution 3, is a constitutional amendment which overturns Roe against Wade and cases following it. It negates the constitutionally protected right of a woman to choose whether or not to have an abortion.

Senator HATCH has worked hard, diligently, and patiently to get a vote on this amendment. He has waited for well over a year to get a vote on this constitutional amendment. He deserves a vote on this amendment, and it is not my intention to delay a vote on this amendment.

I hope my fellow Senators will grant Senator HATCH the right to vote on this amendment without delaying it or altering it.

Mr. President, it is important to understand at the start of this debate one fundamental fact. Senate Joint Resolution 3 is not a States rights constitutional amendment nor does it return the law to the status that it occupied prior to Roe against Wade.

Let me explain, if I might, why I think we have this type of amendment before us. There is a split in the anti-abortion movement between those who want a federally preemptive constitutional amendment, one that would simply say abortion is illegal throughout this country, and those who want a States rights constitutional amendment. The federally preemptive amendment has utterly no chance of passage in this Senate now or, I think, in the foreseeable future.

There are those, therefore, who say let us take the best we can get. Let us have a genuine States rights amendment and attempt to turn the law back to what it was prior to Roe against Wade, although I will emphasize the amendment before us does not do exactly that. The problem with that amendment, however, is if you are a genuine right-to-lifer, if you really believe deep in your heart that abortion is murder, then in good conscience you cannot support a States rights amendment. If you really deep down are convinced that abortion is the unjustified taking of innocent human life, then you cannot bring yourself to say, "But I will vote for an amendment that says it is OK in New York but not in Pennsylvania; it is OK in Oregon but not in Idaho; it is OK in California but not in New Mexico." If you truly believe that abortion is murder and wrong, it is hypocritical to support that kind of an amendment.

The amendment that we have before us is an artfully devised device to attempt to bridge the gap between Federal preemption and so-called States rights.

This amendment does not turn over to the States and solely to the States the right to pass legislation and make judicial interpretations involving abortion. All that Senate Joint Resolution 3 does is say that a right to abortion is not secured by this Constitution and even if we were to adopt that, that is not the law prior to Roe against Wade.

Mr. President, as I indicated, this amendment does not return the law to the status it occupied prior to Roe against Wade. At that time there were no words in the Constitution similar to this amendment that says a right to abortion is not secured by this Constitution. State courts were free to interpret in their States as they chose the U.S. Constitution and decide for themselves what they thought should be the law in that State as they interpreted the U.S. Constitution.

Consequently, those States were free to weigh the right of privacy, on one hand, versus fetal rights, on the other, and reach what conclusions they wanted in balancing the scale.

If we adopt the language that is in this amendment we are destroying the balance and we are saying that, henceforth in weighing a case in a State court in which a Federal constitutional argument is raised, the State courts may not consider whether a right to abortion is secured by the Constitution, and that is something they could consider prior to Roe against Wade.

So make no mistake. This not a States rights amendment nor do I think it was intended to be a States rights amendment. We have had other States rights amendments considered in past Congresses. If you wanted to draft a States rights constitutional amendment one could be drafted.

But in passing this kind of an amendment I think it is clear what some groups hope, let me read from the National Right to Life News of April 28, 1983, an article by James Bopp, Jr., who is an attorney active in the right-to-life movement and an occasional adviser to Right to Life. This is in their newsletter. They are talking about the amendment as it has come out of committee, and this article says:

THE HATCH/EAGLETON AMENDMENT: ITS LEGAL IMPACT

On April 9, 1983, National Right to Life Committee endorsed the Hatch/Eagleton Amendment, S.J. Res. 3, as the first amendment in a two amendment process of restoring legal protection to the unborn. The second amendment is NRLC's Unity Amendment, S.J. Res. 9.

On March 24, 1983, the Senate Subcommittee on the Constitution unanimously approved the Hatch/Eagleton Amendment. On April 19, 1983, the full Senate Judiciary Committee voted it out for floor debate.

The Hatch/Eagleton Amendment provides as follows:

"A right to abortion is not secured by this Constitution."

The Hatch/Eagleton Amendment, while similar in wording to the Hatch Federalism Amendment is fundamentally different from SJR 110. This Amendment is a reversal type amendment which is intended, according to its author, Senator Thomas F. Eagleton (D-Mo.), to "wipe out the legal status afforded to the 'abortion right' by *Roe v. Wade* and return us to the legal *status quo ante.*".

Thus, there would be no constitutionally protected right to abortion which provides the most substantial impediment to regulation of abortion by the states and Congress and would return the power to regulate abortion to the states and Congress.

This reversal type amendment formulation was originally suggested by Senator Eagleton in a speech to the Annual Prolife Convention of the Archdiocese of St. Louis, Missouri on October 3, 1982. This amendment is the first sentence of the original Hatch Federalism Amendment. It deletes the second sentence of the Hatch Federalism Amendment which specifically provided that Congress and the several state shall have concurrent power to restrict and prohibit abortion and provided that a provision of a law of a state which is more restrictive than a conflicting provision of a law of Congress shall govern.

In his testimoney before the Subcommittee on the Constitution February 28, 1983, Senator Eagleton recommended that this formulation be adopted. The testimony of other witnesses before the Subcommittee on February 28 and March 7 was directed at a careful examination of the effect of this proposed amendment. As a result of this testimony, the Subcommittee on the Constitution reported out the Hatch/Eagleton Amendment in accord with Senator Eagleton's suggestion.

A reversal type amendment, such as the Hatch/Eagleton Amendment, is fundamentally different in approach from a legislative authorization type amendment such as the Hatch Federalism Amendment. A reversal type amendment abolishes the constitution-

ally protected right to abortion found originally in *Roe v. Wade* and *Doe v. Bolton* and subsequently expanded in later decisions. This constitutionally protected right, found by the Supreme Court in the consitutional right of privacy, prevents effective state or federal regulation of abortion.

While a reversal type amendment does not restore to the unborn the status of person under the 14th Amendment, it would remove the consitutional impediment to effective protection of the unborn. A second amendment restoring personhood, such as the Unity Amendment, is necessary to restore personhood.

A reversal type amendment, therefore, does not imply or suggest that there is no obligation in another part of the Constitution requiring protection for the unborn. Indeed, it invites one to examine other parts of the Constitution to determine if such protection is mandated. If such protection is not found, it invites—almost demands—its restoration by a subsequent step, either by another amendment or by other legislative acts.

In this way, the Hatch/Eagleton Amendment is philosophically quite different from the original formulation of the Hatch Federalism Amendment. Some have argued that by its second sentence, the Hatch Federalism Amendment implies that the question of the regulation of abortion is settled; i.e. it is within the discretion of the state legislatures and Congress. While most authorities find this argument unconvincing, under this reasoning a second amendment after the Hatch Federalism Amendment would almost contradict the first by creating an obligation to protect. The Hatch/Eagleton Amendment, as the first amendment in a two step strategy, creates no such possible contradiction and thus would be more suitable for a first step amendment.

In addition, any legislative authorization type of amendment grants power to the state and/or Congress to regulate abortion specifically. It reverses *Roe v. Wade* only as a practical effect, but does not reverse *Roe v. Wade* in principle. Thus, a legislative authorization type amendment leaves *Roe v. Wade* intact but renders it ineffective by granting power to the states and Congress to act.

A reversal type amendment, however, specifically reverses *Roe v. Wade* in principle, with the practical effect of restoring to Congress and the states the power to protect unborn life. The nature and extent of that power is examined below.

The intent of the Hatch/Eagleton Amendment is to fully reverse the *Roe v. Wade* Supreme Court decision which grants to a woman a constitutional right of privacy to decide whether or not to terminate a pregnancy. The purpose of Hatch/Eagleton is to preclude reliance upon any provision of the Constitution as authority for recognition of any right to abortion, and thus abrogates this right, whatever its alleged constitutional basis.

In particular, this amendment is intended to reverse *Roe v. Wade* and its companion *Doe v. Bolton*, insofar as these cases hold that the Constitution protects that abortion liberty. The testimony of Senator Robert Packwood and Professor Lawrence Tribe, both testifying at the hearings against the amendment, agreed that the Hatch/Eagleton Amendment would be fully effective in accomplishing the results.

The importance of this foundation was high-lighted by the testimony of Rhonda Copelon, Esq. of the Center for Constitutional Rights in her testimony before the Subcommittee during the 1983 Hearings. In her testimony, she identified a lengthy series of constitutional bases for a right of privacy.

These include "the right of bodily integrity," "the constitutional right of association" which "embraces the right to form a family, to choose our most intimate associates and guide the raising of children." The First Amendment which protects the right of women to "speak" with their bodies in childbearing which protects the "right to follow religious and conscientious convictions," and the 13th Amendment which prevents involuntary servitude which, Copelon said entitles women "to say no to the unparallelled labor demanded by pregnancy, childbirth and childrearing and to the expropriation of her body and services for the sake of another." But the adoption of the Hatch/Eagleton Amendment would ensure that no right to abortion could be found in any provision of the Constitution.

Removal of the last two sentences of the Hatch Federalism Amendment to form the Hatch/Eagleton Amendment, therefore, changes its essential nature and character. The Hatch/Eagleton Amendment, therefore, is in principle a reversal amendment rather than a legislative authorization type. Removal of a specifically granted power to the states or Congress in the amendment itself, however, raises the question of the power that would exist in Congress and the states to regulate abortion after its adoption. As pointed out by Professor Rosenblum, "the slate would be wiped clean: as far as judicial precedent is concerned, it would be as if *Roe* and its progeny had never existed."

With regards to state legislation, according to Prof. Rosenblum, "the nullification of '(a) right to abortion' accomplished by the Amendment would allow legislative proscription of abortion."

States, acting within the traditional spheres of jurisdiction, could, Rosenblum said, "legally proscribe or regulate abortion practices on behalf of their continuing, already judicially recognized, legitimate interest in protection of fetal life. This means that those laws that proscribe abortion which remain codified could be revived, and that new laws could be enacted . . . to proscribe or to restrict abortion." The states, in exercise of their police power could certainly prohibit abortion except in those cases where an abortion is required to save the life of the mother.

A more substantial concern is the effect of the Hatch/Eagleton Amendment on the scope of federal powers that could be brought to bear to restrict or prohibit abortion. In this respect, according to Prof. Rosenblum, the Hatch/Eagleton Amendment "would not so fully effectuate the opportunity to protect the unborn on a national basis as would the Hatch Amendment's grant to the Congress of full plenary to restrict and prohibit abortion."

It would, however, restore to Congress those powers it had prior to *Roe v. Wade* to do so.

In this respect, other parts of the Constitution must be examined to determine whether or not there is power there to directly or indirectly restrict or prohibit abortion. This power may not now be exercised due to the constitutional right to abortion found by the Supreme Court in *Roe v. Wade*. After the adoption of the Hatch/Eagleton Amendement, however, this right to abortion would be removed and the residual powers of Congress could be exercised.

There exists in the Constitution both direct and indirect powers which may be brought to bear on abortion. Any *direct* power that Congress might have to regulate abortion, i.e. private killing, could be found in Section 5 of the 14th Amendment.

This section, activated on behalf of the unborn by the adoption of a Human Life Bill—which would define the unborn as a human being for the purpose of protecting the right to life under the 14th Amendment—would bring to bear the 14th Amendment's protections of persons for the unborn.

Currently, a Human Life Bill's constitutionality is threatened by the Supreme Court decision in *Roe v. Wade*. Once that decision were removed, the likelihood of a Human Life Bill's constitutionality is much more secure. Such a bill, properly drafted, could include the power to restrict or prohibit private abortions in addition to limiting state government involvement in abortion. Such a bill is a logical second step after the adoption of the Hatch/Eagleton Amendment.

In addition there are indirect ways by which abortion may be regulated. These include the exercise of the commerce clause, the taxing power, and the power of the purse. These have been fully examined by other authorities.

The Hatch/Eagleton Amendment is a newly formulated and novel approach directed at abortion. This Amendment is the first of the reversal type amendments to be offered in Congress. Its adoption would clearly repudiate the Supreme Court's finding of the constitutional right to abortion and prevent its recreation in any other portion of the Constitution. The full plenary powers of the state and other preexisting federal power would be restored to restrict and prohibit abortion. With the adoption of the second step, either a life protection amendment or a Human Life Bill, the obligation to protect unborn life would be fully restored.

This amendment we have is a hybrid. Indeed, it would allow the States to act in matters of abortion and it would allow the Federal Government to act in matters of abortion, but as all constitutional scholars know, the U.S. Constitution and acts thereunder are supreme and, therefore, Congress could pass any act it wanted to so long as it acted under the commerce clause or the 14th amendment section 5 or some other provision in the Constitution and preempted State laws, and very clearly that is what Right to Life has in mind.

(Mr. TRIBLE assumed the chair.)

Mr. PACKWOOD. They knew they could not get a Federal preemptive constitutional amendment so what they want is a constitutional amendment that in essence allows either Congress or the States to operate and then try to get a statute passed through Congress to achieve the same thing they are unable to get by a constitutional amendment.

I do not want any Senator to think if Senate Joint Resolution 3 is passed we are done with this subject forever in Congress. We are not. If this resolution is passed, and if it passes the

House and is ratified by the States, we will still be faced with human life bills in Congress, we will still be faced with bills prohibiting the shipment in interstate commerce of medicine and instruments used in abortions, we will still be faced with bills prohibiting Federal funding of hospitals that allow abortions, and we will be faced with other efforts at the Federal level to pass legislation prohibiting choice nationwide.

Everyone who participates in this debate, everyone who casts his or her vote on this resolution should be under no illusions they are shedding themselves of this subject at the congressional level if this amendment is ratified. They are not.

If Senate Resolution 3 is adopted, both State legislatures and Congress shall have the right to legislate in the field of abortion

Mr. President, since the Supreme Court's decision in Roe against Wade in 1973, public opinion poll after public opinion poll have been taken on the subject of abortion. The question has been asked over and over, "Do you support the Supreme Court's decision on abortion?" Now we all know that pollsters allegedly can be found to give any answer to any question. In my experience most pollsters are honest, and if most good pollsters are given identical questions to ask, they come up with results that are reasonably close to each other.

There is no question but that about two-thirds of the American public, when posed the question year after year after year, "Do you support the Supreme Court's decision of 1973?" say yes.

But that is the last time I am going to argue that statistic because I do not think basic civil liberties should be determined by a majority vote. The basic liberties enshrined in our Constitution were put there by our Founders to protect the minority against public opinion. They are designed to protect minorities against the transitory blowing to and fro of the winds of public opinion. Those rights are too precious to be put to a majority vote. I will argue instead that a constitutional amendment should be the result of a developed consensus on an issue, and we should not change the Constitution unless there is a long and strong showing of a consensus for that change.

Rather than a consensus for the change proposed in Senate Joint Resolution 3, the consensus is the opposite. The consensus is that there should be no change in the Supreme Court's decision regarding abortion.

Mr. President, I could continue indefinitely with my discussion of the constitutional, legal and civil liberty ramifications of Senate Joint Resolution 3. The humanistic ramifications are the most moving response, however, to defeat this amendment. The gravest consequences of this amendment if it were passed would fall on women. By seeking to force all women into childbearing, Senate Joint Resolution 3 undermines their ability to control their bodies and their lives. No other Supreme Court decision has meant more to the health, well-being, freedom and dignity of women than Roe against Wade. That decision recognizes women's rights to make childbearing decisions and those are rights fundamental to equality for women in this society. Without that decision there can be no equality for women in this society.

A woman's right to make childbearing decisions is part of her right of bodily integrity. The right of bodily integrity is one of the foundations of the right to privacy, and I might add here that the right to privacy is not a right mentioned in the Constitution either. My good friend and distinguished colleague from Utah indicated that abortion is not mentioned in the Constitution—nor is privacy. The Constitution is an ongoing document I have heard no great outcry we should somehow reverse the Supreme Court's decision on privacy because most of us agree that when the Supreme Court started to move in that area, and the decisions go back many, many decades, they are not recent, the bulk of the country felt they were moving in a direction that was proper, and that our founders would have approved.

The Supreme Court held in 1891 that no right is more sacred than the right of every individual to the protection and control of his own person, free from all restraint or interference of others. This same right was strongly reaffirmed 2 weeks ago in the Akron decision. Those who criticize Roe show little concern for the massive invasion of physical integrity and privacy that denial of choice involves.

Most significantly Senate Joint Resolution 3 will not prevent abortion. History proves that women will do anything to rid their bodies of unwanted pregnancies, and all Senate Joint Resolution 3 will do is restore illegal, unsanitary, and lethal backstreet abortions resulting in thousands of deaths to the women, and to no benefit to society.

Now, Mr. President, why is it we are involved in a debate about the Supreme Court's decision on abortion when we are not involved very often in a discussion about Supreme Court decisions in other areas where the argument is made that the Court has moved into an area that had previously been left to the States, and that decision should be reversed? Mr. President, you can come to only one conclusion as to why. Those who are pursuing the overturning of the Supreme Court decision do not like the morality of the decision. It offends their personal or religious or other very deeply held views, and they want to impose their morality on others who do not share those very deeply moving and personal and religious views. Because they do not have the votes to do it by an outright amendment that simply bans abortion nationwide, once and for all, period, they will try to do it with some artifice that attempts to bridge the gap between so-called Federal and States rights.

And why do I say their motivation stems basically from moral, deeply held convictions? Because in a whole variety of areas in the last 20 years the Supreme Court has struck down a variety of State actions and Congress has done little or nothing. There have been a few amendments introduced, and within a few weeks or months the passion passes to overturn the court decisions. Miranda in the criminal field, where we finally said that a defendant must be advised of his constitutional rights to self-incrimination, and if he is not so advised, statements that the defendant makes to the police officer or others before advised are probably inadmissible in court. With that decision we wiped out roughly 150 or 160 years of State law that said that did not violate self-incrimination. There were a few complaints from police chiefs, a spate of irritated speeches in Congress, but no reversals.

What about Gideon where the Supreme Court finally said that the States could no longer deny to an indigent defendant the right to counsel in a criminal trial and if the defendant could not afford counsel for himself or herself, the State had to pay for it. This overturned the better part of a century of constitutional law because we said the States no longer have the right to deny that liberty? No serious complaint from Congress.

What about the reapportionment decisions? You talk about the Court getting into a decision it had never been in before? In the reapportionment decisions the Court, the U.S. Supreme Court, from time immemorial had not only faced up to the issue, they had faced up to it and said it is a political issue and it is not one that the Court should be involved in. And every time a case would come up saying, "Must the State legislatures and must the U.S. Congress be apportioned on the basis of population?" they said, "No, that is not a judicial issue." Then in the midsixties they simply flipped and said, "Whatever the decisions in the past may have been, they are overruled, and henceforth legislative bodies must be reapportioned on the basis of population," with the exception, of course, of the U.S. Senate which, in the Constitution, is apportioned on the basis of two Senators per State.

Now, we had again a spate of irritation in the Congress and State legislatures, a few constitutional amendments offered and some attempts to overturn the Court statutorily, and it died out. It died out, I suspect, because, once the new districts were created and once some incumbent had been defeated and new Members had been elected under the new districts apportioned barely, they obviously had no desire to change the districts.

So let us not say by this argument that the Supreme Court has moved into an area for the first time that it never had moved into before and the precedent of moving into it is justification for reversing it. If that is going to be the theory of the operation of this Congress, then we better start going down a lot of Supreme Court decisions and laws for the last century and deciding which ones the Court moved into for the first time and whether or not we like them and reverse them on that basis. That is not justification for overturning a Supreme Court decision. Let us argue this on the merits.

Again, I compliment my colleague from Utah for being willing to argue it on the merits. I say to him I will not filibuster this. I have no intention of speaking at length. I hope he gets a vote on the merits up or down on his amendment that he has labored so long and so hard to get.

I yield the floor.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks about me. I feel good about the fact that we are taking time to debate what both of us consider to be an extremely important issue in the U.S. Congress.

He raised a couple of issues about whether or not this is a States rights amendment. I think I would like to respond to that, at least to this extent.

This is a States rights amendment in the sense that any area of law under our Constitution is reserved to the States. The States, under our constitutional system, govern every body of law not found within the enumerated powers of the Federal Government in articles I through III, primarily article I, section 8 which defines and confines Congress power to legislate. Nowhere in those enumerated powers is there any mention of domestic relations, or familial relations, or general police powers, or any other designation that would suggest a Federal power to regulate abortion. Thus, the States have plenary authority over the subject, just as the States enjoy plenary authority, within the obvious limits of the Constitution such as the first amendment, to regulate corporation and business association laws, property laws, trust and estates laws, insurance laws, and any other potential topic of legal concern outside of the specific Federal powers granted by the Constitution.

In recent debates, some Senators have attempted to redefine the concept of "States rights" which is as old as the Constitution in an effort to make this amendment appear to be something it is not. For the duration of our Republic, States rights has meant nothing more nor less than what our Constitution defines; namely, the extensive power of the States to govern within their constitutional jurisdiction as qualified by the power of the Federal Government to govern within its constitutional jurisdiction. This is the traditional, indeed, the only definition of "States rights" because it is the definition given by the defining document, the Constitution.

Those who would redefine the concept of "States rights" for the purposes of this debate maintain that this is not a States rights proposal because it permits the Federal Government to continue to act within the limits of its jurisdiction. Those who would redefine the concept of States rights overlook a most vital point. Allowing the Federal Government to act within its jurisdiction still does not authorize it to prohibit abortion. Although the Federal Government may exercise its authority to regulate interstate commerce in a manner that tangentially relates to abortion; that is, placing conditions on interstate transport of abortifacients, it still is not exercising any authority over abortion but only regulating interstate commerce.

As long as our Constitution has set up two tiers of government, the State and the Federal, to act within their specified parameters, there has been some limited interface between their respective powers. This is true of all matters reserved to the States, domestic relations, wills, criminal laws, and so forth, and all matters ennumerated as within Federal control, interstate commerce, postal authorities, authority to coin money and raise armies, and so forth. The States, acting within their jurisdiction, may influence the Federal Government and vice versa. For instance, when some States legalized gambling, they had an obvious effect on interstate commerce, a Federal power. These tangential impacts on each other's authorities, however, are no reason to say that the States rights or the Federal rights have ceased to exist. Yet those who would redefine "States rights" using something other than the Constitution as their dictionary maintain that this is not a States rights amendment solely because the Federal Government may continue to operate within its jurisdiction. If this argument prevails, it will be a new and terribly sad chapter in our constitutional history.

Let me list again the reasons that this is undeniably a States rights amendment:

First. The amendment simply deprives the special constitutional right created by the Court in Row against Wade of any further legal significance. Thus, abortion would be henceforth regulated as it was prior to 1973, namely, within the reserved powers of the States.

Now, I have to admit that we are not going to go right back to the legal status of 1973 because those State laws will not all be resurrected. I have to admit that it will be a new day. But the States will have the power and the right to act as they did before Roe was handed down.

Second. The legislative history of this amendment has stated repeatedly that our objective is to return to the legal status quo ante Roe when States governed the abortion questions. The States had enjoyed plenary power to set and alter their own abortion policies prior to Roe. Indeed, in the 5 years prior to Roe, 18 States had changed their abortion laws—all in the direction of more liberal allowance of abortion, nevertheless, much less than what Roe against Wade has imposed upon the American people and upon the lives of the innocent unborn.

Third. Senate Joint Resolution 3 was deliberately amended in committee to delete language that granted the Federal Congress concurrent authority to restrict abortion. By this action, the committee, and indeed the whole Senate which will ratify that action, established its intent to remove Federal institutions from the policymaking process with respect to abortion and to reinstate State authorities as the primary locus of decisionmaking for this sensitive issue.

Fourth. By simply nullifying the right created in Roe, this amendment allows the Constitution to operate as it did before Roe to vest authority over abortion in the States. If Federal authorities possess some limited residual authority to the extent that some enumerated Federal power tangentially touches upon abortion policy, this limited residuum of authority is nothing that does not exist with regard to every other field of law under our Constitution.

Fifth. In the absense of special constitutional status for abortion, it would be treated as any other domestic relations law. The Supreme Court has clarified that treatment on numerous occasions: "The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States, and not to the laws of the United States." In re Burris 136 U.S. 586, 593, (1889) (This principle was reaffirmed in 1930, 1944, 1979.)

Sixth. An alternative line of constitutional reasoning reaches the same result with respect to the extent of State authority in the absence or Roe. State power to set criminal standards

is unquestioned. Justice Frankfurter explained:

> Broadly speaking, crimes in the United States are what the laws of the individual states make them, subject to the limitations of Art. I § 10, cl. 1 in the original Constitution prohibiting bills of attainder and ex post facto laws and of the Thirteenth and Fourteenth Amendments. *Rochin* v. *Cal.*, 342 U.S. 165, 168 (1952).

With Roe overturned by this amendment, abortion would not be subject to the protections of the fourteenth amendment or any other provision of the Constitution. Accordingly, abortion misdemeanors, such as the States had enacted prior to 1973, would be again "what the laws of the individual States make them." Id.

Seventh. Finally, I state again for the RECORD and as my intent as the author of this amendment in conjunction with Senator EAGLETON who shares my view on this point: We understand this amendment to restore to the States full authority to restrict, prohibit, or refrain from restricting and prohibiting abortion.

The Federal Government is to have no authority over abortion per se, but only authority within its established constitutional limits. This is a States rights approach to the abortion controversy in the sense that anything in our Constitution can be said to be a States rights matter. Moreover, beyond the terms of the Constitution, a popular understanding or misunderstanding of States rights has no meaning. Those who argue that this is not a States rights proposal have not consulted the document which defines all States rights.

That is the Constitution of the United States. I think this would be an improvement over what we have and it would return this mater to the elected representatives of the people. A lot of people in this body are happy to have the courts decide things because it takes Congress off the hook. But, frankly, that is what we are here for, to be on the hook, to have to debate and stand up for our constituents' beliefs.

If, as my distinguished colleague and friend from Oregon asserts, the polls show that people support the Supreme Court decision, I suspect if you ask the average person whether or not he supports the Supreme Court decision they will say yes because very few people fully understand the implications, the import, the many aspects of this Supreme Court decision.

But if it were true even as he interprets it, then what does he have to fear? Why not let the elected representatives act for the people? I think we do act, for the most part, on these issues with regard to the way the people have said.

I yield to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from Utah for yielding. I commend him for his leadership on this very sensitive issue.

Mr. President, few issues prompt the depth and intensity of feeling as does abortion. On either side of the question, the ardent protagonist seems more frequently compelled by thoughtless passion and even vindictiveness than by sensitive reason. Such fervor and fury are understandable, for this issue touches on the most personal of beliefs and affects in the most intimate way of lives of women.

An issue marked by such intensity and divisiveness invites public neutrality on the part of the politicans, quite candidly; it usually seems pragmatically imprudent to become strongly and unapologetically committed on either side of this controversy.

I have wrestled with my beliefs about abortion—morally, legally, biologically, sociologically, and theologically. In doing so, convictions that I find totally compelling have been deeply affirmed. Moreover, I am persuaded that how society regards this question directly relates to whether we will choose to nourish and enhance all life, for the development of full humanity, or whether we shall make quiet compromises about the sacredness of human life, until the fundamental worth of any life becomes subject to society's discretion.

It would be simple if one concluded that convictions about abortion, however deeply felt, were "personal" beliefs that should be followed individually, but not applied to society. But the belief in life's fundamental right to be has inevitable consequences. I do not, after all, believe merely in my right to be; I believe in the right of all life to be. It would be hypocritical cowardice to hold such a conviction, but not to propose, as a legislator, that society embrace this view. We have suffered so many assaults on the sacredness of human life that our conscience is insensitive and numb. The dominant materialism of our culture is eroding our respect for the quality and value of human life. Our consumptive society sells us a lifestyle that emphasizes getting and having. The frequent result is that things become valued more than people; "possessions" become more important than "relationships." If our lives are held captive to the values of materialism, we can never give priority to the sanctity of human life.

Such values, and the patterns of depersonalization, have eroded the bonds of family, and the quality of our relationships. The warmth and primacy of the family strikes many as being obsolete. There is a tendency to keep relationships, both inside and outside the family, "second" to the primary demands of job, ambition, a sense of personal freedom, the accumulation of money and of possessions. The malaise that strikes at the heart of our times is the fear of responsibility in and to human relationships; this force cripples us as humans and has devastating effects on our society as a whole. If people cannot extend mutual responsibility and care within a relationship, they will be unlikely to demonstrate concern for society, and the well-being of one's fellow citizens. If people are afraid and unable to deal with the complexities of interpersonal relationships and to build strong family units, they become so self-oriented that they can be immune to tragedy.

The evidence of how life can be degraded, cheapened, and dehumanized by forces and attitudes in our society is painfully obvious. Should it come as any surprise, then, that our society has come to regard abortion as an increasingly permissible and acceptable form of human behavior? Is it any wonder that people should believe that liberal abortion laws, which make it easier and legal to take human life, will somehow liberate us and make our society more humane?

Abortion is a form of violence. It is condoned by a society that has become callous and indifferent to the ultimate value of human life. It is undergirded by a whole moral climate that elevates selfish personal convenience to a supreme status in human decisionmaking. This attitude, when applied by individual citizens to decisions concerning the neighborhoods in which they live, the schools to which they send their children, the use to which they put their material resources, and the way they regard their families and relationships, can only result in social deterioration. When expressed in our national character, this same attitude results in oppression against minority groups, exploitation and misuse of our natural resources, and reckless, destructive foreign policy.

Abortion is symptomatic of a retreat from mutual responsibility toward one another to self-seeking personal perogatives as the ultimate norm. Let us recognize that, often, abortion is submitted to by women who have been dehumanized, by relationships lacking either commitment or responsibility. These same abortions are ignored, or even encouraged, by the men who caused the pregnancy since the convenience of abortion eliminates the necessity to view that woman, and the relationship, as an integral part of his life, calling for responsibility and care.

The dehumanization of life in much of our society has led us to the dehumanization of sex. An exploitive attitude toward sex flourishes in society, reducing men and women to objects and things. Once having dehumanized the act of sex, it becomes easy to dehumanize the result, and destroy that life by resorting to abortion.

There is a tendency to approach the essential questions about life from purely sociological, or legal framework, without reference to biological realities. Sociologically, we discover that unwanted children can often face severe and debilitating burdens. We find that mothers with an unwanted pregnancy may not properly nourish themselves, and thus, the life of their developing child. Retardation of that child may be the consequence. Further, we see that society leaves a man who is the cause of an unwed mother with no responsibility, and barely even any guilt. Yet the mother faces the emotional and physical demands of a 9-month pregnancy, plus the psychological pain that can result, and then the guilt from a judgmental society. Also, we know that our planet, as well as a poverty-stricken family, has limits to the amount of life that can be fully nurtured and sustained. These are all tragic, terrible realities. But despite the harshness of such truths, these are not the criteria for determining when human life begins, or whether the existence of that life has value.

The landmark Roe against Wade decision revolutionized American abortion law and, in essence, overturned 50 State statutes, thereby imposing what may be the most permissive abortion policy in the world on the Nation. In that decision, the Supreme Court created a new right that is not inferable from the Constitution, in any values derived from provisions in it or in the intent of its Framers. Legal scholars noted that the Court's decisions had been controversial before—but never had their reasoning been so spurious, so lacking in careful scholarship, or so overtly based on a philosophy of relativism.

The Court sets limits to the legal definition of personhood—limits which cannot be justified by more fundamental biological reality. The Court, and our Nation, have dealt in the past with the legal definition of personhood. The truth of history is that the most tragic consequences have directly resulted when we, or another nation, have taken a too restrictive view of personhood and the value of all human life. The institution of slavery, reducing human beings to the level of economic commodities, the ovens at Auschwitz, and the slaughter at all the My Lais of Indochina demonstrate what becomes possible, tolerable, and even legal from a philosophy of human life and personhood too narrowly conceived. The Nation's definition of personhood, as set forth by its system of law, has potentially profound and crucial consequences on the rights of every citizen. To set a legal precedent for restricting the view of personhood according to certain artificial criteria is to open the way for the abuse of our most fundamental and treasured ideals.

We are obligated to formulate and to defend a system of law that guarantees the freedom and safety of persons within the public domain that we are called to serve. But we must not view the range of that "public" to nearsightedly. In our collective memory, we honor most those lawmakers of the past who were able to hear and think beyond the vocal din of their day and to reflect justly on the needs and plight of those who had no public voice. It is difficult to bring to mind an advocate of justice whom history has condemned for a too "liberal" view of the range of human life and personhood.

The point is this: What the lessons of history teach us is that where societies have erred, they have erred on the side of bigotry and narrowmindedness. They have more often than not erred in the direction of failing to grant rights where those rights were subsequently recognized to be legitimate.

I recognize that everyone may not agree about the certainty of where personhood begins, but I suggest that, if we are to err, then let us err on the side of being too liberal about the definition of human life. Even if one is unsure about when personhood originates, that does not automatically condone adopting a more restricted, limited view regarding what constitutes a human being. For if one is to argue that unborn life may be taken, more or less at will—outside of the case where there is a threat to the life of the mother—then there must be convincing certainty that a human being does not exist when that life is eliminated. The burden of proof lies with those who would advocate abortion to demonstrate conclusively that they are not taking human life. It is hard to imagine where the evidence exists—biologically, philosophically, or in any way—to confirm certainty to that belief. Our commitment to life's ultimate, intrinsic value dictates that we never be careless with so crucial a question, whatever our initial views may be. The task must be to safeguard and preserve human life, rather than rationalized its expendability.

Mr. President, that is the liberal position on the question of abortion. That is why I reject the proabortion position as being anything other than a conservative position.

The reason is that, throughout history, Mr. President, those who have sought to expand the rights of life have been the liberals in the political movements. It has been the conservatives who have wanted to maintain the status quo of maintaining property rights over human rights. I am proud to stand on this floor and take the liberal position on the question of abortion.

The reason why it has become so difficult and even perilous to discuss the issue of abortion is because of the growing realization by women that they have inner gifts to express, and roles in society to explore, that have previously been disregarded and resisted by society—or more specifically, by men. Women have suffered deeply and even been dehumanized by society's discrimination of them and the socially enforced stereotypes every woman has been expected to fulfill. A review of our country's lamentable history in granting to women the very same right we have been discussing—full personhood under the law—makes us realize how tragically we have contradicted our ideals about human rights as far as women are concerned. Further, the depth of the culture's discriminatory attitudes, as also in the case of racism, makes this problem far more complex than merely one of legal injustice.

Many women today believe deeply that their worth is defined in ways that far transcends their ability to bear children. They see new possibilities vocationally, and new ways to express their gifts and capabilities to society. In the process, they reject the notion that the only normal, worthy, and respectable role they should play is that of being a mother. Rather, that is an option that can be chosen and embraced, if desired, rather than arbitrarily imposed by society's expectations. I believe they are right.

I fully respect these feelings, for I deeply believe that every person who comes into this world has unique gifts which only he or she can give to others. There must be an atmosphere of freedom to allow their expression—freedom from arbitrary roles, rules, and expectations, which means freedom from prejudice.

In pursuing these convictions, some believe that the woman's choice over whether or not to become a mother must be guaranteed not just by the preventive techniques of contraception, but by an unquestioned right to abortion. They further buttress this claim by pointing out that society, as well as biological reality, makes the women's life bear the full weight, burden, and guilt of an unwanted pregnancy, rather than the father.

The harsh and reprehensible treatment, and the deep suffering, that can be inflicted upon the unwed mother, or a life unwanted by its parents, is painfully obvious in many instances. But the crimes of society do not exempt an individual from moral responsibility; they cannot be invoked to numb the conscience and rationalize what is wrong into something easily excusable or inherently justifiable. Sociological tragedy does not alter the biological reality of a life's existence.

Further, I cannot condone any liberation movement that demands the sacrifice of innocent human life. You

do not liberate life by destroying life. The goal, after all, is the human liberation of all humankind. It is a tragic and frightful delusion to believe that goal will be enhanced by granting the right to take life at will, claiming this can make one more fully human. The humanization of mankind will never come through condoning the slaughter of unborn life. Ghandi's words apply directly: "The means is the end in the making."

Many cases where abortion is considered are lives faced with compounded personal tragedy. In human terms, nothing can totally erase depth of tragedy from such lives; that is the province of religious faith. But society can and must take steps to at least alleviate this tragedy, and assume responsibility for the nurturing of all life.

Let me simply outline society's obligations, which have yet to be assumed with true faithfulness and commitment. Every unborn life has a birthright; for life that is unwanted by unwed parents, society must insure that right. This necessitates maternal care and support so that the psychological, medical, nutritional, and financial needs of the mother are fully cared for, with compassion and acceptance. It means that adoption laws need substantial revision, so especially the mixed-blood or handicapped child will find the warmth and love of a family. Our whole approach to foster care must be humanized.

To prevent the tragedy of unwanted pregnancies, we must promote an uncompromising commitment to sex education and family planning services. Destroying the myths and teaching the truth about sex, and origin of life, can instill the fundamental reverence for the miracle of new life, preventing tragic pregnancies and scarring of lives.

Further, we must recognize the plurality of sexual morality that exists in our society. That is not likely to change. But the result need not be unwanted life. Thus, there should be widespread knowledge and availability of contraceptive options. This should be steadfastly and forthrightly pursued so that life will not be created unless it is desired.

Those who advocate abortion often cite their genuine concern for the plight of the poor. It is felt that those who are poverty stricken should not be subject to the burden of trying to support children they may not have planned to bear. Yet I believe the dispossessed should be listened to, and allowed to speak for themselves about their needs. The truth is that in general they have not been the ones asking for abortion laws to be liberalized. Quite to the contrary, the Rev. Jesse Jackson has termed abortion a form of genocide practiced against blacks. He condemned "the moral emptiness and aloofness that comes when protecting human life is not considered sacred."

When we realize that society has been more ready to provide assistance for the poor to have abortions than for the poor to have children, maintained by an adequate standard of living, we recognize the truth spoken by those who view abortion as another form of our oppression of the poor.

The reality we face is our reverence for life. On many fronts today we are being asked and urged to save life. We want to save endangered species from extinction; we are asked to spare animals the abuse they suffer at rodeos or from experimentation; we hear pleas to find homes for the thousands of stray dogs populating our dog pounds; we all know the urgent demand to preserve our natural life—to nurture the rare species of plants, to reverence the value of nature's beauty, and to protect and enlarge major portions of our natural habitat from man's destructive encroachment.

Why should this urge to reverence life, based as it is on a recognition of life's transcendent value, exclude a commitment to save unborn human life? I only plea that we recognize and seek to preserve and nurture the sacredness of life in all its forms.

Abortion is a form of violence. This is the undeniable reality. It is the destruction of life. It futhers the dehumanization of life. It cheapens life.

Let me echo the sentiments expressed by C. Eric Lincoln in the Christian Century:

> I, for one, am sick of blood and blood-letting—in the streets, on the battlefields and in the safe aseptic privacy of a doctor's office. In our continuing retreat from responsibility, we are too ready to wipe out the consequences of our private and public acts with a shrug and a resort to blood. But there are consequences to human behavior—economic, political, social, psychological, and sexual; and neither the bayonet nor the scalpel is the ideal means of setting things straight.

The Hatch/Eagleton human life amendment would overturn Roe against Wade allowing States to once again regulate abortion as they choose. I feel that Senate Joint Resolution 3 is a constitutional and realistic approach for changing this country's abortion policy. Passage and ratification of this constitutional amendment would allow the people in the States to shape abortion policy through their elected officials. Only by restoring this direct citizen participation in the formulation of abortion policy can the Nation expect to achieve a moral consensus on this sensitive social question. Therefore, I support passage of Senate Joint Resolution 3.

Mr. JOHNSTON. Mr. President, once again we are gathered to discuss an issue of great controversy, this time, abortion. Very few issues have consistently demanded the attention or stirred the inner emotions of the public as much as abortion has since the Supreme Court first handed down its decision in Roe against Wade 10 years ago. This emotion has just been rekindled to an even higher degree due to the Court's decision in three abortion related cases just a couple of weeks ago. In these cases, the Justices reaffirmed their decision in Roe and, in some respects, even broadened the right of a woman to have an abortion.

The most significant of these cases is Akron against Akron Center for Reproductive Health. In Akron, the Supreme Court invalidated as unconstitutional an Akron city ordinance which attempted to place reasonable restrictions on both abortion and the disposal of the fetus.

I have been a strong critic of the 1973 Supreme Court decision legalizing abortion. I believe it was wrong in 1973 and the Court's recent affirmation of that decision convinces me that it is wrong now. Consequently, Mr. President, today I am pleased to express my support for Senate Joint Resolution 3.

Due to the Court's action in Akron, passage of this resolution is needed now more than ever. The approach of Senate Joint Resolution 3 is short and simple. This proposed amendment specifically states that "The right to an abortion is not secured by the Constitution." Clearly if this amendment is approved, one may draw the obvious conclusion that if an abortion is not a "right" then our legislatures are free to set policy on the matter. Consequently, a vote for the Hatch-Eagleton amendment could mean any number of things. For example, it could result in an absolute opposition to abortion. Or, it may result in the conviction that abortion is a matter capable of being treated in the legislative forum. However, a vote against this amendment means only one thing because it tells the world, "I accept and I ratify the current abortion policy as it has been created by the judiciary." A vote against Hatch-Eagleton will reaffirm the Supreme Court's decisions because the Court has let it be known that even State laws enacted with the intent of increasing the safety of the mother during the abortion process will be judged under a test of the strictest scrutiny.

Due to the Court's reaffirmance of the Roe decision, I think it is important to review the current status of abortion policy. It is only after such a review that all present will understand exactly what it is that we are being asked to vote on.

In handing down its decision in Roe against Wade in 1973, the Court created a new right under the prenumbra of a number of constitutional provisions, the most important of which is the 14th amendment. Claiming that

abortion is encompassed under the right to privacy, the Court created for women an almost unqualified right to abortion. Equally important to the creation of this right, the court broke the term "pregnancy" into three equal parts, called trimesters, and it then claimed to find inherently in the Constitution some very specific rules for each trimester.

During the first trimester; that is, up to about the 12th week of pregnancy, the Court said that "the abortion and its effectuation must be left to the medical judgment of the pregnant woman's attending physician." That may sound reasonable in theory, but in order to understand the hallowness of these words one must look at the actual abortion procedure.

There is no requirement that the attending physician be the woman's own physician. Rather, the physician can be, and very often is, a full time abortionist operating out of a free standing abortion clinic. Consequently, it is likely that the physician has never seen the woman before, and, unless she comes back for a second abortion, will never see her again. The first time he sees her may well be when he enters the room to perform the abortion.

This probability was just heightened by the Court's decision in Akron where the Court held as unconstitutional, a city ordinance that required the physician performing the abortion to tell the patient before she consents to abortion such fundamental facts as the status of her pregnancy; the development of the fetus; the date of viability of the fetus; the physical and emotional complications after abortion; the availability of birth control, adoption, or childbirth information; or the risks of pregnancy and the abortion technique to be used. Consequently, it appears that the only counseling constitutionally given to the woman is the pep talk she is likely to receive from nonmedical staff who have usually had abortions themselves.

In short, the "woman and her physician" phrase is nothing more than a euphemism for something much more like an assembly line than a medical procedure. This conclusion was affirmed at Senate Judiciary Committee hearings where physicians who support abortion agreed that less than 2 percent of the 1.5 million abortions performed each year have anything to do with an identifiable clinical indication.

In 1978, investigative reporters at the Chicago Sun-Times discovered just how unregulated a first-trimester abortion is under Roe against Wade. Their investigation of several abortion clinics in downtown Chicago uncovered numerous and sometimes ghastly abuses. Abortions were performed before the anesthetic had even taken effect on the woman, because the physicians were racing to see how many procedures they could do in an hour; they were performed on women who were not even pregnant; they were done in such a quick and shoddy manner than a number of previously unreported complications and even deaths were found to have occurred as a result. As the investigation proceeded, it came to light that the city of Chicago had been aware of some of these abuses and had tried to regulate the clinics, but a Federal court had invalidated the regulations as unduly burdening the right to a first trimester abortion. An appeal from this decision was denied by the Supreme Court.

Consequently, it appears that a State cannot even cross the threshold of these clinics in any regulatory way which might affect the right of a woman to have an abortion, even if that regulation is enacted to help preserve the woman's health. It appears that the only allowable requirement is that the abortionist be a doctor. However, the State may not go so far as to require that he be either a good or responsive doctor.

Under Roe against Wade, the States were allowed to begin regulating the abortion procedure in order to protect the woman's health during the second trimester. However, they could not take any action that might be construed as expressing an interest in the survival of the unborn child. Abortion still had to be allowed for any reason. Even regulations banning particularly painful and risky abortion techniques have been investigated by the court with the strictest scrutiny and invalidated. Furthermore, just the other day, the Supreme Court in Akron, invalidated as unconstitutional that part of a city ordinance that required all abortions performed after the first trimester of pregnancy to be performed in a hospital. The Court said this requirement imposed a heavy and unnecessary burden on a woman's access to inexpensive, accessible and safe abortions. According to Justice Powell, improved medical technology allows safe abortions outside of hospitals. However, as Justice O'Connor points out in the dissent, that same medical technology has also made it easier for fetuses to survive earlier outside the womb. Consequently, the Akron decision has now expanded "assembly line" abortion clinics to operate at least into the middle months of pregnancy.

Finally, in Roe, the Court drew the line at viability—the point at which the unborn child is capable of surviving outside the mother's womb—and said that the State was allowed to regulate or even forbid abortion unless the mother's "life of health" was at stake. Superficially this, too, seems like a substantial qualification on the "right of abortion," but the Court then went on, in Doe against Bolton, to stipulate that a threat to "health" in this context should be understood "in the light of all factors—physical, emotional, physchological, familial and the woman's age—relevant to the well-being of the patient." The decision of whether a woman's emotional or "familial" health was actually threatened by the failure to provide an abortion in the last weeks of pregnancy was to be left up to the physician performing the abortion.

In 1979, the Court expanded its ruling further by explaining that this same physician must be allowed to determine for himself whether a particular fetus is viable in the first place. This ruling also invalidated a law requiring life-saving treatment for a possibly viable child born alive during an abortion, because this requirement might have a "chilling effect" on the right to have a late-term abortion. To add insult to injury, in Akron, the Supreme Court invalidated as violating due process principles an ordinance which required the physician performing the abortion to insure that the fetal remains were disposed of in a "humane and sanitary manner."

This "right" then, has already been assessed as more important and fundamental than the protection of life itself, even after birth in some circumstances. This radical character of the Supreme Court's abortion policy is hard to overemphasize, since the very idea of a "postviability" abortion was created by the Court in 1973. Up to then, induction of labor after viability was medically defined simply as premature childbirth, and the fatal neglect or direct killing of a child born in this way was considered infanticide. Yet our abortion statistics now report that almost 1 percent of abortions—about 12,000 a year—are performed after the 20th week of pregnancy. According to the Center for Disease Control, about 400 to 500 babies are born alive during abortions every year, only to find that the law cannot protect them against fatal neglect by the doctor attempting to abort them. Furthermore, as we have seen, the Court is not even willing to grant them a humane burial.

To put it quite bluntly, in many ways the policy which the Supreme Court claims is required by the U.S. Constitution is the most radical in the world. No other country requires by law that abortion be so unregulated, and no other country has gone so far in defining the new category of "postviability abortion." This policy has not been reached by democratic consensus, nor is it a bit of temporary legislative experimentation. Rather, by a radical Supreme Court ruling it has been locked into the most fundamental law of our land as the necessary unfolding of a newly discovered constitutional "right."

I hope my colleagues will think long and hard before casting a vote against Senate Joint Resolution 3. Is virtually unrestricted abortion until birth worth defending as a permanent and fundamental element of our legal system? Or is it, at the very least, a matter on which reasonable people can differ, and on which some degree of regulation or restriction may be appropriate? This is the question raised by Senate Joint Resolution 3 as an alternative to the status quo.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of Supreme Court decisions.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF SUPREME COURT DECISIONS, JUNE 15, 1983

AKRON V. AKRON CENTER FOR REPRODUCTIVE HEALTH

Significantly, this decision contains language largely reaffirming the Roe decision of 1973. Following are the findings of the Court with respect to an Akron, Ohio, city ordinance on abortion:

1. The requirement that all abortions performed after the first trimester of pregnancy be performed in a hospital is unconstitutional except in the interest of protecting the woman's health. This requirement imposes a heavy and unnecessary burden on women's access to inexpensive, accessible, and safe abortions.

2. The requirement that a minor under the age of 15 must obtain the consent of a parent or an order from a court before a physician may perform an abortion is unconstitutional. This requirement makes a blanket determination that all minors under 15 are too immature to make an abortion decision or that an abortion is never in the minor's best interest.

3. The following requirements with respect to "informed consent", or what a physician must tell a patient before she consents to an abortion are unconstitutional:

(a) Status of pregnancy;

(b) Development of fetus;

(c) Date of viability of fetus;

(d) Physical and emotional complications after abortion;

(e) Availability of birth control, adoption, and childbirth information;

(f) Risks of pregnancy and abortion technique to be employed.

The Court states that a State may not adopt regulations designed to influence the woman's informed choice between abortion and childbirth.

4. The requirement of a 24 hour waiting period after a woman signs an abortion consent form is unconstitutional. There is no legitimate state interest in an arbitrary and inflexible waiting period.

5. The requirement that physicians dispose of fetal remains pending abortion be done so in a human and sanitary manner is unconstitutional. This violates the Due Process Clause by failing to give a physician fair notice that his contemplated conduct is forbidden.

The decision was 6-3, justices Powell, Burger, Brennan, Marshall, Blackmun, and Stevens concurring and Justices O'Connor, White and Rehnquist dissenting.

PLANNED PARENTHOOD ASSOCIATION OF KANSAS CITY, MISSOURI V. ASHCROFT

In this 5-4 decision, the Court found the following with respect to Missouri abortion laws:

1. That requirements for parental or court consent are constitutional only in the interest of protecting immature minors. However, here the Missouri statute provided a judicial alternative, whereas the Akron statute provided for blanket consent for all minors under 15;

2. That requirements that a second physician be present during an abortion is constitutional with respect to health-related state concerns;

3. That requirements for pathology reports are constitutional as not significantly burdening a woman's abortion decision.

Here, there was no majority opinion, there was only a majority judgment.

SIMOPOULOS V. VIRGINIA

In this decision, the Court held states cannot require abortions to be performed in full-service hospitals, but have the right to demand that such operations take place in licensed outpatient clinics. Here, the Court upheld a Virginia doctor's conviction for performing an abortion in a clinic not licensed for surgery.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. ZORINSKY. Mr. President, 10 years ago the Supreme Court in the case of Roe against Wade handed down a decision which identified for the first time a constitutional right to abortion. This decision resulted in overturning 31 State laws which totally protected the life of the unborn child. Of the remaining 19 State laws, all but 4 allowed abortion only under certain limited circumstances.

Since then, the number of abortions has increased dramatically so that it is now the most common medical procedure performed on adults. Approximately one in four pregnancies is terminated by abortion. It has become so easy to obtain that it is not even a procedure of last resort in most cases. Although for some women it is only way they perceive to solve the problem of an unwanted pregnancy, in reality it is now being used as a substitute for contraception. According to one study by Planned Parenthood, prior to abortion 45 percent of the women had not used contraception at any time in the previous 3 or 4 months, and 83 percent had not acted consistently to prevent conception. Another area of concern is the increasing number of women having repeat abortions. This year it is expected that 50 to 60 percent of all abortions will be performed on women who have had at least one previously.

How can we hold such a callous view of the taking of human life at any stage? What has happened in our society that the slaughter of baby harp seals arouses more concern than the slaughter of innocent lives in the womb? I believe that in order to justify their arguments, advocates of abortion must allow themselves only to think of the unborn child as an unformed, abstract mass that has no relationship to a living person. They do not want to face the reality of a developing fetus with recognizable human characteristics. What is worse, they ignore the fact that the fetus is not without feeling—that the procedures used in an abortion can cause real pain and suffering. These procedures result in dismemberment by suction, or later in the pregnancy by the use of forceps, and burning away of the outer skin by injecting a salt solution into the sac surrounding the fetus. This is not a pleasant subject for discussion, but we cannot in good conscience continue to ignore it either. Although the unborn child is not able to communicate pain, there is ample scientific evidence that it can experience pain as early as 8 to 10 weeks gestation, and definitely by 13½ weeks.

If those persons who are prochoice will come to grips with these facts, perhaps they will begin to weigh the reality of life within the womb against the hardships to women of having a child they do not want. I do not mean to appear callous about the traumatic effect upon a woman of an unwanted pregnancy, but when she rids herself of that pregnancy, she denies another's right to life. Her "right" is based upon another's death. We have not focused on this fact. Abortion has become a matter of course for many persons. It has become so easy to obtain that other choices are not given the consideration they might otherwise receive. There are tens of thousands of persons who want babies desperately—who would find the greatest joy in the world in being able to adopt the baby that the mother-to-be considers a tragic occurrence in her life.

Mr. President, this legislation is intended to preclude reliance upon the Constitution as authority for recognizing any right to abortion. It rightfully restores to the States the authority to legislate with respect to abortion and will enable the people once again to determine abortion policy through their elected Representatives. I urge my colleagues to support this resolution.

I commend Senator HATCH and Senator EAGLETON for their continued support of prolife.

Mr. HATCH. Mr. President, I thank my esteemed colleagues from Oregon and Nebraska for the sound and intellectually proven statements they have made here today. It means a lot to me, and I appreciate their kind remarks, and I am very grateful that they participated with us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I should like to ask my esteemed colleague from Oregon one or two questions.

After the Akron case, which came down just a week or so ago, which said that even a 24-hour waiting period and informed consent statutes are unconstitutional, what limits does the Senator find on abortions under Roe? The Senator indicated in his opening remarks that Roe does limit abortions and that it is not abortion on demand, but I would like to know what limits he finds.

Mr. PACKWOOD. In the third trimester, in weighing the balance against privacy and fetal rights, the Court, by and large, has tilted on the side of fetal rights. In the third trimester, only in very unusual circumstances does the Court tilt on the side of allowing the woman to have the abortion.

In the second trimester, they pretty much affirmed what they said in Roe about the State's rights to set conditions. But in Akron they found the real reason for the conditions, and in some of the other cases—they were not motivated in their passage nor in their actions by concern for the health or welfare of the woman. They were attempting to persuade the woman not to have an abortion, and the Court said you cannot do that. You can lay down reasonable restrictions in the second trimester, but these were not reasonable.

To the extent a State—or a city, I assume—can issue reasonable restrictions that generally relate to the health and safety of the woman, I think the Court would find them in the second trimester constitutional. But they simply did not do so in those cases.

Mr. HATCH. I submit that it is easy in most any case for a woman or the doctor to claim that the life or health of the mother is involved and thus justify an abortion under Roe. In no State are abortions, even in the third trimester, forbidden. This is because even in the ninth month the physician who performs the abortion is the one who decides that an abortion is necessary within the broad health definition of Doe.

I think Akron makes the case that Roe places few, if any, limits on abortion rights. I cannot imagine anything more reasonable than a 24-hour waiting period to allow a woman to stop to consider what she is going to go through. Nonetheless, the Court knocked out informed-consent statutes.

Mr. PACKWOOD. I do not know if the Senator from Utah has had a chance to read the newspapers at the time of the passage of the Akron legislation. It is very clear what the opponents of the legislation had in mind. They were trying to stop the woman from making a decision to have an abortion. That was motivating it—not her safety or health, but hoping she would change her mind by virtue of whatever pressures might be brought by the doctor or otherwise.

Mr. HATCH. I believe there were people who wanted that to be the result, but I also believe there were sincere people who felt that if the woman could have 24 hours to reflect, once she made the decision to have an abortion, she might change her decision, based upon fact and maybe upon emotion. I think that this 24-hour waiting period had more substance than merely trying to stop abortion. In fact, it was trying to make sure that the decision to have an abortion, of which Roe talks extensively, is a well-considered election by the woman.

Mr. PACKWOOD. The Court also said that in abortions, the longer you wait, the more dangerous it is to the health of the woman. They found that a woman who is going to have an abortion has already weighed the circumstances over a long period of time. It is not something she leaps into willy-nilly, without thought. On balance, they could find no justification for this 24-hour waiting period.

Mr. HATCH. I appreciate the Senator's comments.

I have some other questions. I notice Senator RANDOLPH is here and he has agreed to speak. I am happy to yield to Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, I thank the concerned Senator from Utah, Mr. HATCH, and I also thank all Senators participating in this debate, including Senator PACKWOOD who has engaged in a helpful colloquy with Senator HATCH.

There are many of us who join in support of this legislation whose two principles sponsors are Senator HATCH of Utah and Senator EAGLETON of Missouri. Oftentimes we think of this body as being divided on issues between the majority and the minority. We have the dividing line down the center and from time to time there are more desks on this side and less desks on that side. But there are many, many occasions when the subject matter debated here in this historic forum is not one that is influenced by the party to which Members hold their allegiance. The abortion issue is one such matter in which a position taken, one way or another, is not based on political affiliation, but it is a matter that is of bipartisan concern, with positions taken on an individual basis—as this is a subject that affects individuals, mothers in particular, families, and ultimately the entire structure of our American life.

I had a dear friend long years ago who wrote a book of poems and he called it "The Light of a Baby's Smile." I remember the first poem that he included in that book of poems, and I shall not give all of the lines of the poem, except to say that Tipton Tolbert I think caught the spirit of the newborn child when he said: "The world will never grow worthwhile except in the light of a baby's smile."

I think there is more here than just the rhythm of a poetic line. This poem illustrates for us the joy and the faith that comes when children come into a family, when children come into a community, and when children come into this country of yours and mine.

I am grateful that my statement is included in the RECORD, as will be the statements of others on both sides of this issue, because the debate should, if possible, produce not only the factual, but should spark the emotional feelings that are held by Members of this body.

So it is not only a privilege for me to join with Senator HATCH and Senator EAGLETON, and the others who sponsor this amendment, but it is also my responsibility to do so.

There are many times during Senate consideration of the hundreds of bills that pass before us in subcommittee, in committee, and ultimately during floor debate, when we feel that we should make the record very clear as to how we stand upon a matter. The ultimate, of course, is when we cast a vote for or against a proposal that we have here in the Senate.

Today you have the opportunity—and I say this to Senator HATCH, also, to Senator HELMS who is in the Chamber, and also to our very able Presiding Officer, Senator HUMPHREY in the chair—to use your vote, in this Senate to let it be known to your constituencies how you and how the membership of the Senate will act on this measure. Our action I hope will be positive.

The votes that we shall make upon this amendment are not transferable. These are decisions that must be made. A vote that is not cast ceases to exist. The position of a Senator in this Chamber, must be expressed but it is not always necessary, for Members to speak here on a subject. But when the time comes to be recorded upon the measure, let your constituency know how you feel. If you feel strongly about a matter, certainly stamp it, by the casting of your vote.

(At this point in the proceedings there occurred a colloquy regarding a proposed unanimous-consent agreement, which by unanimous consent is printed in the RECORD following Mr. RANDOLPH's remarks.)

Mr. RANDOLPH. Mr. President, I would like to ask one of the authors of the amendment whether or not the

life of the mother is protected in this measure, specifically when the medical profession determines that the life of the mother is endangered.

Mr. HATCH. Mr. President, this amendment certainly would enable the life of a mother to be fully protected. Prior to 1973, every State's body of law fully protected the life of the mother. Given the sensitivity of the States to the need to protect the life of the mother and the fact that the States fully protected this interest prior to Roe, the mother's life is certain to be fully protected under the State statutes permitted by this amendment.

Mr. RANDOLPH. I thank Senator HATCH and others who support this amendment.

I have been requested to yield the floor for Senator THURMOND, of South Carolina, who wishes to speak, although I had thought to take perhaps 10 minutes more.

Mr. President, I have joined my concerned colleagues, Mr. HATCH and Mr. EAGLETON and other Members, in expressing strong support for Senate Joint Resolution 3, the human life federalism amendment—a proposed constitutional amendment that would reverse the Roe against Wade Supreme Court decision, restoring to our States, authority to legislate with respect to abortion.

By simply stating that: "A right to an abortion is not secured by this Constitution", this proposed amendment would strike the High Court's 1973 decision, a decision which was again upheld by the Court in recent weeks, that guarantees a woman, as her constitutional right, the right to choose to terminate her pregnancy during its first trimester, free of the restraints imposed by State law—and allowing States to regulate access to abortions during the second trimester only if the limits are designed to protest the woman's health. In addition to the reversal of Roe against Wade, passage and ultimate ratification of this amendment would prevent the creation of any other right to abortion in the harbor of any other provision of the U.S Constitution, at some future date.

Mr. President, the time for such a constitutional amendment is now. It has become evident that the Supreme Court will continue to uphold its Roe against Wade interpretation of the Constitution—protecting a woman's rights to abortion, as indicated by their June 15 rulings. Although I vehemently disagree with this interpretation of our Constitution, I am more convinced than ever that a constitutional amendment, such as that proposed in Senate Joint Resolution 3, is the necessary vehicle for clarifying that our U.S. Constitution does not guarantee the right to abortion. I, along with countless other Americans, do not feel that our forefathers who wrote the Constitution to protect the rights of our people, envisioned the inclusion of the right to abortion as one of our inalienable rights. I do not believe that they would have totally ignored the rights of the millions of unborn Americans who are senselessly deprived of life each year due to a right to abortion. Thus, I feel that ratification of this proposed constitutional amendment, clarifying that "a right to an abortion is not secured by this Constitution"—incorporating this language into our Constitution—is the only sure way of reducing if not ending this plague of readily available abortions on our Nation.

Mr. President, it cannot be argued that the legalization of abortion has drastically increased the number of induced abortions in our Nation since the 1973 decision. Statistics are hard to clarify in this regard, as prior to Roe against Wade, abortions in most States were illegal, and thus not recorded. However, in recent years, many studies have been conducted, one of which estimated that the number of abortions since its nationwide legalization have increased six to elevenfold. In a study conducted by the Alan Guttmacher Institute, it was determined that 1.5 million abortions were performed in 1979 alone. In my home State of West Virginia, statistics show that over 3,000 abortions were performed in the State in 1980 and that 5,490 residents of West Virginia received abortions either in or outside of the State. Even more tragic, these numbers are increasing, and are expected to continue to do so as abortion becomes more readily available and is seen as an acceptable form of dealing with an unwanted pregnancy. It has also been found that repeat abortions accounted for 29 percent of all abortions performed in 1978, with 21,000 performed on women who had had three or more abortions. These numbers are also increasing—and I might add, that this is a frightening fact.

Mr. President, the record shows that I have always, and will continue to be opposed to abortion on demand. I am opposed to abortion under any circumstances except in cases where it is necessary to save the life of the mother, or in special instances such as in pregnancies resulting from rape or incest. Futhermore, my voting record proves this position, as I have consistently supported measures such as the Hyde amendment to appropriations bills since 1976, prohibiting medicaid funds to be used for the purpose of performing abortions, except in saving the life of the mother. There have been many proposals since the 1973 decision ranging from measures seeking to restrict Federal funding for abortions, to measures seeking to outlaw abortion on demand, nationwide. Again, I have in the past and will continue to support legislation seeking a reduction if not total elimination of abortions where not necessary to save the life of the mother or under the other special circumstances stated above. However, it is my sincere belief that this proposed constitutional amendment is the surest way to reach our goal of stopping this tragic plague on our country—a plague that is robbing us of millions of unborn Americans.

I again commend the Senators from Utah and Missouri for their foresight in introducing this legislation and I am a cosponsor and ardent supporter of this amendment as we consider it in this Congress. Let us carry it through to its ratification in the States and its eventual incorporation into our Constitution.

I only close on this personal thought. A little more than 2 years ago, Mary, my wife, was taken away by a cruel plague called cancer. We were together for more than 48 years.

During those years, we had the opportunity, which we felt was the most wonderful privilege that we shared, in bringing two sons into this world. She was the mother of Jay, 48, and Frank, 44, our two sons. She talked about them and worked with them. She gave them strength as they grew from babyhood through childhood into young manhood where they took on many new responsibilities, including parenthood.

I look back upon it. I only hope that as we act on this matter today and tomorrow, we will consider our individual responsibilities, and do what we truly feel is right. After intense deliberation on this issue and particularly this amendment, it is this Senator's determination that a favorable vote on Senate Joint Resolution 3 is the right and the only action that I could take.

I thank the Chair.

(During Mr. RANDOLPH's statement, the following occurred:)

Mr. RANDOLPH. Mr. President, with the understanding of the Chair, I would like to cease talk and yield for a request from the majority leader (Mr. BAKER). I thank my colleague, the minority leader also.

Mr. BYRD. And let this occur without interruption of the speech of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I thank the Senator from West Virginia for his characteristic and consistent courtesy in this matter.

We have been working now for some time to try to get a program for the final consideration and disposition of both the abortion amendment and the tax cap, and I believe we have such an agreement now, and I would like to state a unanimous-consent agreement

which contemplates an arrangement for both matters to be dealt with.

Mr. President, first I ask unanimous consent that during the Senate's consideration of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and in the States with respect to abortion, that the amendment reported from the Judiciary Committee without recommendation be considered as agreed to, and that Senate Joint Resolution 3, as amended is as follows: "A right to abortion is not secured by this Constitution" and it be considered under the following time agreement: 10 hours on the joint resolution, as amended, to be equally divided between the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. PACKWOOD) or their designees; that no amendment be in order; that there be 30 minutes equally divided on any debatable motions, appeals, or points of order if they are submitted to the Senate; that no tabling motion be in order against the resolution.

I further ask unanimous consent that when the Senate reconvenes on Tuesday, June 28, that at the hour of 9 a.m. on Tuesday, June 28, the Senate resume consideration of the abortion amendment, and that debate thereon continue for a period of 1 hour under the same terms and conditions.

I ask unanimous consent then, Mr. President, at the hour of 10 a.m., the Senate temporarily lay aside Senate Joint Resolution 3 and turn to the consideration of H.R. 1183, the Tax Equity Act of 1983, and that that measure be considered under the following time agreement: That all time between the disposition of Senate Joint Resolution 3 and 8 p.m. on Tuesday, be equally divided between the majority leader and the minority leader or their designees, and that no amendment be in order.

I further ask unanimous consent that following the conclusion or yielding back of time on H.R. 1183, the Senate proceed to vote without any intervening debate, motion, appeal, or point of order, and that such vote occur not later than 8 p.m. on Tuesday, June 28.

Mr. President, I further ask unanimous consent that on Tuesday from the hour of 10 o'clock until 12 o'clock that debate proceed on the tax cap proposal so-called, and that the time be equally divided between the majority leader and minority leader or their designees; that at the hour of 12 noon on Tuesday, the Senate stand in recess to accommodate the caucuses of Senators on both sides of the aisle which are held away from the floor, until the hour of 2 o'clock.

Mr. President, I ask unanimous consent at the hour of 2 o'clock, the Senate resume consideration of the abortion amendment, Senate Joint Resolution 3, under the same terms and conditions, and that a vote occur on the abortion amendment at 4 p.m., and that following the disposition of that matter, the Senate resume consideration of the tax cap measure as aforesaid.

Mr. BYRD. Mr. President, reserving the right to object——

Mr. BAKER. Mr. President, one thing I think I said, but anyway I meant to say, that all of the time on the tax cap debate will be equally divided. I do know I said that as concerns the 10 to 12 noon time tomorrow, but I wish that to extend throughout the entire period allowed for debate on that measure.

The PRESIDING OFFICER. Does the Senator also ask to waive paragraph 4 of rule XII?

Mr. BAKER. I cannot remember whether it is paragraph 4, rule XII, or paragraph 12, rule IV. I cannot remember which one it is. I ask that it be waived.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, just a moment.

Mr. HELMS. Mr. President, reserving the right to object, I wonder if I might ask the indulgence of the distinguished majority leaders, Mr. HATCH, and Mr. PACKWOOD if I might proceed for a couple of minutes, and then I would like to make the majority leader a proposition that I hope he cannot refuse.

Mr. BAKER. Mr. President, I am perfectly willing for the Senator from North Carolina to do that on this reservation or by unanimous consent.

Mr. HELMS. I thank my friend, I would emphasize that I do not want to impose on the Senators, and I will not be long. As the Senators know, I am opposed to Senate Joint Resolution 3 both on its substance and in its strategy. I will discuss my objections to its substance at a later time. It is, however, my view that any attempt to pass a constitutional amendment at this time is doomed to frustration. I have in the past proposed statutory remedies, and it is my intentions to do so again. However, Mr. President, I see no reason why there should be two protracted debates on the right-to-life issue. It is the wish of the Senator from North Carolina that we could go ahead and resolve the matter by voting on both a constitutional amendment and a statutory remedy at this time and be done with the issue this year.

Let the record be clear that the reason that the unanimous-consent proposed by the distinguished majority leader is possible is because Senator PACKWOOD knows that there is nowhere near 67 votes for the pending proposed constitutional amendment. So the propounding of this unanimous-consent motion is a victory of sorts for the distinguished Senator from Utah in that the Senate is at least discussing a constitutional amendment. But nobody is deceived or misled concerning the situation that exists on the floor today. The votes simply are not here for a constitutional amendment, and especially this one. I have some problem with the pending proposal myself, I will remind the Senator from Oregon.

About 3 weeks after I had the honor to be sworn in as a U.S. Senator in 1973, the Supreme Court declared war on unborn children. With one stroke of the judicial pen, the Court in Roe against Wade reduced a class of living human beings to a status no better than that of chattel. Over 12 million legal killings have thus far resulted.

When I ran for the Senate in 1972, I never dreamed that over the next decade Congress would be called upon to restore traditional legal protection for unborn children. I assumed that the question of such legal protection had been settled long ago. To me, the right to life for all living human beings seemed part of the fixed landscape of our American heritage. It was we Americans, after all, who had declared in 1976 that all human beings are endowed by their Creator with the unalienable right to life.

My assumption in 1972 proved wrong. It was wrong, however, not because of the American people and our democratic process, but because of an elite on the Supreme Court determined to import an alien view of law and society into American culture. Discarding the moral compass that Judeo-Christian ethics had always provided American law, the Justices of the High Court overrode the democratically enacted laws against abortion in all 50 States and invented a right to abortion nowhere mentioned in the Constitution.

Since that January day in 1973 when Roe was decided, I have felt compelled in conscience to do what I could in the Senate to restore legal protection for the unborn. Recently the National Abortion Rights Action League—thinking that it was leveling a damaging attack on me—instead paid me an unwitting compliment when it wrote in a fundraising letter:

> No one individual has done more in the last 10 years to endanger the right to reproductive freedom of choice than the notorious Jesse Helms.

Notorious or not, I do strongly believe that the law should protect the unborn as well as the born, and while I am in the Senate, I will continue to make this case with my colleagues.

As a result of my commitment on this issue, I am all the more distressed that I cannot support the constitutional amendment proposed by the distinguished Senators from Utah and Missouri. I would like to be able to support any measure to improve the pros-

pects for protecting the right to life. The unfortunate fact is Senate Joint Resolution 3 does not advance the principle that human life is inviolable. Instead, it surrenders forever this principle in exchange for the illusory hope that some lives may be saved.

Without impugning the conclusions reached by others, my personal judgment is that Senate Joint Resolution 3 is defective constitutional theory. Its ratification would represent at best a Pyrrhic victory for the unborn.

Before detailing the reasons for my opposition to Senate Joint Resolution 3, I want to express my gratitude to all those, both my colleagues in the Senate and my fellow citizens, who have worked long and hard and in good faith on behalf of Senate Joint Resolution 3. Their efforts speak for themselves. Furthermore, their sacrifices for the sake of the unborn will ultimately be counted on the side of justice and will help pave the way for effective laws to protect the unborn. Alerting the public to the evils of legalized abortion remains central to the success of the prolife movement, and the proponents of Senate Joint Resolution 3 have done much in this regard. No matter how any of us come out on the merits of Senate Joint Resolution 3, we can all acknowledge that its advocacy has raised the general level of understanding about abortion one notch higher. For this result we should all be grateful.

The basic problem with Senate Joint Resolution 3 is that, instead of recognizing the unborn child's inalienable right to life, it merely rebuts the concept of a right to abortion. After ratification, the Federal and State governments apparently may or may not, as they choose, secure the right to life for unborn children. In this regard, Senate Joint Resolution 3 would institutionalize in the text of the Constitution, the idea that abortion is a matter of choice for the governing authorities. Moreover, it would thereby undercut the correct understanding that the 5th and 14th amendments protect all human persons including the unborn. In short, Senate Joint Resolution 3 runs contrary to the animating moral principle of the prolife movement that no government ever has the authority to sanction the destruction of unborn human life.

The fact that freedom of choice is at the root of Senate Joint Resolution 3 is confirmed by this language on page 7 of the Judiciary Committee's report:

> Unlike many other proposed amendments on the subject of abortion, it would not obligate the States to legislate; it would simply restore to them the authority to do so. By "deconstitutionalizing" the issue of abortion, the proposed amendment would allow the States a wide variety of options which respect to this matter. In their best judgment, the States might choose to have no policy regarding abortion or might restrict and condition it in a variety of ways. For example—
>
> (1) They could place restrictions of some form upon late-term abortion;
>
> (2) They could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;
>
> (3) They could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;
>
> (4) They cold require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;
>
> (5) They could require some form of parental consent to abortions performed upon minors;
>
> (6) They could require some form of spousal consent to abortions;
>
> (7) They could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;
>
> (8) They could establish rights of refusal to perform abortions in physicians or nurses, or in entire hospitals;
>
> (9) They could limit the commerce in abortifacient devices;
>
> (10) They could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or
>
> (11) They could undertake any other form of restriction or regulation upon the abortion procedure.

Obviously this statement in the committee report reflects an understanding that ratification of Senate Joint Resolution 3 would allow abortion in the discretion of the governing authorities. Such understanding is inconsistent with the traditional concept of American law that all human lives have intrinsic worth and equal value. It is also inconsistent with the proper meaning of the 5th and 14th amendments. My position is, therefore, that it would be unwise and imprudent to seek some legal protection for the unborn at the expense of abandoning the principle upon which the protection of all human life depends. In this sense, ratification of Senate Joint Resolution 3 would indeed be a pyrrhic victory.

The position that approval of Senate Joint Resolution 3 would be a setback is held by many legal scholars, including John S. Baker of Louisiana State University Law School, Robert M. Byrn of Fordham University Law School, Charles E. Rice of Notre Dame University Law School, and Joseph P. Witherspoon of University of Texas Law School. Without elaboration, let me briefly quote from these gentleman. Their statements were first made about Senate Joint Resolution 110 in the 97th Congress but apply to the current Senate Joint Resolution 3 as well.

Professor Rice has written as follows:

> [S.J. Res. 110] wholly accepts this basic premise of Roe v. Wade, that the unborn child is a nonperson. The amendment subjects his right to life to the total discretion of Congress and state legislators.—Charles E. Rice, "The Hatch Amendment Is Not the Answer," The Wanderer, page 6 (Nov. 26, 1981).

Professor Baker has stated the following:

> Not only does [S.J. Res. 110] not establish "personhood," it impliedly affirms the judgment of the Supreme Court in Roe: because one could not allow the States or Congress to permit abortions if the unborn child is a Fourteenth Amendment "person."—John S. Baker, The Hatch Amendment: A Legal Analysis, page 11 (National Committee of Catholic Laymen, Inc., 1981).

Professor Witherspoon has written the following:

> The proposal does not recognize the personhood of the unborn child. Indeed, [S.J. Res. 110] makes the holding of the Supreme Court that the unborn child is not a person protected by the Constitution an integral part, a central girder of the Constitution itself. It accomplishes this result not only by failing to overrule that fundamentally evil and legally erroneous holding of the Supreme Court and leaving it wholly intact as an interpretation of the Constitution but also by giving to Congress and State Legislatures the absolute discretion to provide no protection to unborn children against abortion.—Joseph P. Witherspoon, "Constitutional Protection of Unborn Children: An Examination of the Hatch Amendment," page 4 (Memorandum of Feb. 3, 1982).

Professor Byrn has stated the following:

> The amendment institutionalizes in our fundamental law the notion promulgated by the Court in Wade that some human beings may be categorized as rightless things. Were it otherwise, Senate Joint Resolution 110 would be prohibitory not permissive. Fundamental rights would not be put at the disposition of legislatures.—Robert M. Byrn, "Memorandum in Opposition to Senate Joint Resolution 110," page 2 (undated).

I am not unaware of certain statements in the report of the Judiciary Committee on Senate Joint Resolution 3 to the effect that the proposed amendment does not preempt a finding of personhood under the 14th amendment. For example, the report states on page 57:

> Senate Joint Resolution 3 does not deny that the unborn are "persons" within the context of the 14th amendment and, as such, entitled to the protections of that amendment.

Despite such statements, however, it is clear that the fundamental purpose of Senate Joint Resolution 3 is to allow governmental choice on abortion, and such choice is inherently inconsistent with personhood. As an amendment coming after the 5th and 14th amendments, Senate Joint Resolution 3 would be subject to the customary rule of construction that a later specific enactment controls an earlier general enactment relating to the same subject. Hence, the report's assurances about retaining personhood in the text of the Constitution after ratification of Senate Joint Resolution 3 are not persuasive.

In addition to the above problems, Senate Joint Resolution 3 suffers from

another serious flaw. Many proponents of Senate Joint Resolution 3 seem to believe that ratification of this measure would turn the abortion issue over to State legislatures where it would be subject to the normal democratic process. In one major way, this understanding is not correct.

Since the abortion decision in 1973, a body of case law has grown up extending the jurisprudence of Roe against Wade. Where State courts have used this jurisprudence to find a right to abortion under State constitutions, the State legislatures will be severely limited in their discretion to enact State statutes. Indeed, State restrictions on abortion in those cases will not be possible despite Senate Joint Resolution 3 unless State constitutions are amended as well.

The American Law Division of the Library of Congress has made this point clearly in its own analysis of Senate Joint Resolution 3 dated May 9, 1983. On page 9 of that analysis, the following statement appears:

(W)hile in terms of the relative balance of federal and state authority in the abortion area, the amendment may restore the status quo ante in Roe, this does not necessarily mean that the state legislatures will be writing on a clean slate in those states where a "right to abortion" has been judicially found to inhere in the state constitution. Rather, those legislatures may remain subject to the same state constitutional constraints that presently limit their powers to restrict abortion, or those that may emerge in the future as the result of the continued evolution of judicial doctrine.

For the above reasons, I have regretfully concluded that I cannot support my good friends, Senators HATCH and EAGLETON, in their advocacy of Senate Joint Resolution 3. It pains me to take this position because of the support Senate Joint Resolution 3 has received in some quarters of the prolife movement. I respect these individuals, I admire their hardwork and dedication, and I look forward to working with them in the future on this vital cause. As I believe Senators HATCH and EAGLETON have acknowledged, their proposed constitutional amendment will not come close to the necessary two-thirds vote.

As to the future, the recent Akron case demonstrates beyond argument that the Supreme Court has made abortion purely a matter of power politics. What Justice White called "an exercise of raw judicial power" in Roe in 1973 has been repeated by the Court in Akron in 1983. The fact remains that the Constitution does not sanction a right to abortion despite these corruptions by the Court.

Accordingly, the tasks before the President and Congress, in restoring the integrity of the Constitution and protecting the unborn, remain clear. The President must continue to nominate Supreme Court Justices who respect the text and history of the Constitution, and Congress must press for passage of statutes that contradict the interpretation in Roe and Akron. This process of checks and balances, applied to the Court by the President and Congress, holds out the best hope for coming up with effective legal protection for the unborn in the near future. To this process I am unalterably committed.

But, however, the Senate decides to proceed, Mr. President, I hope we can divorce ourselves from rancor in the discussion. I noticed the distinguished Senator from Oregon a while ago referred to—and I wrote down the words—"nefarious statutory means." He was obviously referring to my various proposals to limit the jurisdiction of the Supreme Court and the Federal courts with respect to right to life. I have also made the same proposal with respect to the tragic decisions by the Supreme Court in the early 1960's with regard to school prayer. I hope the Senator from Oregon will not contend that article III, section 1 and section 2 of the Constitution are nefarious statutory means. In any case, I want to assure the Senator from Oregon that I shall never, never impugn his motives nor his character when he and I strongly disagree on this issue or any other.

Having said that, I hope, first of all, that we can agree to have one debate this year, and only one debate on the issue. I would like to do that either by offering the star print of S. 26 as a substitute amendment to the pending proposal or by having the vote on Senate Joint Resolution 3 immediately followed by freestanding consideration of the star print of S. 26.

So, Mr. President, I wonder if the majority leader would be willing to ascertain the desires of the Senator from Utah and the Senator from Oregon as to whether there could be a vote on the language of the star print of S. 26, which relates to this matter? I will be delighted to have a time agreement of 30 minutes, 15 minutes on a side.

Mr. BAKER. Mr. President, let me answer the question this way. I have said on the floor previously, and will repeat now, that nothing in this agreement in any way precludes the opportunity of the Senator from North Carolina to offer another amendment on this subject, including the star print of S. 26. But I cannot say to the Senator when that will be done. I could simply say that I will not make any effort to avoid it happening and, indeed, I fully expect that it will happen.

Now, whether it happens as an amendment or whether it happens as a freestanding measure I suppose is a matter that we still must discuss. But there is nothing in this proposal that would in any way circumscribe the opportunity of the Senator from North Carolina to exercise his full rights, which I will jealously protect, to offer that proposal as an amendment to some other measure or as a freestanding bill.

Mr. HELMS. But the Senator is referring to a later time on another piece of legislation—not the pending Senate Joint Resolution 3?

Mr. BAKER. Yes, I am referring to a later time.

Mr. HELMS. Because this proposed unanimous consent stipulates no amendments would be in order on Senate Joint Resolution 3.

Mr. BAKER. Yes; not to this bill. Mr. President, I am referring to some future time. It would not be in order under this agreement at this time.

Mr. HELMS. The majority leader does understand that the Senator from North Carolina does not want to tie up the Senate unnecessarily in consideration of the legislation remedy which he feels would better address the right-to-life question. There was some misunderstanding last year and I do not want a recurrence of that. The unanimous-consent request propounded by the distinguished majority leader would leave the Senator from North Carolina no option except to offer the language of S. 26 as an amendment to another piece of legislation later on.

I want to emphasize again that I will be willing to enter into a time agreement on my proposal, whenever it occurs, whether it is on the measure now pending or some subsequent measure. But the point is, Mr. President—and I make this observation as courteously and agreeably as I know how—that we have a very good chance of a majority vote on the proposal that I intend to offer later on.

Now, the Senator from Oregon can count votes, and so can I. He knows, and I know, that there are not nearly enough votes to approve the pending constitutional proposal. And I understand the Senator's strategy in consenting to this debate on the Hatch-Eagleton proposal.

I do want to say to the majority leader that I shall not object to this unanimous-consent request, but I do want him to understand, and I want my fellow Senators to understand, that it will not be my desire to tie up the Senate with respect to this issue at some future time. If the Senate is tied up, it will not be my doing. I will be willing to enter into whatever time agreement Senator PACKWOOD and Senators who support his point of view are willing to make with the majority leader. If they are unwilling to limit the debate, it will confirm my assessment that there very well could be a majority in favor of the language of star print S. 26.

Mr. BAKER. Mr. President, I thank the Senator. I understand fully. As I

have already indicated, while this agreement, if granted, would preclude that amendment to this resolution, it would not preclude it to any future measures that come before the Senate.

Mr. HELMS. I thank the Senator. With that understanding, I do not object.

Mr. BAKER. Mr. President, I have been advised by Senators that the second half of my request dealing with the tax cap is maybe not ripe yet. It has not yet matured to the place where we can safely agree to the arrangement I suggested. Therefore, I withdraw that portion of the request.

For the sake of clarity, let me repeat the request now in its revised form.

Mr. President, I ask unanimous consent that on today, Monday, June 27, during the Senate's consideration of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and in the States with respect to abortion, the amendment reported by the Judiciary Committee without recommendation be considered as agreed to; and that Senate Joint Resolution 3, as amended as follows: "A right to abortion is not secured by this Constitution," be considered under the following time agreement:

Ten hours on the joint resolution, as amended, to be equally divided between the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. PACKWOOD), or their designees;

That no amendments be in order;

That there be 30 minutes equally divided on any debatable motions, appeals, or points of order, if so submitted to the Senate; and

That no tabling motion be in order against the resolution.

I further ask unanimous consent that, when the Senate reconvenes on Tuesday, June 28, following a period for the transaction of routine morning business, the Senate resume consideration of Senate Joint Resolution 3, as amended, and that following the conclusion of debate on Senate Joint Resolution 3, as amended, the Senate proceed to vote on Senate Joint Resolution 3, as amended, without any intervening debate, motion, appeal, or point of order, and that such vote will occur no later than 3 p.m.——

Mr. BYRD. Could you make that 5 p.m.?

Mr. BAKER. No later than 5 p.m. on Tuesday, June 28.

Finally, Mr. President, I ask unanimous consent that paragraph 4 of rule XII be waived.

Mr. President, before the Chair puts the request, might I also include in the request that time from the beginning of debate on this measure today until the granting of this order be divided equally charged against the time allowed by this order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Wait a minute. What is so ordered? The Senator had two requests pending.

Mr. BAKER. Mr. President, I wish to amend the request again in this respect:

First, the amendment to the request that I have already stated; that is, the time between the beginning of consideration of this measure and this moment be charged equally against the parties and against the 10 hours granted by this order; second, Mr. President, that the vote occur at 5 p.m., rather than no later than 5 p.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. The Chair has granted the entire request; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I thank all Senators.

Let me say I still hope we can work something out on the tax cap. If we cannot, we cannot. But, to tell you the truth, I think we could finish this measure, finish the tax cap, and finish the agriculture appropriations bill in time to get out of here Thursday, and maybe Wednesday. I do not mean to hold a carrot out for Senators, but if they see one out there, I will not dispute their vision. [Laughter.]

Mr. BYRD. Mr. President, it never hurts to hold the carrot out.

Mr. BAKER. I thank the Senator.

Mr. BYRD. Mr. President, I wish to thank my distinguished senior colleague for his kindness and patience in yielding as he has.

Mr. RANDOLPH. I thank both the majority and minority leaders who know that I can always wait for those necessary procedures within this body that have to do with legislation being considered.

(Conclusion of earlier proceedings.)

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, while we are waiting for Senator THURMOND to arrive in the Chamber, let me just embellish to a degree one of issues raised by the distinguished Senator from Nebraska when he spoke. He addressed himself to the pain an unborn child must experience during an abortion.

Mr. President, during the past year or two, increasing attention has been paid to the "animal rights" movement. There are a number of sizable organizations which are seeking Federal and State legislation to curb what they see as various forms of unnecessary suffering imposed on animals. For example, legislation has been introduced in Congress to regulate the use of animals in medical research. Some of these groups seek to protect baby seals from fur hunters, to ban certain types of animal traps, and so on.

Now, I perhaps would not go as far as some of these groups on certain points. But certainly, their humane concern for the suffering of animals is commendable. I do find it rather curious, however, that many people who express great concern about the suffering of our furry friends, seem to show much less concern for unborn humans and the pain they experience in abortion.

For example, I read last year that my distinguished colleague from the State of Oregon (Mr. PACKWOOD), publicly expressed outrage that certain American scientists were planning to kill, with harpoons, a number of porpoises for research purposes.

In his 1981 essay, "The Experience of Pain by the Unborn," Prof. John T. Noonan, Jr., of the University of California-Berkeley Law School, wrote:

> Can those who feel for the harpooned whale not be touched by the situation of the salt-soaked baby? We should not despair of urging further the consciences of those who have curtailed their convenience to spare suffering to other sentient creatures. ["New Perspectives on Human Abortion," University Publications of America, 1981.]

I have given some thought to this matter. Perhaps those who worry about cruelty to animals, but would permit greater cruelties to unborn human beings, are ignorant of the functional capacities of unborn children at various stages of development. They are perhaps unaware of the persuasive evidence that unborn children can and do experience organic pain from an early stage of development.

This is not a particularly pleasant subject to discuss, Mr. President. Perhaps there will be some who characterize this discourse as "emotionalism." But I believe that we must attempt to strip away some of the dehumanizing euphemisms which often surround abortion, and examine objectively the reality behind the rhetoric.

Advocates of legal abortion stress the hardships—in many cases, the genuine hardships—which unwanted pregnancy can bring on a woman. They argue that every woman should have the right to avoid such suffering through abortion. But in order for these arguments to be compelling, abortion advocates must first dehumanize the unborn child. The child must be reduced to a mere potentiality, a blob of tissue or even, in the words of the then-chief of the abortion surveillance branch of the Federal Center for Disease Control, "the No. 2 sexually transmitted condition" (the No. 1 sexually transmitted condition was gonorrhea).

Mr. President, I ask unanimous consent that an article entitled "Abortion as a Treatment for Unwanted Pregnancy: The No. 2 Sexually-Transmitted Condition," as it appeared in Ad-

vances in Planned Parenthood, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ABORTION AS A TREATMENT FOR UNWANTED PREGNANCY: THE NUMBER TWO SEXUALLY-TRANSMITTED CONDITION*

(By Willard Cates, Jr., M.D., M.P.H., David A. Grimes, M.D., and Jack C. Smith, M.S.)

(From the U.S. Department of Health, Education, and Welfare Public Health Service, Center for Disease Control, Bureau of Epidemiology, Family Planning Evaluation Division, Atlanta, Georgia.)

ABSTRACT

Using data from national surveys of reproductive behavior, we estimated that unwanted pregnancy was the second most prevalent sexually-transmitted condition in the country in 1974; gonorrhea was the first. For women who wish to terminate their unwanted pregnancies, the preferred approach is legal abortion by suction curettage. This procedure compares favorably in efficacy and safety with the available treatment for other sexually-transmitted conditions.

Basándonos en datos nacionales relacionados con el comportamiento en el área de la reprodución, hemos podido determinar que durante el año 1974 el embarazo no deseado fué, en frecuencia, la segunda condición más común de transmisión sexual; la gonorrhea fué la primera. El tratamiento de elección para el embarazo no deseado es el aborto legal mediante la succión durante el primer trimestre del embarazo. La morbilidad y mortalidad de este procedimiento se compara favorablemente en cuanto a su eficacia y grado de seguridad con los tratamientos de que se dispone para las otras condiciones de transmisión sexual.

INTRODUCTION

Sexually-transmitted diseases are currently epidemic in the United States (1). In 1974 there were almost 900,000 reported cases of gonorrhea and about one-tenth that number of syphilis (2). During the same year, unwanted pregnancies were also epidemic. To provide epidemiologic perspective on this problem, we will consider unwanted pregnancy as a sexually-transmitted condition, estimate its incidence in the United States, and compare the treatment of unwanted pregnancy with that for gonorrhea.

UNWANTED PREGNANCY AS A SEXUALLY TRANSMITTED CONDITION

Although rarely classed as a venereal disease, unwanted pregnancy is transmitted sexually, is socially and emotionally pathologic (3), and has many other characteristics of the conventional veneral diseases. The incubation time, defined as the period between exposure (mid-cycle coitus) and the development of initial symptoms (usually missed menses), averages approximately 2 weeks. As with sexually-transmitted diseases, there appears to be intrafamilial predisposition to unwanted pregnancy (3). Moreover, 10 percent recurrence rate has been reported (4), and prevention is more effective if simultaneous treatment of sexual partners is undertaken through contraceptive counseling (5).

As with other sexually-transmitted conditions, unwanted pregnancy occurs primarily in the most sexually-active age groups. Both unwanted pregnancies and venereal diseases seem to have seasonal variations (6). Finally, the barrier methods used to prevent unwanted pregnancy also serve to prevent venereal diseases (7).

INCIDENCE OF UNWANTED PREGNANCY

Having suggested that unwanted pregnancy be considered a sexually-transmitted condition, what do we know about its epidemiology? One way of determining the incidence of unwanted pregnancy is to extrapolate data from surveys about reproductive behavior (Table I). When stratified by marital status, these studies demonstrate remarkably similar percentages of mistimed, unwanted, and unplanned pregnancy, especially considering the multiple differences among regions studied, dates covered, populations interviewed, and questions used. For example, marital unplanned pregnancy ranged from 35–43 percent, while unmarried unplanned births ranged from 73–79 percent. Although most of these studies have concentrated on unplanned or unintended pregnancy, for our estimates we will focus only on unwanted births, defined as failures in "number" rather than "timing". Therefore, our data probably tend to underestimate the true incidence of undesired pregnancy.

The 1970 National Fertility Study revealed that between the years 1966 and 1970 14 percent of births to married women were unwanted (8). The Albany Area Survey of 1974 found the same percentage of marital unwanted pregnancy in the years 1969–1974 (9). On the other hand, the National Natality Study of 1972 determined that only 8 percent of marital births that year were unwanted (10); differences in how the questions were asked may have accounted for the discrepancy between the studies.

TABLE 1.—PERCENTAGE OF BIRTHS UNWANTED, MISTIMED, AND/OR UNPLANNED FROM STUDIES OF REPRODUCTIVE BEHAVIOR, BY MARITAL STATUS

Study	Region	Date	Marital status	Percentage of births		
				Mistimed (1)	Unwanted (2)	Unplanned (3) = (1) + (2)
NFS [1]	National	1966–70	Married	29	14	43
Albany [2, 3]	Albany	1969–74	Married	27	14	41
			Unmarried	74	5	79
Teen-agers [4]	National	1971	Unmarried	—	—	78
Hawaii [5]	Hawaii	1970–71	Married	—	—	39
			Unmarried	—	—	73
Atlanta [6]	Atlanta	1966–71	Married	—	—	36
National natality study (NCHS) [7]	National	1968	Married	28	13	41
		1969	Married	26	12	38
		1972	Married	27	8	35

[1] Westoff CF: The decline of unplanned births in the United States. Science 191: 38–45, 1976.
[2] Anderson JE, Morris L, Geshe M: Planned and unplanned fertility in upstate New York. Fam Plann Perspect 9:4–11, 1977.
[3] Morris L: Sexual activity, contraceptive usage, and source of contraception among never married women: Albany (NY) Health Region. Presented at the Annual Meeting of the Population Association of America. Montreal, Canada, April, 1976.
[4] Zelnik M: Personal communication, July 15, 1975.
[5] Steinhoff PG, Palmore JA, Smith RG, et al: Pregnancy planning in Hawaii. Fam Plann Perspect 7:138–142, 1975.
[6] Anderson JE, Smith JC: Planned and unplanned fertility in a metropolitan area: Black and white differences. Fam Plann Perspect 7: 281–285, 1975.
[7] Weller RH: Number and timing failures among legitimate births in the United States: 1968, 1969, and 1972. Fam Plann Perspect 8:111–116, 1976.

Because the surveys dealt primarily with the years prior to 1974, they are outdated for our current estimates. Using a linear extrapolation from the 1969 and 1972 National Natality Study, adjusted for birth order, we estimate conservatively that about 6.7% of births to married women in 1974 were unwanted (11), for a total of 185,300 (Table II).

Unwanted births also occur to unmarried women. The Albany Survey determined that 5% of out-of-wedlock births were unwanted; another 74% of births were unplanned (12). If the conservative 5% figure is applied to the out-of-wedlock births in 1974, an additional 20,900 births can be estimated to have been unwanted among unmarried women, for a total of 206,200 unwanted births. If we assume that each unwanted birth equals 1 unwanted pregnancy, there were at least 206,200 unwanted pregnancies in 1974. However, this estimate takes into account only births and does not include those unwanted pregnancies that were terminated prior to a birth.

The best available indicator of unwanted pregnancies not resulting in birth is the annual incidence of legally-induced abortion in this country. Although many abortions, especially those to unmarried women, terminate pregnancies resulting from failures in timing rather than number, we will consider them as operationally unwanted for the purposes of estimation. In 1969, the Center for Disease Control (CDC) initiated national surveillance of legal abortion. CDC's data come from the central health agencies in most states and from individual hospitals and clinics in those states without reporting systems (13). Nearly 763,500 legal abortions were reported to CDC by these sources in 1974. This number of reported abortions was probably less than the actual number performed. A nationwide survey of abortion facilities by the Alan Guttmacher Institute (AGI) found that an estimated 900,000 abortions had been performed during 1974 (14). In public health surveillance, survey data

*Presented at the 14th Annual Scientific Meeting of the Association of Planned Parenthood Physicians, Miami Beach, Florida, Nov. 11–12, 1976. The opinions or assertions contained herein are the private views of the authors and are not to be construed as official or as reflecting the views of the Department of Health, Education, and Welfare.

and reported cases frequently differ, with the reported cases reflecting a lower number.

TABLE II.—ESTIMATED NUMBER OF UNWANTED PREGNANCIES, REPORTED GONORRHEA, AND REPORTED SYPHILIS—UNITED STATES, 1974

Category	Number of births [1]	Number of births, unwanted		Estimated number of unwanted pregnancies
		Number	Percent	
In-wedlock	2,741,900	185,300	[2] 7	
Out-of-wedlock	418,100	20,900	[3] 5	
Legal induced abortions				[4] 763,500
Total		206,200		969,700
Reported gonorrhea—1974				[5] 898,900
Reported syphilis—1974				[5] 83,800

[1] National Center for Health Statistics: Final Natality Statistics—1974. Monthly Vital Statistics Report 24:11, Supplement, February 13, 1976. All numbers rounded to nearest 100.

[2] Weller RH: Number and timing failures among legitimate births in the United States: 1968, 1969, and 1972. Fam Plann Perspect 8:111–116, 1976. Estimate of unwanted in-wedlock births for 1974 from parity-adjusted linear extrapolation of 1969 and 1972 data by John E. Anderson.

[3] Morris L: Sexual activity, contraceptive usage, and source of contraception among never married women: Albany Health Region. Presented at the Annual Meeting of the Population Association of America. Montreal, Canada, April, 1976.

[4] Center for Disease Control: Abortion Surveillance—1974, issued April 1976.

[5] Center for Disease Control: Morbidity and Mortality Weekly Report, Annual Supplement—1974, 23(53), July, 1975.

As shown in Table II, when the smaller CDC figure of 763,500 abortions in 1974 is added to the estimate of unwanted pregnancies based on birth data, a total number of 969,700 unwanted pregnancies can be estimated for the United States during that year. We emphasize that this represents only a crude minimum estimate of unwanted pregnancy because: we used the most conservative percentages from surveys of unwanted fertility; we did not consider mistimed births, but dealt only with births in excess of the desired number; as emphasized above, we used only the reported number of abortions and not the more realistic estimate by the AGI of the actual number performed; and we made no upward adjustment for those unwanted pregnancies terminated by spontaneous abortion.

How does the estimate of unwanted pregnancy compare with the incidence of sexually-transmitted diseases? In 1974, 898,000 cases of gonorrhea were reported to CDC: thus, even our conservative estimate of unwanted pregnancy is over 70,000 cases higher than that for gonorrhea (Table II). However, because of the large amount of underreporting which occurs with gonorrhea, a more likely estimate of the total number of gonorrhea cases for 1974 is in the 2 million range (1). Therefore, figuring conservatively, unwanted pregnancy appears to be the second most prevalent sexually-transmitted condition in our country.

One important qualification should be made. Several sexually-transmitted infections are not routinely reported to public health authorities. Such conditions as nongonococcal urethritis and salpingitis and vaginal trichomoniasis are sexually transmitted (15), but no reporting system exists for them. Therefore, it is not possible to estimate accurately the incidence of these diseases within the United States. Authorities have suggested that each of these conditions involves more individuals than individuals with gonorrhea (1, 15). Nevertheless even if inclusion of other sexually-transmitted diseases lowers the ranking of unwanted pregnancy, the absolute magnitude of this condition throughout the nation remains remarkably high.

TREATMENT OF UNWANTED PREGNANCY

What about the outcome of unwanted pregnancy? Without treatment, the natural history of unwanted pregnancy involves either a spontaneous abortion or a term delivery. Approximately 1 in 6 of all pregnancies will spontaneously abort, most in the first 2 months (16). If the pregnancy is unwanted and carried to term the mother is often faced with the difficult choice of either keeping the child or putting it up for adoption. Moreover, term birth carries risks of morbidity (17) and mortality (18). The risk of death from term birth is 9 times greater than the risk associated with first-trimester abortion (13).

For women who want to end an unwanted pregnancy, the preferred approach is legal abortion by suction curettage during the first trimester. In 1974, the typical woman choosing abortion was young, white, and unmarried (13). Pregnancy terminations for females under 20 years of age comprised almost one-third of all abortions; the 20-to 24-year-old age group accounted for another one-third, and the other one-third were 25 years of age or older. The age-specific abortion ratios indicate that pregnant women less than 19 and over 40 were more likely to have abortions than women of other ages, averaging 1.2 abortions for every 2 live births. This is a function of the large number of unwanted pregnancies occurring at both ends of the reproductive age spectrum.

Between 1972 and 1974, the perentage of abortions obtained by women of races other-than-white increased from 23 percent to 30 percent. This changing distribution continues the trend noted since 1971 which may indicate the increasing availability of abortion for the other-than-white population.

In 1974, the distribution of abortions by marital status and number of living children was very similar to the pattern for previous years. Over two-thirds of the women were in the unmarried category, which includes women who are widowed, separated, or divorced and women who have never married. Nearly 50 percent of abortions were performed on women with no living children.

There is a definite geographic variation among patients treated by legal abortion, when analyzed both by the state where the abortion occurred and the state of residence. In 1974 all 50 states and the District of Columbia reported that abortions had been performed within their boundaries. As in the past several years, New York and California were the largest providers of abortion in 1974, accounting for 39 percent of all reported procedures. However, because the Supreme Court decisions of 1973 led to a redistribution of abortion services, the combined percentage for these 2 states had declined markedly over the last 2 years. As expected, fewer women tended to get abortions outside their state of residence as availability of abortion services increased in their own states. In 1974, 13 percent of women went out-of-state to obtain an abortion, compared with 44 percent in 1972.

The overwhelming majority of women obtaining legal abortion for unwanted pregnancy are having it performed by the preferred approach—legal abortion by suction curettage. In 1974, 78 percent of all abortion procedures were performed by suction curettage, 12 percent by sharp curettage, 8 percent by saline instillation procedures, and only 0.6 percent by hysterotomy or hysterectomy. Moreover, 8 of 9 women who obtained abortions did so prior to 13 menstrual weeks' gestation. Thus, it appears that for the nation as a whole, women who choose abortion when faced with an unwanted pregnancy are obtaining the preferred medical treatment.

LEGAL ABORTION AND PENICILLIN AS TREATMENTS FOR SEXUALLY TRANSMITTED CONDITIONS

When evaluation any therapy, the 2 main criteria are effectiveness and safety. Therefore, it is important to consider these factors for legal abortion. Just how effective and safe is first-trimester suction curettage?

To put this question into some perspective, we compare first-trimester abortion as a treatment for unwanted pregnancy with intramuscular penicillin as a treatment for gonorrhea (Table III). Based on results from 2 multicenter prospective studies of abortion complications, the first conducted by the Population Council in 1970 and 1971 (19) and the second by CDC in 1971–1975 (13), first-trimester suction abortion has a failure rate of 0.3 percent or 3 per 1,000 procedures. This contrasts with a 3.2 percent failure rate or 32 per 1,000 cases for intramuscular penicillin in treating gonorrhea (20). Thus, abortion is 10 times more effective for treating unwanted pregnancy than penicillin is for treating gonorrhea.

TABLE III.—COMPARISON OF LEGAL ABORTION AND PENICILLIN AS TREATMENTS FOR SEXUALLY-TRANSMITTED CONDITIONS

	Legal abortion for unwanted pregnancy	Penicillin for gonorrhea
Method of treatment	Suction curettage at 13 < weeks' gestation.	Intramuscular procaine penicillin.
Efficacy (failure rate)	0.3 percent [1]	3.2 percent.[2]
Morbidity:		
Minor	5.0 percent [1]	0.3 to 10 percent.[3] [4]
Major	0.4 percent [1]	0.001 to 0.04 percent [3] [4]
Mortality	1.8/100,000 [1]	1.4 to 2.0/100,000.[3] [4]
Cost/treatment	$186 [5]	$17.70.[6]

[1] Center for Disease Control: Abortion surveillance—1974, issued April, 1976.

[2] Kaufman RA, Johnson RE, Jaffe HW, et al: National gonorrhea therapy monitoring study: Treatment, results. N. Engl J Med 294:1–4, 1976.

[3] Idsoe O, Guthe T: Nature and extent of penicillin side-reactions with particular reference to fatalities from anaphylactic shock. Bull WHO 38:159—188, 1968.

[4] Rudolph AH, Price EV: Penicillin reactions among patients in veneral disease clinics. JAMA 223:499—501, 1973.

[5] American Civil Liberties Union Foundation: Abortion Clinic Directory. New York, October, 1975. Number represents the mean cost of suction curettage from clinics listed in the directory.

[6] Venereal Diseases Division, Center for Disease Control: Personal communication October, 1976.

Comparison of the safety of these 2 therapeutic entities is also revealing. Suction abortion, a surgical procedure employing either local or general anesthesia, would be expected to hold more dangers than the ubiquitous penicillin, an antibiotic of low toxicity. However, suction curettage has a 5 percent total-complication rate and a 0.4 percent major-complication rate (13). Penicillin, on the other hand, causes mild allergic manifestations in 0.7 percent—10 percent of cases and leads to severe anaphylactic reactions in 0.001—0.04 percent of patients treated (21, 22).

Moreover, the risks of death from abortion and intramuscular penicillin are also similar. The death-to-case rate for first-trimester suction curettage is 1.8 per 100,000 abortions (13) compared with the World Health Organization and CDC estimates of 1.4—2.0 deaths per 100,000 patients treated with intramuscular penicillin (21, 22). Therefore, in terms of morbidity and mortality risks for the 2 treatments, abortion compares favorably with penicillin.

Although suction curettage is more efficacious than, and as safe as, penicillin, it costs more. The average cost per patient treated with suction abortion is roughly 10 times higher than the per-patient cost of gonorrhea treated with penicillin (Table III). However, case-finding costs are not included in the penicillin-treatment estimates, and thus the penicillin costs are minimum figures. Moreover, although legal abortion is more expensive than penicillin, it is less costly than the non-treatment of unwanted pregnancy, usually a term birth. Thus, the cost-benefit ratio of legal abortion is probably favorable (23).

In summary, unwanted pregnancy is the second most prevalent sexually-transmitted condition in this country. Women who have had legal abortion as a treatment of unwanted pregnancy are more likely to be young, white, and unmarried. Eight of 9 women have had their abortions in the first trimester, a time when the risk of death from the procedure is similar to that of penicillin for gonorrhea. Therefore, we conclude that unwanted pregnancy should be considered a sexually-transmitted condition of epidemic proportions; Moreover, legal abortion is an effective, safe, curative treatment for that condition.

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Mr. HATCH. Those who employ such euphemisms are naturally reluctant to consider the question of fetal pain. I believe that columnist George F. Will said it well in his 1981 column titled "Abortion Does Cause Pain to Its Victims."

Most pro-abortion persons have a deeply felt and understandable need to keep the discussion of abortion as abstract as possible. They become bitter when opponents use photographs to document early fetal development. The sight of something that looks so much like a child complicates the task of trying to believe that there is nothing there but "potential" life. And if fetal pain is acknowledged, America has a problem: its easy conscience about 1.6 million abortions a year depends on the supposition that such pain is impossible.

Mr. President, well over 100,000 abortions a year are performed after the first trimester of pregnancy. At this stage they can no longer be performed with the powerful vacuum device used during the first trimester, because the unborn child is large and has a well-developed skeletal structure. The abortion method now preferred by most abortionists for abortions after the 12th week is called dilatation and evacuation or D&E, for short.

The D&E procedure basically consists of the dismemberment of the living unborn child with powerful forceps. An article coauthored by the former chief of the abortion surveillance division of the Center for Disease Control described the D&E procedure this way:

Ossified parts, such as the skull, must often be crushed. The bone fragments must be extracted carefully to avoid tearing the cervix. Reconstruction of the fetal sections after removal from the uterus is necessary to ensure completeness of the abortion procedure. [Rooks and Cates, "Emotional Impact of D&E vs. Instillation," Family Planning Perspectives, Nov.-Dec. 1977]

Dr. Walter Hern, an abortionist and a nationally recognized expert on the D&E procedure, described it this way in a 1978 address:

There is no possibility of denial of an act of destruction by the operator. It is before one's eyes. The sensations of dismemberment flow through the forceps like an electric current . . . some part of our cultural and perhaps even biological heritage recoils at a destructive operation on a form similar to our own. [Address, Association of Planned Parenthood Physicians, October 1978]

As the U.S. Supreme Court noted in its June 15, 1983, decision in Planned Parenthood Association against Ashcroft, some abortionists now use this technique "on 28-week pregnancies, well into the third trimester." The technique is considered to have several advantages over the salt-poisoning method, which had formerly been preferred. For one thing, the D&E method never produces the dreaded complication of late-term abortions—a live baby.

Now, obviously being dismembered in such a manner would cause pain—excruciating pain—to all of us. All of us are aware that newborn infants are sensitive to pain. Indeed, long before an infant smiles or speaks, she cries. The infant does not hesitate to communicate to us her distress at hunger pangs, a misplaced diaper pin, or whatever.

The unborn child cannot communicate her pain to us in this way. But there is ample evidence that from an early stage of development—at least by 13½ weeks after conception, and perhaps 1 month earlier—the unborn child is capable of experiencing organic pain.

Mr. President, the State of Illinois has enacted a statute which requires that, in certain circumstances, women seeking abortions be advised of the availability of drugs which could alleviate the pain which the abortion will cause to the unborn child. In defense of this law, several medical experts have submitted affidavits on fetal pain to the U.S. District Court for Northern Illinois (*Charles* v. *Carey*, Nos. 79-C-4541, 79-C-4548). I would like to read a few excerpts from those compelling affidavits.

Consider, first, the following statement by Prof. Vincent J. Collins. Dr. Professor Collins is a leading authority on pain. He is professor of anesthesiology at the University of Illinois Medical Center in Chicago, and chairman of the department of anesthesiol-

ogy at Cook County Hospital in Chicago.

Dr. Collins told the district court:

As early as eight to ten weeks gestation, and definitely by thirteen and a half weeks, the human fetus experiences organic pain. Between the eighth and tenth weeks the thalamus starts emitting special brain waves in response to noxious stimuli. At that time thalamic function is thereby indicated. Because a functioning thalamus evokes organic suffering, the fetus between eight to ten weeks thus may suffer when exposed to noxious stimuli. But certainly by thirteen and a half weeks the fetus aversively reacts to noxious stimuli with integrated responses at all nervous system levels. The total organic response at that point is more sophisticated than mere reflex. Thus, it is certain that a fetus senses organic pain at least by thirteen and a half weeks gestation.

Induced abortion will cause pain to a fetus with a functioning central nervous system if the method used stimulates the pain receptors and excites the neural pathways. Dilatation and evacuation (D&E) or saline instillation are two abortion methods capable of stimulating pain receptors and exciting neural pathways.

Mr. President, I ask unanimous consent that Professor Collins's entire affidavit be entered into the RECORD.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

AFFIDAVIT OF VINCENT J. COLLINS, M.D., COOK COUNTY, ILL.

Vincent J. Collins, M.D. being duly sworn, deposes and states as follows:

1. I am currently Chairman of the Department of Anesthesiology at Cook County Hospital, Chicago, Illinois, and a Professor of Anesthesiology at the University of Illinois Medical Center in Chicago. I have researched and written extensively on the subject of pain, *i.e.*, its causes, physiology, and control. I am a board-certified Anesthesiologist. A copy of my curriculum vitae is appended to this affidavit.

2. I have read and am familiar with section 6(6) of the Illinois Revised Abortion Statute regarding fetal pain.

3. The statements in this affidavit are based on my medical experience and knowledge, and best medical judgment. As an Anesthesiologist, I am qualified to make judgments concerning the presence of pain and about ways to abolish or alleviate pain.

4. The purpose of this affidavit is to characterize and discuss the presence of organic pain in the fetus and to describe those safe, effective methods available to abolish or alleviate organic fetal pain caused by abortion.

5. In general:

(a) Organic pain results when a noxious force of substance stimulates special pain receptors and that stimulus passes through the neural pathways of the central nervous system to the thalamus;

(b) Noxious stimulation of the central nervous system may produce a reflexive response or a more sophisticated aversive response. Reflexive responses involve only the spinal column: the reaction is simple and direct, i.e., of the type which occurs in the leg when the knee is tapped with a light hammer. The thalamus and cortex are not involved in reflexive responses. On the other hand, aversive responses involve the whole central nervous system, including the thalamus. Aversive responses are the body's attempt to escape from or avert painful stimuli. For a fuller description of these and other aspects of organic pain, see my book Principles in Anesthesiology (Philadelphia: Lea & Febeger, 1976), pp. 906-934.

(c) When an individual reacts aversively to noxious stimuli, it must be concluded that the pain structures of the central nervous system are functioning and that organic pain has been registered.

6. As early as eight to ten weeks gestation, and definitely by thirteen and a half weeks, the human fetus experiences organic pain. Between the eighth and tenth weeks the thalamus starts emitting special brain waves in response to noxious stimuli. At that time thalamic function is thereby indicated. Because a functioning thalamus evokes organic suffering, the fetus between eight to ten weeks thus may suffer when exposed to noxious stimuli. But certainly by thirteen and a half weeks the fetus aversively reacts to noxious stimuli with integrated responses at all nervous system levels. The total organic response at that point is more sophisticated than mere reflex. Thus, it is certain that a fetus senses organic pain at least by thirteen and a half weeks gestation.

7. Induced abortion will cause pain to a fetus with a functioning central nervous system if the method used stimulates the pain receptors and excites the neural pathways. Dilatation and evacuation (D&E) or saline instillation are two abortion methods capable of stimulating pain receptors and exciting neural pathways.

8. Pain can be abolished through the use of anesthetics and analgesics. Anesthetics are drugs which prevent the central nervous system from registering pain in either of two ways. First, general anesthetics prevent pain by acting directly on the spinal column, thalamus, and cortex. Robert D. Dripps, James E. Eckinhoff, and Leroy Vandam, Introduction to Anesthesia (Philadelphia: W. B. Saunders Company, 1977), p. 250. Second, local anesthetics act directly on the pain receptors, thus blocking the entrace of painful stimuli into the central nervous system altogether. *Id.* at 251.

9. General anesthetics are an effective means to anesthetize a fetus in utero. In abortions such as D&E, where the procedure is relatively short, a general anesthetic will abolish organic pain for the length of the abortion. Importantly, general anesthetics will cross the placenta from the maternal bloodstream when given to a woman with child. It is known that anesthetics supplied to a woman before childbirth will reach and effect the fetus. As a result, anesthesiologists have developed special methods to resuscitate anesthetized fetuses after birth. Robert D. Dripps, et al., pp. 349-353. Thus, before an abortion, a woman could be given a general anesthetic (such as nitrous oxide, pentothol, or halothane) which is readily available and safe for the woman. The anesthetics, after crossing the placenta, would then act to abolish fetal sensitivity to noxious stimuli and could be effectively used during the course of a D&E abortion.

10. In addition, narcotic analgesics are available to alleviate, if not abolish, fetal organic pain. Demerol, for example, is a safe, effective analgesic; when given orally to the woman, Demoral crosses the placenta and reaches the fetus the same way an anesthetic would. In abortions like saline amnio-infusion, where the fetus is exposed to the corrosive, burning effect of the saline solution for 24 to 48 hours and where anesthetics could not be employed because of the duration of the procedure, Demerol could be effectively and safely employed. If given in 50 milligram amounts to the woman every four to six hours, Demerol will control fetal organic pain throughout the length of the abortion. Again, like anesthetics, narcotic analgesics, including Demerol, would pose no significant health risks to the woman if used properly.

11. In fact, both analgesics and anesthetics are offered routinely to women before childbirth. It would, therefore, be logical and consistent to offer available analgesics and anesthetics to women who abort.

12. In sum, a fetus is sensitive to noxious stimuli at least by thirteen and a half weeks, if not by eight to ten weeks. Abortions such as D&E and saline instillation, if done after thirteen and a half weeks, will certainly cause organic fetal pain. Furthermore, anesthetics, especially general anesthetics and analgesics will cross the placenta and abolish or alleviate fetal sensitivity to noxious stimuli. Effective anesthetics such as nitrous oxide, halothane, and pentothol are widely available, and are safe for the women. Effective analgesics, such as Demerol, are also available and are safe for the woman. Therefore, it is logical, consistent, and good medical practice to offer anesthetics and analgesics to women before those abortions certain to cause fetal pain.

Respectfully submitted,

VINCENT J. COLLINS, M.D.

Mr. HATCH. Also submitting an affidavit to the district court was Dr. William Natviuw, a board-certified obstetrician-gynecologist in Illinois. I would like to read from Dr. Matviuw's affadavit:

In view of the fact that fetal sensitivity to pain exists at least as early as eight weeks, it is obvious that any form of induced abortion which excites pain receptors and/or stimulates the neural pathways will cause organic fetal pain at any time thereafter.

For example, abortions by dilatation and evacuation and saline amnio-infusion represent noxious stimuli capable of causing organic pain in a pain sensitive fetus.

D&E abortions are performed after the 12th week of pregnancy (and are performed up to and including the period of viability) when fetal bones are too large and brittle and the size of the fetus is too great for standard first trimester abortion techniques. D&E involves the progressive dismemberment of the fetus prior to extraction to facilitate removal of the fetal parts from the uterus. The slicing and crushing involved in dismemberment of the fetus in D&E abortions would obviously excite pain receptors and stimulate the neural pathways, thereby evoking an aversive response in a fetus whose central nervous system is functioning.

Abortions by saline amnio-infusion are performed after the 14th week up to and including the period of fetal viability. The procedure involves the insertion of a hypodermic needle into the amniotic sac to remove the amniotic fluid. In return, a hypertonic (highly concentrated) solution of sodium chloride is injected into the sac. The solution disrupts the placenta, causing fetal expulsion in up to 48 hours after the time the solution is injected. During that period, the corrosive effects of the saline burn away the upper skin layers of the fetus. The esophagus and mouth are burned as well when the fetus swallows the saline. By the time the fetus is expelled there is extensive edema and submembranous degeneration.

By changing the surface of the fetus in this fashion, saline would excite pain receptors and stimulate the neural pathways of a functioning central nervous system for the length of the abortion or until the fetus dies • • •.

In sum, the fetus at eight weeks possesses at least some of the requisite organic pain structures. By thirteen and a half weeks, the fetus responds aversively to noxious stimuli. The averse response involves the total central nervous system, and is more sophisticated than a mere reflex. Thus, by thirteen and a half weeks, and certainly by the time D&E or saline amnio-infusion abortions are performed, the fetus senses organic pain.

Mr. President, the court also received an affidavit from Dr. Thomas D. Sullivan, who is a board-certified neurologist in the State of Illinois. Dr. Sullivan told the district court:

Any form of abortion which excites nociceptors and/or stimulates neural pathways is a noxious stimulus. Thus, such an abortion would exact organic pain if done on a fetus whose central nervous system is functioning. Dilatation and evacuation, for example, where fetal tissue is progressively punctured, ripped, and crushed, and which is done after 13½ weeks when the fetus certainly responds to noxious stimuli, would cause organic pain in the fetus. Saline amnio-infusion, where a highly concentrated salt solution burns away the outer skin of the fetus, also qualifies as a noxious stimulus.

I, therefore, conclude, based on my best medical judgment: (a) that the human fetus suffers organic pain at least after 13½ weeks of gestation, and (b) that any abortion which excites nociceptors is a noxious stimulus, and (c) dilatation and evacuation and saline amnio-infusion are types of abortion that can and do inflict organic pain.

I ask unanimous consent that the affidavits of Drs. Matviuw and Sullivan be entered into the RECORD.

There being no objection, the affidavits were ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS, COUNTY OF COOK:
AFFIDAVIT

William Matviuw, M.D. being duly sworn, deposes and states as follows:

1. I am a board certified Obstetrician-Gynecologist. My practice is in the State of Illinois. A copy of my curriculum vitae is appended to this affidavit.

2. I have read and am familiar with section 6(6) of the Illinois Revised Abortion Statute regarding fetal pain.

3. The statements in this affidavit are based on my medical experience and knowledge and best medical judgment.

4. I have read Drs. Sullivan's and Collins' affidavits and agree that organic pain occurs when pain receptors are stimulated and neural pathways within the human central nervous system are excited by noxious stimuli, thereby causing an aversive physiological response.

5. I also agree with Drs. Sullivan and Collins that organic pain can be diagnosed in a non-communicative patient when an aversive physiological response to noxious stimuli is detected.

6. Thus, a fetus can sense organic pain when the pain structures within the central nervous system are developed and functioning. As an Obstetrician, I am qualified to describe pre-natal development of the central nervous system, the pre-natal behavior of the fetus, and those procedures which may affect the fetal central nervous system.

7. The purpose of this affidavit is to describe the pre-natal development of the central nervous system and to detail those aspects of fetal behavior that indicate that a fetus may register organic pain. Finally, the effect of abortion on the fetal central nervous system is discussed.

8. As described in Dr. Sullivan's affidavit, the sensory structures of the central nervous system include nociceptors (pain receptors), neural fibers or pathways, spinal column, thalamus, and cortex. Sensory nerves, including nociceptors, reach the skin of the fetus by the ninth week of gestation. The first detectable brain activity in response to noxious stimuli occurs in the thalamus between the eighth and tenth weeks. The movement of electrical impulses through the neural fibers and spinal column takes place between eight and nine weeks gestation. Stanislaw Reinis and Jerome M. Goldman, The Development of the Brain (Springfield: Charles C. Thomas Publishers, 1980), pp. 223-235. (Appended hereto.)

9. Concurrent with the development of the sensory structures is the emerging sensory behavior of the fetus. By the end of the seventh week, a tap on the mouth of the fetus will cause the lips to draw back. By ten weeks, the palms of the hands are sensitive to touch, and at eleven weeks the face and extremities likewise respond to tactile stimuli. Reinis and Goldman, p. 252. By thirteen and a half weeks, organic response to noxious stimuli occurs at all levels of the nervous system, from the pain receptors to thalamus. Thus, at that point, the fetal organic response to pain is more than a reflexive response. It is an integrated physiological attempt to avert the noxious stimuli. V. J. Collins, Principles of Anesthesiology, (Philadelphia: Lea & Febiger, 1976), pp. 922-923.

10. Thus, various parts of the central nervous system function at least as early as eight weeks, and by thirteen and a half weeks the central nervous system functions as a whole in all parts of the body (except in the skin at the back of the head). Therefore, at least by eight weeks, and definitely by thirteen and a half weeks, the fetus is sensitive to organic pain. Reinis and Goldman, p. 232. See also Bjorn Westin, Rine Nyberg, and Goran Enhoring, "A Technique for the Perfusion of the Previable Fetus," Acta Paediatrica, 47:339 (1958), for a description of fetal responses to painful experiments performed on twelve to sixteen week old fetuses. The responses observed included movements of the head, body, and limbs. These movements were vigorous, and consisted of ventro- or dorsoflexion of the trunk, flexion of the limbs, and turning of the head. This indicates the presence of acute fetal pain.

11. In view of the fact that fetal sensitivity to pain exists at least as early as eight weeks, it is obvious that any form of induced abortion which excites pain receptors and/or stimulates the neural pathways will cause organic fetal pain at any time thereafter.

12. For example, abortions by dilatation and evacuation and saline amnioinfusion represent noxious stimuli capable of causing organic pain in a pain sensitive fetus.

(a) D & E abortions are performed after the 12th week of pregnancy (and are performed up to and including the period of viability) when fetal bones are too large and brittle and the size of the fetus is too great for standard first trimster abortion techniques. D & E involves the progressive dismemberment of the fetus prior to extraction to facilitate removal of the fetal parts from the uterus. Ralph C. Benson, Handbook of Obstetrics and Gynecology (Los Altos: Lange Medical Publications, 1980), p. 434; Willard Cates, Jr., "D & E after 12 Weeks: Safe or Hazardous?," Contemporary OB/GYN, 13:23 (1979). The slicing and crushing involved in dismemberment of the fetus in D & E abortions would obviously excite pain receptors and stimulate the neural pathways, thereby evoking an aversive response in a fetus whose central nervous system is functioning.

(b) Abortions by saline amnio-infusion are performed after the 14th week up to and including the period of fetal viability. "Second Trimester Abortion: A Symposium by Correspondence," The Journal of Reproductive Medicine, 16:2 (1976), 47, 56. The procedure involves the insertion of a hypodermic needle into the amniotic sac to remove the amniotic fluid. In return, a hypertonic (highly concentrated) solution of sodium chloride is injected into the sac. The solution disrupts the placenta, causing fetal expulsion in up to 48 hours after the time the solution is injected. Ralph C. Benson, Handbook of Obstetrics & Gynecology, p. 437. During that period, the corrosive effects of the saline burn away the upper skin layers of the fetus. The esophagus and mouth are burned as well when the fetus swallows the saline. By the time the fetus is expelled there is extensive edema and submembranous degeneration. By changing the surface of the fetus in this fashion, saline would excite pain receptors and stimulate the neural pathways of a functioning central nervous system for the length of the abortion or until the fetus dies.

13. In other procedures besides abortion, where the procedure may pose risk of harm or discomfort to the fetus, it is standard medical practice to provide the woman with information on analgesics and anesthetics, and advise her of ways available to minimize harm or discomfort. For example, the woman is customarily provided with information on methods to abolish or alleviate pain in childbirth. It would, therefore, be logical and consistent to provide a woman with information concerning fetal pain and ways to abolish or alleviate pain before abortions certain to cause organic fetal pain.

14. In sum, the fetus at eight weeks possesses at least some of the requisite organic pain structures. By thirteen and a half weeks, the fetus responds aversively to noxious stimuli. The averse response involves the total central nervous system, and is more sophisticated than a mere reflex. Thus, by thirteen and a half weeks, and certainly by the time D & E or saline amnio-infusion abortions are performed, the fetus senses organic pain.

Respectfully submitted.

WILLIAM MATVIUW, M.D.

STATE OF ILLINOIS, COUNTY OF COOK;
AFFIDAVIT

Thomas Sullivan, M.D., being duly sworn, deposes and states as follows:

1. I am a board-certified Neurologist with a subspecialty in Pediatric Neurology. I practice in the State of Illinois. A copy of my curriculum vitae is appended at the end of this affidavit.

2. I have read and am familiar with section 6(6) of the Illinois Revised Abortion Statute regarding fetal pain.

3. The statements in this affidavit are based on my medical experience and knowledge and best medical judgment.

4. The purpose of this affidavit is to describe how a Neurologist determines if and when a non-communicative subject, such as a human fetus or infant, senses organic pain.

5. It is relatively simple to conclude pain exists if the subject is able to verbalize to a physician that "it hurts here or there." But if the subject cannot communicate his or her pain through words—i.e., if it is a dog or cat, or if human, he or she is an infant or is comatose—then the physician faces a problem: how can pain be detected in a non-communicative subject?

6. To overcome this problem physicians must rely on other criteria to detect pain. Specifically, physicians must look for organic, as opposed to psychological, pain. Psychological pain results when individual can anticipate or imagine harmful or unpleasant sensations. Organic pain is a physiological and neurological response to noxious stimuli. John S. Liebeskind and Linda A. Paul, "Psychological and Physiological Mechanisms of Pain, "American Review of Psychology 28 (1977): 42.

7. Neurologists conclude that a non-communicative subject, such as a fetus, sense organic pain when: a) the requisite structures are present to sense noxious stimuli, and b) the subject reponds aversively to noxious stimuli.

8. The requisite pain structures are in the central nervous system. Special pain receptors (nociceptors) are located in free nerve endings and are scattered throughout the body. Nociceptors are sensitive to pressure, mechanical stress (i.e., stress that results when body tissue is punctured, crushed, or broken), heat, and chemical invasion. When a nociceptor is excited by a noxious stimulus, it discharges. As a result, an electrical impulse passes through a connecting nerve fiber and travels to the spinal cord. Neurons within the spinal cord act as elevators, lifting the incoming signal to the brain. Upon arrival to the brain, the impulse enters the thalamus and eventually may reach the cortex. (The thalamus is the end organ for the sensation of organic pain. The cortex may participate, but only to supply the psychological reactions and directed physical responses to pain.) The thalamus, and sometimes the cortex, fire new impulses outward. These signals spur motor nerves into action to initiate the body's response to pain. See generally, Vernon B. Mountcastle, "Pain and Temperature Sensibilities" in Medical Physiology, Volume 1, Vernon B. Mountcastle, ed. (St. Louis: The C.V. Mosky Company, 1980), pp. 391-427. The requisite pain structures of the central nervous system exist in a human fetus perhaps as early as eight weeks, but certainly by 13½ weeks. See Affidavit of Dr. Matviuw.

9. Noxious stimulation of the central nervous system causes a response. This neurophysiological response occurs even when the subject cannot react psychologically. There are two types of responses: reflexive and aversive. Reflexive responses involve only the nociceptors, nerve fibers and spinal column. Organic pain may not accompany reflexive responses. An example of a reflexive response is a "gagging reflex" induced when endo-tracheal tubes or fingers, for example, are inserted into the back of the mouth. On the other hand, aversive responses involve all the levels of the central nervous system from the nociceptors to thalamus. Aversive responses are far more sophisticated and complex than reflexes—they involve the whole body's attempt to escape or avert noxious stimuli. Aversive responses, therefore, indicate that the pain stimulus has reached the brain, where organic pain is perceived. Thus, when a subject reacts to noxious stimuli with an aversive, as opposed to a reflexive, response, the central nervous system, including the thalamus, is necessarily functioning and it must be concluded that the subject suffers organic pain. W. F. Ganong, Review of Medical Physiology, 9th ed. (Los Altos: Lange Medical Publications, 1979) p. 77.

10. It is clear that a fetus responds to noxious stimuli as early as eight weeks. See Affidavit of Dr. Matviuw. By 13½ weeks, the fetal response is aversive, not merely reflexive. Thus, the fetus perceives organic pain by at least 13½ weeks of gestation.

11. Any form of abortion which excites nociceptors and/or stimulates neural pathways is a noxious stimulus. Thus, such an abortion would exact organic pain if done on a fetus whose central nervous system is functioning. Dilatation and evacuation, for example, where fetal tissue is progressively punctured, ripped, and crushed, and which is done after 13½ weeks when the fetus certainly responds to noxious stimuli, would cause organic pain in the fetus. Saline amnio-infusion, where a highly concentrated salt solution burns away the outer skin of the fetus, also qualifies as a noxious stimulus.

12. I, therefore, conclude, based on my best medical judgment: (a) that the human fetus suffers organic pain at least after 13½ weeks of gestation, and (b) that any abortion which excites nociceptors is a noxious stimulus, and (c) dilatation and evacuation and saline amnio-infusion are types of abortion that can and do inflict organic pain.

Respectfully submitted,

THOMAS SULLIVAN, M.D.

Mr. HATCH. Finally, Mr. President, I would also like to quote briefly from testimony presented last month to a committee of the Florida Senate by Dr. Denis Cavanagh, who is professor of obstetrics and genecology at the University of South Florida.

Some years ago a Swedish gynecologist called Westin made a film documenting that during the second trimester of pregnancy, that is the 12th-24th week, the fetus responded to electrical stimulation. During these experiments, electrodes were introduced into the mother's uterus, with the violent response of the fetus to the pain stimulus photographed through a fetoscope. Thus, there is not question that the fetus feels pain, and Westin has recorded this on film.

Second-trimester abortions are often preformed by injecting strong salt solution into the amniotic sac surrounding the fetus. These are legal in the State of Florida and approximately 1,000 are done every year. If any of this salt solution gets into the tissues of the mother, she complains of severe pain. Thus it is logical to assume that the fetus suffers pain, but like the "dumb animal" cannot tell us. Further evidence that the unborn suffers severe pain is the fetal response with convulsive movements and an increased heart rate. As the fetus dies over the course of several hours, the movement become less, and the heart finally stops as in the case of any human victim of strangulation.

In this State, most first trimester abortions are done by suction curettage. During this process, a vacuum pump sucks out the fetus in pieces and a sharp instrument called a curette cleans out the remnants. There are uncertainties about the precise time in fetal development at which particular types of sensation are experienced. However, observations using ultrasonography indicate that by the 56th day a fetus can move. Between the 8th and 9th week, tactile stimulation of the mouth produces reflex action. By the 11th week, the fetus develops sensitivity to touch on hands, feet and gential areas. At this time too it begins to swallow, and as Professor Liley has demonstrated in swallows more slowly if a bitter tasting substance is injected into the amnotic sac. Beginning with the presence of sense receptors and spinal responses, there is as much reason to believe that the unborn are capable of feeling pain as they are of responding to other sensory stimuli.

Now, in spite of such expert testimony, some will protest that we cannot really know what an unborn child experiences pain while being aborted. Well, we cannot absolutely know that animals or newborn infants experience pain either—but nevertheless we have laws against cruelty to animals and child abuse.

In the case of unborn children, I think that the difficulty is not lack of evidence, but rather, an unwillingness to confront the reality.

The unborn child is not a mere abstraction. Once one squarely faces the fact that the unborn child is a unique, living, growing individual, who can experience physical agony when brutally dismembered or poisoned in the womb, then it is much more difficult to consider the abortion issue only in terms of the hardships to women connected with unwanted pregnancies. For one realizes that there is more than one person's suffering to consider.

Mr. President, I believe that as more and more Americans become aware of the realities of human life within the womb, and the capacities and sensitivities of that life, there will be increasing opposition to abortion as a supposed solution to various social problems. I believe there will be a turning to genuine solutions which are more in keeping with the humane principles which we apply in other areas of life.

Mr. President, when we vote on this amendment, we vote on the question of whether unlimited abortion is to remain the law of the land. Those who favor permitting essentially unrestricted abortion, at any stage of development, should vote against this amendment. But those who believe that unborn children should be protected from the brutalities which I have described, should vote for this amendment.

Mr. President, I ask unanimous consent to enter certain printed materials into the RECORD, as follows:

"Abortion Does Cause Pain to Its Victims," by George F. Will, the Washington Post, Nov. 5, 1981;

"What I Saw at the Abortion," by Richard Selzer, M.D., Esquire, January 1976; and

"Emotional Impact of D&E vs. Instillation," by Judith Bourne Rooks and Willard Cates Jr., Family Planning Perspectives, November-December 1977.

A poem entitled "Abortion Hearings."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 5, 1981]

ABORTION DOES CAUSE PAIN TO ITS VICTIMS

(By George F. Will)

In the eight years since the Supreme Court nationalized the abortion controversy, one facet of that subject has been neglected: pain. Abortion is painful for the aborted.

The neglect is explainable. To opponents of abortion, death, not pain, is the paramount issue. And proponents of abortion need (emotionally or logically, or both) to deny the possibility of fetal pain.

In its 1973 decision legislating abortion on demand, the Supreme Court announced that fetal life is not alive. At least that is what the court seems to have meant (if it can be said to have meant anything) when it described the fetus as "potential life." Those who support the 1973 decision are committed to the idea that a fetus, being only "potential" life, cannot feel pain, pain being an attribute of actual life.

Thus does a legal absurdity breed a biological falsehood. This intellectual train wreck is the subject of an essay in The Human Life Review by Prof. John Noonan of the University of California (Berkeley) Law School. There are, he notes, four principal means of abortion.

Sharp curettage involves a knife killing the fetus (if the amateur embryologists on the court will allow us to speak of "killing" life that is merely "potential"). In suction curettage, a vacuum pump sucks out the fetus in bits (and a knife cleans out any remnants). In second trimester and later abortions, a saline solution is injected into the amniotic fluid. The salt seems to act as a poison; the skin of the fetus, when delivered, resembles skin soaked in acid. If by accident the solution leaks into the body of the mother, she experiences pain that is described as "severe." The fetus can be in this solution for two hours before its heart (a stubborn bit of "potential" life) stops beating. Alternatively, the mother can be given a dosage of a chemical sufficient to impair the circulation and cardiac functioning of the fetus, which will be delivered dead or dying.

A fetus, like an infant or an animal, has no language in which to express pain. But we infer, and empathize with, the pain of creatures, such as baby seals, which lack language to express pain.

There are uncertainties about the precise points in fetal development at which particular kinds of sensations are experienced. But observations of development and behavior indicate that by the 56th day, a fetus can move. Discomfort may occasion the movement. Tactile stimulation of the mouth produces reflex action about day 59 or 60. By day 77 the fetus develops sensitivity to touch on hands, feet, genital and anal areas, and begin to swallow. Noonan believes that the physiological literature teaches that "beginning with the presence of sense receptors and spinal responses, there is as much reason to believe that the unborn are capable of pain as that they are capable of sensation."

Americans are proud of their humane feelings and are moved by empathy. Thus, we regulate the ways animals can be killed. Certain kinds of traps are banned. Cattle cannot be slaughtered in ways deemed careless about pain. Stray dogs and cats must be killed in certain humane ways.

But no laws regulate the suffering of the aborted. Indeed, Planned Parenthood, the most extreme pro-abortion lobby, won a Supreme Court ruling that it is unconsitutional to ban the saline abortion technique. That's right: the court discovered that the "privacy" right to abortion, which right the framers of the Constitution neglected to mention, even confers a right to particular abortion techniques.

Most pro-abortion persons have a deeply felt and understandable need to keep the discussion of abortion as abstract as possible. They become bitter when opponents use photographs to document early fetal development. The sight of something that looks so much like a child complicates the task of trying to believe that there is nothing there but "potential" life. And if fetal pain is acknowledged, America has a problem: its easy conscience about 1.6 million abortions a year depends on the supposition that such pain is impossible.

Magda Denes, in her book, "In Necessity and Sorrow: Life and Death in an Abortion Hospital," brought to her subject not anti-abortion convictions but a reporter's eye for concrete detail. Examining the body of an aborted child, she described the face as showing "the agonized tautness of one forced to die too soon." That is a description to bear in mind this day, as many thousands of abortions occur.

[From Esquire Magazine, January 1976]

WHAT I SAW AT THE ABORTION

(By Richard Selzer)

I am a surgeon. Particularities of sick flesh is everday news. Escaping blood, all the outpourings of disease—phlegm, pus, vomitus, even those occult meaty tumors that terrify—I see as blood, disease, phlegm, and so on. I touch them to destroy them. But I do not make symbols of them.

What I am saying is that I have seen and I am used to seeing. We are talking about a man who has a trade, who has practiced it long enough to see no news in any of it. Picture this man, then. A professional. In his forties. Three children. Lives in a university town—so, necessarily, well—enlightened? Enough, anyhow. Successful in his work, yes. No overriding religious posture. Nothing special, then, your routine fellow, trying to do his work and doing it well enough. Picture him, this professional, a sort of scientist, if you please, in possession of the standard admirable opinions, positions, convictions, and so on—on this and that matter—on abortion, for example.

All right.

Now listen.

It is the western wing of the fourth floor of a great university hospital. I am present because I asked to be present. I wanted to see what I had never seen. An abortion.

The patient is Jamaican. She lies on the table in that state of notable submissiveness I have always seen in patients. Now and then she smiles at one of the nurses as though acknowledging a secret.

A nurse draws down the sheet, lays bare the abdomen. The belly mounds gently in the twenty-fourth week of pregnancy. The chief surgeon paints it with a sponge soaked in red antiseptic. He does this three times, each time a fresh sponge. He covers the area with a sterile sheet, an aperture in its center. He is a kindly man who teaches as he works, who pauses to reassure the woman.

He begins.

A little pinprick, he says to the woman.

He inserts the point of a tiny needle at the midline of the lower portion of her abdomen, on the downslope. He infiltrates local anesthestic into the skin, where it forms a small white bubble.

The woman grimaces.

That is all you feel, the doctor says. Except for a little pressure. But no more pain.

She smiles again. She seems to relax. She settles comfortably on the table. The worst is over.

The doctor selects a three-and-one-half-inch needle bearing a central stylet. He places the point at the site of the previous injection. He aims it straight up and down, perpendicular. Next he takes hold of her abdomen with this left hand, palming the womb, steadying it. He thrusts with his right hand. The needle sinks into the abdominal wall.

Oh, says the woman quietly.

But I guess it is not pain that she feels. It is more a recognition that the deed is being done.

Another thrust and he has speared the uterus.

We are in, he says.

He has felt the muscular wall of the organ gripping the shaft of his needle. A further slight pressure on the needle advances it a bit more. He takes his left hand from the woman's abdomen. He retracts the filament of the stylet from the barrel of the needle. A small geyser of pale yellow fluid erupts.

We are in the right place, says the doctor. Are you feeling any pain? he says.

She smiles, shakes her head. She gazes at the ceiling.

In the room we are six: two physicians, two nurses, the patient, and me.

The participants are busy, very attentive. I am not at all busy—but I am no less attentive. I want to see.

I see something!

It is unexpected, utterly unexpected, like a disturbance in the earth, a tumultuous jarring. I see something other than what I expected here. I see a movement—a small one. But I have seen it.

And then I see it again. And now I see that it is the hub of the needle in the woman's belly that has jerked. First to one side. Then to the other side. Once more it wobbles, is *tugged*, like a fishing line nibbled by a sunfish.

Again! And I *know!*

It is the *fetus* that worries thus. It is the fetus struggling against the needle. Struggling? How can that be? I think: *that cannot be.* I think: the fetus feels no pain, cannot feel fear, has no *motivation. It is merely reflex.*

I point to the needle.

It is a reflex, says the doctor.

By the end of the fifth month, the fetus weighs about one pound, is about twelve inches long. Hair is on the head. There are eyebrows, eyelashes. Pale pink nipples show

on the chest. Nails are present, at the fingertips, at the toes.

At the beginning of the sixth month, the fetus can cry, can suck, can make a fist. He kicks, he punches. The mother can feel this, can *see* this. His eyelids, until now closed, can open. He may look up, down, sideways. His grip is very strong. He could support his weight by holding with one hand.

A reflex, the doctor says.

I hear him. But I saw something. I saw *something* in that mass of cells *understand* that it must bob and butt. And I see it again! I have an impulse to shove to the table—it is just a step—seize that needle, pull it out.

We are not six, I think. I think we are *seven.*

Something strangles *there.* An effort, its effort, binds me to it.

I do not shove to the table. I take no little step. It would be . . . well, madness. Everyone here wants the needle where it is. Six do. No, *five* do.

I close my eyes. I see the inside of the uterus. It is bathed in ruby gloom. I see the creature curled upon itself. Its knees are flexed. Its head is bent upon its chest. It is in fluid and gently rocks to the rhythm of the distant heartbeat.

It resembles . . . a sleeping infant.

Its place is entered by something. It is sudden. A point coming. A needle!

A spike of daylight pierces the chamber. Now the light is extinguished. The needle comes closer in the pool. The point grazes the thigh, and I stir. Perhaps I wake from dozing. The light is there again. I twist and straighten. My arms and legs push. My hand finds the shaft—grabs! I grab. I bend the needle this way and that. The point probles, touches on my belly. My mouth opens. Could I cry out? All is a commotion and a churning. There is a presence in the pool. An activity! The pool colors, reddens, darkens.

I open my eyes to see the doctor feeding a small plastic tube through the barrel of the needle into the uterus. Drops of pink fluid overrun the rim and spill onto the sheet. He withdraws the needle from around the plastic tubing. Now only the little tube protrudes from the woman's body. A nurse hands the physician a syringe loaded with a colorless liquid. He attaches it to the end of the tubing and injects it.

Prostaglandin, he says.

Ah, well. prostaglandin—a substance found normally in the body. When given in concentrated dosage, it throws the uterus into vigorous contraction. In eight to twelve hours, the woman will expel the fetus.

The doctor detaches the syringe but does not remove the tubing.

In case we must do it over, he says.

He takes away the sheet. He places gauze pads over the tubing. Over all this he applies adhesive tape.

I know. We cannot feed the great numbers. There is no more room. I know, I know. It is woman's right to refuse the risk, to decline the pain of childbirth. And an unwanted child is a very great burden. An unwanted child is a burden to himself. I know.

And yet . . . there is the flick of that needle. I saw it. I saw . . . I felt—in that room, a pace away, life prodded, life fending off. I saw life avulsed—swept by flood, blackening—then out.

There, says the doctor. It's all over. It wasn't too bad, was it? He says to the woman.

She smiles. It is all over. Oh, yes.

And who would care to imagine that from a moist and dark commencement six months before there would ripen the cluster and globule, the sprout and pouch of man?

And who would care to imagine that trapped within the laked pearl and a dowry of yolk would lie the earliest stuff of dream and memory?

It is a persona carried here as well as person, I think. I think it is a signed piece, engraved with a hieroglyph of human genes.

I did not think this until I saw. The flick. The fending off.

We leave the room, the three of us, the doctors.

"Routine procedure," the chief surgeon says.

"All right," I say.

"Scrub nurse says first time you've seen one, Dick. First look at a purge," the surgeon says.

"That's right," I say. "First look."

"Oh, well," he says, "I guess you've seen everything else."

"Pretty much," I say.

"I'm not prying, Doctor," he says, "but was there something on your mind? I'd be delighted to field any questions . . ."

"No," I say. "No, thanks. Just simple curiosity."

"Okay," he says, and we all shake hands, scrub, change, and go to our calls.

I know, I know. The thing is normally done at sixteen weeks. Well, I've since seen it performed at that stage, too. And seen . . . the flick. But I also know that in the sovereign state of my residence it is hospital policy to warrant the procedure at twenty-four weeks. And that in the great state that is adjacent, policy is enlarged to twenty-eight weeks.

Does this sound like argument? I hope not. I am not trying to argue. I am only saying I've *seen.* The flick. Whatever else may be said in abortion's defense, the vision of that other defense will not vanish from my eyes.

What I saw I saw as that: a *defense,* a motion *from,* an effort *away.* And it has happened that you cannot reason with me now. For what can language do against the truth of what I saw?

Emotional Impact of D&E Versus Instillation

(By Judith Bourne Rooks and Willard Cates, Jr. (CDC)

Morbidity and cost are but two of the factors to be considered when decisions are being made about which technique to use to terminate a pregnancy. Abortions, especially those performed at more than 12 weeks' gestation, also have an emotional impact on the women who undergo them and on the professionals who are involved in their performance.[1] Although the emotional benefits of abortion generally outweigh the emotional risks,[2] the risks should not be ignored. This article considers the emotional impact on both the patient and the physician of D&E compared with instillation.

IMPACT ON THE PATIENT

D&E usually takes about 20 minutes longer than suction in the first trimester. It often causes harder cramps than a first-trimester procedure. the patient is brought to the operating room draped and washed, and is given local or general anesthesia. If she is awake, she may feel a tugging sensation when the fetal parts are being extracted; women appear to feel more pain if awake than during an early suction abortion. After the procedure is completed, the patient is taken from the operating room and recuperates, under observation, for two to four hours; she is then sent home if all is well.

In contrast, a woman having an abortion induced by instillation of saline or prostaglandins (PG) faces a one-to-three-day experience. After undergoing the amniocentesis and instillation procedures, she returns to a hospital bed to wait from 12 hours to two days for the onset of labor.[3] If her abortion is induced by PG, she is probably nauseated and may vomit and/or have diarrhea during much of this time.[4]

Under the best of circumstances, the patient will spend her 4–12 hours of active labor away from the sights and sounds of normal obstetrics. She will receive care from nurses who are not already busy with term obstetric patients; she will be given enough anesthesia or analgesia to diminish her pain; she will have someone with her when she expels her fetus, and it will be removed from her bed quickly.

Under the less ideal but not uncommon circumstances, instillation patients experience labor in environments in which they are confronted with such sounds as newborns' crying and, sometimes, the sights associated with childbirth. They may have to compete with women delivering term babies for the time and attention of labor and delivery room nurses, on whom they are dependent for pain medication, physical care and emotional support. Since abortion patients frequently cannot compete successfully for professionals' attention in these circumstances,[5] they may not always receive pain medication when it is needed, and they may not receive the close observation necessary for a nurse to predict accurately when the fetus will be expelled. If the expulsion occurs when the woman is unattended, she will have to spend some time with her fetus between her legs before a nurse removes it. What seems like a minute to a busy obstetric nurse could be a long time for any woman—and especially for a very young girl in this situation. There is also a small but real risk that the fetus will show some fleeting signs of life, a risk which is increased in abortions induced with prostaglandins.[6]

THE PHYSICIAN'S VIEWPOINT

A physician who induces an abortion by instillation needs only to perform the instillation—a 15-minute procedure which involves placing a needle into the woman's uterus through her abdomen, withdrawing amniotic fluid, and injecting a solution of saline or prostaglandins. Usually, he then signs a sheet of standard 'orders' prescribing the care that nurses are to give the patient until the abortion occurs. If the placenta is not expelled completely, the physician may also perform a curettage after the fetus has been removed. He may never see the fetus at all.

In contrast, a physician performing a D&E must deal with the second-trimester fetus in an intimate, physical way, using methods of evacuation that often take longer than amniocentesis and that may be distasteful to the medical staff.[7] Ossified parts, such as the skull, must often be crushed. The bone fragments must be extracted carefully to avoid tearing the cervix. Reconstruction of the fetal sections after removal from the uterus is necessary to ensure completeness of the abortion procedure. Clearly, D&E transfers much of the possible psychological trauma of the abortion from the patient to the professional.

During the brief history of legal abortion in the United States, abortion practitioners have been quick to adopt a wide variety of technical innovations. The initial clinical recommendations were that abortions be

performed as inpatient hospital procedures using general anesthesia, cervial dilation and sharp curettage.[8] The majority of abortions induced in the United States today are performed without general anesthesia, on an outpatient basis in freestanding clinics.

Acceptance of D&E by American clinicians has been limited by their fear that the risks of second-trimester uterine instrumentation are too hazardous. However, the JPSA/CDC study (see p. 266) found that D&E procedures are not only as safe as, but are even safer than, instillation procedures. Even if the two procedures were only equally safe, S&E must be judged the better procedure because it takes much less time to be completed, is less expensive, is less painful and is less emotionally traumatic for the patient. Health professionals must be guided by what is in the best interests of the patient.

I. D. Allen, "Factors to Consider in Staffing An Abortion Service Facility," Journal of Nursing Administration, 4:22, 1974; J. P. Bourne, "Influences on Health Professionals' Attitudes," Hospitals, 46:80, 1972; H. Branson, "Nurses Talk About Abortion," American Journal of Nursing, 72:106, 1972; W. F. Char and J. F. McDermott, "Abortion and Acute Identity Crisis in Nurses," American Journal of Psychiatry, 128:66, 1972; S. H. Fishman, "Issues and Problems That Confront Nursing in Delivering Family Planning Services," in D. V. McCalister, ed., Readings in Family Planning, C. V. Mosby, St. Louis, 1976; H. D. Kibel, "Staff Reaction to Abortion: A Psychiatrist's View," Obstetrics and Cynecology, 39:128, 1972; J. F. McDermott and W. F. Char, "Abortion Repeal in Hawaii: An Unexpected Crisis in Patient Care," American Journal of Orthopsychartry, 40:620, 1970; C. A. Nathanson and M. H. Becker, "The Influence of Physicians' Attitudes on Abortion Performance, Patient Management and Professional Fees," Family Planning Perspectives, 9:158, 1977; and A. Sclars, "Termination of Pregnancy: The Nurses' Attitudes," Nursing Mirror, 140:59, 1975.

2. J. D. Osofsky, H. J. Osofsky, R. Rajan and M. R. Fox, "Psychologic Effects of Legal Abortion," Clinical Obstetrics and Gynecology, 14:215, 1971; and K. R. Niswander, J. Singer and M. Singer, "Psycological Reaction to Therapeutic Abortion: II, Objective Response," American Journal of Obstetrics and Gynecology, 114:29, 1972.

3. C. Tietze and S. Lewit, "Early Medical Complications of Abortion by Saline: Joint Program for the Study of Abortion (JPSA)," Studies in Family Planning, 4:133, 1973.

4. W. E. Brenner, "The Current Status of Prostaglandins as Abortifacients," American Journal of Obstetrics and Gynecology, 123:306, 1975.

5. J. P. Bourne, 1972, op. cit.

6. G. Stroh and A. R. Hinman, "Reported Live Births Following Induced Abortions: Two and One-Half Years' Experience in Upstate New York," American Journal of Obstetrics and Gynecology, 126:83; 1976.

7. A. A. Hodari, J. Peralta, P. J. Quiroga and E. B. Gerbi, "Dilatation and Curettage for Second-Trimester Abortions," American Journal of Obstetrics and Gynecology, 127:850, 1977; and M. S. Burnhill, "Vaginal Second-Trimester Abortion," paper presented at the Workshop on Risks, Benefits and Controversies Fertility Control, sponsored by the Program for Applied Research on Ferility Regulation, Arlington, Va. Mar. 13-16, 1977.

8. R. W. TeLinde, Operative Gynecology, J. B. Lippincott, Philadelphia, 1982, p. 574.

ABORTION HEARINGS

Bizarre, revealing, difficult to hold,
Wide-ranging feelings, opposite indeed,
Vitriolic prose, out of the mold
Of non-involvement, while fetuses bleed,
With blood everywhere, incredible gore,
You'd think not a soul would fail to deplore
The wanton killings, now more and more.

How excited pro-abortionists become,
Especially, for whales and sweet harp seals,
Homeless dogs, cats, almost any scum,
But a careful analysis clearly reveals
A callous neglect of societal ills,
The wholesale slaying they carefully conceal
Until life itself becomes more unreal.

Mr. HATCH. Mr. President, I understand the distinguished Senator from South Carolina would like to take the floor next. I suggest the absence of a quorum until he arrives.

The PRESIDING OFFICER. On whose time?

Mr. HATCH. To be charged equally to both sides.

Mr. PACKWOOD. I object to charging a quorum call to our time.

Mr. HATCH. I will charge it to my time.

The PRESIDING OFFICER. The time will be charged to the time of the Senator from Utah. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I yield such time to myself as I might require.

Mr. President, the object of an abortion is a living human being not yet born.

The purpose of an abortion is to kill that living human being.

Before an abortion, there is a living human being. After an abortion, that human being is dead.

The question at the heart of the abortion debate, is whether the unborn human being, like other human beings, can look to the State to protect his life.

The answer should be, "yes." The Declaration of Independence set out as a fundamental purpose of government the protection of human life. In Jefferson's words:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men . . .

Who endows us with the right to life? Executive bodies? No. Legislative bodies? No. Judicial bodies? No. We are endowed by our Creator with the inalienable right to life. To secure that right, is the fundamental purpose of government.

There are those who deny the humanity of the unborn. they use words like fetus and product of conception to avoid the humanity of the unborn. Is an unborn baby a human being? Of course. The offspring of human beings are human beings. To state otherwise is illogical.

Human life is a continuum from generation to generation to generation. And, if it is wrong to take the life of an individual human being at the midpoint, it is wrong to take it at the end or the beginning. It is wrong to take life at any point on the continuum.

Since the unborn are human beings and since it is the fundamental purpose of government to protect the right to life, how did the Supreme Court justify its 1973 decision invalidating State laws which protected the lives of unborn human beings? The Court decided it had no way of determining when a human being became a person. By default the Court decided that the unborn are not persons. Therefore, the unborn were not entitled to the protection of the 5th and 14th amendments to the Constitution, which protect a person from deprivation of "life, liberty and property, except by due process of law."

The Supreme Court decision has been ranked by many as no less outrageous and fundamentally flawed as the 1857, Dred Scott decision, in which the Court found that black human beings, even free blacks, were not citizens of the United States. It was necessary to amend the Constitution to overcome that Court decision. In a like manner, those who believe the Court's 1973 decision in Roe against Wade was fundamentally flawed seek, to amend the Constitution to correct the grievous injustice inflicted on unborn human beings.

The Hatch-Eagleton amendment is far from what is needed to restore for all unborn human beings in our country the right to life which they effectively enjoyed prior to 1973. Far preferable, would be an amendment to the Constitution that explicitly made clear that the unborn are entitled to the protection of their lives. But something is better than nothing, when nearly 2 million unborn human beings each year are being killed.

I believe we can win the battle for the right to life for the unborn in the legislatures of the States. Presently, we cannot win it conclusively in the Congress. Nor can we hope for a Supreme Court decision soon which would overturn Roe against Wade. Therefore, I urge my colleagues to support the Hatch-Eagleton amendments as the best that can be had under the circumstances.

Apart from all the sophistry, the hair-splitting, apart from all the euphemisms, the harsh truth is that abortion kills. Abortion kills human

beings. The destruction of helpless human beings violates the right to life with which each is endowed by his Creator.

Failure of the State to protect the life of each individual unborn human being is destroying our heritage and will destroy our country. So let us begin to repair the calamitous damage done by the Roe against Wade decision to that fundamental right with which each human being is endowed by his Creator, the right to life.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, while we are awaiting the arrival of the Senator from South Carolina, I would like to point out that this amendment does not explicitly deal with what are concededly the "hard cases" of abortion. It would permit States to enact statutes banning abortions even to protect mother or in case of rape and incest.

First. The question of rape, incest, mother's life, and eugenic abortions are really beyond the scope of this debate. It is true that this amendment will restore to the State authority to legislate with respect to abortion. It will restore to the States the same authority they exercised wisely for nearly 200 years before the Roe interruption. In that time, no single person, according to exhaustive studies in search of such cases, was ever prosecuted for performing an abortion in one of these hard cases. We simply must not assume that the States will be so callous. In fact, their record is precisely the opposite.

Second. With authority to legislate respecting abortion, States could, of course, make foolish policies. States now have the authority of regulate marriage, divorce, adoption, and the like. A State could conceivably pass a law abolishing adoption or outlawing divorce. The same applies to Congress. It possesses the authority to declare war, but that does not make it likely that we will initiate a nuclear conflict tomorrow.

Third. Finally, even after this amendment is ratified, a State will still have to show a rational basis for their enactments relative to abortion, just as they must for marriage, divorce, adoption, and other laws of this kind. We are not giving the States authority to run wild, but merely restoring to them the authority they had prior to 1973 and the authority they possess now with respect to marriage, divorce, and adoption. In the absence of a rational basis for a statute, it would still be subject to a ruling of invalidity in the courts.

I notice the distinguished Senator from South Carolina is here, so I yield such time as he may need.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, today, we begin the debate on Senate Joint Resolution 3, a proposal that the U.S. Constitution be amended to declare that a right to abortion is not secured by this Constitution. The debate which we begin today represents the first time that the issue of a right to an abortion has been presented for public discussion on this floor.

Perhaps even more important than the matter of the abortion procedure itself, however, is the landmark decision in the case of Roe against Wade, handed down by the U.S. Supreme Court in February 1973. I refer to that case as landmark decision for two reasons: First, that opinion represents the first time in the history of this great Republic that the Supreme Court found for women a constitutional right to decide whether or not to terminate a pregnancy. Second, the Roe decision represents a striking example of judicial activism at its worst. There is no specific right to an abortion mentioned in any portion of the Constitution proper or in any amendment adopted thereto. Rather, the abortional right is the product of judicial development by the U.S. Supreme Court.

The word "abortion" is not to be found in the Constitution and it is, therefore, to be concluded that the Court did not even make a pretext of basing its decision in Roe upon textual considerations. In fact, the Court chose to anchor the right to an abortion in the elusive right to privacy which constitutional scholars have yet to pin down.

Moreover, there is no evidence that the authors of the Constitution ever intended for the freedoms protected by it to include the freedom to decide to have an abortion. In failing to draw upon the "intent of the legislature," the Court failed to utilize one of the strongest bases for judicial interpretation.

Only 2 weeks ago, the Supreme Court decided two cases which explicitly reaffirm the Roe decision. Although the Court admits that the Constitution does not specifically identify a right to abortion, a majority of the Court persists in expanding the parameters of the 14th amendment's due process clause to include a right to an abortion. Ostensibly, it is upon the cornerstone of "freedom of personal choice" that the Court bases the right to an abortion.

Frankly, as a long-time defender of States rights, this train of judicial reasoning frightens me. It does so because such legal thought is tantamount to ignoring the 10th amendment which clearly states that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." If the hand of the Federal Government is allowed to reach down into the realm of decisionmaking on matters of procreation and childbearing, there will be no end to the incursion of the Federal Government into our personal lives—those incursions coming through the activist decisions of the Federal judiciary. It should be realized that up until the Roe decision in 1973, the power to legislate on the subject of abortion lay entirely with the States.

Our Founding Fathers very wisely left many fields of action with the States. Tremendous diversity exists between the States and public opinion differs from one area of this country to another. The people of South Carolina, for example, often think differently from the people of New York or California on social matters. For this reason, it is wise that social issues, especially great ones like abortion, be left with the States and not decided at the national level.

It is, therefore, imperative that we grasp this opportunity to send a message to the Supreme Court that it is the people of this country, acting through their elected assemblies, who will set policy in the areas of our lives that were not granted to the National Government. The only sure tool available to us with which to adhere to the mandates of the 10th amendment now appears to be a constitutional amendment clearly stating that the right to an abortion is not guaranteed by the Constitution.

Mr. President, the decision that this body will make by voting on this proposed amendment is a difficult one. It is difficult because it deals with a matter of life and death, and such decisions are always infused with emotion. I encourage you to consider our great charter, the U.S. Constitution, and the erosion that has been wrought upon it by the Roe decision. With Senate Joint Resolution 3, we have an opportunity to partially repair the damage caused by a continually rising tide of activist court decisions.

As I stated earlier, this is the first opportunity that this body has had to speak to the issue of abortion and to the concomitant problem of the constitutional erosion which was most recently evidenced by the decisions of the Supreme Court handed down just 2 weeks ago. As public officials sworn to protect and defend the Constitution, we cannot allow this erosion to continue. We must not let this opportunity elude us. I strongly urge you to vote in favor of Senate Joint Resolution 3.

Mr. President, while I am talking, it is not this question alone; it is a question in other fields, too. Congress has gone into many fields of activity where it had no authority to do so, and the Supreme Court has gone into fields of activity where it had no authority to do so. For instance, some years ago, the Supreme Court handed down a decision on the question of insurance. The word "insurance," is not even found in the U.S. Constitution. Therefore, this field has never been delegated to the Union. Congress passed an act that immediately took them out of it. Now, the subject of insurance is a matter for the different States of the Nation.

Unless a field has been delegated to the Union, it rests with the States.

This happens to be a field that has never been delegated to the Union, and therefore the people of each State ought to make the decision on it. They will do this through the legislatures of the States representing the people.

Conditions are different. On the matter of gun control, for instance, New York City has a law against having a gun that would not work in Wyoming. There are various other subjects. Some things are practical in one place that are not practical in another. That is the reason we have a Union. We have States with all the powers except those that have been delegated to the Union in the Constitution or in some amendment to the Constitution.

Mr. President, for that reason I feel there is a great principle involved. Let us turn back to the States' areas of jurisdiction that have not been properly delegated to the Union. That is the question we have to decide.

I thank the Senator from Utah.

Mr. HATCH. I thank the distinguished Senator from South Carolina.

Mr. President, I yield such time as the distinguished Senator from Missouri needs.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Missouri is recognized.

THE CONSTITUTIONAL IMPERFECTIONS OF ROE AGAINST WADE

Mr. EAGLETON. Mr. President, our Constitution has been amended only 26 times in the 195 years since its adoption. This is fitting for, in my view, we should not casually or capriciously tinker with the Constitution. Rather, we should amend it only where there is a clear need either to provide an essential governmental procedure or to protect a vital substantive right. By definition, the protection of human life is a vital matter. Therefore, I strongly believe that the Supreme Court created one of those rare cases in which a constitutional amendment is absolutely proper and essential when, on January 22, 1973, the Court handed down its decision in the case of Roe against Wade.

In the majority opinion for the Court, Justice Blackmun wrote that the State did not have a compelling right to intervene on behalf of an unborn child until it reached "viability," the point at which it could sustain "meaningful life" outside the mother's womb—at about the beginning of the seventh month of pregnancy. Then, in a sweeping order, the Court struck down various antiabortion laws adopted by the States.

It is my profound moral conviction, Mr. President, that life is a continuum, from first beginnings in the womb to the final gasp of the dying, and that the first function of society, the primary responsibility of government, is to protect life and to create conditions which permit each person to flourish and to reach his or her fullest potential. I cannot comprehend how our Nation's highest court could find that it was unnecessary to consider the humanity of the unborn. Their humanity, from my point of view, is the entire question.

Given my position on this subject, and my evaluation of the interests at stake, I cannot simply say that I disagree with the decision of the Supreme Court in Roe against Wade and let the matter rest there, as I might do in another case where my opinion and that of a majority of the Court do not coincide. The result reached by the majority's opinion is so inimical to my view of the nature of life and of the fundamental role of government that I am compelled by logic—not theology—to speak out in favor of an amendment to the Constitution.

THE NEED FOR THE AMENDMENT WE ARE CONSIDERING TODAY

Mr. President, this is not the first time I have supported an amendment to the Constitution to deal with the tragic results of Roe against Wade. Before lending my name to this amendment, I have supported and spoken out for adoption of other proposed amendments to eliminate the legal basis for abortion under both Federal and State law and drastically curtail its availability. I am a supporter of the Garn amendment, which would ban abortions except in an exceptional situation: to save the life of the mother. I supported the Hatch amendment considered in the last Congress. That amendment would have reversed the ruling in Roe that the Constitution guarantees the right to an abortion, given States and the Federal Government concurrent jurisdiction over abortion, and provided that, in case of conflict, the more restrictive of the two laws would govern. Frankly, if I were free to choose among the variety of options for setting forth binding law on the availability of abortions in this country, I would choose the most restrictive formulation.

Obviously, however, we are not writing on a clean slate with this matter. In the more than ten years that the Roe against Wade decision has been controlling law, a variety of proposals have been advanced for overturning its holding and restricting abortion. For many reasons, it has been very difficult to get a serious hearing in the Congress for these proposals. They have been subjected to numerous criticisms, including the argument that they are overinclusive in their prohibitions or strike an erroneous balance between the role of the Federal Government and the States in the regulation of abortion matters. Other proposals have been hobbled by dubious theories about the ability of Congress to overturn Supreme Court opinions through means short of constitutional amendment.

Meanwhile, as the arguments have swirled around various remedial proposals, the Supreme Court has decided a series of cases on Roe's periphery which extend and enshrine the "abortion right" originally found in 1973. Perhaps some of the most distressing of these are the cases the Supreme Court just handed down 2 weeks ago. I say these are particularly distressing because the cases dashed the hopes of many that the Supreme Court would reexamine and perhaps adjust some of the underlying theories of the Roe case.

Instead, in the case of Akron v. Akron Center for Reproductive Health, and companion cases, a substantial margin of the Court extended the Roe decision's stricture on State regulation of aspects of the abortion procedure to new heights—or perhaps I should say new depths. In seeking, as Justice Powell put it in the Akron case, "to define the limits of a State's authority to regulate the performance of abortions," the majority of the Court not only struck down some seemingly reasonable exercises of traditional State power, but also reaffirmed in no uncertain terms that it would not deflect from the basic holding of Roe.

As Justice Powell characterized the Akron case and its companions:

> These cases come to us a decade after we held in Roe against Wade . . . that the right of privacy, grounded in the concept of personal liberty guaranteed by the Constitution, encompasses a woman's right to terminate her pregnancy . . . [A]rguments continue to be made, in these cases as well, that we erred in interpreting the Constitution. Nonetheless, the doctrine [that past decisions should be followed], while perhaps never entirely persuasive on a constitutional question, is a doctrine that demands respect . . . We respect it today, and reaffirm Roe against Wade."

Even before the Supreme Court made it clear that Roe against Wade's reversal would have to come from sources outside the Supreme Court

Chamber, I had begun to reflect on the distressing state of the law on abortion and the equally distressing situation facing those, such as myself, who believe it must be changed to promote respect for life. I began to wonder whether a constitutional amendment could be crafted which would not be susceptible to some of the arguments that had been made, whether in good faith or not, against previous proposals, but would nevertheless make an important contribution to stopping the de facto access to abortion on demand which Roe and subsequent cases have produced. I am a principal sponsor of Senate Joint Resolution 3 in the hope that it will be such an amendment, one which will command assent because it responds with appropriate and precise reach to the core of the problem now facing efforts to protect the life of the unborn: the holding of Roe against Wade that the U.S. Constitution provides a federally protected right to abortion. I support the amendment because, by wiping out the legal status afforded to the "abortion right" in Roe, and returning us to the status quo ante, when abortion was a matter for each of the States to decide, the amendment will effectively eliminate a legal decision that is a moral abomination as well as a legal embarrassment.

THE SERIOUS LEGAL AND JURISPRUDENTIAL FLAWS OF ROE

I want to spend the bulk of my statement on the legal flaws of Roe against Wade because I believe it is a dimension that can easily get lost in a debate often carried out on other levels. I also believe that a full and careful analysis of the legal basis of the Roe decision is directly related to an evaluation of the merits of reversing it by Constitutional amendment. Thus, while I stated at the outset that the moral and ethical dimension of an erroneous Court ruling can alone justify its reversal by amendment—as I believe is the case here—I view the case for reversal as even stronger when, as here, the underlying case is found to be fundamentally flawed by errors of legal reasoning, jurisprudential theory, and the Court's conception about its role in deciding the controversy.

Today, I want to examine the reasons I believe the Roe against Wade case to be fatally flawed on all these dimensions. And I want to explore that assessment from three basic perspectives. First, I want to put the Roe case in the context of the time in which it was decided in order to illustrate how surprising and truly radical its pronouncement was. Second, I want to canvass the major legal scholarship on and criticism of the case. Third, I want to turn to the very telling statements and comments of two of the learned Justices who dissented from Roe or criticized it in the subsequent cases.

ROE AGAINST WADE AS A LEGAL "BOLT OUT OF THE BLUE"

One important indication of the illegitimacy of a Supreme Court case—and, therefore, inversely, of the validity of efforts to overturn it by constitutional amendment—is when it comes as a complete and total surprise in the legal and social context in which it is rendered. In saying this, I am not equating "controversial" with "surprising." Landmark decisions about matters stirring passions on all sides may shock and scandalize some of the partisans and yet still be viewed appropriately as flowing logically and naturally in terms of how the law and the society are progressing.

Roe against Wade does not appear to me to be such a decision. In the bulk of my statement today, dealing with the legal underpinnings of the Roe case, one major theme I will sound will be the extent to which the "abortion right" and the Court's balancing of it against the other rights at stake can draw no logical justification from predecessor cases. I would like to make the point now, however, that Roe against Wade was in another important sense a "bolt out of the blue" when it was handed down. I refer to the great extent to which the Roe Court appeared to reach out, with no prior warning, into an ongoing public policy debate, interject Federal constitutional considerations previously unanticipated, and completely foreclose further consideration of this sensitive issue in other forums across the land.

State law with respect to abortion was undergoing serious reconsideration and ferment in the several years before the Court decided the Roe case. As indicated in the Judiciary Committee report on the amendment now before the Senate, most States considered law changes in the 5-year period from 1967 to 1972, and nineteen States made changes, some minor and some major. Obviously, this reconsideration and change was accompanied by widespread discussion and debate in the medical and legal professions and the public at large. I think it is safe to say that this debate and discussion, though marked by controversy, was carried out under certain common and implicit assumptions, including that abortion policy was a subject within the province of the legislative branch, that it was largely a matter for state law (although there were some proposals that the Federal Government enact a law preempting State laws) and that the Federal Constitution (and, particularly, the due process clause) had little to say about State legislation in this area, as in other areas of State health regulation.

This means it is also safe to say that Roe against Wade came as a shock, even to those who supported the result of an unfettered right to abortion. For, in one swift edict, the Supreme Court federalized a largely State law issue, judicialized a matter previously thought to be within the domain of legislative discretion and took the extraordinary step of finding that a provision of the Federal Constitution, one little discussed as applicable to the context of the controversy, required the invalidation of every State's abortion law. (The invalidated laws included, I might add, some of the very-recently changed laws resulting from the process of public debate and discussion I have described.)

But perhaps the best indication of how Roe was a legal "bolt out of the blue" comes from the total lack of any indication from the Supreme Court itself that a broad federalization of abortion was forthcoming. Indeed, only a year and half before handing down Roe against Wade, the Supreme Court upheld a District of Columbia law punishing as a criminal act performance of an abortion except where necessary to save the mother's life or preserve the mother's health. In U.S. against Vuitch, the Court split both on the question of whether the appeal should have been heard and whether the statute's term "health" was unconstitutionally void for vagueness. However, there is not even a hint in the case that a statute prohibiting many abortions would meet with general court displeasure or a broad ruling that the due process clause foreclosed State preclusion or regulation of so-called nontherapeutic abortions. One is struck in reading the various opinions by the extent to which the Justices realized, assumed, and were not moved to comment upon the reach of the statute, even though, as Justice White put it, "It is absolutely clear that [under the statute] a doctor is not free to perform an abortion on request without considering whether the patient's health requires it. No one of average intelligence could believe that under this statute abortions not dictated by health considerations are legal."

In short, far from stemming from a logical progression of forces in the law and society, Roe against Wade constituted a breathtaking departure. I believe it is useful to keep this in mind as we proceed to consider the legal and jurisprudential merits of the case, to which I will now turn.

SERIOUS DEFICIENCIES IN THE REASONING AND LEGAL LEGITIMACY OF ROE AGAINST WADE

Mr. President, some of the most respected constitutional scholars—including several who state specifically that they favor the outcome of the Roe case—express serious concern about the logical and jurisprudential flaws in the case.

One of the earliest and most influential of these critics is the distinguished Dean of Stanford University School of Law, Prof. John Hart Ely, who wrote a

Yale Law Journal article on Roe shortly after it was decided. I believe that Professor Ely's treatment is entitled to great deference for a number of reasons, not the least of which is the fact that he critiques Roe despite his clear statement that, were he a legislator, he would support a scheme for handling abortion rights very much like the one the Court developed. Professor Ely's critique also reflects a sophisticated appreciation of the difficulties the Court faces in interpreting the Constitution. It is clear that Ely thinks little of the automatic cries of "judicial activism" that greet any new Supreme Court decision tackling "difficult questions" and yielding "controversial answers." Professor Ely recognizes that legitimate application of an almost 200-year-old Constitution to modern problems requires some reasonable inferences beyond the Constitution's actual wording.

THE ELY CRITIQUE

Given his general approach, Professor Ely's conclusion about the Roe against Wade case is particularly disturbing. After a sober and measured analysis of Roe's intricacies, the Professor found the case susceptible to "a charge that can responsibly be leveled at no other [Supreme Court] decision of the past 20 years"—namely, that the right to abortion enunciated in it is "not inferable from the language of the Constitution, the Framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the nation's governmental structure." To Professor Ely, the Roe case is, in the final analysis, "a very bad decision," because "it is bad constitutional law, or rather because it is not constitutional law, and gives almost no sense of an obligation to try to be."

I recognize that my colleagues may not be familiar with the analytical steps that led Professor Ely to the conclusion that Roe against Wade represents a low watermark in constitutional jurisprudence. Therefore, I think it is useful to set out in some detail the Professor's multipronged critique of Roe's flaws. (Again, I do not concentrate on Professor Ely's views because he alone holds them; rather, I find his work in this area to be a cogent and methodical statement of objections that have been stated as well by other respected legal scholars.)

AN UNCONVINCING ASSERTION THAT PRIVACY RIGHTS EQUATE TO ABORTION RIGHTS

Professor Ely clearly believes that the Supreme Court got off to a bad jurisprudential start in Roe by fundamentally mishandling its definition of the constitutional rights asserted by women seeking abortion. As Ely explains it, the Court held

that there is a general right of privacy granted special protection . . . by the Fourteenth Amendment, and that this right "is broad enough to encompass" the right to an abortion. The general right of privacy is inferred . . . from various provisions of the Bill of Rights manifesting a concern with privacy, notably the Fourth Amendment's guarantee against unreasonable searches, the Fifth Amendment's privilege against self-incrimination, and the right, inferred from the First Amendment, to keep one's political associations secret.

Professor Ely does not dispute the constitutional basis for a right to privacy in appropriate cases. He notes that in a variety of right to privacy cases, the courts have had to go beyond the original, literal meaning of the constitutional guarantees to ensure that they have continued vitality in a changing world. For example, Professor Ely notes that in Katz against United States, the Supreme Court used good commonsense in striking down unauthorized wiretaps, even though they did not technically constitute a "search" or "seizure" under the terms the Founders used. The Professor believes that in other cases, as well, the Court must look to the underlying purpose of the constitutional provisions—and not just to the words—to achieve a result in concert with the Founders' intent. As Ely put it, "it seems to me entirely proper to infer a general right of privacy, as long as some care is taken in defining the sort of right the inference will support."

It is measured against this standard that the Roe Court's definition of its "abortion right" seemed as lacking to Professor Ely as it does to me. For, the "right to privacy," as enunciated in previous cases, is not easily accommodated to the fact situation or right in Roe. The Court fell woefully below the Ely standard of applying "some care" in defining how the "abortion right" was derived from the right to privacy.

Professor Ely notes that prior cases gave no readily available analog for the "abortion right" found to exist in Roe. To begin with, the Court could point to no previously announced general "right to contraception." Let me quote from the professor's discussion of Griswold against Connecticut, a "right to privacy" case upon which Roe relied:

Griswold is a long step, even a leap, beyond [previous right to privacy cases more directly related to the First, Fourth and Fifth Amendments], but at least the connection is discernible. Had it been a case that purported to discover in the Constitution a "right to contraception," it would have been Roe's strongest precedent. But the Court in Roe gives no evidence of so regarding it, and rightly not. [T]he Court in *Griswold* stressed that it was invalidating only that portion of the Connecticut law that proscribed the *use*, as opposed to the manufacture, sale, or other distribution of contraceptives. That distinction (which would be silly were the right to contraception being constitutionally enshrined) makes sense if the case is rationalized on the ground that the section of the law whose constitutionality was in issue was such that *its enforcement would have been virtually impossible* without the most outrageous sort of governmental prying into the privacy of the home. No such rationalization is attempted by the Court in Roe—and understandably not, for whatever else may be involved, it is not a case about governmental snooping.

Further, Professor Ely notes that, just as the Court was unable to point to any general right to contraception, it could not in good faith accept the theory of some of Roe's litigants that the right to choose an abortion was part of a moral general "right to do as one wishes with one's body." As the professor states: "it is difficult to find a basis for thinking that [this] theory was meant to be given constitutional sanction; surely, it is no part of the 'privacy' interest the Bill of Rights suggests." And, as Ely further elucidates, if one phrases the alleged "right to do as one wishes with one's body" as part of a general "freedom to live one's life without governmental interference," as some defenders of Roe have done, the assertion is even more far afield from "privacy in the Bill of Rights sense or any other the Constitution suggests." Ely points out that the Court has never used privacy in this broad sense, because:

Our life styles are constantly limited, often seriously, by governmental regulation; and while many of us would prefer less direction, granting that desire the status of a preferred constitutional right would yield a system of "government" virtually unrecognizable to us and only slightly more recognizable to our forefathers.

Given the lack of an appropriate analogy for an "abortion right," it is not surprising—although it is very, very distressing—that the Court was not explicit in how the supposed "abortion right" related to the right to privacy. Professor Ely describes the Court's failing in this way:

Unfortunately, having thus rejected [the *Roe* litigants'] attempt to define the bounds of the general constitutional right of which the right to an abortion is a part . . . the Court provides neither an alternative definition nor an account of why *it* thinks privacy is involved. It simply asserts that the right to privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

Clearly, Professor Ely believes—and I agree—that before taking the extreme step of striking down State enactments as violative of the Federal Constitution, the Court owes a better effort to articulate the constitutional provision affronted. The Court's utter failure to make an adequate identification of the source of the "abortion right"—indeed, its utter failure to even try such an identification—is what leads Professor Ely to observe that, "At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obliga-

tion to draw one been so obviously lacking." It is this failure that buttresses Ely's conclusion, quoted earlier in my statement, that Roe is susceptible to charges "that can responsibly be leveled at no other decision" of the two decades before Ely wrote in 1973.

AN ERRONEOUS LEVEL OF CONSTITUTIONAL PROTECTION AFFORDED TO AN ALREADY DUBIOUS "RIGHT"

Professor Ely's critique that the "abortion right" asserted in Roe has no tenable basis in any of the legitimate sources of constitutional interpretation is damaging enough. But it is by no means the only sobering criticism he levels against the Roe case. Even if one assumes for purposes of discussion that there is a constitutionally derivable "abortion right," the question remains how the right is to be implemented and balanced against other competing rights. On this dimension, as well, the Roe case comes in for some very incisive criticism from Professor Ely.

Of particular significance to me, given my view about the humanity of the unborn, are Professor Ely's objections to the manner in which the Court treats—or, more accurately, denigrates—the interest of the State in protecting unborn life. This is an interest that the Roe Court purports to recognize and accommodate, by developing a sliding scale of values attached to the interest involved in State regulation of abortion. In the Court's sliding scale, the interest in protecting the unborn only becomes theoretically "compelling" enough to countervail the exercise of the "abortion right" after the point of fetal "viability."

Professor Ely finds three basic faults with the way the Roe Court defined the legal significance of the "abortion right" it purported to find in the right to privacy. First, Ely believes that the point of "viability" was an arbitrary and unconvincing one at which to begin to give the interests in protecting the unborn status as a "compelling" interest. Second, the professor believes that the Court's reconciliation of the competing rights before the point of "viability" was erroneous and afforded too little importance to the interests of the State in protecting the unborn. Third, Professor Ely finds much to criticize in the Court's division of pregnancy into three neat trimesters, each with its own rules and regulations about what, if any, State regulation is appropriate.

To begin with the first Ely criticism of the way the Court balances competing rights in the abortion context, there is the question of how the Court determines when the State's interest in protecting unborn life can become sufficient—at least theoretically—to justify restrictions on the newly asserted "abortion right." As Professor Ely sees this matter:

> The Court's response here is simply not adequate. It agrees, indeed it holds, that after the point of viability (a concept it fails to note will become even less clear than it is now as the technology of birth continues to develop) the interest in protecting the fetus is compelling. Exactly why that is the magic moment is not made clear; viability, as the Court defines it, is achieved some six to twelve weeks after quickening. (Quickening is the point at which the fetus begins discernibly to move independently of the mother and the point that has historically been deemed crucial—to the extent *any* point between conception and birth has been focused on.) But no, it is *viability* that is constitutionally critical: the Court's defense seems to mistake a definition for a syllogism.

Obviously, to the extent one believes, as I do, that line-drawing in this area involves decisionmaking directly inimicable to the life of the unborn, the criticism that an illogical, indefensible point was chosen by the Roe Court is a damning criticism indeed.

But this is not the only criticism Professor Ely directs against the Court's balancing of competing interests in Roe. He notes that the Court's answer that State interests are only "compelling" at "viability" leads to another question: why cannot the State interest in promoting "potential life" prior to viability, an interest the Court itself called "important and legitimate," justify some State curtailments on the abortion right enunciated in Roe? Professor Ely's judgment on how the Court dealt with this difficulty is that "the opinion is even less satisfactory" than on the question of why "viability" was chosen as the point at which the balance of interests is fundamentally altered.

As Professor Ely notes, the Court's basic argument is that before viability the unborn have no constitutionally-recognized rights under general legal doctrine, or, specifically, under the 14th amendment. I will not repeat Professor Ely's cogent criticisms of the Court's reasoning on the nonexistence of a legal basis for the rights of the unborn. Rather, I will move on to the heart of Professor Ely's criticism on this score, that "the argument that fetuses lack constitutional rights is simply irrelevant." Professor Ely explains his point as follows:

> It has never been held or even asserted that the state interest needed to justify forcing a person to refrain from an activity, *whether or not that activity is constitutionally protected,* must implicate either the life or the constitutional rights of another person. Dogs are not "persons in the whole sense" nor have they constitutional rights, but that does not mean the state cannot prohibit killing them: It does not even mean the state cannot prohibit killing them in the exercise of the First Amendment right of political protest.

In conjunction with Professor Ely's criticism about the Court's failure to recognize the right to protect the life of the unborn until the point of viability, the criticism just quoted adds up to the inescapable conclusion that the "abortion right" in *Roe* was treated as, to quote the professor, a "super-protected right" afforded a "frightening" degree of protection. As Ely sums it up: "What is unusual about *Roe* is that the liberty involved is accorded a far more stringent protection [than that normally afforded Fourteenth Amendment rights]." It is a protection "so stringent that a desire to preserve a fetus' existence is unable to overcome it—a protection more stringent, I think it is fair to say, than the present Court accords the freedom of the press explicitly guaranteed by the Constitution."

Professor Ely's third major set of objections to the Court's balancing of interests is that the results drawn are illogical and that the entire process of line-drawing is questionable from the standpoint of constitutional jurisprudence. Ely found the scheme of three neat trimesters, each with its own sliding scale of rights, full of distinctions that were "largely illusory." He stated specific objections to the balancing of rights in the first trimester of pregnancy, noting that "The Court seems * * * to get carried away on the subject of remedies: Even assuming the case can be made for an unusually protected constitutional right to an abortion, it hardly seems necessary to have banned during the first trimester all State regulation of the conditions under which abortions can be performed." Professor Ely also found the Court's statements about "the permissible scope of health regulations" during the second trimester full of "confusing signals." From hindsight, we know that these "confusions" were addressed in scores of subsequent litigation, most of it affording little leeway for State regulation during this time period.

Still, the most disturbing objection to the trimester scheme—particularly given that Professor Ely is not quick to make standard objections about Supreme Court "judicial activism"—is that the Roe Court produced a sort of "guidebook, addressing questions not before the Court and drawing lines with an apparent precision one generally associates with a commissioner's regulations." Professor Ely clearly feels that significant jurisprudential questions are raised when, in seeking to "second-guess legislative balances" during constitutional adjudication, the Court substitutes its own apparently precise scheme in an area where such precision is fraught with difficulty.

OTHER SCHOLARS CRITICIZE ROE ON SIMILAR GROUNDS

Mr. President, while I have devoted substantial attention to Professor Ely's criticisms of Roe against Wade, they are, as indicated earlier, far from idiosyncratic. Rather, they are shared by other legal scholars of national

repute. Writing about the same time as Professor Ely, Yale Law School Dean Harry H. Wellington agreed that the Roe Court's assertion of the right of privacy "obfuscates, rather than elucidates the concept of liberty" at issue in the abortion setting; Wellington found "no explanation" for the "Pickwickian usage" of the Court in this regard. Stating that "the Court has failed to make its case," Dean Wellington also disputed its insistence that the abortion right could not be limited by States in any meaningful way during the first trimester of pregnancy.

The constitutional source of the Court's division of pregnancy into three neat trimesters, with a sliding scale of values assigned to the interest of the mother and of the State, similarly eluded the highly respected Yale Law School professor, the late Alexander Bickel. Bickel believed that the Roe against Wade Court never gave an adequate justification for its intricate scheme: "it simply asserted the result it reached." Writing in his book, "The Morality of Consent," Bickel found it "astonishing that only two Justices dissented from the Court's decision" in Roe.

Further, a variety of well-known scholars have offered more succinct, but no less telling characterizations of Roe against Wade. For example, University of Texas Law School Professor, Charles Allan Wright called the Roe decision fundamentally unpersuasive. Harvard professor, Arthur B. Miller wrote that, in Roe against Wade, "the Supreme Court found a right to abortion without pointing to any specific words in the text of the Constitution." Former Solicitor General, now U.S. circuit judge, Robert Bork, in testimony on the Helms human life bill, called the Roe against Wade decision "unconstitutional action by the Court" involving "the deformation of the Constitution."

Finally, no discussion of the legal reasoning and jurisprudence of the Roe case would be complete without a reference to another former Solicitor General and noted Harvard law professor, Archibald Cox. In a 1976 work on the "Role of the Supreme Court in American Government," Professor Cox stated that, in Roe, "the Justices read into the generality of the due process clause of the 14th amendment a new 'fundamental right' not remotely suggested by the words." He further criticized Roe as employing the wrong standard of scrutiny to the newly derived right to abortion. Professor Cox added that "neither historian, layman, nor lawyer will be persuaded" that Roe's scheme of rights according to trimester is "part of either natural law or the Constitution." And Professor Cox criticized Roe for a failure that goes to its basic legitimacy in our constitutional system—the failure to "articulat[e] a precept of sufficient abstractness to lift the ruling above the level of a political judgement based upon the evidence currently available from the medical, physical and social sciences." This failure is particularly damning, in Professor Cox's view, because such "political judgments" are the province of the democratically elected legislatures of this country.

COGENT CRITICISMS OF ROE FROM DISSENTING SUPREME COURT JUSTICES

It would be amiss, Mr. President, to conclude a discussion of the legal and jurisprudential failings of Roe against Wade without devoting some attention to the cogent criticisms made by those very members of the Supreme Court who dissented from Roe or from subsequent cases expanding upon its holding. These dissenting views are far from being merely the rejected views of "the losing side" in a court case. They are the well-considered and well-formulated views of some members of the Court who heard all the arguments, read all the pleadings and considered all the jurisprudential dimensions of Roe and/or its subsequent applications. Indeed, we have a tradition in constitutional adjudication whereby today's minority may become, by the force of their arguments and the new thoughts which calmer reconsideration often brings to cases of first impression, tomorrow's majority. In that light, I think it is particularly important to consider the failures of Roe as they have been expressed by dissenters on the Court.

Partly in response to Roe's ambiguities, partly due to the continued volatility of the abortion question, there have been scores of subsequent Supreme Court cases on the permissible scope of State and Federal regulation of the abortion decision. The arguments by Justices who have been less kindly disposed to Roe and its embrace of a broad "abortion right" constitute an impressive body of legal commentary and criticism. In the context of this statement, however, I do not propose to canvass it in great detail. Rather, I want to illustrate the extent to which Roe has come in for sustained, methodical criticism on the Court by concentrating first on the views expressed in the most recent City of Akron case and companion cases, and then by returning to the dissenting views expressed so well in the original dissent of Justice White in Roe against Wade.

Given the tendency of some to assume that no self-respecting woman could speak disparagingly of Roe against Wade and the abortion right it enshrined in the Federal Constitution, Justice Sandra Day O'Connor's dissent in the Akron case caused quite a stir. Yet, a look beyond the political symbolism, if any, of her dissenting words into their legal merits reveals the dissent to be very much in the mainstream of academic criticism of Roe, as I explored in detail a little earlier. Like Professor Ely and his colleagues, Justice O'Conner's reexamination of Roe from the fresh perspective of a newcomer to the Court leads her to conclude as follows:

> Even assuming that there is a fundamental right to terminate pregnancy in some situations, there is no justice in law or logic for the trimester framework adopted in Roe and employed by the Court today on the basis of stare decisis. That framework is clearly an unworkable means of balancing the fundamental right and the compelling state interests that are indisputably implicated.

Perhaps the most interesting element of Justice O'Connor's critique of the trimester system and its sliding scale of rights is that, given that the competing values are defined with respect to the current state of medical technology, the sliding scale is a constantly varying slippery slope. To quote Justice O'Connor:

> The Roe framework is clearly on a collision course with itself. As the medical risks of various abortion procedures decrease, the point at which the State may regulate for reasons of maternal health is moved further forward to actual childbirth. As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception.

Justice O'Connor notes that the inherent link between the Roe Court's decision and the medical art of the possible creates problems for both the legislatures and the courts.

Particularly in light of the Akron Court's holding that the appropriateness of State regulation may vary even within one trimester period, the Roe scheme requires, says Justice O'Connor, that "the State continuously and conscientiously study contemporary medical and scientific literature in order to determine whether the effect of a particular regulation is 'to depart from accepted medical practice' insofar as particular procedures and particular periods within the trimester are concerned." Justice O'Connor sees this constant monitoring responsibility as beyond the normal bounds required in constitutional jurisprudence. She says: "Assuming that legislative bodies are able to engage in this exacting task, it is difficult to believe that our Constitution requires that they do it as a prelude to protecting the health of their citizens."

The need to refer to the state of medical technology in applying the Roe balance of interests also presents some troublesome problems for the Federal courts. As Justice O'Connor said in her dissent:

> It is even more difficult to believe that this Court, without the resources available to those bodies entrusted with making legislative choices, believes itself competent to make these inquiries and to revise these standards every time the American College

of Obstetricians and Gynecologists (ACOG) or similar group revises its views about what is and what is not appropriate medical procedure in this area. As today's decision indicates, medical technology is changing, and this change will necessitate our continued functioning as the nation's ex officio medical board with powers to approve or disapprove medical and operative practices and standards throughout the United States.

This demand on the Supreme Court—and the lower Federal courts as an initial matter—concerns Justice O'Connor not only from the standpoint of the institutional capabilities of the courts, but also from the standpoint of the interests of our democracy. As Justice O'Connor writes, quoting the words of Archibald Cox I quoted earlier, "it is clear that the trimester approach violates the fundamental aspiration of judicial decisionmaking through the application of neutral principles 'sufficiently absolute to give them roots throughout the community and continuity over significant periods of time' * * *"

Further, given my views on the sanctity of human life, it is just as important for me, if not more so, that Justice O'Connor echoes the criticism of Professor Ely and others that the Roe balancing act accords insufficient importance to the interest of the State in protecting the life of the unborn. Again, let me quote from the O'Connor dissent:

In Roe, the Court held that although the State had an important and legitimate interest in protecting potential life, that interest could not become compelling until the point at which the fetus was viable. The difficulty with this analysis is clear: potential life is no less potential in the first weeks of pregnancy than it is at viability or afterward. At any state in pregnancy, there is the potential for human life. Although the Court refused to resolve the difficult question of when life begins, the Court chose the point of viability—when the fetus is capable of life independent of its mother—to permit the complete proscription of abortion. The choice of viability as the point at which the state interest in potential life becomes compelling is no less arbitrary than choosing any point before viability or any point afterward.

The consistent denigration of the interest in protecting unborn life, along with a similar consistent denigration of the State's interest in promoting maternal health by reasonable regulation of the abortion procedure, adds up to the following assessment by Justice O'Connor: "Neither sound constitutional theory nor our need to decide cases based on the application of neutral principles" justifies the scheme of abortion rights begun by Roe and continued through the Akron case.

Although separated from it by more than 10 years in time, Justice O'Connor's dissent sounds many of the themes contained in Justice White's original dissent in the case of Roe against Wade. Justice White's opinion uses relatively few words to set out the major flaws in the reasoning of the Roe opinion, but his conclusion is no less telling for its brevity. Justice White clearly placed himself with those who have seen Roe as possessing two main legal flaws: the identification of a constitutionally based abortion right nowhere tied to the Constitution itself and an unjustified balancing of that right against the other important rights at stake. Justice White put it this way:

I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus on the one hand against a spectrum of possible impacts on the mother on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view, its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court.

The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life which she carries. Whether or not I might agree with that marshalling of values, I can in no event join the Court's judgment because I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the States. In a sensitive area such as this, involving as it does issues over which reasonable men may easily and heatedly differ, I cannot accept the Court's exercise of its clear power of choice by interposing a constitutional barrier to state efforts to protect human life and by investing mothers and doctors with the constitutionally protected right to exterminate it. This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs.

CONCLUSION

In another context, Professor Cox included the Roe against Wade case in the category of "wrongheaded decisions [that] can be changed by time and debate, or by constitutional amendment." Now that Roe against Wade has been with us for more than a decade, I believe it is obvious that "time and debate" have afforded little relief from this most wrongheaded of decisions. The Supreme Court has decided a number of cases on Roe's periphery—some of which favor abortion, some of which are mildly restrictive—but the basic holding of Roe that the Constitution establishes an abortion right remains solidly intact. And, as I stated before, Akron and its companion cases involved a very recent reendorsement of Roe against Wade's continued vitality. This distressing fact makes all the more important our vigorous pursuit of the other avenue Professor Cox identified for the curing of this defective decision: a constitutional amendment.

I stated at the outset of my speech that we should be very hesitant in amending the U.S. Constitution. I also pointed out why I believe that general hesitancy should be overcome in the case of an amendment to overturn Roe against Wade.

I do want to point out, however, that use of an amendment to the Constitution to overturn an erroneous Supreme Court opinion is by no means unprecedented. Four of our constitutional amendments were specifically crafted to reverse Supreme Court decisions. The 11th amendment to the Constitution, prohibiting the Federal judicial power from being exercised in suits by citizens of one State against another State, came in response to an action of one Supreme Court in accepting jurisdiction over such a case. The 14th amendment was proposed to the Constitution in response to the infamous Dred Scott decision, which found that black individuals were noncitizens under the Constitution. The 16th amendment, permitting the imposition of a Federal income tax, was a response to a Supreme Court decision that a tax unapportioned by State violated article I of the Constitution. Finally, the 26th amendment, which accorded 18-year-olds the right to vote in Federal and State elections, was proposed as a reaction to the Court's decision that Congress lacked authority to impose such an obligation by statute on States.

Therefore, Mr. President, I urge my colleagues to follow this precedent in approving the amendment now before the Senate.

Mr. METZENBAUM. Madam President.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Who yields time?

Mr. METZENBAUM. Madam President, on behalf of Senator PACKWOOD, I yield to the Senator from Ohio such time as he needs.

The PRESIDING OFFICER. Without objection, the Senator from Ohio is recognized.

Mr. METZENBAUM. Madam President, the fundamental right to an abortion is well established and should not be tampered with.

Yet, the facts are that, today, we again return to the subject of abortion. This country presently has 13 million people unemployed, but we will spend a number of hours debating the issue of abortion. My guess is that before the session is concluded, we will spend many more hours debating the issue of abortion.

I do not mean in any manner to denigrate the issue of abortion as it relates to the concerns of millions of Americans and the rights of those who believe in free choice as well as those who oppose it and who are for so-

called right to life. The facts are that this issue has been debated and redebated and litigated and relitigated. Ten years ago, in the case of Roe against Wade, the Supreme Court held that there was fundamental constitutional right of privacy, which included the right to have an abortion. Just 2 weeks ago, the Court reaffirmed that principle in no uncertain terms.

(Mr. GORTON assumed the chair.)

Mr. METZENBAUM. The question is, How often are we going to come back to the same issue and debate it, argue about it, attempt to legislate with respect to it? Now we are asked to consider more legislation, this time a constitutional amendment to strip women of this fundamental right.

As a matter of fact, I would say that this proposal sets an extremely dangerous precedent. Never before in the history of this country have we amended the Constitution to deprive individual citizens of a fundamental right. It is a fact that we have amended the Constitution time and time again to grant individuals fundamental rights, constitutional rights. But it is unprecedented to move in the direction of denying a right presently enjoyed under the Constitution.

Very frankly, it is even more dangerous for us to contemplate or consider taking such a step where there is no national consensus in support of it.

Traditionally, constitutional amendments have reflected the consensus reached by the American people on a specific issue, but no such consensus exists regarding abortion.

Polls show that since 1973, the year Roe against Wade was decided, a majority of Americans have consistently opposed a constitutional amendment to prohibit abortion.

This is not the first time in our Nation's history that a constitutional amendment has not only been proposed but enacted into law without a consensus. I specifically refer to the ill-fated 18th amendment.

Prohibition did not work. It bred disrespect for the law and it was repealed a decade and a half later.

Query: Does anybody seriously believe that if we enacted a constitutional amendment that was ratified by the States, that would bring to a halt all the abortions in this country? Or would we just drive those who need and seek an abortion into a kind of subterranean culture?

Furthermore, the process which this amendment would use to change the law is constitutionally offensive. It uses a back door approach in an effort to throw decisionmaking about a fundamental constitutional right into the hands of State and Federal legislative majorities.

Senate Joint Resolution 3 states what? It says that the right to abortion is not secured by this Constitution. Let us stop to think about that for a moment. Is that not unusual, to put into the Constitution of this country or any other nation a provision saying that a right is not secured by that Constitution? It is almost unbelievable that we are debating the possibility of putting such language into the Constitution of the United States.

This is not an outright prohibition of abortion. Frankly, I doubt that two-thirds of either House of Congress or three-fourths of the States would adopt such a blanket prohibition. But that is not what we have here. We have an effort to do indirectly that which, in all probability, could not be done directly.

What this amendment would do if enacted into law as a part of the Constitution is invite State legislatures to pass laws that would infringe on this fundamental right recognized by the Supreme Court and to do so with simple legislative majorities.

Let us not kid ourselves. Let us not be fooled by that which might be described as some kind of legerdemain, some kind of sleight of hand.

What kind of precedent are we setting here? What if the term "free speech" were substituted for the word "abortion" in the amendment?

The amendment would then read, "Free speech is not secured by the Constitution." Would we want a simple majority in any legislative body to have the power to negate such a fundamental right? Or freedom of religion? Or any of the other freedoms that are spelled out in the Constitution? Would we really want to start a precedent and say that the right of peaceable assembly shall not be protected by this Constitution? Or the right of the people to be secure in their persons against unreasonable searches and seizures shall not be a right protected by the Constitution?

Mr. President, we are proud of the Constitution. We are proud of the Bill of Rights. We are looked upon by peoples throughout the world for the freedoms we have enunciated in the Constitution, for the constitutional rights that the people of this Nation share and that we are so proud of. Now we are talking about a constitutional amendment that specifically denies that such a fundamental right is protected by the Constitution.

Would we then become the laughing stock of the peoples of the world for having put into the Constitution the fact that there is a denial of a particular fundamental right that had heretofore been recognized by the courts? And what are we going to do in denying those rights?

We would turn such questions over to 50 State legislatures and the U.S. Congress to resolve and in the process make a mockery of our constitutional system of government.

What a picnic that would be—50 States, each on their own, trying to legislate on this subject. And what politics would come into play.

No, we are talking about a fundamental constitutional right and neither today nor tomorrow nor 1 month from now nor 1 year from now should the Constitution of our United States ever be amended to spell out particularly that a certain right is not protected by the Constitution.

Turning it over to the various State legislatures would only be ducking the issue.

The courts have spoken to the issue. Congress has spoken to the issue time and time and time and time again. Frankly, I see little difference between this approach, turning it back to the legislatures, and all of the so-called court stripping bills that we saw in the last Congress where the attempt was made to rob the courts of their power to decide significant constitutional questions.

As I get older, I keep hearing, year after year, one assault after the other upon the Constitution of the United States—one effort after another to deny the courts the right to act with respect to those rights, and now we have a new approach which says that the right to abortion is not secured by the Constitution.

I sort of wonder what our Founding Fathers would have said if somebody had proposed such an amendment at the time the Bill of Rights became a part of the Constitution. I think they showed great wisdom when they structured our constitutional system of government, and we should not lightly cast that system aside.

Moreover, if what the proponents of this amendment want to do is settle the abortion question once and for all, this is not the way to do it. As a matter of fact, I do not know how often we have to settle the abortion question. I do not know how many times the Supreme Court has to speak to the issue before we have settled it once and for all, but I will say without any reservation that Senate Joint Resolution 3 settles nothing. It really adds nothing to the issue. If anything, it makes the issue a national cause celebre in 50 State legislatures, each one of which can deal with the matter in their own way, if that be their inclination. There would be endless legislation, there would be endless litigation over what is and is not permissible.

All the amendment tells legislators is what right is not guaranteed by the Constitution. It says nothing about what laws would or would not be constitutional. It would result in an abundance of untested State and Federal legislation and years of litigation.

Mr. President, this is no way to resolve this issue. It is once again calling upon the Members of this body to be counted in connection with that oft-repeated issue of abortion. I have heard

of a lot of different proposals, a lot of different legislation, and the ingenuity of those who support the denial of the right to abortion to women is beyond compare, because about every year or two we get a whole new thrust of how we shall deny the right of abortion to a woman. This is explicit. This is very explicit—a right to abortion is not secured by this Constitution. What a magnificient way to attack the problem. To this Senator it is far less than magnificient. I think it is rather sad that we are called upon today to indicate by our votes that a particular fundamental right now available to all in this Nation is to be denied as a specific part of the Constitution. I cannot believe that this body will indicate its approval. I hope that it will not. If we did, it would be a sad commentary for all of us.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield such time as the distinguished Senator from Arizona needs.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Senator from Utah.

Mr. President, abortion is an issue about which I have deep moral convictions. I have always spoken forthrightly about this matter, and I feel quite simply, that the needless taking of human life is wrong. Both philosophically and morally, I am opposed to abortion on demand. The ultimate question is whether we believe that a fetus has life and an immortal soul. After deep reflection, I must concur with those who conclude that life begins at the moment of conception. Therefore, I will support any measure that will enable us to restrict abortion. I support the Hatch-Eagleton amendment which declares that no right to abortion is secured by the Constitution.

Abortion is an extremely volatile, devisive, and emotional issue. Feelings run deeply on both sides. I have struggled long and hard with moral dilemmas that abortion presents. The most obvious conflict is between the right of a woman over her own body and the rights of an unborn fetus. One's position on this issue depends upon whether one believes that the unborn fetus is a live human being. I have concluded that once conception occurs, life with all its implications exists. The fetus is truly a physical and spiritual being. The unborn child is incapable of making decisions regarding its destiny. Thus, society must protect the unborn child as we protect all other human life.

The abortion controversy erupted just over 10 years ago. On January 22, 1973, the Supreme Court handed down a decision which has generated social divisions only rivaled in our Nation's history by the violent reaction to the infamous Dred Scott case of 1857. In the case of Roe against Wade, a majority of seven members of the Court found for the first time in the 14th amendment to the Constitution, a unqualified right to abortion. Despite the absence of any clearcut constitutional basis for the right to abortion, Roe declared that the due process clause of the 14th amendment of the Constitution includes the right of woman to abort her offspring if she so chooses. This new right, defined by the majority opinion of Justice Blackmun was expansive enough to overrule the Texas abortion statute in question, as well as related laws in all 50 States.

The effect of the Roe decision is as pervasive as it is saddening. In 1972, the year before the Roe against Wade decision, there were 600,000 legal and an estimated 200,000 plus illegal abortions. In 1980, the most recent year for which figures are available, there were 1,553,900 legal abortions. This represents an increase of almost 100 percent.

In Roe, the Supreme Court made four important points. First, the Supreme Court announced a new constitutional right: the right of abortion. Second, the Court held that generally the States have no compelling interest to prohibit abortion. Third, the Court concluded that States must permit abortion on demand, at least until viability. Finally, the Supreme Court effectively declared that all laws limiting abortion are unconstitutional.

In place of the State regulations which Roe pronounced unconstitutional, the Court supplied standards for abortion regulation that divided pregnancy into trimesters.

In the first trimester of pregnancy, the right of abortion is plenary. As the Court stated:

> For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and is effectuation must be left to the medical judgment of the pregnant woman's attending physician.

In the second trimester, a State's authority to regulate abortion is limited to insuring the safety of the abortion procedures. Again, in the words of the Court:

> For the State subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonable related to maternal health.

In the final trimester, the State acquires an interest in protecting unborn life. That protective role, however, is subject to a significant exception. The Court states that a State "may, if it chooses, regulate, and even proscribe abortion except where it is necessary, in appropriate medical judgment for the preservation of the life or health of the mother." This "health of the mother exception" has effectively consumed the rule because maternal health interests were defined by Roe's companion case, Doe against Bolton, to include "all factors—physical, emotional, psychological, and the woman's age—relevant to the well-being of the patient." In the words of Prof. John Noonan, the woman's absolute right to an abortion is curbed in the third trimester only by the "necessity of a physician's finding that she needed an abortion." It would be a rare physician who would be incapable of defending an abortion on the grounds that in his best medical judgment the "well-being" of his patient demanded it.

In Roe and Doe the Supreme Court established a national policy allowing abortion without legal restrictions of any significant kind. This act of "raw judicial power," as Justice White called it in his vigorous dissent, prevents the States from balancing concern for the mother and concern for the unborn in the many ways that are clearly possible and which the citizens of the various States clearly prefer. Our nationwide policy of abortion on demand through all 9 months of pregnancy, recently upheld in the Akron case, was neither voted for by the people nor enacted by legislators. It is significant that not a single State had such unrestricted abortion laws before the Supreme Court decreed abortion on demand to be national policy in 1973.

In Roe, the especially sensitive abortion issue, which had been addressed by the people of the United States through the process of representative democracy, was removed from the parameters of legislative decisionmaking and usurped by the judicial branch. By this action, the Supreme Court upset the constitutional balance that had existed for nearly 200 years and had allowed State legislatures to carry out the will of the people with respect to this sensitive social policy. Without sound constitutional basis, Roe upset the federalistic balance between State and national institutions. As Prof. John Hart Ely notes, the Constitution "simply says nothing, clear or fuzzy, about abortion." Nor is there any support whatever in the legislative history of the Constitution to warrant the conclusion that it was intended to secure a right to abortion.

Roe disturbed the constitutional separation of powers between legislative and judicial functions. Prof. Lynn Wardle states this point very eloquently:

> By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the legislative branch to legislate concerning the subject, and substantially increased the responsibility of the judiciary for defining and monitoring the regulation of that fundamental right.

For the past 2 years, the Judiciary Committee has undertaken a particularly exhaustive examination of the subject of abortion. Hearings have been held which considered the legal ramifications of constitutional amendment proposals with the specific goal of reversing Roe against Wade and restoring the status quo. Nearly 80 expert witnesses from a broad cross section of academic and professional disciplines have testified.

As a result of this study and work, this Congress has for its consideration a constitutional amendment to nullify the Roe decision and explicitly restore to the States and Congress the authority to legislate with respect to abortion.

This amendment reverses Roe cleanly, completely and in a manner that conforms with the basic constitutional tenets adopted by the framers. While fully respecting the authority of the Supreme Court to interpret the provisions of the Constitution, I recognize also the authority reposed in Congress under article V of the Constitution to recommend amendments in response to what it views as wrongful or inappropriate decisions. Indeed, there is ample precedent for such a response to a Supreme Court interpretation.

The 11th amendment to the Constitution, prohibiting the Federal judicial power from being exercised in suits by citizens of a State against another State, came in response to an action of the Supreme Court in accepting jurisdiction over such a case.

The 14th amendment to our Constitution was enacted in response to the decision of the Supreme Court in the Dred Scott case, finding that black individuals were noncitizens under the Constitution and, as such, not fully entitled to the protection of the Constitution.

The 16th amendment to the Constitution, permitting the imposition of a Federal income tax, was a response to a Supreme Court decision finding that an unapportioned—by State—tax was in violation of article 1 of the Constitution.

Finally, the 26th amendment, according 18-year-olds the right to vote in Federal and State elections, was added following the Court's decision that the Congress lacked the authority to impose such an obligation statutorily upon the States.

An appropriate respect for the complex nature of our constitutional system does not require that Congress shrink from every confrontation with the other coequal branches of the Federal Government. Rather, a proper regard for our constitutional system of checks and balances will compel Congress to respond when the Supreme Court unilaterally and repeatedly acts in such a manner that the constitutional balance is threatened. Such a threat exists in the present circumstances.

Senate Joint Resolution 3 states simply that "a right to abortion is not secured by this Constitution." The purpose of this sentence is to preclude reliance upon any provision of the Constitution as authority for recognition of any right to abortion.

Expert witnesses on both sides of the abortion controversy who testified before the Constitution Subcommittee, were in agreement that these 10 words would overturn the abortion right created in Roe. The abortion controversy centers around the right of the pregnant woman to control her own body, and the right of the unborn to life itself. The Hatch-Eagleton amendment does not purport to resolve the persistent issue of "which of these conflicting 'rights' is paramount." But rather it establishes a balancing process for determining how this conflict will be resolved, a process to take place in the legislature—as it should be—and not solely in the courts.

Under this amendment, the decision in Roe would be deprived of legal significance. The pre-1973 constitutional balance of powers would be restored. People in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking would be taken from the nonrepresentative judicial branch and returned to the elected legislative branch. In short, Roe and Doe would be reversed insofar as these cases hold that the Constitution protects an abortion liberty.

Under the proposed amendment, the States would have the power to legislate with respect to abortion. States would be free to deal with abortion policy as they see fit. Congress would possess a limited residuum of authority to act within constitutional bounds. Congress could indirectly regulate abortion as it had done before Roe. Federal courts would no longer be able to expound a constitutionally protected right to abortion, the proposed amendment would confer no legal status upon the unborn but would permit legislators to protect their lives.

While I would personally favor an amendment that would impose a duty upon the States to prohibit most abortions, I must stress that this is not the objective of the present amendment.

This Senator is well aware that there are a variety of views on the issue of abortion. Many people, including friends of mine in Arizona, sincerely hold positions on this issue different from my own. I fully recognize these differences and I do not doubt for a moment that those who differ with me hold their views in complete good faith. This amendment allows both sides of this troubling issue to debate their views in the proper pubic forums. This amendment will allow the citizenry of this country to democratically resolve the abortion crisis and develop a solution.

It is my profound moral conviction that life is a continuum from the first beginnings in the womb to the final breath of the dying, and that the first function of society, the primary responsibility of government, is to protect life, and to create conditions which permit each person to flourish and to reach his or her fullest potential.

I support this amendment because I believe it offers a reasonable solution to this critical problem.

I commend both Senator HATCH of Utah and Senator EAGLETON for their dedication and their effort in putting together the amendment before us today.

Mr. HATCH. Mr. President, I thank my dear colleague from Arizona for the excellent remarks made here today. They have been enlightening to all concerned.

I yield such time as he may need to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSELY. Mr. President, I thank Senator HATCH for yielding to me and appreciate this issue being brought to the floor.

I appreciate it being scheduled as was promised 1 year ago so we can move forward with this very important issue.

Mr. President, we have finally come to the bottom line: The outcome of this debate will tell the American people what the U.S. Senate currently thinks about one of the most important issues of our time. So in my judgment, this is truly a historic moment.

Since the abortion issue first came to public consciousness and forced its way into the legislative arena, I have always felt that the unborn needed some kind of constitutional protection. While my stated preference has been for an absolute assurance for the safety of all human life, I am content at this time to support a simple reversal of Roe against Wade. As a vital first step on the road to complete protection, the institution of abortion must itself be destroyed. Senate Joint Resolution 3 will allow the elected representatives of the people to do exactly that.

In the discussion of competing rights, it is obvious that Roe against Wade gives all the preference to the woman and none to her unborn child. For any reason or no reason at all, a women, with the convenience of an abortion, can destroy a human life. This is known as abortion on demand. As you will know, in our form of government, the exercise of an inherent right can be demanded by the citizen. And this is as it should be.

What is perhaps most ominous is that this unfettered right was promulgated not by elected representatives of the people, but by seven elderly men who sit on our highest Court. To continue Roe against Wade is to perpetuate all its abuses and provide no governmental remedy. This, Mr. President, is an intolerable situation. Whoever votes against this amendment has voted to continue an institution that is as wrong as slavery's protection in the Dred Scott case, and what is more important, abortion cannot even be regulated. To date, all attempts at simple regulation have met with complete failure. Our court system has closed the door to any effective control, helping to perpetuate a wide-open system. The abortion industry in this country, Mr. President, is ungovernable.

The first right secured by any government ought to be the right to life. Our representative democracy is built upon a hierarchy of values. It was no accident that our Declaration of Independence speaks of life, liberty, and the pursuit of happiness. This progression makes complete sense to me. Without life there can be no liberty, and without both life and liberty, there can be no true happiness. The unfettered abortion freedom turns this logical hierarchy on its head and says that happiness comes first and that any other right must be a subsidiary. I reject this thinking as inimical to the health of our society.

Mr. President, instead of denying unborn human life a constitutional protection, our system of government ought to be expanding the whole area of human rights. Ever wider circles of humanity must be incorporated within a system which guarantees their existence. This has been our Nation's major thrust and ought to be perpetuated and increased.

Mr. President, I have no sophisticated statistical analysis to support my beliefs. What I can do, however, is to speak from deep conviction. This I have done and will continue to do.

Mr. President, I come from the heartland of this great Nation and from a proud and honorable occupation. Most of my life has been spent in rural America as a working farmer. I supported my growing family from what the rich soil of which Iowa has an abundant amount and all that that soil could produce. As a young boy I came to know and appreciate the mysterious workings of nature. I was taught to believe that nature was good—that Mother Earth, if properly attended and if we were good stewards of it, would yield an increase. I still believe this simple truth and I believe it for all the Earth. I believe not only that nature is good but also in the seamless web of life which dictates that to intercept nature's normal activity with violence will one day bear bitter fruit. No one can ever convince me otherwise. No one will ever convince me to accept the abortionists' philosophy that death is better than life or that we can assault nature with impunity.

Those who live close to the land know these things. The generation of new life is the privilege of all those who till the soil.

I have carried those teachings of rural life with me through a quarter of a century of public life and I feel that I would be derelict in my duty as a Senator if I did not speak out on this great issue. I would be turning my back on all I have been taught and hold dear were I to remain silent. I believe that all human life is sacred and I believe the Biblical injunction to choose life that we and our descendants may live. I would be unfaithful to myself and God if I did not say these things.

Mr. President, the abortion question is one of those great universal issues concerning our deepest values. It is first and foremost a human issue. As a legislator, I feel that human life even in its earliest forms cannot be denied constitutional protection. But even more importantly, the Constitution must not be used as the instrumentality to deny that life its right to exist. Thus, I strongly support the Hatch-Eagleton proposal which would reverse Roe against Wade.

Before concluding, I would like to thank all who have participated in this debate on both sides of the question. I was impressed with the agreement to forgo any amendments and attempts to filibuster. This, I think, speaks highly of us as a legislative body and is a distinct achievement on such a volatile issue.

I also extend my gratitude to Senator THURMOND as chairman of the Judiciary Committee and Senator HATCH as the chairman of the Constitution Subcommittee for their diligence in bringing an amendment on this subject before the Senate.

To all those of good will I would like to say that the vote we take on Senate Joint Resolution 3 will not be the end of our public dialog. Until our next major legislative encounter much can be done on a short-term basis to protect unborn human life, and I hope to remain in the forefront of such an important effort.

Mr. HATCH. Mr. President, I would like to thank the distinguished Senator from Iowa. I appreciate his remarks and I appreciate the sincerity and deep-felt convictions he has expressed here on the floor.

Mr. President, there were a couple of issues raised by, I think, the distinguished Senator from Ohio. I think one of them was basically would we be comfortable in allowing the States to regulate other fundamental liberties such as freedom of speech.

I think that question presupposes that abortion is a fundamental right. This amendment is based on the principle that abortion should never have been elevated to the status of a fundamental liberty such as freedom of speech.

The framers of the Constitution and its amendments had no intention whatsoever to raise abortion to the status of free speech. In fact, several of these same State legislatures that ratified the 14th amendment enacted during the same session strict prohibitions on abortion. It can hardly be maintained that the drafters of the 14th amendment intended the question to become equal with free speech.

This amendment, therefore, reverses Roe and returns abortion to the place it occupied in American jurisprudence for nearly 200 years before Roe, namely in the discretion of the State legislatures, subject to the ordinary standards of constitutional review.

This amendment does not assert that States should be able to regulate free speech, but only that abortion is not deserving of treatment as a fundamental liberty.

Free speech was approved by two-thirds of both Houses of Congress and three-quarters of the States. Can the same be said of the abortion right which was created by seven out of nine judges?

Another issue that was raised by the distinguished Senator from Ohio I believe was, is it really appropriate to subject fundamental rights to democratic processes, and really fundamental rights of individuals should not be determined by referendum?

The problem, of course, is that few can agree on what precisely are these "individual rights" that are involved with the abortion issue. Critics in the prochoice movement see these as being the right of the pregnant woman to determine how her body is used, while critics in the prolife movement see this as an even more fundamental right of the unborn to life itself. In other words, there is just as much disagreement on the issue of what constitutional rights are involved here as there is on the issue of the morality of abortion itself.

It thus begs the question to attack the immediate amendment as one restricting rather than expanding rights.

The purpose of the Hatch-Eagleton amendment then is not to resolve the persistent issue of which of these conflicting rights is paramount, but rather to establish a balancing process for determining how this conflict will be resolved in the context of individual circumstances.

In short, this balancing process will take place in the same forum in which it takes place in the context of most other controversial public policy issues, within the legislative process.

Essentially, this question presupposes that the abortion right is a fundamental liberty, but that the right to life of the fetus is not. In other words, you are saying you agree with the Supreme Court, not that this is necessarily the way that the framers of the Constitution meant this question to be resolved. When substantial numbers of our citizenry hold irreconcilable positions on what constitutes a right, then how are we going to resolve the conflict? This amendment solves the problem the way it was solved for nearly 200 years before the Supreme Court intervened.

Mr. President, I reserve the remainder of my time.

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

Mr. HATCH. I would be glad to yield.

Mr. PACKWOOD. Twice in the comments of my good friend from Utah just recently he mentioned the law 200 years ago and at the time of the founding of this country.

Let me read you a statement and ask for your comments on it. This is from the issue brief, abortion legal control issue brief, No. 1B74019, Arthur Morton Rosenberg, American Law Division, and James Hall, American Law Division, Library of Congress:

> It is generally acknowledged that at common law abortion performed before quickening (the first recognizable movement of the fetus in utero) was not an indictable offense. Whether abortion of a quick fetus was a felony at common law is still disputed. The later and more predominant view is that the quick fetus is at most a minor offense.
>
> In this country, the law in all but a few states until the mid-19th century was the preexisting English common law. It was not until after the Civil War that legislation began to replace the common law.

Does my colleague agree with the statement of the Library of Congress as to what the status was?

Mr. HATCH. While the vast majority of the States retained the common law distinction that abortion before quickening was not a crime, no State held that there was no crime of abortion after quickening.

Mr. PACKWOOD. Pardon, say that again.

Mr. HATCH. Certainly, no State held anything other than that there was a crime of abortion after quickening. Later in the 19th century, several States interpreted the common law to mean that abortion was a crime at any time during pregnancy.

Almost all of the States enacted abortion statutes during the 19th century. Connecticut adopted the first State abortion statute in 1821. The Connecticut statute retained the quickening distinction for the abortion crime. Quickening, however, soon began to disappear as the practical distinction to determine criminality. The intention behind enactment of those statutes is illustrated by the Maine Supreme Court which, in interpreting the Maine statute, abrogated the quickening requirement in the abortion crime; the court pointed out that if the pleading did not allege the destruction of the child, it would be fatally defective for not charging the essential element of the crime.

In 1859, the American Medical Association Committee on Criminal Abortion criticized the quickening distinction in criminal abortion laws for the "grave defects of our laws, both common and statute, as regards the independent and actual existence of the child before birth, as a living being," and called upon State legislatures to revise their abortion laws. This position of AMA seems to have had its impact because during this period many States abolished the requirement that an abortion had to follow quickening to be a crime. At the time of the ratification of the 14th amendment, in 1868, at least 28 of the 37 States had made abortions before quickening a crime. In the next 15 years, seven more of these States incriminated prequickening abortional acts. By 1871, the AMA could quote with approval from Archbold's Criminal Practice and Pleadings with regard to the new consensus:

> It was generally supposed that the foetus becomes animated at the period of quickening; but this idea is exploded. Physiology considers the foetus as much a living being immediately after conception as at any other time before delivery, and its future progress as the development and increase of these constituent principles which it then received. It considers quickening as a mere adventitious event . . . Indeed, no other doctrine appears to be consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception.

Further evidence that at least one motivation behind these laws was the protection of the life of the fetus, is seen in several court decisions interpreting these statutes.

For instance, in Bowlan against Lunsford, an Oklahoma decision, the Court held:

> We hold that the antiabortion statutes in Oklahoma were enacted and designed for the protection of the unborn child and through it society.

So my contention is that the Court's decision in Roe, resulting in a practical situation of abortion on demand, was clearly contrary to the whole of American law on the subject of abortion, and that the common law was contrary to what the Court interpreted it to be in the Roe against Wade decision.

Mr. PACKWOOD. Mr. President, let me go back again. My distinguished colleague made reference to Blackstone, and I am familiar with that 13th century acknowledgment. Although that was not, as I recall it, a court case. Judge Coke, the great English jurist, referred to abortion, although it is unclear whether he meant before or after quickening, as a great misprison.

Mr. HATCH. That was Blackstone who did that. I think Coke did it, too.

Mr. PACKWOOD. But the term was not known to common law, this great misprison. But it is almost a moot point.

I would very specifically ask this question. In 1787, at the time of the founding of the Constitution in this country, or in 1791, the adoption of the Bill of Rights, was there a single State that had on its statute books laws punishing abortion prior to what they called quickening?

Mr. HATCH. Before when?

Mr. PACKWOOD. Quickening. You are right, medical science was not very advanced. Normally quickening was roughly defined as when a woman could feel a fetus move. How they ever came to an initial distinction of 40 days for women and 80 days for men is beyond me. It is unusual distinction science no longer bears out.

What I am saying is there was a distinction in their minds that did not vary too much from the trimester concept that the Supreme Court uses now or the four States that we had prior to Roe against Wade that legalized abortion.

So I will ask my question again. The common law concept was quickening and prior to quickening there was no crime. Was there any State that had any statute that punished abortion as a crime if the abortion was done prior to quickening in either 1787 or 1791?

Mr. HATCH. There were a number of States, as I understand it, that had laws regulating midwifery including abortion prior to quickening.

Mr. PACKWOOD. Before quickening?

Mr. HATCH. Yes.

Mr. PACKWOOD. I do not think so.

Mr. HATCH. I will attempt to confirm that.

Mr. PACKWOOD. I think our founders never really turned their attention to the subject because they never thought they would need to. Abortion was common in the Colonies. It was common at common law and it simply was not punished.

Mr. HATCH. The common law inherited by our Republic was the common law of Blackstone and Bracton and Coke and Fleta, all of whom looked askance at abortion. I believe that their legacy was reflected in the laws of the new Republic.

Mr. PACKWOOD. If that is the case, then why was there the passage of all of the statutes during the 1900's? We did not need to pass them if it was illegal in common law.

Mr. HATCH. Let me quote from Prof. Cyril H. Means, on whom the Supreme Court relied in the decision of Roe against Wade. He was, of course,

an advocate of legalized abortion. Based upon his analysis, the majority in Roe concluded:

It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today.

Mr. PACKWOOD. Will the Senator read that again?

Mr. HATCH. Yes.

In trying to justify its position, the Court in Roe, concluded, based upon Prof. Cyril H. Means' analysis:

It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today.

Mr. PACKWOOD. I think that is the point I am making, unless I misunderstood what the Senator has read.

Mr. HATCH. That is the point Roe made, but I am saying that point is much criticized. This is discussed in the committee report, for example, at page 22.

The court's treatment of the development of abortion as a crime at common law and its uncritical acceptance of the work of Prof. Cyril Means has been severely and repeatedly criticized.

I cite, for example, Bryn's work in "An American Tragedy: The Supreme Court on Abortion," and Destro in "Abortion and the Constitution: The Need for a Life-Protective Amendment."

I do not know that it is necessary to go into an exhaustive analysis of the treatment of abortion as a crime at common law. I think that it is simply enough to point out that the majority's sweeping decision in Roe was clearly contrary to the way abortion was viewed at common law with respect not only to maternal health but also to the protection of the life of the fetus.

In his signal work, "A Private Choice," John Noonan, who has to be recognized as one of the leading authorities on this issue in this country, says:

The makers of the Constitution of the United States do not appear to have contemplated the subject of abortion. There is no mention of it by name or by circumlocution in the original articles or in the Bill of Rights or in any of the later amendments. If a Martian were told to examine the document carefully for a clue to the framers' intention regarding abortion, he would have to admit himself baffled. The Constitution within its four corners, says, nothing.

A Martian with a sense of history might say. "Tell me what the laws and practices and beliefs were when the Constitution was made. From them I shall infer what was intended by the framers". He would find.

1, that in 1789 whem the original articles were adopted, Blackstone was the bible of American lawyers, and Blackstone taught that a "person" was one "like us" who had been "formed by God" in the womb.

2, that abortion, although not widely practiced because of medical difficulties in doing it safely, was a crime at common law if the pregnancy had reached the stage where movements by the child were perceptible; and if the child in the womb was injured by an abortifacient, was born alive and died from his injury, the crime was murder.

Mr. PACKWOOD. What did the Senator say before that?

Mr. HATCH [reading]:

Abortion, although not widely practiced because of medical difficulties in doing it safely * * * and if the pregnancy had reached the stage where movements were perceptible.

Mr. PACKWOOD. And it was not a crime?

Mr. HATCH. Let me go on:

3, that the articles gave the new government no power to disturb the administration of the common law by the states.

4, that in 1790, when the first 10 amendments or Bill of Rights were adopted, the common law and the beliefs expressed by Blackstone were unchanged.

5, that fifth amendment declared the life, liberty, and property of no person should be taken by the national Government except by due process of law.

6, that the 9th amendment declared that all powers not expressly conferred upon the national Government belonged to the people, thereby leaving to the people the protection of life, liberty, and property through the legislatures and courts of each State.

7, that "the most important burst of antiabortion nation's history" occurred between 1860 and 1880, and that the 14th amendment, adopted in 1868, belongs to that era of American politics.

8, that in 1868, when the 14th amendment was adopted, the common law made abortion a crime after quickening and a number of States, including such leading Northern States as Connecticut and Pennsylvania, made abortion a crime from conception.

9, that in the 1860s the federal territories of Arizona, Colorado, Idaho, Montana, and Nevada had all made it a crime to abort "a woman then big with child," [5] and such territorial legislation was subject to the approval of the same congressmen who adopted the Fourteenth Amendment.

10, that the Fourteenth Amendment imposed upon each state the obligation already imposed upon the national government not to take life, liberty, or property without due process of law.

I think the Senator's point in some respects is well taken.

Finally, let us not only focus upon the state of the law in 1789, but in 1973 as well. That is a lot more certain today, I believe.

The Supreme Court's decision in Roe held every State's criminal abortion statute unconstitutional. Between 1967 and 1972, most of the State legislatures had considered changing their abortion laws. Nineteen States did make changes in their abortion laws. All of these 19 States changed their law to permit abortion to prevent grave health damage to the mother. In addition, some of the States permitted abortions when the unborn child was conceived in rape or incest or where the child would be born with substantial deformity. Four States required no grounds at all. But all States limited abortions in terms of age of the fetus.

For example, the State of Washington had a limit of 4 lunar months. The other 31 States did not change their abortion laws despite the fact that abortion legislation was introduced in most all of them.

In two States, Michigan and North Dakota, proposed liberalized abortion statutes were rejected by referendums by majorities of 61 and 77 percent. In 21 States the abortion statutes in effect in 1868, the year the 14th amendment was ratified, were still in effect at the time of the Roe decision.

In sum, no State, including the four States which allowed abortion on demand, made abortion legal for the entire 9 months. None of the States had abortion laws as expansive as that created by the Court in Roe against Wade.

ABORTION AS MURDER

Mr. President, on another point, those who favor the continuation of unrestricted abortion have often engaged in extravagant hyperbole regarding the legal effects of various prolife proposals. Too often, the press has been willing to uncritically adopt these polemical claims and to accept them as matters of fact.

Here is one good example of such a widely circulated red herring: The claim that if abortion is again made illegal, as it was in most States prior to 1973, then women will be imprisoned for procuring abortions.

Some time ago a full page ad appeared in the Washington Post [Apr. 27, 1981], paid for by the Planned Parenthood Federation. The ad depicted a well-dressed woman behind bars, under a headline which shouted, "If You Have a Miscarriage You Could Be Prosecuted for Murder." Well, that was so ludicrous that even some proabortionists must have objected, because when the ad appeared later in the New York Times [Oct. 11, 1981], the headline was changed to, "In 1983, If You Have an Abortion You Could Be Prosecuted for Murder."

However, that claim is also without foundation. Leaders of the major prolife organizations have often explained that they have no desire to seek criminal sanctions against women seeking abortions—who, they say, should often be regarded as victims of the abortion industry. They say that they seek restoration of the types of antiabortion laws which existed prior to Roe against Wade. They note, correctly, that under these laws women were not imprisoned, or even prosecuted, for

procuring abortions. Abortionists were prosecuted—but even they were not prosecuted for murder.

Under most antiabortion laws in effect prior to Roe, it was a felony to perform an abortion, but it was not "murder." John S. Baker, professor of law at Louisiana State University Law Center at Baton Rouge, testified on this subject during the hearings conducted by the distinguished Senator from North Carolina, Senator EAST, in 1981. Professor Baker said:

Prior to 1973 and Roe v. Wade, every state provided some protection to an unborn child in the form of either their abortion statutes or a manslaughter statute (usually entitled "willful killing of an unborn quick child"). The abortion statutes usually carried a penalty of less than five years imprisonment and fines no greater than $2,000. The vast majority were felony statutes falling under the Title of Offenses to the Family. A very few were listed under Offenses to Persons, but even here the penalty being no more than manslaughter (see, for example, Connecticut and Kansas). [J-97-16, Vol. I, p. 754]

One may ask, if indeed the States were intent on protecting the lives of unborn children, as claimed, why was the offense not deemed to be "murder"? Well, States have always recognized in their statutes that human beings are killed by other human beings in a wide variety of circumstances, some of which are considered criminal, some not criminal, and some more criminal than others. States have always been free to establish different penalties for different types of homicide. Professor Baker explained in his testimony:

Murder is only one form of homicide, indeed only one form of *criminal* homicide. Note that thus far, I have generally referred to "homicide," which simply means the killing of a human being. An accidental, noncriminal killing of a human being, for instance in an automobile accident, is a homicide." Further, among criminal homicides, there are various types, depending on each state's scheme of criminal law. Within the category of criminal homicide, the seriousness (e.g., whether murder or manslaughter) and, therefore, the punishment will depend on the defendant's "mens rea" or guilty mind. In order to prove any of the forms of criminal homicide, the state must prove a harm (the death of a human being) caused by the defendant, while acting with a certain criminal state of mind. [J-97-16, Vol. I, p. 752]

Prior to Roe, the State legislatures chose to designate performance of an illegal abortion as a serious offense, but less serious than murder. But what, then, about the women who procured abortions?

Last year the American Center for Bioethics published an excellent study by Paul D. Wohlers, J.D., titled "Women and Abortion: Prospects of Criminal Charges." Mr. Wohlers studied the abortion statutes which existed in every State, from their inception through subsequent revision, up to Roe against Wade in 1973. He also reviewed every State and Federal court decision bearing on those statutes. His findings were as follows:

(1) No woman has ever been prosecuted for murder for procuring an abortion.

(2) Prior to 1973, 17 states had laws which theoretically permitted a woman to be prosecuted for the lesser crime of soliciting or submitting to an abortion, but no case can be found in which a woman was actually brought to trial under any of those laws. Again, the prosections were brought against abortionists, not the women who aborted.

(3) In 40 states, courts considered the question of whether a woman who obtains an abortion was an accomplice to the abortionist. This issue would arise when an abortionist would seek to have a woman declared an accomplice so that she could not testify against him. In 39 of those 40 states, the courts decided that the woman was not an accomplice. Only in Alabama did the courts rule otherwise, and even there, the woman's criminal guilt was not the issue. Mr. Wohlers writes, "Most courts in fact regarded the woman as the victim in abortion cases, as the object of protection and not the object of prosecution."

(4) Some state courts did hold that a woman could be considered a "co-conspirator" with an abortionist. Again, the issue was the admissability of her evidence against the abortionist. No woman implicated as a co-conspirator was ever prosecuted.

Mr. Wohler summarized his exhaustive survey as follows:

No evidence was found to support the proposition that women were prosecuted for undergoing or soliciting abortions . . . There are no documented instances of prosecution of such women for murder or any other species of homicide; nor is there evidence that states that had provisions enabling them to prosecute women for procuring abortions ever applied those laws. The vast majority of courts were reluctant to implicate women even in a secondary fashion, through complicity and conspiracy charges. Even in those rare instances where an abortionist persuaded the court to recognize the woman as his accomplice, charges were not filed against her. In short, women were not prosecuted for abortion. Abortionists were.

Given the American legal system's reliance on precedent, it is unlikely that enforcement of future criminal sanctions on abortion would deviate substantially from past enforcement patterns.

Now, the question may arise, well, if in fact every abortion kills a living human being, then why should women not be prosecuted? Again, it is a case of the law recognizing extenuating circumstances. A woman with a problem pregnancy is often under many emotional pressures. Abortion may seem like the easiest way to solve her problems. Generally speaking, the legislatures prior to Roe appear to have made the judgment that most women in such circumstances did not have the "mens rea," or "guilty mind," of which Professor Baker spoke. Failure to prosecute women for abortion did not and would not imply a devaluation of the victim of abortion—the unborn child—but rather a recognition of the mitigating circumstances.

In the future, as in the past, the most effective way to diminish the number of abortions would be to threaten the livelihood of abortionists through criminal prosecution. Even with respect to abortionists, of course, Senate Joint Resolution 3 would permit States total discretion to determine what penalties to impose. For example, doctors convicted of performing illegal abortions might have their licenses suspended, or be assigned to perform community service, rather than being incarcerated.

Mr. President, women with problem pregnancies do not need legal abortion, and they do not need the threat of criminal prosecution, either. They need help. They need alternatives to abortion. A network of more than 1,000 alternatives-to-abortion centers has grown up since Roe v. Wade to assist women with problem pregnancies. These agencies are nearly all privately funded and staffed by volunteers—unlike the clinics of Planned Parenthood. This is an arm of the prolife movement which has received insufficent recognition.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I think it is obvious that the Senator from Utah and I basically agree as to what the common law is.

I will not dwell on it at length because I do not think it is overwhelmingly relevant to the debate today or to the Roe against Wade decision of 10 years ago. I mention it because of those who want to go back to the time of the founding of this country, saying that we should have the morality and the family we had at that time.

At that time, abortion was not a crime if done before quickening. If you translate that into months of pregnancy, that would be somewhere between 3½ and 5 months. It was not punished as common law. It was not punished in this country. That is part of the reason that many of our States adopted statutes in the 1800's, because they found in common law it did not prohibit abortion.

All that the Supreme Court did, and it was a very cautious Supreme Court, in the Roe against Wade decision was reach a decision in a case of first instance. I emphasize that. The only other case they ever had in the history of the Court was the decision out of a Washington, D.C., case in which the statute of Washington was challenged as unconstitutionally vague.

That is a common attack on criminal statutes by constitutional lawyers, and it is an attack that is frequently upheld.

The court in the Vuitch case, which was decided about 18 months prior to Roe against Wade, found that the Washington, D.C., statute was not constitutionally vague, and that is all they decided. But they very specifically said in that case that they were re-

serving for further judgment a decision about privacy and abortion.

Mr. HATCH. Will the Senator yield at that point?

Mr. PACKWOOD. Yes.

Mr. HATCH. I am not saying that I want to go back to the common law or the medical science of 1789.

The Senator is correct. The States have gradually changed their position from time to time on the issue of abortion.

What I am saying is that I would like to go back to the constitutional structure that existed in 1789 and 1973. I believe that if we did, we could achieve a national consensus on this issue. Otherwise, will continue in the present polarized situation.

Mr. PACKWOOD. I do not think it is advantageous to take us back to the situation prior to Roe against Wade. It adds a new element to the Constitution that was not there.

Mr. HATCH. Only to the extent that all of the laws that existed in 1972 would not just automatically be reenveloped in the law in 1983 or 1985. But we would go back to the point of constitutional law where the States would have the right to act firmly and responsibly in this area, with the Federal Government only having the residual right and not a plenary right. The States would have the plenary right, not the Federal Government.

Mr. PACKWOOD. That right is a broad term.

Mr. HATCH. But it applies in every case of constitutional law.

Mr. PACKWOOD. And where there is a conflict, the residual Federal right is paramount, whether we operate under section 5 of the 14th amendment or the commerce clause. If we chose to act, we would be paramount. That is where I quarrel with the Senator's amendment.

Mr. HATCH. I would point out to the distinguished Senator that the Federal Government would not, should we go back to the status quo ante, be able to directly regulate abortions. They would only be able to reguate collateral matters pertaining to abortion that are within the Federal ambit. They would not be able to outlaw abortion.

Mr. PACKWOOD. Let me read again a memorandum from Karen Lewis, of the Library of Congress, dated May 13, 1983. This is on Senate Joint Resolution 3.

Questions arise as to what would remain for the Federal Government to do regarding abortion as well as what States could actually do.

Specifically, what types of abortion legislation could Congress enact in the face of S.J. Res. 3? What would be the nature of the shift in the balance of power between the federal government and the states?

For example, some of the traditional "states rights" constitutional amendment resolutions that have been introduced in earlier Congresses would effectively free abortions from federal constitutional constraints by explicitly lodging exclusive legislative power over abortion in the states.

Then she said assuming Senate Joint Resolution 3 passed, and asks about three issues. We will address the following: Funding, substantive laws, then the authority of State legislatures to regulate abortion.

I would concede, at least as to the last, that this amendment would give the States concurrent power.

On funding, she very clearly concludes that there is nothing in the Senator's amendment that would impede Congress from passing amendments saying no abortions shall be funded by Congress.

The very interesting one is the one on substantive law.

Mr. HATCH. I do not necessarily differ with the Senator. Issues such as domestic relations—marriage, divorce, and child support—may also be subject to Federal regulation through the commerce clause.

Mr. PACKWOOD. This is her position on substantive legislation:

S.J. Res. 3 would make the regulation of abortion a state matter essentially; however, in instances where interstate commerce is involved, under Article I, Section 8 of the U.S. Constitution, Congress would have authority to legislate.

Such a practice based on this constitutional authority could similarly be extended to legislatively regulate or even prohibit other abortion-related activities affecting commerce, e.g. the operation of abortion clinics which we mentioned earlier.

Another potential source of congressional power to legislate with respect to abortion may be found in Congress' Article III authority over federal court jurisdiction.

Since S.J. Res. 3 would eliminate the constitutional protection for the woman's right to terminate her pregnancy, Congress would arguably be free to pass "pro-life" legislation pursuant to Section 5 of the Fourteenth Amendment.

It is very clear that there is a fair body of authority—good authority—that think this lays down a great deal of power for Congress to act.

Most importantly, in 1975, 1976, and 1977, we had straightout States rights amendments, drafted very specifically. This is not one. I think what has happened and only what has happened here is that the Supreme Court has made a decision in an area that they have not previously made a decision in that offends the sensibilities of some of the Members of Congress and some people in the country. It is not the first time the Court has done it. I pointed out other instances in my statement—Miranda, Gideon, and apportionment.

Apportionment would be the best analogy where the Court, which had a history of saying we will not act in this matter, it is a political decision, we will not get into that thicket, suddenly turned and said our past decisions are no longer relevant; even though we have considered them before, we are now reversing and saying that henceforth, legislative bodies other than the Congress must be apportioned on the basis of population. That was the Supreme Court reversing itself completely from past decisions.

In Roe, they never reversed themselves. In the entire history of the Supreme Court, they had never had a constitutional question posed involving abortion and privacy. It was not posed in Vuitch, and they did not go beyond the Vuitch case which was on the issue of whether or not the District of Columbia statute was unconstitutionally vague. But when finally faced with the constitutional issue of privacy and abortion, they, for the first time, made a decision. They did not reverse themselves, they did not suddenly step into a thicket they had not been in before. They had never been there. They never reversed themselves.

The reason that this country and some Members of this Congress get so "het up" on this particular action of the Supreme Court is not that it is unique. It is not unique. It is that they do not like the decision. And they are attempting to reverse it by citing legal precedents when, in fairness, the argument ought to be, "We don't like the moral conclusion they have come to."

That is a fair argument. I support the conclusion they have come to; the Senator from Utah does not. But to say that the Supreme Court did something that was unheard of, to say that the Supreme Court took an act that they have never taken in any other area—

Mr. HATCH. Will the Senator yield?

Mr. PACKWOOD. Yes.

Mr. HATCH. The Supreme Court overturned 50 State laws in the 1973 decision.

Mr. PACKWOOD. Did they overturn any decision they made before?

Mr. HATCH. No, but they did overturn the laws of 50 States.

Mr. PACKWOOD. What did they do in Miranda?

Mr. HATCH. If I may just add, citing the commerce power is a very apt illustration. The Federal Government, including the Supreme Court, especially the Supreme Court, has utilized the commerce power to justify any Federal law it wants to create. That was so before Roe against Wade; that will be so after Roe against Wade; and it will be so assuming this amendment passes on the floor.

There is no doubt in my mind that under the commerce power, Congress could hypothetically preempt almost all regulatory powers left to the States. Congress could find that babysitting affects interstate commerce and set national standards governing babysitting. In other words, any problem with Congress broad exercise of its commerce power is not a problem

with this constitutional amendment. This amendment simply allows the Constitution to operate as it did prior to 1973.

Mr. PACKWOOD. But does the Senator agree that we could craft an amendment very specifically that could prohibit this Congress from—an amendment——

Mr. HATCH. No, I do not agree. I think we could craft an amendment that would be more stringent, but calling that more States rights than this is not constitutionally sound. The Constitution defines the rights of the States. This amendment is based fully upon letting those rights of the States operate with respect to abortion.

Mr. PACKWOOD. We could craft an amendment that would be specifically States rights and not prohibit abortion at all.

Mr. DANFORTH. Mr. President, I wonder if the Senator from Oregon would mind my asking him a question.

Mr. PACKWOOD. Certainly.

Mr. DANFORTH. Mr. President, I did not enter this colloquy earlier. I know Senator SYMMS is waiting to make a speech, as am I. But I do have a question.

I was struck by one comment Senator PACKWOOD made, which was that one thing Congress did not like was the particular moral conclusion reached by the Supreme Court. I am curious to know when the Supreme Court got into the business of making moral conclusions?

Mr. PACKWOOD. There are those who disagree with their decisions who say they make moral conclusions all the time. There are those who agree with them who call them legal decisions.

Mr. DANFORTH. I hope we can all agree that, insofar as the Supreme Court purports to decide constitutional issues, those decisions are based on a reading of the Constitution and they should not reflect a moral conclusion on the part of the Court.

Mr. PACKWOOD. I was reflecting, when I used the word "moral," the argument of the critics that they made a moral rather than a legal decision. I find the decision legal.

The main point I was making is that the objection to this decision is not that, for the first time in 160 years, they entered into this area. They did that in Miranda, they did in Gideon, they did in apportionment.

Mr. DANFORTH. It is clear that there are many, many people in the United States who are against abortion and many people in the United States who, as reflected by their elected representatives in State legislatures, would pass laws against abortion. I take it the argument before us right now is not an argument on whether or not we are for or against abortion; rather, it is a question as to what is encompassed within the Constitution and what should be encompassed within the Constitution, insofar as there is an alleged right to an abortion created by the Constitution, the establishment of such a right moving the matter outside of the realm of the State legislatures and outside of the realm of whatever the people or their elected representatives happen to think about the matter.

Mr. PACKWOOD. That is correct. All I am saying is that for those who want to overturn the decision, they should not use the argument that the Supreme Court has done something unique in its history. It has not. They have reversed themselves in other cases. They have found new law that they did not find before. I think it is an unwise precedent to say that this is the only time the Court has ever done it and therefore, and only for that reason, it should be reversed.

Mr. HATCH. If the Senator will yield, that is not what we are saying.

Maybe we can allow these two Senators to express themselves, but I would like to ask the Senator this question in advance, then we shall chat about it later.

He has suggested that the amendment is a non-States-rights amendment. I would like to ask him to share with me an area of law that he does believe to be the subject of the concept of States rights. We can discuss this further later.

I yield at this time to the distinguished Senator from Idaho and then after the distinguished Senator from Idaho I yield to the distinguished Senator from Missouri.

Mr. SYMMS. I thank the distiguished Senator from Utah. I rise in support of his amendment, would like to address a few elements of this important issue.

Mr. President, I ask unanimous consent to revise and extend my remarks and to insert at the end of my remarks a page of footnotes to material that I will mention.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, the recent Supreme Court decisions on abortion have demonstrated once again just how extreme the Court's position on abortion really is. We should all by now be aware of the facts that the Federal judiciary has imposed a policy of abortion-on-demand for the entire 9 months of pregnancy. The only other country with such a permissive national policy is Communist China.

The courts have prohibited any legislative response to some things that I really think we can all agree need to be addressed.

Late-term abortions result in hundreds, perhaps thousands, of children who are born alive but dying from the trauma of the abortion. Girls as young as 14 or 15 are required to have access to abortion even when their parents are convinced that abortion is not in their daughter's best interests. Courts have ordered nonvoluntary abortion for mentally retarded women. Some of these women have died as the result of their abortions. And now we are told, in the latest Court decree, that States cannot even require that women be informed of the medical risks of abortion, or of the stage of development of the fetus they wish to abort.

In effect, the courts have substituted their judgment for the judgment of legislatures, of parents and now even of the women who seek abortion without sufficient information to make an informed choice.

One of the most troublesome, and indeed horrifying, consequences of the judicially imposed abortion "right" is the growing practice of sex-selective abortion. More and more parents are utilizing prenatal tests to discover the sex of their unborn child, and aborting that child when it is found to be the "wrong" sex.

If this seems rather farfetched to my fellow Senators, I would ask them to consider this: Prenatal testing is readily becoming standard medical practice—not only for women thought to be at increased risk of bearing a handicapped child, but for any woman who seems concerned about her pregnancy. More alarming is the fact that many physicians and geneticists are perfectly willing to assist patients in their efforts to identify and abort children of the unwanted sex. The prevailing policy is to give the parents this information if they wish to have it. At New York Hospital, for example, requests for amniocentesis solely for sex determination are fairly frequent. And at least one specialist in amniocentesis there admits that there is no way to prevent patients from using such information to abort the "wrong" sex. Nor can any legislature fashion a law to prevent this practice so long as the Supreme Court's right to abortion is allowed to stand.

In a special report on the ethical, social, and legal issues surrounding prenatal diagnosis, the Genetics Research Group of the Hastings Center argued that there should be no legal interference with parental choice in the area of sex-selective abortion. The report stated that abortion performed because the child is the wrong sex can appear justifiable to some parents and should be respected.

The head of the genetics unit at George Washington University Hospital has said that he has no hestitation about helping parents choose the sex of their children via abortion—he says that he just does not recognize any absoluted here.

Perhaps Tabitha Powledge of the Hastings Center summed it up best:

"* * * does it make sense at all to talk about limits of any sort of prenatal diagnosis followed by abortion in cultures where abortion-on-demand, for any reason whatever, is both legal and widely acceptable?"

Earlier I alluded to Communist China's permissive policy on abortion. The Chinese have developed a new test which can determine the sex of the fetus as early as the 7th week. This has greatly facilitated sex-selective abortion in that country, and interestingly, out of every 30 children aborted, 29 are female. For a variety of reasons, in China the wrong sex is the female sex. The same is unfortunately true in our own country. According to studies at Princeton and Cleveland State Universities, such a preference for male children also exists in the United States, though to a somewhat lesser extent. It is sadly ironic that abortion—which is so often mistaken for a women's rights issue—poses a disproportionately large threat to female children.

Perhaps no two Senators share exactly the same position on abortion. But I think that nearly all of us can agree that we ought not to have a policy which allows late-term abortion for no other reason than that the child is of the wrong or unwanted sex. How can we make any pretense of supporting equal rights for women if we allow sex-selective abortion to continue? The issue of abortion is inarguably a difficult one for this Senate to deal with, but we have a responsibility to deal with it. The necessary first step to any legislative involvement in the abortion issue is an amendment overruling Roe against Wade. The Hatch-Eagleton amendment does just that—and nothing more. There is no neutral position on this issue; to do nothing is to allow the Court-imposed abortion policy, including sex-selective abortion, to continue unabated.

I urge all Senators who recognize that there are some abortions which should be restricted or regulated to vote for the Hatch-Eagleton amendment.

EXHIBIT 1

FOOTNOTES

[1] Martin, L., "Your Child's Sex—Can You Choose?", Parents, Oct. 1981, p. 73, 77.

[2] Powledge, T. & Fletcher, J., Guidelines For The Ethical, Social, And Legal Issues In Prenatal Diagnosis, The New England Journal of Medicine, Jan. 25, 1979, p. 168, 172.

[3] Restak, R., "The Danger of Knowing Too Much", Stimulus Response, Sept. 1975, p. 21, 92.

[4] Powledge, T., "Prenatal Diagnosis—Now the Problems", New Scientist, Feb. 12, 1976, p. 332, 334.

[5] Martin, supra, p. 77.

[6] News Articles, Washington Post Service, The Milwaukee Journal.

A DECISION FOR "A WOMAN AND HER DOCTOR"?

Mr. LAXALT. Mr. President, groups which advocate legal abortion quite often invoke a slogan to the effect that abortion should be "A decision made between a woman and her doctor." Even some professional pollsters have used this phrase in seeking to measure public opinion on whether or not abortion should be legal.

I submit that it is a very misleading slogan. It is misleading because it conjures up the image of a caring physician, advising a woman who has some sort of medical problem as to whether it might be advisable to have an abortion.

This image has almost nothing to do with the reality of abortion in America.

Dr. Bernard Nathanson, now a professor of obstetrics at Cornell University, was a founding director of the organization which is now known as the National Abortion Rights Action League (NARAL). Dr. Nathanson was for a time the director of the world's busiest abortion clinic, in New York City. After that Dr. Nathanson became very involved in fetology, the medical study of the unborn child, and this led him to rethink his position on abortion. In 1979 he wrote a book, "Aborting America." describing his change of mind.

Nathanson has pointed out that the doctor who performs an abortion is almost never involved in the decision to perform the abortion. Dr. Nathanson states:

> A doctor does not participate in the making of the decision except in very restricted circumstances—perhaps 1 percent of all abortions, or less.

Doctors are seldom involved in the abortion decisions because abortion decisions seldom involve any genuine medical reasons. When the Hyde amendment first went into effect in 1977, it permitted continued medicaid funding of abortion for rape, incest, to save the mother's life, or to prevent severe and long lasting physical health damage. Under this language, the number of abortions funded under medicaid immediately dropped by over 99 percent.

The more candid abortion advocates admit that a genuine risk to the mother's health is involved in very few abortion decisions.

For example, a leading prochoice spokesman, Dr. Irvin M. Cushner of the University of California Medical School, a former deputy assistant secretary for population affairs in the Department of Health and Human Services, testified before the Subcommittee on the Constitution on October 14, 1981. Senator HATCH asked a question regarding reasons for abortions. Dr. Cushner responded:

> The data with which I am familiar would indicate that something on the order of 2 percent of all abortions in this country are done for some clinically identifiable entity—physical health problem, amniocentesis, and the indentified genetic disease or something of that kind.
>
> The overwhelming majority of abortions in this country are performed on women who for various reasons do not wish to be pregnant at this time. Some of them do not wish to have children ever, but the overwhelming majority do not wish to be pregnant at this particular time. Their reasons are a mixture of social, economic, educational, or whatever (Hearing record, vol. 1, p. 158).

Senator HATCH then asked, "How often, in your experience, are abortions truly necessary to save the life of the mother or to insure her physical health?" Dr. Cushner responded, "In this country, it is about 1 percent." And he said, "My reasons for supporting the other 99 percent have nothing to do with physical health" (hearing record, vol. 1, pp. 158-159).

Testifying on the same day was Dr. Jasper Williams, chairman of the Department of Obstetrics and Gynecology at Barnard Hospital in Chicago and one who has practiced in low-income areas of Chicago since 1953. In that time, Dr. Williams testified, "I have never seen a case that required therapeutic abortion."

To return to my original point, Mr. President: The rulings handed down by the U.S. Supreme Court on the 15th of this month demonstrate very clearly that this slogan about abortion being "A decision between a woman and her doctor" is a canard.

The city of Akron, Ohio, had enacted an ordinance which required that, prior to an abortion, the abortionist must provide the woman or the minor girl seeking the abortion, with certain information, including the information that the unborn child is a human life from the moment of conception. The Court struck down this requirement, ruling that it was unconstitutional to seek in this way to influence the woman's decision.

I wish to focus at the moment, however, on another section of the ordinance, which was examined separately by the Court. Under section 1870(C) of the Akron ordinance, the attending physician was required to inform the woman seeking an abortion

> . . . of the particular risks associated with her own pregnancy and the abortion technique to be employed including providing her with at least a general description of the medical instructions to be followed subsequent to the abortion in order to insure her safe recovery, and shall in addition provide her with such other information which in his own medical judgment is relevant to her decision as to whether to have an abortion or carry her pregnancy to term.

The Supreme Court noted that "the information required clearly is related to maternal health and to the State's legitimate purpose in requiring informed consent." The Court further noted that the section "merely describes in general terms the information to be disclosed. It properly leaves the precise nature and amount of this

disclosure to the physician's discretion and 'medical judgment.' "

Nevertheless, the Supreme Court declared this section of the Akron ordinance to be unconstitutional. Why? Because the ordinance required that the information—which the Court acknowledged was important information—be given to the woman by the doctor. The Court said that there was no need for the State to require that "the physician performing the abortion, or for that matter any physician, personally counsel the patient in the absence of a request." Yet this is precisely the kind of information one would expect the doctor to supply if the decision to abort the baby is indeed made by the mother and the doctor.

So, Mr. President, I suggest that it is time to retire the slogan that abortion should be "A decision between a woman and her doctor." For it is nothing more than an attempt to cloak with the prestige of the healing profession a practice which has nothing to do with healing. And it is a device for concealing the manner in which the assembly-line abortion industry actually functions.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield such time as the Senator from Missouri needs.

I thank the Senator from Idaho for his comments.

Mr. DANFORTH. Mr. President, I rise today in support of Senate Joint Resolution 3, the human life federalism amendment, which would amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

At the outset, let me state that I personally oppose abortion. However, the issue in Senate Joint Resolution 3 does not depend on one's personal view of the question of abortion itself. It is perfectly consistent for one to advocate legalized abortion and yet to support this resolution. This is so because the issue before us is not whether abortion should be legal, but rather whether the decision itself is properly legislative or judicial.

This proposed amendment to the Constitution would restore the status quo ante that existed prior to Roe against Wade with respect to the power and responsibility to resolve abortion issues. This amendment would restore the constitutional balance of power between the States and the Federal Government, and between the legislative and judicial branches of Government.

Even many who support legalized abortion are critical of the Supreme Court's decision in Roe against Wade. They challenge the decision because in creating a new constitutional right to abortion it greatly reduced powers traditionally held by State legislatures.

As the political commentator George Will has noted, the Supreme Court's Roe against Wade decision forged from a "privacy right" a "scythe" to mow down State laws of 50 States that expressed community judgments about the issue of abortion. Those who opposed these judgments had them overturned by judicial fiat—not by democratic persuasion.

The result has been a substantial disenfranchisement of the people and a significant shift of power from State legislatures to the Federal courts. The licensing and practice of medicine, matters of public health and morals, the terms and conditions of marriage, and the special protection granted minors have all been historically within the province of State legislatures. So has the regulation of abortion itself. Indeed, community standards for health, safety, and morals have always been within the power of State governments and have been determined by the legislative branch—the elected representatives of the people.

The process of transferring this power from State legislatures to the Federal courts was accomplished by the Supreme Court in but a short period of time. The right to abortion, nowhere found in the Constitution was based on the right to privacy, itself nowhere found in the Constitution.

Senate Joint Resolution 3 would restore authority to the State legislatures with respect to abortion. It would restore the constitutional balance upset by Roe against Wade, and reenfranchise the people to fashion a solution to the abortion problem—returning the issue to the representative branches of government and the democratic process.

Mr. President, in the framework of our Constitution, such issues as abortion—so fundamentally linked to health, medical concerns, and family relations—have traditionally been matters to be addressed by State legislatures. Indeed, the whole subject of domestic relations, husband and wife, parent and child, belongs within the scope of the laws of the States, which have had broad authority to protect minors and to regulate the status and obligations of marriage.

Like general police powers, regulation of medicine, domestic relations law, property law, as well as trusts and estates, authority over abortion is outside the specific enumerated powers of the Federal Government set forth in the Constitution and, prior to Roe against Wade, was within the purview of primary State authority.

This State authority would be restored by Senate Joint Resolution 3, but this amendment would not create any new constitutional rights or prohibitions. It would not require legislative action, and it would not compel or prohibit the State legislatures or Congress from adopting a prohibition on abortion. The States would be allowed a wide variety of options with respect to this matter. The people would be reenfranchised to shape, through their elected representatives, an abortion policy that is reflective of their community judgments and values.

These policies may vary from State to State. That is as it should be. Respect for such local community consensus and the virtues of diversity are fundamental to the vitality and strength of our Federal system. The values of a country develop from the consensus of its people, evolving in the legislative process. Values are not served by stripping legislatures of their power and by informing the people that there are no valid community standards.

Mr. President, I urge all my colleagues to support this amendment—even those who do not share my view of abortion. I call upon them to join in this effort to restore the constitutional balance between State and Federal government—between the legislative and judicial branches. This amendment returns authority with respect to abortion to the democratic legislative process and it respects the principles of federalism upon which our Nation was founded.

Mr. HATCH. Mr. President, I thank my distinguished colleague from Missouri for the excellent statement he has presented and for the point of view he has eloquently expressed.

I yield at this time to the distinguished Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I thank Senator HATCH for the outstanding leadership he has given on this matter, together with Senator EAGLETON and others.

Also, I compliment the leadership of the Senate for their efforts in working with those who are in favor of this measure and those opposed, particularly Senator PACKWOOD, and for their cooperation in allowing this issue to be brought before the Senate and to be voted on by the Senate.

Mr. President, today I join a number of my colleagues in support of Senate Joint Resolution 3, the Hatch-Eagleton amendment to the Constitution. The amendment says simply this: "A right to abortion is not secured by this Constitution." The fundmental purpose and effect of the amendment is to return the sensitive and controversial issue of abortion back to the people of this country, through their elected representatives.

Ten years ago, the Supreme Court was asked to rule on the issue of abortion in the decision of Roe against Wade. A pregnant single woman, under the pseudonym of Jane Roe, challenged the State of Texas' prohibition against abortion, except when it

was necessary to save the life of the mother. At the time that this case was being considered by the Court, there were 31 States of the Union with statutes that protected unborn human life. In 19 other States, abortion was legal under very limited circumstances, such as rape, incest, or when there was a likelihood that the child was going to be handicapped. Even the State with the most liberal laws on abortion—New York—abortion on demand existed only through the first 6 months of pregnancy. In no State of the Union had a majority of the populace recognized an unlimited right to abortion.

Undaunted by this consensus of the country, in one fell swoop the Supreme Court established abortion-on-demand as the law of the land. Many people do not understand that the Court did, indeed, legalize the taking of unborn life, right up to the last month—even the last week—of pregnancy. But that is, in fact, what the Roe against Wade decision did. Finding some medical significance in dividing up the development of the child into three stages, the Court established legal policy at each stage of pregnancy. According to seven Justices, during the first 3 months of pregnancy, the Constitution gives the right to a woman and her physician to make a decision about abortion without any legal hindrance. During the second trimester of pregnancy, the Court acknowledged a public interest in protecting and preserving the life of the mother, certain licensing requirements for abortion facilities could be required by the States. During the last 3 months of the pregnancy, the Court noted the "potentiality of human life" and said that the State may regulate abortion with one exception. If a physician agrees with a woman that her life or health is endangered by the pending birth of this very viable infant, then abortion is, again, a private choice. The Court later defined the term, "health of the mother" to include emotional or psychological well-being. The bottom line of this interpretation was and is that a woman can attain an abortion at any time during the baby's life within the womb as long as she and her physician agree that there might be physical or emotional stress or hardship caused by the birth of the child.

In addition to pointing out the very radical change of policy that this decision represented for our country in 1973, I should also like to point out the absurdity of the ruling from a medical and scientific viewpoint. It is very difficult to understand the Court's rationale for even attempting to address the viability question. At the time that Roe against Wade was decided, infants were surviving birth at 28 weeks or 7 months, today infants can survive premature birth at 22 weeks or 5½ months. Tomorrow viability will be even earlier. In this context, it becomes clear that "viability" is only a measurement of the life support systems around the baby. It is not a measurement of the humanness or aliveness of the baby, as the Court seemed to indicate.

Indeed, this question leads to the very basic flaw in the Court's Roe against Wade decision. To rule on the legality of abortion, one has to decide two things: First, what right the woman has to make a decision about having an abortion; and, second, what rights are to be accorded to the developing child that the woman carries. On the first question, the Court decided that the woman has a "right to privacy." On this point, we all would agree. None of us wants any part of the Government to regulate our personal choices like marriage, procreation, or family relationships. For any right to supersede such basic liberties would have to be most compelling.

In addressing the second question, however, the Court avoided the most fundamental issue. Two arguments were made in support of the developing child's right to legal protection. First, that the "fetus" is a person, as protected under the 14th amendment, which states that, "Nor shall any state deprive any person of life, liberty, or property without due process of law . . ." In response to this argument, the Court acknowledged that if personhood were established, then the fetus' right to life would then be guaranteed. However, based on a reading of history and their understanding of the word "person," the Court found that unborn children do not qualify as "persons."

The second argument given to support the right of the developing child to be protected was simply this: that life begins at conception and the state has a compelling interest in protecting life from and after conception. Now, it does not take a scholar to discern that this is the fundamental question in the debate on abortion. There is no doubt about a woman's right to privacy, we all agree on and cherish that right and privilege. However, if and when the right to privacy is placed in competition with the right to life, them we must affirm the higher and more fundamental right of an unborn child to live. Freedom has been and should be granted to all of us, as long as our practices do not infringe upon or abridge the rights of others. And so, what did the Court do with the key question of whether the "fetus" is life, with its tremendous implications on the outcome of the ruling? They did nothing.

They did not address the issue. Instead, they pointed to the divergence of views as to when life begins and thus declined to resolve the question. To me, this is astonishing. It is incomprehensive that the Court, when left with apparent uncertainty about whether a developing child is a life or not, would go ahead and OK the aborting of some 1.5 million children a year. If we are to err in this most crucial issue, should we not err with the possibility of protecting life?

And so, 10 years later, here we stand. The issue has not gone away. And unlike some others, I think that even regardless of the outcome of tomorrow's vote, I do not think it will go away with this debate.

Despite the powerful teaching effect of the law, that generations of Americans are now being raised to not bat an eye about abortion, there are still those who will not, indeed cannot, rest while the taking of innocent life is sanctioned in this land. The ramifications of the abortion decision in America are serious and far-reaching. Certainly, it is inevitable that once we allow the rights of one class of citizens to be eroded, then all of our rights are endangered.

For this reason, I implore my colleagues to support Senate Joint Resolution 3. The Hatch-Eagleton amendment simply brings the issue of abortion back to the people, by allowing elected representatives to respect and respond to the public's views on abortion. The amendment would allow Americans the opportunity to develop a consensus on the issue of abortion, something that Roe against Wade suppressed wholly and completely. This amendment represents a far more moderate measure than the Court's action which, as I mentioned earlier, usurped all existing State law in the Nation. It has become clear that the Court is not yet ready to reconsider the Roe against Wade decision from their most recent affirmation of that ruling. Therefore, it is my hope that Congress will take this issue out of the arena of the Court and place it before the people, so that the many divergent views alluded to by the Court can have their expression on this issue.

I also add to my colleagues that it is my desire that we would not even need the amendment that we have before us today. Certainly, the first preference of this Senator and probably many who desire to protect the life of the unborn children would be for the Court to reverse its ruling. Then we would not be wrestling with the various constitutional amendments or bills of those who have been working for this. But right now this is the best opportunity I think that we have to allow States the opportunity to protect the lives of unborn children.

So I urge my colleagues to join me in supporting Senate Joint Resolution 3.

Mr. HATCH. Mr. President, I thank the great Senator from Oklahoma for his excellent remarks and tell him I personally appreciate it.

I now yield to the distinguished Senator from Utah, Senator GARN.

Mr. GARN. I thank my colleague from Utah.

Mr. President, of all the slogans that dominate the national debate on abortion, the most commonly used are the words "prochoice" and "freedom of choice." The very fact that the "abortion rights" lobby insists on calling itself prochoice instead of proabortion is of some interest. The National Rifle Association, which favors the choice to carry firearms without legal restrictions, is universally called the gun lobby or gun-owners lobby; those who favor the choice of voluntary school prayer are referred to simply as advocates of school prayer; and so on. Only in this one area do the advocates of a particular practice and institution shy away even from naming the substantive issue involved, instead hiding behind the euphemism that they favor "choice." But of course, what is really being defended is a particular set of unpopular and widely disputed Supreme Court decisions determining the legal status of abortion. In fact, if one investigates the consequences and apparent direction of those decisions, "free choice" is the last thing one could come up with as a description of what they promote.

Certainly they do not promote the choice of the American people to rule themselves through their elected representatives. The Supreme Court has invalidated virtually all substantial restrictions on abortion, establishing a permanent policy of abortion on demand which extends in practice up to the point of birth. This is clearly a policy which was not chosen by the American people in 1973—for not a single State had an abortion law this radical—and it is one which would not be chosen by them now.

Nor do these decisions promote the free choice not to support practices one finds abhorrent. In 1980, the Supreme Court narrowly avoided imposing a nationwide policy of court-ordered abortion funding by a 5-to-4 decision, after years of court battles and the filing of an amicus curiae brief by hundreds of Members of Congress. Yet several State supreme courts, most notably in Massachusetts, California, and New Jersey, have applied the "right" of abortion to the appropriations process with greater zeal, invoking various provisions in State constitutions to force taxpayers and legislators to fund elective abortions. In Illinois, a Federal court has invalidated a law subsidizing charitable groups which offer alternatives to abortion, because that law did not also provide funds to promote abortion. Public hospitals have been told by some courts that they do not have the choice of promoting the Hippocratic Oath—that is, they cannot refuse to open their facilities to the practice of elective abortion. So even in States where public funding of abortion is prohibited, the taxpayers are still forced by Federal courts to subsidize nontherapeutic late-term abortions through the taxes which support public hospitals. Last week the U.S. Supreme Court refused to hear an appeal from a ruling of this sort involving the city of Virginia in Minnesota.

Some of my colleagues may wish to point out that people often have to pay taxes for things they do not like. I would like to ask them if there is any other situation in which taxpayers are forced to pay for a practice which was a felony only a few years ago throughout the Nation. I would like to ask them if public hospitals are now forced to perform any procedures that doctors have been solemnly vowing never to perform for the last 2,500 years.

Even religious groups which condemn abortion as an unspeakable attack on human life are forced to involve themselves in the abortion industry. Some religious employers have had to file suit in Federal court to defend their own first amendment rights, because a Pregnancy Discrimination Act enacted in 1978 would force them to pay for abortions and for sick leave to obtain an abortion in violation of their consciences.

This year we find ourselves debating a Fair Insurance Practices Act (H.R. 100) which would go even further—if passed without amendment, it would force all men and women in the United States to buy insurance coverage for elective abortion whenever they purchase a health insurance plan of any kind. This is a logical, if absurd, extension of the principle that abortion is just an ordinary medical procedure like any other—the road from abortion as "right" to abortion as legal obligation seems very short. Interestingly, proabortion groups—they surely do not deserve the title prochoice in this context—have unanimously denounced any effort to amend this bill to allow women to choose whether they want abortion coverage or not. These groups claim that such a respect for the woman's freedom of choice would be an insult to her and a violation of civil rights. In other words, "choice" is OK, as long as it's a choice to subsidize abortion; no other choice is morally or legally acceptable.

This trend toward coercion of conscience can be traced back to the legal rationale of the 1973 abortion rulings themselves. In 1975, an article in the Columbia Journal of Law and Social Problems observed that conscience clauses allowing a refusal to perform abortions on "free exercise of religion" grounds are "not without difficulties" since 1973. This is partly because "many denominational hospitals are recipients of governmental aid, and arguably are State institutions for fourteenth amendment purposes"—an argument now strengthened by court rulings in Bob Jones and other cases. Attorney Harriet Pilpel, general counsel to the Planned Parenthood Federation of America, has argued that Roe against Wade means that abortion is "sound medical practice" as a matter of law, and therefore that doctors who refuse to perform abortions violate the American Medical Association's Code of Ethics because they practice medicine in accordance with sectarian "dogma." I would like again to add that the "dogma" in question is one shared by the Hippocratic Oath which every physician was required to swear to until recently. It seems obvious that if the current judicial trend continues, Federal courts will soon be deciding whether the fundamental "right" of abortion makes this procedure into a fundamental matter of "public policy" which overrides claims based on the first amendment. Private church hospitals could then be forced to open their facilities to abortion services under pain of losing their tax-exempt status, their medicare and medicaid reimbursements, and so on. It is clear that the self-styled prochoice movement considers this as part of its agenda.

Even as currently enforced, Federal laws protecting the consciences of health care personnel are clearly inadequate; 7 years ago an obstetrical nurse in Florida was dismissed from her job because of her refusal to participate in abortions. She was reinstated when an appeals court invoked the State's "conscience" law; but even this court noted that the dismissal would have been justified if retaining this nurse created any undue hardship in providing elective abortion services. Similarly, the aforementioned law review article observed:

> Since public hospitals are under a constitutional duty to provide physicians willing to preform abortions, State laws prohibiting discrimination in employment cannot be invoked as an excuse for failing to comply with affirmative efforts necessary to provide abortion services.

But how does a hospital fulfill this affirmative duty to hire abortionists without discriminating in its hiring practices against people unwilling to perform abortions? Apparently this part of the prochoice agenda has begun to be accepted by our Highest Court; for in refusing to grant certiorari in city of Virginia against Nyberg last week, it seemed to affirm that some public hospitals do have a constitutional duty to provide facilities for abortions.

Yet another coercive edge to the prochoice agenda can be found in the growing tendency to recognize claims for wrongful life and wrongful birth. In many of these cases, physicians have been penalized with enormous monetary damages for failing to per-

form or counsel abortion when there is a chance that a child may be born with a mental or physical disability. In one case, a physician was penalized for failing to advise abortion although abortion was illegal in that State at the time the woman in question was pregnant—the court observed that the physician should have facilitated the woman's journey to another State so she could exercise her right to an abortion. A California State appeals court has suggested that a handicapped child should be able to sue her own parents for wrongful life, because they failed to destroy her before birth. Is there any doubt that both the physician's free choice and the dignity of so-called imperfect life are being denied here?

The idea that abortion is now a matter for free decision arrived at by "a woman and her physician" therefore ignores the fact that the physician himself—or herself—is being pressured into a proabortion stance by the law in various ways.

But leaving aside the last-mentioned court ruling—which fortunately has not yet been followed by other courts—some of my colleagues will say they are standing up for the "free choice" of the individual woman faced with an unwanted pregnancy. After all, they will say, our law does not force a woman to have an abortion against her will. Each woman is free to make her own choice. This was clearly part of the Supreme Court's own rationale in deciding Roe against Wade. Yet I fear it is not so simple. Current abortion policies actually provide little or no protection for the freedom of the woman's choice.

This is at least partly because of the absolute character of the Supreme Court abortion decisions themselves. During the first trimester they allow legislatures to do very little more than assure that the abortionist has a license to practice medicine. Again and again, the States' efforts to protect the health and the free decisionmaking of the woman involved have been crippled by judges following the Supreme Court's lead. The States cannot prohibit abortion—but they also cannot step in effectively to regulate or license abortion counselors, to prevent quiet coercion of boyfriends and relatives, or to limit exploitation by unscrupulous abortionists. The "informed consent" provisions enacted by the city of Akron, and now invalidated by the Supreme Court, are a case in point. The Court has rejected every one of these provisions as unconstitutional, even where they provide simple medical information about the size and physical characteristics of the fetus. This providing of information from a medical textbook has been denounced by some in the prochoice movement as an imposition of religious dogma and an attack on constitutional liberties. The Supreme Court's majority opinion in the Akron case has even rejected as unconstitutional a text informing women about possible complications of abortion and about the availability of alternatives to abortion, because such provisions are "designed to influence the woman's informed choice between abortion or childbirth." The principle at work here seems to be that a woman is more free the more ignorant she is. In other words she has the right to decide on an abortion, but no right to the information necessary to make that decision. This is an attack on informed consent which would not be tolerated with regard to any other potentially hazardous medical procedure—and where there is no informed consent, there is no real deliberation or choice. Even the idea of a "waiting period," to allow the woman time for a considered decision, is under attack by the Court: it claims that the attending physician—that is, the abortionist himself—must have full discretion as to whether a waiting period would be beneficial to his patient.

An even more ominous judicial trend involves court orders for abortion in the case of children and mentally incompetent adults. The Supreme Court has told us that parents cannot veto their minor daughter's abortion decision. Even under the age of 15, a judge must be available who can order the abortion if it seems to be in her best interests. But some of those involved in this area of law apparently want judges to mandate abortions even when it is not at all certain that the woman involved wants that abortion. When a probate judge in Michigan refused 2 years ago to rule that a late-term abortion was in the best interests of a pregnant 11-year-old girl, even the ACLU admitted that there was no clear-cut evidence that the girl involved even wanted an abortion; yet the NOW and other local prochoice groups publicly denounced the judge and circulated a petition to have him removed from office.

Last year, a Pennsylvania judge invalidated the informed consent section of that State's abortion law as unconstitutional, so that abortion could be performed on a comatose woman who had never expressed any desire whatsoever to have one. This judge decided that even if only the woman's social or emotional well-being were at risk, a physician could unilaterally decide the abortion is necessary when the woman's own consent cannot be obtained.

In a similar case, Chief Justice Warren Burger has refused to block an abortion ordered by the court-appointed guardian of a woman in a semicatatonic state, although no evidence was presented to show a medical need for the abortion. This woman had been fully competent earlier in her pregnancy and had not sought an abortion.

A 38-year-old woman named Mary Doolittle, not comatose but under treatment for schizophrenia in a State facility, narrowly averted being forced to undergo an abortion she definitely did not want in 1981, but only after her Catholic family went to court to fight the State of California for 3 weeks and offered to adopt the child when born. A mandatory abortion was avoided because the State hospital's physicians had not provided solid evidence that the abortion would be beneficial. Ms. Doolittle's family later told reporters that the State's aggressive struggle in the courts to require her to undergo an abortion had frightened her greatly and added to her mental stress.

Are cases like these the beginning of a new stage in the development of the abortion right? The pro-choice activists themselves seem to think so. The fourth annual meeting of the National Abortion Federation in 1980 featured not one, but two key addresses advocating mandatory abortion for teenagers under a certain age. Abortionist Jane Hodgson asked rhetorically, "Does freedom of choice really apply to the very young? * * * Shouldn't we * * * mandate against continuing pregnancy in the very young, say, those less than 14 years?" Another speaker, Lonnie Myers, endorsed this suggestion and remarked that "it's time we had the guts to say that 14 is too young to have a baby." These two are among the people who pushed for exclusion of parents from teenagers' abortion decisions a few years ago; now it seems that this is a way of making room for State coercion, not for the teenager's own decision.

The judicial framework for such coercion is already in place, for it has already been developed in the context of medical treatment decisions for mentally incompetent adults. The courts can affirm that teenagers have a constitutional right of privacy, including a right to choose abortion, but that they are too immature to exercise it on their own behalf. The courts must exercise it for them, using a doctrine of substituted judgment.

These trends are not part of a progressive trend toward greater personal liberty. They are part of an increasingly coercive use of badly thought-out court rulings to impose the acceptance of abortion on a reluctant society.

About a century ago, this country went through a conflict over the moral and legal status of black Americans that has some instructive parallels to our current crisis. Then, as now, an unjust practice was defended under the banner of free choice, for people opposed to slavery were told that they need not own slaves themselves if they did not choose to do so. Then, as now,

it was not so simple: People who abhorred slavery were coerced into tolerating it as a public institution, and into cooperating with it through laws for the return of runaway slaves to their owners. Then, as now, the unjust institution had its own internal dynamic; it insisted upon public acceptance from all Americans until the basic moral issue could no longer be ignored. When Abraham Lincoln was asked what would convince the slaveholders of the good will of his party, he replied:

> This, and this only: cease to call slavery wrong, and join them in calling it right. And this must be done thoroughly—done in acts as well as in words. Silence will not be tolerated—we must place ourselves avowedly with them. . . . All they ask we could readily grant if we thought slavery right; all we ask they could as readily grant, if they think it wrong. Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy.

This is no less true of abortion than it is of slavery. The principles of Roe have taken on a life of their own, involving a dynamic which pushes toward universal acceptance of abortion as a positive value, as a required component in good medical practice, and as a preferred—even obligatory—solution to an ever-expanding list of personal and social problems. The self-proclaimed advocates of abortion choice will not rest until we are all forced, by word and deed, to treat abortion as an ordinary and morally unimpeachable aspect of American life.

The insane logic of the Supreme Court's abortion decisions should not be allowed to extend further into the coercion of American consciences. If we must continue to disagree on abortion, let us at least agree that its promotion is not a suitable area for constitutional mandate. Let us restore some balance and some sanity to our legal system. I urge my colleagues who value civil liberties to support Senate Joint Resolution 3.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Utah for his remarks and I appreciate having my colleague who has been at the forefront of this battle for so many years with us, and I appreciate what he said in the Chamber today.

I now yield such time as she may need to the distinguished Senator from Florida.

Mrs. HAWKINS. Mr. President, I rise in support of the Hatch-Eagleton constitutional amendment regarding abortion.

I am deeply disturbed over the tragic results of botched legal abortions in this country. I am doubly disturbed when these problems involve the people of Florida. Each horror story is a human tragedy caused by our Government's failure to protect the health of its citizens. Abortion has become an essentially unregulated business. The right to an abortion today does not mean the right to a safe abortion.

Recently this tragedy was brought home to me with a kind of grisly impact. In my home State of Florida, a doctor in an abortion clinic lost his license to practice medicine by endangering the life of a 12-year-old girl. The abortionist in question, who was described in the press as having performed thousands of abortions did such a hatchet job that a hysterectomy and colostomy were required to save the girl's life. In a 3½-year period, four women died at his hands.

Examples like these have plagued legal abortion since Roe against Wade. Good investigative reporting always seems to uncover clinic corruption. This happened in Dallas and El Paso and most recently in the city of Chicago. A 5-month investigation of Chicago abortion clinics by the Chicago Sun-Times in 1978 led to a lengthy series of exposés.

The Chicago Sun-Times investigation uncovered 12 maternal deaths in four Chicago abortion clinics, none of which had shown up in the official compilations of abortion-related deaths.

And in its report on the original form of the Hatch amendment, published last June the Judiciary Committee noted:

> The Chicago experience is also instructive in shedding light on the implications of the Supreme Court's rulings on first-trimester abortion: Public health officials in the city were aware of numerous abuses at these clinics, but their attempts at licensing and regulating them had been ruled unconstitutional by the United States Court of Appeals for the Seventh Circuit, which pointed to Roe and Doe's ruling that regulations designed to protect the pregnant woman during an abortion are invalid until after the first trimester of pregnancy. The Supreme Court refused to review this decision.

Dr. Bernard Nathanson was a founding director of the National Abortion Rights Action League (NARAL). At one time he directed the Nation's busiest abortion clinic, in New York City. After that he became heavily involved in neonatology, and this led him to reevaluate his position on abortion. In his 1979 book, "Aborting America," Dr. Nathanson writes of the shoddy workmanship of many a clinic doctor. His exposé is corroborated by such organizations as Women Exploited by Abortion (WEBA), each of whose members has been victimized by abortionists. These women are living proof of abortion's hazards and its demeaning assembly line atmosphere.

Inevitably, these tragedies will continue because Roe against Wade effectively prevents abortion clinic regulation. My own State of Florida is a case in point. In 1978, the Florida Legislature adopted our abortion clinic licensing statute. The Florida Department of Health and Rehabilitative Services also adopted rules and regulations, which were minimal. Both legislative and departmental actions were in reponse to a series of scandals in Miami and were designed to protect the health and safety of women who were clinic patients. A Federal district court, however, was not favorably disposed. The regulations were enjoined in early 1979 and have never been in effect. Thus, in Florida a woman's fundamental right to an abortion prevents the enforcement of standards that can protect her health.

This is not only true of Florida, it is true whenever and wherever the State has tried to protect the health of its citizens from the hazards of abortion clinics. In Illinois, the Chicago Board of Health was prevented from regulating any abortion clinics within its jurisdiction. When a lower district court decided in favor of regulation, however, its decision went unimplemented through a successful appeal to a higher court, the U.S. Court of Appeals, Seventh Circuit.

As a legislator I resent the Court's intrusion into a legitimate exercise of the power of the State. Our State governments must retain the right to protect the health of their citizens. If the people deem that abortions should be legal, we must at the very least, assure that the abortions performed are safe. And if under the Hatch-Eagleton amendment to the Constitution, my State of Florida decides to allow abortions, its citizens will finally enjoy the privilege of State regulations of an extremely delicate and sensitive operation. The people of this country—and the women of Florida—surely deserve that.

Mr. President, I urge my Senate colleagues to join me in supporting this amendment. I ask unanimous consent that a series of articles from the Miami Herald on this subject be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Jan. 7, 1983]

ABORTION CLINIC'S FILES SEIZED

FOUR HAVE DIED AFTER OPERATIONS AT MIAMI CENTER

(By Steve Sternberg and Bob Lowe)

Soon after the controversial Women's Care Center opened in 1978, a patient died of post-abortion complications.

Over the next three years, another woman died and several others nearly bled to death. Though the signs were clear that there were problems at the abortion clinic, state and local regulations left the clinic open.

Thursday, 48 hours after the fourth abortion death and 19 days after the third, a team of investigators from the Miami Police Department and the State Attorney's Office seized evidence for a possible manslaughter case.

Police had spent the day staked out at the clinic, which was closed for the day. Young women continued showing up trying to keep

their appointments at the center at 5601 Biscayne Blvd.

Records in Dade Circuit Court and state regulators' files disclose botched abortions and accusations that clinic personnel practiced medicine without a license.

One of the targets of the continuing allegations has been Hipolito Barreiro, the 52-year-old owner of the firm. At least two former patients have accused him of practicing medicine without a license.

"It's very unfortunate," said Barreiro before he accompanied investigators to the State Attorney's Office for questioning Thursday night.

"We are very, very, sorry. It's circumstances beyond our control."

Barreiro labeled as "propaganda" accusations that he participated in abortions and that the clinic provides substandard care.

"Four thousand operations in two years and only two complications," said Barreiro, referring to the record complied by Dr. Orland Zaldivar, his clinic's physician. "That is [better than] the statistics."

Medical experts disagreed.

"Abortion is one of the safest operations in medical practice," said Dr. David Grimes, an abortion expert at the federal Centers for Disease Control in Atlanta.

Between 1972 and 1978, abortion mortality in the United States was 2.2 deaths per 100,000 operations, he said.

"Three deaths in three years is certainly an epidemic," said Grimes, interviewed before the death of Shirley Payne Tuesday. "It's more than you would expect even at a large facility."

Indications that something was wrong at the clinic date back to Ruth Montero's death three and a half years ago.

One former clinic doctor lost his license after the Florida Department of Professional Regulation [DPR] alleged that he was legally blind in one eye, high on Quaaludes and had helped clinic personnel practice medicine without a license.

Through it all, the clinic stayed in business—helped by a high turnover of physicians and Florida's weak regulation of abortion clinics.

Then Myrta Baptiste, 26, died Dec. 19. Shirley Payne, 33, died after an abortion Tuesday.

Miami police, the State Attorney's Office and representatives from various other agencies met Thursday to coordinate a criminal investigation into the deaths. Officials indicated that the probe into the two recent fatal abortions is focusing on Barreiro.

"Our principal target in this case is Hipolito," said Ray Havens, an investigator for the State Attorney's Office during the meeting.

In addition to the four abortion-related deaths since August 1979. Dade County court records show six medical malpractice lawsuits have been filed against the clinic, its doctors and Barreiro since 1980, three of them in 1982.

Three have been settled out of court for various sums. Three others are pending.

In addition to those lawsuits, claims by two other patients have resulted in payments to them by the clinic's insurer, say state officials.

The center and its doctors deny the malpractice allegations, often pointing to the fact that patients have signed forms indicating that they understand the risks of surgery.

They also contend in most of the lawsuits that the women failed to return for required post operative examinations after the abortions and have failed to inform clinic doctors of complications.

Jane Carroll, 22, was paid $50,000 by the clinic's insurer without any court action after an abortion a year ago resulted in an emergency hysterectomy at Hialeah Hospital.

"I'm lucky to be here," said Carroll, who nearly bled to death because of a perforated uterus. Surgeons also had to remove fetal parts left inside Carroll, medical records show.

"I can't have kids ever, ever!" Carroll said.

Carmen Neumann alleged in her lawsuit that the clinic took her to a hospital three days after an abortion resulted in a perforated uterus and bowel. She arrived too weak to sign an admission form and required immediate surgery to stop internal bleeding, the suit alleged.

"It was a nightmare," said Neumann. "I think it [the clinic] should be closed."

Her case was settled for $3,000 after she left the state and her lawyer concluded the then-uninsured Barreiro had few assets at the time that could be recovered.

Other plaintiffs' lawyers say they have opted for quick, modest settlements because the clinic's insurance coverage is minimal—$25,000 per claim for the center and a like amount for each of its doctors.

"It's the minimum we write," said Alan Shiver, director of the Florida Medical Malpratice Joint Underwriters Association, which provides the insurance.

A COMMON THEME

Joel Kaplan, who represented two clients who have sued the clinic, said he considers Barreiro "bulletproof," meaning that corporate laws and other methods of protecting assets would make it difficult to collect on a large jury award.

Allegations in the lawsuits have this theme in common: Abortions botched or incomplete, leaving the patient with a perforated uterus that isn't detected or treated properly.

Since the clinic opened about four years ago, the center has performed 7,000 abortions, said Barreiro. He said the deaths and cases of perforated uteruses are unremarkable.

National statistics show "roughly one out of every 100 operations results in perforation," he said Thursday.

Physician Grimes, however, said recent reports indicate that perforation of the uterus occurs in about one out of 500 cases. Sometimes the perforations are minimal, resulting in minimal bleeding, and heal by themselves, he added.

He said cases where the perforation damage is so great that it requires a hysterectomy are "very, very rare," and happen about once in every 10,000 abortions.

NEVER PARTICIPATED

Although some of the suing patients indicate in the lawsuits they believe Barreiro participated in their surgery, they also admit that they were unconscious during the procedure. Barreiro admits being present during abortions, but said he never participated in them.

Former patient Carroll said Barreiro gave her an injection to put her to sleep before her operation.

"He gave me the injection and I went out," she said.

Neumann alleged in her suit that Barreiro gave her several injections without supervision after her surgery. That would violate state law prohibiting unlicensed persons from practicing medicine.

Barreiro contended in the suit that he limits his involvement with patients to "counseling" them. Only licensed personnel practice medicine at his clinic, he said.

Some of the allegations of malpractice were passed on to the state Department of Professional Regulation [DPR] and the State Attorney's Office, say plaintiffs and their lawyers.

"I can say the DPR was . . . fairly interested and the assessment was they couldn't do anything about it." said Miami lawyer Howard Kay, who represented Neumann. "The same for the State Attorney's Office."

"It's kind of sad because maybe if they had, two people would be alive today."

The DPR did take action against clinic doctor Alfred C. Pin, however.

Pin was named as a defendant in one suit settled for an unknown sum and his insurance paid for half of an out of court settlement for in a second case.

Pin voluntarily relinquished his license last June after the DPR alleged a wide range of misconduct, including exposing himself to female patients at another job, prescribing 38,690 Quaalude tablets improperly during a four-month period and being under the influence of Quaaludes during a physical examination.

One finding was that when Pin was told a patient in a dermatology clinic was experiencing a rapid heart beat, he disconnected an electrocardiogram monitor and asked everyone to pray.

The DPR also accused Pin of helping clinic personnel practice medicine without a license.

During that investigation, complainant Brenda F. Maultsby alleged that clinic owner Barreiro prescribed her drugs. Barreiro, Pin and another clinic employe denied the allegation.

After Pin relinquished his license and returned to Argentina where he received his medical training, the case was turned over to the State Attorney's Office, said DPR officials.

State Attorney Janet Reno said the file was returned because the allegations could not be proven.

DPR officials said they could take no action concerning Barreiro because he is unlicensed and the department has jurisdiction only over licensed physicians. Barreiro, trained in medicine in Argentina, is not licensed to practice in Florida.

Regulation of abortion clinics in Florida is slight. The only licenses required to open one are routine business and occupation licenses obtained from the city and county, the same ones needed for a laundry or shoe store.

Nursing homes are tightly regulated in comparison. Restaurants are inspected regularly for sanitation. Abortion clinics are not. Outpatient surgical clinics must have proper life-saving equipment and quick access to a nearby hospital for emergencies. Abortion clinics have no such requirements.

Abortion clinics are only required to employ licensed physicians to perform abortions, keep adequate records and properly dispose of fetal matter, say state officials.

State standards for abortion clinics governing cleanliness, patient care and hospital backup were struck by a 1980 court order.

CHRONOLOGY OF CLAIMS AGAINST WOMEN'S CARE CENTER

This chronology details lawsuits and other claims filed against the Women's Care Center in the past 3½ years:

Carmen Neumann underwent an abortion at the clinic on Aug. 4, 1979. Over the next three days, clinic doctors repeatedly visited her at her hotel because she was experiencing increasing pain.

Finally, on Aug. 7, clinic owner Hipolito Barreiro and an employe rushed her to International Hospital, where surgeons found she was bleeding internally, her uterus and bowel perforated, Neumann's suit alleged.

Her recovery took months, including 15 days in the hospital.

The suit, which named the clinic and Barreiro as defendants, was eventually settled out of court for an undisclosed sum.

Ruth Montero, a 23-year-old Davie resident, died on Aug. 7, 1979, after an abortion at the clinic.

Digna Harris nearly died after having an abortion on May 21, 1980, according to her lawyer, Joel Kaplan.

She and her husband sued the center and Barreiro four months later, alleging that the defendants operated in an "unskilled manner," perforating her uterus and bowel, and that they failed to realize she had been injured. The suit was settled for $39,000.

Avis Quarrel, a nurse, sued the center and Dr. Alfed Pin, a doctor at the center, alleging that the abortion in October 1980 failed to terminate her pregnancy and caused other injuries.

The defendants argued that Quarrel never reported any problems after the operation and that she failed to appear for a post-operative examination. The case was settled for an unknown sum.

Moura Morales, 25, died after an abortion on May 8, 1981, at the clinic. Her husband and son sued a year and a half later, blaming the center for her death, and naming the center, Barreiro, Pin and Dr. Elisa Nieto-Avila as defendants. The case is pending.

Linda McKinnon nearly died after having an abortion on July 10, 1981, according to her lawyer.

She and her husband filed suit a year and a half later, against the center and Barreiro. The court action alleges that the defendants failed to diagnose her post-operative problems and failed to consult with other physicians.

Lawyer Kaplan said he has discussed a settlement in the pending case of about $50,000.

Jane Carroll, 21, had an abortion on Dec. 29, 1981, and was then rushed to the Hialeah Hospital.

Surgeons found that her uterus was ruptured and that parts of the fetus remained inside of her, according to medical records. They performed a hysterectomy to stem the profuse bleeding and save her life.

Carroll never sued, but her lawyer negotiated a settlement of $50,000 with the clinic's insurer. Records indicate that Dr. Orlando Zaldivar performed the abortion.

Ivonne Bruno, 25, arrived at American Hospital on May 9, 1982, suffering from abdominal pain and chills after an abortion at the clinic the previous day.

At American Hospital, surgeon Pedro Ramos performed a total hysterectomy after finding a "large" slit in the uterus, according to medical records. Ramos said parts of the fetus were still in Bruno's body.

She sued the clinic, Barreiro and clinic physician Zaldivar, who allegedly performed the abortion. The lawsuit contends that Zaldivar is incompetent to perform abortions and that the clinic failed to monitor Bruno for a long enough time after the operation. The pending suit asks for $5 million.

Myrta Baptiste, 26, died on Dec. 18, 1982, following an abortion at the clinic. Police launched a criminal investigation into the case.

Shirley Payne, 33, died on Jan. 4, 1983.

[From the Miami Herald, Thursday, Jan. 6, 1983]

ABORTION CLINIC SHUT FOR DAY AS HRS OK'S PROBE OF DEATHS

(By Bob Lowe and Steve Sternberg)

The white stucco building that houses the Woman's Care Center bore a scrawled note Wednesday, taped to the front door.

"Sorry, the clinic is closed today. All previous appointments will be rescheduled for tomorrow."

The abortion clinic at 5601 Biscayne Blvd. was closed after the death of 33-year-old Shirley Payne Tuesday. She was the second woman to die following an abortion at the clinic in 17 days, the fourth since August 1979.

Police on Wednesday would not disclose the identity of the Doctor who had performed Payne's abortion.

Outside the clinic, feminist activist Roxcy Bolton greeted more than a dozen would-be patients in little more than an hour. None was aware of the controversy surrounding the clinic.

"I'm not saying that you should not come here," she said, "I'm saying that it is not safe. It's a butcher shop."

Several of the women were Haitian and unable to read the newspaper article she handed. Bolton told them not to come back and to relay the message to their friends.

The unusually high number of deaths at the clinic prompted state legislator and physician Rep. David J. Lehman (D., Hollywood) to call Wednesday for an investigation into the center and state regulation of other abortion clinics not affiliated with hospitals.

"It's shocking to me," said Lehman. "I think it's incumbent on the department [Florida Department of Health and Rehabilitative Services] . . . to make an investigation."

Robert Daniti, HRS general counsel, said, "We are authorizing an inspection."

Meanwhile, the Miami homicide detectives probing the two most recent deaths were scheduled to meet with State Attorney Janet Reno and officials of the Florida Department of Professional Regulation, which monitors licensed physicians.

Clinic owner Hipolito Barreiro, 52, was unavailable for comment Wednesday. Phone calls to the clinic and his home went unanswered.

On a state application for a Florida medical license examination, Barreiro stated he was born in Havana, had trained in medicine in Argentina for nine years and practiced medicine in West Africa for seven years.

Barreiro never took the exam, state officals say, because he was lacking an educational requirement. Barreiro has told police that only licensed physicians operate in his clinic.

Mr. HATCH. Mr. President, the distinguished Senator from Oregon earlier asked if any early abortion statutes extended to abortions performed before quickening.

I have to admit there are allusions in the common law, and writers on the common law say that it did. But I personally agree with the Senator that there is a real question of whether before quickening there were criminal statutes applicable.

I think the reason for that is that the States in the 18th century and before did not have, as we all know, the sophisticated medical knowledge we have today and, therefore, they had a problem of proof in abortion cases in showing that a living being had been killed. So I do not think anybody can take any comfort in the fact that the common law is unclear in that area.

The only time in the pregnancy that clearly indicated life was present to them was at the time of quickening and, therefore, the States set their prohibitions to operate beginning at that point.

I might add, if the States at that time had possessed sonograms, amniocentesis, or a number of other items of medical technology, the problem of proof would have been obviated, and the statute probably would have been extended to all stages of pregnancy, and I think even in the medieval times that would have happened. Indeed, in the mid-1800's, science began to advance to show the existence of human life, and at that time the statutes were expended to cover the entire term of pregnancy, and that is the point I was trying to make before.

I make these points realizing that I have interrupted the question that I did ask the distinguished Senator from Oregon. Let me repeat it. The distinguished Senator from Oregon has suggested that the present amendment is not a States' rights amendment.

I would like to ask him if he would be kind enough to share with this body an area of law that he believes to be subject to the concept of States' rights.

Mr. PACKWOOD. I am not sure I understand the question. What I said about this amendment is, it is not a pure States' rights amendment, and if you wanted to draft one that would be a pure States' rights amendment, it can be drafted.

Mr. HATCH. I think the Senator is correct. We can draft an alternative amendment that would seem to some more pure from a "States' right" perspective, but I would reject the Senator's contention that it would or could operate any differently than the present amendment.

Mr. PACKWOOD. There is a misunderstanding among a number of people involving this amendment as to whether this is a States' rights amendment, and I do not want anyone to think if this amendment passes, Congress is precluded from acting. Congress will indeed have power to act under what you call residual powers. But, indeed, we will have the same power to act we had prior to Roe against Wade. We just chose not to

act, and I think Congress—many Members of the Senate—think if we pass this, we are not going to have any more fundamental debates and anymore abortion debaters, and I fear we are.

Mr. HATCH. I also hasten to point out that if we drafted an alternative "States' right" amendment, as the Senator has suggested, we would still be in the same position where residual powers would be left in the Federal Government, with far-reaching interpretations of the commerce clause, the spending clause, and the taxing clause.

It seems to me that such a reservoir of power would necessarily exist under virtually any legislative formulation. In reality the present amendment is as thoroughly consistent with the traditional notion of "States' rights" as any amendment could be on this subject. Further, it conforms precisely to the constitutional concept of "States' rights" that characterizes so many other areas of our legal system. To go beyond this—and eliminate even a residuum of Federal power—is to do something unprecedented within our constitutional structure.

I might add that if you look at some of the areas that have been expressly said to be "States' rights" areas, such as domestic relations, there would be at least a residuum of Federal authority. The FBI, for example, is now involved in searching for children who have been taken from one parent by another. Domestic violence between spouses is now the subject of Federal legislation. There are Federal statutes relating to bigamy and adultery. There are Federal income tax laws that relate to alimony and child support.

There is no question in my mind that Congress has residual powers over virtually anything under the commerce and the taxing and spending clauses of the Constitution.

Mr. PACKWOOD. Let me say this so that whoever is listening understands: If this amendment passes, Congress will not be precluded from passing a human life bill, and we will be right back with that jackpot with or without this amendment, and I do not want Senators to think they are going to avoid that problem by our passing this amendment.

Mr. HATCH. I understand the Senator's point.

Mr. President, I now yield such time as he may need—Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that are in opposition to Senate Resolution 3. I do this because they are a broad cross-section of religious, medical, civil libertarian, and other kinds of organizations. In addition, there is a great deal of material, both statistical and narrative, involving issues relating to abortion and choice, and much of the information coming both before and after some of the Supreme Court decisions that are relative. I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS OPPOSED TO S.J. RES. 3

Abortion Rights Mobilization.
The Alan Guttmacher Institute.
American Academy of Child Psychiatry.
American Association of University Women.
American Civil Liberties Union.
American Jewish Congress.
American Medical Association.
American Psychiatric Association.
American Public Health Association.
Americans for Democratic Action.
Association for Women in Psychology.
B'nai B'rith Women.
Catholics for a Free Choice.
Center for Constitutional Rights.
Center for Population Options.
Coalition of Labor Union Women.
Committee for Abortion Rights & Against Sterilization Abuse.
Committee to Defend Reproductive Rights.
Family Law Workers.
Federation of Organizations for Professional Women.
Friends of Family Planning.
International Ladies Garment Workers Union.
League of Women Voters of the U.S.
Ms. Foundation.
National Abortion Federation.
National Abortion Rights Action League.
National Assembly of Religious Women.
National Association of Commissions for Women.
National Association of Social Workers.
National Coalition Against Domestic Violence.
National Coalition of American Nuns.
National Conference of Black Lawyers.
National Council of Jewish Women.
National Council of Negro Women.
National Education Association.
National Emergency Civil Liberties Committee.
National Family Planning and Reproductive Health Association.
National Federation of Temple Sisterhoods.
National Lawyers Guild.
National Organization for Women.
National Organization of Legal Service Workers—District 65, UAW.
National Urban Coalition.
National Women's Health Network.
National Women's Political Caucus.
Newspaper Guild.
Physician's Forum.
Planned Parenthood Federation of America.
Reproductive Rights National Network.
Union Wage.
United Church of Christ—Coordinating Center for Women in Church and Society.
U.S. Women's Health Coalition.
The Voice of Reason.
Voters for Choice.
Women and Health Roundtable.
Women for Racial and Economic Equity.
Women's Equity Action League.
Women's International League for Peace and Freedom.
Women's Legal Defense Fund.
Women's National Democratic Club—PAC.
Women, USA.
YWCA of the USA, National Board.
Zero Population.
Religious Coalition for Abortion Rights.
American Baptist Churches, National Ministries.
American Ethical Union.
American Humanist Association.
Church of the Brethren—Women's Caucus.
Christian Church (Disciples of Christ), Division of Homeland Ministries.
Episcopal Urban Caucus.
Episcopal Women's Caucus.
Federation of Reconstructionist, Congregations and Havurot.
North American Pioneer Women/Na'amat.
Presbyterian Church (USA), Commission on Women's Concerns.
Presbyterian Church (USA), Council on Women and the Church.
Presbyterian Church (USA), General Assembly Mission Board.
Presbyterian Church (USA), the Program Agency.
Union of American Hebrew Congregations.
Unitarian Universalist Association.
Unitarian Universalist Women's Federation.
United Church of Christ—Board for Homeland Ministries.
United Church of Christ, Office for Church in Society.
United Methodist Church, Board of Church and Society.
United Methodist Church, Women's Division, Board of Global Ministries.
United Synagogue of America.
Women's League for Conservative Judaism.

THE PROPOSED CONSTITUTIONAL AMENDMENT ON ABORTION—WHAT IT WOULD DO AND WHAT IT WOULD NOT DO

INTRODUCTION

Congress has been presented once again with a proposed constitutional amendment that in design and effect would abolish the constitutional right to abortion. The proposed amendment, however, contrary to what many assume, would not vest control of abortion in the states; federal power in the field still would be supreme. Neither would the proposed amendment conclude the national controversy surrounding abortion; rather it would set off a new round of political and legal battles. And where this might lead—the ultimate effect of the proposed abortion amendment—cannot be predicted.

BACKGROUND

Since the Supreme Court's landmark decision in *Roe* v. *Wade* [1] in 1973, women in the United States have had a constitutionally protected right to abortion. In *Roe*, the Court held that the "right of privacy . . . founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." [2] Simply stated, *Roe* proscribed practically all government regulation of abortion during the first trimester of pregnancy; allowed government regulation of abortion procedure during the second trimester only as reasonably related to the health of the pregnant woman; and during the third trimester, permitted government regulation or even prohibition of abortion (except where necessary to preserve the life or health of the pregnant woman) for the purpose of promoting potential human life.

The following constitutional amendment has been voted out of the Senate Judiciary Committee, without recommendation: "A right to abortion is not secured by this Constitution." The stated purpose of the proposed amendment is to nullify *Roe;* there is also an implicit assumption that the state—and only the states—then would be free to legislate on the subject of abortion.

THE PROPOSED AMENDMENT IS NOT A STATES RIGHTS MEASURE

There can be little doubt that the proposed amendment would eradicate the federal constitutional right to abortion recognized in *Roe.* But the proposed amendment is no mere states' rights measure—it opens the field of abortion to regulation by the federal as well as the state governments.

In other words, if the proposed abortion amendment were duly ratified and became part of the United States Constitution, the federal government—not the states—still would have supreme power to permit or forbid abortion. The states would have authority to allow, restrict, regulate or prohibit abortion only to the extent not inconsistent with federal law. The Supreme Court continues to make this point crystal clear:

"Notwithstanding the limited application of federal law is the field of domestic relations generally, . . . this Court, even in that area, has not hesitated to protect, under the Supremacy Clause, rights and expectancies established by federal law against the operation of state law, or to prevent the frustration and erosion of the congressional policy embodied in the federal rights. . . . While "[s]tate family and family-property law must do 'major damage' to 'clear and substantial' federal interests before the Supremacy Clause will demand that state law be overridden," . . . "[t]he relative importance to the State of its own law is not material when there is a conflict with a valid federal law, for the Framers of our Constitution provided that the federal law must prevail." [3]

If the proposed abortion amendment were enacted, Congress would be free, for example, to enact laws declaring that life begins at conception, thereby pitting the rights of the unborn against the rights of women. Another possibility might be congressional invocation of the commerce power to prohibit all interstate shipments of any medications or instruments used to cause or induce abortions. Such federal legislation effectively would preclude states that wanted to allow abortion from doing so, since no means for performing abortions would be legally available. Or, the federal government, again pursuant to the commerce power, might require all hospitals "in or affecting commerce" to provide abortion services.[4] Such federal legislation, by virtue of the supremacy clause, would preclude states that wished to ban or more strictly limit or regulate abortions from doing so.

Similarly, pursuant to the spending power, the federal government might condition all hospital funds provided to a state on that state's providing—or prohibiting—abortion services in its hospitals.[5]

The states too, in the exercise of their police powers, pursuant to their own constitutions, legislation, regulations, and court and agency adjudications, might act to permit, restrict, regulate or prohibit abortions. Again, of course, to the extent that state and federal regulation were inconsistent, federal power would prevail by force of the Constitution's supremacy clause.

In short, the proposed constitutional amendment virtually would guarantee that the debate over abortion would become more rather than less intense at all levels of government.

THE PROPOSED AMENDMENT WOULD LEAD TO LITIGATION

Moreover, although the proposed abortion amendment would eliminate the constitutional right to abortion, it would leave the Constitution otherwise intact. Any state or federal attempt to regulate the field could be challenged as violative, for example, of substantive due process or equal protection. Thus, for example, a state's permitting abortions only in hospitals, but not in less expensive clinics, might be challenged on the equal protection ground that once a state has determined to permit abortions under certain circumstances, there is no rational basis for permitting them in hospitals only. Or a state's conditioning the right to abortion on parental or spousal approval could be attacked on the First and Fourth Amendments grounds that once a state has decided to allow abortions in certain situations, it cannot condition that right on coerced communication with a parent or spouse, particularly given the highly private nature of the communication. Or a state's making the performance of an abortion criminal except to preserve the life of the pregnant woman might be challenged on vagueness grounds. Would such a statute include a woman's threat to commit suicide if not given an abortion? Would it include a situation where the statute include a woman's threat to commit suicide if not given an abortion? Would it include a situation where the woman's life expectancy would be two years shorter if she had a child than if she had an abortion?

Could a state that did not allow abortion also forbid within its borders advertisements of the availability of abortions in another state—or would this violate the First Amendment's freedom of speech clause? [6] Could the federal or a state government require even hospitals with religious affiliation to provide abortions—or would this violate the free exercise clause of the First Amendment? Could a state condition the right to abortion on a residency requirement? [7]

CONCLUSION

Such questions, and litigation, would proliferate if the proposed abortion amendment became the law of the land. In short, the proposed amendment would create more problems than it would solve; it would not put to rest the national controversy surrounding abortion. Inevitably, it would prompt all manner of federal and state legislation and regulation, which in turn certainly would lead to an endless series of confrontations in the courts.[8]

SOME REPLIES TO "SOME QUESTIONS AND ANSWERS ON THE HATCH-EAGLETON AMENDMENT TO THE HUMAN LIFE FEDERALISM AMENDMENT" BY SENATORS HATCH AND EAGLETON, DATED MAY 3, 1983

1. How does the Hatch-Eagleton Amendment alter S.J. Res. 3?

The Hatch-Eagleton Amendment deletes the second sentence of S.J. Res. 3. The second sentence would have granted Congress and the States concurrent authority to restrict and prohibit abortion and stipulated that a state law more restrictive of abortion would govern over a conflicting law of Congress. Without this second sentence, the proposed amendment is comprised of ten words: "A right to abortion is not secured by this Constitution."

Proponents would argue: Silence on this question. They tell us only that the second sentence of S.J. Res. 3 will be deleted, leaving 10 words negating, rather than affirming, a basic right: "A right to abortion is not secured by this Constitution." That second sentence of the originally-proposed amendment would have made clear that Congress and the states possess concurrent authority

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[1] 410 U.S. (1973).

[2] 410 U.S. at 153.

[3] *Ridgway* v. *Ridgway,* 454 U.S. 46, 54-55 (1981) (citations omitted).

[4] *See, e.g., Katzenbach* v. *McClung,* 379 U.S. 294 (1964), upholding Congress' power pursuant to the commerce clause, in enacting Title II of the Civil Rights Act of 1964, to require all public accommodations to make goods and services available to all persons regardless of race, color, religion or national origin. Arguably, Congress could not, pursuant to the commerce power, require state owned and operated hospitals to provide abortions. *See National League of Cities* v. *Usery,* 426 U.S. 833 (1976), holding that pursuant to the commerce power, Congress could not amend The Fair Labor Standards Act so as to prescribe a minimum wage a state must pay its employees; in our federal system, the commerce power does not empower Congress to force decisions on states affecting integral government functions. *But see E.E.O.C.* v. *Wyoming,* 51 U.S.L.W. 4219 (March 2, 1983), holding that pursuant to the commerce power, Congress could amend The Age Discrimination in Employment Act so as to proscribe states from discriminating against their employees or potential employees on the basis of age.

[5] Such legislation pursuant to the spending power should be applicable to private and state hospitals alike. *National League of Cities, supra,* 426 U.S. at 852 n. 17, itself acknowledged that Congress' power to regulate under the spending power is broader than under the commerce power.

[6] *See Bigelow* v. *Virginia,* 421 U.S. 809 (1975), holding that a state cannot proscribe advertising within its borders of the availability of abortions in another state.

[7] *See Doe* v. *Bolton,* 410 U.S. 179 (1973), striking down a state's residency requirement for abortion as violative of the right to travel inherent in the privileges and immunities clause of the Constitution.

[8] Contrary to its sponsor' contentions, the proposed abortion amendment would not merely return the law to the *status quo* before the *Roe* decision. Before *Roe,* the Constitution had not authoritatively been held to either affirm or deny a right to abortion. If the proposed amendment were adopted, a right to abortion would be expressly written out of the Constitution, although as this memorandum indicates, passage of the proposed amendment would lead to great confusion about the Constitutional validity of any future federal and state efforts to regulate abortion.

to restrict and/or permit abortions but that in the case of conflict, the more restrictive state law would govern.

Reply to Q & A No. 1: The deletion of the second sentence of S.J. Res. 3 means that the Congress would not have the same power to legislate with respect to abortion as the states, acting under their traditional police powers. But since Hatch-Eagleton is the first proposed amendment to the Constitution negating aright and the scope of that negation is very unclear, it is difficult to predict what powers would reside in Congress to regulate abortion. Proponents of the Amendment would be sure to claim after ratification that if a woman argued that a federal statute was invalid, her argument would amount to one for "[a] right to abortion," because it would be based on the Constitution. While women seeking abortion would vigorously dispute such a broad reading, the outcome is far from clear.

2. What is the purpose of the ten-word Hatch-Eagleton proposal?

This proposed amendment would preclude reliance upon any provision of the Constitution as authority for recognition of any right to abortion. In particular, this amendment would nullify Roe v. Wade and its companion Doe v. Bolton insofar as these cases hold that the Constitution protects an abortion liberty. Thus, the Hatch-Eagleton proposal would restore the status quo ante Roe.

Proponents would argue: That the proposed amendment would merely restore the status quo ante the Supreme Court decisions, holding that the Constitution embraces a right to an abortion.

Reply to Q & A #2: S.J. Res. 3 does not restore the status quo ante Roe v. Wade. Though abortion cases would be back before state courts, the 1973 version of the Constitution would not be. Clearly some constitutional theories and arguments open to litigants in 1973 are meant to be eliminated by S.J. Res. 3. But which ones? It is not certain what the deleted right—the right to abortion—connotes. A woman could no longer argue her right to privacy as a rationale for abortion, but it is unclear whether other claims by a woman to life and health would be excluded, where these asserted rights, and not the right to abortion, are the basis for the woman's attempt to obtain an abortion.

One argument certain to be made is that whatever the basis for a woman's claim—a due process right to health or an equal protection argument against an interspousal consent statute or other claims—they all amount to a "right to abortion." If this version of the amendment were accepted by the courts, the effect on women's rights would be very considerable.

3. What is the holding of Roe v. Wade, Does it only protect first trimester abortions?

In the case of Roe v. Wade, the Supreme Court identified for the first time a right to abortion within the terms of the Fourteenth Amendment to the Constitution. This right was defined with sufficient breadth to result in the overturning of the laws on abortion in each of the fifty states of the Union. In place of these state restrictions, the Court supplied standards for abortion regulation that divided the pregnancy into trimesters.

In the first trimester of pregnancy, the right to abortion is plenary. As the Court stated,

For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physican.

In the second trimester, a state's authority to regulate abortion is limited to ensuring the safety of abortion procedures. Again, in the words of the Court,

For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

In the final trimester, the state at length acquires an interest in protecting unborn life. That protective capacity, however, is subject to significant exception. The Court states that a State "may, if it chooses, regulate, and even proscribe, abortion, except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." This "health of the mother" exception has effectively consumed the rule because maternal health interests were defined by Roe's companion case, Doe v. Bolton, to include "all factors—physical, emotional, psychological, and the woman's age—relevant to the well-being of the patient." In the words of Professor John Noonan, the absolute entitlement to an abortion is curbed in the third trimester only by the "necessity of a physician's finding that she needed an abortion." In practice, this is not much of a barrier.

In sum, the standards of the Supreme Court have established a national policy on abortion without legal restrictions of any significant kind.

Proponents would argue: The right to an abortion is merely one of public policy and that that right is virtually unrestricted.

Reply to Q & A No. 3: The essence of this Q & A is that Roe v. Wade provides for abortion on demand during nine months of pregnancy. Neither abortion statistics nor the post-Roe caselaw confirms the right to abortion on demand for nine months of pregnancy.

4. Is the Hatch Eagleton amendment sufficient to completely reverse Roe's finding of an abortion right derived from the Constitution?

Yes. On this point, expert witnesses on both sides of the abortion controversy who testified before the Constitution Subcommittee, were in agreement. The ten words, if ratified as part of the Constitution, would overturn the abortion right created in Roe and subsequent cases based upon Roe.

Proponents would argue: Yes, absolutely, without anything more.

Reply to Q & A No. 4: The Eagleton-Hatch answer to this question—and indeed the question itself—postulates a "right to abortion" grounded in the Constitution. No Roe, no right, so gross this answer. But Roe v. Wade does not declare a single right. It weighs the rights of the woman and the fetus and the duty of the state during the three trimesters of pregnancy. If the Hatch-Eagleton answer to this question is that after Roe no provision of the Constitution can be cited in support of a woman's right to obtain an abortion, the amendment does much more than reverse Roe. If a woman may still rely on rights asserted under the Constitution, it will be necessary to sort out what those rights would be after S.J. Res. 3. It makes no sense to bypass these unknowns—and the litigation that will be required to make them knowns—with the catchall phrase "to completely reverse Roe's finding of an abortion right derived from the Constitution."

5. What would the amendment do?

It would restore that status quo ante *Roe* when the states possessed authority to legislate with respect to abortion. The people in the states would be reenfranchised to shape abortion policy through their elected representatives. Policy-making which for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this direct citizen participation in the formulation of abortion policy can the nation expect to achieve a consensus on this sensitive social question.

Proponents would argue: That this policy matter would be returned to the electorate for decision, rather than remaining in the "non-representative judicial branch".

Reply to Q & A #5. (1) See Reply to Q & A #2.

(2) It is inappropriate to suggest that the problem with the abortion issue is the "nonrepresentative judicial branch" or that the problem ought to be assigned to the keepers of the "democratic process." This kind of answer confirms that the approach of the Hatch-Eagleton Amendment, where there is insufficient consensus to amend the Constitution, is to make the abortion issue statutory, changeable by this or that legislative majority. The argument is an echo of the court-stripping bills on abortion, school prayer, and busing offered in the past to reverse Supreme Court decisions. It seeks to resolve an intense division in the country by berating the judiciary and extolling the legislative branch. Both are equally necessary in the democratic process.

6. Is it appropriate to subject the fundamental rights at issue in Roe to democratic decision-making?

In general, fundamental rights of individuals should not be determined by referendum. the problem in the Roe case is that the Supreme Court placed severely restrictive limits on State authority without giving any satisfactory explanation of what percisely are these "individual rights" that are involved with the abortion issue. Critics in the "pro-choice" movement see these as being the right of the pregnant woman to determine how her body is used, while critics in the "pro-life" movement see this as the even more fundamental right of the unborn to life itself. In other words, there is just as much disagreement on the issue of what constitutional "rights" are involved here as there is on the issue of what constitutional of abortion itself. It thus begs the question to attack the immediate amendment as one "restricting rather than expanding" rights.

The purpose of the Hatch-Eagleton Amendment then is not to resolve the persistent issue of which of these conflicting "rights" is paramount, but rather to remove the legal basis for the Supreme Court's dubious resolution of competing interests and allow the States to resolve this controversy in the legislative forum.

Proponents would argue: Yes. And, for the first time, they recognize that there are many and possibly competing "rights" at issue.

Reply to Q & A #6: The logic of the 6th Q & A by Hatch/Eagleton is as follows:

(a) In general, fundamental rights of individuals should not be determined by referendum. (Query: Are the Senators sanctioning the determination of personal rights by the nonrepresentative judicial branch?)

(b) But Roe v. Wade, though dealing with rights, does not explain what those rights are. It's resolution of the conflict between a

woman's rights and those of the fetus is dubious.

(c) Therefore the Court's jurisdiction over the matter should be removed and be replaced by state legislative power.

Boiled down even further, the argument of Hatch/Eagleton is that an unsatisfactory Supreme Court decision justifies removal of the subject matter of the decision and the reassignment of decision-making authority to another branch of government. If you are unhappy with a case and you can't change it through amendment, dismantle the constitutional mechanism that permitted the decision.

7. What could states do under the proposed amendment?

The states would have plenary power to legislate with respect to abortion. In their best judgment, the states might choose to have no policy restricting abortion or might substantially restrict abortions. They could enact civil, regulatory, or criminal sanctions. They might elect, for example, to limit late-term (post viability) abortions, require parental notification or consent for abortions performed on minors, restrict experimental research involving the use of fetuses, regulate abortion procedures for safety, specify that women be apprised of alternatives to abortion, establish a waiting period for abortions, and so forth.

Proponents would argue: The states could do anything or nothing with respect to abortion.

Reply to Q & A #7: It is far from clear that the states would have the powers enumerated in this answer, though it is clear that the co-sponsors think so. The answer is purely result-oriented: Any reliance on a provision of the U.S. Constitution in support of a woman's claim to elect abortion is to seek "(a) right to abortion" and is therefore barred. Under this broad theory—which would be vigorously contested in the courts—the "negative right" declared in S.J. Res. 3 would override any possible use of the Constitution that would result in a judgment permitting abortion. If this is an overstatement of the Hatch/Eagleton position (which hardly seems possible in light of the first two sentences in their Q & A #10), and the Court would be able to consider claims under other provisions of the Constitution, the negative right at the heart of S.J. Res. 3 offers no guidelines whatsoever for the courts and guarantees endless and excruciating litigation.

It is interesting to note that the principal criticism of Roe is that it lacks any clear basis in law and is made up from whole cloth. S.J. Res. 3 guarantees that future case law will do no better.

8. Would this allow states to adopt differing policies?

Yes. Since the Supreme Court's interpretation of the Constitution would no longer mandate a single national policy, states would be free to deal with abortion policy as they see fit. Abortion would be among the many subjects not specifically delegated to the federal government by the Constitution and thus left to the states and the people themselves. Abortion would be restored to its proper place with other subjects regulated by the powers reserved to the states. General police powers, domestic relations laws, insurance laws, corporation and business association laws, property laws, trust and estates laws and any other potential topic of legal concern outside of the specific federal powers enumerated by Article I, Section 8, are all within the purview of primary state authority, as indeed abortion policy was until 1973. All of these policies may and do vary from state to state.

These variances are often beneficial because it allows the states to experiment with different approaches to a legal problem. Thus, as the state legislatures deliberate, a consensus will form around the best solution to the problem. Indeed, this hypothesis was evidenced with abortion policy prior to the interruption by the Supreme Court. In the 5 years preceding Roe, 18 states had changed their abortion laws—all in the direction of more liberal allowance of abortion.

Respect for community consensus and the virtues of diversity have been a vital aspect of the vitality and strength of our federal system.

Proponents would argue: Yes, and that this diversity, even with respect to a fundamental right, is beneficial.

Reply to Q & A #8: There is a deep irony in this paean to diversity and experimentation. One point that both sides in the abortion controversy agree on is that the rights involved are fundamental. Would the proponents of S.J. Res. 3 feel comfortable letting the states experiment with freedom of speech, the right to travel, due process, the free exercise of religious belief, or equal protection of the laws? If abortion is morally repugnant in all circumstances, then is it not so in every state in the union? If the right to choose abortion is a matter for a woman and her doctor in early pregnancy, then is that right properly negotiable from state to state?

On issues of constitutional dimension, diversity cannot take the place of consensus.

9. What authority, if any, would the Federal Government retain with respect to abortion?

Congress would possess a limited residuum of authority to act within constitutional bounds. The Constitution grants the federal government no specific authority to regulate abortion. In all the years prior to Roe, virtually the only direct federal legislation related to abortion was 14 U.S.C. 1461 and 1462 which restricted the interstate transport of abortifacient drugs and devices.

Proponents would argue: "A limited residuum, of authority to act within constitutional bounds". What this means is exceedingly unclear—which is one of the problems with S.J. Res. 3.

Reply to Q & A #9: The answer suggests a limited power in Congress to act on abortion, based on the pre-Roe years. But the pre-Roe years never presented the question of the limits of federal power, and after S.J. Res. 3, those limits might be very different. Would a woman arguing that the Congress had exceeded its authority in an anti-abortion statute be claiming a "right to abortion" by making that argument? Though it would be vigorously contested, the argument would surely be made that any use of the Constitution in support of a claim of right to abortion would be barred because "(a) right to abortion is not secured by this Constitution."

Writing in the National Right to Life News on April 28, 1983, James Bopp, Jr. said that after S.J. Res. 3 Congress could pass a bill "to restrict or prohibit private abortions in addition to limiting state involvement in abortion." While Prof. Lynn Wardle appeared to disagree with Bopp in the same paper and on the same date, at the very least it is fair to say that no one can fairly predict the scope of federal authority over abortion after S.J. Res. 3.

10. What would be the role of the Federal courts under the proposed amendment?

Federal courts would no longer be able to expound a constitutionally protected right to abortion, because the amendment would remove the asserted Constitutional basis for such a right. The Federal judiciary would continue to have responsibility for determining the meaning of the amendment. Other general provisions of the Constitution, e.g., the First Amendment, would continue to limit legislative enactments, as on other matters. State courts would continue to have authority to interpret the provisions of State laws and Constitutions.

Proponents would argue: The federal courts, although no longer able to rely upon a constitutional right to abortion, would still have the responsibility for interpreting S.J. Res. 3. This would clearly be necessary if S.J. Res. 3 were enacted, since litigation would abound.

Reply to Q & A #10: This reply seems to confirm that the proponents of S.J. Res. 3 see the Constitution as providing no basis to assert a right to obtain an abortion. The answer does state that "legislative enactments" would still be subject to [o]ther general provisions of the Constitution, e.g., the First Amendment * * * " But whether the "other" provisions of the Constitution could still be urged in support of a woman's right to have an abortion in given circumstances, as asserted by Rhonda Copelon before the Constitution Subcommittee on March 7, 1983, would be a matter endlessly litigated should S.J. Res. 3 be adopted and ratified.

11. Does the proposed amendment seek to answer the question of when life begins?

No. The proposed amendment would confer no legal status upon the unborn except to the extent of permitting their lives to be protected through state legislation.

Proponents would argue: No, that no legal status is confirmed upon the unborn by S.J. Res. 3.

Reply to Q & A #11: We agree. But if Mr. Bopp is correct (See Reply to Q & A #9) that Congress can enact legislation pursuant to Section 5 of the Fourteenth Amendment, then S.J. Res. 3 confers authority on the Congress to treat life as beginning at conception, even though the Amendment itself does not so declare.

12. How would the amendment treat such matters as rape or incest or abortions related to the health of the mother?

The amendment does not speak to these issues. These would be issues within the competence of the representative branches of the various states.

Proponents would argue: Not at all, that these are matters left to state competence.

Reply to Q & A #12: Again, the proponents assume that no provisions of the Constitution, even a provision not relied upon by the majority in Roe, can be cited in support of a woman's claim to an abortion after S.J. Res. 3. If a woman cites a danger to her health, but not her life, the proponents assume that her due process rights under the Fourteenth Amendment will be subordinate to a State statute that limits abortions to life-threatening situations. An excellent argument to the contrary was made by Rhonda Copelon in her March 7, 1983, testimony before the Constitution Subcommittee.

13. Is this a states right amendment?

Yes. Abortion would be primarily regulated under the reserved powers of the states, as it was for nearly two centuries prior to Roe. The federal government would possess some limited residual powers specified by the strict parameters of Article I, Section 8,

of the Constitution. This is a classic example of the constitutional scheme of federalism.

Proponents would argue: Yes, this is a "classic example of the constitutional scheme of federalism."

Reply to Q & A #13: We have dealt earlier with the state/federal issue. See replies 7-9.

What should be added is the point that S.J. Res. 3 is not a "classic example of the constitutional scheme of federalism." Federalism protects state powers and interests, duties, rights, and remedies from federal encroachment. It does not protect the states from federal laws adopted under Congress' enumerated powers (Art. I, Sec. 8), nor does it permit the states to encroach on personal rights enjoyed by all persons under the Constitution. Federalism talks about basic needs of states and the federal government under a single constitutional instrument. It talks of shared powers and accommodation. S.J. Res. 3 has nothing to do with federalism.

14. How would the amendment become part of the Constitution?

Before becoming a permanent part of the Constitution, the proposed amendment would get to earn the support of two-thirds of the Members of each House of Congress and the approval of three fourths (38) of the State Legislatures.

Proponents would argue: The constitutional amendment reprocess would govern.

Reply to Q & A #14: Agreed.

TESTIMONY OF RHONDA COPELON—CENTER FOR CONSTITUTIONAL RIGHTS ON CONSTITUTIONAL AMENDMENTS TO NEGATE ROE V. WADE

Mr. Chairman and members of the subcommittee: I appreciate the Subcommitte's invitation to appear and discuss the implications of the proposed amendments to overturn the Supreme Court's recognition of the right to abortion in Roe against Wade,[1] by restoring state power or creating federal power to restrict abortion legislatively.

I will address my remarks to the constitutional foundations and significance of the *Roe* v. *Wade* decision and the inefficacy as well as the dangers of the proposed effort to repeal it. I have been asked to focus on Senator Eagleton's proposal to re-empower the states to restrict abortion. Much of what I will say, however, applies as well to Senator Hatfield's so-called "federalism" amendment.

No decision of the Supreme Court has meant more to the lives, the health, the well-being, the freedom and the dignity of women than the decision in *Roe* v. *Wade*. While this decision alone can hardly remedy the historic inequality of women, recognition of the right to make childbearing decisions is fundamental to the attainment of equality and the realization of women's full capacities as human beings.

Roe v. *Wade* ranks with other great decisions that have moved this nation forward on the path toward liberty and equality. Like Brown against Board of Education,[2] it has drawn much criticism and wrought great, but long overdue change.

Roe v. Wade is not, as some of its critics like to contend, a departure from constitutional tradition. It applied to women some of the basic concepts upon which this nation was founded, repudiating the historic disregard for the dignity and personhood of women and the relegation of women to a separate sphere and second-class citizenship. It brought legal theory, developed by and for men, closer to encompassing the existence of women.

Consider for a moment, the relation of some of our most fundamental constitutional principles to the issue of compulsory pregnancy and childrearing:

We all hold as sacred the physical privacy of the home. If we guard so jealously our physical environment and possessions from intrusion by the state, how can we accord lesser status to the dominion and control over our physical self. Indeed, the right of bodily integrity is one of the foundations of the right to privacy.[3] We insist on the right to informed consent to medical treatment; we recognize each individual's right to refuse to donate their organs to save the life of another whole person;[4] we consider the forcible extraction of the contents of a suspect's stomach to be conduct that "shocks the conscience." [5] And yet, those who criticize Roe v. Wade show little concern for massive invasion of physical integrity and privacy that forced pregnancy entails.

The constitutional right of association embraces the right to form a family, to choose our most intimate associates and guide the raising of children. This is an aspect of privacy protected by both due process and the first amendment. The state cannot force or fix marriages nor can we force an unwilling parent to care for a child. It is not for the state to mandate intimate association; and yet the power to block abortion denies to women this right accorded to others.

The first amendment protects thoughts, beliefs, and verbal as well as symbolic expression; we can neither be restrained from speech nor forced to break silence. The Constitution protects these rights not only because of a utilitarian view that a marketplace of ideas serves the public good, but also because of the place of expression in the development of individual identity and the fulfillment of human aspirations. Is not the commitment to bring a child into the world and to raise it through daily love, nurture and teaching an awesome form of expression, a reflection of one's beliefs, thoughts, identity and notion of what is meaningful? Men and women speak with their bodies on the picket line and in demonstrations; women likewise "speak" in childbearing.

The first amendment also protects the right to follow religious and conscientious convictions. It demands that we respect diverse beliefs and practices that involve worship, ritual and decisions about everyday life.[6] We recognize as religious, matters of life and death and of ultimate dimension. We therefore respect conscientious objection to military service. Likewise, the decision whether to bear a child is one of consicentious dimension. The religions of this country are deeply divided over the propriety and, indeed, necessity of abortion. While for some any consideration of abortion is grave evil, others hold that a pregnant woman has a religious and moral obligation to make a decision and to consider abortion where the alternative is to sacrifice her well-being or her family's or that of the incipient life.[7] The right to abortion is rooted in the recognition that women make conscientious decisions too.

Few would dispute that the constitution recognizes the right to work as part of fundamental liberty. And although we have failed to properly implement that right by providing jobs for millions of unemployed people, we deem fundamental the principle, enshrined in the thirteenth amendment, that no person should be forced into involuntary servitude as a result either of private conspiracy or public law. Does this right not extend to woman, entitling her to say no to the unparalleled labor demanded by pregnancy, childbirth and childrearing and to the expropriation of her body and service for the sake of another? If we strip away the sentimentalism that has rendered invisible the work of childbearing and rearing,[8] forced pregnancy must surely be recognized as a form of involuntary servitude.[9]

And what of the equality of women? Not to apply the foregoing constitutional principles to the question of the liberty to choose abortion is to deny to women equal respect and dignity in the most fundamental sense. At the same time, to deny the right to abortion ensures that women will be excluded from full participation in society. Without the ability to decide whether and when to bear children, women lack essential control over their lives. Unexpected pregnancy and involuntary motherhood can preclude education, shatter work patterns and aspirations, and make organizational and political involvement impossible. A woman is no more biologically required to remain pregnant than a cardiac patient is to die of a treatable heart condition. Forced pregnancy is legally imposed by denying access to safe technology which, in myriad other spheres, we applaud as enhancing the possibility for human freedom and endeavor.

In sum, the criticism of Roe v. Wade has less to do with judicial excess than with a view of woman as less than a whole person under the constitution; as someone whose self and aspirations can and should be subordinated to the service of others. It has to do with a failure to understand the gravity with which women view the responsibility of childbearing and the violence of forced pregnancy to human dignity.

To the extent that the effort to overturn Roe v. Wade stems from religious convictions about the personhood and supremacy of the fetus, it imperils a pluralistic society which demands of us all respect for differing and often mutually abhorrent views. One of the nation's great jurists, Judge

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[1] 410 U.S. 113 (1973).

[2] *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

[3] In *Union Pacific R.R. Co. v. Botsford*, the Court wrote: "No right is held more sacred, or is more carefully guarded, by the common law than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law. . . ." 11 S. Ct. 1000, 1001.

[4] *McFall* v. *Shimp* (unpublished, Ct. 51 Common Pleas, Allegheny County, Pa., Civil Division, July 26, 1978).

[5] *Rochin v. California*, 342 U.S. 165, 172 (1952).

[6] *Wisconsin v. Yoder*, 406 U.S. 205 (1972)

[7] For a description of different religious positions, see *McRae v. Califano*, 491 F.Supp. 630, 690-702, 741-42.

[8] As the Court said in *Frontiero v. Richardson*: "There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized by an attitude of "romantic paternalism" which, in practical effect, put women, not on a pedestal, but in a cage." 411 U.S. 677, 685 (1973).

[9] In *Bailey v. Alabama* Justice Hughes summarized the purpose of the Thirteenth Amendment: "The plain intention [of the thirteenth amendment] was to abolish slavery of whatever name and form. . . .'; to make labor free, by prohibiting the control by which the personal service of one man is disposed of or coerced for another's benefit which is the essence of involuntary servitude." 219 U.S. 219, 241 (1911).

John F. Dooling, Jr., was right when he said "[t]he irreconcilable conflict of deeply and widely held views on this issue of individual conscience excludes any legislative intervention except that which protects each individual's freedom of conscientious decision and conscientious non-participation."[10]

Thus to give to Congress or the states the power to dictate what shall be orthodox on a matter of this dimension is anathema to our constitutional tradition. Fundamental liberty and respect for individual conscience transcend geographical and political boundaries. That is the meaning of being one nation.

Nor could it satisfy opponents of the right to abortion to have their claims on behalf of the fertilized egg or the fetus determined on a state-by-state basis or subject to political compromise in Congress. It is totally inconsistent with the claim that the fetus is a person to allow what they see as murder in some places and under some conditions. The testimony previously given before this committee demonstrates that Senator Eagleton's proposal lacks principle and is acceptable to no one. It should also be clear that just as it will satisfy no one, it will not put to rest or remove from Congress the abortion issue.

Moreover, it is not at all clear that the proposed amendment can accomplish even the checkered goal it sets for itself. The declaration that "[a] right to abortion is not secured by this Constitution" can not undo the entire foundation of the right to abortion. Privacy, bodily integrity, the rights of conscience, the rights of women to life, liberty and equal treatment under law, and the right to due process, if only in the procedural sense—these rights should not be disturbed by an amendment negating the right to abortion itself.

For example, assuming there is no right to abortion secured by the Constitution, can a state pass a law wholly outlawing abortion? I doubt it. Even Justice Rehnquist, dissenting in Roe v. Wade considers it irrational to prefer the life of the fetus over that of the pregnant woman.[11]

Or to ask the next question: Can a state pass a law which permits abortion only to save the life of a woman? I think there would be great doubt on that score as well. The other dissenter in Roe v. Wade, Justice White, indicated that where abortion is needed to preserve health the rationality of outlawing abortion is in question.[12] For the Court to require that abortion be available where a woman's life and health is at stake is not grounded on the right to abortion; it has rather to do with the right of self-preservation, and, even more fundamentally, with the right to be treated within the bounds of reason.

To limit abortion to life-saving circumstances would also raise other questions under the due process clause. The abortion law at issue in Roe v. Wade, which allowed abortion only where a woman's life was at stake, was invalidated by the district court on vagueness grounds.[13] Can a meaningful distinction be made between life and health or between physical and mental health?[14] I think not.

Last week, Mr. Chairman, you asked Senator Eagleton a series of questions about the impact of his amendment. He answered these in the affirmative. Today I suggest, precisely because Roe v. Wade is so deeply grounded in our fundamental constitutional traditions, that Senator Eagleton's confidence about the restrictive impact of his amendment is misplaced.

For example, you asked, Mr. Chairman, whether the amendment would permit a state to condition abortion on the consent of a woman's husband. The answer is far from clear. A woman's right, married or single, to determine what medical care is necessary and what shall be done to her body, is not grounded on the right to abortion, but on the right of bodily integrity and on the principle that law cannot enforce personal service. A husband has no right to compel the birth of a child, just as he has no right to the law's assistance in compelling his wife's sexual submission to satisfy this or any other desire. And unless the hypothetical consent law were to give the wife a concomitant right to insist on insemination or veto her husband's vasectomy, sexual affairs or financial decisions, all of which equally affect the marriage, spousal consent to abortion would present equal protection problems wholly apart from whether a right to abortion is secured by the Constitution.

You also asked whether this amendment would permit states to pass the so-called "informed consent" statutes. This issue, which is presently before the Supreme Court,[15] would also raise serious constitutional questions apart from the right to abortion. For a state, in the guise of informed consent, to require as the Akron ordinance does, that doctors tell women that the fetus is "human life" raises issues about forced speech and propagation of belief under the first amendment that are not likely to be affected by the proposed amendment. Moreover, the absence of a right to abortion cannot empower a state to require that women be given false, misleading and on-sided information about the risks and benefits of abortion and childbirth. If in the abortion context, a state could compel the telling and hearing of lies, what dangerous power would we have ceded to the state in other areas?

You asked further whether a state would be able to protect the life of a viable fetus or shield doctors and nurses from compelled participation in abortion. No amendment is necessary to accomplish these purposes. The federal goevernment and at least 42 states protect the right of individual conscience to refuse participation in abortion, and the Court has made clear that under a properly drawn statute (and not one that is vague or overbroad) a viable fetus, born as a consequence of an abortion procedure, can be protected.[16]

All this is not to say that I think that your amendment or that of Senator Eagleton will have no effect. To take away the right to abortion, to permit a patchwork quilt of abortion laws, to empower medical committees or courts to second-guess the decisions of a woman and her doctor—any or all of these would deny the fundamental humanity and equal personhood of women.

The practical effect will be devastating although it will not stop abortions. The wealthly will find legal abortions, at added risk to their health, by travelling to states or countries that recognize the right to abortion or by paying the layers of doctors that restictive law would resurrect. The tragic impact of the amendment would fall on the poor, who are disproportionately black and third world, on the working class, and on the young, because they would not have the wherewithal to obtain a safe, legal abortion. The amendment and the legislation it would spawn would consign hundreds of thousands of women each year to the life-threatening risks of illegal abortion, to desperate measures of self-abortion, to life-and-death struggles against complications, and to the health damage, emotional scars and sterility created by criminalization; or, in the alternative, it would relegate them to the life-shattering, and life- and health-threatening prospect of forced pregnancy and involuntary motherhood.

It is also possible that the proposed amendment will undo more of our constitutional tradition than many of its sponsors and supporters might wish. If the amendment revokes the right to privacy insofar as it involves abortion, then what of the right to obtain contraceptives to prevent pregnancy? The most common forms of contraceptive—the low-estrogen birth control pill, the IUD and morning after pills—might be outlawed. Could privacy be further invaded by compulsory pregnancy surveillance and reporting requirements for physicians? Will basic concepts like due process, notice, equal protection and the like be swept aside wherever abortion is at issue?

Never before has this nation—despite great outcry against certain decisions of the Supreme Court—passed a constitutional amendment that took away a fundamental constitutional right. Once before, with the Eighteenth Amendment, we approved an amendment that invaded the private sphere. Prohibition was a disaster: it bred violence, death and disrespect for law; it created huge profits that built a criminal trade; it made criminals of decent people, and it caused the watering down of other constitutional safeguards. To amend the constitution to augment rather than limit the power of government over the personal aspects of people's lives invites these dire consequences. And to do so in an area which is not simply a matter of lifestyle, but affects the right which is a cornerstone of liberty and equality for women, can only produce

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[10] *McRae v. Califano*, 491 F. Supp. 630, 742 (E.D.N.Y., 1980).

[11] "If the Texas statute were to prohibit an abortion even where the mother's life is in jeopardy, I have little doubt that such a statute would lack a rational relation to a valid state objective under the test stated in *Williamson, supra*" 410 U.S. 113, 174 (1973) (Rehnquist, j. dissenting)

[12] 410 U.S. 113; 223, (1973) (White, j. dissenting)

[13] *Roe v. Wade*, 314 F.Supp. 1217 (N.D. Texas, 1970) The *per curiam* opinion stated that, "It is apparent that there are grave and manifold uncertainties in the application of Article 1196. "How *likely* must death be? Must death be certain if the abortion is not performed? It is enough that the woman could not undergo birth without an ascertainably higher possibility of death than would normally be the case? What if the woman threatened suicide if the abortion was not performed? How *imminent* must death be if the abortion is not performed? Is it sufficient if having the child will shorten the life of the woman by a number of years? These questions simply cannot be answered."

[14] In *United States v. Vuitch*, 402 U.S. 62 (1971) a statute was saved from vagueness by recognizing that "health" encompasses both physical and mental health.

[15] *City of Akron v. Akron Center for Reproductive Health*, Nos. 81-746 and 81-1623. *Ssub judice.*

[16] *See, Planned Parenthood of Central Missouri V. Danforth* 428 U.S. 52 (1976), where the Supreme Court distinguished between criminal penalties for neglect of a live-born infant and that of a nonviable fetus. *See also, Colautti v. Franklin*, 439 U.S. 379 (1979) where a standard for fetal protection was struck down on the grounds of vagueness and overbreadth, not because protection of a viable fetus is impermissible.

massive resistance and unforgiveable carnage.

In sum the effort to recriminalize and thereby stop abortion must ultimately fail because it can alter neither the conviction of women that abortion is our inalienable right, nor the fact that it is a necessity in our lives. I urge, Mr. Chairman and members of the subcommittee, that you recognize that any amendment which seeks to deny the right to abortion will consign women to enormous suffering and threaten the foundations of our pluralistic society. No amendment will put the issue to rest or take it out of the halls of Congress. It can only assure its supporters a place of ignominy in the annals of history.

EXECUTIVE SUMMARY

The Senate Judiciary Committee on April 19, 1983 reported S.J. Res. 3 proposing an amendment to the U.S. Constitution to provide "A right to an abortion is not secured by this Constitution." While this amendment may be designed to restore the power formerly exercised by the states prior to *Roe* v. *Wade* to prohibit or regulate abortion, ambiguities in the wording of the proposal, particularly the "is not secured" language, make any assessment of its impact uncertain at best. Thus, depending on how the courts read its legislative history, the amendment could be read to imply a prohibition on abortion, or alternatively, to accord fetal rights a heightened level of constitutional recognition in competition with the rights of the mother. In either case, however, the proposal might impose limits on the legislative discretion of the states and/or federal government not operative prior to *Roe*. Also possible, and perhaps somewhat more likely, is a judicial construction of the amendment that would preclude the federal government, though not necessarily the states, from recognizing a right to abortion based on legislative or judicial action under the U.S. Constitution. Under this interpretation, because of the explicit reference to "this Constitution," the states would remain free under their state constitutions to legislate in the area of abortion. However, in those states, including Massachusetts, California, and New Jersey, where the highest state courts have found the "right to abortion" affirmatively protected by state constitutional provisions, the legislatures may remain subject to the same legal constraints that presently limit their power to restrict abortion.

LEGAL ANALYSIS OF SENATE JOINT RESOLUTION 3, PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION RELATIVE TO ABORTION, AS REPORTED BY THE SENATE JUDICIARY COMMITTEE

(By Charles V. Dale, legislative attorney, American Law Division)

On April 19, 1983, the Senate Judiciary Committee on a divided 9 to 9 vote, reported without recommendation a proposal to amend the U.S. Constitution with respect to abortions. That measure, S.J. Res. 3, as sponsored by Senator Hatch et al. and reported from committee provides simply that "A right to an abortion is not secured by this Constitution." The amendment is actually the first sentence of the Hatch proposal as introduced which also included language granting the states and Congress concurrent power to restrict abortion, with the more restrictive regulation governing. The latter language, however, was stricken by the committee.

The apparent objective and one possible effect of the amendment proposed by S.J. Res. 3 would be to essentially restore the *status quo* that prevailed prior to the Supreme Court's 1973 abortion decisions.[1] That is, a woman would have no individual right, protected by the Due Process Clause or other federal constitutional guarantee, to choose to terminate her pregnancy free of the restraints imposed by state law.[2] In addition, the courts would be precluded by the proposed amendment from predicting such a right at some future date upon any provision of the U.S. Constitution. As discussed at length *infra*, however, the effect of the amendment may be limited to federal constitutional interpretation and thus not directly bind the state courts or legislatures in the construction of state constitutional protections. Accordingly, the states may remain free to legislatively restrict or expand the right to an abortion, subject only to state constitutional limitations, without regard to the wording of the proposed amendment.

While this describes one possible set of outcomes, however, they are not the only ones, given the ambiguity of the amendment's language. For example, the phrase "is not secured" could conceivably be read to imply a prohibition on abortion and to accord some heightened degree of protection to fetal interests. Depending on the courts' perception of the level of recognition thus conferred, they could read the amendment as erecting an absolute ban on all abortions or, in the alternative, to require simply that fetal interests be reckoned in the balance with those of the mother and the state in determining the legality of abortion under any given circumstances. If the former, both the states and the federal government would effectively be denied any legislative discretion in the abortion controversy since all abortions would be forbidden and the amendment would represent far more than a simple return of the *status quo* prior to *Roe*.

If, on the other hand, the amendment is read only to require that fetal interests somehow be factored into the abortion decision, the outcome becomes far less certain since the standards to be applied by the courts in striking a balance are nowhere apparent from the fact of the amendment. Must the justification for abortion in any given set of circumstances be "compelling" or merely "rational" or does some altogether different standard apply? Could the courts find that state interference with abortion where necessary to safeguard the physical or emotional health of the mother violates due process (under either the state or federal constitution or both) notwithstanding the amendment? Without a fully developed legislative history, which must necessarily include ratification history before the states, it is virtually impossible to predict the ultimate outcome of these and numerous related issues, and they are related here only to underscore the necessarily tentative nature of the discussion that follows.

Because neither Congress nor the states would be granted express authority to legislatively enforce the reported amendment, it may effect a less drastic shift in the balance of power between the federal government and the states than some alternative formulations. For example, some of the traditional "states rights" amendment proposals that have come before the Congress would largely free abortions from federal constitutional constraints by lodging exclusive legislative power over abortion in the states.[3] Proposals like S.J. Res. 3, as originally introduced, on the other hand, would effect a contrary result by augmenting the power of Congress *vis-a-vis* the states to enact laws for the protection of the fetus.[4] By contrast, the reported version is silent on the question of legislative enforcement and might thus reinstate the police powers traditionally exercised by the states with respect to abortion prior to *Doe*.

However, congressional authority to protect fetal existence pursuant to other specific grants of consitutional authority may be enhanced by the proposed amendment because of its denial of a right to procreative choice. For example, under section 5 of the Fourteenth Amendment, Congress has the power to enforce the equal protection and due process guarantees by appropriate legislation.[5] Congress' section 5 enforcement authority has been held by the Supreme Court to encompass the legislative definition of remedies for constitutional violations, and possibly even the definition of protected rights in at least some circumstances.[6] Weighing against congressional reliance on section 5 to support enactment of "pro-life" legislation, however, has been the argument that because these measures "abrogate" or "dilute" rather than implement the women's right to procreative choice recognized in *Roe*, they are not valid enforcement of section 5.[7] Since the reported amendment would effectively extinguish the right to procreative choice in *Roe*, the argument favoring Congress' power to regulate or prohibit abortion under section 5 may be correspondingly strengthened.[8]

Other potential sources of congressional power to legislate in regard to abortion may be found in the commerce clause of Article I, Section 8 of the Constitution, the spending clause, and Congress' Article III authority over federal court jurisdiction. Congressional exercise of the commerce power is akin to the police power of the states, and has been sustained as the basis for legislation unrelated to the purely commercial aspects of commerce, such as the prohibition of discrimination[9] and criminal law.[10] Indeed, the commerce power was invoked by Congress along with the postal power prior to *Roe* to outlaw the mailing of abortifacients[11] and could likewise be extended to legislatively regulate or prohibit other abortion-related activities that affect commerce, for example, the operation of abortion clinics. The spending clause in Article I, Section 8 has repeatedly been employed since 1975 to enact so-called "Hyde amendment" restrictions on the use of federal funds to perform abortions except to save the life of the mother. Finally, Congress' Article III power to "ordain" the lower federal courts and "regulate" the appellate jurisdiction of the Supreme Court has been relied upon as support for bills to eliminate federal court jurisdiction to review state anti-abortion legislation. If anything, reliance on any of these sources of congressional power would be buttressed by the reported amendment's elimination of constitutional protection for a right to abortion.

The implications of the reported amendment for state legislative authority is complicated, however, by the fact that the courts of various states have interpreted state constitutional protections of the right to privacy more expansively than the corollary protection afforded by federal court decisions based on the federal constitution. For example, the U.S. Supreme Court has upheld, as an indirect burden on the exercise of the fundamental right to obtain an

abortion, restrictions on governmental funding for abortions under the Medicaid program. In upholding both federal and state legislative restrictions on Medicaid allocations for nontherapeutic and therapeutic abortions, the Court rejected substantive due process and equal protection challenges to the statutes, even while acknowledging that the funding restrictions would probably preclude most indigent women from exercising their right to obtain an abortion.[12] Nonetheless, Massachusetts, Connecticut, and New Jersey courts have held that the due process provisions of their respective state constitutions require those states' Medicaid programs to fund therapeutic abortions, despite the lack of federal reimbursement.[13] The California Supreme Court has ruled that the State may not condition the receipt of a governmental benefit on the abdication of the state constitutional right to an abortion.[14]

In *Moe* v. *Secretary of Administration & Finance*[15] the Supreme Court of Massachusetts examined the legality under the state constitution of statutory funding restrictions that limited state Medicaid funding to cases in which an abortion was necessary to prevent the woman's death. It found that the restrictions constituted an impermissible burden on the right to abortion in violation of the state's constitutional guarantee of due process. Once the state elects to fund a benefit, the court reasoned, it may not allocate funds in a manner that directly or indirectly discriminates against an individual's exercise of a fundamental right. The discriminatory funding of the expenses incurred in the medical treatment of pregnancy constituted just such an unwarranted intrusion into the constitutionally protected zone of privacy encompassing the abortion decisions. Furthermore, the court concluded, the state's primary interest in protecting potential human life does not justify so severe an intrusion into a woman's privacy as compelling her to bear an unwanted child. The Massachusetts constitution thus affords indigent women greater constitutional protection of the right to privacy than judicial interpretation of similar federal constitutional provisions.

In California, the state's constitutional protection of the right to privacy has been held to prohibit state imposition of Medicaid funding restrictions on nontherapeutic as well as therapeutic abortions. In *Committee to Defend Reproductive Rights* v. *Myers*[16] the California Supreme Court invalidated state budget acts excluding funds for elective abortions as an unconstitutional intrusion into protected areas of private choice. The *Myers* court characterized the constitutional issue as the protection of procreative choice from discriminatory governmental treatment. It refused to extend to the California constitution the *Maher* and *McRae* majorities' reasoning that the refusal to fund abortions is not a state imposed obstacle to an indigent woman seeking to exercise her constitutional right to an abortion. The court acknowledged that the state has no constitutional obligation to fund medical care for the poor, but placed a heavy burden on the state to justify a discriminatory or restrictive government benefit program.

Similarly, in *Right to Choose* v. *Byrne*[17] the Supreme Court of New Jersey struck down on state equal protection grounds a statute that prohibited Medicaid funding for abortions except to save the mother's life. The court there agreed with its Massachusetts and California counterparts that a woman's right to protect her health by terminating a pregnancy, even though non-life threatening, outweighed the state's asserted interest in preserving potential life. In so doing, however, it distinguished elective nontherapeutic abortions which do not involve the life or health of the mother, and held that the state may exclude those abortions from the Medicaid program.

"Our holding is not that the state is under a constitutional obligation to fund all abortions. Rather, we hold that the state may not jeopardize the health and privacy of poor women by excluding medically necessary abortions from a system providing all other medically necessary care for the indigent. A woman's right to choose to protect her health by terminating her pregnancy outweighs the state's asserted interest in protecting a potential life at the expense of her health. Therefore, we hold that the restriction of funding to abortions necessary to save the life of the mother violates the New Jersey Constitution."[18]

These rulings are significant because, as noted earlier, the reported amendment may be limited in its effect to interpretation of the federal constitution and would not alter the effect of these or other state consititutional adjudications. Moreover, the United States Supreme Court has itself long recognized that state constitutions may provide more expansive protection of individual liberties than the United States Constitution.[19] Accordingly, while in terms of the relative balance of federal and state authority in the abortion area, the amendment may restore the *status quo ante* in *Roe*, this does not necessarily mean that the state legislatures will be writing on a clean slate" in those states where a "right to abortion" has been judicially found to inhere in the state constitution. Rather, those legislatures may remain subject to the same state constitutional constraints that presently limit their powers to restrict abortion, or those that emerge in the future as the result of the continued evolution of judicial doctrine.

However, while the reported amendment might not of its own force compel the courts in these or any other state to alter the course of state constitutional jurisprudence, it may indirectly lead to this result. For, if following ratification, the U.S. Supreme Court were to reverse itself by finding affirmative protection for the fetus in the due process clause or other federal constitutional guarantee, or Congress were to enact such protection pursuant to any of its enumerated powers,[20] state decisional law in conflict would be superceded under general constitutional principles. In other words, state judicial authority to ground a right to abortion in state constitutional law could be effectively voided by federal judicial or legislative action following ratification that affirmatively establishes a right to fetal existence. The state ruling would presumably then be preempted or superceded by the contrary federal law under the Supremacy Clause of the U.S. Constitution.[21]

FOOTNOTES

[1] *Roe* v. *Wade*, 410 U.S. 113 (1973); *Doe* v. *Bolton*, 410 U.S. 179 (1973). In *Roe* and *Doe* the Court first analyzed the constitutional rights and restraints relevant to the abortion decision. This analysis required the Court to balance three fundamental interests which it had identified—the woman's constitutionally protected right to privacy, the state's interest in protecting maternal health, and the state's interest in protecting potential human life. Accordingly, during the first trimester of pregnancy, the Court held, the state's interests are minimal, and it cannot intervene in the decision about terminating pregnancy. The decision is one to be made by the woman and her doctor. During the second trimester of pregnancy, the state, in promoting its interest in the health of the mother, may if it chooses regulate the abortion procedure in ways reasonably related to protecting maternal health, so that safety standards may be prescribed on abortions limited to licensed facilities. After viability of the fetus, in the third trimester, the state, in promoting its interest in protecting the potentiality of human life, may if it chooses regulate or even prohibit abortion except when it is necessary to preserve the life or health of the mother.

[2] For a description of the status of state abortion laws in effect on the date of the Supreme Court's abortion rulings, see *Roe* v. *Wade*, 410 U.S. at 118–19.

[3] See, Proposed Constitutional Amendments on Abortion, Hearings Before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, 94th Cong., 2d Sess. (1976).

[4] See, Caron, Wilfred R., "The Human Life Federalism Amendment—An Assessment," 27 Catholic Lawyer 87, 97 (1982).

[5] This authority has been asserted to support fetal protective measures like S. 158, the "Human Life Statute" of last Congress, which sought to define "person" for due process purposes as originating with conception.

[6] See, e.g., *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). But cf., *Mississippi University for Women* v. *Hogan*, 102 S. Ct. 3331 (1982).

[7] See, Estreicher, Samuel, "Congressional Power and Constitutional Rights: Reflections on Proposed 'Human Life' Legislation," 68 Va. L. Rev. 337, 453 (1982).

[8] It should be noted, however, that S.J. Res. 3, as reported, might effectively override only the Supreme Court's holding in *Roe* that a woman's right to privacy comprehends the decision to terminate a first trimester pregnancy. It does not explicitly reverse the Court's subsidiary finding that the fetus is not a "person" protected by the Fourteenth Amendment. See, 410 U.S. at 41–47. Accordingly, while the reported amendment might eliminate one obstacle to congressional exercise of its Fourteenth Amendment enforcement authority to prohibit abortions, it might not resolve the equally serious issue of Congress' power to legislatively confer personhood on the fetus in the face of the Court's contrary determination in *Roe*.

[9] *Heart of Atlanta Motel* v. *United States*, 379 U.S. 241 (1964); *Katzenbach* v. *McClung*, 379 U.S. 294 (1964); *Daniel* v. *Paul*, 395 U.S. 298 (1969).

[10] Eg., *Perez* v. *United States*, 402 U.S. 146 (1971).

[11] * * *

[12] *Harris* v. *McRae*, 448 U.S. 297, 314–315 (1980); *Maher* v. *Roe*, 432 U.S. 464, 474 (1977).

[13] *Moe* v. *Secretary of Administration & Finance*, 81 Mass. Adv. Sh. 417 N.E. 2d 387 (1981); *Doe* v. *Maher* 8 Fam. L. Rep. (BNA) 2006 (Conn. Super. Ct. 1982); *Right to Choose* v. *Byrne*, 91 N.J. 287, 450 A. 2d 925 (1982).

[14] *Committee to Defend Reproductive Rights* v. *Myers*, 29 Cal. 3d 256, 625 172 Cal. Rptr. 866 P. 2d 779, (1981).

[15] See note 13 (supra).

[16] See note 13 (supra).

[17] See note 13 (supra).

[18] 450 A.2d at 937.

[19] See, e.g., *Pruneyard Shopping Center* v. *Robins*, 447 U.S. 74, 81 (1980); *Oregon* v. *Haas*, 420 U.S. 714, 719 (1975); *Copper* v. *California*, 386 U.S. 58, 62 (1967). Also, Galie, Peter J., "The Other Supreme Courts: Judicial Activism Among State Supreme Courts," 33 Syracuse L. Rev. 731 (1982).

[20] See discussion, pp. 4–6 (supra).

[21] Art. VI, Cl. 2.

THE ALAN GUTTMACHER INSTITUTE,
Washington, D.C., September 18, 1981.

To: Jeannie, Cory.
From: Rachel.
Subject: Possible Implications of a States' Rights Amendment.

Recently, opponents of abortion have expressed renewed interest in a "states' rights" type of constitutional amendment. Rather than prohibiting abortions nationwide, such an amendment would allow each state to enact its own laws concerning the legal status of abortion within its boundaries. This was essentially the situation that

existed prior to the 1973 Supreme Court decisions in *Roe* v. *Wade* and *Doe* v. *Bolton*. An examination of the conditions facing a woman needing an abortion prior to 1973 might therefore be useful in predicting the types of things that could be expected if a states' rights amendment were to be adopted.

As a result of the varying state laws during the years immediately preceding 1973, legal abortions were widely available only in the four states (Alaska, Hawaii, New York and Washington) that had repealed their stringent anti-abortion laws and in jurisdictions like the District of Columbia whose restrictive laws had been declared unconstitutional. Some abortions were also available in 13 other states that had adopted laws generally permitting abortions if the woman's life would be endangered if the pregnancy were carried to term, if her physical or mental health was jeopardized, if the fetus was at risk of being born with significant defect or if the pregnancy had resulted from rape or incest. In only one of these states, California, were abortions available except to a very limited number of women.

Prior to 1973, a woman needing an abortion who did not live in one of the few jurisdictions where legal abortions were available faced four options:

1. She could attempt to obtain a "therapeutic" abortion in her own state by meeting one of the exceptions to her state's law.
2. She could travel to one of the states or jurisdictions that placed fewer restrictions on legal abortions; she could also travel to places like Japan or Great Britain where legal abortions were available.
3. She could attempt to obtain an illegal or self-induced abortion.
4. She could carry her unwanted pregnancy to term.

While accurate documentation is available only for the women who chose the first two of these options, the evidence indicates that all four were utilized widely. The price tag for each was high, both to the woman and her existing family.

1. OBTAINING A "THERAPEUTIC" ABORTION

The Center for Disease Control (CDC) began its surveillance of legal abortions in the United States in 1969, CDC's Abortion Surveillance Report for 1972 shows that 586,760 women obtained legal abortions in the United States in 1972. As Table One shows, almost 323,400 or 55 percent of the procedures were performed in the four "repeal" states. An additional approximately 200,000 (34 percent) were performed in the 13 states that had adopted laws, similar to the American Law Institute's (ALI) Model Penal Code, that permitted an abortion if the life or physical or mental health of the woman would be endangered if the pregnancy were carried to term, if there was substantial risk that the child would be born with a severe defect or if the pregnancy resulted from rape or incest. Nearly 139,000 or 70 percent of these procedures were obtained in California, one of the "ALI" states. While the remaining 63,000 abortions were performed in states and jurisdictions that had prohibited almost all abortions, nearly 40,000 of them were performed in the District of Columbia where the restrictive law had been invalidated in 1969. Fully 23 of the 33 "restrictive" states did not report any legal abortions at all during 1972.

In many of the states that either adopted "ALI-type" laws or laws that prohibited abortion unless necessary to preserve the life of the woman, a woman needing an abortion usually was required to obtain the advance consent of a hospital abortion committee. These committees were charged with reviewing requests submitted by women's personal physicians. They frequently, either as a matter of state law or hospital policy, required that other physicians, in addition to the woman's own doctor, examine the woman and corroborate the finding that an abortion was necessary. Several committees, if not most, required a licensed psychiatrist to certify that an abortion was necessary on mental health grounds or a law enforcement officer to certify that the woman had in fact been the victim of rape or incest.

These hospital panels exercised wide latitude over the number of abortions that would be performed and the conditions under which approval given. Several studies indicate that some committees established quotas that made approval conditional not only on the vagaries of the individual committee and its members but also on the number of previous abortions that had been approved.[1] A woman seeking an abortion was dependent, therefore, not only on the state law, but also on the individual hospital committee.

A 1959 analysis dramatically shows the variation among hospital committees and the latitidue taken by these committees to approve some abortions that fell outside the strict legal parameters.[2] The authors surveyed the chief of the obstetrics and gynecology departments at 29 hospitals in the San Francisco and Los Angeles areas. At that point, California law permitted an abortion only to preserve the woman's life. The number of abortions permitted at the 26 responding hospitals between 1952 and 1956 varied widely. These differences can be seen in the differing birth to abortion rates:

Number of hospitals	Birth-to-abortion rate
8	Less than 300:1.
9	300:1 to 600:1.
2	600:1 to 1,000:1.
3	1,000:1 to 2,000:1.
3	More than 2,000:1

The average rate for the hospitals was 418 births to one abortion. The survey then asked the abortion committees to examine 11 hypothetical cases and determine whether an abortion would be approved in each situation. The authors, both faculty members at Stanford University Law School, indicated in their analysis (but not on the survey itself) their own interpretation of whether each case met the rigid requirements of California's "life only" law. The variation among committee responses is striking:

	Legal status	Abortion would be denied	Abortion would be permitted	Affirmative response
(a) Abortions for "medical indications":				
1. Rheumatic fever and heart murmur	Yes	1	21	95
2. Diabetes	Yes	4	17	81
3. Hodgkin's disease	(1)	11	10	48
(b) Abortions for "psychiatric indications":				
1. Severe depression	No	12	10	45
2. 15-year-old rape victim	No	7	15	68
3. Severe psychotic depression	No	13	8	38
4. Suicide attempt	(1)	4	17	81
5. "Can't afford"	No	20	1	5
(c) Abortions for "fetal indications":				
1. Rubella while pregnant	No	16	6	27
2. 2 previous Tay-Sachs children	No	14	8	36
3. Rh incompatibility	No	17	5	23

[1] Questionable.

None of the hypothetical requests received approval by all of the committees that responded to this section of the survey. The case that received the closest to unanimous approval was the woman with rheumatic fever and heart murmur. In all cases, even those where the abortion did not meet a strict reading of the state law, at least one hospital was willing to approve an abortion. Of the cases that the authors said did not meet the law's requirements, that of the rape victim received the greatest approval. Requests for abortions based on substantial risk to the fetus received generally lower levels of approval than did abortions for psychiatric reasons.

The authors also asked the committees to indicate, for those abortions that they did not approve, if they felt that approval could be obtained at another reputable hospital in the state.

Cases by legal status	Percent approved by committees	Percent approved plus percent could be approved elsewhere
Legal (2 cases)	88	93
Questionable (2 cases)	64	83
Illegal (7 cases)	35	59

While those cases considered by the authors to be within the requirements of the law met the highest number of affirmative responses, 59 percent of the hospitals either approved themselves, or said another hospital would approve, abortions in those cases considered outside the state's "life only" law.

Obtaining a "therapeutic" abortion in either the "ALI" or the "restrictive" states was costly, both financially and potentially in terms of the woman's health. This burden was created in large part by the process that needed to be followed to obtain approval for a "therapeutic" abortion. As descriptions of hospital abortion committees show, several medical personnel including the woman's own physician, independent physicians and often licensed psychiatrists as well as committee members, participated in the decision. In addition, the procedures that were approved were performed on an inpatient basis, requiring the woman to pay for inpatient hospital care as well. No studies exist of the socio-economic background of women who did obtain "therapeutic" abortions, but it is probable that only affluent women would have had sufficient resources.

What is known is that a disproportionate number of white women obtained "therapeutic" abortions. A review of "therapeutic" abortions performed in New York City between 1951 and 1962, before the liberalization of the state law, found that 93 percent of the 4,703 abortions were obtained by white women. The abortion to live birth ratio for white women was five times that of non-whites and 26 times that of Puerto Rican women.[3] A study of abortions per-

formed in general hospitals from 1963 to 1965 found that 94 percent of the abortions were to white women and that the abortion to live birth ratio for whites was double that of non-white. [4]

Along with inflating the monetary costs of the abortion, the detailed procedures necessary to obtain the assent of the hospital abortion committee can inflate the potential health costs by delaying the abortion procedure. One study of abortions at a municipal hospital in Georgia found that the introduction of a Therapeutic Abortion Committee by the hospital was associated with a delay by almost 30 percent of the women for whom abortions were approved. [5]

According to the CDC data, while nearly 80 percent of all abortions performed in the four "repeal" states were performed at less than 13 weeks gestation, only 73 percent of the abortions performed in the "ALI" states were done at less than 13 weeks. Since the risk of both morbidity and mortality increase with length of gestation, delays that result from cumbersome administrative procedures unnecessarily inflated the health risks to the women.

2. TRAVEL

The second option available to women needing abortions was to travel to a country, state or jurisdiction where the procedures were available. In 1967, England liberalized its abortion law to permit any woman to have an abortion with the written consent of two physicians. During the last three months of 1969 alone, 615 women made the trip from the United States to Great Britain to obtain abortions.[6] By 1970, package deals that were advertised in the United States offered round-trip air fare, passports and vaccination, limousine service to and from the airport, hotel and meals for four days and the procedure itself.[7] Since the cost of making an international trip was high, many more women chose the option of going to one of the few places in the United States where abortion services were accessible once New York liberalized its law in 1970. Of the four "repeal" states, only New York had no residency requirement. Abortions could also be obtained by non-residents in the District of Columbia and California.

The 1972 CDC data indicate residence for 503,000 of the approximately 587,000 women who obtained legal abortions. As Table One shows, of those 503,000 women, approximately 200,000 or nearly 40 percent, received abortions outside their own states. More New Jersey residents traveled out of state (presumably to New York) than did those of any other state.

Number of women traveling out of State

	State of residence
Over 20,000	New Jersey.
15 to 20,000	Ohio, Texas.
10 to 15,000	Missouri, Michigan, Massachusetts, Illinois.
5 to 10,000	Florida, Maryland, Virginia, Connecticut, Indiana.

The CDC data also show that all of the women from 23 states (Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Texas, Utah, West Virginia and Wyoming) who received legal abortions in 1972 had to travel out of state to do so.

The CDC data do not show where these women went to obtain their abortions. However, data collected by the New York City Department of Health shows that of the over 203,000 women who obtained abortions in New York City in 1972, over 116,000 or almost 60 percent, were residents of other states. As Table Two shows, over 22,000 women came from New Jersey alone. Between 10 and 20,000 women came from Pennsylvania, Illinois, Michigan and Ohio; five to 10,000 women came from Connecticut, Massachusetts and Florida; and 10 to 15,000 women traveled from as far as Maine, New Hampshire, Rhode Island, Indiana, Wisconsin, Iowa, Minnesota, Georgia, South Carolina, Kentucky, Tennessee and Louisiana. A breakdown by census regions gives an indication of the distance traveled:

Number of nonresident women who received abortions in New York City, 1972

Census region of residence:	
New England	16,080
Mid-Atlantic	33,287
East North Central	39,765
West North Central	4,446
South Atlantic	14,659
East South Central	4,860
West South Central	2,644
Mountain	491
Pacific	164

Women who were able to arrange for abortions in New York paid a significant price. The woman was required to pay not only for the abortion procedure itself but also for the travel costs and a minimum of one night in a hotel (unless she came from a near-by state such as New Jersey or Connecticut). For women receiving abortions after the first trimester, the costs would be even greater, both for the procedure and the additional nights in a hotel. These costs could easily have been prohibitive to all but the affluent. Student groups at two large universities, the University of Illinois (Chicago Circle) and the University of Maine, established loan funds to assist students needing abortions.[8]

Public funding generally was not available for indigent women needing non-resident abortions. New York and California did include coverage of abortions in their state medical assistance programs, Medicaid in New York and Medi-Cal in California. However, this coverage was available only to indigent state residents who were eligible for assistance. Indigent residents of other states, regardless of whether they were eligible for Medicaid in their home states, were required to obtain the necessary funds individually.

The only data that confirm the hypothesis that only the affluent could afford the long-distance travel are scarce and indirect. Although large numbers of Georgia residents received legal abortions in New York between 1970 and 1972, the number of complications resulting from admitted illegal abortions at Grady Memorial Hospital in Atlanta, a large public facility serving the medically indigent, remained relatively constant from 1969 until the second quarter of 1972.[9] Thus, although safe, legal abortions were being obtained in New York by Georgia residents, this option apparently was not widely utilized by the indigent clientele of Grady Memorial but by other, more affluent residents of the state. More direct data do exist to show the racially discriminatory effect of requiring women to travel long distances: of the women who obtained abortions in New York City between July 1971 and July 1972, 24 percent of the residents were white while 85 percent of the non-residents were white.[10]

The legitimate costs of obtaining a non-resident abortion in New York were frequently supplemented by any of a number of illegitimate costs. The New York City Taxi Commission received numerous reports of taxi drivers charging excessive rates to women seeking rides to abortion clinics from airports and bus terminals.[11] The State Attorney General also prosecuted several referral agencies for charging exhorbitant fees for referring out-of-state women to abortion providers and for illegally engaging in fee-splitting with the abortion providers.[12] As a result, at least two for-profit abortion referral agencies were closed down.[13] Eventually, the state prohibited all for-profit abortion referral agencies in July of 1971.[14]

Assembling the funds and making the long-distance arrangements to obtain a New York abortion could delay a woman's obtaining the procedure. A conservative estimate of this delay can be seen in data compiled by the New York City Department of Health on the gestational ages of women who obtained abortions in New York City in 1972.[15] For residents of New York, the mean gestational age was 10.14 weeks, with approximately 82.5 percent of all women who obtained abortions obtaining them at less than 13 weeks gestation. As shown below, the mean gestational age increased as the travel distance increased, while the percentage of abortions performed under 13 weeks gestation decreased.

	Mean gestational age	Percent of abortions under 13 weeks
Census division of residence:		
New England	9.7	86.2
Mid-Atlantic	9.9	84.1
East North Central	10.5	78.3
West North Central	10.7	71.1
South Atlantic	10.9	75.5
East North Central	10.5	78.5
West South Central	11.3	71.5
Mountain	11.9	63.2
Pacific	12.2	66.3

Nearly 83 percent of all New York State residents and 85 percent of all women from states contiguous to New York who obtained abortions in New York City in 1972 did so before the 13th week of gestation; only 77 percent of the women from non-contiguous states obtained abortions before the 13th week.

Travel to a distant state can increase the health risks to the woman directly by rendering impossible any continuity in her medical care. Most complications that arise from early abortions do not become evident for 2 to 30 days following the procedure.[16] Dr. Jane Hodgson's experiences at Washington D.C.'s Preterm Clinic confirm this fact. According to Dr. Hodgson, of the 20,000 women who received abortions between May 1972 and September 1973, 10 required blood transfusions. Of these 10, none were required during the first week.[17] By the time that complications arise, an out-of-state woman will be home and unable to receive care from the doctor who performed the procedure. As Dr. Hodgson notes,

"All patients who received more than two units of blood lived in distant states and received the transfusions from eight to 30 days following the abortion. A direct relationship apparently existed between the distance traveled by the patient, delay in medical care and the seriousness of the complication. Fragmented care was probably a factor in these later transfusions. No transfusions were required by any patient from the Dis-

trict of Columbia, where help was immediately available."[18]

Dr. Hodgson cites one case of an unmarried 20 year old who refused to inform her own physician that she had had an abortion, even when she began to experience abdominal pain. Her pain was diagnosed as appendicitis and an unnecessary appendectomy was performed.[19] Studies conducted by the Joint Program for the Study of Abortion (JPSA) confirms Dr. Hodgson's concerns about the relationship between the necessity of travel and fragmented medical care. According to the JPSA, while 62.5 percent of the local patients who obtained abortions in hospitals between July 1970 and July 1971 had some kind of medical follow-up, only 43.7 percent of the non-residents had some medical follow-up. Only "relatively minor" differences in follow-up were found for clinic patients: 46.4 percent for residents and 49.5 percent for non-residents.[20]

3. ILLEGAL AND SELF-INDUCED ABORTION

The third option available to women in need of abortions was to obtain illegal or self-induced abortions. Although precise data on the number of illegal procedures do not exist, estimates can be made. Based on his examination of the change, or lack of significant change, in the birth rate in New York City following the legalization of abortion, Dr. Tietze has estimated that 70 percent of the abortions performed subsequent to legalization replaced procedures that previously had been performed illegally. Multiplying this out yields an estimate of 50,000 illegal abortions per year in New York City alone.[21] Using a different method based on the death-to-case ratio for deaths resulting from known illegal abortions, CDC estimates that 130,000 illegal abortions occurred in 1972 when nearly 600,000 women received legal procedures.[22]

In a study based on a series of interviews conducted in 1965 and 1967, Steven Polgar and Ellen Fried examined the conditions under which illegal procedures were performed. Of the nearly 900 women studied, 8.3 percent said that they had attempted to terminate at least one pregnancy by abortion; 38 percent said that one of their friends, relatives, or acquaintances had attempted to procure an abortion.[23] Of the women who said that they themselves had had an abortion, 80 percent said they attempted a self-induced procedure.

"Only two percent of the respondents who attempted an abortion said that a doctor had been involved in any way. Regarding the attempted abortions reported for the respondents' friends, relatives and acquaintances, 6 percent were said to have been performed by doctors; 18 percent by "just ordinary women"; and 33 percent were said to have been self-induced."[24]

It is therefore unsurprising that CDC estimated that the death-to-case rate for illegal abortions in 1972 was 30 per 100,000 compared with 3.2 per 100,000 for legal procedures.[25]

Little is known about the women who obtained illegal abortions. From its surveillance of abortion-related deaths, CDC found that of the 39 deaths resulting from illegal procedures in 1972, 25 or 64.1 percent were to non-white women. For the years 1972 to 1974, the rate of illegal abortion deaths per million women aged 15 to 44 was 0.2 for white women and 2.4 for nonwhite women.[26]

Large numbers of illegal abortions are known to have been obtained by poor women prior to legalization. At Harlem Hospital Center in New York City, for example, nearly 1,600 women were admitted for incomplete abortions in 1962 alone.[27] In 1968, the University of Southern California-Los Angeles County Medical Center admitted 701 patients with septic abortions.[28] As the experiences of both of these hospitals, which serve primarily indigent populations, show, indigent women were willing to resort in large numbers of illegal abortions. Since "therapeutic" abortions or legal "non-resident" abortions essentially were available only to more affluent women in 1972, the logical conclusion is that most of the less affluent and minority women who terminated their pregnancies in 1972 did so illegally.

4. CARRYING UNWANTED PREGNANCIES TO TERM

Even less is known about the women who were unable to obtain any abortion and carried unwanted pregnancies to term. Out-of-wedlock births to both teenagers and women of all ages has generally decreased in New York since the legalization of abortion in 1970.[29] So have the number of out-of-wedlock babies and teenagers entering foster care and the rate of deaths associated with pregnancy and childbirth.[30]

If a state's rights amendment were to be adopted, the situation would be similar to that which existed prior to 1973. It is probably reasonable to assume that, at a bare minimum, abortion would remain legal in most of the nine states (Alaska, Colorado, Hawaii, Maryland, Michigan, New York, North Carolina, Oregon and Washington) and the District of Columbia that voluntarily are continuing to fund medically necessary abortions for women on welfare. Abortions would most likely be severely restricted in most other states and even virtually prohibited in some.

Abortions would once again be widely available only to those women who lived in states that did not enact restrictive laws. The total number of legal abortions performed would, of necessity, fall from the estimated 1.5 million performed in 1979. However, as was the case prior to 1973, and almost independent of the number of states in which abortion remained legal and available, large numbers of abortions, both legal and illegal, would continue to be obtained by women confronting unwanted pregnancies.

A woman needing an abortion who did not live in one of the states where abortion was legal would face the same array of choices as prior to the Supreme Court decisions. She could obtain a legal "therapeutic" abortion in her home state or travel out of state to do so. In reality, however, those options would be open only to the more affluent. Obtaining a legal "therapeutic" abortion was an expensive proposition, once the procedural costs of the hospital abortion committee are added to the cost of the operation itself. That this took place is indicated by the disparity between the abortion to live birth rates for white women and nonwhite women in the years prior to 1973.

The second option, traveling to a state where legal abortions are available, would likewise be within the reach only of the more affluent. While the problem of locating reputable abortion providers could be mitigated to some extent by the establishment of a good national referral network, only the more affluent could afford the transportation and hotel costs as well as the costs of the procedure. Table Three lists the current roundtrip train, bus and air fares between 31 cities and New York City. (The cities selected were the largest cities in the states from which more than 500 women obtained abortion in New York in 1972.) As Table Three shows, when the transportation and hotel costs are added to the cost of the abortion, the total cost easily would be beyond the reach of all but a small percentage of the women in need. For only eight of the 31 cities listed, would the total cost, even if the woman were to take the train rather than fly, be under $400.

Even those women who could afford either to obtain "therapeutic" abortions or the travel to one of the "non-restrictive" states potentially could have to pay a far greater price than the financial one. Here again the pre-1973 experience is instructive. Prior to 1973, women who obtained either "therapeutic" or non-resident abortions were found to have obtained the procedures later in gestation. The delay was closely related to the distance the woman was required to travel. Even minimal delays beyond the eighth week, inflate the risk of either complications or death. Even further, the fragmented care received by women who had to travel long distances to obtain abortions was seen, prior to 1973, to have been associated with subsequent medical difficulties and, in a few cases, even death.

As was the case prior to 1973, the only real option open to the less affluent and to many teenagers, would be illegal or self-induced abortions or carrying unwanted pregnancies to term. As many as 70 percent of the abortions performed after legalization have been shown to have replaced clandestine procedures. Although the health risks of these procedures have been well-documented, as many women could be expected to resort to them if abortions were criminalized. Numerous other women would not obtain either legal or illegal procedures and would be forced to carry their unwanted pregnancies to term.

Thus, a states' rights amendment would not be successful in preventing abortions from occurring. Many affluent women would be able, as they were prior to 1973, to either obtain a "therapeutic" abortion or to travel to one of the states, in which abortion remained legal. Less affluent women would be driven, as they also were prior to 1973, to obtain illegal and self-induced abortions. Regardless of which of these options is exercised, the health risk to thousands of American women would be increased far above those that exist at present.

FOOTNOTES

[1] Erhardt, Tietze and Nelson, "United States: Therapeutic Abortions in New York City," Studies in Family Planning, March, 1970, p. 8; Gold, Erhardt, Jacobziner and Nelson, "Therapeutic Abortions in New York City: A 20-Year Review," American Journal of Public Health 55:964 (1965); Packer and Gampell, "Therapeutic Abortion: A Problem in Law and Medicine," Stanford Law Review 11:417 (1959), and Hendricks, "Pregnancy Termination: The Impact of New Laws," The Journal of Reproductive Medicine 6:45 (June, 1971).

[2] Packer and Gampell, op. cit.

[3] Gold, Erhardt, Jacobziner and Nelson, op. cit. p. 966.

[4] Tietze, "Therapeutic Abortion in the United States," American Journal of Obstetrics and Gynecology 101:784 (July, 1968).

[5] Baker and Freeman, "Statistical Analysis of Applicants and of the Induced Abortions Workup," Journal of the Medical Association of Georgia 60:392 (December, 1971).

[6] New York Times, 5 April 1970, p. 26.

[7] New York Times, 22 March 1970, p. 30 and 26 January 1970, p. 20.

[8] New York Times, 21 March 1971, p. 68 and Chicago Tribune, 17 February 1972, sec. NIA, p. 6.

[9] Kahan, Baker and Freeman, "The Effect of Legalized Abortion on Morbidity Resulting from Criminal Abortion," American Journal of Obstetrics and Gynecology 121:115 (January 1, 1975).

[10] Tietze, "Two Years' Experience with a Liberal Abortion Law: Its Impact on Fertility Trends in New York City," Family Planning Perspectives 5:10 (Winter, 1973).

[11] New York Times, "Cabbies Accused of Fleecing Abortion-Case Women, September 9, 1971.

[12] New York Times, 19 December 1970, p. 21; 5 April 1971, p. 26; 20 February 1971, p. 45; 12 February 1971, p. 38 and 14 May 1971, p. 1.

[13] *State of New York* v. *The Abortion Information Agency, Inc.*, 323 N.Y.S. 2d 597 and *State of New York* v. *Mitchell*, 321 N.Y.S.2d 756.

[14] Sprague, Jane, "The Impact of Legalized Abortions Upon Hospitals in New York State," Department of Sociology, University of North Carolina, unpublished Ph.D. dissertation, 1974.

[15] The estimate of the difference in gestational age between residents and non-residents is conservative because of differences in the populations being compared. The non-residents who obtained abortions in New York were all private patients but are being compared with private and non-private resident patients. Non-private patients comprised nearly 47 percent of all women who obtained abortions in New York City between July 1971 and July 1972. Non-private patients had a lower percentage of abortions performed before the twelfth week of gestation (89.3 percent of private patients and 74.4 percent of non-private patients received abortions before the twelfth week).

[16] Margolis and Overstreet, "Legal Abortion Without Hospitalization," Obstetrics and Gynecology 36:481 (September, 1970).

[17] Hodgson, "Major Complications of 20, 248 Consecutive First Trimester Abortions: Problems of Fragmented Care," Advances in Planned Parenthood 1975:54.

[18] Ibid., p. 54.

[19] Ibid., p. 58.

[20] Tietze and Lewit, "Joint Program for the Study of Abortion: Early Medical Complications of Legal Abortion," Studies in Family Planning 3:109 (June, 1972).

[21] Tietze, "Two Years' Experience," op. cit., p. 13.

[22] Cates and Rochat, "Illegal Abortions in the United States: 1972-74," Family Planning Perspectives 8:92 (March/April, 1976).

[23] Polgar and Fried, "The Bad Old Days: Clandestine Abortions Among the Poor in New York City Before Liberalization of the Abortion Law," Family Planning Perspectives 8:125 (May/June, 1976).

[24] Ibid., p. 126.

[25] Cates and Rochat, op. cit., p. 92 and Center for Disease Control, Abortion Surveillance Report 1972, p. 5.

[26] Cates and Rochat, op. cit., p. 88.

[27] Swartz, "Abortion Services in a Municipal Hospital," Bulletin of the New York Academy of Medicine 47:846 (August, 1971).

[28] Seward, Ballard and Ulene, "The Effect of Legal Abortion on the Rate of Septic Abortion at a Large County Hospital," American Journal of Obstetrics and Gynecology 115:336 (February 1, 1973).

[29] The Alan Guttmacher Institute, Safe and Legal: 10 Years' Experience with Legal Abortion in New York State, (New York, 1980), p. 28.

[30] Ibid., pp. 22 and 30.

TABLE 1.—LEGAL ABORTIONS PERFORMED IN THE UNITED STATES, 1972

States, by legal status of abortion	Abortions by occurrence			Abortions by residence		
	Number	Percent of total abortions	Percent less than 13 weeks	Number with known residence	Performed out of State	
					Number	Percent
Repeal States	323,377	55.1		124,124	107	0.1
Alaska	1,172	.2	75.7	1,166	9	.8
Hawaii	4,547	.8	83.2	4,534	12	.3
New York	299,891	51.1	78.5	100,615	44	.1
Washington	17,767	3.0	94.9	17,809	42	.2
AL i States	200,054	34.1		189,142	34,164	18.1
Arkansas	793	.1	89.5	1,555	762	49.0
California	138,584	23.6	U	106,307	152	.1
Colorado	5,260	.9	49.9	5,428	573	10.6
Delaware	1,342	.2	U	2,193	914	41.7
Florida	[1] 3,378	.6	U	11,624	8,246	70.9
Georgia	2,509	.4	68.4	7,070	4,561	64.5
Kansas	12,248	2.1	89.0	4,843	331	6.8
Maryland	9,093	1.5	67.9	14,929	6,022	40.3
New Mexico	5,989	1.0	U	1,962	100	5.1
North Carolina	8,365	1.4	68.6	11,810	3,539	30.0
Oregon	7,143	1.2	81.3	7,178	49	.7
South Carolina	854	.1	80.8	3,056	2,208	72.3
Virginia	4,496	.8	62.0	11,187	6,707	60.0
Restrictive States	63,329	10.8		190,157	165,218	86.9
Alabama	[2] 1,156	.2	U	2,100	948	45.1
Arizona	[2] 275	([4])	U	2,865	2,590	90.4
Connecticut	2,579	.4	U	8,333	5,757	69.1
District of Columbia	38,868	6.6	U	7,352	145	2.0
Idaho	U		U	20	20	100.0
Illinois	U		U	14,091	14,091	100.0
Indiana	U		U	5,481	5,481	100.0
Iowa	U		U	2,356	2,356	100.0
Kentucky	U		U	3,132	3,132	100.0
Louisiana	U		U	1,210	1,210	100.0
Maine	U		U	1,690	1,690	100.0
Massachusetts	[3] 3,394	6	U	17,581	14,187	80.7
Michigan	U		U	14,626	14,626	100.0
Minnesota	U		U	2,227	2,227	100.0
Mississippi	61	([14])	U	870	809	93.0
Missouri	U		U	6,953	6,953	100.0
Montana	U		U	172	172	100.0
Nebraska	[2] 789	.1	U	1,797	1,008	56.1
Nevada	U		U	1,630	1,630	100.0
New Hampshire	U		U	1,483	1,483	100.0
New Jersey	U		U	22,832	22,832	100.0
North Dakota	U		U	148	148	100.0
Ohio	U		U	16,666	16,666	100.0
Oklahoma	U		U	2,843	2,843	100.
Pennsylvania	[2] 8,540	1.5	U	22,772	14,232	62.5
Rhode Island	U		U	1,869	1,869	100.0
South Dakota	U		U	116	116	100.0
Tennessee	[2] 9		U	4,288	4,279	99.8
Texas	U		U	16,022	16,022	100.0
Utah	U		U	730	730	100.0
Vermont	231	([4])	U	1,052	859	81.7
West Virginia	U		U	1,491	1,491	100.0
Wisconsin	[2] 7,427	1.3	U	3,090	2,347	76.0
Wyoming	U		U	269	269	100.0
U.S. Total	586,760	100.0		503,423	199,489	39.6

[1] Abortions for Florida are for April–December, 1972.
[2] Data reported from 1 or more hospitals in State.
[3] Data are for October 1971–September 1972.
[4] Less than 0.1 percent.

Note: U indicates data unknown.

Source: Center for Disease Control, Abortion Surveillance Report, 1972. Data are from state health agency unless indicated.

TABLE 2.—NONRESIDENT ABORTIONS IN NEW YORK CITY, 1972, TOTAL AND BY GESTATIONAL AGE

	Total nonresident abortions performed in New York City, 1972		Abortions for which gestational age is known		
	Number	Percent of total	Total	Number under 13 weeks	Percent under 13 weeks
New England (total)	16,080	13.7	15,263	13,153	86.2
Connecticut	5,237		4,986	4,189	84.0
Maine	1,297		1,212	1,019	84.1
Massachusetts	6,501		6,206	5,543	89.3
New Hampshire	1,208		1,107	937	84.6
Rhode Island	1,566		1,492	1,243	83.3
Vermont	271		260	222	85.4
Mid-Atlantic (total)	33,287	28.3	31,852	26,798	84.1
New Jersey	22,491		21,505	18,676	86.8
New York					
Pennsylvania	10,796		10,347	8,122	78.5
East North Central (total)	39,765	33.9	37,306	29,222	78.3
Illinois	12,075		10,823	8,533	78.9
Indiana	3,327		3,168	2,497	78.8
Michigan	11,413		10,961	8,442	77.0
Ohio	11,311		10,792	8,560	79.3
Wisconsin	1,639		1,562	1,190	76.2
West North Central (total)	4,446	3.8	5,571	3,961	71.1
Iowa	1,471		1,396	1,146	82.1
Kansas	225		212	148	69.8
Minnesota	1,789		1,699	1,434	84.4
Missouri	167		1,494	597	40.0
Nebraska	606		583	502	86.1
North Dakota	121		121	85	70.2
South Dakota	67		66	49	74.2
South Atlantic (total)	14,659	12.5	13,805	10,416	75.5
Delaware	522		495	414	83.6
District of Columbia	129		124	69	55.6
Florida	7,202		6,649	5,336	80.3
Georgia	2,284		2,168	1,681	77.5
Maryland	437		425	242	56.9
North Carolina	926		910	604	66.4
South Carolina	1,594		1,533	1,125	73.4
Virginia	991		959	575	60.0
West Virginia	574		542	370	68.3
East South Central (total)	4,860	4.1	4,629	3,632	78.5
Alabama	649		639	477	74.6
Kentucky	1,360		1,282	976	76.1
Mississippi	618		583	454	77.9
Tennessee	2,233		2,125	1,725	81.2
West South Central (total)	2,644	2.3	2,559	1,830	71.5
Arkansas	490		484	368	76.0
Louisiana	1,127		1,090	817	75.0
Oklahoma	346		335	236	70.4
Texas	681		650	409	62.9
Mountain (total)	491	.4	473	300	63.2
Arizona	42		37	29	78.4
Colorado	104		101	74	73.3
Idaho	17		17	10	58.8
Montana	167		165	82	49.7
Nevada	29		28	21	75.0
New Mexico	70		65	40	61.5
Utah	27		25	14	56.0
Wyoming	35		35	30	85.7
Pacific (total)	164	.1	160	106	66.3
Alaska	9		9	7	77.8
California	104		101	63	62.4
Hawaii	12		12	9	75.0
Oregon	17		16	11	68.8
Washington	22		22	16	72.7
United States (total)	116,396	100.0	111,618	89,418	80.1

Sources: Pakter, Nelson and Suigir, "Legal Abortion: A Half-Decade of Experience," Family Planning Perspectives 7:248 November/December 1975 and special tabulations by the Bureau of Maternity Services and Family Planning of the New York City Department of Health.

TABLE 3.—ESTIMATED TRANSPORTATION AND TOTAL COSTS FOR NONRESIDENT ABORTIONS IN NEW YORK CITY, 1981

Place of origin	Travel by rail [1]		Travel by bus [3]		Travel by air [4]	
	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]
Birmingham, Ala	240	490	239	489	370	620
Bridgeport, Conn	26	276	23	273	60	310
Wilmington, Del	38	288	32	282	([5])	
Jacksonville, Fla	222	472	212	462	362	612
Atlanta, Ga	212	462	186	436	344	594
Chicago, Ill	200	450	190	440	178	428
Indianapolis, Ind	[6] 248	498	188	438	312	562
Des Moines, Iowa	([7])		244	494	468	718

TABLE 3.—ESTIMATED TRANSPORTATION AND TOTAL COSTS FOR NONRESIDENT ABORTIONS IN NEW YORK CITY, 1981—Continued

Place of origin	Travel by rail [1]		Travel by bus [3]		Travel by air [4]	
	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]
Louisville, Ky	([7])		190	440	178	428
New Orleans, La	318	568	268	518	432	682
Portland, Maine	([7])		85	335	176	426
Boston, Mass	65	315	60	310	90	340
Detroit, Mich	172	422	166	416	253	503
Minneapolis, Minn	[8] 300	550	240	490	422	672
Jackson, Miss	354	604	259	509	450	700
St. Louis, Mo	264	514	211	461	378	628
Omaha, Nebra	332	582	269	519	510	760
Manchester, N.H	([7])		79	329	104	354
Newark, N.J	2	252	4	254	([5])	
Buffalo, N.Y	102	352	102	352	70	320
Charlotte, N.C	160	410	141	391	254	504
Cleveland, Ohio	144	394	130	380	124	374
Philadelphia, Pa	31	281	28	278	110	360
Providence, R.I	58	308	53	303	102	352
Columbia, S.C	186	436	163	413	310	530
Memphis, Tenn	316	566	237	487	402	652
Houston, Tex	488	738	324	574	460	710
Norfolk, Va	([7])		92	342	156	406
Charlestown, W. Va	155	405	147	397	234	484
Milwaukee, Wis	[9] 220	470	205	455	354	604

[1] Cost is regular round trip coach fare as of August 1981.
[2] Total cost is transportation cost plus an estimated $175 for the abortion procedure and an estimated $75 for 1 night's hotel accommodations.
[3] Cost is regular round trip coach fare as of August 1981; special excursion fares not used.
[4] Cost is regular round trip coach fare as of August 1981; special fares and packages or 1st class not used.
[5] No available plane service.
[6] No direct train route. Cost shown is for train from Indianapolis to Chicago and then from Chicago to New York.
[7] No available train service.
[8] No direct train route. Cost shown is for train from Minneapolis to Chicago and then from Chicago to New York.
[9] No direct train route. Cost shown is for train from Milwaukee to Chicago and then from Chicago to New York.

[Memorandum]

To: Jeannie Rosoff, Cory Richards, Jo Blum.
From: Rachel Gold.
Subject: Abortion after viability.
Date: February 26, 1982.

The Supreme Court gave the states great latitude in enacting legislation restricting the performance of late abortions: "For the stage subsequent to viability, the state . . . may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." The attached table shows that nearly half of the states have chosen to restrict late abortions according to the Court's guidelines.

1. DEFINITION OF "THIRD TRIMESTER"

States have adopted varying definitions of when the third trimester of pregnancy begins. Three states have adopted laws concerning abortions performed "during the third trimester;" the laws in two states concern abortions performed after the second trimester of pregnancy. Twelve states define third trimester in terms of viability and their laws concern abortions performed after a medical determination that the fetus may be viable. The remaining seven states with laws define this period in terms of weeks: five states restrict abortions performed after 24 weeks and two states restrict procedures after 20 weeks.

2. CONDITIONS UNDER WHICH ABORTIONS MAY BE PERFORMED

The laws in 23 states restrict the conditions under which third trimester abortions may be performed. Fifteen states permit abortions if the life or health of the pregnant woman would be endangered if the pregnancy were carried to term. Two states (Indiana and Utah) restrict abortions to those procedures necessary to preserve the woman's life or physical health and two states' laws (Massachusetts and North Dakota) permit abortions if her physical or mental health is in jeopardy. New York and Washington permit third trimester abortions only if the woman's life is endangered and Idaho permits abortions when the women's life is endangered or if "the fetus is incapable of survival." North Carolina's laws permit abortions after 20 weeks of pregnancy only if the woman's health is endangered. Four states (Florida, Georgia, North Dakota and South Carolina) require that a physician, aside from the one who performs the procedure, certify that the woman's life or health is endangered.

3. NUMBER OF POST-VIABILITY ABORTIONS PERFORMED

Columns five and six of the attached table give the number of abortions performed at 21 weeks and over in 1978 and the percentage of all reported abortions that were performed at or beyond 21 weeks.[1] Even though they contain some pre-viability abortions, the data indicate that the number of abortions performed during the third trimester is extremely small. Nationally, according to the Centers for Disease Control, 0.8 percent of all abortions were performed after 20 weeks. In only three of the states that reported to the CDC were more than 2 percent of all abortions performed after the 20th week; in two additional states, the number of procedures after 20 weeks was more than 1 percent. There appears to be no relationship between the percent performed after 20 weeks and whether the state has any explicit statutory language or, if the state has a law, the specific restriction contained in the statute.

4. OTHER LEGAL REQUIREMENTS

Fourteen states require that a live-born infant resulting from an abortion is entitled to all medical care that would be given an infant born prematurely. Three of these states (Maine, Ohio and Texas) require this standard of care although their laws do not specify the conditions under which post-viability abortions may be performed. Indiana requires that all post-viability abortions be performed in hospitals with special intensive care units for newborns. Four states (Minnesota, New York, North Dakota and Oklahoma) require that a second physician be in attendance to provide care for a newborn infant. In other states, similar requirements may exist as a result of regulations promulgated by state health agencies in the absence of specific statutory language.

ABORTIONS AFTER VIABILITY: STATE LAWS AND NUMBER PERFORMED, 1978

	Time period	Permissible conditions	Second physician in attendance	Live-born fetus entitles to full care	Number performed, 1978	Percent of all abortions, 1978
1. Alabama						
2. Alaska					2	0.3
3. Arizona					5	.1
4. Arkansas					28	.6
5. California						
6. Colorado					377	2.4

[1] The number and percent of abortions are from the Centers for Disease Control 1978 Abortion Surveillance Report. Data do not exist for all states. Neither the AGI not CDC data give a more explicit breakdown of abortions performed after 21 weeks. The AGI data do not give a state-level breakdown of gestational age.

ABORTIONS AFTER VIABILITY: STATE LAWS AND NUMBER PERFORMED, 1978—Continued

	Time period	Permissible conditions	Second physician in attendance	Live-born fetus entitles to full care	Number performed, 1978	Percent of all abortions, 1978
7. Connecticut	3d trimester	Life, health		X	16	.1
8. Delaware						
9. District of Columbia					151	.5
10. Florida	3d trimester	Life, health		X		
11. Georgia	After 2d trimester	Life, health		X	1,026	3.0
12. Hawaii					38	.6
13. Idaho	After viability	Life [1]			2	.1
14. Illinois	After viability	Life, health			182	.3
15. Indiana	After viability	Life, physical health		X	1	.0
16. Iowa	After 2d trimester	Life, health		X [2]		
17. Kansas					230	2.5
18. Kentucky	After viability	Life, health		X		
19. Louisiana					7	.1
20. Maine				X		
21. Maryland					134	.5
22. Massachusetts	After 24 weeks	Life, physical or mental health			266	.7
23. Michigan						
24. Minnesota	After 24 weeks		X		65	.4
25. Mississippi					0	.2
26. Missouri	After viability	Life, health		X	79	.5
27. Montana	After viability	Life, health				
28. Nebraska					19	.4
29. Nevada	After 24 weeks	Life, health		X	3	.1
30. New Hampshire					3	.2
31. New Jersey					104	.4
32. New Mexico					3	.1
33. New York	After 24 weeks	Life	X [3]		2,698	1.8
34. North Carolina	After 20 weeks	Health			192	.7
35. North Dakota	After viability	Life, physical or mental health	X	X		
36. Ohio				X		
37. Oklahoma	After viability	Life, health	X	X		
38. Oregon					77	.6
39. Pennsylvania	After viability	Life, health			327	.5
40. Rhode Island					0	.0
41. South Carolina	After 24 weeks	Life, health			20	.2
42. South Dakota	After 24 weeks	Life, health			21	1.5
43. Tennessee	After 24 weeks	Life, health			41	.2
44. Texas				X		
45. Utah	Viability [4]	Life, physical health			0	.0
46. Vermont					3	.1
47. Virginia					156	.5
48. Washington	3d trimester				116	.4
49. West Virginia						
50. Wisconsin						
51. Wyoming	After viability	Life, health	X			
52. American Samoa						
53. Guam						
54. Puerto Rico						
55. Trust Territory						
56. Virgin Islands						
Total					6,401	.8

[1] Idaho—life or "if baby could not survive."
[2] Iowa—every effort must be made to save the life of a fetus showing sustainable life after 20 weeks.
[3] New York—second physician is required after 20 weeks.
[4] Utah—reasonable possibility of survival.

Methods of Abortion

VACUUM ASPIRATION (SUCTION)

First trimester procedure involving local anaesthesia, dilation of the cervix, insertion of a small hollow tube attached to a vacuum machine which empties the uterus by gentle suction; normally takes a few minutes and patient recovers within a few hours.

DILATION AND CURETTAGE (D&C)

First trimester procedure with local or general anaesthesia, dilation of the cervix, removal of fetal material from the uterine wall using a small, spoon-shaped curette; may take a few minutes and patient recovers the same day.

[Due to increased danger of uterine perforation, there is no adequate abortion procedure between the 13th and 16th weeks of pregnancy (15–18 weeks from last menstrual period).]

AMNIOTIC FLUID REPLACEMENT

Second trimester procedure usually performed between the 16th and 20th weeks of pregnancy (18–22 weeks from last menstrual period) in which a small amount of amniotic fluid is withdrawn from the uterus and replaced with a concentrated saline solution which causes contractions within 12 to 24 hours and eventual miscarriage; may require a hospital stay. Another method of inducing miscarriage is the injection of a hormone (prostaglandin) into the uterus.

HYSTEROTOMY

Second trimester procedure considered major surgery, involves Caesarian removal of the fetus through the abdominal wall under general anaesthesia; may require a hospital stay of 4 to 7 days and recovery of several weeks; future deliveries must be by Caesarian.

METHOD OF ABORTION BY FREQUENCY

Center for Disease Control: 1974 Yearly Report Out of 160,809 abortions (the total number for which CDC has adequate data, and presumably representative of the whole)

Method	*Percentage rate*
Suction/curettage	85.1
Sharp/curettage	4.7
Saline	6.4
Prostaglandin instillation	0.5
Hysterotomy	.4
Hysterectomy	.4
Other	1.2
Unknown	1.8

Rate of saline abortions

Weeks of gestation	*Percentage rate*
<8	0.3
9–10	.3
11–12	.9
13–15	25.3
16–20	70.6

Rate of saline abortions—Continued

Weeks of gestation	*Percentage rate*
+21	68.7
Unknown	8.4

TABLE 3.—DEATH-TO-CASE RATE FOR LEGAL ABORTION, BY TYPE OF PROCEDURE, UNITED STATES, 1972–74

Procedure	Deaths	Cases [1]	Rate [2]	Relative risk [3]
Curettage	35	1,748,558	2.0	1.0
Suction	26	1,436,120	1.8	0.9
Sharp	9	312,438	2.9	1.4
Intra-amniotic instillation	32	183,906	17.4	8.7
Hysterotomy/hysterectomy	5	13,126	38.1	19.0
Other	1	20,477	4.9	2.4
All methods	73	1,966,067	3.7	1.8

[1] Based on distribution of 1,531,984 abortions (77.9 percent of total) in which gestational age was known.
[2] Deaths per 100,000 abortions.
[3] Relative risk based on index rate for curettage of 2.0 per 100,000 abortions.

Stages of Gestation

Development during the roughly 40 weeks prior to normal human birth is divisible into three phases. The first, which may be called the period of the ovum, lasts from fertilization until the time the fertilized egg is implanted in the wall of the uterus, a process that typically takes 10 to 14 days. A second

phase, lasting from the second to the eighth week after conception, is called the period of the embryo, and is characterized by differentiation of the major organs that normally are present in the newborn. The last phase, from the eighth week to delivery, called the period of the fetus, is characterized by dramatic growth in the size of the organism.

Prenatal development is extremely rapid. By the 18th day the embryo already has taken some shape and has established a longitudinal axis.

By the 8th week facial features are well-defined; arms, legs, hands and feet have appeared, and rudimentary toes and fingers can be distinguished. The sex organs, alongwith bone cartilage have begun to form. Size: ⅞ inches; 1/30 ounce or 1 gram (less than an aspirin tablet).

By 13½ weeks nails form, ears are completely formed and there are sex organ differences. The brain signals, the muscles respond, and the fetus kicks. The brain is not sufficiently organized, however, to control movement reflexes and won't be till after birth. Size: 3 inches; 1 ounce or 30 grams.

By 18 weeks fetal movements can be felt by the pregnant woman; the heart can be heard with a stethoscope; fine down hair covers the body; the skin is pinker; eye lashes have grown. Size 8½ inches; 6 ounces or 180 grams.

By 22½ weeks there is hair on the head, fat has deposited under the skin though the fetus is very lean. Size: 12 inches; 1 pound or 453 grams.

By 27 weeks the fetus is covered with a cheese-like secretion. The skin is wrinkled. Hair on the head is fairly well-developed. Eyes are open. If born at this stage, most fetuses only live a few hours. Size: 14 inches; 2 pounds or 906 grams.

(Source: The New Encyclopedia Britannica: Pregnancy Birth and Family Planning, Alan Guttmacher, 1973)

PROBABILITY OF SURVIVAL

Grams	Chance for survival
601 to 650	1 in 276,531
951 to 1,000	1 in 14,544

Note.—Based on reports considered reliable, the youngest fetuses known to survive, even with the best medical care, have been no less than 24 weeks and 600 grams.

Source: Behrman Report to the National Commission for the Protection of Human Subjects.

[From Issues in Brief, Vol. 1, No. 9, October 1981]

ABORTION AND PUBLIC HEALTH: THE FACTS

In 1978, 3.1 million American women found themselves facing pregnancies they had not intended. Of these women, 1.3 million chose to carry their pregnancies to term and give birth, 400,000 had miscarriages and 1.4 million, or about half, chose to exercise their constitutionally protected option to terminate their pregnancies through safe and legal abortions.[1] For more than seven in 10 of these women, these were their first abortions. More than 90 percent of the abortions were performed during the first trimester of pregnancy, very soon after the women realized they were pregnant.

WOMEN WHO OBTAIN ABORTIONS

About three percent of all American women aged 15 to 44, and 25 percent of those who became pregnant, had abortions in 1978. Although most women who chose to terminate their unintended pregnancies were young, white and childless, more than 200,000 were over age 30 and nearly 350,000 had had at least two children. Nearly four out of every 10 abortions were to the women for whom the health and social consequences of unintended childbearing are the greatest—women over 35 and teenagers.

The parents of over half the teenagers obtaining abortions knew of their daughters' abortions. In the majority of cases in which the parents knew, their daughters told them voluntarily; in many instances, an abortion was obtained at the parents' suggestion.

The number of teenagers terminating unintended pregnancies by abortion has been increasing since 1973 at a rate similar to that for women of all ages. But the increase in abortions to teenagers has been in part responsible for a noticeable decline in the teenage birth rate. In 1973, nearly 60 of every 1,000 women aged 15 to 19 gave birth; by 1978, that number had fallen to 52.

Each year since 1973, women have been obtaining abortions earlier in pregnancy when the health risks to the woman and the costs of the procedure are at their lowest. In 1973, less than 40 percent of all women obtaining abortions did so before nine weeks of pregnancy. By 1978, over half of all abortions were performed before nine weeks; and more than nine in 10 abortions were performed during the first 12 weeks, or during the first trimester.

At the far end of the spectrum, less than one percent of all abortions in 1978 were performed after 20 weeks and fewer than four percent were performed between 16 and 20 weeks. As a result, only a small proportion of abortions were performed by saline injection. Although already small, the number of abortions between 16 and 20 weeks may be reduced even further when abortion services become better distributed geographically.

However, there are several serious medical conditions that pose significant risks to the life and health of the pregnant woman that either do not arise or cannot be diagnosed until after the first 15 weeks of pregnancy. For example, many women who have normal blood pressure before pregnancy develop hypertension of pregnancy, or preeclampsia, after the 20th week of gestation. For many who do not respond to other treatment, a late abortion may be a necessity. Renal or kidney failure may also be experienced late in pregnancy. In some cases, if an abortion is not performed, the woman will suffer permanent kidney damage. In addition, amniocentesis to determine if a woman is carrying a fetus afflicted with a severe genetic disorder cannot be performed until the middle of the second trimester of pregnancy.

In 1978, 30 percent of the women obtaining abortions were having a second or subsequent procedure. An increase in both the number and percent of women having repeat abortions is almost totally due to the fact that as the number of women who have ever had a first abortion increases each year, so does the pool of women who are at risk of having another abortion.

[1] S. Henshaw, J.D. Forrest, E. Sullivan and C. Tietze, "Abortion in the United States, 1978-79," Family Planning Perspectives, Vol. 13, No. 1 (Jan./Feb. 1981), p. 6.

TABLE 1.—NUMBER AND PERCENTAGE DISTRIBUTION OF LEGAL ABORTIONS, BY SELECTED CHARACTERISTICS, 1973, 1977 AND 1978

Characteristic	November			Percent distribution		
	1973	1977	1978	1973	1977	1978
Total	744,610	1,316,700	1,409,600	100.0	100.0	100.0
(1) Age:						
<15	1,630	15,650	15,110	1.6	1.2	1.1
15 to 19	232,440	396,630	418,790	31.2	30.1	29.7
20 to 24	240,610	449,660	489,410	32.3	34.2	34.7
25 to 29	129,600	246,680	265,990	17.4	18.7	18.9
30 to 34	72,550	124,380	134,280	9.7	9.4	9.5
35 to 39	40,960	61,700	65,350	5.5	4.7	4.6
≥	16,820	22,000	20,670	2.3	1.7	1.5
(2) Race:						
White	548,790	888,780	969,410	73.7	67.5	68.8
Nonwhite	195,820	427,920	440,190	26.3	32.5	31.2
(3) Marital status:						
Married	216,210	299,710	350,550	29.0	22.8	24.9
Unmarried [1]	528,400	1,016,990	1,059,050	71.0	77.2	75.1
(4) Number of living children:						
0	375,240	661,280	798,070	50.4	50.2	56.6
1	137,400	268,350	271,270	18.5	20.4	19.2
2	102,160	193,990	198,050	13.7	14.7	14.1
3	61,650	99,710	83,290	8.3	7.6	5.9
≥4	68,160	93,370	58,920	9.1	7.1	4.2
(5) Prior induced abortions:						
0	U	966,720	994,520	U	73.4	70.5
1	U	267,830	315,480	U	20.3	22.5

TABLE 1.—NUMBER AND PERCENTAGE DISTRIBUTION OF LEGAL ABORTIONS, BY SELECTED CHARACTERISTICS, 1973, 1977 AND 1978—Continued

Characteristic	November			Percent distribution		
	1973	1977	1978	1973	1977	1978
2	U	55,250	71,860	U	4.2	5.1
>3	U	26,900	27,740	U	2.1	2.0
(6) Weeks of gestation: [2]						
≤8	284,280	657,850	707,750	38.2	50.0	50.2
9 to 10	221,550	361,170	388,370	29.7	27.4	27.6
11 to 12	130,630	179,500	187,730	17.5	13.6	13.3
13 to 15	44,360	52,110	63,130	6.0	4.0	4.5
16 to 20	53,340	54,110	50,720	7.2	4.1	3.6
>21	10,450	11,960	11,900	1.4	.9	.8
(7) Method:						
Instrumental evacuation [3]	667,720	1,236,380	1,338,930	89.7	93.9	95.0
Saline instillation	66,610	53,990	50,540	8.9	4.1	3.6
Hysterotomy/hysterectomy	4,120	2,630	1,260	.6	.2	.1
Other [4]	6,160	23,700	18,870	.8	1.8	1.3

[1] Never married, separated, divorced or widowed.
[2] Weeks since last menstrual period.
[3] Suction and sharp curettage; includes dilatation and evacuation at 13 weeks' gestation and later.
[4] Includes prostaglandin, urea, etc.
Note: U = unavailable.
Source: S. Henshaw, J. D. Forrest, E. Sullivan and C. Tietze, "Abortion in the United States, 1978–1979," Family Planning Perspectives, Vol. 13, No. 1 (January/February 1981), p. 17.

The increasing number of repeat abortions does not indicate widespread carelessness about contraceptive use. Neither contraceptives nor the human beings who use them are perfect. For example, four of every hundred women who start to use the IUD to prevent pregnancy become pregnant in a single year. As Table 2 shows, for women using other methods of contraception, the rates of unintended pregnancies are higher.

After 10 years of experience with legal abortion, 52–61 percent of all abortions will be repeat procedures even among a population using contraceptive methods with a high level of effectiveness. Even if all women used the pill fairly consistently, 31–40 percent of abortions could be expected to be repeat procedures after a decade.[2] When these figures are used for comparison, the nation's repeat abortion rate suggests a high level of effective contraceptive use.

Thus, there is no evidence that the increased availability of legal abortion has led to any decrease in contraceptive use. National surveys of ever-married women show steady increases in the number using contraception (and using the most effective methods) both before and after abortion legalization. Indeed, contraceptive use among these women is now virtually universal. Among sexually active unmarried U.S. teenagers, too, the use of contraception increased sharply throughout the 1970s.

THE RISKS OF ABORTION

Like all surgical procedures, abortions carry a risk of medical complications, or morbidity. The risk of abortion-related complications is influenced by the abortion method, the woman's age and the number of children she has borne. The main risk from abortion, however, result from delay. In the first trimester of pregnancy, when 90 percent of all abortions in 1978 were performed, less than half of one percent of all abortion patients experienced complications of any kind. Between the eighth and 12th weeks, the risk of major complications doubles from two per 1000 to four per 1000.[3]

Although the number of abortions performed annually has increased steadily, the number of deaths attributable to legal abortions has declined. Eleven deaths from legally induced abortions were reported to the federal Center for Disease Control (CDC) in 1978 (as compared to 26 in 1973), a rate of 0.6 deaths per 100,000 abortions.[4] To put abortion mortality into perspective, according to the most recent published data, the risk associated with other common surgical procedures was nine deaths per 100,000 tonsillectomies and 225 deaths per 100,000 appendectomies in 1974 and 1975.[5] The risk of dying from induced abortion during the first 15 weeks of pregnancy is one-seventh the risk of dying from pregnancy and childbirth.[6]

However, deaths from abortion do increase with the length of gestation. In the first eight weeks of pregnancy, when half of all legal abortions are performed, the mortality rate is only 0.5 deaths per 100,000 abortions. Between the ninth and the 13th weeks of pregnancy, when an additional 41 percent of abortions are performed, the rate rises to 1.9 deaths per 100,000 procedures.[7]

Much concern has been expressed about the effect of abortions on a woman's future childbearing capability. According to a five-year study conducted at the Boston Hospital for Women, a single induced abortion did not result in a decreased ability to carry subsequent pregnancies to term. The study did find, however, that women who had had two or more abortions had an increased risk of miscarriage in subsequent pregnancies. However, characteristics of the women obtaining repeat abortions (such as time between pregnancies and smoking), as well as the type of abortion procedures used in previous abortions, are probably more important factors than the number of abortion procedures, as shown by other conflicting American studies.

Table 2.—Percent of women who experience unintended pregnancies within one year of contraceptive use

Contraceptive method:	*Percent*
Oral contraceptives	2.3
Intrauterine devices	3.8
Condoms	8.5
Foams, creams, jellies	15.7
Diaphragms	16.1
Rhythm method	21.2

THE EFFECTS OF LEGAL ABORTION

A large majority of the legal abortions obtained in the United States after the 1973 Supreme Court decisions on abortion replaced procedures that had been performed illegally prior to 1973. American women and their families paid a steep price for those illegal procedures, many of which were carried out by nonmedical personnel or the woman herself in unsanitary surroundings with no facilities for dealing with emergencies. In the 1960s, complications from abortions accounted for almost 20 percent of all pregnancy-related admissions to municipal hospitals in New York and California.[8] In 1965, 235 deaths, or 20 percent of all deaths related to pregnancy and childbirth, were attributed to abortion.[9]

This toll dropped steadily during the 1960s as a result of advances in contraception and medical care and the increased availability of legal abortion after 1967 when states began to relax their stringent antiabortion laws. By 1972, when 587,000 legal abortions were reported nationally, only 39 women died from illegal or self-induced procedures. In 1973, the year of the Supreme Court decisions, illegal abortion deaths fell to 19; in 1977 to four.[10] In 1978, the number of deaths from illegal abortions rose slightly to seven, partially because restrictions on the use of public funds for abortions for indigent women on welfare forced some women who would have obtained publicly funded abortions to resort to self-administered or illegal procedures instead.[11]

[2] The Alan Guttmacher Institute, *Safe and Legal: 10 Years' Experience with Legal Abortion in New York State*, New York, 1980, p. 35.
[3] W. Cates, K. Schulz, D. Grimes and C. Tyler, "The Effect of Delay and Method Choice On the Risk of Abortion Morbidity," Family Planning Perspectives, Vol. 9, No. 6 (Nov./Dec. 1977), p. 267.
[4] Center for Disease Control, Abortion Surveillance 1978, pp. 47, 61.
[5] National Center for Health Statistics, DHHS, Final Mortality Statistics, 1975 and Commission on Professional and Hospital Activities, 1974-75 PAS Hospital Mortality Data.
[6] W. Cates, "Legal Abortion and Women's Health: Gains and Losses in the 1970s," unpublished.
[7] CDC, *Abortion Surveillance 1978*, p. 48.
[8] E. C. Moore-Cavar, *International Inventory of Information on Induced Abortion*, New York, 1974, pp. 520, 593-5, 603-6, 642.
[9] *Ibid.*
[10] CDC, *Abortion Surveillance 1978*, p. 61.
[11] F. Jaffe, B. Lindheim, and P. Lee, *Abortion Politics: Private Morality and Public Policy*, New York, 1981, p. 157.

The widespread availability of legal abortion has had a profound impact on the lives and health of millions of American women and their families. Thousands of American couples at high risk of bearing children afflicted with severe and often fatal genetic disorders have been willing to conceive and have families only because of the availability of safe and accurate prenatal diagnosis and legal abortion. Almost all amniocentesis procedures are reassuring to parents; only about three percent result in abortion.

Thousands of teenagers have been able to prevent the frequently adverse health, social and economic consequences of teenage births because of legal abortion.

Babies born to teenage mothers are more likely to die in the first year of life than those born to mothers over age 20. The risks of medical complications and of having a low-birth-weight infant, are also considerably greater among teenage mothers.

The most far-reaching consequence of teenage childbearing is the truncation of education among the young parents, and the resulting limitation of opportunities to gain skills necessary to compete effectively in a modern, highly technical society. Largely because of educational deficits, teenage parents are frequently unable to get decent jobs, and their family incomes tend to be much lower than those earned by other families. Whether or not the young parents marry, most of the youngsters born to teenage mothers tend to end up in single female-headed households. And when they grow up, they are more likely than others to become teenage parents themselves.

Many of the women who, since 1973, have chosen to terminate their unintended pregnancies by legal abortion were women who would have been at high risk of health damage to themselves or of bearing unhealthy children. The widespread use of legal abortion was therefore accompanied by a dramatic reduction in neonatal, or newborn, mortality. Legal abortion is associated with a reduction of 1.5 neonatal deaths per 1000 live births among whites and 2.5 among blacks.[12] Legalization of abortion, according to data collected by the New York City Department of Health, was also accompanied by a 50 percent decline in the maternal mortality rate.[13] In addition, the availability of legal abortion has been associated with a dramatic reduction in the number of children and teenage mothers being placed in foster homes and institutions.[14]

It is impossible to measure what society or individuals must pay in terms of the lost potential of young women who suffer educational, economic, social and health deprivation because they must carry unwanted pregnancies to term at a time when they are unprepared physically, socially or financially to take care of the child. What can be measured are some of the medical and social welfare costs that must be borne by government to pay for those unwanted births that women would otherwise have averted through abortion.

A minimum of about 300,000 of the women who received legal abortions in 1978 were women eligible to receive subsidized medical care and other public benefits. If legal abortions were unavailable and if only one-third of these women carried their unintended pregnancies to term rather than obtaining illegal abortions, the cost to the government and the American people would be $386 million in the first year alone. If abortion opponents were successful in preventing all women from obtaining any abortions at all, the public cost would be $1.3 billion. And, these are only the costs to the public in the first year alone. Economists have calculated that the public sector cost of raising a child on welfare is $75,000.[15] If one-third of the women eligible for public assistance carried their unintended pregnancies to term, the American public would incur a future obligation of $6.8 billion each year.

CONCLUSION

In the years before the 1973 Supreme Court decisions, thousands of American women were willing to risk the sometimes staggering health and economic costs of obtaining illegal abortions. Since 1973, many more women have been able to terminate their unintended pregnancies safely and legally. For some of these women, the costs have remained high. A large number of women needing abortions, unable to obtain them locally, have been willing to travel often great distances. Poor women on welfare, unable to obtain publicly funded abortions, have been willing to undergo severe hardship for themselves and their families to finance needed abortions. Of those women surveyed who said that they themselves had had an abortion, 80 percent felt they were better off today than they would have been if they had chosen to carry their pregnancies to term.[16] As all the numbers and sacrifices endured by women obtaining abortions show, safe and legal abortions are wanted and needed in the United States.

[From Issues in Brief, Vol. 2, No. 4, January 1982]

ABORTION IN THE U.S.: TWO CENTURIES OF EXPERIENCE

The human life federalism amendment, S.J. Res. 110, seeks to overturn the 1973 Supreme Court decisions on abortion by giving the states and the federal government concurrent power to restrict or entirely prohibit this medical service.

Supporters of the measure contend that the U.S. Supreme Court, by finding that a woman's right to choose an abortion is part of the fundamental and constitutionally protected right of privacy, usurped the rightful prerogative of the legislative branch of government. According to Sen. Orrin G. Hatch (R-Utah), chairman of the Senate Judiciary Subcommittee on the Constitution and the sponsor of the measure, "Quite apart from the merits or demerits of this abortion right, much of the controversy that has been generated about it has stemmed from the manner in which it has been achieved. It has emerged, not through the representative legislative processes, not through the newly developing social consensus, not through an amendment to the Constitution and not in response to any revolution in moral and ethical principles that might have been reflected through evolving federal and state policies."

Such an interpretation of the Court's action is a gross misreading of the history of abortion in the United States.

Abortion has had a long social and legislative history in this country; it was not "created" by fiat by the Supreme Court in 1973. Abortion early in pregnancy were permitted by traditional common law and were not prohibited in the United States until the middle of the 29th century. By the time the Court issued its decisions, 17 states had reformed or repealed their antiabortion laws, and similar legislation had been initiated in almost every other state in the nation. Even before 1973, several national medical, legal, religious and social welfare organizations issued calls for abortion law reform, and public opinion polls showed that the majority of Americans opposed making abortion illegal. In 1972, the year before the court's action, nearly 600,000 women received legal abortions in the United States. Rather than "creating" abortion in its 1973 decisions in *Roe v. Wade* and *Doe v. Bolton*, the Court appropriately ratified an emerging national consensus on the issue.

WHAT WAS THE LEGAL STATUS OF ABORTION UNDER ENGLISH COMMON LAW?

English common law, the cornerstone of American jurisprudence, did not recognize the legal existance of a fetus in criminal cases until "quickening," the first perceptible fetal movement which usually occurred after the fourth month of pregnancy. As a result, abortions performed prior to "quickening" were not criminal offenses. Since no state enacted conflicting legislation during nearly the first third of our nation's history, this traditional common law principle prevailed. The medical literature of the day, both popular and professional, included frequent references to methods of abortion.

WHEN AND WHY DID THE LEGAL STATUS OF ABORTION CHANGE

An 1821 Connecticut statute making abortions illegal after "quickening," and similar ones enacted in 10 states during the following 20 years, did not change the legal status of abortion, they merely codified the common law tradition. The first state law to deal separately and explicitly with abortion was not passed until 1845, when Massachusetts made abortion, or attempted abortion, a criminal offense at any point in pregnancy.

A nationwide campaign to restrict abortion was led by medical professionals out of a dual concern for public health and for establishing medicine as a profession peopled by formally trained "regular" physicians rather than the untrained "irregulars" and lay-healers who frequently performed abortions. According to James Mohr, author of Abortion in America, "By raising the abortion question and by highlighting the abuses and dangers associated with it, regular physicians could encourage the state to deploy its sections against their competition."

WHAT RESTRICTIVE LAWS WERE ENACTED

By the turn of the century, almost all states had followed the example set by the 1845 Massachusetts law. In the early 1960s, although only Pennsylvania prohibited all abortions, 44 states allowed abortions only if the life of the pregnant woman would be endangered if the pregnancy were carried to term. Alabama, Colorado, New Mexico, Massachusetts and the District of Columbia permitted abortions if the life or physical health of the pregnant woman was in jeopardy; Mississippi allowed abortions in cases of life endangerment or rape. In nine states, the laws included criminal penalities for aiding, assisting, abetting or counseling a woman in obtaining a criminal abortion. Fourteen states explicitly made obtaining

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[12] "Legal Abortion, Family Planning Services Largest Factors in Reducing U.S. Neonatal Mortality Rates," *Family Planning Perspectives*, Vol. 13, No. 2 (March/April 1981), p. 84.

[13] J. Pakter and F. Nelson, "Abortion in New York City: The First Nine Months," *Family Planning Perspectives*, Vol. 3, No. 3 (July 1971), p. 5.

[14] *Safe and Legal*, p. 30.

[15] *Ibid.*, p. 32.

[16] *Washington Post*/ABC News poll, June 8, 1981.

an abortion, as well as performing one, a crime.

DID LEGAL RESTRICTIONS PREVENT ABORTIONS?

The exact number of illegal abortions cannot be determined. Nevertheless, several studies indicate that abortion was widespread despite the legal restrictions. In a nationwide study conducted in the 1940s, Dr. Alfred Kinsey found that 22 percent of the married women interviewed had had one or more abortions in marriage by age 45. Further, 88-95 percent of the premarital pregnancies in his study were terminated by abortion.

Experts convening at the 1955 Arden House Conference on Abortion in the United States concluded that a reasonable estimate of the annual number of abortions could be as low as 200,000 or as high as 1.2 million. Another analysis, extrapolating from data obtained in North Carolina, estimated that 699,000 illegal or self-induced abortions occurred nationwide in 1955 and 829,000 in 1967. Based on his examination of the change, or lack of significant change, in the birthrates in New York City following the legalization of abortion, Dr. Christopher Tietze of the Population Council has estimated that 50,000 illegal abortions, 70 percent of the procedures performed subsequent to legalization, had been performed annually in New York City.

One indicator of the extent to which abortions were performed is the death toll. In 1930, abortion was reported as the cause of death for 2,700 women in the United States, 18 percent of all maternal deaths. By 1940, the number decreased to just under 1,700 and further to 316 in 1950. Mostly because of advances in the technology of providing abortions, the number of deaths due to abortions in 1965 fell to 235, but still comprised 20 percent of all deaths related to pregnancy and childbirth in that year.

Along with the number of women who died, the number of women who suffered severe complications from illegal abortion shows the prevalence of the illegal procedures. At Harlem Hospital Center, only one of many New York City hospitals, nearly 1,600 women were admitted for incomplete abortions in 1962, a rate of one abortion-related admission for every 42 deliveries at the hospital. In 1968, the University of Southern California-Los Angeles County Medical Center, another large public facility serving primarly indigent patients, admitted 701 women with septic abortions.

DID ANY NATIONAL ORGANIZATIONS SUPPORT REFORM OF ANTIABORTION LAWS BEFORE 1973?

Well in advance of the 1973 Supreme Court decisons, many national health, legal, religious and social welfare organizations issued either calls for reform or repeal of state antiabortion laws or declarations that abortion was a matter to be decided by an individual woman and her physician. One of the first national calls for a change in abortion laws came in 1962 from the American Law Institute (ALI) with the publication of its "Model Penal Code on Abortion," which called for abortion to be legal when the pregnant woman's life or health would be endangered if the pregnancy were carried to term, if the pregnancy was the result of rape or incest and when the fetus had been diagnosed as afflicted with a severe defect. This recommendation, a model for abortion reform legislation in several states, was accepted by the American Bar Association in a 1972 resolution.

By the time the Supreme Court issued its decisions, numerous other organizations had joined the call for reform. Among the health and social welfare organizations to support reform were the American Association of University Women, American College of Obstetricians and Gynecologists, American Home Economics Association, American Public Health Association, National Association of Social Workers and the Young Women's Christian Association. In June 1970, the American Medical Association passed a resolution stating that abortion is a medical procedure to be performed by duly licensed physicians in conformance with the standards of good medical practice and the laws of their states. At least 19 state medical societies also voted to recommend that the antiabortion laws of their states be reformed or repealed.

Many national religious organizations called for reform or repeal laws before 1973. A 1965 resolution passed by the American Ethical Union urging reform of abortion laws was followed by similar action by the American Baptist Churches (USA), Church of the Brethren, Lutheran Church in America, National Council of Jewish Women, Presbyterian Church in the United States, Unitarian Universalist Associaton, Methodist Church, United Presbyterian Church (USA) and the United Synagogue of America.

DID THE AMERICAN PUBLIC SUPPORT ABORTION LAW REFORM BEFORE THE SUPREME COURT DECISIONS?

Even before the Supreme Court's 1973 abortion decisions, a majority of Americans supported legal abortion under at least some circumstances. In 1972, the National Opinion Research Center found that 87 percent of the public felt that a woman should be able to obtain a legal abortion if her health was endangered while a Gallup poll the same year found that 64 percent of all Americans felt that the decision to have an abortion should be solely by a woman and her physician. Since the 1973 decisions, despite years of antiabortion activity, attitudes toward abortion have remained remarkably constant. While support for abortion among Protestants and Jews has remained consistently high since 1973, approval among Catholics has been growing. By 1979, according to a New York Times-CBS poll, 64 percent of all Catholics felt that "the right of a woman to have an abortion should be left entirely to the woman and her doctor."

WERE ANY STATE ABORTION LAWS REFORMED OR REPEALED PRIOR TO 1973?

In 1967, Colorado reformed its antiabortion law to permit abortions in cases of life endangerment, if the pregnant woman's physical or mental health would be imperiled if the pregnancy were carried to term, if the fetus would be born with a severe physical or mental defect or if the pregnancy had resulted from rape or incest. By 1972, the year before the U.S. Surpreme Court abortion decisions, Arkansas, California, Delaware, Florida, Georgia, Kansas, Maryland, New Mexico, North Carolina, Oregon, Sourth Carolina and Virginia had adopted similar laws. In nine of these states, the new law did not specify a point of gestation until which abortions could be performed.

Beginning in 1970, four states (Alaska, Hawaii, New York and Washington) repealed their antiabortion laws, substituting statutes permitting an abortion if the woman and her physician felt the procedure was necessary. All of these states essentially permitted abortions only if performed prior to viability, the point in pregnancy at which a fetus can survive outside of the womb, unless the woman's life were in jeopardy. Washington's antiabortion law was repealed following passage of a statewide referendum on the question.

WERE THESE 17 STATES THE ONLY ONES TO TAKE LEGISLATIVE ACTION TO REFORM ANTIABORTION LAWS?

Although the remaining 33 states enacted no legislation on abortion between 1967 and 1973, at least 124 bills to reform or repeal abortion laws were introduced in at least 28 of these states. Only in Alabama, Lousiana, South Dakota, West Virginia and Wyoming were no bills introduced. Eleven of these bills did pass at least one house of the state legislature. Of the 11 that passed at least one house, three would have permitted abortions by licensed physicians in Arizona, Michigan and Nevada and two were abortion law repeal measures in Arizona and Kansas. Two bills to reform abortion laws even further in states that had already enacted limited reforms in the 1960s also came close to being approved. In North Carolina, a bill to permit abortions performed by licensed physicians passed the House but was defeated by the Senate. A similar reform of Maryland's law passed both houses of the legislature but was vetoed by the governor.

WERE LEGAL ABORTIONS PERFORMED IN THE U.S. AS A RESULT OF THE LAWS ENACTED BETWEEN 1967 AND 1973?

According to the federal Center for Disease Control, 586,760 women received legal abortions in the United States in 1972, the year before the U.S. Supreme Court decisions. While nearly 55 percent of these abortions (323,400) were performed in the four states that had repealed their antiabortion laws, 34 percent of the procedures were performed in the 13 states that had enacted more limited reforms of their antiabortion laws. Although nearly 600,000 women obtained legal abortions in 1972, the Center for Disease Control estimates that 130,000 women were unable to obtain legal abortions and resorted to illegal or self-induced procedures during that year.

DID WOMEN WHO LIVED IN STATES WHERE ABORTION WAS ILLEGAL TRAVEL TO OBTAIN LEGAL ABORTIONS IN 1972?

Approximately 200,000 women who could afford transportation costs traveled outside their home states to obtain abortions in 1972. Twenty-two thousand women from New Jersey obtained abortions in a different state, presumably New York. Over 10,000 women left Illinois in order to terminate their pregnancies legally in other states, as did equal numbers of women from Massachusetts, Michigan, Missouri, Ohio and Texas. More than 5,000 women traveled out of state from Connecticut, Florida, Indiana, Maryland and Virginia. In 23 of the states where the abortion laws remained unchanged, all of the women who obtained legal abortions in 1972 had to cross state lines to do so.

Many women traveled great distances to obtain legal abortions. Nearly 40,000 women from the East North Central states (Illinois, Indiana, Michigan, Ohio and Wisconsin) traveled to New York City to obtain legal abortions in 1972. More then 7,000 Floridians also made the trip, as did 2,200 from Tennessee and Georgia, nearly 1,800 from Minnesota, 1,600 from South Carolina, 1,500 from Iowa, 1,300 from Kentucky and 1,100 from Louisiana. Altogether, over 116,000 women crossed state lines in 1972 to obtain abortions in New York City.

DID THIS LONG-DISTANCE TRAVEL HAVE ANY EFFECTS ASIDE FROM INCONVENIENCE AND COST?

Many women in need of abortions and who lived in states where antiabortion laws had not been reformed sought the assistance of referral agencies to arrange for abortions in other states. While many were assisted by reputable agencies, thousands fell prey to unscrupulous profiteers. Several of these agencies ultimately were prosecuted and closed down by the attorney general of New York for charging excessive prices and illegally engaging in fee-splitting.

For women who did not go through referral agencies, making the long-distance arrangements often resulted in a delay. As seen in data compiled by the New York City Department of Health on women who obtained abortions as private patients in New York City in 1972, the farther a woman had to travel, the greater the delay. For New York City residents, the average gestational age was 9.4 weeks of pregnancy. Women who lived in states that were not contiguous to New York obtained abortions, on the average, over a week later, at 10.6 weeks. Nearly 90 percent of all New York City residents who obtained abortions in New York City in 1972 did so before the 13th week of gestation; only 77 percent of the women from states that are not contiguous to New York were able to have abortions before the 13th week.

Travel to a distant state can increase the health risks to the woman by rendering impossible any continuity in her medical care. Most complications that arise from early abortions do not become evident for 2-30 days following the procedure. By the time complications arise, an out-of-state woman would be home and unable to receive care from the physican who performed the abortion. As a result of this fragmented medical care, Dr. Jane Hodgson, former executive director of Washington, D.C.'s Preterm Clinic, found that "a direct relationship apparently existed between the distance traveled by the patient, delay in medical care and the seriousness of the complication."

S.J. RES. 110: A GIANT STEP BACKWARD

Supporters of S.J. Res. 110 contend that this proposed amendment to the Constitution simply would return the legal status of abortion to that which existed prior to the 1973 Supreme Court decisions and once again allow each state independently to determine its policy on abortion. In fact, S.J. Res. 110 would do much more. It would give Congress a power to restrict abortion that it never had. States would be free to enact only legislation more restrictive than federal law, thereby losing a power that they had had—and exercised—to make abortion legal and available before the 1973 Supreme Court decisions. Rather than freeing federal and state legislatures from the long divisive battles over the abortion issue, S.J. Res. 110 would guarantee at least an annual battle in every legislative body in the nation.

While the specific results of passage of S.J. Res. 110 are uncertain, the general parameters can be predicted. Congress would likely pass legislation severely restricting abortion. Although some states would adopt this federal policy, others undoubtedly would enact laws even more restrictive. Women from these states would once again be forced to travel, often at great risk and expense, to obtain needed abortions. Others, unable to arrange or afford travel, would resort, as they did prior to 1973, to dangerous clandestine procedures. Whether legal or illegal, abortions would continue to occur.

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TEN YEARS AFTER ROE V. WADE—RESPONSES TO CONCERNS RAISED ABOUT ABORTIONS

Abortion has been legal throughout the United States for a decade. In that time, an estimated 9.4 million American women have chosen to terminate 13 million unintended pregnancies by abortion. Legal abortion is supported by an overwhelming majority of Americans, regardless of age, race, sex, political affiliation or religion. Despite this clear support for legal abortion and the fact that millions of women have been able to avoid the physical, emotional and financial scars of unintended childbearing, abortion continues to raise troubling questions in the minds of many. Some of these concerns can be dispelled by an examination of the realities of a decade's experience with legal abortion. Others await the development of policies that, by improving access to early abortions, can reduce the number of abortions performed late in pregnancy. Yet, it is also clear that many of these concerns will not be alleviated entirely until unintended pregnancies are eliminated and the need for abortion obviated.

Did the Supreme Court legalize unrestricted "abortion on demand" for all nine months of pregnancy?

The Supreme Court's rejection of "abortion on demand" was explicit: "Some . . . argue that the woman's right is absolute and that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses. With this we do not agree." Even during the first few months of pregnancy, when almost all abortions occur, the abortion decision does not rest solely with the woman. Instead, according to the Court, the decision to terminate a pregnancy is "primarily, a medical decision, and basic responsibility for it must rest with the physician."

Furthermore, the Court did not render the state powerless to enact restrictions concering abortions. States may regulate the conditions under which abortions are performed during the first trimester of pregnancy (approximately the first three months) provided that they treat those procedures as they treat all other medical procedures. For example, a state may require that abortions be performed only by licensed physicians and only in licensed facilities. In addition, the state board of medical examiners has the power to issue licenses to practice medicine as well as to revoke them if any irregularities or breach of ethics occur, among abortion providers as well as other medical practitioners. State medical societies work closely with the boards of examiners to assure that appropriate standards are met by licensed physicians.

According to the Court, states have the power to regulate abortions performed once pregnancy has progressed to a point that abortion is more dangerous to the woman than childbirth. States may adopt regulations concerning abortions after this point—which, in 1973, was reached at approximately the end of the first trimester—that serve to protect the health of the pregnant woman. Based on this principle, 20 states require, for example, that all abortions performed after the first trimester be performed in hospitals.[1] However, medical advances and accumlating evidence that inpatient procedures are no safer than outpatient procedures during the early weeks of the second trimester have led to a reexamination of these laws, and the Supreme Court is considering whether, given current technology, these laws continue to serve the states' interest in the protection of the health of the woman.[2]

Once a pregnancy reaches a point that, in the appropriate medical judgment of the physician, the fetus may be viable, or capable of sustained independent existence, states have wide latitude to restrict abortion in furtherance of their interest in potential human life. In fact, 22 states have chosen to prohibit all abortions after this point unless the procedure is necessary to protect the life or health of the pregnant woman.[3] Two additional states have gone further than the Court specified and prohibit all abortions after this point unless continuing the pregnancy would threaten the life of the pregnant women.[4] Except in severe medical emergencies, abortions are rarely performed near the point of viability; deviation from this standard is subject to close scrutiny not only by the medical profession but also potenially by state authorities who have the power to revoke medical licenses. As a result, the number of abortions performed when viability is even a remote possibility is small, even in those states that have not legislated a specific prohibition.

Unfortunately, the techniques for estimating the gestational age of a fetus are imprecise. In very rare cases a physician may miscalculate gestational age and perform an abortion on a fetus that may be viable; in a minuscule fraction of these cases, a live-born infant may result. Again, however, professional and legal controls govern these few but undeniably traumatic occurrences. Basic principles of medical ethics require that if a fetus capable of sustained independent life is born alive in the course of an abortion, if is to be treated identically to all other permature infants and given all care necessary to sustain its life. Twenty-six states have restated this professional tenet in legislation; in these states, the internal sanctions of the medical profession may be supplemented by either criminal or civil penalties.[5]

Are American women careless about contraception and using abortion as birth control?

Studies have shown that American women are vigilant in their use of contraception. According to a 1978 study, an estimated 75 percent of all sexually active, fertile women used a method of contraception, with nearly half using sterilization, oral contraceptives or IUDs. Of the 25 percent—9.4 million women—who were not using a method of contraception, more than half were already pregnant or had just given birth, while many others were trying to become pregnant.[6] Even with this continued high level of contraceptive use, some unintended pregnancies are inevitable. For example, nearly five of every 100 women who use the IUD will become pregnant in a single year. Even with careful use, more than two of every 100 women using the pill will become pregnant within a year. For other prescription methods, such as the diaphragm, and nonprescription methods, such as condoms, creams and jellies, the failure rates are much higher.[7]

Unintended pregnancies as a result of contraceptive failure account for a significant percentage of the abortions that are performed annually. Almost half of the women over 20 who obtained abortions in 1978 were

Footnotes at end of article.

using some method of contraception at the time they conceived; 16 percent were using the most effective reversible methods, the pill and IUD.

Many other unintended pregnancies that result in abortions occur, however, to women who are not using contraception at the time they conceive. A disproportionate share of these pregnancies occur to young women, often during the first year of sexual activity, when, statistics indicate, many teenagers have not yet begun to use effective methods of contraception.[8]

Almost all women who were not using a method of contraception before an abortion use one after an abortion. A study of abortion clinic patients in Illinois found that 97 percent of the postabortion patients were prescribed some method of family planning; nearly three-fourths planned to use either oral contraceptives or IUDs.[9] This same study found that only a small fraction, 8 percent, of abortion patients had had at least two abortions and routinely used no method of contraception at all.

If contraception is used, why are there so many abortions and why are repeat abortions increasing?

Each year since 1973, both the total number of abortions and the abortion rate (the number of abortions per 1,000 women of childbearing age) have increased. However, while the abortion rate increased rapidly in the years immediately following legalization, the rate of increase has stabilized; the abortion rate increased 18 percent from 1973 to 1974, but only 2 percent from 1979 to 1980. Much of the rise in the number of abortions and the abortion rate in the first years after legalization was likely due to the rapid diffusion of abortion services to most large metropolitan areas during that period. Since 1975, the most important factor in the abortion rate rise has probably been an increased rate of unintended pregnancy due largely to a sizable shift in the methods of contraception being chosen by women. A significant proportion of women who had been using the most effective methods, either oral contraceptives or IUDs, have changed from these methods to other less effective methods that, although perceived to have a lower risk of method-related complications, have significantly higher failure rates. In addition, the number of sexually active teenagers and unmarried women, the populations most likely to terminate unintended pregnancies by abortion, has increased.

Since 1973, the number of repeat abortions also has risen. In 1974, 15 percent of all abortions were obtained by women who already had had at least one previous abortion; in 1980, repeat abortions accounted for one-third of the total. The principal reason for the growth in the number and percentage of repeat abortions is the increase in the number of women already having had abortions. In 1974, 2.2 million American women had had legal abortions; by 1982, 9.4 million women had had abortions. As the number of women who have had an abortion rises, the number of women at risk of having a subsequent abortion also increases. As a result, the number of repeat procedures can be expected to rise and become an even more substantial percentage of all abortions performed. In addition, a woman who has already had at least one abortion is more likely to have a subsequent abortion than a woman who has never had an abortion is to have a first abortion. In contrast to women who have never had abortions, women with abortion experience are all sexually active, able to conceive and, by definition, have already accepted terminating a pregnancy by abortion.[10]

Does having an abortion adversely affect a woman's ability to have children in the future?

Many of the one and a half million American women who obtain abortions each year are young and/or unmarried; most intend to have children in the future. As a result, concern has been expressed, by both supporters and opponents of legal abortion, about the possible effects of abortion on the ability of a woman to bear healthy children in future. Recently, researchers from the Population Council and the federal Centers for Disease Control (CDC) reviewed extensive literature from 21 countries, including the United States, on the effect of abortions on future childbearing ability, focusing on whether abortion increases a woman's risk of future infertility, ectopic pregnancy, miscarriage, premature delivery, low birth weight infants and complications of pregnancy or delivery.[11] The researchers found no significant increase in the risk of infertility, ectopic pregnancy or premature delivery resulting from abortion. A single induced abortion performed using the methods most frequently employed in the United States today does not increase the risk of either suffering a future miscarriage or bearing a low birth weight infant. The study did find a possible increased risk of miscarriage and low birth weight infants following an abortion performed by the dilation and curettage (D&C) method using a general anesthetic. While potentially a problem abroad, the risk, if it does exist, is minimal in the United States because the D&C method has almost completely been replaced by vacuum aspiration. As a result, the study concluded that a single abortion performed using the modern surgical techniques almost always used in the United States today will not adversely affect a woman's capacity to bear children in the future.

The researchers also felt the studies "of the effects of multiple abortions do not support a firm conclusion about whether the number of induced abortions per se produces any increased risk of adverse outcomes in subsequent . . . pregnancies." While some studies have linked multiple abortions with future difficulty in bearing children, the abortions most frequently implicated were also performed using the D&C method. Thus, while a single abortion does not appear to have adverse health consequences, additional research is necessary to determine whether multiple abortions performed using modern surgical procedures have an impact on subsequent childbearing.

Why are there so many "late" abortions and what can be done to reduce their occurrence?

Almost all abortions performed in the United States take place during the first 12 weeks of pregnancy. Although the total number of abortions performed annually has increased since 1973, the number of procedures occurring after the 15th week of pregnancy has actually decreased. By 1980, only 4 percent of all abortions occurred at or beyond 16 weeks, compared with 8.6 percent in 1973. Nonetheless, 49,600 abortions were performed between the 16th and 20th weeks in 1980 and 12,900 were performed at or beyond the 21st week. These procedures are troubling to the women, their families, their physicians and to society as well. Unfortunately, current research indicates neither precisely who is obtaining these procedures nor the reasons for their occurrence. We do know, however, the general characteristics of women who obtain abortions after the first trimester of pregnancy. Data from England indicate that women receiving second-trimester abortions tend to be of low socioeconomic status. Data from the United States indicate that the women obtaining second-trimester abortions are disproportionately young, black and unmarried.[12]

While not shown conclusively by the data, abortions likely occur after the 15th week of pregnancy for five major reasons:

Many of the abortions performed after the 15th week take place to prevent severe impairment to the pregnant woman's health. Several serious medical conditions that pose significant risks to the life and health of the pregnant woman either do not arise or cannot be diagnosed earlier. For example, many women who have normal blood pressure before pregnancy develop hypertension of pregnancy, or preeclampsia, after the 20th week of gestation. For many who do not respond to other treatment, a late abortion can be a necessity. Renal, or kidney, failure may also be experienced late in pregnancy. In some cases, if an abortion is not performed, the women will suffer permanent kidney damage.

Many of the late abortions that occur to young women take place because of the special problems facing these women in obtaining abortions. Some very young women do not recognize, or acknowledge, their pregnancies. Others are young women who live in the 16 states where parental consent or notification is required before a minor can obtain an abortion.[13] This may cause a significant delay by further complicating an already-complex decision and, in some cases, by leading a teenager to seek an out-of-state facility willing to perform the procedure in the absence of mandatory parental involvement.

Some abortions may be delayed because a woman is unable to locate a facility willing to perform an abortion. Seventy-eight percent of all U.S. counties, where 28 percent of all women of childbearing age live, had no identified abortion provider at all in 1980; nearly 90 percent of all nonmetropolitan counties had no abortion services. As length of gestation increases, the problem of availability of services becomes greater. Only one-third of all abortion providers will perform an abortion after 12 weeks and only 20 percent will perform the procedure after 14 weeks. Thus, a significant percentage of women live in areas where no facilities exist to perform abortions after the very early weeks of the second trimester.

Some late abortions may occur because a poor woman has to delay the procedure while she tries to assemble sufficient funds for the procedure or locate a provider willing to perform an abortion for a reduced fee. Public funds are available for abortions for indigent women on welfare only in 15 states and the District of Columbia.[14] Even in those jurisdictions, not all abortion providers will serve Medicaid recipients.

One of the most significant reasons for abortions after the 15th week of pregnancy is the diagnosis of a fetus afflicted with a severe genetic defect. As a result of astonishing medical progress in recent years, scientists are now able to detect nearly 200 metabolic defects and congenital disorders as well as most of the hundreds of chromosomal aberrations that result in a range of physical and mental impairments. Some of the disorders that are now diagnosable prenatally—including anencephaly, Potter syndrome, Tay-Sachs disease and hypophota-

sia—either result in stillborn infants or kill their victims within the first few years of childhood. Amniocentesis, the most conclusive diagnostic procedure currently available, cannot be performed until the 14th week of pregnancy, and a diagnosis of a severe defect usually cannot be made until the 19th week. Since only a minuscule percent of all abortion providers offer procedures that late, an abortion frequently is then further delayed because of difficulty in finding a facility. Thus, an abortion performed as a result of a diagnosis of a severe fetal defect could easily be delayed until the 21st or 22nd week of pregnancy, or even later.

Abortions performed after the 15th week of pregnancy are both more dangerous to the woman and more emotionally disturbing than earlier procedures. The dilemma posed by these procedures will not fade with time, but only with the elimination of the need for late abortions. First, greater priority can be placed on developing techniques for earlier diagnosis of genetic abnormalities and for reducing the amount of time needed to arrive at a diagnosis. Second, medical research, now only in its infancy, to provide treatment alternatives for fetuses diagnosed as afflicted with severe disorders can be continued and expanded. Third, the number of facilities that perform abortions during the first half of the second trimester can be expanded to reduce delays in obtaining abortions that result from an inability to locate abortion providers. Last, conclusive research on the reasons for late abortions is essential; only once the causes for these procedures are known can they be eliminated.

Do nonhospital abortion facilities provide high-quality, comprehensive medical care?

Since the legalization of abortion, both the number and percent of abortions performed in nonhospital facilities have been increasing; in 1980, the network of 531 freestanding abortion clinics performed 1.1 million abortions, 74 percent of all abortions performed in that year. In the years since legalization, concern has been expressed that these freestanding clinics might provide less than adequate care. These concerns are substantiated neither by the data on the safety record of freestanding clinics nor by studies of the comprehensiveness of the care they provide.

Abortions performed in clinics do not pose any greater risk than those performed in hospitals. A study conducted by researchers from the CDC of first-trimester abortions performed from 1974 through 1977 found clinic abortions to be at least as safe as hospital abortions.[15] A more recent CDC study found no difference in the safety of early second-trimester procedures between those performed in clinics and those performed in hospitals.[16]

A 1981 study of 240 abortion clinics nationwide found that clinics provide the services necessary to assure not only that the procedures performed are safe and necessary but also that they are performed only with the voluntary and informed consent of the patient. As a matter of policy, 68 percent of clinics provide a pregnancy test before performing an abortion. The other clinics said they accept the results of outside pregnancy tests; in some instances they require that the tests be performed by certain approved sources. In addition, pelvic exams are routinely performed before the abortion procedure. The abortion counseling that is provided by all clinics, at a minimum, consists of describing the abortion procedure and explaining its risks, obtaining informed consent, providing birth control information and confirming that it was the patient's own decision to have an abortion. Nearly nine in 10 clinics reported that they include "decision counseling," helping a woman explore the various factors that are involved in making an informed decision whether to terminate the pregnancy or carr it to term, in the counseling session. A separate study of abortion facilities that are affiliated with the National Abortion Federatin (NAF), a nationwide organization of abortion providers, found that counseling usually is provided by specially trained professionals and that 87 percent of the facilities offer counseling to both the woman and her partner.[17] Abortion clinics are also well prepared to handle the infrequent medical problems that arise. In 97 percent of the clinics, at least one physician has hospital admitting privileges; in 92 percent, the medical director has admitting privileges.

A postabortion clinic visit is routinely offered by 93 percent of the facilities. At the remaining facilities, most of the patients either are from out of town or receive follow-up care from their own physicians. Ninety-eight percent of clinics reported providing contraceptive services, either on the day the abortion is performed or at the followup visit.

In addition to standards developed by the individual facilities to assure that high-quality medical care is provided, many clinics are also subject to external standards. Over two-thirds of the abortion facilities are licensed by state, county or local governments. Licensing procedures typically require that both the staff and physical facilities of the clinic are adequate to provide quality care. In most cases, the licensing procedure entails on-site inspections of the clinic; in all cases, licenses may be revoked if any indications of inadequate medical care are found.

In addition to adhering to these licensing requirements, many clinics are also subject to the standards established by national organizations with which they are affiliated. The 230 members of NAF, who provide almost half of all abortions performed in the United States annually, are required to adhere to a rigorous set of national standards governing counseling, nursing care, pre-and post-operative care, surgical procedures, drugs and medication, equipment and physical plant and the qualifications of counseling and medical personnel.[18] These standards and voluntary compliance by abortion facilities assure that NAF affiliates safely and adequately provide all necessary medical and support services.

An affiliate of Planned Parenthood Federation of America (PPFA) may offer abortion services only after the abortion facility is inspected and approved by the organization's National Medical Division.[19] In order to provide abortions, an affiliate must have appropriate and adequately trained staff and its physical facilities must meet strict national standards.

While PPFA affiliates perform only a small percent—approximately five percent in 1981—of all abortions performed in the United States each year, they do play a much larger role in referring women for abortions. A PPFA affiliate is required periodically to review all facilities to which it makes abortion referrals to assure conformance with national standards. When possible, this review is done in conjunction with the appropriate local health agency.

Since nearly seven in 10 abortion clinics in the United States are profitmaking facilities, much concern has been expressed over whether the desire to make a profit interferes with the obligation of the facility to provide quality comprehensive medical care. In abortion, as in the provision of all medical services, there have been cases of practitioners failing to adhere to appropriate medical standards. These cases, although well-publicized, are extremely rare. The 1981 survey of abortion clinics found fears of abuse by profit-making abortion providers to be largely unsubstantiated. Profit-making facilities are as likely as nonprofit agencies to counsel all first abortion patients, offer "decision counseling," provide birth control counseling and supplies and have a staff physician who has hospital admitting privileges. While for-profit facilities are slightly less likely to require in-house pregnancy tests (and therefore more likely to accept test results from referring physicians, for example), they are more likely than "not-for-profits" to offer routine followup care. The survey found no difference in the fees charged by profit-making and nonprofit abortion facilities. While all of PPFA's affiliates are "nonprofits," approximately one-half of NAF's members are "for-profits." These agencies are required to adhere to the strict national standards established by that organization.

Does the United States have the "most liberal" abortion law in the world?

Almost every nation has adopted a policy concerning abortion. By 1981, 38 percent of the world's population lived in countries that had laws that, at least during the early weeks of pregnancy when almost all abortions are performed, permitted abortions without requiring that the reasons for the procedure be specified.[20] These countries include the United States as well as several Western European nations, such as Denmark, Finland, France, Norway and Sweden. Another 24 percent of the world's population lived, in 1981, in countries in which the laws were only slightly more restrictive. In these nations, which include the United Kingdom, the Federal Republic of Germany and Japan, "social factors, such as inadequate income, substandard housing, unmarried status, and the like could be taken into consideration [by physicians] in the evaluation of the threat to the woman's health or where adverse social conditions alone, without reference to health, could justify termination of pregnancy."[21]

Despite the similarities in abortion laws, the United States has an abortion rate (the number of abortions performed per 1,000 women of childbearing age) significantly higher than most of these other nations. Research has yet to provide us with a conclusive explanation for the difference in abortion rates. Most likely, the explanation lies in the interaction of a complex set of factors and is largely due to the reasons why women face unintended pregnancies rather than why they choose abortion once they become pregnant:

Many European nations have established national health services that provide comprehensive medical care to all citizens, regardless of income. Most of these systems include contraception as one of the services provided and, together with other factors in European society, foster a milieu in which the use of birth control by all sexually active women is widely accepted. In contrast, the United States has no comparable arrangements for the provision of comprehensive health care to the entire population.

While most American teenagers do receive some form of sex education, most of the classes currently being taught focus on anatomy and physiology and place little emphasis on contraception and responsible decision-making. As a result, most of the instruction leaves teenagers unprepared to deal responsibly with sexual activity.

When unmarried teenagers in the United States become sexually active, they usually delay using effective contraceptive methods for approximately one year.[22] It is during this period that most unintended pregnancies to teenagers occur. When they do start using contraception, however, teenagers ultimately choose the most effective methods.

While most adult women in Europe and in the United States are consistent users of contraception, a significant difference exists in the methods of contraception that are chosen. In recent years, a significant drop in the number of American women using the most effective reversible methods, the pill and IUD, has occurred, largely due to widely publicized reports of potential adverse effects of these methods. No comparable shift in the contraceptive methods used by European women has been observed.

As a result of these factors, a high percentage of American women and especially teenagers confront unintended pregnancies. In order to reduce the abortion rate in the United States, the frequency of unintended pregnancy must first be decreased.

CONCLUSION

While policies to reduce the number of late abortions as well as continued improvement in the safety of the procedure itself will alleviate some fo the serious concerns about abortion, only the elimination of the need for abortion would dispel all concerns. Unintended pregnancies can be prevented through the development of better contraceptives, unimpeded access to contraceptive services to all women in need regardless of age or income and sex education to increase the awareness of teenagers of the responsibilities that accompany sexual activity.

FOOTNOTES

[1] Seventeen states (Georgia, Hawaii, Idaho, Illinois, Indiana, Massachusetts, Michigan, Missouri, Montana, Nevada, New York, North Dakota, Oklahoma, Pennsylvania, Tennessee, Utah and Virginia) have passed laws requiring all abortions after the first trimester to be performed in hospitals; enforcement of these laws has been enjoined temporarily in Illinois, Missouri, Pennsylvania and Nevada. In addition, three states (Connecticut, New Jersey and Wisconsin) have promulgated regulations limiting these procedures to hospitals.

[2] *Akron Center for Reproductive Health, Inc.* v. *City of Akron*, 651 F.2d 1198 (6th Cir. 1981), *cert. granted*, 50 U.S.C. U.S.L.W. 3934 (U.S. May 24, 1982) (No. 81-1172); *Ashcroft* v. *Planned Parenthood of Kansas City, Mo., Inc.*, 664 F.2d 687 (8th Cir. 1981), *cert granted*, 50 U.S.L.W. 3934 (U.S. May 24, 1982) (No. 81-1623); and *Simopoulos* v. *Virginia*, No. 801107 (Va. Sup. Ct. Apr. 24, 1981), *prob. juris. noted*, 50 U.S.L.W. 3934 (U.S. May 24, 1982) (No. 81-185).

[3] Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia and Wyoming.

[4] Idaho and Indiana.

[5] Arizona, California, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington and Wyoming.

[6] The source for these data as well as other data for which specific references are not given is The Alan Guttmacher Institute. Data may be found in J. G. Dryfoos, "Contraceptive Use, Pregnancy Intentions and Pregnancy Outcomes Among U.S. Women," Family Planning Perspectives, Vol. 14, No. 2 (March/April 1982); S. K. Henshaw, "Freestanding Abortion Clinics: Services, Structure, Fees," Family Planning Perspectives, Vol. 14, No. 5 (Sept./Oct. 1982); S. K. Henshaw, J. D. Forrest, E. Sullivan and C. Tietze, "Abortion in the United States, 1978-1979," Family Planning Perspectives, Vol. 13, No. 1 (Jan./Feb. 1981); S. K. Henshaw, J. D. Forrest, E. Sullivan and C. Tietze. "Abortion Services in the United States, 1979 and 1980," Family Planning Perspectives, Vol. 14, No. 1 (Jan./Feb. 1982); and S. K. Henshaw and K. O'Reilly, "Characteristics of Abortion Patients in the United States, 1979 and 1980," Family Planning Perspectives, Vol. 15, No. 1 (Jan./Feb. 1983).

[7] A. L. Schirm, J. Trussell, J. Menken and W. R. Grady, "Contraceptive Failure in the United States: The Impact of Social, Economic and Demographic Factors," Family Planning Perspectives, Vol. 14, No. 2 (March/April 1982).

[8] L. S. Zabin and S. D. Clark, "Why They Delay: A Study of Teenage Family Planning Clinic Patients," Family Planning Perspectives, Vol. 13, No. 5 (Sept./Oct. 1981).

[9] C. F. Westoff, J. S. DeLung, N. Goldman and J. D. Forrest, "Abortions Preventable by Contraceptive Practice," Family Planning Perspectives, Vol. 13, No. 5 (Sept./Oct. 1981).

[10] C. Tietze, "Repeat Abortions—Why More?" Family Planning Perspectives, Vol. 10, No. 5 (Sept./Oct. 1978).

[11] C. J. R. Hogue, W. Cates and C. Tietze, "The Effects of Induced Abortion on Subsequent Reproduction," Epidemiologic Reviews, Vol. 4, 1982.

[12] C. Tietze, "Second-Trimester Abortion: A Global View," in Second-Trimester Abortion: Perspectives After a Decade of Experience, G. Berger, W. Brenner and L. Keith, Eds., 1981.

[13] Parental consent requirements have been passed in Kentucky, Louisiana, Massachusetts, Missouri, North Dakota, Pennsylvania and Rhode Island; requirements have been temporarily enjoined in Kentucky, Pennsylvania and Rhode Island. Parental notification requirements have been passed in Arizona, Idaho, Indiana, Maryland, Minnesota, Montana, Nebraska, Nevada and Utah; requirements have been temporarily enjoined in Nebraska and Nevada.

[14] Ten states (Alaska, Colorado, Hawaii, Maryland, Michigan, New York, North Carolina, Oregon, Washington and West Virginia) and the District of Columbia have chosen to continue to provide public funding for abortions for Medicaid recipients; five states (California, Connecticut, Massachusetts, New Jersey and Pennsylvania) are under court order to do so.

[15] D. A. Grimes, W. Cates and R. M. Selik, "Abortion Facilities and the Risk of Death," Family Planning Perspectives, Vo. 13, No. 1 (Jan./Feb. 1981).

[16] W. Cates, K. F. Schultz, D. A. Grimes, A. J. Horowitz, F. A. Lyon, F. H. Kravitz and M. J. Fritsch, "Dilation and Evacuation Procedures and Second-Trimester Abortions: The Role of Physician Skill and Hospital Setting," Journal of the American Medical Association, Vol. 248, No. 5 (Aug. 6, 1982).

[17] U. Landy and S. Lewit, "Administrative, Counseling and Medical Practices in National Abortion Federation Facilities," Family Planning Perspectives, Vol. 14, No. 5 (Sept./Oct. 1982).

[18] National Abortion Federation, National Abortion Federation Standards, 1981.

[19] Planned Parenthood Federation of America, Manual of Medical Standards and Guidelines.

[20] C. Tietze, Induced Abortion: A World Review 1981, 1981.

[21] Ibid.

[22] Zabin and Clark, op. cit.

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10 Years After Roe v. Wade—Myths and Realities About Attitudes Toward Abortion

Almost since the inception of modern techniques to measure public opinion, pollsters have attempted to assess attitudes toward abortion. Yet, despite frequent and continued scrutiny, numerous myths about the public's view of abortion—namely, that blacks, women, Catholics and so-called "single-issue voters" oppose abortion—remain. These myths are not substantiated by the extensive public opinion data that have been collected.

Considerable confusion also exists about Americans' views of abortion as a moral issue compared to their views about abortion as a matter of legality. While many Americans have moral questions about abortion, an overwhelming majority—regardless of race, sex, religion or political affiliation—believe that abortion should remain legal. Moreover, while many believe that abortion is morally wrong in some circumstances, for no specific circumstance does a majority believe that abortion is morally impermissible.

A LONG TRADITION OF SUPPORT

Many opponents of legal abortion believe that the 1973 Supreme Court decisions upholding the constitutional right of a woman to terminate her pregnancy served to generate public support for legal abortion. Hence, their reasoning goes, if those decisions can be eliminated or sidestepped through a constitutional amendment, such as that proposed by Sen. Orrin G. Hatch (R-Utah) to give Congress and the states authority to enact legislation prohibiting abortion, public support for legal abortion will in time evaporate. However, as the Supreme Court did not "create" legal abortion (almost 600,000 women obtained legal abortions in 1972 before the Court's rulings) neither did it "create" public support for legal abortion. This is validated by major studies of public opinion predating the Court decisions. Data collected by Princeton University in the National Fertility Survey (NFS) and by the National Opinion Research Center (NORC) from as far back as 1965 indicate that "[w]hile the 1973 Supreme Court decisions appear to have boosted levels of approval further, the sharpest changes had by then already taken place."[1] In fact, both the NFS and NORC data show that the greatest increase in support for legal abortion occurred before 1970.

Almost immediately after the Supreme Court decisions in 1973, antiabortion advocates began pressing for a constitutional amendment to make abortion illegal. While the numerous proposals that have been put forth differ slightly—some would permit abortions if the life of the pregnant woman were endangered while others would not—they all seek to make abortion illegal. None of these proposals has ever enjoyed the support of more than a small minority of the American public. According to a poll taken by Cambridge Survey Research in 1975, only 27 percent favored a constitutional amendment to make abortions illegal. By 1977, that number had risen to 34 percent but, according to a study conducted by Harris, support for a constitutional amendment fell to 31 percent in 1982. A similar poll taken by the New York Times/CBS News in 1982 found only 28 percent of all Americans favor a constitutional amendment making abortion illegal.

MYTHS AND REALITIES

While these polls might differ slightly on the exact number of Americans who approve of outlawing abortion, they agree that support for legal abortion is widespread among all Americans, regardless of race, sex, religion or political affiliation. Yet, despite this unusual consensus among professional analysts of American public opinion, several myths remain about support for legal abortion.

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[1] D. Granberg and B. W. Granberg, "Abortion Attitudes, 1965-1980: Trends and Determinants," Family Planning Perspectives, Vol. 12, No. 5 (September/October 1980).

DO CATHOLICS OPPOSE ABORTION?

Historically, the Catholic Church has been adamant in its opposition to abortion. This position, however, fails to reflect the views of most Catholics in this country, whose attitudes are similar to those held by most non-Catholic Americans. In the November 1979 New York Times/CBS News poll, 64 percent of Catholics agreed that the right of a woman to have an abortion should be left entirely to the woman and her doctor. The more recent 1982 New York Times/CBS News poll found that 63 percent of all Catholics oppose a constitutional amendment banning abortion. A 1982 Associated Press/NBC News poll found that more than seven in 10 Catholics oppose the Hatch amendment which was endorsed by the National Conference of Catholic Bishops in 1981.

Studies of public opinion trends suggest that there is "more systematic variance among Protestant subgroups than between Protestants in the aggregate [70 percent of whom oppose outlawing abortion according to the New York Times/CBS News poll] and Catholics." [2] While members of some Protestant denominations historically have tended to be more supportive of legal abortion than members of others, the polls have found only one subgroup, the so-called evangelicals, in which opposition to legal abortion is frequent. Even among the evangelicals, however, opposition to legal abortion is a minority view. According to a 1980 Gallup poll, 57 percent of the evangelicals opposed a ban on all abortions, compared with 67 percent of the total U.S. population. (Evangelicals are those who indicated they were "born again" or had had a "born again" experience and they have "tried to encourage someone to believe in Jesus Christ or to accept Jesus Christ as his or her saviour" and believe "the Bible is the actual word of God and is to be taken literally word for word.") Rather than religious affiliation, public opinion studies suggest that intensity of religious beliefs is related to a person's view on abortion. For both Protestants and Catholics, approval of abortion decreases as "religiousness" increases. The 1982 New York Times/CBS News poll found that 80 percent of those who, in terms of religion, classified themselves as "not observant" opposed a constitutional amendment, compared with 56 percent of those who consider themselves as "observant." While this relationship is also present among Jews, 90 percent of whom oppose banning abortion according to the 1982 Harris survey, it is much weaker.

Do blacks oppose legal abortion?

Antiabortion literature frequently seeks to portray "Whites [as] more permissive about abortion than Blacks/Nonwhites." [3] Opposition to abortion by blacks and other minorities is linked, according to antiabortion publications, to the "not-so-subtle possibility that abortion is being used as an instrument of genocide." [4] According to the 1982 Harris and New York Times/CBS News surveys, however, no differences exist in the attitudes of blacks and whites, with clear majorities of both opposing a constitutional amendment to ban abortion. The Harris survey found that 62 percent of the whites and 61 percent of the blacks oppose outlawing abortions. (The poll also found that 62 percent of the Hispanics oppose an amendment.) The New York Times/CBS News poll, however, found even less support for banning abortion; according to this study, 68 percent of the whites and 71 percent of the blacks oppose a constitutional amendment.

Do women oppose abortion?

Similarly, the polls found little difference in the attitudes of men and women. The 1982 Harris survey found that 63 percent of the men and 61 percent of the women oppose an amendment prohibiting abortion. Although women are slightly more supportive than men of a constitutional amendment, according to the 1982 New York Times/CBS News study, the poll still found that almost two-thirds of all women oppose banning abortion. A 1981 study of women's attitudes conducted by Yankelovich, Skelly and White found that two-thirds of all women agreed that any woman who wants an abortion should be legally permitted to obtain one and that almost all women believed that abortion should be legal under certain circumstances. The Yankelovich poll found that a larger proportion of black women than white women supported legal abortion. The same study found little connection between women who identified themselves as either Republicans or Democrats and only a small difference between Catholics and Protestants. The Yankelovich study also found that over 90 percent of the women who themselves had had abortions felt the procedure should remain legal. Similarly, a 1981 Washington Post/ABC News poll found that 80 percent of the respondents who had had abortions felt that they were better off today than they would have been if they had chosen to carry the pregnancies to term.

Do Republicans oppose abortion?

At the 1980 Republican National Convention, the platform committee voted to endorse an antiabortion constitutional amendment; Ronald Reagan, both as a candidate and as president, repeatedly has reaffirmed his opposition to abortion. Statistics show, however, that both the party's 1980 position and President Reagan's advocacy of a constitutional amendment do not reflect the views of the rank-and-file membership of the Republican party. A survey of delegates to the 1980 convention conducted by the Washington Post found that only 28 percent supported a constitutional amendment banning abortion. Recent polls have obtained similar results. Both the 1982 Harris and New York Times/CBS News surveys found that the position of the party leadership continues to be at odds with the rank-and-file memberships; both studies found that less than one-third of all Republicans favor a constitutional amendment. In contrast, the Democratic 1980 platform, which firmly "supports the Supreme Court decisions on abortion rights as the law of the land and opposes any constitutional amendment to restrict or overturn these decision," does reflect the views of the party's membership. In 1982, Harris found that 62 percent of the Democrats oppose a constitutional amendment and the New York Times/CBS News poll found that 74 percent of the Democrats would oppose such a provision.

Harris' 1982 poll also found that substantial majorities oppose a constitutional amendment regardless of political outlook. While the poll shows that three-fourths of all liberals oppose such legislation, a constitutional amendment to outlaw abortion is opposed by six in 10 people who describe themselves as either conservative or "middle-of-the-road," Thus, support for banning abortion is clearly a minority view, regardless of either political affiliation or outlook.

TABLE 1.—ATTITUDES TOWARD A CONSTITUTIONAL AMENDMENT BANNING ABORTION, 1982

[In percent]

	Harris [1]			New York Times/CBS [2]		
	Favor	Oppose	Not sure	Favor	Oppose	Not sure
U.S. total	31	62	7	28	68	4
Men	30	63	7	24	72	4
Women	33	61	7	31	65	4
White	31	62	7	28	68	4
Black	32	61	7	27	71	2
Hispanic	38	62	0	[3]	[3]	[3]
Protestants [4]	31	61	8	26	70	5
Catholics [4]	36	58	5	34	63	2
Jewish	11	90	0	8	87	5
Republican	32	61	7	32	63	5
Democrat	33	62	5	22	74	4
Independent	28	65	7	28	68	3
Conservative	35	59	6	32	65	3
Middle of the road	32	61	6	26	68	6
Liberal	23	74	3	22	77	1

[1] August 1982 Harris poll. Question asked: Do you favor or oppose a constitutional amendment to ban legalized abortion? (May not add to 100 percent due to rounding.)

[2] September 1982 New York Times/CBS News Poll. Question asked: There is another proposal for a constitutional amendment which would make all abortions illegal. Do you favor such an amendment? (May not add to 100 percent due to rounding.)

[3] Data not available.

[4] Data from the Harris poll are white Protestants and white Catholics only.

Are opponents of abortion more likely to be single-issue voters?

Until recently, abortion opponents have been more likely than abortion supporters to cast a vote solely on the basis of a candidate's position on abortion. The 1981 Washington Post/ABC News poll found that three-fourths of those who opposed abortion felt the issue was an important consideration in their voting decisions, compared with just under half of those who supported legal abortion. This distinction, however, now appears to have faded, and possibly has been reversed. The 1982 Harris poll found that 71 percent of those who support a constitutional amendment to outlaw abortion and 63 percent of those who oppose such an amendment would oppose a candidate because of his or her position on abortion. Because a much greater percentage of the electorate, 62 percent according to the study, oppose the amendment (compared with only 31 percent who favor it), the numbers work decisively against those who believe abortion should be outlawed. According to Harris, "The pro-abortion forces are able to count on 39 percent of the total electorate taking their side, while the anti-abortion cause can muster no more than 22 percent." [5] The New York Times/CBS News poll taken two months later, however, shows even greater support for legal abortion. According to that study, 7 percent of the electorate feels that the abortion issue is important enough for them to change their vote, but by a three-to-two margin, these "single-

[2] R. J. Adamek, "Abortion and Public Opinion in the United States," National Right to Life Educational Trust Fund, 1982.

[3] D. Mall. "Toward an Understanding of the Abortion Debate: Rhetoric as a Reticular Structure," in T. W. Hilgers, D. J. Horan and D. Mall, eds., New Perspectives on Human Abortion (University Publications of America, 1981).

[4] D. Granberg and B. W. Granberg, op. cit.

[5] L. Harris, "Conservatives Get 'No Confidence' Vote on Social Issues," Aug. 12, 1982.

issue voters" support legal abortion. (In 1978, the New York Times/CBS News poll found that an identical 7 percent would vote according to the abortion issue, but that at least 80 percent of them opposed legal abortion.) Thus, the results of these studies clearly show that a candidate's support of legal abortion will increase, rather than diminish, electoral support, and will do so in increasing numbers.

Recent studies of public opinion show that a significant majority of all Americans, regardless of sex, race, religion, political affiliation or political out-look, support legal abortion. In no category, except perhaps Protestant "evangelicals," does significantly more than one-third of the population support a constitutional amendment to outlaw abortion. In addition, Americans oppose other "back-door" approaches to achieve that end. The Associated Press/NBC News poll found that only 19 percent of the respondents support the Hatch amendment and, according to the 1981 Washington Post/ABC News poll, only 29 percent would favor a law, such as the so-called "Human Life Statute," that would "make all abortions murder."

Results obtained by public opinion polls are widely acknowledged to be affected by the nuances of the questions asked. Thus, while the polls show that Americans overwhelmingly oppose attempts to make abortion illegal, they also show that not all Americans support unlimited access to abortion. The 1981 Harris poll found that while 56 percent supported legal abortion up to three months of pregnancy, 41 percent were opposed. The comprehensive analysis of women's opinions toward abortion conducted by Yankelovich found that 67 percent of all women felt abortion should be legal and only 29 percent felt that abortion, in general, should be illegal. However, more than 8 in 10 of the women who felt that abortion, in general, should be outlawed also felt that abortion should be permitted in at least some situations. Further, women did not agree on the situations in which abortion should be prohibited. As a result, despite feelings about abortion in general, only 21 percent of all women felt abortion should be illegal in cases of a married woman using a contraceptive that did not work, a welfare mother who cannot work and an unwed teenager.

ABORTION AND MORALITY

The 1981 Yankelovich study found that while two-thirds of all women believed abortion should be legal, many had moral qualms about the procedure. Only a small minority (5 percent), however, considered abortion to be morally wrong under all circumstances. Approximately 6 in 10 women took the middle position that abortion is sometimes justified. However, while most women agreed that abortion sometimes is morally wrong, they did not agree on the circumstances in which it is wrong. Under none of the circumstances did a majority consider abortion morally wrong.[6] Thus, while most women believe abortion is morally wrong in "some" of these circumstances, and might therefore favor legislation making it illegal under "some" circumstances, it would be impossible to devise legislation that would prohibit abortion only in those circumstances in which a majority consider it to be morally wrong. Any attempt to prohibit abortion, for any reason, would always be seeking to prohibit abortion in circumstances in which a majority of American women consider the procedure morally acceptable. Any attempt to restrict abortion would thus conflict, rather than coincide, with the moral beliefs of the majority of Americans.

Despite marginal differences among them, a wide variety of opinion polls taken over the years shows that an overwhelming majority of Americans believe abortion should remain legal. Opposition to outlawing abortion is widespread and cuts across racial, sexual, religious and political lines. In fact, in increasing numbers, those who favor the continued legality of abortion are willing to make that issue central to their voting decisions.

While only a small minority of Americans believe that abortion should be illegal, many have moral questions about abortion. However, for no specific circumstance does a majority of Americans believe that abortion is morally wrong. Nonetheless, the small yet vocal and well-organized minority that opposes legal abortion has been able to make abortion a political issue and poses a real threat to the continued legality and availability of this procedure that is supported by a clear majority of all Americans.

FEDERAL FINANCING OF ABORTIONS

Although the overwhelming majority of Americans oppose a law or constitutional amendment to make abortion illegal, until recently a small majority opposed federal financing of abortions for poor women. This attitude has changed. Apparently, however, this change in attitudes has not yet penetrated the halls of Congress, which continues to ban virtually all federal funding of abortions for indigent women eligible for Medicaid, members of the armed forces, Peace Corps volunteers and patients served by the Indian Health Service. A September 1982 Public Opinion Referendum by the Gallup Poll found that 56 percent of Americans oppose a ban on federal financing of abortions. Among some subgroups, opposition to such a ban is much more substantial: 70 percent of nonwhites, 63 percent of the college-educated, 61 percent of those under 30, 62-63 percent of those with incomes of $5,000 a year and under and 61-62 percent of those living in cities with populations of one-half million or more oppose a federal funding ban.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FALLACIES OF ROE

Mr. HATCH. Mr. President, at issue today is the Supreme Court decision of Roe against Wade. In effect, the Senate of the United States is asked by this proposed constitutional amendment to sit as justices of the Supreme Court and decide whether, given all the legal, constitutional, philosophical, social, moral, ethical, and jurisprudential facts available to this body after 10 years of elective abortion resulting from the Court's rulings, to reverse or retain Roe against Wade. The vote of this body will be its judgment of the Roe decision.

If we are to judge the judgment of the judges in Roe, I propose now to examine their reading of history, law, the Constitution, and all other elements that influenced that decision. Based on an disinterested view of these factors, I can recommend without reservation that the Senate reject the abortion right created in Row.

Before undertaking a more rigorous legal analysis of Roe we might profit by measuring it against the basic tenets that animated the creation of our Republic. Those principles were articulated by Thomas Jefferson in the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

Thus, our infant Nation established the protection of human life as the foremost duty of Government. Roe's blatant conflict with this fundamental national value is apparent. In the words of President Reagan:

> We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life (Human Life Review, vol. IX, No. 2, p. 8, 1983).

Perhaps no act of Government has conflicted more with the founding tenets of our Republic since the last infamous Supreme Court case that denied the value of certain human lives, the Dred Scott case. In both Dred Scott and Roe, one class of less-privileged human beings were denied the full protections of the Constitution. At length, the Dred Scott case was corrected by constitutional amendment. The correction of this Supreme Court error serves as an excellent analog for our consideration of the modern Dred Scott case, Roe against Wade.

In the case of Roe against Wade, a majority of seven on the Court identified for the first time in the Constitution's history a right to abortion within the terms of the 14th amendment. This right was sufficiently pow-

[6] Respondents were asked their opinion on the morality and legality of abortion in 10 circumstances; a woman has been raped, a woman's health is at risk, a woman is the victim of incest, a woman is carrying a fetus with a severe genetic defect, a physically handicapped women becomes pregnant, an unwed teenager becomes pregnant, a welfare mother who can't work becomes pregnant, a married woman already has a large family, a single woman was using a contraceptive that didn't work. Yankelovich study is cited in S. K. Henshaw and G. Martire, "Abortion and Public Opinion Polls: Morality and Legality," *Family Planning Perspectives*, Vol. 14, No. 2 (March/April 1982).

erful to overturn the abortion restrictions of every single State in the Union. The right created in Roe, which even the Supreme Court has labeled the "right to abortion" *Conn.* v. *Menillo*, 423 U.S. 9, 10 or the "right to an abortion" *Singleton* v. *Wulff*, 428 U.S. 106, 115, has further proven strong enough to override most State attempts to place reasonable restraints on abortion practices. For example, the right to abortion has been invoked to strike down State statutes attempting to protect the child in a late abortion who might be born alive, *Colautti* v. *Franklin*, 439 U.S. 379 (1979); to void State statutes requiring use of the safest abortion techniques, *Danforth*, 428 U.S. 52; to invalidate State statutes intended to give parents the ability to counsel with their minor children and give consent prior to an operation that deeply involves their minor child's physical and psychological health, Danforth, supra; to hold that a 24-hour waiting period prior to performance of this medical procedure is unconstitutional, Akron against Center, June 15, 1983, to declare that a father—although he has a constitutional right to share in procreating (*Skinner* v. *Okla.*, 315 U.S. 555 (1942))—has no right whatsoever to protect the unborn child he has joined in procreating; and even to invalidate a State statute requiring abortions after the first term to be performed in hospitals, Akron, supra. Of course, the most important aspect of Roe is that it has established a regime of elective abortion in America.

ROE AS CONSTITUTIONAL LAW

Almost immediately after Roe was decided, criticism of the opinion began to emerge from the Nation's top jurisprudential and constitutional scholars. These renowned scholars charged that the Roe decision has no basis in constitutional law. In the words of Prof. John Hart Ely:

> Roe is a very bad decision. It is bad because it is bad constitutional law, or rather because it is not constitutional law and gives almost no sense of an obligation to try to be. 32 Yale L.R. 920 1973).

Prof. Archibald Cox echoes this opinion when he asserts that:

> Neither historian, layman, nor lawyer will be persuaded that all the details prescribed in Roe v. Wade are part of either natural law or the Constitution. The Role of the Supreme Court. (1976).

It is important to note as well what these scholars are not saying. They are not criticizing the Court for taking a controversial position on a sensitive issue, nor are they disputing the morality of legalized abortion. As a necessary consequence of its position in the legal system, the Supreme Court is often confronted with difficult questions in the context of legal dispute. In the words of Professor Ely, "These difficult questions yield controversial answers." In most cases, however, the Constitution provides some guidance for the proper resolution of even the most controversial of these decisions. For example, the fourth amendment guarantees to all citizens, the innocent and guilty alike, freedom from unreasonable searches and seizures. This overriding value leads to controversial decisions involving restraints on police officers in the apprehension of criminals. While all may not agree with the Court's particular application of the fourth amendment, Professor Ely points out, one cannot easily make the claim that the Court's decision lacks any foundation in the Constitution.

In the case of Roe against Wade, however, Professor Ely notes the claim is entirely justified, for the Constitution "simply says nothing, clear or fuzzy, about abortion." Nor is there any support whatever in the legislative history of the Constitution to warrant the conclusion that it was intended to secure a "right to an abortion."

Despite the absence of constitutional warrant to find a right to abortion, Roe declares that the due process clause of the 14th amendment confers a right of privacy which includes the right of a woman to abort her offspring if she so chooses. Nowhere in the decision does the Court define the right of privacy; its only discussion of the subject is an assertion that the Constitution does not confer "an unlimited right to do with one's body as one pleases." Yet if the right of privacy does not entitle one to do with one's own body what one pleases, how can it be said to protect activity that ends the life of another member of the human species? Even if the human fetus is not a person in the whole sense of the law, Ely emphasizes, "it is certainly not nothing." Ely's aphorism illustrates an essential truth "that should have been obvious to the Court—that there is nothing private about an abortion."

Although the right of privacy is not mentioned in the text of the Constitution, many legal scholars would agree that the courts may find such a right in the general values which certain specific provisions of the Constitution aim to protect. However, these scholars also stress that the right of privacy must be carefully defined and limited; thus, Professor Ely writes that it is entirely proper for a court to infer a general right of privacy, "so long as some care is taken in defining the sort of right the inference will support."

Roe, however, provides neither a definition for the right to privacy nor an explanation of how that right is implicated by restrictions upon abortion. Rather, the Court simply declares that the right is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. Apparently, the Court thinks that this outcome is supported by the detriment imposed upon the pregnant woman by statutes which prohibit her from aborting her child. As Professor Ely notes, these detriments ought to be taken very seriously. But, he adds, all this has nothing to do with privacy in the Bill of Rights sense or any other the Constitution suggests. Whatever one's philosophical views on the issue, it is genreally agreed that the Constitution does not provide such an unrestricted right to privacy.

The irony of this aspect of the Roe decision was concisely articulated by Prof. John Noonan during our Constitution Subcommittee hearings on this amendment. He noted that for most of us what is private is what can be done alone, at home, or with anyone's family. It would strike most people as bizarre that something so private—as abortion is under Court rulings—depends on and cannot be effected without public funding. Yet that is the announced position of the supporters of abortion. Hearings, October 5, 1981. Professor Noonan summarized his position on the connection of abortion to privacy by stating: "We can all agree that sexuality is private and reproduction is private, but when it comes to taking the life of the unborn we are no longer in the domain of the private. We are dealing with a social act—what is now a social act amounting to an American atrocity." Id.

In her recent dissent to the Akron case, Justice Sandra Day O'Connor recognized other fallacies in Roe. Justice O'Connor pointed out that the Roe Court identified a legitimate State interest in protecting "the potentiality of human life." 410 U.S. 149, 150. She approved this finding, but questioned how the Court could ignore the implications of their own conclusion: "I agree completely that the State has these interests, but in my view, the point at which these interests become compelling does not depend on the trimester of pregnancy. Rather these interests are present throughout pregnancy." Akron, page 8 of dissent.

With clarity and skill, Justice O'Connor thus exposes the arbitrariness of the Roe Court's trimester framework. Under the Roe opinion, the State may not take laws to protect "potential human life" until the third trimester. Yet, if the Court acknowledges the presence of "potential human life" worthy of State protection in the third trimester, why not protect that same "potential human life" a day before the third trimester? In the words of Justice O'Connor, "potential life is no less potential in the first weeks of pregnancy than it is at viability or afterward. At any stage of pregnancy there is the potential for human life." To those who might argue that the third trimester is the point of viability—a questionable point with advancing medical technology—

and thus a logical place to grant the States authority to protect unborn life, Justice O'Connor poses the same unanswerable dilemma: "The choice of viability as the point at which the State interest in potential life becomes compelling is no less arbitrary than choosing any point before viability or any point afterward." If indeed the Court were compelled to choose some arbitrary point to demark when States could legally protect human life, it would seem far more logical to choose the earliest possible point to grant the maximum possible protection to the value identified by the Declaration of Independence as the primary purpose for the formation of governments; namely, the protection of human life. In the words of President Reagan, "Doesn't the constitutional protection of life, liberty, and the pursuit of happiness extend to the unborn unless it can be proven beyond a shadow of a doubt that life does not exist?" Address to National Religious Broadcasters, January 31, 1983.

Justice O'Connor also explained a second major flaw in the Roe reasoning; namely, the trimester formula of Roe has "no justification in law or logic." Akron dissent at 8. The Roe decision dividing the term of pregnancy into three equal parts is necessarily tied to the current state of medical technology. Viability, the point at which an infant can live outside the womb and a State may legislate to protect the unborn, is clearly pushed back as technology advances. Even the Court has acknowledged the "flexibility of that then." *Danforth*, 428 U.S. at 64. At the same time, advances in medical technology have made abortions generally safer and have reduced the State's authority to require hospitalization or other safety regulations. Akron, supra. Thus, as the Justice points out, Roe's framework "is clearly on a collision course with itself. As the medical risks of various abortion procedures decrease, the point at which the State may regulate for reasons of maternal health is moved further forward to actual childbirth. As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception." Akron dissent at 7. Justice O'Connor is correct: The logic of this framework is difficult to assert.

The logic is not the only flaw of this trimester breakdown, however. Its legal wisdom is also lacking. To be predictable and enforceable, the law should demonstrate some degree of continuity over time. Under the Roe formulation, the States must continually guess about the current state of the medical art and other factors that coud cause their authority to legislate to fluctuate. For a conscientious legislature, the Roe decision imparts no sure standard as to the limits of their authority. Justice O'Connor explained the uncertainty imposed upon the legislatures in these terms: "Although legislatures are better suited to make the necessary factual judgments in this area, the Court's framework forces legislatures, as a matter of constitutional law, to speculate about what constitutes 'accepted medical practice' at any given time. Without the necessary expertise or ability, courts must then pretend to act as science review boards and examine those legislative judgments." Akron dissent at 7.

While these arguments are compelling, they are by no means the only attacks on the reasoning of Roe. Perhaps I could simply list a few more of the unanswered questions raised by Roe:

The question of when life begins, according to the Court, is beyond the competency of the judiciary to answer. Nevertheless the Court effectively answers the question for the legislatures and citizens of all 50 States by declaring that States can protect unborn life only after "viability."

The Court conceded that if the unborn were "persons" they would be afforded 14th amendment protections. Yet both reasons the Court offers for rejecting the "personhood" of the unborn were wholly inadequate. In the first place, the Court suggests that none of the other uses of the term "person" in the Constitution appear to apply to the unborn. As a matter of fact, however, none of the other uses of the term appear to apply to anyone under the age of 24. All other uses of the term apply to adults. Surely adolescents could not thus be stripped of personhood. The second reason given by the Court is the absence of case law indicating the unborn should be persons. This only proves a well-known fact: This question was before the Court for the first time. It is unseemly that an issue which could have disposed of the case was given such shallow consideration.

Although the Court maintained that it could not determine when life begins, it nonetheless divided a pregnancy into three separate trimesters with different legal implications for each subdivision. One looks in vain for any reasoning from constitutional, legal or scientific sources for a guiding principle underlying this division process.

When finding a right to privacy, the Court employed imagination and innovation to find a never-before-identified right to abortion within the due process clause of the 14th amendment; when finding "person" does not include the unborn, the Court was literalistic to a fault. Without reaching the merits of appropriate judicial construction techniques, vascillating between two extremes inspires little confidence that the decision was based solely upon purely neutral criteria of constitutional interpretation.

Even if the unborn have no rights under the 14th amendment, this is irrelevant to the question of whether a State may restrict abortion. Professor Ely uses a particularly enlightening analogy to illustrate this point:

> Dogs are not "persons in the whole sense" nor have they constitutional rights, but that does not mean the state cannot prohibit killing them: It does not even mean the state cannot prohibit killing them in the exercise of the First Amendment right of political protest.

LEGAL CONTEXT OF ROE

The Supreme Court's decision in Roe against Wade should be viewed in its proper legal and historical context. The Court's sweeping decision resulting in abortion on demand is clearly in opposition to the treatment of abortion at common law, early American abortion laws, laws enacted by the legislative bodies of the States at the time of the decision, and even the abortion laws of most other countries of the world.

ABORTION AT COMMON LAW

After reviewing the development of abortion as a crime at common law, relying heavily on the analysis of Prof. Cyril H. Means, an advocate of legalized abortion, the majority in Roe concluded:

> It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th Century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today. 410 U.S. at 140.

The Court's treatment of the development of abortion as a crime at common law has been severely and repeatedly criticized for both its conclusions and its uncritical acceptance of the common law analysis of Professor Means. See, for example, Byrn, "An American Tragedy: The Supreme Court on Abortion," 41 Fordham L. Rev. 807 (1973); "Abortion and the Constitution: The Need for a Life-Protective Amendment," 63 Calif. L. Rev. 1250 (1975). It is not necessary at this time for me to engage in an exhaustive analysis of the treatment of abortion as a crime at common law. It is enough simply to point out that the majority's sweeping decision in Roe was clearly contrary to the way abortion was viewed at common law, with respect not only to maternal health but also to the protection of the life of the fetus.

In the 13th century, Bracton wrote that abortion by blow or poison was homicide if the fetus was "already formed and animated, and particularly if it be animated." 2. H. Bracton, De Legibus et Consuetudinibus Angliae 29 (Twiss ed. 1879). Another authority

later in that century, Fleta, also condemned abortion of a "formed and animated" fetus as homicide, "Justifiable Abortion—Medical and Legal Foundations," 49 Geo. L.J. 395, 431 (1961). At that time, biologists taught that a new life came into being when the fetus assumed recognizable human form, which was thought to occur 40 days after conception. See Means, "The Law of New York Concerning Abortion and the Status of the Fetus; A Case of Cessation of Constitutionality," 14 N.Y.L.F. 411, 411-12 (1968).

A difficulty encountered with the abortion crime at common law was the impossibility of proving the cause of the child's death. This severe evidentiary problem led to a paucity of indictments for abortion and led some 16th century writers to conclude that, as a practical matter, abortion was not a crime. Modern L. Rev. 203 (1937). Seventeenth century abortion reform tried to resolve the proof problem by declaring that an abortion was murder if the child was born alive with marks of the abortion and then died. If the child was stillborn, there was no murder because it could not be known "whether the child was living at the time of the batterie or not, or if the batterie was the cause of the death * * *." *R.* v. *Sims,* 75 Eng. Rep. 1075 (K. B. 1601).

Coke attempted, later in the 17th century, to resolve the problem further, and, in so doing, again indicated the concern the common law attached to the life of the fetus—a concern which Roe totally abandoned:

> If a woman be quick with childe, and by a Potion or otherwise killeth it in her wombe; or if a man beat her, whereby the childe dieth in her body, and she is delivered of a dead childe, this is a great misprison, and no murder; but if the childe be born alive, and dieth of the Potion, battery, or other cause, this is murder: for in the law it is accounted a reasonable creature, in rerum natura, when it is born alive. E. Coke, Third Institute 50 (1664).

The majority in Roe, relying on Professor Means' interpretation of the sketchy reports of two cases from 1327 and 1348—three centuries before Coke wrote—suggested that Coke was either mistaken or intentionally misstated the status of abortion as a common law crime, 410 U.S. at 134. Other commentators such as Bryn and Destro strongly dispute Means' analysis of those cases and suggest that the cases stand for the opposite conclusion. The great common law scholars clearly indicated that abortion was a crime with respect, at the very least, to a quick fetus. Blackstone stated:

> Life is the immediate gift of God, a right inherent by nature in every individual; and it begins in contemplation of law as soon as an infant is able to stir in the mother's womb. For if a woman is quick with child, and by a potion or otherwise, killeth it in her womb; or if any one beat her, whereby the child dieth in her body, and she is delivered of a dead child; this, though not murder, was by the ancient law homicide or manslaughter . . . But (Coke) doth not look upon this offence in quite so atrocious a light but merely as a heinous misdemeanor. Black's Law Dictionary, 5th Ed. (1979) at 1122.

Finally, as Blackstone indicated, the common law recognized the life of the fetus at the time of quickening. The first English abortion statute, recognizing this understanding of human generation, provided for greater penalties for an abortion of a woman "quick with child" than a woman "not being, or not being proved to be, quick with child." 43 Geo. 3 ch. 58 & 2. (1803). This statute was changed by a new statute, enacted in 1837, which imposed a penalty for all abortional acts without distinction. 7 Will. 4 & I. Vict., c. 85 (1837). A possible motive for this change was the discovery of the ovum, and a more accurate idea of the nature of conception, in 1827.

The decision in Roe, which, as discussed previously, eliminated any consideration for the life of the fetus, was clearly contrary to the thrust of the common law understanding of abortion.

19TH CENTURY AMERICAN ABORTION LAW

The abortion law in effect in this country, in most States, until the mid-19th century was derived from English common law, 410 U.S. at 138. While the vast majority of the States retained the common law distinction that abortion before quickening was not a crime, no State held that there was no crime of abortion after quickening. Bryn at 827. Later in the 19th century, several States interpreted the common law to mean that abortion was a crime at any time during pregnancy. For example, *Mills* v. *Commonwealth,* 13 Pa. 630 (1850).

Almost all of the States enacted abortion statutes during the 19th century. See 410 U.S. at 175-76 notes 1 and 2 (dissenting opinion). Connecticut adopted the first State abortion statute in 1821. Conn. Stat. Tit. 20, Sec. 14 (1821), The Connecticut statute retained the quickening distinction for the abortion crime. Quickening, however, soon began to disappear as the practical distinction to determine criminality. The intention behind enactment of these statutes is illustrated by the Maine Supreme Court which, in interpreting the Maine statute, abrogated the quickening requirement in the abortion crime; the court pointed out that if the pleading did not allege the destruction of the child, it would be fatally defective for not charging the essential element of the crime. *State* v. *Smith,* 33 Me. 48, 60 (1851).

In 1859, the American Medical Association Committee on Criminal Abortion criticized the quickening distinction in criminal abortion laws for the "grave defects of our laws, both common and statute, as regards the independent and actual existence of the child before birth, as a living being," and called upon State legislatures to revise their abortion laws. 12 transactions of the Am. Med. Assn., 73-78 (1859). This position of the AMA seems to have had its impact because during this period many States abolished the requirement that an abortion had to follow quickening to be a crime. At the time of the ratification of the 14th amendment, in 1868, at least 28 of the 37 States had made abortions before quickening a crime. Quay at 447-520. In the next 15 years, seven more of these States incriminated prequickening abortional acts. By 1871, the AMA could quote with approval from Archbold's Criminal Practice and Pleading with regard to the new consensus:

> It was generally supposed that the foetus becomes animated at the period of quickening; but this idea is exploded. Physiology considers the fetus as much a living being immediately after conception as at any other time before delivery, and its future progress as the development and increase of those constitutent principles which it then received. It considers quickening as a mere adventitious event . . . Indeed, no other doctrine appears to be consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception. 22 Transactions of the Am. Med. Assn. 250 (1871).

Further evidence that at least one motivation behind these laws was the protection of the life if the fetus, is seen in several court decisions interpreting these statutes.

> We hold that the anti-abortion statutes in Oklahoma were enacted and designed for the protection of the unborn child and through it society. *Bowlan* v. *Lunsford,* v76 Okla. 115 (1936).

Thus, again, the Court's decision in Roe, resulting in a practical situation of abortion on demand, was clearly contrary to the early American law on abortion.

STATE ABORTION LAWS AT THE TIME OF ROE

The Supreme Court's decision in Roe held every State's criminal abortion statute unconstitutional. 410 U.S. at 118, note 2.

Between 1967 and 1972, most of the State legislatures had considered changing their abortion laws. Nineteen States did make changes in their abortion law. 1972 Univ. of Illinois L.F. 177. All of these 19 States changed their law to permit abortion to prevent grave health damage to the mother. In addition, some of the States permitted abortions when the unborn child was conceived in rape or incest, or where the child would be born with substantial deformity. Four States required no grounds at all. But all States limited abortions in terms of age of the fetus; for example, Washington had a limit of 4 lunar months.

The other 31 States did not change their abortion law despite the fact that abortion legislation was intro-

duced in most of them. In two States, Michigan and North Dakota, proposed liberalized abortion statutes were rejected by referendum—by majorities of 61 percent and 77 percent respectively. In 21 of the States, the abortion statutes in effect in 1868—the year the 14th amendment was ratified—were still in effect at the time of the *Roe* decision. 410 U.S. at 176 note 2.

In sum, no State—including the four States which allowed abortion on demand—made abortion legal for the entire 9 months. None of the States had abortion laws as expansive as that created by the Court in Roe against Wade.

INTERNATIONAL ABORTION LAW

Not only was the Court's creation of an abortion right more permissive than the law that had been enacted by the representatives of the people of the 50 States, but the abortion right found in Roe was one of the most permissive in the world.

In 1981, according to one study, the United States was one of 7 percent of the countries of the world in which something approximating abortion on demand was legal. Tietze, "Induced Abortion: A World Review" (1981) (the Population Council). But the current status of abortion in the United States may be more extreme than that figure indicates since many of the other countries in that category have enforceable time limits on the legal availability of abortions. Other countries in this category include the U.S.S.R., the People's Republic of China, Denmark, France, Singapore, Sweden, Yugoslavia, and Vietnam. The vast majority of countries of the world have at least some effective legal control over the performing of abortions. As Prof. Richard Stith has observed about Roe against Wade,

> As a teacher of comparative law, I find this decision unique in the world. No other modern domestic state or foreign nation has ever, to my knowledge, privatized the value of new human life to this degree. No one, except our Court has ever left the unborn entirely without public protection even just before birth. Moreover, this extremist position has been imposed on our country not as a matter of temporary legislative experimentation, but by practically unchangeable judicial fiat—and this with scarcely any principled basis in the Constitution. Senate hearings, November 12, 1981, Professor Richard Stith, Valparaiso University School of Law.

Indeed, the single judicial decision in western law which is most directly comparable to Roe on terms of the issues presented has come to almost diametrically opposite conclusions. In 1975, the Federal Constitutional Court of West Germany handed down its own decision on abortion, in which the majority opinion of the court (a) accepted as fact the position that human life exists at least within a few days after conception, (b) rejected the view that this life could legitimately be classified as having little or no value under the law, and (c) invalidated as unconstitutional a policy of unrestricted abortion during the the first 3 months of pregnancy. See generally, Robert Jonas and John Gorby, "West German Abortion Decision: A Contrast to *Roe* v. *Wade*," 9 John Marshall J. Practice & Procedure (1976).

Thus, it can be seen that the Court's decision in Roe against Wade had a devastating impact on existing law. This far-reaching decision was clearly contrary to at least part of the purpose behind the treatment of abortion as a crime at common law and the development of 19th century abortion law in America. The abortion right found in Roe was broader than any existing State abortion law, and, finally, was one of the most permissive, if not the most permissive, in the world.

CONCLUSION

This speech has attempted only to portray some flavor of the jurisprudential criticism that has been directed at the Roe and Doe decisions. In large part, this criticism has come from individuals who do not look with disfavor upon the substantive policies generated by these decisions. They simply question how these policies came suddenly to be mandated by a Constitution that had never been thought prior to 1973 to contain anything approaching the "rights" set forth in Roe and Doe. As Professor Ely again has observed,

> What is frightening about Roe is that this super-protected right [to abortion] is not inferable from the language of the Constitution, the Framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the Nation's governmental structure. . . . At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking. Ely at 935–7.

As Professor Epstein has similarly concluded, the Roe decision is "symptomatic of the analytical poverty possible in constitutional litigation." Epstein at 184.

Among other constitutional scholars who have been sharply critical of the jurisprudence in Roe are the late Alexander Bickley of the Yale Law School, Arthur Miller of the Harvard Law School, Harry Wellington, former dean of the Yale Law School, and Archibald Cox, former Solicitor General of the United States. A. Bickel, "The Morality of Consent" (1975).

Perhaps even more compelling criticism of the Roe decision, however, has come from the Justices themselves who were in dissent in that case. In a dissent far stronger than normally seen on the Supreme Court, Justice White stated:

> I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action invests that right with sufficient substance to override most existing State abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus, on the one hand, against a spectrum of possible impacts on the mother, on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court. 410 U.S. at 221–22 (Justice White Dissenting).

Justice Rehnquist similarly observed:

> The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the State may impose in each one, for example, partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment. 410 U.S. at 174 (Justice Rehnquist dissenting).

While fully respecting the authority of the Supreme Court to interpret the provisions of the Constitution, supporters of this amendment recognize also the authority reposed in Congress under article V of the Constitution to amend the document in response to what it views as wrongful or inappropriate decisions. To this end, this amendment amends the Constitution to overcome the effects of Roe against Wade and its progeny and to restore authority in the States to legislate with regard to the practice of abortion.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield such time as he may require to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Thank you, Mr. President.

Mr. President, no issue is more important than the one before us today. The sanctity of human life, so brutally disregarded in the act of abortion, is fundamental to our human nature. It expresses humankind's deepest strivings. Respect for human life is essential to the future of our Republic.

I feel privileged to participate in this great debate. Not since the downfall of slavery has our Nation so starkly confronted its deepest values. Abortion

strikes at the heart of what it means to be a member of the human family. And I profoundly believe that the issue of abortion, more than any other issue facing us today, will determine what we are as a people.

Mr. President, it is said that one of the greatest turning points in human history was the Hippocratic Oath. I believe that, and I believe it completely. For most of human history, no distinction was made between killing and curing. But the Hippocratic Oath put an end to that. It made a vital distinction between the physician and the sorcerer—a distinction which is now being threatened by abortion on demand. It is tragic, Mr. President, that we may be returning to the age of the sorcerer by denying the basic facts about when human life begins.

Abortion is ignoble. The world's great religions condemn it. Every known culture has treated it with disdain. And no amount of statistical trickery or verbal blandishment can transform it into something good.

This is what humankind has said most recently about abortion: at the Nuremburg International Military Tribunal for the trial of war criminals, the promotion of abortion among minority populations was considered a crime against humanity; the Declaration of the Rights of the Child of the United Nations affirmed that every child needs appropriate legal protection before as well as after birth; and the American Convention on Human Rights of the Organization of American States asserted that every person has the right to have his or her life protected by law from the moment of conception and that no one shall be arbitrarily deprived of life. The judgment of mankind on the matter of abortion is quite clear.

I believe that every abortion represents a human injustice, a failure to solve a human problem in a positive and constructive way.

Mr. President, induced human abortion is part of an antilife syndrome which, like some deadly contagion, is slowly eroding our deepest values. I fear what abortion on demand can lead to. Already we have witnessed the emergency and acceleration of infanticide as an option in neonatal care. Recent polls indicate that many of our doctors who have repudiated the Hippocratic Oath now want to expand flexibility to kill defective newborns. Where will this kind of thinking end? How far down this anguished road must we travel before we start killing those with incurable diseases or even the institutionalized elderly? I contend that we took the first step down that road when we began to kill our offspring. It is no accident that as the number of abortions has increased, so has the incidence of child abuse.

Ideas have consequences. As surely as night follows day, a disrespect for life in one area will inevitably lead to a disrespect for it in others. To me, the prospect is terrifying, a single abortion on demand is a tragedy, but 10.5 million abortions are a national calamity.

Mr. President, the basis of Western civilization has been its principles, not its productivity. All our vaunted technology, our imposing production of material goods, can never equal the realization we once came to that all human life is sacred. The human spirit made more progress when it listened for the cries of abandoned infants on the trash heaps of ancient Rome than when it sent its first satellite into orbit. Advances in technology can never compete with advances of the human spirit. That we help those who are silent and hurting, the handicapped, the widow and the orphan, or the woman with the problem pregnancy, will speak more highly of us as a nation than if we were to launch a thousand rocket ships to the farthest reaches of the universe. Our values should be our most cherished possessions.

If we do not respect human life, then what will we respect? Everything in our culture derives its value from the value we place on human life. It is the bedrock of Western civilization and of any society morally based. Induced human abortion decreases the value we place on life. It erodes our value structure and deflates the price tags on whatever else we value.

Who can defend Roe against Wade in light of all its abuses and human misery—the clinic corruption, the killing for profit, the damaged women, and most importantly, the millions of dead babies? How can a rational human being countenance this outrage? History will judge how we respond; whether we have the initiative to solve our problems in a positive way or simply give up. Any society that cannot produce alternatives to abortion is a society that lacks commitment and imagination. It is a society that is self-centered, hedonistic, and sick, and it certainly does not reflect the compassion that characterized our Nation's people.

The Roe against Wade decision never received a mandate from the American people. The Supreme Court should never have intruded into this issue.

Mr. President, all the sophistry in the universe will never convince me that induced human abortion can ever be a human good, or, except to save the life of the mother, even a lesser evil. When human life is in the balance, I firmly believe that everything else is secondary.

We are engaged in one of the most important discussions of values since this Nation was founded. I speak as one knowing that, in voicing my own deepest convictions, I also voice the will of my constituency. The people of Iowa do not want what Roe against Wade has given them: abortion on demand. And if those who reject this constitutional amendment have not come to this realization, I predict that one day they will. I believe that the right-to-life movement will never die, but will gain in strength with each passing day.

It is important for all of us to remember that the vote on this amendment does not take place in a political vacuum. The Senate, indeed, the Congress is not the only institutional check upon the Supreme Court. The Presidency, as well, was given by the Founding Fathers its own means of balancing the Court's powers and, when necessary, of righting its wrong decisions.

President Reagan addressed this matter a few days ago, in a meeting not covered by the news media, with members of the Knights of Columbus in the auditorium of the Old Executive Office Building. The President surprised some observers with his typically forthright and candid statements about the Supreme Court's abortion decisions.

Five members of the Court's pro-abortion majority, Mr. Reagan noted, are 74 years of age or older. And that means, he pointed out, that whoever is President for the next 5½ years will be able to turn the Court around on this issue.

I have no doubt who will be president of the United States for the next 5½ years. And I have no doubt that the author of that powerful and moving article in the Human Life Review will use the nominating power of the Presidency to right the most tragic wrong of our lifetime.

Roe against Wade will be overturned, and with it, all the juridical deformities that have been based upon it. It is only a question of whether this Senate will take the lead in doing so, or whether our President—sustained in the future as he was in the past by Americans who choose life—will reshape the Court as he has promised.

Mr. President, the cause of those who respect and defend human life is right. I believe, along with millions of other Americans, the simple truth that everyone has a right to be born, that everyone has a right to exit from the womb and cast a shadow on the Earth.

I long for the day when the sanctity of human life is once again enshrined in our Constitution. Toward that end, I urge my colleagues to join with me in voting for this amendment.

Mr. HATCH. Mr. President, I thank my colleague for his interesting and good remarks and for the leadership that he exhibits in the prolife movement in America. It is not easy to debate or argue these issues, but he

has constantly been in the forefront. I personally appreciate it.

At this time, Mr. President, I yield such time as he may need to the distinguished Senator from Colorado.

Mr. ARMSTRONG. Mr. President, the subject under discussion today—abortion—is a topic which makes most of us distinctly uneasy. In fact, the very mention of the word causes a great many people to be uneasy. For many thoughtful persons, the prospect of antiabortion legislation arouses powerful feelings of the most personal nature—fear, dread, sometimes anger.

Many women are nearly terrified by the prospect of being required to continue a pregnancy against their will. They feel very personally threatened by legislation which would deny or limit their now legally established right to abortion and feel that it is an invasion of their personal privacy and an intolerable threat to their personal freedom. Many sympathetic men share this perception. This reaction is completely understandable, in my judgment.

At the same time, many other persons contemplate with horror the abortions which they see as taking the lives of millions of innocent and defenseless unborn children.

I deeply regret that this issue must come before Congress. From a purely personal standpoint, I am reluctant to assume the responsibility of attempting to weigh and choose between two such fundamental rights—personal privacy, which Justice Brandeis once characterized as the right most cherished by civilized persons—and the sanctity of life, certainly one of the most ingrained—perhaps the most ingrained—of all human values.

The task of making such a decision is forced upon Congress by the Supreme Court's decision in the case of Roe against Wade. As a result of that case, more than 15 million legalized abortions have been performed in recent years and it is estimated that a million more are occurring each year. In some areas, there are now more abortions than live births. Thus, Congress must either act to restrain this trend or, by failing to do so, acquiesce in a national policy of abortion-on-demand.

Swirling around the abortion controversy are many complex ethical and legal arguments, but it seems to me there is one central issue on which all else depends: Is the fetus within a pregnant woman a living baby human being. Or is it not?

Few, if any, of those who believe the fetus is a baby would object to some degree of legal protection for the unborn child. While recognizing the very strong presumption against interfering with the privacy and right of personal choice of individual women, few persons who acknowledge that the fetus is a baby would nonetheless object to some form or degree of legal protection for the unborn child. If, as advocates of antiabortion legislation contend, a fetus is a human being, it is very hard to dispute the claim that the unborn child is entitled to the same human compassion and legal protection afforded other human beings, particularly helpless and dependent humans.

Prochoice advocates oppose antiabortion legislation because of their concern for the freedom of choice of the woman and, in most instances, precisely because they deny the humanity of the fetus which they view as prehuman or as having human potential. They do not agree that a fetus is a true human being in the normal sense and, therefore, they deny that the fetus, or unborn child, as prolife persons prefer to say, is entitled to either the compassion or legal protection accorded to true human beings.

To a large extent, the Supreme Court sidestepped this issue when it struck down State antiabortion statutes in the case of Roe against Wade. In that decision, the Court ruled that the 14th amendment right of personal privacy precludes the State from interfering with a woman's right to terminate pregnancy through abortion. The Court indicated that a fetus is not a "person" within the meaning of the 14th amendment and is, therefore, not entitled to constitutional protections. Significantly, however, the Court did not attempt to determine the humanity of the fetus nor to define when human life begins. The Court characterized this issue as "sensitive and difficult" and noted "wide divergence of thinking" on this question and that the judiciary "is not in a position to speculate as to the answer."

But for individual persons who must decide the moral permissibility of abortion and for the Congress, faced with a momentous policy issue, this fundamental question may not be avoided.

The exact instant at which life begins remains the subject of some disagreement. Not everyone would agree with Prof. Hymie Gordon, chairman of the Department of Medical Genetics at the Mayo Clinic who stated: "The question of when human life begins is an established fact. All life, including human life, begins at the moment of conception." However, it does appear that the great preponderance of evidence, as well as expert testimony and opinion, support Professor Gordon's view.

Dr. Francis A. Schaeffer, a leading philosopher and theologian, and Dr. C. Everett Koop, U.S. Surgeon General and well-known author in the field of medical ethics, have persuasively summarized the life-begins-at-conception argument:

THE GROWTH OF HUMAN LIFE

Our reasons against abortion are logical as well as moral. It is impossible for anyone to say when a developing fetus becomes viable, that is, has the ability to exist on its own. Smaller and smaller premature infants are being saved each year! There was a day when a 1000-gram preemie had no chance, now 50 percent of preemies under 1000 grams are being saved. Theoretically, there once was a point beyond which technology could not be expected to go in salvaging premature infants—but with further technological advances, who knows what the limits may be! The eventual possibilities are staggering.

The logical approach is to go back to the sperm and the egg. A sperm has twenty-three chromosomes; even though it is alive and can fertilize an egg, it can never make another sperm. An egg also has twenty-three chromosomes, and it can never make another egg. Thus, we have sperm that cannot reproduce and eggs that cannot reproduce unless they get together. Once the union of a sperm and an egg occurs and the twenty-three chromosomes of each are brought together into one cell that has forty-six chromosomes, that one cell has all the DNA (the whole genetic code) that will, if not interrupted, make a human being.

Our question to a pro-abortion doctor who would not kill a newborn baby is this: "Would you then kill this infant a minute before he was born, or a minute before that, or a minute before that, or a minute before that?" At what point in time can one consider life to be worthless and the next minute precious and worth saving?

Having already mentioned the union of sperm and egg to give forty-six chromosomes, let us briefly review the development of a baby. At twenty-one days, the first irregular beats occur in the developing heart, long before the mother is sure she is pregnant. Forty-five days after conception, electroencephalographic waves can be picked up from the baby's developing brain.

By the ninth and tenth weeks, the thyroid and the adrenal glands are functioning. The baby can squint, swallow, and move his tongue. The sex hormones are already present. By twelve or thirteen weeks, he has fingernails; he sucks his thumb and will recoil from pain. His fingerprints, on the hands which have already formed, will never change throughout his lifetime except for size. Legally, it is understood that an individual's fingerprints distinguish him as a separate identity and are the most difficult characteristic to falsify.

In the fourth month the growing baby is eight to ten inches long. The fifth month is a time of lengthening and strengthening. Skin, hair, and nails grow. Sweat glands come into being; oil glands excrete. This is the month in which the mother feels the infant's movements.

In the sixth month the developing baby responds to light and sound. He can sleep and awaken. He gets hiccups and can hear the beat of his mother's heart. Survival outside the womb is now possible. In the seventh month the nervous system becomes much more complex. The infant is about sixteen inches long and weighs about three pounds. The eighth and ninth months see a fattening of the baby.

We do not know how anyone who has seen the remarkable films of the intrauterine development of the human embryo can still maintain that the product of an abortion consists of just some membranes or a part

of the woman's body over which she has complete control—or indeed anything other than a human life within the confines of a tiny body. At the very least we must admit that an embryo is not simply an extension of another person's body; it is something separate and uniquely irreplaceable. Another good reason we should not view the unborn baby as an extension of the woman's body is that it did not originate only from the woman. The baby would not exist without the man's seed.

We are convinced that the reason the Supreme Court decision for abortion-on-demand never came to grips with the issue of the viability of the human fetus is that its viability (that is, ability to live outside the womb on its own) is really not the important point.

Viable or not, the single-celled fertilized egg will develop into a human being unless some force destroys its life. We should add that biologists take the uniform position that life begins at conception; there is no logical reason why the pro-abortionist should try to arrive at a different definition when he is talking about people, the highest form of all biological creatures. After conception, no additional factor is necessary at a later time. All that makes up the whole adult is present as the ovum and the sperm are united—the whole genetic code!

The reasoning of Dr. Schaeffer and Dr. Koop seems to me not only solid and convincing but also directly pertinent to the Roe against Wade decision. In that case, the Court held that only a "compelling State interest" could justify limiting a woman's 14th amendment right to abortion. The "compelling" point with respect to the State's interest in the potential life of the fetus "is at viability." Following viability, the State's interest permits it to regulate and even proscribe an abortion except when necessary, in appropriate medical judgment, for preservation of the life or health of the mother.

The Schaeffer-Koop observations about medical viability are especially impressive in view of Dr. Koop's vast experience and expertise. He is the former surgeon-in-chief of the Children's Hospital in Philadelphia where the entire surgical center is named in his honor. A pacesetter in the field of pediatric surgery, Dr. Koop has developed many new an highly successful procedures in surgery on the newborn. He is a well-known author in the field of medical ethics and the founder and editor-in-chief of the Journal of Pediatric Surgery.

If doubt yet remains, the strong pro-life presupposition of heritage strenuously argues for resolving doubt in favor of caution and restraint when human life is at stake. And so on this point I must agree with the Schaeffer-Koop observation that:

> We do not know how anyone who has seen the remarkable films of the intrauterine development of the human embryo can still maintain that the product of an abortion consists of just some membranes or a part of the woman's body over which she has complete control—or indeed anything other than a human life within the confines of a tiny body.

In brief, Mr. President, it is plain to me that a fetus is a human life and that willful termination of that life, except under compelling circumstances to the contrary is, per se, morally wrong. Whether or not it is a proper subject for legislation, however, is an entirely separate question which I would like to briefly address it at this time.

Recognizing the great diversity of our Nation and the divergence of opinion about this controversial issue, as well as our longstanding tradition of State jurisdiction in such matters, a strong case can be made against Federal intrusion in this area. Our federal system leaves to the States vast areas of complete independence. The States define, adjudicate and punish most crimes; protect the safety, welfare, and property of their citizens; establish licensing standards for physicians, lawyers, and other professional persons; regulate health and provide education. Indeed, the States provide the legal framework within which most of life's day-to-day activity takes place. More to the point, State law, not national law, governed abortion until the Roe against Wade decision of 1973.

Unfortunately, however, Roe against Wade has precisely the effect of overruling the States and recasting the abortion controversy as a truly national issue for the first time. On purely legal grounds, the Supreme Court's decision is highly questionable. In his dissent, Justice White termed the Court's action "an exercise in raw judicial power" and "an improvident and extravagant exercise of the power of judicial review." Pointing out the impropriety of overturning longstanding State statutes, as a matter of constitutional interpretation, Justice White observed:

> At the heart of the controversy in these cases are those recurring pregnancies that pose no danger whatsoever to the life or health of the mother but are nevertheless unwanted for any one or more of a variety of reasons—convenience, family planning, economics, dislike of children, the embarrassment of illegitimacy, etc. The common claim before us is that for any one of such reasons, or for no reason at all, and without asserting or claiming any threat to life or health, any woman is entitled to an abortion at her request if she is able to find a medical advisor willing to undertake the procedure.
>
> The Court for the most part sustains this position: During the period prior to the time the fetus become viable, the Constitution of the United States values the convenience, whim or caprice of the putative mother more than the life or potential life of the fetus; the Constitution, therefore, guarantees the right to an abortion as against any state law or policy seeking to protect the fetus from an abortion not prompted by more compelling reasons of the mother.
>
> With all due respect, I dissent. I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing State abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus on the one hand against a spectrum of possible impacts on the mother on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court.
>
> The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life which she carries. Whether or not I might agree with that marshalling of values, I can in no event join the Court's judgment because I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the States. In a sensitive area such as this, involving as it does issues over which reasonable men may easily and heatedly differ, I cannot accept the Court's exercise of its clear power of choice by interposing a constitutional barrier to state efforts to protect human life and by investing mothers and doctors with the constitutionally protected right to exterminate it. This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs.

Many legal scholars share Justice White's skepticism about Roe against Wade. But whatever one may think of the legal scholarship on which this decision rests, it remains the law of the land. With the States preempted, what was formerly an issue of State jurisdiction must now be considered at the national level even for the minimal purpose of restoring State jurisdiction by overturning Roe against Wade. This is exactly the purpose of Senate Joint Resolution 3.

A second objection to antiabortion legislation is the oft-repeated contention "you can't legislate morality." At one level, this notion is demonstrably true. Human nature does not seem to change from one millenia to the next; despite legislative intervention, character flaws which humans exhibit today are not noticeably different from those observed at the dawn of history.

Nonetheless, the purpose of much legislation is precisely to make moral judgments—in effect, to legislate morality. Laws are the means by which civilized societies protect and foster that which is right and forbid what is wrong. Underlying legal prohibitions against murder, theft, fraud, and perjury are moral judgments. It is the collective decision of society that such actions are wrong. Murder, fraud, perjury, and the like are deemed not merely inconvenient, untimely, or useless, but actually wrong in the sense that they

violate fundamental principles upon which our civilization rests.

As Russell Kirk points out:

At the heart of every culture is a body of ethics, of distinctions between good and evil.

Within the Judeo-Christian heritage, the sanctity of life is among the foremost of values cherished by civilized persons and nations. Protection of human life has traditionally been recognized as one of the paramount functions of government within a civilized society. Indeed, history largely judges prior civilizations by the extent to which human life is valued and protected.

Nonetheless, critics who contend that "you can't legislate morality" have a point. The human impulse to brutalize and exploit other human beings remains just below the surface in even the most civilized persons and societies.

What is significant, however, is the extent to which wise legislation can curb the expression of such impulses. Legislation implementing moral judgments ended slavery, protect freedom of speech, publication and workship, assure voting rights, and so forth.

This is not to say that every moral judgment ought to be the subject of legislation. On the contrary, Congress and the States are wise to exercise restraint in making fundamental changes based on moral judgments.

Moral issues are, by their very nature, highly emotional. Debates that disturb the spiritual and ethical foundations of a person's concept of the purpose and meaning of life arouse powerful passions, and it is our experience that decisions reached in highly emotional circumstances are decisions that we frequently regret.

Moreover, moral issues do not readily lend themselves to compromise, which is a distinctive strength of the American system. Our Nation derives much of its resiliency and unity from the very fact that we are able to compromise differences on many issues. Ordinarily, decisions within our political process are not so one-sided that those who are defeated at the polls or in a legislative battle are left utterly without consolation. More commonly, the views of the minority are accommodated, in greater or lesser degree, and there is a general recognition that those who form a political majority today will be in the minority at some future time, thereby fostering an attitude of tolerance and compromise. Obviously, however, it is much easier to work out a compromise on matters of purely practical application, such as budgets and taxes, than on fundamental moral questions about which notions of right and wrong leave less room for conscientious maneuvering.

The need for restraint in implementing moral judgments through legislation is also emphasized by the fact that moral issues often bring fundamental values into conflict. The delicate balance between moral order and personal liberty must be preserved.

Nonetheless, abortion is a proper subject for legislation, for two significant reasons.

First, because of the intrinsic importance of the issue. The 15 million or more abortions which have occurred since—and in many instances because of—Roe against Wade are not mere surgical procedures. They are human lives lost. In this perspective, abortion is the greatest human rights issue of our time. I agree with Prof. John T. Noonan's observation:

Of all the subjects relating to the erosion of the sanctity of human life, abortion is the keystone. It is the first and crucial issue that has been overwhelming in changing attitutes toward the value of life in general.

Second, proposals to overturn Roe against Wade are not drastic in nature. They do not, in and of themselves, establish a nationwide antiabortion policy. On the contrary, both the statutory and constitutional proposals now pending before the Senate contemplate further legislative action to prohibit or regulate abortion, providing circumstances under which abortions would be permitted, and establishing legal procedure, including those needed to safeguard personal privacy which would remain a constitutionally protected right, albeit weighed against other constitutionally protected rights including those of the unborn. Reasonable implementing legislation would, in effect, reestablish the legal framework which existed prior to Roe against Wade. Such legislation need not and should never be permitted.

As to the exact form of appropriate legislation to curtail abortion, I have sought to remain reasonably flexible in order to seek a moderate solution, a solution which would be respectful and, to the extent possible accommodating to persons whose basic views are different from my own.

I have also tended to favor incremental legislative approaches rather than sweeping or drastic changes, although in this case, in which we are confronted with a drastic policy change resulting from unexpected court decision, it is difficult to fashion such legislation.

One such approach, which seems reasonable to me, is a statutory proposal which would make permanent the ban on Federal funding of abortions, contains a congressional finding of fact that life begins at conception, and provides for expedited Supreme Court review of State antiabortion statutes based on this congressional finding.

This statutory approach rests on the theory that the Supreme Court has declined to decide when life begins and has, in effect, deferred to the legislative branch of Government to reach this decision as part of its factfinding and policymaking function. If Congress investigates and determines that life begins at conception, then the unborn will automatically be protected by the 14th amendment of the U.S. Constitution and the States will again be empowered to protect these lives through appropriate—though probably differing—State statutes, advocates contend.

Although this legal theory seems reasonable to me, whether it will, in fact, be sustained by the Court is open to question. I see the reality of the situation in these terms: In Roe against Wade, the Supreme Court wandered far from precedent and reasonable interpretation. If members of the Court, upon reflection and further study, are looking for an opportunity to retreat from Roe, then the statutory approach provides sufficient reason to do so. If, on the other hand, the Court is comfortable with Roe, the Court can find much to easily justify striking down State statutes, premised on the congressional finding that life begins at conception. Very recent decisions do not lead me to believe the Court is particularly looking for a reason to overturn or retreat from Roe.

If this is true, then Senate Joint Resolution 3 is an appropriate and, under the circumstances, a moderate approach. It does not establish a nationwide ban on abortion, as some might wish, but merely overturns Roe against Wade and restores the authority for policymaking to the State legislatures where it previously resided.

I am not entirely satisfied with this solution. Many objections can and will be raised. But on balance it seems to me a reasonable and practical approach and one which will, if enacted, undoubtedly reverse the tragic trends of the last decade. At the same time, however, by its very formulation, Senate Joint Resolution 3 avoids freezing into the Constitution a specific ban which might be itself subject to unforseen interpetation. Therefore, I will vote for this proposed amendment while remaining open to further thought and study and other proposals that may at some future time be forthcoming.

In conclusion, I wish to acknowledge my gratitude to the literally thousands of persons throughout Colorada, and others as well, who have shared their views with me. This is an issue about which thoughtful persons do not agree. And because of its sensitivity, the prospect of abortion legislation tests the intellectual humility and patience of all who care deeply about the outcome. I am gratified that the vast majority of those with whom I have had contact about this matter have expressed their opinions in a serious and dispassionate manner and in a way that is respectful of differing opinions.

I have tried to explain my own thinking in the same spirit.

Mr. PACKWOOD. Mr. President, I yield such time as the Senator from Ohio will need.

Mr. GLENN. Mr. President, I thank the distinguished Senator. I will only need about 5 minutes.

Mr. President, because I support a woman's right to choose to have an abortion, I am opposed to attempts to reverse the Supreme Court's Roe against Wade decision which legalized most abortions under the constitusional right to privacy. Roe against Wade—which was recently reaffirmed by the Supreme Court's rulings that State and local laws restricting abortion are unconstitutional—was a major step forward in insuring equality for women in our society. This equal protection, under the constitutional right to privacy, must not be taken away.

As I have stated many times before, I respect the heartfelt views of those who are opposed to abortion. However, I do not believe that their views should be forced on others who feel every bit as strongly that a woman has a right to terminate a pregnancy. I believe that this is a decision which should be reached by a woman in consultation with her physician, husband, pastor, priest, rabbi, or whomever she chooses; and should be based on her own moral and religious convictions.

Today, I rise to oppose Senate Joint Resolution 3, which proposes an amendment to the Constitution stating that, "A right to abortion is not secured by this Constitution." I oppose this amendment because it would act to repeal Roe against Wade. I also do not believe that enactment of Senate Joint Resolution 3 could resolve the national debate regarding abortion. Rather, I believe it would heighten the controversy surrounding this issue.

Senate Joint Resolution 3 is a negative amendment, the first proposed amendment to the Constitution declaring the nonexistence of a right. As such, it proposes to transfer the authority and responsibility for deciding about abortion from the Constitution and the judicial system to statutes passed by the legislative branches of government. However, its full impact is unclear. Supporters claim its passage would restore the status quo ante Roe against Wade, and would give individual States the opportunity to do anything or to do nothing with respect to abortion. In fact, the status quo would not be restored since the amendment would change the Constitution from what it was in 1973.

The unanswered question remains exactly how the Constitution would be changed. The Roe against Wade decision is based on the 14th amendment's constitutional right to privacy, not on any constitutionally found right to abortion. It is difficult to determine how the phrase "a right to abortion", as contained in Senate Joint Resolution 3, would affect specific rights granted under different sections of the Constitution. Although States would have the authority to legislate with regard to the practice of abortion, their attempts might be challenged on the basis of a variety of constitutional rights including a due process right to health or an equal protection argument against an interspousal consent statute.

Again, I oppose Senate Joint Resolution 3 and urge its defeat. It would set a bad precedent for amending the Constitution. I support a woman's right to make childbearing decisions—a view supported by a majority of Americans—and I will continue to oppose legislation limiting a woman's freedom of choice with respect to abortion.

Mr. PACKWOOD. Mr. President, I thank my colleague from Ohio very, very much for those warm statements. I appreciate the fact he is able to give them and tell him again that we vote tomorrow afternoon at 5 p.m.

I yield such time as the Senator from Vermont needs.

Mr. LEAHY. I thank my friend from Oregon. I advise him I shall be only a few minutes. I understand that the Senate is anxious to go out of session and I shall not hold it long.

Mr. President, what is before the Senate today has been widely billed as a long-awaited debate on the issue of abortion. But Senate Joint Resolution 3 is about much more than abortion. It is about the way we amend the Constitution of the United States.

Article 5 of the Constitution is very explicit in requiring special majorities to amend its carefuly drafted provisions, two-thirds of each body of this Congress and three-quarters of the States.

This requirement of supermajorities is essential for the protection of personal liberties in a democracy. Without it legislative majorities could easily sweep away protections that individuals and minority groups have enjoyed under the Bill of Rights for nearly two centuries.

Although in the form of an amendment to the Constitution, Senate Joint Resolution 3 is, in substance, a statutory solution to a constitutional problem.

People may honestly differ over the wisdom and morality of the current legal formula by which the rights of women and the rights of unborn are weighed against each other at various stages of pregnancy.

The range of views among my colleagues on the substantive issue of abortion is considerable but no one can deny that the issue is a fundamental one, that the issue is privacy and autonomy for women, on the one hand, and the rights of unborn life, on the other, which are issues of constitutional dimension. They are.

But the outcome of this fundamental question can no more be left to 50 individual State legislatures than can the issues of free speech, freedom of religion, or scores of other questions raised under the bill of rights and the 14th amendment.

If abortion is morally repugnant in all circumstances, then it is so in every State in the Union, not just some. If the right to choose abortion is a matter for a woman and her doctor in early pregnancy, then that right is not negotiable from State to State. To hold otherwise is to misapply the notion of federalism and do profound injury to the idea of a Constitution that applies to all without regard to geography.

Senate Joint Resolution 3 will allow in one State abortions on women, and in another State only for rape and incest, in the next State not at all, even to save the life of the mother, and so on. That is really not the way the Constitution should be amended.

The response of Senate Joint Resolution 3 to the deep division and public opinion is to use the amending process with its requirements for a supermajority in Congress and the States not to declare that the right to abortion is extinguished because it does not say that but rather that the right to abortion is downgraded.

Senate Joint Resolution 3 declares there can be no national consensus on prohibiting abortion. It is a fair compromise to make the issue statutory rather than constitutional, changeable by this or that legislative majority.

If we accept that principle, then we have to say that this sort of compromise could be offered to solve any number of knotty issues arising under the Constitution. Two-tier amendments could lead to the legislative branch acting alone on the difficult issues of separation of church and State, freedom of expression, protection of individual rights in criminal cases, and the rights of minorities, just to name a few.

The adoption of Senate Joint Resolution 3, like its predecessor Senate Joint Resolution 110, would make a definite statement about how controversial rights ought to be changed. If you do not like a right currently protected by the Constitution and you do not have the right to amend it away, then amend the Constitution, eliminate the power of courts to enforce it by declaring that the Constitution no longer protects that right.

This is the message of Senate Joint Resolution 3 and it is unacceptable as a model of how the Constitution should be changed.

Mr. President, in this country we have a very short Constitution; we have a long history of democracy. Our

country exists now today longer than any other democracy in existence today. There are many reasons for that, of course—the will of our people, the indomitable spirit of America itself, but also because of our Constitution.

I doubt very much, in fact I know that our country would not still be in existence today had it not been for the remarkable document of our Constitution drawn 200 years ago.

Without that Constitution we could not have balanced the rights and the desires and the needs of a growing pluralistic society. Without that Constitution we would not have gotten through Presidential assassinations, the civil war, two world wars, and all the other problems that we have seen as a growing and expanding nation. We would not have gotten through even the problem of our own growth as a nation.

Throughout all of that we have done it with a very short, a very concise, a very precise Constitution. Our body of rights has grown up within that small document.

If we follow the ideas of Senate Joint Resolution 3, then we open the door to start amending the Constitution this way for every single problem facing us, much less the issue of abortion, Mr. President. Our purpose is to develop a society where abortion is not an acceptable alternative, where people do not look for abortion but look instead to life.

In doing that, in reaching for that society, a society which I strongly think is possible, let us not ruin the basis of our own society by amending our Constitution in a way in which we should not.

Therefore, I will vote against this proposal and I hope my colleagues will not vote to amend the Constitution in some unprecedented way.

I yield back to my friend from Oregon.

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Wisconsin (Mr. KASTEN).

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I am pleased to rise in support of Senate Joint Resolution 3. After months of silence, the Senate now has the opportunity to address the abortion issue and to restore rights for the unborn.

Senate Joint Resolution 3 simply states "A right to abortion is not secured by this Constitution." Adoption of this language would reverse Roe against Wade, the landmark decision which protects abortion rights, and would restore the power of the States to restrict or prohibit abortion.

This amendment would not repeal any other rights guaranteed under the Constitution. Rather, it would clarify that abortion, which somehow has been construed as part of a woman's privacy, is no longer a guaranteed right.

Today, only a little more than 10 years after the Supreme Court decision in Roe against Wade, well over 12 million abortions have been performed legally in this country. When over one-third of the pregnancies in this country end in abortion, it is clear that somewhere along the way our policy has been misguided. How can we, as a nation founded upon the principles of life, liberty, and the pursuit of happiness, permit such a situation to continue?

In one sweeping decision, the Court made legal one of the most controversial medical procedures of our time. Under the cloak of privacy, the justices reasoned that a woman's freedom of choice included the right to terminate the life of her unborn child.

It is important to underscore the fact that the 1973 decision was not made by elected officials, but by judges. As Justice O'Connor noted in her dissenting opinion on the recent abortion rulings, an issue of this magnitude should be subject to the democratic processes. Abortion policy should be shaped by the people themselves, who are spoken for by our representation in Congress and by officials at the State and local level.

Mr. President, in Senate Joint Resolution 3, we have the vehicle necessary to reverse the Court's ruling. At last, we can allow the American people to register their disagreement with unrestricted abortion as an accepted public policy.

Passage of this resolution would restore the States authority to restrict or prohibit abortion. This is a very moderate and sensible approach and one which I believe reasonable men and women with different opinions about abortion can support.

Let us take this opportunity to resolve this matter and restore the balance of power between the people, the States, the courts, and the Federal Government.

LEGAL OPERATION AND ROE'S PROGENY

Mr. HATCH. Mr. President, once again, I would like to take this opportunity to remind my distinguished Senate colleagues of the significance of the historic vote which approaches this body. We are, in essence, voting to reaffirm our confidence in the constitutional framework drafted in convention in 1787 and ratified by the States in 1788. We are voting to follow the pattern of government which has served this Nation nobly for nearly two centuries, or in the alternative, to endorse a fundamental alteration of the constitutional structure—moreover an alteration adopted without recourse to the supermajorities required for amendment in article 5.

The framers of the Constitution gave careful consideration to the appropriate means to resolve divisive social disputes. They elected to confer upon the Federal Government a limited number of specific powers covering subjects that demanded a national solution, such as national defense, interstate commerce, post offices, and the like. All powers not specifically delegated to the Federal Government were to be exercised by the States. Thus most sensitive social issues would be subject to community consensus and the virtues of diversity. In the words of Madison:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, such as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all objects which, in the ordinary course of affairs concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. Federalist Papers, No. 45.

Alexander Hamilton, noted for his defense of a strong National Government, concurred in Madison's explanation of the operation of the Constitution:

> The Federal Government's jurisdiction extends to certain enumerated objects only, and leaves to the States a residuary and inviolable sovereignty over all other objects. Federalist Papers, no. 39.

These statements fairly present the intent of the framers with regard to the balance between the State and Federal Governments. Consistent with this intent, States regulated abortion almost exclusively until 1973. On January 22 of that year, as I have earlier explained, the Supreme Court created a special constitutional status for abortion. The right to abortion became, by Court edict, a fundamental liberty which a State's legislature could limit even in the slightest degree only by demonstrating a "compelling" justification. 410 U.S. at 728. This compelling State interest standard is very exacting. *Kramer,* 395 U.S. 621 (1969). Even such seemingly inconsequential State regulations as a 24-hour waiting period prior to an abortion failed to meet this standard of review. Akron, supra. Although the Supreme Court has repeatedly conceded that protecting maternal safety and the life of the unborn are "legitimate State interests," *Roe,* 410 U.S. at 732, Akron, and so forth, these profound interests have not risen to the level of "compelling" in the eyes of the Court. Accordingly, the right to abortion has operated time and again to strike down the will of State legislatures. Protected by the Court's constitutional interpretation, one absolute extreme on abortion; namely, abortion on demand throughout all 9 months of pregnancy,

has become enshrined as an unassailable tenet of American law.

This amendment, Senate Joint Resolution 3, removes the abnormally elevated status afforded the right created in Roe. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of constitutional review. This standard requires a State to demonstrate a rational relationship between its policy and a legitimately protectible State interest, the rational basis test. Since the Court has already acknowledged at least two legitimate State interests, maternal safety and unborn human life, any statute rationally related to these objectives would pass constitutional muster. Thus, the will of the people, as reflected in State legislatures, would be respected. The traditional constitutional balance which governs other aspects of domestic relations law; namely, State regulation in practically all aspects, would be restored.

In short, this amendment removes the right created in Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973. Hence, our vote may be construed as a vote to endorse the system of governance created by the framers of the Constitution in 1787 or the special right created by the Supreme Court in 1973.

For the sake of clarity, I would like to once again, as I did earlier, list what this amendment would and would not do. Ratification of Senate Joint Resolution 3, as amended, would accomplish the following:

First, it would nullify the special right to abortion created by the Supreme Court in 1973. Even the Supreme Court has referred to the right created in Roe as the "right to abortion." *Conn.* v. *Menillo,* 423 U.S. 9, 10. More than 80 Federal court cases have also used this phrase as shorthand for the new Roe right. This amendment simply, cleanly, directly, conclusively states that "A right to abortion is not secured by this Constitution."

Second, it would prevent the creation of any other right to abortion in the harbor of the Constitution. The article "a" makes the scope of the repeal broader than if the article "the" were used. "The" might be construed as limiting the repealer to the particular doctrine or doctrines that have developed in Roe and its progeny as a justification for abortion. Use of the article "a" makes it clear that no other "right to abortion," however conceived or justified, is provided by the Constitution. Under Senate Joint Resolution 3 there would exist no constitutional authority for any right to abortion.

Third, it would avoid any unnecessary repudiation of the doctrine of privacy. The use of the careful phrase "right to abortion" clarifies that the amendment only repeals the abortion decisions. Other extensions of the right to privacy, such as in contraception or family privacy cases, would not be affected by the narrow language of the amendment.

Fourth, it would mean that State statutes concerning abortion would be subject to ordinary standards of judicial review, that is, the rational basis test instead of the compelling State interest test. An obvious point of explanation is needed at this point to clarify a higher standard would still apply to a State enactment that infringed some other constitutional rights unrelated to the "right to abortion" question—for example, a law prohibiting only black women from obtaining abortions would still be examined under a compelling standard—or strict scrutiny—due to the obvious racial classification, not due to any remaining right to abortion.

Fifth, it would restore to the States their general police power to restrict and prohibit abortion, or elect to refrain from doing so. The States would be restored to the legal status they enjoyed prior to Roe.

Sixth, it would reenfranchise the people, acting through their elected State representatives to participate in the formation of abortion policy. Abortion policymaking that has been centralized in the nonrepresentative judicial branch will be returned to State legislative discretion. This will facilitate the kind of compromises and consensus formation that is impossible in the judicial branch.

Seventh, it would restore the constitutional balance of powers between the State and Federal Government and between the legislative and judicial branches. In sum, it would restore the status quo ante Roe insofar as the power and responsibility to resolve abortion issues is concerned.

Senate Joint Resolution 3, as amended would not do the following:

First, it would not establish any new constitutional right favoring either an absolute right to life or an absolute right to abortion. It would simply restore the operation of the constitutional system, favoring States rights to resolve abortion issues, that existed prior to 1973.

Second, it would not compel the adoption by any State legislature of any legislation restricting abortion.

Third, it would not preclude judicial review of abortion laws or prevent a court from holding abortion laws unconstitutional. A court could hold abortion laws invalid if they failed to comply with the Constitution except to the degree that such a ruling would create a "right to abortion." Thus, racially discriminatory abortion laws would be invalidated, but not ordinary abortion restrictions.

Fourth, it would not affect State constitutions. It would not prohibit the citizens in any State from adopting—or, for that matter, any State supreme court from fashioning—a right to abortion under the State constitution.

Fifth, it would not grant Congress any power to directly restrict or prohibit abortion. Congress would retain its authority under its enumerated constitutional powers to regulate interstate commerce and other areas that might tangentially touch upon abortion. This limited authority is nothing more than exists for every other form of domestic relations law—or any other law for that matter—which is subject to the plenary jurisdiction of the States.

Sixth, it would not give to the States any new authority to regulate abortion. Their general police powers to regulate abortion would be restored, but would not be enhanced.

Seventh, it would not alter the constitutional allocation of power between the State and Federal Government, or between the legislative and judicial branches.

PROGENY OF ROE

As I have mentioned earlier, Roe against Wade and Doe against Bolton created for the first time in the Constitution's history an enforceable right to abortion which overturns the abortion laws of every State in the Union. These Supreme Court cases basically opined that the right to seek an abortion is a fundamental liberty, one of those handful of rights so sacred that any State regulations of the right must show a compelling justification. This standard of judicial review is so strict that very few, and only very inconsequential, limitations on the Court-created right have been held constitutionally sufficient in the decade since Roe.

Although the Court has stated that the right to abortion is not absolute and unqualified, *Maher* v. *Roe,* 432 U.S. 464, 473, it has nonetheless proven powerful enough to strike down State attempts to protect the dual interests of maternal safety and the life of the unborn. For example, the right has overridden State policies requiring spousal consent to an abortion, parental consent for an abortion performed on a minor, use of abortion techniques other than saline aminocentesis in the interest of safety, the same care to save an abortion fetus as would be used to save a child intended to be born alive—*Danforth,* 428 U.S. 52—hospitalization for abortions performed after the first trimester, a physician to notify his patient of the risks and effects of abortion, a 24-hour waiting period before performance of the operation, and humane and sanitary

disposal of the remains of the aborted child—Akron.

In cases which the Supreme Court analyzed under its compelling State interest standard, States have been allowed to require that women consent to an abortion in writing and that abortion clinics keep records of their activities. Danforth, supra. States have also been allowed, under limited circumstances, to require parental notification of abortions performed on a minor, *H.L.* v. *Matheson*, 101 S. Ct. 1164. And just recently, States were allowed to require the presence of a second physician when late-term abortions are performed. Planned Parenthood against Ashcroft, June 15, 1983. In cases analyzed by the Court independent of the compelling State interest test, restrictions on funding of abortions have been upheld, *Maher* v. *Roe*, 432 U.S. 464; *Harris* v. *McRae*, 448 U.S. 297.

The subsequent development of the abortional right promulgated by the Court in Roe against Wade has largely been one of expansion of the right to its fullest possible limits through the gradual elimination of virtually all possible impediments to its exercise. Review of the opinions of the Court which followed Roe against Wade demonstrates this development.

In Doe against Bolton, the court invalidated, on 14th amendment grounds, various procedural requirements contained in a recently enacted criminal abortion statute of the State of Georgia. Before reaching these procedural aspects of the statute, the Court considered and upheld against a vagueness challenge the requirement that the physician find the abortion to be "necessary." 410 U.S. at 191-92. Citing its decision in *United States* v. *Vuitch*, 402 U.S. 62, 71-72 (1971), the Court found that such a standard left latitude for the physician to consider all factors relating to "health" and therefore was within the ambit of "judgment(s) that physicians are obviously called upon to make routinely whenever surgery is considered." 410 U.S. at 192. The broad applicability of the term "health" as the Court defined it—

> Allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman. 410 U.S. at 192.

The Court found the statute's requirement that permissible abortions be performed in hospitals accredited by the Joint Commission on Accreditation of Hospitals was constitutionally invalid on the ground that such requirement was not "based on differences that are reasonably related to the purpose of the act in which it is found." 410 U.S. at 194. The Court recognized the permissibility of the States adopting standards for the licensing of all facilities where abortion may be performed after the first trimester so long as the standards are "legitimately related" to permissible State objectives. Nevertheless, it felt compelled to agree with the appellants that the State had failed to justify a requirement that such abortions be performed in a licensed hospital, as opposed to a facility—such as a clinic—with all staffing and services necessary to perform abortions safely—including means of handling complications—Id. at 195. The Court also found the hospital requirement per se invalid because of its failure to exclude the first trimester of pregnancy. Id.

The Court also struck down the Georgia statute's requirements of prior approval of an abortion by both a committee of the hospital's medical staff in which the operation is to be performed and two other licensed physicians. It found such requirements to be "basically redundant" and without rational connection to a patient's needs, as well as unduly restrictive of the physician's right to practice. Id. at 197, 199. The statute' requirement of residency within the State was found to be unrelated to any legitimate State interest—such as conservation of limited State-supported medical resources for residents of the State—Id. at 200. In short, the compelling State interest test operated to invalidate State limitations on abortion. In the dissenting voice of Justice White:

> The common claim before us is that for any one of such reasons, or for no reason at all, and without asserting or claiming any threat to life or health, any woman is entitled to an abortion at her request if she is able to find a medical advisor willing to undertake the procedure. The Court for the most part sustains this position.

The Court next adverted to the matter of abortion in a very different context. In *Bigelow* v. *Virginia*, 421 U.S. 809 (1975), the Court considered a Virginia statute which had made it a misdemeanor for any person to encourage or promote the procuring of abortion or miscarriage by publication, lecture, advertisement or sale or circulation of any publication, or in any other manner. In 1971, before the decision in Roe against Wade, the appellant had been convicted under the statute for running an advertisement in a Virginia newspaper which advised its readers of the availability of legal abortions in New York and supplied the particulars as to whom to contact for assistance in obtaining an abortion. The Court held that the kind of speech involved, notwithstanding its commercial character, was fully protected under the first amendment. Relying upon its holding in Roe against Wade, the Court further justified its holding upon the ground that "the activity advertised pertained to constitutional interests." Id. at 822.

Justice Rehnquist pointed out the inconsistencies in the majority opinon by noting that the primary reason the advertisement is given more constitutional protection than other commercial speech is that the ad related to "abortion, elevated to constitutional stature by the Court." Rehnquist further captured the inconsistency by noting that if the first amendment were the only basis for the holding, the subject matter of the ad ought not to make any difference.

In *Connecticut* v. *Menillo*, 423 U.S. 9 (1975), the Court corrected a misunderstanding of the scope of its holding in Roe against Wade which had arisen in the highest courts of some States. In reliance on certain language in Roe against Wade, the Supreme Court of Connecticut had held that State's criminal abortion statute to be "null and void" in its entirety, so as to preclude its enforcement even against a nonphysician who had attempted to procure an abortion. Id. at 9-10. Upon appeal by the State, the Supreme Court explained in a per curiam opinion that it had not held the Texas statute involved in Roe against Wade to be unenforceable against a nonphysician abortionist for the case did not present the issue." 423 U.S. at 10, Rather, the Court indicated, the "right to an abortion recognized in Roe against Wade was entirely contingent upon its being performed by a competent licensed physician under conditions insuring maximum safety for the woman. Id. at 11.

In *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52 (1976), a case which it described as "a logical and anticipated corollary to Roe against Wade * * * and Doe against Bolton," Id. at 55, the Court dealt with some of the secondary issues which were forecast and reserved in those earlier opinions. At issue were various provisions of a comprehensive statute for the control and regulation of abortion which was passed by the Missouri Legislature in 1974, shortly after invalidation of its previous abortion legislation under the authority of Roe against Wade. Id. at 55-56.

The portion of the statute which defined "viability" as "that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems" was held not to circumvent, or be violative of, the limitations on State regulation outlined in Roe against Wade. Id. at 63-65. The Court rejected the appellants' contentions that the statutory definition was defective by reason of its lack of reference to a gestational time period or the three states of pregnancy, and its use of the term "indefinitely." It found that the prescribing of a specific point in the gestation period as the point of viability is not the function of the courts or legisla-

tures, but, rather, that the determination that a particular fetus is viable is a matter for the professional judgment of the "responsible attending physician." Id. at 64-65.

The Court upheld a requirement of the statute that the woman, prior to submitting to an abortion during the first 12 weeks of pregnancy, certify her consent to the procedure in writing and that such consent be "informed" and freely given and not the result of coercion. Id. at 67. The Court invalidated, however, the statute's requirements of prior written consent to an abortion within the first 12 weeks of pregnancy by the spouse or by one parent—or a person in loco parentis—of an unmarried minor under the age of 18 years. In both instances, that of spouse or parent, the Court took the position that any power a family member might have to veto a contemplated abortion would have to be a delegation of State power. Under this analysis, the Court concluded that the State could not delegate such a power to spouse or parents because it lacked the power itself. 428 U.S. at 70, 74. While recognizing the "deep and proper concern and interest" of a husband "in his wife's pregnancy and in the growth and development of the fetus she is carrying," the Court found that in cases of disagreement a wife's decision must govern because "the view of only one of the two marriage partners can prevail. Inasmuch as it is the woman who physically bears the child and who is the more directly and immediately affected by the pregnancy, as between the two, the balance weighs in her favor." Id. at 69, 71.

Three dissenting justices noted that the Court had assumed the State was delegating power it did not possess. Instead the State was trying to protect the interest of the father in preserving the life of his offspring. "A father's interest in having a child—perhaps his only child—may be unmatched by any other interest in his life." 428 U.S. at 93.

While reiterating the principle that "minors, as well as adults, are protected by the Constitution and possess constitutional rights," the Court also gave recognition to the State's "somewhat broader authority to regulate the activities of children than of adults." Id. at 74. Nevertheless, weighing the State's interests in the safeguarding of the family unit and of parental authority against the right of privacy of the "competent minor mature enough to have become pregnant," the Court found that it could not conclude that "providing a parent with absolute power to override a determination made by the physician and his minor patient, to terminate the patient's pregnancy will serve to strengthen the family unit" or that "such veto power will enhance parental authority or control where the minor and the nonconsenting parent are so fundamentally in conflict and the very existence of the pregnancy already has fractured the family structure." Id. at 75.

The dissent again raised questions. In their view, the parental consent statute merely protected the decision to have an abortion. Minors may not have the capacity to make such decisions in their best interest without parental involvement. States have traditionally sought to protect children from their own immature decisions by requiring parental consent.

The Court also found unconstitutional the statute's prohibition of the use of saline amniocentesis as a method of abortion after the first 12 weeks of pregnancy. Id. at 75-79. This requirement of the statute had been based upon an express legislative finding that such technique was deleterious to maternal health." Id. at 76. But the Court rejected the validity of this finding based upon its own assessment of the record. A majority of the Justices found that prostaglandin injection—apparently the only indisputably safer abortion technique for the woman—was not in fact generally available in the State of Missouri. Thus, the practical effect of the prohibition was, by forcing the woman and her physician to terminate her pregnancy by methods more dangerous to her health, to inhibit unreasonably or arbitrarily the vast majority of abortions after the first 12 weeks of pregnancy. Id. at 78-79, 101-02.

Another provision of the statute required the physician performing an abortion to exercise the same degree of care to preserve the life of an aborted fetus as would be exercised if the fetus had been intended to be born alive. Both criminal—manslaughter—and civil liability were imposed if the physician failed to take measures "to encourage or sustain the life of the child, and the death of the child results." Id. at 82. The Court held the provision to be invalid by virtue of its failure to limit its applicability to the period after the viability stage has been reached. Id. at 83. The dissent noted that read in any way except through a microscope, this section was only meant to apply to fetuses capable of surviving outside the womb, the requirement imposed by Roe.

The Court was presented with another State statute requiring parental consent for an abortion to be performed on a minor in *Bellotti* v. *Baird* (Bellotti 1), 428 U.S. 132 (1976). The Massachusetts statute involved there required the consent of both parents, as well as the pregnant minor, for any abortion to be performed on wealth, after hearing, "for good causes shown," if one or both parents refused to consent. Id. at 134-35. The attorney general of Massachusetts urged that the statute was not one which allowed the parents to veto their minor child's decision to have an abortion solely on the ground of their own preferences. Rather, it was urged, it merely gives preference to parental consultation and consent, but permits a mature minor capable of giving informed consent to obtain a court order permitting an abortion without parental consent or consultation, and allows a minor not capable of giving informed consent to obtain an order without parental consultation where there is a showing that an abortion would be in her best interests. Id. at 144-45. Accepting the proffered interpretation as one which might very well be applied by the courts of Massachusetts, and as one which would not unduly burden the right to seek an abortion, the Court, decided the case was a proper one for abstention. So long as the Supreme Judicial Court of Massachusetts could interpret the statute so as not to unduly burden the abortion decision, in a manner consistent with the interpretation proffered by the Massachusetts attorney general, review of the constitutional issues would be, the Court felt, unnecessary. Id. at 148.

In *Beal* v. *Doe*, 432 U.S. 438 (1977), the Court was presented with the issue of whether title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (1970 ed. and Supp V), which establishes the medicaid program, requires participating States to fund the cost of nontherapeutic abortions. Under Pennsylvania's federally approved medicaid plan, financial assistance for abortions was to be provided only upon certification by physicians that same were "medically necessary." 432 U.S. at 441. Fastening upon the distinction between necessary and unnecessary medical treatment, as well as The State's "valid and important interest in encouraging childbirth," the Court held that, absent a clear mandate in the language or legislative history of title XIX, there was no federally imposed obligation upon the States to fund nontherapeutic abortions. Id. at 444-46.

In the companion case, *Maher* v. *Roe*, 432 U.S. 464 (1977), the Court considered the related question of whether the Constitution requires a participating State which pays for childbirth to pay also for nontherapeutic abortions. Similarly to the Pennsylvania regulation involved in Beal, Connecticut medicaid regulations limited benefits for first trimester abortions to those that were "medically necessary." The regulation was challenged on the ground that it violated the equal protection clause of the 4th amendment. The Court held that notwithstanding its impact on indigent women desiring abortions, the regulation involved no discrimination against a suspect class.

This Court has never held that financial need alone identifies a suspect class for purposes of equal protection analysis. Id. at 471.

The Court further held that the regulation placed no obstacles in the pregnant woman's decision to abort, and thus did not impinge upon the fundamental right recognized in Roe against Wade.

The State may have made childbirth a more attractive alternative, thereby influencing the woman's decision, but it has imposed no restriction on access to abortions that was not already there. Id. at 474.

In support of its holding, the Court emphasized that it was not retreating form its holding in Roe and its progeny, but that—

There is a basic difference between direct state interference with protected activity and state encouragement of an alternative activity consonant with legislative policy . . . A State is not required to show a compelling interest for its policy choice to favor normal childbirth. Id. at 475, 477.

Although the State did not have a similar requirement of a showing of medical necessity for other medical procedures, the Court upheld the validity of the distinction, since such procedures "do not involve the termination of a potential human life." Id. at 480.

In a decision issued on the same day as Beal and Maher, the Court, in *Poelker* v. *Doe*, 432 U.S. 519 (1977), gave consideration to the refusal by the city of St. Louis to provide publicly financed hospital services for nontherapeutic abortions. Finding the constitutional principle involved to be identical with that involved in Maher, the Court found no constitutional violation by the city in electing, as a matter of policy, to provide public hospital services for childbirth while denying such services for nontherapeutic abortions.

The Court returned to the matter of State statutes which impose a standard of care on person performing an abortion in *Colautti* v. *Franklin*, 439 U.S. 379 (1979). A Pennsylvania statute required that every person who performs an abortion make a determination of whether or not the fetus is viable and, upon a finding of actual or possible viability, exercise the same duty of care to preserve the fetus' life and health as if the fetus had been intended to be born alive. The statute also required the use of the abortion technique most conducive to the fetus being born alive so long as a different technique is not necessary to preserve the mother's life or health.

The Court found the viability determination requirement of the statute to be constitutionally void for vagueness. Id. at 390. If found a double ambiguity in the statute. The first ambiguity was found to flow from the statute's requirement that the prescribed standard of care be applied where there is "sufficient reason to believe that the fetus may be viable." This phraseology, the Court found, left unclear whether the determining factor was to be the physician's subjective judgment or "the perspective of a cross section of the medical community or a panel of experts." Id. at 391. The second ambiguity stemmed from the statute's use of the phrase "may be viable." The Court found that it could not merely mean "viable" since the statute used that term in juxtaposition to "may be viable". If one term ("viable" or "may be viable") meant "viable" as the term used in Roe against Wade, the Court felt, the other term could be construed to relate to some other indeterminate stage of fetal development. Id. at 392-93. These uncertainties, the Court felt, left the physician subject to potential criminal liability predicated on "confusing and ambiguous criteria." Id. at 394.

The Court also held the standard-of-care provision itself to be impermissibly vague. Id. at 397-401. The defect was found to flow from the provision's failure to make clear which interest is dominant, that of the mother or that of the fetus, or whether the physician is required to make a "trade-off" between the two interests. Such a conflict of cuties, the Court felt, requires the State to proceed with greater precision. Id. at 400-01. The three dissenters noted that Roe had allowed States to protect the unborn after viability, but this ruling withdrew a substantial measure of the State's ability to protect fetal life in the third trimester.

Bellotti v. *Baird* ("Bellotti II"), 443 U.S. 622 (1979), returned to the Court in 1979. On the basis of rulings by the Supreme Judicial Court of Massachusetts construing various aspects of the statute, the Court found the statute to be unduly burdensome to the right to seek an abortion and, therefore, unconstitutional. Four of the Justices were of the opinion that if a State decides to require parental consent for a minor's abortion decision, it must, in order to insure that the requirement for parental consent does not in fact, confer on the parents an "absolute, and possible arbitrary veto," also make available an alternative judicial procedure whereby authorization may be obtained. Id. at 643-44. The Massachusetts statute, as construed by the State's highest court, failed they held, to meet these requisites in two respects: First, by virtue of its requirement that in all events the minor seek parental consent, Id. at 646-48, and second, to the extent it allowed the State court to disregard the abortion decision of a minor who has been determined to be mature and fully competent to assess the implications of the choice she has made based upon its own assessment of the best interests of the minor. Id. at 649-50. With respect to the first defect, the minor must have, the Justices felt, the opportunity to go directly to court without first consulting or notifying her parents, and the court must authorize her to act without parental consultation or consent if it finds her mature and well-informed enough to intelligently make the decision to abort. Id. at 647. If it finds her not to be competent to make such decision independently, she must nevertheless be permitted to show that an abortion would be in her best interests, and if the court is persuaded, it must order the abortion. Id. at 647-48. Once again the Court rejected any notion that minors heed parental consultation if the abortion decision is to be meaningful.

The Court turned again to the issue of abortion funding in 1980 in the companion cases of *Harris* v. *McRae*, 100 S. Ct. 2671 (1980), and *Williams* v. *Zbaraz*, 100 S. Ct. 2694 (1980). Harris involved challenges to the continuing prohibitions by Congress—usually referred to as the "Hyde Amendment"—since 1976 to the use of Federal funds to reimburse the cost of abortion under the medicaid program except in certain specified circumstances. Several pregnant women and others challenged the Hyde amendment as violative of the due process clause of the fifth amendment and the religion clauses of the first amendment of the Constitution. It was also contended that despite the Federal funding restriction, the States were required under their medicaid programs to pay for all medically necessary abortions.

The Court looked first to its holding in Maher against Roe and concluded that the funding restrictions of the Hyde amendment did not impinge upon the freedom of a woman to decide to terminate her pregnancy. Id. at 2685-87. The Court was unmoved by an attempt to distinguish the holding in Maher on the ground that the case dealt with a refusal by the State to pay for nontherapeutic abortions, whereas the Hyde amendment extended the denial of the use of Federal funds to therapeutic abortions also. After reexamining the health interest of the woman which served as a basis for the abortional freedom recognized in Roe against Wade, the Court nevertheless stated that

It simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices. Id. at 2688.

The Court also rejected the argument that the Hyde amendment contravenes the religion clauses of the first amendment. The appellees asserted that the Hyde amendment incorporated doctrines of the Roman Catholic Church concerning the sinfulness of abortion, in violation of the establishment clause. In response, the Court stated that

It does not follow that a statute violates the Establishment Clause because it "happens to coincide or harmonize with the tenets of some or all religions." Id. at 2689.

Finally, the Court rejected the argument that the Hyde amendment violated the equal protection component of the fifth amendment by making Federal reimbursement available under medicaid for medically necessary services generally but not for medically necessary abortions. Citing Maher, the Court could find no suspect classification by virtue of the statute's effect on the indigent; further, it found the statute to be rationally related to the Government's legitimate interest in protecting the "potential life of the fetus." Id. at 2691-92. On this analysis, the Court could find no constitutional infirmity with the Hyde amendment.

Williams v. *Zbaraz*, 100 S. Ct. at 2694, the companion case to Harris, dealt with an Illinois statute which prohibited State medical assistance payments for all abortions except those necessary to save the life of the pregnant woman. The Court found the case to be fully governed by the principles enunciated in Harris against McRae, and thus held that such a State enactment was not in violation of the 14th amendment. Id. at 2700-01.

The Court's next decision in the abortion area came in 1981 in *H. L.* v. *Matheson*, 101 S. Ct. 1164 (1981), another case involving the issue of parental notification for the abortion of a minor. The Utah statute at issue required, in relevant part, that the physician "notify, if possible, the parents or guardian of the woman upon whom the abortion is to be performed, if she is a minor." Id. at 1166-67.

The Court limited its consideration of the issues to the effect of the statute upon minor daughters who, first, were living with and dependent upon their parents, second, were not emancipated by marriage or otherwise, and third, have not made a claim or showing as to their maturity or relations with their parents. Id. at 1169-70. Reiterating the rule enunciated in Bellotti II "that a State may not constitutionally legislate a blanket, unreviewables power of parents, to veto their daughter's abortion," the Court nevertheless held that a "mere requirement of parental notice" would not violate the constitutional rights of the minor if she were immature and dependent. Id. at 1171. The Court grounded this ruling in "the important considerations of family integrity and protecting adolescents," as well as the State's significant interest in "providing an opportunity for parents to supply essential medical and other information to a physician." Id. at 1172. Looking again to the State's interest in encouraging childbirth, the Court found no deficiency in the statute by virtue of its disparate treatment of minors who elect to carry the child to term as compared with those who choose to abort; and the Court found no valid basis for voiding the statute simply because it might inhibit some minors from seeking abortions. Id. at 1173. Accordingly, as applied to the extremely narrow class before it, that is, of unemancipated minors who are dependent upon and living with their parents, and who have made no claim or showing as to maturity or relations with parents militating against notification, the Court upheld the Utah statute. Id.

This brings our survey to the most recent Supreme Court pronouncements on abortion, Akron against Center for Reproductive Health, Planned Parenthood against Missouri, and Simpoulos against Virginia, all of which were decided on June 15, 1983. Akron, the centerpiece of this trilogy of cases, began by citing stare decisis, which the Court conceded is "perhaps never entirely persuasive on a constitutional question," as justification for reaffirming Roe against Wade. The Court further clarified that "the right to choose an abortion, as with other fundamental rights subject to searching judicial examination, must be supported by a compelling state interest." Slip Op. at 9. Justice O'Connor called this standard "unduly burdensome." Once again, the Court used language to describe the right created in Roe that closely approximates the language of Senate Joint Resolution 3, "the right to choose an abortion."

Based on the exacting standards of the "compelling state interest" test, the Court declared four Akron City ordinances invalid. The first of these ordinances had required hospitalization for abortions performed after the first trimester of pregnancy. Justice Powell, speaking for the majority of six, noted that Roe had indeed stated that a State's interest in maternal safety becomes "compelling" at approximately the end of the first trimester. Nonetheless, the Court found that "present medical knowledge convincingly undercuts" Akron's argument that their ordinance promoted maternal safety. Accordingly the Court declared the hospitalization requirement unconstitutional as an "unreasonable infringement upon a woman's constitutional right to obtain an abortion." Slip Op. at 20. The effect of this action was to place the statutes of 21 States, which required hospitalization beyond the first trimester, in jeopardy.

Justice O'Connor, speaking for the three dissenters, attacked these conclusions on several grounds. In the first place, the Court was depriving States and localities of the discretion to weigh what requirements are necessary to protect maternal health within their jurisdictions:

In determining whether the State imposes an "undue burden" we must keep in mind that when we are concerned with extremely sensitive issues, such as the one involved here, "the appropriate forum for their resolution in a democracy is the legislature." We should not forget that "legislatures are ultimate guardians of the liberties and welfare of the people in quite as great degree as the courts."

She also noted that hospitalization is not an "unreasonable means of furthering the State's compelling interest in preserving maternal health." Slip Op. at 16.

The next aspect of the Akron case dealt with parental consent. The Akron ordinance provided for parental consent for abortions performed on minors under 15 or, in the alternative, the consent of a juvenile court. Based on a finding that the juvenile court statute of Akron did not specifically confer authority to provide abortion consent or weigh the maturity of a minor to make such a decision alone, the majority declared the Akron statute unconstitutional. Justice O'Connor criticized this conclusion in strong language:

In light of the Court's complete lack of knowledge about how the Akron ordinance will operate, and how the Akron ordinance and the state juvenile court statute interact, our "'scrupulous regard for the rightful independence of state governments" counsels against unnecessary interference by the federal courts with proper and validly administered state concerns, a course so essential to the balanced working of our federal system.

The Court next acted to invalidate the ordinance requiring a physician to inform his patient of the risks, effects, and alternatives associated with abortion prior to performing the operation. The majority based their ruling on the conclusion that "only a physician is competent to provide the information and counseling relevant to informed consent." Slip Op. at 31. To prescribe a recitation of risks and effects of abortion would thusly, in the opinion of the Court, place the physician in an "undesired and uncomfortable straitjacket." Id. at 27. This action by the Court places in jeopardy statutes in 24 of the 50 States which require that women be provided with some form of information prior to undergoing an abortion. The gist of Justice O'Connor's dissent is that providing additional information to a woman can only enhance her opportunity to make a truly informed decision. Information, per se, imposes "no undue burden or drastic limitation on the abortion decision." Slip Op. at 21.

The next aspect of the Court's decision struck down an ordinance requiring a 24-hour hiatus between the signing of a consent form and the performance of the abortion. The Court found that this requirement placed unacceptable encumbrances upon the woman's abortion decision. Justice O'Connor, once again, propounded an effective response: "The waiting period is surely a small cost to impose

to insure that the woman's decision is well considered in light of its certain and irreparable consequences on fetal life, and the possible effects on her own." Id. at 23.

The final aspect of the Akron case invalidated an ordinance similar to several State statutes requiring humane and sanitary disposal of the remains of the aborted child. The Court concluded that this requirement was vague and uncertain because it seemed to "suggest a possible intent to mandate some sort of decent burial." Slip Op. at 33. Justice O'Connor noted that the real intent of this ordinance was to "preclude the mindless dumping of aborted fetuses on the garbage piles," Slip Op. at 24, and that the statute indicated no intent to require that physicians provide "decent burials." Id.

The Planned Parenthood case allowed States to require the presence of a second physician at the abortion of a viable fetus, to require submission of pathological reports following abortions, and to require a juvenile court to grant a minor consent for an abortion "for good cause" unless the court finds that the minor is not mature enough to make her own decisions.

Finally, in the Simpoulos case a Virginia doctor was convicted for performing an abortion during the second trimester of pregnancy outside of a licensed hospital. This Virginia hospitalization requirement differed from the requirement in Akron because Virginia also allows abortions to be performed in licensed outpatient clinics. In this case, the physician injected an unmarried minor with a saline solution and then concurred in her announced intention to deliver the fetus alone in a hotel room. At no time did the physician urge the pregnant minor to seek appropriate medical care or report to a hospital when labor began.

Thus, as shown by this brief survey of the progeny of Roe against Wade, the Court's treatment of the right of abortion which it promulgated in Roe has been essentially one of reaffirmation and extension of that right, and of protection of it from virtually all possible competing interest, private or public. Covering as they do almost a decade of carefully considered opinions dealing with every possible aspect of the matter. It is clear that these opinions evince a firm and unequivocal commitment by the Court to continued recognition and protection of a right to abortion. Thus, so far as the courts are concerned, such right has now become an indelible part of the fundamental law of the land.

In light of the extent to which the right to abortion has been stretched to limit State discretion, I once more urge my colleagues to vote for Senate Joint Resolution 3. Senate Joint Resolution 3 will reverse Roe and discredit any of the progeny of Roe based on the right to abortion. The amendment, as I have explained earlier, does not replace the absolutist and extreme right in Roe with any kind of a value judgment on the appropriateness of a woman's interest in seeking an abortion or the right of the unborn child to life. These judgments are left exclusively to the States. This is not to say, however, as I have also clarified, that the amendment will immunize abortion-related State legislation from the other general structures of the Constitution insofar as they do not protect abortion itself. Thus, for instance, a law prohibiting individuals from advocating abortion on demand would clearly be in violation of the first amendment, while a law making distinctions with respect to when an abortion might be performed based on a woman's race would clearly run afoul of the equal protection clause. Such actions would not have the effect of restoring even a minor way any constitutional impediments to the right of the representative branches of State governments to restrict and prohibit abortion.

I ask unanimous consent that a list of prolife churches and their approximate populations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PROLIFE CHURCHES

1. Southern Baptist (13½ million members) (ban, except life of mother).
2. Catholic (50 million).
3. Church of Jesus Christ of Latter-day Saints (4 million).
4. Eastern Orthodox (4 million).
5. Orthodox Judaism (1 million).
6. Lutheran Church Mission Synod (2.7 million).
7. Assembles of God (1.3 million).
8. Churches of Christ (4 million).
9. National Association of Evangelicals—36,000 Protestant churches in 74 denominations.

Mr. HATCH. Mr. President, I believe that concludes our efforts for this day. We will be back tomorrow.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business during which Senators may speak therein, and the time not to extend beyond 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

FEDERAL ACTIONS WITH RESPECT TO CONSERVATION OF PETROLEUM AND NATURAL GAS—MESSAGE FROM THE PRESIDENT—PM 60

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the requirements of Section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, I hereby transmit the fourth annual report describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities and conservation of petroleum and natural gas by recipients of Federal assistance.

RONALD REAGAN.

THE WHITE HOUSE, *June 27, 1983.*

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I am pleased to transmit to the Congress the Thirteenth Annual Report of the Council on Environmental Quality.

I hope that those who read this report will recognize the progress that this country continues to make in its long-standing commitment to a clean and healthy environment for all our people.

Americans have long recognized that this nation has been blessed with abundant natural resources and a clean and healthy environment. Beginning with the early pioneers and continuing today, Americans consider clean air and water, fruitful farmlands, beautiful mountains and rivers, and plentiful energy and mineral resources to be treasured parts of their national heritage. As President and as an American citizen, I am deeply con-

cerned that present and future generations be protected from the adverse health effects of toxic chemicals and hazardous wastes, that their water be fit to drink, their air fit to breathe, and that their natural resources be protected. As we strive for economic progress and the promise of a better life, we recognize that a clean and healthy environment is a vital part of that promise.

To ensure our natural resource heritage, the United States has enacted the most far-reaching and comprehensive environmental and natural resource legislation of any nation in history. Our laws protecting air and water quality are used as models by other countries, because they have worked. Air quality in the United States today, especially in our cities, is much better than it was ten years ago. Streams, rivers, and lakes all across the count y are becoming cleaner. The United States has passed legislation to control the manufacture, storage, transportation, and disposal of hazardous substances. We recently created a nationwide fund of over a billion and a half dollars to clean up abandoned chemical dump sites. We have enacted a program to evaluate new and existing chemicals. In 1981, private businesses and government spent over 60 billion dollars in order to comply with U.S. environmental laws.

No other nation has set aside as many acres of parks, wilderness and wildlife refuge areas, or as many miles of scenic rivers and natural trails, for the enjoyment of present and future generations. Our national park system has grown to 77 million acres, and almost 7,000 miles of river are included in our national wild and scenic rivers sytems.

As President, I am committed to continue this record of achievement. As we learn more and more about the causes and alternative solutions to environmental problems, we are learning how to solve them. We are applying the economic and technical lessons we have learned during the past decade in order to continue our environmental improvement into the future.

During the past two years we have worked to manage our natural resources more efficiently. We have increased state government involvement in programs ranging from water allocation to new source permit processing. We have reduced federal subsidies for economic development which contributed to environmental degradation. We have expanded innovative programs which allow industry the regulatory flexibility and economic incentives to clean up pollution. We have increased research to determine the causes and effects of acid rain, which was not a widespread public concern ten years ago.

We can be very proud of our environmental achievements. As we address the pressing environmental issues now confronting us, we will continue to move toward our common national goals: the preservation of scenic beauty, the protection of wilderness areas and parklands, and a future that is both economically prosperous and environmentally safe.

RONALD REAGAN.

THE WHITE HOUSE, *June 27, 1983.*

MESSAGES FROM THE HOUSE

At 2:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BEVILL, Mrs. BOGGS, Mr. CHAPPELL, Mr. FAZIO, Mr. WATKINS, Mr. BONER of Tennessee, Mr. WHITTEN, Mr. MYERS, Mrs. SMITH of Nebraska, Mr. RUDD, and Mr. CONTE as managers of the conference on the part of the House.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 14. A concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the Independence of the Americas.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1183. An act to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981; and

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt.

HOUSE MEASURE REFERRED

The following bills were READ the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

HOUSE MEASURE HELD AT THE DESK

The following bill was read the first and second times by unanimous consent, and held at the desk pursuant to the order of the Senate of today, June 27, 1983:

H.R. 1183. An act to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1323. A communication from the Secretary of the Department of the Interior transmitting, pursuant to law, the Annual Report on the Youth Conservation Corps (YCC) program in the Department of the Interior; to the Committee on Energy and Natural Resources.

EC-1324. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the Report to Congress on the Progress of Regulation to Protect Stratospheric Ozone; to the Committee on Environment and Public Works.

EC-1325. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation "To authorize the Secretary of the Treasury to obtain certain services and facilities and incur certain administrative expenditures"; to the Committee on Finance.

EC-1326. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-265. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on the Judiciary:

"SENATE RESOLUTION 134

"Whereas, the State of Georgia is currently celebrating the two hundred and fiftieth anniversary of its founding, and the Governor and the General Assembly were conscious of the upcoming two-hundredth anniversary of the Constitution of the United States; and

"Whereas, the Constitution of the United States is predicated on a set of values based upon the inherent worth, dignity, responsibility, and sovereignty of the individual; and

"Whereas, the Constitution of the United States, having stood the ruthless test of time, is the venerable patriarch of the world's written chapters of government; and

"Whereas, there are indeed few documents of American history which offer so rich a reward to the citizen who reads with care and thoughtfulness; and

"Whereas, it is only fitting that the renewing and reviving of one's commitment to these basic values is the greatest gift that every citizen of the United States can give in this celebration. Now therefore, be it

"Resolved by the General Assembly of Georgia that the members of this body acting on behalf of the people of Georgia urge the Congress of the United States to make plans for the historic celebration of the two-hundredth anniversary of the Constitution of the United States and to have such plans include a call to all people to renew and revive their allegiance to the values for which this country stands."

POM-266. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"RESOLUTION

"Whereas, in 1973, the Georgia General Assembly, responding to and reflecting the overwhelming public sentiment present within this state, enacted legislation providing for the imposition of the death sentence for persons convicted of the commission of certain heinous crimes; and

"Whereas, since 1973, more than 100 persons have been convicted and sentenced to death for the commission of various horrible and violent crimes; and

"Whereas, if citizens of the State of Georgia are to maintain confidence in the judicial and criminal justice systems and if capital punishment is to serve as an effective deterrent, there must be a certainty that the sentence of death will be imposed and carried out expeditiously for persons found guilty of the commission of these abhorrent acts; and

"Whereas, in 1980, the Georgia General Assembly, responding to the sense of frustration of the public in the matter of the imposition of the death sentence, took appropriate and needed steps to streamline the review processes of the death sentence in the state judiciary; and

"Whereas, this body, while recognizing the appropriateness of each defendant's constitutional right to pursue all legal remedies available to test the legality of his conviction and sentence in criminal cases, recognizes that it is nevertheless not in the public interest that such challenges be pursued in any manner other than timely, with the courts resolving in an expeditious manner all such proceedings. Now, therefore, be it

"Resolved by the Senate that this body does urge the United States Congress to enact appropriate federal legislation establishing in the federal judiciary an efficient and expeditious unified appeals process regarding all challenges to the imposition of the death penalty so that in all death penalty cases the people of the State of Georgia may be assured that there will be swift and sure punishment for persons convicted of those horrible and violent crimes within this state for which the death penalty may be imposed. Be it further

"Resolved that the Secretary of the Senate mail a copy of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the United States House of Representatives, to the chairmen of the United States Senate and United States House Judiciary Committees, to the members of the Georgia Congressional Delegation, and to each appellate and district court judge of the 11th U.S. Judicial Circuit."

POM-267. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"SENATE RESOLUTION 69

"Whereas, by order of a Federal Court Judge, a Federal Monitor has been appointed to oversee operations of the Georgia State Prison; and

"Whereas, the stated purpose of the appointment of the Federal Monitor is to ensure the responsible, secure, and humane operation of the Georgia State Prison; and

"Whereas, the Federal Monitor receives fees that provide him with a salary in excess of that which the Governor of this state receives; and

"Whereas, the Federal Monitor also receives payment for expenses which provides him with an even higher compensation figure; and

"Whereas, the Federal Monitor is authorized to utilize experts whose fees and expenses are added to the already astronomical cost associated with his work; and

"Whereas, these unusually high fees and expenses establish major economic incentives for the Monitor not to complete his work and thus deprive him and his experts of their unique source of income; and

"Whereas, this exorbitant and irresponsible use of the tax moneys of Georgia's citizens works an undue hardship on the people and the economy; and

"Whereas, these unreasonable costs associated with the Federal Monitor's work constitute an almost criminal disregard for the economic realities of our nation and especially of the State of Georgia; and

"Whereas, the people and leaders of Georgia are tired of being used and criminally abused by having to bear the burden of highly inflated costs of $75.00 per hour or $400.00 per day associated with the work of a Federal monitor; and

"Whereas, the Federal Court Monitor has presently received far in excess of $600,000.00 for his work since June, 1979.

"Now, therefore, be it

"Resolved by the Senate that the members of this body call upon the Congress of the United States of America to take the necessary action to ensure that the acts of any Federal Judge or Federal Monitor do not allow for the charging of fees and expenses which are so clearly irresponsible as to border on being criminal in their disregard for the economic conditions and realities of any state and which appear to be punitive in their intent and are certainly punitive in their effect. BE IT FURTHER

"Resolved That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to each member of the Georgia Congressional Delegation."

POM-268. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"H.R. No. 399

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens for the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations. Now, therefore, be it

"Resolved by the House of Representatives that the members of this body express our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children. Be it further

"Resolved that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-269. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"H.R. No. 403

"Whereas, Honorable Thomas P. "Tip" O'Neill, the Speaker of the United States House of Representatives, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Speakers of State Houses, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the sources Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, The Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of State Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations. Now, therefore, be it

"Resolved by the House of Representatives that the members of this body express our gratitude and appreciation to Honorable Thomas P. "Tip" O'Neill, the Speaker of the United States House of Representatives, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to work together to keep harmful and illicit drugs away from our children. Be it further

"Resolved that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable Thomas P. "Tip" O'Neill, the Speaker of the United States House of Representatives."

POM-270. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"H.R. No. 404

"Whereas, Honorable Ronald Reagan, the President of the United States, has signed the Response to the People Executive Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Governors, county commission chairmen, and mayors, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations. Now, therefore, be it

"Resolved by the House of Representatives that the members of this body express our gratitude and appreciation to Honorable Ronald Reagan, the President of the United States, for having signed the Response to the People Executive Treaty to Stop Drugs at the Source and request the President to sign the International Treaty to Stop Drugs at the Source and to request that leaders of all nations cosign the International Treaty to work together to keep harmful and illicit drugs away from our children. Be it further

"Resolved that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable Ronald Reagan, President of the United States."

POM-271. A resolution adopted by the Senate of the State of Georgia; to the Committee on Armed Services:

"SENATE RESOLUTION 23

"Whereas, the Colony of Georgia was founded on February 12, 1733, as a military buffer between the English colonies north of the Savannah River and the Spanish territory of Florida; and

"Whereas, Governor Ohlethorpe organized the militia which for the past 250 years has brought honor, security, and an outstanding military tradition to the great state of Georgia; and

"Whereas, the 101st Separate Coast Artillary Battalion of the Georgia National Guard was organized on October 12, 1940, incorporating Georgia's oldest military units, the Georgia Hussars of Savannah, dating from 1736 as Battery A, the Liberty Independent Troop of Hinesville dating from 1775 as Battery B, the Governor Horse Guards of Atlanta dating from the late 1800's as Headquarters Battery and the new Battery D from Bainbridge; and

"Whereas, the 101st Battalion was ordered to active federal service on February 10, 1941, and assigned to Camp Stewart, Georgia; and

"Whereas, the 101st Battalion was one of the very few National Guard units to go overseas intact in World War II; and

"Whereas, the 101st Battalion was the first complete unit of American ground combat troops to enter combat with the Japanese in New Guninea before the Coral Sea Battle and was shooting down Japanese planes within hours of the fall of Corregidor in May 1942; and

"Whereas, the 101st had the honor of raising the first American flag on New Guinea; and

"Whereas, the 101st fought well and gallantly in the East Indies, Papua, New Guinea, and Philippine Liberation Campaigns; and

"Whereas, the 101st was cited for "outstanding performance of duty in action" during the Papuan Campaign by the President of the United States; and

"Whereas, the 101st was cited for "outstanding performance of duty in action" during the Philippine Liberation Campaign by the President of the Republic of Philippines; and

"Whereas, the 101st battle honors are a continuing legend of gallantry above and beyond the call of duty as exemplified by the continued service to Georgia in the United States Army National Guard by its historic units; and

"Whereas, the World War II veterans of this historic command meeting in Savannah for their annual reunion during the two hundred fiftieth anniversary year of Georgia's founding: Now, therefore, be it

"Resolved by the Senate that this body goes on record as recognizing the long service, many sacrifices, and gallant actions of these citizen soldiers of the 101st Separate Coast Artillery Battalion and the continued service of its historic units in peace as well as war which has brought honor and glory to the State of Georgia and to themselves. Be it further

"Resolved that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Honorable Ronald Reagan, President of the United States; to the Honorable Joe Frank Harris, Governor of Georgia; to each member of the Georgia congressional delegation; and to Col. Lindsey P. Henderson, Jr. (Ret.), President of the 101st Battalion Association."

POM-272. A concurrent resolution adopted by the General Assembly of the State of Indiana; to the Committee on Labor and Human Resources:

"RESOLUTION

"Whereas, across America there is much unskilled work that is not now offered to potential workers because of the minimum wage requirements; and

"Whereas, much of this potential unskilled work could and would be performed by the youth of America if an exception to the minimum wage requirements was made for the employment of certain young people; and

"Whereas, the President of the United States has recommended that the minimum wage be lowered as applied to certain jobs and certain young people: Therefore, be it

"Resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives Concurring:

"SECTION 1. That we endorse the recommendation of the President of the United States that the minimum wage be lowered

as applied to certain young people doing certain jobs.

"SECTION 2. That a copy of this resolution be sent by the Secretary of the Senate to the President, the Vice President, the leadership of both parties in both houses of Congress and to each member of the Indiana Congressional delegation."

POM-273. A resolution adopted by the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Veterans' Affairs:

"RESOLUTION

"Whereas, a great majority of Vietnam veterans have problems and needs that have been ignored, including the need for programs of medical treatment, therapy and disability benefits, as well as vocational and disability rehabilitation; and

"Whereas, the American public believes Vietnam veterans should receive the same respect and favorable treatment accorded veterans of earlier conflicts; and

"Whereas, some Vietnam veterans have suffered severe physical effects, including cancer, nervous system disorders and skin diseases, as a result of their exposure to the defoliant, Agent Orange, while serving in the Republic of Vietnam and reports have been substantiated that unusually high numbers of Vietnamese women and Vietnam veterans' wives have given birth to children with birth defects; therefore be it

"Resolved (the House of Representatives concurring), That whereas the Federal Government, through the Department of Defense, was responsible for the spraying of the defoliant, Agent Orange, the Federal Government, then, through the Veterans' Administration should be responsible for the funding and administration of individual screening programs in order that those veterans suffering the effects of Agent Orange may receive full medical benefits, therapy, disability benefits and rehabilitation training; and be it further

"Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States and the Veterans' Administration to coordinate activities in conjunction with the State Vietnam Herbicides Information Commission; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, the appropriate committee chairman in the House and Senate of Congress and to each member of Congress from Pennsylvania."

POM-274. A resolution adopted by the Senate of the State of Georgia; to the Committee on Veterans' Affairs:

"SENATE RESOLUTION 192

"Whereas, the State of Georgia has one of the largest veteran populations of any state in the United States; and

"Whereas, the age and infirmities of the older veterans and the disabilities suffered by the younger veterans indicate the need for expanded care facilities; and

"Whereas, outpatient treatment clinics have been established by the Veterans' Administration in Alabama, Florida, South Carolina, North Carolina, and Tennessee; and

"Whereas, the outpatient treatment clinic formerly located in Savannah, Georgia, was phased out by the Veterans' Administration. Now, therefore, be it

"Resolved by the Senate, That the members of this body hereby urge the administrator of the Veterans' Administration to reestablish the Outpatient Treatment Clinic in Savannah, Georgia. Be it further

"Resolved, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the administrator of the Veterans' Administration, the chief of the Department of Medicine and Surgery of the Veterans' Administration, and to each member of the Georgia Congressional Delegation."

POM-275. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE RESOLUTION 140

"Whereas, in the closing days of the last Congress, certain provisions were added to the Omnibus Reconciliation Act of 1982, H.R. 6955, to authorize the United States Secretary of Agriculture to charge an assessment of $1.00 per hundredweight of milk; and

"Whereas, that assessment will first be imposed April 1, 1983;

"Whereas, the assessment was intended to discourage increasing milk production, thereby decreasing the federal government payments for milk price supports for excess milk products; and

"Whereas, Georgia has contributed less than the national average to the increase in milk production, since for the years 1975 through 1981 Georgia's production increased by 7 percent, the nation's production increased by 9.1 percent, and California's production increased by 20 percent; and

"Whereas, Georgia receives few milk support benefits from the federal government since these supports are only available for milk which can be stored in the form of butter, cheese, and powdered milk and Georgia's production of such storable forms of milk is negligible; and

"Whereas, Georgia dairymen are already contributing 12¢ per hundredweight to create milk markets in this state to absorb any increased production of milk in the state; and

"Whereas, notwithstanding the fact that Georgia dairymen have contributed little to the problems the assessment was designed to remedy, the assessment will have a devastating impact on dairymen in the state; and

"Whereas, for 1981 diarymen nation-wide had a profit margin of $1.97 per hundredweight, the upper Midwest dairymen had a profit margin of $2.43 per hundredweight, and Georgia dairymen only had a profit margin of 70¢ per hundredweight; and

"Whereas, an assessment of $1.00 per hundredweight on Georgia milk on which there is only 70¢ per hundredweight profit will wipe out many of the state's dairymen and impose severe financial hardships on the survivors. Now, therefore, be it

"Resolved by the General Assembly of Georgia, That this body urges Congress to repeal those provisions of the Omnibus Reconciliation Act of 1982 which authorize assessments on milk. Be it further

"Resolved, That this body also urges the United States Secretary of Agriculture, the Honorable John R. Block, not to proceed with plans to require the milk assessment which will so devastate the dairymen of this state. Be it further

"Resolved, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Georgia Congressional Delegation and to the Honorable John R. Block, Secretary of Agriculture."

POM-276. A resolution adopted by the Board of Supervisors of the County of Madera, Calif., urging passage of the Wine Equity Act of 1983; to the Committee on Finance.

POM-277. A resolution adopted by the Commissioners of the County of Beaver, Pa. urging Congress to impose a 5-year period of quantitative restrictions on alloy tool steel and stainless sheet, strip, plate, and rod steel at the levels requested by the U.S. specialty steel industry and the U.S. steel workers of America and urging Congress to extend such quotas to additionally cover carbon steel products; to the Committee on Finance.

POM-278. A resolution adopted by the Senate of the State of Washington; to the Committee on Environment and Public Works:

"SENATE RESOLUTION 1983-79

"Whereas, International and domestic trade is important to the economic health of the Pacific Northwest; and

"Whereas, The Columbia/Snake river system is the major transportation route for Washington-produced products, including grain, forest products, and manufactured goods, moving to international markets; and

"Whereas, The volume of cargo moving on the Columbia/Snake river system amounted to more than thirty million tons in 1982 and has the potential to triple by the end of this century; and

"Whereas, For the river system to meet its full potential by the year 2000, the bar crossing at the mouth of the Columbia river must be deepened to fifty-five feet to make it compatible with the forty foot channel that extends one hundred ten miles from Ilwaco to Vancouver; and

"Whereas, The United States Army Corps of Engineers has determined an 11.1 to 1 benefits-to-cost ratio for the deepening of the mouth of the Columbia river project; and

"Whereas, Deepening of the mouth of the Columbia river would enhance navigational safety and prevent ship time delays at the bar; and

"Whereas, The completion of this project would make Washington's Columbia river ports more competitive in attracting waterborne commerce in the future; Now, therefore, be it

"Resolved by the Senate of the State of Washington:

"(1) That the Congress of the United States be urged to appropriate funds to complete the United States Army Corps of Engineers' recommended deepening of the mouth of the Columbia river to fifty-five feet at the bar crossing; and

"(2) That the Congress of the United States also be urged to move ahead on authorization of this project; and be it further

"Resolved, That copies of this resolution be immediately forwarded to the Honorable Ronald Reagan, President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives and each member of Congress from the State of Washington."

POM-279. A resolution adopted by the Senate of the State of Washington; to the Committee on Environment and Public Works:

"SENATE RESOLUTION 1983-71

"Whereas, the Port of Grays Harbor is the only deep water port on the coast of the State of Washington; and

"Whereas, many counties rely on the Port of Grays Harbor for the transportation of the tremendous renewable timber resources in the area; and

"Whereas, increased shipments of forest products are being made to Pacific rim nations, including Japan, Korea, and the People's Republic of China; and

"Whereas, shipments of these commodities will contribute significantly to this nation's balance of trade; and

"Whereas, the United States Army Corps of Engineers has just completed a feasibility study on the improvement of navigation facilities in Grays Harbor including the deepening of navigation channels from 30 to 38 feet; and

"Whereas, present harbor conditions prevent larger and more cost-effective vessels in the trade from departing fully laden from Grays Harbor; and

"Whereas, on December 14, 1982, the Board of Engineers for rivers and harbors of the United States Army Corps of Engineers recommended the modification of existing federal navigation projects at Grays Harbor, incuding the deepening and widening of channels, replacement of bridges, and the construction of new turning basins; Now, therefore, be it

"Resolved by the Senate of the State of Washington, That the federal government be urged to approve the proposed modification of existing federal navigation projects at Grays Harbor; and be it further,

"Resolved, That the Congress of the United States also be urged to appropriate adequate funding in fiscal years 1984 and 1985 to continue the planning and engineering of channel improvements in Grays Harbor while formal authorization of the project is being sought; and be it further

"Resolved, That copies of this resolution be immediately forwarded to the Honorable Ronald Reagan, President of the United States; the President of the United States Senate; The Speaker of the United States House of Representatives, and each member of Congress from the State of Washington."

POM-280. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 4

"Whereas, Hydroelectric energy constitutes a clean, renewable, and domestically controlled energy resource; and

"Whereas, There are a great many attractive sites for hydroelectric development remaining in the country, some at existing dams where the environmental impact has already been expected and economics are generally favorable; and

"Whereas, although federal and state hydroelectric permitting procedures have been considerably revised in recent years with the aim of simplification, potential developers are still; encountering cumbersome, conflicting, and uncertain procedures; and

"Whereas, Within the many interlocking federal and state requirements and the many people necessarily involved in the permitting processes, it is unrealistic to expect that procedures can be simplified to an appropriate extent; and

"Whereas, the delegation by the federal government to the states of all permitting authority for small scale hydroelectric facilities would improve the timeliness and thoroughness of both the federal and state permitting processes and would guarantee a quicker response to applicants; Now, therefore

"Your Memorialists respectfully pray that the federal government totally delegate all permitting authority to states for hydroelectric facilities with a capacity of one hundred kilowatts or less.

"Resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan. President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-281. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION

"Whereas, fire poses a serious and potential threat and every resident of this Commonwealth and to every citizen of the United States; and

"Whereas, fire and its hazards present a complex problem involving ignition time, speed of growth, the rate of heat released by burning objects, the quantity and density of smoke, and combustion toxicology generally; and

"Whereas, the National Bureau of Standards' Center for Fire Research has for many years been the leader in conducting impartial and independent research studies on the causes of fire and the prevention of its spread and related injuries and damages, which studies have been relied upon by local governments and industry generally, including the plastics industry throughout the United States; and

"Whereas, the Office of Management and Budget of the executive branch of the Federal Government has proposed the elimination of all funding for the National Bureau of Standards' Center for the Fire Research to save $5.9 million in the Federal budget for fiscal year 1984; now therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the President of the United States, and the Congress of the United States to support the resolution of funds for the continuation of the critically-important fire research carried on by the National Bureau of Standards' Center for Fire Research in the fiscal year 1984 budget; and be if further

"Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress and to the Members thereof from this commonwealth."

POM-282. A resolution adopted by the General Assembly of the State of Tennessee; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION NO. 40

"Whereas, Funding for the Clinch River Breeder Reactor was deleted from the budget submitted to Congress, January 22, 1979, for the fiscal year commencing October 1, 1979; and

"Whereas, on December 4, 1982, the Energy and Water Development Appropriations Bill, approved by both houses of Congress and signed by President Reagan set project funding for the 1982 fiscal year; and

"Whereas, members of the Tennessee General Assembly have repeatedly urged Congress to continue their appropriations to the Clinch River Breeder Reactor and in 1982 Governor Lamar Alexander signed Senate Joint Resolution Number 14 urging Congress to restore funding for such reactor; and

"Whereas, the breeder reactor is one of this country's most viable options for contributing to a solution to the energy crisis in that it provides for an inexhaustible supply of electrical energy; and

"Whereas, any country possessing the technology necessary for construction of the breeder reactor has the potential to become energy independent for the production of electrical energy; and

"Whereas, the United States has been the leading exporter of nuclear technology, but is not the world leader in the production of the breeder reactor and therefore cannot complete in trade with France, Russia, or West Germany, countries which have already developed the breeder reactor, and

"Whereas, the power developed the breeder reactor on a commercial scale will be economically competitive with coal and lightwater fission reactors for the production of electrical energy and will be a boost to the economy of Tennessee, as well as the nation; and

"Whereas, The Clinch River Breeder Reactor program was begun in Oak Ridge, and the research facilities, the educated personnel, and the technologists are there already; and

"Whereas, at a time when concern over nuclear power production is an issue, the community of Oak Ridge has become accustomed to and has accepted the existence of nuclear experimentation; now, therefore, be it

"Resolved by the Senate of the Ninety-Third General Assembly of the State of Tennessee, the House of Representatives Concurring, That the members of this General Assembly urge the Congress to continue funding for the Clinch River Breeder Reactor in Oak Ridge, Tennessee. Be it further

"Resolved, That a copy of this resolution be sent to President Reagan, to Vice President Bush, to House Speaker O'Neill and to each member of the Tennessee congressional delegation."

POM-283. A resolution adopted by the Senate of the State of Washington; to the Committee on Foreign Relations:

"SENATE RESOLUTION 1983-96

"Whereas, in the past four years, the Iranian government has executed thousands of persons for their religious beliefs; and

"Whereas, members of the Baha'i faith in Iran have suffered the loss of property and jobs as a result of their religious convictions; and

"Whereas, in addition to executions and the loss of property and jobs, members of the Baha'i faith in Iran have been subjected to extreme governmental harassment, persecution, and imprisonment; and

"Whereas, at least one hundred twenty-five Baha'is were arrested in Shiraz in a single month this year, and these arrests continue; and

"Whereas, those Baha'is arrested are often executed without the benefit of a trial and without being convicted of any crime except their refusals to renounce their religious beliefs; and

"Whereas, the members of the Baha'i faith in Iran have been specifically excluded from civil protection under the current Iranian Constitution; and

"Whereas, the Baha'i faith is recognized around the world and its members are a

peace loving people who believe in the basic principles of justice, equality, and unity; and

"Whereas, the denial of religious freedom of all people; Now, therefore, be it

"Resolved, by the Senate of the State of Washington, That we support United States Senate Concurrent Resolution No. 73 which condemned the Iranian persecution of the Baha'i community; and be it further

"Resolved, That we urge Congress and President Ronald Reagan to persevere in their efforts to halt the persecution of members of the Baha'i faith in Iran; and be it further

"Resolved, That copies of this resolution be forwarded to President Ronald Reagan; the President of the United States Senate; the Speaker of the House of Representatives; and to the members of the congressional delegation from Washington State."

POM-284. A resolution adopted by the Senate of the State of Washington; to the Committee on the Judiciary:

"SENATE RESOLUTION 1983-80

"Whereas, a recent case brought in the United States District Court for the Western District of Washington involved an alleged violation of both federal laws and the laws of the State of Washington for actions occurring within the Olympic National Park in the State of Washington; and

"Whereas, the case involved a possible violation of the Federal Mann Act, for interstate transportation of a female child for immoral purposes, as well as a possible violation of the indecent liberties statute of the State of Washington, brought under the Federal Assimilative Crimes Act; and

"Whereas, the case is of great concern to the citizens of the State of Washington; and

"Whereas, a jury trial was held and the defendant was found not guilty by reason of insanity and, as required under current federal law, the defendant was unconditionally released; and

"Whereas, many of the jurors who found the defendant not guilty by reason of insanity later stated that they did not realize that a finding of not guilty by reason of insanity would result in the unconditional release of the defendant; and

"Whereas, had the defendant been prosecuted in the courts of the State of Washington, a finding of not guilty by reason of insanity would have likely resulted in further treatment of the defendant for the defendant's mental condition and problem; and

"Whereas, the citizens of the State of Washington are greatly concerned about federal laws which release people who represent a threat to society, when such defendants would undergo further treatment had they been found guilty by reason of insanity in the courts of the State of Washington; now, therefore, be it

"Resolved by the Senate of the State of Washington, That the federal government be urged to examine the federal laws as they relate to the disposition of those found not guilty by reason of insanity, particularly as they relate to the disposition of similar individuals at the state level; and be it further

"Resolved, That copies of this resolution be forwarded to President Ronald Reagan; the President of the United States Senate; the Speaker of the United States House of Representatives, and each member of Congress from the State of Washington."

POM-285. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTION

"Whereas, the Tamils of Eelam, who number three million Hindus, Christians and Moslems and occupy eight thousand square miles, live as an oppressed minority in Sri Lanka, where the majority is composed of ten million Sinhalese, most of whom are Buddhists; and

"Whereas, from ancient times two nations, the Sinhalese and Tamils possessed distinct languages, religions, cultures and clearly demarcated geographic territories until the British, who were characteristically oblivious to the differences between these two separate nations, imposed one rule for the purpose of colonial administrative unification; and

"Whereas, since 1948, when the British departed the island and two unwilling nations were consequently left under a unitary governmental structure, the majority Sinhalese faction has subverted democratic principles to become the new masters of the Tamil-speaking people; and

"Whereas, further evidencing the discriminatory and intimidating policies of the majority, security forces recently went on a rampage in the northern provincial capital of Jaffna, burning shops and more than one hundred fifty houses, almost all of which were owned by Tamils, who make up approximately twenty per cent of the population of the island once called Ceylon, thereby leaving more than five hundred people homeless; and

"Whereas, at least one civilian was killed by crossfire in overnight fighting between naval troops and unidentified people, and at Paranthan, on the rail line between Jaffna and Colombo, policemen attacked a crowd of train passengers headed north for the Tamil-speaking area, injuring an undetermined number of civilians; and

"Whereas, according to the International Commission of Jurists, many of the provisions of the Sri Lankan Prevention of Terrorism Act and Public Security Act are contrary to accepted principles of the rule of law, internationally accepted minimum standards of criminal procedure, and also appear to be contrary to the provisions of the Sri Lankan constitution; and

"Whereas, the Massachusetts House of Representatives does not wish the Commonwealth to contribute to the revenues of Sri Lanka because of its violations of the human rights of the Tamils; and

"Whereas, the Massachusetts House of Representatives does not wish the Commonwealth to invest in Sinhalese interests or in those of any other party that practices discrimination against the Tamil inhabitants of Eelam; and

"Whereas, consistent with its condemnation of moral wrongs done in the name of the Sinhalese people by their government, the Massachusetts House of Representatives hereby endorses a policy of financial boycott by the Commonwealth, thereby dissociating itself from the abiding evil of Sinhalese oppression in Sri Lanka; therefore be it

"Resolved, that the Massachusetts House of Representatives urges the immediate divestment and withdrawal of all public funds or pension revenues from any business organizations that are owned by interests based in Sri Lanka, and urges all officers of the Commonwealth to exercise their best offices to accomplish said objective with the greatest sense of urgency; and be it further

"Resolved, that copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, Secretary of State, U.N. Ambassador, presiding officer of each branch of Congress and the Members thereof from this Commonwealth, President Jayewardene of Sri Lanka, Prime Minister R. Premadasa and the presiding officers of the Parliament of Sri Lanka."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science and Transportation; with an amendment in the nature of a substitute.

H.R. 2065. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

S. 880. A bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters. (Rept. No. 98-165).

By Mr. COHEN, from the Committee on Armed Services, with amendments:

S. 338. A bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROTH, from the Committee on Governmental Affairs:

David H. Martin, of Maryland, to be Director of the Office of Government Ethics.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself and Mr. NUNN):

S. 1541. A bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise unaccounted for in Southeast Asia; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON:

S. 1542. A bill to increase the column 1 rate of duty on melamine; to the Committee on Finance.

By Mr. McCLURE (for himself and Mr. WALLOP):

S. 1543. A bill to amend the Federal Land Policy Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in aid of the work of the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. MELCHER):

S. 1544. A bill to direct the Administrator of General Services to acquire domestic copper for the National Defense Stockpile; to the Committee on Armed Services.

By Mr. HEINZ:

S. 1545. A bill to clarify the oversight role of the Congress with respect to Presidential decisions under section 203 of the Trade Act of 1974; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 1546. A bill to amend the Deepwater Port Act of 1974, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ARMSTRONG (for himself and Mr. HART):

S. 1547. A bill to amend the conditions of a grant of certain lands to the town of Olathe, Colo., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 1548. A bill to establish an improved program for extra long staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ARMSTRONG (for himself, Mr. LONG, Mr. DURENBERGER, Mr. WALLOP, Mr. GRASSLEY, Mr. SYMMS, Mr. BENTSEN, Mr. BAUCUS, Mr. BOREN, and Mr. PRYOR):

S. 1549. A bill to amend the Internal Revenue Code of 1954 to permit individual retirement accounts, qualified retirement trusts and certain educational organizations to invest in working interests in oil and gas properties without incurring unrelated business taxable income; to the Committee on Finance.

By Mr. CHAFEE:

S. 1550. A bill to amend the Internal Revenue Code of 1954 to relieve international double taxation of overseas construction projects of U.S. contractors; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. EAGLETON):

S.J. Res. 123. A joint resolution to commemorate the 40th anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo.; to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. CRANSTON, and Mr. PROXMIRE):

S.J. Res. 124. A joint resolution calling for negotiations to halt the production of separated plutonium; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. NUNN):

S. 1541. A bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise accounted for in Southeast Asia; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. BYRD on this legislation appear earlier in today's RECORD.)

By Mr. McCLURE (for himself and Mr. WALLOP):

S. 1543. A bill to amend the Federal Land Policy and Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in the aid of the work of the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

VOLUNTEER IN THE BUREAU OF LAND MANAGEMENT

● Mr. McCLURE. Mr. President, I send to the desk for appropriate reference a bill relating to volunteer service in aid of the work of the Bureau of Land Management.

The bill would round out the authority of the BLM to effectively utilize the contributed services of volunteers in work projects on the public lands. It would place the BLM on the same footing as other Federal natural resources agencies—notably the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service—which have long had this authority.

Congress already has provided authority to the Secretary of the Interior to use volunteer services in aid of the work of two Interior agencies, and to pay expenses incidental to accepting these contributed services. This authority was provided for the National Park Service in the Volunteers in the Parks Act of 1969 (84 Stat. 472; 16 U.S.C. 18 g-j), and for the U.S. Fish and Wildlife Service in the Fish and Wildlife Improvement Act of 1978 (92 Stat. 3112; 16 U.S.C. 742f). In addition, comparable authority was provided to the U.S. Forest Service in the Volunteers in the National Forests Act of 1972 (86 Stat. 147; 16 U.S.C. 558 a-d). Similar legislation would facilitate and enhance the work of the BLM in managing, protecting, and developing the public lands

While section 307 of the Federal Land Policy and Management Act of 1976 authorizes acceptance of services contributed to the BLM by volunteers' work, the draft bill is needed to supplement that basic authority. The draft bill would authorize BLM to provide for incidental services and expenses such as supplies for the volunteers' work, and transportation of volunteers to and from work sites.

As is the case with the other agencies, BLM's volunteers would not be considered Federal employees, except for purposes of the tort claims provisions of title 28, United States Code, and statutes pertaining to compensation for on-the-job work injuries (5 U.S.C. 8101-8151).

The BLM has a backlog of conservation, development, and other resource management work for which volunteers would be useful. Volunteers would not be used for policymaking activities or for hazardous duties such as hazardous aspects of firefighting or law enforcement. Nor would volunteers be permitted to displace any BLM employee.

As shown by the years of experience in the similar Park Service, Forest Service, and Fish and Wildlife Service programs, expenses for a volunteer program by the BLM are expected to be minor in relation to value of services to be contributed. Because the Bureau would pay the incidental expenses involved from regular appropriations categories and levels, enactment of this legislation would not result in added Government outlays.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2766; 43 U.S.C. 1737) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary may recruit, without regard to the civil service classification laws, rules or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

"(e) In accepting such services of individuals as volunteers, the Secretary—

"(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

"(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

"(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.".●

By Mr. DECONCINI (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. MELCHER):

S. 1544. A bill to direct the Administrator of General Services to acquire domestic copper for the national defense stockpile; to the Committee on Armed Services.

COPPER STOCKPILE PURCHASE

Mr. DECONCENI. Mr. President, we are today introducing legislation which addresses our security concerns and at the same time our poor economic conditions. We believe we have a rare opportunity to actually take advantage of the currently low markets

while improving economic conditions which have caused the declines.

Our specific concern is with the depleted state of the national critical and strategic minerals stockpile. For example, we have a long-established stockpile goal of 1 million tons of copper, but we have on hand less than 30,000 tons of copper. I repeat, Mr. President, we have an existing national stockpile goal of 1 million tons. The need to stockpile copper for strategic purposes for national security is firmly established and undisputable.

It is also beyond dispute, Mr. President, that it is in the Nation's interest to operate the stockpile—to buy and sell commodities—in an economically responsible manner. Economic health is no small part of national security, and is totally compatible with military access to strategic minerals.

What we are proposing is very direct. Copper is now selling at about 78 cents a pound and even lower in large quantities. There is up to $240 million available in the transaction fund established by Public Law 96-41, the Critical and Strategic Minerals Stockpile Revision Act. The administration is currently recommending that $120 million be appropriated for fiscal year 1984. After commitments, the fund will have between $135 to $240 million left.

Mr. President, these moneys are the proceeds from the sale of excess commodities in the stockpile. These funds are earmarked by law, for the purchase of needed materials and can be used for no other purpose. This bill directs the General Services Administration to use these additional funds, the $135 to $240 million, to purchase copper as soon as possible.

It is estimated that the sum which will be available to the fund, in addition to that amount requested by the President for the purchase of other commodities, will buy at least 85,000 to 150,000 tons, and by all probability much more. Although it is less than one-quarter of the established goal, it is probably the realistic quantity which could be purchased in a short period of time.

When additional purchases are feasible, we believe moneys could be shifted to the fund from other accounts; preferably from the aggregate request for foreign assistance, and without additional burden on the American taxpayer. In the meantime, I will ask the General Accounting Office to study the need to stockpile certain commodities and our foreign assistance priorities.

Mr. President, we suggested this bill would also improve domestic economic conditions. The price of copper, adjusted to inflation, is close to its lowest level in decades. It is for this reason that copper right now is a good buy but it is also for this reason that the copper industry is still in its worst shape since the depression. While very limited recovery is expected, buying now will clear up the "glut" market and help the industry to get back to work. When we say industry, we, of course mean people. It is the people who are employed by the industry, and the towns they live in, which are devastated. In Arizona alone, over 8,000 copper workers are out of work. The impact of this disaster on top of other crippling blows to the economy over the last few years, such as the virtual collapse of the housing industry, and the greatest number of business failures since the Great Depression year of 1932 will send a paralyzing shock wave through many of our communities and will have a multiplier effect throughout the Southwest. However, the purchase of 150,000 tons of domestic copper at this time, with funds already on hand and earmarked for this purpose, will stabilize the copper industry and will put thousands of workers back on the job. This, Mr. President, is the essence of national security.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Defense Stockpile Copper Acquisition Act of 1983".

SEC. 2. (a) The Administrator of General Services shall acquire such quantities of copper from domestic producers as may be acquired for the amount of funds available for such purpose under section 9(d) of the Strategic and Critical Materials Stock Piling Act (as added by section 3 of this Act) (50 U.S.C. 98h(d)).

(b) The acquisition of copper under authority of subsection (a) shall be made in accordance with subsection (b) of section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), but without regard to the provisions of subsections (c) and (d) of such section.

(c) Copper acquired under authority of subsection (a) shall be added to and made a part of the National Defense Stockpile described in section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b (a)).

SEC. 3. Section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding subsections (b) and (c), the moneys in the fund shall be available to carry out section 2 of the National Defense Stockpile Copper Acquisition Act of 1983 in an amount calculated as provided in paragraph (2).

"(2) For the purpose of paragraph (1), the amount available shall be the greater of—

"(A) the amount necessary to acquire 200,000 short tons of copper; or

"(B) the excess of the amount of moneys in the fund on the effective date of this subsection over $120,000,000.".

By Mr. ARMSTRONG (for himself and Mr. HART):

S. 1547. A bill to amend the conditions of a grant of certain lands to the town of Olathe, Colo., and for other purposes; to the Committee on Energy and Natural Resources.

CHANGE IN CONDITIONS OF A CERTAIN LAND GRANT

● Mr. ARMSTRONG. Mr. President, today I am introducing a brief and straightforward bill to amend the conditions of the land grant to the small town of Olathe in western Colorado.

Olathe was founded in 1882 and incorporated in 1907. Because of a typhoid outbreak 4 years later, the town sought to buy land at fair market value to build a domestic water system that would be a secure and dependable supply of drinking water. Olathe subsequently acquired title to 640 acres of Federal land by act of Congress in 1919 and, over the years, has invested $540,000 in improvements to the property—including reservoirs, pipelines, diversion headgates and roads—most of which were built by hand in extremely rugged terrain.

The system has served the community well but now requires substantial further expenditure to update and maintain the aging pipeline. Several hundred thousand dollars may be required. Due to other expensive capital investments and the town's legal debt limits, Olathe has no funds available for this purpose, no substantial remaining bonding capacity and no assets that would yield sufficient collateral for an adequate loan. I should note here that Olathe is a rural community of 1,250 people, which has doubled its population in the last 10 years, and this has greatly complicated its financial problems.

The town would like to pledge its property rights in the reservoirs and its water rights as collateral for a loan to do the necessary maintenance and modernization work. Unfortunately, the 1919 act provided that the land will revert to the United States if sold or used for any purpose other than supply of municipal water. Paradoxically, this reverter makes the land ineligible for use as collateral, even though Olathe has no intention to use the land for anything other than securing its water supply.

Unless this problem is quickly resolved, the town of Olathe faces the very serious prospect of losing its municipal water supply altogether. Its water rights are only "storage decrees"; that is, the town is only entitled to store surplus water during the spring runoff. Obviously, without a functioning storage and distribution facility, these rights are worthless and will legally fall through disuse to junior appropriators. Moreover, the town's other water supply—an exchange contract with the Uncom-

pahgre Valley Water Users Association—will also be turned off if it no longer has any water to exchange.

The legislation I am introducing will allow the town to mortgage the property for public purposes directly related to the maintenance and modernization of its water system. The proceeds of any other sale or alienation of the property during the next 10 years would still have to be paid to the United States. An additional benefit of loosening this restriction of uses is that the town would be able to develop the reservoirs for recreational purposes. Colorado has a new lottery program for recreational development and Olathe expects to receive up to $10,000 annually from this fund. If the use restrictions of the 1919 act are lifted, these moneys could be used to develop a popular recreational resource for this rural community.

For these reasons, Mr. President, I urge the favorable consideration of this measure and its early passage. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to grant certain lands to the town of Olathe, Colorado, for the protection of its water supply", approved March 3, 1919 (40 Stat. 1317) is amended by—

(1) striking out "to have and to hold said lands for the purpose of the protection of the reservoirs and water supply pipelines and waterworks system of said town";

(2) striking out *"And provided further,* That title to the land shall revert to the United States should the same or any part thereof be sold or cease to be used for the purposes herein provided."; and

(3) adding at the end thereof the following: *"And provided further,* That in the event that the lands or any part there of are sold or otherwise alienated by the town of Olathe on or before January 1, 1994, except as a consequence of a judgment at law or equity to recover sums owed by the town pursuant to a mortgage, sale to trustee, or similar agreement entered into by the town in order to secure funds for public purposes, directly related to repair, maintenance, or modernization of the reservoirs, water supply pipelines, or waterworks system of the town, the proceeds of such sale (excluding the value of any improvements made by the town) or the fair market value of the lands or part thereof (excluding the value of any improvements made by the town) at the time of such sale or alienation, whichever amount is greater, shall be paid to the United States by the town.".●

By Mr. COCHRAN:

S. 1548. A bill to establish an improved program for extra long staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

PROGRAM FOR EXTRA LONG STAPLE COTTON

● Mr. COCHRAN. Mr. President, at the request of the Secretary of Agriculture, John R. Block, I introduce a bill to establish an improved program for extra long staple cotton.

This legislation would repeal authority for marketing quotas, suspend provisions relating to acreage allotments and penalties, establish a minimum loan level, and eliminate a maximum loan level. The bill would establish a loan period and an acreage base. The bill would authorize an acreage reduction program, a paid land diversion program, and sale of CCC-owned cotton for unrestricted use at price levels approved by the Secretary of Agriculture.

Mr. President, I ask unanimous consent that the transmittal letter from the Secretary of Agriculture as well as the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Extra Long Staple Cotton Act of 1983."

SEC. 2. Section 347 of the Agricultural Adjustment Act of 1938, as amended, and section 101(f) of the Agricultural Act of 1949, as amended, are repealed effective beginning with the 1984 crop of extra long staple cotton.

SEC. 3. Sections 342, 343, 344, 344a, 345, 346 and 377 of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to the 1984 and subsequent crops of extra long staple cotton.

SEC. 4. Effective beginning with the 1984 crop of extra long staple cotton, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection as follows:

"(h)(1) For purposes of this subsection, extra long staple cotton means cotton which is produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types and which is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

"(2) The Secretary shall, upon presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available to producers nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at a level which is not less than 50 per centum in excess of the loan level established for each crop of Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States. If authorized by the Secretary, nonrecourse loans provided for in this subsection may, upon request of the producer during the tenth month of the loan period for the cotton, be made available for an additional term of eight months. The loan level for any crop of extra long staple cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective and such level shall not thereafter be changed.

"(3)(A) Notwithstanding any other provision of this subsection, the Secretary may establish a limitation on the acreage planted to extra long staple cotton if the Secretary determines that the total supply of extra long staple cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each extra long staple cotton-producing farm. Producers who knowingly produce extra long staple cotton in excess of the permitted acreage for the farm shall be ineligible for extra long staple cotton loans with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of a limitation under this subparagraph shall be the average acreage planted on the farm to extra long staple cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For the purpose of the preceding sentence, acreage planted to extra long staple cotton for harvest shall include any acreage which the producers were prevented from planting to extra long staple cotton or other nonconserving crops in lieu of extra long staple cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. A number of acres on the farm determined by dividing (i) the product obtained by multipling the number of acres required to be withdrawn from the production of extra long staple cotton times the number of acres actually planted to such commodity, by (ii) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary, shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion. The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such provision is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(B) The Secretary may make land diversion payments to producers of extra long staple cotton, whether or not an acreage limitation program for extra long staple cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of extra long staple cotton

to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(C) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purpose of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) An operator of a farm desiring to participate in the program conducted under paragraph (3) of this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(5) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

"(6) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(7) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(8) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

"(9) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

"(10) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments made under this subsection.

"(11) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

"(12) In order to encourage and assist producers in the orderly ginning and marketing of their extra long staple cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act.

"(13) References made in sections 402, 403, 406, 407 and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans for extra long staple cotton under this subsection; and references to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan operations for extra long staple cotton under this subsection.".

SEC. 5. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, beginning upon the enactment of the Extra Long Staple Cotton Act of 1983, the Commodity Credit Corporation may sell extra long staple cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton.".

SEC. 6. Section 1101(1) of the Agriculture and Food Act of 1981 is amended by deleting "and rice" and inserting in lieu thereof "extra long staple cotton, and rice".

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 26, 1983.

Hon. GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a proposed bill "To establish an improved program for extra long staple cotton."

The Department of Agriculture recommends enactment of the proposed bill.

The current extra long staple (ELS) cotton legislation is continuing legislation that provides for acreage restrictions through outdated acreage allotments, marketing quotas and penalties, and price support by means of nonrecourse loans. The loan level must be established between 75 percent and 125 percent in excess of the upland cotton loan level. Loans at this level have resulted in U.S. ELS cotton prices which are not competitive in world markets or with synthetic fibers. As a result, both domestic use and exports of ELS cotton have declined, stocks have increased and large volumes of ELS cotton are being pledged as collateral for price support loans, much of which will be forfeited to the Commodity Credit Corporation (CCC). The current minimum sales price restrictions will prevent CCC from selling its stocks in the foreseeable future. All these factors are resulting in continued increases in Government outlays.

Effective for the 1984 and subsequent crops of ELS cotton, the proposed bill would:

(1) Repeal authority for marketing quotas.

(2) Suspend provisions relating to acreage allotments and penalties.

(3) Establish the minimum loan level at 50 percent in excess of the upland cotton loan level and eliminate the maximum loan level.

(4) Establish a 10-month loan period with an optional 8-month extension at the discretion of the Secretary.

(5) Establish an acreage base for each ELS cotton producing farm each year equal to the average of acres planted and considered planted to ELS cotton in the three crop years immediately preceding the year previous to the year for which the determination is made, with authority to make adjustments necessary to assure fair and equitable bases.

(6) Authorize an acreage reduction program (ARP) for any crop of ELS cotton for which it is estimated that the supply of ELS cotton would otherwise be excessive. The acreages reduction would be achieved by applying a uniform percentage reduction to the acreage base of each ELS cotton-producing farm. Producers would have to comply with any ARP to be eligible for loans.

(7) Authorize a paid land diversion program (LDP), if needed, to assist in adjusting the total national ELS acreage to desirable goals. Diversion payments could be made whether or not an ARP was in effect.

(8) Authorize sale of CCC-owned cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton. This provision would be effective upon enactment of the proposed bill.

Repeal of marketing quotas and suspension of acreage allotments would permit greater freedom by farmers in determining the most effective use of their resources. They would have the opportunity to meet the needs of the marketplace with less governmental intervention. The lower minimum loan level would permit ELS to again compete with synthetic fibers and in world markets while still providing price protection and permitting orderly marketing. Elimination of the minimum sales price restriction on CCC sales would permit movement of CCC stocks to the marketplace. Government outlays would be reduced.

The enclosed table shows projected loan levels and government outlays through the 1987 crop under current legislation and with the proposed changes.

An identical letter and draft bill have been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accordance with the President's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

U.S. DEPARTMENT OF AGRICULTURE—PROPOSED LEGISLATION FOR EXTRA-LONG STAPLE COTTON, ESTIMATED LOAN RATES AND OUTLAYS

	Current legislation	Proposed legislation
Estimated loan rates (cents/lb.):		
1984 crop	96.25	82.50
1985 crop	96.25	82.50
1986 crop	96.25	82.50
1987 crop	96.25	82.50

U.S. DEPARTMENT OF AGRICULTURE—PROPOSED LEGISLATION FOR EXTRA-LONG STAPLE COTTON, ESTIMATED LOAN RATES AND OUTLAYS—Continued

	Current legislation	Proposed legislation
Estimated outlays (thousands dollars):		
Fiscal year 1985	$4,039	−$13,451
Fiscal year 1986	4,162	−5,137
Fiscal year 1987	4,369	−1,670
Fiscal year 1988	1,941	−511
4-year cost	14,511	−20,769

Note.—Minus sign denotes net receipt from sale of CCC inventory.●

By Mr. ARMSTRONG (for himself, Mr. LONG, Mr. DURENBERGER, Mr. WALLOP, Mr. GRASSLEY, Mr. SYMMS, Mr. BENTSEN, Mr. BAUCUS, Mr. BOREN, and Mr. PRYOR):

S. 1549. A bill to amend the Internal Revenue Code of 1954 to permit individual retirement accounts, qualified retirement trusts and certain educational organizations to invest in working interest in oil and gas properties without incurring unrelated business taxable income; to the Committee on Finance.

UPDATING THE UNRELATED BUSINESS INCOME TAX

● Mr. ARMSTRONG. Mr. President, legislation I am introducing today with Senators DURENBERGER, LONG, WALLOP, GRASSLEY, SYMMS, BENTSEN, BAUCUS, BOREN, and PRYOR could, once enacted, increase profits earned by pension plans and college endowments at, at the same time, infuse new and badly needed capital in domestic oil production.

This legislation is nearly identical to H.R. 7217, a House bill introduced by Representatives JENKINS, MATSUI, GEPHARDT, and FRENZEL and is simple in concept. It permits pension plans and college endowments to treat, for tax purposes, income from oil and gas production exactly like income earned from stocks, bonds, and royalties. Once enacted, an additional investment pool of more than $500 billion would be available for investment in oil and gas production, and at the same time give pensions and endowments possibly higher rates of return on their holdings.

Some background on current tax law will explain the need for this legislation. Most college endowments and private pension plans are granted tax exempt status. Even if they are tax exempt, some sources of income received by pensions and endowments can, under current law be taxable. For Federal tax purposes, there are two sources of income—passive and unrelated business—for pensions and endowments. Passive income—not taxed—usually is interest and dividends earned on stocks, bonds, and royalties. Unrelated business is income taxed at corporate rates because, in theory, the income is derived from a business or investment not related to the purpose of the pension or endowment for which it received its tax exempt status.

This tax theory is 30 years old, and it makes sense. It seeks to eliminate unfair competition to taxpaying businesses by taxing their competitors controlled by tax organizations on the same basis. For example, an endowment owning controlling interest in a manufacturing plant should be taxed on the same basis as the manufacturer's competitor.

Generally, endowment and pension income that is exempted from the unrelated business income—or UBTI—will not be taxed. The problem is that in the past 30 years there has been precious little updating of UBTI. The result is not surprising. Changing economic conditions and new investment opportunities have somewhat outdated the unrelated business income tax. For example, it used to be that stocks and bonds enjoyed high rates of return and tax exempt organizations invested in them heavily. But the past 10 years have found the traditional equities—stocks and bonds—have been hard pressed to maintain an economic rate of return.

Simultaneously, however, direct investments in oil and gas producing properties have proved to be low risk, consistently performing assets that have brought yields outpacing inflation rates. Solomon Bros. reports that annual rates of return for oil assets have outpaced return rates on real estate, stocks, gold, and silver.

But the problem is that the current UBTI taxes earnings from most oil and gas production holdings of pension plans and private investments. The inevitable result is that pension and endowment trustees do not invest in oil and gas production and are foreclosed from higher investment returns than are available from stocks and bonds. Concurrently, oil and gas producers lose access from a large investment pool, estimated to be about $500 billion.

The bill I am introducing today is the solution to this problem. This bill permits pension and college endowments to invest through limited partnerships in working interests in oil and gas properties without being subject to the unrelated business income tax. This legislation is consistent with the underlying theory of the UBTI because it permits these funds to only passively invest in oil and gas production * * * meaning that the pension and endowment trustees cannot take part in the control of the business of producing oil and gas.

The bill has important safeguards that should make this bill noncontroversial:

First. Pension plans and endowments can only invest as a passive owner in a limited partnership, meaning they cannot exercise control in business decisions. In fact, limited partners exercise even less control over business decisions than stockholders do.

Second. Only qualified pension funds and educational organizations, as already defined in current tax laws, are covered under this legislation.

Third. These funds can only invest in working interests in oil and gas properties, meaning they must pay a share of the development and operating costs to receive a share of income. The definition of working interest is the same now used in current law.

Fourth. Pension plans and endowments will receive no benefit from income tax credits and deductions available to taxable limited partners. The bill also precludes allocations of these deductions and credits to taxable partners.

Fifth. Pensions and endowments will not receive exempt income from working interests held by a limited partnership if either organization is related to the general partner.

There are a number of reasons why this bill should pass, and soon. First, the bill has no revenue loss since investments in oil and gas production will only augment investments otherwise made in currently tax-exempt investments.

Second, the bill encourages portfolio diversification by pension plans and endowments that control nearly $500 billion.

Third, this bill offers the promise of higher rates of return than these pensions and endowments now presently receive.

Fourth, it will infuse new and badly needed capital in oil and gas production without raising energy prices. In fact, capital expenditures this year in oil and gas activity has decreased 35 percent this year.

Fifth, the legislation is consistent with the underlying theory governing unrelated business taxable income.

Sixth, this legislation corrects an anomaly in the current UBTI law. Currently, pensions and endowments can receive tax free income from oil royalties—simply investments in oil and gas activities where the investor pays none of the development costs—but cannot receive tax free income from working interests in oil producing properties. In both types of oil investments—royalty and working interest programs—investors are passive * * * exercising no control over business decisions. Thus, partnerships owning working interests should be subject to the same tax rules as are applied to oil royalties.

This legislation is nearly identical to legislation I introduced in 1982. A number of important provisions have been added to address issues raised

since the bill was first introduced. These provisions, about four in number, address concerns raised about partnership allocation, abusive sale-leaseback arrangements, and the use of debt in buying shares in a limited partnership.

Mr. President, I welcome further consideration of this bill, and urge its enactment.

Mr. President, I ask unanimous consent that a more technical and detailed summary of this bill be inserted at this point in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM—LEGISLATION TO PERMIT RETIREMENT TRUSTS AND COLLEGES TO TREAT INCOME FROM OIL AND GAS WORKING INTERESTS AS PASSIVE INCOME

BACKGROUND

The Internal Revenue Code makes a distinction in the treatment of investment income earned by qualified retirement trusts and educational organizations between passive income and unrelated business taxable income. Passive income from sources such as stocks, bonds and oil royalties is exempt from the Unrelated Business Taxable Income (the "UBTI") imposed by I.R.C. section 512. All income not specifically exempted from section 512 is taxed at corporate rates. Over the thirty years since the enactment of the UBTI, the investment objectives of the tax exempt organizations have had to adapt to changing economic conditions to deal with inflation and increased funding. The past ten years have found the traditional equities—stocks and bonds—hard pressed to maintain an economic rate of return equal to the rate of inflation. Simultaneously, direct investments in oil and gas activities from non-industry sources have occurred in large scale over the past twelve years and have proved to be consistent performing assets generating rates of return in excess of the rate of inflation. As a consequence of this experience, the pension plans and college endowments are increasingly interested in investments in the domestic oil and gas industry. Since the organizations are interested in domestic petroleum activities as an investment option, their objective conforms with the intent of the UBTI, i.e., to permit passive investment and penalize through taxation active management of unrelated businesses. The legislation would update the UBTI to acknowledge the changed economic and investing environment of the 1980's while maintaining the integrity of the UBTI concept.

DESCRIPTION OF LEGISLATION

The legislation introduced in Congress amends Internal Revenue Code sections 512 and 514 to permit qualified retirement trusts and educational organizations to receive income from limited partnerships that own working interests in domestic oil and gas wells without incurring income tax liability under the UBTI. The legislation includes a limited authorization for the partnerships to borrow funds to engage in oil and gas activities. The objectives of the legislation are:

1. to facilitate portfolio diversification by the retirement trusts into investments generating oil and gas income;

2. to provide a means for colleges and educational organizations to retain gifts of oil and gas working interests without having to arrange forced sales to avoid the UBTI; and

3. to make available additional sources of capital for the domestic oil industry in a manner consistent with the exercise of the prudent investment responsibilities of the retirement trusts and the educational organizations.

ISSUES RAISED BY THE LEGISLATION

Six issues have been raised concerning the legislation. These are—

1. the modification of the current policy to tax the earnings of tax-exempt entities from active trade or business endeavors;

2. the question of allowing certain tax-exempt institutions to invest in oil and gas working interests that include drilling activities;

3. the obstacles for educational organizations in owning and investing in oil and gas working interests;

4. the potential for tax sheltering through partnership allocations;

5. revenue impact for the Treasury; and

6. the use of acquisition indebtedness.

1. *UBTI Tax Policy Modification.* The UBTI was enacted to protect taxable enterprises from unfair competition arising out of the ability of tax-exempt organizations to accumulate capital in "for-profit" businesses free of federal taxation. The statute looks to the underlying activity of a partnership to determine whether the owner-partners are engaging in an active trade or business. The ownership of oil and gas working interests is considered an active trade or business. The legislation amends the UBTI by adding an exemption for limited partnerships that own working interests in oil and gas wells. The modification proposed conforms with the policy objective of the UBTI by—

a. permitting the tax-exempt entities to own working interests only as passive limited partners who are legally prohibited from engaging in management of the partnership;

b. prohibiting control of the managing general partner by the tax-exempt limited partners;

c. requiring that the general partner be a taxable entity; and

d. denying the tax incentives arising from the acquisition and development of oil and gas working interests to the tax-exempt limited partners, thereby creating the situation that these partners must look to distributions to earn a rate of return.

Additionally, it is relevant to note that the retirement trusts are interested in investing in oil and gas because of the rate of return represented by current cash flow that are available from the investment. The pension plans need to fund beneficiary distributions from investments; stagnant investments that do not distribute satisfactory rates of return have little attraction. Finally, the current exemption from section 512 for royalties and net profits interests does not preclude tax-free accumulations of capital by tax-exempt investors. Abuses using this exemption have not occurred because of the need of the tax-exempts for distributable cash flow.

2. *The Prudence of Oil and Gas Investments by Tax-Exempt Institutions.* A certain degree of risk is inherent in investments in the drilling, developing and producing of oil and gas. However, risk is also inherent in many activities in which tax-exempt institutions currently invest without incurring UBTI liability. Thus, the tax code does not preclude tax-exempt institutions from taking risks as long as their investments are in corporate or certain other passive forms. Under present law, tax-exempt institutions can invest in oil and gas properties in the form of royalties and net profits interests which expose them to the same dry hole risks that investments in working interests do. As Congress has recognized, the prudent investment rules applicable to fiduciaries of exempt institutions and qualified trusts, not the UBTI, are the appropriate vehicle to police investment policies.

3. *Role of Educational Institutions.* Under present law, the UBTI provisions frustrate the ability of colleges and educational organizations to obtain contributions of income producing working interests by penalizing the retention of such contributions. This unintended effect of the UBTI forecloses the upside potential of oil and gas ownership for educational institutions and prohibits their participation in the long-term growth of the industry.

4. *Tax Shelter Potential.* While the term "working interests" as used in the bill includes drilling activities, the bill precludes sheltering of income of taxable limited or general partners through allocations to them from expenditures made by tax-exempt limited partners. Specifically, the bill requires that items of deduction, credit and loss be allocated in the same percentages as items of income and gain. Further, it directs the Secretary of the Treasury to prescribe rules to preclude tax sheltering. The bill would permit sharing arrangements to change over the life of the partnership to reward the service partner as economic events occur in the life of the partnership. The technical explanation of the bill also specifies that the general partner may allocate items of deduction, credit, or loss to the limited partners; the federal government gains revenue from this exception since at least some of the limited partners to whom the deductions are allocated are tax-exempt and unable by the terms of the bill to claim the items. Additionally, any drilling activities undertaken by a limited partnership subject to the legislation will reduce the tax expenditure loss that would otherwise be occasioned by the Treasury if the drilling was done by taxable parties.

5. *Federal Revenue Effect.* The legislation will not create a revenue loss for the federal government. Since the tax-exempt entities do not invest in taxable activities, the UBTI generates minimal revenue for the federal treasury. The legislation expands the options of the retirement trusts and educational organizations to deploy their assets into non-taxed investments.

6. *Use of Borrowing.* The provision in the legislation extends to oil and gas investments the same treatment as is available for the acquisition of real estate by retirement trusts and prohibits collusive sale and leaseback arrangements.

TECHNICAL EXPLANATION (REVISED MAY 9, 1983)

The bill amends Section 512 of the Internal Revenue Code of 1954 (relating to the unrelated business taxable income of exempt organizations). The Bill would permit qualified retirement trusts and certain educational organizations to invest in domestic working interests in oil and gas properties without incurring unrelated business taxable income, if such interests are held by such trust or organization as a passive investor (i.e., a limited partner) in a qualifying limited partnership. The amendment applies to pension funds and individ-

ual retirement accounts ("qualified trusts") described in Sections 401(a) and 408(a) of the Internal Revenue Code and exempt organizations ("qualified exempt organizations") described in Section 170(b)(1)(A)(ii) (generally, schools, colleges and universities) and in Section 170(b)(1)(A)(iv) (generally, exempt organizations created by public educational institutions with the purpose of holding an investment property for their benefit).

The definition of a working interest incorporates that which is contained in the regulations of the Internal Revenue Service, that is, an interest where the owner "is not relieved of its share of the development costs by the terms of any agreement with an operator." Treas. Reg. § 1.512(b)-1. The amendment is limited to investments in domestic oil and gas wells and is intended to employ the same description for those wells as is used in IRC § 613A, subject to application of IRC § 638. For purposes of the amendment to Section 512 and the related amendment to Section 514, the term "working interest" includes equipment associated with the development and operation of oil and gas interests.

To assure that partnership income is received by a qualified trust or qualified exempt organization as a passive investor, the Bill requires that the income must be allocated to such trust or organization in its capacity as a limited partner, which means a limited partner for tax purposes.

A limited partnership described in the amendment is one subject to a statute corresponding to the Uniform Limited Partnership Act, both as originally adopted in 1916 and as revised by the National Conference of Commissioners on Uniform State Laws in 1976 (and, in the case of Louisiana, to equivalent partnerships subject to the In Commendam Law, as amended). A common aspect of the status of a limited partner under such laws is that such partner cannot take part in the control of the business of the partnership without becoming liable as a general partner. It is intended that the Bill will not apply to any qualified trust or qualified exempt organization that fails to maintain its status under state law as a limited partner by virtue of having taken part in the control of the business of the partnership.

Income from a working interest held by a partnership may carry with it certain deductions—such as the partnership's administrative costs and the deduction for intangible drilling costs and the investment tax credit—that are allocated to all partners, including limited partners, under the partnership agreement. The amendment provides that all such deductions and credits, and any item thereof, will be excluded or disallowed in the case of any qualified trust or qualified exempt organization to which such item is allocated. Therefore, no such item would be available as a deduction or credit with respect to other taxable income of any trust or organization or to any taxable partner in the partnership. For example, a qualified trust or qualified exempt organization that qualifies under the provisions of this bill would not be entitled to use the investment tax credit with respect to equipment held by a limited partnership even though taxable limited partners in such limited partnership would be so entitled.

The Bill precludes potential abuse through use of certain special partnership allocations. Allocations of larger amounts of deductions, losses or credits, relative to allocations of income or gain, would not be permitted to be made to taxable partners instead of exempt limited partners. The Bill provides three conditions that must be met by the limited partnership with respect to the allocation of income, gain, losses, deductions and credits among partners. First, under the partnership agreement, the partnership cannot allocate a lesser share of any item of deduction, loss or credit to the limited partners than their share of each item of income or gain. This requirement is intended to prevent the partnership agreement from allocating larger deductions, losses, or credits in relation to income or gain from the limited partners as a whole (who may consist in part or entirely of qualified trusts or qualified exempt organizations) to a general partner or partners; however, it is not intended to prevent special allocations of deductions under Section 704(b) that may have substantial economic effect from being allocated from the general partner or partners to the limited partners as a whole or to prevent the allocation of revenues to a general partner for services rendered to the partnership. Also, the Bill is not intended to prohibit the use of sharing arrangements common in the oil and gas industry between a general and the limited partners whereby differing amounts of income, deductions and credits are allocated between the general and limited partners before and after "pay-out." The bill would, however, prevent such a clear cut abuse of exempt status as a materially disproportionate allocation of income and deductions from drilling to a taxable partner in years when drilling operations are being conducted and a subsequent shift to a disproportionate allocation of income and deductions to exempt partners in years when the partnership is realizing income from producing properties.

Second, the Bill requires that, as between limited partners, there can exist no different allocation of any item of deduction, loss or credit. This is to assure that it will not be possible to allocate deductions that are available to the limited partners as a whole to taxable instead of exempt limited partners. However, this limitation does not apply to disproportionate deductions between partners arising as a consequence of the partners having different bases in their partnership interests or in their partnership properties, as, for example, resulting from a Section 754 election.

Third, cash distributions must be made in no different manner from the allocation of income or gain.

The Bill further provides that disproportionately lesser allocations of deductions, losses or credits to exempt limited partners cannot, subject to regulations to be prescribed by the Secretary, be effectuated indirectly, by use of multi-tier partnerships or other arrangements such as trusts or Subchapter S corporations. This limitation is intended to apply only to situations in which a partnership or other entity is used as a purposeful device primarily to achieve a material misallocation of tax benefits from exempt to taxable investors. It is not, for example, intended to prevent a limited partnership that otherwise meets the conditions of the Bill from entering, directly or indirectly, into a general partnership, joint venture, operating agreement or "farm out" arrangement for the acquisition, exploration or development of oil and gas properties under the terms of which the other partner, venturer or operator bears the economic burden of paying all or part of the costs of such acquisition, exploration or development and is allocated or assigned the deductions or credits associated with the costs borne by it.

The Bill further provides that qualified trusts and qualified exempt organizations will not receive exempt income from working interests held by a limited partnership if either organization is related to any general partner. The purpose of the related party provision is to assure that a qualified trust or qualified exempt organization (or a group of such trusts or organizations) cannot control, directly or indirectly, the activities of a limited partnership by means of a related entity without becoming subject to tax on income from such activities. Under the Bill, income from a limited partnership interest would not be excluded from unrelated business taxable income if the combined holdings of all such trusts and organizations in a general partner were to represent 35 percent or more of the total interest in the general partner. For purposes of making this determination, the holdings of the qualified trusts and qualified exempt organizations.

Many limited partnership drilling programs often, for administrative reasons, employ more than one tier of partnerships to effect investment in operating properties. For example, the investors may invest in an upper tier partnership (which may be either a general or a limited partnership) which in turn invests all its assets as a limited partner in a lower-tier partnership. It is intended that the amendment will apply to investors in such "two tier" partnerships, if the income is distributed to them either as a limited partner or as a partner in a partnership that is itself a limited partner (subject to the limitations of the Bill on the disproportionate allocation of losses, deductions and credits).

The Bill also contains a conforming amendment to Section 514(c) (relating to unrelated debt-financed income) which provides that acquisition indebtedness in the case of a qualified trust or a qualified exempt organization does not include indebtedness incurred by the limited partnership to acquire, develop, or operate oil and gas properties. This amendment provides that the objectives of the Bill in Exempting income from working interests will not fail to be achieved because the partnership has incurred debt for purposes of acquiring or developing its properties, as is customary in the oil and gas industry. However, qualified trusts and organizations that borrow to finance the acquisition of limited partnership interests will continue to be subject to the acquisition indeptedness rules as to such borrowings.

The amendment incorporates the safeguards contained in section 514(c)(9), which exempts real estate investments by trusts qualified under section 401 from the acquisition indebtedness rules. These safeguards protect against abuses such as the sale-leaseback involved in Commissioner v. Clay Brown, 380 U.S. 563 (1965). The amendment will not, however, preclude non-abusive sales, leases, farmouts or other transfers between limited partnerships and parties related to the general partner (e.g., affiliated programs), a practice customary in the oil and gas industry, from qualifying for exemption from the acquisition indebtedness rules. A transfer will be considered non-abusive if its terms are consistent with the terms of similar transfers in the geographic area. This geographic-area standard is consistent with the guidelines employed by the North American Securities Administrators Association to evaluate transfers of this

type between sponsors of oil and gas drilling programs and related parties.

It is not believed that the Bill will result in any material revenue loss, since, to the extent qualified trusts or qualified exempt organizations choose to invest in oil and gas drilling programs as a consequence of it, they will forego other investments producing dividend, interest and other passive income that would also be exempt in their hands. In addition, deductions, losses and credits allocated to an exempt limited partner will not be available to reduce the taxable income of that partner or any other partner. The Bill will take effect with respect to partnership taxable years beginning after December 31, 1982.●

By Mr. CHAFEE:

S. 1550. A bill to amend the Internal Revenue Code of 1954 to relieve international double taxation of overseas construction projects of U.S. contractors; to the Committee on Finance.

PREVENTION OF DOUBLE TAXATION

● Mr. CHAFEE. Mr. President, I am today introducing with my colleague, Senator SYMMS, a bill to prevent the double taxation of income earned by U.S. construction firms doing business abroad.

Under existing law, U.S. constructors are inhibited in competing with non-U.S. firms for foreign projects. This situation occurs when both foreign countries and the U.S. tax construction contract services that support foreign construction projects but are performed in the United States. The kinds of services involved are architectural, engineering, design, and construction management. This form of double taxation creates a trade barrier hindering U.S.-based corporations in bidding and obtaining foreign contracts.

Our bill would permit a U.S. firm to deduct as a cost of doing business the foreign tax on U.S. "construction contract services." Such treatment is consistent with our longstanding policy of eliminating double taxation, and with the practice of foreign governments such as the Netherlands and United Kingdom. Also, the bill would place American construction firms on a competitive par with non-U.S. firms competing in international construction. This bill should raise U.S. revenues because U.S. firms could more effectively compete for foreign construction projects, thus realizing the purposes of this bill—to provide more jobs for Americans.

A similar bill, H.R. 1609, has been introduced in the House by Congressmen FRENZEL and GIBBONS.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTION TO DEDUCT CERTAIN FOREIGN TAXES.

(a) IN GENERAL.—Paragraph 4 of section 275(a) of the Internal Revenue Code of 1954 (relating to deduction of certain taxes) is amended by inserting "(other than amounts with respect to which an election under subsection (b) has been made)" after "United States".

(b) ELECTION TO DEDUCT CERTAIN FOREIGN TAXES.—Section 275 of such Code is amended by redesignating subsection (b) as subsection (c) and any inserting after subsection (a) the following new subsection:

"(b) ELECTION TO DEDUCT CERTAIN FOREIGN TAXES.—

"(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to deduct the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States which is imposed in connection with construction contract services rendered in the United States which are directly related to a construction project located (or proposed for location) in such foreign country or possession.

"(2) DEFINITION OF CONSTRUCTION CONTRACT SERVICES.—For purposes of this subsection, construction contract services shall mean engineering, architectural, design, project management, procurement, cost estimating, scheduling, construction planning or construction mobilization services, or other services, including financial, administrative, clerical, data processing or reproduction services, which are related and subsidiary to any of the foreign services.

"(3) MANNER AND TIME OF ELECTION.—

"(A) IN GENERAL.—An election under paragraph (1) for the taxable year shall be made in such manner and at such time as is provided for the election to credit foreign taxes under section 901.

"(B) DISCRIMINATORY TAXES BY FOREIGN COUNTRY.—Whenever the Secretary finds that under the laws of a foreign country, citizens of the United States or domestic corporations are being subjected to a higher effective rate of tax than are nationals, residents, or corporations of any other countries with respect to income of the kind described in paragraph (1), the election under this subsection shall not be allowed to be made.".

(c) CREDIT DISALLOWED.—Section 901 of such Code (relating to taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) CERTAIN FOREIGN TAXES DEDUCTED.—The amount of any income, war profits, and excess profits taxes deducted by a taxpayer pursuant to an election under section 275(b) shall not be allowed as a credit under subsection (a).".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to taxable years ending after December 31, 1982.●

By Mr. HART (for himself, Mr. CRANSTON, and Mr. PROXMIRE):

S.J. Res. 124. Joint resolution calling for negotiations to halt the production of separated plutonium; to the Committee on Foreign Relations.

PLUTONIUM PRODUCTION FREEZE

● Mr. HART. Mr. President, 20 years ago, President Kennedy said:

Every man, woman, and child lives under a nuclear sword of Damocles hanging by the slenderest of threads, capable of being cut at any moment by accident, miscalculation, or by madness. The weapons of war must be abolished before they abolish us.

Seeking to remove this terrible sword of Damocles from our lives, Americans from every walk of life, of every creed and color, from every corner of this land for over a year have been crying out for an end to the madness of a nuclear arms race. And the movement to freeze and reverse it continues to gain strength.

The idea of a nuclear weapons freeze has mobilized public opinion and sent it into battle against an arms race that daily brings us closer to annihilation.

Yet, although an important first step, efforts to freeze, limit, or reduce strategic nuclear weapons address only part of the nuclear threat: The continued United States-Soviet nuclear arms buildup. A second and equally grave problem is the spread of nuclear weapons to nations not now possessing them or to terrorists.

Nuclear proliferation is the new nightmare that haunts the world. Not just nation making war on nation, but isolated terrorist groups blackmailing the world. Not armies of scientists working with ultrasecret technologies, but a few individuals building a bomb with some basic physics and a few pounds of plutonium. Not weapons hurled thousands of miles on complex rockets—but a bomb the size of a suitcase in some American or European city. Not the superpowers of the world restrained by the balance of terror, but unstable outlaw nations—Libya or Pakistan—threatening their neighbors with a handful of nuclear bombs.

Mr. President, we must do everything in our power to prevent the use of nuclear weapons by the superpowers. But we must also work to prevent the detonation of a nuclear bomb by any country or terrorist group, against any country, for any reason.

The joint resolution I am introducing today addresses the fundamental precondition for efforts both to control strategic nuclear weapons and to prevent the further spread of nuclear weapons: halting the production of separated plutonium.

This "plutonium freeze" resolution calls for all countries with the technology to produce separated plutonium—including the United States and the Soviet Union—to enter into immediate negotiations toward a verifiable end to both the production of separated plutonium and the export of the technology for such production.

Separated plutonium is the basic material for nuclear weapons. It has also been considered as a possible fuel

not only for existing nuclear power reactors, but also for the breeder reactors currently under development in several countries.

If separated plutonium becomes an accepted fuel for nuclear power reactors, we will soon see tons of this dangerous material moving each year in international commerce. One can almost imagine a time when, on world commodities exchanges, futures on plutonium are traded along with futures on pork bellies. And with each transaction, the risk of diversion or theft for weapons-building will grow. Indeed we will have begun to traffic in global annihilation.

Mr. President, this resolution does not call for the United States to halt unilaterally the production of separated plutonium. Rather, it calls for all plutonium-producing nations to negotiate a halt to all plutonium production, for whatever purpose. Such an agreement could be verified by inspections by the International Atomic Energy Agency (IAEA), the agency responsible for administering the safeguards applied to civilian nuclear activities around the world.

A U.S. proposal for a plutonium production freeze, verified by the IAEA, might meet with a favorable Soviet response. Last month, Milton Benjamin reported in the Washington Post that the Soviet Union had indicated a willingness to accept onsite inspections by the IAEA of its nuclear facilities. To date, it has not accepted onsite inspection under the IAEA regime of any of its nuclear facilities. But this new development might prove an important first step toward a plutonium agreement on a plutonium production freeze.

I ask unanimous consent that the text of Mr. Benjamin's article appear in the RECORD at the end of my statement.

Beyond a negotiated halt in the production of plutonium and on the export of its means of production, this resolution calls for the United States and other nuclear supplier and consumer nations to reject the commercial use of separated plutonium as a nuclear power reactor fuel. Civilian nuclear power technology can be based on non-weapons-usable fuel, such as natural and low-enriched uranium, especially if supplier nations make abundant, secure, and economic supplies available.

There is no economic justification for using separated plutonium in the world's nuclear power reactors. World uranium reserves greatly exceed demand and will last well into the next century. During the past decade, the price of uranium dropped from $60 per pound to today's price of approximately $20 per pound. Only an eightfold increase in uranium prices would economically justify the reprocessing of spent fuel and use of the resulting separated plutonium in power reactors.

Mr. President, I recognize that several countries, particularly Japan and the Euratom countries, believe their energy security rests on recycling separated plutonium in existing reactors and on breeder reactors, which produce more plutonium than they consume. Despite the obvious dangers of such plans, this administration has not tried to dissuade our allies from them, for fear of jeopardizing our relationships. It is hard to believe that our relationships with these countries could not withstand such efforts—particularly when secure, reliable supplies of natural and low-enriched uranium would be available. The risks of nuclear proliferation created by going the plutonium route jeopardize the security not only of the United States, but of these countries as well. Their short-term interest in using separated plutonium for fuel should not obscure the longer term interest of the world in avoiding nuclear annihilation.

All serious analysts of nuclear arms control recognize the strong link between effects to reduce the size of strategic nuclear arsenals and efforts to curb the spread of nuclear weapons. Nuclear "have-not" nations will not agree to refrain from acquiring nuclear weapons so long as nuclear "have" nations resist disarmament. In fact, article VI of the Nonproliferation Treaty explicity recognizes this relationship. It requires signatories not possessing nuclear weapons to forgo them; in return, nuclear weapons countries must in good faith cease the nuclear arms race and work toward nuclear disarmament.

This joint resolution takes a modest step toward this goal—for once current stockpiles of plutonium are exhausted, no new nuclear weapons would be built. It not only would make it more difficult for nonnuclear weapons states and terrorists to join the nuclear club. It also would have a profound impact on the arms race between the superpowers—a race that threatens the survival of the world.

Moreover, this resolution complements another resolution I have introduced calling for United States-Soviet strategic talks on prevention (STOP), with the explicit goal of reaching an agreement on preventing the use of nuclear weapons.

Mr. President, this joint resolution gets to the very core of the nuclear threats we face today. It would, by preventing international commerce in separated plutonium, reduce the risk that nonnuclear weapons countries or terrorist groups will acquire the means to detonate a nuclear bomb. Unless we halt the worldwide expansion of nuclear weapons arsenals, unless we end our nuclear madness, none of us will be around to mourn the consequences.

Mr. President, I urge the Senate promptly to consider and pass this joint resolution.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD along with the letter earlier mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 124

Whereas nuclear war would kill and maim millions of persons, devastate industrial and technological bases, and threaten civilization;

Whereas the use of nuclear explosives by subnational or terrorist groups or irresponsible governments would destroy population centers and spread chaos and could lead to a nuclear war between nuclear weapon states;

Whereas both the expansion of existing nuclear weapons arsenals, and the spread of nuclear weapons to countries or terrorist groups not now possessing them, would increase the probability that such destruction and devastation could occur by design, accident, or miscalculation and thus would pose the gravest risk to the security of the United States and the world;

Whereas separated plutonium is both a basic ingredient for making nuclear weapons and an alternative fuel for nuclear power reactors;

Whereas if separated plutonium is used as a nuclear power reactor fuel, thousands of pounds of separated plutonium eventually could move each year in international commerce;

Whereas the world's existing uranium resources and uranium enrichment capacity easily can meet all requirements for nuclear power fuel for the foreseeable future, thus rendering economically unjustifiable the use of separated plutonium as a nuclear power reactor fuel;

Whereas separated plutonium cannot be adequately protected or safeguarded against diversion or theft to build nuclear weapons;

Whereas there have been no further negotiations since 1975 among the countries that possess the technology for producing separated plutonium to limit the future export of such technology; and

Whereas the continued and increasing production and use of separated plutonium not only would permit nuclear weapon states to expand their nuclear weapons arsenals, but also would increase the chance that new countries or terrorists groups would acquire the means to detonate a nuclear bomb: now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States, the Soviet Union, and other countries that have the technology to produce separated plutonium for military or civil purposes should, without delay, enter into negotiations leading to a mutual and verifiable halt in the further production of separated plutonium for any purpose and the export of technology for such production, in order to prevent separated plutonium from becoming an article of domestic and international commerce, reduce the risk that nonnuclear weapon states or terrorist groups will acquire the means to detonate a nuclear bomb, and halt the expansion of nuclear weapons arsenals around the world; and

(2) the United States and other nuclear suppliers and consumer nations should

promptly begin negotiations leading to an agreement to reject the commerical use of separated plutonium as a nuclear power reactor fuel, to base civilian nuclear power technology only on nonweapons usable fuel, and to make abundant, secure, and economic supplies of natural and low enriched uranium available for that purpose.

[From the Washington Post, May 20, 1983]

SOVIETS INVOLVED IN A-PLANT SITE INSPECTION TALKS

(By By Milton R. Benjamin)

SEATTLE, May 19.—An International Atomic Energy Agency team is in Moscow negotiating an agreement for on-site inspection of civilian nuclear facilities that Director-General Hans Blix said could set a precedent for verifying a U.S.-Soviet arms control pact in the future.

"I think a new perspective has been opened with the Soviet Union's voluntary offer to us to come and safe guard some of their peaceful nuclear installations," Blix said in an interview. "This clearly raises the question to what extent the safe guards technique could be employed in a nuclear disarmament context."

A team of four atomic energy agency officials flew to Moscow on Monday to discuss which Soviet facilities will be opened to international inspection, sources said. The Soviets so far have agreed only to permit inspectors to visit atomic power plants and research reactors, the sources said.

Blix conceded that Soviet willingness to permit inspection of "peaceful, identified installations" was not the same as agreeing to let monitors of a disarmament agreement "roam, the territory."

Nevertheless, State Department officials said they believe that Moscow's reversal of its longstanding refusal to open any of its atomic program to international inspection—and its acceptance of the principle of institutionalized on-site inspection and related verification measures—represent at least a modest step forward.

Blix, who has been attending an IAEA conference on radioactive waste management here, said he found it "very interesting that in a number of recent Soviet statements they have placed a great emphasis on safeguards as a model for verification methods in the field of disarmament."

Though he conceded that the current arms control climate does not appear to be a "very hopeful one" he suggested that a future approach might be for the United States and the Soviet Union to agree to cease further production of the plutonium and highly enriched uranium needed for nuclear weapons.

"We now have the experience, and are increasing our experience, in safeguarding reprocessing plants and enrichment plants, which are the installations that produce weapons-grade material," Blix said, "So if one day the great powers wish to ask themselves, could we have a cutoff of fissionable material for weapons puposes, the techniques are there to monitor it," he said.

This approach to arms control is similar to the "plutonium freeze" proposal currently being circulated in Congress by Sen. Gary Hart (D-Colo.) and Rep. Richard L. Ottinger (D-N.Y.)

Verification of U.S.-Soviet arms agreements never has included on site inspection, but always has relied on monitoring from outside the country and satellite reconnaissance.

Nevertheless, Blix said he felt that "the more recent Soviet statements on verification and control" suggest that Moscow is open to this approach.

The United states, Britain and France for some time have permitted the IAEA to inspect some of their civilian nuclear facilities. China, the fifth nuclear weapons state, does not have a civilian atomic program and is not open to IAEA inspectors.●

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DOLE, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 50

At the request of Mr. COHEN, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 50, a bill to provide access to trade remedies to small businesses, and for other purposes.

S. 338

At the request of Mr. COHEN, the names of the Senator from Nebraska (Mr. EXON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mr. WILSON), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 338, a bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes.

S. 422

At the request of Mr. JEPSON, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mr. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. TRIBLE) were added as cosponsors of S. 422, a bill to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance.

S. 591

At the request of Mr. INOUYE, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 873

At the request of Mr. LUGAR, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 891

At the request of Mr. CHAFEE, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 891, a bill to develop additional procedures for Federal land sales.

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Texas (Mr. BENTSEN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1090

At the request of Mr. WALLOP, the names of the Senator from Virginia (Mr. TRIBLE) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1325

At the request of Mr. MCCLURE,, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mr. EAGLETON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1469

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1469, a bill to amend title 18 of the

United States Code relating to the sexual exploitation of children.

S. 1498

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1498, a bill to amend title 23, United States Code to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

SENATE JOINT RESOLUTION 3

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 48

At the request of Mr. MCCLURE, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 48, a joint resolution to amend the Constitution of the United States to limit budget outlays for a fiscal year to not more than 20 percent of gross national product for such fiscal year.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. STEVENS), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month."

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 116

At the request of Mr. KASTEN, the names of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Ohio (Mr. GLENN), the Senator from Idaho (Mr. SYMMS), the Senator from Connecticut (Mr. DODD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from North Carolina (Mr. HELMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mrs. HAWKINS), the Senator from Arizona (Mr. DECONCINI), the Senator from Alabama (Mr. HEFLIN), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. METZENBAUM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. JEPSEN), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from Montana (Mr. MELCHER) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of Senate Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

AMENDMENTS SUBMITTED

EXTENSION OF EDUCATION FOR THE HANDICAPPED ACT

BYRD (FOR EAGLETON) AMENDMENT NO. 1436

Mr. BYRD (for Mr. EAGLETON) proposed an amendment to the bill (S. 1341) to revise and extend the Education of the Handicapped Act, and for other purposes; as follows:

On page 3, between lines 9 and 10, insert the following:

BYPASS PROVISION

SEC. 4. Section 613 of the Act is amended by adding at the end thereof the following new subsection:

"(b)(1) If a State educational agency is prohibited by law from providing for the participation in special programs for handicapped children enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

"(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider of such services an amount which may not exceed the amount provided per child to all handicapped children enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(4).

"(3)(A) The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least forty-five days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

"(B) If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

Redesignate the succeeding sections accordingly.

STEVENS (FOR THE COMMITTEE ON LABOR AND HUMAN RESOURCES) AMENDMENT NO. 1437

Mr. STEVENS proposed an amendment to the bill S. 1341, supra; as follows:

On page 2, between lines 6 and 7, insert the following:

(c)(1) Section 604(a) of the Act is amended by striking out "Office" and inserting in lieu thereof "Department".

(2) The fourth sentence of section 604(b) of the Act is amended to read as follows: "The Secretary shall transmit each such report, together with such comments and recommendations as the Secretary may deem appropriate, to the Congress.".

NATIONAL NEEDS AND OBJECTIVES IN THE ARCTIC

STEVENS (FOR MURKOWSKI) AMENDMENT NO. 1438

Mr. STEVENS (for Mr. MURKOWSKI) proposed an amendment to the bill (S.

373) to provide comprehensive national policy dealing with national needs and objectives in the Arctic; as follows:

On page 12, line 17, strike "1984", and insert in lieu thereof: "1985".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public oversight hearing before the Committee on Energy and Natural Resources to continue the review of the geopolitics of strategic and critical minerals. The hearing will be held on Friday, July 22, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Bob Terrell of the committee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 27, at 10 a.m., to hold a hearing on the Export Administration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, June 27, to mark up fiscal year 1984 Department of Defense military authorization, S. 675.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Securities, of the Committee on Banking and Urban Affairs, be authorized to meet during the session of the Senate on Tuesday, June 28, to receive testimony from John Fedders of the Securities Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, June 28, at 2 p.m., to hold a hearing on S. 1090, the Outdoor Recreation Resources Review Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet in executive session, during the session of the Senate on Tuesday, June 28, at 4 p.m., to hold a closed session briefing on Central America.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 28, at 11 a.m., to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 28, at 10 a.m., to hold a hearing on the nomination of Lang Horne A. Motley, of Anchorage, Alaska, to be Assistant Secretary of State for Inter-American Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 28, to hold a hearing on S. 1324, the Freedom of Information Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, June 27, in order to receive testimony concerning Senate Joint Resolution 73, a proposed constitutional amendment relating to voluntary school prayer.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WELCOME HOME

● Mr. BENTSEN. Mr. President, all Americans are proud of the *Challenger* crewmembers and the success of their mission, but as the representative of several constitutents who have completed one of history's most ambitious and significant adventures in space I wanted to take just a few moments of the Senate's time to offer congratulations on a job well done.

The *Challenger* mission is more than an American triumph; it had been an international event, made possible by the combined efforts of four nations—Canada, West Germany, Indonesia, and the United States. Working together, we were able to design and complete a mission that set new standards of achievement and helpled establish the shuttle as a viable commerical and scientific undertaking.

Challenger astronauts Robert Crippen, Frederick Hauck, John Fabian, Sally Ride, and Norman Thagard performed with distinction and have earned their status as contemporary heroes. Dr. Sally Ride, the first American woman in space, has become a celebrity, and deservedly so.

For my part, I am not impressed so much by the fact that Dr. Ride was "first" but that she is so highly qualified for her position, so obviously able, and performed so well on the mission. In joining the millions of Americans who offer their congratulations to Dr. Ride, I would only say that I hope we can look beyond her singular achievement to the day when there will be no more "firsts" for the women of America, no more barriers or prejudices that deny them opportunities that are their birthright as American citizens. One further thought, Mr. President: Should Dr. Sally Ride ever decide to abandon science for a career in politics, I hope she will turn out to be a Democrat.

I think there is a tendency to see successful space missions, especially one as dramatic as *Challenger*, as a national triumph. In this case, however, I think we should also emphasize the role of the *Challenger* mission in international cooperation in space. While orbiting the Earth, *Challenger* placed a Canadian and an Indonesian communication satellite into orbit. Carried in *Challenger*'s cargo bay was OSTA-2, one of the first joint research projects to be conducted on the space shuttle. NASA and the Federal Republic of Germany developed OSTA-2 as the first in a series of planned orbital investigations of material processing in space. The results of these experiments will significantly benefit the semiconductor industry and enhance our understanding of metallurgy and glass technology.

The flight of *Challenger* also demonstrated the commercial potential of the shuttle program. Using a 50-foot-long arm, the astronauts lifted the shuttle pallet satellite out of the cargo bay and let it go in space. *Challenger* and the satellite then flew in formation for 8 hours. Cameras aboard the satellite recorded the spectacular exercise on film and gave America's TV audience its first view of the shuttle's flight around the Earth. While in

flight the shuttle pallet satellite conducted eight scientific experiments. When the maneuvers were complete the crew used the robot arm to retrieve the space platform and lock it inside the cargo bay.

These maneuvers were no mere exercise. The successful performance of the remote manipulator arm is critical to future missions when the shuttle will operate like a flying service station. Next year, the tests performed this week will enable the crew of the 13th flight to retrieve a damaged satellite called the solar maximum mission, pull it back into the cargo bay, repair it, and put it back to work in space.

During the course of this flight, shuttle astronauts began working toward the day when the shuttle could be a factory and laboratory in space. The crew conducted 28 experiments, almost three times as many as any previous mission. These experiments covered a wide range—from separating the protein components in human blood to observing the reaction of a colony of carpenter ants to weightlessness in space.

Challenger has proven that it is a vehicle of unsurpassed performance. In only 64 days, the fastest turnaround ever, the spacecraft was recommissioned and ready for launch. On Friday morning, *Challenger* landed smoothly at Edwards Air Force Base. Unfortunately, inclement weather in Florida prevented the shuttle from making another first and landing at Kennedy Air Force Base.

Challenger carried the largest and perhaps one of the most distinguished crews ever flown in space. With the return of *Challenger,* Mission Comdr. Robert Crippen becomes the first astronaut to make two flights aboard the shuttle, having been a pilot on the maiden voyage of orbiter *Columbia.* Hauck, Ride, Fabian, and Thagard are the first members of NASA's class of 1978 to fly aboard the space shuttle. This exceptional group of individuals was recruited for their outstanding performance in a variety of disciplines and specifically trained for the shuttle mission.

I would like to add that two of *Challenger's* crewmembers, Crippen and Fabian, are native Texans. Although he prefers to think of himself as a Washingtonian, Colonel Fabian was born in Goose Creek, Tex. Dr. Thagard had the good sense to attend one of Texas' finest medical schools.

I commend these individuals for their extraordinary contribution to the space program and for the humor and grace with which they have shared their historic mission.●

INABILITY OF CONGRESS TO RESTRAIN FEDERAL SPENDING

● Mr. ARMSTRONG. Mr. President, several weeks ago, I wrote to you about two dozen of the Nation's leading economists asking for their views and concerns about the Congress inability to restrain Federal spending and thereby reduce Federal deficits. These economists represent the views of both the private sector and the academic world.

I commend these responses to my colleagues as relevant reading during the present budget deliberations. Although I do not necessarily agree with all the views expressed, I nonetheless feel the view of these economists provide ample food for thought which will hopefully provoke serious consideration of the present fiscal problems facing our country. I ask that the responses be printed in the RECORD.

The responses follow:

PAINE WEBBER,
New York, N.Y., May 3, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate, Dirksen Building, Washington, D.C.

DEAR SENATOR ARMSTRONG: In response to your letter of April 19, I too am dumbfounded by the statement that our economy can "assimilate these deficits with no sweat." In fact, the financial markets currently are experiencing some difficulty absorbing large Federal borrowings; witness the unusually high level of real or inflation-adjusted interest rates for this stage of the business cycle. And looking ahead, the bond market's ability to handle continued Federal deficits in the $200 billion per year neighborhood will become even more difficult as private credit demands eventually accelerate over the coming business cycle.

The first of your three specific questions was whether the deficts "constitute a serious threat to the Nation's economic stability?" My answer is a definite "yes." Partly reflecting exceptionally high current and projected deficits, we are beginning the current economic recovery with exceptionally high real rates of interest. For example, the last long-lived economic recovery beginning in 1975 started with short-term interest rates about equal to the rate of inflation. By comparison, today short-term rates are 3–4 percentage points above current inflation. This disturbs me since we never have mounted a sustained, strong economic recovery at these levels of real interest rates. And real growth should be a primary national objective now. For example, I understand that some studies suggest that the industrial countries need to expand at just over a 4 percent real annual rate during the next few years for the Third World debtor nations to be able to expand their exports enough to repay their debts. This required real rate of growth is roughly equal to the growth seen in the 1976–78 period throughout the industrial world. However, the difference this time around is that, as indicated earlier, real interest rates are much higher. Thus, the huge deficits and the related high real interest rates do pose a serious threat not only to the sustainability of the recovery but also to the world banking system.

You also asked what actions should be taken by Congress to bring the deficit situation under control. Specifically, you wanted to know whether Congress should look primarily to spending cuts or increased taxes to close the budget gap. My judgment is that Congress must work on both the spending and revenue sides. With regard to taxation, a 5-percent broad-based energy use tax would help to maintain conservation efforts and also noticeably boost revenues to the tune of nearly $90 billion over the next five fiscal years by some estimates. In addition, as painful as this may be, Congress needs to reconsider or delay the enactment of income tax bracket indexation in 1985. Since Administration policies have succeeded so well in lowering inflation, there has been less bracket creep than initially anticipated when the cumulative 25-percent tax cut was passed back in 1981. As a result, the average effective tax rate will be reduced somewhat more than initially anticipated by the 25-percent tax cut. Consequently, the case for further near-term tax relief through indexation is not as strong as it was at the time of the 1981 tax act.

On the spending side of the ledger, the recently proposed reductions in the growth rate of real defense spending from the 10-percent area to nearer the 5-percent annual rate of increase area is certainly a step in the right direction. On nondefense spending in the entitlements area, I fully understand the difficulty of further significant cuts for fiscal 1984 with current unemployment around 10 percent. However, as the economy recovers and the jobless rate recedes, further cuts in "social spending" should be more politically aceptable. One idea is to "trigger" future cuts to falling unemployment in the mid-1980's with legislation this year. In that way, the capital markets might breathe more easily about the longer-run deficit picture.

I hope that my comments have been helpful. They represent not only my views but the views of the hundreds of professional investors with whom I regularly consult. If I can be of further help in answering questions from you and your colleagues on the Senate Budget Committee, please feel free to contact me.

Yours very truly,
Dr. MAURY N. HARRIS,
Chief Economist, Paine Webber, Inc.

CARNEGIE-MELLON UNIVERSITY,
Pittsburgh, Pa., May 10, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: I am responding to your letter of April 19 on the subject of budget deficits. Like you, I am dismayed by the willingness of the administration and the Congress to tolerate extremely large deficits for the indefinite future. These deficits shift resource use from investment to consumption. They contribute to the pattern of recent years: weak recoveries, prolonged recessions, stagnation.

I have signed the bi-partisan proposal prepared by former Secretary Peter Peterson and the five former Secretaries of the Treasury. I believe that proposal, though not ideal, is a distinct improvement over our current and prospective position. It is a beginning. On pages 11 to 18 of the enclosed paper, I comment on some of the institutional changes that are required to bring our economy back to high growth with low inflation.

I will be happy to help in any way that will contribute to the re-establishment of procedures that will assure orderly growth with low inflation.

Sincerely,
ALLAN H. MELTZER,
John M. Olin Professor of Political Economy and Public Policy.

PRESENT AND FUTURE IN AN UNCERTAIN WORLD

(By Allan H. Meltzer)

In the two decades that followed World War II, real per capita income probably increased at a higher rate, in more countries and for more people than at any other time in recorded history. The achievement is not diminished by the qualifications. There are, of course, more people, and the recorded history for much of the world is relatively brief. It remains true, however, that in these two decades, there was considerable material progress for much of the world's population.

The progress of the fifties and the sixties continued in the seventies. Estimates by the World Bank show that between 1970 and 1977, nearly 50 percent of the world's population lived in countries that experienced growth of real per capita incomes of 4 percent or more.[1] Many of these gains are real gains in standard of living that do not vanish when we mentally make the more obvious adjustments for erroneous and imprecise reports, effects of the oil cartel on the reported income in oil producing countries, and differences between consumption and average per capita income reported or produced. Much of the world may remain poor on some absolute standard, but most of the world is less poor than a generation ago. And progress appears to have been more rapid and widespread than in earlier periods of comparable length.[2]

By the end of the seventies, however, growth and development slowed in many countries. Reduced growth in several of the major developed countries necessarily slowed the growth in other, less developed, countries that rely on the growth of their exports to maintain or increase growth of domestic output and income. Growth rates remained below the level of the sixties in many countries during the first two years of the eighties. Although the world economy has grown more slowly and many countries have experienced temporary recessions or stagnation, there is no general decline that is in any way comparable to the decline from 1929 to 1933 or even the decline of 1920–21.

It is common, now to assign major responsibility for slower growth to some recent political personalities or their policies. Reaganomics and Thatcheritis are often described as causes of slower growth, stagnation or even depression in the world economy. Such statements are imprecise and inaccurate. Slower growth did not begin in 1980 or 1981. The growth rate of output for 1977–80 had fallen below the rates achieved earlier in the decade. A substantial decline in reported growth for 1977–80 relative to 1970–77 occurred in many countries, including the U.S. and the U.K., but also including Canada, Spain, New Zealand, Belgium, Brazil, Korea, France and the Netherlands.[3]

Growth occurs when people sacrifice current consumption in anticipation of increased future consumption. Output and consumption increase if the resources released from current consumption are invested in productive assets, in useful training, or in improvements of technology. Properly calculated measures of the return on these investments depend on the rate of interest. The higher the rate of interest, the smaller is the present value of returns received in future years; the lower the rate of interest, the larger the present value of returns received in future years. Projects with a given current cost become more profitable as the rate of interest falls. A rise in the rate of interest reduces investment, the accumulation of capital and the level of future of output.

The rate of interest relevant for these comparisons is the so-called real rate of interest. This rate differs from quoted market rates by the rate of inflation that borrowers and lenders anticipate. The higher the anticipated rate of inflation, the higher is the market rate that is required to maintain a given real rate of interest.

The critical role of the real rate of interest in allocating resources between present and future suggests that we look to the present level of real rates to explain the slower growth of output experienced in many countries during recent years. All computations of the real rate of interest—whether by subtracting the past average rate of inflation, the current rate of inflation or some measure of expected future inflation—show a marked rise in the computed real rate in recent years.

I believe that increased risk or uncertainty is a principal reason that interest rates, after adjusting for inflation, have remained above their postwar norms in recent years. One principal cause of the increased uncertainty is the greater variability of money growth that we have experienced in recent years. Although the Federal Reserve announces targets for money growth, the targets bear little relation to the actual rates of money growth. No one can guess whether monetary policy will produce another round of inflation, a severe deflation, or a period of disinflation. Interest rates and exchange rates reflect this uncertainty.

Unstable U.S. monetary policy is not the only source of increased uncertainty. Trade policy and fiscal policy are difficult to forecast also. Countries repeatedly use and threaten to use tariffs, quotas, subsidies and regulations to protect or support domestic industry or to retaliate against real or alleged harm done by others. Recent tax cuts in the United States did not increase certainty about fiscal policy or make future tax rates more predictable. Future tax rates are no more certain.

Increased uncertainty about the future discourages investment in real assets and encourages people to hold relatively safe assets such as currency, insured bank deposits and short-term debt. The attempt to shift from long-term debt, land, common stocks and other real assets to these safer assets raises the real rate of interest on long-term debt and on real assets. In principle, the increased demand for money and short-term securities may raise or lower the real rate of interest on short-term securities. If long-term debt is a closer substitute for short-term debt than for money, real rates on short-term debt rise with long-term rates. This is the pattern observed in recent years.[4]

The mismanagement of monetary control by the Federal Reserve increased the variability of both money growth and interest rates after 1979. Instead of trading increased variability of interest rates for greater certainty about money growth and inflation, Federal Reserve policy added to the risks in the economy. The increased risk is reflected by the higher levels of short- and long-term rates and by the failure of rates to respond fully to the substantial decline in current and expected future rates of inflation.

The increase in risk premiums helps to explain several features of recent experience other than interest rates and the increased demand for "safe" financial assets. The increased demand for money lowered the increase of the price level and contributed to the decline in inflation. The reduced demand for real capital contributed to the persistent stagnation of real output from 1979 through 1982. The rise in real rates of interest attracted foreign capital and contributed to the higher exchange value of the dollar.

Technical economic analysis contributes to an understanding of our past and current position and the effect of policy procedures on risk. It does not explain why destabilizing and inefficient procedures are adopted and maintained or why policymakers do not adopt more stable policies. To explain the choice of policy procedures, we must join the political to the economic aspects of policy.

WHY GOVERNMENT POLICIES ARE OFTEN VARIABLE AND UNPREDICTABLE[5]

Every predictable policy is a policy rule. Policy rules may be complex or simple. They may call for predictable changes in response to observable events. Or, they may specify a constant level, a constant ratio or a constant rate of change. The essential feature of a policy is that action is predictable.

The alternative to a policy rule is random, haphazard, unpredictable action. No one chooses to defend haphazard or unpredictable policies, so the case for unpredictable policy is presented instead as a defense of discretionary action by a policymaker. The traditional argument for discretion presupposes that the central bank or government can predict future changes well enough to offset them and reduce variability. The traditional case against discretionary policy is that, in practice, discretionary policy increases variability and reduces stability.[6] At issue, is the degree to which discretionary changes in policy can be used to offset unforseen changes arising from other sources. A rule that requires policies to remain predictable denies to governments the opportunity of responding to unforseen events but

[1] See World Bank Atlas 1979.

[2] Persistent declines in output for both the periods 1960–70 and 1970–77 are found in only five countries reported by the World Bank. The five are: Cuba, Ghana, Niger, Somelia and Kuwait. Data are from World Bank Atlas 1972 and 1979.

[3] See Appendix, Table 1 for the reported growth rates in these and other countries. A few countries on the list—Mexico, Italy, Switzerland, Germany and Swedan—reported substantially higher growth in the later period. For 8 of the 23 countries, the relative growth rates do not differ by more than 10 percent up or down in the two periods. The list includes most of the market economies of North America, Europe and Asia but excludes the Comecon countries and others for which comparable data is not available in the sources used.

[4] Technical details of this argument and estimates of the increased risk premium are in Angelo Mascaro and Allan H. Meltzer, "Long- and Short-term Interest Rates in a Risky World," unpublished December, 1982. This study suggests that the risk premiums in short- and long-term rates increased by 3½ and 1½ percentage points during the period 1979–81.

[5] This section is partly based on Alex Cukierman and Allan H. Meltzer, "A Postive Theory of Credibility and Monetary Inflation," unpublished November 1982.

[6] See Milton Friedman, "The Effects of a Full Employment Policy on Economic Stability: A Formal Analysis," in Friedman (ed.) Essays in Positive Economics Chicago: University of Chicago Press, 1973, pp. 117–33.

also prevents governments from making errors.

There are probably specific examples of discretionary policy that reduced variability and, on the other side, some mistakes that increased variability. A recent very approximate calculation, for the period 1953–80, suggests that, on balance, discretionary monetary policy in the United States slightly increased the variability of the economy. In the more recent period, 1969–80, a monetary rule that held the growth of the monetary base constant would have eliminated 60 percent of the variability in growth of nominal GNP.[7]

Computations of this kind, or more exact computations that give broadly similar results, are not likely to persuade central bank or governments to adopt a monetary rule. The experience with monetary targets shows that legislation requiring the Federal Reserve to announce money growth rates has not been followed by tighter control of money growth. Deviations from announced targets are large and variability of quarterly growth rates has increased. Studies completed by the staff of the Federal Reserve show that many of the errors, and much of the variability, is avoidable if improved control procedures are adopted.[8] Most of the required changes have not been made.

Experience in several other countries that have announced monetary targets has not been studied in as much detail. In many of these countries, however, there are substantial differences between the announced and actual growth rates. The Bank of Canada announced monetary targets for several years but often pursued exchange rate policies that were inconsistent with the announced monetary targets. The Bank of England publicly accepted the monetary policy of the government but strongly resisted any effort to adopt procedures that would improve monetary control.[9]

None of these experiences is inconsistent with the propositions that governments, and their central banks, resist policy rules, fail to adopt procedures that would make rules work effectively and prefer discretionary policies even if these policies increase variability and uncertainty. The problem is to explain why governments often resist policies that reduce uncertainty and favor discretionary policies that increase uncertainty.

The reason, I suggest, is that government policymakers gain from discretionary policies. The gains arise from the effects that unanticipated policy changes have on employment and output. Unanticipated increases in money increase spending, output and employment. Fully anticipated changes in money increase prices but have no effect on output and employment. Anticipated and unanticipated changes in tax rates have different effects on the timing of spending.

Discretionary policies give policymakers the opportunity to respond to shifts in voter preferences and to make exaggerated claims about the short-run effects of their actions. Public opinion polls that ask people about their "priorities" show positive association with current problems. When unemployment is high, the polls report that the public gives higher priority to reducing unemployment than to reducing inflation. When the rate of inflation rises, the reported "priorities" change.

Public opinion polls do not inquire about the public's long-term preferences or ask whether the public is willing to increase the maintained average rate of inflation or the size of government to speed the reduction in unemployment. Economists recognize that there is no permanent trade-off between unemployment and inflation. Increases in the growth rate of money increase the rate of inflation but have no lasting effect on employment or the growth of output. Increases in the budget to stimulate spending often become permanent programs and lead to higher tax rates. We can only guess at the extent to which public opinion polls reflect these long-term effects or the public's preferences for stable long-term policies instead of shifting priorities.

Suppose policymakers respond to the poll results. If they respond immediately, changes in policy are predictable. The polls would be an accurate index of the timing (but not the magnitude) of policy changes. People would learn to anticipate a shift to inflationary or disinflationary policy or a change in tax rates or government spending and could take action to protect themselves. To increase the effectiveness of discretionary policy, there must be a very loose relation between reported changes in opinion and policy changes. People must remain uncertain about the timing and magnitude of policy changes and the duration of policies.

Although uncertainty increases the effectiveness of policy changes, it has a cost to the policymaker as well as to the public. Large, frequent differences between announced and actual policy reduce the credibility of announced policies. Low credibility means that the public puts low weight on policy announcements. The public remains skeptical about commitments to reduce inflation or to keep inflation from rising or to reduce taxes.

Widespread skepticism about policy announcements raise the cost of slowing inflation and the cost of shifting resources from consumption to investment. Skepticism reduces the gains to the policymaker from announcements or campaign promises. The greater is the skepticism, the slower is the response by the public to policy announcements. People take a wait and see approach. They delay increases in investment and are hesitant to make long-term commitments based on the belief that the announced policies will continue. We have seen some recent examples of the high social costs of skepticism and the low credibility about the degree to which tax rates and inflation will remain low in the future. These social costs differ from the costs borne by the policymaker, but the two are related. The public blames the policymaker for the persistence of "high" interest rates, unemployment, slow growth and falling real income that are consequences of the low credibility, skepticism and disbelief about the announced policies or about commitments to "stay the course" which leave "the course" uncertain.

The policymaker has no lasting interest in perfecting policy operations to eliminate control errors. The reason is that, at times, control errors have a function for the policymaker. If control is poor, the policymaker can attribute his mistakes to errors in the control process. Since the public cannot separate control errors from unannounced changes in policy, they learn, gradually, that actual policy differs from the announced policy. They observe the deviation but cannot be sure whether they have observed a control error that will be corrected or an unannounced policy change that will persist. When policies change, some are fooled into believing that policy has not changed. The policymaker who chooses to increase current output and employment by choosing more expansive policies than he announces raises the cost of slowing inflation that he, or his successor, bears in the future.

Abstract arguments about credibility and control errors may seem far removed from practical affairs, but they are not. Currency devaluations are almost always preceded by commitments to maintain the exchange rate. Control errors make it difficult to separate the thrust of actual policy from random fluctuations. President Johnson chose to hide the increase in expenditures for the Vietnam war in the monthly budget variances. The Federal Reserve, the Bank of England and other central banks resist changes that can reduce the errors in monetary control and the variability of money growth to a fraction of their current values. They choose poorer to better control. Opportunities for discretion are increased, but uncertainty is increased also.

REDUCING UNCERTAINTY

Risk and uncertainty cannot be eliminated. The timing of productive innovations, epidemics, weather conditions, other natural occurrences, wars and political events abroad introduce variability into current prices and output. The future is uncertain because we do not know what will occur or how long the changes we have observed will persist.

The institutions, voting and market arrangements that societies adopt can alter the risks and uncertainty that people bear. Insurance is an example of a market arrangement that reduces risk and the cost of risk bearing by pooling risk. The invention of checks, double entry bookkeeping, and credit cards are additional, familiar examples of innovations that reduce risk for the buyer, the seller or both.

Many social and political arrangements reduce risk and uncertainty. Others increase risk. Countries with a history of political instability generally have less capital per worker and less durable capital than countries with greater political stability. In countries with a history of instability, the productivity of new capital may be very high, but the return on investment in durable capital is uncertain.

Where risk and uncertainty are above the attainable minima, the risk premiums in interest rates are above the minimum. Interest rates are increased. People hold more of their wealth in assets that earn returns quickly, or they hold a substantial fraction of their wealth in gold, other precious metals, diamonds or foreign assets that are not dependent on domestic political uncertainty. The risk premium for investments in long-term capital reflects the social and political instability. The stock of real capital is reduced to a level at which the after-tax, risk adjusted real return compensates for bearing uncertainty.

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[7] See Karl Brunner and Allan H. Meltzer, "Strategies and Tactics for Monetary Control," Carnegie-Rochester Conference Series on Public Policy, 18, Spring 1983, Table 1.

[8] Errors of 1 percent per year, or less are attainable according to Federal Reserve estimates. See Board of Governors, New Monetary Control Procedures vols. I and II. Washington 1981 and also J. Johannes and R. H. Rasche, "Predicting the Money Multiplier," Journal of Monetary Economics 5, (July 1979) pp. 301–25.

[9] There is simply no factual basis for James Tobin's claim that the "central bank fraternity embraced monetarism," and Tobin offers none. See James Tobin "The Monetarist Counter-Revolution Today—An Appraisal," Economic Journal 91 (March 1981) p. 30.

Argentina offers an example of a country where political institutions and a history of monetary and fiscal instability hamper development by increasing uncertainty and reducing capital formation. Bolivia is rich in resources but has a history of coups and revolutions. Per capita income in Bolivia is the lowest in South America. Hong Kong, with few natural resources is one of the richer countries of Asia and one of the most stable. Stable political and economic arrangements are not the only factor determining whether economic development occurs, but the absence of political stability and high uncertainty about tax rates, inflation and other economic policies increase the real rate of interest that projects must yield and, thus, hinder economic development.

In countries with a history of political stability, like the United States or Britain, the political system increases variability in a number of ways that are less dramatic and less apparent than the coups and disruptions of Bolivia and Argentina. In Britain a small change in the vote has shifted power from those who favor nationalization of industry or confiscatory taxes on wealth to those who favor denationalization and reduced taxes. Throughout the nineteenth century, the tariff was a major issue in U.S. politics. Small changes in the vote were capable of producing major changes in the real returns to investment in steel and agriculture. Currently in Britain, the United States and other western countries, voters may change their commitment to disinflation or price stability and have done so on a number of occasions.

Voters' right to change policy is a principle of democracy. Our choice of policies must always be subject to change as majority opinion changes. Within that framework of a political democracy, we can increase stability, lower the real rate of interest and increase real output by removing the instability introduced by unanticipated policy changes and adopting policy rules. To illustrate, I will suggest a set of monetary, fiscal and trade rules that provide greater certainty than current arrangements.

Monetary arrangements

From 1947 to 1964, the United States maintained a relatively stable monetary framework under which many countries developed, recovered and prospered. Inflation remained low in the United States and in many other countries that tied the values of their currencies—their exchange rates—to the dollar. The framework and monetary policy procedures were not ideal, but they produced greater stability than the monetary regimes that preceded or followed.

The system of fixed exchange rates based on the dollar, known as the Bretton Woods system, formally ended in 1971 when President Nixon allowed the exchange value of the dollar to be set by market forces. Holders of dollars and dollar securities could, no longer have any certainty about the long-term values of the dollar. Long before the Bretton Woods system ended, however, uncertainty about monetary policy, inflation and the future value of the dollar had increased. Inflationary policies after 1964 eroded much of the credibility of the U.S. commitment to a fixed exchange rate system and a non-inflationary monetary policy. The unwillingness of the U.S. to change its policies and the unwillingness of other countries to increase their rates of inflation made certain that the Bretton Woods system would not survive. Only the timing of the breakdown of the system was uncertain.

Many people look back on the Bretton Woods system nostalgically. They would like to restore some type of fixed exchange system to recapture some of the stability that enabled countries to achieve the benefits they associate with that system. There are several proposals. Some want to establish a world central bank that would issue a common money to be used as reserves and for settlements between national central banks. Others propose a return to some type of gold standard.

These and other proposals for a return to fixed exchange rates misinterpret the experience under Bretton Woods. Fixed exchange rates were not a cause of increased stability and the relatively high growth of the world economy during those years. They were a result of the relatively stable policies followed in major trading countries and, particularly, the relatively stable monetary and fiscal policies in the United States. In the years 1953-1964, when the Bretton Woods system flourished, deficits remained small on average and the most common measure of the U.S. money stock—currency and checking deposits—rose at an average annual rate of less than 2½ percent. In the succeeding seven years, that the breakdown of the system, average U.S. money growth rose to 5 percent and the variability of money growth increased.

To restore monetary stability, I propose a monetary arrangement that builds on past experience. I do not suggest that the proposal would eliminate uncertainly, for I believe that is not possible. I do not claim that the proposal would reduce uncertainty to some theoretical minimum, but I believe there is much to be gained from the reduction of uncertainty that the proposal brings.

The proposal calls on the central banks and governments of the leading economies—the United States, Japan and Germany—to maintain the growth rate of their monetary liabilities, known as the monetary base—currency and bank reserves—in relation to the average rate of growth of domestic output (measured in real terms) during the preceding three years. The relation would be set to maintain a zero average rate of inflation in each of the countries. Other countries that wish to do so could make a similar commitment, or could fix their exchange rates in relation to one of the three currencies, or could remain outside the system.

Price levels would continue to fluctuate in the three countries, and exchange rates between the dollar, the yen and the mark would fluctuate. Fluctuations would remain bounded by the commitment of major trading countries to maintain policies that aim at non-inflationary money growth. Each country would gain from its own policy even if other countries did not honor theirs. The gain to participants increases, however, as the number of countries in the agreement rises.

The proposal increases stability in five main ways. First, there is a stable framework for policy that reduces uncertainty about the future price level. Second, exchange rates are free to fluctuate, but long-term changes are constrained by the commitment to non-inflationary and non-deflationary policies. Third, the system adjusts, gradually, to changes in the growth of output or in the demand for money. Fluctuations in prices or output arising from these sources are not eliminated, but they do not cumulate. Fourth, monitoring is relatively easy, so the credibility problem is reduced. Fifth, central banks are required to control the liabilities on their own balance sheets, a task which is within their capability and can be achieved with precision. They do not forecast or base policies on forecasts by others.

Trade and capital movements

A stable monetary framework encourages people to hold a smaller share of wealth in precautionary balances and to invest a larger share in capital. By reducing present uncertainties, the monetary system contributes to lower real interest rates, a larger capital stock and increased output.

The monetary framework should be supplemented by rules that strengthen trade in capital and reduce the risk of exchange controls. The right to own foreign currencies and invest in foreign assets, like the right to own gold, is a valuable right. The fact that people choose to exercise the right suggests that they perceive risks that can be reduced by the maintenance of rules that make policies more predictable. Restrictions on capital movements attempt to block the operation of this mechanism. Fear of restrictions encourages people to diversify into short-term foreign assets or into diamonds and precious metals. This reduces investment in long-term capital and lowers real output.

The growth of world trade during the past three decades provided a major stimulus to economic development, the growth of income in many countries and the increase in standards of living. Without rules for trade and agreements (or rules) that reduced tariffs and non-tariff restrictions, growth would have been lower and the increase in standards of living smaller.

The Hawley-Smoot tariff of 1930, and the prompt retaliation to the tariff by many countries lowered world real income. Restrictions on trade were an important factor converting the 1929 recession into the period known as the Great Depression and contributing to the avoidable monetary collapse of 1931 to 1933.[10] The well-intentioned policies of fiscal and monetary stimulus contributed to recovery, but did not restore real output to the level reached in 1929 until 1935 for major European countries and until 1939 in the U.S. Absent the restrictive trade practices, the recession and the monetary contraction would have been smaller and the depression less severe and long lasting.

Governments can contribute to the expansion of the world economy by reaffirming their commitment to the rules guiding trade polices during the last three decades and by reducing many of the remaining restrictions on trade and capital movements. By removing barriers to trade and capital the principal market economies of the world work to expand output and standards of living. The expansion of world trade is one of the main ways that permanent gains in living standards can be achieved.

A rule for fiscal policy

Rules for money, trade and capital movements cannot assure that resources are used efficiently. Government tax and spending policies in many countries encourage the transfer of resources from future to current consumption. Variable fiscal policies that in-

[10] I have discussed this issue in great detail in "Monetary and Other Explanations of the Start of the Great Depression," Journal of Monetary Economics, 2, pp. 455-71. See, also, Anna J. Schwartz, "Understanding 1929-1933," in K. Brunner, ed., "The Great Depression Revisited." Boston: Martinus Nijhoff, 1981.

crease uncertainty about future tax rates on labor and capital also encourage current consumption and leisure.

A monetary rule without a fiscal rule cannot assure stability. The reason is that budget deficits must be financed either by increasing money or by selling debt to savers. When deficits become large relative to saving or output, the saving rate may be too low to finance the deficit and pay the interest on the outstanding debt. Governments typically rely on inflation, under these circumstances, to reduce the real value of outstanding debt and to tax wealth owners.

A rule for fiscal policy that fixes the relative size of government, or the relative growth of government, increases certainty about future tax rates. Several years ago, I proposed a rule that ties the growth of government spending to the growth of nominal output and ties tax collections to the average level of government spending. A rule of this type produces a cyclically balanced budget, more predictable average tax rates and limits the growth of government.

A common objection to any fiscal rule is that legislatures meet annually and can, if they wish, set an annual limit to spending, taxes, and deficits. Governments have not chosen to limit the growth of spending. In all democratic countries, government spending has grown faster than output for several decades.

A main purpose of a fiscal rule is to provide a common understanding of the outcome of collective decisions. A spending rule is an agreement under which everyone agrees to limit the demands he places on government in exchange for a promise by others to limit their demands. A rule that limits the growth of spending affects the demands made by all groups and individuals. In the absence of the rule, no one can be certain whether others will agree to limit the demands they make. The outcome of elections decide how the spending is allocated. The purpose of a spending rule is to provide greater certainty about the demands that others can make and the taxes that everyone pays.

CONCLUDING REMARKS

In recent years, interest rates after adjustment for inflation have remained higher than in the past and growth of the world economy has slowed. A common response to these, related events is to urge a change in the mix of policies in many countries and particularly in the United States. Coordinated monetary expansion in the United States, Germany, Japan and other countries and higher tax rates in the United States are proposed to reduce interest rates and increase output.

The recommended change in the policy mix ignores lessons that can be learned from the experience of the past decade and many previous periods. Faster growth of money will be followed either by higher inflation or by another recession. Higher inflation will be the inevitable result of faster money growth; recession is the likely outcome if money growth is reduced at some time in the future. And, both will occur if money growth remains at recent levels then quickly drops to less inflationary levels. No lasting improvement will be achieved if we continue the variable policies of the past two decades.

Proposals to adjust the mix of policies ignore learning, anticipations and risk. Years of experience with variable policies has brought higher inflation and higher average unemployment. Many people have learned that periods of monetary stimulus are followed, first, by higher inflation, then by attempts to slow inflation and by higher unemployment. They have learned, also, that the large budget deficits incurred during recessions are usually followed by higher tax rates and by monetary policies that raise tax rates by making an increased share of income subject to higher marginal tax rates.

Skepticism about attempts to steer the economy from quarter to quarter or year to year by varying fiscal and monetary policy are a cause of current high interest rates and stagnation. Variable policies increase variability of the prices of assets and output and increase uncertainly. People demand higher risk premiums for investing in durable capital. Investment is lower, so the capital stock is lower, and output is lower. A larger fraction of wealth is held in relatively safe short-term assets or in gold.

This paper suggests a very different program to increase output and employment. Emphasis is on long-term stability, on policy rules and on policies that increase information, reduce uncertainly and restore credibility. I argue that acceptance of policy rules that reduced uncertainty about trade, payments and inflation were much more important, and shifts in government policy much less important, than proponents of finely structured mixes of policy recognize or concede when they survey the past or exhort us, currently, to raise taxes, end tax indexation and inflate away the budget deficits that are in large part a result of past efforts to redistribute income.

Each of the principal market economies can contribute most effectively to lower interest rates and increase output permanently by adopting rules for monetary, fiscal and trade policy to replace the rules that provided stable growth and relatively low interest rates in the fifties and sixties.

The monetary rule that I propose calls for the U.S., Germany and Japan to fix the growth rates of domestic money stocks in relation to the average growth of output so as to maintain price stability on average. Exchange would be permitted to fluctuate, but the range of fluctuation would be reduced by the commitment to maintain long-term price stability in each of the countries. A rule of this kind combines the benefit of relatively stable prices that each major country can achieve alone to the benefit of relatively stable exchange rates that countries cannot achieve alone.

A monetary agreement of this kind is not a panacea. I propose additional steps to reduce uncertainty about fiscal policy and steps to expand trade by reducing tariffs, other trade restrictions and restrictions on capital movements. Still other steps to provide rules for lenders of last resort can also reduce uncertainty.

Opponents of policy rules typically argue that activist policies are required to offset shifts in the rate of use of money, or monetary velocity. This argument is not compelling, as Friedman showed long ago.[11] Discretionary policies conducted with the best of intentions, can increase rather than reduce variability. The fact that there are changes in monetary velocity does not establish that discretionary policies will offset instability. Large or poorly timed policy changes may—and indeed have—increased variability during the seventies, in the depression of the thirties, in the recovery of 1937 and in the past five years.

[11] Milton Friedman, op. cit.

The Federal Reserve, and other central banks and governments, make the mistake of identifying most, and perhaps all, instability with changes in the public's willingness to hold money. They want to offset such changes by varying money growth. They fail to recognize that they cannot forecast many of the changes that occur or their duration. They fail to recognize that some of the variability is the result of weather, innovation and other random events. By varying policy, they often increase variability and uncertainty, add to the risk premiums and cause us all, rationally, to discount the future more heavily and to be poorer as a result.

APPENDIX TABLE 1.—GROWTH RATES OF REAL OUTPUT

[Compound annual rates of growth in percent]

	1970–77	1977–80	Ratio of col. (2) to (1)
	(1)	(2)	(3)
Belgium	3.4	2.3	0.68
Brazil	9.6	6.4	.67
Canada	4.7	2.2	.47
France	4.0	2.9	.73
Germany	2.6	3.3	1.27
Italy	2.8	3.8	1.36
Japan	4.8	5.0	1.04
Mexico	5.8	8.6	1.48
Netherlands	3.3	1.8	.55
Spain	4.8	1.5	.31
Sweden	1.8	2.3	1.28
Switzerland	.9	2.4	2.67
United Kingdom	2.2	1.0	.45
United States	3.4	2.6	.76
Hong Kong	8.9	9.4	1.06
Indonesia	8.0	7.3	.91
Korea	10.2	5.5	.54
Malaysia	8.0	7.6	.95
New Zealand	2.4	1.2	.50
Philippines	6.5	6.0	.92
Singapore	9.0	9.4	1.04
Taiwan	9.4	9.5	1.01
Thailand	6.8	7.3	1.07

Source: "International Economic Conditions," Federal Reserve Bank of St. Louis, June 1982, and "Pacific Basin Economic Indicators," Federal Reserve Bank of San Francisco, September 1982.

AMERICAN ENTERPRISE INSTITUTE
FOR PUBLIC POLICY RESEARCH,
Washington, D.C., May 2, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: I share your concern about the deficits implied by current policy. They may not kill us, but they will make u erribly unhealthy.

As I see i he main effects of deficits are as follows:

1. If we c inue on the current path, federal govern ent deficits will be equivalent to a far l her portion of net national saving tha anything experienced in our postwar history. The resulting increase in real interest rates will damage business capital formation, housing and consumer durable industries.

2. The interest rate increase will be held down to the extent that we can borrow abroad. But that raises the value of the U.S. dollar making it harder for our exporters and import-competing industries to compete with foreigners. Note that many of our traditional smokestack industries cannot win. They sell to markets that are sensitive both to interest rates and to foreign competition.

Unfortunately, many do not understand the intimate link between our budget deficit and the trade deficit. The latter is often blamed on "unfair" foreign competition and calls for protectionism are intensifying. If we succumb and grow ever more protectionist, other countries are sure to retaliate and

chances for a worldwide recovery will evaporate.

3. Financial markets fear that our political system will not tolerate the high real interest rates related to the deficit. The Fed may be forced to buy more and more of the bonds issued by the Treasury. This would cause bank reserves to soar and ultimately would be inflationary. To protect themselves against this eventuality investors are demanding higher interest rates on long-term bonds than is warranted by current inflation or the current demand for funds.

4. We must service the debt in the hands of private investors. As this grows 15 to 20 percent per year, the interest bill of the government can become a budget problem by itself. This problem is masked in all official budget projections by the assumption that interest rates will fall in the future. They may, but if they do not, we are significantly understating the budget totals implied by current policy. Ultimately, there is a danger of an explosion as we borrow to pay interest and borrow to pay the interest on that borrowing and so on.

If the chronic deficit problem is to be attacked on the spending side, little will be accomplished unless we focus on three major program categories. Defense, pensions (mostly social security), and health along with interest on the debt will constitute about 80 percent of total spending over the next few years. Significant structural changes must be made in these program areas to alter the future spending path significantly.

If we decide that we really like those programs more or less as they are, we must raise taxes. I do not wish to imply that there are no possible economies in the other 20 percent of the budget. However, it would be unrealistic to think that a significant dent can be made in a $200 billion deficit by cutting the rest of the budget which now totals less that $200 billion. (There is a bit of a conceptual problem in knowing how to categorize offsetting receipts but it is not worth going into here.)

If we raise taxes, we must be careful. Some tax increases are worse than the deficit. We should try to avoid increases in marginal tax rates which are the source of the disincentives inherent in our tax system. We must instead engage in tax base broadening undertaking a critical examination of the deductions, credits, exemptions, and rate concessions which so complicate our system. Interest deductions on consumer loans, the President's health insurance "cap" proposal, our policies toward industrial revenue bonds, and local housing bonds are but a few examples of the sort of thing that would be high on my list of things that require critical analysis.

Best wishes,

RUDOLPH G. PENNER,
Resident Scholar.

MELLON BANK N.A.,
Pittsburgh, Pa., May 11, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: My apologies for the delay in responding to your letter of April 19.

First of all, I am alarmed that the approach of a major election year along with illusory hopes that the economic recovery might in some way solve the problem has made the Congress—and the Administration—even more reluctant to seek politically unpopular cuts in spending—and tax increases.

Those who seem relatively unconcerned that the federal budget is virtually out of control point to the fact that over the past year or more large deficits have been successfully financed without putting upward pressure on rates or producing any other painful side effects. They argue that in the past, worries about big budget deficits and the crowding out of private investment proved groundless. Why then should we worry about the projected deficits for 1985 and beyond?

The difference, of course, is that the budget problem is now structural, meaning that steady progress toward full employment will not bring about a significant reduction of the deficit. We should all be very concerned that annual deficits in the $200 billion zone will hold up long-term interest rates and, by soaking up much of the nation's savings and available credit, preclude the level of investment which is needed for a sustained and balanced economic expansion. It is important to recognize that recent deficits have been readily accommodated by the credit markets only because private-sector credit demands have been extemely weak. Before long however—within the next year or so—the resurgence of private credit needs associated with a developing recovery will inevitably collide with the Treasury's enormous borrowing requirements and, in all likelihood, drive interest rates sharply upward.

Unless these projected deficits are substantially reduced, there will be a serious risk that progress toward stable, noninflationary growth—and full employment—will be either halted or reversed. It is much easier, of course, to diagnose the problem than prescribe an effective remedy. My own preference would be to reduce the growth of government spending, but should election year politics preclude action on the expenditure front, then I think we must find the will to seek increased revenues. Above all, we should not be lulled into thinking that, because of the recent surge in stock prices and falling interest rates, big budget deficits don't, and won't matter.

If there is anything else I might do, please let me know.

Sincerely,

NORMAN ROBERTSON.

DEAN WITTER REYNOLDS, INC.,
New York, N.Y., May 10, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: Enclosed is a report that we published in January of this year which states that big budget deficits cause enormous problems for real activity, both domestically and internationally. Large budget deficits and high interest rates are negatives for the U.S. economy, especially through the international channels, by keeping the dollar high and thus hurting U.S. export sales/jobs and causing sharp growth in imports manufactured abroad which helps job creation there.

With our projections of potential annual deficits of $450 billion through the end of the decade, we strongly urge a reduction in the government's spending share of GNP which is at an all-time record high of 24 percent. We also strongly urge sharp cutbacks in spending over the next several year. An alternative but less acceptable method to curb the deficits would be to raise taxes only to the extent that they impact consumption rather than income or investment.

If you would like to further discuss our budget and spending projections, please feel free to get in touch with me.

Sincerely,

ARNOLD X. MOSKOWITZ.

A TRILLION HERE, A TRILLION THERE

Senator Everett McKinley Dirksen was quoted as having said during the early 1960's that, as Congress "spends a billion here, a billion there, after a while, it adds up to real money." For the Reagan Administration, and particularly Senate Majority Leader Howard Baker, Dirksen's son-in-law, an updated quote might read, "A budget deficit of $100 billion here, $100 billion there adds up to real financing dollars." In recent weeks the credit markets were surprised by the Council of Economic Advisers' projection that, if present laws are not altered, the annual budget deficit would rise to $300 billion in 1988. Our own estimates are not nearly as optimistic. With income-tax indexing in 1985, the budget deficit will rise to $450 billion a year. That does not include the deficit projection from Reagan's special Social Security commission, which is unlikely to balance even with the latest compromise. Given present policies, by the late 1980's we could have a cumulative federal deficit of $3.1 trillion, up from almost $1.5 trillion now. So a trillion here and a trillion there, and after a while these deficits add up to real money.

If our projections seem high, remember it was two years ago, in February 1981, that we said, "Given present Reagan policies, $100 billion annual deficits are likely through 1984." At that time the Kudlow/Stockman budget deficit estimates from the Office of Management and Budget called for a balanced budget by 1984 at the latest. These officials of the Office of Management and Budget pushed the twin policies of tight money (Kudlow) and big budget deficits (Stockman)—the latter to force sharp social spending cuts by Congress. This plan backfired, since Congress couldn't cut spending as fast as the deficits were piling up. Therefore, huge permanent deficits for several years were the only likely result of OMB policy. The Kudlow/Stockman budget fiasco is history, and the only relevant issue now is the coming 1984 budget. The budget outlook continues to be bleak.

In last month's Money and Credit Memorandum, we laid out our budget projections through 1985. We include them again in Table A. If we take the most optimistic assumptions on real economic growth (3-4 percent real GNP gains in the 1983-84 fiscal years) and make optimistic assumptions on spending cutbacks ($30 billion a year for the next two years), then the deficit for the Treasury alone will be $167-169 billion. With off-budget financing added to the Treasury's needs, the total federal credit deficit will rise to $192-199 billion (Table B).

If we make the additional optimistic assumption that in 1985 personal income-tax indexing to inflation will be eliminated from present law, we get a $178 billion Treasury deficit; with off-budget financing added in, total federal financing in 1985 will be about $220 billion. The first point to note is that there is no danger of the budget being anywhere near in balance in the next three years and certainly not near the Administration's $150 billion political target. The second point worth noting is that Treasury expenditures as a percentage of gross na-

tional product will remain at a post-World War II record level of 24–25 percent. Therefore, contrary to the Reagan Administration's stated policy of reducing the size of government in the economy, it is higher now than in the past 40 years. The last point is that just the Treasury deficit as a proportion of GNP will be at a record 4–5%; add in off-budget financing and it is 5–6% of GNP. These numnbers are dismal. The rejoinder from some observers is that the large deficits are a result of the recession and low levels of economic activity. In Table B we show why that argument is wrong.

The projected deficits in Table B are less a product of our forecasted levels of economic activity than they are a result of structural deficits, which result from the original Reagan tax cut and the subsequent tax increase in September 1982 (TEFRA). In Table B we show the net Reagan tax cut. By and large individuals got the largest net tax cut, $143 billion, while business received a minor $19 billion in 1985. The net loss of revenues to the Treasury is $75–157 billion annually over the next three years, an amount impossible to make up by increased economic activity. In the column marked "Economic Deficit Independent of Reagan Policies," we see that for fiscal 1983 the deficit with recession would have been $92 billion, not $167 billion, and by fiscal 1985 the deficit would be $22 billion, not $178 billion. Therefore, economic activity is not responsible for the deficits, but wrong-headed fiscal policies are. In fact, under the most optimistic assessment of DWR estimated deficits, the Treasury's cumulative deficit for the next three years is $514 billion and the total amount of federal financing is $610 billion. If our $30-billion-per-year spending cut doesn't materialize for the next three years, then $700 billion of net new money will have to be raised. So much for the domestic deficit side. We now turn our attention to the international side.

As clearly stated by Martin Feldstein in his congressional testimony, large domestic budget deficits cause permanent, high real interest rates and negatively impact the U.S. trade deficit. Not surprisingly, our view over the past year has been that large budget deficits and financial deregulation would keep real interest rates, measured on high-grade corporate bonds, in the 6–8% range. (See our Economic Memorandum dated April 15, 1982, "The New Reality of the 1980's: A Vastly Different Financial Structure.) As of December this is where they were trading, well above the 2–3% historical norm. (See accompanying chart.) It is interesting to note that the present 6–8% real interest-rate level is significantly higher than the real rate levels seen at comparable bottoms of the 1975 and 1980 recession periods, when they hovered between minus 0.5% and minus 1% levels.

We had expected the present high real interest rate to keep the dollar relatively strong in the international markets and contribute to a worsening U.S. trade deficit, reinforcing slow growth in the rest of the world. The first part of our expectation of a worsening trade deficit has indeed occurred. What was surprising was a collapse in the financial structure in the developing countries, which led to a shutdown to U.S. exports by these countries. This shows that huge deficits have secondary impacts in the international area well beyond present policy makers' views. This has continued to a much higher U.S. trade deficit, $65–70 billion, and to a huge jump in U.S. international lending through the IMF and direct bailouts to these countries. We estimate the U.S. financing requirement in the bond market will rise $15–20 billion in 1983 and another $20 billion in 1984 for international lending.

This amount of Treasury, international, and off-budget agency financing should raise net new funds to $192 billion this year and place gross funding at a record $242 billion. From our monthly flow-of-funds forecast, we estimate $64 billion in financing this quarter, up sharply from $43.1 billion in last year's first quarter. Furthermore, we estimate the second quarter's financing requirement at $48 billion, up $21 billion from 1982's second quarter. The prospect of $112 billion of first-half financing this year is $40 billion higher than last year's first half, and with second-half financing still higher, clearly the bond market's near-term prospects are not favorable. Also, our forecast for first-half real economic activity to rise by 3–5%, as measured by GNP, should put some modest increase into private credit demand coming from autos, housing, and inventory building.

While the government's budget deficits mushroom, the monetary authorities have been under increasing political pressure to lower short-term rates. Ironically, the Administration's monetarists, Messrs. Kudlow and Sprinkel, who were vigorously attacking the Federal Reserve Board last year, when the money supply was slightly above its 5.5% M–1 target, are now strangely quiet while money growth has been expanding by 12% since July. However, relatively soon the domestic bond market will begin to worry whether or not Fed policy will ever be allowed to tighten in face of these expanding deficits. Financing these deficits via easy money will raise inflationary expectations in the bond market. Investors, both domestically and internatinally, will withdraw funds from the bond market, causing interest rates to rise significantly. These higher rates will put a brake on economic expansion and reinforce slow growth, underscoring a disinflation trend. Therefore, inflationary fiscal or monetary policies will be checked by the capital markets. Ironically, therein lies our long-term bullish posture on bonds: the quicker interest rates rise to head off rising deficits, the quicker government policies will be forced to change.

TABLE A.—DWR ESTIMATES FOR FEDERAL REVENUES, OUTLAYS, AND DEFICITS

[Dollar amounts in billions]

	Revenues	Outlays	Percent gain in outlays	Expenditures as percent of GNP	Treasury's deficit	Deficit as percent of GNP
Fiscal year:						
1983	$661	$828	11.9	25.1	$167	6.1
1984	711	880	6.3	24.1	169	4.6
1985	752	930	5.7	24.0	178	4.6

TABLE B.—NET REAGAN TAX CUT AND DWR ESTIMATED DEFICITS

[Dollar amounts in billions]

Fiscal year	Net Reagan tax cuts	Economic deficit independent of Reagan policies [1]	DWR expected	
			Deficits	Federal financing
1983	$74.7	$92	$167	$192
1984	112.2	57	169	199
1985	156.6	22	178	218

[1] Assuming 3 to 4 percent real GNP growth.

FIRST BOSTON,
New York, N.Y., April 26, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: Although you probably will not be pleased with the reply, thank you for including me among the economists to whom you sent your recent letter.

The issue of the forthcoming budget deficit is, I am afraid, a dead horse. As you know, of approximately $850 billion in annual Federal expenditure, approximately $600 billion consists of military outlays, old age pensions, medical care expenses, and interest. There is no possibility of reducing the remaining $250 billion sufficiently to make a meaningful dent in the deficit. As to the "core" outlays of $600 billion, recent political decisions and nondecisions make it clear that growth will continue largely unimpeded.

Whether these outlays are to be financed by taxes or borrowing is, in my judgment, of relatively minor importance for the economy and financial markets as compared with the impact of the spending itself. Military and old-age related expenditures absorb real resources that otherwise would be available for use by the working age population. Surely when times are good and even when they are bad, that population will endeavor strenuously at least to maintain its current standard of living against such inroads. Tax them more heavily, and they will save less and borrow more. Federal borrowing will be replaced by private borrowing. But for financial markets and interest rates, it makes little difference whether additional demand for credit arises from private or governmental credit demands.

Like the foreign countries frequently cited as economic paragons, Germany and Japan, we probably have already learned to live with enormous budget deficits. While these may be intrinsically undesirable, they threaten neither renewed inflation or recession. To the contrary, a drastic tax increase or expenditure reduction sufficient to balance the budget within a few years might well trigger massive bankruptcies.

MERRILL LYNCH ECONOMICS INC.,
New York, N.Y., May 10, 1983.
Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: Your letter asked for comments on the economic consequences of large deficits, both currently and prospectively. Moreover, comments were requested on how best, economically speaking, fiscal policy should be adjusted in order to achieve a better balance between federal expenditures and federal revenues.

We have for some time now stressed the importance of reducing the size of government. Unless reduced, the growing size of the federal deficit, in both absolute and relative term, threatens either (a) a reacceleration of inflation via monetization or (b) to siphon off funds from the private sector. Either development is troublesome in the sense that higher interest rates would follow and seriously impair the sustainability of economic recovery.

Perspective on the federal deficit in relation to the economy can be obtained by comparing the absolute size of the federal deficit to the level of nominal GNP. In fiscal year 1983, we are projecting the federal deficit will reach a postwar record 6.1 percent of nominal GNP. To zero in on the potential "crowding out" effect of high dollar federal deficits one should compare the deficit to the amount of gross private saving, i.e., the sum of personal saving, undistributed corporate profits and depreciation allowances. The importance of this latter measure is that a relatively large absorption of gross private saving by the federal government would limit the amount of credit available for private sources, and, as a result, would restrain economic growth prospects. In fiscal year 1983, we are projecting that the federal deficit absorption of gross private savings will total 35.3 percent, a postwar record.

An outyear downward trajectory in these ratios is essential to reducing the extremely high level of real interest rates and to achieve a course of secular disinflation. Critical in achieving these objectives is a more credible fiscal policy. Addressing deficits via incessant revenue raising measures, e.g. attacking the July tax cut and the 1985 indexing provision, may seem to lessen prospective deficits, but these tax law repeals would tend to raise government's relative role in the economy and that is counterproductive. While some enhancement of the tax base may be necessary, the focus must be on restraining the growth of government spending. The financial markets would, in our view, react very positively to a lessened relative role of government in the economy.

In sum, reducing the federal deficit is critical to the well being of the economy, both in the sense of the sustainability of the economic recovery and the future pace of inflation. In addition, the specific composition of fiscal policy adjustments is important. To approach the deficit problem in a credible manner requires reducing the size of government, i.e., slowing the growth in federal spending. This must include national defense and Social Security.

Sincerely,

JACK W. LAVERY.

ALAN GREENSPAN,
New York, N.Y., May 3, 1983.
Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR BILL: I do, as you might suspect, consider the huge pending deficits a serious threat to the nation's economic stability. Ideally the deficit should be brought down from the expenditure side. Certainly tax rate increases, in and of themselves, raise the possibility of financing increased outlays rather than closing the deficit. However, some form of negotiated package of expenditure cuts and tax increases may be the practical way to resolve this question. Clearly, the sooner the better.

Best regards.

Cordially,

ALAN GREENSPAN.

BANKERS TRUST CO.,
New York, N.Y., May 5, 1983.
Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: I appreciate this opportunity to comment on the mounting Federal budget deficit and its implications, as I share your deep concern over the recent course of events in the fiscal area. It is all too clear from studies by the Congressional Budget Office and The Conference Board that our mammoth Federal deficit is largely structural in nature, not simply a cyclical phenomenon associated with the recession, and therefore cannot be brought down significantly, even under the most favorable conditions, without specific action by the Congress. Unless some legislative steps are taken this year that assure a meaningful and permanent reduction in the budget deficits that currently loom ahead as far as can be seen, their effect on the financial markets and on the U.S. economy in general stands to be more serious than seems generally recognized.

Persistent Federal budget deficits of the enormous size in prospect, because of the upward pressure they will exert on long term interest rates, threaten the health of the economy in several ways. First of all, there is a risk that the upturn in business activity, which has just gotten under way, may not become sufficiently broadly based to reduce unemployment to satisfactory levels, and also that this economic recovery will not prove sustainable. Indeed, the economic recovery so far is turning out to be subnormal by historical standards, in spite of the tax cuts and the dramatic headway achieved this past year in slowing inflation. This is, in part, because of the damage inflicted by the earlier protracted period of high interest rates, yet it is also because of business and investor fears that private sector borrowing, as economic recovery takes hold, but that they will inevitably force the Federal Reserve to "monetize" the expansion in Government debt, thereby eventually restimulating inflation and pushing up interest rates.

While interest rates have come down enough to generate an impressive rebound in home building, it seems doubtful that the housing industry, which has been largely responsible for sparking this economic recovery, can climb much higher in the absence of a further decline in mortgage rates, and certainly any sustained uptrend in long-term interest rates would soon lead to a cutback in residential building, along with a reduction in activity in other interest-sensitive, consumer-related sectors of the economy. Meanwhile, the still relatively high cost of financing obviously is hindering the revival of business capital investment. And by helping to keep the dollar overvalued in the international exchange markets, the existing high interest rates are contributing to a worsening in our foreign merchandise trade deficit.

More important, however, is that the persistence of mammoth Federal budget deficits of the size indicated is likely to retard economic growth through the balance of the 1980s, as the Government's huge borrowing requirements absorb most of the limited available private savings required for investment in new plant and equipment and needed for infrastructure. The shortfall in investment, in turn, will act as a drag on the growth of the nation's productivity, and result in a further loss of world markets for our exports while bringing increased import competition for many of our lagging basic industries.

Though many contend that the awesome Treasury financing can be handled without giving rise to such economic problems, and even with interest rates continuing to decline, the fact is there is no precedent in recent U.S. financial history for assessing the impact on the money and capital markets of such huge and relentless Government borrowing as is now in sight. Though it is normal for Federal budget deficits to increase during recessions, typically in economic recoveries the deficits shrink automatically, thereby freeing up funds for the private economy; it is frequently forgotten—and not without some significance—that in the first year of economic recovery following the severe 1974–75 recession Treasury financing receded, which is in marked contrast to the trend today. Moreover, as a result of the experience thus far during the 1980s with rapid inflation and high and volatile interest rates, a great aversion to risk has developed among our major investing institutions. Unless these investors become convinced that the Federal budget deficits are really going to narrow in the out years, long-term interest rates are bound to stay high, the present encouraging performance of inflation notwithstanding.

As to what steps are needed to deal with the Federal budget situation, the first priority is for Congress to gain control over Government spending. This means enacting legislation both to reduce the gigantic defense program and to curb the rapid growth of the Federal entitlement programs, which together account for the greater part of controllable Government spending. As things stand, there is no alternative. While there may be room for additional cuts in other nondefense areas, most objective observers, I think, are inclined to believe that some of these cuts may have already gone too far. And interest on the public debt can, of course, only be reduced by cutting the total budget deficit.

As a start, and to allow proper time for the development of bipartisan support and an effective approach, I would favor a one-year freeze on benefit payments under Social Security, Veterans programs, civil service and military pensions and other subsidies and payments that are not means-tested. Thereafter, limits must be placed on the automatic inflation indexing of these benefit payments, which drive such expenditure programs upward, through capping these adjustments. In the case of the defense budget, spending authorizations need to be trimmed to provide for an overall increase in real terms of no more than 7 per cent over the next couple of years, rather

than 10 per cent, and perhaps only 5 per cent thereafter.

Even if these difficult steps to curb Government spending are taken, being realistic, it is hard to escape the conclusion that, in time, additional Federal revenue will be necessary, if the budget deficits are to be reduced appreciably; the fact is the Federal revenue base was seriously undermined by the 1981 tax cuts. It is important, however, that the additional revenue come from consumption-based taxes, such as a tax on oil, and by imposing user fees for Federal services and not from taxes that discourage savings and investment. In short, the road out of our current fiscal dilemma promises to be long and trying, and will require patience and stamina. But failure to come to grips with the Federal budget problem is almost certain to bring even greater economic difficulties.

I hope these thoughts prove helpful in your deliberations and debate on the Fiscal 1984 budget. Thinking you might find it relevant and of interest, I am enclosing a copy of Credit and Capital Markets 1983, which I co-authored, which comments at some length on the Treasury financing this year.

Sincerely yours,

DONALD E. WOOLLEY,
Senior Vice President and Chief Economist.

IRVING TRUST,
New York, N.Y., April 27, 1983.

Hon. WILLIAM D. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: I very much share the concerns in your recent letter about the Federal deficit. Most worrisome of all is the fact that the budget is not projected to come into balance as the economy moves toward full employment. If nothing is done, some projections even show the deficit increasing as the economy recovers. Clearly something must be done.

Any deficit which remains as the economy nears full employment will all end up as inflation. Financing this deficit will clearly crowd out private needs for capital just as the need for private investment becomes critical to expand capacity restraints and prolong the recovery.

Logically, of course, the deficit can be reduced either by cutting spending or raising taxes. Nevertheless, it seems clear that most of the deficit reduction must occur through cuts in spending. Otherwise, we will erode incentives to work and save, which are necessary if productivity is to grow. Productivity growth is necessary if Americans are going to enjoy in the 1980s rising real per capita income.

If the budget is brought into balance largely through tax increases, it will mean that the Government is channeling an increasing share of our national output to those who benefit from it. As people work to enjoy the fruits of their labor, there is no question but that this erodes the incentives necessary for economic growth.

Best regards.

Cordially,

GORDON PYE.

FORD MOTOR CO.,
Dearborn, Mich., April 27, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: In response to your letter of April 19, I agree that the huge budget deficits are a serious threat to the nation's long-run economic growth. There is a danger, however, in mis-stating the case, because if the economy continues to recover at a moderate pace, with no significant resurgence of inflation, then the big spenders can point to the absence of an economic collapse or raging inflation and persuade themselves and others that large deficits do no harm. The harm deficits inflict is not in their inflationary impact (if it were, inflation would have gotten worse rather than better during the past three years); nor is the harm in forcing the economy to stall out in the present recovery (that is very unlikely). The harm deficits inflict is twofold: they allow continued expansion of government as a percentage of GNP, taking income from the private sector; and they crowd out private capital spending, thus reducing the long-run rate of economic growth. Put another way, it is less damaging that the deficits are large than that government spending is a growing percentage of GNP. Though deficits and increased spending often go together, they need not.

This leads to your second question regarding whether the remedy for the forecasted deficits is lower expenditures or higher taxes. Expenditures, in my opinion, should be cut, especially for social programs and social security. These, in my opinion, are already too high, partly because they are inequitable and partly because they are ineffective or counter-productive. Those of the poor who are trapped into welfare are more likely to get out of the trap if welfare grows less and the economy grows more. Further, the intergenerational transfer of income via social security, medicaid and medicare has gone too far. I fear a reaction by the younger people who are being asked to bear a greater burden than they think is right.

I do not speak of reducing national defense expenditures for two reasons—though I suspect that cuts in the Administration's budget can, and undoubtedly will, be made. I've read a good deal about the subject and have opinions, but I hesitate to second-guess the Administration, which I believe has a good perception of our international problems. Also, I believe we can afford the defense we need, even if it should cost as much as the Administration is saying. I'm not against defense cuts, but I have a feeling that many in Congress think that, above a low minimum, defense is a kind of luxury that is perhaps less important than, say, an increase in spending for food stamps or public housing.

I welcome your inquiry and hope you find this letter responsive to your needs.

Sincerely,

JOHN V. DEAVER,
Economic Director.

THE UNIVERSITY OF MICHIGAN,
GRADUATE SCHOOL OF BUSINESS ADMINISTRATION,
Ann Arbor, Mich., April 29, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR BILL: This is in response to your letter of April 19.

In this uncertain world, and with economic matters such as federal spending and deficits seeming to go beyond the boundaries of normal limits, one can apparently never be sure about anything. I do believe, however, that the deficit path we are on will cause us trouble down the way. The fact is that these deficits, even if financed through normal market processes, do preempt funds which will not then be available for housing and other activities. If these pressures in financial markets are too severe, they will inevitably tend to crowd monetary policy off the course and toward a more inflationary mode of policy. This is the normal process by which large government deficits historically, and around the world, have been associated with inflation. (Since there would not then be enough savings, political pressures force printing new money.)

The real question is whether we can act in advance or whether we have to land in the middle of the problem before action will occur. Obviously I would hope that in government and on the part of intelligent and thoughtful citizens generally, there will be enough prudence to take the former course.

Regards.

PAUL W. MCCRACKEN.

THE CHASE MANHATTAN BANK, N.A.,
New York, N.Y., May 4, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: Thank you for your letter of April 19. My view also is that the inability of Congress and the Administration to come to grips with spending policy is a serious threat to our economy.

As we all know, spending must be paid for eventually by higher taxes. The growing federal deficit is evidence that Congress has not faced this fact. Until (1) spending becomes controllable and forecastable and (2) the method—income, excise, or inflation—of taxation is forecastable, then the economy faces a rough road. The debate is not whether taxes are going to be raised to cover expenditures but about how, when, and by whom they will be paid.

You are correct that interest rates will reflect these uncertainties emanating from the fiscal authorities, though I disagree with the view that deficits necessarily cause higher interest rates and inflation. The deficit may or may not have this effect, but it surely will increase the likelihood of inflationary financing. This "risk" is sufficient to retard the growth of real economic activity in the near term, resulting in sustained unemployment and larger future deficits. Indeed, this recovery is weaker than usual precisely because of uncertainty about the future course of government spending and taxation.

Congress must deal with these fiscal issues now, if the economy is to achieve its potential. Merely closing the current "gap" by imposing new taxes will not solve the problem. The American taxpayer will logically forecast that this is just the prelude to yet another round of increases in expenditures and taxes. Thus, the solution to this fiscal crisis must be a resolution of the fundamental question of "who is going to own the economy"—the government or the people. As long as government expenditures outpace the growth of the economy—as they are doing now—it is easy to understand why the incentives to work, save, and pay one's taxes are diminishing. Spending must be controlled; raising taxes without cutting expenditures merely means that the solution will be postponed and the problem worsened.

Sincerely,

J. RICHARD ZECHER,
Senior Vice President and Chief Economist.

MANUFACTURERS HANOVER TRUST CO.,
New York, N.Y., May 3, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG. Many thanks for your letter of April 19. I, too, have great concern about the budget deficit. I have written quite extensively on the subject, as you undoubtedly know from reading my Economic Reports. While I am enclosing several recent issues, for your information and guidance, I plan to write more extensively on the subject in the May issue and will send that to you as soon as it is available.

Your interest in Manufacturers Hanover is deeply appreciated.

Sincerely,

IRWIN L. KELLNER,
Senior Vice President.

Enclosure.

[Economic Report, Manufacturers Hanover, March 1983]

WHY INTEREST RATES ARE HIGH

(By Irwin L. Kellner, Senior Vice President and Economist)

Bankers must be very responsible people. For whenever anything goes wrong in the economy—we seem to be responsible. Don't take my word for it, ask Treasury Secretary Donald T. Regan. He said last month that the banks were responsible for high interest rates: "I think that banks, faced with a lot of problem loans, both domestic and international, are doing their utmost to keep their earnings up by keeping their interest rates up." This was followed by several articles in the financial press which added credence to the Secretary's remarks by comparing the rates that banks charge to prime business customers with a money market rate in percentage point terms alone, without regard to other factors.

I have discussed the subject of interest rates many times before, so some of what follows will not seem new to regular readers of the Economic Report. However, I feel constrained to respond to these allegations, for they are misleading, to say the least. Let me tell you why I think interest rates are high, and whose responsibility it is to bring them down.

BANK LENDING SPREADS

Superficially, it does appear that the spread between the rates banks charge on money they lend and pay for money they attract has widened dramatically in recent years. In 1977, for example, little more than one percentage point separated key money market rates from the banks' lending charges on prime business loans. Today that spread is as high as three percentage points. However, because of the rising interest rate environment we have had in recent years, it is inaccurate to look at spreads in percentage point terms alone. This is because banks, like any other business, set their prices in relative terms compared with their costs, not absolute terms. Between 1977 and 1982 short-term interest rates about doubled. Obviously, charging the same absolute spread in 1982 as in 1977 would have resulted in a percentage markup only half as great. In relative terms, then, the spread between the prime rate and the banks' cost of funds did not increase as much as it seems.

But this is not all. For while the posted prime is an important benchmark rate, it does not accurately represent the interest rates that banks charge on many short-term loans. According to the Federal Reserve Board, the weighted-average interest rate on short-term commercial and industrial loans today is as much as one percentage point lower than the posted prime. This reflects the growing tendency of large, top-rated corporations to be able to negotiate rates below the posted prime because of their ability to access the domestic and international money markets, where rates are lower. Looking at bank's lending charges this way discloses that the average rate on short-term loans was not unusually high in 1982, when compared with money-market rates in either absolute or relative terms.

As for the banks' cost of funds, I would like to point out another misconception. This is that the latest interest rate on Federal funds, commercial paper, or certificates of deposit represents the average cost of funds to banks at a given moment in time. It does not, since banks obtain money from a variety of sources with maturities ranging from overnight to several years in duration. One must combine these sources into a blend, or weighted average cost of funds to get the true picture of a bank's money costs. If one does, one will find that these costs are even closer to the average rate charged on short-term business loans—both in absolute as well as in relative terms.

• • • ARE LESS THAN THEY SEEM

Even this does not tell the entire story. For a bank's interest cost structure reflects more than simply a spread between the average rate earned on earning assets (loans) and the average rate paid for interest-bearing funds. You see, spread is not the same as yield, which takes into account not only interest-bearing funds but interest-free sources as well, such as demand deposits. And in recent years, as a result of both deregulation and a change in corporate deposit habits, banks have seen a dramatic decline in the amount of interest-free funds available to them.

At Manufacturers Hanover, the percentage of funds coming to us interest-free that we use to finance our assets has been cut in two since 1976, from nearly 20 percent then to only about 10 percent today. Add to this the deregulation of consumer deposits, which replaced interest-free checking accounts and low-interest savings accounts with NOW accounts, money market accounts and Super NOWs and you can see the addition of another sizable cost to the interest cost structure of the banking system. And the banks are not only relying more on interest bearing deposits, they have to make sure they are paying competitive rates, since these interest bearing deposits are becoming increasingly market-rate sensitive.

NET YIELD ON EARNING ASSETS AT 20 MONEY CENTER BANKS

[In percent]

Year	Earning asset yield	Interest bearing liabilities cost	Interest rate spread	Cost of all funds	Net yield on earning assets
	(1)	(2)	(1)-(2)=(3)	(4)	(1)-(4)=(5)
1975	8.91	6.76	2.15	5.43	3.48
1976	8.16	5.91	2.25	4.72	3.43
1977	8.13	5.87	2.26	4.75	3.38
1978	9.50	7.26	2.24	5.96	3.54
1979	11.81	9.82	1.99	8.26	3.55
1980	13.60	11.97	1.63	10.14	3.46
1981	16.11	14.67	1.44	12.72	3.39
1982 [1]	14.82	12.93	1.89	11.20	3.63

[1] Average of first three quarters.

Source: Robinson Humphrey/American Express, Inc.; MHT.

The bottom line is quite different from the top line. As you can see from the table, while there was a 45 basis point improvement last year in the interest rate spread at 20 money center banks, the figure that affects profits, net yield on earning assets, showed an improvement of only 24 basis points. And these are in absolute terms; in relative terms, on both the interest rate spread and net yield basis, the difference between what we charge and what we pay was lower in 1982 than seven years earlier!

Critics of bank lending charges might have more of a leg to stand on when they look at consumer lending rates. For unlike the prime rate and other lending rates to business, which have come down considerably from their recent peaks, consumer lending rates have hardly budged at all—and in some cases are higher today than one and two years ago.

Here, too, there is an explanation. For one thing, consumer loans tend to be smaller than business loans, thus involve more paperwork (loan applications, credit checks and so forth) per million dollars, for example, than a business loan. Obviously this is a cost which has to be factored into the price of the loan. And, unlike business loans, loans to consumers tend to be at fixed rates of interest for several years at a time. This means that a loan which is profitable when it is initially approved, may eventually become unprofitable if money costs rise above the return on the loan—as has been the case so many times in the past. There are greater risks involved in loans to consumers than to businesses so this must be factored into the cost of the loan. Until recently, most consumer lending operations were not profitable because of interest rate ceilings. These have been lifted in most states, suggesting that the high rates on some types of consumer loans may be just

an immediate after-effect as these departments seek to make up for lost profitability.

One thing must be remembered in discussing the banks' pricing policies. This is the fact that the banks are not the only source of funds for both individuals and business. What is more, the commercial banks may be losing ground to other companies in the financial services industry which suggests that bank loan pricing cannot get too far out of line with these other sources.

INTEREST RATES ARE HIGH * * *

Let me turn from bank lending rates to interest rates in general. For in the final analysis, the banks can only squeeze their interest rate spreads so far in bringing down the cost of borrowing to business and consumers. If the cost of money, itself—in other words, the general level of interest rates in the money markets—is high, then there's no way that bank lending charges can get down low enough to satisfy the Administration, or anyone else, for that matter.

Therefore, it is necessary to consider why market rates of interest are still high—not only in nominal or quoted terms, but in real terms, when measured against the current rate of inflation. For it has been the high real rates of interest that have been largely responsible for slowing the economy. Indeed, when real interest rates hit 50-year highs between mid-1981 and mid-1982, they were subsequently followed by a rise in business failures to half-century highs which produced the worst recession since the 1930s.

Of course, real interest rates have come down somewhat from these half-century records. However, they are still well beyond the boundaries that both business and consumers have grown accustomed to over the last several decades. The December Economic Report offered the following explanation: "The greater volatility of both interest rates and the money supply following the Federal Reserve's shift to monetarism three years ago seems to have added a 'volatility premium' to the level of interest rates besides the inflation and rent premiums, both of which had been embodied in interest rates for many years. In the summer of 1981, another premium might have been added, one that, for lack of a better term, could be called a 'fear' premium.

"The markets got scared beginning in the summer of 1981 when Washington revealed that the government's budget deficits were not going to get smaller and eventually disappear by mid-decade, but rather, were going to get bigger and expand into the 12-digit territory. The fear was that either these deficts and their associated borrowing requirements would overwhelm the money and credit markets, driving up interest rates in the process—or that they would not; that the Federal Reserve would monetize these deficits, but in the process, set the stage for a new round of inflation."

* * * BECAUSE BUDGET DEFICITS * * *

I would say that these fears are very much in evidence today. The volatility premium no doubt has shrunk because the Federal Reserve since July 1982 appears to be focusing more on managing interest rates and less on managing the quantity of money. Indeed, short-term interest rates have become extemely stable day-to-day—notwithstanding their precipitous decline last summer. But the fear premium is still very much in evidence. In the money markets, there is a fear of a renewed credit squeeze if the Federal Reserve once again becomes concerned over money supply growth and seeks to slow it down. And the bond markets are concerned about the higher rate of inflation that seems likely to arise sometime down the road if the Fed does not concern itself with money supply growth, and allows recent hefty rates of increase to continue.

Before you conclude that there is a Catch-22 here suggesting that interest rates are bound to rise one way or another, let me point out that they need not. However, this would require action by the Administration and the Congress. The key to lower interest rates deals with current and prospective borrowing by the Treasury to meet its huge, unprecedented budget deficits. No matter how you look at it, the deficit is far too large, given the state of our economy, the financial markets, and the availability of savings to finance them. Whether you compare the deficit with the gross national product, or total Federal borrowings with the supply of savings, you must conclude that we are in uncharted territory.

To make matters worse, the underlying imbalance between our spending programs and the revenue-generating capacity of the tax system at reasonable levels of employment (the structural deficit) promises to increase as fast as the cyclical portion of the deficit declines. This means that we cannot count very much on economic recovery to reduce the deficit and get the Federal Government out of the way of the private sector in the competition for funds in the financial market place. The implication is that a new clash between government financial needs and the needs of business, home buyers, farmers and consumers is on the horizon. Since the government is an insensitive borrower (it borrows what it needs, when it wants to, regardless of the cost), the financial markets, in anticipation of the higher interest rates that will result from this clash, are keeping interest rates high today in order to protect themselves against tomorrow.

In criticizing the banks for keeping interest rates high, the Administration is trying to deflect public opinion from its own economic mistakes. This year's budget document contains the same amazing revelation as last year's concerning the revenue impact of the Economic Recovery Tax Act (ERTA) of 1981. The Office of Management and Budget estimates that between 1982 and 1986. ERTA alone will cost the Federal government $609 billion in tax revenues. That's 72 percent of the $850 billion cumulative deficit that the Administration believes it will run during this time! The balance, I am sure, can easily be accounted for by the impact that these deficits had on the level of interest rates and the subsequent recession that these high interest rates caused. High interest rates, of course, added to government spending and subtracted from government tax revenues, while the recession cut further into Federal tax revenues while increasing Federal expenditures on unemployment insurance, and so forth.

CONTINUE TO GROW

The time has come for the Administration to stop blaming others for its misdeeds and start looking at its own policies. It should be clear by now that the original plan to boost government revenues by cutting taxes has not worked and will not work. It should also be obvious that using lower revenues as a club to force Congress to cut spending has only a limited effect. If you don't believe me, look at the record: With only two budget surpluses in the past quarter of a century, when did lack of revenues ever constrain the government from spending?

Bankers may indeed by very responsible people—but it is the Administration that is responsible for keeping interest rates high, not us.

AUBREY G. LANSTON & CO., INC.,
New York, N.Y., April 26, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR BILL: I'm honored by your request for advice on the Federal budget problem. The problem is a big one, but with men of your high caliber and dedication working on it, the chances of a solution are improved. I have the highest admiration for you, both as a Senator, and, based on our meetings at the Colorado Bankers, as a friend.

There is no question that the out-of-control budget deficit has profoundly disturbing implications for our economy. For the first time in our post World War II experience, the Federal deficit threatens to increase even as the economy recovers. This "structural" deficit stands in sharp contrast with the budget's behavior in past expansions when the deficit gap has been sharply narrowed by improving tax receipts (based on rising incomes and profits) and moderating spending on unemployment compensation and other counter-recession measures.

The dismal prospect is that without dramatic deficit-cutting measures, the deficit gap by which spending exceeds revenues would almost certainly soar to a $200-300 billion range in fiscal years 1984 and 1985. Most disturbing, this would push the Federal deficits as a percent of GNP above 6 percent (2 percent is normal). To be sure, this fiscal stimulus should serve to initially strengthen consumer spending. Nevertheless, our recovery would be modest and uneven as interest rates remain high owing to the clash between recovery-related increases in consumer and business spending and excess Federal borrowing demands.

This outcome assumes that the Federal Reserve will maintain monetary discipline by sticking to its already established targets for 1983. If the Fed instead tries to fully accommodate the combined private and Government credit demands, interest rates may initially fall, but the resulting excessive monetary growth will promptly renew inflationary expectations and will eventually push longer-term interest rates higher.

The major victim of the current irresponsible budget policy would be depressed business spending on new plant and equipment. This is because the massive structural Federal deficits and related borrowing needs will mop up most of the net private savings usually available in support of private investment. It is estimated that net private savings available for new business capital investment will, as a result of projected excessive Federal borrowing demands, fall to a disasterously low 3.2 percent of GNP by 1985, barely half the 6.0 percent figure for savings availability to meet capital spending needs in the 1970's and less than half the 7.0 percent in savings availability in the 1960's.

An appropriate longer-term Federal budget objective would be in my view, not only to balance the Federal budget and eliminate the deficits, but also to reduce Federal receipts and spending in relation to GNP. This would set the stage for prolonged and, hopefully, noninflationary economic growth, founded upon, as a result of an increased private share of economic ac-

tivity, increased individual initiative, rising productivity, more creative innovation, and a wave of energetic entrepreneurship, particularly in high technology areas. While such measures as tax indexing can help in principle with attaining such an objective, the simple practical fact is that the only way to achieve this objective is to link tax cuts directly and irreversably to Federal spending cuts.

The point is that the attainment of the commendable objective of reducing the Federal government's share of total economic activity must involve cuts in both defense and nondefense spending. The failure of the Reagan fiscal program has come not because it was wrong in principle, but because it was wrong in execution. Given the difficulties in controlling social entitlement programs arising from decades of fiscal irresponsibility, there was simply no way for the President to cut taxes, on one hand, and sharply increase defense spending, on the other, without disasterous budget deficit consequences.

There are only a few ways out of this mess. Just tinkering won't do; the solution must be radical and we need action fast. Three possible solutions that would be both credible in the financial markets and supportive of sustained and noninflationary economic expansion are listed below, along with my related revenue and spending estimates (beyond those stemming from the President's fiscal 1984 budget proposals):

[In billions of dollars]

	Fiscal 1984		Fiscal 1985	
	Revenues	Outlays	Revenues	Outlays
Choices:				
(1) Keep tax cuts but deep freeze all defense and nondefense spending		−30		−60
(2) Impose a 5 percent surcharge on corporate and individual tax payments, and a $10 a barrel tax on imported oil; limit defense spending to 5 percent real growth but keep Reagan's nondefense spending proposals	+25	−3	+30	−12
(3) Eliminate the third year of the tax cut, but keep indexing; allow for a 7½ percent increase in real defense spending, but deep freeze nondefense spending	+30	−22	+33	−41

My preference would be for choice #3 above. Its favorable psychological impact on the financial markets could push the longer-term Treasury bond rate, say 2 percentage points below its current 10½ percent level. A second-best alternative would be choice #2 which might improve psychology sufficiently to push the longer-term Treasury bond rate as much as 1 percentage point below current levels. Of course, roughly corresponding declines could be expected in mortgage rates and obviously this would help our recovery.

I hope these views are helpful.

With best regards,

Sincerely,

DAVID L. JONES,
Senior Vice President and Economist.

P.S.—Enclosed is my latest Lanston Letter on this subject.

AUBREY G. LANSTON & CO., INC.,
April 25, 1983.

Prices of Government securities lost ground last week, bringing to a halt the upward momentum of the two preceding weeks. Investors appear to be increasingly disturbed by the dim prospects for concrete budget deficit-cutting actions as Presidential election politics come into view. Also serving to dampen market optimism is a growing realization that the Federal Reserve is unlikely to help spur the market with further near-term easing moves, especially now that an appropriately moderate and non-inflationary recovery seems to be underway.

The monetary authorities have every reason to continue to hold to a stable policy stance in the weeks immediately ahead. The Fed moved in mid-March to slightly snug bank reserve availability, in response to excessive monetary growth. However, the monetary officials are unlikely to see any immediate need to tighten further, assuming that monetary growth slows significantly in April, as is widely expected.

Since mid-March the Fed appears to have been aiming at approximately a 0 free (net borrowed) reserves target, down from a free reserves level of about $250 million. (Net borrowed reserves have averaged $65 million over the past six bank statement weeks.) This degree of Fed pressure on bank reserves would seem to be consistent with a Federal funds rate centering on 8¾ percent, and most trading remaining within a relatively narrow 8½–9 percent range. (The Federal funds rate has averaged 8.84 percent over the past six weeks.)

The lack of an agreement between Congress and the Reagan Administration on substantial Federal deficit-cutting measures for fiscal year 1984 and beyond is likely to depress market psychology in the weeks ahead. Perhaps the most frustrating prospect is that neither new revenue-increasing measures nor significant Federal spending cuts can be counted on to trim the out-of-control deficit. For example, with the influence of next year's Presidential election increasing day-by-day, it seems most unlikely that Congress will either do away with the already scheduled tax cuts or pass any new significant tax increases (such as an oil import tax).

On the Federal spending side, deficit-cutting prospects are not much better. The President is fighting for his originally requested 10 percent increase in real defense spending in fiscal 1984 and he seems unlikely to settle for anything below 7½ percent, if that. On the non-defense side, Congress is actually increasing spending, relative to the President's 1984 budget proposals, on the grounds that social programs have already been cut too much.

In the previously inconceivable, but now possible, event that no new deficit-cutting measures for fiscal year 1984 will be agreed upon, the following results are likely:

(1) The Federal deficits will soar to a $200–300 billion range in fiscal years 1984 and 1985. Federal deficits as a percent of GNP will climb above 6 percent (2 percent is normal).

(2) Consumer spending will eventually be strengthened by excessive fiscal stimulus.

(3) The economic recovery will be modest and uneven as interest rates remain high owing to the clash between recovery-related increases in consumer and business credit demands and excessive Federal borrowing demands. This outcome assumes that the Federal Reserve will stick to its already established monetary targets for 1983. If the Fed instead tries to fully accommodate the combined private and government credit demands, interest rates may initially fall, but the resulting excessive monetary growth will promptly renew inflationary expectations and will eventually push longer-term interest rates higher.

(4) Business spending on new plant and equipment will remain weak, lagging the recovery much longer than normal. This is because the massive structural Federal deficits and related borrowing needs will mop up most of the net private savings usually available in support of business capital spending.

AUBREY G. LANSTON & CO., INC.

TREASURY NOTES AND BONDS 10 YEARS AND UNDER

[Prices as of Apr. 22, 1983, for delivery on Apr. 26, 1983]

Amount held by private investors [1]	Issue		Offered price	Yield before taxes	Yield after taxes long-term gain basis	Approx. corporation taxable equivalent yields	Price change during week	1983 price range		Yield value of 1/32
	Coupon	Maturity						From	To	
4.2	14½	4/30/83	100–3	5.61		5.61	−1	101–27	100–3	2.6395
2.5	7⅞	5/15/83	99–30	8.76		8.76		99–31	99–25	.5779
2.7	11⅝	5/15/83	100–5	8.21		8.21	−2	101–5	100–6	.5674
4.2	15⅝	5/31/83	100–23	7.62		7.62	−3	102–25	100–23	.3058
.9	3¼	[2] 6/15/83–78	99–16	6.84		6.84		99–16	98–0	.2280
2.7	8⅛	6/30/83	100–2	8.29		8.29		100–13	100–2	.1716
4.1	14⅝	6/30/83	101–3	8.07		8.07	−3	102–31	101–3	.1669
4.6	15⅛	7/31/83	101–27	8.45		8.45	−5	104–2	101–29	.1141
3.5	9¼	8/15/83	100–5	8.57		8.57	−1	100–19	100–5	.1026
3.2	11⅞	8/15/83	100–30	8.54		8.54	−2	102–2	100–30	.1013
4.8	16¼	8/31/83	102–18	8.40		8.40	−4	104–24	102–18	.0887
2.5	9¾	9/30/83	100–15	8.56		8.56	−1	101–1	100–15	.0746
4.8	16	9/30/83	103–0	8.65		8.65	−6	105–6	103–0	.0725
4.8	15½	10/31/83	103–10	8.74		8.74	−5	105–10	103–10	.0618
2.2	7	11/15/83	99–4	8.65		8.65	+1	99.4	98–22	.0595
3.8	9⅞	11/15/83	100–19	8.75		8.75	−1	101–6	100–15	.0587
4.8	12⅛	11/30/83	101–29	8.78		8.78		103–2	101–29	.0539

TREASURY NOTES AND BONDS 10 YEARS AND UNDER—Continued

[Prices as of Apr. 22, 1983, for delivery on Apr. 26, 1983]

Amount held by private investors [1]	Issue: Coupon	Issue: Maturity	Offered price	Yield before taxes	Yield after taxes long-term gain basis	Approx. corporation taxable equivalent yields	Price change during week	1983 price range: From	1983 price range: To	Yield value of 1/32
2,4	10½	12/31/83	101–1	8.91		8.91	−2	101–29	101–0	.0478
4,8	13	12/31/83	102–19	9.00		9.00	−2	104–2	102–18	.0473
5,7	15	1/31/84	104–14	8.89		8.89	−3	106–11	104–14	.0416
4,5	7¼	2/15/84	98–25	8.84		8.84	−1	99–5	98–6	.0412
5,3	15⅛	2/29/84	104–29	8.98		8.98	−3	106–27	104–29	.0377
5,6	14⅛	3/31/84	104–15	9.01		9.01	−2	106–5	104–15	.0346
2,4	14¼	3/31/84	104–17	9.06		9.06	−2	106–5	104–17	.0346
5,0	13⅞	4/30/84	104–19	9.02		9.02	−3	106–5	104–19	.0319
2,5	9¼	5/15/84	100–11	8.90		8.90		100–21	99–24	.0316
3,8	13¼	5/15/84	104–6	9.00		9.00		105–14	104–4	.0308
3,0	15¼	5/15/84	106–22	8.96		8.96	−1	108–17	106–22	.0302
5,6	13¾	5/31/84	104–24	9.11		9.11	−2	106–5	104–24	.0295
3,2	8⅞	6/30/84	99–27	9.02	4.91	9.09	+1	100–5	99–4	.0285
5,5	14⅜	6/30/84	105–22	9.19		9.19	−2	107–16	105–21	.0274
6,1	13⅛	7/31/84	104–19	9.20		9.20	−2	105–25	104–16	.0259
1,8	6⅜	8/15/84	97–2	8.80	5.39	9.97	−2	97–6	96–4	.0263
2,5	7¼	8/15/84	97–27	9.03	5.35	9.90	+1	98–8	97–2	.0262
3,8	13¼	8/15/84	104–24	9.31		9.31	−2	106–6	104–24	.0251
6,9	11⅝	8/31/84	102–28	9.31		9.31	−2	103–26	102–17	.0247
10,1	12⅛	9/30/84	103–20	9.36		9.36	−3	104–22	103–10	.0233
7,3	9¾	10/31/84	100–18	9.34		9.34	−1	101–6	99–26	.0226
5,1	14⅜	11/15/84	106–30	9.47		9.47	−2	108–20	106–28	.0211
4,6	16	11/15/84	109–8	9.46		9.46	−2	111–10	109–6	.0208
7,0	9⅞	11/30/84	100–19	9.47		9.47	−4	101–12	99–30	.0214
7,3	9⅜	12/31/84	99–28	9.46	5.13	9.50	−3	100–18	99–5	.0206
3,3	14	12/31/84	106–25	9.54		9.54	−5	108–31	106–25	.0197
7,7	9¼	1/31/85	99–18	9.53	5.22	9.66	−4	100–2	98–30	.0197
2,8	8	2/15/85	97–30	9.26	5.34	9.88	+2	98–18	96–26	.0194
5,6	14⅝	2/15/85	108–1	9.68		9.68	−7	110–8	108–1	.0183
7,8	9⅝	2/28/85	100–5	9.53		9.53	−2	100–22	99–11	.0188
8,5	9⅝	3/31/85	100–5	9.53		9.53	−3	100–10	98–30	.0181
3,4	13⅜	3/31/85	106–14	9.64		9.64	−4	108–8	106–10	.0174
8,1	9½	[3] 4/30/85	99–28	9.57	5.19	9.61		99–28	99–28	.0176
,4	3¼	[2] 5/15/85	92–16	7.25	4.96	9.18		92–16	89–0	.0175
,6	4¼	[2]5/15/85–75	93–16	7.73	5.09	9.42		93–16	92–0	.0175
2,5	10⅜	5/15/85	101–20	9.49		9.49	−6	102–18	100–30	.0169
5,3	14⅛	5/15/85	108–1	9.72		9.72	−8	110–1	107–26	.0163
2,5	14⅜	5/15/85	108–20	9.65		9.65	−5	110–18	108–12	.0162
3,1	14	6/30/85	108–10	9.68		9.68	−6	110–2	107–30	.0154
3,2	8¼	8/15/85	97–7	9.62	5.56	10–29	−9	98–4	96–15	.0157
3,2	9⅜	8/15/85	99–31	9.64	5.21	9.65	−7	101–0	99–10	.0154
6,1	13⅛	8/15/85	106–28	9.73		9.73	−5	108–12	106–4	.0148
3,6	15⅞	9/30/85	112–31	9.75		9.75	−4	114–30	112–18	.0136
6,3	9¾	11/15/85	100–1	9.74		9.74	−9	101–5	99–5	.0141
3,1	11¾	11/15/85	104–14	9.75		9.75	−9	105–25	103–18	.0137
3,3	14⅛	12/31/85	110–1	9.78		9.78	−7	111–28	109–13	.0127
6,9	9⅞	2/15/86	100–8	9.77		9.77	−8	100–30	99–17	.0130
3,2	13½	2/15/86	108–24	9.86		9.86	−11	110–2	107–28	.0123
3,9	14	3/31/86	110–8	9.89		9.89	−6	111–20	109–4	.0118
4,1	7⅛	5/15/86	95–4	9.76	5.76	10.67	−10	96–2	93–24	.0125
3,4	13¾	5/15/86	109–28	9.92		9.92	−6	111–4	108–24	.0114
4,4	14⅞	6/30/86	112–28	10.05		10.05	−8	114–22	111–28	.0108
7,5	8	8/15/86	95–3	9.77	5.74	10.63	−6	96–0	93–24	.0116
5,7	12¼	9/30/86	106–13	10.00		10.00	−9	107–22	105–2	.0106
,9	6⅛	11/15/86	88–14	10.08	6.47	11.99	−10	91–8	88–14	.0115
3,2	13⅞	11/15/86	111–10	10.01		10.01	−2	112–16	109–28	.0100
3,3	16⅛	11/15/86	117–20	10.10		10.10	−8	119–14	116–20	.0096
5,5	10	12/31/86	100–16	9.84		9.84	−4	101–10	98–30	.0103
4,6	9	2/15/87	97–10	9.86	5.55	10.29	−10	98–8	96–0	.0102
3,4	12¾	2/15/87	108–6	10.11		10.11	−8	109–10	106–24	.0096
6,2	10¼	3/31/87	101–0	9.94		9.94	−7	101–11	100–0	.0097
2,0	12	5/15/87	106–8	10.08		10.08	−8	107–10	104–26	.0092
3,5	14	5/15/87	112–12	10.20		10.20	−10	113–18	110–24	.0089
4,1	13¾	8/15/87	111–30	10.25		10.25	−16	113–8	110–10	.0085
1,8	7⅝	11/15/87	92–8	9.77	5.84	10.81	−8	93–0	90–12	.0091
5,4	12⅝	11/15/87	108–11	10.28		10.28	−16	109.26	106.22	.0083
2,7	12⅜	1/15/88	107–18	10.31		10.31	−15	109–4	105–28	.0081
5,0	10⅛	2/15/88	100–4	10.09		10.09	−14	101–8	98–14	.0084
2,9	13¼	4/15/88	110–30	10.38		10.38	−12	112–8	109–4	.0077
2,4	8¼	5/15/88	92–30	10.07	5.91	10.95	−12	94–2	91–8	.0084
5,9	9⅞	5/15/88	99–12	10.03	5.46	10.11		100–16	98–8	.0081
3,5	14	7/15/88	114–4	10.43		10.43	2	115–8	112–0	.0073
3,3	15⅜	10/15/88	120–6	10.44		10.44	+1	121–4	117–20	.0068
2,3	8¾	11/15/88	94–28	9.97	5.71	10.57	−4	95–20	92–22	.0077
3,5	14⅝	1/15/89	116–25	10.64		10.64	−11	118–0	114–22	.0067
3,3	14⅜	14/15/89	116–19	10.56		10.56	−1	117–4	113–24	.0065
2,2	9¼	5/15/89	96–16	10.04	5.63	10.42	−2	97–20	94–12	.0072
4,7	14½	7/15/89	117–14	10.60		10.60	−10	118–10	114–24	.0063
4,2	11⅞	10/15/89	106–16	10.47		10.47	−16	107–24	103–30	.0065
3,8	10¾	11/15/89	102–0	10.32		10.32	+8	103–4	99–16	.0066
4,5	10½	1/15/90	100–30	10.30		10.30	−14	102–0	98–10	.0065
1,1	3½	[2] 2/15/90	93–16	4.62	2.79	5.17		93–16	87–0	.0056
5,0	10½	4/15/90	101–1	10.29		10.29	−14	101–24	99–18	.0064
,9	8¼	5/15/90	91–12	9.98	5.84	10.82	−12	93–0	89–8	.0067
2,6	10¾	8/15/90	102–0	10.35		10.35	−20	103–2	99–14	.0061
5,1	13	11/15/90	112–6	10.61		10.61	−20	113–8	109–10	.0057
1,7	14½	5/15/91	119–28	10.75		10.75	−16	120–26	116–14	.0052
2,4	14⅞	8/15/91	122–4	10.78		10.78	−20	123–0	118–18	.0050
2,5	14¼	11/15/91	119–4	10.77		10.77	−16	120–8	115–16	.0050
2,7	14⅝	2/15/92	121–20	10.76		10.76	−20	122–16	117–28	.0049
9,0	13¾	5/15/92	117–2	10.76		10.76	−24	118–16	113–12	.0049
1,0	4¼	[2]8/15/92–87	92–28	5.23	3.08	5.70	−28	93–24	86–0	.0045
1,6	7¼	8/15/92	82–16	10.21	6.28	11.64	−24	84–0	79–16	.0060
4,1	10½	11/15/92	110–24	10.37		10.37	−20	101–20	97–16	.0052
,1	4	[2]2/15/93–88	93–8	4.87	2.86	5.30	−16	93–24	85–0	.0042
,6	6¾	2/15/93	79–24	10.04	6.28	11.64	−16	80–12	75–24	.0059
1,4	7⅛	2/15/93	86–0	10.16	6.09	11.27	+4	86–16	82–16	.0056
4,5	10⅜	2/15/93	102–28	10.40		10.40	−20	103–30	100–18	.0051
1,4	7½	8/15/93–88	83–8	10.16	6.18	11.45	−8	84–4	79–24	.0056
1,6	8⅝	8/15/93	89–8	10.35	6.04	11.18	−16	90–24	86–4	.0054

TREASURY NOTES AND BONDS 10 YEARS AND UNDER—Continued

[Prices as of Apr. 22, 1983, for delivery on Apr. 26, 1983]

Amount held by private investors [1]	Issue		Offered price	Yield before taxes	Yield after taxes long-term gain basis	Approx. corporation taxable equivalent yields	Price change during week	1983 price range		Yield value of 1/32
	Coupon	Maturity						From	To	
1.3	8⅝	11/15/93	89–4	10.34	6.04	11.18	–16	90–20	86–4	.0053
2.9	9	2/15/94	91–12	10.34	5.94	11.00	–16	92–24	88–4	.0052
.7	4⅛	[2]5/15/94–89	92–16	5.02	2.95	5.45	–24	93–8	85–8	.0039
1.5	8¾	8/15/94	89–14	10.36	6.01	11.14	–18	90–28	86–4	.0051
1.5	10⅛	11/15/94	98–16	10.35	5.65	10.47	–16	99–24	94–28	.0047
.3	3	[2]2/15/95	92–16	3.79	2.26	4.18	–20	93–8	84–16	.0035
1.5	10½	2/15/95	100–24	10.39		10.39	–16	101–28	96–28	.0046
1.5	10⅜	5/15/95	99–18	10.44	5.66	10.48	–22	100–28	95–28	.0046
1.2	12⅝	5/15/95	113–12	10.63		10.63	–20	114–16	108–28	.0043
1.5	11½	11/15/95	106–8	10.59		10.59	–24	107–20	101–28	.0044
.5	7	5/15/98–93	74–28	10.32	6.44	11.93	–20	77–24	72–16	.0051
1.3	3½	[2]11/15/98	92–16	4.16	2.42	4.49	–28	94–0	84–16	.0029
1.4	8½	5/15/99–94	85–4	10.43	6.14	11.36	–12	86–24	81–16	.0046
2.2	7⅞	2/15/00–95	79–20	10.48	6.34	11.74	–24	81–0	75–8	.0047
2.6	8⅜	8/15/00–95	83–8	10.49	6.22	11.52	–20	85–0	78–24	.0046
1.5	11¾	2/15/01	108–0	10.73		10.73	–24	109–8	102–0	.0037
1.7	13⅛	5/15/01	118–8	10.81		10.81	–22	119–8	112–0	.0035
1.1	8	8/15/01–96	80–4	10.46	6.29	11.65	–	81–24	76–0	.0046
1.7	13⅜	8/15/01	120–0	10.84		10.84	–1–4	121–12	114–0	.0034
1.6	15¾	11/15/01	139–14	10.79		10.79	–26	140–20	133–24	.0030
1.8	14¼	2/15/02	127–16	10.80		10.80	–24	128–20	121–4	.0032
2.8	11⅝	11/15/02	107–0	10.76		10.76	–28	109–20	101–24	.0037
3.0	10¾	2/15/03	100–22	10.67		10.67	–1–2	101–28	96–0	.0038
3.3	10¾	5/15/03	100–22	10.66		10.66	–1–6	102–12	99–0	.0038
2.8	8¼	5/15/05–07	81–16	10.41	6.18	11.45	–1–4	84–0	77–16	.0043
2.9	7⅝	2/15/07–02	76–24	10.25	6.22	11.52	–1–4	79–28	72–24	.0044
1.2	7⅝	11/15/07–02	78–24	10.26	6.16	11.41	–1–0	82–8	74–24	.0043
1.4	8⅜	8/15/08–02	82–4	10.39	6.14	11.36	–1–0	84–24	77–16	.0042
3.7	8¾	11/15/08–03	84–28	10.46	6.10	11.29	–1–4	87–16	80–4	.0041
4.0	9⅛	5/15/09–04	88–0	10.48	6.01	11.14	–1–0	90–16	83–8	.0039
3.4	10⅜	11/15/09–04	98–18	10.54	5.74	10.62	–1–8	101–8	93–0	.0036
2.1	11¾	2/15/10–05	108–20	10.72		10.72	–1–8	112–4	102–16	.0035
1.9	10	5/15/10–05	95–20	10.49	5.80	10.73	–1–4	98–16	90–0	.0036
4.2	12¾	11/15/10–05	116–8	10.81		10.81	–1–16	119–16	109–28	.0033
3.9	13⅞	5/15/11–06	125–20	10.83		10.83	–1–20	128–4	118–12	.0031
4.4	14	11/15/11–06	127–4	10.80		10.80	–1–16	130–4	120–0	.0030
6.5	10⅜	11/15/12–07	98–28	10.50	5.71	10.56	–1–6	100–16	93–20	.0035

[1] Latest available, in billions of dollars.
[2] Redeemable at par in payment of Federal estate taxes.
[3] When issued.

FEDERAL AGENCY ISSUES SOLD RECENTLY

	Amount outstanding [1]	Issue		Offered price	Price change during week	Yield before taxes
		Coupon	Maturity			
Agency:						
FFCB	0.9	9.20	8/1/83	100–2		8.57
FFCB	1.7	8.55	9/1/83	99–31	+1	8.53
FFCB	.6	8.85	9/1/83	99–31	–1	8.64
FFCB	.9	8.70	10/3/83	99–31		8.54
FFCB	1.5	9.20	10/3/83	100–8		8.56
FFCB [2]	.8	8.70	11/1/83	99–30	+1	8.64
FFCB [2]	1.1	8.70	12/1/83	99–30	+1	8.63
FFCB [2]	.8	9.25	1/3/84	100–10		8.57
FNMA–RI	N.A.	8.95	4/17/84	99–29		9.05
FFCB	.5	10.00	7/22/85	100–28	–4	9.56
FNMA	.4	10.15	10/10/85	101–4	+10	9.63
FNMA	1.0	14.90	12/10/85	111–4	–8	9.98
FNMA	.5	13.25	9/10/86	108–20	–12	10.17
FNMA	.5	10.10	10/10/86	100–4	–4	10.06
FFCB	.9	9.95	10/20/86	100–0	–2	9.95
FNMA	.8	10.95	11/10/86	102–12	–4	10.14
FNMA	.5	10⅛	12/10/86	100–4	–3	10.06
FFCB	.8	9.90	1/20/87	99–24	–8	9.98
FNMA	.7	9.90	2/10/87	99–14	–4	10.08
FFCB	.7	10.55	6/1/87	101–6	–10	10.19
FHLB	.4	10.30	6/25/87	100–28	–2	10.04
FFCB	.6	10⅛	9/1/87	100–4	–7	10.09
FNMA	.8	10.85	11/10/87	101–30		10.31
FHLB	.3	10.65	11/25/87	101–24	–4	10.16
FNMA	1.0	10.90	12/10/87	102–4		10.29
FNMA	.7	10.45	1/11/88	100–10		10.36
FNMA	.5	10.30	2/10/88	100–0		10.30
FNMA	1.0	10.40	3/10/88	100–8		10.33
FHLB	.5	10.20	3/25/88	100–4		10.17
FNMA	1.0	10.45	4/11/88	100–9	+1	10.38
FHLB	.5	10.15	4/25/88	100–1		10.14
FNMA	.4	11.30	12/11/89	102–24	–8	10.71
FFCB	.4	10.85	2/1/90	101–16	–4	10.53
FNMA	.3	10.90	11/12/90	101–20		10.58
FHLB	.7	10.90	12/26/90	101–24	–2	10.56
FHLB	.8	11.10	8/26/91	102–14	–14	10.65
FFCB	.9	10.60	10/21/91	99–30	–5	10.61
FHLB	.6	11.10	11/25/92	102–16	–8	10.68
FNMA	.5	10.90	1/11/93	100–24	–8	10.77
FFCB	.7	10.65	1/20/93	100–4	–6	10.63
FHLB	.5	10.70	1/25/93	100–6	–6	10.67
FNMA	.5	10.95	3/10/93	101–0	–2	10.78
FHLB	.6	10.80	3/25/93	100–20	–8	10.70
FNMA	.5	10⅞	4/12/93	100–20	–10	10.77
FNMA	.3	10.75	5/10/93	100–0		10.75

[1] Latest available, in billions of dollars.
[2] Interest not payable on semi-annual basis; yield is adjusted to semi-annual coupon equivalent.

TREASURY BILLS

Maturity	Amount issued [1]	Days to maturity	Offered rate (percent)	Yield after taxes	Coupon-equivalent yields	Change during week
Apr. 28, 1983	14.6	2	8.10	4.37	8.22	+0.10
May 5, 1983	11.6	9	8.05	4.35	8.18	−.05
May 12, 1983	11.7	16	8.10	4.37	8.24	+.10
May 19, 1983	17.4	23	8.10	4.37	8.26	.....
May 26, 1983	11.8	30	8.00	4.32	8.17	−.05
June 2, 1983	12.0	37	8.15	4.40	8.33	+.10
June 9, 1983	12.0	44	8.15	4.40	8.35	+.10
June 16, 1983	17.8	51	8.15	4.40	8.36	+.10
June 23, 1983	12.0	58	8.15	4.40	8.37	+.10
June 30, 1983	12.0	65	8.10	4.37	8.33	+.05
July 7, 1983	12.0	72	8.15	4.40	8.40	+.05
July 14, 1983	11.8	79	8.10	4.37	8.36	.....
July 21, 1983	12.2	86	8.15	4.40	8.43	+.05
July 28, 1983	6.0	93	8.15	4.40	8.44	+.05
Aug. 4, 1983	6.0	100	8.15	4.40	8.45	+.05
Aug. 11, 1983	12.3	107	8.15	4.40	8.47	+.05
Aug. 18, 1983	6.2	114	8.15	4.40	8.48	+.05
Aug. 25, 1983	6.2	121	8.15	4.40	8.50	+.05
Sept. 1, 1983	6.2	128	8.15	4.40	8.51	+.05
Sept. 8, 1983	13.3	135	8.20	4.43	8.58	.....
Sept. 15, 1983	6.2	142	8.20	4.43	8.59	.....
Sept. 22, 1983	6.2	149	8.20	4.43	8.61	.....
Sept. 29, 1983	6.2	156	8.20	4.43	8.62	.....
Oct. 6, 1983	13.2	163	8.20	4.43	8.63	.....
Oct. 13, 1983	6.2	170	8.20	4.43	8.65	−.01
Oct. 20, 1983	6.2	177	8.20	4.43	8.66	.....
Nov. 3, 1983	7.0	191	8.20	4.43	8.68	.....
Dec. 1, 1983	7.0	219	8.20	4.43	8.69	.....
Dec. 29, 1983	7.1	247	8.20	4.43	8.71	.....
Jan. 26, 1984	7.5	275	8.20	4.43	8.74	.....
Feb. 23, 1984	7.8	303	8.20	4.43	8.78	.....
Mar. 22, 1984	7.8	331	8.20	4.43	8.82	−.03
Apr. 19, 1984	7.8	359	8.20	4.43	8.86	−.03

[1] Latest available, in billions of dollars.

FIILB CONSOLIDATED DISCOUNT—RATES AS OF APR. 22, 1983

	Days to maturity—				
	30–87	88–99	100–179	180–239	240–360
Discount (per annum)	6.00	8.15	7.75	8.30	7.75
Bond equivalent [1]	6.11	8.43	8.03	8.78	8.21

[1] Shortest maturity in each category used in yield computation. For 360 days equivalent rate is 8.35 percent.

MONTHLY MONETARY AGGREGATES AND FED ANNUAL TARGETS

[Daily averages; in billions of dollars]

1982–83	Actual			Fed annual target ranges					
				M1		M2		M3	
	M1	M2	M3	Lower	Upper	Lower	Upper	Lower	Upper
January	482.1	2008.2	2401.5	476.8	479.9	NA	NA	2392.2	2404.1
February	491.1	[1] 2047.4	2427.4	478.3	483.1	NA	NA	2405.1	2422.8
March	[1] 497.4	[1] 2065.8	[1] 2443.0	479.9	486.2	NA	NA	2417.9	2441.5

[1] Revised.

AVERAGE AUCTION RATES—TREASURY BILLS

Auction dates	3-mo.		6-mo.		364-day	
	Rate	Maturity	Rate	Maturity	Rate	Maturity
Mar. 28	8.680	June 30, 1983	8.705	Sept. 29, 1983		
Apr. 4	8.664	July 7, 1983	8.705	Oct. 6, 1983		
Apr. 11	8.165	July 14, 1983	8.248	Oct. 13, 1983		
Apr. 14					8.275	Apr. 19, 1984.
Apr. 18	8.030	July 21, 1983	8.200	Oct. 20, 1983		

SELECTED INTEREST RATE DATA—WEEKLY AVERAGES OF DAILY DATA

Week ended	Federal funds [1]	Treasury bills [2] [3]			3-mo Eurodollars [3]	3-month CD'S, secondary market [3]	90-day dealer placed commercial paper [3] [4]
		3-mo	6-mo	364-day			
Apr. 21, 1982	10.18	12.53	12.77	12.49	15.25	14.53	14.17
Jan. 19, 1983	8.49	7.63	7.72	7.82	8.76	8.15	8.01
Apr. 6, 1983	9.43	8.55	8.59	8.53	9.59	9.04	8.92
Apr. 13, 1983	8.76	8.25	8.33	8.32	9.30	8.70	8.56
Apr. 20, 1983	8.70	8.12	8.24	8.27	9.14	8.58	8.46

[1] Seven-day averages. [2] Discounted basis; bid rates. [3] Averages of business-day data. [4] Discounted basis; offered rates.

SELECTED WEEKLY FINANCIAL INDICATORS—AVERAGES OF DAILY DATA

Week ended	Reserve position of depository institutions (millions)		Large New York City banks—Borrowings (millions)			Aggregates seasonally adjusted (billions)			Business short-term credit (billions)[3]
	Adjustment borrowings at Fed[1]	Free reserves[2]	At Federal reserve bank	From all other banks	Total borrowings	M1	Total reserves (adjusted)	Nonborrowed reserves (adjusted)	
Apr. 21, 1982	$1,246	−$1,075	$147	$10,653	$10,800	$449.4	$38.9	$37.5	$265,468
Jan. 19, 1983	324	+349	191	14,198	14,389	482.2	41.4	41.0	265,102
Apr. 6, 1983	1,359	−631	0	14,170	14,170	[4] 499.2	41.1	39.7	[4] 263,850
Apr. 13, 1983	160	[4] +375	0	[4] 14,401	[4] 14,401	487.9	[4] 40.5	40.3	262,313
Apr. 20, 1983	183	−17	68	12,948	13,016	NA	41.4	41.2	NA

[1] Excludes seasonal borrowings and extended credit.
[2] Excess reserves minus adjustment borrowings.
[3] Includes WRMB C&I loans and bankers' acceptances, and all nonfinancial commercial paper—Wednesday data.
[4] Revised.

SELECTED WEEKLY ECONOMIC INDICATORS

Week ended	Steel production (thousands of net tons)	Electric power (Mills of Kw hrs)	Vehicle production (units)		State initial unemployment claims (in thousands seasonal adjustment)	CRB index of sensitive commodity prices
			Autos	Trucks		
April 17, 1982	1,573	40,079	114,596	40,445	577	244.6
January 15, 1983	1,252	44,732	101,236	28,460	491	229.1
March 26, 1983	1,651	42,734	134,975	49,354	498	243.6
April 2, 1983	1,676	40,863	101,145	36,953	487	245.9
April 9, 1983	1,651	40,125	[1] 125,699	[1] 41,959	499	247.6
April 16, 1983	1,687	40,841	137,541	51,070	N.A.	248.7

[1] Revised.

SELECTED WEEKLY REPORTING COMMERCIAL BANK DATA

[In millions of dollars]

Week ended	Commercial and industrial loans—ex. B/A and comm. paper				Investments—ex. trading acct.				Time certificates of deposit			
	Total	New York City	Chicago	All others	Total	New York City	Chicago	All others	Total	New York City	Chicago	All others
April 14, 1982	199,885	55,375	22,944	121,566	108,242	21,739	5,302	81,201	130,861	33,049	14,885	82,927
January 12, 1983	212,092	59,620	22,415	130,057	115,470	22,737	4,730	88,003	124,456	33,699	11,292	79,465
March 30, 1983	211,741	58,084	22,246	131,785	116,785	22,674	4,624	89,485	107,072	28,382	11,194	67,496
April 6, 1983	[1] 212,559	58,676	22,162	[1] 131,721	117,765	23,222	4,641	89,902	[1] 103,565	27,308	10,940	[1] 65,317
April 13, 1983	211,354	57,653	22,191	131,510	117,749	23,237	4,630	89,882	4,101	27,183	10,752	66,166

[1] Revised.

FEDERAL RESERVE TRANSACTIONS IN U.S. GOVERNMENT AND AGENCY SECURITIES—NET

[In millions of dollars]

Week ended	Outright transactions (Wednesday to Wednesday changes)							R.P. agreements[1]	Matched sale purchase transactions[1]
	Bills	Other government	Agency issues	Net change	1 year and under	Over 1 year to 5 years	Over 5 years to 10 years	Over 10 years	
March 23, 1983	+111			+111	+111				−837
March 30, 1983	+237			+237	+237				+2,011
April 6, 1983	+46			+46	+46				−1,780
April 13, 1983	+69			+69	+69				−170
April 20, 1983	+2,192			+2,192	+2,192				−152

[1] Changes in daily average data.●

SENATE CONCURRENT RESOLUTION 46—ARMS CONTROL RESOLUTION

● Mr. DOLE. Mr. President, last week, I testified before the Foreign Relations Committee on a subject of urgent importance to all Americans—arms control, and how we might achieve an equitable agreement with the Soviet Union. My contribution to this debate, Senate Concurrent Resolution 46, would address the problem through a full agenda of negotiated reductions according to the nuclear triad at both the strategic and intermediate-range levels of nuclear weapons.

The Senator from Kansas was gratified to learn of the testimony the following day of a distinguished American and recent Director of the Arms Control and Disarmament Agency, Dr. Eugene Rostow. Dr. Rostow was asked for his assessment of the numerous arms control resolutions that are now before us. I am gratified by his analysis of the Dole resolution, and I ask that Dr. Rostow's comments on this point be printed in the RECORD.

The comments are as follows:

COMMENTS OF DR. EUGENE ROSTOW

The last question put to me asks for comment on the various freeze and build-down proposals before you.

The analysis I have presented here and in the package of speeches I have submitted makes my response to your question obvious.

The basic premise of the administration's negotiating position and of the Scowcroft Commission report is that the most serious problem we face is the Soviet lead in ground-based ballistic missiles—a lead we have allowed to develop in the last 10 years. That Soviet advantage is incompatible with deterrence and stability. And it is the source of the nuclear anxiety now transforming political attitudes throughout the West.

It follows as a matter of arithmetic that a freeze at current levels or a scheme involving equal reductions on each side cannot solve the problem. Such an approach would confirm and legitimize a position of strate-

gic inferiority for the United States, and make real arms control impossible. Stability can be restored only by agreeing to parity for each side—that is, to equal levels, especially in the area of the most destabilizing classes of weapons. Of course, an agreement should take all parts of the nuclear arsenal into account, on a weighted basis which reflects the destructive capacity of each category of weapons.

The freeze proposals fall into two groups. Some, like the draft offered by Senators Jackson and Warner last year and by Senator Dole this year, propose freezes at equal and lower levels of deterrent nuclear power. They would support the administration's approach, and give it additional weight. When Congress and the President are together on a policy, there is a full national consensus. A much stronger negotiating position is then possible. Others—despite a good deal of ambiguity—seem to favor a freeze at current levels. They would eliminate any incentive the Soviets might have to negotiate at all. The Soviet negotiators are practical and experienced bargainers. They cannot be expected to give up their advantage in ground-based ballistic missiles unless the alternatives are unattractive.

Soviet spokesmen argue vehemently that in proposing a standard of equality between the Soviet Union and the United States we are asking them to make unequal concessions, indeed to disarm unilaterally. They offer instead the criterion of "equality and equal security," which would require us to accept their right to a force equal to the sum of the United States, British, French, and, ultimately, Chinese forces. This is not a claim for equality, but for dominion.

In the context of this analysis, the objection to build down proposals is equally apparent. Equal reductions in the ballistic missile forces of the two sides could make the critical Soviet advantage even more significant than it now is. Build-down proposals could make a contribution to a balanced and effective agreement as part of it. Of themselves, however, build-down proposals are, in my view, of dubious merit.

The Soviet claim is that our proposals would require them to disarm unilaterally. There is nothing inequitable about unequal reductions to reach equal ceilings. During the 1920's, the United States sank more naval tonnage than the other naval powers to reach the limits set in the Washington Treaty of 1922.

The United States should, of course, be alert to every possibility for a fair agreement, and flexible in its negotiating tactics, but it can never agree to the Soviet version of "Equal Security." Our guiding principle must be that of parity. Soviet-American nuclear parity would in itself be a major contribution to world political stability. Once that is achieved, multilateral agreement among all the nuclear powers should become more feasible.●

VIETNAM VETERANS PARTICIPATE IN DEATH VALLEY MARATHON

● Mr. HART. Mr. President, it has recently come to my attention that 13 Vietnam veterans participated in the Death Valley Marathon this past February. These 13 Vietnam veterans demonstrated the determination, dedication, and "Can Do!" spirit of our veterans and I believe symbolizes the collective energy and courage of the Vietnam veteran to turn the spirit of this country from the "energy to war" to "energy of peace".

This 100-mile run was a symbolic achievement of which each participant can be proud. The positive media generated by this significant event will surely serve to focus the Nation's attention on the continuing and uncharted roads facing this very special group of citizens. It is especially noteworthy that the "team" had earned every award this country bestows for combat heroism from the Medal of Honor to the Army Commendation Medal.

It is extremely gratifying to know that the aftermath of the Death Valley Marathon has been to foster the birth of the Vietnam Veterans Marathon Foundation. Plans are already underway for next year's run.

Mr. President, I ask my colleagues to salute the symbolic run of the Vietnam veterans. The participants were: Gary Beikirch, Greece, N.Y.; Bob Cook, Madison, Wis.; John Deacy, Miramar, Fla.; James Donahue, E. Amherst, N.Y.; Gene Gagliardi, Las Vegas, Nev.; Gene Imes, Las Vegas, Nev.; Scott Lyon, Las Vegas, Nev.; Lionel Pinn, Las Vegas, Nev.; Chuck Popelka, Vienna, Va.; Bill Price, Buffalo, N.Y.; Larry Rader, San Diego, Calif.; Robie Stevenson, Rochester, N.Y.; and Scott Whitting, Glen Head, N.Y.●

LAWRENCE, KANS., SUMMIT

● Mr. DOLE. Mr. President, I rise today to draw the Senate's attention to a fine and worthy offer that could have a marked benefit for peace. The citizens of Lawrence, Kans., motivated by the desire to make a practical contribution toward reducing world tensions, have offered their college community as the site for a meeting between President Reagan and General Secretary Andropov. I understand that that early gesture has been marked by successive meetings and practical planning. Clearly the kind generosity of Mayor David Longhurst and the commissioners of Lawrence sets a tone that would bode very well indeed for the summit.

The Senator from Kansas would also like to mention, Mr. President, that the invitation proceeds from the highly successful experience of the Kansas relays, where Russian and American athletes recently competed in track events. Key to the organization of this successful event was the Athletes United for Peace group, whose members have also, I understand, been instrumental in the current Lawrence summit initiative.

In the belief that this effort was worth supporting fully, I wrote in support of it to President Reagan, and I ask that my letter, and the replies which I have received from Assistant to the President Kenneth M. Duberstein and Assistant Secretary of State Powell A. Moore, be included in the RECORD.

Mr. President, cynicism about peace and about summits and their possible achievements is a ready commodity. But I know personally that much can be accomplished through personal initiative and good will. I would hope that something of that Kansas spirit would stay with the participants in a Lawrence summit long enough for a real contribution to a more peaceful world to be made. In the meantime, the offer itself and the hard work that is going forward in Lawrence are praiseworthy reflections of American generosity and concern for peace at their very best.

The material follows:

U.S. SENATE,
Washington, D.C., May 18, 1983.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to endorse the invitation that you have received from the Mayor and Commissioners of Lawrence, Kansas, to meet with General Secretary Yuri Andropov in their community.

Their invitation proceeds from the conviction, which I entirely share, that the warm and friendly Kansas hospitality which all participants in an historic summit could expect in Lawrence would contribute greatly to the summit's success. Clearly the timing for the summit would depend upon many factors, but one of them—the belief that a personal meeting between yourself and General Secretary Andropov would itself generate a more productive atmosphere for peace—is a persuasive argument for an early meeting. I therefore hope that you will be able to meet with the Soviet leader soon, and that you will give favorable consideration to Lawrence, Kansas as the location for the summit.

Sincerely yours,

BOB DOLE,
U.S. Senate.

DOLE RELEASES RESPONSES ON "SUNFLOWER SUMMIT" FROM WHITE HOUSE, STATE DEPARTMENT

DEAR SENATOR DOLE: Thank you for your May 18 letter endorsing the invitation from Mayor Longhurst for the President to meet with Soviet leader Yuri Andropov in Lawrence, Kansas.

We appreciate having your comments and recommendation regarding this very thoughful invitation to the President. I assure you that most careful consideration will be given to this request.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

DEAR SENATOR DOLE: Thank you for forwarding the invitation, on behalf of the citizens of Lawrence, Kansas, for a U.S.-Soviet summit in their city. The President's office referred your letter of May 18, 1983 to the Department of State for careful consideration.

We appreciate the concern of your constituents and their efforts to better the climate of U.S.-Soviet relations. On our part, we have made clear to General Secretary

Andropov that the U.S. will continue to be firm in its response to unacceptable Soviet actions, such as the continuing occupation of Afghanistan. But we are also ready and willing to resolve outstanding problems with the Soviet Union. These points have been and will continue to be transmitted to the Soviet side through the Soviet Embassy here, by our Embassy in Moscow, and in other bilateral fora. Concerning the general question of a future U.S.-Soviet summit, President Reagan has said on many occasions that he would be willing to meet Secretary Andropov, but that this would require careful preparation and the expectation of tangible results.

We are continuing an active dialogue with the Soviets to find opportunities for constructive and genuine progress on specific problems, but we must be realistic. It is likely to be a slow and difficult process.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative and Intergovernmental Affairs.●

DRUNK AND DRUGGED DRIVING

● Mr. HATCH. Mr. President, we as a nation suffer tragedies each day on our highways and in our neighborhoods from drivers who misuse alcohol and drugs. In the last few years, a growing awareness of the carnage caused by drinking and driving has called forth a rapidly developing national consensus that the time is now to get tough on the drunk and drugged driver.

The problems posed have rightfully stirred national outrage among our citizens—and now Congress should enact the Senate joint resolution, sponsored by Senator GORDON HUMPHREY and I, which designates the week December 11-17, 1983, as "National Drunk and Drugged Driving Awareness Week." This week would acknowledge the importance of citizens, business, and Government activity that has been undertaken to deal with this national tragedy. Drunk drivers are finding they no longer can get away with tacit acceptance. Instead they face an increased likelihood of being caught, prosecuted, and punished. Last year I joined Senator HUMPHREY in introducing a resolution designating December 12-18, 1982, as "National Drunk and Drugged Driving Awareness Week." This week proved enormously successful, and I am confident this year's "National Drunk and Drugged Driving Awareness Week" will prove to be as successful as last year's efforts.

Drunk and drugged driving is a national epidemic, transcendent of State boundaries. Drunk and drugged drivers are the leading cause of death and injury on the road. The victims are often innocent drivers, passengers, and pedestrians; no one can safely count themselves immune to the effect of this carnage. Misuse and abuse of alcohol and drugs pose a most serious threat to the economic, social, and emotional health of our society.

About 1.3 million of the 146 million licensed drivers in the United States are arrested annually for driving while intoxicated. But what can we as concerned citizens do?

The greatest protection we have against drunk and drugged drivers are seatbelts. Drivers should buckle up seatbelts every trip and insist their passengers do so.

Report any suspicious driving to the police, especially on the weekends.

Petition local officials to establish task forces to study driving while under the influence (DWI) problems and to recommend necessary local solutions.

We are all potential victims when a drunk gets behind the wheel of a car. The statistics alone offer a grave reminder of the magnitude of this serious problem. Each year 26,000 Americans die and 1.5 million are injured by drunk drivers. The tragedy is even greater when you add the losses suffered as a result of drugged drivers. Society's loss in wages, productivity, medical, and legal costs caused by deaths and injuries in drunk driving crashes exceed $24 billion each year. More than 25 cents of every auto insurance dollar goes to pay for damage done by the drunk driver.

Let me pose some long-range strategies to effectively rid the roads of the driver who drinks.

First, I urge all States to legislate and enforce strict laws against drivers who drink. Statistics show that a large percentage of drunk drivers are or will be repeat driving-while-intoxicated (DWI) offenders. Too many DWI offenders still have their licenses because the laws are too lenient. Too often even repeat offenders are held under court probation or supervision, or plea bargained to a lesser charge.

Second, I support changes in existing drunk driving laws in all 50 States from presumptive level to illegal per se statutes, making it illegal per se for a driver to be in control of an auto when his blood alcohol content is 0.10 percent (B.A.C.) or higher. These per se laws help arresting officers to structure a more reliable drunk driving case. Accurate, scientific tests that measure the percentage of alcohol in a person's bloodstream have proven that hazardous intoxification exists when there is a concentration of 0.10 percent or higher. Half of all drivers killed each year have blood alcohol concentrations in excess of the limit of 0.10 percent.

Third, prevention activities must begin in the home. Families must continue and intensify their efforts to educate their children on the various problems associated with overuse of alcohol and drugs. I would like to commend the grassroot parent's organizations that have so successfully encouraged parents to become role models for their children. They recognize that the key to preventing children's involvement with alcohol and drugs is communication.

Fourth, we must support continued funding of research in alcohol- and drug-related problems to tackle the problems of substance abuse in our country. President Reagan and the Congress has set forth an array of Federal progams to battle the tremendous problems of alcohol and drug misuse. Through continuation of support for the National Institute on Alcoholism and Alcohol Abuse and the National Institute on Drug Abuse, we can better understand the myriad of issues surrounding alcohol and drugs in our society.

Working in cooperation with all States and community efforts to develop and implement their own strategies is the National Highway Traffic Safety Administration (NHTSA), a division of the U.S. Department of Transportation. NHTSA was instrumental last year in coordinating the weekly activities of the Drunk and Drugged Driving Awareness Week. The NHTSA program provides the States and their communities with the latest technology in solving the drunk and drugged driver problem acts as a catalyst to move States and communities into action in an organized and systematic manner; and educates members of society as to the magnitude of the problems and the possible solutions to ultimately significantly reduce the toll of alcohol-related deaths, injuries, and property damage. NHTSA officials stress that "even though drunk driving is a national problem, it can be solved only at the local level."

Let us as a nation briefly pause and remember the victims and their families. But after our solitude, let us then push ahead with renewed vigor to initiate and support any and all action that may end further suffering. Sandy Golden in "How To Save Lives and Reduce Injuries—A Citizen Activist Guide To Effectively Fighting Drunk Driving" writes: "We have to get the word out that we will no longer tolerate drunk (and drugged) driving in our communities and mean it."●

THE AMERICAN POLITICAL SCIENCE ASSOCIATION'S CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. DOLE. Mr. President, I rise today to mark the 30th anniversary of the American Political Science Association's congressional fellowship program. Over the years, the program has evolved from rather modest beginnings to the established program that we see today.

Congressional fellows are chosen through a careful selection process on the basis of merit. They represent a number of different professions. For example, some are political scientists and journalists, and these fellows are selected following a national competition, and receive a fellowship stipened from the American Political Science Association itself. There are also participants who are outstanding health professionals, whose program was first established by the Institute of Medicine, with a grant from the Robert Wood Johnson Foundation. Several international fellows now also participate annually, including this year two West German fellows, as well as a Malaysian journalist and professionals from the Philippines and Sri Lanka, that have been sponsored by the Asia Foundation.

There is particularly rigorous competition for career executive branch officials, who serve as either Federal or foreign affairs fellows. The latter have a special 8-week orientation on "Foreign Policy and the Congress" before entering the congressional fellow program. I have been pleased to welcome a foreign affairs congressional fellow from the State Department, Bill Shepard, as a member of my personal staff this year.

The congressional fellowship program, Mr. President, is bipartisan in the best sense. Fellows serve with both Democrats and Republicans, liberals and conservatives. Usually, a congressional fellow will split his time, serving in both Houses of Congress in turn, often switching the party affiliation of the Member of Congress for whom he works, in the process. Some also work first as a personal staff member, and then later on a committee staff. The variety is there for a productive work experience, a variety as entensive as the backgrounds of the Members of Congress themselves. And through weekly lecture sessions which feature Senators, Representatives, staff members, journalists, and lobbyists, the program insures a broad exposure to the problems of the Congress.

One of the best points about the program, Mr. President, is that nobody places the congressional fellows. Their task has just begun when they have been awarded their fellowships. Then comes the difficult—and, I am sure, in some cases ego-deflating—job of landing assignments. The interviewing process often turns out, though, to be remembered as a particularly valuable part of the fellowship experience.

The payoff for the Congress and the congressional fellows themselves is substantial, Mr. President. For one thing, congressional fellows bring a new and sometimes vital practical dimension of work experience to their congressional offices. The Senator from Kansas hears that a rather substantial library on the Congress could now be put together on the basis of the books that former congressional fellows have written—books that reflect the Congress with greater accuracy and depth for the experiences that their authors have had on the job. There is, after all, no substitute for practical experience to understand the Congress as a living institution. I am told that this greater understanding cuts both ways. When a Member of Congress is tempted to grouse about the way in which his constituent interests have been handled by an executive department, he may also remember a more helpful association with that same department that his office once had through the congressional fellow program.

So, Mr. President, I support this program. It is economical, it is productive, and it works. And after 30 years, there are not many programs of which that can be said. I hope, therefore, that other Senators will join the Senator from Kansas in taking a good hard look at the congressional fellows who will be knocking on our doors next fall. The results can be well worth the effort for both the Senator and the congressional fellow.●

THE REFUGEES ARE COMING

● Mr. KENNEDY. Mr. President, those of us who have closely followed over many years the tragic flow of refugees around the world, and the critical foreign policy and humanitarian issues they represent, cannot help but be dismayed over the administration's flippant and scaremongering comments on the Central American refugee crisis.

Contrary to the President's recent statement, the crisis of refugees from Central America is not a crisis of the future—it is a crisis that is already here, with nearly half a million refugees already displaced within their country or fleeing across borders to neighboring countries.

They are fleeing violence and escalating conflict. A policy of pouring more arms and more military personnel into the region, without engaging in serious diplomatic negotiations to end the conflict, will only prolong this violence and produce more refugees.

If this administration is genuinely concerned over the plight of refugees from Central America, then let it engage in policies that will bring them peace and relief today—not more war tomorrow.

If we are concerned over the flow of Salvadoran refugees to our borders, then let us demonstrate some concern and help for them when they seek safe haven in Mexico, in Honduras, and elsewhere.

Mr. President, it is long past due for us to support regional and international initiatives to assist those countries of first asylum, such as Mexico, to help them cope with the rising tide of refugees that have come from Guatemala and El Salvador.

Last week, the New York Times succinctly stated the issue and, I believe, properly took this administration to task for shouting "the refugees are coming"—which is a cry that "is neither a humane refugee policy nor a persuasive argument for Mr. Reagan's larger policy." I ask that this editorial be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 24, 1983]

THE REFUGEES ARE COMING!

For weeks, officials in Washington have been muttering darkly about a potential tidal wave. Unless the public supports more military spending to combat troublemaking communists in Central America, then watch out: hordes of poor refugees will start pouring in. Now, the muttering is no longer low-level or anonymous. It's coming straight from the President.

If the flood of Southeast Asian boat people was a problem, he says, just imagine what it will be like when the "feet people" start marching north from Central America. That's scare-mongering, and a contradictory sort. The surest way to avoid a refugee tide is to keep it from arising in the first place. The present Reagan policy risks creating more refugees, not fewer.

Some of the portents emanate from the Army. Three weeks ago, The Washington Post reported that an unnamed general has been warning that so many Latin Americans will flee communism that we'd need to recall some troops from Europe to seal our southern border.

The State Department's Refugee Affairs office has been ringing a similar alarm. In a paper dated May 17, H. Eugene Douglas injected figures into the fears. It estimates the refugee potential at 2.33 million. Not 2 million, not 2½ million, but 2.33 million. Such precision means sophistication, and credibility, right? The figure, it turns out, is what you get if you make the dubious assumption that 10 percent of the region's population will take flight.

Such fanning of fears was unattractive at lower levels. But this week, President Reagan joined in. Speaking in Mississippi, he said, "We must not listen to those who would disarm our friends and allow Central America to be turned into a string of Marxist dictatorships. The result could be a tidal wave of refugees—and this time they'll be 'feet people' and not 'boat people' . . . ."

There is some basis for expecting new refugee pressure. Continuing violence has already pushed hundreds of thousands across one border or another. Mexico has just tightened its borders against Salvadorans, Guatemalans and others, using the same logic that the United States uses against illegal migrants from Mexico. An accelerating flow of migrants to this country would strain our law enforcement—and conscience.

The surest way to avoid a refugee tide is prevention, and that means caring about more than military assistance. Arms alone would, if anything, increase the number of refugees. Which side do frightened people typically take? The side of safety. The longer the combat goes on, the more people who will be scared out of their wits, homes and countries.

To shout, "The refugees are coming!" is neither a humane refugee policy nor a persuasive argument for Mr. Reagan's larger policy.●

PRESIDENT REAGAN'S TRIBUTE TO SENATOR JESSE HELMS

● Mr. McCLURE. Mr. President, our colleague, Senator JESSE HELMS, received a remarkable tribute recently from the President of the United States. Speaking at a dinner in the Senator's honor, President Reagan praised his role in standing against great odds to oppose the dangerous and destructive policies of the past. Along with the President, many of us here can say, "We'll never forget how he battled, especially during those first lonely years, to protect our liberties, preserve our family values, and keep America strong." For those who may have forgotten, I recommend the reading of Mr. Reagan's remarks, and I ask that they be printed in the RECORD.

The remarks follow:

REMARKS OF THE PRESIDENT AT A DINNER IN HONOR OF SENATOR JESSE HELMS

The PRESIDENT: Thank you very much.

And, Jesse, from the bottom of my heart, thank you for those wonderful thoughts and words. Now I know why people say, "Let Helms be Helms."

Jesse was in Washington before I arrived. In fact, let me say this straight off. Thanks to Jesse Helms, his friendship and commitment, we can say tonight our grassroots movement is alive, well and getting stronger every month as America strides forward on the road to greatness again.

You've heard that a faithful friend is the medicine of life. Emerson said, "The only gift is a portion of thyself." Well, I happen to know this is true. I know it because Jesse proved it to me. There was a time in 1976 when many people were writing off my candidacy and Jesse Helms didn't. He came to me and said, "Governor, if you would just speak on the issues to the people of North Carolina, I will get that message broadcast and personally send it to every corner of the state."

Well, I did what the doctor ordered—and Jesse really came through. I'll never forget that Saturday before the Tuesday primary. The press was asking only one question: when would I quit the race? We didn't quit and, thanks to Jesse, we won big, big enough to come close and then come back to win it all in 1980.

You don't forget how a man like Jesse cares about you and the people of North Carolina. You don't forget this kind of courage and compassion—like when he helped rescue a fellow citizen's wife from Poland after imposition of martial law, like when he cut through red tape to bring home from China another citizen stricken with a blood clot on the brain, like when he helped a North Carolina woman locate and contact her injured husband serving with the Marines in Lebanon.

We'll never forget how he battled, especially during those first lonely years, to protect our liberties, preserve our family values and keep America strong. There he was, standing day after day to a government Goliath, crying out like a voice in the wilderness. He was a trailblazer who trusted Andrew Jackson's words that, "One man with courage makes a majority."

And gradually, his amendments that had won only 5, 10 and 15 votes were winning 30 and 40 and 50. And bit by bit, he became more than a lonely crusader. He grew into a lionhearted leader of a great and growing army. So, Jesse, we just want you to know the reinforcements are here, the Cavalry is ready, and we intend to march with you until victory is yours on Election Day, 1984.

You know, Sam Ervin, a great Democrat and patriot, said of Jesse, "I admire Senator Helms very much because he's one of the few men in public life who's got the courage to stand up for what he honestly believes. Courage is the rarest trait among public men I know of. Many of them are intelligent, but there are very few of them courageous."

We've seen the kind of courage that Sam Ervin speaks about. Here in Washington, there is great sympathy for practically any scheme to spend more money. But for years, Jesse Helms has been telling the truth—government can only spend what it borrows or taxes away. And working Americans who pay this nation's bills need higher taxes like they need a plague of locusts.

If the liberals in the Congress had their way, the American people would never have received any tax cut—no first year, no second year, no nothing. If we had followed their definition of compassion, the average family of four would be paying nearly $799 in higher taxes in 1983. But they don't have to. With the unwavering support from Jesse, we passed the first decent tax rate reduction for every working American since 1964. I promise you the final 10 percent reduction will go into effect July 1st—and it will be followed by indexing in 1985.

Indexing is an historic reform. It's our promise to every working man and woman that their future will be better than their past. There will be no more sneaky midnight tax increases by a government which uses bracket creep so it can spend, and spend and spend. To pretend that eliminating indexing is somehow fair to wage earners reminds me of Samuel Johnson's comment about the fellow who couldn't see any difference between virtue and vice. Samuel said, "When he leaves our house, let us count our spoons."

If ever there was a litmus test on fairness for the average American taxpayer, indexing is it. Indexing will not help those who are already in the top brackets. It will protect working people from being pushed by inflation into those same high brackets. And that's why I think it's important for the people of North Carolina to know that Jesse Helms has given a rock-solid pledge to defend indexing.

But his likely opponent has already said that it's probably a good idea, this eliminating indexing. So you tell me—who's determined to protect the people's real interests?

You know, there's little figure that I'd like to give here right now because I asked for it the other day. You know, there's some talk about that usual breaking point—$50,000 a year. It's all right to clobber anyone that's making $50,000 or up and it's been that way for many, many years. That's been the sort of dividing line between big money and just ordinary money. But there's been a thing for a number of years, thanks to some people we won't mention here, called inflation. And I got a little curious. How long are we going to keep using that figure? And I said, "Tell me something. Find out for me what is $50,000 a year now as to what it was 10 years ago. Is it still that same breaking point between big money and little?" And do you know how much you have to make today to be where you were at $50,000 10 years ago—$113,850.

So when they start telling you, "We can do something for everybody below $50,000 but not above," you've talking about clobbering an awful lot of people that are out there in the middle income and lower income brackets, trying to send the kids through school and stay even with what inflation has done to them.

Jesse, I hope the good people of North Carolina won't mind if I tell them how effective you've been as Chairman of the Senate Agriculture Committee—the first chairman from North Carolina in nearly 150 years. Without you, there probably would be no tobacco program.

I also want to thank you, Jesse, for your great help in strengthening our foreign policy and standing up for a strong national defense, making America second to none. You and I both know that this debate on defense is about more than deficits and rooting out waste, as important as they are. It's about protecting lives and preserving freedom because that's the source of all our other blessings. What occurred during the last decade when the Soviets raced ahead militarily while we stood still was dreadfully wrong. We believe it's immoral to ask the sons and daughters of America to protect this land with second-rate equipment and weapons that won't work. We can only keep our families safe and our country at peace when the enemies of democracy know America has the courage to stay strong. And Jesse Helms and I intend to make sure they know that.

Jesse is Chairman of the Senate Subcommittee on Western Hemisphere Affairs. He understands that we have vital interests in helping our neighboring countries in Central America. Either we pay a small price now with mostly economic but some military assistance so we can prevent a crisis, or we listen to the do nothings and risk an explosion of violence and millions of refugees on our doorstep later on. Make no mistake—the United States must and will support our friends who are building and defending democracy in Central America. We will not permit dictators to ram Communism down the throats of innocent people in one country after another.

You know, the other day the Soviet paper, Pravda, actually said something I support. It said that peace in Central America is possible only on the basis of respect for the right of each people to choose itself its way of life. Well, I would only add this—that two perfect places to begin are Cuba and Nicaragua where free and democratic elections are not permitted.

You know, to those dictators we say, "Prove to the world your system is legitimate. Prove you're not afraid of your own people. Put down your guns. Permit a free press. Let your people vote." And then we'll see if they truly desire the endless repression and regimentation or the chance for a new life with dignity and opportunity and freedom.

We Americans are blessed in so many ways. We're a nation under God, a living and loving God. But Thomas Jefferson warned us, "I tremble for my country when I reflect that God is just." We cannot expect Him to protect us in a crisis if we turn away from Him in our everyday living. But, you know, He told us what to do in II Chronicles. Let us reach out to Him. He

said, "If my people, which are called by my name, shall humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from Heaven and will forgive their sin and will heal their land."

Jesse understands this. That's why he's worked so hard and will deserve so much credit when two blessed days arrive, finally arrive—the day when we welcome the Lord back into America's classrooms and the day when we protect the life of the unborn child.

Jesse, I know that you feel within you a sense of calm. You have placed your life in His hands. And with your faith, honor, and good works, it is we who can be thankful to say, "Jesse Helms is my friend."

Thank you very much and God bless you all.●

MSGR. BELA VARGA

● Mr. MOYNIHAN. Mr. President, recently the last speaker of the free Hungarian Parliament, Msgr. Bela Varga, who resides in New York, celebrated his 80th birthday.

Monsignor Varga has been distinguished as a Catholic clergyman and as a democratic leader in Hungary. For his ecclesiastical services, Pope Paul VI awarded him with the title of Papal Proto-Notary and for his services in helping escaped French prisoners of war during World War II, President Charles DeGaulle awarded him with the French Legion d'Honeur, the highest order of France.

During the war, Monsignor Varga, at the time a parish priest in the small Hungarian town of Balatonboglar and a Member of Parliament, opened his parish house and concentrated his energies upon helping the unfortunate victims of nazism. To quote the story in Time magazine of February 8, 1960:

> In the dark, early days in World War II, the Hungarian village of Balatonboglar became a haven for hapless victims of the crushing Nazi advance—50,000 Polish officers and civilians, fleeing the Nazis and the Soviets, and later some 2,000 French soldiers who escaped from Nazi Prison camps after the Battle of France. All found a firm, resourceful friend in the pastor of Balatonboglar, a Father Bela Varga, whose church of the Sacred Cross became the center of refugee relief. Others, especially imperiled Jews, got forged documents from Father Varga that enabled them to settle down in Hungary.

After World War II, while democracy was still tolerated by the Soviets, Varga resumed a leading position in the Smallholders Party and became a member of the Presidential Council of Hungary. In Hungary's only free election after World War II, Varga's party won a majority and Monsignor Varga was elected Speaker of the Hungarian Parliament.

In 1947 when Hungarian democracy came to an end, Varga and other Hungarian leaders fled to freedom in the West. Even in exile, Monsignor Varga did not abandon the fight against totalitarianism. In 1948 he founded the Hungarian National Committee in New York with other exiled Hungarian leaders and represented the cause of Hungarian freedom internationally.

Msgr. Bela Varga is still officially the head of the Hungarian committee, although many of the former members have died. He is a leader of free Hungarians, a symbol of Hungarian democracy, Catholicism, and tradition, and a living testimony to the spirit of a nation that continues to aspire to freedom and national independence.

I congratulate Msgr. Bela Varga, on the occasion of his 80th birthday, for his tireless work and devotion to the ideals of Christianity, democracy, and true humanism.●

REPEAL THE FUEL USE ACT

● Mr. COCHRAN. Mr. President, I am pleased to join in cosponsoring S. 512, introduced by Senator NICKLES, to repeal the Powerplant and Industrial Fuel Use Act of 1978, which prohibits the use of natural gas or petroleum as the primary fuel source in new electric utility powerplants and in new major industrial facilities. It further permits the Secretary of Energy to prohibit the use of natural gas or petroleum in any existing major fuel-burning installation.

The Powerplant and Industrial Fuel Use Act was passed at a time when this country was experiencing shortages of natural gas. Residential consumers, schools, and others were faced with curtailments of natural gas supplies. Concerned about maintaining adequate supplies of natural gas for homes and schools and decreasing our dependence on imports of petroleum, Congress responded to that time of crisis by enacting this law.

Today, this law is no longer needed. In fact, it is my belief that it has contributed to the increased costs to consumers of natural gas supplies. Consumers not only bear the cost of an industrial facility's conversion to an alternate fuel, but also the increased transportation costs to the pipeline when its industrial users reduce or eliminate their natural gas take. Residential and industrial consumers are concerned about these increased costs and the governmental regulations that have created this distorted natural gas market. I share these concerns, and I urge my colleagues on the Senate Energy and Natural Resources Committee to act to end these needless prohibitions on the use of natural gas.●

CONGRESSIONAL VIGIL FOR SOVIET JEWS

● Mr. NICKLES. Mr. President, as part of the congressional vigil for Soviet Jews, I would like to bring to the attention of my colleagues the oppressed condition of many Jews in the Soviet Union and of those who have intervened on their behalf. Two such men are Yuri Federov and Alexei Murzhenko who have been imprisoned in the Perm labor camp since 1970 because of their attempts to fly an airplane to Israel. Thirteen years have passed since these men went to prison for this offense. It is difficult for us as U.S. citizens to fully understand the plight of those being denied the right to emigrate and being imprisoned by the Government of the Soviet Union with seemingly no hope of freedom.

Both Yuri Federov and Alexei Murzhenko are suffering from serious illnesses and are being denied proper medical treatment. They have a remaining 2 to 3 years to serve in the labor camp. Naturally, their families fear that these men will not survive their sentences in the Perm labor camp unless they receive immediate attention.

We who live in a country of freedom and opportunity must do all that we can to insure freedom and opportunity for the oppressed. Mr. President, I am sure all the Members will join me in urging the Soviet authorities to release Yuri Federov and Alexei Murzhenko, as well as the many others they are holding as prisoners. I believe it is time for them to be allowed to go home.●

THE RETIREMENT OF CHARLES M. COPLEY, JR.

● Mr. DANFORTH. Mr. President, the retirement of Charles M. Copley, Jr., as commissioner of the St. Louis City Air Pollution Control Section is a milestone for him and for the city he has served so well.

Mr. Copley's important contributions to the improvement of air quality in St. Louis have been recognized nationally and internationally. There remains a big job to do, but the air quality in St. Louis today is vastly improved from the "Black Tuesday" levels of years past. Mr. Copley has had a great deal to do with the improvement.

It is a privilege to recognize the professionalism and dedication of Mr. Copley to the cause of cleaner air. Because of his work over so many years, hundreds of thousands of St. Louisans can breathe easier.●

DECADE OF THE DISABLED

● Mr. STAFFORD. Mr. President, the U.N. General Assembly has declared 1983-92 as the U.N. Decade of Disabled Persons. In conjunction with this international decade, I join my distinguished colleagues in supporting the Senate Concurrent Resolution (S. Con. Res. 22) on the U.S. Decade of the Disabled.

This resolution will reinforce our commitment to this Nation's 35 million disabled individuals by emphasizing, for example, the need for improved access to housing, buildings, and transportation; enhancing the opportunities for employment and to increase the application of technology to ameliorate the effects of disabling conditions.●

ETHIOPIAN FAMINE

● Mr. KENNEDY. Mr. President, over a decade ago a famine swept across Ethiopia, claiming the lives of hundreds of thousands of men, women, and children. At that time, the government of Emperor Haile Selassie attempted to ignore the crisis and to suppress reports about it.

Today, another famine has struck Ethiopia. And once again the Government of Ethiopia—a Marxist regime—is failing to respond adequately, refusing to seek emergency assistance from all quarters, including the United States.

As the RECORD will show, Mr. President, I spoke out strongly in 1973 against the callous policies of the Selassie government. And today we should be no less reticent to express deep alarm over the policies of the government of Col. Mengistu Haile Mariam.

The regrettable difference, however, is in the response and policies of the U.S. Government when clear information on famine conditions has come to our attention.

In 1973 we reacted strongly and positively, and we responded to the appeals of international and voluntary agencies.

Today, this administration is silent. No serious offer of emergency humanitarian assistance has been made, even though the evidence of mass famine has been known for many weeks. And only token response has come to the pleas of the church agencies and others working in northeast Ethiopia.

Mr. President, this is a silence that speaks loudly of a humanitarian policy that is cruelly selective—that picks and chooses between starving men, women, and children. It is a silence that is contrary to every humanitarian principle for which this Nation has stood. And it is a silence that turns our back on our proud history of responding to famine emergencies—no matter on what side of a border or on what side of an ideological line they occur.

My office some weeks ago learned of the urgent appeals of voluntary and international agencies for assistance to avert mass famine in Ethiopia. We have waited for more than a token response—for a serious commitment to join in an international effort to deal with the escalating human crisis in Ethiopia.

I believe it is long past due for us to do what our country has always done throughout our history, and that is to help starving people wherever and whenever we can.

Mr. President, I ask that two important press dispatches from the field, prepared by Jay Ross of the Washington Post, as well as an editorial from today's edition, be printed in the RECORD.

They speak for themselves, and I hope they also speak to those in this administration who have the power to offer America's helping hand to people in Ethiopia—as we did a decade ago.

The material follows:

[From the Washington Post, June 26, 1983]

FAMINE, WAR THREATEN THOUSANDS IN ETHIOPIA

(By Jay Ross)

ADDIS ABABA, ETHIOPIA.—Tens of thousands of Ethiopians, mostly women and children, are threatened with starvation in the next few months in a famine that could become one of the most catastrophic in African history.

Despite urgent appeals for international assistance while there is still time to save thousands of lives, the United States, the world's largest source of surplus food, has virtually turned its back on the potential disaster.

About 50 to 100 children are already dying daily, according to Trevor Page, a United Nations World Food Program official who recently toured areas of northern Ethiopia where the government and relief agencies say 3 million people are affected by drought and 1 million are in dire need.

Most relief officials think that the death toll is likely to increase sharply until the next harvest in November unless foreign donors provide emergency food supplies and massive assistance in transportation to bring food to isolated areas.

Some say the toll could approach the 200,000 who died in the same area a decade ago in Africa's worst famine. Unlike that drought, which Emperor Haile Selassie's government tried to hide, this time Ethiopia's military government has provided ample warning and has sought to organize international aid. These efforts can prevent a major disaster if assistance is provided, officials say.

The relief effort, however, has been made much more difficult by wars that have engulfed Eritrea and Tigray provinces and have spilled over into the other two drought-affected provinces in the north, Gondar and Welo.

Several guerrilla groups have been fighting the central government for the independence of Eritrea for 22 years in Africa's longest war. In Tigray, the region hit hardest by drought, the Tigray People's Liberation Front guerrilla organization claims to have captured most of the countryside in its struggle for autonomy. The Ethiopian government denies the claim.

The intermingling of famine and war has made the Ethiopian drought a classic example on both the domestic and international level of the politics of starvation.

With the government and the guerrillas jockeying for international aid, the Tigray Front has charged Ethiopia with diverting food assistance from the needy—charges that Ethiopia and international aid organizations have strongly denied.

Meanwhile, the United States has virtually bowed out of its customary role of providing humanitarian relief to the starving because of Ethiopia's close ties to the Soviet Union.

This series will examine the politics of starvation and its impact on millions of people in a country where hunger is a permanent fact of life, the only difference being whether scores die or tens of thousands, depending on the vicissitudes of nature.

Relief officials interviewed in Washington, London, Rome, Ethiopia and elsewhere in Africa say the Reagan administration is putting politics ahead of humanitarian considerations.

Ethiopia, the closest ally of the United States in black Africa until a Marxist revolution overthrew Haile Selassie in 1974, is now a firm friend of the Soviet Union, its arms supplier, and host to about 12,000 Cuban troops. The military government in the East African nation is sharply critical of the United States, professes a common ideology with the Soviet Union and shares another Soviet trait—an inability to feed its people without importing food.

A western diplomat said it was clear that the United States was not going to provide major assistance unless others fail to do so.

"There is not much inclination [for the United States] to feed Ethiopians while the Russians arm the country and direct it against the United States," he said.

Most of the emergency food aid has been provided by the U.N. World Food Program, the European Community and individual European nations.

"European countries are quite prepared to differentiate between economic aid needs and humanitarian needs of starving people," another western diplomat said.

In general, that has also been the policy of the United States. The diplomat noted the long-standing tradition of such American humanitarian assistance given despite political considerations, recalling that in the 1920s, under conservative Republican leadership, the U.S. government organized a massive relief effort to overcome a famine in the Soviet Union even while Washington refused to recognize the new Communist government.

Some western donors have pointed out to Ethiopian officials that their Soviet Bloc allies give them very little food assistance.

"You can't give what you don't have," said Shimelis Adugna, until recently the head of the Ethiopian Relief and Rehabilitation Commission.

The Soviet Union, a major food importer, recently pledged to give Ethiopia 9,500 metric tons of rice because of the crisis, almost twice the U.S. total of about 5,500 tons. The current U.S. allocation includes about 4,000 tons distributed through Catholic Relief Services in an annual program that is being eliminated and 1,500 tons of emergency supplies. The most visible aid was the airlift this month requested by the World Food Program of almost 100 tons of instant corn soya milk, used in feeding undernourished children.

[An Agency for International Development spokesman in Washington rejected the criticisms of the U.S. response to the famine in Ethiopia. Besides the responses to Catholic Relief Services and the World Food Program, he said the United States is providing food aid to the refugees who are moving from the area into Sudan. Ethiopia

is "fairly well taken care of with all the other donors," he said, in reference to European and other international programs.]

Shimelis, who worked closely with U.S. officials in setting up an early warning system to prevent famine after the 1973-74 drought, called the U.S. assistance "insignificant" for such a major donor nation.

"To help Ethiopia establish the early warning system and then do nothing about the warnings is illogical, to say the least," he said.

So politically charged is the issue that American Embassy officials refuse to speak for attribution about the U.S. policy except to hand out a release that outlines the limited emergency assistance and says the government "is continuing to monitor the situation."

Most of the U.S. assistance will be provided through Catholic Relief Services, which made the emergency request last December. It took five months for the U.S. government to approve the emergency aid.

Not mentioned in the U.S. Embassy press release is the fact that while the seriousness of the famine was becoming apparent early this year, the Reagan administration cut out of the fiscal 1984 budget an annual relief appropriation of $2 million to $3 million that had been channeled through the Catholic organization for the past several years.

"In the past the U.S. policy has been to give more to favorable countries but not to cut out food aid at times of famine," said the Rev. Thomas Fitzpatrick, Catholic Relief Services director in Ethiopia. "This is the first time our program has been cut out for political reasons, but we are not accepting that the program will remain cut.

"The fact that the program is not in the budget means somebody made a decision against Ethiopia," Fitzpatrick added.

More than 70 members of Congress have asked the Agency for International Development to restore the cut funds and also to respond favorably to a United Nations appeal for $35 million worth of food, transportation, shelter and medicine. So far, AID has not reacted.

A U.S. aid official in Africa pointed out that Ethiopia is the only country among the 39 on the continent receiving U.S. food grants to be deleted from the program.

"It sticks out like a sore thumb," he said as he looked at the list of recipients. "It has almost always been the policy that Title II food aid in emergency situations is apolitical." Under Title II, the United States pays all costs of food aid, including transportation.

The only exception he could think of happened two years ago when the Reagan administration cut off food grants to Mozambique for six months after the government expelled U.S. diplomats and their spouses, accusing them of being CIA agents. Ironically, Mozambique is the number one recipient of direct U.S. food aid under the Title II program this year.

The aid official also pointed out that Title II aid to Africa has been cut sharply from $85 million in 1982 to a proposed $71 million in fiscal 1984, despite widespread drought on the continent and significant increases in transportation costs.

Ethiopia, however, does not make it easy for Washington to give aid. Col. Mengistu Haile Mariam, the country's military ruler, routinely attacks the United States in the harshest terms.

Last September, Mengistu called the United States "arrogant" accused it of using "mercenary proxies in economic sabotage" and said Washington was "arming bandit gangs to pollute peace." In contrast, he said, the Soviet Union "earnestly stands for peace."

Those kinds of remarks and Ethiopia's anti-American votes at the United Nations have particularly irked Jeane J. Kirkpatrick, U.S. ambassador to the world organization.

In addition, the Ethiopian military government has a poor record in the human rights field, coming under criticism in the State Department annual report and from Amnesty International. Many opponents of the government have been imprisoned for years without trial, and thousands were killed in a bloody campaign of suppression in the late 1970s.

"No one in the U.S. government wants to do anything" about the Ethiopian famine, a Washington source said. "They just want the problem to go away because they don't see any political benefits and they don't want to antagonize the lady in New York."

Kirkpatrick, he added, has had "a chilling effect" on U.S. humanitarian policies.

Maj. Dawit Wolde Giorgis, the new director of the Ethiopian Relief and Rehabilitation Commission, made a plea for U.S. help but acknowledged in an interview that help was unlikely to be forthcoming.

"U.S. transportation assistance would save many lives," he said, calling the lack of serviceable vehicles the most serious problem.

There is currently enough grain in the country to feed the drought-stricken people in the north. This is so because the government has released marketed stocks needed later in the year in urban areas. Those stocks are to be replaced by similar amounts of international relief supplies when they arrive.

Supplies in the distribution areas, however, are insufficient because of lack of vehicles and poor roads. Relief officials say the transportation problem is urgent: if the rainy season starts on schedule before the end of the month, it will make distribution all the more difficult for the limited trucks available.

The U.N. Disaster Relief Office has issued an appeal for 100,000 tons of food, 140 trucks and about 75 trailers, which would cost about $35 million. It also called for an airlift, if three planes capable of landing and taking off on short dirt airstrips can be provided.

So far no nation has provided transportation, although the European Community has pledged $500,000 worth of vital spare parts, some to be airlifted, to get disabled vehicles back on the road. The relief commission has almost 300 vehicles to cover a country twice the size of France, but only about 170 are operational.

Ethiopia, Africa's second most populous country with more than 40 million people, "has less roads per square miles than any other African country," a western diplomat said.

About 60 percent of the U.N. appeal for food has already been pledged or sent, a U.N. official in Geneva said in a telephone interview.

"It is disappointing to have the grain and no way to transport it," said Dawit, the Ethiopian relief official, who has a law degree from Columbia University in New York.

Although he was critical of U.S. policy toward Ethiopia, he said the government appreciated a recent U.S. allocation of $900,000 to assist in resettling Ethiopian refugees returning from Somalia, Sudan and Djibouti.

He concluded the interview by saying, "Get us something from the United States."

"Undoubtedly, if the United States pulled out all the stops the effect would be massive because you have the transport, you have the supplies," the European diplomat said.

That will certainly not happen, however, since it would probably go beyond the definition of humanitarian aid. U.S. assistance to the country is legally limited to the humanitarian field because Ethiopia has not compensated American companies that it nationalized in the 1970s.

Page, the World Food Program official heading the relief effort, was philosophical about the U.S. attitude.

"The U.S. has taken the approach that it doesn't like the Ethiopian government so let some other countries bail out Ethiopia. So, if the U.S. doesn't want to bail them out, that's its business. There are other sources for food," he said in Rome.

The possibility that the Reagan administration was using food for ideological purposes was another matter.

"People who are in need of food don't care about Marxism or capitalism," Page said. "They just have empty bellies that need to be filled."

Martin Mock, a World Food Program official in Ethiopia said, "You cannot just close your eyes. If you think, 'Let them die because they are socialists,' then you should say that, or you should do something."

Ethiopia's Marxist line or even its close ties to the Soviet Union, however, are probably not reason enough by themselves for the U.S. reluctance to assist.

Marxist Mozambique has a friendship treaty with the Soviet Union but in this fiscal year Maputo has already received 43,500 tons of free food from the United States valued at almost $10 million, that is, almost twice the amount originally allocated. The southern African country is also in the throes of a serious drought but without the life-threatening dimensions of the drought here.

Mozambique is bound to get more help since the administration announced earlier this month that $25 million in emergency food aid would be made available to 10 southern African nations even while it maintained silence on the pleas to assist Ethiopia.

The Reagan administration is seeking to use the good offices of Mozambican President Samora Machel in its attempt to negotiate the independence of South African-controlled Namibia.

The politics with Ethiopia, however, are all negative. Ethiopia has Cuban troops, provides port facilities for the Soviet Navy and has an alliance with Libya's Col. Muammar Qaddafi, all black marks in the Reagan administration's book.

Ethiopia has paid for its strident anti-American policy. Under Haile Selassie it was one of the leading recipients of western aid. Now it receives about $250 million a year, only $6 per capita, the least amount of any developing country.

Meanwhile, the future of tens of thousands of starving people depends on international aid.

Until the next harvest in November, "there is no possibility of improvement in the food situation without international assistance," said Kokebie Asres, head of early warning and planning services in the Relief and Rehabilitation Commission.

"Warnings were issued in September, October and March, each one a little more frightening," he said. "But as I open my report on responses for the last nine months, I must say it is not very encouraging."

ETHIOPIAN FAMINE CLAIMS CHILDREN FIRST

(By Jay Ross)

ZWI HAMUSIT, ETHIOPIA.—By the time you read this article, Bezuayhe Tesema, a 2-year-old wisp of skin and bones, is certainly dead.

When I saw her at the Zwi Hamusit "shelter" late last month, Bezuayhe weighed less than 9½ pounds and was only 24 inches long. The average healthy American baby usually reaches that weight a month or two after birth and would be three times her weight by age 2.

Suffering from pneumonia, often one of the harbingers of death in childhood malnutrition, Bezuayhe had lost more than 10 ounces since her last weighing two months before. Her tiny ribs protruded against her shriveled skin; her arms were like toothpicks. Flies covered her eyes and almost as much of Bezuayhe's body as her ragged clothes. They also crawled in the cup of milk she was too weak to drink, despite her mother's pleading efforts.

Nutritionist Birtukan Metefiria, of the World Vision International relief team, made it clear that life was slipping away.

Bezuayhe was simply one of the worst cases of malnutrition I saw during a four-day tour of several relief centers here in northern Ethiopia, where tens of thousands of people, mainly women and children, face starvation in one of Africa's worst famines.

She was one of 84 severely malnourished children at the makeshift camp receiving "intensive" feeding in an effort to keep them alive, according to Deneke Wayu, a health assistant for World Vision, a voluntary relief organization headquartered in Monrovia, Calif.

Another 384 children were receiving "supplementary" feeding for a less critical state of malnutrition. Children are put on the intensive feeding program if the circumference of their arms is five inches or less.

Most of the children under 5 in the camp were classified as malnourished, meaning their height and weight are less than 80 percent of the norm.

The situation here at Zwi Hamusit could well be a forerunner of widespread starvation unless massive international food and transportation assistance are provided soon. So far, the food-rich countries of the world have been slow in reacting to repeated Ethiopian warnings that a disaster could be in the offing.

The United States government, despite a tradition of humanitarian aid without political considerations, has virtually turned its back on the starving Ethiopians beccause of their government's strong ties to the Soviet Union.

Ethiopia, although making efforts to organize drought relief, has been slow in arranging transportation and sometimes inefficient in providing available food to the hungry.

If governments continue to hesitate or debate the merits of assistance, however, it seems certain that tens of thousands of Ethiopian children will not live until the next harvest in November. The crisis period is expected to be in October, when people will need more energy to start bringing in the food.

Some starvation is common in Ethiopia, where pockets of famine are an enduring part of life even in years of fair harvests. However, poor rains for two years followed by a disastrous 60 percent decline in precipitation in many of the northern areas last year have made the situation critical.

In a society that normally lives on the margin, drought can push it over the edge.

The burial ground at Zwi Hamusit shows part of the toll so far. Each grave on the hillside is marked by a small pile of stones. The piles are very close together, indicating that most of the deaths have been infants or young children. Tegegne Wobet, a resident of the camp, said about 150 children had been buried there in the past two months.

The reasons for the toll were easy to discern following a walk around the camp, which is 52 miles from the provincial capital of Gonder but almost a full day's trip by four-wheel-drive vehicle.

The dusty, parched camp was set up by the Ethiopian Relief and Rehabilitation Commission with the assistance of World Vision, but it was closed this month because of a guerrilla attack and lack of adequate water resources and supply routes. On an almost treeless plain at 6,500 feet altitude, the camp was one of only two shelters where people living too far from food distribution points were able to settle and receive regular relief supplies.

Many families split up, with some staying at the shelters and others remaining in their highlands villages, so there would be fewer people sharing the meager supplies. What happens to the children left behind, Deneke, the World Vision health assistant, was asked.

"Nobody know," he responded glumly.

Last month more than 2,000 people were living in Zwi Hamusit in primitive squalor, with a few sticks shaped as a hut for shelter, no sanitary facilities, limited water and little food, because the only means of supply, a Twin Otter turboprop plane owned by World Vision, was grounded awaiting spare parts from Canada.

Because food was running out, each person was limited to one cup of grain a day. Too little to grind, it was simply roasted, a method that makes it almost indigestible for undernourished children.

Although he minimizes the possibility of mass deaths, Maj. Dawit Wolde Giorgis, the head of the Ethiopian Relief and Rehabilitation Commission, said he fears that unless international assistance for the transportation problems is provided soon, thousands of people will stream out of the mountains seeking food. "It will take years to rehabilitate them," he said.

With the expected onset of the rains by the end of the month, there were fears that the camps would become centers of epidemics. People were deemed to be better off remaining in their villages and walking out several days once a month to get food at distribution centers, if it can be provided.

After two days of unseasonable rain last month, measles and dysentery swept the shelter at Zwi Hamusit and 10 children died in a week. Seven partially dug wells were destroyed.

The only remaining shelter is at Ibnet, south of Zwi Hamusit, and most of the 5,000 population there last month also has returned to the bush, leaving only about 800 residents.

Although the two sites are 50 miles apart, it takes three hours to drive the distance in a four-wheel-drive vehicle.

They are separated by the Balesa Mountains, whose eerie shapes could be right out of a Hollywood western if it were not for the abject poverty of the people.

The name has a touch of irony: In Amharic, the main language of Ethiopia, *balesa* is a special word for the apple tree in the Garden of Eden. It is hard to imagine any place further removed from paradise than Zwi Hamusit and Ibnet.

A report by Dr. Paul Shears, of the British relief organization Oxfam, outlined the deterioration in nutrition among children at Ibnet between March and May. By May, 12 percent of the children were severely malnourished and 33 percent were moderately malnourished. The corresponding figures in a March survey had been 3 percent and 20 percent.

Shears said the cause of the deterioration was simple: regardless of size, families were given 25 kilograms, or 55 pounds, of grain a month because, without scales, it was easier to divide a 100-kilogram sack into four parts rather than provide each person with the recommended 15 kilos that results in a 1,750-calorie standard daily subsistence diet. A family of four receiving 55 pounds a month would only be getting 750 calories a day per person.

"The situation has deteriorated because of a lack of objective assessment or planning and of relatively inexperienced staff at the field level," Shears said in his report.

It is apparent that the badly stretched Relief and Rehabilitation Commission does not have enough trained personnel in the field to cope.

The director of the Ibnet center is a man of 22 who was equipped with reams of statistics but seemed oblivious to the fact that many people had been waiting three days for food distribution. Grain was stored in the open, subject to rot with the oncoming rains, while bags of Soviet cement dated 1971 were kept in a warehouse.

"What they give us is not enough," one recipient with a family of seven said.

Those arriving at the shelter often said they had to sell their oxen and eat their seeds to survive—thus compounding the disaster for the next season. If they did not sell their cattle, however, the animals would die for lack of grazing before the next rains.

So far, the government has not managed to get seeds and implements to many of the people in advance of the planting season next month.

A man waiting for food distribution said it takes "two days for the strong, three days for the weak" to walk from his village to Ibnet. About two more days will have to be added after the rains because people will no longer be able to ford the rivers.

At the current pace of distribution it will take half a month of walking and waiting for people to get a month's food supply.

The U.N. Disaster Relief Office has appealed for trucks and the use of aircraft capable of landing and taking off on short airstrips to speed distribution. So far, however, there has been no response to the appeals for transportation assistance.

"The only thing to do is to get people out of the camps, because if they stay, they will die," said nurse Vivian Walden of Danish Church Aid before the number of people at Ibnet was reduced to the more manageable total of 800.

Walden said 26 of the 115 children in the intensive feeding center had died. Asked how many had died outside the center, she said, "I don't know but certainly more. We live near a church and there are funerals

every day. I've stopped counting." Children are most endangered because they are the weakest, Walden said. Often the most at risk is the second youngest child in a family, since he or she is no longer being breast-fed.

Under current conditions at the camp, Walden said, "Each family will lose one or two children."

Children in supplementary feeding programs receive *fafa*, a mixture of grain, milk, vitamins and minerals intended to be eaten as porridge. But families are so short of grain that they often use the *fafa* to make the pancake, called *injera*, that is the staple of the Ethiopian diet.

In that form it is difficult for malnourished children to digest and impossible for infants to get enough calories. In addition, it means the child's ration is being shared with adults.

In front of a typical hut, a woman was cooking five *fafa* pancakes over her dung-fueled fire to feed her family of seven for the entire day. She said they never had meat. A sauce to eat with the *injera* was being prepared with "burberrie," a hot-spice, that she had bought in exchange for some grain.

The people were lucky in one sense since water was trucked in from a nearby river. Often village women spend half the day walking to get water. But there was only enough for one to two gallons a day per person, far less than recommended subsistence level in refugee camps.

In Africa, it is rare to hear infants cry because of the attention they get from their mothers, but in Ibnet the sound of wailing, hungry children could be heard everywhere.

Twenty-five miles to the northeast in the village of Quallisa, people were much healthier, according to Anne O'Mahony, a nurse for the Irish relief agency Concern.

By staying in their village they have maintained their independence and thus do not have the defeated looks of those in Ibnet, she said. The people have terraced many of the fields to prevent erosion under a government-run food-for-work program in which they get 6.6 pounds of food for each day worked.

Everywhere in Gondar province, there are plowed, terraced but bone-dry fields awaiting the rains for planting, a testament to humanity's eternal hope that next year will be better.

There are three distribution centers for food north of Gonder, the provincial capital.

At Amba Giyorgis, 25 miles from Gonder, Abahoy Aduna and his two children would wait three days for their 88 pounds of food to take back to his wife and two other children, a two-day walk away.

The need to get food overrides development plans, so Abahoy was missing his literacy classes and his children were absent from the school, only recently provided.

Asked about his possessions, he shrugged and answered that he had no food, no seeds, no oxen, no money and no clothes but the ragged shirt and pants he was wearing. He pointed proudly, however, to a scarf his daughter had made.

Farther north in Debark, Aselef Fanta hoisted a 55-pound sack of grain onto her back and started to set off on a four-day trek into the mountains to bring food to her three children.

She said she was 50 but, shriveled and dressed in rags, she looked at least 70 as she bent under the weight of the sack. She was wearing one rope sandal; the other foot was bare.

She had left her three teen-age children behind in school.

"It is easy for me to bring the food because I am old and do not go to school," she said through a translator.

Her walk would be particularly arduous because she had to skirt the nearby 15,150-foot Mount Rasdajan, Africa's third highest mountain.

For the past two years her crops dried up because of the drought. She said she survives by making clothes and exchanging them for food.

As bad as the current drought is, she said it does not compare with one in 1966 and 1967.

"That was unforgettable. Many people died," she said.

That was a famine the world never heard about.

TRANSPORT DIFFICULTIES STYMIE FOOD DELIVERY IN ETHIOPIA

(By Jay Ross)

GONDER, ETHIOPIA.—The difference between surviving or dying in this year's Ethiopian famine could well depend upon how close a peasant lives to transportation routes and distribution points.

Hugh Goyder, the British Oxfam relief agency representative, described the famine as "an avoidable disaster" if enough food can be delivered to thousands of people isolated from the country's transportation system.

At present there is enough grain in the country, said Hussein Rahman of the United Nations World Food Program. The food offloading capacity of Ethiopia's two ports of Aseb and Mitsiwa is only 500 tons a day, meaning that it would take six months for the country to absorb the 90,000 tons requested by the U.N. Disaster Relief Office unless there is an expensive airlift.

The problem is to get the food to distribution centers near enough for people to travel to them and then return to their villages.

That task is formidable because of lack of transportation equipment and roads. Tens of thousands of those afflicted must walk for many days to get to a distribution center.

In one of the world's poorest countries, the Ethiopian Relief and Rehabilitation Commission faces the mind-boggling job of feeding more than a million widely scattered people.

A few numbers in Gondar administrative region, which is not the hardest hit of the four drought-affected northern provinces, paint a grim picture.

It is estimated that between 300,000 and 500,000 people in the province need food relief but only about 200,000 are being reached at nine distribution centers, according to Adenou Mumuye, the relief commission's director in Gonder.

Last month only six relief commission trucks were in operating condition to deliver food supplies, although some newly repaired vehicles are expected soon. Trailers, which would greatly increase each delivery, are not available. The commission says it needs 10 more heavy-duty trucks in the province.

Two months ago, a commission official said, more trucks were running but there was no food to deliver. Now there is a warehouse full of grain at Addis Zemen, southeast of Gonder and not enough vehicles to deliver it.

"Half a dozen mechanics and some spare parts could do wonders," Rahman said.

World Vision International of Monrovia, Calif., mounted an expensive airlift to the Zwi Hamusit shelter before it was closed. Up to 12 round-trip flights a day by a Twin Otter turboprop plane, costing $600 each, were sent to the camp carrying 1.9 metric tons of food each. The high-cost project, however, was of dubious value because plane breakdowns twice delayed deliveries for long periods. No substitute method of supply was available.

Sometimes a small expenditure can go a long way toward bringing food to thousands of people. Some privately owned vehicles are available in the province but lack of money for the commission and a frustrating government bureaucracy have stalled their use.

Then last month Oxfam appropriated about $11,500 to hire trucks that moved 500 tons of food into the distribution centers over a 10-day period.

That small outlay means that 28,000 people will received subsistence rations for one month, a move that could save many lives.

Similarly, rebuilding a 15-mile road from Nefas Mochas south to Arbagay would mean 25,000 more people could be reached, and another 50 miles of road to Moja to the southwest would feed another 50,000 people, the commission said.

The crude roads, which would only last for one rainy season, would be built by manual labor, employing thousands of peasants who would be paid in food. The commission, however, has not managed to organize the road projects yet.

We just need trucks, we need to get food and we need to get going," a frustrated international relief official said. "But I guess we will have to have a few more study missions before we get that message across."

[From the Washington Post, June 27, 1983]

HELP STARVING PEOPLE

Some 50 to 100 children are already dying daily in northern Ethiopia as the result of a famine that could become one of the worst in African history, Post correspondent Jay Ross reported from Addis Ababa yesterday. This staggering prospect is the product of factors familiar in Ethiopia and many other states in Africa and elsewhere in the Third World. The margin is very narrow in most of those countries. Things must go well for them just to subsist. If even one big thing goes wrong, the price is heavy. In Ethiopia, on top of the usual suspects—poverty, underdevelopment, drought—local wars and the policies of the Ethiopian government have combined to put the country on the brink of an immense catastrophe.

In the wars going on in Eritrea and Tigray provinces, food is a weapon of war. This is especially true of the Ethiopian regime, whose efforts to pry local populations out of their support for rebellion often seem to center on depriving them of food and the means of a normal existence, such as it is.

In the past, Ethiopia turned first to the United States for emergency food aid. But the repressive Marxist regime now in power has cast its lot with the Soviet Union and its clients, Cuba and Libya. These friends of Ethiopia choose to leave it pretty much on its own when it comes to food. Col. Mengistu Haile Mariam, the country's leader, cannot bring himself to interrupt even briefly his political attacks on the United States and to ask for relief for his suffering people. This task has been delegated to

relief officials in his government or assigned to the international relief agencies.

The United States has done relatively little to help Ethiopia meet its growing crisis. Essentially taking the view that the Ethiopian government has made its own choices, the Reagan administration suggests it is up to that government to exhaust all other sources of food aid, European and international, before making further requests of Washington.

We can understand the reason for the United States' giving first call on its available resources to friendlier governments. And there is an irony in the United States' being expected to show more compassion for starving Ethiopians than their own government shows. But it's not as if we were running out of the resources with which to help those desolate people. And surely there is something beyond irony at stake here: there is something desperately wrong when the United States does less than it could to help keep a dying population alive. This country could be especially useful if it were to provide trucks or aircraft to distribute supplies inside Ethiopia, and it could certainly send more food. Whatever the politics, the moral choice is not complicated at all—this country must help the starving Ethiopians and help them now.●

HONORING DOMINIC JACOBETTI

● Mr. LEVIN. Mr. President, the Upper Peninsula of Michigan has been represented by a long line of superb leaders. In recent years, State Representative Dominic Jacobetti has continued that tradition. "The Godfather," as he is known to many, has served his area, and indeed the entire State, for almost 30 years. As chairman of the house appropriations committee in the State legislature, he has never failed to bring home the bacon to his constitutents and support economic development efforts in the region.

On Saturday, June 25, the Upper Peninsula Commission for Area Progress recognized Representative Jacobetti's accomplishments by making him the Upper Peninsula Person of the Year. It is a well-deserved honor. A recent editorial in the Ironwood Daily Globe summarizes his many accomplishments, and I include it at this point in my remarks. I ask it be printed in the RECORD.

The editorial follows:

[From the Ironwood Daily Globe]

"THE GODFATHER" RECEIVES DESERVED HONOR

The Upper Peninsula has contributed many outstanding leaders to the Michigan Legislature through the years. One of them is Rep. Dominic Jacobetti, chairman of the powerful House Appropriations committee.

Jacobetti, the longest serving member of the present Legislature, will receive the well-deserved acclaim of an appreciative region later this month in his hometown of Negaunes. He has been named the Upper Peninsula Person of the Year by the Upper Peninsula Commission for Area Progress.

Jacobetti's service to the U.P. sounds like the record of a renaissance man.

First elected to the state house in 1954, Jacobetti has served on the appropriations committee for 14 years and has been chairman since 1975.

As chairman, Jacobetti oversees the multibillion dollar state budget, including revenue, expenditures and program implementation. In addition, Jacobetti serves as chairman of the governing board of the House Fiscal Agency.

He knows the political arts as few other legislators. He understands the levers of power and has the energy to use them. His knowledge of pending legislation is monumental, and he always knows exactly where he stands and precisely why.

Jacobetti has been legislatively and personally involved in a wide range of issues aimed at benefitting the region and our entire state.

He's been controversial and at times dictatorial. Yet his unflagging commitment to the betterment of the U.P. has been influential in unifying the at-times refactory U.P. region.

Jacobetti has an uncanny perception of the diverse needs of the region and can be expected to bring clear vision of what state government must do now and in the future to contine to efficiently and effectively serve the people.

He seems to do the right thing, to say the right thing, before most lawmakers had even thought about the issue, let alone come to a conclusion.

The tribute is well deserved.●

SCHOOL AGE CHILD CARE BILL

● Mr. CHILES. Mr. President, I am glad to be a cosponsor of the school-age child care bill, S. 1531. This legislation seeks to address an issue that is of growing concern to American families: The issue of child care for the school age children of working parents.

There are at least 13 million children age 13 and under whose mothers are employed full time. By 1990, it is expected that 60 percent of school-age children will have mothers in the labor force. The children of working parents require care and adult supervision during the after school hours before their parents return home from work. Unfortunately, our Nation's existing child care resources are not nearly sufficient to meet the needs of these children. For many families, there are few good, affordable child care options. Many have only been able to arrange inadequate, makeshift care for their school-age children. Some children have only the irregular care of a relative or sitter. Others are under the supervision of older siblings. Over 1.8 million are known to be latchkey children who care for themselves without any supervision. The actual number of latchkey children is thought to be much greater.

The economic realities of today, which dictate that all the adults in a family must work full time, place a great strain upon children who come home to an empty house every afternoon and upon parents who feel uneasy about their child-care arrangements. The Senate Children's Caucus recently held a policy forum on the issue of latchkey children where children talked about the fear and boredom they experience when they are at home alone. Rather than acquiring a sense of independence, children who must care for themselves, or for younger children, may feel overwhelmed by their responsibilities if those responsibilities come too early. Their anxiety is not unfounded. Many children who are unsupervised do find themselves in dangerous or emergency situations. In Newark, N.J., one in six calls received by the fire department involve children at home alone.

Fortunately, the children who spoke before the children's caucus are no longer latchkey kids. They are now involved in after school programs located at their schools. Programs are beginning to appear all over the country which strive to provide quality, inexpensive care for school-age children. Some are sponsored by schools themselves, others by nonprofit organizations that take advantage of school facilities. In after school programs, children are able to play safely with other children under adult supervision. They are able to receive extra help with their studies, lessons, and other learning opportunities they might otherwise miss as the children of working parents. Parents are given the security of knowing that their children are well cared for and safe.

The school-age child care bill would encourage the development of more after school programs by providing $15 million in Federal grants to public agencies and private nonprofit organizations involved in providing child care services in school facilities either before or after school hours. The bill would also establish a clearinghouse to provide information, training, and technical assistance to organizations involved in providing child care services for school-age children and those hoping to establish such programs.

The money that this Nation spends to improve the environment and education of children is well spent. Today's children will literally determine our country's future. The money we spend today in assuring that the needs of children are met will yield an enormous return as those children reach adulthood.

I commend S. 1531 to my colleagues as a bill which will answer a growing need of our Nation's children.●

FOR DEMOCRACY AND HUMAN RIGHTS IN URUGUAY

● Mr. KENNEDY. Mr. President, today marks the 10th anniversary of the coup d'etat in Uruguay—10 years of military rule, 10 years of human rights abuses, 10 years of press closures and harassments, and for tens of thousands of Uruguayan citizens, the

beginning of years of exile from their homeland.

Despite some recent events in Uruguay which appear to point toward the restoration of democracy in that country, I remain deeply concerned with continued abuses of human rights and the serious harrassment of Uruguayan writers, journalists, and editors.

Last April the Committee to Protect Journalists and the PEN American Center sent a delegation to Uruguay to investigate the situation facing journalists in that country. Their report, portions of which I submit for the RECORD at the conclusion of my remarks, gives disturbing testimony that the tentative move toward democracy in Uruguay has not been accompanied by a corresponding relaxation of restrictions on freedom of the press. Indeed, since the announced "transition to democracy" more than 2 years ago, the regime in Uruguay has taken over 35 punitive actions against the press. These actions range from the arbitrary closing of newspapers to the harrassment and detention of writers, journalists, and editors.

As the report convincingly details, many opposition papers have been temporarily closed for periods of 2 to 6 months. La Democracia, a weekly newspaper with ties to the opposition National Party, has alone been shut down five times since its first publication in June 1981. Though some topics forbidden in the past can now be discussed, it is still a criminal offense in Uruguay to criticize any aspect of the Government or any action by military personnel. Papers can be penalized for publishing information about Government policies, police practices, health programs, prison conditions, or social problems, and though there is no prior censorship, the ambiguity of measures related to publications and the threat of closings and detentions encourage severe self-censorship. Such restrictions have a chilling effect on free expression and represent a deplorable limitation of freedom of the press. This is in sharp contrast to the long tradition of press freedom that was so much a part of Uruguay's democratic history—and is particularly disturbing in light of the upcoming general election scheduled for 1984. Freedom of expression and its reflection in a free and open press are essential to achieving the return to democracy so clearly called for by the people of Uruguay in the 1980 plebiscite.

Repression in Uruguay does not stop at temporary closings and shutdowns of the press. Currently there are 1,000 political prisoners in Uruguay who, according to the International Committee of the Red Cross, are held under inhumane and degrading conditions that are bringing about their physical and mental breakdown.

The people of Uruguay desire an immediate return to democracy. The delays, the timetables, the restrictions on the press, and the chilling effects of political classification systems have made a mockery of the return to democracy. The May demonstration—the largest in Uruguayan history, shows how strongly the Uruguayan people demand democracy.

I believe we must continue to speak out for the return of a true democratic government in Uruguay. We must speak out against the torture and the summary shutdowns of opposition papers. We must speak out against the oppression of trade unions. We must continue to denounce the antidemocratic character of the Government of Uruguay until these gross violations of human rights and civil liberties are brought to an end.

We must do all we can to insure that fundamental political and human rights are practiced in Uruguay. This anniversary should inspire us to support the struggle for freedom, democracy, and an immediate return to civilian, democratic rule in that country and throughout the world.

The report follows:

A REPORT BY THE COMMITTEE TO PROTECT JOURNALISTS AND THE PEN AMERICAN CENTER, URUGUAY: DOES DEMOCRACY INCLUDE FREEDOM OF THE PRESS

SUMMARY AND RECOMMENDATIONS

The transition to democracy in Uruguay has not freed the press from repression. While discussion is now allowed of some topics forbidden in the past, newspapers continue to be closed frequently, and journalists are still detained and harassed.

Uruguay's press remains fettered in various ways. Decrees make it a criminal offense to:

Refer to the military regime as a dictatorship;

Attack the morale of the military, an offense that includes criticism of any aspect of the government or any action by military personnel;

Provoke contempt for the nation or its authorities;

Divulge false notices that could cause public alarm, threaten order, or prejudice national economic interests or credit;

Apologize for wanted, tried or condemned persons when that implies an indirect apology for their crimes; and

Attack moral values and the sanctity of the home.

Penalties may result from the publication of information about, among other matters, government policies, police practices, prison conditions, health issues, security operations, the activities of the military, economic policies, proscribed political leaders, disappeared citizens, social problems, crime and suicide.

There is no prior censorship, but the ambiguity of measures related to publications and the threat of closings and detentions encourage severe self-censorship.

The government's sophisticated system for classifying citizens deemed a threat to the state chills sources and limits access to information.

The government can use economic levers against the press, partly because it places much of the advertising in the nation's daily newspapers.

Virtually all professional associations and unions of journalists are banned. Recent efforts to set up an independent press organization were severely repressed.

At least 15 journalists seized since the early 1960s remain in prison; two of these were jailed after the transition was announced. Several hundred journalists have fled into exile; some were among the more than 100 Uruguayans who were murdered or "disappeared" in Argentina.

Limited discussion occurred in the press during the campaign preceding the plebiscite for the military-sponsored constitution, but several newspapers were closed for overstepping boundaries that had been left undefined. In the two-and-a-half years since, there has been a rash of newspaper closings and detentions of journalists.

Transition plans include no provision for the liberalization of press laws or for the release of imprisoned journalists.

Therefore, it is the recommendation of the Committee to Project Journalists and PEN American Center that

The government of Uruguay should lift all restrictions on the press, restoring to it the rights and privileges enjoyed under Uruguay's democracy prior to 1967.

The government of Uruguay should grant freedom and amnesty to all imprisoned journalists and immediately lift sanctions on those journalists currently subject to other restrictions.

The government of Uruguay should grant the press access to government meetings, forums and debates, and the right to report fully on these activities.

The government of Uruguay should end the proscription of the newspaper guild and accord journalists the right to form professional organizations.

The government of Uruguay should assure that journalists have access to professional training based on the principle of democratic standards and ethics.

The U.S. government should encourage the restoration of a free press and vigorously oppose all forms of repression against journalists in Uruguay.

The U.S. government should step from behind its stated policy of "quiet diplomacy" and be consistent in its Latin American foreign policy so that it vigorously protests rights violations of press freedom and other human rights in one country as it does in another and thereby make clear its commitment to those democratic ideals that are the foundation for a well-informed, enfranchised citizenry.

RECENT GOVERNMENT ACTIONS AGAINST THE PRESS

The approach of a new decade, and the proposed return to civilian government, brought a promise of change. With the setting of a timetable for approving a new constitution and holding elections, it seemed that press restrictions would be loosened as well. The only opposition publication, La Plaza, founded in November 1979, was allowed to appear during the 1980 plebiscite campaign. Press debate on the constitutional plebiscite was allowed in the 29 days preceding the vote, but all of the big dailies supported the military's proposed constitution. Some smaller papers, however, were closed for overstepping undefined boundaries.

However, a government-authorized television and radio debate on the plebiscite raised hopes for renewed freedom. And

after the plebiscite, a liberal faction of the Colorado Party started Opinar. Other publications followed: Carreo de los Viernes, also representing the Colorado liberals; La Democracia, voice of the liberal wing of the Blanco Party; Opcion, speaking for the Christian Democrats; Busqueda, a conservative economic weekly; and El Dedo, a magazine of political satire. Some daily journalists became bolder in their questions and commentaries. The Socialists or other groups on the left, however, remained without a voice.

Enrique Tarigo, editor of Opinar, observed, "The government says that this is a period of transition and that they will gradually lift restrictions. We say that by now, half the time has passed, and they haven't lifted any of the restrictions on the press."

Most journalists believe that the government is continuing its harsh controls over the press in order to control and limit the "opening." Dailies must still present the names of new employees to the police. DINARP, the National Office of Public Relations, still calls jounalists with instructions about what to write and what to spike. Dozens of incidents of arbitrary harassment, threats and closings have occurred since the transition to democracy began.

Still, there have been some improvements. Luis Hierro, deputy editor of Opinar, said that "between 1973 and '78 or '79, the dailies could say practically nothing. Then the weeklies appeared. Now one says much more than three or four years ago—and yet today there are more closings than before."

The publications closed and harassed since 1980 include some of the best in the country. Many are political weeklies seeking to expand the margins of acceptable debate. A chronology of the more serious actions follows.

CHRONOLOGY

November 1980: Radio Carve barred from broadcasting news for 48 hours.

November 1980: Editor of La Nueva Idea, a daily, detained for more than six hours.

April 1981: Luis Antonio Hierro, deputy editor of Opinar, a weekly, jailed for 17 days.

April 1981: Opinar closed for four editions.

September 1981: La Democracia, a weekly, closed for four editions.

October 1981: La Democracia, a weekly, closed for eight editions.

October 1981: Opcion, a weekly, closed for four editions.

January 1982: La Democracia closed for eight editions.

March 1982: Ramon Diaz and Danilo Arbilla, editors of Busqueda, a weekly, detained for questioning.

April 1982: Opcion closed for eight editions.

May 1982: La Plaza, a monthly, closed for eight editions; later closed permanently and its editors placed on trial.

July 1982: La Democracia closed for 24 editions; two editors placed on trial.

July 1982: La Razon, a weekly, closed for eight editions; later permanently closed.

August 1982: Julio Sanguinetti and Walter Nessi, editors of Correo de los Viernes, a weekly, detained.

August 1982: New trial against editor of La Democracia.

September 1982: La Democracia editor Alberto Zumaran jailed for nine days and stripped of political rights.

September 1982: Accreditation of El Dia journalist assigned to cover the Council of State withdrawn.

October 1982: Opcion closed permanently.

January 1983: Police interrogate Opinar journalists.

January 1983: Busqueda closed for five editions.

January 1983: Official "suggestion" that reports by various publications on the unhealthy state of Montevideo beaches not be published.

February 1983: El Dia editor and journalist placed on trial after 14-hour police grilling.

February 1983: El Dedo, a monthly, closed permanently; editor placed on trial.

March 1983: Radio Carve threatened by court action.

March 1983: Lealtad, a monthly, closed permanently.

DETENTIONS

There are currently almost 1,000 political prisoners in Uruguay. Despite the "opening," no move has been made to lessen any of the sentence of the 15 journalists in prison. Furthermore, the military is firmly opposed to a future amnesty for political prisoners.

The delegation was not given permission to visit any prisoners.

The International Red Cross, after its 1980 prison visit, said the prisoners were held under inhumane and degrading conditions aimed at bringing about their physical and moral breakdown. Following unofficial release of the report, Red Cross visits were barred until April 1983 when representatives of the organization were admitted back in.

Amnesty International reports the common use of torture and psychological abuse of prisoners.

Prisoners' relatives told the delegation of continuing abusive treatment, including the restriction of all speech, frequent prolonged solitary confinement, torture and systematic prison cell "inspections," during which guards literally tear cells apart, destroying family pictures and the few possessions and food supplies prisoners have been allowed to receive from the outside. Bedding is often left wet and unusable.

Three immediate family members are allowed to visit twice a month for 45 minutes. No private conversations are allowed; a guard is present at all times, and conversations are recorded. Visitors talk by telephone to prisoners seated behind glass or converse through a screen. Children under 13 may visit once a month, alone, for 45 minutes. Families say no physical contact is allowed except with children under two.

The delegation requested information about the imprisoned journalists from Major Juan J. Sosa, director of the Central Office of Information about [Imprisoned] Persons. He discussed several of the cases and agreed to mail information about the others. He maintained that jailed journalists were imprisoned for criminal, not political, activities.

Released prisoners, prisoners' families and human rights groups, including Amnesty International, report that prisoners have great difficulty obtaining medical care, cannot discuss their cases with doctors, and are forced to take medication distributed by untrained prison authorities. Sosa, however, praised the medical treatment provided prisoners, saying that they were taken to the best military hospital.

Prisoners are allowed little reading material; everything is censored by authorities. Philosophy, economies, psychology, physics and social and political science are forbidden subjects. Prisoners are not allowed to speak or leave their cells except for a one-hour recreation period. Even these rights are arbitrarily and regularly cut off. All mail is censored and frequently withheld.

The imprisoned journalists are:

Jaime Daniel Aljanati Beneditto (mid-20s), a correspondent for Noticias Aliades, a socialist magazine. In 1981, he returned to Uruguay from Peru, where he was living in exile and working as a sociologist, and was charged with "meeting with groups to commit crimes" because he had with him some reports about economic and social conditions in Uruguay.

Elsa Altuna Fernadez (66), former president of the newspaper guild, was kidnapped in Buenos Aires in 1976, kept "disappeared" for two years and then officially arrested in Uruguay on charges that included "subversive association" and "conspiracy against the constitution."

Helvecio Bonelia Arias (60s), a member of the last board of directors of the newspaper guild, was imprisoned, released, then arrested again in 1981 for trying to organize a new journalists organization. He was charged with "subversive association" and "attacking the constitution."

Jose Ruben Bottaro Giordano (early 50s), a member of the board of the newspaper guild and a writer for various left-wing newspapers, was arrested in 1972 on eight charges including "conspiracy against the constitution" and "delinquent association".

Miguel Carvajales, a photographer and journalist, worked for several papers, including the daily Ya.

Hiber Conteris (49), a journalist and playwright, was correspondent and editor for Marcha and won numerous international writing awards. A former Methodist minister, he was arrested on his return to Uruguay following attendance at a Christian Peace Conference meeting in Czechoslovakia. He was severely tortured.

Ester Gerber (mid-60s) wrote mostly for women's magazines. The government says it has no record of her.

Sigifrido Guridi Rodriguez was a journalist for El Diario and La Mañana and was on the board of directors of the press association.

Rita Ibarburu de Suarez (66), editor of Nosotras, a women's magazine, and editing secretary of Estudios, a Communist Party publication, was arrested in 1975 for "subversive association." She has been severely tortured and suffered a heart attack in 1978 and a stroke in 1981, which left her partially paralyzed.

Francisco Laurenzo Pons (35), a cartoonist for Marcha, was first arrested in 1973 and, after severe torture, released. In 1976 he was denounced on radio and television as a wanted communist. He lived underground for two years, then was arrested in 1978 and charged with "subversive association." He suffers from general ill health and, since 1979, a recurrent kidney infection that causes him almost constant pain and fever.

Lazaro Carlos Maman Ganone (42), a movie and theater critic for a radio station, was arrested in 1973 on eight charges, including Subversive association" and "conspiracy."

Jose Jorge Martinez (late 40s), deputy editor of El Popular, professor of economics at the University of Montevideo and author of The Banking Web, a book about the relationship between North American and Uruguayan banks, was arrested in 1975 and accused of publishing clandestine newspapers opposed to the military government.

Margarita Michelini (mid-20s) worked with her father, former Senator Zelmar Michelini (later murdered in Buenos Aires), on Hechos, a magazine he published. When the magazine was closed in the last 1960s, she worked for several publications on the left.

Hermino Osorio, a member of the National College of Journalists, was imprisoned in 1977.

Jose Posamay, worked as a cartoonist and graphic designer for several publications.

THE ROLE OF THE UNITED STATES

The 1973 coup, coming in the wake of growing anti-American sentiment in the southern cone, did not seem to displease the U.S. government. And, in its aftermath, charges surfaced tying the U.S. to the increased repression in Uruguay. Ernest Siracusa, U.S. ambassador in Montevideo at the time, was implicated in coups in Honduras, Guatemala, Peru and Bolivia. The Uruguayan congress accused the U.S. of helping establish a military death squad. And the U.S. Office of Public Safety, a division of AID, sent police experts to Uruguay and brought Uruguayans to the United States to study anti-terrorist techniques.

The Nixon and Ford administrations defended the Uruguayan government, continued to request military aid for it and argued before congressional committees that military rule in Uruguay was a temporary but necessary phenomenon in the fight against subversion. Congress' decision to cut military assistance in 1976 was strongly opposed by the Ford State Department.

American policy changed dramatically under the Carter administration. It ended U.S. aid to Uruguay because of human rights violations, even though there was then no congressional requirement for human rights certification. Jorge Batlle, leader of the Colorado Party, told the delegation, "All around the world, the Americans appear as champions of slavery and colonialism. Carter was the first one who changed that image. If you ask anybody in the streets what they think about the Carter government, they will say the Carter policy was good for us and for democracy all around the world."

Uruguayans still highly praise John Youle, political officer in the U.S. Embassy there under Carter. A leader of the National Party told the delegation, "John Youle was a great official. We went to him, and he intervened. In Libertad Prison, they were torturing a man. We told Youle. After the next visit, the family came to tell me the conditions of the prisoner had improved. When Youle left the embassy, we gave him a plaque in recognition of his services." Some Uruguayans felt differently. Before he left, Youle was attacked by thugs who tore a tendon in his shoulder, causing him permanent injury.

On taking office, President Reagan changed U.S. policy toward Uruguay once again, announcing that the United States would not withhold approval for loans from the Inter-American Development Bank or the World Bank to Urguay, Paraguay, Chile or Argentina, which, he said, were no longer considered gross violators of human rights.

The U.S. State Department's annual human rights report noted that the Uruguayan government had made 100 "national security" arrests in 1982, an increase over 1981. However, embassy staff have stopped pressing Uruguayan authorities on human rights violations. Opposition leaders, once welcomed at embassy functions, are now excluded.

Enrique Tarigo, a leader of the Colorado Party and editor of *Opinar* said human rights efforts are carried out by the International Red Cross and by European diplomats, "who visit jails and talk to prisoners and show the government that they are being watched."

John Graves, public relations counselor at the U.S. Embassy in Montevideo, told the delegation that the U.S. had sent critical notes to the Uruguayan government after incidents of press closings and said copies were available from the State Department. However, Paula Kuzmich, public affairs officer for the State Department's Bureau of Human Rights in Washington, said she knew of no public statements by U.S. officials about freedom of the press in Uruguay and that private communiques could not be released.

The U.S. administration takes credit for the announced opening to civilian rule. In May, Assistant Secretary of State for Human Rights Elliot Abrams said at a seminar sponsored by the Woodrow Wilson Center in Washington, D.C., "All the Carter administration did produced nothing; but now, there's going to be a return to democracy." He said, "We've got a better policy, because it works and what counts is not standing up and making speeches or inviting people to July 4th."

But there is a consensus among many of the people the delegation interviewed that the United States has significantly backed away from the defense of human rights. Batlle said the military was very happy at President Reagan's election. "When Carter was defeated, the commander-in-chief of the navy said, 'Finally, this devil is leaving the American government!'" He said the military was pleased by the appointments of General Vernon Walters as a roving ambassador to Latin America and of Jeane Kirkpatrick as ambassador to the United Nations.●

U.S. RELATIONSHIP WITH NATO AND JAPAN—SHARING THE BURDENS OF THE COMMON DEFENSE 1983 BURDEN-SHARING REPORT RELEASED

● Mr. LEVIN. Mr. President, this afternoon the Defense Department is releasing the unclassified version of the report on allied commitments to defense spending for 1983. As author of the statutory requirement for this annual report on defense burden sharing, I would like to comment on its findings.

As the United States continues its struggle toward economic recovery, it is both understandable and appropriate for American taxpayers and their elected representatives in the Congress to question increasingly whether this Nation is paying a disproportionate share of the common defense burden. These questions, and the pressures to encourage our allies, especially Japan, to increase significantly their mutual defense contributions, only will become more intense in the future.

There are great complexities in measuring the contributions to the common defense by ourselves and our allies. Major differences in the manner in which each of these nations structures and maintains its defense establishment and disparities in exchange rates and other economic measures of input, are but a few of these. Contributions may be more easily identifiable and direct, such as the size of a nation's annual defense budget; or they may be more subtle and indirect, such as the provision of land for military bases. However, when all is said and done, I believe that an examination of what nations have formally committed to doing for the common defense, in comparison to what they actually are doing, is a most useful way for Congress to assess relative burdensharing efforts.

In the case of our NATO allies, this commitment is represented by the solemn promise each member of the North Atlantic Alliance made in 1978, and reaffirmed yearly since then, to increase annually its defense budget by 3 percent after inflation and to undertake many initiatives in the long-term defense program (LTDP). With Japan, this commitment is embodied in the policy established in May 1981, by the government of then-Prime Minister Zenko Suzuki, that Japan would defend the air/sea lines of communication out to 1,000 miles from its home islands as part of its responsibilities under the Treaty of Mutual Cooperation and Security between our two countries. That commitment was forcefully reaffirmed earlier this year by the country's new Prime Minister, Yasuhiro Nakasone.

Measured against their commitments, the burden-sharing performance of our allies is, at best, mixed. At worst, especially in the case of Japan, it is both extremely disappointing and worrisome. There have been a few positive developments, but these have been more than offset by much more negative trends and occurrences. For example.

On a positive note, in 1982, the Federal Republic of Germany agreed to provide 93,000 reservists under the wartime host nation support program to perform essential stevedore, transportation, runway repair and other service functions for U.S. troops dispatched to Europe during mobilization. In 1983, NATO defense ministers approved a $500 million increase in the infrastructure program to fund important military construction projects benefiting all the allies. There have been positive developments in the contributions of our NATO allies to compensate for added American responsibilities for our mutual defense in the Persian Gulf/Indian Ocean, including direct contributions by the United Kingdom, France, and more recently Italy, through joint planning projects and force deployments to the region.

On the other hand, West Germany has refused to provide additional per-

sonnel for the peacetime host nation support program and has prevented meaningful progress in negotiations for satisfactory and equitable cost-sharing for the master restationing plan to redeploy American troops closer to the invasion corridors from East Germany. The Federal Republic also has refused to train and equip an additional 80,000 reservists to help defend its territory should American soldiers be redeployed for Southwest Asia duty. NATO's agreed to increase in infrastructure funding was only about half the amount recommended by the alliance's military committees and supported by the United States.

NATO's most disturbing burdensharing development was the persistent failure by most allies to keep consistently their commitment to increase annual defense spending by 3 percent after inflation, I will comment at length about this failure in a moment.

In the case of Japan, the forceful words and leadership on defense matters displayed by the new Prime Minister, Yasuhiro Nakasone are welcome. His statements during both his initial visit to the United States last year and during the recent Williamsburg economic summit stand in bold contrast to the vague formulations about Japan's defense responsibilities usually delivered by his predecessors. However, after the disappointing increases in Japan's defense budgets during the past 4 years for which Mr. Nakasone can only be held partially responsible for one, Japan is long overdue to back up her commitments with the commensurate financial resources. The magnitude of the forces Japan needs to develop to fulfill its 1,000-mile self-defense commitment is substantial. Unless Mr. Nakasone demonstrates a recognition of this by providing significant real increases in defense spending in 1984 and succeeding years—increases averaging 10 to 12 percent in real terms—the American people will be forced to conclude there is no difference between the new Prime Minister and his predecessors, and that Japan remains a nation unwilling to meet its solemn, sovereign commitments.

I also will address Japan's dismal burden-sharing performance, and the magnitude of the security tasks before it.

NATO'S 3-PERCENT COMMITMENT

Since 1978, when the 3-percent commitment was undertaken by the heads of government of NATO member nations, only the United States and Luxembourg have kept that promise each year. Three of NATO's richest nations—Denmark, Norway, and Belgium—have never achieved such annual real growth, and in any 1 year, at least half of the NATO membership has failed this basic test of political and military will.

Moreover, latest information from the Defense Department in testimony and in the 1983 burden-sharing report shows a deteriorating trend. The weighted average increases for all non-U.S.-NATO nations combined has steadily declined annually since 1981 and is expected to reach a new low; 2.2 percent in 1979, 2.7 percent in 1980 and 1981, 1 to 1.6 percent in 1982, and 0.7 to 1 percent in 1983. Besides those relatively prosperous nations already mentioned, the Federal Republic of Germany and the Netherlands showed particularly poor defense spending efforts in 1982.

This unhappy situation must be changed. In this regard, I should like to underscore the recent statements of U.S. Assistant Secretary of State for European Affairs, Richard R. Burt:

• • • Europeans cannot choose when they wish to enjoy the fruits of alliance and when they do not. There is room for disagreement and difference within the alliance but not for selective commitment.

JAPAN'S COMMITMENT AND THE TASK BEFORE HER

Japan's extremely disappointing burden-sharing performance has been highlighted by particularly strong testimony before our Armed Services Committee and by unsettling information contained in the latest version of the burden-sharing report.

Simply quoting this testimony and appropriate excerpts from the burden-sharing report can leave no doubt in the mind of any American or Japanese citizen, that Japan has failed to meet even its earlier commitments under the Treaty of Mutual Cooperation and Security, to say nothing of how much it must improve its present forces just to be able to carry out the 1,000-mile air/sea lane defense policy.

As it has in each of the two previous reports, the Defense Department declared:

Japan, the non-NATO country included in this report, ranks last or close to last on all the ratio measures surveyed and, thus, quite clearly appears to be contributing far less than its fair share.

For the first time, the report contains a severely critical assessment of Japan's past and present defense efforts, including the fact that that nation's adequate self-defense goal has never been achieved, even though it was formally adopted as national policy 27 years ago:

Despite sometimes impressive annual growth-rate in defense spending (almost 8 percent average real growth rate in the 1970s and at least 3 percent real growth in the 1980s), Japan started from a very low base and has never been willing to address defense expenditures from the point of view of actual requirements. The 1983-1987 Mid-Term Defense Plan (MTDP) is a good example. Japan's Ground Self-Defense Force has obsolete equipment. Its Ground, Maritime and Air Forces all have only token levels of ammunition, making them unable to sustain themselves in combat and therefore unable to defend Japanese territory against any serious incursion. The Air and Maritime Forces are too small to provide for defense against the large air threat which proximate Soviet Far East Forces pose and to protect the sea-lanes to 1,000 miles, respectively. The latter mission was put forth by Prime Minister Suzuki as national policy in 1981 and has been reaffirmed as such by his successor.

Until the advent of Prime Minister Nakasone's Cabinet in late November 1982, the government of Japan maintained that the MTDP would allow Japan to accomplish the goals of the 1976 National Defense Program Outline (NDPO). Any plan for review of that program's adequacy was denied. Ironically, the MTDP itself states that the world situation has greatly changed since 1976 and the international situation has seriously worsened. The 1976 NDPO did not address the serious issue of sustainability of Japan's defense forces; the requirement for sea-lane defense protection, and has otherwise also grown seriously out of date. The new Prime Minister has clearly affirmed the Japanese people's strong concern over the growing Soviet threat, whereas his predecessor shied away from doing so, less Japan be compelled to act.

The goal of adequate self defense was formally stated as Japan's national policy in 1956, but is yet to be achieved.

Separate testimony before our committee by senior U.S. civilian and military officials confirmed that, despite previous positive-sounding declarations from the executive branch, Japan's present self-defense improvement plans are hopelessly out-of-date and its 1982 and 1983 defense budget increases "were disappointing, despite their relatively large size compared to the increases of other Japanese ministries and agencies." After delivering the preceding evaluation, Assistant Secretary of Defense (International Affairs) Richard Armitage said this about the current Japanese 5-year defense plan:

The 1983-1987 Mid Term Defense Plan aims to accomplish the goals of the 1976 National Defense Program Outline which the U.S. judges to be outdated. The 1983 budget puts the Defense Agency behind schedule in achieving the 1976 levels. The 1983 budget does create slightly larger force levels, but the rate of progress is not adequate.

The commander-in-chief of all U.S. air, land, and naval forces in the Pacific region, Adm. Robert Long, USN, confirmed to the committee that Japan's 1983 defense budget increase actually represented the following negative developments:

Procurement of fewer F-15's for homeland air defense than were in both the 1982 and 1980 Japanese defense budgets, when an even lower percent of a lower GNP was devoted to defense;

Fewer major aircraft procured than in both 1980 and 1982; and

Lowest number of ships to be procured in the last 4 years.

After reviewing these statements, it is clear that Japan should accelerate its efforts to increase its contributions toward the common defense and to de-

velop the self-defense capabilities to keep its 1,000-mile commitment by deploying fully sufficient forces by 1990, at the latest.

As Assistant Secretary Armitage, stated, "Significant budget increases would be necessary to achieve the requisite capability by 1990." Japan would have to increase defense spending annually by about 10 to 12 percent after inflation for the remainder of this decade to accomplish this necessary task. Such increases would raise the portion of Japan's gross net product devoted to defense from 0.9 percent now to well over 1.5 percent annually. To achieve the capabilities to defend the air and sea lanes out to 1,000 miles, Japan would have to add the following, and other, forces to its present forces and to those improvements contained in the now-outdated 1976 program:

What Japan needs to add to achieve capabilities to defend self and sea-lanes of communication out to 1,000 miles—to present forces as to 1976 program:

Three to four squadrons with about 100 more F-15's as to same.

Six to eight squadrons with about 200 more F-15's as to same.

Two squadrons with 8 to 10 AWACS equivalent aircraft and 10 to 14 KC-10 equivalent tankers as to half this capability.

Three to four squadrons with 60 to 90 jets as to same.

Three to seven SAM groups with/improved HAWK and Patriot missiles as to same.

Ten to twelve subs or 8 to 10 subs.

About 20 frigates or destroyers as to frigates/destroyers.

About 130 high performance P-3C aircraft to replace entire existing force as to about 50 P-3C's.

Twenty-five thousand active plus about 30,000 reservists as to same.

Thousands of tons of ammo. Thousands of mines torpedoes, air-to-air missiles.

Mr. President, it is time for the executive branch to better delineate the direct role U.S. forces stationed in Japan have in the defense of that nation's territory, as opposed to the role these forces play in helping defend other Asian nations whose security is viewed as important to the United States. Congress should gain a better understanding of whether possibilities exist to limit the growth in the deployment of U.S. forces to Japan without negatively affecting our own security and that of other Asian nations allied to the United States. Congress should begin focusing, in the future, on the question of whether the force levels in Japan are appropriate for defending U.S. interests or whether they are contributing more to defending Japan alone than to maintaining our mutual security interests.

The patience of American taxpayers toward Japan's continued failure to contribute equitably to the common defense has been stretched close to the breaking point. The Senate's unanimous approval late last year of Senate Concurrent Resolution 46, which I authored, is a prime example of this. I hope that annual Japanese defense budgets reflect a recognition of this before more drastic legislative proposals are forthcoming.●

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders are recognized under the standing order, that there be special orders granted to the Senator from Washington (Mr. GORTON), and the Senator from Pennsylvania (Mr. SPECTER) for not to exceed 15 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SMALL BUSINESS ACCESS TO FEDERAL PROCUREMENT INFORMATION — CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 272 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 272) to improve small business access to Federal procurement information, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 23, 1983.)

Mr. WEICKER. I am delighted that the Senate is today considering the conference report to S. 272, and I would like to congratulate Senator PRESSLER on bringing this bill to this point. This is his first bill as a member of this committee, and I compliment him on the fine work he has done in its behalf.

Briefly, the purpose of the bill is to improve small business access to Federal procurement information by changing the procedures for advertising in the Commerce Business Daily (CBD). S. 272 seeks to guarantee small business contractors their fair share of the Federal procurement dollar by establishing statutory time limits for publishing advance notice of government contracts and for bidding on them. This legislation also revises many of the current law exemptions from advertising in the CBD and addresses a longstanding need to make sole source contracting a more accountable process.

Mr. President, I would like to take this opportunity to point out the key differences between the Senate-passed version of S. 272 and the conference report on the bill. Let me just say, that while the bill does differ in several areas, the major provisions of this legislation are still the same. I wholeheartedly support the conference package before us today and urge my colleagues to do the same.

S. 272 basically restates existing law (Section 8(e) of the Small Business Act) concerning the publication of proposed procurement actions in the CBD. That law empowers the Secretary of Commerce to obtain and publish all proposed competitive and noncompetitive procurements for property, supplies, and services.

The House conferees receded to the Senate language which establishes a uniform threshold of $10,000 for such notices. Current law requires that military procurements in excess of $10,000 be synopsized, while the threshold for publication of civilian procurements has been $5,000 and over. The conferees believe that $10,000 is a proper threshold, but that any higher threshold would be totally unacceptable.

The Senate Committee on Small Business has created an extensive record on this issue. At three separate hearings, small business representatives were united in opposition to any increase of the synopsis threshold beyond $10,000. This continues to be the case.

Although it is true that the small business purchase threshold was recently raised by Congress to $25,000, this does not necessarily mean that the CBD threshold must follow. Some contracts in the range of $10,000 to $25,000 are precisely the ones on which small contractors can best compete, and since small purchase procedures are generally noncompetitive, it is critical in my opinion that all small contracts be advertised to promote more small business involvement in the procurement process.

Mr. President, the Senate conferees agreed to recede to existing law (the

House position) with slight modifications relating to exemptions from synopsis for utility services on a more limited bias and various types of orders against existing contracts. The House agreed to maintain the Senate provisions deleting current law exceptions from advertising professional and personal services.

The conferees then agreed to modify the existing law exemption for advertisement of procurements made to educational institutions by retaining the exception only for unsolicited sole source contracts that demonstrate a unique or innovative research concept. Language in the report of the conferees also directs Federal agencies to use their discretion to protect the originality of thought and innovativeness of unsolicited proposals submitted from other sources, especially small research and development firms. Awards made pursuant to the Small Business Innovation Development Act of 1982 are also exempt from the notice provisions of S. 272.

For all procurement notices not eligible for one of these exceptions, the legislation establishes two time periods for advertising and bidding on Federal contracts. Specifically, the bill prohibits a Federal department, agency, or establishment from issuing a solicitation for at least 15 days after the date of publication of the synopsis in the CBD. For contracts categorized as research and development procurements, this 15-day period is extended to 30 days.

Mr. President, S. 272 then provides that the Federal Government may not foreclose competition for an additional 30 days after either the issuance of the solicitation or—in the case of basic ordering agreements—the date of publication of a notice or intent to place the order. In the case of sole source contracts, the legislation provides that the procuring entity cannot begin negotiations for the award of the contract until at least 30 days have elapsed from the date of publication of a proper notice of the intent to contract. The conferees, however, have made it very clear that this particular provision in no way prohibits an agency from responding to individual requests for information about the procurement.

Mr. President, unlike the House-passed version of the legislation, the Senate-passed bill contained a provision relating to the content of CBD notices. The conferees elaborated on the requirements by stipulating that agencies must include the name, address, and phone number of the Federal employee who may be contacted to obtain a solicitation. The conferees also agreed to require agencies to include a statement saying that for sole source contracts, interested parties are invited to state their interest or to submit proposals within the timeframes established by this legislation. I believe that this provision will help make the notice procedures more accountable and provide small business owners with accurate information about individual contracts.

Mr. President, perhaps the most discussed provision of the bill is that relating to the award of sole source contracts. In response to concerns expressed by several departments and other congressional committees, the conferees agreed to increase the original dollar threshold over which sole source procurements must be approved by the head of a procuring agency. The original threshold of $100,000, offered by Senator LEVIN—the provision's sponsor, was increased in conference to $1 million for the first year, $500,000 for the second year, and $300,000 for the third year. The purpose of this compromise is to allow agencies time to phase in this sole source approval process, which the conferees firmly believe will make the sole source award process a far more accountable one. The conferees wish to make it clear, however, that this entire process will be reviewed after 3 years to ascertain if the original $100,000 mark is a realistic and perhaps better goal.

The conferees also agreed to a somewhat higher threshold for the postaward notice provisions in the bill. Unlike the synopsis requirement of $10,000, the committee believes that the requirement to publish notice of possible subcontracting opportunities is better set at $25,000 than $10,000. There are not many contracts between the $10,000 and $25,000 range that offer subcontracting opportunities. Again, let me emphasize, however, that in no way would I or the conferees consider a threshold over $10,000 for the original notice requirements.

Finally, the conferees agreed to exempt the Tennessee Valley Authority (TVA) from the provisions of the legislation only insofar as its procurements are made from ratepayer moneys. Contracts procured from federally appropriated funds will be covered by all of the provisions.

Mr. President, this concludes my brief description of S. 272 as agreed to by the conferees. I am extremely pleased that we are at the final stage in passing this much-needed legislation. Again, I thank my colleagues on the Senate Small Business Committee as well as my good friends on the House Committee for helping to make this bill a reality for the thousands of small business contractors who will benefit from it.

Mr. BOSCHWITZ. Mr. President, I rise in support of the conference report on S. 272—legislation which will improve the ability of small business to compete for Government contracts. I am proud to be a cosponsor of S. 272, and commend my colleagues on the Small Business Committee for the prompt action on this bill. As a conferee, I am particularly pleased with the leadership of the chairman of the committee and the ranking minority member in guiding this bill through conference.

We are all aware of the importance of small business to our national economy, and the competitive ability they bring to producing the goods and services that the Government buys. The Federal Government is a big buyer of goods and services from the private sector—over $100 billion a year. About 25 percent of that goes to small businesses. The primary way Government advertises its procurement contracts is through its publication, the Commerce Business Daily.

The Commerce Business Daily is used extensively by both large business contractors and small business contractors. Because of their greater resources and sophistication, big businesses are better able to respond to solicitation notices in the Commerce Business Daily in a timely manner. Small businesses, on the other hand, are often unable to prepare and submit timely bids for Government procurement contracts.

This legislation will provide small businesses better access to Government contracts in two ways. First, the bill requires agencies to advertise more contracts in the Commerce Business Daily. Under current law, agencies have used a number of broad exemptions as reasons for not advertising contracts in the Commerce Business Daily. This bill limits those exemptions, thus requiring agencies to advertise contracts unless they are:

First. Classified for national security reasons;

Second. Contracts for utilities;

Third. Contracts with another agency or where a mandatory source of supply is required by law;

Fourth. Contracts where the head of the contracting agency and the Administrator of the Small Business Administration both agree that advertising is not appropriate;

Fifth. Contracts that must be awarded because of an ususual and compelling urgency;

Sixth. Contracts for perishable goods;

Seventh. Contracts for research and development that have been awarded to small businesses under the small business innovation bill passed in 1982; and

Eighth. Contracts where foreign suppliers are required and specified by the terms of an international agreement or treaty.

I believe these exemptions are narrow enough to give small businesses better access to Government contracts. In my view, the narrow exemption for foreign suppliers is a great im-

provement. Under current law, advertising these contracts was not required if the agency only asked foreign suppliers to submit bids. When the Small Business Committee considered the bill, I offered an amendment to eliminate this exemption which I am pleased to say the committee adopted.

In the conference, we agreed that contracts with foreign suppliers do not have to be advertised if an international agreement or treaty required that the contract be awarded to foreign suppliers. As a result, the decision to award U.S. contracts to foreign suppliers has been raised to the level of an agreement between two governments—instead of a decision by an agency.

In addition, the legislation requires that all contracts over $25,000 be published if there are potential subcontracts. So, small businesses will benefit by the mere fact that their contracts with foreign suppliers will be published. Small businesses will have greater knowledge of Government contracts and the opportunity to identify potential subcontracts. Small businesses, not a Government agency, will decide whether the contract is worth pursuing. And, perhaps most important, small businesses will have the basic information necessary to challenge the propriety of contracts with foreign suppliers.

Second, small businesses will have a better chance to overcome the difficulties and complexities of Government contracts.

This legislation provides small business contractors the opportunity to submit timely bids. Small businesses will have 15 days to request copies of contracts advertised in the Commerce Business Daily. Small businesses then have an additional 30 days to submit their bid on a particular contract. In addition, it will be harder for agencies to award sole source contracts—without competitive bidding.

This legislation will allow small businesses a better opportunity to compete for Government contracts. As a result, small businesses will benefit by improving the market for their products and services, while the Government should realize a savings through increased competition for their contracts. I join my colleagues on the Small Business Committee in urging the Senate to adopt the conference report.

Thank you, Mr. President.

Mr. PRESSLER. Mr. President I am very pleased that the Senate is considering the conference report on my bill, S. 272, today. I believe this bill will provide important assistance to small businesses seeking Government contracts.

Small businesses account for approximately 90 percent of all businesses in this country, yet they receive only a quarter of all Government contracts. I believe that the changes resulting from my bill not only will benefit small businesses by expanding Federal procurement opportunities, but the increased competition will benefit American taxpayers as well.

The problem for small businesses is not that they cannot compete with larger businesses, but rather that they are too often denied the opportunity to compete altogether.

My legislation addresses three problems which have plagued small businesses attempting to bid on Government contracts. Small businesses depend heavily on the Commerce Business Daily (CBD) for news of available contract opportunities. Yet, small businesses, particularly in States like South Dakota, often have received notice of these opportunities after it is too late for them to bid. My legislation will increase the notice period from 10 to 15 days and the bid period from 20 to 30 days. These changes will allow small contractors adequate time to prepare their bid documents.

Second, bid information in the CBD has often been incomplete or inaccurate. My legislation will expand the reporting requirements and will mandate that the name and address of a contact person in the procuring agency be included for further information or questions.

Finally, more Government contracts will be advertised in the CBD as a result of my legislation. Currently, exemptions to the advertising requirement are loosely written and are seriously abused by procuring agencies. With tighter exemptions, small businesses will be notified of many more contracting opportunities.

I think these changes can be handled by Federal procuring activities. It will place on them certain added responsibilities. But in the long run, it will ensure that Federal procurement is conducted in a much more effective manner.

As a new member of the Senate Small Business Committee, this is my first piece of legislation reported out of the committee and passed by the Senate. I want to thank Senator WEICKER and his staff for their excellent assistance. I think it is an important piece of legislation and I hope my colleagues will join me in supporting it.

Mr. NUNN. Mr. President, I rise in support of the conference report on S. 272, a bill to amend the Small Business Act to improve small business access to Federal procurement information, and urge its adoption.

This is the second Congress that the Senate Small Business Committee has reported legislation amending the requirements of the Small Business Act relating to the notice of procurement required in the Commerce Business Daily. I believe this legislation is necessary to increase the opportunities for competition for the $150 billion spent annually in purchases of goods and services by the Federal Government. It is my expectation that, as a result of this legislation, competition for those procurements will increase, the Federal Government will get a better product at a better price, and the American taxpayer will see direct savings resulting from the Federal contracting process.

Mr. President, I want to compliment the chairman of the Senate Small Business Committee, Senator WEICKER, for his leadership on this important matter for the past 2 years. In addition, Senator LEVIN has been working tirelessly within the Small Business Committee, as well as within the Senate Armed Services and Governmental Affairs Committees, as an advocate for competition and for increasing the opportunities for small business participation in Federal procurement.

The requirement for publication of the Commerce Business Daily was begun in 1961. Under the law, the Secretary of Commere is directed to obtain information from each of the Federal procuring agencies on procurement actions that exceed a stipulated dollar threshhold. Working with the Government Printing Office for the production of the document, the Department of Commerce publishes this daily report on millions of dollars of Federal procurement opportunities that are open for competition.

This daily report has been very useful to the precurement community as the only regularly available, and reasonably priced, source of information on upcoming Federal procurements. Regrettably, the law has never been amended to take into account the rapidly expending Federal procurement effort, or the changes in contracting that have taken place since the first Commerce Business Daily issue was published in 1961. In my judgment, the amendments to the Commerce Business Daily that we have provided for in this conference report will fully meet the needs of the Federal procurement agencies in obtaining quality goods and services on time, and will greatly increase the likelihood that more small businesses will be able to compete for Federal contracts.

Mr. President, I believe that the statement of managers accompanying the conference report, and the statement by Chairman WEICKER in his opening remarks on this conference report, fully explain the changes that have been made to this legislation in conference. I did want to highlight just a few of the more important issues from my perspective.

The first issue that I would highlight is the time periods in the bill. Time after time, contractors and potential contractors complain about the

Federal procurement system; its complexities and regulations; its paperwork and detail. Certainly, a considerable amount of information is necessary for the procuring agency to insure that it is getting the product or service asked for, and that the potential contractor is fully complying with the various Federal statutes which have become an integral part of the Federal procurement process. However, for those thousands of Federal contractors who do not have Washington representatives, and must rely on the Commerce Business Daily as their prime, if not only, source of information, the present law is silent on the amount of time that contractors should have to learn of these procurement requests. Current Federal regulations do not provide much greater relief.

The notice requirements that we have established in this legislation are designed to insure that there is an equal and reasonable opportunity for all who are interested in doing business with the Federal Government to learn of the existence of Federal contracting opportunities, and have adequate time to collect the information and prepare the response to the Government notice of procurement opportunity in a timely fashion.

Time after time, procurement after procurement, General Accounting Office report after General Accounting Office report, we have documented instances where there is a preference to continue working with previous prime contractors, or a preference for relying on the large business against the small business, when neither proposition is justified by the facts of the specific procurement. These provisions will increase the market search for the Federal Government, provide information to potential contractors that the Government does buy a particular good or service, and may stimulate new entrants into that area of Federal procurement.

The second item of interest to me is the requirement for a more careful review of the authority to enter into sole-source contracts, and to insure that there is a process by which interested potential contractors can let the contracting officer know that there are others who have the interest and capability to meet the Government's needs.

This amendment was first adopted in our committee last year through an amendment Senator LEVIN and I offered. The Senator from Michigan has done a considerable amount of work on this important issue with us in the Senate Small Business Committee during the past 2 years. I believe that the results of those efforts will show a measurable decrease in the number of contracts that will be awarded on a sole-source basis without meaningful competition, but at the same time not unduly burdening procurement officials or delaying the procurement process.

According to information provided by the Federal Procurement Data Center, the executive branch entity which keeps track of procurement statistics, in fiscal year 1982, the Federal defense agencies spent almost $62 billion in sole-source awards, through a total of over 19,000 individual contracts; $58.6 billion was spent using just over 4,500 contracts in excess of $1 million. In the civilian agencies for fiscal year 1982, over $15 billion was awarded in sole-source contracts, with more than $14 billion awarded in a mere 827 contracts in excess of $1 million each.

The framework that we have established in this legislation for review and approval by senior level policy officials of the authority to enter into a sole-source contract on these major contracts is fully justified. In fact, the Senate has twice previously approved a more stringent version of this provision.

The improvements that the legislation makes in the treatment of exemptions from publication, in the establishment of minimum time periods between notice of procurement opportunity and the distribution of solicitations, and between soliciation and bid opening, accommodates the legitimate requirement that Federal agencies use the Commerce Business Daily as a means of meeting their procurement needs, while improving the Commerce Business Daily as a resource tool for the private sector contracting community.

With respect to the treatment of perishable subsistence, these purchases are not generally made by issuing orders under requirements or similar contracts by the Defense Department's Defense Logistics Agency, but rather by individual competitive purchases. DLA already provides an extensive outreach to the marketplace to insure the greatest competition for its purchases—and small business does provide a considerable share of DLA's requirements. In my view, any individual procurement action for perishable subsistence supplies in excess of $10,000—the statutory threshold for publication in the Commerce Business Daily—would be justified in relying on the exemption from publication under the proposed exemption for unusual and compelling urgency.

Mr. President, this legislation has been considerably strengthened from the version that passed the Senate last February. I regret that it has taken this long to bring back a conference report on it, but I believe the results fully justify the wait. The bill will increase the usefulness of the Commerce Business Daily to the entire procurement community. The bill will greatly increase the opportunities for small business participation in the Federal procurement process. The bill will help to reduce unnecessary sole-source contracting. The bill should save precious Federal dollars committed to the procurement process.

For all of these reasons, Mr. President, I urge my colleagues to support this conference report, and to assist in getting this legislation enacted quickly into law.

Mr. LEVIN. Mr. President, as a cosponsor of S. 272, I am pleased to rise in support of the conference agreement on the bill. This bill, with its provisions for publication of notice in the Commerce Business Daily of all Federal Government procurement actions, will enhance the present procurement process for both the Federal Government and for small business. From my vantage point on the Governmental Affairs Committee and the Senate Armed Services Committee, I have studied the procurement laws of both the Department of Defense and the civilian agencies, and as a member of the Small Business Committee I have become keenly aware of the fervent desire of thousands of businesses in this country simply to be able to compete for Government contracts. I have been involved in trying to find some way to inject more competition into all Federal Government procurements.

The publication and increased notice requirements in S. 272, combined with restrictions making it more difficult to award Government contracts on a sole-source basis, should result not only in more small business participation in Government procurement, but should result in lower prices for goods and services bought for the use of the Government.

In addition to two basic notice provisions there are two provisions in the bill related to sole-source procurements which I offered last Congress. First is a requirement that whenever an agency intends to award a sole-source contract, that agency must first comply with a 30-day notice of the impending awards and an opportunity to submit a bid to the appropriate contracting officer in the agency.

I have been fighting for this provison for years, along with Senator COHEN and Senator NUNN. It is a critically needed amendment.

For instance, in fiscal year 1982, Federal Government contracts worth $159 billion were awarded. Yet only 37 percent of this amount was awarded competitively; 63 percent or some $100 billion worth of Federal Government contracts were awarded on a sole-source basis. This amendment should help reduce the amount of wasteful, sole-source, noncompetitive contracts.

Second, whenever the value of the sole-source contract is over a certain threshold it must be approved by the

head of the procuring activity in the agency.

The conference committee compromised on a threshold for sole source contract approval of $1 million for the first year after enactment of the bill, $500,000 in the second year, and $300,000 in the third year. After that time the conferees have reserved the right to review the $300,000 permanent threshold with an eventual threshold goal of $100,000, the threshold contained in my original amendment and the Senate-passed version.

These two provisions, combined with the expanded notice provisions for sole-source awards, should work to decrease the number of sole-source contracts granted in the future.

Mr. President, I commend Senator PRESSLER for reintroducing this bill and Senator WEICKER, as chairman of the Small Business Committee and Senator NUNN as ranking minority member for guiding this bill along for two consecutive Congresses. I think the Small Business Committee, and the small business community in general is fortunate to have their leadership and wisdom. In addition, the committee staff of Senator WEICKER and Senator NUNN have been most helpful. I also want to thank my colleague on the Governmental Affairs' Subcommittee on Oversight, Senator COHEN for his excellent work on this legislation.

Mr. STEVENS. I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move that the Senate disagree to the House amendment to the title.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS ACT AMENDMENTS—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 273 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 23, 1983.)

Mr. WEICKER. Mr. President, I am pleased that the Senate is today considering the conference report on S. 273. It reauthorizes two Small Business Administration minority business development pilot programs: specifically, the 8(a) pilot procurement program and the pilot surety bond waiver program. Both programs expired in September 1981; the conference report would reauthorize them until September 30, 1985.

Under the regular 8(a) program, certified minority and disadvantaged small businesses are eligible to receive contracts offered by participating Federal agencies. The pilot program, however, gives the SBA the additional authority to go in and select contracts for 8(a) firms from among all of those offered by a Federal agency. The concept of the pilot program is to give the SBA greater say in the types of contracts chosen and to allow them to select contracts not normally offered for the 8(a) program in order to develop minority businesses in areas with high growth potential. As an experimental concept, this program has been limited to only one agency within the Federal Government.

Mr. President, the bill as passed by the Senate required the President to designate a civilian agency to participate in the program within 60 days of enactment, and it authorized the program for 20 months. The House bill would have extended the program for 2 years, beginning on October 1, 1983, and would not have limited the agencies from which the President could select. The compromise agreement reached in conference held to the Senate language on the matter of a civilian agency, accepted the 2-year authorization asked for by the House. The operative dates for the authority are from October 1, 1983, to September 30, 1985. Conferees agreed that this will allow the Congress time to examine the effectiveness of the pilot concept in a civilian agency.

The second pilot program, the surety bond waiver program, is also extended by the conference report. The Senate bill contained no language for extending this program. However, the House bill did. Under this authority the Administrator of SBA can waive surety bond requirements for 8(a) contractors in cases where the firms are startup businesses, which have not been participating in the 8(a) program for more than 1 year. During the program's initial 3-year authorization, the administration was slow to issue final regulations and the program was never, in fact, implemented. With this extension of the program Congress will have an opportunity to evaluate the effectiveness of this program in meeting the goal of developing minority contractors' businesses.

As some of my colleagues may be aware, last December 17 in a ceremony at the White House, President Reagan issued a statement on this administration's plans for promoting minority business development. In that speech he set a goal of $15 billion in Federal procurements of goods and services from minority businesses over the next 3 fiscal years. I understand that very soon he will issue an Executive order which will establish the framework for achieving these and other laudable goals set forth in his December statement. While these two pilot programs have limited scopes, they can be valuable tools for enhancing the skills of minority businesses and thus, will go far in aiding this administration to reach its goals.

Mr. President, I urge my colleagues to support the passage of this conference report.

8(a) PILOT EXTENSION

Mr. NUNN. Mr. President, I rise in support of the conference report on S. 273, a bill to amend section 8(a) of the Small Business Act, and urge its adoption by the Senate.

Mr. President, in February the Senate passed this legislation by voice vote. That bill extended a pilot procurement program giving the Small Business Administration authority to select contracts from another Federal procuring agency for use in SBA's 8(a) minority business development program.

Under the regular 8(a) program, procuring agencies are voluntarily permitted to contract with the Small Business Administration for their procurement needs; SBA is then given explicit statutory authority to subcontract that work to minority businesses which are determined by SBA to be eligible for participation in the 8(a) program. Under the 2-year pilot authority first enacted in 1978 in Public Law 95-507, and in 1980 extended for an additional year in Public Law 96-481, the Small Business Administration was given the authority to select contracts for a Presidentially designated agency for subcontracting under the 8(a) program to qualified participants. In 1978, the President chose the Army as the designated pilot agency.

Mr. President, the Small Business Committee has carefully reviewed the progress that SBA and the Army made in carrying out this pilot program. While I am a strong supporter of the regular 8(a) program, I believe that the 3-year test of this authority dem-

onstrated that it was not in the best interest of the 8(a) program, or of the Army's procurement effort, to shift the authority for selecting contracts for the 8(a) program from the procuring agency itself to the Small Business Administration.

However, SBA Administrator Sanders, in his testimony before the Senate Small Business Committee earlier this year when we considered S. 273, was emphatic that he believed that the problems with the earlier pilot program would not be repeated, and he asked the committee, and the Congress, for an opportunity to operate the pilot program under his leadership.

With the inclusion of specific language in the Senate bill that the pilot program would be continued for another 18 months, but only in a nondefense agency, the bill was reported by the Small Business Committee, and passed the Senate on a voice vote.

The conference report that we are considering today continues the prohibition on the President's selection of a defense agency for the implementation of this extension of the 8(a) pilot program. Furthermore, it would be my expectation that the SBA Administrator would first work with the designated agency to increase the number, and change the nature of, the contracts that are voluntarily offered by that agency to SBA. Only then should the Administrator judiciously use his authority, if at all, to select a contract from the designated civilian agency.

However, there has been some uncertainty about the purpose of the 8(a) pilot program. Repeated testimony indicates that the program is to be an addition to the regular 8(a) program, not a substitute for it. It is my view that the Small Business Administration should limit the use of the authority in this pilot procurement program to technically sophisticated procurements not traditionally offered by the designated agency through the regular 8(a) program.

I believe that the timeframes established in this bill for the designation of the agency to participate with SBA in the pilot program, and the duration of the experiment, should clearly and finally determine whether Congress should permit this method as an appropriate way for the Small Business Administration to obtain contracts for the 8(a) program.

In addition, this conference report extends an additional pilot program on surety bonds that was established in 1978. Under that law, the Small Business Administration was given authority to waive a surety bond that may be required on a Federal contract for certain participants in the 8(a) program. In the 3 years that this program authority was in force, the Small Business Administration did not waive a single surety bond for an 8(a) contract. The failure to waive any bonds was caused in part by the Small Business Administration's delay in establishing rules and regulations for the pilot program. There was a disagreement within the agency itself as to which division, minority small business or surety, had responsibility for this program.

This provision was not in the bill that passed the Senate in February, but this provision has been included in the conference report.

Again, Mr. President, it would be my expectation that the Small Business Administration would carefully establish the procedures and safeguards under which this pilot authority may be used, and would be very careful in selecting those instances where the authority to waive a surety bond for an 8(a) contractor is invoked.

Mr. President, I urge my colleagues to adopt this conference report.

Mr. LEVIN. Mr. President, I would also like to say a few words in support of the conference agreement on S. 273, the Minority Small Business Pilot Procurement Act of 1983. Under this agreement, the SBA's 8(a) pilot procurement program would be reopened for an additional 2 years beginning October 1, 1983. It would further require the President to designate a new Federal agency, other than the Department of Defense or a component thereof. However, in keeping with an amendment I offered in the Small Business Committee, the conference agreement would require the President to designate that agency within 60 days of enactment. This should provide SBA and the newly designated agency with a limited amount of time to develop an interagency agreement setting forth the formal terms for the joint implementation of the program prior to the October 1 starting date, and thereby avoid a repetition of the difficulties that shortened the duration of the original pilot program with the Department of Army—the first Federal agency designated by the President.

In closing Mr. President, I believe the conference agreement is a good one. It will provide the SBA with another opportunity to test its ability to select and negotiate contract requirements with a newly designated Federal agency, other than one within the Department of Defense. I urge Senate passage.

Mr. STEVENS. Mr. President, I ask for the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar No. 219, S.1341.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1341) to revise and extend the Education of the Handicapped Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1436

(Purpose: To provide for a by-pass for handicapped children enrolled in private elementary and secondary schools)

Mr. BYRD. Mr. President, on behalf of Mr. EAGLETON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), on behalf of Mr. EAGLETON, proposes an amendment numbered 1436.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, between lines 9 and 10, insert the following:

BYPASS PROVISION

SEC. 4. Section 613 of the Act is amended by adding at the end thereof the following new subsection:

"(b)(1) If a State educational agency is prohibited by law from providing for the participation in special programs for handicapped children enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

"(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider of such services an amount which may not exceed the amount provided per child to all handicapped children enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer by any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(4).

"(3)(A) The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least forty-five days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

"(B) If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

Redesignate the succeeding sections accordingly.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1436) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1437

(Purpose: To make a technical correction in the bill)

Mr. STEVENS. Mr. President, on behalf of the Labor Committee, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 1437.

On page 2, between lines 6 and 7, insert the following:

(c)(1) Section 604(a) of the Act is amended by striking out "Office" and inserting in lieu thereof "Department".

(2) The fourth sentence of section 604(b) of the Act is amended to read as follows: "The Secretary shall transmit each such report, together with such comments and recommendations as the Secretary may deem appropriate, to the Congress.".

Mr. WEICKER. Mr. President, today I am very pleased to recommend to my colleagues passage of S. 1341, Education of the Handicapped Act Amendments of 1983.

This legislation is the result of 2 days of hearings held earlier this year by the Subcommittee on the Handicapped. Throughout these hearings the necessity of maintaining and improving special education support and demonstration activities was fully established and I am pleased to report, Mr. President, that S. 1341 was reported unanimously by both the Subcommittee and the Labor and Human Resources Committee.

In addition to extending the life of these discretionary programs for 3 years, the amendments expand the range of children served, both in terms of age and type of disability. Provisions are made for intervention beginning at birth under the preschool and early childhood programs, while postsecondary programs are broadened to include all disabilities.

A new demonstration activity dealing with the critical transition from school to employment has been established and the need to train parents to participate in their children's special education has been emphasized.

Federal data collection and evaluation responsibilities are strengthened and provisions for reporting to the Congress are improved. Overall authorizations have been increased to account for inflation both for special education and the special institutions such as Gallaudet College and the National Technical Institute for the Deaf.

More than 4 million disabled youngsters are receiving services under our Nation's special education law. The law focuses on these youngsters' abilities and seeks to develop them fully. The education of the handicapped amendments will continue these services, improve them and at the same time give new opportunities for us to learn how these services can be further strengthened.

I ask, Mr. President, that the technical amendments to S. 1341 be accepted with the bill as well as an amendment requested by Senator EAGLETON clarifying the existing passthrough provisions of the act.

I urge my colleagues to support S. 1341.

Mr. HATCH. Mr. President, I request permission to consider S. 1341, a bill to extend and revise the Education of the Handicapped Act (EHA). Although this bill deals only with section 618 and 619 of part B and discretionary programs, they are essential in guaranteeing that a comprehensive range of services are available for all handicapped children. By targeting areas that warrant special consideration, these discretionary programs complement the other provisions contained within Public Law 94-142, the Education for All Handicapped Childrens Act and allows successful implementation of the statute.

S. 1341 as approved by my Labor and Human Resources Committee extends the authorization for Federal activities relating to the evaluation component of part B, the incentive program of part B and the discretionary programs of parts C, D, E, and F which includes regional resource centers, centers and services for the deaf-blind, early childhood programs, and postsecondary education program, training of personnel and parents, recruitment and information, and instructional services. The authorization level for fiscal year 1984 have been raised 5.3 percent above the 1981 reconciliation ceiling to allow for increased child count while other programs have been adjusted for inflation and other factors. For the other 2 years, authorization ceilings have been adjusted for inflation.

This legislation has recognizable bipartison support as evident by the fact that it was unanimously approved by both the Subcommittee on the Handicapped and my full committee. In addition, I remind by colleagues that a vote in the affirmative for S. 1341 is a vote for providing services to 4 million handicapped children of our Nation.

At this time, I would like to commend Senator WEICKER for his efforts in initiating this legislation. His fine leadership deserves our recognition. I now yield the floor to my colleague from Connecticut.

Mr. STAFFORD. Mr. President, as a cosponsor of the education of the Handicapped Act Amendments of 1983, I wholeheartedly support the Senate passage of this legislation. Since the enactment of this landmark bill in 1975 millions of handicapped school-aged children and youth have gained access to a free and appropriate public education. The Federal mandate that this legislation represents has helped school districts around the country to provide vital services to children who were previously denied them.

The progress that has been made in the past 7 years has been noteworthy. Disparities, however, still exist. These amendments include new initiatives in the areas of early intervention, programs for secondary students, and provision of technical assistance that bring us closer to our goal.

I look with pride to my own State of Vermont, which has been a leader in providing public education services to

handicapped children for many years now. The specific programs authorized under these amendments have been particularly successful. The regional resource center located in Vermont has given invaluable technical assistance to State education agencies throughout the New England region. Similarly, the early education outreach projects have enabled special education personnel to serve handicapped preschoolers early enough in their lives to dramatically affect their future educational success.

The discretionary programs serve a unique purpose within the context of the education of the Handicapped Act. They are the vehicle through which educators are able to conduct vital research; disseminate information about successful practices and new technologies; and receive the necessary training to provide the full range of services needed by handicapped children and youth. The programs reauthorized by these amendments help to insure that services provided to handicapped students nationwide are of the highest quality.

The Federal commitment to these programs has been substantial in the past. Their success has been well documented. Our passage of this legislation today will allow them to continue in their efforts toward providing appropriate education services to all children.

Mr. DOLE. Mr. President, I rise in support of the passage of S. 1341, the extension of the Education of the Handicapped Act—Public Law 94-142. The Senator from Kansas is pleased to be a primary cosponsor of this legislation and to have had the opportunity to work with members of the Senate Committee on Labor and Human Resources on some constructive changes in part B and the discretionary programs contained in this act.

PROGRAMS EXTENDED

S. 1341 extends discretionary programs and project grants authorized under the Education of the Handicapped Act. These programs provide supplemental services to handicapped children served under part B. This includes in-service and special education training for teachers and classroom assistants. It also provides funds for regional resource centers.

About 4 million children in this country are being served by programs under this act at the preschool, elementary and secondary school levels. A new feature of this extension is that S. 1341 establishes a transitional secondary education program which emphasizes services to secondary school children in order to help them make the necessary transition to higher education or the employment world. The Senator from Kansas views this as a very positive change. Also this extension includes a change in the preschool incentive grants program that would allow children from birth on to participate in this program—the earliest age for participation now is 3 years old. There needed to be some kind of rational continuum of services, and these changes have been made.

APPROPRIATE FEDERAL ROLE

Mr. President, although primary responsibility for educational policy should remain with State and local governments, there is a need for a Federal role in the American education system. I believe that assisting States in providing educational services for children with special needs—like handicapped children and those who are gifted and talented—is an appropriate role for the Federal Government. One of the major areas for Federal responsibility lies in promoting and assuring equal access to educational opportunity for all American children. Because providing educational opportunity for children with special needs often requires special services and specialized teacher training, the Federal Government has given its support to State and local efforts to enhance educational services for handicapped children, and it should continue to do so.

CONCLUDING REMARKS

If we do not help handicapped children at the beginning stages of their lives, they will never be able to catch up to those who were born without disabilities. Dealing with these children requires a special understanding of their needs and potential, and teachers who specialize in this area are to be commended for their dedication. Through programs under this legislation, handicapped children are given the assistance they need in order to become integrated in our society—and later to participate as productive adults who have managed to overcome their handicaps through the learning process.

I commend the distinguished chairmen and ranking minority members of the Labor and Human Resources Committee and the Handicapped Subcommittee, as well as all those members who have actively participated in this program reauthorization—especially the distinguished Senator from Vermont, Mr. STAFFORD, and the Senator from West Virginia, Mr. RANDOLPH. It has always been a pleasure working with these colleagues on issues affecting handicapped Americans.

Mr. RANDOLPH. Mr. President, I am pleased to support Senate bill 1341, a measure to revise and extend the Education of the Handicapped Act. The bill extends the discretionary programs of the act for 3 years through fiscal year 1986 and establishes new program initiatives to improve special education services for handicapped children.

These discretionary programs, centers, and services to meet special needs of the handicapped, training for the education of the handicapped, research, and demonstration projects, and instructional media and materials are a valuable component in the Federal strategy to assure all handicapped children an opportunity to receive a free appropriate public education. The supportive services and activities authorized by the discretionary programs undergird the State grant initiative and assist the States in their efforts to provide a free appropriate public education to all handicapped children.

I commend the chairman of the subcommittee, the Honorable LOWELL WEICKER, the chairman of the Labor and Human Resources Committee, the Honorable ORRIN HATCH, and the other members of the committee, for their efforts on behalf of this Nation's handicapped children.

The measure before us today takes under consideration the changes that have come about in this country since the enactment of Public Law 94-142 in 1975. That landmark law established as a goal the provision of special education and related services to all handicapped children. As the years have gone by and the States have increased their capacity to provide services to these handicapped children, State needs for assistance and resources have in some instances shifted. This bill responds to the need for additional initiatives in the education of handicapped children.

Amendments have been made to the evaluation section of the Education of the Handicapped Act to focus evaluation activities more on assessing the quality of special education services being provided. In addition the measure amends the incentive grant authority to permit States to provide special education services to children from birth to 3 years of age. Changes have also been made to Part C: Centers and Services To Meet Special Needs of the Handicapped, so that resources can be targeted more effectively on the present needs of State and local educational agencies, handicapped children, and parents of handicapped children and youth. Part C also now contains a new initiative entitled "Secondary Education and Transitional Services for Handicapped Youth" which addresses the unique needs of handicapped youth as they move toward adulthood and greater independence.

Another major initiative, the parent training and information program, is established under the Part D: Training Authority. This new program is to be designed to inform and train parents of handicapped children and youth so that they may participate more effectively with professionals in meeting the special educational needs of their handicapped children and youth.

The Education of the Handicapped Act is an important law, and the activities authorized by the act have over the years resulted in the development of many programs and services for our handicapped children. This measure will continue our efforts to provide a quality special education program to the handicapped children of this Nation.

The PRESIDING OFFICER. Without objection, the pending amendment is agreed to.

The amendment (No. 1437) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 1341) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Act Amendments of 1983".

ADMINISTRATIVE AMENDMENT

SEC. 2. (a) The Education of the Handicapped Act (hereafter in this Act (other than section 10) referred to as the "Act") is amended by striking out "Commissioner" wherever it appears and inserting in lieu thereof "Secretary".

(b)(1) Section 602(2) of the Act is repealed.

(2) Section 602(14) of the Act is amended by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Secretary of Education".

(c)(1) Section 604(a) of the Act is amended by striking out "Office" and inserting in lieu thereof "Department".

(2) The fourth sentence of section 604(b) of the Act is amended to read as follows: "The Secretary shall transmit each such report, together with such comments and recommendations as the Secretary may deem appropriate, to the Congress.".

DESIGNATION OF AN AGENCY FOR SPECIAL EDUCATION PROGRAMS

SEC. 3. Section 603 of the Act is amended to read as follows:

"DESIGNATION OF THE AGENCY FOR SPECIAL EDUCATION

"SEC. 603. (a) There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs which shall be the principal agency in the Department for administering and carrying out this Act, and other programs and activities concerning the education and training of the handicapped.

"(b)(1) The Office established under subsection (a) of this section shall be headed by a Deputy Assistant Secretary who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services. The position of Deputy Assistant Secretary shall be in grade GS-18 of the General Schedule under section 5104 of title 5, United States Code, and shall be a Senior Executive Service position for the purposes of section 3132(a)(2) of such title.

"(2) In addition to such Deputy Assistant Secretary, there shall be established in such Office not less than six positions for persons to assist the Deputy Assistant Secretary, including the position of Associate Deputy Assistant Secretary, and such positions shall be in grade GS-15 of the General Schedule under section 5104 of title 5, United States Code.".

BYPASS PROVISION

SEC. 4. Section 613 of the Act is amended by adding at the end thereof the following new subsection:

"(b)(1) If a State educational agency is prohibited by law from providing for the participation in special programs for handicapped children enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

"(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider of such services an amount which may not exceed the amount provided per child to all handicapped children enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirement of subsection (a)(4).

"(3)(A) The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least forty-five days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

"(B) If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph it may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court of the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

EVALUATION

SEC. 5. Section 618 of the Act is amended to read as follows:

"EVALUATION

"SEC. 618. (a) The Secretary shall collect data, and conduct studies, investigations, and evaluations—

"(1) to determine the progress of implementation of this Act, the impact of this Act and the effectiveness of State and local efforts to provide free appropriate public education to all handicapped children and youth; and

"(2) to provide Congress with information relevant to policymaking and provide the Federal, State, and local educational agencies with information relevant to program management, administration, and effectiveness with respect to such education.

"(b)(1) The Secretary shall carry out the provisions of this section directly or by grant, contract, or cooperative agreement.

"(2) In carrying out the responsibilities under this section, the Secretary shall provide to the appropriate committees of each House of the Congress and to the general public, on at least an annual basis, information concerning programs and projects assisted under the Act and other Federal programs relating to the education of handicapped children and youth, and such information from State and local educational agencies and other appropriate sources as is necessary for the implementation of the Act, including—

"(A) the number of handicapped children in each State, within each disability, by age group who require special education and related services;

"(B) the number of handicapped children in each State, within each disability, by age group receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education in each such State;

"(C) the number of handicapped children in each State, within each disability, who are participating in regular educational programs, consistent with the requirements of section 612(5)(B) and section 614(a)(1)(C)(iv), and the number of handicapped children who have been placed in separate classes, separate school facilities, or who have been otherwise removed from the regular education environment;

"(D) the number of handicapped children who are enrolled in public or private institutions in each State and who are receiving a free appropriate public education, and the number of handicapped children who are in such institutions and who are not receiving a free appropriate public education;

"(E) the amount of Federal, State, and local expenditures in each State specifically

available for special education and related services; and

"(F) the number of personnel, by disability category served that are employed in the education of handicapped children, and the estimated number of additional personnel needed to adequately carry out the policy established by this Act.

"(3) In developing and furnishing information under clause (E) of paragraph (2) of subsection (b), the Secretary may base such information upon a sampling of data available from State agencies, including the State educational agencies, and from local educational agencies.

"(c)(1) The Secretary shall, by grant, contract, or cooperative agreement, provide for indepth evaluation studies (both quantitative and qualitative) to determine the impact of this Act. Each such evaluation shall include recommendations for improvement of the programs under this Act. The Secretary shall submit not later than January 30 of each year a set of evaluation priorities to the appropriate committees of both Houses of the Congress for review and comment.

"(2)(A) The Secretary is authorized to enter into cooperative agreements with State educational agencies to carry out studies to assess the impact and effectiveness of programs assisted under the Act.

"(B) Such agreements shall—

"(i) provide for the payment of not to exceed 60 per centum of the total cost of studies conducted by a participating State educational agency to assess the impact and effectiveness of programs assisted under the Act; and

"(ii) be developed in consultation with the State Advisory Panel established under this Act, the local educational agencies, and others involved in or concerned with the education of handicapped children and youth.

"(C) The Secretary shall provide technical assistance to participating State educational agencies in the implementation of the study design, analysis, and reporting procedures.

"(D) In addition, the Secretary shall disseminate information from such studies to State educational agencies and, as appropriate, others involved in, or concerned with, the education of handicapped children and youth.

"(3)(A) At least one evaluation study shall be a longitudinal study of a sample of handicapped students encompassing the full range of handicapping conditions examining their educational progress while in special education and their occupational, educational, and independent living status after graduating from secondary school or otherwise leaving special education.

"(B) At least one study shall focus on obtaining and compiling current information available through State educational agencies and local educational agencies and other service providers, regarding State and local expenditures for educational services for handicapped students (including special education and related services) and gather the information needed in order to calculate a range of per pupil expenditure by handicapping condition.

"(d)(1) Not later than 120 days after the close of each fiscal year, the Secretary shall publish and disseminate an annual report on the progress being made toward the provision of a free appropriate public education to all handicapped children and youth. The annual report is to be transmitted to the appropriate committees of each House of the Congress and the National Council on the Handicapped and published and disseminated in sufficient quantities to the education community at large and other interested parties.

"(2) The Secretary shall include in each annual report—

"(A) an index and summary of each evaluation activity and results of studies conducted under subsection (c);

"(B) a compilation and analysis of data gathered under section 618(b)(2);

"(C) a description of findings and determinations resulting from monitoring reviews of State implementation of this Act;

"(D) an index of all current research projects being conducted under part E (including the name of each research project and the name and address of the funded organization);

"(E) data reported under sections 635 and 653;

"(F) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to assure that handicapped children and youth receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children and youth in day or residential facilities; and

"(G) any recommendations for change in the provisions of the Act or any other Federal law providing support for the education of handicapped children and youth.

"(e) There are authorized to be appropriated $3,100,000 for the fiscal year 1984, $3,270,000 for the fiscal year 1985, and $3,440,000 for the fiscal year 1986 to carry out the provisions of this section.".

INCENTIVE GRANTS

SEC. 6. Section 619(c) of the Act is amended by adding before the period at the end thereof a comma and the following: "and for providing special education and related services for handicapped children from birth to 3 years of age.".

CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

SEC. 7. Part C of the Act is amended to read as follows:

"PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

"REGIONAL RESOURCE CENTERS

"SEC. 621. (a) The Secretary is authorized to make grants to, or to enter into contracts, or cooperative agreements with institutions of higher education, State educational agencies or combinations of such agencies and institutions, combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional resource centers. Each regional resource center shall provide technical assistance, including but not limited to consultation and training, to State education agencies and to local educational agencies relating to educational programs and services for handicapped children and youth. The State educational agency shall disseminate information obtained through such technical assistance to appropriate local educational agencies. In order to assure that State and local educational policies and procedures result in quality educational programs and services for handicapped children and youth, each center established or operated under this section shall—

"(1) assist State educational agencies and local educational agencies in identifying and solving persistent problems in providing quality educational programs for handicapped children and youth;

"(2) assist State educational agencies and local educational agencies in developing, identifying, and replicating successful programs and practices which will improve educational and related services to handicapped children and youth and their families; and

"(3) gather and disseminate information and coordinate its activities with other centers assisted under this section and with other relevant projects conducted by the Department of Education.

"(b) In determining whether to approve an application for a project under this section, the Secretary shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to fulfill the responsibilities stated in this section.

"CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

"SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children and youth, a program designed to develop and bring to bear upon such children and youth, beginning as early as feasible in life, those specialized, intensive professional and related services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with and adjustment to, the world around them for useful and meaningful participation in society, and for self-fulfillment. Each such center may also serve individuals with other handicapping conditions of the greatest degree of severity.

"(b) Upon such terms and conditions as the Secretary deems appropriate to carry out the purposes of this section, and subject to the provisions of subsection (d)(1) of this section, the Secretary is authorized to make grants or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of the establishment and operation of centers for deaf-blind children.

"(c) In carrying out this section the Secretary shall take into consideration the need for a center for deaf-blind children and youth in the light of the general availability and quality of existing services for such children and youth in the part of the country involved.

"(d)(1) A grant or contract pursuant to subsection (b) shall be made only if the Secretary determines that there is satisfactory assurance that the center will provide such services as the Secretary by regulation prescribes, including—

"(A) technical assistance to public agencies and private organizations which are involved in the education or care of deaf-blind children and youth;

"(B) comprehensive diagnostic and evaluative services for deaf-blind children and youth;

"(C) a program for the adjustment, orientation, and education of deaf-blind children and youth which integrates all the professional and related services necessary therefor; and

"(D) effective consultative services or specialized training for parents, teachers, interpreters for deaf-blind individuals, and other individuals who play a direct role in the lives of deaf-blind children and youth to enable such parents, teachers, and interpreters of such pupils to understand the special problems of such children and youth

and to assist in the process of their adjustment, orientation, and education.

"(2) Any such services may—

"(A) be provided to deaf-blind children and youth (and, where applicable, other handicapped individuals) regardless of whether they reside in the center,

"(B) be provided at some place other than the center, and

"(C) include the provision of transportation for any such children (including an attendant) and for parents.

"EARLY EDUCATION FOR HANDICAPPED CHILDREN

"SEC. 623. (a) The Secretary is authorized to arrange by contract or grant with appropriate public agencies and private nonprofit organizations, for the development and implementation by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special educational problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services which—

"(1) are designed to facilitate the intellectual, emotional, physical, mental, social, and language development of such children;

"(2) encourage the participation of the parents of such children in the development and operation of any such program; and

"(3) acquaint the community to be served by any such program with the problems and potentialities of such children.

"(b)(1) Programs authorized by this section shall be coordinated with similar programs in the schools operated or supported by State or local educational agencies of the community to be served by such a program.

"(2) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

"(c) The Secretary is authorized to—

"(1) arrange by contract or grant with State educational agencies for developing and implementing a State plan to provide special education and related services to handicapped children; and

"(2) disseminate information on successful models and practices of the programs authorized under this section in order to promote the basis for other early education programs for handicapped children.

"(d) For the purpose of this section, handicapped children includes children from birth to 8 years of age.

"RESEARCH, TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

"SEC. 624. (a) The Secretary is authorized, either as part of any grant or contract under this part or by separate grant to, or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as the Secretary determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

"(1) research to identify and assist in meeting the full range of special needs of handicapped children and youth;

"(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children and youth;

"(3) training of special education and related services personnel engaged in programs specifically designed for such children and youth; and

"(4) dissemination of materials and information about practices found effective in working with such children and youth.

"(b) In making grants and contracts under this section, the Secretary shall insure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other parts of this Act.

"(c) In carrying out the provisions of this section the Secretary is authorized to address the needs of the severely handicapped.

"POSTSECONDARY EDUCATION PROGRAMS

"SEC. 625. (a) The Secretary is authorized to make grants to, or contracts with, institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specially designed programs of postsecondary, vocational, technical, continuing, or adult education for handicapped individuals.

"(b) The Secretary shall make grants and enter into contracts under this section on a competitive basis. In making grants or contracts under this section the Secretary shall give priority consideration to four regional centers for the deaf and to model centers and programs for individuals with handicapping conditions other than deafness—

"(1) for developing and adapting programs of postsecondary, vocational, technical, continuing, or adult education to meet the special needs of handicapped individuals; and

"(2) for programs that coordinate, facilitate, and encourage education of handicapped individuals with their nonhandicapped peers.

The total amount of payments in any fiscal year under this subsection for the four regional centers for the deaf shall not be less than $2,000,000.

"(c) The Secretary shall make grants or enter into contracts for a national clearinghouse on postsecondary education for handicapped individuals for the purpose of providing information on available services and programs in postsecondary education for the handicapped.

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH

"SEC. 626. (a) The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, State education agencies and local education agencies and other appropriate public and private nonprofit institutions or agencies to—

"(1) strengthen and coordinate education, training, and related services for handicapped youth to assist in the transitional process to postsecondary education, vocational training, competitive employment, continuing education, and adult services; and

"(2) stimulate the improvement and development of programs for secondary special education, including—

"(A) specially designed vocational programs which will increase the potential for competitive employment for handicapped youth; and

"(B) research and development projects for exemplary service delivery models and the replication and dissemination of successful models.

"(b) Projects assisted under this section may include—

"(1) developing strategies and techniques for transition to independent living, vocational training, postsecondary education, and competitive employment for handicapped youth;

"(2) establishing demonstration models for services and programs which emphasize vocational training, transitional services, and placement for handicapped youth;

"(3) conducting demographic studies which provide information on the numbers, age levels, types of handicapping conditions and services required of handicapped youth in need of transitional programs;

"(4) initiating collaborative models between educational agencies and adult service agencies, including vocational rehabilitation, mental health, mental retardation, public employment, and employers which facilitate the planning and development of transitional services for handicapped youth to postsecondary education, vocational training, employment, continuing education, and adult services; and

"(5) developing appropriate procedures for evaluating vocational training, placement, and transitional services for handicapped youth.

Projects described under clause (4) shall be coordinated with projects developed under section 311 of the Rehabilitation Act of 1973.

"(c) An evaluation of this section shall be conducted in a manner consistent with section 627 of this part and shall be submitted to the appropriate committees of each House of Congress not later than January 1986.

"(d) For the purpose of this section, 'handicapped youth' means any handicapped individual who has attained 12 years of age or is enrolled in the seventh or higher grade in school, and has not attained 22 years of age, except when State law permits attendance in secondary schools for handicapped individuals over 22 years of age.

"EVALUATIONS

"SEC. 627. The Secretary shall conduct, either directly or by contract, a thorough and continuing evaluation of the effectiveness of each program assisted under this part. The results of the evaluations shall be analyzed and submitted to the appropriate committees of each House of Congress.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 628. There are authorized to be appropriated to carry out the provisions of section 621, $5,700,000 for the fiscal year 1984 and for the succeeding fiscal year, $6,000,000 for fiscal year 1985, and $6,300,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 622, $16,000,000 for fiscal year 1984, $16,000,000 for fiscal year 1985, and $16,000,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 623, $21,100,000 for fiscal year 1984 and $22,200,000 for fiscal year 1985, and $23,400,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 624, $5,000,000 for fiscal year 1984 of which $3,000,000 shall be available for subsection (c) of such section, $5,300,000 for fiscal year 1985 of which $3,200,000 shall be available for subsection (c) of such section, and $5,600,000 for fiscal

year 1986 of which $3,300,000 shall be available for subsection (c) of such section. There are authorized to be appropriated to carry out the provisions of section 625, $5,000,000 for the fiscal year 1984, $5,300,000 for the fiscal year 1985, and $5,500,000 for the fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 626, $6,000,000 for the fiscal year 1984, $6,330,000 for the fiscal year 1985, and $6,660,000 for the fiscal year 1986.".

TRAINING FOR THE EDUCATION OF THE HANDICAPPED

SEC. 8. (a) Section 631 of the Act is amended to read as follows:

"GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE INSTITUTIONS OR AGENCIES

"SEC. 631. (a) The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

"(1) in providing training for preparation as special education personnel and related services personnel for service to handicapped children and youth (including a limited amount of special education training for regular education personnel) such as—

"(A) teachers of handicapped children and youth,

"(B) adaptive physical education and recreation personnel,

"(C) personnel serving the speech, language, and hearing impaired children and youth,

"(D) personnel preparing to engage in related services to handicapped children and youth,

"(E) special education personnel preparing to engage in educational research for handicapped children and youth,

"(F) special education personnel as part of an interdisciplinary team for use in the university affiliated facilities program under the Rehabilitation Act of 1973 and the satellite network of the developmental disabilities program, and as part of an interdisciplinary team for use in research and training centers under section 204(b) of the Rehabilitation Act of 1973; and

"(2) in providing demonstration and model programs for the preservice training described in clause (1);

"(3) in providing demonstration and model programs for inservice training of special education personnel, including classroom aides, related services personnel and regular education personnel who serve handicapped children and youth; and

"(4) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Secretary, for training personnel engaged in or preparing to engage in educational services, educational research, or employment as teachers of the handicapped or as related services personnel serving handicapped children and youth.

The Secretary shall reserve not to exceed 5 per centum of the amount appropriated and available in each fiscal year for this subsection for contracts to target training personnel in underserved areas.

"(b)(1) The Secretary is authorized to make grants to private nonprofit organizations for the purpose of establishing and operating parent training and information programs. Each program established under this section shall be designed to inform and train parents so that the parents can participate effectively with professionals in meeting the educational needs of their handicapped children. In order to receive a grant under this section each private nonprofit organization shall—

"(A) be governed by a board, the majority of which is parents of handicapped children and include professionals from special education and related fields who serve handicapped children and youth;

"(B) serve the parents of children with the full range of handicapping conditions; and

"(C) demonstrate the capacity and expertise to effectively conduct the training and information activities authorized under this section.

"(2) The Secretary shall assure that grants under this subsection will—

"(A) be distributed to the greatest extent possible throughout the United States; and

"(B) be targeted to parents of handicapped children in both urban and in rural areas, or on a State, or regional basis.

"(3) The parent training and information programs assisted under this section shall assist parents to—

"(A) understand better the nature and needs of the handicapping conditions of their children;

"(B) provide followup support for their handicapped children's educational programs;

"(C) communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals;

"(D) participate in educational decisionmaking processes including the development of their handicapped child's individualized educational program;

"(E) obtain information about the program's services and resources available to their handicapped child, and the degree to which the program's, services and resources are appropriate; and

"(F) understand the provisions for the education of handicapped children as specified under part B of this Act.

"(4) Each private nonprofit organization operating a program receiving assistance under this subsection shall consult with appropriate agencies which serve or assist handicapped children and youth and are located in the jurisdictions to be served by the program.

"(5) The Secretary shall provide by grant or contract technical assistance for establishing, developing, and coordinating parent training and information programs.

"(6) The Secretary shall reserve 10 per centum of the funds appropriated and available for this section in each fiscal year for the activities authorized under this subsection.".

(b) Section 633 of this Act is amended to read as follows:

"RECRUITMENT OF EDUCATIONAL PERSONNEL AND THE PROVISION OF INFORMATION CONCERNING THE EDUCATION OF HANDICAPPED INDIVIDUALS

"SEC. 633. (a) The Secretary is authorized to make a grant to or enter into a contract with a public agency or institution or a private nonprofit organization or institution for a national clearinghouse. The national clearinghouse shall—

"(1) disseminate information on a national basis to parents, professionals, and other interested parties about—

"(A) the programs authorized under this Act and other relevant provisions of Federal law; and

"(B) how to participate in such programs including referral of individuals to appropriate national, State, and local agencies and organizations that can provide further assistance; and

"(2) encourage students and professional personnel to seek and obtain careers and employment in the various fields relating to the education of handicapped children and youth.

In awarding the grant under this section, the Secretary shall give particular attention to the demonstrated experience at the national level to carry out the functions established in this section and ability of grant applicants to conduct the clearinghouse, communicate with the intended consumers of information and maintain the necessary communication with other agencies and organizations.".

(c) Section 635 of the Act is amended to read as follows:

"REPORTS TO THE SECRETARY

"SEC. 635. (a) Each recipient of a grant under subsection (a) of section 631 during any fiscal year shall, after the end of such fiscal year, prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate, and shall include—

"(1) the number of individuals trained under the grant, by category of training and level of training; and

"(2) the number of individuals trained under the grant receiving degrees and certification, by category and level of training.

"(b) Each recipient of a grant under subsection (b) of section 631 during any fiscal year shall, after the end of such fiscal year, prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate and shall include the number of parents trained under the grant.

"(c) The data required by this section shall be included in the annual report required under section 618(d) of this Act.".

(d) Section 636 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 636. There are authorized to be appropriated to carry out the provisions of this part (other than section 633), $58,000,000 for the fiscal year 1984, $61,150,000 for fiscal year 1985, and $64,370,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 633, $1,000,000 for fiscal year 1984, $1,050,000 for fiscal year 1985, and $1,110,000 for fiscal year 1986.".

(e) The heading of part D is amended to read as follows:

"PART D—TRAINING FOR THE EDUCATION OF THE HANDICAPPED"

RESEARCH IN THE EDUCATION OF THE HANDICAPPED

SEC. 9. (a) Section 641 of the Act is amended to read as follows:

"RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

"SEC. 641. (a) The Secretary is authorized to make grants to, or enter into contracts with, State and local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations for research and related activities, to assist special education personnel, related services personnel, and other appropriate persons, including parents, in improving the education and related services for handicapped children and youth. Research and related activities assisted under this section shall be designed to—

"(1) increase knowledge and understanding of handicapping conditions and teaching, learning, and education-related practices and services for handicapped children and youth;

"(2) develop techniques and devices for improving the education and related services for handicapped children and youth;

"(3) demonstrate exemplary educational programs and practices; and

"(4) disseminate appropriate information on the research and related activities conducted under this part to interested individuals and organizations.

"(b) The Secretary shall publish a proposed set of research priorities in the Federal Register every 2 years and allow a period of 60 days for public comments and suggestions. After analyzing and considering the public comments the Secretary shall publish a final set of research priorities in the Federal Register not later than 30 days after the close of the comment period.

"(c) The Secretary shall provide an index (including the title of each research project and the name and address of the researching organization) of all research projects conducted in the prior fiscal year in the annual report described under section 618(d). The Secretary shall make reports of research projects available to the education community at large and other interested parties.

"(d) The Secretary shall encourage the coordination of research priorities established under this section with research priorities established by the National Institute of Handicapped Research and shall assure that information as to research priorities established under this section is provided to the National Council of the Handicapped.".

(b) Section 643 of the Act is amended to read as follows:

"PANELS OF EXPERTS

"SEC. 643. The Secretary shall from time to time appoint panels of experts who are competent to evaluate various types of proposals for projects under parts C, D, E, and F, and shall secure the advice and recommendations of one such panel before making any grant or contract under parts C, D, E, and F of this Act. The panels shall be composed of—

"(1) individuals from the field of special education for the handicapped and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals; and

"(2) handicapped individuals and parents of handicapped individuals when appropriate.".

(c) Section 644 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purposes of carrying out this part, there are authorized to be appropriated $20,000,000 for the fiscal year 1984, $21,100,000 for the fiscal year 1985, and $22,200,000 for the fiscal year 1986.".

INSTRUCTIONAL MEDIA

SEC. 10. Section 654 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purposes of carrying out this part, there are authorized to be appropriated $19,000,000 for the fiscal year 1984, $20,000,000 for the fiscal year 1985, and $21,100,000 for the fiscal year 1986.".

AMENDMENTS TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981

SEC. 11. (a) Section 602(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "each of the fiscal years 1983 and 1984" and inserting in lieu thereof "the fiscal year 1983, and $1,071,850,000 for the fiscal year 1984".

(b) Section 605 of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $5,500,000 for fiscal year 1984".

(c) Section 605(b) of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $56,000,000 for the fiscal year 1984".

(d) Section 605(c) of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $28,000,000 for the fiscal year 1984".

REPEALERS

SEC. 12. (a) Section 634 of the Act is repealed.

(b) Part G of the Act is repealed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARCTIC RESEARCH AND POLICY ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 255, S. 373.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 373) to provide comprehensive national policy dealing with national needs and objectives in the Arctic.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with amendments:

On page 1, line 4, strike "1982"." and insert "1983"."

On page 2, line 22, after "human" insert "health and".

On page 9, line 7, after "biological," insert "health,".

On page 12, line 16, strike "March 31, 1983," and insert "September 30, 1984,".

On page 16, line 4, strike "(d)(1) There is authorized to be appropriated for the Arctic Research Fund for the fiscal year beginning October 1, 1983, and for each succeeding year thereafter, $25,000,000." and insert "(d)(1) there is authorized to be appropriated for the Arctic Research Fund an amount not to exceed $25,000,000 per fiscal year for the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989."

Mr. STEVENS. Mr. President, I move that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

AMENDMENT NO. 1438

(Purpose: Technical amendment)

Mr. STEVENS. Mr. President, I send to the desk a technical amendment on behalf of Mr. MURKOWSKI.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. MURKOWSKI, proposes an amendment numbered 1438.

On page 12, line 17, strike "1984", and insert in lieu thereof: "1985".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1438) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I rise in support of passage of the Arctic Research and Policy Act of 1983, S. 373. The adoption of this bill by the Senate is an important step for both Alaska and the Nation.

I want to commend my colleague from Alaska, Senator MURKOWSKI, for his initiation and pursuit of this legislation both this year and during the past Congress. He has been a driving force behind legislation to establish an Arctic policy since his arrival in the Senate.

Passage of this bill, which is similar to S. 1562 which we passed in the closing days of the 97th Congress, signifies again the Senate's commitment to the development and adoption of a comprehensive Arctic policy. This bill is the culmination of an objective the Alaska congressional delegation has since the mid-1960's. At that time, then Senator E. L. "Bob" Bartlett urged the establishment of a policy. Here we are almost 20 years later and Congress is now taking up legislation which will provide the framework for establishment of an Arctic policy.

This legislation is significant in that it does not attempt to dictate an Artic policy, rather it sets up a framework for the involvement of Federal, State, and local officials involved in the Arctic to work together with the people of the Arctic to develop a policy which allows development but takes into account the needs and heritage of the people.

It should also be noted that the House of Representatives Committee on Science and Technology is considering similar legislation. I take this as an encouraging sign that the Congress

may finally be on the way to establishing an Arctic research and policy.

Mr. MURKOWSKI. Mr. President, I rise in support of the Arctic Research and Policy Act, S. 373. This important legislation will provide the framework for the scientific research effort we need to undertake in the Arctic.

There are three major reasons the United States must embark on a sustained, policy guided, comprehensive research effort in the Arctic:

First, the Arctic represents our last, great storehouse of strategic and energy minerals. It is also a unique, hostile, and fragile environment that challenges responsible exploration and development. If we intend to continue the development of these Arctic resources, we must undertake a research initiative that will provide the data and information needed to insure that development will proceed in an expeditious yet environmentally sound manner.

Second, the development of a sustained, comprehensive Arctic research effort will help provide answers to some of the global problems that are just beginning to be recognized in the Arctic. For example, the Arctic air mass has been found to contain a surprising amount of industrial pollutants which originate in the Soviet Union and Northern Europe. Some scientists believe these pollutants, together with the increasing amounts of carbon dioxide known to be collecting in the atmosphere, could produce a catastrophic "greenhouse effect" which could warm the Arctic, melt portions of the Arctic icecap, raise sea levels, and alter global weather patterns. We need to know more about these phenomena, and a comprehensive Arctic research effort is a step in the right direction.

Third, the strategic significance of the Arctic is enormous. The Arctic represents our only common border with the Soviet Union. And yet, the Navy has closed the only full-scale research facility we have in the true Arctic—the Naval Arctic Research Laboratory near Barrow, Alaska. What research, for instance, is being done relevant to the defense of the Trans-Alaskan Pipeline and the Prudhoe Bay oil facilities? We have done a superb job of equipping our Armed Forces to fight in the desert climate of the Persian Gulf, from which we are currently receiving about 500,000 barrels of oil daily. But what have we done to prepare our Armed Forces to defend the facilities and the pipeline that supply us with over 1½ million barrels of our own oil daily? Are we simply hoping that combat will never take place in the Arctic?

Mr. President, we have no real policy and no approach toward Arctic research. Fifteen or more Federal agencies are involved in a number of ad hoc research efforts—while those efforts are individually useful, can they provide a complete, comprehensive data base on which we can base decisions of immense financial and strategic consequence? To what extent do these independent, uncoordinated Federal research efforts duplicate one another or those in the private sector? Since no clearinghouse dedicated to the collection and cataloging of Arctic scientific data exists, what means other than informal channels are available for an Arctic researcher to discover what other researchers are doing?

It is also very troubling to compare our Arctic research program with those of other circumpolar nations. Of all the countries bordering on the Arctic, only the United States lacks a national institute, laboratory, or any other central organization dedicated to the sustained planning and support of Arctic research. Most of the Arctic is composed of ice-covered seas. how many ice-worthy research ships does the United States have exclusively available for research efforts? The Soviet Union has more than 20 such vessels; Canada has 9; Norway, 8; Denmark and Japan each have 2; East Germany has 3, and the United Kingdom, 4. How many do we have? One wooden trawler which operates solely in the Antarctic. We have actually had to use Soviet research vessels for United States federally funded research.

Mr. President, together with Senators STEVENS, JACKSON, GORTON, and Congressman YOUNG, I introduced this legislation to address these vital needs. Our bill, the Arctic Research and Policy Act, would create an Arctic Science Policy Council and an Arctic Research Commission. The Policy Council would be made up of five members appointed by the President and charged with development of and responsibility for a comprehensive Arctic research policy.

Responsibility for implementation of the policy articulated by the Council would lie with a nine-member Arctic Research Commission. The Commission would survey the existing research undertaken in both the public and private sector, establish a central data collection and retrieval center to serve as a clearinghouse for nonproprietary and unclassified research data, and make research grants in an effort to fill the gaps in our knowledge of the Arctic.

The bill authorizes $25 million per year to fund the Council, the Commission, the Data Center, and the research grants that would be targeted toward filling the gaps in our knowledge of the Arctic. I want to stress that $25 million is a minimal investment when compared with the value of Arctic resources and the Federal revenues which are derived from those resources. The U.S. Treasury receives $3 for every $1 of Federal money spent in Alaska. In any given year more than $3 billion accrues to the Federal Treasury as a result of the petroleum income taxes and windfall profit taxes resulting from Alaskan oil production. Nearly $3 billion additional went to the Federal Treasury as a consequence of the past three Alaskan OCS lease sales held in the past 8 months. This type of return will only continue so long as Alaskans are convinced that the development of the State's resources are proceeding in a responsible manner.

Now you may ask, what good will it do to create another governmental entity to address the fragmented nature of our approach toward Arctic research? One important answer lies in the fact that many significant Arctic research needs do not always fall logically into existing funding and organizational structures. It is a rule of thumb that if something that requires funding does not lie within the responsibility of a single Federal agency, it will be ignored. Even more shortsighted is the notion that since Alaska is the only State of the Union with territory in the Arctic and Subarctic, research may be written off as being of purely local interest, and funding is expected to come from State sources.

For these and other reasons, I believe a separate entity must be created which is dedicated to the development and implementation of an Arctic research plan. I do not believe we could strengthen existing programs in say, the National Science Foundation, and expect to attain the same result. Funding and resources for Arctic research would be easily diverted to other research initiatives—perhaps in the Antarctic and elsewhere. I believe that research in the Arctic, where our citizens live and our resources lie, has been shortchanged in favor of the comprehensive, policy guided research program we do undertake in the Antarctic. I feel that our dedication to research in the Antarctic is motivated by the mere existence of the Antarctic treaty. The judgments which have shifted research moneys away from the Arctic and toward the Antarctic have been based on diplomatic considerations rather than scientific criteria. The policy, and the mandate for the continuation of the Antarctic research program, appears to come from the executive level in the pursuit of foreign policy. I hope my remarks are not misinterpreted—I am not a critic of the Antarctic research program. I do believe, however, that the Arctic deserves better for all the reasons I have given.

I wish to commend Senator ROTH, chairman of the Governmental Affairs Committee for the fine job he and his staff have done on the legislation. I would also like to thank Senator STE-

VENS, Senator JACKSON, and Senator GORTON for their assistance and guidance. Senator STEVENS and his staff have spent many hours in hearings, markups, and other preparations in anticipation of this day, and I am deeply indebted to him and his staff for assisting me in moving this bill along to its final Senate passage.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I ask for a third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arctic Research and Policy Act of 1983".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce our dependence on foreign oil and improve the national balance of payments;

(2) as our only common border with the Soviet Union, the Arctic is critical to national defense;

(3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation's greatest commercial assets;

(4) Arctic conditions directly affect global weather patterns and must be understood in order to promote better agricultural management throughout the United States;

(5) industrial pollution not originating in the Arctic region collects in the polar air mass, has the potential to disrupt global weather patterns, and must be controlled through international cooperation and consultation;

(6) the Arctic is the only natural laboratory for research into human health and adaptation, physical and psychological, to climates of extreme cold and isolation and may provide information crucial for future defense needs;

(7) atmospheric conditions peculiar to the Arctic provide a unique testing ground for research into high-latitude communications, which is likely to be crucial for future defense needs;

(8) Arctic marine technology is critical to cost-effective recovery and transportation of energy resources and to the national defense;

(9) most Arctic-rim countries, particularly the Soviet Union, possess Arctic technologies far more advanced than those currently available in the United States;

(10) Federal Arctic research is fragmented, uncoordinated and undercapitalized at the present time;

(11) such fragmentation has led to the neglect of certain areas of research and to unnecessary duplication of effort in other areas of research;

(12) there is an immediate need to formulate a comprehensive national policy to organize and fund currently neglected scientific research with respect to the Arctic;

(13) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological and geophysical phenomena in the Arctic, directing special attention to the broad accumulation of data related to sea-ice dynamics;

(14) research into the long-range health environmental and social effects of development in the Arctic is necessary to mitigate the adverse consequences of such development to the land and its residents;

(15) Arctic research has significant value for expanding knowledge of the Arctic which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries and foster a national policy for the Arctic; and

(16) the Alaskan Arctic provides essential habitat for marine mammals, migratory waterfowl, and other forms of wildlife which are important to the Nation and which are essential to Arctic residents.

(b) The purposes of this Act are—

(1) to establish an Arctic Science Policy Council and an Arctic Research Commission to promote Arctic research;

(2) to establish a centralized system for the collection and retrieval of scientific data with respect to the Arctic; and

(3) to establish priorities and provide financial support for basic and applied scientific research with respect to the Arctic that is currently being neglected and is essential to our Nation's needs.

ARCTIC SCIENCE POLICY COUNCIL

SEC. 3. (a) There is established a council to be known as the Arctic Science Policy Council (hereafter in this Act referred to as the "Council").

(b) The Council shall be composed of the following members:

(1) A chairperson appointed by the President, with the advice and consent of the Senate.

(2) Two individuals from the State of Alaska who have demonstrated a knowledge and interest in the field of Arctic research, appointed by the President from a list of individuals submitted by the Governor of the State of Alaska. The President in his or her discretion may request additional names to be submitted.

(3) Two individuals who have demonstrated a knowledge and interest in the field of Arctic research, appointed by the President from lists submitted by the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, the Secretary of the Department of Energy, the Secretary of State, the Secretary of Transportation (on behalf of the Coast Guard), and the Director of the National Science Foundation. The President in his or her discretion may request additional names to be submitted.

(c) Each member shall have an equal vote on matters decided by the Council.

(d)(1) Except as provided in paragraph 2, the term of office for a member of the Council shall be two years.

(2)(A) Of the members of the Council originally appointed under paragraphs (2) and (3) of subsection (b), one member appointed under paragraph (2) of such subsection, and one member appointed under paragraph (3) of such subsection shall be appointed for a term of one year.

(B) A member may serve after the expiration of his term of office until the President appoints a successor.

(e)(1) A member of the Council not otherwise employed by the United States shall be compensated at a rate equal to the daily equivalent of the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day such member is engaged in the actual performance of his duties as a member of the Council.

(2) A member of the Council who is an officer or employee of the United States or of the State of Alaska shall serve without additional compensation.

(3) All members of the Council shall be reimbursed for travel (in accordance with 5 U.S.C. 5701) and other necessary expenses incurred by them in the performance of their duties as members of the Council.

(4) No member may be compensated for more than ninety days of service each year in performance of his or her duties as a member of the Council.

DUTIES OF COUNCIL

SEC. 4. (a) The Council shall—

(1) facilitate cooperation between the Federal Government and State and local governments with respect to Arctic research;

(2) coordinate and promote cooperative Arctic scientific research programs with other nations (in consultation with the Secretary of State);

(3) develop and supervise an integrated national Arctic science policy (except with respect to the areas of authority specifically reserved to the Arctic Research Commission under section 7 of this Act);

(4) appoint the members of the Arctic Research Commission; and

(5) cooperate with the Governor of the State of Alaska and with such agencies and organizations of the State as the Governor may designate with respect to the formulation of Arctic science policy.

(b) Not later than January 31 of each year, the Council shall—

(1) publish a statement of goals and objectives with respect to Arctic research to guide the Arctic Research Commission in the performance of its duties; and

(2) submit to Congress a report describing the activities and accomplishments of the Council during the immediately preceding calendar year.

COOPERATION WITH THE COUNCIL

SEC. 5. (a)(1) The Council may acquire from the head of any Federal agency unclassified data, reports, and other nonproprietary information with respect to Arctic research which the Council considers useful in the discharge of its duties.

(2) Each such agency shall cooperate with the Council and furnish all data, reports, and other information requested by the Council to the extent permitted by law.

(b) The Council may utilize the facilities and services of any Federal agency (with the consent of the appropriate agency head, with or without reimbursement), taking every feasible step to avoid duplication of research and effort.

ARCTIC RESEARCH COMMISSION

SEC. 6. (a) There is established a commission to be known as the Arctic Research Commission (hereafter in this Act referred to as the "Commission").

(b)(1) The Commission shall be appointed by the Arctic Science Policy Council and shall be composed of the following members:

(A) Four members shall be appointed from among individuals with expertise in representative areas of research relating to the Arctic (including, but not limited to, the physical, biological, health, and social sci-

ences), at least one of whom shall be employed by the University of Alaska.

(B) Two members shall be appointed from among residents of the Arctic who are representative of the needs and interests of Arctic residents and live in areas directly affected by Arctic resource development.

(C) Two members shall be appointed from among individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

(D) One member shall be appointed from among individuals familiar with the Arctic and employed by the United States Coast Guard.

(2) Upon the appointment of the members of the Commission pursuant to paragraph (1), the Council shall designate a member of the Commission to be chairperson of the Commission.

(c)(1) Except as provided in paragraph (2), the term of office for a member of the Commission shall be four years.

(2) Of the members of the Commission originally appointed under paragraph (1) of subsection (b)—

(i) two shall be appointed for a term of one year;

(ii) two shall be appointed for a term of two years;

(iii) two shall be appointed for a term of three years; and

(iv) three shall be appointed for a term of four years.

(3) A member may serve after the expiration of his term of office until the Council appoints a successor.

(d)(1) A member of the Commission not otherwise employed by the United States shall be compensated at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of his duties as a member of the Commission.

(2) A member of the Commission who is an officer or employee of the United States or the State of Alaska shall serve without additional compensation.

(3) All members of the Commission shall be reimbursed for travel (in accordance with section 5701 of title 5, United States Code) and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(4) No member may be compensated for more than one hundred and eighty days of service each year in performance of his or her duties as a member of the Commission.

DUTIES OF COMMISSION

SEC. 7. (a) The Commission shall—

(1) survey Arctic research conducted by Federal and State, and local agencies, the University of Alaska and other universities, and other private and public institutions to determine priorities for future Arctic research, and make recommendations thereon to the Council and other interested parties;

(2) establish a data collection and retrieval center for Arctic research (which shall be located in the State of Alaska) and promulgate guidelines for the use and dissemination of Arctic research information;

(3) make grants for such Arctic research as the Commission deems necessary and desirable to further the goals and objectives published annually by the Council pursuant to section 4(b)(1), with special consideration being given to studies in neglected areas of Arctic research; and

(4) consult the Council with respect to—

(A) all proposed, ongoing, and completed research programs and studies funded by the Commission,

(B) recommendations proposed by the Commission with respect to future Arctic research, and

(C) guidelines for awarding and administering Arctic research grants.

(b)(1)(A) Not later than December 31 of each year, the Commission shall transmit to the Council a report describing the activities and accomplishments of the Commission during the immediately preceding calendar year and making recommendations with respect to future Arctic research policy.

(B) Such report shall be available for public inspection at reasonable times.

(2) Not later than September 30, 1985, the Commission shall submit to Congress and to the Legislature of the State of Alaska a report making recommendations with respect to the continued operation of Government-operated laboratory facilities conducting Arctic research, taking into account the efficiency and effectiveness of such facilities and the degree to which the operation of such facilities would result in the duplication of research and effort.

(c) The Commission shall cooperate with the Governor of the State of Alaska, and with such agencies as the Governor may designate with respect to—

(1) the recommendations proposed by the Commission pursuant to section 7(a)(4)(B);

(2) the planning, funding, and logistical support of Arctic research; and

(3) the storage, transfer, and dissemination of Arctic scientific and technological knowledge and data.

ADMINISTRATION OF THE COMMISSION

SEC. 8. The Commission may—

(1) in accordance with civil service laws and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and such additional staff personnel as may be necessary;

(2) procure temporary and intermittent services as authorized by section 3109 of title 5, United States Code;

(3) enter into contracts and procure supplies, services, and property; and

(4) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Commission and the Administrator of the General Services Administration.

STATE ELECTION

SEC. 9. (a) The State of Alaska may elect to participate or not to participate in the activities of the Council and the Commission.

(b) Failure of the State of Alaska to contribute to the Arctic Research Fund (established by section 10 of this Act) for a fiscal year an amount equal to one-quarter of the amount appropriated to such Fund by the United States for the previous fiscal year shall constitute an election by such State not to participate in the Council and the Commission.

(c) Upon an election by the State of Alaska not to participate in the Council and the Commission pursuant to subsection (b)—

(1) appointments to such Council or Commission which are required to be made from among individuals—

(i) employed by the State of Alaska, or

(ii) nominated by the Governor of the State of Alaska

shall be vacated; and

(2) an appointment to fill a vacancy created by such election shall be made in such manner and from among such individuals as other appointments to such Council or Commission are required to be made (as determined by the chairperson of the Council or Commission).

(d) An election by the State of Alaska not to participate in the Council and the Commission pursuant to subsection (b) shall not affect the powers or duties of those bodies.

(e) Should the State of Alaska wish to reinstate its participation following an election not to participate, it may do so by meeting the funding requirement for the year in which reinstatement is sought.

ARCTIC RESEARCH FUND

SEC. 10. (a) There is hereby created a trust fund to be known as the Arctic Research Fund (hereafter in this Act referred to as the "Fund"), to be available for the support of the activities of the Arctic Science Policy Council and the Arctic Research Commission.

(b) Such Fund shall consist of—

(1) amounts appropriated to such Fund;

(2) amounts contributed to such Fund by the State of Alaska; and

(3) amounts contributed by private individuals and organizations.

(c) Amounts in the Fund shall be available, until expended, for the purposes of this Act, to the extent and in such amounts as are provided for in advance in appropriation Acts.

(d)(1) There is authorized to be appropriated for the Arctic Research Fund an amount not to exceed $25,000,000 per fiscal year for the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989.

(2) In determining the amount contributed to such Fund by the State of Alaska for a fiscal year—

(A) the fair market value (as determined by the Council in good faith) of all facilities, services, materials, and other support contributed to the Fund by the State of Alaska during such fiscal year, and

(B) all amounts contributed by private individuals and organizations,

shall be taken into account.

DEFINITION

SEC. 11. The term "Arctic" shall mean all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain.

Mr. STEVENS. Mr. President, may I inquire from my good friend from West Virginia if he has anything further to come before the Senate?

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader for his inquiry. I have nothing further.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. STEVENS. Mr. President, when we convene tomorrow at 9:30, the two leaders will be recognized under the

standing order and then there will be two special orders.

I ask unanimous consent that following the two special orders, there be a period for the transaction of routine morning business, not to extend beyond the hour of 10:15 a.m. in which Senators may speak for not to exceed 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until tomorrow at 9:30 a.m.

The motion was agreed to, and the Senate, at 6:14 p.m., recessed until Tuesday, June 28, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 27, 1983:

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Leo Marquez, [redacted] FR, U.S. Air Force.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Thomas J. Bigley, [redacted] 1110, U.S. Navy.

UNITED NATIONS

Jose S. Sorzano, of Virginia, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Warren T. Lindquist, of Maine, to be an Assistant Secretary of Housing and Urban Development, vice Geno Charles Baroni.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard E. Merkling, [redacted] FR, U.S. Air Force.

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Guyse, Barry D., [redacted]
O'Connor, Paul B., [redacted]
Scheyd, Fredric J., [redacted]
Smith, Ronald E., [redacted]
Sparks, Robert C., [redacted]

IN THE AIR FORCE

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be lieutenant colonel

Cobean, James E., [redacted]

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3366, 3367 and 3370:

To be colonel

Basista, James P., [redacted]
Geriner, Henry B., [redacted]
Mencer, John F., [redacted]
Morris, Charles B., [redacted]
Orr, Thomas L., [redacted]
Pixley, Morris H., [redacted]
Stauber, Jerome E., [redacted]
Stevens, Jack D., [redacted]
Vitzthum, Edward F., [redacted]
Wiltshire, James R., [redacted]

CHAPLAIN

To be colonel

Bershon, Richard, [redacted]

ARMY NURSE CORPS

To be colonel

Godby, Jack L., [redacted]

DENTAL CORPS

To be colonel

Bakland, Leif K., [redacted]
Culbreath, Huel M., [redacted]
Shields, William N., [redacted]

MEDICAL CORPS

To be colonel

Bowling, Roert S., [redacted]
Craver, William L., [redacted]
Drake, Richard C., [redacted]
Ellis, Robert G., [redacted]
LeFemine, Armand A., [redacted]
Malee, Thomas J., [redacted]
Marshall, John Q., [redacted]
Parmelee, Norman H., [redacted]
Payne, John W., [redacted]
Sanders, Harold L., [redacted]
Sobel, Harold L., [redacted]
Weaver, Clyde M., [redacted]

MEDICAL SERVICE CORPS

To be colonel

Green, Emmanuel B., [redacted]
Hardin, James E., [redacted]
Newman, Jack H., [redacted]

VETERINARY CORPS

To be colonel

Malm, Gerhard A., [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

Clark, Herbert, [redacted]
Gailey, Richard W., [redacted]
Noyes, Oliver R., [redacted]
Timberlake, Vaughn, [redacted]

CHAPLAIN

To be lieutenant colonel

Holmen, John A., [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

Chittick, Elizabeth, [redacted]
Mitchell, Maria K., [redacted]
Richardson, Loma Ann, [redacted]
Young, Kenneth E., [redacted]

DENTAL CORPS

To be lieutenant colonel

Buchanon, William T., [redacted]

MEDICAL CORPS

To be lieutenant colonel

Henry, Hector H., [redacted]
Von Felt, Francis J., [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Hughes, Henry M., Jr., [redacted]
Lassiter, Wright, [redacted]

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Mitchell, Richard L., [redacted]
Tankel, Leslie F., [redacted]

CHAPLAIN

To be colonel

Hendrick, Kenneth E., [redacted]

ARMY NURSE CORPS

To be colonel

Klapinski, B. A., [redacted]

MEDICAL CORPS

To be colonel

Vaughan, Milton C., [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

Abdalla, Sidney J., [redacted]
Adams, George C., [redacted]
Adams, Joel M., [redacted]
Armstead, Earl, [redacted]
Atherton, Peter L., [redacted]
Bailey, Mark R., [redacted]
Baker, Gordon, [redacted]
Baldwin, Robert R., [redacted]
Batey, Robert W., [redacted]
Battles, James E., [redacted]
Baugh, William T., [redacted]
Beasley, Michael W., [redacted]
Beck, Marvin X., [redacted]
Bessler, Robert M., [redacted]
Brautigan, Roger L., [redacted]
Brevelle, Clement T., [redacted]
Broadfield, William, [redacted]
Bryant, Hugh S., [redacted]
Buechsenschuetz, W., [redacted]
Buffa, Patrick J., [redacted]
Burns, Rex C., [redacted]
Cardinali, Richard, [redacted]
Carlson, Stanley E., [redacted]
Chaudoin, William J., [redacted]
Clark, Kenneth W., [redacted]
Clyborne, William L., [redacted]
Cooper, Robert S., [redacted]
Crawford, Michael D., [redacted]
Cremin, Daniel J., [redacted]
Currie, Aubrey G., [redacted]
Davenport, Peter M., [redacted]
Davolio, Gerard D., [redacted]
Deris, William G., [redacted]
Dillon, Wilburn, Jr., [redacted]
Dulak, Robert M., [redacted]
Dwyer, Donald D., [redacted]
Elliott, Randall T., [redacted]

Eschen, Andrew J., xxx-xx-xxxx
Ferguson, Walter, Jr., xxx-xx-xxxx
Franks, Richard E., xxx-xx-xxxx
Frazee, Thomas E., xxx-xx-xxxx
Futrell, Albert M., xxx-xx-xxxx
Glennon, John W., xxx-xx-xxxx
Gray, Charles A. Q., xxx-xx-xxxx
Greenberg, Robert B., xxx-xx-xxxx
Griffiths, William, xxx-xx-xxxx
Gudgel, Robert B., xxx-xx-xxxx
Harper, James A., xxx-xx-xxxx
Hedrick, Don J., xxx-xx-xxxx
Heigert, Richard A., xxx-xx-xxxx
Higginbotham, J. J., xxx-xx-xxxx
Hill, Gerald E., xxx-xx-xxxx
Howard, Jerrod F., xxx-xx-xxxx
Hunt, Charles M., xxx-xx-xxxx
Ingram, Charles A., xxx-xx-xxxx
Jones, Warren R., xxx-xx-xxxx
Keesee, Herbert L., xxx-xx-xxxx
Knickerbocker, R. J., xxx-xx-xxxx
Lind, George M., xxx-xx-xxxx
Linke, Donald R., xxx-xx-xxxx
Loyd, Gerald E., xxx-xx-xxxx
Maxwell, Marvin J., xxx-xx-xxxx
McCoy, John A., xxx-xx-xxxx
McDonald, Louis M., xxx-xx-xxxx
Mezey, Albert G., xxx-xx-xxxx
Miller, Glendon E., xxx-xx-xxxx
Moody, Frank E., xxx-xx-xxxx
Morgan, Kelly M., xxx-xx-xxxx
Morris, Stephen A., xxx-xx-xxxx
Morrison, James E., xxx-xx-xxxx
O'Connell, John M., xxx-xx-xxxx
Peters, Wayne L., xxx-xx-xxxx
Petro, William M., xxx-xx-xxxx
Porter, John W., xxx-xx-xxxx
Rash, David J., xxx-xx-xxxx
Ridge, Harry R., Jr., xxx-xx-xxxx
Ruddock, Rodney D., xxx-xx-xxxx
Rzeminski, Peter J., xxx-xx-xxxx
Saddoris, Gary G., xxx-xx-xxxx
Sanchez, Richard M., xxx-xx-xxxx
Sanders, Gerald J., xxx-xx-xxxx
Schodowski, Leonard, xxx-xx-xxxx
Seitz, Quentin L., xxx-xx-xxxx
Shaffer, DeWayne M., xxx-xx-xxxx
Shepherd, William J., xxx-xx-xxxx
Sills, Kenneth F., xxx-xx-xxxx
Smith, Ronald M., xxx-xx-xxxx
Smothers, James R., xxx-xx-xxxx
Thiewes, John F., xxx-xx-xxxx
Townsend, Louis C., xxx-xx-xxxx
Van Boxtel, Roger K., xxx-xx-xxxx
Van Eaton, Errol H., xxx-xx-xxxx
Verne, Lawrence R., xxx-xx-xxxx
Wands, Bruce B., xxx-xx-xxxx
Ward, Denis M., xxx-xx-xxxx
Weyhenmeyer, Charles, xxx-xx-xxxx
Whitehead, Ronnie O., xxx-xx-xxxx
Williamson, Kenneth, xxx-xx-xxxx
Wilson, Jackie W., xxx-xx-xxxx
Wishart, Ronald K., xxx-xx-xxxx
Wolf, Roger W., xxx-xx-xxxx
Wright, Brian K., xxx-xx-xxxx
Zyko, Eddi Z., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

McDonald, Thomas W., xxx-xx-xxxx
Stabenow, David L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Baker, Robert L., xxx-xx-xxxx
Trout, John T., xxx-xx-xxxx
Vanderbaan, John P., xxx-xx-xxxx
Williams, Leslie M., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 716:

MEDICAL CORPS

To be colonel

Beirne, Clinton, xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

To be colonel

Jensen, Gordan D., xxx-xx-xxxx
Sanford, Jay P., xxx-xx-xxxx
Stackpole, James W., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Anderson, Walter L., xxx-xx-xxxx
Sarbin, Alan Gary, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Bayme, Lloyd G., xxx-xx-xxxx
Bregman, Robert U., xxx-xx-xxxx
Bernstein, Morris M., xxx-xx-xxxx
Boehrer, Philip M., xxx-xx-xxxx
Brandlin, Frederick, xxx-xx-xxxx
Carroll, Charles P., xxx-xx-xxxx
Compagno, John, xxx-xx-xxxx
Dibart, Leonard A., xxx-xx-xxxx
Dimanin, John V., xxx-xx-xxxx
Eichman, Peter L., xxx-xx-xxxx
Fodor, Richard L., xxx-xx-xxxx
Fortini, Glenn E., xxx-xx-xxxx
Freund, Bernard W., xxx-xx-xxxx
Jackson, Benjamin T., xxx-xx-xxxx
Jordan, Robert A., xxx-xx-xxxx
Karakuc, Raymond J., xxx-xx-xxxx
Karsh, Richard B., xxx-xx-xxxx
Kelly, Thomas J., xxx-xx-xxxx
LaRoche, Fritz, xxx-xx-xxxx
MacDonald, Richard, xxx-xx-xxxx
Morelli, Robert J., xxx-xx-xxxx
Munson, Wayne M., xxx-xx-xxxx
Obert, Gerard J., xxx-xx-xxxx
O'Brien, John F., xxx-xx-xxxx
Parlato, George S., xxx-xx-xxxx
Reilly, Charles J., xxx-xx-xxxx
Rutland, Eugene P., xxx-xx-xxxx
Skogland, Herbert L., xxx-xx-xxxx
Stackpole, James W., xxx-xx-xxxx
Stewart, William W., xxx-xx-xxxx
Sullivan, Philip G., xxx-xx-xxxx
Wander, Harry J., xxx-xx-xxxx
Wolterbeek, Jacob C., xxx-xx-xxxx
Wood, Courtney B., xxx-xx-xxxx
Woodruff, Gerald G., xxx-xx-xxxx
Zlotsky, Norman, xxx-xx-xxxx

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Affeldt, Ronald D., xxx-xx-xxxx
Baca, Edward D., xxx-xx-xxxx
Baysinger, Howard E., xxx-xx-xxxx
Bookout, Jerry P., xxx-xx-xxxx
Crocker, Barry D., xxx-xx-xxxx
Drummond, Robert T., xxx-xx-xxxx
Gaynor, John S., Jr., xxx-xx-xxxx
Gibson, James L., xxx-xx-xxxx
Goble, Manuel G., xxx-xx-xxxx
Grundy, Charles R., xxx-xx-xxxx
Harris, Robert A., xxx-xx-xxxx
Jones, Milton O., xxx-xx-xxxx
Jones, Ward S., xxx-xx-xxxx
Kemnitz, Ralph A., xxx-xx-xxxx
Kirkland, Wesley R., xxx-xx-xxxx
Knutsen, Darwin H., xxx-xx-xxxx
McKenzie, Donald W., xxx-xx-xxxx
McLarty, William I., xxx-xx-xxxx
Malcom, Otis C., Jr., xxx-xx-xxxx
Marden, Donald H., xxx-xx-xxxx
Meek, James G., xxx-xx-xxxx
Michaels, Darwin D., xxx-xx-xxxx
Murphy, James L., xxx-xx-xxxx
O'Donnell, William, xxx-xx-xxxx
Parker, Joseph M., xxx-xx-xxxx
Reilly, Donald F., xxx-xx-xxxx
Scott, Charles E., xxx-xx-xxxx
Shaw, Randall F., xxx-xx-xxxx
Shigezawa, Haruo, xxx-xx-xxxx
Silva, Gerald J., xxx-xx-xxxx
Siu, Lawrence W. J., xxx-xx-xxxx
Smith, Harold L., xxx-xx-xxxx
Vaccarino, Isadore, xxx-xx-xxxx
Voight, Gustav C., xxx-xx-xxxx
Watts, John E., xxx-xx-xxxx
Whelan, Raymond D., xxx-xx-xxxx
Williams, Louis R., xxx-xx-xxxx
Young, Stell B., Jr., xxx-xx-xxxx

To be lieutenant colonel

Amick, Vernon E., xxx-xx-xxxx
Attaway, Charles L., xxx-xx-xxxx
Axelson, Tony E., xxx-xx-xxxx
Babb, Heinrich N., xxx-xx-xxxx
Ballington, Charles, xxx-xx-xxxx
Barbone, Anthony F., xxx-xx-xxxx
Bauer, Steven J., xxx-xx-xxxx
Beckham, Ronald E., xxx-xx-xxxx
Blessin, Thomas C., xxx-xx-xxxx
Bringol, Donald J., xxx-xx-xxxx
Burden, Roger E., xxx-xx-xxxx
Butterfield, Richard, xxx-xx-xxxx
Carroll, Thomas C., xxx-xx-xxxx
Carmona, James, xxx-xx-xxxx
Cheney, Harry E., xxx-xx-xxxx
Clark, Glen D., xxx-xx-xxxx
Correa, Edward L., xxx-xx-xxxx
Craig, Ronald A., xxx-xx-xxxx
Creasman, Ronnie E., xxx-xx-xxxx
Deliva, Wilfred L., xxx-xx-xxxx
Diaz, Jose A., xxx-xx-xxxx
Dorton, Cecil L., xxx-xx-xxxx
Dougovito, James P., xxx-xx-xxxx
Dowling, Donald E., xxx-xx-xxxx
Dunnavant, Robert G., xxx-xx-xxxx
Eason, Richard A., xxx-xx-xxxx
Edwards, Ernest T., xxx-xx-xxxx
Elgee, John O., xxx-xx-xxxx
Elliott, James L., xxx-xx-xxxx
Ellsworth, Steven K., xxx-xx-xxxx
Everett, Leslie T., xxx-xx-xxxx
Ewing, Donald M., xxx-xx-xxxx
Fairchild, Robert P., xxx-xx-xxxx
Foy, Joseph D., xxx-xx-xxxx
Gagnon, Daniel D., xxx-xx-xxxx
Gay, Walter R., Jr., xxx-xx-xxxx
Gebhardt, Paul G., xxx-xx-xxxx
Gustafson, David A., xxx-xx-xxxx
Hall, Ashley J., xxx-xx-xxxx
Hanus, Theodore R., xxx-xx-xxxx
Hara, Horace S., xxx-xx-xxxx
Hering, David L., xxx-xx-xxxx
Hutchison, Richard, xxx-xx-xxxx
Israel, James L., xxx-xx-xxxx
Jackson, Robert A., xxx-xx-xxxx
Jay, Elton E., xxx-xx-xxxx
Jenkins, Richard L., xxx-xx-xxxx
Kaiser, James E., xxx-xx-xxxx
Laden, Francis A., xxx-xx-xxxx
Larsen, Kris E., xxx-xx-xxxx
LeFevre, William F., xxx-xx-xxxx
Lewis, Howard C., xxx-xx-xxxx
Lewis, Robert H., Jr., xxx-xx-xxxx
Lichtenstein, Jack, xxx-xx-xxxx
Littlejohn, Ellis R., xxx-xx-xxxx
McClintock, Charles, xxx-xx-xxxx
McCourt, Michael T., xxx-xx-xxxx
Manly, Charles L., xxx-xx-xxxx
Mansfield, John L., xxx-xx-xxxx
Meetze, Donald K., xxx-xx-xxxx
Miley, Pete G., xxx-xx-xxxx
Morris, John K., xxx-xx-xxxx
Murphy, Gerald L., xxx-xx-xxxx
Nolley, Edmond B., xxx-xx-xxxx

Norman, Edward C., xxx-xx-xxxx
Orton, Donald D., xxx-xx-xxxx
Partin, Charles M., xxx-xx-xxxx
Pearce, Robert L., xxx-xx-xxxx
Pelka, Paul F., xxx-xx-xxxx
Pierce, Harry R., xxx-xx-xxxx
Pierson, Jeffrey L., xxx-xx-xxxx
Prestridge, Leslie, xxx-xx-xxxx
Respicio, James B., xxx-xx-xxxx
Rhyne, Garland R., xxx-xx-xxxx
Ribble, George D., xxx-xx-xxxx
Richardson, James M., xxx-xx-xxxx
Rodriguez-Ruiz, R., xxx-xx-xxxx
Sagsveen, Murray G., xxx-xx-xxxx
Shapard, Charlie B., xxx-xx-xxxx
Simich, Jon A., xxx-xx-xxxx
Solano, Delfino F., xxx-xx-xxxx
Soyka, Richard J., xxx-xx-xxxx
Stewart, Walter L., xxx-xx-xxxx
Taylor, Jimmy J., xxx-xx-xxxx
Thomas, Norman A., xxx-xx-xxxx
Thompson, Frank L., xxx-xx-xxxx
Thomson, Jerry L., xxx-xx-xxxx
Tuttle, David M., xxx-xx-xxxx
Tyra, Thomas O., xxx-xx-xxxx
Vander Kolk, Bruce, xxx-xx-xxxx
Vines, Walter F., xxx-xx-xxxx
Von Linden, Edwin H., xxx-xx-xxxx
Warren, Bruce W., xxx-xx-xxxx
Whipple, Gary J., xxx-xx-xxxx
Wigington, Edward H., xxx-xx-xxxx
Williamson, Ronald, xxx-xx-xxxx
Wyatt, John W., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Brown, Helene F., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Walker, George W., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Brockman, Ronald C., xxx-xx-xxxx
Cargille, Charles M., xxx-xx-xxxx
Delaney, Lawrence J., xxx-xx-xxxx
De Lee Jesse C., xxx-xx-xxxx
Henry, Thomas S., II, xxx-xx-xxxx
Reynolds, Norman C., xxx-xx-xxxx
Urbauer, Craig L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Canady, Ray B., xxx-xx-xxxx
McKnight, Dennis P., xxx-xx-xxxx

IN THE NAVY

The following named lieutenant commanders of the line of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (11XX/13XX)

To be commander

Abruzzo, Dianne Marie
Addison, Christopher Lynwood
Alberts, Christopher
Alexander, David John
Alford, Ralph Mart, Jr.
Allen, Gary William
Allen, Mark Edward
Allison, Harry Kent
Alpeter, William Charles
Altizer, Robert Dale
Amundson, Robert James
Andersen, Richard Francis
Anderson, Jonathan Lee
Anderson, Kenneth Noel
Anderson, Marc Eric
Anderson, Samuel Kaaloa
Anderson, Terence Lee
Anglim, Edward Patrick
Antrim, Stanley Robert, Jr.
Arbiter, Jerome Lawrence
Archambo, Hubert Edward, Jr.
Armstrong, William Eric
Athow, Lewis Keith
Augustus, James Robert
Auriemma, John Charles
Avila, Richard Frank
Bacon, William Bradley
Baker, Stephen Hall
Balke, Phillip Lynn
Ballew, William Thomas
Banks, Richard Allen
Bankston, Victor Joseph
Barasha, Lewis Michael, Jr.
Barbero, Mark
Barker, Frank Elmer, Jr.
Barnes, John Roger
Barnes, Thomas Daniel
Barrett, Frank Oliver, III
Barrow, Ronnie Lee
Bathgate, John Craig
Batteen, Earl R., Jr.
Baylis, Robert Owen
Beaugureau, Denis Francis
Bell, Howard Franklin
Bellamy, Malcolm Edwin, Jr.
Bennett, Albert Eugene, Jr.
Benson, Rodney Lingo
Bepko, John Joseph, III
Bergo, Dennis Michael
Bernsen, Thomas Jerome, Jr.
Berree, Norman G.
Berthiaume, William F. Halsey
Bertsch, Roger Brian
Bethea, William Dallas
Bianco, Bernard Michael
Bieda, George Edward
Biggers, Edward Milton
Bingay, Charles Pierson
Blanchard, Frank Medford, Jr.
Bogosian, David Edward
Bohman, Richard Bursey
Bolt, Billy Frank
Bone, John Francis
Bonnett, John William
Bouchoux, Donald Robert
Boucree, Raymond John
Bounds, Lee E.
Boyd, William Linwood
Bozin, William George
Branch, Malcolm Parker
Bratzler, David Karl
Breese, Jack Richard
Brenner, William Rush, Jr.
Briggs, Steven Eric
Brink, Gale Dean
Brookbank, Michael Andrew
Brown, Fred Douglas
Brown, Gregory Charles
Brown, James Michael
Browning, Jonathan Edward
Bryant, Stanley Walter
Buelow, John Peter
Bunnell, David Lee
Burbrink, Roger Ronald
Burlin, David Stevenson
Burr, Richard Henry
Burson, Jacquelyn May
Bush, Frank Joseph, Jr.
Butler, Charles Thomas, III
Byrne, Neil Francis
Byrne, Thomas Michael
Callahan, Roy Howard
Campbell, Craig Vanharten
Campbell, Robert Stephen
Capansky, Mark Alan
Carey, Goeffrey M.
Carroll, Charles Richard
Carroll, James William
Carter, Dennis Charles
Carter, John Michael
Cash, Paul David
Cassidy, John Alexander, Jr.
Cast, Frederick Allan, Jr.
Cataldi, Richard Anthony
Cech, Kenneth Charles
Chambless, James Earl
Champney, Robert Keith
Chaplin, Robert Charles
Chewning, Warren Craig
Christensen, Sandra Lynn
Christenson, Ronald Lee
Christian, Roy Calvin
Church, Albert Thomas, III
Cipriani, Alfred Louis
Clapsadl, Michael Ray
Clark, George Chester
Clark, Frederic T., Jr.
Clayton, Richard Eldon
Clement, Orrin Pierce
Cleverdon, Thomas Frederick
Cochrane, John Mackay
Colantoni, Anthony Vincent
Coleman, Richard George
Coll, William Francis
Commons, Norbert Anthony, Jr.
Compton, James Lawrence, Jr.
Conallen, Michael James
Conrad, John Woeppel
Consaul, Harry Parker, III
Conway, Michael R.
Cook, Virgil Griffith, Jr.
Corbin, Ridgeway W., II
Corbitt, James Allen, Jr.
Corcoran, Thomas Joseph
Corley, Gwinn Ellis
Cottle, Joseph Archie, Jr.
Covington, Clifford Craig
Cox, Richard Stedman
Coxe, William Kenneth, Jr.
Coyle, Barry John
Crandall, Charles Kenneth, Jr.
Crandall, Scott Michael
Crecelius, Frederick E.
Creekman, Charles Todd, Jr.
Crenshaw, Keith Virgil
Crisp, Dale William
Croake, John Michael
Cruser, Thomas Paul
Culpepper, James Clayton
Culwell, Joe Mark
Cummings, Walter James
Curry, Dennis Patrick
Curtis, John MacRae
Curtis, Kendall William
Dahl, Donald Leon
Dame, Roderick Winstead
Daniels, James Norman, Jr.
Darling, Larry Wayne
Davis, Robert Bewick
Davis, Roderick Franklin
Davis, William Oris
Davison, Henry Gordon
Dawson, Donald Ray
Day, Robert Stephen
Dean, Thomas Roger
Demlein, John Joseph, Jr.
Dempsey, Peter Michael
Despain, William Michael
Devries, Peter Joseph, Jr.
Dews, Edwin Walter
Dickey, James Allen
Dickover, David George
Diddlemeyer, Lawrence, F.
Dionizio, Augusto James, Jr.
Dodge, Kenneth Edward
Dolquist, John Dean
Dreesen, Robert Wells, Jr.
Duckworth, Eddie Lee
Dudley, Harrison Grover, Jr.
Dugan, Kathleen Mary
Duke, Russell Alexander, Jr.
Dunn, Carl Boulter
Dysart, Barry Justice
Eason, John Wayne
Eason, Richard Alexander
Eby, Ronald George
Edmonds, Carl Harvey
Edwards, Daniel Dexter
Egan, Dennis James
Ehemann, David Arthur
Elliott, Larry Roscoe

Engler, Brian David
Epley, Clinton Earl
Erickson, Donald Philip
Ertlschweiger, John Thomas
Eseman, Thomas Scott
Etheridge, Melvin Rheul, Jr.
Etter, Thomas Harold
Evermann, George Stephen
Faneuf, Leo Joseph, III
Fant, Glenn Ernest, Jr.
Fargo, Thomas Boulton
Farley, James Michael
Farley, John Francis
Farrar, James Stephen
Farrell, Gerard Michael
Feder, John Heard
Fedyszyn, Thomas Raymond
Feikema, Brian David
Ferguson, Paul Frederick
Ferriman, Robert Lemoine
Ferver, Robert Greer
Fike, Raymond Frederic
Fincher, Walter Keith
Finley, Jeffrey Allen
Fitzgerald, Dennis John
Flaherty, Mark Ostrom
Foley, John Baptist, III
Foster, Jeffrey Rand
Foster, Robert Eugene
Fought, Earl Jay
Fowler, Thomas Vance
Francisco, Larry Jon
Freeman, James Dale
Gaenslen, Carl Eric
Gagliardi, Dennis Lloyd
Gallagher, John Joseph
Gannon, Harvey John, Jr.
Gano, Richard Dale
George, Danny Louis
Giannotti, Louis John
Gibbens, Richard James
Gibbs, Thomas Ryan
Gibson, Robert Lee
Giesemann, Frank Tyler
Gillespie, Thomas Rex, II
Goldberg, Allan Theodore
Goninan, Harvey Glenn
Goodmundson, Gary Carl
Goodwin, Hugh Gibson
Gore, Charles Frederick
Gorthy, Alan Robert, Jr.
Graner, William Ross
Grant, Fredrick Irving
Gray, Robert J.
Greene, Joseph Michael, Jr.
Greer, Richard Earl
Gritzen, Edward Frederick, II
Groff, Melvin Alan
Guilfoyle, Kenneth Gordon
Gurke, Lee Samuel
Hacker, Daniel Mark
Haddock, Joseph William, III
Hager, Alan Richards
Hahnfeldt, Don Fogts
Hall, Stephen James
Hallett, Michael Thomas
Halwachs, Thomas Eugene
Hamburg, James Warren
Hamilton, Baker Robert
Hamilton, Leon Bollie, Jr.
Hammes, Richard Kenneth
Hansell, Ross Chesney
Hansen, Gregory Lee
Harms, Alfred Glen, Jr.
Harris, James Leroy
Harris, Robert Curran
Harrison, Jeffrey
Harry, David Allan
Hartman, Charles Ricks
Hartzell, Gerry Richard
Hastings, James Jeffrey
Havel, Richard William
Hawkings, John Braddock, Jr.
Hayball, Robert Matthew
Heath, Terrill Sullivan
Henderson, John Lewis
Hendricks, Robert Linae
Henry, Joseph Gerard
Henson, Earl Oneal
Hersh, David Sidney
Heuring, Joel Norman
Hickman, William Fredrick
Higgins, James Bruce
Higgins, Simeon Guy, Jr.
Hilburn, John Ernest
Hill, Roger Dale
Hillmann, Leo C.
Hills, Ronald Edward
Hillyer, Richard Scott
Hinman, Harry Thornton, III
Hoff, Norman Lee, Jr.
Hoffman, Vernon Arden, Jr.
Hoge, Donald Carter
Holbrook, Wade Dennis
Holden, Harvey George
Holder, Paul Bernard
Holland, Barry Stephen
Hollis, John Richard
Hooper, James Albert, IV
Horton, John William
Howard, Philip Graham
Huffman, Robert Lee
Hull, Gerald Wayne
Hull, Lee Blanton
Humphreys, Mary Margaret
Hunt, Conway Lansdowne
Hunter, Harry Stephen
Hunter, Robert Sandgran
Hutchison, John Rudolph
Imphong, Thomas Miller
Ingram, Carl Edward
Isele, Charles Pattie
Issi, Dominick Frank, III
Jadryev, James Mark
James, Gary B.
Jamison, Michael Edward
Jamison, Philip Charles
Jarrell, James Robert, IV
Jennings, David Bailey
Johnson, John Michael
Johnson, Wade Cook
Jones, Harland Wilber, Jr.
Jones, Talmadge Craig, II
Jordan, Joseph Elbert, Jr.
Jorgensen, Alfred Christian
Joslin, Charles Loring, III
Judd, William Hart, III
Jung, Frederick Eugene
Jurand, George Walter
Kalb, Richard William
Kaler, Herbert Charles
Kearley, John James
Keefe, George Edwin, Jr.
Keenan, Michael Francis
Kelly, Richard Anthony
Kengla, Donald Clark
Kennedy, Kraig Michael
Kibler, Rex William
Kilmer, Milo Jethroe, II
Kirby, James Denis
Kirk, Douglas Craig
Kline, Howard Keith
Klinger, James Edward
Klocek, Thomas Edward
Klosterman, Robert Charles
Kockler, Frank Richard
Kolarov, George Wayne
Koller, John
Kramer, Dennis Arthur
Kratt, Clifford Leo
Kukulski, Dennis Reginald
Lahren, Jack Wesley
Lalli, Louis Patrick
Lame, Philip Charles
Lang, Norman Wayne
Lanoux, Steven Michael
Larson, James Rogers, Jr.
Latham, James William
Laturno, Raymond John, III
Lauermann, Michael Matthew
Lawler, Thoams Peter
Laz, William Joseph, Jr.
Leake, Laurence Wayne
Lear, Richard Bruce
Leclaire, Robert James
Leitzel, Robert Lee
Lenfant, Philippe Maurice
Lentner, Russell Wade, Jr.
Lewis, Billy Laroy
Liebe, William Charles
Lieberman, Stephen Leslie
Lind, Stephen McCall
Lines, David Freeman
Lippincott, Lincoln H., II
Lloyd, Thomas Drew
Logan, Robert John
Londot, Jack Lane
Longaker, Chester Case
Lund, Jon Robert
Lyle, John Michael
Lyon, Martha Sue
MacDougall, Joseph Stewart
Mackey, Jesse Milford, Jr.
Mackin, Patrick Charles
Magyar, David James
Maher, Dennis Edward
Malone, Michael John
Manning, Lorraine Florence
Markwell, Gregory Allen
Masica, John Michael
Matthew, Henry F.
Matthers, Victoria Saroch
Maurer, Heinz Gunther
Maxwell, George Gary
Mayo, Robert Ernest
McCain, William Terry
McClellan, Malcolm W., Jr.
McCrory, Kenneth Lee
McCullough, David Garth
McCune, Michael Owen
McFarland, Thomas Baron
McFillin, James Francis, Jr.
McInchok, George Steve, Jr.
McInnis, Richard Dennis
McKee, Thomas Edward
McKinney, Douglas Lloyd
McLain, John Herman
McManus, Richard Irvine
McNulty, Patrick Leo
McTigue, James John
Merrick, Walter Forrest, II
Merritt, Jerry Darious, III
Messing, James Arthur
Meteer, Thomas Dewey
Metzger, Paul Charles
Metzger, William Robert
Michaelis, Frederick H., Jr.
Miller, David Valjean
Miller, Gary Arthur
Mitchell, Donald Edward, Jr.
Mitnik, John
Mock, Jesse Ivan, Jr.
Modlin, Stephen Earl
Mohn, John Gordon
Monroe, John Frazier
Montgomery, Robert Edward
Moore, Eric Cleveland
Moore, George McCullar
Moore, Keith Tennant
Moore, Mitchell Dee
Moran, Gary Ward
Moran, Marlene L.
Moreland, James Wesley, III
Morgan, Michael Carter
Morgan, Newton Henry, Jr.
Moriarty, Richard James
Morin, Paul Roland
Morrell, Michael Francis
Moser, Thomas Griffith
Moses, William J. C.
Motta, Gerald Annibale
Moussette, David King
Mrowczynski, Ronald Matthew
Mullins, Robert Dennis
Munninghoff, Jay Maurice
Murphy, Richard Terrence
Murray, Michael Anthony
Nash, Donald Hendrix

Nation, Charles William, Jr.
Nelson, Gary Steven
Newman, Michael Scott
Newsome, Larry Don
Nichols, Pamela Sue
Nickels, Lowell Hadley
Nifontoff, Gerald Karl
Nolan, Terry Randall
Noland, David John
Norton, John Alden
Nykamp, Bruce Ronald
O'Connell, Brian John
O'Connor, Theodore John
O'Donnell, Gerald James
O'Donnell, James Robert
O'Donnell, Robert Bernard
Ogden, Frank Edmond, II
O'Hara, Stephen Paul
Ohlinger, John Frederic
Olmstead, David E.
O'Neill, Bruce Michael
O'Neill, John, Jr.
Osborn, Lawrence Edward
Oskam, Margaretha Isabella
Otjen, Fred Morris
Overheim, David Charles
Padgett, John Bramwell, III
Paleck, Robert Harold
Papineau, Paul William
Park, David Vance
Parker, Daniel Matthew
Parker, Travis Wood, Jr.
Parsons, Clarence Leslie
Patterson, Paul Linton
Peck, David Lyman
Peck, Michael Lawrence
Pelt, Chester Hayne, Jr.
Perry, Comadore Arthur James
Peterson, Charles Cooper
Peterson, Craig Allen
Petruska, Andrew Michael, III
Petty, John Charles
Piland, Richard Alan
Pillittere, Robert George
Pinnell, Robert Brian
Piotrowski, James Michael
Pittman, Alan Ralph
Pitts, John Lee IV
Plant, Joseph Miers, III
Plett, John Robert
Plummer, Rudy Edward
Poh, Lawrence Charles J., Jr.
Ponton, Robert Glenn
Porter, James Robert
Porterfield, Craig
Potter, Richard Wayne
Prescott, Leonard F., III
Proses, William Albert
Pullen, Lynn Damaris
Quinn, Richard Andrew
Rachor, Robert Lee, Jr.
Ray, Judith Youngstrom
Reaghard, James Anthony
Recame, Bartholomew Joseph
Rector, Jack Brown, Jr.
Regula, Stanley John, Jr.
Reid, James Armstrong
Reid, John David
Reinhardt, William Henry, III
Renfree, Peter Rodman
Rhodes, George Samuel
Richards, Nicholas Ladell
Richards, Richard Noel
Richards, Thomas Russell
Richardson, James Julian, III
Richey, Stephen Thomas
Riddile, Andrew Spencer
Riegel, Michael Glenn
Rieth, Joseph Charles, Jr.
Riley, Benjamin Price, III
Rioux, Michael Francis
Ritzert, Bernard Urban, Jr.
Robbins, Richard Alan
Roberts, Francis Albert
Rodes, Joann
Roe, John Allen
Roeder, John Alexander
Rogers, Mark Allen
Roosa, Roger Keith
Root, Barth James
Roper, Daniel Clark
Rose, David Owen
Rose, Raymond Parks
Rowley, Arthur Norman, III
Rowley, Dennis James
Ruddock,. David Hugh
Russell, Houston Roy, Jr.
Russell, Thomas Gordon
Ryan, Franklin Terrence
Sablowski, Michael Robert
Sadler, William Henley, III
Samuels, Arthur Michael
Sanderson, Robert John
Sassen, Grant William
Sauntry, Thomas Frederick
Schaefer, Charles Alfred
Scharnus, Robert Michael
Schellhaas, Richard Begue, Jr.
Schlichting, Helmuth Carl, Jr.
Schmidt, Alden Duane
Schneider, Anthony Joseph
Schwartz, Albert Zalig
Schwier, Edward George
Schwoerer, Barry Frederick
Scott, Bonnie McCulloch
Scott, Gary Everett
Scrapper, John Christopher
Scull, John Corson
Scurria, James F.
Sedun, Peter John
Selby, Michael Ray
Seymour, Hubert Elmo, III
Shelton, Thomas Leroy
Sheridan, John Joseph
Sherrange, Daniel Thomas
Shie, Barbara Frances
Shupack, Mary Anderson
Shuster, Don Byron, Jr.
Sidnor, Theodore Lathers
Sim, Richard William
Simpson, Robert G.
Singleton, Jerry Brian
Sinz, James Patrick
Sjostrom, Nils Alfred
Slaght, Kenneth Duncan
Slaight, James Butler, IV
Sledge, Loyd Dane
Slocum, Winfield Scott, IV
Small, Warren Edgar
Smith, Burton Dunn
Smith, John Vincent, Jr.
Smith, Kenneth Raymond
Smith, Milton Wayne
Smith, Peter Brooks
Smith, Stephen Gary
Sniffin, Edward McKim
Solberg, James Lee
Sottile, George Vincent
South, Brian James
Souza, Philip Eugene, II
Speer, James Walter
Spicer, Virgil A.
Spires, Nelson Lee
Spolarich, Martin Michael, Jr.
Sprigg, Robert Gary
Stafford, Robert Harry
Stampe, Lawrence Edward, Jr.
Stankowski, Barbara Jo
Stansel, Michael Jerome
Stanton, Bruce Wayne
Stebbings, Stuart Karl
Stecher, Brian Eugene
Steele, Dean Lee
Steffens, Thomas William
Stenstrom, Frank Ernest
Stephenson, James Mell
Stepien, John Zigmand
Stevens, James Douglas
Stewart, Hamilton Michael
Stewart, Joseph Stanley, II
Stewart, Wilton Richard
Stine, Emmett W.
Stoll, Ralph Heston
Stone, Daniel Joseph
Story, Alfred Douglas
Stroop, Patrick Allen
Stubblefield, Gray Leslie
Suhr, James William
Sullivan, Patrick Dennis
Swain, Philip Frank
Sweet, James Franklin
Taggart, John Laughlin, Jr.
Tankersley, Carl Mark
Tarantino, Paul Salvatore
Taylor, Russell Maxfield, II
Temple, Billie Leon
Teves, Arthur Gregory
Therrell, Thomas Stephen
Thiele, James Frederick
Thomas, Robert Michael
Thomas, William Curtis
Thompson, John Anton
Thornton, Sydney Donetta
Tinsely, Steven Garland
Tolhurst, Robert Alfred, Jr.
Tomanelli, James Rocco
Trainor, William Gerald
Trethewey, Thomas George
Tull, Carl Ashby
Turunen, Robert Louis
Utegaard, Thomas Eric
Vanbrunt, Tommy Harris
Vanbuskirk, Dennis James
Vance, William Donald
Vanderberg, Mark Tompkins
Vanhorn, Gary Roy
Vaughan, Steven Andrew
Vincelette, Paul Louis
Vinson, Robert K.
Vivoli, John Bernard
Voss, Philip Dane
Waddell, John William
Wallace, James Young, III
Wallfred, James Gordon
Wanner, Terry Scott
Ward, Clement Harry
Ward, James Geary
Warren, David Franklin
Warren, John Willard
Washer, William Lee
Waterman, Ralph John
Watters, Paul Andrew
Weavil, Mary Ruth
Weber, Robin York
Wein, Michael Clark
Weir, Michael William
Weisberg, Neal William
Wells, Robert Runkle
Wesselhoff, Stephen Thomas
Whall, David Gerald
White, John Stanton
Whitford, Daniel Lee
Widhalm, Kennteh Charles
Wilkins, Stephen Vincent
Willey, James Fletcher
Williams, Harold Aldrich
Williams, John Forrest
Williams, Thomas Cloud, Jr.
Wilson, George Michael
Wilson, Philip Barry
Winters, Keith Allen
Witherspoon, Lewis James
Witkowski, Christopher J.
Wolfe, Charles Darwin
Womack, Lee Thell, Jr.
Wood, Larry Ronald
Wood, William Bob, Jr.
Woodworth, Richard Alden
Wooten, Charles Edwin
Word, Ross Alan
Worley, Michael Jesse
Wright, Thomas Baxter, Jr.
Wrobel, Richard August
Xefteris, Constantine Louis
Young, John Robert
Young, Richard Andrew
Young, William David
Yunker, John Michael

Zavadil, Stephen Wayne
Zia, Ralph Khan
Ziemer, Robert Timothy
Zimmer, Larry W.
Zinser, Harry Jack
Zorbach, Gregory Michael
Zullinger, Charles Frederick

ENGINEERING DUTY OFFICER (14XX)

To be commander

Bassett, William Frederick
Bermudes, Euglogio Conception
Beuerlein, Alan F.
Brands, Robert Keith
Bruninga, Robert Ervin
Burgess, David Ross
Carver, Bobby Wayne
Cassedy, William Augustus, IV
Cassidy, Richard Michael, Jr.
Chance, Thomas Henry
Clifford, William Francis
Collins, Neil Jon
Ellin, Charles Robert
Evans, Steven Roy
Fiske, Richard Paul
Gauss, John Anthony
Gauthier, Maurice Alfred
Hamly, Richard Dana
Holyoak, Joseph Glade
Howarth, Gary L.
Jacobs, John William
Johnson, Charles Michael
Klemm, William Raymond
Kolman, Jerry Dean
Larson, William Douglas
Lemke, Robert James
Locke, John Sinclair
Mancini, Anthony Joseph
Marsh, Michael Thomas
McNamee, John Robert, Jr.
Miller, William Richard
Molloy, James William
Moore, Wesley Harold
Musby, David Cottrell
Olson, John Stephen
Orr, George Harold
Smith, Daniel Earle
Turner, Ronald David
Vittum, David Arthur
Warner, Thomas George
Watkins, William Allen
Wells, John Timothy

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING) (151X)

To be commander

Alfrieri, Paul Allen
Arnold, Michael James
Ayers, Douglas Pierce
Barrett, Michael Dennis
Batdorf, Richard Earl
Boudreaux, Joseph Clent, III
Butler, Charles Lynn
Dibble, Ronald Alan
Dyer, Joseph Wendell, Jr.
Ferris, Richard Lee
Gordon, Vernon Curtis
Hintz, Edward Joseph, Jr.
Hollis, Michael Kenneth
Johannsen, Michael Kenneth
Lawson, Dale Bruce
Mackenzie, Gordon Alexander
Mertz, Albert George
Milchanowski, Michael John
Saraniero, Michael Anthony
Schroeder, Rodney Clark
Snoody, Donald Eugene
Thompson, Charles Douglas
Turner, Archie Andrew, III
Umbarger, Ray Mckenna
Vehorn, Roger Paul

AERONAUTICAL ENGINEERING DUTY OFFICER (AVIATION MAINTENANCE) (152X)

To be commander

Bicknell, Robert Stephen
Bond, King Charles Pruitt, Jr.
Branum, Jerome Scott
Clark, Donald Bartlett
Darnell, Thomas Richard
Hall, Dane Robert
McCauley, William Collings
Merrill, Dean Reese, Jr.
Moeller, Robert Leon, Jr.
Mullen, George Augustine
Neel, Robert Warren
Reagan, Martin William
Robers, Thomas Wayne
Shelby, John Daniel
Smiley, Philip Titcomb
Svec, James Hynek
Thomsen, Leoin Fredric
Woods, Bennett Richard, Jr.

SPECIAL DUTY OFFICER (CRYPTOLOGY) (161X)

To be commander

Barnett, James Harris
Brewer, Roger Donald
Cosgriff, Robert William
Edwards, Gilbert Spencer
Glenn, Phillip Lee
Heim, Robert Joseph
McCluskey, Richard Joseph
Reglein, Thomas Arthur
Rowe, Richard Robert
Thomas, George Guy
Whitney, David Michael

SPECIAL DUTY OFFICER (INTELLIGENCE) (163X)

To be commander

Baird, W. Dean, Jr.
Brady, Donald Robert
Christianson, David Laurence
Funkhouser, Lenore Marie
Goode, Thomas Gilligan
Hayes, Timothy Paul
Horton, John Vreeland
Kelly, James Brian
Knecht, Jacob Frederic, Jr.
Lautenschlager, Jack Allen
Lawing, Charles William
Liles, John Underwood, Jr.
Lyda, William Walter
Lynn, Warren Douglas
Maclaren, William Francis
Mazzafro, Joseph Michael, Jr.
McKeldin, Charles Edward, Jr.
McKinney, Arlie Benjamin, III
Mohr, April Doreen
O'Malley, Barry Pierce
Perkins, Richard King
Pope, Edmond Dean
Sams, John Lawrence
Sommers, Sidney Gordon
Steshko, William Nicholas, Jr.
Swanson, Eldon Carl, Jr.
Tower, Dennis Ray
Weik, Thomas Anthony
Williams, John Charles
Wilson, Thomas Ray

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS) (165X)

To be commander

Baker, Mark Conway
Gillies, Dugald Lochlin M.
Graw, Julius Arwet
Hilton, Hugh Anthony
Leeder, Frederic Glenn
McGrath, Joseph William

SPECIAL DUTY OFFICER (GEOPHYSICS) (180X)

To be commander

Bub, Frank Lee
Colomb, Herbert Palfrey, Jr.
Elias, William Theodore
Maas, Edwin, Jr.
Mautner, Donald Alan
Spaeth, Warren Theodore, Jr.

LIMITED DUTY OFFICER (LINE) (61XX/62XX/63XX/64XX)

To be commander

Beck, Allen Earl
Boor, Leo John
Campbell, Cager Wayne
Curry, Samuel Grayson, II
Davis, Neil C.
Detwiler, Donald Vernon
Finfrock, Partrick
Glover, Thomas James
Rockwood, Donald James, Jr.
Sears, James Arthur
Shelton, Lynn Dale
Stephan, Herbert Adam
Turner, Jack Eugene
Werling, Robert

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of colonel, under provisions of title 10, United States Code, section 5912, subject to qualifications therefor as provided by law:

Adair, Tommy L., xxx-...
Aldridge, John R., xxx-...
Anderst, James L., xxx-...
Askey, David H., xxx-...
Axtell, Enos A., Jr., xxx-...
Badiner, Samuel, xxx-...
Baldwin, Claude, III, xxx-...
Ballantyne, Robert L., xxx-...
Bartlett, Gilbert A., xxx-...
Bieberbach, Leonard C., xxx-...
Billik, Dean S., xxx-...
Brewster, Thomas E., xxx-...
Carlton, John G., Jr., xxx-...
Carter, Marshall N., xxx-...
Chase, William E., xxx-...
Cook, William H., Jr., xxx-...
Cooper, Thomas M., xxx-...
Davis, Ronnie O., xxx-...
Dunlavy, Kenneth P., xxx-...
Eddy, Michael F., xxx-...
Farnell, Crockett, xxx-...
Fisher, Jospeh T., xxx-...
Fitts, Darrell S., Jr., xxx-...
Fowler, Michael D., xxx-...
Fraim, Jackie W., xxx-...
Gallaway, James W., xxx-...
Gill, George K., xxx-...
Gillespie, Gary L., xxx-...
Godwin, Robert A., Jr., xxx-...
Gorgos, Paul A., xxx-...
Gosnell, Harold C., Jr., xxx-...
Graves, Melvin T., xxx-...
Hanke, George F. R., xxx-...
Hemenez, Richard L., xxx-...
Hicks, Richard D., xxx-...
Kenworthy, David M., xxx-...
Krulak, William M., xxx-...
Leite, John C., xxx-...
Lersch, William F., Jr., xxx-...
Lowrey, John J., xxx-...
Mangiarelli, Richard D., xxx-...
McGee, James L., xxx-...
Milling, Francis W., xxx-...
Muir, David W., xxx-...
Noel, Normand L., xxx-...
Norton, John J., xxx-...
Partee, Richard A., xxx-...
Pitzl, Gerald R., xxx-...
Posluszny, Donald A., xxx-...
Pyle, John M., xxx-...
Rathert, Robert H., xxx-...
Regan, Brian C., xxx-...
Rice, William R., xxx-...
Rimer, Frank D., III, xxx-...
Robinson, Frank J., xxx-...
Rogers, Lewis, F., xxx-...
Romine, Richard A., xxx-...
Sanders, Walter L., xxx-...
Shoemaker, Harry S., xxx-...
Smith, Richard N., xxx-...
Stell, Cecil I., Jr., xxx-...
Sullivan, Harold R., xxx-...
Taylor, Larry S., xxx-...
Winkelbrandt, Ehrhard K., xxx-...
Woodall, George S., Jr., xxx-...
Zolomij, Stephen W., xxx-...

EXTENSIONS OF REMARKS

AMEND THE BANKRUPTCY CODE WITH REGARD TO CERTAIN REPURCHASE AGREEMENTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. FAUNTROY. Mr. Speaker, I have today introduced legislation which I believe is critically needed to assure the continued smooth functioning of the Nation's Government security markets and the open market operations of the Federal Reserve System. This legislation would amend the Bankruptcy Code to exempt from its automatic stay provisions certain repurchase agreements.

These amendments to the Bankruptcy Code (the "Code") regarding repurchase agreements (sometimes referred to herein as "repos") [1] have been proposed to deal with the considerable uncertainty that has arisen in recent months as to how repos may be treated in a bankruptcy proceeding. This uncertainty was emphasized by Anthony M. Solomon, president of the Federal Reserve Bank of New York—the New York Fed—in testimony, April 25, 1983, before the Subcommittee on Domestic Monetary Policy of the House Committee on Banking, Finance and Urban Affairs.

Use of repos has grown rapidly in recent years. Repos are now considered to be a principal means of financing the market for U.S. Government securities and money market instruments. As Mr. Solomon testified, repos have emerged over the years as a particularly useful tool in conducting Federal Reserve open market operations. A diminution in the liquidity of the repo market could hamper the conduct of monetary policy.

Recently, however, a serious question has arisen whether the securities and commodities amendments to the Bankruptcy Code (the "Code"), enacted last year as Public Law 97-222, adequately cover the repo market. As a first step, the proposed amendments to the Code would address this question:

First, by providing new definitions of "repo participant" and "repurchase agreement" in section 101, and

Second, by creating a new section at the end of chapter 5 and making conforming amendments to sections 362(b), 546, 548(d)(2) and 553(b)(1) of the Code to insure there is no question that repo participants are afforded the same treatment with respect to the stay and avoidance provisions of the Code in connection with repurchase agreements, as newly defined, which Pubic Law 97-222 explicitly provided stockbrokers, securities clearing agencies, commodity brokers, and forward contract merchants in connection with securities contracts, commodity contracts and forward contracts.

These amendments would taken an important first step in resolving the recent uncertainty about whether the provisions of Public Law 97-222 adequately cover the repo market. This uncertainty largely stems from litigation in the Lombard-Wall case, as described below, and has introduced considerable confusion in the use of repo transactions in financial markets.

These amendments are offered as an emergency measure to deal with the effect of the present uncertainty on the repo market only in respect of U.S. Government and agency obligations, certificates of deposit, and eligible bankers' acceptances.

II. DESCRIPTION OF THE REPO MARKET

As indicated above, repo transactions provide one of the major mechanisms for limited-term investment involving all U.S. Government and agency securities, mortgage-related instruments, commodities and all money market instruments—for example, certificates of deposit, bankers' acceptances, and commercial paper.

The volume of repo transactions is very large. The 36 members of the primary dealers committee of the Public Securities Association (the "Primary Dealers") alone engage in repo transactions amounting to about $25 billion to $30 billion each day. It is difficult to determine the total size of the repo market, but one can safely estimate that the aggregate daily amount of repo transactions amounts to several hundred billion dollars. This should come as little surprise, since the financial assets that are the subject of repos include a substantial part of the approximately trillion dollar U.S. public debt.

The repo market serves a crucial function for both parties to the repo transaction. The country's major institutional and fiduciary investors make heavy use of repos. For these investors, including such entities as State and local governments, public and private pension funds, money market and other mutual funds, banks, thrift institutions, and large corporations, repos have become a vital tool of cash management.

The repo is particularly well-suited to the needs of these investors. Receipts of taxes and the proceeds of bond issues in the case of State and local governments, cash flows from corporate operations, and liquidity needs of thrift institutions and money market funds often fail to coincide with the planned expenditures of such funds, thereby creating the need for such entities to invest idle funds for short periods in as risk free a manner as possible.

Repos generate income for the supplier of funds while at the same time providing flexibility, since they can be arranged for periods which match the supplier's cash flow needs, including periods as short as 1 day. Few, if any, other investment vehicles have this feature. Government securities or other financial assets can be bought and held for short periods other than in repo transactions, but the transaction costs can be relatively high. Moreover, the possibility of capital loss due to market rate volatility or the risk of reinvestment at a lower rate of return significantly reduces the attractiveness of investment alternatives.

For the primary dealers in the Government-related securities market, the repo market has become the principal means of financing their positions. Repos provide dealers with the financing that is essential for them to buy newly issued Government securities. Repos also enable other dealers to obtain these newly issued securities from the primary dealers. If repo financing becomes unavailable or more costly due to adverse interpretations of the code, the distribution system for newly issued Government securities and the Federal Government's ability to raise funds in a cost-effective manner will be adversely affected. This would in turn increase the cost of Government borrowing and the level of interest rates generally.

Wide public and private sector participation is important to the reliable functioning of the repo markets and permits the U.S. Treasury and other Federal agencies to finance the country's public debt at rates of interest lower than otherwise would be possible. Moreover, it provides additional

[1] A repo represents a transfer of a financial instrument—often government securities—by one party to another party for payment, with a simultaneous agreement by the second party to retransfer securities to the first party on demand or on a date certain against payment which reflects a rate of interest. A reverse repo is the mirror image of a repo, generally initiated by the party originally transferring the securities.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

incentive for foreign central banks and other foreign holders of U.S. dollar reserves to participate in financing the Nation's public debt.

Just as important, the repo market plays an important role in the conduct of monetary policy. The Federal Open Market Committee, through the trading desk at the New York Fed, makes extensive use of repos in regulating the supply of funds in the execution of monetary policy. Repos have become a highly flexible and effective short-term tool for the Federal Reserve System, allowing the System to adjust reserves for short periods of time without disruption of the Government securities market. The effectiveness of the repo market as a tool of monetary policy depends in turn upon broad-based public participation.

As indicated above, the efficient functioning of the repo market also facilitates substantial involvement by foreign central banks, monetary authorities, and international institutions in financing the U.S. public debt. The New York Fed maintains accounts for approximately 140 foreign central banks, monetary authorities, and international institutions. With such large international holdings of the dollar, it has become important to the orderly financing of the public debt that these institutions purchase U.S. Government securities. In 1982, for example, the dollar volume of investment activity for these foreign accounts alone at the New York Fed exceeded $1.4 trillion, most of which involved U.S. Government securities. A substantial amount of this activity was in repos.

Finally, the existence of an efficient repo market in U.S. Government securities enhances the attractiveness of the U.S. dollar as an international reserve currency. The dollar is the principal reserve currency in the world.

III. REPO MARKET IN JEOPARDY

The effective functioning of the repo market can only be assured if repo investors will be protected against the risk of open-ended market loss arising from the insolvency of a dealer or other counterparty in the repo market. As Mr. Solomon testified on April 26, 1983, the possibility that market participants might prove incapable of using either their funds or their securities upon the insolvency of a counterparty weakens confidence in the repo market.

The repo market is as complex as it is crucial. It is built upon transactions that are highly interrelated. A collapse of one institution involved in repo transactions could start a chain reaction, putting at risk hundreds of billions of dollars and threatening the solvency of many additional institutions.

Since the repo market is important to the health of the country's financial system, it is desirable that the Code be interpreted and implemented in a manner which protects that market without creating an unfair result for debtors. Similar concerns led to Public Law 97-222. Despite Public Law 97-222, investors in the repo market have in the last several months found themselves faced with considerable uncertainty about the treatment of repos in bankruptcy proceedings. The provisions of Public Law 97-222 are not believed adequate to protect liquidations of repos in the event of the insolvency of a dealer or other participant in the repo market, even though the principal objective of Public Law 97-222 was to prevent the insolvency of one commodities or securities firm from spreading to other firms and possibly threatening the stability of the affected market. H.R. Rep. No. 97-420, 97th Congress, 2d Session 1 (1982).

The uncertainty was highlighted by the filing in the Bankruptcy Court in the Southern District of New York of a chapter 11 bankruptcy petition by Lombard-Wall, Inc., in August 1982.[2] A bench decision in the Lombard-Wall case held that the holder of securities subject to a repurchase agreement was subject to the automatic stay of the Code, and that this holder was precluded from closing out its position with the debtor without approval of the Court. *Lombard-Wall Incorporated* v. *Columbus Bank & Trust Co. et al.* (In re Lombard-Wall, Incorporated), No. 82 B 11556, Bankr. Ct., S.D.N.Y., bench decision, September 16, 1982. This holding made clear the risks to the market created by the Code's stay and avoidance provisions and demonstrated that Public Law 97-222 is not sufficient in scope to protect the market from major dislocations caused by bankruptcy of market participants.

The Lombard-Wall proceedings and their extensive press coverage have had an adverse impact on the financial markets and undermined the primary purposes of Public Law 97-222 because the repo market is subject to the same ripple effect as other securities markets.[3]

President Solomon of the New York Fed testified that if the interpretation in the Lombard-Wall decision were to prevail, he is confident that some deterioration could result in the Government securities market. He added:

> Indeed, there has already been some deterioration [in the market], which might well have gone further but for the anticipation by many market participants that the legal questions overhanging the status of repos will be favorably resolved. At the least, the market would lose a significant measure of liquidity as some risk-averse participants withdrew or reduced their exposure; the interest rate paid on such transactions would rise to reflect the greater risk and lessened willingness of temporary investors to participate; and the market participants with less-established track records would experience some loss of business and higher financing costs.

Uncertainty as to the scope of coverage of Public Law 97-222 with respect to the repo market has already caused special problems for certain categories of investors. The U.S. Department of Housing and Urban Development has recently decided not to permit further investment in repos by Public Housing Authorities, Indian Housing Authorities, and FHA-Approved Mortgagees for Multifamily Projects. Standard & Poor's has indicated that it will not rate "structured municipal issues," which permit investment of municipal bond or note proceeds in repurchase agreements, with stockbrokers, other than those subject to a liquidation under the Securities Investor Protection Act of 1970, unless they themselves are rated by Standard & Poor's because of the questions raised by the Lombard-Wall bankruptcy about the ability of a bond or note trustee to liquidate, in a timely manner, securities held under a repurchase agreement where the seller-repurchaser files for protection under the Code.

Open-ended mutual funds, particularly the money market funds, use repos on a short-term basis to assist in managing their portfolios, to provide flexibility and to provide higher return with relative safety. As of April 30, 1983, money market funds held repo agreements totaling approximately $13.5 billion.

The recent focus on safety and liquidity of repos in the event of a bankruptcy filing by a participant to a repo has raised concerns about their use by the mutual fund industry in light of the regulatory standards under the Investment Company Act of 1940. On February 2, 1983, in Investment Company Release No. 13005, the Securities and Exchange Commission announced the revision of a previous "no action" position taken by the Division of Investment Management regarding repos. Under its revised policy, the Division requires that investment company boards of directors evaluate the creditworthiness of the brokers or dealers with which they propose to engage in repo transactions. In addition, the Division indicated, in a November 4, 1982, memorandum to Chairman Shad, that it would require that Government securities money market funds which advertise that their portfolio securities are Government guaranteed to disclose substantial investments in repos.

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[2] Some question about the legal status of repos in the bankruptcy context had also been raised earlier in 1982 with the collapse of Drysdale Government Securities, Inc., even before the enactment of Public Law 97-222. Drysdale's failure has also had a wide impact on the repo market and in fact contributed to Lombard-Wall's problem.

[3] See Carrington, "Securities in Lombard-Wall Case Termed Loan Collateral by a Bankruptcy Judge," Wall St. J., Sept. 20, 1982, at 10, col. 2.

While these concerns are currently being addressed within the mutual fund industry, the proposed amendments to the Bankruptcy Code would assure protection to mutual funds which engage in repos. If a bankruptcy filing does occur, the proposed legislation would protect the liquidity of a fund's repo with a debtor, and permit the fund to achieve its bargained-for contract rights.

Safety and the ability to specify term are the key elements of repos which make them attractive to funds. Both elements promote liquidity for funds. Money market funds, by their nature, are required to be highly liquid and are used by millions of investors on a daily basis for investment in and redemption of fund shares. The ability to redeem promptly, at net asset value, is crucial to the operation of these funds and the maintenance of investor confidence. The filing of a case under the Code by a Government securities dealer, or other party which holds a repo with a fund, puts these key elements in some doubt. Although there is little likelihood that bankruptcies involving fund repos would occur with any frequency, the mere possibility, under present law, raises significant issues as to the safeguards and circumstances under which funds should utilize repos in their investment portfolios.

The proposed amendments to the Code, described below, will help assure that the objective of Public Law 97-222 to minimize the displacement caused in the commodities and securities markets in the event of a major bankruptcy (128 CONGRESSIONAL RECORD 1262 (daily ed. February 9, 1982) (statement of Republican Edwards)) is carried out be expressly providing the repo market the same protection.

IV. PROPOSED REPO AMENDMENTS

The proposed amendments will take an important first step toward meeting the full objective of Public Law 97-222 by expressly providing that similar protections apply to the crucial portions of the repo market involving U.S. Government and agency obligations, certificates of deposit, and eligible bankers' acceptances. The structure of the proposed amendments is based upon the addition to the Code of new definitions of "repo participant" and "repurchase agreement" and the making of conforming changes in relevant provisions of the Code. The proposed amendments are intended to afford participants in the repo market the same treatment with respect to the stay and avoidance provisions of the Code that Public Law 97-222 explicitly provided stockbrokers, securities clearing agencies, commodity brokers, and forward contract merchants in connection with securities contracts, commodity contracts, and forward contracts.

The amendments would apply only to certain repurchase agreements, namely, those involving certificates of deposit, eligible bankers' acceptances, or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States. These amendments are not intended, however, to affect the status of repos involving securities or involving commodities as securities contracts, commodity contracts, or forward contracts, and their consequent eligibility for similar treatment under other provisions of the Code, such as the provisions giving protection to stockbrokers, securities clearing agencies, commodity brokers, and forward contract merchants for liquidation and setoff in respect of securities contracts, commodity contracts, or forward contracts. In particular, a repurchase agreement as defined in the amendments, insofar as it applies to a security, would continue to be a securities contract as defined in the Code and thus also would be subject to the Code provisions pertaining to securities contracts. Similarly, insofar as a repurchase agreement as defined by the amendments applies to a commodity, it would continue to be a forward contract for purposes of the Code and would be subject to the Code provisions pertaining to forward contracts.

H.R. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Repurchase Agreements Bankruptcy Amendments of 1983".

SEC. 2. Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (35), (36), (37), (38), (39), (40), and (41), as paragraphs (37), (38), (39), (40), (41), (42), and (43), respectively,

(2) by inserting after paragraph (34) the following new paragraph:

"(35) 'repo participant' means an entity that, on any day during the period beginning 90 days before the date of the filing of the petition, has an outstanding repurchase agreement with the debtor;", and

(3) by inserting after paragraph (35) the following new paragraph:

"(36) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement) means an agreement, including related terms, which provides for the transfer of certificates of deposit, eligible bankers' acceptances, or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, or securities with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, or securities as described above, at a date certain not later than one year after such transfers or on demand, against the transfer of funds;".

SEC. 3. Section 362(b) of title II, United States Code, is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) under subsection (a) of this section, of the setoff by a repo participant, of any mutual debt and claim under or in connection with repurchase agreements that constitutes the setoff of a claim against the debtor for a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, arising out of repurchase agreements against cash, securities, or other property held by or due from such repo participant to margin, guarantee, secure, or settle repurchase agreements;".

SEC. 4. Section 546 of title 11, United States Code, is amended by inserting after subsection (d) the following new subsection:

"(e) Notwithstanding sections 544, 545, 547, 548(a)(2), and 548(b) of this title, the trustee may not avoid a transfer that is margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, made by or to a repo participant, in connection with a repurchase agreement and that is made before the commencement of the case, except under section 548(a)(1) of this title.".

SEC. 5. Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking out "and" at the end thereof,

(2) in subparagraph (B) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new subparagraph:

"(C) a repo participant that receives a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, in connection with a repurchase agreement, takes for value to the extent of such payment.".

SEC. 6. Section 553(b)(1) of title 11, United States Code, is amended by inserting ", 362(b)(7)," after "362(b)(6)".

SEC. 7. (a) Chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 557. Contractual right to liquidate a repurchase agreement.

"The exercise of a contractual right of a repo participant to cause the liquidation of a repurchase agreement because of a condition of the kind specified in section 365(e)(1) of this title shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title, unless, where the debtor is a stockbroker or securities clearing agency, such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa *et seq.*) or any statute administered by the Securities and Exchange Commission. In the event that a repo participant liquidates one or more repurchase agreements with a debtor and under the terms of one or more such agreements has agreed to deliver assets subject to repurchase agreements to the debtor, any excess of the market prices received on liquidation of such assets (or, if any such assets are not disposed of on the date of liquidation of such repurchase agreements, at the prices available at the time of liquidation of such repurchase agreements from a generally recognized source or the most

recent closing bid quotation from such a source) over the sum of the stated repurchase prices and all expenses in connection with the liquidation of such repurchase agreements shall be deemed property of the estate, subject to the available rights of setoff. As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw, applicable to each party to the repurchase agreement, of a national securities exchange, a national securities association, or a securities clearing agency, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.".

(b) The analysis of sections for chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new item:

"557. Contractual right to liquidate a repurchase agreement."

SEC. 8. The amendments made by this Act shall become effective upon the date of the enactment of this Act, except that such amendments shall apply only to cases commenced on or after such date.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Section 1 provides that the act may be cited as the "Repurchase Agreements Bankruptcy Amendments of 1983."

SECTION 2—DEFINITIONS

Section 2(1) makes conforming redesignations of subsequent definitions.

Section 2(2) provides a new definition for "repo participant" in section 101. "Repo participant" includes any entity that, on any day during the period beginning 90 days before the date of the filing of the petition, (has one or more outstanding repurchase agreements with the debtor.) The 90 day period is based on the preference period set forth in section 547 of the Code. This definition is intended to include an entity acting for its own account or for the account of one or more other entities (whether as custodian, trustee, fiduciary, agent or in any other capacity).

It is not intended by the provisions of this definition to affect the status of repurchase agreements under other provisions of the Code, such as those, for example, protecting securities contracts and forward contracts.

Section 2(3) provides a new definition for "repurchase agreement" in section 101. "Repurchase agreement" means any agreement which provides for the transfer of certificates of deposit, eligible bankers' acceptances or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, or securities with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, or securities as described above, at a date certain not later than one year after such transfers or on demand (regardless of by whom made), against the transfer of funds. This definition also applies to a reverse repurchase agreement. It also covers any related terms in a repurchase agreement (such as mark-to-market provisions). For purposes of this definition an "eligible bankers' acceptance" is either (i) an acceptance by any institution of a draft or bill or exchange drawn on itself which, if drawn on a member bank, would be eligible for acceptance under the criteria established in subparagraph (A) of the seventh paragraph of section 13 of the Federal Reserve Act, 12 U.S.C. § 372, or (ii) an acceptance which, on the date the repurchase agreement is entered into, is eligible for purchase under the rules of the Federal Open Market Committee.

While repurchase agreements may be open to various kinds of characterizations and are characterized in market practice under various legal relationships, it is intended by this section that any agreement that meets the terms of the definition of repurchase agreement shall receive the treatment in bankruptcy that is provided for in this subtitle.

The definition does not require (or prevent) the original and reverse transfers to be provided for in separate agreements or confirmations. A repurchase agreement may be either written or oral.

In accordance with market practice, some repurchase agreements permit certain substitutions of the assets subject to the repurchase agreement. Accordingly, under agreements covered by this definition, the transferor may make certain substitutions of assets, but only assets of at least equal market value to those originally transferred and falling within the same one of the three enumerated categories (i.e., certificates of deposit, eligible bankers' acceptances, or U.S. government and Federal agency issued or guaranteed securities). The transferee may return only assets that are the same in all material respects as those last transferred or substituted by the transferor.

Repurchase agreements for only certificates of deposit, eligible bankers' acceptances, and U.S. government and Federal agency issued or guarenteed obligations are afforded the amendment's treatment under the Code. As provided in section 102(5) of title 11, United States Code, the enumeration of the underlying types of property in the alternative is not exclusive; a repurchase agreement can involve the transfer or re-transfer of a combination of the enumerated kinds of property. It is not intended by the enumeration in this definition to affect in any way the status of repurchase agreements for any item, whether or not covered by the definition, under other provisions of the Code, such as those, for example, protecting securities contracts and forward contracts.

In particular, a repurchase agreement as defined in this subtitle, insofar as it applies to a security, would continue to be a securities contract as defined in the Code and thus also would be subject to the Code provisions pertaining to securities contracts. Similarly, insofar as a repurchase agreement as defined in this subtitle applies to a commodity, it would continue to be a forward contract for purposes of the Code and would be subject to the forward contract provisions of the Code.

The reference to "direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States" is based on section 14(b) of the Federal Reserve Act, 12 U.S.C. § 355, and is intended to include all obligations of, or that are fully guaranteed as to principal and interest by, any entity whose obligations are determined by the Board of Governors of the Federal Reserve System to be eligible for purchase by Federal Reserve banks under the similar language of section 14(b) of the Federal Reserve Act.

SECTION 3—AUTOMATIC STAY

Section 3(1) makes conforming redesignations of subsequent paragraphs.

Section 3(2) is intended to clarify that, despite the automatic stay of section 362(a), a repo participant may set off a claim for a margin or settlement payment arising out of repurchase agreements against the repo participant's obligations to the debtor in respect of cash, securities or other property that the repo participant is holding, or that is due to the debtor, to margin, guarantee, secure or settle repurchase agreements, notwithstanding the bankruptcy of the party for whose account such cash, securities, or property is held. This provision is essentially parallel to the one in existing Code section 362(b)(6).

This section refers to settlement payments as defined in section 741(8). It is intended for purposes of this section and the other provisions added by this subtitle that any amount paid or payable with respect to any interest, dividend or other distribution in respect of the certificate of deposit, eligible bankers' acceptance, or security that is the subject of the repurchase agreement and any amount paid or payable with respect to any interest, rebate or other fee in respect of the repurchase agreement, regardless of whether the amount is paid or payable on a settlement date or a different date, constitute a settlement payment within the meaning of that term as defined in section 741(8). Such items serve the same function as other, more conventional types of settlement payment and are commonly used in the securities trade. This assures consistency of treatment, since it is understood that similar amounts paid or payable with respect to securities contracts likewise come within the definition of settlement payment as defined in section 741(8) for purposes of the Code provisions relating to securities contracts.

SECTION 4—AVOIDING POWERS

Section 4 creates a new subsection to section 546 which, together with provisions of section 548, clarifies that a trustee is prohibited from avoiding a transfer that is a margin payment or settlement payment made by or to a repo participant in connection with a repurchase agreement, except where the transfer was made with actual intent to hinder, delay or defraud other creditors and the property transferred was not taken in good faith. This prohibition is parallel to the one in existing Code section 546(d).

SECTION 5—PAYMENTS TAKEN FOR VALUE

Section 5 creates a new subsection to section 548(d)(2) to clarify that all margin or settlement payments made in connection with a repurchase agreement are taken for value to the full extent of such margin payments. This new provision is parallel to the one in existing Code section 548(d)(2)(B).

SECTION 6—SETOFFS

Section 6 makes a conforming change in Section 553(b)(1) of the Code.

SECTION 7—PROTECTION FOR LIQUIDATION OF A REPURCHASE AGREEMENT

Section 7(a) adds a new section to the end of Chapter 5 of title 11 to clarify that the exercise of a contractual right of a repo participant to cause the liquidation of a repurchase agreement, because of a condition of the kind specified in section 365(e)(1) of title 11, shall not be stayed, avoided or otherwise limited in any proceeding under title 11 by a court or administrative agency,

unless, where the debtor is a stockbroker or securities clearing agency, such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) or any statute administered by the Securities and Exchange Commission. This provision would confirm that the liquidation would terminate any right of the debtor's trustee to affirm an executory contract in respect of a repurchase agreement. The prompt liquidation of an insolvent's position is generally desirable to minimize the potentially massive losses and chain reaction of insolvencies that could occur if the market were to move sharply in the wrong direction. This provision is parallel to the one in existing Code section 555.

The amendment also contains an excess proceeds provision applicable in the event that a repo participant liquidates one or more repurchase agreements with a debtor and under the terms of one or more such agreements has agreed to deliver assets subject to such agreement or agreements to the debtor. In such an event any excess of the market prices received on liquidation of such assets (or if any such assets are not disposed of on the date of liquidation of such repurchase agreements, at the prices available at the time of liquidation of such repurchase agreements from a generally recognized source or the most recent closing bid quotation from such a source) over the sum of the stated repurchase prices and all expenses (including such items as brokerage fees, bank charges or fees for legal services) in connection with the liquidation of such repurchase agreements shall be deemed property of the estate, subject to the available rights of setoff. It is intended that the rights of setoff and other remedies permitted elsewhere in the Bankruptcy Code and under other law are not to be limited by this provision.

The new section includes a definition of the term "contractual right" in respect of repurchase agreements to make explicit that this term includes rights arising under common law, under law merchant or by reason of normal business practice whether or not evidenced in writing, as well as a right set forth in a rule or bylaw, of a national securities exchange, a national securities association, or a securities clearing agency that is applicable to each party to the repurchase agreement. It is understood and intended that such a rule or bylaw would be applicable to each party to the repurchase agreement only if each of them is a member of the exchange, association or agency promulgating the rule or bylaw or has agreed to be bound by such rule or bylaw.

Section 7(b) makes a conforming change.

SECTION 8—EFFECTIVE DATE

Section 8 provides that these amendments shall become effective on the date of enactment but shall not apply to cases commenced before the date of enactment.●

AMERICAN IDEALS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. PORTER. Mr. Speaker, I am proud to share with my colleagues the speech of Walter Cherry, a long-time Winnetka, Ill., resident and former village trustee, delivered at the Winnetka 1983 Memorial Day observance on the green. Mr. Cherry's speech underscores the importance of our most cherished American ideals; patriotism, progress, and sacrifice, and in so doing, most eloquently reaffirms the meaning behind our observance of Memorial Day.

MEMORIAL DAY ADDRESS BY WALTER L. CHERRY

Good morning to my neighbors of Winnetka, and welcome to any visitors who may be with us. I am deeply honored to join with you in celebrating this important occasion.

Memorial Day is a very special kind of religious observance. It possesses a marked difference from traditional religious holidays, which commemorate events and honor people from distant lands and ancient times. Memorial Day commemorates America's own sons and daughters, members of our own families, or our forefathers' families, who gave their lives for their country. It is a solemn and tender time.

Those whom we honor today died for America, for you and me. They gave their lives that we might live ours. There is no way any of us can directly repay their gift, of course. But we can strive to make America, the country they gave to us, a better place each day.

All of us, at various times, have entertained thoughts on the strengths and weaknesses of our country and her people, and what might be done to improve our land to the benefit of all. I have collected some of these and would like to present them to you. I'm sure you will recognize many of them as your own. Please join me now in this, a Layman's Prayer for America.

Lord, you have given us a land endowed with unmatched natural resources and singular beauty. For the benefit of those millions among us who have not yet achieved a full life may we discover sensible means to exploit these resources, while retaining nature's grandeur. Neither the unbridled lust for financial reward, nor the tyranny of those who have already arrived and would do nothing, should determine our actions. Reasonableness must prevail.

We are a land of many races, many origins. In our ethnic diversity resides our vitality. Few of our families have been American for more than a generation or two. Yesterday's penniless immigrants are today's leaders. It has been, and always will be thus. Yet each succeeding generation of us has found a social group to rail against and to exploit. Instead of welcoming them as equal partners, we still fear them and look down upon them. But we have made great headway. Surely our outstanding progress of the last three decades was not marked by the development of the computer, trips to the moon, or unlocking the secrets of genes. Incredible as these towering achievements were, they were dimmed in importance by an event that was almost totally non-intellectual—the beginning of the true emancipation of America's disenfranchized, and a general acceptance into brotherhood of all whose skin is other than pure white. We have far to go. Speed us in our quest for fair play and equal opportunity, first, because it is morally right, and second, because it is simply practical. But in our quest for equanimity and equal opportunity, let us not stifle the gifted and dedicated, upon whom we depend to lead our country to greatness.

America has slipped from its position of eminence. We lack the credibility and substance, both domestically and internationally, that we once possessed. Our leaders, and we citizens in our daily lives, must reestablish this position. Help us to make decisions based not on expediency and ideologies, but on high principals, truth, and sound judgement, even though we may risk loss of popularity in so doing. Guide us, lest we substitute opinion for fact, and demagoguery for true leadership. Lead us in the quest for excellence.

We are a vital and dynamic people. Our urge to succeed is strong, and our opportunities to do so are great. We are competitors. Show us how to use our competitive vigor to rebuild America and bring a rewarding life to all her people. Divert us from the current non-productive vogue of adversarial personal relationships with any who may disagree or compete with us.

May all of us seek not a life of ease. We were never supposed to have all our problems solved, have no right to expect it, and, in the final analysis probably wouldn't even want it. Let the less burdened share the load of the afflicted.

Give to each of us a sense of humor. Laughter is a tonic, when done at oneself and not at the expense of another. Let us not take ourselves too seriously, but make certain we assume full responsibility for the duties which befall us. To each of us grant self esteem seasoned with humility.

We thank you, dear Lord, for our great country. Care gently for its fallen sons and daughters, who have given to it its greatness. Make each of us daily mindful of the unpayable debt we owe to our departed loved ones. Lead us in our eternal quest for excellence for America, in their name. May our dedication ultimately lead to peace and dignity for all humanity, for only then will we know they have not died in vain.

Amen.●

SOLARZ ATTACKS SOVIET USE OF YELLOW RAIN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. FRANK. Mr. Speaker, our colleague, the gentleman from New York (Mr. SOLARZ) published in today's Washington Post a compelling analysis of the use of chemical warfare by the Soviet Union and its ally, Vietnam. The Soviet Union and Vietnam must be told that their inhuman tactics are widely condemned, and all possible pressure must be brought to bear by those who oppose the use of chemical weapons. In particular, those of us who voted last week to prevent the development of chemical weapons in the United States have, in my view, a particular responsibility to speak out as strongly as we can against the terror now being inflicted on the people of Southeast Asia and Afghanistan.

It is typical of the strong leaderhip which Mr. SOLARZ has provided in defense of human rights across the globe that he has spoken out so clearly on this issue. I ask that his article be reprinted here so that all of our colleagues may benefit from it.

MAKE NO MISTAKE: THEY'RE USING YELLOW RAIN

(By Stephen J. Solarz)

There may be reasons for doubting that the Soviet Union is involved with illegal chemical warfare in Asia, but the facts of the case aren't among them. No matter how hard those who prefer to see and hear and speak no evil may try, the evidence simply cannot be explained away.

It is not just the United States but also Canada, Britain, Australia, China and Thailand, among others, which have found that illegal chemical warfare is being used in Asia. Even the Socialist foreign minister of France, who is no enemy of Vietnam, recently announced that France on its own had "firm and convincing evidence" of the use of these weapons in Southeast Asia and Afghanistan.

Yet it is to understand why so many good people resist this conclusion. When former Secretary of State Alexander Haig first aired the charge that the Soviet Union was violating treaties prohibiting chemical and biological warfare, his publicly presented evidence—a twig—seemed so thin that Haig's claim appeared to be more an exercise in Cold War propaganda than a presentation of carefully compiled scientific data. Many people here and abroad also worried that Haig's accusation was part of a Reagan administration attempt to justify its hostility to arms control agreements with the Soviet Union.

The initial skepticism which greeted Haig's accusation notwithstanding, the use of chemical warfare by the U.S.S.R. and Vietnam has now been established beyond doubt. Not only is there persuasive, if highly classified, technical data indicating Soviet involvement in the manufacture, supply and use of chemical weapons, but peer reviews of the U.S. evidence by a panel of American scientists and a leading Japanese authority on the subject have independently confirmed that the chemical agents discovered were indeed man-made, prohibited substances. In addition, there is publicly available medical testimony, hundreds of firsthand reports from the victims of "yellow rain," and laboratory analysis of samples taken from areas in which these prohibited toxins have been found.

Doctors from France, India, the United States, the Philippines and Canada who work with refugees along the borders to which the victims of chemical warfare have fled almost uniformly report finding symptoms in victims of attacks which aren't consistent with any known disease, but which do conform to symptoms associated with illegal chemical weapons.

The stories of the victims are compelling in themselves. Contrary to what some doubters imply, these reports do not come from a handful of able-bodied, politically committed Meo leaders, but from a wide variety of Khmer, Hmong and Afghan refugees, ranging from little children to the elderly.

Their accounts of "yellow rain" attacks are particularly convincing in that they are usually not volunteered, but are revealed only when a doctor asks the refugees directly about their symptoms.

Refugee reports are dismissed by many people as inherently unreliable. This is exactly what happened when the first stories began to come out of Nazi-occupied Europe about the Holocaust. In fact, refugees have a record of being excellent sources of information on inaccessible societies and situations.

The Chinese who fled to Hong Kong in 1962 carried reports of mass famine. Even experts dismissed their testimony. Yet it is now known that at least 10 million people perished.

Cambodian refugees fleeing Pol Pot's minions after the fall of the Lon Nol regime in 1975 related harrowing accounts of autogenocide. Many people dismissed the bloody truth as a Cold War lie invented to discredit Vietnam, which was seen as supporting Cambodia. Yet we now know that about a third of the Khmer people lost their lives during Pol Pot's brief period in power.

The reports of Afghan refugees fleeing Soviet tyranny and of Guatemalan refugees fleeing their own army, which has gone on a rampage in the countryside, are now widely accepted. It strains credulity to believe that the refugees escaping "yellow rain" in Asia, alone among all the victims of repression, are uniquely engaged in a monumental hoax.

For those not fully convinced by the testimony of independent doctors or the reports of victimized refugees, even more definitive proof is available in the form of laboratory analysis. Samples obtained from areas in which "yellow rain" has been reported reveal combinations of trichothecene toxins not found in nature. Since Hanoi doesn't have the scientific or technical capacity to manufacture these illegal substances, it is clear that Vietnam must be receiving them from the Soviet Union.

The only explanation of these manmade poisons that would exculpate the Soviet Union is that the CIA or some other foreign agency planted the evidence. But not even the U.S.S.R. has suggested such a conspiracy theory as a way of explaining the undeniable existence of these toxins.

In its formal response to the U.S. charges, the Soviet Union has acknowledged the existence in Laos and Cambodia of these prohibited chemicals. But it has claimed that they are due to U.S. use of Agent Orange in Vietnam, which, according to the Soviet argument, destroyed the natural vegetation and led to the growth of elephant grasses that produced the toxins in question. These deadly poisons, the Soviets go on to claim, are being carried into hostile Hmong and Khmer regions by monsoon winds that, somehow or other, deposit them nowhere else. So far not a single serious independent scientist, or even Rube Goldberg, has lent any credence to this Soviet invention of inherently implausible interrelations, and a U.N. team of experts found no validity in the Soviet hypothesis.

The latest effort to explain away the damning evidence asserts that the trichothecenes found in Southeast Asia grew on bee defecations. Since bees have presumably long been indigenous to the region, it is odd that these deadly manifestations show up only now. The incredible bee hypothesis, unlike the one advanced by the Soviet Union, does not even pretend to explain why these poisonous substances did not appear in earlier years or in other places.

Some people resist the compelling evidence of Soviet violation of chemical and biological arms accords out of a fear that such a conclusion would jeopardize prospects for reaching future arms control agreements. But the conclusion which the evidence compels is not that the United States should refrain from entering into such agreements with the Soviets, but that any such treaties must have adequate provisions for verification, in contrast to the chemical-war conventions which lack them.

Arms limitation agreements with the Soviets are essential if we are going to bring the arms race under control. But it is absolutely imperative that, in the midst of such efforts, we don't turn our backs on another helpless group of victims. Otherwise the crime will spread. Reports are now coming in of similar chemical attacks in Eritrea. This outrage must end.●

STAR WARS

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. LOWRY of Washington. Mr. Speaker, I take this time to bring to the House of Representatives attention an outstanding sermon given by the Reverend Peter Raible at University Unitarian Church in Seattle this past May 29.

STAR WARS

Of a recent week, our President enunciated a new approach to the Cold War. In a speech to the nation, he declared:

"I have become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. Feeling this way, I believe we must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides. One of the most important contributions we can make, of course, is to lower the level of all arms and particularly nuclear arms. . . .

"Would it not be better to save lives than to avenge them? Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability? I think we are—indeed we must." (page 8, New York Times, March 24, 1983)

At first blush, these remarks seem pointed toward a dramatic turn away from the dominant doctrine of mutually assured destruction, which has been the capstone of the Cold War for three decades. What a fresh breeze into moldering closets of thought that we should, as the President suggested, rise above dealing with other nations and human beings by treatening their existence. Our President brought us new hope of turning away from the sterile and dangerous policies of neclear deterrence.

But the new promise the President extended with one hand, he more than swept away with the other. He was not announcing bold initiatives for arms control; instead he suggested a vast new military program. He wants a massive effort for a defense system against Soviet missiles, which basically means the ability to destroy the Russian weapons as soon as they are launched. What this would mean is the creation of dozens of United States' space stations, which could hone in on Soviet missiles and be ready to blast them from the skies, probably through the use of laser beams. The result, of course, would be a mammoth new escalation of our military preparedness and the full utilization of space in that effort. Certainly, the Soviets would not sit idly by, as we set new weapons into an array of space stations.

Besides a fearsome new weaponry and vast increases in our military spending, what the President signaled is that space is about to become the new frontier in our planning for battle—a Star Wars scenario! What the President brought into the open is the mostly secret planning for a space war. Before we tumble willy-nilly into this dangerous policy we need public discussion and debate, for the arming of space promises only to increase the awesome dangers of all out war (pages 200-01, Thomas Karas, "The New High Ground"; Simon and Schuster, 1983).

Back in the Eisenhower era, the United States supported the doctrine of "freedom of space"—an equivalent to the old "freedom of the seas," once staunchly upheld by this nation. In essence, freedom of space meant that it should be an international ocean and not the domain of earthly powers with the most sophisticated weaponry. In 1961, the United Nations adopted unanimously a resolution on the uses of outer space. Both superpowers pledged that they would not put weapons into space. The glaring loophole was, however, that there was no ban on military systems in orbit, only weapons. The International Outer Space Treaty of 1967 left open the way for launching all kinds of weapons into space, as long as they contained no nuclear explosives (Chapter V, "Let Our Foes Know" in David Ritchie, "Space War"; Atheneum, 1982).

The most immediate military development of space was for spy satellites, which have now reached a sophistication, which virtually makes it possible for a space camera to read the headline on Pravda, as held by a reader in Moscow's Red Square (ibid., page 4). All in all, the spy satellites were in themselves a good development, since they markedly reduced the possibility of surprise military build-ups, the hidden production and deployment of new weapons, or sudden attacks without the other side having ample warning. But in military preparedness, one system leads to another. The next development was in killer satellites, weapons that could be launched to knock the opponent's spheres from the skies. This is a system in which the United States is far advanced over the Soviets and poses a dual danger (ibid., Chapter VII, "The Shooting Gallery" and Karas, op. cit., pages 149ff).

First, killer satellites are hardly defensive, since their aim is to prevent intelligence through spy satellites by the other side. Such a move would be necessary only if one power was about to attack the other. So with good reason, the Soviets see our increased work on killer satellites as an offensive move, going hand-in-hand with the growing idea among United States military leaders that a nuclear war can be won. Second, killer satellites can be aimed not just at spy satellites, but at anything in space, thereby threatening communications systems and any space vehicle. The destroying of satellite communications poses a dire threat to control of our widespread nuclear forces, particularly our nuclear submarine forces, which might be left in the peculiar quandry of suddenly being left without means of knowing what was taking place in the rest of the world. The potential peril in knocking out space vehicles with their human crews needs no further discussion, for it would simply lead to escalation into all out war. As famed astronomer, Carl Sagan, recently urged: "the United States and Soviet Union act immediately to head off an arms race in space. This may be the last moment in which this can be done." (Post Intelligencer, May 13, 1983, page A2).

But the killer satellite is only the tip of military thrusts into space. The Air Force has recently codified its space work into a new Space Comman and the Pentagon budget requested for space work is eight and a half billion dollars, up fifty percent from a year ago (Karas, op. cit., pages 19-20). At one time, some years back, the creation of the National Aeronautics and Space Administration seemed to assure that our moves into space would be guaranteed to civilian control. But in recent years, the NASA budget has been such that it has become a liege vassal to the Pentagon. Our primary program at the moment, the space shuttle, is more and more a military mission. Those perceptive about our space program have said that only the support of the Pentagon is keeping NASA alive at all (Ritchie, op. cit., page 143). As one writer puts it:

As a result of this shift in resources, not only our space exploration programs but also research and development in communications and earth resources monitoring satellites are suffering. . . . As we struggle to pull ahead in the military race in space, we are in danger of falling behind in the civil one." (Karas, op. cit., page 203).

Utilizing technology we developed, the French and Japanese, free of space military programs, are moving ahead in the commercial uses of space; so that we are threatened once again with our nation lagging badly in international economic competition (ibid.).

The major potential horror, however, was that suggested by the recent speech of the President—the stationing of military weapons in space. The possibilities are almost endless, for even though nuclear arms are banned in space, there is no bar to the development of nuclear space weapons, which could be quickly launched should war seem in the offing. But what seems to dominate military thinking at the moment is space lasers. Since the research is secret, the public knows not how advanced is our research in surmounting the formidable technical issues of laser weapons. Simply put, lasers attempt to concentrate intense light in a way so that missiles could be destroyed or thrown off course, once they are launched. The President's speech suggests that at the highest levels of our government, there is belief that the technology is possible. In turn, lasers lead to anti-laser efforts—ways to protect against the beams through decoy missiles and weapons to destroy laser stations in space. The basic idea of defensive lasers, as suggested by our president, would require scores of permanent satellites, posed to knock out Soviet missiles as soon as they are launched, or perhaps before they are launched (Karas, op. cit., page 180). Besides being costly in ways beyond reckoning, there is no guarantee that such a system would be fully effective and every probability that it would not (Richard Garwin, defense expert and professor of physics at Columbia University, quoted in Post-Intelligencer, May 13, 1983, page A2). If even one percent of the missiles reached their targets, the destruction would be immense. Such a defense system also encourages the opponents to deploy more missiles and to develop new tactics, say via submarines, to launch their missiles close in to the prime targets of the other.

What is so ultimately dangerous in the whole Star Wars approach goes far beyond costs, dangers, and escalation. What the arming of space underlines is the increasing belief that we can move out of mutually assured destruction to a nuclear war that can be won. Pentagon thinkers relish the thought that we might have the capacity to launch our weapons against the Soviets, while protecting ourselves from theirs. This concept is undoubtedly absurd, given the history of the Cold War in which each new supposed advantage on one side is countered by some new development by the other. But absurd or not, it is deluded, for it shows how riveted our whole national policy is on military preparedness and thus the constant search for initiatives by which nuclear war might be won. Our total approach remains bogged in the fetid swamp of thought about how to win wars, rather than to prevent them. Our government gives vast attention to new military weapons and virtually none to disarmament and control. What this declares, more than anything else, is that we will not try to explore fully the alternatives to military preparedness. As long as this is so, I foresee little hope that we can break the deadlocks of the Cold War.

Our President is absolutely right that we must rise above dealing with other nations and human beings by threatening their existence. Yet, he is insane if he thinks some new weapons system will open the way. Such approach is madness, simply madness, madness! Our President has set the issue clearly, as he puts it, "We must reach beyond assured destruction if we want peace to prevail." But there has been and remains only one fundamental way of moving assured destruction and that is removing the instruments of destruction. How ironic that President Reagan sees the issue so clearly, but is so warped in his thinking that he cannot see the obvious pathway to his goal. We should continue to press him and all our elected officials to pursue vigorously, the arms limitation and disarmament talks.

In the last century, the British statesman, William Gladstone declared: "We have no adequate idea of the predisposing power which an immense series of preparations for war has in actually begetting war." (Ritchie, op. cit., page xi)

Our problem is that we keep preparing for war, while mouthing words of peace. Thereby, slowly but irrevocably, war comes to dominate our thought. Since no one not psychotic could advocate all out destructive war, our military leaders have to believe that war is winnable, and so they more and more look to hopeful, even if silly, scenarios in which the United States could emerge from nuclear battle, as a functional, mainly preserved nation. The Nazi propaganda minister, Goebbels, once noted that if you tell people something often enough and long enough, they come to believe it. Our military leaders, today, are entrapped by their own propaganda and thus are a menace to us all.

The delusion that war is winnable is a growing threat; and it is coupled with a second delusion right out of Orwell's 1984, namely that "War is Peace!" We have an administration, which again and again has enunciated the doctrine that every other aspect of our government must give way before the priority of arms. The carnage in human suffering caused by this approach is immense, but it reaches even further. We are slowly sapping our technology, or governmental viability through giant deficits, our concerns for education, transport, health, and environment, all to feed the Moloch of the military. We will soon reach the point, where the fabric of our government is rent asunder by this terrible misplacement of national priorities. To let people go hungry or suffer in pain or accept the humiliation of being without a job in

order to embark upon vast new weaponry systems in space is such a bizarre inversion of intelligence that future historians will wonder if we, as a people, did not share some self-destructive urge.

Finally, we talk in aseptic words about weapon systems, destruction, preparedness, as if we were never speaking of human lives. Within the last few days, the World Health Organization of the United Nations reported that half the world's population would be immediate victims in an all out nuclear war. The first death toll would be over one billion persons, and WHO noted that this did not include extreme views. The report said further, "Money, banking, investments and all the trappings of advanced economies would disappear" (Seattle Post-Intelligencer, May 11, 1983, page A2). This might suggest that those of conservative mien, who are often concerned with property rights, ought to be as worried about nuclear war as those of more humanitarian bent.

How can anyone reading such warning hold an iota of faith in a winnable nuclear war? We must see that we are all human beings embraced within the ecology of this globe. We are together on spaceship earth and we cannot risk mortal wounds to it. No wonder that religious leaders of all persuasions are increasingly coming to the fore to warn of the futility of nuclear preparedness. We must move in new ways! In his recent speech, the President called on us to have "the purpose of changing the course of human history" (New York Times, March 24, 1983, page 8). He must harken to his own words and cease saber-rattling and ambitious new arms plans. What we need is leadership in destroying the instruments of destruction, which are ever a peril to every human being and all life, as long as they stand poised at the ready.

We know in our own very personal lives, as well as from history, that hatred, destruction, and anger are easy responses. What is harder, yet ever more fulfilling and life-sustaining is to seek solutions, new possibilities, and human reverence. But only as we have the capacity to see the creative can we open the roadways to peace and enable our selves to have life and life more abundantly.●

THE POPE'S MESSAGE TO POLAND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. FASCELL. Mr. Speaker, as Chairman of the U.S. Helsinki Commission, I am pleased to join Congresswoman KENNELLY and our other colleagues in expressing support for the extraordinary message of truth, liberty, justice, and social solidarity, which Pope John Paul II brought home to the Polish people during his pilgrimage. The Pope's inspiring words speak to the essence of the Helsinki Final Act, which recognizes that true peace cannot exist without respect for human rights and fundamental freedoms.

It is clear that the people of Poland have rejected the assertions of their military rulers that freedom must be sacrificed in order to achieve social peace; that economic progress can be gained only at the expense of workers' rights; that military dictatorship and not representative government is the answer to Poland's current crisis. Instead, the Polish people overwhelmingly have embraced the Pope's peaceful prescription for national salvation—social peace through social justice; economic recovery through request for the dignity of human labor; restoration of public trust through honest dialog between rulers and ruled.

In newscast after newscast we have witnessed Poles who lack basic necessities demanding justice as well as bread. The Polish nation defiantly exercises its moral independence and spiritual freedom despite externally and internally imposed repression. Living in the midst of lies, Poland and her Pope courageously bear witness to the truth.

We in the West, who cherish freedom, have a moral obligation to follow John Paul II's righteous example. We must continue to speak out strongly against violations of human, civil, and trade union rights; demand the release of prisoners of conscience; call for a return to the social reforms begun under Solidarity; and, urge the renewal of dialog between the State and society in Poland. To do less would be to betray the very values we hold most dear.●

SPECIAL ACTION ON TORTURE IN CHILE

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. PATTERSON. Mr. Speaker, as many of the Members are aware, Amnesty International is currently undertaking a special international action on Chile. Amnesty International is an international organization which examines and reports on human rights conditions in virtually every country in the world, ranging from Afghanistan to Zaire and from Cuba to Argentina.

In May 1983, Amnesty published a report on the findings of its delegation sent to investigate human rights conditions in Chile in 1982. The report was based on extensive medical examinations of former Chilean prisoners as well as on written testimonies and other evidence provided by people who told Amnesty that they had been tortured. The report, "Chile: Evidence of Torture," includes several detailed discussions of specific cases of torture and other mistreatment of prisoners. I would like to include, for the RECORD, one specific case of mistreatment discussed in the report. In my view, this case, while not unique, demonstrates that torture and mistreatment of prisoners in Chile continues to be a serious problem.

CHILE: EVIDENCE OF TORTURE—CASE NO. 2

ANONYMOUS

Personal details

He is 21, unmarried and lives with his parents. He went through high school and is now doing a course in journalism. While he was a student he was also for a time a telephone operator but was dismissed before being detained. He is supported by his parents.

State of health before arrest

When he was two he had tonsillitis, which was apparently complicated by endocarditis. Prophylactic penicillin was prescribed during the subsequent 10 winters.

Time and place of arrest and detention

He was arrested in the first quarter of 1982. He was held at the CNI centre in Santiago for 19 days then transferred to the *Cárcel Pública* (Public Prison), where he stayed until his release on bail, 45 days after arrest.

Duration of alleged torture

He said he was tortured on 19 days. On the last 14 the torture was exclusively psychological.

Interrogation and torture

His account of events was as follows:

About 12 people in civilian clothes broke into his home in the first quarter of 1982. No arrest-warrant was shown. They searched the premises for two hours and arrested him, his father and another relative. They hooded and handcuffed him, then drove him to the CNI centre.

For the first five days he was interrogated several times a day, and simultaneously tortured, mainly physically. He was slapped and struck on the head, mouth, body and genitals, and his buttocks and extremities were kicked. He was also electrically tortured on two occasions, each lasting five minutes. He was made to sit on a chair and electric current was applied to his back via a cable conducting current from a machine he thought was hand-driven.

The interrogations continued for the next 14 days he spent at the CNI centre. They included threats, including threats of execution (a pistol was aimed at his temple) and threats to arrest his family.

He often heard his father and relative screaming while they were being tortured. And he heard the voice of a woman who was not his mother, although he was told it was her voice so frequently that eventually he believed it was. (She has not been imprisoned.)

He was held incommunicado throughout the 19 days in a 2m by 2m concrete cell containing a concrete bunk plus a thin mattress. He wore overalls and *zapatillas* and was forced to wear a mask except when alone in his cell. His cell light was always on.

Medical examination and/or attention during detention

Both before he was tortured at the CNI centre and before he left he was given a superficial medical examination, by a doctor, he thought. It included measurement of blood pressure and auscultation of the chest.

His pulse was taken every day he was at the CNI centre. On one occasion he was given tablets for diarrhea.

Early symptoms described

He had aches and pains and felt weak all over, especially in his arms and legs.

After being hit on the mouth he lost an upper tooth, No. 24, and the frenulum of his lower lip bled.

He had diarrhea for three or four days while at the CNI centre. He had pain in the buttocks and near the anus (as a result of kickings, he said). His left testicle too was painful (because of the beatings, he thought).

Throughout his detention he had headaches every day. After being allowed to remove the mask he found his vision was impaired. Periodically he had double vision and his eyes got tired when he read (the letters began to blur after about 10 minutes).

He got retrosternal pain several times a week, and palpitations of the heart lasting for about 15 minutes, when resting. (This was related to anxiety, he thought.) He had never had such symptoms before. While he was at the CNI centre he lost his sense of time—could not tell night from day. He felt suicidal because of anxiety lest he reveal information. He suffered from insomnia and nightmares and was gloomy, emotionally labile and indifferent.

Present symptoms described

He feels unusually tired and weak and still has pain in his left testical, although this is diminishing. He gets headaches starting at about noon every day. They are exacerbated by reading, and he still has vision problems: periodic double vision and blurring of letters on the page after he has been reading for about 10 minutes.

He still feels gloomy, emotionally labile and indifferent. He stays at home most of the time and is not involved in anything (partly because he is under surveillance and cannot meet his former friends outside his home).

He suffers from continuing, though less frequent, episodes of precordial pain and palpitations of the heart while resting (probably due to anxiety), and from serious insomnia and nightmares.

Clinical examination

He seemed depressed. Although prepared to cooperate, he was passive, slow and hard to make contact with. He had difficulty expressing himself.

The clinical examination revealed bad teeth, many of them decayed. There was a large cavity in No. 24 and the crown was almost completely gone (see photograph). The lower frenulum of the lip was irregular and had small sores on it. He had muscular pains in the left flank and tenderness in the epididymis.

Conclusion

The medical delegates found consistency between the torture alleged, the symptoms described and the results of the physical examination.

As a long-time observer of human rights conditions in Chile and elsewhere, I find Amnesty's latest report especially troubling. During this time of civil disturbance in Chile, I urge my colleagues to watch very closely for human rights violations within that country.●

1983 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. KOSTMAYER. Mr. Speaker, I am honored to participate in this year's congressional call to conscience vigil for Soviet Jews. As elected representatives in the world's guardian nation of freedom, we have the moral responsibility to keep the flame of hope brightly burning for the most persecuted group of people in the history of the world.

Less than 40 years after the near total annihilation of European Jewry in the Holocaust, we are now witnessing a renewal of persecution of people in the Soviet Union who are asking for nothing more than to be permitted to emigrate to their ancient homeland of Israel to freely exercise their religious faith and, in a great many instances, to be reunited with members of their family.

The number of Soviet Jews who are affected by the cruel and inhumane system that their country's political system subjects them to is very significant as evidenced by the sharp decline in the number of these refuseniks permitted to emigrate in the last few years. In 1979, more than 51,000 Soviet Jews were granted emigration visas while last year only 2,670 were permitted to leave. The difficult circumstances faced by individual refuseniks are often blurred by the large numbers and statistics involved, but the case of one refusenik family, whom I have adopted and written to, serves to illustrate the agonizing plight of all refusniks.

Yakov Kogan, his wife Tatiana and their daughter Olga presently reside in Leningrad and have applied to emigrate to Israel to be reunited with Tatiana's parents, Mr. and Mrs. Efim Zagnitovsky and with her sister. Yakov had served in the Soviet Army in the rocket division, completing his military service in 1969. At the time he signed a document stating he would not go abroad for 5 years because of his prior access to secret military information. Yakov complied with the provisions of that document but when he and his family applied for permission to emigrate to Israel in 1976, they were refused when authorities cited his previous army service. The Kogans were told to reapply again in 6 months and after having done so, they were again refused without any reason given. Yakov is a mechanic by trade but has had to work at odd jobs, when he can get them, since his army service. Tatiana lost her position at a scientific research institute when it was learned that she had applied to emigrate. Thus denied of their livelihood and having complied with the requirement that they not travel abroad for 5 years after Yakov completed his military service, there is no reason why the Kogan family should not be permitted to emigrate. I wrote to the Soviet Ambassador, Anatoly Dobrynin, requesting his assistance in gaining a favorable ruling on the Kogans' application for a visa allowing them to emigrate to Israel. I subsequently received a terse, unsigned, one sentence reply informing me that the Soviet Embassy in the United States does not involve itself in the cases of Soviet citizens who apply to emigrate to Israel.

I hope that at least in some small way, the attention I have drawn to the plight of Yakov, Tatiana, and Olga Kogan today will help to bring their freedom one step closer. Their release and that of all refuseniks is essential to gaining the peace and understanding that we in the United States and the people of the Soviet Union must have for the survival of all mankind.●

WATER SUPPLY SYSTEM VITAL TO WISE-NORTON RESIDENTS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. BOUCHER. Mr. Speaker, the House Appropriations Committee has approved a 1984 appropriations bill for the Department of Interior and related agencies. The report accompanying that bill is of crucial importance to the citizens of Wise County and the city of Norton, Va.

I would like to thank the distinguished chairman of the Interior Appropriations Subcommittee, the gentleman from Illinois, Mr. YATES, for assisting my request for funding of the Wise County regional water project.

For nearly a decade, the citizens of Wise County and Norton have been seeking moneys to replace a water supply system badly damaged by past mining practices. One obvious source of assistance, the Office of Mining's abandoned mine reclamation fund, has previously been denied to these residents. Language approved by the Appropriations Committee now clears past impediments to the use of this fund and directs the expenditure of $1.3 million for the Wise water project.

This southwest Virginia community, which has contributed so substantially to satisfying the Nation's energy needs through its long history of coal production, is now presented with a critical need for a clean and reliable source of drinking water. The lack of potable water for residents of Wise County and the city of Norton constitutes both a severe impediment to economic

development and a pressing public health concern.

Surface and underground mining in this the third largest coal producer of the Appalachian counties has had an adverse effect on the area's water resources. Previously unregulated mining and some 14,000 acres of abandoned mine workings have degraded surface waters with siltation and heavy metals. Disruption of underground water sources has dried up private wells and damaged community reservoirs. The extent of the damage is such that construction of a new water system is the only viable option.

With determination and dedication, the citizens of Wise County and Norton have been seeking a solution to their water supply problem. The community has committed itself to alleviating the shortage by identifying the most cost-effective solution and obligating $3.6 million of its own funds. Another $1.2 million has been secured from the Appalachian Regional Commission and community services block grant program.

When I met with representatives of the Wise County Public Service Authority earlier this year, it was clear that the project had strong support from both the local community and the State, and I was pleased to pledge my efforts to help find additional funding for the water project.

I am pleased to support the Interior appropriations measure, which includes $1.3 million for the Wise County water supply project, and I commend the Appropriations Committee for its sensitivity to the needs of this deserving community.●

FRED HARTMAN'S WRITING

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. FIELDS. Mr. Speaker, for years the residents of Baytown, Tex., have awakened each morning with Fred Hartman's daily column on the front page of the Baytown Sun. Hartman, who for over four decades has been a major force in the shaping of Texas journalism, recently went into semiretirement. While he will continue to write in an emeritus capacity, Hartman has stepped down as chairman of the board of Southern Newspapers, Inc., a corporation that at one time owned · more newspapers than any other in the State.

Hartman's writing abilities emerged during his school days at Baylor University in Waco, Tex. He and his roommate, Price Daniel, Sr., who went on to become Governor of Texas, worked on the student newspaper together, where Hartman eventually became editor. Four years later, in 1935, Hartman joined the Baytown Sun, and in 1944 was made editor of the Baytown paper. When the Sun was purchased by Southern Newspapers, Inc., Hartman worked his way up through the operation until he became chairman of the board of that company.

During these years, Hartman actively participated in community and statewide affairs. He has received numerous honors, including Baylor's Distinguished Alumni Award, and has served on important State committees under five Texas Governors. The following article, written recently in the Houston Chronicle, tells of Mr. Hartman's accomplishments through the years as a journalist, editor, and Texan.

The article follows:

FRED HARTMAN, 75, FIRST A PRINTER, NOW HE "OWNS THE PLACE"

(By Cindy Horswell)

It was 1929, Prohibition, when the four students at Baylor University—a Baptist school sometimes dubbed Jerusalem on the Brazos for its religious strictness—decided to "manufacture some fun."

The young men smuggled into a dorm room whiskey that had been homemade at an out-of-town moonshine still. When the party spilled out into the nearby courtyard, the four were caught.

"Dean W. S. Allen never exactly kicked us out," recalls one of the conspirators, Fred Hartman of Baytown. "He just said Baylor would be better off if we were some place else."

Today, 75, Hartman jokes that he's the only one of the conspirators, who were forgiven and readmitted to Baylor the next semester, who did not amount to anything. It's not really true. Until this month, he was board chairman of a corporation that at one time owned more small newspapers in Texas than any other corporation.

The other three students were James Roberts, a U.S. Air Force general, now deceased; Dr. Clarence Haden, a retired Episcopal bishop of the northern California diocese; and Price Daniel Sr., who has held five different elected Texas offices, including governor and state Supreme Court justice.

In addition, both Daniel and Hartman have since been named Distinguished Alumni of Baylor—one of the school's most prestigious honors.

Hartman says he learned something from the drinking episode: Thou shalt not disobey anyone who owns the place.

And since then, he and his corporation have always tried to "own the place." Southern Newspapers Inc. has bought and sold as many as 75 different small newspapers in the South over the last three decades, he says.

A portly man, recognizable by his ever-present bow tie and Will Rogers style wit, Hartman celebrated his 75th birthday May 20, and this month he officially went into semi-retirement.

He was born in Marlin, the son of a dry goods store clerk who later became a Presbyterian missionary in the Ozarks.

His inclination for journalism first surfaced in high school in Springfield, Mo. It was his junior year and he needed an elective.

"I had no aptitude for woodworking. So I took a printing course that was being offered," Hartman recalls. "I got some ink under my fingernails and I've been involved up to my ears ever since."

After high school, he worked his way through college as a journeyman printer. He never really learned to type properly, still relying on a hunt-and-peck method. But he says he has developed lightning speed with his two index fingers.

Hartman began college at Southwest Missouri State College, before transferring to Baylor where he received both a bachelor's and master's degree in journalism.

Ten years later, he also earned a law degree from Houston Law School.

While at Baylor, Hartman went from sports editor to editor of the student newspaper, the Lariat.

Like all young editors he sometimes tried to buck the university administration. Once he wrote editorials demanding that female students be allowed to ride a train to the Baylor-Arkansas football game along with the male students.

In those days, Hartman said, female students were not even allowed to be in an automobile with a male student after 6 p.m. Actually, Hartman says the car rule was "a godsend" for him because he didn't own a car. He felt, however, that the train rule had breached the rule of reason.

But, the college president had his way and Hartman was again reminded that he wasn't the one who "owned the place."

It is a lesson he's interpreted to fit journalistic realities. "If the publisher, in this case the university president doesn't want to print something, that's not censorship, to me; but if some guys from the outside try to tell the owner not to print it—that is censorship."

Hartman and Price Daniel worked on the Lariat together, becoming best friends and roommates. Daniel recalls: "It was Fred who convinced me to use the same Price. I was using my initials, M.P., when I came to Baylor."

Fred said the initials just didn't sound right on a byline and that no one would go very far using those initials. So he told me to use Price.

Even so, Hartman never called his friend "Price." "I always called him 'governor' because that was always his ambition," recalls Hartman. "I still call him that."

Hartman—a staunch Democrat—has always been in the thick of politics. He is fond of saying that he could never get elected to anything but he won appointments under five Texas governors.

He has been on the Lamar University board of regents, Texas Historical Commission, Texas Library Commission and San Jacinto Battleground Commission. And today, he still serves as a Texas Air Control Board member and board chairman of the Harris County Appraisal District.

His biggest political coup probably was when he urged the late Albert Thomas to run for a seat in the U.S. House of Representatives against then-Houston Mayor Oscar Holcombe. At that time, Thomas was an assistant U.S. attorney with no money and his only newspaper backing came from small papers like the Baytown Sun.

"He was the darling of Baytown and opened his campaign here and in the end he won. It was the little guys against the big guys," says Hartman, noting Thomas went on to serve 28 years in the House and have a Houston convention center named after him.

Hartman has been a friend to presidents, like Lyndon Johnson, and even had an audience with a pope. He recalls that though

most of the others meeting Pope Pius XII were kneeling and kissing his ring, Hartman didn't feel comfortable doing that. He simply said he was from Texas and shook the pope's hand.

After Hartman was graduated from Baylor, he did a short stint as the university's business manager of student publications and taught an introductory course in journalism.

When that job ended, in 1931 Hartman landed what he felt was "about the only job on the planet," becoming editor-business manager of a news publishing company in La Porte. It printed for the area along the Houston Ship Channel six newspapers: La Porte News, Pasadena Record, Harrisburg Pilot, Baytown News, Pelly Herald and Goose Creek Tribune.

"I was a jack-of-all trades. I'd sell the ads, write stories and make up the pages. We only had a total staff, including secretaries, of about seven," he recalls.

Then four years later, he joined the staff of the Baytown Sun as sports editor. He wanted to get on a daily newspaper and sports had always held a special fascination for him.

"His love affair with sports started when he was a boy," says Hartman's son. Bill, now president of Hartman Inc. which owns a string of nine Texas newspaper. "He would walk the railroad tracks to the ball park in Marlin every day to watch John McGraw and the New York Giants in spring training."

To this day, the elder Hartman rarely misses an Astros game and until recently traveled to Florida to write about their spring training camp every year for the Baytown Sun. Of all his honors, Hartman is probably proudest of his charter membership in the Houston Chapter of the Baseball Writers of America.

In 1944, Hartman was made editor of the Baytown newspaper—an accomplishment he says probably was the turning point in his career.

Carmage Walls, now of Houston, who is a newspaper investor with a fortune estimated at $10 million, offered to buy the Baytown paper to add to his collection. The owners agreed to sell, but insisted Hartman be kept on as editor.

Hartman says he and Walls seemed to have "the same chemistry." When Walls needed somebody to manage his Texas holdings, Hartman got the job and gradually worked his way into the Walls operation until he was board chairman of Southern Newspapers Inc. and had a minor interest in most of the Texas holdings.

His recipe for success was simple: Don't spend more than you take in.

He also stressed that each newspaper should be autonomous and emphasize hometown news—not try to compete with big city dailies for national coverage.

At the corporation's peak, it owned more than two dozen papers in Texas alone.

The biggest news story of Hartman's career, he says, occurred in the late 1930s when his newspapers promoted the idea of the east end of Harris County seceding and forming a separate county from the San Jacinto River to the Trinity River. "We kept it going wild for nearly a month. But it never made it past the headlines because the Harris County auditor showed us a tremendous bonded indebtedness that we would also have to assume. That killed it."

Another editorial crusade by Hartman's Baytown Sun that took five years, however, was successful. That was when three separate communities were consolidated in 1948 to form what is now the city of Baytown.

Today, Hartman says his battle days are over. This month he has stepped down as head of Southern Newspapers, and traded his interest in a dozen newspapers for controlling interest in four—the Brenham Banner-Press, Port Lavaca Wave, Rockport Pilot and Madisonville Meteor.

"I'm through with expansion," said Hartman, who professes not to know the amount of his wealth, "and I'm looking forward to horizontal retirement."

His new chain is called Port Lavaca Newspapers Inc. and will be managed for him by Charles Moser of Brenham.

Hartman will still be writing some in an emeritus capacity for the Baytown Sun. He will continue writing his daily quip which has appeared on the Baytown Sun's front page for years. "If I see something funny, I write it down and then try to give it a Baytown twist," he says.

"If you go to the library and copy what a dozen people say, that's research. If you only take down what one person says, then that's plagiarism!"

Also, he will occasionally cover sports events at the Astrodome. "I started out as a sports writer and now, I guess, I'm graduating back to one."●

CONSERVING ENERGY ON COLLEGE CAMPUSES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. CORCORAN. Mr. Speaker, as a member of the Energy and Commerce Committee, I was recently heartened to learn that, even though we are not now in the midst of an energy crisis, some college campuses are seriously and systematically trying to conserve.

Twelve colleges and universities around the country, including Lincoln Land Community College in Springfield, Ill., are participating in a demonstration energy management and financing program that is expected to cut their exorbitant energy costs by up to 25 percent. Sponsored by the Higher Education Energy Task Force, the program will be transferred to other campuses nationwide at the end of the development period next year.

In recent years higher education's energy and other costs have soared. As a result, tuition is so high that many bright students simply cannot afford to attend college. Conserving energy is one important way campuses can keep down their costs.

Printed in the March 25 Chicago Tribune, the following article by Chris Crittenden, director of the Energy Task Force, tells more about the need and opportunity for colleges to embark on a course of conservation.

[From the Chicago Tribune, Mar. 25, 1983]

EDUCATION'S HIGH COST OF ENERGY

(By Christopher E. Crittenden)

Our nation's 3,250 colleges and universities are in trouble financially. Their energy costs rose from $700,000 in 1974 to $3.2 billion last year, an increase of 457 percent. Despite the temporary oil glut, their energy bill this year is expected to be upwards of $3.5 billion. Compounding higher education's financial problems have been inflation and the recent drastic cuts in Federal aid.

When our campuses suffer financially, students also suffer. The $3.2 billion they spent on energy last year would have been enough to pay the salaries of 129,000 full-time teachers. It is one-and-a-half times what higher education spends for libraries each year, and more than is spent on scholarships and student services.

Saving energy on a college campus is particularly hard: Students in dormitories burn the midnight oil; libraries and laboratories must be heated and lighted seven days a week; the academic year runs through the coldest and darkest months. This constant drain on energy resources is aggravated by the configuration of the typical campus: many scattered buildings, some designed in the last century with no thought to saving energy.

Despite soaring costs, most campus administators have taken a piecemeal approach to energy conservation. Much more can be done than just turning down the thermostats and dimming the lights. They need an overall energy management plan.

Through a demonstration energy management and financing program funded by the John A. Hartford Foundation of New York City, the Higher Education Energy Task Force is helping 12 colleges and universities develop energy master plan of their own. The plan is expected to save them up to 25 percent of their energy costs.

Chosen as a representative sample, the campuses include both public and private, large and small, from New Hampshire to California. Lincoln Land Community College in Springfield is one of those participating in the program.

The Energy Task Force is helping the campuses monitor and reduce their energy use at modest additional expense, largely through coordinated management and a computerized energy information management system. At the same time, the project is developing some innovative methods to assist campuses to afford the expensive equipment and controls they will need to achieve maximum energy efficiency.

At the end of the demonstration period late next year, the comprehensive energy management and financing system will be transferred to other campuses nationwide through publications and workshops for campus administrators.

Overall, the program is designed to enable campus administrators to embark on an efficient, systematized approach to energy management. In light of soaring costs in every area of their budgets, our nation's campuses can no longer afford to let extra dollars go up in smoke.●

REVITALIZE INDUSTRIAL BASE

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, I am today introducing legislation with my colleague from New York (Mr. CONABLE), aimed at revital-

izing our Nation's industrial base, where the need for plant and equipment rebuilding is greatest and unemployment is highest.

Our legislation, the Work Opportunities and Renewed Competition Act of 1983 (WORC), is designed to make certain that the nescent economic recovery we have underway will be built and sustained by growth in capital investment. WORC will allow companies to modernize now so that we can emerge from the recession with a competitive industrial and service economy.

History tells us, Mr. Speaker, that if we are to retain our position as the world's leading industrial power, ready to flex our economic muscles, we cannot be a land of smokeless smokestacks. We must explore entrepreneurial frontiers, but we must also retool our vital, basic industrial foundation. To accomplish this goal, we are proposing a one-time program structured to unlock earned, but unused, investment tax credits when there is reinvestment in new equipment and plants.

The reason we need this legislation is quite simple. Today, the investment tax credit is not functioning as an incentive for capital investment for many companies, particularly those in the basic industries. The problem is that while these companies have continued to make heavy investment which generate the credits, in fact $94.64 billion in 1981, the companies have not had sufficient profits recently to absorb the credits against their tax liability. Indeed, nearly 20 percent of the top 500 industrial corporations and two-thirds of the major transportation industries have not been able to utilize fully all of the investment tax credits which have been earned through 1982. By restricting these companies from access to the ITC's, the after-tax cost of their capital is increased and they are placed at an automatic competitive disadvantage.

WORC would end this inequity by allowing companies with unused investment tax credits prior to 1983 to obtain 85 percent of the value of their credits if and when they reinvest in new plants and equipment. In order to insure immediate help to the economy, the reinvestment would have to be made between October 1, 1983, and December 31, 1984. WORC contemplates that the remaining 15 percent of the credit value be dedicated for assistance to workers in industries affected by the recession. WORC requires that companies which obtain these funds pay back to the Treasury not only 85 percent, but the other 15 percent as well. The principal steps in the operation of the new reinvestment credit mechanism can generally be described as follows:

First. Reinvestment credit election. Anticipating its inability to use its accumulated ITC's in 1983 through 1985, the company elects to treat all of its 1982 carryovers as the reinvestment credit. These ITC's then cannot be used as carryovers in such years even if the company's tax liability increases due to higher profits.

Second. Reinvestment. As the company reinvests in kinds of machinery and equipment in which it has previously invested—not in new business ventures—the Treasury will pay the company an amount equal to 85 percent of the costs of such reinvestments, but not more than 85 percent of the total reinvestment credit relinquished to Treasury.

Third. Mandatory repayment. Beginning in 1986 and continuing through 1990, the company must repay the full amount of the reinvestment credit—not just the 85-percent payments—at a rate of 20 percent per year. It is possible that the company will repay a portion of the reinvestment credit prior to the 5-year payback schedule. This can result from an increase in profits in the mid-1980's that raise tax liability in the absence of the foregone ITC's. This higher tax will reduce the mandatory taxes payable in 1986 through 1990.

Fourth. Reinstatement of credits. As the company makes its mandatory repayments in 1986 through 1990, an equal amount of the reinvestment credit will be reinstated as ITC's. However, such reinstated ITC's will have lost the same number of years from the normal 15-year carryover period as though they had been available in every year since 1982.

Fifth. Penalties. Companies claiming more reinvestment credit than the amount to which they are entitled will be penalized. Companies that elect less than the maximum reinvestment credit will also be penalized.

The concept is that of a discounted loan through the tax system. The payback mechanism insures higher revenue—which would be reflected in the budget—in the later years—at a time when it is critical that we contain and conquer our massive Federal deficits.

Mr. Speaker, the legislation we are introducing today can swiftly and decisively turn around the decline in our aging industrial sector. It responds to the fear that our Nation is losing the battle for our economic future. The proposal is important for a variety of reasons.

A defense force second to none can only be realized if we are an industrial power second to none. It is folly to think that we can rely on other countries to supply our material demands in times of national emergency. Our defense posture must be built on an industrial base that is capable of quick expansion to support the mobilization required for national security needs.

Second, as the many newfound gurus of high-tech policies trumpet their buzzwords about how our future lies in the aggressive pursuit of high-technology industries, I think it is abundantly clear one sector cannot survive or flourish without the other. High tech is not a panacea. Our Nation is one of goods and services, and we must create an environment where both work together in harmony.

Moreover, 4½ million Americans rely on jobs in the basic industry sector; writing off the basic industries such as steel, automobiles, mining, transportation, and chemicals will mean writing off millions of jobs. Other employment sectors in our economy cannot absorb most of these workers.

This legislation is vital to all industries in our effort to regain our competitive edge in world markets. Years of anemic productivity, sagging profits, and protractedly high interest rates have led to a decline in our ability to compete abroad. The call for trade restrictions to protect our industry from foreign competitors will make our industry less competitive and may cut off the fragile recovery we are seeing globally. Our bill will allow us to meet our competitors outright with better products and technology.

The legislation we are introducing today is not a veiled attempt to give industry a tax break. It is nothing more than a proposal which unlocks earned tax credits and creates more jobs, making these American industries more productive.

WORC has been widely endorsed by both labor and management. The House Steel Caucus has already endorsed our bill, and I expect many other groups and organizations to come forward with their comments on how the proposal will foster a healthier, more productive industrial and service economy.

I hope we will act quickly on the legislation so that we may put the tools in the hands of the millions of Americans who want to work now.●

DR. KARL PLATH: A TRIBUTE TO AN EDUCATOR COMMITTED TO EXCELLENCE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. PORTER. Mr. Speaker, on June 30, 1983, Dr. Karl Plath will resign after 17 years as superintendent of Deerfield and Highland Park High Schools.

Throughout his distinguished career, Dr. Plath has devoted considerable time and energy to bettering the high schools of School District 113 by developing programs which have given students, staff, and other community members a greater opportunity to par-

ticipate in the different phases of educational process.

These accomplishments include initiating summer workshops for teachers and administrators to improve existing courses and develop new ones, formulating a staff development program, and adding student and teacher representatives to the board of education. Dr. Plath has also overseen additions to and remodeling of both high schools, encouraged community involvement in the schools through volunteers, advisory councils, and adult attendance of high school classes, as well as establishing the Lake County Area Vocational Center and developing the Northern Suburban Special Education District.

More than these accomplishments, the tenor of excellence and the obvious personal commitment that has characterized all that Dr. Plath has done in an area of our country known for quality public education is the real legacy he leaves to his profession. I first knew Dr. Plath at the beginning of his career when he was coaching football and teaching at Evanston Township High School. Throughout his exemplary career, I know of no person more highly respected for his dedication to making things better. No better inheritance to those who follow him could possibly be left. I commend to my colleagues in the Congress the record of understanding accomplishment in public education of Dr. Karl Plath and honor and pay tribute to him for a job well done.●

NATIONAL ACID DEPOSITION CONTROL ACT OF 1983

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. SIKORSKI. Mr. Speaker, this morning I joined with Congressman HENRY WAXMAN, chairman of the House Subcommittee on Health and Environment, and Congressman JUDD GREGG in introducing H.R. 3400. I believe the introduction of this bill is an historic occasion in the battle to protect our environment. We can control acid rain without cutting jobs or causing skyrocketing utility rates.

I urge my colleagues to review this proposal and join me in advocating its adoption.

STATEMENT OF CONGRESSMAN GERRY SIKORSKI

"Compressed and placed on the balance tray of a mammoth, imaginary scale, the daily North American emissions (of the oxides of sulfur and nitrogen) would weigh in at more the 165,750 tons—the equivalent, by weight, of 4,144 railroad freight cars fully loaded with potentially caustic material being levitated into the air every 24 hours."

Acid rain has been called the most serious environmental problem facing the North American continent. It affects our lakes and streams, our forests and farms, our wildlife and the health of our citizens. We've lost hundreds of lakes, thousands of trees, and now threaten millions of acres of land. According to the National Academy of Science, it costs Americans over $5 billion a year. Recently, acid rain was linked to brain degeneration and premature deaths, and the scientific evidence that acid rain is a major environmental, economic and health threat mounts daily. That is why I am joining today with Congressman Henry Waxman, Chairman of the Health and Environment Subcommittee of the Energy and Commerce Committee, and Congressman Judd Gregg to introduce legislation to control this devastating problem. It is the "National Acid Deposition Control Act of 1983".

The sponsorship of Congressman Waxman of California, Congressman Gregg of New Hampshire, and myself shows that concern about acid rain crosses party lines and regional boundaries. I believe there is a growing consensus that it is time to enact acid rain control legislation. In the past few days, according to press accounts, senior officials of the Environmental Protection Agency, including Administrator Ruckelshaus, have begun moving towards a serious acid rain control strategy. I welcome the Administration's willingness to work with the Congress to enact an acid rain bill—now, before it is too late.

Our legislation recognizes that acid deposition is a national problem. For too long the debate has construed the problem as solely one facing states in the Northeast, and the solution an Eastern one. We are now beginning to see the impact of acid rain beyond the Northeast, and into the Midwest, including my home state of Minnesota. According to even the Reagan Administration's Interagency Task Force on Acid Precipitation, vast areas of the South, Southwest and Western regions of the country are also vulnerable to acid rain.

Our bill goes beyond previous legislative proposals in other important aspects. Other solutions would address the problem in a manner that would lead to skyrocketing utility rates while adding tens of thousands to the unemployment rolls. Our bill protects jobs and spreads the costs of acid rain control.

Our proposal has five basic components:

(1) The 50 utility plants that are the largest emitters of sulfur dioxide will be required to install scrubbers to reduce these emissions. These scrubbers will reduce sulfur dioxide emissions by 7 million tons by 1990.

(2) The 48 contiguous states will be required to make an additional 3 million ton reduction of SO2 based on each state's proportion of the total American SO2 emissions. States could decide how they would meet these reduced levels, in a manner similar to Senator George Mitchell's acid rain legislation of last year.

(3) Funding for this program will be provided by imposing a 1 mill per killowatt hour user fee on non-nuclear electricity generation. A trust fund would be established that would be used to reimburse utilities for 90 percent of the capital costs of installing pollution control technology on the 50 specified plants and for part of the costs of pollution controls on other power plants.

(4) The New Source Performance Standard (NSPS) for stationary sources of nitrogen oxide will be reduced to .3 pounds per million BTUs for bituminous coal and .4 pounds for subbituminous coal. This will bring about an additional 1.5 million tons reduction of NOx by 1995.

(5) Tightened standards will be codified for light and heavy truck emissions of nitrogen oxide. This provision, which will begin with the 1986 model year, will reduce 2 to 3 million tons of nitrogen oxide by 1995.

The total sulfur dioxide and nitrogen oxide emission reductions provided for by our legislation are about 14 million tons.

This bill, therefore, meets the goals which we had when we began developing new acid rain control legislation:

It is a national bill which addresses the problem of acid rain for the entire continental United States;

No region will suffer from dramatic increases in utility rates because of the cost of reducing emissions (our bill will increase the average consumer's monthly utility bill by only fifty cents to one dollar);

Jobs in the coal industry and related industries will be protected because utilities will not be switching to low-sulfur coal to achieve reduced sulfur dioxide emissions.

I'd like to turn now to the various graphs which illustrate the provisions of our bill. I have had prepared a number of charts to display some of the features of this bill. One chart, titled, "Total Tons of Sulfur and Nitrogen Oxide Reduced," compares our bill to the Mitchell bill and the Reagan Administration position. We are hoping that we can shortly remove the question mark and hear from the Administration concerning its plans to combat acid rain.

A second chart compares the total production of high sulfur coal under our proposal to the 1980 production level. As you can see, we believe that we have achieved a level of high sulfur coal production under our bill that will ensure 1980 employment levels. In fact, the Office of Technology Assessment information indicates that we might even improve upon the 1980 levels, perhaps significantly.

The final chart sets forth the schedule of compliance under the bill for existing stationary sources. As you can see, we have set an ambitious schedule for achievement of the reduction goals. By 1990 about 7 million tons of sulfur dioxide will be removed from the air and additional three million tons will be removed by 1993. A revised New Source Performance Standard for power plants will also achieve an added 1½ million tons of nitrogen oxide reductions by 1995. Finally, we can expect about 2½ million tons of nitrogen oxide reductions by codifying the standards for light and heavy trucks.

SUMMARY OF SIKORSKI/WAXMAN/GREGG ACID RAIN CONTROL PROGRAM

The program would require a fourteen million ton reduction in emissions of sulfur dioxide and nitrogen oxides through the following steps:

(1) Federally-mandated emission limitations for the largest sources of sulfur dioxide. The fifty largest emitters among power plants that burn medium- or high-sulfur coal would be required to install scrubbers by 1990. This would reduce sulfur dioxide emissions by about seven million tons. Scrubbers are now required of new plants, and have been installed on many existing plants. The use of scrubbers to reduce emissions would mean that utilities would have no incentive to switch to low-sulfur coals. Thus, current employment levels in the high-sulfur coal mining industry would be largely preserved, and could be increased

with projected growth in electricity generation.

(2) State-developed strategies to reduce further sulfur dioxide emissions. States would have until 1995 to reduce emissions by ten million tons below 1980 levels. (States would not be required, though, to obtain costly and possibly unavailable offsets for growth.) Each State would be assigned a required share of reductions in proportion to its present emissions. A State could take credit for the reductions achieved by the Federally-mandated program above.

(3) Nation-wide financing of pollution control equipment. A fee of one mill (one-tenth of a cent) would be levied on the generation or import of a kilowatt hour of most electrical energy. For the average family using 500 kilowatt hours of electricity each month, this would mean approximately fifty cents extra on a monthly bill. This fund would pay ninety percent of the capital costs of installing scrubbers or other control equipment required of utilities to reduce emissions. The fee would automatically end in 1995.

(4) Tougher standards for new power plants. The New Source Performance Standard would be tightened for nitrogen oxide emissions from new power plants. This tightening would reduce nitrogen oxide emissions by about one and one/half million tons by 1995. A study by the Congressional Research Service indicates these tighter levels can be achieved at minimal cost.

(5) Tighter standards for new trucks. Beginning in model year 1986, new light-duty trucks and heavy-duty trucks would have to meet tighter standards for nitrogen oxide emissions. The levels required for light-duty trucks would be comparable to those already being achieved by new cars. For the first time, controls to reduce nitrogen oxides would be required on heavy-duty trucks. These standards would reduce projected nitrogen oxide emissions by two and one/half million tons by 1995.●

THE POPE'S VISIT TO POLAND

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OBERSTAR. Mr. Speaker, all people who value democracy, human rights, freedom of religion, and the right of workers to organize free trade unions have drawn great inspiration and encouragement from the visit of His Holiness Pope John Paul II to Poland. Speaking as a priest, religious leader, and Pole, the Pope offers a message that transcends political ideologies and nationalist confrontation.

The Pope's pilgrimage and the emotional response of the people of Poland have shamed the Governments of Poland and of the U.S.S.R. The oppression of Solidarity and the denial of worker rights and basic freedoms is a disgrace of the civilized world. That oppression contrasts starkly with the message of hope offered by His Holiness and by the people of Poland.

The Pope's visit offers inspiration to all of us who live in hope for a world where governments respect the spiritual and political integrity of their peoples.

I want to commend the gentlewoman from Connecticut (Mrs. KENNELLY) for her sensitivity in leading this special order today. It offers all of us in this House who care about the future of Poland and about human rights to express our deep concern for the people of Poland and to pay tribute to a very remarkable man, His Holiness, Pope John Paul II.●

COLLECTION PROGRAM UNFAIR TO DISABLED MINERS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. BOUCHER. Mr. Speaker, in recent months, the Social Security Administration has identified some 1,800 individuals nationwide whose social security disability benefits were not reduced when they began receiving additional benefits under the black lung program. These individuals are now receiving orders for repayment involving amounts in the thousands of dollars. According to the notices sent by the Social Security Administration, repayments must be made within 30 days in order to avoid the substantial reduction or elimination of future benefits.

The overpayments in question were made to disabled miners suffering from black lung disease over a period of many years and were received through no fault of the recipients. Now, these individuals are receiving from the Social Security Administration a frightening notice ordering the repayment of the full amount within 30 days. If payment is not made in full within 30 days, the Social Security Administration threatens to reduce or eliminate the benefits of these individuals who are suffering from black lung disease, who are unable to work, and who depend for their family's income almost entirely on their benefit payments.

Since these former coal miners received the overpayments through no fault of their own, since they had no prior notice of the offset requirement, and since repayment of these substantial sums would be virtually impossible given their already difficult financial circumstances, I have asked Mr. John A. Svahn, the Commissioner of the Social Security Administration, to suspend immediately the repayment program and to relieve those who have already received orders for repayment of the obligation to reimburse the Federal Government for the amounts in question.

The individuals receiving disability payments never had the benefit of reasonable notice from the Social Security Administration of any requirement that black lung benefits must be reported to the Social Security Administration or that their disability benefits should be reduced upon the receipt of black lung benefits.

Nowhere on the social security disability claim form used prior to 1975 is there any suggestion that social security disability benefits will be reduced if the claimant is also awarded black lung benefits, and nowhere does the form advise the claimant to report the receipt of black lung benefits to the Social Security Administration.

Between 1975 and 1979, a second form was used which asks the disability claimant if a black lung claim has been filed, but it also fails to advise the claimant either to notify the Social Security Administration if black lung benefits are received or that disability benefits may be reduced when black lung benefits are awarded.

Beginning in 1979, a third form was used for filing disability claims. This form, which replaced the earlier forms, is also silent with respect to any offset of black lung benefits against disability benefits. The form does state in two places that the application for award of black lung benefits should be reported to the Social Security Administration. These provisions are inconspicuous and are placed among five pages of other provisions and questions. It is little wonder that the provision was not brought to the attention of applicants for disability benefits.

Whichever form was used by the disability claimant, no notice of the offset provision was ever given. Moreover, the Department of Labor gave no notice of the offset requirement when black lung benefits were awarded. Therefore, it is apparent that these claimants received overpayments without notice of the offset and through no fault of their own.

It was, or should have been, the responsibility of the Federal agencies involved to compute disability benefits correctly. In no case is there any justification for ordering individuals who are disabled victims of black lung disease to repay to the Government amounts averaging $10,000 and in some cases exceeding $30,000.

The Veterans' Administration sends a yearly questionnaire to VA benefit recipients asking whether any additional governmental benefits are being received. Proper adjustments are then made by the Veterans' Administration in the veterans' VA benefit award. This is the procedure which the Social Security Administration should have followed to insure the proper and timely adjustment in disability benefits due to the receipt of black lung benefits. Such a procedure would prevent the surprise, anguish, and monumental financial hardship which the

Social Security Administration's current procedure imposes.

The basic question is fairness. I believe it is unfair to send a threatening order to reimburse the Government for thousands of dollars in overpayments to a disabled coal miner who through no fault of his own has received overpayments for several years.

I believe it is unfair to subject these individuals to the emotional and financial trauma associated with the receipt of so severe a notice from the Social Security Administration.

For these reasons, I sincerely hope that the Social Security Commissioner will suspend immediately the collection program and issue a general forgiveness of all amounts allegedly received in excess of the benefit to which these individuals and others similarly situated were entitled.

An editorial in the June 22 Roanoke Times & World-News stated that expecting a disabled former coal miner to understand the legal complexities associated with black lung and social security disability benefits is as unreasonable as expecting a lawyer to descend into a mine and to emerge with a full day's production of coal. The Roanoke Times editorial supporting my call for an immediate suspension of the collection program is reprinted below:

[From the Roanoke Times & World-News, June 22, 1983]

TREATING COAL MINERS LIKE LAWYERS

You wouldn't hand a lawyer a coal miner's gear, send him down the shaft and expect him to emerge safely with a full day's production of high-grade coal. It's just as unreasonable to expect a coal miner to dig clear-cut guidelines out of lawyerly regulations.

But the feds seem willing to place that burden on about 1,800 black-lung sufferers. They are expected to cough up an average of $10,000 apiece in money the Social Security Administration paid them by mistake over a period of years. Not only that, the Social Security Administration sent out letters demanding reimbursement in full within 30 days.

9th District Rep. Frederick Boucher has asked the Social Security Administration to forgive the miners their debts. The forgiveness would cost Social Security $12 million. Money has been poured down less deserving drains.

The problem arises because a miner may be eligible for both Social Security disability benefits and black-lung benefits. The Social Security Administration sends him one check. The Labor Department sends him the other. When a miner receives both Social Security and black-lung benefits, a portion of his black-lung payment is supposed to be deducted from his Social Security check.

This isn't accomplished by Social Security computers talking to labor Department computers. The miner is supposed to remember. This requires great feats of recall and comprehension on his part. Although the miner may apply for both benefits simultaneously, the black-lung application takes longer to process. In some cases it may be years before the miner gets his first check for black lung.

At that point he is supposed to remember signing a form certifying that he had no other income or workman's compensation coming. He is supposed to know that black-lung benefits are a form of workman's compensation. He is supposed to know, therefore, that he is legally required to tell the Social Security Administration to start adjusting his benefits. He is supposed to know and remember the kind of things corporations hire legal staffs to know and remember.

We are not talking about people growing fat on government largesse. Black-lung benefits come to $533.60 a month for a miner with a wife and child. Social Security benefits vary, depending upon a miner's earnings in the years before he becomes disabled. A range of $400 to $500 a month is not uncommon.

The offset against Social Security is computed by one of a number of complicated formulas. What it comes down to is a final benefit that may be on the order of $600 to $1,000 a month. That doesn't leave much room for reducing benefits to compensate for past overpayment.

Boucher suggests that a cutoff date be set and all overpayments prior to that date be forgiven. It's not an outrageous suggestion. Collecting the money from those disabled miners would be costly, time-consuming and mean-spirited. Forgiving them would be unfair to others who have been drawing the proper amount of Social Security disability benefits. But it's too late to be fair. The proper course is the one that would result in the least human suffering.

We could deduct token amounts from the disability benefits—not enough to inflict real pain but enough to make the point that the recipient is legally liable for repayment. or we could identify the bureaucrats responsible for the oversight, hand them picks and shovels, and let them dig coal until they had repaid the $12 million. That might impress upon them the fact that they are dealing with humans, not statistics.●

MODERNIZE AMERICA'S BASIC INDUSTRIES

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. CONABLE. Mr. Speaker, I am today joining with the gentleman from Oklahoma (Mr. JONES) in the introduction of legislation which should help America's basic industries become more modern in order that they can be more competitive.

The legislation simply would allow companies with unused investment tax credits accumulated prior to 1983 to obtain 85 percent of the value of these credits if they reinvest in new plant and equipment prior to 1985. It further requires that the companies which elect to use these credits pay back to the Treasury the basic 85 percent used and an additional 15 percent as well.

Beginning in 1986, the electing companies would pay back this amount at the rate of 20 percent per year, and this repayment could not be offset by any other tax benefits—such as net operating loss carryovers—which the company might possess. The payback feature assures higher revenue to the Government in the critical later budget years.

Mr. Speaker, this legislation is important for a number of reasons.

First, it is apparent to all that our industries—particularly basic manufacturing—have serious competitive problems vis-a-vis their foreign counterparts. Lower labor rates, government subsidies, less stringent antitrust laws, and more favorable tax provisions in other countries all have contributed to this competition problem. Many sectors of our economy have called for trade restrictions in an effort to protect the domestic market against foreign competition. I don't believe that is either an answer or a solution. Protectionism will not make American industry more competiitive; it will make it less competitive. Only when our businesses are as modern and efficient as their competitors will they be able to compete.

Efficiency requires modern equipment and plant, and that costs money. Many of our basic industries have been in a declining mode for some years, and they have simply not been able to finance the kind of new plant and equipment needed to modernize. One of the reasons for this has been historically high, long-term interest rates. The other, in my opinion, is the lack of access many of these firms have had to tax incentives like the ITC. The legislation I have today introduced will give these companies the ability to utilize the unused ITC credits they have accumulated as long as they reinvest it. As a result, it should be a stimulus to new investment.

Second, we must have basic industries to remain a strong economic society. No country can be a world political and military force in the absence of a strong industrial sector. In the case of the United States, basic industries in 1981 contributed 14 percent to our GNP; shipments by basic industries provided $977.1 billion to our economy. These companies exported 20.7 percent of our total exports and employed 4.5 percent of our people. If they were to close down completely, 4½ million Americans would be unemployed—more than the combined populations of Atlanta, Buffalo, Dallas, Milwaukee, and San Francisco.

Third, this legislation is important to focus attention on a serious tax and economic question we have not completely addressed.

For many companies, the investment tax credit, and to an extent, accelerated depreciation really works backwards. These companies must spend money on capital equipment to survive, and they do. In 1981, basic indus-

tries spent $42.4 billion—10 percent—of the total capital expenditures made in America. Yet, ironically, because of declining profits, they were unable to utilize the ITC or accelerated depreciation. While they can carryover these tax benefits into future tax years, these benefits continually decline in value, and their nonutilization increases the cost of capital thus rendering the products of these companies less competitive. Our proposal deals with part of this problem by giving these firms partial access—at a cost—to these tax benefits. The greater question is how ultimately to neutralize the economic effects of these tax benefits. I am hopeful that the debate which will ensue will shed some light on this serious problem and bring forth some solution.

Finally, Mr. Speaker, we are facing a world economic restructuring in which we are no longer the sole preeminent power. Our laws and our attitudes just as our private sector factories must be modernized if we are to continue to be a competitive world power. The proposal embodied in the legislation I am today introducing is a necessary and important step in achieving those dual goals.●

ADDRESS BY JUDGE HAROLD H. GREENE AT THE DISTRICT OF COLUMBIA JUDICIAL CONFERENCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. EDWARDS of California. Mr. Speaker, the principal speech at the recent District of Columbia Judicial Conference was delivered on June 3, 1983, by U.S. District Court Judge Harold H. Greene. His speech criticized both Attorney General William French Smith's position that the courts should abdicate much of their judicial roles and defer to political judgments, and the bills to restrict the jurisdiction of Federal courts, as being efforts to subject constitutional rights to transient political majorities. He pointed to the many areas—such as those involving race discrimination, reapportionment of voting districts, criminal cases, and so forth—where individual rights guaranteed by the Constitution were, and are being, protected judicially, but which political action could not, or would not, protect.

Judge Greene's speech also discussed the importance of confidentiality in communications between attorney and client, and emphasized that the American legal system helps to improve not only the Nation's economy and its system of justice, but also the freedoms and well-being of the American people.

Judge Greene's speech received a standing ovation from the hundreds of judges and lawyers who participated in the District of Columbia Judicial Conference. I believe Judge Greene's message will interest and help Members of Congress, as well as the general public, in their thinking about these issues. I therefore request that his speech be printed at this point in the CONGRESSIONAL RECORD.

Judge Greene's speech of June 3 follows:

ADDRESS BY JUDGE HAROLD H. GREENE

I expect to talk to you for the next few minutes about the status of the legal profession in our society. One might think that the significance of the profession and its status are selfevident, and I am certain that to this audience they are. However, many influential opinion-makers, probably reflecting the views of a considerable part of the public, question that conclusion. Three recent events bring that attitude forcefully to our attention.

There is, first of all, a speech made last fall by Attorney General William French Smith which dealt with the responsiveness or lack of responsiveness of the courts to public sentiment. Next, I would like to consider the public and media reaction to rules adopted by the American Bar Association's House of Delegates which require confidential treatment of statements made by a client to his attorney. Finally, we have the report made last month by the President of Harvard University which bemoaned the fact that many outstanding students elect the study of law rather than such disciplines as science or engineering. I believe that all of these statements and events betray a disturbing lack of confidence in our profession, and should be examined on that basis.

Let us first consider the speech of the Attorney General. Basically, what he said was that courts should stay our of many subjects which they currently consider and leave their decision instead to the political branches, and that if they do become involved, they should more closely than now follow the wishes of the electorate as it may have been most recently expressed. According to the Attorney General, should such an approach be followed in the future, the courts would reconsider their decisions which define fundamental rights as including the right to marry, to procreate, to have sexual privacy, and to travel; they would cease applying strict equal protection tests to distinctions based on gender, legitimacy, national origin, and alien status; and they would curtail their practice of fashioning broad remedies in the areas of employment, schools, prisons, and public housing.

Attorney General Smith is obviously not alone. Bills pending in Congress to restrict the jurisdiction of the courts and the tenure of federal judges likewise have as their purpose the limitation of the role of the Judiciary. A similar attitude prevails at the local level: when a question arose recently about a lawsuit in a politically sensitive area, the Mayor was quoted as commenting that he did not want the courts to run the city.

All of this amounts to an attempt to keep the courts out of contentions areas in which they have long exercised jurisdiction. To evaluate the soundness of that effort, we must ask ourselves first of all why the courts are involved with these various subjects. One answer is—and I do not mean here to comment on the legal issues involved in regard to specific matters—because the Constitution says so. It does not say so specifically, to be sure, but ever since the days of Chief Justice Marshall and the decision in *Marbury* v. *Madison* it has been recognized that the interpretation of the Constitution and laws is judicial business.

But there is a reason that is perhaps even more important, and it revolves around the question—what would happen if the courts stayed out of these controversies? The Constitution, including the Bill of Rights, is just a piece of paper unless someone enforces it. We may note, for example, the Soviet Constitution, which is impressive in language but of little practical meaning because there is no real power to enforce it when enforcement is opposed, either in a particular case or in general, by powerful interests, such as the Party or the government.

In theory, enforcement of our Constitution could be vested in the Congress rather than in the courts. Britain, France, and a number of other western nations operate under just such systems; their basic charters, whether written or unwritten, mean essentially what the legislature says they mean. However well such an arrangement may work in relatively small countries with homogeneous peoples, it is not practical in a national spanning a continent, with a broad distribution of population, differing regional interests, and enormous differences in ethnic, religious, and racial backgrounds. If the rights of all these groups were at the mercy of transient political majorities, neither those rights nor indeed the nation would have lasted very long.

Yet if the courts were to follow the political will, we would wind up in practice with just such a system. The Judiciary would then tailor its decisions to the majority in Congress, or perhaps even to the wishes of a President with a strong electoral mandate. The effect of such a change would be as dramatic as it could be detrimental, particularly where courts had to define ultimate rights and responsibilities—prayers in schools, abortion, busing, the rights of criminal defendants, to name some current topics.

A few examples from the past will illustrate what I mean. Take *Brown* v. *Board of Education.* Surely, there was no political majority in 1954 for doing away with segregation in schools and other public institutions. Yet such a step was clearly right and necessary, and it was called for by any sensible interpretation of the equal protection clause in light of twentieth century conditions. Another example is *Baker* v. *Carr* and the related reapportionment and redistricting decisions. Again, no political measures were and would have been available to deprive sitting politicians of their "rotten boroughs" and gerrymandered districts; legislators would hardly have reapportioned themselves on their own out of their safe seats.

Fair treatment for criminal defendants and for prison inmates is another, and continuing example. The right to such treatment should not be solely at the mercy of a political process which, by and large, focuses on two aspects: the public clamor for law and order and budgetary considerations. These factors are not insubstantial by any means, and they are worthy of the most serious consideration; but at the same time the rights of individuals to be protected from improper conduct must remain a prime factor. Realistically, only the courts can ensure that procedures will be applied which embody that protection, and the

courts are more likely than other institutions to see to it that funds are made available for jails which meet civilized standards to house those whom the public wants incarcerated.

When the Attorney General advocates that we should leave all these issues and problems to the political process, he is essentially saying that nothing needs or should be done about them. That is not the way in which the system has traditionally worked, and such a course would not accord to the laws the place they were intended to occupy.

I do not mean to suggest that the courts should make all or most of the difficult decisions in this Republic—far from it. Courts, too, make mistakes. To verify that, we need only to remind ourselves of such disastrous decisions as *Dred Scott* which extended slavery and helped bring about the Civil War; *Plessy* v. *Ferguson* which enshrined the separate-but-equal doctrine in our laws; *Lochner* v. *New York* which held that the states lack the power to set maximum hours of employment; and many others. Beyond that, in a democratic society, policy matters should be decided by legislators and executive officials ultimately responsible to the electorate rather than by non-elected judges.

Contrary to what we are often told, that is what we have now, for judicial decisionmaking is far less pervasive than the public imagines. The courts do not get involved—and properly so—in matters relating to inflation, unemployment, budgets, appropriations, interest rates, foreign policy, defense, tax rates, highways, city planning, to name but a few. All of these involve policy considerations and the making of value judgments for which the courts are ill-equipped, and for which they have no constitutional power or jurisdiction.

By the same token, where under the Constitution the courts have a legitimate role they should not hesitate to play it. A principal purpose of the Bill of Rights is to protect the minority, often a small and unpopular one, from the tyranny of the majority. The potential for action by an intolerant majority is always present, and it is particularly acute when economic troubles or powerful emotions sweep the country for one reason or another. Instant emotional decisions are made especially likely by instant communications, such as nationwide television, which may shortly include even the capability of viewers to vote approval or disapproval of a powerful speech or program simply by pushing a button, in decisionmaking not unlike that which prevailed in the Coliseum in ancient Rome.

What we need is a sturdy brake, not directly responsive or responsible to a transient majority, which is able to safeguard fundamental rights in the face of these pressures, and the Republic is ill-served by suggestions from our leaders to the contrary. It is especially ironic that these suggestions often come from what is generally regarded as the conservative side of the ideological spectrum, for it is precisely conservative thinkers—from Alexander Hamilton on—who have insisted on brakes on the potential excesses of majorities. Those who seek to undermine the balance weight that the legal process and legal decision-makers provide do not understand their value to our society.

Let me go on to my second example. In February, the ABA House of Delegates recommended retention in the code of ethics of the prohibition on revelations by an attorney of confidences imparted to him by his client, with the exception only where there is a threat to life or serious bodily injury. If the potential injury is to property, the attorney must keep silent.

There was a tremendous hue and cry. Patt Derian, former Assistant Secretary of State for Human Rights, wrote that she thought an attorney who learned that his client was committing a crime or a fraud should "act like a good citizen and turn the rascal in to the authorities." Talking about lawyers she went on to say, "those birds have been on their own long enough. These officers of the court belong in the regular system of accountable statute-making and out of their squalid world of separate morality." The *Washington Post* chimed in by way of an editorial that the vote in the House of Delegates "offends 'common sense and common morality,'" and that there is still time for the ABA "to do the right thing and adopt a code that puts the public interest first."

There are a couple of things to be said about that. It is strange that a leading human rights crusader would feel that informing on someone who provides confidential information is the highest form of morality. One may wonder whether Ms. Derian believes that a physician or minister should be guided by the same principle in Chile, or that a journalist should betray his sources in Argentina or El Salvador if he learns that they may have plans to commit an offense.

It is equally wondrous that the media—which see a danger to the First Amendment in any effort to ascertain the identity of a confidential source under any circumstances—should be so cavalier about deciding that such protections are not necessary in the attorney-client context and so ready to ascribe selfish motives to lawyers who advocate preservation of the principle that client confidences should remain confidential. Mark Twain said, "To do good is noble. To advise others to do good is also noble, and much less trouble."

The idea that there is no pressing need for a confidential relationship between lawyer and client is just plain wrong. Absent confidentiality, many individuals would be inhibited from seeking legal advice, and they certainly would not be candid—as they must be if they are to be properly assisted by counsel—if they felt that the conversation would be, or might be, reported to the authorities. Just as First Amendment rights are "chilled" when a burden is placed on their exercise, so the right to counsel would be chilled if the client had to be constantly on guard that what was said could be construed as leading to a future criminal act and on that basis reported to the district attorney. We do not impose such a burden on the priest-penitent relationship or on that between a physician and his patient; there is no reason why it should be otherwise in the legal context. Here again, the fact that such a distinction is being advocated indicates a pattern of scepticism regarding the values of the law and of lawyers that appears to be as entrenched as it is unreasoned.

That brings me to my third example, one that illustrates perhaps most vividly how little the role of the legal process in American society is appreciated by some segments of the intellectual community.

President Derek Bok of Harvard submitted a report earlier this year to the Board of Overseers of that institution in which he wrote that far too many outstanding individuals become lawyers rather than business executives, engineers, or teachers. In this view, the net result of such choices is a massive diversion of exceptional talent into pursuits that "add little to the growth of the economy, the pursuit of culture, or the enhancement of the human spirit." Quoting a Japanese source, President Bok said that engineers make the pie grow larger; lawyers only decide how to carve it up.

There is some problem with this assertion even in its most immediate sense. The antitrust laws, for example, have far broader consequences than the division of a particular pie. Lawsuits based on the Sherman Act are designed to bring about more competition and hence lower prices, better quality, and more demand, and to contribute in this way to the expansion of the economy. Similarly, one might wonder whether the president of Harvard would feel that the New Deal laws, which put America back to work and its stagnant economy on its feet, did nothing more than to divide an existing pie. These examples could of course readily be multiplied. The point is that these statutes, which assist in economic growth and well-being, largely depend for their vitality on enforcement by legal talent—private and government counsel, administrative law judges, and courts.

Laws and lawyers generate something else that also has economic consequences even if that something is more difficult to quantify. I speak of rights, of equality of opportunity, and of plain fairness. I do not know precisely what these intangibles are worth in financial terms, but I suspect that it is far more than many would assume. In fact, we do have some circumstantial evidence to support that contention. Why is it that scientists such as Einstein, engineers such as Roebling who designed and built the Brooklyn Bridge we heard so much about last week, and many, many other productive individuals came to this country and continue to come from all corners of the world? Economic considerations are not the only answer, because if they were, there would be a flood of immigration into Switzerland or West Germany or wherever else the gross national product happened to be highest at the moment or where it was most likely to rise in the future, as perhaps in Hong Kong or Taiwan. These people came in the past and they continue to come now because of the intangibles I have mentioned, and after arriving they add to American society, including its economy.

More fundamentally, I venture to suggest that people who live in this country and have always lived here produce better, more efficiently, more contentedly because they feel that they are part of a just society. The relative prosperity of the United States and its industrial and agricultural output are not merely products of size and natural resources. Brazil, Argentina, China, to name just a few, have similar advantages, yet they never matched the American economic achievements. The difference, I submit, lies in not inconsiderable part in a secure system of justice, in rights, and in equality. In short, contrary to the thesis of the president of Harvard University, there is a close relationship between what lawyers and judges do and the economic pie that is available for the cutting.

But even if we completely lay aside the economic benefits, is there nothing to be said for the legal process and the profession which serves that process? Man does not live by bread alone. This is a time when people have become increasingly disenchanted with purely material things, when they want what is called a better quality of life, what President Bok describes as the en-

hancement of the human spirit. This broad category includes not merely matters of pleasure, entertainment, arts, and culture but also the great abstractions which are most aptly summarized under the general heading of freedom—the environment which leaves individuals to be what they want to be.

President Bok—and he is far from alone—castigates the adversary process which is a part of the general system of competition and individualism. It is fashionable these days to long instead for the Japanese model where everyone seems to work harmoniously together for joint goals or for the traditional British attitude where the legal process is controlled by respect for authority and there is accordingly less dissension and contentiousness.

There are drawbacks to the broad availability of access to courts and to relatively open judicial procedures. Some lawsuits are brought or maintained which are silly or vexatious. Civil discovery is often misused, not as a tool to secure information but as a means for wearing out a less affluent adversary. Some manage to trivialize even the most solemn laws, by suits such as the one brought here some time ago which charged unlawful discrimination because men but not women were required to wear jackets in certain restaurants. But these deficiencies—and others—are the price we pay for a larger good, just as in the name of academic freedom we tolerate professors who teach or write rubbish, and as in the name of the First Amendment we protect alike the National Enquirer, The New York Times, and Hustler magazine.

The Japanese, surely, are doing very well with their joint enterprises and cooperative efforts. However, I suspect that even in that country, as affluence spreads and as the memory of the defeat and deprivation of World War II dims, there will be growing demands for greater recognition of the individual and his private needs and wants. In any event, what works elsewhere will not necessarily work in America. History is on the side of the individual assertion of individual rights; they will triumph when not artificially held back. And the protection of these rights depends to a not insignificant degree on the processes of the law, with the assistance of the legal profession.

The streamlining that the Attorney General would have us do by eliminating in important areas the cumbersome check of possible lawsuits, thus centralizing power in the political branches, or that the president of Harvard would have us do, by cooperation Japanese-style, might in the short run be more efficient. but surely these changes would involve the abandonment of values which have been on this continent from the days a handful of individualists first arrived from England in the 17th century, and which have been perpetuated by other individualists who since then left more structured, more traditional ways behind.

Much of what judges and lawyers do, and the reasons why they do it, has always been misunderstood. It requires the study of history to appreciate why there is a need for the separation of church from state, and that to allow the police to search a drug dealer's house on mere suspicion will endanger the privacy of all our homes. What is troublesome today is that those who should know better—some of our leaders—have joined in the chorus which minimizes the basic tenets of the legal profession. We have an obligation, of course, not to be influenced by the clamor, but to do our best to carry out the responsibilities entrusted to us, whether as lawyers or judges. We likewise have an obligation to keep trying to educate the public on values which not only are dear to us as members of the legal profession but which are also a vital ingredient in the way of life in America as we know it.●

SECRETARY OF THE INTERIOR JAMES G. WATT'S 5-YEAR OIL AND GAS LEASING PLAN FOR THE OUTER CONTINENTAL SHELF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. MARKEY. Mr. Speaker, this morning I released a report on Secretary of the Interior James Watt's 5-year oil and gas leasing program for the Outer Continental Shelf, prepared by the staff of the Subcommittee on Oversight and Investigations, Committee on Interior and Insular Affairs.

The results of this study show clearly that the Secretary has based this vital program on false economic assumptions, has misrepresented important energy policy and national security issues, has fostered an atmosphere of confrontation with the States, and has violated the spirit of the Outer Continental Shelf Lands Act Amendments. His program will result in delay and uncertainty in Outer Continental Shelf development, rather than in the expedited and evenly paced exploitation Congress envisioned when it passed the amendments in 1978.

This report will allow the Congress to embark on extensive oversight and legislative activities relevant to the exploitation of energy resources on submerged public lands. To this end, legislative recommendations are included.

A summary of the report follows:

A STAFF REPORT OF THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The Subcommittee on Oversight and Investigations of the House Committee on Interior and Insular Affairs has reviewed the Secretary's 5-year leasing plan for the Outer Continental Shelf since he submitted his proposed program to Congress in July, 1981. Five hearings on the plan and on specific lease sales have been held since October, 1981.

The Subcommittee repeatedly invited Secretary Watt to explain his program and answer his critics before the Congress. Chairman Markey opened the Subcommittee calendar to the Secretary's convenience. The Secretary refused to appear personally, and approved the controversial plan without addressing the concerns presented to the Subcommittee by articulate representatives of states, local governments, environmental groups, industry, and academia. The leasing plan has not come before the Congress for formal approval.

The Subcommittee has reviewed the testimony presented before it, and has made the following findings:

Secretary Watt has failed to develop a leasing plan that conforms with the guidelines and requirements of the Outer Continental Shelf Lands Act Amendments.

The Secretary has refused to cooperate with coastal states and to allow them the meaningful participation in decisionmaking that the law requires.

The plan is unlikely to assure fair market value for public resources, and may result in massive losses to the Treasury.

The Secretary has manipulated the balancing of environmental and energy needs mandated by law to justify an accelerated leasing program throughout all areas of the Outer Continental Shelf.

The program is not based on a rational economic or energy policy.

The Secretary's intransigence will produce an avalanche of litigation, which will delay the expedited exploitation of OCS resources the Congress envisioned when it passed the Outer Continental Shelf Lands Act Amendments.

BALANCING OF ENERGY AND ENVIRONMENTAL CONCERNS MANDATED BY SECTION 18 OF THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS

Secretary Watt has improperly given more weight to his stated desire for rapid oil and gas development on the OCS than to the interest in preserving and protecting the environment.

The Watt program does not designate the size and location of proposed lease sales as precisely as possible. It fails to notify state and local governments of impending OCS activities off their shores in order to enable them to prepare for the impacts of development.

Secretary Watt did not properly consider other uses of the sea—including the needs fo the commercial fishing industry, the tourism industry, the subsistence culture of Alaskan natives, and the National Marine Sanctuaries program—when he scheduled sales on the OCS.

Section 18 of the Outer Continental Shelf Lands Act Amendments requires the Secretary to achieve a proper balance between the potential for environmental damage, the potential for discovery of oil and gas, and the potential for adverse impacts on the coastal zone. To obtain this balance, the Secretary must weigh the benefits of leasing against its costs. Secretary Watt apparently designed his cost-benefit analysis to reach a predetermined conclusion—that leasing should take place everywhere on the OCS, and that it should be done at an accelerated pace. The Secretary made two major errors—first, he did not properly consider the effects of delaying sales, and second, he did not measure costs and benefits on the same basis. These errors created a bias in favor of accelerated leasing.

STATE AND LOCAL GOVERNMENT PARTICIPATION IN DECISIONMAKING

Secretary Watt is violating the intent of Congress that states and local governments be allowed meaningful participation in the OCS policy process. During the development of his leasing program, and during the individual lease sales held under his supervision, the Secretary has done only the bare minimum required under the law to allow state participation, and has fostered an atmosphere of confrontation with the coastal states.

The Secretary has pursued a policy of brinkmanship with the coastal states over individual lease sales, by refusing to delete

tracts the states request, therefore forcing the states to delay sales with litigation.

The process by which the Secretary has consulted with the states has been a meaningless exercise. Merely receiving state and local government recommendations is quite different from actually incorporating them into the decision-making process. It appears that the Secretary's "good neighbor" policy of cooperation with the states is largely rhetoric, and that the idea of states' rights is applied only when the state is already in agreement with the Secretary's decisions.

The Secretary's attitude only serves to inspire litigation and unnecessarily delay the development of OCS resources.

LITIGATION

The major stated goal of Secretary Watt's leasing program is to accelerate and expedite leasing of resources on the Outer Continental Shelf. It is therefore ironic that the Secretary's attempts to insure acceleration result in major delays from litigation and confrontation with the coastal states and environmental groups. Because the Secretary has failed to properly interpret the requirements of section 18 of the Outer Continental Shelf Lands Act Amendments and to involve the states in meaningful participation in the OCS decision-making process, his intent and the intent of Congress that OCS leasing be expedited is thwarted.

Secretary Watt is not allaying the fears and concerns of groups affected by his program. He has been obstinate and unyielding, and has seemed to encourage a fight with his critics. The Secretary's attitude has apparently compelled critics of the program to resort to the courts so their concerns may be heard.

FAIR MARKET VALUE

Secretary Watt's plan floods the marketplace with large offerings and changes the bid acceptance procedures formerly used to determine fair market value. These changes will reduce competition on individual tracts, will not give the government revenues equal to those the Department of the Interior would have considered appropriate under past practice, and may not assure fair market value for the resources leased. These problems will threaten congressional and public confidence in the program and will impair the expedited leasing Congress intended in the Outer Continental Shelf Lands Act.

It is obvious that the Department will have less knowledge of the value of OCS resources under the new procedures than it had under the traditional method of evaluating bids. It is highly questionable whether this lessened knowledge will enable the Department to be a knowledgeable seller under its own definition of fair market value. This doubt will likely shake the confidence of the public that the Secretary's program will indeed assure a fair return for publicly-owned resources. The Congress should carefully study the new procedures to insure that fair market value is in fact obtained.

ECONOMIC JUSTIFICATIONS FOR THE 5-YEAR PLAN

Secretary Watt has repeatedly claimed that his program will increase Treasury revenues (and thus lower the national deficit), will result in lower energy prices for consumers, and will increase production of oil and gas on the Outer Continental Shelf. These economic justifications for accelerated leasing are based on questionable assumptions and overly optimistic estimates of Treasury revenues, market prices, and industry capabilities. In fact, the Secretary's program may well result in fewer revenues to the Treasury than a prudent program would produce; no real impact on consumer oil prices; and little or no effect on the production of OCS oil and gas.

ENERGY POLICY AND NATIONAL SECURITY

The Secretary has misinterpreted the nation's energy and national security concerns. His plan is not grounded in sound energy policy.

The Secretary has claimed that the only alternative to increased dependence on foreign oil is the development of oil and gas production on public lands. This view inflates the value of OCS resources to the nation's energy future.

It is clear from the testimony presented to the Subcommittee that the Watt program will have serious consequences to the nation's energy future. There are many alternatives to increased dependence on foreign oil. These alternatives range from increased offshore production to greater energy efficiency. No one energy source provides an answer to the nation's energy problems.

The Watt program propagates the myth that there is no energy problem in the world today. Americans own plenty of resources, the Secretary claims; what is needed is the will to develop these resources. This attitude ignores reality. It is significant that as the Reagan Administration promotes expedited exploitation of public resources, it has cut back on plans and budgets for the development of alternative sources of energy.

A more rational approach would be the development of a diversified, balanced portfolio of energy options. OCS resources could be an important element in a rational energy mix. They are not the sole solution to our energy problems, however, and it is dangerous for the Secretary to advertise them as such.

The Secretary has gained media attention by repeatedly questioning the patriotism of his critics. Such statements are irresponsible. When made by a United States Cabinet Secretary, they are outrageous. Secretary Watt's ad hominem attacks on his critics betray a deepseated lack of confidence in the substance of his arguments, and demmonstrates that his plan is based on ideology rather than on the law or on rational economic and energy justifications. Such attacks preclude a reasoned debate on the issues.

RECOMMENDATIONS TO THE CONGRESS

Congress must address the questions raised by Secretary Watt's five year oil and gas leasing plan quickly and comprehensively. The Subcommittee on Oversight and Investigations therefore makes the following recommendations to be undertaken by the Committee on Interior and Insular Affairs and presented to the Congress as a whole:

The Outer Continental Shelf Lands Act must be amended to narrow the scope of discretionary determinations currently reserved to the Secretary. The Congress should clarify the procedures required to achieve a proper balance between energy and environmental concerns, and should retain authority to veto the plan if important considerations are not reconciled and the spirit of the law is circumvented.

The Congress must ensure, through legislative and oversight measures, that coastal states are allowed meaningful participation in OCS policy and decision-making. The provisions of the Outer Continental Shelf Lands Act which have been narrowed by court decisions must be broadened by Congress to restore the protections of the original aims to the statute.

Continuing oversight should be undertaken to assure the American people that the Department of the Interior's method of assuring fair market value for OCS resources is reasonable and workable. In the event that such oversight demonstrates that the new screening procedures will not assure an adequate return for public resources, the Committee and the Congress should consider legislation which establishes a fair and equitable procedure.

Finally, the Congress should mandate a return to the use of the nomination procedure previously used to choose tracts for leasing. This procedure encouraged industry to focus its resources on high potential areas, while at the same time allowing states and other affected parties to request that certain tracts be withheld from the sale. The nomination process provided conflict resolution at a very early stage in the leasing process. A return to this procedure would allow industry to conduct an adequate inventory of OCS resources while at the same time insuring that the environment and marine resources are protected.

Oil and gas from the Outer Continental Shelf will be a part of our nation's energy mix until alternative sources of energy are developed. In order to provide these resources, it is essential that a rational leasing program be developed which fairly weighs environmental concerns, allows states to participate in the planning process, and insures responsible stewardship of public resources.

It is clear that Secretary Watt's 5-year schedule is not such a plan. It is apparent, therefore, for the reasons outlined in this report, that Congress must act surely and decisively to correct serious deficiencies in the Secretary's five year oil and gas leasing program.●

PROMOTING CULTURAL UNDERSTANDING

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. RICHARDSON. Mr. Speaker, there are certain people who do special things for others and many times their work does unnoticed. Eliu Martinez of Alcalde, N. Mex., in my district has made a hobby out of promoting cultural understanding among native Americans and Hispanics in his community.

Mr. Speaker, on July 9 the people of Espanola, N. Mex., and surrounding communities will celebrate the annual Don Juan De Onate Fiesta. It is a festival that has been observed in northern New Mexico for the past 50 years. It has come to my attention that this year's fiesta committee chairman, Eliu Martinez, has a vision of making the fiesta a day for members of the San Juan Pueblo, Santa Clara Pueblo, and Espanola community to celebrate living together in harmony as one. Espanola Mayor Consuelo Thompson and other members of the Onate Fiesta Committee share in the spirit

of making the fiesta a time for community unity.

When Don Juan De Onate arrived at the San Juan Pueblo in 1598 the Indians received the Spanish explorer with open arms. It is that initial spirit of openness that Eliu Martinez would like the Onate Fiesta to recapture today—Hispanics and native Americans living together as one.

The best avenue to understanding, compassion, and cooperation today is by learning from the past. Eliu Martinez' idea is for people to reach out to each other and acknowledge both the respect they have for each other as human beings and to appreciate the unique contributions of differing cultures in their communities.

Mr. Speaker, today in our schools very little is mentioned about the role of native Americans or Hispanics in American history. That history is something that Eliu Martinez is trying to promote. I applaud his efforts to educate his community on the early history of the area and his determination to point out the special relationship shared by native Americans and Hispanics in Espanola, N. Mex.●

THE CHAPPELL/BADHAM BOMBERS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to salute an achievement of which I take great pride. I share this pride with my colleague and good friend, Congressman BOB BADHAM of Florida's sister State, California.

All too often we in Congress fail to note the good works of our staff members, both in the office and in the community. I should like therefore, to enter into the RECORD at this time, the following tribute to a group of brave competitors:

While the President and Mrs. Reagan were sitting down to dinner at the White House . . .

While the Supreme Court labored over the making of a landmark decision striking down decades of legislative veto . . .

While His Holiness Pope John bade farewell to millions of his Polish faithful . . .

While the Congress of the United States sat in late-night session, diligently at work upon the Budget and the Tax Cap . . .

On the Mall in front of the Air and Space 'Museum, at the corner of Jefferson Drive and 7th . . . a truly momentous event took place.

The softball team known as "The Chappell/Badham Bombers" took on the very best team that the entire Florida delegation could muster. There, upon the field of spherical combat, the stalwart Bombers, in a last-minute, breathtaking thrust of undeniable athletic prowess, beat the living daylights out of the gargantuan opposition: 13 to 10.

This, for the benefit of any who may question this entry, is included as a matter of morale; a record of staff member accomplishment in which we may take justifiable pride.

We salute each member of the championship Chappell/Badham Bombers. Well done. My compliments to the all-Florida team of which I am always a member both in spirit and in fact. To the players: This was truly a bipartisan effort.●

FAULTY TEST DATA: THE PUBLIC MUST BE PROTECTED

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. LEVITAS. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the Atlanta Journal/Constitution, on June 19, 1983, which describes the horrors of faulty and invalid laboratory testing which is sometimes submitted as evidence on the health and safety effects of drugs, pesticides, and other chemical products. During the debate on the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) last year, the concerns over the validity of tests on the health and safety effects of pesticide products was a major issue, and was one of the reasons why the House voted to assure adequate public disclosure of health and safety testing data. Without public disclosure, the falsified and fraudulent studies could go undetected. We cannot take such risks.

I would like to submit for the RECORD, the article, "Scientists' Trial Questions System of Regulating Labs." This article emphasizes the need for scientists and the public to scrutinize test data.

[From the Atlanta Journal/Constitution, June 19, 1983]

SCIENTISTS' TRIAL QUESTIONS SYSTEM OF REGULATING LABS

The toxicology lab was cold and humid, the result of a chronically malfunctioning watering system that drenched some test animals while leaving others to die of thirst.

Technicians at Industrial Bio-Test Laboratories, once regarded as the biggest and best independent lab in the United States, called the dank and disagreeable room "the swamp" and refused to work there without rubber boots and masks to filter the stench of dead animals. Many test mice ran free in the lab after escaping from their cages. And when white-smocked workers mounted periodic mouse hunts armed with chloroform spray containers, they could not be certain to which scientific study the recaptured mice belonged.

"The whole thing was a mess," testified Manuel Reyna, a former toxicologist who worked in the swamp.

Hundreds of studies conducted at the Chicago-area lab were ruled scientifically invalid when federal regulatory agencies finally investigated. The government found tests riddled with flaws, tests that were supposed to determine whether new drugs and pesticides might, for example, cause cancer or birth defects, tests the government relied upon when it approved uses of the potentially dangerous products.

Perhaps most troubling to investigators was the discovery that scientists, attempting to protect the lab's reputation and avoid costly retesting, had falsified test data.

Today, four of the laboratory's top scientists are on trial in a Chicago federal court, accused of fraud in a criminal case that is expected to last through the summer.

But on trial with them is the system that is supposed to protect the public from health and environmental hazards, the regulatory system that for several years failed to spot fraudulent or shoddy lab work not only at Industrial Bio-Test but at other testing facilities across the country.

"Consumers are exposed to hundreds of pesticides whose safety has yet to be proven," said Adrian Gross, senior toxicologist with the Environmental Protection Agency. The former Food and Drug Administration official, who was one of the original investigators to uncover conditions at Industrial Bio-Test, said also the EPA has "done very little" to protect the public from rogue laboratories.

"A lot of labs do shoddy work," he added. "But it is more often stupidity, not out-and-out fabrication."

Among public interest groups, there is growing outrage with the regulatory system that allowed lab conditions at Industrial Bio-Test to go unchecked for years.

INCREDIBLY GROSS MESS

"Why did it take so long to find such an incredibly gross mess?" asked Dr. Ellen Silbergeld, chief toxicologist for the Environmental Defense Fund in Washington and a critic of the EPA's role in the Industrial Bio-Test scandal.

The Industrial Bio-Test case sent shock waves through the scientific community, but it turned out to be but one in a series of lab scandals brought to light through the late 1970s. They were uncovered by accident.

Gross, then with the FDA, was conducting random audits of drug toxicology tests and stumbled upon a new drug for treating arthritis that had been tested prior to public sales at Industrial Bio-Test labs. To Gross, the final test reports appeared to be "too good to be true." He looked deeper into the test data and found "outright falsification." Tumors found in some test animals, for example, were not mentioned in final reports.

Based on his investigation, the FDA declared the lab tests invalid and advised physicians treating arthritis patients to use other drugs until new tests could be completed.

Such discoveries inspired sweeping review of work done by the nation's 380 testing laboratories and prompted a Senate investigation into pesticide and drug regulation.

"Inaccurate science, sloppy science, fraudulent science, these are the greatest threat to the health and safety of the American people," asserted Sen. Edward M. Kennedy (D-Mass.), who chaired the hearings.

Testimony at the hearings described widespread problems in the testing industry. For example:

Biometric Testing Inc., of Englewood Cliffs, N.J., tampered with test data, switched test animals and invented results

for tests that were never conducted, according to federal prosecutors. The company and two of its officers were found guilty of fraud charges.

G. D. Searle & Co. of Skokie, Ill., was accused in a 1976 FDA report of withholding potentially adverse test results. An FDA task force that investigated the lab reported finding an "attitude of disregard" for public safety and "a pattern of conduct which compromises the scientific integrity of the studies."

LABS COULDN'T BE TRUSTED

Subsequently, an EPA investigation of laboratories from Glendale, Calif., to Florida found deficiencies so serious that the agency announced that tests conducted by numbers labs could not be trusted without first being confirmed by another source.

The Chicago trial of Industrial Bio-Test scientists has disclosed that officials at some companies hiring the lab knew about the conditions there. Congressional critics contend that the chemical and drug industries should more carefully monitor the work of contract labs.

But industry officials complain that they, too, are victims of the poor work of outside labs. Monsanto, for example, a major client of Industrial Bio-Test, says it will spend more than $12 million to replace invalidated tests. It also says that the lab scandal has cost it more than $50 million in lost sales.

A number of inadequately tested toxic products are being sold, according to a former EPA official, who blames not only poor lab work but outdated studies and inadequate government review procedures.

"There are too many pesticides out there that do not have an adequate data base," said Steven Jellineck, former head of the EPA's pesticide and toxic stustances division during the Carter administration.

Private labs are the wellhead of scientific information upon which federal regulators set the acceptable levels of public exposure of drugs and pesticides. The Government does not conduct its own tests on new products, so it relies on the scientific integrity of reseach done by industry labs such as Monsanto and Dow and by independent contract labs such as Industrial Bio-Test.

The role of the EPA and FDA is to monitor the labs and to analyze and validate test results. However, in the early 1970s the understaffed EPA decided to leave the test evaluations up to industry, according to Senate investigators.

Governments around the world use test results from American labs to measure the safety of potentially hazardous compounds. That has sometimes proved to be an international mistake.

DRUG FOUND DANGEROUS

Phosvel, for example, an insecticide that Industrial Bio-Test analysis indicated was safe, was used by Egyptian cotton farmers more than 10 years ago until hundreds of water buffalo were paralyzed and died. Farmers exposed to Phosvel use brought reported hallucinations, slurred speech and vision problems. And populations of entire villages were affected, according to American researchers who alerted the EPA.

The chemical compound was being used in 25 countries at the time although it was not yet licensed for use in America where it was being manufactured in a Texas plant. Still, U.S. consumers were eating Phosvel residue on tomatoes imported from Mexico.

Just as the EPA was about to license the hazardous compound, even in the face of the Egyptian experiences and because of favorable test results primarily from Industrial Bio-Test, a number of Phosvel factory workers were stricken with severe neurological damage. With their nerve systems and muscle coordination impaired, they became known as "the Phosvel zombies" and launched legal action against the pesticide maker.

At that point, the EPA refused to approve domestic use of the pesticide.

Industrial Bio-Test helped keep the fungicide Captan on the market, providing pivotal testing data that government regulators used to set acceptable public exposure levels when it is used on crops such as strawberries, tomatoes, lettuce and spinach.

CANCER FOUND DESPITE OK

National Cancer Institute test data provided the first clue that Industrial Bio-Test studies were flawed when it reported that Captan-fed mice developed cancers, contrary to earlier findings by the Illinois laboratory. And after the EPA subsequently ruled that Industrial Bio-Test's Captan studies were scientifically invalid, new tests confirmed the cancer institute's troubling results.

"There is no question it is a carcinogen," said the EPA's Gross.

Now, environmentalists and public interest groups are trying to have Captan banned—along with hundreds of other pesticides that were approved for use based on invalid lab tests—until it is proved safe.

"Fraud and data gaps are enough to invalidate a pesticide's (license) under California law," contends Ralph Lightstone, an attorney for California Rural Legal Assistance, a public interest law firm that represents farm workers.

But an official of the California Department of Food and Agriculture said that the state lacks the resources to prove that the pesticides tested by Industrial Bio-Test are not safe.

Today, a $100 million industry retesting program is under way to fill the data gaps. The 7-year-old effort is only half complete, according to EPA officials, who point out that under U.S. law the agency cannot ban a pesticide without first proving it is hazardous—even if it was licensed for use based on invalid testing.●

SURVEY REVEALS YOUTHS' FEAR OF NUCLEAR WAR

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. SEIBERLING. Mr. Speaker, the Akron Beacon Journal of Tuesday, June 21, contains a very interesting article about the way the presence of nuclear weapons has altered the way children view the world.

The survey was conducted by Stephan Douglas Hanna, the chief resident in family practice at Akron City Hospital. He interviewed 700 Akron students between the ages of 11 and 19 and concluded that adults must address the fears expressed by their children.

The survey showed that more than 50 percent believe a nuclear war will occur in their lifetime and more than 75 percent believe that civil defense will not help. One student responded, "Civil defense is a hollow sham." I can only agree with him.

Dr. Hanna concluded that if adults deal with the threat of nuclear war "in a healthy, constructive way, we offer hope to our children."

Mr. Speaker, I can think of nothing more important for Members of Congress than to deal with the threat of nuclear war in a healthy, constructive way. I am sorry to say that the kind of militaristic rhetoric, as well as action, that all too often accompanies the Congress approach to dealing with that threat is not the kind of constructive action that is needed. Children are not easily deceived. The hope that we hold out must be a hope based on affirmative action toward peace and disarmament.

The full text of the Akron Beacon Journal article follows these remarks:

[From the Akron Beacon Journal, June 21, 1983]

SURVEY REVEALS YOUTHS' FEAR OF NUCLEAR WAR

(By Jim Carney)

More than half of the Akron youths questioned in a recent survey believe there will be a nuclear war in their lifetime.

Seventy percent think they would not survive a nuclear war and 60 percent believe the United States would not survive one.

"The presence of nuclear weapons in the world has altered the way children view the world," concluded Stephan Douglas Hanna, who conducted the survey of youths' attitudes toward the threat of nuclear war.

Hanna, chief resident in the family practice residents' program at Akron City Hospital, interviewed 700 Akron students and concluded that adults must address the fears expressed by their children.

Hanna, who is active in Physicians for Social Responsibility, a group dedicated to education about the medical consequences of nuclear war, questioned students ages 11 to 19 at five Akron schools in February and March.

Here are some results of the survey:

Of the more than 50 percent who believe a nuclear war would occur in their lifetime, about 33 percent thought it would occur within 10 years.

More than 75 percent said civil defense would not help in a nuclear war. "Civil defense is a hollow sham," one student responded.

Most students said their plans for marriage, children and the future have not been influenced by the threat of nuclear war. Many said there was no use in worring about nuclear war because there was nothing they could do about it.

More than 75 percent said nuclear weapons have affected their way of thinking about the future.

"I am afraid for my future and wonder how we as a country, could let this self-destruction go on," one participant said.

"I just want to say if (President Ronald) Reagan is going to have a war, just let him think about how many dreams he will shatter," another said.

Hanna found it significant that so many children felt civil defense would not help. A study in Massachusetts three years ago found only a small percentage of children questioned the value of civil defense.

"This shift in attitude once again probably reflects the increasingly sophisticated exposure of children to the knowledge of the destructiveness of nuclear weapons," Hanna said.

He added that if adults deal with the threat of nuclear war "in a healthy, constructive way, we offer hope to our children."●

DOC HOLLAND, "FATHER OF ROWING," HONORED IN ATLANTIC CITY, N.J.

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HUGHES. Mr. Speaker, an overwhelming number of people will gather on Thursday evening, June 23, at Resorts International Hotel & Casino in Atlantic City to honor a true one-of-a-kind human being.

Dr. John Holland, a native of the South Jersey Shore, will be joined by over 1,000 of his friends at a testimonial dinner in his honor. As a man who has devoted over 35 years of his life to youth development, Doc Holland is loved and respected by a great number of people.

Born in Ventnor in 1916, Doc Holland graduated from Franklin & Marshall College and Hahneman Medical College. As an Army captain, he served in World War II and in the Korean conflict. He is a general practitioner in Margate and is a former chief of the Atlantic City Medical Center staff.

But to thousands, Doc Holland is best known as the father of rowing in southern New Jersey. It was his inspiration, enthusiasm, and generosity which brought interscholastic and club-type sculling and crew competition into the area. He founded the Viking Rowing Club and donated the club headquarters, once his personal property, for youth development projects and rowing purposes.

An athlete himself, Doc Holland is enshrined in both the Ocean Rowing and the Boardwalk Running Halls of Fame. In December 1982, at the age of 67, he completed the Atlantic City Marathon in his first attempt, with the respectable time of 4 hours and 41 minutes. His famous row to the ocean bell buoy—2.5 miles out—which he still practices 6 days a week, is a legend up and down the coast.

A genuinely humble man, Doc Holland put up a struggle with the dinner committee before granting his consent to this tribute. His selfless dedication and service to others have earned him a venerable position in his community and I am pleased to see tribute paid to this remarkable man.●

HOW CAN WE BEAT THE UPCOMING INCREASES IN LOCAL PHONE BILLS?

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. MARKEY. Mr. Speaker, on the past two Mondays I have offered suggestions for possible congressional action to beat the upcoming increases in local phone bills. Today, I offer a third recommendation for a House initiative to deal with this pressing problem.

First, we must take a look at what a local phone bill is. In fact, most consumers see a lot more than just a basic monthly rate when they pay their bills. They see message unit billing, equipment charges, and fees for directory assistance calls. They also see something that may make them see red—a bill for local and intrastate toll calls.

Why would this enrage them? Because these rates are ridiculously inflated. Though this is true of many States, let me use my home State as an example. An evening call from Boston to Springfield—across the State—is more expensive than a call from Boston to Seattle—across the country. During the day time, it costs more to call from Boston to Cape Cod than it does to call from Boston to Colorado. In fact, the Bell intrastate rate runs 10 to 25 times as high per mile as the Bell interstate rate. For consumers who use one of the long distance competitors—like MCI or Sprint—the differential is even higher.

These toll calls—often within the same area code, sometimes even within the same metropolitan area—are regulated by State public utility commissions, or PUC's. PUC's have agreed to inflate these rates at the request of local phone companies under the presumption that such inflation helps keep down the cost of basic monthly service.

The cure for this rate inflation is simple: competition. Anyone who uses a competitive long-distance phone company knows what such competition has done for his or her long-distance phone bill—it has driven it down multifold. The call for competition, then is not some theoretical approach based on economic principles alone. It is not a call for competition based on a "model" of a free market. It is a demand which is the product of the success of competition in the market for long-distance service.

Now, the same competition should be brought to local toll calls. The restructuring of local areas in the Bell System divestiture into new divisions known as LATA's provides the perfect opportunity to undertake steps to bring this part of local phone bills under control.

What then can we do?

My suggestion, one which has been embodied in the initial draft of every major common carrier bill considered by the Congress in the past few years, is to move regulatory authority away from State PUC's to the Federal level. For while the FCC has often been slow in bringing about competition, the State PUC's have been even slower.

I urge the Congress to transfer jurisdiction for ratemaking on inter-LATA, intrastate routes to the FCC. This would be a critical first step in bringing down the overall local phone bill. And while a purist might claim that this is not a local phone bill issue, and that such calls are actually long distance in nature, I contend that to consumers, a call from Quincy to Brockton looks local and costs too much—semantic differences notwithstanding.

Competition must be introduced into the local toll call market. Its absence has contributed to outrageous intrastate phone call rates, and consumers will not stand for being told that this is not a local phone bill problem. If we take action to address the phone rate issue, and exclude this matter, we will have a serious day of reckoning with our constituents ahead. As competition develops for federally regulated services, like international calling, prices for such service will continue to drop. How will we explain our failure when someone can call from Boston to Dublin for less than they can call from Boston to Pittsfield?

And for those of you who doubt that we will see a day when this comes to pass, let me point out that right now—without major international competition—3 minutes from suburban Boston to Dublin—at night—costs $2.40. Three, 1-minute daytime calls across Massachusetts cost $2.31.

Providing for competition in the intrastate markets, through changes in the location of regulatory authority for such markets, is the third thing we can do to beat the upcoming increases in local phone bills.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 28, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 29

8:30 a.m.
Labor and Human Resources
To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the organized crime and racketeering section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Judiciary
To hold hearings on S.737, S. 568, and S. 1383, proposed Joint Research and Development Ventures Acts.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction, focusing on tax expenditures.
SD-215

Foreign Relations
To hold hearings on the nomination of David M. Abshire, of Virginia, to be U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.
SD-419

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342

2:00 p.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Judiciary
Courts Subcommittee
Business meeting, to mark up S. 645, proposed Court Improvements Act.
SD-226

JUNE 30

9:30 a.m.
Labor and Human Resources
Business meeting, to resume consideration of S. 564, to establish the U.S. Academy of Peace.
SD-430

Rules and Administration
Business meeting, to consider H.R. 3034, to provide for the appointment and education of Congressional pages, Senate Resolution 150, to authorize the printing of additional copies of the Joint Economic Committee print entitled "Changing Economics of Agriculture: Challenge and Preparation of the 1980's," and pending legislative and administrative business.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1101, to authorize funds for fiscal years 1983, 1984, 1985, and 1986 for certain fishery programs, and S. 663, to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.
SR-328A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Business meeting, to consider pending calendar business; to be followed by the Subcommittee on Separation of Powers to mark up S. 462, to clarify certain provisions of the Hobbs Act relating to Federal jurisdiction over labor extortion matters.
SD-266

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 1

9:30 a.m.
Judiciary
To hold oversight hearings on the effects of antitrust laws on the domestic steel industry.
SD-226

JULY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders involved in serious and violent crimes.
SD-226

Labor and Human Resources
Told hold oversight hearings on activities of the Legal Services Corporation.
SD-430

2:00 p.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1148, to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Community, Montana by the U.S. Court of Claims
SD-628

9:30 a.m.
*Commerce, Science, and Transportation
To resume hearings on S. 1108, proposed Highway Safety Act, focusing on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials.
SR-253

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Foreign Relations
Business meeting, to consider certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

Labor and Human Resources
To hold hearings on home health care services.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of VA medical staff, and to examine

the location of certain VA facilities to rural areas.
SR-418

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

2:00 p.m.
Foreign Relations
Business meeting, to continue consideration of certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

JULY 14

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

3:00 p.m.
Select on Ethics
Closed meeting to consider pending committee business.
S-207, Capitol

JULY 15

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine trends in the projected life expectancy of U.S. citizens.
SD-215

JULY 19

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366

2:00 p.m.
Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 20

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9:30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the vaccine for pertussis.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a government dam or other structures owned by the United States.
SD-366

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SR-485

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine the problem of runaway and homeless children.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1520, to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-562

JULY 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 30

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to resume markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

SENATE—*Tuesday, June 28, 1983*

(Legislative day of Monday, June 27, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Eternal God, "who made the world and all things therein * * * Lord of heaven and earth * * * who giveth to all life and breath and all things * * *"* (Acts 17: 24, 25), we need Thy counsel as the Senate considers a very heavy matter. Our forebears believed that Thou art the Lord of Life: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty * * *". Jefferson understood this when he said, "God who gave us life, gave us liberty."

Now Lord, the Senate confronts head-on the basic issues of life and liberty. Make Thy presence felt here and let Thy will be done in the Senate today. We pray in the name of Him who is the Way, the Truth and the Life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Mr. President, let me outline the program as I see it at this moment.

I hope that, after the two leaders are recognized and the special orders are executed and morning business has expired, we get on with the business of debating the abortion amendment without delay. There are 2 hours and 49 minutes remaining under the order previously entered.

ORDER FOR RECESS TODAY FROM 12 NOON TILL 2 P.M.

Mr. President, today is Tuesday. I feel like the sailor who is tied to the mast on Tuesdays because there is so much going on and so little time in which to do it. One of the things we must do is conduct the regular weekly caucuses of Senators on both sides of the aisle. Those caucuses are of a quasi-official nature. They are held away from the Senate, though they are instrumental in setting the policy by both parties on matters which are debated in the Senate. In order to accommodate those caucuses, Mr. President, it has become our custom of late to recess the Senate for 2 hours. Therefore, today, I ask unanimous consent that the Senate stand in recess from the hour of 12 noon until 2 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, according to my calculations, we will either finish or just about finish the debate on the abortion resolution by the time we recess. That is going to leave us a lot of time between then and 5 p.m. For a man who is hungry to do as much as he can before we go out for the Fourth of July recess, I find that a disturbing prospect. When the minority leader returns, I intend to consult with him, as indeed I have done privately before this, as to the possibility of doing one or the other or at least beginning one or the other of the two remaining items which must engage our attention before we go out for the Fourth of July recess.

One is the so-called tax cap sent us by the House of Representatives, which we almost got a time agreement on yesterday. The other is the agriculture appropriations bill, which may or may not be a highly controversial item.

I get mixed signals on that. I see the distinguished Senator from Mississippi here. He has a particular interest in that matter and he advised me last evening, as I recall, that he thought there was some possibility that the differences could be worked out and we could pass it in fairly short order. I prefer that interpretation to a later one I received from the minority leader, who thought there might still be problems.

In any event, Mr. President, I would propose, if we may do so, that if we run out of time for debate on the abortion resolution before 5 p.m., and we vote at 5 p.m.—it is not later than 5 p.m., but at 5 p.m.—that we fill in that time on the agriculture appropriations bill or on the tax cap. So Members should be aware of that possibility—that is, that the time between 2 p.m. and 5 p.m. may be devoted in part, at least, to debate on some other matter besides the abortion resolution, since the time for debate will have expired and the time for the vote will not have arrived.

I have no desire to shorten the time for debate on the abortion resolution. I suppose if there is a substantial reason to extend the time for debate, the leadership on both sides will consider that. I hope that will not occur. I think the time we have remaining is short enough that we could serve the purposes of the country and the Senate well by using the remaining time this afternoon to get started, at least, on one or the other of the two items.

Mr. President, I announced yesterday that it was the hope and ambition of the leadership on this side that we could finish for the Fourth of July break on Thursday instead of Friday. Far be it from me to entice Members to do anything against their will, but let me suggest that if we can finish the agriculture appropriations bill and the tax cap proposal, we might go out of here Wednesday. Having baited that trap, Mr. President, I shall await eagerly the response of my distinguished and outstanding colleagues.

ORDER TO VITIATE ORDER FOR RECOGNITION OF MR. GORTON

Mr. BAKER. Mr. President, I am advised that the distinguished junior Senator from Washington (Mr. GORTON), who has a special order this morning, has no need for that order. I ask unanimous consent that the time allocated to the Senator from Washington be vitiated.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

WILLIAM E. MILLER WILL BE REMEMBERED AND MISSED

Mr. BAKER. Mr. President, today at Arlington Cemetery, William E. Miller, former Congressman and former Republican nominee for Vice President, will be laid to rest, and on behalf of my colleagues, I want to extend to his wife Stephanie, and the rest of his family, my deepest sympathies. Bill Miller was a good man and a fine public servant—he will be missed.

I listened over the weekend to reports of the death, and I heard my good friend Senator GOLDWATER call Bill Miller one of the greatest men I have ever known. BARRY GOLDWATER does not talk like that about everyone.

Bill Miller served in Congress with my father, and I remember watching him avidly play cards. He was an outstanding bridge player, and he loved golf and billiards.

In 1960, Bill Miller was elected chairman of the Republican Congressional Campaign Committee, and that year,

the Republicans gained 22 seats in the House. The following year, Bill became the Republican National Chairman, and was according to Senator GOLDWATER one of the best chairmen we ever had.

In 1975, Bill made a television commercial in which he joked that he was not recognized without his American Express card. My only reflection today is that he will be remembered and missed regardless.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I have no need for my time.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there is a remaining order in favor of Senator SPECTER, who is not yet here. He is depending, I am sure, on the Senator from Washington speaking first. Therefore, on the time remaining to the two leaders, I am about to suggest the absence of a quorum, which we shall not charge against the Senator from Pennsylvania.

Mr. President, on the time remaining for the two leaders and in order to gain time to permit the Senator from Pennsylvania to arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL JULY 11, 1983

Mr. BAKER. Mr. President, I have consulted with the minority leader on the matter I am about to address, and he is agreeable to the course of action I will now propose.

I have before me a Senate concurrent resolution dealing with adjournment. I now send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 48) providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983 to July 11, 1983.

Mr. BAKER. Obviously, the meaning of this resolution is that the Senate has the option of adjourning tomorrow, Thursday, or Friday, until July 11. The House has the option of adjourning from June 30 until July 11.

As I said, I have consulted with the minority leader, who is agreeable to the passage of this resolution. I ask the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The concurrent resolution reads as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, June 29, 1983, Thursday, June 30, 1983, or Friday, July 1, 1983, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12:00 noon on Monday, July 11, 1983, and that when the House adjourns on Thursday, June 30, 1983, it stand adjourned until 12:00 noon on Monday, July 11, 1983.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the Senator from Pennsylvania is now present. May I inquire if he is ready to claim his time for the special order?

Mr. SPECTER. Yes, Mr. President, I am pleased to respond to the majority leader that I am.

Mr. BAKER. I thank the Chair.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

PRESIDENT URGED TO ADOPT RECOMMENDATIONS OF THE INTERNATIONAL TRADE COMMISSION ON SPECIALTY STEEL

Mr. SPECTER. Mr. President, I rise today to urge action by the President on a matter now pending before him involving the specialty steel industry of the United States. By July 5, a week from today, the President must act on certain recommendations on specialty steel which have been presented to him by the International Trade Commission.

I wish to focus attention on this matter because it is of urgent interest to 30,000 Pennsylvanians once employed in the specialty steel industry centered in my State, and also because it is of great importance to all Americans in all States in all industries in which U.S. companies lose money and U.S. workers lose jobs because of unfair competition from foreign firms that are subsidized by their governments. The recommendation of the International Trade Commission to the President is to limit imports of specialty steel. Then U.S. firms could use their respite to complete their modernization programs.

After 18 months of painstaking review, the Commission found that these imports have been substantially subsidized for years and have materially injured U.S. companies. The President must decide by July 5 whether to accept or reject the Commission's recommendation for a 3-year period of restricted imports. The industry asserts that it needs 5 years.

At the outset, it is vital to note that the issue before the President is not a request for protectionism, but a request that specialty steel enjoy the benefits of free trade uninhibited by subsidies of foreign governments which now create unfair competition with specialty steel.

Last Friday, I took the occasion of our day off from the Senate to visit the Allegheny-Ludlum steel mill in Brackenridge, Pa.

Allegheny-Ludlum is the largest U.S. producer of specialty stainless and electrical steels. I saw a modern continuous caster installed recently as a result of earlier limitations on unfair foreign trade practices. This enormous device provided cost savings that minimized layoffs and kept the company competitive with foreign producers. It represents the state of the art. With a further period of limits on imported specialty steel, which now holds 20 percent of the U.S. market, the company would be justified in completing the second stage of its modernization with a $100 million investment that would buy a second continuous caster which would greatly increase the plant's output. Then the company could hope to reemploy its furloughed workers, increase its sales, recapture part of the domestic market from foreign suppliers, and expand its exports.

Yesterday, when there were no votes, I took the occasion to visit the Bethlehem Steel mill in Steelton, Pa., in order to be in a better position to comment on these issues and to make these requests to the President which I shall do formally by letter today.

The distinction between protectionism and free trade, in my judgment, is absolutely vital because there are sound reasons why free trade should be maintained. But free trade means fair trade and that means the absence of foreign government subsidies. But today American specialty steel is being victimized by subsidized European, Brazilian, and Japanese importers, in a way which makes it an impossibility for them to compete fairly on the international market.

I will paraphrase the famous statement of President Kennedy and put the proposition this way: As to specialty steel and the entire American steel industry, they ask not what protection their Government can give them; they ask only that their Government not permit or assist others to engage in unfair and illegal trade practices.

Specialty steel is not asking for protection from competition. Specialty steel is asking only that the U.S. Government not permit or assist foreign competitors to engage in unfair and illegal trade practices that inevitably result from government subsidies. That there are massive foreign subsidies is plain beyond any doubt.

So the specialty steel industry is not asking for protection but is asking only that the Government not permit the unfair competition which results when foreign companies receive subsidies from their governments but domestic companies do not receive subsidies from our Government.

Beyond merely permitting illegal practices, regrettably, the U.S. Government actually assists in these unfair trade practices through policies which we have adopted concerning the International Monetary Fund.

It is a fact of record that Brazil has subsidized steel with funding obtained from the International Monetary Fund and, as a result, has put American steelworkers out of work. Nothing, in my judgment, could be more unfair. Consider that you have this situation: A steelworker at a plant such as Allegheny-Ludlum's in Brackenridge, Pa., is paying taxes to the U.S. Government. The U.S. Government is then appropriating money for the International Monetary Fund, as we did in the supplemental appropriations 2 weeks ago—$8.5 billion. The International Monetary Fund is then advancing money to Brazil. Brazil is then giving subsidies to its steel industry; and its steel industry, including specialty steel, is then exporting steel to the United States and causing that steelworker at Allegheny-Ludlum to lose his job. That cycle is factual, that cycle is complete, and that cycle is fundamentally unfair.

When Treasury Secretary Regan appeared before the Appropriations Committee, I asked him that specific question. I urged that the International Monetary Fund, if it is to be supported by the U.S. Government, not permit those subsidies. Treasury Secretary Regan responded that it would cause thousands of Brazilian steelworkers to be thrown out of work. My reply to that was, "Well, how about thousands of American steelworkers?"

Treasury Secretary Regan replied that there were other factors involved in the problems of the American steel industry—all of which is true. But if even one American steelworker is losing his job because of subsidies which are permitted by the U.S. Government through the International Monetary Fund going to Brazil, then that should be stopped. Simply stated, it is unfair and immoral.

That is why I rise today to focus attention on this matter, which I believe is of great national concern. In urging that these considerations be met by the executive branch, I speak as a U.S. Senator as well as a Senator from the Commonwealth of Pennsylvania. I make the distinction because it is in the national interest that the steel industry in the United States be strong. If we are to be prepared on national defense—and the steel industry is vital to the national defense—then we will have to maintain a strong steel industry. If we permit the steel industry to disintegrate, then we can expect ourselves to be at the mercy of foreign steel producers. In the mode of OPEC oil, when the going gets tough, they will raise prices and exploit the United States, and we will find ourselves without a steel industry to provide the necessary national defense or domestic production.

I speak also as a Senator from the Commonwealth of Pennsylvania, which is enduring massive unemployment, especially in western Pennsylvania and other parts of the State which rely on the steel industry. Steel in the United States has traditionally been concentrated in western Pennsylvania, particularly in the Pittsburgh area, but we also have steel mills in the Johnstown and the Harrisburg areas, as well as Coatesville, near Philadelphia, and in Fairless Hills and Bethlehem. So it is a matter of tremendous importance throughout the State of Pennsylvania, where steel has been the No. 1 industry which in its heyday has employed some 14 percent of the Pennsylvania work force.

In looking toward this decision which the President of the United States must make by July 5, I submit that there must be a proper focus and fairness as applied to the specialty steel industry.

On Monday when I visited the Bethlehem Steelworks at Steelton, Pa., it was represented to be the oldest steel mill in the United States, a source of rail since the mid-1800's, which provided the track for the expansion of the American rail industry. At this aged Bethlehem steel plant, I was pleased to see massive new machines, representing an investment of some $85 million, and high technology equipment being applied with computerization to increase the production of steel from that plant and to produce a superior product.

While that is not an illustration of the specialty steel industry, it is an illustration of a part of the American steel industry which has also been victimized by unfair foreign competition from subsidized companies, such as British Steel Corporation, which the International Trade Commission last year found to be subsidizing steel at the rate of some $250 a ton.

I am going to ask the President of the United States to meet personally with representatives of the specialty steel industry before reaching his decision because of the apparent controversy among Cabinet level officers. It has been reported that a debate among Cabinet level officers is taking place over the fate of the specialty steel industry, with representatives of the Justice Department, the Treasury Department, the State Department, and the Council of Economic Advisers urging that the President place no restrictions on specialty steel imports.

It is further reported that some members of those departments feel that restrictions should not be imposed because they do not wish to alienate U.S. allies who make money here by selling specialty steel here. Mr. President, this is another example of the sacrifice of vital American industrial interests on the altar of foreign policy. More than steel is involved. Involved is virtually every product which is made in the United States.

We have seen the demise of many of our industries because foreign governments are exporting their unemployment to the United States. Stated simply, the U.S. Government is not only letting them get away with it, but the United States is also aiding and abetting and conspiring in that effort.

Markets in third countries are also affected. Recently, I had an opportunity to look at the imports of poultry into Egypt. There again, the practice was the same: Brazilian poultry was being exported to Egypt, defeating an opportunity for American farm products because of subsidies being given by the Brazilian Government to its poultry industry.

Similar incidents could be related almost endlessly. It is not just Pennsylvania's problem. It is the problem of every State in the United States. It is not just steel's problem. It is the problem of every industry which makes products, seeks to sell them in competition with foreign firms, and is being victimized by these unfair foreign trade practices.

Thus, on this early morning in the Senate, where, in accordance with our custom, only two of us are present—our colleagues being busy with committee work and the other endeavors of the U.S. Senate—I urge those who will review this RECORD, as many of our colleagues customarily do, and I urge those who can hear these comments on the radio system, to join in this appeal to the President, to assure fundamental fairness for the specialty steel industry in the United States. It is an industry which is not asking for favors, but which is asking only for fairness. That fairness requires the stopping of those unfair foreign trade practices which are threatening to destroy the specialty steel industry and are threatening to destroy the steel industry generally in the United States.

Mr. President, American specialty steel achieves quality unexcelled any-

where in the world. Its equipment is not outmoded. The industry has made excellent use of the respite provided by an earlier decision of the International Trade Commission and ratified and continued under two prior administrations. Companies invested in plant and installed state-of-the-arts equipment like the continuous caster I saw in operation.

Companies like Allegheny-Ludlum ask only for enough further time to complete their modernization programs. Unlike their foreign competitors, they are not asking for subsidies. The money they want to invest in additional new equipment is their own. They have done and want to continue doing just what the Government should expect of them: modernize so they can compete effectively. Under these circumstances, what more do we want from them? Do they not deserve temporary protection from unfair competition?

Mr. President, when you drive around communities like Brackenridge, Pa., and talk to the residents, you cannot fail to see that the entire economy of the area is dependent on the prosperity of the local steel mill. In Pennsylvania, as throughout many States, particularly in the northeast and midwest regions, there are scores of communities like Brackenridge. When there are layoffs at the mill, everyone in the community suffers; businesses of all types are harmed.

It is fundamentally unfair for these Americans to suffer when the cause is the policy of foreign governments to subsidize basic industries like steel. Why should our country allow foreign nations to export unemployment, along with subsidized steel, to the United States? Why should we tolerate unemployment levels of 20 percent and higher in steel communities while subsidized foreign firms steal 20 percent of the U.S. specialty steel market?

Mr. President, I urge all my colleagues to recognize the general threat to all represented by this case.

S. 1551—PREVENTION OF CRIMINAL INFILTRATION OF LABOR UNIONS REPRESENTING CASINO EMPLOYEES

Mr. SPECTER. Mr. President, I am today introducing a bill to permit States which have legalized casino gaming to impose measures to aid in the prevention of criminal infiltration of labor unions representing casino employees.

This legislation is prompted by a recent U.S. Court of Appeals ruling that the State of New Jersey may not impose rules and regulations designed to prevent criminal elements from infiltrating legitimate casino operations through labor unions representing casino employees. The court ruled that Federal labor law statutes preempt the field in this area, to the exclusion of State law.

I cannot disagree with that portion of the court's opinion which emphasizes the need to preserve a fundamental principle of Federal labor law: the employees' right to form their own organization and select their own leadership. Yet what New Jersey and other similarly situated States are attempting to do is not inconsistent with that principle. The State laws in question cannot be viewed as attempts to regulate labor unions in a manner inconsistent with Federal law. In fact, these State laws are not even labor laws at all, but comprehensive casino control laws that impose the same standards on management as on labor in pursuing the important State goal of keeping all elements of casino gaming free from criminal influence. In New Jersey, for example, the law is not only written evenhandedly, it is administered that way as well. Major officers and shareholders of casinos have been required to disassociate themselves from some companies; in one instance a company even was ordered to turn over to another company the operation of its casino.

There is no question that casino gambling is particularly attractive to organized crime because of the vast amounts of cash and gaming chips that are constantly changing hands on the casino floor. We can count on organized crime to look for any avenue of infiltration, be it in management, labor, or related operations. States legitimately require all those involved in the unique business of legalized casino gaming to subject themselves to strictest scrutiny, precisely to avoid this danger and to keep the industry clean. New Jersey has simply retained the right to disqualify union officials who have associations with organized crime. Maintaining the public's trust requires no less.

Surely Congress, in enacting Federal labor laws, did not intend to preclude the States from adopting comprehensive and nondiscriminatory rules designed to keep all elements of casino operations free from criminal infiltration. My bill simply makes clear that States are not barred by Federal law from applying those rules in these special circumstances.

Mr. President, in submitting this proposed legislation I join with my colleague, the distinguished Congressman from New Jersey (Mr. HUGHES), who has introduced such legislation in the House of Representatives.

It is a bill which has national importance. The issue is one which has been the subject of many decisions in the constitutional law field. Pennsylvania has a special interest in this issue because of the proximity of Atlantic City, N.J., to Pennsylvania. There is a national interest as well, since New Jersey's experiment with legalized gaming casinos in the effort to revitalize that part of New Jersey provides a national example.

And on a personal note I might say I have had a special interest in New Jersey. I took the bar examination there in 1979, some 23 years out of law school, with an interest in practicing law in Atlantic City, N.J.

Then I found the superior profession of U.S. Senator in 1980, and that has occupied my time instead. Nonetheless, I have observed rather closely the proceedings in progress in New Jersey, and I submit to this body that this legislation is very important.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the bill on the Atlantic City casino issue.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this section or in any other Federal labor law shall be deemed to preclude any State from enacting, as a part of a comprehensive statutory system for regulating the operations of licensed casinos and casino hotels, standards which—

(1) govern service in any position described in paragraph (1) or (2) of subsection (a) with respect to a labor organization representing employees of such a casino or casino hotel;

(2) are based on criminal conduct or associations; and

(3) are more restrictive than those which would apply under this section, or would impose different sanctions than this section would impose.".

S. 1552—OPERATION OF PASSENGER VESSEL "HIAWATHA" ON THE SUSQUEHANNA RIVER

Mr. SPECTER. Mr. President, today I am introducing legislation to allow the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pa., to operate its passenger vessel, *Hiawatha,* on the Susquehanna River.

The *Hiawatha,* a 65-foot, diesel-driven, replica of a 19th century paddlewheeler initiated tourist traffic on the west branch of the Susquehanna River last summer. Operating only 10 weeks, the vessel carried 15,000 passengers and raised $18,981.50 last year. The Williamsport community raised nearly $500,000 in materials, labor, services performed and cash to build the *Hiawatha* and inaugurate service. During construction of the vessel, the Pennsylvania Fish Commission, which inspects 17 similar vessels throughout the Commonwealth, periodically checked to insure that the chamber

met commission standards. Subsequently, the fish commission certified the *Hiawatha* to operate passenger service for hire on the Susquehanna.

In December of 1982, the Philadelphia Inquirer published an article noting the success of the *Hiawatha*, and applauding the chamber's ability to gather community support for the project. Coincidentally, a Coast Guard official noticed this piece, and questioned whether the Pennsylvania Fish Commission had appropriately exercised jurisdiction over the *Hiawatha*.

The Coast Guard retains jurisdiction over the navigable waters of the United States. The west branch of the Susquehanna has been determined to be navigable and subject to Coast Guard supervision. Hence, the *Hiawatha* was designated as Coast Guard responsibility and required to meet its regulations before serving passengers for hire.

Since this determination, the Williamsport-Lycoming Chamber of Commerce has pursued Coast Guard certification without success. While review has proceeded steadily, analysis of the vessel's hull structure remains an obstacle to timely certification. The chamber has already spent nearly $30,000 to produce detailed blueprints of the hull and to continue operating the *Hiawatha* without charging admission.

As an alternative to these extensive hull review procedures, the Coast Guard, within the scope of its regulations, may accept evidence demonstrating that comparable vessels have operated under similar conditions with a time-honored record of safety. In accordance with these regulations, the chamber has provided the Coast Guard information regarding several craft of approximately the same size, power and displacement that have carried passengers with at least 5 years without significant complications.

In spite of this compliance, final certification has not been granted. The chamber projects its costs to be $83,000 in the course of the *Hiawatha's* 6 months of operation this season. Originally, the chamber expected to recoup its expenses through passenger admissions; however, its protracted negotiations with the Coast Guard have drowned these expectations.

According to information provided to me by the chamber, the *Hiawatha* has operated safely and without complication. Based on this record, and the past certification by the Pennsylvania Fish Commission, I am asking the Congress to resolve this jurisdictional dispute and permit the *Hiawatha* to run, for hire, on the west branch of the Susquehanna—so long as it continues to maintain the standards established by the fish commission.

The *Hiawatha* has served to promote tourism in a county that suffers from 16-percent unemployment. I am confident that continued operation will only spur economic development in the area, and ask my colleagues to give speedy relief to the community of Williamsport.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 2 and 4 of the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", approved May 10, 1956 (46 U.S.C. 390a and 390c) and section 3 of such Act (46 U.S.C. 390b) as regards inspection and certification, the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pennsylvania, may operate the passenger vessel *Hiawatha* on such segment of the west branch of the Susquehanna River as may be designated by the Pennsylvania Fish Commission, Bureau of Waterways, if the Williamsport-Lycoming County Chamber of Commerce prior to the operation of such vessel—

(1) complies with any inspection and certification law or regulation of the State of Pennsylvania applicable to the operation of a passenger vessel; and

(2) maintains certification for the *Hiawatha* as required by the State of Pennsylvania for the operation of the vessel.

Mr. SPECTER. Mr. President, I thank the Chair and I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to extend beyond 10:15 a.m. with statements therein limited to 2 minutes each.

CONFERENCE ROUNDTABLE

Mr. THURMOND. Mr. President, I want to take a moment to direct the Senate's attention to an article which appeared in the June 23, 1983, New York Times concerning the public affairs television program, "Conference Roundtable," produced by the Senate Republican Conference.

The Times article provides an accurate assessment of the purpose of "Conference Roundtable": to keep the American people well informed of the activities of the U.S. Senate.

Senator MCCLURE, Chairman of the Senate Republican Conference, is to be commended for his leadership in this effort, as well as the other vital communications activities of the Conference.

Mr. President, I ask unanimous consent that the Times article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 23, 1983]

SENATE G.O.P. PLAYS CABLE TV CIRCUIT

WASHINGTON, JUNE 22.—A pop version of one of the Brandenburg Concertos plays in the background as the camera pans to portraits of John C. Calhoun, Henry Clay and Abraham Lincoln and moves to shots of the Capitol. "This," the announcer says in a grave voice, "is Conference Roundtable."

It is also the latest effort to mix politics and television on Capitol Hill. For the last year, the Senate Republican Conference has sponsored a television show resembling interview programs produced by the commercial networks, including the appearance of questioners from some of the nation's leading newspapers and magazines. The only difference is all but one of the guests have been Republicans.

These shows, produced fortnightly in the Senate recording studio in the basement of the Capitol, are offered without charge to 333 cable stations and 60 Public Broadcasting System stations, which can use them on their menu of public affairs broadcasting. The programs usually are identified only as productions of the "Senate Conference of the Majority," subtly avoiding the word Republican.

NEW AVENUES OF INFLUENCE

"Conference Roundtable" constitutes an early thrust in the battle to harness the power of cable television and satellite communication for partisan politics, a process that may transform how the parties and members of Congress communicate with constituents and bid for their approval.

"It's an interesting use of public monies, and it's one we may be forced to emulate," said Robert A. Neuman, director of communications for the Democratic National Committee. "It may raise questions of propriety, but state-of-the-arts communications being what they are, Democrats will probably take to using such a thing."

The shows have considerable appeal to local cable television stations because they are free and provide them with rare noncommercial public affairs programming from Washington. The interchange has included journalists from publications such as The Washington Post, The Baltimore Sun and, for a debate on gun control last week, a magazine called Gun Week. The reporters are not paid for appearances and some publications, including The New York Times, do not permit their correspondents to appear as a matter of policy.

"The television stations need public affairs programming," said Senator Richard G. Lugar of Indiana, who is to to appear on a program on the International Monetary Fund, "and we always benefit from the exposure."

Television executives are impressed with the shows, but some are troubled that the programs, which are financed by the office expense funds of Senate Republicans, are not balanced because they are produced by a Republican organization and leave out the point of view of the Democrats.

"It would be nice if it were more of a balanced treatment," said Mark F. Roehm, studio and remote operations supervisor for Syracuse New Channels, which has broadcast the program since it began in March 1982. "But I'm concerned with presenting good public affairs programming, and this is good programming. We're always looking

for programming that tells about Washington."

ALMOST ALWAYS REPUBLICANS

Beth Huggins, program director of Cable TV-Puget Sound, which reaches 80,000 households south of Seattle, also has reservations. "It's good technically and the show does deal with controversial subjects, but I'm concerned that the picture isn't as complete as it might be," she said. "It is almost only Republicans."

The programs are not, however, dry recitations of ideology. A program on prayer in public schools, for example, presented a showdown between two Republicans of vastly different perspectives, Senator Lowell P. Weicker Jr. of Connecticut, part of the party's liberal wing, and Senator Jesse Helms of North Carolina, one of the leaders of the so-called new right in Congress. In the course of the debate, Mr. Helms, in an allusion to Mr. Weicker's education at the Lawrenceville School and Yale University, said, "I don't know if Lowell even went to public school" and then challenged Mr. Weicker, "Name me one child who has ever been harmed by prayer."

Senator James A. McClure of Idaho, chairman of the Senate Republican Conference, said that the programs do not stress a party line on issues but demonstrate the breadth of thinking within the Republican Party. "It gives the public a chance to hear different viewpoints and to see Republicans in action," said Mr. McClure, who has appeared on the program six times. "It's good for Republicans, even if sometimes we disagree."

NO REAL OPTION TO THE NUCLEAR FREEZE

Mr. PROXMIRE. Mr. President, one of the most depressing stories to come along in quite a while was reported Thursday from West Berlin by Allan Otten of the Wall Street Journal. Mr. Otten wrote that about 30 specialists in arms control from the United States and Western European countries have just spent 2 days privately assessing the chances of reaching an arms control agreement between the United States and Russia this year. One of the participants—an American official—said he estimated the chances of reaching such an accord to be about 10-to-1 against. He added that was his estimate and he added that he is the optimist of the group.

And as they say—that is the comparatively good news. For the bad news consider Otten's last paragraph. It reads:

> And what if, against all odds, there are agreements on limiting both intermediate and long-range missiles? "No conceivable agreement," one American said, "is going to reduce the U.S. Soviet arms competition very much, going to save military costs very much, going to reduce the risk of war very much." Sadly, practically everyone around the table nodded agreement.

Now Mr. President, it would be a mistake to assume that this is the sole fault of either side. In fact Otten reports that U.S. negotiators have been sincerely trying to reach an agreement with the Soviet, but had run into a barrage of nyets. It now appears fairly certain that we will indeed begin installing our intermediate nuclear missiles in Europe at the end of this year. Our position is complicated by the flip-flop of the West German Social Democratic Party which had been leading advocates of the missile deployment. In fact its leader Helmut Schmidt more than anyone else had led the international fight for them. Now—out of power—the party has swung to the other side and opposes the deployment. As some of the participants in the recent West German discussion noted this is precisely the kind of conduct that makes it unlikely we will reach an agreement in time to forestall the deployment.

Mr. President, the sorry state of these arms negotiations, as I say, is not an indictment of President Reagan's sincere desire to succeed in negotiating. It is more profound and serious than that. It represents an example of how very difficult and probably impossible are arms negotiations based on limited, fragmented objectives. Those who oppose the nuclear freeze have argued that we can do far better than we would do if we tried to negotiate a compromising nuclear freeze if we take short steps. Their advice: Aim at limited agreements. Slowly, patiently build on those limited agreements. Then rely on the confidence, the momentum, the process to permit us to bring the arms race under control. Nice theory. Obviously it does not work.

Mr. President, it may be necessary to wait until after the Reagan administration has left office to push for a comprehensive, mutual, verifiable freeze on nuclear weapon testing, production, and deployment. Presidential leadership and Presidential conviction is probably critical if we are to have any real chance of success. Let us hope and pray that in the meanwhile, the hair trigger power that could shoot this world into the ultimate tragedy of nuclear war today, tomorrow, next week, next month can somehow hold off.

Anyone still skeptical about a nuclear freeze should ponder long and hard on the alternative: a stalemate that the experts say probably cannot be reconciled at Geneva. And even if somehow we reach an agreement with the Soviet Union, the assurance that we and the Russians, too, will proceed pell-mell with the arms race at breakneck speed. That means we will spend the immense sum of $50 billion per year for each of the next 5 years refining and extending our nuclear arsenal, and the Russians will do the same. Negotiations like the START talks—no matter how successful cannot halt that. Then what can? The answer: The nuclear freeze, which is now supported by an overwhelming majority of the American people.

Mr. President, I ask unanimous consent that the Wall Street Journal article by Alan Otten appearing in the June 23 issue headlined "U.S.-Soviet Arms Control Pact Unlikely This Year, West Berlin Parley Reasons" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 23, 1983]

U.S.-SOVIET ARMS CONTROL PACT UNLIKELY THIS YEAR, WEST BERLIN PARLEY REASONS

(By Alan L. Otten)

WEST BERLIN.—About 30 government officials and nongovernment arms control specialists from the U.S. and four major West European nations have just spent two days here privately assessing the prospects for U.S.-Soviet arms control agreements this year. The consensus: pretty bleak.

That means the deployment of American Pershing 2 and cruise intermediate-range nuclear missiles will probably begin in Western Europe later this year, with—a prediction the meeting also seemed to accept—large protest demonstrations in West Germany and possibly elsewhere as well. Some participants foresaw new strains on the Atlantic alliance, while others predicted nasty Soviet countersteps, such as accelerated development of new missiles or moving big missiles right up to the German border.

"The chances for agreement are about one out of 10," an American official said, "and I'm the optimist in my group."

"I am pessimistic about the Soviet desire for an agreement," a West German diplomat declared. "They may even want deployment to preserve this as a destabilizing element within the alliance."

The meeting, held in the home of the Aspen Institute Berlin, was cosponsored by the Aspen Arms Control Consortium, headed by Prof. Paul Doty of Harvard, and the German Institute of Foreign Affairs, directed by Karl Kaiser. Attending were officials and private experts in the arms control field from West Germany, France, Italy and Britain as well as from the U.S.

Discussion centered on the INF intermediate-range nuclear missile negotiations going on in Geneva between the U.S. and the Soviet Union, but the two-day talks also ranged across such other topics as the START negotiations in Geneva on strategic nuclear missiles, the nuclear-freeze movement in the U.S., and a possible buildup in the conventional forces of the North Atlantic Treaty Organization.

KOHL VISIT TO MOSCOW

Most participants seemed to agree that Paul Nitze and his delegation to the INF talks had been making serious efforts to reach some acceptable compromise agreement but had met with a consistent Soviet *nyet*—and that it's now up to the Soviets to give some sign that they're interested in an agreement. People at the meeting were told that, with the Soviets until now completely preoccupied with the just-concluded meetings of the ruling Politburo and central committee, no Soviet move could be expected at the arms control talks before September, though some inkling of Soviet intentions might emerge when German Chancellor Helmut Kohl visits Moscow early next month.

The few optimists in the crowd suggested that the Soviets' need for Western technolo-

gy and other help in modernizing the Soviet economy might yet bring sugnificant concessions. They had to admit, though, that there was certainly no sign of that yet anywhere—either in the two sets of Geneva negotiations or in U.S. Discussions with Kremlin officials about U.S.-Soviet tensions in other parts of the world.

Others argued it wasn't realistic to expect significant Soviet moves towards agreement. "It might be in the Soviet relations," one French participant said, "but the Soviets aren't ready to take any dynamic initiatives. This is a transition government—and a paralyzed transition, partly due to the resistance from the old Brezhnev followers partly due to the state of Mr. Andropov's health."

MERGING THE GENEVA TALKS

Participants frequently suggested that it would be necessary at some point to merge the two sets of Geneva negotiations—INF and START—since each had problems whose solution would depend on developments in the other. However as Prof. Doty told a news conference after the meeting, there was general agreement that political and technical difficulties ruled out such a merger at least until next year.

Considerable worry was expressed by many of those present over the way the German Social Democratic Party has turned against missile deployment now that it has lost control of the government, even though it was SDP's own Helmut Schmidt who first suggested that NATO needed new missiles and even though it was an SDP government that agreed in 1979 to have Pershing 2 and cruise missiles based in West Germany.

One German government official complained that the SDP flip-flop was exactly the sort of thing that would encourage the Russians to continue to resist any arms control agreement. "The success of the negotiations," he said, "depends on our (the Europeans) being able to convince Moscow that we won't be deterred from deployment by promises or threats."

SDP officials concede that the party will probably wind up opposing deployment if no arms control agreement has been reached by late this year, even if it's clear that it was the Soviets who blocked agreement. Party members at the meeting here warned of major protest actions by young people, church groups and others when deployment begins.

"In the long run," said one, "you might have the weapons in Europe but lose quite a bit of support for the alliance. If many young people turn away from the alliance, won't the alliance be worse off?"

NO SURPRISES, PLEASE

European government officials at the meeting generally applauded the way the U.S. has been keeping its allies informed on the Geneva talks, but even those friendliest to the U.S. complained that President Reagan frequently creates problems for his European friends with extreme anti-Soviet rhetoric and unexpected announcements.

"It is important that there be no surprise moves in this delicate field, like the Star Wars speech," a German said, referring to President Reagan's recent statement on researching space-based ballistic defense systems. A French participant declared that "Mr. Reagan gave a very great bonus to the Soviets in his Star Wars speech and opening the ABM defense issue again."

And what if, against all the odds, there are agreements on limiting both intermediate and long-range missiles? "No conceivable agreement," one American said, "is going to reduce the U.S.-Soviet arms competition very much, going to save military costs very much, going to reduce the risk of war very much." Sadly, practically everyone around the table nodded agreement.

UNKNOWN WAR, FORGOTTEN VICTIMS

Mr. PROXMIRE. Mr. President, Parade magazine recently published an article on the aftermath of the conflict in East Timor.

The situation in East Timor, one half of an island 400 miles north of Australia, is a case which falls into the cracks in international law. In August 1975, Portugal yielded its sovereignty over this territory. On December 7, of that same year, shortly after East Timor declared its independence, Indonesia invaded.

President Suharto's blitz of East Timor was an attempt to annex this region and present the world community with a fait accompli. Stiff resistance by nationalist guerrillas foiled this attempt. However, it has also prolonged the conflict. Today, Indonesia exercises only nominal control over the island.

As a consequence of the struggle between Indonesian and nationalist forces, the population of East Timor has fallen from 600,000 persons to as few as 350,000. The survivors risk disease, torture, and death in internment camps. Despite the gravity of the situation, food shipments from abroad have been permitted only intermittently since 1979; 1982 saw the first visits to political detainees by representatives of the Red Cross.

Mr. President, the Genocide Convention will not eliminate the horrors which persist in East Timor. Nor will it provide the solution to the world's problems in general. The Convention will, however, provide a first step toward the protection of various national groups which may be threatened by genocidal conduct. If only for this reason, we Americans have a moral obligation to condemn the actions of the Indonesian Government in East Timor and to give our support to the Genocide Convention. I urge my colleagues to join me in this effort.

REMARKS OF GOVERNOR BILL SHEFFIELD AT POSTMASTER GENERAL'S DINNER

Mr. STEVENS. Mr. President, on June 1, I hosted a dinner for Postmaster General William Bolger and his staff at the Captain Cook Hotel in Anchorage, Alaska. Our Governor, Bill Sheffield, was scheduled to attend but, unfortunately, at the last minute had to remain in Juneau on State business.

As his representative, Dan Casey, Commissioner of Alaska's Department of Transportation and Public Facilities, was kind enough to join us and present the Governor's talk. We were so impressed not only with Governor Sheffield's comments but the manner in which Dan Casey delivered them that I felt I should share the Governor's words with my friends in Congress.

I ask unanimous consent to insert at the end of my remarks the text of Alaska Governor Bill Sheffield's speech to those assembled at the Postmaster General's dinner.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF GOVERNOR BILL SHEFFIELD

It's my honor and pleasure on behalf of the Governor, to welcome you to Anchorage, Alaska. Or as a mailman might say—welcome to 99501.

The Governor sends his best regards. I can assure you he would much rather be here than battling the House Leadership over confirmations.

Even though we in Alaska are at the end of the zip code, it's comforting to know that we are not at the end of the line when it comes to improvements in mail service. Your announcement yesterday about upgrading service in Alaska is great news and we commend you for it.

During a visit by Postmaster General, prior to statehood, the Postmaster General happened to walk into the Girdwood Bar for a relaxing respite from his tour. As he stepped up to order a drink—there laid out at the end . . . was all the local mail for residents to stop by and pick out. I'm sure Girdwood service has come a ways since then, but many a mailman's kitchen counters in rural villages still have the mail laid out.

The creation of a separate postal service district in our state is yet another chapter in the 116-year history of the post office in Alaska. Those of you in the audience who are from Alaska may know the opening chapter—that was the creation of our first post office in 1867.

In fact, the opening of that post office in Sitka occurred while the territory was still in the hands of Russia. The Postmaster who was appointed to Sitka set up shop three months before Alaska was formerly transferred to American hands. His name was John Kinkead, and he later became the first Governor of the territory.

As far as I know, Mr. Kinkead was the first and only mailman to make a jump from the postal service to politics in Alaska. Before he did that however, Mr. Kinkead laid the foundation for what has evolved into a long and colorful history for the postal service in Alaska.

That history includes unique characters, as well as unique operating conditions. When the gold rush brought thousands of people thousands of miles to Alaska, some way had to be made for them to stay in touch with their friends and family. At least, most of them wanted to stay in touch.

So, the post office began expanding into Western Alaska. Dog teams, and sometimes reindeer, were used to haul the mail across the territory. Because of that, some rather interesting requests for mail-hauling contracts were advertised by the postal service.

For example, in July of 1913, the Post Office Department published this request of bids. I'll paraphrase it:

"Wanted: Anyone interested in hauling the mail between Valdez and Fairbanks. A

distance of 358 miles. The contractor will leave Valdez every Monday, Thursday and Saturday. Each mail run to Fairbanks shall be completed in 12 days by dog team. Three extra days will be allowed when the ice is forming in the fall and breaking up in the spring. You must be at least 21 years of age. Married women need not apply."

I suppose, considering Roxie Wood's recent dog sledding championships, we'd do well to drop that last qualifier today.

As you can tell from that advertisement, mail delivery in Alaska was unlike mail delivery anywhere else in the United States. Today, it doesn't take 12 days for the mail to get from Valdez to Fairbanks. At least I don't think it does. Otherwise, Bob Opinsky would be out of a job.

By the way, congratulations Bob on your new appointment.

But you should keep in mind that the days of delivering the mail by dog team and skin boat are not that far gone. In fact, it was just 20 years ago this month that the last mail route handled by a dog musher was phased out. That mail route was on Saint Lawrence Island.

The man who delivered the mail on Saint Lawrence was Chester Noongwook. And after he made his last mail run in June of 1963, the Postal Service presented an award to him. And with that, the last dog mushing mailman was replaced by an airplane.

As you may know, mail delivery by airplane was pioneered in Alaska by a mid-west farm boy named Ben Eielson. Eielson became famous around the world in 1928 for making the first non-stop flight over the North Pole, from Point Barrow to Norway. For this flight, he received aviation's highest award, the Harmon Trophy. That's the same trophy that Charles Lindberg received after his solo flight across the Atlantic in 1927, a year before Eielson's polar flight.

I mention Eielson and Chester Noongwook because they represent two very important parts of Alaska history, and the history of the mail service in our state. And because one man represents the beginning of an era and the other the end of an era, on behalf of the Governor, we think it's only appropriate that each be considered for a commemorative postage stamp.

I understand that Ben Eielson's name already has been submitted for consideration by the Post Master General and the Citizen Stamp Advisory Committee. If a postage stamp honoring Ben Eielson is approved, that would be great. We only hope that equal consideration can be given to the last dog-mushing mailman, Chester Noongwook.

With that request, I'll finish my welcome to you. Just let me say that it's my hope that your convention is going well and that you enjoy your stay in Alaska. The Governor wanted to make sure that you know all Alaskans appreciate your efforts to keep us in touch with ourselves. We are a big land, with mountain ranges and oceans separating our communities. But still the mail goes through, and for that we are all very grateful.

Thank you.

THE B-1 BOMBER

Mr. KENNEDY. Mr. President, I am concerned about the way the Armed Services Committee was used this morning by the Office of Management and Budget to ram through the B-1 bomber on the basis of new figures, that suddenly and conveniently arrived here at the last minute. The defense authorization bill, as it now stands, is the product of shameless budgetary manipulation.

I believe in a strong national defense. When I joined the committee, I also believed that we could work together in the spirit of cooperation, with the national security as our foremost concern. For the last week, we proceeded in that spirit—and although I had my strong disagreement with specific provisions of the bill, I was fully prepared to vote for it.

But suddenly this morning, Mr. David Stockman, whose reputation for integrity with respect to budget numbers is not as high as one might wish, sent over a new and convenient estimate of inflation. That estimate just happens, presumably by sheer coincidence, to accommodate the administration's fierce desire for multiyear funding of the B-1 bomber—without any offsetting reductions in other areas.

Faced with imminent defeat on the B-1, the administration rushed forward with this expedient. If, indeed, there is more money available, because a decline in inflation will lower the cost of certain weapons, we should decide rationally whether to allocate it to other defense systems, to readiness, or to reductions in a massive Federal deficit.

I share the attitude of one of my Republican colleagues on the committee, when he asked this morning after hearing Mr. Stockman's new estimate: "What did you know, and when did you know it?"

I am appalled by this flimflam. I regard this process as bad defense policy, bad budgetary policy, and an insult to the hard work of this committee over the past week.

I can understand why Mr. Stockman, who has practiced it before, seeks to engage in government by statistical trickery. I do not think we should permit this to happen once again.

I, therefore, object to the meeting of the committee scheduled for this afternoon, in order that all the members of this committee may have the opportunity to assess this development.

HAROLD WILLENS TESTIFIES FOR A NUCLEAR WEAPONS FREEZE

Mr. KENNEDY. Mr. President, an important contribution to the upcoming Senate debate on the Kennedy-Hatfield nuclear freeze and reductions resolution has been made by Harold Willens, a business executive and the leader of the successful California Bilateral Nuclear Weapons Freeze campaign, in testimony before the Senate Foreign Relations Committee. As a member of the board of the Nuclear Freeze Foundation in Washington, Mr. Willens has provided valuable experience and leadership on this critical issue in recent months.

In his testimony, Mr. Willens makes a strong and compelling case that if the Members of the Senate are truly to represent the American people, they should support a mutual and verifiable nuclear weapons freeze as the first step toward major reductions in the nuclear arsenal of both the United States and the Soviet Union. As Mr. Willens told the committee:

> The evidence is unequivocal and undeniable: regardless of party affiliation, the American people want a nuclear weapons freeze—and they want it now! The question is: Will Congress be accountable to the will—and the wisdom—of the people?

Mr. President, as we move toward Senate debate on the nuclear freeze and reductions resolution which Senator HATFIELD and I have introduced, I urge my colleagues to consider Mr. Willens remarks. A bilateral and verifiable nuclear weapons freeze will enhance America's security and reduce the risk of nuclear war. This proposal has the broad support of the American people, and it is up to the Senate to act.

I ask unanimous consent to have Mr. Willens' statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF HAROLD WILLENS BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

I am honored to testify today as a businessman, as the leader of the California Bilateral Nuclear Weapons Freeze Campaign, as a delegate to the 1978 U.N. Special Session on Disarmament, and as a strong supporter of the Kennedy-Hatfield Nuclear Freeze and Reductions Resolution.

To me it seems the bottom line question before you is this: Will the Senate Foreign Relations Committee betray the right of the American people to have their elected representatives actually represent them? The people have made their position very clear. And I cannot believe this Committee would even consider rejecting what the American electorate so strongly favors. That would be a denial of democracy.

In the largest de-facto referendum on a single issue in our country's history, 60% of approximately 20 million Americans voted last year for a verifiable Soviet-American nuclear weapons freeze. This year—not many weeks ago—a Harris poll showed that by a 79 to 16 percent margin the American people want Congress to pass a resolution calling upon the U.S. to negotiate a nuclear freeze agreement with the Soviet Union. Republicans in that poll favor the freeze by a 72 to 23 percent margin. The evidence is unequivocal and undeniable: regardless of party affiliation, the American people want a nuclear weapons freeze—and they want it now! The question is: Will Congress be accountable to the will—and wisdom—of the people?

As head of the California Campaign, in which close to 4 million voters supported the freeze, I saw first-hand evidence of the deep concern felt by ordinary citizens in President Reagan's home state; citizens who

realize the arms race reduces our national security and weakens our national economy. I experienced the honor of a personal meeting with President Reagan to discuss the nuclear freeze. I regret to say that while he welcomed me graciously it was clear that the common sense case for a freeze had not been made clear by those around him. Mr. Reagan also seemed unaware of how strongly the American people feel that the way to stop the arms race is not build more, but to end it now, on both sides, across the board.

As part of the U.S. delegation to the 1978 U.N. Special Session on Disarmament, I was actively involved in discussing different alternatives for arms control. The distinguished chairman of this Committee also participated in the 1978 Special Session. This is the first time since then that I have had the opportunity to express my respect publically and directly to Senator Percy, who took the time to come to New York and participate actively in our discussions. I know how carefully he will listen and weigh the testimony and debate now underway before this Committee. And based on the concern he expressed then, I hope that Senator Percy himself will decide to support the freeze. I can personally testify to his real concern about the arms race—and as a leader on this issue, your Chairman and your Committee can open the path toward a businesslike, conservative, risk-free way to stop spending precious resources in a race that can't be won by either side. Senate approval of the nuclear freeze can be a historic first step toward incremental reduction of Soviet and American arsenals that are far too great even now.

I do not believe that any member of this Committee would want to tell the American people: despite the support millions of you gave to this issue at the ballot box and in subsequent opinion polls—I will not even vote to send the nuclear freeze resolution to the Senate floor. You have a rare opportunity to do both what is popular and what is right. I urge you to join with the people you represent by supporting the Kennedy-Hatfield Nuclear Freeze and Reduction Resolution.

FEW'S RESOLUTION ON EQUAL PAY

Mr. KENNEDY. Mr. President, more women are in the paid labor force than ever before. In 1965, only 39 percent of women were working, but the rate is 52 percent today and may well reach 65 percent by 1995.

Despite the passage of the Equal Pay Act and the Civil Rights Act, the pay cap between women's and men's wages has not decreased in the last 20 years.

The economic status of women and its effect on family income was the subject of congressional hearings before the Labor and Human Resources Committee, the Joint Economic Committee, and the Senate Finance Committee during the last Congress. These committees are considering legislative proposals meant to reduce or eliminate economic inequities American women are experiencing at home, at work, and in retirement.

The millions of women who joined the work force in the past decade have forced us to confront the reality of pay discrimination. Pay equity is not only a question of economic justice—it is a matter of economic necessity for women struggling to support themselves and their families.

A woman's rightful place in our society is wherever her talents can take her. And a woman's pay should be a full and fair share of the worth of her work. The women who constitute more than half of our whole country must no longer be treated as less than whole citizens in our economy.

Federally Employed Women, Inc., as a national organization representing over 800,000 Federal women workers has set as its goal, achievement of pay equity for women in both the public and private sectors by the end of the decade. I ask unanimous consent to have printed in the RECORD FEW's resolution, approved by its national board of directors calling for equal pay for work of comparable worth, and I urge my colleagues to consider it carefully.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION: EQUAL PAY FOR WORK OF COMPARABLE WORTH

Whereas, pay for women workers throughout the public and private sectors of the United States is not commensurate with pay for male workers in jobs involving equal work, similar work or work of comparable worth; and

Whereas, women workers are not compensated in an equitable manner for their expertise, knowledge, and responsibilities; and

Whereas, women workers of America earn 59¢ for every dollar men workers earn and this represents a regression from 1955 earnings when women earned 64¢ for every dollar men earned; and

Whereas, women workers in both the public and private sectors are segregated into some 20 plus occupations while male workers have access into over 400 occupations; and

Whereas, women workers retire and must live on annuities based on their lifetime of work within the federal government, an annuity which averages over $400 less per month than male retirees from the federal government; and

Whereas, in almost all white collar federal occupations, male workers out-earn women workers ranging from $2,000 to $12,000; and

Whereas, even in federal occupations where women workers outnumber male workers by large margins, male workers almost always earn substantially more (i.e., the library series); and

Whereas, the Heads of EEOC and OPM admitted at Congressional Hearings held on pay equity for women on September 30, 1982 that women are discriminated against in wages; and

Whereas, the Equal Pay Act of 1963 and the Civil Rights Act of 1964 have failed to eradicate the pay inequity suffered by women in the public and private sectors of the workforce; and

Whereas, enforcement of the Equal Pay Act of 1963 and the Civil Rights Act of 1964 seems to be deemphasized and there is dismantlement of the equal opportunity programs within various Executive Branch Agencies/Departments with a general trend to a structural organization from whence equal employment opportunity evolved and where it did not work years ago: Now, therefore, be it

Resolved, That Federally Employed Women, Inc. (FEW) fully supports the concept of equal pay for work of comparable worth, and supports all legal and legislative efforts to achieve this concept; and be it further

Resolved, That FEW encourages litigation, either in individual cases or class action cases, to force employes (the federal government) to compensate women workers for equal work, similar work, or work of comparable worth, in both the white collar and blue collar occupations.

Approved by FEW National Board of Directors, Indianapolis, Indiana, February, 27, 1983.

NATIONAL OUTDOOR RECREATION RESOURCES REVIEW ACT

Mr. PERCY. Mr. President, earlier today I submitted testimony to the Intergovernmental Relations Subcommittee which held a hearing on S. 1090, the National Outdoor Recreation Resources Review Act. This legislation was introduced by Senator WALLOP on April 19. I am a cosponsor of this bill and have urged in my testimony that the Intergovernmental Relations Subcommittee, chaired by Senator DURENBERGER, act swiftly in reporting this important measure to the full Governmental Affairs Committee for action.

Many of the major policy elements of outdoor recreation now in law are a result of a nationwide assessment of recreation undertaken in 1958 and completed in 1962. That assessment was done by the Outdoor Recreation Resources Review Commission (ORRRC), a bipartisan body consisting of eight Members of Congress and seven private citizens appointed by the President. Laurance S. Rockefeller served as Chairman of the Commission.

Since that time, there have been considerable changes in demographics, economic resources, and technology. There is a great deal of interest in creating a new Commission to make a comprehensive survey of recreation resources in the United States. Many people in Illinois have expressed an interest in this legislation; it enjoys strong bipartisan support.

Mr. President, I ask unanimous consent that my testimony before the subcommittee be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR PERCY

Mr. Chairman, I am delighted to offer a few brief remarks regarding S. 1090, the National Outdoor Recreation Resources Review Act of 1983. I am pleased to be a cosponsor of this important legislation which will create a forum for assessing alternative strategies for meeting our healthy appetite for outdoor recreation.

Recreation is part of the American character. Whether through the spectacular scenery of our western national parks or the trails in the forest preserves in Cook County, Illinois, more than 175,000,000 of us participate in outdoor recreation each year. The diversity of our outdoor fun is astonishing . . . from birdwatching to fishing, waterskiing to snow skiing, frisbee throwing to golf.

I've reviewed the statistics on recreation participation and come away struck by the fact that participation has increased faster than population growth, faster than the growth in discretionary income, faster than the growth of recreation facilities. Part of the reason is advances in technology, adding new recreation forms and making old recreation forms more enjoyable, safer and—in many instances—less expensive.

As economic recovery comes to our nation and consumer confidence rises, we are seeing a sharp upturn in purchases of recreational equipment and in visitations to recreation sites. Companies like Outboard Marine Corporation, Winnebago, Huffy, Coleman and many others are adding employees because consumers want the products which make leisure time fun for families. The Disney organization finds itself hard-pressed to serve the surge of people visiting EPCOT in numbers well above that corporation's expert projections.

Our national love affair with outdoor recreation is indeed demonstrated in the marketplace. In my state, we have a wide variety of recreation-based jobs. I once served on the Board of Directors of one fine Illinois company whose recreational products are household names: Outboard Marine Corporation, makers of Evinrude and Johnson engines. That one company employs some 10,000 persons and helps make recreational boating popular around the world. And it probably will soon be employing more people, since outboard motor shipments are running 11.4 percent ahead of 1982.

But we have a problem. Growing demand needs to be matched with growing opportunities. Yet today, we can see obstacles to expanded opportunities.

One key element is public recreation program budgets. Our national, state, and local parks and forests are key recreation sites. Today, funding for these programs must compete with the need for funding for education, and social security, and defense and medicare, and a multitude of other legitimate public programs. It is a competition where recreation is often disadvantaged, declared nice but not essential.

The result is a 16 percent closure of Corps of Engineers recreation sites last year—closures which resulted in protests and even a lawsuit in Texas—and shorter campground seasons in many national parks and national forests. The result is a deferral of capital improvements on public lands, improvements like boat ramps needed to facilitate recreation activities on public lands and waters. The result is a reduction in manpower in many recreation areas.

We need creative new responses to the challenges of outdoor recreation. And we learned through the Outdoor Recreation Resources Review Commission which worked from 1958 to 1962 that a bipartisan national commission can uncover and highlight creative responses. That is why the proposed legislation, S. 1090, makes sense.

The commission structure is a good one. It provides for direct Congressional involvement from both chambers, a pattern which has proven helpful to legislative consideration of resulting recommendations of the commission. It focuses Administration attention on recreation by establishing Presidential appointment of the non-Congressional commissioners, facilitating the necessary assistance of Executive branch officials as the commission proceeds. And it creates an advisory council which will help assure the widespread involvement of those who understand the workings of the recreation system today—public and private providers, equipment manufacturers and recreational enthusiasts, among others.

I close by noting the widespread support for the bill Senator Wallop has crafted. The co-sponsors include those probably most knowledgeable about federal outdoor recreation programs—including the senior Senator from Washington, who served on the first national commission on outdoor recreation twenty five years ago. It also includes top leaders of this chamber from both sides of the aisle. It is an idea whose time is at hand, providing us with a vehicle for good long-range policy-making and opening the door to improved understanding of the roles which can be played by government, by industry and by others to assure a rosy future for recreation in America.

I hope the Congress will act quickly so that the commission can be created and begin work soon, reporting back to us and to the Administration in early 1985 so that the 99th Congress can have adequate time to consider the commission's recommendations.

THE FFG-7

Mr. MITCHELL. Mr. President, in the current issue of the Proceedings of the U.S. Naval Institute, Lt. Comdr. Bruce R. Linder questions the utility to today's Navy of the *Oliver Hazard Perry* class (FFG-7) frigate. When Commander Linder's journal article recently was brought to my attention, I was concerned because, as most of my colleagues are aware, Maine's Bath Iron Works is the lead shipyard in the FFG-7 production effort. Other commercial shipyards involved in the production of FFG's are the Todd Corp.'s Seattle, Wash., yard and its San Pedro, Calif., yard. Those of us familiar with the program believe that the class is an effective one in which the U.S. Navy and U.S. people can be proud.

Commander Linder's article, entitled "FFG-7's: Square Pegs?" does not suggest that the builders of the class have erred in any way, or that the vessels are insufficient to fulfill the primary escort mission for which the Navy intends them. His point in the article is that during peacetime when they have no convoys to escort, FFG-7's are routinely deployed in carrier battle groups or surface action groups. He notes that the group's warfare commanders have difficulty integrating the vessels effectively into the group because the FFG's do not possess the hardware, personnel, and equipment redundancy necessary for them to contribute appreciably to the group's capabilities. Moreover, Commander Linder suggests that:

> Nagging questions remain. * * * Were our design presumptions correct? Does she have the right mix of capability and flexibility to be included as a functioning member of our deployed forces?

I applaud Commander Linder and the U.S. Naval Institute for questioning the existing rationale for deployed weapons systems, but I would remind everyone that the FFG's were designed in response to a specific, serious, deficiency in U.S. forces which began to develop during the Vietnam war. Capt. Walter R. Thomas—USN retired—in a September 1982 Seapower article described this situation well.

> In the period from 1970 to 1978, because of the Vietnam War, the U.S. Navy was depleted to an almost skeleton force of modern ships that could be dedicated exclusively to anti-submarine warfare and convoy tasks. These limited roles, in view of the Soviet submarine threat would become priority efforts to protect convoys in the event of a land war in Europe. There also was an increasing number of ocean zones to be covered as the United States became heavily committed to freedom of the seas and safe transit in and around the Indian Ocean, as well as in the Caribbean area, where insurgencies threatened the stability of southern neighbors.
>
> Although the FFG is not a capital warship . . . it enhances the credibility of decision makers who have been previously criticized for not preparing adequately for the vagaries of conventional war. . . . The FFG is a sorely needed weapon that has been developed and produced to accomplish certain necessary missions, and because of its availability in numbers it can accomplish them more readily than can other types of ships.
>
> In sum guided missile frigates can relieve capital ships in certain environments so that cruisers and carriers can do the tasks that capital ships do better, such as anti-air warfare and shore bombardment.

The FFG-7 is not a capital warship and was never intended to be. If Commander Linder is correct when he claims that existing surface-force-wide training, deployment and force structure objectives require the increasing FFG involvement in carrier battle groups and surface action groups, then perhaps some of the *Perry* class will have to be structurally altered and their systems supplemented or replaced. However, in the course of any modification effort, neither the Navy nor the Congress should lose sight of the fact that the builders of the FFG class have successfully built vessels which accomplish the program's identified objectives and fulfill the mission for which the class was designed. The vessels operate effectively and are among the soundest in the Navy. If our national security needs justify a change in the FFG's, then I will certainly support such a change. But in the meantime, let us not forget how successful the FFG-7 program has been and the degree to which this pro-

gram has contributed to the rejuvenation of the U.S. fleet.

FOR DEMOCRACY AND HUMAN RIGHTS IN CHILE

Mr. KENNEDY. Mr. President, in recent weeks there has been a renewed outpouring of support for a return to democracy and respect for human rights in Chile. Labor and democratic political leaders have joined with workers, students and other sectors of Chilean society to demand an end to the repressive dictatorship of the military regime of General Pinochet. Although the copper workers and truck operators have ended their strike action, there should be no mistake as to the historic importance of current developments in Chile, and there should be no doubt as to the strong support of the American people and Congress for freedom and democracy in Chile.

While welcoming the decision to permit the repatriation of 128 Chilean political exiles, we must make clear that this and related actions are not enough. Thousands of exiles are denied the right to return to their homeland. Nineteen labor leaders—including Rodolfo Seguel who heads the nation's largest union, the Copper Workers Confederation—are imprisoned for exercising legitimate labor rights guaranteed under the American Convention of Human Rights and the Universal Declaration of Human Rights. Their detention constitutes additional evidence of the antidemocratic character of the Pinochet government.

For 10 years trade unions in Chile have struggled for the right to elect freely their own officers and to bargain collectively in behalf of individual workers; and now they are not only uniting in this struggle but in the fight for a return to democracy. We admire the courage and hope that inspires the workers of Chile, and we urge unwavering international support for their cause and their commitment.

The unrest in Chile goes much deeper than economic concerns. It is widespread, affecting virtually every segment of Chilean society. Even El Mercurio, the nation's largest newspaper and traditionally a strong supporter of the Pinochet regime, acknowledges that the people of Chile are demanding an end to dictatorship and the restoration of democracy.

It has been nearly 10 years since the popularly elected government in Chile was overthrown by the military. Since that time gross violations of human rights and civil liberties have become commonplace. In 1976 and again in 1981, the Congress enacted legislation making clear that significant human rights progress would be necessary for any resumption of U.S. assistance for Chile. Nevertheless, the human rights situation in Chile has continued to deteriorate. The Chilean Commission on Human Rights reports that there were twice as many political arrests in 1982 as in 1981. Arbitrary detention, torture, internal exile and banishment remain common practices.

The regime in power in Santiago was found by a U.S. Federal district court in 1979 to be responsible for the Letelier-Moffitt terrorist murders on the streets of Washington. The court ordered the Pinochet government to pay the Letelier and Moffitt families $5 million in damages, a judgment which the Chilean regime continues to ignore. Administration spokesmen have acknowledged in public testimony that the Government of Chile has failed to investigate fully or prosecute those implicated in these brutal assassinations.

Together with others in Congress I have consistently opposed bailouts and back door efforts to assist this repressive, dictatorial regime. I have repeatedly brought my views to the attention of this and previous administrations. Whenever the administration acquiesces in or tacitly supports repression in Chile, it only emboldens the military dictators and signals to the people of Chile that the United States is against their cause. The recent arrests of union officials represent only the most recent of many examples. We must continue to do all we can to insure that U.S. policy assists in the promotion of democracy in Chile, not in its suppression.

Mr. President, the situation in Chile has reached yet another critical stage. Now, more than ever, we must stand behind the democratic forces in Chile, and we must insure that U.S. policy toward that country is squarely in support of their efforts.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

CONSTITUTIONAL AMENDMENT ON ABORTION

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 3) to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

The Senate resumed consideration of the joint resolution.

Mr. PACKWOOD. Mr. President, I yield such time to the Senator from Connecticut as he may need.

(Mr. PRESSLER assumed the chair.)

Mr. WEICKER. Mr. President, I thank my distinguished colleague from Oregon, both for the time yielded and also for the very consistent and courageous role that he has played in this matter over the years. I think it should be pointed out that even though this is probably the most publicized event in the sense of the constitutional amendment of the distinguished Senator from Utah, the fact is that the Senator from Oregon over the years has been the guardian of the privacy rights of women of this Nation and at times when that placed him into considerable political jeopardy. Therefore, this is just not a matter of the moment for him, but rather one of the years. There has been no one more articulate or eloquent in the sense of the position which he espouses.

Mr. President, during the 97th Congress, open season was declared on some of our fundamental rights, including the right of privacy. The attack came in the form of several legislative proposals to strip the Supreme Court of jurisdication where busing, school prayer, and abortion were concerned.

Again, I remind my colleagues this morning that even though this is the most publicized of the forums in the sense that we are debating a constitutional amendment, I fully expect before this Congress is over that we will have many legislative proposals not just in the sense of abortion but in the sense of these other "social issues," as well.

Fortunately, some of my colleagues in this Congress are now heeding that portion of George Washington's Farewell Address which states that:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates.

I therefore commend the authors of this resolution for realizing that Congress cannot amend the Constitution via a simple legislative majority. Perhaps the best thing I can say about this debate is that we now have the procedurally correct vehicle for attacking a woman's fundamental right to privacy. Now we must ask whether it is wise to pursue it on the basis of substance.

Mr. President, the amendment before us today is deceptive in its simplicity. It states simply this: "A right to abortion is not secured by this Con-

stitution." Why not? Because a majority of the American people want to ban abortion? No, that is certainly not the case. Every Harris, Gallup, New York Times, ABC—you name it—poll since 1973 has elicited roughly a 2-to-1 majority against a constitutional amendment to ban abortion. Whether or not these same respondents would choose abortion for themselves or a family member is another question—and one that might get a different answer. But they support the right to choose.

I cite these results not because I believe in deciding every issue via national referendum. Indeed, most of the times I stand on the floor of the Senate are in direct contravention as to what the national polls indicate on any position. Indeed, if we were poll takers, then my colleagues and I could all pack up our consciences and go home. It just seemed to me that many of the proponents of these measures have in the past been quick to cite the polls in support of school prayer and those against busing. Yet they fail to mention public opinion on abortion.

In the absence of majority support, this amendment must then cater to certain minorities, many of whom hold beliefs that are religiously based. If so, then the more direct tack to take would be to amend the first amendment, removing the language prohibiting the establishment of religion. As Justice Blackmun noted in Roe against Wade:

> One's philosophy, one's religious training (if any), one's attitude towards life . . . family and their values, and the moral standards one establishes and seeks to observe, are all likely to influence and to color one's thinking and conclusions about abortion.

One look at the long list of organizations belonging to the Religious Coalition on Abortion Rights will tell you that even the religious community in America does not speak with one voice on this issue.

If the opinions of any "minority" or subset of the American people deserve special emphasis in this instance, it should be the outlook of women, who, after all, have the most to lose if this amendment becomes law. And like the public at large, women surveyed have opposed an abortion ban by 2 to 1.

The papers lately have been full of talk about the so-called gender gap. Even those in the highest Government circles are beginning to acknowledge that it exists. Surely that gap widens every time a legislature overwhelmingly made up of men makes a law that primarily affects women. The decisions we make about abortion certainly fall into this category.

If we determine that this is a religious issue, then we must adhere to the constitutional requirement of separation of church and state. If we determine that this is a secular issue, then we must recognize that we are talking about public policy, and thus the balancing of conflicting interests. The issue, therefore, is not when does life begin or whether abortion is morally wrong. The ultimate issue is who decides if and when women will carry their pregnancies to term. Public policy is not based on one set of beliefs, but rather it encompasses the plurality of our citizens—including those women whose lives will be changed by it.

The proponents of this amendment have stated clearly that their purpose is to reverse the decision in Roe against Wade and its progeny in so far as those cases hold that the Constitution protects an abortion liberty. History is replete with attempts by Congress to "get at the Court's decision" or to "teach the Court a lesson." This tampering undermines the intent of our tripartite system of Government, a concept reiterated by the Court itself just last Thursday. The majority opinion found that:

> The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories—legislative, executive, and judicial—to assure, as nearly as possible, that each branch of Government would confine itself to its assigned responsibility. The hydraulic pressure inherent within each of the separate branches to exceed the outer limits of its power even to accomplish desirable objectives must be resisted.

Congress is subject to popular elections and the pressures of countless interest groups. A neutral body it is not. We should not subject the courts to a popularity test simply because some Members of Congress are offended by their decisions. I am of the same school of thought as Judge Jose Cabranes, a distinguished judge from Connecticut, who commented recently that:

> When the Supreme Court has acted in a role seen as activist, it is because the States failed in the task of protecting individual rights even as they failed for generations to meet other articulated needs in an industrial democracy.

We need to remember why the Federal courts frequently go against the grain of popular sentiment. More often than not, they are doing what they alone among U.S. institutions were designed to do—safeguarding the fundamental rights of the individual against the potentially tyrannical attitudes of the majority—and in this particular case against the tyrannical attitudes of the minority.

Even if we could assume that the States and the Congress could be trusted to safeguard individual rights, that assumption would not be sufficient to justify the Congress in limiting the role of the judiciary. For to do so would be to overlook one of the strengths of our federal system—that it provides a two-tiered source of protection for our citizens, one State and one Federal. Federalism is not served when the Federal half of that protection is crippled. All three of its branches must be left intact.

The court is our barrier against tyranny. If that barrier is removed in this instance, we will have established a precedent for a series of amendments that would continue to undermine the independence of the judiciary.

Some people in this country found the Court's decision on miscegenation objectionable. Will we now have an amendment stating that a right to interracial marriage is not secured by this Constitution? Many found the decisions on equal protection objectionable. Will we now have an amendment saying that a right to equal employment opportunity or equal education opportunity is not secured by this Constitution? Do we now tell the handicapped that a right to be mainstreamed or to live independently is not guaranteed by this Constitution? If the constitutional right to privacy is declared to be objectionable, will we then have amendments stating that the right to contraception or private consensual sexual activity is not guaranteed by this Constitution and ad infinitum. As long as the Supreme Court is interpreting the Constitution, the possibilities are endless. One objective of the proponents appears to be to make Congress the final arbiter of the Constitution.

The other stated purpose of this amendment is to return us to the status quo before Roe against Wade. Perhaps the proponents will enlighten us as to which status quo we are returning to. When the Court decided Roe, it took a look at the history of abortion and how it had been treated by different cultures at different times. It found, for instance, that in ancient Greek and Roman times abortion was practiced and resorted to without scruple. In English common law, abortion performed before quickening—the first recognizable movement of the fetus in utero—was not an indictable offense. We in America initially adopted the common law approach—and thus the opportunity for a woman to make a choice was present in this country until well into the 19th century.

According to the Heritage Foundation, by the end of the 19th century all the several States had criminal penalties of some kind for abortion. And these, historians have shown, were largely the result of the antiabortion policy the American Medical Association enunciated in 1859. The AMA, it seems, was concerned about abortions administered by incompetent practitioners. In any case, abortion mortality was high and the States acted to protect the life of the pregnant woman from a procedure that placed her life in serious jeopardy. The Supreme Court in Roe reaffirmed

this role as proper for the States. But medical practice has changed and so has the mortality rate from abortion. And today, the American Medical Association supports a woman's right to privacy, as the Court has interpreted it to include the right to choose abortion.

It is only when women are forced to resort to back-alley abortions that mortality again becomes a concern. During the period 1958 to 1962, 350 women are known to have died from illegal abortions. We do not know how many others have died, since most of them do not have access to medical care where the statistics would have been recorded.

I repeat my question: To which status quo are we returning? Are we returning to the status quo when women died of illegal abortions? Are we returning to the status quo when the right to privacy surrounding procreative choices depended on which State a woman lived in? Or are we returning to the status quo when women had broad choices as to whether and when to have children? I submit to you that if abortion is illegal or immoral, it should be that way in every State of this Nation. If it is a private matter between a women and her physician, as the Court has held, then it should be that way in every State of this Nation.

The proponents of this amendment argue that its strength lies in its ability to clear from the legal landscape the dubious and objectionable holding in Roe against Wade. That the proponents find the holding objectionable, there is no doubt. That the holding is dubious is subject to personal interpretation. Even assuming for a moment that it is dubious, there is nothing in this amendment to clarify it.

The Supreme Court based its decision in Roe on the Constitution. The Court stated that the Constitution does not explicitly mention any right to privacy, but it is recognized that a right of personal privacy or a guarantee of certain zones of privacy does exist under the Constitution. The roots of that privacy are found in five amendments: the 1st, 4th, 5th, 9th, and 14th. Only personal rights that are deemed fundamental or implicit in the concept of ordered liberty are included in the guarantee of personal privacy. This right to personal privacy extends to activities relating to marriage, procreation, contraception, family relationships, child rearing, and education. It is certainly broad enough to include the decision whether to terminate a pregnancy.

However, the Court went on to say this right to choose is not absolute. That is why we do not have abortion on demand, despite assertions to the contrary by everybody, from the President on down, who is on the other side of this issue. We do not have abortion on demand in the United States of America. What we do have is guidance as to how and when the States may interfere in a woman's fundamental right to privacy.

This some may find objectionable, but it is certainly not dubious. As Justice Stewart said:

> The full scope of the liberty . . . cannot be found in or limited by the precise terms of the specific guarantees elsewhere provided in the Constitution. It is a rational continuum . . . which includes a freedom from all substantial arbitrary impositions and purposeless restraints. Great concepts like . . . liberty were purposely left to gather meaning from experience.

The concept of privacy underpins the entire notion of freedom and liberty. If the State can invade the most intimate sphere of a woman's life, then there is no such thing as privacy. No area of personal decisionmaking can be free from the threat of governmental interference. (3) It still amazes me, Mr. President, that many of this measure's proponents are the same people who have been talking about getting the Government off people's backs ever since they got into politics.

The prochoice rationale behind Roe squares fully with this system's broad philosophy of government. That philosophy is subservience to the people, freedom on the part of every individual, and liberty for all. Against that history, the only system with a chance to work is one with room for diverse moral choices on abortion by the woman faced with that decision. Under this system, abortion is barred to none who want it in the reasoned frame offered by the Court and forced on none who do not, and there is a role for the States to regulate it where there is a compelling interest.

The ultimate irony in this situation is that there are two possible interpretations to this amendment—and the Supreme Court will have the responsibility of determining just what it means. That is, of course, it will unless my colleagues come up with another amendment to preclude it from doing so. One possible interpretation is a total ban on abortion. This is favored by the proponents of this amendment. They may say otherwise.

I have heard them in the media of late. I have seen the graphs here, on the Senate floor. They may say otherwise. They may say that exceptions could be made here and there, but the truth is they have not voted that way in recent years. Little by little, this Congress has taken away the availability of medicaid abortions. To rape and incest victims too poor to pay for an abortion, this Congress has said, in effect, "tough luck."

I do not want to see any graphs and or statements by proponents of the measure giving the impression to the American people that, well, in the case of rape or incest, this is different. In their voting records, it is not different. They want a total ban. They want to sort of soften the public relations image right now, while we are debating this amendment. For they have stood up time and again on this floor and voted amendment after amendment to take the abortion argument to its ultimate limit—no abortion for anybody under any circumstances.

So, Mr. President, make no mistake about it: The proponents want a total ban. But since they do not have the votes for it, they have worded their amendment in this vague way.

Another possible interpretation is that the interests of the fetus would be weighed against those of the mother and the State in determining the legality of abortion. No one would suggest that either prior to or after Roe was the interests of the fetus considered. Under our Constitution, the legal status of the fetus is yet to be declared.

Mr. President, I oppose this amendment because it fails the fundamental test of any proposed amendment; it leaves the perceived problems unsolved and cannot possible culminate in the sense of resolution that an amendment ought to promote. (5)

The amendment is silent as to the matter of enforcement. Deleted are the earlier provisions which stated that "the Congress and the several States shall have concurrent power to restrict and prohibit abortion." Perhaps the enforcement provisions are deleted because they emphasized the court-stripping purpose of this amendment. All previous amendments to the Constitution have attempted to put in place an affirmative principle of constitutional law. This amendment attempts to remove a right that the Supreme Court has interpreted to be embodied in the Constitution in the right of privacy.

Harm to constitutionally protected interests occurs when controversial rights are singled out for exclusion from Federal jurisdiction. Where the specific circumstances surrounding Congress deliberations conspire to send an apparent message of congressional disapproval of Federal judicial doctrine, the harm is aggravated, especially when the motivation is political, not constitutional. I urge my colleagues to embrace another portion of George Washington's Farewell Address which reminds us that:

> It is important that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres avoiding in the exercise of the powers of one department, to encroach upon another.

I urge my colleagues to oppose Senate Joint Resolution 3.

The additional sources referred to are as follows:

REFERENCES

New York Times, July 17, 1981 and September 28, 1981.
2. New York Times, September 28, 1981.
3. Harvard Law Review, November 1981.
4. The Gazette, Cedar Rapids, Iowa.
5. St. Louis Post Dispatch, Mo.
6. Time magazine, September 1981.

Mr. PACKWOOD. Mr. President, I thank my distinguished colleague from Connecticut with whom I have shared so many battles. I wish I could say to him that I think this is the last, but he and I have been involved in these struggles for a long time, and I am afraid his opening remarks were accurate; we may or may not win this afternoon, but I am afraid we shall be faced with court stripping amendments on other issues which may not involve abortion, but, one way or another, are attacks on the individual liberties of this country. I welcome his support now, but I assure him, we shall be back again and again, battling on this same question.

Mr. HATCH. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, when he appeared before my Subcommittee on the Constitution, Senator EAGLETON gave a concise definition of the purpose of the amendment before the Senate today. He stated that—

Senate Joint Resolution 3 is intended to reverse Roe against Wade and its companion Doe against Bolton insofar as these cases hold that the Constitution protects an abortion liberty.

He further explained that—

This amendment would wipe out the legal status afforded to the abortion right by Roe against Wade and return us to the legal status quo ante, when abortion was a matter for each of the States to decide.

Mr. President, I have listened to my dear colleague from Connecticut and his remarks were most interesting. I have been interested in the remarks of my friend and colleague from Oregon (Mr. PACKWOOD). Both of these fine Senators have indicated that we do not have abortion on demand in America today. Yet I suspect that it is very difficult for them to show me any cases which have granted the States rights to inhibit or limit any form of abortion at any time during a woman's pregnancy.

In the case of Akron against Akron Center for Reproductive Health, an abortion case decided by the Supreme Court in the last few weeks, Justice Sandra Day O'Connor articulated a strong argument in favor of the constitutional approach of Senate Joint Resolution 3:

We must keep in mind that when we are concerned with extremely sensitive issues, such as the one involved here, the appropriate forum for their resolution in a democracy is the legislature.

The Justice's next sentence provides a thoughtful response to those who might contend that returning abortion to the State legislatures would jeopardize important values:

We should not forget that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.

Indeed, for nearly two centuries of life under the Constitution the welfare of the mother and the unborn infant and any liberties at stake in the abortion question were governed solely by laws made by State legislatures.

This provides a compelling legal case for reversing Roe and restoring to the States authority to legislate. The social and moral cases for reversing Roe are just as compelling. That case was presented yesterday by the graphic visual charts which describe the extent of what some have called appropriately the American holocaust.

Once again, I would like to focus the attention of this body, which, for the first time, is debating the merits of abortion on demand, on those illustrations.

The effects of the tragic Roe decision are apparent from the numbers of unborn children whose lives were being terminated before they even had a chance to make a contribution to their families, to their schools, their industries, governments, and churches of America. More than 10 times the number of Americans lives lost in all of our Nation's wars lumped together have been taken by the abortion regime.

My distinguished opponent in this debate will try to maintain that Roe against Wade is a moderate compromise which permits some limitations on abortion. Our friend from Connecticut has indicated this as well. The abortion death rate in itself is enough to dispel that notion. We are daily performing abortions at a rate of nearly 5,000. That is hardly a figure that suggests moderacy in abortion policy.

Since Roe, the number of abortions has skyrocketed.

As I stated yesterday, only Communist China has a more permissive policy on abortion of all countries in the world today.

As I have stated earlier, this great loss of life can hardly be understood in other terms used in this debate to justify abortion; namely, the need to protect maternal life and health. Even ardent opponents of abortion such as Dr. Irvin Cushner confess that no more than 3 percent of all abortions have some link to maternal health.

I might add that this figure is obtained by construing maternal health in the broadest possible terms. The greatest numbers of abortions are performed solely for social, financial, or emotional reasons. They are performed because it is inconvenient to have the child, because it may be embarrassing, because it is expensive, because sonograms reveal the child to be a girl rather than a boy; 97 percent of all abortions are performed, not to preserve maternal health, but for a whole variety of other reasons, many of which are frivolous in nature.

A particularly tragic aspect of this spectacle is that many of those children killed by abortion are on the verge of viability when they can live outside the womb if delivered normally. These are children near their 20th week of growth.

The next particular chart, chart 4, displays the number of late term abortions.

Now, again, these are very conservative figures. Nonetheless the chart shows nearly 15,000 third-trimester abortions or abortions of infants in the last months of pregnancy. Their hearts have been beating for 12 weeks already. They have probably been sucking their thumbs for 8 weeks or more. They are appropriate candidates for fetal surgery to preserve their lives from natural threats.

Unfortunately, little can be done with present legal doctrines to preserve their lives from legal policies. These legal policies imposed by the court are particularly questionable when we realize how little they reflect the values of the American people. Eighty to ninety percent of all Americans see abortion at some stage as destruction of the human being. Most Americans women believe that life begins at conception.

I found it interesting today that the distinguished Senator from Connecticut feels that one of the major justifiable reasons for destroying human life is that present science technology might show that the fetus is handicapped. I hate to think what this world would be like without some of the greatest people that have lived who have, unfortunately, had handicaps.

Some argue that perhaps not many people really support this type of an amendment, but I suspect, when you look at this chart which says that a majority of American women say life begins at conception. 58 percent feel life begins at conception, 16 percent at quickening, 11 percent at viability, 10 percent at birth, and 5 percent do not know.

Some have argued, as I mentioned earlier, that legalization of abortion is necessary to prevent women from falling victim to crude back-alley abortions. The specter of American women suffering under the hand of back-alley abortionists, of course, is very frightening. But, in fact, legalization has had little to do with the reductions in abortion mortality. They are basically leveling off, and this next chart shows that. The reductions in abortion mortality occurred for the most part

before 1973. The reason they occurred is a result of medical advances that have protected women.

I might add that the major factors causing a drop in the mother's abortion mortality have been medical advances, sulfa drugs, penicillin, and the widespread use of the safer suction curette instead of the sharp curett.

Nonetheless women still die due to abortions.

I heard at one time early in my tenure in the Senate, that as many as 10,000 women a year died in back alleys before 1973 made the right to abortion on demand law.

This is simply not true as shown by this chart. Any loss of life, whether the mother's or the unborn child, is unacceptable to me.

Sadly there are still deaths occurring as a result of abortion, even though the policy of legalization is 10 years old.

The inappropriateness of this court-created legal edict as a governing tenet of our Nation is particularly apparent in the over-whelming rejection of abortion on moral grounds. This conclusion has nothing to do with political persuasion. The Connecticut Mutual Life report on American values in 1981, just 2 years ago, shows that a majority of all political persuasions believe that abortion is morally wrong—62 percent of the independents, 64 percent of the Republicans, and 68 percent of the Democrats.

Moreover, this moral judgment is not an idle conviction. The majority is clearly willing to stand behind their beliefs when a loved one faces the questions of abortion, and I think the next chart will show that. A majority of Americans I think stand up for their belief.

As next chart shows, a majority of Americans would not advise abortion for their 15-year-old daughter.

The fact that most Americans would not advise abortion, but seek some alternative, such as adoption, for their own 15-year-old daughter is particularly ironic. Just last week the Supreme Court ruled that a statute requiring 15-year-olds to consult with their parents prior to having an abortion was unconstitutional. Although, in many States, a minor must have parental consent to get her ears pierced, the Court said that a court may substitute for the parent in granting permission for an abortion.

Finally, the strong personal values of Americans do translate into support for a constitutional amendment to protect the unborn child. If those same people had been offered a moderate constitutional amendment that allowed them to participate in the formation of abortion policy in their States, their support may have been even higher.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given 6 more minutes.

Mr. PACKWOOD. Mr. President, I am not going to object, but may I make an announcement about the time?

Mr. HATCH. Yes.

Mr. PACKWOOD. Mr. President, I do not intend to object to the request of the Senator from Utah, but the majority leader has indicated that he wants us to finish all our comments by 4 o'clock this afternoon. Both the Senator from Utah and I want about 20 minutes apiece to close. So I can say to his supporters and mine that if they wish to speak—realizing that there will be a recess from 12 noon until 2 p.m.—they should get to the floor as soon as possible.

Mr. HATCH. Mr. President, I ask unanimous consent that the period between 3:15 and 4 o'clock be divided equally between the distinguished Senator from Oregon and me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATCH. I thank the Senator from Oregon for his patience. We have taken most of the time, and there are other Senators who want to address this issue today. We certainly want to make sure that speakers on the side of the Senator from Oregon have a right to speak on this matter.

At this point, I should like to address myself to the legal basis for governmental authority under Senate Joint Resolution 3. My intent is to demonstrate how the simple and direct formulation of Senate Joint Resolution 3 will operate to reverse Roe and restore to the legislatures of the various States the authority to set policy with respect to abortion, a function centralized in Federal courts for the past decade.

The 10 words of this proposed amendment, if ratified, would remove any constitutional basis for finding any kind of right, absolute or qualified, to procure an abortion. Abortion, governed by State statute or not at all until 1973, would no longer be a matter of constitutional prerogative. Accordingly, States would again possess plenary authority to regulate, or refrain from regulating, abortion policy.

In the absence of a national constitutional edict, the authority of Federal institutions to regulate abortion would be vitiated. Federal institutions could be said to possess a residual authority with respect to abortion to the extent that some tangential aspect of abortion policy may fall within the parameters of an independent source of Federal authority. For example, Congress would still be able to regulate interstate commerce to the degree of prohibiting interstate transport of abortifiacient drugs and devices. In fact, this was vitually the only Federal regulation tangentially related to abortion in the United States Code prior to 1973. (14 U.S.C. 1461, 1462.) In a more correct sense, however, this was not regulation of abortion at all, but regulation of matters clearly permitted to Congress by the Constitution. It can, therefore, be correctly maintained that Federal authorities would have no power to regulate abortion per se under Senate Joint Resolution 3, such regulation would be solely within the purview of State authorities.

Defining the nature of State authority with respect to abortion under Senate Joint Resolution 3 was a primary focus of the hearings held on the resolution. Prof. Lynn Wardle of Brigham Young University described the constitutional imbalance created by Roe and effect of the correction found in Senate Joint Resolution 3:

> As a direct result of the Supreme Court's decision in *Roe* v. *Wade*, two profound changes have occurred in the delicate balance of powers of government. First, there has been a significant shift of power and responsibility from the states to the federal government, which has substantially increased Congressional involvement in and responsibility for abortion policy. Second, there has been a significant shift of policy-making power from the legislative branch generally to the judicial branch * * *
>
> (S.J. Res. 3) would restore to the states their general police power to restrict and prohibit abortion. The states could enact legislation to the same extent that they could prior to *Roe* * * * It would not compel or prohibit the adoption by any state legislature or by Congress of any legislation restricting abortion * * * It would not give Congress any power directly to restrict or prohibit abortion * * * It would restore the Constitutional balance of power between the states and the federal government and between the legislative and judicial branches of government. In sum, it would restore the status quo ante *Roe* insofar as the power and responsibility to resolve abortion issues is concerned. (Senate Hearings, Feb. 28, 1983, Statement of Professor Lynn Wardle.)

This legal analysis by Professor Wardle was echoed and approved by other noted scholars in the Judiciary Committee hearings, including Prof. Victor G. Rosenblum of Northwestern University. (Senate hearings, March 7, 1983, statement of Prof. Victor Rosenblum.)

The conclusion reached by several witnesses in our hearings that Senate Joint Resolution 3 would restore to the States their exclusive authority to regulate abortion is supported by sound constitutional reasoning. In the first place, if abortion is no longer elevated to the status of a fundamental liberty deserving of special constitutional protection, then regulation of abortion would be subject to the same treatment accorded other doctrines of domestic relations. Even the Supreme Court concedes that the abortion issue

is essentially a question of domestic relations law, which has been elevated to the status of a fundamental liberty by the Roe decision. The Akron decision characterized the abortion right as a question of "personal choice in matters of marriage and family life." I mention this point because if the abortion issue were stripped of any protections afforded fundamental constitutional liberties, it would remain a "matter of marriage and family life." The locus of authority to regulate domestic relations has never been in dispute. As early as 1889, the Supreme Court had clarified that:

The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of that State, and not to the laws of the United States. *In Re Burris*, 136, U.S. 586, 593 (1889).

Time after time, the Supreme Court has reiterated this elemental principle of constitutional interpretation. (For instance the Court repeated this language word for word in *Ohio ex rel Popvici* v. *Agler*, 280 U.S. 379, 383 (1930); *Williams* v. *North Carolina*, 325 U.S. 226, 233 (1944); *Ridgway* v. *Ridgway*, 454 U.S. 46, 73 (1981) (Stevens, J. dissenting).) Most important among the reaffirmations of this principle, however, is the recent case wherein Justice Blackmun, the author of the Roe decision, quoted the above language from the Burris opinion verbatim. *Hisquierdo* v. *Hisquierdo*, 439 U.S. 572, 581 (1979). As long as abortion has enjoyed the special constitutional status conferred by the Court in the Roe decision, abortion has not been treated as other "relations of husband and wife, parent and child" with respect to the allocation of constitutional power and authority. Federal institutions, primarily the courts, have assumed primary authority and responsibility relative to abortion. With Roe and its progeny reversed, however, abortion policy would once again "belong to the laws of the States and not to the laws of the United States." (Supra note 285 and accompanying text.)

An alternative line of constitutional reasoning reaches the same result with respect to the extent of State authority in the absence of Roe. State power to set criminal standards is clearly plenary. Justice Frankfurter stated the law on this subject:

In our Federal system the administration of criminal justice is predominantly committed to the care of the States. The power to define crimes belongs to Congress only as an appropriate means of carrying into execution its limited grant of legislative powers. U.S. Const. Art. I, 8 cl. 18. Broadly speaking, crimes in the United States are what the laws of the individual States make them, subject to the limitations of Art. I, 10, cl. 1, in the original Constitution, prohibiting bills of attainder and ex post facto laws, and of the Thirteenth and Fourteenth Amendments. *Rochin* v. *Calif.*, 342 U.S. 165, 168 (1952).

With Roe overturned, abortion would not be subjected to the protections of the 14th amendment or any other provision of the Constitution. Accordingly, an abortion misdemeanor would again be "what the laws of the individual States make them." Professor Lynn Wardle states this same principle very succinctly:

There is no general Federal law of crimes. That is, if Congress were to pass a law generally outlawing abortion in this country, such a law might be found to be unconstitutional, even without reference to *Roe* and its progeny. (Wardle, L., A Lawyer Looks at Abortion 187.)

Just as abortion was governed by mild State criminal sanctions against the abortionist in the years prior to Roe, the traditional and constitutional allocation of police powers would prefer States, to the exclusion of Federal authorities, as the power focus of abortion regulation after ratification of Senate Joint Resolution 3.

In a broader context, the discussion of the extent of State authority over abortion in the event Senate Joint Resolution 3 becomes part of the Constitution is a discussion of the limitations written into that great document. The very first section of the very first article of the Constitution states that the legislative powers of Congress are limited to those "herein granted." Nowhere in the specific grants of legislative authority found in section 8 of article I is Congress granted any power to govern criminal justice, domestic relations, or any other general category into which abortion might fall. James Madison explained the framers' reasons for denying such power to Congress:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the state government are numerous and indefinite. The former will be exercised principally on external objects, such as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the *lives, liberties, and properties* of the people, and the internal order, improvement, and prosperity of the state. (The Federalist Papers, No. 45.)

Roe upset this balance. With Roe nullified, this balance will once again operate in the manner defined by the framers of the Constitution.

Senate Joint Resolution 3's legislative history also enlightens this subject. As introduced in this Congress, Senate Joint Resolution 3 was identical to Senate Joint Resolution 110 from the 97th Congress. In addition to overturning Roe, Senate Joint Resolution 3 provided the Federal Government and the States concurrent authority to restrict or prohibit abortion. On March 24, after considering many of the points mentioned herein, the Constitution Subcommittee unanimously accepted Senator THOMAS EAGLETON's advice to strike the language granting the Federal Government concurrent authority to restrict abortion. As specifically indicated by the subcommittee's action the Federal Government will possess no concurrent authority to restrict or prohibit abortion. Senate Joint Resolution 3, as amended, reverses Roe and thus insures that the Constitution's limitations properly operate to reserve to the States any authority to regulate abortion. Under this amendment the States would have plenary authority to legislate with respect to abortion. In their best judgment, the states might choose to have no policy respecting abortion or might choose to impose some restrictions. The subcommittee undertook to amend Senate Joint Resolution 3 to establish that it meant to remove Federal institutions from the policymaking process with respect to abortion and reinstate the State authorities as the focus of decisionmaking for this sensitive issue.

It is the intent of the authors, supporters, and Senators who brought this to the floor to recognize the state of the law relative to abortion prior to 1973 and to restore that balance. We understand this to aptly describe the expansiveness of State authority prior to 1973 and the constitutional inability of the Federal Government to regulate abortion. We feel that States would have full authority to restrict, prohibit, act or refrain from acting with respect to abortion. If Federal officials have some limited residual authority to the extent that abortion touches tangentially upon some other Federal powers, this limited residuum is nothing that does not exist in every other field of law. It does not include the power to do what is committed to the States, namely regulate abortion per se.

Mr. President, although I have attempted to clarify this point on several previous occasions, let me comment one more time on the issue of whether or not the proposed amendment, Senate Joint Resolution 3, is a States rights amendment.

Senate Joint Resolution 3 is indisputably a States rights amendment. It is a States rights amendment every bit as much as any other amendment that has ever been offered on the subject of abortion. It is a States rights amendment in the area of abortion every bit as much as any other area of the law is governed by the concept of States rights. It is a States rights amendment in the proper constitutional sense of the term.

Opponents of the amendment—who of course would not be any more supportive if the northern lights shone down from the sky with the message that this was a States rights amendment—argue that it is not a States rights amendment because there is re-

sidual power to legislate in the Federal Government under this amendment. There is, we are warned, residual power in the Federal Government to legislate through its commerce authority, its spending authority, and its taxing authority. With all due respect, Mr. President, this argument is utter nonsense.

The Federal Government has such residual authority over any area of the law, with or without this or any other constitutional amendment. My friends on the other side, in short, are concerned about Federal power generally, not about Federal power in the context of Senate Joint Resolution 3. I welcome most of them to the fold of those concerned about such power. I am pleased to see so many of my friends on the other side of this issue express, for the first time, their concern with the existence of excessive Federal power within our constitutional structure.

My question to the distinguished Senator from Oregon yesterday remains unanswered. I should like to direct it to my distinguished colleague today: would he be kind enough to share with me an area of the law that he does believe to be governed by the true concept of States rights? If this amendment is not satisfactory, in his view, to achieving this, what other area of the law would he have it emulate? Where does his conception of States rights exist in the law?

Mr. President, the opponents of legislation such as the measure which this body is currently debating frequently argue that it is futile to attempt to restrict abortion by law.

They argue that the legalization of abortion did not greatly increase the number of abortions performed in the United States, but merely resulted in a shift from dangerous, illegal, unreported abortions, to safe, legal, reported abortions.

They also argue that passing laws to render abortion again illegal in most circumstances would not greatly reduce the number of abortions, but would only drive the practice underground, or would merely shift the abortions from States with restrictive laws, to those without restrictive laws.

I would like to briefly address these arguments, both of which I believe to be largely erroneous.

Until the late 1960's, abortion was illegal in every State except under extreme circumstances—generally only being permitted to save the life of the mother. Wildly conflicting guesses were made as to the number of illegal abortions performed annually. In 1967 the First International Conference on Abortion, held in Washington, concluded that "no way has yet been found of obtaining reliable statistics" on this question.

Nevertheless, the unfounded figure of 1 million illegal abortions a year became popular among abortion advocates, and it is still heard today, even at times in congressional debates. In the light of data accumulated since the Supreme Court legalized abortion, the 1 million a year figure seems grossly exaggerated.

There are two major compilers of data on the incidence of legal abortion. They are the Federal Center for Disease Control in Atlanta, and the Alan Guttmacher Institute, a private entity connected to the Planned Parenthood Federation of America. The CDC relies mainly upon reports from State health departments, while the Guttmacher Institute conducts an annual survey of known abortion providers. The Guttmacher Institute annually reports higher figures than the CDC, because the Guttmacher Institute survey uncovers many legal abortions which are not reported to the CDC. The CDC acknowledges, in its own reports, that the Guttmacher figures are more complete.

According to both Guttmacher and CDC, the number of legal abortions performed in the United States began a steep climb after the 1973 Supreme Court decision which legalized abortion on demand nationwide. The following numbers of legal abortions were reported to the Guttmacher Institute for each year, beginning in 1973:

1973	744,600
1974	898,600
1975	1,034,200
1976	1,179,300
1977	1,316,700
1978	1,409,600
1979	1,497,700
1980	1,553,900

Let me underscore that last figure, Mr. President; 1.55 million reported legal abortions in 1980—a shocking and terrible toll. Incidentally, the CDC reports indicate that over one-third of the annual total is now accounted for by repeat abortions—a percentage which increases each year. Recently a professor of medicine at the University of California estimated that by the end of 1983, 50 to 60 percent of all abortions will be repeats.

Yet the question remains, to what extent does this figure represent a genuine increase, rather than just a gradual shift from illegal to legal abortions?

When the Constitution Subcommittee examined this matter, it heard testimony from Dr. Thomas W. Hilgers, professor of obstetrics and gynecology at Creighton University School of Medicine and a well-known authority on human reproduction. Professor Hilgers is coauthor of a landmark 1981 study which sheds some light on the question of how many illegal abortions were performed prior to the Supreme Court decision.

Dr. Hilgers estimates that the total number of abortions performed in the United States—legal and illegal—approximately tripled between 1969 and 1972, due mostly to the legalization of abortion in a number of large States, including New York and California. This sharp upward trend was given another boost when Roe against Wade legalized abortion in every State in January, 1973. I will discuss the post-1973 figures in a moment.

Dr. Hilgers' methodology was too involved to describe in detail here. But in brief, it began with the number of maternal deaths resulting from illegal abortion for each year, which is data available from the National Center for Health Statistics (NCHS). Dr. Hilgers compared this figure to the annual death rate per 1,000 cases of pregnancy from natural causes (also available from NCHS). He then took as a premise that illegal abortion during those years was at least five times as hazardous to the mother as natural pregnancy. From this data, Professor Hilgers extrapolated that the number of illegal abortions annually, prior to the Supreme Court decision, never exceeded 210,000 per year. Professor Hilgers readily conceded that there are certain deficiencies in data, but argued that if anything, he overcompensated for these in his study.

Dr. Hilgers concluded:

> With legalized abortion, there has been an exponential increase in the total number of abortions each year in the United States, in the range of 6- to 11-fold from the prelegalization era. This increase is directly attributable to the legalization of abortion. (New Perspectives on Human Abortion, University Publications of America, 1981, p. 178).[1]

The legalization of abortion has permitted the active promotion of abortion through propaganda directed at adolescents, through manipulative "counseling" services, through Yellow Pages ads and billboards, and so forth. Legalization has diminished the social stigma associated with abortion. It has often been observed that in a secular society such as our own, the law is a very important teacher with respect to great issues of social justice—which is one reason that the civil rights legislation of the 1960's was so important.

Now, does anyone wish to argue seriously that legalization of abortion, and the nationwide network of assembly line abortion clinics which legalization has allowed to grow up—has not resulted in a marked increase of the number of abortions performed?

The organizations which are most zealous in the promotion of abortion refute such a notion in their own studies. The Alan Guttmacher Institute publishes annual reports in which it argues that hundreds of thousands of women need abortions each year but do not get them simply because there

[1] The Hilgers study appears in the subcommittee's hearing record, immediately following his testimony.

are no clinics in the counties in which they reside. In the AGI's Family Planning Perspectives (September/October 1978), AGI research director Jacqueline Darrouch Forrest wrote:

For some, the barriers imposed by travel are so great that the woman cannot obtain an abortion at all. It has been shown that the farther a woman must travel to obtain an abortion, the less likely she is to get one.

This point was developed at length in a study published in the January/February 1981 issue of Family Planning Perspectives, written by AGI senior research associate Stanley Henshaw and three other researchers. This study concluded:

There were 1.4 million legal abortions in 1978 and a projected 1.5 million in 1979. The number of abortions increased by seven percent between 1977 and 1978 and by nine percent between 1978 and 1979. Nevertheless, an estimated 736,000 women in 1978 and 641,000 in 1979 were unable to obtain the abortion services they wanted and needed, and went on to have unintended births. Thirty-four percent of women estimated to be in need of abortion services where unable to obtain them in 1978, and 29 percent could not get them in 1979.

Part of the reason so many women have been unable to obtain abortion services is the continued inaccessibility of abortion facilities: Eight out of 10 U.S. counties have no facility in which legal abortions are performed, and only five percent of abortions are performed in nonmetropolitan areas, where 26 percent of women in need live. In addition, federal funds to subsidize abortions for indigent women have virtually been withdrawn as a result of the Hyde Amendment; most states have followed suit, refusing state Mediciad funds for abortions.

Other studies substantiate the contention that when abortion becomes less easily accessible—geographically or economically—the number of abortions (legal and illegal) drops markedly.

For example, the Texas State Department of Health conducted a study to measure the effects of the Hyde amendment, restricting medicaid funding of abortion. The study, published in the CDC's Morbidity and Mortality Weekly Report (June 6, 1980), concluded:

The present study in Texas found more than one-third of the legal abortions expected among Medicaid-eligible women were not obtained in the postfunding restriction period. . . .

In Texas, pregnant, low-income women who do not have federal or state funds for abortions do not appear to be resorting to illegal abortions to terminate unwanted pregnancies. These findings are consistent with those from a national monitoring system, which also could not document that the restriction of public funds for abortion caused a large percentage of Medicaid-eligible women to choose self-induced or non-physician-induced abortions.

This decrease in expected legal abortions, the absence of an increase in illegal abortion, and the rising fertility rate among Medicaid-eligible women in Texas all imply that a substantial portion of women who would have obtained a publicly-funded abortion before the restriction are now more likely to continue their pregnancies to term.

Mr. President, I submit that if the Alan Guttmacher Institute is correct, and 641,000 abortions were prevented in 1 year merely by lack of geographical or financial accessibility, then it stands to reason that State laws which directly restrict abortion will save the lives of a great many children. If thousands of women are dissuaded from having an abortion merely because there is no convenient abortion clinic in their county, then many, many more will be dissuaded from having an abortion when there is no abortion clinic open anywhere in the State.

If the proposed amendment which we are discussing is passed and ratified, many States will promptly shutdown the abortion industries in their States. The clinics will close. The ads in the Yellow Pages will disappear. Accessibility to abortion will be drastically diminished and the total number of abortions will be greatly reduced—although to be sure, there will be some increase in illegal abortions. No law against acts of violence is completely effective, whether we are speaking of rape, or child abuse, or abortion (and abortion is, in point of fact, the ultimate child abuse).

The greatest effect of restricting abortion will be an increase in the number of unborn children who are allowed to live. If abortion is illegal, then there may be renewed emphasis on the adoption option—which will be welcomed by the hundreds of thousands of couples who now wait for years—and in some cases forever—for infants to adopt.

Now, the Alan Guttmacher Institute regards abortion as a medical service, and it laments that so-called unmet need which 641,000 women had in 1979. Perhaps some of my colleagues share this view. But I am speaking at the moment to those of my colleagues who honestly regard abortion as a great evil, but who have wondered whether making abortion illegal would actually have much effect on the number of abortions performed. I believe that the best evidence suggests that the effect of legal restrictions, even if only in some States, would be the preservation of hundreds of thousands of innocent human lives each year.

HISTORY OF AMERICAN ABORTION LAW

Mr. President, yesterday Senator PACKWOOD and I engaged in an extended colloquy about the history of American abortion law. As I noted, the Supreme Court relied on some historical myths in reaching its conclusion that abortion should be permitted, practically without restriction, throughout all 9 months of pregnancy.

The historical myth of which I speak holds that Roe against Wade restored a right to abortion that was recognized at common law prior to the enactment of stringent antiabortion statutes by the States in the mid-19th century. The proponents of this theory contend that the common law right was reversed by these State laws primarily because it was believed that abortions, as practiced that, were dangerous to maternal health. By 1973, the theory maintains, abortions in the first trimester of pregnancy were safer than carrying the child to birth. The principal reason for the antiabortion laws ante-Roe, therefore, no longer existed. Hence, they argue, Roe against Wade.[3] Roe, in fact, accepted this theory.

Mr. President, the myth that the 100 years of restricted abortion in this country was a historical anomaly that resulted only because abortions once were unsafe is false. The common law right to an abortion early in pregnancy was based on the scientifically ignorant premise that the unborn child is not alive until her mother perceives her movement in the womb. Thus, abortions before this point were legal because the child was not thought to be yet alive. Once mid-19th century physicians learned that that was untrue, however, they sought to proscribe abortions before, as well as after, the quickening of the unborn child. Very restrictive abortion laws in each of the 50 States granted a significant degree of protection to the unborn child before Roe against Wade[4] stripped that protection away.

The quickening doctrine that I have described was grounded in the ancient scientific understanding of Aristotle, who identified life with the animation of the formed fetus.[5] Thus, the English common law created penalties for the performance of an abortion after quickening. This principle, which is known first to have been stated by the eminent British legal commentator Lord Coke, was recognized by Blackstone in 1769 in his noted "Commentaries on the Laws of England." "Life * * * begins in contemplation of the law," said Blackstone, "as soon as an infant is able to stir in the mother's womb."[6]

As Northwestern University professor of law, Victor G. Rosenblum noted during his testimony before my subcommittee, we know now that the unborn child actually moves long before her mother can feel that movement. Quickening, then, is really quite irrelevant to the humanity of the unborn child because it depends not on the objective degree of development, but rather on the subjective perception of the mother. As Professor Rosenblum observed:

Our ancestors * * * had to judge by the best information available at the time, and so they protected unborn life under the criminal law from quickening onward—

Footnotes at end of article.

when with their best, but comparatively primitive, scientific understanding they believed individual human life actually began.[7]

As of 1800 in the United States, no legal jurisdiction had adopted a criminal abortion statute. The common law quickening doctrine, which criminalized only postquickening abortions, remained in force through 1840. In the meantime, the abortion industry flourished. Both surgical and drug-induced methods of prequickening abortion were in use.[8]

According to abortion historian James C. Mohr, who also testified before my subcommittee, there was a great surge in the incidence of abortion between 1840 and 1870. During that period, reports Professor Mohr, abortion became employed increasingly as a method of birth control by white, married, Protestant women of comfortable economic means. With that rise in the demand for abortion, especially by economically privileged women, the business of abortion became more lucrative. Some physicians adopted the abortion trade as a specialty.[9]

But this significant upsurge in the practice of abortion produced a powerful reaction. Professor Mohr's book "Abortion in America" [10] describes and documents a physician's crusade against abortion that reached a peak between 1857 and 1860. Its principal goals, Mohr contends, were to turn the tide of public opinion firmly against abortion and to promote the passage of strong antiabortion legislation. Professor Mohr posts three theoretical motivations behind the doctors' crusade. First, these physicians believed abortion to be morally wrong because they valued the life of the unborn child. Second, such doctors were alarmed that respectable Americans—largely economically privileged Protestant women—seemed to comprise a large segment of those having abortions. Finally, says Mohr, doctors were alarmed at the new rise of feminism, which posed a threat to the traditional ordering of sex roles.[11]

Mohr's unmistakable tendency—in his book as well as in his testimony before my subcommittee—was to emphasize the latter two motivations, as well as a concern for maternal health, at the expense of the belief that abortion is wrong because it kills unborn children. This emphasis on factors other than the all-important concern for the sanctity of life is endemic not only to Mohr, but to other abortion history revisionists, such as Cyril Means,[12] as well.

The truth of the matter—as both Professor Rosenblum and Prof. William Marshner of Christendom College [13] demonstrated in their testimony before my subcommittee—is that the energizing force behind the physicians' campaign against abortion in the 19th century was the belief that the unborn child is a human being from the point of conception who deserves the protection of the law. This campaign, then, resulted from the realization that the old quickening doctrine was scientifically wrong.

Only in the period of 1825 to 1850 did biological research progress to the point of understanding the actual mechanism of human ontogeny. The 19th century witnessed a gradual, but profound, evolution of scientific knowledge about the beginning of human life. Although the existence of sperm was known by 1677, the ovum was not indentified until 1827. It was not until 1839 that the cell was recognized to be the basic structural unit of organisms. The sperm and egg were discovered to be cells in the two decades that followed.[14] As Professor Rosenblum noted:

> These developments were brought to the attention of * * * State legislatures * * * by those professionals most familiar with their unfolding import—physicians.[15]

It was these new research findings that convinced the doctors that biologically human life begins at conception—when the chromosomes of the sperm and egg fuse to form a new human life—and not at quickening.

Based on this reasoning, the American Medical Association, which was founded in 1847, actively opposed abortion.[16] According to Professor Mohr, much of the impetus behind the AMA's stance came from the doctors' belief that the quickening doctrine had been discredited. By 1857, it became almost universally accepted in the medical community that quickening is a scientifically and biologically insignificant point in pregnancy. A New York State Medical Society resolution that was passed that year stated that:

> From the moment of conception, there is a living creature in process of development to fully maturity . . . and . . . any . . . interruption to this living process always results in the destruction of life.[17]

An 1872 quotation from a Dr. Hodge, who was one of the leaders of the antiabortion campaign, confirms the causal effect of the new scientific information:

> If * * * the profession in former times, from the imperfect state of their physiological knowledge, had, in any degree, undervalued the importance of foetal life, they have fully redeemed their error and they now call upon the legislatures of our land * * * to stay the progress of this destructive evil of criminal abortion.[18]

Professor Mohr's "Abortion in America" identifies the period of 1860 to 1880 as the one in which the physicians' antiabortion campaign produced the most significant flood of antiabortion legislation in the Nation's history. In that era, reports Mohr, 40 antiabortion laws of various kinds were adopted by States and territories. Of these, 13 proscribed abortion for the first time, while 21 revised old antiabortion laws by making them apply before, as well as after, quickening.[19] New laws generally prohibited abortions strictly in all cases except those threatening the life of the mother.

Though he resists the conclusion to which the evidence that is documented in his book points, Professor Mohr's scholarship establishes that the physicians' crusade against abortion of the 19th century in general, and the obsolescence of the quickening doctrine in particular, were the key factors in persuading the States to pass tough antiabortion legislation. Mohr does concede, however, that medical doctors' opposition to the quickening doctrine was based on their belief in the inherent difficulties of determining any point at which a steadily developing embryo somehow becomes more alive than it had been the moment before.[20]

Mohr's study of the physicians' antiabortion movement of the 19th century effectively discredits the earlier theory, propounded by Cyril Means, and accepted by the Supreme Court when it legalized abortion, that the antiabortion laws that were passed in the 19th century were designed to protect maternal health principally rather than to protect the unborn. His work confirms the historical conclusion of Professor Sauer, who, like Mohr, is not identified with the prolife cause, that:

> One can infer from an analysis of nineteenth century abortion laws that the safety of the foetus was a major concern of many State legislatures. A law which has maternal health as its sole or main consideration is not likely to be worded in such a way that the human status of the foetus is recognized, since that recognition would also require that the foetus be given human rights protected by law. In a law where the concern is with the woman's health, a woman is likely to be labeled as pregnant rather than as being with child or some other phrase which gives a human status to the foetus. Although a number of the initial State laws contained a distinction based on quickening which gave lower value to early foetal life, the large majority of State laws never made this distinction, and most of these laws referred to a woman as being with child or some similar phrase which attributed a human status to the foetus. Furthermore, many of the States which initially had this distinction written into their law later dropped it and also referred to a woman at any stage of her pregnancy as being with child.

It is clear from Mohr's book that the campaign the doctors orchestrated persuaded State legislatures that first, the unborn child is a human being at all points in gestation, that second, therefore all abortions kill human life, and that third, therefore the quickening doctrine needed to be abolished in favor of a comprehensive abortion ban. The life-protective motive of the State legislatures is unmistakably clear.

As Professor Marshner argued before my subcommittee, revisionist histories of antiabortion legislation largely ignore the life-protective motive and concentrate on a variety of other, less important, factors. All forms of this revisionism challenge the standard history, observes Marshner:

(1) by replacing the protection of unborn life with other, more transient motives for the rise of American abortion statutes, and (2) by positing a primordial, common law liberty of abortion, which the Supreme Court could plausibly reinvigorate, when the transient motives lost their point.

In conclusion, Mr. President, it is Roe against Wade that is the historical anomaly. Our national history was one of progression toward greater respect and protection for unborn human life until Roe against Wade wrought a radical reversal of that history. Where once the lives of nearly all unborn children were protected by laws in all 50 States, now, under the Court's ruling, no unborn child can be afforded the most basic right to life in any State. No revisionist historian can change those facts.

DATES AMENDMENTS WERE INTRODUCED

The 11th amendment was introduced in 1794 and ratified by 1795.

The 12th amendment was introduced in 1797 and ratified in 1804.

The 13th amendment was introduced 1818 which failed to receive the consideration of the House of Representatives. In 1839 three amendments were introduced on the abolition of slavery. In 1863 and again in 1864 amendments were proposed 1864 it was rejected by the House but reconsidered in 1865 and passed. It was finally ratified in 1865.

The 14th amendment was introduced in 1866 and ratified in 1868.

The 15th amendment was introduced in 1868 and ratified in 1870.

The 16th amendment was introduced in 1896 and ratified in 1913.

The 17th amendment was introduced 1826 then in 1894 passed in House, lost in Senate subcommittee in 1898 passed in House and lost in Senate subcommittee in 1900 passed in House and came to a vote on the Senate floor 1911 and failed. In 1912 it finally passed and was ratified in 1913.

The 18th amendment 1866–1919.

The 19th amendment original tacked on to the 13th amendment in 1866 but was voted down. In 1914 is succeeded to both houses for a vote but failed in the Senate. In 1918 it came up for a vote again and failed in the Senate. It was resubmitted in 1919 and voted down again. It was reintroduced in 1919 and barely passed. It was ratified in 1920.

The 20th amendment introduced in 1840. Then 1866 another amendment was introduced in 1923 but was blocked by the House. This happened again in 1924 and 1926. In 1928 it passed the Senate but did not pass the House. In 1929 it passed the Senate and House but Amendment expired when they could not agree on compromise. 1932 it passed the Senate for the sixth time and finally passed the House. It was ratified in 1933.

The 21st amendment.

The 22nd amendment it began in 1787. Proposed in 1823 then 1824 passed by Senate, no action by House. 1826 passed by Senate, no action by House. 1913 passed by Senate no action by House. 1928 passed by House. 1947 passed by House and Senate. Ratified 1951.

The 24th amendment was introduced in 1947 and ratified in 1964.

FOOTNOTES

[3] See Cyril C. Means, Jr., "The Law of New York Concerning Abortion and the Status of the Fetus, 1664–1968: A Case of Cessation of Constitutionality," *New York Law Forum* XIV, no. 3 (Fall, 1968) and "The Phoenix of Abortional Freedom: Is a Penumbral or Ninth Amendment Right About to Rise from the Nineteenth Century Legislative Ashes of a Fourteenth Century Common law Liberty?" *ibid.* XVII (1971).

[4] Roe v. Wade, 410 U.S. 113, 151–52 (1973).

[5] Aristotle, *History of Animals*, 7.3.583b.

[6] 1 Blackstone, *Commentaries on the Laws of England* 124 (1769).

[7] Hearings (statement of Victor G. Rosenblum) at 473–474.

[8] James C. Mohr, *Abortion in American: The Origins and Evolution of National Policy, 1800–1900* (New York: Oxford University Press, 1978), pp. 3–12.

[9] *Ibid.*, p. 46.

[10] *Ibid., op. cit.*

[11] *Ibid.*, p. 110.

[12] See note 3, *supra.*

[13] Hearings (statement of William Marshner) at 449–63.

[14] L. Arey, *Developmental Anatomy [:] A Textbook and Laboratory Manual of Embryology* 45 (6th ed. 1954).

[15] Hearings (statement of Victor G. Rosenblum) at 474.

[16] Mohr, *ibid.*, at 157.

[17] *Ibid.*, at 216, n. 22.

[18] H. Hodge, *Foeticide or Criminal Abortion* 5 (1872).

[19] Mohr, *ibid.*, at 200.

[20] *Ibid.*, at 165., n. 22.

Mr. ABDNOR. Mr. President, the Senate is at a crossroads. We have an opportunity to say affirmatively that human life has value. It is imperative we take advantage of this opportunity today.

On June 16, 1983, a person, upon surveying newspaper headlines in South Dakota, could only shake their head in disbelief.

A front page story featured Interior Secretary Watt decrying the slaughter of 23 bald eagles and announcing the climax of a 2-year "sting" operation aimed at curbing illegal trafficking in endangered species. The picture cutline stated: "Anger, indignation swells at sight of 23 birds killed for profit."

On the same front page was another story reporting the latest decisions by the U.S. Supreme Court related to abortion. The decisions removed State and local requirements which a majority of the Court determined impeded the rights regarding abortion set down in the infamous 1973 Roe against Wade decision.

Where endangered species are concerned we are outraged at the slaughter.

Where human beings are concerned, it appears to be quite another matter.

It is a tragic commentary on our modern times that respect for life has become so skewed.

Abortion, rather than being seen as the destruction of human life, has been given the respectability of a constitutional right. Cloaked in phrases designed to obscure the reality of the act, life becomes a "fetus" or "tissue"; killing of this life is reduced to a mere "procedure."

While some still cringe at the recollection of Auschwitz or Buchenwald, there is little repugnance at the human slaughter which accompanies abortion on demand which has become part and parcel of acceptable conduct today.

Where is our outrage at the human life killed for profit—for convenience—for economic concerns—for "choice"—for whatever reason can be conjured up to justify this travesty.

Mr. President, we must begin to reorder our priorities where respect for human life is concerned. We must restore dignity and respect for life at all stages—beginning with the unborn.

It is clearly evident a constitutional amendment must be enacted to address the findings of Roe against Wade.

Senate Joint Resolution 3, in my judgment, is inadequate. I would much prefer to be voting upon language such as is found in Senate Joint Resolution 4, but this is not the opportunity afforded us today.

Nonetheless, it is imperative a stand must be taken if respect for life is to be restored, and the Senate must take this stand.

In voting for Senate Joint Resolution 3, we are taking a stand not only in behalf of the unborn, but in behalf of all life.

Mr. PACKWOOD. Mr. President, without the time being charged to either side, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATTINGLY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent for a call of the quorum with the time chargeable to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, earlier unanimous consent was granted, I believe, to extend the time for debate on the abortion resolution to 4 p.m. Through a misunderstanding, Mr.

President, that was not cleared on both sides. I was not on the floor and was not aware of it.

Mr. President, I ask unanimous consent that that order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama be given 20 minutes at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Alabama.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. DENTON. Yes.

Mr. BAKER. Mr. President, let me made sure we understand what is happening here. On the allocation of time the time will expire at 3:49 p.m., and Senators speaking on whatever basis, except by unanimous consent, which will be objected to, will not change that time.

May I inquire most respectfully then who is yielding time to the Senator from Alabama?

The PRESIDING OFFICER. The Senator just obtained 20 minutes by unanimous consent.

Mr. BAKER. In addition? Mr. President, may I ask the managers, please, if they will yield time to the Senator from Alabama because I really do not wish to change that time and had I been on the floor when that request was made I would have objected to it.

Mr. HATCH. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. It is our understanding as managers of this bill that my time has expired. Senator PACKWOOD, the distinguished Senator from Oregon, has time remaining. Both of us have agreed to try to accommodate any colleagues on either side on this issue who come to the floor. Yet we both understand this debate will end at 3:49 p.m. Therefore, is it correct for me when I ask unanimous consent for time to also state that that time should be taken out of whatever time is available up to 3:49 p.m.? Would that be more correct?

The PRESIDING OFFICER. The Senator from Oregon would have to consent to yield the time.

Mr. HATCH. I guess first I should ask the distinguished Senator from Oregon to allot time as his time expires.

Mr. PACKWOOD. As I understand, there is no time but my time.

The PRESIDING OFFICER. There is no time but the time of the Senator from Oregon.

Mr. PACKWOOD. What I will try to do, and I wish to say this again to the Senator from Utah, I expect a number of supporters on our side to come and speak and, because the side of the Senator from Utah has had substantially more time, I would give them preference. I am still hoping he and I will have 15 or 20 minutes apiece to summarize.

Now, working backward from 3:49—and this is now my time now—it is clear to me that those on both of our sides who would want to speak are not going to get to speak. I will be as generous as I can with the time, but I may not be able to grant all of the requests that the Senator asks for.

Mr. HATCH. That is all I could ask for. I thank my distinguished colleague. We both understand that this debate will end promptly at 3:49.

Mr. BAKER. I thank the Senators for that. Let me make an inquiry of the Chair. This morning when we opened I inquired of the Chair, and there was a different Parliamentarian here at the time, how much time remained. At that time, I believe I stated that it would all expire at 3:49. That is what I was depending on. Perhaps that was an error, but that was the representation I made at the time.

Could I inquire of the Chair at this time when the time for debate will expire, assuming there are no extensions of that time?

The PRESIDING OFFICER. There are exactly 2 hours and 13 minutes remaining.

Mr. BAKER. And there are no extensions? That is the way we started out this morning, is that right?

The PRESIDING OFFICER. There were 2 hours and 49 minutes remaining.

Mr. BAKER. There are 2 hours and 13 minutes remaining at this time and they all belong to Senator PACKWOOD?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. The Senator from Utah, I am sure, will implore the Senator from Oregon to try to accommodate other speakers. I add my supplication to that. I really urge we not change that time.

Mr. PACKWOOD. I want to make sure where we are. We are recessing from 12 to 2 p.m., is that correct?

Mr. BAKER. That is correct.

Mr. PACKWOOD. How much time is remaining?

The PRESIDING OFFICER. Two hours and 12 minutes.

Mr. PACKWOOD. So that puts us done at about 3:30 p.m., is that correct? An hour and a half after 2 o'clock and 30 minutes now. I just want to know where we end up.

The PRESIDING OFFICER. The Chair calculates we have 30 minutes remaining and it puts us to 2:45 p.m.

Mr. PACKWOOD. Not if there are 2 hours and 12 minutes remaining. We are coming back at 2 p.m. with whatever time is remaining.

The PRESIDING OFFICER. Approximately 3:45 p.m.

Mr. PACKWOOD. Approximately 3:45.

I think I will grant the time in about 10 minutes blocks in case any of my speakers come in. So I yield 10 minutes to the Senator from Alabama.

Mr. HATCH. Mr. President, I ask my colleagues who speak on their time to use their 10 minutes and if they need more, we will ask the distinguished Senator from Oregon to grant it. If he does not, they can put the rest of their statements in by unanimous consent.

Mr. DENTON. Mr. President, it is my understanding that my staff has been in touch to arrange a time at which I might speak. I am advised that a time was arranged yesterday and that it was changed until 2:30 today. It has further been changed to 11:30 this morning. I do not want any of the people whom I represent to think that there has been any unwillingness or lack of eagerness on my part to address the subject by whatever result obtained from the discussion that just occurred.

Mr. BAKER. Mr. President, let me make sure that the Senator from Alabama understands and everyone else understands. All I am trying to do is to preserve absolutely and literally the agreement that was hard won and arrived at after difficult negotiations for 10 hours equally divided for debate on this very sensitive issue. I believe we have accomplished that. The Senator from Alabama clearly wishes to speak, should speak, and is dedicated to this issue and has now been given time in order to do so.

But let me say that no change at all has been made. This was exactly the way it was done yesterday.

Mr. DENTON. Mr. President, I am not questioning the majority leader's fairness or propriety in this. I am just making a statement for the RECORD that I was ready to talk about this beginning yesterday, and I hope that the 10 minutes will be extended 10 more if Senator PACKWOOD's next speaker does not come in.

I will begin again.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DENTON. Mr. President, I do not take the pains or the time to speak today under the conventional wisdom that no one will change their views on this issue. That conventional wisdom has been echoed at our luncheons and caucuses and I disagree with it. I believe that views can change as the result of reasoned debate. I know mine have in the past. Indeed, I realize that some, and perhaps many, opinions have been shaped less on the substance of the issue than on such subjective matters as the personal abuse that at least one Senator from Oregon has had inflicted upon him by those who oppose abortion. Such acts have only blinded many to the merits of the

case against the destruction of innocent life.

I and others who oppose abortion on demand do not have a monopoly on compassion. Many of those who oppose this amendment, including Senator PACKWOOD, have a deep, and I believe sincere, concern for women and girls who find themselves facing a difficult decision. This does not in any way mean that I agree that abortion is the answer but I deeply respect Senator PACKWOOD and others who are struggling to preserve what they view as the solution to these problems.

Moreover, if one views the constitutional process as a mechanism that preserves the fundamental rights of both the majority and minority, I think we can appreciate the importance of the role that Senator PACKWOOD and others are playing. Amending the Constitution should not be easy. It should flow out of a societal consensus that the status quo is unacceptable and that change must be made.

In that spirit, Mr. President, I rise in strong support of Senator HATCH's amendment, Senate Joint Resolution 3. The real issue before us is not when life begins, nor is it abortion as an issue in isolation from other concerns. What we are discussing today is the confrontation between an ethic that respects the sanctity of all innocent life, and one that imposes variable values upon human existence depending on its usefulness to others, its alleged meaningfulness, or its quality.

I suggest to my colleagues that the proabortion position in general, and the line of judicial decisions beginning with Roe against Wade in particular, are based upon a quality of life ethic that denies the dignity and rights of handicapped children and others after birth just as surely as it denies the dignity and rights of all human life before birth.

I wish to be absolutely clear on that point. I am not saying only that abortion diminishes our respect for life and begins a slippery slope toward infanticide. I am saying that the precise philosophical and legal arguments used for the last 10 years to defend abortion are, by their very logic, already applicable to infanticide. The only thing that has thus far prevented those arguments from dominating our legal system is the remnant of the sanctity of life principle that we have retained from before the chain of decisions beginning with Roe against Wade. I do not know how much longer that remnant can withstand the corrosive effect of the abortion rulings from the Supreme Court and other courts. We must take action to reverse those decisions before they can do further damage.

Some of my colleagues may think that I am saying something controversial by positing a direct link between abortion and infanticide. They are gravely mistaken. I would like to present three statements to which most major thinkers on both sides of the abortion issue can subscribe. I repeat: these three statements have been made repeatedly by ethicists who support abortion on demand as well as those who oppose it.

The first statement is this: The abortion debate has nothing to do with the biological question of when a new living organism of the human species comes into existence. As a biological matter, each genetically complete human individual comes into existence at conception. All subsequent stages of development are just stepping-stones in the life cycle of the same human being: from embryo, to fetus, to infant, to child, to adolescent, to adult.

The second statement flows naturally from the first: What the abortion debate is really about is whether defenseless living members of the human species have lives worthy of respect, or whether we can dismiss some lives as being less worthy than others. In other words, all living members of the human race deserve the philosophical and legal title of "person," or are some human beings unworthy of that status because of their age, their location, their dependency on others, their inability to perform certain mental or physical tasks, and so on?

The third statement follows naturally from the first two. It is this: If one accepts the quality of life position, in which all human life is not of equal value, there is no intellectually defensible reason why one must cease to make the distinction at the moment of birth. Abortion and infanticide, therefore, rise or fall together.

I suspect that some will claim that my statements, especially the third one, are special pleading for the prolife cause. I assure you that the point is acknowledged by the proabortion side in the scholarly debate. Let me give a few examples to illustrate the point.

All three statements are found in a proabortion editorial published in the journal California Medicine in 1970 under the heading "A New Ethic for Medicine and Society." In quick succession, the editorial said: First, it is absurd to deny the scientific fact, which everyone really knows, that human life begins at conception and is continuous, whether intra- or extrauterine, until death. Second, that the real debate is between the old sanctity of life ethic and the new quality of life ethic, with both being applicable before and after birth. Third, that since the old ethic has not yet been fully displaced, it has been necessary to separate the idea of abortion from killing, even though it is irrational to do so.

Many other examples appear in the hearing record and subcommittee report on Senator HELMS Human Life Bill last year. For example, geneticist Leon Rosenberg testified against the bill, saying that there is no way of telling objectively what is worthy of being called human life in the philosophical sense of the word: "Some say that life begins at conception," said Dr. Rosenberg, "but others say that life begins when brain function appears, or when the heart beats, or when a recognizable human form exists in miniature, or when the fetus can survive outside the uterus, or when brain development is completed at two years of age."

Acceptance of those statements except the last one, of course, would mean that at least some of the abortions legalized by the Supreme Court in 1973 are genuine homicides in the fullest sense of the word. Acceptance of the last one would mean that the killing of any child under two—and of some mentally retarded adults—would not really be homicide. Interestingly, Dr. Rosenberg dropped the last statement from his testimony when he delivered it orally. I imagine one of his politically astute proabortion friends told him at the last minute not to give the game away.

One could go on with examples for hours. Joseph Fletcher of the University of Virginia, for example, has published certain "indicators of humanhood" based primarily on mental abilities: An IQ of 40 for example, would make someone "questionably human," whereas anyone "below the 20-mark" is "not a person."

Michael Tooley, of Stanford University, admits that quickening, viability, and birth are all completely unconvincing as "cut-off" points for permitting abortion. He, therefore, concluded as early as 1972 that "infanticide during a time interval shortly after birth must be morally acceptable."

Nobel Prize Winner James Watson suggests that birth certificates should only be issued 3 days after birth so parents can decide whether they want their child to live.

H. Tristram Englehardt of Georgetown University argues, "Not only is the fetus not in the strict sense a person, neither is a child until a certain level of consciousness is attained. The infant is still more an 'it' than a 'he' or a 'she.'" Englehardt's 1975 essay carries the chilling title, "Ethical Issue in Aiding the Death of Small Children."

The link between abortion and infanticide is not abstract. It is not only a characteristic of ethical theory. With every advance in prenatal medicine, with every new technique for treating the unborn child as a patient like any other, it becomes more and more obvious to the layman that birth is simply a change of location, not a sudden change from "blob of tissue" to "human infant." It has little to do

with age. We have, thriving in our hospital nurseries, premature infants, who are much younger than some of the children being destroyed by abortion and discarded like garbage in those same hospitals.

Doctors know that better than anyone else, and they draw the obvious conclusion: What matters is not so much your stage of development as your perfection or, more generally, your "wantedness." In a 1975 opinion poll, 75 percent of the leading pediatricians and professors of pediatrics surveyed said that some abortions are better described as "infanticide." About 15 percent said abortion is always the same as infanticide. Answers to other questions in the survey suggested that most of the respondents were in favor of infanticide in some situations.

Yet some of my colleagues will still claim that the moment of birth is the magic point at which a fetus with no standing under the law, becomes a full-fledged legal person with all the rights of a citizen of the United States. Indeed, they will claim, that is exactly what the Supreme Court affirmed in 1973. The Court gave a woman a right to control the fetus as part of her own body before viability, but reaffirmed the child's personhood at the moment at which it can leave the womb and survive on its own.

That is absolutely wrong. It is grossly, absurdly wrong. I do not doubt that, if one were building an abstract legal system from scratch, it would be possible to define birth, or viability, as the point when valueless life suddenly becomes a person with rights. To say, however, that the Supreme Court's abortion rulings did that is to display an abysmal ignorance of those rulings. To the contrary, the Court has already explicitly rejected all the best arguments one might use to keep its rationale for termination of life from extending beyond birth. The rational has been expanded and clarified over time to the point that now, in 1983, all the legal mechanisms are in place to make a dead letter of all the constitutional rights of handicapped infants.

I will outline briefly the stages of that development. First, the 1973 abortion rulings themselves contained three things that prepared the way for legalized infanticide: First, the Court rejected the proabortion plaintiff's argument that abortion should be allowed because a woman has a constitutional right to do what she wants with her own body. The Court knew that this was an absurd principle, and that it would, for example, make State vaccination programs unconstitutional. So instead the Court posited a "right of privacy" which, it claimed, gave constitutional protection to decisions about the begetting, bearing, and raising of children. Here the Court cited several cases involving the rights of parents over their children after birth.

Second, the Court decided that, even after viability, the unborn child was only a "potential life," not a legal person, and therefore could be destroyed if a live birth might have an adverse effect on the woman's social or emotional "well-being." That, in and of itself, can be described as an authorization for infanticide, for abortion is medically defined as the expulsion of the fetus from the womb before viability. Moreover, the Court used "viability" as the "capability of meaningful life outside the mother's womb." Since "meaningful" remained an undefined and subjective term, one was left to wonder whether a fetus, a baby, might clearly be alive outside the womb and still not be "viable."

Third, the Court denied 14th amendment "personhood" even to "viable" unborn children, because statutory and common law had never treated them as having all the rights and responsibilities of "persons," and because most uses of the term "person" in the Constitution—for example, in clauses on who is eligible to vote or to be a Member of Congress—were not applicable to the unborn. As some legal scholars have noted, newborn children might also fail those two tests. Most uses of "person" in the Constitution apply only to adults.

Two days after the Court's rulings in Roe and Doe, the New York Times printed a letter, from Prof. Paul Ramsey of Princeton University, which was surely prophetic. Professor Ramsey said in part:

> Justice Blackmun described the grounds for compelling state interest in the unborn as their "capability of meaningful life outside the mother's womb." Meaningful? Thus the Court opened the door to weighing human lives according to comparative worthiness, or something called "meaningfulness."
>
> Ineluctably we pass from abortion to infanticide, whether the Justices know it or not. Ineluctably, because many of the reasons alleged to justify permissive abortion have equal force in justifying the killing of neonates in hospital nurseries.

I am sure that Professor Ramsey was saddened but not surprised to find himself testifying before my Subcommittee on Family and Human Services only a few weeks ago in a confrontation with medical groups that now openly oppose legal interventions to prevent infanticide in hospital nurseries.

In the second stage of the legal evolution, the courts overturned manslaughter convictions against various physicians who had neglected, or acted to kill, children born alive during late-term abortions. In reversing criminal charges against Dr. Kenneth Edelin in 1976, in a case involving the death of a child born alive during an abortion at the margin of viability, the supreme judicial court of Massachusetts suggested that the physician must not be held to the same standard of care during an abortion as if a live birth had been intended. Requiring adherence to ordinary standards of medical practice for premature newborns might infringe on the "constitutional freedoms" that protect the "right" of abortion. Dr. William Waddill was acquitted of similar charges in 1978, although an eyewitness claimed to have seen him actually strangling a child who unexpectedly left the womb alive and gasping for breath.

In these and other cases, as one commentator put it, the fact of a live birth became "somewhat like a State border, which an officer of one jurisdiction may disregard if he is following a fugitive in hot pursuit."

The third stage took place with the Supreme Court's 1979 ruling in Colautti against Franklin. The Court invalidated as unconstitutional a State law requiring medical treatment for infants born alive and possibly viable during abortions. The decision was made in large part because a vindication of the right of those children to reasonable care after they leave the womb would have what the Court called a chilling effect on the right to perform late-term abortions. With that decision, the U.S. Constitution was allowed to justify the neglect of even healthy newborns whose parents did not want them to survive.

The fourth stage came with the widespread practice of prenatal diagnosis followed by selective abortion of the handicapped child. State courts began to allow suits for "wrongful birth" and "wrongful life," so that a physician could be sued for failing to perform prenatal tests and to facilitate abortion. One State appeals court suggested that a handicapped child should be able to sue her own parents for not having destroyed her before birth. Some courts thus used the abortion rulings to create a new financial pressure toward infanticide.

Imagine the following scenario: A physician delivers a premature infant girl by cesarean section, and finds to his surprise that she has a severe mental or physical disability. He suddenly realizes that, since he did not expect this, he never advised the mother to get an amniocentesis to insure that the child was not "defective," so the child or her parents could sue him for the lifetime costs of raising, treating, and educating her. The parents now realize not only that they must assume the burdens of raising the child, but that they could be sued by the child for inflicting upon her what some commentators have called "the injury of wrongful existence." The obstetrician, however, realizes that the Supreme Court's abortion rulings have provided not only the mo-

tivation but also the means for eliminating the problem.

What is to prevent physicians and parents from neglecting the infant until she dies and then claiming that she was not "viable" in the first place, especially since the Supreme Court has ruled that the determination of "viability" must be left to the judgment of the individual physician? What is to keep the physician and the parents from saying that the handicapped girl, even though born at full term, is not "viable" because she is not capable of truly "meaningful" life?

Since a late-term abortion by hysterotomy uses exactly the same techniques as does cesarean section, except that the patient is not supposed to survive, what is to prevent the physician from changing one line on the medical record and retroactively labeling the entire procedure as an abortion? That would prevent all prying questions about the child's death, and would place the physician and the parents under the protective umbrella of a fundamental constitutional right.

Ten years ago, abortion advocates claimed that abortion was, tragically, necessary as a backup for "contraceptive failure." Have we already arrived at the point where infanticide is a tragically necessary "back-up" to unsuccessful abortions? Please note that "wrongful life" suits are not based only on the acceptability of abortion. They assume that a handicapped child's life after birth is a "wrong," justifying financial penalties, and abortion is proposed as a means of preventing this wrong before it happens. But if a child manages to sneak past that net, why not "cure" the wrong that was not prevented?

Why not, indeed? Last year, the Indiana State Supreme Court asked itself that question and, imbued with the slogans and the spirit of Roe against Wade, it could not think of an answer. So a child had to die. This is stage 5: Quite judicial approval of infanticide. The baby boy now known as Infant Doe was born with Down's syndrome and with a digestive blockage that called for routine surgery. The child's obstetrician and parents decided against lifesaving surgery. The child was then refused all intravenous food and water, wheeled to a dark and empty room in an adult ward, and left to die of dehydration. That took 6 days. Witnesses say the baby cried a great deal the first 3 days, whether from fear or loneliness, or hunger, or all of them, but was much quieter after that when hunger and dehydration made him too weak to cry.

Massive efforts to save the child's life, by the hospital, potential adoptive parents, State prosecutors, and legal defense groups, were to no avail. Infant Doe died after the Indiana Supreme Court affirmed his parents' right to insure his early death. The court has sealed the records in the case, but all reports indicate that the well-worn rationale of the abortion rulings was the decisive factor in the court's decision. The parents' attorney defended their "freedom of choice" and accused the State prosecutor of intervening in "medical judgments" which should be reached only between the parents and their physician.

The decision to end the child's life was an ideological, not a medical, decision, but then so are most decisions to abort, even in the late weeks of pregnancy. The real motivation was that the child's life would have been a burden on the parents and not sufficiently "meaningful." If he had been allowed to live, claimed the attorney for the parents on a TV talk show, "there would have been a horrific trauma—trauma to the child who would never have enjoyed a quality of life of any sort, trauma to the family, trauma to society." Let us note that the abysmal "quality of life" that effectively invalidated the equal protection clause of our Constitution in this case was that of a child who might have been simply a slow learner in school, or even of average intelligence. It is impossible at birth to predict the severity of a particular case of Down's Syndrome.

Mr. President, the Reagan administration responded to the "Infant Doe" case by reminding hospitals that under the Rehabilitation Act of 1973, handicapped people have the right to equitable treatment. That effort simply to reaffirm that 10-year-old civil rights law has been blocked in the courts. Although Judge Gesell of the U.S. district court based his April 14 ruling on procedural grounds, he also left no doubt about where he thinks the law should come down on the substantive issue. Gesell has provided us with stage 6: Explicit, written judicial arguments in favor of extending the "quality of life" ethic to deny equal protection to handicapped citizens. Gesell himself, of course, does not call the victims "handicapped citizens," he calls them "seriously defective."

Judge Gesell proposes a two-tiered system to determine a child's right to lifesaving treatment. Such treatment should clearly be ordered when it will cure all handicaps, allowing the child to "attain complete health and develop normally." He doubts, however, that a child should be saved when its "quality of life" and "chances for an independent existence" will still be "seriously impaired" by a handicap. Gesell finds fault with routine surgery allowing a retarded child to eat, because it "cannot alter the mental retardation caused by Down's." In other words, handicapped citizens have a clear right to medical treatment only if it will remove their handicap.

Gesell goes beyond denying that handicapped newborns should get the same standard of care as other newborns. He denies that any standard of care at all exists for handicapped newborns. He expresses doubt that Congress really intended to protect newborn infants when it enacted the Rehabilitation Act, as though it doubted that newborns are legal persons subject to civil rights protections.

Despite all that, the most provocative sentence in the ruling is the remark that regulations protecting handicapped newborns "may in some cases infringe upon the interests outlined in cases such as * * * Roe against Wade."

In light of that ruling, Columnist George Will's reaction last April to the "Infant Doe" case seems fully justified. In a tone of controlled anger, he wrote:

> In 1973 the Supreme Court created a virtually unrestrictable right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently emphasized "viability," offered no intelligible, let alone serious, reason why birth should be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.
>
> The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill.

When Roe against Wade was handed down in 1973, it apparently emboldened pediatricians who had been quietly neglecting handicapped infants to go public in the medical journals, and even to recommend their approach to other physicians. Two of the trailblazers, Drs. Duff and Campbell of Yale-New Haven Hospital, reported that 43 percent of the deaths in their nursery were related to withholding of treatment; those included situations identical with that of "Infant Doe" in Indiana. Duff and Campbell closed their article by saying, "If working out these dilemmas in ways such as those we suggest is in violation of the law, we believe the law should be changed." Ten years later, thanks to Roe against Wade's rationale and Judge Gesell, I fear they are about to get their wish.

Mr. President, I want to be honest and frank. My colleagues know that I am against legalized abortion at any stage, and that I consider it an unjustified attack on an innocent child. Some of my colleagues disagree strongly with my position on the matter. With respect to the legislation before us, however, which simply removes from our books the 1973 abortion rulings, I think the alliances should line up a little differently.

There are some in our country who are simply unreachable on the matter,

because they do not have much of a problem with either abortion or infanticide. Such people consider the starving of a handicapped infant as just another defense of civil liberties and of the right of parental privacy. I do not have much to say to those people. Those in this body who share their view must surely vote against the amendment, because they must defend the series of Supreme Court decisions that provide the only clear legal precedent for a constitutional right to infanticide. I want them to know, however, that the quality of life ethic to which they subscribe is, to my mind, no ethic at all. It is a flimflam. It is a batch of sophisticated mumbo jumbo designed to rationalize the oppression of the weak by the strong.

I think that most people who support the Supreme Court's decisions, in this Chamber and around the country, do so because, they do not fully realize their conceptual and legal implications. To my colleagues I want to say, please reflect very deeply and very carefully before you vote to uphold the Court's abortion rulings. Pray and agonize over it a little. Because if you think that those rulings pose no danger to those already born, if you think that a little thing like legal personhood is going to protect the rest of us from the acid that is now eating its way through the legal wall that protects us, I think that all evidence is against you.

As I said earlier, it may be possible in the abstract to arbitrarily define birth as a boundary between life that can be killed, through abortion, and personhood that justifies protection of the law, but it does not make any logical or moral sense. It is definitely not what the Supreme Court's rulings have done. All unwittingly, I think we risk affirming a legal trend whose destructive power we have only begun to witness, judicial support and justification for the attitude that being unwanted, whatever one's age, is a capital offense. That trend contradicts everything else we defend in terms of the civil rights of handicapped people and other defenseless minorities who, at one time or another have not been wanted by those in power.

I urge my colleagues to vote with me on the legislation before us to prevent more damage. I realize that many of us may continue to disagree on the extent to which our Government should take affirmative steps to protect the unborn, but perhaps we can agree that the right to kill is not a healthy thing to have elevated to the status of fundamental constitutional principle.

I commend my colleagues who agree with me on the abortion issue for their commitment to the defenseless, who cannot say "thank you" themselves. I urge them to support Senator HATCH's amendment with every bit of enthusiasm they might like to reserve for a stronger measure. Many would prefer to be voting on an amendment that would clearly affirm that every human being, regardless of age or condition, has the status of a person before the law. I beg my colleagues to consider how little good that principle can do as long as the right to kill the unwanted is allowed to take precedence.

The courts can decide that handicapped infants are persons. They can also decide that the measures taken to snuff out their lives are not acts of killing but simply medical judgments. The courts can decide that, because infants are persons, they have a fundamental right to die or a right to be free of the injury of wrongful existence. None of us wants to wait around to find out what imaginative and creative lines of reasoning will be used next to broaden the scope of the killing.

I urge my colleagues to help me put out some of the raging fire now, and not argue about the imperfections of the hose we are using. We will surely fight another day over other aspects of the right to life, but I fear that the fight will be over if the court rulings are allowed to work their way more deeply into our legal system.

Mr. President, I shall use the remainder of my 5 minutes to suggest to my esteemed colleagues that that group of men who were our Founding Fathers were praised by the British who wrote the Encyclopedia Britannica as perhaps the most fortuitous group to ever form a government—although the British, in that same publication, made light of our military effort in the Revolution, they praised those men. I believe we are abandoning their principles to the point that we are eroding the basis for our own rise to prosperity and threatening our survival. Those men said that all men are created equal, that they are endowed by their Creator—not by some psychologist, some sociologist, some medical doctor or pediatrician with a theory—by their Creator and, as most of the people in the Western World, I believe in that Creator. And that Creator gave them certain inalienable rights—inalienable rights—that among these are life, liberty, and the pursuit of happiness.

Are we regarding life as inalienable? Or are we making it an alienable right which judges, doctors, and pragmatist quibblers can dispense with, dispose of, as they see fit? If so, we are emulating the Chinese in deciding that girl babies are undesirable; if they are not wanted, we will destroy them.

We are emulating the chicken breeders down in Alabama who determine that if the sex of a chicken is male, it must be destroyed because we do not economically need that many male chickens.

We are treating life with a sort of "modern" alienability which is not in concert with the great thought regarding dignity of life, liberty, and the pursuit of happiness which were the foundations of this society.

Western law is derived from the Jewish, Christian, and Islamic belief in the God of Abraham. The right to life is an inalienable right endowed by that Creator. If we are so rude and arrogant as to denigrate that great principle, we are tampering with the natural law and the fundamental premise of our American democracy.

As chairman of the Subcommittee on Family and Human Services, I have to deal with the Down's Syndrome and infanticide. I do not claim to know all the answers to every question on infanticide. Because of the depth of immersion I have had in that issue, I am very aware of the rationale among German psychiatrists and doctors which convinced Germany that it had a right to destroy the Jews in the Holocaust. We are headed down a similar path. We are discarding that philosophy which brought us to a pinnacle of greatness from which we are now descending.

The history of our Nation is made up in part by efforts to extend to groups of individuals—freed slaves, American Indians, immigrants from around the world, and women of all races—the benefits of the inalienable rights of life and liberty. Only the unborn, the little children who are victims of infanticide, and the elderly who are "euthanased" out of existence, present an anomaly in the parade of the elevation of human dignity, and, indeed, the pursuit of happiness based on the principle that all men are endowed with some spark of the Divine.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DENTON. I thank the Chair. I thank Senator PACKWOOD for the time.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

Mr. HATCH. If the Senator will withhold, I thank the Senator from Alabama for his speech and the great contributions he makes and has made in the past on behalf of the unborn. I just wish to express the great appreciation I have for him on the floor.

I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll:

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PACKWOOD. I yield such time as the Senator wants.

Mr. CRANSTON. Mr. President, the issue of abortion is one of the most difficult matters that comes before this body. There are very strong views on both sides, arising from deeply felt personal convictions, religious beliefs, and moral perspectives.

My own view is that abortion is a tragic result for everyone concerned. I believe that the real solution lies in the development of public policies to provide realistic alternatives that would help reduce the number of abortions. Throughout my career in the Senate, I have actively worked to develop such alternatives, particularly through support of programs to make safe and reliable family planning services available to those who seek services in order to avoid unintended pregnancies, to provide necessary medical services to those women who seek to carry a pregnancy to term, and to facilitate the availability of adoption for women who choose that option.

However, the real issue before us is not what the personal views of any Member of this body are with respect to abortion, but rather whether government—at any level—should be allowed to intervene in and limit the choices of individual women in this most personal, private, and difficult area. The Supreme Court held 10 years ago, and reaffirmed 2 weeks ago, that if the right to privacy means anything, it means the right to be free from unwarranted governmental intrusion in this area. Under the Constitution, at present, the question of abortion is a private one with the decision as to propriety and necessity left to the individuals and physicians concerned. That is how it should remain.

That is the view held by the vast majority of Americans. National public opinion polls repeatedly show that an overwhelming majority feel that decisions about abortion are best left to those involved, guided by their own personal beliefs and convictions, free from governmental interference.

Mr. President, the proponents of this amendment seek to impose the views of one side of the abortion issue upon those who hold different, but equally firm convictions. That goal is in fundamental conflict with the basic concept of individual freedom which Americans have always held dear.

It is also clear, Mr. President, that the proponents of this amendment will not achieve their goal, even if this amendment were added to the Constitution.

Passage and ratification of Senate Joint Resolution 3 will not resolve the abortion debate—it will only prolong it.

It will not halt abortions, but merely change the conditions under which they are performed and the price to be paid, both in human and economic terms.

The abortion fights which have repeatedly paralyzed Congress would become regular events in State legislatures and the rights of individuals would be subjected to continuous shifting majorities in State legislative bodies, with one side prevailing one year, and the other the next.

In those States where abortions became illegal, we would see a return to the days when unskilled abortionists preyed upon desperate women. The abortion mortality rate, which has almost disappeared would again rise. Legal and safe abortions, however, would remain an option for those women able to travel to other States or countries. The less affluent would be denied those choices.

Mr. President, once before in the history of this Nation, we adopted an amendment which attempted to impose the moral convictions of one segment of our society upon the rest. The 18th amendment was a miserable failure. It bred disrespect for the law among our people, made criminals out of otherwise law-abiding citizens, and created an industry of illegal profiteers and corruption. Adoption of this amendment would invite the same dire consequences.

Finally, Mr. President, there are substantial reasons to oppose this particular amendment irrespective of the abortion issue. Senate Joint Resolution 3 would establish a dangerous precedent for resolution of disputes over what are unquestionably fundamental and deeply controversial matters.

Unlike the various other proposed constitutional amendments related to abortion, Senate Joint Resolution 3 would not, by itself, outlaw abortion. Rather, lacking the consensus or public support necessary to achieve an outright ban, the proponents of this amendment seek to reduce a constitutionally protected right to one that could be limited or denied by a simple majority vote of a State legislature or the Congress. Citizens would be forced to negotiate on a State-by-State basis to assert what had been a fundamental right. What other fundamental rights might be subjected next to this approach? Should freedom of speech or assembly or minority rights be subjected to State-by-State determination?

Our Constitution stands as a safeguard against governmental intrusion into individual freedoms wherever one resides in the Nation. This amendment would alter that relationship and establish a precedent that could later be applied to other basic rights—an intolerable result, I believe.

Mr. President, Senate Joint Resolution 3 is a bad amendment and it represents bad public policy. I urge its defeat.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m. today.

Thereupon, at 12:05 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

CONSTITUTIONAL AMENDMENT ON ABORTION

The Senate continued with the consideration of Senate Joint Resolution 3.

The PRESIDING OFFICER. All time is now controlled by the Senator from Oregon (Mr. PACKWOOD); 1 hour and 43 minutes remain.

Who yields time?

Mr. PACKWOOD. Mr. President, it is my intention, in a moment, to yield to the Senator from Massachusetts, but I first yield to the Senator from Minnesota.

Mr. DURENBERGER. I thank the Senator from Oregon.

Mr. President, the issue before us today has become one of the most difficult questions facing Congress and our society. While the disagreement over the resolution of this issue runs deep, it is clear that few people are satisfied with the present state of uncertainty.

Despite repeated congressional attempts, State and local laws and judicial rulings, our society has failed to reach a consensus on the question of abortion. In fact, contradictory policies seem to be the rule rather than the exception.

A court in one State convicted a man of murder for shooting and killing a fetus in a woman who survived the wound. A court in another State declared that a fetus has the right to inherit property. State legislatures and city councils have passed laws to restrict abortions and guarantee rights to the unborn.

While some of these laws have been struck down by the Supreme Court and some of the judicial rulings may be overturned, they stand out as just a few of the many examples of contradictions in our society's policies on abortion. If anyone is arguing to maintain the status quo in order to clarify the question, then that person has

been too far removed from the reality of how confused are our society's policies on abortion.

We are in desperate need of a societal consensus on abortion. I believe the Hatch-Eagleton amendment is the best vehicle to achieve that consensus, and I strongly urge my colleagues to support its passage.

I hope my words today and the arguments of the others who will speak in favor of this proposed constitutional amendment will not fall on deaf ears. Yet, I suspect that we could debate this issue for 10 hours or 10 weeks without changing a single vote in the U.S. Senate. I know that my colleagues on both sides of the question have not arrived at their positions without a lot of study, discussion, consideration and soul searching. I also know that their positions will not easily be changed.

Regardless of the fate of this amendment, I hope that my words today will at least cause opponents to reflect on their positions.

Mr. President, I believe that America is society at its best. I am only surprised when America fails to achieve the best. Sadly, that is the case with the untold number of unwanted children who are conceived every year.

Everything that caused me to get involved in public service years ago and caused me to become a candidate for the U.S. Senate in 1978 causes me to plea with this Congress to recognize our obligation to those children.

Abortion is not the answer. Some have argued that this human life federalism amendment sets a dangerous precedent: For the first time in our country's history, say opponents, an amendment to the Constitution would restrict a person's rights, namely a woman's right to privacy.

The basis of this amendment, however, is the rights of a severely disadvantaged group; the unborn. This amendment deals with one essential question: Does the unborn have the right to life? In my mind, the answer must be "Yes."

So, the crux of this debate is not whether we are taking away rights. Our society always has had to choose between competing rights. Throughout the years, interpretations of the very first amendment to the Constitution have recognized the need to balance rights. Americans are guaranteed the right to freedom of speech, until that speech is used to slander another person or incite lawless action. At that point, the right to freedom of speech is restricted because our society considers other rights to be more important.

Our society has even placed limits on the right to privacy, especially when the health and safety of an individual, a group of individuals or society as a whole are endangered. For example, Congress and Federal, State, and local agencies not only deem administrative inspections of private property to determine if health and safety standards are being met appropriate, but in many cases necessary.

The Hatch-Eagleton Human Life Federalism amendment clearly does not establish precedent, it follows a well-established and necessary pattern of balancing rights in a diverse society. This balancing of competing rights is vital if we are to remain a free society based on equality. Rights must not be accorded only to those who are articulate enough or wealthy enough to be heard by the policymakers of our country.

The only question that counts in this matter is whether or not the unborn should be guaranteed the right to life. Everything else, frankly, is a smokescreen. The scientific community cannot provide a certain answer any more than public opinion polls can. Both are divided on the issue.

In the end, it comes down to the obligations we, as elected representatives of this society, incurred when we were sworn into office. The most important of those obligations is to defend the rights of the helpless. And there is no person in our society today who is more helpless than the unborn.

If a court considers an unborn child a person who can be murdered, then certainly we must consider unborn children persons who have a right to a quality life.

Regardless of the fate of this amendment, I fervently hope all of us—proponents and opponents of this amendment—will commit to improving the quality of life for all children. Those of us who support the Hatch-Eagleton amendment must do more than say no to abortion. We must provide alternatives.

A study by the Alan Guttmacher Institute estimated that in 1981, 814,000 unintended pregnancies, including 423,000 among teenagers, were averted as a result of family planning services. More than half of these pregnancies would have ended in abortion.

Yet, title X of the Public Health Service Act is under attack by many. Rather than weakening this program, we should be doing everything in our power to strengthen it and expand its services.

In the same vein, this Congress has an obligation to assure appropriate funding for child welfare services, foster care and adoption services. Our children must not be on the front line in the battle to control the Federal budget. The same fervor we bring to protecting the unborn's right to life must be brought to funding programs that will provide the necessary health care for mother and child during pregnancy and the opportunity for a quality of life after birth.

Mr. President, let me conclude by saying that perhaps the greatest instrument in the Constitution of the United States is the system of checks and balances. It has served our Nation well, especially in protecting the rights of individuals.

The Supreme Court, as part of that system of checks and balances, has often broken new and important ground at times when Congress or the executive branch were unable or unwilling to lead.

Yet the Supreme Court is composed of people like us, like the public we serve. For all their years of study, for all their dedication to the issues and to the principles of our Nation, the Justices throughout the years of our Republic have occasionally erred. In 1857, 126 years ago, the Supreme Court majority erred in the infamous Dred Scott case when it declared blacks to be noncitizens. Congress responded, rightfully, by correcting that error and submitting the 14th amendment to the States for ratification.

In 1973 and again in 1983, I believe the majority of the Supreme Court has erred in declaring the unborn to be nonpersons. It is our duty today, as it was our predecessors' duty a century ago, to use the system of checks and balances to correct the Supreme Court's wrong and submit the Hatch-Eagleton Human Life Federalism amendment to the States for ratification.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator from Massachusetts yield to me so that I can put further requests with respect to committee meetings?

Mr. KENNEDY. I yield.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, June 28, at 2:30 p.m., to hold a markup on the following bills:

S. 1168, trust lands for Kaw Tribe of Oklahoma.

S. 856, Indian housing bill.
S. 1224, judgment funds for Creek Nation.
S. 1249, Indian member of the Advisory Commission of Intergovernmental relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 28, to hold a markup of the Clean Water Act Amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, June 28, to hold an oversight hearing on soil and water conservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, did I correctly understand from the Senator from Massachusetts that he anticipated that there would be a request in respect to the Armed Services Committee?

Mr. KENNEDY. Yes.

Mr. BAKER. Mr. President, I mistakenly thought that was one of the three, and it is not. I do not put that request at this time. I note that the Senator has indicated that he would object if such request were put.

Mr. KENNEDY. The Senator is correct.

The meeting was scheduled for 2 o'clock, and I had anticipated that there would be such a request today. So I would make that objection, should such a request be made.

Mr. BAKER. I thank the Senator.

CONSTITUTIONAL AMENDMENT ON ABORTION

The Senate continued with the consideration of Senate Joint Resolution 3.

Mr. PACKWOOD. Mr. President, in yielding to the Senator from Massachusetts, I call attention to the fact that six Senators want to speak between now and 3 p.m. Senator BAUCUS will speak next. I would appreciate it if the Senator from Massachusetts would keep that in mind.

Mr. KENNEDY. Mr. President, I oppose the Hatch constitutional amendment on abortion. As we debate this issue again in the Senate, I am struck by an unusual irony. In recent years, a number of our colleagues—on the Senate floor, in committee meetings, and in the media—have regularly denounced excessive intrusion by Government into the lives of citizens. These colleagues have urged us to get Government off people's backs; they have extolled the virtues of less Government and greater individual liberty.

But as the years have passed, we have come to understand the true import of these slogans. To the reactionaries, less Government means more liberty for polluters to poison the air and water and despoil the wilderness. Getting Government off people's backs means tax cuts that primarily benefit the wealthiest individuals and corporations. Greater freedom means opposition to a constitutional guarantee of equal rights for women. To the reactionaries, less Government means fewer programs to help the most vulnerable in society—the elderly, the poor, the sick, the disabled, the unemployed, and the female heads of households who comprise an ever larger segment of our Nation's needy.

To paraphrase a famous aphorism, the proponents of this narrow view of liberty believe that the rich as well as the poor should be free to sleep under bridges, to beg in the streets, and to stand in unemployment lines.

These advocates of reaction disdain one of the greatest and most progressive principles ever established, not only in American history but in the long history of human freedom—the individual's right to privacy. As Justice Louis Brandeis wrote a half century ago:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness . . . they sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations.
>
> They conferred, as against the government, the right to be let alone, the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of this [Constitution].

The self-proclaimed opponents of less Government interference now stand before the Senate with a proposal that would increase the involvement of Government in the most private of all decisions. They talk of taking Government off people's backs—and then fight to put Government into people's bedrooms.

Where our Constitution affirms diversity of thought and freedom of belief, they seek conformity to a single vision of America. They are now demanding a Government-imposed regime of intolerance toward those whose religious creed may differ from theirs, and whose gender happens not to be male.

I know there are many sincere people of deep conviction who seek to outlaw abortion—but given my conception of America as a pluralistic society, I cannot in good conscience join them.

The issue before us touches some of the most deeply personal questions in individual life. I do not believe that any woman makes the decision lightly whether to have an abortion. This is an issue, perhaps above all others, on which decent people hold deep and widely differing beliefs and values. Men and women, lay persons and clerics, have conscientiously reached their own decisions as to when, if ever, abortion is permissible.

The question we face today is whether the U.S. Constitution should be amended to decide this intensely private decision for all Americans. I am convinced that the issue of abortion cannot appropriately or effectively be resolved by legislative action or by amendment of the Constitution. It is, and it must remain, a matter of individual conscience.

Therefore, I do not believe that Senate Joint Resolution 3, or any constitutional amendment or any statute, can settle the abortion controversy. In fact, instead of resolving the issue on the merits, Senate Joint Resolution 3 will only make the present situation worse, by authorizing Congress and the States to legislate future answers by statute. The result could well be endless controversy about this profoundly divisive issue—with 50 different solutions, 1 for every State, and perhaps with each solution changing repeatedly in response to the changing power of different pressure groups.

Finally, it is disturbing that so many proponents of this amendment have voted consistently against the help and support that can mean fewer abortions. They have cut funds for maternal and child health programs that prevent fetal disease and help a mother carry a child to term. They have cut immunization programs that protect against crippling birth defects. They have opposed education and job training programs that give the poor and disadvantaged an alternative to despair and dependency. They have sought to abolish programs that offer family planning services for those who wish them. In the name of less Government, they turn their back on proven alternatives to abortion, and then seek to resolve the problem by the most intrusive kind of Government of all.

I am proud to have stood for Government when it has brought better health care to parents and children, better education, better jobs, and a better future. I have sought less Government and more free enterprise when that means greater efficiency and the end of outworn programs. And I am proud to have stood for less Government when it means the defense of our priceless freedoms—of thought and religion, of speech and press, and

assembly. Congress will never resolve the issue of abortion by Government fiat. But by defeating this amendment, Congress can begin to move beyond this issue and work to enhance American life in ways that are effectively and properly within the competence and scope of Government.

Mr. PACKWOOD. Mr. President, I thank my distinguished colleague from Massachusetts for support of this issue.

I now yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I first wish to commend the Senator from Oregon for his efforts on this issue. I also wish to thank Senator HATCH from Utah and Senator EAGLETON from Missouri for the way in which they are presenting this matter to the Senate.

Mr. President, as we all know, other Senators in previous sessions of Congress have recommended that we address this issue differently. They urged Congress to end run the constitutional amendment process. In so doing they urged us to pass statutes that would restrict the jurisdiction of the U.S. Supreme Court not only on this issue but also on a number of other significant matters.

At that time I strongly opposed those court-stripping proposals. I thought they were wrong then; I think they are wrong now. In my view, they are clearly unconstitutional.

Mr. President, courtstripping is not the issue before us today. Fortunately, Senator HATCH and Senator EAGLETON are not trying to end run the process. Instead, they are, to their credit, addressing this issue frontally, in a straightforward manner, and I commend them for so doing.

Mr. President, in these busy and difficult times, it is important that we not lose sight of the paramount status of our Constitution. The U.S. Constitution is the single most important document in this country. It embodies the supreme law of the land. It establishes and circumscribes the powers of the Government. It defines and protects the fundamental rights and liberties of American citizens. Each principle articulated in the Constitution has a profound effect on our Government, our society, and our individual lives.

Changing the Constitution is therefore a task that should be undertaken only with reluctance and only with a complete understanding of the consequences of such action. The potential impact of new constitutional principles should be clear. And they must be consistent with the basic notions of societal justice and individual freedom upon which this Nation was founded.

In my judgment, Senate Joint Resolution 3 does not meet either of these criteria.

The lack of clarity in Senate Joint Resolution 3 is alarming. The language of the proposal does not resolve significant policy questions that should be addressed. For instance, what effect does the absence of the right to abortion have on other fundamental rights that are not mentioned, like the right to due process, the right to equal protection of the laws, and the right to privacy? Are these rights left intact or are they too meant to be circumscribed? Under the proposed amendment, are the States given free rein to outlaw abortions altogether? May different States have different standards regulating the availability of abortions? And what can and should be the role of the Federal Government in dealing with the issue?

None of these questions is addressed or answered by the Hatch/Eagleton proposal. It offers no clear and overriding principle of constitutional proportions to give guidance to today's lawmakers or to future generations. In my view, our Constitution should not become a repository for vague and imprecise statements of nonrights, such as those set forth in Senate Joint Resolution 3.

While I am deeply troubled by the lack of clarity, I am even more troubled by the inconsistency of this amendment with the fundamental principles and purpose of our Constitution. The Constitution was written and ratified largely to prevent Government from unnecessarily interfering with personal freedoms. Amendments to the Constitution have historically been designed to give greater protection to these freedoms and clear articulation to individual rights.

Senate Joint Resolution 3 would accomplish just the opposite. Instead of enhancing or protecting basic liberties, it eradicates a right that has previously been recognized. Instead of keeping the Government at arm's length from our private lives, it invites governmental intrusion into the most personal of private decisions.

We, in Congress, have a solemn responsibility to protect and preserve the Constitution, the constitutional tradition, and constitutional rights of all Americans. In my view, the adoption of the Hatch/Eagleton amendment is incompatible with this responsibility.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, will the distinguished Senator from Oregon yield to me?

Mr. PACKWOOD. I Yield.

The PRESIDING OFFICER. Time is yielded by the Senator from Oregon to the Senator from Utah.

Mr. HATCH. Mr. President, the moral contradictions of legalized abortion become greater, not less, with each passing year. In our Nation well over 100,000 abortions a year are performed after the first trimester. Yet in modern neonatal units, younger and younger children are surviving.

I ask unanimous consent to have printed in the RECORD two recent press accounts of babies born, respectively, 16 and 18 weeks prematurely, who survived.

There being no objection, the press accounts were ordered to be printed in the RECORD, as follows:

[The Houston Post, June 9, 1983]

SMALLEST HUMAN ALIVE BREATHING ON HER OWN

VICTORIA.—A four-month premature infant—considered the smallest human being alive in the world—rested peacefully in a hospital incubator Wednesday breathing on her own, a doctor said.

"She is the youngest human alive in the world," said Dr. Wadieh El-Mahmoudi, the pediatrician for 14-ounce Melissa Maurer, born 4 months prematurely on June 1.

"They say in the Guinness Book (of World Records) that in England they had one baby born at 10 ounces, 14 years ago. Now, she (Melissa) is the youngest and the smallest human being alive in the whole world," he said.

The mother, Sandy Maurer, is optimistic her daughter will survive.

"I think she's going to make it. She's my miracle baby," Maurer said.

The tiny blond infant has breathed on her own since her birth. Nurses in the neonatal intensive care unit at the Citizens Memorial Hospital in Victoria, 50 miles south of Houston, said they keep a "watchful eye on her all the time."

Nurses have propped pillows around her to minimize any movements to prevent her from burning calories that could cause her to lose precious weight.

"The only thing near her is a bear that makes fetal noises like the womb," said one nurse.

"So far there are no complications that usually happen with prematurity," the doctor said.

Although El-Mahmoudi agrees the child is a miracle, he gives her only a 20 percent chance of surviving.

"As every day passes, I'm more hopeful. We go hour by hour. The more time passes, the better her chances are of survival," he said.

"So far she appears completely normal, just premature," the doctor said.

Maurer told doctors she was unaware she was pregnant until "several days prior to delivery," El-Mahmoudi said.

"She had two tests that were negative, and the third test was positive. When she knew she was pregnant . . . a couple of days later, she went into labor," the doctor said.

The tiny infant weighed one pound, two ounces at birth, but quickly dropped down to 12 ounces because she could not be fed.

Doctors inserted a tube through her navel to feed her a mixture of proteins, dextrose, and vitamins to keep her alive.

[From the Washington Post, Mar. 31, 1983]

INFANT BORN 18 WEEKS PREMATURELY AT 17 OUNCES SURVIVES AFTER 7 WEEKS

(By Jay Mathews)

LOS ANGELES, March 30.—A 1 pound, 1 ounce infant born 18 weeks prematurely has survived for almost two months in San Diego. She may be the smallest baby known to have survived such a premature birth.

The doctor caring for Ernestine Hudgins, who now weighs 1 pound, 14 ounces, said she has a 95 percent chance of survival.

"She is very special," said Dr. Morton L. Cohen, medical director of the neonatal unit at San Diego's Children's Hospital. "Her lungs should not have been developed at all, and her brain should not have been developed to the point where it could tell her to breathe."

The unprecedented survival of the child, born to San Diego housekeepers Gloria Patterson, 27, and Ernest Hudgins, 24, is expected to fuel controversy between pro-abortion and anti-abortion groups.

Ernestine was born after only 22 weeks of gestation. This is six weeks earlier than the 28-week point of "viability" suggested by the U.S. Supreme Court as the stage when the government might begin to regulate abortions.

"Viability is only dependent on the extent of the sophistication of the medical equipment available to keep these kids alive, and this goes to prove it," said Dan Donehey, spokesman for the National Right to Life Committee.

According to a spokesman for the American College of Obstetricians and Gynecologists, "There is no unambiguous documentation that an infant born weighing less than 601 grams at a gestational age of 24 weeks or less has ever survived." Ernestine, however, weighed 484 grams at birth, and both her mother and Cohen said today they were certain of the gestational age of 22 weeks.

Cohen cautioned against using Ernestine's case to justify massive efforts to save other children born prematurely. A baby born 17 weeks prematurely and also weighing pound, 1 ounce survived in San Diego in 1978, Cohen said, but remains severely retarded.

Cohen said Ernestine at birth in most ways fit the profile of an infant her age, showing, for instance, no calcification in her bones since that process begins at about 25 weeks.

However, her lungs were unusually well developed. He said she has developed chronic lung damage characteristic of premature babies, but the damage is considered minor. She is being kept on a respirator and is being fed high-calorie formula through a tube in her stomach.

Cohen said she would remain in intensive care for at least two more months, but so far gave every sign of developing into a normal child.

Patterson, Ernestine's mother, said in an interview that she was in pain the day before her baby's Feb. 8 birth and went to Sharp Hospital. The doctor there told her to expect a miscarriage, but she insisted on staying at the hospital. The child was born at 8:30 the next night.

The baby was transferred to Children's Hospital the next day, and doctors told her the chances of survival were not good.

"But she's still here," Patterson said, "and I am real happy."

BABY, DELIVERED AFTER MOTHER WAS LEGALLY DEAD, IS HEALTHY

SAN FRANCISCO, March 30.—A healthy 3-pound boy was born two months after his mother was legally dead, doctors at the University of California hospital said today.

The baby was nine weeks premature and suffered from a minor respiratory problem, but was otherwise healthy with "excellent" chances of survival, a doctor said.

After the cesarean delivery, the mother was removed from life-support systems and immediately stopped breathing.

A hospital spokesman said the mother was in her mid-20s and "very healthy" until a brain seizure Jan. 24. When her brain ceased to function, the woman was declared legally dead. Her husband and parents elected to keep her on life support until the baby's birth.

At the time of the mother's seizure, the fetus weighed 1 pound.

"The (Senate Judiciary) Committee observes that no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy."—Official report of the U.S. Senate Judiciary Committee on the Hatch Amendment, June, 1982.

EVERY CHILD A WANTED CHILD

Mr. HATCH. Mr. President, advocates of legal abortion often refer to unwanted children. The implication is that the value of a human being is somehow determined by others. I categorically repudiate this type of thinking for the following reasons.

Our psychological society has elevated the idea of wantedness to a primary condition for human happiness. As such, it has become a so-called social good that can justify almost anything. When applied to inanimate objects, those objects become prime candidates for the refuse pile. When applied to unborn children, they become candidates for abortion. At some point in human history, every brutalized minority has felt the sting of this word. Its full import was last witnessed in the slaughter of 6 million Jews. Those who bear its sign are marked for death.

Before blindly accepting this label, let us first consider some facts. To begin with, there is no correlation between an unwanted pregnancy and not loving the baby after birth. The reasons for this are simple and need no complicated academic explanation. A certain amount of anxiety and fear are common companions of pregnant women. Even under the best of circumstances, there is emotional upheaval and mixed feelings about a pregnancy. Feelings of depression during the early stages of pregnancy are not uncommon. What is uncommon, however, is to sail through a pregnancy with absolutely no feelings of inadequacy.

What should be carefully borne in mind is that how a woman may feel early in her pregnancy is not how she will usually feel late in her pregnancy. Consider the following information:

After studying a representative sample of 9,797 mothers who conceived in late 1973, the National Center for Health Statistics (HEW) found that one-fifth of the subsequent births were actually unwanted at the time of conception. Upon analyzing these unwanted pregnancies, the NCHA concluded that:

Many unplanned or undesired pregnancies result in children who are cherished. It is incorrect to conclude that "unwanted births" are the same as "unwanted children." [1]

A 1967 Danish study of 180 women whose applications for abortion were denied, concluded that most were satisfied with having the child. Several of those who did not had severe psychological problems.[2]

As long as 30 years ago, the divergence of attitudes during and after pregnancy were noted. M. Zemlick and R. Watson demonstrated a spontaneous change from prepartum to postpartum acceptance of their children by a group of mothers.[3]

The argument runs that wantedness somehow produces happier or more successful people. While no objective measure of happiness has yet been devised, one thing is certain: human achievement is unrelated to how wanted a person may have been. In one study financed by Planned Parenthood no direct evidence was found linking unwanted conceptions with undesirable effects on either parents or children.

This writer and others found it somewhat embarrassing to have to confess that there was little clear evidence that unwanted conceptions were in a worse light than other conceptions." [4]

Another researcher found no relationship between unplanned pregnancies and newborn deviant behavior.[5] In fact, no convincing body of scholarship has yet emerged which shows a direct causal relationship between happiness and achievement in later life. Success is not the exclusive offspring of happy children.

And really, what does wantedness mean? Unwanted by whom? Every infertile couple seeking adoption would dispute the idea that an unborn child could be unwanted. Thousands of such couples anxiously await an adoptable child and most are never satisfied. The demand for adoptable children far exceeds the supply, as all studies indicate. Emily Gardner of the Child Welfare League of America says:

In this country we have so many couples wanting to adopt infants or children as close to infants as possible that they wait as long as five or six years for a child.[6]

Footnotes at end of article.

I submit, Mr. President, that the question is not one of compelling a women to have a child who she does not want. A pregnant woman already has a child—the question is, Will she permit that child's life to be snuffed out, for any reason, or for no reason?

FOOTNOTES

[1] Washington Post, Sept. 22, 1977.

[2] Hoffmeyer, Henrik, "Medical Aspects of Danish Legislation of Abortions," in Abortion and the Law, edited by David T. Smith (Cleveland: Western Reserve University Press, 1967.), p. 201.

[3] Attitudes of Acceptance and Rejection During and After Pregnancy," American Journal of Orthopsychiatry, Vol. 23, 1953, p. 570.

[4] Pohlman, E. H., "Unwanted Conception: Research on Undesirable Consequences," Eugenics Quarterly, Vol. 14 (1967), p. 143.

[5] Ferriera, A. J., "The Pregnant Woman's Emotional Attitude and Its Reflection in the Newborn," American Journal of Orthopsychiatry, Vol. 30 (1960), p. 553.

[6] Washington Post, April 8, 1975, p. A14.

PERSONALLY OPPOSED

Mr. President, one of the most effective arguments that has been used against legislation to restrict abortion is the now familiar phrase: "I am personally opposed to abortion, but I do not believe Government should legislate in this area." In no other matter of national concern does the personally opposed answer seem such an obligatory part of a public officeholder's response. Why do we find so few elected officials who are willing to stand up and say:

I think abortion is very good, a necessary and proper adjunct to the good life in America and I will not rest until all have an equal opportunity to avail themselves of abortion services?

Perhaps abortion has so few avowed partisans and choice has so many because of what has been called the ambivalence of abortion. Few of us want to think too deeply about the impact of the abortion decision on our own families, on our own lives. We say we are personally opposed. Does that mean that we demand to be informed before our minor daughters can have abortions so that we can guide and support them and, perhaps, make our personal opposition meaningful? No. Being personally opposed cannot mean that. The Supreme Court does not allow for the personal opposition of parents to infringe upon the privacy rights of their daughters.

Regardless of the outcome of this debate, regardless of the decision of this body on the matter of this constitutional amendment, I believe that a great public good is being done here. We are clarifying the discussion. I believe that after this exploration of the whole subject of abortion, we will no longer hear the argument: "I am personally opposed, but I do not think the Government should legislate on abortion." I think this is because the vote on a constitutional amendment will divide this body. On one side will be those who sincerely believe that abortion is a positive good. They will in the future seek to defend abortion, to extend abortion, and to appropriate more taxpayer funds for the support of abortion. On the other side will be those of us who have come to see abortion as a great personal and political wrong. We will view it as a deep social conflict that cannot be resolved by an act of raw judicial power. If we are even to approach a desperately needed resolution of this problem, we will have to recognize that the public policy on abortion cannot be imposed by seven unelected judges on the American people. The elected representatives of the people must play a role in the achievement of a national consensus.

After this historic debate, those who have long said they are personally opposed to abortion will be asked not only how they have personally opposed it, but, much more importantly, why they are personally opposed to it. What is it about abortion that anyone could have any reservations about it at all? Can there be any other reason than the still quiet voice that tells us it is a human life that is being taken in every abortion? An irreplaceable, unreproducible human life? And once we give our attention to that small, almost embryonic conviction, how can we ever again trivialize the abortion issue by saying we are only personally opposed to a national policy that allows 1½ million human lives to be taken each year?

IMPOSING OUR BELIEFS

Mr. President, the question of whether some religious groups would use the processes of democracy to try to impose their own beliefs on others has been a lively one since the ratification of our Constitution. From the beginning, we decided that there would be no established religion. That decision was not half so difficult as the determination of what constituted the "free exercise of religion." Thomas Jefferson perhaps said it best when he argued in behalf of religious tolerance. "Whether my neighbor believes in one god or twenty, his belief takes no coin from my pocket." Quite true. And on this pragmatic basis we have tried to reach a pragmatic consensus on religious freedom.

But religious belief and religious practice are essentially different. We have tried to strike a balance with respect to religious practice that is based on religious belief. At times, the Government has compelled parents to send their children to school or to have them inoculated against disease despite the tenets of their faith. In other cases, this Government has come down on the side of pacifist sects by exempting their members from the full rigors of the military draft; similarly, the Government has supported the right of parents to choose a religious education for their children.

But suppose Mr. Jefferson's neighbor did believe in 20 gods, and suppose 1 of those 20 gods required the ritual sacrifice of the neighbor's first-born child? We would not expect even the tolerant "Sage of Monticello" to pretend that, since his own pocket was still full of coins, the religious practice of his neighbor was a matter of personal and public indifference to him. Here we, with Jefferson, would recognize a different issue.

Recently, an extravagant claim for unhampered religious practice was made in a Federal court by the Religious Coalition for Abortion Rights. This organization maintained that for the Federal Government to deny taxpayer funds for the performance of elective abortions constituted an abridgement of their religious freedom. (Check your pockets, Mr. Jefferson.)

Clearly, the religious practices of some can have a profound impact—financial and social—on the entire community. So it is that we must be very careful to avoid, wherever we can, imposing offensive practices on anyone. Just as clearly, however, we cannot avoid the responsibility to legislate merely because some of those affected argue that we are trying to impose our religious beliefs on them. The fact that many of us attend churches and synagogues where it is taught that murder and theft are wrong in no way makes constitutionally suspect the statutes we pass forbidding murder and theft as a matter of public policy.

Another questionable argument for not legislating about abortion is the one we often hear about consensus. Since there is no consensus about when human life begins, it is claimed, Government should not attempt to legislate protection of the unborn child. That was the position of the Supreme Court in the case of Roe against Wade. But that argument falls of its own weight. The question has never been when human life begins. There is no question. As the proabortion journal, California Medicine said in a now famous editorial of 1970:

[It is a] scientific fact which everyone really knows . . . that human life begins at conception and continues, whether intra- or extra-uterine until death.

The question is what value do we place on unborn human life.

"No consensus, no policy"—certainly we would not accept this argument in other areas of our concern. What is a Senate debate other than an attempt to come to a consensus? And while it may be easier to let unelected Federal judges decide all consequential questions of public policy, they certainly have not succeeded in building a national consensus on this issue.

The very fact that we are now debating a constitutional amendment on abortion indicates that the American people have not ratified the Supreme Court's 1973 decision.

ABORTION AND FAMILY LAW

Mr. President, Roe against Wade and its progeny have had a drastic and pernicious effect on family relationships in America, particularly parent-child relationships. Of these progeny, one of the most extreme was Planned Parenthood of Central Missouri against Danforth, handed down in 1976.

At issue was a law requiring for abortion, in most cases, the written consent of a woman's spouse or the written consent of one parent of any unmarried woman under the age of 18.

The Supreme Court struck down both these provisions for the astonishing reason that since the State had no power, under Roe against Wade, to regulate first-trimester abortions, the State could not "delegate" such power to husbands or parents.

I find outrageous the notion that family members have no rights with respect to one another except those rights granted to them by the State. Such an idea turns upside down our Nation's traditional view of the family as the fundamental building block of American society, and of Government as the servant rather than the master of its citizens.

As Justice White protested in his dissent to Danforth:

> The state is not . . . delegating to the husband the power to vindicate the State's interest in the future life of the fetus. It is instead recognizing that the husband has an interest of his own in the life of the fetus which should not be extinguished by the unilateral decision of the wife.

Professor Vincent Rue of UCLA, in his testimony before the Constitution Subcommittee on November 4, 1981, noted some devastating emotional effects that abortion can have on a man who has protective feelings toward both the woman and the child which he has conceived with her. Dr. Rue referred to a study by A. Shostak which noted that:

> A sizable minority of males find their abortion experience more frustrating, trying, and emotionally costly than public and academic neglect of this subject would suggest. Shostak also noted that three out of four male partner respondents stated they had a difficult time with the abortion experience, that most relationships did not survive the abortion stresses, and that a sizable minority reported persistent day and night dreams about the child-that-never-was, and considerable guilt, remorse, and sadness.

Professor Rue adds that these finding are corroborated by research by Jaffe, Luker, Luscutoff, and Elms, and Zorabedian. Case histories are also noted in books such as Linda Bird Francke's "The Ambivalence of Abortion" and Magda Denes' "In Necessity and Sorrow."

The emotional pain of abortion can be even more pronounced in the case of sensitive adolescent girls. In Danforth, the Court recognized the State's "somewhat broader authority to regulate the activities of children than of adults."

Nevertheless, weighing the State's interests in the safeguarding of the family unit and of parental authority against the right of privacy of the "competent minor mature enough to have become pregnant," the Court found that it could not conclude that:

> Providing a parent with absolute power to override a determination, made by the physician and his minor patient, to terminate the patient's pregnancy will serve to strengthen the family unit.

Mr. President, I sincerely doubt that by giving their teenage daughter the right to abort her child against the will of her parents, the Court has strengthened the family unit.

Three years after ruling in Danforth that States may not require parental consent for abortions on unmarried minors, the Supreme Court again addressed the issue in Bellotti against Baird. In this case, the Court upheld the State's right to require parental consent—but only if a mechanism is established whereby a judge may authorize an abortion for a minor without any parental involvement whatever. I would like to quote from that decision:

> We conclude, therefore, that under state regulation such as that undertaken by Massachusetts, every minor must have the opportunity—if she so desires—to go directly to a court without first consulting or notifying her parents. If she satisfies the court that she is mature and well-informed enough to make intelligently the abortion decision on her own, the court must authorize her to act without parental consultation or consent. If she fails to satisfy the court that she is competent to make this decision independently, she must be permitted to show that an abortion nevertheless would be in her best interest. If the court is persuaded that it is, the court must authorize the abortion. . . . If, all things considered, the court determines that an abortion is in the minor's best interests, she is entitled to court authorization without any parental involvement.

Earlier this month, the Court declared unconstitutional an Akron, Ohio, ordinance which contained the presumption that girls under age 15 are not mature and thus must obtain parental or judicial consent for abortion.

Thus, parents, who are ordinarily asked to sign their consent for a daughter's school field trips, for surgical care, perhaps even to have her ears pierced, may not even be notified as an abortionist tampers with her delicate reproductive organs. Although these same parents must sign for minors who drive, minors who purchase firearms, minors who marry, although they must accept responsibility for this minor's financial obligations, and despite the fact that common law has long recognized the parents' right as well as responsibility to nurture and to guide and to educate, at the very hour when she may need their love more than ever they are ostracized by the edicts of the Court.

I would like to remind my colleagues that I am speaking here of young teenage girls—some as young as 11 or 12 years old. Can we honestly believe that a judge who has never seen the young girl before, and will never see her again; who knows nothing about her other than what she volunteers in support of her request for an abortion, often after having been coached by an abortion counselor who has a financial ideological stake in her decision to abort; can we honestly say that this judge will make a decision which is better for this young girl than her parents, who have known and cared for her all her life and who will continue to do so for the rest of their lives? Perhaps the proabortion social planners feel that these decisions are best made by supposedly impartial judges and counselors. But I happen to feel, and I truly believe that the vast majority of American parents would agree with me, that parents are the best source of protection and guidance a young girl has when facing what is perhaps the greatest trauma and most difficult decision of her life. How many times did we, or our children, strenuously resist a parental decision, only to come back months or even years later to thank them for protecting us from making enormous mistakes?

What could be more ridiculous than to say to parents, who conceived, bore (in the case of her mother), nurtured, educated, guided, loved this child for all of her life, that suddenly their right to protect her from a decision which could literally result in her death, and will almost certainly affect her in her psychological being and her future relationships, that this right dissolves in the fact of the private right to kill another human being?

Justice Stevens, himself a member of the proabortion majority in Roe against Wade, commented, in his dissent to Danforth:

> Even doctors are not omniscient; specialists in performing abortions may incorrectly conclude that the immediate advantages of the procedure outweigh the disadvantages which a parent could evaluate in better perspective.

Just 2 years ago, Mr. President, the Supreme Court addressed the issue of whether a State could even require that parents simply be notified if their underage daughter intended to have an abortion. In the case of H.L. against Matheson, the Court upheld the Utah law which required that an abortionist "notify, if possible" the minor girl's parents or guardian before performing the abortion. The Court cautioned, however, that its consideration was limited to the effect of the law upon the circumstances presented in the particular case before it: An un-

emancipated minor who was living with and financially dependent upon her parents and had not made a claim or showing as to her maturity or relations with her parents. The Court has not ruled upon the constitutionality of a notification requirement when applied to minors in other circumstances. And the Court reaffirmed in Matheson that "a State may not constitutionally legislate a blanket, unreviewable power of parents to veto their daughter's abortion."

Mr. President, all of these decisions spring from one common root: The absolute right to abortion created by the Supreme Court in Roe against Wade. It seems strange to me that this sweeping right went unnoticed for almost two centuries. But time and time again, in subsequent decisions the Court has stressed that Roe's right of a women (or girl) to abort her unborn child is so fundamental that it overrides what have been among the most sacred rights in our society: The rights of husbands to make decisions about their children in conjunction with their wives, the rights of parents to guide and care for their children, the rights of children to be protected by their parents.

The amendment before us today would erase that Court-created right to abortion, and with it would vanish the distortions of family law which have multipled in its wake.

Mr. President, we have not discussed adequately during this debate the health risks of abortion to women. I have found a very concise and useful compilation of those risks in an affidavit submitted to the Federal District Court for Northern Illinois in a case involving a State abortion-regulation law.

I ask unanimous consent that the affidavit of Dr. Richard G. Moutvic be printed in the RECORD.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
County of Cook, ss:

AFFIDAVIT OF RICHARD G. MOUTVIC, M.D., PROFESSOR, LOYOLA UNIVERSITY, STRITCH SCHOOL OF MEDICINE

I, Richard G. Moutvic, M.D., do hereby state under oath and upon personal and professional knowledge as follows:

1. I am a Board certified specialist in Obstetrics and Gynecology. My practice is in the State of Illinois. I was twice Chairman of the Department of Obstetrics and Gynecology at St. James Hospital, Chicago Heights, Ill. (1966-67, 1976-78). I am currently Vice-President and President-Elect of the medical staff at St. James. A copy of my curriculum vitae is included with this affidavit and made a part hereof.

2. I have reviewed S.B. 47, the Illinois Abortion Law of 1975, enacted as amended, on October 30, 1979 (S.H.A. Ill. ch. 38 §§ 81-21 to 81-35), and declare that if called to testify in this action, I will state as follows:

3. It is my professional medical opinion that the abortion procedure, as properly performed by licensed medical practitioners employing methodology approved by prevailing medical authority and in general use in the State of Illinois, presents a greater than *de minimis*, indeed rather significant, risk to the pregnant woman's future procreative capacity. The abortion techniques in use in Illinois consist of the following:

a. Curettage.

(1) Suction aspiration—the cervix is dilated, an aspirator introduced into the uterus, and a powerful suction produced. The suction pulls the conceptus from the uterine wall.

(2) Dilation and curetage (D&C)—the cervix is dilated and a curette (looped steel knife) is entered into the uterus. The practitioner then scrapes the conceptus from the uterine wall.

(3) Dilatation and evacuation (D&E)— the cervix is dilated and the uterine contents removed either with curette, suction, or ovum forceps, or some combination of these. D&E is distinguished from other curettage techniques because it is employed at a later stage of pregnancy (after the first trimester) and because hardening of fetal bones and increased fetal size require progressive dismemberment of the fetus in order to facilitate the extraction of fetal parts (Reference 14).

b. Instillation.

(1) Saline amino-infusion—a hypodermic needle is entered into the amniotic sac via the woman's abdomen. Fluid in the amniotic sac is removed and replaced with a hypertonic (highly concentrated) saline solution, which induces the death and expulsion of the fetus (Reference 20).

(2) Prostaglandin instillation—the chemical substance prostaglandin is introduced, usually into the amniotic sac, in order to promote labor and delivery.

c. Hysterotomy—intra-abdominal surgery is employed to open the uterus and remove the developing child, as in a Caesarian section.

d. Hysterectomy—pregnancy termination may also be effected by removal of the uterus. Since this operation sterilizes the woman, I need not further discuss the possible impact of this operation on the woman's reproductive capacity.

4. Each and all of these procedures involves a significant risk to the woman's procreative potential. The threat posed by induced abortion takes two main forms:

a. The procedure may injure the woman in such a manner as to impair her ability to successfully beget and bear children, either by causing:

(1) Subsequent sterility or sexual dysfunction;

(2) Subsequent incapacity to maintain a proper pregnancy, as evidenced by an increased incidence of ectopic (tubal) pregnancy, and of miscarriage/spontaneous abortion;

(3) Subsequent incapacity to deliver a healtny baby at term, as evidenced by increases in:

(a) Stillbirth/perinatal mortality,

(b) Prematurity,

(c) Iso-immunization, and

(d) Delivery complications.

b. The procedure may cause the subsequent death of the woman.

5. The most common threat induced abortion poses to a woman's reproductive capacity arises from complication which affects the incidence and outcome of future pregnancies. Some American studies claim that induced abortion does not contribute to subsequent reproductive difficulties (References 1, 2). But foreign studies which are based upon longer and more extensive experience, and which employ a vastly superior reporting system, establish conclusively the fact that abortion by dilatation and evacuation of the uterus, by whatever method, is conducive of a large variety of procreational impairments (References 3-8). More recent American studies are beginning to reflect this conclusion (References 9-13), and the advocacy of second trimester dilatation and evacuation (References 14, 15) with its "more frequent and more severe" complications (Reference 27), should hasten this trend and worsen the risks for American women.

a. Studies indicate that induced abortion increases the incidence of secondary sterility (sterility subsequent to previous pregnancy) (References 3, 5). It is a statistical fact that some women only become pregnant once. The pregnancy a woman aborts may be her last. Sterility would also result when complications necessitated hysterectomy (removal of the uterus). More frequently reproduction would be impaired and possibly prevented because of blockage in the Fallopian tubes (Reference 16). The damage could also result from either scar tissue, uterine adhesion, or infection following induced abortion. One study concluded that 46% of all cases of secondary infertility may be attributed to prior induced abortions (Reference 5).

Procreative impairment need not result in total sterility (Reference 16). More common conditions, such as partial tubal blockage, will reduce a woman's procreative capacity. A similar effect arises from disorders of the menstrual cycle, which have been associated with induced abortion (Reference 3).

b. Impairment of sexual functioning may also result from induced abortion (Reference 3), brought about by chronic or latent inflammatory condition of the genital organs or by functional sexual disorders or related psychiatric sequelae.

c. Induced abortion has been associated with an increased incidence of ectopic pregnancy (References 4, 7) and placenta previa (implantation over or near the cervix) (References 7, 16). Damage done by prior abortion increases the likelihood that the conceptus will not implant properly (i.e., on the uterine wall) (Reference 3). One study concluded that 45% of all ectopic pregnancies may be the consequence of prior induced abortion (Reference 4).

d. Spontaneous abortion occurs more frequently in women who have had one or more previous abortions (References 6, 7, 9, 16, 17). This is largely due to cervical incompetence (References 7, 16) brought about by the artificial cervical dilatation, laceration, or infection (References 13, 17), but may also result from damage to the uterine wall impairing implantation or placentation (Reference 9) and causing placenta abruptio (premature separation of placenta from uterus) (References 7, 16).

e. An increased incidence of stillbirth occurs among women with past abortion (References 3, 6). This may represent a malfunctioning of the placenta secondary to damage or scarring of the uterine wall.

f. Other studies show an increased probability of premature birth subsequent to induced abortion (References 7, 17, 18). Prematurity threatens the life and health of the infant. Indeed, induced abortion has been associated with a subsequently increased likelihood of neonatal mortality (References 7, 16-18). Those infants which survive a premature birth faced increased

risks of physical or mental handicap (Reference 3).

g. Induced abortion also tends to increase the chance of iso-immunization (Rh or ABO) (References 7, 16, 19). Antibodies in the maternal bloodstream can cross the placenta and attack fetal red blood cells. Before this danger can be realized, however, the woman must develop the appropriate antibodies. Since any obstetric event entails a high risk of the sensitization which will produce these antibodies, the woman has the greatest chance of avoiding iso-immunization with her first pregnancy. Termination of this first pregnancy, be it through birth, miscarriage, or induced abortion, will multiply the risk to future offspring.

h. Finally, abortion increases the likelihood of difficulties in later deliveries. Extended duration of labor, an unusually adherent placenta, and extensive hemorrhaging all have been associated with past abortion (Reference 16). The abortion procedure damages tissues and muscles and thereby impairs the delivery process. These difficulties subject the child to increased risks of death or injury.

6. Induced abortion, like any surgical procedure, involves a definite risk to the life of the patient. This risk stems from a variety of factors:

a. Hemorrhage—The blood loss involved in surgery presents both a direct threat (death from blood loss) and an indirect threat (death from complications associated with transfusion, i.e., hepatitis, incorrect blood type, etc.) to the life of the surgical subject.

b. Infection—Surgery, by its very nature, exposes the subject's body to a substantially increased likelihood of infection. Since the resultant sepsis is often internal, it may not be discovered until serious complications have developed.

c. Embolus—Pulmonary thromboembolism (blood clots) accounted for 16.3% of the deaths following first trimester curettage procedures, according to the Centers for Disease Control (CDC). Predispositional factors included obesity, previous thrombophlebitis, use of oral contraceptives, and type A blood (Reference 10).

7. Aside from the standard surgical risks, the specific procedures involved with induced abortion present additional risks of maternal death.

a. The abortion practitioner performs essentially blind surgery (with the exception of the hysterotomy procedure). The woman aborted consequently faces heightened risks.

(1) The curettage methods (suction curettage, dilatation and curettage, dilatation and evacuation) used for first- and second-trimester abortions involve the trans-cervical and intra-uterine manipulation of various surgical instruments (suction canulae, sharp curettes, ovum forcepts, etc.). Since the practitioner cannot observe these manipulations, he must rely solely upon his sense of touch. Thus these procedures involve the ever-present risk of uterine perforation (Reference 13), a risk which persists despite the experience (References 8, 12) or care (Reference 16) of the operator. The rate of uterine perforation for suction curettage (the safest curettage procedure) may range as high as 21 per 100 percedures (Reference 10). Perforation, aside from being a dangerous complication in itself for both the woman and her future offspring (Reference 17), can be followed by damage to other organs. Watson, for example, has documented the urologic complications of induced abortion (Reference 20). Acute renal failure, massive sepsis, or shock, any of which may be fatal, can result from uterine perforation.

The curettage methods also involve heightened risks of hemorrhage and infection (Reference 13). The uterus is especially soft and blood-rich during pregnancy. These characteristics make it highly susceptible to bleeding when undergoing the physical trauma of curettage abortion. Moreover, cervical perforation during dilatation "continues to occur" (Reference 21) and may cause death through laceration of the uterine artery (Reference 22).

Normally sterile, the uterus must face a septic assault upon the introduction of foreign instruments during an abortion. Since the trauma weakens the normally powerful antiseptic capacities of the uterus, infection becomes an especially likely sequela. Furthermore, if the abortion is incomplete, residual feto-placental tissue provides a "fertile field for bacterial invasion" (Reference 12). One study found postabortal infection and incomplete abortion to bring about 61% of suction abortion-related hospitalizations (Reference 11).

All of these risks are multipled for second trimester curettage (D&E). "Complications from surgical evacuation techniques performed after 12 weeks' gestation are similar to those of curettage procedures performed at earlier gestational ages; however, the complications are more frequent and more severe" (Reference 27). The death-to-case rate for D&E increases with gestational age from 7.6 (13-15 wks.) to 43.1 (>21 wks.) deaths per 100,000 procedures (Reference 27).

(2) The instillation methods of abortion have been widely recognized as particularly dangerous (Reference 23). If the hypertonic solution used in saline abortions accidentally enters a maternal vein or artery, for example, death ensues almost immediately (Reference 3). More common serious complications include changes in maternal coagulation factors (leading to severe bleeding) (Reference 23), myometrial necrosis (requiring hysterectomy), and formation of a posterior uterovaginal or cervicovaginal fistula (an abnormal hole connecting organs) (Reference 26). The prostaglandin method, while less frequently directly lethal, has a higher rate of major complications than the saline method. The CDC reports a death-to-case rate almost ten times as high for prostaglandin abortions as for suction curettage abortions (Reference 15).

b. Hysterotomy abortion, used in second- and third-trimester abortions, is far and away the most dangerous method of abortion, since it constitutes major surgery. Mortality estimates range from 44.7 to 271 maternal deaths per 100,000 procedures (References 27, 28).

c. Instances have also been documented in which gravidae die from undiagnosed ectopic pregnancy following attempted induced abortion (Reference 24). The practitioner performs a curettage which, regardless of its technical perfection, fails to remove the pregnancy (which is not located in the uterus). The woman then goes home, thinking she has had an abortion, only to die days or weeks later from a tubal rupture or other complications of ectopic pregnancy.

d. Figures from CDC and the National Center for Health Statistics (Reference 25) indicate that the death per case rate for abortions performed at or after the 16th week of pregnancy surpasses the maternal mortality rate. A greater understanding of the danger of abortion arises from the recognition that a variety of factors bias this comparison in favor of the relative safety of abortion.

(1) The abortion mortality rate formulas uses as the denominator the total number of cases, whereas the maternal mortality rate (MMR) formula [Maternal Mortality Rate=Total Maternal Deaths/Total Live Births] uses live births, i.e. a fraction of the total number of non-aborted pregnancies. A more accurate comparison would replace "live births" with "live births plus stillbirths plus spontaneous abortion plus ectopic pregnancies." This substitution would significantly increase the denominator and thus produce a lower MMR.

(2) Likewise the numerator must be adjusted to exclude deaths resulting from induced abortion—otherwise a safety comparison between aborted and non-aborted pregnancies will always favor the former. This change would reduce the numerator and further decrease the MMR.

(3) Still other adjustments should be made to reduce the biases resulting from the fact that:

(a) Every legal abortion is performed while the woman is under a physician's care, whereas nonaborted women need not be under a physician's care in order to be included in the maternal mortality statistics. Indeed most women who die from pregnancy related complications are not under a doctor's care.

(b) A woman who undergoes an abortion has already safely passed through a number of weeks of pregnancy; but the MMR reflects the deaths occurring throughout the entire pregnancy (including those women who died before obtaining an abortion).

Both these factors tend to increase the MMR relative to the abortion mortality rate. A more accurate analysis of the data would reveal a greater danger in legal abortions than appears from the CDC report (Reference 25).

(4) The data used to calculate the abortion mortality rate, because of incompleteness, further underestimates the danger of abortion. Families or doctors, seeking to protect their reputations, may be unwilling to report an abortion death as such. Furthermore, deaths arising from abortion-related complications may be listed as due to these complications (be they fatal hepatitis or suicide-provoking psychosis), and not to abortion. Thus the extand abortion mortality figures do not present the whole picture (Reference 13) but rather lend to the abortion procedure an appearance of lesser danger. Although the statistics necessary to perfect the MMR are not available, known statistical estimates suffice to substantially reduce the reported MMR.

8. In light of all of the above, it becomes apparent that induced abortion at any stage of pregnancy poses a definite and substantial threat of impairment of the woman's procreative potential. Naturally, the degree of the threat will vary with the quality of the procedure, the state of pregnancy, and the particular features of the woman aborted. It is important to remember, however, that the very nature of the abortion procedure entails certain risks which are inescapable, given present technology (Reference 16). It is my firm medical conclusion that current, approved abortion procedures, properly performed, significantly threaten a woman's future ability to successfully bear children, a conclusion abundantly supported by the medical literature.

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Respectfully submitted,

Richard G. Moutvic, M.D.

RICHARD G. MOUTVIC, M.D.

Date CV prepared: June 6, 1982.

Personal data: Social security number: [redacted]. Address: 430 Breenbriar Lane, Crete, Ill. 60417. Phone Numbers: Home: 672-6355; Office: 756-0100. Birthdate: July 11, 1933. Marital Status: Married. Wife: Mary. Children: Richard, age 23; Margaret, age 21; Daniel, age 20; Maureen, age 18; Peter, age 15.

Education: Undergraduate: Marquette University 1951-54. Doctoral: (M.D.) Marquette University 1958. Internship: Los Angeles County Hospital 1958-59. Residency: (OBG) Lewis Memorial Maternity Hospital, Chicago; Mercy Hospital 1959-62

Employment history: Chicago Heights Clinic 1962-67. U.S. Naval Hospital, Portsmouth, Va. 1967-69. Chicago Heights Clinic 1969—present (became Suburban Heights Medical Center 1972).

Professional service: Chairman, Department of OBG, St. James Hospital, Chicago Heights, Ill., 1966-67; 1976-78. Secretary, Medical Staff, St. James Hospital 1979-80. Vice President, Medical Staff (Pres. Elect) 1981-82. General Chairman, St. James Classic 1982 (St. James Foundation Fund Drive).

Academic service: Loyola University Stritch School of Medicine, Clinical Instructor 1966-67 (Navy 67-69); 1969-74. Clinical Assistant Professor 1974-present. Clinical Instructor, Mercy Hospital, 1962-66.

Honors and awards: Marquette Medical Review, Assistant Editor 1957; Editor 1958.

Societies: AMA, Illinois Medical Society, Chicago Medical Society; American College of Obstetrics and Gynecology, Fellow; American Board of Obstetrics and Gynecology, Diplomat; American Fertility Society, Fellow; American Association of Pro Life Obstetricians and Gynecologists; Chicago Gynecological Society.

Mr. HATCH. Mr. President, Columnist George F. Will has admirably critiqued the Supreme Court's latest abortion decisions in a column which appeared in June 19 Washington Post.

I ask unanimous consent that this column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 19, 1983]

ABORTION: THE COURT'S INTELLECTUAL SCANDAL

(By George F. Will)

Last Tuesday, the day before the Supreme Court compounded the travesty it has made of abortion law, a California court convicted a former sheriff's deputy of murder in the shooting death, during an unauthorized drug raid, of a fetus in a woman who survived the wound. Because of the Supreme Court's 1973 abortion ruling, no state could forbid the woman to kill the child by abortion, even though it was in the third trimester. But how can anyone "murder" something the Supreme Court says is only "potentially" human and has the legal status of hamburger in the woman's stomach?

In last week's decisions, the court discovered that the Constitution forbids Akron's requirement that other than first-trimester abortions be performed in a hospital; forbids Akron's requirement that physicians perform abortions on unmarried women under 15 only with certain parental permission or court orders; forbids Akron's requirement that physicians tell women seeking abortions the developmental status of their fetuses, the date of viability, physical and emotional complications that can result from abortion, and alternatives to abortion; forbids Akron's requirement of a 24-hour interval between a request for and performance of an abortion; forbids Akron's requirement that abortionists dispose of aborted fetuses in a "humane and sanitary manner."

To see the intellectual scandal of the court's position in 1983, consider Wednesday's ruling that Missouri can require the presence of a second physician during an abortion performed after "viability."

With 1.6 million abortions annually, it regularly happens that an abortion procedure results in a live birth and the inconvenient life is "terminated" by suffocation or aggressive neglect. However, Missouri requires (when the requirement does not increase the woman's risk) a late abortion to be performed by the method most likely to preserve fetal life—that is, the method most likely to fail, least likely to kill the fetus, which is the aim. Now the court says Missouri can require the presence of a second physician because if the fetus survives the attempt to kill it, the state "may" protect "the lives of viable fetuses," meaning "a fetus born alive."

Well.

The "viable fetuses" who the second physicians serve are often called, quaintly, "children." A "fetus born alive" is, in the vernacular, a "baby."

Concerning abortion, the justices use words and categories the way babies use forks and spoons: with gusto, but sloppily. In 1973 the court made much—or thought it did—of "trimesters." But regarding pregnancy a trimester is a demarcation without moral or medical significance, and without much legal significance, in spite of the court's attempt to give it such. The court, which does not yet seem to know what it did in 1973, said then that no state can prevent even a third-trimester abortion that any physician says is necessary for a woman's health. And "distress" (which can be caused by denial of an abortion) can be a health hazard.

In 1973 the court thought it made much of "viability," the point at which a fetus can lead a "meaningful" life outside the womb. Actually, viability made no significant difference concerning permissible regulation of

abortion. The court gave no meaning to the word "meaningful." And the point at which a fetus could survive outside the womb was unclear then and has moved since, thereby demonstrating the folly of linking constitutional law to a dynamic science.

Two years ago a Georgia court in effect took custody of a fetus, holding that an unwilling woman must undergo a caesarean section for the fetus's safety. Evidently, the fetus had a right to protection.

In Baltimore, a pregnant drug abuser has been placed under court jurisdiction to protect the health of the fetus. She may not injure the fetus with drugs. Of course, she retains a right to kill it with an abortion.

In Maryland, a fetus has a right to inherit property if the fetus is conceived before the death of the person from whom the property will be inherited. Prenatal medicine can perform wonders for fetuses that can be aborted at any stage. Malpractice cases are establishing that a child born injured as a result of negligent prenatal medicine can claim violation of rights it had as a fetus.

Fetuses, it seems, have various rights—but no right to life.

Cut adrift by its 1973 decision from constitutional and bio-medical realism, the court manufactures ever finer distinctions from never relevant categories. The justices should pray—not in a public building, of course—for Sen. Orrin Hatch's amendment ("A right to abortion is not secured by this Constitution"). That would restore the status quo ante 1973, thereby restoring to the states responsibility for dealing with an issue that clearly is beyond the court's competence.

ABORTION AND CHILD ABUSE

Mr. HATCH. Mr. President, I would also like to address an argument which has been the basis of a great deal of misguided support of the Supreme Court rulings.

I refer to the problem of child abuse, and the claim that legalized abortion helps solve this problem by eliminating the unwanted child. The Court's opinion in Roe against Wade itself justified legalized abortion by appealing to "the distress, for all concerned associated with the unwanted child, and * * * the problem of bringing a child into a family already unable, psychologically and otherwise, to care for it" (410 U.S. 113 at 153). The implicit claim here is that the particular children who will be aborted under a permissive abortion policy because they are unwanted months before birth are the very children who would have been abused after birth because of the same unwantedness.

Now, one part of this claim is certainly true in a simple-minded sort of way—no child can be abused if he is no longer alive, and there would be no postnatal child abuse if every child were destroyed prenatally. It is equally true that there would be no abuse of the elderly if all adults were quietly done away with at the age of 60. But the rest of the Court's rationale is completely erroneous, as is obvious from the frightening rate at which cases of child abuse have increased since its ruling. National statistics estimated the number of cases as being in the area of 100,000 10 years ago, now the estimates range between 1 and 2 million annually. To find out why this policy has failed so completely, one need only listen to what our national experts on child abuse have to tell us.

One of the first experts to confront this rationale for the Court's legalization of abortion was a professor of clinical pediatrics who was then serving as chairman of the Mayor's Task Force on Child Abuse and Neglect of the city of New York. Dr. Vincent Fontana was hailed by the New York Times as a national authority in the problem of child abuse when he published his classic analysis of the problem, "Somewhere a Child is Crying," in 1973; yet his analysis suggested that abortion, legalized by the Supreme Court that very year, was no solution at all to the problem of child abuse. As Fontana pointed out:

> Many maltreated children are children who were very much wanted before birth. Perhaps they were wanted for the wrong reasons: to prove to the man or woman that he or she is normal and able to have a child; to give the mother something of her own to love and give her love in return; to cement a couple on the verge of separation; to present a picture of a conventional family unit because for one reason or other that is the expected or respectable thing to do. Immature people, lonely people, emotionally starved people, abused people, more often than not, sincerely want their children. It is only after the children arrive that the doubts set in and the problems surface. It is not just a question of saying ahead of time, well, this one isn't wanted; let's not have it. It's just not that easy. People's motivations are much too complex for the problem to be solved in this way; and their own assessments of themselves, their needs, their wants, and their capabilities are often sadly wrong. Who is to know and who is to tell them how wrong they are, and that they must not have their wanted children? We should also remember that a good many parents, in the act of abusing their children, are in the grip of an uncontrollable anger and a love-hate emotion that has nothing to do with wanting the children or not wanting to love them. Their reasons for striking out are as distant from the unwanted-child theory as it is possible to be.

Another professor of pediatrics and researcher in the area of child abuse, Dr. Edward Lenoski, has confirmed the validity of Dr. Fontana's remarks. In his 1975 study of child abuse, Dr. Lenoski found that 91 percent of the abused children had been wanted by their parents:

> Significantly high among these parents Lenoski observes: was the desire for the pregnancy. Mothers tended to wear maternity clothes an average of 2 months earlier than necessary. A higher percentage of the children were named after one of the parents. All of these seemingly capable parents escalated to violence because of certain similar characteristics that prevented them from effectively coping with their children.

One common characteristic noted by Lenoski was an intense, even neurotic, desire for a child which led to an excessive degree of expectation for his or her accomplishments; when those expectations were not fulfilled, violence sometimes arose out of the parent's frustration. Lenoski found the typical child abuser to be in the late twenties, married, and of better than average education. More recent studies have underlined the fact that the well-to-do are well-represented among child abusers. Poor people do not necessarily abuse their children more often; they are just more easily found out, because they do not have private physicians who might be willing to keep quiet about the matter.

If it is true that children wanted before birth are often abused after birth, it is no less true that a child unwanted at some stage of a pregnancy usually becomes wanted afterward. Virtually every pregnant woman has ambivalent feelings toward a pregnancy in its early stages, and psychologists consider this a perfectly normal phase in the process of adjusting to the responsibilities of a new child. When this process is cut short by an abortion during a moment of ambivalence, the results are always irreversible and often tragic. Having obtained an abortion easily in a society which encourages it as a solution to unwanted pregnancy, some women find themselves wanting their child very intensely after it is too late. One psychologist has observed that a third of the women entering into surrogate motherhood contracts—in which they offer to bear a child by artifical insemination and give it away to an infertile couple—are women who somehow want to make up for a previous abortion by giving a child to others.

Since the Supreme Court's opinion in Roe against Wade made special mention of the problems of adolescent unwed pregnancy, it is worth noting that abortion has failed in a particularly spectacular way in this area. Unwed teen pregnancies and births have both increased dramatically since Roe. One problem here is that our teenagers are presented under current social policy with two choices: Either the pregnancy is unwanted, and then abortion is the preferred solution; or it is wanted, and then the girl is expected to keep and raise the child herself.

One study has noted that while almost half of the unwed teenagers who became pregnant in 1978 had abortions, only 4 percent of those who carried to term offered the baby for adoption. Abortions among unwed teens are not eliminating the children who would have been raised by single parents in unstable circumstances; for the most part, they are eliminating the unwanted children who would have been given up for adoption to couples who want them.

Most ominous of all is the role which abortion on demand may play in directly contributing to child abuse.

Studies by at least one researcher, Dr. Philip Ney of the University of British Columbia, indicate that women who have had abortions are more likely to abuse subsequent children. Dr. Ney has suggested that abortion cuts short the fragile maternal-infant bonding process which begins long before birth, and that this makes it more difficult for that bond to form again in subsequent pregnancies. "Permissive abortion," says Dr. Ney, "diminishes the social taboo against aggressing the defenseless." He says that abortion has diminished the value of children in our society, by endorsing the principle that their value is dependent on their being wanted. And to the extent that abortion contributes to feelings of guilt and depression in women, it intensifies the low self-esteem which is a common factor in parents who abuse their children. Dr. Ney's concern over the psychological aftermath of abortion is well-grounded: Testifying before the Senate Subcommittee on the Constitution in 1981, Psychologist Vincent Rue presented the results of 34 different studies, showing that negative reactions following an abortion span anxiety and depression to psychosis and suicide. Difficulty in relating to existing and subsequent children, as well as in maintaining marital stability in general, was found in many of these women after an abortion.

Abortion's role in short-circuiting our acceptance of children is not confined to individual women, however. It is a problem of social magnitude.

Abortion advocates defend their position by declaring, we affirm the right to life when wanted. Others speak directly of a right to be wanted, and say this right of the unborn child would be violated if we allowed it to live. How do we keep this attitude from expanding to children already born?

There are really only two basic approaches our society can take with regard to unwanted children, because one can mean two different things when one says, every child is a wanted child. These are mutually exclusive. We might mean that every child is a unique and unrepeatable gift of inherent worth, and therefore that no child should ever be branded as unwanted and dismissed by society. If that child is not wanted by his or her parents, the rest of us should support those parents to make sure they have the emotional and financial resources that will encourage them not to see their child as an unwanted burden. If that fails, we should say, your child is a precious gift to the world. We want him, if you do not. We can give him to loving adoptive parents who have been waiting for him for years. Please do not rob the world of him. We can place our society as guarantor behind the statement that no child will be born truly unwanted.

Or, we can mean our slogan in the diametrically opposite sense. We can say, every child is a wanted child, and mean that every child whose parents do not want him at a given point in time must not be allowed to live and grow up. Is it not a grudging and unloving attitude toward children that is both reflected and strengthened here? Is it not likely that as this attitude sinks more deeply into our collective psyche, more and more frivolous reasons will be found for unwanting children after they are born? Having used abortion to plan and screen our children, so that only the wanted and the perfect see the light of day, how ready will we be to accept their imperfections later on, when we discover that they are, after all, only flawed human beings like ourselves?

By allowing abortion to be written into our Constitution as a fundamental right, we have helped to substitute a harsh and unloving legalism for the spontaneous love and acceptance of others which should be the central dynamic of the family and an overriding goal for civilized society. By erasing this tragic error, we can perhaps set out anew on the road toward a more enlightened and constructive attitude with regard to all our Nation's children.

ABORTION AND THE CONSCIENCE OF THE NATION

Mr. President, the President of the United States recently wrote a powerful and important essay entitled "Abortion and the Conscience of the Nation," which appeared in the Spring, 1983 issue of The Human Life Review. I hope that all of my colleagues will take the time to study this compelling essay.

I ask unanimous consent that it be printed into the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

ABORTION AND THE CONSCIENCE OF THE NATION

(President Ronald W. Reagan)[1]

The 10th anniversary of the Supreme Court decision in *Roe* v. *Wade* is a good time for us to pause and reflect. Our nationwide policy of abortion-on-demand through all nine months of pregnancy was neither voted for by our people nor enacted by our legislators—not a single State had such unrestricted abortion before the Supreme Court decreed it to be national policy in 1973. But the consequences of this judicial decision are now obvious: since 1973, more than 15 million unborn children have had their lives snuffed out by legalized abortions. That is over ten times the number lost in all our nation's wars.

Make no mistake, abortion-on-demand is not a right granted by the Constitution. No serious scholar, including one disposed to agree with the Court's result, has argued that the framers of the Constitution intended to create such a right. Shortly after the *Roe* v. *Wade* decision, Professor John Hart Ely, now Dean of Stanford Law School, wrote that the opinion "is not constitutional law and gives almost no sense of an obligation to try to be." Nowhere do the plain words of the Constitution even hint at a "right" so sweeping as to permit abortion up to the time the child is ready to be born. Yet that is what the Court ruled.

As an act of "raw judicial power" (to use Justice White's biting phrase), the decision by the seven-man majority in *Roe* v. *Wade* has so far been made to stick. But the Court's decision has by no means settled the debate. Instead, *Roe* v. *Wade* has become a continuing prod to the conscience of the nation.

Abortion concerns not just the unborn child, it concerns every one of us. The English poet, John Donne, wrote: ". . . any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life. We saw tragic proof of this truism last year when the Indiana courts allowed the starvation death of "Baby Doe" in Bloomington because the child had Down's Syndrome.

Many of our fellow citizens grieve over the loss of life that has followed *Roe* v. *Wade*. Margaret Heckler, soon after being nominated to head the largest department of our government, Health and Human Services, told an audience that she believed abortion to be the greatest moral crisis facing our country today. And the revered Mother Teresa, who works in the streets of Calcutta ministering to dying people in her world-famous mission of mercy, has said that "the greatest misery of our time is the generalized abortion of children."

Over the first two years of my Administration I have closely followed and assisted efforts in Congress to reverse the tide of abortion—efforts of Congressmen, Senators and citizens responding to an urgent moral crisis. Regrettably, I have also seen the massive efforts of those who, under the banner of "freedom of choice," have so far blocked every effort to reverse nationwide abortion-on-demand.

Despite the formidable obstacles before us, we must not lose heart. This is not the first time our country has been divided by a Supreme Court decision that denied the value of certain human lives. The *Dred Scott* decision of 1857 was not overturned in a day, or a year, or even a decade. At first, only a minority of Americans recognized and deplored the moral crisis brought about by denying the full humanity of our black brothers and sisters; but that minority persisted in their vision and finally prevailed. They did it by appealing to the hearts and minds of their countrymen, to the truth of human dignity under God. From their example, we know that respect for the sacred value of human life is too deeply engrained in the hearts of our people to remain forever suppressed. But the great majority of the American people have not yet made their voices heard, and we cannot expect them to—any more than the public voice arose against slavery—*until* the issue is clearly framed and presented.

What, then, is the real issue? I have often said that when we talk about abortion, we are talking about two lives—the life of the mother and the life of the unborn child. Why else do we call a pregnant woman a mother? I have also said that anyone who doesn't feel sure whether we are talking

[1] This article first appeared in the Spring 1983 issue of The Human Life Review.

about a second human life should clearly given life the benefit of the doubt. If you don't know whether a body is alive or dead, you would never bury it. I think this consideration itself should be enough for all of us to insist on protecting the unborn.

The case against abortion does not rest here, however, for medical practice confirms at every step the correctness of these moral sensibilities. Modern medicine treats the unborn child as a patient. Medical pioneers have made great breakthroughs in treating the unborn—for genetic problems, vitamin deficiencies, irregular heart rhythms, and other medical conditions. Who can forget George Will's moving account of the little boy who underwent brain surgery six times during the nine weeks before he was born? Who is the patient if not that tiny unborn human being who can feel pain when he or she is approached by doctors who come to kill rather than to cure?

The real question today is not when human life begins, but, What is the value of human life? The abortionist who reassembles the arms and legs of a tiny baby to make sure all its parts have been torn from its mother's body can hardly doubt whether it is a human being. The real question for him and for all of us is whether that tiny human life has a God-given right to be protected by the law—the same right we have.

What more dramatic confirmation could we have of the real issue than the Baby Doe case in Bloomington, Indiana? The death of that tiny infant tore at the hearts of all Americans because the child was undeniably a live human being—one lying helpless before the eyes of the doctors and the eyes of the nation. The real issue for the courts was not whether Baby Doe was a human being. The real issue was whether to protect the life of a human being who had Down's Syndrome, who would probably be mentally handicapped, but who needed a routine surgical procedure to unblock his esophagus and allow him to eat. A doctor testified to the presiding judge that, even with his physical problem corrected, Baby Doe would have a "non-existent" possibility for "a minimally adequate quality of life"—in other words, that retardation was the equivalent of a crime deserving the death penalty. The judge let Baby Doe starve and die, and the Indiana Supreme Court sanctioned his decision.

Federal law does not allow Federally-assisted hospitals to decide that Downs' Syndrome infants are not worth treating, much less to decide to starve them to death. Accordingly, I have directed the Departments of Justice and HHS to apply civil rights regulations to protect handicapped newborns. All hospitals receiving Federal funds must post notices which will clearly state that failure to feed handicapped babies is prohibited by Federal law. The basic issue is whether to value and protect the lives of the handicapped, whether to recognize the sanctity of human life. This is the same basic issue that underlies the question of abortion.

The 1981 Senate hearings on the beginning of human life brought out the basic issue more clearly than ever before. The many medical and scientific witnesses who testified disagreed on many things, but not on the scientific evidence that the unborn child is alive, is a distinct individual, or is a member of the human species. They did disagree over the value question, whether to give value to a human life at its early and most vulnerable stages of existence.

Regrettably, we live at a time when some persons do not value all human life. They want to pick and choose which individuals have value. Some have said that only those individuals with "consciousness of self" are human beings. One such writer has followed this deadly logic and concluded that "shocking as it may seem, a newly born infant is not a human being."

A Nobel Prize winning scientist has suggested that if a handicapped child "were not declared fully human until three days after birth, then all parents could be allowed the choice." In other words, "quality control" to see if newly born human beings are up to snuff.

Obviously, some influential people want to deny that every human life has intrinsic, sacred worth. They insist that a member of the human race must have certain qualities before they accord him or her status as a "human being."

Events have borne out the editorial in a California medical journal which explained three years before *Roe* v. *Wade* that the social acceptance of abortion is a "defiance of the long-held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition, or status."

Every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a nation, we must choose between the sanctity of life ethic and the quality of life ethic.

I have no trouble identifying the answer our nation has always given to this basic question, and the answer that I hope and pray it will give in the future. America was founded by men and women who shared a vision of the value of each and every individual. They stated this vision clearly from the very start in the Declaration of Independence, using words that every schoolboy and schoolgirl can recite:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among these are life, liberty, and the pursuit of happiness."

We fought a terrible war to guarantee that one category of mankind—black people in America—could not be denied the inalienable rights with which their Creator endowed them. The greater champion of the sanctity of all human life in that day, Abraham Lincoln, gave us his assessment of the Declaration's purpose. Speaking of the framers of that noble document, he said:

"This was their majestic interpretation of the economy of the Universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to His creatures. Yes, gentlemen, to all His creatures, to the whole great family of man. In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on. . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other ages."

He warned also of the danger we would face if we closed our eyes to the value of life in any category of human beings.

"I should like to know if taking this old Declaration of Independence, which declares that all men are equal upon principle and making exceptions to it where will it stop. If one man says it does not mean a Negro, why not another say it does not mean some other man?"

When Congressman John A. Bingham of Ohio drafted the Fourteenth Amendment to guarantee the rights of life, liberty, and property to all human beings, he explained that *all* are "entitled to the protection of American law, because its divine spirit of equality declares that all men are created equal." He said the rights guaranteed by the amendment would therefore apply to "any human being." Justice William Brennan, writing in another case decided only the year before *Roe* v. *Wade*, referred to our society as one that "strongly affirms the sanctity of life."

Another William Brennan—not the Justice—has reminded us of the terrible consequences that can follow when a nation rejects the sanctity of life ethic:

"The cultural environment for a human holocaust is present whenever any society can be misled into defining individuals as less than human and therefore devoid of value and respect."

As a nation today, we have *not* rejected the sanctity of human life. The American people have not had an opportunity to express their view on the sanctity of human life in the unborn. I am convinced that Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not. Even the Supreme Court's opinion in *Roe v. Wade* did not explicitly reject the traditional American idea of intrinsic worth and value in all human life; it simply dodged this issue.

The Congress has before it several measures that would enable our people to reaffirm the sanctity of human life, even the smallest and the youngest and the most defenseless. The Human Life Bill expressly recognizes the unborn as human beings and accordingly protects them as persons under our Constitution. This bill, first introduced by Senator Jesse Helms, provided the vehicle for the Senate hearings in 1981 which contributed so much to our understanding of the real issue of abortion.

The Respect Human Life Act, just introduced in the 98th Congress, states in its first section that the policy of the United States is "to protect innocent life, both before and after birth." This bill, sponsored by Congressman Henry Hyde and Senator Roger Jepsen, prohibits the Federal government from performing abortions or assisting those who do so, except to save the life of the mother. It also addresses the pressing issue of infanticide which, as we have seen, flows inevitably from permissive abortion as another step in the denial of the inviolability of innocent human life.

I have endorsed each of these measures, as well as the more difficult route of constitutional amendment, and I will give these initiatives my full support. Each of them, in different ways, attempts to reverse the tragic policy of abortion-on-demand imposed by the Supreme Court ten years ago. Each of them is a decisive way to affirm the sanctity of human life.

We must all educate ourselves to the reality of the horrors taking place. Doctors today know that unborn children can feel a touch within the womb and that they respond to pain. But how many Americans are aware that abortion techniques are allowed today, in all 50 states, that burn the skin of a baby with a salt solution, in an agonizing death that can last for hours?

Another example: two years ago, the Philadelphia Inquirer ran a Sunday special supplement on "The Dreaded Complication." The "dreaded complication" referred

to in the article—the complication feared by doctors who perform abortions—is the survival of the child despite all the painful attacks during the abortion procedure. Some unborn children do survive the late-term abortions the Supreme Court has made legal. Is there any question that these victims of abortion deserve our attention and protection? Is there any question that those who don't survive were living human beings before they were killed?

Late-term abortions, especially when the baby survives, but is then killed by starvation, neglect, or suffocation, show once again the link between abortion and infanticide. The time to stop both is now. As my Administration acts to stop infanticide, we will be fully aware of the real issue that underlies the death of babies before and soon after birth.

Our society has, fortunately, become sensitive to the rights and special needs of the handicapped, but I am shocked that physical or mental handicaps of newborns are still used to justify their extinction. This Administration has a Surgeon General, Dr. C. Everett Koop, who has done perhaps more than any other American for handicapped children, by pioneering surgical techniques to help them, by speaking out on the value of their lives, and by working with them in the context of loving families. You will not find his former patients advocating the so-called quality of life ethic.

I know that when the true issue of infanticide is placed before the American people, with all the facts openly aired, we will have no trouble deciding that a mentally or physically handicapped baby has the same intrinsic worth and right to life as the rest of us. As the New Jersey Supreme Court said two decades ago, in a decision upholding the sanctity of human life, "a child need not be perfect to have a worthwhile life."

Whether we are talking about pain suffered by unborn children, or about late-term abortions, or about infanticide, we inevitably focus on the humanity of the unborn child. Each of these issues is a potential rallying point for the sanctity of life ethic. Once we as a nation rally around any one of these issues to affirm the sanctity of life, we will see the importance of affirming this principle across the board.

Malcolm Muggeridge, the English writer, goes right to the heart of the matter: "Either life is always and in all circumstances sacred, or intrinsically of no account; it is inconceivable that it should be in some cases the one, and in some the other." The sanctity of innocent human life is a principle that Congress should proclaim at every opportunity.

It is possible that the Supreme Court itself may overturn its abortion rulings. We need only recall that in *Brown v. Board of Education* the Court reversed its own earlier "separate-but-equal" decision. I believe if the Supreme Court took another look at *Roe v. Wade*, and considered the real issue between the sanctity of life ethic and the quality of life ethic, it would change its mind once again.

As we continue to work to overturn *Roe v. Wade*, we must also continue to lay the groundwork for a society in which abortion is not the accepted answer to unwanted pregnancy. Pro-life people have already taken heroic steps, often at great personal sacrifice, to provide for unwed mothers. I recently spoke about a young pregnant woman named Victoria, who said, "In this society we save whales, we save timber wolves and bald eagles and Coke bottles. Yet, everyone wanted me to throw away my baby." She has been helped by Sav-a-Life, a group in Dallas, which provides a way for unwed mothers to preserve the human life within them when they might otherwise be tempted to resort to abortion. I think also of House of His Creation in Coatesville, Pennsylvania, where a loving couple has taken in almost 200 young women in the past ten years. They have seen, as a fact of life, that the girls are *not* better off having abortions than saving their babies. I am also reminded of the remarkable Rossow family of Ellington, Connecticut, who have opened their hearts and their home to nine handicapped adopted and foster children.

The Adolescent Family Life Program, adopted by Congress at the request of Senator Jeremiah Denton, has opened new opportunities for unwed mothers to give their children life. We should not rest until our entire society echoes the tone of John Powell in the dedication of his book, *Abortion: The Silent Holocaust*, a dedication to every woman carrying an unwanted child: "Please believe that you are not alone. There are many of us that truly love you, who want to stand at your side, and help in any way we can." And we can echo the always-practical woman of faith, Mother Teresa, when she says, "If you don't want the little child, that unborn child, give him to me." We have so many families in America seeking to adopt children that the slogan "every child a wanted child" is now the emptiest of all reasons to tolerate abortion.

I have often said we need to join in prayer to bring protection to the unborn. Prayer and action are needed to uphold the sanctity of human life. I believe it will not be possible to accomplish our work, the work of saving lives, "without being a soul of prayer." The famous British Member of Parliament, William Wilberforce, prayed with his small group of influential friends, the "Clapham Sect," for *decades* to see an end to slavery in the British Empire. Wilberforce led that struggle in Parliament, unflaggingly, because he believed in the sanctity of human life. He saw the fulfillment of his impossible dream when Parliament outlawed slavery just before his death.

Let his faith and perseverance be our guide. We will never recognize the true value of our own lives until we affirm the value in the life of others, a value of which Malcolm Muggeridge says: ". . . however low it flickers or fiercely burns, it is still a Divine flame which no man dare presume to put out, be his motives ever so humane and enlightened."

Abraham Lincoln recognized that we could not survive as a free land when some men could decide that others were not fit to be free and should therefore be slaves. Likewise, we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. My Administration is dedicated to the preservation of America as a free land, and there is not cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

Mr. HATCH. Mr. President, I commend to my colleagues the following outstanding analysis by Prof. John T. Noonan, Jr., on the recent Supreme Court abortion ruling, that will be published in the summer 1983 edition of the "Human Life Review."

Mr. President, I ask unanimous consent that the above-mentioned article appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AKRON: A PRAGMATIC POLITICIAN'S PARODY OF SOLOMON

(By John T. Noonan, Jr.)

Pragmatists who believe that in any dispute you can split the difference have looked at the life and death issue of abortion and have come up with what they think is a workmanlike, democratic, sensitive compromise. The abortionists get the unrestricted right to legal abortion. The anti-abortionists get the right not to fund it. A fair division they suppose. Half a loaf they say. Half a baby they imply. They would have resolved the trinitarian conflict of the fourth century by believing in one and one-half persons. Here the pragmatists say, they can kill, you don't have to pay for it; or, they get the blood, you can keep the money. This nice division of nonnegotiable demands is the explanation of *Akron v. Akron Center for Reproductive Health*, the Supreme Court's latest decision in the matter of abortion.

I speak of a decision "in the matter of abortion" advisedly, for like the Court's other decisions in the area, this decision has a curiously abstract air as though it were not determining a contest between real persons but were the draft of a legislative program. An actual woman seeking an abortion is not before the Court; the actual abortion clinic with the Orwellian name which is the plaintiff—its business methods, its business motives—is never mentioned; the party most at interest, the unborn child, is unrepresented. Abstractly structuring the pragmatist compromise, the Court affects the lives of millions of human beings. It does so not as judges deciding a concrete controversy but as designers of a political solution—a "final settlement" as James Buchanan said of *Dred Scott*.[1]

Written by Lewis Powell on behalf of himself and five of his male colleagues, *Akron* shows that the old *Roe v. Wade* majority has not only learned nothing but has paid almost no attention to contemporary discoveries in medicine, currents in politics, or critiques of judicial imperialism. Locked into the medicine of a decade ago, uncomprehending of the present political climate, disdainful of conscientious remonstrance and academic criticism, the entrenched majority declares that a "fundamental right to abortion" is to be found in the Constitution.

Unworkmanlike, undemocratic, insensitive—these are the principal characteristics of the opinion. Let us look at *Akron* in terms of these characteristics.

UNWORKMANLIKE

Justice Powell begins by noting "legislative responses" and "arguments" that "we erred in interpreting the Constitution." He continues, "Nonetheless, the doctrine of *stare decisis*, while perhaps never entirely persuasive on a constitutional question, is a doctrine that demands respect in a society governed by the rule of law. We respect it today, and reaffirm *Roe v. Wade*."[2]

What does Justice Powell mean when he says that *stare decisis*—that is, the obligation to follow precedents—is "perhaps never entirely persuasive on a constitutional question"? Fifty years ago Justice Brandeis com-

Footnotes at end of article.

piles a list of over a dozen instances on which the Court had reversed itself on constitutional questions—where the principle of *stare decisis* had not been observed.[3] The Court since the 1930's has been more cavalier with precedent than the pre-New Deal Courts. Explicitly of *sub silentio* it has discarded many more constitutional decisions than its predecessors had done. Conservatively estimated, at least forty times the Court has corrected itself on the meaning of the Constitution.

"Perhaps never entirely persuasive"! An accurate historian would say, "Often unpersuasive." Surely Justice Powell knows this. And why does he qualify his already qualified acknowledgement with a "perhaps"? The same judicial stutter appeared in *Roe v. Wade* where Justice Blackmun suggested that "perhaps" the liberty he was inventing could be found in the Ninth Amendment.[4] "Perhaps" in these contexts is a telltale mark of a judicial conscience struggling against an implausible assertion. For Justice Powell, a learned and experienced member of the Court, to state flat out that precedent was "not entirely persuasive" was too much for him to do when a candid sense of his craft required him to acknowledge, "On constitutional issues, the question is never settled until it is settled right."

Having overplayed the place of precedent, Justice Powell makes a truly desperate maneuver—he links the observance of precedent to "the rule of law." If observing precedent were essential to the rule of law, the institution of which Justice Powell has been a prominent member would have to be pronounced subversive. It has smashed precedents right and left—one need only read its decisions on marriage, divorce, and the family to see how careless it has been in preserving them. *Akron* itself announces three new requirements of the Constitution different from those stated in earlier abortion cases. Justice Powell's linkage gives us no choice—we either do not have the rule of law or the Supreme Court has not been doing what it has been reported to be doing for the past four decades. Either alternative is unacceptable. Justice Powell fails to make a valid equation between preserving the rule of law and not overruling an outrageous decision.[5]

A footnote answering the dissent adds two special reasons for not abandoning *Roe.* (1) *Roe* was argued one year, put over, and reargued the next. Justice Powell does not note that the first year was a presidential election year and that, like *Dred Scott, Roe* by re-argument was moved to a year when the political consequences of a political decision would be less immediately damaging to the decision-makers. (2) *Roe* has been applied "repeatedly." Justice Powell does not observe that the reason it has had to be repeatedly applied is because of the general detestation in which elected legislatures have held it.[6]

Special irony attends the appeal to precedent in *Akron*—it overrules a case decided only two years ago. If the Court is going to flip and flop, one would think it could flip the same way two years running. Such, however, is not its course with abortion. In 1981 it decided *Gary-Northwest Indiana Women's Services, Inc. v. Orr.* There a three-judge District Court had held that Indiana could constitutionally require hospitalization for second-trimester abortions. The Supreme Court summarily affirmed. The District Court, after all, had merely applied *Roe v. Wade.*[7]

Two years later the *Akron* majority finds that *Roe* and *Gary* have been "misinterpreted." Accepted medical practice is now said not to require hospitalization during "the early weeks of the second trimester." The change in medical practice requires the Court to change the constitutional requirement. The underlying fact on which the medical practice depends is that the safety of second-trimester abortion "has increased dramatically." Such abortions now kill only 7 women per 100,000 abortions instead of 14 women. A change of survival rate of seven is greeted as a dramatic increase, an increase so dramatic that the Court's recent precedent must be formally overruled. To make matters even more embarrassing for Justice Powell the statistics he cites so triumphantly must have been available when the Court went the other way in 1981. Respect for the rule of law is indeed endangered when the Court in 1981 cannot find the statistics it dredges up in 1983 to reverse itself on a requirement of the Constitution.[8]

Precedent is usually thought of as not merely the bare holding of a case but the reasoning which underlies the holding. Six years ago Justice Powell wrote the opinion upholding the right of a state not to fund abortion. In the course of that opinion Justic Powell declared that the state had a "strong and legitimate interest"—"an interest honored over the centuries"—in "encouraging normal childbirth." The state also had, he wrote, "a strong interest in protecting the potential life of the fetus." [9]

In *Akron* Justice Powell finds it unconstitutional for the law to set up a twenty-four hour waiting period in which a woman seeking an abortion might have a chance to weigh the consequences of her choice. Twenty-four hours is not very long to be asked to wait. It is, no doubt, a small encouragement to a choice in favor of the child and choice in favor of birth. If the state has strong interests in these subjects, one would suppose a day was minimal acknowledgment. Not so Justice Powell. Tacitly repudiating his own reasoning, he describes the day wait as "arbitrary and inflexible" and, speaking as if he were the Constitution, condemns it.[10]

Six years ago, upholding the state's choice not to fund, Justice Powell wrote, "We should not forget that 'legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts'." Justice Powell's reminder was a quotation from Justice Holmes, stating what became the accepted wisdom of the law schools: judges have no business reading their private social views into the meaning of "liberty" in the Constitution. It is in repudiation of this accepted doctrine, far older and far more than fundamental than *Roe v. Wade,* that Justic Powell lets his predilections determine that that liberty prohibits the small restraints Akron attempted to put on abortion.[11]

Unworkmanlike failure to achieve consistency with recent decisions and his own opinions—the glaring deficiency is excellently illuminated in the skillful dissent of Sandra O'Connor, joined by Byron White and William Rehnquist. Justice O'Connor, begins by quoting Justice Powell's own standard in the funding case—a regulation is not unconstitutional unless it "unduly burdens the right to seek an abortion." She cannot see how such regulations as the day wait can be found undue burdens. She thinks it extraordinary that the Constitution requires the States constantly to readjust their health regulations to conform to medical practice. She wonders if the Court, to carry out this concept of the Constitution, will have to function as "the nation's *ex officio* medical board." She points out the Court's double standard—health includes emotion and psychology when abortion is to be justified; it means only physical safety when law regulating abortion is to be justified. She shows how Justice Powell's invalidation of Akron's parental consent requirement for the abortion of girls under 15(!) does not square with the Court's 1977 decision in *Bellotti v. Baird.* She indicates that Justice Powell's invalidation of Akron's informed consent requirement in effect holds three other cases expounding the Constitution were wrongly decided. She quotes back to Justice Powell his reminder from Holmes that legislatures too, are guardians of liberty, and, what Justice Powell himself had once believed that, "in a democracy," the appropriate forum for the resolution of such "extremely sensitive issues" is the legislature. She demonstrates that the whole shaky trimester division of *Roe v. Wade* has collapsed in the face of medical improvements. She makes mincemeat of the opinion of Justice Powell.[12]

With the shoddiness of the majority opinion made apparent by the dissent, Justice Powell cannot resist adding a footnote bent on refuting Justice O'Connor. Her dissent, he writes, "rejects the basic premise of *Roe* and its progeny." Justice Powell has some difficulty pointing to where this basic rejection occurs. The nub of his accusation appears to be that Sandra O'Connor defends the waiting period out of a belief that the abortion decision "has grave consequences for the fetus." Quoting her observation, Justice Powell remarks, "This analysis is wholly incompatible with the existence of the fundamental right recognized in *Roe v. Wade.*" [13]

A day to think over the grave consequences for the child is "wholly incompatible" with the abortion liberty. In this brusque denunciation of the dissent, Justice Powell reveals his mind openly. He wants nothing to inhibit the choice of abortion. Every restriction is an "interference." He is impatient with the lines carefully drawn by the Akron ordinance. The raw abortion right he and his colleagues invented is not to be curbed at all.

The *Akron* legislators, respectful of the rule of law, had worked within the space apparently left open by *Roe v. Wade.* The three-judge District Court, mindful of the precedents set by higher authority, had followed *Gary-Northwest Women* and upheld hospitalization. The O'Connor dissent, relying on Justice Powell's own recent reasoning, finds the Akron regulations valid. Justice Powell has patience for none of this close reading of *Roe,* this conscientious application of precedent, this craftsmanlike invocation of his own ideas. Inhibition of the abortion choice in the smallest degree becomes denial of the fundamental right. The unworkmanlike character of his opinion follows on the zeal of the judge to sweep the board.

UNDEMOCRATIC

Akron compels the state to accept the standard prevailing in the medical profession. Indeed it compels the state to do somersaults to keep up—the American College of Obstetricians and Gynecologists changed its standards on hospitalization *after* the Akron trial; the Court holds that the new standards determine the constitutionality of the Akron rule. In the past, the states have set the standards for medical practice, incorporating professional standards where the state has found them appropriate. *Akron* subordinates the decision of the lawmaker

to the judgment of the interested professional.[14]

We are using "the model" of "a conscientious physician," writes Justice Powell (for him as for Blackmun, doctors are always conscientious and always "physicians"). Why is the government compelled to accept this fantasy as the basis for its regulations? Any aware citizen knows that a large number of abortions are performed in mills. The modern abortionist is not the family doctor by his patient's bedside. The well-known expose of modern abortionists in Chicago by the *Sun-Times* put before everyone the kind of doctor—careless of his patients, callous to their sufferings, greedy for his money—that the Akron regulations were aimed at. Ignoring the real world and insisting on the dream doctor of the judges, the Court tramples on the experience reflected in the democratic legislative process.[15]

The Court makes a great deal of this exemplary fellow, the conscientious doctor. Nothing is to be interposed between him and his adult patient. *Roe* itself, Justice Powell admits, had pointed to "the central role of the physician" in "consulting" with the patient about an abortion. He himself writes, "It remains primarily the responsibility of the *physician* to ensure that appropriate information is conveyed to his patient" (emphasis supplied). But where the Akron ordinance requires that the physician give consulting advice about the operation to his patient, he strikes a different note. The critical factor for Justice Powell becomes that the patient obtain "the necessary information and counseling from a qualified person, not the identity of the person from whom she obtains it." It becomes unconstitutional to insist that the physician give counsel. Wonderfully overlooking the kind of halfbaked social workers or past victims of abortion likely to be willing to take such lowpaid work, the Court grandly and vaguely holds that "qualified" persons can be required to do the counselling. The Court fails to make clear why the judges have the expertise to say that a class of qualified non-doctors exist to inform potential abortion patients what awaits them and their child.[16]

Putting the professional abortionist above the lawmaking processes of democracy, using an unrealistic model of the ideal abortionist, inconsistently setting the doctor aside when he became an inconvenience, the Court does not even pay lip service to judicial self-restraint. Not once does Justice Powell ask how he has the knowledge or experience to decide the care necessary for a woman's health or the encouragement she needs to protect her baby's life or the information she should have to make an intelligent decision. The fiction is maintained that Justice Powell is merely "interpreting" the Constitution.[17]

In the year 1983, on the brink of *1984*, this kind of fiction is peculiarly unpersuasive and peculiarly unappealing. Anyone who can read knows that the Constitution does not say one word about abortion. There is no liberty of abortion in the Constitution. To say there is such a liberty one has to believe that the judges are free to make up the meanings they like and engraft them in the manner of constitutional amendments to the original text.

No one doubts, of course, that genuine interpretation can expand general concepts to cover new discoveries, for example, to bring television within the Freedom of Speech. No one doubts that experience incorporated in American laws and reflected in American beliefs and tradition can provide a gloss on ambiguous provisions. The pre-1972 cases which Justice Powell, following *Roe*, invokes for "freedom of personal choice in matters of marriage and family life" reflect the sacredness of marriage and the authority of parents, values older than the Constitution and deeply engrained in American experience. When an action has been criminal in every state, when American traditions of the family and American beliefs in the sanctity of life have run exactly counter to the action, when the action is no new discovery but an ancient and barbarous way of killing the helpless—to say that this action is protected by the Constitution's pledge of liberty is to add a new clause to the Constitution, to amend our basic law by the undemocratic method of judicial command.

Roe v. Wade, of course, wrote the new amendment. *Akron* merely reaffirms it. But after ten years of relentless criticism of the constitutional fallacies in *Roe v. Wade*, did the Court not have an obligation to explain itself, defend itself, state what the basis of its extraordinary assumption of power was? For a decade, critics of all persuasion on abortion had been unable to discover a rational basis for *Roe*. Did not even minimal respect for the rule of law and the decent opinion of mankind call for the Court to assert a basis other than arbitrary power? The judges must be powerfully insulated if all they know of are "legislative responses" and "arguments" suggesting they erred. The nakedness of their assertion of power in *Roe* has been exposed to the view of everyone. They now have nothing better to offer than *Roe*. Nothing better than *Roe*? Then they have nothing at all. They exercise the power of their office without reason and with profound injury to the rule of law.

Akron strikes one new blow against democratic government. It muzzles the legislative organs of the people. *Roe* declared that the state could not choose what the Court was pleased to call a "Theory of life" in protecting the unborn child by the criminal law. *Akron* declares that the state cannot even choose to have the truth spoken that the child is a child, is human, and is alive. To prescribe that the physician speak these words is, according to Justice Powell's opinion, "inconsistent" with *Roe v. Wade's* teaching that a state "may not adopt one theory of when life begins to justify its regulation of abortion." Or, as Justice Powell puts it in his own words, a state may not have "regulations designed to influence the women's informed choice between abortion or childbirth." [18]

By the same token, it would appear impermissible for the State to educate its children in modern biology, for modern biology teaches that the distinctive human karyotype is present at conception and that the newly-conceived being is alive. If the transmission of this information impedes a decision in favor of abortion—as it surely does—it must be an interference with the Court-proclaimed fundamental right. Such information certainly influences the informed choice of all who reject abortion. It would be instructive if the American Civil Liberties Union would seek an injunction prohibiting the use in the public schools of textbooks containing this harmful information. The Court might gag on Powell's principles logically applied. Its present holding that the Constitution acts as a censor and prevents a regulation requiring disclosure of the facts is only a little less extreme.

INSENSITIVE

The first kind of sensitivity all of us have is sensitivity to pain—to our own pain first and then, as we become civilized, to the pain of others. Insensitive persons are insensitive to the pain of others, do not want to know about it, care to do nothing about it. The majority of the Court in *Akron* reveal a startling insensitivity to others' pain.

A substantial body of physiological evidence indicates that the unborn child reacts to pain—moves to avoid discomfort, distinguishes bitter sensations from sweet. The Akron regulation required that a woman be informed of the child's "tactile sensitivity, including pain." The District Court said that there was "much evidence" that the sensitivity to pain was "impossible to determine." [19]

Instead of consulting the relevant medical literature, instead of using such a well-known handbook for pregnant mothers as William Liley's *Modern Motherhood*, the Court treats the District Court's conclusion as final. The Court, which felt free to rely for other medical data on such partisan productions as the National Abortion Federation Standards does not discuss the findings of standard physiological investigations of uterine life. The person who deliberately denies himself knowledge that others are in pain which he could alleviate is fairly described as lacking in elementary sensitivity. What shall one say of a Court that denies the states the opportunity to inform their citizens of pain they may not want to inflict upon their own children? [20]

On a different level, the Court shows itself insensitive to the politics of the country even as it engages in open politics—for a decision lacking in constitutional bases, undefended by reasoning, can only be called political. The Court has not noticed how much most of the country deplores an anti-family stance. The majority of the Court has not read the opinion polls that show the great majority of the country do not want the radical abortion right conferred upon them—do not want it for themselves, do not want it as an amendment to the Constitution. The Court majority has not observed that a majority of both Houses of Congress and the Chief Executive do not believe in the abortion amendment the Court has constructed.[21]

In deciding *Akron*, it may be said the Court is playing politics in a minor league. It is knocking down a city ordinance alone. Yet the Court did have the benefit of a brief from the Solicitor General of the United States solidly on the side of the city. The Court, even within its insulated walls, was surely aware that the President of the United States had declared that "we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide." The Court had been unresponsive to the several States of the United States which have tried to find ways of shielding their unborn children only to have their laws struck down by the Court or its surrogates. The Court is now unmoved by the Executive Branch.[22]

Unfeeling about pain, deaf to the voices of the people's representatives, the Court is curiously uninterested in medical advances on behalf of the unborn. Viability now comes earlier than the seventh month which *Roe* said was usual. Justice O'Connor told the majority that an infant could be viable at 22 weeks, and stated bluntly, "The *Roe* frame-

work, then, is clearly on a collision course with itself." [23]

As viability moves backward, *Roe* should permit the States to protect the life of the unborn at earlier and earlier stages. If the *Roe* rationale is accepted, if precedent is respected when it works against abortion, the *Akron* regulations are constitutionally salvageable just because they do safeguard the state's interest in viable life. Justice Powell, with Justice O'Connor's facts in front of him, did not care to take note of them or say a word as to how the new information on viability shattered *Roe*'s restriction of any protection of the child to the last two months.

There is only one explanation for this kind of blindness when the information is spread out before one—the parti pris of ideology. How awkward it finds that new medical data tells against abortion, how embarrassing to say the states must study medical literature and to discover that, if they do, they will regulate abortion earlier. If one is convinced that one has invented a fundamental right, it is certainly easier not to believe that the fundamental right will be eroded by medical technology. It may even be necessary not to acknowledge the facts that would support such a belief.

Ideology, too, accounts for the grim determination not to admit in any way that abortion involves the killing of a human being. "Terminate her pregnancy" is Justice Powell's opening locution. "Unborn child" in the Akron ordinance is at times translated "fetus." He religiously applies the rubric "potential" to life in the womb. (If a moving, kicking, urinating baby is only potential life, it would be instructive to know what actual life is). He once, as we have seen, falls back on the *Roe* language which reduces the real child still further to a kind of ghostly existence as a "theory of life." At no point is he sensitive to the maternal language that speaks of the child as a baby.[24]

Ideology blocks out the accents of our mother tongue. It leads to one final enormity. The Akron ordinance required abortionists to dispose of "the remains of the unborn child" in "a humane and sanitary manner." In *Franklin* v. *Fitzpatrick* the Court in 1976 had upheld such a standard. Unfortunately for the respect due the role of law, the majority were prepared to strike down all the works of the Akron City Council. They overruled *Franklin* and threw out this provision with the others. Their ingenious reason was that the statute might be construed to "mandate some sort of 'decent burial' of an embryo at the earliest stages of formation." [25]

As the use of the phrase "decent burial" in quotation marks suggest, it is repugnant to the judges to consider that humane human beings might want to bury decently even a very young child destroyed by abortion. As the Court is here quoting the Sixth Circuit, it is inferable that Justice Powell has no appetite for considering the grisly reality of what should be done with the dead. If decent burial is too good for the early embryo, Justice Powell seems to reason, then the whole statute is void for vagueness. The conscientious doctor cannot tell what he is supposed to do.

In a case decided the same day, *Simopoulos*, and abortion was described in which an aborted child of five and one-half months was deposited in the wastebasket of a motel. Even the majority might concede that that was not humane and sanitary disposal. Normally courts construing a statute are satisfied if they can say specifically what the statute prohibits. What criminal statues are without grey areas of uncertainty? It required no speculation for the Court to say that wastebaskets and garbage dumps could not be availed of by abortionists obeying this ordinance. The judges themselves add the gloss "decent burial" in order to impute vagueness.[26]

The real offense of the ordinance on humane disposition was that, however weakly, it suggested that the slaughtered being was not vegetable or animal to the run through the disposal; not a theory of life to be written off in a sentence; not mere potential, which had no actual beating heart and functioning brain; but flesh like ourselves. Asking for a humane manner of disposal, the ordinance was sensitive to the fact that abortion was a way of visiting death on a human being. The Court is not.

Solomon's famous decision was designed to discern who really loved the child. He did not suppose the child would be actually divided. Possessed of less than Solomonic wisdom, the Court seems to suppose that its unworkmanlike, undemocratic, insenstive solution will actually be carried out; that the country will accept the division.[27] The Court could not be more mistaken. Prayer and love, work and education, action by the Congress, leadership by the President, constitutional response by the people will right the wrong now written into law.[28]

FOOTNOTES

[1] James Buchanan, Third Annual Message to Congress, December 17, 1859, *Messages and Papers of the Presidents*, ed. J. Richardson 4, 3085.

[2] *Akron v. Akron Center for Reproductive Health*, Slip Opinion, June 15, 1983, p. 2.

[3] *Burnet v. Coronado Oil and Gas Co.* 285 U.S. 393 (1932) at 407-409 (dissenting opinion by Brandeis, J.).

[4] *Roe v. Wade* 410 U.S. 113 at 154.

[5] Akron announces a new requirement of the Constitution on hospitalization contrary to *Roe v. Wade supra*, n. 4 and *Gary-Northwest Indiana's Women Services, infra*, n. 7; on humane burial of a child killed by abortion contrary to *Franklin, infra* n. 25; and on informed consent contrary to *Bellotti, Planned Parenthood*, and *H.L., infra*, n. 12. For a discussion of constitutional changes in family law, see Noonan, "The Family and the Supreme Court," *Catholic University Law Review* 23 (1978) 255-262.

[6] *Akron* at p. 2, n. 1. for the *Dred Scott* parallel see Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978) 290.

[7] *Gary-Northwest Indiana Women's Service, Inc. v. Orr* 451 U.S. 931 (1981), *affirming* 496 F. Supp. 894 (N.D. Ind. 1980). As Justice O'Connor points out, Justice Powell's attempt to distinguish this case "simply ignores" what the district court held, Slip Opinion, Dissent 5, n. 3.

[8] *Akron* at 14 ("misinterpreted"); at 17 ("has increased dramatically"). The statistics depended on are cited in footnote 22; they are for 1977 from a book published in 1981 and presumably as available to the Court as to the book's authors.

[9] *Maher v. Roe* 428 U.S. 464 (1977) at 478.

[10] *Akron* at 32.

[11] *Maher v. Roe* at 479 quoting Holmes, J. in *Missouri, Kansas and Texas Ry. Co. v. May* 194 U.S. 267 (1904) at 270.

[12] *Akron*, Slip Opinion, Dissent at 2, 12-13 (unduly burdens); 2-3 (trimester framework "completely unworkable"); 5-6 (nation's medical board); 12 (double standard); 14 (legislature the right forum); 21 (indicates that *Planned Parenthood of Central Missouri v. Danforth* 428 U.S. 52; (1976); *Bellotti v. Baird* 443 U.S. 622 (1977); and *H.L. v. Matheson* 450 U.S. 398 (1981) are now held to be "incorrect" on informed consent.)

[13] *Akron* at 2, n. 1.

[14] *Akron* at 18.

[15] Compare the *Chicago Sun Times* November 12, 1978 through November 22, 1978.

[16] *Akron* at 25 ("primarily the responsibility of the physician"); at 29 (identity does not matter).

[17] *Ibid.* at 2.

[18] *Ibid.* at 25 ("designed to influence"); and 26, citing *Roe v. Wade* at 159-162.

[19] *Akron Center for Reproductive Health v. Akron* 479 F. Supp. 1172 at 1203 (N.D. Ohio 1979) (per Leroy J. Contie, J.). Unfortunately District Judge Contie did not state what the "much evidence" consisted in. Citing Judge Contie, Justice Powell has no more information than other readers of his opinion as to what he had in mind. Compare Noonan, "The Experience of Pain by the Unborn," *Human Live Review* 7 (Fall 1981) 7-19.

[20] National Abortion Federation Standards are invoked by the Court at 29, n. 387.

[21] On the opinion polls, see Noonan, *A Private Choice* (New York: The Free Press, 1979) 73.

[22] Ronald Reagan, "Abortion and the Conscience of the Nation," *Human Life Review*, 9 (Spring, 1983) 16.

[23] *Akron*, Dissent at 7.

[24] *Akron* 1 and 2 ("terminate her pregnancy"); "potential human life"; 13, n. 15, ("fetus").

[25] *Ibid.* at 32, citing 651 F.2d at 1211 (6th Cir. 1981). Technically the Court "distinguished" *Franklin v. Fitzpatrick* 428 U.S. 401 (1976) affirming 401 F. Supp. 554 (E.D. Pa. 1975) because *Franklin* did not involve a criminal statute. Realistically and practically, the *Franklin* precedent was discarded, as Justice O'Connor makes plain in her dissent, p. 24.

[26] *Simopoulos v. Virginia*, June 15, 1983, Slip Opinion, p. 2 (opinion by Powell, J.).

[27] In footnote 33 of *Akron*, Justice Powell offers the compromise explicitly: "A State is not always foreclosed from asserting an interest in whether pregnancies end in abortion. In *Maher v. Roe* 432 U.S. 464 (1977) and *Harris v. McRae* 448 U.S. 297 (1980) we upheld governmental spending statutes that reimbursed indigent women for childbirth but not abortion."

[28] Compare President Reagan, "Abortion and the Conscience of the Nation" at 15: "Prayer and action are needed to uphold the sanctity of human life."

Mr. HATCH. Mr. President, I thank the Chair and thank my colleague from Oregon.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, will the Senator yield to me to propound a unanimous-consent request?

Mr. PACKWOOD. I would be glad to yield.

Mr. BAKER. It will come as no surprise to the Members of the Senate that for some hours, indeed for a day, we have been trying to arrive at a series of unanimous-consent agreements that will provide for final disposition of the tax cap as well as the abortion amendment, which has already been dealt with. I believe now we have an agreement that has survived both caucuses, it appears to be acceptable to both sides. I would like to state the request now for the benefit of the minority leader who is here and on the floor, and the managers of this resolution, and all Senators.

Mr. President, I ask unanimous consent that after the time for debate on Senate Joint Resolution 3, the abortion amendment, has expired, which parenthetically will be at 3:43 this afternoon, that the Senate then tem-

porarily lay aside Senate Joint Resolution 3 and proceed to the consideration of the so-called tax cap bill from the House of Representatives; that debate continue on the tax cap bill from that moment until 5 p.m. today, and the time to be equally divided between the majority and minority leaders or their designees; that at the hour of 5 p.m. the Senate resume consideration of Senate Joint Resolution 3 and, at that time, under the order previously entered, a vote occur on that resolution.

After the conclusion of that vote, Mr. President, I ask unanimous consent that the Senate resume consideration of the tax cap bill, with debate thereon.

Mr. President, I will also say parenthetically I am prepared to ask the Senate to stay as long as necessary this evening to accommodate the wishes of Senators with respect to debate.

ORDER FOR RECESS UNTIL 8:45 A.M. TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:45 a.m. on tomorrow.

ORDER REDUCING LEADERSHIP TIME TO 5 MINUTES AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. President, I ask unanimous consent, with the concurrence of the minority leader, that on tomorrow the time allocated to the two leaders under the standing order be reduced to 5 minutes each, and that after the time for the recognition of the two leaders has expired that any time remaining before the hour of 9 a.m. be devoted to the transaction of routine morning business in which Senators may speak for 1 minute each.

ORDER FOR RESUMING CONSIDERATION OF TAX CAP BILL AND VOTE THEREON ON TOMORROW

At the hour of 9 a.m. in the morning, the Senate will resume consideration of the tax cap bill, and that the time between 9 and 10 a.m. be divided equally between the majority and minority leaders or their designees; that at the hour of 10 a.m. the vote occur on or in relation to the tax cap bill.

Mr. President, I further ask unanimous consent that no amendment be in order to the tax cap bill today or tomorrow.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, will the majority leader add two elements to this request? One, that the time on debate following the vote on the now-pending matter be also equally divided and under the control of the two leaders or their designees; and, second, that no call for the regular order will bring the tax cap bill down.

Mr. BAKER. Yes, Mr. President, I started to do that on equal division of time after 5:15 approximately, and I could not quite figure out how to do that since we do not have a particular time we are going to go out, but let me put this request.

Mr. BYRD. What about not later than 3 hours?

Mr. BAKER. Mr. President, I ask unanimous consent further that when the Senate resumes consideration of the tax cap bill after the Senate Joint Resolution 3 vote, that a period of not more than 3 hours of debate be equally divided and under the control of the majority and minority leaders or their designees.

I further ask unanimous consent, Mr. President, that the call for the regular order will not bring back a bill temporarily laid aside in order to accommodate provisions of this order, and that the provisions of paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection? The Chairs hears none, and it is so ordered.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Let me say I had hoped at this time to have an argument to take up and dispose of the agricultural appropriations bill after we finish the tax cap bill tomorrow. We are still working on that, and I remain hopeful we can do that. It is entirely possible that we can finish that appropriations bill tomorrow, and I would urge Senators who are involved in that to think kindly of that proposition.

Mr. President, if we finish these matters and if we can dispose of any conference reports on appropriations bills that are brought to us from the House of Representatives it would be my intention under the resolution previously passed by the Senate, and assuming it is passed by the House of Representatives, to adjourn on Wednesday until July 11.

I thank the Senator for yielding to me for this purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I thank the Senator from Oregon.

I was presiding yesterday when the Senator from Missouri (Mr. EAGLETON) gave, I thought, a very thoughtful analysis of the constitutional history of this very troubling issue. I am not a lawyer so I am not able to speak to the legal aspects of this issue, but I am addressing my colleagues today as a colleague and as a mother.

The national debate over abortion began long before I entered the Senate in 1979. Knowing this to be an issue about which feelings on both sides run deep and believing it important that my position not be misunderstood, I stated my views on this issue at the outset of my campaign for the Senate. As I said then and have repeated many times since, I believe that abortion is seldom, if ever, the right moral choice, but it should nevertheless be a choice.

I understand and respect the opinions of those who disagree with me. Nonetheless, I remain firm in my conviction that this issue is not one which is appropriately addressed in any legislative forum. The tragedy of abortion in one which should be dealt with in the home and church, not in Congress.

In my view, one of the primary responsibilities of parenthood is instilling in one's children a sense of moral values. This is not the responsibility of Government—an institution which is clearly unsuited for such a function. Success or failure rests with the family, which is the single most important influence on the formation of the principles followed by an individual throughout his or her lifetime. If the family fails, it is folly to suggest that governmental fiat will make a measurable difference.

An ordered society rests upon the concept of individual responsibility. As the Government itself assumes greater responsibility, its citizens are moved further from acknowledging responisiblity for their own actions. I am one who believes that Government has already gone too far in intervening in areas better left to personal decisionmaking.

This type of Government interference will serve only to further restrict personal choice and to invite the flouting of our laws. There are many times during which we as individuals must acknowledge responsibility for our actions—be they right or wrong. There are times when we need to think through the choices ourselves and arrive at independent decisions based not on outside mandates, but upon the values we hold from our own upbringing and our sense of moral rightness. Making a decision about abortion ranks in these categories.

Many suggest that those who support choice are somehow endorsing abortion as a preferred option. This is ridiculous. Abortion is a tragedy which no one is actively promoting. There is no constitutional decision that makes abortion mandatory. I urge my colleagues to join me in opposing the amendment before us.

Mr. PACKWOOD. Mr. President, I thank my colleague from Kansas. I know how long she has considered this subject and agonized over the conclusion she has come to. I thank the Senator very, very much for that statement.

Mr. RIEGLE. Will the Senator yield to me at this point?

Mr. PACKWOOD. Yes, I can yield 3 or 4 minutes. We have four speakers to work in between now and 3 o'clock.

Mr. RIEGLE. I will just take 1 minute.

Mr. PACKWOOD. I yield to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator.

I was greatly moved by the comments of the Senator from Kansas, who I think has spoken with great eloquence and meaning on this subject. I share very much the views she has expressed and I think her remarks are as important as any we have heard on this subject.

I just wanted to make that observation. I thank the Senator.

Mr. HATCH. Will the Senator yield?

Mr. PACKWOOD. I yield to the Senator from Utah.

Mr. HATCH. Mr. President, during the debate several questions have been raised about the operation of Senate Joint Resolution 3 and the wisdom to amend the Constitution to nullify the right to an abortion. I would like at this time to dispel those questions.

I will state the objections to this proposal as questions and give my numbered responses.

What is the holding of Roe against Wade? Does it only restrict first trimester abortions?

First. In the case of Roe against Wade, the Supreme Court identified for the first time a right to abortion within the terms of the 14th amendment to the Constitution. This right was defined with sufficient breadth to result in the overturning of the laws on abortion in each of the 50 States of the Union. In place of these State restrictions, the Court supplied standards for abortion regulation that divided the pregnancy into trimesters.

In the first trimester of pregnancy, the right to abortion is plenary. As the Court stated,

> For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

In the second trimester, a State's authority to regulate abortion is limited to insuring the safety of abortion procedures. Again, in the words of the Court,

> For the stage subsequent to approximately the end of the first trimester, the State in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

In the final trimester, the State at length acquires an interest in protecting unborn life. That protective capacity, however, is subject to significant exception. The Court states that a State "may, if it chooses, regulate, and even proscribe, abortion, except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." This "health of the mother" exception has effectively consumed the rule because maternal health interests were defined by Roe's companion case, Doe against Bolton, to include "all factors—physical, emotional, psychological, and the woman's age—relevant to the well-being of the patient." In the words of Prof. John Noonan, the absolute entitlement to an abortion is curbed in the third trimester only by the "necessity of a physician's finding that she needed an abortion." It would be a rare physician who would be incapable of defending an abortion on grounds that in his best medical judgment the "well-being" of his patient demanded it.

Does this amendment put the Government back in the bedroom?

First. In the first place, this amendment is carefully crafted to prevent any adverse effect on the right of privacy. The Supreme Court in 1965 enunciated a constitutional right to privacy that protects the "sacred precincts of the marital bedchamber" with regard to family life and contraception. Griswold against Conn., 381 U.S. 479 (1965). This amendment only repeals the "right to abortion" created by Roe in 1973. The privacy interests of the bedchamber remain untouched by this amendment.

Second. What we are discussing today is not what kind of government we will have in the bedchamber, but what kind of government we will have in the abortion clinic. It would be absurd to deny that government, indeed big government, is already there. We have 13-year-old girls going into these clinics with a permission slip from the local judge, saying that—even though they would need parental consent to have their ears pierced—they do not have to tell their parents that they are about to destroy their grandchild. In some States, we have State vehicles driving up to the clinic door to drop off wards of the State for their government-approved abortions. We have Federal courts telling public hospitals that it is unconstitutional for them to act in accordance with the hippocratic oath, because they have an affirmative duty to open their facilities to elective abortions. We have a right whose champions contend may not be exercised without public funding. In short, the most fundamental law of our land has been placed at the service of the abortion industry, and I, for one, consider that a flagrant misuse of our Constitution. On top of all this, abortion totally denies the rights of the unborn. How can a right be private that harms another?

Third. Any Senator who wants to remove big government from the abortion issue has an opportunity to do just that by voting for this amendment. Senate Joint Resolution 3, will not prohibit abortion—it states no single substantive policy on this matter—but it will remove the most powerful and least accountable branch of our Government from what can only be called an extremely active role in using the Constitution to promote abortion.

Would this allow States to adopt differing policies?

Yes. Since the Supreme Court's interpretation of the Constitution would no longer mandate a single national policy, States would be free to deal with abortion policy as they see fit. Abortion would be among the many subjects not specifically delegated to the Federal Government by the Constitution and thus left to the States and the people themselves. Abortion would be restored to its proper place with other subjects regulated by the powers reserved to the States. General police powers, domestic relations laws, insurance laws, corporation and business association laws, property laws, trust and estates laws, and any other potential topic of legal concern outside of the specific Federal powers enumerated by article I, section 8, are all within the purview of primary State authority, as indeed abortion policy was until 1973. All of these policies may and do vary from State to State.

These variances are often beneficial because it allows the States to experiment with different approaches to a legal problem. Thus, as the State legislatures deliberate, a consensus will form around the best solution to the problem. Indeed, this hypothesis was evidenced with abortion policy prior to the interruption by the Supreme Court. In the 5 years preceding Roe, 18 States had changed their abortion laws—all in the direction of more liberal allowance of abortion.

Respect for community consensus and the virtues of diversity have been a vital aspect of the vitality and strength of our Federal system.

After ratification, what other general constitutional rights will limit State enactments relative to abortion?

First. The Federal judiciary would continue to have responsibility for determining the meaning of the amendment. Other general provisions of the Constitution would continue to limit State enactments. For example, a State statute prohibiting only black women from having abortions would run afoul of the equal protection clause. A statute prohibiting only Catholics from having abortions would violate the first amendment. Under

the due process clause, a statute permitting abortions only at the discretion of a State agency that operates without standards in determining who gets an abortion would be invalid. In general all of the provisions of the Constitution would still be applicable to State enactments, just as they were prior to 1973. No general clause could operate, however, to elevate abortion to the elevated stature of a fundamental liberty. This would be creating a "right to abortion" such as was created by Roe and would be prohibited by this amendment.

What if a State constitution contains a right to abortion?

First. The specific language of this amendment is limited to "this Constitution," meaning the U.S. Constitution. It has no applicability to State constitutions. State statutes will still be subject to the provisions of their own constitutions, therefore any States whose constitutions contain a right to abortion would have to abide by that policy. This amendment respects the State's right to shape its own policy through constitutional or statutory processes.

How is this a "States rights" proposal if Congress will retain powers to prohibit abortion?

First. This amendment is a States rights amendment in the sense that any law under our Constitution is left to the reserved powers of the States. The objections about the extent of the residual Federal authority to regulate abortion are really not objections to this amendment at all, but objections to other constitutional clauses granting Congress broad authority. This amendment simply restores to the States and to the Federal Government the powers they possessed prior to 1973. If the Senate is displeased with the extent of the Federal commerce clause power or the powers of section 5 of the 14th amendment, it should consider constitutional amendments to deal with those perceived problems as I have proposed a constitutional amendment to deal with the Roe problem. This amendment confers no new power on the State or Federal Governments.

Second. In the Constitution Subcommittee and later in the Judiciary Committee, we struck language from Senate Joint Resolution 3 to clarify that the Federal Government has no special power with respect to abortion. The legislative history of this amendment is intended to direct all legislative concern with the abortion question to the States.

Third. From the standpoint of precedents, Congress did not regulate abortion in the nearly 200 years prior to Roe. In fact, the only statute that seems to have any intent with regard to abortion prior to 1973 would have prohibited interstate transport of abortifacients.

Does this amendment impose a particular morality on the country?

First, this amendment does not impose morals, it seeks to remove a Court ruling at one extreme poll of moral values and replace it with a position of neutrality. The Supreme Court, although at a loss to find any plausible reference to abortion in the Constitution, has ratified a very specific set of value judgments and required every State and local authority in the country to act as though it agreed with those judgments. Consider these moral positions: Since the Court decided that abortion is a specially protected medical practice, public health care facilities may no longer act as though the hippocratic oath—which dates back to 500 B.C. still has some meaning. Parents may not even consult with their pregnant minor daughter about abortion under recent Court rulings. This is not imposing morals, but reversing the gross imposition of morals.

Second, my amendment would reverse this very narrow and unrepresentative situation. It would reenfranchise all the people in our country, so that some kind of working consensus on the morality of permitting abortion in our society can be worked out. In and of itself, it states no dogma, takes no moral position, suggests no ethic. It simply says that our national morality does not warrant making abortion into a fundamental right. Testifying in favor of an amendment like this in 1981, Prof. Richard Stith of Valpariso University stated:

> Under this amendment, he said, (those who oppose abortion) may be in the minority, but they will not be excluded from debate by prior stipulated definitions of the beings whose interests are at issue. They may disagree with their fellow citizens, but they will not be alienated from the fundamental law of our land. And even in disagreement there is a bond to our neighbors in the hope of persuasion: Political dialogue and accommodation become once again worthwhile because local political decisions can and must be made. Free speech itself can again matter because it can be effective speech.

Third, every law ever enacted—at least, any law worth taking seriously—has a moral component. Every law says something about the values and ideals of the country that frames it, and in turn teaches the members of that society what it stands for. The question before us is whether our Constitution stands foursquare for abortion, or allows for a more pluralistic approach to this issue.

Would you be comfortable allowing the States to regulate other fundamental liberties, such as the freedom of speech?

This question presupposes that abortion is a fundamental right. This amendment is based on the principal that abortion should never have been elevated to the status of a fundamental liberty like freedom of speech. The framers of the Constitution and its amendments had no intention whatsoever to raise abortion to the status of free speech. In fact, several of the same State legislatures that ratified the 14th amendment enacted in the same session, strict prohibitions on abortion. It can hardly be maintained that the drafters of the 14th amendment intended abortion to become equal with free speech.

This amendment therefore reverses Roe and returns abortion to the place it occupied in American jurisprudence for nearly 200 years before Roe; namely, a matter within the discretion of the State legislatures subject to ordinary standards of constitutional review.

This amendment does not assert that States should be able to regulate free speech, but only that abortion is not deserving of treatment as a fundamental liberty. Free speech was approved by two-thirds of both Houses of Congress and three-quarters of the States. Can the same be said of the abortion right which was created by seven of nine judges?

Does this violate a woman's freedom of choice?

This amendment does nothing to declare policy on abortion. This amendment will derive any woman of any alternative. It does not say anything about abortion per se. It simply reverses one extreme resolution of a conflict between important societal values. I agree that freedom of choice is an important value. But in this instance, that value is in conflict with an even more important value, the fundamental right to life of defenseless human beings who are not yet born. Therefore, I must pose a further question: Freedom to choose what? Freedom to choose to kill an unborn infant in the third trimester simply because it is a girl instead of a boy, or simply because the mother decides it would be more convenient to wait another year or two? How about the freedom to choose to kill 1.6 million infants a year for such reasons? Moreover if choice is really the issue, then how can we justify the lack of concern over minors of perhaps 13 or 14 years being permitted to receive abortions without consulting with their parents? Every State recognizes that minors must be protected against the consequences of immature choices by requiring parental consent for marrying, attending adult movies, or in some cases, even getting her ears pierced. Yet abortions are allowed without concern for making the choice really free of immature factors. As I said, freedom of choice is an important value. But freedom to choose to kill unborn infants at almost any state of pregnancy is ignoring that another's choice may be at stake as well; namely, the unborn

child's. Where is the child's freedom of choice?

Would not this proposal affect Congress power to remove the jurisdiction of Federal courts—all jurisdiction from lower Federal courts, appellate jurisdiction from the Supreme Court—under article III and thus prevent courts from hearing abortion cases?

First, in the first place, this amendment does not affect the jurisdiction of the Federal courts at all. The power of the courts to hear and decide cases will not be altered in the slightest. The standards used to decide abortion cases in those courts will be altered. The abortion right will no longer be a fundamental liberty which the States can only limit by showing a compelling public interest. Instead a State may regulate abortion by showing a rational reason for doing so. As always, the determinations of rational basis will be made by courts. Since the States already have been granted at least two such rational bases—maternal safety and fetal life protection—State statutes are sure to be preserved.

Second, Congress article III power is not altered by this amendment. Congress could conceivably be debating an article III bill to alter Federal court jurisdiction today. That, however, would not change Roe which would remain binding on State courts even if lower Federal courts had no jurisdiction and the Supreme Court had no appellate jurisdiction over abortion.

If a Senator has objections to this Federal power, he should remember that this Federal power is not related at all to this amendment. It existed prior to 1973 and after 1973 when the Court created the abortion right.

Why could Congress not simply regulate abortion out of business under its taxing power?

For several reasons, such an attempt by Congress to regulate abortion under the guise of raising revenue is highly suspect and likely to be unconstitutional.

First, the Supreme Court has not been fooled by such subterfuges in the past. In 1922, the Court struck down a special tax on the profits of concerns employing child labor on the ground that the act was not a bona fide attempt to raise revenue but an attempt to control matters reserved to the States. *Bailey* v. *Drexel Furniture,* 259 U.S. 20 (1922). Moreover in 1935, the Court held invalid a statute attempting to tax liquor dealers in violation of State law because it was "an invasion of the police power inherent in the States." *U.S.* v. *Constantine,* 296 U.S. 287 (1935).

I recognize that the law in this area is not uniform. Sawed-off shotgun dealers, for instance, may be taxed at the prohibitory rates. *U.S.* v. *Sanchez,* 340 U.S. 42 (1950). Nonetheless, the taxing power is not without limits. If Congress attempts to expand its jurisdiction to cover a matter clearly reserved to the States, such as abortion will once again become after this Amendment, its attempt may well be struck down as unconstitutional.

Second, the argument that Congress could tax abortion out of existence admits too much. Under this rationale, Congress could also tax swimming pools or movie theaters or any other business for that matter. As John Marshall noted, "The power to tax involves the power to destroy." I hardly think that any Senator in this Chamber wants to start down the path of selectively destroying businesses with the power to tax. Once again, I come back to my statement that this amendment restores abortion to the plenary jurisdiction of the States to the extent that anything is within the plenary power of the States. We would all agree that regulating swimming pools or movie theaters—for safety—is within the States' exclusive control. Yet taken to its extreme, the power of taxation could totally override the States by taxing these interests out of existence. Abortion would be solely within the powers of the State in the same sense that anything under our Constitution is solely within State power.

Third, the taxing authority of article I is not an independent, freestanding power without bounds. The permissible scope of taxation is defined by the delimitation of the specific tasks delegated to Congress by article I, section 8. Thus, Congress may tax "to raise and support armies," "to establish a post office," "to constitute tribunals," or to accomplish any of the other specific congressional duties. Regulation of abortion or other criminal matters do not fall within those delegated powers and are, consequently, reserved to the States.

Fourth, one final limitation on this authority: While Congress has been allowed to use its power to tax to require gamblers and marijuana dealers to identify themselves by purchasing tax stamps, but this cannot operate in a fashion that permits violations of the privilege against self incrimination in the fifth amendment. *Marchetti* v. *U.S.,* 390 U.S. 39 (1968). Thus if abortion were illegal in a State, Congress could not fashion a tax that might cause someone performing abortions to incriminate himself by paying the tax. This could be an important limitation.

Could Congress use its authority to dispense money, the spending clause, to require publicly funded medical schools to ban abortion, to require publicly funded hospitals to ban abortions except for life of mother, to require any State receiving welfare funds to ban abortion?

First, this raises once again a fundamental constitutional interpretation controversy that traces its origins to the two primary expositors of the document, Madison and Hamilton. The Constitution says that the money Congress raises by taxation may be spent "to pay debts and provide for the common defense and general welfare of the United States." The phrase in question is "general welfare of the United States" Madison, in Federalist Papers No. 41, contended that this meant Congress was only empowered to spend to the extent necessary to carry out the other specific powers enumerated in serial fashion after the semicolon that follows the general welfare language. In addition to generally benefiting the United States, he maintained, any spending measure would have to be related to one of the specific delegations of power that followed. Thus, under Madison's reading, Congress could not cut off all funding for States that failed to ban abortion because none of the specific delegations of Federal authority is concerns abortion. My reading of the Constitution supports Madison's thesis that the spending authority must be subject to some restraints. This is the basic theme of the Constitution: to provide a limited Federal Government. Choosing Madison's option would preclude this problem from arising, if the courts wish to reach this result.

Hamilton's argument was that Congress power to spend for the general welfare was a power in addition to its other specific authorities. This, I must confess, is the interpretation that currently commands the majority in the Federal courts. Since *U.S.* v. *Butler,* 297 U.S. 1 (1936), Congress has enjoyed broad spending authority. Based on this current case law, I would expect that a congressional spending limitation intended to ban abortions could be upheld by the Supreme Court.

Second, because Congress has the power does not mean its exercise would be likely or prudent, however. After all, Congress has the power to declare a nuclear war, but such an exercise is unlikely. Nor is it likely that Congress would shut down necessary hospitals to prevent abortions, nor would it shut down medical schools or other vital services in the interest of banning abortions. This is particularly true because abortion will already be regulated by the States under this amendment. It makes no sense for Congress to risk shutting down lifesaving services to save lives, particularly when the States will enjoy the option to protect lives on their own without Federal help.

Third, in nearly 200 years prior to 1973, the Federal Government never found it necessary to take such a drastic action. The States sufficiently regulated abortion. It is unlikely that Congress should find it necessary to depart from this precedent. Since

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1976, Congress has probably exercised as much spending authority as it is likely to ever employ by its enactment of the Hyde amendment. The Hyde amendment specifically limits its prohibition on spending to a ban on any Federal spending under medicaid for the purposes of performing abortions other than those necessary to save the life of the mother.

Could Congress not, under the Commerce Clause, regulate abortions?

First. The commerce power is broad in that it allows Congress to regulate anything affecting interstate commerce as well as the commerce itself. *Gibbons* v. *Ogden,* 22 U.S. 1 (1824). Under this authority, Congress has made Federal crimes of acts which were traditionally governed by State criminal statutes. For example, the Dyer Act punishes interstate transport of stolen autos and the Lindbergh law punishes interstate transport of kidnapped persons, 18 U.S.C. 2312 and 1201. The commerce power, though very broad, is not without limits. For example, in *U.S.* v. *Five Gambling Devices,* 346 U.S. 441 (1953), the court did not enforce a criminal statute forbidding interstate shipment of gambling devices and requiring every dealer to register his place of business. The court said: "No precedent of this court sustains the power of Congress to enact legislation penalizing failure to report information concerning act not shown to be in, or mingled or found to affect commerce." 346 U.S. at 446. Thus, a Federal abortion statute under the commerce power would still be required to show a definite effect on interstate commerce, which in the case of a local medical operation may be difficult.

Second. Once again, I must stress that under its commerce power, Congress could hypothetically preempt almost all regulatory powers left to the States. Congress could find that babysitting affects interstate commerce and set national standards governing babysitting. In other words, any problem with Congress broad commerce power is not a problem with this constitutional amendment. This amendment simply allows the Constitution to operate as it did prior to 1973.

If some Senators are unsatisfied with the way the Constitution's commerce clause operates, they should propose a constitutional amendment to solve that problem; they should not attribute that problem to this narrow issue of the right to abortion.

Third. As I have repeatedly said, this amendment does nothing but restore the legal status quo ante Roe. Therefore, Congress will have no authority to enact prohibitions on abortion than it possessed in the entire life of the Republic up until 1973. In that time, Congress enacted virtually no laws governing abortion, with the exception of a law proscribing the interstate transport of abortifacients. 14 U.S.C. 1461, 1462. Thus, the precedent for Congress to abuse its authority and enact broad bans on abortion are scarce.

Because this amendment is silent on legislative authority, is it ambiguous on who may legislate and to what degree?

There is no ambiguity about who may legislate and to what degree with respect to abortion in this amendment. This amendment operates in conjunction with the rest of the Constitution. Therefore, the Federal Government may act within its jurisdiction, which means it may act very little because the Constitution gives Congress no specific legislative authority over abortion, and the States may act within their jurisdiction, which means they will have plenary authority reserved to them to set abortion policy. In fact, there is far more ambiguity about how Roe works than there is about how the Constitution works relative to abortion. Since Roe, there have been more than 100 Federal court cases, 15 of these decided by the Supreme Court, trying to ascertain the meaning of Roe. In nearly 200 years prior to Roe, there were fewer than five cases that reached the Supreme Court dealing with abortion. We have nearly 200 years of precedent governing how the amendment would work. Roe is far more ambiguous than is this amendment.

Is it not true that under this amendment a State may ban all abortions, including those necessary to save the life of the mother?

First. Technically yes, but to suggest that the States were ever in the past, or would ever in the future, be so callous is to overlook that the States too are fully capable of protecting the lives and liberties of their people. In fact, no State's body of law prior to 1973 failed to recognize a life of the mother exception. Most States protected that interest by statute; the rest protected the interest in their courts to such a degree that a statute was not necessary. Wardle, "A Lawyer Looks at Abortion," 39. The States clearly would recognize that right again.

The same might be said of rape and incest, namely that the States had provided some appropriate means of dealing with the problem in most cases.

Second. In a sense, this is more a rhetorical than a real problem. Under this amendment, the States would have plenary authority to regulate abortion as they now regulate marriage, divorce, or hospital cleanliness. Of course, a State could be so ignorant as to outlaw divorce or to permit a sewage treatment plant to be placed next to a hospital, but these are highly unlikely outcomes. It is similarly unlikely that a State is going to ignore the interest in life of the majority of its population capable of bearing children.

Third. As I have described, it is incomprehensible that a State would adopt, after 10 years under Roe, a policy that would be as callous as you suggest. But if, as you suggest, the majority of the people really do support the extreme policies of Roe, why do you fear to let the States legislate? Would not the majority rule in the States to bring about the policy you desire without continued Federal involvement?

Fourth. To posit that the States could adopt an abusive, callous, or unconsidered statute on abortion is to overlook that the States, too, operate on a system of checks and balances that will prevent abusive legislation. States, too, have vetoes, supermajority requirements, judicial review in State courts, and the like to prevent dislocations due to unwise policies.

Is the language "is not secured" ambiguous as the CRS memorandum mentioned by Senator PACKWOOD insinuates?

First. The memorandum prepared by Mr. Dale raised several questions without explaining his reasoning for even posing the questions. None of the witnesses from either poll of the abortion debate saw the supposed ambiguities that Mr. Dale purported to discover. I asked Prof. Lynn Wardle of the Brigham Young University to give his legal analysis of the paper prepared by Mr. Dale. He stated, "Conclusory assertions are always begrudged by legal analysis. And in this case, there is no support given for the conclusion that the language is ambiguous. If there is any ambiguity, it has not been revealed."

Second. Allow me to read from the Wardle memo a few thoughts dispelling the notion that there is some hidden ambiguity:

> Mr. Dale suggests that the phrase "is not secured" could conceivably be read to mean that abortion is prohibited or that abortion is protected subject to a minor countervailing consideration. These speculations are fun to engage in, and evidence a fruitful, creative mind. But legal analysis they are not. The author simply says that these interpretations "could conceivably" be made; he never says how the language could be given such translation or why such mental speculations should be given serious consideration.
>
> For instance, the author might have refered to a dictionary to show that the word "secure" has several meanings. Among the definitions given in Webster's Third New International Dictionary are guarantee, assure, to make safe, and to shield or make secure from * * * destruction or hostile interference. Or he might have referred to the Preamble to the Constitution where the same word is used in the phrase "to secure the blessings of liberty to ourselves and our posterity." But Mr. Dale does neither of these things. In fact, he gives no justifica-

tion or explanation whatever for his bare conclusory assertion that "is not secured" is ambiguous and could be given creative constructions like he suggests. Legal analysis is a discipline; lawyers and judges must reason every inch of the way from identifying an issue to reaching a conclusion. Mr. Dale's interesting speculation about how the bare words of S.J. Res. 3 might be construed lacks this discipline.

It is worth noting that Mr. Dale candidly admits that his speculations are necessarily tentative because he was working without the benefit of a fully developed legislative history. CRS at 3. Since the intent of the framers is crucial to the subsequent interpretation of constitutional amendments, Mr. Dale correctly noted that it was virtually impossible for him, writing a month before the Senate Judiciary Committee Report was published, to predict the proper construction of the language of S.J. Res. 3. The subsequent publication of Senate Report 98-149 supplies the crucial information Mr. Dale was lacking. It specifically states:

The phrase "not secured by this Constitution" is simply meant to clarify that the proposed amendment seeks to disestablish any theory of constitutional law upon which the existence of a right to abortion can be predicated. It is primarily designed to establish a new locus for decisionmaking authority, i.e., legislatures, not the courts.

S.J. Res. 3 merely affirms the power of legislatures to legislate with respect to abortion and denies the existence of any constitutional protection for "abortion."

Senate Report 98-149, at 57. Coming a month after Mr. Dale's memorandum and emphasizing so pointedly what the phrase "is not secured" was intended to connote, the Senate Report neatly clarifies the "ambiguity" which Mr. Dale saw earlier when he labored under the handicap of not having the legislative history.

Could this language result in the ban on contraceptives?

First. The 10 words of Senate Joint Resolution 3 will have absolutely no effect on the current protections afforded for contraception under our laws. This proposed amendment simply and directly reverses the abortion right created in Roe. It does not affect the privacy doctrines that have provided legal protections for contraception.

The 10 words of Senate Joint Resolution 3 were carefully chosen to avoid any impact on privacy doctrines other than abortion. This amendment simply removes abortion from the practices that can be protected by the privacy right. To be specific, this amendment reverses Roe against Wade, not *Griswold* v. *Connecticut*, 381 U.S. 479 (1965) (marital privacy prevents State anticontraception statute), nor *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972) (statute forbidding dispensing of contraceptive to single persons invalid because State has no rational basis to distinguish between married and unmarried), nor *Carey* v. *Population Services*, 431 U.S. 678 (1977) (right to privacy strikes down statute requiring contraceptives to be distributed by licensed pharmacist and only to adults).

The undisturbed right of privacy will continue to protect contraception as it did prior to the reversal of Roe by this amendment.

Second. Once again, the committee report makes clear the intent of the authors and supporters of this amendment to avoid any impact at all upon formulations of the right to privacy other than abortion. See page 56 of the committee report.

Third. If some form of contraception is in fact an abortifacient, then this amendment still does not ban it. It merely means that that particular abortifacient is not protected by the fundamental liberty protections of the Constitution. Thus, the States would be free to legislate, or refrain from legislating, with respect to that abortifacient. Moreover, any State statute concerning such an abortifacient would not be immune from constitutional review. The State would still have to show some rational relation to a legitimate State interest before its law could be held valid. Fisenstadt has already said that such a rational basis does not exist to distinguish between marrieds and unmarrieds. Moreover, Griswold and Carey have discredited most any interests a State may posit as "legitimate" for purposes of contraception regulation. In short, even if a contraceptive acted as an abortifacient, States, if they venture to legislate at all, are unlikely to have success meeting the rational basis test. Therefore, we are quite safe in stating that all forms of contraception are beyond the purview of this amendment that reverses Roe.

Fourth. Even if all these hurdles are passed, abortifacient contraceptive bans are not likely to result in prosecution due to problems of proof. Most of these abortifacient contraceptives operate before a pregnancy can be proven. Therefore, there is no way to show that a pregnancy was in fact terminated by such a device.

Under this amendment, would a State be free to enact a statute that banned abortion even in cases of rape or incest?

First. The Hatch amendment does not prohibit abortions after rape or incest. Even prior to Roe when our consciousness of the problems associated with abortion was not as sophisticated as today, many States had statutes which allowed abortions in the case of rape or incest. The rest of the States, in effect, recognized such an exception because no one was ever prosecuted for performing an abortion under such circumstances. In the words of one legal commentator on the subject:

Although such abortions [for rape or incest] were not within the law as written [in some States], they were clearly within the law as applied. . . . As a practical matter, abortions performed by doctors in the three categories of hard cases were not considered to be criminal abortion by the 1960s.

Wardle, A Lawyer Looks at Abortion, 39.

In fact, despite diligent searches by my committee and witnesses before my committee, no one has ever been able to locate an instance where someone was actually prosecuted for performing an abortion to terminate a pregnancy caused by rape or incest.

In sum, I think we can be reasonably secure that the States will not act more unreasonably than they acted prior to 1973 when they did not prosecute for rape and incest abortions. In fact, I think we can trust them to be more responsible in protecting their own citizenry.

Second. In the 5 years prior to Roe, 19 States had changed their laws to permit abortions in instances where a mother's health might be endangered. If Roe had not interrupted the orderly development of the law, most if not all States would probably have such exceptions today.

Third. While a very emotional issue, this is hardly a major problem in terms of numbers of pregnancies caused by rape or incest. As I have mentioned, in those cases that might have occurred, we have no instance of prosecutions for an abortion.

Studies across the country attest to the fact that pregnancies from rape or incest are rare. In Chicago, a 1967 study found no pregnancies caused by rape over 9 years. In Buffalo, N.Y., a 1969 study found no pregnancies from confirmed rape in over 30 years. And a 1977 study in Philadelphia found no instance or pregnancy over a period of 19½ years (Judge Della Porta study).

Nonetheless States have not abused the trust placed in them on this issue.

Is this the first time in our history that the Constitution has been used to negate, rather than affirm, a right?

First. This really begs the question. This assumes that abortion is a fundamental right deserving the constitutional protection. This point totally ignores the other rights at stake in this matter, namely the fundamental right to life of the unborn child. The whole reason for this debate is that two important ideologies have collided. This collision was caused by the Supreme Court's adoption of one extreme poll of the debate without apparent constitutional justification. The whole purpose of this amendment is not to resolve the persistent issue of which of these interests are paramount, but rather to remove the legal basis for the Supreme Court's dubious holding and allow the States to resolve this controversy in the legislative forum.

Second. This statement is not factually correct. The 22d amendment, for instance, took away a person's right to be elected President more than twice.

Depending upon how the amendment is construed, every amendment

probably denied some kind of right and expressed a preference for another right.

Third. Like you, I am interested in maximizing individual rights. In this case, however, there is no consensus as to what those rights are. Even a decade under Roe, which adopted one answer to the question of rights, has not produced a consensus. This amendment facilitates the formation of such a consensus and the discovery of what the rights are to be protected in this case.

Is it appropriate to subject fundamental rights to democratic processes?

Fundamental rights of individuals should not be determined by referendum. The problem, of course, is that few can agree on what precisely are these individual rights that are involved with the abortion issue. Critics in the prochoice movement see these as being the right of the pregnant woman to determine how her body is used, while critics in the prolife movement see this as the even more fundamental right of the unborn to life itself.

In other words, there is just as much disagreement on the issue of what constitutional rights are involved here as there is on the issue of the morality of abortion itself. It thus begs the question to attack the immediate amendment as one "restricting rather than expanding" rights.

The purpose of the Hatch-Eagleton amendment then is not to resolve the persistent issue of which of these conflicting rights is paramount, but rather to establish a balancing process for determining how this conflict, will be resolved in the content of individual circumstances. In short, this balancing process will take place in the same forum in which it takes place in the context of most other controversial public policy issues within the legislative process.

Mr. President, we often hear the argument from so-called liberal quarters that those who oppose abortion are lacking in concern and compassion for genuine human needs. We prolifers are often pictured as morel blue-noses who will encourage the births of children but won't take care of them after they are born.

I must respond that we would like to take care of all helpless and vulnerable, the widow, the orphan, all those set upon by life's vicissitudes. But the simple fact of the matter is that we cannot when they are not allowed to live. Why hold out the prospect for food stamps and school lunches when you kill the potential recipients first?

Abortion is no answer to any of our social ills. It is a negative response to complex problems that demand more positive answers.

A major argument used against restrictions on abortion is the matter of protecting maternal life and health. For instance, the following arguments have often surfaced:

> I am unwilling to return the country to the barbarous conditions under which abortions were obtained when not permitted by law . . . by unqualified personnel, often in less than sanitary conditions.

Others relied before *Roe* on self-induced or even illegal abortions. I do not want to see a return to that tragedy that was caused by illigal abortrions. We have all heard too many horror stories about that, and we have seen the difficulties with it.

These comments were made by some of my colleagues in debate on the Senate floor. In addition to Senate debate, we all remember the prediction from the Center for Disease Control that implementation of the Hyde amendment would cause between 44 and 90 women to die within the year from botched abortions.

For my part, let me state unequivocally that I am motivated in my pursuit of a constitutional amendment by a deep concern for life—and that means the life of the mother as well as the life of the unborn. The picture often painted about the danger to pregnant women deserves to be clarified. The reality is, and both sides should admit it, that whether abortions are restricted or not, some women will be hurt and some will die during abortions. This is tragic, but it happens. The fundamental question to ask respecting maternal life and health is not whether some women will be hurt under various proposals, but whether women will be better off when States can regulate abortions or when abortion on demand exists. When posed in that light, the question changes. Under laws protective of the lives of the unborn and the mother, the protections for the life and health of women are greater.

Roe against Wade, by precluding regulation of abortion clinics to any reasonable degree and by drastically increasing the number of women obtaining abortions and by permitting extremely dangerous late-term abortions, has actually resulted in more women being hurt than prior to 1973. A 1978 Chicago Sun Times investigation uncovered a gruesome picture of legal abortion. The paper documented—

> * * * how women are deceived, maimed, crippled, and even killed by abortion profiteers.

It found an alarming number of women who, because of unsterile conditions and haphazard clinic care, suffered debilitating cramps, massive infections, and such severe internal damage that all their reproductive organs had to be removed. On November 19, 1978, their headline read "12 Dead After Abortions in State's Walk-In Clinics." And on January 5 of this year, the Miami Herald reported "Fourth Woman Dies After Abortion in Miami Clinic."

Now lets look at the actual data respecting maternal mortality and morbidity both before and after Roe against Wade. In 1942, 1,231 women died from abortion. In 1952, 320 women died from abortion, and by 1969, the number of deaths was down to 128. This dramatic decline occurred during a period when practically every State had a very restrictive abortion law. For this reason it is assumed that improvements in health care are chiefly responsible for the decline.

This decline in abortion-related maternal deaths continued after the Supreme Court decisions on abortion. But is was expected to continue, whether the Court acted or not, following a pattern that had been well established over the preceeding three decades.

According to a leading U.S. obstetrician writing in the February 1, 1978 issue of the American Journal of Obstetrics and Gynecology:

> There has been no major impact on the number of women dying in the United States since liberalized abortion was introduced.

In fact, he continues—

> * * * there has been less improvement in maternal mortality in the 1973-to-1975 period than in any other 2-year period since 1965. This suggests that approximately 1 million fetuses are being sacrificed each year with no evidence that it is contributing significantly to the reduction of maternal deaths in this country.

In 1977, when legal abortions reached 1,320,000, the decades downward trend in abortion maternal deaths reversed and continued upward through 1979—last year for which data is currently available.

Respecting maternal health, the total number of abortion complications treated in U.S. hospitals has increased since the legalization of abortion on demand. In 1969, the number of abortion-related complications being treated in U.S. hospitals stood at 9,000; by 1979 the number had more than tripled.

And not only did the projected Hyde amendment deaths not materialize, but in November 1980, the CDC reported that restricting public funds for legal abortion—

> (a) * * * has not increased the number of illegal abortions, (b) had no significant change in the number and proportion of publicly funded hosptializations for complications of illegal * * * abortions, and (c) resulted in * * * a marked decrease in publicly funded hospitalizations for complications of legal abortions.

Restricting abortions then, making them less accessible, is not detrimental to the lives and health of women, and is of course very beneficial of unborn children. I am prolife, prounborn, and prowomen.

At this point, I would also like to provide a poem on this subject for my colleagues:

As of today a million more are dead,
They weren't allowed to even lift their heads,
As silently the days go on and on,
No care that 15 million now are gone,
Since justice in the highest court we know
Repetitively rule—they have to go—
In subtle ways in brutal ways as well,
Without the slightest thought they work like Hell
For diminution of the human race,
For social inconvenience in this place,
Or Life Styles which are never like the past,
Or for their gender reasons—it's a blast,
Or for the other countless reasons now,
Innumerable frivolous we bow,
Before the godless shrines of argument—
We weep as almost helpless dissident.

Life, Liberty, pursuit of happiness,
The words of Jefferson are now impressed,
Upon the minds of all concerned for life,
Who hazard midst the everlasting strife
In this great land where feelings for our dogs,
Prohibits killing them like slaughtered hogs,
And yet the states are powerless today,
To grant the slightest help along the way—
To innocents, the unborn human lives,
Sucked out of mothers' wombs by sharpened knives,
And slopped in buckets like our garbage filth,
Forgotten as they're sluiced without a chill,
Which moral human beings used to feel,
But now we rationalize with no ill,
As though that tissue never lived at all,
I wonder how much more we have to fall—
Before the curtain slams into the stage
We call this life, now written on the page—
Kept by the angels watching daily deeds,
Of blood red hands from tissue that still bleeds.

The Dred Scott case denied the blacks their rights,
It took a decade to remove the slights,
Restoring Constitutional import—
To lesser privileged souls in the retort
I wonder thus how long we'll have to wait
To limit unborn killing and to state—
Protections to the tiny little souls,
Whose only offense is their silent roles—
Now played as though they never really die,
Or lived at all, they're wisps up in the sky.
Yet at three weeks, the blood cells are intact,
At four weeks muscles flex the heart beats fast,
The heart, at eight weeks is so audible,
At six weeks, we see formed—the skeletal
Upon which, if he lives, will bear him hence—
To 12 weeks where all organs now commence,
At 20 weeks, he kicks, he swims, he hears—
His mother's voice through all the many tears
Week 26 means he can now arrive
Outside the womb where he can then survive.

The right of choice, seductive in its sound,
A freedom now demanded does abound,
The termination of a life to me,
Relieves the one, the other is not free—
To live and die or daily contribute—
To all who live, to all who search for truth;
Snuffed out before the spark of life begins,
A future which could save the world from sins,
Or lovely music sweet he might compose,
Or scientific gifts he might have those,
To build a better world, a simpler hope—
That all may better magnify their scope
Of all the world everyone's request—
For peace and tranquil needs We could now rest,
And in the end be happier than now,
We lost it all when death destroyed the plow,
He might have held, to plant for you and me—
That we might live in health and harmony.

Mr. President, I might also add that my esteemed colleague, Senator KENNEDY, expressed his strong feelings on this subject. He has made earlier statements on the abortion issue, which I ask unanimous consent to be printed in the RECORD along with a news article on this subject so that they may be shared with our colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 3, 1971.

Mr. THOMAS E. DENNELLY,
Great Neck, N.Y.

DEAR MR. DENNELLY: I appreciate your letter containing your views on abortion. There are many moral and legal aspects arising from this complex issue which is gaining the acceptance of large numbers of women faced with unwanted pregnancies, while disturbing the consciences of a great many other Americans.

Opponents maintain that abortion is wrong from every theological, moral and medical aspect. Proponents are firmly convinced that the woman, alone, has the right to decide.

While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted, I believe that human life, even at its earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old.

On the question of the individual's freedom of choice there are easily available birth control methods and information which women may employ to prevent or postpone pregnancy. But once life has begun, no matter at what stage of growth, it is my belief that termination should not be decided merely by desire.

I share the confidence of those who feel that America is willing to care for its unwanted as well as wanted children, protecting particularly those who cannot protect themselves. I also share the opinions of those who do not accept abortion as a response to our society's problems—an inadequate welfare system, unsatisfactory job training programs, and insufficient financial support for all its citizens.

When history looks back to this era it should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family, and to fulfill its responsibility to its children from the very moment of conception.

Sincerely,

EDWARD M. KENNEDY.

[From the Boston Globe, Sept. 27, 1982]

THE REASON FOR KENNEDY'S FLIP-FLOP ON THE ABORTION ISSUE

(By David Farrell)

The people of Massachusetts can always get a new senator, but I can't get a new set of convictions and values."—Sen. Edward M. Kennedy speaking on one of his new television commercials now being aired to bolster his re-election campaign against Republican Ray Shamie.

For nearly two decades, I have served in the Senate and heard my colleagues debate whether Congress can or should decide this intensely private decision for others. I have listened carefully and thought long. And I am convinced that the issue of abortion cannot appropriately or effectively be resolved by statute or by constitutional amendment. It is, and it must remain, a matter of individual conscience."—Sen. Kennedy addressing the Senate Sept. 15 just before it voted to shelve antiabortion legislation for the current session.

While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted. I believe that human life, even at it earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old . . . Once life has begun, no matter at what stage of growth, it is my belief that termination should not be decided merely by desire . . . When history looks back to this era. It should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family and to fulfull its responsibility to its children from the very moment of conception."—Sen. Jesse Helms of North Carolina? Sen. Orrin Hatch of Utah?

Neither. It was Sen. Kennedy in an Aug. 3, 1971 letter to a constituent Kennedy says the subsequent change in his attitude toward the abortion controversy was made necessary by the Supreme Court's 1973 decision legalizing abortion on demand.

But if he had strong feelings and meant what he said in 1971, he would not be leading the opposition to a proposed constitutional amendment that would protect the unborn he said he thought so much of 11 years ago. His change indicates that his personal convictions are not nearly as deep as his new campaign advertising would have the voters believe.

Kennedy's flip-flop on abortion is strictly political and is explained by his desire to remain in the good graces of the ADA and various women's organizations which have been championing abortion as the No. 1 women's issue of this era.

The senator's long-range goal is the presidency. He assumes that his prospects of capturing the Democratic party's nomination—the essential first step in the elusive quest—will be enhanced if he uses his powerful leadership position on the Senate to block pro-life forces from changing the Constitution and negating the Roe-Wade abomination.

As the Globe's Thomas Oliphant pointed out last Friday, Kennedy's new television commercials constitute a trial run to meet the major hurdle facing him across the nation in 1984—the character issue. The TV ads are designed to elicit positive feelings about Kennedy as a person, a father and head of a family.

The sad aspect of Kennedy's effort to improve his image is its transparency. No lavish expenditure of funds is going to gloss over his switch on abortion or Chappaquiddick and its unanswered questions. Both will be waiting for Ted again a year from now

when the battle for the 1984 nomination gets going.

The Senator need refer only to the experience of Gov. Edward J. King who in recent multimillion-dollar advertising campaign failed to win him renomination. King's TV ads were well done and stressed the idea that the governor was a warm man with very close ties to family. But large numbers of voters obviously were not persuaded.

Kennedy, of course, will have no problem winning reelection this fall. The GOP's Shamie who has been doing everything he can to draw him into a debate has been unable to make a dent in Kennedy's powerful position with voters here.

Shamie also will make a mistake if he interprets the large number of voters who blanked Ted in the recent Democratic primary as a forerunner of good news in November. Despite Ted's liberal positions on many issues—a posture which places him at odds with sizable segments of the Massachusetts electorate—more Democrats are likely to support the senator in the voting booth.

But Iowa in 1984 presents a much tougher hurdle.

Mr. TSONGAS. Mr. President, I am here today to oppose passage of Senate Joint Resolution 3, an amendment to the Constitution of the United States to establish legislative authority in Congress and the States with respect to abortion. This amendment, proposed by Senators HATCH and EAGLETON, is but a mere 10 words:

A right to abortion is not secured by this constitution.

These 10 words, however, would seek to reshape our Constitution in a manner with implications far beyond the relatively narrow question of whether abortions should be sanctioned or denied. All other amendments to our Constitution declare affirmative principles of law. Senate Joint Resolution 3 negates the force of an existing right. It would be the first constitutional amendment to take express powers away from the judicial branch and confer them on the legislative branch. As such, the amendment is little more than a subtle, court-stripping mechanism similar to those proposed in previous debates on abortion, busing, and school prayer.

In that sense, this amendment would set up an unacceptable precedent for amending the Constitution by eliminating the established procedure—two-thirds of each House and three-fourths of the States—and placing power in the legislative branches of the 50 States. Think what that might mean in other areas. Under a simple majority rule such difficult issues as protection of individual liberties, protection of minorities, and the freedom of expression might all forfeit the traditional guardianship of the courts.

I, along with many of my colleagues who oppose Senate Joint Resolution 3, find this precedent unacceptable as a method for changing the Constitution, and one which could undermine other precious liberties. Today it is proposed that a woman's right to abortion be subjected to the struggles of the political and legislative arenas. Tomorrow, perhaps, we will be asked to allow the shifting and temporary majorities of popular opinion to determine which religions should enjoy the protection of the first amendment. These questions, I submit better belong to the calm and reflective judgment of the courts than to the sturm and drang of political organizing and intensive lobbying.

Mr. President, I am confident that the proponents of Senate Joint Resolution 3, know full well that a straightforward human life amendment would have an extremely difficult chance of passage either here or among the States under the normal ratification process, but that process would at the very least insure a clarity and a fair reading of public views. Elected Representatives here in the U.S. Congress and in the various legislatures would know what they were voting for or against. If successful, that customary procedure would result as well in the establishment of consistent and uniform enforcement procedures nationwide.

Senate Joint Resolution 3 does just the opposite. Passage of this amendment would result in endless litigation, with 50 different and widely varied sources of law for guidance and, at best, extremely limited Federal review for clarification. It virtually guarantees that the debate over abortion will become more rather than less intense in State legislatures, in the courts, and in Congress. It would seem that this scenario produces precisely the opposite effect from the one desired by proponents of the amendment, a clear and uniform prohibition of abortions on a nationwide scale.

In short, Mr. President, if the Supreme Court's reading that the U.S. Constitution prohibits restrictions on abortion is to be reversed, it would best be accomplished in a direct, unambiguous manner. We should vote up or down on whether to definitively prohibit abortion. I do not wish to fly under false colors here: I would vote against such a proposal.

But at least it would provide us with an unmistakable rule of law. At its best, Senate Joint Resolution 3 means continued confusion and ambiguity, widely varying and conflicting statutes and court interpretations, and an even more bitter and divisive abortion debate than we have now.

The adoption of Senate Joint Resolution 3 would result in greater pressure to expand the scope of Federal indirect controls. It certainly would invalidate the 1973 Roe against Wade decision, eliminating the part of the holding that denies personhood to the fetus, leaving that question open once more. Members of Congress could reintroduce bills like the human life statute with the understanding that they would not violate declared principles of law under the Constitution. Senate Joint Resolution 3 does not restore the status quo before Roe against Wade, as proponents have claimed. A woman could no longer claim her right to privacy as a rationale for abortion, nor could she depend on other claims to life and health, such as due process and equal protection, where these asserted rights are the basis for her attempt to obtain an abortion.

No law could prohibit a woman from traveling from one State, where abortion is illegal, to a State that permits abortion. The result would be that the rich would continue to have safe, legal abortions, an option not made available to poor women living in States that might ban abortion. No one seriously believes that enacting a constitutional amendment such as Senate Joint Resolution 3 would stop all the abortions in the United States, but would only make them more dangerous to obtain.

Much of what I have said, Mr. President, and much of the debate on Senate Joint Resolution 3, has necessarily involved abstract constitutional analysis and legalistic fine points. That is obviously to be expected in a debate over a proposal that makes a major alteration in the charter of the Nation.

But underlying all of this argument is a question of fundamental values. The essential reason this amendment should be rejected is that it fosters an intrusion by political brokers in areas of personal discretion. I continue to believe that decisions on abortion ought to be made by women themselves, based on convictions of conscience and religious judgment, assisted by the medical advice of their physicians, and not imposed by Government—at any level.

Mr. DOLE. Mr. President, I intend to vote in favor of the proposed constitutional amendment sponsored by the distinguished Senator from Utah. However, I wish to clarify for the record my reasons for doing so.

EVOLUTION OF THE ABORTION CONTROVERSY

In 1973, the Supreme Court handed down the Roe against Wade decision. This decision generally held that a State could no longer prohibit abortions during the first 6 months of pregnancy. Rather than having conclusively resolved the abortion question, the Roe decision sparked a national protest movement. And in each Congress since the Roe decision, proposed constitutional amendments have been introduced in both Houses seeking to overturn its effect.

THE PROPOSED AMENDMENT

Ten years later, the U.S. Senate is now, for the first time in history, debating a proposed constitutional amendment on the abortion question. The proposed amendment does not

seek to shape abortion policy, but rather simply states that "no right to abortion is secured by the constitution." The purpose of the amendment is to restore the status quo ante Roe, when the States possessed authority to legislate with respect to abortion.

CONCERNS ABOUT THE AMENDMENT

It has been said that the primary strength of the amendment is that by returning the abortion question to State legislative bodies, it does not have to address the delicate and controversial questions relating to whether, and under what circumstances, abortion should be legal. Rather, these decisions would be made by the representative branch in each of the States, who many feel could be expected to shape abortion policy in a manner more responsive to the views of the people.

But the primary strength of the amendment may also be its primary weakness. In light of the fundamental rights involved in the abortion issue, I question whether they should vary in accordance with the political whims of each of the 50 State legislatures. Moreover, I have serious reservations about the divisive influence which the amendment could have on the Nation.

Under the proposal, one State could decide to place no restrictions on abortion whatsoever; another could decide to prohibit all abortions. Every State legislature could be confronted with annual battles over abortion laws. Further, because the status of the law prior to Roe was unclear as to whether Congress had jurisdiction over the abortion question, the issue might be a recurring source of controversy in Congress as well.

CONCLUSION

Because of these concerns, I am unable to give my unequivocal support for this amendment. However, I will vote for it as a reaffirmation of my continuing opposition to Roe against Wade and its progeny. I commend the principal sponsors for their time and effort in bringing the amendment to the floor and making this historic debate possible. The high quality of debate that we have seen on Senate Joint Resolution 3 has greatly contributed to an understanding and awareness of the complexities involved in this difficult issue. Only by engaging in this kind of debate will we ever be able to seek out and find the right solution to the abortion question.

Mr. ROTH. Mr. President, the national debate on abortion continues to be one of the most emotional and controversial issues that we face today.

My position has always been that the Federal Government should not be involved in determining abortion policy.

Unfortunately, Senate Joint Resolution 3 does not completely remove Congress from determining abortion policy.

The passage of this constitutional amendment may, in the end, raise more questions than it resolves. Rather than eliminating the discussion of abortion at the Federal level, Senate Joint Resolution 3 may simply continue the disjointed debate on abortion that has been conducted over the past 10 years within the Halls of the Federal Congress.

For these reasons, I will vote against Senate Joint Resolution 3.

Mr. PACKWOOD. Mr. President, I yield 7 minutes to the Senator from Michigan (Mr. LEVIN).

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while I shall vote against the Hatch-Eagleton compromise proposed constitutional amendment on abortion, Senate Joint Resolution 3, I happen to personally oppose abortions which are not the result of danger to the mother's health, rape, incest, or other unusual circumstances. Were I asked by a woman for advice regarding an abortion, I would advise her against it, absent such unusual circumstances. My views are the product of my personal beliefs and morals. They differ from the views of other persons, as is evident by the lack of consensus among religious groups and the medical profession on the underlying questions relative to abortion. In the absence of such a consensus, I believe that the woman's right to make a private decision concerning abortion should prevail as public policy, regardless of our personal views on the matter.

Mr. President, my objections to this amendment are based principally upon the views I have just outlined. There are, however, other reasons why I cannot support this amendment.

The proposed amendment will not put to rest the abortion controversy. On the contrary—assuming it does have the effect intended by the sponsors of the amendment—it would subject the American public to a battle over the abortion issue in each of the 50 States, since it would leave to the determination of State legislatures the question of whether abortion should be restricted or prohibited altogether.

Nor would it remove the issue from the Congress. Presumably, the proposed amendment would not affect other possible sources of Federal authority over the regulation of abortion, such as the commerce clause or the spending powers. Since the amendment is silent on the delegation of powers between the States and Congress, should it be approved, it is anybody's guess what the rule of Congress with respect to abortion will be.

Mr. President, whatever the resolution of our differences over the abortion question, the law should be uniform among the States. In Roe, the Supreme Court recognized two important societal interests involved in the abortion decision—the interest in "protecting the potentiality of human life" and the interest in "safeguarding health and maintaining medical standards." The Court's trimester approach to determining when States have authority to regulate abortions attempted to balance these sometimes competing interests.

While we might disagree with the way the Court has balanced those interests, I think we would all agree that each of the interests identified by the Court in Roe is important. Because the interests are so important, I believe Americans have a right to uniformity in the way the interests are weighed. Under the Hatch-Eagleton amendment, the States would be free to balance these interests as they see fit, depending upon the views of a majorty in each State legislature. This approach to the abortion issue would result in different rules in different States and would be particularly unfair to low-income women. We would be returned to a situation where women with money could travel to States where abortions are legal and therefore safer, while women who could not afford to travel might again resort to the "back-alley" abortion.

Our people are divided on the abortion issue. But I believe most feel that the same rule should be applicable as a practical matter to all our people wherever they live and whatever their financial circumstances.

I am wondering, Mr. President, if I might ask my friend, the Senator from Utah (Mr. HATCH), two or three questions relative to his resolution, the constitutional amendment he has offered? The first question is: Is there any implication in the sentence, "A right to abortion is not secured by this Constitution," that abortion is prohibited by the Constitution?

Mr. HATCH. No, Mr. President, the language of this constitutional amendment would neither encourage nor prohibit the issue of abortion within the Constitution. It is no secret that I personally would prefer a stronger amendment to the Constitution that would restrict abortion, but this particular amendment would allow the State legislatures to go any way they want to on the issue.

I might add, if I could, that the purpose of the amendment is to allow a consensus-building process within the elective branch of Government to resolve this very, very divisive issue.

Mr. LEVIN. Second, is it the intention of the proponents of this amendment that the Constitution remain neutral on the legality of abortion?

Mr. HATCH. Again, Mr. President, in my own personal viewpoint, I would not have the Constitution be neutral. I would prefer to see the Constitution establish the right to life of the

unborn, except in cases necessary to save the life of the mother. This particular amendment, however, removes the current Court-created right to abortion without replacing it with any value judgments. It leaves it up to the elected representatives of the State legislatures. Thus, this amendment is neutral.

Mr. LEVIN. Is it the intention, then, that as a result of the adoption of this amendment, if it were adopted, the Constitution would be neutral on the legality of abortion?

Mr. HATCH. Mr. President, this amendment, if adopted, would leave it up to the State legislatures to legislate on the issue.

Mr. LEVIN. I am trying not in any way to ignore what the Senator has said.

Mr. HATCH. I believe Senate Joint Resolution 3 is neutral.

Mr. LEVIN. This would leave the Constitution neutral if this amendment were adopted.

Mr. HATCH. What it would do is take away the right to abortion, thus restoring the neutrality of the Constitution which allowed States to govern abortion policy. It would do away with the present right decreed by the Supreme Court of the United States. It would then allow the States to set their own policies.

The Constitution then would not impose upon the States one way or the other what they must do. It would be their own elected State legislators who would resolve this issue as elected officials through the normal legislative processes.

Mr. LEVIN. Mr. President, let me slightly rephrase the question. Is it the intention of the proponents of the amendment that if this amendment were adopted, the Constitution would at that stage be neutral on the issue?

Mr. HATCH. Yes. It is the intention to do away with the right to abortion. This would restore the Constitution's neutrality. The right to abortion created by the Court disrupted this neutrality which this amendment will restore.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. PACKWOOD. I yield 2 more minutes.

If I might enter into this discussion, the Senator from Utah and I do not have the same view as to what his amendment seeks to do. It does not take us back to the situation prior to Roe against Wade with respect to the regulation of abortion because it inserts into the Constitution the words of the amendment, henceforth, any Federal or any State court decision has to take into account the fact that abortion is not a right guaranteed by the Constitution. That was not part of the Constitution as decided by Roe against Wade.

Mr. HATCH. I agree with what the Senator has said.

Mr. PACKWOOD. Second, Mr. President, I contend that this amendment is not neutral in any sense. I think it absolutely tilts against choice. It is neutral because it leaves to the State legislatures or the Federal Congress the right to legislate on abortion. I use the word, "legislature" in the exact sense: This is not a States rights amendment, it was not drafted as a States rights amendment and in deliberation it was not considered as a States rights amendment.

Mr. HATCH. Mr. President, let me add to what the Senator from Oregon said, I believe the people in this country do not want the widespread abortion on demand situation we have today in this world, especially in this country—as I have said, the most permissive in the world except for Communist China. That being the case, should this amendment pass, I believe there is no question that there would be restraints brought about on the widespread practice of abortion on demand by State legislatures. There is no further question that it is my intention as a sponsor of this amendment, and I believe Senator EAGLETON's intention, that we want restraints on the widespread practice of abortion. So, in that sense, it is not neutral.

It is neutral in the sense that we leave this issue up to the State legislature as the Constitution clearly intended before the ill-conceived 1973 decision.

It restores neutrality in the sense that we take away the right to abortion as a part of the Constitution, abortion as decreed by judges in the Supreme Court. Permit me to explain how this amendment will operate. The Roe decision made the right of abortion a legal entitlement deserving of the strict constitutional protections afforded fundamental liberties, like freedom of speech. This heightened standard of constitutional review means that a State must show a compelling justification for any statute limiting abortion. This "compelling public interest" test for validity of State statutes is very exacting. Even such seemingly inconsequential State regulations as the 24-hour waiting period before performance of abortion requiring a physician to warn a woman of the risks of abortion have failed to meet this demanding standard of review.

In those cases, as in Roe, the Court acknowledged that the State has a legitimate interest in protecting maternal safety and the life of the unborn. Nonetheless, these profound interests did not rise to the level of "compelling." Thus, the standard operated to strike down the will of the State legislature in those particular instances.

This amendment removes the abnormally elevated constitutional status afforded the right created by Roe against Wade. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of judicial review. The same standards used to assess the constitutional sufficiency of other domestic relations statutes or insurance statutes or business association statutes would apply to abortion laws. This standard requires a State to show a rational relationship between its law and a legitimately protectible State interest, the rational basis test.

Since the court has acknowledged at least two legitimate interests, maternal safety and the profound interest in unborn human life, any statute rationally related to these purposes would be upheld. Since this standard is easily satisfied by State enactments, the will of the people as reflected in State statutes would be respected by the courts. The Constitution would remain neutral and allow the States to create any policy in this area. I believe that answers the Senator's inquiry.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield 2 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I thank the Senator from Oregon for yielding. Mr. President, the legislation before us is very brief—only one sentence: "A right to an abortion is not secured by this Constitution." It is designed to overturn the Supreme Court's 1973 decision in Roe against Wade which held that State laws unreasonably restricting a woman's right to an abortion were unconstitutional. I oppose Senate Joint Resolution 3. It is likely to result in legislation in each State that would still be subject to constitutional challenge and it would force women to return to the days of unsafe and illegal abortions.

I have said many times that I feel uneasy, as a man, determining for women whether they will have the right to a legal abortion since it is a decision I will never be asked to make. It is one of the most deeply personal decisions an individual can make. It involves one's personal, religious, moral, ethical views, as well as an assessment of one's health and future life. I recognize that there are sincerely and deeply held views on both sides of the issue. And, it is for this reason that I believe the Supreme Court was correct when it held that the right to an abor-

tion was inextricably tied to the right to privacy.

But the Supreme Court also struck down many State abortion laws for reasons other than the fact that they violated the right to privacy. And it is important to recall those reasons in order to understand why Senate Joint Resolution 3 is not the right way to go.

Prior to Roe against Wade, many States prohibited abortion except where it was necessary to save the life of the mother. While there is no record of these laws being enforced against the women who had abortions, there was frequent prosecution of doctors who performed them. And the Supreme Court held that the standard—to save the life of the mother—was unconstitutionally vague. How close to death does a woman have to be before it is lawful to perform an abortion? Does it have to be certain death if an abortion is not performed? Or merely high risk? Such legislation put doctors at risk for criminal actions without a clear standard to guide them. Senate Joint Resolution 3 does nothing to resolve this problem. So if Roe against Wade were merely overturned and States adopted the old laws they had before 1973, those laws would still be subject to challenge on the grounds of unconstitutional vagueness. Those laws would also be subject to challenge on the basis of State constitutional protections which have upheld the right to abortion in many States. The one thing certain is that there would be considerable litigation.

What are the practical consequences of returning to the old standards of preserving the life of the mother or even the life and health of the mother? No one can contend that the old abortion laws prevented women from getting abortions. Women who could afford it went to private hospitals and received abortions under the guise of other medical procedures. Poor women went to back-alley apartments without adequate professional care and with no provision for emergency care. It is no accident that the maternal death rate has plummeted since Roe against Wade. So the question will be as it has always been; not whether women will have abortions, but where and under what conditions. As a matter of privacy, I cannot and do not wish to decide for any one whether an abortion is appropriate for that individual. As a matter of public policy, however, I want to insure that women who chose this option will have access to safe medical care. Senate Joint Resolution 3 goes precisely in the opposite direction.

Mr. President, when we are dealing with our criminal laws, I am concerned that we must have a set of clear and simple rules which are strictly enforced. It does us no good to have volumes of laws which are ignored. That breeds contempt for the law. I have heard no one argue that the women—or children—who have become pregnant—as victims of rape or incest—should be sent to jail for having an abortion. Nor can anyone contend that abortions will not occur as a result of making them illegal once again. To return to the pre-1973 laws will not eliminate abortions; it will only make them unsafe for those who are most in need of support and help. The only thing this constitutional amendment will accomplish is to shut the doors to the hospitals.

I see no reason to turn back the clock. This most personal decision is precisely where it should be—as a private matter between a woman and her doctor.

Mr. PACKWOOD. I thank my colleague from New Jersey, with whom I have shared so many battles in a variety of areas, and I look forward to sharing with him more on the same side.

Mr. President, Senator HATCH and I have worked out between ourselves the method in which we will close. He will close for about 15 or 20 minutes. I will have rebuttal, whereafter he will have 5 or 6 minutes for surrebuttal. I will yield at this time 20 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank my dear colleague from Oregon for his kindness.

Mr. President, in 1857 this Nation was rocked by an edict from the highest Court of the United States. In disbelief that these learned men would actually hold that some human beings deserve no protection from the same Nation that declared that "all men are created equal and endowed by their Creator with inalienable rights to life and liberty," the United States sank into the despair that produced the great War Between the States. In 1973 the Supreme Court once again declared that some human beings are not deserving of the full protections of this humane and generous Nation. In the decade since that infamous decision, this Nation has been locked in a great debate over civil rights, a great debate over human rights. That great debate reached the floor of this body yesterday in the form of the first constitutional amendment to reverse the Roe against Wade decision and restore to the people in the States the power to resolve this issue as they see fit.

This has been the debate over abortion that the American people did not have before the Supreme Court's decree. The momentous scope of this debate has been evident in the subjects of great constitutional and moral concern addressed by the John Calhouns, Henry Clays, and Daniel Websters of our era. I cannot express enough the great respect I have for the Senator from Missouri (Mr. EAGLETON). He deserves credit in history for his devotion to the rights of all men, particularly those yet to be born. A similar credit should be extended to Senator THURMOND and Senator DECONCINI. At the same time, I feel it appropriate to compliment the distinguished Senator from Oregon (Mr. PACKWOOD) for the fairness and fervor with which he has defended his views and dealt with me and others on the floor of this Chamber. I respect him. I know he is sincere, and I know he believes in what he is saying and what he is doing.

In a few minutes—frankly, at 5 o'clock—we are going to vote on this issue. I would remind this body that at that time the Senate, unlike any other entity created by our Constitution, can at times be called upon to exercise two of the basic functions of Government. The Senate is a legislative body, but in certain unique circumstances such as impeachments, it also becomes a judicial body. Although we are today acting as a legislative body under article V of the Constitution, I would like to invoke that comprehensive judgment demanded of judges. I urge my colleagues to consider themselves in the role of justices called upon to render judgment in a capital case. This vote will ask you not only to decide whether to reverse the modern Dred Scott decision, but also to pronounce a sentence of life or death for countless unborn children.

In respect to your judicial task of weighing the jurisprudential merits of Roe, I could cite the reasoning of John Hart Ely, Archibald Cox, Alexander Bickel, and many other talented constitutional scholars, who although they favor the outcome of Roe, confess that it is bad constitutional law or not constitutional law at all. These legal merits, however, are not the most compelling impeachment of Roe. The most compelling case against Roe, in my opinion, is the regime of callous disregard for the sanctity of human life it has produced.

Since Roe, 15 million unborn children have perished. I mentioned earlier that the Supreme Court's dreadful Dred Scott decision helped precipitate the bloody Civil War. Yet, the horrors of that war, combined with the dead from every other war, is less than one-tenth of the deaths in the war against the unborn. Ten times as many Americans have died from abortions as from all wars put together.

Moreover, the death rate is still climbing. Nearly 2 million abortions a year are performed in America. Nearly one in every three pregnancies ends in abortion.

Two cities in this country have more abortions than they have births, and this is one of those two cities. The other is the largest city in the country.

This great civil rights movement is motivated by a concern for all life.

The life of the mother, when jeopardized by a pregnancy, must be preserved, even at the terrible cost of the life of the infant. On occasion, those choices are necessary. When necessary, appropriate medical procedures must be available to protect the mother. Indeed, every single State, prior to 1973, protected the mother's life by law. But protecting the mother's life has little to do with today's regime of permissive abortion. Only 3 percent of all abortions performed can be justified by the need to protect the mother's life or health.

All other abortions are performed, more or less, for reasons of convenience.

A particularly tragic aspect of this disgrace is that many of those children killed by abortion are on the verge of viability when they could live outside the womb normally. These are children near their 20th week of growth.

At 20 weeks, their hearts have already been beating 12 weeks; they have been sucking their thumbs for 8 weeks; they are appropriate candidates for fetal surgery to preserve their lives from natural threats; finally, their fully formed nervous systems are capable of experiencing anguishing pain at the moment their lives are torn asunder. Nobody disagrees with that.

Throughout this debate we have heard much about the "freedom to choose." Freedom to choose is an important value. But in this instance it is in conflict with an even more important value, the fundamental right to life of a defenseless human being. Can freedom of choice justify killing an infant in the third trimester, fully capable of life, only because she is a girl instead of a boy or because of some convenience for the mother or because of some other factor related to the well-being of the mother. If freedom of choice is the only principle to govern this situation, who will step forward to defend the child's freedom to choose to live?

No doubt the medical facts about the development of the child—its ability to recognize its mother's voice in the womb, its ability to respond to music and touch—have been the primary reasons most Americans see abortion at some stage as destruction of a living being. On this point, there is a gender gap. More American women than men believe life begins at conception.

Since we have drawn special attention to the woman's point of view, we should examine one other argument of this debate, that women will be driven back into the alleys if States are allowed to regulate abortion. This argument suggests that legalized abortion deserves credit for saving women's lives. To the contrary, legalization should receive little, if any credit, for saving lives. Advances in medicine, principally penicillin and use of the safer suction curetter, deserve credit for maternal safety during abortions. I think the second chart at the rear of the Chamber shows that.

In terms of morals, Americans, by overwhelming majorities, feel abortion is wrong. This judgment is nearly uniform amongst people of all political backgrounds—62 percent of the Independents, 64 percent of the Republicans, and 68 percent of the Democrats, for two-thirds of the American people.

Moreover, this is not an idle judgment. If allowed, most Americans would stand behind their convictions and seek an alternative to abortion for their own 15-year-old daughter. We have heard people who have come to the floor today say, "I would never want this to happen in my family. I would never want this to happen in my life. I would not go through this myself." Nevertheless, the vast majority of people are very concerned about the widespread, indiscriminate abortion on demand that is going on in this country today.

Ironically, the Supreme Court stated a few weeks ago that 15-year-olds may get permission for an abortion without ever consulting their parents.

Finally, the strong personal values of Americans do translate into support for a constitutional amendment to discard Roe against Wade. If the Americans polled for this chart had known of Senate Joint Resolution 3, which would allow them to participate in forming a humane abortion policy, this number may have even been higher than the 50 percent who think there should be an amendment to the Constitution of the United States.

Mr. President, let me summarize the pending constitutional amendment one final time. The principle purpose of the human life federalism amendment is to deconstitutionalize the issue of abortion. Instead of issues relating to abortion being decided only by Federal courts—their exclusive forum for the past decade—the proposed amendment would restore authority over this issue to the elected representatives of the people. Once again, the matter of abortion would be subject to debate and discussion and deliberation among the elected legislators of each State.

I would respectfully ask my colleagues: What are the alternatives to this amendment? What are the ultimate alternatives to the resolution of the abortion issue proposed in Senate Joint Resolution 3? Will we tolerate forever the social divisions that have been created by the Court's decision in Roe against Wade? Will we tolerate forever a substantial share of the American people believing themselves to be totally without a voice on a controversy of this dimension? Will we tolerate forever a situation in which only Federal judges are allowed to influence public policy on abortion, while the people and their elected representatives are permanently rendered impotent? Will we tolerate forever a society in which the unborn child is to be accorded all the rights and protections of law of a tumor or a mass of diseased tissue?

Mr. President, I do not believe that we can tolerate any of this. Nor do I believe that the abortion controversy is likely to silently go away as would be desired by those who are pleased by the present state of affairs. These same individuals—inside and outside Congress—thought that the abortion issue would silently go away 10 years ago. They thought that the passions generated by the Roe against Wade decision would subside and ultimately disappear as abortion became a day-to-day reality. They thought that, as more women themselves experienced abortion, or as people came to know women who experienced abortion, that this issue would fade into the constitutional recesses of history.

Those who have taken this view have been wrong and they will continue to be wrong. Indeed, as more and more people come to know the horrors of abortion firsthand, as the platitudes of freedom of choice and reproductive rights run up against the realities of the destruction of the innocent life within the womb, the movement against abortion will grow in this country. As the myths of abortion come to be understood, as the American people come to know that maternal health and rape and incest are factors involved with an infinitesimal number of abortion and that social covenience and lifesytle and sex selection are the principle motivating factors, the prolife movement will grow in this country.

Whatever takes place later this afternoon—and I have no illusions—the effort to restore protection for the unborn will continue. I do not believe that this Nation will even become to oblivious and so numbed to the loss of life involved in our present constitutional policy of abortion on demand that this issue will simply disappear into the stealth of the night. If we do not succeed today, it is not because we do not speak to the values and sensibilities of the American people—I know that we do—rather, it is because we have not yet done the necessary work in explaining to them the realities of abortion.

Mr. President, despite my own deeply felt views on the matter of abortion, the proposed constitutional amendment represents the first serious effort since Roe against Wade to fashion a consensus approach to this difficult issue. It does not adopt the perspective of either extreme—abortion on demand or outlawing all abortion—and that is why those of the most extreme persuasion on both sides

will vote against this measure. But, the majority of my colleagues, as with a majority of the people in this country, I believe are looking for this kind of solution. They may wish to preserve the opportunity for abortion in the hardest and most difficult cases, but they do see the need for some restrictions upon access to abortions.

These may be restrictions upon late abortions. These may be requirements that doctors attempt to save the lives of aborted infants who remain alive. These may be requirements that minors discuss the abortion decision with their parents, or that wives discuss the abortion decision with their husbands. Whatever these restrictions be, I believe that the broad consensus of opinion in this country is that, at the very least, there are conflicting rights involved in the abortion procedure that deserve to be respected. That is not possible under the present court decision.

Once more, Mr. President, I ask what are the alternatives to Senate Joint Resolution 3. Are there any alternatives? If ours is to remain a decent and compassionate society, if ours is to remain a representative and democratic system of government, if ours is to remain a society in which the views of all citizens are respected and entitled to influence national public policy, I believe that there are no alternatives. With as much sincerity and as much passion as I can, I ask my colleagues—whatever their announced positions on this measure, to cast their vote in favor of Senate Joint Resolution 3 this afternoon. There are no enduring alternatives.

I thank my colleague from Oregon for this time.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Oregon is recognized.

Mr. PACKWOOD. Madam President, for the last 2 days Senator HATCH and I and many of our supporters have been debating this subject. I think 33 or 34 Senators have spoken on this subject which, as the President and others know, is a great number of Senators to speak on any particular topic. It is a topic that moves all of us in one fashion or another.

I thought to myself how, in my closing comments, there would be any way to influence one, two, or three Senators who may not have yet made up their minds on this subject. We cannot return to our home States without the question coming up. We are either lauded or criticized by different groups depending on our position on this subject. We are flooded with letters.

No Senator will be coming in to vote at 5 p.m. without having done a lot of thinking on this issue and, in most cases, without reasonably strong feelings on it.

I am not sure there is any point in returning to the substantive arguments that the Senator from Utah and I have made about the merits or the demerits of whether or not a woman should have a right to make a choice.

Nor am I convinced there is any point in reiterating the common law at the time this country was founded. There are a few people in this Chamber who have made reference to the morality of this country at the time of our founding and that the Roe against Wade decision has undone that morality.

But both the Senator from Utah and I agreed yesterday that at the time of the founding of this country at common law, by which we are governed today, at the time of the founding of this country, abortion, at least prior to quickening when a woman can feel the fetus move within her body—normally around 3½, 4, or 4½ months—was not a crime, and it was commonly practiced in Great Britain and the United States.

So when our founders drafted the Constitution, they saw no particular need to make any reference to abortion. It was common in our country. It was common to their knowledge. It was, if not morally approved, at least acquiesced in without overwhelming disfavor. So they saw no need to legislate on it one way or the other.

Brilliant as our founders were, they did not foresee a time when the country would try to prohibit abortion as at that time they saw no need to write into the Constitution a protection so that the woman could make the choice for herself.

But I do not think that argument will sway any votes.

Nor do I think that the argument that Roe against Wade does not allow abortion on demand will sway any votes. That is a comment that has been made over and over by the supporters of this amendment. They full well know that Roe against Wade does not allow abortion on demand through an entire 9 months of pregnancy. At best it allows it on demand, if you want to call it that, for the first 3 months of pregnancy, and then after that puts very significant limitations on it and in the last 3 months of pregnancy puts almost onerous limitation on it until the law is very strongly on the side of the fetus rather than on the side of the woman.

But again I do not think that will sway any votes.

Madam President, I am not sure that there is any merit in trying to argue the law and the constitutional decision of Roe against Wade because I think that will change no views.

It is not unusual—it is not frequent but it is not unusual—for the Supreme Court from time to time to either reverse itself, as it has in the case of Plessy against Ferguson, which had to do with separate but equal school facilities, or in the case of reapportionment where for years they said it was a political plan and the Court not intervene and in the midsixties reversed themselves and said the previous decisions were no longer valid.

And the Supreme Court has from time to time extended itself into State areas that it did not previously extend itself into. It certainly did it in the case of Gideon when it finally said to the States you can no longer under certain circumstances deny to an indigent defendant the right to counsel because it denies him the right of fair trial. They had not said that before, and they imposed upon the States an obligation, a Federal right, if you will. They certainly did it in Miranda where they finally said to the States that the self-incrimination clause will be extended to mean that the defendant must be advised of his or her rights against self-incrimination at the time of being picked up by a police officer or arraignment and if not so advised, statements made to the police officer or to the arraigning judge may be found to be inadmissible in evidence.

These were both new conditions imposed upon States, both, if you want to call it that, newfound Federal rights that had not previously existed.

I say to my fellow Senators that we are a common law country. That is the genesis of our law, and common law was judge-made law and for years Great Britain operated on that basis and in this country to this day we still operate under the common law and to the extent that legislatures or Congress have not acted in certain areas the courts are still free to make law, if you want to call it that. What the common law judges call it is finding law.

So court changes are not unique and they are well known to our history.

But I think the thing that has bothered those who dislike the Roe against Wade decision is not what they regard as inadequate legal reasoning or not what they regard as an effort by the court for the first time to take an action they had not taken in other fields. What bothers people about Roe against Wade is that many people do not like the decision they have reached and I can assure that Right to Life, Americans United for Life, the Life Amendment Political Action Committee, and all the others that operate under the umbrella of what I call right to life, would not be here complaining and crying about inadequate reasoning of the Court, if the Court had come to the conclusion they wanted it to come to.

But all of those arguments are not going to change any votes. The one argument that may have some effect on some of our fellow Senators is whether or not this is a return to the law prior to Roe against Wade or whether or

not this is a pure States right amendment.

Now clearly it is not a return to the law prior to Roe against Wade. At that time the Constitution was silent in terms of the use of the word abortion as it is silent on the use of the word privacy.

So if we add this amendment to the Constitution which will read: "The right to abortion is not secured by this Constitution." What we are saying is that we are not going back to Roe against Wade where the Constitution said nothing. We are going to go back to a situation where State court judges would no longer be able to look at the U.S. Constitution and reach a decision that they would now be precluded from reaching. So it is not a return to the status quo.

Is it a pure States-rights amendment? Madam President, and my fellow Senators, it clearly is not, and understandably not, because the Senator from Utah and the others were posed with the problem of how to straddle a dilemma. There is a split in the right to life ranks, and again I use that term generically, as there is in almost all coalitions as to what their position ought to be.

One part of the group feels that the right to choose or not to choose an abortion is such an abomination that it should be banned nationally altogether forever throughout the country and they want to preempt the Federal amendment that says: "No abortions in this country shall be legal, period," as we tried with prohibition to say: "Alcohol in this country is illegal, period."

There is another part of that coalition that says: "We have no chance of getting that amendment, let us try for a pure States rights amendment," because that might attract some votes who would be willing to give the decision to the States but not be willing to vote for a pure Federal amendment.

You can see the dilemma the two groups find themselves in. If you really honestly, conscientiously believe that abortion is murder then you cannot at the same time vote for an amendment that is a pure States-rights amendment that in essence says: "Well, OK, murder in New York is OK but not in Pennsylvania. Murder in Oregon is but not in Idaho."

So what they were faced with is trying to find an amendment that would appear to be a States right amendment but is not.

Now they could have found a pure States rights amendment, and this was fortunately called to my attention by one of the members of the Judiciary Committee, because in 1975 and 1976 the Judiciary Committee had hearings on this subject and they had four different constitutional amendments before them. Three of them read very similarly, they all have a preamble and then they conclude by saying: "Congress and the several States," and then they go on "shall have the power to prohibit abortion."

The last one reads, however, "the power to regulate the circumstances under which pregnancy may be terminated is reserved to the States."

Madam President, that is a States' rights amendment and that amendment could have been drafted by this committee and sent to this floor but they will lose five or six votes of pure Right-to-Lifers who will not vote for that kind of an amendment, and if they send us a pure straight out federalism ban abortion amendment then they lose five or six people who might vote for States rights, and they wondered "How can we straddle it," and they tried to make the argument on the floor that the Federal Government will have nothing but residual power, residual power if this amendment is passed.

Well, ladies and gentlemen, residual power is all of the other power that you do not give away. Residual does not mean less. Residual just means everything else, and unless you have given away to the States and only to the States the right to legislate abortion then you have reserved for yourself whatever powers remain.

Several analyses of this amendment have been done—two I am going to cite have been done by the Congressional Research Service which is a legislative arm of the Congress, nonpartisan, unbiased, it has no vested interest in Senate Joint Resolution 3 for or against. All of us use them frequently for opinions, for research. It is an arm of the Library of Congress, an extraordinary organization.

Charles Dale of the Congressional Research Service in his analysis of May 9, 1983, states as follows, after he goes through what Senate Joint Resolution 3 is and is not and he says it is not a pure States rights amendment and he cites the States rights amendment I read. He concludes by saying:

> Since the reported amendment would effectively extinguish the right to procreative choice in Roe, the argument favoring Congress' power to regulate or prohibit abortion under section 5 may be correspondingly strengthened.

Similar language in a memo of May 13 by Karen Lewis, also of the Congressional Research Service, in which she says:

> If you add a States rights amendment, it would effectively free abortions from Federal constitutional constraints by explicitly lodging exclusive legislative power over abortion in the States.

And then she cites the same amendment that I have read and goes on to say but Senate Joint Resolution 3 is not that kind of an amendment. She goes on to say:

> Since S.J. Res. 3 would eliminate the constitutional protection for the woman's right to terminate her pregnancy, Congress would arguably be free to pass "pro-life" legislation pursuant to Section 5 of the Fourteenth Amendment.

Now you can say those are objective, unbiased opinions from parties who have no interest in this, and that is true.

Let me read to you what the parties that do have an interest in this say. At the request of the Senate Constitution Subcommittee, four legal analyses were prepared by Americans United for Life, a group that is opposed to a woman's right to choice. One of those articles was by Prof. Lynn Wardle, in which he says, and I am quoting:

> Senate Joint Resolution 3 would restore congressional power to restrict and inhibit abortions mostly through indirect means as necessary and appropriate to perform its constitutional responsibilities to control interstate commerce, Federal lands, Federal taxation, spending et cetera.

Or the article by James Bopp, Jr., in Right-to-Life News, April 28, 1983, which more carefully lays out what Right-to-Life has planned than any other article that I have seen. And again I am quoting:

> The Hatch-Eagleton amendment reverses Roe v. Wade with the practical effect of restoring to Congress and the States the power to protect unborn life. There exists in the Constitution both direct and indirect powers which may be brought to bear on abortion. Any direct power that the Congress might have to regulate abortion, i.e., private killings, could be found in section 5 of the 14th amendment.

And listen to this:

> Once Roe v. Wade is removed the likelihood of a human life bill's constitutionality is more secure. Such a bill properly drafted could include the power to restrict or prohibit private abortions in addition to limiting State governments, in addition to limiting State involvement in abortion. Such a bill is a logical second step after the adoption of the Hatch-Eagleton amendment.

That is the part that Right-to-Life has tried to play down because they know if this full Senate thinks they are not getting rid of this subsection forever and sending it out to the States, they are not going to support this amendment and they are not because every Senator might as well be on notice because if this amendment passes we are going to be back here voting on statutory human life bills and funding of hospitals and a whole variety and panoply of other subjects relating to abortion that this amendment will allow us to vote on.

Make no mistake, all I ask my fellow Senators to grasp is that they are not shedding themselves of this subject, and giving it to the States, and solely to the States. All they are going to succeed in doing if this amendment is passed and adopted by the Congress, and ratified by the States is absolutely dividing this country for a generation

because the fight that we have had in the U.S. Congress is now going to be a fight in the U.S. Congress, and the State legislatures, and in every campaign, in every legislature, in every session for the next decade or the next generation, and in this Congress for the next generation we are going to fight, and refight, and refight those battles. That is not a plague that should be visited upon this Nation. It is bad enough that we have to discuss this topic, year after year, after year, but at least with the law the way it is those at the State legislative level can say "The Supreme Court has granted to every woman in this country the right to make a decision for herself whether or not she wants an abortion, and therefore we cannot legislate to prohibit it," and that saves at least every State legislator from this pernicious battle.

So, let me conclude once more by saying to my fellow Senators: If you want to continue to vote on human life bills and funding bills and abortion restriction bills, and prohibitions on medicine or instruments being shipped in interstate commerce that could be used for abortions, support this amendment because that is what you are going to get.

If, on the other hand, you either support a woman's right to choice or, at a minimum might—might—vote for a genuine States rights amendment, this is not it, and you should vote against the amendment as proposed by the Senator from Utah.

Mr. HATCH. Madam President, I once again have been interested in my colleague's eloquent remarks. My colleague mentioned a memo by a CRS attorney with regard to States rights. I asked a law professor to comment on this particular analysis, and I ask unanimous consent that his remarks, plus some additional remarks, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM REGARDING THE "LEGAL ANALYSIS OF SENATE JOINT RESOLUTION 3 . . ." PREPARED BY CHARLES V. DALE FOR THE CONGRESSIONAL RESEARCH SERVICE

(By Lynn D. Wardle)

The "Legal Analysis of S.J. Res. 3, Proposing An Amendment To The U.S. Constitution Relative To Abortion, As Reported By The Senate Judiciary Committee" is an interesting, if mistitled, document. It is interesting in part because of the creative and original constructions it suggests for some of the language contained in S.J. Res. 3. It is mistitled for the same reason, i.e., because in some critical passages of the memorandum creative writing was used in lieu of legal analysis.

The substitution of creativity for legal analysis is especially apparent in the first three pages of the memorandum. In those pages, the author focuses upon the phrase "is not secured." This section of the memorandum starts well enough with the author conceding the plain meaning of S.J. Res. 3:

The apparent objective and one possible effect of the amendment proposed by S.J. Res. 3 would be to essentially restore the status quo that prevailed prior to the Supreme Court's 1973 abortion decisions. That is, a woman would have no individual right, protected by the Due Process Clause or other federal constitutional guarantee, to choose to terminate her pregnancy free of the restraints imposed by state law. In addition, the courts would be precluded by the proposed amendment from predicating such a right at some future date upon any provision of the U.S. Constitution.

CRS at 1,2. But then the author proposes several "creative" alternative constructions which are possible "given the ambiguity of the amendment's language." But legal analysis does not "give" such fundamental matters as purported "ambiguity" without more than the bare assertion that ambiguity exsists. Conclusory assertions are always begrudged by legal analysis. And in this case, there is no support given for the conclusion that the language is ambiguous. If there is any ambiguity, it has not been revealed.

Mr. Dale suggests that the phrase "is not secured" could "conceivably" be read to mean that abortion is prohibited or that abortion is protected subject to a minor countervailing consideration. These speculations are fun to engage in, and evidence a fruitful, creative mind. But legal analysis they are not. The author simply says that these interpretations "could conceivably" be made; he never says how the language could be given such translation or why such mental speculations should be given serious consideration. For instance, the author might have referred to a dictionary to show that the word "secure" has several meanings. (Among the definitions given in Webster's Third New International Dictionary are "guarantee," "assure," to "make safe," and "to shield or make secure from . . . destruction or hostile interference.") Or he might have referred to the Preamble to the Constitution where the same word is used in the phrase "to secure the blessings of liberty to ourselves and our posterity." But Mr. Dale does neither of these things. In fact, he gives no justification or explanation whatever for his bare conclusory assertion that "is not secured" is ambiguous and could be given creative constructions like he suggests. Legal analysis is a discipline; lawyers and judges must reason every inch of the way from identifying an issue to reaching a conclusion. Mr. Dale's interesting speculation about how the bare words of S.J. Res. 3 might be construed lacks this discipline.

It is worth noting that Mr. Dale candidly admits that his speculations are "necessarily tentative" because he was working without the benefit of a fully developed legislative history. CRS at 3. Since the intent of the framers is crucial to the subsequent interpretation of constitutional amendments, Mr. Dale correctly noted that it was "virtually impossible" for him, writing a month before the Senate Judiciary Committee Report was published, to "predict" the proper construction of the language of S.J. Res. 3. The subsequent publication of Senate Report 98-149 supplies the crucial information Mr. Dale was lacking. It specifically states:

The phrase "not secured by this Constitution" is simply meant to clarify that the proposed amendment seeks to disestablish any theory of constitutional law upon which the existence of a right to abortion can be predicated. It is primarily designed to establish a new locus for decisionmaking authority, i.e., legislatures, not the courts. . . . S.J. Res. 3 merely affirms the power of legislatures to legislate with respect to "abortion" and denies the existence of any constitutional protection for "abortion." . . .

Senate Report 98-149, at 57. Coming a month after Mr. Dale's memorandum and emphasizing so pointedly what the phrase "is not secured" was intended to connote, the Senate Report neatly clarifies the "ambiguity" which Mr. Dale saw earlier when he labored under the handicap of not having the legislative history.

The remainder of Mr. Dale's memorandum assesses the possible effect of S.J. Res. 3 upon the balance of powers, i.e., the power of the states and of Congress to restrict abortion. On the whole, this section of the memorandum underscores the point that S.J. Res. 3 will restore the constitutional allocation of power to deal with abortion that existed prior to *Roe.* Thus, with respect to the power of the states Mr. Dale initially notes that "[b]ecause neither Congress nor the states would be granted express authority to legislatively enforce the reported amendment it may effect a less drastic shift in the balance of power between the federal government and the states than some alternative formulations." CRS at 3. After this begrudging admission, the author later concludes that "in terms of the relative balance of federal and state authority in the abortion area, the amendment may restore the *status quo ante* in *Roe.* . . ." *Id.* at 9. In fact, he never suggests that S.J. Res. 3 would not restore the pre-existing power of the states to restrict and prohibit abortion. He does suggest that S.J. Res. would not do any more than this, i.e., that it would not of its own force override state constitutional, state legislative, or state judicial interpretations (of local law) which afford some protection for the practice of abortion. It would only restore to the states the federal constitutional authority to restrict abortion. Whether any particular state exercised that power or not would not be controlled by the Amendment. The Senate Report is in complete agreement. Quoting one of the witnesses who testified, it notes: "S.J. Res. 3 would restore to the states their general police power to restrict and prohibit abortion. The states could enact legislation to the same extent that they could prior to *Roe.* . . . It would not compel or prohibit the adoption by any state legislature or by Congress of any legislation restricting abortion." Senate Report at 58.

Regarding the power of Congress to legislate regarding abortion, Mr. Dale's memorandum again confirms that even before the Senate Report was prepared it was obvious that S.J. Res. 3 would not add to or take away from any of the legislative powers vested in Congress by the Constitution. Mr. Dale points out that the full extent of those powers, as they relate to abortion, are not known. Of course, the full extent of all powers of Congress is not yet defined. (For example, the extent of Congress' power to create new legal rights under section five of the Fourteenth amendment is a matter of uncertainty today generally, and not just with respect to abortion. See *E.E.O.C.* v. *Wyoming,* 51 U.S.L.W. 4219 (Mar. 2, 1983).) What is important is that S.J. Res. does not curb, enhance, or modify in any way those constitutional powers which Congress has. Only the limiting doctrine of *Roe* is repealed. Again, this notion is in accord with the Senate Report. See Senate Report at 55-60. With respect to Mr. Dale's specula-

tion as to various provisions of the Constitution which might justify congressional legislation dealing with abortion, the only noteworthy point is that all of those provisions and all of those powers are pre-existing powers, i.e., they are traceable to provisions of the Constitution that will be unaffected by S.J. Res. 3. If Mr. Dale's notions abut congressional power under the Fourteenth Amendment or the interstate commerce clause have validity it is because they stand on their own as valid interpretations of those other provisions. S.J. Res. 3 does not affect them.

In the final analysis, Mr. Dale's memorandum provides a contrast which clarifies the meaning of S.J. Res. 3. It was published May 9, 1983. A month later Senate Report 98-149, the Report of the Committee on the Judiciary of the United States Senate was published. Mr. Dale hypothesized about what might have been meant. Mr. Dale suggested several different theories of interpretation. The Senate Report discloses precisely what the Committee intended. Inasmuch as Mr. Dale's suggested "possible" interpretations were published well before the Committee Report was completed and published, where his speculations differ from the Committee Report that provides a reasonably clear indication of what was not accepted or intended by the Committee, and, therefore, what construction will not be given S.J. Res. 3 by the courts.

Mr. HATCH. I might mention that, without question, this is a States rights amendment, but also we have talked about the residuum of rights that would be in the Federal Government, which is neither more nor less than there would be under the language that he has suggested. The Federal Government can always act in those areas where it is capable of acting so much for States rights. This amendment does that.

Madam President, the annual Gallup polls since 1975 have shown that never more than 25 percent of all Americans have felt that abortion would be legal in all circumstances, which is the case today. Similarly, never more than 22 percent have felt that abortion should be outlawed in all circumstances. A majority oppose the current policy of abortion on demand.

In 1979, Gallup found that a majority believes that some abortions should be permitted during the first trimester in cases of rape, incest, or endanger to the mother's life or health. Beyond the first trimester, a majority of Americans believe that only a legitimate threat to the mother's life should be considered as justification for an abortion.

Madam President, the Declaration of Independence talks about inalienable rights. Life is one of the first of those inalienable rights, and we are taking away 2 million lives a year in this country and, I might add, in the process we are demoralizing this country and hurting this country beyond repair.

We are the most permissive country in the world in killing the unborn, with the possible exception of Communist China. What an indictment. And yet we have arguments to keep this present monstrosity alive.

Madam President, this is a moral issue, literally an issue concerning life and death, life and death of a society as well as countless unborn children.

I might add, Madam President, that there are over 100 lower court decisions and 18 or 19 Supreme Court decisions and the courts have not resolved this issue at all. In the eyes of a majority of the people in this country, they are ill equipped to do so. This is a great moral issue. It is a great human rights issue. It is a great civil rights issue. It is a family issue. It is an ethical issue. It is a social and societal issue.

Even if, as is claimed, the human fetus is not a person in the whole sense of the law, John Hart Ely, the professor at Harvard who agrees with the courts on the decision, said that early the fetus is certainly not nothing. He went on to say that dogs are not persons in the whole sense, nor have they constitutional rights, but that does not mean the State cannot prohibit killing them. It does not mean the State cannot prohibit killing them in the exercise of the first amendment rights of the political process. Even dogs have protection in this society. They have more protection than these 2 million unborn children that are destroyed every year.

What seems to be the greatest anamoly of all is that those who think that this should continue, many of them, have such concern for animals and dogs and harp seals, and you could go on and on, and virtually no concern at all for unborn human life.

Well, I think it is time to express that concern. That is what this debate is all about. I hope that my colleagues will vote for this constitutional amendment as a statement that Roe against Wade is not only a bad decision, it is an unconstitutional decision and it is a demoralizing decision that has hurt this country and will continue to hurt this country until it is resolved.

I hope my colleagues will give every consideration to their vote today because this is not an insignificant vote.

Again, I wish to thank my colleagues for forbearing, the leadership for allowing this debate to take place, and my dear friend from Oregon with whom I differ greatly on this issue for being as courteous and as decent as he has been.

Mr. PACKWOOD. Madam President, let me also thank the Senator from Utah for the gentlemanly fashion in which he has conducted himself. I would like to think I have done the same. This is a difficult, emotional, and passionate issue on all sides. Yet, in almost a year it has taken the Senator from Utah to get his amendment to a vote—and, believe me, he had a difficult time getting it here for a vote—in almost a year that he and I have talked and negotiated, there has never been an acrimonious word or acrimonious thought. I am delighted to say that he is going to get his chance, without impediment and without amendment, for something that he has worked at as sincerely and as deeply and as fervently as I have seen anyone in Congress in my career work on any subject.

I wish to take this opportunity to thank just a few groups that have helped me tremendously in the preparation of materials and research. They include Planned Parenthood, the National Abortion Rights Action League, the Religious Coalition for Abortion Rights, the American Civil Liberties Union, the National Organization of Woman, the Alan Guttmacher Institute for some very excellent briefs; Nancy Buc and Janet Benshoof, who did yeoman's work on this; from the Judiciary Committee, Ben Scotch and Marge Baker; and from other staffs, Steve Moore, from Senator WEICKER's staff; Carolyn Kamlet, from Senator HART's staff; Susan Martinez, from Senator CRANSTON's staff; Mary Bea Troland, from Senator BAUCUS' staff; and Mike Epstein and Susan Manes, from Senator BYRD's staff.

Madam President, I wish to say to Senator HATCH how gracious his staff has been in working with us on this. We would not have had the time agreement without our staffs working together and we would not have had a chance to have what I think has been an extraordinary debate in the Senate that 33 people have participated in. I think we would not have been able to achieve it without our staffs working together.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. I yield back the remainder of my time.

TAX RATE EQUITY ACT OF 1983

The PRESIDING OFFICER. The time for debate having expired, under the previous order, the Senate will now proceed to the consideration of H.R. 1183, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The time between now and 5 p.m. will be equally divided and controlled by the majority and minority leaders or their designees.

If neither side yields time, time will be charged equally.

Mr. EAGLETON. Madam President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I designate the distinguished chairman of the Finance Committee (Mr. DOLE) to manage the time on this side of the aisle with respect to the pending legislation.

Madam President, I ask unanimous consent that I may suggest the absence of a quorum, with the time to be charged equally against the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, in conformity with the terms of the agreement, I designate Mr. BRADLEY to control the time on this side of the aisle.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I am going to speak briefly, and then I understand the distinguished designated manager on the other side, Senator BRADLEY, will speak. I believe Senator HATCH would also like to speak briefly on this matter. I assume there will then be other speakers.

As I understand, we are talking about equity here. We want to come out on the side of fairness, equity, all those good things that come to the fore when we want to appeal to the voters. In this cast we are doing it 2 days before this tax cut is supposed to take place. It is supposed to take place on July 1. There has already been, I do not know how many, but millions of dollars spent by the Government to notify people, to change withholding, tables and to do a lot of things.

I do not object to efforts to have fairness and equity. We are going to need a lot of that in the next few weeks in our committee. We have to raise $73 billion in revenue. So I hope we do not deposit all of our fairness and equity into this measure because this would only raise $6 billion in 1984 and maybe a total of $20 billion over a 3-year period.

But, again, it is taking money away from people who are paying their taxes. It is, in effect, increasing taxes for workers and others, whether they make $30,000 or $40,000 or $50,000.

It is still taking money away. This Senator just happens to believe that there is plenty of room in the Tax Code to tighten up loopholes without taking away any tax cuts from the American people. I remind my colleagues that the bill we are trying to dismantle now passed this body by a vote of 89 to 11 in 1981. We have had almost continuous assaults on the rate cuts—first on the second year, then on the third year. Finally, now, we have given up on all that and we are now down to just part of the third year, a proposal to just put a cap on it, a $720 cap.

Madam President, it just seems to me that there are a lot of things we could do. Certainly, if we are talking about fairness and equity and making certain that upper-income Americans pay their fair share of tax, there are a lot of different provisions of the Tax Code that ought to be tightened up. Maybe there are new ones that ought to be added. In my view, this is not one of those. This is simply a political effort to indicate that, somehow, President Reagan and those who supported his program—in fact, almost everybody who voted for the 1981 tax bill—somehow favored the rich.

Now, somehow recognizing that they voted to favor the rich, they want to vote against it. I do not know who the rich are. We shall probably hear about that today, too. Evidently, everybody who makes over $30,000, even though it may be a man and wife working, if it is somewhere over $30,000, they are rich.

Madam President, I hope this effort by TIP O'NEILL, which was successful in the House, where he has a 101-vote margin, where he lost 29 Democrats is not successful—but the majority leader did make a promise to the distinguished minority leader that he would bring this matter up. It is up now.

I do not quarrel with the Democrats for wanting to play politics. We are going to have to be exposed to that for several hours—I hope not too long, because there are other important things that need to be done. By tomorrow morning, everybody will have said all they want and we shall vote on it. In my view, the effort will be defeated.

Before I yield the floor let me say that Secretary Regan told us just last week in the Committee on Finance that many, many middle-income taxpayers would be affected by this proposal. I know we are going to hear that and we shall have some examples.

Madam President, as the Senate takes up H.R. 1183, the so-called Tax Rate Equity Act, I trust that on consideration, our Members will agree that this legislation is anything but the measure of equity that it purports to be.

Last week Congress finally adopted a budget resolution for fiscal year 1984. After 6 months of effort Members finally concluded that the only way to reduce the deficit was to order $73 billion in new revenues over the next 3 years, and to scale back the President's defense program. Now many of us have argued for some time that some defense adjustments were in order, and that some revenue changes might be necessary, in the context of an overall agreement that also included real, significant restraint on domestic spending. But this budget misses on two important points: It leaves domestic spending virtually untouched, even provided for new spending under a so-called contingency fund. What is more, it calls for a tax increase that is unlikely to materialize in any event. Members who have the will to vote for a budget sometimes lack the will to implement it, particularly if it requires politically painful decisions on the eve of an election year.

So as we consider the particular tax increase called for by H.R. 1183—for this is a tax increase, pure and simple, and nothing but—we ought to realize in the first instance that this measure lacks any kind of meaningful context. We do not really know where we are going on the budget, or whether we will restrain spending in any significant way. Yet, out of the blue, we are asked to raise tax rates on 8.1 million returns by withholding tax relief scheduled to go into effect this Friday. That is right—we are asked to reverse a policy adopted in 1981, just a few days before that policy takes effect.

Madam President, this is not just bad planning and bad policy; it is hypocrisy. This is not a sincere deficit reduction measure. It is an attack on the President and on our own endorsement of the President's programs. It has nothing to do with the budget. It has everything to do with elections.

But, proponents of the $700 cap proclaim, this bill raises $6 billion. That will help cut the deficit, and go halfway toward meeting the 1984 revenue target in the budget resolution. What is more, it taxes the wealthy rather than the average taxpayer. What could be more reasonable?

First of all, it is hard to claim that these revenues are earmarked for deficit reduction when the budget resolution we just adopted allows for $8.5 billion in new spending in fiscal year

1984 alone, under the contingency fund. If we really want any new revenues to cut the deficit, we should first stop talking about new spending. But it is also a mistake to call this a tax on rich people.

As the Secretary of the Treasury, Don Regan, told the Finance Committee last week—and as he and the President have said repeatedly—many, many middle-income taxpayers would be affected by this proposal. For example, the cap proposal would raise taxes beginning at income levels of around $29,800 for taxpayers who are single and do not itemize deductions. The comparable figure would be $39,200 for joint returns. These people are by no stretch of the imagination wealthy. The fact is that this cap proposal would have very little impact on taxpayers with incomes over $100,000, inasmuch as those taxpayers generally already pay tax at the maximum 50 percent rate and would not get a further benefit from the third year rate cut in any event.

OTHER CONCERNS

Madam President, there are many other reasons to be concerned about the impact of this proposal, both in terms of equity and in light of our economic goals. The cap would undermine the marriage penalty relief enacted in 1981, and nearly half the revenue raised would come from two-earner couples: A disincentive to additional work and savings if ever there was one. Around 2.4 million small businesses would experience a tax increase, at a time when we want to encourage risk taking and entrepreneurship—that is what creates jobs and greater wealth for everyone. In addition, the third-year cap creates odd anomalies and distortions in the income tax rate structure. The abrupt cut-off at $700 requires steep rate rises above that level, and these would be permanent changes. At $35,200 of income, rates would suddenly jump by 9 percentage points, from 28 to 37 percent. Some of us thought there was a consensus for keeping tax rates down to minimize economic disincentives—that is what the proponents of the so-called fair tax, and the flat tax movement in general, have been telling us. But such concerns apparently do not trouble the proponents of this legislation, which gives them an easy opportunity to take a shot at the President's program.

POLITICS

Madam President, it should be clear to everyone that this is a political amendment. If we want to raise taxes on the wealthy—and we all agree, at least in principle, that we want the wealthy to pay their fair share—then we have fair and sensible ways to do that. But it must be for the goal of deficit reduction, and it must be tied to real restraint on spending. Anything else is an illusion and a deception. We certainly can improve tax compliance and cut tax preferences to raise revenue. The Finance Committee has been exploring those options in an extensive way. We are looking at compliance, we are looking at tax shelter abuses, we are looking at tax breaks that help those in the know reduce their taxes while Joe Public has to pay higher tax rates. If you vote for this amendment, that is what you are voting for: Higher tax rates to help maintain special tax privileges. That is not fair, and it is not progress. It is yesterday's politics, and it will not deceive the American people for one minute. The people will get their full tax cut July 1, and they will keep it.

So let us have the debate, let us air all the issues, and get all the rhetoric out of our systems. But when the smoke clears, and we get down to the substance of our problems—the nitty-gritty, as it were—we will still confront the need to pare the deficit with spending restraint, and such revenue measures as we can agree to as we come out of recession. The people understand who is really for fairness and who is really for deficit reduction. The people understand that there is a right way and a wrong way to do things. The right way is to stand up and say, "We know that government programs are popular, and we know it is difficult to cut them. We know that special tax breaks have strong constituences, and we know that it is tough to modify them. But we also know that we have to do both those things, not just to reduce the deficit, but to make government more efficient and to make our economy function more effectively." The wrong way is to take a piecemeal approach and reverse the progress made in recent years in tax policy. We have many budget fights ahead of us: The lines are being drawn, and the voters will remember which side we were on. Unless we draw the line here, the prospects for real action on the deficit are dim indeed. But once this side issue is set aside, I hope that we can work together to tackle our real problems. That is what the public expects.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of the Treasury dated June 27, 1983.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 27, 1983.

Hon. HOWARD H. BAKER, Jr.,
U.S. Senate, Washington, D.C.

DEAR HOWARD: The Senate will consider this week H.R. 1183, which, under the guise of a $700 cap on future tax reductions, actually imposes a retroactive and permanent tax increase on millions of taxpayers. The Administration strongly opposes this bill and urges its defeat.

A $700 cap on the third year of the tax cut is an ill-conceived and unfair proposal which is both bad economics and bad tax policy. Raising taxes now would be particularly harmful to the economic recovery now taking place. And although proponents of the cap claim it would affect only the wealthy, it would in fact result in increased taxes for millions of middle-income families, working married couples, small businesses, and family farms.

A $700 cap, which would increase taxes for 8.1 million tax returns by an average of $654, would hit squarely at our great middle-income class. About half of the tax returns facing a tax increase under this proposal have income of less than $50,000 a year. Some single taxpayers who do not itemize would be affected, even though they earn no more than $30,000 of gross income. In addition, since the top tax rate has already been reduced to 50 percent, the cap would have little effect on taxable income brackets in excess of $109,400.

Compared to pre-ERTA law, marginal tax rates applying to taxable income below $35,200 and above $109,400 would be reduced by about 23 percent under the cap. But the marginal tax rates applying to taxable incomes between $35,200 and $109,400 would be reduced by only 14-15 percent. The result is a tax rate schedule that is particularly onerous for middle-income families. A $700 cap would create a rate schedule that reaches its steepest point—a 9 percentage point increase—at $35,000 of taxable income. At this level of income the marginal rate would jump from 28 percent to 37 percent. And while millions of taxpayers would be affected initially, more and more taxpayers would be subject to these same steep tax rates as the whole distribution of income gradually moves upward.

The $700 cap would also hit hard at two-earner married couples. Millions of taxpayers would be affected by the cap simply because both the husband and wife work. According to our data, 4 million of the 8.1 million tax returns facing a tax increase under this bill involve two-earner married couples. In addition, nearly half of the revenue raised by the proposal would come from two-earner married couples. As a result, this proposal would offset to a significant degree the marriage tax relief enacted in Congress in 1981.

Small businesses and family farms would also be affected by the $700 cap. Small businesses, which are a vital source of jobs and investment, are almost always taxed at individual tax rates. Nearly 2.5 million small businesses, including 350,000 family farms, would be subject to a tax increase under this bill.

Finally, some proponents of the cap claim it is needed to reduce budget deficits. But deficits are not caused because taxpayers do not pay enough taxes. Long-term deficits exist because government spending has grown a lot more rapidly than receipts over the past twenty years. And as many of your colleagues recognize, a tax increase without an accompanying cap on spending would only result in more government spending and bigger budget deficits.

Therefore, I urge the Senate to defeat this proposal.

With best wishes.

Sincerely,

DONALD R. REGAN

Mr. DOLE. I might say as recently as this morning, the Senate Finance Committee held hearings. We will hold hearings again tomorrow. We are going through the tax preferences, tax

expenditures, they add up to $296 billion. They should be reviewed. We have had some outstanding witnesses, including Alice Rivlin, Director of the Congressional Budget Office, go through a list of preferences they have been focusing on. I do not share all of her views, but she has a number of, I think, rather good suggestions.

It is my hope that the Committee on Finance, when we face up to the budget resolution, can come to grips and find some areas of agreement to comply with the budget resolution, or at least do the best we can.

I hope that we might be able to do it by looking at tax preferences and compliance and not go back to the third year of the tax cut or tax indexing which we just passed in 1981 and which many people believe was about the best thing we did in the 1981 Tax Act.

I suggest that we have the debate. Again, I do not quarrel with it. It is a political move and I say that in the positive sense, not in any negative sense. It is a political move. In my view, the Democrats feel that this action will demonstrate to someone, many people, millions of people, that they are fair and Republicans are unfair, that they want to tax the rich, however they may be defined and we want to tax another group, apparently. But in the final analysis, I am not certain next year who is going to remember who wanted to take whose tax cuts away. I am not going to remind people that Democrats only wanted to increase taxes for the rich. I assume we will want to point out that the Democrats wanted to take the tax cut away from everyone, or at least do violence to the tax cut. I think that would be a fair way to characterize the debate.

We do have to reduce the deficit. I hope there is some indication that should this measure fail, my colleagues on the other side will be willing to join us in raising revenue. This cap would provide $20 billion over a 3-year period. We need $73 billion to comply with the budget resolution. I do not think that is possible unless we have some spending reduction.

If that is the case, if this is going to be a commitment by, hopefully not a majority, but a near majority of Senators, 40-some Senators, indicating they are willing to raise the revenues at least $20 billion over a 3-year period—some indicated last week they are willing to raise $73 billion over a 3-year period—then there will be other votes on other occasions. If, in fact, we bring a revenue bill to the floor, we hope our colleagues who now seek to raise taxes on working people will be willing to help us in that effort.

It seems to this Senator that we may as well go about the business of debating this issue. There are no amendments in order. I had hoped to bring up tuition tax credits. It seemed to me if we are going to have this little loophole in this little time on the floor, we should be considering some constructive legislation. I had a substitute prepared, still have it with me, but I am instructed by the majority leader that under the unanimous-consent agreement, amendments are not in order. We will have to bring up tuition tax credits on another day. I am sure it is noncontroversial, will probably slip through here in 30 to 40 minutes.

I am pleased to yield the floor, Madam President.

(Mr. SPECTER asssumed the Chair.)

Mr. BRADLEY. Mr. President, I think at the beginning, we might address why we are bringing this particular matter up at this time. The reason is that when we sought to do it on the debt limit, we were asked to please refrain from doing it on the debt limit in exchange for a time certain to debate this issue. From the outset, we should be very clear about what this bill does.

There has been a lot of rhetoric, a lot of confusion, and a lot of misinformation about this legislation. So let us start with 10 facts. The first fact is that the bill will limit the amount of tax reduction available to some taxpayers under the third year of the Economic Recovery Tax Act.

The second fact—and Senators are going to hear a lot of numbers in the next couple of hours today and tomorrow and the numbers are going to have shifting bases, but this is the most important fact to remember throughout this whole debate; it was confirmed as late as the day before yesterday by the chairman of the Finance Committee on a morning television show—the second fact is that 90 percent of all taxpayers will receive the scheduled tax cut in full—90 percent of all taxpayers will receive the tax cut in full. So this broad middle class that the opposite side is defending is the top 10 percent of the American taxpayers. That is fact No. 2.

Fact No. 3. Even those taxpayers whose tax cut is reduced will still benefit. Married taxpayers will get a maximum of $720, single returns will get a maximum of $637.

Fact No. 4. The bill will raise $38.8 billion over the period fiscal year 1983 through 1988.

This means that the deficit will be reduced by about $39 billion, which in turn means that we will be able to reduce the amount we have to borrow to finance that deficit. So on top of the $39 billion in additional revenues is an interest savings of about $7.5 billion. Thus, over a period of 5 years we have a deficit reduction of close to $45 or $46 billion. That is fact No. 4.

Now, fact No. 5. Of this $38.8 billion, 89 percent comes from taxpayers earning over $50,000, who represent only 6 percent of all taxpayers.

Fact No. 6. The cap will not affect married taxpayers with adjusted gross income under $46,500 or single taxpayers with adjusted gross income under $35,700.

Fact No. 7. The cap will affect less than 5 percent of all taxpayers earning under $50,000. Only 11 percent of the $39 billion will come from the group with incomes below $50,000.

Moreover, the effect on taxpayers earning under $50,000 will be minimal. For example, taxpayers with incomes between $30,000 and $40,000 who are affected by the cap will lose no more than a couple of dollars a week from their tax cut. On the other hand, people earning between $100,000 and $200,000 will lose about $2,500 a year because of the cap. That difference, a couple of dollars a week versus $2,500 a year, is why the bulk of the revenue this cap raises comes from the wealthiest members of our society.

Finally, the cap's effect clearly is confined to taxpayers in the highest income groups. Middle- and low-income families will get their tax cut in full. Remember the fact that 90 percent of all taxpayers will get their full tax cut. Only 10 percent will be affected by the cap. This "broad middle class" that we are hearing defended on the floor today is not the middle class at all. On the contrary, it represents the top 10 percent of incomes in the country.

Mr. President, that is how the tax cap works. Now let us look at why it is needed. Congress and the administration, Democrats and Republicans, liberals and conservatives, all agree that the enormous deficits projected for fiscal year 1985 and beyond threaten a sustained economic recovery. Under these circumstances, it simply makes no sense to go deeper and deeper into debt to pay for a tax cut that we clearly cannot afford. We are borrowing from everybody and pushing up interest rates to finance a deficit so that the top 10 percent of our taxpayers can have their full July tax.

Mr. President, failure to confront this reality threatens the recovery and jeopardizes the tax base. Worse, I think it erodes public confidence in Government's ability to manage the economy and to restore fiscal integrity.

Given this reality, the cap is undoubtedly the fairest way to raise revenues right now. It is certainly fairer than the regressive energy taxes the administration proposed in their standby tax plan. It is certainly fairer than the proposed surcharge that affects all taxpayers including those in lower income groups who have already borne the brunt of the administration's economic program. It is even fairer than isolating one or two tax expenditures that will disproportionately burden the working men and women

of this country, like capping health insurance.

Mr. President, I know that the other side will say, "Well, those tax increases that the President proposed were contingent." Indeed, contingent on the deficit, which is now about 5 percent of GNP, dropping to about 2.5 percent of GNP. That means the deficit would have to fall to $100 billion. The President's own program projected that we would not achieve that goal. So to argue that even though we have proposed these tax increases we really do not think we are going to have to implement them in my view flies in the face of reality and of the evidence from virtually every source including the administration.

Some people are also going to argue that the cap will abort the recovery. That is just nonsense. The $6 billion in 1984 revenue increases is simply not big enough to stifle a genuine recovery. Even the President's chief economic adviser, Martin Feldstein, says the same thing. If the recovery is not genuine, if it is so fragile that giving away less to the top 10 percent of the population is going to catapult us into a deep, deep recession, then we have problems that far dwarf this debate.

Mr. President, many of the same people are going to say to you and to the Senate that notwithstanding the facts we have just covered, this tax cap is not fair. Why is it not fair? Because a few taxpayers making between $46,000 and $50,000 get slightly smaller tax cuts than they otherwise would.

What I want to know, Mr. President, is where were these people in 1981 when most of us on this side offered amendment after amendment to give more of the 3-year tax cut to people making less than $50,000? Where were they then? Voting "no" against giving a bigger tax cut to people with incomes under $50,000. Where were they in 1982 when we offered similar amendments to give greater tax relief to the middle class? Voting "No." And the reason they voted "no" is because they were squarely behind cutting taxes for the wealthy and letting the benefits trickle down through the country—trickle down supply side. That is the basis of the 3-year tax cut.

I think those arguments have been completely discredited by the recent recession. But notwithstanding that they have been discredited, trickle down supply-side rhetoric fuels the opposition that is at the bottom of this debate today. From the beginning, we questioned both trickle down and supply side. Many of us on this side did not believe it in 1981 when we voted against the Economic Recovery Tax Act. We are just as skeptical today.

I believe that all income groups should pay their fair share of the tax revenues needed to run this Government. That is what this tax cap is about—a fair share of tax revenues from the affluent and a fair shake for those who are truly in need.

Mr. President, I know that my distinguished colleagues from Arkansas and Florida would also like to speak at this point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BRADLEY. On the time of the Senator from New Jersey.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand that we are going to debate until 5 p.m., and then there will be a vote; and if anyone wants to debate after that, they can talk for as long as they wish, I suppose, and tomorrow morning between 9 and 10 there is to be 1 hour of debate, equally divided. Is that correct?

The PRESIDING OFFICER. As of this point, 3 hours are scheduled for debate, to follow the vote on the constitutional amendment.

Mr. DOLE. Mr. President, I do not know how many requests there will be on this side. We are on the high ground, so we do not need to talk about it. If you do not have anything to sell, you talk a lot, so I assume that most of the speakers will be on the other side.

The best thing I have heard today has been the calling of the names during the quorum call. That made more sense than most of what we have heard up to now.

I hope that some of those who are going to talk about this great effort for equity and fairness will recall how they voted last year on the 1982 tax reform bill, when we went after a lot of people in upper brackets. I do not recall getting a single vote on the other side until the conference report came back; and then, fortunately, there were 11 Democrats who voted for that bill.

In my view, that is where we should be looking now for equity and fairness, trying to broaden the base of the system, so that we can lower marginal rates.

A tax cut is a tax cut, and if you have to earn more money to pay more taxes and there is a tax cut, you should not be penalized because you are above a certain level. If you want to do that, we should look at tax shelters and other areas where taxpayers with a lot of money and income shelter a lot of it and pay very little tax or have a very low effective tax rate.

A tax cut should be designed so that whatever tax you have, if there is a tax cut, you get the same cut as everyone else. This is not a welfare program we are trying to design.

We are not trying to arbitrarily choose who is high and who is low income.

I am just advised that a lot of the housing projects for low- and moderate-income families are for those who earn $37,000 to $39,000. If that is low income, why is it high income when we are talking about it on the tax side?

So I would simply challenge my friends on the other side to join with us. In the next few weeks it is going to get fairly difficult to raise $73 billion, particularly unless some on the other side are willing to vote not just for budget numbers—that was the quarrel the Senator from Kansas had with the whole budget resolution. It did not mean anything. Anyone can vote for numbers.

But I can already hear it now, that we are for raising revenue but not this particular revenue.

The best way to raise revenue is go back and look at tax compliance which reminds me of the great rush to repeal withholding on interest and dividends, most of it coming from the other side. They were talking about people with a lot of interest and dividend income who are not paying any tax at all. But, now, we cannot collect taxes from those people. No, if we have to withhold on interest and dividends that would be unfair. Unfair to whom? Unfair to the rich; unfair to the working people?

So I just believe it is pretty hard to sell this rhetoric today, based on the fact that there is not any record of votes for tax fairness on the other side.

Every time we have had a tax bill out that calls for reform and tightening up loopholes no one wants to be heard. But there is something about the Reagan tax approach that distresses my colleagues on the democratic side. But we are in a recovery period, even though the Carter recession lasted longer than we had hoped. We are starting in the recovery, and the recovery is in full bloom. If we can figure out some bipartisan way, I might suggest to my colleagues, to put together a revenue and spending reduction package, we are going to have a long sustained recovery. But I would hope that those who are speaking would at least check their votes on previous tax efforts to broaden the base and to try to close some of those loopholes that affect the "rich" and we did a number of those as far as pensions and a number of areas where people had not paid much tax at all, and we are going to collect $100 billion in revenue because of what was done in Congress in 1982.

There were about 25 different items in that tax bill. In addition the compli-

ance provision added about 20 to 25 additional items.

So far we have lost only one. We have lost half of that. That is the withholding on interest and dividend provision which for some reason we will hear a lot of rhetoric about fairness but somehow that was unfair because there we were asking the people to pay taxes who were not paying any tax at all on interest and dividends. It is unfair to ask people to pay taxes they owe, but is not unfair to say we are going to increase your taxes because you are making $32,000 or $39,000 and therefore you are "rich" and you should have a tax increase. This is the folly of the cap.

Good politics—I think that is questionable. Good policy—obviously not, for all the reasons we have stated.

But that does not mean there cannot be an agreement here later on this year on both sides of the aisle to bring down the deficits, and I would just say to my colleagues, my Democratic friends, that we are prepared in the Finance Committee to try to put together a package. But there are not going to be any easy choices in that package. I guess the easiest way is just to take it away from the people. Do not worry about the loopholes. Do not close the loopholes. Do not collect taxes on interest and dividend income that is not being reported. But go after the people, the working people and others who might make $32,000 or $39,000, raise their taxes. Do not close the loopholes. Do not broaden the base of the tax system. And to me that in my view is not the best tax policy.

But again I do not quarrel with my friends who want to get all the mileage that they can out of this debate.

Therefore, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, it will come as no surprise to anyone in this Chamber that I rise in very strong opposition to the tax cap proposal. I do so not out of any sort of pride of authorship—although I am proud to have my name attached to this very significant tax cut—but rather because it is a bad idea offered at the very worst possible time.

This tax cap amounts to nothing more than a legislative mugging of the middle class. Despite all the rhetoric about rich people, the fact of the matter is that this year's tax cut will bring needed relief to middle-income wage earners. The truly rich have already gotten their tax cut, thanks to the actions of this Congress 2 years ago when it lowered immediately the maximum tax rate from 70 to 50 percent—a proposal which not incidentally was offered by my Democratic friends. Now that the wealthy have gotten their breaks, we now are asked to stick it to working Americans.

Make no mistake—by capping the tax cut you will raise taxes for millions of middle-income taxpayers, two-earner married couples, small businesses, and family farms.

Let us look at the facts for a moment.

The $700 cap would increase taxes for 8.1 million tax returns by an average of $654 per return per year.

Nearly half of the tax returns affected by the cap are filed by taxpayers earning less than $50,000 a year.

Nearly half of the revenue raised would come from two-earner married couples; 2.4 million small businesses, including 350,000 family farms, would have their taxes raised. Let me remind the Senate that 86 percent of all small businesses pay only the individual income tax.

So, if you love raising taxes on married individuals, farmers, and small businessmen, then this bill is for you.

Mr. President, I might also say that in all my years in the Senate I do not think I can ever remember a proposal so surrounded by misstatements and half-truths.

It has been advertised as a "rich-man's tax," that unless you are a cousin of J. R. Ewing, you will not have anything to worry about with this tax cap.

That, in a word, is baloney. I do not think married couples with a taxable income of $37,200 are rich. Yet to hear some of my friends talk who support this idiotic tax cap plan, you would think that those people are living in the lap of luxury. Nothing could be further from the truth. Yet those are the people who are going to be hit, and hit hard, by this tax increase. For those in the $35,200 to $45,800 family income range, nearly 40 percent of their third year tax cut will be taken away by this legislation. However, if you make more than $109,400 the tax cap will have little if any effect. That is not taxing the rich—that is taxing the middle class of this country.

Let me remind my colleagues why we passed this 3-year tax cut in the first place.

You might recall that the purpose of this reform was to restore badly needed incentives to our economic system—to remove some of the penalties inherent in our tax system. As the current recovery gains strength, it is essential that the Tax Code not throw any artificial barriers in the way of investment, work effort, and all forms of productive activity. We need to maintain the natural incentives that the 3-year tax cut provided—and we especially need to maintain them for the most productive sector of our economy. We need to make sure that married couples with joint incomes of $37,000 have plenty of incentive to try to get $47,000. If the tax cap passes, much of that incentive will be removed and that would be terribly, terribly unfortunate. Because, Mr. President, it is when couples that make $37,000 try to make $47,000; and individuals that make $32,000 try to make $42,000 or $43,000 or even heaven forbid, $50,000, that this country prospers and thrives. It is then that jobs are created and technology advances. We must not artificially remove the incentives to growth.

Mr. President, we are now seeing an economic recovery taking place that has astounded most observers. The tax cuts are a major reason for that recovery. For that reason, and for the reasons of equity that I have outlined, I urge the defeat of this unfair and highly damaging legislation.

I yield back the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to address a point that was made by the Senator from Kansas about whether or not this bill was political. The Senator from Kansas said he did not care whether it was political or not and I believe him. If it is political to notice that a family of four with a $100,000 income is getting almost 15 times as much tax relief, if this bill is defeated, as a family with an income of $20,000 a year, then I stand guilty of playing politics.

If it is political to believe that a $220 billion deficit this year, that a doubling of the national debt in 5 to 6 years is likely to sink this country's economic ship, and that we ought to do something about it, I stand accused and I plead guilty of playing politics.

If it is political to believe that the people in this country who make $20,000 a year are having a tougher time making ends meet than people making $100,000 a year, if that is political and I am charged with being political, I plead guilty.

If you believe, as I do, that the families in this country who make over $50,000 a year are not part of the middle class, if it is political to believe that, I am guilty, because I happen to come from a State where the median family income is about $17,000 a year. That means half the people in my State make less than $17,000 a year, and half the people make more than that; 1.9 percent of the households in my State make over $50,000 a year, so I invite the President to come to Arkansas and tell the people that those making over $50,000 a year are the great middle class.

Mr. President, in 1981, when we went through this orgy of tax cuts, I

said on the Senate floor, along with 10 other Senators, that if you think you can cut taxes by $750 billion and spend $1.6 trillion on defense at the same time and balance the budget, you are asking me to repudiate everything my second-grade arithmetic teacher taught me, so I voted against it. If you want to read a brilliant speech made on the Senate floor that day, write my office, because I said that tax cut would produce the most staggering deficits this country has ever known.

I said it would be impossible to get our interest rates down to a level where ordinary people, some of those lower middle income people, could own a home. You remember the promises? In our political system people are supposed to be accountable. The Senators in this body have to go home every 6 years and defend themselves and give an accounting of their stewardship, and that is the way it ought to be. It has worked well for us, and I can tell you if this proposal is as politically motivated as the President says it is, I will take my risk; I will take my chances. As a matter of fact, if I were running in 1984, every time I got on the stump and no one raised the question about the fairness of taxes, I would pay somebody to bring it up, because I feel so strongly about it.

The President said we should cut all the taxes, giving 38 percent of the cut to the wealthiest 4 percent of the people in the country, in order to create a big savings pool so that business can borrow money and invest. That was supposed to provide a booming economy which would pay for the tax cuts and balance the budget all at the same time.

Has that been the case? Should the President be called to account for his promises? What has resulted? The stock market fell badly, unemployment went up, and we went into the biggest depression we have had since the Great Depression of the 1930's.

The supply-siders gathered around the Georgetown cocktail circuit and said: "Well, we forgot to go back to the gold standard, that is what is wrong with this."

Somebody else spoke up and said: "No, that is not the problem. We did not cut taxes enough."

At about that time Paul Volcker literally choked off the money supply, guaranteeing the depression which was already underway. Then a third supply-sider spoke up and said: "No, it is not the gold standard and it is not that we did not cut taxes enough; it is that crazy chairman down at the Federal Reserve Board with his tight money policy."

Is it not interesting that 1 year later the distinguished Senator from Kansas and the Senator from Tennessee (Mr. BAKER) agreed that we had to increase revenues or else the deficits would be absolutely out of control.

I applauded them then and I applaud them now. Who was it who said if we did this, then there would not be any chance of supply-side economics working? None other than the President of the United States. He said the same thing about the Dole-Baker bill in 1982 that he is saying now about this tax cap.

What happened after the Dole-Baker tax bill passed in 1982? Why, the stock market took off, people began to think maybe Congress is going to do something about the deficits, and now we have a little embryonic recovery going. Unemployment is still unacceptably high, real interest rates are higher than ever, and if you saw the Post this morning, you saw Treasury bills have gone up 1½ percent from about 8.1 to 9.5 in the last 2 months. If you have been studying the newspapers, you have also read that the U.S. Treasury had to borrow $19 billion in May, the most money ever borrowed in 1 month, the biggest deficit ever run in 1 month. Also, for the first time in history, I believe, we ran a deficit in April, and that is the month of the year when everyone pays taxes.

The President now says we have a recovery beginning and if we impose a tax cap, we will abort the recovery. Do you know how much revenue is involved in this? Six billion dollars. Do you know what the gross national product is supposed to be this year? Almost $3.5 trillion. My point is simple: If a $6 billion cap is going to abort the recovery, we do not have a true recovery. Have you heard the President or anybody else mention the OPEC price cut? The Senator from New Jersey (Mr. BRADLEY) follows this subject very closely. When the OPEC cartel reduced the price of oil by $6 a barrel, it reduced gasoline prices enough to give the consumers of this country almost as much benefit as the third year of the tax cut.

One effect of the depression was that people quit using gasoline because they did not have a job to drive to. Finally, the OPEC cartel fell into a state of disarray and prices tumbled $6 or $7 a barrel.

Even after the President got a gas tax of 5 cents per gallon passed—which just devastates the people of my State—there was still almost a windfall of $20 billion that went into the pockets of the consumers in this country. And now the President says, "If you put the cap on, it will be $6 billion the people do not have to spend and that will destroy the recovery." I do not believe it. I think if the recovery is not stronger than that, then the sooner we find out about it, the better off we will be.

Mr. President, there are two things that I want to reiterate. and that is, first, that $6 billion more in revenue is not going to stop a recovery. No man believes that. Second, nobody believes that people who make over $50,000 are the great middle class. Those are the two arguments the President is making, and they are not good enough reasons to vote against this proposal. Maybe there are some other reasons, but do not vote against this bill for those two reasons.

Did you know that the tax cut in 1981 was so bad that the Congressional Budget Office reported that people of this country who make less than $10,000 a year have actually had a tax increase? Considering bracket creep and the increase in social security taxes, people who make $10,000 a year have had a 24-percent increase in their taxes. Was that fair?

There are a lot of people here today who say that nobody makes $10,000 a year. That is true. A lot of people in my State do not make that much. A lot of people in my State, probably about 30 percent, make $10,000 or less. The 1981 tax cut has put a 24-percent-tax increase on them already, and that does not count what they have lost in the spending cuts in the programs of which they are the principal beneficiaries.

The people making $100,000 a year have had a 14-percent-tax cut. The people making $200,000 a year have had a 17-percent-tax cut, worth $26,000. Is that fairness?

The President has a third argument. He says, "The rich have already gotten theirs." That first year when the top bracket was cut from 70 to 50 percent, he says that took care of the rich people then and they have already gotten theirs.

I agree that they have gotten the lion's share of tax relief. Can you think of a better argument not to give them any more? I do not want to punish the rich. I have been trying to join them all my life. But I do not believe in giving more money to the wealthy and more power to the powerful, and that is what we have seen unabashedly for the past 2½ years.

I have said before, "We don't want to punish the rich or the powerful, but we don't want those at the top of the ladder stepping on the hands of those who are reaching for the first rung, either."

The PRESIDING OFFICER. All of the time of the Senator from Arkansas has expired. Under the order, the remaining time until 5 o'clock is under the control of the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, does the Senator need another minute?

Mr. BUMPERS. I am willing to wait until after the vote and take it up again.

Mr. DOLE. Well, I think what may happen here, I may take 10 minutes and I understand Senator HELMS would like to have 5 minutes on abor-

tion, which sort of fits into this debate. [Laughter.]

Mr. BRADLEY. On which side? [Laughter.]

Mr. BUMPERS subsequently said: Mr. President, another argument, indeed another deception, that the President has engaged in on this issue, he has consistently told the American people that we should not raise taxes.

Surely the President knows that this bill has nothing to do with raising taxes. On the contrary, everybody in the country is going to get a tax break. Ninety percent of the people in the country are going to get exactly the tax cut the President wants them to have. Everyone will get a $720 tax cut. So we are not raising anybody's taxes, we are cutting the taxes of every single taxpayer in the United States.

Mr. President, never in our history has the U.S. Government gone out into the credit markets and borrowed money, borrowed money to pay for a tax cut of such staggering proportions. If this bill is not adopted, the Treasury Department will have to borrow $2.5 billion on July 1 to finance the third year of the tax cut. If the bill is adopted at least it will only have to borrow $2 billion a month instead of $2.5 billion, and though that amount seems small by comparision, every little bit counts.

Mr. President, the point has been made repeatedly during this debate about the inequity of this tax cut. The fact is that the people in the lower income categories literally have had no tax cut; their taxes have been raised. They have been ravished by this administration, and the issue in summary is one of fairness.

How can the President in good conscience say that this proposal harms the middle class when we know it does not? How can the President urge us to give working people a tax cut and then propose a tax on health benefits. Here is the chart that shows his health benefits tax which is about as regressive as any tax that can be conjured up. It will be taking away from them any benefit from the third year of the tax cut and more.

If his health benefits tax becomes law, even people making $30,000 a year are going to pay $213. A tax for 1984 on health care benefits will wipe out the tax benefit that everybody in this country gets that makes less than $30,000 a year. The same song. second verse. Put the tax on the little people. There is the chart. It speaks for itself.

Consider the proposed contingent energy tax which would equal 12 cents a gallon of gasoline which he has proposed for 1984. Since an average driver uses about 1,000 gallons a year, a 12-cent-per-gallon tax would be another $120 tax. People making $100,000 a year could not care less about the $120.

But even that 12-cent-a-gallon gas tax takes up most of the $164 that the President proposes in the third year for people making $20,000.

How long, America, can we go on betraying our national character with any such proposal as that? Maybe we do not have any national character left. Maybe those Judeo-Christian principles that I learned about at the feet of my parents, to be concerned about my fellow man are being forgotten. Maybe we have become so cynical in this country they do not really matter any more. One would almost have to conclude that, based upon what has happened in the past 2½ years and what continues to happen unabated.

Mr. President, the first 3 or 4 months of this year I toyed with the idea of running for President myself. A sagacious man told me, "Maybe you shouldn't run, but I will tell you one thing: There is no divine decree or duty that you be President, but there is a divine decree that you be right."

Henry Clay one time said, "I'd rather be right than President." I never really believed that, incidentally.

However, if the Senators want to do what is right, they will ignore all of the things the President of the United States has said about this proposal. They are erroneous, unfair, deceptive, and distorted. If you want to do what is right, you will vote for this bill.

Mr. DOLE. That is a judgment we will have to make later.

I want to confess to the Senator from Arkansas that it has taken a little longer to get out of the Carter depression than the President planned, but we are doing our best. I will put the Senator from Arkansas down as noncommittal on the President's policy, or at least undecided.

I say this in all sincerity. I appreciate the Senator's commendation of our efforts last year for tax reform, but I would have appreciated his vote more. The point is, Are we really going after the wealthy and the powerful and all these people who are described as rich? I do not know who is rich. It makes a great stump speech, but we have to deal with facts. Who is rich? I do not know who is rich. A lot of people are wealthy, some rich, so I think we have to be specific. I assume most everyone else thinks somebody else is rich and they are not, and I do not want to quarrel with that.

It just seems to me that this is a political exercise. I do not fault that. After all, the Democrats have one view and the President has another view. I have not always agreed with the President. So I do not think we should apologize for trying to get a little political mileage out of increasing taxes.

But I really believe that the answer ought to come in real tax reform. We can quarrel all day about who is going to be hurt and who is not going to be hurt.

I just suggest that last year we repealed the favorable treatment of modified coinsurance that allowed large companies to escape billions in taxes. We restricted the use of foreign tax credits by multinational oil companies. We restricted the use of an accounting method that allowed large defense contractors to escape the corporate income tax almost entirely. We put limits on the amount of money the wealthy can put away tax free in pension plans and lend back to themselves. We tightened up the individual minimum tax to make certain the wealthy pay their fair share.

We scaled back a variety of corporate tax preferences, including intangible drilling costs of large oil companies by 15 percent. We put the brakes on safe-harbor leasing, where we have these giant corporations buying and selling unused tax credits. I just suggest we also put limits on the tax benefits arising from corporate mergers and acquisitions.

That is only 8 of the things we did; there were 25. One we did suggest was that people who were not paying their taxes ought to have the tax withheld on interest and dividend income. But, again, that was repealed, or at least we have lost half of that. I will not argue that, because the Senate has spoken on that.

But the point the Senator from Kansas makes is, with all these crocodile tears about all this for the rich, it just seems to me we are going to have another opportunity, maybe not by July 22—it seems rather impossible to report out a tax bill with $73 billion between now and 1986 by July 22—to revisit this question.

But, in my view, there are still a number of areas we ought to tap, called tax preferences and compliance, to make certain that those who shelter their income or somehow benefit from the Tax Code where there should not be a benefit, and in a lot of cases there should be a benefit, that is what we ought to really go after in a bipartisan way—someone who escapes taxes altogether or some who may pay very little, and I am talking about individuals, corporations, individual partnerships, whatever it may be.

It just seems to this Senator that we have a lot of things we are going to have to hammer out. I agree with the Senator from Arkansas that deficits are intolerable. I never did understand supply-side economics fully. I have said so so many times. I never understood the Laffer curve. I never really wanted to understand the Laffer curve.

In any event, we do have a problem. The problem is we have big deficits up there. Everyone has different ways to correct this.

Mind you, we have to reduce spending. There are many areas we have to reduce spending, such as starting with agriculture.

That is very important in Kansas, but it has gotten out of hand. We have one program, the PIK program, that pays you to take land out of production, and you have another program asking farmers to produce more. You have conflict there.

You tell the farmer one time to take the land out of production and, on the other hand, you tell him to produce more, to put more fertilizer on the land and to have more production.

There are a number of areas that we ought to address.

It just seems to the Senator from Kansas that my colleague on the House side, the chairman of the Ways and Means Committee, was not too anxious to bring this bill to the House floor, but the Speaker wanted it there. The Speaker had the votes and the Speaker prevailed. Obviously, it was apparently by some polling device, or whatever, but it indicated that this was good politics. If you say you are going to tax the rich, a lot of people do not know who the rich are, but they think that must be the guy across the street. "If they are going to tax that guy, I will vote for whoever says that."

We have a lot of candidates here running for office, a lot of Presidential candidates that come in and out of the Chamber, who visit here from time to time. They will all vote to tax the rich. That is popular, to tax the rich, unless we define who the rich are.

We have to deal with realities, as I indicated before. I would hope that when the vote comes at 10 o'clock tomorrow, we will indicate we are going to keep the third year of the tax cut and then, hopefully together, we are going to hammer out some revenue along with some spending restraints to bring down those deficits and sustain the recovery.

Finally, let me add that despite all the comments, the interest rates were 20 percent, or over 20 percent in 1980, and they have been cut in half. The inflation rate has been cut by more than half. The growth of Federal spending has been reduced sharply since President Reagan took office.

So, we can stand up and denounce the President. I know we are getting close to 1984. There is every indication that he is going to be a candidate in 1984. So that is understood.

We do have to bring down the deficit. If the economic program works, it will be good news for the President. If it does not work, it will not be so good.

So, Mr. President, I am prepared to yield the remainder of my time to the distinguished Senator from North Carolina.

CONSTITUTIONAL AMENDMENT ON ABORTION

The Senate continued with the consideration of the joint resolution (S.J. Res. 3).

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Senator from Kansas.

Mr. President, I ask unanimous consent that the vote on Senate Joint Resolution 3 appear immediately following the conclusion of the debate on that issue.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask that the statement I am about to make appear just before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, Senate Joint Resolution 3 fails the fundamental test of a constitutional amendment: It will leave unsolved the problems it purports to address. It does not promote a sense of resolution as should an amendment to the Constitution. But more than that, Senate Joint Resolution 3 undercuts a secure and vital constitutional right, women's freedom of choice.

However artful its designers might obscure the intent of this amendment behind philosophies of States rights or federalism—all of us should be able to agree that Senate Joint Resolution 3 aims to eliminate the right to abortion. This right was first recognized by the Supreme Court 10 years ago in the Roe against Wade decision; that historic decision was amplified and reconfirmed a few weeks ago with the Akron decision.

The sponsors of this amendment would like to sweep the Constitution clean of any argument supporting a right to abortion. But the right to abortion is central to the realization of due process for 51 percent of our population. Rhonda Copelon of the Center for Constitutional Rights has well articulated the reasons behind the right to abortion:

> No decision of the Supreme Court has meant more to the lives, the health, the well-being, the freedom and the dignity of women than the decision in (Roe). While this decision alone can hardly remedy the historic inequality of women, recognition of the right to make childbearing decisions is fundamental to the attainment of equality and the realization of women's full capacities as human beings.

This amendment aims to eliminate that constitutional right.

Mr. President, it would be bad enough if Senate Joint Resolution 3 were limited in its distinction to ending a constitutional right, but to limit a constitutional right without, in any appreciable degree, resolving the debate over this issue is even worse. Passage of Senate Joint Resolution 3 will not end the abortion debate. But it will bring great harm to our system of federalism and to historic principles of constitutional rights.

This amendment would increase litigation, confusion, and complexity at all levels of government. The sponsors are aiming for a States rights solution—giving each State the right to pass its own abortion laws. But nothing in this proposed amendment would prevent resolution in this area by both the State and Federal Governments. States would be permitted to regulate abortion as with any other area, only to the extent their statutes do not conflict with Federal law. Such complications, particularly if State and Federal law differ, portend a future of massive litigation if this amendment becomes part of our Constitution.

It does not take a great deal of imagination to guess the many areas of future conflict—conflicts which will require further adjudication by the courts if this amendment passes the Congress and the majority of the State legislatures. What if the Federal Government passes a restrictive abortion statute and a State passes a liberal abortion statute? What if someone argues for a right to abortion on grounds other than the due process clause the Court used in Roe. If this amendment passes the Congress, the debate will become more intense throughout our Federal system. Those looking for a resolution of the abortion debate should not be fooled by this amendment.

Worst of all, passage of this amendment will promote the concept of "50 different U.S. constitutions." If, as the sponsors of this amendment wish, passage leaves the States free to pass restrictive abortion statutes, we will have created a situation in which the fundamental concerns of privacy, due process, and autonomy for women mean one thing in Colorado, and another thing in Utah, something else in another State. If we are dealing with constitutional rights, as I believe we are, they must be applied equally throughout our Nation. If not, the unity of our National Constitution is broken. To think otherwise is to misread the notion of federalism. If abortion is wrong in all circumstances, it should be allowed nowhere. If abortion is right, it should be permitted in all the States. That is the traditional application of a constitutional right.

Passage of this amendment will encourage a balkanized bill of rights in which each State possesses its own attitudes on which rights are constitutional. The danger in this approach was best raised by Abraham Lincoln over 120 years ago when he said that "our Nation cannot endure half slave and half free." Similarly, we cannot have two different nations with re-

spect to the fundamental right to abortion.

Mr. President, this amendment should be opposed by all Americans who support civil rights and traditional processes for changing the Constitution.

If this amendment becomes part of our Constitution, the message will be clear to future generations: If you do not like a constitutional right change it by legislative majorities. The sponsors of this amendment are suggesting that if you do not like a constitutional right, simply amend the Constitution to eliminate the powers of the court by saying that something is no longer a right. Today it is abortion. Tomorrow it might be free speech or assembly. Such court-stripping is offensive to our constitutional traditions.

I opposed such court stripping efforts last year and I will continue to fight them this Congress. The legislative, whether in Washington or the State capitals, should not have the power to nullify a right by saying that it is no longer a right. That is not the way our system is supposed to work.

Mr. President, I urge my colleagues to vote against this amendment. In opposing Senate Joint Resolution 3, we are not simply voting on the issue of abortion—we are also voting on the type of Constitution we want to live under. This amendment will not promote the constitutional change compatible with our fundamental freedoms. In closing, I wish to quote from Rhonda Copelon, who succinctly and clearly provides moral ammunition to all those who hope that with this vote, the Senate will put the abortion debate behind it and start protecting—rather than denying—the basic rights of the American people:

> Never before has this nation—despite great outcry against certain decisions of the Supreme Court—passed a Constitutional amendment that took away a fundamental Constitutional right. Once before, with the 18th amendment, we approved an amendment that invaded the private sphere. Prohibition was a disaster: it bred violence, death, and disrespect for law; it created huge profits that built a criminal trade; it made criminals of decent people; and it caused the watering down of other Constitutional safeguards. To amend the Constitution to augment rather than limit the power of government over the personal aspects of people's lives invites these dire consequences. And to do so in an area which is not simply a lifestyle, but affects the right which is a cornerstone of liberty and equality for women, can only produce massive resistence and unforgivable carnage.

Mr. BOSCHWITZ. Mr. President, I rise as a supporter and cosponsor of Senate Joint Resolution 3, the Hatch amendment, that states "the right to an abortion is not secured by this Constitution."

Some years ago, prior to being elected to public office, I scheduled a series of meetings with fellow Minnesotans on both sides of the issue who I felt would help me review the complexities and controversies surrounding the abortion issue. I met with medical doctors, biologists, theologians, feminists, geneticists, and others. I came away from those meetings with a much better understanding and I also came away from those meetings with the firm conviction that human life begins at conception.

Therefore, the basis of my support for this amendment and my opposition to abortion is that life begins at conception. And just as we would not terminate the life of an elderly person whose life's work may be done, we must protect human life at every stage of development.

Previously I referred to the many meetings I had to help me in reviewing this issue. I spoke on several occasions with Dr. Hymie Gordon, chairman and professor of medical genetics and physician at the famed Mayo Clinic in my home State. Dr. Gordon, in testimony before a subcommittee of the Senate Judiciary Committee stated:

> I think we can now also say that the question of the beginning of life—when life begins—is no longer a question of theological or philosophical dispute. It is an established scientific fact. Theologians and philosophers may go on to debate the meaning of life or the purpose of life, but it is an established fact that all life, including human life, begins at the moment of conception.

Dr. Gordon further stated:

> I have never ever seen in my own scientific reading, long before I became concerned with issues of life of this nature, that anyone has ever argued that life did not begin at the moment of conception and that it was a human conception if it resulted from the fertilization of the human egg by a human sperm. As far as I know, these have never been argued against.

Once I came to the conclusion that life begins at conception, the issue of abortion was no longer as complex or as controversial. Because, if at conception there is life, then an abortion ends a life. Our society forbids one human from ending another's life and I support that vow.

I will vote for the amendment sponsored by Senator HATCH. It is not a perfect solution to this problem, but we must start somewhere to guarantee the protection of human life.

Mr. SPECTER. Mr. President, after much deliberation, I am voting against Senate Joint Resolution 3 because of my deep-seated view that it is unwise to amend the Constitution in response to specific Supreme Court decisions.

I have long held that view. When I was the district attorney of Philadelphia, I was outraged by U.S. Supreme Court decisions on confessions and other subjects which made law enforcement very difficult; nevertheless, I opposed amending the Constitution as a means to overturn those decisions. If we amend the Constitution in response to specific Supreme Court decisions, we initiate a process which would call into question decisions affecting very basic rights such as freedom of speech, religion, and press.

In addition, I find particularly troublesome the fact that the effect of Senate Joint Resolution 3 would be to create the setting for 50 separate State laws on abortion. I believe that a State-to-State divergence on such an issue of fundamental national importance is unacceptable. Any law on such a fundamental issue should be uniform throughout the land.

Mr. HEINZ. Mr. President, I address the Senate as one personally opposed to abortion, convinced that its use as a commonplace method of birth control is contrary to values of human life and dignity held in common by myself and many Americans. It is for this reason that I have consistently voted to restrict Federal funding of abortion to only those cases involving the life of the mother, rape or incest, or instances of severe physical health damage to the mother. I also count myself among those troubled by the Roe and Doe decisions, and the most recent Supreme Court decisions which have invalidated many duly enacted State laws aimed, in some cases, at improving even in a minimal way information available to pregnant women seeking an abortion.

But, I am also troubled by the amendment before us, which, according to its sponsors, would return the issue of abortion to each of the 50 States to decide for themselves and would restore abortion to the legal status existing prior to 1973 and the Roe decision.

Subsequent to the Roe decision, I said in a 1976 interview with the Pennsylvania Catholic Conference concerning my views as a candidate for the U.S. Senate, to quote from their transcript, "I don't think something having the moral or civil rights implications that abortion has should be left to the discretion of the States."

The proponents of Senate Joint Resolution 3 have argued forcefully that this is exactly what they seek to achieve by this amendment. Inasmuch as my view remains unchanged today, I am obliged to oppose the resolution on the grounds that having 50 different State laws, irrespective of one's moral view of abortion, cannot be justifiable public policy.

Although I would vote against the proposed amendment to the Constitution solely on the basis of its failure to insure and confer nationwide equal protection under the law on an issue of profound national significance, I am also concerned about the amendment because of significant disagreement about the actual effect and consequences of it following ratification. Fully one-half of the Senate Judiciary Committee voted against favorably reporting Senate Joint Resolution 3. All

nine of these Senators concluded that—

> The resolution leaves unresolved the problems it purports to address and cannot possibly culminate in the sense of resolution that (constitutional) amendments ought to promote in our diverse society.

Also cited was the testimony of Prof. Laurence H. Tribe, a constitutional scholar, who testified that—

> The amendment poses as many questions as it answers, falls considerably short of its apparent purpose, and would contribute to further litigation.

Mr. President, I am not a lawyer, let alone a constitutional scholar, and I will not claim to be the final legal authority on how the words of the Hatch-Eagleton amendment would be translated by the courts in the course of history. However, I do believe that the Congress should have a reasonable certainty about the expected outcome of a new law proposed for enactment. It does seem to me that the wording of the amendment—"A right to an abortion is not secured by this Constitution"—has generated significant disagreement among respected legal authorities on both sides of the abortion issue, and, therefore, I cannot conclude that the proponents of the amendment have met what I believe to be both a reasonable and necessary test of clarity of effect of the amendment. This, too, weighs against its enactment.

I have stated before that I do not agree with the extreme position taken by the Supreme Court on the issue of abortion. Absent a change of constitutional interpretation by the Court which seems unlikely with the recent Akron decision, the only method of achieving any change from Roe is by changing the Constitution through the prescribed process of a constitutional amendment. I am willing to support appropriate change. But, that should not be misunderstood as a willingess to support any constitutional amendment, and, for the reasons I have indicated, Senate Joint Resolution 3 is not an amendment I can support.

Mr. HOLLINGS. Mr. President, I rise today in opposition to Senate Joint Resolution 3. My colleagues who also oppose Senate Joint Resolution 3 have amply described and documented the various infirmities of this amendment. There is no need for me to further reiterate the specific problems it poses.

The issue of abortion is one that always has and always will invoke a high emotional reaction among proponents and opponents alike. It is an issue which involves one of the most fundamental rights enjoyed by U.S. citizens. That fundamental right, of course, is a constitutional right to privacy.

Ten years ago, the U.S. Supreme Court, in Roe against Wade, held that the right to privacy founded in the 14th amendment's concept of personal liberty protected a woman's decision whether or not to terminate her pregnancy. However, the Supreme Court did not fail to recognize the competing interests at stake when it handed down this decision. Rather, it tried to strike a reasonable balance between the individual woman's right to privacy and the society's interest in the preservation of life.

Simply stated, the Court in Roe against Wade held that the individual has the right to choose during the first trimester of pregnancy. After the first trimester, a State may regulate the abortion procedure in ways that are reasonably related to maternal health. Once fetal viability has been reached, a State may regulate and even forbid abortion except when the life of the mother is endangered. I firmly believe that this decision strikes the proper balance between the competing interests.

This delicate balancing of interests is the best solution available when one considers the divergent opinions of leading experts in the medical, legal, philosophical, and theological fields on the issue of abortion. The differences are most pronounced theologically. The record will show that in medieval times St. Thomas Aquinas and St. Augustine, two of history's leading theologians, separately considered the issue of the beginning of life. Their inquiries narrowed the issue to the question, "When did the soul join the body to become a human?" St. Augustine took the very reasoned position that this occurred when there was the first breath of life—at the time of birth. St. Thomas Aquinas analyzed the development from embryo or fetus, from stages of the seed, the plant, the animal, the human, and concluded that the soul joined the body 3 months before birth. If even these two great theologians could not decide this issue, surely the politicians in Congress should refrain from any attempts to do so. Senate Joint Resolution 3 is such an attempt and I must oppose it.

Mr. President, I stand today in support of the individual's constitutional right to choose whether or not to have an abortion. As the Supreme Court has recently reaffirmed its protection of this right in the Akron case, so do I reaffirm my commitment to oppose any congressional attempts to curtail that right. There is nothing more precious than an individual's right to privacy and a woman's right to make decisions affecting her body and welfare must not be jeopardized by the resolution before us or by any similar future legislation.

Mr. MATTINGLY. Mr. President, I regret that the issue of abortion must come before this Congress. However, as many difficult decisions must be made here, so, also, must this one be made. The difficulty is that in making this decision we must make a judgment regarding two fundamental rights—the right of privacy of the individual and the sanctity of life. It is not a question of politics and it is not a question of government.

The prochoice forces in this debate argue that it is not appropriate for the Federal Government to intercede in the abortion question. Yet, it was the Roe against Wade decision that made abortion a national issue. I support Senate Joint Resolution 3 because it would return us to the pre-Roe status when States, not the Federal Government, would be able to legislate with respect to abortion.

I have studied this issue and corresponded with, met, and talked to many people about it. People from all walks of life find it an emotional subject and one which is discussed with fervor. Honestly speaking, there have been many occasions when I wished the issue would just go away, but it will not.

The vote which each of us will cast today is one on which we all have thought long and hard. For me, my decision to vote yes is based on two conclusions. First, the Constitution of the United States does not secure the right to abortion and, therefore, the Federal Government should not shape abortion policy. Second, the mother's right to privacy must not override the right to the protection of the life of the fetus. Both the mother and the unborn child are human beings who should be afforded every protection of the laws of this land.

In closing, I should like to quote one of our Founding Fathers, Thomas Jefferson. This quotation was taken from an address he made to the Republican citizens of Washington County, Md., in March 1809. Mr. Jefferson said, "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." I trust that we will all vote accordingly.

Mr. BUMPERS. Mr. President, a decade has elapsed since the Supreme Court decided Roe against Wade. The fact that abortion continues to be the focus of an emotional national debate, however, reflects the continuing and unresolved moral and ethical issues that are involved. Many Americans continue to hold fast to the concept that a "person" in the constitutional sense should include a fetus from the moment of conception. Others hold fast to the notion that the question of abortion raises overriding concerns of personal privacy protected by the concept of "liberty" guaranteed by the 14th amendment to the U.S. Constitution.

Emotional and strident arguments are made on both sides of the issue. I

appreciate the sincerity with which many of my colleagues are approaching these difficult questions. I appreciate the sincerity of the motives of many of those who vigorously support Senate Joint Resolution 3. I recognize that their support for this constitutional amendment flows from deeply held moral convictions about a very controversial matter.

First of all, let me say that I agree that the appropriate manner by which to overturn the Supreme Court's opinion on the constitutional issue is by constitutional amendment. The constitutional amendment process set out in article 5 of the Constitution is indeed a "leadenfooted" process, and it was intended to be so. After all, the sovereign people of the United States have chosen to amend this almost sacred document only 26 times since the Constitution was ratified in 1789. Aside from the merits of the underlying issue—be it abortion or whatever—the appropriate way to overturn an interpretation of the Constitution by the highest Court in the land is by constitutional amendment. This method is infinitely preferable to passing a mere statute which purports to strip the courts of jurisdiction over the question of abortion, a method the Senate soundly rejected last year. I do not think that the Constitution can be properly amended by the backdoor "court-stripping" method, and I am pleased that the Senate is debating a straightforward proposal to amend the Constitution. I frankly do not believe that there is a consensus in this country for overturning the Roe decision, but should we decide to do so, we should carry out our intent in a way that will not violate the integrity of the Supreme Court and the power of the Court spelled out in Marbury against Madison to determine ultimately what the Constitution means.

Nevertheless, I cannot in good conscience vote for this measure. First, if made part of the Constitution, this measure undoubtedly would result in a quiltwork of State laws. One State might ban abortion completely, another State only in certain circumstances, and still another State might allow abortions in all circumstances. The right to an abortion would depend upon whether one lived in Texas, Idaho, Michigan, or Florida. in my judgment, the result would be that pregnant women who were desperate for abortions would flock to those States with the most liberal abortion laws. Pregnant women who happened to be poor might well resort to illegal or unsafe means for abortion out of sheer desperation. In this sense, we would probably end up with a situation similar to that which existed before Roe against Wade. The availability of safe abortions would be determined by one's State of residence and economic status. According to estimates from the Centers for Disease Control, in 1972, before Roe, nearly 200,000 women living in States where abortions were illegal crossed State lines to obtain legal abortions. The same thing would happen if this constitutional amendment is adopted. Again according to the Center for Disease Control, there were an estimated 130,000 illegal abortions in 1972 and 39 deaths as a result of "homemade" abortions, and in my judgment there is every reason to believe that indigent women in restrictive States would again resort to unsafe homemade abortions if this amendment is adopted.

Second, I am also deeply concerned that the amendment is too broad. In providing that no right to an abortion would be protected by the U.S. Constitution, the amendment would allow any State to prohibit abortion absolutely, even in cases of rape, incest, or where the mother's life would be endangered by childbirth. Under this amendment there would be nothing to prohibit a State from denying a woman the right to an abortion absolutely. Many of the questions related to abortion are extremely difficult for most of us, but I am absolutely and firmly convinced that a woman should not be forced by a State to give birth after a conception forced by rape or incest or in circumstances in which the mother's life would be endangered by birth. To me, it is no answer to argue that most States probably would allow abortions in these circumstances. After all, we are debating a constitutional amendment which would change the fundamental law of the land, and we should not, in the hope that States will uniformly act rationally, place a provision in the Constitution that gives them the freedom to act irrationally.

There are deeply held views by responsible men and women on both sides of the abortion issue, but I am simply not persuaded that a consensus exists for completely erasing any constitutional protection for the right to an abortion.

Mr. LUGAR. Mr. President, today I offer my strong support of Senate Joint Resolution 3, the Hatch-Eagleton amendment, declaring that a right to abortion is not secured by the U.S. Constitution. Recent decisions by the U.S. Supreme Court reaffirm the need to address the issue of abortion through a constitutional amendment, and I compliment the Senators from Utah and Missouri for pursuing that approach.

I share the belief of many of my colleagues that the Roe against Wade decision was an ill-founded one which went far beyond appropriate judicial discretion. The result of that decision has been a tragic "abortion on demand" policy which has cost millions of lives during the past 10 years.

Today, as in the coming years, my vote will reflect my belief that the unborn fetus is a living human being who deserves full protection of the right to life.

Mr. MITCHELL. Mr. President, abortion is a serious issue which deserves our most serious concern. During the past 3 months, I have met with numerous individuals and groups, in Maine and in Washington, to listen to and consider their views on the issue before us. I have read many statements, articles, and pamphlets, as well as a number of books on the subject. I have listened to and studied the debate yesterday and today in this Chamber. After much deliberation, and with deep concern, I have concluded that I must vote against Senate Joint Resolution 3, the Eagleton-Hatch amendment, the so-called human life federalism amendment.

I have a deep personal and religious conviction against abortion. As a Catholic I am keenly aware of the importance my church attaches to the issue. But I am also aware that as a public official, my obligation is to all of the people, and especially, the Constitution.

It is to that fundamental, national document to which I first turn. There are extremely complex questions of constitutional law presented by an effort to amend the Constitution, which is intended to embody our Nation's most fundamental and lasting values. It expresses basic principles, with respect to the structure and procedures of Government and the rights of individuals, on which we as a country have reached a national consensus. As such, the Constitution speaks as a voice of unity for our people.

Social, economic, and political issues which we debate always arise in our public forums. But we generally do not, and should not, look to amend our Constitution in an attempt to force an artificial consensus on the controversial issues at hand. While the original text of our Constitution was written almost 200 years ago, it has been amended very sparingly, only 26 times.

This fact helps to explain why our Constitution, unlike that of many other nations, has been so durable over time. I am personally inclined, for that reason, to be very conservative about amending a Constitution which continues to prove its basic soundness nearly two centuries after its adoption.

Within our society, abortion remains a highly emotional issue on which there is widespread disagreement as to both its moral and medical aspects. Millions of Americans strongly believe that abortion is equivalent to murder and should be outlawed by the Government. Millions of Americans believe just as strongly that abortion is not an issue in which Government should be involved, that it is a pro-

foundly personal matter, to be decided only by a woman in consultation with her family and her doctor.

This is not an issue on which there is anything even remotely resembling a national consensus.

Moreover, the amendment does not even purport to impose a single, uniform national standard.

The intent of the amendment is clear: To overturn the 1973 Supreme Court decision in Roe against Wade, thus restoring the situation which existed prior to that decision. States would then be free to deal with abortion policy as they see fit and abortion laws would vary from State to State. People can and do differ over the wisdom and morality of the current legal formula by which the rights of women and the rights of the unborn are considered. But if our Constitution does indeed express basic principles on the rights of individuals, then the rights at stake in this issue should not be left to the differing views of 50 State legislatures.

If abortion is to be restricted, then it should be so in every State in this Union. If the right to choose abortion is a matter between a woman and her doctor, then it should be so in every State in this Union. So I oppose this amendment because it attempts to force an artificial consensus into the Constitution while at the same time it fails to insure that the effects of the amendment reach across this country and touch all citizens equally.

I also oppose this amendment because I fear it will not accomplish what its supporters hope for, a significant reduction in the number of abortions performed annually in this country.

This Nation tried once before to amend the Constitution on a social issue on which there was no broad consensus. I refer, of course, to the ill-fated 18th amendment enacting prohibition. Prohibition was a bitterly divisive issue. Nevertheless, strong social pressures led Congress to adopt the 18th amendment forbidding the manufacture and sale of all intoxicating beverages. Because that amendment did not express the kind of broad, enduring principle that belongs in the Constitution, it was neither respected nor enforced. Drinking not only increased, but became more fashionable during the next decade. Organized crime prospered by making liquor available to the public, and disrespect for the law increased dramatically. In the end, Congress proposed what is now the 21st amendment to repeal the 18th.

The unfortunate experience with the 18th amendment should teach us all a lesson: We must carefully consider the implications of amending the Constitution—especially when dealing with an issue which is deeply emotional and on which no national consensus exists. This was essentially the problem with the 18th amendment—no one stopped to consider its implications. Instead, our Nation was forced to live and learn them. I fear this will also be the case if we move now to amend the Constitution to overturn the Roe against Wade decision.

There are now about 1½ million abortions a year in this country.

But 10 years ago, when abortion was illegal in almost every State, estimates of abortions performed ranged from a quarter million to as high as a million a year. The law was not enforced. It simply drove the practice underground, where women performed abortions on themselves or had them performed by unqualified persons in unsafe places. As a result, many women died.

Passing this constitutional amendment will not by itself end abortion.

Our lawbooks are filled with laws that were passed by legislators who did not think through the implications of their actions. It is not enough just to pass a law. We must consider what will happen after it is passed.

The supporters of this amendment openly intend that it will be followed by legislation at the National and State levels prohibiting abortions. What will happen then?

If we do not enforce those laws, we will simply push the practice back underground and we will create disrespect for the law. That always happens when you pass a law that is not enforced.

The result will be a pervasive disrespect for the law in general and for the Constitution specifically. This can only cause great harm to our society, especially with our younger citizens, who already see widespread disobedience of the laws involving drug use. I see no sense in seeking a constitutional amendment if a major byproduct of its enactment will be adverse to the law of our land.

At the same time, I believe enforcement of laws prohibiting abortion poses an insolvable social problem. It just could not be done. To be enforceable, a criminal law must reflect a consensus of society. There is no such consensus about abortion. Indeed, if the resulting State laws were rigorously enforced, the possibility exists that a large number of women would be prosecuted for criminal activity. Yet those so prosecuted would be considered by many as morally correct and fully responsible members of the community. Indeed, if history is any guide, the most likely offenders of State abortion laws would be terrified teenagers ignorant of birth control techniques, or women with families who cannot afford either another child or the cost of travel to another State with less restrictive abortion statutes.

The impact on our criminal justice system would be severe. We would have to build new courthouses, hire more prosecutors and appoint more judges, all to try to accommodate the avalanche of "criminals" created by antiabortion laws, most of whom would not be viewed by a large segment of society as being criminal. Indeed, the underlying dilemma is that what we would define as criminal is conduct which many of our citizens view as acceptable private behavior.

Of course, even then, abortions will continue to be performed, though under much less safe and sanitary medical conditions. In short, I think it is likely that any attempt to enforce any subsequent antiabortion laws passed by the States would contribute to social unrest and turmoil. I might add that enforcing the various States' antiabortion statutes will also increase the control of government over the affairs of the American people. In a time when we hear so often the need to "get government off our backs," the Eagleton-Hatch abortion amendment would have just the opposite effect. It would promote further interference by the Government in our private lives. It is ironic that many of those who so fervently condemn the Government's intrusion into our lives now seek to force the full weight of the Government's criminal power into an area of conduct which is so personal and private.

I am personally opposed to abortion. I am also deeply troubled by the complex ethical questions involved. I would very much prefer that no abortion ever be necessary. If I were a physician I could not, in conscience, perform an abortion. Ultimately, I hope abortion becomes an obsolete issue as better contraceptive methods are developed and made more readily available to an increasingly well-informed adult population.

I also know many abortions are performed because of the most compelling personal urgency and I am hesitant to impose upon others my personal religious convictions even though I am convinced that those convictions, have a sound base as a matter of private ethical judgment.

I know many people in good faith disagree with my conclusion. I respect that. But I must act in what my conscience and my judgment tell me are the best interests of the people of Maine and the Nation.

It is ironic that a legislative body that is 98 percent male should be making a decision of such fundamental importance to women. It is, ultimately, women who will bear the burden of our decision, whatever it is.

In a very real sense it is their bodies, their rights, their liberties at stake here.

But no matter the irony, the choice is upon us. By out votes we must decide. Let us hope that our decision is

informed with guidance from the Supreme Being who has created and cares for us all, men, women and children alike.

Mr. HELMS. Mr. President, I have listened to the debate on this amendment very carefully. What I have been hearing is a great deal about abortion and the right to life, but very little about the far-reaching implications of this specific constitutional amendment, Senate Joint Resolution 3. What I have been hearing instead, from both sides in this debate, is that this is a referendum on the right-to-life issue.

Mr. President, I cannot view the proposition before us as a referendum on the right to life. The constitutional issues involved are too complicated to reduce it to a simplistic yes or no. I am convinced that any group that attempts to use the outcome of this amendment as a litmus test on the issue of prohibiting abortions will be doing a disservice to the prolife movement. The fact is that this amendment, by the admission of all on both sides, does not prohibit abortions, nor does it return the legal situation to the status that existed before Roe against Wade.

As I said yesterday,

> The unfortunate fact is S.J. Res. 3 does not advance the principle that human life is inviolable. Instead, it surrenders forever this principle in exchange for the illusory hope that some lives may be saved.

Mr. President, let me reiterate the central point which I sought to make in my statement yesterday, and it is in the RECORD of yesterday.

> The basic problem with S.J. Res. 3 is that, instead of recognizing the unborn child's inalienable right to life, it merely rebuts the concept of a right to abortion. After ratification, the Federal and State Governments apparently may or may not, as they choose, secure the right to life for unborn children. In this regard, S.J. Res. 3 would institutionalize in the text of the Constitution, the idea that abortion is a matter of choice for the governing authorities. Moreover, it would thereby undercut the correct understanding that the Fifth and Fourteenth Amendments protect all human "persons" including the unborn. In short, S.J. Res. 3 runs contrary to the remaining moral principle of the prolife movement that no government ever has the authority to sanction the destruction of unborn human life.

Mr. President, that is the nub of it. Senate Joint Resolution 3 would allow government to have the authority to authorize the destruction of unborn human life. I listened in amazement yesterday as the distinguished Senator from Oregon framed the argument correctly. Obviously Senator PACKWOOD and I disagree on the abortion question; more fundamentally, we are diametrically opposed to each other's positions on it. Yet, I commend him for making my point for me when he said:

> There are those, therefore, who say let us take the best we can get. Let us have a genuine States rights amendment and attempt to turn the law back to what it was prior to Roe against Wade, although I will emphasize the amendment before us does not do exactly that. The problem with that amendment, however, is if you are a genuine right-to-lifer, if you really believe deep in your heart that abortion is murder, then in good conscience you cannot support a States rights amendment. If you really deep down are convinced that abortion is the unjustified taking of innocent human life, then you cannot bring yourself to say, "But I will vote for an amendment that says it is OK in New York but not in Pennsylvania; it is OK in Oregon but not in Idaho; it is OK in California but not in New Mexico." If you truly believe that abortion is murder and wrong, it is hypocritical to support that kind of an amendment.

Mr. President, this was the statement of Senator PACKWOOD. On this point, and this point only, I agree with him. No one has been able to demonstrate to me that abortion is not the taking of an innocent human life. Yet the distinguished Senator from Utah (Mr. HATCH) acknowledges that his amendment would allow some States to permit abortion and others to restrict it. Mr. PACKWOOD is exactly right when he points out the contradiction that Mr. HATCH's proposed amendment involves.

Indeed, Mr. President, with all due respect for the motives of the distinguished Senator from Utah, he has led us to a Hobson's choice. I am convinced that a tactical error has been made in bringing up a constitutional amendment without having the necessary votes or being in striking distance. I have not opposed his efforts, but I cannot support them.

Therefore, I am in a dilemma. If I vote "yes" on Senate Joint Resolution 3, then I am in the position of supporting a proposal that, if ratified, would allow the States to sign the death warrants of the unborn. If I vote "no" on Senate Joint Resolution 3, then the news media of this country will attempt to make it appear that I have sided with the anti-life movement in the United States.

It is my intention, therefore, to vote "present" on Senate Joint Resolution 3. Let my vote "present" show that I respectfully disagree with both sides in this debate.

Finally, Mr. President, the prolife movement should look where the votes are. We should look first to the passage of a statutory remedy, such as S. 26, or any other suitable statutory remedy. I believe that we can get a majority vote in this Senate for abortion reform. Second, we should look to the Supreme Court for the votes. The three dissenting votes, led by Justice O'Conner, form the cornerstone of abortion reform. I note also, Mr. President, that five of the six justices favoring the taking of innocent human life are all over 74 years of age. The prolife movement should look to the votes on the Supreme Court and support as President in 1984 whichever candidate is pledged to support the sanctity of unborn human life.

(The following occurred later:)

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Will the Senator yield me 15 or 20 seconds for a unanimous-consent request?

Mr. BYRD. I yield to the Senator from Utah.

Mr. HATCH. I thank the distinguished minority leader.

Mr. President, today the Senate of the United States will conclude—I ask unanimous consent that the balance of my remarks be printed in the RECORD immediately before the vote on abortion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the Chair, and I thank my colleague from West Virginia.

Mr. President, today the Senate of the United States will conclude this small part of a debate that has already been raging amongst the people of the United States for more than a decade. The question before this body and the entire United States is whether to retain the Supreme Court's current reading of the Constitution that requires a right to abortion on demand.

Senate Joint Resolution 3, which states in its entirety that "A right to abortion is not secured by this Constitution," has already been the subject of extensive examination and consideration over two Congresses in the Senate Judiciary Committee. In the 97th Congress, the Constitution Subcommittee held 9 days of hearings on proposed amendments to the Constitution relating to abortion. The product of these comprehensive deliberations was Senate Joint Resolution 110 which overturned the Supreme Court's Roe against Wade decision and granted both the Federal Government and the States concurrent authority to restrict abortion, provided, however, that a State law more restrictive of abortion would govern over a conflicting law of Congress. This amendment became the first constitutional amendment relating to abortion ever approved by a congressional committee when the Senate Judiciary Committee reported it favorably by a vote of 10 to 7.

In the 98th Congress, the Constitution Subcommittee held two more hearings to examine the legal ramifications of proposed constitutional amendments relative to abortion. Senate Joint Resolution 3, the primary focus of these additional hearings, was identical to Senate Joint Resolution 110 of the 97th Congress.

On March 24, 1983, the Subcommittee on the Constitution voted to report

out Senate Joint Resolution 3 after having adopted an amendment offered by myself which changed the amendment to its current succinct form. This change was the recommendation of Senator THOMAS EAGLETON in his persuasive testimony on February 28. Senator EAGLETON had suggested striking the second sentence of Senate Joint Resolution 3, as introduced, which included language giving the Federal Government a role in legislating and setting policy with respect to abortion. Senator EAGLETON noted that limiting the amendment to its first 10 words would "wipe out the legal status afforded to the 'abortion right' by Roe against Wade and return us to the status quo ante" when abortion was a matter for the people in each of the States to decide through their elected representatives. By adopting Senator EAGLETON's suggestion, the subcommittee established its intent to remove Federal institutions from the policymaking process with respect to abortion and reinstate State authorities as the decisionmakers for this sensitive issue.

In April of this year, Senate Joint Resolution 3 became the second constitutional amendment on abortion to emerge from a congressional committee when the Judiciary Committee gave its consent for this debate to take place. Thus, this debate begins; in a larger sense, this is not the beginning of this historic debate, but merely the climax of a constitutional, philosophical, legal, moral, and social debate that has raged with such fervor amongst the people of the United States that we in the Senate can no longer allow the questions to go unaddressed in this hallowed forum.

Although in the past, this body has discussed cures for some of the problems created by the abortion ruling of the Supreme Court, such as Federal funding for abortions, this is the first time the Senate has addressed itself to a cure for the central cause of the controversy.

THE GENESIS OF THE CONSTITUTIONAL DISPUTE

As I have mentioned, the genesis of this constitutional dispute was a conversial and ill-conceived decision of the Supreme Court. Senate Joint Resolution 3 is carefully crafted to nullify that decision and restore the balance upset by that holding. In the decade since Roe, Federal courts have faced a flood of abortion litigation, Congress has spent countless hours trying to correct tangential problems relating to abortion, and the number of unborn aborted annually has increased to over 1.5 million—the total number of abortions since Roe is approaching 15 million. These violent disruptions of our social fabric were accomplished by an equally wrenching disruption of our constitutional fabric. In short, Roe did not carry out the intent of the Constitution, but upset the Constitution's intended balance.

Although, in the words of Prof. John Hart Ely, the Constitution "simply says nothing, clear or fuzzy about abortion," the Supreme Court created a constitutional right to abortion. This upset the preexisting constitutional balance that for nearly 200 years had allowed State legislative processes to carry out the will of the people with respect to this sensitive social policy. Thus the new right created by Roe overturned the Texas abortion statute and related laws in every one of the 50 States. Not only did this decision upset the federalistic balance between State and National institutions, it also disturbed the constitutional separation of powers between legislative and judical functions.

Professor Wardle made this point very eloquently:

> By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the legislative branch to legislate concerning the subject and substantially increased the responsibility of the judiciary for defining and monitoring regulation of the fundamental right. (Statement of February 28, 1983).

In essence, Roe made abortion a constitutional doctrine. Despite my great reluctance to amend the Constitution, this Roe decision upset the constitutional balance. Thus, it is incumbent upon this Senate, in my view, to take the appropriate constitutional steps to restore that balance.

The most simple, direct, and effective way to accomplish that objective without disturbing other established constitutional doctrines is to completely nullify the Roe ruling. If Roe were fully deprived of legal significance, the constitutional balance that existed prior to 1973 would be restored. The people in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking that for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this constitutional balance and permitting the people to participate directly in this policymaking process will the Nation ever achieve a consensus on this divisive question.

ROE V. WADE

Since this amendment's avowed intention is to reverse Roe, I would like to review the basic propositions of that ruling.

On January 22, 1973, the U.S. Supreme Court handed down a decision that has since generated social divisions in this Nation virtually without precedent. In the case of *Roe* v. *Wade,* (410 U.S. 113 (1973)) a majority of seven on the Court identified for the first time a right to abortion within the terms of the 14th amendment to the Constitution. The nature of this right, outlined in great detail in Justice Blackmun's opinion, was such as to result in the overturning of the laws on abortion in each of the 50 States of the Union.

Prior to the Roe decision, 31 States of the Union had enacted statutes that totally protected unborn human life from the time of conception. Of the remaining 19 States that permitted abortion under limited circumstances, abortion was legal only, as a general rule, where necessary to protect the life of the mother, in cases of rape or incest, or in cases where there was a likelihood that a child would be born with a substantial mental or physical deformity. In only four States did anything approximating abortion-on-demand exist and in each of these States there were temporal limits to such a right. The most liberal of these provisions was probably that existing in the State of New York, in which abortions without restrictions were permitted until the sixth month of pregnancy.

As a result of Roe however, a new regime was created in this country on the abortion issue—a regime more permissive with respect to abortion than had existed in any one of the 50 States prior to January 22, 1973. As a result of the Roe decision, a right to abortion was effectively established for the entire term of a pregnancy for virtually any reason, whether for sake of personal finances, social convenience, or individual lifestyle.

Despite misconceptions on this issue, there is relatively little informed disagreement that Roe has established a national policy on abortion without legal restrictions of any significant kind. During the first trimester or pregnancy, the plenary right to abortion is made express by the terms of Roe. As the Court stated:

> For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician, 410 U.S. at 164.

During the second trimester, a public interest in abortion arises an interest in protecting and preserving the health of the mother. This interest may be expressed through governmental requirements that such abortions be performed within hospitals, clinics, or other licensed facilities. As the Supreme Court again stated:

> For the stage subsequent to approximately the end of the first trimester, the State in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health. 410 U.S. at 164.

During the second trimester, however, there remains an absence of legislative authority to do anything more than insure the safety of the procedures of abortion. There are no protec-

tions whatsoever for the unborn child during this stage of pregnancy.

During the final trimester of pregnancy—or approximately at that point at which the fetus reaches "viability"—a compelling interest finally arises in protecting unborn life. As the Court stated.

> For the stage subsequent to viability in the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. 410 U.S. 164-65.

The exception to this authority in the State to limit abortion following "viability—in cases where the mother's "life or health" were involved—effectively consumed the rule, however. The critical element was the term "health of the mother."

According to the Court in the companion case of *Doe* v. *Bolton*, 410 U.S. 179 (1973) whether or not the "health of the mother" necessitated an abortion was a medical judgment to be made:

> In the light of all factors—physical, emotional, psychological, and the woman's age, relevant to the well-being of the patient. Id. at 192.

In other words, to quote Prof. John Noonan of the University of California Law School, the absolute and plenary right to abortion was curbed during the final trimester only by the "necessity of a physician's finding that she needed an abortion." J. Noonan, A Private Choice 12 (1979). It would be a rare physician who would be incapable of defending an abortion decision on the grounds that in his best medical judgment the "well-being" of the mother demanded it.

As Professor Noonan has summarized the nature of the restrictions placed upon the abortion right in Roe and Doe:

> For the 9 months of life within the womb, the child was at the [pregnant woman's] disposal—with two restrictions: She must find a licensed clinic after month three; and after her child was viable, she must find an abortionist who believed she needed an abortion. Id.

Thus, no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy.

It is this rule of abortion-on-demand imposed upon a citizenry whose values were sharply at variance that has created nearly a decade of intense divisions and passions on the issue of abortion. During this decade, the social views of a relatively small number of individuals have reigned as the law of the land immune from even the most modest efforts of reform. In judicial decisions subsequent to Roe, the Supreme Court has expanded upon its decision in Roe by striking down statutes to require the consent to an abortion by the father of the unborn, statutes to require parental consent to abortion performed upon minors, statutes to insure that pregnant women are fully apprised of alternatives to abortion, and statutes to protect live-born fetuses.

The proposed human life federalism amendment is addressed to the Roe decision as well as the progeny of Roe. The objective of the proposed amendment is relatively simple—it would reverse completely Roe against Wade, thus restoring the status quo that existed prior to the Roe decision when the States possessed authority to legislate with respect to abortion. Unlike many other proposed amendments on the subject of abortion, it would not obligate the States to legislate; it would simply restore to them the authority to do so. By "deconstitutionalizing" the issue of abortion, the proposed amendment would allow the States a wide variety of options with respect to this matter. In their best judgment, the States might choose to have no policy regarding abortion or might restrict and condition it in a variety of ways. For example:

First, they could place restrictions of some form upon late-term abortions;

Second, they could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;

Third, they could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;

Fourth, they could require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;

Fifth, they could require some form of parental consent to abortions performed upon minors;

Sixth, they could require some form of spousal consent to abortions;

Seventh, they could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;

Eighth, they could establish rights of refusal to perform abortions by physicians or nurses, or in entire hospitals;

Ninth, they could limit the commerce in abortifacient devices;

Tenth, they could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or

Eleventh, they could undertake any other form of restriction or regulation upon the abortion procedure.

In removing the abortion controversy from the Federal judicial branch, the people in the States would be reenfranchised to shape abortion policy through their elected representatives. By its very nature, the judiciary is the wrong forum within which to resolve the abortion issue. Because they cannot control the specific types of cases that come before them and because they are limited in their ability to fashion compromise solutions to difficult issues, the courts are an inappropriate place within which to debate abortion.

The all-or-nothing legalization of abortion-on-demand in Roe has done nothing but exacerbate the tensions already created by the abortion controversy. Unlike most legislative solutions, in which some element of deference is paid to all major political or social or occupational groupings, the abortion decision involved a small group of seven men who were totally able to disregard the passionately held views of a large segment of the American people. They did this not in response to the unequivocal demands of the operative document of our Nation, but through a decision whose jurisprudence and whose textual and historical foundations are at least as suspect as the policies that it fostered.

Perhaps the foremost objective of the proposed amendment is to facilitate the development of a social consensus on the difficult issue of abortion. The abortion issue, if it is to be elevated into an issue of constitutional proportions, should be elevated only through the normal consensus-building procedure of the article V amending process rather than through the process of judicial reinterpretation. Senate Joint Resolution 3 would reenfranchise all the people in fashioning a solution to the abortion controversy or, if not a solution, at least an equilibrium. This can only be done by placing this issue back within the representative branches of State governments where it should have remained all along. If the result is that difficult legislative compromises are reached through bitter sessions of negotiation and give-and-take—compromises that are not entirely satisfactory to those on either end of the spectrum on this issue—then the issue of abortion will have been dealt with in the same manner that most other difficult matters are dealt with in a democratic system of government.

If the social divisions that have beset this country since the Roe decision are to be overcome, they will have to be overcome through a process in which all shades of opinion are considered and weighed, not simply those of a small minority of the citizenry. There is no more appropriate forum in a free society for these kinds of controversies to be debated and resolved than in State representative, legislative forums. Although some may observe—correctly—that basic issues of individual rights are not subject to referendum in a free society, this, of course, begs the basic question, which is precisely what those rights are and what their relative priorities are. It is

the resolution of these precise questions that is unlikely to occur in the absence of a constitutional amendment of the sort of the human life federalism amendment. I urge my colleagues to support Senate Joint Resolution 3.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Is it not part of the order that, once this vote is completed, the Senate will go back to the tax cut cap and there will be up to not more than 3 hours for debate thereon today?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Will the minority leader yield to me?

Mr. BYRD. Yes, Mr. President, I yield.

Mr. BAKER. While we are on that subject, Mr. President, I wonder if the two managers can give me some idea of how much of the 3 hours they plan to use this evening. I am sure many Members would like to plan the remainder of their day. If we use it all, it will be sometime past 8, around 8:30. I suspect, canvassing this side, that there probably is not a shrill demand for that much time this evening, but we are going to stay here as long as we need to stay.

Mr. BRADLEY. Mr. President, I say to the majority leader that we are allotted 1½ hours. I do not know if we will use it all. My speculation is that we might. We will not know until the next half hour.

Mr. BAKER. Mr. President, I estimate, then, that we shall be here until at least 7, perhaps a little later.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

Mr. BOSCHWITZ. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this vote, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HELMS (when his name was called). Present.

The result was announced—yeas 49, nays, 50—as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—49

Abdnor	Boschwitz	Danforth
Andrews	Chiles	DeConcini
Armstrong	Cochran	Denton
Baker	D'Amato	Dole
Domenici	Huddleston	Nunn
Durenberger	Humphrey	Pressler
Eagleton	Jepsen	Proxmire
East	Johnston	Quayle
Exon	Kasten	Randolph
Ford	Laxalt	Stennis
Garn	Long	Symms
Grassley	Lugar	Thurmond
Hatch	Mattingly	Trible
Hatfield	McClure	Warner
Hawkins	Melcher	Zorinsky
Hecht	Murkowski	
Heflin	Nickles	

NAYS—50

Baucus	Hart	Percy
Bentsen	Heinz	Pryor
Biden	Hollings	Riegle
Bingaman	Inouye	Roth
Boren	Jackson	Rudman
Bradley	Kassebaum	Sarbanes
Bumpers	Kennedy	Sasser
Burdick	Lautenberg	Simpson
Byrd	Leahy	Specter
Chafee	Levin	Stafford
Cohen	Mathias	Stevens
Cranston	Matsunaga	Tower
Dixon	Metzenbaum	Tsongas
Dodd	Mitchell	Wallop
Glenn	Moynihan	Weicker
Goldwater	Packwood	Wilson
Gorton	Pell	

ANSWERED "PRESENT"—1

Helms

The PRESIDING OFFICER (Mr. PRESSLER). On this vote, the yeas are 49, the nays are 50, and 1 Senator voted "present." Two-thirds of the Senators present and voting not having voted in the affirmative, the joint resolution fails of passage.

PERSPECTIVE

Mr. HATCH. Mr. President, while I would have preferred it if the present amendment would have received several more votes, let me take strong issue with those in the so-called prochoice movement who have been so quick to read the obituary of the antiabortion movement.

Slightly less than 3 years ago the human life federalism amendment was conceived. Since then, the Senate Subcommittee on the Constitution has conducted 11 days of hearings on this amendment, the most thorough and balanced set of legislative hearings ever on the issue of abortion. In the process, we have established the most comprehensive record on the issue of abortion ever prepared by a committee of the Congress. We have heard from the Nation's leading constitutional scholars, medical and psychological doctors, theologians and religious leaders, philosophers and sociologists, and citizen's organizations—from all perspectives.

During the past 2 years, the human life federalism amendment has become the first constitutional amendment—indeed the first legislative measure of any kind—on the subject of abortion to be reported out of, first, a subcommittee of the Congress and, then, a full committee. The human life federalism amendment has become the first constitutional amendment on the subject of abortion ever to be subject to a favorable report by an official body of the U.S. Congress. The report of the Committee on the Judiciary, during both the 97th and 98th Congresses, is one of the most compelling documents on the subject of abortion and Roe against Wade ever prepared.

During the past 2 years, the human life federalism amendment has been the subject of unprecedented public debate and media commentary. Finally, this week it has become the first constitutional measure on abortion ever to be considered on the floor of either House of Congress in the history of the country. The debate did not involve public funding of abortion, or Federal employee abortions, or Peace Corps abortions, or courtstripping; rather, the debate involved abortion as a national public policy and Roe against Wade as an expression of that policy. We have had 2 full days of debate in the Congress, and we have had nearly two dozen U.S. Senators physically come to this floor to argue in support of a constitutional amendment to overturn Roe against Wade. Indeed, we have had a near majority of the entire U.S. Senate cast their votes in favor of a constitutional amendment to overturn this decision.

Finally, Mr. President, we have done all this with honor. We have conducted a high level of debate—as have opponents—and we have argued the issues as clearly and as rationally as we are able. We have gone through the entire legislative process in bringing the human life federalism amendment to this floor—not once but on two occasions. We have never attempted to shortcut the regular legislative process nor unfairly exploit the procedural and parliamentary rules of this body. We have fought to obtain a debate on the issue of abortion on this floor not a debate on procedural tactics or on the constitutionality of exotic legislative proposals. We have succeeded in this, in my opinion.

Mr. President, we have also cleared some of the smoke that has existed on this issue for many years. We have framed the issue of abortion as clearly and as directly as I believe that it can possibly be framed, and we have allowed each elected Representative in the Senate to choose their position. As a result, Members of this body will—as they ought to be—be fully accountable to their constituents on what has proven the most controversial and divisive issue of the past decade. There is, in my respectful opinion, no longer any credible argument that can be made by opponents of Senate Joint Resolution 3 that they are, in fact, seriously concerned about the legal structure of abortion on demand that has been erected in this country as a result of a single decision of the Supreme Court.

In conclusion, while some may be eager to write the obituary of this movement, I would suggest that this

week's debate is, on the contrary, evidence of unprecedented life. Despite the loud cries of a small number of unrepresentative groups that claim to be prolife, the prolife movement is more united in behalf of Senate Joint Resolution 3 than it has ever been on any measure to reverse Roe against Wade.

What we have achieved during the past 2 years is merely the start of renewed efforts by the prolife movement to deal with the tragedy of abortion in an effective and responsible manner. The death notices of the movement, to say the least, are premature. For opponents of today's constitutional amendment to argue that the support of a majority of United States Senators for overturning the Supreme Court's decision in Roe against Wade is the movement's death knell is wishful thinking of the most extreme kind. Rather, it is simply the first effort in what will be an ongoing effort to restore full protection to unborn life.

At this point I would like to thank those whose untiring efforts in this cause deserve special commendation. While any list like this risks missing some important people, I feel it represents the major contributors to this historic effort.

Mark Gallagher; Ernie Ohlhoff; Douglas Johnson; Sue Burke; Dr. Jack Willke; Prof. Lynn Wardle; Prof. Richard Stith; Prof. John Noonan; Dennis Horan; Prof. Victor Rosenblum; Pat Truman; Tom Marzen.

Dave Osteen; Darla St. Martin; Jan Carroll; David Mall; and Prof. Bill Marshner.

Senators: Eagleton; DeConcini; Thurmond; Grassley; Rep. Weber; and Rep. Ashbrook (memoriam).

Staff: Marcia Verville (Eagleton); Bob Feidler (DeConcini); Sherri Flans; Marci Anderson; Sharon Peck; Steve Markman; and Randall Rader.

SENATE SCHEDULE

Mr. BAKER. Mr. President, there is an order now that provides for a vote on the Tax Rate Equity Act tomorrow at 10 o'clock. The Senate will come in at 8:45 and resume consideration of that measure at 9.

The Senate is free to continue debate as long as necessary this evening, for not to exceed 3 hours, the time to be equally divided. No amendments are in order, by unanimous consent.

It is clear, then, Mr. President, that there can be no votes, unless they are procedural votes, for the remainder of this day. Therefore, I wish to announce that I do not anticipate any more record votes during this calendar day.

AUTHORITY FOR COMMITTEE ON ARMES SERVICES TO MEET TODAY

Mr. GOLDWATER. Mr. President, will the Senator give us an approximate time when we might adjourn or recess?

Mr. BAKER. Mr. President, I think there will not be any more votes today. There will be debate which will continue for not more than 3 hours, and the next vote will occur tomorrow at 10 a.m.

Mr. GOLDWATER. I am wondering if I might get unaniomus consent for the Armed Services Committee to meet at 7 p.m. tonight.

Mr. BAKER. Mr. President, I yield to the minority leader on that subject.

Mr. BYRD. I do not think we have any problem. I will have to check. We will be back to the majority leader shortly.

Mr. GOLDWATER. The reason I asked is if we do not and the Senate will be in recess by 6:30 p.m., we will be prevented from having a meeting this afternoon. We have to wrap it up. If we have to stay 3 hours, it sort of shoots the whole thing down.

So I wish to have permission to hold the hearing.

Mr. BAKER. Mr. President, let me confer with the minority leader to see if we cannot work that out.

Mr. GOLDWATER. I thank the majority leader.

Mr. BAKER. I thank the Senator.

Mr. President, I am advised by the minority leader that there is no objection to the request I am about to put. I will put it now for his consideration and that of all Members.

Mr. President, I ask unanimous consent that if the Senate is still in session at 7 p.m. today, notwithstanding, the Committee on Armed Services may be authorized to sit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Senator.

TAX RATE EQUITY ACT OF 1983

The PRESIDING OFFICER. The Senate will continue with the consideration of H.R. 1183, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981.

Mr. BYRD. Mr. President, may we have order in the Senate and in the galleries?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I yield to the Senator from Hawaii.

May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Hawaii.

Mr. BYRD. Mr. President, I beg the Senator's pardon for interrupting, but he is entitled to be heard.

The PRESIDING OFFICER. The Senator makes a good point. Those conversing will retire to the cloakroom. The Senate will be in order.

Mr. INOUYE. Mr. President, I rise to support passage of H.R. 1183, the Tax Rate Equity Act. This legislation marks the last in a series of efforts we have made to correct the mistakes of President Reagan's misguided tax policies.

What are these mistakes?

A short look back into the history of the Reagan administration's tax policy will reveal how the policy misfired.

The Senate first considered the notion of across-the-board tax cuts in October 1978. Although the proposal was soundly defeated, 36 to 60, the so-called Kemp-Roth proposal was slowly seeping into mainstream Republican politics.

The basic concept of the proposal was simple: The notion was that you could cut taxes across the board and pay for these massive tax cuts with a boom in economic growth. The idea sounded wonderful: It was the magic key to unlock the door to our future growth and prosperity.

These ideas continued to gain momentum. By July 1980, the Republican Party's platform committee had endorsed the Kemp-Roth proposal. In September, candidate Reagan endorsed the proposal and projected that, if elected, he would produce a budget surplus in 1983.

In March 1981, President Reagan introduced his tax cut plan and by August it had passed the Senate. During consideration of that measure, Members on this side of the aisle tried to tie the third year to the level of interest rates and deficits. We were defeated. Shortly thereafter the trouble began.

In October, 2 short months after the Economic Recovery Tax Act was passed into law, OMB Director David Stockman projected a budget deficit of $60 billion for the coming fiscal year.

By December, all the mirrors around Reaganomics began to break. OMB Director Stockman, in a publicized magazine article, admitted that the Reagan tax cuts are nothing more than trickle down economics. By January we began seeing press reports that the White House staff was lobbying the President to increase taxes. The President, however, was reluctant to tamper with his program.

In February 1982, the administration forecast a budget deficit of $91.5

billion for 1983. Keep in mind that we were supposed to have a surplus in 1983. By April, that deficit projection had ballooned to over $101 billion. By June, it had grown to $104 billion.

These alarming deficit increases led to the passage of the Tax Equity and Fiscal Responsibility Act in the summer of 1982. Although this act left the basic structure of the Reagan tax cuts in place, it raised revenues by about $99 billion over 3 years.

Despite these efforts the deficit continued to careen out of control. In December of last year another effort was made to modify the third year of the tax cut. The proposed reform would have partially delayed the tax cut for persons with incomes between $50,000 and $65,000 and would have fully delayed the tax cut for 3 years for persons earning over $65,000. The proposal was defeated 44 to 53.

Now we come to the last chapter of this battle to correct the mistakes of Reaganomics. Deficits continue to grow. Early this year the deficit was projected to be $201 billion in 1984 and to grow to $268 billion by 1988.

Clearly, Reaganomics has not worked. Now we are faced with trying to eliminate the distortions in our fiscal policy caused by the mistaken policies of the past. Clearly, these distortions cannot be corrected overnight. We cannot wish away $200 billion deficits.

What we need is not more pie-in-the-sky promises, but a reasonable and balanced fiscal policy that provides for a gradual and sustained reduction in the deficit.

This bill makes a first step in that direction. We raise $6 billion by limiting the tax cuts available to the wealthiest 10 percent of our taxpayers. This is a fair way to raise revenue; 89 percent of the revenue generated by this proposal comes from taxpayers earning over $50,000. Alternatives like the tax on oil that the administration has proposed will tax everyone, and it will raise revenue in a far more regressive fashion. Fully 75 percent of the revenue raised from an oil tax will come from people earning less than $40,000.

It is time we stop pretending that there are easy answers to the problems of budget policy and economic growth. We need a long-term strategy to insure prosperity through the balance of this decade and beyond. The first step in that strategy must be to correct the mistakes of Reaganomics.

This bill takes a first step on that journey. It is a modest step, but it is a journey that we must make.

Mr. HATCH. Mr. President, putting a $700 cap on the third year of the tax cut is an ill conceived and unfair proposal. It is bad economics and it is bad policy. This proposal, which comes to us from the liberal House Democrats under the totally inaccurate label of a means to make the wealthy pay their fair share and reduce deficits, must be defeated.

Do not be fooled by the terms "revenue enhancement" or "merely capping a tax cut." This proposal, pure and simple, increases the taxes which must be paid by those who would be hit with the tax cap. This proposal must be enacted, according to proponents, in order to reduce the horrendous Federal deficits. But raising taxes has, in the past, failed to reduce deficits. There is no reason to believe that raising taxes now will be any more successful than in the past at reducing deficits.

As a matter of fact, raising taxes will probably do now exactly what it has done in the past—that is, raising taxes will only result in more Government spending. Taxes are now about 19 percent of GNP, their historic level in the 1970's before their boost under the Carter administration. Thus, all the 1981 Reagan across-the-board tax rate reductions did was return the taxpayer's burden to its more traditional level and, thereby, unmask increases in Federal spending.

For it is overspending, not undertaxing, which causes our huge deficits. Government spending has grown a lot more rapidly over the last 20 years than have receipts. Government spending is running over 25 percent of GNP, whereas spending levels in the 1970's averaged less than 21 percent of GNP. So, President Reagan's tax-rate reductions lowered the tax burden to its historic level. The Congress should join the President in enacting spending cuts which would also reduce spending to its traditional level. Congress should join in reducing spending and not once again raise taxes. Cutting Federal spending will reduce deficits; raising taxes, no matter the proclamations of tax-cap proponents, will not. Certainly the recently passed congressional budget calling for greater increases in domestic spending, and under which we are enjoined to raise more revenues, confirms this conclusion.

This proposal is a well bad economics because raising taxes at this time would be particularly harmful to the economic recovery just now underway. Although many economic indicators predict a strong recovery, we still have a long way to go for a full recovery. Unemployment remains over 10 percent. Factories still operate at under 72 percent of capacity. The level of real output is still no higher than it was at the end of 1979. Raising taxes risks reducing consumer confidence. Instead, the full third year of the President's tax cut is a necessary impetus for consumers in order to invigorate and maintain our economic recovery.

In addition, the claim that this tax cap will affect only the wealthy, will make them pay their fair share of economic recovery, is patently erroneous. The tax cap will scarcely affect the wealthy. However, it will result in tax increases and unfairness for millions of middle-income taxpayers, two-earner married couples, and small businesses and family farms.

It is precisely the middle class, not the rich, whom the liberal Democrats will soak with this proposal: Nearly one-half of the returns which would be socked with this tax increase report incomes of less than $50,000. A full 46 percent of the returns reporting incomes between $30,000 and $50,000, and 43 percent of returns reporting between $50,000 and $100,000, would have to hand over more in hard-earned tax dollars as a result of a $700 cap. I find it hard to believe that a couple earning between $30,000 and $50,000 trying to buy a new home and facing college expenses would consider themselves "rich" and deserving thereby of a greater tax burden.

Likewise, the proposed cap would produce a taxrate schedule particularly onerous for this middle class. Under the 1981 tax law combined with the proposed cap, tax-rate reductions would remain about 25 percent for those earning below $35,000 and above $109,400. But capping the return for middle-income returns in between these incomes would mean squeezing their 1981 tax-rate reductions down to only about 14 to 15 percent. As a result of the increased marginal rates effected by the cap, not only would middle-income families have higher tax burdens, but also the rate of progression, or steepness, of their tax brackets would be exaggerated. These are precisely the same taxpayers who have already been hurt most by inflation-induced "bracket-creep." Why should they be hit once again?

Note as well that the proposed cap hits particularly hard at two-earner married couples, most of them in this middle-income range. It is estimated by the Treasury that almost one-half of the 8.1 million tax returns which the cap would affect are the returns of two-earner married couples. Likewise, the Treasury estimates that nearly one-half of the estimated $5.3 billion netted in 1984 would come from these couples. Let's face it, the proposed cap would offset a considerable portion of the marriage tax relief enacted by Congress in 1981 to help maintain incentives for two-earner families and eliminate the unfairness of the previous tax schedules which operated to penalize marriage.

Hit as well by the proposed cap would be small businesses and family farms—a group not of the wealthy, but of our good, solid middle class. It seems that those proposing the cap have forgotten that small businesses are almost always taxed at individual

income tax rates. In fact, 86 percent of all small businesses are partnerships, sole proprietorships, or small corporations which pay only the individual income tax. As a result, nearly 2.5 million small businesses, including 350,000 family farms, would have to cough up more taxes under the cap. Have those proposing the cap while decrying unemployment and calling for the Government to "do something" about unemployment thought about the perverse effect their own proposal would have for unemployment? Small businesses are traditionally a vital source of employment and investment. Increasing their taxes would siphon off the very money that they could use to hire and to invest. Our economic recovery needs them to hire and to invest.

Let us dispose of this measure quickly. It is only another attempt to raise taxes—and a not very well-concealed attempt at that. Furthermore, raising taxes is not the solution to reducing deficits. Only cutting Government spending will do that. As well, raising taxes now is a sure-fire measure to abort economic recovery. And, finally, this cap would not, as its proponents would have you believe, affect only the wealthy. It would attack the middle class, particularly two-earner families, and small businesses and family farms. How unfair and how foolish.

The tax cap proposal is bad economics and bad policy. It must be defeated.

CAPPING THIRD-YEAR TAX CUT

Mr. SASSER. Mr. President, the Tax Rate Equity Act we are considering today achieves two very important objectives. First, it helps reduce our staggering budget deficit. But perhaps more significantly, H.R. 1183 restores much of the equity and fairness to our tax system which has been lost during the past few years.

The tax package enacted in 1981 reduced revenues to the Treasury by $1.1 trillion from fiscal year 1982 through fiscal year 1988. Last summer's tax increase bill recouped some of this loss but left a staggering revenue loss of $881 billion for the 7-year period.

When the 1981 tax bill was enacted, the administration assured us that the revenue loss would be more than offset by increased business investments and increased savings. Yet the predicted economic boom never came to pass. Instead, we have been saddled with the worst recession in this country in 40 years. Deficit levels are astronomical.

In fact our problems with the Federal deficit may actually be getting worse. The Wall Street Journal reported last week that the Federal deficit totaled $29.29 billion for the month of May. The deficit level for May 1982, reached $18.9 billion. Administration officials indicated that this year's figure suggests a higher deficit level for the year than originally forecast. Indeed, administration officials now suggest that the fiscal 1983 deficit could reach $215 billion.

H.R. 1183 raises a significant amount of revenue in the least painful way available. It would raise $6.2 billion in fiscal year 1984. It would raise $38.8 billion through fiscal year 1988. H.R. 1183 produces prompt action to stop the budget hemorrhage caused by this administration's budget policies.

It is clear that a $700 cap on the third-year tax cut is the fairest means of reducing the deficit. The cap on the tax cut restores some of the equity taken out of the tax system by this administration and spreads out the burden of economic sacrifice across all segments of society. For too long this administration has asked for sacrifices to help us through our economic crisis, but only from low- and middle-income families.

The administration contends that a $700 cap would drown the middle class. This is curious when we consider what has happened to America's middle-income earners under the Reagan tax and budget packages thus far. The Reagan tax cuts, when offset by tax increases from social security taxes and inflation, have resulted in a 22-percent increase in the tax burden of those persons earning below $10,000. Persons in the $10,000 to $15,000 income group will see a 7-percent increase in taxes. And those earning from $20,000 to $30,000 will shoulder a two-tenths of 1-percent increase. Yet, if you manage to make over $200,000 and you will receive a 15-percent decrease in your tax liability.

Further evidence of the administration's bias toward the well-to-do is found in studies done by the Congressional Budget Office on the administration tax and budget changes for fiscal years 1982 through 1985. These changes will take more than $20 billion from households with incomes below $10,000, yet increase after-tax income of households earning more than $80,000 by $64 billion. An even more glaring figure is the fact that fully 35 percent of the benefits generated by the 1981 tax cut go to the wealthiest 5 percent of American taxpayers.

Is this concern for the middle-income earners of America? I think not, Mr. President. I think it is a continuation of the inequitable trickle-down approach which has guided this administration. The administration has supported increases in gasoline taxes which are clearly regressive, having a greater impact on the spending power of low-income groups. It has supported increases in telephone excise taxes which have a detrimental impact on our Nation's small businesses. It has asked sacrifices of those who wish to apply for student loans. It has asked sacrifices from our military personnel. I feel that it is time we ask our Nation's most prosperous citizens to sacrifice a portion of their tax cut and to bear a fair measure of the burden of cuts needed to sustain economic recovery.

I think we should stress, Mr. President, that nobody is giving up their tax cut. Our proposal retains the tax cut. We are only advocating reducing the size of the tax cut. As the Joint Tax Committee's figures point out, this proposal would reduce the size of the tax cut only for an estimated 8.1 million individual taxpayers in 1984. This is roughly 10 percent of all U.S. taxpayers. Thus, a full 90 percent of our taxpayers would continue to receive the full amount of the tax cuts enacted in 1981.

The administration has argued that many persons other than high-income earners would be affected by this measure. The figures dispute this claim. Only 9 percent of those earning between $30,000 and $40,000 would be affected by a $700 cap. Yet fully 93 percent of those earning between $75,000 and $100,000 would see a reduction in the amount of their tax cut.

The fairness of this approach can also be seen by looking at where the revenue raised by the cap would come from; 89 percent of the revenues raised by this bill would come from taxpayers earning over $50,000; 60 percent of this sum comes from those earning over $75,000.

Now, these may be middle-income earners in the circles the administration travels in, but a person with an income level above $50,000 is still considered an upper income earner by Tennessee standards. Our median family income in 1979 stood at $16,245 and only 4 percent of Tennessee families were earning more than $50,000 in that year.

H.R. 1183 also allows the Federal Government to raise revenues without stalling our economic recovery. The tax cap still results in a tax cut of $24 billion in fiscal year 1984. This $24 billion will go far in providing the increased purchasing power needed to continue our budding economic recovery. As my colleagues know, low- and middle-income earners tend to consume a greater portion of their incomes than high-income earners and these groups account for most of the increase in demand spawned by tax cuts.

Nor would a cap adversely affect the backbone of our economy, the small business community. Sole proprietorships, the epitome of the American entrepreneur, accounted for 76 percent of the total business establishments in America in 1979. Partnerships made up 8 percent of the total while corporations represented 16 percent of the overall figure.

Using the $50,000 cutoff point for being affected by the tax cap, we see that most small businesses are not hurt by this measure; 82 percent of the sole proprietorships have income levels below $50,000, while only 28 percent of all corporations earned less than $50,000 according to Department of Commerce figures.

In sum, Mr. President, H.R. 1183 sustains our economic recovery while taking positive steps to reduce the Federal deficit. It also restores considerable equity to our income tax system. I urge a strong vote for this measure.

Mr. KENNEDY. Mr. President, the outcome of tomorrow's important vote will be determined on the basis of our answers to two fundamental questions:

First, are we prepared to insist that our Nation's tax system meet a simple standard of fairness and equity?

Second, are we prepared to firmly resist the prospect of endless massive deficits; and insist that, even though the President has turned his back on the massive deficits we face, the U.S. Senate will take a crucial first step toward fiscal discipline and responsibility?

The facts are indisputable and have been well documented by many of our colleagues. The President claimed that massive tax cuts skewed toward the very wealthy would yield a surge of investment and a balanced budget. The only part of the President's claim that has been borne out is the skew toward the wealthy.

A family earning $100,000 has already had their taxes reduced by over $3,400 a year. A family earning only $20,000 a year—one fifth as much—has seen their tax bill reduced by only $300—one-tenth the reduction received by the $100,000 household. And to make matters even worse, inflation and the social security tax increases have already wiped out that modest $300 reduction. Proceeding with the third year will make a bad situation worse. The $100,000 households' new tax reduction will be more than 14 times the size of the $20,000 households' cut.

For the first time in the history of the Republic an administration has made the widening of income gaps its explicit policy.

On equity grounds alone this body ought to stand with our colleagues in the House and reaffirm our commitment to a tax system that fairly distributes the burdens.

But there is another issue as well. After 2½ years of economic mismanagement, our country is confronted with an unprecedented problem—massive deficits with no end in sight; deficits that show no sign of coming down even as the ecomomy recovers; deficits that threaten to choke off even the tepid recovery we are now experiencing; deficits that threaten to cause turmoil in credit markets and to push interest rates even higher.

Economists as diverse as Council of Economics Advisers Chairman Martin Feldstein and his predecessor, Walter Heller, warn that the continuation of these deficits is the most important threat to our efforts to restore prosperity and sustained growth.

Yet the President urges that nothing be done. I reject that advice.

By voting to cap the third year—an action that will insure that 90 percent of all taxpayers receive their full reduction—we can take a crucial step toward fiscal responsibility without raising anyone's taxes. By merely insisting that further reductions for the well-to-do be scaled back, we can reduce the projected deficit by almost $40 billion between now and 1988.

Make no mistake, if we do not take this action today, we will soon find ourselves back in this Chamber debating whose taxes to raise. Mr. President, today we have an opportunity to send a clear message that the U.S. Senate intends to combine fiscal discipline with fairness. I urge my colleagues to stand firm.

Mr. DECONCINI. Mr. President, I ask the floor manager to yield me 5 minutes.

Mr. JEPSEN. Mr. President, I ask the floor manager to yield me 5 minutes.

The PRESIDING OFFICER. Does the Senator yield time?

Mr. JEPSEN. I am trying to get a little time myself.

Mr. DECONCINI. Who has the floor.

The PRESIDING OFFICER. The control of the time is under the Senator from New Jersey and the Senator from Kansas.

Who yields time?

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Texas.

Mr. BENTSEN. Mr. President, the administration's opposition to any proposal to cap the tax cut exemplifies the constant inconsistencies within this administration. President Reagan had endorsed a constitutional amendment to balance the budget, yet the budget deficits under his administration are the highest in our Nation's history. It is estimated that over a 5-year period our national debt will increase from just under $1 trillion to over $2 trillion.

In another inconsistency, the Reagan administration has said it is for increasing our commitment to better education. The facts, notwithstanding the President's statement to the contrary, are that this administration has actually reduced the level of funding for education.

Last week Secretary Regan testified before the Finance Committee that the administration was opposed to capping the third year of the tax cut. He said the cap proposal was "unfair," particularly as it impacts on the middle class and that this administration was opposed, for economic reasons, to any tax increase this year. The truth, Mr. President, is that this administration is not opposed to increasing taxes on the middle class. In fact, this administration has actually proposed increasing the taxes of the poor and middle class.

Let us look at the record; this bill will affect 3½ million Americans with incomes of less than $50,000. Of the $6 billion raised, 12 percent or $720 million is from this group. The day before Secretary Regan testified, HHS Assistant Secretary Dr. Rubin, presented to the Finance Committee testimony, including a chart, which set forth the tax impact of the administration's proposal to cap employer provided health benefits. The chart, which HHS said was prepared by the Department of the Treasury, shows the average tax increase, by income class, of the administration health cap proposal. The administration's proposal would not only increase taxes of individuals making between $30,000 and $50,000 it would raise the taxes of individuals making less than $10,000 by an average of $139. According to Dr. Rubin's testimony, the administration's tax increase would raise $27 billion over fiscal years 1984–88. It would affect between 35 and 45 million working men and women, increasing their taxes by an average of $228.

It offends me that the Reagan administration continues to seek caps on the health care tax benefits of the poor and middle class while opposing a cap on the tax cuts of $4,300 that go to people earning over $200,000 a year. Meanwhile the President keeps telling the American public that he is opposed to increasing taxes.

The truth is that the cap proposal before us today does not raise anyone's taxes. It does limit the July 1 tax cut for 4½ million upper income Americans who are the only people to receive a real tax cut in the last 2½ years. In the last year we have raised excise taxes and social security taxes. Because of the fixed rates applicable to excise taxes they are regressive in nature and have their most adverse impact on lower income individuals. The increases in the social security tax, which is wage based, also primarily affects low- and middle-income individuals because of the $35,700 income limit on which it is applied. This administration supported each of these tax increases and as I noted earlier, proposed yet another tax increase on workers this year. But tell this administration that you are considering a bill to limit, not take away, but limit the tax cut going to the wealthy and this President, before ever seeing the proposal, threatened to veto it. I believe it is time for this administration

to be more bipartisan in its approach to government and evenhanded in its policies.

The tax area is not the only one in which this administration has sought to shift or increase the burden on the poor and middle class. Examples are not hard to come by, particularly in the Finance Committee where we have jurisdiction over one-third of the $43 billion in cuts sought by the administration.

The administration wants to cut medicare by almost $11 billion in the period 1984-86, with 63 percent of the cuts to be imposed on sick beneficiaries. These cuts come on the heels of OBRA and TEFRA cuts in medicare totaling $13 billion.

The administration is trying to force older people to be more "prudent" purchasers of health care by increasing patient copayments and deductibles. Mr. President, the staff of the Finance Committee has produced data showing that the average medicare patient would already be $1,925 out of pocket during a year in which he or she would have to be hospitalized. I should think a tab of that size would be quite enough to encourage prudence.

Child neglect and child abuse are on the increase in 33 of the 50 States, but the administration proposes to freeze child welfare funding at the level of 2 years ago and seeks to eliminate staff training funds.

At a time when studies show 79 percent of divorced men fail to make their child support payments, the administration wants to eliminate Federal incentive support for States that aggressively collect delinquent child support. Apparently, they believe it makes more sense to add these children to the welfare rolls, that sounds like a false economy to me.

The administration want to cap the foster care program in a misguided effort to save $126 million. We should be asking who will bear the brunt of that savings—will it be the children forced to remain in an abusive setting?

The CBO has recently estimated that there are 10.7 million families who lack health insurance because of the high rates of unemployment that are projected to continue into next year. Yet the administration wants to freeze maternal and child health block grant funding at $373 million—an 18-percent reduction from 1981. We are talking about a program that served 12 million mothers and children in 1980—a classic block grant with States having absolute control over how they structure and spend the funds. The kind of program the administration is supposed to admire.

The budget resolution requires the Finance Committee to raise $12 billion in fiscal year 1984. I intend to work with the Committee to try and fulfill our obligation. An obligation that not only applies to tax increases but to spending cuts. But I intend to work as hard as I can to make sure that those spending cuts and tax increases are fair and evenhanded. The bill before us today requires that for each dollar of revenue raised we must cut spending by an equal amount. I think this is a fiscally responsible provision. While I have reservations about the way this cap proposal is designed I intend to vote for it because I believe it is one of the fairest ways to raise the revenue the Committee is instructed to raise. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JEPSEN. Mr. President, I rise in opposition to the proposed tax cap. This tax increase measure would hurt middle income Americans and undermine the current economic recovery.

It is just another manifestation of the old tax-and-spend political philosophy that got us into the current budget mess we are in now. It must be remembered that there is no way we can tax our way into prosperity.

This proposed tax cap is supposed to increase the fairness and equity of the Tax Code. In this respect the proposed cap is a sham. The tax cap hardly affects the very rich at all. Two-earner couples with taxable incomes of $35,200 would be hit with a 9-percentage point increase in their tax rates. As we all know, $35,200 earned jointly is not really that much money: this level of taxable income is typical of middle income taxpayers.

Moreover, about 3.9 million taxpayers with adjusted gross income under $50,000 would be hit with a tax increase. Altogether, about half the returns taxed more heavily under this proposal would report annual incomes under $50,000. The tax cap is just a large tax increase on the middle class.

The negative effects on wage and salary income are bad enough, but the tax increase on small businesses might be even worse.

Everyone in both Houses of Congress likes to point out, quite correctly, how important small businesses are to innovation and job creation. Here is an opportunity to practice what we preach.

Around 86 percent of American small businesses are taxed as individuals, as are most farmers. This tax cap proposal strikes very hard at small businesses. Its practical effect is to increase the tax burden of small firms and thus make their competition with big business more difficult.

At a time when small businesses are getting back on their feet all throughout this country, this tax proposal would pull the rug out from under them.

This measure is a discriminatory attack on small business and its innovation and job creation.

All the economic news signals that a robust recovery is now underway. Auto sales, housing starts, income, output, productivity, and employment are all up strongly.

In fact, for the first time in 17 years beginning in the month of February every economic indicator that measures the health of an economy was in place pointing to the right direction with positive action taking place.

Now is not the time to enact a counterproductive and unfair tax measure. We do not want to do anything that could choke off the hard won economic recovery.

It is really incredible we are considering this proposal now, even as things are finally getting better.

Supporters of this political "turkey" suggest that more revenues are needed to reduce the deficit. The same supporters have shown year in and year out now for over a quarter of a century that they spend every dime and one dime more than any revenue that is ever taken in in the Halls of Congress. But Congress has proven repeatedly that it will spend every dime of additional revenues raised, and then some. Witness the recent budget passed over in the House where they had some $30 billion in additional revenue and they increased by over $30 billion.

More revenues will only fuel more Federal spending, and might result in even larger deficits. Already plans are being made to spend additional money we do not have with the incorporation of the so-called reserve fund in the budget resolution.

In summary, Mr. President, this proposed tax cap would be unfair to millions of Americans, many millions of small businesses, and would also reduce incentives to work and to save and invest in all of the things the 3-year tax cut, as has been alluded to earlier by some of the folks who did vote for it originally, believed in, when they voted for it and supported it.

The proposed tax cap would endanger the recovery, it would jeopardize the trend of increased employment and, Mr. President, I oppose this measure and I urge my thinking colleagues to do likewise.

Mr. BRADLEY. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. DECONCINI. I thank the Senator. Mr. President, I am alarmed to see that interest rates are creeping up, that last month's inflation rate was 6 percent on an annualized basis, and that this administration continues to insist on a deficit in excess of $184 billion dollars. But most of all, I am alarmed that this administration is not alarmed. The administration that talked about a balanced budget in 1984 and 1983 seems to have thrown that to the winds. I can recall statements I made on the floor of this Senate 3 and

4 years ago, appalled at deficits of $50 and $60 billion, and now this administration has come to the conclusion that $184 billion is acceptable. Mr. President, $184 billion is not only unacceptable, but it should be unthinkable.

I will not try to contend that the sole cause of this outrageous deficit is the 3-year across-the-board tax cut, but I do believe that it has had a substantial impact on raising the deficit, and now is the time to admit a mistake and back off. Frankly, if I had my way, I would prefer to see the third year eliminated altogether, or at least deferred until we can get some semblance of control over a Federal budget gone wild. But I recognize that this is not a popular notion, and does not stand a chance of success. So I will support the next best option, a cap on the third year of the tax cut.

The cap on the third year of the tax cut is not a tax increase, Mr. President, as the President has said or the Senator from Iowa just said. All taxpayers will still get a tax cut for the third year. In fact 90 percent of all taxpayers will receive the full 10 percent tax cut. Only 10 percent—the wealthiest 10 percent—will receive a reduced tax cut. Over the next 5 years, the cap on the tax cut will raise an estimated $38.8 billion. Of this additional revenue, 89 percent will be raised by taxpayers earning over $50,000 foregoing part of the 10-percent tax reduction. While the President would have us believe that taxpayers making $100,000 a year are middle-income, that simply is not the case. Less than seven-tenths of 1 percent of the American public earn in excess of $100,000. In fact, less than 4.5 percent earn in excess of $50,000. So let us be frank, these are not middle-income Americans; they are the taxpayers who have already benefited the most from the President's tax cuts and they are the ones most able to weather a lesser tax reduction.

However, we cannot stop with a cap on the third year of the tax cut, we must continue our effort to get this budget under control. The International Monetary Fund is one area where cuts can be made. The $8.4 billion cost to the United States of the administration's recommended increases in IMF and the general arrangements to borrow (GAB) raises serious questions of priority and equity. I find it hard to justify such enormous sums to help other countries, however difficult their particular problems, or to help big banks which have reaped enormous profits from their foreign lending operations.

Foreign aid and wasteful, duplicative domestic programs should also be targets of spending cuts. But clearly spending cuts alone cannot bring deficits down to an acceptable level. Therefore, I will support the cap of the third year of the tax cut, as one of the least painful ways to reduce the deficit. However, I caution my colleagues that we cannot take these revenue increases as a sign to spend these additional revenues before they are in hand. It is imperative that these revenue gains be applied directly to reducing the deficit.

I thank the Senator from New Jersey.

Mr. DOLE. Mr. President, I yield 5 minutes to the distinguished Senator from Washington (Mr. GORTON).

Mr. GORTON. Mr. President, I thank my distinguished friend, the Senator from Kansas.

I speak, perhaps, as the first Member on this side of the aisle who favored the budget resolution which was passed by the Congress last week and, at the same time, strongly opposes this so-called tax cut cap.

I do so because I feel it to be highly unfair, because I feel it to be unproductive of improvement in our economy, and because I believe there are far better ways to find revenues which I think are necessary for an appropriate balance between revenue increases and spending cuts.

I have listened in vain over the many weeks of debate over this tax cap in both the House and here in the Senate for the slightest discussion by its proponents over whether or not it will help this economy grow, whether or not it will help create employment or will simply frustrate it.

I have listened in vain for any discussion of the obvious impact of tax cuts during the course of the last 2 years which have been to increase receipts from those who were the greatest dollar beneficiaries of those tax cuts rather than decrease them. That increase has taken place, of course, because the reforms of the last 2 years, which include the anticipation of this tax cut, have made a number of unproductive tax shelters less appealing, and have even in the time of a recession tended to create more jobs, more employment, more activity, and thus more taxes under the present system.

Perhaps one of the proponents of this cap will discuss that subject at some time in the future. Certainly they have not done so so far in the course of this debate. Nevertheless, I am concerned most of all with their presentation that this cap is somehow being fair. So I am going to ask the distinguished senior Senator from Louisiana, who is the second most senior Member in this body, the very distinguished minority leader, who has been here for a number of terms, perhaps the senior Senator from California, all of those who have been on the other side of the aisle during the time of Democratic majorities, who have set tax policies for this country over the course of the last 30 years, when was the last time, for that matter when the first time was, when they were increasing taxes that they proposed a cap on that increase? I will ask any one of them to say whether or not when they proposed that taxes should go up either here on the floor of the U.S. Senate or in any public place whatsoever, they said "But nevertheless, even though there has got to be a 10-percent tax increase next year we do not think it will be fair to ask any citizen to pay more than $700 in addition to what he or she is paying at the present time?"

I will warrant, Mr. President, there has not been a single occasion on which any of the proponents here this afternoon of capping a tax cut has ever proposed to cap a tax increase. Certainly they did not do so during all of the inflation in the late 1970's when American after American were forced into higher tax brackets simply by operation of inflation. I do not remember their doing so when tax increases were proposed during the end of the Vietnam war.

Bluntly I say to those who promote this cap what was fair when taxes were going up is fair when taxes are going down, most profoundly fair. Unless they believe that no individual should ever have a tax increase of more than a modest $700 a year, it is very difficult for them to present the case for going down in taxes other than as a percentage of total tax liabilities.

In fact, the tax cut in this respect voted in 1981 was the fairest of all possible tax cuts, because it treated with a tax liability and by what share or proportion it should be reduced.

The Senator from Kansas, the distinguished chairman of the Finance Committee, has spoken eloquently on this floor, both in proposing changes in our Tax Code and in bringing them to the floor, about cutting back on tax loopholes, preferences, credits, exemptions and the like. And yet when he brought such a proposal to the floor last summer, he had very little support from the other side of the aisle. And I suspect that if he brings such a proposal to the floor this summer, he is likely to have very little support from the other side of the aisle. Even though most of these credits, exemptions, loopholes, and the like do apply only to upper income groups, they simply do not have the romance or the superficial attractiveness of a cap on a tax increase.

Mr. President, I believe that we have a tax system in the United States of America which is in trouble. It is in trouble because people perceive it to be unfair. It is in trouble because people perceive it to be unfair because those with equal incomes do not pay the same amount of tax due to loopholes and preferences and the like.

To the extent that we need additional revenues—and I believe that we do—I much prefer the route proposed by the Senator from Kansas, that we examine the Tax Code from beginning to end, make it more fair, make it more equitable, have lower rates but fewer preferences, rather than simply to put on a superficial cap on a cut, which has never been proposed by any of its proponents as a cap on increases in taxes from the beginning of the income tax until this day.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, President Reagan says everyone must sacrifice to reduce Government spending and reduce his record deficits. So as he cuts programs to help the elderly, he tells them they must share in the sacrifice in order to cut spending.

President Reagan says poor people must sacrifice, children must sacrifice, disabled people must sacrifice, veterans must sacrifice—all supposedly to bring about economic recovery.

But what happens when the Democrats say that it is time for the rich to sacrifice just a small portion of this year's tax? President Reagan cries, "foul." He believes the rich should not be asked to make the same sacrifice all the rest of America is making.

A $700 cap on the tax cut would save $6 to $7 billion—and still give low- and middle-income taxpayers the tax cut they deserve.

A cap would reduce the horrendous Reagan deficit that is keeping interest rates high and threatens to snuff out the recovery before it really begins.

The Democratic Party stands united on this issue.

The Kemp-Roth tax cut came to the floor in 1981 as part of an omnibus package. Besides Kemp-Roth, the package contained a number of good provisions—provisions designed to boost productivity and savings. And I played an important part in developing several of these productivity provisions and strongly supported them.

But every time the issue of Kemp-Roth itself came up for a vote, I voted against it. Every single time.

I and most Democrats voted no fewer than 11 times—8 times in 1981 and 3 more times in 1982—in favor of floor amendments to kill, defer, or limit Kemp-Roth.

We tried to limit it to a 1-year tax cut targeted to middle- and low-income families.

The Republicans said no.

We tried to make it a 3-year tax cut targeted to middle- and low-income families.

The Republicans said no.

We wanted to eliminate the third year of the cut.

The Republicans said no.

We wanted to make the third year of the cut contingent on reduced deficits.

The Republicans said no.

We wanted to make the third year of the cut contingent on a balanced budget.

The Republicans said no.

We tried to make the third year of the tax cut contingent on lowered interest rates.

The Republicans said no.

On each vote we were beaten down by a Republican majority determined to push through the Kemp-Roth cut—even though everybody knew it would throw us into deeper and deeper deficits and confront us with the threat of higher and higher interest rates.

Now, for the 12th time in 3 years we Democrats are trying to put some fairness and some sense into Ronald Reagan's unfair economic policies.

A cap on a tax cut for the wealthy is fair.

It makes sense.

Once again we Democrats will say "Yes" on fairness, "Yes" on cutting the deficit.

Are the Republicans—for the 12th time—again going to say No?

Speaker O'NEILL has asked why a family making $100,000 needs a tax break of $2,368 on July 1, and why a family making $200,000 needs a tax break of $4,436. And he has asked why these people cannot make it on the same $720 tax break that a family making $50,000 will receive.

I join Speaker O'NEILL in asking those questions and I also ask this: Why should every family earning more than $50,000 get a larger tax cut than every family earning less than $50,000?

For all these reasons—and more—I will cast my 12th consecutive vote against Kemp-Roth. I will vote to limit the tax break for the wealthy. I will vote for the pending proposal to put a $700 cap on Kemp-Roth.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Maine (Mr. MITCHELL).

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, the American people have come to expect misuse of the English language by persons involved in the political process. We here in the Senate have become almost immune to misuse of the English language. But I submit that we have here a case where the English language is being misused in a manner more egregious than ordinary even by the standards of this Chamber.

Last week, the Secretary of the Treasury came before the Senate Finance Committee and said that he opposed this tax cap because, in his words, "It hit squarely at the middle class in this country." That statement has been repeated over and over again and we can confidently expect that tonight the President will use the same language: "The tax cap hits squarely at the middle class in America."

First, let us make clear what we are talking about. The tax cap provides that everyone who is entitled to a tax cut will get a tax cut. It provides only that those in the very highest income brackets in our society will get a cut of no larger than $720 for a joint return and slightly less than that for an individual return. So no one's taxes are going up. Everyone's taxes are going down.

Now, as to the assertion that this affects the middle class, first, as the figures provided by the previous speakers and these charts in the rear of the Senate Chamber make clear, 90 percent of all taxpayers will be unaffected by the cap—90 percent. The only persons affected by the cap will be those at the top end of the income scale, those in the top 10 percent of incomes in our society.

Now, how can that be described as the middle class? How can those in the top 10 percent of income in our society be described as the middle class?

Webster's Dictionary, which I have before me, defines the middle class as: "A class occupying a position between the upper class and the lower class." And, as every American schoolboy can tell you, middle suggests between two extremes.

The fact of the matter is that this tax cap does not hit squarely at the middle class. It hits squarely, to the extent that it provides a lesser reduction in taxes, at those at the very top level in income in our society.

Ninety-five percent of all tax returns filed in this country report incomes of less than $50,000—95 percent. And while the Secretary of the Treasury and others here who oppose the tax cap argue that a person who makes $50,000 does not think of himself as rich, that may be true, but it is irrelevant to the issue before us because the fact of the matter is that if someone in this country has an income of $50,000 a year, they are in the top 5 percent in our society, 95 percent of all tax returns being for a lesser amount.

There may be valid reasons to oppose a tax cap, although I have not heard any here in the Chamber. Surely the argument that the cap hits squarely at the middle class is not an argument against the tax cap. It is completely false. It is preposterous, in fact, for anyone to stand with a straight face and suggest that a proposal that affects only the very highest income earners in our society is a proposal that strikes at the middle class.

The middle class in this country has been punished by the tax policies of this administration, which has proposed, supported and pursued policies related to the ability to pay, while at the same time increasing taxes that

are unrelated to the ability to pay, excise taxes, the gas tax, the social security payroll tax, and now, under the contingency a surtax, and an oil import fee that will raise the gasoline tax by an additioinal 12 cents a gallon.

The consequences of these policies has been less of a tax reduction and more of a tax distribution. In our society, the burden now falls primarily and in increasing degree upon those in the true middle class, those whose incomes range between $20,000 and $50,000 a year. It is that class of Americans who are suffering the most under the tax policies of this administration because overall their taxes are going up. The only group in our society whose taxes overall are going down are those at the very upper end of the income scale, that 5 percent of Americans whose incomes exceed $50,000 a year.

It is no secret that among that group of Americans this President's popularity is higher than any other President in modern times. And rightly so, because the policies he has pursued have benefited that class to the almost total exclusion of the other 95 percent in our society.

This tax cap is a modest effort to redress the inequity and unfairness of the tax policies that have been prusued by this administration.

I conclude as I began: It does not hit the middle class. It hits only those at the top end of the income scale, and by no reasonable use of the English language can the top 5 or 10 percent in our society in terms of income be described as the middle class. They are not. In terms of income, they are the higher income persons in our society. The true middle class, the great majority of Americans, will be unaffected by this reduction, except to the extent that they will benefit from the reduction in the deficit that will ensue from this cap.

I was interested to hear someone suggest that farmers will be adversely affected. How many farmers do we know who have incomes between $50,000 and $200,000? The farmers in my State do not make $50,000, $75,000, $100,000 a year.

And it is going to affect small businessmen, we are told. How many small businessmen are making $75,000 and $100,000 a year? The small businessmen in my State do not make that.

The tax policy of this administration has one category of beneficiaries, the upper income persons, the top 5 percent in our society. All this tax cap does is to try, in a very modest way, to redress that inequity, to redress that imbalance, and to restore some fairness to American society.

Thank you, Mr. President. I thank the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I thank my friend.

Mr. President, there is a $200 billion deficit for this year, and next year, even with the hard fought, scrapped over budget resolution of the Congress, there will likely be a $170 billion to a $180 billion deficit. Under either the congressional budget projections or the President's budget projections—and by the way, the President would have us spending more and have larger deficits—under either one, over the next 5 years there are huge deficits, far exceeding $100 billion a year.

When the public reacts to the debate over whether or not this scheduled tax cut is fair, they have a right to be confused.

First of all, there is the question of whether or not they are going to have much of a tax cut when the deficits are that large. And, if so, what does it mean to me?

That is the question the taxpayer is asking himself in trying to draw a conclusion out of all of the debate that has been going on over whether or not they are really going to get a tax cut, and whether or not Congress should modify it.

A comparison has been drawn between this coming tax cut and the withholding of taxes on savings accounts. We listened to the chairman of the Senate Finance Committee draw a parallel between the two.

He says you do not want to tax those who are supposed to be paying taxes on savings accounts, but now you are trying to take a tax cut away from middle-income people.

Let us set aside the objections to the withholding of taxes on savings, and those objections are based on whether or not the taxes are actually due, whether they have to pay them and then ask for a refund because there was not that much tax involved—and there were a lot of people involved in all this—whether or not it would really cost more to administer than the additional revenue that would be raised. That is the basis on which we ought to evaluate the withholding of taxes on savings accounts.

Setting all that aside, we can understand this particular tax cut due July 1. It is a 10 percent tax cut. That is easy to calculate. Anyone can clearly understand that and can calculate what it means to them based on their last year's earnings and they can project how much tax this year's earnings and they can project how much tax this year's earnings would require.

The bill before us is easy to understand, too. It just says that the tax cut you are going to get on July 1 will be no more tha $720. You can count on that, no more.

The confusion really arises over whether or not this tax cut, if it were capped at $720, really affects the middle-income family.

The President said the middle-class American workers or families would be hurt if there was only a $720 tax cut. Who is this middle-income group he is talking about? I ask, what are we to call the middle-income group? Using the table provided by the Joint Committee on Taxation, the $720 cap would begin to affect those families who are making $40,000 or more, somewhere bewteen $40,000 and $50,000 based on families of only two, a husband and a wife, who have that level of income and itemize their deductions.

Maybe we should not assume they itemize their deductions but I can assure you that the Joint Committee on Taxation finds that indeed families of two in that income bracket certainly do itemize, so that is where the impact would come.

If we are going to base this on what is fair for the middle-income families, I think middle America is going to be surprised that the middle-income families, according to the President, are somewhere above $40,000. Of course, if they had more deductions, it would be greater. But that is still pretty high on the tax schedule.

The comparison is drawn between these families and those that make more or those that make less. Whatever confusion there is on what is middle-income American and where this tax cut cap would apply, there is one thing that is absolutely certain: The President has done a very fine snow job in claiming this bill hurts middle-income people. I can tell you some large groups of middle-income Americans who are not in that income tax bracket—farmers and ranchers across this country. The statement has been made by several of my distinguished colleagues, of whom I have great fondness and with whom I have great friendship, that if we capped this at $720, it would have a drastic effect on farmers and ranchers of this country. In fact, our farmers and ranchers simply do not make that kind of money. There are only 4 to 5 percent of the total agricultural producers in this country that fall into that range of $50,000 income and above.

Another group, a large group is small business. How many small businessmen make more than $45,000 a year? So they fall into that group. And how about truckers and retirees.

In fact, everybody but the top 10 percent of the people with earned income in this country are below the $45,000 to $50,000 income area.

The scheduled tax cut can be quite big—$4,456. That is if you have an income of a quarter of a million dollars a year. I will acknowledge that there is a great difference between a cap of $720 and $4,456. That is the

group that the President is fighting for, is bleeding for, on this snow job, and those, my friends, are not middle-income Americans.

Who gets enough to be affected by the tax cut? Senators, I guess, can fit in there; at least Senators with outside income or Senators with a fair amount of honoraria. We got a pay increase last week; some might say we might as well have a tax cut this week of a meaningful nature.

There are others, of course, in that category—athletes, actors, network TV news commentators. This tax cut is overly fair to those with the high incomes.

Where does the real rub come? The rub comes in the $200 billion deficit and in years to come, $150 billion, $170 billion, $125 billion or perhaps even higher, of Federal deficits. To cover these deficits there are going to have to be tax increases. We know that. Where is it going to come from? Those are the taxes that are going to come from the middle-income and the lower-income people. They are going to come out of farmers, ranchers, out of small business, they are going to come out of retirees, truckers, and other people, the mass of the taxpayers below the $40,000 bracket. That is where the additional taxes are going to come from. That is exactly the rub. That is why we are taking this time on this floor to debate the tax cap now.

Those people who are going to get the benefit of what we are talking about tonight are the ultra-high income people of this country, that top 10 percent.

I shall not bleed for them. I shall not swallow the President's snow job. We are going to have to raise additional taxes after this is over, and it is going to come out of those people who are earning less than $40,000 a year and that, indeed, is the big rub. It is only fair that before asking the real middle class for more tax money, we first limit the tax cut that will go to the wealthy if we do not pass this bill.

Mr. President, I do not believe that any of us here in the Senate or throughout the country really want to accuse President Reagan of misleading the public; that is, of deliberately misleading the public. But it does give us alarm when we hear this consistent chorus coming from the President and from his administration that it is unwise at this point to change the law regarding this upcoming tax cut of July 1, because he gives as a basis of that that it would interfere with middle America and the tax cuts that they feel that they will be receiving.

While we would strive not to infer on the President improper motives, it is extremely difficult to understand the President's line of thinking and his rationale in describing middle-class America as people of incomes of $40,000, $45,000, or $50,000 a year.

It would not hurt us so much to see that distortion if it were not for the fact that we will have to be voting very soon in this Chamber on additional taxes to be imposed upon the taxpayers of this country. We know it from the budget resolution. We know it from the President's own recommendations. We know it has to be done. When those tax proposals come before this Chamber, we are going to find that they do indeed hurt the average taxpayer in this country.

And so what we are trying to do with this bill is to simply say to everybody: "Well, you are not going to get more than $720 tax cut out of this July 1 tax cut, because if you do, we have to imposed additional tax burdens on everyone and they will not come across as fair taxes and equitable taxes for the average taxpayer."

Mr. BRADLEY. Mr. President, I yield 10 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, the subject before the Senate today is the same one that has been with us throughout the lifetime of this administration: taxes. But hovering over our vote today—and, more important than the specific issue of tax rates—is the far larger question of how long and how strong the economic recovery will be.

Nearly 2 years ago, Congress agreed to the President's idea of a 3-year, 25-percent cut in individual tax rates. The President told the Nation that cutting taxes to this extent would actually bring in more revenues. His idea was that people would have more income, and would put the extra money in the bank if only taxes were lower. Business would borrow this money, expand operations, and the expansion would produce more jobs. With more people working and paying taxes, the Treasury would end up with more revenue, not less.

It was a great idea, Mr. President. I went along with that idea, as the vast majority of people in this Chamber and in both Houses of Congress. The President's plan just did not quite work the way he said it would.

Now, we have an economic recovery under way and the White House says the plan has worked. Frankly, it is clear to me that we have an economic recovery in spite of what we have done, rather than because of what we have done.

The question is: How do we keep the economic recovery going? I think it is cyclical in nature, and we have to keep it from sputtering out.

By 1988, the President's tax cut will reduce revenues by a total of $860 billion. When you add in the $285 billion in additional defense spending the President requested, you end up with a gap of more than $1.1 trillion between what we take in and what we spend. This is new deficit. It is all borrowed money, extra debt piled on top of the debt we would have had with the economy operating at full capacity and near full employment. Even after the Congress cut domestic spending by $387 billion—the level proposed by the President—you still have extra deficits totaling over three quarters of a trillion dollars by 1988.

This extra deficit threatens economic recovery by virtually guaranteeing high interest rates. We see this happening already. Just when the economic recovery is getting up a head of steam—just when business is finally getting ready to borrow—high and climbing interest rates generated by growing Federal deficits will stop the recovery in its tracks.

The tax cap bill before the Senate today is not an attempt to raise taxes. It is, instead, a small step—consistent with the budget adopted last week—to contain Federal deficits. The budget we approved calls for $73 billion in additional revenues. Of that amount, $46 billion would come in 1986—the same amount in the same year—requested in January by the President.

The budget resolution Congress approved last week is the blueprint for lower deficits. Now we must actually begin the work. This tax cap legislation we consider today is a good place to start. If enacted, the $700 cap on the third year of the tax cut will produce $21 billion over the next 3 years, or well over a quarter of the extra revenues specified in the budget resolution. And the amount will be the result not of raising taxes as planned by the President but, rather, by limiting the extent to which taxes have already been reduced.

If the President's economic program has proven anything, it is that you cannot reduce Federal deficits by shutting off revenues. You cannot erase deficits solely by cutting spending. Congress has already gone a long way in the battle against deficits by cutting spending nearly $390 billion. Whoever would have thought the U.S. Congress would actually cut spending that much? We have actually done that.

The problem is that those cuts lost their effectiveness in the face of an administration policy that added more than $2 to the deficit in the form of red ink tax cuts for every $1 that we saved in our spending cuts.

So, if you wonder why deficits are so high, it is not because Congress boosted spending; it is because the President insisted on reducing taxes too far, too fast. As a result of the budget we passed last week, entitlement spending as a share of the gross national product will decline from 12.1 percent in 1983 to 10.4 percent in 1988. Total Federal spending as a share of GNP is going to decline from 25.1 percent in 1983 to 23 percent in 1986. Over the same period, taxes will rise to 20 per-

cent of GNP, actually a lower tax burden than the 20.6 percent endorsed by the President in his January budget. The spending contribution to reducing the structural deficit is 2.1 percent of GNP by 1986. That is almost twice the tax contribution of 1.2 percent.

Mr. President, I ask unanimous consent to print our explanatory table in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MAJOR COMPONENTS OF THE BUDGET AS PERCENT OF GNP

	Fiscal year—				
	1983	1984	1985	1986	Change fiscal year 1983–86
National defense	6.7	6.8	6.9	7.0	+0.3
Nondefense:					
Entitlements	12.1	10.9	10.6	10.4	−1.7
Discretionary plus pay	4.6	4.4	4.2	4.0	−0.6
Net interest	2.8	2.7	2.7	2.5	−0.3
Total outlays	25.1	24.0	23.5	23.0	−2.1
Revenues	18.8	19.2	19.4	20.0	+1.2
Deficit	6.3	4.8	4.0	3.0	−3.3

Mr. CHILES. Mr. President, if we are going to cut deficits, if we are all going to profit from a sustained economic recovery, everyone will have to play a part. No one can be immune from the effort necessary to protect the recovery. That, for example, is why defense spending in the fiscal 1984 budget will rise a healthy 5 percent rather than the 10 percent asked by the President and deemed too high by the Congress. That is also why, in the interests of fairness, the tax cap we vote on today is a reasonable measure.

Ninety percent of all taxpayers will still receive their full, scheduled tax cut under the terms of this bill. Of the revenue the bill would raise, 89 percent would come from taxpayers earning over $50,000 annually. I believe this is a fair approach. If you want to see the fairness question in sharper focus, all you have to do is look at the shape of the President's tax cuts.

The tax changes thus far, matched with spending cuts, will actually mean $310 less in income to a worker whose annual income is less than $10,000. If the annual income is between $20,000 and $40,000, the tax cut will add just over $700 to that income. But if a person's annual income exceeds $80,000, that person has already received a $14,000 windfall from the tax cuts. Moreover it will cost everyone who makes less than $80,000 a year about $21 billion just to pay for the cuts given the wealthy.

For too long, the administration has been trying to persuade the public that Congress wants to raise taxes, and that raising those taxes is unfair. What is really unfair, Mr. President, is trying to persuade the taxpayer that a tax cut comes without cost. The truth is that the taxpayer has paid for those tax cuts—and then some—every time he or she has tried to buy something on credit. It has been like a revolving charge account. The taxpayer will pay. So the administration policy has not really been a taxectomy. It has only been a tax transplant, exchanging a drop in personal tax rates for an increase in interest rates.

The tax cap legislation we will vote on today is fair and an effective first step in redeeming the pledge we made in the budget resolution. We promised then to cut deficits. We can start today. What we can begin now and continue in the weeks ahead and will determine whether we can preserve the economic recovery. That is the key question. I hope the Senate will approve this tax cap bill in the interest of fairness, in the interest of deficit reduction, and in the interest of overall economic improvement.

Mr. BRADLEY. Mr. President, I yield 10 minutes to the Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished chairman.

Mr. President, the Tax Rate Equity Act now before the Senate would limit the third year of the individual tax reductions enacted in 1981 under the Reagan economic program. This legislation is important for two reasons. First, it represents an important beginning to establishing a more balanced fiscal policy for the rest of this decade. Second, it saves needed revenues in a way that is fair to all Americans. Because this tax proposal has been drafted to be fair to all taxpayers, it represents a marked departure from the tax policy embodied in the Economic Recovery Tax Act, a policy that has been consistently tilted to provide the greatest benefits to our wealthiest citizens.

When President Reagan proposed in his campaign that the way to economic salvation in this country was to make drastic tax cuts, virtually everyone outside his own party was skeptical. How could you cut taxes, raise defense spending, and balance the budget all at once? The answer, we now painfully have learned, is that you cannot do all three. There is no magic to fiscal policy, despite the optimistic promises of President Reagan and his economic advisers.

We are now left with the specter of enormous budget deficits for the balance of this decade.

I think it is well to reflect that it took this Nation 205 years to accumulate $1 trillion in debt. Under the policies now promulgated by the White House and under the submissions to this Congress for the next 5 years, this country would match that trillion dollar indebtedness in just 5 years.

President Reagan promised that we could pay for his massive tax cuts with economic growth. That clearly has not happened. Two months ago the Congressional Budget Office estimated that these deficits will be over $200 billion in fiscal year 1984, over $210 billion in fiscal year 1985, and rising to over $267 billion in fiscal year 1988.

The failure of the administration's policies has left us with three fundamental problems in fiscal policy. First, how do we provide adequate domestic spending to assist the victims of the worst recession in 40 years and meet the needs of those needy citizens who must look to their Government for help? Second, how do we provide for a responsible and credible program to rebuild our defenses? Finally, how do we provide for a gradual, sustained reduction in budget deficits?

The budget resolution which has recently been adopted on a bipartisan basis gives us responsible answers to these questions. An important part of the solution to these problems must include additional revenues. That is not simply a Democratic Party position. That is the conclusion of extensive deliberations and negotiations between Democrats and Republicans in both Houses of Congress.

The budget resolution calls for an additional $12 billion in revenues for fiscal year 1984. This legislation, if it is enacted, will provide $6 billion, and it will generate this revenue in a fair and balanced way.

Critics of this proposal claim that the tax cap is unfair to the middle class. Yet, what are the alternatives, and how do these alternatives affect the middle class?

If we look at the Reagan administration's own proposal for an income surtax to raise revenue beginning in October 1985, we find that 62 percent of the revenue comes from people earning under $50,000. By contrast, the tax cap is much more progressive: 89 percent of the revenue it raises comes from those earning over $50,000 and only 11 percent of the revenue from this proposal comes from taxpayers earning less than $50,000.

The second major proposal the Reagan administration has made to raise revenue in order to reduce the deficit is a standby tax on oil. Seventy-five percent of that tax will be paid by people earning under $40,000. Clearly, this oil tax is much more regressive than the tax cap we are now considering.

In short, there are no good alternatives to the tax cap. To criticize the cap proposal as unfair to the middle class simply distorts the issue. The central fact is that the fairest solution is to impose the tax cap on the third year.

Critics of the tax cap proposal have focused on two sets of arguments. First, they argue that raising taxes at the early stages of a recovery will jeopardize the prospects for growth.

Second. they argue that the tax cap is not really fair at all because it places additional burdens on the middle class. Both arguments rest on faulty assumptions.

On the first issue it is simply wrong to suggest that the tax cap represents a tax increase. The fact of the matter is that a $700 tax cut is a $700 tax cut. The question is not whether to cut taxes, but rather how big should the third year tax cut be? If we do nothing, there will be a $30 billion tax cut on July 1. If we modify the tax cut by adopting a cap, we will still provide everyone with a tax cut, but the total magnitude of the tax cut will be smaller. Instead of a $30 billion tax reduction we will be providing a $24 billion tax reduction. To suggest that a difference of $6 billion in a $1.5 trillion economy will jeopardize recovery is simply specious.

We need a balanced fiscal policy to sustain growth through the rest of this decade. The budget resolution which we adopted last week provides the blueprint for that policy. The resolution calls for a gradual and sustained reduction in the deficits with a moderate package of spending restraint and revenue increases. The tax cap stands as a first step to fulfilling our institutional commitment to the budget plan we have adopted.

Critics of the tax cap do not stop with fiscal policy, however. They go on to criticize the tax cap as inequitable to the middle class. To make their case, opponents of the tax cap generate a smokescreen of confusing statistics and distorted images. All this rhetoric should not obscure three basic facts about the tax cap:

First, everyone still gets a tax cut under a tax cap. The only impact of the tax cap is to reduce the size of the tax cut to wealthier individuals.

Second, the tax cap will affect the wealthiest 10 percent of all taxpayers.

Third, while the tax cap will affect some taxpayers with incomes as low as $29,800, the impact is minimal. The tax cap is truly a progressive proposal; 89 percent of the revenue comes from people earning over $50,000. Meanwhile, the taxpayers earning between $30,000 and $40,000 will have their tax cut reduced by about $111 or about $2.13 a week. That is hardly an action that will drown the middle class.

The tax cap is a modest proposal. It will not bankrupt small business or family farmers. It will not impose special burdens on working couples. It will not destroy incentives to work and save.

All these arguments have been raised in a serious effort to discredit the proposal. They are based on confusing and distorted statistics, and they serve only to obscure the basic issue: In this time of record budget deficits, should Congress borrow even more money to provide the wealthiest 10 percent of our citizens with more than $700 in additional tax cuts?

We are facing an unprecedented budget crisis with our projected deficits. No one can forecast the consequences of this looming imbalance in our budget policy. Faced with this prospect, the only responsible and prudent course to follow is to take a series of difficult but modest actions over the next few years to regain control of the budget.

The tax cap represents the first step along that path.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. How much time does the Senator need? He may have as much time as he wants.

Mr. EXON. Mr. President, I have looked carefully at the tax cap bill and concluded that its passage would be in the best interest of Nebraskans and the Nation as a whole.

The key requirement in this deficit reducing, spending reduction measure is on line 1 of page 10:

> The changes in the individual income tax contained in this act will be accompanied by dollar-for-dollar reduction in outlays in fiscal year 1984 by an amount which is at least equal to the revenue projected to be collected by these changes in the individual income tax.

What this means is that there will be a dollar of spending cuts for each dollar of additional revenue which is raised by the tax cut cap in 1984. Any time the Senate can get a dollar in spending cuts for a dollar that will not have to be borrowed to finance a future tax cut, it should jump at the chance. In terms of total dollars, this would mean a deficit reduction in 1984 of $12 billion—$6 billion in spending reductions and $6 billion in less borrowing for financing a portion of the July 1 tax cut.

At a time when most thoughtful people are nearly scared out of their wits by deficits and the skyrocketing national debt, we are financing a tax cut by borrowing even more and accelerating deficits and the national debt further.

Last week, when the budget conference report was debated in the Senate, the distinguished chairman of the Senate Finance Committee made some interesting observations about the ratio of spending cuts in reconciliation compared to the revenues that would have to be raised by the Finance Committee. One reason I voted against the budget conference report was because there was too much emphasis on revenue increases and not enough on spending cuts. For example, in 1984 the budget resolution calls for about $3 of revenue increases for every $1 of spending cuts. Over the next 3-year period, the ratio is even worse: Only $1 of spending reduction for each $4.50 of revenue increases.

That is why I say that when the Senate has a chance to cut a dollar of spending for a dollar of revenue increased, we should take it.

Mr. President, I did not decide to support this bill without first looking at the arguments for and against it. I received information from the Treasury Secretary, as all Senators did, regarding the administration's opposition. When I reviewed the administration's case against this bill, however, I could not put out of my mind a statement the Treasury Secretary made just last month: "I will offer a prize to anyone who can show me the connection between high interest rates and high deficits." That was a takeoff on JACKIE KEMP's recent famous quote, "The Republican Party no longer worships at the altar of a balanced budget."

I had always respected that great political party's forthright stand for balanced budgets. Now they have traded it in for a new slogan, "Unbalanced budgets forever." With that kind of approach to the subject of deficits, it is not hard to see why the administration opposes this bill. Such an attitude is also bound to color the various statistical arguments that the Treasury Secretary has used against this effort which would cut the deficit in 1984 by $12 billion.

Allow us to separate fact from fiction. First, this is not a tax increase bill, despite the claim by the administration. Second, everybody in every income group is guaranteed a further tax cut. This bill simply specifies that no taxpayer gets a tax rebate of more than $720 for 1984. That is the reason it is correctly called a tax cap * * * limiting the amount any taxpayer can claim as a refund. Third, despite the tragically false claims by the administration that this tax cap hits hardest at middle Americans, it is simply nonsense.

This tax cap and spending reduction measure does not affect in any way 90 percent of all Federal taxpayers. Nine out of every 10 taxpayers will receive the full tax rebate as incorporated in the present law. Can any reasonable person buy the argument that the remaining 10 percent of Federal taxpayers make up the bulk of "middle America?"

While crying crocodile tears for "middle America" the administration cleverly indeed hit devastatingly and directly at "middle America" last year with the $98 billion tax increase in the so-called Tax Equity and Fiscal Responsibility Act of 1982 and the additional $46 billion in the 5 cents gas tax increase to say nothing of the tremendous additional tax increase on every "middle American" in the Social Security measure which raised payroll taxes. This Senator voted against all those measures because they were

truly burdensome on "middle America."

To repeat, there are approximately 80 million Federal taxpayers. Only 10 percent or about 8 million are affected by the "cap."

One of the Secretary of the Treasury's arguments which is misleading is the allegation that about half of the 8 million taxpayer returns which would be affected by a cap are filed by those earning less than $50,000. But what the Treasury Secretary fails to point out is that the amount by which such taxpayers would be affected is relatively small. When one knows that 89 percent of the revenue raised by this bill would come from taxpayers earning over $50,000 a year, it puts an entirely different light on the matter. Moreover, I have had letters from a great many Nebraskans who would very willing give up a few dollars of their tax cut in order to make progress in reducing huge Federal deficits.

At the opening of my remarks I said that this is a good bill for Nebraskans. Nebraska is a State in which neither government nor business pays high salaries in comparison with many other States in the Union. So while it may be true that 1 out of 10 taxpayers in the country would be affected by this tax cut cap, the fraction is much smaller in Nebraska.

According to the Nebraska Department of Revenue, for the latest year that data are available, only about 4.5 percent, or 1 return out of 22 taxpayers showed an income above $45,000. Only 9.9 percent or approximately 1 in 10 of the returns in Nebraska, represent an income of $35,000 or higher. Since the tax cap would affect family incomes of approximately $46,500 and above, and single taxpayers with an income of approximately $35,700 and above, far fewer Nebraskans would be affected by this legislation than would taxpayers nationally. Although data are not available to break down Nebraska taxpayers by joint or single filing status, my rough calculations indicate that this legislation would affect only about 1 of every 19 returns in Nebraska. This measure is fair and it is reasonable.

The Treasury Secretary has used some interesting national averages on salaries to try to show how this legislation would hurt middle-class taxpayers such as police officers, registered nurses, secretaries, engineers, and teachers. Let me use police officers as an example. The Treasury Secretary said $23,260 was an average salary. But, in Omaha, Nebr., $23,160 is in fact the top pay for police officers. In Lincoln, Nebr., the top is $21,500 and the average is another $2,000 lower than that. For Greater Nebraska, although I do not have figures, I am quite certain that police officers are paid a lower average.

Mr. President, I am only trying to put this into perspective as I must as a Senator from Nebraska. It is true that we are legislating for a whole Nation, not any individual State, but our agricultural economy in Nebraska has been extremely hard hit by this recession which has been heightened, if not caused, by huge Federal deficits. Large deficits have kept upward pressure on interest rates, regardless of what the Treasury Secretary thinks, and these high interest rates have caused an appreciation of the dollar such that our agricultural export markets have been severely affected if not irretrievably lost in foreign markets.

Those who wish to may argue against this legislation so as to preserve 89 percent of the tax breaks in question for people making over $50,000. But I say let us cut $12 billion off the deficit, get interest rates down, and start to recapture our export markets. This may be only a beginning point to reduce this administration's run-away deficits but its about time we start.

Mr. MATSUNAGA. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Mr. President, I wish to yield both to Mr. PELL and Mr. MATSUNAGA.

Mr. MATSUNAGA. How much time will the Senator need?

Mr. PELL. Four or five minutes.

Mr. MATSUNAGA. I will wait. I withdraw my request.

Mr. BYRD. I thank the Senator from Hawaii and I will yield time to him following Mr. PELL.

I yield to Mr. PELL such time as he requires.

Mr. PELL. I thank the minority leader very much.

Mr. President, I rise to support the proposed $700 cap on the tax-cut scheduled for July 1. I do so not out of any sense of pleasure at the prospect of curtailing tax relief but out of a sense of deep concern for our Nation's economy.

The fact is that we must make some hard decisions to redress the grievous imbalance in our national fiscal policies. Many of us on this side of the aisle who wished the President well when his term began in 1980, watched with increasing dismay as his economic program was unfurled. The 1981 tax law was, in retrospect, an unmitigated disaster from the point of view of fiscal integrity. Even after the correction of the 1982 tax act, the net revenue drain resulting from the 1981 law is estimated at $851 billion over the 1982-88 fiscal years.

To engage in a massive military buildup at the very time revenues are being slashed so drastically can only be described as utter folly. Yet that is what this administration has done, with the recklessness of an improvident householder using a giant credit card. They have charged it all to the future. I was appalled to see the figures which showed that the budget policies of the Reagan administration could add nearly $1.5 trillion to the national debt between 1982 and 1988, which is more than the total debt accumulated by all previous administrations over the past 192 years.

The disastrous economic consequences of such deficit financing has become patently clear over the past year to citizens in all walks of life in every corner of the country. This past May I sent a newsletter to my Rhode Island constituents which stated in part:

> The defense budget has soared, the Federal deficit has mushroomed, and interest rates have remained too high for too long, squeezing buyers out of the market and shutting down construction projects across our land. As the economy headed toward disaster, the Administration persisted in dismantling the very safety nets that Americans have every reason to expect will be there in time of need. The nation was asked to "stay the course" right into the eye of a hurricane, all in the name of untested theories of trickle down economic growth that just didn't work.
>
> The tragedy of it all is that this is a recession which did not have to happen. It was not caused by economic or natural accidents beyond our control or by malfunction of our economic system. It was caused by the deliberate imposition of the misguided policies of the present administration in Washington, whose leaders lacked the wisdom to foresee the consequences of their policies or the compassion and flexibility to change once their errors became apparent.

There has been only marginal improvement since those words were written. Interest rates are still too high and recovery is still uncertain. Over 9 percent of the Rhode Island work force was still unemployed in May. Looming behind this continuing distress is the mammoth Federal deficit which casts such a long shadow of uncertainty across the economic landscape. We should seize every opportunity to reduce it and we should oppose whenever possible any action to increase it.

The tax-cut cap proposal now before us offers just such an opportunity. It would recoup some $38.8 billion in revenue over the next 5 years. And it would do so with a minimum of discomfort for the Nation's taxpayers as a whole. Everyone would receive some tax reduction and in fact 90 percent of all taxpayers would receive the full cut. Of the revenue raised under the bill, 89 percent would come from taxpayers earning over $50,000.

Mr. President, I have long argued for proposals to restore fairness and balance to our tax system. I believe the cap proposal is a step in that direction. Moreover, it is an equitable and sensible way to stem the tide of deficit financing. It is surely a preferable alternative to automatic tax reduction at a time when the Nation cannot pay its bills. I urge its adoption.

Mr. BYRD. Mr. President, I thank the Senator from Rhode Island, and I yield to the distinguished Senator

from Hawaii, my friend SPARKY MATSUNAGA, whatever time he wishes. I believe we have 20 minutes remaining.

Mr. MATSUNAGA. I thank the Senator for yielding.

Mr. President, I rise in strong support of H.R. 1183, the Tax Rate Equity Act of 1983.

In voting for a measure, Mr. President, it is natural for those of us who are elected to office to ask ourselves where do the American people stand on this? Well, the fact, as has been pointed out time and time again by speakers before me, is that the tax cap would affect only 10 percent of the total taxpayers of America. Ninety percent of all taxpayers would receive the scheduled tax cut in full.

Now, let us take a look at the background of the tax cut. What needs to be remembered is that we are not by H.R. 1183 asking for any tax increase. We are merely asking for a reduction in the tax cut, and to place a cap on the tax cut at $720.

In 1981 the Congress enacted the Economic Recovery Tax Act, commonly referred to as ERTA, which provided for a 3-year program of individual tax cuts.

Under ERTA, individual income tax rates were reduced 5 percent on October 1, 1981, and 10 percent on July 1, 1982. A further reduction of 10 percent is scheduled to go into effect on July 1, 1983. It is this tax cut of 10 percent we are talking about here. We are proposing under H.R. 1183, to limit that tax reduction to $720. Unless H.R. 1183 is passed, a family of four earning $100,000 a year would get a tax cut of $2,368, while a family of four earning $20,000 would receive a tax cut of only $164. In all fairness, let us limit the tax cut to a reasonable $720 for all taxpaying families, regardless of income.

As a result of the passage of ERTA in 1981, Treasury revenues will be reduced by an estimated $507 billion over the 3-year period between 1984 and 1986, and by a total of $1.1 trillion over the 7-year period from fiscal year 1982 through 1988. Even after the enactment of the 1982 Tax Equity and Fiscal Responsibility Act, the projected revenue loss under ERTA is staggering.

Mr. President, I have been talking with many businessmen not only in Hawaii but in other parts of the country where I have had speaking engagements, and I have learned, and I am thoroughly convinced that the prime concern, even of those 10 percent of taxpayers who will be affected most by H.R. 1183, is the prevailing high interest rates—interest rates which are sure to escalate with increased Federal deficits.

Under the House and Senate passed budgets, the total deficits over the next 3 years, although less than under the Reagan budget, will exceed $450 billion.

With this kind of projected deficit, interest rates are bound to rise for the Federal Government will be competing with the private sector to borrow what little money there is available on the market. We must do everything possible to keep interest rates down and to reduce interest rates if we are to see any economic recovery.

H.R. 1183, which proposes to put a $720 cap on the tax cut, will be a step in the right direction. By its adoption, we will save $6 billion. In other words, we will have $6 billion additional in the Federal Treasury by adoption of H.R. 1183.

This is what we are talking about, Mr. President, to keep deficits down, to reduce deficits, if at all possible, and not to go in the direction that the present administration is taking us; $6 billion saved would be $6 billion in the right direction, and by so doing we will help to keep deficits down and by so doing we will keep interest rates down, which would be the prime factor toward economic recovery.

Given the true facts and a choice of consequences, I am confident all American taxpayers would be willing to accept a maximum tax cut of $720 on July 1, 1983, if it means lower interest rates, leading to economic recovery.

So, Mr. President, with that I urge my colleagues to vote for the adoption of H.R. 1183.

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes remain.

Mr. BYRD. Does Senator MELCHER wish to take that 3 minutes?

Mr. MELCHER. Yes.

Mr. BYRD. I ask unanimous consent that the remarks of Mr. MELCHER be joined with his earlier remarks in the RECORD so as to show no interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MELCHER at this point are printed at the conclusion of his earlier remarks, in accordance with the foregoing order.)

The PRESIDING OFFICER. The Senator's time has expired. All time has expired for the proponents.

Mr. DOLE. Mr. President, as I understand the parliamentary situation as far as time, the time for the proponents of the amendment has expired, is that correct?

The PRESIDING OFFICER. The Senate is correct.

Mr. DOLE. How much time is remaining on the opponents' side?

The PRESIDING OFFICER. The Senator has 76 minutes and 7 seconds remaining.

Mr. DOLE. I will assure the Chair that I do not intend to use 76 minutes or even 6 minutes. There will be another hour of debate tomorrow morning starting at 9 o'clock and we will again discuss this issue.

Again, I hope that the amendment will be defeated. As Senator MELCHER has indicated, we are going to have an opportunity later on this year and I can assure the Senator we are looking in our committee at preferences and compliance in areas that really talk about fairness, you ought to see some of the things that some taxpayers get away with. You talk about fairness, we are going to give everybody a chance to vote for fairness, for broadening the base of the Tax Code, and for equity.

This was a tax cut that was enacted. Let us face it, if we had a tax increase, if you made more money, you would pay more taxes. If you have a tax cut and you make more money, you get a bigger tax cut. That is what it is all about. It does not mean anybody is going to get rich over the tax cut. Some people earn more money and pay more taxes. If there is a tax reduction, they get a larger reduction. That is one of the details that has been overlooked in all of this debate.

So I just suggest that, again, we go back to the $100 billion tax bill last year. Not many of the people who have spoken supported that measure, and that really was aimed at closing loopholes and tax shelters and at big oil companies and big insurance companies and others who were getting away with paying very little tax. That was real tax reform.

But the first time we voted, not a single member of the Democratic Party voted for that $100 billion tax reform bill. The conference report, I say to the credit of the 11 who supported that, was vital.

So I hope that we understand that this is probably a total political exercise, maybe political on both sides. The President says he does not want the cap; the Democratic leadership says they do want a cap. So you have a Republican President who says, "No cap," and the Democratic leadership that is pretty well united saying, "We want a cap." So that makes it political. And I hope that it is understood in that way.

If, in fact, the amendment is not adopted, that does not diminish our responsibility to try to follow through with a budget resolution, though I think it is a lousy resolution, and I have said so. All it does is raise taxes and very little spending reduction. They even came up with some new invention called fencing in new programs that have not been approved, 10 billion dollars worth.

If you put that in the mix, in fact, there is an increase on the spending side rather than a decrease in nondefense domestic spending.

In the Senate Finance Committee, I guess we are fortunate, we get 88 percent of the responsibility for that. We are going to try to face up to that responsibility if the President of the United States indicates his support and if there is an indication that the

House and the membership of the House is willing to move on the budget resolutions. I assume they will be.

Mr. President, I have no quarrel with those who feel that there should be a cap. I disagree that that is an argument of whether you are fair or unfair. No one has ever defined what rich means in this Chamber. Everybody is rich, if there are political arguments. They say, "Well, we are going to tax the rich." That makes everyone feel good. I do not know anybody who will admit they are rich. Well, maybe 500 or 5,000 people in the country.

So it is a patently political argument. It may be good politics but it is certainly not good tax policies.

There will be other opportunities when this amendment is defeated to indicate our concern that the system is fair.

Six million people did not file tax returns last year we are told, and many of those because they do not think the system is fair.

The system is not fair. It is not because of the tax cuts. Everyone agrees that the marginal tax rates are too high. All we did with the so-called Reaganomics or tax cut was to reduce those marginal rates over a 3-year period.

So far as this Senator knows, no one is quarreling with that. But there is every right to quarrel, by Democrats, Republicans, and everyone else, that there is a lot of fat in the Tax Code that ought to be examined and ought to be tightened up.

Some companies and some institutions pay hardly any tax at all. In fact, we were told today that some of the large companies actually got refunds. They had a negative tax because of a lot of loopholes that have not been addressed for 10, 20, or 30 years.

In the process of the debate, let us not lose sight of our final responsibility, to try to reduce the deficits and certainly some of that must come from the revenue side.

I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond the hour of 7:30 p.m., during which Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER ACDA DIRECTORS ON ARMS CONTROL POLICY

Mr. CRANSTON. Mr. President, on June 23, I submitted for reprinting in the RECORD arms control policy statements of former ACDA directors. Inadvertently, the Honorable Paul Warnke's name was omitted from the printing of this statement by the RECORD. I hereby resubmit these statements in their entirety and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GERARD C. SMITH

I

I have been asked to speak about some arms control aspects of the relationship between the U.S. and the USSR, including the effect of and on the ABM Treaty of the President's recent proposal for a major long-range effort to develop strategic defenses sometimes called his "star wars" dream.

II

First let me speak about the recent change in the "START" position which is said to reflect the findings of the Scowcroft Commission and presumably is the Administration's first move to keep its end of the bargain with Congress which led to the affirmative vote on the MX program last month.

If it is merely considered as an "opener" for a genuine negotiation, the Administration's move to raise the permitted levels for ballistic missile launchers seems a positive step.

If one can take literally the White House assurance that "everything is on the table," some movement in START may be possible. But we have heard this assurance before. Our chief negotiator's recent statement that he now has authority to listen to Soviet proposals makes one wonder about the nature of the START negotiations over the past year, when we were assured that progress was being made.

A fair inference from the Scowcroft Commission report is that the "window of vulnerability" never existed and that claims that the United States was a second class nuclear power based on alleged vulnerability of our ICBMs were unfounded. The Scowcroft Commission surprisingly reported "reasonable survivability of fixed targets, such as ICBM silos, may not outlast this century." But the latest START proposal seems to disregard the Scowcroft conclusions, which clearly state that we have no immediate or near term problem of vulnerability. It still seems to be trying to close that "window of vulnerability."

The proposal continues past effort to get the Soviets to shape their strategic forces after the United States model. If the Soviets accept, it would require vast new expenditures to reconstruct their forces. It has been reported that the Administration believes that Soviet economic difficulties will encourage them to bargain seriously. If our idea of a successful bargain is that the Soviets would have to invest large resources to alter their force posture, dependence on this economic motivation seems illusory.

In the past, progress in strategic arms negotiations was made when they were private. The publicity surrounding the new proposal suggests that its main purpose is propaganda—to appear to meet domestic and foreign pressures for change.

The one new element is to raise ballistic missile launcher ceilings from 850 to a level reported to be in the range of 1100/1200. That alteration seems aimed as much to ease American force planning as to limit Soviet forces. If we are to have 100 MXs and Midgetmen, the 850 limit would have been too tight.

Apparently all the other provisions of the earlier START position are retained—the 2500 ICBM warhead ceiling, the 210/100 Soviet MIRVed missiles limit. Ambiguity, if not silence, persists about our ideas on limiting cruise missiles—systems of special concern to the USSR. We apparently are willing to discuss any Soviet proposals. Proposed bomber limitations seem somewhat unequal—400 for the U.S. not including FB-111s, and 350 for the USSR including Backfires and the new bomber we call Blackjack.

The Soviets have to reduce ICBM warheads by about 3500—the U.S. could increase by about 250.

The Soviets would have to reduce MIRVed ICBMs by about two-thirds, while the United States could build 100 MIRVed MXs and some MIRVed Trident II missiles with hard target kill capability.

It has been calculated that Soviet missile throw weight would have to be reduced from 8.8 million to 4.2 million pounds.

All of this would result in substantially increased vulnerability of Soviet ICBMs and substantially decreased vulnerability of U.S. ICBMs.

It would tend to result in parity in ICBM throw weight while continuing United States superiority in bombers and cruise missiles. The proposal seems to add up to an offer that the Soviets can easily refuse. Have we not learned by past SALT experience that one-sided proposals cannot work and will only kill time, which is a wasting asset?

This criticism of the new START position is based on news reports about its content. But it would not be surprising if in addition the Geneva delegation had been made aware of possible other areas where concessions might be made if the Soviets engaged in serious negotiations. The most likely candidates would be the proposed ceiling for ICBM warheads and the sublimits on Soviet MIRVed warheads.

If such fallbacks were foreshadowed, prospects for realistic negotiation would be somewhat brighter. But a bargain seems unlikely if the U.S. remains equivocal about limitations on cruise missiles.

Until then the new proposal's main purpose seems to be to get MX safely underway, with public and Congressional anxieties tranquilized for a while. I wonder how long such a palliative will work. With the deepening public commitment to arms control and election year bearing down, more substantive moves seem called for.

I would say that the present status of the Administration-Congress bargain is that the Administration got what it wanted on MX. So far the Congress has only obtained a change of tone in the arms control rhetoric.

Criticism of the Administration's arms control policies should be tempered by recognition that the USSR bears a good part of the onus for lack of progress. Even if we refrain from express linkage of arms control to other aspects of Soviet-American relations, the somber messages of Afghanistan and Poland cannot be forgotten. Unanswered charges of possible Soviet violations of SALT and other arms control arrangements do not help. Soviet treatment of dissenters continues to shock even the most ardent American proponents of agreements to control arms. We would not be interested in negotiating with Soviet leaders but for the supreme urgency of controlling nuclear weapons.

III

The new proposal seems to reflect an attitude about strategic arms control that might be characterized as "well, if we can't get it, too bad—let the chips fall where they may." Contrast this with the conclusion of the Scowcroft Commission that effective arms control is essential to the nation's security.

I think we tend to overlook what a sharp setback for arms control was the failure to ratify SALT II. Coming on the heels of our failure to ratify two earlier control agreements, this collapse of a seven-year effort is still having prejudicial effects. Tacit honoring of SALT II, which the Administration found fatally flawed, is no substitute for embedding the treaty in international law by ratification. START was supposedly an effort to correct the "fatal flaws" of SALT II. So far it has not.

I think it is not unfair to say that our present national security managers bear a good part of the responsibility for SALT II's failure. And it is perhaps understandable that the USSR is now somewhat cautious about seriously negotiating for a fourth arms control agreement. In the face of our past failures, talk by high Administration officials about the need to prod or encourage the Soviets to negotiate must sound somewhat ironic to Soviet ears. They must wonder what prods are available to them to get America to ratify past agreements. The situation is not improved by the Scowcroft Commission's findings that serious flaws existed in our first START proposals—flaws which President Reagan quickly admitted.

Are these flaws corrected by the revised START proposal? Aside from its tone, which is said to reflect greater flexibility, the only change is in one number. I agree with Secretary Shultz' statement before this Committee last week that the prospect for early progress is not bright.

I believe that the Soviet greater interest now is in the INF negotiation where there is a year-end deadline. I doubt that they will work seriously on START until they have a better idea as to how the INF negotiation is going to come out.

The arrangement which the INF delegation leaders reportedly worked out last year where Soviet reductions in SS-20s would be matched by cancellation of proposed Pershing deployments but under which some U.S. cruise missiles could be deployed begins to look better as the date approaches for the Pershing deployment. Although both governments disclaimed interest in this deal, the circumstances are as yet unclear as to which was first to react.

The Administration's conviction that the Soviets will soon start negotiating in earnest will be put to a final test as winter approaches. If that belief proves wrong, we will face the likelihood of deployment of additional Soviet missiles targetted on the U.S. and Soviet withdrawals from the INF and perhaps even from the START talks. That would promise a cold winter and a collapse of hopes that some control of nuclear arms might be accomplished by this Administration. Calls are being heard in responsible quarters in Europe for reconsideration of the Nitze/Kvitsinsky bargain. Clarification for the Congress of the reasons for and timing of our rejection of this arrangement may be in order.

I do not sense in Washington even the beginnings of any alarm about a possible crisis. We are so sure it won't come to that—that the Soviets will concede to our views when the first Pershings appear in Germany. But are the Soviets bluffing in saying that they will counter-deploy some new system to put U.S. targets under similar time urgent duress? Their interest in negotiating any arms controls with this Administration will be reduced if the Pershings are deployed. No wonder some informed people here and abroad believe that it was a mistake to start down the "double track." I was struck by the statement in the recent staff report for this Committee that something along the lines of the Nitze-Kvitsinsky bargain may perhaps be the best chance of reaching agreement. Not since the Berlin crises of the 50s and 60s have the two sides faced similar challenges. I question whether a policy of "let the chips fall where they may" is either sufficient or appropriate for what may well develop into a major Soviet-American crisis.

IV

I was also asked to comment on the relation of the President's "star wars" proposal to the ABM limitation Treaty of 1972. On this score, I would like to submit for the record an analysis prepared by John Rhinelander who was legal advisor to the SALT I delegation and a participant in the ABM negotiation.

Very briefly, my understanding of the ABM Treaty is that (a) All ABMs were banned in 1972 except two fixed land-based systems having 100 launchers each to defend a nation's capital or one ICBM field; (b) In 1974 it was agreed to reduce the limits to one system for each side; (c) An ABM system was defined as then made up of launchers, radars and missiles; (d) Development testing and deployment of sea, air, space or mobile land-based systems was banned: (e) If land-based systems are developed using so-called "exotic" components—lasers, particle accelerators, etc.—they could not be deployed unless the Treaty was amended.

Any major program to implement the President's "dream" would very quickly run afoul of the ABM Treaty's constraints. Even engineering work to develop a space-based system is banned under the Treaty. Perhaps the machinery of the Standing Consultative Commission set up under the Treaty should be resorted to in the first instance in an effort to clear up ambiguities as to just how far the signatories can go without violating the Treaty.

We hear much these days about the importance of the stability of the strategic balance. Arms control treaties have an important part to play in this respect. By foreshadowing a program which would inevitably violate the ABM Treaty, I believe that we are introducing uncertainty which cannot fail to have a prejudicial impact on the current strategic balance. Gromyko's statement on June 16 contained language indicating Soviet concern on this score.

What the President had in mind, apparently, were defensive systems to protect not just the United States but all of its allies from attacks by ballistic and cruise missiles as well as bombers. Many have had the dream that the nuclear threat could be laid to rest by effective defensive systems. Mutual invulnerability would be a much better deterrent to war than the present mutual vulnerability. But I am told by knowledgeable scientists that the technical prospects for developing such systems are minimal to non-existent. If we seriously set out on a long-term quest for an impervious defense for our populations, serious near-term threats to the national security will arise. (One prejudicial effect may already be in train. It seems likely that U.S. refusal to negotiate controls over anti-satellite systems is motivated by an aim to avoid further restraints on exotic "star wars" components of defensive systems which would use similar technology.)

Not only would going for "star wars" systems signal our intent to annul the ABM Treaty, which for 11 years has staved off a superpower competition in defensive systems to match the present only informally and incompletely regulated race in offensive systems, it would signal to the Soviets a likely U.S. aim to neutralize their retaliatory capability to respond to any American first strike. The President himself recognized this danger by saying that, paired with offensive missiles, an effective defense could be viewed as fostering an aggressive policy, and he added that we did not want to give that signal.

But regardless of good intentions, could an effective defense of North America, Western Europe and our Far Eastern allies send any other signal to the Soviets? There seems to be no prospect that the United States or the USSR, if they ever mounted such defenses, would abandon offensive forces. Would the resultant strategic balance be more stable than the present?

Unmentioned in the talk of defenses (which presumably would be conveniently deployed out of sight in far away space) is the question of the consequential clear need for massive civil defense programs for populations. Unless the unwarranted assumption is indulged that an impermeable defense system could be mounted, it must be assumed that some attacking warheads would reach targets. Pressures would mount for gigantic blast and fall-out shelter programs to protect these unpredictable targets.

It seems a sure thing that an American program to try to realize the President's dream would promptly be matched, not only by a similar Soviet program, but by their development of new offensive systems designed to penetrate defenses. I am afraid that the President's dream would generate a more tense strategic relationship with the USSR while never attaining the defensive posture contemplated.

V

In 1969 a number of us tried in vain to persuade the government that a ban on MIRVs would advantage the nation's security. That was when we were beginning to test MIRVs and before the Soviets had tested theirs. Now 14 years later it is recognized that MIRV is a source of strategic instability that advantages the Soviets more than us because of their larger missiles. The Soviets in SALT II reportedly proposed that any new class of ICBMs have only one warhead. We did not accept because we wanted MX.

Now we are faced with somewhat similar situations. The Soviets have tested and we are soon to test systems to destroy satellites in space. It would seem to be all to America's advantage to ban such systems since we are more dependent than the Soviets on satellites for peacetime intelligence and communications and for controlling wartime operations. But the negotiation looking to controlling this threat has been suspended by the U.S. Such controls may be as important as those over strategic weapons. I urge the Commission to press for resumption of the negotiation.

Another decision we may well live to regret is to allow a free competition in long-range SLCMs. Simple geography suggests that the American homeland will be more

vulnerable than the Soviets' to this system. Deploying them in attack submarines can only prejudice the effective fulfillment of the normal role of such vessels. Verification problems will become much more complex if such systems are not banned at an early date.

As a former director of the Arms Control and Disarmament Agency, may I make a plea on behalf of this orphan. The various purges since 1973 have left ACDA weak. Its staff has minimal influence, although in years past ACDA members played key roles in developing and implementing arms control policy. More than in any other field of national security policy, it seems to me that bureaucratic memory is indispensible to the management of arms control affairs. What has happened to ACDA in the last decade has been prejudicial to the nation in this respect. I don't think it is too much to say that we cannot expect to have sound, strong, and vigorous arms control policies until ACDA's position in the bureaucracy is restored to something approximating that of the past. It is too much to expect that arms control programs engineered by Pentagon people, whose main and proper responsibilities are for weapons programs, will be sufficient to meet the arms control needs of the country which are now being recognized as essential, not just possibly useful. Let's face it, a basic asymmetry in the Soviet-American relationship is the fact that they have a foreign minister who has conducted arms control negotiations for over thirty years, since before some of our people working on arms control matters were born. What an advantage. At least we should have the institutional substitute for such long-term experience which was one of the reasons for the formation of ACDA. We do not have it.

What is needed:

(A) A strong staff, which means a larger budget and more positions. Restoration of ACDA computer facilities and library.

(B) A greater ACDA role in the national security bureaucracy—perhaps with the Director becoming a member of NSC.

(C) Clarification of the relation between the Director and the Secretary of State.

I urge the Congress to take a fresh look at ACDA to see if its legislative basis needs fortifying.

VII

The deeper we get into the valley of death of nuclear confrontation the more obvious it should be that solutions do not lie in more or better weapons systems. We should accept as literally true the conclusion of the Scowcroft Commission that effective arms control arrangements are essential to the security of the United States. And I think that term covers more than just strategic arms limitation. The security of the U.S. is also threatened by the prospective proliferation of nuclear weapons to additional nations—a threat which would be moderated if a comprehensive test ban were in place. And I am persuaded that such arms control arrangements are attainable, given the necessary political will—on both sides.

TESTIMONY OF PAUL WARNKE

TECHNOLOGICAL DEVELOPMENTS AND THE FUTURE OF ARMS CONTROL

Current developments in nuclear weaponry are inimical to our national security and increase the risk of nuclear war. New weapons systems are being developed, by both the United States and the Soviet Union, that will pose a greater threat to the survivability of the nuclear arsenals of each side and therefore erode the deterrent. Both nuclear superpowers seem bent on acquiring nuclear weapons with war-fighting capability, while the leaders of both sides purport to recognize that neither country could fight, survive and win a nuclear war.

Moreover, there is nothing in prospect, either in the form of more survivable and less threatening weapons or in the form of arms control proposals, that shows any promise of relief from this grim prospect. Neither in the INF talks, on intermediate range nuclear forces in Europe, nor in the START talks, on ICBMs, SLBMs and strategic bombers, is there any sign of progress. And given the proposals that have been made public, this lack of movement is not surprising.

There are some who express hope that greater "flexibility" is becoming apparent in the arms control stance of the Reagan Administration. Some profess to see movement toward the recommendations of the President's Commission on Strategic Forces. But here again I must say that I see only a greater rhetorical flexibility and that I find in the recommendations of the Scowcroft Commission nothing that will stop or even slow the slide toward nuclear confrontation.

If its recommendations can be ignored, as I believe they should be, the report of the Scowcroft Commission makes a lot of sense on strategic policy. It recognizes that intercontinental ballistic missiles with multiple independently targettable reentry vehicles, or warheads, with great accuracy create the greatest risk and are inherently destabilizing. No minimally rational leader of either country would initiate a strategic nuclear exchange as a matter of deliberate, reasoned decision. But with the growing counterforce capability of missiles that can launch 10 warheads against the missile silos of the other side, along with other destabilizing developments, the point could come at which a nuclear war starts because one side panics and strikes in desperation, from fear that adequate retaliatory forces could not survive a preemptive strike by the other.

Indeed, it is our concern with the Soviet MIRVed ICBMs that forms the basis for our START proposals asking that the Soviet SS-17s, 18s and 19s be cut back by 75%. Possibly we are tabling in the closed discussions in Geneva some suggestions that would give the Soviets some constraints on American forces that could lead them to consider this massive restructuring of their strategic arsenal. But no such quid pro quo can be seen in the proposals that have been made public. Nor do Soviet public reactions indicate that any such inducements have been made known to them.

Instead, the Administration appears insistent on building 100 MX missiles with 10 accurate warheads each, going ahead with thousands of air, sea and ground launched cruise missiles and developing and deploying the D-5 or Trident II submarine-launched missile. The Scowcroft Commission endorses both the MX and the Trident II, on the ground that they will enable us to put "Soviet hard target at risk." This is not a formula for restraint.

The apparent theory is that we can scare the Soviet Union into making sensible moves toward stabilizing systems by deploying destabilizing systems of our own. The rationale is expressed in terms of bargaining chips. But the theory seems to be that we can make the Soviet Union cry uncle at the bargaining table by, for example, deploying 100 MXs and threatening to build still more. But this is not bargaining. It is, instead, the arms race theory of arms control and it won't work.

The fact is that there exists today rough strategic equality. This has been recognized by the Joint Chiefs and even in posture statements of the Secretary of Defense. And this is the best that can be achieved, the situation most conducive to avoidance of nuclear war. It is for this reason that efforts should be made to achieve a mutual verifiable freeze. This freeze would of course have to be obtained on a step-by-step basis. An effort to stop everything at the same time would mean that nothing would be stopped for the indefinite future.

The Committee for National Security, of which I am the Chairman, proposed some weeks ago an approach to strategic arms that I believe does hold promise of improving, rather than reducing our national security. This would involve building on the provisions that were agreed upon in the SALT negotiations and moving away from greater emphasis on MIRVed counterforce missiles.

Instead of the MX, there would be a mutual ban on any new MIRVed ICBM—a ban that would stop testing of the Soviet solid fueled MIRVed SS-X-24. There would also be a 50 percent cut in the SALT II ceilings on MIRVed missiles. The total number would be cut from 1200 to 600, MIRVed ICBMs would drop from 820 to 410 and the Soviet SS-18s would be reduced from 308 to 154.

The Reagan Administration proposal of a limit of 5000 warheads on long range ballistic missiles would be retained, with a consequent reduction of about one-third of the currently deployed Soviet warheads.

The total number of strategic nuclear delivery vehicles would be cut from the SALT II ceiling of 2250 to 1650. Since this total would include strategic bombers, the missile numbers would be reduced as the Reagan Administration has proposed.

Finally, new MIRVed sea-launched missiles, both ballistic and cruise, would be subject to a moratorium which would retain their potential for bargaining leverage.

There are, of course, other formulas that might be equally effective. But, in contrast to the START proposals, both as originally presented and as modified, this approach would result in equivalent restraints and greater security for both sides. As publicly presented, the START proposals would require the Soviet Union to scrap the core of its strategic arsenal, while allowing the United States to proceed virtually unchecked with our plans for modernization of our strategic forces.

This is clearly not negotiable. And even if we could indulge this unreasonable hypothesis it would not be desirable. In the curious but inescapable logic of the nuclear age the security of the United States is not advanced by putting the strategic nuclear forces of the Soviet Union at risk. At a time of serious international crisis, this can only lead Soviet leaders to wonder whether and when they should launch their weapons to avoid their destruction.

Greater security and lower risk of nuclear war requires movement toward strategic forces that are the most survivable and the least threatening to the survivability of the other side's deterrent. Any new weapons programs and arms control proposals should be designed to move nuclear dependence away from MIRVed land-based ballistic missiles and toward submarine-launched ballistic missiles. Neither the report of the Scowcroft Commission nor the current START

proposals as publicly presented can have that desired effect.●

SOVIET CITIZENS' VIEW OF NUCLEAR WAR

Mr. PELL. Mr. President, I recently read in the May 29 issue of the Santa Barbara, Calif., New-Press a very moving interview with Mr. Frank Kelly of that city, following his return from a 10-day trip to the Soviet Union.

The author of the article, Sally Davis of the News-Press staff, has done an excellent job of capturing Mr. Kelly's insights as he reflected on his experiences as 1 of 29 participants in a U.S.A.-U.S.S.R. citizens' dialog. Mr. Kelly is an officer of the Nuclear Age Peace Foundation and a board member of the National Peace Academy Campaign here in Washington. He was deeply involved in the establishment of the Center for the Study of Democratic Institutions.

According to the article, Mr. Kelly left the Soviet Union convinced that the people of the two countries will see to it that nuclear war does not occur. The Soviets he encountered, Mr. Kelly said, possess a really deep desire to prevent a nuclear war.

As Mr. Kelly told one Russian mother who asked whether her 10-year-old son would be destroyed in a nuclear war, "No; I have hope."

I have known Frank Kelly for a number of years, and I have come to admire the drive, energy, and intelligence he brings to the quest for peace. He knows there are problems, but he knows also that our future is at stake, and he will never falter in his search for peace in the world.

Mr. President, I commend the News-Press article to my fellow Senators and ask unanimous consent that it be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WRITER FINDS, SOVIETS SHARE NUCLEAR WAR FEARS—PEACE ADVOCATE FRANK KELLY RETURNS FROM VISIT TO RUSSIA

(By Sally Davis)

The woman, a reporter for a Soviet radio station, looked for a quiet spot to talk with Frank Kelly. She found one.

"I'm the mother of a 10-year-old boy," she confided. "Is there any hope for my son? Won't he be destroyed in a nuclear war?"

"No," replied Kelly. "I have hope."

He meant it.

The woman reporter, heartened, then turned her tape recorder on and chatted with him about lighter things—his impressions of the country, the visits to cathedrals, museums and the theater, the trip to Estonia.

Kelly, who lives in Santa Barbara, recountered the conversation after his return from a recent 10-day trip to the Soviet Union because to him it illustrates that the Soviets are just as frightened as Americans—if not more so—about the possibility of nuclear annihilation.

The Soviets possess "a really deep desire to prevent a nuclear war," he said.

The Santa Barbara writer said he left the USSR convinced that the people of both countries will see to it that nuclear war doesn't happen.

Kelly was a delegate at the U.S.A.-U.S.S.R. Citizens' Dialogue, and American organization that since 1979 has arranged exchange visits to promote "trust and understanding" between citizens of both countries.

An officer of the local Nuclear Age Peace Foundation, and a board member of the National Peace Academy Campaign based in Washington, D.C., Kelly was one of 29 participants who made the 10-day trip to the Soviet Union in April.

Kelly said he has long been an opponent of war.

"My father was badly wounded in World War I, and I've seen the devastation of Europe," he said. Kelly, who interrupted his Nieman Fellowship at Harvard to enlist in the Army during World War II, was a war correspondent for Stars and Stripes, the Army's newspaper.

After an impressive career that included a stint writing speeches for President Truman, Kelly helped his friend Robert Hutchins establish the Center for the Study of Democratic Institutions, partly because he hoped the center could devise ways of achieving world peace. He was a vital part of the center for 16 years, and has published a book about its sometimes controversial history entitled "Court of Reason.")

Ever since he was a teen-ager, when he began to write and publish science fiction stories, Kelly said he has been aware of the Earth as a single "planetary civilization." In other words, he said, he became proponent of the "Spaceship Earth" concept.

Subsequent strides in space exploration convinced him that for civilization to survive and prosper, there would need to be unity on the planet and peace between the two world leaders.

When a Soviet cosmonaut became the first to orbit the earth in 1961, Kelly proposed that a statue be presented to the Soviet Union as a gift from the United States to "celebrate man's leap toward the stars," just as the gift to the U.S. of the Statue of Liberty from France symbolizes the friendship between the two countries, he said.

When the Americans landed on the moon, and photographs from the moon's perspective were transmitted of the planet, Kelly said he became even more aware of the need to preserve "the fragile blue ball on which we live."

He discussed his feelings about the importance of world peace in the speech he gave at the dialogue. He spoke of the strong support American voters gave to the proposed nuclear arms freeze, and of the myriad peace movements being organized by churches and other groups.

Kelly recently published a book summarizing the history of efforts by Americans to establish a National Peace Academy. The academy would be "dedicated to the education and training of professional peacemakers and to the dissemination of information about the developing art of peaceful conflict resolution."

In his speech, he said the academy is likely to be approved by Congress this year, and that it "will be a signal to the world that the United States is dedicted to the peaceful resolution of all conflicts."

He said the part of his speech that aroused the most interest was a proposal that either the United States or the Soviet Union dismantle half of its nuclear weapons and invite the world to witness the event.

"Would not that nation open a new era in history, with humanity set free from the nightmare of a nuclear war?" he asked his audience.

Afterward, he recalled, a Soviet writer approached him and said he approved the idea. "But," the man said, "wouldn't that be interpreted as a sign of weakness?"

Kelly replied that leaders in Washington felt the same way. Yet, "somebody's got to take the initiative."

Despite his long-held desire for peace, and his interest in establishing friendly relations with the Soviet Union, Kelly said at first he was hesitant to accept the dialogue's invitation to be a delegate.

"Because relations are so complicated and so difficult, I wondered whether I could make a contribution," he said, attempting to explain the reasons for his reluctance. "I decided to do the best I could."

The dialogues were informational and inspiring, Kelly said. Yet what impressed him most about his trip was the chance to meet the Soviet people. None of them showed any hostility toward Americans, he said.

He admitted he was surprised to find their delegation greeted by "smiling people holding bunches of yellow daffodils," and that wherever they went, people "beamed at us and wished us well."

He said Russians are exceptionally interested in Americans and equally concerned about peace. On the train to Estonia, he and two other Americans shared a compartment with a Russian man who could not speak English.

At some point during the night, Kelly awoke, freezing, and the Russian somehow realized it. "He got a blanket without saying a word. It was really very touching, I thought."

They talked through an interpreter, and the man said Kelly reminded him of his father. The relations between the two countries, the man told him, are like the relations between "brothers in a family. We're not going to kill each other."

Kelly also had the opportunity to speak with a bishop for the Russian Catholic Church, and he told him he had heard that there had been more Christian baptisms in the Soviet Union than in the U.S. recently. He asked the church leader if that were true.

"Oh you Americans," laughed the bishop, Kelly recalled. "You're always so interested in numbers. Are you trying to start a baptismal race, too?"

RHODE ISLAND

Mr. PELL. Mr. President, the Wall Street Journal this morning carried a story about the State of Rhode Island which calls for a prompt public response. The article by Stephen P. Morin recites a lengthy catalog of the qualities—including many of the faults—of my home State. Much of what Mr. Morin says is true.

It is true, as he says, that Rhode Island is very small and that it is an intimate place. It is also true that Rhode Island has had its share of blemishes, that it has the patina of age and that, for a variety of reasons,

its economy is still evolving to new stages of vitality.

Those who do not know the State might think there is no more to be said. But speaking as one who has known and loved Rhode Island all my life and represented it in this body for more than two decades, I know Mr. Morin tells only half the story.

Rhode Island is as big as Alaska in terms of the wealth of its human resources and its rich cultural heritage. These are a part of its charm. It asks no favors because of its size. And it stands ready to compete on equal terms with States dozens of times larger.

Those who would still doubt should come and see for yourself. Walk the ancient streets of Newport or Providence. Regard the statute of the Independent Man atop the statehouse and contemplate the heritage of Roger Williams that still infuses our community with a spirit of compassion. Stand at Point Judith and look to the sea and reflect on the fact that this smallest of States was founded on the largest of principles.

In fact, come for the Fourth of July weekend and you will want to stay for the summer.

RHODE ISLAND'S MANY CHARMS

Mr. CHAFFEE. Mr. President, today's Wall Street Journal carries an article that is highly uncomplimentary to the State of Rhode Island.

Nobody who has visited Rhode Island needs to be convinced of its beauty and pleasant living conditions.

Our State has economic problems which we freely acknowledge and are working to solve. It is pleasing that our unemployment has remained less than the national average during the current recession.

We do not have to trumpet to the world that Brown University received more applicants this year than any Ivy League colleges including Harvard and Yale.

Our Trinity Square Theater has received international acclaim, and Narragansett Bay's beauty and sailing conditions make it the prime east coast yachting center.

We are delighted that Newport is one of the outstanding naval education centers in our Nation and produces more naval ensigns than all the naval ROTC's and the Naval Academy combined.

Cross pens, Gorham silver, Bostitch staplers, Brown & Sharpe machine tools, Trifari jewelry, American Tourister luggage, General Dynamics submarines, all these and many more are products of Rhode Island.

There is no need to dwell on the attributes of the ocean State.

The Wall Street Journal did not harm Rhode Island by its sour article. Instead, the reputation of the Journal for objectivity has been brought into serious question.

A LEGACY TO THE POOR

Mr. MATSUNAGA. Mr. President, recently we were called upon to disclose our outside earnings apart from our salaries as Members of Congress. It is with a degree of ambivalence that I so comply since my share of the world's goods tends to pull down the median personal worth of my colleagues. I take solace, however, in the Sermon on the Mount regarding the poor and their eventual inheritance. It was with keen and especial interest, therefore, that I read of the plans of Mr. Harry Weinberg, said to be Hawaii's richest man, to give his vast holdings, estimated to be far in excess of $200 million, to the poor.

As one who was born into a poverty-stricken family, but whose personal holdings today may not be sufficiently paltry to qualify me for any part of Mr. Weinberg's largess, I am intrigued that the Aloha State is home to a modern-day Andrew Carnegie. Since Mr. Weinberg has acquired his wealth in business dealings in Scranton, Pa., Baltimore, Md., and in the State of Texas as well as California and Hawaii. I thought a number of my colleagues would be interested also. Earlier in his career his interest in public transit stocks brought him to public attention.

With your permission, Mr. President, I would like to insert into the CONGRESSIONAL RECORD two articles from the May 18 issue of the Honolulu Star-Bulletin, one a news story on the financier's plans, and the other a column by the retired and contributing editor of the paper, Mr. A. A. "Bud" Smyser, so that people familiar with Mr. Weinberg outside of Hawaii may learn of his current plans and views at the age of 74. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, May 18, 1983]

WEINBERG LEAVING ESTATE TO CHARITY

(By A. A. Smyser)

Harry Weinberg, reported to be Hawaii's richest man, says he will leave his entire estate to charity when he dies.

Weinberg, now 74 and suffering from bone cancer, said yesterday he even may turn his wealth over to trustees before he dies to be used "all to the poor, not to the rich."

The single exception, he said, is that he will provide for his wife. But when she dies, all of her wealth also will go to charity. Weinberg said he already has given to other family members all that he plans to give to them. He said he made his son a millionaire a long time ago.

Hawaiian Trust Co. has the documents establishing the trust, he said. Weinberg has in mind trustees he hopes will follow his financial principles, but only for the benefit of the poor.

Weinberg's comments were made at the annual stockholders meeting yesterday of HRT Ltd., a public corporation whose stock is more than 95 percent controlled by Weinberg.

Forbes Magazine last year placed Weinberg among the 400 richest people in America. It estimated his personal fortune at "far in excess of $200 million."

Contributing Editor A. A. Smyser relates details of the meeting in an editorial column on Page A-16.

WEINBERG MAKES HIS PLANS

Since I own five shares of HRT, Ltd., and am not too busy these days, I turned up at the company's annual meeting yesterday.

When I bought my HRT shares it was a bus company, but now it is pretty much the personal property of Harry Weinberg, who probably is Hawaii's richest resident.

He and his family own over 95 percent of the shares and use the company as an investment vehicle—he once described it as a "mutual fund" for shareholders.

But since it is a public corporation, HRT, Ltd., still must hold public annual stockholder meetings. It occurred to me that this shareholder might quiz management or comment on it in much the same way Weinberg has sounded off at meetings of other corporations in town.

A few years ago his public mutterings of dissatisfaction presaged the restructuring of Dillingham Corp. that gave shareholders around $45 for shares that then had been selling for only about $10.

This year Weinberg enlivened the annual meeting of one of Hawaii's Big Five companies, Alexander & Baldwin, Inc., with sharp criticism of management for taking big pay increases while denying increases to A&B sugar workers. He is A&B's largest stockholder.

I thought I might ask Weinberg about his own salary at HRT, Ltd., and whether he thought he was worth it.

HRT, Ltd., operates from an unpretentious office at 373 N. Nimitz Highway in a warehouse district.

Weinberg's cluttered office, which was barely big enough to accommodate all nine stockholders who showed up, resembles an office at a construction job site. No frills. Just plain, simple work-space with some personal mementos hanging on the wall.

HRT regularly pays its shareholders a dividend of 50 cents a share, but that isn't the half of it. It earned $4.41 a share last year and $21.53 the year before that, the 1981 figures reflecting big gains from the spin-off of Dillingham Corp. assets.

Weinberg had to check his accountant to find out what his salary is—$110,000 a year "and if I got a million a year it wouldn't be too much." He added that no one else in his family is on the payroll.

The salary he particularly objected to at A&B was President Robert Pfeiffer's gross at $470,000 in salary, fees and bonuses for 1982.

That represented a $149,000 increase from 1981. To Weinberg it was a case of the rich taking away from the poor since A&B that year had obliged its sugar workers to settle for no pay increases.

To show that he wasn't against any and all salary increases, Weinberg produced a letter Pfeiffer of A&B had written him in 1980. That expressed "many thanks for your kind support" in initiating a "generous

increase in my salary" which Pfeiffer then had just received. But 1980 was a good year for the company, Weinberg said, whereas the 1982 situation was very different.

Weinberg ventured that A&B directors are frittering away their company's assets on a succession of bad deals whereas he is building the assets of HRT, Ltd., in a strong annual growth pattern.

"Who in the state of Hawaii comes in my class?" he asked, meaning as a businessman. And the answer that he sees is clearly no one. It is an answer with a record of developing wealth through sound investments that is hard to dispute.

Weinberg is 74 and has health problems—bone cancer. He walks with a cane and has learned to live with pain. "I wouldn't be here today if it were not for modern medical advances," he says. He makes periodic visits to Johns Hopkins Hospital in Baltimore for outpatient treatment and appears to be doing quite well. He remains robust and in full mental vigor.

So long as he is around he said, HRT, Ltd., will continue "going good". After that only God can tell, he says.

But then he made a disclosure he has never discussed in public before. All of the wealth represented by his HRT, Ltd., holdings—upwards of $30 million, well upwards probably, plus all the rest of his personal wealth will go into a trust for the poor when he dies.

Hawaiian Trust Co. has the documents already. He may even turn some of his wealth over to the trust before he dies.

A Forbes Magazine article last year listed Weinberg as one of America's 400 richest citizens with wealth probably far in excess of $200 million. Weinberg said HRT is a very small part of his total assets.

He sees himself as working now to make money for the poor since that is where all of his estate will go except for a sum to go to his wife. After she dies, that, too, will go to the trust, he said. The trustees will be directed to use the assets for helping the poor.

Weinberg said other family members already have received all he intends to give them. There will be no more from his estate. He contrasted this with other families keeping their wealth to themselves.

At the end of the meeting, Weinberg followed his annual custom of inviting the shareholders to join him afterward at lunch at the Tahitian Lanai restaurant in Waikiki.

But before he departed I got into an argument with him over whether he is a tough guy. I said he is. He said he is a soft touch for anyone who is poor.

Would you settle for calling yourself a tough guy with a soft spot? No, he said, he really isn't tough at all.

People think he is, he said, because he can't stand to see money frittered away, companies wasting their assets. Directors get angry at him and jealous, he said, when he shows up their foibles.

But, no, he isn't tough, he contends. He's just a man gifted with a good brain who wants to use it to make money for the poor.

Considering where his wealth is going, maybe he is calling that right, just as he built that wealth by calling so many other things right.

U.S. POLICY TOWARD CENTRAL AMERICA

Mr. CRANSTON. Mr. President, I am speaking today to indicate my strong support for two measures relating to U.S. policy toward Central America.

The first is the proposal of Senators MATHIAS and JACKSON to establish a bipartisan commission to consider long-range approaches for U.S. policy toward the crisis in Central America.

The second is an amendment I intend to offer to the fiscal year 1984 foreign aid bill barring any continued U.S. military aid to El Salvador unless Congress affirms that the Salvadoran Government has demonstrated its willingness to pursue an unconditional dialog with opposition groups and has made significant progress toward key human rights, judicial and land reform goals.

KEY U.S. INTERESTS AT STAKE

The United States has vital interests at stake in Central America. We want to see democratic institutions develop in the nations of that region. We want to advance human rights and economic development. And we want to thwart the spread of totalitarian governments.

I do not believe these interests are being served by President Reagan's continued pursuit of primarily military solutions to what are fundamentally economic, social, and diplomatic problems.

It should be clear that Reagan administration policies toward El Salvador are not working. For more than 2 years Congress has granted most of the administration's Salvadoran funding requests. Over $1 billion in U.S. taxpayers' dollars has been sent or is on request from the Reagan administration for the civil war in El Salvador.

What are the results of this enormous infusion of guns and ammunition? More than 30,000 civilians have been killed in El Salvador, the majority of them by Government security forces and assassination squads armed with American guns and bullets. We have already spent more than $140,000 for each of the estimated 7,000 armed Salvadoran guerrillas. And today American dollars are reportedly flowing out of El Salvador faster than President Reagan can send them in—flowing to Miami real estate and to Swiss bank accounts.

I am convinced that the administration's current course in El Salvador increases the chances for a takeover by pro-Marxist guerrillas hostile to American interests. The administration remains committed to a course which ignores the words of President John Kennedy, who warned, "Those who make peaceful revolution impossible will make violent revolution inevitable."

We have a national interest in countering Soviet influence in this hemisphere. But the greatest and most immediate threat to U.S. interests in Central America is not potential Soviet aggression. Our greatest enemies are poverty, injustice, underdevelopment, and murder-by-government. This is the legacy of decades of oligarchy that has left the vast majority of people hungry for change. It has left El Salvador and other nations vulnerable to the violent appeals of leftist guerrillas.

I believe the only way the United States can hope to prevent a takeover by pro-Communist rebels in El Salvador is to press relentlessly for reform. The Salvadoran military must stop indiscriminate killing by its forces. Land reform must move forward. And means must be devised for including all Salvadorans in elections without imminent threat of assassination.

There are too many similarities between El Salvador and Vietnam—where we backed totalitarian Saigon and got totalitarian Hanoi. The policy has failed repeatedly in this hemisphere; we backed Cuban dictator Batista—and got Castro; we backed Nicaraguan dictator Somoza—and got the Sandinistas.

REGIONAL APPROACH NEEDED

Mr. President, in recent weeks the Reagan administration has pursued a two-track approach to Central American policy. It has pursued a public relations campaign at home designed to build support in Congress and among the general public for increased military aid and use of U.S. military personnel in Central America. And it has pursued an inflexible course in discussions with key Central American governments, a course that, unless changed, threatens to widen the military conflicts in the region.

The first track saw the dispatch of Ambassador Richard Stone to regional capitals without any apparent shift in the administration's position on key issues. And it saw the establishment of not a new policy, but a new acronym, the Central American Policy Outreach Group (CAPOG), as a means of selling the White House position to the American public.

The second track saw the dismissal of Assistant Secretary of State Tom Enders and Ambassador Deane Hinton, who were said by certain White House aides to be too willing to consider negotiation options. It was the shift of 100 U.S. military trainers to Honduran bases. It was the dispatch of more Army medical personnel to El Salvador. It saw the stepping up of cooperation with the Honduran military on construction of several airfields near the Nicaraguan border. And it saw no progress toward involvement of key regional powers in any negotiations to reduce the danger of a widened military conflict, a danger that grows every day the administration continues its "secret" war in Nicaragua.

I see serious danger ahead in the administration's increased willingness to take irresponsible risks. There is

danger that a border conflict between U.S.-funded Somocistas operating out of Honduras and Sandinistas in Nicaragua will drag Honduras into war. There is danger of greater American military involvement—including eventually the deployment of combat troops—in the regional conflict. There is danger of further advances for pro-Communist forces as the gross abuses of human rights and political liberties perpetrated by U.S.-backed repressive regimes continues.

These are among the many reasons that I recently joined with Senators MATHIAS and JACKSON to cosponsor their proposal that a fair, bipartisan U.S. commission be established to present a full range of recommendations to encourage democratic development in Central America. I wholeheartedly endorse this proposal to work with leaders in this country and Central America to promote diplomatic solutions to regional tensions and to reduce the risk of a widening war.

I believe we may need nothing less than a Marshall plan for Central America—a commitment to use our economic and diplomatic resources across the board to build a more firm basis for democracy in Central America. We should use our economic resources in a multilateral development program worthy of the support of the American people.

The approach of a bipartisan commission must not be to legitimize open-ended spending of taxpayer dollars to support any rightwing dictatorship that resists changes in the status quo. Such a commission should explore all options for involving key nations in the region that share American concerns in a negotiation process. It should critically examine policies that turn a blind eye to the failure of the military rulers of Guatemala to hold elections but which back secret wars against the authorities in Nicaragua who have not met pledges for elections. And it should offer a comprehensive policy to spur democratic development throughout the region.

AID TO EL SALVADOR

While the goal of a commission on Central America must be to devise policies that can lead us far into the future, the immediate obligation of Congress is to vote on pending requests for Central American aid programs. We have been deluged by Reagan administration requests for more and more funds for military aid to El Salvador. I recently joined with colleagues on the Senate Foreign Relations Committee to trim the Reagan administration's military assistance request by some $70 million for fiscal years 1983 and 1984. The committee also forged an important bipartisan consensus regarding the critical need for reforms and dialog in El Salvador as the best hope of averting an ultimate takeover by forces hostile to U.S. interests and the best means of advancing a policy that is consistent with our national principles.

I believe it is now incumbent upon the full Senate to write into law our conviction that negotiations toward a cease-fire and free and secure elections should be given a chance in El Salvador.

When the Senate takes up the foreign assistance legislation for fiscal year 1984, I will offer the attached amendment placing strict conditions on any further military aid to El Salvador.

The purpose of my amendment is to tie any continued U.S. military assistance for El Salvador to a congressional finding (by joint resolution) that significant progress is being made on judicial and land reforms, as well as human rights goals, and that Salvadoran authorities have offered to undertake an unconditional dialog with opposition forces for the purpose of achieving an equitable solution to the conflict, two essential elements of which would be first, free and fair elections, and second, provisions to assure the physical security of all participating political groups before, during, and after elections.

This amendment outlines the same reform, human rights and negotiation objectives as the provision adopted in the House Foreign Affairs Committee by a 36 to 1 vote in May.

However, my proposed amendment goes one crucial step further. It conditions any continued U.S. military assistance on an affirmative congressional decision that a negotiating initiative has in fact been made on key human rights and reform goals. I believe this additional provision is essential, given our experience on previous certification procedures, where serious questions have been raised regarding the credibility of administration claims of progress toward key Salvadoran reform goals.

For 2 years, the Catholic Church in El Salvador, along with the democratic governments of Mexico, Colombia, Venezuela, and Panama have urged the United States to join in the effort to produce a negotiated cease-fire, secure elections and a just settlement to regional disputes. The U.S. Government should heed their concerns and press for a cease-fire under the supervision of appropriate organizations such as the Organization of American States.

The guerrillas and other opposition forces in El Salvador have asserted their willingness to participate in negotiations. Many of us are skeptical regarding the willingness of some members of the divided Salvadoran opposition to discuss anything other than powersharing under arrangements that would subvert a democratic electoral process. We should test the willingness of the opposition to pursue a negotiated cease-fire. We should test their sincerity and their willingness to pursue a democratic, nonmilitary solution. We should put the ball in their court and see if they are able to produce a consensus from within their divided ranks in support of such a solution.

I also believe it is incumbent upon the Congress to accept the responsibility for affirming that satisfactory progress is being made in El Salvador on key objectives. I believe it is essential for Congress to accept this responsibility if the conditions we place on U.S. aid are to have any meaning and if our goals in El Salvador are to be achieved.

I have joined with members of the Foreign Relations Committee and others in Congress in the successful effort to enact the present limited certification requirements on aid to El Salvador. But these limited certification requirements have been circumvented by Orwellian reports from the Reagan administration that have distorted the reality of the worsening situation in El Salvador. To achieve congressional objectives, these certification requirements need greater specificity and need to condition any further military aid on an affirmative congressional finding that an offer for unconditional negotiations has been made by the Salvadoran Government and that significant progress is being made on human rights as well as key judicial and land reforms.

I believe the full Senate should thus adopt my amendment to halt any and all U.S. military aid to El Salvador 90 days after enactment of the foreign aid bill—including aid in the pipeline—unless Congress enacts a joint resolution finding that the Salvadoran Government has demonstrated its willingness to pursue an unconditional dialog with opposition groups and has made significant progress toward key human rights, judicial, and land reform goals.

The alternative is continued bloodshed, continued compromise of basic American principles, and an increasing likelihood that the worst-case scenario of a Communist takeover in El Salvador will come true.

I ask unanimous consent that the text of my proposed amendment be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

CRANSTON AMENDMENT ON EL SALVADOR

SEC. . (a) Not later than 45 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report fully describing steps taken by the Government of El Salvador to achieve the following objectives:

(1) Active preparation by the Government of El Salvador for an engagement (commencing within 90 days after the date of en-

actment of this section) in a dialogue, in good faith and without preconditions, with all major parties to the conflict in El Salvador for the purpose of achieving an equitable solution to the conflict, two essential elements of which would be (A) free and fair elections, and (B) provisions to assure the physical security of all participating political groups before, during, and after elections.

(2) Establishment of effective control by the Government of El Salvador over the military, security, and police forces and the paramilitary groups of the country so as to end the involvement of members of such forces and groups in indiscriminate violence as well as secret detention, abduction, torture, and murder.

(3) Establishment by the Government of El Salvador of an effective judicial system which promotes respect for human rights and protects participants in the judicial system from intimidation.

(4) Completion of a successful land reform program, including the payment of fair compensation to previous landowners, the prompt issuance of provisional and definitive land titles, the furnishing of necessary credits, administrative support, technical assistance and services to beneficiaries, the safeguarding against illegal evictions, and the providing for the restoration of lands of those who have been illegally evicted.

(5) Involvement of the Organization of American States or, as appropriate, other international organizations or countries interested in facilitating the discussions among all major parties to the conflict in El Salvador.

(b)(1) Unless, at the end of a 90 calendar day period beginning on the date of enactment of this Act, Congress enacts a joint resolution confirming that the Government of El Salvador has made significant progress toward the achievement of each of the goals enumerated in paragraphs (2-5) of subsection (a) and is actively engaged in a dialogue, in good faith and without preconditions, described in paragraph (1) of subsection (a) (unless it has been unable to enter into such a dialogue because of the refusal of the major opposition groups to participate in such a dialogue), delivery of any and all U.S. military assistance to El Salvador—including all arms sales, deliveries and credits, all U.S. military education and training, and all deployment of United States Armed Forces personnel in El Salvador—shall immediately be suspended.

(2) A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601 of the International Security Assistance and Arms Export Control Act of 1976.

(3) For the purpose of expediting the consideration and adoption of a joint resolution under this subsection, a motion to proceed to the consideration of such a resolution after it has been reported by the Committee on Foreign Affairs shall be treated as highly privileged in the House of Representatives. If the Committee on Foreign Affairs has not reported a resolution under this subsection within 10 days after such resolution is referred to that committee (excluding days on which either House is not in session because of an adjournment of more than three days to a day certain), it shall be in order to move to discharge that committee from further consideration of that resolution, except that no motion to discharge shall be in order after the committee has reported a resolution to the same effect as that resolution. A motion to discharge under this subparagraph is highly privileged.

MILITARY AND INTELLIGENCE LEADERS AFFIRM VERIFIABILITY OF NUCLEAR FREEZE

Mr. CRANSTON. Mr. President, one of the principal assertions made by opponents of the nuclear freeze resolution has been that such a freeze would not be verifiable.

Those of us who have led the fight for the nuclear freeze have made clear that this charge is spurious, that U.S. satellites, ground monitoring stations, and other intelligence gathering capabilities are quite sufficient to detect any strategically significant violation of a nuclear freeze. We have also noted that under the freeze resolution, any nuclear arms developments which could not be adequately detected could not be frozen. We have further noted that a freeze would be far easier to verify than either the Reagan START proposals or the build-down concept endorsed by some Senators.

The fact that a nuclear freeze can be verified adequately was underscored in most impressive fashion last week in the Senate Foreign Relations Committee hearing on the freeze. The committee was privileged to receive testimony from two distinguished former national security officials who support the freeze, Adm. Noel Gayler (ret.), former commander in chief for all Naval Forces in the Pacific and William Colby, former Director of the Central Intelligence Agency. Their unimpeachable testimony based on decades of experience in the national security field was that a freeze is, of course, verifiable. The bottom line here is that the risk of a strategically significant violation of a nuclear freeze is far, far smaller than the risks and costs entailed by a continued, unrestrained nuclear arms race. As Admiral Gayler and Mr. Colby also made clear, the freeze is the best means of halting the qualitative arms race while we continue efforts to reduce the bloated United States and Soviet nuclear arsenals. This point was underscored by the following exchange:

Senator CRANSTON. It is also argued that a freeze might undermine the Administration's efforts in START. What comment do you have on that?

Admiral GAYLER. A freeze is a way of maintaining the status quo while making serious efforts in arms negotiations to make cuts. These are not exclusive ideas. It is only the commonsense idea that we do not add to weapons while we are negotiating cuts in them. So my reaction is it would not mitigate against serious arms reduction proposals.

Mr. COLBY. Quite the contrary, Senator, I believe a freeze would assist the process of reduction because without a freeze then the momentum of development of new weapons, of testing of new weapons—in our case the MX, in the Soviet case a new intercontinental weapon—will complicate any attempt to work out reductions, and a freeze would stop it so that you could work out a sensible system of reductions.

Mr. President, I ask unanimous consent that the opening statements of Admiral Gayler and Mr. Colby be printed in the RECORD at this point, along with excerpts from committee questioning of these distinguished witnesses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADM. NOEL GAYLER, U.S. NAVY (RET.), ON BEHALF OF THE AMERICAN COMMITTEE ON EAST-WEST ACCORD

Admiral GAYLER. What I will do, Mr. Chairman, then, is to tic off the principal points, but in the order in which they appear in my statement.

The first is, we have to have arms control in order to improve the security of the United States, as well as to reduce the risk of nuclear war.

Second, we can define that security as freedom from war or threat of war or military action.

Third, that we have to reduce the risk of nuclear war to the vanishing point, and that it is entirely possible to do that, given the political will to do it.

The first point, as George Kennan has said, is that there is no issue at stake in our relations with the Soviet Union which is worth a nuclear war. This is not a doctrine of red nor dead. We do not have to be either one, because in my judgment, by the proper support of competent sea, land and air forces, we can defend ourselves and our allies and our interests without resort to nuclear weapons or the threat of nuclear weapons.

There are measures that we can take, any one of which is good, all of which together will in my judgment reduce the risk of nuclear war practically to zero. One is that we knock off this insulting and pointless rhetoric between the two countries principally involved, the United States and Russia.

The second is that we renounce once and for all all nuclear war-fighting and counterforce doctrines, and this will force profound changes in the physical world, in our weapons programs and deployments.

That we stop attempting to injure each other. It is simply not true that what injures the Soviet Union helps the United States and vice versa. There are many things which are helpful to both of us, and an end to this nuclear arms race is the prime such thing.

The fourth measure is that we should redeploy shorter range weapons out of range of each other, in order to mitigate the hair-trigger situation that exists, for example, in Europe.

That we should adopt a policy of no first use of nuclear weapons. This of course would be a reciprocal policy to that of the Soviet Union, and I want to point out that it would result in real difference in weapons supplied, in the deployment and position of those weapons, in the doctrines, the training, the exercises. In effect, it would have results in the real world, not be merely a paper declaration.

That we should—and I am choosing my words carefully now, in light of the freeze testimony—declare a moratorium on the development, testing, and deployment of new nuclear weapons, so long as the other side exhibits similar restraint. A moratorium, of course, need not be negotiated but can be simply declared and observed along the lines of the moratorium on open air testing

that President Kennedy and Chairman Khruschev had many years ago.

Finally and most important, that we accomplish deep and continuing cuts in the nuclear stockpiles by the actual and verified destruction of the weapons and their fissionable material.

Now, the American Committee on East-West Accord for which I am appearing here, has developed, with the help of nuclear scientists, with the help of industrialists, particularly with the help of political scientists and under the leadership of George Kennan, a proposal that the U.S. and the U.S.S.R. turn in to a depot large numbers of nuclear weapons, verify, weigh, extract the fissionable material, dilute that to power plant material, burn it up irrevocably in electric power plants, the military elements of the weapons ground up beyond reverse engineering and disposed of.

That each side choose the weapons that it turns in. Now this has the advantage that it accomplishes actual destruction of weapons, it is verifiable—you see this thing happening, and that these agonizing questions of definition are done away with. Particularly the question of equity as between the two powers is taken care of by the fact that each continuously chooses its own strategy as it goes along in turning in these weapons.

We think that the proposal is equitable and practical and verifiable, and we have some reason to believe that it may well be negotiable. The point there is that it can support any other arms reduction measure or it can stand on its own.

To that, add a complete stop on the production of weapons-grade fissionable material and inspection to international standards of electrical power plants against diversion of material from them.

Now, are the Soviets ready for an agreement of this kind or any similar agreement which reduces nuclear weapons? You have just had testimony from probably the most astute and experienced observer of the Soviet scene living in America, Averell Harriman, who has just talked to the Chairman, Mr. Andropov. And what Governor Harriman reports as the Chairman's statement is:

"Today the Soviet people and the American people have a common foe—the threat of a war incomparable with the horrors we went through previously."

And Governor Harriman's comment on that statement is that, while he does not believe that Chairman Andropov will pursue Soviet goals and objectives with any less vigor, that he, Andropov, realizes that the avoidance of mutual destruction is the foremost Soviet objective.

We and the Soviet Union have two very important interests in common: One is that we not be blown up: and the other is that we not see nuclear weapons proliferated around the world in the hands of irresponsible governments or even terrorist groups.

On these two powerful common interests we can build agreement, but only if we separate nuclear weapons control from all other issues between us. We cannot expect the Soviets to shape up by our standards on every difference that we have. We can reasonably expect that we can reach agreement on these two matters of such overwhelming importance to us both.

Let me end, Mr. Chairman, by expressing my conviction that real nuclear arms reductions require only political will to succeed. There is no technical obstacle, no security problem, no military consideration that cannot be handled safely, given the will to do so.

STATEMENT OF WILLIAM COLBY, FORMER DIRECTOR OF CENTRAL INTELLIGENCE, ON BEHALF OF THE COMMITTEE FOR NATIONAL SECURITY

Mr. COLBY. Thank you, Mr. Chairman.

On behalf of the Committee for National Security, I would like to urge that this Committee report out favorably the Kennedy-Hatfield resolution and that we proceed to a mutual and verifiable freeze on the production, testing and deployment of nuclear weapons.

I think it is my particular contribution to this effort to assure you—let me assure you that if you do this that it is a practical step and that any such agreement can be verified adequately to protect the security of our country. That requires a couple of summary points.

First, we are going to be following the development of Soviet weaponry whether there is an agreement between us or not, because we have to protect our country. The Defense Department's recent booklet on Soviet military power shows the comprehensive nature of our knowledge of their weapons systems, including many weapons which are in essence nonverifiable: the numbers of tanks, the numbers of pieces of artillery and all that sort of thing.

Now, any of those can be hidden under barns, developed in factories in the Urals, and yet we have perfectly adequate estimates of the total numbers of those weapons. Now, that, as I say, we are going to be doing whether there is an agreement between us or not.

If there is an agreement, that process becomes easier, not harder, because these agreements in recent years have all contained provisions which make it easier to monitor the matters limited by the treaties. This includes restrictions on concealment, non-interference with the other side's collection capabilities, declarations of forces, notification of tests.

There are even in some of these treaties provisions for the exchange of geological information, for the implantation of black boxes or sensors, and in one of them the development of the idea of the inspection team, which was the phobia which caused the failure of our first nuclear freeze proposal in 1946, when Stalin rejected it as a form of American espionage.

Now, the fact is that the Soviets in recent years have been forced by the development of technology and by the development of communications, transportation and so forth, toward greater visibility of their affairs, and that in these treaties they have shown a willingness to take steps that will help this process when a treaty is in their interest. They are never going to have an open society, I do not think, and there is never going to be a Moscow edition of Aviation Week.

But nonetheless, we are going to know the size and development of their forces sufficiently to protect our country, whether there is an agreement between us or not, and it will be easier with one.

The second point is that a freeze makes this process easier. The more comprehensive a restriction, the easier it is to monitor it. If you get into these complex numerical numbers games, then you require a lot of cross-checking, a lot of examination of all different elements in order to see whether the totals come out right.

A freeze which says stop, you merely look to see if there is any activity in violation of the freeze. Therefore, a freeze by definition is easier to monitor than one of these complex reduction arrangements and formulae.

Thirdly, the fact is that with a treaty, with a freeze treaty, there is an additional feature to our benefit and that is the opportunity for communication about ambiguous Soviet behavior. If we see some activity going on in the Urals today and we wonder what it is and we go over and ask the Soviets to help us resolve that bit of ambiguity, they tell us it is none of our business, and it is not because they have not agreed to any supervision over there.

But the SALT I experience indicates that when we see ambiguous activity, we have raised it with the Soviets and we have been able to ascertain what that activity is, either that it is not in violation of the treaty, as some of them turned out, or that actions were taken which were apparently leading to violations of the treaty, and the effect of it was to stop that action.

In other words, an agreement between us allows us not only to know more about the Soviet activity, but to influence their behavior in a positive manner and in a way to protect our security.

Now, the fourth major point is that an agreement between us is a better form of protecting our security than continuing this arms race. We protect our country better by causing the Soviets not to develop additional weapons than by developing the weapons on our side to shoot them down if they are launched against us.

Now, the fact is that what we are interested in is the protection of our country, not legal evidence for a court of law in a breach of contract suit. We are collecting this information, and will be under a freeze agreement, to protect our country.

Now, when you consider the reality of these weapons systems, you must realize that any violation which would give a substantial strategic advantage would have to be of a size and a complexity which would make it literally impossible to be done on a hidden basis. There could be marginal violations, let us admit it, although the evidence, as I say, in the Defense Department's booklet does not indicate that there are going to be very much and that our coverage is indeed comprehensive.

But if we do reach an agreement with them, then it is plain that any marginal agreement cannot threaten our country as much as a development of additional weapons systems, that indeed the marginal violation will undoubtedly be caught long before it becomes a strategic threat to us.

Now, I think these are the key points. There is one additional fact. If we reach a freeze agreement with the Soviets it will be touted on both sides as a great contribution to the safety of our countries and of the world. If the Soviets decide to launch some program of treachery in violation of that agreement, they would have to have literally thousands of Soviet citizens involved in that.

I think one can say that among those thousands there would be at least a few who would be so repelled by that kind of treachery that they would do what Colonel Oleg Penkovsky did in the late 1950's—make contact with American intelligence to alert them. Now, he paid with this life for doing that, but he contributed to the safety of the world in the Cuban missile crisis, and I think you will find other brave Soviet citizens would also undertake that kind of action if they saw any substantial program of violation by the Soviet Union.

For these reasons, then, Mr. Chairman, let me urge you not to be paralyzed by the problem of verification. Let me urge you not to be stopped by those who would take an absolutist view toward it. Let us move toward protecting our country by a freeze agreement better than we can by continuing to build arms.

Thank you.

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Senator CRANSTON. I pose this question to either Admiral Gayler or Mr. Colby. Critics have charged that a nuclear freeze would preserve nuclear instability and perpetuate Soviet advantages. What is your comment on that?

Admiral GAYLER. I do not think the Soviets have an advantage of any kind and if there were in fact a discrepancy between the nuclear forces at this level it would not make any difference anyway. I think it has no political utility. It has no military utility.

I think a freeze which actually stopped the weapons growth on both sides would simply adhere to the advantage of both sides.

Senator CRANSTON. It is also argued that a freeze might undermine the Administration's efforts in START. What comment do you have on that?

Admiral GAYLER. A freeze is a way of maintaining the status quo while making serious efforts in arms negotiations to make cuts. These are not exclusive ideas. It is only the common sense idea that we do not add to weapons while we are negotiating cuts in them. So my reaction is it would not mitigate against serious arms reduction proposals.

Mr. COLBY. Quite the contrary, Senator, I believe a freeze would assist the process of reduction because without a freeze then the momentum of development of new weapons, of testing of new weapons—in our case the MX, in the Soviet case a new intercontinental weapon—will complicate any attempt to work out reductions, and a freeze would stop it so that you could work out a sensible system of reductions.

Senator CRANSTON. Critics in the Administration argue that a freeze would undercut whatever Soviet incentives there are to negotiate arms control and arms reduction agreements. What is your comment on that?

Mr. COLBY. The Soviets have the same incentive after a freeze as right now without one. Their incentive is to lessen the danger of nuclear war to themselves, aside from to us, and I think that would continue, that a freeze would actually lessen that danger because of the restriction it would place on the development of the new more destabilizing weapons, the higher accuracies and the other features of the newer weapons that are making it more dangerous rather than less.

Senator CRANSTON. Mr. Colby, do you see any risks in a freeze and do any of them exceed the risks that are inherent in the arms race itself?

Mr. COLBY. I see the risk of a minor marginal violation in a freeze. There are certain elements that might be a little more difficult to verify than others, but the major danger is the continued growth of these weapons, and I cannot see the possibility of a strategic advantage to either side in the result of a freeze.

Senator CRANSTON. I thought your statement on verifiability at the outset was very, very helpful. What problems are we likely to face in verification if the arms race continues? What problems specifically do we face with regard to cruise missile verification?

Mr. COLBY. There is a problem on how you distinguish a nuclear-armed cruise missiles from a conventionally-armed cruise missile, but we have that same problem with respect to bombers and we work our way through that by various indicators in the bombers, by the support structure for nuclear weapons as against conventional weapons that surround the airfields from which they fly—that sort of control that you look at to determine whether they are nuclear-armed or not.

We are going to be doing that whether there is a treaty between us or not. A freeze would make that process easier.

Admiral GAYLER. I think I would add to that, sir, if I might, that the growth of a very large cruise missile component on either side cannot make verification of reduction agreements very much more difficult.

Senator CRANSTON. Admiral, do you have any suggestions as to ways to improve the concept of the freeze?

Admiral GAYLER. I think that as a practical matter to treat it perhaps as a moratorium, a restraint by mutual informal agreement would avoid the otherwise necessity for a long negotiating period, and that might be a good thing to do. I think that would improve it without changing its thrust.

Senator CRANSTON. What about incremental approaches?

Admiral GAYLER. There are some elements of the freeze proposition, such as comprehensive test ban, which are highly understandable, highly negotiable, highly verifiable, and I think you could proceed with those incrementally in a formal way. But I would advocate an overall moratorium on new things at the same time.

Senator CRANSTON. What do you say to those who say, "well, how can we safely cut back on any of the weapons we have after a freeze?"

Admiral GAYLER. I think we can safely cut our arsenals on both sides to a minimum invulnerable deterrent against nuclear attack, a nuclear deterrent against nuclear attack, and if we design our weapon systems on either side for that purpose they would not in any way resemble what we have now. They might be a tenth or less, of a special invulnerable kind.

And if that were to take place through mutual agreement, the world would be a much safer place and this country would be a much safer place.

Senator CRANSTON. What do you say to those who say one cannot trust the Russians?

Admiral GAYLER. I say that you can trust the Russians to act in the Russian interest and that we have a long record under SALT I of Russian adherence to agreements which are in their interest and which are written in specific and concrete terms. You do this; we will do that—not vague expressions of good will or the spirit of Camp David or something, but simply simple, concrete agreements the Russians will live up to because it is in their interest.

Mr. COLBY. I would like to add to that, Senator, that I do not trust the Russians. I do not think you have to. You can watch them and you can catch them long before they can do anything that would be of substantial danger to us.

Senator CRANSTON. Do you feel that nuclear weapons are really militarily usable under any circumstances?

Admiral GAYLER. No, sir, I do not. I have looked for many years at the possibility of the useful military employment of nuclear weapons—at sea, in the Pacific theater for which I used to be responsible, in the Middle East, and in the defense of Europe. I cannot see any way in which we could use them that would not result in shooting ourselves in the foot and their boomeranging against us as well as taking the terrible risk of escalation to total war.

Senator CRANSTON. You spoke in your opening testimony about no-first use and your advocacy of American adoption of that policy. Some people question whether it really serves any significant purpose since neither side is really apt to believe that the other side under all circumstances would stick to a no-first-use policy.

How do you respond to that question?

Admiral GAYLER. A first-use policy over a period of some time will result in concrete physical changes in the weapons that are made available because some will be inappropriate except for first-use against a conventional attack, in the deployment of all nuclear weapons, in the doctrines and training for the employment of forces on land and at sea and in the air, in the exercises that we observe and in many other ways.

So it would not be a mere paper declaration which could be overturned but would actually result in a change in the forces involved, which could not be overturned overnight.

Senator CRANSTON. The Soviets have made a no-first-use declaration. I presume they have not made any noticeable changes as a consequence of that up to now. If not, why not? Is that because we have not reciprocated?

Admiral GAYLER. Certain Soviet spokesmen have said that they are in fact making such changes and that if we keep our eyes open we will see them. I think we should adopt a wait-and-see attitude on that.

Senator CRANSTON. Do you believe that that is the case at present?

Admiral GAYLER. I think it is plausible. As I say, I think we should adopt a wait-and-see attitude, and if they do in fact make these changes in doctrine, weapons deployment and everything else, we will see them.

Senator CRANSTON. I want to be clear we were talking about a "no-first-use" policy.

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Mr. COLBY. May I suggest, Senator, that it is pretty clear in that booklet that the Defense Department put out. It just covers a whole lot of things, and if you read the preface of it, it shows you what the Soviets have done in the last year and a half since the first edition of that booklet, and if that is not verification, I do not know what is.

Senator GLENN. A lot of them are estimates, and estimating the numbers of tanks and so on that you estimated a little while ago, that is a little different ball game. If we are off by 20 percent there, it is maybe not as cataclysmic in its potential as if we were off 20 percent on the estimates of nuclear weaponry.

Mr. COLBY. I respectfully wish to differ on that, Senator. If we are talking about more than enough of these weapons on both sides to destroy the world many times over, a 20 percent error, which I say is not a reasonable percentage, that we can come much closer than that on these weapons. A 20 percent error is a great deal safer for our country than to continue to build more and better of these weapons.

Senator GLENN. Thank you.

Senator PRESSLER. Senator Cranston?

Senator CRANSTON. The thrust of your testimony seems to be that the risks of verification failure are really far outweighed by the risks of the arms race. With regard to on-site inspection, if the two powers continue with modernization and more and more complicated weapons systems are developed, do you believe we will come to a time when on-site inspection will be imperative, or is it more likely that we will always be able to verify safely by other means?

Mr. COLBY. I think that on-site inspection can assist the process of verification. I do not think it can provide it alone. And I do not think without it the process of verification is impossible. It is one of those additional sources of information that can help you.

Senator CRANSTON. Is it not true that with regard to on-site inspection, the U.S. is probably just as unwilling to have communists running around our defense plants as the Soviets are to have capitalists running their defense plants?

Mr. COLBY. Well, I am not sure that Lockheed would particularly like to see Soviet colonels walking through their secret skunk works.

Senator CRANSTON. Can either of you conceive of a rational, deliberate, calculated decision by either side to launch a first strike?

Admiral GAYLER. I cannot.

Mr. COLBY. I cannot. The retaliation is absolute on both sides.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for fiscal year 1982, pursuant to the provisions of Section 7(b)6 of the Railroad Retirement Act, enacted October 16, 1974, and Section 12(l) of the Railroad Unemployment Insurance Act, enacted June 25, 1938.

The Railroad Retirement Board informs me that despite major changes in railroad retirement negotiated by rail labor and management and enacted in the Omnibus Budget Reconciliation Act of 1981, the railroad retirement system faces a serious funding shortfall. In addition, the continuing decline of railroad employment has left the railroad unemployment and sickness system deeply in debt. Prompt legislative action is needed to resolve the serious financial problems facing these systems and assure continued payment of benefits.

RONALD REAGAN.

THE WHITE HOUSE, *June 28, 1983.*

AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES AND BELGIUM—MESSAGE FROM THE PRESIDENT—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and Belgium on Social Security and the Final Protocol to the Agreement, both signed on February 19, 1982, and the Administrative Agreement for the Implementation of the Agreement and Additional Protocol, both signed on November 23, 1982.

These United States-Belgium agreements are similar in objective to the social security agreements already in force with Italy, the Federal Republic of Germany, and Switzerland. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreements and provides data on the number of persons affected by the Agreements and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the United States-Belgium Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE, *June 28, 1983.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1008) to make certain technical amendments to improve the implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes (Rept. No. 98-166).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

H.R. 1271. An act with regard to Presidential certifications on conditions in El Salvador.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 66. Resolution to establish regulations to implement television and radio coverage of the Senate (with minority views) (Rept. No. 98-167).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 157. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Peter H. Raven, of Missouri, to be a member of the National Museum Services Board for a term expiring December 6, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Lee M. Thomas, of South Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. PERCY, from the Committee on Foreign Relations:

Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State;

Robert Brendon Keating, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Democratic Republic of Madagascar and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to the Federal and Islamic Republic of the Comoros:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert Brendon Keating.

Post: Ambassador of United States to Madagascar.

Contributions, amount, date, donee.

1. Self: Yes, $1,000, April 8, 1980, Ronald Reagan for President campaign.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

L. Paul Bremer, III, of Connecticut, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United Kingdom of the Netherlands:

Contributions are to be reported for the period beginning on the first day of the

fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: L. Paul Bremer, III.

Post: Netherlands.

Contributions, amount, date, donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Paul Bremer, none; Leila Bremer, none.

4. Parents names: Father (deceased), Nina Bremer, none.

5. Grandparents names: Deceased, none.

6. Brothers and spouses names: Duncan and Michelle Bremer, none; Mike and Mari Bremer, none;

7. Sisters and spouses names: Margaret Bremer, none; Lynette Bremer Chivvis, $5, October 26, 1982, New Canaan Republican committee; Arthur Beecher Chivvis, none.

Hume Alexander Horan, of New Jersey, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Democratic Republic of the Sudan:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Horan, Hume A.

Post: Sudan.

Contributions, amount, date, donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Robert E. Fritts, of Maryland, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Ghana:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert E. Fritts.

Post: Ambassador to Ghana.

Contributions, amount, date, donee.

1. Self: Robert E. Fritts, none.

2. Spouse: Audrey N. Fritts, none.

3. Children and spouses: Susan A. Fritts, none; Robin L. Fritts, none.

4. Parents: Mrs. D. M. Fritts, about $20 annually 1978–82, Republican National Committee.

5. Grandparents: Deceased.

6. Brothers and spouses: Garland G. Fritts, $150 total, 1978–82, Zell Miller (Lt. Gov., GA); $25, 1978–82, Joe Frank Harris (Gov., GA); $75 1978–82, Ben O'Callaghan (Candidate, Co. Commissioner); $50, 1978–82, Richard Guthman (Atlanta City Council); Ruth Fritts, none.

7. Sisters and spouses: None.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1551. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to permit States to impose measures for the prevention of criminal infiltration of unions in casino hotels; to the Committee on Labor and Human Resources.

S. 1552. A bill for the relief of the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pa.; to the Committee on Commerce, Science, and Transportation.

By Mr. STENNIS:

S. 1553. A bill for the relief of Col. John R. Vincent, U.S. Air Force Reserve; to the Committee on Armed Services.

By Mr. STAFFORD (by request):

S. 1554. A bill to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; to the Committee on Environment and Public Works.

By Mrs. HAWKINS (for herself, Mr. D'AMATO, Mr. DODD, and Mr. GARN):

S. 1555. A bill to amend section 134 of the Truth in Lending Act and section 916 of the Electronic Fund Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 1556. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income grants paid by the U.S. Forest Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. BENTSEN):

S. 1557. A bill to amend the Internal Revenue Code of 1954 to repeal the 30 percent tax on interest received by foreigners on certain portfolio investments which operates as a tariff to prevent such investments from entering the United States; to the Committee on Finance.

By Mr. DECONCINI:

S. 1558. A bill to amend chapter 25 of title 18, United States Code to provide penalties for the forging of endorsements on, or fraudulently negotiating, U.S. checks or bonds or securities, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. DOLE, and Mr. MATSUNAGA):

S. 1559. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

By Mr. DODD:

S. 1560. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount of death benefits payable to public safety officers; to the Committee on the Judiciary.

By Mr. DOLE:

S. 1561. A bill entitled "The National Joint Research and Development Policy Act of 1983"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI (for himself, Mr. PERCY, Mr. PELL, and Mr. TSONGAS):

S. Res. 168. Resolution expressing the sense of the Senate with respect to the provision of emergency assistance to the people of Ethiopia; submitted and placed on the calendar.

By Mr. STEVENS (for Mr. HUDDLESTON (for himself and Mr. HELMS)):

S. Res. 169. Resolution to express the sense of the Senate that July 15, 1983, should be observed as "National Ice Cream Day"; submitted and placed on the calendar.

By Mr. STEVENS (for Mr. BAKER (for himself and Mr. BYRD)):

S. Res. 170. Resolution to authorize the testimony of Carol Mantle in the trial of *United States of America* v. *Kenneth Travis Bynum*, Cr. No. 83-00408 (N.D. Fla.); considered and agreed to.

By Mr. BAKER:

S. Con. Res. 48. Concurrent resolution providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983 to July 11, 1983; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1551. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to permit States to impose measures for the prevention of criminal infiltration of unions in casino hotels; to the Committee on Labor and Human Resources.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. SPECTER:

S. 1552. A bill for the relief of the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pa.; to the Committee on Commerce, Science, and Transportation.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. STAFFORD (by request):

S. 1554. A bill to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; to the Committee on Environment and Public Works.

INLAND WATERWAY IMPROVEMENT AND COST RECOVERY ACT OF 1983

● Mr. STAFFORD. Mr. President, the administration recently developed a new proposal involving the controversial issue of inland waterway user charges. This proposal, a variation on legislation that it introduced during the 97th Congress, calls for 70 percent

cost recovery from the commercial users of the Nation's inland waterways, payments that are intended to offset Federal expenditures for these waterways. This bill was received by the Senate as executive communication No. 1292, on June 16, 1983.

In its letter to the Congress transmitting this proposal, the administration stated that it was "committed to recovery of a substantial portion of Federal expenditures for the construction, operation, and maintenance of our Nation's inland waterway system from the commercial barge industry."

In my view, it is most helpful that this proposal has been sent up to allow it to be the subject of hearings on inland waterway issues before the Subcommittee on Water Resources. I commend the administration.

Mr. President, it is an honor for me to introduce this bill, by request, on behalf of the administration. I ask unanimous consent that a copy of the bill, together with the transmittal letter, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as: "The Inland Waterway Improvement and Cost Recovery Act of 1983."

SEC. 2. As used on this Act:

(a) "Commercial waterway transportation" means any use of a vessel on the inland waterway system of the United States—

(1) in the business of transporting persons or property for compensation or hire, or

(2) in transporting property in the commercial business of the owner, lessee, or operator of the vessel (other than fish or other aquatic animal life caught on the voyage);

(b) "Corps" means the United States Army Corps of Engineers.

(c) "Inland waterway system" means the following inland and intracoastal waterways and associated harbors of the United States:

(1) the Mississippi River and its natural and manmade tributaries and connecting channels upstream from Baton Rouge, Louisiana;

(2) all waterways of the United States and their tributaries with an authorized depth of 14 feet or less emptying into the Gulf of Mexico west of the Mississippi River;

(3) the Gulf Intracoastal Waterway from Saint Marks River, Florida, to Brownsville, Texas;

(4) the Apalachicola River and its tributaries upstream from its junction with the Gulf Intracoastal Waterway;

(5) the Columbia River and its tributaries upstream from a point immediately downstream of the Bonneville Lock and Dam project;

(6) the Pearl River and its tributaries upstream from the junction of the West Pearl River with the Rigolets;

(7) the Mobile River and its tributaries, including the Tennessee Tombigbee Waterway project, upstream from the Mobile Harbor project;

(8) the Atlantic Intracoastal Waterway between Norfolk, Virginia, and Miami, Florida, via both the Albemarle and Chesapeake Canal and Great Dismal Swamp Canal routes; and

(9) the portions of the Willamette River and its tributaries with authorized depths of 14 feet or less.

(d) "Secretary" means the Secretary of the Army.

SEC. 3. (a) The Secretary, in consultation with the Secretary of Transportation, shall levy ton-mile fees on commercial waterway transportation on the inland waterway system as follows:

(1) system-wide fees, adequate to recover annually 70 per centum of anticipated operation and maintenance expenditures of the Tennessee Valley Authority and of the Corps, irrespective of the source of such funds, assigned to commercial waterway transportation. Fees will be set at an initial rate of 1.1 mills per ton mile on shipments originating after September 30, 1983.

(2) segment-specific fees, starting after September 30, 1984, to provide for the recovery of 70 per centum of the capital expenditures of the Tennessee Valley Authority and of the Corps, irrespective of the source of such funds, assigned to commercial waterway transportation on projects, or physically separable project features or activities, as determined by the Secretary, for which construction is initiated after September 30, 1983. Expenditures to be recovered for such work shall be limited to funds appropriated for fiscal year 1984 and thereafter, with interest, over the economic life of the improved facility, but not to exceed a period of fifty years from the date of: (A) through traffic for construction of new waterways; and (B) completion of the work for other improvements or modifications including, but not limited to, rehabilitation or replacement of existing structures.

(b) The Secretary, in consultation with the Secretary of Transportation, shall adjust fees authorized under this section at least every five years on the basis of (1) anticipated Tennessee Valley Authority and Corps expenditures for the inland waterway system and segments thereof; (2) corrections for actual expenditures and amounts recovered; (3) the expected volume of commercial traffic; and (4) any other factors that the Secretary finds reasonable and equitable.

(c) The Secretary, in consultation with the Secretaries of Agriculture and Transportation, is authorized to levy congestion fees, on all users of specific facilities, designed to reduce delays in order to improve the efficiency of the inland waterway system.

(d) Fees collected under this section shall be credited to the Inland Waterways Trust Fund established by Section 203 of the Inland Waterways Revenue Act of 1978 (Public Law 95-502). Amounts in the Trust Fund shall be available as provided by appropriations acts for making capital improvements and operation and maintenance expenditures on the inland waterway system as defined in this Act.

SEC. 4. (a) For the purposes of developing or assisting in the development of any schedule of fees and determining whether any person is in violation of any requirement of this Act—

(1) the Secretary may require any person engaged in commercial waterway transportation, who is subject to the requirements of this title, to establish and maintain such records, submit such reports, and provide such other information, as the Secretary may reasonably require;

(2) the Secretary may utilize any documents or other information obtained under section 11 of the Act of September 22, 1922 (33 U.S.C. 555); and

(3) upon presentation of credentials, the Secretary or an authorized Federal representative shall have a right of entry to, upon, or through any vessel or any other premises owned or operated by any person engaged in commercial waterway transportation, who is subject to the requirements of this title, and may, at reasonable times, have access to, and make copies of, any records.

(b) Section 11 of the Act of September 22, 1922 (33 U.S.C. 555), is amended by inserting "no more than $200,000" in lieu of "$100".

SEC. 5. (a)(1) Whenever, on the basis of any information available and after opportunity for a hearing, the Secretary finds that any person or entity is in violation of any requirement of this Act, the Secretary shall order the person or entity to comply with the Act, including payment, with interest, of any fees which the Secretary determines to have been wrongfully withheld. Thirty days after the date of an order from the Secretary to a person or entity to be in compliance with this Act, it shall be unlawful for that person or entity to engage in commercial waterway transportation during any period when that person or entity is in violation of any requirement of this Act.

(2) The interest rate used in computing the payments required by this section shall be determined annually by the Secretary of the Treasury as a rate equal to 150 percent of the average interest rate on 13-week Treasury bills auctioned during the preceding three months.

(b) Upon request of the Secretary, the Attorney General may bring a civil action for a permanent or temporary injunction, to assess and recover a civil penalty of not more than $200,000, or both, whenever any person or entity violates any requirement of this Act or fails or refuses to comply with any order issued under subsection (a) of this section. Such penalty shall be deposited in the general fund of the Treasury.

(c) Any action under this section may be brought in the United States District Court for the district in which the defendant resides, does business, or is engaged in commercial waterway transportation. Such courts shall have jurisdiction to require compliance, assess appropriate fees or civil penalties, and grant injunctive or other equitable relief. Any vessel or watercraft on account of which any user fee shall have accumulated shall be liable for such fees and may itself be arrested and proceeded against upon principles applicable to Admiralty actions in rem.

SEC. 6. Expenditures for operation and maintenance and for construction and rehabilitation of inland waterway projects subject to recovery in accordance with Section 3 of this Act shall be as follows:

(1) for projects authorized only for navigation, costs assigned to commercial navigation will be 100 per centum of costs remaining after subtracting any specific costs for recreation;

(2) for multiple-purpose projects for which costs have been assigned to navigation, costs assigned to commercial waterway transportation will be in accord with that assignment or any subsequent reassignment;

(3) for other multiple-purpose projects providing navigation benefits but for which

there have been no cost assignments, costs assigned to commercial waterway transportation will consist of all specific navigation costs, plus 10 per centum of joint-use costs; and

(4) for the Mississippi River and Tributaries project, harbor improvement features shall be considered as individual projects pursuant to the above provisions of this section. For other features of the Mississippi River and Tributaries project, costs assigned to commercial waterway transportation will consist of (A) all specific navigation costs of the Channel Improvement feature consisting of: (i) maintenance dredging, and (ii) construction and maintenance of dikes, and (B) one-third of the joint-use costs consisting of: (i) construction dredging and construction, operation and maintenance of revetments of the Channel Improvement feature, and (ii) construction, operation and maintenance of the Old River control feature. Expenditures on construction and rehabilitation for the Mississippi River and Tributaries project, except for harbor improvement features, will be considered maintenance.

(5) Costs assigned pursuant to this section may be adjusted to reflect project modifications or other work for which reimbursement is provided under other provisions of law.

SEC. 7. Title II of the Inland Waterways Revenue Act of 1978 (92 Stat. 1696) is amended by deleting Section 204 and renumbering Sections 205 and 206 as Sections 204 and 205, respectively, and by amending the Table of Contents to be consistent with this section.

SEC. 8. Except as otherwise provided in Section 5(a), the interest rate used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the project, during the month preceding the fiscal year in which funds for the construction of the project are first disbursed.

SEC. 9. (a) After coordination with affected Federal agencies and non-Federal public interests, the Secretary, acting through the Chief of Engineers, is authorized to study, plan, design, construct, and operate and maintain such new improvements and rehabilitations and modifications of existing improvements on the inland waterway system as the Secretary determines to be reasonable and desirable for commercial waterway transportation.

(b) Capital and operation and maintenance expenditures of the Corps for work undertaken pursuant to this section, irrespective of the source of such funds, shall be subject to recovery through fees levied on commercial waterway transportation pursuant to Section 3 of this Act.

(c)(1) Before the Secretary, acting through the Chief of Engineers, may initiate construction on a plan of improvement authorized by subsection (a) of this section the Secretary shall submit to Congress—

(A) a final environmental impact statement for the plan of improvement, if the Secretary determines that the statement is required by the National Environmental Policy Act of 1969; and

(B) a statement of the Secretary's compliance, at that time, with the Clean Water Act, the Fish and Wildlife Coordination Act and other statutory requirements applicable to the improvement.

(2) The statements required under paragraph (1) of this subsection and any other actions required by the National Environmental Policy Act of 1969 and other applicable statutes shall be completed on an expedited basis pursuant to schedules, established by the Secretary after consultation with other Federal and State officials having responsibilities therewith. Thereafter, these officials shall make any necessary decisions and provide data and comment, as they deem appropriate, in accordance with the Secretary's schedules.

(3) A plan of improvement, addressed by an environmental impact statement that is submitted to Congress, in accordance with paragraph (1) of this subsection, shall be eligible for construction appropriations and implementation, under subsection (a) of this section, and may be undertaken unless Congress passes and the President approves a Joint Resolution disapproving the environmental impact statement within one hundred and eighty calendar days of its receipt by the Congress.

(d) An environmental impact statement, which is submitted to Congress in accordance with subsection (b)(1) of this section and is not disapproved pursuant to subsection (b)(3) of this section, shall be deemed to satisfy the requirements of section 102(2) of the National Environmental Policy Act of 1969.

(e) Claims, alleging that work authorized by this section will deny rights under the Constitution of the United States or that the work is beyond the scope of authority conferred by this section, shall be filed only in a United States District Court for a district where the work is located or to be located, or where the alleged injury occurs. Such courts shall have original jurisdiction over the proceedings and shall assign them for hearing at the earliest possible date. Such courts shall not have jurisdiction to grant any injunctive relief against any actions pursuant to this section except—

(1) in conjunction with a final judgment entered in a case involving a claim filed under this section, or

(2) where the petitioner presents a clear and convincing showing that the petitioner is likely to prevail on the merits, that without such an injunction the petitioner will suffer irreparable harm, and that issuance of an injunction will not lead to unreasonable harm to other parties and is in the public interest.

SEC. 10. The Secretary, in consultation with the Secretaries of Commerce, Transportation, Treasury, Energy and Agriculture, the Attorney General of the United States, the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget, may promulgate, and may from time to time revise, regulations and guidelines to govern the programs authorized by this Act, including but not limited to the determination of inland and intracoastal segments and associated harbors for purposes of establishing a system of segment-specific fees implemented pursuant to Section 3(a)(2).

SEC. 11. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

DEPARTMENT OF THE ARMY,
Washington, D.C., May 19, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the Administration is committed to recovery of a substantial portion of Federal expenditures for the construction, operation, and maintenance of our Nation's inland waterway system from the commercial barge industry. This commitment is founded not only on budgetary considerations, but also on a conviction that charging the actual beneficiaries will result in greater efficiency in the operation and future development of the Nation's commercial transportation system.

Accordingly, the Department of the Army transmitted to the 97th Congress proposed legislation for recovery of costs assignable to commercial waterway transportation for major navigation channels handling the bulk of the Nation's commercial barge traffic. The Administration has continued to analyze and refine its inland waterway cost recovery legislation. We have sought to establish a meaningful dialogue with members of Congress, the public, and industry. On the basis of these discussions, the proposal has been revised and is submitted as part of the Army Civil Works legislative program for the 98th Congress. The Office of Management and Budget advises that enactment of the proposal would be in accord with the program of the President. The Department strongly recommends that Congress enact the proposed legislation.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is similar to our earlier proposals. That is, it provides for the recovery of certain capital, operation, and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and it authorizes construction in specified circumstances.

Unlike our previous proposals, which would have authorized recovery of 100 percent of operation and maintenance (O&M) and new construction costs assigned to commercial navigation, this legislation would provide for recovery of 70 percent of these costs. It is hoped that by reducing the level of recovery to 70 percent we can achieve a workable compromise to allow early enactment of this legislation and thereby provide a firm financial basis for continued development and rehabilitation of the inland waterway system to accommodate future traffic growth.

Ton-mile fees would be used to recover costs. This mechanism is both equitable and easy to administer. The information needed to administer the program is generally available from waybills and other data currently collected as part of the Corps of Engineers Waterborne Commerce Statistics System.

Operation and maintenance costs would be recovered on a system-wide basis, while future construction costs (construction initiated after September 30, 1983) would be recovered on a segment-specific basis. System-wide O&M fees would minimize disruption of existing traffic patterns and would avoid imposing the burden of operating and maintaining existing improvements, constructed with general revenues, on any particular group. On the other hand, recovery of future capital improvement costs on a segment-specific basis means that, in the future, commercial operators would pay for improvements on stretches of the river which they actually use and would have to weigh their desire for those improvements against the costs for which they would ultimately be responsible. By requiring the direct beneficiaries to pay for the portion of the costs of future investment expenditures, we believe that the Federal government

would receive better advice from users as to the type and timing of capital improvements to the system than is certainly now the case, where improvements are made at no cost to the users, or would be the case were these costs to be shared with waterway shippers who do not directly benefit from the improvements.

Any projects, or physically separable features or activities of larger projects, initiated after September 30, 1983, would be subject to cost recovery under this proposal. Costs would be recovered for all future projects or physically separable features or activities.

The proposed legislation would also authorize imposition of congestion fees on all users of specific facilities to improve efficiency in the operation of the system.

In addition, it would provide for specific enforcement powers to allow the Secretary of the Army to insure accurate reporting and collection. The primary enforcement mechanism would be authority to prohibit violators from using the inland waterway system until all delinquent fees are paid, including realistic interest. The bill would also provide civil penalties of up to $200,000 for violations of the Act and increase the maximum penalty under existing reporting requirements to $200,000.

Furthermore, the proposed legislation includes streamlined authority for the Secretary of the Army to study, construct, operate, and maintain new navigation improvements and to rehabilitate and modify existing navigation facilites. Such improvements would be premised on the ability, and willingness, of commercial users to determine the need and pay for future projects and would be undertaken in compliance with the substantive provisions of all applicable laws.

Prior to the construction of such an improvement, the Secretary would submit to Congress any final environmental impact statement required by the National Environmental Policy Act of 1969 (NEPA) and a statement of the Secretary's compliance, at that time, with other statutory requirements applicable to the improvement. These statements and other necessary actions to comply with NEPA and other applicable statutes would be subject to schedules, consistent with existing laws, established by the Secretary, after consultation with other responsible Federal and State officials, that would govern the requirements for administrative review and decision-making. The plan of improvement would be eligible for construction funding and implementation, unless the environmental impact statement were disapproved by Joint Resolution approved by the President within 180 calendar days of its receipt by the Congress. Congress would also continue to exercise its important oversight responsibility through the appropriations process since expenditures from the Inland Waterways Trust Fund would continue to require Congressional appropriation.

Environmental impact statements for such improvements submitted to Congress prior to authorization, unless disapproved by the Congress, would be deemed to satisfy the requirements of NEPA. Specified Federal judicial jurisdiction and review would be limited to claims alleging that construction of the improvement would deny rights under the Constitution of the United States or would be beyond the scope of the authority conferred by the proposed legislation. In such a proceeding, injunctive relief could not be issued prior to a final order, unless the petitioner makes a clear and convincing showing that "the petitioner is likely to prevail on the merits; that without such an injunction the petitioner will suffer irreparable harm, and that issuance of the injunction will not lead to unreasonable harm to other parties and is in the public interest."

COST AND BUDGET DATA

Enactment of the enclosed draft legislation would require reimbursement to the Federal government for certain navigation expenditures of the Tennessee Valley Authority and the Army Corps of Engineers for waterway transportation on the inland and intracoastal waterways of the United States. This would result in significant savings to the Federal government.

Sincerely,

WILLIAM R. GIANELLI,
Assistant Secretary of the Army
(Civil Works).●

By Mrs. HAWKINS (for herself, Mr. D'AMATO, Mr. DODD, and Mr. GARN):

S. 1555. A bill to amend section 134 of the Truth in Lending Act and section 916 of the Electronic Fund Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT CARD FRAUD

● Mrs. HAWKINS. Mr. President, today I am introducing a bill to strengthen the current credit and debit card fraud provisions of title 15 of the United States Code in behalf of myself and Senators D'AMATO, DODD, and GARN. Hearings that I chaired on May 18, 1983, before the Senate Consumer Affairs Subcommittee dramatically illustrate the need for this legislation.

THE SCOPE OF THE PROBLEM

According to witnesses appearing before the subcommittee, credit card fraud in the United States now exceeds $1 billion annually. The fraudulent use of credit cards over the past few years has spiraled to incredible heights, far out of proportion to the increase in the legitimate use of the cards. And although individual consumers have limited liability if they quickly report the misuse of their cards, that is not true in the aggregate. This $1 billion is passed on as a cost of doing business to all consumers. For this reason, credit card interest rates would be a full percentage point lower if fraud were eliminated. The purpose of my bill is to deter those who are considering engaging in credit card fraud by stiffening penalties received if convicted.

CREDIT CARD SCAMS

Formerly, credit card fraud generally occurred only after cards were lost or stolen. Those bold enough to try using these cards continued doing so only until they felt that knowledge of the theft had been widely distributed. As reporting and authorization systems improved, reducing the period during which stolen cards were usable, more sophisticated approaches were devised.

Fundamental to most scams today is obtaining valid credit card account numbers then listing these numbers on manufactured cards that appear valid. Witnesses testified that there are several methods for fraudently obtaining credit card numbers:

First, some search merchants' trash and recover carbon sheets from valid card transactions that contain legible cardholder information.

Second, others buy stolen cards, frequently from prostitutes.

Third, another technique requires posing over the telephone as a card company representative or legitimate businessman and persuading cardholders to give their account numbers.

Fourth, finally, rings often use confederates in banks, post offices, or retail establishments to obtain cardholder information.

Once account numbers are obtained, they are embossed on pieces of plastic and used in various fraudulent schemes. The following examples illustrate the increased sophistication of scams as criminals strive to stay ahead of industry efforts to protect against losses.

SHAVE AND PASTE

The "shave and paste" scheme requires manually altering credit cards. Account-holder information on the face of lost or stolen cards is removed using a razor blade. New numbers removed from other credit cards are then glued on to the credit cards using fast-drying cement. Attempts have been made to change validation and expiration date lines as well as account numbers.

WHITE PLASTICS

A more sophisticated scheme requires manufacturing "white plastics." "White Plastics" are made from plain plastic and they fit in sales draft embossing equipment widely available. These blank cards are embossed with an account number, cardholder name, and expiration date; without any issuer's name. These frauds require the cooperation of collusive merchants who submit bogus sales slips for transactions that never took place to their banks.

OTHER ABUSES

Recently banks and credit card holders in Florida experienced a serious problem with a credit card registration service based in the State. The company maintained a telephone solicitation staff who called consumers to sell them a form of credit card insurance. By paying a fee, a customer could call up this company if their cards were misplaced. The company then notified all card issuing firms that no charges should be processed using the customer's account numbers until further notice.

Although many consumers declined the offer, they were nevertheless billed for the service. The company

had purchased lists of credit card holders' names, addresses, credit card numbers, and used this information to process phony credit card charges for their unwanted service. Of course, there was an enormous number of consumer complaints. Although the Florida Department of Legal Affairs issued an emergency order for the firm to cease and desist from these fraudulent activities, this group, and I am sure others, are continuing their activities in other parts of the country under other business names.

PREVENTIVE ACTION NECESSARY

Testimony from the Department of Justice highlighted that counterfeiting and unauthorized access to account information is due in large part to the lack of security built into the charging system. The Department urged the credit card and electronic fund transfer industry to improve security at all steps in the process. In addition, the Department felt card issuers need to be more selective in their application and approval processes. In the past, credit card issuers provided cards for anyone and everyone.

Industry witnesses testified that they agree and are taking steps to make counterfeiting or alteration more difficult. One card issuer has announced plans to have all cards issued in his system include holograms, fine line printing, and ultraviolet inks. This will require anyone who wishes to defraud them to surmount a new technological barrier of a significant magnitude.

The American Bankers Association Task Force on Credit Card Fraud is taking steps to safeguard account number access. They are urging banks and processors to restrict access to account information or use only that portion of an account number necessary to identify the account in in-house activities. Merchants are counseled to use perforated carbons and carbonless sales slips and to take other precautions in disposing of carbons and duplicate sales slips. Consumers are cautioned to safeguard account numbers and sales receipts.

NEED FOR LEGISLATION

While these initiatives are commendable, private sector efforts alone are insufficient to combat credit card fraud. Credit and debit cards are replacing checks and cash as the principal means of exchange in retail transactions. Therefore, credit card fraud jeopardizes the national payments system. A Federal, not a State or a local, response is necessary because credit card fraud is usually interstate in nature. In addition, groups operating in one State respond to local enforcement activity by moving to another State to perpetuate their frauds.

The hearings illustrated the need for an immediate attack on credit card fraud. The first step would be to modernize and strengthen the current credit and debit card fraud statutes in the Truth in Lending and Electronic Fund Transfer Acts found in title 15 of the United States Code. Many of the card-related abuses were—unimaginable—when these crime laws were enacted. Only fraud involving stolen cards were thoroughly treated. The bill I am introducing today contains amendments to close the loopholes in these statutes. For example, courts have held that misuse of account numbers does not technically constitute fraudulent use of a "credit card," and is therefore not prohibited by the existing criminal provisions of the Truth in Lending Act. My bill closes this loophole by defining "credit card fraud" to include misuse of an actual or fictitious account number. The bill also covers for the first time schemes where criminals obtain credit cards or account numbers for fraudulent purposes. It includes, for instance, obtaining an account number directly from cardholders over the telephone or in person in order to use their numbers to incur fraudulent charges. It also makes it a crime to obtain account numbers in unauthorized fashion from sales receipts or carbons obtained collusively or by theft from merchants. And it prohibits selling lists of account numbers for fraudulent purposes. The penalty for a subsequent violation would be increased from the current sanctions of a fine of not more than $10,000 and an imprisonment of not more than 10 years to $100,000 and 20 years respectively.

It is essential that these statutory loopholes be closed so that we can begin vigorous enforcement against credit card fraud immediately. The loss of $1 billion annually to sophisticated thieves is unnecessary.

I request unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 134 of the Truth in Lending Act (15 U.S.C. 1644) is amended to read as follows:

"§ 134. Fraudulent use of credit card

"(a) Whoever—

"(1) knowingly in a transaction affecting interstate or foreign commerce, uses or attempts or conspires to use any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain money, goods, services, or anything else of value which within any one-year period has a value aggregating $1,000 or more;

"(2) with unlawful or fraudulent intent, transports or attempts or conspires to transport in interstate or foreign commerce a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained;

"(3) with unlawful or fraudulent intent, uses any instrumentality of interstate or foreign commerce to sell or transport a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained, credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained;

"(4) knowingly receives, conceals, uses, or transports money, goods, services, or anything else of value (except tickets for interstate or foreign transportation) which (A) within any one-year period has a value aggregating $1,000 or more, (B) has moved in or is part of, or which constitutes interests or foreign commerce, and (C) has been obtained with a counterfiet, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card;

"(5) knowingly receives, conceals, uses, sells, or transports in interstate or foreign commerce one or more tickets for interstate or foreign transportation, which (A) within any one-year period have a value aggregating $500 or more, and (B) have been purchased or obtained with one or more counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit cards;

"(6) in a transaction affecting interstate or foreign commerce furnishes money, property, services, or anything else of value, which within any one-year period has a value aggregating $1,000 or more, through the use of any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained;

"(7) in a transaction affecting interstate or foreign commerce, knowingly furnishes, transfers, or obtains a credit card for use in connection with a scheme to defraud a consumer or any other person; or

"(8) in a transaction affecting interstate or foreign commerce, with unlawful or fraudulent intent, furnishes, acquires, or uses any actual or fictitious credit card account numbers or identification or other access codes, whether alone or together with names of credit card holders, or other information pertaining to a credit card account in any form, and as they may be reflected or retained in any medium,

shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b)(1) In determining the aggregate value for the purpose of any provision of subsection (a), there shall be included the dollar value of all transactions by a person using one or more credit cards in a course of conduct in violation of such provision.

"(2) As used in this section, the term 'credit card' includes account numbers or any other means of account access that can be used, alone or in conjuction with another means of access to obtain money, goods, services, or any other thing of value.

"(c) Any person who is convicted of a violation of any provision of subsection (a) or section 916 shall, for any subsequent violation of a provision of subsection (a) or section 916, be fined not more than $100,000 or imprisoned not more than 20 years, or both.".

SEC. 2. (a) Section 916(b) of the Electronic Fund Transfer Act (15 U.S.C. 1693n(b)) is amended by striking out "obtained—" in paragraph (6) and inserting in lieu thereof the following: "obtained;

"(7) in a transaction affecting interstate or foreign commerce, knowingly furnishes, transfers, or obtains a debit instrument for

use in connection with a scheme to defraud a consumer or any other person; or

"(8) in a transaction affecting interstate or foreign commerce, with unlawful or fraudulent intent, furnishes, acquires, or uses any actual or fictitious account numbers or identification or other access codes, whether alone or together with names of account holders, or other information pertaining to a debit instrument in any form, and as they may be reflected or retained in any medium—".

(b) Section 916(c) of such Act is amended by inserting after "card, code," the following: "account number, other means of account access (that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other things of value or for the purpose of initiating a transfer of funds (except a transfer originated solely by a paper instrument)),".

(c) Section 916 of such Act is amended by adding at the end thereof the following:

"(d) In determining the aggregate value for the purpose of any provision of subsection (b), there shall be included the dollar value of all transactions by a person using one or more credit cards in a course of conduct in violation of such provision.

"(e) Any person who is convicted of a violation of any provision of subsection (b) or of section 134 shall for any subsequent violation of a provision of subsection (b) or section 134, be fined not more than $100,000 or imprisoned not more than 20 years, or both.".●

● Mr. D'AMATO. Mr. President, I am proud to join my distinguished colleague, Senator HAWKINS, as an original cosponsor of this much needed legislation. The credit and debit card industries have greatly expanded, mainly as a result of technological advances in the communications field. These advances have, for the most part, facilitated the free flow of commerce in this country and provided consumers with a high quality of service in the provision of credit and debit card services.

Unfortunately, those same technological advances that have made it possible for the credit card industry to flourish have been turned against the industry. Sophisticated criminals have utilized technologically advanced and innovative methods in the commission of crimes which were beyond the imagination of the most clever draftsman of applicable criminal statutes.

At hearings held by Senator HAWKINS, chairman of the Consumer Affairs Subcommittee, on May 18, 1983, testimony revealed the drastic need for the tightening of certain provisions in both the Truth in Lending Act and the Electronic Fund Transfer Act to give our enforcement officials the statutory authority and flexibility to address this more innovative and advanced criminal behavior. One provision of particular interest to me in this legislation is one that would include, in the definition of credit card, an account number or other means of account access used to obtain money, goods, or services. I, personally, have been the victim of a crime in which my credit card number was misappropriated—probably from a carbon imprint—and an unauthorized charge was made to my credit card account. I was surprised to hear that a Federal circuit court had ruled such fraudulent use of account numbers would not be covered by criminal provisions of the truth in lending law as the tangible credit card was not used in the commission of the crime. I am pleased to say that this legislation will correct this and other glaring deficiencies in current law.

Mr. President, I have a special interest in seeing these revisions written into law. New York, I am sorry to say, has the dubious distinction of being the credit card fraud capital of the world, especially in the area of counterfeiting credit cards. VISA estimates that nearly 50 percent of its losses due to counterfeiting occur in New York State. If this behavior is not swiftly and adequately addressed we can be certain of its proliferation to other States throughout the Union.

I believe the changes mandated by this legislation, especially the increased penalties, will go far to deter the spread of this criminal activity, the burden of which is ultimately borne by the consumer through increased costs for credit and debit card services. As a member of the Senate Subcommittee on Consumer Affairs, I urge my colleagues to support swift passage of this legislation.●

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 1556. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income grants paid by the U.S. Forest Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area; to the Committee on Finance.

TAXATION OF BWCA GRANTS TO SMALL BUSINESSES

● Mr. DURENBERGER. Mr. President, the bill I introduce today will settle a question that should never have arisen. In the 1978 Boundary Waters Canoe Area Wilderness Act, Congress curtailed motorized access to much of the million-acre wilderness along Minnesota's border with Canada. This act had a significant impact on resort owners and outfitters because they had substantial investment in motorized equipment. To help compensate these small businesses for their direct economic losses, and to help them conform to the new law, Congress authorized the U.S. Forest Service to develop an adjustment assistance program to aid those affected in shifting from motorized to nonmotorized operations.

The Internal Revenue Service now wants to tax these compensatory payments. Clearly, it makes little sense for the Federal Government to help defray, in a very small way, the cost of complying with legislation that we thrust upon them and then taking this money back through the tax system. With one hand the Government is reaching out to help these small businesses, while slapping them down with the other hand.

It was not the intent of Congress that these payments be taxed. Taxation of these payments violates the spirit of the agreement reached and substantially nullifies the effect of the adjustment assistance Congress authorized.

In comparison to total Federal spending and taxing, we are not talking about a great deal of money. Between 1980 and 1982 about $1.3 million has been distributed. Individual businesses have received between $2,500 and $52,500 in 3 years.

But to the businesses affected, these funds are crucial. The grants can be the difference between surviving the changes thrust upon them by Congress and ceasing to exist.

The resort owners and outfitters who received adjustment assistance payments are bitter and angry over what they feel is a betrayal by the Federal Government. The Federal Government has changed the basis of the bargain. If these business people had known that these payments were to be taxed, many may have taken another option included in the 1978 bill—to sell their places to the Government and pull out of the area.

This bill will make it clear that adjustment assistance payments pursuant to section 19 of the Boundary Waters Canoe Area Wilderness Act will not be taxed. The faith these business people had, that the Federal Government would keep its bargain, should be restored. The intent of Congress when enacting the legislation in the first instance should be carried out. I ask my colleagues to give this measure their rapid and favorable consideration.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There beng no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. EXCLUSION FROM GROSS INCOME OF PAYMENTS FROM THE U.S. FOREST SERVICE AS A RESULT OF RESTRICTING MOTORIZED TRAFFIC IN THE BOUNDARY WATERS CANOE AREA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income), is amended by redesignating section 132 as section 133 and by inserting after section 131 the following new section:

"SEC. 132. PAYMENTS BY THE U.S. FOREST SERVICE AS A RESULT OF RESTRICTING MOTORIZED TRAFFIC IN THE BOUNDARY WATERS CANOE AREA.

"(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include amounts received by the taxpayer from the U.S. Forest

Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area.

"(b) DEFINITION.—For the purpose of this section, the term 'payments by the U.S. Forest Service' shall mean any payments made by the U.S. Forest Service pursuant to Sec. 19(a) of P.L. 95-495, An Act to Designate the Boundary Waters Canoe Area Wilderness, to Establish the Boundary Waters Canoe Area Mining Protection Area, and for Other Purposes", approved October 21, 1978.

SEC. 2. CLERICAL AMENDMENT.

The table of sections for part III of subchapter B of chapter 1 is amended by striking out the item relating to section 132 and by inserting in lieu thereof the following items:

"Sec. 132. Payments by the U.S. Forest Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area.
"Sec. 133. Cross references to other Acts."

SEC. 3. EFFECTIVE DATE.

The amendments made by this section 1 shall apply to taxable years beginning after December 31, 1979 and before January 1, 1984.●

By Mr. CHAFEE (for himself and Mr. BENTSEN):

S. 1557. A bill to amend the Internal Revenue Code of 1954 to repeal the 30 per centum tax on interest received by foreigners on certain portfolio investments which operates as a tariff to prevent such investments from entering the United States; to the Committee on Finance.

REPEAL OF TAX ON INTEREST ON CERTAIN FOREIGN INVESTMENTS

Mr. CHAFEE. Mr. President, today Senator BENTSEN and I are introducing legislation amending the Internal Revenue Code of 1954 to repeal the 30-percent tax on certain interest payments received by foreigners.

This bill exempts foreign persons and corporations from U.S. income and withholding taxes on interest income from debt obligations guaranteed by domestic corporations.

Current law levies and withholds a 30-percent income tax on nonresident aliens and foreign corporations receiving interest payments from U.S. corporations. This 30-percent tax effectively operates as a tariff, preventing the influx of foreign capital to help finance American business.

One result of the current law is that in order to sell bonds and other obligations abroad, U.S. corporations must assume the cost of the withholding tax by increasing the rate of interest. Accordingly, to blunt the effect of the withholding rule, U.S. corporations have established offshore finance subsidiaries that take advantage of favorable tax treaties. The most prominent of the tax havens is the Netherland Antilles. These financing subsidiaries erode confidence in the integrity of the U.S. tax system, promote treaty shopping, and may interfere with treaty negotiations.

Foreign investments provide needed capital for our own domestic business expansion and for the creation of new jobs. It is important to have access to this source of capital. Repeal of the withholding requirements would benefit the U.S. economy in the following ways:

First. More capital at lower long-term rates, increasing investment, R&D, jobs, and lowering Treasury borrowing costs;

Second. Reassertion of U.S. control of a large part of the offshore dollar bond market;

Third. Allow all U.S. companies and Treasury access to the worldwide dollar bond market, thus effectively ending the use of tax havens for tax avoidance; and

Fourth. Revenue increase to Treasury, estimated to be as much as $50 million.

The bill applies to the following three categories of U.S. issuers:

First. Interest paid on obligations sold to foreign persons by finance subsidiaries prior to the enactment of this bill and later assumed by a domestic corporation.

Second. Interest paid on new obligations sold directly or through underwriters under arrangements designed to insure their initial sale only to foreign persons.

Third. Interest paid on obligations not in bearer form where the withholding agent has received a statement to the effect that the beneficial owner of the obligation is a foreign person.

Exempted from the bill is interest on commercial bank loans with foreigners.

This bill has had bipartisan support in the House and Senate; Congressmen GIBBONS and CONABLE have introduced a similar bill this year. The Treasury Department's support is demonstrated by its letter to Congressman GIBBONS, which I ask be printed in the RECORD following my remarks. Moreover, the Finance Committee unanimously reported this measure in 1979.

I request unanimous consent that the bill appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN INTEREST

(a) In General.—Subsection (a) of section 871 of the Internal Revenue Code of 1954 (relating to income not connected with United States business—30 percent tax) is amended by adding at the end thereof the following new paragraph:

"(4) INCOME OF NONRESIDENT ALIEN INDIVIDUALS RECEIVED FROM CERTAIN PORTFOLIO DEBT INVESTMENTS.—No tax shall be imposed under subsection (a)(1) on interest (including original issue discount) received by a nonresident alien individual if—

"(A) the interest is paid on an obligation which resulted from the assumption after the date of enactment of this Act by a domestic corporation of an obligation which was issued on or prior to such date and which when issued, was guaranteed by a domestic corporation and was sold pursuant to arrangements described in section 163(f)(2)(B)(i),

"(B) the interest is paid on an obligation which is not in registered form and which is described in section 163(f)(2)(B), or

"(C) the interest is paid on an obligation which is in registered form, the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441 (a) has received a statement that the beneficial owner of the obligation is not a United States person and such statement meets the requirements of subsection (g),

but in the case of interest paid on an obligation described in subparagraph (B) or (C) only if (i) in the case of interest received from a corporate, the nonresident alien individual does not own, and is not considered as owning (within the meaning of subsection (h)), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such corporation, or (ii) in the case of interest received from a partnership, the nonresident alien individual does not own and is not considered as owning (within the meaning of subsection (h)), 10 percent or more of the capital or profits interest in such partnership. For purposes of this paragraph the term 'registered form' has the same meaning as when used in section 163 (f).".

(b) CERTAIN STATEMENTS; CONSTRUCTIVE OWNERSHIP.—Section 871 of such Code (relating to tax on nonresident alien individuals) is amended by redesignating subsection (g) as subsection (i) and by adding after subsection (f) the following two new subsections:

"(g) CERTAIN STATEMENTS.—A statement with respect to the ownership of an obligation shall meet the requirements of this subsection if such statement represents that it is from the beneficial owner of the obligation or such statement is from a securities clearing organization, a bank, or other financial institution that holds customers' securities in the ordinary course of its business, and within the period ending 1 month prior to the payment of interest the Secretary has not published a determination to the effect that statements from such securities clearing organization, bank, or other financial institution, or any class of such persons, may not be accepted for the purposes of this subsection.

"(h) CONSTRUCTIVE OWNERSHIP.—Section 318(a) (relating to the constructive ownership of stock), other than paragraph (1) thereof, shall apply for the purposes of determining ownership of stock of the corporation under subsection (a)(4) and section 881(c), and similar rules shall apply for the purposes of determining ownership of an interest in a partnership under subsection (a)(4) and section 881(c). For the purposes of the preceding sentence, section 318(a)(2)(C) shall be applied without regard to the 50-percent limitation contained therein, and stock of the corporation or an interest in a partnership owned by a person by reason of the application of section 318(a)(4) shall not, for the purposes of applying paragraphs (2) and (3) of section 318 (a), be considered as actually owned by such person.".

(c) CONFORMING AMENDMENT.—Section 871(a)(1) of such Code (relating to income other than capital gains) is amended by striking out "There" and inserting in lieu thereof "Except as provided in paragraph (4), there".

SEC. 2. FOREIGN CORPORATIONS

(a) IN GENERAL.—Section 881 of the Internal Revenue Code of 1954 (relating to tax on income of foreign corporations not connected with United States business) is amended by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) INCOME OF FOREIGN CORPORATIONS RECEIVED FROM CERTAIN PORTFOLIO DEBT INVESTMENTS.—No tax shall be imposed under subsection (a) on interest (including original issue discount) received by a foreign corporation if—

"(1) the interest is paid on an obligation described in section 881(a)(4)(A),

"(2) the interest is paid on an obligation described in section 871(a)(4)(B), or

"(3) the interest is paid on an obligation which is in registered form, the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) has received a statement that the beneficial owner of the obligation is not a United States person, and such statement meets the requirements of section 871(g),

but in the case of interest paid on an obligation described in subsection (2) or (3) only if (i) the interest is not interest received by a controlled foreign corporation, (ii) except for interest paid on an obligation of the United States, the interest is not interest received by a bank on an extension of credit made pursuant to a loan agreement entered into in the ordinary course of its banking business, (iii) in the case of interest received from a corporation, the corporation receiving the interest does not own, and is not considered as owning (within the meaning of section 871(h)), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such corporation, and (iv) in the case of interest received from a partnership, the corporation receiving the interest does not own, and is not considered as owning (within the meaning of section 871(h)), 10 percent or more of the capital or the profits interest in such partnership. For purposes of this subsection the term 'registered form' has the same meaning as when used in section 163(f).".

(b) CONFORMING AMENDMENT.—Section 881(a) of such Code (relating to imposition of tax) is amended by striking out "There" and inserting in lieu thereof "Except as provided in subsection (c), there".

SEC. 3. AMENDMENT OF SECTION 864(c)(2).

Paragraph (2) of section 864(c) of the Internal Revenue Code of 1954 (relating to effectively connected income, etc.) is amended by striking out "section 871(a)(1) or section 881(a)" and inserting in lieu thereof "section 871(a)(1), section 871(a)(4), section 881(a) or section 881(c)".

SEC. 4. REMOVAL OF EXEMPTION FROM TAX IN CASE OF INADEQUATE EXCHANGE OF INFORMATION.

(a) Subpart C of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 898. REMOVAL OF EXEMPTION FROM TAX IN CASE OF INADEQUATE EXCHANGE OF INFORMATION.

"Whenever the Secretary determines that the exchange of information between the United States and a foreign country is inadequate to prevent evasion of the United States income tax by United States persons, the exemption from tax contained in section 871(a)(4) and section 881(c) shall not apply to any payment or payments addressed to or for the account of persons within such foreign country after the date specified in the Secretary's determination. Any such removal shall not apply to interest on obligations issued on or before the date of publication of such determination. The removal of the exemption from tax contained in section 871(a)(4) and section 881(c) shall continue until the Secretary determines that the exchange of information between the United States and the foreign country of such information is adequate to prevent the evasion of the United States income tax by United States persons.".

(b) The table of sections for such subpart C is amended by adding at the end thereof the following new item:

"Sec. 898. Removal of exemption from tax in case of inadequate exchange of information.".

SEC. 5. AMENDMENT OF SECTION 2105.

Subsection (b) of section 2105 of the Internal Revenue Code of 1954 (relating to property without the United States) is amended to read as follows:

"(b) BANK DEPOSITS AND CERTAIN OTHER DEBT OBLIGATIONS.—For purposes of this subchapter—

"(1) amounts described in section 861(c), if any interest thereon would be treated by reason of section 861(a)(1)(A) as income from sources without the United States were such interest received by the decedent at the time of his death,

"(2) deposits with a foreign branch of a domestic corporation or domestic partnership, if such branch is engaged in the commercial banking business, and

"(3) debt obligations, if, without regard to whether a statement meeting the requirements of section 871(g) has been received, any interest thereon would be eligible for the exemption from tax under section 871(a)(4) were such interest received by the decedent at the time of his death,

shall not be deemed property within the United States.".

SEC. 6. WITHHOLDING.

(a) NONRESIDENT ALIENS.—Subsection (c) of section 1441 of the Internal Revenue Code of 1954 (relating to withholding of tax on nonresident aliens) is amended by adding at the end thereof the following new paragraph:

"(9) INCOME EXEMPT FROM TAX.—No deduction or withholding shall be required in the case of interest (including original issue discount) described in subparagraph (A), (B), or (C) of section 871(a)(4) unless the person otherwise required to deduct and withhold shall know, or have reason to know, that such item of income is not exempt from tax because of clause (i) or (ii) of section 871(a)(4).".

(b) FOREIGN CORPORATIONS.—The last sentence of section 1442(a) of such Code is amended—

(1) by striking out "and" after "section 881(a)(4),"; and

(2) by inserting ", and the reference in section 1441(c)(9) to clauses (i) and (ii) of section 871(a)(4) shall be treated as referring to clauses (ii), (iii), and (iv) of section 881(c)" after "section 881(a)(3)".

SEC. 7. EFFECTIVE DATES.

(a) The amendments made by this Act (other than section 5) shall apply to amounts paid after the date of enactment of this Act.

(b) The amendment made by section 5 shall apply to the estates of decedents dying after the date of enactment of this Act.

DEPARTMENT OF THE TREASURY,
Washington, D.C., May 23, 1983.

Hon. SAM M. GIBBONS,
House of Representatives,
Washington, D.C.

DEAR MR. GIBBONS: I am writing to reiterate the Administration's support for your proposal to exempt foreign persons from U.S. tax on certain interest payments, which had been introduced by you and Mr. Conable in the last Congress as H.R. 4618, and to urge that a similar measure be introduced in the present Congress.

Such a measure would improve access to foreign capital markets for American business. We believe that such access is an important element in achieving increased capital formation and sustained economic growth in this country. As you are well aware, access to the Eurobond market on a competitive basis requires that interest be paid free of tax in the source country.

Presently, access to these capital markets is possible, but American companies must establish complex and costly mechanisms, generally by interposing a financing subsidiary in a treaty-protected jurisdiction such as the Netherlands Antilles, to attempt to eliminate the 30 percent U.S. tax on interest. Furthermore, some uncertainty now surrounds the U.S. tax consequences resulting from these structures. Legislation, such as H.R. 4618, would permit Americans to borrow directly in these capital markets, thereby obviating the need to create "backdoor" routes, and eliminating the uncertainty.

Direct issuance of Eurobond obligations by U.S. issuers, as envisioned by your proposal, would result in a net gain in U.S. revenues. More specifically, based on the factors of (1) the current level of Eurobond issuances by Netherlands Antilles finance subsidiaries, and the resultant U.S. and Netherlands Antilles tax consequences (particularly the allowance of a foreign tax credit in the United States for the Antilles corporate tax imposed on the finance subsidiaries), and (2) the tax collected under present law on interest payments to foreign persons, the net revenue gain from such an amendment to the Internal Revenue Code would on a conservative basis be $35 million, and could well be as much as $50 million.

I would be pleased to discuss these matters further with you.

Sincerely,

JOHN E. CHAPOTON,
Assistant Secretary
(Tax Policy).

By Mr. DECONCINI:

S. 1558. A bill to amend chapter 25 of title 18, United States Code to provide penalties for the forging of endorsements on, or fraudulently negotiating, U.S. checks or bonds or securities, and for other purposes; to the Committee on the Judiciary.

PENALTIES FOR FRAUD CONNECTED WITH GOVERNMENT CHECKS AND BONDS

● Mr. DECONCINI. Mr. President, the legislation that I am introducing today will, if adopted, correct certain omissions in current law and prescribe penalties for forging endorsements on Treasury checks, bonds, or securities

of the United States, passing such obligations bearing forged endorsements, or possessing, selling, or exchanging such obligations, if they are stolen or bear forged endorsements. This legislation will make it possible for the Justice Department to prosecute both forgeries of endorsements and related crimes involving obligations of the United States under one section of the United States Code, and greatly assist the U.S. Secret Service—the agency with primary jurisdiction in this area—to investigate crimes involving obligations and securities of the United States.

Specifically, Mr. President, here is what this legislation would do and why it is needed. Presently, violations for forgery of endorsement or fraudulent negotiation of a Treasury check or bond or other security of the United States are being prosecuted under section 495 of title 18, United States Code, which specifically covers contracts, deeds, powers of attorneys, and applies to the forgery or altering of "other writings." However, that section was not specifically drafted to deal with Treasury checks or bonds or other obligations. The basis for using section 495 to prosecute these violations is the provision therein which penalizes the forgery or altering of "other writings." Sections 471 and 472 of title 18 are concerned with forgery and uttering forged obligations or securities of the United States. However, these sections apply to forgery of the security, not forgery of endorsements. Because section 495 was not drafted to deal with Treasury checks, bonds, or other obligations of the United States, many of the variations of offenses involved with the forgery of obligations are not included under section 495. Case in point: Presently, it is possible for a thief to steal a Treasury check endorsed by a payee, endorse his own name and obtain the proceeds without violating section 495. It is also possible for a thief to steal one or more Government checks or bonds and sell or exchange them to a middle man and not violate section 495. These kinds of situations require the prosecutors to "hunt around" for a statute which often does not fit the crime. As a result, these cases are often either not prosecuted or the charges are dismissed.

The creation of section 510 to title 18, United States Code, would make it a felony: First, to forge an endorsement or signature on a U.S. Treasury check or bond or security of the United States; or second, to pass or attempt to pass such an obligation with the knowledge that it has been forged. It would also make it a felony to knowingly exchange or possess such an obligation of the United States which has been stolen or bears a forged endorsement. Furthermore, the penalty for such violation would be a fine of not more than $10,000 or imprisonment not to exceed 10 years, or both. While section 495 is strictly a felony statute, the proposed section 510 also allows for prosecution as a misdemeanor for those obligations which do not exceed $500. This will greatly enhance the judicial process since the great majority of such cases are under the $500 amount.

Mr. President, back on April 2, 1981—only 2 days after the tragic assassination attempt on President Reagan at the Washington Hilton—the Subcommittee on Treasury, Postal Service, and General Government held a hearing on the Secret Service' fiscal year 1982 budget request. As the ranking minority member on that subcommittee, I asked then Secret Service Director Stu Knight to provide for the record a package of recommended statutory changes that would enhance the Secret Service's investigative authorities and improve their ability to carry out their important criminal investigative and protective responsibilities. One of several proposed legislative changes that was submitted by the Secret Service to the committee for its review was the creation of the new section 510 in title 18 of the United States Code I am proposing in this bill today.

On June 18, 1981, I introduced the Secret Service Reform Act of 1981 which included, among other things, the new section 510 provision and appropriate penalties, as recommended by the Secret Service in their prepared responses to questions raised during the April hearings before the Appropriations Committee. Unfortunately, the bill was not reported out of the Judiciary Committee on which I serve. Certain provisions in that bill have subsequently passed as amendments to other legislative vehicles; however, the section 510 provision has not been approved by the Congress. It is my understanding that the administration supports the creation of the new section 510 under chapter 25 of title 18 of the United States Code and has submitted such legislation to Congress. It is this identical legislation that I am introducing today.

Mr. President, the Treasury Department and I are not the only ones who feel that the passage of this forgery legislation is long overdue. The General Accounting Office has recently prepared a draft report on forgery of U.S. Treasury checks and recommended that a Federal misdemeanor law be enacted by the Congress. According to GAO, Secret Service and U.S. attorneys' offices throughout the country generally agreed that various benefits would result if a Federal misdemeanor forgery statute were enacted, including the following specific benefits:

First. Result in more forgers being prosecuted by U.S. attorneys;

Second. Eliminate the need for creating "legal fictions" which result from prosecuting under misdemeanor laws that may not directly address the forgery offense;

Third. Increase plea negotiation flexibility and guilty pleas;

Fourth. Increase use of the U.S. magistrates in check forgery cases and reduce the number of felony trials, thereby reducing the burden on the Federal district courts;

Fifth. Provide more accurate conviction records which may be useful in future prosecutions of repeat offenders; and

Sixth. Provide a realistic penalty structure.

So the legislation that I am introducing today would address these concerns and the other concerns of the administration that the law regarding forged Government securities be clarified for use in Treasury investigations and prosecutions by the Justice Department.

Mr. President, the Secret Service has been involved in assuring the integrity of Government obligations for well over 100 years and has obviously accumulated more than a century of experience and operational knowledge in the area of forged and stolen Government securities. Section 510 will undoubtedly ameliorate many of the judicial problems and bridge some existent gaps in current law that allow hundreds of important cases involving forged and stolen Government obligations to fall through the cracks. The Secret Service investigates thousands of Treasury check forgery cases. In fiscal year 1982 alone, the Secret Service closed almost 83,000 cases involving checks totaling $26.5 million, with check forgery cases resulting in 4,652 arrests. Add to this, the hundreds of cases involving other forms of Government securities and it is clear that Secret Service has a major investigative workload in the area of forged and stolen Government securities to go along with its other crucial protective functions. The legislation that I am introducing today, if enacted by Congress, will take a significant step in the direction of improving our Federal law enforcement effort in the area of Government securities. I urge the prompt passage of this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the end of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 25 of title 18, United States Code, is amended by adding the following new section:

SEC. 510. FORGING ENDORSEMENTS ON TREASURY CHECKS OR BONDS OR SECURITIES OF THE UNITED STATES.

(a) Whoever, with intent to defraud—

(1) falsely makes or forges any endorsement or signature on a Treasury check or bond or security of the United States; or

(2) passes, utters, or publishes, or attempts to pass, utter, or publish, any Treasury check or bond or security of the United States bearing a falsely made or forged endorsement or signature shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

(b) Whoever, with knowledge that such check or bond or security of the United States is stolen or bears a falsely made or forged endorsement or signature buys, sells, exchanges, receives, delivers, retains, or conceals any such check or bond or security of the United States that in fact is stolen or bears a forged or falsely made endorsement or signature shall be fined, not more than $10,000 or imprisoned not more than 10 years, or both.

(c) If the face value of the Treasury check or bond or security of the United States or the aggregate face value, if more than one Treasury check, bond or security of the United States, does not exceed $500, in any of the above-mentioned offenses, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

SEC. 2. Section 3056(a) of title 18, United States Code, is amended by inserting in the fifth clause the number "510," after "509,".

SEC. 3. The analysis of chapter 25, of title 18, United States Code, immediately preceding section 471 of such title, is amended by adding at the end thereof the following:

"510. Forging endorsements on Treasury checks or bonds or securities of the United States."●

By Mr. MOYNIHAN (for himself, Mr. DOLE, and Mr. MATSUNAGA):

S. 1559. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

STOLEN ARCHEOLOGICAL MATERIAL

● Mr. MOYNIHAN. Mr. President, I am pleased to introduce, with Senators DOLE and MATSUNAGA, legislation to amend the National Stolen Property Act as it applies to imported archeological and ethnological materials.

This bill is a companion piece of legislation to title II of H.R. 4566, a miscellaneous tariff bill reported on September 21, 1982, by the Finance Committee and signed into law by the President January 12 of this year. That title contains the implementing legislation for the 1972 UNESCO Convention on the means of prohibiting and preventing the illicit import, export, and tranfer of cultural property. This new Cultural Properties Act presents a clear and comprehensive statement of our national policy concerning the importation of cultural property. Its passage came after a long and arduous process of compromise; this important implementing legislation has properly balanced all competing interests, public and private.

During the course of the Finance Committee's consideration of H.R. 4566 we became convenced that Congress should establish a definitive policy for controlling the import of archeological and ethnological material and that any inconsistent provisions of law should be brought into accord. The Finance Committee, however, was unable to act in as comprehensive a fashion as warranted because doing so would have involved legislative changes that are within the jurisdiction of the Judiciary Committee. Consequently, Senators DOLE, MATSUNAGA, and I introduced a separate bill to resolve the one remaining problem.

We did so late in the 97th Congress in the form of S. 2963; today we are reintroducing that legislation. We hope that hearings will be scheduled promptly and the bill will be enacted into law this year.

The need for this bill arises from a controversial decision construing the National Stolen Property Act by the Court of Appeals for the Fifth Circuit in United States against McClain. That decision, Mr. President, appears to be flatly inconsistent with traditional American common law jurisprudence. It has created widespread confusion in the American art community and represents an intrusion by the courts into an area of international policymaking best left to the Congress. But, most fundamentally, it is inconsistent with Congress recent policy judgment in passing the Cultural Properties Act.

Under McClain, it appears that one might be convicted of stealing cultural property without any proof whatsoever that the property was in fact stolen in any traditional understanding of the word. That decision permits cultural property to be considered stolen under our laws simply because a foreign country declares that it owns all art objects found within its boundaries—even though citizens of that country may possess and trade in the objects.

We should not permit our citizens and institutions to be subject to criminal prosecution by substituting declarations of foreign ownership for the time-tested requirement that an owner have a real possessory interest in property before it can be considered stolen.

Moreover, I want to insure that the U.S. Customs Service does not use McClain to interpret our laws in a way that will enforce the legislative decisions of foreign nations.

The McClain decision is inconsistent with a basic principle of the UNESCO Convention implementing legislation—specifically, that U.S. participation in controlling the international movement of cultural properties shall be part of a concerted international effort. The McClain decision represents a unilateral rather than multilateral, response to the problem of the illegal pillage of cultural property.

Finally, as a result of the broad sweep of the McClain decision, the interpretation of the National Stolen Property Act effectively turns on the meaning of foreign law (largely unavailable in translation) and on legal concepts alien to American common law. Our Federal law should embrace American—not foreign—legal principles.

As part of the compromise discussions last fall that led to the passage of the Cultural Properties Act, it was agreed by all parties, public and private, that the McClain decision should be overturned by statute. Indeed, I considered that commitment to be an essential element of the understanding that led to the uncontested passage of the act. Enactment of that law and repeal of McClain were a package.

The bill we are introducing today rejects the puzzling judicial interpretation of stolen. It sets forth the principle that restrictions on the import of cultural property will be established in accordance with the policies of Congress as expressed in the UNESCO Convention implementing legislation. Our bill rejects the notion that one who brings an antiquity or other cultural property into the United States may be subject to criminal prosecution—or be faced with a de facto Customs embargo—simply because a foreign country supplements its restrictions on exports with a broad-based claim to ownership of all such property.

Mr. President, this clarification of American law goes hand in hand with, and is essential to, the successful implementation of the Cultural Properties Act. I trust that hearings on the bill will reflect the broad support for the repeal of McClain pledged last fall by all parties.

These hearings will also afford an opportunity to explore a recent Customs directive based largely on the McClain decision which appears to be grossly inconsistent with congressional policies regarding the Cultural Properties Act. I understand that that directive can lead to a virtual embargo of pre-Columbian objects. This seems to flaunt the procedures we established in the Cultural Properties Act. Specifically, the customs embargo is a unilateral U.S. program, while the Cultural Properties Act authorized U.S. participation in a multinational effort. Also, the Customs embargo enforces a foreign nation's declaration of ownership; the Cultural Properties Act rejects that approach and directs our officials to make independent determinations of what is in our own best interests. Finally, the Customs policy is an across-the-board embargo of all pre-Columbian objects. This is inconsistent with Congress declaration that a

U.S. import ban would respond to the problem of pillage of specific sites or objects. These glaring contradictions—and their lack of any proper foundation in the McClain decision—should be fully explored in the hearings on this bill.

Mr. President, last year Congress produced a comprehensive statement of policy on the importation of cultural property. The bill we are introducing today is consistent with—indeed, integral to—that policy. I urge its speedy passage.●

By Mr. DODD:

S. 1560. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount of death benefits payable to public safety officers; to the Committee on the Judiciary.

PUBLIC SAFETY OFFICERS' BENEFITS

● Mr. DODD. Mr. President, I am today introducing legislation to increase the benefit paid to the families of public safety officers killed in the line of duty. This bill is identical to one introduced in the House of Representatives by Representative BARBARA KENNELLY of Connecticut, and would raise that payment from $50,000 to $100,000.

When Congress enacted the Public Safety Officers Benefit Act in 1976, the death benefit was created in recognition of the many risks and dangers these officers face daily on our behalf. It was intended to help offer assurances that their families would be provided for in the event of tragedy.

The debt we owe to these officers and their families can never be fully paid, certainly not with money alone. The stresses faced by survivors are severe, both emotional and financial. Congress did commit itself, however, to make an effort to comfort the families in such situations, and to provide some financial relief for them. Unfortunately, the amount set for this purpose 7 years ago no longer insures the same security today, due to inflation in the intervening years. This legislation proposes to raise the benefit payment to $100,000 to bring it up to date with current economic reality.

I hope that the Senate will be able to act swiftly and affirmatively on this legislation.●

By Mr. DOLE:

S. 1561. A bill entitled "The National Joint Research and Development Policy Act of 1983"; to the Committee on the Judiciary.

NATIONAL JOINT RESEARCH AND DEVELOPMENT POLICY ACT OF 1983

● Mr. DOLE. Mr. President, I am pleased to introduce today the National Joint Research and Development Policy Act of 1983. This legislation is designed to encourage and promote joint research and development ventures by providing limited antitrust protections to those ventures which meet the bill's simple disclosure requirements.

Joint research and development ventures play an important procompetitive function. Research and the development of new ideas into marketable products, services, or technology are expensive and speculative undertakings, the profits of which may not emerge for several years. As a result, joint ventures, which permit firms to pool their resources and share the risks, can lead to important advances in new technology, which otherwise would not be achieved because of excessive risk or cost to the individual firm. Joint R&D ventures can, in particular, enable smaller businesses to stay competitive in new or technologically evolving markets, and stimulate productivity growth, enabling the United States to maintain leadership in world trade.

Despite these procompetitive benefits, many businesses, ironically, may be reluctant to engage in joint R&D activities out of fear of an antitrust challenge.

As a general rule, courts have carefully analyzed and weighed the risks and benefits of such ventures in resolving antitrust challenges. Nevertheless, a few earlier cases seem to imply that joint ventures might be viewed as unlawful, per se, under the antitrust laws. Thus, a perception of uncertainty as to the lawfulness of such ventures may still linger.

Second, if a court were to determine that a joint research and development venture violated the antitrust laws, the consequence could be the imposition of mandatory treble damages in a private suit, or even possible criminal liability. Faced with lingering uncertainty about the appropriate legal standard to be applied to joint R&D ventures, coupled with the possibility of such severe penalties, the sound business judgment of many firms may strongly suggest that such ventures should not be undertaken.

This bill would address these problems by providing that joint ventures formed to engage in joint research and development programs shall not be deemed unlawful, per se, under the antitrust laws. It should be emphasized that this provision would not permit anticompetitive behavior to escape condemnation. Rather, it would simply oblige the courts to consider the actual economic effect of the venture's activities before ruling on their legality under antitrust laws.

The bill would also provide immunity for joint R&D ventures from criminal liability under the antitrust laws, and limit recovery in private civil suits to actual damages.

Unlike other proposals, this bill would not require a joint business venture to meet detailed and complex self-certification requirements, nor to undergo cumbersome regulatory review procedures. Rather, to avail itself of these antitrust protections, the venture would simply have to file a disclosure statement with the Justice Department upon formation, and submit annual reports updating where necessary the information required in the statement.

I am introducing this proposal because I believe that joint R&D ventures can play a unique and critical role in this country's continued ability to maintain leadership and competitiveness in the production of new technology. Our antitrust policy should encourage, not retard, this vital activity.

On the other hand, I am sensitive to the concern that joint R&D ventures can assume a variety of forms and that it is impossible to predict in each and every case that their procompetitive benefits will outweigh possible anticompetitive harm. For example, industrywide research projects that include most or all firms in a line of commerce may present serious antitrust problems. Thus this legislation does not seek to grant total antitrust immunity, nor does it foreclose an injured party from recouping actual damages.

Mr. President, uncertainties and misperceptions about the application of antitrust law to joint R&D ventures may be discouraging investment in joint projects, which could lead to important advancements in new technology. I hope the Congress will act swiftly to pass legislation which will remedy this problem.●

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. DOLE, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 17, a bill to expand and improve the domestic commodity distribution program.

S. 155

At the request of Mr. INOUYE, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 155, a bill to amend subchapter I of chapter 73 of title 38, United States Code, to provide for the payment of incentive special pay to Veterans' Administration psychologists who obtain certain board certification in a professional specialty.

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 540

At the request of Mr. GOLDWATER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 540, a bill to amend

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the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 564

At the request of Mr. MATSUNAGA, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 564, a bill to establish the U.S. Academy of Peace, and for other purposes.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 873

At the request of Mr. LUGAR, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 905

At the request of Mr. EAGLETON, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mrs. HAWKINS), the Senator from Nebraska (Mr. EXON), the Senator from Montana (Mr. MELCHER), the Senator from North Dakota (Mr. ANDREWS), the Senator from Arkansas (Mr. PRYOR), and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 994

At the request of Mr. PRYOR, the names of the Senator from California (Mr. CRANSTON) and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 994, a bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to continue and intensify recently begun efforts in the Committee on Disarmament with the Government of the Union of Soviet Socialist Republics and other countries to achieve an agreement establishing a mutual, verifiable ban on the production and stockpiling of chemical weapons.

S. 1005

At the request of Mr. D'AMATO, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1005, a bill to provide assistance for the construction, acquisition, and renovation of State and local correctional facilities.

S. 1090

At the request of Mr. WALLOP, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1145

At the request of Mr. DENTON, the names of the Senator from Maine (Mr. COHEN) and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1194

At the request of Mr. DANFORTH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1194, a bill to amend the Internal Revenue Code of 1954 to encourage the contribution of scientific equipment to elementary and secondary schools and institutions of higher education and to foster university research and scientific training.

S. 1226

At the request of Mr. CRANSTON, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1226, a bill to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services to respond to public health emergencies.

S. 1244

At the request of Mr. PACKWOOD, the names of the Senator from Vermont (Mr. STAFFORD) and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1305

At the request of Mr. PACKWOOD, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1400

At the request of Mr. PERCY, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1400, a bill to enhance the detection of motor vehicle theft and to improve the prosecution of motor vehicle theft by requiring the Secretary of Transportation to issue standards relating to the identification of vehicle parts and components, by increasing criminal penalties applicable to trafficking in stolen vehicles and parts, by curtailing the exportation of stolen motor vehicles and off-highway mobile equipment, and by establishing penalties applicable to the dismantling of vehicles for the purpose of trafficking in stolen parts, and for other purposes.

S. 1434

At the request of Mr. D'AMATO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1434, a bill to amend the Internal Revenue Code of 1954 to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account.

S. 1465

At the request of Mr. LUGAR, the names of the Senator from Delaware (Mr. ROTH), the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from Utah (Mr. HATCH), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 1465, a bill to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building."

S. 1475

At the request of Mr. WALLOP, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1545

At the request of Mr. HEINZ, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 1545, a bill to clarify the oversight role of the Congress with respect to Presidential decisions under section 203 of the Trade Act of 1974.

SENATE JOINT RESOLUTION 1

At the request of Mr. LONG, the names of the Senator from Texas (Mr. BENTSEN), the Senator from Kentucky (Mr. FORD), the Senator from Georgia (Mr. NUNN), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 1,

a joint resolution proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of the Congress.

SENATE JOINT RESOLUTION 5

At the request of Mr. THURMOND, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE JOINT RESOLUTION 19

At the request of Mr. INOUYE, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Kansas (Mr. DOLE), the Senator from Ohio (Mr. GLENN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Washington (Mr. GORTON), the Senator from Pennsylvania (Mr. HEINZ), the Senator from North Carolina (Mr. HELMS), the Senator from Wisconsin (Mr. KASTEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Georgia (Mr. NUNN), the Senator from Mississippi (Mr. STENNIS), the Senator from Indiana (Mr. QUAYLE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mr. WILSON), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize and request the President to designate the period August 26, 1983, through August 30, 1983, as "National Psychology Days."

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOURNAL RESOLUTION 77

At the request of Mr. DOLE, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of Senate Joint Resolution 77 a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the names of the Senator from Utah, (Mr. HATCH), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public ground in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 98

At the request of Mr. TOWER, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from Texas (Mr. BENTSEN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from North Dakota (Mr. BURDICK), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Joint Resolution 98, a joint resolution to designate October 2 through October 9, 1983, as "National Housing Week."

SENATE JOINT RESOLUTION 106

At the request of Mr. SIMPSON, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from California (Mr. CRANSTON), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the names of the Senator from California (Mr. CRANSTON) and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 117

At the request of Mr. HUDDLESTON, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 117, a joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."

SENATE RESOLUTION 115

At the request of Mr. PRESSLER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Resolution 115, a resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports.

SENATE RESOLUTION 126

At the request of Mr. WALLOP, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

SENATE RESOLUTION 149

At the request of Mr. DODD, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of Senate Resolution 149, a resolution to express the sense of the Senate that the laws which insure equal rights with regard to education opportunity for women should be maintained.

AMENDMENT NO. 1299

At the request of Mr. BOSCHWITZ, the names of the Senator from New York (Mr. D'AMATO), the Senator from South Dakota (Mr. PRESSLER), the Senator from Ohio (Mr. GLENN), the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. GRASSLEY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from North Carolina (Mr. EAST), the Senator from Maine (Mr. COHEN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. HEFLIN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Indiana (Mr. LUGAR), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of amendment No. 1299 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

AMENDMENT NO. 1316

At the request of Mr. GLENN, the names of the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of amendment No. 1316 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

SENATE RESOLUTION 168—EMERGENCY ASSISTANCE TO ETHIOPIA

Mr. DECONCINI (for himself, Mr. PERCY, Mr. PELL, and Mr. TSONGAS) submitted the following resolution; which was placed on the calendar:

S. RES 168

Whereas hundreds of thousands of Ethiopians are presently threatened with starvation:

Whereas tens of thousands of Ethiopian children will not live until the November harvest unless emergency food assistance is provided them in the immediate future;

Whereas existing supply routes and transportation facilities are inadequate to get emergency food aid to relief distribution points in Ethiopia;

Whereas the United States has a longstanding policy of providing emergency humanitarian relief to the people of a foreign country threatened with starvation regardless of the political differences the Government of the United States may have with the Government of that foreign country; and

Whereas the humanitarian assistance programs of the United Nations and European countries cannot adequately meet the extraordinary needs of the Ethiopian people without the help of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should exercise the authority vested in him by law to make available immediately to the starving people of Ethiopia emergency food supplies and other emergency supplies and to take such actions as may be necessary to insure that the food and other emergency supplies made available by the United States are transported to those areas of Ethiopia that are experiencing famine.

Mr. DECONCINI. Mr. President, the people of the United States have always taken great pride in our will and ability to help poor and needy people all over the world. Our Nation is based on the principle of helping both those who come to our shores in need as well as those who are homeless or hungry residing abroad. Sadly, this principle seems to have fallen victim, at least in one instance, to our desire to make a small gain in our ongoing struggle with the Soviet Union.

I refer to the severe famine in Ethiopia. The dimensions of the problem are staggering. It is a tragedy that is costing the lives of 50 to 100 children a day, a tragedy which experts predict will ultimately take the lives of at least 200,000 people. The United Nations and our European allies have joined together to provide emergency assistance, but knowledgeable observers agree that adequate relief cannot be provided to the 3 million in dire need without the assistance of the United States.

What is holding us back? The United States has the largest food surpluses of any nation in the world. We have a long history of giving humanitarian assistance regardless of political considerations. In fact, we once provided extensive assistance to the Soviet Union in the 1920's to help them fight a famine, even though we did not even recognize their newly formed Communist government. So what is keeping us from putting our wealth and our good hearts to work to help the desperate people of Ethiopia?

Basically, Mr. President, it seems that we are using the hunger of the Ethiopian people to teach their government a lesson. The lesson is that they should not have switched their friendship to the Soviet Union and away from the United States in 1974. I, too, ardently wish that Ethiopia had remained alined with the West. I pray that that present government will recognize its mistake and return to the Western fold. But I do not wish for the United States to contribute—through inaction—to the deaths of tens of thousands in Ethiopia—many of whom are women and children—to teach them a lesson. The United States can make its point in a much better way by helping these starving people; by showing the Ethiopians that their Soviet ally is, at best, impotent and, at worst, heartless in terms of providing anything but military assistance.

Mr. President, I am submitting a resolution today which calls upon the administration to apply our longstanding policy of helping the world's poor to the crisis in Ethiopia. The resolution urges that we undertake immediate efforts to supply food and to assist in transporting supplies to the many needy but difficult to access regions of Ethiopia. I hope that my colleagues will join with me in this effort to send a message to the administration that assisting the people of Ethiopia is not only consistent with our Nation's heritage and in keeping with our current foreign policy goals, but, most important, it is an action which will save the lives of thousands.

Mr. President, I ask unanimous consent that the resolution be held at the desk until the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 169—NATIONAL ICE CREAM DAY

Mr. STEVENS (for Mr. HUDDLESTON and Mr. HELMS) submitted the following resolution; which was ordered placed on the calendar:

S. RES. 169

Whereas ice cream is a nutritious and wholesome food enjoyed by millions of people throughout the United States;

Whereas the ice cream industry uses nearly 10 percent of the milk produced by United States dairy farmers, thereby contributing substantially to the economic well-being of the Nation's dairy industry;

Whereas the ice cream industry has annual sales of over $3,000,000,000 and provides jobs for thousands of U.S. citizens; and

Whereas the Nation's dairy farmer-owned cooperatives will hold a National Ice Cream Celebration during the week of July 10 through 16, 1983: Now, therefore, be it

Resolved, That it is the sense of the Senate that July 15, 1983, should be celebrated as "National Ice Cream Day", and that all citizens should be encouraged to observe such day with appropriate ceremonies and activities.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

● Mr. HUDDLESTON. Mr. President, the resolution will express the sense of the Senate that July 15, 1983, should be observed as National Ice Cream Day. I urge my colleague to join me in voting to approve the resolution.

Ice cream is a nutritious and wholesome food that is the favorite dessert of many Americans.

The ice cream industry uses nearly 10 percent of the milk produced by U.S. dairy farmers, thereby contributing substantially to the economic well-being of the Nation's dairy industry. And, with annual sales of over $3 billion, the ice cream industry provides jobs for thousands throughout the Nation.

By making it the sense of the Senate that July 15, 1983, should be observed as National Ice Cream Day, we will be saluting this important agricultural product and honoring the dairy farmers and others responsible for making ice cream available to us for our enjoyment.

A national ice cream celebration has been held in each of the past 5 years by our Nation's dairy farmer-owned cooperatives. The celebration this year will be held during the week of July 10 through July 16. the theme of the celebration will be "America loves ice cream."

I believe it appropriate that tribute be paid to the ice cream industry in conjunction with the dairy farmers' special celebration.

Mr. President, the resolution I am introducing today is similar to Senate Joint Resolution 117, which I introduced on June 16, and which 45 Senators have joined me in cosponsoring.

It now appears that Congress will be unable to complete action on Senate Joint Resolution 117 before July 15, the day planned to be celebrated as National Ice Cream Day.

The resolution I am introducing will, however, enable the Senate to act in a timely manner on this noncontroversial matter. It merely puts the substance of Senate Joint Resolution 117 into the form of a sense of the Senate resolution. I urge my colleagues to support the resolution.●

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Urban and Rural Economic Development will hold a hearing on July 13, 1983, at 10 a.m. in room 428A, Senate Russell Office Building on various small business capital formation proposals and their job creation potential. For further information please contact Steve Williams of the committee staff at 224-5175. Senator D'AMATO will chair the hearing.

Mr. President, I would like to announce that the Senate Small Business Committee will hold a full committee markup on pending legislation

on July 14, 1983, at 9:30 a.m. in room 428A, Senate Russell Office Building. For further information please contact Mike Haynes of the committee staff at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee will hold an oversight hearing on the Small Business Administration's program delivery, on July 21, 1983, at 9:30 a.m. in room 428A, Senate Russell Office Building. For further information please contact Robert Dotchin of the committee staff at 224-5175.

SUBCOMMITTEE ON INNOVATION AND TECHNOLOGY

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Innovation and Technology hearing on the IRS ruling dealing with computer software for July 15, 1983, in Boston, Mass., has been postponed until further notice.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a field hearing which will focus upon issues related to the reauthorization of the Indian Health Care Improvement Act, as well as issues of general concern affecting the health of American Indians. The hearing is scheduled to commence at 10 a.m., on July 8, 1983, in the Granite Room at the Sheraton Hotel at 27 North 27th Street, Billings, Mont. Those wishing to testify or submit written testimony should contact Max Richtman of the Select Committee on Indian Affairs at 202-224-2251.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of hearings on trade reorganization on Wednesday, June 29, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Mike Mitchell at 224-4751.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mrs. HAWKINS. Mr. President, the Subcommittee on Consumer Affairs will hold a hearing on July 13, 1983, on S. 1152, a bill to amend the Consumer Credit Protection Act with respect to consumer leases and rental-purchase agreements. The hearing will be held at 9:30 a.m. in room SD-538 of the Dirksen Senate Office Building.

For further information, please contact Linda C. Zemke at 224-1566.

SUBCOMMITTEE ON PULBIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of public hearings before the Senate Subcommittee on Public Lands and Reserved Water, on Thursday, July 21, 1983, in Bend, Oreg., and on Thursday, August 25, 1983, in Salem, Oreg. The subcommittee will receive testimony on H.R. 1149, to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

The July 21 hearing will be held at the Central Oregon Community College, Northwest College Way, Bend, Oreg., from 9 a.m. to 4 p.m. Those wishing to testify in Bend should contact the office of Senator HATFIELD, room 114, Pioneer Courthouse, Portland, Oreg. 97204, phone (503) 221-6374. Those wishing to testify in Bend must sign up no later than July 11, 1983.

The August 25 hearing will be held at the Kresge Auditorium, Willamette University, 400 State Street, Salem, Oreg., from 8 a.m. to 4 p.m. Those wishing to testify in Salem should contact the office of Senator HATFIELD, room 114, Pioneer Courthouse, Portland, Oreg. 97204, phone (503) 221-6374. Those wishing to testify in Salem must sign up no later than August 15, 1983.

Oral testimony will be limited. Witnesses will be placed in panels. Because of the number of witnesses expected to testify, individuals are requested to choose which day of hearings they would like to present their testimony. Witnesses are requested to bring 15 copies of their testimony with them to the hearing.

For further information regarding these hearings, please contact Senator HATFIELD'S office at the above listed numbers or Mr. Tony Bevinetto of the subcommittee staff at (202) 224-5161.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to receive testimony on the subject of enhanced coal technology: coal's market for the 1980's. The hearing will be held on Saturday, July 16, beginning at 1 p.m. and ending at 5 p.m., in the auditorium of the Donaldson Brown Center for Continuing Education, Virginia Polytechnic Institute, Blacksburg, Va.

Those wishing to testify or who wish to submit written statements for the hearing record should contact Mr. Roger Sindelar, Subcommittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Telephone: 202-224-5205.

Witnesses are requested to submit 25 copies of their testimony to Mr. Sindelar at the above address prior to July 15, or on the day of the hearing to Dr. Dick Harshberger, VCCER, Virginia Polytechnic Institute, 1617 North Main Street, Blacksburg, Va. 24060. Telephone: 703-961-5242.

For further information regarding the hearing you may wish to contact Mr. Sindelar at the above number.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 29, to continue a hearing on trade reorganization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet at 10 a.m. until 12 noon on Wednesday, June 29, to hold a business meeting to consider S. 615, Natural Gas Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 29, in order to receive testimony on the following nomination:

Mr. Stephen Trott, of California, to be Assistant Attorney General for the Criminal Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 29, in order to receive testimony concerning S. 568, S. 737, and S. 1383, legislation to allow businesses to jointly perform research and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 29, at 1:30 p.m., to hold a hearing on the Uniform Single-Audit Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMENDMENT NO. 1434 TO S. 1287, PROVIDING 1984 AUTHORIZATIONS OF PUBLIC BUILDING PROJECTS

● Mr. STAFFORD. Mr. President, last Thursday, the Committee on Environment and Public Works considered and approved an amendment to S. 1287. On behalf of the committee, I have introduced the amendment (No. 1434) and wish to explain its provisions, in effect supplementing Senate Report 98-114.

This action by the committee completes this year's authorization of the General Services Administration's public buildings program. As reported to the Senate on May 16, 1983, S. 1287, the Public Buildings Authorization Act of 1983 (S. Rept. 98-114), provided only monetary authorizations for fiscal year 1984 without specification of individual major construction, acquisition, and repair and alteration projects. The committee was unable to evaluate these projects in time to meet the May 15 reporting deadline established by the Budget Act, because the submission by GSA of its fiscal year 1984 budget and supporting committee documentation was tardy and incomplete.

On May 24 and June 7 the committee held hearings to obtain additional information on individual public buildings and on GSA's overall management of the program. Testimony by officials of GSA and other Federal agencies has been instrumental in defining the views of the committee on projects and issues addressed in this amendment.

One such specific issue is the disposition of the old General Post Office Building currently referred to as the U.S. International Trade Commission Building. An interest in this building has long been expressed by the Smithsonian Institution in order to expand the public space available for the collections of the National Museum of American Art, the National Portrait Gallery, and the Archives of American Art. These collections, only 5 percent of which can be displayed at one time, are currently housed in the Patent Office Building, directly across F Street from the General Post Office Building and connected to it by an underground tunnel. Both buildings were designed by architect Robert Mills in the mid-19th century.

Section 7, added to S. 1287 by this amendment, mandates the transfer of the General Post Office Building—now occupied by the U.S. International Trade Commission and the U.S. Postal Service—to the Smithsonian Institution for use by its art galleries. This transfer is to take place without reimbursement.

The decision which has been reached in this case is intended to satisfy the needs of both the International Trade Commission and the Smithsonian Institution, for both seek quality space suitable to their respective missions. The General Post Office Building does not contain efficiently configured, modern office space of sufficient dimensions to house all of the headquarters operations of the International Trade Commission. On the contrary, the arrangement of space in this historic building and the architectural heritage it shares with the Patent Office Building suggest the appropriateness of awarding its stewardship to the Smithsonian. Only then can the building and art collections it would house receive the public exposure both so richly deserve.

The relocation of the offices of the International Trade Commission is a priority concern. Section 7 charges the Administrator of General Services with finding the agency a quality building, conveniently located in downtown Washington, which facilitates the carrying out of its mission. Progress in meeting this goal will be carefully monitored by the Committee on Environment and Public Works and the other congressional committees specified as recipients of the reports required on this matter.

Also addressed in section 7 are the maintenance and rehabilitation of the General Post Office Building itself. The Administrator is charged with undertaking repairs and preventive maintenance sufficient to arrest building deterioration prior to transfer. After transfer of the property to the Smithsonian, the Administrator is authorized to renovate the building to house art galleries and related activities on a reimbursable basis.

Another issue to which the committee has responded in this amendment is the housing of the Social Security Administration's functions in Wilkes-Barre, Pa. SSA's Data Operations Center in Wilkes-Barre is one of three facilities in the Nation which process earnings information from 5 million employers and maintain files for the retirement and survivors insurance, disability insurance, and supplemental security income programs. The Wilkes-Barre facility handles 8.5 million SSI folders, 62 million annual wage reports (W-2's and W-3's), and 9.2 million social security number applications. Notwithstanding the permanent nature of its functions and extensive documentation of its need for secure records storage space, the Wilkes-Barre DOC has been housed in leased space. The inadequacy of this space had been recognized for several years before 1977, when SSA first formally requested additional space. GSA leased additional space to accommodate the expansion of the Wilkes-Barre operation, but the expansion space is not contiguous to the original operation. Further demands will be imposed on the Wilkes-Barre DOC in August 1983 with transfer of active storage of 8 million SSI folders from the Chicago Federal Records Center.

GSA's initial inability to find a long-term solution to the Wilkes-Barre DOC problem prompted the committee to respond by reporting Senate Resolution 514, directing the Army Corps of Engineers to seek alternatives. The resolution passed in the lameduck session of the 97th Congress. The corps submitted a study which identifies a building available for purchase, the Luzerne Products Plant, located 4 miles from downtown Wilkes-Barre and suitable with alteration to meet SSA's long-term DOC needs.

I believe that the potential purchase of the Luzerne facility is a viable though not exclusive alternative for meeting the Social Security Administration's needs. Because GSA has funds available from its fiscal year 1983 appropriations for the opportunity purchase of buildings, this amendment authorizes $14 million for renovations and repairs of buildings so acquired, subject to prior approval by the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation. By authorizing renovation of a purchased building on a contingent basis, the Luzerne Products Plant or any other facility acquired by GSA can be expeditiously made ready for occupancy by the Wilkes-Barre Data Operations Center.

GSA has recently emphasized the role of opportunity purchases as a means to increase its inventory of Government-owned space. A well-constructed commercial building offered for sale can provide such space more rapidly than Federal construction and facilitates the elimination of expensive leasing arrangements. GSA's approach is a sensible one and thus $60 million has been included in this amendment for selected purchases of buildings. However, it is expected that GSA will provide complete and timely information on all pending transactions.

NEW CONSTRUCTION

Portland, Oreg., Federal Building	$67,475,000

The Bonneville Power Administration's headquarters office is currently dispersed in six separate locations on the east side of Portland. Insufficient office space exists in the Federal Building at 1002 N.E. Holladay Street, where BPA is the principal tenant. To consolidate the agency's operations, GSA proposes to construct a new Federal Building on Government-owned land at a site adjacent to the Holladay Street facility with which it would share conference, cafeteria, and parking space. The proposed Federal Build-

ing will have 385,000 square feet of office and related space and 130,000 square feet of basement parking.

This construction project is intended to remedy the inefficiencies resulting from fragmentation of BPA's operations and to provide expansion space anticipated in conjunction with increased agency responsibilities. Relocation from the existing Holladay Street Federal Building will also make available, after a recommended building renovation project has taken place, sufficient office space to consolidate the operations of the Department of the Interior currently housed in multiple leased locations.

GSA has requested $67,475,000 for fiscal year 1984 to fund construction and associated costs for the new Federal Building to house BPA's operations; $3,300,000 has already been provided in fiscal year 1982 for building design. By directly and indirectly facilitating consolidation of the operations of two Federal agencies and eliminating the need for over 300,000 square feet of leased space, this project addresses the requirements of GSA's client agenices and contributes to GSA's own goal of improving the ratio of Government-owned to leased space.

Knoxville, Tenn., Federal Building $14,990,000

GSA proposes to construct a 107,898 occupiable square foot Federal building to house the offices of 12 Federal agencies currently located in leased space scattered throughout the city of Knoxville. At the present time 86 percent of all Government space controlled by GSA in Knoxville is leased resulting in a very high dependency upon a rental market subject to cost escalation. Contruction of a Federal office building would substantially reduce the number of leases and consolidate the housing arrangements for Federal agencies in the central business area of the city making public access to Government offices more convenient.

GSA estimates that the proposed facility will house 567 employees, with interior parking for 30 and exterior parking for 75 vehicles.

WALTHAM, MASS., FEDERAL ARCHIVES AND RECORDS CENTER (EXTENSION)

A 32,000 occupiable square foot extension to the existing 92,135 occupiable square foot building will be needed to house incoming records. By October 1984 it is estimated that 98 percent of current storage capacity will be filled.

The proposed extension will be a single story masonry structure with fire sprinklers and a design which emphasizes energy conservation. It can be constructed without disruption to current parking and driveway configurations. Costs are based on a construction start date of March 1985.

SEATTLE, WASH., FEDERAL ARCHIVES AND RECORDS CENTER (EXTENSION)

GSA proposed to construct a 53,000 occupiable square foot extension to existing 122,595 square foot facility. It is estimated that the present building will be filled to capacity by the end of 1984. The special responsibility of this center is the long-term retention of corporate tax records for all of the United States west of the Mississippi River.

The proposed extension would be constructed on the existing Government-owned site, woud extend from the south end of the existing building at the same width and would be designed in accordance with the special National Archieves and Records Service firesafety requirements.

DEMOLITION

Los Angeles, Calif., Warehouses .. $599,000

In a real estate exchange with the city of Los Angeles GSA acquired two warehouses adjoining the parking area behind the Federal Building at 300 North Los Angeles Street. Both warehouse buildings are structurally unsafe and pose a significant fire- and lifesafety hazard. GSA proposes the demolition of the two buildings and the immediate interim use of the site for additional official parking for the adjacent Federal Building and the nearby U.S. Courthouse.

The warehouse property covers 178,600 square feet. When combined with the buildable portion of the Federal Building parking area, the result is a 291,000 square foot construction site. From the northeast portion of the site 50,000 square feet will be made available to the Veterans' Administration for the construction of an outpatient clinic and regional office. The remainder of the site will be held in reserve for construction of a future Federal building.

RENOVATIONS, REPAIRS, AND ALTERATIONS

The following major renovation, repair, and alteration projects have received prior partial authorization as components of the fiscal year 1983 program. In each case the level of funding requested for fiscal year 1984 is required for project completion.

Little Rock, Ark., Post Office-Courthouse $4,269,000

Since its original construction in 1932 and its extension in 1940, this building has not been upgraded by means of a major repair and alteration project. Many of the building systems have deteriorated beyond repair that can be provided by day-to-day maintenance and suffer from basic uncorrected operational deficiencies. Funds have already been appropriated to construct a new buildilng extension in order to provide expansion space for the U.S. courts.

GSA proposes renovation work which will rectify inadequacies in plumbing, lighting, electrical, and air-conditioning systems. Modifications of the existing structure will also respond to firesafety and energy conservation requirements.

Of the $1,570,000 requested for fiscal year 1983, $1,269,000 had been reprogramed to the rental of space activitiy. Therefore this amount has been included in the $4,269,000 authorization for fiscal year 1984.

Washington, D.C., Liberty Loan Building $2,757,000

GSA has requested $2,757,000 for work planned during fiscal year 1984 in order to complete this $7,217,000 project. Repairs and alterations to be performed include replacement of elevators, upgrading of office space, and restrooms, upgrading of electrical and domestic water systems, and the provision of exterior landscaping.

Baltimore, Md., Middle River Federal Depot. $1,892,000

In order to complete planned work on this $4,756,000 project, GSA has requested $1,892,000 for fiscal year 1984. Proposed repairs and alterations include replacement of the underground electrical distribution system and freight elevators, improvement of stairways, and resurfacing of the parking area.

Detroit, Mich., Federal Building-Courthouse $4,957,000

For diverse repairs to this monumental building, GSA has requested $4,957,000 to be obligated during fiscal year 1984, an amount sufficient to complete this $7,806,000 project. Work to be performed includes repairs to the roof and the heating, ventilating, and air-conditioning system; provision of space for the bankruptcy courts; and the installation of firesafety equipment.

Cincinnati, Ohio, Post Office-Courthouse $1,138,000

GSA has requested $1,138,000 to complete this $6,485,000 project. Upgrading of office space, installation of firesafety equipment, and the provision of facilities for the handicapped are among the work items to be performed during fiscal year 1984.

Ogden, Utah, Internal Revenue Service Center $3,036,000

To correct the problem responsible for roof deterioration, GSA proposes to install a drainage system. Also required to complete this $5,815,000 project is the modification of the heating, ventilating, and air-conditioning system for energy conservation and the resurfacing of the parking lot.

Yakima, Wash., Federal Building-Courthouse $1,025,000

This monumental building, listed on the National Register of Historic Places, had been purchased from the U.S. Postal Service. GSA has requested $1,025,000 for fiscal year 1984 to complete this $2,363,000 project. Remaining work includes plumbing re-

pairs, interior painting, extension landscaping, office space upgrading, and firesafety system installations.

RENOVATION OF HISTORIC BUILDINGS

Washington, D.C., Blair House $6,500,000

Last June, the Blair House complex, the President's guest house for foreign dignitaries, was closed due to conditions potentially dangerous to human safety. On August 5, the committee approved on an emergency basis a prospectus to authorize the renovation of Blair House based on cost estimates then available. Total project costs were to be limited to $7,020,000. For fiscal year 1983 GSA received an appropriation of $2 million for the Blair House project. GSA has applied part of these resources to architectural and engineering studies in order to establish with greater precision the estimated cost of the renovation.

On May 24, 1983, at a committee hearing on public buildings, GSA testified on the Blair House project and proposed to amend its scope to include the construction of a new primary suite to accommodate foreign heads of state. The security of these dignitaries could be provided more readily in such a new wing than in the renovated portions of the existing structure. Subsequent to the hearing GSA has provided new cost estimates inclusive of the primary suite addition. The amount approved in this legislation reflects the increased scope of the project. Total project costs (including $2 million appropriated in fiscal year 1983) are $8,500,000.

District of Columbia, Pension Building $2,650,000

The Pension Building has long been a topic of committee interest and concern. Renovation of the building and its utilization as a museum for the building arts were proposed as the subject matter of preliminary studies authorized by Public Law 95-596, (S.J. Res. 160, as reported by the committee) on November 4, 1978. Two years later the National Historic Preservation Act Amendments of 1980, Public Law 96-515, authorized renovation of the Pension Building and the establishment of a National Museum of the Building Arts.

Recognizing the complexity of a project to renovate a historically and architecturally significant building, last year the committee included in S. 2451, the Public Buildings Authorizations Act of 1982, $1,750,000 for the preliminary design of work on the Pension Building. This amount was appropriated in the continuing resolution for fiscal year 1983. The estimated total cost of building renovations is $24 million.

GSA and the National Building Museum have recently discussed accelerating some of the work in order to enhance the Museum's ability to implement its programs. These are renovations which can be undertaken immediately without prejudicing other work that must await the architects' detailed designs. Some of the accelerated work will provide ancillary benefits for the 1985 inaugural ball by upgrading the appearance of the building.

The committee approves this accelerated schedule and authorizes the following specific work items at a total cost not to exceed $2,650,000.

A. Interior work including restoration of Presidential reception rooms and renovation of the provisional gallery and conference rooms.

B. Replacement of roof level D with lightweight concrete planks, reconstruction of fourth floor ceiling and lighting, and replacement, restoration, and reattachment of all modillions.

C. Restoration and cleaning of exterior brick work and terra-cotta detailing.

HEALTH AND SAFETY

California, San Francisco Appraisers Building	$1,290,000
Colorado, Denver Federal Center No. 20	6,427,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Boston, Mass., John F. Kennedy Federal Building	2,499,000
Detroit, Mich., Patrick V. McNamara Federal Building	5,474,000
Cleveland, Ohio, Anthony J. Celebrezze Federal Building	3,951,000

Four of the buildings listed above—the Kluczynski, Kennedy, McNamara, and Celebrezze Federal Buildings—are structures in excess of 20 stories which do not meet recognized life- and firesafety code requirements. Project proposals for each building were originally submitted to the committee in February 1982. It was assumed then that authorization and funding would be sought to include these projects in the fiscal year 1984 program.

The potential danger to Federal workers and other occupants of these buildings in the event of fire makes the installation of needed firesafety equipment a priority concern. Last year, the committee acted to reduce the risks involved by including these four firesafety projects in S. 2451, the bill to authorize the fiscal year 1983 public buildings program. No funds, however, were appropriated to commence work on these projects.

GSA now proposes to include the four projects in its fiscal year 1985 program and has submitted escalated cost data based upon this deferred scheduling. It is recommended that these projects be included instead in the fiscal year 1984 program to facilitate their rapid completion and to avoid the escalation of costs that postponement would cause. Authorized amounts for each project therefore reflect GSA's original cost estimates.

The Appraisers Building in San Francisco also requires the installation of firesafety equipment. However, GSA has proposed the costly replacement of the exterior terra-cotta veneer of the building as well. Compelling evidence in support of this replacement has yet to be presented.

The two components of the proposed renovation of the Appraisers Building are completely independent of each other and therefore are separable. Installation of an automatic sprinkler system to protect this 17-story structure and its occupants is essential. Replacement of the exterior facing of the building has lower priority and should be deferred pending more persuasive advocacy of the need to do so. The amount included in this amendment—$1,200,000—is to be obligated during fiscal year 1984 solely for work related to firesafety.

Last year the committee authorized the expenditure of $10,287,000 for the first phase of a renovation project in Federal Center Building 20 located in Denver, Colo. GSA proposed the conversion of this building into laboratories for the Food and Drug Administration and the U.S. Geological Survey. The laboratories of both agencies are currently housed in office buildings that are totally unsuitable for laboratory operations and are rendered unsafe by their presence. Rapid completion of this project is imperative to eliminate these hazardous conditions.

The remaining $6,427,000 of this $16,514,000 project is to be used to complete laboratory space and supporting office space and to provide firesafety improvements.

VACANT SPACE ALTERATIONS

Atlanta, Ga., Federal Annex	$9,193,000
Pittsburgh, Pa., Post Office-Courthouse	8,975,000
San Antonio, Tex., Post Office-Courthouse	6,190,000

GSA has purchased or is negotiating the purchase of each of the above buildings from the U.S. Postal Service. Renovation of the space thus acquired will enable it to relocate Federal agencies presently housed in leased space into Government-owned space, resulting in long-range savings for the Federal Government. Housing plans for these three buildings propose the collective accommodation of 2,216 employees above their current occupancy levels. In approving the listed amounts for renovation, it is assumed that the transfer of title to these buildings will occur in sufficient time for work on the projects to commence during fiscal year 1984. Presently only the San Antonio facility has been transferred to GSA's inventory.

BASIC REPAIRS

District of Columbia, Auditors Building	$9,294,000
Asheville, N.C., Grove Arcade Federal Building	8,364,000

As a part of the fiscal year 1983 public buildings program, the commit-

tee authorized $656,000 for the preliminary design of major repair and alteration work needed to facilitate the continued use of the historic Auditors Building. To complete this project $9,294,000 is required. Work to be performed during construction includes structural repairs, replacement of mechanical systems, installation of a heating, ventilating, and air-conditioning system, and upgrading of office space.

Also, as a component of the fiscal year 1983 program, the committee had approved $550,000 for the preliminary design of the Grove Arcade facility. During this fiscal year GSA reprogramed to the rental of space activity the funds appropriated for this purpose in order to cover a shortfall in revenues of the Federal buildings fund. The amount approved in this legislation, $8,364,000, therefore covers all project costs including design.

The Grove Arcade Federal Building was originally built as a shopping mall in 1929 and is listed on the National Register of Historic Places. Its continued use by Federal agencies requires the renovation of its architectural, electrical, mechanical, structural, and firesafety systems and components.

SPECIAL PROGRAM NEEDS

Suitland, Md., Naval Intelligence Command Building No. 1 ..... $9,760,000

This repair and alteration project is required to meet the needs of the U.S. Naval Intelligence Command for a secure facility. Work to be performed includes upgrading the heating, ventilating, and air-conditioning system, upgrading the electrical system, provision of fire- and life-safety items, replacement of windows, and upgrading office space. Much of this work is directly or indirectly required to convert this building into a restricted-access facility sufficiently secure to handle classified materials.

Originally included in the fiscal year 1983 public buildings program for partial funding, this project received no appropriation. Taking into account its importance for national security, the $9,760,000 authorized by this legislation covers all renovation costs.

DESIGN OF RENOVATIONS, REPAIRS, AND ALTERATIONS

District of Columbia, Steam Distribution System $886,000
New Orleans, La., Hebert Federal Building 611,000

The District Heating System currently serves 117 buildings, approximately 42 million gross square feet of space, and 110,000 Federal workers. About 25 percent of the steam produced is supplied to non-Federal buildings in the District of Columbia. GSA has proposed a $37,825,000 renovation project for the three major components of the District Heating System—the Central Heating and Refrigeration Plant, the West Heating Plant, and the Steam Distribution Complex.

To design repairs and alterations for the steam distribution complex, GSA has requested $886,000 of the total $15,200,000 project cost. Proposed work includes tunnel repairs and the upgrading of mechanical and electrical systems.

For design of renovations to the Hebert Federal Building GSA has requested $611,000. Total project costs of $9,265,000 include upgrading of existing office space and plumbing, electrical, heating, ventilating, and air-conditioning systems; installation of fire- and life-safety equipment; and conversion of U.S. Postal Service workroom space to office space. On completion 153 Federal employees will be moved from leased space into this building, increasing its occupancy to 667.

PROJECT NOT RECOMMENDED FOR AUTHORIZATION

New York, N.Y., Federal Building, 252 7th Avenue $577,000

GSA has requested authority for the preliminary design of a renovation project having a total estimated cost of $39,500,000. This building houses the Regional Office, Prosthetics Center, and Outpatient Clinic of the Veterans' Administration, its primary occupant agency. The Veterans' Administration has recently informed GSA of its plans to relocate its Prosthetics Center in 1985 and its Outpatient Clinic in 1990 to the Veterans' Administration Medical Center, Manhattan, upon completion of planned construction projects at that site. The VA has also expressed its willingness to relocate its Regional Office if GSA decides that the renovation of the 252 Seventh Avenue facility is not economically feasible.

The impending relocation of the primary tenant agency of this building to whose needs proposed renovations were to be tailored makes this project unnecessary. GSA must determine what future role this building is to play in meeting Federal space requirements in New York City and advise the committee accordingly. Since the relocation of VA facilities to its Medical Center is to occur over an extended period of time, it is recommended that GSA use minor repair and alteration funds to maintain the building in a habitable condition.

MECHANICAL SERVICES

Section 8 would prohibit GSA from firing mechanics employed in GSA controlled buildings and contracting out their services to the private sector. Last year the Congress passed legislation to limit contracting of guards, elevator operators, messengers, and custodial services, but mechanics were not included in the series of jobs referenced by the legislation.●

BELLEVILLE'S BASEBALL AMBASSADORS

● Mr. DIXON. Mr. President, it is, indeed, an honor for me to rise today to pay tribute to a group of 8- and 9-year-old boys who will soon represent the United States on a good will tour to Japan. On July 25, 1983, 12 young men, all from my hometown of Belleville, Ill., will be going to Japan as good will ambassadors. I am proud of these young men who have demonstrated great talent in our Nation's favorite sport, baseball.

At a time when much is written about Japan's success in technology and trade, I would venture that we Americans remain unsurpassed on at least one field—the baseball field. Baseball is a part of the United States heritage and these young men from Illinois are keeping the tradition strong. It is important to me, as well as other Americans, to see such traditions preserved. America may be a melting pot of all cultures, but one aspect of our culture, baseball, is distinctively our own.

I know the representatives from the Khoury League of Belleville will prove themselves worthy diplomats for the United States. While serving as representatives from America, these young men will have the opportunity to enrich their own lives by travel. Opportunities like this are not handed out, they are earned. The Khoury League has achieved honored recognition through hard work and determination.

I am sure these outstanding young people will make the most of this trip and will remember it in the years to come as a highlight of their early years. I wish them the best of luck, and commend them to you for their accomplishments.●

LEGISLATIVE VETOES AND THE TRADE LAWS

● Mr. DOLE. Mr. President, a Supreme Court decision last week in Immigration and Naturalization Service against Chadha requires all of us to reflect very deeply on the practical manifestations of our constitutional system of checks and balances. The Congress has sought in many ways to maintain its legislative preeminence in the past 50 years of increasing Government regulation. By broadly declaring that one-House vetoes of decisions by the Attorney General regarding deportations constitute an unconstitutional manner of legislating, the Court called into question an extensively utilized tool by which the Congress has sought to insure the adherence by administrative agencies to congressional intent across a wide spectrum of subjects.

The ultimate sweep of the Court's decision is not now determinable, al-

though it clearly casts doubt on the constitutionality of all legislative vetoes. Nor does it necessarily follow that the loss of this controlling device must portend a diminished congressional role in the governance of this country to the detriment of those caught in the ever-widening web of agency intrusions into private lives and the marketplace. As Justice White noted in his dissent, the legislative veto was spawned in response to the growth of the Federal Government's size and complexity. One must wonder whether the availability of this device has led the Congress to contribute unwittingly to this vast growth under the illusion that it retained significant oversight of the results. I hope that the Chadha decision at least will cause us to examine much more carefully any delegations of authority to the executive branch; by taking greater legislative responsibility ourselves, perhaps we can control Government costs more effectively and restrain the bureaucratic imperative to accrete authority at every opportunity.

While we sort out the breadth and effects of the Supreme Court's decision, I wish to assure my colleagues that the Committee on Finance will examine closely the continuing validity of provisions in various trade laws that are comparable to the one-House veto struck down in Chadha. Over the years, the Congress has delegated to the President broad authority to negotiate trade agreements and to proclaim import restraints, pursuant to certain standards and subject in some cases to subsequent legislative override. Examples include the Jackson-Vanik amendment, under which the President extends most-favored-nation status to Communist countries if certain emigration practices are observed, and title II of the 1974 Trade Act, pursuant to which United States Industries may obtain temporary relief from injurious surges of imports. These trade laws and others like them embody a fine balancing of interests in increased trade and the protection of U.S. firms and workers. I know that Senator DANFORTH, chairman of the Subcommittee on International Trade, and other members are vitally interested in seeking to maintain the congressional purposes with regard to these laws through some mechanism, if not the legislative veto. The Finance Committee will make every effort to accomplish this purpose in the months ahead.●

JIM CAPUTO STEPS DOWN

● Mr. GARN. Mr. President, last month a great participant and supporter of the CYO in the State of Utah retired. After 56 years of serving the youth of Utah, Jim Caputo has stepped down as the director of CYO activities.

He exemplifies the volunteer spirit that President Reagan has spoken so much of recently. I feel that Jim Caputo deserves special thanks for all that he has done for the betterment of youth in Utah. In this connection, I submit an article from the Salt Lake Tribune praising Mr. Caputo to be printed in the RECORD.

The article follows:

[From the Salt Lake Tribune, May 1, 1983]

JIM CAPUTO STEPS DOWN

(By John Mooney)

Jim Caputo had played two games in the White Sox' Comiskey Park years before Walker Cooper, the St. Louis Cardinal catcher, was introduced to rookie umpire Augie Guglielmo and made the comment, "Guglielmo, Passarella, Pinelli, Dascoli, Donatelli and Paparella. Does every Eye-talian get a dark suit, a whisk broom and a chest protector when he gets off the boat?"

Cooper and many of those "Eye-talian" umpires hung up their gear many years ago, and Caputo joined the retirement corps Saturday night when he stepped down as director of CYO activities after fifty-six years of serving the youth of the state.

His square monicker is A. James Caputo, and he boasts of Italian ancestry not only on his father's but also on his mother's side of the family. But to thousands of boys in the valley, he's been "Jay" over all those years.

It all started back in 1927 when two brothers, Father Pat Kennedy at St. Patrick's church and Father Bill Kennedy at the Tooele church formed baseball teams, which evenutally became the Catholic Youth Organization, which flourished under Caputo's guiding hands for almost 40 years.

Caputo was a member of that first baseball team, representing St. Pat's.

So spirited was the rivalry that after the baseball season, it was natural the two church groups continued the competition in basketball, at the old Police gym on First South and at Tooele High School.

Jay was a baseball player and kept active in the Amateur Federation as a player and manager for many years with the Pullman Railroad team managed by H.O. Turville (the founder of Utah soccer), and later with the S & H Green Stamps, the Sugarhouse team and finally the CYO.

He also began coaching the St. Pat's CYO basketball team in his spare time.

"That basketball team got me into almost a lifetime job," Caputo recalled.

"I had my brothers Roy and Frank, John McGurk, Leo Pignanelli and Larry Pagnanelli, Bill McKague, Ralph Smith and the Barber brothers, Bill and Gene, on those teams and we beat everyone."

TURNING POINT

Actually, CYO baseball received its biggest boost when the late Duane G. Hunt, the Catholic bishop of the Salt Lake diocese, wangled an invitation for the Utah boys to play in a national baseball tournament in Comiskey Park in Chicago during the 1933 World's Fair.

Since few of the Utah boys had been out of the state, this was quite an experience for Jay, Roy and Frank Caputo, Larry Brennan, Johnny Vaughan, Cy Bodgen, "Lefty" O'Brien, Jack Argentos, Jack Guthrie, Ralph Smith, Ralph Jerome, Tony Salazar and "Spongey" Pagnotta.

"Art and Dan Connole raised a lot of the money to finance the trip and we had our own private pullman on the train," Caputo recalled. "They put us up at the Illinois Athletic Club and we played in the tournament in the White Sox Park.

"Afterwards, each of us got $2 to attend the World's Fair. That wasn't too bad because we could get a meal for that and many of the exhibits were free. The thing I remember most about the Fair was the booths with the new dial telephones, where you could call anyone in the country free.

"I waited in line to call my girl friend, Josephine, but everyone could listen to the conversation. But 'Spongey,' who had all the angles, fooled the crowd by speaking to his mother in Italian," Jay laughed.

Next year, the CYO team took a trip to San Francisco.

Over the years, Caputo had lots of volunteer helpers, but every Saturday and Sunday for the basketball months, for 37 years, Jay was on hand directing the league and tournament play.

In addition, during the week he had the job of collecting entry fees, contacting and hiring officials and generally keeping the organization running, in addition to doing all the printing and mailing for the leagues.

In retrospect, Jay laughed, "I had a chance to play semipro baseball, but I couldn't take the time from my job at the Salt Lake Hardware (where I spent 42½ years). I guess you could say I never lost my amateur standing."

Which was a good thing for thousands of youngsters who grew up in clean sports and saw their children and grandchildren play in the same leagues, under the direction of Jay Caputo.

OBSERVATION WARD

My baseball scouting report read, "He hits right-handed, left-handed, and seldom."●

TECHNOLOGICAL INNOVATION BY FLUID CONSERVATION SYSTEMS

● Mr. DURENBERGER. Mr. President, at a time when many are questioning America's ability to maintain its international edge in technological innovation, it is a great pleasure to witness breakthroughs in American technology. It is an even greater pleasure when those breakthroughs originate in Minnesota.

Several weeks ago I had the pleasure of reading an article on leak detection in the May 1982 edition of American City & County magazine. That article was authored by Douglas S. Greeley, P.E., chief of the repairs section of the New York City Department of Environmental Protection. It dealt with New York City's experience in utilizing a Minnesota invention designed to locate leaks in underground water systems in the most efficient manner possible.

American cities are currently losing millions of gallons of water through leaks in underground waterpipes. New York City loses an estimated 100 million gallons per day, 15 to 20 percent of the city's supply. Boston may lose 2 gallons of water through leaks for every 1 gallon delivered. The State of California recently determined that it loses 80 billion gallons per year, cost-

ing Californians more than $16 million per year. In Philadelphia, 15 percent of the city water disappears before reaching homes and factories. Nearly all of our cities face the same problem as aging waterpipes decay. Nationally, it is estimated that 20 percent of our municipal water supply is lost through leaking pipes. With our urban areas facing water system maintenance bills estimated at $75 to $100 billion over the next 20 years, it is essential that economical ways be developed to pinpoint and repair municipal water leaks.

In the past, underground water leaks had to be located in what amounted to a hit or miss manner. It was an expensive, inconvenient, and inefficient system. A group of engineers in Duluth, Minn., set out to find a better way. Their development—which they call the locate a leak and detect a leak systems—is now being used by 42 municipalities across the Nation.

In his article, Mr. Greeley credits the system with saving an estimated 43 million gallons per day in 1 year of use, no small feat in a city which typically excavates 500 dry holes annually in attempts to find leaking pipes. The West Virginia Water Co. reports saving nearly 12 million gallons per month, and the Western Pennsylvania Water Co. reports that in the first 4 days of use, the system pinpointed nine leaks which together were losing an estimated 720,000 gallons of water per day.

I am hopeful that other Senators will enjoy reading about these developments as much as I did, and I ask that the article from American City & County magazine be printed in the RECORD.

The article follows:

[From the American City & County magazine, May 1982]

LEAK LOCATION ENTERS COMPUTER AGE

(By Douglas S. Greeley, P.E., Chief, Repairs Section, NYC Dept. of Environmental Protection, Bureau of Water Supply)

(Faced with drought conditions, New York City turned to a computerized leak detection patrol to stop wastage of valuable water. After one year, some 43 mgd in leaks were found and fixed thanks to its high-tech leak location unit)

The Drought of 1980–81 hit the City of New York at a particularly bad time. Just recovering from its fiscal problems of the late 1970s, the city was being pressured to maintain or increase municipal services in order to stem the departure of its tax paying residents, as well as to stimulate economic growth by persuading businesses to remain and even expand.

In the Department of Environmental Protection, as well as other agencies, this pressure was compounded by a seriously depleted work force and a discontinuous flow of knowledge and on-the-job experience from senior to junior personnel. Many of the "Old Masters" in all job titles had departed for better wages, or had simply retired.

This problem was especially true for the Bureau of Water Supply's leak detection effort. The ability to accurately pinpoint leaks using the traditional methods of sounding bars, geophones and aquaphones takes years of practice and experience in a city like New York with its complex subsurface environment. When the drought struck, the few remaining leak detection experts were not able to train younger workers in time to mount a productive leak detection program.

During the early fall of 1980, when the warning signs of the impending drought became apparent, the Commissioner of the Department of Environmental Protection and the Director of the Bureau of Water Supply became aware of a new leak pinpointing device which had been successfully used in other large cities. The Locate-A-Leak system was successfully demonstrated for the Bureau engineering staff, and when the city reservoir system storage fell below 50 percent of capacity, orders were placed for two of the computer-based systems.

To fast-track deployment time, the manufacturer, Fluid Conservation Systems of Houston, Texas, was requested to procure van-type vehicles and install its equipment to provide the city with a fully functioning leak detection van, rather than have the city assemble its own units. Despite, or in the spite of, the rigors of governmental purchasing, the units were delivered one month after the specifications were written.

As part of the city's Drought Emergency Plan, which included the establishment of valve and regulator maintenance units, reducing system pressures to breakpoint, the letting of leak and vacant building shutoff contracts and the installation of hydrant restriction devices, the Bureau developed a leak detection unit consisting of a district foreman, four foreman and 22 heavy duty laborers under the direction of a civil engineer.

When the first mobile leak detection van was delivered in mid-December of 1980, the manufacturer provided an intensive classroom training session to familiarize the laborers with the New York City water supply system, fundamentals of leak detection and the principles behind the Locate-A-Leak system. Using tape recordings of leaks which had been pinpointed in various municipalities across the country, the class was able to learn the operation of the system in the classroom, without the distractions of traffic or pedestrian interference.

After the class had mastered the operation of the equipment and what leak noises sounded like. FCS instructors trained the personnel in how to make proper field connections and how to shorten scan distances to improve the accuracy of leak pinpointing. At the end of the one week session, the class had gone five-for-five in pinpointing leaks which had defied location through the use of conventional means.

Since the Leak Detection Unit was to play a part in promoting public awareness of the drought and was to act as the "flagship" in conservation efforts, the leak detection vans and support vehicles of the unit became the first in the Bureau's fleet to be painted in a new color scheme. In addition, the vans were supplied with press releases and handouts concerning conservation to pass out to interested passersby and school children.

The equipment and the unit proved so successful that three more leak detection vans were purchased in June 1981 as the effects of the drought intensified.

The Detect-A-Leak unit, which is about the size of a portable radio, enables a surveyor to listen to line valves, hydrant valves, and service lines along a water main. When a leak noise is picked up, the surveyor brackets the leak by identifying the points of maximum noise on the main. When the surveyor brackets the leak, he then marks the distribution system map and continues surveying. The maps of each surveyor are referred to a follow up crew in a leak detection van which wires the Detect-A-Leak's transducer connections into the Locate-A-Leak console inside the van.

The operator, using the microprocessor and an oscilloscope and knowing the diameter of the water main, the centerline distance between the transducers and the required scanning time will get an oscilloscope trace of water main noise. The point or points of maximum amplitude, which resemble an "explosion" of dots, is a characteristic leak picture. By lining the cursor dot up with the point of maximum amplitude, the operator is able to pinpoint the exact location of the leak.

The operator has the ability to alter the spanning distance to key in on a particular segment of main without changing transducer settings. This improves the accuracy of the leak location. The operator may also change the length of scanning time to eliminate the effects of ambient noise, such as car horns. This scanning time change acts much like the shutter speed of a camera. If you were to pass your hand in front of a camera set at a speed of 1/100 of a second at the exact time the shutter tripped, the picture would appear blurry. However, if the camera was set for a time exposure, your hand would not affect the picture as much, if at all.

The van-mounted leak location system enables the operator to tape-record leak sounds as "heard" by the equipment. This permits the operator to communicate with a follow-up crew or to further refine the leak's location back at the shop.

The Locate-A-Leak system also provides the ability to rapidly evaluate long sections of water main and to detect and pinpoint multiple leaks. And, in the event that the operator does not bracket the leak the first time, the system will indicate in which direction the operator should then move. In one residential neighborhood in Staten Island, the unit "chased" a leak detection crew three blocks before the leak was finally bracketed.

The first concern of the city's Leak Detection Unit was to assist the department's public relations experts in esablishing that the city was undertaking a credible conservation effort. In short, this meant the resolution of longstanding leak complaints which had previously defied location, particularly on or near department facilities. In some cases, as we were to learn, the leaks had been running for years. These old "in-house" leaks had to be found and fixed to convince city residents that water conservation was a reality.

Our next priority was to assist city repair forces in minimizing the leak complaint backlog. Since we were able to stay with a leak until it was located, rather than be called away as in the case of complaint investigators from the repair shops, we were able to reduce the repair time for leaks requiring excavation.

Our next priority was to deal with other bureaus within the Department of Environmental Protection and other New York City agencies.

At the onset of the drought, the Department of Housing Preservation and Development had furnished the Bureau with com-

puter lists of vacant and abandoned buildings. These lists were given to contractors to have services shut off. These buildings tended to be concentrated within certain parts of the city, and we knew that the lists did not provide a complete picture of the abandonment problem.

In the one year of the leak detection unit's existence, in addition to training approximately two-thirds of the personnel, the unit has pinpointed more than 500 leaks, saving an estimated cumulative total of 43 mgd.

Concurrent with the city's conservation public relations efforts, our sewage treatment plants noted significant drops in sewage inflows within most treatment plant districts. However, in certain instances the flows did not drop appreciably, and the areas coincided with those of high abandonment. By surveying these areas on a block by block basis, we were able to sweep the areas clean of leakage. In one district, that of the 26th Ward Water Pollution Control Plant, the leak detection unit was able to resolve approximately 150 leaks and reduce average plant inflow by 1 mgd, about 13 percent.

Finally, as a result of the actions taken to minimize the effects of the drought, the city has been able to reduce the average daily demand on the water supply system from a pre-drought 1.5 billion gallons per day to the safe system yield of 1.29 billion gallons per day.

Our next objective is to more closely align the unit with the repair forces to minimize the excavation of dry holes. These presently account for about 10 percent of our street openings, limiting crew productivity, as well as unnecessarily disturbing pavement. To justify the procurement of the leak detection vans, we found that if each of our five vans could eliminate 100 "dry" openings, then the purchase would be economical, without any consideration of water saved, treatment and pumping cost reductions, or reduced water damage to property, utility structures and transportation systems.

The leak detection effort was only one part of overall drought strategy, however. As the effects of the drought wane, many drought actions may not prove to be efficient or cost effective. However, we feel that the Leak Detection Unit, equipped with the Locate-A-Leak system, will continue to provide material savings and increased labor productivity.●

DEATH OF MIKE MANATOS

● Mr. SARBANES. Mr. President, America lost a fine public servant with the death of Mr. Mike N. Manatos on May 27, 1983. Mike Manatos had a distinguished record both on Capitol Hill and in the White House during his 46-year career of public service.

Born in 1914 in Rock Springs, Wyo., the son of Greek immigrants from the island of Crete, Mike Manatos arrived on Capitol Hill in 1937 and in the ensuing 24 years, served in senior staff positions with five U.S. Senators from his home State. In 1961, Mr. Manatos was appointed by President John F. Kennedy as Administrative Assistant to the President for Congressional Relations and was one of the few top Kennedy aides to continue in his position through the entire Johnson administration. During his service in the White House, Mr. Manatos presided over what is historically known as the most productive legislative period in American history.

Mr. Manatos holds the distinction of being the first American of Greek decent to hold senior staff positions both in the Congress and the White House and was extremely active in Greek-American affairs and on behalf of Greek Americans throughout his career.

Mr. President, I submit the following articles regarding Mr. Manatos' fine career in public service for inclusion in the RECORD.

The articles follow:

[From the Washington Post, May 30, 1983]

MIKE N. MANATOS, DEAD AT 68

Mike N. Manatos, 68, a White House legislative aide during the Kennedy and Johnson administrations who later was a lobbyist for Procter & Gamble here for 10 years before retiring in 1979, died of congestive heart failure May 27 at Georgetown University Hospital. He lived in Sumner.

He joined the White House staff in 1961, serving under Lawrence F. O'Brien, the president's special assistant for congressional relations.

During the next eight years Mr. Manatos worked as a liaison with the Senate's Democrats, and contributed to the passage of landmark legislation in the fields of civil rights, housing and transportation.

Mr. Manatos was a native of Wyoming. From 1937 to 1961, he was an administrative and legislative assistant to several Wyoming senators. He also had served as president of the Senate Administrative Associates Association.

He was a member of the St. Sophia Greek Orthodox Cathedral in Washington, and was a grand archon of the Greek Orthodox Church, the highest position a layman can reach. He was a member of the Pan Cretan Association and AHEPA. Presidents Johnson and Carter both assigned him to missions in Greece.

Mr. Manatos was a past president of the Association of Former Senate Aides, and a member of the Business Government Relations Council, and the Jefferson Group of Washington.

Survivors include his wife, Dorothy V., of Sumner; three children, Kathy Shand of Salt Lake City, and Ann Sikand and Andy Manatos, both of Bethesda; two brothers, George, of Modesto, Calif., and Tom, of Rock Springs, Wyo.; two sisters, Sylvia Johannessen of Arlington, and Tina Mamalis of Rock Springs, Wyo., and nine grandchildren.

[From the Hellenic Times]

MIKE MANATOS IS DEAD AT 68

Mike Manatos, the first Greek-American to hold positions of major influence in Washington, D.C., died of congestive heart failure on May 27, 1983 in Washington, D.C. Mr. Manatos served as Administrative Assistant for Senate Liaison to Presidents Jack Kennedy and Lyndon Johnson. He was the first Greek-American to hold senior staff positions in the United States Senate, where he worked from 1938 to 1961.

For the last twenty years, Mr. Manatos had been on a first-name basis with the nation's Presidents, Speakers of the House, Majority Leaders of the Senate, Cabinet Members, Supreme Court Justices and others in Washington's policy process.

Throughout his career, Mr. Manatos played a major role in America's policy toward Greece and Greek-Americans. He was involved in the actions of President Johnson which stopped the Turkish invasion of Cyprus in the late 1960's. With his son Andy, who was Legislative Assistant to Senator Thomas Eagleton during the consideration of the Cyprus/Turkey issue in Congress and Assistant Secretary of Commerce in the Carter Administration, they played pivotal roles on the Greece-Turkey-Cyprus issue.

He played a critical role in substantially increasing America's immigration quota from Greece. He helped numerous Greek-Americans to get into the U.S. and with their problems with the government. For many years he provided the country's Greek-American leadership with access to the White House.

Most recently, President Carter invited Mr. Manatos to serve as a member of the American delegation to bring to the United States the Olympic flame for the 1980 Winter Olympics held in the United States. President Johnson appointed Mr. Manatos and former President Truman to represent him at the funeral of King Paul of Greece.

Mr. Manatos was a Grand Archon of the Greek Orthodox Church, a member of the AHEPA, and past-President of his local chapter of the Pan-Cretan Association.

Mr. Manatos was most well-known in Washington for his work on non-Greek related matters. He was recognized as one of the nation's leaders with regard to his ability to shape American public policy. He was credited by Presidents Kennedy and Johnson with having played a major role in the enactment of the plethora of legislation from 1961 to 1968—the most legislatively productive period in American history.

For ten years subsequent to his work in the White House, Mr. Manatos was the Director of Government Affairs in Washington, D.C. for the Proctor and Gamble Corporation. Since 1981, he had been involved in his son's consulting business.

Mr. Manatos was born in 1914 in Rock Springs, Wyoming to Nicholas and Anna (former Anezakis) Manatos. His father was from Chiliomoudou, Crete and his mother was from Lakous, Crete.

He is survived by his wife, Dorothy of Bethesda, Maryland; his son, Andy, also of Bethesda, Maryland and his four children, Mike, Nick, Tom and George; his daughter, Kathy Shand, of Salt Lake City, Utah, and her three children, Dori, Nathan and Rebecca; his daughter, Ann Hatsis Sikand of Bethesda, Md., and her children, Chuck and Julie Hatsis; his brothers, George Manatos of Modesto, California; and Tom Manatos of Rock Springs, Wyoming; and his sisters, Sylvia Johannessen of Arlington, Virginia, and Tina Mamalis of Rock Springs, Wyoming.

[From the Hellenic Chronicle]

MIKE MANATOS, AIDE TO PRESIDENTS, 69

WASHINGTON.—Mike Manatos, the first Greek-American to hold positions of major influence here, died recently of congestive heart failure. He was 69.

Mr. Manatos had served as administrative assistant for Senate liaison to Presidents John F. Kennedy and Lyndon B. Johnson. He was the first person of Greek descent to hold senior staff positions in the Senate,

working there from 1938 to 1961, when he joined the Kennedy Administration.

For the past 20 years, Mr. Manatos had been on a first-name basis with presidents, speakers of the House, Senate majority leaders, members of the Cabinet, Supreme Court justices and others in positions his authority in the capital.

Throughout his career, Mr. Manatos had played a major role in the policy of the United States toward Greece and toward Greek-Americans. Among these actions was his role in the Johnson Administration which led to the halting of potential invasion of Cyprus by Turkey by President Johnson.

Some years later, along with his son, Andrew, who was legal assistant to Sen. Thomas F. Eagleton, he was involved in the consideration of the Cyprus-Turkey question in Congress. Young Manatos was assistant secretary of commerce in the Carter Administration. He and his father played a critical role in substantially increasing the immigration quota for Greece in this country.

Mr. Manatos helped numerous Greeks in their efforts to gain admission into the United States. For many years, he provided the only leadership for Greek-Americans seeking access to the White House and other power centers here.

In 1980, President Carter invited Mr. Manatos to serve as a member of the American delegation bringing the Olympic flame from Greece to the winter games at Lake Placid, N.Y.

President Johnson had appointed former President Truman and Mr. Manatos to represent him at the funeral of King Paul of Greece, and Mr. Manatos, his father, Nicholas, and brother, Tom, were honored guests at the White House during the Kennedy Administration for a dinner honoring King Paul.

President Kennedy also had appointed Mrs. Manatos, the former Dorothy Varanakis of Salt Lake City, to coordinate for him the government-sponsored open heart surgery being afforded to a critically ill young Greek girl.

Mr. Manatos was also active in the Greek Orthodox Church laity and in various fraternal and civic activities. He was a grand archon of the Order of St. Andrew the Apostle and a past president of the Pan Cretan Association chapter. He belonged to AHEPA as well.

His influence extended beyond the Greek community as he was recognized here as one of the leaders in shaping American public policy. He was credited by Presidents Kennedy and Johnson with having played a key role in the enactment of much legislation from 1961 to 1968, called by many the most legislatively productive period in U.S. history.

For the decade subsequent to his work in the White House, Mr. Manatos was director of government affairs here for Proctor and Gamble Corp. Since 1981, he had been involved in the consulting business established by his son. Shortly before his death, the Manatoses had established Manatos & Manatos Inc. here.

Born in 1914 in Rock Springs, Wyo., a son of Nicholas and Anna (Anexakis) Manatos, he was brought up in that region and had resided with his wife, Dorothy, in Bethesda, Md. His father was a native of Chiliomoudou, Crete, and his mother, Lakous, Crete.

Besides his wife and son, also of Bethesda, he leaves two daughters, Mrs. Kathy Shand of Salt Lake City and Mrs. Ann Hatsis Sikand of Bethesda; two brothers, George Manatos of Modesto, Calif., and Tom Manatos of Rock Springs; two sisters, Sylvia Johannessen of Arlington, Va., and Tina Mamalis of Rock Springs; 6 grandsons and 3 granddaughters.

MANATOS MAKES MARK

Among all the Greek-Americans with influence in the United States capital none has left a greater administrative imprint than Mike Manatos, and his was the first influential Greek-American voice.

Mike Manatos died recently at 69, active almost to the end. He died of congestive heart failure. His heart just plumb gave out; but before it did, it had propelled him to a mountain of achievement.

Mike Manatos came to Washington in 1938 when most Greek-Americans were still trying to pull themselves out of the Depression and worrying about Hitler.

He came as a member of a senator's staff and he remained such until 1961, when President Kennedy tapped him for his liaison assistant to the Senate. For the next eight years, he served Kennedy and his successor, Lyndon Johnson, from the White House, becoming involved in presidential assignments that took him to many places doing many things, including representation of Mr. Kennedy at the funeral of King Paul of Greece. On this occasion, he was accompanying President Truman as well.

Mike Manatos was on a first-name basis with all of the presidents since 1960 and with the leaders of the House and Senate.

He was always a willing participant in endeavors to help his fellow Greek-Americans. He was there when the first representatives of Greek descent were elected to the Congress. He was there and ready to help. He was helpful to the cause of Greece and Cyprus; and it was his and his son Andy's great assistance that got Sen. Thomas F. Eagleton involved on the side of the Cypriots in the period of the embargo. He passed along his public service record to his son, Andy, who became assistant Commerce Secretary under President Carter.

Many others from among Americans of Greek descent have come to Washington since 1938, but it is safe to say that few have amassed as great a store of service credits as Mike Manatos had.

May God keep his memory eternal.●

REMARKS ON RISK ASSESSMENT BY THE HONORABLE WILLIAM D. RUCKELSHAUS

● Mr. QUAYLE. Mr. President, as you know the Labor and Human Resources Committee has been conducting hearings recently on the application of the law to assure food safety by the Food and Drug Administration. Of particular interest to the committee, of which I am a member, has been the processes used by the Food and Drug Administration to assess the safety of newly developed food additives. Relevant to the committee's examination of this issue are remarks made on Wednesday, June 22, 1983, by the Honorable William D. Ruckelshaus, Administrator of the Environmental Protection Agency, to a group of scientists and engineers at the National Academy of Sciences.

In his talk Mr. Ruckelshaus called for a Government-wide new process for assessing and managing the health, safety, and environmental risks posed by contaminants threatening the American people. The points made by Mr. Ruckelshaus further the discussions of this important issue. I commend his talk both to my colleagues on the committee and the Senate as a whole, therefore, I ask that the full text of Mr. Ruckelshaus' speech be printed in the RECORD.

The speech follows:

SCIENCE, RISK, AND PUBLIC POLICY

(By William D. Ruckelshaus)

We are now in a troubled and emotional period for pollution control; many communities are gripped by something approaching panic and the public discussion is dominated by personalities rather than substance. It is not important to assign blame for this. I appreciate that people are worried about public health and about economic survival, and legitimately so, but we must all reject the emotionalism that surrounds the current discourse and rescue ourselves from the paralysis of honest public policy that it breeds.

It is no accident that I am raising this subject here in the house of science. I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community. Frankly we are not going to be able to emerge from our current troubles without a much improved level of public confidence. The polls show us that scientists have more credibility than lawyers or businessmen or politicians and I'm all three of those. I need your help.

Those of you who are scientists may think you have heard this before, but this is not a naive plea for science to save us from ourselves. Somehow our democratic technological society must resolve the dissonnance between science and the creation of public policy. Nowhere is this more troublesome than in the formal assessment of risk—the estimation of the association between the exposure to a substance and the incidence of some disease, based on scientific data.

Here is how the problem emerges at the Environmental Protection Agency. EPA is an instrument of public policy, whose mission is to protect the public health and environment in the manner laid down by its statutes. That manner is to set standards and enforce them; and our enforcement powers are strong and pervasive. But the standards we set, whether technology or health-related, must have a sound scientific base.

Science and the law are thus partners at EPA, but uneasy partners. It's a shotgun wedding. The main reason for the uneasiness lies, I think, in the conflict between the way science really works and the public's thirst for certitude that is written into EPA's laws. Science, as you all know, thrives on uncertainty. The best young scientists flock into fields where great questions have been asked but nothing is known. The greatest triumph of a scientist is the crucial experiment that shatters the certainties of the past and opens up rich new pastures of ignorance.

But EPA's laws often assume, indeed demand, a certainty of protection greater than science can provide at the current state of knowledge. The laws do no more than reflect what the public believes and what it often hears from people with scientific credentials on the 6 o'clock news. The public thinks we know what all the bad pollutants are, precisely what adverse health or environmental effects they cause, how to measure them exactly and control them absolutely. Of course, the public and sometimes the law are wrong, but not all wrong. We do know a lot about some pollutants and we have controlled them effectively using the tools of the Clean Air Act and the Clean Water Act. These are the pollutants for which the scientific community can set safe levels and margins of safety for sensitive populations. If this were the case for all pollutants, we could breathe more easily (in both senses of the phrase); but it is not so.

When I left EPA over 10 years ago as its first Administrator, we had the Clean Air Act, the Clean Water Act, a solid waste law, a pesticide law and laws to control radiation and noise. Yet to come were the myriad of laws to control toxic substances from their manufacture to their disposal—but that they would pass was even then obvious.

When I departed a decade ago, the struggle over whether the Federal Government was to have a major role in protecting our health safety and environment was ended. The American people had spoken. The laws had passed, the regulations were being written. The only remaining question was whether the staututory framework we had created for our journey made sense or whether, over time, we would adjust it.

Ten years ago I though I knew the answer to that question as well. I believed it would become apparent to all that we could virtually eliminate the risks we call pollution if we wanted to spend enough money. When it also became apparent that enough money for all the pollutants was a lot of money, I further believed we would begin to examine the risks very carefully and structure a system which forced us to balance our desire to eliminate pollution against the costs of its control. This would entail some adjustment of the laws, but really not all that much, and it would happen by about 1976. I was wrong.

It may be that God is repaying me for my error by causing me to be reincarnated as Administrator of EPA. Whether God or President Reagan is the cause this time around, I am determined to improve our country's ability to cope with the risk of pollutants over where I left it 10 years ago.

It will not be easy, because we must now deal with a class of pollutants for which a safe level is difficult, if not impossible, to establish. These pollutants interfere with genetic processes and are associated with the diseases we fear most: cancer and reproductive disorders, including birth defects. The scientific consensus has it that any exposure, however small, to a genetically active substance embodies some risk of an effect. Since these substances are wide-spread in the environment, and since we can detect them down to very low levels, we must assume that life now takes place in a minefield of risks from hundreds, perhaps thousands, of substances. No more can we tell the public: you are home free with an adequate margin of safety.

This worries all of us, and it should. But when we examine the premises on which such estimates of risk are based, we find a confusing picture. In assessing a suspected carcinogen, for example, there are uncertainties at every point where an assumption must be made: in calculating exposure; in extrapolating from high doses where we have seen an effect to the low doses typical of environmental pollution; in what we may expect when humans are subjected to much lower doses of the same substance that caused tumors when given in high doses to laboratory animals; and finally, in the very mechanisms by which we suppose the disease to work.

One thing we clearly need to do is insure that our laws reflect these scientific realities. The Administrator of EPA should not be forced to represent that a margin of safety exists for a specific substance at a specific level of exposure where none can be scientifically established. This is particularly true where the inability to so represent forces the cessation of all use of a substance without any further evaluation.

It is my strong belief that where EPA or OSHA or any of the social regulatory agenices is charged with protecting public health, safety or the environment, we should be given, to the extent possible, a common statutory formula for accomplishing our tasks. This statutory formula may well weigh public health very heavily in the equation as the American people certainly do.

The formula should be as precise as possible and should include a responsibility to assess the risk and to weigh that, not only against the benefits of the continued use of the substance under examination, but against the risks associated with substitute substances and the risks associated with the transfer of the substance from one environmental medium to another via pollution control practices. I recognize that legislative change in the current climate is difficult. It is up to those of us who seek change to make the case for its advisability.

I did not come here today to plead for statutory change. My purpose is to speak of risk assessment and risk management and science's role in both. It is important to distinguish these two essential functions, and I rely here on a recent National Academy of Sciences report on the management of risk in the Federal government. Scientists assess a risk to find out what the problems are. The process of deciding what to do about the problems is risk management. The second procedure involves a much broader array of disciplines, and is aimed toward a decision about control.

Risk management assumes we have assessed the health risks of a suspect chemical. We must then factor in its benefits, the costs of the various methods available for its control, and the statutory framework for decision. The NAS report recommends that these two functions be separated as much as possible within a regulatory agency. This is what we now do at EPA and it makes sense.

I think we also need to strengthen our risk assessment capabilities. We need more research on the health effects of the substances we regulate. I intend to do everything in my power to make clear the importance of this scientific analysis at EPA. Given the necessity of acting in the face of enormous scientific uncertainties, it is more important than ever that our scientific analysis be rigorous and the quality of our data be high. We must take great pains not to mislead people regarding the risks to their health. We can help avoid confusion both by the quality of our science and the clarity of our language in explaining the hazards.

I intend to allocate some of EPA's increased resources, which everyone seems determined to give us, toward these ends. Our 1984 request contains significant increases for risk assessment and associated work. We have requested $31 million in supplemental appropriations for research and development and I would expect that risk assessment will be more strongly supported as a result of this increase as well.

I would also like to revitalize our long-term research program to develop a base for more adequately protecting the public health from toxic pollutants. I will be asking the advice of the outside scientific community as how best to focus those research efforts.

I am sure that in the future, this being an imperfect world, the rigor and thoroughness of our risk analyses will be affected by many factors, including the toxicity of the substance, the populations exposed, the pressure of the regulatory timetable, and the resources available.

Despite these often conflicting pressures, risk assessment at EPA must be based on scientific evidence and scientific consensus only. Nothing will erode public confidence faster than the suspicion that policy considerations have been allowed to influence the assessement of risk.

Although there is an objective way to assess risk, there is, of course, no purely objective way to manage it, nor can we ignore the subjective perception of risk in the ultimate management of a particular substance. To do so would be to place too much credence in our objective data and ignore the possibility that occasionally one's stomach is right. No amount of data is a substitute for judgement.

Further, we must search for ways of describing risk in ways the average citizen can comprehend. Telling a family living close to a manufacturing facility that no further controls are needed on the plant's emissions because, according to our linear model their risk is only 10-6, is not very reassuring. We need to describe the suspect substances as clearly as possible, tell people what the known or suspected health problems are and help them compare that risk to those with which they are more familiar.

To effectively manage the risk, we must seek new ways to involve the public in the decision-making process. Whether we believe in participatory democracy or not it is a part of our social regulatory fabric. Rather than praise or lament it, we should seek more imaginative ways to involve the various publics impacted by the substance at issue. They need to be involved early on and they need to be informed if their participation is to be meaningful. We will be searching for ways to make our participatory process work better.

For this to happen, scientists must be willing to take a larger role in explaining the risks to the public—including the uncertainties inherent in any risk assessment. Shouldering this burden is the responsibility of all scientists, not just those with a particular policy end in mind. In fact all scientists should make clear when they are speaking as scientists—ex cathedra—and when they are recommending policy they believe should flow from scientific information. What we need to hear more of from scientists is science. I am going to try to provide avenues at EPA for you to become more involved in the public dialogue in which the scientific problems are described. Our country needs the clear unbiased voice of science. Now is not the time to jeer as the "ship of state" floats by. Now is the time to get into the boat and row.

Lest anyone misunderstand, I am not suggesting that all the elements of managing risk can be reduced to some neat mathematical formula. Going through a disciplined approach can help. It will assist in organizing our thoughts to include all the elements that should be weighed. We will build up a set of precedents that will assist later decision-making and provide more predictable outcomes for any social regulatory programs we adopt.

It is clear to me that in a society in which democratic principles so dominate, the perceptions of the public must be weighed. Instead of objective and subjective risks, the experts sometimes substitute "real" and "imaginary" risks. There is a certain arrogance in this—an elitism which has ill served us in the past. Rather than decry the ignorance of the public and seek to ignore their concerns, our governmental processes must accommodate the will of the people and recognize its occasional wisdom. As Thomas Jefferson observed:

"If we think (the people) not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Up to this point I have been suggesting how risks should be assessed and managed in EPA. Much needs to be done to coordinate the various EPA programs to assure a consistent approach. I have established a task force with that charter.

I further believe we should make uniform the way in which we manage risk across the Federal regulatory agencies. The public interest is not served by two Federal agencies taking diametrically opposed positions on the given health risks of a given toxic substance and then arguing about it in the press. We should be able to coordinate our risk assessment procedures across all Federal agencies. The risk management strategy that flows from that assessment may indeed differ, depending on the agency's statutory mandate or the judgment of the ultimate decision maker.

But even at the management stage there is no reason why the approaches cannot be coordinated to achieve the goal of risk avoidance or minimization with the least societal disruption possible. In the last few weeks I have been exploring with the White House and the Office of Management and Budget the possibility of effecting a better intragovernmental coordination of the way in which we assess and manage risk.

To push this one step further, I believe it is in our nation's best interest to share our knowledge of risks and our approach to managing them with the other developed nations of the world. The environmental movement has taught us the interdependencies of the world's ecosystems. In coping with the legitimate concerns raised by environmentalism we must not forget that we cope in a world with interdependent economies. If our approach to the management of risk is not sufficiently in harmony with those of the other developed nations, we could save our health and risk our economy. I don't believe we need abandon either, but to insure it does not happen, we need to work hard to share scientific data and understand how to harmonize our management techniques with those of our sister nations.

Well, I have gone from the particular to the sublime. Let me avoid moving out into space by summing up.

I didn't return to EPA to get a before and after picture on the wall. I want to help achieve a better conceptual, statutory and societal framework to cope with risk in our country.

To do that we need to get the emotion out of and the scientist into the process:

I need science's help.

I'll try to make it easier to access what we're doing at EPA.

But if I can't do that, I need your help anyway.

What I'm after is a government-wide process for assessing and managing health, safety and environmental risks.

This will take coordination, cooperation and good will within EPA, within the Executive Branch agencies and between the Congress and the Administration.

In other words, this will take a miracle.

Now I know science doesn't believe in miracles, but I need your help if this one's going to happen.

What's at stake is no less than whether this country works. It's worth the effort of all of us.●

A MONROE DOCTRINE FOR THE EIGHTIES

● Mr. EAST. Mr. President, have the men and women of the United States lost the will to live? Are we so blinded and corrupted by our prosperity and creative comforts that we will meekly allow our southern neighbors to fall to Communist aggressors?

I believe that the American people will rally around the President when they understand the enormity of the Soviet threat in our hemisphere. In the June issue of Conservative Digest, Mr. Richard A. Viguerie succinctly describes the threat and recommends some strong, yet peaceful, measures to counter that threat. I hope all of my colleagues will read what Mr. Viguerie has to say. I ask that his article entitled "A Monroe Doctrine for the 1980's" be printed in the RECORD.

The article follows:

A MONROE DOCTRINE FOR THE 1980'S

(By Richard A. Viguerie)

Americans are without doubt the most sophisticated people in the world. We are light-years ahead of anyone else in the development of manned spaceflight. Our agricultural system is the most productive ever known. In millions of American homes, six-year-olds are learning how to program computers.

But when it comes to understanding the communists, we are woefully ignorant. Some of our leaders seem to have formed their opinions about communism a hundred years ago, when it was just a theory.

Since then it has been put into practice.

In the last 65 years, the communists have conquered 43 sovereign nations with a current combined population of 1.6 billion.

Although the Soviets have the most powerful army in the world, they seldom engage in direct military action. So far, they have used nuclear weapons only for intimidation. For the most part, they keep their own boys out of war, letting others do their fighting for them.

Today a Soviet-supported revolutionary movement will use fighter pilots trained by the PLO and weapons supplied by Vietnam. Most of its military advisers are Cubans. And, once the existing government is overthrown, the communists maintain control with secret police trained by the East Germans.

The Soviets carefully undermine their adversaries by the use of infiltration, espionage and propaganda. They constantly cultivate "agents of influence" at every level of society to erode the support of the people for their national institutions.

During the Vietnam War, the communists conducted a public relations campaign designed to discourage our support for the people of South Vietnam. They recognized that the object of war is to break the enemy's will, and they used every means at their disposal to do so.

Their diplomats met regularly with our diplomats, convincing them that a negotiated settlement was possible, that the communists would settle for less than total victory. Repeatedly, they raised our hopes and then dashed them.

That psychological warfare continues today. Each year, the Soviets and their puppets send hundreds of performing arts groups, sports teams, scientists, diplomats, bureaucrats and many thousands of others to the Western nations.

On any given day the Soviet-block countries have over 3,000 government personnel in the U.S., including over 300 Soviets based at the U.N. It is estimated that as many as 40 percent may be engaged in espionage.

During the last 15 years, the Soviets bought or stole our most sophisticated computers, oil and gas drilling technology, and ball bearings for missiles. On credit guaranteed by the American taxpayer, U.S. firms built the world's largest truck factory in the Soviet Union; many of the trucks built there are used to carry soldiers to Afghanistan to crush the freedom fighters there.

As Lenin said, "When the time comes to hang the capitalists, they will gladly sell us the rope with which to do it."

Americans are sophisticated, all right, but that sophistication is limited. They know a lot about home computers but almost nothing about modern warfare as practiced by the Soviet Union.

Probably no nation on earth has risen to challenges as the United States has. We have faced war, depression and disease with unparalleled vigor and determination. But we as a nation simply do not understand the challenge that faces us now.

We are involved in a prolonged conflict with an adversary who is ready and willing to fight us on any battlefield, at any time, by any means. The question is: Will the American people realize that we are engaged in this war before we have lost it?

In our own hemisphere the Soviet pattern of takeover is well underway. Communist-supported terrorists now control Cuba, Nicaragua, Guyana, Grenda and Suriname with aid and/or comfort from left-leaning regimes in Mexico, Belize, Panama, Venezuela and Colombia.

The communists are working and fighting to topple pro-Western governments in El Savador, Guatemala, Honduras and Costa Rica.

Since 1962 the Soviet Union has shipped nearly 700,000 tons of arms to Cuba—131,000 tons in just the last two years.

Soviet economic assistance to Cuba totals $9-14 million a day.

There are at least 2,600 Soviet soldiers in Cuba, plus 8,000-10,000 Soviet military and civilian advisers.

At the present time the Soviets have in the Western Hemisphere at least two Foxtrot attack submarines and at least four bombers capable of destroying any city in

the continential United States. In Cuba alone, the Soviets have more than 650 tanks, 555 combat aircraft, and 50 torpedo and missile attack boats; 140 surface-to-air missiles were delivered just last December.

We will be defeated unless we act now to meet the Soviet threat. If we allow the Soviets to complete the conquest of Central America, the people of Texas, Arizona, New Mexico and California will be face-to-face with the Soviet military within 3-4 years.

In 1823, President James Monroe set forth a policy that became known as the Monroe Doctrine. Partly in response to Russian activity, Monroe pledged that any attempt by a European power to create or maintain a colony in the New World would be opposed by the U.S. as "dangerous to our peace and safety."

The United States would steadfastly oppose foreign interference in the affairs of the nations of the Western Hemisphere "for the purpose of oppressing them, or controlling in any other manner their destiny . . ."

It is time for the United States to recognize once again that keeping this hemisphere free of our enemies is vital to our national security. It is time to restate and update the Monroe Doctrine.

Therefore, I propose that, as long as the Soviet Union is involved in the affairs of any country in the Western Hemisphere, the United States will:

Cut off any financial aid, including credits and loan guarantees, that benefits directly or indirectly a Soviet-bloc country.

End U.S. participation in any international organization that lends money to the Soviet bloc.

Forbid the sale to the Soviet bloc of any item that could be used for military purposes.

Give material aid and encouragement to any group fighting a communist government (for example, Nicaragua, Angola, Mozambique, Afghanistan, or Ethiopia).

Immediately expel all citizens of Soviet-bloc nations except the ambassadors and their immediate staffs.

Require that the United Nations headquarters be located outside the U.S. by 1986.

Aggressively broadcast the truth into all communist countries (for example, telling the Cuban people about the large number of their sons who are fighting and dying as Russian surrogates in Africa).

Finally, it should be the policy of the United States to promote democracy, peace and freedom throughout the Western Hemisphere and to take all steps short of military action to ensure free elections for all the peoples of the Americas.

The steps I have outlined do not involve military action by the U.S. They are peaceful means of achieving the important result of protecting the men, women and children of this hemisphere from becoming Soviet slaves.

U.S. policy on Central America will be a major issue of the 1984 campaign and the American people have clearly demonstrated that they will not elect any Democrat who is perceived as "weak" on foreign policy. Those Democrats who have opposed the President's efforts in Central America are reversing the anti-Communist stance that was traditional in the Democratic party before McGovern. They have put themselves out on a very long limb and that sound you hear from the White House may be President Reagan sawing the limb off.

But I hope that no one gets the chance to make political hay out of the question: Who lost Central America? That is a human tragedy that is within our power to prevent.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under the act in excess of $50 million, or in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that three such notifications were received on June 20, 1983.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room SD 427.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 20, 1983.

In reply refer to: I-20094/83ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 20, 1983.

In reply refer to: I-20093/83ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 20, 1983.

In reply refer to: I-20095/83ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Director.

PROPOSED ARMS SALES

Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annex referred to in one of the covering letters is available to Senators in the office of the Foreign Relations Committee, room 4229 Dirksen Building.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 22, 1983.

In reply refer to: I-01927/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-39 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $20 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

[TRANSMITTAL No. 83-39]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Egypt

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$18
Other	2
Total	20

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: One hundred fifty AIM-9L Sidewinder air-to-air missiles with repair parts and support equipment.

(iv) Military department: Navy (AAJ).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending March 31, 1983.

(viii) Date report delivered to Congress: June 22, 1983.

POLICY JUSTIFICATION

EGYPT—AIM-9L SIDEWINDER MISSILES

The Government of Egypt has requested the purchase of 150 AIM-9L Sidewinder air-to-air missiles with repair parts and support equipment at an estimated cost of $20 million.

This proposed sale will contribute significantly to U.S. foreign policy and national security objectives by helping to increase the security of a friendly country of vital interest to the United States.

The Government of Egypt will use the AIM-9L Sidewinder air-to-air missiles on Egyptian Air Force (EAF) F-16 aircraft which have already been procured. The missile has the capability of a head-on attack against high speed hostile aircraft, enhancing the ability of the EAF to deter or destroy attacking aircraft before they can reach vital areas of the country. EAF personnel will be able to absorb this missile into the inventory inasmuch as they already operate and maintain Sidewinder missiles.

The sale of this equipment will not affect the basic military balance in the region.

The prime contractor will be the Raytheon Company of Lowell, Massachusetts.

The implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 27, 1983.

In reply refer to: I-01994/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-41 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $26 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[TRANSMITTAL No. 83-41]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$22
Other	4
Total	26

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or Services Offered: A quantity of 2,538 Improved-TOW anti-armor missiles.

(iv) Military department: Army (VFE).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 27, 1983.

POLICY JUSTIFICATION

SAUDI ARABIA—IMPROVED-TOW MISSILES

The Government of Saudi Arabia has requested the purchase of 2,538 Improved-TOW (I-TOW) anti-armor missiles at an estimated cost of $26 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

The I-TOW missiles will be used to maintain war reserve stock levels and will support the modernization of the Saudi Arabian Land Forces (SALF) by enhancing its anti-armor capability. The SALF will have no difficulty in absorbing these items.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Company of Canoga Park, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 27, 1983.

In reply refer to: I-02151/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-47, concerning the Department of the Army's proposed Letter of Offer to Lebanon for defense articles and services estimated to cost $57 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[TRANSMITTAL No. 83-47]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Lebanon.

(ii) Total estimated value:

	Millions
Major Defense Equipment [1]	$46
Other	11
Total	57

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 220 tracked vehicles (102 M113A2 armored personnel carriers, 25 M577A2 command post carriers, and 93 M125A2 mortar carriers) with communications equipment, M2 .50 caliber machine guns, spares, and ancillary support equipment.

(iv) Military department: Army (UTE and UTK).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 27, 1983.

POLICY JUSTIFICATION

LEBANON-TRACKED VEHICLES

The Government of Lebanon has requested the purchase of 220 tracked vehicles (102 M113A2 armored personnel carriers, 25 M577A2 command post carriers, and 93 M125A2 mortar carriers) with communications equipment, M2 .50 caliber machine guns, spares, and ancillary support equipment at an estimated cost of $57 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Lebanon to increase its capability to provide for its own security and defense. As the Lebanese Government reasserts itself in the wake of recent hostilities, well equipped and trained armed forces are essential to assure the nation's sovereignty.

These M113 derivative tracked vehicles will be used to upgrade the brigades of the Lebanese Army. The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the FMC of San Jose, California.

Implementation of this sale will require the assignment of four additional U.S. Government personnel to Lebanon for 56 days.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

UNGLAMOROUS GUERRILLAS

● Mr. ARMSTRONG. Mr. President, there is an inexplicable—and ugly—tendency among some elements of the news media to lionize guerrillas fighting for totalitarianism, for expansion of the Communist empire, but to ignore or deprecate guerrillas who fight for freedom against Communist imperialism. The New Republic magazine took note of this phenomenon in

an editorial, entitled "Unglamorous Guerrillas," in its edition of June 13, 1983. Meanwhile, Newsweek magazine, in a report published in its issue of June 6, 1983 entitled "The Betrayal of a Revolution," provides additional information about why so many former Sandinistas have taken up arms to turn out the regime they helped bring to power. I ask that these articles be printed at this point in the RECORD, and I urge each of my colleagues to read them both carefully.

The articles follow:

UNGLAMOROUS GUERRILLAS

There are few intellectual and political spectacles more satisfying to see than the transformation of a piety into a perplexity. Sloganeers, after all, deserve to squirm. Some of them may be squirming soon, for history is playing a cruel and confounding joke upon one of the pieties of American political culture of the past two decades, which is the moral glamor of the guerrilla. The guerrilla seems to be slowly changing sides. He is still struggling with imperialism, to be sure, but more and more the imperialism is not American. It is Russian. The figure that a lot of the left most loved is fighting for the faith that it most hated; the guerrilla, in brief, is an anti-Communist.

Not everywhere, certainly. Soviet-sponsored guerrilla movements, which disguise national repressions as national revolutions, have not passed from the earth; the Sandinistas and the P.L.O. are the most obvious examples. But a different pattern of guerrilla activity has emerged. Many of the most stirring guerrilla struggles now take place against Soviet power, or Soviet proxy power. In Afghanistan, Cambodia, Nicaragua, and Angola the art of revolutionary warfare has been turned against those who rule in the name of revolution. Of course there is no single type of anti-Communist guerrilla; the dreams and the objectives of all these forces are not the same. In Afghanistan the fighters in the mountains seek sovereignty. In Nicaragua the fighters in the forests seek democracy. And the West must not deceive itself that every enemy of communism is a friend of Western institutions. Still, the West has a new kind of friend, and the East a new kind of enemy. The geopolitical consequence of guerrilla movements are no longer horrible for the West to contemplate. They are horrible for the other side.

The debate about the proper American attitude toward this phenomenon rages. "Isolationists" confront "interventionists." There are practical reasons for carefully calibrating the nature of American aid to these various guerrilla forces; a big stick in Central America may damage us, as it may not in Afghanistan. But in the matter of morality we should be clear. All of these guerrilla forces—Son Sann's, Edèn Pastora's, Jonas Savimbi's, and the Pathan tribesmen's—are fighting the good fight. They are fighting colonialism or totalitarianism or a mixture of both. These are greater abominations than covert operations. While the political calculus of the American people may be complicated, then, its moral calculus may be simple. In the opinion of this country, these men and women, resisting Russian domination almost without arms and almost without sleep, should be high.

Perhaps there was no image more emblematic of the political exfoliation of the 1960s than the acrylic poster of Ché Guevara, which was hung first in dorm rooms and later in storefronts. Will there be a poster of Edèn Pastora? It is not likely. Part of the reason is that times have changed, and posters are no longer about political subjects. But this is not the whole reason. The lionization of the anti-Communist guerrilla goes against a cultural grain. For a large segment of the progressive population of this country, a pro-American insurrectionary movement is an oxymoron.

The history of the political prejudices of the children of the American middle class will be of little interest in the Central American jungles or the Central Asian hills. There help is needed, and deserved. If it comes, and when it comes, and how it comes, and why it comes, remains to be seen.

THE BETRAYAL OF A REVOLUTION—FOUR STORIES OF HOPE, TRIUMPH AND DISENCHANTMENT UNDER THE SANDINISTA REGIME

(By Beth Nissen)

July 19, 1979, was a "day of dreams" for Juan Francisco López García. The 15-year-old Sandinista rebel could not believe the news—that the dictator Anastasio Somoza had fled, that the invincible National Guard was surrendering to farm boys like him. the bitter war was over, after two years and 40,000 deaths. "Now we'll have peace and plenty and freedom, just like the revolution promised," he told his mother. "Nicaragua belongs to the people!"

But almost four years later, the dreams of that giddy day have not come battles with stubborn remnants of the old guard and U.S.-backed counterrevolutionaries. There is no plenty: the country is short of jobs, money and food. Freedom of press, speech and assembly is sadly restricted. In the U.S. Congress, in Europe and throughout Nicaragua, there are serious questions about whether the "people's revolution"—under the hardening Marxist leadership of the Sandinistas—still represents the people of Nicaragua. "Ask the people themselves—they are the only experts on their own revolution," Sandinista coordinator Daniel Ortega challenged me during the first days of the revolution. "Nicaraguans will tell you the truth."

UNLIKELY ALLIES

I decided to follow his advice. For the past four years, as assignments took me to Nicaragua, I have been keeping in touch with different Nicaraguans: Jaime Montealegre, a wealthy businessman; Alberto Flores Murillo, an illiterate servant; Juan Francisco López García, the son of an impoverished family in the town of Boaco, and Ximena Barreto, a clean-cut daughter of Managua's bourgeoisie. They were unlikely allies at the start of the revolution, united then by their common hatred of the repressive 46-year Somoza dynasty. Now they are divided by politics and by borders. One has become a strident Sandinista; another is in exile. One has profited from the revolution; another is leaving it. Collectively theirs is the story of the unraveling of one of the most broad-based, genuinely popular insurrections of our time.

For Juan Francisco López García, the summer of '79 was an exciting time. All remnants of the old repressive authority were gone. Juan Francisco strutted through Boaco, brandishing a captured M-16 and searching with exaggerated bravery for any last holdouts of the hated National Guard.

Juan Francisco had lived in terror of the Guardia all his life. He had heard terrifying stories about Somoza's soldiers—how they would spread animal fat on the gentials of suspected Sandinista sympathizers and then set hungry dogs on them, how they would scalp men alive with razors. Now that 7,500 members of the Guardia were the prisoners, Juan Francisco thought they should be tortured and killed, but the Sandinistas said no. "Why did we make this revolution if we are going to do the same things they used to do?" declared the new Sandinista minister of the interior, Tomás Borge. Juan Francisco saw the logic and the humanity in that. He volunteered to help organize Sandinista neighborhood committees; he joined the new militia. "This revolution is like a wonderful fever," he said then.

Ximena Barreto was also entranced by the revolution. A 26-year-old advertising executive, she had been a passive spectator during the fighting. But for her, July 19 was "like a religious vision—everybody was loving everybody else." Pregnant with her first child, she said that the revolution was also "something beautiful growing inside me." She quit her job to work at the new Ministry of Culture; she wanted her baby born "to a mother who was working for the people." Ximena's husband, Carlos, was not so enthusiastic. A lawyer and small landowner, he and Ximena argued about the new government's real intentions.

Alberto Flores Murillo, a 54-year-old house servant in the northern countryside near Estelí, was baffled by the new postrevolutionary world. "Suddenly, nothing is the way it used to be," he told his eldest son, Roberto. For 22 years Alberto had worked for Doroteo Rodríguez Castillo, the political boss of Estelí and a close friend of Somoza's Don Doroteo gave expensive parties. "They would kill a whole cow, just for the dinners of a few," Alberto remembers.

CAMPESINOS

Don Doroteo and his family fled to Miami in the last days of the war. The Sandinistas expropriated his land—along with 2.5 million other rich acres that had once belonged to the Somoza family and its associates; they turned it over to the campesinos. Alberto was now part owner, with 19 other workers, of his master's old farm. That new situation raised a disturbing question in Alberto's mind. If Don Doroteo was gone, who would tell him what to do?

Jaime Montealegre was also worried about the changes the revolution might bring. A well-educated financier from a prominent Nicaraguan family, Montealegre, 35, had joined many other members of the private sector in opposing the corrupt Somoza regime. The Sandinista revolutionaries had promised to hold Nicaragua's first free elections in a hundred years. Jaime knew that some of the Sandinistas were avowed Marxist-Leninists; still, the revolution's five-member junta was an eclectic group that even included a businessman, Alfonso Robelo. Robelo had personally assured Jaime that the revolution needed a strong private sector and the talents of businessmen to rebuild the bankrupt and broken country.

Jaime and other business leaders soon found that the Sandinistas' actions in the first months of the revolution "spoke in a louder voice than the comandantes." The Government of National Reconstruction nationalized private banks, as well as the fishing, forestry and mining industries. And national elections were postponed indefinitely. The private sector, said Jaime, "was trying desperately to discuss with the Sandinistas

the 'deviations' we were observing. But their doors were closing on us." By the end of 1979, Jaime already felt shut out of the revolution.

THE CHILLS OF 1980

What happened the following spring was called, simply, la crisis. Alfonso Robelo, the key moderate in the junta, abruptly resigned to protest the Sandinistas' decision to enlarge the newly formed Council of State and give themselves control of the majority. (Violeta Chamorro, the only other moderate on the junta, resigned for health reasons.) Jaime Montealegre agreed with Robelo's angry charges that there was an "excessive" communist influence in the revolutionary regime.

But to Jaime's surprise, the Sandinistas then took steps that temporarily quelled the fears of the private sector. The government named two other respected moderates to the junta, announced an end to arbitrary confiscation of land and companies and promised to give a date for municipal elections during the first anniversary celebrations on July 19, 1980. As Jaime said, the weeks following Robelo's resignation were "when I had the most hope for the revolution." Jaime agreed to accept the vice presidency of the Council of State. "The council had no real power, but that didn't matter," he said. "There were going to be elections soon."

The first anniversary of the revolution was a momentous day for Alberto Flores. He had ridden a crowded bus for four hours from Estelí to the huge, dusty Plaza of July 19 on the outskirts of Managua so that he could celebrate and "see Fidel and the heroes of the revolution." In the vast sea of people and flags, Alberto strained to get glimpses of the elaborate parade of high-stepping soldiers, armored trucks and polished jeeps; he heard Castro praise the revolution as "an example to the rest of Latin America."

The revolution seemed a very fine thing to Alberto. It had given him land and work he could finally be proud of—and young teachers, some Nicaraguan, some Cuban, had come to his house and taught him to read. "Imagine that they would bother with these old eyes!" Alberto said. Every morning, he painstakingly read the headlines about the imperialists in Barricada, the government newspaper. Alberto heard a lot about imperialists that day in the plaza as well. It made him feel a chill, even in the oppressive July heat, to hear Comandante Tomás Borge speak about the threats to his revolution from the United States, and to hear about a candidate for the American presidency named Ronald Reagan. "He wants to weed the revolution from the earth," Alberto said.

Jaime Montealegre had other things on his mind. He was sitting on the reviewing stand directly behind Fidel Castro. He was bothered by all the hammer-and-sickle flags. With sinking hopes, Jaime listened to Borge's speech for the promised announcement about elections. There was none. Jaime was now convinced that the Sandinistas were interested only in complete control of the country. His friend Jorge Salazar, the president of the Nicaraguan Coffee Growers' Association, told Jaime not to worry. The revolution "would be rescued" from the Sandinistas, Jorge said cryptically; Jaime should wait for the news.

The news came on Nov. 17, 1980: Jorge was killed near Managua by government security police. The Sandinistas claimed he had been at the center of a counterrevolutionary plot; they said they had no choice but to kill him. Jaime Montealegre was stunned. Why had his friend not been put on trial? Even the Guardia had been given that much. It would be years before Jaime knew the truth—that Tomás Borge and Cuban advisers had attempted to entrap Robelo and other leaders of the private sector in a fake coup plot against the Sandinista leadership, and that Salazar alone had been taken in.

THE EXCESSES OF 1981

By the start of the following year, Ximena Barreto had become a vigorous defender of the revolution, even of what she called its "necessary" excesses. "One has a right to fight back when attacked," she argued—and the revolution was certainly beset. The second pair of moderates on the junta had resigned. The newly inaugurated Reagan administration had stopped aid to Nicaragua and was releasing statements "full of lies," Ximena said, about Nicaraguan support of the guerrillas in El Salvador. Ximena herself was willing to fight. She had been among the first to volunteer for the militia.

Her husband, Carlos, was losing patience with what he described as the "empty" word and "inconsistent" actions of the Sandinistas. If production was so important to the revolution, he asked Ximena, why did the government hinder it with so much arbitrary bureaucracy? The comandantes were asking the people to make sacrifices, but Carlos didn't see the comandantes sacrificing much; they had fine houses they had taken over from the Somocistas and new Mercedeses. Carlos hated the Sandinistas' propaganda—and was angered to hear it echoed by his wife. "How can you rant about the bourgeoisie?" he asked her during one argument. "We have a nice house and car; we own a farm—we *are* the bourgeoisie!" Carlos was especially worried about his baby son. "I don't want him growing up brainwashed," Carlos grumbled.

In the autumn of 1981, it was clear to Jaime Montealegre that "the worst fears about the revolution were its truths." The Sandinistas, in the name of "popular power," had begun confiscating any land they deemed "idle." They had sentenced three business leaders and four trade unionists to seven months in prison for criticizing the government. Minister of Defense Humberto Ortega announced that the revolution's "doctrine is Marxist-Leninist"—and that those who opposed the Sandinistas "will be hanging from the lampposts."

Scores of Jaime's friends had left Nicaragua. On Oct. 20, Jaime himself left for a meeting in Caracas. There, he was warned that the Sandinistas had ordered his arrest in Nicaragua. "I have accomplished all I can in the revolution, and I have had the fortune to come out in one piece," he said. Jaime went to Costa Rica to start a new life. He has never been back to Nicaragua.

THE WORRIES OF 1982

As last year began, Juan Francisco López García, the young farm boy from Boaco, was sorely worried about the future. He was living in Managua, attending university on a Sandinista scholarship. He had just married Josefa Migdalia Delgado, and they wanted to start a family, but he was afraid he might have to go to war. If there was a war, Juan Francisco thought, it would be the *Yanquis'* fault; everyone knew how the Americans were letting the contras train in Florida and helping them strike inside Nicaragua. Even so, he did not want to fight. "I hate the idea that the beast of the Guardia might come back," he said. "But I hate the idea of war more."

Ximena Barreto was also worried about American intervention and a war with Honduras. What did Washington want? she demanded. The Sandinistas had released the private-sector leaders from jail after they had served only half their terms; they had announced new economic incentives that would help the private sector. As Ximena saw it, the revolution was being damaged "by men without revolutionary minds"—men like Edén Pastora, the revolution's popular Commander Zero, who had defected from the Sandinistas and called his former colleagues "traitors and assassins." Ximena felt betrayed; she had once admired Pastora.

By early 1983, Ximena's husband, Carlos, was threatening to go. Carlos told her that if the Sandinistas took over his farm he would leave for Costa Rica, or "wherever a decent man could work." Ximena said she would not leave the revolution when it was facing growing threats from the imperialists. The couple's "pluralistic" marriage was under heavy strain. Their son Gerónimo, now an impressionable three-year-old had heard so many disputes that he called his mother *compa*—short for the revolution's all-purpose address of *compañero*—and called his father "the reactionary."

NO MONEY

Juan Francisco was also making plans to leave Nicaragua. He lost his Sandinista scholarship to the university then lost his job as a bus inspector; with roughly half the work force, he was now unemployed. He and his wife, Josefa, and their newborn baby daughter were living on Josefa's meager salary as a policewoman. Only 19 years old, Juan Francisco had the sunken cheeks and rickety walk of a person who had lived too long on an insufficient diet of rice and beans. "I understand that the revolution has to spend money on defense, on fighting the imperialists," Juan Francisco told a visitor recently. "But the revolution promised progress—and all I have for three years' work is a wood shack, no money for rice and a hungry baby."

In contrast, Alberto Flores had done well since the revolution. His cooperative was flourishing. Still, Alberto admitted there were "rocks in the path." Four of his eight children were in the militia; his son Roberto had served two tense months at the border. Alberto was also torn by the enmity between the revolution and the church. He was a good Roman Catholic, and he was deeply disturbed by the way the Sandinistas had shouted down the pope when he came to Managua. "If I ever break with the revolution, it will be because someone made me choose between my revolution and my church," he said. "I could never choose against God."

The revolution has already forced countless Nicaraguans to make difficult choices. Jaime Montealegre decided to leave the country he still loves out of fear for his safety. Both Juan Francisco and Ximena Barreto are confronted with a choice between family and nation: Juan Fransisco would leave Nicaragua to make a better life for his wife and child, Ximena is willing to see her marriage break up rather than abandon her commitment to the Sandinistas. None has made the more dramatic choice some Nicaraguans have—of going into the jungles to fight another war for another change of government. Yet whatever

positions Nicaraguans take, uncertainty, defensiveness and disillusionment now pervade the country—a country of increasingly divided loyalties. "There is no pluralism, there is no democracy, there isn't even much of a revolution," Ximena Barreto's husband says bitterly. "There are only Sandinistas in place of Somoza." Just so, the revolution's bright promise has faded into a sad old story.●

ERRATA AND CORRECTIONS IN CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91

● Mr. DOMENICI. Mr. President, I submit for printing in the CONGRESSIONAL RECORD the following errata and corrections in the conference report on House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. These changes are to reflect printing errors, and represent what was agreed to in each House of Congress when the budget was approved on June 23, 1983.

Copies of the errata and corrections are available from the House and Senate Budget Committees.

The material is as follows:

ERRATA AND CORRECTIONS [1]

(Conference Report to accompany H. Con. Res. 91, the First Concurrent Resolution on the Budget for fiscal year 1984)

S. REPT. 98-155, JUNE 20, 1983

H. REPT. 98-248, JUNE 21, 1983

Page 5.—In section (6)(A), the word "sections" on the second line should be "section".

Page 6.—In the section on National Defense, for each of fiscal years 1984 and 1985 add "(E) New secondary loan guarantee commitments, $0.".

Page 13.—In section (11)(i), the heading should read "Health (550), including amounts reserved pursuant to section 2:".

Page 20.—In section (20) Allowances, there should be a period at the end of line (E) in fiscal year 1983 and fiscal year 1984.

Page 25.—In Miscellaneous Provisions, Sec. 4, on the sixth and twelfth lines after the words "Congressional Budget Act" add ", made pursuant to section 302(a) of such Act,".

Page 25.—In Miscellaneous Provisions, Sec. 5(b) third line, "jurisdication" should be "jurisdiction".

Page 26.—In Miscellaneous Provisions, Sec. 6: In subsection (1) first line, "betweeen" should be "between". In subsection (2), the period at the end of the second line should be a comma. In the second line of the full paragraph after subsection (6), the word "committee" should be capitalized.

Page 27.—In the table, fiscal year 1983 outlays ("O") for function 350: Agriculture should be "24,450".

Page 31.—In the table in the Economic Assumptions section:

The first line should be "Gross national product:".

The fifth line from the bottom should be "Three-month Treasury bill rate (percent)".

Page 32.—In the table, the Revenue change for Fiscal year 1986 should be "+46.0".

Page 33.—In the section on Function 570: Medical Insurance and Function 650: Social Security, in the third line from the bottom "surviviors" should be "survivors".

Page 33.—In the section heading "Function 920. Allowances", the period should be a colon.

Page 33.—In the table:

The correct amount for Senate-passed Revenues is "603,325" and the correct amount for Conference substitute Revenues is "604,300".

For function 270—Energy, House-passed Budget authority should be "4,050".

Page 34.—In the table, for function 920—Allowances, Second budget resolution Outlays should be "−2,816".

Page 35.—In the table, for function 300—Natural resources and environment, House-passed Budget authority should be "11,550".

Page 36.—In the table at the top of the page, the title of the last function should be "950—Undistributed offsetting receipts:".

Page 44.—In the table, for function 950—Undistributed offsetting receipts, House-passed Outlays should be "−23,550".

Page 45.—In both tables, under "Total FY 1984-86", the heading above the left-hand column should be "BA".

Page 45.—In the table showing Conference Substitute Reconciliation Instructions for House Committees:

The sixth line should be "Small Business".

On the Total spending reductions line, FY 1984 budget authority ("BA") should be "−1,986".

Page 46.—In the Deferred Enrollment section:

The last word in the third line of the second paragraph should be "the".

The last word in the third line of the third paragraph should be "procedures".

Page 47.—In the section on Monetary Policy, in subsection (4) of the conference substitute, the period at the end of the second line should be a comma.

Pages 52 and 53.—The heading on the table that begins on page 52 and ends on page 53 should read as follows: "Fiscal Year 1984—Credit Budget Aggregates and Functional Categories Excluding Credit Budget Impact of Amounts Reserved Pursuant to Section 2".

Page 53.—In the table that begins on page 53, the title of the third functional category should be preceded by "300—".

Page 57.—In the table, for function 500—Education, training, employment, and social services, House-passed New primary loan guarantee commitments should be "6,650" and Senate-passed New primary loan guarantee commitments should be "6,600".●

[1] Includes corrections to reflect the resolution as agreed to by the House and Senate.

S. 1400, THE MOTOR VEHICLE THEFT LAW ENFORCEMENT ACT

● Mr. D'AMATO. Mr. President, it is with great pleasure today that I add my name as a cosponsor of S. 1400, the Motor Vehicle Theft Law Enforcement Act. This bill adds new and needed strength to our battle against the pressing national problem of motor vehicle theft. I commend my distinguished colleague, Senator PERCY, for his leadership in developing this comprehensive initiative.

Motor vehicle theft represents a major crime problem in the United States today. Every 32 seconds a car is stolen in this country. That means that there are over 1 million auto thefts annually. The average value of each car stolen exceeds $3,000. Unfortunately, while auto theft has become a well-organized and profitable criminal activity, our laws combating it have not changed since the days when car theft was the province of amateur "joy riders." Ten years ago, 80 percent of all stolen vehicles were recovered. Today, that percentage is down to 52 percent. In some communities, of course, the recovery rate is even lower.

In my own State of New York, approximately 140,000 motor vehicles are reported stolen annually. The value of the vehicles stolen in New York approaches $500 million every year.

Even those who never have their cars stolen, however, are the victims of motor vehicle theft. They pay for these crimes in the form of inflated insurance premiums. For example, the average annual insurance premium for a driver in New York City is approximately $300 above the national average. Although there are no precise figures indicating how much of that amount is due to auto theft, it is a fact that New York City drivers pay far more in car insurance because 104,000 instances of auto theft took place in New York City last year alone. In the New York City metropolitan area, it is estimated that 80 percent of comprehensive automobile premiums charged are attributable to theft losses. Although there are fewer car thefts in the rest of the State, 30 percent of comprehensive premiums are attributable to car thefts in those areas.

S. 1400 addresses the problem of automobile theft in two ways. First, it improves our ability to trace stolen vehicles and vehicle parts by requiring the Secretary of Transportation to issue new identification regulations. These new rules will require motor vehicle manufacturers to place a vehicle identification number on major vehicle components, provided that the cost of this identification program not exceed $10 per vehicle and that the entire program be found cost effective.

Second, S. 1400 improves our ability to prosecute motor vehicle theft cases. Under current law, once a component or part has been separated from a stolen vehicle, it is almost impossible to trace it back to that vehicle. This bill remedies this deficiency in our law. It also increases Federal criminal penalties for trafficking in stolen motor vehicles and vehicle parts. It provides for criminal penalties of up to $25,000 in fines or 10 years' imprisonment, or both.

Mr. President, 3,000 motor vehicles worth close to $10 million are stolen in this country every day. S. 1004 is a major effort to halt this highly profitable criminal activity. I urge all my

colleagues to support this important legislation.●

UNIFORM SINGLE FINANCIAL AUDIT ACT OF 1983

● Mr. DURENBERGER. Mr. President, on Tuesday, June 21, 1983, my good friend and colleague from Illinois, Senator DIXON, addressed the National Association of Governmental Accountants at their annual conference in Chicago.

The topic of Senator DIXON's speech that Tuesday morning was the Uniform Single Financial Audit Act of 1983, of which I am the author and which Senator DIXON is cosponsoring. Mr. President, this speech explains very effectively the purpose and need for this legislation, and how this approach, the single audit approach, is by far superior to the fragmented system which we have today.

Mr. President, I ask that the text of that speech be printed in the RECORD.

The text follows:

NATIONAL ASSOCIATION OF GOVERNMENTAL ACCOUNTANTS, JUNE 21, 1983

Good morning. I appreciate the opportunity to speak to you today. I want to thank your officers and my good friend, Bob Cronson, for inviting me. Bob and I have worked together in Government over many years. He is an outstanding public servant and leader who has served with distinction as auditor general in Illinois.

This week, I am joining with my good friend and colleague, Senator DAVE DURENBERGER of Minnesota, who ably serves as chairman of the Subcommittee on Intergovernmental Relations, in introducing legislation establishing uniform single financial audit requirements for State and local governments and nonprofit organizations receiving Federal funds. The bill is called the Uniform Single Financial Audit Act of 1983.

All of you are aware of the single audit concept, because it has been floating around for some time. The Senate, as a matter of fact, has previously passed similar legislation. The House, for a variety of reasons, has balked in the past at this idea. Chances on the House side this session, however, seem to be much more favorable than at any time before.

So perhaps the long quest to inaugurate the single audit is finally on the verge of fruition. Let us hope so. Anything you can do to make your personal views known to your Senators, and later, your Congressmen, will be very helpful.

Just yesterday, I received from Doug Norton, president of the National State Auditors Association, a copy of that organization's resolution endorsing our bill.

One can readily see the need for single audit legislation by simply examining the audit requirements currently contained in existing law or similar provisions proposed in legislation pending in Congress. These audit requirements are diverse and confusing.

Because you work with them all of the time, you are well aware that the Federal Government's auditing standards are specified in the General Accounting Office's so-called yellow book, known more formally as Standards for Audit of Governmental Organizations, Programs, Activities and Functions.

Despite the existence of these guidelines and requirements, however, the General Accounting Office still reminds us that most legislation introduced in Congress requiring audits contains incomplete and insufficient audit language. The problem is compounded if the faulty language eventually becomes law.

Our legislation is designed to solve this and other problems. We steer away from the requirements and compliance regulations implemented by the Office of Management and Budget. OMB's position is that every grant, no matter what size or dollar amount, must be audited and comply with all Federal requirements and regulations. Such a complicated approach is very burdensome and costly to State and local governments—as you all know, since you deal with these situations almost daily.

Federal grants to State and local governments have, of course, been traditionally audited on a grant-by-grant basis. Numerous studies conducted over the past several years, however, have sharply criticized this approach to auditing as uncoordinated, inefficient, and ineffective in insuring accountability in the use of Federal funds. As long ago as 1977, the joint financial management improvement program set up an audit improvement project. This undertaking involved the General Accounting Office, the Office of Management and Budget, the Treasury Department, and the Office of Personnel Management.

This agency's report ended on a critical note of our audit procedures involving Federal funds. The report concludes by saying, "Our study corroborates the findings of previous studies by other organizations that considerable duplication and overlap of effort exist in auditing federally assisted programs and that there are substantial gaps in audit coverage. Also, there is limited coordination of audits between Federal auditors or with State and local auditors and public accountants hired by recipients."

That language pretty clearly states the case for our legislation. The report went on, of course, to examine in detail what the problems are. In reviewing the causes of audit gaps, duplication, and overlap, for example, the report noted that under the grant-by-grant approach, there is limited coordination even among Federal auditors. This lack of communication occurs because each Federal agency typically audits its own grants with little or no concern for the grant funds of other Federal agencies, thus requiring separate audits by each.

Such an uncoordinated approach results in rather substantial gaps in compliance audit coverage or the need for additional audits by Federal auditors. The overall picture confronting us on the audit scene is one of a lack of coordination, a lack of communication, and a lack of effectiveness.

Our bill is aimed at overcoming these problems by introducing the single audit concept. Senator DURENBERGER's subcommittee will be holding hearings on this proposal on June 29. He has asked me to say to you that he will be more than happy to receive any written comments you may want to submit on this legislation. He tells me the subcommittee record will probably be held open for 30 to 60 days. I have brought a copy of the bill with me today, and I am sure my good friend, Bob Cronson, will see to it that copies are made available to those of you who are interested.

This legislation will, we hope, lessen audit confusion on Federal, State, and local levels, while simultaneously saving governmental agencies money at a time when many governmental bodies are cutting back. All of us must, however, stick to our determination to perform important essential services for our citizens. Auditing ranks right up there on the list, to assure that our tax dollars are spent honestly, wisely, and well.●

EXPORT-IMPORT BANK

● Mr. BOSCHWITZ. Mr. President, today I am pleased to add a number of my distinguished colleagues as cosponsors of amendment No. 1299, which will require the Export-Import Bank to do more business with small business. When I introduced the amendment on May 25, Senator D'AMATO and Senator PRESSLER were inadvertently omitted as original cosponsors. I have asked unanimous consent that they be added as cosponsors and that the RECORD be corrected to show them as original cosponsors. Since that time, the amendment has gained momentum and bipartisan support. Senators GLENN, HATCH, GRASSLEY, TSONGAS, EAST, COHEN, HUDDLESTON, HELMS, HEFLIN, KASTEN, LUGAR, DURENBERGER, and RANDOLPH are welcome additions as cosponsors of the amendment.

I am especially pleased that Senator GLENN has cospsonsored my amendment because he has introduced an amendment that seeks the same goal. I believe that now is the time for us to join forces and demonstrate early on that there is strong, bipartisan support for giving small business better access to Exim's programs.

I just want to say one more thing about Senator GLENN's amendment. It is a good amendment that contains some provisions that will strengthen small business participation in Exim's programs. I am pleased to join forces with him and cosponsor his amendment. I will continue to work with Senator GLENN, so that when my amendment is considered on the Senate floor, his concerns will be addressed satisfactorily.

I thank the Senators who have cosponsored my amendment and urge my other colleagues to join us in our efforts.●

NATIONAL FITNESS ACADEMY

● Mr. LUGAR. Mr. President, I bring to the attention of my colleagues an important event for the health of this Nation that occurred in my hometown of Indianapolis on June 18.

George Allen, the chairman of the President's Council on Physical Fitness and Sports, announced that Indianapolis will be the site of the National Fitness Academy.

Coach Allen said at a news conference:

We're doing something we should have done 40 years ago. This is a great undertaking.

While many other countries have maintained national fitness academies, and sports and physical fitness has always been as American as apple pie, we had never established an educational institution to train fitness leaders to sponsor research of fitness programs and equipment, and to offer reliable information on exercise, nutrition, and health. This is the mission of the National Fitness Academy.

The National Fitness Academy will be constructed and operated by the nonprofit National Fitness Council, on which I have the privilege of serving. In addition to the President's Council on Physical Fitness, the National Fitness Academy is also receiving support from our Armed Forces, the national sports governing bodies, the various multisports agencies, the U.S. Olympic Committee, the American Alliance for Health, Physical Education, Recreation and Dance, and the National Recreation and Sports Association.

I believe that the National Fitness Academy, which will be supported by both private and public funds, will be a vital tool in our continuing efforts to build a strong and healthy America. For too long America has been without an educational institution dedicated to helping the thousands of private and public physical fitness programs in our country, and especially the many volunteers who coach youth sports programs.

Over the years I have shared the enthusiasm of many of my Senate colleagues in promoting and participating in sports and fitness activities. Several weeks ago I had the opportunity to run with some of our troops stationed in West Germany along the East German border. I can assure you they are fit and ready. I have also had the pleasure of running with many high school and college students in my state. Earlier this month in Indianapolis, thousands of Hoosiers attended my fifth annual health fair and run, which was consponsored by Hooks Family Drug Stores and WRTV Channel 6.

Despite the number of Americans who are actively involved in sports and fitness programs, new national statistics show that our youth may actually be less fit than earlier generations. A decline in fitness has dangerous consequences for our Nation. As health fitness declines, medical expenditures grow unnecessarily large.

One of our major objectives in Congress should be to encourage sound programs of preventive medicine, nutritional research, and exercise programs which will make a substantial difference in the health of all Americans. The National Fitness Academy will go a long way toward the success of that endeavor.●

CLINCH RIVER—THE RAND REPORT IS IN

● Mr. HUMPHREY. Mr. President, by withholding funds until industry contributes more, the Senate last week took a major step toward resolving the controversy surrounding the Clinch River breeder reactor project. I think that as soon as industry's plan is presented and hearings are held, the difficulty of such schemes vis-a-vis the State public utility commissions will become clear. Given industry's lack of venture capital and utilities' difficulties in completing construction work in progress, the last thing State utility commissions are going to want their utilities to do is invest more money into distant demonstration efforts such as Clinch River. Certainly, it would be embarrassing if Congress approved alternative financing only to find 2 years later that the public utility commissions are unwilling to allow any industry funds to move.

There are, however, more substantial reasons for Congress to refuse to participate in alternative financing for the project. In specific, demonstrating commercial-sized breeders now is both economically and technically premature.

I have argued this before but it is frequently brushed aside. It ought not to be. Indeed, recently Senator HEINZ and I asked the Rand Corp. to evaluate the merits of proceeding with the project. We did this because so many claims have been made by both sides and because the Rand Corp. was the one consultant firm both sides saw fit to cite.

The Rand Corp.'s reply, authored by its president, Dr. Donald Rice, was blunt and to the point. Arguments about how technically advanced the project is are largely irrelevant and ultimately leads down blind policy alleys. Nor should the debate focus on how the project's design compares to that of its foreign competitors. "This issue," Dr. Rice notes, "should not be permitted to distract attention from more serious matters that bear directly on whether to continue the project."

Again, the key question with regard to Clinch River is whether or not it is the "best path to meeting long-term national energy goals and a sound strategy for insuring that nuclear energy supply options are available." The Rand Corp.'s answer here is no and the reason why is simple: Before the project might make sense, five conditions would need to be met and none are yet present.

The first condition is that there be high growth in electricity demand for the next 20 years, as high as estimates made in the early 1970's. The second is that there be a large and growing fleet of light water reactors. When Clinch River was first conceived the assumption was that there would be nearly 1,200 reactors on line by 2000, not 150. The third is substantially higher uranium prices than those now current or projected through the year 2020. The fourth is the availability of inexpensive light water reactor fuel reprocessing plants, none of which now exist. And finally the absence of better breeder alternatives, which now even Secretary Hodel has expressed doubt about.

Mr. President, I think it is important that Congress understand that what justified Federal support for the Clinch River breeder reactor back in the early 1970's no longer makes sense. I ask that the Rand Corp.'s evaluation of the project's merits, the original request that Senator HEINZ and I made, and the joint "dear colleague" we sent out last Friday concerning the report be printed in the RECORD.

The material follows:

RAND,
Santa Monica, Calif., June 9, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: Your letter of 13 May asked that we assess the adequacy and sophistication of the technology demonstrated in the Clinch River Breeder Reactor Project and estimate its importance to a national breeder reactor program. The discussion that follows reflects the views of several of our experienced staff on these issues. As you will see, we believe that the first issue is not the right question. The sophistication of the technology embodied in the Clinch River Breeder Reactor (CRBR) is discussed below. But it cannot settle the question of whether the CRBR project should be continued. Instead, the fundamental issue is whether the present CRBR project and LMFBR program are essential to and consistent with national energy requirements. I will first discuss why we feel that technological sophistication should not be the focus of Congressional concern, then suggest criteria for assessing the project's national importance and reaching a judgment on whether it should be continued.

TECHNOLOGY OF THE CRBR

Disagreements about the CRBR technical design have two dimensions. First, several of the design features that Westinghouse mentions are more advanced than comparable features of the five principal breeder reactor design favored elsewhere in the world. But it is also true that the general conceptual design of the CRBR stems from the late 1960s, although detailed design began only in 1974. Of course, the foreign designs all date from the same era.

Second, it is not the case that newer design features are necessarily better than older concepts. Incorporating such features entails a tradeoff between potential improvements and risks. For example, Westinghouse emphasizes that the upper intervals of the reactor vessels are Inconel clad, which substantially improves their life expectancy. The 1979 White House Paper argues that this innovation is a liability, pointing out that because the selected alloy cannot be welded with present technology, the system must incorporate mechanical fasteners that cost more and complicate the design. Both observations are basically correct and reflect the best technical judg-

ments of different experts. Only time will tell whether higher cost and complexity outweigh longer component life, or vice versa.

The CRBR could undoubtedly be made to appear more attractive (less costly, more productive, safer, etc.) by incorporating different design features. But this is true of any new technology. At some point, any new project must freeze the key design features. Moreover, experience with nuclear installations in the U.S. and elsewhere suggests that the theoretical promise of new design features is often not fulfilled.

For these reasons, we believe that the Congress should not concern itself with how the CRBR design compares to that of its foreign competitors. In fact, this issue should not be permitted to distract attention from more serious matters that bear directly on whether to continue the project.

CRITERIA FOR ASSESSING NATIONAL IMPORTANCE

As suggested above, the fundamental issue is whether the CRBR project, and the program of which it is a part, constitute the best path to meeting long-term national energy goals and a sound strategy for ensuring that nuclear energy supply options are available as needed. Another way of stating the issue is to ask how the United States can best invest its R&D resources so as to ensure an adequate electricity supply in the next century. Only if we could reasonably expect the costs of electricity from the combination of LWRs and LMFBRs to be less than the cost of alternative systems of supply—nuclear or non-nuclear—does the CRBR project make sense. A number of conditions must be met if that lower cost of electricity criterion is to be achievable.[1] They include:

High growth in electricity demand the next two decades,

A large and growing number of light water reactors in operation during the '80s and '90s,

Uranium prices were forecast to be much higher than current prices,

Cost effective reprocessing capability for both LWRs and LMFBRs, and

The absence of better breeding alternatives.

At this time, neither we nor most observers believe that any of these conditions hold. I will discuss each in turn.

(1) Projections of national energy requirements have changed radically since the early 1970s. The Department of Energy (DoE) recently released data indicating that per capita consumption of energy fell last year to its lowest level since 1967. The DoE currently estimates that electricity consumption will grow at less than four percent a year for the remainder of this decade. That is roughly half the growth rate predicted by ERDA when the CRBR design was stabilized in 1974. These estimates reflected the classical (and erroneous) assumption that total energy demand was solidly coupled to GNP growth, independent of the relative price of energy. But the amount of energy needed to produce a specified increment of GNP growth has fallen appreciably since 1974, and by 1990 it promises to decrease by another 20 to 30 percent. As early as 1975 I reported to the head of ERDA that the electricity demand assumptions used in economic justifications of the CRBR project appeared to be much too high and suggested halving the estimates. Experience of the past eight years has indicated that my estimate still overstated growth in demand.

(2) If earlier demand projections had been correct, it is at least possible that the number of LWRs in the United States would have continued to grow at a rapid rate. In fact, however, the LWR industry has taken a profound and lasting downturn beginning in 1974—the last year in which a nuclear power plant was ordered in the United States. Since then, scores of reactor projects have been canceled, including some under construction. This downturn stems not only from the decrease in electricity demand but also from the relentless increase in LWR capital costs.[2] Thus the LWR population is not expanding. Without a large and expanding population of light water reactors, a breeder to produce fuel for LWRs loses its justification.

(3) The basic premise of the LMFBR program is the assumption that nuclear fuel will be needed for a large number of electricity-generating reactors in the early years of the next century. However, although estimates vary, the expectations of the early 1970s that economically accessible uranium sources would be largely exhausted by the 1990s have proved unfounded. If sufficient uranium to support the nuclear plant inventory of the early 21st century can be obtained more cheaply than the plutonium generated CRBR-type plants, there is no economic justification for continuing the present line of LMFBR development. An alternative technical approach that provided a higher assurance of sound economic return could be attractive.

(4) It is also necessary to acknowledge explicitly that a commitment to breeder reactors is also a commitment to reprocessing for both light water reactors and for breeders. Developing that essential reprocessing capability may be as difficult as developing the breeder reactor itself. The associated waste disposal, fuel transport, nuclear safety, accountability, and security issues all require demonstrated solutions, currently lacking.

Because economical LWR reprocessing is essential to breeder economics, it is reasonable to argue that a native reprocessing capability for nuclear fuel should have a higher priority than a breeder reactor. Such reprocessing can substantially extend the availability of fissile fuel, even without breeder development. Thus demonstrating the existence of acceptable solutions to reprocessing problems is at least as important as acquiring a functional breeder demonstration plant.

(5) Even if the first four conditions could somehow be met, it is still not clear that an LMFBR is the most promising nuclear power generation technology. Rand and other institutions have suggested several alternatives to the LMFBR. One is the accelerator breeder concept that would result in breeding plutonium from a uranium fuel cycle, or fissile uranium from a thorium-based fuel cycle. For the long term, an even more promising breeder concept may be the hybrid fusion system, which like the accelerator breeder could breed reactor fuel while not coupled to a power producing reactor. The uncoupled breeders also lend themselves to the support of improved fission power reactor systems of several types.[3] "Improved" fission reactors have, among other improvements, higher conversion ratios than current LWRs.

Since none of the five conditions has been met, we feel that the current strategy for breeder development cannot be justified on economic grounds and is also extremely problematic on grounds of energy security or "keeping options open."

As I mentioned briefly above, almost eight years ago the director of ERDA, concerned about the validity of the CRBR project, asked me to review its status and prospects. In response, I urged a cautions, sequential approach that, in time, could demonstrate whether the technology was appropriate, the need sufficient, and the potential cost reasonable. (See enclosed Paper) Time has passed, and the probable cost has grown, the national need for the project still remains to be confirmed, and the technology remains controversial. In addition, it seems apparent that the currently proposed schedule for the CRBR and follow-on LMFBR facilities is insufficiently consistent with the potential availability of reprocessing facilities. In view of the lessened apparent urgency of the CRBR project and its clearly diminished role in the national energy program, I would again urge that the nation explore its technical options and possibilities, and that we eschew committing ourselves to the CRBR and the strategy that it embodies.

I would recommend that the Department of Energy be asked to develop an alternative, lower cost R&D program that emphasizes step-by-step sequential development of several technical approaches, pointing toward a much later deployment time than that currently envisioned for the LMFBR.

Sincerely yours,

DONALD B. RICE,
President.

U.S. SENATE,
Washington, D.C., May 13, 1983.

Dr. DONALD RICE,
President, the Rand Corp.,
Santa Monica, Calif.

DEAR DR. RICE: During the last two years there has been considerable congressional debate over continued federal support for the Clinch River Breeder Reactor Project. One of the key issues in this controversy has been whether or not the project's design is obsolete. Those who are opposed to the project argue that the reactor's design is obsolete and that the project is not necessary to our breeder research and development program. Those who favor the project argue that it is the most advanced reactor design in the world and that the project is essential to our breeder reactor research and development efforts.

It is important that we have the best information possible on this question. We believe that the RAND Corporation can be of help. Your corporation has done extensive work for the Department of Energy and the Nuclear Regulatory Commission concerning the nuclear fuel cycle, nuclear safety, and licensing and safety issues associated with the liquid metal fast breeder reactor. Several of these studies—"Some Implications of the Three Mile Island Accident on LMFBR

[1] The full set of conditions is presented and the relationships between them modeled in K. A. Solomon, "Valuation of Nuclear Reactor Spent Fuel: Method, Application, Analysis," The Rand Corporation, R-2239-DOE, February 1978.

[2] See William E. Mooz, "Cost Analysis of Light Water Reactor Power Plants," The Rand Corportion, R-2304-DOE, June 1978; and "A Second Cost Analysis of Light Water Reactor Power Plants," R-2504-RC, December 1979.

[3] See B. W. Augenstein et al., "An Examination of Alternative Nuclear Breeding Methods," The Rand Corporation, R-2267-DOE, July 1978.

Safety and Licensing: The Design Basis Issue," "A Review of Cost Estimation in New Technologies," "Anticipated Transients Without SCRAM for Light Water Reactors: Implications for Liquid Metal Fast Breeder Reactors"—have been cited by both sides of the Clinch River debate. Given the fair and thorough work your corporation has done in these areas and the widespread respect its work is accorded, we hope your staff would comment on the enclosed materials.

The first set of materials—a white paper prepared for the Congress May 11, 1979 by the White House—argues that the Clinch River Breeder Reactor's design is obsolete. These materials also argue that the project is not essential to the U.S. having a sound breeder reactor research and development program.

The second set of materials—Department of Energy documentation along with materials presented by the Westinghouse Electric Corporation—argues that the Clinch River Breeder Reactor has the most advanced breeder design in the world and that the project is essential to our long-term breeder reactor research and development effort.

We are at a loss to evaluate these materials by ourselves—although we know that they could not all be correct—and would appreciate it if your staff would critique both sets of material. If this analysis could help us answer the questions of how advanced the project's design is and how essential the project is to our long-term breeder reactor research and development program, it would be of tremendous public service.

With warmest regards, we are

Sincerely,

GORDON J. HUMPHREY.
JOHN HEINZ.

U.S. SENATE,
Washington, D.C., June 24, 1983.

DEAR COLLEAGUE: During the last two years, there has been considerable Congressional debate over continued federal support for the Clinch River Breeder Reactor Project. Controversy has centered not only on the project's design but also on the basic question of the need for a breeder demonstration project at this time, considering the nation's real energy needs and rising budget deficits.

In an effort to answer several of the questions which have been asked about Clinch River, we recently asked the Rand Corporation to provide an independent assessment of the Clinch River Project. The findings of the Rand study (which is enclosed for your review) lead us to conclude that it would be difficult to justify continued federal funding for the Clinch River in the absence of a viable industry cost sharing plan.

The FY '84 Energy and Water Appropriations bill provides no funds for the Clinch River Breeder Reactor. The Senate report accompanying the legislation states, "Until an alternative financing arrangement is enacted no funds should be obligated or expended for additional major equipment orders or construction on any permanent structures or facilities." We believe this is good policy. Although it is necessary to maintain a balanced national energy program including important research and development activities for breeder reactor technologies, we believe industry must bear the burden of co-financing expensive demonstration projects.

We hope that the Rand study is informative and useful to you. If you have any further questions, please contact Henry Sokolski of Senator Humphrey's staff at x48766 or George Tenet of Senator Heinz's staff.

Sincerely,

GORDON J. HUMPHREY.
JOHN HEINZ.●

COURAGEOUS MEN

● Mr. ARMSTRONG. Mr. President, the Wall Street Journal of June 23 carried articles about two enormously courageous men whose lives prove the truth of Voltaire's assertion that "more powerful than the tread of a mighty army is an idea whose time has come."

I doubt that the 20th century has produced any greater men than Alexandr Solzhenitsyn or Karol Wojtla, Pope John Paul II.

Alexandr Solzhenitsyn is an embarrassment to many in the West, because he steadfastly refuses to call evil by anything other than its right name. He has nothing but scorn for the euphemisms which those in diplomatic, journalistic, political, and academic circles constantly use to describe the leaders of the Soviet Union and other Communist states. While others speak of "conciliation," and "accommodation," Solzhenitsyn speaks of good and evil, of right and wrong. And he makes many of us uncomfortable thereby.

Pope John Paul II is a man cut from the same bolt of cloth. Imprisoned by both the Nazis and the Communists for doing the work of God, he knows better than most how high the price can be for speaking the truth. Yet by quietly, but firmly, declaring a simple truth—that people everywhere have a right to be free—a truth that the leaders of the powerful nations of the West have been too timid to say—Karol Wojtla sent a shiver of fear down the spines of the dictators in Poland and their masters in the Kremlin. Joseph Stalin once asked, sardonically: "How many divisions has the Pope?" His successors are finding out.

Neither Alexandr Solzhenitsyn nor Pope John Paul II command armies or large public treasuries. But they command something far more important. They command respect.

The power of Solzhenitsyn and John Paul II comes not from the barrel of a gun, as it does for the rulers of the East, or from skill at combining special interest groups into an electoral majority, as it does for the rules of the West. Their power comes instead from moral courage, for their willingness to stand firm for what is right and true and good no matter how much pressure is brought to bear against them.

The ideas that drive Alexandr Solzhenitsyn and Pope John Paul II are not new, and there are some in the West—those whose historical memories extend little farther than yesterday's newspaper—deride them for that reason. But what matters most about ideas is not whether they are new or old, but whether they are good or bad, right or wrong, and whether or not we will stand firmly behind what we know to be right.

The behavior of the Western democracies vis-a-vis first Hitler, and then the Soviet Union and her satellites has lent bitter confirmation to the truth of Burke's dictum that: "all that is required for the triumph of evil is that good men do nothing." Alexandr Solzhenitsyn and Pope John Paul II, on the other hand, show that nothing so terrifies evil as good men who stand firm.

I ask that the articles entitled: "The Lonely Voice of Alexandr Solzhenitsyn," and "The Pope in Poland" from the Wall Street Journal of Thursday, June 23, be printed at this point in the RECORD.

The articles follow:

[From the Wall Street Journal, June 23, 1983]

THE LONELY VOICE OF ALEXANDR SOLZHENITSYN

(By John Train)

When Alexandr Solzhenitsyn came to America nine years ago, the then incumbent of the White House declined to see him. Such a gesture might annoy the Soviets, it was thought.

I recently accompanied Mr. Solzhenitsyn and his wife to England. What a difference! He was welcomed by the royal family, addressed over a thousand notables in London's Guildhall to acknowledge the Templeton Prize, spent an evening with the archbishop of Canterbury, was pictured on the front pages conferring with Prime Minister Thatcher and brought a roar of approval from the boys of Eton after addressing them in chapel. Television coverage was extensive. The Times of London printed his Guildhall address in full and carried a long editorial on it. Day after day the Times ran a stream of letters; its eminent editorialist Bernard Levin wrote a column, and later consecrated an entire page to an interview.

The American press, although present, virtually ignored these events. Indeed, says Mr. Solzhenitsyn, the Washington Post through selective editing misrepresented his message. What does he in fact have to say? And why are his words so differently received in the two countries?

The families of the Russian dissidents are exceedingly close to Mr. Solzhenitsyn's heart, and in his London talks he often turned, anguished, to their plight. In the Soviet Union a husband and wife can still barely support a family even if both work. When a dissident, exercising his rights under the Helsinki agreement (which Mr. Solzhenitsyn, has always warned the Soviets would ignore), is sent to prison, his wife alone may no longer be able to earn enough to feed the children and herself. Ordinarily, the wives are also deprived of work, and heavy official disfavor falls on any who help such families. So their situation is desperate.

REASONS OF CONSCIENCE

While still in Zurich in 1974, after leaving Russia but before coming to America, Mr. Solzhenitsyn, created the Russian Social Fund to help the families of Russian dissidents imprisoned, contrary to the Soviet Constitution, for reasons of conscience. To this fund of which his wife is president, Mr.

Solzhenitsyn assigned all the proceeds of "The Gulag Archipelago," his most valuable asset.

The fund has assisted many hundreds of families, including more than a thousand children. Its directors inside Russia, who look after the distribution of what is brought in (perforce unofficially), are heroes and martyrs, like a doctor who works on during a plague knowing that sooner or later he must fall victim himself. Such is the hatred of freedom in the Soviet Union that helping the families of prisoners of conscience to stay alive has been declared an act of treason. In 1981 Valery Repin, who ran the fund in Leningrad, was seized and flung into solitary confinement for over a year of the KGB's inimitable treatment, after which, broken, he was exhibited on television to "confess" that the fund was engaged in a witches' brew of anti-state machinations. It was all a fake, since the fund, a Swiss—i.e., neutral—foundation, is purely philanthropic. Mr. Repin has been tried and convicted. The fund's chief Soviet Union representative, Sergei Khodorovich, has just been arrested also. If he, too, can be broken, he may be subjected to a show trial. If, as seems more likely since he is a man of spiritual strength, he stands fast, then, condemned in secret, he will disappear. His only hope is Western public opinion. If we manifest enough concern in the media and in Washington, he may be saved.

A successor, Andrei Kistyakovsky, has stepped into Mr. Khodorovich's place, an act of extraordinary courage. Mr. Kistyakovsky's time of travail has yet to come.

"Do you believe," I asked Mr. Solzhenitsyn, "that the Soviet government is indeed a 'focus of evil,' to use President Reagan's words?"

"Of course. But nobody has a monopoly on evil or good. There is also evil in the West. Still, the Soviet government is the home of communism, and communism is the most dreadful engine of oppression on our planet. Besides bringing about the annihilation of tens of millions, and the physical and spiritual crushing of countless more, it has destroyed the Soviet economy. And no conqueror in history has taken over so much territory."

Does Andropov represent a change?

"Not in the least. I am constantly struck by the ignorance of so-called experts on Soviet matters, who seem to think that the change of one face, or many faces, in the Kremlin can possibly affect how Soviet communism will act. This is a naive view of communism, not based on observation. The only thing that would change the behavior of the Soviet Union would be the accession to power of a noncommunist leader. He would reverse Soviet policy, both domestically and internationally."

What have been the West's chief mistakes?"

"Since 1918, the West has made only mistakes, one after another, in dealing with the Soviet Union. Since the discovery of the atomic bomb it had just one good idea—the Baruch Plan, to put the atom under international control—which Stalin brushed aside.

"Sixty-five years ago Lenin pronounced a sentence of death on the Western world. Sixty years ago nobody seriously supported the Russian forces fighting communism. There was a torrent of fugitives, including some of the finest persons in the country, who testified that what was happening was unprecedented, horrible. Rather than listen to them, the West listened to Bernard Shaw. Forty years ago, after the war, there was a second wave of emigrants, bearing witness to Stalin's mass murders. Again, the West was indifferent. Thirty years ago, Kravchenko defected, revealing to the West the terrible things that were going on; people preferred to listen to Bertrand Russell. Eight or nine years ago I described what was really happening—and again, except for a few, the West paid no attention. At that time, I proposed specific political remedies for the desperate problems we face. Nothing was done. Now it is probably too late.

"The single worst mistake of the post-war era was relying on the 'nuclear umbrella.' False confidence in this 'umbrella' relaxed the West, sapping its strength, its moral qualities, its courage. Freedom does not depend on any 'umbrella,' it depends on stout hearts and steadfast men. Today the 'umbrella,' neutralized, no longer protects, but the habit of weakness, of lack of courage, persists. As a result, the West lies gravely weakened before the expansionist aims of the Soviet Union."

What next?

"It is far better to fight on your feet than on your knees, but you can still fight on your knees. The Russian people are still resisting after 65 years. One man in the Soviet Union wrote me to urge Western scientists to invent a do-it-yourself copying machine. In a dictatorship, that would be a lot more valuable than an arms cache."

What hope is there, then, for the West?

"The time when the West could save itself by its own exertions may already have passed. To save itself would require a complete change in its attitudes, when in fact these attitudes are still going the wrong way. Instead of girding itself for struggle, the West is still hoping for outside forces to save it, through some kind of miracle . . . perhaps a miracle in the Kremlin. Solidarity was hailed as such a miracle. But the only miracle that the people of the West can pray for is a profound change in their own hearts."

And what about Afghanistan?

"In the three years of Soviet aggression against that country, the West has in essence done nothing. Had it dared, it could by now have supported several regiments of ex-Soviet soldiers—defectors—who would be ready to fight against this aggression. Then things would look very different."

Could Western broadcasting to the Soviet Union be more effective?

"Yes. In fact, that is a matter of the greatest importance. Today, all broadcasts into the Soviet Union are shackled by the naive and idealistic concept that we need above all to have good relations with the Soviet government: not to vex the Kremlin. As long as this delusion is considered a prime policy objective, the Western governments will be responsible for undermining their own world. Such broadcasting is currently bound by a narrow limitation: It should say nothing against Lenin, it should never insult the Soviet government. This policy is insane. Almost every man, woman and child in Russia is sick of Leninism. The West, standing on the brink of catastrophe, has immensely strong allies of which it makes no use: the people of the Soviet Union, and, indeed, of the other subject nations. It must stretch out its hands to those oppressed people."

A NEED FOR SELFLESSNESS

Is the Soviet Union serious about arms control?

"There are two Soviet Unions. The people—millions of them—dream of an end to wars, to armaments. The government, on the contrary, does not contemplate that idea even for a minute. It does, of course, want the West to disarm. But not one item of Soviet military equipment will ever be given up."

What about our younger people and their concern for disarmament?

"It is normal to be afraid of nuclear weapons. I would condemn no one for that. But the generation now coming out of Western schools is unable to distinguish good from bad. Even those words are unacceptable. This results in impaired thinking ability. Isaac Newton, for example, would never have been taken in by communism! These young people will soon look back on photographs of their own demonstrations and cry. But it will be too late. I say to them: You are protesting nuclear arms. But are you prepared to try to defend your homeland with nonnuclear arms? No: These young people are unprepared for any kind of struggle."

Do we have a single main underlying moral ill that one can identify?

"Besides cowardice, selfishness. We hear a constant clamor for rights, rights, always rights, but so very little about responsibility. And we have forgotten God. The need now is for selflessness, for a spirit of sacrifice, for a willingness to put aside personal gains for the salvation of the whole Western world."

Such, then, is Mr. Solzhenitsyn's message. It was received in England as an inspiring evocation of ancient values.

In America, Mr. Solzhenitsyn is often taken as a repetitious Cassandra, whose concerns need not be faced, because even if true, they're not new. As the hostile tide rises around us, we would rather, as he says, hope to be saved by some miracle.

THE POPE IN POLAND

For the past week, the image of Pope John Paul II in Poland has been everywhere—on the evening news, on the front pages, on the covers of news magazines. It was a most impressive emotional experience to see upward of a million Poles spread out toward the horizon to glimpse or hear the pope as he stood beneath a towering floral crucifix.

It is surely correct to view the pope's trip to Poland as giving a huge lift to that country's fledgling free-labor movement, Solidarity. Nonetheless, as we watched these highly charged images and descriptions spill out of Poland, we found ourselves troubled at the thought that the pope and Solidarity were disappearing into the media's nether world of highly romanticized resistance movements. It is a world that lives more on the power of its images than the power of its ideas. We have been there before.

We were there in South and North Vietnam in the 1960s and 1970s, in the mountains of Bolivia with Che Guevara and in the streets of Uruguayan towns with the Tupamaro guerrillas. We fastened for months on the image of Ayatollah Khomeini seated on the floor of his apartment in Paris, and we watched a revolution sweep through the streets of Iran and later over the countryside of Nicaragua. In short, we have been in a situation for some time now where many of the world's great political upheavals remain in popular memory primarily as romantic or dramatic images.

Though one cannot help but be overwhelmed at the spectacle of John Paul's visit to Poland, we think it is extremely important to regard the details of what the pope has been saying in his speeches there. Poland is indeed yet another of the great political movements of the past 20 years, but it is becoming evident that Poland and this pope represent a distinct break with the theories of political change that have held the world's attention.

During the 1960s and '70s, an entire culture of support grew up around the idea of political change based on resistance, violence and the elimination of classes of people defined as oppressors. These notions became the basis for revolutionary movements in Latin America, Africa and Asia, and political writers in Europe and the U.S. defended these movements as essentially popular uprisings. While that definition was often inaccurate it gave them political legitimacy.

Revolutions in Cuba, Vietnam, Angola and Zimbabwe, which received enormous good will and moral support in the West, have resulted in repressive, one-party political systems in which elections are not held, however, this has in no way called into question the legitimacy of the claims of succeeding movements in countries like Peru, Colombia or El Salvador. These guerrilla movements are persistently described as civil wars based on indigenous local conditions, and little serious effort is made to explain the political ideas and power-seeking methods of guerrilla leaders. The political beliefs of the Nicaraguan Sandinista leaders Thomas Borge and the Ortegas were no secret before they took power but received scant attention. Can anyone recall reading a serious discussion of the beliefs or goals of el Salvador's Farabundo Marti coalition?

These unexamined ideas are important, because in the end the cameraman's or reporter's evocative portraits of armed struggle are replaced by ideas transformed into a political system. Vietnam and Nicaragua have two such political systems.

What we are seeing this week in Poland is a notion of political change whose philosophy is quite different from the revolutionary forms that have won the admiration of so many cafe liberals year in and year out.

The central idea coming out of Poland is self-determination—the belief that the individual citizens of a nation ought in some manner to contribute their ideas to a nation's politics, free of both internal and external forces of repression. Poland's Solidarity is a movement for which self-determination is the reason for being, and Pope John Paul II raised this idea repeatedly the past week. He has spoken of "the fulness of civic rights and the social structures which correspond to its just requirements," of a state that must fulfill its role with "the consent of the governed" and of his hope for "full participation in deciding common life."

What we have here, at its most basic level, is a call for the establishment of the right of free speech, which in turn is a prerequisite to the formation of political parties and popularly elected governments. Indeed before Poland imposed martial law, Solidarity was essentially an umbrella over a variety of political groupings, such as the KOR Group (social democrats), the Young Poland Movement (representing conservative Catholic intellectuals) and the Labor Party.

Additionally, John Paul has exhorted the Poles to resist violence and class conflict, notions central to Latin American "liberation theology." "Hatred is a destructive force," said the pope, "and we must neither destroy nor be destroyed by it."

We will not soon forget the image of John Paul II standing below the high cross in Katowice, but we hope it is not forgotten that in Poland this week the pope re-conferred legitimacy on ideas with few active defenders among the world's intellectual elites the past 20 years. But it should be clear by now that they still awaken powerful aspirations in the hearts and minds of the masses of people those elites have so often falsely claimed to represent.●

OCEAN DISCHARGE WAIVERS

● Mr. DODD. Mr. President, I ask that the following sectional analysis of S. 1536, a bill I introduced last week to strengthen the provisions of the Clean Water Act regarding ocean waivers, be printed in full in the RECORD.

The analysis follows:

SECTION-BY-SECTION ANALYSIS OF S. 1536

SEC. . (a) This section re-numbers the existing provisions in Sec. 301(h) of the Clean Water Act to facilitate inclusion of the proposed amendments.

(b) This section adds three new requirements that must be met for an applicant to receive an ocean discharge waiver.

PRIMARY TREATMENT

Paragraph (H) requires that discharges under a waiver achieve full primary treatment. As presently written Sec. 301(h) allows a variance of secondary treatment without specifying that full primary treatment must still be maintained (or attained), and the courts have decided that there is insufficient basis in the law for EPA to require such treatment. However, a 1981 amendment prohibiting the discharge of sewage sludge under a waiver suggests that Congress intended ocean discharges to receive the minimum of primary treatment. The proposed language explicitly defines the processes that primary treatment must include or be equivalent to, since it is not defined in the law.

CONTROL OF TOXICS

Paragraphs (I) and (J) are designed to strengthen control of toxic pollutants by specifying a particular level of treatment and of effluent concentration. Toxics from industries discharging into municipal treatment works are supposed to be controlled by the Act's pretreatment program, cited in 301(h)(5), but categorical standards for many industries have not yet been promulgated. The proposed language requires (a) that any large treatment works (those likely to have significant industry influent) have a pretreatment program in effect which, together with its own treatment, provides the equivalent of secondary treatment for toxics; and (b) that effluent from discharges under a waiver meet EPA marine water quality criteria for toxics after initial dilution. Since secondary treatment removes many toxics, this equivalency requirement ensures that waivers for treatment of less harmful biodegradable pollutants do not allow increased levels of toxic pollutants in coastal waters.

GEOGRAPHIC LIMITATION

(c) This section re-defines the geographic limitation on discharges which are eligible for waivers. The proposed language restricts eligibility to discharges into deep waters of the territorial sea or contiguous zone; to small discharges within the territorial baseline; or to other discharges within the baseline which are into deep coastal waters (saline estuarine waters, sounds, channels, or bays) with flushing action and other characteristics necessary to maintain water quality throughout the confined waters. This clarifies and strengthens the existing provision regarding near-coastal waters.

(d) This section adds two new provisions that mandate consideration of the environmental context in which an application is made.

CUMULATIVE IMPACTS

The first provision requires that explicit consideration be given to the cumulative effect of many discharges of less than secondary effluent in a particular area. This cumulative effect, the so-called "tragedy of the commons", could lead to degradation even when the discharge of any single treatment plant could not be shown to impair water quality. Under present law a waiver must not result in additional treatment requirements for other sources, but no explicit consideration is given to the cumulative effect of many waivers and no statutory basis is given for determining how waivers should be allocated among the eligible applicants in an area prone to degradation.

In the proposed language the Administrator is required to consider the collective impact of discharges under waivers from all eligible municipal treatment plants in an area which are of equal or lesser size to an applicant and to deny the applicant a waiver if the collective test fails. The consideration of discharges from plants smaller than an applicant ensures that smaller dischargers are not penalized by a few larger dischargers which significantly impact an area. However, an exemption from this restriction is allowed where all the plants in an area are administratively interrelated, as in a single municipality or in a regional compact among municipalities; in this case the municipality or regional entity can decide how best to allocate its treatment requirements and waivers as long as overall water quality is maintained.

STRESSED WATERS

The second provision prohibits the issuance of waivers in areas which are already significantly polluted from other sources for any significant portion of the year. While existing law is vague on this point, such a prohibition is necessary to prevent further degradation of stressed waters. Degradation is defined in terms of the biological community found in the waters, the recreation of potential of the waters, and the level of water quality. The presence of a "balanced indigenous population" is avoided as a criterion because of the difficulty of evaluating the impacts of existing sources on a hypothetical indigenous biological community; instead, the actual species present in the waters and their population structure are compared to those in similar waters which are known to be polluted.●

"STAR WARS" DEFENSE

● Mr. ARMSTRONG. Mr. President, the Detroit News, in an editorial published June 6, 1983, has made what I believe to be the finest and most succinct explanation why President Reagan's plans to shift our emphasis in nuclear strategy from offense to defense are sound, and how such a

homeland defense could be achieved. I ask that it be printed at this point in the RECORD.

The editorial follows:

[From the Detroit News, June 6, 1983]

"STAR WARS" DEFENSE

The skeptics who scoff at President Reagan's proposal to build space-age defensive systems would do well to read the "High Frontiers" thesis of Lt. Gen. Daniel Graham.

Gen. Graham, former deputy director of the CIA and a military adviser to Mr. Reagan during the campaign, developed the thesis for the Heritage Foundation last year. It is a benchmark work that is reflected in President Reagan's March 23 call for a switch to a defensive posture that could, by the turn of the century, render intercontinental ballistic missiles (ICBMs) impotent.

The general begins with the assertion that today's strategic doctrine is not defensive. The two superpowers possess sufficient missiles to destroy each other's society, and there is no defense against them except for the anti-ballistic missiles (ABMs) in place around Moscow.

The peace has been kept for 38 years by a "balance of terror" that holds civilian populations hostage. In theory, no nation could attack another without risking a retaliatory holocaust. This is the doctrine of Mutually Assured Destruction (MAD).

The old strategy has been invalidated by the Soviet Union because (says the presidential strategic arms commission) that country "probably possesses" enough weapons with sufficient accuracy to destroy America's 1,047 ICBM silos "using only a portion of their own ICBM forces." The United States can't do such damage to the Soviet Union using all of its weapons. This is what is meant by the "window of vulnerability."

Gen. Graham is against "MAD-ness." He says the United States and its allies can't hope to match the growing mass of Soviet weaponry, strategic and conventional, and would be foolish to play a quantitative game that the Soviet Union could win.

Instead, the United States should do an "end run" around Soviet global strategy, engaging Moscow on technological high ground where Moscow is weakest. This leads away from proliferation of nuclear weapons (it might even make the MX missiles unnecessary) to the acquisition of earth-orbit, non-nuclear defensive weapons designed to destroy nuclear warheads before they do harm.

"High Frontiers" postulates three main layers of defense, all of which employ known technologies:

A "point" defense system, batteries of launchers at ICBM sites that would throw out swarms of unguided rockets—small, steel-case projectiles with enough mass and velocity to smash a warhead just before it reaches detonation range. These could be in use within two or three years.

Space-borne "trucks" that orbit the earth, each with sensing, control and guidance devices, and numbers of non-nuke projectiles that knock out missiles just after launch. These could be operational in the 1990s.

Laser, particle-beam energy, or microwave weapons to destroy missiles in space. These technologies, now under intensive research here and in the Soviet Union, could be ready in a decade.

Back in 1962, the skeptics thought John F. Kennedy was daft when he committed the United States to put a man on the moon within the decade. But the goal was achieved seven years later. From that day, anything in space became possible.

Since then, we have witnessed faultless space shuttle flights, and most people are now indifferent to the everyday miracles of satellites that bring us TV programs, distant telephone calls, insights into our geography, more accurate weather forecasts, more accurate navigation for ships and planes, and even such spin-off products like better ovenware.

But what of the legal arguments?

Liberals decry space defense, arguing that the atmosphere should be sanitized of weaponry and, further, that the ABM treaty and resolutions of the United Nations prohibits militarization.

This is naive. Space is already militarized. Both sides use passive systems to "sky spy" the other side and the disarmament treaties forbid interference with such "eyes."

In addition, the Soviet Union has never shown much interest in far space. The USSR launches 75 satellites a year, four or five times more than the United States, all in low earth orbit. Seventy percent have purely military roles, 15 percent combine military and civil uses, and only 15 percent purely civil purposes.

The Soviet Union is the only nation that has successfully killed one satellite with another, a crude experiment that has no known peaceful applications.

On the second point, the ABM treaty is ambiguous and Gen. Graham's weapons are outside its definitions. In any event, the treaty sets up a forum for discussion of new issues and can be canceled by either side on six months' notice.

Space is the last arena where the Soviet Union wants a High Noon meeting with the United States. Why? Because the United States has the lead in miniaturization of components and can do infinitely more with one pound of freight. Further, the United States has the space shuttle delivery and maintenance capability the Soviet Union lacks.

Gen. Graham meets two other critical arguments head on. It would be foolish to demand a perfect, impermeable—and very costly—space defense system. A simpler system that can destroy, say, 20 percent of the first-strike missiles would cast doubt on the success of a pre-emptive strike, and that doubt could well prevent the attack. America's retaliatory power would be restored without building another ICBM. And space-borne non-nuclear weapons would be incapable of killing a single Russian because they are defensive, not offensive.

Gen. Graham's blueprint for "assured survival" is a doctrine of hope, the opposite of the despair and resignation implicit in an "assured destruction" policy.

President Reagan also believes it is better to build weapons that eat nuclear warheads than to build more warheads. But he also knows that one system can't be trashed until a better system is operational.

Gen. Graham's central message is this: It is wiser to don a bullet-proof vest than expose a bare chest to Moscow's military might.●

FAMINE IN ETHIOPIA

● Mr. MOYNIHAN. Mr. President, the northern provinces of Ethiopia are faced with a famine that threatens to become one of the worst in African history. The Washington Post reports that 50 to 100 children are dying every day and that the death toll could surpass 200,000 people. Unlike the disastrous famine Ethiopia suffered just over a decade ago—a disaster that was hidden from the world—we have a warning this time, a warning that could enable us to avert catastrophe and save thousands of lives. The mounting death rate and the appeals from international and private relief agencies must not go unheeded. The priority that this Nation has historically placed on humanitarian aid must not be subverted by the politics of the situation. We are a nation that responds to famine emergencies, and we must respond to this crisis with the needed assistance.

I commend my colleague from Arizona, Senator DECONCINI, for his rapid response to this urgent situation and join him in support of Senate Resolution 168. The United States must, without delay, respond to the appeals of international and private relief agencies and provide the necessary assistance to prevent mass starvation in Ethiopia.●

TRIBUTE TO BRIG. GEN. DICK SHARP

● Mr. HOLLINGS. Mr. President, on Wednesday, June 15, death claimed U.S. Army Brig. Gen. Dick Sharp while he was participating in morning physical fitness training at Hunter Army Airfield, Ga.

Those of us who had the privilege of knowing Dick Sharp when he was assigned as the Army liaison officer to the U.S. Senate mourn his passing. In every sense of the word he deserved the title of "soldier's soldier," and I want his wife, Pat, and his children, Ashley and Scott, to know that we in the U.S. Senate grieve for him and will miss him also. It is only appropriate that I request insertion in the RECORD the remarks of Maj. Gen. John R. Galvin, Commanding General, 24th Infantry Division (mechanized), as offered Monday during the burial services at Arlington National Cemetery.

BUT I REMEMBER . . .

Each man brings to earth
Certain influences,
Sustaining forces from Our God.

What a man says,
And what he does,
And the way other men see in him
What is in them:
These are the things.

Richard Harry Sharp was born in Kansas City, Kansas on the 4th of November 1934. He lived in Kansas all his young years until he joined the Army as a Private Soldier in 1957. From that time, according to all who knew him well, he was a Soldier—first, last, and always.

Dick was selected for Officer Candidate School, graduating as a Second Lieutenant of Infantry in 1959. He then went on to the Officer Basic Course at Fort Benning, and to Ranger and Airborne School. While at that post he met an "Army Brat," Pat

Richie, daughter of a Colonel who was stationed there, and on the 22d of July 1960 at the Chapel at Fort Benning, they were married.

They then went off to the first of Dick's company grade assignments in the United States and then in Korea. After a daughter, Ashley, was born, Pat finished her undergraduate work.

There are many Rangers here today and Dick knew these Rangers well. Not only had he graduated from the Ranger School, but he subsequently became a Ranger Instructor at the jungle camp in Florida. During his service with the Ranger Department, his son Scott was born. Dick was assigned to the Ranger Department from 1963 to 1965 when he went to the University of Nebraska at Omaha to finish his Bachelor's Degree in History.

In 1967 General Sharp went to Vietnam to the 9th Infantry Division in the Delta Region where, as a Major, he became the S3 Operations Officer for the 3d Battalion, 60th Infantry. There he served with great courage, being awarded—as a staff officer—the Silver Star, the Army Commendation Medal with V for Valor and the Vietnamese Cross of Gallantry. He was to go on to receive 23 other awards in his career.

After the year in Vietnam, he attended the Command and General Staff College at Leavenworth where he served with such distinction that he was sent to represent the United States Army at the British Staff College at Camberley.

1971 found the Sharp family in Germany with Dick serving as Executive Officer to the Chief of Staff of United States Army, Europe. He was promoted to Lieutenant Colonel during this tour and in 1973 he returned to his beloved "Old Reliables" of the 9th Infantry Division, now stationed at Fort Lewis, Washington. There, he commanded the 3d Battalion, 47th Infantry in the 3d Brigade.

After his command time with the 9th Division, Dick went to the Army War College at Carlisle Barracks, Pennsylvania. While studying there during the year 1976-1977 he obtained his Master's Degree in Public Administration from Shippensburg State College.

Dick Sharp went on to serve at the Pentagon in the Office of the Deputy Chief of Staff for Operations and also in the Office of Legislative Liaison. It was Major General Ed Peter who brought him into the latter after hearing how well he had done in the 9th Division as a commander.

After his Washington tour was over, Dick went to Korea where he commanded the 2d Brigade of the 2d Infantry under Major General Robert Kingston. General Kingston—who has never been known as a man given to hyperbole—called me this year to tell me how lucky I was to get a great soldier like Dick Sharp in the 24th Infantry Division.

When he returned from Korea, Dick became the Chief of Staff of the 5th Infantry Division (Mechanized) at Fort Polk, Louisiana. There, the Assistant Division Commander, Brigidier General Tom Kelly, said: "You have to see Dick Sharp in action to know what a Chief of Staff can really do." His Division Commander, Major General Peter, told me: "Dick Sharp will always be the greatest soldier that I have ever known."

Dick arrived to be Assistant Division Commander of the 24th Infantry Division in February of this year. I had not known him before but had heard these good things. I could see from the start that he was the broad-gauged leader. He was a team player. Right from the beginning it was amazing how quickly people came to know and like him, not only on the military side but also in the city of Savannah. He was happy as the Assistant Division Commander and the Commander of Hunter Army Airfield. He was proud of his new star and looking forward to his service with Victory Division. We felt lucky to have him.

All that a man brings
Comes as a drop falls to a pool
And the tiny ripples of his influence
Spread to other men and into time
And generations.

And the little drop,
Raising the level in the pool,
Cannot be found.

And so men go out
To what must be done,
Pushed on by what they have forgotten:
The quiet word, the nod,
The hour of companionship.

But I remember
And what had raised the level is not lost.
And though it is not necessary to remember
Or to understand,
I do, and missing him, it helps.●

THE CALENDAR

Mr. STEVENS. Mr. President, with the consent of my good friend, the distinguished Democratic leader, I would like to proceed with some calendar items.

I ask unanimous consent that the Chair lay before the Senate en bloc Calendar Order Nos. 245, 260, and 264, and that the Senate consider those items en bloc.

Mr. BYRD. Mr. President, before the Chair puts the question, these items have been cleared on this side of the aisle. I have no objection to their being considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC HEALTH EMERGENCIES

The bill (H.R. 2713) to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies, was considered.

Mr. MOYNIHAN. Mr. President, I rise in full support of H.R. 2713, a bill to establish the Public Health Emergency Fund. I support this important legislation for three reasons: It is the correct response to an immediate health emergency, AIDS; it points toward a long-term solution to the chronic problem of resource allocation during health emergencies; and it provides a needed Federal answer to a national crisis.

I would first examine the immediate problem. Acquired immune deficiency syndrome, known as AIDS, is a newly discovered disease that impairs the immune system, leaving the victim susceptible to certain types of cancer and a number of infectious diseases. As of June 27, there were 1,673 cases and 679 deaths, a mortality rate of 40.6 percent, and no known instances of a victim being cured of the disease. Once the victim has contracted AIDS, he or she can only treat the symptoms, knowing fully that death within months or weeks is inevitable.

I would second note that AIDS is a national problem: 38 States have reported cases. As the number of victims spirals weekly, the general population becomes increasingly concerned. One worrisome aspect of the disease is that over 6 percent of its victims belong to no apparent risk group. Simply put, we do not know how this disease is communicated, we do not know who is susceptible, we do not know how to prevent it, and we do not know how to cure it. What we do know is that more people are getting it, and more people are dying from it. Indeed, the Federal Government has an obligation to address forcefully a disease of this scope and complexity.

Finally, I would point out that to leave the primary responsibility for dealing with AIDS to the States and cities would be to ignore the national complexion of the disease. States and localities are ill-prepared to tackle the problem. San Francisco, in the first 5 months of 1983, has spent over 5 percent of its entire health budget on providing counseling and patient services to AIDS victims. The average cost per patient is over $100,000. How are public hospitals to finance such expenses? New York State proposes to allocate $5.2 million for AIDS research, but according to Governor Cuomo, the State has no idea where to find the money.

H.R. 2713 is the rational and humanitarian response to the short-term tragedy of AIDS and the long-term specter of public health emergencies. I urge most strongly that my colleagues in the Senate give it their unqualified support.

Mr. KENNEDY. Mr. President, I rise in support of H.R. 2713, a bill which would provide for the creation of a permanent revolving fund for use by the Secretary of Health and Human Services for response to public health emergencies.

It is clear that adequate resources must be available for research on diseases that are public health emergencies. Such diseases as Legionnaire's disease, toxic shock syndrome, and acquired immune deficiency syndrome (AIDS) have been both frightening to the American public and often fatal to their victims.

It is also clear that during a period of a public health emergency, the Public Health Service (PHS) must mount an effective campaign to respond to the health needs of the American people. While it is possible to plan for some unanticipated emer-

gencies, it is not possible, however, to define the nature and complexity of any emergency beforehand. As a result, the PHS contingency fund has been inadequate to meet the unexpected health crises of the numbers, size, and complexity that America has faced in recent years.

When faced with exhausted contingency funds, the PHS has been forced to divert money from other activities or to act and then request supplemental appropriations to cover costs incurred, or simply to do the best it could, permitting problems to linger.

The time has come for the Congress to provide for a public health contingency fund similar to that used for disaster management or for overseas relief. H.R. 2713 authorizes to be appropriated to a fund of $30 million in fiscal year 1984. In succeeding fiscal years, there are authorized such sums as may be necessary to have the fund equal to $30 million at the beginning of each fiscal year.

The moneys from the Public Health Emergency Fund will be used not only for disease crisis but also for public health situations like the Tylenol incident or the Three Mile Island crisis. The PHS fund will not be used for routine agency or public health activity nor will it be a substitute for the normal reserves that an agency must have.

Mr. President, this country is now being threatened by the most significant epidemic since polio. Acquired immune deficiency syndrome (AIDS) is a deadly disease that destroys the body's immune deficiency system, leaving the individual highly susceptible to life threatening infections. There have been a number of newspaper and magazine articles about the epidemic proportions of this disease.

Although the majority of AIDS victims have been members of high-risk groups, the disease is spreading beyond those people in well-defined categories. While the disease does not appear to be transmitted by casual contact, those dealing with AIDS victims and the general public have grown more fearful of contacting AIDS. AIDS is possibly the most serious public health issue facing the country today.

As of June 20, 1983, 1,641 cases of AIDS have been reported to the Center for Disease Control; 644 people have died of AIDS since 1981. Four to five new cases are reported every day and the case rate is doubling every 6 months.

However, Federal response to the AIDS crisis has been slow and inadequate. Therefore, I have joined several of my colleagues in the consponsorship of S. 1226, a bill to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services to respond to public health emergencies and S. 971, a bill to authorize the Secretary of Health and Human Services to expedite research into a disease or disorder which constitutes a public health emergency.

S. 1226 would establish a public health emergency fund in order to help insure the availability of funds for prompt Federal response to public health emergencies. The language of S. 971 was incorporated in S. 773, the biomedical research, training, and medical library assistance amendments of 1983 when reported out of committee.

H.R. 2713 authorizes $10 million less than S. 1226. However, since it has passed the House, it represents a reasonable compromise. Thus, to expedite matters, I am supporting H.R. 2713 today, so that we can get action on this legislation.

While these bills are not specific to AIDS, they were written to specifically apply to AIDS. Research into causes and prevention of AIDS is vital for the protection of our citizens, The AIDS crisis demonstrates that we need an effective mechanism for responding to public health emergencies quickly and with adequate resources.

The fear that has developed around AIDS is discussed in the media almost every day. Hospital staff are afraid to treat AIDS victims. Patients are postponing surgery because of their fear that the Nation's blood supply has been contaminated with the blood for AIDS victims. And morticians are afraid to embalm the bodies of those AIDS victims who have died.

In the meantime, those people afflicted with AIDS are dying, often without compassion because of the public's fear. Until we know the cause and cure for AIDS, we should do everything to alleviate public fear and to promulgate current and accurate information about this disease. AIDS victims must not have inflicted upon them the double burden of the disease and unchecked public fear. Research is imperative.

H.R. 2713 will provide a genuine mechanism for an appropriate Federal role in addressing the problem of AIDS and other public health emergencies.

I urge my colleagues to support the passage of H.R. 2713.

Mr. President, I ask unanimous consent that the editorial in the New York Times of June 25, 1983, describing public fear of AIDS and the Reagan administration's response to this public health threat be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 25, 1983]

THE FEAR OF AIDS

The new disease known as AIDS, or acquired immune deficiency syndrome, has set loose a deadly epidemic. Morticians, prison guards and policemen have expressed an understandable but probably excessive fear of AIDS. The Reagan Administration, on the other hand, yawned through the first two years of the crisis and has now awakened to declare that no special efforts are needed. It could usefully imbibe a little of the public's panic.

AIDS is indeed a frightening disease: it kills many of its victims by sabotaging their immune systems. Its cause and cure have yet to be discovered. But it does not strike at random. It remains confined to male homosexuals, users of intravenous drugs, Haitian immigrants and, to a far lesser degree, the users of blood products, like hemophiliacs.

Those who are none of the above do not seem to be at risk. Of the 722 AIDS cases known to have occurred in New York City, according to Health Commissioner David Sencer, only four have not so far been assigned to one of the listed risk groups.

Nurses, doctors and laboratory workers who care for AIDS patients are the most obviously exposed persons. If AIDS were spread easily, by touch, coughing or sneezing, they would be the first casualties. So far there has not been one case of AIDS among health care workers who are not also members of the known risk groups. According to Edward Brandt, the top Federal health official, all present evidence indicates that "AIDS is spread almost entirely through sexual contact, through the sharing of needles by drug abusers and, less commonly, through blood or blood products."

A dozen AIDS cases have occurred among the 10 million people who have received blood in the last three years. In all but one, the donors appear to be free of AIDS. The evidently minuscule risk of acquiring AIDS from transfusions has been even further reduced by a recent requirement, agreed to by the homosexual community, that members of known risk groups who donate to blood banks will indicate that their blood be used only for research purposes.

An additional 13 cases of AIDS have occurred among people with the blood-clotting disorder known as hemophilia. They use not whole blood but plasma derived from thousands of donors, some of them paid. Their risk, though still very small, is inevitably higher than that of patients taking whole blood from a single donor.

The so-far unfounded fear that AIDS can be spread by casual contact has caused some of the victims to be doubly punished, once by a cruel disease, and again by landlords who evict them or friends who shun them. Homosexuals are afraid that the public's anxiety will revive discrimination and erode the civil rights they have gained.

AIDS patients need compassion. They should not be treated as lepers. When their disease is fully understood, the knowledge gained about immunology and cancer will benefit everyone. The homosexual community deserves support in its effort to combat the disease and to comfort its victims.

The Administration, saying it now considers AIDS the nation's No. 1 health priority, has diverted a small sum from existing budgets but wants no extra money appropriated for AIDS research. The meager amount that the National Institutes of Health has belatedly allocated from its $4 billion budget will not be dispensed for several months. One group of researchers has become so frustrated by the lack of Federal support that they have formed the AIDS Medical Foundation to raise private contributions.

"Some very promising research is taking place, but funding for that research is pitifully inadequate," says Mathilda Krim, a biologist at the Sloan-Kettering Institute of Cancer Research, who helped set up the foundation.

In caring for fellow citizens struck down by this bizarre and often lethal epidemic, the public has better lights to follow than the example of inattention and apathy that the Administration has set.

Mr. CRANSTON. Mr. President, I rise in support of H.R. 2713, a bill that would establish, and authorize appropriations for, a public health emergency fund to be used for research and investigations into the causes, treatment, and prevention of diseases or conditions that the Secretary of Health and Human Services determines present a public health emergency. S. 1226, a measure I introduced on May 5, 1983, along with Senators MOYNIHAN, KENNEDY, and TSONGAS, is a companion to this House-passed bill.

This legislation is vitally needed to remedy a serious inadequacy in our Nation's health system—the lack of a Federal mechanism for dealing effectively and expeditiously with large-scale public health emergencies which occur suddenly and require immediate action, such as investigating and monitoring outbreaks of disease, removing contaminated products from the market, or undertaking new medical research. These bills are designed to insure the availability of funding for swift and effective Federal responses to public health emergencies—including funding for priority research into the causes, treatment, and prevention of diseases or disorders, such as acquired immune deficiency syndrome (AIDS) that constitute public health emergencies.

To this end, the legislation before us today would establish in the Treasury a public health emergency fund and authorize the appropriation to the fund of $30 million for fiscal year 1984, and for each subsequent fiscal year such sums as are necessary for there to be $30 million in the fund at the beginning of the fiscal year. The fund would be available for use in responding to an emergency if the Secretary of HHS, after consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, the Administrator of the Centers for Disease Control, or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, determines either that a disease or disorder presents a public health emergency or that a public health emergency otherwise exists with respect to which the Secretary has authority to take responsive action. Following that determination, the allocation of moneys from the fund would be authorized for the purpose of appropriate responses to the emergency.

The House-passed bill differs from S. 1226 in only two significant ways. First, the authorization of appropriations for fiscal year 1984—and the authorized level of the fund in subsequent years—would be $30 million rather than the $40 million that S. 1226 would authorize. Second, the House bill would require the Secretary of HHS annually to report on the use of the funds to the House Committee on Energy and Commerce and the Senate Committee on Labor and Human Resources. I believe the reporting requirement is a good addition, and in the interest of the quick enactment of this legislation, I can accept the $30 million authorization in lieu of the $40 million. The authorized amount can be adjusted later based on experience under the legislation.

Mr. President, our Government needs to be better prepared to deal swiftly with public health emergencies. We have learned this lesson the hard way through the current AIDS crisis. Although the CDC has called AIDS the worst epidemic since smallpox and the Secretary of HHS recently declared that the investigation of AIDS has become the No. 1 priority of the Public Health Service, the initiation of a Federal response to AIDS, so critical for protecting the public health, was slow and inadequate. Had the Federal Government been able to respond faster to this emergency and applied its health resources more effectively to find some answers to this fatal disease, we might today be much closer to controlling the spread of AIDS and preventing this most tragic death toll from climbing higher. Also, by acting earlier and with greater visibility, we might have been able to allay some of the public hysteria that has grown around this disease by making sure that accurate information about AIDS was made widely available and thereby have discredited some of the ugly rumors that have been spread about the disease. Misinformation and groundless fears have resulted in a number of most regrettable incidents of discrimination to the point of the ostracism of AIDS victims.

Had we been better prepared, we might also have been able to supply faster the information needed by the Social Security Administration to act on applications by AIDS victims for social security disability insurance benefits and supplemental security income payments. This could have helped avoid the unnecessary suffering caused by the denial of such benefits. As the late Congressman Phil Burton noted in a March 25, 1983, letter to the Commissioner of the Social Security Administration, there were a number of cases in which AIDS patients were denied SSDI benefits despite the disastrous effects of this disease and the fact that the treatment for AIDS is itself often debilitating.

I am pleased that in response to the concerns raised by Congressman Burton, by me, and by others, the Social Security Administration ultimately took action to correct the unfair denial of social security disability benefits and supplemental security income payments to AIDS patients.

Mr. President, although several Government agencies have authority to address different aspects of public health problems, the costs, which can be substantial for public health emergencies, cannot be anticipated. Recent unexpected public health crises—such as Legionnaire's disease, toxic shock syndrome, the Tylenol poisonings, and three of the largest food recalls, salmon, mushrooms, and infant formula—have been of such numbers, sizes, and complexity that any funds budgeted for in advance have quickly been depleted. Without a contingency fund and coordinated effort, HHS, only way to react to these problems is by siphoning resources out of other programs to which the same immediacy may not attach but which are equally important in protecting the health of our Nation's citizens. Moreover, when those other resources cannot be found and diverted quickly, we experience dangerous delays in our efforts to stop the spread of diseases that can cause widespread suffering and death.

Mr. President, I want to thank the majority and minority leaders for their efforts—as I urged on the floor of the Senate on June 14, 1983—in having H.R. 2713 placed on the Senate Calendar and for enabling the Senate to take up the bill at this time. In a June 17 letter, I, together with the cosponsors of S. 1226, urged them to take this action, and I am delighted that the bill is now before the Senate. Enactment of this measure prior to consideration of the fiscal year 1984 Labor, HHS, Education and Related Agencies appropriations bill would greatly enhance the prospects for having a fully funded public health emergency fund operational early in fiscal year 1984.

The passage of this legislation will clearly demonstrate to the American people—and especially to those so very concerned about AIDS—that the Congress can respond comprehensively and in a bipartisan manner to a great public concern about a serious problem and act constructively to meet urgent national needs.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the exchange of correspondence with the Social Security Administration regarding SSDI and SSI benefits for AIDS victims, as well as the letter that I, along with Senators MOYNIHAN, KENNEDY, and TSONGAS, sent to the majority and minority leaders urging that H.R. 2713 be

placed on the Senate Calendar and considered as soon as possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 17, 1983.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader,
Hon. ROBERT C. BYRD,
Minority Leader,
U.S. Senate,
Washington, D.C.

DEAR HOWARD AND ROBERT: We are writing both to thank you for your efforts in having H.R. 2713—a bill to establish a public health emergency fund—placed on the Senate calendar and to urge that the bill be taken up and passed at the earliest opportunity if this can be done without the bill being amended.

As you know, S. 1226, which we introduced on May 5, 1983, is a companion to the House-passed bill. These bills respond in part to a very deeply felt concern of the American public that a major effort must be devoted to dealing with the acquired immune deficiency syndrome (AIDS) epidemic. They would establish, and authorize appropriations for, a public health emergency fund for research and investigation into the cause, treatment, and prevention of diseases or conditions which the Secretary of Health and Human Services determines present public health emergencies. Thus, this legislation would remedy a serious inadequacy in our Nation's health system—the lack of a mechanism for responding to large-scale public health threats, such as AIDS, that demand emergency action.

The House-passed bill differs from S. 1226 (which is described more fully in the enclosed copy of our May 27 letter to our Senate colleagues) in only two significant ways. First, the authorization of appropriations would be for $30 million rather than $40 million. Second, the House bill would require the Secretary of HHS annually to report on the use of the funds to Congress. We believe that the reporting requirement is a good addition, and, in the interest of quick enactment of this legislation, we would accept the $30 million authorization in lieu of the $40 million authorization at this point.

Enactment of this legislation prior to consideration of the fiscal year 1984 Labor, HHS, Education and Related Agencies appropriations bill would greatly enhance the prospects for having a fully-funded public health emergency fund operational at the outset of fiscal year 1984.

Therefore, we believe that the urgent need for enactment of this legislation warrants Senate action on it as soon as possible (if an agreement precluding amendments can be reached) and urge that H.R. 2713 be taken up as soon as it can be scheduled. This action would demonstrate to the American people—and especially to those so very concerned about AIDS—that the Congress can respond swiftly and in a bipartisan manner to meet urgent national needs.

We want to work with you on this matter in any way you believe would be helpful and very much appreciate your cooperation.

With warm regards,
Cordially,

DANIEL PATRICK MOYNIHAN.
EDWARD M. KENNEDY.
ALAN CRANSTON.
PAUL E. TSONGAS.

U.S. SENATE,
Washington, D.C., May 27, 1983.

DEAR COLLEAGUE: On May 5, 1983, we introduced S. 1226, legislation to establish a Public Health Emergency Fund to help ensure the availability of funding for swift and effective responses to public health emergencies through the Department of Health and Human Services.

There is now no effective mechanism for responding to large-scale public health emergencies that occur suddenly and require immediate action in terms of investigating outbreaks of disease, removing contaminated products from the market, or undertaking new medical research. This deficiency was plain in a number of recent public health emergencies—Legionnaires' disease, toxic shock syndrome, the Tylenol poisonings, and three of the largest food recalls (salmon, mushrooms, and infant formula). Now the outbreak of acquired immune deficiency syndrome (AIDS) a fatal disease that destroys the body's immune system, leaving the individual highly susceptible to life-threatening infections, is rapidly becoming an uncontrolled epidemic and demands urgent action.

These types of public health problems cannot be planned for in advance. Their costs, which can be substantial, cannot be calculated into an agency's fiscal year budget. Without a contingency fund and coordinated effort to respond to public health emergencies, our only way to react to these problems is by siphoning resources out of other research areas and public health programs to which the same immediacy may not attach but that are equally important in protecting the health of our Nation's citizens. When those other resources cannot be found and diverted quickly, we experience dangerous delays in efforts to stop the spread of diseases that can fast reach epidemic proportion causing much suffering and death.

The concept of making contingency funds available to meet public emergencies is not unprecedented. The EPA and FEMA have funds available for use in emergencies. Nor is this specific proposal novel. In 1982, then HHS Secretary Schweiker proposed to establish a National Emergency Response Fund to provide the Department with the capability to respond quickly and resourcefully in critical situations that affect the Nation's health and welfare.

Our bill would establish in the Treasury a Public Health Emergency Fund and authorize the appropriation of $40 million to the fund in fiscal year 1984 and, in each subsequent fiscal year, such sums as are necessary for there to be $40 million in the fund at the beginning of the fiscal year. The funds would be available for use in responding to an emergency if the Secretary of Health and Human Services, after consultation with the Director of CDC, or the Administrator of ADAMHA, determines that a disease or disorder presents a public health emergency, or that such an emergency otherwise exists, with respect to which the Secretary already has authority to take responsive action. Following that determination, the allocation of fund moneys would be authorized for the purpose of supporting appropriate responses to the emergency, including grants or contracts for research into the cause, treatment, and prevention of such a disease or disorder.

We hope that you will join with us in helping to prepare our country to respond more quickly and more effectively to public health emergencies. If you have any questions, or if you would like to join as a cosponsor, please have your staff contact Nancy Barrand at 4-3553.

With warm regards,
Cordially,

EDWARD KENNEDY.
DANIEL PATRICK MOYNIHAN.
ALAN CRANSTON.
PAUL TSONGAS.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 25, 1983.

Commissioner JOHN A. SVAHN,
Social Security Adminstration,
Baltimore, Md.

DEAR COMMISSIONER SVAHN: A number of constituents have recently asked my office to bring a matter of great urgency to your attention.

Because of the recent, and rapidly spreading, epidemic of A.I.D.S., a number of previously healthy young people have become afflicted with life-threatening and disabling accompanying illnesses such as Kaposi-Sarcoma and Pneumocystis Pneumonia.

In several cases these patients have been denied Social Security disability benefits despite the fact that the underlying syndrome is currently irreversible, the treatment (including chemotherapy) is often debilitating, the patients' vital health needs often require minimum stress and exertion, and the diseases are fatal in more than 80% of the patients after a two-year period.

It is clear that a firm diagnosis of KS or PCP should qualify a claimant for benefits under the equivalency concept. I was reassured to learn that this opinion is shared by Dr. Krajeski, the Chief Medical Advisor of the Program Branch of the Regional District in San Francisco, and by Gladys Vedros, the Director of the Regional Disability Programs Branch.

Other A.I.D.S. diagnoses, less obviously debilitating, could be handled on a case-by-case basis by workers familiar with the syndrome.

Both Dr. Krajeski and Mrs. Vedros have been extremely helpful to my office in this matter. However, some claimants with clear diagnoses continue to be denied eligibility on initial application, and sometimes again after appeal.

The unnecessary suffering caused by these denials, which are clearly inconsistent with existing criteria, could be avoided if the medical opinion of Dr. Krajeski and of all physicians treating these patients that a firm diagnosis of KS or PCP is a qualifying condition on equivalency grounds would be made a clear and undisputable matter of national policy, made clearly known to those responsible for initial evaluations.

The urgency of this matter for the individuals involved is obvious. For the larger society, it will become increasingly significant as these diseases occur in other areas. This is clearly a national problem.

I would like to stress that, in my opinion and in the opinion of all knowledgeable physicians of whom I am aware, this matter does not require any change in existing regulations. It requires only a clarification of existing regulations for front-line decision makers who, probably because of unfamiliarity with a very new and complicated medical problem, are unaware of the very clear qualification of these claimants.

I look forward to your response and to a prompt resolution of this matter in the interests of justice and sound medical practice.

Please reply to 11104 Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Sincerely,

PHILLIP BURTON,
Member of Congress.

U.S. SENATE,
Washington, D.C., April 22, 1983.

Hon. MARGARET M. HECKLER,
Secretary of Health and Human Services, Washington, D.C.

DEAR MARGARET, I am contacting you in connection with a March 25 letter (copy enclosed) to you from the late Congressman Phil Burton regarding acquired immune deficiency syndrome (A.I.D.S.).

That letter expressed specific concerns about the denial of eligibility for social security disability insurance and supplemental security income benefits for certain individuals who have A.I.D.S. I have significant concerns regarding that matter and would, therefore, appreciate your providing me with your response to the issues he raised and the suggestions he made.

Thank you for your cooperation.

With warm regards,

Cordially,

ALAN CRANSTON.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, D.C., June 7, 1983.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your inquiry supporting the late Congressman Burton's concerns about people with Acquired Immune Deficiency Syndrome (AIDS) being denied Social Security disability benefits and supplemental security income payments.

The Social Security Administration (SSA) has been monitoring the disability determination services (DDS) to determine if there are any problems with cases where the applicant is diagnosed to have AIDS. SSA recently found that some DDS' may not be deciding these cases properly.

As a result of this finding, SSA issued a notice to all DDS' pointing out the widely reported high mortality rates for people with AIDS and the associated infections and diseases such as Kaposi's sarcoma and Pneumocystic carinii pneumonia. Because of the high mortality rate, they advised the DDS' that a finding of medical equivalence will be appropriate if the condition is fully documented. Disability benefits would be paid in these cases, assuming all other eligibility criteria are met.

SSA's action is just one of a number of activities this Department has undertaken to combat AIDS. Since the first reports of AIDS cases in 1981, HHS has devoted the full range of assistance and expertise of its public health professionals—working with State and local public health officials, the practicing medical community, the academic and research communities, representatives of high risk groups, and the blood banking community. These early efforts have allowed us to identify high risk groups, to understand the spread of the syndrome, and to make recommendations to reduce the risk of spread of AIDS. Researchers within the Public Health Service, as well as in the major medical institutions of this country and around the world, are pursuing the cause of AIDS so that effective treatment and prevention measures can be developed and put in place.

I appreciate your interest and concern in this matter.

Sincerely,

MARGARET M. HECKLER,
Secretary.

DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
April 26, 1983.

Attention: Ms. Doris Thomas.
Fifth Congressional District of California, Federal Building, San Francisco, Calif.

DEAR MS. THOMAS: I am responding to your inquiry of March 25, 1983 about people with Acquired Immune Deficiency Syndrome (AIDS) being denied Social Security disability benefits.

We have been monitoring the disability determination services (DDS) to determine if there are any problems with cases where the applicant is diagnosed to have AIDS. Only recently did we find that some DDS's may not be deciding these cases properly.

We are, therefore, issuing a notice to all DDS's pointing out the widely reported high mortality rates for people with AIDS and the associated infections and diseases such as Kaposi's sarcoma and Pneumocystis carinii pneumonia. Because of the high mortality rate, we are advising the DDS's that a finding of medical equivalence will be appropriate if the condition is fully documented.

I share your concern in this matter and appreciate your calling it to my attention.

Sincerely,

JOHN A. SVAHN.

The bill was ordered to a third reading, read the third time, and passed.

RECORD RENTAL AMENDMENT OF 1983

The Senate proceeded to consider the bill (S. 32) to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings, which had been reported from the Committee on the Judiciary, with amendments, as follows:

On page 2, line 5, strike "copyright owners", and insert "owners of copyright in the sound recording and in the musical works embodied therein";

On page 2, line 7, strike "of a sound recording";

On page 2, line 8, after "dispose", insert "or authorize disposal";

On page 2, after line 11, insert the following:

SEC. 3. Section 115(c) of chapter 1 of title 17 of the United States Code is amended by renumbering paragraphs (3) and (4) thereof as paragraphs (4) and (5), respectively, and by adding after paragraph (2) the following new paragraph:

"(3) A compulsory license under this section includes the right to distribute phonorecords by rental, lease, or lending (or by acts or practices in such nature). Without prejudice to the royalty payable under paragraph (2) of this subsection and chapter 8 of this title, a royalty shall be payable by the compulsory licensee for every act of distribution of a phonorecord by or in the nature of rental, lease, or lending, by or under the authority of the compulsory licensee. With respect to each work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this paragraph equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under paragraph (2) that is payable by a compulsory licensee under such paragraph and under chapter 8. The register of Copyrights shall prescribe regulations to carry out the purpose of this paragraph."

On page 3, line 9, strike "3.", and insert "4.";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Record Rental Amendment of 1983".

SEC. 2. Section 109(a) of chapter 1 of title 17 of the United States Code is amended by replacing the period at the end thereof with a colon and inserting thereafter the following: "*Provided, however,* That, unless authorized by the owners of copyright in the sound recording and in the musical works embodied therein, the owner of a particular phonorecord may not, for purposes of direct or indirect commercial advantage, dispose or authorize disposal of the possession of that phonorecord by rental, lease, or lending, or by any other activity or practice in the nature of rental, lease, or lending.".

SEC. 3. Section 115(c) of chapter 1 of title 17 of the United States Code is amended by renumbering paragraphs (3) and (4) thereof as paragraphs (4) and (5), respectively, and by adding after paragraph (2) the following new paragraph:

"(3) A compulsory license under this section includes the right to distribute phonorecords by rental, lease, or lending (or by acts or practices in such nature). Without prejudice to the royalty payable under paragraph (2) of this subsection and chapter 8 of this title, a royalty shall be payable by the compulsory licensee for every act of distribution of a phonorecord by or in the nature of rental, lease, or lending, by or under the authority of the compulsory licensee. With respect to each work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this paragraph equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under paragraph (2) that is payable by a compulsory licensee under such paragraph and under chapter 8. The register of Copyrights shall prescribe regulations to carry out the purpose of this paragraph.".

SEC. 4. This amendment becomes effective upon its enactment.

Mr. THURMOND. Mr. President, when the Committee on the Judiciary organized at the beginning of this Congress, I proposed, and the committee ratified, the creation of a new Subcommittee on Patents, Copyrights, and Trademarks. The purpose of this subcommittee was to address, with developed expertise, the increasing need for legislative responses to the high technology advances of the 1980's.

S. 32, the Record Rental Amendment of 1983, is the first piece of legislation to be reported out of that subcommittee. The advantages of developed expertise are clearly demonstrated by the amendments offered to that bill by the distinguished Senator from

Utah, Mr. HATCH. The complexity of the issue is evidenced, not only in the changes made by S. 32 in our Federal copyright laws, but also by the changes it does not propose to make.

Mr. President, our committee report describes in detail the problem which S. 32 addresses in a farsighted manner. We are witnessing in this country the shadow of a phenomenon which has had a substantial adverse impact on the recording industry in Japan. Specifically, record rental stores lease record albums for a fee which represents a small portion of the purchase price. The lessee takes advantage of this opportunity to tape the rented record before its return. Thus, the rented record clearly displaces a potential sale. The fact that subsequent taping is clearly the motive behind the rental is demonstrated by the fact that some record stores even include a blank tape in the price of the rented record.

The first sale doctrine of our Federal copyright laws currently permits the rental of a record without the authority of the copyright holder. As a preventive measure, and in order to avoid the displacement of record purchases, S. 32 would modify that doctrine to prohibit the commercial leasing of records without the permission of the copyright owner. It would, however, preserve the ability of libraries to lend records.

Mr. President, I stress that S. 32 deals only with rental of records. It does not deal with the rental of video materials, which is a very different question. The committee concluded that the modification of the first sale doctrine proposed in S. 32 and the reasons for that modification cited in the committee report were appropriate in light of the unique problems presented by record rental and copying. The committee has under separate consideration legislation dealing with other aspects of the first sale doctrine.

Mr. President, I want to commend the sponsor of this bill, Senator MATHIAS, and our distinguished majority leader for their leadership on this legislation. As a fellow lover of country music, I recognize its importance to our national spirit and the contributions of the entire music industry to our economy. S. 32 is an attempt to protect that important industry from a potential, serious problem.

S. 32, THE RECORD RENTAL AMENDMENT OF 1983

Mr. MATHIAS. In 1909 Congress updated the copyright law and codified the first sale doctrine. As the report explains, the first sale occurs at the time the copyright owner conveys title to an unrelated person or company—be it a jobber, a distributor, a retailer, or the ultimate consumer. Congress originally adopted the doctrine to codify the common law rule against restraints on the alienation of tangible property. It focused on contract and commercial law, not on copyright law. It worked well until technology changed the record industry, and widespread home taping threatened to sap its strength by undermining its coin of the realm—copyright.

Record rental shops rent popular albums for 1 or 2 days for a dollar or two. This practice, which the copyright owners cannot prevent under the first sale doctrine, displaces sales since the customers go home and tape the records on their tape recorders. The industry's sales losses from home taping are estimated at $1 billion a year.

There are only 250 or so record rental stores in our country. But in Japan, where record rental originated in 1980, there are over 1,700 rental outlets—20 percent of the entire record retail industry. Conventional record sales in Japan in the vicinity of rental outlets have fallen by over 30 percent.

Under the provisions of S. 32, the copyright owners will regain some control over the way their products are marketed by retailers. The bill will allow the parties to work out between themselves how best to protect the interests we all have—retailers, the record companies, the artists and writers, and consumers alike—in keeping the music business healthy.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

The Senate proceeded to consider the bill (H.R. 2065) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

TITLE I

SEC. 101. That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1983:

(a) For "Research and development," for the following programs:

(1) Space transportation capability development, $2,009,400,000;

(2) Space transportation operations, $1,545,600,000;

(3) Physics and astronomy, $562,100,000;

(4) Planetary exploration, $220,400,000;

(5) Life sciences, $59,000,000;

(6) Space applications, $313,000,000;

(7) Technology utilization, $10,000,000;

(8) Aeronautical research and technology, $320,300,000;

(9) Space research and technology, $143,000,000; and

(10) Tracking and data systems, $700,200,000; and

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Space Shuttle facilities at various locations as follows:

(A) Modifications for additional chillers for mission control center, Lyndon B. Johnson Space Center, $2,300,000;

(B) Modifications to mobile launch platform, John F. Kennedy Space Center, $27,300,000; and

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $11,700,000;

(2) Space Shuttle payload facilities at various locations as follows:

(A) Construction of cargo hazardous servicing facility, John F. Kennedy Space Center, $9,000,000; and

(B) Modifications to spacecraft assembly and encapsulation facility for cargo processing, John F. Kennedy Space Center, $3,000,000;

(3) Construction of frequency standards laboratory, Jet Propulsion Laboratory, $2,700,000;

(4) Modifications to space flight operations facility, Jet Propulsion Laboratory, $1,600,000;

(5) Construction of fluid mechanics laboratory, Ames Research Center, $3,900,000;

(6) Construction of aeronautical tracking facility, Hugh L. Dryden Flight Research Facility, $800,000;

(7) Modifications and addition for composite materials laboratory, Langley Research Center, $5,100,000;

(8) Modifications to 30- by 60-foot wind tunnel, Langley Research Center, $4,400,000;

(9) Modifications for small engine component testing facility, Lewis Research Center, $7,000,000;

(10) Modifications to icing research tunnel, Lewis Research Center, $3,600,000;

(11) Relocation of 26-meter STDN antenna, Spain, $1,700,000;

(12) Repair of facilities at various locations, not in excess of $500,000 per project, $19,500,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $24,500,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,800,000; and

(15) Facility planning and design not otherwise provided for, $9,200,000.

(c) For "Research and program management," $1,242,500,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 101(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in

any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 101(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 101(a) and 101(c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 101(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 101(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 103. Not to exceed ½ of 1 percent of the funds appropriated pursuant to subsection 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 101(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 104. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 106. The authorization for space transportation capability development includes provision for the production activities necessary to provide for a fleet of Space Shuttle orbiters, including the production of structural and component spares, necessary to ensure confident and cost-effective operation of the orbiter fleet, as well as provisions for maintaining production readiness for a fifth orbiter vehicle.

SEC. 107. Title III of the National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME AND INITIALS

"SEC. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or a combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the National Aeronautics and Space Administration which does not, in fact, exist.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.".

SEC. 108. Section 103(1) of the National Aeronautics and Space Act of 1958, as amended, is amended, by striking out "and (C)" and inserting in lieu thereof "(C) the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment, and (D)".

SEC. 109. Notwithstanding any other provision of law, there shall be transferred to NASA three government-owned tracts of NASA used land and improvements thereon (totalling approximately 33.5 acres) at Ellington Air Base, Texas, without any transfer of funds therefor.

SEC. 110. Any decision or proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or policy shall be implemented unless (A) a period of 30 days has passed after the receipt by each such committee of a full and complete statement of the decision or proposed policy and the facts and circumstances relied upon in support of such decision or proposed policy, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the decision or proposed policy.

SEC. 111. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1984".

TITLE II

SEC. 201. There is authorized to be appropriated $29,336,000 for the fiscal year 1984 for the purpose of operating the land remote sensing satellite system, including provision for storage of a backup satellite.

SEC. 202. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as it deems appropriate for any such transfer.

Mr. GORTON. Mr. President, for the purpose of authorizing funds for fiscal year 1984 for the National Aeronautics and Space Administration (NASA), the Commerce Committee reported a substitute amendment which reflects an agreement reached between the members of the Senate Committee on Commerce, Science, and Transportation and the members of the House Committee on Science and Technology.

On April 26, 1983, the House passed its NASA authorization, H.R. 2065, which would authorize $7,268,220,000 for NASA in fiscal year 1984. On June 15, 1983, the Senate passed its NASA authorization, S. 1096, which would authorize $7,278,100,000 for NASA for fiscal year 1984.

The compromise legislation before us, H.R. 2065 as amended, authorizes $7,267,600,000 for fiscal year 1984 NASA activities. This figure is $10,500,000 below the authorization in S. 1096 and is $620,000 below the authorization in the original House legislation.

The major differences between this substitute amendment and the administration request are:

An additional $82 million for space transportation capability development, primarily for additional main engines for the space shuttle fleet and long leadtime spare part components for the orbiters.

An increase of $45 million for the Space Telescope for overrun costs estimated for fiscal year 1984 and $17.5 million for other space science programs.

An additional $30 million for space applications and technology utilization.

An increase of $20 million for aeronautical research and technology.

Reductions totaling $13.4 million in construction of facilities and research and program management.

NASA has just completed the launch and return of the space shuttle in what was the most successful mission so far. We can take great pride in the contribution which NASA's programs in space and aeronautics is making to our Nation's technological leadership and aspirations.

I ask unanimous consent that the following brief statement on behalf of myself and Senator HEFLIN, the ranking member of the Subcommittee on Science, Technology, and Space, explaining the provisions of the substitute amendment, be printed in the RECORD.

There being no objection, the explanatory statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE SUBSTITUTE AMENDMENT

The NASA request for fiscal year 1984 totaled $7,106,500,000. The House authorized $7,268,220,000 and the Senate authorized $7,278,100,000. The substitute amendment provides a total authorization for fiscal year 1984 of $7,267,600,000 as follows:

SUMMARY OF ADJUSTMENTS TO H.R. 2065—NASA FISCAL YEAR 1984 AUTHORIZATION

	Budget request	House action	Senate action	Substitute amendments
Research and development:				
Space transportation capabilities development	$1,927,400,000	$1,999,400,000	$2,022,400,000	$2,009,400,000
Space transportation operations	1,570,600,000	1,570,600,000	1,535,600,000	1,545,600,000
Physics and astronomy	514,600,000	566,600,000	558,600,000	562,100,000
Planetary exploration	205,400,000	220,400,000	215,400,000	220,400,000
Life sciences	59,000,000	59,000,000	59,000,000	59,000,000
Space applications	289,000,000	306,000,000	321,000,000	313,000,000
Technology utilization	4,000,000	10,000,000	10,000,000	10,000,000
Aeronautical research and technology	300,300,000	311,600,000	328,300,000	320,300,000
Space research and technology	138,000,000	143,000,000	138,000,000	143,000,000
Tracking and data acquisition	700,200,000	700,200,000	700,200,000	700,200,000
Total	5,708,500,000	5,886,800,000	5,888,500,000	5,883,000,000
Construction and facilities	150,500,000	138,920,000	142,100,000	142,100,000
Research and program management	1,247,500,000	1,242,500,000	1,247,500,000	1,242,500,000
Grand total	7,106,500,000	7,268,220,000	7,278,100,000	7,267,600,000

The points in disagreement and the resolution of them are as follows:

1. NASA requested $1,927,400,000 for Space Transportation Capability Development activities.

The House authorized $1,999,400,000, a net increase of $72 million as follows: an increase of $70 million to increase funding for orbiter and engines spares and to maintain production readiness for a fifth orbiter; an increase of $10 million to continue contractor space station studies, to fund alternative concept studies, and to fund studies of a space platform serviced by an extended-duration orbiter; and a decrease of $8 million to reduce level of support for engineering and technical base activities.

The Senate authorized $2,022,400,000, an increase of $95 million as follows: an increase of $85 million for the initiation of procurement of a fifth Space Shuttle orbiter; an increase of $5 million for additional space station studies; and an increase of $5 million for the teleoperator maneuvering system.

The substitute amendment authorizes $2,009,400,000 for Space Transporation Capability Development activities including the following: an increase of $75 million for orbiter and engine spares, an increase of $10 million for space station studies, a decrease of $8 million in engineering and Technical Base, and an increase of $5 million for the teleoperator maneuvering system.

2. NASA requested $1,570,600,000 for Space Transportation Operations activities.

The House authorized the NASA request.

The Senate authorized $1,535,600,000, a reduction of $35 million in the level of support for operations.

The substitute amendment authorizes $1,545,600,000, a decrease of $25 million, for Space Transportation Operations activities.

3. NASA requested $514,600,000 for Physics and Astronomy activities.

The House authorized $566,600,000 which is $52 million over the request and includes: an increase of $45 million for the Space Telescope program to offset cost overruns; an increase of $6 million in Research and Analysis for experimental and theoretical research ($4M) and for instrumentation ($2M); and an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis.

The Senate authorized $558,600,000 a net increase of $44 million over the request. This budget includes an increase of $50 million in Space Telescope for cost overruns; an increase of $4 million in Research and Analysis for experimental and theoretical research and mission definition; an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis; and a decrease of $11 million in Shuttle/Spacelab Payload Development which is a net of a $16 million decrease for Solar Optical Telescope and an increase of $5 million for Space Plasma Lab.

The substitute amendment authorizes $562,100,000 for Physics and Astronomy ac-

tivities including the following: an increase of $45 million for the Space Telescope program, a decrease of $4.5 million for Shuttle/Spacelab Payload Development and Mission Management (the net result of a decrease of $7 million for the Solar Optical Telescope and an increase of $2.5 million for the Space Plasma Lab), an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis, and an increase of $6 million in Research and Analysis.

4. NASA requested $205,400,000 for Planetary Exploration activities in fiscal year 1984.

The House authorized $220,400,000, an increase of $15 million over the NASA request. The increase is in Research and Analysis for university research support and instrumentation and to partially restore the activity to fiscal year 1980 purchasing power.

The Senate authorized $215,400,000 an increase of $10 million over the NASA request. The increase is for Research and Analysis for experimental and theoretical research and mission definition.

The substitute amendment authorizes $220,400,000, an increase of $15 million for Research and Analysis activities.

5. NASA requested $289,000,000 for Space Application activities in fiscal year 1984.

The House authorized $306,000,000 an increase of $17 million over the request. This amount includes an increase of $9 million in Solid Earth Observations—for Agristars ($2M) to continue NASA participation; for Research and Analysis ($4M) for Synthetic Aperture Radar and Global Resource Information Systems studies; for Technology Transfer ($3M) for Application System Verification Tests. Also included is an increase of $3 million in Environmental Observations for Research and Analysis to support mission definition studies for Origin of Plasmas in the Earth's Neighborhood ($2M) and a study of Sun-Earth interactions ($1M). The House also authorized an increase of $5 million in Materials Processing for a university center for research on the separation and purification of organic materials and to augment industrial research aimed at commercial applications.

The Senate authorized $321,000,000 an increase of $32 million over the request. This includes an increase of $12 million in Solid Earth Observations for future sensor development and data utilization activities in Agristars ($3M), Research and Analysis ($5M), and Technology Transfer ($4M). The Senate authorized an increase of $10 million for Environmental Observations in Space Physics-Advanced Technological Development for university research in the Origin of Plasmas in the Earth's Neighborhood program ($2M); for Upper Atmosphere Research Satellite experiments ($4M); for Atmosphere Dynamics and Radiation Research ($2M) for advanced microwave sounder; and for Ocean Processes Research ($2M) for an advanced scatterometer. The Senate also authorized an increase of $5 million in Materials Processing to continue developing technology including small scale hardware for preliminary flight experiments and validation of concepts and for research in the separation and purification of biomaterials. Finally, the Senate authorized an increase of $5,000,000 for the Communications program for research on advanced communications systems (beyond ACTS).

The substitute amendment authorizes $313,000,000 for space applications programs including the following changes: an increase of $9 million for Solid Earth Observation as provided in the House action; an increase of $7 million in Environmental Observations ($2 million to support mission definition studies for Origins of Plasmas in the Earth's Neighborhood and $5 million to be used at the agency's discretion for Upper Atomspheric Research Satellite Experiments, for Atmosphere Dynamics and Radiation Research, and for Ocean Processes Research with the expectation that NASA will be guided by the Committee comments in the Legislative Report accompanying S. 1096); an increase of $5 million for Materials Processing in Space activities for the establishing university centers for research on the separation and purification of organic materials, for small scale hardware for preliminary flight experiments and concept validation, and for industrial research aimed at commerical applications; and an increase of $3 million for advanced satellite communications technology development (beyond ACTS). Within available funds NASA is directed to undertake a study of Sun-Earth interactions as called for in the Legislative Report accompanying H.R. 2065. The Members also adopt the Senate provision calling for a study of the Space Applications program.

6. NASA requested $300,300,000 for Aeronautical Research and Technology activities in fiscal year 1984.

The House authorized $311,600,000 an increase of $11.3 million over the request. This increase is the net of an increase of $20 million for the Advanced Turboprop program, an increase of $14 million for civil systems technology, and a general decrease of $22.7 million in the Research and Technology base.

The Senate authorized $328,300,000, an increase of $28 million over the request. This increase is the net result of a general reduction of $15 million in the Research and Technology Base in an increase of $43 million in System Technology Programs. The Systems Technology increase would be applied as follows: Advanced Turboprop ($18M); Laminar flow control ($5M); Advanced Transport Operating System ($2M); Advanced Turbofan ($4M); General Aviation/Commuter Engine Technology ($3M); and $11 million for the following technologies, advanced composites, energy efficient engine, energy efficient transport, and aeronautical systems studies.

The substitute amendment authorizes $320,300,000. Within this amount, $20 million is authorized only for the Advanced Turboprop Program, including activities leading to a flight test by 1987. The total further reflects the net of a $22.7 million reduction in the Research and Technology Base and a $22.7 million increase to be applied at NASA's discretion to civil Systems Technology programs, including Advanced Transport Operating Systems, Laminar Flow Control, Small Engine Component Technology, Advanced Turbofan Research, Advanced Composites, Advanced Metallics, Energy Efficient Engine, Energy Efficient Transport and Aeronautical Systems Studies.

7. NASA requested $138,000,000 for Space Research and Technology activities in fiscal year 1984.

The House authorized $143,000,000, an increase of $5 million over the request. This increase is in the Research and Technology base for university instrumentation ($2.5M) and advanced chemical propulsion ($2.5M).

The Senate authorized $138,000,000 which was the level requested.

The substitute amendment authorizes $143,000,000 as provided by the House with the expectation that NASA will initiate steps, possibly through planning grants, to identify the needs of universities and colleges for modern research laboratories, instrumentation, equipment, student fellowships and faculty development in order to maintain a healthy university base to support our Nation's civil space program.

8. NASA requested $150,500,000 for Construction of Facilities activities in fiscal year 1984.

The House authorized $138,920,000 a decrease of $11,580,000 below the request. This decrease was the net result of a general reduction of $5 million, the deletion of $8.4 million for the Ellington Air Force Base property transfer and an increase of $1.82 million to provide for the disassembly of an Apollo Launch Umbilical Tower in a manner that would allow reassembly for historical preservation.

The Senate authorized $142,100,000 which would delete the $8.4 million in the request for the Ellington Air Force Base property transfer.

The substitute amendment authorizes $142,100,000 for Construction of Facilities activities reflecting the deletion of $8.4 million requested for the transfer to NASA of property at Ellington Air Force Base. The House and Senate authorization Committees agree that the Apollo Launch Umbilical Tower should be disassembled in a manner that would allow the tower to be reassembled for historical preservation. The House and Senate authorizing Committees further agree that the funding required to reassemble the tower should be the responsibility of government agencies or private groups having a direct interest in historical preservation.

9. NASA requested $1,247,500,000 for Research and Program Management activities in fiscal year 1984.

The House authorized $1,242,500,000 a general reduction of $5 million below the request.

The Senate authorized $1,247,500,000, the level of the request.

The substitute amendment would authorize $1,242,500,000.

10. The House included a language provision in Sec. 1(a)(8) related to funding amounts for the Advanced Turbo-prop program.

Senate bill had no comparable provision.

The substitute amendment would delete the language added by the House.

11. The House included a language provision in Sec. 1(b)(1)(B) related to preservation of an Apollo Launch Umbilical Tower.

The Senate bill contained no comparable provision.

The substitute amendment would delete the language added by the House since NASA has already exercised the contract option as specified using fiscal year 1983 funding.

12. The House included a new Section 109 authorizing transfer to NASA of property at Ellington Air Force Base without any transfer of funds therefor.

The Senate bill included a similar provision as Sec. 1(h) with some technical changes.

The substitute amendment includes the Senate language as Section 109.

13. The House added language at the end of Section 106 providing for maintaining production readiness for a fifth orbiter vehicle.

The Senate added language at the end of section 106 authorizing initiation of procurement of a fifth orbiter vehicle.

The substitute amendment adopts the House language but deleted the references to the size of the orbiter fleet as being four orbiter vehicles.

14. In adopting Section 107, a provision related to misuse of the agency name as proposed by the Administration, the House deleted the second sentence in subsection (b).

The Senate adopted as Sec. 108 the Administration provisions related to misuse of the agency name.

The substitute amendment would adopt the House language as Sec. 107.

15. The House included in a new Sec. 108 an amendment to the Space Act to include within the definition of aeronautical and space activities as specified in Sec. 203 of the Space Act the following: "the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment."

Senate bill had no comparable language.

The substitute amendment includes the new Sec. 108 amending the Space Act as included in the House bill to clarify the definition of aeronautical and space activities.

16. The Senate included a new Sec. 107 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Science and Technology for review and approval.

The House bill included no comparable language.

The substitute amendment includes a new Sec. 110 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science and Transportation and the House Committee on Science, and Technology for review thirty days prior to implementation.

Mr. HEFLIN. Mr. President, I would like to join the chairman of the Subcommittee on Science, Technology and Space, Senator GORTON, in submitting this statement pertaining to the fiscal year 1984 NASA authorization. We have worked out a compromise with the House of Representatives. I am particularly pleased with the funds provided for a fifth shuttle orbiter, the teleoperator maneuvering system, space station studies, space science, materials processing, and aeronautics. I am also supportive of steps we will be taking to address the needs of universities and colleges to undertake space-related research.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider en bloc the votes by which bills were passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR TESTIMONY OF CAROL MANTLE IN THE TRIAL OF UNITED STATES OF AMERICA AGAINST KENNETH TRAVIS BYNUM, CR. NO. 83-00408 (N.D. FLA.)

Mr. STEVENS. Mr. President, I send to the desk a resolution in behalf of the distinguished majority leader and the distinguished minority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 170) to authorize the testimony of Carol Mantle in the trial of United States of America v. Kenneth Travis Bynum, Cr. No. 83-00408 (N.D. Fla.)

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, this resolution would authorize testimony by Carol Mantle, an employee in Senator Hawkins' office, in the case of the United States against Kenneth Bynum, which is pending in the U.S. District Court for the Northern District of Florida. Counsel for the Government has requested this testimony at the trial, which is set for June 29. This criminal prosecution charges violation of the Federal statute against mailing threatening communications. This resolution would authorize Ms. Mantle to testify regarding the receipt and handling of the letter underlying the prosecution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 170) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 170

Whereas, the case of *United States of America* v. *Kenneth Travis Bynum*, Criminal Action No. 83-00408, is set for trial on June 29, 1983, in the United States District Court for the Northern District of Florida;

Whereas, counsel for the government has requested the testimony of Carol Mantle, a Senate employee in Senator Hawkins' Winter Park, Florida, office;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore be it

Resolved, That Carol Mantle is authorized to testify in the case of, *United States of America* v. *Kenneth Travis Bynum*, Criminal Action No. 83-00408 (N.D. Fla.), except concerning matters that are privileged from disclosure.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISCHARGING THE JUDICIARY COMMITTEE FROM FURTHER CONSIDERATION OF S. 650

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 650, a bill to raise the retirement age for superior court judges in the District of Columbia, and I ask that it be referred to the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS HEALTH CARE AND PROGRAMS IMPROVEMENTS AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 223, S. 578.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 578) to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans Administration to administer a community residential care program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of expenses of travel for Veterans Administration health care, which had been reported from the Committee on Veterans' Affairs with an amendment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert the following:

That (a) this Act may be cited as the "Veterans' Health Care and Programs Improvement Act of 1983".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' ADMINISTRATION HEALTH CARE PROGRAMS

ADULT DAY HEALTH-CARE SERVICES

SEC. 101. (a) Section 620 is amended—

(1) by adding at the end of the catchline a semicolon and "adult day health care pilot program";

(2) in subsection (a), by striking out "the jurisdiction" and inserting in lieu thereof "the direct jurisdiction";

(3) in subsection (b), by inserting "or adult day health care" after "nursing home care";

(4)(A) by redesignating subsection (e) as subsection (f), and inserting "(1)" before "For"; and

(B) by adding at the end of subsection (f) (as so redesignated) the following new paragraph:

"(2) For the purposes of this section, the term 'adult day health care' means health and social services furnished to individuals in congregate settings during daytime hours for the purpose of enabling such individuals to reside in supportive home environments rather than in nursing home care facilities. Such health and social services may include medical services furnished on an outpatient or ambulatory basis, midday meals, and transportation, including transportation between home and the facility providing such health and social services."; and

(5) by inserting after subsection (d) the following new subsection:

"(e)(1)(A) Subject to subparagraphs (B) and (C) of this paragraph, the Administrator may conduct a pilot program of adult day health care under which the Administrator, in the case of a veteran described in paragraph (1) of subsection (a) of this section who is eligible for transfer pursuant to such subsection, may transfer such veteran for the purpose of such veteran being furnished such care, at the expense of the United States, to any public or private facility not under the direct jurisdiction of the Administrator which furnishes such care. Such care may not be furnished under this paragraph at the expense of the United States for more than 6 months in the aggregate in connection with any one transfer, except (i) in the case of a veteran whose hospitalization was primarily for a service-connected disability, or (ii) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran.

"(B)(i) The terms and conditions set forth in subsections (b) and (c) of this section applicable (I) to the transfer or admission of veterans to institutions for nursing home care under this section, and (II) to contracts for the provision of such care, respectively, shall apply to the furnishing of adult day health care under this subsection.

"(ii) The authorities provided in the final sentence of subsection (a) of this section and in the first two sentences of subsection (d) of this section with respect to furnishing nursing home care to certain veterans shall be available to the Administrator for the furnishing of adult day health care to such veterans under this subsection.

"(C) Adult day health care may be furnished to a veteran under this subsection only if the Administrator determines that the cost per week of such care will be less than the lesser of the cost per week of furnishing such veteran nursing home care under this section or the cost per week of furnishing such veteran nursing home care in a facility under the direct jurisdiction of the Administrator.

"(2) In exchange for the United States being relieved from paying all or part of the expenses that would otherwise be paid by the United States under paragraph (1) of this subsection to a facility providing care to an eligible veteran under such paragraph, the Administrator may, pursuant to a contractual arrangement with such facility, provide such facility with inkind assistance through Veterans' Administration employees and the sharing of other Veterans' Administration resources. In any such contractual arrangement, the Administrator may agree to provide such assistance for utilization solely in the furnishing of adult day health care and only to the extent that the cost of such assistance is equal to or less than the amount of the expenses that, under such arrangement, the United States will be relieved from paying.

"(3) The Administrator may, as part of the pilot program under paragraph (1) of this subsection, establish and conduct at each of four geographically dispersed hospital or outpatient facilities over which the Administrator has direct jurisdiction a program of adult day health care for veterans who are eligible for such care under paragraph (1) of this subsection.

"(4) To the extent that the pilot program authorized by this subsection is carried out, the Administrator—

"(A) shall plan and conduct such program and a study thereof so as to provide for the assessment and demonstration of (i) any medical efficacy and cost effectiveness of furnishing adult day health care as an alternative for nursing home care, and (ii) the comparative advantages and disadvantages of providing such care through facilities not under the direct jurisdiction of the Administrator and facilities that are under such jurisdiction; and

"(B) may not furnish adult day health care under this subsection after September 30, 1987.

"(5) In the annual reports to the Congress for each of fiscal years 1984, 1985, and 1986 as required by section 214 of this title, the Administrator shall include detailed descriptions of the activities carried out under this subsection. Not later than December 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing—

"(A) the results of any study conducted under paragraph (4)(A) of this subsection; and

"(B) any recommendations for legislative and administrative action that the Administrator considers appropriate.".

(b) The table of sections at the beginning of chapter 17 is amended by amending the item relating to section 620 to read as follows:

"620. Transfers for nursing home care; adult day health care pilot program.".

VIETNAM-ERA VETERANS' READJUSTMENT ISSUES

SEC. 102. Section 612A is amended—

(1) in subsection (a), by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985";

(2) in subsection (g)(1)—

(A) by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985"; and

(B) by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985"; and

(3) in subsection (g)(2)—

(A) by striking out "April 1, 1984" and inserting in lieu thereof "September 30, 1984";

(B) by striking out "on" after "report" and inserting in lieu thereof "containing (A) a description of"; and

(C) by inserting before the period a comma and "and (B) the Administrator's evaluation of the effectiveness of the readjustment counseling services provided pursuant to this section in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era, with particular reference to identification and treatment of post-traumatic stress disorder".

SEC. 103. (a) The Administrator of Veterans' Affairs shall design and conduct a comprehensive study of the prevalence, incidence, and effects of post-traumatic stress disorder and related problems in readjusting to civilian life among veterans who served on active duty during the Vietnam era, with particular emphasis on those who have service-connected disabilities and those who served in the Republic of Vietnam or elsewhere in the Vietnam theater of operations and with specific reference to women veterans.

(b) Not later than March 1, 1985, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of the study required by subsection (a). Such report shall contain (1) a description of the results of the study, (2) information regarding the capability of the Veterans' Administration to provide treatment to the number of veterans identified in such study as suffering from post-traumatic stress disorder and related readjustment problems, (3) a description of the policy and procedures of the Veterans' Administration with respect to providing disability compensation for such disorder and problems, (4) a description of the activities of the Veterans' Administration to attempt to coordinate Veterans' Administration health-care and compensation programs with respect to post-traumatic stress disorder, and (5) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of the study results.

(c) For the purposes of this section, the terms "veteran", "service-connected", "active duty", and "Vietnam era" shall have the meaning provided in section 101 (2), (16), (21), and (29), respectively, of title 38, United States Code.

PREVENTIVE HEALTH-CARE SERVICES

SEC. 104. (a) Section 601(6)(A)(i) is amended by inserting "(in the case of a person otherwise receiving care or services under this chapter), preventive health-care services as defined in section 662 of this title" after "podiatric services".

(b) Section 661 is amended—

(1) by striking out "under which the Administrator may attempt to" and inserting in lieu thereof "in order to help";

(2) by inserting after "certain" the first place it appears "veterans otherwise being furnished care or services under this chapter, including";

(3) by striking out "for certain" the second place it appears; and

(4) by striking out "treatment" and inserting in lieu thereof "care or services".

(c) Section 663 is amended—

(1) in subsection (a)(1)—

(A) by striking out "may" and inserting in lieu thereof "shall, during fiscal years 1984 through 1988,";

(B) by inserting "otherwise being furnished care or services under this chapter" after "title";

(C) by striking out "and treatment" and inserting in lieu thereof "or services"; and

(D) by adding at the end the following new sentence: "In carrying out the pilot program under this subchapter, the Administrator may furnish such preventive health-care services to any other veteran described in section 612(f)(2) of this title.";

(2) by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking out "fiscal year 1984" and inserting in lieu thereof "each of fiscal years 1984 through 1988".

(d) Section 664 is amended by inserting "for each of fiscal years 1984 through 1988" after "Congress".

CHIROPRACTIC SERVICES

SEC. 105. (a)(1) Section 601 is amended by adding at the end the following new paragraph:

"(9) The term 'chiropractic services' means the manual manipulation of the spine performed by a chiropractor (who is licensed as such by the State in which he or she performs such services and who meets the uniform minimum standards promulgated for chiropractors under section 1861(r)(5) of the Social Security Act (42 U.S.C. 1395x(r)(5))) to correct a subluxation of the spine. For the purposes of this paragraph, such term does not include physical examinations, laboratory tests, radiologic services, or other tests or services determined by the Administrator to be excluded.".

(2) Subchapter III of chapter 17 is amended by adding at the end the following new section:

"§ 630. Chiropractic services

"(a) The Administrator shall, under regulations which the Administrator shall prescribe, reimburse a veteran eligible for medical services under this chapter for the reasonable charge for chiropractic services for which such veteran has made payment, or, in lieu of such reimbursement make payment of the reasonable charge for such chiropractic services directly to the chiropractor who furnished such services, if—

"(1) such chiropractic services were for the treatment of a service-connected neuromusculoskeletal condition of the spine,

"(2) the veteran is a veteran who has been furnished hospital care by the Veterans' Administration for a neuromusculoskeletal condition of the spine within a 12-month period prior to the provision of such chiropractic services, or

"(3) the veteran is a veteran described in section 612(f)(2) of this title who has been furnished hospital care or medical services by the Veterans' Administration for a neuromusculoskeletal condition of the spine, to the extent that such veteran is not entitled to such chiropractic services or reimbursement for the expenses of such services under an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement for the purpose of providing, paying for, or reimbursing expenses for such services.

"(b)(1) The Administrator shall, in consultation with appropriate public and nonprofit private organizations and other Federal departments and agencies that provide reimbursement for chiropractic services, establish a schedule of reasonable charges for such services, which schedule shall be consistent with the reasonable charges allowed under title XVIII of the Social Security Act (42 U.S.C. ch. 7).

"(2) The amount payable by the Administrator for chiropractic services furnished under this section shall not exceed $400 in any 12-month period in the case of any veteran.

"(c) Notwithstanding any other provision of this title, total expenditures for chiropractic services reimbursed under this section shall not exceed $2,000,000 in any fiscal year and no reimbursement or payment may be made under this section for chiropractic services furnished after September 30, 1987.".

(3) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 629 the following new item:

"630. Chiropractic services.".

(b) Not later than December 31, 1984, and not later than December 31 of each of the next 3 years thereafter, the Administrator of Veterans' Affairs shall prepare and submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the use made of the authority provided for in the amendments made by subsection (a) of this section. Each such report shall contain specification of—

(1) the number of requests by eligible veterans for reimbursement or payment for chiropractic services in the fiscal year preceding the fiscal year in which the report is submitted under section 630 of title 38, United States Code (as added by subsection (a)(1) of this section), and the number of such veterans who made such requests;

(2) the number of reimbursements or payments made by the Administrator of Veterans' Affairs under such section in such fiscal year and the number of veterans to or for whom such reimbursements or payments were made; and

(3) the total amounts of expenditures by the Administrator of Veterans' Affairs for such reimbursements and payments under such section in such fiscal year.

COMMUNITY RESIDENTIAL CARE

SEC. 106. (a) Subchapter III of chapter 17 is amended by adding at the end thereof the following new section:

"§ 630A. Transfers for community residential care

"(a) Subject to the terms and conditions set forth in this section and regulations prescribed by the Administrator under this section, the Administrator may assist a veteran to whom the Administrator is furnishing hospital, domiciliary, or nursing home care or medical services on an outpatient basis or has furnished such care or services within the preceding 12 months and for whom placement in a community residential-care facility is appropriate by referring such veteran for and aiding such veteran in obtaining placement in such a facility.

"(b)(1) The Administrator may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless the Administrator has approved such facility in accordance with paragraph (2) of this subsection.

"(2) The Administrator's approval of such a facility under paragraph (1) of this subsection shall be based upon the Administrator's determination, after inspection of such facility, that such facility meets the standards set forth in the regulations prescribed under this section. Such standards shall include:

"(A) health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety;

"(B) a requirement that the costs charged for care by a community residential-care facility be reasonable, as determined by the Administrator, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographical area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services;

"(C) criteria for determining the resources that a community residential-care facility needs in order to provide an appropriate level of services to veterans; and

"(D) such other criteria as the Administrator determines are appropriate to protect the welfare of veterans placed in community residential-care facilities under this section.

"(3) Payment of the charges for any care or services provided to a veteran whom the Administrator has referred to a community residential-care facility under this section shall not be the responsibility of the United States Government or the Veterans' Administration.

"(c)(1) The Administrator shall provide for periodic inspection of community residential-care facilities to determine continued compliance with the standards set forth in regulations prescribed under this section. Such standards and any report of inspection of such facilities under subsection (b)(2) of this section or under this subsection made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

"(2) If the Administrator determines that such a facility is not in compliance with such standards, the Administrator, in accordance with regulations prescribed under this section—

"(A) shall cease to refer veterans to such facility; and

"(B) may, with the permission of the veteran or the person or entity authorized by law to give permission on behalf of the veteran, assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of such facility, a hearing before any action authorized by this paragraph is taken.

"(d) The Administrator shall prescribe regulations to carry out this section.

"(e) For the purpose of this section, the term 'community residential-care facility' means a residential facility that provides, at a minimum, room and board and such limited personal care for and supervision of residents as the Administrator determines, in accordance with regulations prescribed under this section, are necessary for such resident's health, safety, and welfare.".

(b) The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 630 the following new item:

"630A. Transfers for community residential care.".

STATE HOME PER DIEM INCREASE

SEC. 107. (a) Section 641(a) is amended by striking out "$6.35", "$12.10", and "$13.25" and inserting in lieu thereof "$7.30", "$13.95", and "$15.25", respectively.

(b)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on April 1, 1984.

(2) With respect to months prior to September 1984, such amendments shall take effect only if adequate funds are specifically provided for such purpose in an appropriations Act.

PUERTO RICO

SEC. 108. (a) Section 601(4)(C)(v) is amended by striking out "September 30, 1983" and

inserting in lieu thereof "September 30, 1984".

(b) Not later than December 1, 1983, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the plans of the Administrator, and the reasons therefor, for meeting the health-care needs of veterans (as defined in section 101(2) of title 38, United States Code) in the Commonwealth of Puerto Rico and in the Virgin Islands who are eligible for health care under chapter 17 of title 38, United States Code, and, most particularly, the health-care needs of veterans (as so defined) in that population whose disabilities are service-connected (as defined in section 101(16) of such title). Such report shall (1) take into account the report by the Veterans' Administration's Office of Inspector General entitled "Report of Special Audit, Veterans' Administration Medical and Regional Office Center, San Juan, Puerto Rico (Report No. 3R2-A05-043)", dated February 22, 1983, and (2) include, with respect to each construction project (if any) that the Administrator recommends in such plans and for which a prospectus would be required under section 5004(b) of such title if such project were proposed to the Congress by the President or the Administrator, a prospectus that meets the requirements of such section.

RESOURCE REALIGNMENT

SEC. 109. (a) Section 111(e) is amended by adding at the end the following new paragraph:

"(5)(A) In order to achieve compliance with the limitation in subsection (b) of section 109 of the Veterans' Health Care and Programs Improvement Act of 1983 on certain obligations under this section in fiscal year 1984, the Administrator is hereby authorized to and shall prescribe regulations to be effective on October 1, 1983, restricting, to the extent necessary to achieve such compliance, the making of payments under this section to persons other than persons receiving benefits under this title for or in connection with a service-connected disability.

"(B) The substantive provisions so restricting such payments may be continued in effect in regulations after the end of such fiscal year.".

(b) Notwithstanding any other provision of law and subject to subsection (e), not more than $71,209,000 may be obligated in fiscal year 1984 from the Veterans' Administration medical care account (hereinafter in this section referred to as "the account") for payments under section 111 of title 38, United States Code.

(c)(1) Of the funds that are appropriated to the account for fiscal year 1984, the Administrator shall direct that a total of not less than $20,000,000 shall be made available for obligation in fiscal year 1984 for—

(A) the provision of nursing home care and adult day health care to eligible veterans under section 620 of title 38, United States Code (as amended by section 101 of this Act), and

(B) the provision of preventive health-care services (as defined in section 662 of such title) under sections 610 and 612 and subchapter VII of chapter 17 of such title (as amended by section 104 of this Act),

over and above the amount that was requested to be appropriated for such care and services in the President's budget transmitted pursuant to section 1105(a) of title 31, United States Code (hereinafter in this section referred to as "the President's budget"), for fiscal year 1984. In so directing, the Administrator shall allocate such total of not less than $20,000,000 so as to make available for such care or services under each such section and under such subchapter a significant portion of such total.

(2) If at any time during fiscal year 1984 the Administrator estimates that obligations in such year from the account for payments under section 111 of title 38, United States Code, will be an amount less than $71,209,000, the Administrator shall direct that such amount be obligated, as specified by the Administrator, for care described in clause (A) of paragraph (1), services described in clause (B) of paragraph (1), or otherwise authorized activities that are conducted by facilities over which the Administrator has direct jurisdiction and that are designed to avoid the need for, or to shorten the periods of, the institutionalization of veterans, or a combination of such care, services, and activities.

(3) Not later than September 15, 1983, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate (hereinafter in this section referred to as "the Committees") a report containing information specifying—

(A) the total amount that the Administrator estimates will be obligated in fiscal year 1984 from the account for such payments (taking into account the effect of the regulations described in paragraph (5)(A) of section 111(e) of such title (as added by subsection (a)));

(B) the amounts requested in the President's budget for fiscal year 1984 to be appropriated for the care and services specified in paragraph (1) under each section and subchapter there specified; and

(C) the amounts of the portion of the total, over and above amounts so requested to be appropriated, that the Administrator has directed be made available for obligation for such care and services under each such section and subchapter and the justification for each such amount.

(4) On the same day that the President's budget for fiscal year 1985 is transmitted, the Administrator shall submit to the Committees a report containing information (A) with respect to each month of fiscal year 1984, as to the amounts of the portion of such total that have been or are estimated to be obligated for such care and services obligated under each such section and subchapter, and (B) specifying (i) any revisions that the Administrator has made, since submitting the report required by paragraph (3), in the amounts of the portions of such total that the Administrator has directed to be made available for obligation under each such section and subchapter, and (ii) the justification for any such revisions.

(d)(1) Not later than August 1, 1984, the Administrator shall submit to the Committees and to the Comptroller General of the United States a report containing, with respect to each category of care and services described in subsection (c)(1)—

(A)(i) information, for each month of fiscal year 1984 for which such information is then available, as to the amounts obligated and the amounts by which such obligation have exceeded one-twelfth of the amounts requested to be appropriated in the President's budget for fiscal year 1984, and (ii) taking into account the information provided pursuant to subclause (i), the amounts that the Administrator estimates have been or will be obligated in each remaining month of fiscal year 1984 and the amounts by which such estimated amounts will exceed such one-twelfth; and

(B) the justification for the Administrator's estimates of the amounts that will be obligated in each such category in fiscal year 1984.

(2) Not later than September 1, 1984, the Comptroller General shall submit to the Committees a report containing—

(A) the results of an analysis by the Comptroller General, conducted in consultation with the Director of the Congressional Budget Office, of the report required by paragraph (1); and

(B) the Comptroller General's determination whether, on the basis of such analysis, the total obligations, for care and services described in subsection (c)(1) in fiscal year 1984 can reasonably be expected to exceed by a total of $20,000,000 or more the amount requested to be appropriated for such care and services in the President's budget for fiscal year 1984.

(3) If the Comptroller General's determination under paragraph (2) is that the amount by which such total obligations will exceed the amount so requested to be appropriated for such care and services in fiscal year 1984 cannot reasonably be expected to be $20,000,000 or more, subparagraph (B) of section 111(e)(5) of title 38, United States Code (as added by subsection (a)), shall lose effect on September 30, 1984, as if repealed by an Act of Congress.

(e)(1) If the Comptroller General of the United States determines, pursuant to paragraph (2), that the enactment of any law or any action of the Director of the Office of Management and Budget in connection therewith has made it impossible for the Administrator, based on the annual rate of appropriations that have been made to the account for fiscal year 1984 as of the date of such enactment, to comply with the provisions of subsection (c)(1) without causing to be diverted funds that have been appropriated to the account and intended by the Congress to be obligated for a purpose other than payments under section 111 of title 38, United States Code, then on the forty-sixth day after the date of the enactment of such law, the amendment made by subsection (a) and the provisions of subsection (b) shall lose effect as if repealed by an Act of Congress.

(2) Not later than 45 days after the enactment of each law making appropriations to the account for fiscal year 1984 or in any way restricting the obligation or expenditure of any funds appropriated to the account for fiscal year 1984, the Comptroller General, after consulting with the Administrator, shall submit to the Committees a report containing the Comptroller General's determination whether such law of such action so makes such compliance impossible.

(f) Not later than the date on which the President's budget for fiscal year 1986 is transmitted, the Administrator shall submit to the Committees a report containing (1) information as to the amounts actually obligated in fiscal year 1984 (A) from the account for payments under section 111 of title 38, United States Code, (B) for each category of care and services described in subsection (c)(1), and (C) any additional amounts obligated pursuant to subsection (c)(2) and the purposes for which they were spent; and (2) an explanation of the reasons for any significant differences between such actual obligations and the amounts of such expenditures during such fiscal year as estimated pursuant to subsection (d)(1).

TITLE II—PROVISIONS TO IMPROVE THE RECRUITMENT AND RETENTION OF CERTAIN PERSONNEL

SEC. 201. Section 4104 is amended—

(1) in paragraph (2), by striking out "physical therapists,";

(2) in paragraph (2), by striking out "bacteriologists" and inserting in lieu thereof "microbiologists";

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraph:

"(3) Certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses.".

SEC. 202. (a) Section 4105(a) is amended—

(1) in clause (1), by striking out "Physicians" and inserting in lieu thereof "Physician";

(2) by striking out clauses (8) and (9);

(3) by redesignating clause (10) as clause (8); and

(4) by adding at the end the following new clause:

"(9) Physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position—

have such medical, dental, scientific, or technical qualifications as the Administrator shall prescribe.".

(b) Section 4105(b) is amended by striking out all beginning with "as physician" through "auxiliary" and inserting in lieu thereof "to a position listed in section 4104(1) of this title".

SEC. 203. (a) Section 4106 is amended by adding at the end the following new subsection:

"(g)(1) The Administrator, upon the recommendation of the Chief Medical Director, may use (A) the authority in subsection (a) of this section to establish the qualifications for and, subject to paragraph (2) of this subsection, to appoint individuals to positions listed in section 4104(3), and (B) the authority in subsection (c) of this section for the promotion and advancement of Veterans' Administration employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Administrator shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5, United States Code.".

(b)(1) Not later than 90 days after the enactment of this section, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not less than 30 days, proposed regulations for the continued implementation of paragraph (2) of subsection (g) of section 4106 of title 38, United States Code (as added by subsection (a)).

(2) Not later than 180 days after the date of the enactment of this section, the Administrator shall publish in the Federal Register final regulations for such implementation.

SEC. 204. Section 4107 is amended—

(1) in subsection (f)—

(A) by striking out the comma after "regulations" and inserting in lieu thereof "(1)"; and

(B) by inserting before the period a comma and "and (2) notwithstanding any other provision of law, when the Administrator determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, or licensed practical or vocational nurses, the Administrator may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in subsection (e) of this section"; and

(2) by amending subsection (g)—

(A) by amending clause (A) of paragraph (1) to read as follows:

"(A) of individuals employed in positions listed in paragraphs (1) and (3) of section 4104 of this title; or"

(B) by amending paragraph (3) by inserting "and licensed physical therapists" after "anesthetists"; and

(C) by amending paragraph (4) by inserting "with respect to health-care personnel described in clause (B) of such paragraph" after "subsection".

SEC. 205. The second sentence of section 4110(a) is amended to read as follows: "The majority of employees on a disciplinary board shall be employed in the same category of position as the employee who is the subject of the charges.".

SEC. 206. Section 4111 is amended—

(1) by inserting "(a)" before "There";

(2) in subsection (a) (as so designated by clause (1)), by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (3)"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, the Administrator may, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Veterans' Administration, appoint an individual to a position in the Department of Medicine and Surgery providing direct patient-care services or services incident to direct patient-services at a rate above the minimum rate of the appropriate grade.".

SEC. 207. (a)(1) Not later than January 1, 1984, the Administrator of Veterans' Affairs and the Director of the Office of Personnel Management shall submit a joint report to the Committees on Veterans' Affairs of the House of Representatives and the Senate (hereinafter in this section referred to as "the Committees") regarding the status of efforts to carry out the recommendations made in the report prepared by the Veterans' Administration, pursuant to section 117 of Public Law 96-330, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code" and transmitted to the Committees on September 1, 1982.

(2) Such report shall contain—

(A) with respect to each such recommendation, information on the decision that has been made as to whether such recommendation is being implemented in the manner described in the report and, if not, as to whether it is to be implemented in a modified form or not implemented and a statement of the reasons for such decision, and of the position of each agency with respect to such recommendation and such decision;

(B) the timetable for the actions planned for the implementation of each recommendation that is being implemented either in its original form or as modified;

(C) any further recommendations of the Administrator or Director or both for legislative or administrative action, or both, relating to the subject matter of such report; and

(D) such other information relating to the subject matter of such report as the Administrator or the Director or both consider appropriate.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees a report on the implementation of the amendments made by this title, including the steps taken and planned to be taken (including the timetable therefor) and the justification therefor, to exercise the authorities provided by such amendments. Such report shall also contain a description and justification of the extent to which such authorities have not been or are not planned to be exercised.

(2) Not later than September 30, 1985, the Administrator shall submit to the Committees a report containing—

(A) descriptions of (i) the results of the exercise of the authorities provided in the amendments made by this title, and (ii) the efforts under section 4101(b) of title 38, United States Code, to develop and carry out programs of education and training for career advancement for nursing assistants, noncertified, nonregistered inhalation therapists, and other para-professionals employed in the Department of Medicine and Surgery who provide either direct patient-care services or services incident to direct patient-care services;

(B) an evaluation of the effects of both the exercise of such authorities and such programs on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration; and

(C) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such evaluation.

TITLE III—WOMEN VETERANS

ADVISORY COMMITTEE ON WOMEN VETERANS

SEC. 301. (a) Chapter 3 is amended by inserting after section 221 the following new section:

"§ 222. Advisory Committee on Women Veterans

"(a)(1) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as 'the Committee').

"(2) The members of the Committee shall be appointed by the Administrator from the general public and shall include—

"(A) appropriate representatives of women veterans;

"(B) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

"(C) appropriate representatives of both female and male service-connected-disabled veterans, including at least one female service-connected disabled veteran and at least one male service-connected disabled veteran.

The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees, and one public member and one military member of the Department of Defense Advisory Committee on Women in the Services selected therefrom by the Administrator after consultation with the Secretary of Defense. The Administrator may also invite representatives of such other departments and agencies of the United States as the Administrator considers appropriate to

participate in the meetings and other activities of the Committee.

"(3) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that a term of service of any such member may not exceed 3 years. The Administrator may reappoint any such member for such additional terms of service as the Administrator considers appropriate.

"(4) The Committee shall meet not less than three times in fiscal year 1984 and thereafter at such times as determined by the Committee but not less than two times in each fiscal year.

"(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to (1) the administration of benefits under this title for women veterans, (2) reports and studies pertaining to women veterans, and (3) the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration.

"(c) Not later than July 1, 1984, and not later than July 1 of each year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to women veterans. Each such report shall contain (1) an assessment of the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration, (2) a review of the programs and activities of the Veterans' Administration designed to meet such needs, and (3) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate. Within 30 days after receiving each such report, the Administrator shall submit it to the Congress with any comments concerning the report that the Administrator considers appropriate. The Committee may also submit to the Administrator such other reports and recommendations as the Committee considers appropriate. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted to the Congress pursuant to such section.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 221 the following new item:

"222. Advisory Committee on Women Veterans.".

FEE-BASIS CARE FOR WOMEN VETERANS

SEC. 302. (a) Section 601(4)(C)(iv) is amended by inserting after "veterans" a comma and "and, until September 30, 1989, medical services described in section 612(f)(1)(A) of this title for a woman veteran if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that a disability of such woman veteran relating to her gender precludes appropriate treatment in facilities described in clause (A) or (B) of this paragraph".

(b)(1) At the time the President's budget for each of fiscal years 1985 through 1989 is transmitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator of Veterans' Affairs shall (as part of the documentation submitted by the Administrator in justification of such budget with respect to the Veterans' Administration medical care account) report to the appropriate committees of the Congress on (A) the Administrator's plans for, and estimated extent of, utilization in such fiscal year of (including estimated amounts of expenditures under) the authority provided by the amendment made by subsection (a), and (B) the activities undertaken and planned with respect to the utilization of (including estimated amounts of expenditures under) such authority in the fiscal year during which such budget is submitted. In so reporting with respect to fiscal years 1986 through 1989, the Administrator shall also provide information on activities undertaken (including amounts of expenditures) under such authority during the year or years preceding the fiscal year in which the report is submitted.

(2) Not later than September 30, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing (A) the Administrator's recommendations, and reasons therefor, with respect to whether the September 30, 1989, expiration date in such authority should be extended and, if so, the date to which such authority should be extended, or whether such authority should be made permanent, and (B) any other recommendations for legislative or administrative action that the Administrator considers appropriate with respect to the Veterans' Administration's meeting the gender-related health-care needs of women veterans. Prior to submiting such report to such Committees, the Administrator shall submit the proposed report to the Advisory Committee on Women Veterans, established pursuant to the amendments made by section 301(a) of this Act, and shall consult with the Advisory Committee which shall promptly advise the Administrator of its views on the Administrator's proposed report and its recommendations on the subjects covered therein, and the Administrator shall include such views in such report along with any comments the Administrator considers appropriate.

TITLE IV—PRESUMPTION CONCERNING DYSTHYMIC DISORDER

SEC. 401. Section 312(b) is amended—

(1) in clause (8), by striking out "or";

(2) in clause (9), by inserting after the comma "or"; and

(3) by adding at the end the following new clause:

"(10) dysthymic disorder (or depressive neurosis),".

TITLE V—STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

SEC. 501. (a) The Congress finds that—

(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;

(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure those now in the Armed Forces and potential service men and women that the Nation's obligations to those who serve will always be honored;

(3) the Veterans' Administration is the principal Federal entity responsible for veterans' benefits and programs;

(4) the Veterans' Administration has a potential population of beneficiaries totaling nearly thirty million veterans and over sixty-six million survivors and dependents;

(5) the Veterans' Administration will distribute over $13 billion in income maintenance payments and approximately $1.7 billion in education, training, and rehabilitation assistance payments in fiscal year 1983; operates one of the Federal Government's two major home loan guaranty programs, with over 4 million loans currently guaranteed; administers the largest direct insurance program in the Nation; operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal departments and agencies, and among Federal departments and agencies only the Department of Defense employs more personnel;

(9) the Administrator of Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

(b) In view of the findings in subsection (a), it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

TITLE VI—RADIATION EXPOSURE STUDY AND GUIDE

SEC. 601. (a)(1)(A) Subject to paragraph (2)(B), the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons (other than the Department of Defense or the Department of Energy) and in consultation with the Director of the Office of Technolo-

gy Assessment, shall provide for the conduct of epidemiological study of the long-term adverse health (including psychological) effects of exposure to ionizing radiation from the detonation of a nuclear device in connection with the test of such device or with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning September 11, 1945, and ending on July 1, 1946, in persons who, while serving in the Armed Forces of the United States, may have been exposed to such radiation. Such study shall include, but not necessarily be limited to, a study of identifiable prevalent illnesses, including malignancies, in the persons potentially exposed and genetic and congenital problems suffered by the natural children of such persons.

(B) In the event that the Administrator determines that it is not feasible to conduct a scientifically valid study of any or all of the matters required under subparagraph (A) to be studied, the Administrator shall promptly notify the appropriate committees of the Congress of this determination and the reasons therefor.

(2)(A) The Director of the Office of Technology Assessment shall monitor the development of the protocol or protocols for and the conduct of study under paragraph (1)(A) and shall submit to the appropriate committees of Congress, at each of the times specified in the second and third sentences of this subparagraph, a report on such monitoring. Reports under the preceding sentence shall be submitted within 6 months after the date of the enactment of this Act, within 12 months after such date, within 25 months after such date, and annually thereafter until such study is completed, and shall contain a review of and comments on the most recent report of the Administrator required to be submitted under paragraph (5). In the event that the protocol for such study or any part thereof is not completed by the end of the 12-month period beginning on the date of the enactment of this Act, the Director shall submit to such committees, at the end of the 60-day period beginning at the end of such 12-month period and thereafter at the end of each succeeding 60-day period until such protocol is completed, a report on the status of such protocol.

(B) In the event that the Administrator notifies the Congress of a determination or determinations made pursuant to paragraph (1)(B), the Director, not later than 60 days after such notification, shall submit to the appropriate committees of the Congress a report evaluating and commenting on such determination and the reasons therefor. To the extent that the Director concurs in such determination or determinations of the Administrator, the matter or matters required under paragraph (1)(A) to be studied to which such determination or determinations apply shall, nothwithstanding paragraph (1)(A), not be required to be studied. In the event that the Administrator has determined under paragraph (1)(B) that, taken as a whole, study under paragraph (1)(A) is not scientifically feasible and the Director concurs in the Administrator's determination, the requirement in paragraph (1)(A) that the Administrator provide for the conduct of epidemiological study shall lose effect as if repealed by an Act of Congress.

(3) Not later than 12 months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the development of a protocol or protocols for study under paragraph (1)(A) and, in the event that such a protocol has not been developed, an estimate of the completion date therefor together with an estimate of the cost to be incurred in developing such protocol.

(4) At such time as the Administrator has entered into a contract or agreement with an agency or person for the conduct of a study under paragraph (1)(A), the Administrator and such agency or person shall submit a joint report to the appropriate committees of the Congress containing detailed information on the proposed study, including estimates of the number of individuals to be studied, the length of the study (specifying significant milestones prior to its completion), and the total cost of the study.

(5) Not later than 24 months after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report on the status of study under paragraph (1)(A). Such report shall contain (A) a description of the progress on and any results obtained under such study, and (B) such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such progress and results.

(6) Not later than 90 days after the submission of each report required by paragraph (5), the Administrator, based on the progress and results described in such report and the comments and recommendations thereon and any other available pertinent information, shall publish in the Federal Register, for public review and comment, a description of actions, if any, that the Administrator proposes to take with respect to programs administered by the Veterans' Administration. Each such description shall include a justification for any such action the Administrator proposes to take.

(7) The requirement in paragraph (5) for the submission of annual reports shall expire upon the submission of a report after the completion of study under paragraph (1)(A).

(b)(1) Not later than one year after the date of the enactment of this Act, the Administrator shall develop and publish an indexed reference guide, derived from existing pertinent research-result compilations, designed to provide appropriate Veterans' Administration personnel who either furnish health care or adjudicate claims for benefits under title 38, United States Code, with readily useable information regarding the state of medical and other scientific information on any long-term adverse health (including genetic and psychological) effects in humans of exposure to radiation, including nuclear-device, medical, and occupational exposures.

(2) Not later than 13 months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the indexed reference guide developed under paragraph (1), together with such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate, including recommendations regarding (A) the need for any additional research that the Administrator considers necessary for the resolution of questions regarding adverse long-term health effects result from exposure to radiation, and (B) the departments, agencies, or instrumentalities that should carry out such research.

(3) The Administrator shall distribute (A) such guide to the Veterans' Administration personnel described in paragraph (1), and (B) such guide and such report to the departments, agencies, and instrumentalities described in subsection (c) and such other departments, agencies, and instrumentalities of the Federal Government as the Administrator considers appropriate and shall recommend to the appropriate such departments, agencies, and instrumentalities that they carry out any such additional research.

(4) The Administrator shall periodically review such guide and, to the extent the Administrator considers appropriate, update it based on the results of research completed after the guide was published or other available pertinent information.

(c)(1) For the purpose of ensuring that any study, research, or other activity carried out by the Federal Government with respect to adverse health effects in humans from exposure to radiation is scientifically valid and is conducted with efficiency and objectivity, the President shall ensure that—

(A) study under subsection (a)(1)(A), the development of the guide required by subsection (b)(1), and such additional research as may be identified pursuant to subsection (b)(2) are fully coordinated with studies or other activities which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans from exposure to radiation, including the radioepidemiological tables mandated by section 7 of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2059); and

(B) all appropriate coordination and consultation is accomplished between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of study under subsection (a)(1)(A), in the design, conduct, monitoring, or evaluation of such radiation-exposure studies.

(2) Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of the Congress a report containing a description of the steps taken and plans made to ensure the coordination and consultation required by paragraph (1).

(d)(1) There are authorized to be appropriated for fiscal years after fiscal year 1983 such sums as may be necessary for the conduct of the study required by subsection (a)(1)(A).

(2) The authority to enter into contracts under subsection (a)(1)(A) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriations Acts.

TITLE VII—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 701. Clause (3) of section 610(a) is amended by inserting "(A)" after "(3)" and by inserting at the end "or (B) a person who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section;".

SEC. 702. (a) Section 203(b) is amended by striking out "not".

(b) Section 360 is amended by striking out "has suffered (1)" and inserting in lieu thereof "(1) has suffered".

(c) Section 361 is amended by striking out "United States Code,".

(d) Section 719(b) is amended by striking out "subsections" and inserting in lieu thereof "sections".

(e) Section 1682(c)(1)(C) is amended by inserting a comma after "week)".

(f) Sections 2002 and 2002A are amended by striking out "a Assistant" and inserting in lieu thereof "an Assistant".

(g) Section 3005 is amended by striking "subchapter II of chapter 7 of title 42" each place it appears and inserting in lieu thereof "title II of the Social Security Act".

(h) Section 4118(g)(3) is amended by striking out the comma after "title 31".

(i) Section 4142 is amended—

(1) in subsection (f)(2), by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324"; and

(2) in subsection (i)(4), by striking out the comma after "not accepted".

(j) Section 5010(c)(2)(B) is amended by striking out "or" the first place it appears and inserting in lieu thereof "and".

Mr. SIMPSON. Mr. President, I am most pleased to rise now in support of S. 578, the proposed "Veterans' Health Care and Programs Improvement Act of 1983," which was unanimously reported by the Committee on veterans' Affairs on April 20.

On February 23, 1983, as chairman of the committee, I introduced S. 578. As originally introduced, S. 578 had a central purpose of providing the VA with certain specific authority to further address the growing strains placed on the present VA medical-care system by what has been referred to as "the graying of the American veteran." Mr. President, there are at present some 11.4 million veterans of World War II. On the average they are now 62 years old. And under the provisions of section 610 of title 38, United States Code, all veterans automatically become eligible for a broad range of medical care in VA hospitals and nursing homes at age 65, regardless of need, and regardless of whether service was during a period of war or the disability for which treatment is sought is service-connected.

Many veterans who are part of this aging veteran population may not need the intensity of acute inpatient services or the round-the-clock services afforded by institutional care such as nursing homes or domiciliaries and who have some personal and family resources. Three provisions which I introduced in my original legislation and which are included in the committee bill S. 578 are directed at meeting the special health-care needs of these older veterans. One provision would authorize the VA to conduct a pilot program of adult day health-care services; the second provision would provide the VA with the authority to administer a program for community residential care; and the third provision would realine VA health-care resources from the VA medical care account for beneficary travel expenses for fiscal year 1984 by making available $20 million for the provision of adult day health care and nursing home care.

I intend to go into a bit more detail regarding these provisions, but first I would wish to note a fourth provision which was in my orginal bill and is included in the committee version of S. 578. The purpose of this provision is to add "Dysthymic Disorder" (depressive neurosis) to the list of presumptions for certain mental disorders suffered by a most deserving group of veterans—those who were held as prisoners of war while defending their Nation. Details of this provision will also follow.

I would wish to note that I am pleased to speak today in favor of the other provisions of the committee bill which address the needs of a special group of our veterans—those who served during the Vietnam era—by extending the period in which eligible veterans may request readjustment counseling from the VA and by directing the Administrator to conduct a study of the incidence and prevalance of post-traumatic stress disorders, otherwise known as "PTSD," in Vietnam era veterans.

S. 578 would also address concerns of another important segment of our veteran population—women veterans. The bill would require the VA to establish an Advisory Committee on Women Veterans that would evaluate VA programs, services, benefits, and other activities as they relate to women veterans. The bill would also authorize the VA to provide on a "fee-for-service" basis certain outpatient care for a nonservice-connected gender-specific disability of a woman veteran when the VA is unable to provide appropriate in-house care for her gender-related disability.

As reported, S. 578 would increase assurance of the ability of the VA to compete effectively with other non-VA health care providers in attracting and retaining certain highly qualified health-care personnel. This would be achieved by giving the VA certain new authorities to determine the qualifications of applicants, for appointing individuals to positions in DM&S, for advancing and promoting individuals and for setting rates of pay including both basic pay and special pay for work outside of the regular workday or workweek, for the following three occupations while leaving them within the title 5 personnel system: licensed physical therapists, licensed practical/vocational nurses, and certified or registered respiratory therapists.

ADULT DAY HEALTH CARE

Mr. President, section 101 of title I of the bill would authorize the Administrator to operate on a pilot-program basis through fiscal year 1987, a program of adult day health care services, aimed primarily at meeting the needs of elderly veterans whose medical treatment requirements and home living situation will permit them to receive daytime care only, thus avoiding the need for more elaborate and costly institutionalization in a VA hospital, nursing home, or domiciliary. These adult day health-care programs would provide, in a congregate setting, during normal working hours, health-care services for patients thereby enabling them to be maintained at home in a supportive environment rather than be institutionalized in a nursing home or hospital. Under the bill, veterans who are eligible for nursing home care—generally veterans who have received hospital care but still require extended medical supervision—would be eligible for adult day health care. Thus, adult day health care under this provision would be a clear alternative to nursing home placement. While I—as well as other members of the committee—am aware that there are other categories of veterans who might also benefit from adult day health-care services, this limitation on possible participants is designed to facilitate thorough monitoring and evaluation of this pilot program regarding characteristics of the participants, staff, and health outcomes.

There is already considerable interest within the VA in the adult day health care concept. The VA has already initiated adult day health-care programs at four VA medical centers in North Chicago, Ill.; American Lake, Wash.; Palo Alto, Calif.; and Butler, Pa. The services that have been provided in these projects have been carried out under the general authority of chapter 17 of title 38, United States Code, and the health services research authority under section 4101(c)(1) of title 38. S. 578 as reported would provide the Administrator with specific authority under section 620 of title 38, United States Code, to conduct a pilot program of adult day health-care services. The authority would allow the Administrator to provide adult day Health-care services to certain veterans by contracting for adult day health-care programs at four VA medical centers. This authority would expire on September 30, 1987.

COMMUNITY RESIDENTIAL CARE

Section 106 of title I of the committee bill which is derived from the original bill, S. 578, which I introduced, would authorize the VA to set standards governing community residential care facilities—that is, private homes inspected by the VA but chosen by the veteran, where the veterans receive, at their own expense, room, board, personal care and supervision. Veterans who would be eligible for this program no longer require hospitalization but are not able to live independently because of their health-care needs and have no suitable family resources to provide the needed care.

Since 1951, the VA has been referring previously institutionalized veterans to residential care facilities—originally only certain psychiatric patients, but more recently, medical and surgical patients as well. However, the VA has no specific statutory authority to set standards for residential care facilities to which it refers eligible veterans. The committee joins me in a decision that it is important for the VA to be provided legislative authority to administer this program, and specifically to set program standards, establish guidelines for procedures involving the approval of the residences, conduct annual inspections, and examine services received by the veterans within the facilities. These standards would include criteria for health and safety; costs of care, supervision, and other services; resources that a facility needs in order to provide an appropriate level of services; and other factors which the Administrator would determine to be appropriate to protect the welfare of veterans placed in community residential facilities. This authority would affect only those facilities wishing to receive referrals from the VA. A facility's participation in a VA assessment of standards would remain entirely voluntary, and its operators would be under no obligation to accept any recommendation by the assessment team. Those facilities that do participate but are found not to comply with the VA standards would receive notice and an opportunity for a hearing prior to the cessation of referrals from the VA.

RESOURCE REALINEMENT

Section 109 of the committee bill which was part of my original bill, S. 578, would provide for the realinement of VA health-care resources by requiring that at least $20 million be added to the President's fiscal year 1984 budget for the provision of certain health-care services to eligible veterans and that the budget for beneficiary travel reimbursement payments be reduced by the same amount.

In order to avoid the need for, or shorten periods of institutionalization of veterans, not less than $20 million would be made available for fiscal year 1984 for adult day health care and community nursing home care services to eligible veterans. The Administrator would be required to prescribe regulations to effectuate this realinement in the VA medical care account by funds obligated for "beneficiary travel" or travel expenses to and from VA facilities. The bill would prohibit the restriction of payment of travel benefits to veterans receiving care for or in connection with service-connected disabilities. In developing the regulations, the VA is expected to take into account the primary missions of its health care system and the special circumstances of veterans in Alaska and Hawaii where there are no VA hospitals and where the geography poses particular travel problems for many veterans.

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

Title IV of the committee bill which is derived from my original bill, S. 578, would clarify the original intent of Public Law 97-87, the Former Prisoners of War Benefits Act of 1981, by adding dysthymic disorder—or depressive neurosis—to the list of presumptive diseases which is used as a basis for disability compensation and for eligibility for VA medical care. The specific addition of this diagnosis will clarify the intent of Public Law 97-37 and thereby aid in its implementation.

I am very concerned that congressional intent in Public Law 97-37 is met. Certainly when that legislation was considered, the Senate recognized the need for some liberalization with respect to claims filed by former POW's for certain mental disorders. The complexity of "anxiety states," "anxiety neuroses," "post-traumatic stress disorder," and "dysthymic disorders" and their associated and sometimes interrelated diagnoses inadvertently resulted in a lack of clarity regarding the granting of service connection for depression, a lack of clarity documented by correspondence, by testimony received by the committee pursuant to hearings on this and other health care issues, and by the literature on mental health disorders. The specific addition of "dysthymic disorder" will eliminate this problem.

The cost of this addition will be quite modest as the number of claims is quite small but the benefit will be great because these worthy veterans, if they are diagnosed as having depressive neurosis, will now be granted the service connection they deserve.

VIETNAM-ERA VETERANS' READJUSTMENT ISSUES

The committee bill would extend by 1 year, to September 30, 1985, the period of eligibility to request readjustment counseling. It would also extend by 6 months, until October 1, 1984, the date by which the VA must report to Congress on the VA's plans for continuing to provide readjustment counseling after the expiration of the eligibility period.

Public Law 96-22, the Veterans' Health Care Amendments of 1979, provided the authority for the VA to provide readjustment counseling to Vietnam-era veterans. Under that law, eligible Vietnam veterans had 2 years from the date of their discharge or 2 years from a pre-October 1, 1979, discharge (the situation for the vast majority of Vietnam-era veterans), that is until September 30, 1981—to make an initial request for counseling.

In 1981, Public Law 97-72, the Veterans' Health Care, Training, and Small Business Loan Act of 1981, extended the period of eligibility to request readjustment counseling by 3 years, until September 30, 1984. In providing this extension, the Congress recognized that the VA's program for providing readjustment counseling—called the vet center program—had, of necessity, taken a considerable time to get underway and begin operating effectively and that there was a continuing need for the services offered by the program. Public Law 97-72 also mandated the VA to study how to meet the Vietnam-era veterans' readjustment needs after September 30, 1984, eligibility expiration date and to submit a report to Congress by April 1, 1984, on its plans in that regard.

Mr. President, I believe it is important to note that the first vet center did not open until January 1980 and that quite a few centers have now been open for less than a year. According to the VA, as of March 1983, the 136 vet centers and satellites have been open an average of 27.7 months. The agency further reported that 28 of these centers were opened in calendar year 1982 and that as of March 1983 those 28 had been open an average of only 10.5 months. The proposed extension would give the program at its present size the stability necessary to identify and serve the needs of eligible veterans as well as giving veterans in areas where vet centers have recently opened a fair opportunity to benefit from the program.

Extending the period between the due date of the VA's report, and the expiration of the period to make the initial request for counseling would give the Congress a better chance to review the various alternatives for the future. In connection with the extension of the readjustment counseling eligibility authority, the committee bill would require the Administrator to carry out a study on the issue of PTSD and related readjustment problems of Vietnam-era veterans. The purpose of this study would be to determine the prevalence, incidence, and effects of PTSD and related readjustment problems. The Administrator would be required to place particular emphases on veterans with service-connected disabilities, those who served in Vietnam or elsewhere in the Vietnam theater of operation (for example, on a Navy ship in the South China Sea or with an Air Force squadron in Thailand), and consider the problems of women veterans. These particular emphasis should insure that information is developed to assist the VA in evaluating the effectiveness of past efforts to provide assistance to veterans in the groups involved and, to the extent particular problems are identified in one or another of the specific groups, to fashion appropriate remedies.

HEALTH CARE PERSONNEL PROVISIONS

The committee bill contains a number of provisions that are de-

signed to improve the VA's ability to attract and retain various health care personnel employed in the VA's Department of Medicine and Surgery (DM&S) and to insure that the VA is able to compete effectively with non-VA health care employers for the services of qualified health care personnel.

In response to the committee's long-standing concern that the VA was experiencing significant recruitment and retention difficulties with respect to certain DM&S health care personnel, Public Law 96-330 directed the VA to conduct a study and report to Congress on recruitment and retention problems of DM&S health care personnel that provide direct patient care services or services incident to direct patient care services. The DM&S task force report, entitled "Study of Feasibility and Desirability of Converting Selected Health Care Occupations to Title 38, United States Code," was a comprehensive survey of the current situation regarding title 5 health-care personnel with DM&S, and contained many recommendations. The task force found that certified or registered respiratory therapists, physical therapists, and licensed practical or vocational nurses experience "severe difficulties in recruitment, retention, and morale on a nationwide basis."

S. 578 would give the Administrator new authorities as to these occupations for determining the qualifications of applicants, for appointing individuals to positions in DM&S, for advancing and promoting individuals, and for setting rates of pay including both basic pay and special pay for work outside of the regular workday or workweek.

By giving the Administrator greater flexibility in these areas, the attractiveness of the VA as a career for the members of these occupations who are licensed, certified, or registered should increase. I am particularly pleased that special emphasis to promote career development and career ladders for other members of these occupations is included in S. 578.

Mr. President, I would wish to congratulate the current VA Administrator, Harry N. Walters, on his initiatives in the area of women veterans. His administrative establishment of an advisory committee on women veterans is surely a timely move for his group of our veterans and the proposed statutory establishment of such an advisory committee is not intended to unduly restrict his efforts.

Regarding the provision in S. 578 as reported which provides for the study of certain veterans who may have been exposed to low level ionizing radiation and development of a guide for VA health care and claims personnel on radiation exposure, Mr. President, I would wish to reiterate my concerns about the feasibility of such a scientific effort and the questionable benefit to be derived therefrom. While I agree that the idea of scientific feasibility can be conceptually separated from the idea of cost, I believe it is important that the anticipated value of any results should be carefully weighed against the anticipated cost and benefits to be derived. This is especially important in view of expert testimony received in committee hearings that the study might be "very expensive, very difficult to accomplish and of dubious value."

Therefore, my support for this provision depended on the following: First, that there be a specific determination of scientific infeasibility, and second, that a decision to appropriate funds to conduct the study include a careful comparative analysis of expected gains in scientific knowledge and the expected costs of the study.

Mr. President, in concluding I should wish to sincerely thank my friend, the distinguished ranking minority member from California, Senator CRANSTON, for his invaluable help and cooperation on this bill and the other committee members for their contributions.

In addition, I should like to recognize and to thank the very able members of the majority staff for their efforts—Tom Harvey, Julie Susman, Vic Raymond, Cindy Alpert, Becky Hucks and Laurie Altemiose, and our editorial director, Harold Carter, as well as members of the capable minority staff—Jonathan Steinberg, Ed Scott, Bill Brew, Katy Burdick, Ingrid Post, and Charlotte Hughes.

Mr. President, I believe the committee has reported out a bill which is well balanced, and one that meets the needs of our most deserving veterans. On behalf of the entire committee, I urge the Senate's favorable consideration of this bill. Thank you, Mr. President.

Mr. President, at this time I ask unanimous consent that excerpts of the committee's report on S. 578 be inserted in the RECORD to more fully explain and clarify the details of the committee's bill.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

INTRODUCTION

S. 578 was introduced on February 23, 1983, by the Chairman of the Committee, Senator Alan Simpson. As introduced, S. 578 would have, first, provided for adult day health-care services for veterans; second, authorized the VA to administer a community residential-care program; third, established a presumption of service connection for former prisoners of war suffering from dysthymic disorder; and fourth, revised eligibility for reimbusement of expenses of travel for VA health care.

On January 26, 1983, Senator Alan Cranston, the Committee's Ranking Minority Member, together with Committee members Senators Randolph, Matsunaga, DeConcini, and Mitchell, introduced S. 11. As introduced, S. 11 would have, first, established a VA Advisory Committee on Women Veterans; second, required and authorized certain preventive health-care activities; third, authorized the Administrator to provide certain outpatient care on a fee-for-service basis for a non-service connected gender-related disability of a woman veteran; fourth, extended the period for Vietnam-era veterans to request counseling under the VA's Readjustment Counseling Program; fifth, enhanced the VA's ability to recruit and retain certain health-care personnel in its Department of Medicine and Surgery; sixth, expressed the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs; and seventh, required the Administrator to provide for the conduct of an epidemiological study of long-term health effects in veterans from exposure to ionizing radiation from nuclear test detonations and of a review and analysis of the literature relating to long-term adverse health effects from exposure to radiation.

On February 23, 1983, Senator Strom Thurmond introduced S. 567. As introduced, S. 567 would have authorized reimbursement for the reasonable charges for chiropractic services provided to certain veterans.

On March 1, 1983, Senator Cranston, with Senator Randolph's cosponsorship, introduced S. 629. As introduced, S. 629 would have increased the per diem rate payable by the VA to States providing domiciliary, nursing home, and hospital care to eligible veterans in State veterans' homes.

On March 3, 1983, Senator Alan Simpson introduced S. 664 at the request of the Administration. As introduced, S. 664 would have extended for three years the authority of the Administrator of Veterans' Affairs to provide certain contract hospital care and medical services in Puerto Rico, the Virgin Islands, and other territories.

On January 26, 1983, Senator Cranston, with the cosponsorship of Committee members Randolph, Matsunaga, DeConcini, Mitchell, Denton, and Murkowski, introduced S. Con. Res. 2. As introduced S. Con. Res. 2 expressed the sense of the Congress that the Administrator of Veterans' Affairs should be designated a member of the President's Cabinet.

On March 9 and 10, 1983, the Committee held hearings, chaired by Senator Simpson, to receive testimony on S. 578, S. 11, S. 567, S. 629, S. 664, and S. Con. Res. 2. Testimony was received on March 9 from Dr. Donald Custis, Chief Medical Director of the VA; James Morrison, Jr., Associate Director for the Compensation Group of the Office of Personnel Management; William Weissert, Ph. D., Senior Research Associate at the Urban Institute; Dr. Stanley Korenman, Chief of Medical Service at the VA Medical Center in Sepulveda, California; Sudie Goldston, Chair, the National Institute on Adult Daycare of the National Council on Aging; Glenn Gee, President of the American Association for Respiratory Therapy; R. Charles Harker, Director of Government Relations of the American Physical Therapy Association; and Paul Tendler, representing the National Federation of Licensed Practical Nurses.

On March 10 testimony was received from the Honorable Baltasar Corrada, the Resident Commissioner of Puerto Rico; Clyde Behney, Program Manager for Health of the Officer of Technology Assessment; Dr. Nora Scott Kinzer, Special Assistant to the Administrator of Veterans' Affairs; representatives of the American Veterans Committee; the Vietnam Veterans of America; the American Legion, the Veterans of For-

eign Wars, the Disabled American Veterans, and AMVETS; Robert Fitzgerald, International Chiropractors Association; and Lee Selby, American Chiropractors Association.

After carefully reviewing the testimony, the Committee met in open session on April 20, 1983, and voted unanimously to report favorably S. 578 with an amendment in the nature of a Committee substitute. S. 578, as reported consists of provisions derived with modifications from S. 578, S. 11, S. 567, S. 629, S. 664, and S. Con. Res. 2.

SUMMARY OF PROVISIONS

The Committee bill has seven titles: Title I, Veterans' Administration Health Care Programs; Title II, Provisions to Improve the Recruitment and Retention of Certain Personnel; Title III, Women Veterans; Title IV, Presumption Concerning Dysthymic Disorder; Title V, Status and Role of Administrator of Veterans' Affairs; Title VI, Radiation Exposure Study and Guide; and Title VII, Miscellaneous and Technical Amendments, as follows:

Title I: *Veterans' Administration Health Care Programs.*—This title would establish new health services programs for veterans and improve existing programs. Included in title I of the Committee bill are provisions that would:

1. Authorize an approximately 4-year pilot program of adult day health care—generally to be provided in non-VA facilities—as an alternative non-institutional form of care for veterans who are eligible for transfer to community (non-VA) nursing homes for care at VA expense.

2. Extend by 1 year the period within which eligible veterans of the Vietnam-era may request readjustment counseling from the VA.

3. Direct the Administrator to conduct a study of the prevalence and incidence of post-traumatic stress disorder in Vietnam-era veterans with particular emphasis on veterans with service-connected disabilities and those who served in Vietnam or the Vietnam theater, and with specific reference to women veterans.

4. Authorize the provision of preventive health-care services to persons otherwise receiving health care from the VA.

5. Make mandatory a discretionary pilot program of preventive health-care services; extend the program, with a $15 million annual cap on expenditures, through fiscal year 1989; and require the Administrator to provide through the program at least one preventive health-care service to all veterans with 50-percent-or-more service-connected disability ratings otherwise being furnished VA health care for any disability and to all veterans receiving VA care for their service-connected disabilities.

6. Provide for the reimbursement (or direct payment) of reasonable charges for chiropractic services, not otherwise covered by available health insurance or other reimbursement, provided by non-VA providers to certain veterans with neuromusculoskeletal conditions of the spine; limit the amount payable for authorized chiropractic services furnished an individual veteran to $400 per year and the total VA expenditures for chiropractic services to $2 million in any fiscal year; and establish a September 30, 1987, cutoff date for the provision of chiropractic services for which reimbursement or payment may be made.

7. Expressly provided the VA with authority to conduct a program of referring VA veteran-patients to, and helping them obtain placement in, private, VA-approved community residential-care facilities; and thus codify and clarify the authority for an existing program under which the VA provides veterans with this kind of help.

8. Increase by 15 percent the rates of per diem payments to States veterans' homes—to $7.30 for domiciliary care, $13.95 for nursing home care, and to $15.25 for hospital care—for eligible veterans.

9. Extend for 1 year, through fiscal year 1984, VA authority to provide certain contract health-care services to eligible non-service-connected veterans in Puerto Rico and the Virgin Islands, and require a report by the Administrator, not later than December 1, 1983, on the VA's plans for meeting the health-care needs of veterans in those places.

10. Realign certain resources within the VA health-care budget by requiring that $20 million in fiscal year 1984 funds be redirected from VA health-care beneficiary travel-expense reimbursements to the provisions of community nursing home care, adult day health care, and preventive health-care services to eligible veterans; require the Administrator of Veterans' Affairs to prescribe regulations that achieve the necessary reduction in beneficiary travel payments; and authorize the Administrator to keep those regulations in effect after fiscal year 1984 if this $20 million add-on in spending for community nursing home care, adult day health care, and preventive services were achieved as the result of the reduction in beneficiary travel costs.

Title II: *Provisions to Improve the Recruitment and Retention of Certain Personnel.*—This title would revise, extend, and improve various VA programs designed to recruit and retain sufficient and qualified health-care personnel in the VA's Department of Medicine and Surgery. Included in title II are provisions that would:

1. Authorize the Administrator, without regard to civil-service rules, laws, and regulations, to establish the qualifications for and appoint certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses in the VA's Department of Medicine and Surgery (DM&S); provide the Administrator with certain new authorities with respect to the promotion and advancement of DM&S personnel in those categories; but require the Administrator to observe principles of veterans preference in the hiring of personnel in those categories.

2. Authorize the Administrator, when and to the extent necessary for recruitment or retention purposes, to use the additional pay (overtime, weekends, and so forth) authorities for DM&S nurses in compensating personnel in the categories listed in item 1, above.

3. Authorize the Administrator, without the Administrator's action being statutorily subject to review by the President as under current law, to adjust minimum, intermediate, or maximum rates of basic pay for personnel in the categories listed in item 1, above, when necessary for recruitment and retention purposes in certain circumstances.

4. Authorize the Administrator, after considering a potential employee's existing pay or higher or unique qualifications, or the special needs of the VA, to appoint an individual to a position in DM&S providing direct patient-care services or services incident to such direct-care services at a rate of pay above the minimum of the appropriate grade.

5. Require the Administrator and the Director of the Office of Personnel Management to submit a joint report to the Congress on the efforts made to carry out the recommendations made by the VA in the September 1, 1982, report entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code."

6. Require that the majority of individuals serving on a disciplinary board considering charges against DM&S employees in certain categories be in the same occupational category as the employee who is the subject of the charges.

7. Require the Administrator, within 90 days after the date of enactment, to report to the Committees on Veterans' Affairs on the status of the implementation of the provisions summarized in items 1 through 5, above.

8. Require the Administrator, not later than September 30, 1985, to submit a report to the Committees on Veterans' Affairs on the results of the VA's use of the authorities provided in provisions summarized in items 1 through 5, above, and ongoing efforts to develop and carry out programs of education and training for career advancement for certain allied health professionals employed in DM&S.

Title III: *Women Veterans.*—This title would improve the Veterans' Administration's efforts with respect to women veterans. Included in title III are provisions that would:

1. Provide for the establishment by the Administrator Veterans' Affairs of an Advisory Committee on Women Veterans (ACWV) to advise the Administrator on the administration of VA benefits for women veterans and their needs for compensation, health care, rehabilitation, outreach, and other VA programs.

2. Require the ACWV to submit to the Administrator by July 1, 1984 and by July each year thereafter, a report which would include an assessment of the needs of women veterans for compensation, health care, rehabilitation, outreach, and other VA programs, a review of VA programs designed to meet those needs, and any recommendations for legislative and administrative actions that the Committee considers appropriate; and require the Administrator within 30 days after receiving each of these reports, to submit them (together with any comments the Administrator considers appropriate) to the Congress.

3. Authorize the Administrator, until September 30, 1989, to provide certain outpatient care on a fee-for-service basis for a non-service-connected, gender-related disability of a woman veteran, when the VA is unable to provide appropriate care for such disability.

Title IV: *Presumption Concerning Dysthymic Disorder.*—This title includes a provision that would add dysthymic disorder (or depressive neurosis) to the list of diseases which, in the case of former prisoners of war who were interned for not less than 30 days, are presumed to have been incurred or aggravated by active-duty service.

Title V: *Status and Role of Administrator of Veterans' Affairs.*—This title includes a provision that would express the sense of Congress that, in light of the size and importance of the Veterans' Administration, the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet and be the President's principal advisor on all matters pertaining to veterans and their dependents or survivors.

Title VI: *Radiation Exposure Study and Guide.*—This title includes a provision that

would direct the Administrator, through contracts or agreements, to provide for the conduct—except as determined by the Administrator, with the concurrence of the Director of the Office of Technology Assessment not to be scientifically feasible—of an epidemiological study (or studies) of the long-term adverse health effects from exposure to ionizing radiation from certain detonations of nuclear devices and to develop and publish an indexed reference guide, derived from existing research-result compilations, regarding the state of medical and other scientific information on any long-term adverse health effects in humans from exposure to radiation, including nuclear device, medical, and occupational exposures.

Title VII: *Miscellaneous and Technical Amendments.*—This title includes one substantive amendment, relating to eligibility for VA health care for certain individuals, and several technical amendments. The one substantive provision would provide for continuing VA health-care eligibility for an individual who suffered injury while receiving VA health-care or vocational-rehabilitation services and would, as a result, be entitled to disability compensation but for the fact that the individual has received a settlement or judgment, but such health-care eligibility would be provided only to the extent specifically provided for in the judgment or settlement.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am delighted to join with my good friend, the distinguished chairman of the committee (Mr. SIMPSON), in urging our colleagues to give their unanimous approval to the pending measure, S. 578, the proposed Veterans' Health Care and Programs Improvement Act of 1983, as reported. This measure, which was reported by the committee on May 23, is a carefully developed compromise that includes provisions from a variety of measures, the two principal ones being S. 578 as introduced by the Chairman on February 23, 1983, and S. 11, which I introduced on January 26, 1983. If enacted, this measure will help maintain and improve the quality, scope, and efficiency of health-care services provided the Nation's veterans through the Veterans' Administration health-care system.

HEALTH CARE PROGRAMS

Title I of the pending measure, which I will refer to as the committee bill, contains a variety of provisions that would establish new health services programs for veterans and improve and extend existing programs.

PREVENTIVE HEALTH CARE

Mr. President, certain provisions in the committee bill, which are derived from S. 11 as introduced, are designed to promote the provision of preventive health-care services to veterans by the VA. As the author of current law provisions which authorize the VA to conduct a pilot program through which certain service-connected-disabled veterans can receive preventive health-care services through the VA and such services can be evaluated—an authority which has been almost totally unused since it was enacted in 1979—I am gratified that the committee has agreed to my proposal to make this pilot program mandatory. Taken together with the provision in the bill that would give the agency new discretionary authority to provide preventive health-care services to all veterans otherwise receiving VA health-care services, this pilot program mandate should insure major activity by the VA in providing these services. This in turn should insure that the VA will learn a great deal more about the cost effectiveness and practicality of various preventive health-care services. In this era of increasing emphasis on reducing the cost of medical care and increasing efforts in health programs in general in the United States to prevent disease and disability, gains by the VA in this area can be translated into improved health care for eligible veterans through the VA and, as a result of the VA's significant involvement in the medical community, increased understanding generally which will be to the benefit of the Nation as a whole.

VIETNAM VETERANS READJUSTMENT ISSUES

Mr. President, provisions in the committee bill would extend the period of eligibility for the VA's readjustment counseling program for 1 year—until September 30, 1985—and would also extend the due date for and modify the content of a report from the VA related to this program.

These provisions, which are derived from provisions in S. 11, are designed to give the VA the opportunity to perform a detailed evaluation of the readjustment counseling program and to report to the Congress on this evaluation. Also, this extension will give the Congress the opportunity to study the Agency's report in preparation for taking further action with respect to this program.

As the author of the legislation establishing the readjustment counseling program, I remain deeply committed to this program and will make every effort to insure that it is maintained as long as needed to meet the readjustment counseling needs of Vietnam veterans. Information is becoming available that suggests that a longer term extension will certainly be necessary, and I fully expect the VA's report to detail this information and recommend a significant extension. I view the extension provided for in the committee bill as an interim extension that will provide the basis for future action.

Mr. President, with further reference to the readjustment problems of some Vietnam veterans, the committee agreed to my proposal to include in the committee bill another provision which would mandate the VA to carry out a comprehensive study to determine the prevalence, incidence, and effects of post-traumatic stress disorder—PTSD—and related readjustment problems in Vietnam veterans. The information from this study, as well as other information on VA policies for providing benefits to veterans suffering from PTSD and other readjustment problems that would be required to be included in the report to Congress, should be of significant value to the committee and the Congress as we consider the future shape and direction of the VA's readjustment counseling program.

PROGRAMS FOR OLDER VETERANS

Mr. President, various provisions in the committee bill relate to the VA's ongoing efforts to meet the health-care needs of a veteran population that continues to age, particularly the large number of World War II veterans who are approaching an average age of 65.

First, the committee bill would authorize the VA to develop a 4-year pilot program of adult day health care. Under this program, the VA would provide noninstitutional health-care services, as an alternative to nursing home care, to veterans who are eligible under current law for nursing home care in a non-VA facility at VA expense. Adult day health care would be provided through contracts with private providers and through a limited number of in-house efforts. These services, which could include a wide range of medical and social services and would be provided during normal working hours, would be designed so that the veterans participating in the program could be maintained at home in a supportive environment rather than be institutionalized in a nursing home or hospital. Through the pilot program, the VA should learn a great deal about the effectiveness and efficiency of various methods of providing adult day health-care services and thus be able to recommend appropriate legislation to the Congress to support future VA efforts in the area of noninstitutional alternatives for older veterans. I am delighted to have been able to collaborate closely with the chairman in the provisions that were included in the committee bill on this point which were derived from his bill as introduced.

Mr. President, other provisions in the committee bill would clarify and codify the VA's authority to administer a community residential-care program. For a number of years, the Agency has supported programs through which patients who no longer need institutionalization are referred to community homes where they receive, at their own expense, room, board, personal care, and general health-care supervision. Because of the importance of this effort in the overall range of health-care programs and because there have been some in-

stances in the recent past where some question has been raised about the VA's authority to monitor the status of veterans in community homes, the provisions in the committee bill would give the VA specific legislative authority to carry out such a program. Specifically, the bill would authorize the VA to set program standards, to establish procedures for approving the residences, to conduct annual inspections, to examine services received by the veterans within the facilities, and to assist in the removal of a veteran from a facility that has lost its approved status. Providing such specific legislative authority should insure that this important noninstitutional program for long-term care for veterans will be maintained and improved. I feel that the committee has effectively refined and clarified the legislation proposed by the VA for these purposes.

Mr. President, another provision in the committee bill, derived from S. 629, legislation I introduced with my good friend from West Virginia (Mr. RANDOLPH) in which we were later joined by our committee member from Pennsylvania (Mr. SPECTER), and directly related to providing care to older veterans, would provide for a 15-percent increase in the per diem rates paid by the VA to State veterans homes for the care of eligible veterans. The State home program is a vital adjunct to the VA's overall efforts, both now and in the future, to meet the health-care needs of older veterans. It is vital that the Federal Government continue to contribute to the total cost of providing care to eligible veterans in the various State home facilities, and the buying power of the Federal contribution has been significantly eroded by inflation since October 1980, the effective date of the last increase in the per diem rates. In line with actions taken by the Congress this year regarding cost-of-living increases, the effective date for the increase has been postponed by 6 months and specific appropriations would be required before it could become effective prior to September 1984. I strongly support the State home program and am pleased that the committee included our proposed per diem increase in the committee bill.

HEALTH CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

Mr. President, a final health-care provision that I wish to comment on would provide a 1-year extension of the VA's authority to provide, on a contract basis in Puerto Rico, the Virgin Islands, and other territories of the United States, hospital care for non-service-connected disabilities and certain outpatient treatment. As stated in the committee report accompanying the committee bill—Senate Report No. 98-145, on pages 44-45—although this extension is necessary to insure the continuity of medical care for certain veterans in the areas concerned, it is essential that the VA develop and submit to the Congress a report containing plans for meeting the future health-care needs of veterans in Puerto Rico and the Virgin Islands. Since 1978, the issue of how to meet these needs has been discussed and studied and various alternatives have been developed. To date, however, the VA has been unable or unwilling to settle on a particular approach for addressing this issue and to take the necessary steps to implement it. As a result, the Congress has had to provide a series of short-term extensions of the contract authority. It is time to put an end to this lingering indecision, and I believe the provisions in the committee bill, together with the strong views of the members of the committee on this issue, should yield needed progress. Finally, I note that the action we have taken for a short-term extension and a VA report by December 1, rather than the VA's proposal for a 3-year extension, is directly responsive to the recommendations to our committee by the delegate from Puerto Rico (Mr. CORRADA), and we are grateful for his participation and good counsel.

HEALTH-CARE PERSONNEL PROVISIONS

Mr. President, I am very pleased that the committee bill contains numerous provisions, derived from S. 11 as introduced, that are designed to improve the VA's ability to attract and retain various health-care personnel employed in the VA's Department of Medicine and Surgery—DM&S.

Mr. President, these provisions represent the latest step in a process that began in 1980, when the committee was considering legislation related to DM&S personnel matters. Because of concerns expressed to the committee at the time that the VA was experiencing significant recruitment and retention difficulties with respect to certain health-care occupations within DM&S, the committee reported a provision that I authored, later enacted as section 117 of Public Law 96-330, to direct the VA to conduct a study and report to the Congress on which additional categories of DM&S employees that provide direct patient-care services or services incident to direct patient-care services should be considered for conversion from the regular civil service personnel system under title 5, United States Code, to the special DM&S personnel system under title 38.

Mr. President, the mandated report, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to Title 38, United States Code", was submitted to the Congress on September 1, 1982. This report is a well-documented and comprehensive evaluation of the current situation regarding nontitle 38 health-care personnel within DM&S. The task force that conducted the study found that three health-care occupations in DM&S—certified or registered respiratory therapists, physical therapists, and licensed practical or vocational nurses—experience severe difficulties in recruitment, retention, and morale on a nationwide basis and recommended that they be converted to the title 38 personnel system.

Mr. President, in response to this study recommendation, I included provisions in S. 11 to convert the three occupations to title 38 but continue to leave in effect with respect to them certain title 5 provisions relating to employee probation periods, performance appraisals, and termination and disciplinary actions. After reviewing various viewpoints on this issue at the committee's March 9 and 10 hearings and responses to followup questions, the committee decided that, although a legislative solution was needed to address the recruitment and retention problems facing these three occupations, a conversion to the title 38 personnel system was not the most appropriate solution. Rather, the committee chose an approach which leaves the three occupations in the title 5 system but gives the Administrator new authorities as to these occupations for determining the qualifications of applicants, for appointing individuals to positions in DM&S, for advancing and promoting individuals, and for setting rates of pay including both basic pay and special pay for work outside of the regular workday or workweek.

Mr. President, I proposed to the committee the solution included in the reported bill because of my concern that the conversions to title 38 might have had significant undesirable economic impact on both the VA and certain employees concerned as a result of differences between the title 5 and title 38 systems. Also, I am satisfied that the approach adopted in the committee bill should yield the same result—in terms of improving the VA's ability to attract and retain individuals in the three occupations—as conversions to title 38. Certainly, if my expectations in this regard prove not to be the result and the VA continues to experience the difficulties found by the task force as to these occupations, I will urge that the committee consider further legislative action.

I also want to note that the committee bill contains a number of provisions requiring the submission of reports that are designed to keep the committee informed about the use and the impact of the use of these new personnel authorities and also about joint VA-Office of Personnel Management efforts to implement other recommendations from the task force report that do not appear to require legislative action at this time. These reports are designed both to promote

timely executive branch action and to insure that the committee remains advised about the status of efforts within DM&S to address pressing personnel issues, and I intend to review them carefully.

WOMEN VETERANS

Mr. President, as more women enter the armed services, serve, and ultimately leave the service, the number of women veterans continues to increase. This in turn brings more women to the VA seeking benefits and services as veterans. A 1982 GAO report—"Actions Needed to Insure That Female Veterans Have Equal Access to VA Benefits," GAO/HRD-82-98—concluded that, because the VA's target population has been so predominantly male over the years, there are various shortcomings at present in the agency's efforts to meet the needs of women veterans. The committee bill contains two provisions, both derived from S. 11, that are intended to remedy, in part, this current situation by improving the agency's ability to respond to the needs of women veterans.

ADVISORY COMMITTEE ON WOMEN VETERANS

Mr. President, one provision in the committee bill would require the Administrator to establish an Advisory Committee on Women Veterans that would have responsibility for evaluating VA programs, services, benefits, reports, and other activities as they relate to women veterans; to advise the Administrator on issues concerning women veterans; and to submit an annual report to the Congress on its views and findings.

This advisory committee is a very important element in the VA's efforts to recognize and respond to the needs of women veterans, and I look forward to its establishment.

In this regard, I note that the present VA Administrator, Harry Walters, has taken steps to establish such an advisory committee on an administrative basis, and congratulate him on taking that action. I feel very strongly, however, that there is a need for a statutory basis for this advisory committee—a viewpoint that received wide support at the committee's hearings—to ensure both that it will survive the tenure of the current Administrator and that it provides its recommendations and views to the Congress as well as to the Administrator.

FEE-BASIS OUTPATIENT CARE

Mr. President, the other provision in the committee bill directly focused on women veterans would authorize the Administrator to provide on a fee-for-service basis certain outpatient care for the non-service-connected gender-specific disability of a woman veteran when the VA is unable to provide appropriate in-house care. This authority would be time-limited—it would expire on September 30, 1989—and the VA would be required to report annually on planned and actual utilization of this authority.

During the committee's consideration of this provision, the VA opposed its enactment, based on the view that the agency has or would shortly have the ability to meet the health-care needs of women veterans, including gender-specific conditions. Without disputing the accuracy of the agency's projections on this point, I believe very strongly that fee-basis authority is needed until it is abundantly clear that the VA has reached the desired goal of being able to provide equal access to health care to both male and female veterans. Also, to the extent that the VA will be able routinely to provide needed treatment to women veterans, there will be no occasion to rely on this fee-basis authority because it is being made available for use only in those circumstances where VA-provided care is not available.

STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. President, a provision in the committee bill, derived from S. 11 and Senate Concurrent Resolution 2, which I introduced with broad, bipartisan cosponsorship on January 26, would express the sense of Congress with respect to the role of the Administrator of Veterans' Affairs—specifically that the Administrator should be designated a member of the Cabinet, should fully participate in Cabinet meetings, and should be the principal adviser to the President on all matters relating to veterans and their dependents.

Mr. President, for more than 50 years, the VA has been the principal Federal agency with responsibility for providing benefits and services to veterans. Today, there are more than 29 million veterans and about 66 million dependents or survivors of veterans. Among Federal departments and agencies, only DOD has more employees than the VA, and the VA's budget—around $25 billion—ranks sixth among Federal departments and agencies. The VA operates the largest centrally managed health-care system in the United States and administers the largest direct insurance program in the country. The VA will be distributing over $13 billion in income maintenance payments and approximately $1.7 billion in education, training, and rehabilitation assistance payments in fiscal year 1983; operates one of the Federal Government's two major home loan guaranty programs, with over 4 million loans currently guaranteed; and operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually.

In light of the VA's size and importance, the agency and its programs should be accorded appropriate recognition, status, and treatment within the executive branch. Too often this has not been the case.

To preclude recurrence of the relegation of the VA to a relatively insignificant role within the executive branch, with the Administrator having little or no access to the President or other top officials in the White House, the VA should be elevated to Cabinet-level status. Such a step would insure that the head of the VA would participate in top administration discussions and decisions, which in turn should result in greater coordination and sharing of expertise between the VA and other Government departments. It would promote greater recognition of the impact of general governmental decisions on the VA's ability to fulfill its mission.

Mr. President, I want to point out that this provision would not mandate the designation of the Administrator as a Cabinet member. The Cabinet consists of executive branch department heads and certain other officials designated by the President. Neither the Cabinet nor its membership was established by the Congress. Thus, I believe it preferable at this time, in striking an appropriate balance between the prerogatives of the President and the Congress, to exercise congressional restraint with respect to the composition of the Cabinet. Legislation mandating a specific official's membership or participation in the Cabinet should, I believe, be considered an extraordinary remedy to be pursued only as a last resort.

However, I consider it entirely appropriate for the Congress to make its view known regarding the advisability and desirability of elevating a particular official to Cabinet membership. In the case of the Administrator of Veterans' Affairs, I believe that a very strong, clear case exists for such a view.

RADIATION EXPOSURE STUDY AND GUIDE

Mr. President, provisions in the committee bill, derived from S. 11, would require the VA to contract with an outside entity, other than the Department of Defense or the Department of Energy, to conduct an epidemiological study or studies, except as such study is determined to be scientifically not feasible, of veterans exposed in service to radiation from nuclear detonations. Also, the VA would be required to develop and publish an indexed reference guide, derived from existing pertinent research compendiums, in order to provide appropriate VA personnel—including both those providing health care and those adjudicating claims for benefits—with readily usable information regarding the state of medical and other scientific information on the long-term adverse health effects in humans of exposure to ionizing radiation. Finally, these provisions would provide a process for promoting Gov-

ernment-wide coordination of research activities related to radiation exposure. Under this process, the President would be required to direct the VA to consult and actively coordinate with other Federal Government entities involved in radiation exposure-related studies and to report to the Congress on that effort.

At the committee's April 6 hearing on issues related to veterans' exposure to ionizing radiation, it was most evident that two important issues remain unresolved regarding the population of veterans exposed to radiation during their service—estimated to include approximately 250,000 who participated in the nuclear weapons test program and approximately 130,000 who participated in the occupation of Hiroshima and Nagasaki or transited those areas shortly after the detonations. These two issues are, first, exposure information on the veterans is certainly not complete and, second, information about the health effects in humans of exposure to low-level ionizing radiation, the so-called dose-response relationships, is also incomplete. The committee bill addresses those issues in several ways.

EPIDEMIOLOGICAL STUDY

Mr. President, the study proposed in the committee bill is very similar to the one that the VA is required to conduct, pursuant to provisions I authorized in Public Law 96-151 as amended by Public Law 97-72, with respect to the exposure of our troops in Vietnam to agent orange. There is one key difference: Whereas the VA had the option of conducting the agent orange epidemiological study by contract—an option which, more than 3 years after enactment of that law, the VA only recently decided, as I and many others had urged, to pursue—the committee bill would require that the VA itself not carry out this radiation epidemiological study but rather contract with an outside entity for its design and conduct.

Although I am far from satisfied with the record of the VA's efforts on the issue of agent orange, I believe that those efforts now, at long last, come closer to what the VA should be doing to resolve such a very difficult and large-scale issue than does the agency's attention to dealing with the health effects in veterans exposed to radiation and the impact of such exposure on those veterans and their offspring. The attitude that has seemed to prevail among some within the VA on the radiation issue is that basically the matter is closed with no questions left unanswered. It is only when confronted with the legislative mandate proposed by S. 11 that the VA has shown some willingness to reexamine its position.

Certainly, there is an evergrowing body of information—most based on followup study of the health history of the Japanese exposed at Hiroshima and Nagasaki—about the health effects of radiation exposure caused by nuclear detonation. However, there is very little information specifically related to those veterans who were actually exposed during the weapons test program or, for that matter, to the nonmilitary personnel exposed to radiation from those tests, such as the citizens in Utah who are currently engaged in litigation on the question of the Government's liability for the health problems that they contend were caused by their exposure.

Mr. President, as I indicated earlier, there are two central questions relating to the veterans' exposure to radiation that must be answered—what was the level of their exposure and what are the probable health effects of that level of exposure. Scientifically valid epidemiological study such as is proposed in the committee bill can help supply part of the missing information—namely, data as to the current health status of the veterans who were present at the Pacific and Nevada test sites or in Hiroshima and Nagasaki, the health status of their natural children, and how the health of these veterans and their children compares to that of persons not exposed to radiation from nuclear weapons. Until such information is available or until there are irrefutable answers to the questions about the level of the veterans' exposure and the effects of such exposure, many of these veterans and their survivors will understandably continue to believe that they are not receiving appropriate treatment from the VA and the Federal Government in general.

Mr. President, as a final point with reference to the proposed study, I want to note that the committee bill includes provisions that require that judgments be made about the scientific feasibility of such study before it begins. Under this provision, if the Administrator determines that any portion of the study is not scientifically feasible, the Administrator would be required to notify the appropriate committees of the Congress promptly of this determination and of the reasons for it. If the Director of the Office of Technology Assessment—OTA—were to agree, that part of the study would not be required. If the Administrator determined that taken as a whole the mandated study is not scientifically feasible and the OTA Director agreed, the entire statutory requirement for the study would lose effect.

Mr. President, with respect to any preliminary determination regarding scientific feasibility, I want to express my strong view that the Administrator should approach the study with an open mind and with an intention to proceed with it and that the Administrator should overcome a heavy presumption of feasibility before deciding that some or all of the study is not scientifically feasible.

REFERENCE GUIDE

Mr. President, the record of the committee's April 6 hearing stands as strong testimony to the value of the VA developing and making available a compilation or summary of the scientific literature concerning the long-term adverse health effects in humans of exposure to low-level radiation. At that hearing, the VA confirmed that there are at present no internal VA guidelines for developing and adjudicating radiation-related claims—claims involving issues which can be very complex. Also, there has not been a clear process for providing up-to-date scientific and medical information to VA physicians who are treating veterans who were exposed to radiation.

Mr. President, VA personnel should have easy access to useful compilations or summaries of the scientific literature concerning health effects of exposure to low-level ionizing radiation. Such a guide, indexed so as to make the information readily accessible, would be a valuable tool, both to adjudication and health-care personnel, and I am very pleased that the committee bill would require the VA to develop such a guide.

COORDINATION OF GOVERNMENT ACTIVITIES

Mr. President, as I noted earlier, the provisions in the committee bill relating to radiation-exposure issues would also require the President to coordinate fully the efforts in this area—including the epidemiological study, development of the guide, and any further research undertaken by the agency—with studies or other activities pertaining to the adverse health effects in humans of exposure to radiation that are planned, ongoing, or completed by other entities in the Federal Government. This procedure should insure that the VA is fully informed of, and gives all appropriate consideration to, the available relevant scientific information regarding human exposure to radiation, and that all Federal efforts in this area are efficiently conducted and coordinated.

Mr. President, I note that the provisions relating to such coordination are very similar to the provisions in section 307(c) of Public Law 96-151 that deal with the coordination of Federal efforts relating to the effects of exposure to dioxin. Despite my strong efforts, both with this and the prior administration, to have the President delegate the dioxin coordination responsibility so that there could be an active coordination effort undertaken, no such delegation has taken place. In an attempt to avoid such a result with reference to the provision in the committee bill, a requirement is included that, not later than 90 days after the date of the enactment of the provi-

sion, the President would be required to submit a report setting forth a description of the steps taken and plans made to insure the required coordination.

PUBLIC LAW 97-72 HEALTH-CARE TREATMENT

As I noted in a statement in the CONGRESSIONAL RECORD on the day of the committee hearing, April 6 at S. 4201—daily edition—the VA on that day finally revised its guidelines for implementing provisions that I authored in Public Law 97-72, enacted November 3, 1981, authorizing the VA to provide health care to veterans for disabilities which may be related to their exposure to radiation or agent orange.

Unfortunately, although the VA guidelines for implementing those provisions carried out congressional intent appropriately with respect to agent orange, they were unduly restrictive with respect to veterans who were exposed to radiation. Having raised the concerns I had in this regard with the chief medical director and both the previous and current Administrators, I was gratified when Administrator Walters indicated in a February 18 letter to me that the discrepancy was going to be eliminated.

CONCLUSION

Mr. President, as always, it has been a great pleasure to work with the chairman (Mr. SIMPSON) and all the members of the committee in the development of legislation to meet important needs of the Nation's veterans.

This bill, as it is before the Senate today, is the result of true bipartisan effort—the type of effort that we on the Veterans' Affairs Committee always strive to put forth. I want to note the hard work of, and to thank, the committee staff members who worked on this legislation: Vic Raymond, Cindy Alpert, Scott Wallace, Tom Harvey, and Julie Susman, on the majority staff; committee editorial director, Harold Carter and James MacRae who so ably provide editorial support to the committee; and, on the minority staff, Bill Brew, Katy Burdick, Ed Scott, Jon Steinberg, Charlotte Hughes, and Ingrid Post.

I believe S. 578 as reported is a well-balanced, fully appropriate measure that, if enacted, will be of substantial help to the VA in seeking to fulfill its health-care mission. It has the unanimous support of the members of the Veterans' Affairs Committee and has wide support among the Veterans' service organizations. I urge my colleagues to give this measure their full support.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2920, a companion House bill which is being held at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2920), to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed with the consideration of the bill.

Mr. STEVENS. Mr. President, I move to strike all after the enacting clause of H.R. 2920 and insert in lieu thereof the text of S. 578 as amended by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. STEVENS. Mr. President, I call to the attention of the Senate that this is just another of the bills that has come to us under the chairmanship and the leadership of the Senator from Wyoming dealing with veterans' matters. It is very complicated but, working with his colleague, the distinguished ranking member of the committee (Mr. CRANSTON), he has produced another bill which will deal fairly with the rights of the veterans involved. The Senator from Wyoming is doing a magnificent job in handling this committee in a bipartisan way. I think the whole Senate should congratuate him for that.

I move the third reading of H.R. 2920, as amended.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 2920) was passed.

Mr. STEVENS. Mr. President, I send an amendment to the title to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

Amend the title so as to read: "A bill to amend title 38, United States Code, to provide for adult day health care services for veterans, to establish a Veterans' Administration Advisory Committee on Women Veterans, to promote the recruitment and retention of certain health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration; to extend the period of Vietnam-era veterans to request counseling under the readjustment counseling program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder, to express the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs, to require the Administrator of Veterans' Affairs to conduct an epidemiological study and develop a reference guide to long-term health effects in veterans of exposure to ionizing radiation; and for other purposes.".

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move to indefinitely postpone consideration of S. 578.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask my friend from West Virginia if it would be agreeable at this point to go into executive session for the purpose of considering the nomination under new reports on page 2 of the Executive Calendar.

Mr. BYRD. Mr. President, there is no objection to proceeding with the single nomination under Department of Education on page 2.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed into executive session for the purpose of considering the nomination on the Executive Calendar under new reports, Calendar No. 210.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The clerk will state the nomination.

DEPARTMENT OF EDUCATION

The legislative clerk read the nomination of Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services.

Mr. PACKWOOD. Mr. President, I rise today in support of Mrs. Madeleine Will's confirmation by the Senate as Assistant Secretary of Education for Special Education and Rehabilitation Services. In all my years in the Senate, I have rarely had an opportunity to give my unqualified personal and professional support to a nominee of Mrs. Will's qualifications.

Georgie and I have known Madeleine Will, and her husband, George, for a number of years. We have spent time socially in each others' homes and have discussed at length the full range of issues facing this country. Each time I talk to Madeleine, my

original perception of her as an unusually knowledgeable and capable person is reinforced.

Madeleine acquires and analyzes information at a rate that would astound most people, but Madeleine's strength is her approach to problem solving. She looks at each question with an open mind and a determination that is unmatched. When I say she approaches a problem with an open mind, she rapidly assesses the situation and determines what should be done, then she goes all out to accomplish it.

Madeleine's interest in the handicapped stems from personal experience. She and George have a handicapped child. Most of her extensive volunteer activities have centered around public and private endeavors to aid the handicapped.

She has spent many hours lobbying the Maryland State Legislature for aid for the handicapped. Her success in lobbying the legislature has been extraordinary and is an example of what she can get done. A big part of Madeleine's success is that her answer to every problem is not more money. I know she supports necessary funding for programs for the handicapped. But Madeleine and I both believe more dollars will not solve all the problems. Rather, novel and appropriate approaches are her forte.

Madeleine is an advocate, but she is not an unquestioning one. Madeleine's work in numerous advocacy and professional organizations for the handicapped gives her a breadth of knowledge not easily equalled. She listens to all views and works to mold the good ideas into something better. But she will not countenance unreasonable demands.

The Office of Special Education and Rehabilitative Service needs Madeleine Will's skills and talents. The success of Public Law 94-142, the landmark Education for all Handicapped Children Act of 1975, and the Rehabilitation Services Administration require strong and effective leadership. While Madeleine Will is softspoken and polite, she is unusually effective. She will fight for her views and will not compromise her conscience.

In her statement before the Labor and Human Resources Committee, Madeleine stressed her view of partnership and excellence in pursuing the goal of full participation for the handicapped in our society. Her work at all levels of service delivery and her personal integrity assure the integration of services, and the leadership and direction this office needs. I can think of few people I would rather be working in partnership with for the rights of disabled people than Madeleine.

Madeleine is knowledgeable about the subject and programs she will have to administer. She is compassionate for the constituents she will serve without being maudlin and unquestioning about their demands. I am assured she will continue her success with this administration and with this Congress in carrying the banner for a cause in which she believes deeply.

Mr. President, Madeleine has been nominated because of her ability and competence. She starts with more knowledge and ability than most people will finish with. I am proud to support her nomination.

Mr. QUAYLE. Mr. President, today I have the honor to speak in favor of the nomination of Madeleine Will to be Assistant Secretary for Special Education and Rehabilitative Services in the Department of Education. It is a pleasure to join the chorus of support that has accompanied her nomination. The administration has chosen well in selecting Madeleine for this very important post as advocate for the handicapped.

Witnesses before the Labor and Human Resources Committee were enthusiastic and eloquent in their praise of Madeleine. Her strength of character and personal integrity are qualities that should be possessed by those who hold public office.

Madeleine has demonstrated her concern and interest for the handicapped through her role as an advocate at all levels of government. She is a member of the Association for Retarded Citizens, at the national, State, and local levels. She is the founder of an early intervention program for handicapped children in Montgomery County, Md.

In her official and voluntary capacities, Madeleine has proven to be an effective advocate and she understands the need to coordinate services at the local, State, and Federal levels. Based on her experiences, Madeleine has developed her own vision of the appropriate roles for institutions to play in assisting the handicapped to develop their capacities to the fullest. I know of Madeleine's special interest in the role of community-based programs for the handicapped and her belief in educating handicapped children in least restrictive environments (LRE).

I wholeheartedly endorse the nomination of Madeleine Will to be Assistant Secretary for Special Education and Rehabilitative Services. I believe her advocacy will erase the question mark concerning the administration's commitment to assisting the handicapped.

Mr. KENNEDY. Mr. President, it is a privilege for me to support the nomination of Madeleine Will as Assistant Secretary for Special Education and Rehabilitative Services.

Mrs. Will has been called to serve in a role that bears the critical responsibility of continuing to integrate special education programs and rehabilitation services under one department. I am confident that she will work to achieve full coordination of these components so that, along with the educational needs of handicapped children, the vocational training, and employment needs of disabled youth and adults will also be fulfilled.

Mrs. Will has been an active civil rights lobbyist for people who are handicapped and a member of the national governmental affairs board of the Association of Retarded Citizens. She has shown competence and confidence in both positions. I believe that Mrs. Will possesses knowledge, experience, and a professional as well as a personal commitment to people who are disabled.

In sum, I believe that Madeleine Will brings important strengths to her assignment as Assistant Secretary and that she will serve her constituency with wisdom and compassion. I am pleased to share with Mrs. Will a firm commitment to the interests of handicapped people. I commend her to the Senate and I urge her confirmation.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. STEVENS. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the Senate has just confirmed a talented and dedicated woman for a demanding and vital position. Madeleine Will, President Reagan's new Assistant Secretary for Special Education at the Department of Education, is a bright new hope for the millions of handicapped individuals across the country.

Mrs. Will's efforts on behalf of the Maryland Association of Retarded Citizens won her praise from individuals in and out of the disabled community, and I want to commend President Reagan for appointing her.

Mr. President, I am privileged to know Madeleine Will, and I expect that her professionalism, intelligence, and compassion will make her one of the most effective and respected spokespersons in the country for the cause of true and guaranteed rehabilitation.

But, Mr. President, her job will not be an easy one. Assistant Secretary Will can look forward to a gauntlet of regulations. She will have to master her way through the infamous Washington bureaucracy, and she will no

doubt experience a substantial amount of frustration.

Nonetheless, I am confident that she will meet this challenge, and that her appointment will continue to be viewed as a sign of relief for those who are all too aware that there is much to be done for the disabled American.

Mr. President, I ask unanimous consent that a column written by a relative of Mrs. Will's be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register. Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers. Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive thought that a "key reason" why academic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups" such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handiapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practice creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce:

Although we conservatives believe government has been irrationally intrusive, we nevertheless know there are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, acting in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows a subtlety in its conservatism.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, does my good friend have anything further to come before the Senate?

Mr. BYRD. Mr. President, I thank my good friend for his characteristic courtesy. I have nothing more.

Mr. STEVENS. Mr. President, there is an order to convene in the morning at 8:45; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. And there is an order already entered for a period for the transaction of routine morning business. Is that correct?

The PRESIDING OFFICER. That is correct.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent, in accordance with the previous order, that the Senate stand in recess until 8:45 a.m. tomorrow.

There being no objection, the Senate, at 7:24 p.m., recessed until tomorrow, Wednesday, June 29, 1983, at 8:45 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 28, 1983:

DEPARTMENT OF EDUCATION

Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, June 28, 1983*

The House met at 12 o'clock noon.

The Reverend Anthony Failla, St. Finbar Catholic Church, Brooklyn, N.Y., offered the following prayer:

Lord God, all-giving and almighty, we ask You to help us perceive our deliberations in the full light of Your divine plan.

Our responsibility is great, for our power comes from Your people and our actions have far-reaching effects beyond our fondest intentions and expectations.

Help us to use all the resources and data at our disposal so that, where pertinent, we will be able to respond to emergencies and crises.

We ask You also to keep in mind that much of what we enact here has a result far beyond our mortal lifetimes. As we have received a bountiful and well-planned legacy, we ask Your guidance to bequeath to future generations the legal and programmatic foundation for a life of health, dignity for the individual, and a climate of freedom for all.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 22, answered "present" 4, not voting 40, as follows:

[Roll No. 220]

YEAS—366

Ackerman	Andrews (TX)	Barnes	Berman	Foley	Lungren	Rogers	Smith (NE)	Vander Jagt
Addabbo	Annunzio	Bartlett	Bethune	Ford (MI)	Mack	Rose	Smith (NJ)	Vandergriff
Akaka	Anthony	Bateman	Bevill	Fowler	MacKay	Rostenkowski	Smith, Denny	Vento
Albosta	Archer	Bates	Biaggi	Frank	Madigan	Roth	Snowe	Volkmer
Alexander	Aspin	Beilenson	Bilirakis	Franklin	Markey	Roukema	Snyder	Vucanovich
Anderson	AuCoin	Bennett	Bliley	Frenzel	Marlenee	Rowland	Solarz	Walgren
Andrews (NC)	Badham	Bereuter	Boehlert	Frost	Marriott	Roybal	Spence	Watkins
			Boggs	Fuqua	Martin (IL)	Rudd	Spratt	Weaver
			Boland	Garcia	Martin (NC)	Russo	Staggers	Weber
			Boner	Gaydos	Martin (NY)	Savage	Stangeland	Weiss
			Bonior	Gekas	Matsui	Sawyer	Stark	Wheat
			Bonker	Gephardt	Mazzoli	Schaefer	Stenholm	Whitehurst
			Borski	Gibbons	McCain	Schneider	Stokes	Whitley
			Bosco	Gilman	McCandless	Schulze	Stratton	Whittaker
			Boucher	Gingrich	McCloskey	Schumer	Studds	Whitten
			Boxer	Glickman	McCollum	Seiberling	Stump	Williams (MT)
			Britt	Gonzalez	McCurdy	Sensenbrenner	Sundquist	Williams (OH)
			Broomfield	Gore	McDade	Shannon	Swift	Winn
			Brown (CA)	Gradison	McDonald	Sharp	Synar	Wirth
			Brown (CO)	Gray	McEwen	Shaw	Tallon	Wise
			Broyhill	Green	McGrath	Shelby	Tauke	Wolf
			Bryant	Guarini	McKernan	Shumway	Tauzin	Wolpe
			Burton (IN)	Gunderson	McKinney	Shuster	Taylor	Wortley
			Byron	Hall (IN)	McNulty	Siljander	Thomas (CA)	Wright
			Campbell	Hall, Sam	Mica	Sisisky	Thomas (GA)	Wyden
			Carney	Hamilton	Michel	Skeen	Torres	Wylie
			Carper	Hammerschmidt	Mikulski	Skelton	Torricelli	Yatron
			Carr	Hance	Miller (CA)	Slattery	Traxler	Young (FL)
			Chandler	Hansen (UT)	Mineta	Smith (FL)	Udall	Zablocki
			Chappell	Harrison	Minish	Smith (IA)	Valentine	Zschau
			Chappie	Hartnett	Moakley			
			Cheney	Hatcher	Molinari			
			Clarke	Hefner	Mollohan			
			Clinger	Hertel	Montgomery			
			Coats	Hightower	Moody			
			Coelho	Hiler	Moore			
			Coleman (MO)	Holt	Moorhead			
			Coleman (TX)	Hopkins	Morrison (CT)			
			Conable	Horton	Morrison (WA)			
			Conte	Howard	Mrazek			
			Conyers	Hoyer	Murphy			
			Cooper	Hubbard	Murtha			
			Corcoran	Huckaby	Myers			
			Courter	Hughes	Natcher			
			Coyne	Hunter	Neal			
			Craig	Hutto	Nelson			
			Crane, Daniel	Hyde	Nichols			
			Crane, Philip	Ireland	Nielson			
			Crockett	Jeffords	Nowak			
			D'Amours	Jenkins	O'Brien			
			Daniel	Johnson	Oakar			
			Dannemeyer	Jones (TN)	Obey			
			Daschle	Kaptur	Olin			
			Daub	Kasich	Ortiz			
			Davis	Kastenmeier	Oxley			
			Dellums	Kazen	Packard			
			Derrick	Kennelly	Panetta			
			DeWine	Kildee	Parris			
			Dicks	Kindness	Pashayan			
			Dingell	Kogovsek	Patman			
			Dorgan	Kolter	Patterson			
			Dowdy	Kostmayer	Paul			
			Downey	Kramer	Pease			
			Dreier	LaFalce	Penny			
			Duncan	Lagomarsino	Pepper			
			Dwyer	Lantos	Perkins			
			Dymally	Latta	Petri			
			Dyson	Leach	Porter			
			Early	Leath	Price			
			Edgar	Lehman (CA)	Pritchard			
			Edwards (AL)	Lehman (FL)	Quillen			
			Edwards (CA)	Leland	Rahall			
			Edwards (OK)	Lent	Rangel			
			English	Levin	Ratchford			
			Erdreich	Levine	Ray			
			Evans (IL)	Lewis (CA)	Regula			
			Fascell	Lewis (FL)	Reid			
			Fazio	Lloyd	Richardson			
			Feighan	Loeffler	Ridge			
			Ferraro	Long (LA)	Rinaldo			
			Fiedler	Lott	Ritter			
			Fields	Lowery (CA)	Roberts			
			Flippo	Lowry (WA)	Robinson			
			Florio	Lujan	Rodino			
			Foglietta	Luken	Roe			

NAYS—22

Coughlin	Gramm	Schroeder
Dickinson	Harkin	Sikorski
Donnelly	Hawkins	Solomon
Durbin	Lipinski	Walker
Eckart	Miller (OH)	Yates
Emerson	Mitchell	Young (AK)
Evans (IA)	Roemer	
Goodling	Sabo	

PRESENT—4

Jacobs	Oberstar
Lundine	St Germain

NOT VOTING—40

Applegate	Gregg	McHugh
Barnard	Hall (OH)	Ottinger
Bedell	Hall, Ralph	Owens
Breaux	Hansen (ID)	Pickle
Brooks	Heftel	Pursell
Clay	Hillis	Scheuer
Collins	Jones (NC)	Simon
de la Garza	Jones (OK)	Smith, Robert
Dixon	Kemp	Towns
Erlenborn	Levitas	Waxman
Fish	Livingston	Wilson
Ford (TN)	Long (MD)	Young (MO)
Forsythe	Martinez	
Gejdenson	Mavroules	

□ 1215

Mr. ANNUNZIO changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced

that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 272) entitled "An act to improve small business access to Federal procurement information."

The message also announced that the Senate further disagrees to the amendment of the House to the title of the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 273) entitled "An act to amend section 8(a)(1) of the Small Business Act."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 48. Concurrent resolution providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983 to July 11, 1983.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

June 27, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable March Fong Eu, Secretary of State of the State of California, indicating that the Honorable Sala Burton was elected to the Office of Representative in Congress from the Fifth District of California in a Special Election held on June 21, 1983.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

STATE OF CALIFORNIA, SECRETARY OF STATE,
CERTIFICATE OF ELECTION

I, March Fong Eu, Secretary of State of the State of California, hereby certify:

That according to the official returns of the Special Election held on the 21st day of June, 1983, and the statement of the result thereof on file in my office, Sala Burton was elected to the office of Member of United States House of Representatives, Fifth district, for the term ending on the third day of January, 1985.

In witness whereof, I hereunto set my hand and affix the Great Seal of the State of California, at Sacramento, this 24th day of June, 1983.

MARCH FONG EU,
Secretary of State.

SWEARING IN OF THE HONORABLE SALA BURTON OF CALIFORNIA AS A MEMBER OF THE HOUSE

The SPEAKER. Will the gentlewoman from California (Mrs. BURTON) kindly step into the well of the House. She may be accompanied by the senior member of the California delegation, as well as other members of the delegation.

Mrs. BURTON of California appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentlewoman is now a Member of the Congress of the United States. Congratulations.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit tomorrow, June 29, 1983, should the House be proceeding under the 5-minute rule.

This request has been cleared through the minority.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FATHER ANTHONY J. FAILLA

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. Mr. Speaker, the prayer this morning was offered by Father Anthony J. Failla, the pastor of St. Finbar's Roman Catholic Church which is located in the Bath Beach neighborhood of my congressional district in Brooklyn.

In addition to his pastoral responsibilities, Father Failla, who was ordained 26 years ago, serves as executive director of the Amico Community Center for Family Living, which is one of the outstanding social service agencies in the city of New York.

Father Failla is also active in a wide variety of community and civic organizations, including the Italian Board of Guardians and the Executive Board of the Bath Beach Civic Improvement Association, and on both of these organizations he serves on their board.

But insofar as my constituents are concerned, Father Failla's greatest contribution involves the reach of his spiritual commitments.

The prayer he delivered and the message and inspiration he provided this morning gives the House a rare opportunity to see what Father Failla does on a daily basis in the Lord's house at St. Finbar's in Brooklyn.

I am delighted to have been able to share him with the Congress today.

THE PRESIDENT AND THE BUDGET

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the President has attacked the bipartisan congressional agreement on the budget and continues to threaten that the will of the majority shall not prevail, insisting that his way is the only way.

His way was proposed in his 1984 budget. It was overwhelmingly rejected in the Republican Senate Budget Committee and never even offered by the Republicans in the House.

We all need to be reminded of what the President's way was for 1984. He would increase military spending levels by $35 billion. He would cut medicare benefits by $1,700,000,000. Education programs would be cut by $1,200,000,000, employment and training programs by over $3 billion, medicaid by $300 million, child nutrition by $300 million, low-income energy assistance by $675 million, other energy investments by $1,200,000,000, and housing for the elderly by $150 million, to mention a few.

If the President believes that he can dictate these specific results by the wielding of a veto pen, he has misread the sentiment of the American people.

□ 1230

VASHCHENKO FAMILY ALLOWED TO EMIGRATE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, along with millions of other free people around the world, we rejoice today on the release of the Vashchenko family, who had been guests in the American Embassy for a great number of years. I think there is an important lesson to be learned here. A U.S. delegation visited Russia last January. When calling upon a high official in the Kremlin, we raised the issue of the Vashchenko family and their freedom to emigrate. We were assured at that conference that the Vashchenko's would be allowed to emigrate if they would merely follow the Russian law which required them to return to there hometown and then to apply for an emigration permit.

We all know though they did eventually return to their own town and apply for an emigration permit and they have been allowed to emigrate.

It is a time that we can hope that this signifies that there will be a greater freedom of emigration from Russia. We hope that this is only the beginning of a whole string of favorable emigration matters that will be considered by the Russian Government and we all rejoice with the action that has been taken.

AMERICANS TO LOSE SOMETHING VERY PRECIOUS—"UNIVERSAL SERVICE"

(Mr. SWIFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWIFT. Mr. Speaker, Americans are about to lose something that is very precious, something that they take for granted, and something they use every day of their lives. Furthermore, they are going to lose it through a process that is virtually invisible.

What they will lose is called—in the jargon of the telephone industry—"Universal Service."

Universal service is the concept that everyone's telephone is more valuable to them if with it they can reach virtually everyone else in the Nation.

Policies have been adopted at the FCC that will wipe away universal service by loading new charges onto local rates that are so high many people—the poor, the elderly on fixed incomes, and so forth—will be forced off the telephone system. That hurts them. But it also hurts every other telephone user by reducing the number of people each of us can call.

Virtually every American has a mother or father, an aunt or uncle—someone whose income is so limited that sharp increases in rates for local telephone service would threaten their ability to continue owning a phone. But their telephone is a key means we use to keep in touch with them.

The FCC decisions will—by the Commission's own estimate—raise local rates by an average of $8 per month. It can be a much greater increase—up to $30 to $40 a month—in some high cost areas.

Some have said the solution should be a welfare system to see that the poor have basic service. That is just what we do not need: another welfare program, a system of phone stamps.

Right now, we have the finest telephone system in the world. We have universal service that works. We have affordable rates. And we all benefit from this system.

So today, I am introducing legislation that will deal with the very real issues growing out of technological and judicially dictated changes in our phone system in ways that will enable the United States to retain a superb phone system, keep telephone service universal for all Americans and do so in the context of the rapidly changing technology and marketplace in which the industry finds itself.

I commend this legislation to my colleagues for their study and consideration and urge their support on behalf of the local telephone consumers all over America.

DEPARTMENT OF AGRICULTURE REFUSES TO OPEN TO PUBLIC VIEW FOOD THAT BELONGS TO THE AMERICAN PEOPLE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise on behalf of all unemployed, elderly, and poor Americans who need food.

Yesterday, I tried to visit Inland Center Caves in Kansas City, the largest of 700 warehouses contracted by our Government to store surplus food commodities. The total cost to our taxpayers for storing surplus food is over $1 million a day.

Despite earlier guarantees to the contrary, I as well as other Members of Congress, were not permitted to enter the caves because of our desire to take broadcast media to record a revealing story.

Let me give you some sense of the dimensions of this single enormous facility. It encompasses an area the size of 88 football fields. Close to half of that area—40 football fields—is stocked with butter and cheese piled 16-feet high.

In Kansas City alone, there are 727 million pounds of surplus dairy products.

I ask simply why did the U.S. Department of Agriculture refuse to open to public view the food that belongs to the American people? I ask why is Ohio's cheese allotment being cut from 239 to 66 carloads of cheese per month?

I intend to continue working with my colleagues to obtain the release of this food for Americans who need it.

WHAT IS THE ADMINISTRATION TRYING TO HIDE?

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, the Republican administration obviously has something more to hide than briefing books. Yesterday, four Members of Congress along with our accompanying media were turned away from a factfinding mission to visit the world's largest storage of Government surplus foods run under Government contract by Beatrice Foods of Kansas City.

Beatrice Foods, which receives hefty sums from the taxpayers to store this commodity, interestingly enough just assured us on Friday that we could tour the facility. But, over the weekend someone caused Beatrice Foods to do an about-face. Yesterday they closed their doors to the American people.

Mr. Speaker, we do know what is going on there. Approximately 727 million pounds of surplus foodstuffs are sitting in warehouses in Kansas City, enough to feed the poverty-stricken Americans for a whole year.

I can understand why the administration might want to hide this. I would be embarrassed, too. But I do not understand what they are afraid of. Obviously someone is making a lot of money wasting a lot of food.

American people have a right to know and we have a right in this Congress to know what our Government is hiding. They are not building nuclear warheads, MX missiles, or nuclear submarines in those caves. They are storing Government cheese bought and paid for with U.S. taxpayers' dollars.

But then I guess four Members of Congress found out what Jimmy Carter recently discovered, that this administration is good at hiding a lot of things.

IT JUST ISN'T FAIR—IT'S DIRTY TRICKS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, the date was October 28, 1980; there was a Presidential debate between former President Carter and then-candidate Ronald Reagan.

A newspaper columnist has written "I remember that night. Jimmy Carter wore a blue suit, Ronald Reagan wore a suit of armor."

The question is: Where did he get that suit of armor? Well, it turns out now that Jimmy Carter's question-and-answer briefing book that prepared him for that debate was well, it was purloined.

And the chief of staff at the White House, James Baker III has said, he received the briefing book. He got it, he remembers, from William Casey.

Casey is the head of the CIA. I wonder who is going to investigate this matter.

The point is it is dirty tricks. It is as dirty a trick as was overseen by another Republican President, Richard Nixon. And "It just isn't fair" for the Republicans to jam the telephone lines to prevent people from calling into the Democratic telethon; it "just wasn't fair" to break into Watergate and "it just isn't fair" to have stolen Jimmy Carter's briefing book and so prepared Ronald Reagan for those debates. "It just isn't fair."

SALLY RIDE HAS PROVEN THAT NO FIELD OF EMPLOYMENT HAS TO REMAIN AN UNATTAINABLE DREAM FOR ANY WOMAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is ironic that at the same time we have sent the highly educated Sally Ride into space, the Reagan administration is withdrawing support for educational programs that made it possible for her to be there. We cannot effectively explore the final frontier until we have conquered the frontier of equal educational opportunity for all of our children. Sally Ride has proven that no field of employment has to remain an unattainable dream for any woman. It is time to move forward with title IX, to improve the quality of education for all our children, to make sure the opportunities are there for any child's inquiring mind that wants to explore them.

Women are entering institutions of higher education at record rates. Yet the Reagan administration and the Department of Education have passed up opportunities to appeal restrictive court decisions of title IX. Reagan administration officials have criticized title IX. The Reagan administration is sending a message to our Nation and to the world that it does not care about the quality of education for half of our children. If Einstein had been a girl, the Reagan administration would have told her to go home and play with her dolls.

PRESIDENT REAGAN SHOULD ACT FORCEFULLY TO SAVE LAND REFORM IN EL SALVADOR

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I call on President Reagan to act forcefully to save land reform in El Salvador.

Yesterday, Christian Democrats charged that rightwing forces are trying to destroy the land reform program.

They fear that this would strengthen those who argue that violence is the only road to justice in Salvador.

Mr. Speaker, Central Americans have endured generations of oppression and degradation.

They are crying out for a victory of justice over greed.

The United States should heed the advice of the Pope, not the oligarchy.

We must not defend an unjust status quo, promoted by the privileged few.

We should reject those who would destroy land reform, and tolerate right wing death squads.

These reactionary forces mock our values.

They aid and abet communism, by creating the conditions that Communists exploit.

By keeping the heel of the boot on the necks of the poor, they are inviting "feet people" to America, in search of a better life.

MAINTAIN THE BROADEST POSSIBLE COMMITMENT TO TITLE IX

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I welcome Congresswoman BURTON to the House, and it is fitting that today we speak about title IX.

Mr. Speaker, title IX of the Education Amendments of 1972 opened the door to educational quality for women. The choice of careers from science to sports would no longer be denied to women. Today we see attempts by this administration to narrow those opportunities.

The intent of Congress was clear; educational discrimination on the basis of sex is illegal. Title IX does not say discrimination in the lab is all right as long as women's sports are funded. It does not say no discrimination on federally funded research projects but no discrimination to women who want to take the basic sciences. It plainly and directly says discrimination on the basis of sex is illegal.

We must join the U.S. Commission on Civil Rights in urging the administration to maintain the broadest possible commitment to title IX. We must, I believe, by resolution of this body, make unmistakable our belief in and support for the broad opportunities title IX has provided for women and insist on their widest application.

Sex discrimination in education is illegal and immoral, and we are irresponsible if we do not act to end it now.

CONGRATULATING CONGRESSWOMAN SALA BURTON ON BEHALF OF THE PEOPLE OF GUAM

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, nothing could please me more than to join with our colleagues today to congratulate Congresswoman SALA BURTON as she is sworn in to her new office.

My friendship with your late husband is well known as is his love for the territories. I am confident that SALA will carry on in the great tradition of her husband and also reflect her own strong feelings on a wide variety of issues facing this Nation.

SALA BURTON has won her seat by virtue of hard work. She deserves to represent her district and I know she will prove to be one of the best Members of Congress, regardless of gender.

I wish her the best of success as she begins the hard work of representing her congressional district. I welcome her to the Congress and to the House Interior Committee. I know that all of us look forward to working with SALA in the days and months ahead and I certainly stand ready to do all I can to help her in any way I can. SALA, on behalf of the people of Guam, welcome to the House.

Thank you.

REFORM RULE ON LIMITING RIDERS TO APPROPRIATIONS BILLS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I think the Supreme Court's decision on the legislative veto was a correct one but it does present a problem on how to oversee and control the bureaucracy.

Some have argued as will be argued today or tomorrow on the floor that what we need to do is pass a joint resolution and get a Presidential signature on every regulation that the Government offers. I think that is an unreasonable and unrealistic approach.

But I do suggest that the leadership review the issue carefully, and we again look at the rules we passed in the Democratic Caucus last year limiting riders on appropriations bills and further limiting those riders that can be offered to the Appropriations Committee.

The power of the purse is the primary method for this Congress to control the executive branch. By limiting riders on appropriations bills, and those may be good riders as well as uncomfortable ones, we unnecessarily give up a power constitutionally given to us.

By limiting this power to members of the Appropriations Committee only, as it is under current rules, this process excludes all other Members of Congress, except in very unusual circumstances, to have that oversight power over the bureaucracy.

So, I suggest we seriously consider revising our House rules to renew the power of any Member to offer a rider on an appropriations bill so that we let the bureaucracy know that we intend to exercise our power in a constitutional and effective manner.

IN SUPPORT OF TITLE IX

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, especially on this day when SALA BURTON has been sworn in as a Member of this House, I am proud to join my colleagues in cosponsoring House Resolution 190, which reaffirms congressional support of title IX of the Education Amendments of 1972. As we all know, title IX prohibits gender discrimination in educational institutions which receive Federal financial assistance.

Less than a week from today, everyone in the United States will celebrate Independence Day. On July 4, we recall our freedoms of association, speech, religion, choice of representation, and the right to pursue happiness. I think we should view title IX in the same context. Through this important statute, every American has the freedom to pursue his or her interests within our education system without discrimination based on sex.

Title IX works, and its results are borne out in statistics on gains that women have made in education and the professions. Since title IX was introduced in 1972, the share of professional degrees earned by women has quadrupled to 30 percent. By 1980, the percentage of female students in federally funded agricultural, technical trade, and industrial programs had risen from 8 percent (1972) to 28 percent.

In giving our youth an equal opportunity in education, we invest in the future of our country, insuring economic advancement and self-sufficiency for them and greater productivity and prosperity for our Nation. We must maintain a sound educational system by guaranteeing our Founding Father's call for equity and freedom from artificial restraints.

Regulatory or court-imposed attempts to limit the scope of title IX would be a giant step backward in the progression of our democracy.

The success of a broad interpretation of congressional intent in title IX was demonstrated by Sally Ride's magnificent performance on the space shuttle *Challenger* last week. Women are free to sharpen their talents through higher education and follow their dreams to the stars. It is our responsibility as legislators to make sure they have that chance.

□ 1245

WE DON'T NEED ANOTHER VIETNAM

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, yesterday I received a very, very short, but to the point letter which I believe is indicative of true grassroots and patriotic feeling in America. I cannot imagine any place more central to America than the Eighth District of Indiana. It comes from Princeton, Ind., deep down in Gibson County:

PRINCETON, IND., *June 23, 1983.*

CONGRESSMAN MCCLOSKEY: Please, please, don't vote on anything that gets us deeper into that stupid war in Central America.

Please, make them sit down and talk!

I know we are selling them arms, but put a trailer on them—they must talk before they get the arms.

Something must be done. We don't need another Vietnam.

Sincerely and loyally,

BETTY MCCANDLESS,
Americanism Chairman,
VFW Auxiliary 1147.

Ms. McCandless, a true American, stresses these are her individual views.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. BROWN of California). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I am just concerned with fairness. We have heard a lot about it on the floor here this morning, but I understand it is the Speaker's policy to recognize those Members who wish to address the House for 1 minute in the order in which they came.

We naturally give the Democrats first preference, but it seems in recent days we see Members sitting here, like myself, for an hour and 10 minutes now and then we have other Members coming in on the Democratic side in the last 5 minutes. I would hope that the Speaker would continue his policy of once the Democrats have been recognized in the order in which they came, followthrough with the Republicans in the act of fairness and then go back to those who came in later.

Is that the policy of the Chair, Mr. Speaker?

The SPEAKER pro tempore. It is in the discretion of the Chair to recognize Members as he sees fit; however, the Chair invariably seeks to be fair in his procedures. This Chairman certainly does seek to be fair.

Mr. SOLOMON. I knew the Chair would.

EVEN THE MOST VIGILANT HAS A BLIND SPOT

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, yesterday's Washington Times reported that hearing transcripts have been altered involving Government Operations Subcommittee investigations into the silver market and the synthetic fuels program. Both these investigations, together with the EPA hearings held last July in which altered transcripts have been previously discovered, were extensively covered at the time by the network news media. However, the networks have so far failed to give the American public any word of the criminal misconduct on the part of those who doctored these transcripts. The motto of this story is "Even the most vigilant has a blind spot."

CARGO PREFERENCE RESOLUTION

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I would like to commend my distinguished colleague and good friend and neighbor from Nebraska for introducing this resolution today. It simply expresses the will of Congress that further expansion of cargo preference, is not in the interest of the United States and should not be imposed. The current cargo preference requirements are extremely burdensome to U.S. farmers and to U.S. agricultural exports. I urge my colleagues to cosponsor this resolution.

Let me say at the outset that I believe we need a strong merchant marine that can support our Navy and commerce during times of national emergencies. However, like most in the agricultural sector, I disagree with the use of cargo preference as a means to protect the national interest in a strong maritime industry at the expense of agriculture. Furthermore, I strongly object to any expansion of cargo preference.

Many of the legislative initiatives proposed this year would expand cargo preference to the blended credit program the USDA has implemented for export sales. This would be disastrous to our efforts to rebuild agricultural exports lost as a result of the U.S. grain embargo. The blended credit program is clearly a commercial program designed to meet foreign competition in interest rates on commercial exports sales. It does not fall under cargo preference requirements. Even during the heyday of subsidized U.S. agricultural exports in the 1950's and 1960's, commercial sales were traditionally exempt from cargo preference requirements whether subsidized or not. Expansion of cargo preference to the blended credit program would render it useless as a program to promote exports and continue the slump in export sales.

Given the current budget atmosphere of record deficits, it is unlikely

that Congress would increase USDA appropriations to pay the increased cargo preference costs. Expanded cargo preference will be paid by the U.S. farmers at a time when they cannot afford the additional burden. Once again, I urge your support for this resolution.

TITLE IX—A FAIR SHOT AT ACHIEVING EQUAL OPPORTUNITY FOR EDUCATIONAL ADVANCEMENT

(Mrs. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHNEIDER. Mr. Speaker, recently, efforts have been launched through the courts to restrict the enforcement powers of title IX. If allowed to continue, such efforts will in effect take the teeth out of title IX's ability to fight discrimination in our educational institutions.

In response to the decisions of this past year, 170 of my colleagues have joined me in support of my resolution which reaffirms congressional support for the original, comprehensive enforcement powers of the title IX regulations.

Among my colleagues, I have found a tremendous lack of understanding about what title IX does and does not do. For instance, few Members will argue against the goal of equality in education. In fact, with the recent success of Dr. Sally Ride, Members have praised and expressed pride in the fact that a woman has broken yet another barrier of achievement. Yet, when we get down to defending programs and policies which guarantee equality to women, many Members shirk away from action.

Much of the hesitation, I believe, is due to misconceptions. Somehow, Members support equality in admissions or equality in specific academic programs but cannot support title IX because they are afraid it will weaken the hometown football team or reduce the local university basketball scholarships. For example under title 9 in NCAA intercollegiate athletic departments, colleges spend $2,156 on every female athlete and $5,257 on each male—a 144-percent difference. And while women's athletic budgets in the past 5 years have grown, men's budgets have also increased some 20 to 30 percent. Title IX does not take dollars away from men's athletic programs.

Last, an argument I hear almost daily speaks to the fact that men's sports generate revenue that women's programs do not. The truth is that close to 65 percent of all men's athletic programs failed to generate the sufficient revenues to cover expenses. This included football and basketball revenues as well.

Skeptics—wake up. Title IX does not mean coed dorms, coed bathrooms, or unisex basketball teams. It does mean a fair shot at achieving an equal opportunity for educational advancement. Surely, the next generation of women and men are entitled to this.

CONDEMNING PROTEST AT VIETNAM MEMORIAL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, last week, I joined Congressman CHRIS SMITH and 22 other Members in signing a letter to Secretary of the Interior James Watt. We have asked him to keep this Saturday's protest against U.S. policy in Central America from being staged within obscenity-shouting and rock-throwing distance of our Vietnam Veterans Memorial.

The issue, Mr. Speaker, certainly cannot be free speech. Lord knows, any group of Marxists, peaceniks, and assorted sixties leftovers is certain to get their chance to mouth off in front of the TV cameras most any time they want.

But I, for one, resent seeing the polished black granite slabs of the Vietnam Memorial being used as the set for this anti-American extravaganza. Most of all, I resent seeing the names of 57,000 dead Americans used as silent extras in a loud and sordid production that will mock their patriotism and their sacrifice.

It is time to bring the curtain down on this mockery. It is really just a tired rerun of those street productions staged a few years back, with words and music by Daniel Berrigan and Abbie Hoffman.

This time, though, the arena is different. You can say what you want about the design and the setting of the Vietnam Memorial. But one thing is certain—we built it for our brave fallen soldiers, not Jane Fonda.

HOSPICES SHOULD BE ALLOWED TO SUBCONTRACT WITH MEDICARE CERTIFIED PROVIDERS

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, over the past few years, health care providers and the Government have been searching for more humane ways to care for the terminally ill. Hospices provide a unified approach to death that combines medicine with humanistic concern for patients, giving them the chance to die with dignity and less pain among those who care about them most. As part of that effort, the Congress last year passed legislation designed to promote hospice care by making it eligible for medicare reimbursement.

Much attention has been focused on proposed regulations—now being rewritten—that would have severely limited the amount of care medicare would pay for. But a less noticed provision in the actual law could have an equally debilitating effect.

Included in the Tax Equity and Fiscal Responsibility Act were provisions to extend reimbursement under medicare to hospices—but only to those able to provide all of four specific core services directly to patients. As the law is written, a majority of hospices in the United States are prohibited from medicare coverage because they subcontract health care services—a practice current HHS regulations does not permit.

The effect of this regulation in New York State would be to make 92 percent of the hospices participating in the State's 3-year demonstration program ineligible for medicare. Similarly, 53 percent of the hospital-based hospices in the State would be ineligible.

We should be doing all we can to enable the terminally ill receive humane care at home. I strongly support the efforts to change portions of existing law to allow hospices to subcontract with medicare certified providers. Each community has to determine its own needs, resources, and objectives while offering a decent, compassionate approach to the care of the terminally ill.

□ 1300

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Mr. Speaker, as we talk about title IX today, I would like to share with my colleagues a brief article which appeared in the June-July 1983, Women's Equity Action League "Washington Report" on women in education.

While the success of title IX is proven in the vastly increased higher education accomplishments of women students, the growth in student opportunities since the passage of title IV has not yet translated into professional advancement for women in education. This report indicates that in the fall of 1980, over half of the college population were women. Participation in nontraditional fields has skyrocketed. Women went from 4 to 25 percent of business students, from 9 to 23 percent of medical students, and from 7 to 31 percent of law students.

But also in 1980, women held only 26 percent of the full-time faculty positions, only 10 percent of the professor-

ships, virtually the same as in 1970. Women on campus in 1982 were earning 85 percent of the salaries of their male coworkers.

Title IX has been a success. We need to continue with title IX, and I am proud to be a cosponsor of Congresswoman SCHNEIDER's legislation, and I encourage my colleagues to join me in this show of support for title IX.

EMPTY FIELDS, EMPTY STORAGE BINS, EMPTY STOMACHS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I want to present to my peers today another pertinent paragraph in the preposterous panorama known as PIK. Today's paragraph is entitled "Empty Fields, Empty Storage Bins, Empty Stomachs."

Mr. Speaker, under the payment-in-kind (PIK) program, the taxpayers are paying for empty fields. As a result of that program, the taxpayers are also paying premium prices for empty storage spaces. In Oakland, and in many other parts of the country, there are empty stomachs.

The facts about taxpayer payment for empty storage bins is detailed in the latest issue of Farm Journal.

Last year, with huge surpluses looming, the USDA through the Commodity Credit Corporation began leasing large amounts of storage space to deal with the grain. Then came PIK, which gave farmers the surpluses for not planting. However, the storage space remained under contract:

> As a result, the CCC could end up paying millions of dollars for storage space even though it no longer owns any grain. . . . With PIK payments already beginning in some parts of the country, the future of the grain stored under these long-term contracts is uncertain. What is certain is that the CCC is obligated to continue paying.

I hope that the USDA can at least be innovative in the use of this empty space, rather than letting it go to waste. The bins could be used to house the tens of thousands of homeless. Perhaps the Department could rent them to the Pentagon so that the homeless MX could be temporarily housed in these "grain silos."

More seriously, Mr. Speaker, our Nation's farmers are in desperate straits. PIK has helped them to make it through another year. Though I think PIK has benefited the farmers, I believe it was more by accident than design and that a much less costly and more effective program could have been designed. The boondoggles that have and are occurring, such as paying for nonstorage costs, are going to continue to cost the taxpayers billions and do nothing to solve the root causes of the farm problem.

CHILDREN ARE DYING OF STARVATION IN ETHIOPIA

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, I am concerned that sometimes we get so involved in crossing the t's and dotting the i's that we really miss the important things happening in the world.

Fifty to a hundred children are dying a day in Ethiopia. Fifty to a hundred children are dying a day in Ethiopia of starvation. It is feared that there will be up to 200,000 people die this year in Ethiopia of starvation.

Now, I do not think there is any magical answer to the Ethiopian disaster. I am not saying the United States can move ahead and just eliminate starvation in Ethiopia overnight. The problems are complex. But we can certainly do much more about it than we are. And when you have that sort of a international disaster going on in this world, a great nation should be saying: "What can we do to try to correct that?"

There is no excuse for not trying to save 200,000 lives. We have a responsibility to do all within our power to help the starving people of Ethiopia.

FAMINE IN ETHIOPIA

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, I rise to voice my deep concern for the starving people in Ethiopia and my anger over our Government's response to this tragedy.

It is estimated that 100 children a day are dying of starvation in Ethiopia. And the death toll is expected to increase until the November harvest. Many have expressed the fear that the famine may take the lives of at least 200,000 people.

And what has been the response of the U.S. Government? It has been very little indeed. Catholic Relief Services requested food for Ethiopia in December, and 5 months later, the American Government finally released 4,000 tons of grain. And a month ago 70 Members of Congress wrote the Agency for International Development asking that we help fill the United Nations' request for $35 million for emergency aid for Ethiopia. And what has been our Government's answer? The answer has been no answer. No response has been made to the 70 Members of Congress.

While it is proper for the United States to weigh political considerations in our foreign aid decisions, the starvation of thousands of people, most of them children, should not be viewed as a political situation. Dying children are not Marxists, Communists, capitalists, or Socialists. They are desperate, dying human beings. And we should help them. We have the ability to help them.

Many of you have been reading the series by Jay Ross in the Washington Post about the famine in Ethiopia. The picture and the account of the 2-year-old girl who weighed 9 pounds, and who is surely now dead, really says it all. As a parent of three children, I compare them to this child in Ethiopia and also think of what the parents of that child are enduring, and I have no patience for the silence of the State Department and the hedgings of Jean Kirkpatrick. They bring to mind the words of Bob Dylan, "How many times must a man turn his head and pretend that he just doesn't see?"

THE IMPORTANCE OF TITLE IX

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, last week I was privileged to witness the launch of the space shuttle *Challenger*, which among many other important achievements, carried the first American woman into space. The thrill of Sally Ride's accomplishment was shared by each and every American.

This achievement was possible in large part because of the extraordinary determination and talent on astronaut Ride. But it was also a tribute to the two-decade long struggle to break down the barriers to equal educational opportunity for women. Our progress has been substantial, but the struggle is far from over.

Unfortunately, many of our hard-won gains remain in jeopardy. By the end of this week, the Justice Department will offer an opinion on the scope of title IX of the Education Amendments of 1972, the most important legislation guaranteeing women equal access to educational opportunities. At issue is whether title IX's prohibition on sex discrimination applies only to a program receiving direct financial assistance or extends more broadly to any school receiving, Federal financial assistance. To limit title IX to only those programs receiving direct Federal assistance would be an unconscionable retreat on this country's commitment to equal educational opportunity for women.

BRIDGES AND HIGHWAYS SHOULD BE SAFE

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Connecticut. Mr. Speaker, last night in Connecticut

we suffered a tragedy on one of our highways due to the collapse of a bridge on Interstate 95. At least three people are dead because of this tragedy, and I think it is important for the House to pause and reflect on why this has occurred.

Two things are important: First, the deterioration of our infrastructure around this country is not a minor matter. It is an emergency. The White House should not be asking us to defer spending on funds that are being collected from the highway trust fund. We need to move ahead on an emergency basis to make our highways and bridges safe again.

Second, much of the deterioration is caused by heavy trucks, a situation that will be further aggravated by the House's recent decision to override the views of States like Connecticut about the weight and size of trucks that should be traveling on these highways. States know best as to whether their highways are safe and can accommodate tandem trailers and larger trucks, and I hope this House will look favorably on reconsidering its mistake of last December in overriding the decision of States like Connecticut in this area.

HOUSE LEADERSHIP SHOULD COME CLEAN ON ALTERED TRANSCRIPTS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, earlier today it was suggested that this administration might have something to hide. What I am convinced of at this point is that the leadership of this House must have something to hide, as well.

At least in the matter of the doctored and altered transcripts that have emerged from some of the committees of this House, we find that, stone by stone, the wall around here is getting higher and higher as the leadership does not allow a proper examination of that issue.

For example, some of us who feel that damage has been done by that incident asked that documents in the Government Operations Committee over the past 2 years be set aside for examination. That was done in a letter from the chairman of that committee. However, just today, just a few minutes ago, a member of the minority staff asked to begin review of those documents, to put them side by side and find out whether something has gone wrong. That was denied. These are public documents that we are asking to review, and it was denied.

We are dealing with criminal misconduct in this case, and the House evidently is not willing to be dealt in.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF THE COMMITTEE ON THE JUDICIARY TO SIT ON TODAY AND TOMORROW, DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on June 28 and June 29, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the meeting on the 28th is for markup on two public bills and several private bills, and the purpose of the meeting on the 29th is for a hearing on H.R. 2327, the Regulatory Reform Act of 1983.

The minority has been consulted and has agreed to this unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was not objection.

THE RELEASE OF 15 PENTECOSTALS BY SOVIET UNION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, a little over a year ago, while in Moscow visiting Jewish refuseniks, I had the rare privilege to meet with the then seven Pentecostal Christians who had taken refuge in our Embassy. After about an hour of enlightening but heartbreaking conversation through an interpreter, we had a time of prayer led by Peter Vashchenko. Peter's words were moving, inspiring, and courageous. Despite setbacks, obstacles, and apparent futility, Peter was convinced that persevering faith and abiding hope would prevail in the end. I think it is highly significant that during our prayer he not only prayed for himself and his family and friends, but he prayed for all of those who are suffering oppression and religious persecution in the Soviet Union. He even offered a word of prayer—of forgiveness—for those who were responsible for his exile. I do not think any better example of Christian charity is to be found anywhere.

Mr. Speaker, today's heartening news of the release of the 15 Pentecostals is compelling testimony to their perseverence and faith in Jesus Christ.

Finally, Mr. Speaker, I think the Soviets should know that we are truly grateful for this positive gesture and that we look forward to additional signs of goodwill that will do much to mend and repair relations between the United States and the U.S.S.R.

A $73 BILLION TAX INCREASE

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, last week the majority of this body passed the first budget resolution for 1984, and in the resolution were provisions that would increase taxes on the American people by $73 billion over 3 years.

Not one individual that I know took the well to explain in his own mind how best that $73 billion would be raised.

Mr. Speaker, I think this would be a better institution, I think Members would be a lot more intellectually honest with themselves and their constituents if, at the same time they voted to raise taxes by billions of dollars they came forward and explained to their constituents and the American people exactly what taxes they were going to impose and who would have to pay them.

A POINT OF PERSONAL PRIVILEGE

Mr. GREGG. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state the question.

Mr. GREGG. Mr. Speaker, on July 21 and July 22, of last year, I participated as a member of the Science and Technology Committee in joint hearings before that committee. The printed hearing record of those hearings was not received until April 27, of this year. Upon review of that official record, I discovered that several statements which I had made during the course of those hearings were materially altered in such a way as to reflect upon my integrity and conduct during those hearings.

While the falsification of a House document is clearly a matter involving the integrity of the proceedings of this body, the alterations of my remarks, without my permission, affects my rights as an individual Member in my representative capacity. I therefore rise to a question of privilege in order to clarify the record on this matter.

The SPEAKER pro tempore. The gentleman states an appropriate point of personal privilege, and the gentleman is therefore recognized for 1 hour.

Mr. GREGG. Mr. Speaker, I take this matter of personal privilege extremely seriously. It is the first one that I have ever sought on this floor and, quite honestly, I hope it will be the last. Personal privilege in and of itself reflects a seriousness of purpose and a recognition that something extraordinary has happened within the legislative process. And in this situation, the extraordinary occurrence is

one of extreme severity and one which reflects and seriously threatens the integrity of this House and the processes of the House of Representatives.

The hearings which I have referred to were hearings involving five subcommittees of three major committees of the House of Representatives into the activities of the Environmental Protection Agency. The subcommittees involved were two from the Government Operations Committee, two from the Science Committee and one from the Commerce and Energy Committee.

The Government Operations Committee subcommittee chairman, Mr. TOBY MOFFETT of Connecticut, was the chairman of the hearing process. The Science and Technology Committee rooms were used as the location of the hearings. During that hearing process, there were numerous intense exchanges between the minority and the majority. There was a perception within the minority that we had been ill-advised and kept unadvised by the majority as to the manner and processes of the hearing, that witness lists were not made available, the testimony was not made available, that the direction and purpose of the hearings were not made available.

During one of these exchanges, when I was questioning the activities of the majority in this hearing—and let us remember that this hearing was taken down in a verbatim transcript by a court reporter who was serving the legislature at that time, and all witnesses were put under oath.

□ 1315

I asked a question, or made a point which involved the following statement:

I look at the staff over there, and I wonder how we have so many staff members on the majority side they did not have the time to get back to us.

That was what I said at the hearing. That is what appeared in an original transcript which we discovered. In the transcript as printed, which printing occurred under the auspices of the majority staff of the Government Operations Committee, Subcommittee on Environment, Energy and Natural Resources, that statement was reported in this manner:

I look at the staff over there and I wonder how we have so many staff members on the minority side they did not have time to get back to us.

The term "majority" which I had used was turned around 180° and replaced with "minority."

Further in the hearing I was discussing the activities of the EPA and the State of New Hampshire where we have had considerable contact with the EPA over hazardous wastes. My statement in the record was as follows:

There were no partisan attacks on the EPA's failure to come into New Hampshire.

That was my statement in the original record. I better make that clear. We are talking about two different records, what was the record that was actually created and what was the record as was alleged to have been created and printed. In the printed copy of the testimony as presented and put forward as the accurate statement of that hearing, that statement which I just read to you, the original statement being, "There was no partisan attack on the EPA's failure to come into New Hampshire," was changed as follows:

There were no partisan aspects to the EPA's activities in New Hampshire.

The two statements bear almost no relationship to each other. One involves what we did relative to the EPA, how we as Members of Congress and also as people working in the State, the State-elected officials, related to the EPA; the other statement, just the opposite, involves how the EPA related to the State of New Hampshire when it was working in New Hampshire.

Those are two of the changes which occurred to my statements at that hearing in that transcript. There were, however, over 112 other changes in that transcript, at least 20 to 30 of which were substantive changes, the intention of which was to change the direction, the meaning, the purpose of the minority member making that statement or to add meaning and purpose, and in some cases entire phraseology to the majority member who was making a statement.

There were also, during that hearing, a number of documents submitted for the record, at least eight, which never appeared in the record as printed.

Now, there was an underlying theme to the changes also, and I think that is important. The theme of the changes was to make Republican members who were participating in that hearing appear less knowledgeable, less competent, and unfortunately, ineffective, and to make the majority members, at least in two instances, the chairman of the hearing and one other member, appear to be much more responsive to points which were raised by Republican members than they had actually been.

Further, there were changes which went to the witnesses' statements. Witnesses who had been called by the committee to testify before the committee, their statements were changed without their authority and in a rather dramatic way.

On top of this, specific hearings which many of us last week talked about on this floor, which we had hoped was a single incident and one which just was an aberration of the system, we now discover that other transcripts from other hearings have been altered in material and substantive ways. Again, the Government Operations Committee, Subcommittee on Energy, Environment, and Natural Resources, while holding a hearing under Congressman MOFFETT, this hearing involving the Synthetic Fuels Corporation, it now appears, although we have not been able to get access to the original documentation but we think we have enough access to be fairly confident, that that transcript was doctored.

Another situation on another subcommittee, the Government Operations Committee, Subcommittee on Monetary and Consumer Affairs, in a hearing involving the silver issues which were raised back in 1980, it now appears, and we have definite documentation that those transcripts were dramatically altered in relationship to one of the testimonies of one of the people brought up here from the executive department to testify before that committee. That committee was chaired by the late Benjamin Rosenthal.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I will yield to the gentleman from Pennsylvania for purposes of debate.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, if I understand the point that the gentleman is making, what we are now finding is that we are not dealing with an isolated matter here as originally was perceived; we are dealing with a systematic attempt to change records in a number of very controversial matters, things took place in this Congress, which are 180 degrees different from the actual fact.

Do I understand the gentleman is saying that it goes to at least three very controversial hearings that were held in the Government Operations Committee?

Mr. GREGG. That is correct.

Mr. WALKER. The silver hearing was given a lot of media attention, there was an awful lot of talk about that around the country. There was television and media attention on that. The same thing was true of the synfuels hearing. The same thing was certainly true of the EPA hearing.

In other words, the final public document then reflects something wholly different from what the public was led to believe along the way, or at least the majority is attempting for the sake of history to make something appear different than what actually took place?

Mr. GREGG. That is correct.

Mr. WALKER. If the gentleman will yield further, I thank the gentleman, because I think that this puts the whole issue into some new light. What we are now finding is that the matters that concerned us because we were directly affected by those original tran-

scripts now go far beyond that and appear to be a systematic effort to change the record of this House.

That is a matter of the highest significance because it involves the very integrity of our proceedings, and I think the gentleman is to be congratulated for bringing this to us here on the floor, because we are dealing with a very serious matter that, as I mentioned earlier today, is a matter of criminal misconduct.

Mr. GREGG. The gentleman is absolutely right. It is a matter of criminal misconduct, and just to get the whole issue out on the floor, we are talking about a series of hearings which had substantive changes in the transcripts, and let us remember what these transcripts are used for.

First, they are used to establish legislative history, not only for this Congress as a body, but for all the court decisions which arise out of the laws which we create. The very essence of the system of this country is our laws, and yet the decisionmaking process on those laws is being threatened by the fact that we have changed, fundamentally changed, or somebody has changed in an organized manner, it would appear, the transcripts from these hearings.

Second, these transcripts as printed represent for us our history. This is the history of the U.S. Congress, the greatest deliberative body that has ever been brought forth on Earth, on civilization, and yet we, as a deliberative body, are finding that our transcripts have been changed and our purposes changed within those transcripts.

That goes to the fundamental issue of the integrity of this House.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. Yes, I would be happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I believe that there is one further very serious issue that has not been given too much discussion, and that is the potential of someone being prosecuted and convicted of perjury based upon a doctored record.

In all of the EPA hearings held last July that the gentleman has raised his point of personal privilege on, the witnesses were sworn to tell the truth, and they gave their oral and written communications. However, if the oral and written communications were changed, as has been the case in some of the witnesses, then a witness could potentially subject himself to perjury based on a record saying something exactly the opposite of what he actually said.

This is a very serious offense, and given the emotionalism surrounding the Environmental Protection Agency during the administration of Ms. Burford, I think that we have got to look very seriously at the chilling effect that this will have on a witness wanting to come to appear before the Congress to tell us how an administrative agency is discharging its responsibilities under the law. If what appears in print is different from what is actually said and one is thus subjected to potential criminal prosecution as a result of this, certainly the Congress ability to conduct oversight investigations into executive branch functions is certainly going to be substantially hampered.

For that reason, I salute the gentleman from New Hampshire for bringing this issue to the floor because I believe that we are going to have to get through the wall of coverup that is coming around this issue, as the gentleman from Pennsylvania (Mr. WALKER) said earlier on today, and find out who has been doctoring these records, fire those people from the staff, and submit the matter to the Justice Department so that they can be prosecuted for what they have done.

Mr. GREGG. And it should be noted, of course, that the silver hearings were equally as controversial as the EPA hearings, and perjury could certainly arise out of either of these transcripts now that they have been doctored, and who knows what other transcripts? We have not had access yet to get into the other issues.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, the gentleman has been talking about altering of transcripts of hearing records, but I must tell the gentleman, as he was discussing this issue, it brought back to mind other things that we might look into, and that is the question of what reports show as opposed to what was discussed in committee. Let me give an example.

On some hearings that I am personally involved in, there was an attempt made to insert into the record for the purposes of the report matters that had not been discussed within that hearing. I also remember a couple of other instances where subcommittee staff has put out as subcommittee reports, studies that have been done elsewhere, and that they then published as subcommittee reports and the subject matter was not a matter of the hearings.

So it goes far beyond just that very serious changing of transcripts that the gentleman is talking about, but also the reports are read many times in order to develop the history of what happened and how the legislation came into being.

So it is my impression that with the discussions here this morning and the things that I am personally aware of, that staffs who put those reports together really take some tremendous liberties. It is a serious, serious matter and I am glad that the gentleman has taken this opportunity to bring it before the full House. I commend the gentleman.

Mr. GREGG. I appreciate the comments of the gentleman from New Mexico.

I was not aware of these instances that he is referring to. I think that just reinforces my concern that we have some open and affirmative investigation of this whole issue, because clearly, at least within the Committee on Government Operations we are seeing a fairly extensive situation, and now the gentleman is talking about other committees with the report issue. We have got to get into this in an open way, I believe.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Speaker, I think all of us naturally are quite concerned about what transpired in that particular EPA hearing last July, but I know the gentleman is also immensely concerned with other possible criminal conduct relating to other hearings.

I wonder if the gentleman might just bring us up to date on where the process stands in our trying to evaluate previous hearings and previous transcripts to check it with the printed record within the Government Operations Committee.

□ 1330

Mr. GREGG. Mr. Speaker, we wrote the chairmen of the Committee on Government Operations, Committee on Science and Technology, and the Committee on Energy and Commerce, and asked all of them to make available to us records of not only this hearing, the EPA hearing, but, in the case of the Government Operations and Science and Technology Committees, extensive records on other hearings in which the subcommittee is involved, in the EPA hearings, or would have been involved in, such as the synfuels hearing.

At this time part of the records have been made available to us, but the balance of the records, as, I believe, one of the Members in the 1-minute speeches this morning alluded to, are not being made openly available to us and our staffs. They are being made available to our staffs or to ourselves in our controlled environments, but without staff participation, and clearly we do not have the capacity or the ability to go through and, page by

page, compare the original transcripts with the printed transcripts, which is exactly what has to be done here. Thus we are being stonewalled a bit.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, is the gentleman from New Hampshire telling the House that the majority staff has got access to these transcripts and records but the minority staff does not?

Mr. GREGG. I could not allege who has access to them but clearly the minority staff does not.

Mr. HILER. Mr. Speaker, will the gentleman yield at that point?

Mr. GREGG. I am happy to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, may I ask, are we talking about transcripts of the actual hearings that took place?

Mr. GREGG. We are talking about the original transcripts, which in our opinion are public documents.

Mr. HILER. We are talking about the original transcripts which are supposedly the verbatim recordings of what actually happened in the hearing, and those are not being made available to minority staff to look at?

Mr. GREGG. That is correct.

Mr. HILER. It seems rather phenomenal to me that we have a situation here where we are taking the official public record of what transpired in this House and it is not being made available to our duly appointed representatives in order to look at that material to determine whether our remarks have been altered, changed, or whatever, including anyone else's remarks. It seems rather incredible to me that our staff people would be denied access to look at the original transcripts of the hearings that took place over the last 2 years.

Does that not seem rather outlandish to the gentleman from New Hampshire?

Mr. GREGG. I do not see how we can get to the bottom of this issue and determine what other committee hearings may have been changed or may not have been changed unless we as the minority members who serve on those committees and who are grieved by this situation have access to the original transcripts so that we can make a side-by-side comparison through our staffs, because clearly we are not going to do it. We do not have the time nor the capacity probably to do it.

Mr. HILER. Mr. Speaker, will the gentleman yield further?

Mr. GREGG. Yes, I am happy to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, it seems rather incredible to me that just today we had several 1-minute speeches taking place talking a great deal about whether the administration had access or did not have access to a briefing book in the debate several years ago—we have, I believe, one subcommittee that is currently having hearings on this matter—and we in the House of Representatives cannot even get the official transcripts of hearings that we participated in that have been altered.

Mr. GREGG. I agree that it certainly is ironic.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. COATS. Mr. Speaker, I am astounded to hear about the situation that exists here, and I think it certainly is a black mark on the proceedings of the House of Representatives that such a thing has taken place. It is apparently the epitome of arrogance that the committee staffs are exercising in terms of actually altering transcripts on a partisan basis to make the minority look bad. I think that is very regrettable. It is regrettable that this House has to even discuss such a situation.

I am curious about this. The gentleman has indicated that he apparently is currently undertaking his own personal investigation with his own staff; the Member himself has to make a side-by-side comparison between the original transcript and the altered transcript. Can the gentleman give me any indication of what official actions are taking place in this body in terms of an investigation in this matter?

Mr. GREGG. Mr. Speaker, the initial side-by-side comparison or the initial error which sparked the larger, more expensive discussion was found by a staff member of, I believe, the gentleman from Pennsylvania (Mr. WALKER). On the discovery of that, a written request was made to the chairman of the three committees involved or the subcommittees that were involved in this hearing to have a further, more extensive investigation, and the majority of the Committee on Science and Technology, under the direction of its chairman, the gentleman from Florida (Mr. FUQUA) on its own initiative, and aggressively, did a side-by-side review, which was totally accurate as far as we know—and I beleive it to be—and went the extra mile in trying to find out what type of errors had occurred.

Mr. COATS. And what about the other two committees?

Mr. GREGG. Well, at this time, once that had been done by the Committee on Science and Technology, we then asked for a hearing in the Science Committee, because the Science Committee had been the lead committee, although the chairman of the hearings had been Mr. Moffett from the Committee on Government Operations—the Committee on Science and Technology was technically the lead committee—we then asked for a hearing on the Science Committee, at which hearing the minority requested that we have a hearing on investigating further what happened so we could find out who made the changes and why they made the changes.

That request by the minority was defeated basically on a party line vote and replaced by a request by the majority to send the whole matter on this hearing, only the EPA hearing, to the Ethics Committee, at which time the monority requested that at least the Ethics Committee be directed to hold an open hearing, and that the documents which went to the Ethics Committee be still made available to the minority, because once the issue goes to the Ethics Committee, the document may not be available to anybody except the Ethics Committee.

That open hearing request was beaten on a party line vote, and the request for the documents was agreed to.

So we now stand with the Science Committee having passed a resolution to send the EPA hearing—not the synfuels or the silver hearing or any of the other Government Operations Committee activities, but the EPA hearing—to the Ethics Committee, and we have a request that we still be allowed access to the documents. But we have to remember that when it goes to the Ethics Committee, it becomes basically a closed investigation, and should the person or persons who are identified as having done this resign or quit, as long as they are a staff person and not a Member, then the Ethics Committee loses jurisdiction and the whole matter is mooted out.

So that is where it stands in the Science Committee. On the Government Operations Committee side, we have asked, as I was mentioning and as the gentleman from Pennsylvania (Mr. WALKER) mentioned, for access to more transcripts, original transcripts, of other hearings held by the two subcommittees which we have now identified as having changed transcripts, and so far our access to those transcripts has been limited in scope as to staff review of them, not in scope as to members' review.

Mr. COATS. Mr. Speaker, will the gentleman yield further?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. COATS. Mr. Speaker, did I hear the gentleman correctly to say that we have documented proof that original transcripts have been altered in such a way as to put the minority in a ludicrous position? We have documented proof of that, and yet when we asked the committee to undertake an investigation of this matter, the investigation was voted down on a partisan basis?

Mr. GREGG. Well, I would not say it was partisan. There was one Repub-

lican who voted with the majority. But the matter was sent to the Ethics Committee on what was essentially—well, it was a party line vote, yes. I suppose that is partisan.

Mr. COATS. Mr. Speaker, will the gentleman yield further?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. COATS. Am I correct in thinking that there may be some criminal violation here?

Mr. GREGG. There is no question but there are criminal violations.

Mr. COATS. Has the matter been referred to the Justice Department?

Mr. GREGG. At this time it has not been referred to the Justice Department.

Mr. COATS. What has to take place for the matter to be referred to the Justice Department?

Mr. GREGG. We are not absolutely clear on that, but I would anticipate there will be some move to try to refer this matter to the Justice Department.

Mr. COATS. Mr. Speaker, if the gentleman will yield just one more time, for the sake of the integrity of this body, whether we are talking about a Republican matter or a Democratic matter, a majority matter or a minority matter, for the sake of the integrity of this body and the integrity of the Members who sit in this body, I would think that every Member, whether Republican or Democrat, would want to get to the bottom of this and would want a full investigation. If a criminal violation has occurred, it ought to be prosecuted to the fullest extent.

We cannot continue to command to the extent we should the confidence of the public if we are not willing to undertake an internal investigation or an external investigation of acknowledged, recognized wrongs that have taken place in this body.

I think a great deal is at stake here, and I commend the gentleman for bringing it to our attention. I regret very much that the gentleman has found a lot of stonewalling and a lot of putting it under the rug and a lot of covering up on what I think is a very important issue.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I have listened with great interest to the debate over this topic that was considered last week in reference to stonewalling and covering up and the like.

Would the gentleman advise me, is this not the same matter that we discussed for almost an entire day last week in the Committee on Science and Technology?

Mr. GREGG. Yes; it is.

Mr. DURBIN. Is it not the same matter that we voted to refer to the Ethics Committee?

Mr. GREGG. Yes; it is.

Mr. DURBIN. And is it not true that the Ethics Committee is equal in its partisan breakdown?

Mr. GREGG. That is correct.

Mr. DURBIN. So there is no party advantage in referring it to that committee; is that not correct?

Mr. GREGG. Well, there is significant party advantage in referring it to that committee. The party advantage—I am not sure that party advantage is correct, but there is a significant advantage or effect in referring it to that committee versus having an open investigation within the Committee on Science and Technology.

Mr. DURBIN. Would the gentleman question the ability of this committee, the Ethics Committee, to operate in a nonpartisan manner?

□ 1340

Mr. GREGG. No; I do not question the ability of that committee to operate in a nonpartisan manner.

Mr. DURBIN. Could I ask the gentleman further, when this debate is finished, will we not both be handed at some point during the day a copy of the transcript of our spoken remarks here on the floor?

Mr. GREGG. That is correct.

Mr. DURBIN. And will we not both then have an opportunity to add, delete, change, or make wholesale fabrications in that transcript, the official transcript of the U.S. House of Representatives?

Mr. GREGG, Well, that is absolutely correct, but as the gentleman mentioned, first, we will have the opportunity to do that. Should the gentleman do that, I do not know; but it will not be done by a majority staff member with the intention of changing the purpose of the remarks.

Mr. DURBIN. If the gentleman will yield further for just one second, if I might finish.

I do not for a minute attempt to justify what has happened with the committee proceeding; but as we discussed in the committee, when we look to the proceedings on the floor of the U.S. House of Representatives, every Member after they have spoken on the floor is given an opportunity to make wholesale changes in the transcript, to change not only what was said, how it was said, to add or delete as the Member sees fit, and that ultimately becomes part of the official record.

What I would like to ask the gentleman is, will he join me in a rule which I will propose that will require that we deal with verbatim transcripts, not only on the floor of the U.S. House of Representatives, but also in committee activities?

Mr. GREGG. I certainly intend to join with the gentleman in that. In fact, I intend to be a plaintiff in a case on exactly that issue. I am hoping the gentleman will join me in asking for a full, open, and fair investigation on this issue.

Mr. DURBIN. I am confident that the House Ethics Committee will provide that.

Mr. HILER. Mr. Speaker, will the gentleman yield on that point?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. HILER. The point is, the Members of this body, whether they should or should not, currently have the opportunity to alter or extend their own remarks. The point at issue is someone else altering their remarks. I do not have the opportunity to alter the gentleman's remarks, nor does the gentleman have the opportunity to alter my remarks. We only have the opportunity to alter our own.

I would be happy to support the gentleman's resolution to have our words taken down verbatim, but that is not the issue here. The issue is that someone else has taken the remarks of the gentleman from New Hampshire and changed them.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman from New Hampshire for yielding to me.

First of all, my recollection of the rules of the House very clearly says that no Member has the right to make wholesale changes of his own or someone else's remarks spoken on the floor of the House of Representatives under leave to revise and extend. To revise remarks allows certain grammatical and diction changes to be made and extension of remarks allows extraneous material to be inserted in the RECORD.

Mr. GREGG. If I can reclaim my time just briefly, the two issues are totally separate.

Mr. SENSENBRENNER. But be that as it may, if one Member in revising the remarks of a colloquy on the floor changes the remarks to totally reverse the thrust of that colloquy and to totally change what the other Member that he was engaged in the colloquy has said, that raises a question of privileges of the House.

I remember some time in the not too distant past a colloquy between our colleague, the gentleman from Indiana (Mr. JACOBS) and our colleague, the gentleman from California (Mr. DANNEMEYER), did pose such a question of privileges of the House. The gentleman from Indiana (Mr. JACOBS) did rise once the RECORD was printed the next day and submitted a privileged resolution which was adopted reinstating the original meaning and thrust of the remarks that he had made on the floor; so I do not think that there is this wholesale changing of the CON-

GRESSIONAL RECORD under leave to revise and extend remarks; but there also is a way that this can be dealt with very quickly and very summarily, in effect the offending Member be publicly spanked on the floor through the adoption of a privileged resolution.

Mr. GREGG. Well, if I might just quickly respond to this issue of the Ethics Committee, I have the highest regard for the Ethics Committee. Certainly the membership is balanced and we have superb members on that committee, the best in the House.

But there are seven reasons why this matter should not go to the Ethics Committee, why we should have a different type of approach here. These seven reasons apply not only to the EPA issue, but, in fact, this goes beyond EPA now to two other hearings we are sure of, and we do not know how many others.

First is this issue of openness. The Ethics Committee by its own rules have to operate through a private investigation, it cannot move into an open arena until it has identified someone to charge, basically. The issue of openness here is critical, because we are talking about the credibility of the institution and we need to have an open hearing process to air this whole matter out so that the people who are relying on our transcripts can address the whole issue.

Second, there is the uniqueness of the situation. The Ethics Committee has not dealt with this issue before, where Members' remarks have been changed by staff. This is a unique situation. This is not a typical situation where the Member is dealing with a third party outside the institution.

Third is the scope and the question of how much scope the Ethics Committee would undertake. Well, I am sure they undertake a very broad scope; but if you were in a committee and trying to address your own House, I suspect you might even take a broader scope, because you would be maybe a little more aggressive in cleaning your own House.

Fourth is the effective resignation. If after going through the secret part of their investigation, the quiet part of the investigation, they identify someone who they think is responsible and bring a charge and that person resigns, that moots out the whole situation. The Ethics Committee no longer has jurisdiction; so you can theoretically have 3 or 4 months of investigation. They could, without any knowledge of what is happening, they could find that individual, that person could resign and the issue would have passed.

Fifth, we have the issue of the resolution which the Ethics Committee has tentatively drafted. As I understand it, it talks in terms of "may" instead of "shall." The Ethics Committee may report, instead of shall report, which I think should be firmer.

Sixth, we have the issue of what happens to the records. If the Ethics Committee takes jurisdiction under the rules of the House, everybody else loses access to these records. As aggrieved parties, the seven Members whose remarks have been changed in this hearing, and who knows how many other Members may be identified down the road, I think we should have access to these records.

Seventh, is the history of the Ethics Committee being just a quiet place, a place where you send things which basically dampen the whole issue down. Well, I do not think we should dampen this issue down. Quite honestly, I think until we get to the bottom of it, this issue should be blared forth.

I am a little disappointed to see that the national press has ignored it and especially some of the national press which is now making such a big thing our of another major issue, but one which is no more important than what we have here, which is a criminal issue.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. Yes; I would be happy to yield.

Mr. LUJAN. Is it my understanding, or is my understanding correct, that the resolution that was passed out of the Science and Technology Committee to send it over to the Ethics Committee is only on that one hearing and the other two examples that the gentleman raised in the other subcommittees are not covered by that resolution, and so therefore if we just stick with the resolution that the Science and Technology Committee passed, those other two will go uninvestigated; is that correct?

Mr. GREGG. Both that resolution and the draft resolution that the Ethics Committee has worked on are confined to the July 20 and 21 hearings. They do not take up the synfuels or the silver hearings, or any of the others. We do not know what other hearings there are. We have to look at the record.

Mr. LUJAN. So that means that those two, the synfuels and the silver hearings, would go on and nobody would investigate them unless additional action is taken?

Mr. GREGG. That is correct, unless the committees took action, or the issue which the gentleman has raised so effectively, the issue of how reports are handled.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. Yes; I yield to the ranking member of the Committee on Science.

Mr. WINN. Mr. Speaker, I thank the gentleman for yielding.

I have been in this House 17 years. I think this is a sad situation, that we have to have a Member bring up on the floor of the House a question of personal privilege.

I was one of those that was wronged. My testimony was changed in the one hearing on EPA.

The content of the hearing changes is what I think many Members of the House, particularly on the majority side, have completely ignored.

In my opinion, it is a blatant disregard for the Members' and witnesses' civil rights.

The gentleman in the well may well know that last week after the vote in the Science and Technology Committee, where as the ranking Republican I did not have enough support because my long-time friend and chairman of the Science and Technology Committee had the proxies in his pocket to make this basically a straight party line vote.

This situation that prevails now is affecting the reputation and the integrity of the U.S. Government through one of its representative bodies, the House of Representatives.

□ 1350

I started to say last week when we came back from that meeting, waiting in my office was a witness who read about this in the paper and presented me with an 11-page documented, underlined in red pencil and pen, the changes of the witness' testimony, his testimony that had been made in those EPA hearings. In my opinion that is why this is so important to the Members of the House of Representatives and our credibility.

Again I want to congratulate the gentleman from New Hampshire for taking this time on a question of personal privilege. In my length of service in this House, I think it is a sad commentary that we have to do this but it must be done and it must be brought out in the open. I congratulate the gentleman.

Mr. GREGG. I think that witness may have been subpenaed and he was certainly under oath when he testified. Think of the effect that this will have on other witnesses which this Congress tries to get before committees for the purposes of doing our business when they recognize that what they say may not even be printed correctly, even though they are under oath.

Mr. CARNEY. Will the gentleman yield?

Mr. GREGG. I am happy to yield.

Mr. CARNEY. I commend the gentleman for bringing up the point of changes in the statements that he made. It has become rather obvious that other Members' statements have been changed.

The gentleman from Kansas Mr. (WINN) points out the fact that wit-

nesses, not Members of Congress statements have been changed.

I would also like to bring out another aspect of this, and that is the additions and deletions to the record that were asked for and eventually never came about.

For instance, I asked that the gentleman from New Jersey, Mr. RINALDO's statement be entered in the RECORD. Indeed, the transcript shows that, but the final printing deletes the whole asking of the permission of the Chair, the Chair granting that permission, and the fact that Mr. RINALDO's statement was not put in. That happened also to the gentlewoman from Rhode Island who was there personally, and in deference to time felt that the hearing would move along more rapidly if she could have entered her statement.

She asked for that general leave to do so and it was granted. Her statement did not appear in the RECORD.

However, on the other side we see where statements that were not asked to be put in the RECORD were put in the RECORD. The addition of comments made by the chairman, for instance, were added to the RECORD. There is no reference to that on the original transcripts, and I think that we have to look at that aspect of this as well.

Again I commend the gentleman for bringing this to the attention of the whole House.

Mr. GREGG. I thank the gentleman from New York.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

A few moments ago when you were discussing the whole issue with the gentleman from New Mexico, it occurred to me that the most serious part of this entire matter was contained in some of that discussion because what we are concerned about here is something that has concerned this House for some time as we have dealt with the executive branch.

Over a period of years now in our dealings with the executive branch we have been concerned about abuses of power where we have seen executive agencies or the President himself engage in practices which appear to be an abuse of the power given him by the people and provided by the laws.

We have been concerned and we have held indepth investigations around here and we have done an awful lot of going to the press and having open and public hearings when we are dealing with those kinds of abuses.

Now we find an abuse of power within this body. It may be an abuse of power that goes beyond one committee. It may be an abuse of power that goes beyond a few subcommittees. It may be an abuse of power that cuts across the board. We do not know.

But the further we get into this matter, the more we find that it is systematic, that is is widespread, that there are problems in this body that need to be dealt with.

The only way that we can deal with those is the same way that we have dealt with executive branch problems of the same kind; that is, an open, public hearing where the American people can find out what those abuses are so that they can be a part of the correction process, because that is what will ultimately happen.

When the American people understand what has happened around here, they will force the kind of corrections that will bring about real change.

As the gentleman discussed with the gentleman from New Mexico, I think it became clear that this is a matter that goes beyond maybe the few committees that we have already looked at. It goes to the whole question of whether or not power has become corrupt right here in this body.

Again, I congratulate the gentleman for raising this point of personal privilege because it seems to me that it is an extremely serious matter and one that the American people need to have brought to their attention in full detail.

Mr. GREGG. I thank the gentleman.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from New Mexico.

Mr. LUJAN. What I cannot understand is why this stonewalling. I do not see why this has become a minority and a majority dispute.

After all, the members of the majority, because there are more of them, have more to fear that their own testimony would be changed by staff. I really cannot understand why it has become a partisan issue, why there should be a partisan vote in committee and why there has been stonewalling on this problem.

Usually when you find stonewalling there is more there. I hope that the gentleman continues to dig. I would hope that he would hold off on introducing any kind of legislation just for a few days so that we can discuss this problem, bring more examples to his attention as we find them.

I will tell you for one that I am now dedicated to going and checking the RECORD. Where in the past I would get it and just initial it generally, and put it back, I figured that if my grammar was not perfect grammar that I could usually excuse it to other things, but I certainly now am going to look a little bit deeper into it.

I wish that all Members would look, both the majority and the minority, because I think that we have to bring out concrete examples, and maybe, maybe by bringing out several examples we can break that stonewalling.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I have been considering this problem as the discussion has gone on. Having lived with some similar incidents in the Government Operations Committee staffing over a period of 5 years, of the sort referred to by the gentleman from New Mexico, not the extreme situation that has confronted the gentleman from New Hampshire and others more recently, and perhaps the extreme situation develops because we did not do quite enough in years past to stop this trend developing, at least in that one committee staff.

But it occurs to me that in the face of the stonewalling that is occurring there is an unfair tactic with which to meet that unfair tactic. I do not like the idea. But I suggested to the gentleman for consideration if the stonewalling continues that we make a part of the RECORD the names of all of the people on the staffs involved, put it right there in the CONGRESSIONAL RECORD. That subjects all of those people to a certain amount more of public stress, unfairly in the case of some, or most of them, no doubt. Perhaps that will bring forth some expressions from those who are not to blame, who do know who is to blame.

Mr. GREGG. I thank the gentleman.

Mr. WINN. Will the gentleman yield?

Mr. GREGG. I will be happy to yield.

Mr. WINN. I think the gentleman from Ohio makes a very good point there. In my remarks earlier I was going to point out that we, maybe in a broad brush, have accused the majority staff in general, and I do not think that is probably the case.

In many, many cases the majority staff has been, down through the many years, very cooperative.

But obviously I think the gentleman from Ohio and I know the gentleman from Kansas, as ranking Republican on the Science and Technology Committee, has had staff come to me down through the many years and frequently complain about the arrogance and the lack of cooperation by certain members of the majority staff and by certain members of the majority staff on their subcommittee.

But certainly it is not a broad brush, I do not think. I certainly do not think it is all of the majority members of the various committees involved.

But if we do not, to answer the gentleman from Ohio, if we do not do something like he suggests, and I am not sure that I agree with printing all

of the names of the committee employees there, but if we do not have the right to open investigations—that is my problem with the Ethics Committee, and I think many other Members that have been here for years would express the same thoughts and the same reservations—that if we, as Members of Congress, are brought before the Ethics Committee, in many cases there is never any kind of a report saying that they were innocent: they were not guilty.

□ 1400

But the papers and the other Members and our colleagues in the House know that they appeared before the committees down through the years. This is one of the weaknesses of our Committee on Standards of Official Conduct, Ethics Committee and we do not challenge the integrity of any of those individuals of the majority or minority.

I thank the gentleman for yielding.

Mr. GREGG. I thank the gentleman from Kansas. I would like to, in summing up, remind the Members that this now is not an isolated case. We are not only dealing with EPA hearings, we now are dealing with at least two other hearings that occurred, both of them in the Government Operations Committee.

That the severity of this, as a result of it, it is not only being isolated any longer but just because of what the intention was in the changes, threatens the ability of this Congress to function effectively, to get people to come to testify before us; it has a chilling effect as was mentioned on witnesses and even on executive department witnesses. And it clearly has a significant impact on those of us who are serving here and our ability to function effectively.

More importantly, I would like to sum up by saying that we need to have open hearings on this matter. We are going to suggest that a select committee be appointed. I think this is certainly appropriate when you consider the scope which I believe must occur in order to adequately discover and review this issue. It is not going to be defined or confined any longer to just one hearing and one transcript and who made the changes on that one hearing and one transcript. Having identified two other hearings and not having yet had access to the documents which would give us the ability to possibly identify other hearings if they exist, I believe it is essential that we move to a different type of forum, a forum which is specifically and uniquely charged to deal with this very, very serious issue. And within its unique charge, there must be openness, because this matter involves the public and the public's confidence in the Congress and the public must have access to the manner in which we redress that issue.

I thank those Members who participated with me today and I will yield before I close to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. There is one point I would like to make and I think that having brought this to light on the floor today is an excellent thing that the gentleman has done.

But I think we should make the call today to other Members who know about this sort of thing happening in their committees, to other staff people, to let us know. Certainly staff people know what other staff people are doing. Certainly staff people know who amongst them is one that is prone to do that.

So, I think we should let out the call today to have some of those people contact the gentleman from New Hampshire, if they know of any further wrongdoings so that we might be able to make our case; that while sending it to the Ethics Committee is perhaps a step in the right direction, it is certainly a very, very small step that has been taken and not an adequate step in order to address the problem; that the problem must be addressed by a select committee, by some special investigator who cannot just shut down the investigation when somebody quits or for some other reason.

So, I would, at this point, say to others, to other Members, to staff people, to contact the gentleman from New Hampshire (Mr. GREGG), and give him specific examples so that we may be able to make our case.

Mr. GREGG. I thank the gentleman. I yield to the gentleman from Indiana (Mr. COATS).

Mr. COATS. I would just hope that the leadership in both parties of this House have listened intently today to the discussion that has gone on because I think this is a matter that goes to the very heart of what this place should be about, what the American people expect us to be about. It is very regrettable that the gentleman even had to ask for the personal privilege in order to bring this out in the open.

I know of his many attempts to do so and the many times that he has been thwarted in doing so, and the many roadblocks placed in his way.

It just occurs to me that along with the other suggestions that have been made here that if we cannot resolve this problem, do it in the open and come to a successful resolution, whenever we conduct an oversight hearing, in addition to swearing in the witnesses, that the words he speaks be the truth, the whole truth and nothing but the truth so help him God, we are going to have to bring forth the transcribers from the majority, stand them up in front of the committee and raise their right hand, with the other hand on the Bible and swear they will transcribe the truth, the whole truth and nothing but the truth so help them God and I think that is a regrettable situation. But that may be what we are going to end up with if we do not get to the bottom of this.

Mr. GREGG. I thank the gentleman.

I have only been here 3 years, but my respect for this institution, Mr. Speaker, is tremendous and I look around this room. There are Members on both sides of the aisle and the vast majority of Members, those especially who have been here much longer have a certain love and commitment to what this institution stands for and to the fact that it is the greatest deliberative body ever put together by civilized man.

When something like this happens I would hope that we as a body could take action which would make it clear to the American public that we are capable of cleaning our own House and of effectively redressing the issue.

I thank the Speaker very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken at the end of the legislative business today.

REQUEST FOR PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 3021, HEALTH CARE FOR THE UNEMPLOYED ACT

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight, June 28, to file its report to accompany the bill, H.R. 3021, the Health Care for the Unemployed Act, which was sequentially referred to the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Florida?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I do so just for the purpose of timing, to determine whether the ranking minority member has had the opportunity to focus on this request. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I thank the gentleman for yielding.

May I ask the gentleman if it is expected that this measure would be up this week as a result of the late filing.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Speaker, I have no idea. I was just asked by the committee staff to do this because I think the time expires today and it is sequentially referred.

Mr. CONABLE. If the gentleman will yield further, I have no objection providing there is some understanding that the bill would not be brought up this week.

Mr. GIBBONS. Mr. Speaker, if the gentleman will yield, I do not control that, I am sorry; only the Speaker controls that, and the Rules Committee.

Mr. CONABLE. If the gentleman will yield further, without knowing more about it, Mr. Speaker, I would be constrained to object. I do not wish to cause problems for the gentleman from Florida.

Mr. GIBBONS. That is perfectly all right with me.

Mr. CONABLE. I am sorry we have not had the opportunity to discuss it before.

Mr. GIBBONS. Fine. I thought the request had been cleared with the gentleman. It is perfectly all right with me.

Mr. Speaker, I withdraw my request.

1984 OLYMPIC DUTY SUSPENSION

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the joint resolution, (H.J. Res. 290), to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

The Clerk read as follows:

H.J. RES. 290

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984, and members of the immediate families and servants of such participants, officials, and accredited members, shall be permitted the duty-free entry of their personal effects, their equipment to be used in connection with the games, and other related articles under such limitations and conditions as may be prescribed in regulations by the Secretary of the Treasury.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. GIBBONS) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. SCHULZE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

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Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution (H.J. Res. 290) is a completely noncontroversial resolution, supported wholly by the administration, and will allow Customs to allocate their resources into areas such as security, rather than processing extensive amounts of paperwork connected with the import of equipment and personal effects to be used or consumed or later exported by those directly involved in the Olympic games of 1984.

This legislation is needed to allow Customs to efficiently handle all of the participants from the 112 participating countries in addition to the 20-percent increase in arriving traffic which is expected at the Olympics.

I would be happy to answer any questions my colleagues may have.

Mr. SCHULZE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 290, a bill providing duty-free entry into the United States of the personal effects, equipment and other related articles of foreign participants, officials and other accredited members of the 1984 Olympiad. The bill is designed to facilitate entry into this country for participants and others associated with the Olympic games and to free Customs Service officials to perform additional duties that will necessarily arise from the expected 20-percent increase in incoming passengers.

If the items covered by this bill were later taken out of the country, as would be expected, no duty would be assessed in any case. However, existing customs laws require that such items be formally declared and a bond posted for their temporary entry. This will mean considerable additional paperwork for customs officials at a time when demands on their time will be greater than normal.

As I noted earlier, the Olympic games are expected to increase the flow of visitors to this country by as much as 20 percent. The resources and competence of the Customs Service will be tested during a period when the United States will play host to 112 participating countries. Many will be visiting the United States for the first time, and the efficiency and professionalism they encounter from our customs officials will provide an important first testimony to our system of laws and self-government.

Although providing security for travelers to the games is not the primary responsibility of the Customs Service, their responsibilities at the border provide an effective complement to overall law enforcement efforts to guard against terrorist activities. Unburdening customs officials from needless paperwork, as House Joint Resolution 290 is designed to do, will allow the Service to direct resources in the best possible manner. I am confident that Customs will develop carefully ahead of time, plans for passenger facilitation and security assistance designed to meet effectively and efficiently the needs associated with the Olympic games.

Mr. Speaker, I urge my colleagues to approve House Joint Resolution 290.

Mr. Speaker, I have no further requests for time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the joint resolution, House Joint Resolution 290.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

OMNIBUS MINOR TARIFF AMENDMENTS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3398) to change the tariff treatment with respect to certain articles, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TARIFF SCHEDULES AMENDMENTS

Subtitle A—Reference to Tariff Schedules

SEC. 101. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a schedule, item, headnote or other provision, the reference shall be considered to be made to a schedule, item, headnote or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202).

Subtitle B—Permanent Changes in Tariff Treatment

SEC. 111. CLASSIFICATION OF TEXTILE FABRICS.

(a) Headnote 5 of schedule 3 is amended to read as follows:

"5. (a) Except as otherwise provided in subsection (b) of this headnote, for the purposes of parts 5, 6, and 7 of this schedule and parts 1 (except subpart A), 4, and 12 of schedule 7, in determining the classification of any article which is wholly or in part of a fabric coated or filled, or laminated, with nontransparent rubber or plastics (which fabric is provided for in part 4C of this schedule), the fabric shall be regarded not as a textile material but as being wholly of rubber or plastics to the extent that (as used in the article) the nontransparent rubber or plastics forms either the outer

surface of such article or the only exposed surface of such fabric.

"(b) Any fabric described in part 4C of this schedule shall be classified under part 4C whether or not also described elsewhere in the schedules.".

(b) The headnotes to subpart C of part 4 of schedule 3 are amended—

(1) by striking out clause (vii) in headnote 1; and

(2) by inserting "or value" after "quantities" in headnote 2(c).

(c) Part 12 of schedule 7 is amended by inserting immediately after headnote 1 of part 12 headnote the following new headnote:

"2. This part does not cover fabrics, coated or filled, or laminated, with rubber or plastics provided for in part 4C of schedule 3.".

SEC. 112. DUTY-FREE TREATMENT TO WARP KNITTING MACHINES.

(a) Subpart E of part 4 of schedule 6 is amended by striking out item 670.20 and inserting in lieu thereof the following:

"670.20	Warp knitting machines	Free		40% ad val.
670.21	Other	5.9% ad val.	4.7% ad val.	40% ad val.".

(b) Item 912.14 of the Appendix to such Schedules is repealed.

(c)(1) The rate of duty in column numbered 1 for item 670.21 (as added by subsection (a)) shall be subject to all staged rate reductions for item 670.20 that were proclaimed by the President before the date of the enactment of this Act.

(2) Whenever the rate of duty specified in column numbered 1 for such item 670.21 is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in such "LDDC" column shall be deleted.

SEC. 113. CLASSIFICATION OF CERTAIN GLOVES.

Subpart C of part 1 of schedule 7 is amended—

(1) by amending headnote 1—

(A) by striking out "and" at the end of paragraph (a),

(B) by striking out the period at the end of paragraph (b) and inserting "; and", and

(C) by adding at the end thereof the following new paragraph:

"(c) the term 'with fourchettes' includes only gloves which, at a minimum, have fourchettes extending from fingertip to fingertip between each of the four fingers."; and

(2) by amending item 705.85 by striking out "textile fabric" and "or sidewalls".

SEC. 114. UNIFORM TARIFF TREATMENT OF PET TOYS.

Subpart A of part 13 of schedule 7 is amended by inserting immediately after item 790.55 the following new item:

"790.57	Toys for pets, of textile materials	8.5% ad val.		80% ad val."

Subtitle C—Temporary Changes in Tariff Treatment

SEC. 121. CRUDE FEATHERS AND DOWN.

Items 903.70 and 903.80 of the Appendix to the Schedules are each amended by striking out "On or before 6/30/84" and inserting in lieu thereof "On or before 6/30/87."

SEC. 122. CANNED CORNED BEEF.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"903.15	Corned beef in airtight containers (provided for in item 107.48, part 2B, schedule 1)	3% ad val.	No change	On or before 10/29/89".

SEC. 123. HOVERCRAFT SKIRTS.

Item 905.40 of the Appendix to the Schedules is amended by striking out "6/30/83" and inserting in lieu thereof "6/30/86".

SEC. 124. DISPOSABLE SURGICAL DRAPES AND STERILE GOWNS.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"905.50	Bonded fiber fabric disposable gowns, sterilized or in immediate packings ready for sterilization, for use in performing surgical procedures, of manmade fibers (provided for in items 379.96 and 383.92, part 6F, schedule 3) and bonded fiber fabric disposable surgical drapes, of manmade fibers (provided for in item 389.62, part 7B, schedule 3)	5.6% ad val.	26.5% ad val.	On or before 1/1/89".

SEC. 125. MXDA.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"907.03	m-Xylenediamine (MXDA) (provided for in item 404.88, part 1B, schedule 4)	Free	No change	On or before 6/30/86
907.04	1, 3-Bis[aminomethyl] cyclohexane (1, 3-BAC) (provided for in item 407.05, part 1B, schedule 4)	Free	No change	On or before 6/30/86".

SEC. 126. 4,4-Bis(A, A-dimethylbenzyl) diphenylamine.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following item:

"907.06	4,4-Bis (a, a-dimethylbenzyl diphenylamine (provided for in item 404.88, part 1B, schedule 4)	Free	No change	On or before 6/30/86".

SEC. 127. FLECAINIDE ACETATE.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"907.21	Flecainide acetate (provided for in item 412.12, part, 1C, schedule 4)	Free	No change	On or before 6/30/86".

SEC. 128. CAFFEINE.

Item 907.22 of the Appendix to the Schedules is amended—

(1) by striking out "6% ad val." and inserting in lieu thereof "4.1% ad val."; and

(2) by striking out "12/31/83" and inserting in lieu thereof "12/31/85".

SEC. 129. WATCH CRYSTALS.

(a) Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"909.40	Watch glasses other than round watch glasses (provided for in item 547.13, part 3C, schedule 5)	6.2% ad val.	No change	On or before the 3-year period beginning on the date of the enactment of this item 6/30/86".

(b) During such time as item 909.40 (as added by subsection (a)) is in effect, the rate of duty on watch glasses provided for in such item that are products of a least developed developing country shall be 4.9 percent ad valorem.

(c) Effective with respect to articles provided for in item 909.40 (as added by subsection (a)) that are entered, or withdrawn from warehouse for consumption, on or after each of the dates set forth below, column 1 for such item is amended by striking out the rate of duty in effect on the day before such date and inserting in lieu thereof the rate of duty appearing below next to each such date:

Date:	*Rate of duty:*
January 1, 1984	5.9% ad val.
January 1, 1985	5.6% ad val.
January 1, 1986	5.2% ad val.

SEC. 130. UNWROUGHT LEAD.

(a) Item 911.50 of the Appendix to the Schedules is amended by striking out "6/30/83" and inserting in lieu thereof "6/30/88".

(b) Section 114 of Public Law 96-609 is amended by striking out "July 1, 1983" in subsection (b) and inserting in lieu thereof "July 1, 1988".

SEC. 131. FLAT KNITTING MACHINES.

Item 912.13 of the Appendix to the Schedules is amended—

(1) by striking out "(provided for in item 670.19 or 670.20," and inserting in lieu thereof ", and parts thereof (provided for in items 670.19, 670.20, and 670.74,"; and

(2) by striking out "6/30/83" and inserting in lieu thereof "6/30/88".

Subtitle D—Effective Dates

SEC. 141. EFFECTIVE DATES.

(a) As used in this section, the term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(b) Except as provided in subsections (c) and (d), the amendments made by subtitles B and C shall apply with respect to articles entered on or after the fifteenth day after the date of the enactment of this Act.

(c) The amendments made by sections 112, 123, 130, and 131 shall apply with respect to articles entered on or after the fifteenth day after the date of the enactment of this Act, and to articles entered after June 30, 1983, and before such fifteenth day.

(d)(1) The amendments made by section 121 of this Act shall apply to articles entered after June 30, 1984.

(2) The amendment made by section 122 of this Act shall apply with respect to articles entered on or after October 30, 1983.

(3) The amendments made by section 128 shall apply with respect to articles entered after December 31, 1983.

TITLE II—CUSTOMS AND MISCELLANEOUS AMENDMENTS

Subtitle A—Amendments to the Tariff Act of 1930

SEC. 201. PACKAGING MATERIALS FOR MERCHANDISE ENTITLED TO SAME CONDITION DRAWBACK.

(a) Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended by adding at the end thereof the following new paragraph:

"(3) Packaging material that is imported for use in performing incidental operations regarding the packaging or repackaging of imported merchandise to which paragraph (1) applies shall be treated under such paragraph in the same manner as such merchandise for purposes of refund, as drawback, 99 per centum of any duty, tax, or fee imposed under Federal law on the importation of such material.".

(b) The amendment made by subsection (a) shall take effect on the fifteenth day after the date of the enactment of this Act.

SEC. 202. PUBLIC DISCLOSURE OF CERTAIN MANIFEST INFORMATION.

(a) Section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) is amended—

(1) by striking out the period at the end of the paragraph designated as "Third" in subsection (a) and inserting in lieu thereof "; and the names of the shippers of such merchandise."; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Except as provided in subparagraph (2), the following information, when contained in such manifest, shall be available for public disclosure:

"(A) The name and address of each importer or consignee and the name and address of the shipper to such importer or consignee, unless the importer or consignee has made a biennial certification, in accordance with procedures adopted by the Secretary of the Treasury, claiming confidential treatment of such information.

"(B) The general character of the cargo.

"(C) The number of packages and gross weight.

"(D) The name of the vessel or carrier.

"(E) The port of loading.

"(F) The port of discharge.

"(G) The country of origin of the shipment.

"(2) The information listed in paragraph (1) shall not be available for public disclosure if—

"(A) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

"(B) the information is exempt under the provisions of section 552(b)(1) of title 5 of the United States Code.

"(3) The Secretary of the Treasury, in order to allow for the timely dissemination and publication of the information listed in paragraph (1), shall establish procedures to provide access to manifests. Such procedures shall include provisions for adequate protection against the public disclosure of information not available for public disclosure from such manifests.".

(b) The amendments made by subsection (a) shall take effect on the fifteenth day after the date of the enactment of this Act.

SEC. 203. VIRGIN ISLANDS EXCURSION VESSELS.

(a) Section 441(3) of the Tariff Act of 1930 (19 U.S.C. 1441(3)) is amended to read as follows:

"(3) Vessels carrying passengers on excursion from the United States Virgin Islands, and return, and licensed yachts or undocumented American pleasure vessels not engaged in trade: *Provided*, That such vessels do not in any way violate the customs or navigation laws of the United States and have not visited any hovering vessel: *Provided further*, That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the appropriate customs officer within twenty-four hours after arrival.".

(b) The amendment made by subsection (a) of this Act shall apply with respect to vessels returning from the British Virgin Islands on or after the fifteenth day after the date of the enactment of this Act.

SEC. 204. UNLAWFUL IMPORTATION OR EXPORTATION OF CERTAIN VEHICLES.

(a) Part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 627. UNLAWFUL IMPORTATION OR EXPORTATION OF CERTAIN VEHICLES; INSPECTIONS.

"(a)(1) Whoever knowingly imports, exports, or attempts to import or export—

"(A) any stolen self-propelled vehicle, vessel, aircraft, or part of a self-propelled vehicle, vessel, or aircraft; or

"(B) any self-propelled vehicle or part of self-propelled vehicle from which the identification number has been removed, obliterated, tampered with, or altered;

shall be subject to a civil penalty in an amount determined by the Secretary, not to exceed $10,000 for each violation.

"(2) Any violation of this subsection shall make such self-propelled vehicle, vessel, aircraft, or part thereof subject to seizure and forfeiture under this Act.

"(b) A person attempting to export a used self-propelled vehicle shall present, pursuant to regulations prescribed by the Secretary, to the appropriate customs officer both the vehicle and a document describing such vehicle which includes the vehicle identification number, before lading if the vehicle is to be transported by vessel or aircraft, or before export if the vehicle is to be transported by rail, highway, or under its own power. Failure to comply with the regulations of the Secretary shall subject such person to a civil penalty of not more than $500 for each violation.

"(c) For purposes of this section—

"(1) the term 'self-propelled vehicle' includes any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not on rail;

"(2) the term 'aircraft' has the meaning given it in section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5));

"(3) the term 'used' refers to any self-propelled vehicle the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser; and

"(4) the term 'ultimate purchaser' means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a self-propelled vehicle for purposes other than resale.

"(d) Customs officers may cooperate and exchange information concerning motor vehicles, off-highway mobile equipment, vessels, or aircraft, either before exportation or after exportation or importation, with such Federal, State, local, and foreign law enforcement or governmental authorities, and with such organizations engaged in theft prevention activities, as may be designated by the Secretary.".

(b) The amendment made by subsection (a) shall take effect on the fifteenth day after the date of the enactment of this Act.

Subtitle B—Miscellaneous Provisions

SEC. 211. FOREIGN TRADE ZONES.

(a)(1) The Congress finds that a delicate balance of the interests of the bicycle industry and the bicycle component parts industry has been reached through repeated revision of the Tariff Schedules of the United States so as to allow duty free import of those categories of bicycle component parts which are not manufactured domestically. The Congress further finds that this balance would be destroyed by exempting otherwise dutiable bicycle component parts from the customs laws of the United States through granting foreign trade zone status to bicycle manufacturing and assembly plants in the United States and that the preservation of such balance is in the public interest and in the interest of the domestic bicycle industry.

(2) Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act (19 U.S.C. 81c)), is amended—

(A) by inserting "(a)" immediately before the first word thereof;

(B) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively; and

(C) by adding at the end thereof the following new subsection:

"(b) The exemption from the customs laws of the United States provided under subsection (a) shall not be available before June 30, 1986, to bicycle component parts unless such parts are reexported from the United States, whether in the original package, as components of a completely assembled bicycle, or otherwise.".

(3) The amendments made by paragraph (2) shall take effect on the fifteenth day after the date of the enactment of this Act.

(b)(1) Section 15 of such Act of June 18, 1934 (19 U.S.C. 810) is amended by adding at the end thereof the following new subsection:

"(e) Tangible personal property imported from outside the United States and held in a zone for the purpose of storage, sale, exhibition, repackaging, assembly, distribution, sorting, grading, cleaning, mixing, display, manufacturing, or processing, and tangible personal property produced in the United States and held in a zone for exportation, either in its original form or as altered by any of the above processes, shall be exempt from State and local ad valorem taxation.".

(2) The amendment made by paragraph (1) shall take effect on January 1, 1983.

SEC. 212. DUTY-FREE ENTRY FOR PIPE ORGAN FOR THE CRYSTAL CATHEDRAL, GARDEN GROVE, CALIFORNIA.

The pipe organ which was imported for the use of the Crystal Cathedral of Garden Grove, California, and entered in six shipments between April 30, 1981, and April 8, 1982, at Los Angeles, California, shall be considered to have been admitted free of

duty as of the date of each such entry. If the liquidation of any such entry has become final, the Secretary of the Treasury shall reliquidate each such entry and make the appropriate refund of any duty paid on such organ.

SEC. 213. DUTY-FREE ENTRY FOR SCIENTIFIC EQUIPMENT FOR THE ELLIS FISCHEL STATE CANCER HOSPITAL, COLUMBIA, MISSOURI.

Notwithstanding any provision of the Tariff Act of 1930 or any other provisions of the law to the contrary, the Secretary of the Treasury shall reliquidate, as duty free, the entries numbered 220286 (dated November 7, 1975) and 235380 (dated January 23, 1976) made at Chicago, Illinois, and covering scientific equipment for the use of the Ellis Fischel Cancer Hospital, Columbia, Missouri, in accordance with the decision of the Department of Commerce in docket numbered 76-00199-33-00530.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHULZE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GIBBONS) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. SCHULZE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I explain this bill, I think maybe I had better explain the process a little.

For all those who have ever examined the Tariff Act of 1930, which is our basic document from which we work, you are going to be impressed by the tremendous number of individual items there are in those tariff schedules that were adopted at that time by Congress. I have never counted them, in fact, I do not know anyone who has ever counted them, but let me say they fill volumes thicker than the Holy Bible. And I would guess there would be at least hundreds of thousands of individual items, perhaps a million individual items.

So it is that spirit and sense that we approach this problem. Occasionally there arises within the commerce and the changes that take place in the United States a need to adjust some of those figures, to clarify them, and to express Congress latest wish on the matter.

This proposal that we are taking up now and asking the House to suspend the rules on is about as noncontroversial as we can make a bill and still have any substance in it.

This bill is designed and pulls together some 23 other relatively noncontroversial bills and puts them all in one package so that we can consider them here without unnecessarily tying up the House on considering each one of these bills.

Each of these bills has a cosponsor in the Senate. And some may ask, "Why is that necessary?" I have found from experience that when this bill or these bills go to the Senate that sometimes they languish over there for a long period of time. The gentleman from Pennsylvania (Mr. WALKER) may remember, because I think he was about the only one on the floor last year, that we finally passed most of the bills last year after the House had completed most of its formal business. You could almost hear the sleigh bells jingling as we finished working on this.

I hope that that will not occur again because we offer these to the Senate in good faith and hope that they will take appropriate and speedy action.

Full hearings were held on all of these bills and on other bills. And the administration took a position on all of the bills. We heard from the administration. We heard from the sponsor of the bills. We heard from the supporters of the bills. We heard from the opponents of these bills. We had a markup in the Trade Subcommittee of all these bills. We then took all the bills to the Ways and Means Committee where we went through that process again of markup and amendment.

Then we consolidated all the bills so that we could consider them here all at one time.

There are two technical committee amendments at the desk that I would ask that we consider along with this motion and I assume that the motion to adopt those will be put at the time the Chair puts the question on the bill.

The SPEAKER pro tempore. The Chair will advise the gentleman that the amendments are included in the gentleman's motion.

Mr. GIBBONS. I thank the gentleman.

I will be happy to go through this long list of items if anyone wants me to and to discourse on each one of them, but I think at this time it would be better that I reserve the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague in support of H.R. 3398, an omnibus bill making miscellaneous changes in the tariff schedules and incorporating 23 separately introduced bills. Most of these provisions have encountered no opposition. They will offer duty relief to a wide range of domestic industries and thus will contribute to efficient and competitive domestic production. The combined impact of this whole package on the collection of Customs revenues is $4.23 million in 1984 and $7 million in 1985.

H.R. 3398 makes several types of changes. For example, it covers a group of products on which the duty will be permanently eliminated. These products are not produced in the United States and market studies show little evidence that they will be produced here in the future. For products that someday may be produced domestically, the bill provides temporary duty suspensions. In this way, Congress can review the effect of duty-free treatment on any potential for future domestic production.

A number of provisions adjust language in the tariff schedules in order to make classifications more uniform, equitable and easier to administer. Section 113 closes a loophole in the tariff distinction between work gloves and dress gloves and will save revenue by putting a stop to certain tariff evasions. Hence, the taxpayer and the consumer as well as domestic producers stand to benefit from this legislation.

H.R. 3398 is a good bill. It will reduce unnecessary tariff burdens on domestic industries and will thereby encourage economic expansion, especially in cases where domestic manufacturers of needed components only have the capacity to supply a limited segment of the domestic market. The provisions of this bill are important to the businesses involved and should be put in place without delay.

□ 1420

And, as the chairman of the subcommittee stated earlier, this is a distillation of originally 54 bills. Some others were added to that as we went along. There were in the neighborhood of 60, they were all scrutinized; and these were the 23 with the least controversy which will, when put together in this form, make a meaningful package and a step in the right direction.

Mr. Speaker, I urge my colleagues to join in support of H.R. 3398.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I reserve the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman from Pennsylvania for yielding this time.

Mr. Speaker, I rise in opposition to H.R. 3398—not the whole bill, but that is the circumstance. We have the bill here under suspension of the rules, and there is a part of the bill which, it seems to me, needs to be focused upon. It is regrettable that it was included in H.R. 3398.

The report to accompany H.R. 3398 says that it is a bill which incorporates 23 noncontroversial tariff and trade bills. But, unfortunately, section 211(a) of the bill incorporates what used to be H.R. 657, a very controversial measure. Indeed, H.R. 657 was

controversial enough that the Subcommittee on Trade deferred action on the bill when it came before that subcommittee earlier this month.

Section 211(a) is designed to do one thing: Single out bicycle manufacturers and prohibit them from enjoying the benefits of the laws that were enacted for all industries starting in 1934 and revised under the Celler bill of 1948.

The Foreign Trade Zones Act permits the establishment of foreign trade zones and subzones if certain statutory criteria are met. The act does not specify which company and which kinds of industries may apply to the Foreign Trade Zones Board for a zone. The act and the Board's regulations establish certain criteria and procedures for action upon a company's application.

Huffy Corp. has applied for a foreign trade subzone at its Celina, Ohio, bicycle plant in the Eighth Congressional District of Ohio. Its application has been pending before the Board for many months. The administrative procedure has not been completed. This bill would interfere with that.

Section 211(a) would shortcircuit the administrative process and deny benefits for which this one company would otherwise qualify under the law. It is blatantly discriminatory and unfair legislation. No commodity has ever before been excluded from foreign trade zone benefits by amendment to the Foreign Trade Zones Act. Historically, Huffy has produced its bicycles in American factories using American labor and predominantly American parts. Huffy is a major employer in Mercer County, Ohio, responsible for about 1,900 jobs in that part of the State. Unlike at least one major domestic manufacturer which has abandoned domestic production and now is a major importer of bicycles itself, Huffy has maintained its American production base.

Also, Huffy uses a lower percentage of imported bicycle parts on its domestically produced bicycles than do several of its domestic competitors. Unfortunately, the Huffy Corp. must import a substantial amount of bicycle parts. Some parts simply are not made in this country, while others are not made in sufficient quantity or lack the specifications required to satisfy Huffy and its customers' demands. Nevertheless, Huffy must compete against foreign bicycles that contain solely foreign parts which enter the United States at a lower tariff rate than the rates applicable to imported parts.

That is the problem. Huffy applied for a foreign trade zone subzone simply to reduce the cost associated with importing bicycle parts. The subzone would allow Huffy to pay bicycle duty rates on imported parts rather than the much higher bicycle parts rate. This duty, this saving in duty, should enable Huffy to produce more competitively priced bicycles. Frankly, I am interested in their producing more job opportunities without affecting job opportunities adversely in any other part of the United States.

The domestic bicycle industry is fighting a battle against imports, products that are built with 100 percent foreign parts. Unless leading companies such as Huffy can stay competitive, fewer domestic bicycles and fewer domestic parts will be sold. In fact, bicycle imports pose a much greater threat to parts producers than do imports of parts.

Incidentally, we are talking about the same situation here that brought Japanese car manufacturing into the United States. Only with the foreign trade zones and the applicability of the Foreign Trade Zones Act to the parts that they import into the United States could those Japanese manufacturers—Toyota, for example—produce cars in the United States profitably.

Now, if we were talking about excluding the automobile industry from the application of the Foreign Trade Zones Act, there would be a lot more people on this floor today, I am sure. But we are talking about bicycles today, an industry that is already hurt and hurting.

The National Association of Foreign Trade Zones presented testimony to the Ways and Means Committee on what is now section 211(a) of this bill. The association noted that the duty benefits available in foreign trade subzones as implemented specifically with the purpose in mind of encouraging employment and investment in the United States. In other words, it was the view of Congress and the executive branch that the tariff advantages provided by manufacturing in a foreign trade zone created employment and investment in the United States and that otherwise would be made in foreign countries. The association concluded that prohibiting the entry of bicycle parts into foreign trade zones would frustrate this policy objective, lending to more bicycles being manufactured overseas and imported, and fewer bicycles being manufactured in the United States.

Now, what has the Ways and Means Committee done with section 211(a) of the bill?

They have not categorically prohibited the application of the Foreign Trade Zones Act to bicycle manufacturing, no. It is approximately a 3-year hiatus. June 30, 1986, this provision would expire. Why is that? Because it is patently unfair to apply it at all, and certainly to apply it permanently; so we are just going to hurt them a little bit.

I ask you: Please do not support H.R. 3398. It needs to be brought to the floor under circumstances that allow its passage without the unfairness that is included in section 211(a).

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I think it is quite clear that in the administrative procedure before the Board, Huffy has made an offer to limit application of the benefits the Foreign Trade Zone so that only the historical level of parts imported could be utilized. There would be no increase in imported parts, and I understand that several domestic parts manufacturers have indicated that they could not object to the Huffy application if amended in that manner. Indeed, two of the six parts-producing firms mentioned in the Ways and Means report have gone along with them, including Excel Corp. and Franklin Park, Ill.

Mr. SCHULZE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL), a member of the committee.

Mr. FRENZEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from Pennsylvania (Mr. SCHULZE) and those of the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. GIBBONS).

This is the standard duty suspension amalgamation of bills which our committee brings to the House a couple of times a year. We have culled from the subcommittee's long list those that we thought were especially difficult. We have reserved them for further consideration and will present some of them later.

We are now presenting an amalgam of 23 bills for the consideration of the House.

In my judgment, the bill should be passed because, in general and on balance, it represents a needed extension of duty suspensions or initiations of duty suspensions that will benefit American manufacturers, American employees and American consumers.

However, Mr. Speaker, the gentleman from Ohio (Mr. KINDNESS), in my judgment, is correct in his complaints about the bill to which he objects. There is one other bill in there to which I would object, too. The gentleman from Texas (Mr. PICKLE) will talk about it later.

Nevertheless, I think it is our duty to analyze the bill as a whole. As a package it is a worthy bill, and it should be passed.

Mr. SCHULZE. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding time to me.

Mr. Speaker, I want to state for the record my reservation about section 111 of H.R. 3398, the omnibus tariff

bill. This provisions reclassifies certain fabric and materials which are coated, filled, or laminated with rubber or plastics. In so doing, this section reverses the effects of a Customs Court decision which classified the materials and fabrics in question as plastics. The result of the court decision was to reduce the tariff on these goods, through the simple reclassifications of the materials from fabric to plastic.

My primary concern is for the manufacturers of my district, which though not large in number, are important to the pleasure boat industry, which is of course important to my central Texas district. These boat seat manufacturers use both domestic and imported coasted fabrics which are over 70 percent plastic or rubber by weight. They are not targeted by this legislation. This legislation seeks to restrict the importation of the lower plastic-weight materials, which have a higher fabric content. But in so doing—because, I understand that simple across-the-board reclassification eliminates the problems associated with revamping the TSUS according to weight, content, and value—we have taken away the lower tariff on the high plastic-weight goods, thus adversely impacting domestic manufacturers like those in my district.

At the same time, I have reservations about our actions in overturning the court decision. We have a two-track procedure for policymaking: The legislative and judicial branches. In this case, the court made a decision based on facts. For Congress to overturn this decision might be perceived as an unwise decision motivated by political factors. I am afraid that in approving this language we are casting doubt over the authority of the judicial branch to rule in such cases, and undercut the public's trust of judicial decisions. We should be careful in setting such precedent for Congress to question court decisions and for Congress to enact legislation designed to overturn decisions.

I hope the other body will take a close look at this reclassification bill to be certain that boat seat manufacturers, or automobile seat covering manufacturers will not be adversely affected.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is a very simple bill. Section 11 restores certain coated fabrics materials to schedule 3 of the Tariff Schedules of the United States. These materials have been erroneously classified in schedule 7 following a 1981 decision in the Customs Court (U.S. against Elbe Products). That decision was taken against the advice of the Customs Service, and ran counter to the interpretation of the tariff rates that have been applied by this body.

This is also a very careful bill. We worked out the language with the cooperation of the ITC so we could be certain that we were not effecting any material not previously classified in schedule 3. We believe that the language is tightly drawn, and that this is one reason the bill was received without objection by the administration in hearings before the Trade Subcommittee on April 27.

There is no substantial domestic opposition to the bill. It enjoys the support of every major industry association that is involved with coated or laminated fabrics. Users of these fabrics, who could be expected to benefit from the misclassification brought on by the Custom Court decision have not opposed the bill (furniture and footwear). The only domestic opposition to the bill, voiced by Brunswick industries at a hearing on May 5, was withdrawn when the company realized that they were not substantially effected. Their only concern is that they not be impacted by a change in GSP status by being classified in schedule 3. They realize that this bill does not raise the tariff on materials which they use by more than 0.3 percent, and have therefore withdrawn formally the substance of their testimony to the committee.

I can understand the interest of foreign manufacturers and some of their American distributors in preserving the windfall they received under the Customs Court decision. I submit however that their concerns are overwhelmingly outweighed by the interest of our domestic coated-fabric industry. These provisions are needed to preserve the tariff treatment on which the domestic industry has always relied, and to bring our tariff back into line with that which is imposed on our coated fabrics oversea. (Germany at 13 percent, Colombia at 75 percent.)

The only real opposition to these provisions has come from brokers representing foreign companies who would like to get into the American coated-fabrics market. I think our domestic interests far outweigh their concerns, particularly as the tariff in the very countries involved are prohibitively high against the same American product.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take a moment during this afternoon's debate on the miscellaneous tariff and trade bill package to alert my colleagues to two bills in this group which will have a positive effect on the ability of the United States to compete more successfully with imports.

By sheerest coincidence H.R. 2588 is a bill that I introduced. It would improve public access to information about imported goods coming into the United States. I have worked closely with the Joint Industry Group to fashion a legislative vehicle that will meet the needs of industry and the public. The import information provided in H.R. 2588 will assist U.S. shipping and related companies in identifying and contacting potential shipping customers and in marketing their services. U.S. manufacturers can use this information to identify importers who might be potential customers for domestically manufactured goods instead. In addition, almost every major U.S. port authority is dependent on the availability of import data for long-range planning, improving services, and competing for shipping business.

Unfortunately, current policies of the Customs Service serve to limit the import information publicly available and thus restrict the extent to which U.S. companies can benefit from the information. H.R. 2588 will correct this problem and at the same time will protect the legitimate needs for confidentiality of U.S. importers.

A second bill in this package, H.R. 1620, will extend the current suspension of duties on a particular kind of flat-knitting machine which is not manufactured in this country. This duty suspension has been beneficial to the domestic textile industry and, in my view, should be continued to help our domestic knitting industry in its efforts to withstand the very heavy import competition it is facing. H.R. 1620 serves to lower the cost of this certain kind of knitting machine which our industry must have if it is to retain a competitive position against the very heavy volumes of low-cost textile imports which enter the United States each year. As fixed expenses increase, modern equipment that is more versatile, efficient, and faster producing is the key to competing successfully in international trade and to holding on to vital jobs in this country.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the bill. I take the position of the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. GIBBONS).

H.R. 3398 contains a provision which will prevent the destruction of the bicycle component industry and prevent the loss of thousands of U.S. jobs to foreign competitors. This provision would amend the Foreign Trade Zones Act to exempt bicycle component

parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones until June 30, 1986.

The bicycle component parts industry in the United States has been fighting a long, hard battle against aggressive foreign competition in the domestic market. At the present time, virtually all bicycle component parts of types not currently manufactured in the United States can be imported duty free. That is, over 40 percent of the component parts of a finished bicycle enter the country with no duty at all. Only those parts which compete directly with domestically manufactured parts are dutiable. Over all, 67 percent of all bicycle parts sold in this country are imported. Domestic component manufacturers are struggling to maintain and to increase their 33 percent market share. Duty suspension legislation has been enacted several times in the past decade, carefully balancing the needs of the domestic bicycle industry, the component parts industry and the national interest of the United States in dealing with our international trading partners. Our concern here is that this careful balance, thoughtfully and painstakingly developed through legislation and international negotiation could soon be upset, and with disastrous results for the industry.

The present situation was brought to my attention in the fall of 1982 by officials of Wald Manufacturing Co., a maker of bicycle component parts in Maysville, Ky., in my congressional district. Huffy Manufacturing Corp., the leading manufacturer of completed bicycles in the United States, had made application to the Federal Trade Zones Board for grant of subzone status to facilitate importation and use of foreign bicycle parts, those parts which are not already imported duty free. Duty imposed on these parts would be levied upon departure from the subzone as parts of a completed bicycle and at the completed bicycle rate of 5.5 percent—a 60 percent reduction from the current 13.9 percent average duty on imported component parts.

The effects of this action on the component parts industry would be devastating. The protection offered by the existing tariff is desperately needed by domestic parts manufacturers who are already suffering severely from prevailing economic conditions. Tariff rates on these component parts are already scheduled for gradual reduction to 10 percent by the year 1987, and the time for adjustment is desperately needed. To drop the effective duty rate immediately to a rate far below that contemplated by the law would amount to putting domestic manufacturers of component parts out of business.

Without the protection offered by this measure, grant of foreign trade subzone status to Huffy Corp. or a major competitor would create a situation in which the two or three large manufacturers of completed bicycles, comprising nearly 70 percent of the domestic parts market, could obtain drastic reductions in tariff rates, at the expense of smaller manufacturers of completed bicycles and of the domestic component parts industry. It would only be necessary for foreign competitors to wait for the effects of decreased volume and demand to push the cost of doing business beyond the resources of American parts manufacturers. The wait would not be long. Despite creative streamlining of production methods, redesign, and modernization of facilities, the best efforts of domestic component parts manufacturers are keeping them just abreast of foreign competition. Grant of foreign trade subzone status within the bicycle industry at this time without the protection of this provision would deal a death blow to the domestic component parts industry.

The virtual destruction of a domestic industry is always a consequence of the gravest concern. At this moment in our history, with critical levels of unemployment and business failure, such a possibility is unconscionable. Most of these component parts manufacturers are small companies or small subsidiaries. They are located throughout the United States. Many are located in small communities where they are a major source of employment. Jobs lost through destruction of this industry will not be picked up elsewhere. The result will be more American workers in unemployment lines, more economic suffering and dislocation in American communities.

The ill effects do not stop with those companies and their employees. The bicycle component parts industry, unlike the completed bicycle industry, buys the vast majority of its parts and raw materials from U.S. suppliers. The decline of the component parts industry will have unmeasured ripple effects far beyond these companies and their employees. The demise of this industry will cost thousands of U.S. jobs.

Unemployment is certainly not a new issue to Members of the Congress. We are currently spending billions of dollars in an attempt to alleviate, at least temporarily, the staggering unemployment our citizens are facing at this time. To permit the irreparable and inevitable destruction of a domestic industry is an error we simply cannot afford.

The conditions that exist in the bicycle industry and the danger to the component parts industry threatened by the potential approval of Huffy Corp.'s application for subzone status led to development of this legislation. It is a temporary measure, drafted narrowly to cover only this industry and not to interfere with any actions taken or planned in other industries. There can be no doubt that each industry is unique, and is subject to a vast number of differing conditions domestically and abroad. This measure will prevent the destruction of the bicycle parts industry while the Congress takes a good look at the effects of foreign trade subzones generally on domestic industries and employment.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. Russo).

Mr. RUSSO. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 3398, and I would like to take this opportunity to specifically address that portion of the bill which would amend the Foreign Trade Zones Act by exempting bicycle component parts, not exported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones.

The domestic bicycle parts industry's existence is threatened by a pending application before the Foreign Trade Zones Board for a manufacturing trade subzone at the Huffy Corp.'s Celina, Ohio, facility. If the subzone application is granted to Huffy, the effect will be to reduce its tariff on bicycle parts by 60 percent. This will be accomplished through the manufacture and assembly of imported goods into the subzone into finished goods carrying a far lower duty rate 5½ percent—than the rate assigned to imported bicycle parts—averaging 13.3 percent. This tariff avoidance is clearly inappropriate where the Congress has already exempted virtually all bicycle components which are not produced domestically from any import duty—fully 42 percent of the dollar volume of imported parts. It would undermine the reasoned conclusions of the U.S. multilateral trade negotiations on bicycle parts and upset the balance between tariffs on bicycle parts and bicycles which this committee has enforced for many years. The relative import sensitivity of the two industries is clear: 67 percent of the bicycle parts sold in the United States are imports and 25 percent of the bicycles sold here are imports.

The current tariff schedules carefully balance the competing interests of the domestic bicycle parts industry and those of the domestic bicycle industry. If the pending subzone application is approved without the language in H.R. 3398, it will upset that balance and increase the importation of bicycle parts from Taiwan, Korea, Japan, India, and China. Present tariff schedules will be avoided as will the intent of Congress regarding those schedules as manifested in the duty

suspension bills. This language preserves congressional intent and yet will allow Huffy to benefit from the subzone if the end product is actually exported. If the Huffy subzone is granted without the approval of H.R. 3398, we will set the stage for the elimination of the U.S. bicycle parts industry and the crippling of small U.S. bicycle manufacturers, causing a significant job loss.

In recognition of these facts, 12 U.S. parts manufacturer's and 8 U.S. bicycle manufacturers have also filed in opposition to Huffy's application. Only one parts manufacturer and no bicycle manufacturer except Huffy has filed in support of this application. The Cycle Parts and Accessories Association has also filed in opposition to Huffy's application and is supporting H.R. 657. This is not a controversial bill when viewed from the perspective of Huffy being on one side of this issue while the rest of the bicycle and bicycle parts industry opposes this Huffy subzone.

Some may argue that this provision sets a precedent by amending the Foreign Trade Zones Act. But at the Trade Subcommittee markup, this proposal was amended to sunset on June 30, 1986, when the current duty suspension bill on bicycle parts terminates. Thus, this is only a temporary measure to preserve the bicycle parts industry while our committee studies the whole issue of foreign trade zones and subzones. Chairman ROSTENKOWSKI has asked the GAO to conduct an investigation of foreign trade zones and subzones, and it is anticipated that this body will hold hearings and possibly develop legislation dealing with the overall problem. Since the Foreign Trade Zones Board has never denied an application for a subzone, it is highly likely that Huffy's application will be granted unless we adopt the language contained in H.R. 3398. If a subzone is granted to Huffy, the rest of the bicycle industry will be compelled to apply for subzone status to preserve its competitive position. The result of these actions will be a sharp increase in imported bicycle parts and the demise of the domestic bicycle parts industry.

It has been suggested that Huffy has developed a compromise which the Foreign Trade Zones Board could incorporate as a restriction in the Huffy subzone. Huffy would reduce its tariff by 60 percent on the first $35 million of imported parts that it buys but would pay the regular bicycle parts tariff on purchases over that amount. This is no compromise. It would allow Huffy to more than double its imports while it pays substantially less tariff than it is now paying. The effect on the bicycle parts industry would still be devastating.

This is a narrowly drawn proposal and only temporary in effect. It is not likely to set any precedent because of its temporary nature and because of the unique position of the bicycle parts industry. I think it highly unlikely that any other industry would be in the same difficult position with respect to import penetration and the threat posed by Huffy's Foreign Trade Zones Board application. Again, I urge my colleagues to support this language by voting for the adopting of H.R. 3398.

Mr. KINDNESS. Mr. Speaker, will the gentleman yeild?

Mr. RUSSO. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Speaker, I would be glad to enlighten the gentleman as to the content of the legislative history about the Foreign Trade Zones Act which was specifically contemplated to provide for this sort of use.

Mr. RUSSO. I have to differ with my colleague, The Foreign Trade Zone was initially done to encourge exports. We could import foreign parts, put it together here and then ship them overseas, but what Huffy wants to do is bring in the foreign parts to our country, make them here, and then sell the product here.

If they would have to pay the tariff duty on the parts that they import, it would be about 13.3 percent, but if they assemble the parts in the subzone and create a bicycle out of it and sell it here in our country, they only pay 5½ percent. This was not the intention of the Foreign Trade Zone Act.

Mr. KINDNESS. Mr. Speaker, I just submit that that is the problem. People seem to have forgotten what the purpose of the Foreign Trade Zones Act was. It is very clear in the legislative history that this was contemplated as part of the system of increasing commerce and industry in the United States, because we are competing against those foreign bicycles coming in and they are taking the market.

Mr. RUSSO. May I indicate to the gentleman from Ohio that the big problem we have here is that if we allow Huffy to import parts from foreign countries, which are also made domestically and then allow them to assemble those parts in the United States, and then to be sold in our country, what we are doing is allowing Huffy to bring in foreign parts at a 60-percent reduction and put our domestic companies that also make those parts at a distinct disadvantage and eventually put them out of business.

Basically, as I indicated, if Huffy were to come before our committee and ask us for a 60-percent reduction in tariff on these bicycle parts, which would have a profound adverse effect on our domestic companies, we would not grant it to them, so why should we allow them to go to the Foreign Trade Zones Board to do the same thing.

Mr. GIBBONS. Mr. Speaker, may I inquire how much time we have remaining on this side?

The SPEAKER pro tempore. The Chair will state that the gentleman from Florida (Mr. GIBBONS) has 10 minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is obvious that we are going, in the future, to have to pay greater attention to the foreign trade zone legislation. I must say to all my colleagues, it is not a matter that in the 20-plus years that I have been here that this Congress has ever discussed, that I can recall, but it will require greater attention. We think that we have made the appropriate response to the problem that was presented, and I assure the gentleman from Ohio (Mr. KINDNESS) that we will be happy to hear from him and listen to his arguments, and to those of Huffy, too.

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They are a fine company and do a great job in manufacturing equipment, and we do not want to penalize them. But we are concerned about its impact on the rest of the United States.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding, and I want to express my particular respect to the gentleman from Florida (Mr. GIBBONS) for his interest in this matter and for the work that he does on the Committee on Ways and Means and this Subcommittee on Trade. It is most important work.

My arguments are not directed in any way toward anything that I consider to be a failing on the part of subcommittee or the full committee. What I do regret is that it did not occur to me to bring the legislative history of the Foreign Trade Zones Act more sharply into focus in the hearing.

Mr. GIBBONS. Mr. Speaker, we will give the gentleman plenty of opportunity to do that. We will listen very sympathetically to his request.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman from Florida (Mr. GIBBONS).

Mr. SCHULZE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, normally kindness and good are compatible words, and normally kindness and good stick together on most issues, but in this particular case, if I am correct, I believe Huffy already uses 40 percent of imported parts, paying a minimal tariff, and they have talked a lot

about a real compromise proposal, but I do not believe as yet there is anything concrete in writing that anyone could point out at this particular time.

Mr. Speaker, I would like to express my especial support for that provision of H.R. 3398 which exempts bicycle manufacturers from benefits under the Foreign Trade Zones Act until after June 1986. Without this provision, we would be contributing to the death of the bicycle industry in the United States. Should any one bicycle manufacturer begin to make use of a foreign trade zone in order to assemble bicycles with cheaper imported parts, that manufacturer would be able to undercut the price of all other American made bikes. As all the other companies collapsed, the one remaining company would be dependent on the foreign parts manufacturers in order to sell its product, but in that situation might not the foreign companies say why should we sell them parts when we could sell them the entire bicycle?

Of course, there are those who would oppose this measure as protectionist in nature and against the principles of free trade. But I do not think we are talking about free trade when the foreign companies concerned are either sweatshops in one country or another, or Government subsidized companies from other countries which are able to produce without regard to demand and thus undercut U.S. manufacturers in their own country. If it is all well and good to fend off a foreign military attack, why should we not also fend off foreign economic attacks? Is not the purpose of a government to protect its citizens?

My purpose here is to protect our constituencies, and without this provision, companies in many districts such as the Carlisle Tire & Rubber Co. will be hurt. Talk about free trade with foreign subsidized companies will do little to keep them from laying off employees if their market is undercut. Talk of free trade will not feed the families of men and women who have been laid off. And thus I voice my support for the bicycle parts provision of the omnibus tariff bill, and urge my colleagues to do the same.

Mr. Speaker, I would certainly think, since my chairman, the gentleman from Kentucky, Mr. PERKINS, the gentleman from Illinois, Mr. MARTY RUSSO, and I are all supporting this issue, it must be just and good and proper and, in fact, the way to do things.

Mr. SCHULZE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me time, and I rise in support of H.R. 3398, legislation making miscellaneous changes in tariff laws.

This legislation includes a change in the law governing the importation and exportation of motor vehicles that is the text of legislation, H.R. 1744, introduced by the gentleman from California (Mr. STARK). The gentleman from California and I have worked closely on this issue, and I have introduced onmibus auto theft legislation, H.R. 2235, that also incorporates this provision.

In the course of hearings by a subcommittee of the Committee on Energy and Commerce on my bill, it became apparent that one major problem law enforement law officials face is the exportation of stolen vehicles. It is generally agreed that the best way to stem this illegal trade is to require shippers to record the vehicle identification number and to file an export declaration before exporting. This information will enable customs officials to compare the declared vehicle identification numbers with the actual numbers on the vehicles and with lists of stolen vehicles. Also the importation or exportation of stolen vehicles would be made a Federal offense.

The gentleman from California and I both included these provisions in our bills, and I am pleased that these provisions are present in the pending legislation. I sincerely hope that this is the beginning of responsible congressional action on the issue of auto theft, and that the House will approve this bill today. Furthermore, I hope that this positive action today will be the catalyst for action on my comprehensive auto theft legislation.

Mr. SCHULZE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield myself the balance of my time.

Mr. Speaker, I think I ought to inform the House, those who are present and those who may be monitoring this, that the Committee on Ways and Means has requested formal studies of the Foreign Trade Zones by the General Accounting Office and by the International Trade Commission. Those reports are expected to arrive back here by February of next year, and shortly after that, after we have had a chance to review those reports, we will begin an oversight hearing on this and see where the process leads us.

● Mr. SENSENBRENNER. Mr. Speaker, today we are being asked to consider a measure under suspension of the rules which should, more appropriately, be considered on the regular calendar to allow the offering of amendments.

H.R. 3398, the omnibus minor tariff amendments, includes a provision (section 211(a)) to amend the Foreign Trade Zones Act to deny subzone benefits for the domestic bicycle industry. This provision was added as a response to the application for a foreign trade subzone by Huffy Corp., the leading domestic bicycle manufacturer. While fear has been expressed that the granting of subzone status to Huffy would hurt domestic bicycle parts manufacturers, Huffy has offered to amend its application, which is now before the Commerce Department, to reduce the benefits available to it under the subzone.

I take no position on the pending application of Huffy, but I must oppose section 211(a) in H.R. 3398. This provision is unprecedented and inappropriate for several reasons. First, such action would interfere with the authority of the Foreign Trade Zones Board, and circumvent the procedures outlined in the current Foreign Trade Zones Act. Second, the bill would, for the first time, amend the Foreign Trade Zones Act to exclude a specific industry from participating in the procedures set forth in that act. Third, as this provision would exclude an entire industry, it would affect all domestic bicycle companies, not just the Huffy Corp. This in itself is unfair when the relative market share of these companies is looked at in comparison to Huffy, and contradicts our policy of making trade decisions on a case-to-case basis.

For all these reasons, I will oppose H.R. 3398 under suspension of the rules to allow consideration of this legislation on the regular calendar at a future date when an amendment could be offered to strike section 211(a).●

● Mr. STARK. Mr. Speaker, I support H.R. 3398, the miscellaneous tariff amendments. Included as section 204 of this omnibus bill is H.R. 1744, a bill to fight the exportation and importation of stolen vehicles.

This legislation is a free-standing and valuable section of H.R. 2235, a comprehensive auto theft bill, introduced by our colleague, Congressman BILL GREEN. The Committee on Energy and Commerce Subcommittee on Telecommunications, Consumer Protection and Finance is considering the Green bill. As a cosponsor of Mr. GREEN's bill and as author of H.R. 1744, I think Congress is finally taking a serious look at the problem of auto theft. And finally, I think we are doing something about it.

H.R. 1744 will require shippers to record vehicle identification numbers (VIN) and to file export declarations with Customs before exporting. The bill makes it a Federal offense to import or export stolen vehicles, aircraft, or their parts, with knowledge that the vehicle or part was stolen. It also prohibits the importation or exportation of vehicles or parts whose identification number the importer or exporter knows to have been removed, obliterated, tampered with or altered. These offenses would be punishable by

a fine of $10,000, up to 5 years imprisonment, or both.

In testimony before the Ways and Means Subcommittee on Trade, Mr. Paul Gilliland, president of the National Automobile Theft Bureau, pointed out some valuable characteristics of the auto theft problem.

The value of recovered stolen vehicles in recent years represents approximately 55 percent of the value of these vehicles at the time of theft. Recovery statistics for off-road vehicles and off-road equipment and boats and vessels are even worse. Part of the reason for this is theft of vehicles for their component parts, that is, chop-shop activity. However, this is only part of the reason for the low recovery rate. The low recovery rate can also be directly attributed to the practice of stealing vehicles in the United States and then exporting them elsewhere in the world. The exact volume of this illegal traffic is unknown. Estimates range from 25,000 upwards to 200,000 vehicles per year. These are only estimates; under existing practices, there is no way to determine the exact volume of this traffic. The reason is that no person or agency, at present, keeps records which identify exported property.

Under present conditions, vehicles exported from this country are listed in a shipper's export declaration or the ship's manifest, if they are listed at all. There is no requirement that identifying numbers be included or listed. Where vehicle identification numbers are listed, often only a partial or incomplete vehicle identification number is listed. In addition, transposition or other errors are common. Exporters are not familiar with vehicle identification number structure and composition; they have no legal obligation that would cause them to be concerned with full and accurate vehicle description techniques. In other words, under present conditions, vehicles are not identified or are not adequately identified in export documents.

Under present conditions, there is no requirement that the export declaration be filed with Customs prior to shipment. H.R. 1744 will correct this problem. To see that export information is available to appropriate groups, the legislation authorizes Customs to cooperate and exchange information with Federal, State, and local law enforcement agencies and other groups engaged in auto theft prevention, as designated by the Secretary. Thus, the bill with a bark, finally has some bite.

Under present law, a thief needs only to drive a car to the dock, announce a desire to ship the vehicle and pay the freight charge. It is that simple. There is no verification that the car belongs to the shipper, or that the shipper is authorized to send the vehicle. In the case of vehicles driven across the land-borders, it is even simpler; there are no verification requirements for vehicle ownership at our borders.

As a cosponsor of H.R. 2235, I am proud that H.R. 1744, the freestanding section of the gentleman from New York's (Mr. GREEN) bill, has been met with such positive response. The Subcommittee on Trade of the Committee on Ways and Means heard the bill on May 5 and the administration appeared in support of the bill. Chairman GIBBONS has taken a lead in moving the bill forward and it is also supported by the National Automobile Theft Bureau, the International Association of Chiefs of Police, the National Association of Independent Insurers, the Peace Officers Research Association of California, and the Automotive Dismantlers and Recyclers of America.

All of these groups have provided me with up to date, concise and valuable information on this issue. The National Automobile Theft Bureau has offered its expert assistance, stating that—

NATB is not only willing to commit its resources and data processing capabilities to the implementation of this type of program, but is also committed to the full and complete support of this procedure.

Together, such groups as NATB, and our U.S. customs officers can take a step against auto theft.

I continue my strong and full support for Mr. GREEN's antiauto theft bill, and I hope the Committee on Energy and Commerce will move swiftly in its consideration of the bill. Mr. GREEN's bill addresses the "chop-shop" problem completely, and I stand ready to support this, and all other sections of the legislation. Improved identification number systems for motor vehicles, and especially their major component parts, addressed in the Green bill, is an important step. I urge me colleagues to take a look at this and other efforts to battle auto theft.

I am also pleased to have the support of Senator PERCY, who has introduced companion legislation as S. 1399. Senator PERCY has also introduced the companion to Mr. GREEN's bill as S. 1400, along with Senators DIXON, LUGAR, DANFORTH, and LAXALT. Senator PERCY has, for many years, taken great interest in antiauto theft legislation, and I am honored to work with him and Members of the Senate on this issue.

I ask my colleagues to join in supporting the antiauto theft provision of the omnibus tariff bill, H.R. 3398. The measure puts car thieves on notice that the American public will no longer tolerate the tremendous financial drain that stolen cars represent. The days of easy exportation or importation of stolen vehicles end when this bill is signed into law.●

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3398, as amended.

The question was taken.

Mr. KINDNESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD, FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, June 28, 1983.)

AGREEMENT BETWEEN THE UNITED STATES AND BELGIUM ON SOCIAL SECURITY AND FINAL PROTOCOL TO AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-77)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, June 28, 1983.)

□ 1450

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 244 and ask for is immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 244

Resolved, That all points of order against the consideration of the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344), clause 2(1)(6) of rule XI, and clause 7 of rule XXI are hereby

waived. During the consideration of the bill, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI, are hereby waived: beginning on page 4, lines 4 through 20; beginning on page 9, line 1 through page 10, line 4; beginning on page 10, lines 13 through 17; beginning on page 12, line 5 through page 13, line 3; beginning on page 13, line 21 through page 14, line 15; beginning on page 15, lines 10 through 13; beginning on page 16, line 16 through page 17, line 16; beginning on page 18, lines 19 through 24; beginning on page 26, line 12 through page 28, line 9; beginning on page 37, lines 1 through 23; beginning on page 38, line 9 through page 40, line 15; beginning on page 41, lines 6 through 19; beginning on page 48, lines 17 through 25; beginning on page 54, line 1 through page 55, line 19; beginning on page 56, lines 4 through 9; beginning on page 56, line 11 through page 57, line 10; beginning on page 58, lines 9 through 25; beginning on page 60, line 12 through page 63, line 17; beginning on page 65, lines 9 through 12; beginning on page 65, line 21 through page 66, line 6; and beginning on page 67, line 10 through page 70, line 17; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI, are hereby waived: beginning on page 19, lines 2 through 16; and beginning on page 46, line 8 through page 47, line 7.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 244 waives certain points of order against H.R. 3363, the Department of the Interior and Related Agencies appropriation for fiscal year 1984, so that the House can proceed with the consideration of this important funding bill.

The rule waives points of order for failure to comply with section 303(a)(1) of the Congressional Budget Act, the provision requiring that the first concurrent budget resolution be adopted prior to floor consideration of general appropriations bills. At the time the Rules Committee considered the Interior appropriations bill, the budget resolution had not been given final approval by both Houses of Congress. Now that the budget resolution has been adopted, this waiver is, of course, no longer relevant.

House Resolution 244 also waives points of order against certain specific provisions of the bill for failure to comply with clause 2 of rule XXI, prohibiting in general appropriations bills the inclusion of measures not authorized and matter that would be deemed legislative in character. The authorizations for several programs funded by this bill are at various stages of the legislative process, and, in several cases, have passed either one or both Houses of Congress. Some of the provisions which might otherwise be subject to a point of order under clause 2 of rule XXI specify or limit certain actions by the Department of Interior.

The Appropriations Committee has recommended these provisions in order to guide the Interior Department's actions where such direction is clearly needed. For instance, the bill prohibits offering certain leases for sale in some environmentally sensitive tracts in the outer continental shelf and prohibits further coal leasing until an independent commission makes recommendations to insure fair market value is received. The matters at stake, which involve the protection of our Nation's precious and irreplaceable natural resources, are so vital that these provisions merit waivers of our rules. Mr. WHITTEN's letter to the Rules Committee explaining the need for each waiver is hereby submitted for the RECORD:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 21, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, at the request of the Speaker we are continuing to move ahead with appropriation bills, though the Budget Committees have reached no agreement on a budget resolution and in most cases the authorizing committees have not yet completed authorization bills. Because of this situation, we must ask the Rules Committee to waive certain points of order so that the appropriation bills can be considered in an orderly manner and the work of the House can progress.

The Committee on Appropriations today reported the Department of the Interior and Related Agencies Appropriations Bill for the fiscal year ending September 30, 1984.

The bill includes appropriations for a number of programs in excess of authorizations or for which legislation has not yet been enacted for which a waiver of Clause 2, Rule XXI is requested. There are also several transfers of unexpended balances from one account to another which are reappropriations for which a waiver of Clause 6 of Rule XXI is requested. In addition, since the budget resolution for fiscal year 1984 has not yet been adopted, it is necessary to request a rule waiving the provisions of Section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344).

1. *Bureau of Land Management, Range Improvements.* Section 6(b) of Public Law 95-514 provides that not less than $10,000,000 per annum shall be available for range improvements on public lands administered by the BLM. Grazing receipts estimated to be available in fiscal year 1984 are $8,604,000. The Committee has included language setting aside the $10,000,000 minimum requirement.

2. *United States Fish and Wildlife Service, Resource Management.* The Committee recommended language requiring the Fish and Wildlife Service to use not less than $3,400,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

3. *United States Fish and Wildlife Service, Migratory Bird Conservation Account.* The Committee has recommended an appropriation of $7,000,000 as an advance payment to this account. Authorization for this advance expires on September 30, 1983. Legislation extending the authorization has been reported in both the House (H.R. 2395) and in the Senate (S. 1284).

4. *National Park Service, Operation of the National Park System.* The Committee has recommended an appropriation of $602,065,000, including $500,000 for the Volunteers in the Park program. Public Law 91-357 as amended authorizes $250,000 for that program. Volunteers provide a valuable service in the area of interpretative services. The volunteers receive no salaries. The funds will provide uniforms, training, and expenses. The Committee recommended language requiring the National Park Service to use not less than $3,300,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

5. *National Park Service, Construction.* The Committee has recommended an appropriation of $42,637,000, including $1,076,000 for construction of the Paul H. Douglas Environmental Center at Indiana Dunes National Lakeshore. Only $500,000 is presently authorized. Legislation to increase the ceiling has been introduced and referred to the Interior and Insular Affairs Committee. In addition, $300,000 is provided to remove a sewage treatment plant in Cuyahoga Valley NRA from within the boundary of the NRA. This is not authorized since it is not a Park Service treatment facility.

6. *National Park Service, John F. Kennedy Center for the Performing Arts.* The Committee has recommended an appropriation of $4,542,000. Legislation authorizing this appropriation passed the Senate (S. 778) on May 25, 1983 and was reported to the House (H.R. 2605) on May 16, 1983.

7. *Geological Survey, Surveys, Investigations, and Research.* The Committee recommendation of $374,951,000 includes $35,524,000 for the Earthquake Hazards Reduction program. Legislation authorizing this program (H.R. 2465) was reported by the Science and Technology Committee on May 16. The Senate passed similar legislation (S. 820) on April 7.

8. *Minerals Management Service, Transfer to General Fund.* The Committee recommends that $126,550,000 of Federal onshore mineral leasing receipts be transferred to the General Fund of the Treasury before the distribution of those receipts specified in 30 U.S.C. 191 occurs. This is not authorized.

9. *Territorial and International Affairs, Administration of Territories.* The Committee recommends an appropriation of $75,262,000 which includes $7,312,000 which would be authorized by S. 589. That legislation passed the Senate on April 7, 1983 and was reported by the Interior and Insular Affairs Committee on May 16, 1983.

10. *Department of the Interior, General Provisions.* The Committee recommends language (Sec. 109) permitting the Department to proceed on certain tracts in the Eastern Gulf of Mexico planning area (OCS Lease Sale No. 79) up to the point of offering the leases for sale. The language also does not permit any sale in the "military impact zone" until a memorandum of agreement has been signed by the Secretary of Defense and the Secretary of the Interior.

The Committee recommends language (Sec. 112) that requires the Secretary of the

Interior to appoint an independent commission to review the Department's coal leasing procedures and to make recommendations that will ensure fair market value is received. Coal leasing would not be permitted to continue until the commission had made a report and the Secretary and appropriate committees of Congress were in agreement on implementing the recommendations.

The Committee also recommended language (Sec. 113) permitting the Department to proceed on certain OCS tracts in the Southern California planning area (OCS Lease Sale No. 80) up to the point of offering the leases for sale.

11. *Forest Service, National Forest System.* The Committee recommended language requiring the Forest Service to use not less than $3,300,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

12. *Department of Energy, SPR Petroleum Account.* The Committee recommends $1,686,000,000 for acquisition and transportation of petroleum for storage in the National Reserve as an off-budget item as proposed by the Department. The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) provided that appropriations and outlays for this purpose should be off-budget for fiscal 1982 but was silent on subsequent years. The Budget Resolution and the President's budget assume its continuation off-budget.

13. *Indian Health Services, Administrative Provisions.* The Committee recommends language prohibiting the Service from initiating any action to bill Indians in order to collect for health services from third-party payers until Congress authorizes such billing practices. In addition, Intergovernmental Personnel Act assignments may be extended if agreeable to all involved parties. These provisions are not authorized.

14. *Navajo-Hopi Indian Relocation Commission.* The Committee recommends an appropriation of $13,783,000 which includes $10,800,000 for relocation operations not authorized by law. H.R. 1746 passed the House on June 1, 1983.

15. *Smithsonian Institution, Salaries and Expenses.* The Committee recommends an appropriation of $156,533,000 which includes $936,000 for the National Museum program. Legislation (S. 840) authorizing appropriations for fiscal year 1984 passed the Senate on May 25, 1983 and was referred to the House Committee on the Administration which has not yet acted on the measure.

16. *Smithsonian Institution, Restoration and Renovation of Buildings.* The Committee recommends an appropriation of $9,100,000 which includes $100,000 for a study to examine the suitability of a site in East Saint Louis, Illinois, for a museum of American culture and anthropology. That study is not specifically authorized by law.

17. *National Foundation on the Arts and Humanities.* The Committee has recommended appropriations of $165,000,000 for the National Endowment for the Arts, $150,000,000 for the National Endowment for the Humanities, and $21,500,000 for the Institute of Museum Services. The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) authorized the following amounts for those programs in fiscal year 1984:

National Endowment for the Arts (sec. 523)	$119,300,000
National Endowment for the Humanities (sec. 524)	113,700,000
Institute of Museum Services (sec. 521)	9,600,000.

The Committee on Education and Labor on May 16, 1983 ordered reported legislation (H.R. 2751) repealing the provisions of the Reconciliation Act and establishing new levels for these programs.

18. *United States Holocaust Memorial Council.* The Committee has recommended an appropriation of $1,953,000. Section 1405 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) provides that no more than $1,000,000 for this program may be appropriated for fiscal year 1984.

19. *Title III—General Provisions.* The Committee recommends language that prohibits the processing or issuance of permits or leases pertaining to exploration for or development of coal, gas, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources within Bureau of Land Management wilderness study areas.

For items 1 through 19, a waiver of Clause 2 of Rule XXI is requested.

The following accounts include amounts derived by transfer of unexpended balances from prior appropriations. This is held to be a reappropriation. Thus, a waiver of Clause 6 of Rule XXI is requested for these accounts.

20. *Bureau of Mines, Mines and Minerals.* Funds in the amount of $5,064,000 which were appropriated in fiscal year 1982 for construction of a facility are made available for operating expenses of the Bureau of Mines.

21. *Department of Energy, Fossil Energy Research and Development.* Transfers of $42,040,000 are recommended to fund research and development programs. The funds are transferred from Fossil Energy construction ($26,000,000), Alternative Fuels production ($13,000,000), and the Energy Security Reserve ($3,040,000).

The Committee appreciates your continued cooperation.

Sincerely,

JAMIE WHITTEN,
Chairman.

In addition, House Resolution 244 waives points of order against specific provisions of the bill for failure to comply with clause 6 of rule XXI. Clause 6 of rule XXI states that no general appropriation shall be considered if it contains a provision reappropriating unexpended balances or appropriated funds. The Appropriations Committee bill contains two reappropriations that would be covered by the waiver. The first would derive $5 million from an amount appropriated for the construction of a new facility at the Bruceton, Pa., mine equipment test facility and directs that such amount be spent in the general mines and minerals programs of the Bureau of Mines. The second reappropriation in the bill would derive $42 million from the fossil energy construction account, the alternative fuels production account, and from fees collected on loan guarantees, to be spent on fossil energy research and development.

Finally, House Resolution 244 waives points of order against consideration of H.R. 3363 for failure to comply with clause 2(1)(6) of rule XXI and clause 7 of rule XXI. Clause 2(1)(6) prohibits the consideration on the floor of any reported measure prior to the third day after that measure has been reported; clause 7 of rule XXI similarly prohibits the consideration on the floor of any appropriations bill prior to the third day after the report has been filed by the committee. The Rules Committee recommended that these requirements be waived in order to allow the bill to be considered last week. Because the 3-day layover requirement in both cases has now been met, this waiver is no longer necessary.

The Rules Committee recommends the waivers contained in the rule before us so that consideration of this appropriations bill can proceed in an orderly and timely manner. The sooner the House completes action on the fiscal year 1984 appropriations bills, the less likely we are to find ourselves forced to resort to a continuing resolution to fund Government activities when the new fiscal year begins.

Mr. Speaker, H.R. 3363 would appropriate $8 billion in new budget authority for the Department of the interior—except for the Bureau of Reclamantion—and for a number of related agencies including the Forest Service, some offices under the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and Humanities. The programs funded by this bill are those which provide for the critically important management of our Nation's lands and natural resources and which preserve our natural and cultural heritage. I urge adoption of House Resolution 244 so that the House may proceed with the consideration of H.R. 3363.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 244 waives certain points of order against the consideration of the Interior and Related Agencies appropriations bill for 1984.

The purpose of this rule is to allow timely consideration of the bill, H.R. 3363, and it therefore waives points of order that would otherwise lie against specified provisions of the bill for failure to comply with clause 2 or clause 6 of rule XXI.

As the gentleman from California (Mr. BEILENSON) has already pointed out, the rule we reported from the Committee on Rules contains three waivers that are no longer necessary. Passage of time and intervening action by the Congress to adopt the first budget resolution have made these waivers moot.

Clause 2 of rule XXI prohibits appropriations for any expenditure not previously authorized by law and it also prohibits legislation on an appro-

priations bill. The waiver recommended by the Committee on Rules is necessary because some 19 provisions of H.R. 3363 have either not yet been authorized or do constitute legislation.

In addition, two items in the bill do constitute a reappropriation, and thus the Committee on Rules is recommending a waiver of clause 6 of rule XXI.

Mr. Speaker, the various provisions of the bill to which these waivers apply are specified in the resolution, and I ask unanimous consent to place in the RECORD at this point a copy of the letter from the distinguished chairman of the Appropriations Committee (Mr. WHITTEN) outlining and further explaining the need for these waivers.

There was no controversy about this rule in the Committee on Rules, and both the chairman and ranking Republican member of the Interior Appropriations Subcommittee appeared before the committee to make the request. In this regard, I do want to compliment both the gentleman from Illinois (Mr. YATES) and the gentleman from Pennsylvania (Mr. MCDADE) for their actions on this bill. As always, they have managed this bill with great fairness to those of us who have specific interests and they have once again brought us a bill that meets the stewardship requirements the Congress must set if we are to preserve our Nation's great resources.

Chairman YATES pointed out why each of these provisions needs the waiver provided by this rule, and Mr. MCDADE supported each and every one of the requests.

Mr. Speaker, I do want to point out that this rule does not preclude any Member from offering any germane limitation amendments and any Member from offering any amendments to reduce funding of specific accounts.

Mr. Speaker, I mention this last point so that it will be clear to all Members that if they have amendments, they should support this rule so that the House can proceed to consider the bill.

I urge adoption of the resolution recommended by the Committee on Rules.

Mr. Speaker, I include the following letter from the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi (Mr. WHITTEN):

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 21, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, at the request of the Speaker we are continuing to move ahead with appropriation bills, though the Budget Committees have reached no agreement on a budget resolution and in most cases the authorizing committees have not yet completed authorization bills. Because of this situation, we must ask the Rules Committee to waive certain points of order so that the appropriation bills can be considered in an orderly manner and the work of the House can progress.

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The Committee recommends language (Sec. 112) that requires the Secretary of Interior to appoint an independent commission to review the Department's coal leasing procedures and to make recommendations that will ensure fair market value is received. Coal leasing would not be permitted to continue until the commission had made a report and the Secretary and appropriate committees of Congress were in agreement on implementing the recommendations.

The Committee also recommended language (Sec. 113) permitting the Department to proceed on certain OSC tracts in the Southern California planning area (OCS Lease Sale #80) up to the point of offering the leases for sale.

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13. *Indian Health Services, Administrative Provisions.* The Committee recommends language prohibiting the Service from initiating any action to bill Indians in order to collect for health services from third-party payers until Congress authorizes such billing practices. In addition, Intergovernmental Personnel Act assignments may be extended if agreeable to all involved parties. These provisions are not authorized.

14. *Navajo-Hopi Indian Relocation Commission.* The Committee recommends an appropriation of $13,783,000 which includes $10,800,000 for relocation operations not authorized by law. H.R. 1746 passed the House on June 1, 1983.

15. *Smithsonian Institution, Salaries and Expenses.* The Committee recommends an appropriation of $156,533,000 which includes $936,000 for the National Museum program. Legislation (S. 840) authorizing appropriations for fiscal year 1984 passed the Senate on May 25, 1983 and was referred to the House Committee on the Administration which has not yet acted on the measure.

16. *Smithsonian Institution, Restoration and Renovation of Buildings.* The Committee recommends an appropriation of $9,100,000 which includes $100,000 for a study to examine the suitability of a site in East Saint Louis, Illinois, for a museum of American culture and anthropology. That study is not specifically authorized by law.

17. *National Foundation on the Arts and Humanities.* The Committee has recommended appropriations of $165,000,000 for the National Endowment for the Arts, $150,000,000 for the National Endowment for the Humanities, and $21,000,000 for the Institute of Museum Services. The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) authorized the following amounts for those programs in fiscal year 1984:

National Endowment for the Arts (Sec. 523), $119,300,000.

National Endowment for the Humanities (Sec. 524), $113,700,000.

Institute of Museum Services (Sec. 521), $9,600,000.

The Committee on Education and Labor on May 16, 1983 ordered reported legislation (H.R. 2751) repealing the provisions of the Reconciliation Act and establishing new levels for these programs.

18. *United States Holocaust Memorial Council.* The Committee has recommended an appropriation of $1,953,000. Section 1405 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) provides that no more than $1,000,000 for this program may be appropriated for fiscal year 1984.

19. *Title III—General Provisions.* The Committee recommends language that prohibits the processing or issuance of permits or leases pertaining to exploration for or development of coal, gas, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources within Bureau of Land Management wilderness study areas.

For items 1 through 19, a waiver of Clause 2 of Rule XXI is requested.

The following accounts include amounts derived by transfer of unexpended balances from prior appropriations. This is held to be a reappropriation. Thus, a waiver of Clause 6 of Rule XXI is requested for these accounts.

20. *Bureau of Mines, Mines and Minerals.* Funds in the amount of $5,064,000 which were appropriated in fiscal year 1982 for construction of a facility are made available for operating expenses of the Bureau of Mines.

21. *Department of Energy, Fossil Energy Research and Development.* Transfers of $42,040,000 are recommended to fund research and development programs. The funds are transferred from Fossil Energy construction ($26,000,000), Alternative Fuels production ($13,000,000), and the Energy Security Reserve ($3,040,000).

The Committee appreciates your continued cooperation.

Sincerely,

JAMIE WHITTEN, *Chairman.*

□ 1500

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, in addition to my concern that this bill is over budget and off target in other areas, several of the prohibitions against funding of offshore oil and gas leases are, in my opinion, ill advised. I can certainly understand the concern of various coastal communities over the possibility of oilspills, but this measure will not reduce the chances that oilspills will occur. In fact, by delaying OCS leasing in four areas for another year, this body is voting to place increased reliance on the import of foreign oil by tanker even though the danger of a tanker sinking and fouling coastal beaches is greater than of an oil well running wild.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman.

Mr. YATES. That was the argument that was advanced in committee before the committee achieved a compromise on the leasing provisions. In committee it was agreed that all activities prior to sale could go forward under the leasing procedures of the Department of Interior. Only the sale itself was to be held up for the balance of the year.

Mr. DANNEMEYER. I thank the chairman for mentioning that, and that is precisely the point to which I object. That sale is scheduled to take effect in January of 1984, assuming there are bids or people that want to bid on it.

Let me say to the gentleman, very candidly, that if this Nation had energy independence today where we were not importing 35 percent of our oil every day, I think we could afford the luxury of preserving our coastal areas from the impact of Outer Continental Shelf leasing and drilling.

But the plain fact of the matter is, as the gentleman I am sure knows, we are not energy independent today. We are importing 35 percent of our oil, over 4.5 million barrels a day, which aggravates our balance of payment, much to our detriment, with the rest of the world. This is the whole thrust behind the administration's effort to open up the resources of this country through exploration and development.

Why? Not because we like to drill oil wells but because we think it is in America's interest to have energy independence. The way you get energy independence is explore and drill and produce from the territory under the American soil so that we do not have to buy and depend on the OPEC nations of the world.

Mr. YATES. Will the gentleman yield further?

Mr. DANNEMEYER. I am happy to yield.

Mr. YATES. I would agree with the gentleman in his statement. This is a minuscule portion of the leasing that is proposed to be held up and only temporarily.

The purpose is to permit States such as California to look at the question as to whether or not it wants to request that tracts be excluded based on environmental considerations. In California all we are doing is trying to marry the Federal portion of the lands to that portion within the State borders that the State itself has said it will not drill in.

In the Florida gulf we are waiting. There has not yet been achieved an agreement between three Air Force bases and the Secretary of the Interior for a portion of the gulf where U.S. Air Force activity occurs.

There was a similar difference of opinion on the east Florida/Atlantic coast. That was the subject of an agreement, and that is no longer being postponed. They are going forward with that.

We hope for the same kind of results, a cooperative agreement, in the Florida gulf as well, may I say.

Mr. DANNEMEYER. I would like to respond to my colleague, and let me say there is a split, frankly, within the California congressional delegation on this issue. Some of my colleagues from my home State of California do not want exploration and drilling on the Outer Continental Shelf. I respect that opinion. They are entitled to it and certainly to assert it here in the House of Representatives.

But let me also say to my colleague that opinion poll after opinion poll in my home State of California has indicated very clearly that the people of our State understand what is involved. By a large majority they support not only exploration but drilling right now, and that is the reason I am standing here. I am trying to give some visibility to this issue so that the people not only of California but of Texas and other States around the Union, where there are some in our society who say:

> Hey, we do not want to drill on our Outer Continental Shelf. We do not want to look at those oil wells out there because when we sit on the beach under an umbrella with our beach chair we do not want to have the obstruction of our view from an oil well interfering with the tranquility of our life.

I wish life were that simple. But the plain truth of the matter is if we do

not get on with the development of our resources and establish energy independence we are going to be in a lot more serious trouble than we are today.

I also cannot help but note two other ironies with respect to these offshore leasing provisions. One involves the rule under which they are being considered. To put it mildly, the rule waives points of order—not just one but five possible points of order, including the one against legislating on an appropriations bill. As a consequence, Members find themselves in the position of being able to do today what they could not do on the Department of Transportation bill last week; namely, tailor the language to suit their specific needs. Now, in this case, I happen to think that including language permitting the Secretary of the Interior to go ahead with all preleasing procedures is a good idea, but if we are going to permit it by waiving points of order, then the very least we can do is throw out the recently adopted rule that says a funding limitation amendment cannot be offered on the House floor unless the motion to rise is first defeated. Otherwise, we will have a situation—if we do not already—wherein the majority can edit as well as offer appropriations riders while the minority cannot even be sure of being able to do the latter. To be fair, the same rules should apply to everybody, in practice as well as theory; if they do not, sooner or later, all Members will suffer the consequences.

The other irony involves employment. Time and time again these past few months, this House has been asked to vote on measures to stimulate employment and to provide extra benefits for those who are unemployed. Indeed, we have on the calendar for this Thursday a bill to provide health benefits for the unemployed at a cost of over $2 billion the very first year. Yet here we have, in these moratoriums on offshore leasing, provisions that will cost thousands of Americans jobs. The environmental impact statements for lease sale No. 79 in the Gulf of Mexico and lease sale No. 80 off southern California estimate that these two lease sales will add 33,000 jobs to the economy, jobs that are badly needed. Yet we will forfeit them until such time as we get on with the task of making this Nation more energy self-sufficent.

The goal of energy independence brings up one final point with respect to these lease sales that needs to be made, unpleasant as it may seem to some. And that point is that we, as a nation, cannot have our cake and eat it too, much as we might like to do so. We can either remain dependent on foreign oil, in the name of environmental protection or whatever, and take our chances with the possibility that those supplies of overseas oil might be cut off.

Or we can do what is necessary to reduce our dependence on foreign oil. At stake, of course, is the future of those who are serving or will serve in our Armed Forces. If we take the first option, the odds improve that those young men will one day have to go overseas to fight a war designed to maintain our access to foreign supplies of oil. But, if we achieve energy independence, as prudent leasing of OCS lands for oil and gas production will help us do, then those odds decline. As they should. It is bad enough that we are rapidly mortgaging the economic future of our children and grandchildren; to put them in a position of perhaps having to fight for their mobility is simply too much.

Mr. Speaker, I realize that some will say the choices are not so stark or so limited. While sharing their concern for the beaches and the oceans, I cannot agree. Solar energy is far from ready to pick up the slack, synthetic fuels are still extremely expensive, and both our population and our economy keep growing. Thus, we cannot overlook potential sources of oil under our control and I hope that, as this legislative process continues, Members will think twice about these delays in offshore oil and gas leasing, especially since they do not reduce the threat of oil spills.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may include tables, charts, and other material, on the bill, H.R. 3363, Department of the Interior and related agencies appropriations, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. McDADE) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. YATES).

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Tennessee (Mr. GORE) as Chairman of the Committee of the Whole and requests the gentleman from California (Mr. BEILENSON) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3363, with Mr. BEILENSON (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from Illinois (Mr. YATES) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. McDADE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring the Interior and related agencies appropriation bill for fiscal year 1984 before the Committee. This is a good bill, Mr. Chairman. It represents views not only of our committee, but it represents the views of a great many Members of the House of Representatives.

Almost 200 Members of the House appeared before or wrote our committee with various viewpoints that they expressed, and the bill represents, in great measure, the viewpoints that they made available to our committee.

Let me say at the outset, Mr. Chairman, that the appropriations level for this bill is lower than the appropriations level for fiscal year 1983. I say that, Mr. Chairman, because David Stockman has sent a letter to various Members of the House in which he has said that this bill is $300 million above the appropriations level for the appropriations bill for the Department of the Interior and related agencies for the fiscal year 1983.

Mr. Chairman, that is just not true. I say this taking into consideration the

fact that only the first appropriations bill we brought to the House for fiscal year 1983, is being compared with the bill for fiscal year 1984.

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And when one takes into consideration, Mr. Chairman, the supplemental bill for fiscal year 1983 and the jobs bill, I say to the House that the bill that we bring to the House today is approximately $600 million below the level of the total of those appropriations.

And, so, for those reasons I say that Mr. Stockman's computations are wrong.

This bill reflects our continuing investment in America, Mr. Chairman. It reflects our investment in the national heritage for all Americans; our public lands, our national parks, our national forests, the cultural well-being of our country, and the recognition of the historic preservation of the heritage we want to pass along to our children, our grandchildren, and the generations to come.

Insofar as its appropriations are concerned, it contains on-budget new budget authority of $8,081,573,000.

Although I must say, Mr. Chairman, the amount recommended within this bill is within the proposed 302 allocation under the new budget bill.

An indepth look at what constitutes this number will reassure the House, Mr. Chairman. The committee has prepared a bill that is in no way excessive but provides the funding which is necessary to support the American people's programs at levels which are most beneficial to the people.

It contains $3,929,165,000 for programs of the Department of the Interior; $1,328,404,000 for the Forest Service; $1,296,029,000 for the on budget programs for the Department of Energy; $1,527,975,000 for Indian health, Indian education, the Smithsonian Institution, National Endowment for the Arts and Humanities, and other related agencies in the bill.

Mr. Chairman, this bill more than pays for itself. It is anticipated that the returns to the Treasury from the activities in the bill will approximate $15 billion for fiscal year 1984.

This estimate does not include the revenue that will accrue to the Nation if and when it becomes necessary to dispose of the oil stored in the strategic petroleum reserve, which has an estimated value at today's prices of over $10 billion.

In the fossil energy area appropriations have been reduced from the fiscal year 1981 appropriation of $1,134,735,000 to a fiscal year 1984 program level of $327,000,000. The committee cannot agree that a further reduction to the administration's request of $138,000,000 is a responsible action if we are to insure a secure supply of energy. We have concurred in proposals to reduce the level of support below the 1983 levels for economic regulation and operation of the national forest system. In addition, the committe has continued the payments in lieu of taxes program at the 1983 level; $46,200,000 for fuel cell development and $30,000,000 for magnetohydrodynamics (MHD) have been included. Funds are also provided to insure that the Indian health services programs such as alcoholism, hospital and health clinics, and community health representatives address the critical problems facing the current population and that these programs in conjuction with the title IV, Indian education funding, will help insure that progress is made toward meeting the congressional mandate of self-determination.

The bill before the committee amends the wilderness protection language included in the 1983 Interior Appropriations Act, to extend its provision to BLM wilderness study areas (WSA's). This is done to insure that the unleased WSA acreage can be protected until Congress can consider it for wilderness designation.

I want to commend the subcommittee members for their unselfish efforts and contributions throughout the preparation of this bill.

The report in considerable detail explains the committee actions represented in the bill. The following table details the committee's recommendation:

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
TITLE I - DEPARTMENT OF THE INTERIOR					
LAND AND WATER RESOURCES					
Bureau of Land Management					
Management of lands and resources	330,226,000	352,563,000	348,852,000	+18,626,000	-3,711,000
Construction and access	2,243,000	1,200,000	1,200,000	-1,043,000	---
Payments in lieu of taxes	96,320,000	96,320,000	96,320,000	---	---
Land acquisition	311,000	130,000	2,189,000	+1,878,000	+2,059,000
Oregon and California grant lands (indefinite, appropriation of receipts)	56,963,000	49,136,000	51,536,000	-5,427,000	+2,400,000
Range improvements (indefinite, appropriation of receipts)	11,199,000	10,000,000	8,604,000	-2,595,000	-1,396,000
Service charges, deposits, and forfeitures (indefinite, special fund)	10,000,000	13,000,000	13,000,000	+3,000,000	---
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000	---	---
Total, Bureau of Land Management	507,362,000	522,449,000	521,801,000	+14,439,000	-648,000
FISH AND WILDLIFE AND PARKS					
United States Fish and Wildlife Service					
Resource management	261,987,000	246,340,000	269,530,000	+7,543,000	+23,190,000
Construction and anadromous fish	16,665,000	14,400,000	21,816,000	+5,151,000	+7,416,000
Migratory bird conservation account (definite, repayable advance)	2,000,000	---	7,000,000	+5,000,000	+7,000,000
Land acquisition	27,200,000	---	42,316,000	+15,116,000	+42,316,000
National Wildlife Refuge Fund	5,760,000	5,760,000	5,760,000	---	---
Total, United States Fish and Wildlife Service	313,612,000	266,500,000	346,422,000	+32,810,000	+79,922,000
National Park Service					
Operation of the national park system	592,760,000	599,792,000	602,065,000	+9,305,000	+2,273,000
National recreation and preservation	9,887,000	---	10,924,000	+1,037,000	+10,924,000
Urban park and recreation fund	40,000,000	---	10,000,000	-30,000,000	+10,000,000
Historic preservation fund	51,000,000	---	26,500,000	-24,500,000	+26,500,000
Construction	159,096,000	78,275,000	42,637,000	-116,459,000	-35,638,000
Land acquisition and state assistance	182,505,000	54,671,000	161,471,000	-21,034,000	+106,800,000
John F. Kennedy Center for the Performing Arts	4,247,000	4,342,000	4,542,000	+295,000	+200,000
Total, National Park Service	1,039,495,000	737,080,000	858,139,000	-181,356,000	+121,059,000
Total, Fish and Wildlife and Parks	1,353,107,000	1,003,580,000	1,204,561,000	-148,546,000	+200,981,000
ENERGY AND MINERALS					
Geological Survey					
Surveys, investigations, and research	363,389,000	350,928,000	374,951,000	+11,562,000	+24,023,000
(By transfer)	(16,200,000)	---	---	(-16,200,000)	---
Barrow area gas operation, exploration and development	6,400,000	---	---	-6,400,000	---
Digital cartography	---	6,028,000	---	---	-6,028,000
Total, Geological Survey	369,789,000	356,956,000	374,951,000	+5,162,000	+17,995,000
Minerals Management Service					
Leasing and royalty management	196,506,000	155,518,000	155,103,000	-41,403,000	-415,000
(Transfer to general fund)	---	(-126,550,000)	(-126,550,000)	(-126,550,000)	---
Bureau of Mines					
Mines and minerals	143,053,000	117,583,000	127,865,000	-15,188,000	+10,282,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	60,461,000	63,497,000	65,900,000	+5,439,000	+2,403,000
Abandoned mine reclamation fund (definite, trust fund)	161,209,000	218,802,000	251,028,000	+89,819,000	+32,226,000
Total, Office of Surface Mining Reclamation and Enforcement	221,670,000	282,299,000	316,928,000	+95,258,000	+34,629,000
Total, Energy and Minerals	931,018,000	912,356,000	974,847,000	+43,829,000	+62,491,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
INDIAN AFFAIRS					
Bureau of Indian Affairs					
Operation of Indian Programs	893,508,000	836,515,000	844,461,000	-49,047,000	+7,946,000
Construction	131,700,000	41,325,000	56,320,000	-75,380,000	+14,995,000
Road construction	43,585,000	4,000,000	4,000,000	-39,585,000	---
Tribal trust funds:					
Definite amount	3,000,000	4,000,000	4,000,000	+1,000,000	---
Indefinite amount	60,000,000	59,000,000	59,000,000	-1,000,000	---
Revolving fund for loans (limitation on direct loans)	(19,970,000)	(13,075,000)	(13,075,000)	(-6,895,000)	---
Indian loan guaranty and insurance fund (limitation on guaranteed loans)	(15,800,000)	(19,000,000)	(19,000,000)	(+3,200,000)	---
Total, Bureau of Indian Affairs	1,131,793,000	944,840,000	967,781,000	-164,012,000	+22,941,000
TERRITORIAL AND INTERNATIONAL AFFAIRS					
Administration of territories	78,892,000	62,150,000	75,262,000	+1,370,000	+13,112,000
Trust Territory of the Pacific Islands	90,810,000	87,989,000	104,973,000	+9,163,000	+16,984,000
Total, Territorial Affairs	169,702,000	150,139,000	180,235,000	+10,533,000	+30,096,000
DEPARTMENTAL OFFICES					
Office of the Secretary	41,589,000	44,006,000	41,882,000	+293,000	-2,124,000
Office of the Solicitor	18,404,000	18,647,000	19,263,000	+859,000	+616,000
Office of the Inspector General	21,500,000	17,185,000	17,100,000	-4,400,000	-85,000
Construction Management	896,000	896,000	1,275,000	+379,000	+379,000
Office of the Secretary (Special foreign currency program)	---	420,000	420,000	+420,000	---
Office of Water Policy	8,118,000	1,532,000	---	-8,118,000	-1,532,000
Total, Secretarial Offices	90,507,000	82,686,000	79,940,000	-10,567,000	-2,746,000
Total, title II - new budget (obligational) authority, Department of the Interior	4,183,489,000	3,616,050,000	3,929,165,000	-254,324,000	+313,115,000
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	105,021,000	100,766,000	110,316,000	+5,295,000	+9,550,000
State and private forestry	62,328,000	25,058,000	64,169,000	+1,841,000	+39,111,000
National forest system	1,073,836,000	872,841,000	869,873,000	-203,963,000	-2,968,000
Construction	306,431,000	239,099,000	241,604,000	-64,827,000	+2,505,000
Timber receipts transfer to General Fund	(-64,514,000)	(-64,516,000)	(-64,516,000)	(-2,000)	---
Timber purchaser credits	(240,000,000)	(291,300,000)	(240,000,000)	---	(-51,300,000)
Youth Conservation Corps (transfer out) (non-add)	(10,000,000)	---	---	(-10,000,000)	---
Land acquisition	56,877,000	10,070,000	36,352,000	-20,525,000	+26,282,000
Acquisition of lands for national forests, special acts (special fund, indefinite)	753,000	780,000	780,000	+27,000	---
Acquisition of lands to complete land exchanges (special fund, indefinite)	147,000	20,000	20,000	-127,000	---
Range betterment fund (special fund, indefinite)	5,800,000	5,200,000	5,200,000	-600,000	---
Miscellaneous trust funds	90,000	90,000	90,000	---	---
Total, Forest Service	1,611,283,000	1,253,924,000	1,328,404,000	-282,879,000	+74,480,000
DEPARTMENT OF ENERGY					
Fossil energy research and development	217,514,000	94,000,000	265,914,000	+48,400,000	+171,914,000
(By transfer)	(73,700,000)	(39,000,000)	(39,000,000)	(-34,700,000)	---
Naval petroleum and oil shale reserves	222,000,000	266,100,000	256,100,000	+34,100,000	-10,000,000
Energy conservation	429,290,000	74,377,000	528,045,000	+98,755,000	+453,668,000
(By transfer)	(64,000,000)	---	---	(-64,000,000)	---
Economic regulation	35,106,000	22,591,000	30,330,000	-4,776,000	+7,739,000
Strategic petroleum reserve	242,118,000	158,770,000	158,770,000	-83,348,000	---
SPR petroleum account	(2,074,060,000)	(383,100,000)	(1,686,000,000)	(-388,060,000)	(+1,102,900,000)
Energy Information Administration	56,400,000	50,800,000	56,870,000	+470,000	+6,070,000
Total, Department of Energy	1,202,428,000	666,638,000	1,296,029,000	+93,601,000	+629,391,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Services Administration					
Indian health services	645,583,000	652,706,000	801,798,000	+156,215,000	+149,092,000
Indian health facilities	73,700,000	---	69,015,000	-4,685,000	+69,015,000
Total, Indian health	719,283,000	652,706,000	870,813,000	+151,530,000	+218,107,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	67,247,000	1,243,000	71,243,000	+3,996,000	+70,000,000
OTHER RELATED AGENCIES					
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION					
Salaries and expenses	7,665,000	16,896,000	13,783,000	+6,118,000	-3,113,000
SMITHSONIAN INSTITUTION					
Salaries and expenses	144,366,000	154,354,000	156,533,000	+12,167,000	+2,179,000
Museum programs and related research (special foreign currency program)	2,800,000	9,040,000	5,040,000	+3,040,000	-4,000,000
Construction and improvements, National Zoological Park	1,550,000	3,500,000	3,500,000	+1,950,000	---
Restoration and renovation of buildings	8,450,000	9,000,000	9,100,000	+650,000	+100,000
Construction	36,500,000	---	---	-36,500,000	---
Subtotal	192,866,000	175,894,000	174,173,000	-18,693,000	-1,721,000
Salaries and expenses, National Gallery of Art	32,878,000	34,915,000	34,209,000	+1,331,000	-706,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	2,321,000	2,568,000	2,568,000	+247,000	---
Total, Smithsonian Institution	228,065,000	213,377,000	210,950,000	-17,115,000	-2,427,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts					
Salaries and expenses	101,675,000	86,800,000	121,300,000	+19,625,000	+34,500,000
Administrative expenses	12,600,000	13,100,000	13,100,000	+500,000	---
Subtotal	114,275,000	99,900,000	134,400,000	+20,125,000	+34,500,000
Matching grants (indefinite)	29,600,000	25,100,000	30,600,000	+1,000,000	+5,500,000
Total, National Endowment for the Arts	143,875,000	125,000,000	165,000,000	+21,125,000	+40,000,000
National Endowment for the Humanities					
Salaries and expenses	90,432,000	72,840,000	107,750,000	+17,318,000	+34,910,000
Administrative expenses	11,700,000	12,290,000	12,750,000	+1,050,000	+460,000
Subtotal	102,132,000	85,130,000	120,500,000	+18,368,000	+35,370,000
Matching grants (indefinite)	27,928,000	27,070,000	29,500,000	+1,572,000	+2,430,000
Total, National Endowment for the Humanities	130,060,000	112,200,000	150,000,000	+19,940,000	+37,800,000
Institute of museum services/ program operations	10,800,000	11,520,000	21,500,000	+10,700,000	+9,980,000
Total, National Foundation on the Arts and the Humanities	284,735,000	248,720,000	336,500,000	+51,765,000	+87,780,000
COMMISSION OF FINE ARTS					
Salaries and expenses	319,000	365,000	340,000	+21,000	-25,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses	1,500,000	1,051,000	1,546,000	+46,000	+495,000
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	2,279,000	2,595,000	2,452,000	+173,000	-143,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION					
Salaries and expenses/	---	20,000	20,000	+20,000	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION					
Salaries and expenses	2,350,000	2,275,000	2,275,000	-75,000	---
Land acquisition and development fund (borrowing authority)	---	4,000,000	---	---	-4,000,000
Public development	8,750,000	10,000,000	9,600,000	+850,000	-400,000
Total, Pennsylvania Avenue Development Corporation	11,100,000	16,275,000	11,875,000	+775,000	-4,400,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE					
Permitting and enforcement	6,125,000	9,115,000	6,500,000	+375,000	-2,615,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL					
Holocaust Memorial Council	820,000	1,953,000	1,953,000	+1,133,000	---
NATIVE HAWAIIANS STUDY COMMISSION					
Salaries and expenses	190,000	---	---	-190,000	---
Total, title II, new budget (obligational) authority, related agencies	4,143,039,000	3,084,878,000	4,152,408,000	+9,369,000	+1,067,530,000
Consisting of:					
Appropriations	4,143,039,000	3,080,878,000	4,152,408,000	+9,369,000	+1,071,530,000
Borrowing authority	---	4,000,000	---	---	-4,000,000
RECAPITULATION					
Total, new budget (obligational) authority, all titles	8,326,528,000	6,700,928,000	8,081,573,000	-244,955,000	+1,380,645,000
Consisting of:					
Appropriations	8,326,528,000	6,696,928,000	8,081,573,000	-244,955,000	+1,384,645,000
Borrowing authority	---	4,000,000	---	---	-4,000,000
(Limitation on direct loans)	(19,970,000)	(13,075,000)	(13,075,000)	(-6,895,000)	---
(Limitation on guaranteed loans)	(15,800,000)	(19,000,000)	(19,000,000)	(+3,200,000)	---
(By transfer)	(89,386,000)	(-152,066,000)	(-152,066,000)	(-241,452,000)	---
TITLE I -DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	507,362,000	522,449,000	521,801,000	+14,439,000	-648,000
United States Fish and Wildlife Service	313,612,000	266,500,000	346,422,000	+32,810,000	+79,922,000
National Park Service	1,039,495,000	737,080,000	858,139,000	-181,356,000	+121,059,000
Geological Survey	369,789,000	356,956,000	374,951,000	+5,162,000	+17,995,000
Minerals Management Serivce	196,506,000	155,518,000	155,103,000	-41,403,000	-415,000
Bureau of Mines	143,053,000	117,583,000	127,865,000	-15,188,000	+10,282,000
Office of Surface Mining Reclamation and Enforcement	221,670,000	282,299,000	316,928,000	+95,258,000	+34,629,000
Bureau of Indian Affairs	1,131,793,000	944,840,000	967,781,000	-164,012,000	+22,941,000
Territorial and International Affairs	169,702,000	150,139,000	180,235,000	+10,533,000	+30,096,000
Secretarial Offices	90,507,000	82,686,000	79,940,000	-10,567,000	-2,746,000
Total, Title I - Department of the Interior	4,183,489,000	3,616,050,000	3,929,165,000	-254,324,000	+313,115,000
TITLE II - RELATED AGENCIES					
Forest Service	1,611,283,000	1,253,924,000	1,328,404,000	-282,879,000	+74,480,000
Department of Energy	1,202,428,000	666,638,000	1,296,029,000	+93,601,000	+629,391,000
Indian Health	719,283,000	652,706,000	870,813,000	+151,530,000	+218,107,000
Indian Education	67,247,000	1,243,000	71,243,000	+3,996,000	+70,000,000
Navajo and Hopi Indian Relocation Commission	7,665,000	16,896,000	13,783,000	+6,118,000	-3,113,000
Smithsonian	192,866,000	175,894,000	174,173,000	-18,693,000	-1,721,000
National Gallery of Art	32,878,000	34,915,000	34,209,000	+1,331,000	-706,000
Woodrow Wilson International Center for Scholars	2,321,000	2,568,000	2,568,000	+247,000	---
National Endowment for the Arts	143,875,000	125,000,000	165,000,000	+21,125,000	+40,000,000
National Endowment for the Humanities	130,060,000	112,200,000	150,000,000	+19,940,000	+37,800,000
Institute of Museum Services	10,800,000	11,520,000	21,500,000	+10,700,000	+9,980,000
Commission of Fine Arts	319,000	365,000	340,000	+21,000	-25,000
Advisory Council on Historic Preservation	1,500,000	1,051,000	1,546,000	+46,000	+495,000
National Capital Planning Commission	2,279,000	2,595,000	2,452,000	+173,000	-143,000
Franklin Delano Roosevelt Memorial Commission	---	20,000	20,000	+20,000	---
Pennsylvania Avenue Development Corporation	11,100,000	16,275,000	11,875,000	+775,000	-4,400,000
Federal Inspector for the Alaska Gas Pipeline	6,125,000	9,115,000	6,500,000	+375,000	-2,615,000
Holocaust Memorial Council	820,000	1,953,000	1,953,000	+1,133,000	---
Native Hawaiians Study Commission	190,000	---	---	-190,000	---
Total, Title II - Related Agencies	4,143,039,000	3,084,878,000	4,152,408,000	+9,369,000	+1,067,530,000
Grand total	8,326,528,000	6,700,928,000	8,081,573,000	-244,955,000	+1,380,645,000

Mr. Chairman, I recommend that the bill be approved.

I reserve the balance of my time.

Mr. DOWNEY of New York. Mr. Chairman, I rise in support of the fiscal year 1984 appropriations for the arts programs in the Interior appropriations bill. I applaud Subcommittee Chairman SIDNEY YATES for his stalwart support of the arts in America and his work in rejecting the serious cutbacks recommended by the administration. On behalf of the more than 170 members of the Congressional Arts Caucus, I would like to express our great appreciation for his efforts

GROWTH IN THE ARTS SINCE 1965

Since the 89th Congress when the legislation establishing NEA and NEH was passed, the arts in America have grown tremendously.

Figures documenting this growth have been presented at numerous hearings.

Orchestras, theaters, opera and dance companies, museums have multiplied.

Artists' spaces—almost nonexistent in 1965—now number in the hundreds.

In 1965 there were only 23 State arts agencies, now all States and jurisdictions have agencies—in 1965 no State had a council devoted solely to the humanities—by 1980 all States do.

Thousands of local arts agencies have also been established nationwide.

Strong network of public art and humanities because of NEA and NEH has created a cultural trickle-down effect providing economic and moral support for arts organizations across the country.

NEA seed money has helped thousands of arts groups increase their private support.

FISCAL YEAR 1982 BUDGET CUTS SLOW CULTURAL GROWTH

In 1981 the Reagan administration proposed the first drastic cuts to the Federal arts agencies which were a strong part of the growth in the arts in America.

Fortunately, Congress wisely kept these cuts to a minimum.

NEA appropriations dropped from $159 million to $143 million—sizes of grants decreased—numbers of grants decreased.

A distinguished small orchestra (Orchestra da Camera) serving my district found its regular NEA grant cut from $45,000 to $18,000—this grant was used for school concerts, many had to be cut—thousands of children will miss the opportunity to hear quality chamber music at this time.

At the same time arts-in-education funds from the Department of Education were absorbed into block grants and many States are reluctant to continuing funding arts programs.

Nonprofit postal rates also increased.

EFFECTS INCREASE IN FISCAL YEAR 1983

Once again the administration attempted to cut the arts, but Congress was able to hold funding level at $143 million for the arts and $130 million for the humanities.

But cultural organizations found the effect increasing.

Museum news: Museums have been forced to reduce or, in some cases, eliminate education programs and special exhibitions, thus curtailing their ability to serve a broad spectrum of the public. Fifty-two percent of museums lost Federal funds in 1982.

The Capitol Children's Museum in this city a few months ago could not meet its payroll because of decreases in all areas of support.

Orchestras, theaters, dance companies are not able to present new works.

Experimentation is being curtailed, dance touring is being cut back.

BUDGET PROPOSALS FOR FISCAL YEAR 1984

Yet the administration wanted to cut more from our Federal arts budget.

But with Chairman YATES' leadership, Congress will once again bring our Federal commitment to culture back on the right track.

The $165 million in the Interior bill for NEA, the $150 million for NEH, and the $21.5 million for the Institute of Museum Services represents a strong statement that the arts and humanities are an important aspect of our society.

A recent study by the Port Authority of New York indicated that the economic impact of the arts on New York City is $5.6 billion, 117,000 jobs, and 13 million visitors—this same effect is taking place in cities across our Nation.

The original NEA legislation stated: "World leadership must be solidly founded on respect and admiration for the Nation's high qualities as a leader in the realm of ideas"—the late Nanacy Hanks, form NEA Chairman, called this mandate: "Clear, direct, and timeless". I urge my colleagues to reaffirm that legislation and approve the funding contained in the Interior bill.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MCDADE).

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation making appropriations for the Department of Interior and related agencies and before I address myself to the bill, I want to express my gratitude to the distinguished chairman of our committee, Mr. YATES, for the skillful manner in which he conducted this bill and to all the members of the subcommittee, both sides of the aisle, who have, all of them, made a contribution to this bill. And I must also express my deep gratitude to the staff people who helped us bring you what is a very important and a good bill.

The bill provides about $8 billion in budget authority and that represents a figure about $1.3 above budget estimates if one chooses to use that as a mark that was submitted to the Congress. It is about $285 million above the fiscal year 1983 enacted levels. If we factor in the emergency jobs legislation totals into the bill, we are about $244 million below the enacted levels. But the administration has advised me that the bill is signable if we can reduce it to last year's enacted levels.

That represents about a $300 million reduction.

And despite the dispute about the numbers we bring you today a bill that is an excellent bill. As I say, it is the work product of a countless number of people. It gives us a balanced energy research program; it helps our national security by increasing funds for the strategic petroleum reserve; it meets our stewardship commitments to protect the land, the environment; it addresses the health, education, cultural and job-related needs of all Americans.

The bill, again, is self-liquidating bringing in $2 for every dollar we invest in the public lands and related assets. Receipts accruing to the Treasury as a result of actions in this bill total nearly $15.7 billion.

The major increases found in this bill are focused in the Department of Energy. Once again, we found ourselves in disagreement over the thrust and scope of the fossil and energy conservation programs.

The Members on both sides of the aisle believe we need a balanced energy program. Regrettably it has been left to us to provide the funds that would put our Nation on the cutting edge of new technologies to burn coal, and synthetic fuels in a clean, safe and acceptable way.

Yet the fossil energy budget we considered a shutdown budget, earmarking funds more to terminate research than to expand it. We did not find this acceptable.

So, we were forced to bring the funds back to what we considered an appropriate level for the national interests of this Nation. We took it from $138 million up to $305 million, that is a pretty good increase but in a very important area.

The Members will note that we made large increases in energy conservation, adding $243 million to weatherize 220,000 low-income elderly homes; we added $98 million to retrofit schools and hospitals and we made substantial expenditure in building, industrial, transportation and multisector research.

Our committee has taken testimony that our Nation has saved far more in real dollars from energy saved than we have spent on these programs. They

are tremendously beneficial from a cost-effectiveness point of view and regrettably we must carry the entire load to keep them alive but that is our job as Members of Congress and we accept the responsibility.

We have made different decisions with respect to the strategic petroleum reserve, too, because we have a bipartisan view about its importance. We have made additions to the Park Service, Fish and Wildlife Service. We did not close any of the fish hatcheries proposed for closure this year. We have kept 49 cooperative research programs alive that many of our colleagues supported. They are basic research institutions.

Mr. CONABLE. Will the gentleman yield?

Mr. McDADE. I yield to the gentleman.

Mr. CONABLE. I thank the gentleman.

I would like to express some thanks to the committee for the inclusion of the $500,000 acquisition fund for the Womens' Rights National Park in Seneca Falls, N.Y.

A very modest beginning has been made there in an area of some historic importance to women.

I think it is a fine thing this committee has put this $500,000 in the bill since it will permit the acquisition of the site of the first women's rights convention which is going to be on the market very shortly.

I am very pleased the committee has done this.

I want to thank my friend from Pennsylvania as a representative of the committee.

Thank you.

Mr. McDADE. I thank my colleague from New York and commend him for his intense interest in this important national event.

I again want to say that we added money for the National Park Service, Fish and Wildlife Service, we did not close any of the hatcheries. We also with the National Park Service have kept the State land and water conservation program funded at $75 million. We have added, as my friend from New York said, some $122,000,000 for Federal acquisitions which we thought were important and money for the urban parks program we felt so important to many of our areas around the Nation.

There is a $2 billion commitment in this bill to our Indian citizens and residents of the trust territories. Again, I want to pay tribute to my friend from Illinois, because he takes the time and the effort, and it is difficult, to try to understand these problems and try to deal with them. And it is a very, very hard problem. He deserves our congratulations and commendation for working so hard as he does in that area.

This year I am pleased to say that the administration began to lift the constraints that were on the abandoned mine land fund, funding it at $218,000,000.

We decided to add money for the RAMP program and for the Federal emergency projects.

I see my friend from Pennsylvania and friend from Ohio on the floor and both of them played a very important role in what we did with the RAMP program. So, we are going to try to repair the land from an earmarked source of Federal, a severance tax on coal, that produces a good deal of money to the Treasury and we are going to repair land that was orphaned and abandoned when we operated under a different ethic than we have now.

We also addressed Outer Continental Shelf oil and gas leasing and we tried to deal with those in an important way in respectful consideration of our national interest, balancing our energy needs with so many important provisions relating to the environment. I think we acted responsibly and we did so in a bipartisan and unanimous way.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. McDADE. Mr. Chairman, I yield to my friend from Illinois.

Mr. HYDE. I thank my friend for yielding.

I am aware of and I share the appreciation that my friend from Pennsylvania has for the arts and the humanities and I say that as preface to my chagrin at the inability of the subcommittee and the committee to cut. Now, that is a harsh word, cut spending.

□ 1520

Let us abandon that for excessive harshness and use the word "hold" or "freeze" or "stay in place." And that, too, seems an unattainable goal.

In looking at the report I see artists in schools are going to get $1,600,000 more than last year; dance is up $2,450,000; design arts, $1,100,000, et cetera et cetera. Folk arts, they are very good, $1 million increase. There is nothing cut and there is nothing even the same as last year.

So we are increasing up and down the line. The same thing is true of humanities. And I know the Constitution requires us to provide for the common defense, but I do not know that the Constitution requires us to subsidize media arts, opera/musical theater, street theater and all of those good wonderful cultural things. I would hope in scanning, in getting eye-strain looking through the budget for some place to cut—I am sorry, I used the word "cut"—I mean hold the line, that I had hoped that in these arts and humanities that perhaps Stewart Mott, or the Ford Foundation, or the Rockefeller Foundation, so many of those foundations that have favorable tax treatment might pick up the slack so that we could at least hold the line.

I see that that is too visionary and for this Member I deeply regret that we were unable to hold the line.

I will not comment on whether the quality of theater has improved over the days of Shakespeare when there was no subsidies whatsoever, or even Edwin Booth, but I deplore our inability to hold the line at least in the arts and humanities. Poverty is supposed to be a great teacher to people of genius and help them suffer and I do not want that to happen. I think we can have geniuses who are adequately clothed, housed, and fed, but to increase by the millions—the total increase is 32 percent over what the President wanted and 14.7 percent over the last year on the National Endowment for the Arts, and 15.3 percent over last year for the National Endowment for the Humanities.

Well, I just want to share with my friend my disappointment and my chagrin and to say that maybe next year we will do better, but I shall not hold my breath.

Mr. McDADE. I thank my dear friend from Illinois. Of course, as always, when he addresses this body, there is wisdom in what he says. I cannot argue the fact that we did increase the budget, but I do think I need to share some thoughts with the gentleman.

The gentleman mentioned, for example, the Rockefeller Foundation and others that receive favorable tax treatment and they do. That is our style in this country. This amount of money that is in the bill is, relative to what they do, a pittance. Most of what happens in this Nation that supports the arts and the humanities comes through the private side and is individual giving.

If you took away individual giving, if we just change the Tax Code, that would be the end of it. And let me say through history, experience and history would teach us and if you go back through history you would be hard pressed to find any artist at any level of his career who did not receive some kind of a subsidy, be it the Medici Popes or some great king, or some great person.

Mr. HYDE. They found a sponsor.

Mr. McDADE. They found a sponsor. Most of the people who are involved here find sponsors. For example, the gentleman mentioned the Metropolitan Opera Co., which has brought to the American public by Texaco for some, I guess, maybe 40 years, I think it is some such figure like that.

Let me say to my friend that these are national assets too. Back in the Depression these people were totally

out of work and they were in poverty. For example, in the Public Works Administration then, they decided that people who were artists and poets and writers ought not to be excluded from a public works program and so they were put into it. The results are that we have a library of that period of time that is one of the greatest historic documents written. If we had not let them be members of the WPA like the CCC people or others, it would not have happened. We have public buildings that have paintings in them that are treasures because we said, "Here is a gentleman who could use a job and we will give him a commission to do a mural on a given building." And they did superb work.

Now, I agree that when we are talking about the fact that we increase the budget the gentleman is right on point. And it is a value judgment that we made. My friend from Illinois played a great role in this as he has in others in attempting to get this to an appropriate level. We will try to watch it. Have faith in us.

Mr. HYDE. If the gentleman will yield further, we have deprived the wealthy of the opportunity to be patrons of the arts. As Michelangelo had his sponsors, we are depriving them of this by taking over.

Second, I take it from my friend's remarks that he is unequivocally opposed to a flat rate income tax then that would remove these deductions. Certainly in the arts and humanities we will see a cultural deprivation of our society if we get a flat rate tax.

Mr. McDADE. Mr. Speaker, I reclaim my time. I say to my friend I do not know how we got into a flat rate tax, but I look at the Internal Revenue Code as an engine that makes this Nation work. For example, my friend believes in home mortgage taxes, does he not?

Mr. HYDE. Do I believe in home mortgage taxes? No.

Mr. McDADE. The deductibility of a home mortgage. Does the gentleman believe in that?

Mr. HYDE. A deduction for the payment on the interest.

Mr. McDADE. Does the gentleman believe in that?

Mr. HYDE. Yes, to a limited extent.

Mr. McDADE. Where would that fit under a flat rate tax, for example?

Mr. HYDE. It would be eliminated. It may be worth it though.

Mr. McDADE. Well, then, I am not for that and I know the gentleman is not either.

Let me just say one thing to my dear friend, because he is such an able Member of the body and contributes to the level of the debate always, let me say that a lot of this money that goes out is a matching—sometimes a 3-to-1 match—on the private side.

When we look at this $100 million plus or minus figure, when we compare that to what the private side does, let me say to my friend that that is a $1 billion plus figure.

So I want to stand by my statement to say to my friend that it is the private side that makes culture and arts and humanities in this Nation thrive as it has been long before this was advanced, but this is just another effort to try to say, well, there is an appropriate role for the Federal Government to play, a minor role. I could not agree with the gentleman more. The day we have an arts tsar in the country is the day that I am off this program. As long as it interfaces with the private side and works creatively—and it works sometimes and it misses sometimes, as so many things do—then I am for it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The gentleman's criticism, I think, is appropriate, because there is not another Member of the House who has the gentleman's histrionic ability.

I want to say further to my friend that this budget was cut 2 years ago. It was cut drastically 2 years ago upon the theory that the loss in Federal funding would be made up by private contributions. Testimony before our committee and the statistics we have seen show that the private individual, whom the gentleman says should be given the opportunity to make up this difference, has not been able to step into the breach.

Large corporations, Exxon, Equitable Life Assurance Co., foundations have appeared before our committee and have told us they have been unable to make up the difference and that is the reason—and they all say that the Federal contribution is essential. And as my good friend from Pennsylvania says, this Federal contribution is a small portion of the total amount that goes to support the arts throughout the country, but it is a necessary portion, because it is the leader in the total prospect of giving to the arts.

□ 1530

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I did want to take up with the gentleman a serious matter that is in the bill.

There is a reduction of $126,550,000 on Federal onshore mineral leasing, and that is really designed to take from the Federal mineral leasing moneys the amount that would go out in payment in lieu of taxes.

I will tell my friend that I was going to offer an amendment, but I did not. I was going to take some time to talk about this on the floor, but in the interest of time, let me just make a couple of short remarks on it.

These two programs are totally different. As the gentleman knows, one goes to State government, the mineral leasing moneys. The payment in lieu of taxes goes to the local government. There is no mechanism in State government to take that revenue loss and transfer it on over to local government. I will not offer the amendment and I will not take the time to go into it today. I can assure the gentleman that it is not practical, it is not fair, it is two different programs. But what I will ask the committee is that, when you get into conference, you look a little closer at this problem, because it is so vital to those Western counties.

Mr. McDADE. Mr. Chairman, let me say that I have the greatest respect for my friend. I know the tremendous job that he does on the authorizing committee on the Department of the Interior, and I am very grateful for his bringing this to our attention. I want to assure the gentleman that we will work it through conference, and I want to tell the gentleman how grateful I am that he has decided not to offer an amendment, in the interest of conveniencing the House. That means a lot to all of the Members. We owe the gentleman a debt of gratitude. I want to assure the gentleman that we are going to look very hard at the problem and try to work it out with the gentleman as the bill moves through conference.

Mr. LUJAN. I thank the gentleman.

Mr. Chairman, as I said previously, I was going to offer an amendment to H.R. 3363, the 1984 appropriations bill for the Department of Interior and related agencies, but have decided the best way to deal with the problem is in conference.

My amendment would have deleted the language which says that payments-in-lieu of taxes (PILT) payments be deducted from mineral leasing revenues prior to the distribution of these receipts to the States.

The whole idea behind this concept, Mr. Chairman, is faulty. The PILT Act was enacted to compensate local governments because of the loss of tax revenues due to Federal ownership of lands; whereas the Mineral Leasing Act amendments were designed to compensate State governments for mineral royalties collected in a given State.

I would like to give you a brief history on what led to the passage of the payments-in-lieu of taxes (Public Law 94-565) in 1976.

For years, counties and small municipal governments, in areas where there were large concentrations of Federal

lands, were called upon to provide services to these public lands even though these lands contributed nothing in local tax revenues.

These services, financed totally by local governments, included such things as roads—both construction and maintenance—along with police and fire protection.

This was an unfair burden for many of these local governments, so it was determined by the 94th Congress—following years of debate on the subject—that local units of government be compensated for the loss of tax revenue, which would have been generated had these lands been privately owned.

A formula was devised whereby these local units of government would be compensated in accordance with what similar privately owned lands would have provided in local tax revenues.

The PILT formula which was only fair and right, and long overdue at the time—represents a sizable part of the budgets of some of these local governments, especially in the West where there is large Federal ownership of lands.

In my own State of New Mexico, there is one county, Otero, which has 77 percent of its operating budget funded by PILT. In four New Mexico counties, PILT accounts for more than 50 percent of the budget, and one-half of all our counties get more than a one-third of their budgets from PILT.

Other Western States are similarly affected.

The important point to consider, Mr. Chairman, is that the PILT concept was a determination made by Congress, separate and apart from the Mineral Leasing Act.

At no time in the past was it ever determined that there is any relationship between payments-in-lieu of taxes and the Mineral Leasing Act. They are entirely two separate concepts—and they should remain that way.

I would like to point out, Mr. Chairman, that the combined effect of this language in H.R. 3363 on the State of New Mexico would be to reduce our revenues by approximately $9.5 million. Along with New Mexico, Wyoming is another State that would be hit extremely hard, as would several other Western States. And, there is also the matter of national honor.

During the first century of westward expansion, the U.S. Government entered into numerous treaties with various Indian tribes to induce them to give up their ancestral lands. Many tribes were shown large areas of the map encircled by blue pencil and were told that the land inside that circle would be their reservation, their home, their land, to use as they thought best for themselves and their prosperity.

Many tribes soon found that the Indian country and reservations shown on the maps belonged to them only if the white man found nothing of value on it. But let a few ounces of gold or silver be found inside the blue pencil lines and things started to change. The Indians found that the big white father in Washington had drawn new blue lines and they had to move to new lands which the Government considered worthless enough to give away.

The Appropriations Committee is now trying to do to the Western States exactly what was done to the Indians. As Western States were brought into the Union, the Federal Government drew lines around large areas of land and told the States, these are your boundaries. But then it drew more blue lines inside those boundaries and said, "We're going to keep these lands for the use of the other States." The idea, as we all know, was to sell or lease the Federal lands when they became valuable enough, and use the money to benefit the States which had joined the Union earlier. Later on, Congress acted to rectify this inequity by passing laws guaranteeing Western States 50 percent of the revenues from mineral production on these Federal enclaves within the State. And in another gesture, the Congress promised to make token payments to the States to partially make up what the States were losing in taxes from all these federally withheld lands. This gesture was called payment-in-lieu of taxes (PILT).

These two acts were sweeteners that were supposed to make it easier for the Western States to swallow the bitter pill of having the Federal Government as a permanent live-in guest, occupying up to 80 percent of the lands within our borders. If the Western States would have come into the union on an equal footing with the Eastern States, there would be no need for the sharing of mineral leasing proceeds or for payments-in-lieu of taxes. The minerals would be on State-owned land rather than Federal, and all of the proceeds would go to the States.

But half a loaf is better than none, and like the Indians, we accepted our 50-50 share, and the crumbs of in-lieu taxes tossed to us by the great white father.

Now what has happened to change the situation? The same thing has happened with our 50-50 share of mineral proceeds as happened to the Indian reservations in the last century. There have been more minerals found than had been expected, and our 50 percent share has risen to levels that make the Eastern States envious. They want to get their hands on some of that money * * * and so they want to cut our end of the deal. How do they do that? Very simply: all you do is combine the two lumps of sugar into one lump by deducting the payments-in-lieu of taxes from the State's share of the mineral proceeds.

It's the old pea under the shell game; now you see it, now you don't. It worked with the Indians, so why not try it with the States?

I suggest that such a reneging on a deal is beneath the dignity of the United States. I suggest that this transparent scheme should be recognized for what it is, and rejected out of hand.

We in the Congress must keep faith with the millions of Americans who live in those Western States, and who ask of their huge Federal guest only that he conduct himself as a gentleman and honor his commitments.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 3363, and I congratulate the committee for its outstanding work on putting this bill together. I want to point out to my colleagues a provision of this bill that is of major significance to my district—the 29th Congressional District of New York—and I believe, to the Nation as a whole.

Included in this bill is a $500,000 appropriation for land acquisition by the Women's Rights National Historic Park in Seneca Falls, N.Y. This money will be used to purchase and refurbish a building, the Wesleyan Chapel, which was the site of the first national women's rights convention held on July 19 and 20, 1848.

The principal organizer of the convention, Elizabeth Katy Stanton, was a resident of Seneca Falls; her house is also among the buildings being restored by the national park. As the birthplace of the women's movement in the United States, Seneca Falls, through the outstanding work of the Women's Rights National Historical Park, is a historical treasure that deserves enhancement for citizens of today and of generations to come.

I heartily support this legislation and the inclusion of this specific appropriation in the bill.

Mr. McDADE. Mr. Chairman, I just want to say to my friend that I am grateful for the lead role that the gentleman has played in helping us get established, and I am grateful for his taking the time to address the Committee.

Mr. MURTHA. Mr. Chairman, I yield 6 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, first of all, I would like to applaud both the chairman, the gentleman from Illinois, SID YATES, and the ranking minority member, the gentleman from Pennsylvania, JOE MCDADE, for the manner in which this committee has conducted its business. It has been

open, and it has been an attempt to pursue knowledge. We have had extensive hearings and, in most instances, the approach has been bipartisan. Indeed, the atmosphere has been refreshing. I wanted to comment on that publicly.

Mr. Chairman, I think this bill commends the support of all of us. It was referred to earlier that over 200 Members had interest in this bill. And I think that is the reality of it. Because this bill truly represents the width and breadth of America, this bill truly represents an attempt to preserve the quality of life in America and it says that public land shall be preserved for public purposes.

I have three specific areas that I would like to point to in marshaling my support for this very important legislation. One is the old question of alternative energy and conservation.

My fellow Members, it needs to be said that, were it not for this body—and I would applaud specifically this subcommittee—there would not be an energy policy in America. When we look at where we are, as far as the development of alternative energy, when we look at where we are going, as far as conservation, the major commitments do not come, sadly, from 1600 Pennsylvania Avenue; they come from the Subcommittee on Interior of the Appropriations Committee.

Let me be very specific. Earlier the gentleman from California (Mr. DANNEMEYER) was on the floor expressing concern about reservations in here about offshore drilling. I support those reservations, and one of the reasons I do is that in other parts of the bill we address ourselves very specifically, and I think we commit ourselves very substantially, to the development of alternative sources of energy.

When we look at the report, pages 82 and 83, we find in area after area a commitment to alternative sources of energy.

Coal liquification: I know the gentleman fr[illegible] Pennsylvania (Mr. MURTHA) has played a major role here. What is it? It is an attempt to develop alternative energy and to do so in order that coal can be burned in a clean fashion.

Fuel cells. That is very, very important as an alternative source of energy, again. And I would point out that in this particular area the funding recommended by this subcommittee is five times that called for by the administration.

Again, continuing in the report, heat engines, underground coal gasification, surface coal gasification. In all of these areas you will find a commitment that greatly excedes that called for by the administration. And this obviously is good news, because it says even though OPEC is in disarray, this country is not going to ignore its energy needs, it is going to respond to its energy needs both through legislation and through the commitment of this bill.

Second, and very importantly, the whole area of conservation. When the administration offered its budget in February of this year, there was zero funding for weatherization. Let me repeat that: Zero funding for weatherization in this country. Now, I do not have to tell you if we are going to conserve energy in America we need a strong commitment to weatherization. It is found in this bill.

In addition, the program for conservation in our public schools and hospitals, what did the February budget contain? A request for zero funding. In each of these instances there has been a response and a dollar commitment, and that is very, very important if this country is to develop an energy policy.

I would say to the Members that the development of that energy policy is critically contingent upon the passage of this legislation.

Then, to respond to the issue of offshore drilling, I would say that the committee, in looking at these areas—and I will talk specifically about Massachusetts—has been sensitive to both the energy needs and to the whole question of environmental needs.

In the case of the Georges Bank, there is no area on the Atlantic coast that is richer in fishing, there is no area off of Massachusetts that provides more as far as economic opportunity in fishing than the Georges Bank area. And what have we said here? We are restricting the area that will be open as far as lease sales in that part of our offshore area, not prohibiting it, but limiting it, and that is critical, I think, to preserving our environment and also seeing to it that there can at the same time be development of energy rights in that area.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. RATCHFORD. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, very briefly I want to take this opportunity to thank the gentleman in the well and to thank the distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. YATES), for the leadership they have shown. This is a matter of concern not only for those who have the privilege of living in the coastal States of New England, but I think anyone in this Nation with a concern about the natural resources of the ocean, about the sanctity of the marine environment and about an infinitely renewable supply of food for this Nation and for the world if it is properly and wisely managed. We all owe an enormous amount of gratitude to this subcommittee for the work it has done.

Mr. Chairman, I rise in strong support of this appropriations bill and would like to note especially those provisions that impose certain restrictions on the Outer Continental Shelf oil and gas leasing plans of Interior Secretary James Watt.

The bill would preclude the Department from engaging in any preleasing or leasing activities in specified portions of the North Atlantic planning area and would protect those areas in the region cited in legislation I introduced earlier this year with Congressman PANETTA of California.

The Committee's actions—in the North Atlantic and in other regions of the OCS—constitute a strong rebuke to the ill-advised and confrontational leasing policies that have been instituted by Secretary Watt. Since final approval of the Secretary's 5-year plan in July 1982, five of nine sales proposed under the schedule have ended up in court. In enjoining lease sale No. 52 in the North Atlantic a Federal judge ruled that Mr. Watt had violated provisions of the Outer Continental Shelf Lands Act Amendments of 1978, the Coastal Zone Management Act, the National Environmental Policy Act, and the Endangered Species Act.

In implementing his plans for OCS development, Mr. Watt has failed to give sufficient consideration to the coastal environments and economics that it affects. The mean resource estimates for sale No. 52 are only 55.7 million barrels of oil and 280 billion cubic feet of natural gas. These figures reflect a reduction of over 95 percent from previous estimates of the available resources in the area. I do not believe that it would be advisable or appropriate to jeopardize the vitally important fishing and tourist industries of the North Atlantic for such a limited expected return. At the present time, oil companies hold leases to 63 tracts in the Georges Bank area and I believe it would be more prudent to continue to monitor and study the ongoing exploratory activity in order that any new data may be available to help shape future lease sales. This bill wisely permits such scientific studies to continue.

Mr. Watt has forced the Congress to play a more active role in determining those areas in which oil and gas exploration is appropriate. By its actions today, the House has the opportunity to show that it fully intends to assume this responsibility.

Mr. RATCHFORD. I thank the gentleman.

Mr. Chairman, finally, the issue of coal leasing needs to be addressed briefly. We held extensive hearings this year, after receiving an Appropriations Committee report and a General Accounting Office report that said the public lands were being opened up indefinitely to coal leasing. What have we done? We have called for the naming of an independent

commission, we have called for an examination of coal leasing practices. Out of that, hopefully, will come new practices for coal leasing, but also practices that will provide a fair and reasonable yield to the taxpayer.

So, on balance, as far as quality of life, as far as energy development, as far as reasonable standards in the area of protection of public lands, it is a good bill, it is a balanced bill, and it deserves our across-the-board support.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, I rise in support of the fiscal year 1984 Interior appropriations bill. I certainly commend Congressman YATES for his efforts on this legislation and for the sensitivity and understanding he has shown to the needs of many people, Indian people in particular.

This legislation rejects the callous recommendations of the administration on a number of items. One of the most effective Indian programs is the community health representative program (CHR)—this is an outreach health care program and is the only reason that many Indian people, without transportation or telephones and living in remote areas, receive health care. The administration has proposed to eliminate the CHR program in fiscal year 1984. I am very pleased that the bill we are considering today contains $27.5 million for CHR.

Likewise, the administration would have eliminated funding for urban Indian health care centers, but this legislation wisely and humanely provides $9 million for urban Indian health care centers.

The members of the Rosebud Tribe have been fighting for years for a hospital—indeed, the Indian Health Service ranks Rosebud as the No. 1 priority on its list for hospital construction. Money has been appropriated a number of times for a hospital at Rosebud, but for various, and very poor, reasons the Government has never actually released the money for this purpose. This bill contains $11,090,000 for construction of the Rosebud Hospital. I am pleased to note the strong committee report language regarding the unnecessary delay in the release of the design money for the hospital at the Rosebud Reservation and the urgency with which the committee views the construction of this hospital.

The fiscal year 1984 Interior appropriations bill also contains other planning and design money for Indian health facilities: $1,360,000 for a hospital at the Pine Ridge Reservation, $200,000 each for outpatient care facilities in Kyle and Fort Thompson, S. Dak. and $360,000 for an outpatient care facility at Wagner, S. Dak.

In the area of Indian education, this bill shows the good judgment of the Appropriations Committee members in rejecting the administration's proposal to eliminate funding for the Indian Education Act, commonly referred to as title IV. H.R. 3363 contains $71 million for title IV. I particularly thank Chairman YATES for his strong support for the Indian Education Act.

Having detailed some of the reasons why I support the bill before us today, I must also just as strongly detail my concerns regarding two particular shortfalls in this legislation.

First, the bill is at least $10 million short of funding to pay indirect costs for 638 contracts. Tribes are increasingly contracting their own programs—a development which is, I think, supported by nearly all Indian people, as being in the best interest of Indian tribes. I understand that the Bureau of Indian Affairs has recognized that the money they requested for indirect contract support—$35 million—is insufficient. The BIA belatedly filed a budget amendment requesting more money. While $10 million may not sound like a great deal of money, it would make a considerable difference in helping tribes administer programs themselves. It is ironic that there can sometimes be money available for a program but at the same time the tribes cannot afford to administer them. I would strongly urge that the House accept the higher figure in conference with regard to indirect contract costs. If the Senate does not come in with a higher figure, we should look at this as something to include in a fiscal year 1984 supplemental bill.

And finally, I voice strong concern over the figure in this bill for the tribally controlled community colleges. The figure in this legislation, $5.5 million, is $600,000 less than was available to these colleges in fiscal year 1983. This $600,000 shortfall, when combined with the projected enrollment increases, puts tribal colleges in peril. Tribal colleges live on a very thin financial margin, and any less money could cause some of them to close their doors. These schools have done much with little financial resources. They must, however, have a stable source of funding in order to do the things necessary to gain accreditation. This past year Sinte Gleska College at the Rosebud Reservation became the first Indian college in the Nation to receive a 4-year accreditation at both the associate and bachelor degree levels. And the Oglala Sioux Community College at the Pine Ridge Reservation received word just last week of receiving its 4-year degree accreditation. There is well deserved pride at Pine Ridge and Rosebud in reaching this plateau, but it is really just a beginning in terms of what Sinte Gleska and Oglala Sioux Community College have to offer and want to achieve. And the same is true of the other tribally controlled community colleges who are all working toward accreditation.

Just to keep even, on a per student basis, with last year's funding, there needs to be $3 million more for tribally controlled community colleges than this bill contains. Frankly, I would like to do more than just keep even in funding for these colleges. There is some reason to believe that the Senate will come in with a higher figure for the tribal colleges. I strongly urge that, if the Senate bill contains more money for the tribal colleges, we accept the Senate level.

I and a number of colleagues who are particularly familiar with the tribal colleges and know firsthand of the great good that they do and of their promising future, will continue to work for a higher level of funding for the tribally controlled community colleges.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. REGULA).

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Mr. REGULA. Mr. Chairman, perhaps we should call this bill the American dream bill. I say that because we deal with the resources that are essential to the future of America.

We hear a lot today about high tech, and I believe we have a caucus on futuristic ideas. However, in this bill we are truly dealing with the future of America. We are dealing with the timber resources. Wood products at a reasonable cost are essential for the American dream of owning a home. We are dealing with the preservation and wise use of the mineral resources of these United States; and we are dealing with the productivity of its land.

I like to tell school groups when I meet with them that as citizens of the United States, their share of America is about 3½ acres. If we take the total amount of land that is owned by the Federal Government and divide by the total number of people in the United States, it comes out to something like 3½ acres of land. That is part of each person's heritage.

What we attempt to do in this committee is manage these assets wisely. This is one of the few bills that actually produces revenues on a net basis to the Federal Treasury because of the sale of timber and minerals plus land leases.

The key issue before us is the question as to whether the bill before us today represents wise stewardship of our public lands.

I want to commend the chairman and the ranking member of the committee. They worked diligently along with the rest of the members to do a

good job of management. It is a very open committee. Each of us has an opportunity to present our ideas on this management procedure.

I regret that the bill is over the fiscal year 1983 levels. I think for the record, we ought to clarify exactly what the situation is, and that is that the bill is $287 million more than was signed by the President in the fiscal year 1983 bill excluding the off-budget SPR and the jobs bill, and that really should be our benchmark.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. Yes, I yield to the chairman, the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, may I say to my friend respectfully, that is not a correct statement. The bill that the President signed contained off-budget funding for the strategic petroleum reserve, and in doing so, just as we appropriate the money for the strategic petroleum reserve in this bill. On that basis this bill is more than $100 million below the level of that fiscal year 1983 bill. Those are the figures that are verified by our staff, and the gentleman knows the accuracy of their figures.

Mr. REGULA. Yes. I understand, Mr. Chairman, and actually, in comparing apples to apples, in taking comparative functions, what was signed for 1983 was $287 million less than we propose in this bill, and I see the gentleman is disagreeing with that point of view, therefore I yield again to the chairman for clarification.

Mr. YATES. I do not want to take more of the gentleman's time. I want only to say that I respectfully say his figures are wrong. We have the figures over here on our side and we will be glad to go over them with the gentleman after he completes his statement.

Mr. REGULA. As I say, Mr. Chairman, it depends on how you want to make the comparisons. But in any event, as was pointed out earlier by the gentleman from Illinois, we are over on both the President's estimates, as well as in many of the accounts for fiscal year 1983 levels.

Mr. Chairman, I do want to mention the arts, because that was a subject of an earlier colloquy. We in the United States are oftentimes said not to give adequate support to the arts. I would point out that if we take into account not only the Federal support for the arts and humanities, but what is supported by way of tax deductibility for the charitable contributions to these functions, that in all probability the total commitment of funding, Federal, State combined with the benefits of tax deductibility, would make our contribution to the arts and humanities in the United States on a per capita basis as much as any nation in the world.

I regret that in the disbursement of these funds that oftentimes they are not spread over as much of the area of the country as I would like to see. I think there is a tendency to concentrate the arts and humanities programs in some of the major population centers. I would like to see them reach out more.

On July Fourth, there will be a concert of the National Symphony on the Capitol steps that is receiving some financing through this subcommittee. This event will reach out to all Americans. I commend that part of the bill.

Mr. LOEFFLER. Mr. Chairman, I yield myself 5 minutes, and I yield to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. I thank the gentleman for yielding to me.

Mr. Chairman, I rise to express my opposition to the provisions in this bill which place a moratorium on leasing off certain areas of the Outer Continental Shelf on the east coast, the Gulf of Mexico, and California.

First, I want to commend the chairman and the subcommittee members and staff for the fine work they have done on the rest of this bill. In addition, the ranking minority member, Mr. MCDADE, must be complimented on his efforts in full committee to add provisions to the bill allowing the Interior Department to proceed with their preleasing activities up to the point of the actual notice of sale.

However, I must still oppose the restrictions in the bill against moving forward with the OCS sale or leasing in critical areas of our offshore lands. This 1-year moratorium and the threat of future moratoriums will effectively kill the sale for the eastern gulf scheduled in November and the southern California sale scheduled in February 1984.

As an Appropriations Committee member, I do not wish to deny our committee any leigislative prerogatives; however, as a former member of the House Select Committee on the Outer Continental Shelf, I can assure the House that the 1978 OCS Act and the Coastal Zone Management Act provide for lengthy and elaborate consultation and coordination procedures between the States affected by OCS leasing and the Department of the Interior. These procedures are specifically provided in sections 19 through 24 of Public Law 95-372 and include legislative mandates for:

First, coordination and consultation with affected States and local governments;

Second, environmental studies;

Third, safety regulations;

Fourth, enforcement;

Fifth, citizen suits, court jurisdiction, and judicial review; and

Sixth, remedies and penalties.

Mr. Chairman, I believe these procedures, mandated by law, allow for the detailed and proper review we desire. This is a review process which I believe has been sustained by the June 9 Court of Appeals for the District of Columbia's dismissal of a coastal State's suit against Interior's 5-year plan. While a formal opinion has not been issued yet, I believe it is safe to say the court's action establishes that the OCS 5-year plan has been implemented in accordance with the intent of Congress as expressed in the Outer Continental Shelf Lands Act of 1978; notwithstanding the House Interior Subcommittee on Oversight and Investigations report issued in a timely fashion this past weekend.

Mr. Chairman, by declaring OCS leasing moratoria on annual appropriations bills before the 1978 act safeguards and review procedures run their course, we raise the specter of many problems:

First, section 18 of the 1978 act mandates that there must be "an equitable sharing of development benefits and environmental risks among the various regions." It would be impossible to strike such a balance in the 5-year OCS program if additional areas are prematurely deleted from the leasing program. Barring major portions of the 5-year OCS program would mean that nearly all OCS leasing and production would continue to occur off the coasts of only three States: Alaska, Louisiana, and Texas. Yet, the U.S. Geological Service estimates that offshore drilling along the entire U.S. coastline will provide at least 26 to 59 percent of our country's future oil discoveries and 25 to 36 percent of our future natural gas. Therefore, other States should and must share the responsibility of keeping the United States energy independent.

Second, arbitrarily curtailing oil leasing on U.S. coastal regions also threatens the second largest source of revenue to the U.S Treasury. Federal OCS bonus, royalty and rent revenues of $11.2 billion are projected in fiscal year 1983, $11.9 billion in fiscal year 1984, and $12.2 billion in fiscal year 1985. The revenue impact on our Federal deficit and balance of trade deficit caused by the loss of this revenue need not be explained to this Chamber.

Third, the most devastating impact these moratoria cause is continuous uncertainty in the entire 5-year OCS program. This does not allow industry time to properly respond and plan effectively to meet our country's oil and gas needs. In Louisiana this not only means big industry, but hundreds of related support facilities and small businesses who provide supplies and services to the entire offshore infrastructure and employ thousands of people. These support-related businesses include administrative and financial centers in New Orleans to refining, processing, tooling, and cater-

ing businesses in small communities throughout south Louisiana. Moratoria anywhere in the United States but especially in the eastern gulf, will result in the loss of thousands of jobs in an already depressed industry.

Mr. Chairman, the Department of Interior recently completed an OCS lease offering to the oil and gas industry in the gulf that brought in a record $3.5 billion in bonus bids alone to the Federal Government. This most recent lease offering, and the promise of sale 79 in the eastern gulf in November, has raised hopes in our stagnant offshore industry and job market in the gulf. I certainly hate to see these hopes dashed by a moratorium on the eastern gulf area. Not moving ahead with this sale in the eastern gulf will mean that 3,000 much needed jobs will not be created.

On the important question of environment, offshore Louisiana is and continues to be the most intensively developed OCS area in the country and the gulf. From 1954 to 1981 a total of 19,908 wells were drilled in the Federal OCS. Over 84 percent or 16,734 of these were located in the Louisiana offshore areas. Despite all of this activity—with an average daily oil production rate of over 700,000 barrels per day—Louisiana has only experienced two significant oil well blowouts. Both of these were in 1970 and neither one resulted in any oil reaching the Louisiana coastline. More astonishing, Mr. Chairman, is the fact that over 26,000 wells have been drilled in all State and Federal waters since offshore drilling began at the turn of the century. Only three other significant oil well blowouts besides the two in Louisiana have occurred. The most infamous was the Santa Barbara oilspill in 1969, and studies have documented that the environmental damage there was only temporary. In fact, Mr. Chairman, we have had more major oilspills off our U.S. coasts and around the world as a result of tanker accidents; tankers which in many cases are carrying imported foreign oil into our country.

In Louisiana and throughout the southwestern gulf we have also found that sport and commercial fishing have benefited enormously from the presence of offshore rigs which act as artificial reefs. Studies by Texas A&M University may soon confirm these environmental benefits. Amazingly, the commercial fishing industry has increased its annual harvest from the same waters in which the petroleum industry operates. Since 1954 intensive offshore oil and gas activity has been a way of life in Louisiana. Yet, today the Gulf of Mexico is the largest producer of domestic fishery landings in the United States. The gulf area now produces 36 percent of volume and 26 percent of the value of all seafood landed in the United States. In fact, 1982 was a record catch year in the gulf. These two industries can coexist.

Mr. Chairman, I believe the 1978 OCS Act can work, and can provide the type of consultation and review process between States and agencies Congress intended when it passed this law. This process should be allowed to run its course before action by this committee or body on moratoriums is considered.

On the eastern gulf, three previous sales have been conducted; sale 65 in 1978 and sales 67 and 69 last year. In each case the 1978 OCS Act provided the mechanisms to resolve any problems associated with environmental or defense related concerns.

As for sale 79, I understand the proposed notice of sale will be signed shortly. Historically over 90 percent of all the problems and consultations associated with a lease offering are resolved during the comment period after a proposed notice of sale has been made. This was the intent and purpose of Congress when it passed the OCS Act in 1978.

However, in the case of sale 79, as in most other OCS lease offerings, consultations between the Interior Department, States and various agencies have already been conducted. In addition, lease stipulations beyond those normally approved have already been agreed to in some areas. A draft environmental impact statement is being circulated and has just been finalized. The Department, through the Mineral Management Services, is attempting to resolve Air Force and Navy problems with the lease offering and additional lease stipulations, beyond those historically granted in previous lease sales in the gulf, have been agreed upon.

Certainly there are additional problems to be worked out, but I hope in the future this Chamber will allow the normal process to work its will first before considering appropriations moratoria which might only lead to the terrible consequences I have outlined.

Mr. LOEFFLER. Mr. Chairman, I join the gentleman from Ohio (Mr. REGULA) in commending the distinguished chairman of the subcommittee, as well as the ranking Republican member, for working with both sides during the subcommittee process, as well as the full committee process. Both gentleman have been very fair and forthright in their presentations to us and the other Members on both sides of the aisle, and indeed to each, the chairman, the gentleman from Illinois (Mr. YATES), and the ranking Republican, the gentleman from Pennsylvania (Mr. MCDADE), I am grateful.

Just as the gentleman from Ohio rose in opposition to this appropriation bill, I, too, rise. At best, the bill is $300 million over the fiscal year 1983 appropriations level.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I will be happy to yield to my distinguished chairman, the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, at the conclusion of the gentleman's statement, I would be glad to show the gentleman the figures. Mr. Stockman's letter is wrong. The bill that the President signed into law was higher than the bill that we have brought to the House.

Mr. LOEFFLER. I thank the distinguished chairman of our subcommittee for his comments, but I might point out, as he well remembers, 2 years ago we came out of a conference and both he and I were arguing very sturdily, based upon two different numbers which we believed in so very much, and in fact one had apples and one had oranges, and this time I suspect that we are dealing with that same process again.

I would, however, point out to my distinguished chairman that the Congressional Budget Office has just put out a document which says:

> Our Interior appropriations bill is $.3 billion or $300 million in discretionary budget authority; and $.4 billion, or $400 million in discretionary outlays over the assumptions of the 1984 budget resolution.

So earlier I believe my distinguished chairman said that we were within the budget resolution as passed on the floor of the House, a resolution which I did not support, and that leads to the credence of the fact that numbers are numbers, and now the gentleman from Illinois, our distinguished chairman, has problems.

Mr. YATES. If the gentleman will yield further, there are two things that must be kept in mind here, on-budget items and offbudget items.

SPRO, which we appropriate for every year because we are interested in filling the strategic petroleum reserve, is considered to be an offbudget item, and that is the basis for Mr. Stockman's assertion and the basis, too, for the Congressional Budget Office assertion. But including SPRO, which is part of the bill the President signed into law, and that was the basis of the statement by my friend from Pennsylvania, the bill that the President signed into law was still higher than the bill we bring to the House.

Mr. LOEFFLER. Reclaiming my time, Mr. Chairman, in an event, I wish to inform the Members of this body that if this bill were passed by the Congress and sent to the President with the current figures of what we deem to be $300 million over the fiscal year 1983 appropriation bill, it is a very strong veto candidate.

I urge my distinguished Chairman, as well as the Members of this body, to see that we reduce the appropriated

amount so that it can be a bill which the President would sign. In the event it is vetoed, I have every confidence that we will sustain that veto and we would have to go back to the subcommittee process to address the fiscal problems that this appropriation bill gives us today.

Mr. Chairman, in addition to this bill being a budget buster and a strong candidate for a Presidential veto in its current form, it actually severs potentially significant Federal revenues by placing prohibitions on Federal coal and offshore oil and gas leasing programs.

Mr. Chairman, our Nation is an energy-dependent nation. We are today moving forward to release the shackles which OPEC has been able to place upon us through the decade of the 1970's. I do not wish to see our country once again suffer the demeaning gasoline lines, the lack of home heating oil, the lack of natural gas for home use as well as industrial use—all which we experienced during the decade of the 1970's.

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In my judgment, the prohibitions that we have placed in this appropriation bill on lease sale No. 80 and lease sale No. 79 which are prohibiting the ability of those sales to go forward are not in our Nation's best interests.

Mr. Chairman, as we address our energy needs, in my judgment we have now a Department of the Interior that is working very closely with officials from the State of California, as well as with officials from Florida. This review is proceeding pursuant to the congressional mandates of the OCS Lands Amendment Act. In my judgment it should not allow or should not provide for the prohibitions that we now have on this sale.

Mr. Chairman, I urge the Members of the body to vote to reduce by $300 million the outlays that are in this bill and, if such a reduction is not achieved during its consideration, to reject this appropriations bill.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, I rise in strong support of the Interior appropriation bill for fiscal year 1984, and I want to commend the chairman of the subcommittee, the gentleman from Illinois (Mr. Yates), for the leadership he continues to show on this bill each year. I extend that same compliment to the ranking Republican member of the subcommittee, the gentleman from Pennsylvania (Mr. McDade).

It is a pleasure to work with both of them and with my colleagues on this committee, even on those few times when we find ourselves in disagreement—and those times are relatively few.

Mr. Chairman, there is probably no more important bill affecting the State of Oregon than this bill. Over 50 percent of Oregon is managed by the Federal Government. That fact alone makes this bill critically important to my State.

The budget of the Forest Service is of particular importance to the economy of my State, like the other States of the Pacific Northwest and the Western region. The Forest Service budget is important because most of the timber companies in my State are not large private landholders. Instead, these firms must rely on timber offered for sale by the Forest Service from the lands that agency manages.

This bill provides funding for 5.1 billion board feet of new green timber sales in region VI. Because of the increase in housing permits and starts, it is important that adequate levels of timber sales be provided, and this bill does so.

This bill provides a sound timber sales program in order to meet anticipated demand. Funding is also provided for reforestation and for timber stand improvement, two accounts that are highly labor intensive and add to the stability and productivity of our national forests in the region I represent.

Mr. Chairman, I would say to my colleagues that this bill also restores many of the cuts requested by the administration for forest research programs and State and private forestry programs. In addition, nearly $1.5 million has been added back to the soils and water account of the Forest Service program designed to protect the land during and after timber harvest. This is one of many examples, Mr. Chairman, of a particular program, a vital program within the Interior appropriations bill that we bring before the Members today which is an investment in the productivity of this country. Funds that we invest through this bill in our lands and in our natural resources will more than replenish that amount to the Treasury.

The bill before the House today does not include the money requested by the Forest Service for development activities in those areas included in the Oregon and California wilderness bills, as passed by the House earlier this year. It is important to resolve the controversy surrounding the wilderness issue so that the timber industry can have some degree of predictability in planning for future supply. This is central to future jobs in Oregon's forest products industry.

Just as important is the need for certainty for those who wish to see some of this Nation's last few acres of pristine wild lands protected from further development.

The legitimate demand for wilderness from those who want to protect some of Oregon's best spawning streams and elk herds should not go unheeded. It is important that we leave something of our natural heritage to our children.

In short, Mr. Chairman, the budget for the Forest Service represents a sound, balanced approach to resource management. It recognizes the important economic impact of the wood products industry on the Pacific Northwest and the Nation while, at the same time, protecting and enhancing the land which is the basis for that industry.

The Interior appropriations bill also includes $3.5 million for anadromous fish conservation grants. Fishing is Oregon's third most important industry, but its fair to say that the industry has seen better days. For the towns up and down Oregon's coast, it remains an industry of paramount importance. Funding for this program is critical if the fishing industry if to recover and maintain its contribution to Oregon's, and the Nation's economy.

Important land acquisition across the country are also included in this bill, as well as funding for the State side of the land and water conservation fund. I am pleased that our commitments has included funding for acquisition at Bear Valley, Cascade Head, the Rogue River, and parcels in the Mount Hood and Gifford Pinchot National Forests.

Mr. Chairman, I have focused on some of the items in this bill that are of direct benefit to the Pacific Northwest, but the bill is truly a national bill. Land acquisitions in the Santa Monica Mountains and Valley Forge and Cuyahoga Valley serve a national interest. The Forest Service budget not only means a stable level of timber supply for the Northwest, but needed assistance to small woodlot owners in the South. There are very few items as important as the payment in lieu of taxes program to the West, particularly the Intermountain and Rocky Mountain States.

Energy conservation has long been a value in my State of Oregon and the funding for those programs associated with energy conservation are a top priority. But those efforts are just as important in the East and the rest of the country as they are in the Northwest.

There will be much discussion of the budgetary impact of this, and other, appropriation bills. Let us be clear about this bill. The Interior appropriations bill for fiscal year 1984 is $245 million less than the fiscal year 1983 bill which was passed by the 97th Congress and signed into law by the President last December. This bill will generate receipts of $15.7 billion—nearly twice the amount we propose to expend. Mr. Chairman, this bill makes money—it helps to reduce the Federal budget deficit. Indiscriminate cuts to this bill will mean lost revenue to the

Federal Treasury, States, and counties.

More important, it will mean lost opportunity for thousands of Americans who work and play on our national lands. This bill affects those who work on offshore oil rigs, those who work in the forests, and those who take their family on a vacation to Yellowstone.

Mr. Chairman, this is a balanced bill. It means jobs to thousands of Americans while protecting our precious natural resources from exploitation. This is a financially responsible bill. It spends less than the current fiscal year and it makes money to reduce the deficit. I urge my colleagues to support it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my colleague, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I want to compliment the gentleman from Oregon (Mr. AuCoin) for the work that he has done on this bill, particularly as it relate to the Forest Service aspects. I have enjoyed working with him over the last several years since he has become a member of the Interior Subcommittee.

I want to thank our colleagues, particularly our chairman and the ranking minority member, for the support they have given to a balanced forestry program.

In the Northwest we have had very difficult times recently because of high interest rates and what that has done to the housing industry, but I think the kind of budget we now have in place will help us deal with those very difficult economic problems that are still there.

I commend the gentleman from Oregon, who has spent a great deal of time mastering this subject matter. I commend him for the leadership that he has provided in making sure that we have a balanced program and making sure that our environmental concerns are protected as well.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. Lloyd).

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 3363, and commend subcommittee Chairman Yates for his leadership in bringing to the floor responsible appropriations levels for fossil energy and conservation R&D programs. I also want to congratulate the subcommittee's ranking Republican, Mr. McDade, for his great efforts at arriving at funding levels which will provide stability to our Nation's R&D efforts. Furthermore, I would like to compliment my committee chairman, Mr. Fuqua, for his hard work in providing authorization levels for fossil energy and conservation R&D activities that are almost parallel to those contained in the legislation before us today.

The total program level for fossil energy of $327 million represents a positive increase over the administration's continued shortsighted requests for these R&D activities which are vital to our Nation's energy independence. This body has repeatedly denied these going-out-of-business budgets, and I am sure we will continue to provide adequate support for these critical energy programs.

I am grateful to Mr. Whitten, Mr. Yates, and the committee for providing $7 million for a comprehensive environmental monitoring program to be carried out by DOE in support of the Synthetic Fuels Corporation. My efforts to obtain support for this activity derive from a desire to see the concerns of Congress and the public addressed regarding the health, safety, water resources, and socioeconomic issues associated with the development of synfuels projects. By allowing DOE to operate in a technical consulting role supporting the SFC, we will insure that the Nation's best technical expertise is integrated and that the environmental monitoring programs will have technical program continuity regardless of the status of the Synthetic Fuels Corporation.

With regard to the funding provided for conservation programs, I am particularly pleased to note that the committee sustained DOE's request for $9 million to begin construction of a High Temperature Materials Laboratory at Oak Ridge. I believe that the research to be conducted at the HTML will provide valuable information and will lead to advancements in the use of materials critical to energy efficiency.

Mr. Chairman, I urge my colleagues to support this important legislation.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. Fowler).

Mr. FOWLER. Mr. Chairman, I want to take this opportunity to express my support for the 1984 Interior Department budget recommended by the Appropriations Committee.

In particular, I would like to thank Interior Appropriations Subcommittee Chairman Yates and his colleagues for approving $1.388 million in the U.S. Park Service budget for the M. L. King, Jr., National Historic Site and Preservation District.

The King Historic Site is an important asset to Atlanta and the Nation. Last year over 500,000 visitors came to the park, not only to pay homage to Dr. King but to learn more about the story of the civil rights movement.

The historic site covers a two-block area encompassing the birth home of Dr. King, his church, and his memorial gravesite. The preservation district is composed of the commercial and residential sections of the Sweet Auburn community in which Dr. King grew up.

The $1.388 million budget for next year will fund $500,000 for land acquisition to acquire historic structures in the area, $200,000 to restore the structures once acquired, $100,000 to develop visitors exhibits, and $588,000 to operate the park.

These funds are needed to continue adequate development of the park, which is a relatively new unit of the U.S. Park Service authorized in 1980 but first funded last year. For this reason, I strongly endorse the Appropriations Committee's recommended 1984 funding for the King site.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Panetta).

Mr. PANETTA. Mr. Chairman, I rise in support of the legislation, and I would like to take this opportunity to express my sincere gratitude to the chairman and ranking minority member of the Subcommittee on Interior—Mr. Yates and Mr. McDade, respectively—for their guidance in bringing this legislation to the floor today.

I know I speak for many in California—many members of the California delegation, county governments, costal businesses, and people who simply enjoy our State's attractive and productive coast—in offering my thanks to you for your efforts bringing this legislation to the floor. This legislation contains a provision which would exempt a small, but vital percentage of California offshore area from offshore oil and gas leasing during the coming fiscal years, while still enabling the Federal Government to continue to pursue energy leasing in most promising California offshore areas. In fact, this provision would exempt from OCS oil and gas leasing only 9.2 percent of the acreage currently under consideration for possible lease during the 1984 fiscal year, leaving over 12 million acres of Federal offshore land open for lease.

California has made in the past—and will continue to make—a significant contribution to OCS oil and gas production. During the third quarter of 1982, California produced on the average over 1.2 million barrels of crude oil per day from State and Federal onshore and offshore lands.

It is clear that some of our State's most promising oil-producing areas lie in Federal offshore waters. The one-half billion barrel Pt. Arguello field, Chevron's 100 million barrel Sockeye field strike, and the oil-rich Santa Barbara Channel are all certain to contribute to our Nation's energy security through the coming years. For this reason, none of these most productive areas would be affected by the OCS leasing provisions of this bill.

Instead, these provisions would affect those few economically and environmentally sensitive areas in which the considerable benefits of OCS oil and gas leasing are outweighed by the risks. I am pleased that the committee was able to reach a compromise which balanced the certain benefits of offshore development with the risks to the economies and marine environments of these particularly sensitive areas.

Again, I thank the committee for its foresight and efforts.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the delegate from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in strong support of H.R. 3363 which makes appropriations for fiscal year 1984 for the Department of the Interior. I want to commend the chairman of the Interior Appropriations Subcommittee, SID YATES, and the ranking member, JOE MCDADE, and their able staff for their work in drafting this bill.

I want to address my remarks in particular to two items of great interest and concern to my constituents in Puerto Rico.

First, the Appropriations Committee included funding for the continuation of the restoration of El Morro Castle in the San Juan National Historic Site. The budget for the National Park Service was increased by $4.5 million to allow for a resumption of the most critical work. The work on the restoration of the walls surrounding El Morro was begun in 1976 but was suspended last year because of lack of funding. El Morro Castle was constructed by the Spaniards between 1540 and 1591 as part of a fortress to protect the island from invaders. It has become a major tourist attraction with over 1½ million visitors annually.

Over the centuries, the ceaseless pounding by the ocean as well as exposure to the elements have contributed to the undermining of the fortress' foundations. Huge caverns have been formed that threaten the structural integrity of the fortress.

Over $13 million has already been spent in restoring this national treasure, and it is important that the work be completed in an expeditious manner to avoid further damage to the structure.

Second, I am pleased to note that the State and private forestry program is being funded at a reasonable level. In 1982, Puerto Rico received $291,000 under the cooperative payments to the States, which was very important in our efforts to expand a program of reforestation on public and private lands. According to the U.S. Soil Conservation Service, more than 1 million acres—half of Puerto Rico's total area—require permanent tree cover to prevent erosion and protect watersheds. In addition, Puerto Rico has the potential to establish a commercial timber industry which could help create an estimated 30,000 semiskilled jobs by the end of the 20-year period of the first crop rotation.

In conclusion, Mr. Chairman, I urge my colleagues to act quickly to enact this important appropriations bill.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. Mr. Chairman, I have spoken before about the plight of the 1,200 men and women who live in Centralia, Pa., under which a mine fire has been burning for 21 years. I want to commend and thank the distinguished subcommittee chairman and the members of the subcommittee for the interest which they have taken in that mine fire and in efforts to contain and extinguish it.

Two years ago, thanks to the efforts of the committee, a bore hole study was implemented to locate the fire and to come up with options for extinguishing it. I had very much hoped that we would have some provision in this bill or some appropriation in this bill to implement the recommendations of that study. Unfortunately, the study will not be available until July 9. The committee was, therefore, faced with the difficulty of being unable to appropriate money for a project which has not been outlined, but I want to thank the members for the report language contained on page 43 in which the committee stresses its concern with this problem and indicates that as soon as the options are available and a plan has been outlined, every effort will be made to appropriate the necessary funds to finally put an end to this tragedy.

Mr. Chairman, if I may, I would like to pay particular tribute to my colleague, the gentleman from Pennsylvania, Mr. MURTHA, for having gone with me one Saturday morning and walked the streets of Centralia and smelled the smoke and seen the suffering in people's eyes. I would like to thank the distinguished gentleman from Pennsylvania, Mr. MCDADE, and the chairman of the subcommittee for what they have done.

Mr. Chairman, I would like to say, as they used to say in the movies, "Stay tuned for coming attractions," because we will be back. This is a problem that urgently cries out for solution.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 3363, and I urge an overwhelming vote of support by this body for this legislation.

The Interior appropriations bill is the single most important piece of conservation legislation for the management of America's natural resources that this body will consider during this session of Congress. The Subcommittee on Interior Appropriations and the full Committee on Appropriations have done an excellent job of correcting the glaring deficiencies of the Reagan administration's budget proposal.

In particular, I am pleased by the work that the subcommittee has done to increase funding significantly for energy conservation, for the Indian health program, for the National Park Service, for the Fish and Wildlife Service, for the National Forest Service, and especially I refer to the $39 million increase for cooperative State, Federal, and private forestry programs. Those are essential, as the gentleman from Oregon has already pointed out, for the future of the housing industry and for the future of America itself in that most essential part of our economy, the home building industry.

For each of the past 5 years I have had the pleasure of coming before this subcommittee to request additional funding for projects of importance in my district, in my State, and on a national level. On each occasion, I have been deeply impressed by the command that the chairman of the subcommittee, the gentleman from Illinois (Mr. YATES), and the ranking minority, the gentleman from Pennsylvania (Mr. MCDADE), have had of the subject matter under the jurisdiction of that subcommittee.

In my district alone, there are a number of nationally significant national resources:

Voyageurs National Park;

Superior National Forest;

Chippewa National Forest;

Boundary Waters Canoe Area Wilderness, the largest wilderness area east of the Rockies;

Grand Portage National Monument; and

St. Croix Wild and Scenic River.

In addition, as the chief House sponsor of the legislation which created the Minnesota River Valley Wildlife Refuge, I have long been keenly interested in the development of the refuge.

This appropriation bill directly affects all of these important national resources. Having SID YATES as chairman of the subcommittee is all the assurance I need that the request which I make on behalf of the people of Minnesota will receive a full and fair hearing.

This year, the subcommittee approved most of the requests which I made on behalf of the Minnesota congressional delegation and the people of Minnesota. In addition, the subcommittee and the full House has approved construction funds for Voya-

geurs National Park in the fiscal 1983 supplemental now awaiting conference with the Senate. Obviously, I wish that the subcommittee had approved my entire request. It was a barebones, no-frills request. Nevertheless, I am very pleased and grateful for the subcommittee response. The legislation before us today includes the following additions to the President's budget request:

Boundary Canoe Area Wilderness Act (Public Law 95-495)—land acquisition, section 5 resorts and wilderness purchases, $3 million; and grant to State of Minnesota, $3 million.

This grant will enable the State to continue the intensified forest management program which it began following enactment of the Boundary Waters Area Wilderness Act of 1978. The State provides $750,000 annually to match on an 80-20 basis the Federal grant. The President's budget proposed elimination of this important grant which is an integral part of our State's forestry effort.

Voyageurs National Park, $4 million for land acquisition; Minnesota Valley Wildlife Refuge land acquisition, $2.5 million.

I very much hope that the Senate will vote to sustain the tremendous improvements which the House has made to the fiscal 1984 budget. In addition, during the upcoming conference on the fiscal 1983 supplemental, I hope that the gentleman from Illinois, the chairman of the subcommittee (Mr. YATES), will prevail and that the Senate will finally agree to begin funding construction of the essential visitors' center at Voyageurs National Park.

H.R. 3363 is legislation of which this House can be proud to pass. I urge it to do so without any weakening of the important environmental protection it provides.

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They know their subject matter down to the last detail and that makes for the effective kind of legislation they are able to bring to this floor. They are able to understand the fullness of the measure which is entrusted to them.

I am especially appreciative of the support that the subcommittee has given to Voyageurs National Park, the Superior National Forest, and other projects in the Eighth Congressional District of Minnesota—in my district alone, and so forth.

Mr. LOEFFLER. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member of the committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, the bill we have before us today, H.R. 3363, making appropriations for the Department of the Interior and Related Agencies for fiscal year 1984 is a good bill. Through the funding recommendations contained in this bill, the committee seeks to protect, enhance and properly manage the natural and cultural resources of this great Nation.

Included in this bill are funds for the preservation and restoration of millions of acres of forest and rangeland, funds for national parks and local recreation projects; for wildlife habitat preservation, for assistance to Indian tribes and the territories; for the continuation and extension of our cultural programs including the National Endowments for the Arts and Humanities, and the Smithsonian Institution, and funds for a variety of fossil energy development and conservation programs.

Unfortunately, the committee has done such a good job of trying to meet all of these varying needs that the bill we bring to the floor is considerably over the administration's budget request and our own fiscal year 1983 level if we exclude from that level those funds provided in the emergency jobs bill.

Mr. Chairman, as one who was privileged to participate in both the subcommitee and full committee deliberations on this bill, I know the careful consideration which went into each and every recommendation. In preparing its recommendations, the subcommittee heard from over 900 witnesses including agency officials, Members of Congress, State and local officials and private citizens. Indeed, so deliberate has the subcommittee been in making its recommendations only after reviewing all available facts that a special hearing was held after the initial subcommittee markup to gather additional information on the OCS lease program with respect to the planned eastern Gulf of Mexico and southern California sales so that a more informed decision could be made by the time of the full committee meeting.

Let me indicate to my colleagues just how difficult a task it is to reduce the number in this bill other than by an across-the-board reduction by mentioning just a few of the areas in which the committee bill exceeds the administration request.

For the Department of the Interior and the Forest Service, the committee has included $22 million for the continued operation of existing hatcheries throughout the country; $4.6 million to continue Federal participation in the cooperative fish and wildlife research program; $242 million for land acquisition for our national parks and wildlife refuges including some $9 million for the Appalachian Trail and $75 million for the land and water conservation fund State grant program; $7 million for the migratory bird advance loan fund to continue efforts to preserve our irreplaceable wetlands which are being lost to agriculture interests and other development purposes at an alarming rate and $26.5 million for the historic preservation program.

In the Department of Energy, the committee is recommending $243 million to continue the low income weatherization program at the 1983 level; $30 million to prevent closeout of Government support for continued development of the MHD technology and an increase of $36.7 million in the fuel cells program including $2.6 million for thermionics, a very promising advanced fuel concept with both terrestrial and space power applications.

And finally, the committee bill restores funding for the National Endowments for the Arts and Humanities to the fiscal year 1981 level providing $165 million for the National Endowment for the Arts and $150 million for the National Endowment for the Humanities.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. KOSTMAYER).

Mr. KOSTMAYER. Mr. Chairman, there exists in southeastern Pennsylvania a serious situation regarding the preservation of a historic segment of the Delaware River. A water project is to be built there, despite a referendum in which 56 percent of the voters of Bucks County, Pa., rejected that proposal.

Further, I have introduced legislation designating a 21-mile portion of the Delaware River from Uhlerstown, Pa., to Washington Crossing, Pa. as a wild and scenic study river. Hearings will be held on the bill sometime in the next 3 months and this July 23, members of the Subcommittee on National Parks and Public Lands, will travel to the site at Point Pleasant, Pa.

Now, would the gentleman from Illinois (Mr. YATES) agree to work to make $200,000 available from the National Park Service for a study of the 21-mile stretch of the Delaware River between Uhlerstown and Washington Crossing, Pa., as wild and scenic, at the time at which the bill is enacted into law?

In the meantime the National Park Service would work with State and local governments to assess the options available to preserve this nationally significant stretch of river.

Finally, I would request that a study by the U.S. Fish and Wildlife Commission be conducted on the diversification and location of shad spawning grounds and the impact of water intake structures on shad eggs and juveniles in the 21-mile stretch of river.

Would the gentleman from Illinois agree that within the funds available in the bill to the Fish and Wildlife Service, up to $40,000 could be made available for such a study?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. YATES. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. KOSTMAYER. Mr. Chairman, I thank the gentleman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I will.

Mr. YATES. Mr. Chairman, answering the gentleman's second question first, let me say that the request appears feasible to make the amount available within the funds.

With respect to the $200,000 item, we are not sure of the amount, let me say to the gentleman, but we think that the study seems to be a very constructive one and we will give it every consideration.

Mr. KOSTMAYER. I thank the gentleman and finally I would like to commend the gentleman from Illinois for his work and also commend my colleague, the gentleman from Pennsylvania (Mr. McDADE) for his work on this extraordinary and valuable piece of legislation.

With the passage of this bill in the House today, Mr. Chairman, the Point Pleasant pumping station and the efforts to terminate it have come to the attention of the Congress.

Here in the people's House, the will of the people as expressed in the referendum of May 17 in Bucks County has finally been heard.

Mr. McDADE. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, there are many comments I would like to make about this very important appropriations bill, since it affects so many parts of our country as well as my own State; however, having visited the Pacific Trust Territories 2 years ago, as a matter of conscience I want to follow through on a few personal commitments to myself and to residents of those islands.

First, I want to specifically commend the committee for the report with respect to the international section, specifically as it relates to the Pacific Trust Territories.

On page 62 of that report, I note with interest and full support the recommendation of the committee concerning the increase of $264,000 for the supplemental food program and support costs for Kili and Ejit. I think earmarking of appropriations that is highly important.

The committee has also included $4,000,000 to be transferred to the Secretary of Energy to implement the health care program in the Marshall Islands as well.

I think this too is a very appropriate step on the committee's part. I would hope and fully expect that the committee would give this vital health care and nutrition program very close supervision, so that in fact the people who are supposed to receive the food and the health care assistance in the Marshall Islands do receive it. The level of corruption that one finds in the government of the Marshall Islands should not stand in the way of delivering these kinds of services to the people of Ejit and other parts of the Marshall Islands.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. McDADE. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

So the people of the Marshall Islands should really receive the kind of assistance that the American taxpayer is providing through this appropriation.

I would be pleased to work with the chairman and members of the committee in any fashion that might be helpful in assuring that the delivery of such assistance is not impeded.

Finally, if the gentleman would be willing to respond, I would like to ask the chairman a question, with respect to the Federated States of Micronesia.

I noted with some interest the rather grandiose plans for a capitol complex for the FSM, and having seen the need for substantial economic infrastructure in the Federated States of Micronesia. It is my understanding that the committee specifically considered this proposed capitol complex expenditure and rejected it. Is my understanding correct?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the chairman.

Mr. YATES. The gentleman may be assured that his understanding is correct. The committee considered it and deleted the funding for the construction of the capitol.

Mr. BEREUTER. I thank the chairman for his comment. I think that was a very appropriate decision on the committee's part and for purposes of legislative history I wanted to make that decision a matter of the record.

I thank the gentleman for yielding.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, the committee has made many appropriate decisions.

Mr. BEREUTER. Yes, I would say to the chairman that I did not intend to imply otherwise. Thank you.

● Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 3363, the Interior appropriations bill for fiscal year 1984. I want to congratulate the chairman of the full Committee on Appropriations, Mr. WHITTEN, and the chairman of the subcommittee, Mr. YATES, for their work in bringing this bill to the floor.

Mr. Chairman, I am especially pleased to support and congratulate my good friend, Mr. YATES, for his subcommittee's recommendations with regard to earthquake prediction work conducted by the U.S. Geological Survey. I recently acquired the title of chairman of the task force on earthquakes of the California Democratic delegation. I know I speak on behalf of my colleagues in the delegation in thanking Mr. YATES for his support of the Survey's work. I think I speak for some of our friends across the aisle as well. As we all know, earthquakes do not recognize party affiliation.

While the administration proposed to reduce the Survey's level of effort by $6 million, the subcommittee restored the budget to $35.524 million. This funding level will allow the USGS to continue earthquake monitoring projects along major active faults in California, Nevada, Utah, and Washington. It is noteworthy that the recent earthquake in Coalinga, Calif., on May 2 of this year was along an unknown fault. We cannot hope to predict or prepare for earthquakes if we do not set up a network of monitoring devices—this is what I am urging my colleagues to support today.

I would like to insert for the RECORD an article which recently appeared in the Wall Street Journal which indicates the degree to which the news media are prepared for the big one. I only hope we can be as prepared ourselves for this event.

The article follows:

[From the Wall Street Journal, June 24, 1983]

NEWS CREWS, EXPECTING THE WORST, PREPARE TO COVER A MAJOR EARTHQUAKE IN CALIFORNIA

(By Scot J. Paltrow)

LOS ANGELES.—During the past month, residents of cities all over Southern California were mystified as CBS network news crews suddenly showed up to tape scenes of downtown areas and landmarks and then disappeared after interviewing no one.

The seemingly strange interest in unremarkable cityscapes was actually part of a secret, slightly macabre CBS mission. The network wants to be ready for the long-anticipated granddaddy of California earthquakes. The roving camera crews were adding to a hoard of stock footage, stored in New York, that will enable the network to show before-and-after pictures of devastation.

CBS may have the most elaborate battle plan for covering a major California earthquake, but it is by no means alone among the nation's news organizations in making preparations. All three major television networks and the Cable News Network have arranged to lease large satellite antennas and transmission facilities in the event that their own become inoperable.

United Press International and at least two of the TV networks have lists at their New York headquarters of Southern California amateur radio operators to contact in the event that phone communications with their Los Angeles bureaus is cut. And, according to CBS Los Angeles correspondent Terry Drinkwater, some news staffers have been given home video systems with cameras to use in case the network's regular cameramen can't make it to a transmission point.

A BIG, BIG STORY

The news organizations have good reason for making plans. Seismologists say there is at least a 50 percent chance that an earthquake measuring more than 7.0 on the Richter scale will occur here within 30 years. A report issued by the Federal Emergency Management Agency in 1980 states that the resulting casualties and destruction "would surpass those of any natural disaster thus far experienced by the nation" and would be a catastrophe comparable to the Civil War. And that would certainly make the earthquake, as Mr. Drinkwater puts it, "a big, big story."

Steve Loper, the Associated Press' news editor in Los Angeles, is expecting the worst. He anticipates that phone service and the bureau's link to the main Associated Press computer network will be cut, and that bureau staff members may be unavailable or injured.

According to a printed plan distributed to the AP staff here, an able-bodied reporter in the Los Angeles bureau is supposed to take an ordinary transistor radio and attempt to make his way eight blocks north to the building that houses Pacific Telephone's microwave transmission facilities. If phones are working anywhere in the city, Mr. Loper says, it's expected to be in that building. The reporter is supposed to listen to his radio for civil defense broadcasts and then go to the top of the building to survey the damage and phone in an eyewitness account to New York.

The plan is about to be revised, though, Mr. Loper says, because personnel changes at Pacific Telephone may mean the reporter wouldn't be let in.

Reporters in nearby AP and UPI bureaus are expected to try to make their way to Los Angeles. UPI has even given its Los Angeles staff members specific assignments. According to a plan drawn up by a former UPI reporter, bureau manager Douglas R. Dowie is supposed to climb out of the rubble and head for the low-income, south-central section of Los Angeles to see if looting erupts. Mr. Dowie says he intends to revise that plan.

CBS, in addition to relying on some staff members' home video cameras, insists that its cameramen take their professional camera equipment home with them.

At rival ABC, crew members are required to leave the equipment behind when they stop work. In addition, Mr. Drinkwater says, all staff members carry special radios with them at all times, and correspondents have been paired with crew members who live near them and ordered to rendezvous in the event of a quake.

The Wall Street Journal doesn't have an elaborate plan for covering the earthquake, but its Los Angeles bureau did buy a battery-powered radio and television set recently and it plans to buy some short-wave equipment.

Nature strongly reinforced the call to the planning table on May 2, when an earthquake measuring 6.5 leveled much of downtown Coalinga, Calif. That quake, perhaps more than the warnings of seismologists and disaster officials, drove home to the news organizations the logistical problems of covering a major quake.

Crews were quickly dispatched by Lear Jet, helicopter and car. But most aircraft had to be diverted after the Federal Aviation Administration closed down the Coalinga airport and surrounding airspace in case emergency supplies had to be flown in. Coalinga had no phone service for much of the next two days. And video crews at times found themselves cut off from the heavily damaged central business district by intransigent sheriff's deputies.

Yardena Arar, an AP reporter, was among the first AP staff members on the scene. Anxious to send an eyewitness description, she quickly surveyed the damage and then searched for a phone—only to discover that burly NBC News crew members had commandeered the sole working phone booth in town and weren't about to give it up.

Robert W. Semple, Coalinga's public and industrial information officer, says that when the airspace above Coalinga was reopened, helicopters with camera crews began flying over the city to get aerial shots. As one helicopter hovered, he says, the downdraft from the chopper's blades threatened to topple a cracked and teetering building directly below.

Anita Garcia, a spokeswoman for the State Office of Emergency Services, which has responsibility for dispatching ambulances, medical aid and rescue equipment, says that during the first few hours after the quake her office was swamped with calls from newspapers and television stations. If the situation had been more grave, she says, the media calls could have seriously interfered with rescue efforts.

DEMAND FOR INFORMATION

"If an 8.3 (quake) hits down there, we can see between 500 and 2,000 reporters coming in from all over the world," says Alex R. Cunningham, who until recently headed the Emergency Services office. James L. Holton, the Federal Emergency Management Association's director of public affairs, notes that networks probably would suspend regular programs, switching to continuous live reports on the earthquake, thus creating a tremendous demand for information. In addition, he says, local television stations in other cities would probably dispatch their own crews.

"They'll suddenly appear on the scene with no istructions, no idea what they're doing," Mr. Holton says. "The local authorities will be absolutely swamped."

FEMA and the state emergency services office have met with representatives of all the major news organizations here recently to plan for media coverage. But some skeptics say the planning is overly bureaucratic.

"They wanted to sit down and plan for the coverage of the Big One like it was a political convention or the Olympics," says UPI's Mr. Dowie. "It got to the point of details like who would get press credentials and where would the reporters eat, who would handle hotel accommodations. In the midst of discussion you would have to stop and shake your head and remember you're talking about a disaster in which thousands and thousands of people would be killed."●

● Mr. RICHARDSON. Mr. Chairman, a couple of months ago I had the pleasure of appearing before the gentleman from Illinois' subcommittee to oppose the administration's planned 50-percent funding cut for the Southwest Indian Polytechnic Institute, which is located in New Mexico and is the only Indian technical school in the country. At stake was $1.3 million, not a lot of money in the grand scheme of the Federal Government, but terribly important for hundreds of native Americans from across the Southwest who are in search of educational training which will bring them a productive job in the future.

I, of course, received a sympathetic ear from the chairman. And he has seen to it that funds for SIPI would not fall below their current appropriated level.

At the end of my testimony, I told the gentleman from Illinois that he is often times our last best hope. By "our" I meant those of us that care about the plight of our native Americans; those of us who want to see our Nation's public lands and national forests managed wisely and developed prudently; those of us who feel it is important that our pristine wilderness areas be preserved; those of us who think that historic preservation, urban parks and the Youth Conservation Corps are important Federal programs; and those of us who believe in a strong Federal presence in energy conservation and fossil fuels research and development at DOE.

The proof that SIDNEY YATES is a champion of all these groups lies in this bill. As during each of the past 2 fiscal years, he has sheperded through the Appropriations Committee a bill which has put the brakes on this administration's attempts to sell off our public resources at less than fair market prices, to cut back our Nation's commitment toward improving the welfare of our native Americans, and to eliminate all funding for energy conservation at DOE.

There are so many elements of this bill that I could speak in favor of if I had an unlimited amount of time on the bill. There is a $4 million increase from $67 to $71 million for Indian education under title IV, even though the administration proposed only $1.2 million to close out the program. And there is $149 million for the Indian Health Service, at a time when the administration again proposed a severe cut. But the issue I would like to highlight is the committee's proposed ban on coal leasing.

Last month, the House Interior Subcommittees on Mines and Public Lands came to New Mexico for a field hearing I requested on the proposed San Juan coal sale. This sale, which is scheduled to be held in my northern New Mexico district in December, involves 900 million to 1.5 billion tons of coal on Federal lands in the San Juan basin, thereby making it a sale almost as large as Powder River.

More than 500 persons attended the hearing, chaired by my good friend and colleague from Oregon, JIM WEAVER. Testimony was received from Governor Anaya, State officials, several coal companies and public service of New Mexico, as well as from environmentalists, Navajo officials, archeologists, and prodevelopment groups.

After hearing more than 9 hours of testimony, I came to the conclusion

that Secretary Watt's coal leasing program is a disaster, and no more Federal coal lease sales should be held until there has been a cooling off period of at least a year and until the Secretary of the Interior implements regulations designed to carry out each of the General Accounting Office's recommendations found in its report on the Powder River basin coal sale.

Mr. Chairman, the GAO concluded that the Powder River basin coal leases were sold $100 million below fair market value. There is a serious danger that the State of New Mexico could lose between $40 and $80 million if Secretary Watt goes ahead with his proposed San Juan sale this December during a glutted coal market when demand is down. That must not be allowed to happen.

I am not anticoal development. I believe our Nation's vast coal resources are a blessing that will insure our Nation's economic viability for generations to come. I do, however, want to make certain that New Mexico does not become the next Powder River, and that most of the strippable coal on Federal lands in my State is not sold off cheaply and hastily, thereby depriving the people of my district and my State of a fair return on their resources.

The proposed ban in this bill is a bit longer than I would have preferred, but I want my colleagues to know that as a westerner from a coal producing district which is the site of one of the next coal sales, I will support the proposed ban as the only prudent approach to bringing our Federal coal leasing program back under control. Hopefully, we can reform the program and restore confidence in it so that Federal coal leasing can begin anew on a more moderate, balanced, and responsible level.

I commend the gentleman from Illinois for his leadership and his courage on these issues year after year. I strongly urge my colleagues to vote in favor of this bill.●

● Mr. YATRON. Mr. Chairman, I would like to express my appreciation to the chairman of the Interior Appropriations Subcommittee (Mr. YATES), my colleague from Pennsylvania, the ranking minority member on the subcommittee (Mr. MCDADE), and the chairman of the Committee on Appropriations (Mr. WHITTEN), for again authorizing appropriations to carry out the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

As the chairman of the Subcommittee on Human Rights and International Organizations, I am particularly concerned with the matter of international environmental cooperation. This convention, established in 1940, is one of the earliest efforts by our country to forge a concerted, global movement to protect the Earth's resources. Continued U.S. commitment to the convention is a vital demonstration of our leadership on world environmental issues.

Specific sites, like the Hawk Mountain Sanctuary which I am proud to have in my district, depend on the program's funding to protect migratory bird species. It is gratifying to see Members of this body resist the temptation to make short-term decisions which directly jeopardize one of our most important responsibilities, namely the health of this planet's environment.●

● Mr. PACKARD. Mr. Chairman, I want to stress my support for a provision within the fiscal year 1984 Interior appropriations bill that would place a temporary 1-year moratorium on new oil and gas leasing on certain nearshore areas off the coast of San Diego and Orange Counties.

I also want to commend the gentleman from Illinois (Mr. YATES), for his leadership role in holding hearings and in proposing the amendment which was adopted by the full committee. Chairman YATES' sensitivity to these problems, which not only affect our constituents in southern California, but everyone throughout the Nation who has enjoyed our beautiful beaches, as well as those concerned about our national defense, is a tribute to his insight.

These are areas of great environmental concern, which are also important to our strategic defense and the regional economy.

Briefly, let me illustrate the negative impact offshore development in this area would impose.

First, the U.S. Navy maintains a substantial training facility for the Marine Corps at Camp Pendleton, which is in the area I represent. It is not only the largest amphibious training operation in the country, but the only such operation on the west coast. The installation of oil drilling platforms and associated equipment within an area of intensive amphibious operations would seriously hamper, if not preclude, the conduct of the Marine Corps training activities.

Second, San Diego and many of the small communities which line the coast have heavily invested in recreation and tourism facilities, and an oilspill would dramatically and severely impact this industry.

Finally, the rapid changes in depth within this coastal area would preclude the oil and gas industry from using conventional techniques to drill in deepwater tracts. The geological problems on the ocean floor which played a role in prior decisions still exist, which include the ever-real threat of earthquakes.

A 1-year moratorium on leasing in these sensitive areas will give Congress time to give the California OCS issue the careful consideration needed to assure a policy that strikes the necessary balance between these numerous concerns.●

● Mr. OTTINGER. Mr. Chairman, I rise in support of H.R. 3363. I would like to commend the committee on its excellent work in the area of energy conservation, which has been the blind spot of this administration. As chairman of the Energy Conservation and Power Subcommittee in the House Energy and Commerce Committee, which authorizes the energy conservation programs in the Department of Energy, I am keenly aware of the need to maintain the Nation's effort in energy conservation. I am happy to say that, with this bill, the Appropriations Committee has demonstrated that it shares that concern. The amount proposed for energy conservation in this bill remains within the authorization for fiscal year 1984 contained in the Omnibus Reconciliation Act of 1981.

This bill will permit the continuation of the State and local energy conservation programs at the Department of Energy, which the Reagan administration has proposed to eliminate for the third year in a row. These programs include the low-income weatherization program, the schools and hospitals conservation grants program, the State energy conservation program and the Energy Extension Service. The bill would also fund the continuation of several regulatory programs: the appliance efficiency standards, voluntary building energy performance standards (VBEPS), and the Residential Conservation Service (RCS).

The Reagan administration's approach to energy conservation is in marked contrast to the bipartisan support enjoyed by these programs in the Congress. For fiscal year 1984, President Reagan proposed to cut energy conservation 86 percent from the current spending level.

Congress, on the other hand, has shown strong support for these programs. In fiscal year 1982, Congress restored the programs despite zero requests. In fiscal year 1983, Congress added $150 million for the weatherization and schools and hospitals programs in the emergency jobs supplemental. Ironically, even though President Reagan wants to end these programs, the National Republican Congressional Committee strongly supports increases of the type that were included in the jobs bill. In a March 9, 1983, press release issued shortly after passage of the jobs bill, Rich Galen, director of public affairs for the NRCC said, "How could any Member of Congress vote to deny money to keep hospital patients and school children warm in winter?"I can only add, "How indeed?"

In another show of congressional support this year, 150 Members of the House, from both parties, have joined me as cosponsors of a resolution (H. Res. 139) in support of a balanced energy program that continues programs in energy conservation and renewable energy. This resolution is an explicit criticism of the Reagan administration's national energy program, which increases funding for only one energy technology—nuclear energy—while cutting efforts in all other technologies—solar, fossil and energy conservation—by more than 50 percent. I think it is clear that Congress has no intention of putting all of its eggs in one basket—the nuclear basket.

For the low-income weatherization program, this bill contains the minimum acceptable level of appropriations, continuing the program at slightly lower than the fiscal year 1983 level of $245 million. I would note that I support increasing funding for this program even further. The Weatherization and Employment Act of 1983 (H.R. 2615), which I authored, and which was reported by the Energy and Commerce Committee on May 12, authorizes $500 million for the program in fiscal year 1984.

POSSIBLE AMENDMENT

I understand that an amendment may be offered to reduce programs in this appropriations bill across the board by 4 percent. I would like to point out that because of the small size of the energy conservation programs, such a cut could have a devastating effect—handing the administration the right to eliminate through the budget process the statutory programs which it continues to oppose.

A 4-percent cut in the conservation budget, amounting to $21 million, could for example, wipe out the entire Residential Conservation Service—which provides information about energy conservation to residential utility customers—the voluntary building energy performance standards, and the Energy Extension Service administered by the States.

A 4-percent cut in the low-income weatherization program would amount to almost $10 million, thus eliminating an estimated 10,000 low-income homes from the weatherization program.

The low-income weatherization program has an excellent track record. To date it has weatherized close of 1 million low-income homes, producing energy savings of 15 to 30 percent annually. In addition, hearings in the Subcommittee on Energy Conservation and Power show that the weatherization program has enormous employment potential. For every Federal dollar spent, this program generates about 65 percent more jobs than projected under last year's highway jobs bill financed by a 5-cent gasoline tax.

In closing, I would urge my colleague to vote against any amendment that would have the effect of reducing the conservation budget. The appropriation proposed for energy conservation in H.R. 3363 is about 33 percent less than the Congress originally approved for fiscal year 1981 during the Carter administration. This program has already sustained big cuts. Let us not make any more damaging reductions.●

● Mr. HEFTEL of Hawaii. Mr. Chairman, I would like to take this occasion to express my support for H.R. 3363, the 1984 Interior appropriations bill. Among its various energy provisions is a section I feel is particularly important. H.R. 3363 appropriates some $1.7 billion, $1.1 billion more than the administration requested to purchase oil for the strategic petroleum reserve (SPR). This level of funding would allow a fill rate of 220,000 barrels per day in 1984, the minimum required under the Energy Emergency Preparedness Act (Public Law 97-229). I hope that the Senate will sustain the House level during its deliberations. It is crucial that we maintain the momentum of the past few years in building our Nation's energy security through the SPR.

Mr. Chairman, there is one additional issue related to the SPR program which I would like to bring to the attention of our colleagues to this time. One of the inadequacies in our strategic energy planning involves our lack of a regional storage network which would service particularly vulnerable, oil dependent areas such as New England, Puerto Rico, and my own State of Hawaii.

The Government has studied the problem. Sections 154(d) and 157(a) of the Energy Policy and Conservation Act of 1975 require that the issue of regional petroleum reserves be addressed in the strategic petroleum reserve plan of the Department of Energy. The flaw in the various DOE plans is that they never specifically recommended sites for establishing regional reserves and successive administrations have failed to back funding for a regional reserve network.

Adding to the problems is the indifference of Congress in appropriating funds. The result is we still have no regional petroleum reserve in Hawaii, Puerto Rico, and New England.

The current administration contends that in an emergency Hawaii would be served by strategic petroleum reserves in Louisiana and Texas. Perhaps. The system has never been tested, and it assumes a smooth and unbroken supply line between the mainland and Hawaii.

The Hawaii State Energy Office has questioned how Hawaii could be protected under the current plans. Given the present scenario, the Federal Government would have to ship strategic petroleum oil some 6,000 miles from storage sites in the face of very uncertain tanker availabilities. Hawaii refineries would have to hope that an adequate number of U.S.-flag vessels would be available, and that the refineries would have access to the proper grade of crude oil.

Then there is the problem of getting the tankers priority passage through the Panama Canal. At the best of times, an estimated 57 days would pass before oil would reach here once the emergency had been identified. So even if the emergency plans work without a hitch, Hawaii's economy could be disrupted in the event of a significant national oil shortfall.

It is time Congress took action on this problem.

Along with several colleagues in the House of Representatives, I have introduced a resolution calling for a new round of congressional hearings on the question of regional reserves. Among other things, we need to know if the administration has met Federal requirements. It may be that legislation should be reintroduced later this session to authorize and appropriate funds for a regional reserve program.

Mr. Chairman, I hope that the Congress will reexamine the regional reserve program in the coming months. The question of national energy planning requires that we study particular regional as well as overall national concerns. I look forward to participating in this debate with our colleagues.●

● Mr. LOWERY of California. Mr. Chairman, I rise in support of the temporary moratorium on new oil and gas leasing on certain Federal lands off the southern California coast, as proposed by the Appropriations Committee in H.R. 3363, the Interior appropriations bill for fiscal year 1984.

Approximately 11.6 million acres between Point Conception and the Mexican border, extending seaward from the State's 3-mile limit to as far as 130 miles offshore, have been designated for study for inclusion in lease sale 80, scheduled for February 1984. The study area includes virtually all of the waters off the San Diego/Orange County coast, from Newport Beach south to the Mexican border.

I do not question the need to develop new domestic sources of oil and gas to reduce our dependence on foreign energy sources, and am pleased that the administration has placed such a high priority on achieving this goal. However, the economic necessity of developing our domestic energy resources must be balanced by our responsibility to protect the economies and environments of our coastal communities. Therefore, I am joining with the San Diego County Board of Supervisors, the San Diego City Council, the San Diego congressional delegation, and virtually every local government in the area in supporting a temporary

ban on leasing in the nearshore areas off the San Diego coast.

The proposed moratorium on leasing off San Diego and Orange Counties would affect approximately 846,720 acres—7.3 percent of the total acreage designated for study for inclusion in lease sale 80, and 0.3 percent of the total OCS acreage under consideration for lease in fiscal year 1984. The ban would, in effect, create a "buffer zone," running parallel to the California coast from Newport Beach south to the Mexican border, and roughly 17 miles from the seaward boundary of the 3-mile State tidelands boundary. The proposed moratorium would only apply to the actual lease sale of nearshore tracts. All preleasing activities—preparation of environmental impact statements, public hearings, and so forth—would continue as scheduled.

While I generally support the OCS lease program as a means of increasing our domestic energy resources, I believe that priority should be given to the leasing of areas which have the highest yield potential balanced by a minimal risk to the environment and local economies. The potential disadvantages of leasing in the nearshore tracts off San Diego outweigh the national need for oil and gas potentially developable from the area. The nearshore San Diego tracts were, in fact, deleted from lease sale 48 by then Secretary of the Interior Andrus, and were also excluded from "calls for nomination" for lease sales 68 and 73 in 1979 and 1980 respectively.

The 26 nearshore San Diego tracts—from 3 to 25 miles offshore—excluded from previous lease sales were extensively studied in 1979. Resource estimates from the 26 tracts were 30 million barrels of oil and 45 billion cubic feet of gas. When computed against the 1980 national consumption figures, these resource estimates represented only 42 hours of oil and 17 hours of gas. The draft environmental impact statement for lease sale 80 recently released by the Department of the Interior projects an even lower resource yield. According to the latest report, the most likely resource estimate for the 138 tracts off San Diego is 20 million barrels of oil and 20 billion cubic feet of gas.

Drilling in these nearshore areas could potentially pose a severe threat to San Diego's greatest natural resource—its coastline and beaches. The tourist industry attracted by the natural beauty and recreational potential of San Diego beach areas makes a tremendous contribution to the local economy: Tourism is San Diego's third largest industry, bringing an estimated $1.3 billion into the local economy annually. Furthermore, the tourist industry will play an increasingly important economic role if San Diego proceeds with a proposed $100 million convention center and attendant $200 million of new hotel facilities. From an economic as well as environmental standpoint, it is important that we protect our nearshore areas from the risks that offshore drilling would impose.

The introduction of offshore drilling in nearshore areas would also interfere with military activities off the San Diego coast. San Diego is the Navy's principal west coast home port. It supports more than half the Pacific Fleet, serving as the training center for the 120 ships and approximately 500 planes homeported in San Diego and Long Beach. Comdr. Bill Salisbury, the Navy's representative of the San Diego Association of Government's OCS Task Force, stated in a June 4, 1983, San Diego Union interview that oil drilling platforms off the San Diego coast would cause a "very significant impact on the Pacific Fleet" because they would snarl "one of the most heavily used training centers in the world."

While the Navy is most concerned about hazards to navigation, Commander Salisbury says that they are also concerned about loss of training time. The ocean areas just seaward of the 3-mile limit—where oil companies have shown the greatest interest—receive the heaviest military use. Drilling platforms in these nearshore areas would force the fleet to move elsewhere. The time it would take these ships and aircraft to move to more distant practice ranges would then have to be subtracted from training time, which is already at a premium.

While the Navy has not yet taken an "official" position on the areas included in lease sale 80, it did voice official objection to the sale of nearshore tracts in the same area in 1979, prior to lease sale 48. It is important to note that military usage of these nearshore areas has increased since that time. The Navy currently has seven major training areas off the San Diego coast. The introduction of offshore structures to these areas would compromise the Navy's ability to carry out its mission, and would not be in the best interests of the Nation.

Finally, there is serious concern about the negative impact of offshore oil development and potentially significant hydrocarbon emissions on San Diego's efforts to comply with the ambient air quality standards required by the Clean Air Act. While we are making excellent progress, San Diego County is one of 218 nonattainment areas in the country. The introduction of petroleum development and its associated hydrocarbon emissions would potentially exacerbate San Diego's problems in meeting Federal air quality standards. In effect, offshore development and its adverse emissions would only add to the existing emission transport problem from the Los Angeles air basin.

Mr. Chairman, it is my belief that sensitive offshore areas, such as the nearshore areas off the San Diego coast, should be among the last, not the first, offshore areas to be developed. These areas are unique in their economic and environmental sensitivity to offshore development and should be protected. A 1-year moratorium on leasing in these sensitive areas will give Congress time to give the California OCS issue the careful consideration needed to insure a policy that strikes the necessary balance between economic and environmental concerns.●

● Mr. BEDELL. Mr. Chairman, I want to express my strong support for H.R. 3363, the appropriations bill for the Department of the Interior and related agencies.

I want to commend the chairman of the subcommittee and the members of the committee for their efforts to report a balanced and responsible bill. I am particularly pleased with the committee's strong endorsement of our energy conservation and research activities, as well as Federal wildlife and natural resource preservation efforts.

I also want to express my strong support for the language in the bill which establishes an independent commission to make recommendations for the formulation of a responsible coal leasing program. In my opinion, Secretary Watt's action to dump federally owned coal on a soft market should not have gone unchallenged, and thus I am very pleased with the action taken by the committee.

Mr. Chairman, I found it interesting to note that, in his after the fact defense of the Interior Department's action to solicit bids on vast coal deposits during a period of depressed coal prices, Secretary Watt offered as an explanation his interest in seeing that adequate coal supplies are available for consumption when needed 10 to 15 years into the future.

If Secretary Watt's explanation of his Department's coal leasing policy signifies a change in this administration's position on the need for a long-term energy policy, then I welcome it.

However, I must say that I remain unconvinced that Secretary Watt's explanation reflects a sudden interest on the part of this administration in guaranteeing our energy security. I remain unconvinced, Mr. Chairman, because of what I perceive to be the administration's shortsighted energy policy in a number of other areas.

For example, the very bill before us today requires that the Department of Energy spend the funds necessary to fill the strategic petroleum reserve at the minimum rate required by law. As we all know, this action was made necessary because the administration—in an attempt to hold down budget out-

lays today—has proposed a sharp reduction in the fill rate for the SPR—despite the fact that today's soft oil prices offer a prime opportunity to fill the reserve in a cost-effective manner. How can Secretary Watt justify selling Federal coal at fire sale prices at the same time this administration—for budgetary reasons—wants to drastically reduce the filling of the SPR with relatively cheap oil? If the administration is truly concerned about holding down deficits by maintaining Government revenues, it would not have dumped the coal; and if the administration is concerned about our energy future, it would be filling the SPR at the required minimum level.

And why, Mr. Chairman, does Secretary Watt want to dump Federal coal at less than its true value during a period when the administration is so adamantly opposed to efforts to preserve our energy conservation and research efforts; to extend available tax incentives for renewable energy development; or to maintain our energy development loan programs?

If Secretary Watt and others in the administration are sincere in expressing a new-found commitment to securing our energy future, then I challenge the administration to convince those of us who remain skeptics of this policy reversal.●

● Mr. LEVINE of California. Mr. Chairman, I would like to take this opportunity to commend Chairmen JAMIE WHITTEN and SID YATES for crafting an excellent Interior appropriations bill. I am particularly pleased with the inclusion of two provisions which directly affect my district—a 1-year moratorium on oil and gas leasing in the Santa Monica Bay and a $25 million appropriation for land acquisition in the Santa Monica Mountains National Recreation Area.

I represent 50 miles of our Nation's most beautiful and precious coastline which extends from Malibu to Redondo Beach and is silhouetted against the Santa Monica Mountains. Each year tens of millions of people flock to this area to enjoy the scenic beauty and partake in the scores of recreational activities.

For many years, we who live and work in the area have demonstrated to the Federal Government that oil and gas leasing in the Santa Monica Bay would be economically, environmentally, and aesthetically damaging and that it is not in the public interest. Four former Secretaries of the Interior, both Democrats and Republicans, have seen the wisdom of protecting the Santa Monica Bay from oil drilling and have chosen not to include tracts in the Santa Monica Bay in three prior lease sales. I appreciate Chairman YATES' interest in this important issue and his inviting me to testify before the Interior Subcommittee to express my strong support of protecting the Santa Monica Bay from oil drilling.

We must do all we can to lessen our dependence on foreign sources of energy and support actions to achieve that goal, including the expanded development of domestic energy resources. This important goal must transcend parocial local concerns. This may require some expanded drilling for oil off of our coast. However, it must be done in a safe and environmentally balanced manner.

Secretary James Watt's plan would increase by 30 times the area offered for lease despite comments from the oil industry and coastal States that such an increase is likely to prevent focused development of those areas of the Outer Continental Shelf with the greatest potential for finding oil and gas. The moratorium includes only 10 percent of the area that Secretary Watt is offering for lease in California. Considerable additional acreage will be available for development. We should first develop the areas which have been leased but not yet developed before opening new areas.

The economic and environmental risks we may incur as a result of drilling in the Santa Monica Bay far outweigh the benefits of the oil we might retrieve. Southern California beaches are among the most heavily used beaches in the country. In 1980 over 76 million people visited Los Angeles County beaches. Over half of the State of California's annual coast-related tourism revenues of $15 billion is generated in southern California. The city of Santa Monica alone generates approximately $100 million annually from tourism and recreation.

Economic losses amounting to hundreds of millions of dollars are likely to occur as a result of drilling in the bay and would be further compounded if an oil spill occurs. These costs include reduced beach use, tourism, tourist taxes, revenue from commercial fishing, revenue from pleasure boats, property taxes, and property values.

There is a great deal of seismic activity in the Santa Monica Bay. In the past 10 years alone 171 earthquakes have occurred in the Santa Monica Bay with magnitudes as great as 5.6 on the Richter scale. I am very concerned that an oilspill as a result of an earthquake during exploration or development would jeopardize the beaches, parks, and biological areas of the Santa Monica Bay. Complicating the issue of seismicity is the controversy over whether drilling operations, through the withdrawal of fluids, increases seismic risks.

An oilspill would seriously endanger the two remaining wetlands in Los Angeles County. The 10 acres of wetlands in Malibu Lagoon and the 70 acres of wetlands in the Ballona Creek Estuary are all that remain of Los Angeles County's 6,800 acres of wetlands. These wetlands serve as habitats for many animals including several endangered species. The Ballona Creek Estuary alone is estimated to include 20 percent of the State's nesting ground for the endangered least tern.

The Santa Monica Bay has become a popular place for animal viewing. Many people find pleasure in watching the many sea birds and marine mammals. A favorite pastime is whale watching during migration season. An oil spill could not only eliminate this recreational activity but force these magnificent mammals to alter their migratory patterns.

I am also concerned about the increased amount of air pollution which would result if oil drilling occurs. Los Angeles suffers from a legendary air pollution problem. Not only would the health impacts be dangerous, but onshore industries would be forced to bear a greater cost of control to achieve the increment of reduction needed to offset offshore emissions. Offshore drilling would retard our efforts to clean up our air.

Those of us who have been fighting oil drilling in the Santa Monica Bay for years have grown weary of Secretary Watt's efforts to endanger our coastal resources in an effort to prospect for oil in an area where studies indicate a low probability that any significant resources exist. It is time that we take action to recognize that these areas are not the places to be drilling for oil. A 1-year moratorium will give us time to study this issue more fully. I hope my colleagues will realize the importance of protecting this precious natural resource and join me in supporting legislation introduced by our colleague, Congressman LEON PANETTA, H.R. 2059, which would impose a moratorium on oil and gas leasing in environmentally sensitive areas including the Santa Monica Bay until the year 2000.

Since I represent most of the Santa Monica Mountains National Recreation Area funding for parkland acquisition is of particular concern to me. Therefore, I testified before the Interior Subcommittee to explain the importance of preserving this beautiful area to my colleagues who serve on that committee.

Each year more than 10 million residents of the Los Angeles urban area use the Santa Monica Mountains as a place to enjoy such recreational activities as biking, horseback riding, and swimming. It combines large undeveloped areas of mountains, woodlands, grasslands, and beaches—something increasingly rare in southern California.

In 1978 a bipartisan majority in Congress recognized the exceptional value of the area and the need to preserve it and designated the Santa Monica

Mountains a national recreation area. Although the legislation included a $155 million for a 5 year land acquisition program, unfortunately, to date, only $41 million has been appropriated for land purchases—an amount far below Congress' original mandate.

This is a crucial time for the Santa Monica Mountains. Funding is needed now more than ever. The value of these lands is appreciating rapidly. Developers have expressed interest in construction projects in the area, and it is imperative that parkland purchases be made as quickly as possible.

We must continue to purchase parklands before any further price increase in land costs or new development makes it impossible.

The Interior appropriations bill is a reasonable approach to protecting and preserving our valuable natural resources. I urge my colleagues to support it.●

● Mr. JONES of North Carolina. Mr. Chairman, I rise in support of H.R. 3363, legislation to make appropriations for the Department of the Interior and its related agencies for fiscal year 1984. As chairman of the Merchant Marine and Fisheries Committee, which is the authorizing Committee for the U.S. Fish and Wildlife Service, I have a particular interest in seeing that the Service has enough operating money and adequate personnel ceilings.

H.R. 3363 addresses my committee's concerns about the future of the Fish and Wildlife Service. For instance, the Service is responsible for the cooperative research units program, which was zero funded by the administration. However, in H.R. 3363 this program is fully funded and the secretary is directed to provide enough Federal employees to run this valuable program.

Another program that was proposed for a cut in its budget was the fish hatchery program. The House Appropriations Committee rejected any further cuts in the hatchery budget and, therefore, rejected any more hatchery closures this year. The Merchant Marine and Fisheries Committee is now looking into Federal fish hatchery policy; however, until this policy can be fully examined and intelligent recommendations made, I feel that no hatchery should be closed for lack of funding.

Another concern addressed in H.R. 3363 is the need for additional land acquisition to assure the future of our rich fish and wildlife resources. Despite the administration's request for zero funds, the House Appropriations Committee has very wisely recommended $42 million for acquisition of critical habitat as well as $7 million for the migratory bird conservation account to acquire wetland areas. I feel it is imperative that we continue to acquire land for these purposes in fee title as well as through conservation easements or land exchanges. It is important to continue to preserve part of our dwindling habitat resource in its pristine state to protect our priceless fish and wildlife heritage.

Mr. Chairman, I strongly support H.R. 3363 and commend my distinguished colleague from Illinois and his subcommittee for their hard work on this appropriations bill. I thank them, as well as the chairman and members of the full Appropriations Committee, for listening to and addressing my concerns, which are shared not only by my committee, but also the American public, which recognizes the need for these valuable programs. I urge my colleagues to vote favorably on passage of H.R. 3363.●

● Mrs. KENNELLY. Mr. Chairman, I rise to express my support for H.R. 3363, the Department of the Interior and related agencies appropriation bill of 1984. I also would like to thank the chairman of the subcommittee, Representative SIDNEY R. YATES, for the assistance and consideration he has given my concerns during the development of this legislation.

I strongly support the 6-month moratorium on Federal coal leasing, included in H.R. 3363, until a Commission has studied the appropriate direction for this program. The current policy of Secretary Watt for wholesale leasing of Federal coal reserves, at a time when the coal market is severely depressed, is simply a massive giveaway to the major energy corporations. A few months delay devoted to a reassessment of the coal leasing program will not jeopardize our efforts to achieve energy independence—not at a time when a 180-year supply of Federal coal is already available to the utility market at current rates. Instead, this study Commission can help make possible a program that is more fiscally and environmentally responsible than what is now the case under Secretary Watt.

For many of the same reasons, I am pleased that H.R. 3633 also contains language barring all Outer Continental Shelf oil and gas leasing and preleasing activity in the Georges Bank fishing grounds. New England is an energy-importing region of the country, yet we do not see the economic sense in disrupting our richly productive fishing areas when the value of energy reserves likely to be recovered there are relatively small. A wise development of our Nation's resources would hold these valuable tracts back until absolutely necessary.

The Interior appropriations bill also makes a major commitment to assure the orderly development of fuel cell powerplants, in order to bring this technology into private-sector commercialization. A major part of the research into fuel cell technology takes place in South Windsor, Conn. I was gratified the funding level was set at $46 million, $37 million over the level requested by the administration.

Although fuel cells can currently be produced with a given performance at a specified cost, further research is necessary to make them available at a competitive price with the necessary durability and reliability. The Appropriations Committee's action should insure that progress toward this goal continues.

On a final note, the Appropriations Committee has included $26.5 million for the historic preservation fund and $10 for the urban parks program. These two programs are designed to breathe new life into existing facilities and are very important for many community development projects across the country. While I am one who would like higher funding levels for these programs, the committee is to be congratulated for rejecting the administration's request that the programs be terminated.

● Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 3363, the Department of the Interior and related agencies appropriation bill for fiscal year 1984.

Under this appropriation, $193.9 million will be available for State reclamation program grants, $18 million for the rural abandoned mine program and $25.5 million for the Federal reclamation effort.

While I believe the States could use considerably higher levels of funding per the recommendation of the Committee on Interior and Insular Affairs—$320 million—the Appropriations Committee has recognized that a large unappropriated balance in the abandoned mine reclamation fund does little environmental good sitting idle in the U.S. Treasury and has provided for the greatest amount of funding to the States since the fund was authorized by the Surface Mining Control and Reclamation Act of 1977.

A vast inventory of abandoned coal mine lands still exists. I am talking about burning slag piles, dangerous mine openings, acid mine drainage and old tipples causing hazards to the health and safety of the people living in Appalachia and other coal-producing regions of our Nation.

The money being appropriated from the abandoned mine reclamation fund—which is supported by a fee assessed on every ton of mined coal—will not only make a dent in the extensive inventory of abandoned mine lands but will also help to battle unemployment through the jobs reclamation projects create. The Committee on Interior and Insular Affairs has received testimony which indicates that for every $1 million in reclamation money spent 50 full-time jobs are created.

For fiscal year 1984, the committee has wisely chosen to return the RAMP

program to its pre-fiscal year 1983 status. In fiscal year 1983, the committee accepted an administration proposal to change the RAMP money distribution system. Instead of flowing through the Soil Conservation Service to local soil conservation committees and districts—as authorized by the 1977 SMCRA—RAMP money in fiscal year 1983 went directly to State departments of natural resources (or similar agencies) which in turn dealt with the Soil Conservation districts. However, some States had problems with this delivery mechanism either because the State agencies were not prepared to deal with the RAMP program or because of the lack of contracting authority on the part of the conservation districts. Of major concern was the fact that the districts do not have the resources to plan future RAMP-type projects. The Soil Conservation Service has the resources and technical expertise to undertake the RAMP program and I quote from the report accompanying H.R. 3363:

The Committee believes the program can more effectively and efficiently be managed by the Soil Conservation Service in cooperation with state RAMP committees and local conservation districts. The amount provided will also allow the Soil Conservation Service to resume design, planning and implementation of new projects.

Mr. Chairman, West Virginia has an estimated 181,000 acres needing reclamation; among them are 1,200 acres of burning coal refuse piles and 53,000 acres of nonburning but severely eroding gob piles. In addition, more than 3,100 miles of streams are affected by abandoned coal mines in the State. The bill we are considering today will lend great assistance toward efforts to reclaim these areas.●

● Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 3363, the Department of Interior Appropriations. This legislation is more than appropriation legislation. It is a reaffirmation of this House for the Federal commitment to a rational balance of natural resources. This legislation recognizes the value of our national resources in terms of their developmental and recreational values.

The policies enunciated in this bill, unlike this administration's proposal, balance preservation and development. It is a rejection of the Reagan-Watt policy of development—full speed ahead at any cost.

Mr. Chairman, I want to commend the committee and, in particular, the subcommittee Chairman, Mr. Yates, for their efforts. I particularly want to express my support and gratitude for the committee's action on behalf of several crucial projects in Minnesota. The subcommittee has recommended adequate funding for several key programs in Minnesota, programs which the administration sought to delete. Earlier this year, I appeared before the subcommittee to testify in support of these programs and presented a supportive letter signed by the entire Minnesota house delegation.

Located in northern Minnesota, the Voyageurs National Park and the Boundary Waters Canoe Wilderness Area are unique national resources, enjoyed by all Americans. By providing adequate funding for land acquisition in both areas, the Voyageurs Visitors Center and the cooperative forestry program, the committee has progressed toward several goals. The land acquisition funds are essential to the protection of these resources. They insure that the areas will be available for the enjoyment of future generations and help to promote tourism, an important economic component of the region. In addition, the cooperative timber program helps a region, drastically hit by the recession. These programs have a successful track record and are worthy of our continued support.

The committee has also approved $2.5 million for land acquisition in the Minnesota Wildlife Refuge. This area, near the metropolitan area, is an essential nesting area for a wide variety of waterfowl and offers the potential of a major recreation resource for the millions of Twin Citians who live near this resource.

Mr. Chairman, the Reagan administration, through its policies, has demonstrated its lack of commitment to a sound natural resource policy. This bill is an appropriate response. I urge my colleagues to support H.R. 3363.●

● Mr. FRENZEL. Mr. Chairman, the Interior appropriation bill, H.R. 3363, is over the budget targets approved in the fiscal year 1984 budget resolution. Moreover, it lacks any evidence of commitment to fiscal responsibility.

For discretionary programs, spending exceeds the 302 allocations of the budget resolution by $275 million in budget authority and $411 million in outlays. For mandatory programs it is slightly under the budget resolution in budget authority and outlays. However, funding for some programs not yet authorized by the Senate is not provided, and will require a spring supplemental.

Further, the bill exceeds the President's request by $1.38 billion. It exceeds the fiscal year 1983 appropriation level, as well, when the $500 million approved by Congress for fiscal year 1983 as part of this spring's jobs bill is discounted. In its current form, this bill exemplifies the congressional disregard for the economic health of the Nation.

To sustain the recovery we must improve our spending discipline. Where funding and program management would best be managed at the State or local level, the shift to State of local should be made.

This bill fails to make those shifts. Instead it increases the Federal funding levels for programs such as conservation and renewable energy research which would be more efficiently and effectively handled apart from the Federal Government.

The enormous deficits which threaten the economy in the long term are caused by Congress profligate spending in bills like this one. The Federal Government does not have infinite financial resources.

Unfortunately, H.R. 3363 fails the test of fiscal responsibility. Along with the other excessive appropriations bills already passed, it threatens the economic security of our country. It regards budget ceilings as floors. It relies on supplementals. It is a budget buster even when the budget it is busting is excessive.

H.R. 3363 should be resoundingly defeated. If passed, it should be vetoed.●

Mr. YATES. Mr. Chairman, I wanted to yield to the gentleman from Indiana (Mr. SHARP), but I do not see him on the floor.

I also have been requested to yield some time to the gentleman from New Mexico (Mr. RICHARDSON), but I do not see him on the floor.

If they are not on the floor, I have no further requests for time, and I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by titles, and that title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title I?

Are there any amendments to title I?

Mr. YATES. Mr. Chairman, I move to strike the last word.

The portion of the bill to which the pro forma amendment relates is as follows:

TITLE I—DEPARTMENT OF THE INTERIOR LAND AND WATER RESOURCES

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $348,852,000.

Mr. YATES. Mr. Chairman, the Park Service land acquisition and State assistance appropriation does not reflect funds for the Point Reyes

National Seashore, the Monocacy National Battlefield, or the Chattahoochee River National Recreation Area to be allocated as follows:

Point Reyes National Seashore: $1 million.

Monocacy National Battlefield: $3 million.

Chattahoochee River National Recreation Area: $1 million.

I would like to state that it is the committee's intention to provide the amounts for those units and to change the amount shown in the report for "slippage" from $0 to minus $5 million. The budget proposed by the Department assumed that $6,700,000 of the $61,371,000 requested in the budget would have slippage. The committee initially did not concur with that assessment, but it appears likely, in view of the general reluctance of the Secretary to follow congressional direction on Federal land acquisition, that at least $5 million in slippage will occur in fiscal year 1984. It is for that reason that this reallocation is made in order to permit funds to be provided to these three additional areas.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to call attention to section 113 of the general provisions of the Department of the Interior appropriations bill appearing on pages 38-40. Basically, these provisions would prohibit the Department of the Interior from going ahead with the scheduled January 1984 sale of Outer Continental Shelf Lease No. 80 located off the coast of southern California. I would like to voice my ardent opposition to these provisions of the bill and can effectively demonstrate that legislation of this nature is hazardous to the national and economic security of this great Nation.

The decision to accelerate development of oil and gas on the Outer Continental Shelf was made primarily to increase America's energy self-sufficiency, and thus to boost the economy and the national security of the Nation. In 1982, America imported 4.9 million barrels of crude oil per day which was equivalent to 36 percent of the country's oil supply last year. In addition, natural gas imports in 1982 were equivalent to 4,932 barrels of oil per day, and made up 4.8 percent of domestic consumption. So far in 1983, America's average imports have amounted to 3.8 million barrels of oil per day and the natural gas equivalent of 5,050 additional barrels per day.

Together, crude oil and natural gas imports created a merchandise trade deficit of $62.2 billion in 1982 and was the principal cause of America's $31.8 billion trade deficit last year. Because the trade balance is the most important factor in calculating the balance of payments, America's enormous energy imports were also the primary cause of the $47.7 billion balance-of-payments deficiency in 1982.

The consequences of these colossal deficits are devastating. According to C. Fred Bergsten, former Assistant Treasury Secretary, the $13 billion real deterioration in the U.S. trade balance from January 1, 1981, to January 1, 1982, accounted for 40 percent of the decline in real GNP in that period. Moreover, applying a common economic rule that equates $1 billion in U.S. exports with 40,000 jobs, the 1982 trade deficit cost the Nation 1.27 million jobs. In the southern California region, the Environmental Impact Statement for Lease Sale No. 80 estimated that the sale would create 13,000 new jobs.

Moreover, it should be emphasized that declaring any type of moratorium on OCS leasing will substantially enlarge the Federal budget deficit since revenues from OCS leasing represent the second largest source of Treasury revenue behind taxes. The Department of the Interior has predicted that between 1982 and 1987 the OCS leasing process would generate $48 to $80 billion in Federal revenues. Imposing a moratorium on Lease Sale No. 80 alone will deny the Federal Government $12 billion in revenues according to the Environmental Impact Statement. Furthermore, it is estimated that every $1 million spent on drilling expenditures in the southern California region results in economic gains to the region in excess of $2.5 million. The beneficial economic prospects for the region are thus virtually unlimited if we proceed with the OCS drilling process. Both the Orange County and San Diego County Chamber of Commerce recognize these facts and have endorsed proposals supporting Lease Sale No. 80.

Our extensive dependence on oil imports also causes an extreme vulnerability to oil supply disruptions, and hence is a potentially lethal threat to America's national security. Further, the prospect of continuing dependence on foreign crude oil significantly increases the possibility that some day in the future, American soldiers might have to fight and perhaps die on foreign soil in order to maintain access to energy resources. One cannot simply ignore these fundamental foreign policy considerations.

The Department of the Interior's decisions to accelerate energy development on the Outer Continental Shelf recognize the economic and defense needs of the Nation as well as America's vast energy resources. Nearly 85 percent of America's untapped oil wealth is on publicly owned lands, two-thirds of which is offshore. In the waters off our Nation's coasts, a 1980 geological survey estimated recoverable resources of crude oil at 32.6 billion barrels, while natural gas resources were estimated at 46.5 billion barrels of oil equivalency. Recoverable resources of petroleum for Lease Sale No. 80 alone is estimated at over 2.3 billion barrels. In 1981, only 280 million barrels of oil and the natural gas equivalent of 922 million petroleum barrels were extracted from Federal waters off our Nation's coasts. Off the coast of southern California, only 19.6 million barrels of oil and the natural gas equivalent of 2.4 million barrels were extracted from Federal waters in 1981. The people of California recognize this only too well. In a recent poll of California citizens by the Field Institute, a majority agreed that "oil companies should be allowed to drill more oil and gas wells" in lands along "the California sea coast." The views of the California citizen must be taken into consideration.

Furthermore, the Outer Continental Shelf's environmental record is outstanding. Offshore exploration and drilling operations in the last 10 years have contributed only 3 percent of the oil which has entered America's ocean waters compared to 86 percent from ships and tanker operations and 11 percent from natural seepage. Virtually none of this 3 percent was actually carried to shore. From those statistics, it can be concluded that the danger to the ocean and beach environment from oil spills from foreign tankers carrying foreign crude oil and manned by foreign crews is much greater than the threat of potential spills and OCS production. Since the Offshore oil pollution compensation fund was created in 1978, no Federal cleanup costs have been incurred and no damage claims have been made relating to offshore drilling operations. More than $280 million has been spent on environmental safeguards since 1950, and consequently America's oil safeguards are the best in the world. The people of California recognize this only too well. In a recent poll of California citizens by the Field Institute, 59 percent agreed that offshore drilling and concern for the environment were compatible considerations.

Given the economic, energy, and national security considerations, as well as the current environmental safeguards and public opinion on the issue, the Department of the Interior's OCS leasing process is both justified and necessary for the advancement of America's interests. Any legislation which attempts to repeal or delay the OCS leasing process goes contrary to America's long-term interests. Those who drafted the moratorium provisions of the bill cannot offer any substantial evidence that OCS leasing off the coast of California will have any significant detrimental economic or environmental effects. Their views are based on major misconceptions and factual fallacies hidden amidst an aura of political rhetoric. Considering the

fact that the California coast is a well tested drilling region, do we really want to take what may be a first step toward banning all OCS production?

□ 1610

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $10,924,000.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 13, line 8, strike "$10,924,000" and insert "$11,325,000".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to correct an error. It conforms the bill to the actions taken by the subcommittee and the committee for the national recreation and preservation programs. It restores $151,000 for the natural landmarks program as requested by the administration and includes an additional $251,000 for national register programs. For national register programs the administration has requested $6,676,000, and with this action the amount now provided will be $5,476,000, a net reduction of $1,200,000.

I ask for approval of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was agreed to.

Mr. CRAIG. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I would like to draw the attention of the chairman of the subcommittee and the ranking member to, starting on page 4, line 4, of the bill and page 15 of the committee report. As I was reading down these pieces this morning I began to recognize that this appropriation legislation has substantial legislative change proposed in it outside just appropriation responsibility.

I say that because this particular section of this appropriation bill, in fact, changes law. It changes the 1978 Grazing Act that mandated program for establishing and monitoring grazing fees in the Western States and, in effect, by its presence creates a new fee structure.

When I began to question why the Appropriations Committee might in fact be legislating new law I found out that in the markup of this legislation under the BLM section, on the chairman's item 14, there was only a sentence saying something to the effect of range improvements. It was bill language providing that range improvements will be provided at 50 percent of receipts of $8,640,000 and establishing a grazing fee schedule.

What does this do? It changes the direction of Congress and the mandate the Congress established in the FLMPA Act of 1976 when it in fact mandated that Congress would proceed to create a flexible schedule for the grazing of livestock on the public lands of primarily our Western States.

Then, as a result of that study, we created the Rangeland Grazing Survey and the Public Rangelands Improvement Act of 1978.

In that act, Members of Congress, we were able to create a mechanism and use that mechanism in establishing grazing fees on an annual basis that in some way would correspond with the market price of cattle, to be allowed to get the maximum use from our grazing lands from the standpoint of revenue return to the Treasury.

In the passage of that improvement act in 1978 we used a base figure of $1.23 which was established by the 1966 western livestock grazing survey and is changed annually by multiplying the result of the forage value index added to the combined index of beef cattle index minus the price index, and so on, to establish a fee that the Department of the Interior vis-a-vis the BLM is allowed to charge.

Now, that new formula approach is under study. We are not, I am not committed to that yet, and we do not know for sure whether it is working. But Congress said let us examine this through 1985, and while we examine it let us ask the Bureau of Land Management, the Department of the Interior, the U.S. Forest Service, the U.S. Department of Agriculture, to conduct a study monitoring the formulas process throughout the Western States, in fact, to determine whether the fee represents a fair market value for the forage consumed by western livestock grazing on those public lands.

This report is due in Congress by January 1, 1985. In checking with Director Bob Burford, of the BLM, I am told that this report is in progress, the study by all of the Departments I have named are in fact underway.

But what we have now is an end run by this subcommittee to emplant upon BLM and the Department of the Interior a fixed schedule which in no way reflects the market trends or the values and the problems that we experience on our public grazing lands.

□ 1620

I likened this to the problem that we get involved in with the Department of Agriculture and the U.S. Forest Service when we are talking about stumpage costs. If we would begin to look at the Canadian Government and how they handle the pricing of their timber, we might not have gotten ourselves in the problem we had in the western forest lands of this Nation and the southern forest lands, if not the whole country; in that we had companies locked into a very rigid schedule which in no way reflected the market trends at the time in the timber industry. What this committee is attempting to do by legislating in an appropriation bill is to return us to that kind of rigid structuring that we have had problems with in forest management that we will once again have.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. What we risk doing in this kind of legislating in an appropriation bill is creating that rigid structure. What States am I talking of? Arizona, California, New Mexico, Utah, Colorado, Idaho, Montana, Nebraska, Oklahoma, Oregon, and Washington.

And I would have to think that the authorizing committee, the Interior Committee, would in fact be quite upset by this process and willing to look at this in light of what all of the agencies that I have mentioned are at this time doing in the survey and in the study that was mandated by the 1978 law. As a member of that Interior Committee I resent this kind of an end run and I have to think that my colleagues on that committee do too. Certainly I wanted to place in the RECORD this statement so that when we get to conference we can be reflective of the fact that we are in fact legislating through an appropriation measure and that we are disregarding the extensive report that will be coming forth from all of these agencies that are charged with the management of these public lands and establishing fees for grazing of livestock on our western public lands.

It was the intent of Congress that the legislative fee in effect at the present time be given a trial period of 7 years during which time a study would be made and, upon receipt of the results of this study, Congress intended to act and adjust the grazing fee either by formula or as they saw fit for the year 1986 and subsequently. Action on this fee at the present time would be premature and should be postponed until the results of the study are in the hands of Congress.

BLM GRAZING FEES

1973	$0.78
1974	1.00
1975	1.00
1976	1.51
1977	1.51
1978	1.51
1979	1.89
1980	2.36
1981	2.31
1982	1.86
1983	1.40

1982 GRAZING FEE OF CERTAIN STATES

Arizona	$1.43
California	1.70

1982 GRAZING FEE OF CERTAIN STATES—Con.	
New Mexico	1.60
Utah	2.36
Colorado	3.00
Idaho	4.25
Montana	3.47
Nebraska	14.00
Oklahoma	5.70
Oregon	2.50
Washington	3.37

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this appropriations bill and wish to acknowledge the fine work of the gentleman from Illinois (Mr. YATES). The bill which he brings before us today is both a difficult one and a very important one for our country. SID YATES and his subcommittee know the importance of maintaining and preserving the real wealth of our Nation. This bill takes care of our forests, many of our natural resources, and our environment. Without anything backing our money, all that we have to pass on to our children and our grandchildren is the vast beauty, and wealth of our natural resources.

I commend the work he has done, and the ranking minority member of this subcommittee, the gentleman from Pennsylvania (Mr. MCDADE). These two gentlemen and the other members of this subcommittee have worked hard to bring this House a good bill; some have called it the all-America bill and I agree with that. All the Members of this House should support this bill.

Mr. CHAIRMAN. Are there additional amendments to title I? If not, the Clerk will read title II.

The Clerk proceeded to read title II.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Are there amendments to title II?

AMENDMENTS OFFERED BY MR. HILER

Mr. HILER. Mr. Chairman, I offer amendments.

The portions of the bill to which the amendments relate are as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $134,400,000 of which $121,300,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and $13,100,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $30,600,000, to remain available until September 30, 1985, to the National Endowment for the Arts, of which $21,500,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,500,000 of which $107,750,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and $12,750,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and Humanities Act of 1965, as amended, $29,500,000, to remain available until September 30, 1985, of which $18,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

The CHAIRMAN. Is it the Chair's understanding that the gentleman has two amendments?

Mr. HILER. Mr. Chairman, I have four amendments at the desk, and I ask unanimous consent to have them considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. YATES. Reserving the right to object, Mr. Chairman, I would like to know what the amendments are.

The CHAIRMAN. The Clerk will read all four amendments.

The Clerk read as follows:

Amendments offered by Mr. HILER:

On page 60, line 18, strike out "$134,400,000" and insert in lieu thereof "$114,275,000". On page 60, line 18, strike out "$121,300,000" and insert in lieu thereof "$101,675,000". On page 60, line 24, strike out $13,100,000" and insert in lieu thereof "$12,600,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that the amendments be considered en bloc?

Mr. YATES. Further reserving the right to object, Mr. Chairman, I understand the gentleman had four amendments. I thought that the Clerk read only three amendments.

The CHAIRMAN. The Clerk will report the additional amendments. It is the chair's understanding that was simply the first amendment that was read.

The Clerk read as follows:

Amendment offered by Mr. HILER: On page 61, line 4, strike out "$30,600,000" and insert in lieu thereof "$29,600,000".

Mr. YATES. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Without objection, the additional amendments will be considered as read.

There was no objection.

The additional amendments are as follows:

Amendments offered by Mr. HILER: On page 61, line 19, strike out "$120,500,000" and insert in lieu thereof "$102,132,000". On page 61, line 19, strike out "$107,750,000" and insert in lieu thereof "$90,432,000." On page 61, line 24, strike out "$12,750,000" and insert in lieu thereof "$11,700,000".

ON page 62, line 4, strike out "$29,500,000" and insert in lieu thereof "$27,928,000".

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes in support of his amendments.

Mr. HILER. Mr. Chairman, I offer these four amendments because I would like to take issue with a portion of the Interior appropriations bill which I find to be unconscionable in view of the many critical funding priorities facing the Federal Government. This legislation attempts to increase Federal spending for the arts and humanities by 15 percent in fiscal year 1984, an increase of absurd proportion when viewed in relation to funding requirements for Federal programs which meet more basic human needs.

I certainly do not attempt to minimize or belittle the important cultural role which the arts and humanities play in our daily lives, and I would not propose to advance the notion that the Federal Government should have no involvement in this area. However, it is important that we place the Federal role in perspective. During the past decade, appropriations for both the National Endowment for the Arts and the National Endowment for the Humanities have more than tripled. At the same time, legislation has been approved in Congress which provides tax deductions for contributions to many artistic and humanistic endeavors, and allows the owners of certain historic property to claim tax credits or depre-

ciation for work done on that property. The loss in tax revenues to the Federal Government as the result of these laws is substantial, and should not be ignored when considering the amount of support which the Federal Government provides to the arts and humanities.

Perhaps what I find to be equally concerning about an increase of this nature is the trend which it would perpetuate. A trend which encourages reliance on the Federal Government as an ever-expanding and ever-available source of funding for artistic endeavor. We are all aware of the negative effects of government intrusion in our lives. If we want to encourage participation by our citizens in the arts we can do so without creating a nation dependent upon its government for providing its cultural needs. The private sector must remain at the center of this effort. Indeed, if we are to maintain the integrity and individuality of the artist, the Federal role must necessarily be of a limited scope.

The administration had requested a 13-percent spending reduction for NEA and NEH in fiscal year 1984. Instead, this legislation ignores that request and goes one step further. It adds more than $40 million in new spending at a time in which budget deficits loom larger and larger. My amendment provides an opportunity to reestablish the proper intent of Congress with respect to the arts and humanities, and at the same time preserve important funding for ongoing programs. Maintaining spending levels for these programs at their current levels will not jeopardize the future of the arts and humanities in our Nation. There is little that could be said to convince me that our Nation and its citizens will not continue to pursue quality experiences in the arts and humanities if not $1 of Federal funding was provided. However, that is not the case. The Federal Government is involved, and will likely continue to be involved in this area in the future. But let that involvement provide encouragement to our artists, not subsidization.

The four amendments I have offered would freeze spending at 1984 levels. What we would be saying is at a time of $200 billion deficits, at a time when we as a Congress must try to assess our priorities that we do not have in the budget, we do not have the Federal resources to allow a 15-percent increase in spending for the arts and humanities. This is a very simple series of amendments, it will freeze spending at last year's levels. Many people on that side of the aisle signed a letter several days ago asking the Speaker to consider when he proposed capping the tax cut, that he consider supporting an effort to freeze spending. Well, certainly if there is any area that spending could be frozen with little impact on the overall good of our country, this is one area that could be done. A $40 million increase at this particular juncture is not called for, it is not justified and I believe that we as a Congress should establish our priorities and should be willing to say this is one area where we will freeze spending; not cut spending, but freeze it. We will spend the same amount next year as we did this year. Last week, when the House passed the cap on the third year of the tax cut, many Members on the majority side voted for an amendment that would say that the Congress should try to find $6 billion in some type of spending reductions. What better place to start than this $40 million reduction from what would be budgeted under this Interior appropriations bill, what better place to start than in the National Endowment for the Arts and the National Endowment for the Humanities. A relatively simple $40 million reduction from the appropriations bill that would have the effect of freezing expenditures at last year's level. I think this amendment deserves your consideration.

□ 1630

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendments.

Mr. Chairman, for some time I have had a feeling that it was just a question of time when some Member of the House would take the floor to attack the arts and humanities appropriations. I never conceived that such a motion would come from a Member from the State which has such a remarkable and outstanding School of the Arts as Indiana University.

In 1981, the administration proposed cutting the arts budget.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

The gentleman mentioned Indiana University, but the gentleman should have mentioned my alma mater, the University of Notre Dame.

Mr. YATES. All right, I will mention that as well. I was not aware that Notre Dame had the reputation for arts that Indiana University has. I know it has for humanities.

Mr. McDADE. We cannot get toward Hogie Carmichel, but our football team is an art form.

Mr. YATES. So is Indiana's basketball team.

Mr. McDADE. Agreed.

Mr. YATES. Mr. Chairman, in 1981 the administration proposed to cut the arts budget. And it proposed cutting on the theory that any reduction in the Federal appropriation would be more than made up from private contributions. That just has not happened.

The large individual donors, the businesses, the foundations who make contributions to the arts have appeared before our committee and have told our committee that they just cannot make up the difference. They have such demands as a result of cuts in social programs that they cannot make up the difference between the cuts in the appropriations that were proposed and the amounts that would be available to the arts.

Whenever contributions from the State legislatures also have been cut, they, too, cannot make the difference.

The fact is that if the arts are to be encouraged and are to stay alive, Federal contributions must be strengthened.

The fact is that our Federal contribution is less per capita than that of any other Western country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

As the gentleman knows, I pointed out earlier that that is not quite accurate in the sense of giving the whole story, because the tax deductability of charitable contributions is in effect an underwriting by the Government, but with decision resting in the taxpayer and the local community for the support of arts.

Mr. YATES. The gentleman is correct. We do have the additional subsidies to the arts, to education, to charities, as a result of deductions from income tax that donors do make, but as far as direct appropriations for the arts is concerned, the fact remains that the Government of the United States appropriations are much less than the contributions.

Mr. REGULA. If the gentleman will yield further, I think though—and I do not have my statistics here——

Mr. YATES. I have them here.

Mr. REGULA. Well, I understand that the gentleman is accurate in what he said, but totally allowing for State, local, Federal, plus the underwriting as a result of the Tax Code, the total per capita expenditure in the United States is greater than any other country. And it allows the individuals to make the choice, rather than the Central Government, under our system.

Mr. YATES. I think that is a good statement, except that I have tried for years to find out from IRS what the total deductions that had been granted for contributions to the arts has been. They have not been able to tell me. That such contributions are made, there is no doubt. That such deductions are permitted, there is no doubt, but as far as I have been able to find

out from IRS, there are no valid statistics that would show that.

Mr. REGULA. I would just say that we have a classic example right down the street in the National Gallery, which was funded by the Mellon Foundation, if I am not mistaken, the construction of it. It is about a $100 million project that was not Federal money, but certainly was a contribution to the arts.

Mr. YATES. The gentleman is talking about the construction of the East Building.

Mr. REGULA. Yes.

Mr. YATES. The Mellon Foundation not only made those funds available, the Mellon Foundation has made funds available ever since the construction of the original building. There is no doubt that such contributions are made and such deductions are permitted.

The point I was making is that IRS has found no way of segregating that so that we have a valid set of statistics to indicate what that figure is.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Connecticut.

Mr. RATCHFORD. I thank the gentleman for yielding.

The gentleman and I sat through several days of hearings where this whole issue came up and we had group after group. I recall a group that came in from Connecticut. We had the executive director of our State commission on the arts; we had the New Haven Arts Council; we had the Long Wharf Theater there; and in each and every instance they said it was getting more and more difficult to go out into the private sector to draw the funds that were necessary. Their concern was that if there was not leadership at the Federal level, if there was not commitment at the Federal level, if there was not a feeling that arts were important at the Federal level, that the private giving would not follow.

We heard also from State directors saying that because of what they had faced for economic reasons over the past several years, that the State commitments in these areas were dwindling.

Now if we have a diminishing private contribution, a dwindling State and local contribution, I think it is all the more critical for Federal involvement at this point.

We hear about the Smithsonian and we hear about Mellon, we need to talk about Main Street, America. And many of the activities involving dance and theater and the arts come to Main Street, America because of the endowments, because of the arts, because of the humanities. That simply is not going to happen without a Federal role.

So the Chairman is absolutely correct. Leadership is essential. There are many ways of measuring it. One of the clearest ways is through dollar commitment.

Mr. YATES. I thank the gentleman.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

While the gentleman is correct that the Internal Revenue Service has never undertaken a study of where charitable contributions go, there are a number of charitable foundations that are very much interested in the disposition of charitable contributions. And the conclusion that they have reached, after careful study over a long period of time, is that the lion's share of the charitable contributions do not go to the arts, they go to religious organizations to the tune of 60 or 70 percent and that the next largest amount goes to educational institutions.

So to somehow suggest that because the charitable deduction is there that this is somehow going to infuse the arts where the Federal Government could not, is very much mistaken. Only a very small portion of the total of charitable contributions go to artistic pursuits.

Mr. YATES. I thank the gentleman.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

I concur completely with the gentleman's resistance to this amendment, which in fact is an attack on the quality of life in our country.

When I was in the Army, I was stationed in a town of 40,000 people, Coburg, Germany, where they have a professional opera company and professional orchestra. They assume that a town of 40,000 has these things.

We assume precisely the opposite. And I would add one other factor. Corporations today are multinational corporations and they are going to go where they see a healthy cultural life among other things. And for us, where we are already way at the bottom, to go even further down, is not even good economic sense, much less cultural good sense.

Mr. YATES. I thank the gentleman.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, I think the main question here is not whether we are always going to be able to find an orchestra in New York or Chicago or Detroit or Los Angeles. They will always have an orchestra. The wealthy in those communities will always be willing to support those orchestras and the arts in those cities.

What we are talking about are the smaller towns, the smaller communities in this country, that for the first time had a chance to build an arts base because of the National Foundation. That has eroded over the last few years. And it is in those communities where I think it is most essential to have Federal leadership on the issue.

Mr. YATES. The gentleman is right.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

□ 1640

Mr. WEISS. Mr. Chairman, I rise in opposition to the amendment and in support of the fiscal year 1984 appropriations for the arts and humanities contained in the Interior appropriations bill (H.R. 3363). I commend the Interior Appropriations Subcommittee and Chairman SIDNEY YATES for their efforts to respond to the demonstrated need to increase funding levels for the national endowments and other arts programs.

H.R. 3363 contains $165 million for the National Endowment for the Arts, an increase of about $21 million over the fiscal year 1983 level; $150 million for the National Endowment for the Humanities, an increase of about $20 million. These levels are less than 4 percent above the 1981 levels. The bill also includes $21.5 million for the Institute of Museum Services, a $10 million increase; and $26.5 million for the historic preservation fund.

This is the third consecutive year that we have had to repeal the administration's attacks on Federal funding for the arts and humanities. Among the administration's recommended reductions were $19 million less for the NEA and $18 million less for NEH. In testifying for these reductions, the Endowment chairman stressed their intentions of stretching public funding as far as it could possibly go.

The sad truth, however, is that public resources are already stretched to the breaking point in the arts world. The arts community has never recovered from the Reagan administration's drastic reductions of 1981 and has been further damaged by the recession and other budget pressures.

New York City's smaller nonprofit theaters, for example, are burdened by problems that jeopardize their very survival and the health and vitality of American nonprofit theater. In my district, which has perhaps the largest

concentration of such theaters in the country, rising operating costs, skyrocketing real estate values, and reduced revenues have created a crisis of serious dimensions. A number of theaters ended last year with substantial deficits. Their total expenses increased by 8.5 percent, while their grants and contributions grew by only 4 percent, according to a recent survey by the Theatre Communications Group.

The Nation's orchestras, museums, and other cultural institutions are struggling with similar difficulties. Their efforts to become more financially independent often prove to be counterproductive. Strenuous fundraising campaigns divert resources from creative efforts. Increases in admissions prices limit audiences to the wealthy, undermining one of the NEA's original purposes—to open the arts of a wider audience.

The administration, with its recommendations for continued cuts, refuses to acknowledge that the arts are a major industry in America. A recent study revealed that the arts generate $5.6 billion a year for the New York-New Jersey metropolitan area economy alone and a total of 117,000 jobs.

The fundamental reason for increasing public support for the arts, however, is that Americans place a very high value on cultural activity. Their increased participation in the arts has far outstripped the rise in leisure time during the past two decades. Opinion polls show strong public support for increasing funding to the arts.

The Interior appropriations bill is an important step in restoring the Federal commitment to the arts and helping the arts community recover from the recession. I urge my colleagues to support the funding levels in H.R. 3363 and to reject any attempts to reduce funding for the arts.

Mr. YATES. I thank the gentleman.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to respond to the gentleman from California. He made the point that the Endownment money is helping the small towns. That may be true. But as I said earlier, I think that is one of the weaknesses in the program. The gentleman in the well and I have discussed this at length, and I want to make that point. It ought to be spread around over more of the country and not go so much to the large population centers.

Mr. YATES. I agree with the gentleman, and that is being done.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to my distinguished friend, the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, I just want to certainly echo the comments that have been made here, that we are dealing with a very, very small amount of money when you consider the importance of the money that is spent here.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. JEFFORDS. If the gentleman will yield further, I also want to echo the comments of the gentleman from California with respect to rural areas, also brought out by the gentleman from Ohio. We all visualize these gifts to things which everyone would give to anyway. But in my experience, what the Endowment has done so much to help is in the rural areas, the small towns and the schools and the ghettos of this country, where people see that there is something other than a food stamp line to stand in, that there is some hope at the end and some real feeling that this country has a heart and a soul. I think it is so critically important that we continue and that we bring these levels up to where the program can do what it should be doing.

Mr. YATES. I thank the gentleman.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I rise in strong opposition to this attempt to reduce funding for the National Endowment for the Arts. I urge my colleagues to reject it.

The Endowment has played an enormously important role in our country's cultural life. It has enabled many Americans, especially those with limited access to art programs, to enjoy them. And the value of these programs is unmeasurable—not only culturally but also in terms of economic stability and growth.

Two cities in my State of Oregon are perfect examples.

Ashland, Oreg., a small community near the California border, has developed one of the finest Shakespearean theater programs in the country. Beyond the obvious cultural dividends for the community, this has also created a very positive economic dynamic for the town.

Granted, not every town can be an Ashland, Oreg. But almost any city can follow the example of Eugene, Oreg. Eugene had the vision to launch a performing arts center in the downtown of the city. The result: economic rebirth of a deteriorating urban core. New private business investment has already been triggered within the area by this immaginative project.

These projects are examples of the dividends we earn with Federal aid to the arts. Financial support from the Government stimulates contributions from State and local governments and the private sector.

Members of the arts community bear testimony to this. During Interior Appropriations Subcommittee hearings earlier this year, witnesses described how important Federal support is.

I would like to quote from the testimony of Peter Hero, executive director of the Oregon Arts Commission, who pointed out that Oregon, as well as other States, look to modest public funds to leverage matching funds from the private sector. In Oregon, the match is running better than 5 to 1. The arts depend upon this leverge effect of public funds for their very survival.

Mr. Hero further commented that the incentive effect of public funds has become even more critical. Without it, arts organizations are finding it almost impossible to raise private funds for operating costs and other income statement budget items.

The National Endowment for the Arts is critical to the future of the arts in our country. I sincerely hope my colleagues understand the worth of the Endowment and reject this utterly reckless amendment.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Chairman, I think we ought to characterize this amendment correctly. We are not gutting the National Endowment for the Arts nor the National Endowment for the Humanities. We are not turning the Federal Government's back on the funding of arts and humanities, we are not saying we are going to go back to whatever it was 100 years ago, we are not saying that we are going to ignore the small communities or ignore the big communities. All we are saying is that, at a time of a $200 billion deficit, when people day after day after day take this floor and rail about deficits, this is one area that we can freeze spending at last year's level, not cut a dime out from what was spent last year, just keep it at the same amount, that the National Endowment for the Arts and Humanities does not need a 15-percent increase at this particular time.

The gentleman from Vermont commented that we were talking about a small amount of money; $40 million is not a small amount of money. It is not a small amount of money in Indiana, I can guarantee the chairman of that.

Mr. YATES. If I may reclaim my time, the gentleman is making the same point he made in his direct argument; namely, that he proposes to freeze it at what the level was last year.

What the action of the committee is just returning the budget to what it was 2 years ago when it was about $159 million, and adding less than one-half of 1 percent for inflation, to $165 million.

But I do not think the gentleman was listening to my words. Let me use some words of a gentleman that the gentleman from Indiana might be willing to listen to. Let me quote from a former President of the United States, Richard Nixon, who said this in 1969. This is Richard Nixon speaking:

The attention and support we give the arts and humanities, especially as they affect our young people, represent a vital part of our commitment to enhancing the quality of life for all Americans. The full richness of this nation's cultural life need not be the province of relatively few citizens centered in a few cities; on the contrary, the trend toward a wide appreciation of the arts and a greater interest in the humanities should be strongly encouraged, and the diverse culture of every region and community should be explored.

Now, let me just continue with what President Nixon said on the Federal role, if I may speak. He said:

At a time of severe budget stringency—

This is his phrase—

At a time of severe budget stringency, a doubling of the appropriation for the arts and humanities might seem extravagant. However, I believe that the need for a new impetus to the understanding and expression of the American idea has a compelling claim on our resources. The dollar amounts involved are comparatively small.

And that is true today, when you think of the whole budget that we are dealing with.

The Federal role would remain supportive, rather than primary.

And that is true today, as well.

The arts have attained a prominence in our life as a nation and in our consciousness as individuals, that renders their health and growth vital to our national well being * * *

Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization. Like our teachers, they are an invaluable national resource.

Too many Americans have been too long denied the inspiration and the uplift of our cultural heritage. Now is the time to enrich the life of the mind and to evoke the splendid qualities of the American spirit.

Therefore, I urge the Congress to extend the authorization and increase substantially the funds available to the National Foundation for the Arts and Humanities. Few investments we could make would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has again expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 2 additional minutes.)

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. HILER. Mr. Chairman, I certainly would not want to question the remarks that President Nixon made in 1969.

Mr. YATES. And I am sure he would make them today.

Mr. HILER. Well, I am not sure about that.

Mr. YATES. I am sure he would.

Mr. HILER. Lest anyone think that we have not done anything for the arts and humanities, since 1973 we have tripled the amount of money we have spent on the arts and humanities.

Mr. YATES. Sure, you start from $2 million and you get $6 million.

Mr. HILER. We not only doubled it, as the President wanted to do in 1969, we tripled it in the last 10 years, and it is substantial, nearly $300 million.

Somehow, we talk about a relatively small amount of money; $40 million is not a small amount of money; $40 million is a substantial sum of money.

Mr. YATES. This is for enhancing the spirit of the people of America, and it compensates in a small measure for the amount of money that is going to make weaponry, may I say. The humanities give us the basis for making peace. The humanities give us the basis for making peace, and civilizations are known by the respect that they have for humanities and for the arts.

For those reasons, I think the amounts we are putting into this budget are well worth it.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, if I might have the attention of my friend, the gentleman from Illinois (Mr. YATES), I just want to indicate to my friend from Illinois that I am grateful, and I think we all should be, for the leadership that he has shown in addressing the problems of the National Foundation for the Arts and Humanities, and so many others, but this one in particular. It has been dear to his heart as long as I have known him.

Mr. YATES. Very dear.

Mr. McDADE. And the gentleman deserves great credit for all of the leadership that he has shown. I want him to know that. I think he has done a superb job.

Let me say to my friend from Indiana, who raises a good question, it is a value judgment, and we are all here with different values. That is what makes this body great. Dissent oftentimes shows us the way to truth. I happen to believe that the amendment, though it is eminently right from a judgmental point of view from my friend, is wrong from a value point of view. That is my subjectivity speaking. I believe the arts and humanities in this country should be nourished. I think the Federal Government has a role to play, and I think that we as a Congress do.

I agree with my friend, $40 million is not an insignificant amount of money in any account, and I want to commend him for bringing it to the attention of the House. It is important that we think about that $40 million. It is important to recognize what my friend from Illinois said, which was essentially that we have raised this budget back to where it used to be. We hope there is going to be a turn in the economy. We see it coming. We hope the budget deficits will close. But more importantly, we want to express ourselves, I think, as a nation that we believe in the Federal role for the arts and humanities, the tremendous importance to what it means to our national self-culture, to our national interest.

I recall being in Berlin not long after the war. I was a student. And Berlin was 98 percent rubble when I got there. We went, in the evening, to try to find a place where we might be able to talk to some people who had lived in Berlin during that horrible period, and we found them. It was a rathskeller, it was a cellar, because Berlin was nothing but cellars in those days. But as I opened the door to walk in, all you could hear them playing was American music.

If there is anything we have contributed to the world, it is American music, it is American film, it is American culture so many things. And we have transferred that back and forth among the nations of the world in a beautiful array that uplifts all of us.

□ 1650

Mr. Chairman, I reluctantly disagree with my friend. I respect his judgment. I appreciate his bringing this to our attention. I hope it is defeated.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank my friend for yielding.

Mr. Chairman, I would like to rise in opposition to the amendment. We are talking about a very small, yet very important allocation of funds for the arts and humanities. The entire funding in this bill for the arts and humanities amounts to approximately $1 for every person in this country, $1 for supporting the very quality of life and civilization that is so important to us. The arts and humanities are what make this country and this country's quality of life what it is.

There is a private role; indeed it will always be the predominant role. But there has never been a civilization, a great civilization, in the history of the world wherein the Government did

not play a leadership role in promoting the arts and culture of the Nation. Although small, the funding for the arts and humanities that is contributed by the Federal Government is essential because it is what drives the rest of the economy, the private sector, into making its contributions. Without this role, then we will fail in other areas.

Mr. Chairman, there is a statement by President John F. Kennedy emblazoned on the walls of the Kennedy Center, on the outside terrace, which says:

I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for our victories or defeat in battle or in politics, but for our contribution to the human spirit.

That is what we are talking about here. We are talking about a commitment to the human spirit, those ideals and those principles and those activities which uplift mankind and distinguish us from the beasts. It is for this reason that this investment in partnership with the private sector is so vital to this Nation, to its present, and even more important, to its future.

I rise in opposition to the amendment.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

I notice, Mr. Chairman, that there is money in here for the John F. Kennedy Center for the Performing Arts. I am a great admirer of that structure and have visited there several times, and almost could afford to purchase a ticket to some of the performances there for the ordinary people of America.

A commitment to the human spirit. I am all for commitments to the human spirit. The real question is, Does that commitment require a multimillion-dollar expenditure from money we do not have at this time? The question as to whether or not the Federal Government should even be in the business of subsidizing the arts and the humanities is an interesting question. That every poet does not get a subsidy, that every playwright, that every dancer, that every choreographer is not among the selected few is a problem. There is a problem of exclusivity here that is a subject for another discussion at some time.

But that there should be a Federal subsidy to the arts and humanities I suppose is a given, and let us accept that. The question is, at a time when we are lectured about deficits daily, hourly, by the minute, by the gentlemen from the other side, where we have the greatest deficits in history, where we are $200 billion in the red and the deficits are going to explode in the outyears, ought we not look for some place to cut?

The gentleman from Illinois, for whom I have the highest admiration and respect, and with whom I almost always agree—almost always—has said that bombs are too expensive and we ought to support music and folk arts perhaps in lieu of bombs. I suggest we need both. I suggest that reciting a poem to the arms-control people from the Soviet Union is not really going to get them to give up their SS-20's nor move them out of Afghanistan. It might, but I would not want to bet on it.

Is there no place in the budget where we can hold the line? Is there no place where we can say let us stay here until the deficits go down, and then let us indulge ourselves in feeling good by subsidizing the arts and the humanities. I do not think that they would dry up or wither on the vine. I think there are enough public-spirited people who will encourage embryonic poets, and choreographers, and street theater, and tabourine bands.

Mr. YATES. That just is not true.

Mr. HYDE. Well, the gentleman has not turned his persuasive abilities in that direction. He has been asking Congress all the time, instead of the private sector.

Mr. YATES. I will tell the gentleman that the National Endowment for the Arts has hired people specifically to try to encourage private giving. The President has a committee. He has a commission to encourage private giving for the arts and the humanities. They have not been able to make up the difference. The Federal role is still an important one, even though it is still the most minor one in the process.

Mr. HYDE. I yield to my friend, nunc pro tunc.

Mr. YATES. As of what time, may I say?

Mr. HYDE. Let me simply ask my friend whether the arts and the humanities have suffered a terrible loss in the last 2 years.

Mr. YATES. Yes.

Mr. HYDE. Have they declined?

Mr. YATES. Yes.

Mr. HYDE. The quality of theater is down?

Mr. YATES. Yes.

Mr. HYDE. The poems are not quite as moving and stirring as they might be?

Mr. YATES. There are not as many. There are not as many applicants. Fewer applications are being funded. The participants are not being recognized, may I say to the gentleman. That is the reason for the increase, may I say. We are returning to the level of appropriations the endowments had in 1981.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Georgia, who coined the phrase "a commitment to the human spirit," which I must say is very stirring.

Mr. LEVITAS. I thank my friend, the gentleman from Illinois, for yielding.

Mr. Chairman, the gentleman from Illinois knows that I share his same commitment to a strong national defense, and I have demonstrated that by voting for it, because I think one of the things I think we are defending is the type of lifestyle, civilization, and quality of life in the human spirit sector that we have here.

Mr. HYDE. But must the Federal Government be the font of all the quality of life and the arts and the humanities?

Mr. LEVITAS. Absolutely not, and if the gentleman will yield further, it is the smallest portion. It is the private sector. It is State and local government.

Mr. HYDE. Let us keep it small, then.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

(On request of Mr. LEVITAS and by unanimous consent, Mr. HYDE was allowed to proceed for 3 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, I want to take one other exception to what the gentleman said because I know in the interest of accuracy he would want this called to his attention.

The funding in this bill for the John F. Kennedy Center is not to support plays or concerts or performances in any way. The John F. Kennedy Center has two functions. One is its performing arts function, which is solely paid for and operated by gifts and ticket sales, and nothing from the Federal Government is provided in that regard.

But the Kennedy Center is also a memorial to a deceased President, just as the Lincoln Memorial or the Washington Monument. It is the nonperforming functions that are funded in here. It is operated by the National Park Service. They have to maintain the place; they have to police the place.

Mr. HYDE. If I may, I would say that we do not fund Mount Vernon, I believe, the memorial to the first President of this country.

Mr. LEVITAS. If the gentleman will yield further, the memorial to the first President of this country is the Washington Monument, and we do fund that, and we do have National Park Service police, and we do pay maintenance on that, just as we do at the Jefferson Memorial and at the Lincoln Memorial. Indeed, the performing arts function at the Kennedy Center con-

tributes 24 percent of the cost of that upkeep to the Park Service.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Chairman, the discussion here is not whether we are going to have a National Endowment for the Arts or a National Endowment for the Humanities; the question is should it have a 15-percent increase this year.

I shudder to think that all these bad things that mankind and his cultural experience is going to go down the tube because we freeze spending at 1983 levels. Somehow it just flies in the face of reality to think that the arts are going to fall apart if we freeze spending at 1983 levels.

□ 1700

Mr. HYDE. Mr. Chairman, I will just suggest that if we cannot hold the line here, there is nowhere in the budget we can hold the line.

Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, as a member of the Congressional Arts Caucus, I rise in strong opposition to the amendment now before us which proposes to freeze funding for both the National Endowment for the Arts and the Humanities at their fiscal year 1983 levels, thereby saving approximately $40 million.

In fiscal year 1983, the National Endowment for the Arts was funded at $143.9 million. The Appropriations Committee has requested an increase of some $20 million, for a fiscal year 1984 funding level of $165 million. Similarly, the National Endowment for the Humanities has a fiscal year 1983 appropriation of $130.1 million, and was allocated by the committee an additional $20 million for fiscal year 1984.

Our society is measured by its compassion for the people around us. Those who would have us believe that these two fine institutions carry on work that only serves a small portion of our Nation's population are wrong. These two endowments enrich the lives of all of us, uplifting our culture heritage. Furthermore, they provide employment opportunities so very important to our economy.

Nations are judged by the amount of attention, respect, and support that they give to their artists and their scientists. While we profess to support their works, we must endorse those works with financial backing. The private sector does what it can, but it is Government sanction that initiates private support. Accordingly, I urge my colleagues to reject this amendment, thereby reiterating their commitment to the arts and humanities of our Nation.

● Mr. SCHEUER. Mr. Chairman, I rise in opposition to this amendment. As a member of the executive board of the Congressional Arts Caucus, I would like to take this opportunity to express my appreciation to the members of the Appropriations Committee for their fine work in support of the arts and humanities.

Under the farsighted leadership of Chairman JAMIE L. WHITTEN and Subcommittee Chairman SIDNEY R. YATES, the committee has set and approved funding at substantially higher levels than those recommended by the administration. By approving $572 million for the arts and humanities, the committee has displayed a prudent commitment to our Nation's arts and cultural programs.

The arts in the United States not only provide a tremendous cultural and educational value, but also provide significant economic benefits as well. In 1982, the arts had a $5.6 billion impact on the New York metropolitan area and generated over 117,000 jobs.

In addition, the arts generated $1.3 billion in revenues for New York City last year. An estimated 64 million people attended museums, galleries and other cultural events in the New York metropolitan area in 1982. One fifth of this audience came from outside the region. While millions take advantage of New York's cultural offerings while visiting the city for business or other purposes, last year over 5 million people came to New York specifically for the arts.

Increasing funding for the arts and humanities would, undoubtedly, provide a tremendous boost to the country's cultural organizations, particularly the small- and medium-sized institutions which depend heavily on assistance from the Federal Government.

In the New York metropolitan area there are 1,580 nonprofit cultural organizations, including theater, museums, music, opera, and dance. Fifty percent of these are small institutions which operate on budgets of less than $50,000 annually. These institutions depend on the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services for 14 percent of their income. Medium-sized institutions receive over 19 percent of their funding from these sources.

The funding levels approved by the Appropriations Committee would dramatically enhance the arts community's ability to provide cultural programs and exhibits to the public. Moreover, they would increase the substantial economic benefits our cities derive from the arts.

I urge my colleagues to support the committee's recommendations for arts and humanities funding, so that we may insure the continuation of these invaluable programs.●

The CHAIRMAN. The question is on the amendments offered en bloc by the gentleman from Indiana (Mr. HILER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HILER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1710

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana (Mr. HILER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 271, not voting 12, as follows:

[Roll No. 221]

AYES—150

Andrews (TX)	Fields	Lungren
Archer	Forsythe	Mack
Badham	Franklin	Madigan
Barnard	Frenzel	Marlenee
Bartlett	Gekas	Martin (NC)
Bateman	Gibbons	Martin (NY)
Bennett	Gingrich	McCain
Bethune	Goodling	McCandless
Bevill	Gradison	McCollum
Bilirakis	Gramm	McDonald
Bliley	Gregg	McEwen
Breaux	Gunderson	Michel
Broomfield	Hall (OH)	Miller (OH)
Brown (CO)	Hall, Ralph	Mollohan
Broyhill	Hall, Sam	Montgomery
Burton (IN)	Hance	Moore
Campbell	Hansen (ID)	Moorhead
Carney	Hansen (UT)	Morrison (WA)
Carper	Hartnett	Murphy
Chappie	Hiler	Nichols
Cheney	Holt	Olin
Coats	Hopkins	Oxley
Coleman (MO)	Hubbard	Parris
Conable	Huckaby	Pashayan
Corcoran	Hunter	Patman
Courter	Hyde	Paul
Craig	Ireland	Petri
Crane, Daniel	Jenkins	Pursell
Crane, Philip	Kaptur	Quillen
Daniel	Kasich	Ray
Dannemeyer	Kemp	Ritter
Daub	Kindness	Roberts
DeWine	Kramer	Robinson
Dickinson	Lagomarsino	Roemer
Dreier	Leath	Rogers
Duncan	Lewis (FL)	Roth
Emerson	Livingston	Roukema
Evans (IA)	Loeffler	Rudd
Fiedler	Lott	Sawyer

Schaefer	Smith, Denny	Vander Jagt
Schulze	Snyder	Vucanovich
Sensenbrenner	Solomon	Walker
Shaw	Spence	Weber
Shumway	Stangeland	Whitehurst
Shuster	Stenholm	Whitley
Siljander	Stump	Whittaker
Sisisky	Sundquist	Winn
Skeen	Taylor	Wolf
Slattery	Thomas (CA)	Wylie
Smith (NE)	Valentine	Young (FL)

NOES—271

Ackerman	Ford (TN)	Miller (CA)
Addabbo	Fowler	Mineta
Akaka	Frank	Minish
Albosta	Frost	Mitchell
Anderson	Fuqua	Moakley
Andrews (NC)	Garcia	Molinari
Annunzio	Gaydos	Moody
Anthony	Gejdenson	Mrazek
Applegate	Gephardt	Murtha
Aspin	Gilman	Myers
AuCoin	Glickman	Natcher
Barnes	Gonzalez	Neal
Bates	Gore	Nelson
Bedell	Gray	Nielson
Beilenson	Green	Nowak
Bereuter	Guarini	O'Brien
Berman	Hall (IN)	Oakar
Biaggi	Hamilton	Oberstar
Boehlert	Hammerschmidt	Obey
Boggs	Harkin	Ortiz
Boland	Hatcher	Ottinger
Boner	Hawkins	Owens
Bonior	Hefner	Packard
Bonker	Hertel	Panetta
Borski	Hightower	Patterson
Bosco	Hillis	Pease
Boucher	Horton	Penny
Boxer	Howard	Pepper
Britt	Hoyer	Perkins
Brown (CA)	Hughes	Pickle
Bryant	Hutto	Porter
Burton (CA)	Jacobs	Price
Byron	Jeffords	Pritchard
Carr	Johnson	Rahall
Chandler	Jones (NC)	Rangel
Chappell	Jones (OK)	Ratchford
Clarke	Jones (TN)	Regula
Clay	Kastenmeier	Reid
Clinger	Kazen	Richardson
Coelho	Kennelly	Ridge
Coleman (TX)	Kildee	Rinaldo
Collins	Kogovsek	Rodino
Conte	Kolter	Roe
Conyers	Kostmayer	Rostenkowski
Cooper	LaFalce	Rowland
Coughlin	Lantos	Roybal
Coyne	Latta	Russo
Crockett	Leach	Sabo
D'Amours	Lehman (CA)	Savage
Daschle	Lehman (FL)	Scheuer
Davis	Leland	Schneider
de la Garza	Lent	Schroeder
Dellums	Levin	Schumer
Derrick	Levine	Seiberling
Dicks	Levitas	Shannon
Dingell	Lewis (CA)	Sharp
Dixon	Lipinski	Shelby
Donnelly	Lloyd	Sikorski
Dorgan	Long (LA)	Simon
Dowdy	Long (MD)	Skelton
Downey	Lowery (CA)	Smith (FL)
Durbin	Lowry (WA)	Smith (IA)
Dwyer	Lujan	Smith (NJ)
Dymally	Luken	Snowe
Dyson	Lundine	Solarz
Early	MacKay	Spratt
Eckart	Markey	St Germain
Edgar	Marriott	Staggers
Edwards (AL)	Martin (IL)	Stark
Edwards (CA)	Matsui	Stokes
Edwards (OK)	Mavroules	Stratton
English	Mazzoli	Studds
Erdreich	McCloskey	Swift
Evans (IL)	McCurdy	Synar
Fascell	McDade	Tallon
Fazio	McGrath	Tauke
Feighan	McHugh	Thomas (GA)
Ferraro	McKernan	Torres
Fish	McKinney	Torricelli
Flippo	McNulty	Towns
Florio	Mica	Traxler
Foglietta	Mikulski	Udall
Vandergriff	Whitten	Wyden
Vento	Williams (MT)	Yates
Volkmer	Williams (OH)	Yatron
Walgren	Wilson	Young (AK)
Watkins	Wirth	Young (MO)
Waxman	Wise	Zablocki
Weaver	Wolpe	Zschau
Weiss	Wortley	
Wheat	Wright	

NOT VOTING—12

Alexander	Ford (MI)	Morrison (CT)
Brooks	Harrison	Rose
Erlenborn	Heftel	Smith, Robert
Foley	Martinez	Tauzin

□ 1720

Messrs. WILLIAMS of Montana, WILLIAMS of Ohio, WAXMAN, and McKINNEY changed their votes from "aye" to "no."

Mr. LEATH of Texas and Mr. SAWYER changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. LEVITAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I seek the attention of the chairman of the subcommittee, the gentleman from Illinois, to inquire about a matter.

As I read the bill and the committee report that came to the House today there were no funds provided for the Chattahoochee River National Recreation Area. And as the gentleman from Illinois knows this is a very important national park which is being threatened by development and could very well result in loss of vital land.

But it is my understanding that the chairman, earlier today, made some reference to possible funding for the Chattahoochee River National Recreation Area. I would like to express my appreciation for that and ask if he could confirm the situation.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman.

Mr. YATES. The gentleman is exactly right. At an earlier point in the debate I stated to the House that out of the slippage that we feel will occur in connection with the acquisitions program, $1 million will be made available for acquisition for the Chattahoochee River National Recreational Area.

Mr. LEVITAS. I thank the gentleman from Illinois for his response and consideration. And millions of Americans today and in years to come will also be grateful for that action.

Mr. McDADE. Mr. Chairman, I move to strike the last word.

I wish to engage my chairman in a colloquy. He will recall our colleague, the gentlewoman from Rhode Island, CLAUDINE SCHNEIDER, spoke to us about the potential for an energy project which has merit.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman.

Mr. YATES. I remember the conversation very well and certainly with respect to the establishment of energy analysis and diagnostic centers of the kind the gentlewoman is interested in, new centers of high priority, I do favor the establishment of such centers. I think they are essential.

Mr. McDADE. As the distinguished Chairman knows, the Department of Energy currently operates five energy analysis and diagnostics centers in the Midsouth and Midwest at a total cost of about $700,000 per year. These are operating out of mechanical engineering schools, perform very intensive energy audits for small manufacturers, and have identified potential energy savings worth nearly $4 million a year to the 165 industrial plants that have already been surveyed.

As the Chairman knows, the Science and Technology Subcommittee on Energy Development recommended that this program be expanded to provide for five additional high priority EADC's. I understand that the Chairman has recommended fiscal year 1983 funding levels for the EADC program, which will provide funds to continue the existing centers. I appreciate the need for fiscal restraint that the Chairman has recognized in his recommendation.

The Chairman has, however, provided a healthy level of funding for the industrial conservation program. I would like to ask the Chairman if it would be consistent with his recommendation to support a redirection of $200,000 from the industrial process efficiency portion of the conservation program to support two new EADC's, with one to be established in the Middle-Atlantic States and one in the New England region. I believe there are three good reasons for supporting this redirection. First, it would involve less than 1 percent of the industrial conservation program to strengthen energy audit services for small manufacturers. Second, it would establish two new EADC's to serve the New England and Mid-Atlantic States. Finally, this is the region of the country that is most dependent on oil imports, and where energy costs are the highest. For example, New England is 80 percent oil dependent, most of which is imported, and our natural gas costs are 35 to 40 percent higher than those in the Midwest.

Mr. YATES. I thank the gentleman for raising this important issue. The energy diagnostics centers have proven extremely successful. As the gentleman knows, I have recommended continued funding to maintain this vital activity. I would support the establishment of two new centers in high-priority areas in the Northeast and New England, within the budget

limits provided for the industrial process efficiency portion of the conservation program. I would, of course, expect the new centers to be thoroughly evaluated before they are established. Certainly, the Mid-Atlantic and New England regions warrant serious consideration, given their high energy costs and significant dependence on oil imports.

Mr. McDADE. I thank my colleague and yield back the balance of my time.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

I rise to engage the distinguished chairman of the subcommittee in a colloquy.

On page 84 of the report language the committee says the Department should not continue operations at Grand Forks, Laramie, and Bartlesville at the expense of other ongoing activities.

I am afraid that that language might lead to the erroneous impression that the committee does not support the continuation of the research activities at the energy center in Bartlesville which is in my district. The gentleman from Illinois has been very helpful to me on this matter. I wonder if he would join me in clarifying what was intended by that language.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman.

Mr. YATES. The gentleman is exactly correct. The committee has no intention of discontinuing funding at the Bartlesville, Grand Forks, or Laramie facilities. Rather, these activities are to be continued just as the important activities at the national laboratories are to be continued.

We are looking for a balance between the energy technology centers and the national laboratories.

Mr. EDWARDS of Oklahoma. I thank the chairman.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman, the ranking Republican member.

Mr. McDADE. I thank my colleague for yielding.

I concur wholeheartedly in the remarks of the chairman. I want to add my congratulations to my friend from Oklahoma. He has led this fight for 2 years, he brought it to our attention, has been diligent in protecting the rights of the workers. I agree with what was said by my friend, in no way, shape, manner or form do we wish to undo what you have been doing for 2 years. We do want an orderly procedure. We do not want that facility closed.

I congratulate my friend for bringing that to our attention.

Mr. SHARP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to commend the committee for its actions in appropriating sufficient funds to meet the minimum required fill rate for the strategic petroleum reserve at 220,000 barrels a day.

I wish to commend the committee and particularly the distinguished chairman of the subcommittee, the gentleman from Illinois, for a difficult job well done. There are a number of vital energy programs funded in this bill, and while not all have received the level of appropriations that I would have preferred the balance between fiscal restraint and adequate funding for critical programs is evident throughout this bill.

In particular I want to address the need for adequate funding for the strategic petroleum reserve. In light of the major reductions in oil purchases proposed by the administration, I commend the committee for recommending a reduction which, although substantial, still fulfills the mandate expressed by Congress in previous legislation.

Since the reserve's inception, the Congress has strongly advocated filling it rapidly. Last year, as part of the Energy Emergency Preparedness Act of 1982, Congress and the President agreed to a minimum fill rate of 220,000 barrels per day until the reserve reached the level of 500 million barrels.

This bipartisan compromise was not easily made. Some Members wanted a much higher fill rate, and authorizing legislation had provided for it. The compromise recognized the need for balance between projected budget deficits and The absolute requirement to have a credible Reserve, as quickly as feasible, to respond to energy security needs.

The bill before us today contains $1.6 billion, which is sufficient to achieve the 220,000 barrel-per-day rate for all of fiscal year 1984. This level of fill will not require the acquisition of interim steel tanks or floating storage; all oil can be stored at existing SPR sites. The cost of interim storage has previously been used as an argument against a rapid fill rate.

We can debate how large the ultimate Reserve should be, whether a regional reserve is needed, or how to draw down the Reserve in an emergency, but there should be no question about the immediate and absolute need for a larger Reserve. Almost everyone argues that the minumum size should be 500 million barrels or larger. But concern for the current deficit has caused the administration to argue for a delay in achieving this minimum. A 220,000 barrel-per-day fill rate should meet this level in late fiscal year 1985; the administration's proposed fill schedule would not bring us to 500 million barrels until the middle of fiscal year 1987.

Delay would be penny wise and pound foolish. The GAO has calculated that, even taking into account the cost of borrowing, filling the SPR earlier is cheaper than filling it later if oil prices remain level or increase. Cutting SPR oil purchases this year just puts off the day of reckoning while reducing our insurance against a shortage in the interim.

In vetoing the Standby Petroleum Allocation Authority Act, President Reagan referred to the SPR as our first line of defense against an oil shortage like those which plagued this Nation in the 1970's. SPR oil is an insurance policy. At today's prices, oil costs under $30 per barrel, but the Congressional Budget Office estimates that each barrel in the reserve protects against over $200 of possible lost GNP during a time of energy shortage. Estimates vary, but one economic model suggest that 21 months after the 1973 oil shortage GNP was 14 percent lower, unemployment was 4 percent higher, and prices were increasing 4 percent faster than if there had not been an embargo.

Despite the current oil glut and improvements in conservation, we have not achieved energy security. Our oil imports are currently lower than in the late 1970's, in large part because of the recession; but imports will increase with economic recovery. From March 1982 to March of this year, stocks in the private sector fell approximately 100 million barrels, mostly due to reduced demand and high inventory carrying cost. Yet during the same period only 50 million barrels of oil were added to the reserve. This leaves the Nation more, not less, vulnerable to an oil shortage than it was a year earlier.

The current glut in the world oil market could evaporate just as quickly as it did in 1979 when oil production in Iran shut down. The Middle East is a fragile balance of diverse religious, ethnic, and political interests. To suggest that we base the energy security of this Nation only on optimistic assumptions about maintaining this balance is foolish. The recent additional productive capacity of non-OPEC nations does not eliminate the danger of a shortage resulting from political or military events in the Middle East.

Recently, the GAO has declared a deferral of $800 million for oil purchases, saying that the administration has refused to spend the funds provided by Congress. Despite being called to task for ignoring the will of Congress in its fiscal year 1983 fill rate, the administration persists in recommending a dangerously low fill rate of 145,000 barrels per day in fiscal year 1984 and 100,000 barrels per day in fiscal year 1985 and subsequent years. There have even been threats of a veto of

this bill in part because it contains funding for the minimum fill rate in the law signed by the President just last year.

In considering the level of increased energy security obtained by the fill rate recommended by the administration, it is useful to consider also the sale of oil from the Government's naval petroleum reserve. Although the two reserves are not strictly comparable, they both bear on the deficit and on our energy security. Production and sale of oil from the naval reserve at the current rate of 100,000 barrels per day will offset two-thirds of the proposed strategic petroleum reserve purchases in fiscal year 1984 and all SPR purchases in fiscal year 1985 and subsequent years. Have we learned nothing from the shortages of the past? Do we really want to adopt a national policy of adding little or nothing to our national stockpile of oil?

The result of a recent simulation of an international oil crisis run by the Department of Energy and the International Energy Agency gives a further gloomy picture of our energy vulnerability. In a test designed to show the success of the administration's reliance on the free market and voluntary oil sharing, oil prices rose over 200 percent, to $98 per barrel, while the market adjusted to the simulated shortage.

Clearly, timely purchases for the SPR are a good way to protect against such rapid oil price rises and resulting increases in inflation and unemployment.

Mr. Chairman, the $1.6 billion for oil purchases in this bill recognizes both the requirement for improved energy security and the severe constraints on the budget. Again I commend the committee, and I urge my colleagues to support the bill and the 220,000 barrel-per-day fill rate it provides.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words.

I ask that my distinguished colleague from Illinois engage in a brief colloquy with me, and I yield to him.

Mr. YATES. I will be glad to engage in the colloquy.

□ 1740

Mr. SIMON. The committee recommends that a sum of $3 million be appropriated for the Carbondale Mining Technological Center and another national laboratory. The current appropriation is $1½ million for Carbondale. It is not the intent of the committee that the $1½ milllion—since it is not specifically designated for Carbondale—should be reduced in any way. Is that correct?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The gentleman's impression is correct. It is not the committee's intention that such a reduction take place.

Mr. SIMON. I thank the gentleman from Illinois.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the distinguished chairman of the subcommittee and the gentleman from Ohio, Mr. REGULA, a member of the subcommittee in a colloquy.

As the gentlemen know, some questions have arisen about the status of the Forest Service assessment work in the Wayne National Forest in Ohio.

In the Athens unit of that Forest, there are lands now held by the Sunday Creek Coal Co. The coal company has been discussing with the trust for public lands the possibility that the trust might acquire some of these lands, for future possible addition to the national forest.

Of course, such an addition, if it were to occur sometime in the future, would depend on whether the benefits of the addition were sufficiently great as compared to any costs that might be involved. But before such a comparison can be made, it is necessary that the professionals of the Forest Service make an assessment of the values of the lands and the resources involved.

Would the gentleman from Ohio and the chairman agree that the Forest Service should go ahead and carry out an appraisal of the Sunday Creek lands now under discussion so that all the parties, including the Government, will have the information needed to evaluate the merits of the possible addition of some or all of those lands to the Wayne National Forest?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Yes, I agree. I think that this is an essential prerequisite to establishing a value for this particular tract of land.

Mr. SEIBERLING. I thank the gentleman.

I wonder if the Chairman would agree.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

I find myself in agreement as well.

Mr. SEIBERLING. I thank the Chairman.

The CHAIRMAN. Are there additional amendments to title II? If not, the Clerk will read.

The Clerk proceeded to read title III.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Are there any amendments to title III?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 308. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312 and section 603 of Public Law 94-579, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-Sixth Congress (House Document 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided*, That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further*, That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation

of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting, in conjunction with the Secretary of Energy, the national laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemcial techniques including stream sediment reconnaissance and X-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further,* That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further,* That funds provided in this act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of national forest or public land wilderness areas that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness or other nonsurface disturbing methods.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 67, line 12, after "96-312", strike "and section 603 of Public Law 94-579".

Mr. YATES. Mr. Chairman, this is merely a technical amendment that is inserted to correct the language that appears in section 308. That is the only purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 313. Notwithstanding any other provisions of law, the Secretary of the Interior and Secretary of Agriculture are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction. In addition, any contracts or agreements with the jurisdiction for fire management services listed above which are previously executed shall remain valid.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 71, line 18, after "law," insert "the Secretary of the Smithsonian Institution,".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to extend to the Smithsonian Institution the authority to enter into contracts with local government entities for fire support. They cannot do it at the present time without legislative authority. The same authority is now available to the Secretary of Agriculture and the Secretary of the Interior.

This will permit the Smithsonian to enter into an agreement with Prince Georges County, Md., for fire assistance at the Smithsonian's Silver Hill, Md., support center.

The alternative would be to provide their own fire services.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The CHAIRMAN. Are there any further amendments to title III?

AMENDMENT OFFERED BY MR. M'DADE

Mr. McDADE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCDADE: On page 73, after line 4, add the following new section:

SEC. . Except as otherwise provided in this section, each dollar amount contained in this Act is hereby reduced by 4 per centum. This section shall not apply to amounts on page 24 line 1, page 26 line 15, page 27 line 1, page 27 line 4, page 11 line 21, page 15 line 25, page 18 line 21.

Mr. McDADE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McDADE. Mr. Chairman, I offer this motion for one reason.

I want this bill signed into law.

I deeply regret this disagreement with my good friend from Illinois.

But I do not want a veto.

In its present form this bill will be vetoed. That veto will be sustained by this House. And everyone will be the loser, including so many vital activities.

I have served on this subcommittee for 18 years. I have a strong personal conviction that these programs are essential for the development and the protection of our natural resources.

There is not a single program in this bill that would be seriously hurt by a 4-percent cut.

There are many programs that would be hurt if this bill is vetoed, and we have to operate under a continuing resolution.

So I say to my friend from Illinois, and my colleagues on that side of the aisle, this bill is too important to use as veto bait.

Vote for this amendment, and we will have a bill that would be signed by the President.

Vote for this amendment, and we will send a signable bill to the other body. It will be their responsibility to keep it that way.

Let us not play politics with our natural resources.

Let us get a bill, not an issue.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I just want to support the gentleman. As a member of the subcommittee I think the gentleman said it very clearly and that is that there is not any one account in there that would be seriously injured by a 4-percent reduction.

I think this is a responsible way to get the total amount expended reduced to a level that is acceptable.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, this is not a question of 4 percent or 5 percent or 3 percent. It is a question of the work of the Appropriations Committee. Our committee sat for approximately 3 months hearing more than 900 witnesses. We heard from 200 Members of Congress, who wrote the committee or testified. And in great measure, the bill as finally drafted, reflects the wishes of the Members of Congress who testified before us.

It is very easy to come in here and offer a percentage amendment of this cut, but I want to say that it just does away with the work of the Appropriations Committee. I feel our committee performed a very serious function. It considered the testimony seriously. It considered the markup seriously and came to the results seriously.

I do not think that at this late stage a 4-percent cut can be taken, even though the gentleman says that any appropriation can take a 4-percent cut, that is not true.

□ 1750

I know there are many programs that cannot take a 4-percent cut. I do not think that the Indian hospitals, for example, funding for which is in this bill, can take a 4-percent cut. I do not think that Indian education can take a 4-percent cut. I would not like the land and water conservation fund to have to take a 4-percent cut after having been stripped of its funding for so many years.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate very much the gentleman yielding to me, and I, too, rise in opposition to the amendment. Most of the accounts in this bill that represent big dollars are moneymaking programs. The dollars we invest in those programs come back in additional revenues to the Treasury. So it makes very little sense to this gentleman to have a 4-percent across-the-board cut on the Forest Service, on the BLM, on offshore oil drilling, and on accounts of that kind that will return to the Treasury $2 for every $1 that we invest.

So I hope very much that this amendment is defeated. I stand with the chairman. I think he is absolutely on target.

Mr. YATES. Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. McDADE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LOEFFLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 209, not voting 13, as follows:

[Roll No. 222]

AYES—211

Andrews (NC)	Duncan	Jacobs
Andrews (TX)	Edwards (AL)	Johnson
Anthony	Edwards (OK)	Jones (OK)
Archer	Emerson	Kaptur
Badham	English	Kasich
Barnard	Erdreich	Kemp
Bartlett	Evans (IA)	Kindness
Bateman	Feighan	Kolter
Bennett	Fiedler	Kramer
Bereuter	Fields	Lagomarsino
Bethune	Fish	Latta
Bilirakis	Forsythe	Leach
Bliley	Franklin	Leath
Boehlert	Frenzel	Lent
Britt	Gaydos	Lewis (CA)
Broomfield	Gekas	Lewis (FL)
Brown (CO)	Gilman	Livingston
Broyhill	Gingrich	Loeffler
Burton (IN)	Goodling	Lott
Campbell	Gradison	Lowery (CA)
Carney	Gramm	Lujan
Carper	Green	Lungren
Chandler	Gregg	Mack
Chappie	Gunderson	MacKay
Cheney	Hall (OH)	Madigan
Clinger	Hall, Ralph	Marlenee
Coats	Hall, Sam	Marriott
Coleman (MO)	Hamilton	Martin (IL)
Conable	Hammerschmidt	Martin (NC)
Conte	Hance	Martin (NY)
Corcoran	Hansen (ID)	McCain
Coughlin	Hansen (UT)	McCandless
Courter	Hartnett	McCollum
Craig	Hiler	McCurdy
Crane, Daniel	Hillis	McDade
Crane, Philip	Holt	McDonald
Daniel	Hopkins	McEwen
Dannemeyer	Horton	McGrath
Daub	Hubbard	McKernan
Davis	Hughes	McKinney
DeWine	Hunter	Michel
Dickinson	Hyde	Miller (OH)
Dreier	Ireland	Molinari
Montgomery	Robinson	Stangeland
Moore	Roemer	Stenholm
Moorhead	Rogers	Stratton
Morrison (WA)	Roth	Stump
Murphy	Roukema	Sundquist
Myers	Rowland	Tauke
Neal	Rudd	Taylor
Nichols	Sawyer	Thomas (CA)
Nielson	Schaefer	Valentine
O'Brien	Schneider	Vander Jagt
Olin	Schulze	Vucanovich
Oxley	Sensenbrenner	Walgren
Packard	Shaw	Walker
Parris	Shelby	Weber
Pashayan	Shumway	Whitehurst
Patman	Shuster	Whitley
Paul	Siljander	Whittaker
Petri	Sisisky	Williams (OH)
Porter	Skeen	Winn
Pritchard	Slattery	Wolf
Pursell	Smith (NE)	Wortley
Quillen	Smith (NJ)	Wylie
Ray	Smith, Denny	Yatron
Regula	Snowe	Young (AK)
Ridge	Snyder	Young (FL)
Rinaldo	Solomon	Zschau
Ritter	Spence	
Roberts	Spratt	

NOES—209

Addabbo	Foglietta	Moakley
Akaka	Foley	Mollohan
Albosta	Ford (TN)	Moody
Anderson	Fowler	Mrazek
Annunzio	Frank	Murtha
Applegate	Frost	Natcher
Aspin	Fuqua	Nelson
AuCoin	Garcia	Nowak
Barnes	Gejdenson	Oakar
Bates	Gephardt	Oberstar
Bedell	Gibbons	Obey
Beilenson	Glickman	Ortiz
Berman	Gonzalez	Ottinger
Bevill	Gore	Owens
Biaggi	Gray	Panetta
Boggs	Guarini	Patterson
Boland	Hall (IN)	Pease
Boner	Harkin	Penny
Bonior	Hatcher	Pepper
Bonker	Hawkins	Perkins
Borski	Hefner	Pickle
Bosco	Hertel	Price
Boucher	Hightower	Rahall
Boxer	Howard	Rangel
Breaux	Hoyer	Ratchford
Brown (CA)	Huckaby	Reid
Bryant	Hutto	Richardson
Burton (CA)	Jeffords	Rodino
Byron	Jenkins	Roe
Carr	Jones (NC)	Rostenkowski
Chappell	Jones (TN)	Roybal
Clarke	Kastenmeier	Russo
Clay	Kazen	Sabo
Coelho	Kennelly	Savage
Coleman (TX)	Kildee	Scheuer
Collins	Kogovsek	Schroeder
Cooper	Kostmayer	Schumer
Coyne	LaFalce	Seiberling
Crockett	Lantos	Shannon
D'Amours	Lehman (CA)	Sharp
Daschle	Lehman (FL)	Sikorski
de la Garza	Leland	Simon
Dellums	Levin	Skelton
Derrick	Levine	Smith (FL)
Dicks	Levitas	Smith (IA)
Dingell	Lipinski	Solarz
Dixon	Lloyd	St Germain
Donnelly	Long (LA)	Staggers
Dorgan	Long (MD)	Stark
Dowdy	Lowry (WA)	Stokes
Downey	Luken	Studds
Durbin	Lundine	Swift
Dwyer	Markey	Synar
Dymally	Matsui	Tallon
Dyson	Mavroules	Thomas (GA)
Early	Mazzoli	Torres
Eckart	McCloskey	Torricelli
Edgar	McHugh	Towns
Edwards (CA)	McNulty	Traxler
Evans (IL)	Mica	Udall
Fascell	Mikulski	Vandergriff
Fazio	Miller (CA)	Vento
Ferraro	Mineta	Volkmer
Flippo	Minish	Watkins
Florio	Mitchell	Waxman
Weaver	Wilson	Wyden
Weiss	Wirth	Yates
Wheat	Wise	Young (MO)
Whitten	Wolpe	Zablocki
Williams (MT)	Wright	

NOT VOTING—13

Ackerman	Ford (MI)	Rose
Alexander	Harrison	Smith, Robert
Brooks	Heftel	Tauzin
Conyers	Martinez	
Erlenborn	Morrison (CT)	

Messrs. MOLLOHAN, GLICKMAN, FLIPPO, VOLKMER, BEVILL, and McNULTY changed their votes from "aye" to "no."

Messrs. SPRATT, DICKINSON, MOLINARI, GILMAN, and DAVIS, and Ms. FIEDLER changed their votes from "no" to "aye."

□ 1800

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1810

The CHAIRMAN. Are there additional amendments to title III? The Chair hears none.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. YATES. Mr. Speaker, I demand a separate vote on the so-called McDade amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 73, after line 4, add the following new section:

SEC. . Except as otherwise provided in this section, each dollar amount contained in this Act is hereby reduced by 4 per centum. This section shall not apply to

amounts on page 24 line 1, page 26 line 15, page 27 line 1, page 27 line 4, page 11 line 21, page 15 line 25, page 18 line 21.

The SPEAKER. The question is on the amendment.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 213, not voting 14, as follows:

[Roll No. 223]

YEAS—206

Andrews (NC)	Hammerschmidt	Packard
Andrews (TX)	Hance	Parris
Anthony	Hansen (ID)	Pashayan
Archer	Hansen (UT)	Patman
Badham	Hartnett	Paul
Barnard	Hiler	Petri
Bartlett	Hillis	Porter
Bateman	Holt	Pritchard
Bennett	Hopkins	Pursell
Bereuter	Horton	Quillen
Bethune	Hughes	Ray
Bilirakis	Hunter	Regula
Bliley	Hyde	Ridge
Boehlert	Ireland	Rinaldo
Britt	Jacobs	Ritter
Broomfield	Jeffords	Roberts
Brown (CO)	Johnson	Robinson
Broyhill	Jones (OK)	Roemer
Burton (IN)	Kaptur	Rogers
Campbell	Kasich	Roth
Carney	Kemp	Roukema
Carper	Kindness	Rowland
Chandler	Kramer	Rudd
Chappie	Lagomarsino	Sawyer
Cheney	Latta	Schaefer
Clinger	Leach	Schneider
Coats	Leath	Schulze
Coleman (MO)	Lent	Sensenbrenner
Conable	Lewis (CA)	Shaw
Conte	Lewis (FL)	Shelby
Corcoran	Livingston	Shumway
Coughlin	Loeffler	Shuster
Courter	Lott	Siljander
Craig	Lowery (CA)	Sisisky
Crane, Daniel	Lujan	Skeen
Crane, Philip	Lungren	Slattery
Daniel	Mack	Smith (NE)
Dannemeyer	MacKay	Smith (NJ)
Daub	Madigan	Smith, Denny
Davis	Marlenee	Snowe
DeWine	Marriott	Snyder
Dickinson	Martin (IL)	Solomon
Dreier	Martin (NC)	Spence
Duncan	Martin (NY)	Spratt
Edwards (AL)	McCain	Stangeland
Edwards (OK)	McCandless	Stenholm
Emerson	McCollum	Stratton
English	McCurdy	Stump
Erdreich	McDade	Sundquist
Evans (IA)	McDonald	Tauke
Feighan	McEwen	Taylor
Fiedler	McGrath	Thomas (CA)
Fields	McKernan	Valentine
Fish	McKinney	Vander Jagt
Forsythe	Michel	Vucanovich
Franklin	Miller (OH)	Walgren
Frenzel	Moakley	Walker
Gekas	Molinari	Weber
Gilman	Montgomery	Whitehurst
Gingrich	Moore	Whitley
Goodling	Moorhead	Whittaker
Gradison	Morrison (WA)	Williams (OH)
Gramm	Myers	Winn
Green	Neal	Wortley
Gregg	Nichols	Wylie
Gunderson	Nielson	Young (AK)
Hall, Ralph	O'Brien	Young (FL)
Hall, Sam	Olin	Zschau
Hamilton	Oxley	

NAYS—213

Addabbo	AuCoin	Biaggi
Akaka	Barnes	Boggs
Albosta	Bates	Boland
Anderson	Bedell	Boner
Annunzio	Beilenson	Bonior
Applegate	Berman	Bonker
Aspin	Bevill	Borski
Bosco	Hatcher	Pease
Boucher	Hawkins	Penny
Boxer	Hefner	Pepper
Breaux	Hertel	Perkins
Brown (CA)	Hightower	Pickle
Bryant	Howard	Price
Burton (CA)	Hoyer	Rahall
Byron	Hubbard	Rangel
Carr	Huckaby	Ratchford
Chappell	Hutto	Reid
Clarke	Jenkins	Richardson
Clay	Jones (NC)	Rodino
Coelho	Jones (TN)	Roe
Coleman (TX)	Kastenmeier	Rostenkowski
Collins	Kazen	Roybal
Cooper	Kennelly	Russo
Coyne	Kildee	Sabo
Crockett	Kogovsek	Savage
D'Amours	Kolter	Scheuer
Daschle	Kostmayer	Schroeder
de la Garza	LaFalce	Schumer
Dellums	Lantos	Seiberling
Derrick	Lehman (CA)	Shannon
Dicks	Lehman (FL)	Sharp
Dingell	Leland	Sikorski
Dixon	Levin	Simon
Donnelly	Levine	Skelton
Dorgan	Levitas	Smith (FL)
Dowdy	Lipinski	Smith (IA)
Downey	Lloyd	Solarz
Durbin	Long (LA)	St Germain
Dwyer	Long (MD)	Staggers
Dymally	Lowry (WA)	Stark
Dyson	Luken	Stokes
Early	Lundine	Studds
Eckart	Markey	Swift
Edgar	Matsui	Synar
Edwards (CA)	Mavroules	Tallon
Evans (IL)	Mazzoli	Thomas (GA)
Fascell	McCloskey	Torres
Fazio	McHugh	Torricelli
Ferraro	McNulty	Towns
Flippo	Mica	Traxler
Florio	Mikulski	Udall
Foglietta	Miller (CA)	Vandergriff
Foley	Mineta	Vento
Ford (TN)	Minish	Volkmer
Fowler	Mitchell	Watkins
Frank	Mollohan	Waxman
Frost	Moody	Weaver
Fuqua	Mrazek	Weiss
Garcia	Murphy	Wheat
Gaydos	Murtha	Whitten
Gejdenson	Natcher	Williams (MT)
Gephardt	Nelson	Wilson
Gibbons	Nowak	Wirth
Glickman	Oakar	Wise
Gonzalez	Oberstar	Wolpe
Gore	Obey	Wright
Gray	Ortiz	Wyden
Guarini	Ottinger	Yates
Hall (IN)	Owens	Yatron
Hall (OH)	Panetta	Young (MO)
Harkin	Patterson	Zablocki

NOT VOTING—14

Ackerman	Ford (MI)	Rose
Alexander	Harrison	Smith, Robert
Brooks	Heftel	Tauzin
Conyers	Martinez	Wolf
Erlenborn	Morrison (CT)	

□ 1820

Mr. KOLTER and Mr. SCHEUER changed their votes from "yea" to "nay."

Mr. DAVIS changed his vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LOEFFLER

Mr. LOEFFLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LOEFFLER. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LOEFFLER moves to recommit the bill, H.R. 3363, to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 144, not voting 17, as follows:

[Roll No. 224]

YEAS—272

Addabbo	Crockett	Gray
Akaka	D'Amours	Green
Albosta	Daschle	Guarini
Anderson	Davis	Hall (IN)
Andrews (NC)	de la Garza	Hall (OH)
Annunzio	Dellums	Hamilton
Anthony	Derrick	Hammerschmidt
Applegate	Dicks	Hatcher
Aspin	Dingell	Hawkins
AuCoin	Dixon	Hefner
Barnard	Donnelly	Hertel
Barnes	Dorgan	Hightower
Bateman	Dowdy	Horton
Bates	Downey	Howard
Bedell	Duncan	Hoyer
Beilenson	Durbin	Huckaby
Berman	Dwyer	Hughes
Bevill	Dymally	Hutto
Biaggi	Dyson	Jenkins
Boehlert	Early	Johnson
Boggs	Eckart	Jones (NC)
Boland	Edgar	Jones (TN)
Boner	Edwards (AL)	Kaptur
Bonior	Edwards (CA)	Kastenmeier
Bonker	Edwards (OK)	Kazen
Borski	Evans (IL)	Kennelly
Bosco	Fascell	Kildee
Boucher	Fazio	Kogovsek
Boxer	Feighan	Kostmayer
Breaux	Ferraro	LaFalce
Britt	Fiedler	Lantos
Brown (CA)	Fish	Lehman (CA)
Bryant	Florio	Lehman (FL)
Burton (CA)	Foglietta	Leland
Byron	Foley	Lent
Carper	Ford (TN)	Levin
Carr	Fowler	Levine
Chandler	Frank	Levitas
Chappell	Frost	Lewis (CA)
Clarke	Fuqua	Lewis (FL)
Clay	Garcia	Lipinski
Clinger	Gaydos	Lloyd
Coelho	Gejdenson	Long (LA)
Coleman (MO)	Gekas	Lowry (WA)
Coleman (TX)	Gephardt	Luken
Collins	Gibbons	Lundine
Conte	Gilman	Markey
Cooper	Glickman	Matsui
Coughlin	Gonzalez	Mavroules
Coyne	Gore	Mazzoli

McCain
McCloskey
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Parris
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rostenkowski
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zablocki

NAYS—144

Andrews (TX)
Archer
Badham
Bartlett
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chappie
Cheney
Coats
Conable
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Emerson
English
Erdreich
Evans (IA)
Fields
Flippo
Forsythe
Franklin
Frenzel
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hubbard
Hunter
Hyde
Ireland
Jacobs
Jones (OK)
Kasich
Kemp
Kindness
Kolter
Kramer
Lagomarsino
Latta
Leach
Leath
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCandless
McCollum
McCurdy
McDonald
McEwen
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Nelson
Nichols
Nielson
Olin
Oxley
Packard
Pashayan
Patman
Paul
Petri
Pursell
Quillen
Ray
Ritter
Roberts
Robinson
Roemer
Roth
Roukema
Sawyer
Schaefer
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith, Denny
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Thomas (CA)
Volkmer
Walker
Weber
Whitehurst
Whittaker
Winn
Wortley
Wylie
Young (FL)
Zschau

NOT VOTING—17

Ackerman
Alexander
Brooks
Conyers
Erlenborn
Ford (MI)
Harkin
Harrison
Heftel
Jeffords
Long (MD)
Martinez
Morrison (CT)
Rose
Smith, Robert
Tauzin
Wolf

□ 1840

Mr. HUGHES changed his vote from "nay" to "yea."

So the bill was passed.

The results of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on June 23, 1983, I was unable to cast my vote on rollcall No. 219, the Conte motion instructing the conferees to insist on the House position regarding the Garrison diversion project contained in the Energy and Water Appropriations for fiscal year 1984. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BROWN of California). Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

OMNIBUS MINOR TARIFF AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3398, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3398, as amended.

The question was taken.

RECORDED VOTE

Mr. KINDNESS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 368, noes 43, not voting 22, as follows:

[Roll No. 225]

AYES—368

Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brown (CA)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clay
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
Emerson
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Foglietta
Foley
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Packard
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Pritchard
Pursell
Quillen
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roemer
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler

Udall	Wheat	Wright
Valentine	Whitley	Wyden
Vander Jagt	Whittaker	Wylie
Vandergriff	Whitten	Yates
Vento	Williams (OH)	Yatron
Volkmer	Wilson	Young (AK)
Walgren	Winn	Young (FL)
Walker	Wirth	Young (MO)
Waxman	Wise	Zablocki
Weber	Wolpe	Zschau
Weiss	Wortley	

NOES—43

Applegate	Hertel	Roe
Boland	Hubbard	Rogers
Broomfield	Hunter	Rudd
Brown (CO)	Kasich	Schaefer
Burton (IN)	Kindness	Seiberling
Chappie	Livingston	Sensenbrenner
Clinger	Martin (NY)	Solomon
DeWine	McEwen	Stump
Eckart	Miller (OH)	Tauke
Edwards (OK)	Murphy	Vucanovich
English	Ottinger	Weaver
Florio	Oxley	Whitehurst
Gaydos	Panetta	Williams (MT)
Gonzalez	Pashayan	
Hall (OH)	Rahall	

NOT VOTING—22

Ackerman	Harrison	Price
Alexander	Heftel	Rose
Biaggi	Leland	Smith, Robert
Brooks	Long (MD)	Tauzin
Erlenborn	Martinez	Watkins
Ford (MI)	Morrison (CT)	Wolf
Gingrich	Owens	
Harkin	Parris	

□ 1900

Mr. BOSCO changed his vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PECOS RODEO, OLDEST RODEO IN THE ENTIRE WORLD

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I rise to salute an annual event in the 16th District of Texas, an event, that, like the Fourth of July, symbolizes the true pioneer spirit of west Texas. The Pecos Rodeo is not only the Nation's oldest rodeo but the oldest rodeo in the entire world. This Fourth of July will be its 100th anniversary, a landmark in the history of rodeo and of west Texas.

For those of you who are not from the West, rodeo has its roots in the original skills needed for survival on the frontier—horseback riding, lassoing, and steer roping. So it is no coincidence that "rodeo" is a Spanish word that denotes a gathering of cattle—literally a roundup.

The rodeo, then, had its origins in the development of the cattle industry. Once or twice a year, the cattle were rounded up on the ranges and driven to various market towns. After the hard work of the roundup, the cowboys were paid off, and they usually celebrated the occasion. Informal competitions were held in which the cowboys bet their wages on their individual skills, and from this beginning, standards of competition were developed.

Then, as now, the rodeo consisted of five standard events: bareback bronc-riding, saddle bronc-riding, bull riding, calf-roping, and steer wrestling, sometimes called bulldogging. In bareback bronc-riding, an untamed horse, called a bronco, tries to buck the rider off its back. Using only one hand, the rider tries to hold on to a special rigging for a specified period of time, usually 8 to 10 seconds. If the rider falls, or if his or her free hand touches any part of his or her body or that of the horse, the rider is disqualified.

Saddle bronc-riding is similar to bareback riding, except that a special lightweight saddle is used and the rider holds on to a single piece of rope. Again, the free hand cannot be used. Bull riding, because of the ferocity of the Brahma bull, is the most dangerous event in the rodeo. The rider holds on to a bull-rope that circles the trunk of the bull and, using just one hand, must stay on for a 10-second period.

In all three events, the spirit and strength of the animals are factors in the judging. In calf roping and steer wrestling, the contestants try to accomplish a set of maneuvers in the shortest possible time. In calf roping, a calf is released into the arena through a chute and the cowhand, mounted on horseback, pursues. The rider must throw the lariat, or rope, over the calf's neck, dismount, throw the calf to the ground, and tie its feet while the horse keeps the rope taut. In steer wrestling, a steer is released from the chute, and the mounted cowhand rides alongside it and then leaps from the saddle, grabbing the steer by the horns in midflight. By digging in with the heels, the cowhand must first halt the steer, then flip it over onto its back as quickly as possible.

Mr. Speaker, the sport of rodeo has its traditions in the courage of the men and women who only a few generations ago risked their lives to tame a wild land. Pecos, Tex., is in the middle of this historic area and its people have kept rodeo going and growing in this same pioneer spirit. Rodeo today is a multimillion-dollar sport, but back when the people of Pecos dedicated themselves to keeping this uniquely American tradition alive, they had nothing to lean on except their own frontier traditions and love of competition. As a result, their dedication has helped enshrine rodeo in our history and national symbols. I salute the people of Pecos who have kept rodeo going and growing, and ask that my colleagues join me in recognition of their contribution to our country.

SECONDARY MORTGAGE MARKET EQUITY ACT

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATTERSON. Mr. Speaker, yesterday I introduced the Secondary Mortgage Market Equity Act, H.R. 3420. In brief, the bill provides a modest adjustment in the mortgage ceilings of the Federal National Mortgage Association (FNMA/Fannie Mae) and the Federal Home Loan Mortgage Corporation (FHLMC/Freddie Mac) to accommodate moderate-income home buyers in high-cost areas

In recent years, the secondary mortgage market institutions of Fannie Mae and Freddie Mac have become increasingly important in the delivery of affordable mortgage credit for our Nation's home buyers. Through their various mortgage purchase programs, Fannie Mae and Freddie Mac provide primary mortgage lenders—including banks, thrifts, and mortgages bankers—the liquidity they need to continue originating mortgages for low- to moderate-income people.

Today, unfortunately, we find that the capability of Fannie Mae and Freddie Mac to serve the national mortgage market on an equitable basis is distorted by the impediment of an artificially low maximum mortgage. Under current law, Fannie Mae and Freddie Mac may only buy or otherwise deal with mortgages no larger than $108,300.

As a national aggregate, this ceiling may be a reasonable cut-off point for what qualifies as a low to moderate priced home. However, when examined on an area-by-area basis, this ceiling is a very inaccurate standard because it fails to accommodate the wide variations across the country of moderate home prices.

According to the Nationwide Relocation Service—an independent company that provides home price comparisons for people contemplating moves to new areas—these home price variations are quite significant. If one examines their January 1983 brochure the following price variations on the same type home located in different cities can be made:

CITY AND PRICE

Albany, N.Y., $66,000.
Spokane, Wash., $78,500.
Nashville, Tenn., $89,000.
Atlanta, Ga., $93,500.
Wichita, Kans., $102,500.
Seattle, Wash., $110,000.
Billings, Mont., $115,000.
Miami, Fla., $126,000.
New York, suburban, $134,000.
Dallas, Tex., $140,000.
Anchorage, Alaska, $156,000.
Orange County, Calif., $160,000.
Fairfield, Conn., $190,000.

Honolulu, Hawaii, $199,000.

San Francisco/Oakland, Calif., $210,000.

The inequity of service to our Nation's homebuyers due to this single national standard is borne out by statistics generated by the Office of Management and Budget (OMB). In testimony presented to the House Banking Committee last month, OMB stated that the current ceiling serves 80 percent of the market nationwide, but in high cost areas it serves only 58 percent—thereby denying 42 percent of the home buyers in these high cost areas access to the national secondary mortgage market.

Clearly, a single national standard makes no sense. A reasonable adjustment in the ceiling is warranted to assure that homebuyers in all areas of the country are provided equitable access to Fannie Mae and Freddie Mac.

The proposal I am putting forward today allows a modest increase in the ceiling but only in targeted areas. It would tie mortgate limit increases to only high housing cost areas designated by HUD under the FHA section 203(b) program. The Fannie Mae and Freddie Mac ceiling increases would be the same percent increase provided under 203(b) and just as in the 203(b) program, in no case would the increase be higher than 33⅓ above the established Fannie Mae and Freddie Mac limit.

Let me walk through a couple of examples.

First. Cook County, Ill. Under the FHA program, Cook County is given a 24 percent increase above the basic FHA mortgage ceiling. Under my bill, this same 24 percent increase would be applied to the Fannie Mae/Freddie Mac ceiling of $108,300 resulting in a ceiling for this area of $134,300.

Second. Tulsa, Okla. Under FHA, Tulsa is given a 22 percent increase. So, applying this same 22 percent increase to the secondary market ceilings results in a $132,100 ceiling for Tulsa.

Third. Kings County, N.Y. FHA recognizes Kings County as eligible for the maximum increases of 33⅓. Thus, applying 33⅓ to the Fannie Mae/Freddie Mac basic ceiling results in a $144,400 ceiling for Kings County.

Fourth. Dade County, Fla. This county is given a 21-percent increase under the FHA program. When applied to the secondary market ceiling, this same 21-percent increase provides a $131,000 limit.

Fifth. Los Angles, Calif. Los Angeles, County is given the maximum increase of 33⅓ under FHA. Thus, under the formula provided in this bill, the Fannie Mae/Freddie Mac ceiling would be $144,400.

I believe this proposal is a reasonable mechanism for providing equitable access to the national secondary mortgage market. It would assure that the Fannie Mae and Freddie Mac ceilings are flexible enough to accommodate all homebuyers across the country regardless of whether they reside in high cost areas.

Mr. Speaker, the FHA section 203(b) high-cost accommodation system was approved by Congress in 1980 in recognition of the need for Government-insured housing programs to be made available for low and moderate income home buyers in high cost areas. For the same reasons that this public policy decision was made for primary market lenders to serve home buyers using FHA programs in high cost areas, the conventional secondary mortgage market also should be allowed to provide needed support to these markets.

Concerns have been raised that even a modest increase in the Fannie Mae and Freddie Mac loan limits will impede the entry and growth of private firms within the secondary mortgage market. It is not my intention to limit the growth of private sector secondary market corporations. In fact, I would like to encourage their entry. At the same time, however, I would like to assure that moderate income home buyers in all areas of the country are given equitable access to the national secondary market institutions.

This bill, nevertheless, is narrowly drawn so as to leave more than adequate room for growth and participation by both private sector firms as well as the federally chartered Fannie Mae and Freddie Mac. The size of the mortgage market above the current ceiling of $108,300 is estimated to be about 20 to 25 percent of all mortgage loans made. This amounts to $35 billion in 1983 and is projected to increase to more than $58.2 billion in 1985. It is estimated that even with my legislation, 17 percent of the mortgage market would continue to be out of the reach of Fannie Mae and Freddie Mac and available exclusively to the private secondary market corporations.

Another concern that has been raised is that if Fannie Mae and Freddie Mac begin dealing with mortgages higher than the current limit, they will tend to reduce their activity in lower cost mortgages. The concern is unwarranted. The vast majority of the mortgages bought by Fannie Mae and Freddie Mac are well below the limits. In 1982, for example, the average mortgage of Fannie Mae and Freddie Mac was $47,500 and $56,000, respectively—no where near the then-ceiling of $107,000.

It should be added that the Charter Acts of Fannie Mae and Freddie Mac commit them to serve the entire market up to their legal limits, and they have shown every willingness to do so. There is no reason to believe that this commitment to the entire range of mortgage sizes will change when the mortgage limit is adjusted as called for in my legislation.

Mr. Speaker, I urge my colleagues to look closely at this modest amendment to the Charter Acts of Fannie Mae and Freddie Mac. I would ask that each consider joining me and my 14 original cosponsors by supporting H.R. 3420 to restore fairness and equity to this most important source of housing finance.

The proposal is supported by the National Association of Home Builders, U.S. League of Savings Institutions, Mortgage Bankers Association of America, National Association of Realtors, National Savings and Loan League, American Bankers Association, and the National Association of Mutual Savings Banks.

Mr. Speaker, I submit the bill for printing in its entirety, as follows:

H.R. 3420

A bill to provide home buyers equitable access to the national secondary mortgage market

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Secondary Mortgage Market Equity Act".

SEC. 2. Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new sentence: "Each maximum limitation set forth in this paragraph with respect to a one- to four-family residence (as adjusted in accordance with the annual adjustment required in this paragraph) shall be increased for any area, other than an area located in a jurisdiction referred to in the preceding sentence, by a percentage equal to the percentage by which the Secretary of Housing and Urban Development has increased the corresponding maximum limitation set forth in section 203(b)(2) of the National Housing Act for such area on account of limited housing opportunities due to high prevailing housing sales prices.".

SEC. 3. Section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof the following new sentence: "Each maximum limitation set forth in this paragraph with respect to a one- to four-family residence (as adjusted in accordance with the annual adjustment required in this paragraph) shall be increased for any area, other than an area located in a jurisdiction referred to in the preceding sentence, by a percentage equal to the percentage by which the Secretary of Housing and Urban Development has increased the corresponding maximum limitation set forth in section 203(b)(2) of the National Housing Act for such area on account of limited housing opportunities due to high prevailing housing sales prices.".

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 136 EXPRESSING THE SENSE OF CONGRESS IN OPPOSITION TO FURTHER EXPANSION OF CARGO PREFERENCE REQUIREMENTS

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SMITH of Nebraska. Mr. Speaker, I rise and join with 59 of my colleagues to introduce House Concurrent Resolution 136, expressing the sense of Congress in opposition to further expansion of cargo preference requirements.

This legislation is needed to alert the House that a sizable portion of its Members who have constituencies involved in export of U.S. products oppose further expansion of cargo preference.

Statutes mandating guaranteed business for U.S.-flag ship lines without regard for efficiency or competition are damaging to the agricultural, coal, fertilizer, chemical, forest, ore, metal, pulp and paper industries.

Present cargo preference laws as they apply to such programs as Public Law 480—food for peace—provide ample evidence of the uncompetitive state of our merchant marine. Currently, the difference between shipping grain on U.S.-flag ships versus foreign-flag ships is running at $52.88 per ton for Public Law 480, title I concessional sales programs. It is not uncommon to find U.S.-flag rates 300 percent higher than foreign-flag rates.

I hasten to add that most of these foreign-flag bulk vessels are controlled by U.S. companies and subject to requisition by the U.S. Government. Freed from antiquated U.S. maritime policy, these American shipping interests operate cometitively and profitably in world commerce.

Mr. Speaker, the years of direct and indirect subsidies to the maritime industry have not enabled it to recapture its prominence on the world's shipping scene. Instead, its steady decline has continued.

With the phaseout of direct cash subsidies due to their ineffectiveness and budget considerations, legislative initiatives to prop up the industry through guaranteed business are receiving more attention.

I submit that these cargo preference schemes are the worst remedy as they will hurt exports through increased costs and lost sales, increase consumer costs, eliminate jobs, and prolong recession in the nonmaritime sectors.

I urge Members to join us in our efforts to voice opposition to further expansion of Cargo preference by cosponsoring House Concurrent Resolution 136.

H. CON. RES. 136

Concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements

Whereas the United States balance of merchandise trade was a negative $31.8 billion dollars in 1982;

Whereas the United States share of world exports has declined from 15.4 percent in 1970 to 13 percent in 1982;

Whereas one out of every eight United States manufacturing jobs is for export production and 20 percent of our industrial production is exported;

Whereas agriculture is the nation's largest employer with approximately 1,300,000 export related jobs;

Whereas the value of agricultural exports has dropped 18.9 percent since 1981 and United States agricultural market share has dropped precipitously for such commodities as course grains, wheat, cotton, soybean meal and oil, rice, and poultry;

Whereas increased ocean shipping costs will negate numerous United States efforts to promote exports;

Whereas current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

Whereas increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, non-ferrous refining, and paper industries;

Whereas trade barriers have proven harmful to United States industry, labor and consumers in the past;

Whereas world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

Whereas national defense interests will not be served by increased U.S.-flag bulk capacity;

Whereas the Effective United States Controlled Fleet, which is controlled by United States companies and subject to requisition by the United States Government, remains a strong and competitive force in the world's ocean shipping industry;

Whereas the U.S. Merchant Marine is uncompetitive in the world market with U.S.-flag bulk shipping costs as much as 300 percent higher than the world average;

Whereas ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that further expansion of cargo preference, whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

SUPPORT REAUTHORIZATION OF TITLE IX

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. JOHNSON. Mr. Speaker, last week millions of Americans witnessed with pride a truly remarkable achievement—the successful flight of the first American woman in space. Accomplishments of this magnitude do not come without hard work, commitment, and dedication. Most importantly, however, accomplishments such as this do not come without opportunity—the opportunity to strive to excel personally and professionally.

Thanks to landmark legislation passed some 10 years ago, women were guaranteed by title IX access to equal educational opportunities and we now have a generation of young women and girls for whom the achievements of an individual like astronaut Sally Ride are truly possible. Thanks to this law, which has singlehandedly provided women with solid legal protection from discrimination in education, women are now making tremendous gains in obtaining vocational, graduate and professional degrees to prepare them for meaningful lives.

I would like to draw to my colleagues' attention another remarkable accomplishment of a young woman from my district who, thanks to a lot of encouragement and support, has worked her way to the quarterfinals at Wimbledon. An outstanding athlete, she played on a men's team during her high school years, but now finds herself one of the best kept secrets in women's tennis. I will include at the end of my statement today's article in the Hartford Courant commending the achievements of Barbara Potter.

Mr. Speaker, we cannot allow the years of progress which have brought us the potential of a generation of Sally Rides and Barbara Potters to be compromised by indifference. Education, which for so many is the key not only for dramatic accomplishments like Dr. Ride's, is also the key to economic opportunity.

I can think of nothing more exciting than the events at Cape Canaveral last week, and nothing more exciting than Barbara Potter at Wimbledon today. I can think of nothing more tragic than turning back the clock on over half the population to an era of pernicious discrimination and stereotyping. I urge my colleagues to join me in supporting legislation to reauthorize title IX.

[From the Hartford Courant, June 28, 1983]

IT'S FRONT AND CENTRE FOR POTTER

(By Bob Sudyk)

WIMBLEDON, ENGLAND.—Barbara Potter has been the best kept secret of the tournament for the good part of The Fortnight.

Despite her reputation for having one of the best serves on the island, she couldn't get a job as a butler.

No references.

She is as recognizable as one of the chastised girls in the colorful, naughty knickers, driving the tennis players to the grounds for the matches in the sports cars.

Her autographs are restricted to her traveler's checks.

None of this, of course, is any of her fault. This isn't Miss Humpty Dumpty.

She began the tournament seeded 11th.

She has defeated Britain's Pat Medrado, America's Michele Torres, Camille Benjamin and Lisa Bonder in straight sets.

Today, Potter returns to the quarterfinals after losing to Chris Evert Lloyd last year in straight sets, 6-2, 6-1. She will face third-seed Andrea Jaeger in the third match on Centre Court.

Not once, after any of her victories here, has Potter qualified for an interview in the pressroom, which protocol requires that at least nine journalists must show interest enough to request her.

Otherwise, players, perhaps fearing loss of oxygen or brain death, are unavailable.

Meanwhile, the glamorous Carling Bassett, 15, who was eliminated Monday by Jaeger, has been in the showcase courts. She has been summoned to the news room and for radio and television appearances. Potter has been agate type in the program.

Her matches have been scheduled in the ghettos of Wimbledon, the scruffy courts in the low-rent district. The ones with the bad hops, the worst officials and spectators milling about just a few feet away from play.

Monday's victory over Lisa Bonder was on Court 6, Potter's poshest terrain.

Centre Court and Court 1, the showcase courts nestled inside the historic grandstand, are reserved, supposedly, for the headliners.

Potter has been as visible as the field of players who drift in and out of the grounds like a fog.

Except for her command appearances by tennis's All England Club, Scotland Yard, Interpol, FBI and KGB together couldn't find Potter secreted away in her London flat with her mother.

While Bassett lived in the luxury of the Savoy at $300 a day, Potter opted for seclusion with her mother and her thoughts.

"Dad doesn't even have my phone number here," said Potter, a resident of Woodbury, Conn., who consented to a private audience.

"Oh, wait, not talking to dad doesn't sound right. Says my brother. Actually, he doesn't have the number, either. It's just that someone might call and interrupt my schedule."

"My mom knows me better than anyone else," she explained, adjusting the precautionary ice pack on her left service shoulder and elbow.

"Mom cooks the right food for me (mostly fish and salads) and knows me well enough to say the right things to keep me right mentally.

"Wimbledon has an emotionally draining effect. The excitement and attention takes a toll. I do everything I can to lessen the hassle, save every ounce of energy for the court," Potter said.

"I've banked plenty of reserve for this tournament. I don't want to expend it carelessly."

This part of the players' Wimbledon Fortnight is hardly glamorous. It is a combination of important ingredients—practice, eating, icing the arm, taping, rest and sleep—all in just the right amounts.

Winning Wimbledon, or winning tennis, requires a delicate balance.

In Monday's 7-5, 6-4 victory, Potter's delicate balance was almost upset by several bad line calls. She correctly complained on three of them, supported by her opponent, Bonder. They were the kind of ghetto mistakes that can keep talented players from Centre Court.

Her driving service was no match for Bonder, however. This is Potter's main weapon, one that is dangerous to rely on entirely.

Potter, 21 is nearing maturity in the sport. She is taking the ladder one skillful step at a time, now ready physically and mentally to leap into the big time.

A Wimbledon victory over third-seed Jaeger would be a giant leap forward. Jaeger has won four of their six previous matches.

Getting mentally just right, choosing the exact moment to focus all energies on the moment of the match is the trick.

"When I have to wait for the court, it is important to be flexible. This takes experience," she said. "I learned a lot getting blown away in the quarters to Chris last year."

Very little separates the superstars from those on the fringe. So much of it is mental. Potter claims that, at this stage of the tournament, it is "10 percent skill and 90 percent will."

She talks of desire and will to win, not on the shots it will take. She has paid her dues and now she believes it is time to collect.

"I'm going to concentrate on my strengths. You will see me at the net a lot. Big thing is to hold my serve, the breaks (point) will take care of themselves.

Potter never has played in Centre Court or Court 1 before.

"It's my first time in the big hole," she said. "No need to be over-reverent about it, but I am excited."

She visited Centre Court early one morning the other day. She was alone in the empty theater. She tried to imagine what it would be like playing there before a crowd of 14,000.

Imagination becomes reality. She has paid her dues, and now it is time to collect.

"I see it as the beginning for me . . . a turning point . . ."

A TRIBUTE TO MAXIE ANDERSON

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, it is with sadness in my heart that I report the tragic death of my friend and constituent, Maxie Anderson. Maxie and his co-balloonist Don Ida were killed in West Germany yesterday doing what they loved best—flying a balloon.

Maxie Anderson has been my friend for many years. He achieved international acclaim 5 years ago when along with Ben Abruzzo and Larry Newman of Albuquerque, N. Mex., they became the first men to fly a balloon across the Atlantic Ocean.

When Maxie landed in France it was a reenactment of the hero worship accorded to Charles Lindbergh 50 years before. Maxie helped to lift the spirits and feelings of Americans as high and as beautiful as the balloons that he flew.

Maxie and his son, Kris again entered the ballooning record books 3 years ago when they became the first to fly across the North American continent from California to the east coast of Canada. Since that time, Maxie has made several attempts to fly around the world in a balloon.

The city of Albuquerque has become known as the balloon capital of the world in large part due to the efforts of Maxie Anderson. When you look into the sky over Albuquerque and see these spectacular splashes of beauty, Maxie Anderson comes to mind.

He was a devoted husband and father. His wife, Patti, children Kris, Tim, Stephanie, and Michael were all constantly involved with him, and he with them.

He was an astute and successful businessman. As president of ranchers exploration, he established a reputation as a knowledgeable leader and an expert in mineral exploration and development. There were those who frequently tried to convince Maxie to become a candidate for high political office. But, while involved as a public-spirited citizen, he preferred the serenity and peace when he was soaring high in his balloons.

His achievements, his competitive spirit, his search for challenge made Maxie Anderson a true American hero. Any visitor to the air and space museum here in Washington is struck by the imposing display of the Double Eagle II, the balloon in which he flew across the Atlantic. It proudly takes its place between Lindbergh's Spirit of St. Louis and the Apollo Moon Lander.

Maxie Anderson was a true hero. The courage and inspiration which he gave will live beyond us all. I have several times talked with Maxie about the risk and danger involved in the challenge which he took. Maxie would shrug it off and tell of the amazing and quiet perspective of watching the Earth turn under him as he floated among the clouds.

Maxie Anderson will be deeply and sadly missed. But, Maxie Anderson will be long and fondly remembered. I cannot help but feel that although he lived every minute of this life, he died loving what he was doing. Maxie, our hearts are up, up and away with you today.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2065. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

□ 1910

GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks, and to include therein extraneous material, on the subject of the special order speech today by the gentleman from Washington (Mr. SWIFT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

UNEMPLOYMENT—MY DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. WISE) is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I am most proud to be the sponsor of this evening's special order "Unemployment—My District." It is my hope that this late night session will focus the attention of this body, the other body, the President and the citizens of this country on the unemployment situation in our country—a situation that has gotten progressively worse over the last 2 years. This marathon special order will be a discussion of the unemployment situation in districts across our country—from California to New York, Minnesota to Arkansas.

The first reason for this special order is for us to talk directly to each other about unemployment in our districts, to discuss what the particular needs are that each of us faces. This way we learn from each other.

The second purpose is to reaffirm our commitment to the battle against unemployment. As economic indicators improve in some sections of the country, some members question the need for additional jobs legislation. Yet my State is not alone in still suffering high unemployment. Even in States with a relatively low rate of joblessness, there are large pockets of unemployment and despair. This Nation is undergoing massive technological and industrial readjustment. We must assist our Nation and our people to weather and adapt to these shock waves of change.

Mr. Speaker, we did not request this special order lightly. Nor is it our intention to inconvenience this House. But this is the best forum to have a frank and open discussion about the pressing tragedy of unemployment. And to those more than 11 million unemployed, many of whom no longer receive unemployment benefits, we must reconfirm our resolve to address their plight.

It is fitting that West Virginia's Representatives participate in cosponsoring this function. Our State's average unemployment last month was almost 20 percent. I represent 14 counties, 7 of them have unemployment exceeding 30 percent.

Let us get one thing straight. No one in West Virginia is asking for handouts. Nor is anyone here seeking pity for West Virginia. We are a proud, hardworking people who have repeatedly battled adversity. What we do seek is cooperation. We also seek some appreciation of our special problems.

In the third congressional district, many people make their living mining coal, supplying energy to this country. Unemployment in the coal mining industry is 40 percent; 27,000 members of the United Mine Workers of America are laid off. Several manufacturers have either closed or curtailed their operations.

We are not talking about some seasonal unemployment that will lift in the next few months. We are talking about frightening joblessness that threatens people's basic way of life.

When I was growing up, I cut brush in rural areas of West Virginia. A common sight then were commodity trucks—trucks bringing surplus food to welfare recipients. Then food stamps came. Our economy began to prosper. The commodity trucks became a distant memory.

Mr. Speaker, those trucks are running again. Two months ago, I rode a commodity Army Reserve truck on its weekly run to a hard hit area. Once again, hardworking people are not seeking handouts. Rather we seek work—and opportunity. Make no mistake—the recently passed jobs bill was not make-work. It meant that vital work on our Nation's infrastructure would be undertaken. Likewise a second phase jobs bill, H.R. 2544, would target money to high unemployment areas for short-term construction projects to be completed within a year. People go back to work while expanding the infrastructure necessary for economic development.

There are many other areas to explore. During the last week I have twice met with knowledgeable persons concerning small business programs for our State. Flexibility and ingenuity are essential elements to rebuilding our threatened economies. We must learn from each other.

This requires that this Congress not ignore the problems in each area. My State mines coal, and essential energy source. Coal research and development funds have been slashed 80 percent in 3 years. Yet funding adequate coal research programs will guarantee alternate and clean burning fuels.

Let me say that Federal dollars alone spent or loaned for water and sewer systems in West Virginia, in Boone County, for example, will be repaid many fold in economic development. Appalachian Regional Commission funds have brought the beginnings of an industrial park to Jackson County, a hard hit county determined to recover from the massive layoffs of a major manufacturer 2 years ago.

Mr. Speaker, on jobs, it cannot be business as usual, since business is not usual any more. We must resolve that 10 percent unemployment, double that in my State, does not become the usual.

At this point, I yield to the distinguished Speaker of the House.

Mr. O'NEILL. I want to thank the gentleman from West Virginia (Mr. WISE) and all his colleagues who have put this special order together tonight to talk about the unemployment of this country. Things are really bad.

President Reagan is a master of public relations. Whenever we get bad economic news, he passes the buck and blames it on someone else.

When his policies bring on the worst recession in 50 years, he blames his predecessor.

When his deficits rise higher than all other Presidents put together, he blames the Congresses of the past.

If more and more people think his administration is unfair, then he blames the media.

Tonight I would like to ask the President a question he cannot squirm out of.

Mr. President, you are having a conference tonight, a news conference. When we passed your program in 1981, you promised us it would create 13 million new jobs.

What about that promise? What about those 13 million jobs? We scheduled your program. It passed the Congress and became law; but today we have an unemployment rate of 10.1 percent—compared to a 7.2-percent jobless rate in July 1981, the month your program was adopted. Instead of having the 13 million new jobs as you promised; we now need to create 3 million new jobs just to get us back where we were when you came here a little over 2 years ago.

Tonight, Mr. Reagan, at your press conference, you will speak on prime time national television, on all three networks. Well, Mr. President, at the present time there are 13 million unemployed. There are another couple million out of the work market and there are 5 or 6 million working part time.

Mr. President, is the recession over when we still have 13 million out of work?

I want to thank the gentleman and I congratulate him for taking this time.

Mr. WISE. Mr. Speaker, at this point I yield to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD of Tennessee. Mr. Speaker, I appreciate the opportunity to join in this special order to discuss the plight of our Nation's unemployed. I want to especially thank our distinguished colleague from West Virginia for requesting this special order. As

chairman of the Subcommittee on Public Assistance and Unemployment Compensation, I have become acutely aware of the human suffering behind the unemployment statistics that we hear about.

We have been able to alleviate some of the hardships faced by the unemployed by providing additional weeks of unemployment compensation through the Federal supplemental compensation program. We were able to enact phase 1 of the jobs bill. We will be acting soon on providing some minimal health care benefits for those individuals who have lost health care coverage. While we have been able to respond to the tragedy of unemployment in some respects, we have been able to do so only after overcoming the objections of the Reagan administration and watering down the help that these bills were designed to provide.

If there is a single roadblock to attacking the unemployment problem in this country, it is the policies of this administration. I do not make this statement lightly. I make it only after months of watching administration witnesses march up to Capitol Hill demanding a $1.6 trillion defense budget and then coming to my subcommittee and opposing $2 billion in unemployment benefits. I have watched the unemployment rate rise from 7.4 percent, when this administration took office to 10.8 percent. I have watched this rise in unemployment and I have seen the President of the United States point to the want ads in a Sunday newspaper as evidence that unemployment is really not a serious problem.

I have listened to unemployed steel workers from Pennsylvania describe the year long search for a job that simply is not there, and then heard the administration imply that an extension of 6 more weeks of unemployment compensation for those workers will act as a disincentive for them to seek work.

Over 11 million Americans are out of work. Another 2 million are so discouraged they have dropped out of the labor market. And what is the administration's answer to this crisis? Inflation is down. What is the administration's answer to an unemployment rate among black teenagers of nearly 50 percent? Inflation is down. What about the 19 million Americans who have lost health insurance coverage because of unemployment? Inflation is down.

What about the loss of extended unemployment benefits in Michigan, Ohio, Illinois, and other high unemployment States because of the changes in the President's 1981 budget cuts? Inflation is down. What about the increase in broken homes and child abuse that are a direct result of the desperation of men and women who can no longer provide for their families? Inflation is down.

This administration's absolute lack of sensitivity to the needs of the unemployed is surpassed only by its lack of shame in claiming credit for reducing inflation.

Inflation is down because we are in a recession. A recession that has resulted in the loss of jobs, health care, and security for millions of Americans. To read administration's press releases you would think that Ronald Reagan, David Stockman, and Paul Volcker have singlehandily wiped out the terrible scourge of inflation. I would like to issue a press release myself to commend those Americans who have helped reduce inflation. There are a couple of problems in doing that however. One is that the list would have over 11 million names on it, the names of those Americans who cannot find a job. The second problem is even more difficult and that is to tell them that the reward for their faithful service in whipping inflation is something called economic recovery, and I am not sure when it will arrive.

America's jobless cannot wait for the recovery to trickle down. They need help now. And it is my hope that tonight's examination of the true scope of the unemployment situation in this country will reaffirm this Government's commitment to provide that help.

□ 1920

Mr. WISE. I appreciate very much the remarks of the gentleman. He might have been talking to Ed Cook, a county commissioner from Boone County, a coal mining county in my district, who wrote recently and said:

> The county is suffering because of unemployment. When people exhaust their unemployment they will hit the street and the crime rate will soar.

Then he went on to say:

> Sure, inflation is coming down. When you don't have money to spend it has to.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Speaker, I appreciate my colleagues gathering today to make a special point of discussing the tragic national unemployment situation that grips our country. While policymakers have grown accustomed to throwing around statistics of unemployment, the human dimensions of the problem are too often considered only secondarily.

Men and women in my northern Ohio district are not the deadbeats or freeloaders to which President Reagan often makes implicit reference. They are not trying to put something over on the system or avoid hard work—they grew up used to generations of hard work in the American auto and steel and other basic industries. They are hard-working Americans who have lost employment through no fault of their own.

After layoffs from jobs they have held for 10 to 20 years, many have looked for new employment for up to a full year, to no avail. Some have looked unsuccessfully for more than a year. They have begrudgingly depended on unemployment compensation or food stamps to try to maintain their families and the homes they can neither afford to leave or to keep. The dignity of people who have proudly and dependably worked as part of America's basic industries is close to or beyond the breaking point.

Workers have left Ohio, where unemployment was last 13.6 percent, to travel to Southwestern States to try to find work and income. Those efforts have too often meant divided families and frustrated job seekers with little success. But Ohio's declining heavy industry shows no signs of recovering to the vibrant and productive state it was formerly enjoyed.

Mr. Speaker, like reformed smokers critical of others who cannot quit, I think it may be easy for those who are employed, from the President and his cabinet on down, to find fault with unemployed workers. While the President seems to believe that a large number of unemployed workers can find work through a simple application of discipline, ambition and "willpower," I think the Congressmen participating in today's special order realize that drive is not what is lacking. It is employment opportunity that is missing.

There are currently millions of men and women who want jobs, Mr. Speaker, and there are millions more who are underemployed and capable of far more than they currently produce. The false notion that these people need only look at the classifieds to solve their problems is a plain insult to working Americans.

Mr. Speaker, I hope that the administration gets a clear message from this series of speeches. We regard unemployment as a critical and yet unresolved part of improving the economy—trading high inflation for high unemployment is no improvement. Lower prices are of no help to America's unemployed men and women.

Mr. ECKART. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Ohio.

Mr. ECKART. I thank my colleague for taking time to assemble this opportunity for us to share with the country the consequences of national policies that are of such great concern and importance to us.

Unemployment in the 11th Congressional District of Ohio is stil in double digits in each county. Ashtabula County has a jobless rate of 18.9 per-

cent, according to the latest figures available; Lake County, 15.5 percent; Portage County of over 14 percent; and Trumbull County, of which I represent a portion, 16 percent; and Geauga County, over 11 percent.

Clearly what is going on in northeastern Ohio is not reflective of the rest of the country. It is worse.

My office has been deluged with letters from constituents who write me of the personal hardships they have had to endure and suffer as a direct consequence of the Reagan recession.

One woman was grateful in her thoughtful letter to me for at least having unemployment compensation. For her that long line was some form of a blessing to be thankful for, for in these difficult times at least she knew she had something to look forward to.

But now as a direct result of the Gramm-Latta budget forced down the throat of this Congress in 1981 in a blind-sided 1-hour no-debate, no-amendment process the State of Ohio finds itself losing this mere form of minor subsistence that this woman wrote of so gratefully.

A 59-year-old man wrote about losing his job as a machinist. He had been gainfully employed in that position since he was 19 years old; 40 years of work down the drain. "What am I to do?" he wrote. "I am too young to retire and too old to find another job."

Too many people write that sentiment. For them the Reagan recession and the prosperity deemed for us to be just around the corner is one corner too far.

Since acting on President Reagan's economic program just 2 short years ago we have discovered the folly of his supply side economic theory is that it really does not work. In reality, true prosperity does not trickle from the top down; it grows from the bottom up among the working men and women of this Nation. It is an economic program that is flawed, that fails to exercise any degree of foresight.

Look at the gargantuan deficits it has created.

Let us look at some of the consequences, but also let us look at how the Congress will deal with them.

Our auto industry is in a shambles. In northeastern Ohio unemployment among auto-related industries exceeds that of the national average; yet, the solution offered to those of us on the Energy and Commerce Committee in recent hearings in testimony on domestic content legislation was, in the words of the administration spokesman, "Give it time."

Mr. President, let me tell you that time is one thing the unemployed auto worker already has too much of in northeastern Ohio. I say to you that if these companies through their unrestrained export policies that have put Americans out of work continue to do so, while you stand idly by giving our industry more time, it can only result in a policy that will end in the result of us having no domestic auto industry.

I say if they want to sell here they ought to build here. We cannot fiddle while the auto industry burns. We need those jobs and America needs a vital auto industry.

As my good friend from West Virginia pointed out, why is it here in a country that can develop the economic resources and the ability to land a man on the Moon that we cannot develop the ability to burn our Appalachian coal cleanly, safely, and efficiently. Perhaps it has to do with, as the gentleman so properly pointed out, the gargantuan budget cuts that have been visited on alternative energy resource development and utilization of a natural resource of which we in these United States have more than the Saudi Arabian Government has in oil.

Let us focus for just a short moment on the educational crisis confronting this country today. Japan, called an ally by some and an economic adversary by others, graduated more engineers last year than our Nation did. We are being outcompeted and outeducated. Yet this administration hopes to solve the problem by asking children to pray in schools. To pray for what? To pray for a job? To pray for a degree? To pray for an opportunity that they, too, may be able to own a home someday.

At the same time, while the President travels around this Nation speaking so piously of education, he fails to remind the Nation of his deep budget cuts.

□ 1930

And while he stands in Kansas City tomorrow at the site of the largest food warehouse filled to the rafters with commodities purchased by American taxpayers' dollars, let him ask the hungry children why it is they cannot learn in the schools today. Does the President not realize that you cannot create a full mind on an empty stomach?

We in northeastern Ohio and indeed throughout the entire Great Lakes States are the victims of an economic civil war, perpetuated by the monetary, fiscal and budgetary policies of an administration that seeks to render apart the very fabric that binds this Nation together.

All we ask for is not for the Federal Government to do it for us, but to stop doing it to us.

We ask for targeted defense spending so that the Nation's taxpayers' dollars that came from our region return to our region to create jobs, for in Ohio for every dollar we send here to Washington we get less than 75 cents. We in the Great Lakes States ask for an opportunity to preserve and protect our freshwater for it is only in that context that we can offer some hope to the people of the future, for without freshwater we will fail to survive. Let us take a look at Congressman BILL RATCHFORD's legislation pending before the Education and Labor Committee, to create a truly community-based vocatonal education program, a GI bill of rights if you will, for the unemployed, so they can stay in their communities, relearn their skills, and remain as productive parts in our workplace.

The unemployed in this Nation, they do not want a dole, they want dignity and they want a job. Let us put them to work rebuilding our infrastructure, infrastructure that has been sadly neglected in the northeastern part of these United States. Let us talk about health care for the unemployed. The distinguished gentleman from Indiana who will be following us momentarily has worked hard in the areas of medicare and medicaid and knows full well the consequences of people taken to hospitals and asked, not, "What is your ailment?", but "How are you going to pay for it?"

This in a land of plenty. Yes, the Midwest and the Northeastern part of these United States are in the middle of an economic civil war, the consequences of which threaten to wreak havoc on our communities as we know them. Abraham Lincoln said just a few feet from where we stand this evening, "If we could first know where we are and wither we are tending, we could do a better job in what is to do and to know how to do it."

This administration has forgotten where we have come from and this administration does not know where we are going.

These wise words from a man filled with wisdom are sorely needed in the consequences of the economic debate before us today.

Our approach to solving economic problems has been upside down, dominated by squinty-eyed bureaucrats who do not care and cannot cry has resulted in economic policies the failure of which have brought untold horror and hardship to Americans of every color, of every economic background. Let us use this opportunity that the gentleman from West Virginia gives us to speak positively as we all will of programs designed to help our Nation. But let us not fail as Abraham Lincoln reminded us and as Harry Truman so eloquently spoke when he was our President in the White House just what seems like 25 or 30 short years ago; to fail to remember the history that we have lived through is to condemn us to live that history again.

The failed economic policies of trickle down economics condemns us and 11 million others of our American colleagues to the same kind of fate of the

Great Depression. We in the Congress have the ability to make a difference. I hope that through the use of this special order and the programs we will be voting on in the weeks and months ahead we can hold out a greater hope for a better America and for a brighter future for ourselves and for our children. I thank the gentleman.

Mr. WISE. Mr. Speaker, I thank the gentleman.

The gentleman has given us much food for thought, not only explaining the problem in his district but also what we need to be looking at to bring about the long-term change which is so necessary.

I yield to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding.

And I want to commend the gentleman from West Virginia for taking the special order this evening. It provides all of us with an opportunity to focus attention on the continued economic stagnation in our districts and in the persistently high levels of unemployment that plague our respective constituencies.

In my home State of Michigan, the unemployment rate remains close to 15 percent; and in some cities in my district it exceeds 20 percent and in my minority communities it is twice that figure. It is not suprising then that my constituents are cynical about claims that economic recovery is already underway. Talk of recovery is only talk to 9,300 unemployed men and women in Lansing, 4,500 in Kalamazoo, 2,600 in Battle Creek.

It is only talk to the spouses and children of those who are still unemployed. It is only talk to the discouraged workers who have given up any hope of employment and it is only talk to the thousands who have uprooted their families, sold all their possessions in the desperate hope of finding work elsewhere.

Mr. Speaker, the national indicator may well be showing a mild upturn in the Nation's economy, but the faint image of that recovery is still only barely perceptible in my district. The Michigan economy, with its reliance on older heavy industries has been among the slowest to recover from the recession. Real recovery and increased employment will only come from efforts to renew, retool, and revitalize these industries. Recovery will also depend on efforts to train and retrain workers. Many people in my district have already been displaced by changes in industrial technology and consumer demand and many more have skills that will soon be outmoded.

I believe we all must commit ourselves now to insuring a well-trained work force in the future. But in the meantime, in the here and now, unemployment remains a problem of critical dimensions. The scope of the problem in my district and State is reflected in the statistics, but no statistic can fully explain the human impact of joblessness. The sense of failure, disillusionment of doubt in everything we have taught to believe about ourselves and about our country.

In Michigan the unemployment problem has manifested itself in dramatic increases in alcoholism, in spouse and child abuse, in mental disorders. But, again, these numbers only order and categorize the tragedy that cannot be quantified. How then do we really understand the impact of unemployment? Perhaps the best evocation of the problem I have ever seen came in a letter from one of my constituents, the handwriting and the wording make it clear the writer is a child, perhaps 10 years old, but the letter makes its point well. It reads:

DEAR MR. WOLPE: We care about hungry people. We would like to know what you have done for the starving people in the world.

P.S. Can you help get jobs in Kalamazoo, Michigan? Many people in Kalamazoo, Michigan do not have jobs.

P.S.S. My dad needs a job. Can you please help get jobs in Kalamazoo?

Mr. Speaker, I cannot make a more eloquent plea. I implore the President of the United States, my colleagues in the House, in the other body, business leaders, and policymakers throughout the Nation to listen and take heed.

Again my thanks to the gentleman from West Virginia for providing this opportunity to allow this examination of the continuing unemployment crisis that faces our respective constituencies and the Nation.

Mr. WISE. Mr. Speaker, I thank the gentleman from Michigan very much. I now yield briefly to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I represent a district with some of the worst pockets of unemployment in the Nation, and I do not mean a few areas within some of my south Texas cities. I am speaking of the entire city of Eagle Pass, Tex., where the May unemployment figure was an even 37 percent—up 10 percent from the same month last year. I am speaking of Laredo, Tex., where the May unemployment figure was 28.4 percent—more than double the figure of the same month in 1982.

Much of this is attributable to the 1982 peso devaluations which had a severe effect on international trade and retail trade, forcing these industries to lay off hundreds of individuals. Spinoff effects resulted in public and private enterprises letting more employees go. The peso devaluation problems are compounded by all the other adverse economic conditions being inflicted upon our Nation, and I simply do not know how long our remaining small businesses can hold out, much less the children and senior citizens.

A total of 417 businesses failed and closed down in 1982 in Laredo. An additional 237 failed through May of this year. Before this disaster, the 1-percent sales tax was a major source of revenue for the city, which reduced the number of city employees by 200 this year in an attempt to absorb a 37-percent drop in sales tax income. At the same time, as you might suspect, crime is increasing at alarming rates.

So what else can happen? The city of Laredo contracts to provide child development services and family care services and works with Federal and State agencies to assist the elderly. Using various matching funds, Laredo has provided medical and dental exams, therapy, and feeding services for children and helped the elderly remain in their homes and maintain their dignity. There is a serious question of finding that local match next year, and the problem is directly attributable to what we are talking about here today.

The cruel irony is that unemployment is increasing the need for these services at the very time when there are less financial resources to invest in human needs.

Is it possible that American citizens in distress cannot look to the same Federal Government that speeds assistance to other people in need around the world? This month, the people of Laredo opened their newspapers to learn that the county nutrition education program will be phased out, apparently another victim of selected cutbacks by the Federal Government. To rub salt in the wound, they were told that the decision on which units to keep was made "primarily on the basis of where the majority of those living in poverty reside."

I would point out that in Laredo, where 11,400 of a total work force of 42,000 are unemployed and have little chance of finding employment, that going without paychecks is about as close as you can get to poverty.

There is unemployment compensation, of course, but a total of 3,800 people have already exhausted their unemployment benefits, and it is estimated that 1,800 or 1,900 more will lose their benefits each month. These are people, not statistics, and we cannot simply mark them off.

The people of south Texas are an independent lot, and they are used to hardship and taking care of themselves, but they simply cannot stand much more, and the children and elderly cannot stand much more.

I appreciate the members and the committee staffs who have studied these problems and the various task forces which have taken the time to examine them in person, but with all due respect, I think the time for looking and talking is over. The administration as well as Congress know what

the problems are, but no one has been able to find a solution. The situation has been studied to death and it has not gone away.

The people of south Texas—and people across the country—are growing bitter. I am sure you have heard many people say that if they lived in another country, they could at least apply for foreign aid. Congress and the administration must respond to that call, and I suggest we should turn our attention to jobs, jobs, and more jobs.

□ 1940

Mr. WISE. I thank the gentleman for his participation.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Speaker, I rise in strong support of the goals of this special order and I thank the gentleman for taking this special order.

Mr. Speaker, often of late we have heard favorable comments on the condition of the economy, comments based on a comparison of an economic statistic of today to that of a year ago.

Let us consider the case of Pittsburgh's unemployment. A year ago, unemployment in the four-county Pittsburgh area was 10.6 percent. Today it is 16 percent.

A 50-percent rise in unemployment over a 12-month period in an already hard-hit area is a signal that something is dangerously wrong with our economy. If there are signs of hope for the economy in other regions of the country, such figures as in western Pennsylvania are all the more cruel.

Unemployment affects the economic livelihood of those without jobs and the stability of the communities in which they live. Perhaps the most devastating of its byproducts is the personal toll it takes on the physical and mental health of the jobless.

What does unemployment do in western Pennsylvania?

First, there is the immediate financial strain on those without work. Unemployment benefits help many for a period of up to 65 weeks. For thousands of western Pennsylvanians, this aid is now destined to expire with no job in sight. Fifty-five thousand people in Pennsylvania will exhaust all unemployment benefits next month. This is almost triple the monthly average of 15,000 to 17,000.

Receiving unemployment benefits often means the difference between keeping a home and losing one; 6.3 percent of outstanding mortgages in Pennsylvania are delinquent, the highest recorded number since the Mortgage Bankers Association of America began compiling statistics in 1953. According to Pittsburgh's Action Housing, between January and June 15 of this year more than 1,000 unemployed homeowners have received mortgage delinquency counseling through several local agencies. These agencies report that the number of calls for help is increasing and that the individual problems appear to be more serious. Requests for mortgage assignment have more than doubled in the past year at the Pittsburgh area office of the Department of Housing and Urban Development.

The House of Representatives has moved to address this problem by approving the Emergency Housing Assistance Act. It is now up to the Senate to act.

For some families, unemployment means having to face a new problem. I speak of the lack of food. Pittsburgh's Health and Welfare Planning Association reports in "Hunger in South-Western Pennsylvania:"

> The dramatic increase in unemployment in South-Western Pennsylvania and the projection of long-term unemployment for many due to non-transferrable skills has created a new group of people in need. Many people who have worked all their lives paying taxes, giving to charity and supporting the economic base of our community are now facing the immediate problem of how to obtain food for their families.

Second, long-term unemployment has a debilitating impact on the communities in the Pittsburgh area. In one Allegheny County town, more than 60 city employees have worked without pay to help the cash-strapped municipality meet its bills as tax revenues decline.

Neville Island, an Allegheny County township in the 14th Congressional District, was once called a floating factory. When unemployment was good, workers crossed the bridges to quintuple the township's population during work hours.

Township revenues last year were down some $20,000 in occupation taxes, and $25,000 in wage taxes. The per capita debt in the 1,200 person township is $666.37.

A Pittsburgh Press article included this observation from a restaurant operator on daily life in Neville Island these days:

> Our trade is way down and the people that come in aren't spending as much * * * I think the guys are only allocating themselves so much for lunch, and when that's gone, they just don't come in.

Third, unemployment directly affects mental and physical health, as well as family relations. While not easily documented, these are among the uglier aspects of joblessness.

As unemployment rises, so does suicide, homicide, infant mortality, cirrhosis, circulatory disease, and hospitalization for mental problems. National Institutes of Health research indicates that an individual's ability to cope with unemployment depends on whether he or she has adequate finances, is able to find another job at similar wages, and whether family and friends are there for support.

Thousands of people in the Pittsburgh area now face loss of unemployment benefits with little likelihood of becoming employed. Their ability to cope with that circumstance will be severely tested.

What does being without work do to a person's self-esteem? A Pittsburgh Press article included these comments from a 27-year-old, out-of-work engineer:

> When you're working, you feel that what you're doing is important. If you're not working, it's a blow to your ego. To do is to be . . . if you're not working as an engineer . . . are you an engineer?

Unemployment affects our communities and people who live in them in ways we can measure and in ways we cannot. I hope that those in the administration who now contend we are on an economic comeback trail will pause for a moment to reflect on the recorded and unrecorded measurements of unemployment in the Pittsburgh area.

Mr. WISE. Mr. Speaker, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I would like to say for the record, too, that I am grateful to the gentleman from West Virginia and his colleagues for calling this special order. I especially want to note that I believe the gentleman from West Virginia is one of the hardest working Members I have had the privilege to know during my service in the Congress. You might even say Congress is doing very well, ROBERT WISE.

We are here on a very serious subject, unemployment. At the beginning of World War I, with most of the nations plunged into war, historians tells us that the German Chancellor Bethmann Hollweg turned to the former German Chancellor Prince Bulow and asked. "How did it all happen?" and Prince Bulow replied, "Ah, if only one knew."

Allusion has been made to the cause of the difficulty. The assertion is being made nationally that a great recovery is under way. In Indianapolis, Ind., that is not entirely detectable by experience. In the year 1982 there were 746 foreclosures of mortgages. This year, to date, already there are 514. Unemployment has risen in Indianapolis by six-tenths of 1 percent. If there is a recovery, it is for someone besides those who have been thrown out of work, but how did it all happen?

The gentleman from West Virginia has quoted a leader from his State as giving a hint as to how it happened. Traditionally it is said that the way to fight inflation is to throw people out of work. Well, how does that fight inflation?

It means really that if enough people at the bottom of the ladder are thrown out of work, do not have

enough money for the movies, do not have enough money for automobiles, do not have enough money for clothing, good clothing for their children, it simply means that many fewer people are competing for the goods and services in the country. And when fewer people are competing for those goods and services, obviously the goods and services that are available can go around better, meaning at a lower price.

The suicide rate in Anderson, Ind., has gone up dramatically in the last 20 months. That is a big auto worker town in my State.

It is a funny thing about suicide. You do not hear very much about it, maybe on the back pages of the newspaper, or some hint that the deceased went in that tragic way. But it happens because of proud people who are caught up in a machinery that is far more powerful than themselves as individuals, when they are caught up in this tragedy of unemployment and cannot make house payments. Well, that was just a statistic a moment ago about the foreclosures, but foreclosures mean that the sheriff comes to the door and puts you out. And only in a movie is there somebody to put you in some place. And when proud men and proud women can no longer support their children, sometimes it is too much. Who here can say, those of us who can say, "But for the grace of God there go I." But for the policies of this administration these people would not so extensively be in that situation. The consequence in some cases is deep depression and suicide. It is a deadly serious subject. These people are the casualties of the Laffer curve and they are pawns in an economic game plan.

There is only one thing that works as far as I have been able to figure in the years that I have been in the Congress, something that has never been tried. If you print the money to pay the bills that Congress has run up and does not have taxes for, it is inflation. If you do what the present outfit does, if you borrow the money, that drives up interest rates and drives people out of work.

In the first instance, it is like taking chloroform. It is a slow death to the economy. In this instance, it is like cyanide. It kills the economy immediately by throwing people out of work and throwing businesses out of business.

It seems to me that somewhere along the line we might all agree that the best way to pay the bills of this Congress is through the progressive net income tax, the ability to pay, and forget the laughable curve.

Mr. WISE. I thank the gentleman very much. During my brief time here in the Congress, the gentleman certainly always has been a voice for those who do not have a voice. And certainly in my mind, the conscience of the Congress.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, first of all, I would like to join in commending our colleagues, BOB WISE and MARCY KAPTUR, for taking this time to discuss the most serious social problem facing this country.

I think it is particularly encouraging, however, that we have so many outstanding new Members of the House, of which you two are good examples. It makes me feel a lot better about the future of the country to know that people who come fresh from the electorate are taking the kind of initiatives and showing the kind of drive that you are showing.

Mr. Speaker, unemployment is no respecter of the careful way in which millions of men and women have ordered their lives. Unemployment is a tragedy for the world, for our Nation, for regions and localities, for individual men and women, and for their families. But those of us from the industrial Midwest know better than most how devastating unemployment can be. In my hometown of Akron, Ohio, unemployment went from 9.7 percent in October 1979 to 17.8 percent in January of this year, a phenomenal 84-percent increase. For Summit County, the unemployment rate jumped during that time from 8 percent to 14.5 percent, an 81-percent increase.

But these are only dry statistics. We need to have greater awareness of the misery of unemployed workers and their families. Consider the effect on health, for example. Dr. M. Harvey Brenner of Johns Hopkins University has pioneered in assessing the impact of unemployment on mental and physical health. He has shown that a great many physical illnesses, particularly cardiovascular disease, are psychologically related, and therefore are affected by economic status and changes in economic situations. His research reveals that a 1-percent rise in joblessness is accompanied by an increase of 650 murders, 920 additional suicides, 4,000 more admissions to State mental hospitals, and 3,300 criminal convictions and incarcerations in State or Federal prisons.

Dr. Brenner's studies link an increase of 37,000 deaths, including 20,000 from cardiovascular problems, with every 1-percent jump in joblessness. He says that with all the techniques available for projecting economic trends and providing career counseling, we ought to be able to develop programs which would not only do better at getting people trained and placed where they are needed, but also be far more sensitive to the implications of various economic policies on health and human development. Yet under the Reagan administration, our efforts in these areas have gone backward, not forward.

It is not difficult to trace the impact of these social problems on our national economy. The impact on our Federal budget, for example, is staggering. If the jobless rate were cut in half, the Federal deficit would be cut by more than $150 billion—far more than politically acceptable tax increases and spending cuts could be expected to produce. And the billions of dollars of wealth lost due to high unemployment can of course never be recovered.

Mr. Speaker, the Akron Beacon Journal recently ran a story on a constituent of mine which forcefully brings home the problems in our Nation's heartland of industrial decline, structural unemployment, and our unemployment safety net. Richard Forward worked 31 years at Firestone as a tire builder—a skilled occupation—before he was laid off in May 1981. Mr. Forward's skills fell victim to a combination of circumstances. Every imported auto purchased in the United States means five fewer tires from American rubber workers. In addition, cars these days are generally smaller than their predecessors and are increasingly likely to have front-wheel drive, factors which minimize wear on the rear tires and decrease the demand for replacement tires. Finally, consumers today prefer longer lived radial tires, again decreasing the need for replacement tires.

As the Akron Beacon Journal put it:

> Mr. Forward's layoff began an encounter with a jerry-built system of supplements and extensions further complicated by a dark maze of arbitrary cutoff dates and obscure terminology such as reachback provisions and trigger formulas.

His faith in the basic justice of our society has been shaken by the lack of work opportunities and by the capricious and wholly inadequate unemployment safety net through which he has fallen. That safety net was designed to take care of short-term economic disruptions, not the long-term structural problems which Mr. Forward is a victim of. But that explanation is of small comfort to him, to the 40 percent of all unemployed workers who have no unemployment insurance, or to the nearly 200,000 other Ohioans who, under the current system, will be without any jobless benefits by this October.

Mr. Speaker, the unemployment situation in Summit County, Ohio, is bad enough even without a reduced Federal commitment to provide reasonable levels of assistance to our jobless. But President Reagan has added insult to injury by actively seeking to cut many of the programs on which the jobless must rely for basic sustenance. Summit County workers have suffered the consequences of heavy import competition for a number of years. Until the Reagan Presidency, the United States provided some addition-

al compensation to workers who lost their jobs because of import competition through the trade adjustment assistance program. In fiscal year 1982, the Reagan budget slashed the TAA program 91 percent. This year, the President proposed to terminate the program altogether. Two years ago, Summit County workers received more than $7 million in TAA benefits. Today, virtually no one receives benefits under the program in Summit County.

Despite its support for self-help measures to combat joblessness, the Reagan administration has done little to provide unemployed workers with the skills they need to get back into the job market. The administration has consistently sought cutbacks in job training funds, limiting the ability of programs to retrain workers to reenter the job market. And despite his professed support for effective job training, the President actually opposed the Job Training Partnership Act, which replaced the CETA program, until it became clear that Congress would pass the legislation with or without his support.

The grim employment prospects for older industrial States like Ohio is made worse by the reluctance of the administration to commit itself to a strategy to work with labor and business to develop a comprehensive industrial strategy. In my judgment, such a working partnership is vital if we are to regain our manufacturing lead in the global market. Ohio in particular has suffered a sharp decline in the number of existing manufacturing jobs. Factory employment dropped from an all-time peak in 1969 of 1.471 million to 1.234 million in 1981, a loss of 237,000 jobs in 12 years. Another 100,000 jobs were lost last year. That decline was most heavily concentrated in Ohio's largest counties, including Summit County.

The Reagan recession has been particularly hard on Ohioans. Ohio's unemployment rate has consistently risen above that of the Nation as a whole during years of recession. This is due to the fact that Ohio's share of employment in heavy industry is considerably greater than the Nation as a whole. Seven out of ten jobs in Ohio entail the production of durable goods, and when the economy slows down, as it has in the Reagan recession, purchases of durable goods are often deferred or canceled, with resulting increases in unemployment. The 1982 unemployment rates, both for Ohio and for the Nation, reached the highest peaks in more than four decades. For Ohio, that meant that one out of every eight workers was without a job. Even worse, the long-range employment picture for Ohio strongly suggests that employment in the manufacturing sector will not improve, even if the economy improves as a whole.

Given the decline in manufacturing jobs in older States like Ohio, it is crucial for the Federal Government to maintain its commitment to effective job training. The Government must also work to develop a consensus on the most effective means of reindustrialization. I do not agree that we can let our basic industries die and replace them with high-tech or service industries. Without auto, steel, tire, machine tool, appliance, and other basic industries, who is going to buy the high-tech products, the computers, the robots? And who are the service industries going to serve?

We must move ahead to develop a national industrial and full employment policy, with or without help from President Reagan.

□ 1950

Mr. Speaker, sometimes people ask me how I came to be a Democrat, since my parents and all of my relatives, when I was a young man and first able to vote, were Republicans. Well, I grew up in the 1930's, and I saw the answer of the Hoover administration to unemployment. On every street corner there was a man trying to sell apples, and the slogan was, "Help the unemployed. Buy apples."

And along came President Roosevelt and put Americans back to work. He proved that unemployment was not necessary, that it was possible to give people a good, decent standard of living.

And I say to the same kind of thinking that we were coping with 50 years ago in this country that we can do it again, but we are not going to be able to do it unless we change the policies that are being followed by this administration.

I again want to commend the gentleman for taking up this cause, and we shall prevail.

Mr. WISE. Mr. Speaker, I thank the gentleman from Ohio for his words and his encouragement.

Mr. Speaker, at this time I yield to the gentleman from Michigan (Mr. LEVIN), who has been very active among new Members in seeking to deal with the causes of unemployment.

Mr. LEVIN of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise today to discuss the grim grip of unemployment, and how it has been exacerbated by the 1981 Omnibus Reconciliation Act.

Throughout the relatively prosperous mid-seventies, from 1976 to 1979, Michigan's average unemployment rate was over 8 percent, 21 percent higher than the national average of 6.6 percent. Since the current recession began in 1980, Michigan's average unemployment rate has climbed to 13.6 percent, 64 percent higher than the national average of 8.3 percent. When the U.S. unemployment rate first hit double digits in September 1982, Michigan had already suffered 32 straight months of double figures. Today this disastrous count stands at 40 consecutive months; Michigan has had the highest unemployment rate in all but 10 of those months, when it was the second highest rate. The most recent statistics for May are 14.9 percent or 653,000 workers without jobs.

After 3 consecutive years of severe recession, the State has lost 400,000 jobs. Virtually every family and business have been affected. Manufacturing employment has declined by one-fourth and construction by about 40 percent between 1979 and 1982.

In November more than half of the unemployed workers were age 25 to 44, and more than two-thirds were male. The employment situation of females and minorities is catastrophic. For 1982, the female unemployment rate was 15.1 percent, the black unemployment rate was 32.8 percent, and the unemployment rate of black youth was a staggering 61.8 percent.

These statistics do not even begin to tell the human story—confronting debts without a paycheck, looking for work with no jobs available, and losing the dignity that comes from a steady job. The hardest job in Michigan today is looking for work.

Recent research provides indications of the impact of unemployment in Michigan.

In one of the greatest year-to-year increases since World War II, Michigan's infant mortality rate increased from 12.8 deaths per 1,000 live births in 1980 to 13.2 deaths in 1981. Some areas of the State have actually seen a 100-percent increase in 1 year;

Since October 1979, the AFDC unemployed parent caseload in Michigan has tripled. The general assistance caseload has doubled;

The number of persons receiving some form of cash public assistance has increased by 35 percent since 1979, or 350,000 persons. In January 1983 nearly 15 percent of the total Michigan population received some form of public assistance;

The loss of income and insurance benefits has decreased preventive medical care by physicians and clinics, while increasing hospital care, as people delay treatment until they are seriously ill;

Blue Cross and Blue Shield of Michigan report a drop of 557,000 participants since 1979. Medicaid rolls have increased by 106,000 since then;

Approximately 20,000 workers exhausted their regular unemployment benefits during every month of 1982. Well over 100,000 exhausted their extended benefit period;

Michigan hospitals report $142 million of unreimbursed care was given in 1982, up 29 percent from 1981. Some

community hospitals are threatened with insolvency;

A survey by the statewide nutrition commission indicates that reliance on emergency food providers is increasing and that most programs have experienced a doubling of their caseloads over the last year. The city of Detroit has experienced a fivefold increase in emergency food aid since 1980.

Since the late 1930's, the first line of protection for people who lose their jobs in this country has been unemployment insurance. Because of the highly cyclical nature of Michigan's economy, it has played a critical role in maintaining some stability in the State's work force. The magnitude and length of the current national recession have had a tremendous impact on Michigan's unemployment insurance program.

As of June 24, 1983, Michigan has been forced to borrow $2.4 billion from the Federal Government to pay jobless benefits. The basic reason for Michigan's debt is long-term high unemployment. Michigan had its last good year of unemployment in 1978 when the rate was a comparatively low 6.9 percent. I make this point because 6.9 percent is the rate that is now causing some States to borrow for the first time.

In 1981, the Omnibus Reconciliation Act first established the practice of penalizing those States with the highest unemployment rates. The Reconciliation Act first assessed interest charges on State loans originating after April 1, 1982, at a rate equal to the average interest rate paid on Federal securities—but not to exceed 10 percent. Currently this interest rate stands at the 10-percent maximum. In 1983 Michigan will pay $73 million interest charges. This is after the State repaid $348 million in May, reducing the interest payments by $100,000 a day.

The Reconciliation Act also began the unique practice of automatically raising the Federal unemployment insurance tax on a State's employers if the State has outstanding debt. In Michigan, employers, those with jobs to give, pay a payroll tax of 1.4 percent; 0.6 percent of this is effectively a penalty for employing workers in a high-unemployment State. This penalty tax will cost Michigan business $80 million this year. It will rise another 0.1 percent in 1984.

Against a backdrop of severe unemployment, the State has made extraordinary reforms in its unemployment compensation system. At the end of 1982, legislation was enacted which demonstrates the State's response to the tremendous burdens of the Reconciliation Act. Effective January 1 of this year, Michigan employers will have a maximum tax rate of 10.5 percent of payroll which will rise over 3 years to 12 percent. The State taxable wage base was increased from $6,000 to $8,000 and will continue to rise by $500 each year until 1986. Labor also made benefit concessions which will result in $1.1 billion in savings over 4 years. These include freezing maximum benefit levels, benefit reductions for most claimants, and eligibility modifications which will make it significantly more difficult to establish minimum qualifying requirements.

The net effect of Michigan's reforms was to raise an additional $530 million in 1983 alone, through benefit reductions and tax increases. This is an increase of over 80 percent in available revenues in a single year. It should again be noted that this action took place in the midst of the most severe recession since the 1930's.

In the recently passed social security law, Congress recognized the great lengths to which Michigan and other States have gone in order to maintain trust fund solvency. Two provisions in H.R. 1900 addressed the two concerns I have outlined above: States with very high unemployment rates may defer most of their interest payments; and the scheduled 0.3-percent increase in the penalty tax was reduced to 0.1 percent. Both of these actions were dependent on reforms similar to Michigan's. I applaud this small step toward a reasonable Federal policy for financing unemployment compensation. But I strongly believe that this Congress must recognize the extreme nature of the economic downturn in Michigan and other States such as Ohio, Pennsylvania, and Illinois by forgiving all or part of this accumulated interest. Only in this way will those areas hit hardest by the recession be able to move on to recovery.

The damage that the 1981 Reconciliation Act inflicted on Michigan's unemployment compensation system does not end here. It was with shocked disbelief that I watched the 13-week extended benefit program trigger off in Michigan the week of May 21. Because of a 3-week grace-period, the final benefit week was June 11. The last checks to 56,600 jobless workers were delivered 1 week ago today; 3,100 people were effected in my district alone. How does a State with the second highest unemployment rate in the Nation lose its extended benefit program? To understand this we must look at the extended benefit program itself. Prior to 1981, the combined number of individuals receiving both regular—insured unemployment rate—and extended benefits had to meet one of two criteria: The insured unemployment and extended benefit rate was greater than 5 percent or the insured unemployment and extended benefit rate was at least 4 percent and at least 20 percent higher than the average rate for the previous 2 years.

The Reconciliation Act slipped two changes into the law which brought about the May triggering off. First, the act eliminated workers receiving extended benefits from the trigger number calculations, as if their being unable to find work for 26 weeks meant that they were no longer unemployed. Second, it raised the unemployment rates which trigger on or off the extended benefit program to 6 and 5 percent, from 5 and 4 respectively. On May 21, Michigan's insured unemployment rate, not including those receiving extended benefits, fell below 6 percent. Because the State's unemployment rate has been high for so long, 20 percent above the 2-year average requires an insured unemployment rate of 7.6 percent. While overall unemployment now stands at 14.6 percent, this quirk in the law has deprived the citizens of Michigan of benefits specifically designed for the long-term unemployed.

You might ask why the insured unemployment rate is falling, with so many unemployed workers in the State. The insured rate is falling because people are exhausting the 26 weeks of the regular State program. Precisely because they need the extended benefit program they are falling outside of the statistics that make this program possible. If either of the two provisions in the Reconciliation Act were repealed, Michigan would now qualify for extended benefits. Some of the workers no longer receiving extended benefits will qualify for the third and final form of assistance, Federal supplemental compensation. In May, 135,000 people were receiving these benefits. Yet even before the termination of the extended benefit program, 40 percent of Michigan's unemployed did not qualify for any unemployment compensation. If one looks only 3 months down the road to the end of September, even the remaining supplemental program is scheduled to expire. Clearly there is a large and unmet need exacerbated by the inequities of the reconciliation.

Mr. Speaker, I have attempted to draw my colleagues' attention to the fragile condition of Michigan's economy and to pernicious provisions of the 1981 Reconciliation Act that have aggravated these problems in Michigan and many other States. I sincerely hope that once the facts are known, the Members of this body will quickly act to correct these failings.

□ 2000

Mr. WISE. Mr. Speaker, at this time I yield to my colleague from the State next door whose district is so much like mine that we share many of the same problems, the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding, and I join with the others here in commending my colleague, the gentleman

from West Virginia and my colleague, the gentleman from Ohio for asking for this special order to enable us to highlight some of the very serious problems which the unemployed are experiencing.

Mr. Speaker, in recent weeks, President Reagan has been eager to proclaim the arrival of economic recovery and to announce the end of the deepest recession this Nation has experienced since the 1930's.

It is perhaps no surprise that the President is so vociferous in his premature proclamations of general prosperity. After all, Mr. Reagan's personal political fortunes are inseperately tied to the course of the American economy.

Unfortunately for Mr. Reagan, however, and unfortunately indeed for the 12 million Americans who remain out of work, not even a President can wish away unemployment. For 35,000 individuals in my congressional district alone, the pain and discouragement of joblessness remains very real; the financial chaos and the personal trauma of unemployment continues to haunt their lives.

According to the latest data available from the Virginia Employment Commission, the unemployment rate in Virginia's Ninth Congressional District is fully 50 percent above the national jobless rate. Four counties in my district have rates of unemployment that exceed 20 percent; one county has unemployment in excess of 30 percent.

From silent coal mines in Tazewell and Buchanan Counties to hollow factories in Bristol, from boarded up businesses in Blacksburg and Pulaski to depressed farm incomes in Floyd and Wythe Counties, my congressional district continues to suffer the effects of high unemployment, high interest rates, and a sustained recession.

Adding to the financial problems of those out of work is the fact that under the current structure of unemployment benefits imposed by the Reagan administration in 1981, no unemployed person in Virginia qualifies for the 13 weeks of extended unemployment benefits available to jobless people in other States.

The use of a statewide trigger for extended benefits, mandated by the administration's budget of 1981, discriminates against regions of high unemployment in States where the statewide unemployment rate has not activated the extended benefits program. Because of this inequity, the unemployed mine worker in Tazewell County is eligible for only 34 weeks of unemployment benefits while his counterpart across the border in West Virginia is eligible for up to 53 weeks of benefits.

To correct this inequity and to provide additional relief to those persons in southwest Virginia hardest hit by the recession, I have introduced legislation to alter the trigger mechanism for extended benefits and to provide for the payment of such benefits on a substate basis. This approach would target the benefits to those whose need is greatest.

The most severe unemployemnt in southwest Virginia is found in the coal-producing counties along the West Virginia and Kentucky borders. Beneath these mountains lie the richest coalfields in the world, and the health of the regional economy is tied directly to the health of the coal industry.

A worldwide recession, reduced steel demand, declining oil prices, a relatively mild winter, and increased competition in the export market have devastated the domestic coal industry. U.S. exports have fallen sharply, compounding the problems caused by our national economic difficulties. In 1982 alone, coal production in Virginia fell a full 1.5 million tons.

The recession in southwest Virginia is wide and it is deep. Only a broad based national economic recovery coupled with intensive economic development activities will afford substantial relief to the economy of my district. One key to sustained economic health is industrial development, but at precisely the time when localities need the most assistance with economic development, the Reagan administration is seeking to abolish the most effective Federal program assisting depressed regions in providing needed public facilities for commercial expansion. Since taking office, President Reagan has three times proposed termination of the Appalachian Regional Commission. Fortunately for southwest Virginia, the President has not been successful in this effort.

Since its creation in 1965, the ARC has served as a catalyst for improvements in public facilities and health and education services that have benefited the entire Appalachian region. Among the many southwest Virginia projects funded by the ARC are health clinics, vocational education centers, water and sewer projects, industrial parks, and vital transportation facilities. Without the support of the ARC, it would have been virtually impossible for our localities to undertake these job creation projects, and it will be extremely difficult for the region to enjoy any measurable recovery from the current recession without the continued assistance of the Appalachian Regional Commission.

It is indeed ironic that on the one hand President Reagan extolls the virtues of federalism and of decentralization, and on the other hand, he seeks to destroy the Appalachian Regional Commission, an agency that has been uniquely successful in working with States and localities in creating jobs for our citizens.

On the one hand, the President proclaims his patronage of American business while on the other hand he proposes the abolition of the Nation's premier industrial development agency. The President's program is wrong for southwest Virginia; ARC is still vitally needed.

For the 35,000 residents of southwest Virginia who are unemployed, the recession has not abated.

For their families, the trauma of unemployment and the uncertainty about the future remains very real.

For small businessmen and women, who depend on local patronage and who have contributed so much to the community by extending credit and by helping families in need, the crisis continues.

Perhaps America has grown tired of bad news about the economy.

Perhaps the President hopes we will forget the devastating impact of his economic program.

No, Mr. President, we cannot forget. Unemployment remains the No. 1 economic problem in southwest Virginia and throughout the country.

No, Mr. President, we can not close our eyes and wish the problem away.

This Congress has a responsibility to provide relief to the jobless, to assist with health care and mortgage payments, to enhance job training and to stimulate job creation.

□ 2010

Mr. WISE. I thank the gentleman from Virginia.

I yield to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I would like to congratulate the outstanding leadership that the gentleman from West Virginia (Mr. WISE) and the gentlewoman from Ohio (Ms. KAPTUR) have been able to exhibit.

Many reports indicate that the economy has taken a turn for the better. While this might be true at the national level, there are many pockets of unemployment where the economy has not improved. In fact, in some of these cases the economic situation is deteriorating, which, in turn, effects a chain reaction diminishing the quality of life for large numbers of people.

I represent the 27th District in Texas. This extends from Corpus Christi south along the gulf coast to Brownsville. In general, our economy revolves around fishing, farming, petrochemicals, and port-related activities with the Brownsville area more dependent on tourism and retail sales. The difference between these two major cities in my district—the two cities are 150 miles apart—is dramatic. While the unemployment rate in Corpus Christi is at near-record levels at 10 percent, the unemployment rate in Brownsville is a crippling 17 percent.

The border town of Brownsville has suffered incredibly with the peso devaluation. Before the devaluation in December 1981. At the height of the Christmas shopping season, over 800,000 Mexican nationals crossed the bridge to spend their pesos in Brownsville and surrounding communities. At Christmas last year, the figure had declined by over 200,000.

Let me give you an example of what has happened to a particular store. Revenues from a major department store have declined from $24 million in 1981 to $5 million in 1982. Just imagine the number of people laid off, the stores that have had to close.

In March 1982, in the Brownsville-Harlingen-San Benito area, the Texas Employment Commission reported that there were about 9,100 people unemployed and still looking for work. One year later the number of unemployed went from 9,100 to 15,100; this is a phenomenal increase of 66 percent.

These problems create others. For example, the revenue from sales taxes are down 43 percent. Specifically, in Brownsville, the city budget had to be cut from $27 to $25 million due to this decline. We all realize that city services, which are essential to meet basic human needs, have to be cut. Adding fuel to the fire is the fear that the situation will continue to deteriorate.

For just a moment, travel with me outside my district up the Rio Grande to Laredo. There the unemployment rate is a staggering 27 percent, and some 600 businesses have closed since last August. The city manager of Laredo has indicated to me that there is nothing on the horizon to improve the situation. He is begging for Federal help.

In every case, we must recognize that the quality of life has suffered. People simply do not have the money to buy the food they need, and to pay their medical bills.

How long will we continue to ignore these problems? How long will we continue to ignore the human misery created by these problems?

Mr. WISE. Mr. Speaker, I yield to the gentlewoman from Indiana (Mrs. HALL).

Mrs. HALL of Indiana. Mr. Speaker, I do want to thank my colleagues from West Virginia and Ohio for this opportunity. I am one who comes from Indiana's First Congressional District, which extends around the southern shores of Lake Michigan and it includes the heartland of America's steel industry, where 25 percent of our people do not work.

I should point out that the people do not work through no fault of their own. These are people who constitute what is known today as the new class of poor people in America, people who would like to work, people who want to work, and people who constantly seek the opportunity to work. They are the ones who are suffering. They are the ones who would like to continue to contribute and be in the mainstream of American society.

When people do not work, they suffer. Today in America suffering has taken on many forms. Many of these people are suffering as a result of unemployment. We know that when people do not work, social problems develop and they exist in far greater numbers than when people are working.

The most popular question I am confronted with in Indiana's First Congressional District is, "Mrs. HALL, can you help me get a job?"

I feel that in the most affluent country the world has ever known, where we enjoy the highest standard of living, if we are working and making a decent wage, there is no reason to have so many who want to work, who can work, and who are able to work, to suffer.

In my district, I am constantly confronted with mortgage foreclosures. Good people who would like to have a home, people who have worked extremely hard to provide a home for their families, find that they can no longer afford it.

Recently here in the House of Representatives, we adopted legislation to provide foreclosure assistance to those who were confronted with such a crisis, only to find it has not moved through the U.S. Senate.

In a district with high unemployment, we have a lot of potential students who have the skills and ability to seek higher education, who cannot do so because their families cannot afford for them to do so.

We have a high divorce rate.

We have a lot of mental illnesses.

We have many other crises which normally would not result in middle-class people.

I say tonight in the United States of America it is time for this Congress and the President to team up as partners and seek a solution. Unemployment is not in the best interests of anybody. If we want to have a prosperous society, if we want to continue to reign as the most advanced country in the world, we have to think about those millions of people who are suffering in the First District of Indiana and throughout these United States.

I rise tonight to join my colleagues in bringing an important message to Congress: that unemployment is still the most serious problem facing America today. I also commend my colleagues, particularly the members of the West Virginia delegation, for their efforts in focusing attention on this critical problem. I want to tell you how unemployment has affected the citizens of Indiana and of the deteriorating conditions in the First District of Indiana, which brings me to question whether a strong economic recovery is really beginning.

Indiana has in excess of 285,000 unemployed, or an overall seasonally adjusted percentage of 11.4. About 26,000 of these unemployed were the direct result of plant closings in the steel and automobile industries and are costing the State more than $100 million per year in unemployment benefits and lost State income taxes.

In the First District of Indiana, which is a highly urbanized, heavily populated, and industrial area in the northwestern corner of the State, unemployment in Lake and Porter Counties in April 1983 was 44,300. Unemployment in the Gary-Hammond-East Chicago area ranged from 15.2 to over 21 percent over the past 12 months, with a current level of about 21 percent.

The steel industry accounts for much of the industrial base and many of the jobs in northwest Indiana, and in recent years has experienced its worst economic conditions since the postwar period. In northwest Indiana:

First, Inland Steel laid off 2,000 of its 22,500 employees at its East Chicago mill, with another 3,000 to 4,000 employees working short weeks;

Second, American Steel Foundries East Chicago plant experienced a 30-percent decrease in unemployment at the end of 1982;

Third, Midwest Steel Division of National Steel Corp. reported that its plant operated at 75-percent capacity with 20 percent of its employees on layoff; and

Fourth, Bethlehem Steel announced its closure of tin mill operations at Burns Harbor in June 1983.

The Budd automotive plant at Gary and Pullman Standard of Hammond also closed their facilities.

Northwest Indiana saw its reliance on the metal industries result in the loss of one of every six jobs by the end of last year. Many of these layoffs in turn affected service industries dependent on steelworkers' and automobile workers' paychecks. Overall, approximately 30,000 steelworkers in northwest Indiana and south Chicago lost their jobs. Although the State of Indiana was recently ranked as the Nation's top steel-producer, its steel mills produce a third less than they did 5 years ago. Steel industry analysts predict that even with economic recovery, the industry will never return to its former strength. In any case, it is commonly acknowledged that the industrial sector will share much less in an economic recovery than has previously been the case.

Unemployment has many other devastating effects on the citizens of northwest Indiana. Many individuals have been unable to sell their homes for cash and have eventually sacrificed mortgages and self-esteem. Many ex-

hausted their life savings, investments, and unemployment benefits. For others, unemployment meant crime, divorce, alcoholism, child and spouse abuse, and many other social problems.

Most people in the First District desperately want to work. Many of them represent "dislocated" workers—those on the unemployment rolls because their jobs have disappeared. Unlike welfare recipients and other long-term unemployed, these citizens have settled in northwest Indiana, are registered voters, pay taxes, and are active participants in their communities. They constantly approach me—not asking for handouts but for assistance in locating work. Unfortunately for some of these citizens, they may never be rehired, even after retraining, because of health and pension considerations.

The Job Training Partnership Act, effective in October of this year, may provide some relief for retraining needs and for some dislocated workers. It is questionable, however, what the success rate of the business community will be as it assumes the prime responsibility of placing the unemployed into a shifting and somewhat unstable labor market. The funds provided for dislocated workers are not enough to extend to all the unemployed in this category who are in need.

It is my belief that Congress has taken only tiny steps toward attacking the overall problem of unemployment. There are many legislative initiatives and suggestions to aid unemployment and the economy: One, directing moneys toward labor-intensive infrastructure needs; two, proposals protecting industry from imports; three, encouraging domestic exports; four, providing health insurance; five, emergency mortgage foreclosure assistance; six, proposals aiding education and immigration problems—but there is an imminent danger that these policies may not be implemented if Congress loses sight of the fact that curing unemployment must remain our primary goal.

And 44,300 unemployed citizens in the First District of Indiana is reprehensible. Our role as Members of Congress is to remedy that situation.

Again, I would like to thank my colleagues for this opportunity and I am hoping that all of us will join together to seek a solution to that great suffering circumstance that we are confronted with today, unemployment for Americans.

UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, I will defer my own remarks and, as a courtesy, allow other colleagues to speak first.

I would like to call upon our most distinguished and enlightened colleague, the gentleman from Illinois (Mr. SIMON), and I yield to him.

Mr. SIMON. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio, and I thank my colleague, the gentleman from Tennessee, both of them, for their leadership on this whole discussion.

I slipped into the cloakroom back here for just a few minutes and I heard the President of the Unites States say in the press conference that the economy is beginning to sparkle.

I welcome any improvement in the economy and I speak not as a partisan when I say to the President, I wish you could come with me to any one of my 21 counties:

Alexander County, 23.1 percent unemployment.

Franklin County, 22.6 percent.

Gallatin County, 23.5 percent.

Hardin County, 23.9 percent.

Pope County, 20.6 percent.

Union County, 20.5 percent, and I could go on. I have only one county that is below the national average on unemployment.

Mr. Speaker, at this point I will insert some other tables here in the RECORD, as follows:

[Figures given are in city blocks, 1 block equals 400 feet]

Alexander	174,420
Sidewalks	129.8
Roads	138.4
Clinton	368,100
Sidewalks	273.9
Roads	292.1
Fayette	280,260
Sidewalks	208.5
Roads	222.4
Franklin	655,380
Sidewalks	487.6
Roads	520.1
Gallatin	112,860
Sidewalks	84.0
Roads	89.6
Hardin	76,320
Sidewalks	56.8
Roads	60.6
Jackson	487,080
Sidewalks	362.4
Roads	386.6
Jefferson	539,820
Sidewalks	401.7
Roads	428.4
Johnson	102,240
Sidewalks	76.1
Roads	81.1
Marion	603,720
Sidewalks	449.2
Roads	479.1
Massac	180,900
Sidewalks	134.6
Roads	143.6
Monroe	186,480
Sidewalks	138.8
Roads	148.0
Perry	274,500
Sidewalks	204.2
Roads	217.9
Pope	51,840
Sidewalks	38.6
Roads	41.1
Pulaski	102,960
Sidewalks	76.6
Roads	81.7
Randolph	360,360
Sidewalks	268.1
Roads	286.0
St. Clair	2,773,620
Sidewalks	2,063.7
Roads	2,201.3
Saline	351,360
Sidewalks	261.4
Roads	278.9
Union	271,440
Sidewalks	202.0
Roads	215.4
Washington	183,060
Sidewalks	136.2
Roads	145.3
Williamson	781,560
Sidewalks	581.5
Roads	620.2
Total	8,918,280
Sidewalks	6,635.7
Roads	7,077.9

Estimated unemployment in the coal industry

Statewide	5,600
22d District	3,732

NUMBER OF PEOPLE WHO HAVE EXHAUSTED THEIR BENEFITS IN THE 22D DISTRICT

	January	February	March	April	May
Alexander	32	32	25	21	31
Clinton	61	86	61	45	40
Fayette	63	41	60	42	66
Franklin	102	106	86	184	115
Gallatin	39	18	10	15	15
Hardin	22	11	10	11	15
Jackson	114	77	93	142	80
Jefferson	131	98	89	112	132
Johnson	27	15	15	20	21
Marion	103	98	86	98	99
Massac	42	42	35	26	35
Monroe	26	18	16	17	16
Perry	73	63	74	67	42
Pope	15	6	7	12	7
Pulaski	20	20	13	13	13
Randolph	105	83	75	72	56
St. Clair	529	414	421	383	388
Saline	223	69	65	80	73
Union	91	39	44	45	55
Washington	26	18	19	62	26
Williamson	184	157	143	180	169

APRIL 1983 UNEMPLOYMENT FIGURES

	Unemployed	
	Percent	Number
Alexander	23.1	969
Clinton	12.5	2,045
Fayette	14.3	1,557
Franklin	22.6	3,641
Gallatin	23.5	627
Hardin	23.9	424
Jackson	9.3	2,706
Jefferson	15.1	2,999
Johnson	17.0	568
Marion	15.1	3,354
Massac	17.2	1,005
Monroe	10.5	1,036
Perry	14.5	1,525
Pope	20.6	288
Pulaski	19.7	572
Randolph	11.9	2,002
St. Clair	11.7	15,409
Saline	19.8	1,952
Union	20.5	1,508
Washington	12.6	1,017
Williamson	16.5	4,342

It is not just simply statistics. Let me tell you about a little town that my colleagues from Ohio, New Mexico, Georgia, and Indiana have not heard of, Elizabethtown, Ill. I was down there for my open office hours and one of the men that came in, maybe 40

years old, was Ervin Price. He and his wife, Linda, came in. He has been out of work for a year. He is on welfare. Illinois welfare is among the more generous welfare systems, but he figures it averages $1.75 an hour for him. He said he is desperate for a job. He has three children, 15, 13, and 10.

I said, "If I could get a part time job for you in Harrisburg, Ill., which is about 30 miles away, could you get there?"

He said, "I would get there somehow. I might have to hitchhike. The tires on my car are so bad, I don't know if I could make it home."

It happened to be a cold day when I was there and I asked him, "How do you heat your house?"

And he said, "We bought a secondhand wood stove and my wife and my kids and I go along the highway and pick up wood."

That is real life for real people in the United States of America today. It is not simply statistics that we see.

Somehow, we have to respond. We have to respond and I have a long list of statistics of people who have run out of benefits in my district. We have 3,732 coal miners out of work in my district.

My staff—I would like to take credit myself, but my staff did the work on this—they took the manhours, the person hours, I should say, to my distinguished colleague, the gentlewoman from Ohio, the person hours in each county and said, "What could you do if you simply applied all this to building sidewalks and highways?"

You end up with 129 blocks of sidewalk and 138 blocks of street or highway in Alexander County.

You go all the way through St. Clair County, you could do in 1 month—these are monthly figures—2,063 blocks of sidewalk; 2,201 blocks of streets, if we started using people constructively.

In closing, what we have to do, I say to my distinguished colleague, what we have to do is to somehow turn the liability of unemployment into an asset.

About 50 years ago, this country made a decision that we are not going to let people starve anymore. Now we have to make another decision. Are we going to pay people for doing nothing or are we going to pay people for doing something?

I think it makes infinitely more sense to pay people for doing something.

I think one reality has not hit this Congress yet, and one of these days I think it will hit us, and that is that unemployment is going to be a permanent phenomenon in our country. I wish that were not so. I think it is the reality.

The reality is the demand for unskilled labor is going down. The pool of unskilled labor is going up and that means we have a permanent problem. We can live in the land of make believe that just around the corner the private sector is going to provide enough jobs and there will be no more unemployment. As one who used to be in business myself, I wish that could happen. It is not going to happen.

□ 2020

So what we have to do as a nation I think is to find much more constructive answers than we have. We have to find better answers than just telling people you go home and sit at home and do nothing. That is no answer for them. It is no answer for the taxpayers.

I think the answer is doing some exciting things, letting people become part of our society, letting them teach people who do not know how to read and write, how to read and write, having day care centers, planting trees, doing the things that can make yours and ours a better country.

I hope one of these days we move in that direction, and I commend my colleague from Ohio and my colleague from West Virginia for their leadership in putting this together.

Ms. KAPTUR. I would like to thank my distinguished colleague from Illinois who has spent so many hard years working on these tough issues and now, after all of those years, facing a situation in this country where conditions are probably as bad as they have been since the Great Depression. To see you still fighting is truly an inspiration to all of us, including the new Members.

Mr. SIMON. I thank the gentlewoman.

Mr. RICHARDSON. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the distinguished gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, first of all I would like to commend the gentlewoman from Ohio and the gentleman from West Virginia for putting together this special order on so very timely a subject.

Mr. Speaker, we continuously hear reports the economy is recovering. Many key economic indicators are pointing up. But the unemployment rate, the indicator that measures human suffering, remains far too high. Too many Americans are without work, and until they are employed, we should stop the celebrations about recovery.

The unemployment rate has fallen slightly over the past few months. But what goes unnoticed is the employment rate, those who have a job, has not risen as fast as unemployment has decreased. What can account for the shruken labor force—discouragement. Millions of Americans have lost their most precious resource—hope. They have quit looking for jobs because there are simply none to be found. They look to their Government and find little reason to be encouraged.

Mr. Speaker, we did enact an emergency jobs bill a few months ago and I strongly supported this legislation which will provide roughly $8.5 billion for the creation of new jobs. But we can't stop now and just wait for the economy to improve. We must take affirmative action to restore hope and confidence in those who have been left behind by this cruel rescession.

The recovery may be underway on Wall Street, but it hasn't touched main street in the small towns and villages in my district in New Mexico. We are still suffering from an unemployment rate of 10 percent. More than 8,000 miners have lost their jobs in New Mexico over the last year. Manufacturers now operate their factories with 800 fewer employees than a year ago. And native Americans and Hispanics in my district have been especially hard hit by the recession. Unemployment on some Indian reservations is roughly 80 percent. The unemployment rate among Hispanic Americans was 13.8 percent in May—much higher than the national average.

These unemployed workers yearn for a job. They want to work and provide for their families. They resent, as I do, hearing their President proclaim economic recovery when they are struggling to survive. The unemployed in my district are tired of waiting for prosperity to trickle down to them. They want action. But the President has created the dangerous perception that the economy is better and the unemployment problem will take care of itself.

Mr. Speaker, I see things differently than our President who seems unconcerned with the plight of those who are suffering as a direct result of his policies. I will continue to advocate and support programs to put New Mexicans and all Americans back to work so that we can realize true economic recovery.

Again, I wish to thank the gentlewoman from Ohio for her leadership, not just on this issue but on the issue of the budget and taxes, on foreign policy and many other things on which this country desperately needs leadership.

Ms. KAPTUR. Mr. Speaker, I thank my colleague the gentleman from the great State of New Mexico, for pointing out to all of us how deep and how widespread the unemployment situation is in our Nation, affecting all ethnic groups in every corner of the Nation.

Mr. McCLOSKEY. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to our distinguished colleague the gentleman from Indiana.

Mr. McCLOSKEY. First I would like to commend the distinguished Repre-

sentative from West Virginia (Mr. WISE) and also the distinguished Representative from Ohio (Ms. KAPTUR) for their tremendous contribution in putting together this special order tonight.

I think it is very significant that this is going on while the President of the United States has recently spoken. I would hope that perhaps in our continuity or continuous efforts and energy tonight we can receive a small bit of the attention for this issue that he will receive tomorrow with the American people.

I would like to say that it is obvious that the two Members that put this presentation on tonight, the gentleman from West Virginia, Mr. WISE, and the gentlewoman from Ohio, Ms. KAPTUR, are two of the more talented people in the Congress, and particularly the freshman class.

I might say, as to Ms. KAPTUR, I was recently talking to a Republican Chamber executive from her district who commended her wholeheartedly on her attention to the economy and the concerns of all of the people of her district. She could not speak highly enough of Ms. KAPTUR.

The recession has not ended in the Eighth District of Indiana. New unemployment claims increased last week. Counties in my district still have unemployment rates of over 15 percent. This is not prosperity.

Last Thursday, a major department store chain opened two branches in Evansville; 360 new jobs were advertised; 3,200 people applied. This is not prosperity.

In my district, coal miners still bear the brunt of the recession; 38 percent of coal miners in Indiana are unemployed. Last year that jobless number was 21 percent. Today, many miners are working only 2 or 3 days each week, in 7-hour shifts. This is not economic recovery.

One miner told me that when his friends first find out that they have been laid off, some worry first about their children's college education. But soon they must think about the financial obligations of the here and now. They may sell the car to meet house payments. But that may not be enough. They become threatened with mortgage foreclosures. Unpaid light bills mean darkened homes. Mr. Chairman, this is not economic recovery.

And the miners do not want to go to work in Hills Department Store. They want to dig coal.

In Evansville, directors of the miners relief fund, the Salvation Army, Catholic Charities, Hope, Inc., and Community Action programs all report that this year their clients are people who have always worked before. They are people who find it embarrassing to rely on charity. Often they do not know how to find or use charities they have contributed to in the past.

For the unemployed, the basic problems of food, shelter, and utilities are especially severe. From Bloomington to Evansville, sources of assistance are becoming scarce.

Utility costs in Indiana increased 40 percent this winter. Unpaid electric bills of $800 or $900 are not uncommon. Pigeon Township in Evansville has had to limit its utility relief to $250 per family. Even in the warm weather, jobless Hoosiers cannot afford their utility bills this year.

Those who can pay their light bill may not be able to keep up with their mortgage payments. Banks in the district are increasingly reluctant to defer foreclosure. Yet the need for mortgage relief has never been so great. Last year Hope, Inc., of Evansville, helped 45 families a month save their homes. This year 75 families a month come to the agency for the same sort of assistance.

Perhaps even more disturbing is the reappearance of hunger, the indecent consequence of recession in a land of plenty. A school nurse told me that her most common complaint from children this year was stomach aches; hunger. How can we stress education and expect a hungry child to be alert, bright, and creative? A minister in my district told me of babies suffering from malnutrition because their parents are watering down the formula to save money. Mr. Chairman, this is certainly not prosperity.

This is June 28, and we are in what the charities call the "Fourth Week Syndrome." This means that at the end of the month in the eighth district of Indiana:

The Salvation Army in Evansville used up its United Way allotment for June over 1 week ago.

Food stamps have run out for many families.

Facing a 500-percent increase in demands over last year, Catholic Charities, for the first time in its history, has run out of money for some programs. It has canceled its important transportation program, which gave people enough money to get to another town to look for work.

Construction workers in Evansville do not have enough money to pay for gas to drive to Vincennes, where a few road work jobs just opened up. Vincennes is only an hour away from Evansville.

Our problems will not disappear simply because interest rates briefly dip or because Congress passes a series of jobs bills. The Indiana labor force is competing in an international marketplace, without adequate support—in trade policy, monetary policy, tax policy, transportation policy, or education policy. Today, unemployment is over 10 percent nationally. I do not find this figure comforting. I do not believe that about 12 million people are expendable, or should be called surplus labor.

Mr. Chairman, this is not prosperity. I invite the President to come to the Eighth Congressional District and tell us that this recession is over.

□ 2030

Ms. KAPTUR. Mr. Speaker, I would like to thank our distinguished colleague, the gentleman from the State of Indiana, for his insightful remarks and leadership on so many issues on behalf of the people of his State.

I now yield to our distinguished colleague, the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. First, I thank my colleagues for holding this special order on unemployment, the need for jobs in America.

You know, I serve as chairman of the congressional rural caucus and many of the people from rural America across this great Nation. I do because of a strong personal feeling I have from what happened a number of years ago. Some people have not taken time to read, reflect, and feel the fact and meaning of the book "The Grapes of Wrath," by John Steinbeck. As a youngster I was one of the young people not once, not twice, but three times with my family who had to leave Oklahoma and worked our way to California, picking cotton, cutting grapes, picking up potatoes, in search for a job. My family worked as welders in the shipyards and saved money to return to Oklahoma.

We actually did not know we were poor because we left rural America and went to Oakland, Calif., to live in a third floor apartment where we had running water. We did not have running water in rural Oklahoma and in rural Arkansas. I would like to point out to my colleagues: During that period John Steinbeck wrote about throughout the thirties, forties, fifties, was the largest migration and movement of human beings ever recorded in the history of our country. The people moving to the large urban centers of this country in search for a job. They were not moving because they wanted to, but because they had to, in the search of some type of a job to support their families. That is what bothered me last year when President Reagan said during a time of great unemployment: "if the people do not like this situation, they could vote with their feet." He said basically said they could move with their feet. You know, it is quite disturbing to me when I realize that people have not understood that disastrous feeling, the turmoil, the great friction created in the hearts and the lives of a lot of people when they lose a job.

You know, for a President who talks about the value of the family, I do not

think he understands and realizes during a time of unemployment, there is not a greater loss of esteem that the father has, than when he looks at his children in their eyes and says: "You have to do without because your daddy does not have a job," or "We cannot have adequate food or shelter because daddy is out of work." If he does realize, and does nothing, it is even worse. Every minister will tell you that the No. 1 reason for divorce in this country happens to be finances, unemployment, the lack of the means to provide adequate finances. And because of the lack of a job we also have a greater record number of families that are breaking up and going their separate ways. I think that is a tragic situation that is occurring because they need the job to be able to support their families.

Let me add, after this great movement of the people leaving their roots and going to areas to find jobs, our country, in the time after World War II, saw fit to write the Marshall plan to rebuild Europe; 20 years later they wrote a massive urban renewal program to try to help the urban cities. Our President is talking about the economic problem in South America and Central America and is proposing the Caribbean Basin program to help these people. I wonder if he does not understand that in my district, and many other districts, unemployment is creating undesirable attitudes toward the countries leaders. I know in my State we have unemployment at the highest rate it has been in years.

Even though Oklahoma as a State has done fairly well, in the chronic area of the rural depressed southeast Oklahoma, the tip of the Ozark region, I have had double-digit unemployment not just this year, not just last year, but for several decades.

In fact, since 1920 in every single county of the former district I represented at least 50 percent of the people left during the time of 1920 to 1970. Some of them retired and have come home between 1970-80.

That is why I am even for the Enterprise Employment and Development Act that the President proposes. I think we as Democrats should do everything we can to try to build jobs, whether it is proposed by the President of the United States or some congressional leader from the other party. I am cosponsor of the Enterprise Employment and Development Act, and I ask all my colleagues to become cosponsor of this bill and do everything that is necessary to build those needed jobs.

In my district today, 14 out of my 20 counties have unemployment above the national average. Coal County, a county that saw 68 percent of its people migrate out in the last 50 years, has 19.3 percent unemployed; Latimer County, 18 percent, Pushmataha County, Choctaw County, 17 and 14 percent, respectively, Hughes County, which lost one of its last major industries, has 17 percent unemployment now, Atoka County, 11.5 percent, Le Flore County, 11.5 percent and McCurtain County, over 11 percent. You know, just as bad as unemployment or nearly as bad is low-income economic conditions of our families.

In my area of the State of Oklahoma in a number of the counties I just named happens to be between $4,500 and $5,000 per capita. Family median income is somewhere in the neighborhood of $10,000 or so. I do not know how they can survive and make it on that. The gentleman from Ohio told the reason why he was a Democrat. You know, over the years things have been good in my lifetime. I think Ronald Reagan's policies has probably made me understand more why I am a Democrat than ever before in my life. I probably have a greater understanding why I am a Democrat. Under this administration, budget and tax program, there has been over $20 billion in budget cuts taken from the low-income citizens with less than $10,000 income.

In other words, those people who have $10,000 or below in median family income, received $20 billion in budget cuts. What happened to the tax cut? The families with $80,000 or more in income have received $59 billion from that tax cut benefit. So, what I am saying is the more wealthy families have received great benefits from the tax cuts, at the same time the families in the lower income level have also received the budget cuts which puts a greater strain on them. I would like to ask: "Who has Ronald Reagan taxed?" Remember, he has had a tax program. Do you know Ronald Reagan has taxed many of the lower income citizens? Ronald Reagan has taxed the little waitresses who have to pay withholding for their tips and most of them in my district do not receive 8 percent in tips that they have to pay on the gross amount of the food or meal that a customer purchases. Many of those waitresses are just trying to make minimum wage, but they are taxed today under his program. The small, independent truckers in my State of Oklahoma, who haul grain, cattle, and so forth, did pay approximately $250 a year in taxes on the trucks last year. Today, after the tax program, pushed through by Ronald Reagan, they are going to be paying, approximately $2,500 per truck whether they move that truck to haul grain or leave it unloaded.

□ 2040

A 1,000-percent increase in their taxes. Many of them are shutting down that vehicle because they cannot pay those taxes. They are going somewhere else to try to find a job.

Now let us not forget the withholding on savings. It is well known throughout this Nation today, that withholding on savings program is basically hitting those people who have the least opportunity to pay. This withholding tax is Ronald Reagan's program at trying to get to a few. Furthermore, let us not forget the 5 percent tax on gasoline. Every man, women, and child that drives a car or truck to work have to pay that 5 cents more. Those are the low-income working people or many of them unemployed, driving in search for a job. They have been taxed more and have to pay more. They are not wealthy but some of the lowest income families in America.

Let me say, there is one thing that this administration has created. Let there be no mistake about it, there is deep emotional concern for fairness and equity for the people of this country. Yes, there is one thing that this administration has created, without a shadow of a doubt that is not debatable, and that is the fact there has been created a greater division, and wider gap between the rich and the poor, the affluent and the less affluent. I think this is something that we must solve. We must address that fact with jobs because jobs are the key for holding our families and our country together. A deeper and wider division could result in a revolution in this country. In search for fairness and equity in the basic necessity of a job.

Ms. KAPTUR. Mr. Speaker, I would like to thank our colleague, the gentleman from the great State of Oklahoma, especially for his remarks regarding the impact of unemployment in the rural areas of our country. No other speaker has highlighted it to the same extent, and I think he has made a tremendous contribution to the record which the American people will be listening to tonight and reading in the newspapers.

I yield now to the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Speaker, I wish to thank my colleagues who have requested this special order on unemployment. The President in his press conference commented on an economy that is starting to sparkle. Indeed we trust this is a large measure of hope. Mr. Speaker, today is a time of hope, but also fear and desperation. Hope is the product of improving economic indicators—inflation remains low and housing starts are going up. Fear is the result of the economist's reminder that even if the auto and steel industries rebound to prerecession levels, many thousands of laid-off men and women from those industries will never be called back to work. And desperation is what is left for those who

today remain unemployed after so many months.

The Nation's industrial base is shrinking, and as it contracts the 11 million unemployed stay unemployed; the 6.1 million people underemployed continue to seek full-time work, and the 1.8 million discouraged jobless continue to sit idle.

Mr. Speaker, the 34th Congressional District in California, which I represent, is located in the southeast area of Los Angeles County. The people who live in cities such as Norwalk, Pico Rivera, West Covina, Baldwin Park, and the district's other communities are hard workers who leave their homes before sunrise to travel to the auto and steel plants in the area. These are the people whose hands work the machines at the aerospace corporations and drive the nails to construct new buildings. And these are the people who own the small businesses that sell the products that their neighbors help make.

Mr. Speaker, many of the people living in California's 34th District today rise in the morning only to stand in an unemployment line. The unemployment rate is 14.6 percent in Baldwin Park, 13.1 percent in Pico Rivera and South El Monte, 10.2 percent in La Puente and 11.7 percent in Norwalk. The unemployment rate continues to increase—not decrease—in these communities.

These many thousands in my district are unemployed because this Nation failed to define an industrial policy that offered a careful, coordinated program to rebuild industry and put people back to work. The rise in unemployment in this Nation is not a story of undocumented people taking the jobs away from citizens. Rather, unemployment is the result of two decades of imports rising faster than exports, corporations taking their profits to low-wage nations abroad, and long-term planning taking a back seat to short-range gains.

In the last two decades, imports of electrical components rose from 1 to 20 percent, imports of apparel items rose from 2 to 41 percent, imports of metal cutting machine tools rose from 3 to 31 percent, imports of cars rose from 4 to 28 percent, and imports of consumer electronic products rose from 6 to 95 percent. I repeat, in the last two decades.

Mr. Speaker, the people in the 34th district demand change. We, in Congress, must listen to our constituents to get America working again. Consider the words of Wayne Allen, unemployed, of Norwalk in my district.

Mr. Allen remarked that "even in elementary school, you are always taught to plan ahead. I wonder why the Government has never planned for the economy." Mr. Allen tells us that governmental job-retraining programs should be in place to train Americans for technological innovations. I agree with Mr. Allen.

And let us listen to our Governors who deal daily with their States' unemployed. At a hearing before the Subcommittee on Economic Stabilization on which I serve as a member, Gov. James Blanchard of Michigan argued in favor of a national strategic planning board so that the private sector, the labor unions, and the Federal, State, and local governments could coordinate economic policy, and determine how best to target economic development resources. This is a policy that makes sense to me.

And let us listen to the Nation's scholars such as Robert Reich at Harvard University. Mr. Reich recommends that the Federal Government establish regional banks to provide low-interest, long-term loans to promising industries within a region. He also recommends that 15 percent of employee pension funds be invested, either in the form of equity or long-term debt, in regional development banks where employees reside. These are suggestions that deserve serious examination.

Mr. Speaker, once again we hear the calls of the frightened, the talented, the poor, the working, and the small business people of this society. Once again, we search for a policy that can bind our Nation together on principles of economic justice, individual dignity, and security. I hope that we in Congress and the President can strengthen the Nation's industrial base and modify its trade policies to create an economy of abundance and employment for all Americans. I hope that in my district, unemployment rates will fall and workers will begin feeling hopeful rather than desperate.

□ 2050

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from California for his remarks. I know that the gentleman has extensive experience in one of America's most basic industries, the automobile industry, and has travelled extensively. The gentleman's comments will make a tremendous contribution to our record here this evening.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Speaker, I would like to thank those who organized this special order.

Mr. Speaker, I come before you today at a time when unemployment is said to be at 10 percent. The Reagan administration is proud to say that unemployment is down from 10.8 percent to its current levels and they take credit for the drop. They do not take the blame for the 3 to 4 percent increase in unemployment which took place since they took over.

And the 10-percent figure is not telling the whole truth. It does not tell you about the 1.5 million Americans who want jobs but have given up looking for work and are excluded from the "official" count. It does not tell you about the 5.5 million workers seeking full-time employment but who are forced to accept part-time jobs. It does not tell you of the shattered hopes and dreams, the loss of confidence, the permanent scars.

What is the result of this situation? Every cause has an effect. The effect is that for the first time people do not believe that they can improve their lives. For the first time, Americans do not believe that their children will be better off than their parents. For the first time, malaise has settled over the land, and it is causing people to despair that things will ever be better.

We, in this body, have passed legislation to try to alleviate the situation. However, today I want to call your attention to a byproduct of this crisis that certain Members of this body and the entire administration have exploited and used to their advantage.

The administration has met this crisis not with optimism but rather has tried to undermine the American dream—the belief that things can get better. In place of the optimism that full employment is a goal to go after, the administration has introduced the politics of retrenchment and selfishness, preying upon public pessimism and successfully blaming economic decline directly on those unemployed victims and the programs which are needed to assist them. Rather than reaching out to aid the jobless, Americans are being encouraged by this administration to pull back, to protect their past gains, to turn a deaf ear to their unemployed neighbors.

The most lasting legacy of the Reagan administration may not be its mismanagement of the economy, but its pernicious efforts to destroy public faith in the compatability of prosperity and a compassionate society.

Instead of a policy of government for people, the Reagan administration has used a crisis it created to convince the employed to be concerned only for themselves. (It was only after prodding, cajoling, and picketing that our President, agreed to phase I of a jobs program.) A 40-year belief that their Government should be an agency of relief in tough times has been trampled by an administration that used high unemployment to fight inflation then used unemployment to bludgeon social programs and social attitudes.

And the irony of all of this is that unemployment is the biggest cause of the deficit—$30 million for each 1 percent. The Reagan administration's policies of high unemployment have brought us a $90 billion addition to the Federal deficit.

I believe in the American spirit. I believe that an injury to one in our society is an injury to all.

I thank my colleagues for arranging this special order so that we can speak out to those who need our help and tell them they are not forgotten and that we will strive to assist them for the good of all of us.

Ms. KAPTUR. I thank the gentlewoman from California, whose district is very far away from my own and from many of the rest of the Members who have spoken this evening, but who has been a leader with new Members on behalf of all issues of conscience for the country. I thank her for waiting this evening to participate in this special order with us.

Mr. Speaker, I want to reiterate some of the remarks of other Members here—is it not coincidental that, at the time the Reagan administration is holding another one of its press conferences on television, we keep this body in session in order to deal with a major social problem facing our Nation? I am overwhelmed by the response of our colleagues who have taken time out of an extremely busy week to remain here long after most everyone has gone home, to be a part of the voice for the American people who desperately need it, to be a voice in this body, in our beloved House, for the social conscience of the Nation, at a time when that conscience seems to have disappeared at the other end of Pennsylvania Avenue.

I also applaud the leadership of the House for permitting and encouraging this special order to discuss the most urgent problem confronting our Nation—the historically unprecedented number of Americans out of work, and out of work for prolonged periods of time.

I have taken to the floor on numerous occasions on behalf of the unemployed because I believe their idleness is a tragic waste of both the human spirit and economic resources of this nation. It is a waste that an enlightened Nation such as ours should not tolerate. The resultant strain on our Nation's social fabric is something worthy of our deepest concern.

To those in this administration who have been spewing forth economic jargon attesting to the robustness and breadth of the economic recovery flourishing across this Nation, I say, let them tell it to the more than 50,000 people out of work in the greater Toledo area in northwest Ohio. Tell it to 1,500 glassworkers, nearly 5,000 teamsters, more than 7,000 autoworkers, hundreds of railroad workers, shipping and dock workers, and the thousands of building and other trades people in my district who have been laid off over the last 2½ years. Many have little hope of ever getting their jobs back. Tell it to the thousands of small business people who have watched their dreams destroyed because of bankruptcy. Mr. Speaker, our unemployment rate lingers at 13 percent, for the more than 50,000 unemployed people in the greater Toledo area, economic recovery is still a dream—one seemingly never to be realized without concerted and decisive action on the part of their elected officials.

It is especially distressing to me, as a representative of a district suffering from severe economic dislocation, to hear this administration crow about its economic record. It pats itself on the back each time new forecasts indicate that the economy is showing some signs of life. But I ask, should this administration really be pleased that, after grinding the economy to a halt and throwing nearly 5 million people out of work, a fortunate few are going back to work? Should anyone take pride in an economic program that has cost the permanent loss of tens of thousands of manufacturing jobs across this Nation? Should small business be made the victims of a movie studio economic program that sounds good but has no happy ending? Should the craftsmen of the Reagan economic program be proud of their product—more personal suffering, hardship, and misery than at any time since the Great Depression? And what do they propose for the millions of unemployed since no economist predicts unemployment will abate—not this year, not next year? Financial balance sheets may look better. Inflation may look better, the purchasing power of the wealthy may look better. But at what cost? And for how long must there people bear this cost? I know the victims. You know the victims. The Reagan program ignores the reality of human suffering. But this script can not be edited for convenience as some would wish. The facts speak loudly and clearly.

Mr. Speaker, the true economic indicators in this country are the words of the victims of this misguided economic program. Let me pass on to this administration the opinions of their economic program that come from America's heartland:

Dear Congresswoman Kaptur, I have a real problem. I'm unemployed and have been for over a year and a half. I've applied for over 300 jobs. Usually for every opening there are hundreds of able bodied applicants. For one job, I stood in line for 5 hours. I am mad. I am tired, I am scared. How will I keep the car we have, and make the payments on our mobile home. I am a skilled craftsman. And have gone door to door to find odd jobs, and even that has slowed down to almost nothing. If President Reagan thinks this depression is over, he's only fooling himself. We know that it's still here, and it still hurts.

One glassworker with 18 years on the job, who has been out of work for nearly a year wrote:

The recession is over and we are now in a depression. The trickle down theory (hasn't) worked too well, it has just trickled back down into the rich people's pockets.

One couple in my district wrote:

There are so many in our area without jobs who really need work. Our son is a tool and die journeyman. He has been out of work for over a year. He did go for a retraining test and he did pass the test but got a call that he was not eligible because his wife works part time. My neighbor has been laid off from his apprentice job for about 6 months now. There is no future for these young people without jobs. I could go on and on and there is just no end.

After reading of Ohio's triggering off of the Federal extended unemployment benefits program because of calculation changes included in the 1981 Reagan and Gramm-Latta budget, one of my constituents wrote:

How ridiculous and unfeeling can our own Government become? When I first read this article pertaining to the loss of unemployment benefits for the thousands of struggling Ohioans, I just could not believe it! Who can the 13 percent turn to?

A homemaker from Toledo recently wrote:

My husband has a job, but with nine members in our family we barely manage to get through each month. I can only imagine how difficult it must be for the unemployed. Please support any efforts to increase Federal assistance. People can't be allowed to go hungry—no matter how much it costs.

To those in this administration who have been blinded to reality by their own press releases, I can only echo Franklin Roosevelt's words in his first inaugural address, "Only a foolish optimist can deny the dark realities of the moment."

Mr. Speaker, I reject completely and unequivocally the Reagan social doctrine which calls for the unemployed to vote with their feet, leave their homes and their families behind in search of work. My constituents are hardworking people who love the part of the country they live in, as do I. They and those who came before them helped build the industrial might and health of this Nation and in turn helped secure the freedom and blessings of liberty we all enjoy. I will not turn my back on them in their time of need and will challenge, at every step, those who would.

This body has taken small steps to reaffirm our commitment to the unemployed. There is a great, great deal more to be done. Legislation is before us—now let us take every necessary step to see it through for those who depend on us as their last hope.

EFFECT OF UNEMPLOYMENT ON WELFARE ROLLS IN OHIO'S NINTH DISTRICT

More and more of the unemployed in Ohio's Ninth Congressional District are exhausting their unemployment compensation benefits and are faced with finding other sources of income besides employment or employment insurance programs. Some of these

long-term unemployed are turning to Government funding sources for assistance.

Fulton County in Ohio has had the largest increases in cases in the general relief assistance program and the ADC-U program. In the third quarter of 1982, the number of cases averaged around 120. From October to December of 1982, the number of cases increased by 145 percent—119 to 173 cases, respectively. The number of cases increased further in February to 208 cases, a 175-percent increase—almost doubled from October. By April of 1983, the number of cases had dropped somewhat—down to 185 cases. The ADC-U program increased roughly 128 percent from the October-December quarter to the January-April quarter. Food stamps, a nonwelfare assistance program, increased by 110 percent. Even some farmers are turning to welfare for assistance beyond the normal loan program available to them.

Lucas County has also shown increases in the use of social assistance programs. These increases are not as dramatic as those for Fulton County, but the outlook for the fall is gloomy if economic conditions do not improve. The welfare agency expects a large increase in the number of needy if conditions remain the same. For the ADC program there was a 110-percent increase in cases from February to April 1983 and no increase from April to May 1983. The increase in general relief assistance was approximately 102 percent from March to May 1983. The number of food stamp cases has remained stable over this time period.

The assistance rolls in the portion of Wood County in the Ninth District has remained fairly stable over the past few months. The lack of increase in the assistance rolls in this county could be due either to the lower unemployment rate in the area—about 10 percent, or to the increasingly tight restrictions on welfare eligibility which has eliminated the eligibility of many individuals' access to public assistance.

FULTON COUNTY

[Number of cases]

	1982			1983		
	October	November	December	February	March	April
ADC-U	75	69	71	96	88	92
Food stamps	629	657	668	726	720	703
General relief	119	124	173	208	188	185

LUCAS COUNTY

[Number of recipients]

	1983			
	February	March	April	May
ADC & ADC-U	11,371	12,218	12,467	(1)
Food stamps	8,696	(?)	8,405	(1)
General relief		8,808	8,896	8,970

[1] No change.

Mr. Speaker, I include the following Bureau of Labor Statistics data in the RECORD as reported in the National Journal regarding the duration of unemployment:

OUT OF WORK: GOOD NEWS AND BAD

Unemployment in America is declining, but that may not be much consolation for those who are still out of work.

Although the civilian unemployment rate dropped from 10.4 percent of the work force in January to 10.1 per cent last month the duration of joblessness rose from a median of 11.5 weeks to 12.3 weeks in May. That is one of the lingering consequences of the recession. A year ago, when the jobless rate was 9.4 per cent, the median duration was only 8.6 weeks.

The Bureau of Labor Statistics reports that two-thirds of the 11.2 million jobless have been out of work for at least five weeks, and 41 per cent 15 weeks or longer.

The table shows the total number of unemployed (seasonally adjusted) for the first five months of this year and for may 1982 and the percentage unemployed for various periods of time and the median duration of unemployment.

U.S. TOTAL JOBLESS

[In millions]

	May 1982	January 1983	February 1983	March 1983	April 1983	May 1983
Duration of unemployment:						
Less than 15 weeks	7.145	6.806	6.866	6.703	6.848	6.597
15 to 26 weeks	1.633	1.915	1.932	1.904	1.695	1.758
Over 26 weeks	1.633	2.679	2.703	2.793	2.757	2.834
Total	10.411	11.400	11.501	11.400	11.300	11.189
Median duration (weeks)	8.6	11.5	9.6	10.3	11.3	12.3

Mr. Speaker, I would like to have included in the RECORD an excellent report by the National Council for Employment Policy on "The Displaced Worker in American Society":

THE DISPLACED WORKER IN AMERICAN SOCIETY: AN OVERDUE POLICY ISSUE

A time bomb ticking away in the mind of every policy-maker should be the unknown number of laid-off workers in basic industries who will never be recalled, even when the recession at last loosens its chokehold on the economy. That those displaced workers are "out there" is now generally recognized. Although their precise number is unknown, the causes of their displacement are at least partly understood. The consequences have not been adequately probed. Solutions are immersed in dilemma. This policy paper seeks to provide both enlightenment and some modest proposals.

WHO AND HOW MANY?

These two questions are inseparable because the definition provides boundaries for the count. By the "displaced worker" term we mean those who (1) were previously employed in stable jobs with satisfactory pay and every reason to expect continued employment to retirement, (2) have been laid off with little chance of recall and (3) are unlikely to find new employment using their familiar skills at near their customary rates of pay. Stated that way, the burdened group is primarily operatives in capital intensive basic manufacturing industries. Well-paid operatives, when displaced, have nowhere to go except lower paid, more labor intensive (and less unionized) operative jobs, or into unskilled service work. Some craft workers as well as technicians and professionals whose skills are too closely restricted to declining industries may also prove to be part of the permanently displaced. Craft workers, even those in basic manufacturing industries, however, are more likely to possess transferable skills. With deep recession pervading the entire economy, displaced craft workers have few current alternatives, although some may be able to move to other industries when recovery occurs. White collar workers probably have skills sufficiently transferable to achieve inter-industry transition when recovery arrives.

If one used as surrogate for the number of displaced workers the number of operatives, craft workers and technicians from manufacturing industries unemployed 15 weeks or more, the resulting number would be over 3 million. Another approach is to look at the reasons for job loss to identify displaced workers.

According to the December 1982 BLS release, of the 12.0 million unemployed, 7.3 million had lost their last job. Only 2.5 million of these considered themselves to be on layoff with expectations of recall by their former employers and even for many of these the hope will prove illusory. In the broadest sense, if all those who have lost jobs to which they do not expect to be recalled are considered displaced, this would make the number of displaced workers close to 5 million. However, many of these 5 million would have held the jobs they lost for only a short time and many of the jobs would have been in the secondary labor market without lasting worth or hope of tenure. Whether or not the latter outnumber those futilely expecting recall is anyone's guess. Some estimates have limited

displaced worker status to those long-term unemployed previously employed in industries experiencing an overall long-term decline in the total numbers employed, an approach which reduces the number to about 1 million. Whatever the number one chooses, the problem is obviously of substantial magnitude.

THE CAUSES OF DISPLACEMENT

What is so different to make displacement a special concern in the 1970s and 1980s? Displacement is a continuous process in any dynamic setting. At any time, consumers are in the midst of changing tastes, populations are shifting locations, new technologies are replacing outdated ones, resource supplies are being exhausted, some businesses are dying from poor management and others are being born. But periodically that process intensifies. What is different now is the intensity of technological change and international competition. With the microchip, technology is cheap and getting cheaper. A reversion to capital intensity is a logical direction of movement. Only the combination of high interest rates and recession presently impedes that trend.

The nation's economy has also yet to fully absorb the oil shocks of the 1970s. A tenfold increase in the cost of the basic energy resource could not but cause major industry displacements which could only work their way slowly through the system. The "oil glut" has relieved the pressure but not returned the original energy cost relationships.

Even more unprecedented is the intensity of international competition. Industrialization has been a worldwide ambition since the second world war. Each nation yearns to pass beyond the dependency and subsistence incomes which are the lot of an uncartelized raw materials supplier. They begin with labor intensive industries such as textiles, clothing and shoes because people is their most abundant resource. But soon they tire of the low wages and seek to move up the capital intensive ladder to assembly operations and processing of their own raw materials. Advanced countries must keep running to stay ahead, the current sought after prize being described as high technology industries.

This, too, is an old pattern through which the U.S. has passed in its internal economic development. But now industrial capacity has outstripped the demand for industrial products. In 50 years the U.S. went from a potential domestic market wherein there were 20 people for every automobile to a supply of approximately one motor vehicle for every adult in the nation. The U.S. automobile industry could not expand its domestic sales appreciably even if it did not have to share its domestic market with its international competitors who supply one-third of the U.S. demand. The same can be said for steel, rubber, chemicals, refined petroleum products and other basic industries. Attempts to keep out foreign competition can restrict U.S. access to international markets and it is in the less-developed, low income third world that the potential exists for market expansion.

The volatility of that combination of expanding markets and overcapacity may create a situation in which the United States is at a relative disadvantage. The genius of American industrial expansion has been mass production. With a continental domestic market and a growing supremacy in international markets, U.S. industries could tool up to produce millions of identical items. Expensive capital equipment could be amortized into low unit cost for massive output. But mass production, to be efficient, requires not only large but expanding markets to absorb the results of technological change and increasing productivity.

The industrial operative has been a cog in that mass production machine. Trained and retrained rapidly on the job, the worker, too, could repeat a simple operation millions of times for high productivity and, often, high pay.

But a shared market with overcapacity cannot assure those long production runs. A diverse world population and the shifting fortunes of competition require more flexible production processes to meet changing demands. Computer-assisted design and manufacturing may be the leading edge of a shift from mass to batch production processes. Where once teams of craft workers were required to completely retool for model change, an engineer at a computer console with a stylus might sketch in a reprogramming which could occur almost automatically. Neither operatives or craft workers may be needed in the same supply.

THE DISPLACED WORKER IN SOCIETAL CONTEXT

The social implications are as profound as the economic ones. The United States has generally enjoyed reasonable social and political stability in a chaotic world largely because the average citizen perceived economic opportunity and social acceptance. In the years since the second world war, the unionized mass production industries have offered to many with limited education and no inherited wealth or status the opportunity to earn incomes and enjoy lifestyles through which they could consider themselves a part of the stable middle class. Central to that phenomenon has been the factory operative, surrounded by satellites of skilled trades and white collar workers who supported the production function.

For example, the worker accustomed to earning $12 to $25 an hour, buttressed by a favorable fringe benefit package, protected by seniority and a union contract, steadily employed for years and expecting to stay that way until a comfortable retirement. Laid off from the automobile, steel, rubber or other basic industries, what other comparable employment opportunities are likely to appear? The alternatives in the growing service sector for those with limited formal education and skill training pay nearer to the legally mandated minimum wage than to the accustomed negotiated scale. Multiple family workers may eke out something approaching the accustomed lifestyle but there may be social, psychological and familial consequences to frustrated expectations.

POLICY RECOMMENDATIONS

The displaced worker problem is a byproduct of a deep-seated and long-term restructuring of the world economy. There is much yet to be learned about problems, implications and solutions. Knowledge and experiences to date, however, are sufficient to support a few modest steps which can be usefully divided into short- and long-run approaches.

In the short run:

1. Incentives must be provided for employers to give to local labor market authorities advance notice of mass layoff or plant closing and to participate in a company/community planning process. Employers can be expected to cooperate to avoid unfavorable publicity and public relations and to sidetrack more punitive and obstructive legislative approaches. The State Job Training Coordinating Councils and Private Industry Councils of JTPA may prove to be persuasive recipients of such advance notice as well as useful loci for the planning. Amendment to the displaced worker title of that act, giving these entities the responsibility for seeking advance notice, augmenting the funding, eliminating the matching requirements for hard hit states and fully underwriting the costs of adjustment services the employer would not have provided and a portion of those which were an employer obligation may prove to be sufficient.

2. Federal legislation governing the funding and administration of unemployment insurance should be amended to:

(a) Shore up the funds of the states most heavily impacted by long-term unemployment and worker displacement, more equally sharing inequitably distributed burdens stemming from national and international causes.

(b) Require early assessment of the reemployment prospects of unemployment insurance recipients and formulation of a readjustment plan for those unlikely to be recalled or rehired in their customary occupation.

(c) Authorize continuance of unemployment insurance benefits while carrying out such an individualized readjustment plan, including retraining.

(d) Provide a federally funded limited extension of benefits for those successfully pursuing a promising readjustment plan requiring completion time beyond existing benefit eligibility.

3. The training needs of a displaced worker program may extend beyond the 26 week duration which became customary under MDTA and CETA in order to inculcate sufficient skill to come near to maintaining the earnings of a displaced industrial worker. Longer term training should be encouraged under JTPA's Title III. Also, for purposes of that title, JTPA's "window" of 10 percent nondisadvantaged will need to be widened because few displaced workers can meet those restrictive income requirements. However, meeting the challenge of global industrial competition will require more than retraining a few of the current work force. Something more like the magnitude of effort involved in the National Defense Education Act of 1958 may be needed to prepare the oncoming labor force for the growing international product market and labor market competition.

4. Relocation assistance should be explicitly authorized by displaced worker legislation to offset the long-term reluctance of political forces to endorse it.

5. The interstate clearance and job search training capabilities of the public employment service should be enhanced. In light of the budget restrictions of the past few years, added authority and upgraded and increased staff will be necessary to carry out the Job Service potential for individualized plans, for teaching job search skills, for referral to training and for facilitating relocation.

6. Over the long run, thought and study should be given to addition of a readjustment allowance to the package of payroll tax supported provisions of the Old Age Survivors Health and Disability program. Temporary joint employer-employee payroll tax contributions to accumulate an interest-bearing readjustment fund of a few thousand dollars for each employee has been suggested. Upon displacement without expectation of recall, the employee could draw

upon that individualized account for readjustment assistance. If never drawn upon, each individual's fund would become an individual retirement account. The concept is attractive but the current problems of the social security system, the regressive burden of rising payroll taxes and the administrative complexities require careful study before full endorsement.

7. Important as they are, displaced worker provisions are not enough. Retraining is of little help unless there are jobs to be trained for; relocation assistance requires a reasonably prosperous destination; short-term income maintenance assumes an imminent recovery. This is no place to explore the subject except to flag the need to design displaced worker policies within the broader context of economic recovery and long-term growth and economic development.

□ 2100

UNEMPLOYMENT

The SPEAKER pro tempore (Mr. TORRES). Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 60 minutes.

Mr. RAHALL. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DURBIN).

Mr. DURBIN. I thank the gentleman from West Virginia for yielding.

Mr. Speaker, tonight we are discussing a problem that has reached proportions unknown since the bleakest days of the Great Depression.

Though its economy is a mixture of agriculture and manufacturing, the 20th District of Illinois has not escaped this crisis. On the contrary, the numbers coming from central and western Illinois tell an all-too-familar story.

Along the Mississippi River in Adams County, 15.2 percent of the work force is unemployed, idled by plant closings and an economy that is immune to the smooth promises of recovery delivered by this administration.

To the south in Calhoun County, a place of breathtaking natural beauty, more than 23 percent of the work force is out of work. At the eastern end of the district, historic Shelby County suffers from an unemployment rate of 18.1 percent.

Decatur, the major city in Macon County and a community that builds tires and air-conditioners for the auto industry and earth-moving equipment for construction, has contributed heavily to the county's 16-percent-plus unemployment rate. The layoffs and plant closings here contribute as well to the joblessness in Shelby County, in Moultrie County where 13.1 percent are out of work, and in Christian County with a 15-percent unemployment rate.

More than 17 percent of workers are idle in Montgomery County, with its farms, coal mines, and small industry. In Pike County, the rate stands at 13.9 percent. Macoupin County workers are unemployed at a 12.6 percent rate. Jersey County suffers from 16.9 percent unemployment and adjacent Greene County has 12 percent of its work force without a job.

Only Sangamon of all the counties in the 20th District, has an unemployment rate of less than two digits. Dominated by the city of Springfield, where State government is the largest employer, Sangamon County unemployment stands at 9.2 percent. Yet it is surely a sad day for this country when a 9 percent unemployment rate is the object of envy.

All of these numbers, stark and starling as they are, do not tell the real story of unemployment. It is not a statistical problem confined to graphs and reports.

The problem of unemployment is a human one, a tragedy that reaches into homes, and families. Its effects should be measured not in rising or declining lines on a chart but in the pain of lost dreams, the bitterness of disappointed hopes and frustration born of futility.

Like my colleagues, I receive a large amount of mail on this problem—not form letters but the handwritten pleas of people desperate for a chance to work.

Returning to the 20th District every week, I meet the people behind these numbers face to face. We in Congress need no media specialists or communication directors to create opportunities to show concern about unemployment.

Listen with me to the voices of the 20th District. Writes a 58-year-old man from Pike County:

> I have been unemployed for going on three years. I want to work and not be on public aid. I've worked and paid taxes all my life, and all I'm asking for is an equal chance to provide for myself.
>
> It seems like when you get a few wrinkles in your face that no one wants to hire you.

Or hear a young man from Macon County, recently graduated from college with an advanced scientific degree. He writes:

> I have sought employment without success, sending out over 400 resumes. My feelings border hope and despair on a daily basis.
>
> I feel America has let me down. I have a highly technical skill, yet no one can use me.

From Macoupin County comes the concern of a mother and grandmother:

> My son and son-in-law both have been laid off 1½ years. Every time they hear of a job opening, however small and however little pay, they are there. Still no jobs for either of them. Their benefits are running out soon and what are they to tell their children?

Mr. Speaker, we are talking about a group of unemployed composed of people who followed the rules, who did everything that was asked of them, who paid their taxes, made sure their children received an education and were, to use the cliche, model citizens.

What was never supposed to happen to them did happen.

Unemployment is more than a problem, it is even more than a tragedy.

Unemployment is a national disgrace. It is inexcusable, it is intolerable, and it must be dealt with if our people are to retain their faith in this Government and our institutions.

Congress has responded to this need.

I joined with a majority of my colleagues in passing the jobs bill. We joined together to pass a realistic budget.

We have acted to put a realistic cap on taxbreaks for the wealthy.

But more remains to be done. There is an economy to be rebuilt, long-range policies to be determined, a multitude of steps to be taken if we are to put America back to work.

Our problems cannot be solved with a wry grin and weekends at Camp David. The unemployed of this country have little to smile about and are more concerned with keeping a roof over their heads than they are with vacation schedules.

To those who have given America their best, we owe our best. We owe it to them and, perhaps more importantly, to future generations. We must dedicate ourselves to this task, to restoring the opportunity, the dreams that we knew as children.

If we do not, if we fail to put this generation and future generations to work, we will face the terrible question posed by the woman from Macoupin County.

What will we tell our children?

□ 2110

Mr. RAHALL. Mr. Speaker, I thank my distinguished colleague the gentleman from Illinois, for his contribution to this discussion this evening. I also appreciate his efforts in regard to bringing coal back to the forefront of this Nation's national energy policy. The gentleman, like I, represents a district with many coal miners. We, of course, share many mutual concerns and the gentleman's work in this Congress on behalf of the coal miner and on behalf of the coal industry is much appreciated. Many of us are trying to turn the rhetoric of this administration into concrete action in regard to developing this Nation's coal resources, and I appreciate that.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I appreciate the gentleman's role in helping to organize this special order tonight. It is through the gentleman's help and the help of the gentlewoman from Ohio and others that we are able to have this opportunity.

My district, the Fourth District of Tennessee, is also a district that has

been ravaged by unemployment. It is also a district that has suffered needlessly from the hardship that the unemployment situation creates.

Some may ask where my district is. It is not really important. It is somewhere in Tennessee. I characterize it as some of the best areas of the Sun Belt and some of the poorest counties of Appalachia. It is an area almost twice the size of the State of Connecticut. It is an area populated, as all our districts are, by some 500,000 people; but it is an area that has been among the hardest hit of any area in the Nation in terms of unemployment.

My feeling is that rural unemployment is the worst. Rural unemployment is the unemployment that goes unnoticed, uncharacterized, unchronicled. My district is typical in this regard; no television stations, few radio stations, weekly newspapers primarily. In fact, there are only two dailies in my entire area.

We have an unemployment rate that is worse than in Detroit, Mich. It is worse than in the cities that get on the national news in the evening. It has been 18 percent average for months. Recently it has just dipped to a 2- or 3-year low of 15 percent, and yet no matter what the rate is, it gets no attention, no treatment, no notice from the powers that be. Only two of my counties are fortunate enough to have a rate of unemployment that is even below the outrageous national average now of 9.8 percent. One of my counties, in fact, one of the largest, has the outrageously high rate of unemployment of 23 percent.

The statistics, of course, do not tell the story. The story is told in the hardships of the people. Now with the lowest rate of unemployment we have had in 2 or 3 years, there are still 33,280 unemployed people in my district and that is a conservative count. That means there are 33,280 broken individuals, most likely broken homes, deprived children, extreme hardship.

The misery and suffering that this unemployment has caused, as I said earlier, is going unnoticed and will go unnoticed, but the important thing is that whether we in the Congress now in the 98th Congress begin to devise programs to address their needs.

I hope that we can. I hope that we will be able to realize that this is a recession that did not need to happen. This is a recession that was caused by the Republican Party's own characterization, or at least some leading figures therein. In 1980, Vice President BUSH, candidate Bush then, called it voodoo economics. The current Senate majority leader, HOWARD BAKER, called it a riverboat gamble. Yet it was a gamble that this President took with our lives, took with the future of our current work force, and with the future of our children.

The President likes to claim victory for his program. He likes to claim that it has worked. It has not.

The cost, even if it had worked, would have been untold, unchronicled, as I say, in my area, because you can never replace the man-hours lost, the human dignity lost, the human self respect that has been forever lost.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Tennessee for his remarks this evening.

Mr. Speaker, I yield to the gentleman from California (Mr. DYMALLY).

Mr. DYMALLY. Mr. Speaker, I thank my very good friend, the gentleman from West Virginia, the chairman of the delegation.

Mr. Speaker, when I was informed that there would be a special order this evening and that we would have the opportunity to discuss unemployment in our various districts, I was eager to participate both because I wanted my colleagues to know about the employment outlook in the 31st District in southern California and because I wanted the chance to get an in-depth picture of unemployment across the Nation. National statistics have a way of blurring important regional differences in unemployment patterns. Unfortunately, as I began to probe for labor information about the 31st District, I discovered something that I think should be brought to the attention of my colleagues. I learned simply that good current information about unemployment at the local level is not available. We do not have a reliable way of finding out how many are unemployed in each of the major cities in most districts, certainly in the 31st District which I represent in Los Angeles County.

County level information is somewhat more accurate than local information, but gross figures of this sort are not sufficiently informative in large metropolitan areas. For example, statistics are collected for Los Angeles County, but Los Angeles County is made up of dozens of cities varying in population from a few thousand to millions. Some of the cities in the county are supported by strong industries, others have no industrial base to speak of. Some cities have a majority of blacks, others are mainly hispanic, some are white, some mixed. Does unemployment hit some groups more heavily than others? At the local level the statistics are silent on that matter.

There was a time when statistical information was collected by industry so that we could tell from the statistics what industries were most affected by the recession. That sort of statistic is not collected anymore. When I asked why, I found that the California office that collects such statistics has experienced a staff reduction of close to 60 percent in the past 4 years. When I went the next step up and called the western regional office of the Bureau of Labor Statistics I got a recording which said in essence that they are so short staffed that they have to use the recording because there are too few people around to man the phones. If we are to act responsibly to solve the unemployment problems, we must at least have sufficiently good data on which to base our decisions. I would like my colleagues to know that our ability to collect relevant data is eroding. We may soon reach a point where, far from being able to solve the problem, we will have too little information even to recognize its scope.

In fact, that day is upon us already. I was finally able to collect some statistics about local unemployment in my district. The officials my staff talked to told them over and over that the data were far from precise. One thing I was initially startled to find was that the labor force in my district had apparently shrunk by thousands since 1982. I asked the experts if this meant that the population of the district was shrinking. The answer is no. It is the statistic that shrank. It shrank because those who are out of work and are too discouraged to look for work disappear altogether from the statistical ranks of the labor force. This means that in some degree, our statistics underestimate the level of unemployment. Those unemployed the longest just get left out of the count.

Even though it must be granted that the statistics are flawed, the magnitude of differences in unemployment among the seven major cities in my district is striking. I represent a district with a high concentration of industry, especially aerospace and high technology industry. As you might expect, the overall rate of unemployment in my district is a bit below the national average. But that gross statistic hides some extremely important details. The second largest city in my district, a city where the vast majority of citizens are black had an estimated April 1983 unemployment rate of nearly 20 percent. If you add the discouraged worker which is 5 percent you get a total of 25 percent. At the same time, the city with the lowest unemployment rate in my district had only 6.9 percent unemployed. So, the picture in my district is of a relatively low overall unemployment rate, with a number of striking exceptions, exceptions that are more than twice the national unemployment rate in the district.

We often hear these days that power should be returned to the States and localities. The 31st District of California is, perhaps, in a better position than most to take control of its own destiny. While we have areas of extremely high unemployment, we also have a substantial industrial base. Ours is one district where it appears

possible to forge an alliance between Government and industry. One manifestation of that alliance is a job training program we have created in the district. Its acronym is COTTI, Compton-OIC Technological Training Institute. This program which trains people at actual worksites has made use of small amounts of State and Federal funds, but most of the funding has come from the industries that would make use of the workers trained by the program. The program is a strong one because its structure comes as close as possible to guaranteeing that trainees will receive training in areas where a need for personnel actually exists. We know this to be the case because the industries in the area help to make the determination of need.

But I do not want to leave my colleagues thinking that those in the 31st District are on the verge of discovering the solution to high unemployment. Even the best of plans has striking obstacles to overcome. I think I will always remember the frustration I felt when COTTI was first getting started. We had found a business that was willing to offer training. We had even picked the first 20 trainees to go into the plant. Shortly before the trainees were to report for their first day of training the company began laying off workers.

The suddenness of that experience is repeated constantly on a more personal basis in my district. I now have an employee in my district office who was informed while she was in the middle of her vacation at her previous place of employment that she was being laid off. For many years, California has been seen as the land of milk and honey. That is not far from true. But occasionally, even in California, the milk goes sour.

□ 2120

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for his participation in this discussion on unemployment in my district this evening.

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, contrary to the repeated contentions of the President, uenmployment is a grave problem in our country.

And contrary to those repeated contentions of the President, Mr. Speaker, the American people still care about the unemployment problem, and care about their neighbors who are out of work. Just last week Newsweek magazine published a poll in which respondents were asked which national issues they perceive to be most important. Overwhelmingly, the issue which was cited most often was unemployment, some 73 percent responding affirmatively that it was important. Significantly, the issue next most frequently cited was that of protecting American jobs, 62 percent.

In many ways, Mr. Speaker, the Eighth Congressional District of Pennsylvania can be viewed as a microcosm of the country as a whole. In my district, we are faced with severe unemployment problems, as well as a significant problem in protecting American jobs from unfair foreign competition. In Croydon and Bristol, in Perkasie and Sellersville, in Quakertown and Levittown, in Willow Grove and Doylestown in Huntingdon Valley and Yardley, in Dublin and Newtown, our people know what it is to want a job.

Pennsylvania on the whole has an unemployment rate over 12 percent according to the most recent statistics. Parts of my district have rates over 14 percent.

People want to work—of this I have no doubt. A short time ago, Mr. Speaker, I initiated a JOBS Telethon in cooperation with a major newspaper in Bucks County, Pa. In one weekend that JOBS Telethon, manned by scores of volunteers, took over 7,000 calls from unemployed individuals seeking help in finding work.

I am happy to say that we managed to help some of these hard working, but out-of-work men and women. I asked employers to phone in 1 week later and let us know what jobs they had available. We matched this employer data with the skills of our pool of unemployed, and managed to get a lot of jobs filled.

But not nearly enough, Mr. Speaker. There are simply not enough jobs out there, contrary to what the President says.

In southeastern Pennsylvania we are also faced with a crisis of protecting American jobs from foreign invasion. At the huge Fairless Works of United States Steel, 2,000 to 3,000 jobs may be lost due to the import of subsidized steel slabs from Europe. When this deal was announced I flew to England and Scotland to speak with British Steel officials, and labor leaders. It is clear that this steel is subsidized as other steel products were found to be just last year in an action brought by American steel companies. Yet it is unclear that the law will be adequately enforced to protect the American jobs at risk.

The American public is prepared to accept free and open trade, Mr. Speaker, but only trade that is fair. When a foreign government makes a conscious decision to protect its workers by subsidy, and the cost of that decision is jobs in the United States, something is wrong, contrary to what the President might say.

The American people, just like the people of Bucks and eastern Montgomery County, want action on employment and jobs—not promises—and I hope that the President gets the message.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Wisconsin.

Mr. MOODY. I thank the gentleman from West Virginia for yielding.

It is appropriate that we talk this evening about unemployment. We are now at the midway mark in 1983. We are now at the 30th month of the Reagan administration, five-eighths of his term having been consumed.

His policies are clearly set. Their imprint is now indelibly etched on the Nation.

We know how bad unemployment was when Jimmy Carter left office in 1980: about 7.7 percent. We know that Ronald Reagan promised that by 1983 his policies would bring unemployment down to 6.6 percent.

But how many of us guessed that by the beginning of 1983 unemployment would not be at 7.7 percent, but would have climbed to 11 percent?

There are now over 11.2 million Americans out of work, more than all of the people employed in the neighboring nation of Canada. Teenage unemployment is twice that of adults, and black teenage unemployment is twice that of white teenage unemployment.

There are over 4 million Americans out of work today who had their jobs when Ronald Reagan took office.

What is to blame for this terrible state of affairs?

Is it the policies of Jimmy Carter? If those policies were still in place that could be charged. But they are not. In 1981 and 1982 Ronald Reagan got everything he asked Congress for in terms of economic policy changes: domestic spending cuts of massive proportions, huge tax cuts, virtual elimination of the corporate income tax for certain companies, huge military spending increases. These policies which were supposed to balance the budget by 1984 and bring down unemployment. But they did not do that. They had the reverse effect. Unemployment went up and deficits skyrocketed.

Worst of all, the future remains very uncertain. The current slight upturn we are now experiencing is indeed very fragile. As the economy continues to improve high deficits are certain to crowd out private investments, raise interest rates and choke off the recovery.

Let me take just a moment to talk about what national unemployment means for my area of the country, Milwaukee and southern Wisconsin. Wisconsin Job Service has 200,000 job applications on file, or approximately 40 applications for every available job. Recently at the A. O. Smith Co. in Milwaukee 20,000 applicants showed

up to apply for 200 jobs, or 100 applicants for each job. No one can accuse the constituents in my district of not wanting to work, and I think the same is true all over the Nation.

Let me read just one of the hundreds of letters I have been receiving from my constituents regarding unemployment.

"Dear Mr. Moody:

"Can you assist me in finding a job, part-time or full-time? I am not choosy.

"Things are really bad in the inner city. People are tired of being pushed deeper and deeper into a dead-end life. Me, I am tired of being poor. I want to work, but no job.

"Welfare is a joke and crime has its bad points.

"Sooner or later things are going to blow sky high. I hope you 'fat cats' in Washington are ready to pick up the pieces.

"Good luck, sir. I hope you can help to bring about some form of change."

As this letter points out, unemployment cannot be measured in terms of statistical figures alone. It has real, tragic, human effects. It is destroying individuals. It is destroying families. It is destroying communities. Unless it is remedied soon, it threatens to destroy the fabric and cohesiveness of our Nation.

The people of my district are imploring the President to leave off his fixation with military spending, to leave off his flirtation with war in Central America, to leave off his pursuit of an expensive nuclear arms race, to leave off the pathetic effort of his Interior Secretary, James Watt, to pick up a few bucks toward the deficit by selling coal, gas, and oil leases for private use at bargain basement prices.

What the people of my district are imploring the President to do is redesign his budget and revenue policies to bring down real interest rates, reduce the budget deficit, spur the economy, and lead the Nation back to the policies of employment, growth, prosperity and domestic fairness that generally characterized the 1960's and 1970's.

Only then can my district, along with those of my colleagues here, begin the long, hard road back to jobs, to dignity, to material progress, and to hope.

□ 2130

Mr. RAHALL. On behalf of the organizers of this special order this evening, my colleagues from West Virginia, Congressman WISE, Congressman MOLLOHAN and Congressman STAGGERS and my colleague from Ohio, Congresswoman KAPTUR, we want to thank all of those who have participated thus far this evening in this special order and certainly those who have participated during the time that I control, I want to extend my congratulations on statements and remarks very well written and spoken from the heart and very well representative of their congressional districts.

Mr. Speaker, tonight we heard the President during his news conference say that the economy is strong and getting stronger. He went on to say that the American economy is beginning to sparkle. For many in West Virginia, the only sparkle that they will see during the months ahead may be the sparkles of fireworks next Fourth of July weekend. It is certainly not any sparkle in the economy that they are seeing. They have been without jobs for several years now; they have experienced not a recession but a depression. And it is not getting any better for them. The issue of unemployment has been a major topic of discussion on this floor of the House of Representatives, not only in the last several hours this evening but for the last several years. During 1 minute speeches, special orders, and debate on various pieces of legislation, Members have discussed the hardships of over 12 million Americans who are currently without employment.

President Reagan takes great pleasure in sharing with the public in speeches or at press conferences letters that he receives from citizens complimenting him on his work.

Rarely, if ever, have I heard him refer to a letter which is in disagreement with him.

For this reason, I am happy to participate in this special order and once again commend my colleague from West Virginia for taking the time this evening. I think it is important as many of my colleagues have already done during these special orders, to read what our constituents have to say about the state of our Nation's economy, letters that perhaps the President has received also but to which he has not referred in his press conferences or speeches to the American people. Before I do, however, I believe it is important to point out that in my district the unemployment rate has gone up in the last month. For that matter, in five of the eight counties that comprise the Fourth Congressional District in southern West Virginia the unemployment rate has increased. If unemployment is indeed one of the "unfortunate evils" of fighting inflation as this administration contends, then why have we not turned the corner if the economy is really here, if the American economy is truly gaining strength?

The decrease in the rate of inflation is advertised as the administration's proudest achievement. Yet, the facts show that the average American is actually losing ground in real terms, as per capita income in my State of West Virginia is 20.3 percent below the national average. Corresponding to the most recent statistics the percentage of unemployed persons has increased in southern West Virginia from 18.7 percent to 19 percent.

The number of those out of work has gone up from 29,130 to 29,390.

For the record, I would like to submit the unemployment totals for the Fourth Congressional District for May which show as follows:

In Cabell County the rate is 14 percent, Logan County, 21 percent, McDowell County, 30 percent. One of the highest if not the highest unemployment figures in the Nation for a county and many in that county who are affected would say that is on the low side. Many in respectful positions of leadership have said that the unemployment in that county is approaching 45 percent. Mercer County, 14.4 percent, Mingo County, 19.1 percent, Raleigh County, 15.2 percent, Wayne County, 12.9 percent and Wyoming County, 25.7 percent rate of unemployment for a district average of 19 percent.

The issue of unemployment is much more human than these cold statistics portray. From them we do not see the unpaid bills, the hungry faces, the uncertain futures and the shattered dreams. In recent months I have been saddened by many of the letters that I have received from the people in my district. They very clearly portray the hardship, frustration, sense of loss, and the absence of any hope.

These individuals have worked for a living before. They know what it is like to put in a hard day's work for a fair wage. They know what it takes to pay bills, make mortgage payments and to feed, clothe, and educate their children.

It may sound corny but they do not want handouts, they do not want to stand in a welfare line, they want to stand in a payroll line.

So, tonight, Mr. Speaker, for the President and for our colleagues who do not see the need to participate in this special order, I would like to read just a few of the many letters that I have received from constituents in the Fourth District. They explain the situation much better than I could this evening and from a much more human and personal standpoint.

From Accoville, W. Va., in Logan County, and I quote:

Mr. RAHALL. I've been out of work 5 or 6 months . . . I'm married and have three stepsons that have to eat. And have utility bills that have to be paid . . . But tell me this, how am I suppose to pay them when you can't even buy a job in West Virginia? . . . All I ask for is a fair chance. Why can't I find some work? I have never been on unemployment before.

From my hometown of Beckley, W. Va., I quote:

Mr. RAHALL. I've looked for jobs all over Beckley, up to Summersville. I have even made calls to Ohio, Pennsylvania, Indiana, and called some friends I have in Hawaii. I

have answered practically every ad in the paper with no positive reply . . . I have been told that they're only hiring college students, ha, I'd try to get in on this but I ain't got no money for college . . . I've also heard of jobs overseas but have no way of getting in contact with employers . . . Soon I will be kicked out of my trailer, which I've scrapped for 8 months to make payments. My electricity is going to be turned off as is my water. My phone has already been cut off. The grocer has given me credit, but I need to find a job to pay him and the others.

From Prichard, W. Va., in Wayne County.

DEAR CONGRESSMAN: I can't afford to buy gas for my truck to look for work anymore. My utilities, trailer payments and doctor bills come to $337 per month, plus I have two children in school . . . I've looked everywhere and there is no available work. I just can't find a job.

I might add here, Mr. Speaker, that that is an additional burden upon those who are unemployed and go to the unemployment offices. The first question that is asked is: "How many possible employers have you been to? Where all have you looked for work? Show us with whom you talked and what the responses were?" Many of these individuals, however, Mr. Speaker, because they are out of work and because they have no income can no longer afford the gas to travel around to the many employers which they are required to contact before they can receive unemployment compensation.

This is an additional burden upon them.

From Fort Gay, W. Va., in Wayne County:

CONGRESSMAN RAHALL: In nineteen years I have never had to receive unemployment compensation. I have been unemployed for weeks before, however this is the worst time of my life . . . I have three children in school and it is difficult to try to explain to them that you are unemployed and not receiving something. So I hope you understand my anxiousness concerning finding work.

That is a common phrase in many of the letters that I have received, "It is hard to explain to my children."

From Huntington, W. Va., in Cabell County:

Mr. RAHALL: I have been out of work 11 months now and have not been able to find a job since I am 55 years of age . . . I want a job, but it looks like I will have to leave West Virginia to find one.

From War, W. Va., in McDowell County:

DEAR CONGRESSMAN RAHALL: In April, 1982, my husband was laid-off. He is willing and able to work but with the state of the economy he can't find any type of work. It seems unfair that a God fearing family must suffer due to cuts in programs that are intended to help the American people . . . Our situation is a desperate one. I hope you will consider its seriousness. If there is something you can do we would be very grateful.

□ 2140

From Anawalt, W. Va.:

Mr. RAHALL: I am in desperate need. I do not have a job and cannot find one. I got a job last year in the mines and worked 2½ months and was laid off. I got another job and worked 2 months and was laid off again . . . I've tried everwhere to get a job. As you know, jobs are hard to find these days.

From Capels, W. Va.:

Mr. RAHALL: I am a coal miner and that is the only work I have ever done. And I am sure you know there are not many places to go in McDowell County for a job. I have a wife and two children ages 6 years and 8 months. My trailer payment, phone payment, and ground rent are due now . . . Time is running out, and I don't know where else to turn.

From Davin, W. Va., in McDowell County, as I conclude reading from my letters.

This person states:

SIR: I am a coal miner. This is the first time in my 13 years working that I have been out of work for any significant period of time. I've been out of work since December, and have unemployment insurance coming in. I have friends and their families who have been off longer and their unemployment is running out . . . It is shameful that a nation as large as the United States has let Japan and smaller countries outdo our great nation in productivity . . . Pardon me if I sound bitter, but I have a deep sense of pride and am starting to wonder where I will go and what I will do after my unemployment insurance runs out.

Mr. Speaker, these are not isolated cases. I regret to say they are more the norm in the type of mail I receive in my five congressional offices.

I fear that if this depression—and that is what it is for many in West Virginia—continues much longer, the hearts of these fine people will be destroyed along with their hopes.

Over 20 years ago, President John F. Kennedy was so moved by what he saw in West Virginia, that he made the revitalization of the Appalachian region a priority.

And out of that commitment was born the Appalachian Regional Commission that has done so much good for West Virginia.

But what did we find the Reagan administration making as one of their top priorities upon entering office, nothing but the abolition of the Appalachian Regional Commission.

With the fine dedicated efforts of the West Virginia congressional delegation and with the understanding of this Congress and with the appropriate authorizing and appropriations committees here in the House and Senate, we have been able to save the Appalachian Regional Commission from total elimination as this administration has proposed.

We need that same type of understanding and commitment to this Nation's most current pressing ill—unemployment. Passing the blame, no; it will not put 12 million people back to work, nor will saying that all the economic indicators look good or that the American economy is beginning to sparkle. None of that is going to put these 12 million people back to work, nor will referring to statistic after statistic showing how interest rates have come down, or productivity is increasing, or other signs that the President points to, none of this will put the unemployed back to work.

A fair and energetic approach to this situation is what is needed and we have started right here tonight.

Again, in conclusion, I commend my colleagues from West Virginia, Congressman BOB WISE, Congressman ALAN MOLLOHAN, Congressman HARLEY STAGGERS, and also the gentlewoman from Ohio, Congresswoman KAPTUR, for joining in taking out this special order this evening, and our many colleagues from across the Nation, who have tried to express this evening and have done so very eloquently and very effectively what the people of their districts feel in today's troubled times.

UNEMPLOYMENT

The SPEAKER pro tempore (Mr. MOLLOHAN). Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 60 minutes.

Mr. STAGGERS. Mr. Speaker, I also commend my colleagues from West Virginia and Ohio for helping organize the special orders tonight, and I thank all who have participated.

I now yield to the gentleman from California (Mr. BATES).

Mr. BATES. Mr. Speaker, I want to thank the Speaker and the leadership for allowing this special order on unemployment and particularly the freshmen Congressmen from West Virginia, Congressmen BOB WISE, ALAN MOLLOHAN, HARLEY STAGGERS, JR., and also the gentlewoman from Ohio, Congresswoman MARCY KAPTUR.

I would like to take a few moments to address unemployment in California, the 44th Congressional District in San Diego.

We have been asked to report to the Congress and to the American people the state of unemployment in our districts. Unfortunately, I cannot report a rosy picture of a recession that has ended, business upturns, or long lines of unemployment growing shorter.

California's over 10-percent unemployment rate is translated into 1.2 million people looking for work. Black unemployment is twice that figure and increasing. In San Diego County alone, a haven of high technology industry, 72,000 people are looking for work and cannot find it.

It is important, I think, to reexamine just who makes up the unemployed. There is an inaccurate picture of America's unemployed as the hardcore welfare type. This is a tragically

false picture that makes solving the problem that much more difficult.

I have seen firsthand the effects upon the minority community of my district. Many of these people are the last-hired-first-fired men, women, and youth whose access to the great weath of this Nation was cut off before it began. Their rent payments, food, and medical bills are just as real as someone making $35,000 a year. The difference in their trauma of unemployment and lack of hope is concentrated in these communities and feeds upon itself.

Where is our commitment to reducing the misery of our people? Is the compassion we so often speak of, are they merely empty words? The great concentrations of unemployment in our Nation must wonder if we have a greater commitment to guns and aid for foreign nations than we do for our own people.

And there are a new kind of unemployed. We are seeing in my district of San Diego County a new kind of unemployed. The major layoffs and plant closures that have happened in California in recent months have resulted in men and women on the rolls who never before experienced unemployment. These people have had long-term, stable jobs, in effect, career. When this American worker finds himself without a job, we are forced to look to deeper causes and face far more serious consequences.

The San Diego region currently has over 9,000 people who have been laid off as a result of major plant closures. Their skills and long job experience simply serves to push those other unemployed categories further down the line.

The labor market analysts speak of these unemployed as dislocated. They have no experience at being without a job and the psychological traumas can be serious. We in this Nation have always looked at someone without a job as a person with something wrong with them. Other workers who still have jobs tend to avoid the atmosphere that surrounds the unemployed. And the isolation of these workers further damages their ability to seek and hold a job.

If this is the undeniable effect upon the stable workers in our society, what must be the long-term effects upon those further down the economic ladder.

It is crucial that we put American joblessness in this kind of perspective. The expectations of generations of Americans who look forward to a better tomorrow is breaking down. And the expectations of those who want to enter the middle class is being broken in its very formative stages. The black and brown communities of my district who have worked hard to enter the mainstream of American economic life have already suffered generations of job discrimination, high unemployment, poor public facilities, and second-rate education.

□ 2150

Now, to have placed upon them another whole layer of jobseekers, who would get the first jobs available, is just another cruel reward for their years of patience and suffering.

Probably one of the most alarming new trends is the layoff in high technology industries and electronics. We have looked at these industries as a solution to future unemployment problems, and yet now it looks as if they are just another contributor to the overall unemployment. San Diego is a haven for such industries and should have been somewhat protected from the ravages of the recession, but that was not so. That it is not illustrates the danger of putting our hopes on new technology without first solving the fundamental problems of unemployment today.

The lessons of the recession and unemployment in my district is that many of the same people bearing the brunt of the cycles of our economic system simply serve to push them further down. Retraining and education are essential. We cannot continue to extend unemployment benefits and have workers stand by idly while those dollars are lost without job training, retraining, and even creating new jobs.

I recommend we see America's unemployment as not just a matter of massive layoffs that private businesses have deferred to Government in our major industries, but as a vast and dangerous social upheaval that is taking place from the ground up, and to solve the problem at the top does not solve the problem at all.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from California for his excellent job in articulating his insights to the solutions and problems of the unemployed.

Mr. Speaker, I yield to my colleague, the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I truly appreciate the gentleman's yielding to me at this time, and I want to commend the delegation from West Virginia and the gentlewoman from Ohio (Ms. KAPTUR) for having taken this evening to focus on the problem of unemployment across these United States.

I do not think there is any particular other issue that could be as meaningful to the people of this country as the concern with jobs and job prospects and the impossibility of finding them.

Mr. Speaker, no matter how much the Reagan administration extols the slight decline in unemployment as a signal of economic recovery, the fact remains that more than 11 million Americans are still unemployed, nearly 2 million more are too disheartened to even look for work anymore, and another 6 million work part time because they cannot find full-time jobs.

In New York City, the unemployment rate was 8.9 percent in May, a decline from 9.2 percent in April. Unfortunately, this dip does not signal new strength in the New York City jobs market. Rather, it was caused by a decline in the number of people seeking work, according to the Bureau of Labor Statistics. In fact, the number of city residents with jobs declined by 40,000 in May, and the size of the city's labor force decreased by 100,000.

Moreover, New York City has fallen behind the national average in the proportion of its population that is employed. Nationally, about 58 percent of the people are employed, whereas in New York City, fewer than 50 percent are.

Who are these people, and why are they dropping out of the labor force?

Some of them may be middle-aged workers who have spent decades in manufacturing jobs. Manufacturing employment in the city has declined steadily in the past couple of decades, culminating in a loss of 43,000 jobs during this recession. Among the largest losses have been jobs in textiles and the garment industry. Under pressure from imports and the recession, this entire industry is facing extinction. Most of these workers are women and minorities, whose skill and education level are too low to enable them to move easily into other areas of work.

Equally tragic is the phenomenon of youth who have dropped out of the labor market because there are no jobs for them. In New York City, as in most metropolitan areas across the country, thousands of minority youth have lost all hope of finding work. For 16- to 19-year-olds, the New York City jobless rate was 32.5 percent in the first quarter of 1983, far above the national rate of 24.6 percent. For minority youth, the unemployment level is in excess of 50 percent.

Most of these youths have few job skills and little education. The city's high school dropout rate is now a staggering 45 percent. Nearly 30 percent of New Yorkers between the ages of 18 and 24 and 40 percent of those over 24 have no high school degree.

Where will they find work? Only 17 percent of New York City jobs in 50 key occupations will accept applicants who have less than a high school education, according to BLS.

The administration's response to this tragic phenomenon has been to sharply reduce funding for education as well as youth employment and training programs at the same time the President travels the country in a sudden discovery that there is an edu-

cational problem in the country. The President's budget cuts have sliced into almost every program affecting the education and training of American youth, no matter how successful the program.

The President is perpetuating a cruel falsehood in his assertion that an expanding economy is the only real solution of youth unemployment. The economy, of course, is not expanding in the urban areas where youth unemployment constitutes one of the Nation's most serious social problems. Under the Youth Employment Demonstration Projects Act (YEDPA) of CETA, we acquired vital data on how to help young people enter the labor force. The administration's apparent belief that the Nation cannot afford youth employment and training programs reveals its inability to seriously consider the long-range implications of its actions or inaction. The truth is that we cannot afford not to establish special programs for youth. In simple terms, waiting for an expanding economy to solve youth employment problems means closing off the labor market to millions of young people. To do so would not only exacerbate the Nation's social problems but would also compound the national tragedy of untapped human potential.

Again, I want to thank the gentleman for yielding to me, and I wish to commend all of those who have been responsible for this special order this evening.

Mr. STAGGERS. Mr. Speaker, I would also like to thank my colleague, the gentleman from New York (Mr. WEISS), for being here at this late hour and sharing with us his concerns for those who are hardest hit by unemployment, especially the youth of our Nation.

Mr. Speaker, at this time I yield to our colleague, the gentleman from Pennsylvania (Mr. KOLTER).

Mr. KOLTER. Mr. Speaker, I thank the gentleman from West Virginia for granting me this time to join my colleagues in a brief discussion on the greatest sin of the 1980's, that sin being unemployment.

Mr. Speaker, the American economy is like a huge ship. When times are good, there is clear sailing. When economic expansion comes to a halt, it is like a ship losing headway. The administration's solution to that problem is to start throwing people overboard. The result is to make the ship lighter and faster. But the price is millions of shattered dreams and millions of ruined hopes.

We keep hearing that recovery is on the way. The President has told us that the economy is on the mend. The Commerce Department has been reporting monthly increases in sales and production in many sectors of the economy. The news from Wall Street is all good. It seems that recovery is a certainty at least in some measure.

There are differences of opinion about the length and strength of the impending recovery. Some predict a prolonged and substantial rally, while others claim that rising interest rates and the looming Federal deficit will shorten the recovery and reduce its effect. But there is one disturbing aspect of the recovery that all the experts agree on: There will be no significant reduction in nationwide unemployment. I find this to be an accurate summary of the President's program: too little, too late.

There is no such thing as a recovery unless it is a recovery for all Americans. No one can be proud of an economic solution which denies millions of working men and women the right to share in the fruits of economic recovery. The burden of our economic problems should be shared equally by all members of our society, not laid squarely on the shoulders of our newly unemployed workers.

We need to address the problem of unemployment swiftly and directly. And, we need to reduce the effects of unemployment while we do everything we can to eliminate it. Emergency housing assistance, emergency health insurance assistance, increases in trade adjustment assistance, and unemployment compensation will help lessen the disastrous effects of unemployment. But these forms of Government assistance are only helpful. They are not what the majority of Americans want. Americans want jobs. They want to work. They want jobs, and the dignity and respect that come from earning an honest day's wages.

Billions of dollars are spent every year on mergers and acquisitions. United States Steel buys Marathon Oil. Du Pont buys Conoco. Peter buys Paul. But not one job is created by the expenditure of these billions of dollars. We in Congress must establish an industrial policy which stops this wasteful spending and funnels these billions into rebuilding our industrial base. We must catch up to the European and Japanese economies which were rebuilt after the war. Our industrial base is not the only thing that needs rebuilding. We must rebuild our deteriorating infrastructure. In 1965, we spent 4 percent of our Federal budget on public works. Today, we spend 2 percent. As a result our bridges, our highways, the municipal water systems, the prisons and jails, our ports, and our mass transit systems are rapidly becoming inadequate.

Forty billion dollars spent on MX missiles becomes a "bargaining chip"; $40 billion spent on public works becomes a lasting monument to improved efficiency and greater comfort for millions, as well as an opportunity for thousands to find meaningful employment, $40 billion is peanuts compared to the $1½ trillion that President Reagan proposes to spend on building up our defense. A trillion and a half, just to scare the Soviets. And virtually nothing to put Americans back to work or to restore our decaying public works.

There is work to be done. There are over 10 million Americans who are unemployed. There are over 10 million reasons why we should not increase defense spending quite so much. There are over 10 million reasons we should spend some of that money to rebuild America.

□ 2200

Mr. STAGGERS. Mr. Speaker, I thank my neighbor from the north, the gentleman from Pennsylvania (Mr. KOLTER).

At this time I would like to say that I, too, have received many letters and comments from the unemployed in my district. However, to set the tone for this occasion, I would like to read part of a letter from an unemployed constituent, Mr. Ralph Cummings, Jr., of Masontown, W. Va. He had planned to be with us tonight, to travel down to be with us tonight. I hope this letter will help point out the despair that far too many of our people are feeling. I believe that this will show you that statistics reveal only a small part of the human injustice and misery brought on by unemployment.

Mr. Cummings writes, and I quote:

Just put yourself in the place of the unemployed. A year ago, you were making 12 dollars an hour. One day you go to work and at the end of the shift, your crew is called into the mine foreman's office. He tells you that you are going to be laid off for thirty days. "But don't worry," he says, "as soon as we cut through rock we're in, you will be called back."

At first, panic sets in. Then you start to think about how much you are going to lose in thirty days. You get in your car and drive home. On the way, you think about how you are going to compensate for the wages you're going to lose in those thirty days. You think about how you are going to tell your family that you have been laid off. You get home and sit down to dinner. You still haven't thought of a way to tell them as you sit there picking at your food.

Your wife knows that something is wrong and finally asks. You tell her that you've been laid off, but don't worry, they said we would be back in thirty days. Maybe we should take our vacation early so that I can work through regular vacation to make up for what I'm going to lose this month. That sounds like a pretty good solution, so you pack up and head for the in-laws. You spend a week there and return home.

You go to the mine the next day to see how things are going. "Not too good," the mine foreman says. Then he goes into his office and closes the door. You stand there wondering what you said that was wrong. Finally, you go out to your car in the parking lot. As you drive off, you notice that a few of your buddies' cars are there. Those guys are lucky—they're already back to work.

Maybe it won't be too long before I'll get called back. A month passes and you finally get your first unemployment check. Out of this check, you have to pay the bills. A little bit of figuring tells you that there's no way you're going to make it on unemployment.

Month after month goes by and you don't have a job. Every day, you go through the same routine. Get the newspaper and turn to the help-wanted section. Nothing is there unless you have some kind of degree. Sure, you could try one of those sales jobs, but you tried that before and proved to be a failure. You decided to go to this other coal mine down the road. You find a sign on the gate: "No help wanted."

You come home discouraged, and try to think of something to do. You get the mail and find more bills stacking up. Later that day, Reagan comes on TV and says that all of these people laid off are now classified as displaced workers, and will probably never get called back to their former jobs.

A few more months go by and you see this ad in the newspaper that says, "Learn how to drive a truck . . . start training locally; great future opportunity."

You call the number and they tell you that you need some cash to go to school. You tell them you have a pretty good tax return coming and make an appointment. You go and talk to the guy and find out that there is a demand for truck drivers. He tells you that within a week after you finish school you'll be making at least $400 a week. You go to the school, and find five other men from West Virginia—all laid-off coal miners, doing the same thing you are doing. You graduate at the top of the class and come home. You go to a few trucking companies and find out that you have to have at least two years of experience to get a job.

You call the school and ask for help, and they give you a list of companies to call. All of them are out of State. You don't really want to go out of State, but you call anyway. You get the same reply that the trucking company here gave you. You keep trying and trying to find a job, but nothing is there. Finally, you find a company that will hire you if you have your own truck.

You go to a bank that has some repossessed trucks and explain your situation to them. They run a credit check on you. You have good credit and are given an appointment to see the bank vice president. You arrive at the bank 15 minutes early because you want to make a good impression. You sit there and wait.

Finally, he arrives thirty minutes late and you go into his office. He goes over and sits at his big fancy desk and looks over your loan application. He pauses a few minutes and asks, "How much money do you have to put down on a truck?" Evidently, he didn't look at the application too closely. Common sense should tell him that if you've been laid off for a year, you don't have any money to put down. And it says in the application that you have been laid off. And besides, you don't think you would have to have something down on these trucks because they were just sitting there rusting and being vandalized. And here you are with a job waiting that would pay enough money to pay for the truck that wasn't being paid for before you came along.

□ 2210

The letter goes on, Mr. Speaker, but I believe that the point has been made.

Mr. Cummings' letter could have been written by any one of 11 million unemployed Americans. Unemployment is not just a problem—it is a national disgrace. It is time to combine conventional wisdom and new ideas to bring about a solution to an old problem.

The commitment I seek is not to outworn views, but to old values that will never wear out. Programs may sometimes become obsolete, but the idea of fairness always endures. Circumstances may change, but the work of compassion must continue.

Mr. Speaker, in 1932, Franklin Roosevelt said that Napoleon reportedly lost the battle of Waterloo because he forgot his infantry, staking too much upon the more spectacular but less substantial cavalry. The parallel made by Roosevelt to describe the Hoover administration's regard for the dire plight of millions of Americans snared in the economic trap known as the Great Depression can provide us with insight into our current economic dilemma. What Roosevelt said of the Hoover administration, as well could be said of the current administration: "It has either forgotten or it does not want to remember the infantry of our economic army."

Mr. Speaker, the Nation may well be on the mend, but "on the mend" does not provide sorely needed jobs for millions of Americans hit hardest during the recession. The recovery may well be a reality for the financial community, for the companies who have disinvested, merged or transplanted their production facilities outside of U.S. borders, but the recovery is not a reality in the coalfields of Webster County, W. Va., where unemployment is neary 30 percent; the recovery is not a reality in Fayette County, W. Va., where coalminers dominate the 22-percent unemployment number, the story is the same throughout the coalfields of West Virginia's Second Congressional District. Wherever coal is mined, you will find idled miners suffering the personal hardships that accompany long-term unemployment.

But the Second District is not only a land of coal, it is a land blessed with abundant farm lands, and here the uncertain economic fortunes have dealt the small farmer a devastating blow. He is forced by low prices to look for full-time jobs or look for work in the evenings and weekends just to hold on to a way of life that is the essence of the American spirit.

Throughout the Second District one can see the remnants of the boom, more evident of the bust . . . deteriorating coal camp communities, pitiful roads, and crime more characteristic of inner cities. The business cycles are the realm of economists, but the realities of boom and bust are borne by the people who Roosevelt termed the forgotten man at the bottom of the economic pyramid. The time is now to do something about the incessant business cycles that wreak havoc on those who least control the capital investments made in our country.

The recovery that will reportedly bring us out of the recession will not be that vigorous according to some economists and the administration, but this is good, we are told, because it will, Mr. Speaker, provide us a more stable economic footing. But the reality of the projections show that under the administration's current economic program of huge deficits there will remain some 8 million Americans unemployed in 1986. Eight million American workers will be denied the right to receive rewards from fruitful labor, will be denied the right to create a better life for their children, and they will be denied the right to provide for their own security in old age. A recovery that leaves 8 million Americans out of the work force is no recovery at all. The challenge facing us now is as great as the challenge faced and met during the dark days of the Great Depression. It was realized then that building from the top down did not work, and we must now realize that only by building from the bottom up can we hope to provide an economic order that reflects our democratic traditions . . . an economy constructed as if all Americans mattered, not just the few who squeeze the most profit out of each dollar.

Mr. Speaker, in addition, I would like to relate an incident that I was made aware of yesterday.

Three teenagers from my district, aware of the dire situation that the jobless in my district face, decided to take the matter into their own hands. It was yesterday that these three concerned individuals—Donald Green and Nancy and Rusty Grantham—pedaled down on bicycles to Washington to express their discontent with the unemployment situation.

They began their trek at noon yesterday, when they left from Martinsburg, W. Va., to bike about 100 miles to present me with a tee-shirt that I have here before me.

As we can see, Mr. Speaker, the front of the tee-shirt speaks of the pride West Virginians have in our State. It says: "Almost Heaven, West Virginia," and on the back, Mr. Speaker, it says, "Number One in Unemployment." That shows the tragedy that is happening in West Virginia today.

Mr. Speaker, I want to take this opportunity to commend those teenagers who feel so strongly about the current economic conditions in my district. Again I commend my colleagues who have taken part in these special orders tonight. I commend the gentleman from West Virginia (Mr. WISE), for helping organize the special orders, and I commend as well the gentleman from West Viriginia (Mr. MOLLOHAN), the gentleman from West Virginia

(Mr. RAHALL), and the gentlewoman from Ohio (Ms. KAPTUR).

In closing, I would like to point out that the philosophy, "Live and let live," is OK philosophy, but I would submit that to "live and help live" is a better philosophy.

Mr. Speaker, I yield back the balance of my time.

UNEMPLOYMENT

The SPEAKER pro tempore (Mr. WISE). Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 60 minutes.

Mr. MOLLOHAN. Mr. Speaker, I thank the Chair, and I yield to the gentleman from North Carolina (Mr. VALENTINE).

Mr. VALENTINE. Mr. Speaker, I want to take this opportunity to express my appreciation to those of my colleagues who have arranged for this special order on what is, without question, the greatest problem facing our country today.

The situation in the district which I have the honor of representing in the Congress—that is the Second District of North Carolina, Mr. Speaker—is, I believe, perhaps different from many places in the Union, in that we have in that district, side by side, a county with the lowest, or one of the lowest, unemployment rates in the Nation, and a county with one of the highest unemployment rates in the Nation. That, I think, is such a brutal contrast that it makes the problem that we are here discussing even worse because we see on one side of the county line the embodiment and the bloom and the fruition of the American dream, comparatively speaking, yet across the line we see the brutality of unemployment.

Unemployment is far more, I suggest, Mr. Speaker, than a set of statistics. When prolonged, it becomes a disease which affects human beings as much as cancer or any other grave illness. When no work is available, the trauma that results from loss of self-esteem can harm the individual who must act as head of a household and often destroys the very fiber that holds a family together.

In recent months joblessness in this country has reached the highest levels, as many speakers here tonight have stated, since the Great Depression, with millions of our fellow Americans out of work.

Yet high unemployment affects a lot more people than those in the unemployment lines. It hurts all of the members of a worker's family as they try to make ends meet against steadily rising prices and steadily shrinking savings. It hurts the local business people who depend on local payrolls to sell the goods and services that they have to offer. It hurts the manufacturers who rely on economic stability to make long-term decisions that in turn create jobs.

Most of all, it hurts the worker who depends on steady employment for his livelihood, his sense of self-respect, and his share of the American dream.

Two years ago President Reagan promised the creation of 13 million new jobs in this country by 1986, but his flawed economic policies have failed to create 1 additional job.

□ 2220

The fact is that 3 million more Americans are unemployed today than when this administration took office. The administration takes comfort in the fact that the civilian unemployment rate marginally dropped in May, down one-tenth of 1 percent, to a still staggering level of 10.1 percent; but, in truth, Mr. Speaker, this drop only reflects a declining labor force, not an increasing number of unemployed workers finding jobs.

For black workers, Mr. Speaker, and in the Second District of North Carolina I am happy to say that almost 40 percent of the registered Democrats are black, and among these, my brothers, the figures are much worse. Unemployment among black workers in May stood at 20.6 percent; among black teenagers, 49.4 percent; and among black male teenagers, an unbelievable 53.1 percent.

In my own district, the working people have had their share, Mr. Speaker, of this type of misery. The figure for unemployment in my district, even considering the fact that I alluded to when I first came to the well of the House that in that district among those 10 counties and 1 township is a county with one of the lowest rates in the Nation, but considering that, the average rate of unemployment in my district is 9.3 percent. Out of a total labor force of 270,000 people, more than 25,000 workers are unable to find work.

Mr. Speaker, in concluding my brief remarks, I want to say that I am one Member of Congress who is here to say and to confess that I believe it is sheer fantasy to think that the Government has sole responsibility to solve this enormous problem; but we do have, Mr. Speaker, a responsibility to create the proper atmosphere in which private enterprise can jump in with meaningful, lasting opportunities.

I urge my colleagues, those who are here, who see and hear what occurs this evening, I urge all of them, all of you, to join us who are here tonight in making employment a first priority of this legislative body.

Mr. Speaker, I again compliment the fair lady and the gentleman who have made all this possible.

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from North Carolina who represents his district so well and who has spoken so eloquently on this subject of the special order tonight for participating in my hour of this special order. The gentleman spoke of the economic contrasts, high unemployment existing in close proximity to relative prosperity, that I think creates a certain confusion as to what approach we as a nation should take in addressing this economic quagmire in which we find ourselves.

I would suggest that while some sectors of the economy are enjoying relative prosperity today, that the Atari experience in California where we saw a high-tech industry moving out of this Nation in favor of Taiwan where it could take advantage of lower production costs, teaches us that the problems facing our Nation today are generic and will if they are not affecting today some industry, one day will affect those industries, and high interest rates and unfair foreign competition ought to be the concern of everybody, no matter what district they represent.

Mr. Speaker, I yield to my colleague, the distinguished gentleman from Pennsylvania (Mr. RIDGE).

Mr. RIDGE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I, too, want to sound very much like the echo in addressing the message that many of my colleagues have given and congratulations to you and to the rest of the West Virginia delegation and to the gentlewoman from Ohio.

I stand here not only in support of the focus of the special order, but also as a living testimony that both sides of the aisle were asked to participate and I am very pleased that that courtesy was extended to me. I am very pleased that I have been given an opportunity to share a few thoughts that I have on this extremely important, most important national problem.

As a Congressman who represents 3 cities in the top 10 in terms of metropolitan unemployment, those are Sharon, Pa., in excess of 20 percent; Erie, Pa., with almost 16 percent; and in a district that has almost 20 percent unemployment, I appreciate and am most grateful for that opportunity.

Many previous speakers, many of our colleagues have focused on particular problems that many of our constituents deal with because of their unemployment. I can focus because of personal experience from a father who worked two jobs to put two sons and a daughter through college and who left a part time job voluntarily because of corporate decisions, was involuntarily terminated from his regular full time employment after almost 30 years, and from a mother who entered the work force to assist in that particular effort to educate her family, who is also because of the decision and because of

the economy found herself in the unemployment lines.

I, too, would like to focus my remarks, not about the problems of unemployment, because they have been addressed eloquently not only through the remarks of many of our colleagues, but also from the written record and letters sent by many of our constituents.

You know, I have participated in some of the debate and, indeed, supported many of the targeted assistance programs that the Congress of the United States has deemed fit, necessary and proper and, indeed, they were to help the unemployed; the targeted jobs bill, the extension of unemployment benefits; the housing assistance, and various kinds of assistance. That is a small part of the puzzle; but I think from time to time—well, I do not think, I know—that in the long run, the long term, we do not want to deal with those anymore. We do not want to have those problems that require those kind of legislative answers. Until such time as we have relatively full employment, we are going to have to attack them and attack them we do, and I will continue to join in a bipartisan effort for well conceived legislation attacking those problems and I commend my colleagues for their efforts in that regard; but we have spent a lot of time focusing on these problems. I am not going to get into a partisan dialog blaming the administration for what it has done or what it has not done; but I would like to share a few thoughts with my colleagues, not about unemployment and unemployment statistics, but about jobs and jobs creation and how to put these people back to work. The focus of this evening is to demonstrate, and I again commend my colleagues because they have done it so well, a national concern about unemployment and putting people back to work. With your indulgence for a few minutes, I have listened to most of the debate, some people have focused on one side of the problem, that is, how can we support those people who are unemployed until we put them back on their feet and give them meaningful jobs. I would like to discuss and share a few thoughts with you about jobs, how we are going to put them back to work.

You know, I do not think, because there is a general understanding on both sides of the aisle, that we want or think that we can legislate them all back to work. If you take the 12 million people unemployed and you think you can legislate them into positions with minimum salaries of $15,000, plus benefits, you know you are going to double the deficit in 1 year and you are going to need a new allocation the next year and another allocation in the next year. Hopefully, there is just general agreement that while we may have a responsibility and an opportunity from time to time to help to put some of the people back to work through targeted economic assistance and programs, we are not going to legislate them all back to work.

□ 2230

It seems to me that we can ask them to retrain and to be reeducated and that is something that we want to help them do.

But in my view, and in my opinion, that again is just a small part of the problem because we cannot put the burden just on the unemployed men and women. Basically they are unemployed through no fault of their own, so when we are talking about jobs and we are talking about putting people back to work I am certainly hopeful that we are thinking in terms of readjusting our thinking as a country, we are thinking in terms of asking our corporate leaders to readjust their thinking and we are thinking in terms of asking our labor leaders to readjust their thinking and for our political leaders to reassess their thinking.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I would like to enter into a little discussion because I think it is a very legitimate type question to ask. I wish this was at the height of the day with the room full because I think these are serious questions that have to be asked on how do we resolve some of these problems.

I think the Japanese have moved out in the forefront and we have forfeited a great deal of our production and manufacturing and all to that country, not by accident, not by happenstance. But I think the Japanese have shown us what it means to sit down as labor leaders and as industrial leaders and government and to focus on a direction and reach a consensus on that direction on how to go.

I have submitted and am working on legislation in an area that I have been trying to perfect more or less in my rural, depressed area of southeast Oklahoma which is very similar to West Virginia and some of the other areas where there is no Fortune 500 going to move there. There is not going to be any major industries.

But I do not think that we have unleashed the ingenuity of the American people. In my area I have put together an industrial innovation center, going back to the basics, because I have chased smokestacks for all of these years, all of my adult life, and I have basically given up. I have finally said, "Hey, I don't think they are going to move there quick enough to save most of our people."

But through an industrial innovation effort, going back to the basics, realizing that everything you own, everything that you see in this room, everything that you touch, at one time was a product or a process which was an idea. We need to start developing ideas with a technology to develop not only high tech but low tech, new products and new processes, which means new businesses and new industries. New industries and new businesses mean jobs.

But every time we have looked at trying to initiate something the administration has cut back on it.

But I think it has to be a carefully parlayed partnership in order for us to move out of this situation of $200 billion deficits because we cannot get there by just more budget cuts. We cannot get there with just huge tax cuts. We have to unleash a partnership like we have never done before, but we have to go back to the basic situation of saying we have got the ingenuity, we have the mind. In fact, in my area we are teaching the first course in preentrepreneurship on the vocational technical level. Why? Because new products are not developed by MIT or the Fortune 500. They are developed by skilled workers, the housewife, the farmer, and the rancher, because they run into a crisis and crisis is the mother of invention.

That then becomes that product or process, that new product or process, and that then becomes a new business or industry. A new business or industry then means jobs.

But we are generating that in my district. We are not going to look to happenstance, because I have waited all of these years to try for someone else to do something for our area. I realized in my area, a rural, depressed, decayed area of America, that we cannot wait any longer. We are going to have to go out on our own. We are going to have to lift ourselves up by our bootstraps. We are going to have to use the ingenuity, the creativity, and we are going to have this free enterprise curriculum developed on the vocational tech level, because I am not an experienced or an intelligent person in the electronics or mechanics or many of those areas. But I want to get the best minds possible working in that area. They are the ones who are going to invent new products in electronics. They are the ones that are going to invent new things in mechanics.

But we have to go back to saying our people have got the ingenuity, they have the creativity, and they have the knowhow. They have the desire.

But we have got to offer them in that partnership a way to do it and I am convinced we can do it. But we cannot do it and say we are going to shut everything down in this country and we are going to pull everything out because that is going to cause a deeper division, a deeper split than we have ever seen before.

I hope that sometime we can have this discussion at 3 o'clock in the afternoon so that many of our other colleagues, and hopefully some of our leaders, will listen because I do believe on the Democratic side and the Republican side we have to confront this if we are going to have the quality of life that we all approve of.

So I think there is a way, but we have to say that it cannot just occur by accident or happenstance, but we have to plan it and work toward it and stress it among all of the leaders of this country.

Mr. RIDGE. I thank the gentleman from Oklahoma for his comments and for his strong, positive statement in terms of getting back to basics and harnessing the energy of a very innovative and creative people. If the gentleman will set the time and place I will be happy to enjoy and participate in that colloquy with him on the floor.

I think you do highlight, if I might just briefly continue, Mr. Speaker, some of the concerns that I had and I just wanted to share in terms of the focus of what we are doing this evening.

We as Congress, as a legislative body, promote or discourage different kinds of conduct. We give incentives or disincentives to do or not to do something because of laws that we promote and promulgate.

It seems to me in terms of partnership as the gentleman from Oklahoma talked about, and the general thrust of what the focus of this evening involves, it is these kinds of incentives in terms of talking and convincing, and giving incentives for the corporate leaders of the world, and the planners, to look, long-term and to modernize.

There are going to have to be some significant readjustments in order to put people back to work, in order to make some of our basic industry more competitive. It may involve a different look in terms of short-term profit and loss statements and dividends.

There is going to have to be some rethinking and readjusting because in the 1950's and the 1960's when wages increased, productivity went down. That is just a general statement but there are some very definite cases that we could point out, and maybe as we are looking to turning the country around, and we are looking to putting people back to work in both labor and management, we have to take a look at creating different incentives for themselves, and make wage increases and profitsharing tied into increased productivity.

So what I am saying is that, as the gentleman just mentioned, there is plenty of opportunity because there is the challenge out there. Not only do we have to take a look and ask business and labor unions and nonunions to participate, but we as a body, Congress as an institution, has a responsibility and an obligation as well.

It is just not enough to tell the private sector and the unemployed men and women to do it and the empoyees of this country to do it. We have some responsibility.

I just hope that from time to time as we look at these incentives and what we are trying to do we look at the long-term implications of what we are trying to do.

The gentleman just mentioned we have a lot of ingenuity and we have a lot of creativity in this country and indeed we do. I was struck most by some committee hearings that we are having in the Economic Stabilization Subcommittee. The gentleman from New York, JOHN LAFALCE, a very able, capable guy, brought in witnesses and we have had all kinds of witnesses. An economist from MIT, Lester Thoreau, commented about the Hausian phase of American industry and the American society and said we enjoyed an effortless superiority, an effortless superiority, he said, because we really did not have any competition.

The industrial base of the other countries in Europe and Japan was laid waste because of World War II, so we do have to readjust our thinking because that kind of superiority is something we do not enjoy any more.

Congress will have a role in creating incentives to promote this kind of rethinking.

I think in terms of what we did just the other day, and I do not say it in terms of criticism, but as an observation, that there were some discussions and rhetoric on the floor that somehow people who earned over $35,000 should have a tax increase.

Some people thought it was necessary to have revenue enhancement. Other people thought it was necessary to promote small business.

When we are talking about the $35,000 bracket, we are talking about 2.2 million small business men. It is not as if the tooth fairy comes down every weekend and lays a paycheck at the side of their pillow. They are out there and they are investing. They are working 7 days a week, 14, 16, 18 hours a day.

We want to promote them to do that. We want to promote them, we want to encourage them to create jobs.

This body decided at this time, for whatever reason, that revenue enhancement was more important than perhaps giving an incentive to small business. I am not saying whether that is right. I am not saying whether that is wrong.

But hopefully as we look at the tax laws as incentives to do or not to do different things, we will take a look at the implications of creating jobs and the implications on the job market.

Finally, hopefully we as a body will consider, and I know it is very difficult because there are 1 out of 6 jobs in my district which depend on the international marketplace, 1 out of 6, and there are 5 billion people on the face of the Earth, and maybe by the year 2000 there will be 6 billion people on the face of the Earth.

□ 2240

And if we structure our responses to unemployment, if we structure how we are going to try to put these people back to work and limit ourselves to a market of 235 or 240 million people, it is a short-term, not a long-term solution, and by no means will it be permanent. So, hopefully again and I implore my colleagues, as we are looking to address the problems with imports and the problems and indeed they exist with unfair competition, and that exists, and the problems with dumping, with subsidized products being sent into this country; they are problems, if we look for ways to resolve these problems, let us do what we are expecting the business community to do, or labor leaders to do, let us look long-term. If it is necessary for us to be protectionist from time to time in order to protect an industry so that it can retool and become competitive in the international marketplace, let us consider it, let us not dismiss it out of hand. But if that particular approach will only apply a band aid and will not make that industry more competitive, internationally, then let us consider the implications of that as well.

Mr. Speaker, once again, I want to thank you, our West Virginia colleagues, the gentlewoman from Ohio. I wanted to share a few thoughts with you about not only the problems our unemployed people have trying to get through in their day-to-day struggle to exist, but some of the responsibilities we have as a legislative body to come up with some meaningful, long-term, hopefully bipartisan solutions so that these people can find meaningful and productive jobs in the private sector.

I thank the Speaker very much.

Mr. MOLLOHAN. Mr. Speaker, I want to thank the gentleman from Pennsylvania for his remarks and for his observations and participating in my hour of this special order. I would like to echo and reinforce the thoughts that I heard him speak with regard to unfair foreign competition.

I think it is time, as I talked to in my remarks, for this country to recognize that there is such a thing as unfair foreign competition. And in its most obvious form, it is for subsidization, whether it is feedstock subsidization, direct-grant subsidization, predatory financing, no matter what extra advantage the foreign country has given to its producers, it is unfair because of the foreign government participation in the foreign manufacturing process

which allows them to dump, to sell products in this country at a cost less than the manufacturing price. That is exporting jobs. I certainly appreciate and echo the gentleman's comments along those lines. It is a problem deeply felt in my congressional district which is the heart of the West Virginia bituminous coalfields, which is heavily dependent upon the basic steel industry, which is heavily dependent on the chemical industry, on the glass industry, and on major manufacturing. Those are the kinds of industries, basic industries in this country, that are particularly sensitive to unfair foreign competition. They are also particularly sensitive, when you combine that problem with the national economic trend of high interest rates and the restrictive monetary policy, and I think that explains, Mr. Speaker, why, unfortunately, our State of West Virginia is suffering the highest unemployment in the Nation.

I think we have to get about those problems, and our colleague from Pennsylvania's comments are certainly pointed as they related to our State of West Virginia.

I want to thank the gentleman, my colleague, Mr. WISE from West Virginia, for organizing this tonight. It has been I think a very effective opportunity for Members of the Congress to bring this excruciating, personally felt problem home to the Congress and to reflect to those out in our districts that we are not forgetting them.

Mr. Speaker, over the past few months I have received repeated letters from a constituent—a man who has been unemployed for the better part of a year—who asks about unemployment legislation. I respond that the Government is terribly concerned about the unemployed. I mention the jobs bills; I mention the so-called phase II and phase III programs. The man continues to write to me. But his letters have become shorter and shorter, until his last correspondence was nothing more than a single question spelled out in large, block letters: "Why has the Government forgotten the unemployed?"

Mr. Speaker, I have begun to ask myself that question. Popular political wisdom now holds that the economic recovery—that elusive economic recovery, Mr. Speaker—will carry the President through a successful reelection campaign. The Nation's unemployment rate hovers around 10 percent, yet all of a sudden we are in an economic recovery. West Virginia's unemployment rate has accommodated the economic recovery by dropping from 21 percent in February to 19 percent in April, and my district is lucky, by West Virginia standards, to have only a 17-percent rate. Apparently the approximately 12 million unemployed persons in this country have been dismissed as nothing more than the one statistic that customarily lags behind other indices of economic recovery. This is why I have joined in this special order tonight: I would like to respond to my constituent, to assure him that he, and the 12 million others in his position, are not forgotten.

My constituent knows why he is unemployed. We are in a deep recession caused, largely, by high interest rates and unrealistic, ineffective international trade policies. These two factors have hit West Virginia particularly hard because the economy in my region rests on the basic industries of coal, steel, glass, chemicals, oil, and gas. Before the onset of this recession, West Virginia's industry looked forward to a bright future, with high growth projections in the utility industry; that high growth somehow turned into a marked decline. The largest consumer of raw steel is, of course, the automobile industry; my colleagues from Michigan have already mentioned the problems of automobile production. The glass and chemical industries, and basic manufacturing in my district also declined with the sagging economy. Some of the results: over 6,000 unemployed mineworkers, 2,800 workers laid off at Weirton Steel, 620 workers permanently laid off at Blaw Knox Foundry in Wheeling; 650 at the Wheeling-Pittsburgh foundry, 98 at the Cresent Glass Co. at Wellsburg, 107 at Celotex Roofing in Chester, and 455 at Anchor-Hocking Glass Co. in Chester. This is only a very partial list, Mr. Speaker; if I were to continue, I would use more than my allotted 60 minutes.

My constituent is aware of the problem. He may not particularly care about the problem's sources—high interest rates and unfair trade practices—but he is awfully interested in its solution. That the President has done nothing but aggravate these factors is another thing the constituent knows. Unemployment in the first district stood at 12.2 percent the month Ronald Reagan took the oath of office. The most recent figure was 17.3 percent in April. The President has engineered the largest deficits this country has ever seen, and my constituent knows that these deficits are the leading factor in high interest rates.

□ 2250

Finally, the constituent knows that the President has dedicated his administration to pursuing, as Trade Representative William Brock phrased it, "the Holy Grail of free trade."

I would like my constituent to know that unemployment can be conquered. It will not happen by the trickle-down theory and tax gifts to the wealthy, but by a comprehensive Government restoration of the workingman's opportunity in the private sector. We need plans, as Franklin Roosevelt put it, "that build from the bottom up and not from the top down, that put their faith once more in the forgotten man at the bottom of the economic pyramid." We need short-term steps to alleviate the problem's symptoms, and we need to begin laying the foundation for more fundamental solutions, as well. As reflected by the many here tonight, our people back home are writing us and they are demanding nothing less, as evidenced by two letters from my constituents, which I would like to share.

The first is from an unemployed person who previously worked in the work force. He writes:

DEAR CONGRESSMAN MOLLOHAN: I am writing to you for help and support to get the people of West Virginia and the nation back to work. Create jobs, decrease dependency on foreign imports, such as oil, steel, and chemicals. We have the workers and technology. So, create bills to help our industries, not foreign industries.

I am a proud West Virginian.

Since President Reagan and his administration took office, unemployment has reached an all-time high. The President says to "stay the course", but how long is this course? When will the American workers start to recover from this "infinite" course of suffering, frustration, and extremely high unemployment?

What happens when all the benefits are exhausted?

So, to you again, we the American working class asks: "Give us jobs. Give us back our pride!"

Take care of the immediate needs of our state and nation. Uncle Sam can't carry the whole planet on his shoulders. We the American workers and voters elected you to represent us. Therefore, I respectfully and urgently request your help to getting West Virginia and the Nation back on top where we belong.

I do not think it could have been said much better, Mr. Speaker.

The second letter is from a teenager, not yet graduated from high school, from New Martinsville, W. Va., in my district. He writes:

DEAR CONGRESSMAN MOLLOHAN: I am concerned that West Virginia has the highest rate of unemployment in the United States.

What is Congress doing at present to get people back to work in this state?

I am still in high school, but I will be graduating in two years. Is there a chance that in the near future there will be more jobs for us? Or will I have to leave my home state in order to get a job?

Mr. Speaker, this House has already taken some necessary short-term steps, including adoption of the jobs bill. The American Conservation Corps to provide jobs for unemployed youth, like the one, whose letter just read, the Emergency Agriculture Credit Act to aid farmers facing bankruptcy or foreclosure, and the Emergency Housing Assistance Act to aid homeowners threatened with foreclosure because of unemployment or underemployment. The budget resolution adopted by both Houses of Congress last week includes further steps we must take, notably the Hawkins jobs bill.

A final immediate step, included in the first budget resolution's reserve fund, is an extension of the Federal supplemental compensation program, which is due to expire September 30 of this year. The FSC program provides additional weeks of unemployment compensation to those persons who have exhausted their regular and extended benefits. I introduced a bill today authorizing the simple 6-month extension included in the budget resolution, and I urge my colleagues and request that they cosponsor this legislation.

Let me make it clear, Mr. Speaker, that I feel it is a shame that we have to deal with this type of legislation, this legislation that treats this unfortunate symptom. These are intermediate steps only; they do not restore the workingman's opportunity, but they do allow him to survive until we can implement the needed fundamental changes. Unemployment will not decline significantly until this country once again has a stable, productive economy and rejects its current self-destructive trade practice. I am amazed at our alleged economic recovery, not only because unemployment remains unacceptably high, but also because we continue to foster a national debt over $1 trillion. We will not recover from this recession until interest rates drop, and interest rates will not drop until we end this frightening deficit spending. The President argues that interest rates have declined since he took office. That is true, but so has inflation, thus real interest rates—taking inflation into account—have dropped only silghtly during his administration.

One of the reasons we voted for the budget last week was that it projected a deficit on "only" $169 to $179 billion. It makes me ill to say "only $169 billion," But the President's alternative of no budget resolution would mean a deficit in excess of $200 billion in the next fiscal year. The major good in this budget is that it exists at all and that it is the result of a serious bipartisan effort to curb deficit spending and restore a measure of fiscal sanity to this Government. The Democratic leadership of the House joined the Republican leadership of the Senate in this effort; the ball is now in the President's court: he can join us, or, if he chooses, he can probably destroy the budget process and any hopes of cutting deficit spending in the forseeable future. The result would be continued high interest rates that would stifle consumption at home and, by maintaining the artificially high value of the dollar on foreign exchange markets, contribute and exacerbate our current trade difficulties.

Our unemployment problems are not due solely to our domestic policies, however. The predatory foreign trade practices of other nations and this country's failure to effectively counteract those practices is having a disasterous effect on many U.S. industries, including many located in the First Congressional District of West Virginia. Steel, glass, and chemicals, major manufacturing, as I said previously, are particularly vulnerable to these practices.

The President, a self-described "unrestrained free trade advocate" seems unaware of the costs imposed by his position. A sobering example of the threat of unfair foreign competition is this country's response to Mexican subsidization of its carbon black industry. It is blatant.

Carbon black is manufactured in my district, among others across the country, by Cabot Corp., which employs over 100 people. These workers' jobs are threatened not by slack demand for the product, but by the actions of the Mexican Government and our failure to respond to those actions effectively. The Mexican Government heavily subsidizes its carbon black industry and discriminates against foreign purchasers of carbon black feedstock, the main component of carbon black. While U.S. companies must pay $25 per barrel for the feedstock, Mexican carbon black producers pay only $2 per barrel. American producers cannot long compete when they pay $23 more per barrel differential than their Mexican counterparts and competitors.

□ 2300

The Commerce Department, in a recent ruling, did not even recognize this subsidy because it is not a direct cash subsidy but a feedstock subsidy, which was sold to other industries in Mexico. Thus, the Government of Mexico is permitted to continue giving away its feedstock to Mexican producers for one-thirtieth of the world price, and American carbon black companies are not even allowed the meager countervailing duty as a remedy which they sought.

Examples of this problem dominate our foreign trade relations. We continue to grant large amounts of aid to countries that in turn subsidize their industries, and these industries, in turn, compete with American companies and threaten and take American jobs. We are exporting employment, importing unemployment, Mr. Speaker, by our trade policy.

Current foreign trade laws are an inadequate response to this problem. Months pass before a final decision is rendered after a petition is filed, months in which American companies struggle to keep alive against the inundation of foreign goods. Agency and Commission recommendations can, and typically are, rejected by the President. Meaningful relief from these practices is almost impossible to receive.

Our trade laws are indeed an anachronism in today's world. While other nations have closed their doors to our products, ours remain wide open. Other nations add sizable duties to U.S. products entering their borders, while we keep our duties low or remove them altogether on products which are in competition in regard to.

While other nations take action to protect their native industries and actually pursue the vulnerable and profitable U.S. markets, we stand idly by, unable to even pass domestic content legislation.

Our concern for America's industries has been falsely branded "protectionism" by the misinformed. Our flaccid response to the unfair foreign trade practices must be replaced by a vigorous, effective approach to a pervasive problem that endangers American business and industry across the board.

Mr. Speaker, I know all the words spoken by all of us here tonight will not give my constituents a job and will not, by themselves, do anything to alleviate the tremendous suffering endured by the millions of unemployed across this country. But they are not meaningless words, for they outline the substantive steps taken in total that we can and must begin to take.

Mr. Speaker, I appreciate the opportunity to participate in what I think is a particularly meaningful discussion of the No. 1 problem facing this country today. I commend my colleague, the gentleman from West Virginia, for organizing it, and I am pleased to have participated in sponsoring this hour with my colleague, the gentlewoman from Ohio, and my colleagues from West Virginia, Mr. RAHALL and Mr. STAGGERS.

● Mr. RODINO. Mr. Speaker, I am pleased and honored to be participating in this special order on unemployment. I wish to commend my distinguished colleague, BOB WISE, for his efforts to bring the problem of unemployment to the fore.

Unemployment in my district, the 10th Congressional District in New Jersey, is now almost the highest it has ever been. Unemployment in the country as a whole is now the highest since the Great Depression, over 10 percent, and that figure does not include discouraged workers and those who can only find part-time work. The largest city in my district, Newark, has 13.1-percent unemployment, three points above the national average. Newark's poverty level is the worst in the country, with one-third of its residents living below the poverty line.

Unemployment in the industrial Northeast/Midwest is now 11.5 percent, in large part due to the unfair penalization of the Northeast/Midwest, especially the cities, by the Federal Government. New Jersey only

gets $0.71 back for every tax dollar sent to the Federal Government—the second lowest amount in the country—while a State in the Southwest, such as New Mexico, gets back $1.74 back for every tax dollar sent to the Government.

The administration's tax policies contribute to the economic malaise of the Northeast in general and my district in particular. Our taxes are higher, because Washington's contribution to essential services is less. Industry becomes unwilling to reinvest in areas with high taxes and leaves for the West. All this is supported by our taxes—our resources going toward our decline. The President's budget, of course, only exacerbates the problem. Many of the services he cut went to the Northeast, while much of the defense budget that he increased goes to the West.

No wonder industry is unwilling to stay in the older cities of the Northeast. The President's cut in essential services increases poverty and unemployment in the cities. The tax base erodes further as the affluent leave the cities. Recently the Western Electric plant closed in Kearny, N.J., throwing 4,000 people of work. I have cosponsored a bill, The National Employment Priorities Act, which will help economically depressed areas which are suffering from plant closings and business failures.

Our No. 1 priority must be putting Americans back to work. We in the Congress must convince the President that 10-percent unemployment does not constitute a recovery, and try to make him realize that his policies have aggravated the unemployment problem. It is up to us in the Democratic Party and in the Congress to regain our commitment to full employment, to the Humphrey-Hawkins Act. We must develop effective legislation to help the problem of unemployment and the social problems caused by unemployment. The country cannot and will not recover until its people are working and its industrial base is restored.●

● Mr. UDALL. Mr. Speaker, I rise today along with many of my colleagues in an effort to draw attention to the issue of unemployment and specifically how it affects the second district of Arizona. While the national unemployment rate has dropped to 10.1 percent there are many areas of the country where the unemployment problem is even worse, including many areas in Arizona. The economy in Arizona's second district has been particularly hurt by the failing copper industry and the devaluation of the peso.

Troubles in the copper industry have brought about mass layoffs in Pima and Maricopa counties. In March 1983 Pima County had an unemployment rate of 11.4 percent and Maricopa County had 8.8 percent unemployment. Many of these people cannot be helped until the national economy improves, and the demand for copper picks up.

Towns along the United States-Mexico border in Arizona are suffering from another economic calamity, the peso devaluation. In Nogales, Ariz., and other nearby towns, the peso devaluation has caused a drastic decline in the trade industry with Mexico. Last summer I attended a task force meeting in Nogales and listened to statements made by the mayor, councilmen, local bankers, and merchants concerning the far-reaching effects of the peso devaluation. A year later, the problem has become even worse. Unemployment in Nogales has risen from 11.8 percent in February 1982, to 23.6 percent in February 1983, because of the peso devaluation. The only thing which has kept these towns alive are the few plants that have been able to survive. Yuma County, also affected by border trade, experienced an unemployment rate of 17.7 percent in March 1983.

It is apparent that recent improvements in the national unemployment rate are not reflected in all areas. While the national unemployment rate may continue to drop, this is not an indication that the entire Nation is going back to work. It will take a long time before a stable economy corrects all the damage caused in Arizona by the copper mine layoffs and the peso devaluation.

At the time of the peso devaluation I introduced an Economic Disaster Loan bill which was endorsed by Arizona merchants. And the Small Business Committee approved the bill, but more steps in this direction must be taken to aid economically depressed areas. We must work together to insure that a wide variety of measures to resolve our country's economic condition are considered. As individual representatives we must insure that the special needs of our districts are not forgotten.●

● Mr. DINGELL. Mr. Speaker, this past weekend I joined in the first Great Lakes Governor's Conference held in my home State of Michigan to discuss the very serious economic difficulties now confronting our region. It is a measure of the crisis facing the Great Lakes region and the Nation as a whole that these great industrial States are compelled now to consider joint action to relieve the suffering of their citizens and take steps to rebuild their shattered economies. The foremost concern of those attending the conference was the high rate of unemployment which currently besets our region.

Economic indicators and analysts are predicting a recovery, but unemployed workers in depressed segments of the economy, such as Michigan and, particularly, my 16th district cannot subsist on the thin nourishment provided by these rosy predictions.

In 1980 when President Reagan took office the unemployment level in Detroit stood at 13.1 percent. Today that figure has risen to over 17 percent. There are areas which have little hope for a sustained recovery in the near future and will require assistance to survive.

Like many other States, Michigan is hard pressed to continue providing basic services since long-term economic recession has reduced State revenues. States have been forced to drastically cut services causing great hardship. At the same time, the administration has continued to call for major reductions in social security and other vital domestic and human service programs.

Beyond the economic ramifications lie the deep personal tragedies experienced by the unemployed. The human cost, both mental and physical, has been tremendous. Public health officials have noted the dramatic rise in recent years of stress-related problems in these regions suffering from high unemployment. Many of the region's jobless have foregone essential medical treatment because their health insurance has expired. My own Energy and Commerce Committee has acted to provide help to these people through legislation to extend health benefits for the unemployed. This will help, but nothing will heal the scars borne by honest working men and women who, through no fault of their own, find themselves unable to find the jobs they need to provide for themselves and their families.

It is time to lay aside partisan bickering and ideological posturing and get behind a program to relieve the suffering of unemployment by providing jobs. Again, the Energy and Commerce Committee, which I chair, has taken a first step toward restoring the health of the American automobile industry which was for so long the backbone of our national economy. My committee has reported to the House H.R. 1234, the domestic content bill, which will require that significant American labor and American parts be included in cars sold in America. This will stop the hemorrhaging of American dollars and American jobs to Japan.

But more is required. We must have a national industrialization policy and a national trade policy to restore America as the economic leader of the world and revitalize our troubled economy. Never since the Great Depression did the American working man and woman need leadership as they need it today.●

● Mr. KILDEE. Mr. Speaker, I am joining this special order on the floor of the U.S. House of Representatives because of the unemployment crisis still confronting us. To say that I am

pleased that the Nation has started on a modest recovery is a great understatement. It would be better to use the word "relieved," because of the suffering that has been inflicted on the people of my district by this harshest and longest recession since the 1930's. While the President boasts of the beginning of this recovery, we should not lose sight of the fact that the recovery is needed because of the recession that this President and his administration has brought upon us. The recession never had to happen. It occurred because this administration decided to fight inflation by sacrificing employment. We appear to have won a pyrrhic victory over inflation at the cost of the worst unemployment rate and the highest rate of business failures since the Depression, severe interest rates, the largest Federal deficits by far in our history, a disastrous situation in agriculture, and a diminishment of our industrial base.

To say that the economy is recovering is to talk in relative terms only. Recovery has a very long way to go in the Seventh Congressional District of Michigan where unemployment is still nearly twice the national average. In Genesee County, which makes up the bulk of my district, 33,575 jobless workers still were looking for employment in April, the last month for which statistics are available. That translates to an unemployment rate of 17.5 percent for Genesee County, and 22.8 percent in the city of Flint. Even these high rates represents an improvement from January, when the unemployment rates were 21.6 percent, 27.8 percent, respectively. And it certainly is an improvement from last year at the worst of the Reagan recession when unemployment in Flint went above 25 percent. However, such improvement has little meaning to the thousands and thousands of my constituents who are still without work or whose lives have been so disrupted by the policy of this administration.

The human suffering resulting from widespread and prolonged unemployment is not easily described, but I will say that the economic crisis brought on by this administration in my district is the worst I have seen in my adult lifetime.

I wish to commend the gentleman from West Virginia (Mr. WISE) for his efforts to focus more attention on the unemployment crisis with this special order. As the Congress acts to reduce the unemployment and to alleviate the hardships already incurred, let us be guided by President Franklin Delano Roosevelt's second inaugural address when he said: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."●

● Mr. ROE. Mr. Speaker, I rise today to address what continues to be one of the major problems plaguing our society today: unemployment.

As we stand on this floor today, there are still more than 11 million of our fellow Americans who are out of work. That figure represents 10 percent of our work force.

When the current administration came into office, the Nation's unemployment rate stood at 7.4 percent. At that time, I considered that to be a totally unacceptable figure.

What we have seen over the past 2 years is a steady rise in unemployment to the point where it reached a record setting 12 percent.

Mr. Speaker, the national unemployment figures are shocking enough. But we all know only too well the devastating effect that unemployment has had on our home congressional districts. And that is especially true for those of us like myself who come from the older industrial areas of the East and Midwest.

In my own congressional district, the city of Paterson is reeling from a 16-percent unemployment rate. The figure among minority youths in that city has topped 20 percent in recent months.

Mr. Speaker, we are truly deluding ourselves if we believe that the current record sessions on Wall Street are a true indicator of how well the majority of people in this Nation are doing economically.

We in Congress have a mandate to do something for those 11 million unemployed. Through proper investments in rebuilding the crumbling infrastructure of our Nation, we can create long-lasting viable job opportunities for those unfortunate individuals who have a true desire to earn an honest day's pay.

Mr. Speaker, our States are running out of money to pay their unemployed. My own State of New Jersey currently owes millions of dollars in borrowed Federal unemployment benefits for its citizens.

Unless the unemployment situation is corrected, our Nation will never be able to sustain full economic recovery. The fact of the matter is for every 1 percent jump in the unemployment rate, the Federal deficit rises by $25 billion because of lost taxes and additional unemployment benefits.

I would like to extend a thank you to my colleagues for holding this special order today. It will send a message to the American people, especially those facing frustration in their job seeking efforts, that they have not been forgotten.●

● Mr. DE LA GARZA. Mr. Speaker, the 15th Congressional District of Texas, which I am honored to represent in the House, spreads from the Mexican border to the outskirts of San Antonio. While there are 15 counties in the district, close to half the population is in the 3 counties along the Rio Grande, bordering on Mexico.

Last night on the CBS news, Starr County was referred to as the poorest county in the Nation. During 1982 the average unemployment rate was 33.5 percent. So far in 1983, the unemployment rate has been close to 50 percent. This year, one out of every two people desiring gainful employment have not been able to find work.

The other two counties along the border have not fared much better. Hidalgo County, the largest in my district suffered a 15 percent unemployment rate in 1982, and is averaging close to 20 percent unemployment this year. Zapata County, also on the border, experienced 13.4 percent unemployment in 1982 and is averaging 17 percent unemployment this year.

Although the U.S. recession has certainly had a strong impact on the border economy, the greatest blow has come from the fall of the Mexican economy. Many of the border businesses depend on buyers from Mexico. The Mexican financial crisis has hurt sales so badly that many stores have been forced to close their doors, increasing the unemployment problem.

As one travels north from the border the situation appears to improve, but only because many of the counties are sparsely populated. The larger counties in the northern part of the district suffer unemployment rates above the national average.

While many can look forward to better times as the economy improves, I am afraid it will take a long time for the recovery to reach the people in my district, unless there is a rapid improvement in the Mexican economy. Though the problems of the border region may seem far away to those who represent the "industrial heartland," there is reason for concern. The stores on the border which are permanently closed will no longer serve as an export outlet for the manufactured goods of the rest of the country, thereby limiting the future sales of U.S.-made goods to Mexico and further slowing our economic recovery.

A somewhat ironic situation is presently developing along this part of the border with respect to the Job Training Partnership Act which goes into effect this year. Under the act, appropriated funds can only be used for job training; there is no allowance for public service jobs. While the President's desire to use Federal funds for industrial job training rather than what he considers make work jobs makes excellent press copy, it does not work so well in reality.

With their high unemployment rates the border areas in my district are certainly eligible for job training funds, but as there is little industry there, the President's dreams will be hard to fulfill. Contrary to the Presi-

dent's stated belief, the help wanted sections of my district newspapers are not filled with jobs for skilled workers. There are few jobs available, skilled or unskilled.●

● Mr. MITCHELL. Mr. Speaker. In the "Economic Report of the President," which was transmitted to the Congress in February 1983, President Reagan stated—

> The unemployment that many of our citizens are experiencing is a consequence of the disinflation. * * * In spite of the present high unemployment rate and the accompanying hardships, it is essential that we maintain the gains against inflation that we have recently achieved at substantial cost.

In other words, the President will continue to pursue his draconian economic program, which has already generated the largest unemployment rates since the Great Depression.

The prevailing philosophy among most of our chief policymakers is to continue in the tradeoff: keep unemployment high in order to fight inflation. President Reagan believes that oppressive interest rates will extirpate inflation and will lead the way to a sustained economic recovery. Indeed, the administration has referred to the recent increase in housing starts as evidence that an economic recovery has occurred.

The Nation's current 10-percent unemployment rate, however, indicates that the President's ill-founded economic policy continues to nourish the recession. Like many of the country's urban areas, Baltimore City's unemployment rate is higher than the national average. In Baltimore City, the unemployment rate is about 11 percent. However, Baltimore's unemployment problem is more severe for youths, minorities, and minority youths in particular. Unemployment rates in these categories are 24 percent, 17.9 percent, and 44.7 percent respectively.

The incredulous failure rate among small businesses is further testimony to the egregious impact of the President's economic program. In Baltimore City alone, more than 7,000 small businesses failed in 1982. For each small business failure, three to eight people are thrown into unemployment

To combat the current unemployment rate that threatens my district, and the district of my colleagues, Representative BARBARA MIKULSKI and I introduced H.R. 2653, the Public Works Employment Act. This bill allocates $7 billion to generate employment opportunities through the implementation of infrastructural development projects.

President Reagan has stated that he is opposed to public works programs. He believes that such programs will only shift unemployment from one industry to another at the cost of increasing the Federal budget deficit.

I strongly urge my colleagues to reject President Reagan's inherently flawed economic program—a program that attempts to improve the health of the economy by reducing the employment opportunities for the people of this Nation. The passage of a public works bill should be one of the critical components in an overall comprehensive approach to the problems of unemployment. Such an approach will reduce the above average unemployment rate, which the President's policies have generated in my district and others.●

● Mr. CLARKE. Mr. Speaker, the most pressing problem faced by our Nation today is unemployment. Over 11 million people were out of work in May. In some government and business publications, the decline in unemployment, compared to December's 10.6 percent level, is being heralded as a harbinger of recovery. Granted, there are fewer people in the unemployment lines than in December, but that should not blind us to the fact that unemployment is still at a higher level than it was 1 year ago.

My constituents in western North Carolina have little to cheer about. The unemployment rate in the 16 counties which I represent is 11.8 percent.

People suffer when they are out of work, and communities suffer. Marital difficulties, alcoholism, health problems resulting from tension and anxiety, and child abuse all increase in times of high unemployment. Discouraged workers lose their self-esteem.

What is behind these continuing high unemployment figures? The key is continued high interest rates. High interest rates discourage the long-term investments that the industrial community so urgently needs to refurbish and expand its facilities. As interest rates rise, companies are unwilling to seek and borrow the capital they need to modernize. Individuals can not afford to build homes and buy automobiles.

High Federal deficits place constant pressure on the credit markets. Federal borrowing absorbs much of the capital needed to finance retooling and modernization of America's industrial plants.

The human cost, of course, is unemployment.

I have cosponsored several measures to help the unemployed of my district and the country. H.R. 10 is one of these. Title I of this bill establishes a successor agency to the Economic Development Administration which will provide grants for public capital facilities, small business loans, and technical assistance planning. These grants will be available to States, economic development districts, units of local government, and Indian tribes.

H.R. 10, which amends the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, will help communities in especially distressed areas. It also provides funding for the Appalachian Highway System.

H.R. 999 establishes the American Conservation Corps. This program is much like the CCC of the 1930's. It will provide employment at the minimum wage for young men from 18 to 26 in national forests, national parks, recreation areas, and other public facilities.

H.R. 2544 establishes an emergency public works program primarily aimed at restoring the deteriorating infrastructure of our cities and States—roads, bridges, and so forth.

We must continue to explore these and all other avenues which will provide additional employment for our people.●

● Mr. SIKORSKI. Mr. Speaker, 11 million people unemployed; 10.2 percent of the work force without jobs; 1.6 million people unemployed more than 1 year. In Minnesota, labor force and employment levels are still below year-ago levels. In the nine-county Twin City metropolitan area, more than 11,000 people are unemployed this year than the same time last year.

Plants have shut down in Minnesota. Factories such a the Ashland Oil Co. and Tonka Toys in my own district may be closing their doors thanks to the administration's economic policies. Large corporations, with high-tech industries, thought they were immune to Reaganomics. Well, Honeywell, Control Data, and 3M have laid people off. No one is immune. These are not just numbers. These figures represent the lives of real people who are suffering due to Reagonomics.

President Reagan once said that unemployment insurance "provides prepaid vacations for a segment of our society which has made it a way of life." A way life. All I can say is that it is time to show Mr. Reagan a new way of life before more Americans are given the "luxury" of an enforced vacation from providing their families with the necessities of life.●

● Mr. ERDREICH. Mr. Speaker, the State of Alabama, once known as "the Industrial Center of the South," has suffered disproportionately greater hardship as a result of the recessionary period through which we all have struggled.

The State's economy, which is heavily reliant upon the manufacturing industry, has been beset by steel mill closings, layoffs at automobile plants, and declining demand for coal, oil, and natural gas.

Alabama has one of this country's highest jobless rates; only West Virginia and Michigan have more people who are without a substantive means of feeding, clothing, and housing their families.

Yet, it is true that we are seeing beginning signs of recovery from the recession * * * that the unemployment rate is, indeed, coming down.

In Jefferson County, Ala., my home district, unemployment has fallen consecutively for the past 4 months, from a record high of 16½ percent in January of this year to 12½ percent in May. Manufacturing employment has stabilized in Jefferson County * * * another welcome sign. But one need only look beyond surface indicators to find that these positive signs need to blossom much more to be of benefit to thousands of residents of the Sixth District of Alabama.

While manufacturing employment has stabilized, few of the workers who were laid off are being called back to the job. Thousands who have virtually spent all of their adult lives in the steel mills and coal mines in and around Jefferson County now find themselves with a skill that today is providing no regular employment.

According to the Alabama State Office of Employment, almost 15,000 people in Jefferson County were without jobs in 1982 for 15 weeks or longer. * * * and special problems encountered by the long-term unemployed somehow falls between the cracks of statistics and pronouncements of economic recovery.

During hearings held in Birmingham in March on hunger and malnutrition, I heard firsthand how depressed economics and limited employment had perpetuated widespread poverty and caused many families to give up any hope for a better future.

A representative of the Alabama Department of Pensions and Security testified during those hearings that 280,000 people in Alabama were without jobs. He noted that while one out of every five Alabamians lived below the poverty level at the time of the 1980 census, the economic times had certainly caused many more people to join the ranks of the needy and the jobless.

Reports that the economy is on the upswing have little meaning to those who have seen their period of unemployment go from weeks to months, and sometimes, even to years.

We in the Congress must not relax our efforts to see that these people have the opportunity to return to the mainstream of American life. Hope may be on the horizon, but let us in Congress enhance that hope through prudent action aimed toward relieving the short-term plight of these thousands of hard-working Americans, and more importantly, toward restoring this Nation's economy to the point where all persons wanting to work will have that opportunity.

● Mr. HERTEL of Michigan. Mr. Speaker, the pain and frustration of unemployment has affected more people in Michigan's 14th District for a longer period than almost any where else in the country. The stress affects not only those who lose their jobs, but people who fear the loss of employment and income.

Michigan has been in a depression for 3 years. We had double-digit unemployment long before the rest of the country even worried about reaching 9 percent. The long-term unemployed—those who have been jobless for more than 15 weeks—now comprise over two-fifths of all jobless workers.

The district I represent covers portions of three counties: Wayne, Macomb, and Oakland—the most densely populated area in the State. The latest unemployment figures show that over 100,000 people are out of work in Detroit—an unemployment rate of 21.2 percent, double the national average. In Macomb County 19.3 percent of the work force is without jobs. In the city of Warren, the third largest city in the State, one out of every five persons is out of work. And in Sterling Heights over 16 percent of the people are without jobs.

Last year, President Reagan acknowledge to then-Gov. William Milliken that Michigan was in the midst of a depression. At the time, the State unemployment rate was double the national average. More than 700,000 people were out of work and the State budget had been cut by over 20 percent. With the President's acknowledgement of our State's tragic unemployment problem, the Michigan congressional delegation—every Democratic and Republican Member signed a letter to President Reagan requesting a meeting to discuss the causes and possible solutions to Michigan's particular economic problems. The President could not find time in his schedule to talk about this problem.

During the 1980 campaign Reagan said he would put the people back to work. But unemployment has increased from 7 percent to over 10 percent in the last 2 years. And real unemployment is much worse than the official statistics show because the official rate does not include those who are forced to work part time or those who have given up entirely in their desperate and useless search for work.

The President's plan for economic recovery has further assaulted the unemployed worker. The disastrous job-destroying budget, tax and high interest policies of the Reagan administration are pushing vast numbers of American workers and their families lower down the economic ladder. The current recession has put people out of work who have never been out of work before in their lives. They are people who want to work. Yet, the Reagan administration is stripping them of the little dignity they have left.

Our Nation's factories, mines, and utilities are operating at less than 70 percent of capacity—a tragic waste of human and material resources, and a testimonial to the failure of President Reagan's supply-side economics. The economic cost to the Nation of this terrible waste of human resource and industrial capacity approaches $100 billion in lost production for every 1 percent of unemployment.

Last year, over one quarter of the work force—about 30 million workers—suffered some unemployment, and another quarter of the work force felt the impact of the recession through cuts in hours and earnings.

The lowest paid workers have been forced to live at a frightening level of poverty. They are being joined increasingly by workers with valuable, hard won skills who previously had a respected place in the community. For all groups, the damage is magnified by the deep budget cuts in social programs at the exact moment that the recession makes them so needed. These are the very programs workers have paid for all their lives.

The social cost of a recession is illustrated in an increase in heart attacks, alcohol abuse, suicides, divorce, child abuse, mental illness, and crime. Child abuse is three times greater in families where the breadwinner is unemployed and joblessness is the single most important factor whether abuse occurs.

Families affected by plant closings experience more childhood illnesses and less plentiful food, clothing, and medical care than those in "working" families. Children thrive on routine and continuity; changes present a great stress risk to them. In fact, the situation was so dire in Hamtramck, a Polish community in my distict, that the economically depressed Poland sent them CARE packages at Christmas time.

If the high rate of employment that exists in Japan were duplicated in the United States it would generate $400 billion, which in turn would yield $125 billion in Federal revenue.

Exposure to unemployment is so widespread that if it were an infectious disease like polio or measles, our Nation would vigorously pursue policies against it.

We should be debating how to go forward, to build a prosperous nation not how to allocate pain.●

● Mr. OTTINGER. Mr. Speaker, I commend the gentleman from West Virginia for calling this timely special order on unemployment. I believe it is important, at a time when we are discussing the enormous amounts of money involved in such issues as the budget, tax cap and our swollen deficits, that we take the time to remember the millions who are out of work. We need to regain our sense of reality and consider these people, who are the tragic evidence of the failure of President Reagan's economic program. All

of the President's claims about economic recovery eventually come face to face with the misery his policies have inflicted on the jobless.

The district I represent, Westchester County, N.Y., does not depend on any single industry for its employment, as the most economically devastated areas of the country do. Many of my constituents commute to New York City, others run small businesses or work in the county. They need not depend on a particular industry such as coal or steel for employment. But Westchester has not been spared by the recession, or by the alarming decline in industry. The residents of such cities as Yonkers, Port Chester, New Rochelle, Mount Vernon, and Tarrytown remain dependent on industry. Many of them have already lost jobs to plant closings, while others anticipate the closing of their factories in the coming months. The impact of losing one's job security is devastating both economically and psychologically.

One of the major employers in my district is a General Motors plant in North Tarrytown. At its peak the plant employed 4,700 workers, but in September of 1982 the company eliminated the second shift, cutting the work force nearly in half to 2,600 workers. The plant is a major employer in both North Tarrytown and surrounding towns. The total annual payroll of the plant is $124 million. The company spends close to $82 million in the New York metropolitan area on parts, equipment, supplies and services. The overall employment impact of the Tarrytown operation totals 7,800 to 8,000 jobs. If the plant were to close the town could lose as much as half of their $4 million in revenues.

General Motors officials say the Tarrytown plant is no longer competitive with the company's other plants. They argue that the taxes and utility bills are far too high. They point out that it is the only GM assembly which cannot directly ship cars by rail but must instead truck them out. The plant's access to local highways is limited to a single route which the company insists must be expanded. Last, in order to comply with clean air requirements, the plant must spend $180 million to refurbish its paint shop.

Solving these problems requires investment; an estimated $270 million will be needed to renovate the paint shop, expand the plant as well as increase railway and highway access to the facility. Much of that will have to come from public financing. I, along with my colleagues HAMILTON FISH and BENJAMIN GILMAN, have been working with local and State officials, GM representatives and the Power Authority of the State of New York (PASNY) to find ways to meet the investment needs of the plant.

While we are exploring possible funding, we do so with some trepidation, beause we have been this way before. A decade ago Westchester County dealt with a problem similar to what we face today with the Tarrytown plant. In 1972, Otis Elevator Co. in Yonkers, with the assistance of $14 million in public funds, refurbished and expanded its plant to remain competitive with other elevator plants in the country. At the dedication of the new buildings, Otis officials announced that by 1980 the plant would increase employment from 1,400 to 1,900. By December 1982, after a series of layoffs and rumors that the plant would close, the new owner of the elevator company, United Technologies, announced that the plant would be shut down since it was no longer "economical" to operate. The city of Yonkers has filed suit against the company in an effort to recoup some of the funds the city lost in its efforts to save the Otis plant. Angelo Martinelli, the city's mayor, argues that Otis, in accepting the public funds, is obligated to remain in Yonkers; United Technologies claims it has no such obligations.

I believe it is vital that we in Westchester County do everything within our power to keep the GM plant in the region. I have sat through negotiations with local and GM officials, where we have explored solutions to save the plant. I sit on a finance committee, which has been searching for funds for the necessary investments. The State has all but committed $10 million to help raise bridges so the assembled cars can be shipped from the plant by rail rather than trucks.

But, I find I hesitate with the lesson of Otis hanging over our heads. I worry we could find ourselves in the same position with General Motors. And General Motors as yet has been able to do little to reassure us. Management in Detroit has neither expressed a commitment to the plant if renovated, nor encouraged our efforts to see if renovation is feasible. That lack of commitment serves no one's interests. It impedes our efforts to find investment funds. And as a local newspaper reported: "At GM where a shift produces 480 cars each 8-hour workday the impending layoffs and rumors—of closing—have dealt a severe blow to worker morale."

Many companies large and small are folding or losing large amounts of money due to both the recession and the increased international competitiveness of foreign products. Companies throughout the country are reacting by closing their less competitive plants. They decry the cost of renovating; I believe the alternative is more costly. The jobs sacrificed and the revenues lost can only hurt America in the long run. To retain our competitiveness we must refurbish as many of our plants as possible, not close them.

General Motors is a prime example of a company which must make the investment necessary to compete with imports. Its North Tarrytown plant requires investment to remain operating and they need financial commitment from State and local officials. We are prepared to make such a commitment, but no State, no region can risk that a company will take the money and run.

It is becoming apparent, as stiffening foreign competition threatens American economic stability, that government cannot stand by idly while American jobs disappear. It is in the public interest that government aid productivity improvements by business through both direct investment and improvements in public services and infrastructure. But such assistance cannot come without a mechanism to insure that public funds are not spent for naught.

If a community is willing to invest in the renovation of a facility in order to preserve jobs, the company must make a commitment to keep the plant open for a specified amount of time. These guidelines are absolutely necessary in assuring both parties involved that their investments will prove profitable. When a company concludes that no investment will make a facilty economical, and that the plant must be closed, a community needs sufficient time to prepare. Whether a community can find an alternative use for a plant, or merely needs time to find employment for those displaced, it cannot afford the huge cost of sudden and unexpected social and economic changes.

Some might argue that such mechanisms are too cumbersome, that they would impede the efficient operation of our companies. Some might argue that the cost of the such proposals is too high. The price we have paid without such protections is higher still. The waste of human potential and industrial capacity is enormous. Past experience dictates the need for a system where the local officials do whatever possible to insure that a plant remains in their community.

There needs to be more respect and more consideration of the worker, who will suffer the greatest when a plant is closed. While companies continually argue that it is economically more viable to close a plant than keep it in operation, I find the opposite to be true. The only way we can insure that America remains a healthy and strong environment, is to keep our workers employed and to continue producing internationally competitive goods. Closing plants is not the answer. Cooperation between corporate and public officials is.●

● Mr. OWENS. Mr. Speaker, unemployment is a plague that has descended upon us. It did not come from supernatural wrath or a sudden quirk of

nature. It has come as the direct result of economic and social policies which ignore the strengths and needs of our people. There is nothing inevitable about massive unemployment.

As the representative of an urban constituency, I cannot ignore this disaster which has been visited upon us by the policies of the current administration. New York City is currently enduring an unemployment rate of 8.9 percent. The 12th Congressional District in Brooklyn, with a large minority population, suffers from an unemployment rate of 10.3 percent which is distributed unevenly throughout the population. The white adult unemployment rate is unacceptably high; however, the adult black and Hispanic rates, at 14 and 15.4 percent, respectively, are well beyond unacceptable. The black youth unemployment rate is more than 50 percent. These disastrous figures indicate a criminal neglect of people who could and would contribute to the society if they were but given the chance.

The reality of unemployment must be changed. Such a change will not happen unless we have a conscious Federal policy which establishes job creation as a high priority. The time has come for Congress to recognize the magnitude of disaster and to take active steps to change the situation. Government alone can have an impact on the present structural unemployment. Economic policies must be altered to reduce unemployment. The administration's unprecedented combination of monetary contraction coupled with fiscal expansion is a disaster that had deepened and extended a condition which might well have occurred anyway. This cynical neglect of employment generating economic policies must end. Even as other economic indicators show positive changes, the need for emergency employment programs remains critical. It is time to stop talking about the virtue of hard work and start passing legislation which provides jobs for the unemployed who stand ready, willing, and able to work. Society owes every adult human being the opportunity to earn an income which guarantees a dignified survival. It is the duty of the executive branch and Congress to create job opportunities for all who want to work.●

● Mr. HAWKINS. Mr. Speaker, I commend my freshman colleagues for calling this Special Order on Unemployment, the most pressing issue facing this Congress and this Nation. Many of us, including our new colleagues, ran and were elected on the basis of jobs. We told our constituents that it was time to stop the immoral, illegal, and dangerous economic policies of this administration and instead embark on a policy of economic and employment growth. We were right on election day 1982 and we are right today. We must move to attack this pernicious threat to our economy, our society, and our citizenry.

The administration's policy of deliberately creating massive unemployment is costly, dehumanizing, and dangerous. Every point of additional unemployment costs our Nation billions in lost production and billions in lost tax revenues while adding to the deficit. Indeed, the deficits the President criticizes are largely due to the unwarranted 1981 tax giveaways and the Reagan recession. The administration must bear the responsibility for this run of red ink.

Every point of additional unemployment results in dramatic increases in alcoholism, child abuse, stress problems, domestic violence, suicide, homicide, physical, and psychological maladies. The administration must accept the moral and political responsibility for this attack on the health of American citizens.

Every point of additional unemployment brings us closer to the day when the millions of frustrated unemployed Americans may strike out blindly against the society which is pressing them down. To be without a job in America is to be considered less of a person. The uncaring economic policies practiced by the administration are eroding the patience and the pride of millions of innocent Americans.

The current massive levels of unemployment are a direct result of the administration's fiscal and monetary policies. This administration deliberately created the most severe post-war recession in order to fight inflation. Yes, the inflationary dragon has been temporarily put at bay, but only through the sledgehammer approach which has slashed production, revenues, and employment. Inflation has been broken across the backs of the millions of innocent workers who have been thrown out of their jobs. Is it fair to punish these millions, disproportionately minority and lower income, in order for the wealthy to prosper? Is it good economics to reduce the purchasing power of millions of would be consumers by eliminating their jobs? Is it good for business to push up bankruptcy rates to all time highs? You and I know that the answers to these questions is a resounding no.

The human and economic carnage created by this administration's vendetta against America is clear to all. The rate of total unemployment has climbed to highs not seen since the darkest days of the Depression. Minority unemployment remains at absolutely staggering levels. The number of people out of work has risen to record levels as has the average length of unemployment. By any measure, the unemployment crisis we face is the most severe we have confronted in 40 years.

What response have we seen from the administration which has caused this disaster? The President wonders whether the plight of an unemployed worker in North Succotash should be worthy of news coverage. Mr. President, the unemployment crisis which you have created, which directly affected some 25 percent of the Nation's workers last year, is indeed worthy of coverage each and every night. Further, this crisis is worthy of our attention and consideration.

The hungry who line up for pitiful handouts of cheese are worthy of our attention. The sick who have lost their health insurance are worthy of our attention. The unemployed homeowner who can no longer afford his or her mortgage is worthy of our attention. The older worker whose skills are no longer adequate in a changing economy is worthy of our attention. The inner-city teenager who sees no future after school is worthy of our attention. Yes, Mr. President, these people are worthy of news coverage and of our consideration and attention. We represent these people. We must act now to address their needs.

There are three major steps we can take now to respond to this crisis. It is our responsibility to take action for we know that the administration will not respond to the Nation's needs. First, we must immediately enact legislation which will addess the dangerous side effects caused by massive unemployment. By this I mean nutrition, health, mortgage, training, and education assistance among other areas which will address some of the hardships caused by unwarranted unemployment. The House has begun to move on some of these matters but the needs are so great that speedy and substantial assistance is necessary.

Second, we must adopt macroeconomic fiscal and monetary policies which will promote stable, job producing economic growth. This means abandoning the administration endorsed tight money policy. This means a rational fiscal policy which assays fair taxes to pay for needed public outlays. Adopting proper macroeconomic strategies would allow a balanced and vigorous economic expansion. This is absolutely crucial, for only in a growing economy can we insure adequate supply of goods and services, employment for our workers and revenues to balance the budget.

Even with appropriate long-term economic policies, we will still be faced with the pressing matter of millions of people who need and desire employment now. Coupled with the tremendous service, repair, and rehabilitation needs our Nation faces, we have an ideal opportunity to remedy two severe problems at the same time. I have introduced legislation, H.R. 1036, the Community Renewal Employment

Act, which provides up to a million jobs for those who need them now providing necessary community repair and service work. The Education and Labor Committee has seen the virtues of this bill and has reported it out favorably. I urge my colleages to study and support this legislation.

Direct job creation is the most cost effective, timely and efficient means of stimulating employment during a recessionary period. The jobs created under this program will be targeted to the individuals and areas in greatest need and will be directed to provide crucially needed improvements in education and other essential community facilities and services critical to the public welfare. The need for such work is clear. The number of willing and able workers is overwhelming. H.R. 1036 meshes community and employment needs in an effective and efficient manner.

I urge my colleagues to respond now to the continuing employment crisis. Our Nation has created no new net jobs since the beginning of the Reagan administration. We need direct job creation now, coupled with remedial measures and proper long-term economic policies. This bottom up approach to economic growth will ease inflation, boost employment, and cut the deficit. Putting people back to work is the sanest way to economic recovery. The administration's deliberate misuse of unemployment as a means of fighting inflation borders on an unlawful abuse of public trust and accountability. It is up to responsible Members of Congress to act now in the national interest.●

● Mrs. COLLINS. Mr. Speaker, I would like to take the opportunity to thank my good friend Congressman BOB WISE and all my other colleagues who have risen to speak out against the gravest problems facing our Nation today—unemployment.

This year, the national unemployment rate has shot up to a level higher than any since the Great Depression. More than 10 percent of the American work force is unemployed. For minorities and the young, the rate is many times higher: 48 percent of the black teenagers who want to work cannot find a job.

In my own district, the problem of unemployment is particularly acute. Chicago is a great city, but it is an old city. Many of our industries must dismiss good workers simply in order to remain solvent in an increasingly competitive marketplace. Unfortunately, the workers often have no place to go: They have been trained to perform a task which is no longer needed.

Earlier this month I held a "Third Wave" forum in Chicago to discuss the future of the American economy. According to Alvin Toffler and other futurists, the United States is changing from an industrialized society to a high-technology, service-oriented new economy. While this shift may be both inevitable and desirable, I am concerned about its effects on the blue-collar and clerical workers who are displaced. We must retrain these workers to make sure they can survive in this new economy.

The Reagan administration, however, does not seem to care about these displaced workers. The President's policies have directly contributed to the worst recession since World War II. The unemployment rate in Chicago has risen 3 percentage points, to 10.8 percent, since President Reagan took office in 1981, only 2½ years ago.

The introduction of cheaper, subsidized foreign imports, especially in the auto and steel industries, has further damaged the economy in Chicago and the Nation. How can the American worker hope to keep his job if foreign corporations continue to undersell American companies?

These problems in the American economy have a trickling-down effect which hurts everyone involved. As the automobile manufacturers face decreased demand, they have less need for auto parts and steel from support industries, leading to increased unemployment throughout the economy. We in Congress have the power to offer these ailing industries Federal aid to break these vicious circles. We must work together to nurse these industries back to health, so that they in turn can give our citizens jobs again.

Administration officials tell us that we are already in the midst of a recovery, but even the most optimistic economists predict that the unemployment rate will remain above 10 percent for the rest of this year. For the men and women who still cannot find work, despite the supposed health of the economy, the recovery is a myth.

President Reagan gives tax cuts to the rich, but the poor only receive budget cuts. Social programs to help our Nation's unemployed and indigent have been eviscerated in the last 2 years. Despite record-high unemployment, the administration has proposed only $3.6 billion for employment programs and job training in fiscal year 1984, down 18 percent from fiscal year 1983, and an incredible 59 percent reduction from the $8.8 billion appropriated in fiscal year 1980.

If the unemployment rate is almost 50 percent higher under this President than under the last, then why does Reagan want to reduce funds for job training by more than 50 percent? Our President cannot hear the voices of the unemployed. Unlike big businesses and special interest groups, our Nation's jobless do not have a corps of lobbyists who speak up for their interests.

My colleagues, we in Congress are speaking out today. With this Special Order, we will give the jobless a voice, and we will shout so loudly that even the President will have to listen.

Reducing unemployment must be our Nation's top priority. Despite this so-called recovery, the jobless are not recovering. We can change that. By appropriating sufficient funds for job training, public works, and education, we can alleviate the current crisis. Congress must take the initiative now. We have seen what President Reagan has done for the unemployed. Now let's show him what we can do.●

● Mr. GRAY. Mr. Speaker, I appreciate having the opportunity to join my colleagues, this evening, to discuss what I feel is the No. 1 problem facing this country today—unemployment.

Today's widespread unemployment is a deliberate result of this administration's economic policy, and the price for that policy—nearly 20 million Americans in human terms—is too high to pay.

We can ill afford to allow this current crisis to continue unaddressed. It is time to put the jobs and lives of Americans first and foremost in all of our economic and fiscal policy decisions.

When this administration first took office, unemployment stood at 7.4 percent and was falling. Today, unemployment nationwide stands at 10.2 percent.

While nearly 11 million Americans are officially listed as unemployed, that figure only represents the tip of the iceberg.

Between 2 and 3 million unemployed Americans have become so discouraged by their failure to find work that they no longer appear on the official unemployment statistics.

Another 2 million American workers are forced to work part-time because they cannot find full-time work.

And 4 million other part-time workers say they need to work longer hours just to maintain themselves, but cannot because there is nothing available.

And in the Second Congressional District of Pennsylvania, which I represent, the unemployment picture is just as bleak. While overall unemployment in the city of Philadelphia officially stands at 10.4 percent, unemployment in my district stands at nearly 25 percent—or one out of every four adults.

Teenage unemployment is well over 60 percent and because of Federal budget cuts, there will be fewer summer jobs for our youth.

Unfortunately, this statistic does not reveal another stark reality of our local unemployment problem. Of the nearly 80,000 plus unemployed citizens of Philadelphia, nearly half are minority, the majority of whom live in my district.

Now there have been some who point to recent upturns in the econo-

my as an indication that things are getting better. They say "we are on the road to recovery".

Well, in Philadelphia, it just is not so.

Greater Philadelphia was once one of the largest and most productive manufacturing and textile centers in the country. Today, however, the situation is quite different, as the city is now staggering under the impact of decades of substantial erosion in a once thriving manufacturing and textile base. In fact, Philadelphia has lost over 125,000 jobs in the last decade.

Real job growth and opportunities in recent years, both nationally and in Philadelphia, have tended to come from new technologies, services, and consumer product industries.

On the other hand, the manufacturing sector of our local economy has experienced a considerable decline.

For example, Philadelphia has experienced a decline of 15.2 percent in manufacturing jobs since 1979. At the same time, however, Philadelphia's service industry has not expanded at a pace strong enough to offset our manufacturing job losses.

Simply put, the expansion of the service sector of our economy, while vitally important, will not create enough new long-term jobs to meet the needs of our unemployed.

Personally, I have never been totally convinced that the service sector of our economy will indeed prove to be the "economic panacea" it is purported to be.

And if events such as the recent layoff by Atari of 1,000 white collar employees is indicative—the "technological renaissance" that so many predict, may be short lived.

As a member of the recent House/Senate conference on the budget, I fought extremely hard for inclusion of adequate funds to support phase 2 of our economic recovery program.

As a result, over $5.4 billion in fiscal year 1983 and $8.3 billion in fiscal year 1984 is reserved for House-initiated economic stimulus programs.

This money is specifically aimed at creating immediate employment opportunities and providing emergency relief for those suffering from the ravages of unemployment, and was supported by a majority of the Members of both Houses.

Mr. Chairman, in closing, it is my fundamental belief that this administration has turned its back on our unemployed citizens. Notwithstanding this tragedy, it is this Congress fundamental responsibility to address this issue, and in so doing, embrace a new economic policy that puts jobs and people first.

It is imperative that we continue to seek viable and cooperative solutions to the problems of our Nation and urban areas like Philadelphia. The costs of failure are too grim to imagine and too painful to permit and too criminal to ignore.●

● Mr. OBERSTAR. Mr. Speaker, none of us should be pleased to participate in this special order this evening. We are here out of necessity—the necessity of speaking out against the harsh economic adversities the people we represent are suffering.

The subject of tonight's special order is the economic, social, and personal tragedy of double-digit unemployment in the United States.

National economic policy has failed the unemployed. Unfairness, in fact, has been the characteristic of the budget and tax policies of the present administration for the past 2½ years. In 1981, the adminstration persuaded Congress, to its shame, to enact enormous tax reductions providing disproportionate benefits to the wealthiest of Americans. In that same year, again at the instigation of the administration, Congress enacted reductions in those programs specifically designed to alleviate the problems of unemployed Americans.

It is cruelly ironic that, at the commencement of a major recession, the administration requested and Congress granted, in the Reconciliation Act of 1981, changes in the Federal unemployment benefits program which sharply reduced the ability of the Federal Government to respond to sharply increased unemployment.

I opposed the Reconciliation Act because it eliminated the national trigger for extended unemployment benefits, raised individual State triggers, and changed the means of calculating the insured unemployment rate (IUR) so as to produce an artificially low IUR as the recession lengthened.

Record peacetime increases in defense spending and the enactment of the absurdly misnamed "Economic Recovery Tax Act of 1981" have left us with destabilizing Federal deficits and misdirected spending priorities. I represent a district, counties which have some of the highest unemployment rates in the United States.

At the end of March, the last month for which we have county-by-county figures, we had the following unemployment rates in the northeastern seven counties of my district:

Aitkin	26.1
Carlton	16.1
Cook	17.6
Itasca	22.4
Koochiching	15.4
Lake	24.4
St. Louis	23.0

In communities entirely dependent on the taconite industry for their livelihood, unemployment remains consistently over 50 percent. The Reagan administration's claim of economic recovery is only a mirage for the men and women whose tragedy is summarized by these statistics.

Full economic recovery will require some action by Congress. We must limit the defense spending increases which are shifting resources from productive private sector use into unnecessary and wasteful weapons while contributing to the devastatingly high Federal deficits.

We must stop the hemorrhage of Federal revenues resulting from the 1981 Tax Act. Congress began that process last year in approving the Tax Equity Act of 1982, legislation passed by bipartisan majorities in the House and Senate and signed by President Reagan in September. The House continued that effort last week by passing H.R. 1183, legislation which I was pleased to cosponsor, to cap the third year of the tax cut scheduled to take effect July 1.

Finally, we must end the delay in acting upon phase II of an emergency Federal jobs program. I chair the House Economic Development Subcommittee. In May, the subcommittee and the full House Public Works and Transportation Committee approved my bill, H.R. 2544, authorizing an emergency $3.2 billion public works job program. H.R. 2544, which the House must pass early this summer, will provide direct Federal assistance to local communities to employ unemployed Americans in the process of rebuilding our Nation's infrastructure. In addition, the House in July will act upon my bill, H.R. 10, which revises the Economic Development Act of 1965 to help local communities attract private sector investment for long-term economic development.

Until we achieve true economic recovery, we should continue to unravel the damage to the Federal unemployment compensation program done by the Omnibus Reconciliation Act of 1981. As a supporter of the Federal supplemental compensation program enacted last summer to provide emergency relief to the Nation's unemployed, I believe it is essential that we pass legislation extending the FSC program beyond the current expiration date of September 30, 1983. It is the minimum that we can do for the millions of Americans who, through no fault of their own, have lost jobs, savings, homes, and a great deal of their opportunity for the members of this House concerned about the unemployed in their districts to speak tonight on this critical problem. I very much hope that the expressions of concern tonight will lead to expeditious, expanded efforts to provide meaningful assistance to the unemployed, rather than just promises of eventual economic recovery.●

● Mr. LEVINE of California. Mr. Speaker, I regret the need for this special order on unemployment, but I very much appreciate having the opportunity to participate.

When President Reagan presented his economic program to the public shortly after being sworn into office in 1981, he promised that unemployment would be no higher than 6.4 percent by 1984. He promised that his program would create 13 million new jobs. Instead, we have a 10.1 percent jobless rate with 11 million people unemployed. Although the economy is showing signs of recovery, there is no indication that this recovery will significantly reduce unemployment in the near future.

But, Mr. Speaker, these statistics do not adequately tell the story of frustration, desperation, and fear experienced by the millions of Americans who find themselves unemployed. Many are unemployed for the first time in their lives. Worse, the statistics do not even include workers who have become so disillusioned that they have stopped looking for work. These people who want to work but feel they will not find a job are left out of the unemployment statistics. As a result, they do not appear in either the civilian labor force statistics or in the monthly unemployment data. Yet their numbers continue to grow. This threatens to create an invisible underclass of millions of Americans.

Between March 1982 and March 1983, California lost 130,000 jobs, with cutbacks in manufacturing industries accounting for over three-quarters of the reductions. From 1980 to 1982, there were 402 business closings and resulting job losses totaling 46,968 in Los Angeles County. This does not include plant relocations or job layoffs. From the end of 1980 to March of this year, Los Angeles County unemployment increased from 6.6 to 10.1 percent. In the city of Los Angeles it rose from 7.4 to 11.3 percent, and in Santa Monica from 6.8 to 7.4 percent.

Although these numbers by themselves are disturbing, they do not begin to reflect the chaos and human misery which accompany the sudden loss of employment. I have talked with and heard from many people in my district who are trying to readjust and cope in their period of joblessness. I have been particularly moved by the plight of Ivan Sanchez.

Mr. Sanchez once ran a profitable contracting business in Manhattan Beach, Calif. He points to the economic slowdown brought about by the Reagan administration's programs as the beginning of the end. Gradually, his business slowed and failed. He spent all his reserves, borrowed money and eventually was forced to sell his home. The IRS placed a levy on his personal, business, and savings accounts. Married with two daughters, he is now penniless.

His story is about more than the loss of a job, however. It is about the loss of pride. It is a painful account of the fear and frustrations felt by this man struggling to get back on his feet. To rebuild his life, his first priority is like that of so many others in similar positions: to get a job.

Mr. Speaker, I am inserting Mr. Sanchez' eloquent letter into the CONGRESSIONAL RECORD so that my colleagues will have the opportunity to read it. As he concludes, "Maybe together we can effect a change in policy and restore some dignity to our great country."

IVAN A. SANCHEZ,
GENERAL BUILDING CONTRACTOR,
Manhattan Beach, Calif., June 6, 1983.

Mr. RON BLUMBERG,
Office of Mel Levine.

DEAR RON: On May 26, 1983, I was contacted by Rosa Alma of the Manhattan Beach branch of the Bank of America, and I was notified that the I.R.S. had placed a levy on my personal, business, and savings account, appropriating all my money leaving me penniless and destitute.

I am a general contractor who up to the time that the present administration came to power was busy and prospering, with offices and shop at Western Business Center, 20610 Manhattan Place, employing people, paying taxes, and proud homeowner of a house at 1705 Pacific Ave in Manhattan Beach.

Since this administration has been in power I began to notice the slow-down and immediate stoppage of business activity. Through all my efforts to solicit business of any kind I was unable to create any income. My reserves soon exhausted, and I lost my offices, and the worst that I did not imagine possible happened: I also lost my home after trying everything in my power to save it.

In order to keep from foreclosure, and bad credit, I had to borrow $6,000.00 to pay my second, and sell my house losing all my equity.

I am married to Letizia (Ebert) Sanchez, and we have two lovely daughters, Katrina, age 5½, and Erika, 2½. Katrina is a very gifted child who has been enrolled with Mrs. Goodin's Preschool at Ladera, and prior at Tuvia Preschool, also enrolled in ballet and tap dance classes.

It is very clear to me that entrepreneurs like myself by employing people and circulating large sums of money kept the government healthy, and that now, instead of supporting and nourishing the government, I am taking away from the government and the fibers of our society are deteriorating.

People with money have reaped the harvest of property that the hard-working have lost. The Big Corporations have made a laughingstock of the I.R.S. and the American tax payer by taking full advantage of the tax cut give-aways by this administration and the big bullies, at great expense to the tax payers, come and levy my bank account, a person's account who is unemployed collecting unemployment benefits. It makes me want to throw up.

I cannot be proud of a government that sends its youth to war, and then dishonors them, takes away from the old, helpless, disadvantaged, and poor, and gives more to those who already have more than they will ever be able to use. At this rate, the communists will not even have to fire a shot—just let us continue on this course, and the country will fall apart by itself.

My words are angry words, I know, but I am angry. I am in a position that is absurd. I owe more money now to the I.R.S. after paying $575.00 than my original tax bill was, having to deal with a big government that employs persons who use a small vocabulary and pass the buck. They conveniently forget that they are employed by tax payers, and place tremendous burdens on me in the form of paper work and running around compiling useless information just for the right to owe more money that I don't have. It does not make sense.

Ron, I am unemployed; my wife is working very hard, I have to take care of the house and the kids, we are falling more and more behind. My first priority is to find gainful employment. The I.R.S. expects me to file 3 years of complicated returns by June 9th. I am not an accountant, and do not know one that will do my work for free nor do I have the money. The I.R.S. is also threatening to ruin my credit by filing a lien on my future income at the County Recorder's office with absurd interest, thereby making it impossible for me to ever expect to regain my dignity as a self-employed person, or to be able to be employed without the threat of sometime in the future having my wages garnisheed, or my bank account levied.

Please use whatever power you have, and intervene on my behalf to ensure that a realistic solution to these problems take place instead of the impossible demeaning task 1 face now.

Thanks to you and my determination, I was able to lift the levy on my accounts at a cost of $50.00 which I will never see again. As I told you on the phone, I was threatened by two armed guards because I was understandably upset. This, I shall never forget.

With the slightest provocation I felt then that my wife could have been left a widow and my children fatherless. I would rather part with money, however, I do not have any to part with and the way the IRS adds interest I will never be able to pay their demands.

I am in the process of gathering documentation to provide to you of my condition so that you may see what a hopeless situation I am in. Maybe together we can effect a change in policy and restore some dignity to our great Country.●

● Mr. STARK. Mr. Speaker, our colleague, Mr. WISE recently circulated a "Dear Colleague" informing Members of the House that a special order would be held at the close of business today, so that Members could address the problems of unemployment—my district. Perhaps the most telling aspect of this letter was the speed with which more than 50 Members volunteered to participate. The Members are from all over the United States—from agricultural areas, urban centers, and U.S. territories.

In Alameda County, much of which I represent, unemployment remains high, at 9.4 percent. According to the University of California, Berkeley, Department of City and Regional Planning, more than 90 plants have closed in the last few years affecting more than 15,000 workers. In my own district, the closure of the General Motors plant in the neighboring district, has left many workers with mortgage problems, outstanding bills, and little hope. We wait anxiously for the Federal Trade Commission to make its final decision on the pro-

posed joint venture plan between General Motors and Toyota, as it offers some ray of hope for hundreds of unemployed.

The administration's budget proposal estimated an unemployment rate of 10.7 in calendar year 1983, 9.9 percent in 1984, 8.9 percent in 1985, and 8.1 percent in 1986. To project these rates, while proclaiming that the economy is on the mend is unacceptable.

The fundamental changes in the nature of our industries signals the need for cooperation among all sectors of our society. The pains of unemployment and dislocation must be given serious attention. These two factors must be foremost in consideration of a program for economic recovery.

I am saddened that so many Members of this House have requested the opportunity to address the House on the unemployment tragedies of their districts. Yet, I am still encouraged—for we have not failed to notice these tragedies. And we will continue to fight unemployment—my district.●

● Mr. STOKES. Mr. Speaker, I appreciate the timely call for a special order on unemployment taken out by my distinguished colleague, BOB WISE from the State of West Virginia. West Virginians, like Ohioans, and like people nationwide, have a clear, firsthand knowledge of a fact that President Reagan and his administration have made every conceivable effort to define out of existence: the fact that unemployment has reached epidemic proportions in this Nation. It is a genuine scourge afflicting millions who rely on the administration and Congress to stop its spread.

The drop in the national unemployment rate from 10.3 percent in April to 10.1 prcent as of May 25 means that instead of 11,328,000 unemployed there are now only 11,192,000 unemployed. The Reagan administration is rejoicing. Only 11.2 million people are looking for work. The Reagan administration shamelessly justifies its maneuverings last September to change the method of calculation of the insured unemployment rate (IUR) which serves as the trigger mechanism to entitle a State to extended unemployment benefits.

Consequently, Mr. Speaker, in my State, Ohio, with the second worst unemployment rate in the country, 14 percent, over 60,000 people who are still unemployed and desperately searching for a job, have been defined out of existence. Removing them from the ranks of consideration as human beings who trust their Government to remember their plight has two drastic effects: first, it denies them unemployment benefits to meet their daily needs. Second, by removing them from the statistics used to trigger off extended unemployment benefits, the effects of denying benefits are compounded monthly.

The unemployment rate in the city of Cleveland, which I represent in conjunction with my esteemed colleague MARY ROSE OAKAR, is 12 percent for whites and 23.6 for blacks. Mr. Speaker, I have no intention of using cruel manipulations of statistics nor alterations of unemployment formulas to ignore out of existence people that our economy has rejected as expendable and that the Reagan administration has damned as uncountable. That is why I have joined another of my respected colleagues from Ohio, DON PEASE, in cosponsoring two legislative measures which would insure that realistic unemployment figures would be used in determining unemployment benefits.

These two measures would extend unemployment benefits by, respectively, lowering the trigger mechanism by which a State such as Ohio may receive funds for extended benefits, and by affecting the computational formula in a way that expands the definition of who is eligible to receive extended benefits. The passage of this legislation is the very least that Congress can do to see to it that people receive the benefits they fully deserve in lieu of the jobs that they deserve but cannot find.

Mr. Speaker, I want to submit the most unequivocal evidence that a Congressional Representative can produce to demonstrate my point that there are real human beings in our Nation whose exclusion from our unemployment statistics does not mean that the scourge of unemployment is evaporating. This is a letter that was written to me on May 17 by Mrs. Charles H. Anderson who lives in my District:

DEAR MR. STOKES: From the way I understand it, unemployment figures are based on the percentage of those who collect unemployment benefits. What about those souls whose benefits have run out, can no longer collect, yet cannot find jobs? Are they not still statistics?

My husband and I, along with friends and family, are among the unemployed. I am 24 years old and have been laid off since August of 1982. My husband, a machinist, is 26 and has been laid off approximately 18 months of our nearly 3 years of marriage. The latest has been since April of 1982. We have a 19-month-old child to support. We love her dearly, she came at the wrong time but we do the best we can. We have no medical insurance, we cannot afford it. Welfare would not help us. Believe me, it is hard. With a child that age and all the trips to the doctor for shots and illnesses the bills are unbelievable. But we do the best we can. Now you want to cut down benefits? What are people like us supposed to do? Welfare? My husband and I would much rather be out making a living on our own. We would rather not need any help from the State or Government, but if it comes down to it, what other choices do we have? Who wants to sit around and stare at the four walls most of that time? There is only so much you can do to your home—we rent—before it's done.

You probably think I should be grateful, there are others out there with worse problems than ours. I agree. People who have had our jobs for 10, 20 and 30 years and are laid off have built their lives with hopes of the future. All their dreams and hopes are shattering. People who have spent most of their lives building and paying on their dreams are losing them. Most young people like us cannot even afford to think about our dreams.

Getting back to the reason of my letter which is the pending decision to reduce unemployment compensation to 38 weeks. My husband was told the middle of April he had 1½ to 2 months left of his benefits. Just like that, after he signs up for more extended benefits, he gets a notice saying he is no longer eligible for benefits but to keep on reporting. No warning, not anything. Sort of like a slap in the face. Jobs are scarce and hard to find. Good jobs. Have you ever tried raising a family on $3.35 an hour? With utility bills, rent every month and all the necessities plus a car payment it is financially impossible. When you apply for welfare they don't consider some of the necessities or even a car payment as part of it. Then what are we supposed to do. Get rid of your car. It costs almost as much to ride the bus as it does to put gas in your car anymore. I think you are doing a sad and unfair thing, reducing unemployment benefits because for most it has run out. It does not necessarily mean they have jobs. Try counting those who cannot find work. Dropping from making $8 to $10 to $13 an hour to $3, $4, and $5 an hour to absolutely nothing, all of a sudden, is a bit of a shock whether they knew it was coming or not.

To find a job anymore both the older people and the young people just starting out have at least one strike against them. For the older people that have worked 20 years on their jobs—say, the 40-55 year-old bracket—that are out of work and looking for jobs, the employers they talk to realize either they are nearing retirement or after 20 years on the same job with better pay, good benefits, and seniority, there is the possibility they will go back to the old job so they look for younger people. As for the younger people, to get a good paying decent job, employers want 5 to 10 years experience. What do you do? Believe me, it's not like we aren't trying. It just gets discouraging.

I realize my husband and I are only two of the thousands of people in the same boat. Yet I hear of divorces, attempted and apparent suicide, even if there are only a very few, it is still there, of people who just cannot cope anymore. Right now there is food on my table and a roof over my head. That's all that matters. I am thankful. But what about next year. What about those who don't have that now. The harder it becomes, the harder we will try.

I, along with many others I'm sure, would like to see the extended benefits continue. But I'm sure we all would like to go back to work more, trying to make a decent living.

I'm sure you get my letters like this, this is only my opinion and situation. I just wanted to get this off my chest. I appreciate your taking your time to hear me out.

Mr. Speaker, Mr. WISE, my esteemed colleagues, thank you for affording me the opportunity to let you know that our constituents have a far better grasp of the unemployment problem and its ramifications than the magician who sits in the White House. He is trying to recalculate out of exist-

ence the incalculable human pain that fills the vacuum of a job loss.●

● Mr. FEIGHAN. Mr. Speaker, I am extremely pleased to be participating in this special order on unemployment. I think it is an issue of vital importance to every Member of Congress. I commend my colleague from West Virginia for sponsoring it.

When Ronald Reagan took office he assured the American people that prosperity was just around the corner. That might have been an encouraging thought to the millions of Americans unemployed in 1980. But the fact remains that recovery from our current recession has not materialized as promised by the President. Unemployment has been, and remains, the issue of major concern for most Americans. It certainly is of major concern to my constituents in the 19th District of Ohio.

In my district, the disastrous effects of long term unemployment continue to take their toll. Too many of my constituents have already exhausted their unemployment benefits. They have already used up their savings as well. Increasing numbers of my constituents can no longer continue to meet their mortgage payments and risk losing their homes. In 1982, unemployment rates, both for Ohio and for the Nation, reached their highest peaks in more than four decades. In Ohio, that means that nearly one out of every eight workers was without a job.

In the counties that make up my district, unemployment is presently between 11.4 and 15.8 percent. Those percentages are not just numbers—they represent thousands of real people—who have contributed to the growth of our economy. Responsible, hard-working people—many of whom have served our country in the armed services. Unemployed people who would give anything for a chance to make their own way once again.

When I leave here for the Independence Day recess, I will be going back to my district, and I will hear from my constituents who are unemployed, what I hear each time I go home. I am going to hear that they do not want to collect welfare or even unemployment benefits. What they want are jobs.

I was recently able to help an unemployed constituent obtain a temporary position after he had been laid off a job he held for over 20 years, due to the closing of a business. He wrote to me: "It feels so good to have a feeling of accomplishment again at the end of a workday."

Another unemployed constituent who is still searching for work writes: "The American people are the strength of our Nation * * * 8 million people going back to work will diminish the deficit in toto * * *."

These comments are only two of many that I received urging Congress to do something to put people back to work. One letter after another expresses the heartfelt conviction of the letter writer that putting people back to work is the way to keep America strong.

Maybe there are not any easy solutions to the problems of unemployment—but we just cannot ignore the problems and hope they will go away. They have not and they will not.

In the meanwhile, we can take some actions right now to help ease the pain of unemployment for the hundreds of thousands of Americans who must face it. We can pass legislation to make it easier for unemployed Americans to keep their homes. We can also make it easier for them to obtain unemployment benefits.

I recently introduced legislation to make extended unemployment benefits available to States that have unemployment rates of 9 percent or more. Because of a flaw in the present unemployment compensation law, these benefits are being denied to workers in the very States hit hardest by the recession for the longest period of time. This situation is totally unacceptable to me, and I want to see it changed. I am hopeful that the Ways and Means Committee will see fit to address this unfair situation soon. In my view, until we are able to solve some of the larger problems that have contributed to the high unemployment rate throughout the Nation, passing legislation such as my bill, H.R. 3112, is the very least that we can do for the unemployed of this country.

Thank you, Mr. Speaker.●

● Mr. SUNIA. Mr. Speaker, I rise this evening to participate in this unique special order that is vital, relevant, and timely.

I would, first of all, like to thank the West Virgina delegation of Members, WISE, RAHALL, STAGGERS, and MOLLOHAN, and Ms. MARCY KAPTUR—she has to be dedicated to join those wild and wonderful lads!

Unemployment in American Samoa is not quite the same as it is in the contiguous 48, the fabulous 50 or even some of the other territories.

It is especially unique since we do not qualify for unemployment insurance as do most of the other territories and, of course, the States.

Why then am I here? Largely as an educational endeavor to familiarize you with the uniqueness of our unemployment situation. Which is mainly boot-strapped by the local government, by the private sector and, of course, by our own Fa'a-Samoa of the Samoan way of life.

To say that many of the unemployed are really not unemployed by BLS standards would do disservice to my district and set a dangerious precedent—as Congressman WISE initiated and started us with: "Don't build that Dam-Dam in my District!"—not really addressing the problem nor the multiple solutions available.

We do, indeed, have unemployment—an intolerable rate predicted at about 9-10 percent of our approximate 12,000-plus work force out of an estimated 32,395 people.[1] Our Government—the ASG—American Samoa Government—cannot and should not absorb the unemployed as the latter day Interior Department-appointed Governors decided was a special form of Samoan unemployment insurance—"if you need two employees, hire four"—it is good for the economy. That kind of supply side idiocy has confounded the local government for the last decade—a bitter pill to swallow when, by attrition the "piper must be paid."

The democratically sponsored and successfully guided through Congress bill earlier this first session has the proper solution, this humble Member feels, and that lies in jobs creation and the retraining and redirection of our Nation's lifeblood—our work force. I am proud and grateful that our small island territory was and will be benefited by this progressive and farsighted legislation. We are fortunate to have leadership in the Speaker and majority leaders' offices as well as the whips that so masterfully guided this and other jobs legislation through our legislative Chambers, both this House and the other House, and convinced the President—if ever he can be convinced, that a Democratic position on anything is the correct one—to sign the measure when it reached his desk—he probably would have been unemployed himself had he not signed this most important piece of legislation.

In closing, I would like to thank the cosponsors of this special order for allowing me the opportunity of educating you all on the unemployment situation in my district—the territory of American Samoa—the only U.S. possession south of the Equator.

Thank you and Soifua.●

● Mr. MORRISON of Connecticut. Mr. Speaker, the President would have us believe that unemployment is no longer a serious problem. Once again, he claims that his stiff recessionary medicine has finally done its job against inflation and that economic indicators point to a quick recovery. While, on one hand, expressing compassion for the jobless, the President, on the other, suggests that jobs abound, and that anyone can get work who is willing to stop loafing, get off the Federal dole, and apply a little effort.

However, Mr. Reagan's cheery picture is cruelly wrong. By many measures, May unemployment was the worst since 1948. The country still suf-

[1] 1980 unofficial census figure.

fers from what George Stigler, the Noble Prize-winning economist from the University of Chicago, calls a full-fledged depression. Yes, the administration has achieved some price stability, but at a cost, measured in lost production and in the suffering and misery of the unemployed, which is obscene.

Connecticut, suffering a mere 7-percent May unemployment rate, has been fortunate in comparison to the rest of the Nation. Yet, Connecticut's success is only relative. The State's unemployment is now more than double what would have been considered acceptable in the past. In my district, recent unemployment figures have gone as high as 7.4 percent in Hamden, 9.1 in West Haven, 9.4 in East Haven, 9.6 in Stratford, 9.6 in Milford, and 9.4 in New Haven. However, these figures are misleading. For example, in New Haven, many of the city's residents have either given up hope of finding work and have left the labor force or have been forced into unskilled jobs at low pay. New Haven's relatively low official rate of unemployment is belied by the fact that it is the seventh poorest city in the United States, with over one-quarter of its people living below the poverty line.

As bad as the problems in my district and in Connecticut may be, the jobless in the Nation's industrial center have even less hope. American heavy industries which produce automobiles, basic steel, and rubber are in danger of becoming permanently uncompetitive with foreign competitors. The near failures of many of the industrial giants are not the results merely of the recent depression, but instead represent long trends. Worse even than the situation during the Great Depression, each of hundreds of thousands of workers in Michigan, Ohio, and Indiana has had to come to terms with the permanent loss of his or her job. After exhausting unemployment benefits, many have packed up their families and moved south, hoping to find employment in the thriving Sun Belt. Yet, the area already is saturated with willing workers. And for many a new arrival, the only alternative to the breadline is to become 1 of 2 million day laborers, doing, for minimum wage, the dangerous or filthy work that other workers refuse. Betrayed and disoriented, these economic outcasts have felt the death of the American dream.

Many, including those in the White House, do not comprehend the horrible wounds which current depression-level joblessness tears into our society. To lose one's job is not simply to have an enforced vacation with an unearned paycheck compliments of Uncle Sam. Each additional percent of unemployment means over 1 million new workers thrown out of their jobs; thousands of new cases of alcoholism; thousands of new cases of physical and mental illnesses caused by increased stress, anxiety, and depression; large increases in crime, thousands of ruined marriages; grotesque increases in cases of child abuse; thousands more children who require psychiatric care and thousands of premature deaths. Indeed, the impact of the present depression on health is so severe that, if it were an infectious disease, it would qualify as an epidemic killer, against which our Nation would pursue vigorous measures. Yet, during this period of high unemployment, when workers have desperately needed professional care and support, such care has rarely been available. Along with their jobs, most workers lose health insurance. In addition, during hard economic times, cities are hard pressed to fund agencies for health and human services.

The rough claw of unemployment reaches far beyond the 10.1 percent of the labor force now without work. When joblessness is high, many must accept menial or part-time work or must live in fear of losing their jobs. Others simply stop looking, giving up hope of finding work. Now, the average American has either lost his job, is in danger of losing his job, or has a family member without work.

Unemployment discriminates, hurting most severely those who already suffer our society's deepest inequities. Older workers, finding that employers refuse to retrain them for only a few years of service, are condemned to menial labor or are forced, bitter and discouraged, into retirement. Minorities, the young, and the unskilled have unemployment rates more than double the national level. Furthermore, because of the last-hired-first-fired policy of many employers, the recent depression has erased many of the job market gains which minorities and women had won. Indeed, over 50 percent of young black women are unemployed.

Our sick economy threatens to create in our society an underclass permanently excluded from the economic system. Most young members of minority groups now either are jobless or are employed in low-paying, short-term jobs with no hope for advancement. Unemployed or employed in menial labor, these young minorities are denied the training needed to get better jobs. The economic system, thus, sentences them and their children to poverty and exploitation.

The administration cites the strong stock market and a slight moderation in the unemployment rate as evidence that the U.S. economic tragedy will soon be behind us. Having passed its jobs bill, the Congress, too, is in danger of becoming complacent. Yet, can we accept an economic recovery in which the unemployment rate will not go below 9 percent before 1986? Can we accept a recovery where each week we read of thousands standing in line to apply for a handful of jobs? No; we must not believe that our problems are over and that we can go on to other matters. For paper profits on Wall Street do not mean jobs on Main Street.

The President has said that we should share equally in the sacrifices necessary to fix our economy. Yet those hurt most by the recent depression—the poor and powerless—have been least helped by the recovery. Auto company profits have increased, but mainly because operations have been streamlined by permanently firing thousands of assembly workers. Rising stock prices have enriched the wealthy, but more than 11 million workers still have no jobs. We are experiencing a tragic perversion of the trickle-down theory; problems cascade down on the disadvantaged while the rich hoard the trickle of benefits.

The Government must work to end the enormous waste represented by depression-level unemployment. We cannot rely on those in private business. For, according to polls, they do not care; a shocking proportion of corporation chairmen and bank presidents believes that large industrial companies should be allowed to fail even if such failures cause huge unemployment. We must support legislation to insure that laid-off workers continue to be covered by health insurance. We must support programs to retrain permanently laid-off industrial workers for other jobs. And we must help the unemployed to relocate to areas where they are needed. Without these programs, the administration's attempts at economic alchemy will further punish those who have already sacrificed the most.●

● Mr. WON PAT. Mr. Speaker, I am pleased today to join with my colleagues in this special order to discuss unemployment—in my district.

Congressman BOB WISE is to be congratulated for reserving this time to permit all of us to speak out about an issue which is of great importance to the Congress and to our constituents.

America is indeed waiting, as Congressman WISE says, for Congress and the President to do something about the growing rate of unemployment across the Nation. We read the papers daily and see glowing statements from the White House which say that interest rates are down and the economy is getting better. But I and millions of other Americans are wondering when the bright new future will trickle down to the workingman and workingwoman to provide them with the jobs they need so badly to feed their families.

Unemployment is a major problem in my own congressional district of Guam. While the official estimates

fluctuate between 11 and 14 percent, these figures do not reflect the complete picture of unemployment in my territory. The sacrifice of human potential and individual self-worth point to the grimmer aspects of this problem.

I deeply fear for the future. The 1980 census indicated that 40 percent of Guam's population is under 19 years of age. This spring, nearly 2,000 students graduated from Guam's high schools. They face a future which is bleak and for many of them jobless. While these young people may have more mobility than their older counterparts seeking jobs, I fear that the best of the next generation of Guamanians will be drained off of the island by the chance for greater, or at least some, opportunity on the U.S. mainland. I see no viable program in the future to change their lot and this is a shame. It is a waste of valuable human resources.

Unemployment problems for Guam are compounded by the isolation of our island community. Our people cannot drive across a State line to seek greater employment opportunities. Relocating a family across an expanse of ocean is, of course, an often insurmountable expense. More importantly, I do not want the people of Guam to have to leave their homes and their families for adequate employment opportunities. I know that you, as my colleagues, can understand why lack of employment presents such a threat to our community and family traditions.

Additionally, our economy is very dependent upon the Military Establishment in Guam. It accounts for 20 percent of those employed. While the current administration emphasizes the need for personnel reductions, as well as pay and benefit cuts, I wonder where my people can turn to. The local government is undergoing a fiscal crisis just trying to provide basic services.

The people of Guam cannot survive additional cuts in programs which provide Federal assistance in job training or basic necessities. It is up to this Congress to lead the way for an economic recovery for all the citizens of this great Nation, not just the select few.

I hope and pray that the leadership gathered here can bring us back from the grip of this economic and spiritual depression.●

● Mr. RAY. Mr. Speaker, the Third District of Georgia is unique in many ways. Economically, it relies on the millions of dollars spent in purchases by the two military bases, Fort Benning and Robins Air Force Base. Another critical area, which I think we have overlooked on a national scale is our textile industry—an industry we are dependent on—yet one we have not protected from foreign competition.

Unemployment in Georgia's Third District textile-related industries can be traced to two major causes: The economy and imports. With housing starts low and a sizable decrease in automobile production, the carpets and other fibers usually needed in large quantities have not been purchased. In my district this has resulted in almost 20 percent of the workers in Third District mills laid-off, some permanently. The textile industry is the largest producer of goods in Georgia and is the 10th largest employer in the Nation. Of the recent 4.6-percent increase in the gross State product, 19.4 percent is attributed to the productivity of textile workers. Unemployment in this industry is felt even more deeply in several Third District counties where textile-related industries have scaled down production by 40 to 50 percent. Georgia statistics show that textile workers have suffered many layoffs, from 6.4 percent of the work force in 1977 to 4.7 percent in 1982.

Nationally, the textile industry reflects the problems felt by the Third District. Ten years ago the textile industry employed 1 million plus—now, the figure is down to 730,000. Currently, imports make up approximately 30 percent of the domestic market. This year's projected import growth could well amount to another 1 billion square yard equivalents—equal to another Hong Kong and eliminating another 100,000 jobs in the industry.

How can we help the textile industries rehire their workers in Georgia's Third District and in the Nation?

First I think we have to listen when they tell us we are losing out to foreign competition. I also think we need to prevent our textile companies from suffering the fate which our automobile manufacturers are facing. In short, we have got to get aggressive with our trade policy and help our textile producers produce.

Only by strengthening the markets and restoring the industry to maximum production can we hope to halt this disastrous economic slide in the Third District of Georgia and the Nation.

There are 92,000 unemployed textile workers nationally. Hundreds of my constituents would like to have their jobs back. They do not necessarily want Federal handouts. They want the Congress of the United States to protect the markets and the fledgling emerging economy.

I think we need a consensus here tonight—A bipartisan pledge of support to all our industries to find ways to help them provide the jobs we need so badly. Our workers are more than ready to work. All they ask is a chance. It is up to us to help them find it.●

● Mr. ALBOSTA. Mr. Speaker, I represent the 10th Congressional District in Michigan where during this supposed economic recovery period people still suffer from up to 22-percent unemployment. Nationally, Michigan has the dubious distinction of leading the Nation in joblessness with an unemployment rate of 14.7 percent. What I find especially disheartening is the fact that in addition to 11.2 million unemployed Americans, there is estimated to be 1.8 million discouraged workers who have stopped looking for jobs and have given up hope. Many such discouraged workers are in Michigan where we have suffered from an unemployment rate above 10 percent for 3½ years.

One of the shameful aspects of unemployment in Michigan is that the State no longer receives extended benefits due to the formula which is used to determine eligibility. At present, only those receiving regular unemployment benefits are included in the computation, while those receiving extended benefits or who have exhausted all their benefits are excluded. In my State alone, an estimated 200,000 people are in this excluded category. I encourage my colleagues to support legislation which would change the formula to reflect a State's unemployment situation.

In my district specifically, we are experiencing 15.4-percent unemployment, with a loss of jobs in a variety of occupations. Many of the people in the 10th District have worked in the auto industry; however, there is concern that this industry will never attain its previous levels of employment. Rural America forms the heart of my district, but family farms, an American tradition, are being foreclosed upon or are facing desperate financial problems. Young people simply cannot afford to start and maintain farms during the recession. Their efforts should be supported and encouraged to insure that this tradition does not suffer further and that families are removed from farming altogether. Perhaps most discouraging of all, graduates of schools in my district are often forced to seek their futures elsewhere. I would like to emphasize this last fact, for it is difficult to express the sadness of seeing our fellow Michiganders leave the State in search of employment. Michigan had an extremely low growth rate in the last decade: 4.3 percent, as compared to the Nation's average of 11.4 percent. Additionally, the State's population has declined since the 1980 census, with future growth predicted to be about a third of the national rate. Action must be taken to stem this exodus so that our strength as a region does not decline.

All is not despair in Michigan, however, because the State does have many things going for it: A large, competent work force that wants to work,

fine education facilities, beautiful natural resources, and an established industrial base. Michigan is building on these good qualities to get people to work again, but the State's actions need to be complemented with Federal assistance because Michigan has been suffering in this economic depression for far longer than many other States. The Federal Government must not now sit back, claiming recovery, when high unemployment and the lingering effects of long-term unemployment continue. Michigan, with the greatest need for assistance, has consistently received the smallest return of its Federal tax dollars. This cannot be allowed to continue. Michigan has taken steps to get its economic house in order, and with targeted Federal assistance, the State will regain its proud status as an industrial leader.●

● Mr. LAFALCE. Mr. Speaker, I would like to thank my colleagues for organizing this special session of the House of Representatives on unemployment in America. Rarely do Members of Congress have the opportunity to spend an entire evening focusing on any single issue, let alone one as important and serious as the persistent high unemployment which continues to drain the economic and social vitality of our Nation.

This session, a chance to share and discuss the unemployment that we are experiencing in our own districts, could not have occurred at a better time—a time when we are seeing some signs of economic recovery; a time when many sectors of the economy appear to be on the mend.

Such indications of declining unemployment are a welcome sign—but, I hope that the decline will not reduce national concern. We as a Congress and as a nation must not allow the signs of recovery to lull us into a false sense of economic security. We must remain sensitive to the plight of the literally millions of individuals who remain out of work.

The unemployment rate in my own western New York area is horrendous. While some parts of the country may be on the road to recovery, large portions of New York's 32d Congressional District remain plagued by 10 to 20 percent unemployment rates. Many are the long-term unemployed who have lost their unemployment benefits, savings, and even homes. Indeed, the true levels of unemployment are much higher because the reported figures do not reflect those people who have been out of work for so long that they are not even counted among the Nation's or our communities' jobless. It is estimated that in the Erie/Niagara County region, which includes the city of Buffalo, that the number of these discouraged workers—unemployed, but not included in the actual unemployment rate—has risen to over 30,000 people in the past 3 years alone.

My district, from Buffalo to Niagara Falls, to Rochester has been ravaged by year after year of record high unemployment. In 1982, the average number of people out of work in the Buffalo area was 69,700. Twice during the year, the number exceeded 80,000 individuals. In the period from 1980 to 1982, the region's manufacturing sector entered an unprecedented tailspin. Of over 40,000 nonfarm jobs lost, 32,000, or 80 percent were in the manufacturing sector. Jobs lost in the auto and steel industries accounted for a full 60 percent of this manufacturing loss. Today, the unemployement rate is 12.9 percent, up from 11.8 percent a year ago. Of the 70,000 people out of work, 32,000 or 45 percent are displaced workers who, even in a recovery, cannot be expected to regain their employment. It is expected that these will be joined by an additional 5,000 displaced workers in the next several years.

In the Rochester region, which includes Monroe, Orleans, Wayne, and Livingston Counties, the average number of individuals out of work in 1982 was 34,425. On two occasions the number peaked at over 40,000, and today rests at 41,700 or 8.8 percent. This compares to only 6.2 percent or about 29,000 people out of work a year ago. Monroe County, which typically experiences much lower unemployment than the rest of the Nation is not only not far behind now, but is also experiencing unemployment rates for blacks and Hispanics that are much higher than the national average for these groups.

I am second to no one in welcoming the signs of recovery and rejoicing when a worker is able to return to his or her job. In fact, in each of the Buffalo and Rochester areas of my district about 5,000 individuals have gone back to work in the past month alone. But let us not forget that the 70,000 people out of work in the Buffalo area today is 5,000 more than were unemployed 1 year ago and 21,760 more than were unemployed just 2 years ago. In the Rochester area, the 41,700 out of work today is 12,400 more than a year ago and almost 16,000 more than 2 years ago. If we are indeed turning the corner toward economic recovery, as I hope we are, let us not turn our backs on or forget about the people, families, and communities that have been shaken by the distructive forces of unemployment.●

● Mr. LEHMAN of California. Mr. Speaker, my remarks today are those of a person frustrated by the claims of economic recovery so smugly being asserted by the White House, while at the same time, I represent a district where one out of five of my adult constitutents is now on the unemployment rolls rather than the payrolls they deserve.

In my district, the list of companies that have gone under since inauguration day 1980 reads like a "Who's Who" of what was once a vibrant Central Valley economy—Libbey-Owens-Ford, Fibreboard, California Canners and Growers, H. J. Heinz, Sperry-New Holland, and Fruehauf all have closed or substantially cut back their operations leaving hundreds of people without work.

My district is a diverse one. It includes beautiful mountains and lakes, small communities nestled in the foothills, agricultural communities, and large growing urban centers. Everywhere the message is the same—people are hurting, despite the hopeful signs, the bottom line is that people are not working.

I, for one, cannot say that we have a recovery or that this Government has lived up to its commitment to the people when so many men and women who have worked all their lives, saved their money, raised families and planned their retirements, are forced idle by the policy of recovery through recession.

The most eloquent statement that can be read on the extent of this problem is a recitation of the unemployment figures in my district:

Fresno, 15.5 percent; San Joaquin; 17.1 percent; Tuolumne, 17.5 percent; Calaveras, 17.1 percent; Mono, 13.9 percent.

We have an obligation to bring about economic recovery in this Nation. In fact, that issue alone will be the one by which history will judge this Congress. The Democratic program is designed to put our people back to work, to balance the budget, and to make our tax system more equitable. Unfortunately, rather than a bipartisan effort that looked possible a few months ago when this Congress worked with the President on the jobs bill and social security, we have an administration that now wants to grit its teeth and play politics with our Nation's economy, at the expense of our constituents who are looking for work.

We in Congress have always been willing to compromise, to seek solutions with the administration, to govern by reason. But we cannot tolerate a recovery that includes a permanent unemployment level of 10 percent, a $200 million budget deficit, and tax breaks for the rich that create no new jobs, but only raise the deficit and put more people out of work.

The question is fairness, and that is what the democratic program is all about.●

● Mr. COLEMAN of Texas. Mr. Speaker, I appreciate the efforts of my distinguished colleagues for bringing the critical topic of our Nation's unemployment to the House floor for our consideration.

Unemployment in my district and across the Nation has reached unprecedented proportions, and we must take the time and make the effort to correct this problem. I applaud the first concurrent budget resolution, as originally passed by the House of Representatives, for recognizing unemployment as a major stumbling block to our national economic recovery. Every percentage point of unemployment adds an additional $25 to $30 billion to our already skyrocketing deficit. While we have recently seen a decrease in the unemployment rates, both nationally and in west Texas, we should not become overconfident and disregard education and training programs—a mistake that seems to be endorsed by this administration. Effective funding levels for education and training programs are essential to a sound economic recovery, one that sees reduced inflation rates, reduced unemployment levels, and reduced interest rates to allow for substantial investment.

I would like to turn to discuss the situation in El Paso for a moment. West Texas is unique in that we share a substantial common border with Mexico. While unemployment in El Paso may be as high as 13 percent, that figure is still a substantial incentive for those individuals on the Mexican side of the border who face unemployment rates of more than 30 percent to cross over to El Paso. Native El Pasoans and west Texans who are seeking employment become undercut by the lower wage rates that undocumented aliens are willing to receive.

The spillover onto the El Paso economy takes place in several ways. First, a drain is placed on the economy because a greater demand is created for social services that are already strained by the increased numbers of individuals seeking health and welfare services. And the overall situation is exacerbated by the fact that as high as the official rates seem, they do not include discouraged workers or workers who have had their hours cut back. Furthermore, the Hispanic and youth unemployment rates have increased, and these two factors add to the toll taken on El Paso's border economy.

The jobs bill legislation that passed the Congress in March was warmly welcomed in west Texas. That bill initiated public works projects and put many of the unemployed back to work. The second phase of the jobs bill should be considered in the near future and is essential if we intend to put many of the structurally unemployed back to work. The recession has played havoc with the markets for many industries, and the second phase of the jobs bill is badly needed to retrain many individuals who may have to seek employment in a different field.

The recent emphasis on high technology is a case in point. High technology jobs require a level of expertise that we must be prepared for—a goal that can only be accomplished by funding our Nation's schools adequately and by providing an incentive for students to seek an academic career.

I am pleased that west Texas has seen an improvement in the unemployment situation. But I must emphasize that this improvement could be temporary. We must prepare for the worst or run the risk of losing our position as the best-educated, industrialized democracy in the world.●

● Mr. CORRADA. Mr. Speaker, it is with pleasure that I stand here tonight to talk about the unemployment situation in my district, Puerto Rico. As national unemployment figures rise above 10 percent and public attention focuses on the need for jobs, I watch the island suffer under a May unemployment figure of 23.1 percent. Over the course of the past 2 years, our unemployment rates have been as low as 17.7 percent and as high as 25.3 percent, and never acceptable.

Yet, the figures show little of the real impact of unemployment.

This past month, fully 217,000 persons were actively looking for work. This does not count those who have decided to return to school, those who have accepted part-time jobs earning abysmal salaries, or those who have simply given up hope and have stopped looking. Just as the construction industry is beginning to move here on the mainland, Puerto Rican statistics show that construction suffered the largest loss in job slots during May—over 5,000 jobs affecting mostly males ages 25 to 44. We are not losing the second household income, nor the wages in a single-person household, but our unemployment is hitting the major family breadwinner in his prime years.

Clearly, the private sector is not fully prepared to absorb the large unemployed workforce which so desperately needs an opportunity. In the context of an economic situation where almost one of every four adults is in search of work, sole dependence on the private sector is not feasible.

The economic and social costs of unemployment are staggering. It is estimated that every 1 percent of unemployment cost $25 to $30 billion in lost revenues and increased entitlement costs for social security, unemployment insurance, food stamps, medicare, and welfare. Additionally, unemployment worsens the real but immeasurable costs in mental health, family disruption, school dropouts, physical illness, and crime.

I urge my colleagues to strongly consider legislation now pending before this body which would provide Federal support for employment in areas of long-term unemployment. I believe that it is only through this type of intervention that we can ameliorate the present day economic situation, particularly in areas which are hardest hit, such as Puerto Rico.●

● Mr. YATRON. Mr. Speaker, I want to personally thank the gentleman from West Virginia for calling this special order so we can continue to focus on the chronic problem of unemployment.

Reducing unemployment is one of the greatest challenges facing our Nation. The high rate of joblessness is mainifest in the untold human misery for millions of Americans whose lives have been devastated by the lack of work. High unemployment has greatly exacerbated our economic problems by adding significantly to the budget deficit and reducing revenues for social security.

Although there are many positive signs pointing to a sustained upturn in economic activity, unemployment still exceeds 10 percent and is not expected to decline appreciably for several years. Compounding the problem is the fact that the baby boom generation has reached the adult age and is now entering the labor market.

While the problem of unemployment must be discussed in macro terms for the purpose of developing national initiatives to stimulate job creation, I believe it is critically important to examine the extent of the problem in each of our congressional districts. That is why this special order is so important.

Unemployment in the Sixth Congressional District of Pennsylvania is considerably above the national level. The overwhelming number of people affected by joblessness in my district are hardworking, honest citizens who do not look for, or want, Government handouts. They want jobs. They want the opportunity to earn a living, build a better life, and provide for themselves, their families, and their future. The lack of work has caused these people to lose their homes, their health, their dreams, and their self-respect. The social difficulties stemming from unemployment has victimized many good families.

It is absolutely essential that the Congress continue to address the serious unemployment situation, in all its ramifications, We need a balanced policy encouraging the growth of high technology and service industries, while maintaining a sound manufacturing base and preserving those basic industries which are vital to our economy and defense. Our trade laws must reflect our commitment to free and open commerce among nations. However, these laws must also promote exports and eliminate trade barriers to our goods and unfair competition from heavily subsidized Government imports. Moreover, we must work for an

improved educational system to guarantee that future workers will possess employment related skills.

I will continue my efforts to reduce the level of unemployment in our country and I am confident that the Congress will initiate the necessary actions to stimulate job opportunities.●

● Mr. TALLON. Mr. Speaker, I would first like to thank my colleagues from West Virginia for providing this opportunity for a Special Order on Unemployment.

I know we have all seen firsthand the emotional side of unemployment. Fortunately, unemployment has dropped slightly in my district during the last 6 months. But it still continues to hover around 10 percent. Throughout my district in South Carolina, I see teenagers who have just graduated from high school with no opportunities in sight, men and women I grew up with who have been laid off with no idea of when they might be returning to work, and the older worker who has been phased out during their most productive years.

We know it is not fair. We know these people and their families are suffering. We know their despair runs to the core of their self-esteem. The promises of economic recovery provide little comfort for those still looking for a job.

There are over 30,000 people out of work in my district. The source of this unemployment runs the gamut from industrial workers who are laid off indefinitely, to small family-owned businesses who just could no longer make ends meet, to family farmers who face foreclosure.

This is the emotional, personal side of unemployment. And we should respond with compassion. But we should also search to the root of the problem, correct it, and get our economy turned around and our people back to work. We are wasting our most valuable natural resource—the American worker.

To find the realistic approach to getting American workers working again is to look to the history of this great Nation. Our free enterprise system and the development of the private sector was based on reasonable, stable and long-term interest rates. Any businessman knows that he must be somewhat able to forecast the future in terms of supply, demand, costs and hopefully, profit, to be successful.

To battle unemployment, we must lower interest rates. Consumers cannot make major purchases that require borrowing, so they do not buy, and demand for our goods drops. Businesses are unwilling to make investments when the cost of borrowing is so high. The high-interest rates raise exchange rates and increase the cost of American goods overseas, thereby making our goods less competitive and reducing exports.

The high Federal deficits we face feed high-interest rates which choke growth and investment, force businesses to cut back or close, and send workers from jobs to the unemployment lines.

For the first time we have a recession coupled with high-interest rates. Inflation has been reduced, but at a tremendous cost to our labor force and productive capacity.

In order to lower interest rates, we must agree now to lower the Federal deficit. We need to closely examine where each dollar is spent and not throw money recklessly at any program. As responsible lawmakers, we must make structural changes to expand the tax base, and reduce the rapid increases in health care costs and defense spending that are leading us to astronomical deficits.

By reducing the Federal deficit, we will be sending a message to the financial markets. Competition by the Government and the private sector for the supply of available credit will surely lead to further disaster.

The best jobs bill we can give this country is the assurance of long-term, stable interest rates that will restore the confidence of the financial community.

As we deal with the immediate problems of interest rates and deficits, we can begin the longer job of rebuilding a strong and competitive economy.

We must develop an industrial policy that will make our basic industries competitive again. This should include trade protection from foreign competition while American industries restructure, action to eliminate trade barriers set up by other Nations, legislation to create export trading companies so small business can compete in foreign markets. Industrial policy should also look to industries of the furture by expanding research and development.

The problems of unemployment in the personal and practical sense are clear. So are the solutions. I urge my colleagues to move toward real economic recovery that will not let the suffering of our work force and the decline of our economy continue.

POLICIES THAT LEAD TO UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I think we have had a very useful discussion by a number of Members on the floor tonight about the unemployment problem that the Nation faces. I am pleased to have been able to listen to most of it and to join with many of my colleagues in expressing, too, my belief that we must begin to work toward bringing down unemployment rates.

It seems to me that the one thing that we can assure ourselves of is that work is an essential part of what America is all about. We have long been a nation of growth. We know that we cannot grow without work. But conversely, we know that we cannot have work without growth.

Now, it seems to me that if I have a criticism of what took place here tonight it is that we have pretty much spent an evening listening to the doom-mongers and the nay-sayers. There is no doubt that what they say is true about unemployment. It is much too high. It has been too high, and it has been too high far too long.

We can go back and trace the unemployment problems not just to the beginning of this administration, or even into the years of Jimmy Carter. You can go back a decade or more and see where the problems of unemployment have begun to accrue to this society. And the fault rests not in the White House, for the most part. The fault rests right here. We are the people who have caused most of the unemployment that we now see across the country.

Now, we might have done it for all of the best reasons. The laws that we passed that brought about unemployment, the economic policies that we developed that brought about unemployment, all of those things may have been done for all of the best reasons; but the fact is that the unemployment that now plagues our society started right in this Congress and continues today because this Congress cannot respond.

There are literally about 2 million people in this country who are unemployed today because of what Government is doing to them. Because of the rules and regulations and policies and procedures of Government, 2 million Americans are not working today who could be working. And I think that is a tragedy. I think that is wrong. I think it is high time that if indeed employment is our No. 1 priority—and I believe it should be—then it is high time that we begin to stop the process of creating unemployment here in the Congress. And it is high time that we begin to change the laws, the rules, the regulations, the procedures, the policies that bring about unemployment.

I have no doubt at all of the tragic problems that were relayed by many of my colleagues here tonight, as they read letters from their constituents; I have no doubt that those tragic problems exist, and they exist in every one of their districts. They exist in mine. And I think that the question that we have to pose to ourselves is: What are we going to do about it?

It is not good enough to simply say that the problem exists. We know that. It has existed for a long, long

time. But what are we going to do about it?

Well, I submit that one of the things that we need to begin to look at first is the policies that we pursue in this body that lead to unemployment.

Let us talk about the budget, for instance. We had a budget bill up here on the floor last week. That budget bill has an awful lot to do with what happens on the employment front. What did the budget do that was ultimately passed by this body and by the other body? Well, it raised taxes, it raised spending, and it raised deficits.

Now, I wonder if any one or all of those things are good for employment. Does raising taxes help employment? No; because when you raise taxes, you take money out of the economy, just like you do with deficits. Taxes crowd out investment, just like deficits do. One is just as bad as the other.

And so when you raise taxes, well, indeed, you frustrate economic recovery, you frustrate growth; and when you frustrate growth, there cannot be any work.

Remember what I said originally? I believe it is true. You have got to have growth to have work. But work also must have growth.

Now, if we are going to have growth, we cannot do it by imposing higher taxes, particularly taxes which go to small businesses which are creating most of the jobs in this country. The vast portion of new jobs in this country are created not by the Fortune 500 companies but they are created by small businesses.

What was the first tax bill we brought to the floor the other day, after the madness of the budget proposal?

It was a tax bill designed to impact most on the small businessman. The people who were going to pay most of the additional taxes were small businessmen and farmers.

Do you think that is going to be an incentive for them to go out and hire a new employee? You see, if all of them would hire only one new employee, it would bring down unemployment considerably. But they cannot hire one new employee if we are taking the money and bringing it to Washington. And that is the problem. That is what we do when we raise taxes.

Does raising deficits help create jobs? Absolutely not. Just like taxes, that does crowd out investment. When you crowd out investment, you cannot have growth. When you cannot have growth, you cannot have jobs.

□ 2310

How about raising spending at the Federal level? Does that help create jobs? Well, there are people around here who would like to think so, people around here who think that we can increase spending levels here in the Congress and somehow some of those spending programs will create jobs and will do tremendous amounts of good for all people.

The problem is that the things that we create around here tend not to create jobs which help the unemployed. We passed a jobs bill. It has been referred to by some of my colleagues here earlier this evening. That jobs bill was supposed to help the unemployed. The fact is, we are already beginning to see the experiences rolling in from around the country as to what is happening with that jobs bill money.

The money is being spent; there is no doubt about it. But the spending has gone up, we are spending the money out there, and is it really helping the unemployed?

Well, I recently became familiar with a situation down in the State of Mississippi. They got a good deal of jobs money. Ninety percent of the money that they got is going to be used to pave streets and for drainage and recreation projects. The money is not going to give any unemployed, unskilled workers a job. The money is going to go to people who already had a job, skilled workers who were already, because of increased activity in the construction industry, plenty busy enough, but this is going to be a little bit more money that is going to go their way.

You see, that is not atypical of what has happened in the past with the same kind of programs. The last time, back about 1977 when we had a similar program, 2 percent of the money that we spent actually got to people who were unemployed when the bill passed, and 88 percent of the jobs that were created under that bill went to people who already had a job.

So history is repeating itself. The money we are spending here supposedly to help the unemployed is not going to the unemployed at all; as a matter of fact, it is going in the opposite direction.

That is why, when some of these bills came to the floor, I offered an amendment back awhile ago that said 90 percent of the jobs created under this bill have to go to people who were unemployed at the time of the enactment of that bill. It was based upon historic precedent. That particular proposal was not very popular in this body. Most of the people who spoke tonight on the issue of unemployment voted against that amendment—voted against it.

That raises a question in my mind. Are we more concerned with the spending or are we concerned about the unemployed? I think we ought to be concerned about the unemployed, and it seems to me if we are going to spend the money we ought to at least spend the money to make certain that it goes in the direction of helping people get work.

But we will not do it just by spending. The votes on spending around here consistently show that what the spending is doing is going toward special-interest programs, to special-interest groups; it is not helping on this No. 1 priority. We had a vote today that tried to cut 4 percent on a budget around here, 4 percent out of an $8 billion budget that was about $1.2 billion over what the President wanted to spend. First it won. It won by a couple of votes. But sure enough, a couple minutes later we had to revote it again and then it lost by 10 votes. It would have saved $300 million or $400 million, but it could not be sustained.

That kind of spending, those kinds of spending programs, that kind of money that adds to deficits, costs people jobs because it takes money out of investment, that takes money out of growth, and without growth we do not have work, and without work we do not have jobs.

What is happening out in the country as they have taken a look at this budget process that we have gone through around here? What has been the reaction of the people who have to create the jobs out there? Have they been impressed with what we did? No; the stock market has dropped since that budget passed. Interest rates are said to be going back up. Why? Well, they are responding to the fact that we do not have the will in this body to do what is necessary to put people to work.

For a period of some months, the financial markets began to get the feeling that we might have that kind of will. Now they find out that we do not, and there is beginning to be a negative reaction, and there is a good possibility within the next few weeks that interest rates will begin to go back up again, with all the economic devastation that that could cause, with the increased unemployment that that could cause.

Why? Because of something that the administration is doing? No; because of what we did right here when we designed an economic policy that had every tenet of it absolutely wrong.

Well, that raises a question. Why did we move off on this kind of an economic course when we see that an economic recovery was really underway? Was it politics? Well, I contended that it was, and I think there is some justification for that. I happen to think that there are some people who are getting worried about the fact that a strong economic recovery looking toward 1984 will not be very good politics in 1984 for people who are in opposition to this administration.

That may be, but the fact remains that there is an economic recovery underway. I heard it described this evening in a variety of ways. I heard it described as fragile, nonexistent, and

several other terms. But I submit that it is a very noticeable economic recovery.

Let us take a look at civilian employment. Civilian employment reached 99.6 million in May. Since December, employment in this country has increased by over 500,000, with adult men up 370,000 and adult women up 270,000, accounting for most of the increase. At 99.6 million Americans working, total employment is 300,000 higher than the average 1980 level of employment. In other words, the last year of the Jimmy Carter administration, that 1980 time period was not exactly a time of boom in this country.

Right now, because of the policies of this administration—and sure, they have taken a while to work; it has taken a couple of years for them to really move into place—because of those policies, the employment rate is beginning to move up in this country. There are 300,000 more Americans employed today than was the average during the year of 1980.

How about industrial payroll employment? The total nonagricultural employment rose by 375,000 people in May, to 89.5 million total. Consequently, the unemployment rate has dropped by 0.7 percent since December. Now, that drop in unemployment is the fastest drop in the unemployment rate in the postwar era. To say that this recovery is not working, that the economic policies are not working when you have that kind of statistics is just plain foolishness. It is not only wrong; it is foolishness to say those kinds of things.

Unemployment is still too high. It is still not coming down as fast as we would like, but it is coming down faster than at any time during a recovery in the postwar era.

Those employment increases have been widespread. The Bureau of Labor Statistics diffusion index reached 70 percent in May. This is the index that the BLS uses to predict future hiring trends, and anything over the 50-percent threshold is considered to be a positive indicator. That 70-percent figure is one of the highest we have seen in a decade.

The construction industry added 80,000 jobs last month. Manufacturing employment increased by 105,000 jobs in May, after increasing by 113,000 jobs in April.

We are seeing factory hours go up. We are seeing hourly earnings go up. All of these things that are beginning to happen in the economy were happening as a result of some of the tough decisions that we made in 1981 and 1982. Now, we all know around here that the economy does not work instantaneously. It takes a period of months. It is usually about an 18-month cycle.

We are now beginning to see the results of what took place 18 months ago.

□ 2320

Those results are very positive. What is Congress doing to respond to that kind of positive trend? Are we building up on that positive trend in what we did in the 1981-82 time period? No, we are moving completely in the opposite direction. We are going back to the same policies that caused the devastation in 1980—precisely the same policies—and it is a tragedy.

It seems to me that what we ought to be doing, if we are really going to put people to work and if we are really going to make unemployment a No. 1 priority to get solved, is adopt some of the things that the economic recovery was all about—reduce Federal spending, reduce taxes, and bring about a situation where we have lower inflation which in turn can lead to lower interest rates. Those are all the kinds of things that we need to do in this Congress in order to get the economy moving again and put people back to work.

But we have some other things we ought to do, too. When we take a look at the unemployment figures, we find out that the unemployment figures are pretty well targeted. In my State of Pennsylvania unemployment is much different in some communities than it is in others. We have towns and cities in Pennsylvania where the unemployment rate is running 20 to 25 percent, and we have other communities where the unemployment rate is about 6 or 7 percent. That kind of disparity needs to be looked at because those high areas of unemployment obviously bring up the average.

So it seems to me that we need to begin to target some of our assistance toward those particular communities. That is the reason why I have introduced the Distressed Communities Act. One of the things that we can do under the kind of plan that I put forward is to let us get the Government out of the business of stopping people from working in those communities.

That is right, Mr. Speaker, the Federal Government is responsible in many of those communities for people not being at work because we impose standards on them—things like the Davis-Bacon Act, clean air standards, and all kinds of things which stop people from working in those communities.

Why not give those communities a waiver which would allow them to say, "If we have got unemployment averages in this town which are higher than the national average, we want to be able to waive those requirements for the period of time it takes us to get our unemployment down?" Why not get Government off their backs for a while? Why not let them put people to work rather than meet Government mandates?

That could produce something in the vicinity of 1 million jobs in this country in the areas that most need the jobs without one dime of Federal money being spent. That is the direction we ought to be going. That is one of the things we can do.

But the fact is that we do not like to think about doing things like that in this body because there are a lot of special interest groups out there that are tied to all those programs. Those programs did not just come out of nowhere. The things that are keeping people out of work just did not come out of nowhere. I submit that as soon as we begin talking about doing something about the Davis-Bacon Act that in itself costs 500,000 Americans their jobs, big labor will be here in droves telling us, "Oh, you can't touch Davis-Bacon."

I know that is true. We held some hearings on the revenue sharing bill, and I suggested that one of the things we ought to do in the revenue sharing bill is give communities the ability to waive Davis-Bacon if they could show that it would increase employment in their communities. Labor, which should be most concerned about employment, came in and testified against that amendment. I found it incredible. I said, "Do you mean to tell me that the AFL-CIO is testifying against jobs?" I asked that because the operative language in my amendment referred to jobs. It had nothing to do with the cost of Davis-Bacon or anything else. It just said, "Jobs," and they came in and testified against it.

The special interests in this country are far more concerned about their own little perks and the little institutions they have in society than they are about the No. 1 priority, putting people to work.

I think we also ought to begin to look in this body at what impact the legislation we pass has on jobs. I think our legislation ought to include job impact statements. I think when we bring a bill out here on the floor to debate it, we ought to know precisely how many jobs it is going to cost people. I think we ought to make that determination in the committees around here before we ever bring legislation to the floor so that we would know whether some of these bills we pass are going to lock so many Americans out of their jobs.

We have already had some of those bills out here this year. We had a couple of wilderness bills out here this year and we knew that several thousand people were going to lose their jobs because of the adoption of those bills.

Again I offered some amendments. I offered an amendment to a couple of those wilderness bills that said the

Secretary should be given the power to waive any of the requirements in those bills that would result in people losing their jobs. It was a fairly easy issue—trees versus jobs. I was asking, "What is more important to you? What is your No. 1 priority? Is it jobs or is it trees?"

I have got to say that an awful lot of Members who spoke on this floor tonight voted for trees instead of jobs. They said the trees were far more important to them than the jobs that were being lost. And it was on the record. It was a record vote, and anyone can check it.

Then I think we ought to move in the direction as well as more jobs for the actual unemployed. I think when we talk about jobs bills here and we run bills out here onto the floor that are supposedly aimed at the unemployed, we ought to have a mandate in them that says that the jobs can only go to people who are unemployed. We should not simply use the unemployed as a political kickball that we bring out here to pass all kinds of spending bills but the money never gets to them. I think it is high time that when we develop legislation around here that is supposedly going to help unemployed people, we make sure it goes to the unemployed and not again to a lot of special interest powers out across the country. The programs we have put together in the past have not done that, and I think that ought to be a mandate.

Finally, I think we have got to deal with this problem of unfair foreign competition, and I think that we can deal with it in a very meaningful way. We should simply start saying to countries around the world, "We will treat your products in this country precisely in the same way you treat our products in your country." We should say, "if you have limitations on our products coming into your country, you are going to find those same barriers in our country. Insofar as you are going to allow us to compete freely in your marketplace, we will allow you to compete freely in our marketplace."

That gives us two advantages. It shuts down our markets to unfair competition, and it also begins the process of opening world markets to our products.

I still think the American worker will turn out the best product in the world, the highest quality product, and a product that can be proudly inscribed with "Made in America." We have got to have access to those markets, though. A reciprocity type of approach would give us access to those markets and give us an opportunity to have our goods compete in the world market rather than just having foreign goods competing in our marketplace.

Then, finally, I think it is high time that we began to look toward the future as well. We have got to look toward where jobs are going to be in the future. We hear a lot of talk about high tech and all of that. That is really only a part of the story. High tech is going to offer some jobs, but not nearly enough to make up for basic industry losses. But there are some areas of the American adventure that are going to produce massive numbers of new jobs for people in the future.

I serve on the Committee on Science and Technology. We have had some experts testifying before our Space Subcommittee who tell us that if we would make the proper commitment to the industrialization and commercialization of outer space, we could create a trillion-dollar economy from outer space by the turn of the century. Now, when we break down a trillion dollar economy in 1983 terms of jobs, that is 35 million jobs that do not exist today.

We have got to begin to move in some of those kinds of directions. We have got to begin to take the opportunities we have to commercialize and industrialize that next frontier, outer space. It is not a dream. It is not "Buck Rogers" to say that. There are companies that are already beginning to work on this kind of process. This administration is trying to move us in that direction.

This administration has proposed, for instance, that we sell some of our satellites out there that have a potential for commercialization, like Landsat and the weather satellites. That is running into intense controversy and opposition in this Congress. Many Members oppose that idea of selling those satellites. They throw up all the concepts that somehow we are going to lose valuable information the Government should have and all that. The fact is that they do not want to give up the power of control of what we put out there, and yet that is the direction we have got to move if we are going to produce jobs. The opposition to commercialization of outer space is opposition to jobs in the future.

□ 2330

I go back to where I started, and that is what we need is growth. We cannot grow without work. We cannot have work without growth.

I think that the special orders taken by my colleagues this evening help say the unemployment is, indeed, a problem that spreads across America in far too many districts, that the solution is in a future filled with growth. We have got to develop the policies here in this body which allow growth to go forward.

ARTS AND HUMANITIES TAX REFORM ACT OF 1983

The SPEAKER pro-tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 10 minutes.

● Mr. GREEN. Mr. Speaker, I am pleased to be introducing today the Arts and Humanities Tax Reform Act of 1983. This legislation would amend the Internal Revenue Code to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his or her life, any amount which would have been ordinary income if the item had been sold at its fair market value; to allow a charitable deduction based on the fair market value of a creation; and to establish new guidelines for deducting the business use of a place of residence.

Under present law, an artist's heirs pay an estate tax on the decedent's creative property which is based on its fair market value. Unfortunately, an artist will frequently request that the family destroy works of art at the time of his or her death in order to protect the heirs from exorbitant estate tax charges. I believe this is a great loss to the Nation, its artists, scholars, and historians, and to the decedent's heirs. Section 2 of my bill provides that, when an artist dies, the estate tax charged the heirs will be based on the cost of the materials in the work, and not the price at which the item could be sold.

I would add that a work or creative property may be defined as any copyright, musical or artistic composition, letter or memorandum, or any similar property which was in the decedent's possession at the time of his or her death, and was created through the efforts of the individual. Second, I would point out that creative work does not include any property which was held by a decedent who was at any time an officer or employee of the United States and which was created by the decedent in carrying out an official duty.

While, for estate tax purposes, works are valued at market price, a creative work is valued for charitable deduction purposes at the cost of materials in the work. Section 3 of my bill would allow artists to take a deduction for donations to nonprofit groups at the fair market value of the donated property.

In making these changes, we would promote rather than discourage creativity and advocate the sharing of artwork and creativity with the public. By providing a tax incentive for the contribution of works to charitable organizations—museums, libraries, and galleries—and a lighter estate tax charged an artist's family, we are encouraging wider distribution of artwork, development of artistic re-

sources in individuals, and are recognizing the importance of preserving an artist's creation.

Section 4 addresses a problem which is voiced again and again by artists, particularly in New York City. Under current law, a taxpayer is allowed to deduct expenses attributable to the business use of his or her place of residence only when a portion of the home is used exclusively and on a regular basis as a place of business. Many artists and writers who seek to deduct expenses for the business use of their homes and live either in loft-type space in small quarters have a difficult time providing exclusive use of a portion of their home when it is not separated from the remainder of the dwelling by a wall. My bill addresses this problem and would allow the deduction in cases in which a portion of the home is used to a substantial extent and on a regular basis for business purposes, thus allowing a part of a room, not necessarily a separate room, to be considered a workplace for tax purposes. Section 4 also directs the Secretary of the Treasury to promulgate regulations in order to implement the substantial extent provision within 90 days of enactment of the legislation. Within 120 days of enactment, the Treasury must recommend to the House Ways and Means and the Senate Finance Committees legislation which would provide statutory standards to replace the substantial extent provision.

This legislation is designed to allow the artistic community to develop without fear of the tax burden which being an artist presently creates. In light of the severe budget cuts recently proposed by the administration in this area, I believe it is particularly important to provide these incentives to artists, and remove the disincentives to creativity which currently exist. I have submitted to the RECORD the text of my bill for review by ny colleagues:

H.R. 3429

A bill to amend the Internal Revenue Code of 1954 to disregard, in the evaluation for estate tax purposes of certain items created by the decedent during his life, any amount which would have been ordinary income is such item had been sold by the decedent at its fair market value, to allow a charitable deduction based on the fair market value of such items, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts and Humanities Tax Reform Act of 1983".

SEC. 2. VALUATION OF CREATIVE PROPERTY FOR ESTATE TAX PURPOSES.

(a) IN GENERAL.—Part III of subchapter A of chapter 11 of the Internal Revenue Code of 1954 (relating to gross estate) is amended by inserting after section 2032A the following new section:

"SEC. 2032B. VALUATION OF CERTAIN ITEMS CREATED BY THE DECEDENT.

"(a) GENERAL RULE.—If the decedent was (at the time of death) a citizen or resident of the United States, then, for purposes of this chapter, the value of qualified creative property shall be determined under subsection (b).

"(b) VALUE OF QUALIFIED CREATIVE PROPERTY.—For purposes of subsection (a), the value of qualified creative property of the decedent shall not include any amount which would have been ordinary income if such property has been sold by the decedent at its fair market value (determined at the time of the valuation of such property).

"(c) QUALIFIED CREATIVE PROPERTY DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified creative property' means any copyright, any literary, musical, or artistic composition, any letter or memorandum, or any similar property—

"(A) which was held by the decedent at the time of his death, and

"(B) which was created by the personal efforts of the decedent.

"(2) CERTAIN PROPERTY EXCLUDED.—The term 'qualified creative property' does not include any property—

"(A) which was held by a decedent who was at any time an officer or employee of the United States or of any State or political subdivision of such State, and

"(B) which was created by the decedent in carrying out his official duties as such an officer or employee.".

(b) CLERICAL AMENDMENT.—The table of sections for such part III is amended by inserting after the item relating to section 2032A the following new item:

"Sec. 2032B. Valuation of certain items created by the decedent.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after January 1, 1983.

SEC. 3. VALUATION OF CREATIVE PROPERTY FOR CHARITABLE DEDUCTION PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE FOR CERTAIN PROPERTY CREATED BY THE TAXPAYER.—

"(A) IN GENERAL.—The reduction under paragraph (1)(A) shall not apply to any charitable contribution of property—

"(i) which is a copyright, a literary, musical, or artistic composition, a letter or memorandum, or a similar property, and

"(ii) which is contributed by a taxpayer whose personal efforts created such property.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any property—

"(i) which is contributed by any officer or employee of the United States or of any State or political subdivision of such State whose personal efforts created such property, and

"(ii) which was so created by such officer or employee in carrying out his official duties.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contributions made after December 31, 1982, in taxable years ending after such date.

SEC. 4. BUSINESS USE OF HOME.

(a) IN GENERAL.—Paragraph (1) of section 280A(c) of the Internal Revenue Code of 1954 (relating to exceptions for certain business or rental use; limitations on deductions for such use) is amended by striking out "exclusively used" and inserting in lieu therefore "used to a substantial extent and".

(b) REGULATIONS FOR LEGISLATION.—The Secretary of the Treasury or his delegate shall, not later than 120 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate recommendations for legislation which provide objective statutory standards, for allowing deductions in cases where a portion of a dwelling unit is used for business purposes on other than an exclusive basis.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years begining after December 31, 1982.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MARRIOTT) is recognized for 5 minutes.

● Mr. MARRIOTT. Mr. Speaker, I was unable to be present on the floor of the House of Representatives on Thursday, June 23, 1983, for rollcall vote No. 214. Had I been present I would have voted "nay" on the conference report on House Joint Resolution 91, revising the congressional budget for the U.S. Government for fiscal year 1983 and setting forth the congressional budget for the U.S. Government for fiscal years 1984, 1985, and 1986. This is just an extension of the old philosophy of tax, tax, spend, spend.●

SERBIAN COMMEMORATION OF THE BATTLE OF KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on June 28, Americans of Serbian descent and Serbs worldwide commemorate the courage of their countrymen who sacrificed their lives defending their homeland in the Battle of Kosovo in 1389. Actually fought on June 15, the battle is celebrated on June 28 under the Gregorian calendar. In this battle, the Serbians sought to protect their religion and national existence, but the force of the Turkish Army was overpowering and they were defeated.

In its efforts to conquer all of Europe in the 1330's, the Turkish Army began its campaign to take the Serbian state in 1371, defeating the Serbs at the Maritsa River. The fall of the Serbs as an independent people was completed in 1389 on the Plains of Kosovo. In the Battle of Kosovo, the Serbian Tsar, Prince Lazar and the Turkish Sultan, Murad I, were both killed. The Serbian knight, or voyvode, Milosh Obilich, who slew the sultan in his tent, has been immortalized in na-

tional songs and legends, as has the battle itself. Although defeated, the heroic spirit of the Serbians' brave defense of their independence is a permanent part of their national heritage.

The Serbian people lived completely under Turkish domination beginning in 1459, when Serbia became part of the Ottoman Empire. For the next 400 years, the courageous Serbians were harshly ruled by Ottoman overlords, who subjected them to cruel, inhumane treatment. Nevertheless, throughout the years the Serbian people were united by the Serbian Orthodox Church which nurtured in them a sense of national pride and culture. The deterioration of the Turkish Empire in the late 18th and early 19th centuries led to a series of events that enabled Serbia to regain its autonomy in 1830 and its independence as a kingdom in 1882.

At the conclusion of World War I, under the direction of the Serbian royal dynasty, the Kingdom of Serbs, Croatians, and Slovenians was established. The name was changed to Yugoslavia 11 years later. In 1945, the monarchy was abolished when the Communists invaded and dominated Yugoslavia, and the official observance of the Battle of Kosovo was banned by the Communist government. Despite this effort to destroy the national pride and heritage of the Serbians, the Battle of Kosovo is a historic memory in the hearts of Serbs everywhere.

Mr. Speaker, the courage and determination to overcome tremendous odds in the name of freedom has for centuries strengthened the Serbian people and their cultural heritage. Americans of Serbian descent have made strong and lasting contributions to the strength and greatness of the United States.

I am proud to join with Serbian Americans in the 11th District of Illinois, which I am honored to represent, and throughout the Nation, who are commemorating the historic Battle of Kosovo. The dedication and patriotism displayed by these courageous people is inspiring to the entire world.●

LEGISLATION PROVIDING SUBSISTANCE ALLOWANCES TO CERTAIN LAW ENFORCEMENT OFFICERS ARE NOT TAXABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. SHELBY) is recognized for 5 minutes.

● Mr. SHELBY. Mr. Speaker, I introduced legislation today to exclude from gross income meal allowances paid to certain law enforcement officers by their employers.

For many years such meal allowances were interpreted to be excluded by section 119 of the Internal Revenue Code. That section excludes from an employee's gross income the value of employer-furnished meals if they are provided for the employer's convenience, on its business premises, and for substantially noncompensatory reasons.

In 1972 the Internal Revenue Service ruled that subsistence allowances provided to State troopers do not fall within section 119. The U.S. Tax Court upheld the IRS ruling; while conceding that the meal allowances were furnished for the convenience of the employer, the court held that section 119 excluded only meals in kind, not meal allowances. The U.S. Court of Appeals for the Third Circuit disagreed with the Internal Revenue Service and the tax court, but was subsequently reversed by the Supreme Court in the Kowalski decision, which held that these meal allowances are taxable income.

The IRS applied this ruling retroactively through 1971, creating severe financial hardship for State troopers by holding them liable for taxes on all meal allowances paid them back through that date. Senator Jim Allen of Alabama introducted legislation to alleviate this hardship by excluding the meal allowances from taxable income. As finally passed, however, the bill only overruled the retroactive effect of the Kowalski decision.

I do not believe Congress intended to omit these meal allowances from the exclusion provided for in section 119. The purpose behind this section is to allow an employer to provide meals to employees for substantially noncompensatory employment-related reasons. The regulations for this section state that a noncompensatory purpose exists where employees must be present to deal with emergencies during work hours. It is unfair and unjust to exclude a State trooper's subsistence allowance from the benefits of this important provision of the Tax Code simply because meals are not provided on official premises and are in the form of an allowance.

Alabama, and many other States, instituted the cash allowance system in order to permit troopers and other law enforcement officers to remain on call in their assigned patrol areas during their break. Often, the officers' law enforcement duties carry them far from home. Since these officers are assigned on a countywide basis, many cannot return to their offices or homes for meals because of their responsibilities. An officer cannot call for relief at mealtime if his duties demand his presence.

There can be little question that our law enforcement officers perform one of the most difficult and demanding jobs imaginable. Our citizens' safety and well-being depend on their swift action in enforcing the law. These officers take their meals only when and where the time allows because of the nature of their jobs. In essence, these officers must serve their State's needs before they can serve their own. I see no reason why this allowance for meals should not be excluded from their taxable income.

The bill I have introduced would simply amend section 119 to specifically provide that subsistence allowances to certain law enforcement offices are not taxable. I feel that this is important legislation, which will aid the State law enforcement officers of our Nation. Let me stress that this bill will benefit law enforcement officers of every State who receive subsistence allowances.

I urge the support of my colleagues for this legislation.●

UNIVERSAL TELEPHONE SERVICES AND RATEPAYER PROTECTION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SWIFT) is recognized for 10 minutes.

● Mr. SWIFT. Mr. Speaker, in order to deal with the changing technologies and judicial and regulatory decisions that are affecting the telephone industry today in a way that will not force millions of Americans off the phone system, I have today introduced legislation, H.R. 3440, the Universal Telephone Service and Ratepayer Protection Act of 1983. As the House Subcommittee on Telecommunications begins its work in this vitally important area, I hope that my colleagues will examine closely the proposals outlined in this bill and give them careful consideration. Following is a section-by-section outline of the bill:

SECTION-BY-SECTION ANALYSIS

SHORT TITLE AND TABLE OF CONTENTS

Section 1. The title of the bill is the Universal Telephone Service and Ratepayer Protection Act of 1983. The bill has nine sections.

STATEMENT OF FINDINGS AND PURPOSE

Section 2. The fifty-year effort to bring affordable and universally available telephone service to the public has served the nation well. Universal telephone service has contributed to the Nation's economic, social, and political integration and development. Each telephone subscriber receives a more valuable service when anyone else in the country can be called. Universal service is threatened by pending rate increases that will impact especially hard upon the poor, elderly, handicapped and those living in high-cost urban and rural areas. The bill will assure nationwide availability of communications services at affordable rates that will allow full participation for all Americans in the nation's economic, political and social life; assure that the responsibility for achieving such nationwide availability is shared equitably by all current and emerging communications technologies; and will rely to the maximum extent possible upon state regulatory authority to assure

availability of such services at affordable rates.

DEFINITIONS

Section 3. The bill defines certain specialized terms. The definitions are amended to the 1934 Communications Act as Section 153.

Exchange areas are the areas within which local telephone service is provided. Exchange transmissions include all communications within an exchange area. Exchange service is the provision of exchange transmission service by an exchange common carrier. An exchange common carrier provides transmission services on a universal common carrier basis within an exchange area and these services are provided with exchange facilities.

Interexchange transmission is between points in more than one exchange area. Interexchange service is interexchange transmission provided by an interexchange common carrier. An interexchange common carrier provides interexchange communications services on a common carrier basis between points in more than one exchange and these services are provided with interexchange facilities.

Exchange access is service provided by an exchange common carrier for the origination and termination of interexchange transmissions. The Universal Service Board is the state-federal joint board, created under Section 227 (Section 6 of the bill), which has three state regulatory commissioners and two FCC commissioners.

EXCHANGE ACCESS AND BYPASS

Section 4. The bill adds a new section to Title II of the 1934 Communications Act, Section 225.

Presently telephone companies use a system of separations and settlements that collects and distributes funds long distance service. Subsection (a) requires the Universal Service Board to create a new system of charges that will replace the present system in order to compensate exchange common carriers for their costs of providing access to their local exchange for interstate transmission. In doing so, the Board should work to achieve equitable treatment for all interexchange communication that connects to local exchanges; assure that payments and assignment of costs are carried out in a open fashion; compensate exchange carriers for their costs of providing exchange access; and ensure the continued availability of universally available exchange service at affordable rates. Further, the Board will establish a system of charges to be collected from those who own or operate services that do not connect with the exchange carrier but which provide comparable service. In determining these charges, the Board should consider the value to private systems and to the public in general of nationally available and affordable communication services; disincentives to interconnection that are created by access charges; the value to carriers and those carriers' ratepayers if those private systems were interconnected; and the need to encourage carriers to provide services which are available through non-interconnected services. Funds from these charges are to be maintained in a separate account, created under subsection 226(d). If necessary to administer this section, the Board will establish requirements that non-connecting systems will notify the Board.

Subsection (b) requires exchange carriers to file tariffs for their charges for providing direct and indirect connection to the local exchange. Under subsection (g), the FCC's authority under this subsection will be delegated to states that comply with the requirements of this section and with rules and procedures promulgated under it. Tariffs must be filed with the FCC (or state) and should include information on separate charges for each service, facility, or other supporting function that exchange carrier provides for access. Exchange carriers may file, and the FCC (or state) may require carriers to file, a single tariff for all areas they serve in a single state. If more than one carrier provides service to a single exchange, they may file joint tariffs and divide revenues in a manner approved by the FCC (or state). State commissions have authority to require all exchange carriers within their state to divide revenues from access charges. Exchange access and payment for it will be only allowed when it is according to applicable tariffs. The FCC (or state) is bound by formulas established by the Universal Service Board.

Subsection (c) requires that exchange carries supply only those services, facilities, and support for access that is requested; that tariffs specify separate charges on an element-by-element basis; and that differences in charges will be based on differences in costs. Each tariff will have four charges, three costs (charges for costs caused solely by exchange access; charges for other costs that are directly attributable to exchange access; and charges for a portion of costs for services, facilities or other factors that are used jointly or in common with providing exchange service) and a surcharge established by the Universal Service Board to fund the Universal Service Fund (created under section 226). Only these costs may be included in access charges. Other costs for interstate exchange access will be recovered by eligible carriers from the Universal Service Fund. Exchange access charges to customers must be proportional to their use of interexchange service.

Although subsection (c) requires that charges be based on costs of providing access, subsection (d) requires that for those interstate interexchange carriers that are offered inferior service to that received by other carriers will have their access charge discounted to reflect the lower value.

Subsection (e) requires that the FCC establish standardized methods for ascertaining and apportioning costs of services and facilities that are used jointly or in common between exchange service and exchange access. These decisions will be consistent with decisions of the Universal Service Board. The FCC will also establish standard forms for record-keeping.

Subsection (f). No exchange carrier is required to allow joint ownership of its switching facilities or required to allow other carriers to locate their equipment on its premises. Exchange carriers are not required to bill customers for other carriers; they are allowed to only if they include billing services as a separate tariff item. Exchange carriers with fewer then 50,000 customer lines may use statistical cost studies (that include other carriers in a similar class) to support their tariffs for exchange access.

Subsection (g). The FCC is required to delegate authority under subsection (b) to any state that complies with the provisions of this section and with rules adopted under it. For tariffs approved by a state, any carrier or customer that alleges that charges are not based on costs, that flat charges are being assessed on customers for access of that discounts are not being offered to reflect the lower quality of service offered may file a petition for review with the FCC. An identical petition must also be filed with the state commission and the FCC cannot act earlier than 60 days or after the state commission has issued an adverse ruling.

Subsection (h) requires that initial access charge tariffs will take effect before 1986 and will provide for a three-year transition.

Subsection (i) requires that each tariff submission by a carrier must include a certification that the carrier is complying with provisions of this section.

Section 4 of the bill also voids the access charge decision adopted by the FCC in December, 1982 and which is scheduled to go into effect in January, 1984.

UNIVERSAL SERVICE FUND

Section 5. The bill adds a new section to Title II of the 1934 Communications Act, Section 226.

To assure the continued availability of affordable telephone service on a universal basis, subsection (a) requires that the Universal Service Board establish a Universal Service Fund. This fund will have three accounts: to pay for costs for eligible carriers whose costs per customer access line exceed 115 percent of the national average (subsection (b)); to pay for costs that exceed 115 percent of the national average for connecting lines to and from an exchange area for interexchange service (subsection (c)); and to pay for costs caused by those bypassing the exchange carrier (subsection (d)). Funds in the third account may also be used to supplement the first two. These accounts will be funded by revenues raised from a surcharge on access charges and by charges assessed on non-connecting systems. The Board will determine the charges necessary to finance the payments required by this section.

Under subsection (b) eligible carriers may recover their costs for providing exchange service to the extent their cost per customer access line exceeds 115 percent of the national average. Eligible carriers are either those with fewer than 50,000 lines or who, although they have more than 50,000 lines, have REA telephone loans or guarantees approved prior to 1983. Those with more than 50,000 lines will only qualify for payments for those exchanges that have REA loans.

Those exchanges whose costs to connect to interexchange service exceed 115 percent of the national average will qualify under subsection (c) to recover their costs that exceed 115 percent.

Under subsection (d), the third fund, which is funded by charges on those that bypass the exchange carrier, will be used to offset costs caused by such nonconnection and to supplement the funds otherwise available under the first two funds.

Subsection (e) requires that the accounts will be administered with as few delays possible and on the basis of uniform and simple standards which are readily applied to the information included in each application. Payments will be subject to audit and adjustment by the Board to assure that they are proper and are used to maintain afforable rates.

UNIVERSAL SERVICE BOARD

Section 6. The bill adds a new section to Title II of the 1934 Communications Act, Section 227.

Within 30 days the FCC is required to establish a Universal Service Board, consisting of two FCC commissioners and three state commissioners. The Board will: 1) establish

and maintain formulas for funding the Universal Service Fund and distributing funds from it; 2) provide for a transition from the present system of separations and settlements to the new system of access charges; and 3) determine relative assignment of joint and common costs. In making its decisions on joint and common costs, the Board will encourage reliance upon exchange common carriers for distributing interexchange transmissions; promote the availability of exchange service at affordable rates; and take into account the costs of providing exchange service and exchange access, investment needed to meet demands for exchange service and exchange access, and the use of exchange facilities for exchange service and exchange access. Any determination by the Board is final, subject to judicial review. The Board may appoint staff and an administrative committee, made up of representatives of exchange and interexchange carriers and customers, to administer the Universal Service Fund accounts.

STATE COMMISSION AUTHORITY

Section 7. The bill adds a new section to Title II of the 1934 Communications Act, Section 228.

Although the FCC may adopt technical regulations, states have authority to regulate exchange service, interexchange service involves communications service to the extent that such service involves communication between points within the state (except communication that does not cross property lines or remains within a single site). Under this authority states may classify facilities used for such purposes even if they are also used for interstate communications and may determine depreciation methods for those portions of such facilities attributable to providing service within the state. Such decisions will be in accordance with guidelines established by the Universal Service Board and depreciation methods will promote the economic viability of the carriers involved. The states or the Universal Service Board may require any person providing communication to provide information needed to carry out their responsibilities and keep informed about technical developments.

PRESERVATION OF BASIC TELEPHONE SERVICES

Section 8. The bill adds a new section to Title II of the 1934 Communications Act, Section 229.

State commissions may require exchange carriers to lease and maintain basic one-line telephones and inside wirings to persons within the state under tariffs that include all costs of providing and maintaining them. A basic one-line telephone is defined by the FCC as the type of equipment essential for basic participation in nationwide telecommunications. In defining such equipment, the FCC may not reduce the quality of basic one-line telephones presently available.

EFFECTIVE DATE

Section 9. The amendments made by this Act will take effect on the date of enactment or January 1, 1984, whichever is later.●

● Mr. WYDEN. Mr. Speaker, I am delighted today to be able to introduce, along with my colleagues Mr. SWIFT and Mr. ALEXANDER, this much-needed legislation that will ensure that the poor, the elderly and rural residents are not priced out of basic telephone services.

We know that, given the events of recent months, we have a big job ahead of us. But it is a critical one.

America is in the middle of a technological revolution. The fruits of the marketplace—home banking, home shopping, in-home computer linkups, and other whizbang gadgetry and services—are just around the corner.

But AL SWIFT, BILL ALELXANDER, and I think it is wrong for some in our society to have access to micro-optics while our senior citizens may not be able to afford a telephone to call the doctor.

We want it understood that while we favor competition in the telecommunications industry, we simply will not let our most vulnerable citizens be cut off from society.

Recent actions by the Federal Communications Commission—including the access charge decision—could put basic phone service out of reach for millions of older Americans, the urban poor, and those who live in rural areas.

The implications are staggering. I was director of the Oregon Gray Panthers for 7 years before coming to Congress and I am still close to senior citizens groups. When I was home in my district this weekend the issue of phone rates came up repeatedly at my town hall meetings. And what I saw was raw fear: Fear that seniors would not be able to stretch meager savings far enough to cover the phone rates hikes. Fear that they would be cut off from their lifeline—their only link with the outside world.

Hundreds of thousands of elderly in this country are now walking an economic tightrope, balancing their food costs against their utility bills, and their utility bills against health care premiums. Major phone rate increases could push them off of that economic tightrope.

Because Mr. SWIFT and I do not believe Congress wants to create a social subclass of Americans who cannot afford a telephone, earlier this month we introduced a resolution (H.R. 231) which calls on the FCC to gather the data necessary to determine how many Americans will have to give up phone service as a result of its actions. Some 157 of our colleagues already have agreed to cosponsor our bill and the Telecommunications Subcommittee will mark it up tomorrow.

Today, however, we take a much larger bite out of the apple by introducing a bill that will restructure the phone rate system in a more equitable fashion. To this end, it overturns the Federal Communication Commission's access charge decision—a decision which was made with little apparent regard for the impact on the American telephone consumer.

Our bill also calls for the equitable sharing of charges and fees for telephone service. Those parties capable of bypassing local access, who could otherwise avoid paying their fair share of the costs, will be required to contribute toward the cost of maintaining local service. Long-distance companies will also be required to contribute. These provisions will insure that the costs of maintaining local service do not fall unfairly on small business and residential consumers.

A third provision of our bill provides for the establishment of a universal service fund. The purpose of the fund is to guarantee affordable service for those who live in high cost areas. A system of support would be available to those local phone companies whose operating costs were above 115 percent of the national average.

Finally, our bill places authority to regulate intrastate calls and service with the States—where it should be.

This bill may appear to be a menagerie of complicated terms and provisions. It talks about interexchange transmission, exchange access, separations and settlements, tariff submissions, and bypass.

Its goal, however, is straightforward: To guarantee that the principle of universal telephone service in this country is not tossed out the window.

We feel that it is high time Congress take the decisionmaking authority over telecommunications out of the hands of unelected administrators and judges. For more than 15 years, we have abdicated our responsibilities, and if we do not act now, Americans are going to pay dearly.●

H.R. 2760—COVERT ACTION IN NICARAGUA: EDITORIAL COMMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

● Mr. BOLAND. Mr. Speaker, the House soon will be considering H.R. 2760, one of the more important measures to come before it in this or any other session of Congress.

H.R. 2760 would prohibit any further funding for military or paramilitary operations within Nicaragua and would authorize $80 million in overt security assistance funds to friendly Central American countries.

It has been carefully considered by the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs and reported favorably by each.

I urge all Members to carefully study the issues raised by H.R. 2760 in preparation for the forthcoming secret session of the House which will consider them.

In this regard I have found the following editorials helpful and commend them to all Members:

[From the Washington Post, Mar. 11, 1982]

NONINTERVENTION

Things are getting out of hand in respect to Nicaragua. The tone and, according to the latest news reports, the content of President Reagan's approach are getting progressively more threatening. Whether the Nicaraguans are intimidated is not clear. It is evident, however, that Mr. Reagan is moving rapidly toward the outer limit of the support he can reasonably expect from the American people and from this country's friends in the hemisphere. He badly needs to slow down, collect his thoughts and put them out in public view.

There is, we believe, a central ambiguity to the line the administration seems to be taking now, an ambiguity fed partly by design and partly by indecision and careless thinking. Is the American purpose merely to prevent the Sandinista rulers of Nicaragua from imposing on and disrupting the lives of their neighbors? Or is it to put an end altogether to Sandinista rule? The administratin has not openly professed that more ambitious second goal, but some of its private words, deeds and plans suggest it wishes to proceed toward it, or to get the Sandinistas to believe it will. In that latter purpose, by the way, it has succeeded. The Sandinistas do believe Mr. Reagan intends to try to do them in, and they are mobilizing their considerable diplomatic and propaganda resources to block him.

Should this country try to destroy the Sandinista revolution? The reasons to say yes may be seductive. The Sandinistas are lending themselves to the purposes of foreign countries hostile to the United States. They are double-crossing the many Nicaraguans who accepted their lead in the anti Somoza struggle. And the more the regime reveals these tendencies, the stronger the temptation in the United States to move, in one way or another, against it.

It would, however, be dangerous and wrongheaded to do so. Such an act would cut across the one principle that offers a basis on which the United States has a chance to avert far greater trouble than it has gotten into or even imagined so far. The principle is that of nonintervention.

It can never be forgotten that in Latin America, and especially in Nicaragua, the United States is viewed as the Great Intervenor. The right-wing police regimes of the hemisphere may join Washington in an effort, by open or covert means, to change the regime in Managua—but no other Latin government or element will. The substantial support the United States has received for its effort to build reform in El Salvador will inevitably fade away as Washington is seen to be returning to the role of intervenor in Nicaragua. The American public, plenty leery already, would not put up with such intervention; nor should it. The ground on which the United States stands as it asks others to oppose Nicaraguan intervention in El Salvador crumbles as the United States sponsors intervention in Nicaragua.

It can be argued that the purpose of the CIA's anti-Nicaragua operations is merely to give the Sandinistas second thoughts about their help in Salvador, not overthrow the regime. But you have to be pretty forgetful, or pretty dumb, to buy that argument. Anyway, if there is one thing that the United States has proved itself to be bad at in recent years, it is subverting Latin regimes. There has been no "success" in this department since Guatemala in 1954, and the results there are no advertisement for more of the same.

It follows that before President Reagan goes any further he should clarify the thrust of his policy. He could state that he regards the Sandinistas as bad news, for their international connections and revolutionary ambitions as well as for their repressive domestic proclivities, but that he has decided that in order best to influence them he will forswear an intent to unseat them. Instead he will honor the traditional hemisphere ideal of nonintervention and call upon others to join him to ensure that the Sandinista government respects that ideal in its practical affairs. The means will be hardheaded, legitimate and generally acceptable and will blunt the crippling allegation that he seeks to "intervene."

This will not tie up every loose end of American policy toward Nicaragua. But it will help remedy its central flaw. From the fundamental decision to abandon interventionism, everything else follows.

[From the Boston Globe, Aug. 12, 1982]

HONDURAS ON THE BRINK

For months, friends of Honduras have feared that its weak civilian government would be undermined by the US policy of "using" Honduras as a staging area and an agent in the widening Central American war.

Those fears are now coming true. A number of recent signs suggest that the Reagan Administration's insistence on a military victory in El Salvador, and on a continued war of nerves with Nicaragua, is beginning to spill the violence over into Honduras. There is a trend toward bombings, bank robberies and other guerrilla operations that are clearly acts of retribution.

Honduras could and ought to be an innocent bystander. It is the third poorest country in the western hemisphere and has a small wealthy oligarchy typical of the region. Class differences are more muted than in Salvador or Guatemala, however. The Honduran upper classes have not shared the vicious repressive instincts that provoked revolution elsewhere.

During the 1960s, under a moderate military dictatorship, Honduras embraced the goals of John Kennedy's Alliance for Progress and initiated significant land and labor reform. Allowed to stand aside from the troubles outside its borders—and provided sufficient economic assistance—Honduras could avoid the cycle of bloodshed and pull itself up.

It appears that Honduras will not have that opportunity. Although a civilian government took over last year, the power of the Honduran military is growing. U.S. military aid is being poured in, along with numerous overt and covert US military advisers and CIA personnel, and even some Argentine troops brought in to disguise the American presence. As always happens when civilian governments are not well established, this aid gives the military a disproportionate influence.

Honduras faces no threat that would justify all the aid. It is simply a payoff for doing the Administration's dirty work. For months, Honduran forces have allowed exiled National Guardsmen of the former Nicaraguan dictator Anastasio Somoza, and some counterrevolutionary factions of Miskito Indians, to launch counterrevolutionary raids across the Nicaraguan border.

Now, tense relations with Nicaragua are reportedly building toward war hysteria. Honduras could have eased those tensions months ago by accepting a Nicaraguan offer of joint border patrols, but, probably on a signal from Washington, it has turned a deaf ear. Meanwhile, to the west, Honduran forces have been cooperating with Salvadoran troops in a series of secret hammer-and anvil operations to trap Salvadoran guerrillas along the border.

The cost of being a spear carrier for the Reagan administration was breathtakingly evident in the earnest words of a Honduran officer in a recent radio interview: "The US will supply all the arms, equipment and body bags that we need, and all we have to do is supply the bodies."

[From the Miami Herald, Nov. 4, 1982]

SOMOZA'S GHOST

There's a constant temptation for U.S. officials to try quick-and-duty military solutions abroad when long-range American interests actually require the consistent application of pressure toward humane democracy. That temptation is rising once again in Central America, where military activity is escalating while most Americans are distacted by the more-visible drama of Lebanon.

It is clear that the four-year-old Sandinista revolution in Nicaragua has fallen into the tightening grip of its most extreme Marxist participants. Progressive Nicaraguans seeking elections and a mixed economy have felt increasing pressure. A top priority for U.S. Central American policy should be to bolster those moderate elements within Nicaragua.

Instead, the Reagan Administration is undermining them by virtually sponsoring the growth of an armed counter-revolution that includes hated remnants of the late dictator Anastasio Somoza's national guard. The presence of those unsavory elements, newly re-armed, just across the border in Honduras serves only the Sandinistas. It gives them an excuse to continue their own arms buildup and their internal repression, all in the name of "security".

Additionally, the buildup potentially threatens the newly elected civilian government of Honduras. Reagan Administration generosity to the Honduran military could shift the current delicate balance between the 15,000-man army and the trend toward civilian rule. Some Hondurans fear that their country is becoming "the Lebanon of Central America" as powerful external forces divide their nation. That fear is well-founded.

Few Americans, and certainly few congressmen, disagree with the goals of maintaining pluralism in Nicaragua, minimizing Cuban-Soviet influence in the region, and assuring the security of Nicaragua's non-Marxist neighbors. The re-arming of the former Somoza forces, however, cannot achieve those ends. Instead, it could serve to fuel resentment against the United States by Central Americans who believe that Washington cynically is willing to saddle their nations with any dictator who wraps himself in the banner of anti-communism.

There is no long-range benefit for the United States in such polarization. To the contrary, those resentments too often become kindling for the missionaries of Marxism who strap their own brand of dictatorship to the powerful yearning for freedom from tyrants.

The Reagan Administration should not be seduced into continuing this anachronistic confrontation across the Honduran-Nicaraguan border. It's counterproductive. Congress should tell the Administration so by requiring a clearly defined policy goal to

justify every shipment of arms and military expertise to Central America.

[From the New York Times, Nov. 5, 1982]

NOT-SO-SECRET WAR IN HONDURAS

"Bay of Pigs II?" was the cover headline on a June 1981 New Republic article on war games in Honduras by forces that seek to destabilize Nicaragua. Now a Newsweek cover story explores "America's Secret War," asserting that an American-managed covert operation in Honduras is nearly out of control.

Democracies do some things well, but dirty tricks are not conspicuous among them. Part of the difficulty—law and morality aside—is the inquisitive, competitive free press. It is doubtless tempting to abandon diplomacy and try for a quick fix by using exile armies as proxies to eliminate a vexatious regime. But it can only work in the unlikely event that the press joins in pretending there is no official complicity.

Once that pretense in exposed, Washington's pious censure of others for meddling across frontiers sounds like so much humbug. The United States now concedes supplying arms to insurgents; why then is it wrong for Nicaragua to do the same? If one superpower claims special exemption in trespassing against the sovereignty of smaller neighbors, can it plausibly deny its rival the same prerogative—in Poland, for instance?

Quick fixes, moreover, are rarely that. In 1954 an elected leftist regime in Guatemala was dispatched by an exile army, palpably under American sponsorship. The unintended result was grim: three decades of unstable government, spasms of brutal repression and a chronic insurgency.

There might still be compelling arguments for trying risky measures if no other choices remained, but the situation in Nicaragua is not that desperate. Nicaragua's Sandinist rulers have ignored promises to hold elections and harassed the surviving opposition. But the opposition does survive. Venezuela and Mexico urge talks on the crucial matters of foreign arms and advisers, a course that has yet to be put to a good-faith test.

The scale of American aid to insurgents is in dispute, but not the practice. It has a sadly familiar smell. In the absence of diplomacy, an ever-eager clandestine apparatus grows more active. In the absence of clear direction from Washington, those in the field take charge. So it was that joint U.S.-Honduran maneuvers were scheduled for Dec. 5, within hours of President Reagan's scheduled visit to Costa Rica. Someone had the good sense to notice; the maneuvers are now postponed, subject to reconsideration by a sobered State Department.

Let the Newsweek report serve as a warning bell to Secretary Shultz. He would do his boss a favor by asking the right questions about Honduras before President Reagan begins his good-neighbor visit to five Latin countries. One Bay of Pigs is enough.

[From the Los Angeles Times, Nov. 8, 1982]

GOING WRONG IN NICARAGUA

Reagan Administration officials have confirmed that the United States is involved with clandestine military operations against the Sandinista government in Nicaragua.

The admission comes as no surprise to knowledgeable observers of Central America, who have suspected that the cross-border raiders harassing the Sandinistas from Honduras had at least tacit support from the U.S. government. American officials have been worried about the revolutionary regime in Managua ever since the Sandinistas helped overthrow dictator Anastasio Somoza in 1979, then began an open flirtation with Cuba and the Soviet Union. U.S. concern turned to anger when some Sandinistas began aiding the leftist rebels fighting the U.S.-backed government in El Salvador. The initial aim of the clandestine operations against Nicaragua was to hamper the supply lines between Nicaragua and the Salvadoran insurgents.

Unfortunately for the United States, the original plan for undercover activity against Nicaragua may be getting out of hand, according to published reports.

The clandestine operations are not being conducted by well-meaning but disillusioned Nicaraguans who want to correct the course of a popular revolution that has gone awry. Most of them are the work of Somoza's former soldiers, who fled into Honduras as refugees after the rebellion. These somocistas are as widely detested in Nicaragua as the old dictator was. All the somocistas want is vengeance against the Sandinistas, and they could not care less about reform in Nicaragua.

The Sandinistas have been so heavy-handed and zealously Marxist in carrying out their revolution that there are plenty of disillusioned Nicaraguans for the United States to work with if it truly wants to promote a democratic alternative there. Respected political leaders and even former Sandinista military heroes like Eden Pastora are working against the Sandinistas from exile. Under these circumstances, it is simply crazy for the United States to be associated in any way with the hated somocistas.

The Reagan Administration can dispute published reports about the extent of clandestine activity against the Sandinistas. It can deny that the aim of the activity is to overthrow their government. But there is no denying that being linked with the somocistas is the single most counterproductive thing that the United States can do in dealing with Nicaragua. The United States should quit before it gets further behind.

[From the San Diego Tribune, Nov. 10, 1982]

THE NICARAGUAN BAY OF PIGS

The Secret is out about the covert war in Nicaragua, and the United States should pull back before it makes things worse.

The Sandinista regime is no friend of America. It came to power after a bloody civil war that polarized Nicaraguan society and pitted even moderate Nicaraguans against the tyrannical regime of Anastasio Somoza. When Somoza fled in 1979, it was as much because of a collapse of U.S. support as military defeat, so the Sandinistas owe at least that factor to their coming to power. But the Nicaraguan revolution soon started to consume its moderates, and the United States hardened its position against the Sandinistas.

In 1981 the civil war in El Salvador flared up, fueled, according to then Secretary of State Alexander Haig, by communist arms shipped from Nicaragua. And the domino theory was resurrected to justify sending U.S. military advisers and CIA operatives not only to El Salvador, but also to Honduras, which lies between El Salvador and Nicaragua.

But here the plan started getting out of control. As Newsweek magazine reported Nov. 8, U.S. Ambassador to Honduras John D. Negroponte "is overseeing an ambitious covert campaign to arm, train and direct Nicaraguan exiles to intercept the flow of arms to leftist guerrillas in El Salvador. But the operation has another objective: to harass and undermine the Cuban-backed government of Nicaragua."

According to U.S. officials quoted by Newsweek, the covert campaign involves backing supporters of the Somoza regime who are attempting to wage a guerrilla war of revenge in Nicaragua from bases in Honduras. It involves blowing up bridges, electrical facilities and other installations in Nicaragua. It involves joint U.S.-Honduras military maneuvers in the area, slated for next month, maneuvers that some officials believe could presage a Honduran invasion of Nicaragua.

If this sounds familiar, it is. The U.S. covertly armed and trained disgrunted Cuban exiles in Central America and gave support to their attempted invasion of Cuba in 1961. That fiasco was called the Bay of Pigs invasion, and it not only failed, but entrenched Fidel Castro more firmly in Cuba.

America has reason to be concerned about the Sandinistas. They are stifling dissent and spurring a large military buildup. But we are backing the wrong people in Nicaragua; the Somocistas are hated by nearly all Nicaraguans. We are increasing the military's power in Honduras, which has only had a civilian democracy for one year, and thereby breeding turmoil in the country we are trying to stabilize. And we are using anti-democratic methods which cause Central Americans, including our neighbors in Mexico, to question America's commitment to end interventionism.

Secretary of State George Shultz, who inherited Haig's plan but does not necessarily share his domino theory about Central America, was reported to be dissatisfied with the secret war operation in Nicaragua. A government source quoted by Newsweek said: "Only Shultz can change it if there is still time."

We hope he does. This administration cannot tolerate another Bay of Pigs-style invasion. And the alternative—U.S. participation in a full scale war in Central America—is unacceptable to this country. A better approach is to accept Mexico's offer to mediate in negotiations between Nicaragua, Honduras and the United States.

[From the Miami Herald, Dec. 8, 1982]

A COVERT WAR?

Is the United States waging a secret war against Nicaragua from within neighboring Honduras? President Reagan's ambassador to Honduras, John Negroponte, refuses to discuss the question with press or public. It is therefore time for Congress to exert its Consitutional authority to demand answers.

There's no doubt whatever that a contra movement of anti-Sandinista Nicaraguan exiles is camped along that border. Nor is there any doubt that the Central Intelligence Agency's staff in Honduras has increased dramatically in recent months. Additionally, several prominent U.S. news organizations have reported that Ambassador Negroponte personally is directing a covert CIA war against the Sandinista government. Elements of the late dictator Anastasio Somoza's hated National Guard are among the newly earned contra forces.

Ambassador Negroponte all but smirked as he refused to discuss the allegations with The Herald. He did acknowledge that it is

widely perceived that such a war is under way. However, the ambassador even refused to discuss the potential reaction in other Latin American nations to the belief that Washington is attempting to subvert the Sandinista government.

The danger of such a secretive attitude by the Government official on the scene is clear. It is also reminisent of two generations of earlier secret wars that became major U.S. blunders. One was in Cuba, at the Bay of Pigs in 1961. Another was in Vietnam a few years later.

The United States and especially south Florida have a direct stake in Central America. A war there would send thousands of refugees fleeing north. Further, the armed, embittered remnants of whichever side loses are likely to become quasi-independent guerrilla bands that prey on their neighbors to survive. It is no exaggeration when Hondurans worry aloud that their nation could become "the Lebanon of Central America."

To what end is the Regan Administration fostering, or at least taking covert actions that would tend to foster, such a destructive course? The Administration and its ambassador refuse to answer. Let Congress then summon the officials involved from the State Department, the CIA, the Pentagon, and the White House itself to reply quickly, before this covert U.S. meddling ignites another overt U.S. disaster.

[From the St. Louis Post-Dispatch, Dec. 9, 1982]

SECRET WAR AGAINST NICARAGUA

While piously protesting that Cuba and the Soviet Union, with the help of Nicaragua, are secretly shipping arms and ammunition to Salvadoran insurgents through Honduras, the Reagan administration is apparently engaging in a far more dirty form of intervention in Central America. The New York Times, in an article that has been confirmed by various sources, has reported that in Honduras the CIA is indirectly providing money, training and military equipment to paramilitary groups whose avowed aim is to overthrow Nicaragua's Sandinist government. The operation, said to involve 150 agents based in Honduras and dozens more in neighboring countries, is reported to be the largest covert CIA action in nearly a decade and to be funded by a $31.3 million military aid program to Honduras in fiscal 1982.

This proxy secret war not only violates international law but U.S. law as well. The U.S. Neutrality Act expressly forbids the raising of secret armies to unseat a regime that the United States recognizes as lawful. Moreover, the covert operation is likely to be counterproductive for U.S. interests. It will prompt leftist Nicaragua, fearful of invasion, to further build up its armed forces and become more dependent on support from the Soviet Union and Cuba. It will intensify Latin American animosity toward U.S. intervention in the region and heighten distrust of Washington.

Although the CIA's past covert operations in Cuba, in Angola, in Chile and elsewhere have been exposed and discredited, the Reagan administration seems to be relying more and more on the CIA's dirty tricks as a tool of foreign policy. The House has now voted to ban covert U.S. aid to exile groups for the purpose of overthrowing the Sandinist government or provoking a military clash between Nicaragua and Honduras. The Senate should do the same. The proper procedure for the pursuit of U.S. objectives in Latin America and elsewhere is open diplomacy, not secretly subsidized killing.

[From the Atlanta Journal, Dec. 10, 1982]

CONGRESS HAS RIGHT, DUTY TO LIMIT NICARAGUA ROLE

You don't have to be either a pacifist or a sympathizer with the Sandinista regime in Nicaragua to approve of the U.S. House action prohibiting the CIA and other agencies from supporting military training aimed at the overthrow of that government, or trying to provoke a war between Nicaragua and Honduras.

While we disliked the Somoza regime in Nicaragua, we have been disappointed that the Sandinistas seem to be more active in promoting Marxism in other countries than in restoring democracy in their own country.

Thus, we do not consider it wrong for the United States to assist El Salvador and Honduras in resisting infiltration by Nicaraguans and trying to stop arms shipments from Nicragua to rebels in those countries. As far as international law is concerned, intervention in the affairs of another nation is equally improper whether it comes from a leftist regime or a right wing one.

But it is another matter to attack Nicaragua itself, or to foment an attack upon it by another country. Let us be sure that we and our allies remain in the position of defending against aggression rather than appearing to be aggressors ourselves.

Some of the actions the United States is reported to have been supporting or at least considering amount to acts of war against Nicaragua. Sending troops across the border certainly is an act of war.

If and when the time comes that this kind of action really is necessary in the national interest of the United States, Congress should be involved in the decision. Under our Constitution the executive branch has primary responsibility for the conduct of foreign relations; we do not believe that Congress should make a habit of interfering in diplomacy. But the power to declare war belongs to Congress, and thus Congress must monitor closely foreign policy actions that could make war inevitable. It is both appropriate and timely for Congress to issue a warning against any kind of secret war against Nicaragua.

[From the St. Louis Post-Dispatch, Dec. 19, 1982]

A SELF-FULFILLING PROPHECY?

The Sandinista government of Nicaragua, still trying to discover where it should go politically and how far, faces increasing domestic difficulties. None of these, however, has much to do with the Reagan administration's blatant efforts to subvert that government.

A remarkable demonstration of domestic criticism has come from Nicaragua's ambassador to the United States, Francisco Fiallos Navarro. He called for a "dramatic change" in the direction of the government he represents. Mr. Fiallos asked for free elections, lifting of the state of emergency and unrestricted freedom of the press which, he said, was a condition of democracy.

Unfortunately, Mr. Fiallos did not get freedom of the press—the government prevented publication of his interview with La Prensa, an opposition newspaper which has been censored before. Government spokesmen say his statement shows "how flexible we are," meanwhile being inflexible about letting Nicaraguans know what he said.

The Sandinistas, however, are under some sever restraints as to how far they can go toward Marxist ideals. The Catholic hierarchy, which won public support by opposing the previous Somoza dictatorship, has been critical of the new regime, forcing it into an uneasy kind of truce with the church. Moreover, the government has had to secure short-term credits from American and western banks to meet a $40 million interest payment on its foreign debt.

In substance, Nicaragua has not yet fully determined its course or totally signed up with the communist bloc. But the Reagan administration, in its single-minded effort to block communist influence, is hardly helping its own cause.

Officials in Washington concede that the administration is supporting an effort to "destabilize" the Sandinista government. How? By supporting attacks into Nicaragua by well armed insurgents, usually operating from neighboring Honduras. Numerous reports have stated that the CIA is indirectly supplying these paramilitary groups, to the point where the program may be the largest CIA covert action in nearly a decade.

These paramilitary forces include many former National Guardsmen who served under the Somoza dictatorship. And the people of Nicaragua certainly know it. Nothing could be more effective in rallying them to their government than blatant outside interference in behalf of bands of Somozistas whom they threw out after decades of oppression. Even as to human rights, the present government is better than its predecessor.

The administration policy obviously cannot overthrow the Nicaraguan government; it is not even supposed to do so. The kind of minor harassment provided, from the sources providing it, is bound to be self-defeating. The policy offers Nicaraguans the propect of returning to a past that they have discarded. If this interventionism is suposed to demonstrate that Nicaragua represents a communist threat, the result could be a self-fulfilling prophecy.

[From the Christian Science Monitor, Dec. 22, 1982]

NICARAGUA NEED NOT COPY CUBA

The occupational hazard of revolutions is to become mirror images, of the tyrannies they overthrow. Freedom-loving Nicaraguans are trying to stem the post-revolutionary extremism which is taking their country in this direction. They are dismayed at United States policies that they see as giving the extremists an excuse for repressive measures. By this reasoning, hard-line leftists are bolstered as Washington continues to avoid diplomacy in favor of supporting armed action by remnants of the old Somoza dictatorship's national guard and other opponents of the Managua regime.

For a time the US appeared to be opening the diplomatic door a crack. It would be wise to pursue this line and renounce any overt or covert backing of force against Nicaragua's Sandinista government. Even the most open Nicaraguan critics of the regime's excesses see US intervention as counterproductive.

But if Washington would be repaid by listening to these critics, so would the regime that has become a magnet for Washington's anticommunist efforts. The latest Nicaraguan to speak out is Francisco Fiallos Navarro, who has been ousted as ambassador to the United States for doing so. He was preceded by exile Edén Gómez, the redoubt-

able Commander Zero of the revolution against Somoza, who last spring denounced the radicalism of former fellow-Sandinistas seeking to "hold on to power at all cost."

Mr. Fiallos recognizes the Nicaraguan revolution as irreversible but warns against its taking the country from a rightist dictatorship to a leftist dictatorship. He calls for political pluralism, free elections, a lifting of censorship. By returning to such stated ideals of the revolution, its leaders would not only serve their own people but give the United States an offer it could hardly refuse. The Reagan administration has long spoken of such reforms as conditions for restoring relations.

One misapprehension to dispel is the equating of Nicaragua with Cuba as a domino certain to topple toward abject communism and Muscovite serfdom. So far, for example, foreign and many other private businesses carry on in Nicaragua; at this stage after the Cuban revolution almost all private enterprises had been expropriated.

Nicaragua is not down the drain. It can be saved from that future so long as there are Nicaraguans from its broad-based revolution willing to stand up to the self-seeking exploiters of it—and outside powers such as the US willing to respond to their heartfelt pleas.

[From the Los Angeles Times, Dec. 26, 1982]

DANGEROUS COURSE

The undercover operations that the Central Intelligence Agency is carrying out against the revolutionary government in Nicaragua may be the most overt "covert" actions in which the agency has ever engaged.

The initial reports on the activities, which involve U.S. support for paramilitary groups waging guerrilla warfare against the Sandinista-dominated government in Managua, portrayed them as being out of control and dangerously close to sparking a regional war in Central America. In an effort to counter the negative publicity, U.S. intelligence sources have begun leaking even more information about them. The latest reports indicate that operations along the Honduras-Nicaragua border are running smoothly and fit in with the Reagan Administration's policy for Central America.

Both versions are most likely overstated. But, considering the current political instability all over Central America, the potential damage that any obvious North American intervention there would do to future U.S. relations with the region's governments, and the nature of some of the people with whom the CIA is allied in the operations, we wonder if the Administration fully comprehends the dangerous course on which the CIA has embarked.

Covert action against Nicaragua is being justified on the ground that some Sandinista commanders are secretly aiding the leftist rebels trying to overthrow the U.S-supported government in El Salvador. The presidential order authorizing the covert action reportedly says that the CIA should "harass" the Sandinistas but not work to overthrow their government. The agency is following a "tit-for-tat" strategy, striking at Nicaragua with sabotage only when the Salvadoran rebels carry out similar operations.

"The message to Managua is that 'there's a price to aiding the rebels,'" A U.S. intelligence official was quoted as saying. "If you stop, we'll stop the groups harassing you."

Therein lies part of the problem. Some analysts, even within the Reagan Administration, seriously doubt whether the CIA can stop, or in any way control, the paramilitary forces that it is helping to train and supply. Those counter-revolutionaries have their own agenda, and were engaging in action against the Sandinistas before the United States stepped into the picture.

Some of the Sandinistas' opponents are unsavory people. The best-organized paramilitary groups are made up of former members of the National Guard run by the late Nicaraguan dictator Anastasio Somoza. These so-called somocistas are as hated by the average Nicaraguan as the old dictator was, and their activities are financed by wealthy Nicaraguan exiles who made their money under the corrupt Somoza regime. Intelligence sources insist that the presidential order on covert action specifically prohibits assistance to former followers of Somoza. That is laudatory, but what sounds like good policy in Washington can easily go awry in the jungles of Central America.

But the most ironic thing about these covert activities by the CIA is that, regardless of their military value, they may backfire politically. That will happen if they generate sympathy and public support for the Sandinistas at a time when their heavy-handed Marxism is costing them the support of democratic Nicaraguans like Francisco Fiallos, the ambassador to the United States who recently resigned in protest against the policies of the Sandinistas.

When Fiallos stepped down, he not only criticized the Sandinistas but also warned the Reagan Administration against working against them so hard that they will again become heroes inside Nicaragua. He urged the United States to let Nicaraguans settle their own problems. That is sound advice, even if it is hard to accept for an Administration that is understandably impatient with the Sandinistas revolutionary fervor.

[From the Atlanta Journal, Dec. 30, 1982]

CONGRESS SHOULD PREVAIL ON POLICY IN NICARAGUA

Administration officials say the Defense Department and the Central Intelligence Agency will comply with congressional action prohibiting the United States from supporting military operations designed to overthrow the government of Nicaragua.

They'd better. Since the U.S. Constitution gives to Congress the power to declare war, it would seem that executive agencies shouldn't commit what amount to acts of war without consulting Congress, particularly when there is no need for an emergency decision.

The situation in Nicaragua is complex. At about the time Congress was acting, the Nicaraguan ambassador to the United States was ousted by his government because he had criticized its policies and warned his people of the danger of a leftist dictatorship.

"To overthrow a rightist dictatorship does not give us the right to repress our people," said Francisco Fiallos Navarro. And when he spoke of "us", he meant the Sandinista regime he had been representing.

We share his concern about the trend toward a leftist dictatorship in Nicaragua, and that is precisely the trend which suggests to some people that we ought to intervene there.

But even after expressing alarm about the emerging trend in Nicaragua, Fiallos denounced any idea of U.S. intervention. "The worst things they (the Reagan administration) could do is help the Somozistas," he said.

Fiallos is right. He speaks for the substantial majority of Nicaraguans who wanted to see the right-wing Somoza dictatorship ousted but who did not want to see it replaced by a dictatorship of the left. He believes the democratic majority in Nicaragua can yet prevail if outside interference from all quarters is halted. "The problem of Nicaragua should be solved by Nicaraguans," in his view.

U.S. policy can properly seek to keep leftist Nicaraguans from interfering in El Salvador. In furtherance of Fiallos' idea of letting Nicaraguans solve the problem of Nicaragua, U.S. policy also can properly seek to get leftist Cubans out of Nicaragua.

But we should not go beyond that to try to impose our preference upon Nicaragua by force. And if we are still a democracy, the Defense Department and the CIA will certainly respect the authority of Congress to make decisions on war and peace.

[From the New York Times, Jan. 5, 1983]

QUIT THE BAY OF PIGLETS

When Congress asked why the C.I.A. is waging a secret war to overthrow the leftist regime in Nicaragua, the Administration said it isn't; America is only trying to harass the Sandinist junta, not overthrow it. This spongy distinction failed to impress the legislators. At the bipartisan urging of its intelligence committees, Congress has now informed President Reagan that he may not use American arms or manpower against Nicaragua.

This constitutes a second warning to an Administration that seems to be sleepwalking into Credibility Gap. The Congressional resolution—adopted 411-0 by the House, and approved in conference by the Senate—followed many press accounts of United States help for clandestine forces raiding Nicaragua. The publicity proves that there is no way to hide such large-scale involvement with emigré adventurers.

Perhaps such covert action is justifiable after conventional diplomacy fails. But the Reagan Administration hasn't made that case even to sympathetic members of Congress.

New York's Senator Moynihan, vice chairman of the Senate intelligence committee, has said it is a serious question "whether or not the Administration is in violation of the law for the first time since the Gulf of Tonkin resolution." His doubts are shared by the Republicans' John Chafee of Rhode Island.

Any secret commitment of American forces to attacks in or against Nicaragua would violate both the Neutrality Act and the War Powers Act. The laws make no exception for mere harassment. There can now be no doubt about Congress' intent in this affair; its resolution forbids the use of "military equipment, military training or advice, or other support for military activities . . . for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."

News reports have put the number of C.I.A. operatives among Nicaraguan rebels in Honduras as high as 150. But Congress is said to have been assured by C.I.A. Director Casey that fewer than 50 agents are involved. It seems to have been conceded that Nicaragua's borders may have been violated by the U.S.-assisted insurgents, whose raids are meant by Washington to punish the Managua regime for supplying arms to guerrillas in El Salvador.

The operation isn't large enough to achieve any military objective but it's too large to conceal or explain away. It's a Bay of Piglets. Let President Reagan heed the views of Congress and end this meddling before it turns into something worse than an embarrassment.

[From the Boston Sunday Globe, Mar. 27, 1983]

REAGAN'S SWAMP OF PIGS?

A US-sponsored cloak-and-dagger operation in Central America is showing signs of careening out of control, raising the possibility of a regional war.

Intensive "covert action" began at least a year ago along the Honduran-Nicaraguan border. House and Senate intelligence committees approved the plan with the apparent understanding that the CIA-Pentagon aim was merely to "interdict" arms allegedly being shipped from Nicaragua to leftists in El Salvador. Ancillary harassment by CIA-funded commandos now appears to be expanding into Made-in-USA counterrevolution.

Within the past week an exile group, many of whose members were associated with the regime of the former dictator Anastasio Somoza, reportedly launched widespread attacks inside Nicaragua intended to trigger civil war. The Nicaraguan government claims Honduran troops participated in at least one fight along the northern border, and tensions are also high on the Costa Rican border where the counterrevolutionaries threaten to open a southern front. Several hundred anti-Sandinista guerrillas are also reportedly operating in mountainous areas inside the country, about 60 miles from Managua, the capital.

Apparently congressional committees with oversight responsibility had worried from the outset that the operation would get out of control. They reportedly approved harassing operations, but stipulated no use of US funds either to overthrow the government of Nicaragua or to provoke a Honduran-Nicaraguan war. Last fall Rep. Edward Boland (D-Mass.), chairman of the House Intelligence Committee, offered an amendment to the appropriations bill giving that distinction the force of law. For whatever reason, the line drawn by Congress appears to have been crossed.

Depending on what motives are assumed, the Administration has either naively created a Frankenstein monster or set the stage for deepening US involvement. With a false move, hostilities could spill across into Honduras or Costa Rica. If Nicaragua "goes to the source" of the counterrevolution, the Administration could be impelled to send troops to Honduras or Costa Rica, creating the critical mass for regional war. Meanwhile this adventurism gives the Sandinistas an excuse to turn to Cuba for additional aid and to continue the "state of emergency" that legitimizes a clampdown on the political opposition.

Cloak-and-dagger antics of the sort can never be adequately controlled. Even if the CIA and Pentagon seek to foment only a touch of chaos, the characters to whom they farm out the violence almost inevitably have other ideas. The Somocista agenda, a return to power in Managua, is an utterly unacceptable aim for the United States. Once guns and money are "in the pipeline" they can't be recalled.

If interdiction of arms traffic from Nicaragua to El Salvador were the aim, as claimed, there would be no need to sponsor any operations inside Nicaragua, other than intelligence gathering, and consequently there would be no need to act in secret stifiling congressional debate.

The secret aggression the Administration is facilitating is outlawed under the United Nations charter and the charter of the Organization of American States. US leaders such as Secretary of State George Shultz, who excoriate Salvadoran insurgents for wanting to "shoot their way into power," will be widely dismissed as hypocrites. The only certain result is a wave of justified resentment throughout the region and a hardening of the Sandinista regime.

Cynics would say the Administration wants the Sandinistas to overreact. If they harden their regime they'll alienate their people and prove the right-wing contention that democratic values cannot survive in leftist revolution. If they cross borders they'll provide an excuse to put US ground forces in the region.

Congress must pull the plug on the Nicaraguan operation before it is too late.

CARGO PREFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. IRELAND) is recognized for 5 minutes.

● Mr. IRELAND. Mr. Speaker, yesterday Congresswoman VIRGINIA SMITH introduced House Concurrent Resolution 136 which expresses the sense of Congress in opposition to any further, dangerous expansion of cargo preference. I am an original cosponsor of this measure.

The State of Florida produces more phosphate than any other in the United States. Phosphate is the key ingredient in fertilizer. The Florida phosphate industry exports about 19 million tons of bulk phosphate and related fertilizer materials each year on foreign vessels since freight rates for U.S. ships average 100 to 300 percent higher. The vessels employed are all bulk cargo ships—typically 30,000 to 50,000 tons.

Phosphate is a generic product, thus price is the most critical issue in sale. Florida producers would not be able to compete with foreign phosphate producers if forced to absorb these higher transportation costs.

It is estimated that as much as 40 percent of the 19 million export tons would be irretrievably lost if the cargo preference legislation currently before the Merchant Marine and Fisheries Committee was enacted. Such a reduction in production would result in the loss of 6,000 to 8,000 jobs in Florida, of the 75,000 now generated by the phosphate industry.

In more general terms there are a number of reasons why proposals which do advocate cargo preference have been rejected by Congress over the years. The proposed cargo preference legislation covers a wide variety of commodities shipped in international trade, including iron ore, coal, crude oil, petroleum products, chemicals, bauxite, aluminum, grains, soybeans, rice, sugar, sorghum, iron and steel scrap, and forest products in addition to phosphate rock and fertilizers. The substantially increased cost of ocean transportation for these products would be borne by the American consumer and those Americans seeking to sell their products overseas.

In addition, cargo preference totally violates any concept of free trade. The United States is currently a signatory to more than 40 treaties with foreign nations, including some of our closest allies, in which there are provisions to accord equal treatment and equal access to the vessels of the treaty partners. If the merchant vessels of treaty partners were denied the right to compete for certain dry bulk commercial cargoes in the U.S. export and import trades those treaty commitments would be violated.

Mr. Speaker, the implications of enactment of any further cargo preference legislation is that of a Government bailout of the U.S.-flag merchant marine and U.S. shipbuilders. We must prevail against cargo preference in order to underscore the reality that competitiveness must be earned, not legislated. At the same time, it will preserve the benefits of the open access, free market system for U.S. bulk exports and imports, and will assure the continuance of reliable, efficient and low cost ocean transportation that is critically important to the future state of the American economy. I urge my colleagues to support House Congressional Resolution 136.●

ERRATA AND CORRECTIONS IN THE JOINT STATEMENT OF MANAGERS WHICH ACCOMPANIED THE CONFERENCE REPORT ON HOUSE CONGRESSIONAL RESOLUTION 91

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD the following errata and corrections in the joint statement of managers which accompanied the conference report on House Congressional Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. These changes are to reflect printing errors, and represent what was agreed to in each House of Congress when the budget resolution was approved on June 23, 1983. I am also submitting for printing the concurrent resolution as adopted by both Houses.

Copies of the errata and corrections are available from the House and Senate Budget Committees.

ERRATA AND CORRECTIONS [1]

CONFERENCE REPORT TO ACCOMPANY H. CON. RES. 91, THE FIRST CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1984

(S. Rept. 98-155, June 20, 1983; H. Rept. 98-248, June 21, 1983)

Page 5: In section (6)(A), the word "sections" on the second line should be "section".

Page 6: In the section on National Defense, for each of fiscal years 1984 and 1985 add "(E) New secondary loan guarantee commitments, $0.".

Page 13: In section (11)(i), the heading should read "Health (550), including amounts reserved pursuant to section 2:".

Page 20: In section (20) Allowances, there should be a period at the end of line (E) in fiscal year 1983 and fiscal year 1984.

Page 25: In Miscellaneous Provisions, SEC. 4, on the sixth and twelfth lines after the words "Congressional Budget Act" add ", made pursuant to section 302(a) of such Act,".

Page 25: In Miscellaneous Provisions, SEC. 5(b) third line, "jurisdication" should be "jurisdiction".

Page 26: In Miscellaneous Provisions, SEC. 6:

In subsection (1) first line, "betweeen" should be "between".

In subsection (2), the period at the end of the second line should be a comma.

In the second line of the full paragraph after subsection (6), the word "committee" should be capitalized.

Page 27: In the table, fiscal year 1983 outlays ("0") for function 350: Agriculture should be "24,450".

Page 31: In the table in the Economic Assumptions section:

The first line should be "Gross national product:".

The fifth line from the bottom should be "Three-month Treasury bill rate (percent)".

Page 32: In the table, the Revenue change for Fiscal year 1986 should be "+46.0".

Page 33: In the section of Function 570: Medical Insurance and Function 650: Social Security, in the third line from the bottom "surviviors" should be "survivors".

Page 33: In the section heading "Function 920. Allowances", the period should be a colon.

Page 33: In the table:

The correct amount for Senate-passed Revenues is "603,325" and the correct amount for Conference substitute Revenues is "604,300".

For function 270—Energy, House-passed Budget authority should be "4,050".

Page 34: In the table, for function 920—Allowances, Second budget resolution Outlays should be "−2,816".

Page 35: In the table, for function 300—Natural resources and environment, House-passed Budget authority should be "11,550".

Page 36: In the table at the top of the page, the title of the last function should be "950—Undistributed offsetting receipts:".

Page 44: In the table, for function 950—Undistributed offsetting receipts, House-passed Outlays should be "−23,550".

Page 45: In both tables, under "Total FY 1984-86", the heading above the left-hand column should be "BA".

Page 45: In the table showing Conference Substitute Reconciliation Instructions for House Committee:

—The sixth line should be "Small Business".

—On the Total spending reductions line, FY 1984 budget authority ("BA") should be "−1,986".

Page 46: In the Deferred Enrollment section:

—The last word in the third line of the second paragraph should be "the".

—The last word in the third line of the third paragraph should be "procedures".

Page 47: In the section on Monetary Policy, in subsection (4) of the conference substitute, the period at the end of the second line should be a comma.

Page 52 and 53: The heading on the table that begins on page 52 and ends on page 53 should read as follows: "Fiscal Year 1984—Credit Budget Aggregates and Functional Categories Excluding Credit Budget Impact of Amounts Reserved Pursuant to Section 2".

Page 53: In the table that begins on page 53, the title of the third functional category should be preceded by "300—".

Page 57: In the table, for function 500—Education, training, employment, and social services, House-passed New primary loan guarantee commitments should be "6,650" and Senate passed New primary loan guarantee commitments should be "6,600".

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.
Fiscal year 1984: $679,600,000,000.
Fiscal year 1985: $750,500,000,000.
Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$12,000,000,000.
Fiscal year 1985: +$15,000,000,000.
Fiscal year 1986: +$46,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $44,700,000,000.
Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.
Fiscal year 1984: $167,900,000,000.
Fiscal year 1985: $187,300,000,000.
Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.
Fiscal year 1984: $928,725,000,000.
Fiscal year 1985: $996,750,000,000.
Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.
Fiscal year 1984: $919,500,000,000.
Fiscal year 1985: $990,500,000,000.
Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.
Fiscal year 1984: $858,925,000,000.
Fiscal year 1985: $911,600,000,000.
Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.
Fiscal year 1984: $849,500,000,000.
Fiscal year 1985: $906,750,000,000.
Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.
Fiscal year 1984: $169,900,000,000.
Fiscal year 1985: $156,250,000,000.
Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.
Fiscal year 1984: $179,325,000,000.
Fiscal year 1985: $161,100,000,000.
Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.
Fiscal year 1984: $1,614,600,000,000.
Fiscal year 1985: $1,830,100,000,000.
Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.
Fiscal year 1984: $225,600,000,000.
Fiscal year 1985: $215,500,000,000.
Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $54,250,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $47,900,000,000.

(ii) New primary loan guarantee commitments, $101,700,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $47,800,000,000.

(ii) New primary loan guarantee commitments, $106,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

[1] Includes corrections to reflect the resolution as agreed to by the House and Senate.

(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $52,700,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $100,100,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $103,050,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:

(A) New budget authority, $244,600,000,000.

(B) Outlays, $214,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $240,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $297,300,000,000.

(B) Outlays, $265,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $329,000,000,000.

(B) Outlays, $295,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:

(A) New budget authority, $24,850,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $10,650,000,000.

(D) New primary loan guarantee commitments, $9,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $12,950,000,000.

(C) New direct loan obligations, $12,000,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $16,250,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $12,850,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $8,150,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:

(A) New budget authority, $3,950,000,000.

(B) Outlays, $4,450,000,000.

(C) New direct loan obligations, $11,600,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $12,050,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,150,000,000.

(C) New direct loan obligations, $12,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,050,000,000.

(C) New direct loan obligations, $12,600,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1983:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $12,450,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $12,050,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $11,850,000,000.

(B) Outlays, $12,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $12,150,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,650,000,000.

(B) Outlays, $24,450,000,000.

(C) New direct loan obligations, $19,400,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $13,300,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $12,750,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $13,200,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $3,750,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $11,650,000,000.
(D) New primary loan guarantee commitments, $3,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $12,200,000,000.
(D) New primary loan guarantee commitments, $3,850,000,000.
(E) New secondary loan guarantee commitments, $0.
(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $6,060,000,000.
(B) Outlays, $3,550,000,000.
(C) New direct loan obligations, $7,200,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,450,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $500,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $260,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $3,500,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,250,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $150,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $100,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $1,050,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $28,950,000,000.
(B) Outlays, $27,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $29,800,000,000.
(B) Outlays, $28,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,975,000,000.
(B) Outlays, $8,225,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $1,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,175,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,550,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,850,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $8,350,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,350,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $550,000,000.
(E) New secondary loan guarantee commitments, $0.
(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $32,850,000,000.
(B) Outlays, $32,150,000,000.
(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $31,850,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Education, Training, Employment, and Social Services (500), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $28,350,000,000.
(B) Outlays, $27,650,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $33,950,000,000.
(B) Outlays, $28,350,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(11)(i) Health (550), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,350,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $34,100,000,000.
(B) Outlays, $34,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $37,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Health (550) excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $29,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $32,100,000,000.
(B) Outlays, $32,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $35,800,000,000.
(B) Outlays, $35,400,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,250,000,000.
(B) Outlays, $53,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $62,500,000,000.
(B) Outlays, $60,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,850,000,000.
(B) Outlays, $68,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,200,000,000.
(B) Outlays, $76,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13)(i) Income Security (600) including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments $0.
Fiscal year 1984:
(A) New budget authority, $126,750,000,000.
(B) Outlays, $104,300,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,800,000,000.
(B) Outlays, $104,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $134,150,000,000.
(B) Outlays, $107,450,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Income Security (600), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $124,800,000,000.
(B) Outlays, $102,350,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,350,000,000.
(B) Outlays, $103,800,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $133,700,000,000.
(B) Outlays, $107,000,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,500,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $176,000,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $196,400,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,000,000,000.
(B) Outlays, $199,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,600,000,000.
(B) Outlays, $26,100,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,550,000,000.
(B) Outlays, $25,450,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,450,000,000.
(B) Outlays, $25,950,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,850,000,000.
(B) Outlays, $5,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,650,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,750,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,150,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,200,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,400,000,000.
(B) Outlays, $88,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $98,000,000,000.
(B) Outlays, $98,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $104,500,000,000.
(B) Outlays, $104,500,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $107,200,000,000.
(B) Outlays, $107,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,300,000,000.
(B) Outlays, $88,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $97,100,000,000.
(B) Outlays, $97,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $103,100,000,000.
(B) Outlays, $103,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $105,500,000,000.
(B) Outlays, $105,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $750,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $2,050,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$19,100,000,000.
(B) Outlays, −$19,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$18,050,000,000.
(B) Outlays, −$18,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,900,000,000.
(B) Outlays, −$18,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$23,750,000,000.
(B) Outlays, −$23,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:
Fiscal year 1983:
(1) New budget authority, $6,060,000,000.
(2) Outlays, $5,350,000,000.
Fiscal year 1984:
(1) New budget authority, $8,325,000,000.
(2) Outlays, $8,525,000,000.
(b) In the House of Representatives:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and
(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.
(c) In the Senate:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and
(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.
(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.
(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:
Fiscal Year 1983 Budget Authority $877,200,000,000.
Fiscal Year 1983 Budget Outlays $807,400,000,000.
Fiscal Year 1984 Budget Authority $919,500,000,000.
Fiscal Year 1984 Budget Outlays $849,500,000,000:
Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

SEC. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.
(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.

(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cent per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SEC. 6. MONETARY POLICY.—Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

SEC. 8. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000, in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

CONFERENCE REPORT ON H.R. 3135

Mr. FAZIO submitted the following conference report and statement on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 98-271)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 22.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 13, 14, 16, 20, and 21, and agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *108*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *109*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *110*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *111*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *112*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *$14,653,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the number stricken and proposed by said amendment, insert the following: *139*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *$5,980,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *$850,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 11, 12, 15, and 17.

VIC FAZIO,
DAVID R. OBEY,
JOHN P. MURTHA,
BOB TRAXLER,
LINDY BOGGS,
JACK HIGHTOWER,
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SILVIO O. CONTE,
JOHN T. MYERS,
JOHN EDWARD PORTER,
Managers on the Part of the House.

ALFONSE M. D'AMATO,
MARK O. HATFIELD,
TED STEVENS,
DALE BUMPERS,
FRITZ HOLLINGS,
JOHN C. STENNIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I— CONGRESSIONAL OPERATIONS

SENATE

Amendment No. 1: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which deletes Sec. 107, regarding reimbursement for computer equipment and services. Sec. 107 has been deleted by the conferees at the request of the managers on the part of the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ADMINISTRATIVE PROVISIONS

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 107. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j) on or after October 1, 1983, shall not apply to any individual

whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree with the intent of the Senate amendment which was designed to affect only employees on the Senate rolls. Since the Senate language inadvertently also affects some employees who are carried on House rolls who would be adversely and unintentionally affected, the managers have agreed to language which specifies that only employees whose pay is disbursed by the Secretary of the Senate are affected.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

Amendment Nos. 3 through 7: Change section numbers.

JOINT ITEMS

OFFICE OF ATTENDING PHYSICIAN

Amendment No. 8: Appropriates $653,000 as proposed by the Senate instead of $653,200 as proposed by the House.

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and expenses

Amendment No. 9: Appropriates $14,653,000 instead of $13,933,000 as proposed by the House and $15,800,000 as proposed by the Senate. The conferees wish to caution OTA to use the additional funds above the House allowance for the nine additional staff and related costs, and not for items which will inflate their base budget.

Amendment No. 10: Provides a limitation of 139 staff employees instead of 130 as proposed by the House and 145 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

Capitol buildings

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment regarding vehicle use. The conferees are agreed that a driver-messenger for the passenger vehicle in the office of the Architect of the Capitol be retained for the daily conduct of official business by the Architect and members of his staff, provided that the driver-messenger or other employees of the Architect shall not be available for the purpose of transporting the Architect or members of his staff between their domiciles and place of employment.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the cost limitation in H. Con. Res. 550, 92nd Congress, be increased by $167,000.

Amendment No. 13: Appropriates $10,630,000 as proposed by the Senate instead of $10,568,000 as proposed by the House.

Amendment No. 14: Provides that $940,000 shall remain available until expended as proposed by the Senate instead of $773,000 as proposed by the House.

Senate office buildings

Amendment No. 15: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

Capitol Power Plant

Amendment No. 16: Appropriates $23,542,000 as proposed by the Senate instead of $23,792,000 as proposed by the House.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

Salaries and expenses

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$36,620,000 to carry out the provisions of Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), and section 203(g) of such act is amended, effective hereafter, to read as follows:*

"(g) The Director of the Congressional Research Service will submit to the Librarian of Congress for review, consideration, evaluation, and approval, the budget estimates of the Congressional Research Service for inclusion in the Budget of the United States Government."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that the additional amount above the $35,543,550 proposed by the House bill will be allocated as follows: $22,545 for a GS-9 paralegal; $14,990 for a GS-5 library technician; $32,693 for a GS-12 fiscal policy analyst; $27,277 for a GS-11 crime analyst; $22,545 for a GS-9 bibliographer; $516,717 for other mandatory personnel items (ingrade increases, medicare and pay raise annualization, etc.); $219,500 for non-personal items (travel, equipment, etc.); $310,293 for a reduction in the lapse rate; and $90,000 in savings in personnel costs, tuition, training, professional or consultant services. The managers have agreed to include language to provide additional oversight over CRS budget preparation, review, and execution in order to achieve efficiencies and economies in the operation of the Service and to locate areas of duplication with the other Library of Congress operations.

TITLE II—OTHER AGENCIES

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

Structural and mechanical care

Amendment No. 18: Appropriates $5,980,000 instead of $5,230,000 as proposed by the House and $6,380,000 as proposed by the Senate. The conferees have provided funds to repair the terrace and steps at the front entrance to the Thomas Jefferson Building.

Amendment No. 19: Provides that $850,000 shall remain available until expended instead of $100,000 as proposed by the House and $1,250,000 as proposed by the Senate.

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Salaries and expenses

Amendment No. 20: Provides $700,000 as proposed by the Senate instead of $650,000 as proposed by the House.

Amendment No. 21: Provides $490,000 as proposed by the Senate instead of $455,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

Amendment No. 22: Deletes language proposed by the Senate regarding a consulting architect.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$1,335,697,663
Budget estimates of new (obligational) authority, fiscal year 1984	[1] 1,495,478,200
House bill, fiscal year 1984	1,208,397,750
Senate bill, fiscal year 1984	1,475,986,000
Conference agreement, fiscal year 1984	1,473,359,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	+137,661,337
Budget estimates of new (obligational) authority, fiscal year 1984	−22,119,200
House bill, fiscal year 1984	+264,961,250
Senate bill, fiscal year 1984	−2,627,000

[1] Includes $268,143,000 of budget estimates not considered by the House.

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JERRY LEWIS,
SILVIO O. CONTE,
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Managers on the Part of the House,

ALFONSE M. D'AMATO,
MARK O. HATFIELD,
TED STEVENS,
DALE BUMPERS,
FRITZ HOLLINGS,
JOHN C. STENNIS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROBERT F. SMITH (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACK) to revise and

extend their remarks and include extraneous material:)

Mr. BETHUNE, for 60 minutes, today.

Mr. BETHUNE, for 60 minutes, on June 29.

Mr. BETHUNE, for 60 minutes, on June 30.

Mr. HARTNETT, for 60 minutes, on June 29.

Mr. WALKER, for 60 minutes, today.

Mr. GREEN, for 10 minutes, today.

Mr. MARRIOTT, for 5 minutes, today.

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. HALL of Ohio, for 30 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mr. SHELBY, for 5 minutes, today.

Mr. SWIFT, for 10 minutes, today.

Mr. BOLAND, for 10 minutes, today.

Mr. CONYERS, for 60 minutes, on June 29.

Mr. MOAKLEY, for 30 minutes each, on June 29 and June 30.

Mr. LAFALCE, for 30 minutes, on June 29.

Mrs. BOXER, for 60 minutes, on July 19.

Mr. EDWARDS of California, for 60 minutes, on July 19.

Mr. SLATTERY, for 10 minutes, on July 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GILMAN, to revise and extend his remarks prior to the vote on the Hiler amendments.

Mr. DOWNEY of New York, following the remarks of Mr. YATES on H.R. 3363, Interior appropriations, 1984, in the Committee of the Whole today.

(The following Members (at the request of Mr. MACK) and to include extraneous matter:)

Mr. RITTER.

Mr. MCGRATH.

Mr. FIELDS.

Mr. GILMAN in four instances.

Mr. HYDE in two instances.

Mr. MACK.

Mr. KEMP in two instances.

Mr. TAYLOR.

Mr. GREEN.

Mr. WEBER.

Mr. BEREUTER.

Mr. PACKARD.

Mr. PASHAYAN.

Mrs. MARTIN of Illinois.

Mr. BROOMFIELD.

Mr. PAUL.

Mr. GREGG.

Mr. MOLINARI.

Mr. PRITCHARD.

Mr. CONTE.

Mr. CORCORAN.

Mr. PORTER.

Mr. CLINGER.

Mr. SHUMWAY.

Mr. PHILIP M. CRANE.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. NELSON of Florida.

Mr. RODINO.

Mr. STARK in two instances.

Mr. COELHO in two instances.

Mr. MILLER of California.

Mr. FRANK in two instances.

Mr. GEJDENSON.

Mr. SHELBY.

Mr. MAVROULES.

Ms. KAPTUR.

Mr. WON PAT.

Mr. GARCIA.

Mr. MINETA.

Mr. MCHUGH.

Mr. LEVITAS.

Mr. LEVINE of California.

Mr. MORRISON of Connecticut in two instances.

Mr. VENTO in two instances.

Mr. MRAZEK.

Mr. DELLUMS.

Mr. ACKERMAN.

Mr. VALENTINE.

Mr. DOWNEY of New York in two instances.

Mr. BEDELL.

Mr. ROYBAL.

Mr. DYSON.

Mr. AUCOIN.

Mr. ADDABBO.

Mr. MATSUI.

Mr. HALL of Ohio.

Mr. JONES of Oklahoma.

Mr. BOLAND.

Mr. SWIFT.

Mr. ST GERMAIN.

Mr. TALLON.

Mr. SYNAR.

Mr. LIPINSKI.

Mr. EDGAR.

Mr. MINETA.

Mr. RANGEL.

Ms. KENNELLY.

Mr. LOWRY of Washington.

Mr. MCDONALD in 10 instances.

Mr. NEAL in two instances.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

ADJOURNMENT

Mr. MOLLOHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 29, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1438. A communication from the President of the United States, transmitting a letter waiving the fiscal year 1983 ceiling on troops permanently stationed ashore in European NATO countries by the number of personnel associated with the planned deployment of ground-launched cruise missiles to Europe, pursuant to section 799A of Public Law 97-377 (H. Doc. No. 98-78); to the Committee on Appropriations and ordered to be printed.

1439. A letter from the Deputy Secretary of Defense, transmitting a report on four violations relating to the expenditure or obligation in excess of appropriation or apportionment, pursuant to section 1351 of title 31, United States Code; to the Committee on Appropriations.

1440. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles to Lebanon, pursuant to section 133(b) of title 10, United States Code; to the Committee on Armed Services.

1441. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend section 7227 of title 10, United States Code, to provide for the furnishing of routine port services at no cost to visiting naval vessels of a friendly foreign country, when by agreement or custom such services are provided reciprocally to visiting naval vessels of the United States; to the Committee on Armed Services.

1442. A letter from the District of Columbia Auditor, transmitting a report entitled "Review of Alleged Improper Unemployment Compensation Payments," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia

1443. A letter from the Secretary of Education, transmitting a proposed application notice for the Secretary's discretionary program grants—improving education through the application of technology (with rules for conducting competition), pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1444. A letter from the Assistant Attorney General (Antitrust Division), transmitting the semiannual report for the period ending February 28, 1983 on the voluntary agreement and plan of action to implement the international energy program, pursuant to section 252(i) of the Energy Policy Conservation Act; to the Committee on Energy and Commerce.

1445. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Saudi Arabia (Transmittal No. 83-41), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1446. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report on foreign military sales as of March 31, 1983, pursuant to section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1447. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to

sell certain defense equipment to Lebanon (Transmittal No. 83-47), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1448. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting notice of proposed changes in an existing records system, pursuant to title 5 United States Code 522a(o); to the Committee on Government Operations.

1449. A letter from the Assistant Secretary, U.S. Department of Housing and Urban Development, transmitting notice of a proposed new records system for the single family computerized homes underwriting management system, pursuant to title 5 United States Code 552a(o); to the Committee on Government Operations.

1450. A letter from the Assistant Secretary of the Treasury (Administration), transmitting notice of a proposed new records system for systems and financial management, Office of the Comptroller of the Currency, pursuant to title 5 United States Code 552a(o); to the Committee on Government Operations.

1451. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual report and audit of the committee for calendar year 1982, pursuant to section 113(a) of the act of September 21, 1980, as amended; to the Committee on the Judiciary.

1452. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting the committee's 12th annual report, pursuant to section 4 of Public Law 95-63; to the Committee on Merchant Marine and Fisheries.

1453. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report of the Commission's activities under the Freedom of Information Act for calendar year 1982, pursuant to title 5 United States Code 522(d); to the Committee on Government Operations.

1454. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to restructure the Federal employees health benefits program to strengthen financial control over the program and enhance competition among participating health plans, and for other purposes; to the Committee on Post Office and Civil Service.

1455. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting a report covering the period October 1982 through March 1983 on Defense Department procurement from small and other business firms, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

1456. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act to finance State programs of child support enforcement based on program performance, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs, and for other purposes; to the Committee on Ways and Means.

1457. A letter from the Secretary of Health and Human Services, transmitting the seventh annual report on the child support enforcement program, pursuant to section 452(a)(10) of the Social Security Act; to the Committee on Ways and Means.

1458. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1983 annual report of the board, pursuant to section 1817(b) of the Social Security Act, as amended; (H. Doc. No. 98-75); to the Committee on Ways and Means and ordered to be printed.

1459. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting the Corporation's financial report for the quarter ended March 31, 1983, pursuant to section 177(c) of Public Law 96-294; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

1460. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1983 annual report of the board, pursuant to section 1841(b) of the Social Security Act, as amended; (H. Doc. No. 98-76); jointly, to the Committees on Ways and Means and Energy and Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 577. An act to provide for the conveyance of certain Federal lands adjacent to Orchard and Lake Shore Drives, Lake Lowell, Boise project, Idaho; with an amendment (Rept. No.98-269). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 459. An act to authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purposes of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir (Rept. No.98-270). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee of conference. Conference report on H.R. 3135 (Rept. No. 98-271). Ordered to be printed.

Mr. BEVILL: Committee of conference. Conference report on H.R. 3132 (Rept. No. 98-272). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

[Omitted from the Record of June 27, 1983]

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Ways and Means discharged from the further consideration of the bill H.R. 1510.

[Submitted June 28, 1983]

Referral of H.R. 1761 to the Committee on Public Works and Transportation extended for an additional period ending not later than August 1, 1983.

Referral of H.R. 3021 to the Committee on Ways and Means extended for an additional period ending not later than June 30, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETHUNE:

H.R. 3422. A bill relating to the naming of certain locks, dams, and reservoirs on the Arkansas River, Ark.; to the Committee on Public Works and Transportation.

By Mr. COLEMAN of Texas (for himself and Mr. BRYANT):

H.R. 3423. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes and to provide offsetting revenues by reducing the amount of the investment tax credit; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself and Mr. FAUNTROY):

H.R. 3424. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authorization of appropriations for the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. DELLUMS (for himself, Mr. FAUNTROY, and Mr. MCKINNEY):

H.R. 3425. A bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States; to the Committee on the District of Columbia.

By Mr. FRANK:

H.R. 3426. A bill to amend section 3323 of title 5, United States Code, to remove the restrictions that an annuitant reappointed as a Federal employee may serve only at the will of the appointing authority; to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H.R. 3427. A bill to amend the Internal Revenue Code of 1954 to make certain changes in the tax treatment of private foundations; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 3428. A bill to amend sections 3307(d) and 8335(b) of title 5, United States Code, with respect to age limits for appointment and mandatory retirement of law enforcement officers engaged in detention activities; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

H.R. 3429. A bill to amend the Internal Revenue Code of 1954 to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his life, any amount which would have been ordinary income if such item had been sold by the decedent at its fair market value, to allow a charitable deduction based on the fair market value of such items, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. SNYDER, Mr. ROE, and Mr. STANGELAND) (by request):

H.R. 3430. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HUBBARD:

H.R. 3431. A bill to name the Port of Hickman, Ky., as the "Elvis Stahr Harbor, Port

of Hickman"; to the Committee on Public Works and Transportation.

By Mrs. MARTIN of Illinois:

H.R. 3432. A bill to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MOLLOHAN:

H.R. 3433. A bill to extend the Federal Supplemental Compensation Act of 1982 for an additional 6 months; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma (for himself, Mr. CONABLE, Mr. MURTHA, Mr. RITTER, Mrs. HALL of Indiana, Mr. NOWAK, Mr. DINGELL, and Mr. BOEHLERT):

H.R. 3434. A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit; to the Committee on Ways and Means.

By Mr. MURPHY (for himself, Mr. PERKINS, Mr. MILLER of California, Mr. BIAGGI, Mr. SIMON, Mr. GAYDOS, Mr. WILLIAMS of Montana, and Mr. CORRADA):

H.R. 3435. A bill to revise and extend the Education of the Handicapped Act, and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 3436. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income grants paid by the U.S. Forest Service as a result of restricting motorized traffic in the boundary waters canoe area; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3437. A bill to amend the Military Selective Service Act to prohibit peacetime registration for the draft; to the Committee on Armed Service.

By Mr. SHELBY:

H.R. 3438. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income subsistence payments to certain law enforcement officers; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 3439. A bill to amend the National Security Act of 1947 to protect against the unauthorized disclosure of identities of certain former U.S. intelligence officers, agents, informants, and sources; the Permanent Select Committee on Intelligence.

By Mr. SWIFT (for himself, Mr. WYDEN, and Mr. ALEXANDER):

H.R. 3440. A bill to amend the Communications Act of 1934 to assure that communication services are universally available on a nationwide basis at affordable rates; to the Committee on Energy and Commerce.

By DYMALLY:

H.R. 3441. A bill to amend title 28, United States Code, to require civil actions to be expedited, upon motion of a party who is 65 years of age or older; to the Committee on Judiciary.

By Mr. GILMAN (for himself and Mr. MRAZEK):

H.J. Res. 309. Joint resolution to provide for the designation of the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

198. By the SPEAKER: Memorial of the Legislature of the State of California, relative to special education; to the Committee on Education and Labor.

199. Also, memorial of the Legislature of the State of Minnesota, relative to acid rain; to the Committee on Energy and Commerce.

200. Also, memorial of the Legislature of the State of Minnesota, relative to compensation to Vietnam veterans for adverse health effects; to the Committee on Veterans' Affairs.

201. Also, memorial of the Legislature of the State of Minnesota, relative to the issuance of qualified mortgage bonds; to the Committee on Ways and Means.

202. Also, memorial of the Legislature of the State of Minnesota, relative to the steel industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEKAS introduced a bill (H.R. 3442) for the relief of Chilewich, Inc., and Bluebird Inc.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. CLAY.

H.R. 132: Mr. BEREUTER and Mr. RATCHFORD.

H.R. 433: Mr. MCCAIN.

H.R. 507: Mr. DICKS, Mr. MATSUI, and Mr. MOAKLEY.

H.R. 577: Mr. BROWN of California.

H.R. 618: Mr. SKELTON and Mr. HANSEN of Utah.

H.R. 622: Ms. FERRARO, Mr. FLORIO, Mr. FORD of Tennessee, Mr. LUJAN, Mr. MORRISON of Connecticut, Mr. NOWAK, Mr. OTTINGER, Mr. TRAXLER, Mr. VENTO, and Mr. WEISS.

H.R. 966: Mr. KASICH.

H.R. 1084: Mr. RINALDO.

H.R. 1136: Mr. MAZZOLI, Mr. WEBER, Mr. BOUCHER, Mr. BIAGGI, Mr. VANDERGRIFF, Ms. FIEDLER, and Mr. MARTINEZ.

H.R. 1199: Mr. KAZEN, Mr. NOWAK, and Mr. CONABLE.

H.R. 1226: Mr. SHELBY.

H.R. 1250: Mr. GINGRICH, Mr. BROWN of California, Mr. LEVINE of California, Mr. PATTERSON, Mr. WON PAT, Mr. GAYDOS, Mr. KOLTER, Mr. BILIRAKIS, Mr. PENNY, Mr. DUNCAN, Mr. MCCLOSKEY, Mr. RAHALL, Mr. FORD of Michigan, Mr. DYSON, Mr. DERRICK, and Mr. KRAMER.

H.R. 1255: Mr. LEWIS of Florida, Mr. GEKAS, Mr. WILSON, Mr. YOUNG of Florida, Mr. ADDABBO, Mr. SWIFT, Ms. SNOWE, and Mr. HEFNER.

H.R. 1315: Mr. BEREUTER, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BONKER, Mr. CHENEY, Mr. PHILIP M. CRANE, Mr. EVANS of Illinois, Mr. FIELDS, Mr. FRANK, Mr. PARRIS, Mrs. SCHNEIDER, Mr. SEIBERLING, Mr. SHARP, and Mr. WEISS.

H.R. 1340: Mr. SABO, Mr. FORD of Michigan, Mr. HERTEL of Michigan, Mr. FEIGHAN, Mr. ECKART, Mr. MRAZEK, Mr. MORRISON of Connecticut, Mr. HOWARD, Mr. DWYER of New Jersey, Mr. EDGAR, and Mr. BEDELL.

H.R. 1341: Mr. WEISS, Mr. LAGOMARSINO, Mr. BEILENSON, Mr. LEVINE of California, and Mr. BERMAN.

H.R. 1373: Mr. PEPPER.

H.R. 1543: Mr. ROYBAL and Mr. OWENS.

H.R. 1802: Mr. LATTA.

H.R. 1870: Mr. BADHAM, Mr. CHANDLER, Mr. SPRATT, and Mr. ROGERS.

H.R. 1880: Mr. SIMON.

H.R. 1905: Mr. PEPPER, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS, Mr. LEATH of Texas, Mr. TOWNS, Mr. MCGRATH, Mr. LAGOMARSINO, and Mr. BOLAND.

H.R. 2012: Mr. STOKES.

H.R. 2014: Mr. LOWRY of Washington, Mr. MINETA, and Mr. WEISS.

H.R. 2053: Mr. AKAKA and Mr. KRAMER.

H.R. 2138: Mr. SILJANDER.

H.R. 2151: Mr. HARTNETT, Mr. BILIRAKIS, and Mr. BURTON of Indiana.

H.R. 2225: Mr. EDWARDS of Oklahoma, Mr. MCEWEN, Mr. SUNIA, Mr. EMERSON, Mr. BEREUTER, Mr. EDWARDS of Alabama, and Mr. COATS.

H.R. 2276: Mr. FLORIO and Mr. HARKIN.

H.R. 2299: Mr. LOTT.

H.R. 2483: Mr. WIRTH.

H.R. 2490: Mr. LUKEN.

H.R. 2560: Mr. SUNIA and Mr. HARKIN.

H.R. 2584: Mr. ROGERS, Mr. CARR, Mr. VANDERGRIFF, Mr. LEACH of Iowa, Mr. WILLIAMS of Montana, Mr. KINDNESS, and Mr. KAZEN.

H.R. 2830: Mr. HERTEL of Michigan.

H.R. 2872: Mr. EVANS of Illinois, Mr. ANNUNZIO, and Mr. SIMON.

H.R. 2911: Mr. SPRATT, Mr. LEHMAN of California, Mr. DUNCAN, Mr. MINETA, Mr. MORRISON of Washington, Mr. KOLTER, Mr. HANSEN of Utah, Mr. MURTHA, Mr. FASCELL, Mr. LATTA, and Mr. FAUNTROY.

H.R. 2916: Mr. DICKS, Mrs. LLOYD, and Mr. ACKERMAN.

H.R. 2965: Mr. DANIEL B. CRANE.

H.R. 2978: Mr. OTTINGER.

H.R. 2987: Mr. DOWNEY of New York, Mr. OBERSTAR, Mr. STUDDS, Mr. MOAKLEY, Mr. MAVROULES, Mr. HEFNER, Mr. CONTE, Mr. MARKEY, Mr. MCHUGH, Mr. HUGHES, Mr. LUKEN, Mr. NEAL, Mr. WISE, Mr. SMITH of Florida, Mr. EARLY, Mr. SISISKY, and Mr. SABO.

H.R. 2996: Mr. DOWNEY of New York.

H.R. 2997: Mr. MITCHELL, Mr. ADDABBO, Mr. SIKORSKI, and Mr. GEJDENSON.

H.R. 3057: Mr. SKEEN, Mr. PACKARD, Mr. LEWIS of California, Mr. HUBBARD, Mr. PRICE, Mr. PATTERSON, Mr. MCCAIN, and Mr. NIELSON of Utah.

H.R. 3072: Mr. SCHUMER, Mr. PANETTA, and Mr. CONYERS.

H.R. 3074: Mr. MARTINEZ and Mr. OWENS.

H.R. 3137: Mr. SMITH of Iowa and Mr. FRANK.

H.R. 3142: Mr. RUDD.

H.R. 3175: Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. D'AMOURS, Mr. MURPHY, Mr. DIXON, Mr. SMITH of Florida, Mr. OTTINGER, Mr. FROST, Mr. LOWRY of Washington, Mr. FORD of Michigan, Mr. MITCHELL, Mr. LUKEN, Mr. VENTO, and Mr. WEISS.

H.R. 3192: Mr. DANIEL B. CRANE, Mr. BARTLETT, and Mr. GINGRICH.

H.R. 3193: Ms. SNOWE, Mr. ALBOSTA, and Mr. TRAXLER.

H.R. 3198: Mr. NEAL.

H.R. 3232: Mr. DEWINE.

H.R. 3238: Mr. WILLIAMS of Ohio, Mr. WALGREN, Mr. ROE, Mr. STOKES, Mr. MONTGOMERY, Mr. EDWARDS of California, Mr.

BARNES, Mr. COYNE, Mr. SMITH of Florida, Mrs. BOXER, Mr. DIXON, Mr. MINETA, Mr. EDWARDS of Alabama, Mr. KOGOVSEK, Mrs. SCHROEDER, Mr. WINN, Mr. GILMAN, Mr. LEHMAN of Florida, Mr. FROST, Ms. KAPTUR, Mr. TOWNS, Mr. FASCELL, Mr. ANNUNZIO, Mr. MRAZEK, Mr. GARCIA, Mr. PANETTA, Mr. HOYER, Mr. MCHUGH, Mr. LUNDINE, Mr. SAM B. HALL, Jr., Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. BROOKS, Mr. DWYER of New Jersey, Mr. HUGHES, Mr. FAZIO, Mr. BIAGGI, Mr. HERTEL of Michigan, Mr. YATES, Mr. BARNARD, Mr. FISH, Mr. OTTINGER, Mr. YATRON, Mr. EDGAR, Mr. VENTO, Mr. CONYERS, Mr. STRATTON, Mr. VANDERGRIFF, Mr. RODINO, Mr. LEVITAS, Mr. TAUKE, Mr. PATTERSON, Mr. WEISS, Mr. SCHUMER, Mr. ALEXANDER, Mr. OWENS, Mr. BRITT, Mr. UDALL, Mr. RANGEL, Mr. PANETTA, Mr. WYDEN, Mr. SIMON, Mr. BEDELL, Mr. WAXMAN, and Mr. RATCHFORD.

H.R. 3289: Mr. BIAGGI.

H.R. 3292: Mr. SMITH of New Jersey and Mr. SPRATT.

H.R. 3300: Mr. DE LUGO, Mr. WOLPE, Mr. HARRISON, Mr. STOKES, Mr. ROE, Mr. SMITH of New Jersey, Mr. BEVILL, Mr. DWYER of New Jersey, Mr. FORD of Michigan, Mr. LELAND, Mr. KILDEE, Mr. FORD of Tennessee, Mrs. SCHROEDER, Mr. DUNCAN, Mr. YATRON, Mr. ALBOSTA, Mr. CHAPPIE, Mr. LANTOS, Ms. FERRARO, Mr. SMITH of Florida, Mr. SKELTON, Mr. SCHUMER, Mr. OLIN, Mr. WIRTH, Mr. SOLARZ, Mr. WYDEN, Mr. LEHMAN of Florida, Mr. RANGEL, Mr. CONYERS, Mr. VENTO, Mr. MURTHA, and Mr. BERMAN.

H.R. 3309: Mr. FIELDS, Mr. PURSELL, Mr. LUKEN, and Mr. WOLF.

H.R. 3321: Mr. SIMON, Mr. BRYANT, Mr. SAM B. HALL, Jr., Mr. MATSUI, Mr. PERKINS, Mr. ANDREWS of Texas, Mr. BOLAND, Mr. PEPPER, Mr. OWENS, Mr. PRICE, Mr. BONER of Tennessee, Mr. RANGEL, Mr. AKAKA, Mr. WYDEN, Mr. FROST, Mr. DUNCAN, Mr. GRAMM, Mrs. BOXER, Mr. BRITT, Mr. ROE, Mr. ROBERTS, Mr. RODINO, Mr. WORTLEY, Mr. FORSYTHE, Mr. VANDERGRIFF, Mr. MARTIN of North Carolina, Mr. LELAND, Mr. MCDADE, Mr. PANETTA, Mr. LAGOMARSINO, Mr. BIAGGI, Mr. SLATTERY, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. MOORHEAD, Mr. MURPHY, Mr. BROYHILL, Mr. RAHALL, Mr. FORD of Tennessee, Mr. WILSON, Mr. SUNIA, Mr. WON PAT, Mr. SHELBY, Mr. TALLON, Mr. MILLER of Ohio, Mr. STANGELAND, Mr. TRAXLER, Mr. JENKINS, Mr. DIXON, Mr. KEMP, Mr. LIPINSKI, Ms. KAPTUR, Mr. BATEMAN, Mr. DANIEL, Mr. LOTT, Mr. MCHUGH, Mr. FRENZEL, and Mr. DONNELLY.

H.R. 3364: Mr. DYMALLY, Mr. BOSCO, and Mr. LELAND.

H.R. 3365: Mr. DYMALLY, Mr. BOSCO, and Mr. LELAND.

H.R. 3366: Mr. DYMALLY, Mr. BOSCO, and Mr. LELAND.

H.R. 3373: Mr. KASICH, Mr. FORSYTHE, Mr. KINDNESS, and Mr. JACOBS.

H.R. 3385: Mr. ANTHONY, Mr. HANCE, Mr. SUNDQUIST, Mr. ENGLISH, and Mr. MCCURDY.

H.J. Res. 71: Mr. BEREUTER.

H.J. Res. 103: Mr. DUNCAN and Mrs. LLOYD.

H.J. Res. 205: Mr. GOODLING and Mr. WAXMAN.

H.J. Res. 210: Mr. HANCE, Mr. EARLY, Mr. KASTENMEIER, Mr. SCHUMER, and Mr. HANSEN of Utah.

H.J. Res. 243: Mr. COUGHLIN, Mr. GEKAS, Mr. LEACH of Iowa, Mr. NEAL, Mr. RAY, and Mr. SILJANDER.

H.J. Res. 273: Mr. BOLAND, Mr. WAXMAN, Mr. OBERSTAR, Mr. BEDELL, Mr. BONER of Tennessee, Mr. OWENS, Mr. DAUB, Mr. CONTE, Mr. RAHALL, Mr. GRAY, Mr. VANDER JAGT, Mr. TRAXLER, and Mr. VENTO.

H. Con. Res. 107: Mr. KASICH, Mr. AUCOIN, Mr. CARPER, and Mr. SCHEUER.

H. Con. Res. 118: Mr. FISH, Mr. LANTOS, Mr. KILDEE, Mr. SOLARZ, Mr. BRITT, Mr. BEDELL, Mr. RANGEL, Mr. DYMALLY, Mr. STUDDS, Mr. FOGLIETTA, Mr. BERMAN, Mr. CARR, Mr. TORRICELLI, Mr. MCNULTY, Mr. SCHEUER, Mr. SWIFT, Mr. LOWRY of Washington, Mr. HERTEL of Michigan, Mr. MORRISON of Connecticut, Mr. PENNY, Mrs. KENNELLY, Mr. BONKER, Mr. DICKS, and Mr. PRITCHARD.

H. Res. 191: Mr. BEDELL and Ms. SNOWE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

150. By the SPEAKER: Petition of the Massachusetts Conference of the United Church of Christ, Framingham, Mass., relative to the Opera Company of Boston and the Philippines; to the Committee on Foreign Affairs.

151. Also, petition of the City Council, Cleveland, Ohio, relative to extended unemployment benefits; to the Committee on Ways and Means.

152. By Mr. JONES of North Carolina: Petition of the Mexico Beach Town Council, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2668

By Mr. LEVITAS:

—Page 20, insert after line 6 the following:

APPROVAL OF RULES

SEC. 16. (a) No funds appropriated to the Consumer Product Safety Commission for fiscal year 1984, 1985, 1986, 1987, and 1988 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

(To the Shelby amendment in the nature of a substitute.)

—At the end of the matter proposed to be inserted by the amendment insert the following:

APPROVAL OF RULES

SEC. 3. (a) No funds appropriated to the Consumer Product Saftey Commission for fiscal year 1984, 1985, or 1986 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Product Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer

Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Harzardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

CONFERENCE REPORT ON H.R. 3132

Mr. BEVILL submitted the following conference report and statement on the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 98-272)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 8, 11, 15, 19, 20, 33, 34, 38, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 28, 29, 31, 36, and 41, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$133,810,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$884,104,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *of which $5,200,000 shall be made available for the Miami Harbor, Bayfront Park project, Florida; and, in addition, notwithstanding any other provision of law, $10,000,000, to remain available until expended, for the Yatesville Lake construction project*; and the Senate agree to the same

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$300,480,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,184,492,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$33,831,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$33,161,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

In lieu of the sum proposed by said amendment insert *$10,000,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$165,600,000;* and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$45,000,000;* and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,951,609,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment to the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$638,250,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$6,547,875,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$366,056,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$156,437,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$194,630,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 306. Not more than $500,000 of funds available to the Federal Energy Regulatory Commission shall be available for updating the comprehensive water resources analysis covering Merced county, Mariposa county, Madera county and Fresno county in California, in accordance with the provisions of sections 4(a) and 10(a) of the Federal Power Act including such public hearings as are necessary and appropriate for that purpose: Provided, That notwithstanding any other provision of law or regulation, the construction of any dam or hydroelectric facility on Whiskey Creek, Nelder Creek, and Lewis Fork of the Fresno River, all located in Merced county, Mariposa county, Madera county and Fresno county in California, shall be suspended and deferred until completion of the aforementioned updating of the comprehensive water resource analysis covering that area, and any permit, license, or exemption issued by the Federal Energy Regulatory Commission shall be modified as necessary to be consistent with the results of that analysis.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$145,000,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$125,500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 16, 17, 22, 25, and 26.

TOM BEVILL,
LINDY (MRS. HALE) BOGGS,
BILL CHAPPELL,
VIC FAZIO,
WES WATKINS,
BILL BONER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
VIRGINIA SMITH,
ELDON RUDD,
SILVIO O. CONTE
(except amendments 2, 3, 12),
Managers on the Part of the House.

MARK O. HATFIELD,
JAMES A. MCCLURE,
JAKE GARN,
THAD COCHRAN,
JAMES ABDNOR,
ROBERT KASTEN,
MACK MATTINGLY,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
JOHN C. STENNIS,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
WALTER D. HUDDLESTON,
QUENTIN BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

General investigations

Amendment No. 1: Appropriates $133,810,000 for general investigations instead of $148,733,000 as proposed by the House and $118,435,000 as proposed by the Senate.

In connection with the San Francisco Bay Shoreline, California, study, $100,000 is included to continue the flood control investigation of the White Slough area in Solano County.

Of the funds appropriated for the Eastern South Dakota and Upper Big Sioux River, SD&IA study, up to $130,000 may be transferred to the U.S. Geological Survey for hydrologic investigation of the Big Sioux aquifer supported by the State of South Dakota.

The conferees recommend that the scope of the current Savannah Harbor, Comprehensive Study, Ga., be enlarged to consider the impacts of proposed upstream landside container facilities in conjunction with completion of the present study. In addition to the $168,000 appropriated for this study, $125,000 of available funds is to be used to investigate these impacts.

Because of the recent severe flooding in the Salt Lake metropolitan area, the corps is directed to use $400,000 of available funds to update and confirm project data related to the Little Dell Lake in Utah. The Corps of Engineers is further directed to accelerate project planning and preparation in anticipation of construction.

The conference agreement includes $300,000 to update the White River, Ark., authorization report. The updated study should include a review of improvements needed in the Black River, Ark., portion of the White River Basin, particularly streambank erosion control in the Lawrence County, Ark., reach of the Black River.

The conference agreement includes an additional $400,000 over the budget for the Ohio River Main Stem study to expedite completion of the interim report on the Montgomery Locks and Dam, Dashields Lock and Dam and Emsworth Locks and Dam.

The conference agreement includes $50,000 for the Monroe County, Florida, study.

The funds appropriated are to be allocated as shown on the following table:

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	ALABAMA				
(N)	ALABAMA-COOSA RIVER BELOW CLAIBORNE L&D	459,000	---	459,000	---
(N)	BAYOU LA BATRE	---	---	80,000	---
(N)	MOBILE HARBOR DEEPENING (CP&E)	700,000	---	900,000	---
(FC)	THREE MILE CREEK (CP&E)	---	---	600,000	---
(N)	WILLIAM BACON OLIVER LOCK AND DAM (CP&E)	---	---	1,300,000	---
	ALASKA				
(SP)	BETHEL BANK STABILIZATION (CP&E)	---	---	150,000	---
(FDP)	RIVERS AND HARBORS	300,000	---	400,000	---
(FDP)	SMALL HYDROPOWER	800,000	---	800,000	---
(N)	SOUTHCENTRAL DEEP-DRAFT NAVIGATION	200,000	---	300,000	---
	ARIZONA				
(FC)	HOLBROOK, LITTLE COLORADO RIVER (CP&E)	---	---	300,000	---
(FDP)	GILA RIVER & TRIBUTARIES, NOGALES WASH, AZ & NM	200,000	---	200,000	---
(FDP)	GILA RIVER AND TRIBUTARIES, AZ & NM	530,000	---	630,000	---
	ARKANSAS				
(FDP)	ARKANSAS RIVER BASIN, AR & OK	---	---	200,000	---
(FDP)	ARKANSAS RIVER VICINITY OF FT SMITH - VAN BUREN	142,000	---	142,000	---
(N)	ARKANSAS RIVER & TRIBS HYDROPOWER & OTHER PURPOSES, AR & OK	422,000	---	422,000	---
(FDP)	CLARKSVILLE	100,000	---	100,000	---
(FC)	FOURCHE BAYOU IN THE VICINITY OF LITTLE ROCK (CP&E)	700,000	---	700,000	---
(FC)	MCKINNEY BAYOU, AR & TX	---	270,000	---	270,000
(FC)	NORTH LITTLE ROCK (DARK HOLLOW) (CP&E)	---	---	100,000	---
(FDP)	OUACHITA RIVER BASIN, AR & LA	696,000	---	696,000	---
(COMP)	RED RIVER BASIN, AR, TX, LA & OK	---	---	250,000	---
(COMP)	RED RIVER BELOW DENISON DAM, AR, LA, OK & TX (AUTH RPTS)	460,000	---	460,000	---
(N)	WHITE RIVER	---	---	300,000	---
(N)	RED RIVER WATERWAY, SHREVEPORT LA TO VICINITY INDEX AR	---	---	---	490,000
	CALIFORNIA				
(FDP)	ALAMEDA CREEK, UPPER BASIN	175,000	---	175,000	---
(FDP)	ANTELOPE VALLEY	---	---	100,000	---
(FC)	CACHE CREEK (CP&E)	300,000	---	300,000	---
(FDP)	CALIENTE CREEK INTERIM	---	---	500,000	---
(FDP)	CALLEGUAS CREEK	---	---	250,000	---
(SPEC)	COAST OF CALIF, STORM AND TIDAL WAVES	750,000	---	1,000,000	---
(FC)	COTTONWOOD CREEK	---	4,000,000	---	4,000,000
(FDP)	DRY CREEK INTERIM	---	---	300,000	---
(FC)	GOLETA AND VICINITY	---	350,000	---	350,000
(FDP)	GUADALUPE RIVER	170,000	---	265,000	---
(FDP)	LOS ANGELES COUNTY DRAINAGE AREA REVIEW	820,000	---	820,000	---
(N)	LOS ANGELES AND LONG BEACH HARBORS (INCL SAN PEDRO BAY MODEL)	256,000	---	256,000	---
(FC)	MORRISON CREEK STREAM GROUP (PHASE I)	1,000,000	---	1,000,000	---
(N)	NOYO RIVER AND HARBOR (CHANNEL EXTENSION)	---	91,000	---	91,000
(N)	NOYO RIVER AND HARBOR (BREAKWATER)	---	184,000	---	184,000
(N)	OAKLAND INNER HARBOR, (CP&E)	---	---	200,000	---
(FC)	REDBANK AND FANCHER CREEKS (CP&E)	1,500,000	---	1,500,000	---
(N)	REDONDO BEACH HARBOR (KING HARBOR)	---	---	85,000	---
(FDP)	SACRAMENTO RIVER & TRIBS (BANK PROT & EROS CONTROL)	139,000	---	139,000	---
(N)	SACRAMENTO RIVER DEEPWATER SHIP CHANNEL (CP&E)	---	---	1,700,000	---
(FDP)	SAN FRANCISCO BAY SHORELINE	600,000	---	600,000	---
(FDP)	SAN JOAQUIN RIVER BASIN	---	---	250,000	---
(FDP)	SAN LUIS OBISPO COUNTY	---	---	150,000	---
(FDP)	SANTA ANA RIVER & ORANGE COUNTY	122,000	---	122,000	---
(FDP)	SANTA BARBARA COUNTY STREAMS	325,000	---	325,000	---
(FC)	SANTA ANA RIVER (CP&E)	2,300,000	---	2,600,000	---
(N)	SUNSET HARBOR	---	---	50,000	---
(FDP)	WALNUT CREEK BASIN	---	---	100,000	---
	COLORADO				
(FC)	ARK R & TRIBS ABOVE J.M. DAM, FOUNTAIN CREEK AT PUEBLO (CP&E)	300,000	---	300,000	---
(FC)	ARK R & TRIBS ABOVE JOHN MARTIN DAM (PHASE I)	140,000	---	140,000	---
(FDP)	FOUNTAIN CREEK AND TRIBUTARIES, NORTH OF PUEBLO	200,000	---	200,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	CONNECTICUT				
(COMP)	LONG ISLAND SOUND - THAMESVILLE TIDAL FLOOD MANAGEMENT	50,000	---	50,000	---
(SPEC)	LONG ISLAND SOUND - DREDGED MATERIAL CONTAINMENT STUDY	325,000	---	325,000	---
	FLORIDA				
(N)	BISCAYNE BAY	---	---	125,000	---
(FDP)	CENTRAL AND SOUTHERN FLORIDA WATER SUPPLY	400,000	---	400,000	---
(N)	CHARLOTTE HARBOR (BOCA GRANDE)	125,000	---	---	---
(N)	ESCAMBIA RIVER	---	---	110,000	---
(SP)	INDIAN RIVER COUNTY (CP&E)	---	---	65,000	---
(FDP)	GOLDEN GATES ESTATES	---	---	250,000	---
(N)	GULF COAST PASSES (CP&E)	---	---	75,000	---
(FDP)	KISSIMMEE RIVER	207,000	---	207,000	---
(N)	JACKSONVILLE HARBOR (MILLCOVE) (CP&E)	---	---	50,000	---
(SP)	MARTIN COUNTY	76,000	---	76,000	---
(N)	MEXICO BEACH INLET	---	---	45,000	---
(N)	MIAMI HARBOR CHANNEL	112,000	---	112,000	---
(N)	PALM BEACH HARBOR	79,000	---	79,000	---
(SP)	PANAMA CITY BEACHES (CP&E)	---	---	500,000	---
(N)	PORT SUTTON CHANNEL	---	---	150,000	---
(FDP)	SIX MILE CYPRESS SLOUGH	---	---	200,000	---
(FDP)	ST. MARY'S RIVER BASIN	---	---	125,000	---
(N)	TAMPA HARBOR BRANCH CHANNELS	---	100,000	---	100,000
(FDP)	ST. JOHNS RIVER	---	---	100,000	---
(FDP)	SUWANEE RIVER	---	---	140,000	---
	GEORGIA				
(FC)	BRUNSWICK	---	---	200,000	---
(FC)	DALTON LAKE (PHASE I)	190,000	---	190,000	---
(FC)	LAKE LANIER REREGULATION, GA - METRO ATLANTA W.S.(CP&E)	700,000	---	700,000	---
(FDP)	NORTHEAST GEORGIA REGION	400,000	---	400,000	---
(FC)	SAVANNAH RIVER BASIN AT OATES CREEK (CP&E)	200,000	---	200,000	---
(N)	SAVANNAH HARBOR COMPREHENSIVE	168,000	---	168,000	---
(N)	SAVANNAH HARBOR WIDENING (CP&E)	250,000	---	425,000	---
(COMP)	SOUTH METRO ATLANTA	---	---	150,000	---
	GUAM				
(FC)	AGANA RIVER (CP&E)	150,000	---	150,000	---
(N)	HARBORS & RIVERS IN THE TERRITORY OF GUAM	96,000	---	96,000	---
	HAWAII				
(FDP)	HARBORS & RIVERS IN HAWAII, SOUTH KOHALA WATER SUPPLY	150,000	---	150,000	---
(FDP)	HARBORS & RIVERS IN HAWAII	317,000	---	317,000	---
	IDAHO				
(FDP)	COLUMBIA RIVER AND TRIBUTARIES, ID, MT, OR & WA	1,095,000	---	1,095,000	---
(FDP)	UPPER SNAKE RIVER AND TRIB., ID & WY	550,000	---	550,000	---
	ILLINOIS				
(FDP)	CHICAGO - SOUTH END OF LAKE MICHIGAN, IL & IN	140,000	---	140,000	---
(MP)	CHICAGOLAND UNDERFLOW PLAN (PHASE I)	865,000	---	865,000	---
(FDP)	FOX RIVER & TRIBUTARIES, IL & WI	191,000	---	191,000	---
(FC)	HILLVIEW D&LD	---	284,000	---	284,000
(SP)	ILLINOIS SHORE OF LAKE MICHIGAN	---	---	85,000	---
(FDP)	MACKINAW RIVER	---	---	50,000	---
(FC)	MEREDOSIA LAKE AND WILLOW CREEK D&L DIST	---	50,000	---	50,000
(FC)	MEREDOSIA, ILLINOIS AND MEREDOSIA WILLOW CREEK & COON RUN D&LD	---	50,000	---	50,000
(FDP)	MISS RIVER, COON RAPIDS DAM TO OHIO RIV, IL, IA, MN, MO & WI	1,484,000	---	1,484,000	---
(FDP)	NORTH BRANCH OF CHICAGO RIVER (PHASE I) (CP&E)	---	---	150,000	---
(FDP)	OHIO RIVER MAIN STEM, IL, IN, OH, PA & WV	1,345,000	---	1,745,000	---
(FDP)	RICHLAND CREEK	116,000	---	116,000	---
(FC)	ROCK RIVER AGRICULTURAL LEVEES	---	160,000	---	160,000
(FC)	VERMILLION RIVER BASIN	---	---	25,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	INDIANA				
(FDP)	FORT WAYNE METROPOLITAN AREA	80,000	---	80,000	---
(SP)	INDIANA SHORELINE EROSION, LAKE MICHIGAN (CP&E)	---	---	150,000	---
(FC)	LITTLE CALUMET RIVER (CP&E)	---	---	300,000	---
(FDP)	LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH)	35,000	---	35,000	---
(COMP)	WABASH RIVER BASIN COMPREHENSIVE (AUTHORIZATION REPORTS), IN & IL	80,000	---	80,000	---
	IOWA				
(FC)	PERRY CREEK (CP&E)	200,000	---	200,000	---
	KANSAS				
(FDP)	ARK RIV & TRIBS GREAT BEND KS TO TULSA OK REMAINING, KS & OK	253,000	---	253,000	---
(FDP)	ARKANSAS RIVER FROM GREAT BEND TO JOHN MARTIN DAM, KS & CO	180,000	---	180,000	---
(FC)	DOUGLASS LAKE	---	---	100,000	---
(FC)	GREAT BEND LOCAL PROTECTION PROJECT	---	---	---	300,000
(FDP)	KANSAS AND OSAGE RIVERS	400,000	---	400,000	---
(FDP)	VERDIGRIS RIV, KS & OK	410,000	---	410,000	---
(FDP)	VERDIGRIS RIVER, KS & OK (CANEY RIVER)	100,000	---	100,000	---
	KENTUCKY				
(N)	BIG SANDY RIVER, KY, WV & VA	600,000	---	600,000	---
(N)	CUMBERLAND-TENNESSEE RIVERS, KY, AL, GA, MS, NC, TN & VA	300,000	---	500,000	---
(FC)	FRANKFORT (SOUTH FRANKFORT)	---	300,000	---	300,000
(N)	GREEN AND BARREN RIVERS, KY & TN	150,000	---	150,000	---
(FDP)	KENTUCKY RIVER AND TRIBUTARIES	350,000	---	350,000	---
(FDP)	UPPER CUMBERLAND RIVER BASIN, KY & TN	200,000	---	200,000	---
	LOUISIANA				
(FDP)	ALOHA-RIGOLETTE AREA	175,000	---	175,000	---
(FDP)	AMITE RIVER AND TRIBUTARIES	350,000	---	350,000	---
(FC)	LAKE PONTCHARTRAIN (NORTH SHORE) (CP&E)	---	---	75,000	---
(FDP)	LAKE PONTCHARTRAIN (WEST SHORE)	---	---	120,000	---
(N)	GULF INTRACOASTAL WATERWAY, LA & TX	---	---	200,000	---
(FDP)	LOUISIANA COASTAL AREA - LAND LOSS AND MARSH CREATION	400,000	---	400,000	---
(FDP)	LOUISIANA COASTAL SHORE & BARRIER ISLAND EROSION	---	---	290,000	---
(FDP)	LOUISIANA COASTAL WATER SUPPLY	---	---	400,000	---
(FDP)	MERMENTAU, VERMILION, & CALCASIEU RVS & BAYOU TECHE	460,000	---	620,000	---
(N)	MISSISSIPPI RIVER - GULF OUTLET (ENLARGEMENT) (CP&E)	600,000	---	1,200,000	---
(FC)	SLIDELL	---	---	---	700,000
	MAINE				
(N)	FORE RIVER CHANNEL PORTLAND HARBOR	115,000	---	115,000	---
(FDP)	SAINT JOHN RIVER	380,000	---	380,000	---
	MARYLAND				
(SPEC)	CHESAPEAKE BAY STUDY, MD & VA	900,000	---	900,000	---
	MASSACHUSETTS				
(N)	EAST BOAT BASIN, SANDWICH	25,000	---	25,000	---
(FC)	QUINCY COASTAL STREAMS, TOWN BROOK (CP&E)	200,000	---	200,000	---
(COMP)	SOUTHEASTERN NEW ENGLAND AUTH REPORTS, MA, RI & CT	100,000	---	100,000	---
	MICHIGAN				
(FDP)	GREAT LAKES, PARTICULARLY LAKE ONTARIO & LAKE ERIE	380,000	---	380,000	---
(N)	GREAT LAKES CONNECTING C&H, MI, IL, IN, MN, NY, OH, PA & WI	1,250,000	---	1,250,000	---
(FDP)	SAGINAW RIVER BASIN	260,000	---	260,000	---
	MINNESOTA				
(FC)	CHASKA	---	300,000	---	300,000
(FC)	EAST GRAND FORKS	---	200,000	---	200,000
(FDP)	MINNESOTA RIVER VALLEY	---	---	250,000	---
(FC)	REDWOOD RIVER AT MARSHALL (CP&E)	150,000	---	150,000	---
(FDP)	SAINT CROIX RIVER, MN & WI	350,000	---	350,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	MISSISSIPPI				
(FDP)	MISSISSIPPI GULF COAST AREA	---	---	300,000	---
(N)	MISSISSIPPI SOUND AND ADJACENT AREAS, MS & AL	76,000	---	76,000	---
(N)	PASCAGOULA HARBOR	253,000	---	253,000	---
(FDP)	PASCAGOULA RIVER BASIN, MS & AL	305,000	---	305,000	---
(FDP)	PEARL RIVER BASIN, MS & LA	900,000	---	1,200,000	---
(SPEC)	TENNESSEE-TOMBIGBEE WATERWAY SPECIAL STUDY, MS, AL, TN & KY	628,000	---	628,000	---
(N)	WOLF AND JORDAN RIVERS	41,000	---	41,000	---
(N)	YAZOO RIVER	---	100,000	---	100,000
	MISSOURI				
(FC)	HANNIBAL	---	150,000	---	150,000
(FC)	MERAMEC RIVER BASIN (FLOOD CONTROL)	---	---	---	800,000
(SPEC)	MERAMEC RIVER BASIN (WATER SUPPLY)	---	---	200,000	---
(FDP)	OSAGE RIVER	---	---	100,000	---
(FDP)	ST LOUIS METROPOLITAN AREA, MO & IL	1,490,000	---	1,490,000	---
(FDP)	STE GENEVIEVE	100,000	---	100,000	---
(FC)	WEARS CREEK, JEFFERSON CITY (PHASE I)	100,000	---	100,000	---
(FDP)	WHITE RIVER BASIN COUNTY LINE LAKE	250,000	---	250,000	---
	MONTANA				
	NEVADA				
(FDP)	TRUCKEE MEADOWS	100,000	---	100,000	---
(FDP)	LAS VEGAS WASH & TRIBUTARIES	---	---	100,000	---
(FDP)	VIRGIN RIVER & TRIBUTARIES, MOAPA VALLEY	---	---	100,000	---
	NEW HAMPSHIRE				
(N)	PORTSMOUTH HARBOR & PISCATAQUA RIVER, NH & ME (CP&E)	---	---	300,000	---
(FDP)	WINNIPESAUKEE RIVER	87,000	---	87,000	---
	NEW JERSEY				
(N)	DELAWARE RIVER IN THE VICINITY OF CAMDEN	---	50,000	---	50,000
(N)	DELAWARE RIVER COMPREHENSIVE NAVIGATION STUDY, NJ, PA & DE	950,000	---	950,000	---
(FC)	PASSAIC RIVER BASIN STUDY, NJ & NY (PHASE I)	1,535,000	---	1,535,000	---
(FC)	RAHWAY RIVER, ROBINSON'S BRANCH, CITY OF RAHWAY (CP&E)	150,000	---	150,000	---
(FC)	RAHWAY RIV BASIN, RAHWAY & VAN WINKLES BR-SPRINGFIELD (CP&E)	340,000	---	340,000	---
	NEW MEXICO				
(FC)	ALBUQUERQUE NORTH DIVERSION CHANNEL STUDY	---	---	300,000	---
(FC)	RIO GRANDE & TRIBUTARIES (MIDDEL RIO GRANDE TO BELEN)	---	---	500,000	---
(FDP)	RIO GRANDE AND TRIBUTARIES, NM & CO	150,000	---	150,000	---
(FC)	SANTA FE RIVER AND ARROYO MASCARAS	---	156,000	---	156,000
	NEW YORK				
(N)	ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL	155,000	---	155,000	---
(N)	BUFFALO HARBOR	335,000	---	335,000	---
(FDP)	DELAWARE RIVER BASIN, NY, PA & NJ (ICE JAMS)	100,000	---	100,000	---
(N)	KILL VAN KULL & NEWARK BAY CHANNELS, NY & NJ (CP&E)	---	---	1,000,000	---
(N)	JONES INLET AND FREEPORT LONG ISLAND	43,000	---	43,000	---
(FC)	MAMARONECK AND SHELDRAKE RIVERS, VILLAGE OF MAMARONECK (CP&E)	250,000	---	250,000	---
(N)	MORICHES INLET	---	---	---	100,000
(N)	NY HARBOR AND ADJACENT CHANNELS, NY & NJ	1,300,000	---	1,800,000	---
(FDP)	OSWEGO RIVER WATERSHED	175,000	---	175,000	---
(N)	SAINT LAWRENCE SEAWAY, ADDITIONAL LOCKS	200,000	---	200,000	---
(N)	SHINNECOCK INLET	---	---	---	250,000
	NORTH CAROLINA				
(N)	CAPE FEAR RIVER ACME TO FAYETTEVILLE	110,000	---	110,000	---
(FDP)	NEUSE RIVER	325,000	---	325,000	---
(FDP)	ROANOKE RIVER SOUTH BOSTON AND VICINITY, NC & VA	340,000	---	340,000	---
(SP)	WEST ONSLOW BEACH AND NEW RIVER INLET	---	---	100,000	---
	NORTH DAKOTA				
(FDP)	RED RIVER OF THE NORTH, ND & MN	761,000	---	761,000	---
(FC)	SHEYENNE RIVER	---	200,000	---	200,000

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	OHIO				
(FC)	CENTRAL OHIO AT NELSONVILLE (CP&E)	---	---	200,000	---
(FDP)	CENTRAL OHIO SURVEY	120,000	---	120,000	---
(FC)	CENTRAL OHIO SURVEY AT LOGAN (CP&E)	315,000	---	315,000	---
(N)	CLEVELAND HARBOR (PHASE I)	125,000	---	125,000	---
(FDP)	CUYAHOGA RIVER BASIN	153,000	---	153,000	---
(N)	GALLIPOLIS LOCKS AND DAM, OH & WV (CP&E)	---	---	70,000	---
(N)	GENEVA-ON-THE-LAKE HARBOR	---	---	---	50,000
(FDP)	MIAMI RIVER, LITTLE MIAMI RIVER AND MILL CREEK BASIN	195,000	---	195,000	---
(FC)	MUSKINGUM RIVER BASIN SURVEY AT KILLBUCK (CP&E)	100,000	---	100,000	---
(FC)	MUSKINGUM RIVER BASIN SURVEY AT MANSFIELD (CP&E)	205,000	---	205,000	---
(FC)	RENO BEACH - HOWARD FARMS AREA	---	170,000	---	170,000
	OKLAHOMA				
(COMP)	ARKANSAS RIVER & TRIBUTARIES, SOUTHCENTRAL AND SOUTHEAST AREAS OF OKLAHOMA	---	---	200,000	---
(FDP)	CANADIAN RIVER & TRIBUTARIES, OK, TX, & NM	---	---	250,000	---
(FC)	PARKER LAKE (CP&E)	---	---	100,000	---
(FDP)	POTEAU RIVER, OK & AR	109,000	---	109,000	---
(SPEC)	ARK-RED RIVER CHLORIDE CONTROL SOLAR POND STUDIES OK & TX	---	---	200,000	---
	OREGON				
(N)	BONNEVILLE NAVIGATION LOCK, OR & WA	---	---	2,400,000	---
(N)	COLUMBIA R COAL EXPORT ASTORIA	830,000	---	830,000	---
(N)	COQUILLE RIVER AND BAR	148,000	---	148,000	---
(MP)	MCNARY LOCK AND DAM (SECOND POWERHOUSE), OR & WA (CP&E)	1,500,000	---	1,500,000	---
(COMP)	WILLAMETTE RIVER BASIN (COMPREHENSIVE STUDY)	120,000	---	120,000	---
	PENNSYLVANIA				
(FDP)	ALLEGHENY RIVER BASIN	65,000	---	65,000	---
(FC)	FRANCIS E. WALTER DAM (MODIFICATION)	---	1,120,000	---	1,120,000
(FDP)	KISKIMINETAS RIVER BASIN	80,000	---	80,000	---
(FDP)	LEHIGH RIVER BASIN STUDY	440,000	---	440,000	---
(FDP)	MONONGAHELA-YOUGHIOGHENY RIVER BASIN, PA, MD & WV	475,000	---	475,000	---
(BE)	PRESQUE ISLE (CP&E)	---	---	500,000	---
(FC)	SUSQUEHANNA BASIN AT HARRISBURG (CP&E)	300,000	---	300,000	---
(FC)	TAMAQUA	---	725,000	---	725,000
(FDP)	WEST BRANCH SUSQUEHANNA RIVER, WILLIAMSPORT & S. WILLIAMSPORT	120,000	---	120,000	---
	PUERTO RICO				
(FDP)	LA PLATA RIVER AND TRIBUTARIES	212,000	---	212,000	---
(FDP)	RIO GRANDE DE LOIZA	90,000	---	90,000	---
	SOUTH CAROLINA				
(FDP)	GILLS CREEK	452,000	---	452,000	---
(N)	CHARLESTON HARBOR (CP&E)	---	---	150,000	---
(FDP)	LITTLE PEE DEE & PEE DEE RIVERS, SC & NC	300,000	---	300,000	---
(SP)	MYRTLE BEACH	168,000	---	168,000	---
	SOUTH DAKOTA				
(FDP)	EASTERN SD AND UPPER BIG SIOUX RIVER, SD & IA	220,000	---	220,000	---
(MP)	GREGORY COUNTY HYDROELECTRIC PUMPED STORAGE FACILITY (CP&E)	2,000,000	---	2,000,000	---
(FDP)	MISSOURI RIVER, SD, NE, ND & MT	745,000	---	745,000	---
(FDP)	WESTERN DAKOTAS REGION OF SD	150,000	---	150,000	---
	TENNESSEE				
(FDP)	METROPOLITAN REGION OF NASHVILLE	95,000	---	255,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	TEXAS				
(FDP)	BRAZOS RIVER AND TRIBUTARIES	250,000	---	250,000	---
(FDP)	BUFFALO BAYOU AND TRIBUTARIES TX	850,000	---	850,000	---
(FDP)	CAMERON COUNTY, HARLINGEN	---	---	100,000	---
(FC)	CLEAR CREEK	---	152,000	---	152,000
(FDP)	COLORADO RIVER AND TRIBUTARIES	300,000	---	300,000	---
(FC)	COLORADO RIVER & TRIBS, BOGGY CR AT AUSTIN (CP&E)	100,000	---	100,000	---
(FDP)	DICKINSON BAYOU	---	---	270,000	---
(N)	GALVESTON BAY AREA NAVIGATION STUDY	168,000	---	168,000	---
(FDP)	JOHNSON CREEK, ARLINGTON	120,000	---	120,000	---
(FC)	LAKE WICHITA, HOLLIDAY CREEK AT WICHITA FALLS (CP&E)	200,000	---	425,000	---
(FDP)	LITTLE CYPRESS CREEK, TX & LA	400,000	---	400,000	---
(FC)	MILLICAN LAKE	---	200,000	---	200,000
(N)	NECHES RIVER AND TRIBUTARIES SALT WATER BARRIER	---	---	---	200,000
(SP)	PLEASURE ISLAND AT PORT ARTHUR	---	---	140,000	---
(FDP)	PINE ISLAND BAYOU WATERSHED	---	---	125,000	---
(FDP)	RED RIVER & TRIBS ABOVE DENISON DAM TX, OK, NM	---	---	250,000	---
(FDP)	SAN JACINTO RIVER AND TRIBUTARIES	300,000	---	300,000	---
(MP)	TOWN BLUFF HYDROPOWER	---	400,000	---	400,000
(FC)	TRINITY RIVER PROJECT	---	238,000	---	238,000
(FC)	UPPER WHITE OAK BAYOU & TRIBS, VICINITY OF HOUSTON (CP&E)	400,000	---	400,000	---
	UTAH				
(FDP)	COLORADO RIVER & TRIBS, ABOVE LEE FERRY, UT, AZ, CO, NM & WY	373,000	---	373,000	---
(FDP)	JORDAN RIVER BASIN	110,000	---	110,000	---
	VIRGINIA				
(FDP)	CHOWAN RIVER, VA & NC	273,000	---	273,000	---
(N)	NORFOLK HARBOR (DEEPENING) (CP&E)	2,000,000	---	2,000,000	---
(FC)	RICHMOND (CP&E)	---	---	1,000,000	---
(N)	YORK AND PAMUNKEY RIVERS	207,000	---	207,000	---
	WASHINGTON				
(N)	BLAIR & SITCUM WATERWAYS (CP&E)	---	---	140,000	---
(FDP)	CHEHALIS RIVER & TRIBS	---	---	250,000	---
(FC)	CHEHALIS RIVER AT SOUTH ABERDEEN-COSMOPOLIS (CP&E)	---	---	200,000	---
(N)	GRAYS HARBOR, CHEHALIS AND HOQUIAN RIVERS (CP&E)	---	---	500,000	---
(FDP)	MILL CREEK BASIN STUDY	100,000	---	100,000	---
(COMP)	PUGET SOUND AND ADJACENT WATERS	350,000	---	500,000	---
(N)	SNOHOMISH RIVER (NAVIGATION)	200,000	---	200,000	---
	WEST VIRGINIA				
(FDP)	GUYANDOTTE RIVER BASIN, VICINITY OF LOGAN AND MULLENS	330,000	---	330,000	---
(COMP)	KANAWHA BASIN COMPREHENSIVE (AUTHORIZATION REPORTS), WV, VA & NC	275,000	---	275,000	---
(N)	KANAWHA RIVER	700,000	---	700,000	---
	WISCONSIN				
(N)	GREEN BAY HARBOR	---	85,000	---	85,000
(FC)	STATE ROAD AND EBNER COULEES	---	350,000	---	350,000
(FDP)	WISCONSIN RIVER, PORTAGE	58,000	---	58,000	---
	REVIEW OF AUTHORIZED PROJECTS				
	RESTUDY OF DEFERRED PROJECTS	200,000	---	465,000	---
	LUKFATA LAKE, OK (HYDROPOWER STUDY)	---	---	(265,000)	---
	REVIEW OF COMPLETED PROJECTS	550,000	---	525,000	---
	MOJAVE RIVER, CALIF	(200,000)	---	(260,000)	---
	PINE CREEK LAKE, OK (HYDROPOWER STUDY)	---	---	(265,000)	---
	REVIEW FOR DEAUTHORIZATION	150,000	---	150,000	---
	TOTAL	900,000	---	1,140,000	---
	COORDINATION STUDIES WITH OTHER AGENCIES	5,300,000	---	5,300,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	COLLECTION AND STUDY OF BASIC DATA				
	STREAM GAGING (U.S. GEOLOGICAL SURVEY)	470,000	---	470,000	---
	PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	295,000	---	295,000	---
	INTERNATIONAL WATER STUDIES	100,000	---	100,000	---
	FLOOD PLAIN MANAGEMENT SERVICES	6,500,000	---	6,500,000	---
	HYDROLOGIC STUDIES	235,000	---	235,000	---
	SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	120,000	---	120,000	---
	COASTAL DATA COLLECTION	1,580,000	---	1,580,000	---
	TRANSPORTATION SYSTEMS	200,000	---	200,000	---
	ENVIRONMENTAL DATA STUDIES	200,000	---	200,000	---
	TOTAL	9,700,000	---	9,700,000	---
	RESEARCH AND DEVELOPMENT	22,000,000	---	22,250,000	---
	SUBTOTAL	101,365,000	10,435,000	127,235,000	13,325,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-1,400,000		-6,750,000	
	TOTAL GENERAL INVESTIGATIONS	110,400,000		133,810,000	

TYPE OF PROJECT:

- (N) NAVIGATION
- (FC) FLOOD CONTROL
- (BE) BEACH EROSION CONTROL
- (MP) MULTIPLE-PURPOSE, INCLUDING POWER
- (FDP) FLOOD DAMAGE PREVENTION
- (SP) SHORELINE PROTECTION
- (SPEC) SPECIAL
- (COMP) COMPREHENSIVE
- (PHASE I) AUTHORIZED FOR PHASE I STAGE OF ADVANCE ENGINEERING AND DESIGN IN THE WATER RESOURCES DEVELOPMENT ACT OF 1974 OR 1976
- (CP&E) CONTINUATION OF PLANNING AND ENGINEERING

Construction, general

Amendment No. 2: Appropriates $884,104,000 for construction, general instead of $882,829,000 as proposed by the House and $885,779,000 as proposed by the Senate.

The conferees are aware of the proposal to require increased cost sharing on the Blue River Channel Improvement, Mo., and Canaveral Harbor, Fla., projects. Congress has funded these projects for construction since 1979 and 1964, respectively, and the conferees reaffirm their past position that once the decision on construction is made, local cooperation is set in accordance with the authorizing document. Therefore, the Committee directs the Corps of Engineers to proceed with construction of these projects on that basis.

The conferees concur with the House and Senate Committee reports in funding the Tennessee-Tombigbee Water project from available funds. This action is not intended to show any decrease in the rate of activity leading to a scheduled September 1985 open-to-navigation date. During the House debate, it was stipulated that the remaining cost to complete the project for navigation and related features was $202,000,000. Of that amount, $180,000,000 is from the available deferred funds, and the remaining $22,000,000, if needed, from unobligated balances. Further, the conferees are agreed to the following language which was included in the Senate Bill:

No funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee-Tombigbee project south from the city of Demopolis, Alabama.

In approving this language, the conferees are in agreement that no funds from this appropriation shall be used to construct any expansion of the currently authorized channel dimensions of, or to build duplicate locks for, the existing Black Warrior-Tombigbee Waterway south of Demopolis, Ala., to accommodate traffic increases on the Black Warrior-Tombigbee Waterway anticipated to be generated by completion of the Tennessee-Tombigbee Waterway. It is not the intent of the conferees to restrict necessary operation, maintenance, restoration, or rehabilitation on the existing, authorized Black Warrior-Tombigbee Waterway.

The conferees are aware of Congressional testimony on the need to construct access points and recreation facilities on the Ouachita and Black Rivers in the vicinity of the Felsenthal National Wildlife Refuge, Arkansas, in the Felsenthal Pool. Testimony indicates significant prior commitments to local interests to provide access roads, boat ramps, recreation and sanitary facilities. Accordingly, the conferees have included funds in the bill for the Corps to proceed with this work consistent with prior commitments.

In connection with the Pearl River project, the Committee is aware of possible economic, real estate, and induced drainage problems in other reaches associated with providing flood protection at the Jackson reach first. Therefore, in the development of the improvements for flood protection for the Jackson, Mississippi, area, the Corps shall carefully consider and minimize the adverse impacts of these works on other reaches of the Pearl River.

The funds included in the bill for the Sardis Lake, Okla., project include $500,000 for a water intake structure and $500,000 for recreation facilities.

The conference agreement includes $700,000 for the Burns Waterway Small Boat Harbor, Indiana, and $700,000 for the Cedar Island-Keaton Beach, Fla., projects under Section 107, Small Navigation Projects; $2,000,000 for the Key Biscayne, Fla., project under Section 103, Small Beach Erosion Control Projects; $1,300,000 for the Paauau Stream, Hawaii, project and $500,000 for the Salyersville, Ky., project under Section 205, Small Flood Control Projects; $125,000 for the Maple River, Mich., project under section 208, Small Snagging and Clearing Projects; $5,200,000 for the Miami Harbor Bayfront Park, Fla., and $300,000 for the John H. Bankhead, Ala., project under the Recreation at Completed Projects category.

The conferees direct that no upfront financing or cost sharing of projects under the small continuing authority programs be implemented until Congress fully considers and addresses such "innovative financing".

Amendment No. 3: Restores language proposed by the House and stricken by the Senate amended to read as follows:

, of which $5,200,000 shall be made available for the Miami Harbor, Bayfront Park project, Florida; and, in addition, notwithstanding any other provision of law, $10,000,000, to remain available until expended, for the Yatesville Lake construction project

Amendment No. 4: Deletes language proposed by the Senate relating to the Tennessee-Tombigbee project.

The funds appropriated are to be allocated as shown in the following table:

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	ALABAMA		
(N)	TENNESSEE TOMBIGBEE WATERWAY, AL & MS	90,000,000	---
(N)	FRANKLIN FERRY BRIDGE, JEFFERSON COUNTY	---	1,800,000
	ALASKA		
(FC)	CHENA RIVER LAKES	8,000,000	8,000,000
(N)	KAKE HARBOR	50,000	50,000
(MP)	SNETTISHAM 3RD POWER UNIT	---	4,000,000
	ARIZONA		
(FC)	INDIAN BEND WASH	3,804,000	3,804,000
(FC)	PHOENIX AND VICINITY (STAGE 2 & REMAINING WORK)	8,500,000	8,500,000
	ARKANSAS		
(N)	MCCLELLAN-KERR ARK RIVER NAVIGATION SYSTEM LOCKS AND DAMS, AR & OK	5,570,000	5,570,000
(N)	OUACHITA & BLACK RIVERS, AR & LA	9,200,000	12,700,000
(FC)	RED RIVER EMERGENCY BANK PROTECTION, AR, LA, OK & TX	---	6,800,000
	CALIFORNIA		
(N)	BODEGA BAY	500,000	---
(FC)	CUCAMONGA CREEK	2,900,000	2,900,000
(FC)	DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL	12,000,000	12,000,000
(FC)	FAIRFIELD VICINITY STREAMS	320,000	320,000
(BE)	IMPERIAL BEACH	---	2,000,000
(FC)	LACDA LOS ANGELES RIVER CHANNEL (REHAB)	5,000,000	5,000,000
(FC)	LOWER SAN JOAQUIN RIVER	---	2,500,000
(FC)	MERCED COUNTY STREAMS	6,000,000	---
(MP)	NEW MELONES LAKE	7,300,000	7,300,000
(FC)	SACRAMENTO RIVER BANK PROTECTION	---	2,500,000
(FC)	SACRAMENTO RIVER, CHICO LANDING TO RED BLUFF	---	2,000,000
(FC)	SACRAMENTO RIVER & MAJOR AND MINOR TRIBUTARIES	200,000	200,000
(N)	SAN FRANCISCO BAY TO STOCKTON	8,000,000	9,000,000
(FC)	SAN JACINTO RIVER LEV & BAUTISTA CRK CHANNEL	6,573,000	6,573,000
(FC)	SAN LUIS REY RIVER	900,000	---
(BE)	SURFSIDE-SUNSET & NEWPORT BEACH	3,800,000	3,800,000
(FC)	SWEETWATER RIVER	---	2,000,000
(FC)	WALNUT CREEK	4,700,000	4,700,000
(FC)	WILDCAT & SAN PABLO CREEKS	320,000	320,000
	COLORADO		
(FC)	CHATFIELD LAKE	2,000,000	2,000,000
	CONNECTICUT		
(FC)	NEW LONDON HURRICANE BARRIER	825,000	825,000
	DELAWARE		
(FC)	DELAWARE COAST BEACH EROSION CONTROL & HURRICANE PROT.	775,000	775,000
	FLORIDA		
(BE)	BROWARD COUNTY (REIMB)	4,600,000	4,600,000
(N)	CANAVERAL HARBOR	---	3,000,000
(FC)	CENTRAL & SOUTHERN FLORIDA	11,100,000	11,100,000
(FC)	DADE COUNTY	300,000	300,000
(BE)	DUVAL COUNTY	1,500,000	1,500,000
(FC)	FOUR RIVER BASINS	3,000,000	3,000,000
(BE)	PALM BEACH CO, MARTIN-LAKE WORTH, SO. LK WORTH-BROWARD (REIMB)	2,300,000	2,300,000
(BE)	PINELLAS COUNTY	700,000	700,000
(N)	TAMPA HARBOR-MAIN CHANNEL	17,000,000	17,000,000
	GEORGIA		
(MP)	HARTWELL LAKE UPPER AND LOWER DIVERSION DAMS, GA & SC (MAJOR REHAB)	2,600,000	2,600,000
(MP)	RICHARD B. RUSSELL DAM AND LAKE, GA & SC	51,500,000	51,500,000
(MP)	WALTER F. GEORGE LOCK AND DAM (MAJOR REHAB), GA & AL	10,000,000	10,000,000

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	HAWAII		
(N)	BARBERS POINT HARBOR, OAHU	18,000,000	18,000,000
(FC)	KAHOMA STREAM	5,000,000	---
(N)	KAHULUI HARBOR, MAUI (REHAB)	660,000	660,000
	IDAHO		
(MP)	DWORSHAK DAM AND RESERVOIR	4,000,000	4,000,000
(MP)	LEWISTON - CLARKSTON BRIDGE, ID & WA	---	640,000
	ILLINOIS		
(FC)	EAST ST. LOUIS AND VICINITY	2,600,000	2,600,000
(N)	ILLINOIS WATERWAY, LOCKPORT L&D (REHAB)	9,000,000	9,000,000
(N)	ILLINOIS WATERWAY, BRANDON ROAD L&D (REHAB)	6,000,000	6,000,000
(FC)	KASKASKIA ISLAND DRAINAGE AND LEVEE DISTRICT	3,500,000	3,500,000
(N)	KASKASKIA RIVER NAVIGATION	5,500,000	5,500,000
(N)	LOCK AND DAM NO 26, MISSISSIPPI RIVER, ALTON, IL & MO.	53,800,000	53,800,000
(N)	LOCKS AND DAM 53, IL & KY (REHAB)	500,000	500,000
(N)	LOCKS AND DAM 52, IL & KY (REHAB)	1,029,000	1,029,000
(FC)	MCGEE CREEK DRAINAGE AND LEVEE DISTRICT	5,600,000	5,600,000
(FC)	MILAN	4,830,000	4,830,000
(FC)	ROCKFORD	1,500,000	1,500,000
(N)	SMITHLAND LOCKS AND DAM, IL, IN & KY	820,000	820,000
(FC)	WOOD RIVER DRAINAGE AND LEVEE DISTRICT	1,500,000	1,500,000
	INDIANA		
(FC)	EVANSVILLE	2,100,000	2,100,000
	IOWA		
(FC)	BETTENDORF	3,800,000	3,800,000
(FC)	CORALVILLE LAKE	3,000,000	3,000,000
(FC)	DAVENPORT	1,200,000	---
(FC)	LITTLE SIOUX RIVER	300,000	300,000
(FC)	MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	1,100,000	1,100,000
(FC)	SAYLORVILLE LAKE	1,860,000	5,000,000
(FC)	WATERLOO	2,000,000	2,000,000
	KANSAS		
(FC)	EL DORADO LAKE	6,800,000	6,800,000
	KENTUCKY		
(FC)	BIG SOUTH FORK NATIONAL RIVER & RECREATION AREA, KY & TN	10,500,000	10,500,000
(FC)	CAVE RUN LAKE	1,360,000	1,360,000
(MP)	LAUREL RIVER LAKE	700,000	700,000
(FC)	PAINTSVILLE LAKE	3,300,000	3,300,000
(FC)	SOUTHWESTERN JEFFERSON COUNTY	6,000,000	6,000,000
(FC)	TAYLORSVILLE LAKE	4,400,000	4,400,000
(FC)	YATESVILLE LAKE	---	10,000,000
	LOUISIANA		
(FC)	BAYOU BODCAU AND TRIBUTARIES	400,000	400,000
(FC)	LAKE PONTCHARTRAIN AND VICINITY (HURRICANE PROTECTION)	16,800,000	16,800,000
(FC)	LAROSE TO GOLDEN MEADOW (HURRICANE PROTECTION)	5,700,000	5,700,000
(N)	LELAND BOWMAN LOCK (REPLACEMENT)	10,325,000	10,325,000
(N)	MISSISSIPPI RIVER - GULF OUTLET	500,000	500,000
(N)	MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO	800,000	800,000
(FC)	MORGAN CITY AND VICINITY (HURRICANE PROTECTION)	280,000	280,000
(FC)	NEW ORLEANS TO VENICE (HURRICANE PROTECTION)	4,400,000	4,400,000
(N)	RED RIVER WATERWAY - MISSISSIPPI RIVER TO SHREVEPORT	63,700,000	83,000,000
	MAINE		
(N)	JONESPORT HARBOR	25,000	25,000
	MICHIGAN		
(FC)	SAGINAW RIVER	---	500,000

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	MARYLAND		
(N)	BALTIMORE HARBOR & CHANNELS, MD & VA (50 FT PROJECT)..	1,200,000	1,200,000
	MINNESOTA		
(FC)	BASSETT CREEK.....	6,000,000	---
(FC)	BIG STONE LAKE, WHETSTONE RIVER, MN & SD.....	1,750,000	1,750,000
(FC)	MANKATO & NORTH MANKATO.....	7,200,000	7,200,000
(FC)	ROSEAU RIVER.....	---	250,000
(FC)	WINONA.....	2,600,000	2,600,000
	MISSISSIPPI		
(FC)	PEARL RIVER VICINITY OF JACKSON, MISS.....	---	16,000,000
(FC)	TOMBIGBEE RIVER AND TRIBUTARIES, MS & AL.....	1,400,000	1,400,000
	MISSOURI		
(FC)	BLUE RIVER CHANNEL IMPROVEMENT.....	---	2,000,000
(MP)	CLARENCE CANNON DAM AND MARK TWAIN LAKE.....	11,630,000	11,630,000
(MP)	HARRY S. TRUMAN DAM AND RESERVOIR.....	8,000,000	8,900,000
(FC)	LITTLE BLUE RIVER CHANNEL.....	3,700,000	3,700,000
(FC)	LITTLE BLUE RIVER LAKES.....	9,900,000	9,900,000
(FC)	LONG BRANCH LAKE.....	300,000	300,000
(N)	MISS RIVER BTWN THE OHIO & MO RIVERS (REG WORKS), MO & IL.....	2,200,000	2,200,000
	MONTANA		
(FC)	GREAT FALLS.....	2,000,000	2,000,000
(MP)	LIBBY ADDITIONAL UNITS.....	2,600,000	2,600,000
	NEBRASKA		
(FC)	PAPILLION CREEK AND TRIBUTARIES LAKES.....	4,400,000	4,400,000
	NEW JERSEY		
(N)	BARNEGAT INLET.....	---	210,000
(FC)	ELIZABETH RIVER FLOOD CONTROL PROJECT.....	4,800,000	4,800,000
	NEW YORK		
(BE)	EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY.	3,200,000	3,200,000
(FC)	ELLICOTT CREEK.....	600,000	---
(FC)	FIRE ISLAND INLET TO MONTAUK POINT, LONG ISLAND.....	---	500,000
(N)	IRONDEQUOIT BAY.....	110,000	110,000
(N)	NY HARBOR COLLECTION & REMOVAL DRIFT PROJECT, NY & NJ.	1,300,000	3,000,000
	NORTH CAROLINA		
(N)	AIWW-REPLACEMENT OF FEDERAL HIGHWAY BRIDGES.....	1,500,000	1,500,000
(FC)	B. EVERETT JORDAN DAM AND LAKE.....	8,200,000	8,200,000
(FC)	FALLS LAKE.....	4,300,000	4,300,000
(N)	MANTEO (SHALLOWBAG) BAY.....	---	500,000
(FC)	RANDLEMAN LAKE.....	2,700,000	---
	NORTH DAKOTA		
(FC)	LAKE DARLING, SOURIS RIVER.....	1,000,000	1,000,000
	OHIO		
(FC)	MILL CREEK.....	10,000,000	10,000,000
(FC)	MUSKINGUM RIVER LAKES (DAM SAFETY ASSURANCE).....	3,200,000	3,200,000
(FC)	MUSKINGUM RIVER LAKES (REHAB).....	1,300,000	1,300,000
(FC)	NEWARK.....	300,000	300,000
(FC)	POINT PLACE.....	2,500,000	2,500,000
	OKLAHOMA		
(FC)	ARCADIA LAKE.....	8,300,000	8,300,000
(FC)	SARDIS LAKE.....	---	1,000,000
(FC)	SKIATOOK LAKE.....	11,000,000	11,000,000

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	OREGON		
(MP)	BONNEVILLE SECOND POWERHOUSE, OR & WA	18,500,000	18,500,000
(MP)	JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR & WA	4,500,000	13,800,000
(FC)	LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA	2,000,000	2,000,000
(N)	SIUSLAW RIVER AND BAR (CONTINUATION)	---	5,600,000
(FC)	WILLOW CREEK LAKE HEPPNER	2,944,000	2,944,000
(FC)	WILLAMETTE RIVER BASIN BANK PROTECTION	700,000	700,000
	PENNSYLVANIA		
(N)	EMSWORTH LOCKS AND DAM, OHIO RIVER (MAJOR REHAB)	7,400,000	7,400,000
(FC)	KINZUA DAM AND ALLEGHENY RESERVOIR, PA & NY (MAJOR REHAB)	3,200,000	3,200,000
(N)	MONTGOMERY LOCKS AND DAM, OHIO RIVER (MAJOR REHAB)	3,700,000	3,700,000
(BE)	PRESQUE ISLE	1,240,000	990,000
(FC)	WYOMING VALLEY, PA (REMEDIAL WORK) (DEF COR)	2,800,000	2,800,000
	PUERTO RICO		
(N)	PONCE HARBOR	25,000	25,000
(FC)	PORTUGUES AND BUCANA RIVERS	25,000,000	25,000,000
	SOUTH CAROLINA		
(N)	COOPER RIVER, CHARLESTON HARBOR	9,800,000	9,800,000
(N)	LITTLE RIVER INLET, SC & NC	1,761,000	1,761,000
	TEXAS		
(FC)	ARKANSAS-RED RIVER BASINS CHLORIDE CONTROL (AREA VIII)	3,329,000	3,329,000
(FC)	COOPER LAKE AND CHANNELS	---	250,000
(N)	CORPUS CHRISTI SHIP CHANNEL (1968 ACT)	9,200,000	9,200,000
(BE)	CORPUS CHRISTI BEACH (RESTORATION PROJECT)	995,000	995,000
(FC)	EL PASO	4,550,000	4,550,000
(N)	FREEPORT HARBOR	75,000	75,000
(N)	FREEPORT HARBOR (RELOCATION OF NORTH JETTY)	3,350,000	---
(FC)	HIGHLAND BAYOU	100,000	100,000
(FC)	JOE POOL LAKE (FORMERLY LAKEVIEW LAKE)	22,800,000	22,800,000
(N)	MOUTH OF COLORADO RIVER	---	2,500,000
(FC)	RAY ROBERTS LAKE	42,000,000	42,000,000
(FC)	RED RIVER LEVEES & BANK STAB. BELOW DENNISON DAM TX, AR & LA	---	1,600,000
(FC)	SAN ANTONIO CHANNEL IMPROVEMENT	6,500,000	6,500,000
(FC)	SAN GABRIEL RIVER	250,000	250,000
(FC)	TAYLORS BAYOU	2,600,000	3,100,000
(FC)	VINCE AND LITTLE VINCE BAYOUS	3,000,000	3,000,000
(FC)	WALLISVILLE LAKE	---	100,000
	VIRGINIA		
(FC)	VIRGINIA BEACH STREAMS, CANAL NO TWO	1,211,000	---
(BE)	VIRGINIA BEACH, VA (1962 MODIFICATION) (REIMB)	430,000	430,000
	WASHINGTON		
(MP)	CHIEF JOSEPH DAM ADDITIONAL UNITS	16,700,000	16,700,000
(N)	LAKE WASHINGTON SHIP CANAL (REHAB)	3,720,000	3,720,000
(MP)	LOWER GRANITE DAM, WA	---	1,000,000
(MP)	LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION, WA, OR & ID	18,700,000	20,000,000
(FC)	MILL CREEK LAKE (REHAB)	1,500,000	1,500,000
	WEST VIRGINIA		
(FC)	BEECH FORK LAKE	2,000,000	2,000,000
(FC)	BURNSVILLE LAKE	750,000	750,000
(FC)	LEVISA & TUG FORKS OF BIG SANDY RVR & CUMBERLAND RVR, WV, VA & KY	600,000	3,600,000
(FC)	R D BAILEY LAKE	2,300,000	2,300,000
(FC)	STONEWALL JACKSON LAKE	26,000,000	26,000,000

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	MISCELLANEOUS		
	SMALL NAVIGATION PROJECTS (SECTION 107).....	2,300,000	3,000,000
	MITIGATION OF SHORE DAMAGES ATTRIBUTABLE TO NAV PROJ (SECTION 111).....	550,000	550,000
	SMALL BEACH EROSION CONTROL PROJECTS (SECTION 103)....	1,800,000	3,800,000
	SMALL PROJECTS FOR FLOOD CONTROL & RELATED PURPOSES (SECTION 205).....	16,400,000	17,300,000
	EMERGENCY STREAMBANK & SHORELINE PROTECTION (SECTION 14).....	4,000,000	4,000,000
	SMALL SNAGGING & CLEARING PROJECTS (SECTION 208).....	250,000	375,000
	RECREATION FACILITIES AT COMPLETED PROJECTS.....	8,000,000	13,500,000
	AQUATIC PLANT CONTROL (1965 ACT).....	5,000,000	5,000,000
	EMPLOYEES COMPENSATION.....	9,400,000	9,400,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-139,446,000	-110,446,000
	FUNDS AVAILABLE FROM FY 1983 DEFERRAL.....	-40,000,000	---
	TOTAL CONSTRUCTION, GENERAL.....	820,700,000	894,104,000

TYPE OF PROJECT:
(N) NAVIGATION
(FC) FLOOD CONTROL
(BE) BEACH EROSION CONTROL
(MP) MULTIPLE-PURPOSE, INCLUDING POWER

Revolving Fund

Amendment No. 5: Appropriates $9,500,000 as proposed by the House for a Corps of Engineers' learning facility and restores the House language.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

Amendment No. 6: Appropriates $300,480,000 for Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee instead of $310,330,000 as proposed by the House and $297,960,000 as proposed by the Senate.

The Committee is aware of the value of the lower lake at Sardis Lake and that such lake could be maintained for fishing and boating without retarding the flow from the reservoir. Therefore, the Corps is directed to plan, design, and construct the works necessary to maintain desirable water levels in the lower lake without adversely impacting the drainage of flood water from the upper lake. The Committee is also aware of sedimentation problems occurring in parts of the lower lake and Upper Little Tallahatchie River and directs the Corps to determine if removal of such material is feasible at this time to fulfill the purposes of the project.

The funds appropriated are to be allocated as shown in the following table:

Type of Project	Flood Control, Mississippi River and Tributaries	Budget estimate	Conference allowance
	GENERAL INVESTIGATIONS		
	SURVEYS:		
	GENERAL STUDIES:		
(FDP)	BOEUF-TENSAS BASIN, AR & LA	185,000	985,000
(FDP)	LARTO LAKE-SALINE AREA, LA	---	240,000
(FDP)	ST. FRANCIS RIVER BASIN BELOW WAPPAPELLO LAKE, AR & MO	585,000	585,000
(FDP)	MAYFIELD CREEK AND TRIBUTARIES, KY	320,000	320,000
(FDP)	ATCHAFALAYA BASIN (WATER & LAND RESOURCES), LA	235,000	350,000
(FDP)	YAZOO RIVER BASIN, MS	225,000	900,000
(FDP)	MISSISSIPPI AND LOUISIANA ESTUARINE AREAS	---	60,000
(SPEC)	MISSISSIPPI RIVER, EAST BANK NATCHEZ AREA	---	150,000
(COMP)	EASTERN ARKANSAS REGION COMPRENSIVE STUDY	---	100,000
	COLLECTION AND STUDY OF BASIC DATA	260,000	260,000
	ADVANCE ENGINEERING AND DESIGN:		
(FC)	EASTERN RAPIDES & SOUTH CENTRAL AVOYELLES	---	280,000
(FC)	L'ANGUILLE RIVER BASIN, AR	300,000	500,000
(FC)	MISSISSIPPI DELTA REGION SALINITY CONTROL STRUCTURE, LA	800,000	1,200,000
	SUBTOTAL, GENERAL INVESTIGATIONS	2,910,000	5,930,000
	CONSTRUCTION		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	52,000,000	52,000,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO, & TN	27,000,000	27,000,000
(FC)	ST. FRANCIS BASIN, AR & MO	4,400,000	4,400,000
(FC)	TENSAS BASIN, AR & LA:	(14,840,000)	(14,840,000)
	BOEUF AND TENSAS RIVERS, EXCEPT LAKE CHICOT PUMPING PLANT	800,000	800,000
	BOEUF AND TENSAS RIVERS, LAKE CHICOT PUMPING PLANT	11,950,000	11,950,000
	RED RIVER BACKWATER AREA, EXCEPT TENSAS COCODRIE PUMPING PLANT	1,300,000	1,300,000
	RED RIVER BACKWATER AREA, TENSAS COCODRIE PUMPING PLANT	790,000	790,000
(FC)	TENSAS WILDLIFE REFUGE	---	15,000,000
(FC)	REELFOOT LAKE - LAKE NO. 9, KY & TN	30,000	30,000
(FC)	ATCHAFALAYA BASIN, LA	23,800,000	23,800,000

Type of Project	Flood Control, Mississippi River and Tributaries	Budget estimate	Conference allowance
(FC)	BAYOU COCODRIE AND TRIBUTARIES, LA	300,000	300,000
(FC)	LOWER RED RIVER-SOUTH BANK LEVEES, LA	600,000	600,000
(FC)	OLD RIVER, LA	65,940,000	65,940,000
(FC)	YAZOO BASIN, MS:	(14,340,000)	(26,800,000)
	BIG SUNFLOWER RIVER	3,324,000	3,324,000
	GREENWOOD	290,000	290,000
	MAIN STEM	613,000	613,000
	TRIBUTARIES:		
	EXCEPT ASCALMORE-TIPPO AND OPPOSSUM BAYOUS	3,032,000	5,792,000
	ASCALMORE-TIPPO AND OPPOSSUM BAYOUS	1,698,000	4,898,000
	UPPER YAZOO PROJECTS (FORMERLY AUXILIARY CHANNEL)	4,236,000	5,836,000
	YAZOO BACKWATER	1,147,000	4,047,000
	YAZOO BACKWATER PUMPING PLANT	---	2,000,000
(FC)	WEST TENNESSEE TRIBUTARIES, TN	2,700,000	2,700,000
	SUBTOTAL, CONSTRUCTION	205,950,000	233,410,000
	MAINTENANCE		
(FC)	BOEUF-TENSAS BASIN, AR AND LA	273,000	273,000
(FC)	WHITE RIVER BACKWATER, AR	640,000	640,000
(FC)	MAPPING, AR, IL, KY, LA, MS, MO & TN	90,000	90,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	16,886,000	16,886,000
(FC)	NORTH BANK, ARKANSAS RIVER, AR	177,000	177,000
(FC)	SOUTH BANK, ARKANSAS RIVER, AR	290,000	290,000
(FC)	ST. FRANCIS RIVER BASIN, AR & MO	3,920,000	3,920,000
(FC)	ATCHAFALAYA BASIN, LA	4,795,000	4,795,000
(FC)	BAYOU COCODRIE & TRIBUTARIES, LA	53,000	53,000
(FC)	BONNET CARRE SPILLWAY, LA	242,000	242,000
(FC)	LOWER RED RIVER, SOUTH BANK LEVEES, LA	264,000	264,000
(FC)	OLD RIVER LA	4,772,000	4,772,000
(FC)	RED RIVER BACKWATER AREA, LA	195,000	195,000
(FC)	ARKABUTLA LAKE, MS	1,663,000	1,663,000
(FC)	BIG SUNFLOWER RIVER, MS	147,000	147,000
(FC)	ENID LAKE, MS	1,996,000	1,996,000
(FC)	GREENWOOD, MS	403,000	403,000
(FC)	GRENADA LAKE, MS	2,399,000	2,399,000
(FC)	YAZOO BASIN, MAIN STEM, MS	1,083,000	1,083,000
(FC)	SARDIS LAKE, MS	2,618,000	2,618,000
(FC)	YAZOO BASIN, TRIBUTARIES, MS	894,000	894,000
(FC)	WHITTINGTON AUXILIARY CHANNEL, MS	236,000	236,000
(FC)	YAZOO BACKWATER, MS	202,000	202,000
(FC)	YAZOO CITY, MS	247,000	247,000
(FC)	WAPPAPELLO LAKE, MO	1,460,000	1,460,000
(FC)	REVETMENT AND DIKES	29,000,000	29,000,000
(FC)	DREDGING	20,000,000	20,000,000
(FC)	INSPECTION OF COMPLETED WORKS	400,000	400,000
	SUBTOTAL, MAINTENANCE	95,345,000	95,345,000
	REDUCTION FOR ANTICIPATED SAVINGS, SLIPPAGE, AND UNOBLIGATED BALANCES	-14,205,000	-34,205,000
	TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER & TRIBUTARIES	290,000,000	300,480,000

TYPE OF STUDY OR PROJECT:
(FC) FLOOD CONTROL
(FDP) FLOOD DAMAGE PREVENTION

Operation and Maintenance

Amendment No. 7: Appropriates $1,184,492,000 instead of $1,215,032,000 as proposed by the House and $1,170,620,000 as proposed by the Senate.

Amendment No. 8: Restores language proposed by the House and stricken by the Senate earmarking $319,000 for the Dismal Swamp Canal, Virginia and North Carolina.

The funds are to be allocated as shown in the following table:

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	ALABAMA		
(N)	ALABAMA-COOSA RIVERS	4,443,000	5,500,000
(N)	BAYOU CODEN	225,000	225,000
(N)	BAYOU LA BATRE CHANNEL	---	500,000
(N)	BLACK WARRIOR & TOMBIGBEE RIVERS	9,814,000	13,000,000
(N)	BON SECOUR	---	300,000
(N)	FLY CREEK	---	189,000
(N)	GULF INTRACOASTAL WATERWAY (MOBILE DISTRICT)	2,695,000	5,000,000
(N)	MILLERS FERRY LOCK & DAM-WILLIAM 'BILL' DANNELLY LAKE	2,963,000	3,500,000
(N)	MOBILE HARBOR	3,893,000	5,000,000
(N)	PERDIDO PASS	---	1,000,000
(N)	REMOVAL OF AQUATIC GROWTH	60,000	60,000
(MP)	ROBERT F. HENRY LOCK & DAM	2,423,000	3,000,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY, AL & MS	7,201,000	7,201,000
	ALASKA		
(N)	ANCHORAGE HARBOR	1,790,000	1,790,000
(FC)	CHENA RIVER LAKES	708,000	708,000
(N)	DILLINGHAM SMALL BOAT HARBOR	495,000	495,000
(N)	HOMER HARBOR	370,000	370,000
(N)	KING COVE HARBOR	920,000	920,000
(N)	NINILCHIK SMALL BOAT HARBOR	345,000	345,000
(N)	NOME HARBOR	883,000	883,000
(N)	STIKINE RIVER SNAGGING	18,000	18,000
	ARIZONA		
(FC)	ALAMO LAKE	632,000	632,000
(FC)	PAINTED ROCK DAM	622,000	622,000
(FC)	WHITLOW RANCH DAM	645,000	645,000
	ARKANSAS		
(MP)	BEAVER LAKE	1,908,000	1,908,000
(MP)	BLAKELY MOUNTAIN DAM, LAKE OUACHITA	2,769,000	2,769,000
(FC)	BLUE MOUNTAIN LAKE	533,000	533,000
(MP)	BULL SHOALS LAKE	2,975,000	2,975,000
(MP)	DARDANELLE LOCK & DAM	2,927,000	3,927,000
(MP)	DEGRAY LAKE	2,648,000	2,648,000
(FC)	DEQUEEN LAKE	515,000	515,000
(FC)	DIERKS LAKE	527,000	527,000
(FC)	GILLHAM LAKE	414,000	414,000
(MP)	GREERS FERRY LAKE	2,238,000	2,368,000
(N)	HELENA HARBOR	330,000	330,000
(N)	MCCLELLAN-KERR ARK RIVER NAVIGATION SYSTEM LOCKS & DAMS, AR & OK	14,866,000	14,866,000
(FC)	MILLWOOD LAKE	1,253,000	1,253,000
(MP)	NARROWS DAM - LAKE GREESON	2,315,000	2,315,000
(FC)	NIMROD LAKE	589,000	589,000
(MP)	NORFORK LAKE	1,874,000	1,874,000
(N)	OSCEOLA HARBOR	650,000	650,000
(N)	OUACHITA & BLACK RIVERS, AR & LA	3,675,000	3,675,000
(MP)	OZARK-JETA TAYLOR LOCK & DAM	4,026,000	4,026,000
(N)	WHITE RIVER	2,090,000	2,090,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	CALIFORNIA		
(FC)	BLACK BUTTE LAKE	1,530,000	1,530,000
(FC)	BUCHANAN DAM - H. V. EASTMAN LAKE	1,073,000	1,073,000
(FC)	COYOTE VALLEY DAM (LAKE MENDOCINO)	1,497,000	1,497,000
(N)	SAN FRANCISCO HARBOR & BAY (DRIFT REMOVAL)	1,543,000	1,543,000
(FC)	DRY CREEK (WARM SPRINGS) LAKE & CHANNEL	1,553,000	1,553,000
(FC)	FARMINGTON DAM	133,000	133,000
(FC)	HIDDEN DAM - HENSLEY LAKE	1,037,000	1,037,000
(N)	HUMBOLDT HARBOR & BAY	3,503,000	3,503,000
(FC)	ISABELLA LAKE	2,704,000	2,704,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA	2,708,000	2,708,000
(N)	LOS ANGELES-LONG BEACH HARBORS MODEL	125,000	704,000
(N)	LOS ANGELES-LONG BEACH HARBORS	70,000	720,000
(FC)	MERCED COUNTY STREAM GROUP	135,000	135,000
(FC)	MOJAVE RIVER DAM	542,000	542,000
(N)	MORRO BAY HARBOR	---	750,000
(N)	MOSS LANDING HARBOR	676,000	676,000
(FC)	NEW HOGAN LAKE	998,000	998,000
(MP)	NEW MELONES LAKE (DOWNSTREAM CHANNEL)	531,000	531,000
(N)	NOYO RIVER & HARBOR	413,000	413,000
(N)	OAKLAND HARBOR	1,929,000	1,929,000
(N)	OCEANSIDE HARBOR	800,000	800,000
(N)	PETALUMA RIVER	1,000,000	1,000,000
(FC)	PINE FLAT LAKE	1,527,000	1,527,000
(N)	RICHMOND HARBOR	1,912,000	1,912,000
(N)	SACRAMENTO RIVER (30 FT PROJECT)	2,543,000	2,543,000
(N)	SACRAMENTO RIVER SHALLOW DRAFT CHANNEL	93,000	93,000
(N)	SACRAMENTO RIVER & TRIBS (DEBRIS CONTROL)	721,000	721,000
(N)	SAN DIEGO HARBOR (ZUNIGA JETTY)	500,000	500,000
(N)	SAN FRANCISCO BAY -- DELTA MODEL STRUCTURE	1,141,000	1,141,000
(N)	SAN DIEGO RIVER AND MISSION BAY	545,000	545,000
(N)	SAN FRANCISCO HARBOR	2,332,000	2,332,000
(N)	SAN LEANDRO BAY		400,000
(N)	SAN PABLO BAY & MARE ISLAND STRAIT	6,633,000	6,633,000
(N)	SAN JOAQUIN RIVER	200,000	200,000
(FC)	SANTA ANA RIVER BASIN	2,197,000	2,197,000
(N)	SANTA CRUZ HARBOR	519,000	519,000
(N)	SANTA BARBARA HARBOR	1,110,000	1,110,000
(FC)	SUCCESS LAKE	986,000	986,000
(N)	SUISUN BAY CHANNEL	732,000	732,000
(FC)	TERMINUS DAM (LAKE KAWEAH)	1,158,000	1,158,000
(N)	YUBA RIVER	25,000	25,000
	COLORADO		
(FC)	BEAR CREEK LAKE	351,000	351,000
(FC)	CHATFIELD LAKE	456,000	456,000
(FC)	CHERRY CREEK LAKE	955,000	955,000
(FC)	JOHN MARTIN RESERVOIR	761,000	761,000
(FC)	TRINIDAD LAKE	493,000	493,000
	CONNECTICUT		
(FC)	BLACK ROCK LAKE	216,000	216,000
(FC)	COLEBROOK RIVER LAKE	177,000	177,000
(N)	CONNECTICUT RIVER BELOW HARTFORD	1,452,000	1,452,000
(FC)	HANCOCK BROOK LAKE	106,000	106,000
(FC)	HOP BROOK LAKE	347,000	347,000
(FC)	MANSFIELD HOLLOW LAKE	206,000	206,000
(N)	NEW HAVEN HARBOR	2,629,000	2,629,000
(FC)	NORTHFIELD BROOK LAKE	159,000	159,000
(N)	STAMFORD HURRICANE BARRIER	101,000	101,000
(FC)	THOMASTON DAM	257,000	257,000
(FC)	WEST THOMPSON LAKE	309,000	309,000
	DELAWARE		
(N)	INDIAN RIVER INLET & BAY	35,000	35,000
(N)	INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DE & MD	8,126,000	8,126,000
(N)	IWW CHINCOTEAGUE BAY TO DELAWARE BAY	12,000	12,000
(N)	WILMINGTON HARBOR	1,627,000	1,627,000
	DIST OF COLUMBIA		
(N)	POTOMAC & ANACOSTIA RIVERS (DRIFT REMOVAL)	572,000	572,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	FLORIDA		
(N)	APALACHICOLA BAY	103,000	103,000
(N)	CANAVERAL HARBOR	2,607,000	2,607,000
(N)	CENTRAL & SOUTHERN FLORIDA	4,145,000	4,145,000
(N)	CHARLOTTE HARBOR	1,245,000	745,000
(N)	CROSS-FLORIDA BARGE CANAL	239,000	1,200,000
(N)	EAST PASS CHANNEL	626,000	626,000
(N)	FERNANDINA HARBOR	1,810,000	1,810,000
(N)	INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI	1,619,000	1,619,000
(N)	JACKSONVILLE HARBOR	2,711,000	2,711,000
(N)	OKEECHOBEE WATERWAY	1,732,000	1,732,000
(N)	PANAMA CITY HARBOR	---	1,000,000
(N)	PENSACOLA HARBOR	880,000	880,000
(N)	PORT ST. JOE HARBOR	1,731,000	1,731,000
(N)	REMOVAL OF AQUATIC GROWTH	2,102,000	2,102,000
(N)	TAMPA HARBOR	8,225,000	8,225,000
	GEORGIA		
(MP)	ALLATOONA LAKE	4,001,000	4,001,000
(N)	APALACHICOLA, CHATTAHOOCHEE & FLINT RIVERS, GA,AL&FL	4,050,000	4,050,000
(N)	ATLANTIC INTRACOASTAL WATERWAY (SAVANNAH DISTRICT)	712,000	712,000
(N)	BRUNSWICK HARBOR	3,462,000	4,131,000
(MP)	BUFORD DAM & LAKE SIDNEY LANIER	4,408,000	4,408,000
(MP)	CARTERS LAKE	2,012,000	2,012,000
(MP)	CLARKS HILL LAKE, GA & SC	3,831,000	3,831,000
(MP)	HARTWELL LAKE	3,759,000	3,759,000
(MP)	JIM WOODRUFF LOCK & DAM, GA & FL	3,031,000	3,031,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC	944,000	944,000
(N)	SAVANNAH HARBOR	8,211,000	8,911,000
(N)	SAVANNAH RIVER BELOW AUGUSTA	166,000	166,000
(MP)	WALTER F. GEORGE LOCK & DAM, GA & AL	3,340,000	3,340,000
(MP)	WEST POINT LAKE, GA & AL	3,452,000	3,452,000
	IDAHO		
(MP)	ALBENI FALLS DAM	2,013,000	2,013,000
(MP)	DWORSHAK DAM & RESERVOIR	5,282,000	5,282,000
(FC)	LUCKY PEAK LAKE	939,000	939,000
	ILLINOIS		
(N)	CALUMET HARBOR & RIVER (DIKED DISPOSAL), IL & IN	4,000,000	4,000,000
(FC)	CARLYLE LAKE	2,180,000	2,180,000
(N)	CHICAGO HARBOR (DIKED DISPOSAL)	700,000	700,000
(N)	CHICAGO RIVER (DIKED DISPOSAL)	770,000	770,000
(N)	CHICAGO RIVER	380,000	380,000
(FC)	FARM CREEK RESERVOIRS	102,000	102,000
(N)	ILLINOIS WATERWAY, IL & IN (NCD)	10,329,000	10,329,000
(N)	ILLINOIS WATERWAY (LMVD PORTION)	1,135,000	1,135,000
(N)	KASKASKIA RIVER NAVIGATION	910,000	910,000
(FC)	LAKE SHELBYVILLE	2,685,000	2,685,000
(N)	MILL CREEK & SOUTH SLOUGH	35,000	35,000
(N)	MISS RIV BTWN MISSOURI RIV & MINNEAPOLIS, IL, MN, WI, & IA (NCD)	44,620,000	44,620,000
(N)	MISSISSIPPI RIVER BTN OHIO & MISSOURI RIVERS	8,766,000	8,766,000
(N)	MISS RIV BTWN MO RIVER & MINNEAPOLIS (LMVD)	5,545,000	5,545,000
(N)	MOUTH OF SANGAMON RIVER	23,000	23,000
(N)	NORTH BRANCH CHICAGO RIVER DEBRIS REMOVAL	---	150,000
(FC)	REND LAKE	1,740,000	1,740,000
(N)	WAUKEGAN HARBOR (DIKED DISPOSAL)	374,000	374,000
(N)	WAUKEGAN HARBOR	659,000	659,000
	INDIANA		
(FC)	BROOKVILLE LAKE	461,000	461,000
(FC)	CAGLES MILL LAKE	384,000	384,000
(FC)	CECIL M. HARDEN LAKE	591,000	591,000
(FC)	HUNTINGTON LAKE	545,000	545,000
(N)	INDIANA HARBOR (DIKED DISPOSAL)	400,000	400,000
(N)	MICHIGAN CITY HARBOR	21,000	21,000
(FC)	MISSISSINEWA LAKE	461,000	461,000
(FC)	MONROE LAKE	424,000	424,000
(FC)	PATOKA LAKE	449,000	449,000
(FC)	SALAMONIE LAKE	387,000	387,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	IOWA		
(FC)	CORALVILLE LAKE	2,303,000	2,303,000
(N)	MISSOURI RIVER, KENSLERS BEND, NE TO SIOUX CITY, IA&NE	57,000	57,000
(N)	MISSOURI RIVER - SIOUX CITY TO MOUTH, IA & NE	9,447,000	9,447,000
(FC)	RATHBUN LAKE	1,312,000	1,312,000
(FC)	RED ROCK DAM - LAKE RED ROCK	2,646,000	2,646,000
(FC)	SAYLORVILLE LAKE	2,315,000	2,417,000
	KANSAS		
(FC)	CLINTON LAKE	1,092,000	1,092,000
(FC)	COUNCIL GROVE LAKE	604,000	604,000
(FC)	EL DORADO LAKE	311,000	311,000
(FC)	ELK CITY LAKE	530,000	530,000
(FC)	FALL RIVER LAKE	538,000	538,000
(FC)	HILLSDALE LAKE	421,000	421,000
(FC)	JOHN REDMOND DAM & RESERVOIR	608,000	608,000
(FC)	KANOPOLIS LAKE	1,072,000	1,072,000
(FC)	MARION LAKE	585,000	585,000
(FC)	MELVERN LAKE	1,094,000	1,094,000
(FC)	MILFORD LAKE	1,100,000	1,100,000
(FC)	PEARSON - SKUBITZ BIG HILL LAKE	503,000	503,000
(FC)	PERRY LAKE	1,424,000	1,424,000
(FC)	POMONA LAKE	1,304,000	1,304,000
(FC)	TORONTO LAKE	252,000	252,000
(FC)	TUTTLE CREEK LAKE	1,155,000	1,155,000
(FC)	WILSON LAKE	1,025,000	1,025,000
	KENTUCKY		
(MP)	BARKLEY DAM - LAKE BARKLEY	3,825,000	3,825,000
(FC)	BARREN RIVER LAKE	872,000	872,000
(FC)	BUCKHORN LAKE	761,000	761,000
(FC)	CARR FORK LAKE	781,000	781,000
(FC)	CAVE RUN LAKE	497,000	497,000
(FC)	DEWEY LAKE	965,000	965,000
(FC)	FISHTRAP LAKE	710,000	710,000
(FC)	GRAYSON LAKE	915,000	915,000
(N)	GREEN AND BARREN RIVERS, KY & TN	1,276,000	1,276,000
(FC)	GREEN RIVER LAKE	902,000	902,000
(N)	HICKMAN HARBOR	300,000	300,000
(N)	KENTUCKY RIVER	960,000	980,000
(MP)	LAUREL RIVER LAKE	743,000	743,000
(FC)	MARTINS FORK LAKE	463,000	463,000
(FC)	MIDDLESBORO	37,000	37,000
(FC)	NOLIN LAKE	979,000	979,000
(N)	OHIO RIVER OPEN CHANNEL WORK	8,210,000	8,210,000
(N)	OHIO RIVER LOCKS & DAMS	12,053,000	12,128,000
(FC)	PAINTSVILLE LAKE	530,000	530,000
(FC)	ROUGH RIVER LAKE	946,000	946,000
(FC)	TAYLORSVILLE LAKE	375,000	375,000
(MP)	WOLF CREEK DAM - LAKE CUMBERLAND	3,386,000	3,386,000
	LOUISIANA		
(N)	ATCHAFALAYA RIVER & BAYOUS CHENE, BOEUF & BLACK	7,000,000	7,000,000
(N)	BARATARIA BAY WATERWAY	3,000,000	3,000,000
(FC)	BAYOU BODCAU RESERVOIR	815,000	815,000
	BAYOU RIGOLETTE	---	500,000
(N)	BAYOU TECHE	210,000	210,000
(FC)	CADDO LAKE	245,000	245,000
(N)	CALCASIEU RIVER & PASS	13,762,000	13,762,000
(N)	FRESHWATER BAYOU	2,020,000	2,020,000
(N)	GULF INTRACOASTAL WATERWAY	12,470,000	12,470,000
(N)	HOUMA NAVIGATION CANAL	3,000,000	3,000,000
(N)	LAKE PROVIDENCE HARBOR	343,000	343,000
(N)	MADISON PARISH PORT	398,000	398,000
(N)	MERMENTAU RIVER	700,000	700,000
(N)	MISSISSIPPI RIVER GULF OUTLET	8,480,000	8,480,000
(N)	MISSISSIPPI RIVER OUTLETS AT VENICE	1,000,000	1,000,000
(N)	MISSISSIPPI RIVER, BATON ROUGE TO THE GULF	26,428,000	28,000,000
(N)	PEARL RIVER	170,000	170,000
(N)	RED RIVER WATERWAY MISSISSIPPI RIVER TO SHREVEPORT	1,075,000	1,075,000
(N)	REMOVAL OF AQUATIC GROWTH	1,200,000	1,200,000
(FC)	WALLACE LAKE	185,000	185,000
(N)	WATERWAY FROM IWW TO BAYOU DULAC	640,000	640,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	MARYLAND		
(N)	BALTIMORE HARBOR (DRIFT REMOVAL)	241,000	241,000
(N)	BALTIMORE HARBOR & CHANNELS	17,459,000	17,459,000
(N)	BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	481,000	481,000
(FC)	BLOOMINGTON LAKE, MD & WV	770,000	770,000
(N)	CHESTER RIVER	391,000	391,000
(N)	CUMBERLAND, MD AND RIDGELEY, WV, MD & WV	52,000	52,000
(N)	OCEAN CITY HARBOR & INLET AND SINEPUXENT BAY	1,400,000	1,400,000
(N)	WICOMICO RIVER	880,000	880,000
	MASSACHUSETTS		
(FC)	BARRE FALLS DAM	219,000	219,000
(FC)	BIRCH HILL DAM	275,000	275,000
(FC)	BUFFUMVILLE LAKE	267,000	267,000
(N)	CAPE COD CANAL	6,806,000	6,806,000
(N)	CHARLES RIVER NATURAL VALLEY STORAGE AREA	32,000	32,000
(FC)	CONANT BROOK DAM	62,000	62,000
(FC)	EAST BRIMFIELD LAKE	195,000	195,000
(N)	FALL RIVER HARBOR, MA & RI	1,722,000	1,722,000
(FC)	HODGES VILLAGE DAM	246,000	246,000
(FC)	KNIGHTVILLE DAM	774,000	774,000
(FC)	LITTLEVILLE LAKE	252,000	252,000
(FC)	NEW BEDFORD, FAIRHAVEN & ACUSHNET HURRICANE BARRIER	1,339,000	1,339,000
(FC)	TULLY LAKE	232,000	232,000
(FC)	WESTVILLE LAKE	226,000	226,000
(FC)	WEST HILL DAM	200,000	200,000
	MICHIGAN		
(N)	ARCADIA HARBOR	35,000	35,000
(N)	AU SABLE HARBOR	19,000	19,000
(N)	BIG BAY HARBOR	17,000	17,000
(N)	BLACK RIVER PORT HURON	31,000	31,000
(N)	BLACK RIVER HARBOR	17,000	17,000
(N)	CHANNELS IN LAKE ST. CLAIR	1,415,000	1,415,000
(N)	CHARLEVOIX HARBOR	24,000	24,000
(N)	CHEBOYGAN HARBOR	114,000	114,000
(N)	CLINTON HARBOR	26,000	26,000
(N)	DETROIT RIVER	5,286,000	5,286,000
(N)	DETROIT RIVER (DIKED DISPOSAL)	829,000	829,000
(N)	EAGLE HARBOR	17,000	17,000
(N)	FRANKFORT HARBOR	222,000	222,000
(N)	GRAND HAVEN HARBOR & GRAND RIVER	272,000	272,000
(N)	GRAND TRAVERSE BAY HARBOR	276,000	276,000
(N)	HAMMOND BAY HARBOR	39,000	39,000
(N)	HARRISONVILLE HARBOR	34,000	34,000
(N)	HOLLAND HARBOR	2,371,000	2,371,000
(N)	INLAND ROUTE	84,000	84,000
(N)	KAWKAWLIN RIVER	---	250,000
(N)	KEWEENAW WATERWAY	52,000	52,000
(N)	LELAND HARBOR	20,000	20,000
(N)	LEXINGTON HARBOR	22,000	22,000
(N)	LITTLE LAKE HARBOR	46,000	46,000
(N)	LUDINGTON HARBOR	464,000	464,000
(N)	MANISTIQUE HARBOR	22,000	22,000
(N)	MANISTEE HARBOR	290,000	290,000
(N)	MENOMINEE HARBOR (DIKED DISPOSAL)	84,000	84,000
(N)	MENOMINEE HARBOR	568,000	568,000
(N)	MONROE HARBOR	1,154,000	1,154,000
(N)	MONROE HARBOR (DIKED DISPOSAL)	9,000,000	9,000,000
(N)	MUSKEGON HARBOR	556,000	556,000
(N)	NEW BUFFALO HARBOR	67,000	67,000
(N)	ONTONAGON HARBOR	42,000	42,000
(N)	PENTWATER HARBOR	38,000	38,000
(N)	POINT LOOKOUT HARBOR	32,000	32,000
(N)	PORT SANILAC HARBOR	233,000	233,000
(N)	PORT AUSTIN	21,000	21,000
(N)	PRESQUE ISLE HARBOR	237,000	237,000
(N)	ROUGE RIVER (DIKED DISPOSAL)	334,000	334,000
(N)	ROUGE RIVER	868,000	868,000
(N)	SAGINAW RIVER	143,000	143,000
(N)	SAGINAW RIVER (DIKED DISPOSAL)	238,000	238,000
(N)	SAUGATUCK HARBOR	38,000	38,000
(N)	SEBEWAING RIVER	20,000	20,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	SOUTH HAVEN HARBOR	279,000	279,000
(N)	ST. JOSEPH HARBOR (DIKED DISPOSAL)	82,000	82,000
(MP)	ST. MARYS RIVER	9,008,000	9,008,000
(N)	ST. JOSEPH HARBOR	846,000	846,000
(N)	ST. CLAIR RIVER	1,948,000	1,948,000
(N)	WHITE LAKE HARBOR	44,000	44,000
	MINNESOTA		
(FC)	BIG STONE LAKE AND WHETSTONE RIVER, MN & SD	113,000	113,000
(N)	DULUTH-SUPERIOR HARBOR, MN & WI	2,171,000	2,171,000
(N)	GRAND MARAIS HARBOR	21,000	21,000
(FC)	LAC QUI PARLE LAKE	271,000	271,000
(N)	MINNESOTA RIVER	200,000	200,000
(FC)	ORWELL LAKE	158,000	158,000
(FC)	RED LAKE RESERVOIR	51,000	51,000
(N)	RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER	1,329,000	1,329,000
(N)	ST. CROIX RIVER, MN & WI	150,000	150,000
	MISSISSIPPI		
(N)	BILOXI HARBOR	753,000	753,000
(N)	GULFPORT HARBOR	1,890,000	1,890,000
(FC)	OKATIBBEE LAKE	684,000	684,000
(N)	PASCAGOULA HARBOR	2,874,000	2,874,000
(N)	ROSEDALE HARBOR	303,000	303,000
(N)	WOLF AND JORDAN RIVERS	---	350,000
	MISSOURI		
(N)	CARUTHERSVILLE HARBOR	275,000	275,000
(MP)	CLARENCE CANNON DAM & RESERVOIR	1,925,000	1,925,000
(FC)	CLEARWATER LAKE	1,200,000	1,200,000
(MP)	HARRY S. TRUMAN DAM AND RESERVOIR	3,684,000	3,684,000
(FC)	LONG BRANCH LAKE	439,000	439,000
(FC)	MERAMEC PARK LAKE	465,000	465,000
(N)	NEW MADRID HARBOR	12,000	12,000
(FC)	POMME DE TERRE LAKE	1,314,000	1,314,000
(FC)	SMITHVILLE LAKE	553,000	553,000
(MP)	STOCKTON LAKE	1,929,000	1,929,000
(MP)	TABLE ROCK LAKE	2,467,000	2,467,000
	MONTANA		
(MP)	FORT PECK LAKE	2,677,000	2,677,000
(MP)	LIBBY DAM (LAKE KOOCANUSA)	2,926,000	2,926,000
	NEBRASKA		
(MP)	GAVINS POINT DAM - LEWIS AND CLARK LAKE, NE & SD	3,350,000	3,350,000
(FC)	HARLAN COUNTY LAKE	1,158,000	1,158,000
(FC)	PAPILLION CREEK & TRIBUTARIES LAKES	208,000	208,000
(FC)	SALT CREEK AND TRIBUTARIES LAKES	431,000	431,000
	NEVADA		
(FC)	MARTIS CREEK LAKE, NV & CA	821,000	821,000
(FC)	PINE & MATHEWS CANYONS LAKE	240,000	240,000
	NEW HAMPSHIRE		
(FC)	BLACKWATER DAM	196,000	196,000
(FC)	EDWARD MACDOWELL LAKE	237,000	237,000
(FC)	FRANKLIN FALLS DAM	335,000	335,000
(FC)	HOPKINTON-EVERETT LAKES	584,000	584,000
(FC)	OTTER BROOK LAKE	351,000	351,000
(N)	PORTSMOUTH HARBOR & PISCATAQUA RIVER	497,000	497,000
(FC)	SURRY MOUNTAIN LAKE	589,000	589,000
	NEW JERSEY		
(N)	ABSECON INLET	125,000	288,000
(N)	BARNEGAT INLET	485,000	485,000
(N)	COHANSEY RIVER	---	300,000
(N)	COLD SPRING INLET	350,000	350,000
(N)	DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	22,246,000	22,246,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	DELAWARE RIVER, PHILADELPHIA TO TRENTON, NJ & PA.....	3,712,000	3,712,000
(N)	KEYPORT HARBOR.....	---	830,000
(N)	MATAWAN CREEK.....	---	210,000
(N)	NEW JERSEY IWW.....	240,000	740,000
(N)	NEWARK BAY, HACKENSACK & PASSAIC RIVERS.....	9,373,000	9,373,000
(N)	RARITAN RIVER.....	3,163,000	3,163,000
(N)	SALEM RIVER.....	---	500,000
	NEW MEXICO		
(FC)	ABIQUIU DAM.....	837,000	837,000
(FC)	COCHITI LAKE.....	994,000	994,000
(FC)	CONCHAS LAKE.....	772,000	772,000
(FC)	GALISTEO DAM.....	105,000	105,000
(FC)	JEMEZ CANYON DAM.....	200,000	200,000
(FC)	SANTA ROSA DAM & LAKE.....	463,000	463,000
(FC)	TWO RIVERS DAM.....	146,000	146,000
	NEW YORK		
(FC)	ALMOND LAKE.....	200,000	200,000
(FC)	ARKPORT DAM.....	133,000	133,000
(N)	BAY RIDGE & RED HOOK CHANNELS.....	736,000	736,000
(N)	BLACK ROCK CHANNEL & TONAWANDA HARBOR.....	945,000	945,000
(N)	BUFFALO HARBOR.....	2,220,000	2,220,000
(FC)	EAST SIDNEY LAKE.....	243,000	243,000
(N)	HUDSON RIVER.....	1,060,000	1,060,000
(N)	LAKE MONTAUK HARBOR.....	240,000	240,000
(FC)	MT. MORRIS LAKE.....	915,000	915,000
(N)	NARROWS OF LAKE CHAMPLAIN.....	28,000	28,000
(N)	NEW YORK HARBOR.....	8,392,000	8,392,000
(N)	NEW YORK AND NEW JERSEY CHANNELS, NY & NJ.....	5,450,000	6,000,000
(N)	NEW YORK HARBOR DRIFT REMOVAL.....	1,890,000	1,890,000
(FC)	NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)..	462,000	462,000
(N)	OSWEGO HARBOR.....	390,000	390,000
(N)	ROCHESTER HARBOR.....	905,000	905,000
(FC)	SOUTHERN NEW YORK FLOOD CONTROL PROJECTS.....	383,000	383,000
(FC)	WHITNEY POINT LAKE.....	287,000	287,000
	NORTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY (WILMINGTON DISTRICT)..	3,889,000	3,889,000
(FC)	B. EVERETT JORDAN DAM & LAKE.....	852,000	852,000
(N)	BEAUFORT HARBOR.....	293,000	293,000
(N)	CAPE FEAR RIVER ABOVE WILMINGTON.....	412,000	412,000
(N)	CHANNEL FROM BACK SOUND TO LOOKOUT BIGHT.....	359,000	359,000
(FC)	FALLS LAKE.....	823,000	823,000
(N)	LOCKWOODS FOLLY RIVER.....	20,000	20,000
(N)	MANTEO (SHALLOWBAG) BAY.....	2,116,000	2,116,000
(N)	MOREHEAD CITY HARBOR.....	3,731,000	3,731,000
(N)	SILVER LAKE HARBOR.....	480,000	480,000
(FC)	W. KERR SCOTT DAM & RESERVOIR.....	969,000	969,000
(N)	WILMINGTON HARBOR.....	3,614,000	3,614,000
	NORTH DAKOTA		
(FC)	BOWMAN - HALEY LAKE.....	167,000	167,000
(MP)	GARRISON DAM, LAKE SAKAKAWEA.....	5,333,000	5,333,000
(FC)	HOMME LAKE AND DAM.....	69,000	69,000
(FC)	LAKE ASHTABULA & BALDHILL DAM.....	888,000	888,000
(FC)	PIPESTEM LAKE.....	307,000	307,000
	OHIO		
(FC)	ALUM CREEK LAKE.....	430,000	430,000
(N)	ASHTABULA HARBOR.....	920,000	920,000
(N)	ASHTABULA HARBOR (DIKED DISPOSAL).....	1,400,000	1,400,000
(FC)	BERLIN LAKE.....	1,126,000	1,126,000
(FC)	CAESAR CREEK LAKE.....	516,000	516,000
(FC)	CLARENCE J. BROWN DAM.....	468,000	468,000
(N)	CLEVELAND HARBOR.....	4,740,000	4,740,000
(N)	CONNEAUT HARBOR.....	665,000	665,000
(FC)	DEER CREEK LAKE.....	740,000	740,000
(FC)	DELAWARE LAKE.....	510,000	510,000
(FC)	DILLON LAKE.....	485,000	485,000
(N)	FAIRPORT HARBOR.....	655,000	655,000
(N)	HURON HARBOR.....	915,000	915,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	LORAIN HARBOR	1,240,000	1,240,000
(FC)	MASSILLON	15,000	15,000
(FC)	MICHAEL J. KIRWAN DAM & RESERVOIR	605,000	605,000
(FC)	MOSQUITO CREEK LAKE	643,000	643,000
(FC)	MUSKINGUM RIVER RESERVOIRS	3,635,000	3,635,000
(FC)	NEWARK	15,000	15,000
(FC)	NORTH BRANCH OF KOKOSING RIVER LAKE	135,000	135,000
(FC)	PAINT CREEK LAKE	665,000	665,000
(FC)	ROSEVILLE	15,000	15,000
(N)	SANDUSKY HARBOR	745,000	745,000
(N)	TOLEDO HARBOR	3,580,000	3,580,000
(FC)	TOM JENKINS DAM	265,000	265,000
(FC)	WEST FORK OF MILL CREEK LAKE	309,000	309,000
(FC)	WILLIAM H. HARSHA LAKE	481,000	481,000
	OKLAHOMA		
(FC)	BIRCH LAKE	559,000	559,000
(MP)	BROKEN BOW LAKE	1,043,000	1,043,000
(FC)	CANTON LAKE	879,000	879,000
(FC)	COPAN LAKE	407,000	407,000
(MP)	EUFAULA LAKE	2,680,000	2,680,000
(FC)	FORT SUPPLY LAKE	561,000	561,000
(MP)	FORT GIBSON LAKE	2,703,000	2,703,000
(FC)	GREAT SALT PLAINS LAKE	309,000	309,000
(FC)	HEYBURN LAKE	425,000	425,000
(FC)	HUGO LAKE	842,000	842,000
(FC)	HULAH LAKE	737,000	737,000
(FC)	KAW LAKE	1,126,000	1,126,000
(MP)	KEYSTONE LAKE	2,414,000	2,414,000
(FC)	OOLOGAH LAKE	1,107,000	1,107,000
(FC)	OPTIMA LAKE	537,000	537,000
(FC)	PENSACOLA RESERVOIR - LAKE OF THE CHEROKEES	36,000	36,000
(FC)	PINE CREEK LAKE	607,000	647,000
(MP)	ROBERT S. KERR LOCK, DAM & RESERVOIR	2,110,000	2,110,000
(FC)	SARDIS LAKE	440,000	440,000
(MP)	TENKILLER FERRY LAKE	2,490,000	2,490,000
(FC)	WAURIKA LAKE	711,000	711,000
(MP)	WEBBERS FALLS LOCK & DAM	2,061,000	2,061,000
(FC)	WISTER LAKE	537,000	537,000
	OREGON		
(FC)	APPLEGATE LAKE	506,000	506,000
(FC)	BLUE RIVER LAKE	157,000	157,000
(FC)	BONNEVILLE LOCK & DAM	10,365,000	10,365,000
(N)	CHETCO RIVER	383,000	383,000
(N)	COLUMBIA RIVER AT THE MOUTH, OR & WA	6,547,000	6,547,000
(N)	COOS BAY	2,283,000	2,283,000
(N)	COOS & MILLICOMA RIVERS	148,000	148,000
(N)	COQUILLE RIVER	431,000	431,000
(FC)	COTTAGE GROVE LAKE	655,000	655,000
(MP)	COUGAR LAKE	1,037,000	1,037,000
(N)	DEPOE BAY	128,000	128,000
(MP)	DETROIT LAKE	1,407,000	1,407,000
(FC)	DORENA LAKE	500,000	500,000
(FC)	FALL CREEK LAKE	295,000	295,000
(FC)	FERN RIDGE DAM & LAKE	678,000	678,000
(MP)	GREEN PETER-FOSTER LAKES	1,685,000	1,685,000
(MP)	HILLS CREEK LAKE	630,000	630,000
(MP)	JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR & WA	9,999,000	9,999,000
(MP)	LOOKOUT POINT LAKE	2,426,000	2,426,000
(MP)	LOST CREEK LAKE	2,700,000	2,700,000
(MP)	MCNARY LOCK & DAM, LAKE WALLULA, OR & WA	11,240,000	11,240,000
(N)	PORT ORFORD	163,000	213,000
(N)	ROGUE RIVER HARBOR AT GOLD BEACH	503,000	503,000
(N)	SIUSLAW RIVER	1,372,000	1,372,000
(N)	SKIPANON CHANNEL	430,000	430,000
(N)	TILLAMOOK BAY & BAR	218,000	218,000
(N)	UMPQUA RIVER	770,000	770,000
(N)	WILLAMETTE RIVER BASIN BANK PROTECTION	45,000	45,000
(FC)	WILLOW CREEK LAKE	95,000	95,000
(N)	WILLAMETTE RIVER AT WILLAMETTE FALLS	423,000	423,000
(N)	WILLAMETTE RIVER ABOVE PORTLAND & YAMHILL RIVER	6,000	6,000
(N)	YAQUINA BAY AND HARBOR	1,175,000	1,175,000
(N)	YAQUINA RIVER	755,000	755,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	PENNSYLVANIA		
(N)	ALLEGHENY RIVER	3,274,000	3,274,000
(FC)	ALVIN R. BUSH DAM	296,000	296,000
(FC)	AYLESWORTH CREEK LAKE	112,000	112,000
(FC)	BELTZVILLE LAKE	368,000	368,000
(FC)	BLUE MARSH LAKE	989,000	989,000
(FC)	CONEMAUGH RIVER LAKE	716,000	716,000
(FC)	COWANESQUE LAKE	608,000	608,000
(FC)	CROOKED CREEK LAKE	1,290,000	1,290,000
(FC)	CURWENSVILLE LAKE	408,000	408,000
(FC)	EAST BRANCH CLARION RIVER LAKE	666,000	666,000
(N)	ERIE HARBOR	635,000	635,000
(FC)	FOSTER JOSEPH SAYERS DAM & RESERVOIR	463,000	463,000
(FC)	FRANCIS E. WALTER DAM	346,000	346,000
(FC)	GENERAL EDGAR JADWIN DAM & RESERVOIR	102,000	102,000
(FC)	JOHNSTOWN	21,000	21,000
(FC)	KINZUA DAM & ALLEGHENY RESERVOIR, PA & NY	1,107,000	1,107,000
(FC)	LOYALHANNA LAKE	1,138,000	1,138,000
(FC)	MAHONING CREEK LAKE	534,000	534,000
(N)	MONONGAHELA-YOUGHIOGHENY RIVER BASIN, PA, WV & MD	10,574,000	10,574,000
(N)	OHIO RIVER LOCKS & DAMS	8,303,000	8,303,000
(FC)	PROMPTON LAKE	181,000	181,000
(FC)	PUNXSUTAWNEY	7,000	7,000
(FC)	RAYSTOWN LAKE	1,615,000	1,615,000
(N)	SCHUYLKILL RIVER	1,721,000	1,721,000
(FC)	SHENANGO RIVER LAKE	1,281,000	1,281,000
(FC)	STILLWATER LAKE	173,000	173,000
(FC)	TIOGA - HAMMOND LAKES	942,000	942,000
(FC)	TIONESTA LAKE	958,000	958,000
(FC)	UNION CITY LAKE	545,000	545,000
(FC)	WOODCOCK CREEK LAKE	836,000	836,000
(FC)	YORK, INDIAN ROCK DAM	335,000	335,000
(FC)	YOUGHIOGHENY RIVER LAKE	1,440,000	1,440,000
	SOUTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY (CHARLESTON DISTRICT)	2,250,000	2,250,000
(N)	CHARLESTON HARBOR	5,950,000	5,950,000
(N)	COOPER RIVER, CHARLESTON HARBOR	250,000	250,000
(N)	FOLLY RIVER	130,000	130,000
(N)	GEORGETOWN HARBOR	2,600,000	2,600,000
(N)	LITTLE RIVER INLET, SC & NC	1,200,000	1,200,000
(N)	MURRELLS INLET	230,000	230,000
(N)	SHIPYARD RIVER	600,000	600,000
	SOUTH DAKOTA		
(MP)	BIG BEND DAM - LAKE SHARPE	3,515,000	3,515,000
(FC)	COLD BROOK LAKE	142,000	142,000
(FC)	COTTONWOOD SPRINGS LAKE	141,000	141,000
(MP)	FORT RANDALL DAM, LAKE FRANCIS CASE	6,689,000	6,689,000
(FC)	LAKE TRAVERSE AND BOIS DE SIOUX, SD & MN	194,000	194,000
(MP)	OAHE DAM, LAKE OAHE, SD & ND	5,488,000	5,488,000
	TENNESSEE		
(MP)	CENTER HILL LAKE	2,747,000	2,747,000
(MP)	CHEATHAM LOCK & DAM	2,299,000	2,299,000
(MP)	CORDELL HULL DAM & RESERVOIR	2,327,000	2,327,000
(MP)	DALE HOLLOW LAKE	2,084,000	2,084,000
(MP)	J. PERCY PRIEST DAM & RESERVOIR	1,726,000	1,726,000
(FC)	OLD HICKORY LOCK & DAM	4,453,000	4,453,000
(N)	TENNESSEE RIVER	5,013,000	5,013,000
(N)	WOLF RIVER HARBOR	530,000	530,000
	TEXAS		
(FC)	AQUILLA LAKE	516,000	516,000
(FC)	ARKANSAS-RED RIVER BASINS CHLORIDE CONTROL (AREA 8)	263,000	263,000
(FC)	BARDWELL LAKE	498,000	498,000
(FC)	BELTON LAKE	1,123,000	1,123,000
(FC)	BENBROOK LAKE	704,000	704,000
(N)	BRAZOS ISLAND HARBOR	20,000	20,000
(FC)	BUFFALO BAYOU & TRIBUTARIES	807,000	807,000
(FC)	CANYON LAKE	638,000	638,000
(N)	CORPUS CHRISTI SHIP CHANNEL (1968 ACT)	4,746,000	4,746,000
(MP)	DENISON DAM - LAKE TEXOMA, TX & OK	5,191,000	5,191,000
(FC)	FERRELLS BRIDGE DAM - LAKE O' THE PINES	1,259,000	1,259,000
(N)	FREEPORT HARBOR	3,299,000	3,299,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	GALVESTON HARBOR & CHANNEL	3,978,000	3,978,000
(FC)	GRANGER LAKE	495,000	495,000
(FC)	GRAPEVINE LAKE	1,550,000	1,550,000
(N)	GULF INTRACOASTAL WATERWAY	13,993,000	13,993,000
(FC)	HORDS CREEK LAKE	687,000	687,000
(N)	HOUSTON SHIP CHANNEL	12,962,000	12,962,000
(FC)	LAKE KEMP	336,000	336,000
(FC)	LAVON LAKE	1,598,000	1,598,000
(FC)	LEWISVILLE DAM	2,915,000	2,915,000
(N)	MATAGORDA SHIP CHANNEL	1,007,000	1,007,000
(FC)	NAVARRO MILLS LAKE	807,000	807,000
(FC)	NORTH SAN GABRIEL LAKE	523,000	523,000
(FC)	O. C. FISHER DAM & LAKE	500,000	500,000
(FC)	PAT MAYSE LAKE	507,000	507,000
(FC)	PROCTOR LAKE	763,000	763,000
(N)	SABINE-NECHES WATERWAY	9,922,000	9,922,000
(MP)	SAM RAYBURN DAM & RESERVOIR	2,257,000	2,257,000
(FC)	SOMERVILLE LAKE	866,000	866,000
(FC)	STILLHOUSE HOLLOW DAM	672,000	672,000
(N)	TEXAS CITY CHANNEL	2,350,000	2,350,000
(MP)	TOWN BLUFF DAM & B.A. STEINHAGEN LAKE	688,000	688,000
(N)	TRINITY RIVER & TRIBS-CHANNEL TO LIBERTY	7,000	620,000
(FC)	WACO LAKE	1,297,000	1,297,000
(FC)	WALLISVILLE PROJECT - TRINITY RIVER	65,000	65,000
(MP)	WHITNEY LAKE	1,136,000	1,136,000
(FC)	WRIGHT PATMAN DAM & LAKE	893,000	893,000
	VERMONT		
(FC)	BALL MOUNTAIN LAKE	369,000	369,000
(FC)	NORTH SPRINGFIELD LAKE	300,000	300,000
(FC)	NORTH HARTLAND LAKE	366,000	366,000
(FC)	TOWNSHEND LAKE	396,000	396,000
(FC)	UNION VILLAGE DAM	275,000	275,000
	VIRGINIA		
(N)	ATLANTIC INTRACOASTAL WATERWAY	1,399,000	1,399,000
(N)	CHINCOTEAGUE INLET	907,000	907,000
(FC)	GATHRIGHT DAM AND LAKE MOOMAW	877,000	877,000
(N)	HAMPTON ROADS, NORFOLK & NEWPORT NEW HARBOR (DRIFT REMOVAL)	180,000	180,000
(N)	JAMES RIVER	3,049,000	3,049,000
(FC)	JOHN W. FLANNAGAN DAM & RESERVOIR	630,000	630,000
(MP)	JOHN H. KERR DAM & RESERVOIR, VA & NC	4,003,000	4,003,000
(N)	NORFOLK HARBOR	7,278,000	7,278,000
(N)	NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	256,000	256,000
(FC)	NORTH FORK OF POUND LAKE	445,000	445,000
(MP)	PHILPOTT LAKE	1,354,000	1,354,000
(N)	WATERWAY ON THE COAST OF VIRGINIA	147,000	147,000
	WASHINGTON		
(MP)	CHIEF JOSEPH DAM	4,975,000	4,975,000
(N)	COLUMBIA RIVER AT BAKER BAY	127,000	127,000
(N)	COLUMBIA AND LWR WILLAMETTE RIVS BELOW VANCVR & PORT, OR & WA	11,858,000	21,178,000
(N)	COLUMBIA RIVER BETWEEN VANCOUVER, WA & THE DALLES	701,000	701,000
(N)	COLUMBIA RIVER BETWEEN CHINOOK & SAND IS, WA & OR	249,000	249,000
(N)	EVERETT HARBOR & SNOHOMISH RIVER	850,000	850,000
(N)	GRAYS HARBOR & CHEHALIS RIVER	3,755,000	3,755,000
(FC)	HOWARD A. HANSON RESERVOIR	407,000	407,000
(MP)	ICE HARBOR LOCK & DAM	4,021,000	4,021,000
(N)	LAKE WASHINGTON SHIP CANAL	2,478,000	2,478,000
(MP)	LITTLE GOOSE LOCK & DAM, LAKE BRYAN	4,027,000	4,027,000
(MP)	LOWER GRANITE LOCK AND DAM, WA & ID	5,078,000	5,078,000
(MP)	LOWER MONUMENTAL LOCK & DAM	3,233,000	3,233,000
(FC)	MILL CREEK LAKE	365,000	365,000
(FC)	MUD MOUNTAIN DAM	800,000	800,000
(N)	PT TOWNSEND BOAT BASIN & WW CONNECT PT TOWNSEND & OAK BAY	240,000	240,000
(N)	PUGET SOUND & ITS TRIBUTARY WATERS	658,000	658,000
(N)	QUILLAYUTE RIVER	380,000	380,000
(N)	SEATTLE HARBOR	715,000	715,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	STILLAGUMISH RIVER	100,000	100,000
(N)	SWINOMISH CHANNEL	330,000	330,000
(N)	TACOMA - PUYALLUP RIVER	60,000	60,000
(FC)	THE DALLES LOCK & DAM, LAKE CELILO, WA & OR	8,110,000	8,110,000
(N)	WILLAPA RIVER & HARBOR & NASELLE RIVER	186,000	186,000
(FC)	WYNOOCHEE LAKE	732,000	732,000
	WEST VIRGINIA		
(FC)	BEECH FORK LAKE	595,000	595,000
(FC)	BLUESTONE LAKE	898,000	898,000
(FC)	BURNSVILLE LAKE	760,000	760,000
(FC)	EAST LYNN LAKE	810,000	810,000
(FC)	ELKINS	6,000	6,000
(N)	KANAWHA RIVER	5,631,000	5,631,000
(N)	OHIO RIVER LOCKS AND DAMS	9,821,000	9,821,000
(FC)	R. D. BAILEY LAKE	885,000	885,000
(FC)	SUMMERSVILLE LAKE	1,043,000	1,043,000
(FC)	SUTTON LAKE	1,118,000	1,118,000
(N)	TYGART LAKE	754,000	754,000
	WISCONSIN		
(N)	ASHLAND HARBOR	423,000	423,000
(FC)	EAU GALLE RIVER LAKE	311,000	311,000
(N)	FOX RIVER	826,000	826,000
(N)	GREEN BAY HARBOR	1,160,000	1,160,000
(N)	GREEN BAY HARBOR (DIKED DISPOSAL)	81,000	81,000
(N)	KENOSHA HARBOR	173,000	173,000
(N)	KEWAUNEE HARBOR	519,000	519,000
(N)	LAFARGE LAKE	21,000	21,000
(N)	MANITOWAC HARBOR	419,000	419,000
(N)	MILWAUKEE HARBOR	553,000	553,000
(N)	OCONTO HARBOR	21,000	21,000
(N)	PORT WING HARBOR	19,000	19,000
(N)	PORT WASHINGTON	378,000	378,000
(N)	RACINE HARBOR	71,000	71,000
(N)	SHEBOYGAN RIVER	181,000	181,000
(N)	STURGEON BAY (DIKED DISPOSAL)	7,000	7,000
(N)	STURGEON BAY	57,000	57,000
(N)	TWO RIVERS HARBOR	27,000	27,000
	MISCELLANEOUS		
	ENVIRONMENTAL AND WATER QUALITY OPERATIONAL STUDIES	3,385,000	3,385,000
	INSPECTION OF COMPLETED WORKS	6,296,000	6,296,000
	SCHEDULING FLOOD CONTROL RESERVOIR OPERATIONS	2,042,000	2,042,000
	MONITOR COMPLETED COASTAL PROJECTS	900,000	900,000
	RIVER ICE MANAGEMENT	1,500,000	1,500,000
	REPAIR, EVALUATION, MAINTENANCE AND REHABILITATION RESEARCH (REMR)	910,000	910,000
	PROTECTION OF NAVIGATION		
	REMOVAL OF SUNKEN VESSELS AND OBSTRUCTIONS	2,130,000	2,130,000
	PROTECTION, CLEARING AND STRAIGHTENING CHANNELS (SECTION 3)	100,000	100,000
	GENERAL REGULATORY FUNCTIONS	49,500,000	49,500,000
	PROJECT CONDITION SURVEYS	6,214,000	6,214,000
	SURVEILLANCE OF NORTHERN BOUNDARY WATERS	1,850,000	1,850,000
	MOBILIZATION PLANNING	5,000,000	5,000,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	---	-10,000,000
	TOTAL	1,161,300,000	1,184,492,000

TYPE OF PROJECT:
(N) NAVIGATION
(FC) FLOOD CONTROL
(MP) MULTIPLE-PURPOSE, INCLUDING POWER

TITLE II--DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

General Investigations

Amendment No. 9: Appropriates $33,831,000 instead of $34,431,000 as proposed by the House and $31,981,000 as proposed by the Senate.

Amendment No. 10: Provides that $33,161,000 is to be derived from the reclamation fund instead of $33,761,000 as proposed by the House and $31,361,000 as proposed by the Senate.

Amendment No. 11: Deletes language proposed by the Senate relating to the reimbursement of costs of advanced planning studies.

The funds are to be allocated as shown in the following table:

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
GENERAL INVESTIGATIONS		
ARIZONA		
LOWER COLORADO RIVER WATER CONSV.&EFFICIENT USE PROG..	400,000	400,000
CALIFORNIA		
ALL AMERICAN CANAL RELOCATION.....	135,000	135,000
CENTRAL VALLEY:		
DELTA DIVISION, KELLOGG UNIT REFORMULATION.....	353,000	353,000
FISH AND WILDLIFE MANAGEMENT STUDY.....	350,000	350,000
NEW MELONES CONVEYANCE SYSTEM.....	150,000	150,000
SHASTA DAM ENLARGEMENT.....	---	1,850,000
SANTA MARGARITA.....	180,000	180,000
LOWER COLORADO WATER SUPPLY STUDY.....	150,000	150,000
COLORADO		
PROGRAM RELATED ENGINEERING AND SCIENTIFIC STUDIES....	4,765,000	4,765,000
IDAHO		
BOISE PROJECT POWER AND MODIFICATION STUDY.....	300,000	300,000
MINIDOKA PROJECT,NORTH SIDE PUMPING DIVISION EXTEN....	225,000	225,000
PALISADES PROJECT, PALISADES POWERPLANT ENLARGEMENT...	50,000	50,000
MONTANA		
CROW CREEK INDIAN RESERVATION AREA.....	150,000	150,000
HUNGRY HORSE POWERPLANT ENLARGE.& REREGULATING RESV...	145,000	145,000
MARIAS-MILK PROJECT.....	150,000	150,000
NEBRASKA		
PLATTE RIVER WATER USE OPTIONS.....	150,000	150,000
PRAIRIE BEND UNIT (P-SMBP).....	250,000	250,000
REPUBLICAN RIVER BASIN WATER MANAGEMENT STUDY(P-SMBP).	130,000	130,000
NEVADA		
DEEP-CARBONATE AQUIFER INVESTIGATION.....	30,000	30,000
NEW MEXICO		
LAKE MEREDITH SALINITY CONTROL.....	300,000	300,000
OREGON		
FARMERS IRRIGATION DISTRICT.....	215,000	215,000
SILETZ BASIN.....	---	200,000
ROGUE RIVER BASIN, GRANTS PASS DIVISION.....	5,000	5,000
UMATILLA BASIN.....	260,000	260,000
UPPER JOHN DAY.....	150,000	---

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
SOUTH DAKOTA		
LAKE ANDES-WAGNER UNIT	150,000	300,000
CENTRAL SOUTH DAKOTA WATER STUDIES (P-SMBP)	450,000	450,000
RAPID CITY WATER SUPPLY	75,000	75,000
SOUTH DAKOTA WATER DELIVERIES STUDY (P-SMBP)	400,000	400,000
TEXAS		
TEXAS BASIN, BEDIAS RESERVOIR	150,000	150,000
TEXAS BASIN, BIG SANDY	150,000	150,000
TEXAS BASIN, BON WEIR	70,000	70,000
TEXAS BASIN, COLUMBUS BEND M&I WATER SUPPLY STUDY	350,000	350,000
TEXAS BASIN, SAN JACINTO RIVER BASIN	150,000	150,000
UTAH		
CRSP POWER PEAKING CAPACITY	660,000	660,000
WASATCH FRONT TOTAL WATER MANAGEMENT	450,000	450,000
WASHINGTON		
YAKIMA, CLE ELUM AND TIETON POWERPLANTS	80,000	80,000
YAKIMA RIVER BASIN WATER ENHANCEMENT	1,025,000	1,025,000
WYOMING		
BLUE HOLES RESERVOIR	100,000	100,000
GUERNSEY DAM POWERPLANT ENLARGEMENT	60,000	60,000
NORTH PLATTE RIVER HYDROELECTRIC STUDY (P-SMBP)	195,000	195,000
WIND HYDROELECTRIC ENERGY PROJECT	1,200,000	1,200,000
VARIOUS		
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	4,410,000	4,410,000
CRWQIP, LOWER GUNNISON WATER SYSTEMS	530,000	530,000
GENERAL ENGINEERING AND RESEARCH:		
ATMOSPHERIC WATER RESOURCES MANAGEMENT PROGRAM	4,715,000	5,365,000
GENERAL PLANNING STUDIES	420,000	420,000
NATIONAL WATER RESEARCH	470,000	470,000
SPECIAL INVESTIGATIONS:		
ENVIRONMENTAL AND INTERAGENCY COORD. ACTIVITIES	3,165,000	3,165,000
INVESTIGATIONS OF EXISTING PROJECTS	672,000	672,000
MINOR WORK IN CONNECTION WITH COMPLETED PROJ.INVEST.	460,000	460,000
PRINT REPORTS	35,000	35,000
TECHNICAL ASSISTANCE TO STATES	1,550,000	1,550,000
PROJECTS NOT YET IDENTIFIED	35,000	35,000
PAY RAISE ALLOWANCE	661,000	661,000
GENERAL REDUCTION DUE TO SLIPPAGE, SAVINGS AND CARRYOVER BALANCES	---	-700,000
TOTAL, GENERAL INVESTIGATIONS	31,831,000	33,831,000

Construction program

Amendment No. 12: Appropriates $683,818,000 for the construction program as proposed by the Senate instead of $696,538,000 as proposed by the House.

The conference report includes a total of $45,360,000 for the McGee Creek, Okla., project, including $5,000,000 for roads associated with the project.

Amendment No. 13: Appropriates $10,000,000 for the Tucson Division instead of $15,000,000 as proposed by the House and restores House language stricken by the State.

Amendment No. 14: Provides that $165,600,000 shall be available for transfers to the Lower Colorado River Basin Development Fund instead of $179,000,000 as proposed by the House and $155,600,000 as proposed by the Senate.

Amendment No. 15: Deletes language proposed by the Senate relating to Garrison Diversion Unit.

While the conferees have agreed to delete the Senate bill language, the conferees direct that:

No appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada through chemical pollution, introduction of foreign biota, destructively increasing or decreasing quantity and/or rate of flow, or in any other harmful way.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

: Provided further, That of the amount herein appropriated $3,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimburseable and constructed features will be turned over to the appropriate entity for operation and maintenance

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The funds are to be allocated as shown in the following table:

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
CONSTRUCTION PROGRAM		
CONSTRUCTION AND REHABILITATION		
ARIZONA		
HEADGATE ROCK HYDROELECTRIC PROJECT (BIA).....	11,000,000	---
CALIFORNIA		
CENTRAL VALLEY PROJECT:		
SACRAMENTO RIVER DIVISION.....	12,300,000	12,300,000
SAN LUIS UNIT.....	3,103,000	3,603,000
AUBURN-FOLSOM SOUTH UNIT:		
AUBURN AREA FACILITIES.....	2,250,000	2,250,000
ALL OTHER AUBURN-FOLSOM SOUTH UNIT FACILITIES.....	705,000	705,000
MISCELLANEOUS PROJECT PROGRAMS.....	2,645,000	2,645,000
SAN FELIPE DIVISION.....	72,360,000	72,360,000
TRINITY RIVER DIV, GRASS VALLEY CREEK DEBRIS DAM....	---	450,000
COLORADO		
FRYINGPAN-ARKANSAS PROJECT.....	6,863,000	7,463,000
SAN LUIS VALLEY PROJECT, CLOSED BASIN DIVISION.....	15,155,000	15,155,000
NEW MEXICO		
BRANTLEY PROJECT.....	12,694,000	12,694,000
VELARDE, N. MEX. WATER DIVERSION SYS. REPAIR.....	---	3,000,000
OKLAHOMA		
MCGEE CREEK PROJECT.....	40,610,000	45,360,000
TEXAS		
AMERICAN CANAL EXTENSION, RIO GRANDE PROJECT.....	---	450,000
NUECES RIVER PROJECT.....	8,103,000	8,103,000
WASHINGTON		
CHIEF JOSEPH DAM PROJECT, OROVILLE-TONASKET UNIT.....	13,430,000	13,430,000
COLUMBIA BASIN PROJECT:		
IRRIGATION FACILITIES.....	17,170,000	17,170,000
THIRD POWERPLANT.....	38,590,000	38,590,000
PICK-SLOAN MISSOURI BASIN PROGRAM		
NEBRASKA		
NORTH LOUP DIVISION.....	32,420,000	32,420,000
O'NEILL UNIT.....	1,570,000	---
NORTH DAKOTA		
GARRISON DIVERSION UNIT.....	22,330,000	22,330,000
SOUTH DAKOTA		
WEB RURAL DEVELOPMENT PROJECT.....	---	4,000,000
WYOMING		
BUFFALO BILL DAM MODIFICATION.....	3,000,000	---
RIVERTON UNIT.....	5,900,000	5,900,000
VARIOUS		
DRAINAGE AND MINOR CONSTRUCTION		
BELLE FOURCHE PROJECT, SOUTH DAKOTA.....	800,000	800,000
BOISE PROJECT, PAYETTE DIVISION, IDAHO.....	990,000	990,000
BUFFALO RAPIDS PROJECT, MONTANA.....	61,000	61,000
CHIEF JOSEPH DAM PROJECT,WHITESTONE COULEE UNIT, WA.	725,000	725,000
EDEN PROJECT, UTAH.....	300,000	300,000
GILA PROJECT, ARIZONA.....	1,000,000	1,000,000
KLAMATH PROJECT, OREGON-CALIFORNIA.....	3,004,000	3,004,000
LITTLE WOOD RIVER PROJECT, IDAHO.....	80,000	80,000

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
MISCELLANEOUS ENGINEERING SERVICES	10,000	10,000
MOUNTAIN PARK PROJECT, OKLAHOMA	100,000	100,000
PALMETTO BEND PROJECT, TEXAS	100,000	100,000
RECREATION FACILITIES AT EXISTING RESERVOIRS,VAR	7,000	7,000
SAN ANGELO PROJECT, TWIN BUTTES DAM, TEXAS	500,000	1,500,000
SOUTHERN NEVADA PROJECT, NEVADA	937,000	937,000
TUALATIN PROJECT, OREGON	1,150,000	1,150,000
WASHITA BASIN PROJECT, FOSS DAM, OKLAHOMA	1,300,000	1,300,000
WASHOE PROJECT, CALIFORNIA-NEVADA	1,818,000	1,818,000
WEBER BASIN PROJECT, UTAH	350,000	350,000
UNITS OR DIVISIONS, PICK-SLOAN MISSOURI BASIN PROGRAM:		
EAST BENCH UNIT, MONTANA	50,000	50,000
FARWELL UNIT, NEBRASKA	700,000	700,000
OAHE UNIT, SOUTH DAKOTA	50,000	50,000
OWL CREEK UNIT, WYOMING	50,000	50,000
SUBTOTAL, DRAINAGE AND MINOR CONSTRUCTION	14,082,000	15,082,000
SAFETY OF DAMS PROGRAMS:		
BOISE PROJECT, BLACK CANYON DAM, IDAHO	200,000	200,000
MINIDOKA PROJECT, ISLAND PARK DAM, IDAHO	1,900,000	1,900,000
MINIDOKA PROJECT, JACKSON LAKE DAM, WYOMING	200,000	200,000
NEWLANDS PROJECT, LAHONTAN DAM, NEVADA	3,412,000	3,412,000
NORTH PLATTE PROJECT, GUERNSEY DAM, WYOMING	2,190,000	2,190,000
ORLAND PROJECT, STONY GORGE DAM, CALIFORNIA	4,750,000	4,750,000
RAPID VALLEY PROJECT, DEERFIELD DAM, SOUTH DAKOTA	306,000	306,000
SALT RIVER PROJECT, STEWART MTN. DAM, ARIZONA	100,000	100,000
SUN RIVER PROJECT, GIBSON DAM, MONTANA	100,000	100,000
SUN RIVER PROJECT, WILLOW CREEK DAM, MONTANA	300,000	300,000
DEPARTMENT DAM SAFETY PROGRAM	700,000	700,000
MODIFICATION REPORTS AND PRECONSTRUCTION PLANNING	3,585,000	3,585,000
SUBTOTAL, SAFETY OF DAMS	17,743,000	17,743,000
REHABILITATION AND BETTERMENT:		
CARLSBAD PROJECT, NEW MEXICO	224,000	224,000
GRAND VALLEY PROJECT, ORCHARD MESA DIVISION, COLO	348,000	348,000
HARLINGEN IRRIGATION DISTRICT, TEXAS	800,000	800,000
MILK RIVER, GLASGOW DIVISION, MONTANA	110,000	110,000
NEWLANDS PROJECT, NEVADA	500,000	500,000
OKANOGAN PROJECT, OKANOGAN IRRIGATION DISTRICT, WA	3,210,000	3,210,000
P-SMBP, FRENCHMAN-CAMBRIDGE DIVISION, NEBRASKA	610,000	610,000
P-SMBP, HELENA VALLEY UNIT, MONTANA	300,000	300,000
SALT RIVER PROJECT,ROOSEVELT WTR. CONSV. DIST.,AR	1,200,000	1,200,000
SHOSHONE PROJECT, FRANNIE DIVISION, WYOMING	100,000	100,000
SHOSHONE PROJECT, HEART MOUNTAIN DIVISION, WYOMING	1,000,000	1,000,000
SHOSHONE PROJECT, WILLWOOD DIVISION, WYOMING	150,000	150,000
STRAWBERRY VALLEY PROJECT, UTAH	664,000	664,000
SUN RIVER PROJECT, FT. SHAW DIVISION, MONTANA	100,000	100,000
SUN RIVER PROJECT, GREENFIELDS DIVISION, MONTANA	1,200,000	1,200,000
TUCUMCARI PROJECT, NEW MEXICO	300,000	300,000
UNCOMPAHGRE PROJECT, COLORADO	650,000	650,000
YAKIMA PROJECT, GRANDVIEW IRRIGATION DISTRICT, WA	200,000	200,000
YAKIMA PROJECT, GRANGER IRRIGATION DISTRICT, WA	100,000	100,000
YAKIMA PROJECT, OUTLOOK IRRIGATION DISTRICT, WA	1,361,000	1,361,000
YAKIMA PROJECT, SUNNYSIDE BOARD OF CONTROL, WA	200,000	200,000
YAKIMA PROJECT, SUNNYSIDE VALLEY IRRIGATION DIST, WA	200,000	200,000
YAKIMA PROJECT, YAKIMA-TIETON IRRIG. DIST.,WA	22,200,000	22,200,000
SUBTOTAL, REHABILITATION AND BETTERMENT OF EXISTING PROJECTS	35,727,000	35,727,000
TOTAL, CONSTRUCTION AND REHABILITATION	389,750,000	388,930,000
COLORADO RIVER STORAGE PROJECT		
UPPER COLORADO RIVER BASIN FUND		
PARTICIPATING PROJECTS		
COLORADO		
DALLAS CREEK PROJECT	16,200,000	16,200,000
DOLORES PROJECT	37,200,000	37,200,000

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
UTAH		
CENTRAL UTAH PROJECT, BONNEVILLE UNIT	101,607,000	101,607,000
CENTRAL UTAH PROJECT, JENSEN UNIT	1,725,000	1,725,000
CENTRAL UTAH PROJECT, UINTAH UNIT, (PRECON. PLANNING)	550,000	550,000
CENTRAL UTAH PROJECT, UPALCO UNIT	2,015,000	2,015,000
VARIOUS		
DRAINAGE AND MINOR CONSTRUCTION:		
UPPER COLORADO RIVER BASIN FUND:		
MODIFICATIONS & ADDITIONS TO COMPLETED FACILITIES	1,056,000	1,056,000
PARTICIPATING PROJECTS:		
LYMAN PROJECT, UTAH	251,000	251,000
SEEDSKADEE PROJECT, WYOMING	500,000	500,000
RECREATIONAL AND FISH AND WILDLIFE FACILITIES:		
RECREATIONAL FACILITIES	6,389,000	6,389,000
FISH AND WILDLIFE FACILITIES	1,227,000	1,227,000
TOTAL, COLORADO RIVER STORAGE PROJECT	168,720,000	168,720,000
COLORADO RIVER BASIN PROJECT		
CENTRAL ARIZONA PROJECT		
ARIZONA		
CENTRAL ARIZONA-WATER DEVELOPMENT	155,600,000	165,600,000
CENTRAL ARIZONA PROJECT,NON-INDIAN DISTR. SYSTEMS	10,000,000	20,000,000
TOTAL, CENTRAL ARIZONA PROJECT	165,600,000	185,600,000
COLORADO RIVER BASIN SALINITY CONTROL PROJECTS		
TITLE II		
COLORADO		
GRAND VALLEY UNIT	3,915,000	3,915,000
PARADOX VALLEY UNIT	6,068,000	6,068,000
NEVADA		
LAS VEGAS WASH UNIT	1,075,000	1,075,000
VARIOUS		
TITLE I		
MEASURES BELOW IMPERIAL DAM	21,872,000	21,872,000
TOTAL, COLORADO RIVER BASIN SALINITY CONTROL PROJECTS	32,930,000	32,930,000
PAY RAISE ALLOWANCE	5,388,000	5,388,000
GENERAL REDUCTION DUE TO SLIPPAGE, SAVINGS AND CARRYOVER BALANCES	-63,000,000	-87,750,000
TOTAL, CONSTRUCTION PROGRAM	699,388,000	693,818,000

Loan Program

Amendment No. 18: Appropriates $45,000,000 for the loan program instead of $52,970,000 as proposed by the House and $40,500,000 as proposed by the Senate.

Amendment No. 19: Provides a limitation of $51,802,000 for gross obligations for the principal amount of direct loans as proposed by the House instead of $43,332,000 as proposed by the Senate.

The funds are to be allocated as shown in the following table:

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
LOAN PROGRAM		
ARIZONA		
ROOSEVELT IRRIGATION DISTRICT	3,200,000	3,200,000
CALIFORNIA		
COLUSA COUNTY WATER DISTRICT	2,000,000	2,000,000
EASTERN MUNICIPAL WATER DISTRICT NO. 2	3,181,000	3,181,000
FALLBROOK PUBLIC UTILITY DISTRICT	3,220,000	3,220,000
GLIDE IRRIGATION DISTRICT	1,694,000	1,694,000
GLENN-COLUSA IRRIGATION DISTRICT	1,000,000	1,000,000
OAKDALE IRRIGATION DISTRICT	---	1,500,000
RAMONA MUNICIPAL WATER DISTRICT	4,580,000	4,580,000
SAN BENITO CO. WATER CONSERV.& FLOOD CONTROL DIST	6,800,000	6,800,000
YUBA COUNTY WATER AGENCY	3,000,000	6,000,000
NEBRASKA		
CENTRAL NEBR.PUBLIC POWER & I.D.-PHELPS SYSTEM IMPROV.	3,187,000	3,187,000
OREGON		
GALESVILLE PROJECT	---	4,000,000
TEXAS		
HIDALGO CO. WATER CON.& IMPROV. DIST. NO.1 (EDINBURG)	1,148,000	1,148,000
HIDALGO COUNTY IRRIGATION DISTRICT NO.2 (SAN JUAN)	2,500,000	2,500,000
DELTA LAKE IRRIGATION DISTRICT	2,700,000	2,700,000
WASHINGTON		
COLUMBIA IRRIGATION DISTRICT	2,306,000	2,306,000
VARIOUS		
CONSTRUCTION COST INCREASES	1,152,000	1,152,000
ADMINISTRATION OF LOAN PROGRAM	832,000	832,000
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS	-1,000,000	-6,000,000
TOTAL, LOAN PROGRAM	41,500,000	45,000,000

General administrative expenses

Amendment No. 20: Appropriates $53,750,000 for general administrative expenses as proposed by the House instead of $53,400,000 as proposed by the Senate.

TITLE III—DEPARTMENT OF ENERGY

The summary table at the end of this title sets forth the conference agreement with respect to individual appropriations, programs and activities for the Department

Energy supply, research and development activities

Amendment No. 21: Appropriates $1,951,609,000 for Energy Supply, Research and Development Activities, instead of $1,964,209,000 as proposed by the House and $1,943,709,000 as proposed by the Senate.

Solar Energy

Solar Thermal Energy Systems.—The conferees agree to provide $6,000,000 for detailed design of one central solar power receiver under the House-stipulated conditions. No funds are available for salt gradient research. Up to $2,000,000 may be used for the thermal energy storage program identified in the House Report.

Wind Energy Systems.—The conferees agree with the Senate Report language concerning MOD 5A and 5B funding allocations and the wind systems comprehensive program management plan.

Biomass and Alcohol Fuels.—The conferees agree to provide $4,000,000 for regional biomass energy programs.

Ocean Energy Systems.—The conferees agree that funds are available for only feasibility studies of open-cycle systems and $1,500,000 is available for cold water pipe research.

Electric Energy Systems.—The conference agreement provides for the deep sea cable project under the guidance of the Senate Report.

Nuclear Fission

Breeder Reactor Systems.—The conference agreement provides $4,000,000 for design activities on the breeder reactor engineering test facility.

Remedial Action Program.—The conferees direct that the Department give priority to the undertaking of a decontamination research and development project involving the following sites and their vicinity properties, and has added funds to initiate the work: $2,000,000 for the site and vicinity properties in Wayne/Pequanak, New Jersey; $2,000,000 for the site and vicinity properties in Maywood, New Jersey; $500,000 for the site and vicinity properties near Albany, New York; and $500,000 for the former Cotter Corp. site at Latty Avenue, Hazelwood, Missouri.

Commercial Nuclear Waste.—The conferees agree that $9,600,000 is available for the subseabed waste program in fiscal year 1984.

Environment

Liquified Gas Fuels Safety Test Facility.—The conferees agree that the Department should proceed immediately to select a site and initiate construction on the Liquified Gaseous Fuels Safety Test Facility using funds available in fiscal year 1983 and fiscal year 1984. Additional funding requirements shall be submitted with the fiscal year 1985 budget request if additional construction funding is determined to be necessary.

Magnetic Fusion

The conferees agree that the Administration shall consider including funding in the fiscal year 1985 budget submission for aneutronix fusion activities for consideration by the Congress. Of the funds available, $2,000,000 is for operating expenses on Elmo Bumpy Torus to continue concept development activities, and funds are available as specified in the Senate Report for advanced torodial concepts and for fusion systems engineering activities.

Supporting research and technical analysis

The conferees agree that, prior to obligation of funds provided for the National Center for Advanced Materials, the Vitreous State Laboratory and the National Center for Chemical Research, the Department of Energy shall conduct a technical review and approve each project.

(Deferral)

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate overturning a portion of proposed Deferral No. 83-72.

Uranium supply and enrichment activities

The conferees agree to the following allocation of funding within the appropriations available for uranium supply and enrichment:

	Fiscal year 1984 budget	Conference agreement
GCEP operating expenses:		
(Advanced Centrifuge Development)	$106,400,000	$117,400,000
GCEP Construction	572,000,000	546,000,000
AIS Technology	59,900,000	89,900,000
AIS Development Module	2,400,000	2,400,000
General Reduction		−23,000,000
Uranium Resource Assessment		3,000,000
Subtotal	740,000,000	735,700,000
Other Items Not in Conference	1,499,300,000	1,499,300,000
Total	2,240,300,000	2,235,000,000

The conferees concur with the Senate in regard to procurement of baseline centrifuge machines and with the House in regard to continuation of the uranium resource assessment program at a reduced level.

General science and research activities

Amendment No. 23: Appropriates $638,250,000 for General Science and Research Activities instead of $643,250,000 as proposed by the House and $635,250,000 as proposed by the Senate.

The conference allowance includes $32,000,000 for the linear collider at the Stanford Linear Accelerator Center and $5,000,000 for the Colliding Beam Accelerator funded under the ISABELLE project. The allowance also includes funding for LAMPF and Bevalac as described in House Rept. No. 98-217. The conferees agree with the provisions for muon catalysis and nuclear data file as proposed by the Senate but direct that these activities be included under the Energy Supply, Research and Development Activities account.

Atomic energy defense activities

Amendment No. 24: Appropriates $6,547,875,000 for Atomic Energy Defense Activities instead of $6,558,375,000 as proposed by the House and $6,500,875,000 as proposed by the Senate.

Research, Development and Test.—The conference allowance includes $7,000,000 for buffer land acquisition at LLNL as proposed by the House and $5,600,000 for the new detonator facility at LANL as proposed by the Senate. Also included is $23,500,000 for the nuclear test facilities revitalization project.

Inertial Confinement Fusion.—The conference allowance includes $145,000,000. The increase over the budget shall be applied proportionately over the 1983 levels.

Production and Surveillance.—The conference allowance includes $1,666,915,000 for operating expenses which represents an increase of $192,415,000 over 1983 which is consistent with the overall increase in workload. The conference allowance includes $30,000,000 for MX warhead production facilities. Obligation of these funds is contingent upon approvals required in Senate Rept. No. 98-153. The $5,000,000 reduction in unobligated balances should be applied against the total Production and Surveillance program.

Materials Production.—The conference allowance includes $60,000,000 for Special Isotope Separation and $7,500,000 for the Process Facility Modifications at Purex. The conference includes $140,000,000 for enriched material as proposed by the Senate.

Defense Waste and By-products Management.—The conference allowance includes $15,600,000 for the by-product and beneficial use program.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

Delete the matter stricken by said amendment and insert the following:

: Provided, That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—

(1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled; and

(2) formal notification has been received from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapon.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference includes $50,000,000 for Project 82-D-109, 155mm artillery fired atomic projectile production facilities. The conference agreement would prohibit the obligation of the funds pending a Presidential certification.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

None of the funds appropriated by this Act, or by any other Act, or by any other provision of law shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and until issued a discharge permit pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) as amended, which permit shall incorporate the terms and conditions provided in the Memorandum of Understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated

with such restart. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would achieve criticality, generate fission products within the reactor, discharge cooling water from nuclear operations directly or indirectly into Steel Creek, or result in cooling system testing discharges which exceed the volume, frequency and duration of test discharges conducted prior to June 28, 1983.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials of South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in the preceding paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that such period shall not be reduced to less than thirty days, and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement would require the preparation of an Environmental Impact Statement as required by the Senate, but would allow L-Reactor to be loaded with unirradiated fuel and continue with nonnuclear flow testing pending the completion of the Environmental Impact Statement. The conferees agree that this amendment not establish a precedent with regard to future decisions concerning compliance with the National Environmental Policy Act.

DEPARTMENTAL ADMINISTRATION

Amendment No. 27: Appropriates $366,056,000 for Departmental Administration instead of $371,056,000 as proposed by the House and $361,056,000 as proposed by the Senate.

The conferees agree that $500,000 shall be available for the Council of Energy Resource Tribes.

Amendment No. 28: Inserts language proposed by the Senate changing "such that the" to "so as to result in a" for purposes of clarification.

Amendment No. 29: Inserts language proposed by the Senate changing "not be greater" to "estimated at not more" for purposes of clarification.

Amendment No. 30: Identifies $156,437,000 instead of $161,437,000 as proposed by the House and $151,437,000 as proposed by the Senate as the final estimated appropriation for Departmental Administration.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Amendment No. 31: Deletes House language restricing the use of new borrowing authority.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

Amendment No. 32: Appropriates $194,630,000 for Construction, Operation and Maintenance, Western Area Power Administration instead of $184,630,000 as proposed by the House and $204,630,000 as proposed by the Senate

FEDERAL ENERGY REGULATORY COMMISSION

Salaries and expenses

Amendment No. 33: Appropriates $89,582,000 as proposed by the House instead of $94,582,000 as proposed by the Senate.

Amendment No. 34: Indentifies $29,582,000 as proposed by the House instead of $34,582,000 as proposed by the Senate as the final estimated appropriation for the Federal Energy Regulatory Commission.

Amendment No. 35: Restores language proposed by the House, amended to delete reference to the "Fifteenth Congressional District" and references the Counties of Merced, Mariposa, Madera and Fresno in California of that District.

	Budget estimate	Conference allowance
ENERGY SUPPLY RESEARCH AND DEVELOPMENT		
SOLAR ENERGY		
I. Solar applications		
A. Solar building energy systems	8,375	17,200
C. Photovoltaic energy systems		
Operating expenses	32,700	49,700
Construction	---	1,500
Subtotal, Photovoltaic energy systems	32,700	51,200
D. Solar thermal energy systems		
Operating expenses	13,325	33,750
Capital equipment	250	7,750
Subtotal, Solar thermal energy system	13,575	41,500
E. Biomass and alcohol energy systems		
Operating expenses	17,300	29,000
F. Wind energy systems		
Operating expenses	8,600	26,500
G. Ocean energy systems		
Operating expenses	---	7,000
Subtotal, Solar applications	80,550	172,400
(Operating expenses)	(80,300)	(163,150)
(Plant and Capital)	(250)	(9,250)
II. Other solar energy		
A. International solar energy program - OE	---	1,000
B. Solar technology transfer - OE	3,100	3,250
E. Program support - OE	---	1,000
F. Program direction - OE	3,009	6,000
Subtotal, Other solar energy	6,109	11,250
General reduction	---	-5,000
TOTAL, SOLAR ENERGY	86,659	178,650
(Operating expenses)	(86,409)	(174,400)
(Plant and Capital)	(250)	(9,250)
(General reduction)	---	(-5,000)
GEOTHERMAL		
I. Hydrothermal industrialization		
Operating expenses	---	2,000
II. Geopressured resources		
Operating expenses	---	5,000
III. Geothermal technology development		
Operating expenses	13,059	21,459
IV. Program direction - OE	494	1,000
TOTAL, GEOTHERMAL	13,553	29,459

		Budget estimate	Conference allowance
101010	HYDROPOWER		
101015	I. Small scale hydropower development - OE.....	---	500
101040	II. Program direction - OE.....	---	250
101050	TOTAL, HYDROPOWER.....	---	750
101090	ELECTRIC ENERGY SYSTEMS AND STORAGE		
101100	I. Electric energy systems		
101105	A. Electric field effects research		
101110	Operating expenses.....	6,600	3,000
101130	B. Reliability research		
101135	Operating expenses.....	6,000	3,500
101145	C. Systems technology.....	---	11,500
101180	D. Program direction - OE.....	102	500
101185	Subtotal,Electric energy systems.....	12,702	18,500
101215	II. Energy Storage Systems		
101220	A. Battery storage		
101225	Operating expenses.....	14,000	18,000
101245	B. Thermal and mechanical storage		
101250	Operating expenses.....	---	7,000
101270	C. Program direction - OE.....	200	700
101275	Subtotal, Energy storage systems.....	14,200	25,700
101300	TOTAL, ELECTRIC ENERGY SYSTEMS AND STORAGE.....	26,902	44,200
101350	NUCLEAR		
101355	I. Converter reactor		
101360	A. High temperature reactor technology		
101365	Operating expenses.....	---	30,000
101375	Subtotal, High temperature reactor technology....	---	30,000
101380	B. Light water reactor systems		
101385	Operating expenses.....	15,000	19,500
101400	C. Three Mile Island activities		
101405	Operating expenses.....	33,000	33,000
101410	Capital equipment.....	4,000	4,000
101415	Subtotal, Three Mile Island activities.....	37,000	37,000
101420	D. Advanced reactor systems		
101425	Operating expenses.....	4,980	4,980
101440	E. Program direction - OE.....	1,190	1,190
101445	Subtotal, Converter reactor.....	58,170	92,670
101450	(Operating expenses).....	(54,170)	(88,670)
101455	(Plant and Capital).....	(4,000)	(4,000)

	Budget estimate	Conference allowance
II. Commercial nuclear waste		
1. Terminal isolation		
Operating expenses	4,700	4,700
2. Waste systems technology		
Operating expenses	9,440	9,440
Capital equipment	360	360
Subtotal, Waste systems technology	9,800	9,800
3. Waste treatment technology		
Operating expenses	5,600	5,600
Capital equipment	600	600
Construction:		
84-N-105 General plant projects	1,400	1,400
Subtotal, Waste treatment technology	7,600	7,600
4. Program direction - OE	480	480
Subtotal, Commercial nuclear waste	22,580	22,580
(Operating expenses)	(20,220)	(20,220)
(Plant and Capital)	(2,360)	(2,360)
III. Remedial action		
1. Management of surplus radioactivity contaminated DOE facilities		
Operating expenses	15,360	15,360
Capital equipment	140	140
Subtotal, Management of surplus radioactivity contaminated DOE facilities	15,500	15,500
2. Remedial action for former DOE contractors installation MED/AEC sites		
Operating expenses	11,700	16,700
Capital equipment	300	300
Subtotal, Remedial action for former DOE cont installation MED/AEC sites	12,000	17,000
3. Grand Junction remedial action OE	1,500	1,500
4. Remedial action for inactive uranium mill tailing sites		
Operating expenses	27,125	27,125
Capital equipment	775	775
Subtotal, Remedial action for inactive uranium mill tailing sites	27,900	27,900
5. West Valley		
Operating expenses	36,000	36,000
6. Program direction - OE	1,085	1,085
Subtotal, Remedial action	93,985	98,985
(Operating expenses)	(92,770)	(97,770)
(Plant and Capital)	(1,215)	(1,215)

	Budget estimate	Conference allowance
IV. Nuclear fuel cycle		
A. Spent fuel technology		
Operating expenses	4,500	4,500
Capital equipment	500	500
Subtotal, Spent fuel technology	5,000	5,000
B. Fuel cycle R&D		
Operating expenses	31,385	31,385
Capital equipment	4,000	4,000
Subtotal, Fuel cycle R&D	35,385	35,385
C. Program direction - OE	1,422	1,422
Subtotal, Nuclear fuel cycle	41,807	41,807
(Operating expenses)	(37,307)	(37,307)
(Plant and Capital)	(4,500)	(4,500)
V. Advanced nuclear systems		
A. Space and terrestrial applications		
Operating expenses	30,135	30,135
Capital equipment	2,600	2,600
Subtotal, Space and terrestrial applications	32,735	32,735
B. Program direction - OE	1,370	1,370
Subtotal, Advanced nuclear systems	34,105	34,105
(Operating expenses)	(31,505)	(31,505)
(Plant and Capital)	(2,600)	(2,600)
VI. Breeder reactor systems		
A. Liquid metal fast breeder reactor		
Operating expenses	255,600	263,600
Capital equipment	19,100	21,100
Construction:		
84-N-101 General plant projects	1,000	1,000
84-N-102 Mods. to reactors	4,000	4,000
83-N-334 Safeguards & sec. Assess, imp., ANL,INEL,Id	1,000	1,000
78-6-C Safety research experimental facility, INEL, Idaho (A-E, Long-lead procurement and limited construction only)	1,100	1,100
78-6-E Liquid metal engineering center modifications, liquid metal engineering center, Santa Susana, California (A-E and long-lead procurement only)	5,000	5,000
78-6-F Fuels & materials examination facility, richland, WA	---	4,000
Subtotal, Construction	12,100	16,100
Subtotal, Liquid metal fast breeder reactor	286,800	300,800
B. Clinch River Breeder Reactor demonstration-OE.	270,025	---

	Budget estimate	Conference allowance
C. Water cooled breeder reactor		
Operating expenses	35,500	35,500
D. Program direction - OE	10,200	10,200
Subtotal, Breeder reactor systems	602,525	346,500
(Operating expenses)	(571,325)	(309,300)
(Plant and Capital)	(31,200)	(37,200)
TOTAL, NUCLEAR	853,172	636,647
(Operating expenses)	(807,297)	(584,772)
(Plant and Capital)	(45,875)	(51,875)
ENVIRONMENT		
I. Overview and assessment		
Operating expenses	30,400	30,400
Capital equipment	1,600	1,600
Construction - LGF test facility	3,000	1,000
Subtotal, Overview and assessment	35,000	33,000
II. Biological and environmental research		
Operating expenses	157,900	171,900
Capital equipment	7,700	7,700
Construction:		
84-ER-133 General plant projects	1,000	1,000
Subtotal, Biological and environ. research	166,600	180,600
III. Program direction - OE		
A. Overview and assessment - PD	5,375	5,375
B. Bio. and env. research - PD	3,600	3,600
Subtotal, Program direction - OE	8,975	8,975
Total, Environment	210,575	222,575
(Operating expenses)	(197,275)	(211,275)
(Plant and Capital)	(13,300)	(11,300)
FUSION		
I. Magnetic fusion		
A. Confinement systems		
Operating expenses	186,050	186,050
Capital equipment	20,650	20,650
Construction:		
80-MF-3 EBT Proof of principal exp	---	2,000
Subtotal, Confinement systems	206,700	208,700
B. Development and technology		
Operating expenses	77,310	78,310
Capital equipment	7,740	7,740
Subtotal, Development and technology	85,050	86,050
C. Applied plasma physics		
Operating expenses	76,040	76,790
Capital equipment	5,060	5,060
Subtotal, Applied plasma physics	81,100	81,850

	Budget estimate	Conference allowance
D. Planning and projects		
Operating expenses	48,700	48,700
Capital equipment	4,350	4,350
Construction:		
84-GPP General plant projects	6,500	6,500
78-3-A Mirror fusion test facility	30,000	30,000
Subtotal, Construction	36,500	36,500
Subtotal, Planning and projects	89,550	89,550
E. Program direction - OE	4,600	4,600
Total, Fusion	467,000	470,750
(Operating expenses)	(392,700)	(394,450)
(Plant and Capital)	(74,300)	(76,300)
SUPPORTING RESEARCH AND TECHNICAL ANALYSIS		
I. Basic energy sciences		
A. Nuclear sciences		
Operating expenses	37,900	37,900
Capital equipment	2,150	2,150
Construction:		
84-ER-141 A I P	270	270
Subtotal, Nuclear sciences	40,320	40,320
B. Materials sciences		
Operating expenses	125,110	125,110
Capital equipment	12,780	12,780
Construction:		
84-ER-111 M S L S	2,500	2,500
84-ER-112 National center for adv materials	25,900	3,000
84-ER-141 A I P	640	640
84-ER-142 General plant projects	300	300
84-ER-14 Vitreous State Laboratory	---	5,000
84-ER-15 National Center for Chemical Research	---	5,000
Subtotal, Construction	29,340	16,440
Subtotal, Materials sciences	167,230	154,330
C. Chemical sciences		
Operating expenses	75,500	75,500
Capital equipment	6,520	6,520
Construction:		
84-ER-141 A I P	350	350
84-ER-142 General plant projects	100	100
Subtotal, Construction	450	450
Subtotal, Chemical sciences	82,470	82,470

	Budget estimate	Conference allowance
D. Engineering, mathematical, and geosciences		
Operating expenses	33,670	33,670
Capital equipment	2,120	2,120
Subtotal, Engineering, math., and geosciences	35,790	35,790
E. Advanced energy projects		
Operating expenses	9,100	9,100
Capital equipment	310	310
Subtotal, Advanced energy projects	9,410	9,410
F. Biological energy research		
Operating expenses	10,580	10,580
Capital equipment	400	400
Subtotal, Biological energy research	10,980	10,980
G. Program direction - OE	3,970	3,970
Subtotal, Basic energy sciences	350,170	337,270
(Operating expenses)	(295,830)	(295,830)
(Plant and Capital)	(54,340)	(41,440)
II. Energy oversight, research analy. & Univ support		
A. Energy research analysis - OE		
1. Assessment projects	2,869	2,869
B. University research support - OE		
2. University reactor fuel assistance	1,500	1,500
3. University laboratory coop. program	3,500	3,500
5. Energy manpower assessment program	270	270
6. Education and training	200	200
Subtotal, University research support - OE	5,470	5,470
C. University research instrumentation	6,000	4,000
D. Program direction and oversight - OE	3,400	3,400
Subtotal, Energy oversight, res analy, & Univ sup	17,739	15,739
III. Multi-program facilities		
Construction:		
84-ER-101 Rehab. old utilities (LBL)	1,000	1,000
84-ER-102 Cooling water facility, Restor. (ORNL)	600	600
84-ER-103 Road repair (various locations)	3,000	3,000
84-ER-104 Facilities support Projects (various locations)	4,000	4,000
83-E-308 Rep power sys,INEL,LLNL,ORNL,RL	7,988	7,988
83-E-309 Electronics fac., ANL	4,150	4,150
83-E-310 Utility replacements	7,500	7,500
83-E-311 Emergency response center, ORNL	2,200	2,200
82-E-301 300 area utilities (HEDL)	4,400	4,400
82-E-302 Security facility (ANL)	2,300	2,300
82-E-305 Traffic safety improvements (HEDL)	800	800

	Budget estimate	Conference allowance
81-E-325 Energy Technology Lab (Sandia).....	1,600	3,100
80-ES-11 Idaho Lab Facility (INEL).....	1,062	1,062
Subtotal, Multi-program facilities.....	40,600	42,100
Total, Supporting research and tech. analysis....	408,509	395,109
(Operating expenses).....	(313,569)	(311,569)
(Plant and Capital).....	(94,940)	(83,540)
POLICY AND MANAGEMENT		
I. Policy and Management		
A. Policy and management - OE - ER.....	515	1,288
B. Policy and management - OE - NE.....	1,370	1,868
C. Policy and management - OE - EP.....	900	1,611
D. Policy and management - OE - CRE.....	970	970
Subtotal, Policy and management.....	3,755	5,737
ENERGY APPLICATIONS		
I. Technical Information Center		
Operating expenses.....	13,300	15,200
Capital equipment.....	800	800
Subtotal, Technical Information Center.....	14,100	16,000
II. In-house energy management		
Operating expenses.....	1,200	1,200
Construction:		
84-A-601 Mods for energy Mgmt., various locations.....	11,500	11,500
84-A-602 Residual energy applications.....	- ---	1,332
82-A-603 LASL Hot water distribution.....	1,700	1,700
Subtotal, Construction.....	13,200	14,532
Subtotal, In-house energy management.....	14,400	15,732
(Operating expenses).....	(1,200)	(1,200)
(Plant and Capital).....	(13,200)	(14,532)
III. Plant engineering and design		
Construction:		
82-C-601 Plant engineering and design.....	1,000	1,000
Subtotal, Energy applications.....	29,500	32,732
(Operating expenses).....	(14,500)	(16,400)
(Plant and Capital).....	(15,000)	(16,332)
SUBTOTAL, ENERGY SUPPLY RESEARCH AND DEVELOPMENT.....	2,099,625	2,016,609
(Operating expenses).....	(1,855,960)	(1,773,012)
(Plant and Capital).....	(243,665)	(248,597)
Adjustments:		
FY 1983 deferrals carried forward.....	---	-65,000
TOTAL, ENERGY SUPPLY RESEARCH AND DEVELOPMENT.....	2,099,625	1,951,609

	Budget estimate	Conference allowance
(Operating expenses)	(1,855,960)	(1,708,012)
(Plant and Capital)	(243,665)	(248,597)
(General reduction)	---	(-5,000)
URANIUM ENRICHMENT		
I. Uranium enrichment activities		
A. Gaseous diffusion and operations support		
Operating expenses	1,400,400	1,400,400
Capital equipment	9,900	9,900
Construction:		
84-N-401 General plant projects	13,300	13,300
84-N-402 UF6 cylinders	4,000	4,000
84-N-403 Intermediate gas removal	1,700	1,700
84-N-404 Power systems protection impr	3,000	3,000
84-N-405 Utilities upgrading, Phase III	6,000	6,000
83-N-401 Rep. of elec. circuit breaker Gas dif. plant, Portsmouth, Ohio	7,000	7,000
83-N-402 Compli. with toxic sub. Control act, gas dif. plants	10,000	10,000
83-N-405 Utilities upgrading, Phase II, gas. dif. plant	10,000	10,000
82-R-413 IMP UF6 containment	9,000	9,000
82-R-416 Env/safety mods	3,500	3,500
81-R-506 Environmental protection and safety improvements, Phase I GDP's	3,500	3,500
Subtotal, Construction	71,000	71,000
Subtotal, Gaseous diffusion operations and suppo	1,481,300	1,481,300
B. Gaseous centrifuge operations and support		
Operating expenses	106,400	117,400
Capital equipment	3,400	3,400
Construction:		
76-8-6 Enriched Uranium production facility, Portsmouth, OH	572,000	546,000
Subtotal, Gas centrifuge operations and support.	681,800	666,800
C. Program direction - DE	3,900	3,900
D. Advanced isotope separation technology		
Operating expenses	59,900	89,900
Capital equipment	9,500	9,500
Construction:		
84-N-406 General plant projects	1,200	1,200
84-N-407 Development I demonstration Module (design only)	2,400	2,400
Subtotal, Construction	3,600	3,600
Subtotal, Advanced isotope separation technology	73,000	103,000
General reduction	---	-23,000
Subtotal, Uranium enrichment activities	2,240,000	2,232,000

	Budget estimate	Conference allowance
(Operating expenses)	(1,570,600)	(1,611,600)
(Plant and Capital)	(669,400)	(643,400)
(General reduction)	---	(-23,000)
II. Uranium resource assessment		
A. Assessment program		
Operating expenses	---	3,000
Total, Uranium enrichment	2,240,000	2,235,000
III. Offsetting revenues		
Operating expenses	-1,570,600	-1,565,600
Capital equipment	-22,800	-22,800
Construction	-646,600	-646,600
Subtotal, Offsetting revenues	-2,240,000	-2,235,000
TOTAL, URANIUM ENRICHMENT	---	---
(Operating expenses)	(1,570,600)	(1,614,600)
(Plant and Capital)	(669,400)	(643,400)
(General reduction)	---	(-23,000)
(Gross revenues)	(-2,240,000)	(-2,235,000)
GENERAL SCIENCE AND RESEARCH		
I. High energy physics		
A. Physics research		
Operating expenses	101,500	99,500
B. Facility operations		
Operating expenses	166,000	161,000
Capital equipment	48,000	48,000
Construction:		
84-ER-131 AIP	9,000	9,000
84-ER-132 GPP	7,000	7,000
84-ER-133 SLAC linear collider (SLC)	40,000	32,000
82-E-206 Tevatron II	13,000	13,000
81-E-218 Tevatron I	20,000	20,000
78-10-B Intersecting storage accelerator (Isabelle) Brookhaven national lab, NY	---	5,000
Subtotal, Construction	89,000	86,000
Subtotal, Facility operations	303,000	295,000
C. High energy technology		
Operating expenses	82,000	82,000
D. Other capital equipment - CE	3,500	3,500
Subtotal, High energy physics	490,000	480,000
(Operating expenses)	(349,500)	(342,500)
(Plant and Capital)	(140,500)	(137,500)
II. Nuclear physics		
A. Medium energy physics		
Operating expenses	59,000	62,000

	Budget estimate	Conference allowance
B. Heavy ion physics		
Operating expenses	47,000	47,000
C. Low energy physics		
Operating expenses	13,000	13,000
D. Nuclear theory		
Operating expenses	9,000	9,000
Capital equipment	10,500	10,500
Construction:		
84-ER-110 Univ Accel upgrade	8,000	8,000
84-ER-121 AIP	3,500	3,500
84-ER-122 GPP	2,200	2,200
Subtotal Construction	24,200	24,200
E. Other capital equipment - CE	800	800
Subtotal, Nuclear physics	153,000	156,000
(Operating expenses)	(128,000)	(131,000)
(Plant and Capital)	(25,000)	(25,000)
III. General Science program direction - OE	2,250	2,250
TOTAL, GENERAL SCIENCE AND RESEARCH	645,250	638,250
(Operating expenses)	(479,750)	(475,750)
(Plant and Capital)	(165,500)	(162,500)
ATOMIC ENERGY DEFENSE ACTIVITIES		
I. Weapons activities		
A. Research, development and testing		
1. Research and development		
Operating expenses	714,480	714,480
Capital equipment	68,800	68,800
Construction:		
84-D-101 General plant projects, various locations	20,000	16,000
84-D-102 Radiation Hardened Integrated Circuit Lab, SNLA	---	2,000
84-D-103 Hardened central guard force facility, LANL	600	600
84-D-104 Nuclear materials storage facility, LANL	700	700
83-D-199 Buffer land acquisition LLNL	---	7,000
82-D-144 Simulation technology laboratory, SNLA	8,000	8,000
82-D-150 Weapons materials research and development facility, LLNL	2,900	2,900
82-D-152 New detonator facility, LANL	---	5,600
78-16-G Radioactive liquid waste improvement, LANL, NM	3,500	3,500
Subtotal, Construction	35,700	46,300
Subtotal, Research and development	818,980	829,580

	Budget estimate	Conference allowance
2. Testing		
Operating expenses	475,900	475,900
Capital equipment	39,600	39,600
Construction:		
84-D-101 General plant projects, various locations	7,100	6,100
84-D-107 Nuclear test facilities revitalization, various locations	38,500	23,500
Subtotal Construction	45,600	29,600
Subtotal, Testing	561,100	545,100
Subtotal, Research, development and testing	1,380,080	1,374,680
B. Inertial confinement fusion		
Operating expenses	127,100	145,000
Capital equipment	11,800	11,800
Construction:		
81-D-101 Particle beam fusion accelerator-II SNL, NM	12,900	12,900
Subtotal, Inertial confinement fusion	151,800	169,700
C. Production and surveillance		
Operating expenses	1,779,715	1,666,915
Capital equipment	114,400	106,400
Construction:		
84-D-111 General plant projects	29,500	23,000
84-D-112 TRIDENT II warhead production facilities, various locations	19,300	19,300
84-D-113 Antisubmarine warfare/standoff weapon warhead prod facs, var locations	17,600	---
84-D-114 Consolidated nonnuclear manufacturing facility, Rocky Flats, CO	24,100	24,100
84-D-115 Electrical system expansion, Pantex Plant, Amarillo, TX	1,500	1,500
84-D-117 Inert assembly & test facility Pantex Plant, Amarillo, TX	1,500	1,500
84-D-118 High explosive subassembly facility, Pantex Plant, Amarillo, TX	7,000	7,000
84-D-119 Railroad track replacement and upgrade, Pantex Plant, Amarillo, TX	800	800
84-D-120 Explosive component test facility, Mound Laboratory, Miamisburg, OH	13,100	3,100
84-D-121 Safeguards and security upgrade, Rocky Flats, CO	10,000	10,000
83-D-124 Standard missile-2 (SM-2) warhead production facilities, various locations	3,000	---
83-D-134 SENTRY (LoADS) warhead production facility, various locations	16,300	---
82-D-107 Utilities & equip restoration, replace & upgrade, Phase III, var locations	229,200	185,000
82-D-108 Nuclear weapons stockpile improvement, various locations	4,000	4,000
82-D-109 155mm artillery fired atomic projectile (AFAP) prod facs, var locations	50,000	50,000

	Budget estimate	Conference allowance
82-D-111 Interactive graphics system, various locations ($9M auth FY82)	18,600	8,600
82-D-146 Weapons prod & prod support facs, various locations	14,200	14,200
81-D-115 MX warhead prod facs, various locations	30,000	30,000
81-D-120 Control of effluents & pollutants, Y-12 Plant, Oak Ridge, TN	1,000	1,000
Unobligated balances	---	-5,000
Subtotal, Construction	490,700	378,100
Subtotal, Production and surveillance	2,384,815	2,151,415
D. Program direction		
Operating expenses		
1. Weapons program	55,930	55,930
Subtotal, Weapons activities	3,972,625	3,751,725
(Operating expenses)	(3,153,125)	(3,058,225)
(Plant and Capital)	(819,500)	(693,500)
II. Materials production		
A. Reactor operations		
Operating expenses	497,745	484,245
Construction:		
83-D-180 Facility storage modifications, various locations	6,500	---
83-D-146 Water pollution control, FMPC, Fernald, Ohio	4,000	4,000
82-D-126 Reactor safety and reliability, various locations	6,000	6,000
81-D-142 Steam transfer header, Savannah River Plant, SC	7,400	7,400
Subtotal, Construction	23,900	17,400
Subtotal, Reactor operations	521,645	501,645
B. Processing of nuclear materials		
Operating expenses - Processing of nuc. mat...	287,595	287,595
Operating expenses - Special isotope sep, res	40,000	60,000
Subtotal Operating expenses	327,595	347,595
Construction:		
84-D-130 Modification processing facility substation, Savannah River, SC	5,600	5,600
84-D-135 Process Facility Modifications Purex	---	7,500
83-D-142 Fuel dissolver off-gas transfer and treatment system, IFPF, INEL, ID	4,100	4,100
82-D-201 Special plutonium recovery facs, F-chem separations area, Savannah River, SC	26,000	26,000
81-D-131 Remote analytical facility upgrade and expansion, IFPF, INEL, ID	2,000	2,000
Subtotal, Construction	37,700	45,200
Subtotal, Processing of nuclear materials	365,295	392,795

	Budget estimate	Conference allowance
C. Supporting services		
Operating expenses	212,860	207,960
Construction:		
84-D-125 General plant projects	31,000	28,000
84-D-126 Plant engineering and design	2,000	1,000
83-D-138 Purex canyon & dissolver filter systems improvements, Richland, WA	8,500	8,500
83-D-147 Pollution discharge elimination, Savannah River, SC	2,000	2,000
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC	3,000	3,000
82-D-118 N-reactor plant security and surveillance, Richland, WA	2,400	2,400
82-D-124 Restoration of production capabilities, Phases II & III, var locations	118,600	104,600
82-D-127 Safeguards improvements, Savannah River Plant, SC	7,000	7,000
82-D-128 Plant perimeter security systems upgrade, IFPF, INEL, IDAHO	3,000	3,000
82-D-136 Fuel processing facilities upgrade, IFPF, INEL, Idaho	18,000	18,000
Subtotal, Construction	195,500	177,500
Subtotal, Supporting services	408,360	385,460
D. Enriched materials	70,000	140,000
E. Capital equipment	102,500	98,500
F. Program direction	17,500	17,500
Subtotal, Materials production	1,485,300	1,535,900
(Operating expenses)	(1,125,700)	(1,197,300)
(Plant and Capital)	(359,600)	(338,600)
III. Defense waste and by-products management		
A. Interim waste management		
Operating expenses	221,026	221,026
Construction:		
84-D-150 General plant projects, various locations	25,830	22,830
83-D-157 Additional radioactive waste storage facilities, Richland, WA	31,000	31,000
82-N-103 Waste handling & isolation facs, Richland, WA	3,570	3,570
82-N-107 Rail replacement/Hanford railroad, Richland, WA	3,000	3,000
81-T-104 Radioactive waste facs. improves., ORNL, Oak Ridge, TN	4,000	4,000
Subtotal, Construction	67,400	64,400
Subtotal, Interim waste management	288,426	285,426

	Budget estimate	Conference allowance
B. Long-term waste management technology		
Operating expenses	64,604	64,604
Construction:		
81-T-105 Defense waste processing facilities, Savannah River, SC	142,000	142,000
Subtotal, Long-term waste management technology	206,604	206,604
C. Terminal storage		
Operating expenses	20,800	20,800
Construction:		
77-13-F Waste isolation pilot plant, Delaware Basin, Southeast, NM	59,300	59,300
Subtotal, Terminal storage	80,100	80,100
D. Byproducts and Beneficial use		
Operating expenses	---	10,000
Construction:		
84-D-200 Byproducts beneficial use demo plant, various locations	---	5,000
E. Capital equipment	33,900	34,500
F. Program direction	2,470	2,470
Subtotal, Defense waste & by-products management	611,500	624,100
(Operating expenses)	(308,900)	(318,900)
(Plant and Capital)	(302,600)	(305,200)
IV. Naval reactors development		
A. Plant development		
Operating expenses	59,000	59,000
B. Reactor development		
Operating expenses	188,800	188,800
Construction:		
84-N-101 General plant projects	2,500	2,500
83-N-102 Additions to radioactive materials laboratory, Schenectady, NY	6,500	6,500
82-N-111 Materials facility, Savannah River, SC	70,000	70,000
81-T-112 Mods. and additions to prototype facs, various locations	24,000	24,000
Subtotal, Construction	103,000	103,000
Subtotal, Reactor development	291,800	291,800
C. Reactor operation and evaluation		
Operating expenses	112,000	112,000
D. Enriched material	120,000	---
E. Capital equipment	20,000	20,000
F. Program direction	10,200	10,200
Subtotal, Naval reactors development	613,000	493,000
(Operating expenses)	(490,000)	(370,000)
(Plant and Capital)	(123,000)	(123,000)

	Budget estimate	Conference allowance
V. Other atomic energy defense activities		
A. Verification and control technology		
Operating expenses	57,150	57,150
Capital equipment	1,750	1,750
Program direction	2,750	2,750
Subtotal, Verification and control technology	61,650	61,650
(Operating expenses)	(59,900)	(59,900)
(Plant and Capital)	(1,750)	(1,750)
B. Nuclear safeguards and security		
Operating expenses	41,650	41,650
Capital equipment	4,000	4,000
Program direction	6,350	6,350
Subtotal Nuclear safeguards and security	52,000	52,000
(Operating expenses)	(48,000)	(48,000)
(Plant and Capital)	(4,000)	(4,000)
C. Security investigations - OE	29,500	29,500
Subtotal Other atomic energy defense activities	143,150	143,150
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	6,825,575	6,547,875
(Operating expenses)	(5,215,125)	(5,081,825)
(Plant and Capital)	(1,610,450)	(1,466,050)
DEPARTMENTAL ADMINISTRATION		
I. Office of the Secretary - Salaries and expenses		
A. Office of the Secretary	647	954
B. Other expenses	280	348
Subtotal, Office of the Secretary - OE	927	1,302
II. General management - salaries		
A. Board of Contract Appeals	261	261
B. General Counsel	8,727	10,795
C. Inspector General	7,071	7,071
D. A/S Management & Administration	28,799	36,660
E. A/S Cons., Intergov. & Public Affairs	1,990	4,818
F. A/S Conservation and Renewable Energy	441	498
G. Regional / Operations Offices	46,529	57,569
H. Policy, Planning & Analysis	1,323	1,940
I. A/S International Affairs	1,170	1,872
J. Office of Minority Economic Impact	429	429
Subtotal, Salaries	96,740	121,913
III. General management - other expenses		
A. Other salary expenses - OE	6,422	8,800
B. Benefits	14,491	15,662
C. Travel	4,816	5,178
D. Services	100,536	110,642
E. Workmens compensation	1,387	1,387
F. Minority Economic Impact studies	1,100	1,100
G. Capital equipment	4,981	4,981
Subtotal, Other expenses	133,733	147,750
(Operating expenses)	(128,752)	(142,769)
(Plant and Capital)	(4,981)	(4,981)

	Budget estimate	Conference allowance
IV. Program Support		
A. Policy analysis and system studies - OE.....	3,500	3,500
B. Intergovernmental and Institutional Relations		
Public Affairs - OE.....	150	150
C. International Policy Studies - OE.....	250	250
D. Cost of work for others.....	116,191	116,191
Subtotal, Program support.....	120,091	120,091
V. Miscellaneous revenues.....	-209,619	-209,619
FY 1983 Deferred balance carried forward.....	---	-25,000
TOTAL, DEPARTMENTAL ADMINISTRATION.....	141,872	156,437
(Operating expenses).....	(346,510)	(361,075)
(Miscellaneous revenues).....	(-209,619)	(-209,619)
(Plant and Capital).....	(4,981)	(4,981)
ALASKA POWER ADMINISTRATION - OPERATION AND MAINTENANCE		
I. Power marketing - Alaska Power Administration		
A. Operating expenses.....	2,469	2,469
B. General investigation.....	100	100
D. Program direction.....	641	641
E. Emergency fund.....	---	200
TOTAL ALASKA POWER ADMINISTRATION.....	3,210	3,410
BONNEVILLE POWER ADMINISTRATION		
I. Power marketing - Bonneville Administration.....	203,500	123,400
Permanent authority to borrow.....	(201,100)	---
TOTAL BONNEVILLE POWER ADMINISTRATION.....	203,500	123,400
SOUTHEASTERN POWER ADMINISTRATION - OPERATION AND MAINTENANCE		
I. Power marketing - Southeastern power administration		
A. Operating and maintenance.....	1,751	1,751
B. Purchase power and wheeling.....	18,843	18,843
TOTAL SOUTHEASTERN POWER ADMINISTRATION.....	20,594	20,594
SOUTHWESTERN POWER ADMINISTRATION - OPERATION AND MAINTENANCE		
I. Power marketing - Southwestern Power Administration		
A. Operation and maintenance	9,800	9,800
B. Purchase power and wheeling.....	22,729	22,729
C. Construction.....	3,700	3,700
TOTAL SOUTHWESTERN POWER ADMINISTRATION.....	36,229	36,229
WESTERN AREA POWER ADMINISTRATION - CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE		
I. Power marketing - Western Area Power Administration		
A. Construction and rehabilitation.....	78,767	78,767
B. System operation and maintenance.....	72,863	72,863
C. Purchase power and wheeling.....	68,000	68,000
Unobligated balances.....	---	-25,000
TOTAL WESTERN AREA POWER ADMINISTRATION.....	219,630	194,630

	Budget estimate	Conference allowance
EMERGENCY FUND - WESTERN AREA POWER ADMINISTRATION		
I. Emergency fund	500	500
TOTAL, WESTERN AREA POWER ADMINISTRATION	220,130	195,130
FEDERAL ENERGY REGULATORY COMMISSION		
I. Oil pipeline regulation	6,682	6,682
II. Natural gas regulation		
A. Pipeline certificate regulation	15,644	15,644
B. Pipeline rate regulation	14,062	14,062
C. Producer certificate regulation	2,478	2,478
D. Producer rate regulation	3,837	3,837
E. Wellhead pricing	7,498	7,498
Subtotal, Natural gas regulation	43,519	43,519
III. Hydro power licensing	24,707	24,707
IV. Electric power regulation	19,674	19,674
General reduction	---	-5,000
SUBTOTAL, FEDERAL ENERGY REGULATORY COMMISSION	94,582	89,582
Adjustments:		
Less offsetting revenues	-60,000	-60,000
TOTAL, FERC AFTER REVENUES	34,582	29,582
NUCLEAR WASTE DISPOSAL FUND		
I. Nuclear waste disposal fund	306,675	306,675
TOTAL NUCLEAR WASTE DISPOSAL FUND	306,675	306,675
GEOTHERMAL RESOURCES DEVELOPMENT FUND		
III. Interest differential Payments	2,000	2,000
V. Program direction	100	100
TOTAL GEOTHERMAL RESOURCES DEVELOPMENT FUND	2,100	2,100

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

Salaries and expenses

Amendment No. 36: Appropriates $2,700,000 as proposed by the Senate instead of $2,500,000 as proposed by the House.

FUNDS APPROPRIATED TO THE PRESIDENT

Appalachian Regional Development programs

Amendment No. 37: Apropriates $145,000,000 for Appalachian Regional Development Programs instead of $150,000,000 as proposed by the House and $125,000,000 as proposed by the Senate.

Amendment No. 38: Earmarks $100,000,000 for the Appalachian Development Highway System as proposed by the House instead of $80,000,000 as proposed by the Senate.

NUCLEAR REGULATORY COMMISSION

Salaries and expenses

Amendment No. 39: Appropriates $465,800,000 as proposed by the House instead of $466,800,000 as proposed by the Senate. The conference allowance includes no funds for the Nuclear Data Link.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority fund

Amendment No. 40: Provides $125,500,000 for Tennessee Valley Authority Fund instead of $125,950,000 as proposed by the House and $122,500,000 as proposed by the Senate.

Reprogrammings.—The conferees agree that TVA shall submit to the Committees on Appropriations of the House of Representatives and the Senate all changes to the budget justification material submitted to the Congress or the base tables included in House, Senate or Conference Report on annual appropriations measures and take no action on such changes until 30 days after notifying the Committees. Changes of 10 percent or more to any program, project or activity are to be submitted. Any item mentioned in either Committee's report shall be considered an "Item of Special Interest" and shall be subject to these reprogramming requirements irrespective of the other criteria. In addition, all new starts or program cancellations are to be submitted as a reprogramming action.

The conferees are encouraged by recent progress in achieving financial participation in the Northern Alabama Coal Gasification Project and hope that the Synthetic Fuels Corporation will proceed to an early decision.

The following table summarizes the conference agreement on the TVA program:

CONFERENCE AGREEMENT

[In thousands of dollars]

	1984 budget estimate	Conference agreement
CAPITAL INVESTMENT		
Water resources:		
Columbia Dam and Reservoir		
New look at Pickwick Landing Dam	21,000	21,000
Additions and improvements	3,015	3,015
Land and forest resources:		
Recreation facilities	100	100
Land Between the Lakes	190	190
Economic resources: Yellow Creek Port		
Community resources: Local flood damage prevention facilities	610	610
National fertilizer development, chemical facilities:		
Curtain granulation unit		
Railroad tank car replacement	590	590
Suspension fertilizer unit	588	588
Water pollution control facilities	500	500
Fluid fertilizer storage facilities	1,500	1,500
Energy-efficient fertilizer process	1,100	1,100
Optimize ammonia plant	770	770
Replacements, improvements, and pollution abatement and support facilities	1,482	1,482
Ammonia-from-coal facilities	297	297
General services facilities	3,013	3,013
Subtotal, capital investment	34,755	34,755
EXPENSES		
Natural resources:		
Water resources	2,920	2,920
Reservoir system operations	19,490	19,490
Land and forest resources	4,059	4,059
Resource management and development support	2,541	2,541
Land Between the Lakes	6,705	6,705
Economic and community resources:		
Economic resources	8,160	11,160
Community resources	4,680	4,680
Agriculture resources development	3,955	3,955
National fertilizer development	28,615	28,615
Ammonia from coal	6,025	6,025
General services	595	595
Subtotal, expenses	87,745	90,745
Unallocated reduction	−14,000	
Total program financed from appropriations	108,500	125,500
FINANCING		
Appropriations	61,229	78,229
Unobligated balance carried forward	47,271	47,271
Total financing	108,500	[1] 125,500

[1] Of the total funding for fiscal year 1984 ($125,500,000), $47,271,000 shall be derived from funds appropriated in fiscal year 1983 and $75,229,000 in new appropriations requested in fiscal year 1984.

TITLE V—GENERAL PROVISIONS

Amendment No. 41: Deletes language proposed by the House providing for a 3 percent general reduction in various programs in the bill.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$14,535,691,000
Budget estimates of new (obligational) authority, fiscal year 1984	14,610,671,000
House bill, fiscal year 1984	14,180,003,000
Senate bill, fiscal year 1984	14,170,853,000
Conference agreement, fiscal year 1984	14,307,045,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	−228,646,000
Budget estimates of new (obligational) authority, fiscal year 1984	−303,626,000
House bill, fiscal year 1984	+127,042,000
Senate bill, fiscal year 1984	+136,192,000

TOM BEVILL,
LINDY (MRS. HALE) BOGGS,
BILL CHAPPELL,
VIC FAZIO,
WES WATKINS,
BILL BONER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
VIRGINIA SMITH,
ELDON RUDD,
SILVIO O. CONTE
(except amendments 2, 3, 12),

Managers on the Part of the House.

MARK O. HATFIELD,
JAMES A. MCCLURE,
JAKE GARN,
THAD COCHRAN,
JAMES ABDNOR,
ROBERT KASTEN,
MACK MATTINGLY,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
JOHN C. STENNIS,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
WALTER D. HUDDLESTON,
QUENTIN BURDICK,
JIM SASSER,

Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

THE SEBASTIANI WINERY

HON. TONY COELHO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to share with my colleagues the honor of recognizing one of the truly great vintners of fine California premium wines, Sam Sebastiani. Located in Sonoma Valley, the Sebastiani Winery epitomizes the family operated wineries of California, as an embodiment of the kind of bold and proud spirit that is required of independent winemakers and private businessmen. Sam Sebastiani has a keen perception of the future, and he is applying it to his winery by implementing higher technology into the winery's equipment; and yet, he still maintains a personal touch to insure that his wine will continue to be enjoyed by the consumer. Mr. Sebastiani is orchestrating both consumer needs and technology with an ultimate regard for quality. Sam Sebastiani is an artist, a perfectionist, and an innovator in the winemaking industry who is highlighted in the following article which appeared in the Sacramento Bee:

SAM SEBASTIANI: CHANGING THE WAY A WINERY WORKS

(By Mike Dunne)

SONOMA.—Over the past three years Sebastiani Vineyards has invested some $4 million to upgrade its winemaking and expand its staff from 180 employees to 210.

During that time, however, production has plunged from 3.4 million cases annually to 2.5 million cases.

And yet, Sam Sebastiani, the winery's stylish president, is as giddy as a winemaker who has been too long in the tasting room.

The drop in sales, after all, was planned, one of several steps in Sebastiani's 10-year program to turn around the winery's image.

In the past, Sebastiani Vineyards has been known primarily as a Northern California winery mass-producing simple, inexpensive, blended everyday jug wines with such broad appellations as North Coast and California Mountain.

By the end of the decade, if Sam Sebastiani's gamble pays off, Sebastiani Vineyards will be known primarily as a Sonoma County winery specializing in complex, elegant, premium varietal wines with such specific appellations as Sonoma Valley and Wildwood Vineyards.

In short, quantity is out, quality is in. By being more picky in selecting grapes, thereby cutting back the crush, and by eliminating 11 wines, including Chianti, Sparkling Burgundy and three dessert wines, Sebastiani is providing his expanded staff with more opportunity to think, to experiment, to improve the wines he is retaining. "I want to fall out of the top 10 poor quantity, the hit parade for volume. I want to be on the hit parade for quality."

The current realignment started in early 1980 when cancer killed August Sebastiani, the proud and popular 66-year-old country farmer who had guided the winery through the years of its most spectacular growth.

In assuming stewardship, Sam Sebastiani, then 39, moved quickly to impose his upbeat style on the winery—from hiring more managers to redesigning the bottle label.

August Sebastiani was an Old Country patriarch who ran the winery forcefully and independently, without departments or budgets. Sam Sebastiani, who hadn't even seen the winery's books until after his father's death, is a team player who manages with a master's in business administration and who outfits his fellow executives in matching red jackets of slick satin.

August's winemaking techniques were simple, basic and old-fashioned, and a tour of the winery could be completed within minutes. Today, a tour can take several hours as Sam Sebastiani stops repeatedly to point out costly high-tech equipment so spacey much of it could double for some of the characters in a George Lucas movie. He budgets $50,000 a year for experiments, and has increased his staff of enologists from five in 1980 to 11 today.

August resented the encroaching suburbanization about his vineyards and winery, and fought city and neighborhood efforts to control noise, dust, traffic and other offshoots of industrial winemaking. Sam is more conciliatory; he's painted the buildings in earthern tones and cloaked them in ivy to reduce if not hide their bulk; he has built sound barriers and replaced combustion-engine forklifts with electric models to reduce noise pollution; he has extended the city's bike path through a vineyard; and, to further assure that neighbors remain neighborly, he even has bought four neighborhood residences (a couple of them, ironically, were built and sold by Sam's grandfather, Samuele, who established the family winery in 1904).

The round and robust August sold his wine by cultivating the personable image of the little old winemaker who lives in the classic Italian stone house on the hill: faded denim jacket, striped bib overalls beat-up pickup truck, dirt under the fingernails, wine stains on the fingers. The lean and manicured Sam is equally image-conscious, although he puts less emphasis on his penchant for western shirts and cowboy boots than he does on snappy graphics (embossed bottles; labels in gold gilt), point-of-sale promotions recipe booklets; large and slick displays) and ambitious advertising campaigns ($3 million in 1982 compared with $450,000 in 1980). Sam has a pick up truck, too, but he often runs to the winery from his hillside home, a contemporary expanse of California redwood.

August was a recognized ornithologist, maintaining ponds for migrating waterfowl, breeding rare and endangered doves, swans and geese, taking delight in feeding the bird that most symbolized his tenure, the cute, quaint and common duck. Sam isn't as passionately involved with birds, although he has adopted as his personal logo the bald eagle, embossing it everywhere—doors, walls, casks, labels, press releases. To Sam, the strong, stately, distinctive—and endangered—bald eagle represents the family winery in the United States today, both as threatened species and as embodiment of the kind of bold and proud spirit that is needed to survive.

How bold is Sam Sebastiani? A case in point: As he started to introduce and promote new styles of wine he began to fear that consumers would mistakenly pick up a bottle of the old style, try it and then dismiss the entire line as no different nor better. Sebastiani hired another enologist, put him in charge of "QA" (quality assurance), and dispatched him to round up and get rid of the old styles of wine, particularly the older Mountain wines and the whites from the 1979 and earlier vintages. Some of it was sold to vinegar producers for $2.57 a case; much of it simply was dumped. Sebastiani figures the disposal cost the winery $2 million.

Over the past three years, Sebastiani Vineyards has come to resemble an outreach lab for the enology and viticulture department at the University of California, Davis. Welcome to Sebastiani A&M: Next spring in conjunction with UC Davis, 38 wine-grape varieties will be planted in a test plot on nearly three acres along the bike path behind the winery. Already, an experimental winery is at work within the winery proper, and it findings have prompted changes in Sebastiani's use of oak, its trellising techniques and its harveting practices. And ready to move from drawing board to construction is what may be the most sophisticated professional tasting room in the country: At the center of the $31,000 room will be a long table that will accommodate 12 samplers, each of whom will have at his disposal a permanently installed magnifying light, a Bunsen burner to better view the wine, a flexible faucet for rinsing glasses and a stainless steel spittoon that drains directly into the winery's plumbing system.

Sebastiani has been more selective in the grapes he is buying, eliminating nearly half the tonnage his father had been accepting, signing exclusive contracts with more highly regarded vineyards, and insisting that some growers change their cultural practices if they want to continue to sell their grapes to him.

In step with what appears to be a growing consumer perception of wine as a beverage meant to be taken at meals, more of Sebastiani's promotion is geared to the marriage of wine and food. The winery also has taken over a spacious hall above the old Sebastiani Theater in downtown Sonoma and is converting it into a wine and food education center for banquets, classes, seminars, and so forth.

So what do all these changes portend for the consumer? The cheap, simple, generic Mountain wines, perhaps the most visible Sebastiani product on store shelves, probably will be eliminated within a couple of years. In effect, they are being replaced by

the August Sebastiani Country Wines, seven upgraded varietal wines that generally sell for $4.99 to $5.99 per 1.5-liter, cork-finished bottle, fast becoming the most popular line in the Sebastiani stable.

Not as many specialty wines may be released, although Sebastiani has accumulated an enviable track record over the past three years. Its low-calorie Light Country Wine was well-received and its first premium sparkling wine, the Sebastiani Brut Three-Star, was critically acclaimed. In recent months its "Eye of the Swan" Pinot Noir Blanc has eclipsed its Chenin Blanc and its Green Hungarian to become the winery's top individual seller.

More wines will carry specific vineyard appellations and more will originate with Sonoma Valley grapes. The first Sebastiani wine with a vineyard appellation is its 1982 Elizabeth Ann Muscat Canelli from Wildwood Vineyards, to be released May 1 and to retail for around $7. (Elizabeth Ann is the daughter born to Sam and Vicki Sebastiani last November; the family's private stock of the wine is adorned with a label that prominently features a teddy bear.)

The viticultural, technological and enological changes under way at Sebastiani will be reflected in vintage varietals and Proprietor's Reserve wines of more complexity, finesse, elegance and subtlety. Sebastiani is particularly excited about the 1980 "Black Beauty" Zinfandel to be released late this year, a spicy, mouth-filling wine rich with varietal character; and the 1980 "Eagle" Cabernet Sauvignon, also to be released late this year, a wine of unusual depth, complexity and layered substance, with an aroma so tingly and peppery it may be jalapeno instead of the customary bell. The Zinfandel is expected to sell for around $10, the Cabernet for $15 to $17.

In appraising the winemaking styles of the two men, Sam Sebastiani indicates that his father was a traditionalist, blissfully content to whistle a simple but pleasant little tune in the vineyards. In contrast, he pictures himself more an orchestra conductor, working with much of the same music, but adding several instruments and concentrating more on nuance, complexity and a balanced if restrained intensity.

"My father's wines were direct wines. He wasn't trying to get a symphony going; they just went 'bonk!' He had a good beat, but there were no high notes; now we're concentrating on the high notes. We want fruit and oak in synch. We're getting into nuances in the wine that never existed before," said Sebastiani.

On the day he died, August Sebastiani urged his son "to always make wines that Sonoma County can be proud of."

And if he were to reappear today and walk into Sam's office, what would be his reaction?

"He'd say, 'It's tough, but you're doing it.' "●

PROTECTING THE RIGHTS OF THE HANDICAPPED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MILLER of California. Mr. Speaker, it is relatively easy—and all too common—to find convenient scapegoats for society's ills. Among the easiest targets are the mentally and physically handicapped.

Such a situation may well be developing in the dramatic shift in administration policy toward laws designed to protect the rights of the handicapped to a decent education and to guarantee their access to many buildings and public conveyances.

George F. Will has rightly castigated the nasty premise that a person's rights and benefits should be determined by that person's social utility.

Realizing that Mr. Will is not noted for an excessively liberal bent of mind, I commend his column to my colleagues. He has authored a concise and convincing conservative analysis of the destructive impulse by the Reagan administration to exclude the handicapped from full inclusion in American society:

[From the Washington Post, June 22, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register. Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers. Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive through that a "key reason" why acacemic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups," such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handicapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now, just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practive creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce:

Although we conservatives believe government has been irrationally intrusive, we nevertheless know these are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, action in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows a subtlety in its conservatism.●

SALUTE TO BLENHEIM BOTTLING CO.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. TALLON. Mr. Speaker, I have the pleasure and pride to have in my

district the Blenheim Bottling Co. With a staff of five, the Blenheim Bottling Co. is the smallest soft drink company in America, but they produce the best soft drink or soda, as we call it back home, in the world. Most people who live in the Sixth District grew up drinking the ale that brings tears to your eyes, but the rest of the country is just now catching on.

Just this past Sunday, the Blenheim Bottling Co., was featured on Charles Kuralt's "On The Road," and earlier this year, "PM Magazine," sampled the ale and shared the story with its audiences nationally.

I would like to take this opportunity to salute the Blenheim Bottling Co., its owners and the people who help to produce this very fine soft drink. The company is owned and operated by brothers Ed and Ron Dennis in a small town that shares its name. The town of Blenheim has a population of less than 100. At the Blenheim Bottling Co., they produce a variety of soft drinks, but they are most famous for Blenheim Ale. It is, ladies and gentlemen, ginger ale like you have never tasted before. Ed Dennis says they make ginger ale the old-fashioned way—they burn you. He is not joking either. I have been drinking Blenheim Ale all of my life and it never fails to open up my sinus, tickle my throat, or almost strangle me with its kick. Once you get past the initial sip, you are hooked and you will never drink those other brands of ginger ale again.

I know the Dennis brothers would not want me to share their secret recipe, so they did not give it to me. I can tell you though that Blenheim Ale is bottled with mineral water found in a spring just behind the plant. The water is naturally pure, so a lot of people think the ale just might have some medicinal value.

The Blenheim Bottling Co. started production, quite coincidentally, the same year as Canada Dry. Over the past 8 years, business at the Blenheim Bottling Co. has tripled. The word has gotten around and they have developed a loyal following, shipping the hot ale as far away as Alaska, California, Texas, New York, Florida, and Pennsylvania. The Blenheim Co. produces less than 200 cases of ale per day, they do not spend much on advertising, but the word has certainly gotten around about their product.

I would like to commend the Blenheim Bottling Co. for producing America's strongest and tastiest soda and for bringing so much good publicity to South Carolina's Sixth Congressional District.●

NEW MISS NORTH CAROLINA IS NORTH WILKESBORO GIRL

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. NEAL. Mr. Speaker, we in the Fifth District are proud to report that the State of North Carolina will be represented in the Miss America Pageant this year by Deneen Graham, a very talented and beautiful young lady from North Wilkesboro. Miss Graham is a junior at the prestigious North Carolina School of the Arts, and will surely be as impressive to Miss America judges and the national viewing audience as she has been to local and statewide judges.

I would like to share with my colleagues an article from the Winston-Salem Journal which discusses Miss Graham and her victory.

The article follows:

NEW MISS NORTH CAROLINA IS NORTH WILKESBORO GIRL

RALEIGH.—Miss Elkin Valley, Deneen Graham, who performed a jazz routine to "Sing, Sing, Sing," was crowned the 1983 Miss North Carolina last night. She is the first black to ever win the title.

Miss Graham, 19, of North Wilkesboro and a junior at the N.C. School of the Arts, choreographed her dance. She wore a black evening gown in that part of the competition and later a blue and white swimsuit.

She will receive a $4,000 scholarship, $2,000 cash, a fur coat and several wardrobes. She will represent North Carolina in the Miss America pageant in Atlantic City, N.J., in September.

The first runner-up was Miss Morganton, Patricia Kim Cozort, 23, who won a $1,750 scholarship. Miss Cozort, who performed "Lucy's Aria" from the "Telephone," an opera by Giancaro Menotti, is from Drexel. She is an Appalachian State University graduate working on a master's degree in music from the University of North Carolina at Greensboro.

Second runner-up and winner of a $1,200 scholarship was Karan Chavis, 19, a junior at the University of North Carolina at Chapel Hill, representing the Greater Greensboro area. She sang a jazz version of "From This Moment On" in the talent segment.

Patrician O'Quinn, Miss Goldsboro, was third runner-up and winner of a $1,000 scholarship. Miss Johnston County, Vicki Lynne Tharrington, 20, of Smithfield, was fourth runner-up and received an $800 scholarship. The East Carolina University junior performed a jazz dance to the song "Dance."

Miss Franklin County, Martha Rose Butler, won the most talented non-finalist award and received a $400 scholarship.

The other finalists who received the most points from a five-judge panel in this week's preliminary competition were: Margaret Elizabeth Griffin of Asheville, Miss Martin County; Mary Ellen Wiggins of Stedman, Miss Fayetteville; Patsy Jeanette Wright of Columbus County, Miss Columbus County; Monica Michelle Malpass of High Point, Miss Thomasville; and Teresa Lee Strawser of Hickory, Miss Hickory.●

WATER RESOURCES AND THE CITIES

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. EDGAR. Mr. Speaker, I would like to take this opportunity to commend to my colleagues testimony which was given today by Salt Lake City Mayor Ted Wilson on behalf of the U.S. Conference of Mayors. Mayor Wilson's testimony briefly presents the views of the Nation's mayors on a variety of issues concerning water resources. Mayor Wilson is chairman of the conference's committee on energy and environment.

For obvious reasons, the mayor's testimony focuses primarily on urban water issues. In a conversation in my office today, Mayor Wilson and I discussed his longstanding interest in water policy and touched on the important policy issues outlined in his testimony. The Conference of Mayors firmly believes that the Army Corps of Engineers "should be poised to help cities with their water problems in a vigorous way," and hopes that this commitment to urban water problems will be reflected in water policy legislation now making its way through Congress.

Urban flood control problems, which have been exacerbated by congressional inaction on water policy legislation, have become especially critical this year in Salt Lake City and other Western cities. Another important issue is urban water supply, a victim of our Nation's inattention to deteriorating public infrastructure. The Conference of Mayors supports legislation—H.R. 1644—introduced by myself and Representative CONTE and cosponsored by nearly 30 of our colleagues which would provide loans for water supply rehabilitation and conservation projects for existing water supply systems throughout the country.

I am pleased to submit, for the RECORD, Mayor Ted Wilson's testimony and commend it to my colleagues:

STATEMENT OF HON. TED WILSON, MAYOR OF SALT LAKE CITY ON BEHALF OF THE U.S. CONFERENCE OF MAYORS ON WATER RESOURCES AND THE CITIES

Mr. Chairman and members of the Subcommittee, I am Ted Wilson, Mayor of Salt Lake City. I am here this morning on behalf of the U.S. Conference of Mayors, which is composed of the nation's principal cities. Within the Conference, I serve as a Trustee and as Chairman of the Committee on Energy and Environment.

Urban water policy has been one of my chief preoccupations in my two terms as Mayor. In 1977, I was active in working with the federal government to relieve some of the impacts of the drought which afflicted many of our cities. Following that, I was pleased to serve, along with Mayor Ed Koch of New York City, on the President's Inter-

governmental Water Task Force. And of course, I have spent a good part of this year preparing for, and dealing with, the aftermaths of floods in Salt Lake City and the surrounding areas.

With the permission of the Subcommittee I would like to take a moment to say that I am extremely proud of the job we did in Salt Lake City in recent weeks. All elements in our city—citizens, school kids, all government agencies, and business—pitched in to help with the preparations and emergency work designed to save lives and property. Given the heavy snowfall all winter we had every reason to believe that the situation we ultimately faced would occur and to the maximum extent possible we undertook the planning and physical work necessary to properly manage a crisis that threatened to be a disaster of awful proportions.

Water policy will often be the victim of circumstances beyond control. We learned that in Salt Lake City this spring. But though we must take into account the extremes of nature in our overall policy, the proper planning, management, and financing of our water infrastructure can make a difference. That will require a new intergovernmental commitment, partnership and resources to improve our urban water supply and flood control capability.

The U.S. Conference of Mayors commends this Subcommittee for going forward with an urban water hearing this morning. Hopefully, this is just the first step towards enacting legislation this year to begin to deal with this need.

TOWARD AN URBAN WATER RESOURCE AND FLOOD CONTROL POLICY

Now is the time to deal with urban water resource and flood control needs. In the absence of a separate approach targeted to the overall problem of urban infrastructure, we believe it is appropriate to develop an urban water policy and program within an omnibus water resources legislative package.

Regrettably, Congress has been unable to enact omnibus water legislation since 1976. The backlog of much needed projects and resources is well known to this subcommittee. Our purpose this morning is to focus on the outline of elements which such legislation should contain it if is to be relevant to the broad and diverse needs of the nation's cities.

The Army Corps of Engineers Mandate.—The Army Corps of Engineers, by virtue of its technical expertise and experience, should be poised to help cities with their water problems in a vigorous way. But it is not. We believe this is the case because Congress has not provided the Corps with the legislative mandate to do so. Omnibus water legislation should affirmatively state the national interest in urban water supply and flood control problems and direct the Corps to get energetically involved in this area.

Reimbursement for Locally Initiated Work.—Cities could begin work on water supply and flood control problems now if there was a possibility for partial reimbursement at some later point by the Corps if projects met certain criteria. This authority was included in the 1976 legislation but expired approximately one year after enactment. Such authority should become a key part of any new omnibus legislation.

Planning.—Cities also believe that the planning program under existing Corps authority should be permitted to continue. While planning benefits are nullified unless followed by effective program implementation, planning funds have, and will help to ensure, a level of quality in the expenditures ultimately made.

Cost Sharing.—As a matter of principle, Mayors can support the concept of cost-sharing for water projects. Cities have benefitted from a wide variety of targeted federal efforts in the areas of transportation, housing, community and economic development and environmental quality; many of those have had State and local matching shares. A cost sharing approach is reasonable, so long as lands, easements and rights-of-way are taken into account in calculating the local share.

Federal Water Bank.—Mr. Chairman, the points I have just discussed are important, but of secondary importance compared to the heart of the recommendation we bring to you this morning. As an outgrowth of my work on the Intergovernmental Water Policy Task Force, the U.S. Conference of Mayors has adopted policy calling for the establishment of a Federal Water Bank to provide a dedicated source of capital for the financing of urban water system improvement and expansion and flood control. Such a program could be run by the Army Corps of Engineers, and be available to municipalities in the form of low-interest loans, with a local share required, and for projects based on sound planning. We believe such an urban water bank could be the catalyst which could bring about the rejuvenation of urban water systems in this nation. With a new urban mandate for the Corps, and a financing tool such as the Federal Water Bank, a new period of rehabilitation, and restructuring could occur for the nation's urban water systems.

Conclusion.—Mr. Chairman, on behalf of the U.S. Conference of Mayors, I want to thank you for the opportunity to present our views to the Subcommittee this morning. We have an excellent opportunity to make a real difference to the nation's water supply this year and the Conference pledges its best efforts to work with you towards that end.

I would be pleased to take any questions the Subcommittee might have.●

CATHOLIC GROUPS BELIEVE MX OPPOSED TO SOCIAL JUSTICE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. VENTO. Mr. Speaker, one of the major issues still to be faced in this session of Congress is the question of the MX missile. Members will have to decide whether they believe that the MX should become part of our national security system. In making that decision, we must remember that national security is not an end in itself but rather serves to protect our society and to maintain the values of our society. One of my reasons for opposing the MX is that this weapon clearly does violence to these values.

One of our major groups dedicated to the maintenance of the values of our Nation is Network, a Catholic organization dedicated to social justice in the same tradition as the brave church in Poland. They are known for their careful analysis of social issues. I believe Members should study the Network position on the MX with the greatest care. The MX issue is one on which Members should vote according to their conscience and not because of some supposed need for sole loyalty to an administration. Thus, at this time I would like to bring to my colleagues' attention the Network position on MX.

NETWORK OPPOSES MX

Network, a Catholic social justice lobby, has historically opposed any legislation or weapons systems that would encourage the escalation of nuclear arms globally. Network opposes the MX missile system as a dangerous escalation of the nuclear arms race because of its first strike capability.

The existence of the MX challenges the Church's teaching on disarmament. Possessing a weapon system with a first strike capability constitutes an abandonment of the already morally ambiguous U.S. policy of maintaining nuclear weapons only as deterrents.

By opposing the MX, Network is helping to prevent the needless spending of billions of dollars, which could be used more constructively to achieve national security by improving U.S. citizens' quality of life. The cost factor alone infringes on the rights of the poor to the surfeit of resources in our land. The diversion of funds to this questionable weapon system channels funds, natural resources, and human talent away from important domestic priorities such as housing, food, education, energy, and job retraining.

Network rejects the MX as furthering the race for nuclear weapons superiority. Network seeks legislative solutions that increase the probability of stopping the arms race and of beginning peaceful negotiations between the two superpowers.●

THE FEDERAL ROLE IN EDUCATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MILLER of California. Mr. Speaker, during the past several weeks few issues have captured the Nation's attention and concern as much as education. Beginning with the release last month of the National Commission on Excellence in Education's study "A Nation at Risk," the ongoing debate regarding the quality of America's educational system has escalated to the national level.

After quickly examining poll data, President Reagan decided to launch a nationwide campaign to demonstrate his concern for education. But he has come to class unprepared. The President's last minute cramming on education issues has been reflected in the inaccuracy of his remarks.

I would like to call to the attention of the Members of the House a recent column from the Washington Post which succinctly summarizes a few of the misconceptions and inaccuracies

the President has articulated during recent stump speeches on education.

The article follows:

IN EDUCATION, FEDERAL DOLLARS CAN HELP

(By Phyllis McClure)

President Reagan's comments on education are a perfect example of the failure of America's schools. He commits logical fallacies, makes assertions without supporting facts and cites examples that do not support his point. Were his teachers still at their blackboards today, they would be ineligible for merit pay.

At his press conference and his graduation speech at Seton Hall University last month, the president posited this syllogism: Federal funds for education have increased. Test scores have declined. Ergo, the one must have caused the other. Twenty-five points off for this logical fallacy.

The declining test scored Reagan cites are those on the Scholastic Aptitude Test, the exam taken by college applicants. He conveniently ignores the rising scores of elementary students, notably black students, as measured by the National Assessment of Educational Progress. During the 1970s, black fourth-graders made substantial gains in reading and math, while their white classmates registered lower gains in reading and a decline in math scores. Black eighth-graders also showed a greater rate of improvement in reading and math than did their white counterparts. Overall, these achievement gains by black students had the positive effect of closing the gap between black students scores and the national average scores.

Many observers credit these results to the $3 billion annual federal investment in compensatory education (formerly Title I, now Chapter I), to the Right-to-Read effort and to state compensatory education programs. But we should not commit the same error of logic as the president, coming to the opposite conclusion: that large federal expenditures have increased test scores. There is no solid, empirical evidence directly linking cause and effect. However, there is some strongly suggestive evidence.

The strongest gains in achievement during the 1970s were in the lowest performance quartile, precisely the students for whom Title I funds are designated.

The National Assessment shows the greatest improvements in reading, rather than math and science, a reflection perhaps of the fact that most compensatory money has gone into remedial reading.

Rising test results have been reported by inner-city schools, the very ones to which Title I funds are targeted.

Evaluations showing Title I students outperforming non-Title I students independently corroborate findings of the National Assessment.

President Reagan is most critical of high schools. He then asserts that the old solution—money—has been tried but "it failed." Twenty-five points off for an unsupported assertion.

In fact, the greatest bulk of federal education funds goes to elementary and higher education. According to the Congressional Budget Office, 34 percent of federal education expenditures in fiscal year 1979 was directed to elementary students, 12 percent to secondary students and 54 percent to post-secondary students. If high schools are the weakest link in the education system, federal money is not to blame.

The president's solutions for the deficiencies of our educational system are more local control and greater parental responsibility. As an example of the first, he cited an Austin, Texas, high school that had been reformed by its principal, with assistance from a desegregation order and an infusion of federal Emergency School Aid Act money, a program that the administration and Congress eliminated two years ago. Minus 10 points for an example that contradicts the main argument.

As for parental responsibility, federal education law has done more than local policy to give some parents genuine control over their children's education. Title I legally sanctioned parent councils to advise school officials on the educational program for disadvantaged children. The Education for All Handicapped Children Act gives parents of disabled students the right to participate in, and contest if necessary, educational decisions made about their own children. For these parents, local responsibility has been a code word for no say at all.

Reagan's response to the rising clamor for educational excellence is prayer in public schools and tax subsidies for private schools. He has yet to explain how these federal policies will assist educators, parents and businessmen in reconstructing America's public schools to meet the current challenge. We do need a national debate about how to improve education and what role the federal government might play. But let that debate be based on facts, not myths and distortions.●

PEPPY EDITOR PRINTS THE POSITIVE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, Members of the House will certainly take interest in the recognition Mrs. Marguerite Campbell received in the April-May issue of Modern Maturity magazine.

Mrs. Campbell, a resident of Mariposa, in my congressional district, is the spirit behind the Mariposa Gazette, California's oldest continuously published weekly paper.

Mrs. Campbell, a 70-year old grandmother, is no stranger to the newspaper business. She has been involved in the publication of the Gazette since 1919, when her family purchased the paper. At 19, Mrs. Campbell was editor of a small paper in nearby Le Grand, and was said to be the youngest woman editor in the State.

Now, as owner-editor, she uses the Gazette as a voice for the people to push for community improvements, better roads and better schools. At present, the newspaper is embroiled in a fight to have a State-owned gem collection transferred from San Francisco to Mariposa. With the acquisition of the collection, she feels Mariposa may develop a college of mines, which would be a boost for the county's economy.

Mrs. Campbell and her family, who run the 5,000 circulation paper, take pride in keeping a personal tone in the Gazette. She welcomes contributions from everyone, and focuses the theme of the paper on local developments.

Marguerite Campbell has earned the respect of the residents of Mariposa through her years of dedication to her work and her community. Our colleagues, Mr. Speaker, will certainly join with me in saluting this great community leader.

At this point I would like to include a copy of the article in which Mrs. Campbell appeared.

The article follows:

[From the Modern Maturity magazine, April-May 1983]

PEPPY EDITOR PRINTS THE POSITIVE

(By Suzanne Larronde)

"I started to set type practically when I started to school," says Marguerite Campbell, chuckling.

More than 60 years later, Campbell, owner-editor of the Mariposa Gazette, which circulates through foothill towns of central California, is still setting type on occasion—and still dreaming of ways to help her community.

At present, the weekly newspaper owned by the 70-year-old grandmother is embroiled in a fight to have a state-owned mineral and gem collection transferred from San Francisco to Mariposa. "This could be wonderful," she explains. "If we could get that, we possibly could get a college of mines. This would be good for the economy of the county. This is my dream—the college."

For Campbell, using the Gazette to push for community improvements, such as better roads and schools, has been a family tradition. Three generations of her family have operated the 5,000-circulation paper, California's oldest continuously published weekly.

Founded in 1854, the Gazette has never missed an issue. Also, it is credited with publishing the first description of the beautiful and rugged Yosemite Valley.

Campbell was six when her parents bought the Gazette in 1919. As children, she and her brother Lowell and sister Kay grew up learning the business, cleaning out hell boxes and running the "snapper," an old hand press brought around the Horn of South America to San Francisco and then shipped to Mariposa by Wells Fargo Express in the early 1850s. She remembers nights when she'd sleep on stacks of newspapers while her parents closed out the week's edition.

At 19, she was editor of a small paper in nearby Le Grand and was said to be the youngest women editor in the state. Over the years, she learned every phase of the business, from typesetter to reporter to publisher.

In the minds of many, Campbell and the Gazette are one. "When you think of the Gazette, you just naturally associate it with Marguerite," says Darlene Rhodes, one of the town's 1,500 residents.

What's like being, so to speak, the voice of a community? Campbell replies, "It's nice to have the respect of the community. I respect people and they respect me."

What's the best part of the job? "I like people," she answers. "You are happy for them in their successes and you also cry for them in their troubles."

Some of Campbell's editorials have drawn angry and torrid reactions. "Oh, we have

some hot ones," she says. "We have a file of letters we could never print. We get some beauties."

Her older son, Dalmar, is publisher, his wife, Ruth, is managing editor. A daughter, Linda, works in composition and sales; and sister Kay, 65, still helps out. Some of Campbell's eight grandchildren do odds and ends.

For Linda, Dalmar and Campbell's other son, Dexter, the Gazette provided a valuable training ground in dealing with the public. All three worked their way through college by selling ads for the paper.

Five of the Gazette's correspondents are older people. Ann Costa, a great-grandmother well versed in the lore of nearby Bear Valley, has been a contributor for more than 50 years. Mary Tanner, in her 70s, has been supplying tidbits and news for three decades. She says, "Everybody wants to know what everybody else is doing, but I print only the good—no controversy. It's all positive."

In the march of modernization, Campbell hopes the paper will maintain its personal tone. If someone wants to submit a flowery, sentimental wedding announcement, for example, it's all right with her. "That's the advantage of being a small-town paper," she says. "We can put a little more of the personal touch into it. It makes us more individual. We can be ourselves and let people contribute as they feel."

Campbell works about one day a week, filling in as needed. "If we lose a printer, then I set type," she says with a smile. About reaching 70, the peppy editor says with gusto, "That's a status age; 70 is real neat."

As to the future of the Gazette? "It's my hope that the grandchildren will continue the tradition, but only to the extent they want to. They have to be happy in what they're doing."

She adds, "Putting out a newspaper is a lot of hard work. It's an all-consuming job, but once it gets in your blood . . ."●

CITY OF HOPE HOSPITAL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LIPINSKI. Mr. Speaker, I am honored today to call attention to an important medical and research facility. The City of Hope Hospital, in Duarte, Calif., has worked valiantly to reduce illness, suffering, and disease that plague our world. It has served its patients, its community, and its society in a manner that deserves to be recognized and praised.

The City of Hope's loving devotion to its patients, and its family orientated treatment has rendered it a model institution from which other hospitals can learn much. All patients, even those suffering from chronic ailments, are treated with dignity and personalized service. Furthermore, the City of Hope's tremendous commitment toward relieving pain and prolonging life has helped it earn the subtitle: "A Hospital With Soul."

The City of Hope has established itself in America as a leader among research facilities. Discoveries in the manufacture of human insulin, and diagnostic testing for hereditary diseases have improved the lives of millions. Today, research investigation continues in a diverse number of areas ranging from brain and nerve function to cancer immunotherapy. With our support, and continued efforts of doctors and researchers at the City of Hope, perhaps someday the diseases that plague America today will be eliminated from our society forever.

As an American, and a Member of Congress, I am proud of the City of Hope and the progress it has made in 70 years of existence. Through hard work, dedication, and the generosity of its contributors and staff, the City of Hope has increased in size from 2 small tents to the 49 building facility that today thrives in Duarte. Without sacrificing personal treatment, the City of Hope has grown up into a medical research and treatment facility that all can be proud of. I am confident that the City of Hope will continue to expand and improve its research efforts, and I wish it the best of luck in the many years to come.●

OPPOSITION TO MX MISSILE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I would like to share with my colleagues a statement to the U.S. Congress from the Americans for Democratic Action, an organization which is opposed to funding for the MX missile:

STATEMENT TO THE U.S. CONGRESS FROM AMERICANS FOR DEMOCRATIC ACTION IN OPPOSITION TO THE MX MISSILE

Following the July 4th recess the House of Representatives will resume consideration of the fiscal year 1984 Defense Authorization Bill. This will include a decision to authorize funds for the actual procurement of the MX ICBM. Americans for Democratic Action stands firmly opposed to any production of the MX, a multi-billion dollar weapon system with no acceptable military justification, and technical characteristics which may well render the U.S. less secure by increasing the likelihood of nuclear war.

The decision to deploy MX missiles in existing Minuteman silos is a grave error in judgment. The MX serves no logical nuclear deterrent function placed in a vulnerable basing mode. It thus serves no acceptable American military purpose. The MX, as the Administration has repeatedly and unequivocally stated, is not a bargaining chip. And it is not an acceptable part of any effort to "lead the Administration to arms control". Americans for Democratic Action urges Members of Congress to reassess the merits of the MX itself, and the effects MX procurement will have on the arms control process.●

IN DEFENSE OF CAPITALISM

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. TAYLOR. Mr. Speaker, Mr. Gerald J. Lynch, A consultant to the chairman of the board of Colt Industries, Inc., recently presented a most eloquent defense of capitalism, in a speech before the Economic Round Table of Los Angeles, Calif.

Mr. Lynch is highly qualified to defend the position he has taken. He is the founder of the Mensco Co., and a former vice president of the Ford Motor Co.

His remarks, which follow, have been condensed for inclusion in the RECORD.

The remarks follow:

IN DEFENSE OF CAPITALISM

This morning I would like to consider with you the philosophic basic of capitalism and its corollaries, the market system and the system of free enterprise; some of the ethical implications of capitalism; and the significance of world trade to the market system. Then I shall identify some of the current threats to and compromises with capitalism as I see them. Finally, I would offer some reflections on where I think capitalism is headed.

In his anaylsis of economy, Adam Smith concluded, in his "Wealth of Nations" some 200 years ago, that the common good could best be served by a system which induced each individual to pursue his own interest within the bounds of justice. The fundamental features of the system he advanced were free enterprise, a market economy, competition, non-intervention by the State and, most important of all, profits, which, Smith concluded, should be society's reward to the individual for his efficient management of the economic resources in his custody.

After his own analysis, Karl Marx concluded, 100 years later, that the common good could best be served by central planning, government ownership of the means of production and distribution, government assignment of economic priorities, and the allocation of rewards by the State on the basis of perceived need rather than of performance.

Adam Smith believed, notwithstanding its motivation—i.e., self-interest—that the efforts of all individuals pursuing their own economic goals and interacting together would assure the attainment of the common socio-economic goals. Marx, on the other hand, ascribed to man a nobler motivation than did Adam Smith and, in addition, credited the State with much wisdom and efficiency in managing the collective economic efforts of all.

I must emphasize that they did not differ in their goals, they differed only in their hypotheses with respect to the nature of man and their methods of encouraging, as the case of Adam Smith, or directing, as the case of Karl Marx, his economic behavior.

The record of performance of capitalism and state socialism are there for all to behold. Even the most vigorous proponents of state socialism would not deny the inescapable fact that in terms of wealth,

income, standards of living, opportunities and upward mobility, including the masses, capitalism has proven itself in practice to be by far the more effective system of achieving the common goal.

Capitalism has done more in the last 200 years to provide wealth and income and opportunities and upward mobility to more people than any other economic system known to man. During the last 200 years, capitalism revolutionized the world more than any other force. It provided the economic framework which made the industrial revolution possible. After 5,000 years of blundering, the world discovered how wealth could be produced and sustained in a systematic way.

With this record of performance, it seems almost ironical that there are pitifully few apologists for the capitalistic system as compared to critics of the system, and worse still, those who through ignorance or malice would hobble the effectiveness of the system.

For every Milton Friedman and Bill Buckley, there are probably 100 others on our college campuses who critique the system unsympathetically and others in the media who in their selection or interpretation of news, create in the public mind a distorted image of the system.

THE MARKET MECHANISM

The market system under capitalism provides a self-correcting mechanism of assuring the most efficient use of society's resources and with that the opportunity to make a profit or a loss. This system requires individuals and corporations under very awesome penalties to manage their affairs within the hard and brutal disciplines of a free market.

I believe that most of us would agree that the principal purpose of government is to establish and enforce the rules by which the game is played. And in saying this I am not unmindful of the unbelievable growth in size and complexity of our economy since the days of Adam Smith, when the largest factory in England employed no more than 20. However, as a noted philosopher once said, "A concept which is sound in principle, is sound in all of its applications."

We have discovered over a period of 200 years that in a market system things move; more breakthroughs are made; new groups rise to wealth. The market system assesses existing arrangements in order to invent others to offer new services to meet unmet needs, to discover better ways.

The market system under capitalism is not for the faint hearted. The players in the game must accept the rules of the market system. I don't know of an American business which wasn't founded at the risk of someone's personal fortune. Every industry has a long obituary column of companies which failed to make the grade. But from the successes and failures have come our gigantic industrial complexes and a resulting standard of living for the American people which is unparalleled in the history of the world.

THE "SAFETY NET"

This might be an appropriate time to discuss the "safety net" for those who through no fault of their own are the disadvantaged or unable to compete in the market system, which has been characterized by some as "Social Darwinism"—the survival of the fittest. In its administration of the market economy, the private sector does adapt to current social and cultural values. We have come a long way in the last 50 years. In the depth of the Great Depression, the Secretary of the Treasury, Andrew Mellon, said he "wanted the slump to cure itself. It would in time", he said, "it always did." He said he would "liquidate labor, liquidate stock, liquidate the farmer, liquidate real estate—people will work hard, live more moral lives, values will be adjusted and the more enterprising people will pick up the wrecks of less competent people." This response today would be considered positively antediluvian.

Most of the successful corporations today recognize that without surrendering the incentives inherent in capitalism, it is possible, nay, necessary in their own corporate interest to reconcile what appears to be competing obligations to their constituencies; i.e., shareholders, workers, communities, suppliers, and customers, obligations which at one time appeared on the surface to be irreconcilable with capitalism.

Most corporations know that the private sector does not have a divine right to provide for the economic needs of society; that the private sector exists at the sufferance of society; and that society is not only democratic and observant, but also pragmatic.

They recognize that the private sector must serve society because society holds the franchise on the free enterprise system, which is the essence of capitalism. As long as society believes that business serves it well, this franchise remains secure. But when the public perceives that it is not well served, this franchise is in danger and the whole free enterprise is in jeopardy.

They recognize that one of its major tests is the ability to provide for those who can and will work—knowing full well that a collapse of our infra-structure would precipitate what the private sector probably fears most, its only visible alternative—state socialism. However, when all else fails, the public sector must provide a "safety net" for those who are unable to compete in our market economy. This country has been extremely generous particularly during the last 20 years, in providing such a "safety net."

Let me at this stage merely pose several questions: (a) who should be included in the "safety net", what should be the criteria, and for how long? and (b) how much support can society ask from the public sector to sustain this "safety net" without reducing the effectiveness of the private sector to a point where it can no longer sustain the "safety net" let alone its own requirements?

WORLD TRADE

A word about world trade. Our market system cannot begin to attain its potential except in the context of a free exchange of goods and services with our trading partners in the world. Forty percent of our agricultural land and one out of every five new jobs are directly related to exports.

Two centuries ago Adam Smith and David Ricardo set forth the basic case for the free trade system—namely, that it is to the advantage of nations to specialize in the production of goods and services in which they are relatively more efficient and to import from other nations goods and services in which they are relatively inefficient. By adherence to this law of comparative advantage, they said, nations can attain higher levels of consumption and real income than they would acting in isolation. Comparative advantage between countries are moving targets which change over time. But one constant trend in the last 20 years has been the increase in economic inter-dependence among the nations of the world, largely because of the growth of international trade.

Thirty years ago, the major obstructions to world trade were tariff barriers which were imposed by countries at the port of entry of goods and services. These barriers have been progressively dismantled as a result of GATT, the General Agreement on Tariffs and Trade. Since World War II, tariffs have dropped from a range of 22 to 69% in the late 1930's to about 5%.

A number of countries have devised in recent years non-tariff barriers to promote exports and restrain imports. These non-tariff barriers are hard to identify and quantify, but are very subtle and effective.

THREATS AND COMPROMISES

Let me identify some of the threats and compromises which could impair the effectiveness of our economic system. At this time, I sense no organized ideological threat to the system in the United States. What I do sense are forces which, if not restrained, could make it less effective, such as (a) the increasing burden of taxation imposed on the private sector as if the yield of the private sector were inexhaustible and (b) constant tinkering by government with the system as if it were indestructible. This tinkering takes the form of (a) legislation which would attempt to correct the "inequities" of the system, (b) use of the government's power to tax to accomplish is own socio-economic goals, by indirection, and outside the market system, and (c) agitation for protectionism which would deny us and our trading partners the full benefits of participating in the world market economy.

TAX BURDEN

First let's address the tax burden levied on the private sector. The aggregate tax take of all government—federal, state and municipal—is now 37% of our gross national product, three-fourths of which is imposed by the federal government—and growing. Oversimplified, the private sector works for government from January 1 through April 20 of each year and thereafter works for itself.

Our government by definition is a non-producer. It creates no wealth. It creates none of the income it spends or distributes to the objects of its largess. In short, it sustains itself only by taxing the output of the private sector. I don't think we can ever measure precisely the loss of effort in the private sector as the total tax take is progressively increased. It probably differs as between individuals and as between corporations. I would just add this.

Any tax is a disincentive to produce—unless the tax can be passed on. In their investment, staffing, management and pricing decisions, individuals and corporations calculate their probable after-tax profits and include in their calculations tax as an element of cost. I don't think we need Economics 101 to conclude that any tax of any amount is some disincentive to produce—or for that matter to consume. In saying this, I am not unmindful that government performs services which benefit the private sector, such as national defense, public education, police and fire protection and maintenance of the "safety net." The question is at what point does the cost of government exceed its yield to society? I am not sure that on the basis of observation alone, each of you has made your own independent judgment on this matter, as have I.

SOCIAL PROGRAMS

Let's examine the largest single item in the federal budget—that of social programs.

During the last 20 years the federal government has made massive expenditures to support the social programs launched by Lyndon Johnson and the Congress in furtherance of the Great Society.

These expenditures have increased from $30 billion in 1961, not the dark ages by any means—to almost $450 billion in 1982. This amounts to approximately 12% of our GNP—a staggering load for the private sector to bear.

In retrospect, we have been overwhelmed by the moral attractions and doability of the Great Society; we have spent far too much for far too little and with little sensitivity to the impact of these expenditures on the private sector. And, in so doing we have seriously compromised our national defense and have made imperative massive increases in defense expenditures just to maintain defense parity.

During the last 15 years alone, we have spent three times as much on social programs as we have on national defense—the reverse of the ratio in the 50's and early 60's. We have added materially to the federal debt, and finally, and probably worst of all, we have created a mindset with the beneficiaries of these programs which will make it difficult, if not impossible, to reduce these programs in the near future.

It is no coincidence that during the same period of growth in productivity in the private sector decreased from 3% in 1960 to a negative growth rate by 1981; that the average growth rate during the 20-year period was only one quarter of that of Japan and one-half of that of West Germany and France; and, finally, that during the same period, our national savings rate which is the principal source of capital for our economy declined to 3% as compared to 15% in Japan.

However, it is comforting to note that not a single new social program has been suggested by anyone during the last three years—mute but convincing evidence that even the most rabid advocates of the Great Society are now convinced that "enough is enough."

TAXATION FOR NONTAX PURPOSES

Not only does government levy an aggregate tax, which in my view at least is confiscatory and adversely impacts the output of our economy, but in subtle ways uses its power to tax, to reward and penalize selected economic activities outside the market system. The Federal Tax Code, which was initially intended as a revenue raising device, has evolved into a 2,000 page document with tax rewards and penalties by which government encourages or discourages, as the case may be, selected economic activities which the free market system would not accept or try to accomplish.

These tax techniques, which have developed into an art form, constitute a very insidious compromise with our market system. In effect they constitute a species of central planning which if the full implications were apparent to us, we would reject out of hand as the first step in State Socialism.

ENTITLEMENTS

The majority of the social programs are classified as "entitlements." They occupy a privileged status which no other federal program enjoys. They are established by law until the law is repealed. Most are indexed for inflation. The programs specify criteria for qualification. People who meet these criteria automatically qualify for benefits and funds are automatically appropriated—not as a result of a considered judgment from time to time by the Congress on the basis of changing national priorities, the state of the economy, or what the country can afford.

The word "entitlement" has an unfortunate connection. It suggests to the beneficiary an absolute right to receive. I don't mean to demean public welfare, but if the payments made under these programs were truly identified on the checks as "public welfare" it is possible that some of the checks in payment would be indignantly returned.

Some assume that Social Security payments represent the payment of an annuity which has been purchased. This is not the case. During the last 30 years, benefits have been recklessly increased by Congress, without offset in taxes, well beyond the initial actuarial assumptions of the plan, with the result that the average retiree receives his contribution plus interest in a matter of months. After that, and insofar as the retiree is concerned, payments are funded by a tax on employers in the private sector and its active work force—at a current aggregate rate of 13.4% which rises next year to 14%.

The added cost to the employer must be included in the price of goods and services. This represents an added burden on the private sector in its efforts to compete in the world market with countries which have had the political discipline to fund their Social Security programs on a current basis.

This also raises the tantalizing question as to how long the producing employees of society will willingly accept the burden of sustaining the aged and the disadvantaged. Many employees know that their Social Security tax is not deductable for income tax purposes and that in fact it represents a significant reduction in income. On a salary, for example, of only $35,000 per year, an employee will pay in 1984 7% of $36,000, or $2,450 a year which, depending upon his deductions, could represent in pre-tax dollars an effective salary increase of $2,500 to $3,500—a 10% reduction. Payments to retirees are currently being funded by taxes on employers and employees. I have often thought of suggesting to the Social Security Administrator that he do his best to make clear to retirees the source of Social Security payments by including three boxes on each Social Security check, as follows: "Box A", the portion which has been funded by the Beneficiary; "Box B", the portion being funded by employers; and "Box C", the portion being funded by the active work force. I am sure that this would upset the Grey Panthers no end and possibly precipitate a revolt by the work force who are now required to redeem the promises of the secure life to the older generation.

OUTLOOK—UNITED STATES

Our greatest interest obviously rests in the outlooks for the free enterprise system in the United States. Here the outlook is not clear, principally because of our political processes which make it extremely difficult to come to grips with what ails us.

In his Inaugural Address, Ronald Reagan stressed as imperatives the reduction of inflation, reduction in the growth of Federal expenditures, tax reductions, a more restrictive role for the federal government, a restoration of incentives to save, invest and produce, stripping the government of its role in regulation in areas which could not survive a cost-benefit analysis, the surrender to the States of responsibilities which had been unwisely assumed by the federal government and, finally, the need of capturing for all America the benefits of our market system.

In his first year in office, Reagan, with support from the Congress, achieved some spectacular successes, viz., the largest tax decrease in history, indexing income taxes for inflation commencing in 1985 and the beginning of a massive defense buildup to achieve parity with the Soviet.

Now inflation, as measured by the producers' and consumer price indices, has been virtually nil for six months; short-term interest rates have been reduced by one-half; all leading economic indicators are up; and the country appears to be on the threshold of one of its greatest recoveries.

The country is now engaged in a great watershed debate as to the direction this country should take with respect to government expenditures, taxation and deficits—all of which clearly impact our system of free enterprise.

CONCLUSION

In my defense of capitalism this morning, I suspect that in some respects I have been "singing to the choir." Nonetheless, I do hope that I have encouraged you to elevate capitalism to the level of respect it has earned since its inception, and I have stimulated you to become more articulate spokesmen for the economic system to which this country has been committed for over two centuries and which has served it well.●

IN MEMORIAM: PHILLIP BURTON

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to share with all of you a beautiful poem written in honor of our late colleague, Phillip Burton, by Mr. Charles "Gus" Garrigus. Gus is not only a personal friend of mine and a constituent, but he is also the highly acclaimed poet laureate of the State of California.

IN MEMORIAM: PHILLIP BURTON

This is the requiem of the giant redwoods,
Great sky-crowned monarchs binding heaven to earth.
This is the tribute of the Queen Sierras,
Snow-crowned grandeur serving beauty's worth.
When valley mists roll down the wildland floors,
And eagles scream and soar past crags and peaks,
And lakes, like diamonds, sparkle in the sun,
Then shall we hear the wisdom Nature speaks.
The rushing rivers and the bowered brooks,
And all this wonderous wilderness enclave
Shall witness to the cause that Burton served,
Shall speak the heritage he worked to save.
No stone or plaque can tell the way he went.
These National Lands shall be his monument.●

EL SALVADOR PUBLIC FORUM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MILLER of California. Mr. Speaker, on June 11, 1983, I joined with concerned citizens and a distinguished panel in my district to hear testimony from expert witnesses about the situation in El Salvador. Several hundred people attended this event, which was sponsored by the Contra Costa Coalition Against Intervention in El Salvador. I believe that this attests to the growing public concern about our deepening involvement in El Salvador and in all of Central America. It also attests to public skepticism that the current militaristic course of our policy can succeed.

I would like to share with my colleagues a resolution on El Salvador prepared in conjunction with the public forum. The statement, signed by church and local officials, and educators, calls for a broad-based political solution to Central America's turmoil, one that will end the suffering of the peoples of the region.

RESOLUTION ON EL SALVADOR

As individuals and organizations throughout Contra Costa County, we join together in common concern over the growing human suffering in El Salvador and the failure of U.S. policy to pursue wholehearted efforts for a just and lasting peace.

As U.S. citizens we are deeply concerned with the role of our government in this suffering and with the present administration's failure to recognize the human and political nature of the problems in El Salvador. By insisting that the turmoil in Central America is caused by communist-inspired outside interference, the administration has failed to produce a coherent policy which addresses the real nature and underlying cause of the conflict and violence in Central America. In its attempts to impose a military solution on the situation in Central America, this administration violates the ideals and basic values of the people of our nation.

Furthermore, the best interests of our people are being jeopardized by the drain on the economy which is occurring as badly needed funds are diverted to military use in Central America. Tax monies used to support the oppressive, brutal regime in El Salvador should—indeed, must—be made available to develop jobs and provide basic human services here in Contra Costa County and throughout the U.S.

Therefore, to avert the tragedy of continuing and escalating warfare in Central America and the tragic consequences of such warfare on the lives of U.S. citizens, we call upon our government to do the following:

1. Stop all further military aid to and intervention in El Salvador, Honduras and Guatemala.

2. Demand that the Salvadoran government respect the basic human rights of its citizens by making a concerted and significant effort to comply with internationally recognized human rights.

3. Vigorously support proposals calling for unconditional talks leading to a negotiated political solution between all parties involved in the conflict in El Salvador.

4. Stop all activity aimed at the destabilization and overthrow of the government of Nicaragua.

5. Grant temporary political asylum to Central American refugees pending a resolution of the conflict there.

To further the purpose of this hearing, we the undersigned resolve to alert the American public to the dangers of a foreign policy based on a military rather than a broad-based political solution to the tragic conflict in Central America.

FATHER GEORGE CRESPIN,
Chancellor, Oakland Diocese.
NANCY FAHDEN,
Supervisor, Contra Costa County.
JERRY FILLINGIM,
Delegate, Contra Costa Labor Council.
RICHARD WALKER,
Professor of Geography, University of California.
GEORGE MILLER,
Member of Congress, Seventh District.●

RHODE ISLAND—A BEAUTIFUL STATE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ST GERMAIN. Mr. Speaker, I wish to say a few brief words about an article that appeared in the June 28 edition of the Wall Street Journal, a publication that usually provides accurate, to-the-point news stories of interest to the business community. The front page article—written by a journalist who has not done his homework—paints a grossly inaccurate picture of my home State, Rhode Island.

Though it is not my custom to speak out on such matters, I find it necessary in this case. How a piece that smacks of little or no research would appear anywhere in such a publication as the Journal, let alone the front page, puzzles me. The author, whose credentials that make him an expert in analyzing an entire State are never established, takes several barbs at the biggest little State in the Union that are for the most part misleading.

It is not my intention to address any of the unfounded claims and inaccuracies contained in the article here, Mr. Speaker. I merely wish to point out that Rhode Island is a beautiful State that has something to offer to everyone—breathtaking beaches, old world and new world neighborhoods, industries to provide jobs, entertainment, you name it. Whichever way you experience the Ocean State, Rhode Island is diverse, and yes, small, and as time will tell, beloved by too many to let a journalist with an ax to grind do any damage.

Rhode Island is my home and I would not have it any other way.●

OPPOSE THE MX

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LEVINE of California. Mr. Speaker, after the July 4 recess the House will again consider the fate of the MX missile. I have spoken out numerous times in the past against funding the MX. My reasons include the following: It will not increase our national security; it will destabilize the current balance of power between the Soviet Union and the United States; and it would needlessly contribute to our ever-growing budget deficit.

This deficit is the single factor responsible for the curtailment of needed programs for the elderly, children, the unemployed and those in need of health care. The Gray Panthers recently issued a statement opposing the MX. It recommended how better to use the over $20 billion the MX will cost. I believe my colleagues will benefit from the views of the Gray Panthers, which I would like recorded in the RECORD at this point:

STATEMENT FROM THE GRAY PANTHERS TO THE U.S. CONGRESS IN OPPOSITION TO THE MX MISSILE

The MX missile is among the most costly and dangerous of the first strike nuclear weapons in the Reagan administration's military program. Even the Reagan administration's own arms control negotiator, Paul Nitze, has stated that basing these weapons in Minuteman silos is "a threatening but vulnerable U.S. first strike counterforce capability" which "would increase crisis instability."

This twenty billion dollar, ten-headed nuclear monster is transparently part of what the administration itself has described as its plan for "prevailing" in a nuclear war with the Soviet Union. Instead of funding this suicidal illusion, Congress should be fully funding Medicare, Medicaid and other social programs. Instead of aggravating the problem of unemployment by funding the military build-up, Congress should fund programs for creating socially useful jobs in education, health, and the like. The Gray Panthers will continue to work vigorously against the MX missile, for a nuclear weapons freeze and for jobs with peace.●

W. L. TOBIAS RETIRES FROM McCOMB PUBLIC SCHOOL DISTRICT

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, Mr. W. L. Tobias, Sr., assistant superintendent of the McComb Public School District for 15 years, is retiring after providing the school system with a total of 31 years of loyal and dedicated service.

Mr. Tobias joined the school's administration in 1962. He served as principal of a local high school during the turbulent period of integration. With his professionalism, his composure, and his full understanding of all situations, he handled himself in a manner that earned him the utmost respect of his colleagues, students, and the entire community. He was a great educator and administrator. His presence will be greatly missed. I am sure my colleagues join me in extending my best wishes to him.●

SOVIETS USE CHEMICALS TO WAGE WAR

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. NEAL. Mr. Speaker, claims that the Soviets have used toxic chemicals against Southeast Asians and Afgan freedom fighters have been largely ignored by the world community and this body. Mounting evidence from independent sources, however, tend to confirm those charges. An article that appeared in the June 26, 1983, issue of Parade magazine entitled "How the Soviets Use Chemicals to Wage War," contains the most complete and damning indictment of the Soviet Union on the use of toxic chemicals that I have seen in the popular print. I am not in a position to know whether the article is accurate, but it raises some profoundly disturbing questions. Mr. Speaker, it is time to get to the bottom of this situation. I am inserting the article into the CONGRESSIONAL RECORD in order that my colleagues may consider these serious charges. The article follows:

[From Parade magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

The Phu Bia Mountains of Laos are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood spouting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack, Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 million Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremors and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it, but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, Parade spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt; if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German "Textbook of Military Chemistry."

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in

combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air or in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribespeople and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. capabilities in chemical-biological weaponry reveals frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000, compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southeast Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration, U.S. armor is woefully unprotected.

A massive Soviet surprise attack on NATO could render our forces defenseless. The Soviets have the ability to spend chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 percent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping cannisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Laos who described these effects to Parade.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960s. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical expert, "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam's People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

In Cuba, Soviet instructors described the effects of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book "Yellow Rain," says: "why are the Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison strategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine."

Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returned from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at Ban Vinai refugee camp on the Mekong River in Thailand, PARADE spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct distruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starving, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."●

TESTIMONY OF CONGRESSMAN ROY DYSON ON H.R. 656, FEDERAL EMPLOYEE HEALTH BENEFITS REFORM ACT OF 1983, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DYSON. Mr. Speaker, I was asked to testify before the Subcommittee on Compensation and Employee Benefits and include my testimony in the Record:

TESTIMONY OF CONGRESSMAN ROY DYSON ON H.R. 656, FEDERAL EMPLOYEE HEALTH BENEFITS REFORM ACT OF 1983, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS

Madam Chairwoman, I appreciate the opportunity to testify before the Subcommittee on Compensation and Employee Benefits in support of H.R. 656, the "Federal Employees Health Benefits Reform Act of 1983." As you know, I am a co-sponsor of this legislation, and I strongly believe it will remedy many of the existing inefficiencies and inequities of the Federal Employees

Health Benefits Program. I address you today, however, not merely as a co-sponsor, but as a Representative whose constituents are deeply concerned over the recent policies and practices of the Office of Personnel Management.

During the last two years, as we know, benefits have been reduced by 12 percent, while premiums have increased at a rate of 56 percent. In an effort to "contain rising health costs", the Administration has simply imposed additional burdens on the federal employees enrolled in FEHB plans. One estimate of these additional costs runs as high as $500 per "average" employee. Most of the lost value in health benefits incurred by federal employees has resulted as much from the Office of Personnel Management's abject disregard for the well-being of its employees as from the uncontrolled increase in health care costs as a general service.

As I reviewed the record of last year's hearings, and especially the fascinating defense of OPM's actions by its director, Dr. Donald Devine, I was struck by the many contradictory and contorted assumptions underlying the Administration's handling of the FEHB program.

For example, it is clear that Dr. Devine assumes that preserving the financial health of the FEHBP requires sacrificing the physical and mental health of federal employees. Dr. Devine, it seems, was astonished to have discovered that the system was facing a potential $500 million "shortfall" in funding for the 1982 fiscal year. Despite the fact that conventional sources of funding were readily available to cover any unexpected costs, Dr. Devine refused to avail himself of these sources because he considered continued discretionary funding to violate his sense of "good business practices". Instead, his alleged "good business practice" led him to precipitate a crisis which we are today having to set right. While Dr. Devine's business judgement is very much in doubt, it is clear, and I am confident, that H.R. 656 can restore the program's financial integrity and fulfill our obligation to federal employees.

H.R. 656 increases the government's contribution rate to 75 percent of the premium costs for plans sponsored by the "Big Six", the largest of the more than 100 plans approved for inclusion in the FEHB program. If individuals enroll in plans which are substantially less expensive, the Government contribution can provide up to 100 percent of the premium costs.

By offering an additional 5 percent contribution to carriers of plans providing health care to annuitants over the age 65, whose medical needs are not also covered by Medicare, H.R. 656 reverses the tendency in FEHB plans to neglect the needs of the most vulnerable retirees. It permits employees involuntarily separated from their jobs to enroll in FEHB plans during their first year of unemployment, thus aiding the effort to protect the health of those without steady income. And it sets broad guidelines for minimum coverage, such as dental and mental health care, which all plans must now provide. This is in addition to the minimum "catastrophic coverage" which all plans must offer.

There are, of course, other critically important provisions contained in H.R. 656, such as the requirement that a three-week open season precede any contract period when changes in premiums or benefits have been made, when new plans have been approved, or when existing plans are terminated. And OPM will in future be prohibited from forcing carriers to reduce benefits by more than 5 percent, which should put a halt to the recent precipitous decline in the value of benefits.

In short, H.R. 656 stands on its own as a highly desirable and effective remedy to the crisis in FEHBP precipitated by Dr. Devine. But when compared with Dr. Devine's own proposed "reforms", the virtue of H.R. 656 takes on an even more brilliant luster.

The horrific record of neglect which Dr. Devine has compiled during the past two years can be eclipsed only by the probable consequences of his agenda for the years to come. He has finally unveiled a plan that has been floating around OPM for the last several months, and which, up to now, political expendiency has prevented from being formally introduced. It seems that his answer to the mess he has created is to sweep the whole program away with the so-called voucher system.

This system, which he has designed to remove the government from the role of "middleman" on the arrangement between employees and medical program carriers, is being promoted as a blow against rising health care costs. But as his actions make clear, he is less concerned about containing health care costs per-se than about reducing OPM's contribution to the health care costs of its employees. The voucher system will do this in a number of ways, but most disasterously by limiting the yearly increases in the value of the public contribution to increases in the consumer price index or some other general measure of inflation. Since medical care costs rise, as we all know, many times faster than most other services, employees will be able to purchase less and less coverage each year. The value of their benefits will plummet, and conceivably, under Dr. Devine's management, workers would be unable to afford the price of aspirin, let alone adequate medical care.

For these and a host of other reasons, H.R. 656 is a necessary and desirable reform. In closing, I will only add that many argue for these reforms on the grounds that without them, the U.S. Government cannot expect to attract highly qualified employees. It will suffer from a drain of competent staff, lost mostly to private concerns offering better health benefits. However true this point, there are also broader issues that trouble me. The Federal Government has promoted, for the last hundred years, the dynamic partnership between labor and management that has made our industrial democracy a model for the world to emulate. At no time since the Depression of 1930 has this partnership been more troubled than at this moment. Abrupt plant closings, unrewarded employee give-backs, and unilateral wage reductions must give way to a reaffirmed harmony of interests. Can we, as the nation's largest employer, expect to encourage the private sector to recommit itself to the guiding principles of an industrial democracy if we ourselves deny our responsibilities to our own employees? If our civil servants are to fulfill with skill and devotion their obligations to the career service. Can we, in good faith, mediate labor-management disputes and assist in negotiating settlements, if we continue to neglect our own obligations to deserving workers?

I think not, and I believe you and this subcommittee share my convictions.●

REPEAL OF THE ESTATE AND GIFT TAXES

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, today, I along with my colleague, Mr. Bryant, am introducing a bill which would repeal the sections of the Internal Revenue Code of 1954, pertaining to the Federal estate and gift taxes, along with the upcoming generation-skipping tax. This is a two-tier bill, because while it would repeal the Federal estate and gift taxes, it would also offset the revenue losses incurred by reducing the amount of a tax credit a corporation receives for investing in new equipment. This legislation is not merely giving away one thing and taking back another, but rather is an attempt to create a more equitable tax balance between citizen and corporation.

The original purpose of the estate and gift taxes was to check the vast amounts of wealth which were being passed from generation to generation within individual families. While the concept was just, it is no longer apparent today. Today, those in the upper income brackets have found ways to avoid the taxes. As A. James Casner, of the Harvard Law School, stated in front of the Ways and Means Committee in 1976:

> In fact, we haven't got an estate tax; what we have, you pay if you want to; if you don't want to, you don't have to.

To the contrary, however, those in the middle income brackets, those involved in family businesses and farms, are being hit hard by the tax. Upon grieving the loss of the family member who held the business, many families are forced to sell out in order to pay the taxes. Thus, for many whose dream was to pass along their years of hard work to the next generation, they have found that such a dream will not be possible.

While the Economic Recovery Tax Act of 1981 made many liberalizing revisions in the Federal estate and gift tax rules, we do not believe it went far enough. This is an antiquated, inequitable, and unproductive tax. We do not believe that these taxes check the flow of vast sums of wealth as they were once envisioned. Rather, we see this tax as a burden on the middle class, small business, family farms, and the communities which they support.

When one is forced to sell a business or farm after the death of a relative, more times than not, those holdings are bought up either by large corporations or agribusinesses. This not only affects the family, but also the well-being of the surrounding community. More often than not, when businesses

are bought up, they are bought by outside interests, thus taking away from the community in terms of its own economic well-being.

Thus, we believe the estate and gift taxes to be unrealistic as to their original goals and unfair to a majority of American people.

On the other hand, we see the recent alterations in the accelerated cost recovery system from the changes of ERTA, coupled with the investment tax credit as a gross violation in the name of fair taxation. Given the investment tax credit at 10 percent, an incentive, a capital intensive corporation is virtually subsidized to buy a piece of equipment. with the revisions of the ACRS, the cost of the equipment can be deducted over a period of a few years, as to create the following scenario. If you buy a piece of equipment at $10,000, you can immediately receive a tax credit of $1,000 from the investment tax credit. Within a period of 3 to 5 years, you can deduct 95 percent of the cost of the equipment. While these breaks were implemented to increase and stimulate investment, many economic observers believe that this is the wrong kind of investment, which will not improve our economy. We agree with this assessment. With the alterations in the ACRS, the investment tax credit institutes an unfair government subsidy of big corporations, hurting competition and leading investment away from economically sound proposals, and instead toward short-term tax free investments.

By repealing the Federal estate and gift taxes, we will no longer be threatening the existence of our family owned businesses and farms, and will be curtailing the abuse of our tax system by corporations, not for the good of the economy, but for short term monetary gain. we believe this bill to be a fair proposal for all Americans.

The following tables show the amount of revenue estimated to be gained from the Federal estate and gift taxes through fiscal year 1986, and the amount of revenue which could be gained if the investment tax credit were reduced from 10 percent to 7 percent.

	Billions
Federal estate and gift taxes—Incoming Revenue: [1]	
Fiscal year 1984	5.9
Fiscal year 1985	5.6
Fiscal year 1986	5.1
3-year total	16.6
Investment tax credit reduced from 10 to 7 percent: [2]	
Fiscal year 1984	5.6
Fiscal year 1985	6.9
Fiscal year 1986	7.9
3-year total	20.4
Revenue changes if bill were enacted:	
Fiscal year 1984	−0.3
Fiscal year 1985	+1.3
Fiscal year 1986	+2.8
3-year total	+3.8

[1] Figures from Budget Committee.
[2] Figures from Democratic study group.●

CONGRESS CAN'T LOSE ON ITS VETO POWER

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LEVITAS. Mr. Speaker, in light of last week's Supreme Court decision that the legislative veto is unconstitutional, I would like to remind my colleagues of the following article by Louis Fisher, which appeared last year in the Washington Post, on February 21, 1982. In this article, Fisher spells out what it would mean for our Government if this mechanism were to be struck down by the Court. I put this article in the RECORD of February 23, 1983 when it appeared. How prophetic it was.

Now that we face that situation, we are facing what Fisher predicts. Without the legislative veto, the power of the executive branch will likely be restricted rather then enhanced. And without it, Congress will have to resort to other mechanisms of control which will be much more strict and limiting, burdensome and more cumbersome that the legislative veto.

As Fisher says of the legislative veto, "Congress can't lose." In order to protect the American people from arbitrary unelected Government and an imperial Presidency, Congress must now take steps to redress the effort of the Supreme Court's decision without delay. At this point, I insert the article by Louis Fisher in the RECORD:

[From the Washington Post, Feb. 21, 1982]

CONGRESS CAN'T LOSE ON ITS VETO POWER

(By Louis Fisher)

We are witnessing an ironic turn in the historic struggle between the executive branch and Congress: a court decision which seemingly promises much greater power for the executive but which, if upheld, would likely lead to the opposite effect.

The Jan. 29 ruling, by a three-judge panel of the U.S. Court of Appeals here, gave a rude jolt to the "legislative veto," a device Congress has relied on for at least a half century to control executive actions.

Specifically, the panel struck down a one-house veto used to disapprove a gas-pricing regulation by the Federal Energy Regulatory Commission (FERC). But its language was so broad as to question the constitutionality of legislative vetoes in hundreds of other laws governing arms sales, immigration, war powers, impoundment, endless agency regulations and much else.

The D.C. panel recognized that its finding—that all legislative acts constitutionally require "presentation to the president and passage by both houses of Congress"—"may have far-reaching effects on the operation of the national government." But it may have misunderstood those effects.

Many assume the ruling portends a gain for the executive branch, a victory for orderly government, a blow to congressional interference. Think again. If the Supreme Court upholds the overly broad opinion, the net result will more likely be less power for executive officials, a more convoluted legislative process, and continued congressional involvement in administrative decisions.

Bizarre consequences? Not if you understand why the legislative veto was originally adopted. Presidents accepted (indeed, often invited) legislative vetoes because they provided a way to get more power. The bargain was clearly understood by both branches. The president essentially told Congress: "Give me more authority than you normally would, and I'll give you a chance to veto my initiatives." If presidents disliked the legislative veto, Congress would withhold authority.

Courts are familiar with this quid pro quo. In 1977 the Fourth Circuit dismissed a suit by a federal employee who protested that the Senate acted unconstitutionally when it disapproved a pay raise recommended by the president. But the legislative history convinced the court that Congress delegated the salary authority only on the condition that it could, by a one-house veto, disapprove presidential recommendations. The authority and the condition were inseparable.

The FERC case was different. Here the court decided that the grant of rulemaking authority was not tied explicitly to the one-house veto. But that is the exception, not the rule.

The record shows, for example, that the president could not tell Congress: "Thanks very much for the authority to reorganize the executive branch, but I have no intention of recognizing your right to veto my plans." Executive reorganization power and the legislative veto could not be severed.

Other examples abound. Under the Impoundment Control Act of 1974, the president may defer spending unless one house of Congress disapproves. The president is not at liberty to take the authority and ignore the condition. If the legislative veto is unconstitutional, the president will forfeit the statutory authority to defer spending.

He might claim other authorities (statutory or implied powers under the Constitution), but this would merely trigger the kind of fractious litigation we had in the early 1970s under President Nixon.

The Federal Trade Commission Act of 1980 raises a similar issue. Congress, angered by some FTC regulations, enacted legislation requiring future rules to run the gauntlet of the legislative veto. If the D.C. panel opinion is upheld, the FTC may lose its authority under the statute to issue regulations.

Uncertainties in this area, as in others, would probably force more issues into the courts, with the preponderance of evidence often on the side of the Congress. In the laws concerning arms sales, foreign trade, the sale of nuclear fuel, federal salaries, immigration, impoundment and presidential papers, for some notable examples, the delegated power and the legislative veto seem inseparable.

Congress, of course, could rewrite many of its broad delegations of power, and the executive branch also could well lose some procedural benefits. Where there is a legislative veto, presidential proposals are put on a fast-track system. Other privileges include special procedures to bypass committees, limit debate and prohibit floor amendments. Without the legislative veto, Congress would eliminate these advantages or require

the president to gain approval of both houses in a bill or joint resolution. Either approach would undercut the president.

The legislative veto is critized as a backdoor way of accomplishing what should be done directly through the regular legislative process. But if Congress is denied the legislative veto, no one should underestimate its ingenuity in inventing other devices that will be more cumbersome for the president and just as satisfactory to Congress.

President Eisenhower discovered this unpleasant fact in the 1950s when he objected to "committee vetoes" compelling agencies to obtain advance clearance from congressional panels. Attorney General Herbert Brownell called this an unconstitutional infringement on executive responsibility.

Undaunted, Congress created another procedure that yielded the same control. A bill was drafted to prohibit appropriations for certain real estate transactions unless the Public Works committees first approved the contracts. Eisenhower signed the bill after Brownell concluded that this procedure—based on the authorization appropriation process—was within Congress' power. The form had changed; the committee veto remained.

If the one-house veto over impoundment deferrals is invalid, Congress will have no trouble devising more burdensome procedures for the president. A harbinger of what might be in the works appears in the Transportation Appropriation Act for fiscal 1982, passed last December. Whenever the president proposes to defer appropriations for various rail programs, the funds must be released unless Congress within 45 days completes action on a bill approving all or part of the proposed deferral.

There is no constitutional problem here, since Congress will act through the regular legislative process. Yet in this case, in effect, the president not only ends up with a one-house veto but a more onerous version. Under the Impoundment Control Act, one house must take the initiative to disapprove a deferral. Under the tranportation statute one house can succeed through inaction.

There are other anomalies. Opponents of the legislative veto warn about the workload imposed on Congress by having to review administrative actions. But the workload is likely to be far heavier if Congress has to act positively through the regular process. The temptation will be strong for Congress to grant powers for shorter periods, forcing the president to return to Congress for extensions. Of course either house, by inaction, could deny him the authority.

Other mechanisms are also available to protect congressional prerogatives. Under the Trade Act of 1958, the president could implement certain actions for import relief only by obtaining from Congress a concurrent resolution passed by a two-thirds majority in both houses. Courts would likely find this type of concurrent resolution constitutional, since it contains a built-in override of a presidential veto. This would come as little consolation to a president forced to locate an extraordinary majority in each house before acting.

The D.C. court, in its FERC ruling, warned that the legislative veto enables Congress "to expand its role from one of oversight, with an eye to legislative revision, to one of shared administration." This increase in congressional power, according to the court, violates the separation-of-powers doctrine.

But with or without the legislative veto, Congress will remain knee-deep in administrative decisions, and it is inconceivable that any court or any president can prevent this. Call it supervision, intervention, interference or plain meddling, Congress will find a way.

If an agency adopts a regulation that offends Congress, legislators can attach language to an appropriation bill preventing the use of funds to implement the regulation. There is no constitutional question about Congress' right to do this, although riders to appropriations bills are far from ideal ways to make law. They are added without the hearings, careful consideration and substantive knowledge that more likely accompany a legislative veto.

Congress also exercises an extraordinary array of nonstatutory controls. The clearest examples are the understandings between Congress and the agencies for "reprogramming"; the shifting of funds from one program to another within the same appropriation account. Major reprogrammings must be approved by the committees (or subcommittees) with jurisdiction over the problem.

This is simply one more quid pro quo between the branches. In return for the flexibility of lump-sum appropriations, agencies agree to abide by reprogramming guidelines and committee clearance. No one wants to return to line-item funding. Since this type of control is informal and nonstatutory, it is difficult to conceive of a legal issue that might reach the courts. But the involvement of Congress in "shared administration" is just as real and binding.

Judicial warnings about shared administration seem unrealistic in view of the extensive overlay of statutory and nonstatutory controls. Certainly it is extravagant and hyperbolic for the D.C. Circuit to suggest that legislative vetoes put us on the road to congressional tyranny. If the courts are serious about "untangling" the rights and powers of the three branches, they have their work cut out.

Shall they prohibit the president from making substantive legislation through executive orders and proclamations? Will courts resurrect the 1935 rule requiring Congress to delegate legislative power with clear standards? This would be a revolution in itself. Should we consider placing all independent commissions under the executive departments, thereby tidying up the system of three branches? This has been tried more than once, without success, and for good reason. Can we no longer tolerate adjudication and "quasi-legislation" by the agencies? Should we eliminate "legislative courts" (established under Congress' Article I powers)? For that matter, is it time to ask the courts to pull back from their own involvement in legislation and administration?

It is too glib for courts to tell Congress that if it disagrees with what the president and the agencies are doing, it should act through the regular legislative process. The regular process is subject to a president's veto, creating the need for a two-thirds majority in each house to override the president. Without the legislative veto, Congress is placed in the dilemma of delegating authority by a majority vote and then needing a two-thirds majority to recapture control. That is why both branches agreed on the legislative veto for reorganization authority.

The legislative veto in the War Powers Resolution of 1973 was meant to extricate Congress from the situation it found itself in under President Nixon: able to attract a majority vote in each house to deny funding for the Vietnam war, but unable to secure a two-thirds vote when Nixon vetoed these restrictions. Critics of the legislative veto have not addressed this problem.

Nor is it enough to advise Congress that legislative vetoes would be unnecessary it if would only delegate with precise standards and clear policy.

Congress has no doubt used the legislative veto to sidestep difficult questions of national policy; it can be a convenient and irresponsible substitute for making legislative decisions. But the veto allows Congress to review specific proposals under circumstances that no one could foresee when the authority was first delegated.

For many issues facing government today, the legislative veto is practical, appropriate and constitutional. Striking it down is not a step to be taken lightly.●

PRESIDENT REAGAN'S NEW STANDARD FOR DISCRIMINATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. RANGEL. Mr. Speaker, I rise today to express my complete agreement with an editorial published in the June 23 edition of the New York Times. It was captioned "Reagan's 'Truth' on Blacks," and was written by Carl McCall, commissioner of the New York State Division of Human Rights.

Although many articles have been written about the Reagan administration's dismal civil rights record, none have been as eloquent as Mr. McCall's. I commend Mr. McCall for his concise description of the executive branch's new definition of discrimination.

Blacks and other minorities find it very difficult to have faith in a President who ignores the reality of institutional racism. We live in a time when minorities, as identifiable groups, still do not enjoy the same opportunities as majority Americans. They receive lower average incomes, they suffer a higher rate of unemployment, and they still do not have access to most businesses and professional firms.

And yet the President, through the Justice Department, is attempting to rewrite civil rights enforcement standards. Minority groups are supposedly no longer targets of discrimination; only unlucky individuals now experience unequal treatment. I do not buy this argument, and neither do the people trying to survive the reality of Reaganomics.

The McCall article articulated this reality much better than any I have read. It is included for the RECORD.

REAGAN'S "TRUTH" ON BLACKS

(By H. Carl McCall)

President Reagan says he could "have perfect confidence with black voters . . . if we could get the truth to them." He faces a monumental task because his Administration's "truth" is that blacks are not discriminated against. Whatever vestiges of discrimination may remain, in his view, are

aimed at individuals—singly, alone, presumably at random. Thus, he reiterated his conviction that wherever "any individual's constitutional rights are being unjustly denied" the Governement must restore them "at point of bayonet if necessary."

This focus upon individual rights echoes the legal contention the Justice Department raised in seeking yet another Federal ruling on the legality of a Detroit police department affirmative-action plan (twice upheld in Federal court). The department insists that "the right to be free of unlawful racial discrimination belongs to individuals not groups." Under this Administration, the Government will press only individual job bias cases, seeking back pay or other relief for single "identifiable victims" of discrimination reather than relief for "affected classes" of workers.

Mr. Reagan's "truth" defies logic and history. Actually, the individuals are discriminated against because of membership in and identification with a group—whether that identification involves race, creed, gender, sexual preference, age, physical handicap.

He would have the minority community believe that voting rights have been denied a random collection of individuals who happen to be black or Hispanic; that disproportionate inclusion in the ranks of the poor and exclusion from the employed labor force have nothing to do with personal discrimination; that strategies to rectify well-documented group disparities in income, job opportunity, education, occupational level or promotion are unjust and uncontstitutional; that Great Society antipoverty and other programs harmed minority members and women. In short, the President would have minority members believe disentitlement is as beneficial to the free-enterprise system as deregulation. Of course, his thinking arises from an iron-clad insistence that individuals win or lose on their own, unhampered by handicaps or obstacles imposed by group membership and identification.

While civil rights officials take the view that certain groups are and have been discriminated against, Mr. Reagan has chosen enforcement, compliance and oversight officials who share his special "truth" about civil rights. The most recent example was his nomination of three members of the Civil Rights Commission. While the commission is an advisory and oversight (not an enforcement) body and any President may choose members of his own Administration, still the possible appointments diminish the commission's independence and further signal Administration attitudes and priorities on civil rights enforcement.

Two nominees' comments indicate what may be expected. John H. Bunzel, a senior research fellow at the Hoover Institution, has been quoted: "Should individual rights give way to group rights in the demand for equal rights?" Morris B. Abram, former president of Brandeis University, says preferential treatment based on racial distinctions "has corroded the liberal body politic." Indeed, it has—but it has been preferential treatment given to white males. Such treatment is documented by every statistical profile on income comparison, job and educational opportunities, unemployment casualties, occupational status, wage and salary and benefit levels, housing availability, and health care. Who ends up on the short end of such statistics? Not random individuals but minority members.

In a discrimination-free, pluralistic society, data profiles would tend toward equality of opportunity and representation in accord with population ratios, all other things being equal. Affirmative-action programs, with their goals and timetables, are concrete, reliable measures of progress toward the democratic goal of equality and no preferential treatment.

Mr. Bunzel's question might be answered this way: Should equal rights be reinterpreted as individual rights as long as group discrimination persists? By rejecting affirmative action in the name of individual rights, rewriting regulations for Federal contractors and actively pursuing reversal of the Supreme Court decision that approved voluntary affirmative action, the Administration has disheartened private-sector employers who are trying sincerely to develop a racially and sexually pluralistic work-force. Such employers view their own efforts not as expressions of preferential treatment or reverse discrimination but as moral and productive recruitment and management tools.

Thus, President Reagan's "truth" on civil rights is hard to sell to employers of good will and enlightened self-interest, just as it is hard to sell to the minority community—because it is not a truth.●

EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1984

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MURPHY. Mr. Speaker, today, I am introducing the Education of the Handicapped Act Amendments of 1984, a bill which will reauthorize these programs through fiscal year 1987.

As my colleagues may know, the discretionary programs funded under this act provide grants to State and local education agencies, other public agencies, private nonprofit organizations and institutions of higher education, to support a variety of research, training, and model project activities. They are a critical supplement to the direct services provided to handicapped children under Public Law 94-142, the Education for All Handicapped Children Act. These discretionary programs were originally slated to expire on September 30, 1983, but were automatically extended for 1 additional year by the General Education Provisions Act (GEPA).

Under part A of the act, the bill proposes to reestablish the National Advisory Committee on the Education of Handicapped Children. This body, consisting of at least five parents of handicapped children, would review the administration and operation of the act as well as other legislation affecting handicapped children and make recommendations to the Secretary of Education for the improvement of such programs.

Also, this legislation expands the "evaluation" section of the act to require that the Secretary of Education obtain specific data from the States on a regular basis, conduct several evaluation studies and provide this information to Congress in the annual report. It is hoped that these new provisions will provide Congress with more complete data on the impact of this important legislation.

Under part C, the bill broadens the responsibilities of the regional resource centers by requiring that they provide information to all State education agencies within their region and assist in the improvement of information dissemination to and training activities for professionals and parents of handicapped children.

In addition, this part authorizes a limited number of regional programs to provide technical assistance to State and local education agencies in the provision of educational services to deaf-blind children. It also provides for two new grants, one for the provision of educational and preliminary transitional services to schoolage deaf-blind children and the other to provide transitional programs from educational to other social services for deaf-blind youth when they reach 22 years of age.

This legislation also expands the currently existing State implementation grant program under early childhood projects to enable States to receive a grant to plan, develop, or implement a comprehensive delivery system for handicapped children from birth to 5 years. Research has shown that providing early intervention services to handicapped children reduces the number of these children who need special education and other costly remedial services in later years. Further, if early intervention is not provided, secondary handicaps such as emotional problems can add to the cost of later remediation of a child's primary handicapping condition.

In an attempt to improve educational and related services to the secondary and postsecondary age handicapped student, the bill authorizes a model demonstration authority to determine exemplary practices which may be replicated across the country. Particular emphasis has been placed on improving current programs for secondary age students and providing transitional programs for these students as they prepare to exit the educational system.

Under part D of the act, the bill continues current personnel training efforts and includes a provision requiring a separate grant competition for private nonprofit organizations to enable them to provide training and information to parents of handicapped children and volunteeers so that they may participate more effectively with professionals in meeting the needs of handicapped children. It is intended that these grants reach parents of mi-

nority populations who are traditionally underrepresented.

In the research section, part E of the act, new language has been added which focuses on the development of new and improved techniques for teaching handicapped children.

Lastly, since the Secretary of Education has the authority to fund research and demonstration projects for the learning disabled under section 624 and this section is not currently funded, part G of the act has been repealed.

Mr. Speaker, this is an important measure—one which will greatly improve the educational and related services available to handicapped children and youth of all ages. It is a response to both the current and future needs of this population.

I am pleased to have the support of the distinguished chairman of the full Education and Labor Committee, CARL PERKINS, as well as my majority colleagues on the Select Education Subcommittee, GEORGE MILLER, MARIO BIAGGI, PAUL SIMON, JOSEPH GAYDOS, PAT WILLIAMS, and BALTASAR CORRADA, for this legislation and urge its careful consideration by the Congress.●

LETTER FROM THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS REGARDING CENTRAL AMERICA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MINETA. Mr. Speaker, I am inserting into the RECORD a letter I received from Arnoldo S. Torres, the national executive director for the League of United Latin American Citizens (LULAC) expressing his views on U.S. policy in Central America. LULAC is the Nation's oldest and largest Hispanic Organization and I believe that the administration as well as Congress should consider their views as we develop our policies relating to Central America. Thank you.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS,
June 3, 1983.

Hon. NORMAN MINETA,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MINETA: As the days pass, the inevitable trajectory of our present Central American policy becomes ever more evident and ever more foreboding. The Administration has chosen to become militarily involved in no win situations in El Salvador and Nicaragua: Congress has accepted that choice: we are involved. It has been apparent throughout that the objectives of this policy are to forcibly suppress the opposition to the government/military ruling body in El Salvador and to subvert the revolutionary government of Nicaragua in the most expeditious manner possible. The question in Congress has been at what speed to continue along a path which invariably will lead us to direct intervention or failure. Unfortunately, the question has not been one of redefining objectives or methods, or of looking for intelligent alternatives. As time goes on, the feasibility of such alternatives diminishes.

In February of this year U.S. Army Sargeant Jay T. Stanley was injured by rebel fire in El Salvador and, tragically, on May 25 the deputy Commander of U.S. military advisors in El Salvador, Navy Lt. Commander Albert A. Schaufelberger, was killed. The fires of the supporters and opponents of the Administration's policy are being fueled by this tragedy. As time goes on emotions, commitments, and complications will be deepened and our alternatives will become increasingly fewer, narrower, and more dramatic. Now is the time for thoughtful and deliberate decision-making, not for the withdrawal from controversy which we have witnessed on the part of all but a handful of members of Congress such as yourself, for fear of the President's finger being pointed at them. The decision regarding U.S. direct intervention, U.S. flexibility and support for positive change and development in Central America, or U.S. withdrawal from the region is being made in favor of the Administration's inflexible policy by a non-active Democratic alternative and by Congress' lack of resolve.

Although Hispanics will be the first on the front-line carrying out this unrealistic and mistaken policy, and although we will be the targets of the frustration of an American people involved in an unwinable war against Latinos, all Americans will pay the price. Our involvement has already been denounced by the United Nations and individual countries such as Brazil, Spain, Panama, and others. We are presently breaking international law, our own charters and treaties, and, as is increasingly apparent, the Boland Amendment in our activities against Nicaragua. Further involvement will mean further isolation from our allies and participation in an unpopular and unwinable war.

It is the shared obligation of the decisionmakers in Congress and the Administration to see that international and our own laws are obeyed, that peaceful coexistence with our neighbors is sought and maintained, and that the lives of American citizens are protected. As those obligations are increasingly violated and as the number of deaths of Americans in Central America increases, we must ask, who in Congress or the Administration wishes to bear responsibility for failing to meet their shared obligations? That failure means further military involvement: the finger being pointed will be that of war.

Our continued military approach is exacerbating the problems and death tolls in Central America, and we are approaching the ultimate decision of present policy: will we see it through (when we are forced to acknowledge that the military of El Salvador and the "contras" cannot do it alone), or will we realize that our attempts to intervene in El Salvador and Nicaragua are unrealistic, and accept failure? When the day of that decision comes, Congress and the administration will have failed to have met their shared responsibility. When that day comes and when decisionmakers say that we are already too involved to back away, let it not be said that they did not know what we were getting into. What the President and Congress are getting us into is very clear.

Respectfully,

ARNOLDO S. TORRES,
LULAC National Executive Director.●

SPEECH TO SUPPORTERS OF ISRAEL BY REPRESENTATIVE DON SUNDQUIST

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MACK. Mr. Speaker, I recently had the pleasure of reading a copy of an address delivered by my good friend and colleague, Representative DON SUNDQUIST of Tennessee, to a gathering of some of Israel's strongest supporters in DON'S hometown of Memphis. The speech includes a cogent analysis of the current situation in the Middle East and a particularly enlighting description of the strategic value of Israel, which is too often overlooked.

I commend this speech to my colleagues and would like to insert a copy at this point in order for others to benefit from it:

It is a privilege and an honor to be with you this evening and to share this podium with Ralph Nurnburger. I can honestly say that AI-PAC does an outstanding job of keeping the Congress informed of the issues of importance to Israel and the American Jewish Community. I commend you, Ralph, and the organization you represent.

Let me start by saying that as a freshman Member of Congress I have strongly supported this country's commitment to the State of Israel. I have also joined both the "Congressional Call to Conscience Vigil" for Soviet Jews and the 98th Congressional Class for Soviet Jewry to draw attention to the oppressed condition of Jews in the Soviet Union. And I pledge to you tonight that I will continue to do everything I can within the Congress to further their goals.

I recently participated in some of the ceremonies surrounding the dedication of a site for a new museum to be erected in Washington as a memorial to the Holocaust.

To my mind, the Holocaust is the most tragic and troubling episode in the entire history of mankind. In recent weeks, it has been recalled many times overall in Washington. It was recalled in ceremonies; in personal visits by survivors to Representatives in Congress: by music, by art, by photographs; and films and exhibits.

We who were not victims of the Holocaust will not and cannot ever truly comprehend the tragedy it represents.

I should say now, that never before has the need been so great for the strongest American commitment to, and support for a strong and secure Israel. Never before, has the need been so great for America, to rise up and challenge the continued persecution of Jews in the Soviet Union.

As each of you know, the past few months have been very trying times for Israel and for Israel's friends in America. The end of the fighting in Lebanon, and the Reagan peace plan, have failed to halt the constant stream of denunciation of Israel's actions. They have not diminished the activities of those enemies of Israel, who seek to have the U.S. punish the Jewish homeland—when in fact, Israel's victory for the U.S., and for all Americans working to advance the cause of world peace. Just consider what Israel accomplished to help America, and to

improve chances of a real peace in the Middle East.

First, Israel helped improve regional stability by cleaning out the PLO terrorists who threatened not only Israel, but who trained terrorists from around the world. Second, Israel created the opportunity to bring stability to Lebanon by reducing Soviet influence in the Middle East, and improving American influence there.

These are positive accomplishments.

To his credit, President Reagan, early in his term moved quickly in offering his proposal for peace in the Middle East. I disagreed with some of the specifics of the President's plans, but I regarded the plan, as I think most Americans did, as a good base from which to start negotiations. Regrettably, there has been little movement toward that goal.

The Reagan plan was specifically aimed at involving Jordan's King Hussein in the peace process. But efforts, continues to resist direct negotiations with Israel. I personally believe that Hussein is the key to any progress toward a real peace. Until he moves favorably, it looks as if there is little hope for improvement in the current stalemate.

There are some now, who say America should be putting pressure on Israel by withholding U.S. military aid and economic assistance. This type of action would be a tragic mistake. In fact, it is the strength of the U.S.-Israeli relationship that has moved the peace process along so far. And future progress depends on the continued strength of this relationship. I think it is apparent that cuts in assistance would destroy it, and threaten vital American interests in the Middle East. Israel is among the most important strategic allies we have. It is the only country in the area where we could land American military aircraft tomorrow regardless of the circumstances. It is the only country in the area with air and ground defenses, capable of protecting American equipment from Soviet attack. It is the only country in the area with democratic traditions like our own, the only stable and reliable ally in the area. Pressure Jordan? Yes! Pressure Israel? No! King Hussein must be made to see the importance of joining in the peace process. There is no doubt in my mind that is the path to a real peace in the Mid-East.

Related to this, the administration has mentioned before Congress, the possibility of selling several dozen F-5G fighter aircraft to Jordan. I have opposed the idea since the first time I heard it, and I still oppose the plan. In fact, I have signed a bipartisan letter to the President, along with half the Members of Congress, pointing out to the President that Jordan has consistently been a serious obstacle to American efforts to bring peace to the area by rejecting the Camp David approach, and last September flatly rejecting President Reagan's new initiative. To sell advanced weaponry to such a stubborn opponent of U.S. peace efforts would be ludicrous. This sentiment is widespread on Capitol Hill. In fact, the Senate Foreign Relations Committee, in a recent mark-up for the authorization for aid to Israel, not only added $165 million more than was requested—but also added an amendment that basically said that if King Hussein won't come to the negotiating table, then he can forget about gaining any weapons. On the House side, the Foreign Affairs Committee has added $225 million more during the authorization mark-up. I think the mood of Congress is obvious!

I also want to mention a resolution that I just signed on to this past week. This resolution, H. Res. 66, expresses the sense of the House that the U.S. should proceed, without further delay, with the sale and delivery of F-16 aircraft to Israel.

U.S. intelligence has knowledge that the Soviet Union has moved very quickly to rebuild the military strength Syria lost in the conflict in Lebanon. In fact, the Soviets have increased Syria's military power and effectiveness by making available to Syrian forces the deadly surface-to-air missile known as the Sam-5. This new weapon introduces a dangerous new element into the strained military situation in the Mid-East, an element which threatens not only Israel, but also poses a threat to U.S. forces in the area. The Sam-5 has a far greater range than the older Soviet surface-to-air missile it replaces. The Sam-5 directly threatens Israeli forces within Israel's boundaries, and threatens U.S. naval units in the Mediterranean and even some U.S. bases in Turkey. It would be a grave mistake to further deny Israel the 75 F-16 fighter aircraft promised one year ago.

Finally, I want to reemphasize my strong support for aid to Israel and share with you some comments by my good friend and colleague, Senator Rudy Boshwitz. As a matter of fact, an editorial article on his study appeared in the International Jewish News, and I later inserted it into the CONGRESSIONAL RECORD. The title of the article was "American Aid to Israel—the Bargain Behind the Bluster." It stated that the U.S. lays out in foreign aid to Israel a sum which amounts to about 4 percent of what the U.S. lays out to Great Britain, France, Italy and West Germany. Also, Israel pays back upwards of one-half of the American aid it gets while NATO pays back nothing. But I think the most convincing statement is what America gets for the aid it sends to Israel. It gets the latest intelligence information on the latest, most advanced Soviet weaponry. Israel, not NATO, is supplying the U.S. with this informaiton. Israel, not NATO, is keeping the Soviet Union out of the Middle East. In addition, Israel is no drain on American trade.

All in all, American aid to Israel is a real bargain! Israel doesn't take much; what it does take it either spends in America or pays back to America in trade. And in return for its aid to Israel, America gets an ally which not only talks but acts to keep the Soviets out of the Middle East and also keep democracy alive in that area.

In conclusion, I want to reaffirm to you my commitment to the State of Israel and tell you that I will do all I can to protect and represent your interests in Congress.

Thank you again for this opportunity.●

THE CONTINUED REVITALIZATION OF THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GARCIA. Mr. Speaker, despite public perceptions to the contrary, the south Bronx is making strides to improve living conditions for its residents. The South Bronx Development Corp. is developing a series of new single-family homes, as I have pointed out to the membership in previous remarks. These homes have been built with families of moderate income in mind. The city of New York has given the land in an effort to see this unique project become a success.

There are over a dozen other groups which are involved in revitalizing the south Bronx. The clergy has been particularly active, as evidenced by Father Louis Gigante and the Southeast Bronx Community Organization. People are beginning to be drawn back to the area, in the belief that the Bronx can again be revitalized into the growing, healthy neighborhood it is capable of being.

I am proud to bring to this body's attention that even such publications as the Economist are beginning to note our efforts. As such, I am entering into the RECORD an article from the Economist regarding the efforts cited above.

[From the Economist, May 14, 1983]

BRONX CHEER

Six years ago President Carter visited New York's devastated, burnt out south Bronx. Now, on the very spot in Charlotte Street where he promised renewal and new hopes, there is an astonishing sight: new single-family ranch-houses more typical of the suburbs than of New York City. In time they will be surrounded by white picket fences. In all there are to be 90 of them, built without benefit of subsidy and designed for families of moderate income: $20,000-30,000 a year. The price, just under $50,000 apiece, is possible because these are factory houses, manufactured in Pennsylvania and assembled in only four days on the site.

The houses are the creation of Mr. Ed Logue, who ran redevelopment in Boston and, for a time, in New York and who has great faith in owner-occupation. He is now the head of the South Bronx Development Organization, a city agency which receives federal, state and some foundation money; the city gave the land. Its responsibilities also include job training and commercial development. It has already built, and sold, 150 terrace houses on another site.

But there are a dozen other groups involved in revitalising the south Bronx. Not all are convinced that ranch-houses are the right solution for the area. These small houses, they fear, will be an invitation to crime (even though Charlotte Street will be patrolled by the intriguingly named Mid-Bronx Desperados Community Housing Corporation). Others complain that the money should have been spent to provide housing for the poor and that it is a bad use of the land.

Land, however, is what the Bronx has most of: vacant plots left when the city had to demolish old five- and six-story blocks of flats that had been vandalised or fired. There are plenty of these left, too, with their blackened walls and boarded windows.

But the Bronx is full of surprises. The north Bronx, which fought back the tide of deterioration, can be positively elegant in Riverdale and Pelham Parkway. There are splendid parks and many educational and cultural institutions, as well as the Bronx Zoo.

Even in the south Bronx there is the Longwood historic district, where the Pratt Institute Centre for Community and Envi-

ronmental Development in Brooklyn is striving to preserve and rehabilitate handsome, solid old houses suitable for flats. Nearby Father Louis Gigante and his Southeast Bronx Community Organisation have rehabilitated houses and built new ones. The clergy is strongly represented in many of the community organisations.

Mr. David Rockefeller's New York Partnership has built nothing yet, but it has $52m in federal grants and over $200m in private lending commitments should it wish to aid the Bronx. Then there is so-called sweat equity. This involves small groups of families, usually no more than seven, acquiring a large property in bad condition and doing the unskilled work themselves, with help in some cases from the Consumer-Farmer Foundation (it began as a farmers' milk co-operative). The city and federal government pay for more skilled work. Not many buildings are suitable for such "homesteading" and with the present decline in government help, fewer aspiring householders attempt it.

The Bronx was originally one of New York's first suburbs a bedroom community for European immigrants, especially the Irish and Jews. But after the second world war their children left for suburbs farther out. In their place came poorer people, blacks and more recently hispanics. There also came rent control. Property owners began to neglect maintenance; the banks refused to invest in the Bronx. Owners wanting to get rid of their unprofitable properties sought tenants who were on welfare (oddly rent control does not apply when the government is paying the bill) and the disreputable ones who would drive other tenants out. Services were neglected. Sometimes people burned their homes in the hope that they would begin better ones; often landlords applied the torch for the insurance money. Expressways were driven through the Bronx, weakening communities. Crime flourished and people started leaving. The population is now just over 1m, compared with an earlier 1.5m. In some districts it fell by two thirds.

Now people are beginning to come back, drawn by their churches and old associations and a hope that the Bronx can be rescued, and driven by the shortage of housing in other parts of New York. Crime is not much worse that it is elsewhere, except for murders (the criminal classes killing each other, the police say cheerfully). The police station known as Fort Apache in the film is now christened the little house on the prairie.

But people trying to save the Bronx have their doubts. They fear that the continuing deterioration is growing faster than the improvements, which they see as a drop in the bucket. Worst of all is the evaporation of federal funds. Unless congress takes a strong line, there will be no new subsidies for builders of flats for the people with low incomes; poor people will have to pay a higher share of their incomes for rent; and even their subsidies may be replaced by housing vouchers, now known more elegantly as housing certificates.

This system, which may suit some smaller communities where there is a good supply of housing, is a recipe for deprivation in a city like New York where the vacancy rate is only 2% for the city as a whole. It is zero for members of racial minorities and poor people with large families.

The Bronx, with its excellent quick communications with Manhattan, Connecticut and New Jersey, will surely be redeveloped someday, but the people who live there now are unlikely to benefit. At least that is the fear of Mr. Ron Schiffman of the Pratt Centre.●

AID TO GUATEMALA: VIOLATING HUMAN RIGHTS LAWS (PART II)

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GEJDENSON. Mr. Speaker, on Thursday, June 23, 1983, I had the first part of an article entitled "Aid to Guatemala: Violating Human Rights Laws" inserted into the RECORD. Today I wish to have the second half printed. The article is as follows:

CHANGES AND THEIR IMPLICATIONS UNDER RIOS MONTT

(By Bruce P. Cameron and Christopher Ringwold)

The Reagan administration returned to the issue of multilateral aid for Guatemala after General Efrain Rios Montt displaced Garcia in the coup of March, 1982. Stephen Bosworth, deputy assistant secretary of state for inter-American affairs appeared before the House Subcommittee on International Development Institutions on August 5, 1982. The position of the State Department, as elaborated by Bosworth, was that Guatemala's new government had departed from Garcia's consistent pattern of gross human rights violations.

"Thus with regard to the specific legal formulation which governs the U.S. voice and vote in the multilateral banks," Bosworth testified, "it is our very strong conclusion, Mr. Chairman, that while serious human rights problems remain in Guatemala, that Guatemala cannot be considered by any standard of measurement to be a country in which there is a consistent pattern of gross violations of human rights."

"We are therefore . . . of the belief that Guatemala . . . should have normal access to the multilateral development banks. . . ."

Changes had in fact occurred in Guatemala following the coup. Political assassination in the cities ceased in the first few months. Police agencies responsible for such activities in Guatemala City and other cities were disbanded. In some cases, police officers and other violators were temporarily imprisoned. In short, although politically motivated kidnappings and disappearances have increased in recent months, in August of 1982 the kind of human rights violations which had attracted the most attention in the international community had ceased.

The other side of the story, however, was that human rights violations in the countryside were on the increase. On January 3, 1983 the Washington Post reported that ". . . the systematic scorched-earth counter-insurgency campaign begun in November 1981 by the ex-President's brother, then Army chief of staff Benedicto Lucas Garcia, continued and intensified through the summer."

And, on October 11, 1982, Amnesty International presented its own conclusions:

"Guatemalan forces massacred more than 2,600 Indians and peasant farmers in a new counter-insurgency program launched after General Efrain Rios Montt came to power in March this year . . . Military and newly formed civil defense units destroyed entire villages, tortured and mutilated local people and carried out mass executions in at least 112 separate incidents between March and July . . . reports coming in show the pattern has continued in more recent months."

As elaborated by Bosworth during the August hearing, the State Department's position on violations in the Guatemalan countryside was threefold. Bosworth claimed initially that any increase in violence in the countryside was the responsibility of the guerrillas; and then that human rights violations by the army or associated agencies were "occurring in contravention of publicly stated, strongly stated doctrines and policies of the government." Bosworth finally noted that the Guatemalan Government had "changed" its pattern of activities in the countryside since the coup.

But the evidence does not support assertions of the Rios Montt government's innocence. After an October, 1982 visit to Guatemala, the Americas Watch reported: "The armed forces are responsible for most of the killings, disappearances and massacres committed in Guatemala." And, on December 28, 1982, the Baltimore Sun charged, "There is no evidence that the guerrillas systematically burned villages and massacred people as the army claims."

What was happening, in fact, was that the army was attacking villages disguised as subversives. A delegation representing four major American church groups visited Guatemala in December, 1982. The delegation discovered:

"There are army 'undercover' operations whereby the army attempts to persuade the peasants that the groups which have attacked their villages are really 'subversives.' To effect this, non-uniformed soldiers or soldiers dressed in olive green uniforms like those used by the guerrillas (rather than the usual army camouflage uniforms) actually carry out the destructive raids. There is also evidence that the guerrillas sometimes operate disguised as army personnel. It seems generally accepted by the rural people that a peasant can in fact easily distinguish official army personnel by use of motorized vehicles, language, regular army footwear, camouflage uniforms, haircut style, and personal acquaintances. The peasants say, 'We know who is who.'"

It is believed that the Guatemalan armed forces commonly employ a cruel new version of the bait-and-switch routine. Disguised as guerrillas, the army will attack a village, only to return later in official uniform to provide food, shelter and medical care.

In its written rules of engagement, the army almost spells out such tactics. "Subversion should be combatted using its own methods and tactics," the rules state. "A disinformation plan should always be in execution."

This sort of instruction goes to men such as Gustavo Adolfo Mendez, Commander of Huehuetenango, who told Washington Post reporter Christopher Dickey: "After seven months of fighting from Chimaltenago to Quice, we knew that all the population was subversive."

The Guatemalan army's rules of engagement are also known to men such as the foot soldier on patrol in a remote mountain area who told a foreign correspondent; ". . . there are so many of [the guerrillas]. Very few are armed. But we have to kill them." (Source: Amnesty International.)

GOVERNMENT RESPONSIBILITY

No one has denied that there was an epidemic of violence in rural Guatemala during the summer of 1982, and credible evidence indicates that the armed forces rather than the guerrillas were mainly responsible. Yet the case could still be made that these killings were performed by errant troops and services, operating outside the government's purview and contrary to its directions. Deputy assistant secretary Bosworth did make such claims.

We agree with many observers that the rural massacres flowed directly from the policies of the Rios Montt government. The Americas Watch delegation, referring to Rios Montt's policy of "guns or beans," summarized the situation in this way.

"[The Guatemalan government] asserts that it offers the people of Guatemala fusiles o frejoles—guns or beans. No one is permitted to remain neutral. Those who do not aid the government—by forming civil defense patrols, or providing information on the whereabouts of guerrillas—may not be allowed to live."

Admittedly, it may not be possible to prove that the highest levels of the Rios Montt government ordered the killings. But, it is important to remember that governments are subject to sanctions under U.S. human rights law if they conduct or endorse by act or omission a consistent pattern of gross violations.

At the very least, the Rios Montt regime endorsed the human rights abuses of its armed forces by omission, or failure to restrain them.

According to our information. Rios Montt acknowledged to State Department officials that there were systematic massacres of noncombatants in the countryside, but did not act in the spring of 1982 to stop his soldiers from their rounds of slaughter. Furthermore, at the time of Bosworth's testimony, no officer or soldiers had been detained or brought to trial for committing human rights violations. The new government had in fact granted amnesty to those who had been guilty of murder, rape and torture during the course of any counter-insurgency effort under either the past or present regime. Although the U.S. executive branch told Congress that the Guatemalan government was taking action to stop gross violations by its own agents, no evidence or concrete assurances were offered.

The Rios Montt government, it must be concluded, was failing to control those responsible for human rights violations in the Guatemalan countryside.

Clearly, the State Department acted against all the facts when Bosworth testified on August 5 that Guatemala "cannot be considered by any standard of measurement to be a country in which there is a consistent pattern of gross violations of human rights." By that time, at least twenty-six hundred noncombatants had been killed by the army and allied forces. The State Department's February 1983 human rights reports undermines fatally the judgments made by Bosworth in August.

"In recent months it has become clearer both that the army has increased its control over areas formerly dominated by the guerrillas, and that its forces have begun (emphasis added) to pay greater attention to the importance of proper treatment of the civilian population. Although there continued to be credible reports of human rights abuses by some military units, the overall conduct of the armed forces had improved by late in the year."

It was also clear that in the summer and the fall, the government was not taking action to stop the killings. The weight of evidence, although circumstantial, suggests that in fact the massacres resulted from deliberate policy. According to U.S. human rights law, the Reagan Administration should have upheld sanctions against the government of Guatemala during 1982.

Instead Bosworth was sent to testify that Guatemala was no longer a gross and consistent violator.

THE JANUARY 1983 DECISION: ARMS SALES TO GUATEMALA

On January 6, the State Department announced it had offered to sell $6.1 million in military spare parts to Guatemala. Using the same standard applied to the Southern Cone countries in June 1981, there was by this time doubt as to whether Guatemala was a consistent and gross violator. During the summer and fall of 1982, the Guatemalan army engaged in a compaign of terror so massive and sophisticated that by the late fall, the population in the guerrillas' stronghold was subdued. Abuses and violations continued, but the level of severity and the scope of the violations seems to have decreased beginning in mid-October.

Using the twisted standard of June 1982 (the Southern Cone precedent) the Administration could have made a finding that there was no longer a "consistent pattern." But only because the "consistent pattern" of the previous summer and fall had achieved the objectives of the Guatemalan government.

IMPLICATIONS FOR FUTURE ACTION: GUATEMALA

The record is clear. This Administration does not respect the general human rights laws which were adopted by Congress. Guatemala was the final test of the willingness of the Administration to respect the laws.

Congress cannot trust the Administration to be truthful on human rights in Guatemala. Further, this Administration has demonstrated unequivocally that it seeks, in fact that it is eager for military involvement in the name of anti-communism. That failed approach is already clear in El Salvador. For a little more than a year, the general human rights law combined with congressional pressure were enough to hold the Administration in check. That is no longer true. While the Guatemalan government has declined the sale of spare parts, the Administration is proposing for Fiscal Year 1984 ten million dollars in military credits. If Congress is serious about its human rights concerns and if it wishes to avoid a Salvador type situation in Guatemala, it must in our judgment adopt a complete and total ban on all military aid and sales.

STRENGTHENING THE HUMAN RIGHTS LAWS

Under the Carter Administration, the State Department did not to the best of our knowledge use the ambiguity of the law to avoid applying sanctions in pursuing human rights objectives. Most particularly, the Carter Administration often used its vote in the multilateral development banks to promote specific improvements in the human rights performance of recipient governments.

Its method was the perfect blend of public and private diplomacy. The vote was public, but the specific improvements it proposed were secret. A diplomatic demarche setting out concerns would be relayed by the Embassy to the government in question.

Whether the Carter Administration was acting by law or policy the public never knew. But it was acting. The Reagan Administration has used every loophole, every ambiguity in U.S. human rights law to avoid applying sanctions to promote human rights. And in the case of Guatemala, we see that it stretched the ambiguity of the law way beyond the breaking point.

One remedy would be to drop the word "consistent" from all of the general human rights laws (previously cited). This would insure that the human rights laws do have some teeth and would provide a better standard of measurement against which U.S. embassies and the State Department would be required to promote human rights in accordance with the law. The change would also make it much more difficult for the executive branch, in egregious cases such as Guatemala and Chile, to provide assistance except for economic aid which directly benefits needy people.

It is a reform, not a revolution, in U.S. human rights law, but a badly needed one.●

POPE JOHN PAUL'S TRIP TO POLAND—AN EVENT OF GREAT IMPORTANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BIAGGI. Mr. Speaker, as the world reflects on Pope John Paul's visit to his homeland, Poland, one is struck by the enormous significance and symbolic importance of the event. Pope John Paul, while accomplishing the religious objectives of his pilgrimage, achieved far more with his messages of freedom which has fueled hope in the hearts of millions of oppressed Poles.

The message rang clear throughout the visit. Characterized by the word "suffering," the Pope made constant references to the conditions in Poland caused by martial law. In front of the most sacred Black Madonna in Czestochowa the message was especially appropriate. The Holy Father spoke of freedom while commemorating the 600th anniversary of the madonna, the symbol of Polish independence. The Pope's later meetings with Solidarity leader Lech Walesa reinforced the message and it too had tremendous symbolic impact to the people of Poland. The Pope's very insistence that he be able to meet with Walesa demonstrated to the world his commitment to freedom in his homeland for as no other Walesa has come to represent the hope of liberation for Poland.

Yet the Pope's visit was not merely one of abstract symbolism. In his message of freedom he conveyed his empathy for the peculiar sufferings of the Polish people and his understanding that change will not come overnight. He delivered more than just an exposition of ideals. It was a message to the people of Poland that the world knows of their suffering and is working to alleviate it.

Life has changed dramatically in Poland in the 4 years since the Pope last visited his homeland. Four years ago the yoke of martial law was not upon the people of Poland. His first visit was a triumph—it brought great hope for reforms and expanded liberties. His visit helped to provide the basis for Solidarity. Yet in the 4 years the liberties were crushed and hopes dashed by the imposition of martial law. Yet judging from the crowds on the papal visit in 1983 the spirit has yet to be broken.

The Pope while avoiding direct criticism of the Polish Government he made his opposition clear. He criticized the disregard for civil rights. He encouraged the lifting of martial law. He called for an honoring of the promises of social reform which were made to Solidarity in 1980. The Pope made demands on the Polish people as well. He called for faith and hope but not arms. Pope John Paul expressed his belief that a "victory through effort and the cross, a victory achieved through defeats is part of the Christian program of life and of the life of the nation likewise."

Optimism is the aftermath of the Pope's visit—optimism based on favorable signals that an end to martial law may be in sight. Pope John Paul, the symbol of freedom and hope comes to a land troubled in spirit—strangled by oppression and tries to instill hope. The Pope has once again touched the hearts of people—this time the people so close to his heart—his fellow Poles. Let us hope that his journey serves as a catalyst in the processes which will allow freedom to return to Poland.

While Pope John Paul has left Poland in the physical sense—he remains with the people in spirit and Poland finds itself at a pivotal point in history as an editorial in today's Christian Science Monitor states:

Poland is once again at a watershed of sorts. On the face of it it may seem that the Pope's visit to his homeland and the massive outpouring of popular support for him have solidified an intractable political stalemate. Yet the reverse could prove to be the case. The controlled nature of the mass demonstrations and the Pontiff's two meetings with General Jaruzelski may actually strengthen the regime's efforts to reach some sort of national understanding however tenuous and to get the country working again. Harbingers of possible progress are official hints in Warsaw of lifting martial law next month and talk in Western capitals of lifting sanctions on Poland and resuming aid if martial law is in fact ended.●

MONEY MARKET ADVISORY BOARD

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ADDABBO. Mr. Speaker, on occasion I bring to the attention of the House remarks by the former Assistant Director for Planning and Budget of the Interior Department, Irving Zuckerman, a distinguished economist whose point of view brings this murky subject into focus for even those of us who find economics incomprehensible. Mr. Zuckerman has recently written another essay on the question of interest rates and the effect upon the international economic recovery opportunities. I believe the Members of the House would find this article instructive and I submit the essay to be inserted into the RECORD.

The text follows:

MONEY MARKET ADVISORY BOARD

(By Irving Zuckerman [1])

My tax accountant is once again alarmed about the outlook for interest rates that may affect his clients, some of whom are still teetering on the edge. His concern has been intensified by the foreign debt complications, and the Central American situation. "Just when I began to feel some comfort that interest rates are bound to continue downward, signs appear toward a 'temporary' rise in interest rates with possible effect on recovery. And then there is the $8 billion considered for IMF. Is sustained recovery being jeopardized?," he asked.

Me: That is a broad question, so let's try to take one item at a time, starting with the more recent. Central American countries have had very high interest rates all along, and we recently had a chance in the U.S. to see how high interest rates can disrupt even a strong economy, no less a weak economy.

Him: What are the interest rates in El Salvador then, for example?

Me: I do not recall seeing mention of the interest rates in El Salvador, or those in any of the defaulting countries. But based on experience in the U.S. it might well be that we cannot hope to help any country where interest rates are a major problem, no matter how much U.S. taxpayer money is poured in.

Him: I hope that the $8 billion does not represent a first installment on the $500 billion total loaned abroad by U.S. banks mentioned in news items. By the way, wasn't much of the $500 billion loaned abroad when there was urgent need in the U.S. for liquidity and when we were being urged to save more?

Me: I recall a hearing in the summer of 1981 chaired by Congressman St Germain where Congressman Reuss, Chairman of the Joint Economic Committee, asked Volcker about this, and Volcker said it didn't matter since money comes in and money goes abroad.

Him: But the higher interest rate abroad meant much higher risk, so that it wasn't a better deal even considering the somewhat higher interest rate abroad than in the U.S., so I wonder at . . .

Me: I also recall a Wall Street Journal item late in 1981 quoting the senior executive of a bank heavily into foreign loans where he said, "We take full responsibility for our credit portfolio. We are not asking anyone to support it with taxpayer dollars and we don't claim there isn't a threat to world stability. But we're prepared to take the consequences of our action." I made a note of that at the time the item appeared on page 10 of the December 21, 1981 issue. In the same news item another banker referred to other bankers who prefer to deal with "authoritarian" governments.

Him: Could it be that is the reason why the U.S. so often finds itself supporting questionable interests in other countries? I favor an independent Federal Reserve Board. But it seems we are not organized to defend ourselves economically.

Me: We do seem to need a mechanism to protect national interest, while allowing private pursuits to operate less short-sightedly. So, besides the Fed there is need for a tripartite 'Money Market Advisory Board' on which there could be represented all the components of the money-market. We need timely fact-finding and that involves all the components early.

Him: I recall an editorial headed "Money Mystery" which deal with what caused sudden changes in the money-supply, which the Federal Reserve tries to use to fight inflation. More recently, there was a $7 billion change in one week that was a "mystery". In actual practice, it turns out that Congress does not seem to be able to handle those kinds of problems for political reasons. So, perhaps a money market board could be exactly what is missing. What details do you have in mind?

Me: The independent of the Federal Reserve would be maintained; but on the money market board the Federal Reserve would speak only for the banks—the lenders—the money-supply side of the table.

Him: And who would speak for the borrowers—the money-demand side of the table? We now have little or no participation of that kind at some of the more important decision-points. And I have industrial borrowers in mind in particular.

Me: That is a major point. The non-financial corporations would have representation on the money market board, and would have an opportunity to choose such a representative.

Him: But part of the money-supply in the money market is foreign, and part of the money demand is also foreign. This can be important. Higher interest rates in the U.S. and foreign instabilities bring added foreign money into the U.S. that goes into circulation. Then the Federal Reserve sees higher money supply and ups the interest rate to curb the domestic money supply; and that higher interest rate brings still more foreign money into the U.S. circulation which then causes the Federal Reserve etc. etc. Isn't that . . .

Me: Possibly, but in general we have been playing 'blind man's bluff' in quite a few ways. Well, in the money market board, foreign money would be represented on the supply side of the table, and foreign borrowing would be represented by a different man on the demand side of the table.

Him: And governments borrow lots of money too—federal, state and local governments—so they would be represented on the demand-side of the table?

[1] Economic consultant. Formerly Assistant Director for Planning and Budget, Interior Department.

Me: Consumer credit would have a representative on the demand-side of the table.

Him: I can see that choosing a chairman for a money market board could be tough.

Me: Considering that all the representatives are in economic conflict, with the federal government itself being a party at interest, I naturally look to the judiciary for an independent life-tenured public interest chairman whose actions need to be objective in defending free economy system.

Him: But banks are not the only lenders, so the supply-side of the table seems incomplete.

Me: The description is simplified, of course. I do have in mind substantially complete data for the money and credit providers on the supply-side of the table, and substantially complete data on the money and credit demand-side of the table.

Me: I see that you are sensitive to customary deficiency of data and representation when vital public policies are being determined. Let's say the money market board comes together, now what? It seems like a kind of accounting job in detail, so perhaps CPAs . . .

I would expect the open board to receive requests from Congress, the President, etc. And the board would be in a position to provide the necessary many-sided information, probably including supply and requirements tables.

When all the details of practice are fully developed, it should be possible to have theories that conform to the realities. And it should also be possible to develop more realistic problem-prevention so as to be able to follow a safe course. Gambling in the dark cannot be considered conservative. With all the money market components participating, it should be possible to avoid the one-sided approaches that throw the economic system out of balance. With the third side of the table representing public interest in protecting the free economy system, I would expect the outlook to be substantially improved.

I can see that my clients would be better off now if we had had a money market board, but how about such problems as smoke-stack industries which we now see?

Since the smoke-stack industries are cyclical, they are exceptionally hard-hit by economic slumps. It is short-sighted for cyclical industries to finance heavily with long-term debt. In fact, I would hope that a money market board would be free to take the long-view of industry-finance into account for the sake of economic stability. I think there is excessive inducement for debt-financing.

So you expect the smoke-stack industries to come back with general economic recovery. Some of my clients would be glad to see that. But what about the huge federal deficits?

In former years federal deficits were considered to be stimulative, so it might well turn out that a substantial part of the present deficit problem might turn out to be cyclical. Any federal deficit is a means of buying time in which to make underlying economic adjustments including methods of financing. As lawyers like to say, "We can't have our cake and eat it too."

Would it be beneficial for El Salvador to set up a money market board?

Any country should be able to make more effective use of its financial resources with such a tripartite board. In the case of El Salvador, a more effective domestic economy is urgent to enable U.S. assistance to have more result with savings to the U.S. taxpayers.●

WOMEN'S PENSION EQUITY TIME FOR CONGRESS TO ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ROYBAL. Mr. Speaker, on Tuesday, June 14, 1983, the Select Committee on Aging, of which I am chairman, conducted a hearing reviewing the inequities that women presently face under our Nation's private pension system. The difficulties enumerated by public witnesses, national women's groups and pension experts, present a persuasive case that the Congress should act with dispatch to redress these problems and to better assure the retirement income security of older women—the fastest growing group entering poverty in the Nation.

Today the number of women entering the work force is increasing daily. More women are heading households, a substantial number remain in the home to rear children, while still others are pursuing a range of careers from professionals to assembly line workers. In whatever role women may find themselves there is a need which must be fulfilled for each. That is that women need the assurance of a financially secure retirement after their productive working years end.

The inequities that face women under our Nation's private pension system are in some ways not dissimilar to those problems which women have faced throughout our history. The ability to obtain and enforce legal rights, to be treated fairly, to have equity in fact as well as in law, have come slowly to women in our society. Examples abound, from the founding of the Nation it took some 143 years for women to gain the right to vote. Many women could not enter into a contract or own property in their own behalf for over a century.

The problems are of some immediacy. Based on the most recent statistics of the Current Population Survey (CPS) of the Census Bureau, over 43 million or 42.8 percent of the labor force is composed of women. Only about 9 million or 21 percent of these women are covered under a pension plan of an employer. On average, the amount of pension benefits a woman receives is smaller than the amount received by men. An early study conducted by the Social Security Administration in 1970 indicated that the median annual private pension for women was $970 and $2,080 for men. Recent microsimulation studies conducted by Brandeis University suggest that these same disparities obtain in the present. Or, as noted by Lou Harris in his testimony before our committee, women age 65 or older receive less than men of a similar age stating that, "the median income for these women, who make up 55 percent of all our senior citizens, is a miserable $4,747 a year, compared with almost double that amount $8,173 for men of the same age." Harris further noted that the problem most frequently cited by both men and women was a lack of adequate financial resources.

In 1974, the Congress passed the Employee Retirement Income Security Act (ERISA) to protect workers covered by pension and welfare benefit programs offered by their employers and employee organizations. This law was enacted to protect the millions of American workers who look forward to and will rely on their pensions to support them in retirement. While passage of this law represented a tremendous step in securing pensions for our workers, it is clear that the next step is at hand, that the inequities against women permitted under present law must be removed.

The Economic Equity Act, introduced by Representative PAT SCHROEDER (H.R. 2090) and the Private Pension Reform Act (H.R. 2100) introduced by Representative GERALDINE FERRARO of our committee represent the principal legislative thrust to remove these inequities. A woman's retirement income security is no less important than a man's and it is time for then Congress to do more to honor this theorem.

In his state of the Union address, President Reagan said "Our commitment to fairness means that we must assure legal and economic equity for women * * * we will also take action to remedy inequities in pensions." I was disheartened last week to hear that certain senior advisers and members of the President's Cabinet had advised the President to resist legislation improving retirement savings for spouses, to resist legislation outlawing discrimination in insurance products, including pension plans, and to forestall submitting pension equity legislation involving women until the Supreme Court rules on the Norris case. It is this type of advice within the administration that lends credence to the "gender gap" to which the polls have alluded in recent months. It is my hope that the Congress and the administration will join in a bipartisan effort to insure pension equity for women.

I call upon the Congress to act decisively and to act now. Older women are entering poverty at an alarming rate. The Congress must assure that women obtain pension equity now. To not do so will mean to consign upon women as individuals and as a group inequities which will lead to their destitution in old age.●

THE FLEDGLING SCIENCE LOBBY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BROWN of California. Mr. Speaker, I wish to call my colleagues' attention to a relatively new organization, the National Coalition for Science and Technology (NCST). This is a nonpartisan group of scientists, educators, businesspeople, and engineers. It is composed of both individual and institutional members.

What all these people have in common is that they are concerned about the recent, alarming trends in science education, scientific research, and industrial productivity in America. Through this coalition, they are seeking positive action to help the United States retain its leadership in these critical areas.

Organized late in 1982, NCST already has been involved in fighting the Office of Management and Budget's proposed changes in rules governing the activities of Government contractors and grantees. Next month, the group will be testifying before Congress on the subject of antitrust laws affecting joint R&D ventures.

In October, the coalition plans to hold a national conference on legislation affecting the use of animals in laboratory experiments. Then, in November, they are holding the first in a series of regional forums on trends in science education.

I am pleased to serve on the advisory board of the National Coalition for Science and Technology, which Congressional Quarterly magazine recently dubbed the "Fledgling science lobby." This is an energetic group which is working very hard to address many important and complex issues which will help to shape the future of our society.

Our colleague, CLAUDINE SCHNEIDER, recently joined me on the NCST board of advisers. Senators PAUL TSONGAS and WARREN RUDMAN also serve on the advisory board, along with a number of distinguished individuals from industry and academia.

Mr. Speaker, we know that scientists and engineers historically have been reluctant to enter the political arena. The research community may well be the last important sector of our economy to organize itself to participate in the political process. Ironically, the research community may be in the best position to give advice to Congress on these matters. While science cannot provide all the answers—and I sometimes think we expect it to—scientists are well placed to delineate the limits and the potential for science to contribute to society and to help formulate public policy.

The formation of the National Coalition for Science and Technology appears to be a promising first step towards reversing this situation.

Last week, the Boston Globe ran an excellent article about this organization and its energetic chairman, Don Stein. I insert the article for the RECORD and urge my colleagues to review it.

[From the Boston Globe, June 13, 1983]

NEW HIGH-TECH LOBBY UNITES SCIENCE, BUSINESS

(By Davis Bushnell)

Although the science and business communities have rarely been symbiotic, a new group in Washington, The National Coalition for Science and Technology (NCST), is attempting to forge a relationship between the two that will have considerable impact on Congress.

Science groups worried about Reagan Administration cutbacks are increasingly demonstrating their political mettle. Last year, for example, a group of space scientists employed by universities persuaded Congress to restore $3.2 million to the basic research budgets of The National Aeronautics and Space Administration. And six months ago, the American Physical Society, representing 33,000 physicists, opened a Washington office.

But no lobbying organization of late has gambled on bringing together scientists and business persons—those from a high-technology sector—for the purpose of becoming a respected pressure group on Capitol Hill.

Early organizational efforts have confirmed the hesitancy of business to take part in the NCST venture, said Donald G. Stein, chairman of NCST's executive committee, adding that, as of last week, there were only 10 corporate supporters. Since the group was formed last fall, it has attracted 500 individual members.

"Even though I'm aware of the differences between scientists and business people, I'm surprised by the reluctance of industry to help us get going," said the 44-year-old Stein, a professor of psychology and director of the brain research laboratory at Clark University at Worcester.

"Business people," said Stein, "have told us, 'We have our own associations. Why should we help a group of scientists get involved in the (political) process when we have our own mechanisms?' It's hard for us to convince them that we have a common goal. Business needs us—for the people were training in universities—and we need business. The challenge is becoming credible, given, so far, our limited resources."

NCST, which began operating out of The National Education Association building in March, has set its sights on enlisting the support of from "60 to 100 companies" by the end of the year, Stein said. An infusion of $60,000 during this period, he said, would be sufficient to "support membership mailings." Individual dues are $30 and $15 (students), and corporate fees, based on company size, range from $250 to $5,000.

Among the 10 corporate members are Wang Laboratories of Lowell, Motorola Corp. and Purdue-Fredrick Co. of Norwalk, Conn. In the coming months, a comprehensive corporate solicitation program will be implemented by a Washington fund-raising and public relations firm, Stein said.

Businesses will be solicited for both memberships and categorical grants, he explained. The Norton Co., the large Worcester abrasives manufacturer, has already pledged funds for a Nov. 18 symposium in Worcester on trends and science education and their implications for society and business. The forum will be co-sponsored by Clark and Worcester Polytechnic Institute.

Support of science and education is one of NCST's initial goals, Stein said. "We want to offer a broad-based support for all scientific areas—including civilian use of space, health research and international cooperation and exchange—that have tremendous spin-offs for the long-term interest of the country. Defense is important, but these other interests are worth defending, too."

The "broad-based" is an adjective used often by Stein, who spearheaded the formation of NCST, following his experience in 1980-1981 as a congressional fellow in science and engineering. "As a fellow," he said, "I saw individual groups testify, Group A would say, 'Give us the money, we're on the frontier.' Another group would say the same thing, and so on. This pits one group against the other, which is bad."

NCST is therefore trying to do something no other group has attempted. That is, he said, "To bring together all scientific constituencies—from astronautics and astrophysics to zoology."

While corporate support generally still constitutes NCST's major problem. US Sen. Paul E. Tsongas (D-Mass.), an NCST advisory board member is convinced that business will come around. "If this isn't a right time for such an organization, I don't know what time is," Tsongas said.●

SENATE—*Wednesday, June 29, 1983*

(Legislative day of Monday, June 27, 1983)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by Hon. JOHN H. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Omnipotent, Eternal God, this is a place of power. Where there is power, there is pressure. Where there is pressure, there is friction. Where there is friction, there is heat. Under such pressure the Senators serve, added to which is personal tension between conscience and demands of public and private interests and political destiny. And always there is the tyranny of the urgency. In the vortex of all this the leadership works. Dear God, bless our leaders. Grant them special wisdom, strength, and patience.

Father in Heaven, in the midst of the stress, grant Senators Thy peace. Make them wise as they face choices that are rarely either/or, all right or all wrong, all good or all bad. Give them wisdom and sensitivity and the courage to act as conscience dictates and peace in their hearts once the decisive moment is over. May this recess be family time as well as work. We pray in the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 29, 1983.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN H. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, perhaps this is the last day of session before we go out for the July Fourth recess. However, in order to accomplish that, we have a vote at 10 a.m. on the tax cap bill. The leadership on this side proposes to take up and dispose of the agriculture appropriations bill. There is at least one conference report which I understand will be available to the Senate today. That is the HUD appropriations bill, which must be dealt with, and other conference reports if they arrive here.

What that means is that we are going to have to work very hard and very fast if we get out today. The adjournment resolution which has been passed by this body, and I believe not yet passed by the House of Representatives, provides for our adjournment over until July 11 beginning today, tomorrow, or Friday. I hope it is today.

Mr. President, I have no further need for my time under the standing order.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved for later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRELUDE TO A GREAT CAREER

Mr. BYRD. Mr. President, only weeks ago, Senator JENNINGS RANDOLPH announced that he would not seek reelection to the Senate when his current term expires next year. Senator RANDOLPH and I have represented West Virginia together in this Chamber for nearly a quarter century. Since his election to the House of Representatives in 1932, Senator RANDOLPH has been a familiar figure in Washington, and has made thousands of friends over the years. I know that I speak for those thousands and for our many Senate colleagues in expressing my regrets that Senator RANDOLPH'S long Senate tenure is coming to an end.

Appropriately after so many years of public service, Senator RANDOLPH'S admirers are holding special events in his honor. Likewise, friends and associates are sharing with one another their warm memories and anecdotes of Senator RANDOLPH'S outstanding career. All of the banquets, awards, and the stories are further tributes to the influence that Senator RANDOLPH has borne on the lives of so many people in so many walks of life. Indeed, Senator RANDOLPH should take real satisfaction from the sincere gratitude and appreciation that, again and again, are being expressed toward him for the many acts of kindness and helpfulness that he has rendered throughout his life.

Senator RANDOLPH'S public biography is well known to most people. But the current issue of West Virginia's own Goldenseal magazine carries a candid and enlightening first-person account of Senator RANDOLPH'S memories of his early personal and family life. The Goldenseal article includes several nuggets that would interest Senator RANDOLPH'S friends and colleagues, such as the story of how he came to be named "Jennings."

Mr. President, to share that commendable account with a wider audience, I request that the article, "Jennings Randolph—'Always Remember the Man and Woman By the Wayside of the Road,'" from the 1983 summer issue of Goldenseal magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JENNINGS RANDOLPH—ALWAYS REMEMBER THE MAN AND WOMAN BY THE WAYSIDE OF THE ROAD

(By Michael Kline and Gene Ochsendorf)

Jennings Randolph announced this spring that he would not seek reelection to the U.S. Senate in 1984, thus signaling the end of a long and distinguished political career. Randolph first entered Congress as a young Representative 50 years ago, coming to Washington following the Roosevelt landslide in the 1932 election, and he has served in the House and Senate for most of the time since then. For generations he has been a living legend in West Virginia, yet his high offices have not isolated him from his constituency. Throughout his years of government service he has remained approachable.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Senator Randolph's accessibility to us in particular grew out of his authorship of legislation and lifelong support of programs benefiting disabled people. When the Randolph County Sheltered Workshop found itself suddenly without facilities last year, the Senator jumped in and helped the Workshop get reestablished in new quarters. He then showed up at the opening of the new plant to celebrate with the participants. It was in this context that we became acquainted, since co-author Gene Ochsendorf is the director of the Workshop.

Although Randolph's name has been a fixture in the news for decades, there's been very little written in the way of solid biography of the man. We suspected that he had a remarkable story to tell. When we suggested doing an interview for Goldenseal, he responded cheerfully that no one had ever asked before and that he would be delighted to cooperate.

(So it was that we met at his birthplace in Salem on a snowy evening in February. For a couple of hours he entertained old hometown friends—E. J. (Jean) Lowther and wife Mary Ann, Ed and Sylvia Davis, and Everett and Elizabeth Pearcy—with tales and songs. Then we dashed off to see the Salem-Wesleyan basketball game. We left there about 9:00 and crept back to Elkins over icy roads with the Senator talking steadily the whole way. In Elkins we enjoyed a midnight snack at a local restaurant, where Randolph engaged a young waitress in a lengthy discussion about voter responsibility. As the authors and photographer—all young enough to be Randolph's grandsons—wilted like tired flowers, the Senator went on being animated, energetic, and lucid.

(The conversation resumed early next morning in Randolph's apartment at the Tygart Hotel, and continued right up to his 11:10 AM flight time at the Elkins airport with tales of his pioneering in American aviation. As we watched in near exhaustion, the 80-year-old Senator departed with a blithe smile and warm farewell. In Washington that afternoon he faced a rigorous schedule of hearings and public appearances, and he went off to meet those responsibilities like a youngster to a basketball scrimmage. After nearly 20 hours of exposure to his boundless energy, we began to understand how he has accomplished so much.

(The Senator's political career is already well-known, and we've concentrated on Jennings Randolph's early life, taking his story up to the point when he drove off to Washington with his new bride to take up his seat in the House of Representatives. Here is his account of how it all began.)

Jennings Randolph. I grew up in a town where Main Street was something, you know, people stopped and talked. I never knew what it was to ride to school; you always walked. The little town is not too much different from what it was then. We don't have the glass plants, and oil and gas that made it such a busy place back in those years, but it still looks pretty much the same.

My grandfather Jesse Randolph was the first mayor of Salem. In fact, on his first day of becoming mayor he had to fine himself. There was an ordinance that if your horse got out of the road and up on the sidewalk—the sidewalk in those days was mostly timbers up on stilts—there was a fine of a dollar or two. So the first fine my grandfather imposed was on himself for his horse getting up out of the road and onto the sidewalk.

My grandfather was a very colorful man, loved by everyone. He had a little white goatee, and everyone called him Uncle Jesse. He was the man that Salem looked to and he never let them down. He was a member of the State Legislature, director of one of the banks, involved in various businesses, and was a farmer. He taught me how to ride a horse, pitch hay, and milk a cow. He was very close to me.

Jesse Randolph was also the principal founder of the college, and head of its incorporators. When the college was first supposed to open the building wasn't finished, even though they had already announced that registration was to take place. Grandpa took all of the merchandise out of his general store and put it in lots and barns elsewhere. Then a sign went up in front of that store—Salem College. It was very important to him—always, he'd say, you must keep your word. So even though the building wasn't completed, the college opened. That was his feeling about everything, that your word must be your bond.

He used to have a garden in front of his house which upset his wife, Mary Frances, a little. She thought there shouldn't be a garden in front of the house—pole beans and whatnot. One day she said, "Grandpa, why do you have a garden out front? Why can't you have a lawn?" "Well," he said, "gotta have something to eat."

And every morning he had apple pie for breakfast. Never changed it. I can remember one morning he came in the kitchen and my mother said, "Grandpa, have a little breakfast with us." It was about 7:30, sister and I were getting ready to go off to school. He said, "Idell, I appreciate that, you know I do, but I always make it a rule to eat in the morning." Well, you see, he ate at 6:30 every morning, so he was telling the truth.

Grandpa and Grandma were married under a tree at Quiet Dell. When the ceremony was completed she got on the horse behind him and rode to Salem, same horse. I remember seeing that same tree where they were married in later years. They're in the little cemetery of our church along with my father and mother. We have all of our family there.

My father, Ernest Randolph, was a very fine lawyer. He had an office in Clarksburg in the Goff Building. He and Edward Law, who was known as Jay, had offices side by side. They were exactly the same height, weight, and everything. When they left this county to go to the university in Morgantown they roomed together. In order to save money then decided to buy one suit together. They called it their courting suit.

My mother, Idell, was a Bingman. Jim and Medina were her parents. Jim, her father, was a timberman and used to ride the logs down the Tygart River from up in the Elkins area. He rode the logs down into what's now the Tygart Lake. He used to tell me about jumping from one log to another. Grandma and Grandpa Bingman lived right behind us in Salem and I used to sit and watch him and work with him. He could take a piece of wood and make anything.

My mother and father were married in the chapel of the college, October 22, 1896. I remember later my mother telling me, she said, "I said to Papa, now who are we going to invite?"

"Why," he said, "we're gonna put it in the paper and invite everyone." So they invited everyone. Theodore L. Gardiner, the president of the college, performed the ceremony. I still have his record of marrying Idell Bingman and Ernest Randolph in his own handwriting.

My sister, Ernestine, came along first. By the way, she is 83 years of age now and very active. This morning I saw her on the floor of her living room in the apartment next to where I live in Washington doing her exercise. Doing them well, I might add.

Speaking of Ernestine, I remember once riding my grandfather's horse down the hill back of our house. I was about eight, nine years old. My sister was on behind me, I was in the saddle. The horse began to canter just a little. My sister was slipping and she had her arms around me and started sliding off. Apparently the saddle wasn't tight enough and so we both went to the ground. My foot was in the stirrup and had the horse moved along I wouldn't be here tonight. However, the horse stopped in its tracks, which horses don't always do when there is an accident, and I was able to get out of the stirrup. I can still hear my sister crying, "Oh, my gosh, what have I done!" I remember that experience so well, and I've loved horses ever since.

Walt Strother, the doctor who brought me into this world, always rode a horse. He kept his medicines in the saddlebags and would come any time of night. He would get off his horse, pull the reins up over the horn of the saddle, tap the horse on the rear end, and the horse would travel around the corner to Mathias Williams' livery barn while Dr. Strother would go on up to his office.

When I had just been born, my father was with William Jennings Bryan[1]—they were very close friends. Mr. Bryan said, "Have you named this boy?"

"No," my father replied.

"Then why don't you give him part of my name as a good Democrat?"

So that's the way I got my name, Jennings Randolph, from William Jennings Bryan.

I have many fond memories of growing up in this house on Main Street. Paul Bumgardner, who lived next door, and I would sleep with a cord strung between the houses and tied to our big toes. This was so we could awaken one another when the Ringling Brothers Circus was coming from Parkersburg to Clarksburg. You see, this was the main line of the B&O railroad and we would go down and stand along the tracks and watch the circus train pass. Mr. Coyne, who was an Irishman, would always let us know when it was coming through. He was the telegraph operator and had all of the schedules. We were maybe eight, 10 years of age.

Above the tracks on the hill was the town's water tank. I used to tell my father and mother that if I could get a long pole and climb the hill, which I often did, then climb the tank and hold out that pole, I believed I could touch the sky.

Those were rough and ready days. This was oil and gas country. My father was mayor of Salem and was against legalized drinking. Others wanted to establish open saloons and came one night to burn the house down. We used to have a railing around the porch roof and my father stood there with a pistol and told them that the first man that moved would get it right through the middle of his eyes. The same thing happened at the college. They threatened to burn it and Theodore L. Gardiner,

[1] Bryan, the great populist politician, was a three-time presidential candidate at the turn of the century. He served as Woodrow Wilson's secretary of state from 1913 to 1915.

the college president, stayed in the belfry all night with his shotgun.

My first introduction to politics was not a good one. I was about seven or eight years old. Some of us kids were playing in the hayloft of Gus Traugh's livery stable when we heard voices below. We looked down and there was a Salem man, whose name I won't use, paying off people who had voted in the election. it was shocking, and very sad, but that was the picture. I went home and talked to my father and grandfather about it. That was my introduction and not a good one.

Then in 1912 my father took me to the 1912 Democratic Convention. I was 10 years old and we boarded the train here and went through to Baltimore. That was the last convention, Republican or Democratic, held in Baltimore. I can remember the bunting and the bands as I sat on my father's knee. Papa was a believer in Woodrow Wilson and thought he should receive the nomination. Others in our delegation were for Champ Clark, the Speaker of the House, from Missouri. Woodrow Wilson was then the governor of New Jersey. He told William Jennings Bryan over the phone that he would accept the nomination provided that it was not necessary to have the votes from Tammany Hall [2] then under Boss Murphy's control. Finally, Wilson won out. So I got started early.

At that time in life, though, politics couldn't compare to baseball. I remember riding the train all night to Washington, D.C. I didn't go to the Capitol or the White House, I went to see Ty Cobb play baseball. He was the man, a sports hero I looked up to. He could run the bases, he could hit, he could field. In those days baseball cards came with Rumford Baking Powder and I had all the women of the town saving cards for me. When I got off the train there I walked out to my Aunt Mae Townson's house—she was the daughter of Jesse Randolph—and had breakfast. Then I walked to Griffith Stadium—that's the old Griffith Stadium—where the Washington Senators were playing the Detroit Tigers that day. So I got to see Ty Cobb. Another time Branch Rickey came to our house for dinner. He was here speaking at the college as part of our lecture series. I sat there with my eyes wide open listening to everything Branch Rickey said. I think my intense interest in sports, eventually leading to my becoming sports editor of the Clarksburg Telegram, was due to these events.

We only went to public school up to the third grade. Then we went to the training school at Salem College Academy. Salem Academy was part of Salem College's teaching program and so we had practice teachers all through the Academy. These practice teachers were very dedicated. Sarah Barnes, Mabel West, I remember then all. I used to study by the fireplace standing up. I would enjoy warming my backside, turning back and forth. It was in the springtime of my life. Sweeter than springtime.

Salem had several glass plants at that time. We had over 500 Belgian people expert at hand blowing glass. Some of these Belgian people were active leaders—Oscar Andre, the counsel for the college, for instance. Those plants are closed now, but you can still see some of the buildings.

[2] Tammany Hall was the corrupt New York City Democratic machine, best known for producing the notorious "Boss Tweed" in the late 19th century. Tammany was under the control of Charles Francis Murphy in Wilson's day.

The old road coming into Salem was narrow and going over Tunnel Hill from the west was quite a climb. If you made it in high gear you'd tell your friends about it. George Trainer had the first automobile in Salem. It was a Winton. I remember my uncle had the first small car. It was a Bush. It had no doors, you just stepped in. I can see it going down the street. Even though there were cars, in those days you didn't go out for a date, you came to stay. I can remember so well when my sister Ernestine had a boyfriend come to the house. Ten o'clock was the time for the young man to leave. At 10:00 father would call down and say, "Ernestine it's 10:00." Then, if the young man still didn't go, he would take his shoe and begin pounding the floor by his bed.

As I grew older I worked at various jobs around Salem. I kept a filling station open all day long on Sunday. My mother would bring my lunch down. I worked in a clothing store, Davis Men's Furnishings, and I worked at the planing mill owned by Evander Randolph. I also worked with my father. He was an oil and gas producer, president of the Randolph Oil and Gas Company. I still have a copy of the stock in my drawer, but it's worthless today. He drilled many dry holes in the hollers around Salem.

My father was also a cattle buyer, shipper. He didn't raise the cattle—he'd buy them in the spring or summer for shipping to Baltimore and Jersey City. He kept a little book in which he wrote the day of the transaction and the price at which he had agreed to take them up. We would drive the cattle in, try to keep plenty of water in them so they would weigh well, and then we'd load them, usually on a Friday evening, to be sold on the open market. These were beef cattle, very finest we had in the hills, and lambs also. Very seldom did we ship any hogs. There were loading pens at Wolf Summit, Bristol, West Union, Pennsboro, and of course Salem.

In 1920, when I was graduated from the Academy, my mother gave me no suit of clothes, or shirt, or tie; she gave me a Bible. On the flyleaf in her own handwriting she had my name, just Jennings, and then she had written these words—"Each for the other and both for God," sighed Idell. I've never found the source. We've had researchers work for years on it at the Congressional Library and elsewhere. That was her graduation gift to me and I still have it.

I was very active during my college years at Salem. I was a member of the staff on the Quill Club. That was the college yearbook, the Green and White. I remember singing in the Glee Club with my white pants and blue jacket. And although you wouldn't know it by looking at me now, I was very active in sports. I was a member of the varsity track, tennis, and basketball teams. Basketball was very different in those days. Today with fast breaks it's really speeded up. Back then there was only one person on the team that shot the fouls. I was that person. I used to practice two or three hours at a time. I would shoot like this, underhanded from below the waist. In 1923 I shot 19 consecutive fouls against West Virginia Wesleyan and we won by one point.

One night in 1923 I was called before the college board of trustees and didn't know what was happening. Charles A. F. Randolph was president of the board at that time. They came in and said I was to be a trustee. I remember saying, "You mean a student representative?" "No," they said, "a full-fledged trustee to take your father's place." So that was how I came on.

Recently when I came to attend a meeting of the trustees a man called across the street and said, "Jennings, I want to see you a moment. You were a trustee of this college for 50 years. Now I see you listed in the paper as Trustee Emeritus. What in the world is the meaning of that word, 'emeritus'?" I said, "It just means I'm still hanging around."

While I was in college I worked for the Clarksburg Telegram as a writer and sports editor. Then it was published on weekdays and Sunday. I would drive back and forth from Salem to Clarksburg in a little two-door Ford. It was a narrow, twisting, mostly dirt road in those days. After graduation I worked there as a regular reporter for approximately a year. At the same time I also wrote magazine articles for publications such as McNaught's Monthly.

Following my work with the Telegram I went to Charleston to work for Phil Conley on the West Virgina Review, eventually becoming associate editor. It was a wonderful magazine featuring West Virginia writers, poets, and articles. Tremendous man, Phil Conley—he worked me to death, didn't pay me too much, but it was a great experience. I'd come in from these trips all over the state and then address Rotary, Lions, Kiwanis, women's groups, whatever, about West Virginia and its history. I would sell ads, take subscriptions, do everything, then go back to my room and write stories until one or two in the morning.

I had a room at 1215 Lee Street in Charleston. Hardly wide enough for me to get in and a little bed hardly wide enough to sleep in. Eight or nine of us boys lived there and ate down the street at Mrs. Plunkett's Boarding House. Doesn't that sound like a boarding house? Plunk-it. I said one time, she's serving good meals but she's trying to marry off her daughter! I don't remember the daughter's name. She was slim, tall, had a long reach.

I was in Spencer writing about a Mr. Heck who had struck oil and become a millionaire overnight. While eating lunch at the McKowan Hotel I had a phone call from Elkins. It was a member of the Davis and Elkins College Athletic Committee asking if I could come that weekend and talk with them about possible employment as athletic director and member of the teaching staff. The president of Davis and Elkins College at that time was Dr. James Allen. His son, James Allen, Jr., was a student of mine and later became commissioner of education of the United States. Anyway, when I first came to Elkins I stayed with Jeff Whetsell and his wife Mig.

As athletic director I immediately began booking big, prestigious schools. The guarantees weren't good at first, but we needed the exposure. We defeated West Virginia University in its opening football game, 6-0. The following week we traveled to Annapolis where we defeated one of the best Navy teams ever, 2-0. It was a great story—no substitutions. Sixteen players in uniform and 11 men played the whole 60 minutes. It was a tremendous upset recognized all over the country. After the game a representative of the Baltimore Sun was in the dressing room and he suggested that we go to a vaudeville theater, the Gaiety Burlesque, to celebrate our victory. So I telephoned the Gaiety Burlesque and told the manager who I was and that I was calling from Annapolis where the Davis and Elkins football team

had just upset Navy 2-0. He says, "You say you beat Navy?" I said, "Yes, and we'd like to have, if we could, a reduced rate tonight, perhaps some special seating." "Why," he said, "We'll give you two full rows! Won't cost you a penny! Some of the leading women of the cast will come down and kiss the players on the cheek!" It wasn't always that good. One time we played the University of Delaware and all we had was enough money to buy a couple of bags of apples to eat.

In 1931 I took the basketball team to the west coast on the longest tour ever taken in this country. We drove out of Elkins in two little cars during the holiday season so as not to miss school. We even took our books. To cut down on expenses we only took six players. Our first game was with Valparaiso University, then the University of Kansas, University of Denver, University of Nevada, Brigham Young University, and so on. We played St. Mary's in Oakland and then went to San Francisco where we were scheduled to play San Jose College. But we had run out of money. We were staying in the Golden Gate Hotel which was second or third class at that time. It's a fleabag now, but whenever I'm in San Francisco I go back there. So I called the only person I knew who would help us—Hallie Davis Elkins.[3] The team was called the Senators or the Scarlet Hurricane, but when I called her I said, "Mrs. Elkins, your team is winning these games—it's great for the college!" The story was being carried of how the Scarlet Hurricane was finishing the games sometimes with only four players on the floor. And the next day we were moving on to Los Angeles to play Occidental and Pomona.

"Mr. Randolph," she interrupted, "how much do you need?"

When I told her we needed $200 she said she would telegraph $250 immediately. So I called the team together and told them Mrs. Elkins had come to our rescue. They cheered and that night we ate steak. We hadn't had much to eat along the way. She was a wonderful supporter of our college.

Michael Kline. Was it in Elkins, then, that you met your wife, Mary?

JR. No, I met her when I was at Salem College. Not in Salem—I was a tennis player and I went to Keyser representing Salem College at Potomac State. They were redoing some of the dormitories and they placed some of us that were there for this state collegiate tournament in homes. Edged right along the college property on State Street was the home of Frank Babb and his wife Gertrude. I remember when I went to the house, why, here the door was opened by a girl about 14 years old in pigtails, and that was Mary. I told her who I was and went in. I stayed there, I guess, maybe two, three nights in the Babb residence. They were Swiss people, both sides. Gertrude was a Scherr, Mary's grandfather Scherr ran for governor of West Virginia.[4] Her uncle was in the State Senate, and her aunt worked as society editor on the Charleston Gazette.

Later, Mary went to Beaver College near Philadelphia and we kept in touch. After I was at Davis and Elkins College she would come to Elkins and bring children to the West Virginia Children's Home for placement when she worked with the welfare department. She was known as the "Welfare Lady" and would go way back up in the mountains of Pendleton County.

I'll tell you a true story. I remember reading it in her diary. She went into the Smoke Hole area. There was a family, I won't tell the name, but the husband left and there was a very large number of children. Well, the report went in and they told Mary about it. So she drove up in her car. Many times she'd drive that Ford and have to put on her swimsuit and swim the river to get over. She went up this hill to a hut and here was this woman standing with her feet apart wearing a long apron ("not too clean," Mary had put in her diary). "Well," she said—and she was a little nervous about it—"Mrs. So-and-so, let me talk with you. How many children do you have?"

She replied, "Well, Welfare Lady, I've had three once, two twiced, and one just lots of times." That meant she had triplets once, and twins twice, and then one kid lots of times. Mary looked around and realized she had 12 children there. The husband had just left, pulled up stakes. She took care of all of them.

She also used to ride the narrow gauge railroad that ran from Hendricks up to Harmon. And the conductor, who was her friend, would hold the train and wait for her to go get a child, you know. People on the train would say, "What's wrong, why are we delaying?" He'd say, "We've just got to check the engine a little." Mary said she'd heard him say that so often.

We were married February 18, 1933, in the Babb's living room in front of the fireplace. Jean Lowther was best man and Reverend George B. Shaw traveled from Salem to marry us. It was a beautiful day even though it was February. I remember looking outside and there was Tom Pownall, who is now the chairman and chief officer of Martin-Marietta, tying cans on the back of our little Ford. And I can still hear Mr. Babb, who was a very stern man, calling, "Tom, stop that!" That was Mary's little two-door Ford, we had to sell my car for debts during the campaign.

So Mary and I drove it on to Washington, D.C. We got there about 5:30 or 6:00 and stayed at the Willard Hotel. It was a Sabbath afternoon and I told Mary that first thing Monday morning I was going up to the Riggs Bank. The Riggs Bank then was just one bank, now it has branches all over the world. The man in charge of the bank in those days was Robert Fleming. No office, he just sat behind a desk. You swung open a little door and went in. I said, "Mr. Fleming, I would like to borrow $1,000 for six months, nine months, or a year, and I'll be able to reduce it. But, I said, "there is one catch. I don't have any collateral." He laughed and said, "You were elected for two years. I'm not gonna let you out of town without paying." That's the way I borrowed my first money.

At that time if you came to Washington for the inauguration and stayed in a hotel your check was not accepted, you paid cash. The financial institutions of this country were closing down, so they didn't accept checks, didn't know if they'd be good.

MK. Do you think the country was on the verge of revolution when FDR came in?

JR. Well I think I would like to speak of it this way. We had FDR on the Democratic ticket, and Mr. Hoover on the Republican ticket. Very few people remember that right alongside the Democratic and Republican tickets was another ticket, the Communist ticket, with a candidate for president of the United States. The country was in dire distress. Those were the days when in the upper tier of Michigan, for example, there were 2,000 farms foreclosed in one week. The deputy sheriffs didn't want to move in, they knew the farmers. The farmers had their guns.

I'll tell you a story—I think I want to tell this now. The later part of March 1933, the President kept calling members of Congress to the White House in little groups. I was one of seven that were invited on a certain evening. It was 8:00. It was a cold, drizzly, rainy night. We were taken to the second floor of the White House, a wood fire was burning. The President sat behind a large desk and as we walked by we each shook his hand. There were chairs in front of his desk for us. We began to talk about bills that we were working on, legislation and so forth, the country's condition and how we must have faith and we'd turn it around. There was one member of our group, a very fine member of Congress he proved himself to be, who said, "Mr. President, may I say something that may sound critical?"

The President said, "Oh, yes, go ahead."

He said, "You know I'm for your program, all these parts of it, but I think you're trying to do too much too quickly. The people can't absorb it and I'm afraid it might fail, at least in part because of that."

Well, the President never smiled and he never frowned, I can still remember as I see his face, he just kept on talking about whatever was being discussed prior to that. But about five minutes later, he took the glasses from his nose, put them down, and he sort of leaned into the desk and looked at all of us. He didn't designate the one man. He said, "But gentleman," as if we'd just been talking about it the very minute before, "do you understand that we must act now? The reason we must act now is because if we do not act now, perhaps just a little later, we may not be given the opportunity."

That's what he said. Act now, we wouldn't even have the opportunity later. That was the seriousness of our country and its condition. So you know how serious he felt the situation was, and we felt it. That's quite a story, isn't it?

Gene Ochsendorf. Is there anything in your life you would do differently?

JR. Well, not really differently, but I would rather have seen my father go to Congress than myself. That is one true statement I make. He ran twice and lost. The district was heavily Republican at that time. I was about 14 and campaigned everywhere with him. He worked very hard for me in 1930, but he died in December 1931, before I was elected in '32. Over the years I received hundreds of letters from my father. He wrote in a bold hand and always signed them. "Pop." At the end of the letter, regardless of what he was writing about, he put some philosophy. I still have one at the Senate office that's in a frame with his picture. It says, "Always remember the man and woman by the wayside of the road."

That was his philosophy.

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[3] Hallie Davis Elkins was the daughter of Senator Henry Gassaway Davis, the wife of Senator Stephen B. Elkins, and mother of Senator Davis Elkins—supposedly the only woman in the country's history ever so related to three U.S. senators.

[4] The 1908 Republican convention deadlocked between candidates Charles W. Swisher and Arnold P. Scherr. William E. Glasscock was finally chosen as a compromise nominee, and later elected governor.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask that the Chair now place the Senate in morning business, pursuant to the order previously entered.

The ACTING PRESIDENT pro tempore. The Senate is now in morning business.

TIMES MAKES GREAT CASE FOR NUCLEAR FREEZE BUT MISSES THE RIGHT CONCLUSION

Mr. PROXMIRE. Mr. President, in a lead editorial Monday, the New York Times declared that the nuclear forces of the United States and the Soviet Union are "essentially in balance, asymmetrical but equivalent." The editorial goes on to say that this represents a good time and a good basis for negotiations that would aim to change the forces on both sides over a 10- to 20-year period so that we would replace multiwarhead missiles with one-warhead types.

It seems to this Senator that the rough equivalence of the two sides represents a powerful argument for a nuclear freeze, followed by matching, verified reductions on both sides; not moving the arms race into a new mode—even though a more stable mode—but stopping it and then mutually reducing the terribly destructive arsenals possessed by both powers.

Incidentally, the Times remarks on the fascinating difference between the two—"roughly equivalent" nuclear forces. It points out:

> The Russians have based more than 5,000 warheads on land, fewer than 2,000 aboard submarines. American deployments are the reverse: about 2,000 on land, 5,000 at sea. The Soviet advantage in land missile throw-weight is also offset by America's lead in bombers and cruise missiles and the warheads they carry:

This suggests to me that while the two sides may have equivalent nuclear destructive power, the edge right now definitely lies not with the Soviets but with the United States because our sea- and air-based missiles are so much less vulnerable than the Russian's stationary, fixed, land-based missiles.

The pertinent facts that the Times editorial adduces would far more properly grace an editorial calling for a nuclear freeze than the plea to shift the arms race into a less threatening gear.

Mr. President, I ask unanimous consent that the editorial to which I have referred, from the Monday, June 27, issue of the New York Times, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISSILE TRUTHS

To follow the arms control debate, just forget about the brawl over the testimony of Kenneth Adelman, the new head of the disarmament agency. His dutiful report that the MX missile would be bargained away only in the unlikely event that Moscow dismantled *all* its heavy missiles was neither news nor an Adelman opinion. As others have now made clear, he was conveying an agreed policy statement that combined two earlier declarations.

President Reagan had made it very clear that he wants to acquire at least 100 MX missiles to confront the larger and more threatening Soviet land missiles; that he might build *more* MX's if the Soviets refuse to reduce their heaviest missiles from 600 to 210; and that he would give up MX only if both nations shift completely from multi-warhead to single-warhead land missiles.

The senators who greeted this reiteration by claiming they were deceived into financing the MX as a "bargaining chip" deceived themselves. The bargaining, if there is to be any, will be up, not down.

But truth is not the same as wisdom. What has been wrong from the beginning with the American negotiating proposals is that they are not negotiable. Except for the potential vulnerability of America's land-based missiles, the strategic forces of the superpowers are essentially in balance, asymmetrical but equivalent.

The United States has been right to say that it can deal unthreateningly with the vulnerability problem. But the Reagan team keeps invoking vulnerability to demand vastly disproportionate Soviet reductions. The American proposals would require completely rebuilding Soviet forces in exchange for just a few American cutbacks.

The Russians have based more than 5,000 warheads on land, fewer than 2,000 aboard submarines. American deployments are the reverse: about 2,000 on land, 5,000 at sea. The Soviet advantage in land-missile throw-weight is also offset by America's lead in bombers and cruise missiles and the warheads they carry. Yet Mr. Reagan would exclude this advantage from current negotiation.

Mr. Reagan proposes that both sides cut back to about 1,200 missiles and 5,000 warheads, with no more than 2,500 warheads on land. That means the Soviet Union would have to dismantle half its 2,350 missiles, including two-thirds of the heaviest ones. America's 1,600 missiles would be reduced only 25 percent, mainly with the already begun replacement of obsolescent Poseidons by Trident submarines.

The more reasonable objective would be a massive restructuring of both sides' forces, over 10 to 20 years, by replacing aging multi-warhead missiles with one-warhead types. It would take years to negotiate such a treaty, but the principle is easily proclaimed.

That principle, and continued observance of SALT II restraints, can also be the objective of members of Congress who want to use their MX votes as "bargaining chips" with the Administration. They should be traded for a major improvement in America's arms control offer.

REVIEWING THE STATE DEPARTMENT'S HUMAN RIGHTS REPORT

Mr. PROXMIRE. Mr. President, the Department of State's Report on Human Rights Practices for 1982 has evoked strong criticism, with opponents charging that rightwing dictatorships were treated with kid gloves. One review, put together by Americans Watch, Helsinki Watch, and the Lawyers Committee for International Human Rights, maintains that the State Department's report is filled with "serious distortions." Concerning Chile, for example, they are that the State Department omits or blurs that Government's human rights violation record in order to make it more neatly fit the Reagan administration's ideological needs.

The State Department claims that human rights improved in Chile during 1982. In fact, the review argues, "the situation deteriorated markedly in 1982." Arbitrary arrests increased, political murders remained unchecked, and mass detentions doubled from 1981 statistics.

I welcome this healthy critique of the State Department's report and its effort to accurately and plainly paint the degredation of human rights throughout the world.

Nonetheless, the most accurate report in the world, which criticizes every last abuse, will do little good until we rid ourselves of the smell of hypocricy. Unless we try to provide a more perfect model, illustrating our Nation's love affair with human rights, our critique of human rights violations will go unheeded. One way to strengthen our case is to swiftly ratify the Genocide Convention, putting the United States clearly on record as opposing mass murder.

Today, we are not entirely free to promote human rights throughout the world, having gagged ourselves by refusing to ratify the Genocide Convention. Our voice is muffled, if not silenced, by the obstinance of the Senate. The Soviet Union delights in every day that we let this treaty sit unratified; the rest of the world looks at us with wonder.

Mr. President, Norman Thomas once said he would rather America lose its face than lose its soul. Giving consent to the Genocide Convention forces no choice between the two. Ratification is right morally speaking; it is right geopolitically speaking; and I will continue speaking for the treaty, daily, until it is finally ratified.

MARCIA GAMBREL

Mr. THURMOND. Mr. President, I want to take just a moment to commend a young woman who has done an outstanding job working in the Senate Republican cloakroom, Miss Marcia Gambrel.

Miss Gambrel leaves her job today to begin work on the congressional liaison staff of Transportation Secretary Elizabeth Dole. I know my colleagues who have worked closely with Marcia over the last 2½ years join me in wishing her well in her new job.

I first became associated with Miss Gambrel when she became a page under my sponsorship in 1974. I am proud to say that she was one of the first female pages in the Senate and performed her duties in that job with the same dedication and ability she

demonstrated in her position in the cloakroom.

A graduate of Furman University in Greenville, S.C., where she grew up, Marcia rose quickly through the ranks in the cloakroom to become a senior assistant.

I want to extend my congratulations to her on the appointment to Secretary Dole's staff and offer my best wishes for continued success in the future. Good luck, Marcia, and thank you for a job well done.

CONCERNING SENATE AGRICULTURE COMMITTEE ACTION TO FREEZE TARGET PRICES FOR 1984-85 AT 1983 LEVELS

Mr. ZORINSKY. Mr. President, accepting a freeze on target prices in exchange for only a vague export promotion scheme financed with funds cut from farm price support payments is not my idea of how to help the Nation's farmers.

Farmers are tired of hearing about grandiose schemes to promote exports, especially when the administration has failed to take other steps that could boost exports without sacrificing price support payments.

In the 1981 farm bill Congress authorized "such sums as are necessary" for carrying out an export expansion program. Not only are we going in circles—rubberstamping something we authorized 2 years ago—but we are doing it at the expense of the farmer. We are proposing to take millions out of the pocket of the farmer to fund a program that is already authorized in the interest of expanding agricultural exports—the export credit revolving fund.

It is an insult to farmers' intelligence to ask them to give up income assured under the 1981 farm bill in favor of an export trade promotion program.

The administration's proposed freeze would eliminate the minimal increases in target prices approved when Congress enacted the 4-year farm bill in 1981.

For example, under the existing program, the corn target price would increase 17 cents in 1984, to $3.03 per bushel, and 15 cents more in 1985. For wheat, the increase would be 15 cents in 1984, to $4.45 per bushel, and 20 cents in 1985.

Congress acted correctly 2 years ago when it voted to provide farmers this protection from inflation. To break faith with them now, in midstream, is grossly unfair.

Nineteen organizations are on record in opposition to the target price freeze as follows:

National Farmers Organization.
National Association of Wheat Growers.
National Grange.
National Milk Producers Federation.
Grain Sorghum Producers Association.
National Peanut Growers Association.
National Association of Farmer-Elected Committeemen.
Cooperative League of the United States.
National Rural Electric Cooperative Association.
Women Involved in Farm Economics (WIFE).
Mid-Continent Farmers Association.
Central Exchange Farm Cooperatives (CENEX).
Communicating for Agriculture.
American Agricultural Movement.
National Rice Growers Association.
Hawaiian Sugar Planters Association.
Southwest Peanut Growers Association.
Northeast Area Agricultural Association.
National Farmers Union.

I submit that deficiency payments are a more direct way to put money into farmers' pockets. We are saying we are going to increase exports. I think the farmers have had it up to their ears with we are going to increase exports.

We have created agricultural sectors within the embassies. We have appointed special agricultural officers. We have a blended credit program, and now we are going to take more money away from the farmer and even give him a better export program.

What the farmer does not need is the kind of export programs we have been giving him thus far. And I think they would rather have the deficiency payments than to finance an export program by taking the money out of their pockets, creating a bigger export market for them so they can earn money based on how they have earned money up to now on the promises of increased exports.

I also object to the committee being forced to act on the administration's proposal without any detailed knowledge of the wheat and feed grain programs for 1984. Without these program details, we are unable to even guess what effect the committee's decisions will have on farmers. In particular, I am troubled by the suggestion that the Agriculture Department may substantially reduce price support loan levels for 1984. This means that the market price floor will sink, and I strongly believe that the impact of such a policy change should have been measured before the committee action to cut farm income by freezing target prices.

The compromise adopted by the committee would direct that $600 million of the savings from the $3.9 billion target price freeze would be placed in the export credit revolving fund to finance future sales, along with future loan repayments. Simply providing more export money to USDA does not assure that it will be spent. The Agriculture Department is currently sitting on $750 million—as stated in their wheat outlook and situation report—provided by Congress to use in the blended credit program. Further, we understand that credit programs are under review at OMB, and it appears that the blended credit program will not be used to develop markets, but solely to respond to competition from the European Community.

It does no good to take target price payments from farmers and pile them on USDA for export credit initiatives that will not be undertaken. Although, $5.15 billion has been allocated for agricultural export programs by the administration in fiscal year 1983, exports this year are projected to drop by 10 percent to $35.6 billion. The decline will be both in volume and value, with wheat accounting for three-fourths of the 9-million-ton drop in sales. Wheat exports may be down 8 percent in 1983-84, following a 14-percent drop last season. The U.S. share of the world wheat market is projected to drop below 40 percent for the first time since 1971-72.

With this background, how can it be said that the Senate Agriculture Committee's compromise will generate the income that farmers need from the marketplace? I think it is clear that $300 million a year in export financing cannot turn the tide for exports, and it will not put the money back in the pockets of farmers that is lost by the target price freeze and a possible drop in loan rates. The committee's compromise will reduce net farm income in 1984 and 1985.

The deficiency payment loss to farmers in 1984 and 1985 will come off the top of what would be their net profit. I am not against export financing, but I think we are fooling ourselves if we believe that this bill is going to both save money and help farmers in fiscal year 1984.

Further, I am distressed that this step represents a breaking of faith with farmers who counted on the 1981 Agriculture Act for setting a policy which they could count on.

When the 1981 farm bill was handled on the floor of the Senate, nearly 50 amendments were considered. Many of them were adopted by voice vote or with a recorded vote.

Many of those amendments, the related debates and countermoves centered on the level of loan rates to be established on the major commodities over a 4-year period and the target price levels to become applicable to grains, cotton, and rice.

Some of my colleagues who were most active in pressing for the administration's views in these subject areas were successful in forcing the adoption of loan rate minimums and the applicable target prices by substantial margins in the recorded votes.

You will recall that we were uncertain of our ability to cope with inflation at that time, and it is my clear recollection that the administration and some of the leaders in the majority party in the Senate insisted on abandoning any reference to the cost

of production or parity in establishing these important price support levels. They insisted on naming specific amounts for each of the annual programs.

Regardless of whether we wish to be reminded of our responsibility, I think it important that we acknowledge now that when that 1981 bill became law, we assured the American farmer that he could make long-term plans based on its provisions.

Senators will also recall, I am sure, that farmers, as well as other borrowers, were faced with interest rates ranging from 15 to 20 percent at that time. Many of the debts assumed in 1981 and 1982 are still to be repaid—the interest rates have not been lowered on those loans.

Even when we think now of new loans at interest rates somewhat reduced from the highs of 2 and 3 years ago, it is apparent they are already beginning to rise again.

So what are we doing in this bill—we are simply breaking faith with the producers of the major commodities, grains, cotton and rice, on a commitment we made to them in this Senate less than 2 years ago. For my part, I want to be certain of some exemption from that label.

I do not like for our Government to welch on its commitments. As a matter of fact, we would not do so in the conduct of foreign affairs with other nations. We would not do it to the insurance industry or the banking industry and get away with it. I hope those who have been most active in shaping this bill will be just as forceful and persistent in explaining their actions to the American farmer. Furthermore, I hope that Members of the Senate realize they are taking an unprecedented action in dealing with farmers and ranchers of this country.

Another area of concern should be clearly identified for those who may choose to vote for this package. Since the administration, which must announce and administer our programs for at least another 2 years, has refused to use the full authority extended by the Congress to expand exports of farm commodities, it is only fair to assume that any pretext of committing more funds to the expansion of exports set forth in this bill will probably be properly labeled a sham after it is subject to certain policy decisions in the executive branch.

The Senate is urged to turn back this bill. It was a mistake for our committee to comply with the wishes of the Director of OMB. The savings are not sufficient to warrant this legislation.

THE VOCABULARY OF ARMS CONTROL PART IV—SPACE TECHNOLOGY AND RELATED AGENCIES

Mr. PRESSLER. Mr. President, as the debate deepens on the critical issue of arms control, a 1980 version of "alphabet soup" nomenclature is coming into widespread use. As part of a continuing effort to familiarize readers with this important language, at this time, I am submitting to the RECORD part four of my series entitled "The Vocabulary of Arms Control." Part 4, like part 3, concentrates on vocabulary associated with space technology. Unlike part three, this section deals with specific weapons systems and the Government agencies that control these systems, as well as other key miscellaneous terms.

I have received inquiries from the general public expressing an interest in obtaining a complete set of the assembled terms. This serves as additional proof that the citizens of this country, our constituents, have a keen interest in arms control, and the debate surrounding it. We must redouble our efforts in this area as a whole, and most importantly in the field of space armaments. We now have a fleeting opportunity to demilitarize space and keep it that way, thus avoiding an exponential expansion of the race to militarily dominate the heavens as well as our Earth. It is my hope that this glossary of the terms that are used daily in the arms control debate will facilitate new progress and understanding on this issue. The time to act to control proliferation of space weaponry is now. Let us try to avoid becoming an improvished plant straing to support a myriad of orbiting "Star Wars" devices. Let us try to negotiate a verifiable international agreement banning antisatellite weapons as a first step toward banning all space weapons.

I wish to express my thanks to Marcia S. Smith and Susan E. Crowe of the Congressional Research Service, and Michael Marlow who is interning on my staff this summer, for their assistance in compling definitions of these terms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOCABULARY OF ARMS CONTROL

AFSATCOM: An acronym for Air Force Satellite Communication system. AFSATCOM consists of transponders placed on other communications satellites, such as FLTSATCOM.

Air Force Space Division (AFSD): A division of AFSC with responsibility for performing R&D on space systems.

Air Force Systems Command (AFSC): AFSC has overall responsibility for research, development, testing and evaluation for all new Air Force programs (i.e. airplanes, satellite systems, computer systems). AFSC is located at Andrews Air Force Base, Maryland.

Antisatellite System: Any system whose primary mission is to destroy the operational capability of satellites, if not the satellites themselves, including ground-, air-, and space-based systems based on conventional technology such as homing vehicles or advanced technology such as lasers and particle beams.

Ariane Launch Vehicle: An expendable launch vehicle developed by ESA and launched from the Kourou launch site in French Guiana, South America.

Arms Control and Disarmament Agency (ACDA): ACDA is an executive agency that advises the administration on arms control issues. It also monitors arms control agreements, mainly between the United States and the Soviet Union, and develops the technology used for monitoring arms control agreements.

Centaur: A cryogenic high energy upper stage produced by General Dynamics. Centaur has been used for many years with the Atlas expendable launch vehicle; it is now being reconfigured for use with the space shuttle.

Chair Heritage: A Navy particle beam research program conducted at Lawrence Livermore Laboratory in California. The program was transferred to DARPA in 1979.

CINCNORAD: An acronym for Commander-in-Chief of the North American Aerospace Defense Command; currently General James Hartinger.

Consolidated Space Operations Center (CSOC): A facility under construction by the Air Force near NORAD in Colorado Springs, Colorado to serve as a satellite control facility for military spacecraft (in addition to the existing facility at Sunnyvale, California).

Cryogenic Infrared Radiance Instrumentation Sensor (CIRRIS): Tested on the fourth shuttle mission, CIRRIS was a barrel-shaped cryogenically cooled infrared sensor developed by the Air Force Geophysical Laboratory and Utah State University. Details of the system are classified, but according to the trade press, data from CIRRIS was to be used in designing sensors for reconnaissance satellites.

Defense Advanced Research Projects Agency (DARPA): DARPA is charged with the task of developing new ideas, projects or systems for any branch of the military. It presents the ideas to a specific branch or office which then decides whether or not to pursue them. DARPA only performs creative research, it does not procure systems.

Defense Satellite Communications System (DSCS): A system of communications satellites in geostationary orbit utilized by the Department of Defense. DSCS II and DSCS III satellites are currently in use; the latter is an upgraded system which has been hardened.

European Space Agency: A group of eleven European countries (Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Netherlands, Spain, Sweden, Switzerland, and the United Kingdom) which develops spacecraft and launch vehicles. Formed in 1975 as the merger as the European Launch Development Organization and the European Space Research Organization, ESA also has two associate members (Austria and Norway) and a technicla agreement of cooperation with Canada.

Expendable Launch Vehicles: Launch vehicles which cannot be reused. This category includes all launch vehicles which currently exist with the single exception of the space shuttle.

Feature Identification and Location Experiment (FILE): Another OSTA-1 experiment which tested methods to discriminate between water, bare ground, vegetation, snow, or clouds in order to collect only wanted data.

FLTSATCOM: An acronym for Fleet Satellite Communications, a Navy communication satellite system using geostationary satellites.

Fractional Orbital Bombardment System (FOBS): A long-range ICBM system tested by the Soviet Union from 1967 to 1971 which would have flown on a trajectory to the United States over the South Pole rather than the North Pole, thus avoiding the Ballistic Missile Early Warning System. The missile would almost have gone into orbit for part of that time so is often discussed in terms of space weapons. No tests have been made since 1971 and opinion is divided in the West as to whether the system was abandoned or is operational and therefore requires no further tests.

Ground-based Electro-Optical Deep Space Surveillance System (GEODSS): A system of ground-based sensors which will eventually be emplaced at five locations around the globe (three locations—New Mexico, Hawaii, and Korea—are currently operational) for tracking small objects in high orbits.

Heflex Bioengineering Test (HBT): An OSTA-1 experiment for determining the relationship between plant growth and moisture content in the space environment.

High Energy Upper Stage (HEUS): A generic term for upper stages using high energy fuels such as liquid hydrogen/oxygen, which can place heavier payloads into high orbits than upper stages such as IUS.

Inertial Upper Stage (IUS): A solid-fuel upper stage used for taking payloads from the relatively low orbits directly accessible by the space shuttle or certain expendable launch vehicles to higher orbits (such as geostationary orbit).

Integrated Operational Nuclear Detection System (IONDS): Sensors which will be carried on some NAVSTAR satellites to provide data on nuclear detonations.

International Solar Polar Mission: Originally, a mission to send two spacecraft (one provided by the United States, the other by the European Space Agency) to study the polar regions of the Sun. In 1981, the United States withdrew from its agreement to provide one of the spacecraft, although it will launch and track the European spacecraft.

LANDSAT: An acronym for Land Satellite. NASA has launched four LANDSAT spacecraft since 1972 for remote sensing of the Earth from space. Data are collected on, for example, crops, pollution, and geological formations (which can indicate likely locations for oil deposits).

Large Optics Demonstration Experiment (LODE): Another part of the U.S. space-laser triad program, concerned with development of the optics for the laser system.

Measurement of Air Pollution from Satellites (MAPS): An OSTA-1 experiment which measured the distribution of carbon monoxide in the troposphere.

MILSTAR: An advanced military communications satellite system now in development to provide secure communications in times of crisis through the use of hardened satellites capable of operating at both extremely high and extremely low frequencies.

Miniature Homing Vehicle: A device planned for use in the U.S. antisatellite program for impacting (and thereby destroying) enemy satellites. The MHV would be launched from an F-15 aircraft using a SRAM.

Multispectral Infrared Radiometer (SMIRR): One of the experiments on the OSTA-1 payload on STS-2 which measured solar reflectance of mineral-bearing rock formations.

NAVSTAR Global Positioning System (GPS): A planned system of 18 navigation satellites which will provide three-dimentional (latitude, longitude, altitude) data to both military and civil users; the Transit navigation satellite system currently in use is only capable of providing two-dimensional (latitude and longitude) data. Six GPS satellites are now in orbit for test purposes.

Night and Day Optical Survey of Lightning Storms (NOSL): An OSTA-1 experiment involving visual observations of lightning storms.

North American Aerospace Defense Command (NORAD): Located in Colorado Springs, Colorado, NORAD is a joint U.S.-Canadian organization which has responsibility for North America's early warning system. Both space (satellite) and ground (radar) data feed into the early-warning system.

Ocean Color Experiment (OCE): An OSTA-1 experiment concerned with the mapping of algae concentrations.

Orbital Flight Tests (OFT): The first four shuttle flights were referred to as OFTs and were designed to test shuttle capabilities and systems. All OFTs were carried out by orbiter 102 (the Columbia), were launched from NASA's Kennedy Space Center at Cape Canaveral, and landed at Edwards Air Force Base, California (except for STS-3 which landed at White Sands, N.M. due to weather conditions.)

Project Alpha: One part of the U.S. space-laser triad program for developing space lasers. Alpha concerns development of the laser itself.

Project Objective Memorandum (POM): Used by the military in budget formulation, a POM can apply to any program in any branch of the service with a system element number assigned to it. For any such program, the military projects the services and monies needed over five fiscal years in order to achieve the goals of the program.

Radioisotope Thermal Generator: An energy source which generates electricity through the natural decay of plutonium-238; often used on spacecraft which will journey too far from the Sun to use solar panels or which are designed to operate for very long periods of time.

Remote Manipulator System (RMS): The RMS, built by Canada, is referred to as the "arm" and is attached to the shuttle and used to deploy and retrieve satellites. It was tested on the second shuttle flight and has been used on subsequent missions.

SAMRO: A planned French military reconnaissance satellite which would be adapted from the French Spot remote sensing satellite. The French have indefinitely postponed the project at this time due to budget austerity.

Short Range Attack Missile (SRAM): A SRAM is a missile which can only travel a short distance (about 100 miles) and is designed primarily to knock out the early warning radars of an enemy although it will also be used in the U.S. antisatellite program to launch the miniature homing vehicle from an F-15 aircraft.

Shuttle Imaging Radar (SIR-A): One of seven experiments on the OSTA-1 payload aboard the second shuttle flight which tested techniques for mapping geological structures important in oil and gas exploration. It used a synthetic aperture radar.

Sipapu: Also called White House, Sipapu was the Army's particle beam research program centered at Los Alamos Scientific Laboratory in New Mexico. In 1980, Sipapu was transferred to DARPA.

Space and Missile Systems Organization (SAMSO): SAMSO no longer exists. In 1979, it was split into two offices, the Ballistic Missiles Office at Norton Air Force Base in San Bernadino, California and the Air Force Space Division in Los Angeles. Both offices now report to the Air Force Systems Command and perform the research, development, testing and evaluation functions for ballistic missile and space systems.

Space Transportation System (STS): Often used synonymously with the term space shuttle, STS initially would have involved a fully reusable space shuttle, units such as Spacelab which are carried in the shuttle cargo bay, and a variety of reusable and expendable upper stages taking payloads into higher orbits. However, NASA budget constraints caused the scope of STS to diminish to the partially reusable system used today, units that fit into it, and a variety of expendable upper stages.

Talon Gold: The remaining part of the U.S. space-laser triad program, concerned with development of pointing and tracking capabilities for the laser system.

The Second U.N. Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82): Held from August 9-21, 1982 in Vienna, UNISPACE convened to stimulate the growth of space activities and demonstrate the relationship between space activities and the socio-economic advancement of the world, especially the less developed countries. Issues debated at UNISPACE '82 included the militarization of space, technology transfer, access to geostationary orbit, direct broadcast satellites, and remote sensing. Ninety-four countries participated.

Tracking and Data Relay Satellite System (TDRSS): A system leased by NASA from Space Communications, Co., TDRSS will consist of three communications satellites in geosynchronous orbit (one as an in-orbit spare) when it becomes fully operational. The first satellite was launched by the shuttle in 1983, but was placed into the wrong orbit by the inertial upper stage. NASA is now trying to correct the orbit. When operational, TDRSS will monitor low Earth-orbital spacecraft and relay voice and data transmissions to a ground station in New Mexico. This system will allow NASA to close 9 of its 13 existing ground stations.

U.N. Committee on the Peaceful Uses of Outer Space (COPUOS): The United Nations body which is in charge of U.N. debate over outer space activities and programs. COPUOS developed five U.N. treaties governing outer space exploration and uses of which four are in force. COPUOS is serviced by the Outer Space Affairs Division at the United Nations.

Very Large Scale Integration (VLSI): VLSI refers to a type of microelectronic technology that permits an order of magnitude decrease in computer size, weight, power consumption, and failure rates, plus a hundred-fold improvement in processing capacity.

CENTRAL AMERICA

Mr. SASSER. Mr. President, today, I announce my support of a bipartisan effort to establish a comprehensive national policy regarding Central America. Specifically, I am cosponsoring legislation introduced by Senator JACKSON and Senator MATHIAS designed to create a presidentially appointed commission with membership from both political parties—a nonpartisan commission—which will examine the situation in this important region of the world and make recommendations to the Nation regarding future American policy. This commission would be similar to the commissions which studied the issues of social security and the MX missile.

Mr. President, there is a growing concern throughout the country that the policies of the Reagan administration could lead this Nation into an overreaction to events in Central America. Yet, we must never lose sight of the fact that this region is strategically vital to the security of the United States.

In my considered judgment we must not allow the spread of Cuban and Soviet influence in the region. That much is clear, but the solution to the problems of Central America cannot be found through the barrel of a gun. The history of the region, indeed the history of Vietnam, teaches us that we must not attempt military solutions to regional economic and social problems. It is time to call for a halt in hostilities and for a beginning to negotiations for peace. For example, the United States should endorse the suggestions by the Contadora group—the countries of Mexico, Colombia, Venezuela, and Panama—to promote regional negotiations.

No one wants war in Central America. So, our efforts must be directed at a cooling of tensions. We must guard against the prospect that rising hostilities could lead to a broader American involvement in the region.

We must not allow American involvement to reach the point of no return. Just this past week, the administration sent 120 Green Berets into Honduras to train soldiers of the El Salvador Army. We are constructing an airfield in Honduras which could accommodate American Air Force transports, and the administration is requesting approval of a second airfield, with additional ones under consideration. The Cubans and the Soviets are embarking on a similar buildup in the neighboring country of Nicaragua.

Many observers in the Pentagon itself have indicated that the actions and counteractions by the superpowers in Central America are not all that dissimilar to the tragic actions in Southeast Asia 20 years ago. We must not allow Central America to become another Vietnam. Clearly the geography, the people, and the culture of Central America are substantially different than Southeast Asia. Yet, we are reacting to the crisis in Central America in much the same manner as this Nation reacted to events in Vietnam two decades ago.

The bipartisan commission suggested by Senate Resolution 158 would make a report to the Nation within the next 6 months. I am confident that it will find that the problems of Central America can only be solved with a long-term policy aimed at reducing the effects of poverty, poor education, and a lack of regional industrial infrastructure. Likewise, our policy must be directed at promoting a stronger regional democratic center and a growing middle class to reduce the leftist and rightist political and military competition. I am under no illusion concerning the Central America Commission. Such a commission cannot, alone, answer all the complex problems of U.S. involvement in Central America. But as other commissions have demonstrated, it could help bring focus to the problem and provide a less politically charged forum for future policy considerations. So, for that reason, I am supporting this bipartisan effort.

Mr. President, the first American soldier to die in Vietnam was a young man from Livingston, Tenn. No Tennessean should die in Central America when peaceful, negotiated solutions can still be found.

THE FREEDOMS AND PRIVILEGES OF U.S. CITIZENS

Mr. JACKSON. Mr. President, recently an excellent article by Samuel F. Pryor has come to my attention. In this commentary, which appeared in the Maui News, Mr. Pryor reflects on the freedoms and privileges we share as U.S. citizens.

Mr. Pryor is well-known throughout the world for his prominence in the aviation industry and for great humanitarian service to his fellow men. Among his many accomplishments, Mr. Pryor has served our Nation in two World Wars, has served as a consultant to the Department of State, has been recognized for his contributions to the Narcotic Enforcement Officers Association and is retired from Pan American Airways, Inc. where he was vice president and assistant to the president.

I am pleased to have this opportunity to present this commentary to the Members of Congress for publication in the CONGRESSIONAL RECORD. I think it is well worth taking a moment to read this fine article. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Maui (Hawaii) News, May 1983]

ABILITY TO MEET DANGER HAS MADE OUR NATION GREAT

(By Samuel F. Pryor)

Pondering over the ruins of ancient civilizations in Asia and Africa, some of which have been buried well over 2,000 years, has caused me to wonder about ourselves.

Each of these cities, in its proper time stood at the peak of achievement and accomplishment. Each asserted its influence throughout the then known world. Each was the leader of its time.

How much time do we have and how wisely are we using it?

As Arnold Toynbee has documented in the case of civilization after civilization, complete destruction comes from within. Egypt, Babylon, Crete, Greece, Assyria—and in our own hemisphere, the Mayas and the Incas—were not destroyed from without. In each and every case the civilization had begun its self-destruction from within.

When the final test came, these great, cultural, once-healthy systems found themselves spiritually sick and helpless. They could not defend themselves, because they had already lost faith in themselves.

Here within our own United States of America there are those who attack our system of government.

Time Present: We must lead with the other great powers seeking a permanent peace for our world. I will bring no prophecies of a third World War. If I did, I am morally certain that what I would have to prophesy would be the end of world civilization. The next war will have no bands, or parades, no flags and no romance. Humanity is now at the crossroads.

Time Future: We in the United States can look back through the long vista of human history and we can see that now—today—the whole course of human freedom is in the greatest danger mankind has ever known. We are face to face with the cruelest, most deceitful enemies we have ever faced. We are doing everything possible to make them friends, but they have dedicated themselves to burying us as well as our way of life.

We must maintain our material strength which unfortunately is the only kind of strength these adversaries respect. We also have hope in that we are blessed with a spiritual strength, not possessed by our adversaries, for they have no God, no Christ, no Mohammed, no Abraham.

This is the period in the life of an individual, in the life of a nation, and, for that matter, in the life of a whole civilization when things are happening with incredible speed. Events are piling upon events with such rapidity that time itself has become foreshortened. Predictions about the future are almost meaningless.

The present tensions over the Middle East, Cambodia, Vietnam, Laos and Thailand and other potential trouble spots all over our globe cannot be exaggerated. These trouble spots are no longer a great distance—today the flying time to the Middle East is a matter of only a few hours.

We people living here in the United States have a great blessing over the way of living under any other form of government. In our Declaration of Independence we have one privilege not mentioned in the declarations of any new country obtaining independence around the world—"the pursuit of happiness."

You hear much about freedom and equality, but what greater privilege in life is there

than to pursue—happiness—not just for yourself but for other people because by doing this you will bring happiness to your own self and to those about you.

Paradoxically, while realizing that we must be constantly alert to enemies who know no God, we must at the same time continue to follow the dangerous path of peace which our President is doing.

We must then ask ourselves whether our minds and hearts have the ability to match the speed of sound with understanding and love for our fellow man—not just in our own town, not just in our county or state or country, but around the world. This is the kind of progress our enemies fear most.

It is fraught with danger, but being able to meet danger is what has made our country great. In facing danger we in our country have another blessing that our adversaries have not—faith. During the war in England a stone was unearthed after a bombing. It had this inscription on it: "Fear knocked on the door—faith answered—and there was nobody there."

It is our solemn obligation to walk this dangerous path of peace in faith and friendship in fulfillment of our mission on Earth. Our lives and our civilization are not in danger from animals, birds, fish, plants or insects—the only danger to our world is from us, humans.

BILL MILLER

Mr. GOLDWATER. Mr. President, yesterday, a little after noon, the remains of William Miller was laid to rest in Arlington Cemetery.

Bill Miller lived the kind of life that I think God intended all men to live, and that is, in the best service of his country, his family, and himself. During the many, many years that I knew him, I never knew him to do a dishonest thing, nor have a dishonest thought. He was attentive and loyal to his beautiful wife and children. He was loyal and dutiful to his country. In fact, whenever questions came up involving his country or his State, or where he lived, the country came first.

We are not going to see many Bill Millers around in the future because the whole system of our Government, our way of life, and the way of living in this country has changed. I hope I am wrong in this because our country and the world could use more of him.

It is with great regret that I notice this passing day, but I realize that the great majority of Members of this Senate never knew Bill Miller and, at the best, heard of him by name. We will all who knew and loved him, miss him, and our condolences go to his sweet wife and her wonderful family.

DR. WALTER D. SMITH RETIRES AS PRESIDENT OF FRANCIS MARION COLLEGE IN FLORENCE, S.C.

Mr. THURMOND. Mr. President, on June 30, 1983, Dr. Walter D. Smith will be retiring as president of Francis Marion College in Florence, S.C. In 1970, Dr. Smith was appointed the first president of the newly created 4-year college. During his 13 years as president, he has helped shape the future of the college and has left for his successor a healthy, growing institution which has provided quality education for the citizens of our State.

A native of Harriman, Tenn., Dr. Smith received his B.A. degree from Lincoln Memorial University and his M.A. and Ph. D. degrees from the University of Michigan. While serving as a Navy officer during World War II, his travels took him to Australia, where he met his future wife, Rhondda.

From 1950 to 1959, he taught psychology at Florida State University. In 1959, he became dean of the college and professor at Winthrop College in South Carolina. He subsequently was appointed as vice president for academic affairs at Winthrop and served in that position from 1966 to 1968. In 1968, he became president of Salisbury State College in Maryland.

When he returned to South Carolina in 1970 to assume the presidency of Francis Marion College, Dr. Smith brought with him many talents—organizational expertise, fiscal responsibility, ability to lead and work with people, and an untiring sense of humor. With these talents, he has built Francis Marion College into a strong institution with a student body of 2,900, a physical plant valued at $28 million, and an annual operating budget of over $8 million.

Dr. Smith has worked in the field of education for more than 30 years, and was recently honored for his efforts in education and other activities. In May, Winthrop College awarded him an honorary doctor of humane letters. Just last week, the Pee Dee Area Boy Scouts in South Carolina honored him as a distinguished citizen.

We know that Dr. Smith will continue to be active in shaping the lives of young people as he enters yet another phase in his career. We thank him and recognize his accomplishments thus far and wish for him and his lovely wife Rhondda much happiness and success in the days to come.

Mr. President, I ask that a recent article by Tenney Griffin about Dr. Smith which appeared in the Florence Morning News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Florence (S.C.) Morning News, May 22, 1983]

FOR DOUG SMITH, FMC PRESENTED A CHALLENGE

(By Jenny Griffin)

She remembers the first date. He was in Sidney on two weeks leave from his PT boat squadron which had been on patrol off New Guinea.

There was a party that night, and too many PT boat commanders took on too much Australian punch. He spent most of the night making sure his fellow officers got back to the base and that their dates were properly taken care of.

They saw each other several times during the two weeks. Then he went back to the war. That was in 1944.

Two years later she came to the States to visit a sister in Indiana. He invited her to come visit him in Harriman, Tenn. He met her in Knoxville and they rode the bus to Harriman.

Then she explained she could only stay for a couple of days. Her visa was about to expire. If they were married, there would be no problem in her staying in the States, he told her. They were.

If you poke around long enough in the James A. Rogers Library at Francis Marion College, you'll find a portrait of Walter Douglas Smith. It is stuck in an out-of-the-way place on the second floor, behind locked doors, in the Arundel Room.

It is standard operating procedure for college presidents to have their portraits done. But the Francis Marion College president didn't especially like the idea. The picture was stashed for a couple of years in an anteroom off his office. Only a few months ago did it go up in that remote area of the library.

The story of Rhondda and Doug Smith's romance, and marriage, tells you something about the man. He is doggedly determined to go after what he wants. And he usually gets it.

Taking care of his buddies and their dates at that bash in Sidney tells you something, too. He's concerned for people. He never loses a friend.

The portrait? The man doesn't like the limelight. He is content to let others take the credit.

Doug Smith came to Florence in 1970 to build a college in a cotton field. He was 51 then and president of Salisbury State College in Maryland. He had it made. Why would he give up the security of an ongoing, long-established college in a lovely community to take on something as tenuous as the then dream of Francis Marion College?

"Why at 51, I was still a young man," Smith countered. "Imagine. It was the idea of starting a new college. How many people get to do that, to be on the ground floor, to do the planning. It was some challenge."

Born in Harriman, Tenn., Smith is the son of a machinist. He worked his way through school, because he had to and because he knew how. Two years were spent in a steel mill in McDonald, Ohio.

As a young man, it was apparent he always knew where he was going. He is ambitious and that's a trait which appealed to Rhondda.

His success in Florence is apparent. Francis Marion College, the college Smith built in the cotton field, is firmly rooted in South Carolina's scheme of higher education.

That includes a physical plant valued at $28 million, 2,900 students and an annual operating budget of $8.5 million. Doug Smith started it from scratch.

He was able to do it because he had the community's support. He coupled that with boundless energy, a capacity for detail without losing his perspective and dogged determination.

Boundless energy and dogged determination? Doug Smith never gives that impression. Actually, the opposite. He is one of those who gets so much accomplished without it appearing so.

There's no president's dining room at the college. The Francis Marion president goes

through the cafeteria line with the students. He finds a place and uses the lunch hour to visit with students and his campus buddies.

He loves a practical joke. That's why his friends go to great lengths to pull them on him. Once on a visit to his wife's home in Australia he got a telegram from Florence. It informed he had been fired by the college board.

If Dr. Smith has any problems as a college president and administrator, it is that he is such an open book. Because of that, he might be misconceived. But he knows how to save the last card to play last.

The key to any successful administrator is the people which surround him. Smith has a capacity for picking good people and then letting them do their jobs.

But he is a terrible golfer. So bad in fact, that years ago he gave it up. Now he piddles in his garden, which this year is thus far only a half-dozen tomato plants.

He labels himself a "cultural idiot" when it comes to music. His taste runs to Loretta Lynn. Obviously, there's nothing wrong with that, but he also understands the importance of the fine arts in the college program.

Smith understands, too, that the college is its faculty and library. Everything else is secondary.

And he knows how to care for the taxpayers' money. Jack Benny is one of his nicknames. His colleagues don't call him cheap. Parsimonious is the word they use.

Smith is winding it down now. He retires next month. And next month he'll be honored as Florence's distinguished citizen of the year. He didn't like the idea, but he had no choice.

Turn-about is fair play because for all these years he has been program chairman for the affair.

He and Rhondda have their own home now. She's delighted, delighted to be out of "public housing," as she calls it.

At the college, they are in the process of remodeling the old Wallace home to be used by the new president as his home. That was the last item on Doug Smith's building program list. That tells you something about the man, too.

Mr. BAKER. Mr. President, since I see no other Senator seeking recognition at this moment, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WALLOP). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TAX RATE EQUITY ACT OF 1983

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax, and so forth.

The Senate resumed consideration of H.R. 1183.

The PRESIDING OFFICER. The time between now and 10 a.m. is under the control of the majority and minority leaders or their designees.

Mr. BAKER. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) will be the manager on this side. He was so designated yesterday and I so designate him today. He is on his way to the Chamber, however, and I have no need for time, nor do I have a request at this moment for time.

Therefore, I yield the floor and reserve my time.

Mr. BYRD. Mr. President, I designate the control of the time as I did yesterday on this side of the aisle to Mr. BRADLEY.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, as I walked into the Chamber today I was asked by members of the media as to why a battle was being made in connection with this issue, particularly in view of the fact that all published reports have indicated that the other side of the aisle is going to vote en bloc against it and, therefore, will defeat the amendment.

I think that it is important that the issue be made because, in my opinion, it highlights the whole question of fairness and equity, and probably not in many a year has the administration of our Government, the leadership of our Government, been as unfair and inequitable as has been evidenced by their tax policies.

A lot of people talk about balancing the budget, but the facts are that we would have balanced the budget by 1986 and have had a surplus in 1986 and 1987 if we had not passed all of the tax reductions. It was argued whether we should or should not have done that, and I was one of those who voted for that tax reduction package regrettably, I might say in retrospect.

Having said that, I think we should see who really gained from that tax reduction bill. We are well aware of the fact, at the present time, that in the month of April the Government paid out more in refunds than it took in taxes received. We are well aware of the fact that I think it was in the month of March there was something like $24 billion in tax refunds to corporations and $12 billion in tax payments.

As we look at the tax laws that have been enacted in the last 2 years, we come to the inescapable conclusion that it has been tax relief and tax reduction for the rich and very little consideration for the poor and middle-class Americans.

In the first tax reduction bill, if you had $100,000 in earnings, you received 11 times as much of a reduction as a person who earned one-fifth as much as you. So the proportion was distorted.

And under this tax proposal, the tax reduction that is to take place as of July 1, those earning $20,000 will receive about one-thirteenth as much in tax reduction as those earning $100,000, five times greater in income.

So again we find further evidence of the unfairness and inequity of the administration. The President talks about no new taxes. That means no new taxes for his friends, the rich, because it is indeed the fact that we have added under his leadership a 5-cents-a-gallon tax on gasoline, we have doubled the cigarette tax, we have tripled the telephone tax, we have cut back on the right of people to deduct their medical expenses as well as their casualty losses, and now the President talks about standby taxes. And what are those? These are further evidence of the unfairness of the administration because what he is proposing in the way of standby taxes are 12-cents-a-gallon tax on gasoline and a 5-percent surcharge on income taxes.

But the facts are the 5-percent income tax is based upon income tax laws that are already distorted.

Since 1950 to 1980 and 1982, there has been tremendous distortion of where the tax revenues of this country come from. In 1950, 50 percent of the tax revenues of this country came from corporations. In 1980 or 1982, and I forget the specific year, about 26 percent of the total revenues of this country came from corporations.

What kind of equity is it when in the tax reduction bill of 1981 people who have tremendous estates will not be called upon to pay any taxes at all except in the case of three-tenths of 1 percent of all of the estates of this country? What kind of fairness when we make it possible for corporations who expend their dollars to get back in tax reduction, tax relief, and tax refunds more than the dollars that they spend?

The Government actually winds up subsidizing, when you take into acount all of the special tax gimmicks that have been put into the law. We call them investment tax credits. We call them accelerated depreciation. We call them intangible drilling writeoffs. We call them energy credits. We call them R&D credits. We call them industrial revenue bonds. We call them any one of a host of other names. But when all is said and done the best tax lawyers in this country will tell you that if you are a corporate executive and you are still paying any corporate taxes you should be replaced. The situation is so

bad that 16 conservative Republican Senators just about a year and a half ago wrote a letter to the President of the United States and said: "Mr. President, we did not realize that by 1985 50 percent of the corporations of this country will not be paying any taxes."

What kind of fairness, what kind of justification can there be when a company earns $1.8 billion and gets $145 million in a tax refund? And that company is not distinguishable from any others. There are corporations upon corporations upon corporations who pay no taxes but make very substantial profits.

Whether you agree with this amendment or not, the whole issue has to do with the question of fairness and all that this amendment does is it says that those who are moderate income earners and those who are poor should get their tax relief and that those who do not need that tax relief should get the same amount, the $720, but not 1 cent more.

Mr. President, without losing my right to the floor, I am prepared to yield to the Senator from New Mexico with the understanding that it will be on the time of the Senator from Kansas.

Mr. DOMENICI. I thank the Senator from Ohio.

Mr. President, the New York Times called the cap of the third year of the tax cut "doubtful economics and rotten policy." The Washington Post says it is a "gesture, not a reform." The El Paso Times which has a healthy circulation in my State called it a "double strike at the President's economic program."

A careful analysis of the bill makes it obvious to me that this is the wrong thing to do at the wrong time. It is unfair to two-wage earning, working couples, small businessmen, farmers, and the unemployed. These are the wrong people to deny the full benefit of the third year of the tax cut because they already bear a large portion of the tax burden and they are the key to economic recovery. It is the wrong time because, as President Reagan says, "America is on the mend."

I will not list all the reasons why capping the third-year tax cut at $700 would be a mistake. There are three reasons which stand out for me. This bill would hinder economic recovery. It would be unfair to 1 in 10 American taxpayers, and it would break our promise to the American people for a 3-year tax cut.

We are all concerned about economic recovery. This bill hits the consumer at exactly the wrong time, just as he is making up his mind to increase spending for cars and houses and durable goods. This bill only raises $1 billion in fiscal year 1983 and $6.2 billion in fiscal year 1984, but it raises those amounts much too early in our subpar economic recovery, and it raises them from the upper-middle income consumers most likely to purchase the big ticket items which mean jobs. As a rough rule of thumb, $30 billion of fiscal stimulus translates into 300,000 jobs. If we pass this bill, it will cost approximately 60,000 jobs.

Most Americans have yet to get a real tax cut after taking inflation and social security tax increases into account. Beginning Friday, that will no longer be true, unless we pass this bill. In that case, we will give an average tax increase of $654 to 8 million returns representing 14.6 million taxpayers. Couples with incomes as low as $37,200 would be affected; so would single taxpayers with $29,800 of income and heads of households with $32,000. These are the taxpayers who already run up against the steepest part of our marginal tax rates and who are hit each year with the increased maximum covered wage under our social security tax along with the rate increases which affect all workers. Why should we single them out?

Mr. President, I ask unanimous consent to have printed in the RECORD table 1.

There being no objection, the table was ordered printed in the RECORD, as follows:

TABLE 1.—INCOME LEVELS AFFECTED BY CAP

Type of returns	Gross income	
	Nonitemizers	Itemizers
Single returns	$29,800	$35,714
Joint returns:		
1-earner:		
No dependents	37,200	43,896
2 dependents	39,200	46,494
2-earner:		
No dependents	38,351	45,676
2 dependents	40,412	48,378
Head-of-household:		
1 dependent	32,000	38,571
2 dependents	33,000	39,870

Mr. DOMENICI. These taxpayers are singled out because of the misguided notion that the tax reductions legislated under the Economic Recovery Tax Act of 1981 were unfair to those with lower incomes. Nothing could be further from the truth. The 3-year tax cut was an across-the-board tax cut. It cut tax liability proportionally in every income class. The average reduction for all taxpayers equaled 24 percent. All income classes had nearly the same reduction with the exception of those below $10,000 who got a 29-percent reduction and those with incomes in excess of $200,000 who only got an 18-percent cut. Clearly, there is no justification for this bill on that basis.

Mr. President, I ask unanimous consent to have printed in the RECORD tables 2 and 3.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 2—PERCENTAGE OF TAX REDUCTION FROM LEGISLATED INCOME TAX CHANGES [1] 1982 INCOME LEVEL

[Dollars in millions]

Expanded income [2]	1981 liability	1984 liability	Percentage reduction
Below $10,000	$6,685	$4,733	29.2
$10,000 to $20,000	39,897	30,356	23.9
$20,000 to $30,000	59,198	44,429	24.9
$30,000 to $40,000	56,976	42,482	25.4
$40,000 to $50,000	38,875	28,909	25.6
$50,000 to $75,000	41,964	31,453	25.0
$75,000 to $100,000	16,960	12,932	23.8
$100,000 to $200,000	28,321	22,374	21.0
$200,000 and over	31,008	25,312	18.4
Total	319,882	242,979	24.0

[1] Assuming only the income tax changes affecting individuals from the Economic Recovery Tax Act of 1981 and the Tax Equity and Fiscal Responsibility Act of 1982.

[2] Expanded income equals adjusted gross income plus excluded capital gains and other tax preferences less investment interest expense to the extent of investment income.

Source: Senate Budget Committee, June 28, 1983.

TABLE 3—PERCENTAGE OF ERTA TAX CUTS TAKEN AWAY BY TEFRA AND A $700 CAP, 1982 INCOME LEVEL

[Dollars in millions]

Expanded income [1]	ERTA [2]	TEFRA [3]		$700 cap	
		Amount	Percent	Amount	Percent
Below $10,000	−$1,961	+$9	0.5		
$10,000 to $20,000	−9,787	+246	2.5		
$20,000 to $30,000	−15,188	+419	2.8	+$19	0.1
$30,000 to $40,000	−14,807	+313	2.1	+100	.7
$40,000 to $50,000	−10,199	+233	2.3	+475	4.7
$50,000 to $75,000	−10,815	+304	2.8	+1,544	14.3
$75,000 to $100,000	−4,209	+181	4.3	+912	21.7
$100,000 to $200,000	−6,289	+342	5.4	+1,600	25.4
$200,000 and over	−6,182	+486	7.9	+635	10.3
Total	−79,437	+2,534	3.2	+5,287	6.7

[1] Expanded income equals adjusted gross income plus excluded capital gains and other tax preferences less investment interest expense to the extent of investment income.

[2] Economic Recovery Tax Act of 1981, including the 3-year tax rate reduction with the 50 percent top rate and alternative minimum tax, the two-earner deduction, the expanded child care credit, and the charitable deduction for nonitemizers.

[3] Tax Equity and Fiscal Responsibility Act of 1982, including the new minimum tax, further limitation of the medical expense and casualty loss deductions, and expanded taxation of unemployment compensation.

Source: Senate Budget Committee, June 28, 1983.

Mr. DOMENICI. The tax cuts for the last 2 years have been fair. However, the proposal to cap the third year which we are debating today is riddled with unfairness.

The proposed cap on the July 1 tax cut is a working couple's tax increase, not just for this year but for every year. In effect we are taxing the married woman who goes to work to maintain the family's standard of living. Just 2 years ago we recognized that our Tax Code was penalizing working spouses for wanting to stay ahead of inflation. This legislation would erase the gains we made in eliminating this unfair tax burden on working couples.

Recently, the Secretary of the Treasury provided examples of the kind of people who would be forced to pay more taxes under the tax cap. He uses the estimated 1984 average wages for the professions mentioned.

A married couple consisting of a police officer who earns $23,260 and a registered nurse earning $20,960 would have received a tax reduction in 1984 of $917 if they did not itemize their deductions. Instead, the cap would

result in a loss of $197. This is just for the first year. I urge you to remember that this is a permanent tax increase that will be felt year after year.

A secretary earning $13,950 married to a chemical engineer earning $36,120 would jointly have a 1984 tax reduction of $1,179 if the couple did not itemize deductions. This cap would cost them $459.

From the above examples it is obvious that the cap reimposes the marriage penalty and I do not think that is good policy.

Another related point which should be emphasized is that the cap would drive a tremendous wedge between tax brackets faced by middle-income taxpayers. For example, at the $35,200 income level on a joint return schedule, the marginal rate will change from 28 to 37 percent—an increase of 9 points. A roughly comparable rate increase under the proposal would occur at the individual schedule at the $28,800 income level, where the marginal rate would rise by 8 points from 30 to 38 percent. We are not talking about bracket creep, we are talking about tax rates running rampant.

A cap would be unfair to the small businessman and the farmer. The businessmen I have talked to in New Mexico have made plans for expansion and most importantly to increase their payrolls by creating some new jobs in anticipation of the third year of the tax cut. Most small businesses pay income taxes as individuals and they are counting on the third year of the tax cut.

As important as all of these reasons are to this debate, Congress must recognize that it would be a fundamental breach of faith with the American people if we pass this measure. On July 22, 1981, this body voted 89 to 11 to pass the Finance Committee bill which became the Economic Recovery Tax Act, and we passed the conference report 67 to 8. After these overwhelming bipartisan votes, are we really prepared to turn around and tell 1 out of every 10 Americans that we did not mean it after all?

Mr. President, I believe that these reasons are compelling and I urge my colleagues to vote against this bill.

I thank the distinguished Senator from Ohio for yielding, and I yield the floor.

Mr. DOLE. Mr. President, I understand there are a number of Senators who would like to speak, but they would all like to speak at 5 until 10, and I just suggest if they have any desires to be heard on this nonissue, they had better rush over here because I plan to speak at 5 of 10, and I assume the Senator from New Jersey wants to speak about that time.

I have not heard anything new on this matter this morning. It is the same old broken record. The Democrats talk about fairness and equity and then vote against it.

I just suggest, as I said last evening, if I pay more taxes and there is a tax cut, I ought to get a bigger tax cut. If there is a tax increase, you probably are going to pay more taxes if you are in a higher bracket.

So this is a last-ditch effort. I do not quarrel with my colleagues for disagreeing with the policy. It is 100-percent politics. I think everybody understands it.

We did not lose a single Republican on the House side on the vote there, and I hope we do not lose a single Republican on the Senate side on this vote.

It is an effort, a last-ditch effort, to undermine the Reagan program, and we are going to have lots of opportunities to really vote. If you want to soak the rich there will be some chances later on. But I think in the Wall Street Journal this morning there was a little notation to the effect that if you took all the income from all the people in the 50 percent and above bracket you would only get $12 billion. So if you took it all—and that would run the Government, I think it said, 8 days, and I will put that little notation in the RECORD later—all this discussion about the rich, and the rich has never been defined by the other side, just somebody out there, whoever it might be is rich, and whoever they represent is not rich and, therefore, it is good policy and good politics.

Mr. President, I know of no other requests for time on this side at this moment.

Mr. BYRD. Mr President, will the Senator from New Jersey yield to me?

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, 3 years ago the President of the United States called the leadership of both Houses up to the White House. That was in 1981, and from his 3-by-5 cards he argued his position in support of the Kemp-Roth tax cut.

I suggested to the President that though he thought he was right in that he felt that interest rates would drop significantly and quickly, that he thought he was right in saying that the budget would be balanced by 1984, and obviously he was sincere in his beliefs, there were some of us who did not believe that the rates would significantly and quickly drop on the passage of this program. There were some of us who did not believe that the budget deficits would be done away with and we would have a balanced budget by 1984. We could not see how increasing the Pentagon budget so much and so quickly, plus the $750 billion drain on the Treasury resulting from this kind of tax cut, 3 years of cuts in succession, many of us could not see how we could have a balanced budget by 1984.

I suggested, therefore, to the President that he tie the third year of the tax cut to the performance of the economy and the trend of deficits. He was not willing to do that.

The tax cut went into effect. We have heard it said that the rich got their benefits the first year, yet those who say that are also defending the very high income taxpayers today. If the high income 5 or 10 percent of the taxpayers received their benefits in the first year then why should they continue to receive such benefits as will accrue to them if this bill is not passed?

So we find the defenders of those persons who are the high-income taxpayers of this country and who say, "Well, they got theirs the first year," are the same opponents of this bill and are not willing to concede that those same high-income people are going to get their benefits again this year.

The Government will have to go out and borrow money, $6 billion, to make it possible for those high-income taxpayers to receive the amounts that were on the charts in the rear of the Senate Chamber yesterday, which indicated that those with an income of $100,000 will receive a tax cut this year of $2,448.

Here we are arguing for a bill that is fair, a bill that is fair to all taxpayers.

The President's economic program was referred to by Vice President BUSH when he ran for President as voodoo economics. Well, the administration is still at it. They call a tax cut a "tax increase." If that is not voodoo economics, I do not know what voodoo economics would be. A tax cut is a tax cut is a tax cut is a tax cut, and, if this bill were to pass, this tax cut will go to every taxpayer, and those persons whose incomes are above a certain level, $46,000, $47,000, $50,000, will still receive a tax cut of $720 or in that range. That is a tax cut, c-u-t, tax cut. Those persons with incomes below $50,000, will get their full 10 percent, which will still be less than the $720 that the rich will get.

So I say to you today that the issue is fairness and that is right. I said many times in the past to my colleagues you will lose on this but you are going to be right, and we came out here on the floor. We lost and we lost and we lost, and we lost because we were outnumbered, but we were right and the bill before us today is right. That is why we are pressing forward on this bill today.

For those who say, "Why do you press for a bill that you know will be vetoed?" Well, any bill can be vetoed. Congress from time to time passes bills that are vetoed. Nevertheless, that should not keep Congress from attempting to do what is right, and it is

right, Mr. President, that we enact this bill.

It will reduce the deficit by $6 billion. It will inject the element of fairness into the tax cut. Nine out of every 10 taxpayers in the country will receive their full 10 percent cut. Mr. President, as far as West Virginia is concerned, only 2.9 percent of the households earn over $50,000.

So I say to my colleagues, this is fair. It will help produce the revenues in the amount of $6 billion, which is half what the budget, which was recently passed by the Senate, calls for. That will leave only $6 billion to be raised to carry out the budget mandate.

Mr. President, the right way to vote is to vote for this bill. I hope that my colleagues, on this side of the aisle, at least, will vote for this bill.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator from New Jersey.

Mr. President, the question is, What are we going to do about the deficit? Everybody in this Chamber remembers that in 1980 the President declared the national debt a national disgrace. He explained how the national debt of a trillion dollars would equal a stack of $1,000 bills, 67 miles high. Naturally, there was a loud roar of disapproval and moans across this country. However, because of the policies of this administration, that stack of $1,000 bills is going to become 134 miles high in the period of 5 or 6 years.

What is the President's solution? First, do not cut defense spending. Second, do not raise taxes. Instead, he has proposed to reduce social programs by $18 billion. The budget which we recently passed actually has a cut in entitlements, the first one in modern times.

Yet even if we eliminated social programs, rather than cutting them by $18 billion, we would still have a budget deficit twice as great as any we have ever had in the history of this country prior to Ronald Reagan becoming President. For all appearances, he is perfectly pleased with a $220 billion debt.

Is this cap fair? If you believe that it is unfair for people making $100,000 a year to get tax benefits 15 times greater than people making $20,000 a year, then the tax cap is fair.

Even Senators are being asked to participate in this, because even U.S. Senators, with the probable salary increase—which I opposed—and without honoraria, will have to give up between $400 and $500. I do not think that is going to hurt anyone in this Chamber, and I do not think it is going to hurt anybody else in the country in that income category.

Not long ago, Mark Shields wrote a story in the Washington Post, which I think is really appropriate to our current situation. He described Bobby Kennedy's visit to Creighton University in 1968, when he was running for President. He told a rather hostile student body what he wanted to do as President. He praised some social programs—medicaid, the Legal Services Corporation, and so forth. Finally, a hostile student asked who would pay for them. Senator Kennedy looked right at him and said, "You are." That is the kind of courage and forthrightness that somebody in this country ought to be exercising.

What is the President saying to the American people? Is he telling them that you are going to have to pay for this $2 trillion debt?

Is he telling them that they will have to pay for these staggering deficits? Not only is he not calling on the American people to pay for these deficits, he is pandering to their shortsightedness as no other President has. It is that great shortsightedness that produced the tax bill in the first place. It is that shortsightedness that has produced these staggering deficits. Now we assume some cosmic event is going to save this Nation, as though some cosmic event is going to reduce these deficits, as though some cosmic event is going to stabilize our economy and we are going to all live happily ever after. In truth, the most precious heritage we have, our children, are the ones who are going to suffer.

Is it not amazing when the shortsightedness of this country becomes so great that we are willing to sacrifice and mortgage the most precious thing we own, our children, mortgage their future, insuring that they will not have the kind of society you and I have enjoyed?

If you do not want that to happen, if you want to at least show your children and the Nation that your heart is in the right place and that you really are concerned about doing something, you will vote for this bill.

I thank the Senator for yielding.

Mr. THURMOND. Mr. President, the economic recovery is well underway. Inflation is less than 4 percent and interest rates are down from their previous high of 21 percent. Now is not the time to be increasing the burden on our taxpayers.

Mr. President, there have been assertions that the third-year tax cut is a rich man's tax cut. This is simply not the case. The third-year tax cut primarily benefits the hard-working middle class. Because of bracket creep caused by inflation, social security tax increases, State tax increases, and the $98 billion tax increase of last August, the third-year tax cut is the first relief for the middle class. The third-year tax cut reduces middle-income taxpayers' marginal rates by 10 percent; top bracket taxpayers received their tax break last year when the maximum marginal rate was reduced from 70 percent to 50 percent. The tax cut will not affect taxpayers earning income above $55,300 for singles and $109,400 for joint filers. The third-year tax cut is clearly a middle-class tax relief measure.

The tax cap proposal would hurt not only individual taxpayers, but small businesses as well. Most small businesses do not operate in the corporate form, but instead conduct their businesses as a partnership, sole proprietorship, or subchapter S corporation, and are therefore taxed as individuals. To impose such a tax on small businesses which suffered so much during the recession is foolish.

Mr. President, I do not wish to minimize the problem of growing Federal deficits. Indeed, massive Government borrowing could cause interest rates to rise as the competition for capital intensifies further into the economic recovery. The crux of the debate is not so much about whether we trim the deficits—everyone agrees that burgeoning Federal deficits are a threat to the recovery—but rather whether we do the necessary surgery on the budget or on the taxpayers. Instead of cutting Government spending to reduce our debts, the big spenders who have dominated Congress for decades want to add back billions that have been trimmed from social-welfare programs under President Reagan, cap the tax cut, and continue business as usual with the burden on the taxpayers. The American people are tired of "tax solutions" to our budgetary problems, and well they should be. Mr. President, the answer to our current fiscal problems lies in cutting Government spending, and not in increasing taxes. In this way, economic health will be restored to our Nation, without burdening our taxpayers, who are entitled to their first real relief.

Mr. President, the proposed cap on the tax cut should be defeated not only because it will threaten our economic recovery, but because it is not fair. It is a serious mistake to view taxation as a means of rewarding one class of taxpayers or punishing another class. From the standpoint of fairness, good tax policy, and sound economic policy, tax reductions should be of a uniform proportion in relation to taxes paid, rather than being arbitrarily limited according to income. A uniform percentage cut for all taxpayers is both fair and wise.

I would like to reiterate that we all share a common goal—reducing Federal deficits. But balancing the budget on the backs of the taxpayers and small businesses is the surest prescription for economic disaster. Our economic recovery can best be sustained by reducing the burden on the taxpayers, reducing Government spending, and balancing the budget.

Thus, I agree with President Reagan that the third installment should go into effect July 1. Capping the third installment would hurt middle-income taxpayers and small businesses, threaten our reviving economy, and promote unfair, unwise tax policy.

I would urge my colleagues to join me in defeating this move to cap the tax cut.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Twenty minutes on the side of the Senator from Kansas and 8 minutes on the side of the Senator from New Jersey.

Mr. DOLE. Mr. President, I think there may be a request for limited time on our side.

Mr. President, I would like to put something into the RECORD at this point. We have heard a lot of talk about fairness and equity on the other side of the aisle. I think we ought to know who voted for this tax cut in 1981. The vote was 89 to 11.

Mr. President, I ask unanimous consent that the rollcall vote No. 239 legislative, on July 29, 1981, be printed in the RECORD at this point.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Rollcall vote on committee substitute containing the 25-percent tax rate reduction as part of Economic Recovery Tax Act (July 29, 1981.)

[Rollcall Vote No. 239 Leg.]

YEAS—89

Abdnor	Garn	Murkowski
Andrews	Glenn	Nickles
Armstrong	Goldwater	Nunn
Baker	Gorton	Packwood
Baucus	Grassley	Pell
Bentsen	Hatch	Percy
Biden	Hatfield	Pressler
Boren	Hawkins	Proxmire
Boschwitz	Hayakawa	Pryor
Burdick	Heflin	Quayle
Byrd, Harry F., Jr.	Heinz	Randolph
	Helms	Riegle
Byrd, Robert C.	Huddleston	Roth
Cannon	Humphrey	Rudman
Chafee	Inouye	Sarbanes
Chiles	Jackson	Sasser
Cochran	Jepsen	Schmitt
Cohen	Johnston	Simpson
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Laxalt	Stennis
DeConcini	Long	Stevens
Denton	Lugar	Symms
Dixon	Matsunaga	Thurmond
Dole	Mattingly	Tower
Domenici	McClure	Wallop
Durenberger	Melcher	Warner
East	Metzenbaum	Weicker
Exon	Mitchell	Williams
Ford	Moynihan	Zorinsky

NAYS—11

Bradley	Hart	Levin
Bumpers	Hollings	Mathias
Dodd	Kennedy	Tsongas
Eagleton	Leahy	

Mr. DOLE. Second, we ought to know who voted for TEFRA, which was tax reform. You talk about going after loopholes and going after upper income. That, I think, should be a matter of some interest because not a single one who has spoken about fairness, equity, balance and all these things could find it in their heart to vote for a tough tax bill.

Mr. President, that vote is interesting from a standpoint that with all this talk, all the rhetoric and all the other propaganda we are now hearing about the 10 percent this and 10 percent that, not a single vote came from the other side. We passed that bill by a vote of 50 to 47. That was a $100 billion tax bill which closed a lot of loopholes and let a lot of upper-income people under a minimum tax. It did a lot of things that some people talk about but we did not have many votes.

Mr. President, I ask unanimous consent that rollcall vote No. 257 legislative, dated July 22, 1982, be printed in the RECORD at this point.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Rollcall vote on Senate version of the Tax Equity and Fiscal Responsibility Act (July 22, 1982).

[Rollcall Vote No. 257 Leg.]

YEAS—50

Abdnor	East	Nickles
Andrews	Garn	Packwood
Armstrong	Gorton	Percy
Baker	Grassley	Pressler
Boschwitz	Hatch	Quayle
Brady	Hatfield	Roth
Byrd, Harry F., Jr.	Hayakawa	Rudman
	Heinz	Schmitt
Chafee	Helms	Simpson
Cochran	Humphrey	Specter
Cohen	Jepsen	Stafford
D'Amato	Kassebaum	Stevens
Danforth	Laxalt	Symms
Denton	Lugar	Thurmond
Dole	Mathias	Tower
Domenici	McClure	Wallop
Durenberger	Murkowski	Warner

NAYS—47

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Hart	Mitchell
Boren	Hawkins	Moynihan
Bradley	Heflin	Nunn
Bumpers	Hollings	Pell
Burdick	Huddleston	Proxmire
Byrd, Robert C.	Jackson	Pryor
Cannon	Johnston	Randolph
Chiles	Kasten	Riegle
Cranston	Kennedy	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Levin	Stennis
Dodd	Long	Tsongas
Eagleton	Matsunaga	Zorinsky
Exon	Mattingly	

Mr. DOLE. Then on the conference report, I will say to the credit of a number of my colleagues on the other side, I think a total of 11, which I want to put into the RECORD because I want to be totally fair, there were 11 Members who voted for the conference report.

Mr. President, I ask unanimous consent that rollcall vote No. 337 legislative, dated August 19, 1982, be printed in the RECORD at this point.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Rollcall vote on conference report of the Tax Equity and Fiscal Responsibility Act (August 19, 1982).

[Rollcall Vote No. 337 Leg.]

YEAS—52

Abdnor	Durenberger	Packwood
Andrews	Garn	Pell
Armstrong	Gorton	Percy
Baker	Grassley	Pressler
Baucus	Hart	Quayle
Boschwitz	Hatch	Roth
Bradley	Hatfield	Rudman
Brady	Hayakawa	Simpson
Chafee	Heinz	Specter
Cochran	Jepsen	Stafford
Cohen	Kassebaum	Stevens
Cranston	Kennedy	Symms
D'Amato	Laxalt	Thurmond
Danforth	Lugar	Tower
Denton	Mathias	Tsongas
Dodd	Matsunaga	Wallop
Dole	McClure	
Domenici	Murkowski	

NAYS—47

Bentsen	Goldwater	Metzenbaum
Biden	Hawkins	Mitchell
Boren	Heflin	Moynihan
Bumpers	Helms	Nickles
Burdick	Hollings	Nunn
Byrd, Harry F., Jr.	Huddleston	Proxmire
	Humphrey	Pryor
Byrd, Robert C.	Inouye	Randolph
Cannon	Jackson	Riegle
DeConcini	Johnston	Sarbanes
Dixon	Kasten	Sasser
Eagleton	Leahy	Schmitt
East	Levin	Stennis
Exon	Long	Warner
Ford	Mattingly	Weicker
Glenn	Melcher	Zorinsky

NOT VOTING—1

Chiles

Mr. DOLE. The most recent case of fairness and equity was the effort by my distinguished colleague, Senator LONG from Louisiana, to repeal withholding on interest and dividend income. We talk about how we have to go out there and go after these rich people. My colleagues on the other side would not even agree that we could withhold taxes on interest and dividend income which is costing an estimated $4 billion a year. And they are only talking about $6 billion in the tax cut.

Mr. President, I ask unanimous consent that rollcall vote No. 154 legislative, dated June 16, 1983, be printed in the RECORD at this point.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Rollcall vote on LONG motion to table that would assure repeal of interest and dividend withholding without additional compliance measures.

[Rollcall Vote No. 154 Leg.]

YEAS—46

Baucus	Glenn	Metzenbaum
Bentsen	Goldwater	Mitchell
Biden	Hart	Moynihan
Bingaman	Hawkins	Nunn
Boren	Heflin	Pell
Bradley	Hollings	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Jackson	Randolph
Byrd	Johnston	Riegle
Chiles	Kennedy	Sarbanes
DeConcini	Lautenberg	Stennis
Dixon	Leahy	Tsongas
Dodd	Levin	Weicker
Eagleton	Long	Zorinsky
Exon	Matsunaga	
Ford	Melcher	

NAYS—51

Abdnor	Grassley	Packwood
Andrews	Hatch	Percy
Armstrong	Hatfield	Pressler
Baker	Hecht	Quayle
Boschwitz	Heinz	Roth
Chafee	Helms	Rudman
Cochran	Humphrey	Simpson
Cohen	Jepsen	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stevens
Denton	Laxalt	Symms
Dole	Lugar	Thurmond
Domenici	Mathias	Tower
Durenberger	Mattingly	Trible
East	McClure	Wallop
Garn	Murkowski	Warner
Gorton	Nickles	Wilson

NOT VOTING—3

Cranston	Inouye	Sasser

Mr. DOLE. Again I will say that there are about five of my colleagues on the Democratic side who did not support the position of the distinguished Senator from Louisiana, Senator LONG.

The record ought to be made so that when historians check this great debate, which may take a few years, and look back on what really happened, where all the rhetoric was and where the performance was, they will be able to match it up.

We get all these great statements from the Senator from Arkansas about reform, equity and fairness, but I do not find him voting for it. So I think the record ought to be made. The point is that we are going to need a lot of fairness and equity later on, about 73 billion dollars' worth if the budget resolution is addressed. I am not suggesting it will be, but that is a rather large order. Those who voted for the budget resolution voted for more taxes. Then we have to determine whether or not they really mean it or whether they are going to continue to try to take away some part of the President's tax reduction program.

It is the view of this Senator that before we start taking away and increasing taxes for the working people of this country we ought to close the loopholes and have better compliance. What we are doing today is just saying, "Well, we are going to raise taxes on working couples, farmers, small business people, and others who make a little more money than others."

We can do a lot of that or we can address the real problem in some of the tax legislation that may come to the floor this year, next year, whenever it is.

Again, I do not quarrel with the efforts to politicize this matter, and I think it has been fairly well politicized. But in any event, I would hope that when the vote is taken it will be unanimous.

Again I will point out that not a single Republican House Member supported this effort. It is fairly transparent it is being pushed by organized labor. They see it as a way to somehow go after people who do not belong to organized labor.

Again, there are a lot of other areas that we want to address that would take care of some of the concerns that are now being expressed on the other side.

Mr. President, I reserve the remainder of my time.

Mr. BRADLEY. Mr. President, I yield myself 4 minutes.

The first thing to say about this bill is that it is in no way a tax increase. Everyone this July will get a tax cut. For 90 percent of the American people, they will get their full tax cut. For 10 percent of the American people, that tax cut will be limited to $720 per couple.

Mr. President, it is astounding to me, and I think somewhat preposterous, for the other side to argue that, somehow or other, this is a bill that is aimed at the middle class. Since when have the top 10 percent of the population been defined as the middle class? This is a bill that preserves the tax cut in full for 90 percent of the American people. Only the top 10 percent have a tax cut that is limited to $720.

Second point: Mr. President, this is a policy that is consistent with what we have tried to do on this floor over the last 3 years. In 1981, the top rate dropped from 70 to 50, benefiting primarily upper income individuals. On the floor of the Senate during the debate on that tax bill, I proposed an amendment that would have skewed the rest of the tax cut so that it would benefit primarily people under $50,000—upper income taken care of with the drop from 70 to 50 percent on unearned income; now, middle income under $50,000 taken care of by a skewing of the rates. That was rejected overwhelmingly by the votes on the other side.

In 1982, I proposed another amendment that would have given the bulk of the tax benefits to middle-income people under $50,000. That was rejected overwhelmingly on the other side.

So, to come to the Senate today and argue that because we are limiting the tax cut to the top 10 percent of the population is somehow against the middle class, in my view, is preposterous.

Mr. President, the majority leader and many other distinguished Senators have, on many occasions, come before us and said that many things would be nice to do but we simply cannot afford them. It might be nice if we could give everyone a 50-percent tax cut. The fact of the matter is we cannot afford it. We are facing deficits that will add $1 trillion to the national debt in the next 5 years. I think there is no mystery about how these deficits were created. They have been created in the last 3 years by both tax policy and spending policy. To argue that only spending causes deficits but tax policy does not is like arguing that only one blade of the scissors cuts the paper; both are responsible, Mr. President.

What have we done? We have, indeed, cut spending, which I voted for and supported, about $150 billion, in the nondefense area. Then we have proceeded in the defense area to increase spending by equivalent amounts. So we are about net. No net reduction in nondefense spending—not because we refused to cut nondefense spending, but because we increased defense spending.

Then we proceeded to give away the source of funds for the Government with the gigantic tax cut in 1981, thereby yielding these gigantic deficits.

Mr. President, there is no real prospect that we are going to dramatically cut the deficits in the next year. I hope we are going to make progress, but there is no real certainty of that. In the President's budget that he sent to the Congress, he said that unless the deficits were dropped to 2.5 percent of GNP—they are 5 percent of GNP now—he would propose standby taxes that would be a surcharge that would affect low-income people as well as upper income people; regressive energy taxes that would affect lower income people, middle-income people, and upper income people; and also some loophole closings that would, indeed, hit the workingman very, very hard.

Mr. President, we can continue to give everyone a tax cut but limit it for upper income taxpayers, or we can stay on the borrowing and spending spree that we have been on in the last 2 years.

In short, with this bill, we can give everyone a Ford, a Chevy or a Chrysler—a small one—or we can go into debt further so that a few people can have a Cadillac.

Mr. President, I think the choice is clear.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia (Mr. TRIBLE).

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. I thank the Senator for yielding.

Mr. President, it is difficult to conceive of an action which would have more adverse consequences than enactment of a cap on the third year of the tax cut. The sharp increase in taxes proposed by this bill would retard economic recovery, enshrine inequity in our Tax Code, and hit hardest those who now bear the heaviest burden—middle-class Americans, particularly two-income families, small

businessmen, and family farmers. And it will not reduce the deficit.

Each report issued from the Government suggests that recovery is underway. I do not believe it is sensible to attack either the incentives to economic productivity or tax away the additional money to fuel consumer spending that this Congress enacted in 1981. These acts would jeopardize the recovery which our Nation so badly needs.

The rewards of economic recovery have been hard won. All of us appreciate the pain and distress that our Nation has suffered. To take action that would jeopardize the recovery is not only bad economic policy; it demonstrates a callous insensitivity to human problems.

Moreover, the tax cap would introduce vast inequities into the system. Under the provisions of this legislation, a married couple with income of $35,200 would face a marginal tax rate that increased from 28 to 37 percent. In other words, a two-income family in which one member earned $17,200 and another earned $18,000 would have their marginal tax rate increased by 9 percent. That is an increase of more than 25 percent in marginal tax rates. By what standard can this possibly be judged tax equity?

The same unfairness applies to a single taxpayer who earns $28,800. Those men and women would face marginal tax rate increases of 8 percent.

This unfairness is the most curious fact about the tax cut cap. If the proponents of tax increases were interested in taxing the rich, as they claim, they could have simply increased the top tax rate. Or they could add a surtax on the income of those in the highest tax bracket. But they did neither. Nor can this tax increase be justified on "ability to pay;" were that the case, the principle would call for a tax increase borne by all taxpayers in direct proportion to their increase.

Rather, I suggest the $700 tax cap is simply an arbitrary figure. The most significant consequences of the cap will be to reimpose the marriage penalty—taxing women who work to maintain their standard of living—and to distort middle-income tax brackets.

I want to raise two additional concerns that transcend the specific provisions of the bill. This bill does virtually nothing to reduce the Federal deficit. The estimates suggest that this bill will raise $6 billion in 1984. That $6 billion is less than one-seventh of the $42 billion increase in Federal spending assumed in the budget resolution for 1984. Six billion dollars is only 3 percent of the budget deficit estimated for fiscal year 1984. Characterizing this legislation as a deficit reduction measure is as misleading as an editorial in Pravda.

In addition, I believe it is essential for the Senate to say no to the continuing erosion of tax relief for our citizens. In 1981, we took a decisive and necessary step by reducing tax rates by 25 percent. Since then, Congress has enacted a major new tax increase (TEFRA), increased social security payroll taxes, and increased the gasoline excise tax. Today, we should assert that reducing taxes was the right step, and that the continual erosion of tax relief will be stopped.

Mr. President, history shows very eloquently that for every $1 we send to Washington as taxpayers, the Federal Government spends $1.50. For these and other reasons, I urge my colleagues to oppose the cap on the third year of the tax cut.

I yield back the remainder of my time.

Mr. LEVIN. Mr. President, I rise in support of H.R. 1183, the Tax Rate Equity Act which will put approximately a $700 cap on the third year of the Reagan tax cut. This legislation makes sense in terms of equity, and it makes sense in terms of budgetary concerns. Only in the realm of Orwellian "doublespeak" which the President has chosen to employ in debating this issue can it be seen as otherwise. Only if you accept that "equity" means "inequity," and "limiting a tax cut" means a "tax increase," does the President's reasoning make any sense.

What are the basic issues here? They are whether revenue should be increased in order to reduce the deficit, and whether it should be done in a way that corrects some of the inequities enacted in 1981. The Tax Rate Equity Act addresses both of these issues in a meaningful way. In the fiscal year 1983-88 timeframe, this legislation would reduce the deficit by almost $40 billion. To put this in perspective, the provision on withholding on interest and dividends, which the administration advocated in part as a deficit reduction matter, would have raised a little more than $14 billion over the same period.

Our country is facing huge deficits in the coming years, even if unemployment drops several percentage points below current levels. It is not enough to say that "the economy will grow its way out of them." According to the Senate Budget Committee, the deficit for fiscal year 1988 will still be $268 billion even if the unemployment rate dropped to 6 percent.

This legislation would not close that gap entirely, nor need it be closed entirely to have a fiscal plan which is consistent with sustained economic growth. But the gap must be reduced if Federal borrowing is not to crowd out private borrowing and drive up interest rates in the years to come. This legislation is an important step in defusing the fiscal time bomb which the administration has set, and which threatens to explode in the form of higher interest rates and renewed surges in unemployment.

But in addition to being fiscally responsible, this legislation is also fair. Barely 1 percent of the taxpayers making less than $30,000 will be affected by it, and almost 90 percent of the taxpayers making over $50,000 a year are affected by the cap. For the average family of four making $46,000, or less this legislation will not reduce their tax cut one bit. If the goal is to increase revenues in accord with someone's ability to pay, then this legislation offers a reasonable path for obtaining that objective.

It is because of the intrinsically reasonable approach embodied in this bill that I believe that the President has done a disservice in describing it as an attack on the middle class. By taking this rancorous approach, he has foregone the opportunity of using this proposal as a reasonable middle ground for achieving significant deficit reduction. Instead, Reagan sticks to his programs, which requires 22 percent of the households making less than $10,000 a year to bear 41 percent of the benefit cuts which have been enacted as part of the Reagan program since 1981, but does not ask the wealthiest taxpayers to accept a cap of $700 on their new tax cut due in July.

Such a position stands logic and the English language on its head. So, too, calling a gain in after-tax income of $720 for a family of four "a tax increase" turns the common meaning of words inside out. The fact that the only attacks which have been made on this proposal have been grounded on illogic and distortions perhaps speaks more eloquently than can anything else as to its wisdom and reasonableness.

Mr. MATTINGLY. Mr. President, I rise to oppose the proposal to cap the July 1 income tax cut at $700.

Mr. President, this ill-timed and ill-conceived proposal is just the beginning; it is just the first of many proposals that I predict will be floated out before this Senate in the coming months as we get closer to the 1984 elections. The various proponents of these so-called revenue proposals will attempt to disguise them with all sorts of catch phrases. We will be told we need these tax increases to reduce the deficit, to put people back to work, to help the poor.

Well, no one is fooled by such rhetoric. This proposal before us today to cap the third year of the 1981 tax cut is purely political. It is a blatant partisan ploy, thought up by the Speaker of the House as a 1984 campaign issue. And too many of my colleagues on the other side of the aisle have swallowed Speaker O'NEILL's political panacea. This tax cap is snake oil, my friends, and it will not sell. The American

public is not as gullible as those on the other side of the aisle think they are.

Mr. President, this proposal should not float and it will not float. It hardly made it to the Senate from the House. Even the chairman of the House Ways and Means Committee publicly held his nose in voting this proposal out of committee.

The minority party here in the Senate and the majority party in the House think they have a political issue here for 1984. They think that by denying a tax cut to the middle-income working people of our country, the small business operators, the family farmers, and the two-paycheck families across America, those people are going to turn around and say thank you at the polls in November 1984. All I can say, Mr. President, is that some days the Democrats just hand it to us.

Mr. President, capping the third year of the tax cut at $700 is nothing more than a disguised tax increase on the backs of middle-income Americans. It is an attempt to divert public attention from the real reason we have record budget deficits: Congress refuses to control spending. In fact, this tax increase will not go to reducing deficits. It will go to pay for the record spending levels contained in the budget resolution. I find it very interesting how many Members of this body never worry about deficits until they need justification to raise taxes.

But more importantly, this proposal comes at the worst time possible. Economists of both the liberal and conservative persuasion are in almost complete agreement that a tax increase at the beginning of an economic recovery is the worst medicine possible to insure the healthy continuation of that recovery. Just when personal income is on the rise, just when consumer confidence is increasing, just when savings and investment are gaining momentum, the big spenders, the proponents of big government come before us with a proposal to rob the working people of this country of their recovering paychecks, savings accounts, and struggling business income.

Mr. President, this proposal is not only unfair and unsound, it is stupid economics. I urge my colleagues to join me in opposing this measure.

Mr. BIDEN. Mr. President, the American people are fed up with our tax system. Who can blame them? Federal taxes have come to symbolize unfairness, special privilege, and deception. The Tax Code has been crammed full of tax breaks of benefit to limited groups of people, while the middle-income family is left to bear the brunt of financing the Federal Government. The Tax Code is now so riddled with loopholes that it cannot perform its chief function of raising sufficient revenue to finance the Federal Government.

The fact is that middle-income Americans carry a disproportionate share of the burden of keeping this country going. There are certain people within our society who pay little or nothing and who should be paying a great deal more. The system just is not fair.

The proposal we are considering here today helps, but does not solve that basic problem. A tax cap is a stopgap measure, designed to raise revenue to lower Federal deficits, and do it in a way that will restore a modicum of fairness to our tax system.

No matter what the decision on the tax cap, we in Congress must address the fairness issue head on in the weeks and months ahead. We can do that with a proposal of Senator BRADLEY's that I am cosponsoring. It is called the Fair Tax Act. When adopted, this measure will restructure the individual and corporate income tax in America. It will greatly simplify the Tax Code, while at the same time raising more equitably the revenue needed for essential Federal services. It will encourage economic growth by removing current roadblocks to savings and investment. The Fair Tax Act will lower tax rates. About 80 percent of the taxpayers will pay an income tax rate of 14 percent. No one will pay more than 30 percent. It will also eliminate most exclusions, deductions and credits, except some of those most commonly used.

Would you not be willing to trade your present income tax rate for 14 percent? Most likely the reason you are paying more now is that you are paying taxes for someone else.

Mr. President, the debasing of our tax system did not occur overnight. It has been going on for decades. But in recent years the trend has accelerated. In 1973, the revenue lost through special deductions, exclusions, and credits was about $65 billion. By 1982, the revenue loss had grown fourfold to $250 billion, more than the total Federal revenues of $231 billion collected in 1973.

Clearly, in the 1970's, Congress was busy granting special tax incentives and subsidies. While these significantly reduced tax revenue, they were not tax reductions for most Americans. These were tax reductions for the few, for the privileged, for the special interests. During that time, I introduced several pieces of legislation aimed at slowing this trend. And I worked on the Senate floor with many of my colleagues for the same purpose. But we were seldom successful against the powerful interest fighting to retain their privileges.

The practice of granting tax privileges continued into the 1980's. By 1984, it is estimated that revenue losses will have risen to $327 billion. Of that amount, over $30 billion has been added in the two major tax bills adopted in 1981 and 1982.

The 1981 tax bill—the Economic Recovery Tax Act of 1981—combined general tax reductions with special interest provisions. Altogether, the 1981 bill will reduce Federal revenues by over $1.1 trillion between its enactment and fiscal year 1988. That bill decreased the equity of the Tax Code by providing relatively larger tax reductions to wealthier taxpayers and by adopting still more special tax breaks. It is true that some of the revenue loss was recouped in 1982—about $255 billion of it. But many of the provisions of the 1982 law were also grossly unfair.

The ironic result of all of these years of amending the Tax Code is that we have dramatically reduced the revenue to finance the Government, while at the same time increasing the tax burden on the average taxpayer. Thus the unfairness of the Tax Code has multiplied over the years.

Today some of us propose to take a first small step toward fairness. It is proposed to put a cap on the maximum tax reduction available to taxpayers from the third year of the tax cuts enacted by the Economic Recovery Tax Act of 1981. This will provide additional revenues desperately needed to reduce the multibillion-dollar deficits that have resulted from the Reagan economic program of the past 2½ half years. This cap will raise about $6 billion in fiscal year 1984—a large sum of money, but only a small part of the deficits that threaten to exceed $200 billion. The cap will increase those revenues by limiting the tax reduction that will go to those taxpayers who benefited most from the initial tax reductions in 1981. Under this proposal, 90 percent of all taxpayers would receive the scheduled July 1 tax cut in full. And every taxpayer would receive some further tax reduction on July 1. But no taxpayer would receive more than $720.

No one likes raising revenues. But I believe we must adopt this tax cap proposal to raise some additional revenue in the fairest possible way. If we do not do that, high Federal deficits will inexorably force up interest rates, endangering the recovery and forcing up unemployment.

In reaching a decision on the tax cap, it is necessary to consider the alternatives that might be adopted instead. Under the budget resolution recently adopted by Congress, about $12 billion in new revenues must be raised to help reduce deficits. And certainly no one can argue that we must not take action to reduce our $200 billion deficit. The $700 tax cap will provide about $6 billion of the $12 billion in new revenue that must be raised.

The most likely alternative would be that proposed by President Reagan—

to tax employees for a part of the premium paid by their employer for health insurance, just as though it were income paid directly to the employees. The President estimated in his budget that this would raise $2 billion in new revenue. His proposal would increase taxes for families with incomes under $50,000 by more than the tax cap we are considering today. This proposal could add up to $400 in new taxes for thousands of Delawareans who work in all our businesses from the Du Pont Co. to the smallest business. And this proposal would provide only $2 billion of the $12 billion we must raise. What other proposals might be adopted? The mere question is frightening. But if last year's tax increase bill is any guide, they would be much more repressive on middle-income families than this $700 cap. This is, without question, the fairest, least repressive way to raise the revenue that we must raise.

But what then, Mr. President? After we act on this proposal—whether it becomes law or not—what are we going to do then? Are we going to say: "We tried to make the tax laws fairer. We did what we could." And then turn to other matters.

We must not do that, Mr. President. We must stop this piecemeal approach to our tax laws. We must adopt a comprehensive reworking of the Tax Code. We should do this by adopting the Fair Tax Act that Senator BRADLEY and I and others just introduced.

The outlines of that proposal are as simple as they are fair. The basic individual rate would be 14 percent. About 80 percent of all taxpayers would pay that 14-percent rate. The remaining 20 percent would pay an additional marginal rate. That rate would be an additional 12 percent on income above $25,000 for single returns and $40,000 for joint returns—for a marginal rate of 26 percent. That marginal rate rises to 30 percent on adjusted gross income above $37,500 on single returns or $65,000 on joint returns.

There would be an increase in the personal exemption from $1,000 to $1,600 for taxpayers and spouses—$1,800 for a single head of household. The standard deduction would be increased from $2,300, to $3,000 for single returns and from $3,400 to $6,000 for joint returns.

Most itemized deductions, credits, and exclusions, except those generally available to most taxpayers, would be repealed. Among those retained will be the $1,000 exemptions for dependents, the elderly and the blind; deductions for home mortgage interest, charitable contributions, State and local income and real property taxes, payments to IRA's and Keogh plans and employees business expenses; exclusion of veterans benefits, social security benefits for low- and moderate-income persons and interest on general obligation bonds. The personal exemptions and itemized deductions will apply only against the 14-percent rate.

For corporations, there will be a single rate of 30 percent. Most existing tax deductions, credit, and exemptions that tend to distort investment decision would repealed.

Mr. President, over the years our tax system has grown in haphazard ways. Some originally well-intended provisions of the Tax Code achieve no real public purpose. The jerry-built structure of business taxation probably impedes rational business decisions and thus slows our economy, fosters inflation, and provides unintended and economically unproductive tax breaks to some. While some individuals have been able to turn the tax laws to their advantage to escape taxation, the vast majority of our citizens find themselves overburdened with taxes.

We can start the move toward a fairer tax system here today by adopting the $700 tax cap. But then we must finish the job by adopting a total overhaul of the Tax Code like that proposed in the Fair Tax Act. Only in that way can we restore the faith the American people once had that the burdens of Government are fairly distributed.

Mr. KASTEN. Mr. President, there is an old saying that the only things certain in life are death and taxes. If we pass this bill to cap the 10-percent tax cut at $700, then this saying is as true today as it was years ago.

Mr. President, there is an old saying that the only things certain in life are death and taxes. Today, we are facing yet another proposed tax increase. If we pass the legislation before us now—H.R. 1183—we will undermine any progress that has been made in the past 3 years in the name of tax relief.

In 1980, President Reagan and I—as well as many of my Republican colleagues in the Senate—pledged to work for economic recovery. And, in our first year in office, we passed the Economic Recovery Tax Act of 1981. The critical elements of this tax act—the Reagan-Kemp-Roth 25-percent tax rate reduction and indexing of tax rates—would restore the incentives to work, save, invest, and produce our way to economic recovery. More importantly, the tax cut would get tax rates down, and keep them down.

Since passage of the 1981 tax cuts, Congress has voted consistently to raise spending and taxes—actions that have delayed the economic recovery. At long last, however, we are on our way to economic recovery. The administration predicts that economic growth for the second quarter of this year will be 6.6 percent. This is the highest growth rate in 2 years, and it is expected that growth for the year will also be much greater than originally projected. This improvement in economic growth is due primarily to the anticipated third—and final—10 percent installment of the tax cut. The last thing we need to do now is adopt tax increases that would kill the economic recovery before it really gets going.

With the 1982 bill—the Tax Equity and Fiscal Responsibility Act—the gas tax, the social security tax increases, and the $73 billion tax increase called for in this year's budget, we have raised taxes to the point that there will be no tax relief for the working American. In fact, the remaining 1984 tax cut will only equal $3 billion out of the $130 billion called for in the Economic Recovery Tax Act of 1981. In other words, since the 1981 tax cut, Congress had increased the taxes due in 1984 alone by $127 billion. After 1984 there will be a tax increase over and above the 1981 tax cut. It is as if we never passed one in the first place.

And with this bill, some of my colleagues would even like to take the remaining $3 billion tax cut away from working Americans. They say that their plan to impose a $700 cap on the tax cut will "soak the rich," but this is wrong. Several facts make this obvious:

The "rich" already benefit from the 1981 tax act provision that drops the maximum taxable rate from 70 to 50 percent. The "Fairness Democrats" have taken no action to change this.

Approximately half of all taxpayers affected by the $700 cap are those with less than $50,000 in annual income.

Taxes for millions of married working couples—two income earner households—will increase. Nearly half of the tax returns affected and the revenue gained with the cap will come from these working couples.

Four out of five families in the $35,000-and-up income class have at least two earners. Millions of taxpayers will be affected by the cap simply because both the husband and wife work.

Nearly 2.5 million small businesses—including 350,000 family farms—are taxed at the individual tax rates, and would face a tax increase under the $700 cap.

Instead of soaking the rich, it turns out that the cap will drown the middle class. This does not bother the "Fairness Democrats," who have neglected the fact that last year's installment of the tax cut resulted in an $8 billion increase in revenues from taxpayers in the top income tax bracket. This—as we tax cut supporters have always argued—was caused by a shift in resources away from useless and nonproductive tax shelters. An effort to take away any or all of the final installment of the tax cut will only reverse this trend.

The "Fairness Democrats" argue for this tax cap as a way to reduce the

deficits. But deficits are not caused by undertaxed working Americans. Tax revenues will be about 19 percent of GNP this year—practically the same level as in the 1970's. Government spending, however, has grown from less than 21 percent of GNP in the 1970's to about 25 percent this year. Clearly, the deficits are caused by a rapid growth in spending, not a drop in revenues to the Treasury.

In fact, despite last year's $100 billion tax increase, the budget deficits have doubled. Clearly this is not the right course to take. We have tried to balance the budget with tax increases in the past, and all we have to show for it is more spending, less savings and investment, and less economic productivity.

Mr. President, this Friday—July 1—the third and final 10-percent tax cut will go into effect.

We have raised taxes enough since the 1981 tax cut. Passage of this bill—to cap the tax cut at $700—would be the worst mistake we could make. It is time to hold the line on revenues, and take a long look at the spending side of the budget. We were elected to get taxes down and keep them down. This bill makes our promise for recovery a lie. I will not go back on my promise to the American people, and I urge my colleagues to join me in voting against this bill.

THE TAX RATE EQUITY ACT

Mr. BAUCUS. Mr. President, I want to speak in support of H.R. 1183, the Tax Rate Equity Act. Let me explain why.

This is not a vote on taxes—it is a vote on deficits.

This vote is a vote for or against a fair way to reduce the Federal deficit, and thereby, to preserve the economic recovery.

The Federal deficit will top $200 billion this year.

And next year, and the year after that.

At the rate we are going, the Federal Government will pile up more debt during the next 6 years than it accumulated during the first 207 years of this Nation's history.

The national debt will double in less than a decade.

The Federal deficit is growing at a rate of $1,000 per person per year.

All this adds up to one conclusion. The deficit is so huge, so enormous, that it threatens the life of the economic recovery.

The Federal Treasury is borrowing so much money to finance the debt that it threatens to squeeze out private borrowing. It is that borrowing that is needed to encourage additional business investment and economic growth.

Unless Federal borrowing is reduced, interest rates will rise. And the result? At best another period of stagnant economic performance. At worst, a return to the disastrous economic recession that has plagued Americans in the last 2 years.

As economist Leonard Silk said, "[T]hat is the worry that hangs over capital markets and holds up long-term interest rates."

Yesterday's rosy economic forecasts could turn pale unless we reverse the course of the Federal deficit.

THE TAX CAP

Several months ago I spoke before the Senate about ways to reduce the deficit. I said we must take a series of steps that, all together, would demonstrate Congress commitment to reducing the deficits.

By taking these steady, reasonable actions to reduce the Federal deficit, I argued, Congress would send a signal that we are serious about cutting the Federal deficit.

Deficit reductions, as we all know, depend largely on spending reductions and they also depend on some revenue increases. But no matter what we do, I will not support a measure that is not fair.

It would be unfair to repeal this year's scheduled tax cut. That tax cut mainly benefits lower- and middle-income taxpayers. What is more, it provides an important extra boost to recovery.

It would be unfair to repeal indexing. Indexing makes sense. It forces Congress to make clear public decisions about taxes. And it prevents bracket creep from creating an invisible middle-class tax increase.

The fairest way to increase revenue is to enact the tax cap. A $700 tax cap would permit couples earning adjusted gross incomes of up to about $47,000 or its equivalent for single taxpayers to receive their full, scheduled, 10 percent tax cut. This accounts for 90 percent of the Nation's taxpayers.

Couples earning more would receive a flat $700 cut. This way, a $700 cap would give everyone a tax cut, but concentrate the cut on the middle- and lower-income taxpayers who need it most and are most likely to stimulate economic recovery.

The tax cap is far fairer than the President's proposed "contingency tax plan." That plan includes two tax increases—a 5 percent surtax and an oil tax.

Each would affect middle-income taxpayers much more than the tax cap would. For example, taxpayers earning under $40,000 would pay 52 percent of the surtax, 75 percent of the oil tax, but only 2.9 percent of the tax cap.

I believe the tax cap is the fairest way to raise the revenue we must raise to reduce deficits. I urge my colleagues to support this measure.

Mr. WEICKER. Mr. President, I intend to vote against this proposal, recognizing what has already been accomplished vis-a-vis the Federal budget and what can be accomplished in the future.

In April, Mr. President, a group of moderate Republicans and I undertook an effort to reduce the massive deficits proposed by the White House. With the passage of the conference report on the first concurrent budget resolution, 75 percent of our objective was realized with the revenue targets, domestic spending, and defense reductions included in that measure. Through the subsequent reconciliation process we may achieve close to 100 percent of our goal. This was not something that was achieved by confrontation with the Senate leadership. This was not the product of political exercises such as this one engineered by the Democrats. It was accomplished through accommodation and compromise among Senate Republicans. I for one am proud of what has been done and want to continue the process by which these matters can be worked out within the Republican Party.

Mr. FORD. Mr. President, I rise today in support of the Tax Rate Equity Act of 1983, to put a $720 limit on the July 1 tax reduction.

I support this because first of all, it will restore a measure of fairness to our tax system and second, because it will restore some sanity to our fiscal policy.

In 1981, when the administration first made its proposals for the 1981 tax cut to Congress, all kinds of wild promises were made about the effects this tax cut would have, the tax relief it would give to middle-class Americans and the prosperity it would create in the country. Two years have passed and it is clear that nothing of the sort has occurred or will occur.

The administration promised that a tax cut based on supply-side economics would encourage the savings so necessary to finance productive investment. However, since that time, individual savings have stayed about the same and, in fact, the net U.S. savings rate, taking into account Government deficits, in 1982 was the lowest since 1949.

The administration promised that a large tax reduction of this sort would cause upper income people to abandon tax shelters. Instead, we have seen a 15-percent increase in 1982 in the use of tax shelters and, because of the very generous benefits we have given in accelerated cost recovery and investment tax credits, we are likely to see a 20-percent increase in tax shelter activity this year.

The administration promised the tax cut would lead to high employment and create work incentives that would drive this economy to prosperity. But instead 11 million Americans are out of work. The administration is at it again making all kinds of assertions

about the impact a $720 tax cap would have on the economy.

One thing the administration is saying that is true, is that the first two stages of the 1981 tax cut did not really cut taxes for most Americans; this third stage is where middle-income Americans will receive real tax reduction.

The 1981 tax cut for most Americans did not represent a real reduction in taxes after taking into account inflation-induced bracket creep and social security tax increases. That is why it is very important that we go ahead with this July 1 tax cut for the 90 percent of Americans who did not really receive anything under the Kemp/Roth program.

After taking into account bracket creep and social security tax increases, the net effect of the Reagan administration tax changes has been to increase the taxes of persons with incomes under $10,000 per year by 24 percent. Those making under $50,000 have stayed just about even. But those with incomes between $100,000 and $200,000 per year have gotten a net 14 percent tax cut, and those with incomes over $200,000 enjoy a tax reduction of approximately 17 percent.

The result has been to make the tax system less fair; to increase the relative burdens of the middle- and low-income taxpayers and to decrease the tax burdens of upper income individuals. This effect at the Federal level has been reinforced at the State level as our cutbacks in Federal programs have forced new fiscal pressures on the States, to which they have responded with new taxes that are often more regressive than even the Reagan tax program. The result has been to impose further burdens on low-income Americans to finance the tax cuts given wealthy Americans in the first 2 years of the Reagan administration.

We can change this. We can make this tax system fair by putting a cap on the July 1 tax cut. Not to penalize those 10 percent of American taxpayers who will be affected by the $720 cap, but to put a limit on the amount they receive so that it does not greatly exceed the tax cut of the other 90 percent of Americans; to limit the tax cut to a level that this Nation can afford.

A $720 tax cap will raise approximately $22 billion over the next 3 years. While that alone will not put a dent in the unprecedentedly large budget deficits this administration has brought on, it will be a beginning and most importantly, it will allow us the political leverage to make further reductions on the spending side of the budget.

Opponents of the tax cap say cut taxes further; cut taxes to the point where we have $300 billion deficits because only then will Congress cut Government spending. That argument has no basis. President Reagan's own Council of Economic Advisers has produced research that shows the tax increases are more likely to restrain spending than tax cuts. Data collected by the Council of Economic Advisers shows that each dollar of new revenue generated has nearly a 2-for-1 effect in reducing budget deficits. For each dollar of revenue raised, Congress historically has restrained spending on transfer payments, grants and aids, and other social programs by 90 cents. This result is reinforced by a provision in this bill that requires any revenue raised by the tax cap to be accompanied by a dollar-for-dollar reduction in outlays in fiscal year 1984.

Some people say what we are doing is useless. The tax cap will not pass the Senate, and even if it does, the President will veto it and then there is no hope in obtaining the two-thirds majority in Congress necessary to override the veto. The President will use the White House Public Relations Office to get a false message to the American people, that the tax cap will impose more burdens on the middle class, that it will retard the economic recovery from the Reagan depression. But sometimes it is necessary to do what is right, what makes sense and what is best for the Nation.

Two years ago when we debated the 1981 tax bill in the Senate, amendments were offered to condition the third stage of the tax cut on the health of the economy. All of those amendments were rejected.

But what if Congress had not approved the third phase of the tax cut and instead of the cap we are debating now, we were debating whether to cut tax rates another 10 percent on July 1.

We would look at the relative shift in tax burdens over the last 2 years, the thousands of dollars of tax reduction the wealthy have already received and the increased burdens on middle and low income taxpayers.

We would look at unprecedented $200 billion deficits throughout this decade. And we would do what is sensible—we would at least target those tax deductions on that part of the taxpaying public that deserved tax relief and who would use the tax savings to create economic stimulus in a depressed economy. We would use our senses to realize that it does not make the slightest bit of sense to give up even more revenue to give even greater tax reduction to the wealthiest Americans.

What does President Reagan offer as an alternative? In 1986, he proposes a $5 excise tax on energy and a surtax on individual and corporate income. As an alternative to raising money in this fair, efficient, sensible way he proposes further taxes on low- and middle-income Americans. Further regressive taxes to finance the 1981 tax bill that gave most of its benefits to upper income Americans.

Mr. President, for the 90 percent of the American taxpayers who did not receive relief in 1981, we should go ahead with the third stage, 10 percent tax cut. In the name of fiscal sanity, and tax fairness, we should limit that cut to $720 per year.

Mr. SPECTER. Mr. President, no vote is harder than a vote for taxes. But today, in my judgment, that is an absolute necessity if the Senate is to demonstrate responsibility on the fiscal year 1984 deficit and the mounting national debt.

My father, who would have liked to have had the obligation to pay more income taxes, frequently quoted Will Rogers' statement: "It's a great country, but you can't live in it for nothing."

Most people, aided and abetted by Congress whose principal and traditional goal is popularity and reelection, would like to live in it as cheaply as possible.

But, let us return to basic basics. The most important part of the platform of President Reagan and other candidates, myself included, in 1980 was to strive for a balanced budget in order to live within our means. The oft-repeated campaign slogan had the ring of a constitutional amendment if not a divine commandment: "a government like any citizen should live within its means." That clarion call for a balanced budget mandates a vote today for taxes.

For decades the debate has raged as to whether the United States of America can have both guns and butter. Today, some take a giant step backward by insisting that we can have both guns and butter without paying for either.

While the debate proceeds on the virtues of supply side economics, none disagrees that the giant Federal deficit is an anathema, on moral grounds in saddling future generations with our debt, and on practical grounds in retarding economic recovery. In discussing the issues of increased taxes versus increased deficits in my travels through Pennsylvania, I have frequently been told that high interest rates are driving numerous businesses into bankruptcy, resulting in losses of tens of thousands of jobs. It is obviously irrelevant what the tax rate may be when there are no profits or earnings. That situation leads to the inevitable conclusion that it is preferable to reduce the deficit than to reduce taxes.

In considering the full tax cut scheduled for July 1, 1983, it should be remembered that when Kemp-Roth was enacted in 1981, it was projected that there would be a balanced budget by fiscal year 1984. That, as we know, is far from the case with estimates on the budget deficit for fiscal year 1984 running as high as $200 billion.

My vote today is consistent with my position on this issue in the 3 years it has been the subject of national debate and congressional consideration. During the 1980 campaign, I did not endorse the Kemp-Roth bill, but instead urged that we take tax cuts 1 year at a time. In 1981, I was among the 4 out of a total of 53 Republican Senators who did not cosponsor the Kemp-Roth bill. In 1982 I voted to defer the 10-percent tax cut scheduled to take effect on July 1, 1982.

In evaluating this issue, it must be remembered that the 97th Congress enacted very substantial tax cuts. The maximum tax on personal income was reduced from 70 percent to 50 percent. The tax on capital gains was reduced from 28 to 20 percent. The first two installments of the Kemp-Roth bill took effect with the 5-percent cut on July 1, 1981, and an additional 10-percent cut on July 1, 1982. This cap would leave a substantial tax reduction in effect as of July 1, 1983.

Notwithstanding these reasons, this is a hard vote to cast. I do not like to oppose the President who has the principal responsibility for guiding our national economic recovery, especially in the context of the good job which he has been doing. Nor do I like casting a futile vote because it is plain there will not be the two-thirds vote in both Houses to override the projected veto even if this cap passes in the Senate.

In addition, I know this is an unpopular vote. The expressions of sentiments by my constituents are overwhelmingly in favor of the full tax cut. But the long-range vitality of our economy and the welfare of our country, in my judgment, require that we take no additional steps to increase the national debt which exceeds $1.3 trillion and the projected fiscal year 1984 deficit which will approximate $200 billion.

Mr. GRASSLEY. Mr. President, today, we are considering a measure to limit the third year of the tax cut. I oppose this initiative for the following reasons: First, it hurts middle and upper middle income salaried couples; second, it creates further confusion in tax policy; and third, it is likely to result in compliance problems.

Of the 8.1 million taxpayers affected by this legislation, approximately one-half of these individuals earn less than $50,000 annually. Generally, they are two-earner married couples whose combined income places them in a higher tax bracket. This is the very group Congress attempted to assist in 1981 by passing a provision to limit some of the negative effect of the marriage penalty. The marriage penalty is a direct result of the progressive rate structure, it causes two unmarried taxpayers earning $17,000 each to be taxed at a much lower rate, even when their tax liabilities are totaled, than their married counterparts who file a joint return on their combined income of $34,000. To cap the tax cut for two-earner married couples will increase the taxes of a group Congress sought just 2 years ago to assist. Not only is this inconsistent, it is unfair in my view. Two wage earners is an economic necessity for many families. Two-earner families already shoulder the burden of a higher tax rate as a result of the progressive rate structure, to me there is little justification for denying them their tax cut.

As a member of the Committee on Finance and chairman of the Subcommittee on Oversight of the IRS, many witnesses have testified that certaintly is desperately needed in tax policy.

They argue persuasively that the rate of tax changes must be slowed if practitioners are to understand the law and provide their clients with sound advise. The velocity of tax changes has left the ordinary citizen virtually unable to comply with the law. Since the Economic Recovery Tax Act was enacted in 1981, we have enacted a miscellaneous tax bill, the Tax Equity and Fiscal Responsibility Act, the Surface Transportation Assistance Act (the gas tax), the Payment in Kind Tax Act and the social security compromise package including many tax provisions. Not only can an argument be made that Americans are overtaxed, they are also overwhelmed by the pace of change in the Internal Revenue Code. Since 1981, taxpayers have had the certainty of a three-phase tax cut to be completed this Friday. To upset their tax planning and expectations with some last-minute tinkering is an imprudent action which I cannot support.

This so-called tax reform also creates a 9-percent jump in the progressive rate structure. At $35,000 the marginal rate will jump from 28 to 37 percent. This cliff will remain a permanent feature of our rate structure causing greater problems as more individual taxpayers receive merit and pay increases. As chairman of the Subcommittee on Oversight of the IRS, creating a 9 percentage point cliff in the rate structure concerns me greatly. A 9-percent increase in an individual's tax rate will stimulate noncompliance. It will encourage previously law-abiding taxpayers to shelter or underreport their income. On the Finance Committee, we have been considering painful alternatives to increase compliance. Often these alternatives involve imposing extra paperwork on innocent individuals and accumulating vast amounts of information about taxpayers to verify compliance.

These compliance measures are unpopular and raise serious concerns about an individual's right to privacy. Consequently, I become extremely concerned when my colleagues take an action which invites massive tax avoidance.

This proposal also offends my sense of equity. Half of the tax returns facing an increase are filed by those earning less than $50,000 annually. Families in that bracket do not consider themselves rich if one spouse needed to go back to work to help finance their children's college education and to pay the home mortgage. Furthermore, small businesses filing as subchapter S corporations and farm partnerships are taxed at individual rates, and will be affected by this tax increase at a time when they desperately need capital after a long and painful recession. The rich received their tax cut when the top rate was dropped from 70 to 50 percent and their capital gains rate dropped from 28 to 20 percent. Members of this body seem to have a difficult time understanding that wage earners can easily have an income of $50,000 annually if both spouses work. These families are not sustaining themselves by clipping bond coupons and watching their stock portfolios pay dividends. They are working hard to make ends meet. Because of wage withholding their compliance rate hovers around 99 percent. Unlike their truly wealthy counterparts who live off of their interest and dividend income (a group the Senate recently decided to reward for their noncompliance), these individuals need tax relief. This bill does not affect the rich who live on their investments, it hurts the middle and upper middle class who need their tax reduction. For that reason, I plan to vote against this bill and urge my colleagues to do the same.

Mr. PERCY. Mr. President, as we debate this proposal to place a cap on the individual income tax cut scheduled for July 1, I feel it is important for all of us to clarify this issue and examine exactly why we were to have this cut in the first place.

In 1980, the people of this country spoke. They awarded the Presidency to Ronald Reagan. In doing so they implicitly affirmed his program, and that of his party, for fiscal policy.

A major part of that program was—and still is—a commitment to responsible Government. Reasonable cuts in Government spending have been part of that commitment. Decentralization of the massive Federal Government apparatus has been part of that commitment. And perhaps the most important part of that commitment—one which was specifically approved by the voters of the United States—was the reduction of the Federal taxation burden.

There is no question that the people of this country bear a very heavy load of taxes. Of course, in return we receive all the benefits of being citizens of this great Nation.

But is it correct that the average taxpayer, if he or she were to pay every penny owed the Government in taxes starting January 1, would not finish paying those taxes until May 2? In 1960, this socalled tax-freedom day fell on April 18. In 1950, it fell on April 4; in 1940 on March 9. In 1983, the average worker worked over 4 months just to pay his taxes.

Incidentally, in 1981, before the present tax program went into effect, tax-freedom day fell on May 7. Thus, 2 years later, the average taxpayer has 5 more days' wages—a full week's pay—to himself. The tax cut which we debate today has been instrumental in bringing this about.

I am not in favor of capping the personal tax cut at $720. Nor can I accept the argument that this is a tax cut just for the rich. It is not and the figures bear this out.

The Treasury estimates that 72 percent of the 1984 share of the tax cut would go to those making under $50,000, a group which will, however, pay only 66 percent of the tax burden in 1984. Conversely, only 28 percent of the 1984 tax cut share will go to those making over $50,000. This wealthier group will however contribute 34 percent of Federal tax revenues next year.

It is not the super-rich, therefore, who will be benefiting the most from this tax cut. It is the middle-income taxpayer and two-earner families with incomes in the $20,000 to $50,000 range.

This so-called fairness issue argument is one which has been leveled at the entire tax program of the past 2½ years. But, in fact, the fairness argument is an unfair argument.

The tax program has been successful in reducing the tax burden this year. According to the Tax Foundation, which also tracks tax-freedom day, the average per capita tax burden is 4.1 percent lower in 1983 than it was in 1982. Moreover, some evidence indicates that tax revenues were up last year from those taxpayers in the highest brackets, offsetting the loss in revenues due to tax cuts, and indicating that the cuts served their purpose by encouraging new investment which fuels the economy. I have written the Secretary of the Treasury requesting that this information be verified by the Department.

The most unfair policy, in fact, would be to cap the tax cut. The middle-income families of this country need a full tax cut. They deserve it. Taxes increased by over $100 million in each of the years between 1946 and 1981. This steady growth in the tax burden has stifled individual initiative and hurt productivity, the two engines which run our economy.

The tax cut—along with the tax indexing scheduled for 1985—are the core of the tax relief program for the middle class which was started in 1980. By altering that cut, or indexing, we in the Congress would not only be cheating this all-important group, but we would be going against what was overwhelmingly approved by the electorate.

Moreover, I believe that the full tax cut will be extremely helpful to the economy as it continues to emerge from the recession. What the economy needs right now—more than anything else—is a burst of consumer spending. By letting people keep more of their income, we help to insure that more of this money will be spent in the stores of our country, driving down inventories and giving a critical boost to the entire business cycle.

What the debate over tax capping boils down to is a very basic argument about how the Government should meet its obligations. It boils down to an argument over philosophy and Government responsibility.

Do we propose to be responsible or irresponsible? The budget needs to be balanced. Members on both sides of the aisle agree on that. But do we balance the budget by increasing the tax burden—or, in this case, refusing to decrease it—on an already heavily taxed populace? Or do we reduce deficits by cutting spending, by reducing unneeded outlays, by looking carefully to see where waste can be excised from the budget?

Mr. President, there is no doubt in my mind that the latter course is our only reasonable alternative. We can cap the tax cut or repeal indexing or freeze the much-needed estate tax reforms in a short-sighted attempt to balance the budget.

But the deficit is a symptom of a disease. And tax reduction is not its cause. Rather, its cause is the excessive Government spending which has become a habit with Members of the Congress, the keepers of the public trust. It is a terrible habit, and we are going to have to break it at some point if we are to avoid a permanently crippled economy.

Unless we do break the spending habit, no matter how much success is achieved in blocking these essential tax reductions, we are just going to find ourselves back in the same boat at some time in the near future. In the meantime, a chance for constructive tax relief will have been missed.

We should keep the tax cut in July, and it should stay at 10 percent across-the-board as was originally passed by this House in 1981. Instead of capping the tax cut, let us work instead to cap taxes.

TAX CUT CAP AND FAIRNESS

Mr. DOLE. Mr. President, as we conclude debate on H.R. 1183, the so-called $700 cap on the third year tax cut, I think it is important that we clarify some matters for the record.

In debate yesterday, the allegation was made, time and time again, that this legislation is a way to achieve fairness—that the tax rate cuts passed in 1981 were unfair in some way and that the best we can do to insure equity is to take away part of the third year to reduce benefits to so-called upper income taxpayers. This is wrong on several counts, and we ought to consider why.

RELATION TO TAX BURDEN

First, we should recall a point that was made many, many times during the debate on the 1981 tax bill. The point of across-the-board rates cuts was, and is, to reduce taxes in proportion to the tax burden. Everyone's taxes are reduced by the same percentage—so of course those who pay more tax, in dollar terms, also get more of a tax cut—in dollar terms. But that is because they were paying more taxes to begin with. We have heard from many speakers in this debate that the tax cut cap would affect only the top 10 percent of taxpayers. What we do not hear is that that top 10 percent pays nearly 40 percent of the income tax burden. If we want to talk about fairness, we ought to consider how the tax burden is distributed.

WHO IS AFFECTED

Mr. President, we also have to consider who is really affected by the $700 cap. Most of the proponents of this bill, and many in the press, have resorted to the shorthand of saying that the cap only affects taxpayers with $50,000 or more in income. That is just plain not so. The cap would increase taxes for about 4 million returns filed by taxpayers with less than $50,000 in income. That is about 48 percent of the returns that would experience higher taxes under the cap proposal. For a single taxpayer who does not itemize, the cap would start increasing taxes at $29,800 in income. For singles who do itemize, the increase would begin at $35,714. For couples filing joint returns, with no dependents, and who do not itemize, higher taxes start to take effect at $37,200 in income. If they do itemize, the effect begins at $43,896. Finally, nonitemizing couples with two dependents would be affected beginning at $39,200, those who do itemize at $46,949.

So this is not a tax on the rich. It is not a fair or reasonable way to go about taxing the rich, even if it were more carefully targeted. There are many better ways to achieve tax equity than enacting permanent distortions in the tax rate tables just to try to deceive taxpayers into believing the result is more fair. Remember, this $700 cap is not a one-shot deal. It is not a temporary tax increase for 1984. It is a permanent tax increase—a permanent rise in marginal tax rates, which many of us thought we had agreed should be reduced further.

REAL EQUITY

Mr. President, the Senator from Kansas made this point yesterday, and it is worth making again. We have plenty of opportunities in this body to vote for real tax equity, and for having a real impact on the well-to-do who may not pay their fair share of tax. We had the opportunity last year, and if the budget resolution is carried out, we will likely have the opportunity again this year. The way to get equity is not to raise marginal rates. Marginal rates in the upper income brackets do not mean that the rich pay more in taxes. The wealthy taxpayer knows how to shelter his or her income, to use the many deductions, credits, exemptions, and exclusions that Congress has generously provided over the years to bring that income down into a lower bracket. That is why talking about taxable income and the marginal rates applied to that income does not tell you what you want to know about the tax burden.

It makes no sense to raise tax rates, even for the select group targeted by proponents of this bill—including 2.4 million small businesses and 350,000 family farms—when special tax breaks go unexamined and $100 billion is being lost in the compliance gap. Last year in TEFRA, pursuant to a reconciliation mandate, we raised nearly $100 billion through tax equity measures. Not a single Democrat in the Senate voted for that measure, and only 11 voted for the final conference report. The other side of the aisle must have thought it was unfair to cut off the modified coinsurance loophole that enabled large insurance companies to escape billions in taxes. They must have thought it unfair to restrict foreign tax credits used by multinational oil companies. They must have thought it was unfair to limit the amount of money the wealthy can put away tax-free in pension plans and lend back to themselves, or to limit the safe-harbor leasing provisions that helped big businesses trade tax benefits with each other. Or perhaps they knew it was fair, but they thought the people were not watching. They know everyone is watching the tax cut cap debate. It is easy to say you are for raising someone else's taxes. But the real test comes when we look at the special breaks that may escape the public's notice at times, but that are the real key to tax reform, tax equity, tax fairness, and a more economically productive tax system overall.

We may have to raise revenues this year, and we will need bipartisan support. This is the time to put aside all the rhetoric about the tax rate cuts, and focus on the real problems of the tax system and the deficit. We should plot a course toward continued lowering of tax rates, in conjunction with base-broadening and compliance measures that make better use of the system. We need to plot a course toward lower spending at the same time, and to make sure that the goals are linked together. That is what would be really fair. That is what would really benefit the American people and the American economy. Let us put this matter aside and get on with it.

Mr. President, let me commend the distinguished Senator from New Jersey, because if anybody on the Senate floor has credibility on this issue, it is the Senator from New Jersey. He was the one member of the Senate Finance Committee that voted against the 1980 Tax Act—ERTA, it was called. I say that he, to his credit, voted for the conference report on TEFRA, along with 10 other Democratic Members. I want to keep the record clear.

I think beyond that, there are a number of reasons to believe that this is a political effort. It seems to this Senator that the matter should be laid to rest, then we can go back and see where we can address some of the concerns expressed by the Senator from New Jersey, the Senator from Arkansas, the Senator from West Virginia, the minority leader, and others. If they are concerned about loopholes and concerned about inequities in the Tax Code that favor certain economic levels, these areas should be addressed. But I again repeat that this is not the place. I hope that we will so indicate at 10 o'clock.

Mr. President, what is the time remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes and 24 seconds; the Senator from Kansas has 8 minutes and 25 seconds.

Mr. DOLE. Are there any other requests?

I yield 2 minutes to the Senator from Montana.

Mr. MELCHER. I thank my friend from Kansas for yielding me 2 minutes.

The distinguished chairman of the Committee on Finance, I presume, will take the last 5 minutes. In that time, he will say because we did something 2 years-plus ago, which I voted for, to set in motion a series of tax cuts, even though we got a $200 billion deficit and even though we are going to have to raise some new taxes, we ought to let this one alone.

It would be nice to know what those new taxes are going to be, because we will be back on the floor of this Chamber within 60 to 90 days voting on new taxes.

The rub of that comes that there are some people with this present tax cut who will receive up to $4,400 in tax relief, and what we seek to do is to avoid piling more taxes on the middle- and low-income people. We seek to do that with this cap. But if we fail—and I can count the votes—and I judge we will fail, then that means proposed new taxes. I am afraid, as is so often the case, those new additional taxes, in whatever form, will be on the middle- and low-income people. That is why we have tried to make this adjustment now, to make that pain less burdensome on the taxpayer and to provide $6 billion in additional revenues by adjusting those people who are going to receive $1,000, $2,000, $3,000, $4,000, up to $4,400 in tax relief by the scheduled tax cut that is due July 1.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BRADLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes and 19 seconds.

Mr. BRADLEY. I yield 1 minute to the Senator from Georgia.

Mr. NUNN. I thank my friend from New Jersey.

Mr. President, I would like to ask the ranking minority member of the Senate Budget Committee several other questions so that I can better understand the result of the language contained in section 4 of this bill which mandates that the revenue savings from the tax cap be matched by dollar-for-dollar spending cuts in fiscal year 1984. Is it possible to achieve the dollar-for-dollar spending offsets promised in section 4?

Mr. CHILES. Yes, I believe we are likely to achieve those spending reductions to match this $6.2 billion of tax changes. Our 1984 reconciliation instruction require $4.1 billion reduction in outlays in 1984 for entitlement programs. Our limit for defense spending is below the current policy baseline by $0.8 billion in 1984. That leaves just $1.3 billion in domestic outlays which we have to achieve by spending restraint. I can assure my friend and colleague that with the threat of Presidential vetoes, the actual appropriations are likely to be at least that much below the budget resolution ceilings. While I would like to see some of these increases enacted, I think we have to look at the political realities we face. So in summary, it is fair to say that we are most likely to be able to achieve over $6 billion of spending reductions.

Mr. NUNN. Will it be possible to achieve the spending reductions in the out-years? Is this not a downpayment on a 3-year plan for deficit reduction?

Mr. CHILES. The Senator from Georgia is correct. We reconcile $89 billion in direct deficit reduction over the 3 years 1984 to 1986. In 1985, we reconcile $5.3 billion of entitlement outlay reductions, plus we have $12.4 billion in defense outlay savings. So that is $17.7 billion, plus any domestic appropriations. That pits our spending

cuts $10.5 billion above the $7.1 billion in revenues raised by the tax cap.

In 1986, the spending reductions are even greater. Reconciled entitlement savings are $6.9 billion, defense outlays are $15 billion below baseline, so we save $21.9 billion plus any savings in domestic appropriations. That spending reduction figure is $14.3 billion above the taxes raised in this bill; in fact, it is almost three times as large. So once again I can assure my colleague that if we hold to the plans in the budget resolution, and treat this tax cap as a downpayment on deficit reduction, we will more than achieve the dollar-for-dollar balance.

Mr. NUNN. What would happen to the deficits if we fail to take these actions on taxes and spending?

Mr. CHILES. As I mentioned earlier, we reconcile $89 billion in direct deficit reduction over the 3 years 1984 to 1986. We have further savings through domestic spending restraint and lower interest costs, that brings our total deficits $110 billion below the CBO baseline. We are $13 billion below in 1984, $28 billion in 1985 and $69 billion below in 1986. Both taxes and spending share in this deficit reduction. In fact, the overall spending contribution to reducing the structural deficit is almost twice as great as the revenue share. From 1983 to 1988, our budget resolution reduces spending as a percent of gross national product by 2.1 percent. The tax burden only goes up by 1.2 percent of GNP. So this is a fair package, and we must take action on both the tax and spending side to bring the deficits down.

Mr. NUNN. I thank the Senator.

The PRESIDING OFFICER. The 1 minute yielded the Senator has expired.

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I want to share with my colleagues the reasons I oppose capping the third year of the tax cut.

We hear a lot of talk about capping the third year of the tax cut because we must insure fairness in the tax system. We are told that we will demonstrate our commitment to fairness by such a vote.

But that talk of fairness misses the mark on the real fairness issue that the American people are complaining about. The fairness message they are sending us is simple—close those loopholes and limit those tax expenditures that permit high-income individuals to reduce their taxable income dramatically.

If we cap the third year of the tax cut at $700 we will affect the highest income taxpayers. But half of those people we will affect are those with incomes below $50,000. A single person earning $32,500 who does not itemize deductions will lose $108. That is not a wealthy individual by any means. In fact, it is probably an individual who has been unable to buy a home because of inflation and high interest rates. That is a person who is likely to save the $108 for a down payment on a home.

In addition, half of the people we would affect with a cap are two-earner families. Again, we are not talking about just wealthy people. We are talking about those who earn, for example, $20,000 and $30,000 with two kids in college. These are the same people we provided tax relief in ERTA through the two-earner married couple deduction, and now we would be reversing ourselves and taking tax relief away. These are also the people we have just hit with a substantial increase in social security taxes that will take effect in 1984.

Capping the third year will also skew the marginal rates dramatically for middle-income taxpayers. At present the marginal rate on each extra dollar of income over $35,200 on a joint return is 33 percent, up from 28 percent for the dollars just under $35,200. Under the cap proposal the marginal rate would jump to 37 percent, a whopping 9 percent increase instead of 5 percent.

Capping the third year is not the right medicine for the economy, either. We need individual savings to provide the wherewithal for the added investment that will continue our road to economic recovery. Higher income taxpayers, those we would affect by capping the third year, save a much larger proportion of their after-tax dollars. Those with after-tax incomes over $50,000 save 64 percent of these post-tax dollars while those with after-tax income of $10,000 not surprisingly save only 12 percent. A survey by the National Federation of Independent Businesses found that 70 percent of new business enterprises obtain their seed money from personal savings.

Mr. President, what should we in Congress be doing to bring more deficits under control? The tax cap bill we are voting on today is not the answer. Instead, we must return fairness to the Tax Code by making a systematic review of all the tax expenditures. Astonishingly, tax expenditures—credits, deductions, and exemption—approximately equal the revenue that does come in from our taxes. Some of these expenditures are gross loopholes; some of them help us meet important public policy goals. But we must reexamine each of them to assess whether they contribute or detract from the fairness of our tax system.

While we review these tax expenditures we must be equally vigilant in reducing the complexity of the code. An estimated $60 billion per year is spent in complying with the code. Much of this burden falls on middle-income taxpayers who need assistance in preparing their returns because of the complexity and yet do not have the tax shelters that more than compensate for the money spent in complying.

Last, but certainly not least in importance, Congress must make the tough decisions on spending. Broadening the tax base will bring in additional revenue, but the revenue will not be sufficient if Federal spending, as a percent of GNP, keeps increasing. We have looked carefully at needs-based programs, but we have not looked carefully enough at the rest of the budget. That examination must be made if we are to reach our goal of fairness.

Mr. President, some say we should cap the third year of the tax cut for fairness. I say that avoids the real fairness issue. We must look to a broadened tax base, one that closes loopholes that benefit the wealthy. Until we do the fairness issue will remain.

Closing loopholes is not an easy task, as the TEFRA experience showed only too clearly. But I urge my colleagues to reject this bill and get down to the real business of fairness. It will be an excrutiating experience politically as we tackle a myriad of vested interests. But that will restore faith in our tax system, not what we are asked to do today.

Mr. DOLE. Mr. President, I intended to yield—we have 4 minutes remaining—as soon as the distinguished majority leader comes to the floor the remainder of the time on this side. I understand Senator BRADLEY has 1 minute. Then at 10 o'clock we will vote on whether or not we want to raise taxes. We will see how many want to raise taxes. That is what it is all about—whether we are going to have a tax increase or not.

You say people who pay more taxes should not have a tax cut; you ought to raise their taxes.

That is what it is all about. I would hope that the people understand what is about to happen. We are about to raise taxes for some people because they happen to make a little more money than other people.

We are going to have a lot of chances to tighten up the loopholes in tax reform later on this year. I hope that those who want to raise taxes—I am not going to explain next year in the campaign that the Democrats only wanted to raise taxes on the rich. As far as I am concerned, they want to raise everybody's taxes. I hope this is the message that comes through.

I am still awaiting the majority leader.

I yield the remainder of my time to the distinguished majority leader.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, let me say, first of all, that I am advised the Senator from Alaska is very anxious to try to obtain the Senate's consideration of the confirmation of Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State.

I would propose that at 1 minute until 10 we temporarily lay aside this matter and go into executive session for the purpose of considering that nominee only.

May I inquire of the minority leader if he would be agreeable to that?

Mr. BYRD. Yes; I will be agreeable to that. It has been cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. MURKOWSKI). The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Senator from Kansas for yielding, and I will stop at 2 minutes of 10, if the Chair will remind me.

Mr. President, I will vote against the bill. I am not prepared to say there is no merit to the contention made by my colleagues on the other side of the aisle.

I am persuaded, Mr. President, and persuaded absolutely, that on June 29, 1983, 2 days before the third installment of the tax adjustment goes into effect, we would ill serve the interests of the people of the United States by tinkering with the only long-range tax plan we have had in this Government since I have been in the Senate, and that is now 17 years.

I recall so clearly when the President first made his proposal for a gradual 3-year adjustment of the tax structure of this Government. I was more enthusiastic about some aspects of it perhaps than I was others, but the one factor that stood out in my mind and convinced me absolutely that the President was on the right track and deserved the support of the majority of the Congress, and particularly of the Senate, was because of the certainty that that plan provided over a period of time, the certainty so that industry and commerce might plan ahead, so that they might invest, so that they might produce new jobs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, this would be a poor time, indeed, to change that plan which has served us so well and which will continue to do so in the future.

The PRESIDING OFFICER. The Senator from New Jersey has 1 minute remaining.

Mr. BRADLEY. Mr. President, I yield 30 seconds to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to respond to a statement the Senator from Kansas made earlier that I voted against the so-called tax reform package last year, and I did indeed. I did it because of its regressive features—airline excise taxes, telephone excise taxes, and so forth. I admire him and I applaud——

The PRESIDING OFFICER. The Senator's 30 seconds have expired.

Mr. BUMPERS. Withdraw the last statement that I admire him. [Laughter.]

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey has 30 seconds.

Mr. BRADLEY. The issue that we are voting on is whether the top 10 percent of the population, the top 10 percent of the taxpayers only will limit their tax cut so that we can reduce the budget deficit $38 billion over the next 5 years. That is the issue before the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate go into executive session for the purpose of considering the nomination of Langhorne A. Motley, of Alaska, for a period of not to exceed 1 minute, and then return to legislative session and resume consideration of the pending measure.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF STATE

The bill clerk read the nomination of Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State.

Mr. STEVENS. Mr. President, today the Senate will act upon one of the most important confirmations that has faced this body in quite some time. Langhorne Anthony Motley, Ambassador to Brazil, has been selected by the President to be the Assistant Secretary of State for Inter-American Affairs at the Department of State. Senate approval of Ambassador Motley's nomination will further symbolize President Reagan's commitment to achieve a steady foreign policy in Central and Latin America.

I say with a great deal of pride that Ambassador Motley has been a close personal friend of mine over the years. He has proven over and over again that he is a successful, diligent, and talented worker. He is innovative yet sensitive in his approach to problem solving. Clearly, he has demonstrated his effective, pragmatic approach during his tenure as the U.S. Ambassador to Brazil. Ambassador Motley's approach created an atmosphere for the future establishment of a cordial relationship between the United States and Brazil. By being in touch with the people of Brazil, top government officials, and truly understanding the culture, Ambassador Motley performed an excellent service for our country.

In addition to the accomplishments Ambassador Motley has achieved during his tenure in Brazil, his personal, business, and public service background make him the prime candidate for the position of Assistant Secretary for Inter-American Affairs. First, Tony spent the first 16 years of his life growing up in Brazil. He is fluent in Portuguese and Spanish, and he understands the culture of Central and South America. Second, Tony has been a successful businessman. While in Alaska, he built a highly successful real estate firm. Third, Tony has served in public office as commissioner for commerce and economic development for the State of Alaska. Fourth, during the consideration of the Alaska lands bill, the driving force behind the Citizens for the Management of Alaska Lands was the director, Tony Motley.

Looking back over the record, it is abundantly clear that Ambassador Motley is an effective, well-qualified team player. The work he has executed in the past has won the respect of Members of the House and Senate as well as those in the administration.

The President of the United States could not have made a more appropriate selection for the position of Assistant Secretary of State for Inter-American Affairs. It is imperative that the United States continue a path of steady and confident foreign policy in Central America. Tony has proven time and again his ability to appropriately and accurately represent the administration's policies on issues of state.

I urge the Senate to swiftly confirm Ambassador Motley for this critical position.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

TAX RATE EQUITY ACT OF 1983

The Senate continued with the consideration of H.R. 1183.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

(During the call of the roll Mr. PRESSLER assumed the chair.)

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—45

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Hart	Moynihan
Bradley	Heinz	Nunn
Bumpers	Hollings	Pell
Burdick	Huddleston	Proxmire
Byrd	Inouye	Pryor
Chiles	Jackson	Randolph
Cohen	Kennedy	Riegle
Cranston	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Levin	Specter
Dodd	Long	Stennis
Eagleton	Matsunaga	Tsongas

NAYS—55

Abdnor	Hatch	Percy
Andrews	Hatfield	Pressler
Armstrong	Hawkins	Quayle
Baker	Hecht	Roth
Boren	Heflin	Rudman
Boschwitz	Helms	Simpson
Chafee	Humphrey	Stafford
Cochran	Jepsen	Stevens
D'Amato	Johnston	Symms
Danforth	Kassebaum	Thurmond
Denton	Kasten	Tower
Dole	Laxalt	Trible
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
East	Mattingly	Weicker
Garn	McClure	Wilson
Goldwater	Murkowski	Zorinsky
Gorton	Nickles	
Grassley	Packwood	

So the bill (H.R. 1183) was not passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I congratulate the distinguished chairman of the Finance Committee, the manager of the bill, for presenting this matter in the brief time in which he has, and allowing the Senate to express its will.

I also commend the minority leader for allowing us to schedule the consideration of this measure.

ORDER OF PROCEDURE—AGRICULTURE APPROPRIATIONS

Mr. BAKER. Speaking of scheduling, we have a couple of other matters that are available now which we ought to turn to. One is the agricultural appropriations bill which I want to take up and I want to finish today. The other is a conference report on HUD appropriations.

May I inquire of the minority leader if he is in position at this time to consider a unanimous-consent agreement limiting the time for debate and providing a time for final passage on the agricultural appropriations bill?

Mr. BYRD. Mr. President, I thank the majority leader for scheduling the tax cut cap bill. He gave that assurance to me several weeks ago, and I thank him for that.

As to the agricultural appropriations bill, I do not believe——

The PRESIDING OFFICER. The Senate will be in order. The majority leader and Democratic leader cannot be heard. Conversations will please cease. Conversations in the galleries will please cease.

Mr. BYRD. I thank the Chair. The Chair is doing exactly what the rule says; the rule says the Chair should secure order and maintain order in the Chamber and in the galleries without a point of order being made on the floor. It is the responsibility of the Chair and I thank the Chair.

As to the agricultural appropriations bill, I do not think there is any objection to taking it up——

Mr. HEFLIN. Yes, I would have an objection to bringing it up without a clearly defined time agreement.

Mr. BYRD. I did not know about that, I must say to my friend.

Mr. BAKER. I did not hear the Senator from Alabama. Will the Senator repeat what he had to say?

Mr. HEFLIN. I think we would have to know at this time the amendments that will be brought up. I am agreeable to a time agreement. If we can agree on a time agreement with stipulations of limitations on amendments then I would have no objection, and I do not believe anybody on this side would have any objections.

It is my understanding that in the absence of a time agreement the majority leader intends to bring it up anyway, and I will have to object at this time. If you have a time agreement I will have no objection.

Mr. BYRD. Mr. President, I would suggest that the majority leader try to work out a time agreement.

Mr. BAKER. Let me say to my friend from Alabama that he catches me by surprise on the matter of objecting to going to the bill. It had been my plan to get the bill laid down and made the pending business and then continue to negotiate on a time agreement we have been circulating for 2 days now. I think the chances are good that we can get this agreement, and the chances are good we can finish this bill in a fairly short period of time. But I hope the Senator will not put us to the trouble of deciding whether or not we have to vote on a motion to proceed.

Mr. HEFLIN. I suggest we try to get a time agreement. If we get a time agreement than there will be no objection.

Mr. ZORINSKY. Mr. President, will the Senator yield?

Mr. BAKER. If I have the floor. The minority leader has the floor.

Mr. BYRD. I reluctantly yield.

Mr. ZORINSKY. If we can preclude any amendments being offered to this appropriations bill that have anything to do with freezing or doing away with target prices I think that would alleviate a great deal of concern and I think both of my colleagues on the Agriculture Committee would be happy then to proceed on the basis of the way the majority leader outlined.

Mr. METZENBAUM. Mr. President, if the majority leader will yield for a point——

Mr. BYRD. Mr. President, I still have the floor.

Mr. METZENBAUM. I am sorry, I ask the minority leader to yield.

Mr. BYRD. I yield.

Mr. METZENBAUM. I have no objection from my standpoint of proceeding to the agricultural appropriations bill. But to ask for a unanimous-consent agreement on a number of amendments, the Senator from Ohio would like to know what the costs of those amendments will be prior to his agreeing to any unanimous-consent request.

Mr. BAKER. Mr. President, I have to confess I was speaking to an aide here and my attention was distracted.

Mr. METZENBAUM. I have no objection to proceeding to the agricultural appropriations bill, but until I know the exact cost of each of those amendments being proposed, I would not be agreeable to a unanimous-consent agreement in connection with those amendments.

Mr. BYRD. Mr. President, I yield the floor.

Mr. BAKER. I thank the Senator.

Mr. President, I am going to suggest the absence of a quorum and for 5 minutes or thereabouts I am going to try to negotiate away the concerns ex-

pressed by the three Senators who have risen to express them.

But, you know, there is nothing more important and essential to the leadership of the Senate than being able to schedule, particularly appropriation bills. What I am about to say is not said in rancor or bitterness, but is simply a matter of fact.

If we cannot negotiate away those concerns, I am going to move to the consideration of this measure. I intend to ask the Senate to stay and deal with this appropriations bill before we go out.

Once again, I do not mean to sound harsh, but I do mean to exert the leadership that I believe the Senate expects me to do in trying to see that we get through these appropriation bills.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have been trying for some time now to work on a two-page time agreement. I should know that any time a time agreement is on two pages it will not work. This one has not worked. But I still have hopes that we can negotiate a limitation on amendments that may be offered to the bill and a limitation on time in which those amendments and the bill can be debated. For the moment, I think the only thing I can clear is an agreement that we can lay the bill down and that no target pricing amendment would be in order.

Mr. President, I will state that request for the consideration of the minority leader and other Senators who are interested.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 3223 and that no amendment dealing with target prices be in order.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. President, I will have to have a few minutes.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is a unanimous-consent request pending, is there not?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Let me restate it just so everybody understands, since there has been some interval between the time it was made and the time the Chair will put it to the Senate.

The request was that the Senate now proceed to the consideration of H.R. 3223, which is the agriculture appropriations bill, and that no amendment dealing with target pricing be in order to that bill.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, we have rather carefully covered our side of the aisle and we find no objection to this particular request.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I think we are a little better off than I thought. I withdraw the request now pending.

The essence of the request I am about to put now is the original request except to delete the time limitations. I will put the request now, Mr. President.

AGRICULTURE APPROPRIATIONS, 1984

UNANIMOUS CONSENT AGREEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 3223, the agriculture appropriations bill, and that it be considered under the following agreement; 2 hours of debate on the bill to be equally divided between the Senator from Mississippi (Mr. COCHRAN) and the Senator from Missouri (Mr. EAGLETON) or their designees, 30 minutes on the following amendments, and only the following amendments will be in order:

First, a Levin amendment dealing with elderly feeding, 1979 State claims, $875,000;

Second, a Zorinsky amendment providing equitable payments for storage under farmer-held reserve program wheat and feed grains;

Third, a Trible/Warner amendment adding $4.5 million to the VPI School (Agriculture Research Service buildings and construction);

Fourth, a Humphrey amendment to earmark ACP funds for forest fire and forest management access roads $216,000, and $265,000 for forestry tree stand improvement, including fuel wood utilization;

Fifth, a Helms amendment striking dates of FNS programs—food stamps, WIC, and child nutrition;

Sixth, a Mattingly amendment to require $5 million of CCC funds to be used for export promotions activities;

Seventh, a Melcher amendment to earmark animal research funds for cancer;

Eighth, a Baucus amendment to prohibit funds to be used for sod busting;

Ninth, a Moynihan amendment to insure specific amounts for direct loans in the act are consistent with those in the first budget resolution for fiscal year 1984;

Tenth, a Cochran technical amendment;

Eleventh, an Andrews amendment directing the Department of Agriculture in connection with all commodities, particularly cotton, under the PIK program to carry out their original commitment to the producers;

Twelfth, a Melcher amendment relating to funding of special problems in conservation;

Thirteenth, a Boschwitz amendment dealing with increasing Public Law 480 funding by $100 million.

Ten minutes on any debatable motion, appeal, or point of order, if submitted to the Senate; that the agreement be in the usual form with respect to the division of controlled time.

Provided, further, that the committee amendment on page 49, lines 8 through 12, be modified to read as follows:

": *Provided*, That section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ', or for the first three months of the fiscal year ending September 30, 1984' "

Provided, further, that all committee amendments, including the modified committee amendment, be considered as having been agreed to and be considered as original text for the purpose of further amendment, and that no point of order be considered as having been waived by virtue of this agreement.

Mr. BYRD. Mr. President, reserving the right to object, does the majority leader intend by this request that no other amendments will be in order, including second-degree amendments?

Mr. BAKER. Yes.

Mr. President, that is my intention; and the agreement as I stated it, I believe, was that "only the following amendments will be in order."

I amend the request so that it will be "only the following amendments and no other amendments shall be in order."

Mr. METZENBAUM. Mr. President, I object.

Mr. BAKER. Does the Senator reserve the right or does he object?

Mr. METZENBAUM. For the purpose of discussion, I will reserve the right to object, indicating that I intend to object.

It is my understanding that the unanimous-consent request was to be made with no limit on debate.

Mr. BAKER. There is no limitation on debate.

I am sorry. The Senator is absolutely correct, Mr. President.

I delete from the request those provisions dealing with time. The remainder of the request as respects the limitation of amendments that are in order will continue.

Mr. METZENBAUM. Mr. President, I appreciate the modification made by the majority leader.

I should like to ask for a clarification, and I do not intend to object. I am not clear as to the purpose of the language having to do with the budget that is to be found in the latter part of the unanimous-consent request. I do not understand the significance of that.

Mr. COCHRAN. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. COCHRAN. This is a provision that modifies a committee amendment that was inserted in the bill during the markup in full committee. It related to the food stamp program in Puerto Rico. The committee funded this program for a complete year.

At the request of the chairman of the Committee on Agriculture, Mr. HELMS, Senator DOLE, who is chairman of the Nutrition Subcommittee of the Agriculture Committee, recommended that that be modified to limit the applicability to only 3 months of the fiscal year, until the legislative committee has a chance to review the food stamp program in Puerto Rico.

That is the purpose of that being included in the unanimous-consent request, and that is the import of the amendment.

Mr. METZENBAUM. The manager of the bill represents that this language is not a broad based carved out of the terms and provisions of the Budget Act that we just passed?

Mr. COCHRAN. Not at all. As a matter of fact, it is completely consistent with the budget resolution that has been passed.

Mr. METZENBAUM. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Senator from Ohio, and I especially thank the minority leader, the Senator from North Carolina, and the two managers.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3223) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes.

COMMITTEE AMENDMENTS

The committee amendments considered to have been agreed to and considered as original text for the purpose of further amendment, are as follows:

On page 3, after line 14, insert the following:

"For necessary expenses for liaison with the Congress on legislative matters, $477,000".

On page 3, line 23, strike "$6,930,000", and insert "$7,092,000";

On page 4, strike line 10, through and including line 12;

On page 6, line 5, strike "$34,777,000", and insert "$44,313,000";

On page 6, line 17, strike "$470,470,000", and insert "$482,995,000";

On page 7, line 5, after "research:", insert the following: *Provided further,* That of the appropriations hereunder not less than $10,000,000 shall be available to carry into effect the provisions of section 1418 of Public Law 97-98:

On page 8, line 6, after "Ohio", insert the following: *Provided further,* That none of the funds appropriated in this Act shall be used to terminate or reduce Federal involvement in research programs conducted at Belle Glade, Lake Alfred, or Fort Pierce, Florida.

On page 8, line 19, strike "24,625,000", and insert "$23,277,000";

On page 9, line 3, strike "$5,000,000", and insert "$6,149,000";

On page 10, line 15, strike "$23,914,000", and insert "$24,884,000";

On page 10, line 17, strike "$10,000,000", and insert "$21,500,000";

On page 10, line 18, after "expenses", insert the following: "$5,760,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses;"

On page 10, line 25, after "1978", insert the following: "$1,000,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, including administrative expenses;"

On page 11, line 5, after "97-98", insert "to remain available until expended";

On page 11, line 12, strike "$233,575,000", and insert "$252,805,000";

On page 12, line 9, after the sum, insert "payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $4,000,000";

On page 12, line 14, after "Institute", insert "under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended";

On page 12, line 17, strike "$326,829,000", and insert "$330,829,000";

On page 14, line 3, strike "$277,552,000", and insert "$251,453,000";

On page 17, line 12, strike "$43,841,000", and insert "$45,024,000";

On page 18, line 14, strike "$53,903,000", and insert "$55,598,000";

On page 19, line 20, strike "$1,522,000", and insert "$1,500,000";

On page 25, line 16, strike "$238,937,000", and insert "$228,987,000";

On page 25, line 22, strike "$120,000,000", and insert "$100,000,000";

On page 26, line 21, strike "and", through and including the sum on line 24, and insert "$2,127,000";

On page 27, line 11, strike "$3,397,000,000", and insert "$3,361,000,000";

On page 27, line 11, strike "then", and insert "than";

On page 27, line 19, strike "6,000", and insert "7,000";

On page 27, line 24, strike "$62,000,000", and insert "$73,000,000";

On page 28, line 18, strike "$740,100,000", and insert "$713,000,000";

On page 28, line 21, strike "$53,100,000", and insert "$26,000,000";

On page 28, line 24, strike "economic", through and including the sum on line 25;

On page 29, line 13, strike "$375,000,000", and insert "$270,000,000";

On page 30, line 1, strike "$125,000,000", and insert "$90,000,000";

On page 30, line 16, strike "$5,000,000", and insert "$12,500,000";

On page 31, line 9, strike "$49,000,000", and insert "$62,000,000";

On page 31, line 10, strike "4,750", and insert "6,000";

On page 33, line 21, strike "Electrificaition", and insert "Electrification";

On page 34, line 4, strike "$4,745,000,000", and insert "$3,360,000,000";

On page 34, line 5, strike "$5,950,000,000", and insert "$4,145,000,000";

On page 36, line 19, strike "$346,947,000", and insert "$341,313,000";

On page 37, after line 21, insert the following:

"For necessary expenses to initiate a special areas conservation program under the Agriculture and Food Act of 1981, Public Law 97-98 (16 U.S.C. 3411-3420), $2,000,000 to remain available until expended.".

On page 38, line 16, strike "$8,877,000", and insert "$8,675,000";

On page 44, line 6, strike "$8,800,000", and insert "$10,000,000";

On page 44, after line 6, insert the following:

"EMERGENCY CONSERVATION PROGRAM

"For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), $7,000,000 to remain available until expended, as authorized by 16 U.S.C. 2204.".

On page 44, line 25, after "1985:", insert the following: *"Provided further,* That $8,900,000 shall be used to conduct a school lunch pilot project study of alternative means of providing assistance under the school lunch program by distributing all cash and all letters of credit in lieu of commodities, including bonus cash and bonus letters of credit in lieu of bonus commodities: *Provided further,* That such study shall include one hundred and twelve school districts nationwide and shall be conducted for school years 1983-1984 and 1984-1985;".

On page 46, line 4, after "allocated", insert the following: *"Provided further,* That if the funds available for Nutrition Education and Training grants authorized under section 19 of the Child Nutrition Act of 1966, as amended, require a ratable reduction in those grants, the minimum grant for each State shall be $50,000".

On page 47, line 17, after "1985", insert the following. *"Provided further,* That the funds provided shall be expended in such a manner as to insure that the average participation during the period from October 1, 1983 through July 10, 1984 does not fall below 2,800,000 persons".

On page 48, line 19, after "law", insert the following: *"Provided further,* That during

fiscal year 1984 the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community mental health centers:"

On page 49, line 8, after the sum, insert the following: *"Provided*, That section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), as amended by section 184(a) of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by striking out "noncash".

On page 49, line 17, strike "$166,061,000", and insert "$169,061,000";

On page 49, line 20, strike "reimbusement", and insert "reimbursement";

On page 51, line 4, strike "$83,717,000", and insert "$85,217,000";

On page 53, line 11, strike "$3,516,000", and insert "$6,016,000, of which $500,000 is for the Caribbean Basin Initiative";

On page 54, line 7, strike "$364,410,000", and insert "$364,410,000";

On page 54, line 12, strike "$5,875,000", and insert "$5,875,000";

On page 54, line 17, strike "$21,594,000", and insert "$22,164,000";

On page 54, line 24, strike "$24,855,000", and insert "$26,645,000";

On page 55, line 1, strike "and not", through and including line 2;

On page 61, after line 16, insert the following:

SEC. 624. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment for the purpose of providing specialized expertise in tropical soils management and conservation under the appropriations for the Soil Conservation Service.

SEC. 625. None of the funds appropriated by this or any other Act may be used to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

Mr. COCHRAN. Mr. President, this appropriations bill provides funding for most of the activities of the Department of Agriculture. Funding is provided for research, conservation, nutrition, rural development and lending, commodity price and income stabilization, and a wide array of other services and programs administered by the USDA. The bill also provides funds for the Food and Drug Administration (FDA) and the Commodity Futures Trading Commission (CFTC), and places a limitation on the administrative expenses of the Farm Credit Administration (FCA).

Agriculture is America's largest industry and employer. Well over 20 million Americans are at work in some phase of our Nation's great agricultural complex. Each individual American is affected daily by the efforts of our farmers who produce food and fiber, as well as by the activities of related industries which process, transport, and market products domestically and around the world. The vital importance of agriculture is abundantly clear. Yet, American farmers are faced with depressed market prices, ever-increasing production costs, and high interest rates—factors which make it very difficult, if not impossible, for many farmers to secure necessary credit and to make a reasonable profit for themselves and their families. Simultaneously, the country is faced with an overabundance of certain commodities—a situation which continues to threaten the health of the farm economy. The challenge to the Federal Government is to adequately address these problems, while promoting further economic recovery. The committee believes the recommendations contained in the bill will address the current problems in the agricultural sector, but at the same time promote the economic recovery that we are seeing on the farm and around the country.

Mr. President, our bill recommendation of $31.7 billion in new budget authority is below the 1983 level by some $6.2 billion. It is also below the administration's 1984 budget request by $67.4 million.

We have concurred with the House in providing partial year funding for child nutrition, WIC, and food stamps (child nutrition—August 15, 1984; WIC—July 10, 1984; food stamps—September 6, 1984).

Last year, we funded these programs for the entire year at a level in excess of the administration's request. This year, I must point out, the administration submitted with its budget request a request for legislation to reduce the costs of these programs. The legislative committees with jurisdiction over this subject matter have not yet acted on that requested legislation, but there is time in this legislative year for action, if the committee chooses to act.

For that reason, we are putting in the bill the requested level of funding, but we are pointing out that unless legislative changes are made by Congress, that funding will be inadequate to fully support those programs for the entire fiscal year.

This year's budget request from the President assumed savings in these programs that will not be realized unless some legislative changes are made by the authorizing—Agriculture—committee. If these changes are made, we feel that there is time enough to institute these changes and possibly eliminate the need for a supplemental appropriation for these programs.

As the bill points out, the child nutrition program would run out of money on August 15, 1984, the WIC program by July 10, 1984, and the food stamp program by September 6, 1984.

So what we are saying is that we are by this recommendation calling attention to the fact that while we are putting in the bill the amount of money requested by the administration it is not going to be sufficient to fully fund these programs in absence of legislative changes in those programs.

If changes are not made, we are strongly urging the administration to submit in a timely fashion to Congress a request for a supplemental appropriation so that these programs will be fully funded and persons will not be summarily cut off the programs and denied benefits because of an inadequacy of funding.

If the changes are not made by the legislative committee in these programs we anticipate that an additional $1.3 billion will be needed to fund these programs for the full fiscal year.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the highlights of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF FISCAL YEAR 1984 AGRICULTURE APPROPRIATIONS BILL, JUNE 23, 1984

Title I—Agricultural Programs: $12,078,848,000.

A. Research and Extension: ARS, $482,995,000; CSRS $252,805,000; and Extension $336,340,000.

Includes $10,000,000 for post-graduate fellowships to address shortage of scientists, educators, technical representatives, etc., in both public and private sector.

Went along with House on funding of Hatch act; Smith-Lever; Cooperative forestry (McIntire-Stennis); and Payments to 1890 Colleges and Tuskegee Institute by providing slight increases.

B. Ag. Research Service (ARS) Buildings & Facilities: $23,227,000; ($23.2 million over budget); ($1.4 million less than House).

$12.050 million for Old West Vet. School.

$5.5 million for Children's Nutrition Research Center at Baylor.

$4.0 Forage Seed Center.

$.827 million Soil Tilth Center.

$.850 million Metabolism and Radiation Research Lab.

(Struck from House bill—$4.5 million for Va-Md. Vet. School and $+.800 for Plant Stress lab—Texas.)

C. Animal and Plant Health Inspection Service (APHIS): $253,839,000; ($26.7 million over budget); ($26.1 million less than House)

Restored several special interest items to 1983 & House levels.

Difference is the brucellosis cut: Senate: $60 million; House: $81.4 million; Budget: $50.6 million; 1983: $83.4 million.

D. Federal Crop Insurance Corporation (FCIC): $353,870,000; ($120. million less than budget); ($30 million less than the House).

E. Commodity Credit Corporation (CCC) $9,673,636,000. Went with House ($500 million less than Budget).

April update of budget, prepared by OMB reduces estimated outlays in fiscal year 1984 by $2.5 billion. Based on this revised estimate, the need for restoration of capital impairment in fiscal year 1984 appears to be overstated in budget request. But because of uncertainties over cost of PIK, we went along with reduction of $500 million.

Title II—Rural Development Assistance: $3,427,312,000.

Generally, we did not go along with requested reduction in Farmers Home and Rural Electrification, and restored most programs to 1983 levels.

A. Farmer programs.

1. Ownership loans: $713,000,000.

Insured ($33 million over Budget); ($27.1 million less than House).

Guaranteed (same as House and Budget).

2. Operating loans: $1,910,000,000.

Insured (same as Budget and House at $1.8 billion)

Guaranteed (raised from $50 million to $100 million)

Economic Emergency (House put in $600 million, if authorized). We deleted, but indicated we would reconsider if program is authorized.

3. Housing loans: Continue to support low-income housing loans, and moderate-income programs to lesser extent.

Provided $73 million authorization for rural rental assistance for 7,000 existing rental units under Rural Rental Insurance Loan Fund. Also, provided $62 million in new rental units to receive rental assistance.

4. Industrial Development loans: Provided total of $300 million, earmarking $75 million for alcohol fuels.

Water and sewer facility loans—provided $270 million. This is traditional level of funding. This program had substantial increases in fiscal year 1983 in Jobs bill and in pending supplemental.

Water and sewer grants—went with budget request of $90 million, $35 million less than House. $150 million was added in Jobs bill for 1983.

5. Grant programs: Increased all programs to at least House levels, with exception of mutual and self-help housing. This program we increased $7.5 million over House for a total of $12.5 million. There was no budget request.

B. Rural Electrification Administration (REA):

Insured electric and telephone loans—we went along with House and 1983 levels, but are over the budget by $525 million.

Guaranteed electric and telephone loans—we went along with budget request. We have been advised that minimum level for 1983 will not be met due to the significant slowdown in construction of electric generating plants and related transmission lines and to general economic factors in rural America.

Reimbursement for interest and other loses—This is a new account in house bill, and is to restore revolving fund to a sound financial basis. We went along with House.

C. Conservation: $817,622,000.

Generally, we rejected Administration's cuts of some $173.7 million. In the Soil Conservation (SCS), all technical assistance programs were increased to last year's levels. Also, earmarked $2 million for special areas conservation (technical assistance) authorized in the Farm Bill, but never before funded.

Agricultural Stabilization and Conservation Service (ASCS): We rejected budget request to combine Agricultural Conservation Program (ACP); Forestry Incentives Program (FIP); Water Bank and fund at $56 million level. We added back $163.5 million.

ACP, $190.0 million.

FIP, $12.5 million.

Water Bank, $10.0 million.

We also included $7 million for emergency conservation program. Usually, this program has sufficient carryover funds, but they have been depleted because of floods, etc.

Title III—Domestic Food Programs: $13,816,671,000.

Again, the House funded the following programs at the budget levels but for less than a full year. We concurred.

(a) Child Nutrition: $3.013 billion level to August 15, 1984.

(b) WIC: $1.060 billion to July 10, 1984.

(c) Food Stamps: $10.9 billion level to September 6, 1984.

The Administration has again premised its request on savings to be realized from legislative changes. We chose to give the Senate Committee on Agriculture, Nutrition, and Forestry a chance to make some changes.

Food Stamps for Puerto Rico: $825 million.

We have included bill language to allow Puerto Rico to continue the same type of "cashout" program it currently operates. Reconciliation would discontinue this effective October 1, 1984.

Special Milk: The appropriating of $11.9 million plus a carryover of funds, will provide the authorized level (per Reconciliation).

Food Donation: We rejected proposed transfer of elderly feeding program to Department of Health and Human Services and recommended $119 million which will fully fund current services. We also went with budget and House in providing $50 million for needy families.

Title IV—International Programs: $1,143,233,000.

Foreign Agricultural Service: The House cut $1.5 million on the assumption that strength of U.S. dollar overseas will increase FAS' purchasing power. Because of uncertainty in world economy, we went with the budget request of $85.2 million.

P.L. 480: Went along with budget and House and provided:

$402 million for title I and III (credit sales); $650 million for title II (commodities for distribution abroad); and $1,052 million, total.

Title V—Related Agencies:

Food and Drug Administration: $419,094,000.

(a) In case we don't prevail in Supplemental Conference on FDA $5 million emergency contingency fund, we have added in this bill, which is the increase over the House for salaries and expenses.

(b) We concurred with House in providing funding for facilities at National Center for Toxicological Research in Arkansas.

Commodity Futures Trading Commission (CFTC): $26,645,000.

Our $2 million increase over budget and House is for automated data processing (ADP) support and legislatively mandated studies. An amended budget request is pending at OMB.

Mr. COCHRAN. Mr. President, I thank my good friend, the distinguished Senator from Missouri, TOM EAGLETON, who is the ranking minority member of the subcommittee, for his very helpful assistance in the preparation of the bill by the subcommittee and the guidance of it through the markup and through full committee.

I also wish to compliment all of the members of the Appropriations Committee for assisting in the preparation of the bill and the valuable input into the process that each of them has made.

Mr. President, I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(h)-276(k), as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-United States Interparliamentary Group during the First Session of the 98th Congress to be held in Puebla, Mexico, on July 7-10, 1983: the Senator from Georgia (Mr. MATTINGLY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Florida (Mrs. HAWKINS).

MESSAGE FROM THE HOUSE

Mr. BAKER. Mr. President, will the manager permit me to interrupt for a minute so we may receive a message from the House of Representatives?

Mr. COCHRAN. Yes.

Mr. BAKER. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The Senate will receive a message from the House of Representatives.

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 6, 10, 13, 35, 40, 43, 47, and 58 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 25, 26, 32, 33, 34, 53, and 59 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.R. 3190. An act to establish an improved program for extra long staple cotton.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

Mr. BAKER. Mr. President, this is the first of the conference reports on one of the regular appropriations bills to reach the Senate. The House of

Representatives acted on this measure this morning.

I wish to present it to the Senate as soon as possible. I then suggest if the managers are agreeable that as soon as we can obtain clearance on both sides we temporarily lay aside this measure, I hope only for a matter of minutes, so that we can adopt that conference report and get on with the business at hand. Will that be agreeable with the manager?

Mr. COCHRAN. Mr. President, if the majority leader will yield, I have no objection to that and am happy to accommodate the leader in that way.

Mr. EAGLETON. No objection.

Mr. BAKER. I thank the Senator.

Mr. President, then we will proceed with the clearance process and Members will understand we may turn to the HUD appropriations conference report then in the next few moments. I do not know whether there will be a rollcall vote or not, but there might be.

I thank the Members for yielding.

AGRICULTURE APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3223.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, the agriculture, rural development and related agencies appropriations bill as reported by the full committee provides for total budget authority in fiscal year 1984 of about $31.7 billion. This represents a reduction of $6.2 billion from fiscal year 1983 and $67.4 million below the President's budget request.

The committee has taken several significant actions which I believe should be brought to my colleagues' attention. We have restored significant reductions the President had proposed in programs that are highly important to the farmers of our Nation.

The science and education activities of USDA were slated for almost a $48 million reduction. These programs have been the key to the productivity increases of our farmers and have made the U.S. agricultural system the envy of the world. We cannot afford to allow them to wither on the vine. They must receive the support necessary to keep them not only viable but vibrant. The action of the committee restores the President's proposed reductions and allows for a modest growth, particularly in the research programs.

Mr. President, I am gratified that the committee bill includes a modest increase in the cooperative research program in the Department of Agriculture from its present funding level of $17 million to the full budget request of $21.5 million. In my view, this program has amply demonstrated an ability to focus research on emerging issues, especially "new generation" applications and technology. Frankly, I wish it had been possible to provide an even greater increase in order for this program to achieve its full potential.

In fact, Senator DANFORTH and I, along with Senators BRADLEY, CHAFEE, KENNEDY, MOYNIHAN and PELL have introduced legislation which would increase the authorization for the competitive grants program by an additional $15 million. It is my hope that in future years we will be able to build substantially on this program to further the very necessary basic research work of the State agricultural experimentation stations, colleges and universities, and other research institutions.

I am particularly pleased that the committee bill provides $10 million for USDA's graduate fellowship program. As the committee report to accompany this bill points out, a 1980 U.S. Department of Agriculture study projects the overall, average, annual demand for college graduates in the food and agricultural sciences will exceed the available supply by almost 15 percent. An even greater shortage of individuals with advanced preparation for necessary research endeavors is expected throughout the decade. The $10 million funding level in this bill for the cooperative graduate fellowship program is expected to support approximately 650 to 700 masters and doctoral students and is, in my view, absolutely essential to insure a continuing supply of capable young researchers in the research laboratories of our universities, experiment stations, and other centers of agricultural science. The national commitment to recruit and train young scientists, in agricultural and, indeed, all aspects of science must be long term and stable, and I hope that this $10 million funding level is the first step in providing the kind of continuity necessary to prevent erosion of research and its underlying manpower.

All of the technological advances our research and extension programs provide farmers will be for naught, however, if we allow the productive capacity of our Nation's farmland to decline. Soil erosion continues to be a critical problem throughout America. The President's budget proposed slashing the conservation cost-share programs of the Agricultural Stabilization and Conservation Service and would have sharply reduced support for the Soil Conservation Service. I am pleased that the committee has seen fit to restore these vital programs. We have provided funds for the special areas conservation program authorized in the 1981 farm bill. This program, when finally in place, will allow highly erodible land, like that in the north central and northwestern part of my own State, to be targeted for special assistance and an intensive effort to bring the unacceptably high levels of erosion in these areas under control. Targeting under the current programs will not accomplish what this new program can.

Mr. President, as my colleagues well know, the needs of rural America extend much farther than the farm gate. The incidence of substandard housing continues to be more than three times as high in rural regions as in urban areas. Essential community facilities, such as health care facilities, are often less than adequate or are lacking altogether. Income levels in rural areas continue to average only 80 percent of urban income, and the lack of job opportunities continues to plague the rural economy.

The committee has taken very prudent action to maintain the rural housing programs of the Farmers Home Administration at about the current funding levels. In so doing, we have rejected the termination of these programs proposed by the President. We have likewise continued the guaranteed industrial development loan program which was established to preserve and create new job opportunities in rural areas. Unfortunately for those who would benefit from this program, the Reagan administration has continued to do everything in its power to see to it that industrial loan guarantees are few and far between. And we have restored the direct loan levels of the rural electrification and telephone programs so that they will be no less than the current levels.

A major portion of this bill is comprised of funding for the Federal nutrition programs, food stamps, the child nutrition programs, the elderly feeding program and the special supplemental feeding program for women, infants and children (WIC). The President had proposed legislative changes in the food stamp and child nutrition programs which have not yet been acted upon, and he had proposed a funding level for WIC for the full year which would have resulted in several hundred thousand participants being removed from the program. The bill now before the Senate does not provide full-year funding for these programs. It was the judgment of the committee that time still exists for the authorizing committee to take action on the proposed legislation. However, should no legislative changes be made, we will expect the administration to amend its budget request to reflect the total funding needs of these programs.

It is important to point out that the committee has added bill language that directs that the average participation level in the WIC program is to be no less than 2.8 million participants. It should be crystal clear to the States who administer this program that by adding this language we are making a commitment that funding to maintain

at least this level of participation throughout the whole of fiscal year 1984 will be forthcoming. It is also the intent of this language to prohibit any deferral action which would result in average participation dropping below the 2.8 million level. Certainly any action by the administration, including deferral of funds, which would result in average participation dropping below the 2.8 million level would not be in compliance with the provision.

Finally, Mr. President, I believe the bill before us does a good job of funding the needs of agriculture, rural development, and the nutrition programs upon which millions of Americans depend.

I commend the job that was done by the chairman of the subcommittee, Senator COCHRAN, and his very able staff working with him, and I urge my colleagues to support this legislation.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I have not received any notice from any Members on this side who wish to engage in general debate of the bill. I do know there are one or two Senators who wish to place a colloquy in the RECORD to clarify some of the provisions of the bill. I hope those who do want to insert material in the RECORD will come to the floor and do that at this time so that we can then move on into the discussion of any amendments that will be taken up.

We have 13 amendments that were identified in the order under which the bill is being considered.

We can complete work on this bill in very short order, in timely fashion, I think, if those who want to present their amendments will come to the floor and call them up. There are a few here which I think the managers of the bill will be able to accept. Others, unfortunately, we are going to have to resist and will require record votes, in my judgment.

In order to accommodate the schedules of those Senators who would like to see the Senate get out fairly early today, if those who do have amendments would cooperate and come to the floor and present them at this time we could move forward and wrap up the bill.

AMENDMENT NO. 1439

Mr. ZORINSKY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY), for himself, Mr. ANDREWS, Mr. BOREN, Mr. BURDICK, Mr. EXON, and Mr. MELCHER proposes an amendment numbered 1439.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, after line 2, insert a new section as follows:

"SEC. 626. None of the funds provided by this Act may be used to conduct a producer reserve program for wheat and feed grains, or a payment-in-kind land diversion program, under which the Commodity Credit Corporation, in making payments to producers for storage of a commodity by the producer, provides payment for such storage in an area at rates that are less than the rates at which the Corporation provides payment for the storage of the commodity in commercial storage facilities in the area.".

Mr. COCHRAN. Mr. President, will the Senator yield for a moment?

Mr. ZORINSKY. Yes.

Mr. COCHRAN. Mr. President, I am advised the Senator from Ohio (Mr. METZENBAUM) wanted to be on the floor to hear the discussion of this amendment. He is over at the Energy Committee right now. I have just advised staff of his request and asked that he be notified, because I did advise him that he would be notified, he would have an opportunity to be here. I hope the Senator will understand if we put in a quorum call until he can get here and be here for the full discussion of the bill that that is the reason for it.

Mr. ZORINSKY. Will I not then lose my place in the order of the amendments, Mr. President?

Mr. COCHRAN. We would not want the Senator to do that. I do see the Senators from Virginia here who have an amendment. Perhaps the thing to do would be to set aside the Senator's amendment and then get to this one which will be accepted, I think. It will not require much time, and by that time the Senator from Ohio will be here.

Mr. ZORINSKY. With the understanding that I introduced my amendment because the Senator called for amendments to be introduced——

Mr. COCHRAN. That is right. I thought the Senator from Ohio could get here in very short order. I am told he will be here very soon.

Mr. WARNER. Mr. President, if the manager will yield, I just left the committee. Mr. METZENBAUM is there, and he is available. We will take no more than a few minutes.

Mr. COCHRAN. If that is all right, then, I ask unanimous consent that the amendment offered by the Senator from Nebraska (Mr. ZORINSKY) be temporarily set aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. Mr. President, will the Senator yield? My distinguished colleague and I have an amendment to offer. I now yield to my colleague to present it.

AMENDMENT NO. 1440

(Purpose: To provide funds for construction of Phase III of the Virginia-Maryland Regional college of Veterinary Medicine)

Mr. TRIBLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia (Mr. TRIBLE), for himself, Mr. WARNER, Mr. MATHIAS, and Mr. SARBANES proposes an amendment numbered 1440.

Mr. TRIBLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 19, strike out "$23,227,000" and insert in lieu thereof "$27,727,000, of which $4,500,000 shall be available only for the construction of Phase III of the Virginia-Maryland Regional College of Veterinary Medicine".

Mr. TRIBLE. Mr. President, on behalf of myself and Senators WARNER, MATHIAS, and SARBANES, I offer an amendment to provide $4.5 million for the construction of the teaching hospital facility at the Virginia-Maryland Regional College of Veterinary Medicine at Blacksburg, Va. The House of Representatives has approved an identical appropriation for this purpose.

In past years, Agriculture Committees and Appropriations Committees from both Houses have indicated their commitment to quality veterinary care across the Nation, particularly through the development of regional schools of veterinary medicine. This year, for example, both committees provided over $12 million for the regional veterinary medicine school in Nebraska, the Old West School, in recognition of the important role that agricultural vet schools play in providing our Nation with an adequate source of large animal and agricultural veterinarians. This amendment fulfills this commitment by allowing completion of a facility that serves both Virginia and Maryland.

As originally conceived, the college was to be built and funded by a mix of Federal, State, and local dollars. In 1978, Congress provided $1.25 million for staffing and equipping a clinical facility—phase I; construction of the whole was made possible through a matching appropriation of $1.25 million by the Virginia General Assembly and the raising of $700,000 in private contributions.

Phase II, a teaching research and administrative building, will be completed this month employing $8 million from the Commonwealth of Virginia.

Phase III involves the construction of a teaching hospital and this facility is essential to maintaining the accredi-

tation of this fine veterinary school. To date VPI has raised $3.5 million from private sources. This $4.5 million appropriation by the Federal Government for the establishment of the veterinary hospital—and further funding by the Commonwealth of Virginia—will permit the phase III teaching hospital to become a reality.

There are only 10 veterinary schools in the country. It would be a serious blow to agriculture in the Middle-Atlantic States if VPI was unable to complete this important veterinary program, especially in light of the extensive commitment the Federal Government, Virginia and Maryland, and private individuals have already made.

I hope, Mr. Chairman, that you will accept this amendment, and I urge my colleagues to support it.

Thank you.

I have discussed this amendment with the Senators managing this bill, and I believe it will be accepted by them.

I yield to my distinguished colleague from Virginia, Senator WARNER.

Mr. WARNER. Mr. President, it is a privilege to join with my distinguished colleague and other Members of this body who represent States contiguous to Virginia, who will be beneficiaries of this new Virginia-Maryland Regional College of Veterinary Medicine to be principally located at Virginia Polytechnic Institute in Blacksburg, Va.

Mr. President, I have been engaged in agriculture for some 25 years now and have watched in my State and other States the growing need for persons skilled in the profession of veterinary medicine. There is indeed a shortage. In our area of Maryland-Virginia and the bordering States of West Virginia, Kentucky, and Tennessee, there has been an absence of needed educational facilities.

A program has now been put together to establish an institution which will serve this geographic region of America. We are proceeding with it at the present time, and at this point we would like to request of the managers of the bill their acquiescence in this amendment which will enable the Federal Governement to participate with the State of Virginia and, indeed, private funding to bring this concept to fruition.

Mr. President, the Congress has, in the past, expressed an interest in the availability of quality veterinary medical care, and particularly in the development of regional schools of veterinary medicine. In 1978, the Congress provided $1.25 million for the establishment of the Virginia-Maryland Regional College of Veterinary Medicine at Virginia Polytechnic Institute and State University. This grant was matched by a $1.25 million appropriation from the Virginia General Assembly and the raising of $700,000 in private contributions. These funds were used for staffing and equipping an interim clinical facility (phase 1).

Using an additional $8 million in funds from the Commonwealth of Virginia, completed an instruction, research, and administration building (phase II).

The university is now ready to begin phase III of the project—the construction of the teaching hospital that will be necessary for accreditation. VPI has made a commitment to raising an additional $8 million in non-State funds to match the $8 million in State funds used for phase II. The university has raised $3.5 million so far in private funds for this project. The House included $4.5 million to complete the non-State match to the full $8 million.

Mr. President, our amendment will only bring the Senate the amount appropriated for into conformity with this purpose on the House version.

Mr. President, at this time I yield to the distinguished manager of the bill.

Mr. TRIBLE. Before the Senator makes his statement, I would at this point encourage the managers of the bill to accept this amendment and I urge my colleagues to support it, as well.

Mr. COCHRAN. Mr. President, we understand that the Veterinary Medical College will serve as a regional college for the area of Virginia and Maryland. There has been a substantial contribution to this project from private sources. Some $3.5 million has been raised in private funds for the construction of this teaching hospital. We understand that that amount is insufficient to permit contracting for construction, and time is running out on the provisional accreditation under which the college is operating.

This is a project which has been reviewed by Congress in the past and there was some funding made available for earlier phases of the development of this school of veterinary medicine.

This is the final phase, we understand, phase III, a teaching hospital, and without this amendment we are told the teaching hospital simply could not be built and the accreditation of the School of Veterinary Medicine would be in jeopardy.

Because, of that, Mr. President, we are recommending that the amendment be agreed to, and I congratulate the Senators for bringing this matter to the attention of the Senate and the committee.

Mr. EAGLETON. Mr. President, the distinguished junior Senator from Virginia (Mr. TRIBLE) brought this amendment to my attention a little while ago, and lest this amendment become a precedent for Federal funding of a whole array of veterinary institutions across the country, every one of them worthy in their own right but not necessarily the obligation of the Federal Government, could I ask the distinguished junior Senator from Virginia if he would read into the RECORD what has been the participation, the financial participation, during these three phases of the construction of this hospital. By participation I mean what the Federal Government has put in in each phase, if any; what the State of Virginia has put in out of public funds, if any; and what private sources have contributed to it.

The purpose of my inquiry is if the figures are as expected they would be, it would tell State *Y*, State *X*, and State *Z* that they have got to put up a very substantial amount of State money and raise a very significant amount of private money if they are ever going to expect any consideration from Uncle Sam. Can the Senator answer the question?

Mr. TRIBLE. Mr. President, will the Senator yield?

Mr. EAGLETON. Yes.

Mr. TRIBLE. I thank my colleague and friend for that question and I am happy to respond.

As originally conceived, the college was to be built and funded by a mix of Federal, State, and local dollars. This college is to be built in three phases. Phase I and II are now in being, and these dollars would go toward the completion of phase III.

The total funding for all three phases would be $27.2 million. Of that sum, the Commonwealth of Virginia would provide $17.25 million, private sources another $4.2 million, and the Federal Government is being asked to provide in total $5.75 million.

So, as my colleagues can see, of the total funding in excess of $27 million, the overwhelming share of those dollars comes from the State of Virginia and from private sources.

Mr. EAGLETON. I thank my colleague. That is precisely the information I desire. It does show, as he has just pointed out, that the overwhelming source of these funds is both State and private, with the Federal share being, in comparison, rather modest.

Based on that information, I have no objection.

Mr. WARNER. Mr. President, I wish to join with my colleague in thanking the distinguished managers of this bill and other members of the committee for providing their support for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia (Mr. TRIBLE).

The amendment (No. 1440) was agreed to.

Mr. TRIBLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, as I indicated earlier, we have the first of the conference reports on the regular appropriation bills here in the Senate, having been acted on this morning by the House of Representatives.

Could I inquire of the minority leader if he is prepared at this time for me to ask the Senate to proceed to the consideration of that conference report?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, I ask the Senator further if he anticipates the need for a yea-and-nay vote.

Mr. BYRD. I do.

Mr. BAKER. Mr. President, could we have a very short time limitation? I am told there is no need for any debate, actually.

Mr. BYRD. That is my understanding.

HUD-INDEPENDENT AGENCIES APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now temporarily lay aside the pending measure and proceed to the consideration of the conference report on H.R. 3133, the HUD appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report will be stated by title.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings on the RECORD of June 23, 1983.)

Mr. BAKER. Mr. President, I ask unanimous consent that there be a time limitation of 1 minute for debate to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, on behalf of another Senator, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GARN. Mr. President, I am pleased to report that the conference agreement on the first of the regular appropriations bills—the HUD-independent agencies bill—was completed on June 23, and that the resulting bill is acceptable to the administration. On the day of the conference, the conferees received a letter from Mr. Stockman stating that he would recommend the bill be signed if the conferees satisfactorily addressed four issues:

The number of incremental housing units, including any reserve that might be established, must not exceed 100,000 units.

The sale prohibition on section 202 mortgages must be eliminated.

The funding levels for EPA should be no higher than those contained in the Senate bill.

The VA job training program and mortgage assistance program, which are both new unauthorized programs, must be eliminated.

Each of these issues were, indeed, resolved to the administration's satisfaction in conference.

One further point worth noting is that both Chairman BOLAND and I believed we should take the position in conference of stripping out those provisions in the bill which represent funding for new programs that are not yet authorized. In the past, both the House and the Senate committees have rightfully made the point that we should not appropriate money until we know what the composition of the program is. As chairman of the HUD authorizing committee, I am particularly sensitive to this issue and believe that the conferees on H.R. 3133 did the proper thing.

Mr. President, I would just like to complement the distinguished chairman of the House subcommittee, Mr. BOLAND, for his outstanding work on this bill. His great understanding of the issues and his willingness to discuss each of the amendments on the basis of its merit invariably results in a conference report that reflects the best elements of both bills.

I would be remiss if I did not mention the dedication and diligence of the distinguished ranking member (Mr. HUDDLESTON) in bringing this matter to such a speedy and successful conclusion.

Mr. President, I would like to briefly outline some of the more important agreements contained in the conference report.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The conference agreed to a limitation for annual contract authority of $636,336,000 and $9,912,928,000 of budget authority with the following provisions: 2,500 units for Indian housing; 5,000 units of new public housing construction; 35,000 units of regular section 8; 5,000 units of moderate rehabilitation; and 14,000 units of new/substantial rehabilitation for elderly and handicapped housing.

The conferees agreed that the section 8 contracts associated with the elderly and handicapped housing program should have the first priority on deobligations and that in the event that deobligations are insufficient to fund these section 202 units, additional resources will be made available as necessary.

The conferees established a reserve fund of $1,500,000,000 in budget authority and $100,000,000 in annual contract authority. These funds will not be available until January 1, 1984. The conferees have set aside these funds pending the enactment of a housing authorization bill in this session. The conferees intend that these funds be used to provide up to an additional 38,500 incremental units, and that no more than a total of 100,000 incremental units be provided during fiscal year 1984.

HOUSING PAYMENT CERTIFICATES

The conferees agreed to delete funding for the housing payment certificates program because it is a new program that is not presently authorized.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The conferees agreed to the appropriation of $1,362,200,000 for payments for operation of low-income housing projects. This is the same as the Senate recommendation. The conferees intend that the Department provide public housing authorities with 100 percent of the performance funding system requirements in fiscal year 1984.

HOUSING COUNSELING ASSISTANCE

The conferees recommended the appropriation of $3,500,000 for housing counseling assistance.

The conferees noted that a recent HUD review of housing counseling casts some doubt on the effectiveness of the program. Two of the concerns raised by the HUD review were the qualifications of housing counselors and the lack of data on the effectiveness of the various approaches used by different counseling agencies. Therefore, the conferees directed that: First, the department undertake a study to determine the most effective counseling procedures and training requirements for counselors; second, such a study should be funded through the Secretary's discretionary fund; and third, a report should be submitted to the Committees on Appropriations no later than April 2, 1984.

FEDERAL HOUSING ADMINISTRATION FUND

The conferees agreed to a limitation of $50,900,000,000 for FHA gross mortgage and loan insurance commitments. This is the same as the Senate recom-

mendation. The conferees further adopted the Senate position to authorize the Department to pay debt collection contractor fees from the amounts collected by such contractors.

HOUSING FOR THE ELDERLY OR HANDICAPPED

The conferees noted serious reservations concerning the Department's policy relative to the sale of section 202 housing for the elderly or handicapped project mortgages. The conferees directed the Department to prepare a report on the proposed sales agreements. The conferees indicated that this report shall be submitted no later than October 1, 1983, and urged the Department not to proceed with this sale of mortgages without approval of the Committees on Appropriations.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

The conferees established a limitation of $68,250,000,000 on commitments for guarantees of mortgage-backed securities as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

The conferees recommended the appropriation of $3,468,000,000 for community development grants.

The conference agreement provides funding for an estimated 2,500 Indian housing units under the assisted housing account, instead of under the Secretary's discretionary fund. The conferees agree to the following specific allocations within the $68,200,000: +$9,000,000 for Indian water and sewer projects; +$2,000,000 for a neighborhood development demonstration; and +$1,000,000 for technical assistance to small communities under the urban development action grant program.

The conferees agreed to the recommendation of the Senate which provides that any unit of local government which was classified as a metropolitan city in fiscal year 1983 will be so classified in fiscal year 1984 for the community development grant program.

RENTAL REHABILITATION GRANTS

The conferees agreed to delete funding for rental rehabilitation grants to carry out the rehabilitation of residential rental properties. It was deleted because this is a new program that is not presently authorized.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

The conferees recommended the appropriation of $19,000,000 for research and technology.

The conferees further agreed to the allocation of $4,000,000 under research and technology for a study of the modernization needs of the existing public housing stock. This is the same as the Senate recommendation.

The committee of conference is in agreement that the remaining $15,000,000 under research and technology may be allocated at the discretion of the Secretary.

MANAGEMENT AND ADMINISTRATION

The conferees recommended $572,064,000 for salaries and expenses. This is the amount recommended by the Senate.

The conferees have agreed to the addition of $950,000 to the salaries and expenses account for the Housing Assistance Council as proposed by the Senate. The conferees agree that the contract should be administered through the Office of the Assistant Secretary for Housing.

TITLE II—INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

The conferees recommended the appropriation of $35,000,000 for salaries and expenses as proposed by the Senate. The conferees strongly support the targeting and evaluation of information and education activities. The conferees stated that CPSC should limit such activities to a maximum of three campaigns without the approval of the Committees on Appropriations, and total resources devoted to information and education activities should not exceed the historical share of seven percent of the CPSC budget.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

The conferees recommended the appropriation of $574,900,000 for salaries and expenses as proposed by the Senate. The conferees adopted the position that the new Administrator should be provided with a budget that will enable him to carry out the program that he desires.

The conferees indicated that the Administrator should place emphasis on enforcement activities in allocating funds for salaries and expenses and abatement, control and compliance above the amounts specifically allocated in the January 1983 budget request and by the conference committee. The conferees directed the Administrator to submit a plan to Congress within 60 days for allocating increased resources for enforcement purposes.

A detailed description of the specific changes to the January budget request is contained in the statement of the managers.

RESEARCH AND DEVELOPMENT

The conferees recommended the appropriation of $142,700,000 as proposed by the Senate. A detailed description of the specific changes to the January budget request is contained in the statement of the managers.

ABATEMENT, CONTROL, AND COMPLIANCE

The conferees recommended the appropriation of $393,900,000 as proposed by the Senate.

The conferees agreed to delete the specific bill language which earmarked $5,000,000 for the clean lakes program and $5,000,000 for the Chesapeake Bay program. Instead, the statement of the managers directs EPA to fund the clean lakes program at $5,000,000 and the Chesapeake Bay program at $4,000,000. The $4,000,000 for the bay program is to be used for State matching grants to implement the strategies identified in the Chesapeake Bay study. The conferees requested that the Administrator submit a long-term plan for the implementation of the strategies contained in the Chesapeake Bay study. This plan should identify the total expected Federal funds and the funding schedule needed to implement the strategies.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

The conferees recommended the appropriation of $410,000,000 as proposed by the Senate. The conferees further recommended the limitation of Superfund administrative expenses to $64,000,000. The conferees agreed to provide, through transfer from the Superfund, $5,000,000 to the Department of Health and Human Services on October 1, 1983.

CONSTRUCTION GRANTS

The conferees recommended the appropriation of $2,430,000,000 as proposed by the Senate.

The conferees directed EPA to submit funding recommendations for combined sewer overflow projects to the Committees on Appropriations for approval. In evaluating these recommendations, the committees will consider only those project segments which can be fully funded and which will provide significant near-term water quality and public health improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The conferees recommended $121,110,000 for salaries and expenses; $169,176,000 for State and local assistance; and $146,308,000 for emergency planning and assistance. Within the above amounts, the conferees recommended: $168,960,000 for civil defense; provided $1,000,000 above the budget for fire prevention and control activities; and $5,000,000 above the House for training and education.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees adopted the Senate proposal to split NASA's R&D account into "Research and Development" and "Space Flight, Control and Data Communications". The conferees further agreed to limit the lease or acquisition of new computers for the numerical aerodynamic simulator to no more than one mainframe computer during fiscal year 1984. The conference agreement also calls for NASA to seek the committees approval before it commits the additional $50 million provided for orbiter and engine spares.

NATIONAL SCIENCE FOUNDATION

The conference agreement provides a total of $1,320,300,000 for NSF. This is $228,100,000 or 21 percent above the fiscal year 1983 level. Within this

amount, the conferees provided $75 million for science education activities—the level proposed by the Senate. The conference report earmarks $34,000,000 of the science education funds for materials development activities. The conferees also received assurance that the Foundation would fund an additional 500 grants in fiscal year 1984. With this assurance, the conferees deleted Senate bill language that would mandate such a policy. The conferees also deleted the specific earmarking of 3 percent of funds appropriated under research and related activities for faculty at non-Ph.D. granting institutions.

The conference agreement also provides for a new account, as proposed by the Senate, for the U.S. Antarctic program.

DEPARTMENT OF THE TREASURY

The conference agreement contains $4,566,700,000 for general revenue sharing. The House deferred consideration of this item during its action on the bill.

VETERANS' ADMINISTRATION

The conferees agreed to delete $150,000,000 added by the Senate for the veterans emergency job training program. Consistent with actions taken elsewhere, the conferees deleted this item because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered. The conferees also noted that the funds in the readjustment benefits appropriations are for entitlement programs. If funded, the veterans emergency job training program would be provided for in a separate account.

In medical care, the conference agreement restored the $5,539,000 reduction taken by the Senate in medical equipment (Object Class 31). The conferees agreed, however, with the language contained in the Senate report directing the VA to restore the former balance between additional equipment and replacement equipment. In this respect, the conferees direct the VA to apply no less then $120,000,000 of the amount provided for the purchase of replacement equipment.

The conferees were also in agreement with the concerns expressed in the Senate report about the need to establish an operating plan for the medical care account. The conferees directed the VA to submit an operating plan that will serve as the basis for future reprograming requests no later than November 1, 1983.

In the major construction account, the conference agreement deleted the $5,300,000 requested for the 60-bed nursing home care at Providence, R.I. In taking this action, the conferees deferred the funding for this project until a later time. The conferees noted that this facility is the lowest priority of the seven nursing home care projects contained in the budget request. The conferees also noted that the VA's revalidation team did not identify an immediate need for the Providence facility and recommended deferring the project.

The conferees included the requested $14,700,000 for the 120 bed-nursing home care project at San Francisco. However, the conferees directed the VA not to proceed with the multistory parking garage part of the project until a report on the subject is prepared and submitted to the Committees on Appropriations. The report should outline alternative parking arrangements, including the use of land currently under the jurisdiction of the Department of the Interior. The VA was directed not to proceed to implement any of the parking alternatives without the prior approval of the Committees on Appropriations.

The conference agreement also contained two Senate provisions addressing problems in the administration of the construction program and modified a House provision on the advanced planning funds so that the VA's planning flexibility would not be reduced.

Mr. HUDDLESTON. Mr. President, as the ranking member on the HUD-Independent Agencies Appropriations Subcommittee, I am pleased to support the conference report on H.R. 3133, the Department of Housing and Urban Development-independent agencies appropriation bill, 1984.

As the chairman of the subcommittee (Mr. GARN) noted, the conference version of the bill carries $55.789 billion in budget authority. This is $6.2 billion over the estimates for fiscal 1984 but only $1.57 billion more than the fiscal 1983 bill. Furthermore, the bill is within the 1984 budget resolution and, I understand, acceptable to the administration.

Under the assisted housing program, we have recommended 61,500 incremental units—14,000 units in section 202 housing for the elderly and handicapped, 2,500 units for Indian housing, 35,000 units of section 8 existing housing, 5,000 units of moderate rehabilitation, and 5,000 new public housing units. Some $1.5 billion is set aside in a reserve fund to accommodate future authorizations, or other program needs, with the understanding that not more than 38,500 additional units will result from the release of these funds. Also included is $1.55 billion for public housing modernization.

The bill includes $1.362 billion for operating subsidies for public housing projects in addition to the estimated carry-over of $149 million. HUD is directed to use the current performance funding system formula to distribute the funds, and to fund the formula at 100 percent of requirements.

For FHA gross mortgage and loan insurance commitments, the recommendation is $50.9 billion, and for the Government National Mortgage Association (GNMA) mortgage-backed securities (MBS) program, the recommendation is $68.250 billion. Both limitations, though higher than requested, are important to a sustained housing recovery.

The community development block grant (CDBG) program will be funded at $3.468 billion under the conference agreement. Entities which were considered entitlement areas in fiscal 1983 but were scheduled to lose entitlement status in fiscal 1984 because of population loss or central city dedesignation will be protected in fiscal 1984 by bill language. Under the Secretary's Discretionary Fund, $2 million is earmarked for a neighborhood development demonstration program and $1 million for increased technical assistance to small communities in connection with the urban development action grant (UDAG) program. While UDAG has worked extremely well in metropolitan areas, a much smaller proportion of small cities have applied for funds. The technical assistance funding is designed to help these smaller communities prepare applications and utilize the program more fully.

The conference committee agreed to earmark funding for the Housing Assistance Council (HAC) which has done so much for rural areas such as eastern Kentucky. For fiscal 1984, the amount is $950,000, and it is to come from the salaries and expenses account.

For the Consumer Product Safety Commission, the agreement includes $35 million, the same as the Senate amount.

The conferees agreed to $3.998 billion for the Environmental Protection Agency, the same as the Senate amount. This represents a $168 million increase over the original budget request for the Agency's operating programs. Within that amount is an additional $5 million in R&D funding to accelerate the development of limestone injection multistage burner technology; an additional $1 million for lake quality maintenance and improvement; $1 million for support of industry research in drinking water; and $1.5 million for the national crop loss assessment study.

The Hazardous Substance Response Trust Fund or Superfund will receive $410 million under the conference agreement—$200 million more than in fiscal 1983. This should allow EPA to move ahead on hazardous waste cleanup.

For the wastewater construction grant program, the agreement contains $2.430 billion of which $30 million would be used for combined sewer

overflow project segments which can be fully funded and which will provide significant near-term quality and public health improvements.

The agreement for the Federal Emergency Management Agency is $436 million. This includes $4.3 million for fire prevention and control activities.

For the National Aeronautics and Space Administration, the conferees agreed to $5.8 billion. This includes $50 million for orbiter and engine spares for the space shuttle; $5 million for technology utilization; and $1 million for the solid state observations program in order to accelerate the development of the multispectral linear array for remote sensing activity.

For the National Science Foundation, the conferees recommended $1.320 billion. This includes $1.24 billion for research and $75 million for science and engineering education.

Revenue-sharing is funded at $4.566 billion, the current level, as proposed by the Senate. The House had deferred consideration pending extension of the authorization.

For veterans compensation and pensions, the recommendation is $13.8 billion. Readjustment benefits are funded at $1.3 billion. The $150 million added by the Senate for the new veterans' job training program has been deferred without prejudice because this is a new program and final action on the authorization is yet to come. The medical care account stands at $8 billion, and the medical and prosthetic research account at $162.3 million which includes $6 million more than the request for geriatic research.

Mr. President, we had a good conference and we have a good conference report. We have, however, deferred without prejudice a number of items for which there is no final authorization, and we have adjusted the figures for the Environmental Protection Agency without a full justification of the request or a full explanation of policy goals. Both of these situations will have to be addressed at a later time. In the interim, I urge adoption of the conference report.

FUNDING FOR JOB TRAINING LEGISLATION FOR VETERANS

Mr. SIMPSON. Mr. President, I would like to make a brief inquiry with regard to the language of the joint explanatory statement on amendment No. 50 to H.R. 3133, which deleted Senate language earmarking $150 million for a veterans' emergency job training program. Legislation establishing such a program passed the Senate by voice vote on June 15, 1983, and a companion measure had earlier passed the House, on June 7, 1983, by a vote of 407 to 10.

The basis for the conferee's action taken in amendment No. 50 is set forth in the joint explanatory statement, as follows:

The conferees agreed to delete funding for the veterans' emergency job-training program because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

I certainly understand the conferees' concerns about appropriating funds for a program that has not yet been authorized, in light of the many uncertainties inherent in the various stages of the legislative process with regard to any authorizing legislation.

I would note that I share the view of the conferees, as stated in the joint explanatory statement, that funding for the veterans' emergency job training program should be provided in an account other than the readjustment benefits account (subfunction 702 of function 700, veterans' benefits and services) which contains appropriations exclusively for entitlement programs. The Veterans' Affairs Committee rejected the entitlement approach, and the companion House measure similarly takes an authorization-of-appropriations approach, so that I would be inclined to agree with the conferees that an appropriation for this program to the readjustment benefits account might not be an accurate reflection of congressional intent with regard to funding, and might inject unnecessary confusion into the funding issue. However, I strongly support the enactment of this emergency jobs measure for veterans and therefore wish to insure that it will be funded.

I would ask the distinguished chairman of the HUD and Independent Agencies Appropriations Subcommittee what specifically his intentions would be with regard to funding for this veterans' job-training program, assuming that the differences between the House and Senate versions of the authorizing legislation are resolved and the measure is enacted before the August recess.

Mr. GARN. I would indicate to the distinguished chairman of the Veterans' Affairs Committee that it is my expectation that an appropriate level of fiscal year 1984 funding for the veterans' emergency job training program of which he speaks will be included in the first available appropriations measure after final enactment of the authorizing legislation. At present, the most likely appropriations vehicle for this funding appears to be the fiscal year 1984 continuing resolution, which may be expected to be ready for Senate floor action sometime in mid-September.

Mr. SIMPSON. I do appreciate the Senator's commitment to seeking prompt funding for this important program. As the Senator is aware, the Senate program would take effect on October 1, 1983, so moving expeditiously to fund and implement it is of great importance. I would ask the distinguished chairman of the full Appropriations Committee, the Senator from Oregon, whether he anticipates any obstacle to obtaining funding along the lines indicated by the Senator from Utah.

Mr. HATFIELD. Let me assure the good Senator from Wyoming that I am aware of no such obstacle. I would just add to that a note of appreciation to him for his sensitivity to the concerns of the Appropriations Committee in formulating this legislation. It is always a pleasure to work with him.

Mr. SIMPSON. I thank the Senators for those assurances. I do strongly believe that the approach taken in this legislation is a responsible and highly cost-effective one. Although the differences between the House and Senate bills are not yet resolved, it is clear that the final legislative product will be framed as an emergency measure with only short-term costs, but with a lasting benefit—namely, the prospect of permanent and productive employment—to those of our Nation's veterans who have been hardest hit by the present economic recession and accompanying unemployment crisis. The Senators' support for this important and timely measure is indeed greatly appreciated.

VETERANS' ADMINISTRATION

Mr. CRANSTON. Mr. President, as ranking minority member of the Veterans' Affairs Committee, I would like to discuss with the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies two items relating to the Veterans' Administration in connection with the conference report on H.R. 3133.

The first item is the issue of fiscal year 1984 funding for a veterans' emergency job training program. Both Houses have passed legislation—H.R. 2355/S. 1033—to establish this program and both the House and the Senate versions contain provisions that would authorize appropriations of $150 million for it in fiscal year 1984. In an effort to help insure that this badly needed program is put into operation as quickly as possible, I, joined by the chairman of the Veterans' Affairs Committee (Mr. SIMPSON), wrote you and the ranking minority member of the Appropriations Subcommittee (Mr. HUDDLESTON) on June 8, 1983, to urge that during your committee's consideration of H.R. 3133, $150 million be added—with the availability of the funds made contingent upon the enactment of the authorizing legislation.

During the committee's June 14 markup, the distinguished Senator from Arizona (Mr. DECONCINI), a member of both the Veterans' Affairs and Appropriations Committees, proposed adding the $150 million with such a contingency proviso. His amendment was agreed to by the com-

mittee and included in the Senate-passed bill.

During the conference on the bill, however, it is my understanding that Office of Management and Budget Director Stockman objected to the inclusion of this funding along with three other items before the conferees, indicating that each of those items needed to be dropped if the bill was to be acceptable to the administration. It is also my understanding that the veterans' emergency job training add-on was one of six appropriations for new programs without authorization that were before the conferees and that, in order to protect the bill, the conferees decided to drop all of the items I have just described.

In view of these circumstances, I would like to ask the Senator from Utah (Mr. GARN) if he agrees that the decision to delete the $150 million item was not a specific rejection by the conferees of funding for this program. Rather, as I understand it, the decision made was part of the package decision I have just described and funding for a veterans' job program was not addressed on its merits.

Mr. GARN. That is correct. I do not believe the conferees decided that this program, when authorized, should not be funded.

Mr. CRANSTON. Mr. President, it would certainly be my intention to seek funding for this program at the next opportunity after it is authorized, which now appears to be in the continuing resolution for fiscal year 1984. If appropriations were made for the program in the continuing resolution, funds would be available for it to begin operations this October 1.

I have discussed the matter with the Senator from Arizona (Mr. DECONCINI), and he has assured me of his intention to propose an amendment, if necessary, to add $150 million for this program when the committee considers the continuing resolution.

I would also note that the Veterans' Affairs Committees of the House and the Senate are right now working to resolve the differences in the House and Senate versions of the veterans' emergency job training legislation. I expect final action next month.

Moreover, there have been indications that the President will not veto that bill.

In view of the great likelihood that the authorizing legislation will be enacted and funding provided for the program by October, would the Senator agree that the VA and Department of Labor should now begin taking all steps necessary—including such matters as developing the interagency arrangements necessary to insure that VA and Labor Department activities to carry out the program will mesh smoothly, preparing regulations and directives and other programmatic guidance for field personnel, planning for the training of program personnel, and developing computer and other support activities—to gear up for putting the program into operation in October?

Mr. GARN. I do agree. It seems very likely that this program will be authorized and funded by October 1. Thus, the executive branch, in anticipation of the enactment of the authorizing law and the appropriations, should begin now to take steps to prepare for the implementation of the program in October.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, the second item pertains to VA construction funding for a nursing home and parking structure at the San Francisco VA Medical Center. The Appropriations Subcommittee chairman will recall the colloquy—printed on pages 16494 to 16497 of the RECORD for June 21—that he, the very able ranking minority member of the Appropriations Committee (Mr. STENNIS), and I had on this subject shortly before initial Senate passage of this appropriations measure.

I am very grateful to the Senator and the other conferees for their action providing funding for the parking facility component of this project, as well as for the nursing home, in general accordance with our colloquy.

I note that, as contemplated in our June 21 colloquy, the Joint Explanatory Statement of the Committee of Conference requires a VA "report on the subject" of the parking facility. In this regard, I would like to ask the Senator whether in his view that report should cover all four of the points we discussed in our previous colloquy?

Mr. GARN. Yes, it should, Mr. President.

I would add that I hope that the VA and the Department of the Interior will promptly explore the possibilities for an alternative parking arrangement so that the VA will be able to submit its report to the Appropriations Committees within 2 months after the date of the enactment of the pending measure.

Mr. CRANSTON. Again, Mr. President, I thank the Senator for his cooperation with me on these and so many other matters. I also want to express my deep appreciation to subcommittee professional staff member Wallace Berger for his close cooperation with the Veterans' Affairs Committee staff assisting me.

Mr. HEINZ. Mr. President, I would like to thank my colleague, Senator GARN, chairman of the Banking, Housing, and Urban Affairs Committee as well as the Appropriations Subcommittee on HUD-Independent Agencies, for setting aside $2 million in H.R. 3133 for a program of neighborhood development demonstration grants. This is a program of great promise which will help to encourage self-helf activities and public-private partnerships in the Nation's distressed communities.

Mr. GARN. I thank the Senator. I share with my distinguished colleague his appreciation of the need for greater self-reliance and private sector investment in community development activities. It is my expectation that this demonstration program will help to show how these objectives can be realized. I commend Senator HEINZ for his initiative in developing the program.

Mr. HEINZ. To emphasize one point, I would like Senator GARN to clarify my understanding that HUD enjoys authority to move ahead with the program in fiscal 1984 on the basis of its existing technical assistance mission under the Secretary's discretionary fund. The appropriation of $2 million is not contingent upon passage of authorizing legislation. Is that correct?

Mr. GARN. That is correct. HUD enjoys existing authority to undertake this program within the Secretary's discretionary fund and the committee has indicated that it wishes HUD to move ahead. After passage of the authorizing legislation, additional funds can be appropriated for the program in the future. For now, however, HUD has been given a mandate to proceed with this activity through the discretionary fund.

Senator HEINZ. I thank the Senator for the clarification.

Mr. DECONCINI. Mr. President, I intend to oppose adoption of the conference report on H.R. 3133, the HUD-independent agencies appropriation bill for fiscal year 1984, because it fails to include $150 million to fund an emergency veterans' jobs training program. The desires of a majority of the Members of Congress on this issue were patently obvious. Yet their wishes were ignored by the conferees on the pending measure.

Let me review for my colleagues the strong, bipartisan support which exists for an emergency veterans' jobs training bill. First, the first concurrent budget resolution for fiscal year 1984, House Concurrent Resolution 91, as originally passed by the Senate, made provision for $150 million for a jobs' training bill specifically targeted on veterans. And the conference report, as adopted by both Houses of Congress, holds $150 million in reserve pending enactment of authorizing legislation. Second, the Senate Veterans' Affairs' Committee, on which I sit, unanimously ordered reported the Veterans' Emergency Job Training Act, S. 1033, on May 11 and the full Senate passed this measure by voice vote as H.R. 2355 on June 15. Third, the House signaled its overwhelming support by passing the Emergency Vietnam Veterans' Jobs Training Act

of 1983 on June 7 by a vote of 407 to 10. Could the intent of Congress for an emergency employment measure for veterans be more clear?

Now let me proceed to review the action taken by the Senate Appropriations Committee. Prior to subcommittee markup of the HUD-independent agencies appropriations bill for fiscal year 1984, the distinguished chairman and ranking minority member of the Senate Veterans' Affairs Committee, Senators SIMPSON and CRANSTON, cosigned a letter to Senators GARN and HUDDLESTON requesting that $150 million be included in H.R. 3133 for the purpose of funding an emergency veterans jobs training bill. I also wrote to the chairman and ranking minority member of the subcommittee underscoring my support for funding for this program and indicated that I planned to offer an amendment during full committee consideration of H.R. 3133 if funds were not made available by the subcommittee. Since funds were not included by the subcommittee, I offered an amendment to add $150 million for an emergency veterans' jobs training program during the full Appropriations Committee markup of H.R. 3133 on June 14. My amendment was adopted by a vote of 15 to 7. It is important to note that the margin of victory was not insignificant. It was more than 2 to 1.

In light of the overwhelming congressional support for an emergency jobs bill for veterans, why did the Senate conferees recede to the House and not include funding for this program? The answer is short. His name is David Stockman.

Prior to the conference on H.R. 3133, Mr. Stockman wrote to Senator GARN indicating that four provisions included in either the House- or Senate-passed versions were unacceptable to the administration, including the Senate provision providing funding for employment training for veterans. And the conferees caved in to administration pressure without even debating the merits of the jobs training provision. Is the Appropriations Committee the pawn of the executive branch or does it not have an obligation to represent and protect the views of its members? If the conferees had attempted to protect the interest of its members, they would, at the very least, have debated and voted on funding for the jobs training provision.

Despite Mr. Stockman's arguments to the contrary, unemployment among veterans remains a serious problem. In this Senator's view, it is a national disgrace. The most recent Department of Labor statistics show that in every age category, veteran unemployment is higher than in the same age category for nonveterans. And the jobs of additional thousands of older veterans have been lost to new technologies. More alarming still is the fact that unemployment among our service-connected disabled veterans has been estimated to be as high as 50 percent. In light of these facts, there is little doubt that a jobs training bill for veterans is fully justified. That is clearly the view of the majority of Members of Congress and funding for such a program should have been included in the pending measure.

I am bitterly disappointed by the action of the conferees and intend to offer an amendment to the first available appropriations measure to provide funding for this vitally needed program.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 3133, the HUD-independent agencies appropriation bill for fiscal year 1984.

I commend my distinguished colleagues, Senators GARN and HATFIELD, and the members of the Appropriations Committee for their expeditious action on the first fiscal year 1984 appropriation bill.

Mr. President, I ask unanimous consent that two tables showing the relationship of the conference agreement accompanying H.R. 3133, the HUD-independent agencies appropriation bill for fiscal year 1984, together with possible later requirements, to the congressional spending and credit budgets and the President's budget request be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. I would like to advise my colleagues of a revision to past Budget Committee crosswalk practices under the recently adopted first budget resolution.

Several new programs targeted to recession relief were included in the first budget resolution as reserve items because they were not yet enacted into law.

Under the first budget resolution, funding for these programs is reserved from allocation to committees until authorizing legislation is enacted.

One of the reserve programs, the emergency veterans' job training program, is under the jurisdiction of the HUD Appropriations Subcommittee.

This program is not scored as a possible later requirement for funding by the HUD Subcommittee in the spending table I am submitting for the RECORD because the funding is not reflected in the current crosswalk allocation.

If the emergency veterans' job training bill is enacted, the amount reserved for this program will be allocated to the Appropriations Committee. At the same time, the budget resolution spending ceilings will be adjusted.

EXHIBIT 1

HUD-INDEPENDENT AGENCIES SUBCOMMITTEE, SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Oulays from prior-year budget authority and other actions completed		[1] 23.0
H.R. 3133, conference agreement	55.8	34.9
Possible later requirements:		
Veterans compensation COLA		+.1
General revenue sharing program	+.4	+.4
Total for HUD-Independent Agencies Subcommittee	56.2	58.5
Deduct entitlement increases above first budget resolution assumptions	−.1	
Adjusted total	56.2	58.5
Senate subcommittee allocation under first budget resolution	[2] 57.5	[2] 58.7
Possible amount over (+)/under (−) allocation	−1.5	−.2
H.R. 3133:		
President's request	49.8	35.0
House-passed	54.4	30.5
Senate-passed	54.3	35.8
Conference agreement	55.8	34.9

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98-8, the Emergency Jobs Appropriations Act and with the Senate-passed fiscal year 1983 supplemental appropriation bill (H.R. 3069).
[2] This allocation reflects the conference agreement on the first budget resolution.

Note.—Totals may not add due to rounding.

HUD-INDEPENDENT AGENCIES SUBCOMMITTEE, CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984		
	New direct loan obligations	New primary loan guarantee commitments	New secondary loan guarantee commitments
H.R. 3133, conference agreement	2.2	65.8	68.2
First budget resolution assumptions	2.2	65.8	68.2
Possible amount over (+)/under (−) assumptions			
H.R. 3133:			
President's request	1.9	54.5	58.6
House-passed	2.3	60.8	58.6
Senate-passed	2.2	65.8	68.2
Conference agreement	2.2	65.8	68.2

Mr. BAKER. Mr. President, does the minority leader have any need for the remaining time? Is he prepared to yield it back?

Mr. BYRD. I am prepared to vote now.

Mr. BAKER. Mr. President, I yield back any time remaining on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from Idaho (Mr. SYMMS). If present and voting, the Senator

from Alaska would vote "yea" and the Senator from Idaho would vote "nay."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—79

Abdnor	Goldwater	Mitchell
Andrews	Gorton	Moynihan
Baker	Hart	Murkowski
Bentsen	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Pressler
Boschwitz	Hecht	Pryor
Bradley	Heinz	Quayle
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Jackson	Rudman
Chafee	Jepsen	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Cranston	Kennedy	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Laxalt	Thurmond
Dixon	Levin	Tower
Dodd	Long	Tsongas
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Matsunaga	Weicker
Exon	Mattingly	Wilson
Ford	McClure	Zorinsky
Garn	Melcher	
Glenn	Metzenbaum	

NAYS—17

Armstrong	East	Nickles
Baucus	Grassley	Nunn
Boren	Heflin	Proxmire
DeConcini	Helms	Roth
Denton	Humphrey	Trible
Eagleton	Leahy	

NOT VOTING—4

Hollings	Stevens
Percy	Symms

So the conference report was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, there are amendments in disagreement, are there not?

The PRESIDING OFFICER. There are amendments in disagreement.

Mr. BAKER. I ask unanimous consent that the amendments in disagreement be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $636,336,000: *Provided,* That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $9,912,928,000: *Provided further,* That of the budget authority provided herein, $389,550,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,550,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, and, $1,500,000,000 shall be deferred and shall not become available until January 1, 1984: *Provided further,* That the first $1,926,400,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall only be made available for assistance to projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further,* That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further,* That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ": *Provided further,* That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $5,000,000 shall be made available to the Department of Health and Human Services on October 1, 1983, to be derived by transfer from the Hazardous Substance Response Trust Fund".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$2,400,000,000, to remain available until expended, and for projects under section 201(n)(2), subject to the approval of the Committees on Appropriations, $30,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ", to be deposited into the Consumer Information Center Fund: *Provided,* That the revenues and collections deposited into the fund shall be available for necessary expenses, other than administrative expenses, of Consumer Information Center activities in the aggregate amount of $6,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1984 shall not exceed $1,449,000. Revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,011,900,000, to remain available until September 30, 1985.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Space Flight, Control and Data Communications

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,500,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,00 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,791,600,000, to remain available until September 30, 1985: *Provided,* That up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred between such accounts with the approval of Committees on Appropriations.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert: "*Provid-*

ed, That, except for advance planning of projects funded through the advance planning fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That $15,000,000 of the advance planning funds provided in this Act for medical projects shall only be available for the advance planning of those projects proposed in fiscal year 1983 and prior years: *Provided further*, That funds provided in the appropriation 'Construction, Major Projects' for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further*, That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after final acceptance of the project by the Veterans Administration."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980."

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

AGRICULTURE APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3223.

AMENDMENT NO. 1439

Mr. BAKER. Mr. President, will the agriculture appropriations bill automatically recur now as the pending business?

The PRESIDING OFFICER. The Senator is correct.

The Senate will come to order.

The Zorinsky amendment on the agriculture appropriations bill is pending.

The Senator from Nebraska is recognized.

Mr. ZORINSKY. Mr. President, I introduced a bill on March 17, 1983, to amend the Commodity Credit Corporation Act to require the Commodity Credit Corporation to pay the same rates to farmers eligible for storage payments as those paid to the operators of commercial storage facilities on grain owned by the Commodity Credit Corporation.

Joining me in cosponsoring this bill, S. 841 were Senators ANDREWS, BOREN, BURDICK, EXON, and MELCHER.

This amendment to the agriculture appropriations bill, H.R. 3223, has the same objectives as S. 841, which amended the Commodity Credit Corporation Charter Act.

The amendment would simply prohibit any funds appropriated in this bill to be available for payment of grain storage in an area determined by the Secretary of Agriculture at rates that are less than the rates at which the CCC provides payment for the storage of grain in commercial storage facilities in the area.

There is an obvious inequality in the present system where the Secretary sets the farmer rate nationally and negotiates commercial rates which vary widely throughout the country.

The present inequity has been called to my attention by a highly respected member of the Nebraska Legislature, Mr. Loran Schmit, former chairman of the Agriculture Committee, who has written to me as follows:

DEAR SENATOR ZORINSKY: I am once again writing to you to ask your help to correct what I believe is a serious injustice to Nebraska farmers. At the present time any Nebraska farmer who stores grain in his facilities on his farm receives a storage payment of 26.5 cents per bushel. The same grain stored in a commercial facility in David City receives a storage payment of 29.1 cents per bushel and beginning July 1st will be paid at the rate of 32.4 cents.

The difference in the on farm storage rate versus the commercial storage rate represents a loss of millions of dollars to an already financially strapped agricultural economy. I do not believe the elevators should be paid any less for storage services but that farmers should be paid an equal amount. I believe that at a time when the federal government is writing three year guarantee storage construction contracts that farmers would be willing to build additional grain storage even without government loans or a three year guarantee as in the commercial program.

I would appreciate it very much if you would use your considerable influence with the Department of Agriculture to raise the storage rate for on farm storage to the equivalent of commercial storage.

With every best wish,

Sincerely,

LORAN SCHMIT,
State Senator.

Mr. President, in a letter received from an assistant to the Administrator of the Agricultural Stabilization and Conservation Service in regard to this matter, I was informed that the grain storage rates are negotiated between CCC and commercial storage facilities but the farmer has to accept a fixed rate. Further, commercial storage rates have been increasing in the last few years especially in newly constructed facilities. Therefore, the commercial rate of 32.4 cents per bushel is a very conservative estimate of the storage rates on a Nebraska State average basis.

In the letter to Secretary Block last year, I asked the specific question as to the justification for a difference of 5.9 cents per bushel on stored grain between the farm and commercial facilities and whether there was some problem with agricultural statutes that should be corrected. I indicated that if there is need for correction, I would like to have his recommendation.

The Secretary's response confirmed the fact that a discrepancy does exist and that in some instances the rate paid per bushel may be as high as 50 cents depending on the type of grain stored and the elevator location. His response also indicated that farmer-owned grain stored in a commercial facility is only entitled to the 26.5 cent per bushel rate even though the rate paid on CCC-owned grain is higher. This is one of the most disturbing aspects of the present grain storage situation. When CCC is paying storage to a commercial grain elevator operator, a higher rate is paid as compared to the rate at which the farmer is reimbursed for his grain stored in the same elevator. This means that during the time farmers are required to pay storage on grain under loan to CCC, the farmer has to make up the difference.

I believe that Senator Schmit and other Nebraska farmers I have heard from have good cause to ask for equal rates for farm-stored grain and commercially stored grain.

The farmer is accountable for keeping stored grain under loan to CCC in condition as is the commercial facility accountable for keeping grain in condition. I can ascertain no good reason for the differential. Therefore, Mr. President, not having received a satisfactory response from Secretary of Agriculture John Block, I am offering this amendment to straighten out the inequity.

I ask that my colleagues support this amendment which attempts to correct an injustice which has only further eroded the farmer's position in our economy today.

There will be those who say that there is an additional cost to this type of an amendment. To those people, Mr. President, I say that the verbiage in this amendment merely indicates that the Secretary of Agriculture shall pay no less to the farmer than what he pays as the commercial rate to storage facilities in that area. It does not set a high price; it does not set a low price; it does not set a medium price. It leaves it to the discretion of the Secretary of Agriculture, which means there are two options. The first alternative is to reduce the commercial storage rate to meet and equalize the farmer's storage rate, which in essence means there is no additional cost.

The second alternative, obviously, is to raise the farmer's storage rate to

the commercial storage rate, which means an additional outlay of dollars.

Certainly a possibility does exist for an additional outlay, and a possibility exists for no additional moneys.

Even a third possibility exists—the fact that we have a payment-in-kind program, which is intended to take the surplus out of the pipeline, which the USDA currently says is working. It must be working because they are now thinking of paying farmers to grow grain and use that grain to pay farmers not to grow grain to comply with the PIK program. So certainly the PIK program will then create a lesser storage amount, which in turn could even decrease the amount of storage payments the Federal Government and the taxpayers of this Nation would be responsible for.

Mr. President, I ask my colleagues to support this amendment. It attempts to create justice in an area which has consistently had an inequality and an inequity to the farmers with respect to their storage.

Mr. COCHRAN. Mr. President, the Members of the Senate may remember that last year when the agricultural appropriations bill was before us, the distinguished Senator from Nebraska offered this amendment to that bill, and it was defeated on a narrow vote, just a 2-vote margin.

The arguments that were made last year are appropriate this year also—namely, that the amendment, in effect, is legislating a change in the farmer-held grain reserve program. It would be more appropriate for legislation to be taken up by the Agriculture Committee and Congress as part of a reform of the grain reserve program.

In addition, Mr. President, last year this amendment was estimated by the Department of Agriculture to add about $45 million to the cost of the program that is administered by the Commodity Credit Corporation. This year, however, the Department estimates the cost to be between $125 million and $175 million. These are added expenses that the Department estimates would be incurred if this amendment is agreed to. It is because of this additional cost that we must strongly oppose the amendment and urge the Senate to reject it.

One thing should be pointed out about why payments to those who use commercial warehouses are higher than to those who are storing grain on the farm. Under the law, warehousemen must be bonded. They must comply with a set of regulations imposed upon them for safety and health reasons. This set of regulations does not apply on the farm. There is no necessity for a bond. So the expense of a commercial warehouse operation is considerably higher than that incurred by a person who has on-farm storage facilities. That is the reason why the payments to those who have on-farm storage are much lower than those who utilize a commercial warehouse facility.

Another point should be made, Mr. President. We are seeing the farm community plagued by the burden of surplus production on the farm. By increasing the payments made to farmers for on-farm storage, we write into the law a new incentive which will encourge the farmers to plant more and put more in the grain reserve. At the same time, we have an acreage reduction program seeking to take out of production millions of acres of land to help reduce the surplus. Mr. President, if this happens, a mixed signal would be given. It is an inconsistent policy. For that reason, we think the Senate would be well advised to vote in opposition to the amendment. I hope that the Members will carefully consider this vote.

We are trying hard to keep the levels of spending in this legislation within the President's budget request. The cost of this amendment would be a major addition to the cost of the bill.

There may be some instances on certain farms where there is justification for increased payments. I am not as familiar as I probably should be with specific situations in Nebraska and some of the other grain growing areas of the country where there is a good deal of on-farm storage. But we do know what the projected costs are. We do know that it would be an inconsistent action by the Government which would result in increased production and more grain going into storage.

We hope the Senate will reject the amendment.

Mr. METZENBAUM. Mr. President, I appreciate the motivation of my good friend from Nebraska in offering this amendment. I know of his concern for those who store grain in Nebraska, and I share that concern, because I have a number of farmers in Ohio who have a similar problem.

I think the matter has been ably addressed by the distinguished manager of the bill, who has made it clear that this matter should be handled not as a floor amendment but in the Agriculture Committee, proponents and opponents heard, the administration heard.

There is no way to explain this measure except to say that it will bust the budget. I am told that the U.S. Department of Agriculture has used figures showing that it will cost $125 to $175 million.

I should like the attention of the distinguished manager of the bill at this point.

I hope the Senator will confirm this if I am correct; and if I am incorrect, I will be prepared to acknowledge that fact publicly. I am told by Bill Lesher, Assistant Secretary for Economics in the U.S. Department of Agriculture, that the amendment before us will cost not $125 million to $175 million but will cost $200 million to $300 million.

I think that is a relevant fact, because it is bad enough at $125 million to $175 million. It is far worse at $200 million to $300 million.

What we are faced with here is an amendment that probably has some merit. When it had a price tag of $45 million, I supported it, when it was brought to the floor of the Senate by my good friend from Nebraska in the past. But I think things have changed. They have changed to the extent that we have seen that many people in this country have to share the burden of trying to balance the budget.

The unemployed workers of my State and of many other States throughout this Nation whose unemployment benefits have expired are sharing that burden, under very difficult and onerous circumstances.

Those who are on medicare have seen the necessity of cutbacks, $400 million provided hopefully out of the providers in the budget resolution. Those who are on medicaid have seen cutbacks which have already been put into place.

Those who are on social security know of the impact that they must bear in the lesser receipts and the additional restrictions that have been placed upon them.

As a matter of fact, it is not difficult to recognize that it was only a few weeks ago that we defeated an amendment that is in the same financial category of approximately a little bit higher, $400 million, that was offered by the distinguished Senator from Montana (Senator BAUCUS) to add $400 million for medicare.

Then throughout the Nation we find that peoples' homes are being foreclosed upon. The door is being slammed in their face on their own properties. They are losing their homes, and an effort was made on the HUD appropriations bill to provide foreclosure relief. But this Congress in its wisdom or lack of wisdom, depending on your point of view, refused to provide that foreclosure relief.

Day in and day out in the Budget Committee, in the Appropriations Committee, in every single effort around this body we find a need to provide some restraint and with all due respect there is no Member of this Senate who has been more aggressive and more effective in indicating that he is not for increased spending and that he wants cutbacks, and in this instance I think it becomes a sort of an exception, and I can understand that, but if we are to bear the burden, if we are to share the burden, then each of us has to accept part of that responsibility and I think bringing a floor amendment here that if Mr. Lesher is right will cost $200 to $300 million and if Senator COCHRAN's figures are right

will cost $125 to $175 million, in either event I think we cannot afford the luxury of this amendment.

In all fairness, let us look at the merits of the subject because there is a distinction between those who commercially store grain and those who do so in their own storage facility.

The commercials have to pay bonding costs, they have to pay insurance, they must have a uniform grain storage, they must have a net worth requirement, and there are other business aspects of the commercial stores that do not apply with respect to the farmer who stores his grain on his own premises.

I am not going to argue that there is not some merit to paying on an equal basis, but the fact is that we cannot afford to do so. I am not arguing either as to the fact that farmers in this country need relief. But there are a limited number of farmers who would be benefited by this and if we are to provide additional relief for the farmers of this Nation, which I am prepared to support, then we should do so across the board.

I think this amendment represents a kind of an extravagance that in these days of budget constraint I do not believe we can afford. Therefore, I hope that the amendment is defeated.

Mr. ZORINSKY. Mr. President, I wish to reply to my distinguished colleague from Ohio with respect to some of the comments made which differentiate the prerequisites required by a commercial warehouse as opposed to a farmer's needs in storage.

I reemphasize that this differential even occurs when the farmer's grain is stored in the commercial warehouse. When the CCC is paying storage to a commercial grain elevator operator, they pay him a higher rate as compared to the rate at which a farmer is reimbursed for the farmer's grain stored in the same elevator.

In other words, I guess I could best explain that by how would you like to live in the same house with a neighbor and he be paying $50 a month less, in the same home that has the same cost for insurance, the same air-conditioning cost, the same heating cost and you are paying more than he is?

So, forgetting the differentiality of geographical location of a storage facility, the farmer gets the short end even in the same geographic facility.

I also wish to point out to my friend from Ohio that in his State specifically there occurs one of the highest differentials for storage of any State in the Union. In my own the average is 4 cents differential per bushel on corn, 4½ cents on wheat. In Ohio, the differential is 12.3 cents per bushel on corn and 11.7 cents per bushel on wheat. That is the differential between that paid to a farmer's stored grain and that paid for grain stored in a commercial warehouse.

So there are these differentials and it is even sometimes in the same facility, in the same commercial facility.

I would just like to say a word or two about cost. I have only been in the U.S. Senate for 6 years and 6 months and I find that there are three types of lies in this Congress, the regular lie, the damn lie, and statistics.

Now statistics coming from USDA have shown themselves to be a little less than reliable on many occasions. As a matter of fact, statistics coming from the Government have shown themselves to be a little something less than reliable on many occasions.

A week ago Dr. Lesher, whom my esteemed colleague from Ohio referred to, in a meeting, in a markup with the U.S. Senate Agriculture Committee, was asked how much the agricultural program cost, at which time he indicated $21 billion. The news media wrote and have been recorded, and this was the acknowledged gospel fact, that the agricultural program cost $21 billion.

Then I asked a question that many in the room know the answer to but rarely ask the question and that is, does that include the loan support price program in agriculture and he said yes; and I said, does that include the amount of money farmers pay back on these loans, and he said no.

Then eventually we got to the bottom line that possible $8 billion or $9 billion are paid back by the farmers. So the $21 billion could then be reduced possibly to $11 billion or $12 billion.

I know $10 billion is not much money in this Hall and does not seem to impress many people in the congressional branch of Government, but $10 billion still is money, and on many occasions I have heard people in this hall use it as a very valid argument for breaking budgets.

So the point I am trying to make is the fact that the farmers of America have taken a bum rap on costs. Everybody thinks we have a giveaway program to the farmer on a loan support price. There is a difference between a food stamp dollar outlay, which is also in the Agriculture Department, and a loan support price dollar outlay. A loan support price dollar is repaid with interest or the farmer forfeits the crop. A dollar outlay in the food stamp program is a nonrecoverable dollar. That dollar will not be repaid to the Federal Government.

So continually I see farmers and agriculture lumped in as a tremendous cost to the taxpayers of this Nation while receiving no credit for the amounts of money that are paid back. The reason they do not is that when the money is paid back by the farmers of America on a loan support price loan the money is paid back to the Treasury of the United States of America rather than to the Department of Agriculture. So since it does not come back to the Department our USDA, including Dr. Herb Lesher, continually uses all dollars appropriated as being spent as outlays and any moneys paid back by the farmers of America are not accrued and credited to the USDA because they go back into the general Treasury of the United States.

It so happens that there is a flag with stars and stripes on it that also flies over the building of the Treasury Department, the same as it does over the U.S. Department of Agriculture, and I guess the point I make is the money does come back to the U.S. Government and to the taxpayers who fund that Government. That is why I continually am saddened to hear knowledgeable colleagues of mine continue to quote inflated numbers, facetious numbers. We can find numbers in this Chamber to justify anything you want to present here, and I know each one of us knows how to do it.

So I think the time has come when agriculture should and would be considered a tremendous asset of this country. You can go to the halls of libraries and read the decline of every nation and empire has begun when the nation could no longer feed itself. You do not have to worry about unemployment checks when people cannot produce enough food to feed a nation because you no longer have a nation, and you have tyrannical conditions existing, revolutionary conditions existing. You do not have to worry about the Soviet Union, throwweight and how many nuclear weapons they have. You concern yourself with your own people when you cannot produce enough food to feed your own people.

That is why, to me, I think the farmers and agriculture are a sacred part of the evolution of the United States of America, and those people who are worried about unemployment and those people who are worried about long lines of people waiting for jobs, let me say here and now that those lines will begin to disappear when the farmers of America have sufficient incentive and motivation and ability to maintain a profit in producing agriculture.

William Jennings Bryan once said you can "burn down your cities and leave your farms and your cities will spring back as if by magic. But destroy your farms and grass will grow in the streets of every city in the country."

So I beg this Senate Chamber and my colleagues to rectify an inequity, an injustice that currently occurs, and it does not have to be done at a greater outlay of money. It can be done through a reduction of money paid to cooperatives, to commercial warehouses and bringing up the amount of money that farmers are paid to equalize the same.

Thank you, Mr. President. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the amendment offered by my colleague from Nebraska. I am a cosponsor of that amendment. I will be brief and then possibly we can go to a vote.

I listened to the debate with keen interest and, as with so many of the issues that come before us, there are two trains of thought, two considerations that should be given. In the first place, I would hope we would dismiss as not reliable the varying estimates up to $260 million that the U.S. Department of Agriculture has estimated as the cost of this program. Previously we have found out that if there is one thing that is reliable it is the fact that the projections and estimates by the U.S. Department of Agriculture are not reliable. So if that is a reliable fact, then let us dismiss that.

Let me simply summarize by saying that this is not a budget-buster, and when we take on something like this as a budget-buster after all of the items that we walked down to that well and vote on time after time after time, it makes it almost laughable to consider that this amendment is a budget-buster.

Last, let me tell you it is not the commercial storage people who are going broke today. It is the family sized farmer. Why is that so? Well, the family sized farmers are increasingly becoming involved in the storage business. The PIK program itself has made them more and more in the storage business. What we are simply asking for in this amendment is that there be more fairness between the rates that are paid to a commercial storage facility and those paid to the farmer, and as my colleague from Nebraska has said, it might well be that if that cost could be adjusted over a period of time, and I must emphasize it will take a period of time because there certainly are contracts in existence now that could not and should not be violated, but certainly this is not a budget-busting amendment. We are simply saying that at a time when the American farmer is being asked to store more and more of his products for our food reserve, that we give him more consideration and more fair consideration than he has received in the past.

Why is it that the American farmer is required to store more and more at this time? Well, it is simply the fact that the American farmer because of a whole series of Government actions, and I will not bother to enumerate them at this time, because if I do I suspect I would border on getting into partisan political considerations with regard to who is for the American family sized farmer and who is not politically, and that is not the message I want to emphasize; but I am simply saying that during the last few years, because of the actions of the Federal Government over which the family sized farmer has had little, if any, control, he has found himself depreciated in his ability to sell his products in the international marketplace.

Indeed, if you look at the dramatic reduction in the sales of our grain just to the Soviet Union, which has been duplicated around the world, you will quickly see why the farmer is required to store more and more and more.

The amendment offered by Senator ZORINSKY is simply one that says, "Let's be fair in the future, even though we have not been in the past, regarding the differential that is paid to farmers to store these products on the farm as opposed to the higher, and in many cases the unnecessarily higher, price that is paid to the commercial storage operator."

I urge the adoption of the amendment. I yield the floor.

Mr. ZORINSKY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, at an earlier point in the debate there seemed to be some question as to the actual cost of this amendment. I at that time indicated that I had been informed by the Assistant Secretary for Economics of the Department of Agriculture that the cost would be in the area of $200 million to $300 million. Because I felt that it was very relevant to this debate, I also at the same time requested the manager of the bill to seek confirmation of that figure.

I wonder whether or not he has had an opportunity to speak directly with the Department of Agriculture.

Mr. COCHRAN. Mr. President, if the Senator will yield, I have, as a matter of fact, been in touch with Bill Lesher at the Department of Agriculture, the official the Senator identified. He confirms the figures that were noted by the Senator from Ohio. This amendment would cost a minimum of $200 million and maybe as much as a little over $300 million.

So, this information is contrary to that provided to the managers of the bill this morning by the budget office of the Department of Agriculture that the cost of the amendment would range between $125 million and $175 million.

Mr. ZORINSKY. Will the manager yield for a question?

Mr. COCHRAN. The Senator from Ohio has the floor and yielded to me.

Mr. METZENBAUM. I yield to the Senator from Nebraska.

Mr. ZORINSKY. I would like to ask a question of the manager of the bill. If, in the wisdom of the USDA, they chose the course of reducing over a period of time the storage paid to the commercial warehouse to such an extent to offset the amount that they would raise by the farmers' storage, what would the cost be to the USDA then? This is an option.

Mr. COCHRAN. Mr. President, I would say, if the Senator would yield, that there is nothing in the amendment that would require reduction in the payments to commercial warehousemen. It is an assumption that they would equalize payments by reducing payments to warehousemen. I think, because of the fact that we do have proven expenses, bonding requirements, and all the rest that are identified as costs of commercial storage, payments to warehousemen will continue to be paid. I rather doubt that a reduction in payments would be the way that the amendment would be administered.

The Department says that to administer the amendment would cost from $200 million to something over $300 million in just 1 fiscal year.

Mr. ZORINSKY. The chairman serves on the same committee with me, and I have heard him argue with the same Dr. Lesher on cost estimates before, when it was to his benefit that they be less.

Would the Senator not, though, say that if the option were chosen that I just hypothesized there would be no cost to the USDA?

Mr. COCHRAN. I would say, Mr. President, in further response to the Senator, that we have no way of knowing how the Department is going to interpret and administer the amendment if it is agreed to, except to hear from the Department and get its reaction and make that reaction available to the Senate.

Our information from the Department is that this would escalate the cost of administering the grain program. I assume that is true. I think you could probably argue with them that there is a more cost-effective way of administering the program.

This is another reason why I think, Mr. President, that it might be to the advantage of everyone concerned if we proceed in a different way and go through the legislative committee rather than add an amendment to an appropriations bill. I think it just indicates that there may be a reason to discuss with the Department where it gets the numbers and why it suggests that this is going to be so expensive.

I suggest to the Senator that I would join him in urging the chairman of the legislative committee, Senator HELMS, to schedule hearings—I do not know that any have been held on this subject—to see if we could make a record on which to base some legislation of this kind.

Mr. ZORINSKY. I thank the chairman. I would just like to say that on September 28, 1982, which is not too far in the past, 48 Senators on the floor of this Senate thought enough inequity existed to support this piece of legislation. So it is not the first time this has been brought up. It is not the first time it has been debated. So I feel that there is sufficient concern by many Senators.

I ask for the passage of this amendment.

Mr. METZENBAUM. Will the Senator from Nebraska yield for a question?

Mr. ZORINSKY. Yes.

Mr. METZENBAUM. Is it not a fact that on September 28, 1982, when that amendment was presented to the Senate, it was represented that the total cost would be $45 million?

Mr. ZORINSKY. That again was the estimate made by the USDA, which only reemphasizes my point that they have got more numbers over there than a calendar has. That was their estimate. And at the same time, I made the same argument then, on September 28, as I did today—that it need not cost a dime had that passed if they wanted to administer it in the way I just proposed to the chairman of the subcommittee.

Mr. METZENBAUM. I would agree they may have a lot of different numbers. But, as a fiscal conservative, I am sure the Senator would agree that there is a big difference between $45 million and $200 million to $300 million, because the $200 million to $300 million buys an awful lot of things that a lot of people in this country need very badly.

Mr. ZORINSKY. May I just point out that the reason we have a storage problem is because they do not seem to realize the difference between a billion dollars and $31 million. I refer to the fact that we are going to stop $31 million worth of textiles coming into this country from the People's Republic of China and in trade they are going to disallow 1.2 billion dollar's worth of grain, much of it produced in Nebraska, from going into the People's Republic of China. It is no wonder we have a high storage cost.

Mr. LEVIN. Mr. President, there is an unfair difference in Government payments for farmer-stored and commercially stored wheat and feedgrains, but there may also be some difference in costs which might justify some difference in the amount of the payment.

The Agriculture Committee should hold hearings on this issue and report an authorization bill to correct existing inequities, without creating new ones. That is the fair way to proceed, rather than proceeding with a broad blanket rule on this pending appropriations bill.

Mr. BAKER. Mr. President, I am always loathe to make a tabling motion until I am sure that debate is concluded. I observe the Senator has indicated that he was prepared for a vote. Therefore, I now move to table the Zorinsky amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Hawaii (Mr. INOUYE), are necessarily absent.

The PRESIDING OFFICER (Mr. HUMPHREY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—63

Armstrong	Hecht	Pell
Baker	Heinz	Percy
Biden	Helms	Proxmire
Bradley	Humphrey	Quayle
Byrd	Kassebaum	Riegle
Chafee	Kasten	Roth
Chiles	Lautenberg	Rudman
Cochran	Laxalt	Sasser
Cohen	Leahy	Simpson
D'Amato	Levin	Specter
Danforth	Lugar	Stafford
Dodd	Mathias	Stennis
Dole	Matsunaga	Symms
Domenici	Mattingly	Thurmond
East	McClure	Tower
Garn	Metzenbaum	Trible
Goldwater	Mitchell	Tsongas
Gorton	Moynihan	Wallop
Hatch	Murkowski	Warner
Hatfield	Nunn	Weicker
Hawkins	Packwood	Wilson

NAYS—33

Abdnor	Dixon	Jepsen
Andrews	Durenberger	Johnston
Baucus	Eagleton	Kennedy
Bentsen	Exon	Long
Bingaman	Ford	Melcher
Boren	Glenn	Nickles
Boschwitz	Grassley	Pressler
Bumpers	Hart	Pryor
Burdick	Heflin	Randolph
Cranston	Huddleston	Sarbanes
DeConcini	Jackson	Zorinsky

NOT VOTING—4

Denton	Inouye	Stevens
Hollings		

So the motion to lay on the table amendment No. 1439 was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ANDREWS and Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 1441

(Purpose: Directing the Secretary of Agriculture to carry out the original commitments to farmers under the payment-in-kind (PIK) program)

Mr. ANDREWS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. ANDREWS) proposes for himself and Mr. BENTSEN, and amendment numbered 1441:

On page 26, line 11, following the figure $9,673,636,000, insert the following: ": Provided, That the Secretary of Agriculture is directed in connection with all commodities, under the payment-in-kind program, particularly cotton, to carry out the original commitment to producers."

Mr. ANDREWS. Mr. President, this is an important amendment because there are some problems under the PIK program in going along with original commitments, not only in cotton, on which I defer to my great friend and our colleague, Mr. President, the chairman of the subcommittee (Mr. COCHRAN), but also in the case of grain where commitments were made that certain land could be idled and would qualify and all of a sudden they are asking for double summer fallow. It has been cleared on both sides of the aisle. Mr. President, I understand that the chairman of the subcommittee is willing to accept the amendment, and I would urge its adoption.

Mr. COCHRAN. Mr. President, we have reviewed the amendment and it does indicate simply that the Secretary shall carry out commitments to producers under the payment-in-kind program. This does not add on any new funds in the bill. We recommend that it be accepted.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. May I ask the distinguished Senator from North Dakota, what will be the cost of this amendment?

Mr. ANDREWS. Actually, there should be no cost to the amendment because all it says is that the Secretary shall carry out the original commitments made to farmers under PIK program.

Mr. EAGLETON. Will the PIK program cost more if this amendment becomes law than if it does not become law?

Mr. ANDREWS. If the Secretary was about to, as we have heard rumors, back away from some commitments and not honor those commitments, it could possibly cost more, yes. But the language is very direct. It

merely says that in the case of PIK, which as the Senator from Missouri realizes so well, Mr. President, was hatched up in a hurry and sent out, the Secretary of Agriculture shall honor the commitments made to the farmers. You might call it a fair play amendment, Mr. President.

Mr. EAGLETON. Passing the argument as to whether this is living up to a commitment or not, I would like to zero in on cost. The Senator says this amendment could possibly add to the cost of the PIK program. Does he know by how much?

Mr. ANDREWS. I have no idea, Mr. President.

Mr. EAGLETON. Has the Department of Agriculture been asked for its comment on this amendment?

Mr. ANDREWS. The Department has not been asked for comment. I might add to my good colleague, Mr. President, that I visited with my former colleague and the chairman of the committee on the other side of Capitol Hill, Mr. WHITTEN, who suggested this, Mr. COCHRAN, who has a specific problem in cotton, also indicated its great importance. We have some problems in wheat and feedgrains in my part of the country and Senator MELCHER's part of the country. I talked with Senator BOREN, who has a very key cotton State, and he indicated his great desire for it. I cleared it with Senator HUDDLESTON, the ranking Democrat on the Senate Agriculture Committee. He also indicated that necessity for the amendment.

Mr. EAGLETON. I realized, Mr. President, that these various Senators are supportive of the amendment, and I am not saying that I am opposed to the amendment. The language of the amendment is self-evident that this would encourage a change in current policy by the Department of Agriculture and that that change is going to cost some money. I think we would be better informed about the substance of this amendment if we knew how much money is involved. Would there not be time to ask the Department of Agriculture to give us a cost estimate?

Mr. ANDREWS. Might I point out to my colleague, the Department of Agriculture cannot make specific estimates because the Department of Agriculture as always maintains that they are in good faith living up to the commitments made to the farmers. Now, if they were planning to back away from some commitments they made to the farmers early on in PIK, it is conceivable that the cost could amount to several millions of dollars. My good colleague from Missouri knows that just as well as the Senator from North Dakota knows that. But there are no definable figures.

Also, this amendment undoubtedly will be the subject of considerable conversation between now and conference time, and the conferees, in good faith, can further refine the amendment so that it is fleshed out with the type of specifics that can be gained in a couple of weeks. The important movement is to get this amendment into the bill so that it is in conference.

Mr. President, my colleague and good friend from Missouri will be on that conference, as will the Senator from Mississippi and I. I am sure we can flesh it out and get those specifics determined.

Mr. EAGLETON. Mr. President, I assure my colleague that I will ask the Department what this amendment will cost. We are in the process of appropriating money. This is an appropriations bill, and we should know how much amendments we are considering will add to the cost of the bill. The Senator's amendment is going to cost considerable money. I have no estimate of what it might be, but it will be more than a pittance. If we do not know today and are not going to find out today, I guess we will have to find out sometime between now and the conference.

Mr. ANDREWS. It is my hope and feeling that my colleague from Missouri is as interested as I am in seeing that the commitments to the farmers are lived up to.

Mr. BENTSEN. Mr. President, I am pleased to join with my distinguished colleague, the Senator from North Dakota (Mr. ANDREWS) in offering this amendment.

This amendment directs the Secretary of Agriculture to carry out the original commitment to producers, particularly cotton farmers, under the payment-in-kind program.

Mr. President, this amendment will help prevent an inequity in our farm program which could be very damaging to cotton farmers in Texas and throughout the Nation.

I think that USDA should give the same treatment to cotton farmers under the payment-in-kind program that has been given to wheat and feed grain producers. This seems a very simple thing, but unfortunately it has not been done in this case.

USDA SHORT OF PIK COMMODITIES

When USDA found that it did not own enough wheat or feed grains to meet its PIK commitments under these programs, farmers were asked to submit bids to sell USDA these commodities which the farmer owned and which were stored under the loan or reserve programs. USDA then accepted the low end of these bids.

The remaining wheat and feed grains which USDA will need for the PIK program will be obtained by requiring some farmers to place their 1983 crop grain in the loan and then forfeit that grain to USDA. USDA will then sign that grain back over to the farmer as his PIK payment. This last provision, which is included in all PIK contracts, in effect allows USDA to buy a farmer's grain from him at the loan rate for use in the PIK program.

USDA assured farmers that this takeover provision would be used only as a last resort. And in the grain programs it has been so used. USDA has first offered to buy wheat and feed grains through free competitive bids.

THE BID PROCESS

These bids were expressed as percentage, representing the percentage of the crop which the farmer would get back from USDA in return for selling it early for the PIK program. USDA offered to forgive the loan on the commodity if the farmer would give the grain to USDA. In addition, since this offer alone was not competitive, USDA also offered to give back to the farmer a part of the commodity in lieu of an additional cash payment. This additional amount, expressed as a percentage, is what the farmer was asked to bid on.

For example, if a farmer had 100 bushels of wheat in storage and submitted a bid of 20 percent, he was offering to take 20 bushels of wheat plus forgiveness of the loan on all 100 bushels in return for signing the remaining 80 bushels over to USDA to use in the PIK program. Likewise, if a farmer offers 100 bales of cotton with a 7-percent bid, he is saying he will sell 93 bales of that cotton to USDA in return for forgiveness of the loan on all 100 bales plus 7 bales of that cotton for himself. Obviously, these percentage bids can be converted into cash prices for comparison with actual market prices, and this is what farmers did in determining their bids.

COTTON'S PROBLEM

USDA asked for cotton bids after the bids for wheat and feed grains. In wheat USDA accepted bids up to 20 percent and in feed grains up to 25 percent. USDA wanted to keep the price down for cotton, so they decided to put a cap on the cotton bids—to set a ceiling above which farmers could not submit bids. This cap was set at 7 percent, which at the time should have been an attractive offer.

However, just as USDA announced the cotton offer with the 7 percent cap the cotton market shot up. Suddenly the cap was below the market price. The market price for PIK cotton contracts—base quality of Strict Low Middling 1 1/16 inch—now is about 62 cents per pound, which translates to a PIK bid of about 11 percent. Thus this cap prevented cotton farmers from having any chance to bid at all.

Had USDA removed this cap, cotton farmers could have had the same opportunity to make free competitive bids that wheat and feed grain producers have had. USDA is not required to accept any of these bids. Such an open bidding process is the epitomy of the free market system, and if USDA had permitted it for cotton they would

now have a wide range of bids. They could then look at those bids and tell, through the free market, exactly how much cotton could be bought at exactly what cost both through the bids and through the takeover option. USDA could then choose the best combination.

IMPACT ON FARMERS

As I pointed out, if USDA does not acquire cotton through the bid process they will have to acquire massive amounts through takeovers of 1983 crop cotton. The estimated shortfall in cotton is in the range of 800,000 to 1,000,000 bales.

What happens to the farmers then? Much of the cotton crop is sold on forward contracts. Such contracting is especially heavy in the Rio Grande Valley of Texas, in California, and in certain other areas of the Cotton Belt. Cotton is sold in February for delivery at harvest. When farmers signed up for the PIK program, no one expected the resulting heavy turnout. Farmers thus expected USDA stocks to be adequate to cover the PIK program. In addition, USDA had assured farmers that the takeover option in the PIK contract would be used only as a last resort. Therefore, many farmers sold on forward contracts both their 1983 crop cotton and the cotton they expected to receive through the PIK program. In some cases the contracts to sell the 1983 crop cotton were signed even before the signup for the PIK program.

Assume a farmer is growing one bale of cotton and will get one bale of cotton under the PIK program. Assume also that he has forward contracted both those bales of cotton, as many farmers have. If USDA now takes the farmer's 1983 crop cotton and gives it back to him as his PIK payment, the farmer then has only one bale of cotton to deliver but he has sold two bales. Who is going to straighten out that legal mess? If USDA takes a large amount of 1983 crop cotton for the PIK program then farmers, merchants, and even USDA could wind up locked in a massive tangle of lawsuits.

Any amount of cotton that USDA buys through the bid process will lessen that problem, and so cotton farmers will have a very legitimate complaint if they are not even given an opportunity to offer cotton through that bid process.

Mr. President, I ask unanimous consent that a copy of a letter which I sent to Secretary of Agriculture Block regarding this issue be inserted in the RECORD following my remarks.

EQUITY FOR ALL

Mr. President, the essence of what this amendment asks is equity for all farmers. We want only the same treatment for cotton farmers that has been given to wheat and feed grain farmers. To do any less will severely damage the credibility of the Department of Agriculture and impair the future workings of our farm program, as well as causing heavy losses for cotton farmers this year.

I urge my colleagues to join with me in supporting this needed amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 14, 1983.

Hon. JOHN R. BLOCK,
Secretary, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I am deeply concerned about the possibility of discrimination against cotton farmers in the handling of the Payment In Kind program.

When it became apparent that the Department of Agriculture's stocks of wheat and feed grains would be inadequate to meet the commitments under the PIK program, USDA put out bids for these commodities. A number of these bids, up to the 20 percent level for wheat and 25 percent for feed grains, were accepted. Those above that level were rejected and the remainder of USDA's commitment will be filled by exercising the "plant for PIK" option.

In seeking to replenish USDA's inadequate cotton stocks, however, the cotton bids were capped at only 7 percent. This was a good bid at the time, but immediately after this offer was made the cotton market moved sharply upward. Rather than increase this ceiling or remove it entirely, as was done with grains, USDA merely extended the offer. Extending the offer will not attract sufficient supplies of cotton and will force the use of the "plant for PIK" option for almost all of this shortfall.

The impact of the "plant for PIK" option on cotton farmers will be severe. Cotton is traditionally sold through forward contracts, and farmers expected at the time of sign-up that USDA's cotton stocks would be adequate to meet the needs of the PIK program. Thus many farmers contracted both their 1983-crop cotton and the cotton they expected to get under the PIK program. If USDA takes the 1983-crop cotton for the PIK program, then the farmer will have two contracts to sell cotton but only enough cotton to fill one contract. Many lawsuits will result, possibly including suits against USDA.

In the interest of equity, I request that you immediately open bids for cotton for the PIK program with no cap on those bids. An uncapped bid will allow the free market to work unhindered. You will then be able to accurately weigh the various options, including the costs of these options, in deciding how to get the cotton to meet your PIK commitments. To delay such an action would risk missing the July 15 entitlement date for cotton in the Rio Grande Valley of Texas, and to fail to do so would result in a discriminatory act against cotton farmers that is both damaging and unnecessary.

Sincerely,

LLOYD BENTSEN.

Mr. TOWER. Mr. President, I would like to congratulate my colleague from North Dakota for offering this amendment and offer my strong support, especially as it relates to the situation facing our cotton farmers.

When the payment-in-kind program was first offered, a publication from the ASCS stated,

In some instances, producers may be required at CCC's option to obtain a 1983 CCC regular loan to use for their PIK payment. This option will be used sparingly.

Within the same publication, it was again stated that this harvest for PIK option would be used very sparingly. In ASCS meetings across the country, farmers were assured that there was plenty of cotton, and that the harvest for PIK clause was only included to cover a possible shortage of CCC owned wheat. Again, when ASCS officials were specifically asked what would happen if for some reason a shortage did occur, farmers were told that any early contracts that were entered into for the forward sale of cotton that were negotiated prior to the time that the PIK contract was approved by the county committee would not be affected.

However, since the PIK program was initiated, increases in demand both in this country and worldwide have led to rising cotton prices, and heavier than expected CCC loan redemptions. Also, poor weather has resulted in expected yields that are much lower than expected. As a consequence of these changes—which were impossible to predict—Government-owned stocks are not adequate to fulfill obligations under PIK contracts with cotton producers.

As a result of this shortfall, the USDA recently announced that the harvest for PIK option would have to be implemented for cotton. Farmers who signed up for PIK and had plenty of cotton already in the loan from 1982 will be forced to forfeit their loan early and will receive their own loan cotton back from the CCC as their PIK payment. However, those farmers who do not have any cotton in the Government loan program will be required to place this year's crop in the loan at a much lower price than what they would get on the open market. Although this cotton is then returned to the farmer as his PIK entitlement, he still ends up with considerably less than the amount of cotton he was expecting. Those producers who have forward contracted their expected PIK cotton as well as their 1983 crop, will either have to back out of their contracts or seek cotton on the open market at a much higher price than expected to fulfill their contracts. This will create a severe economic hardship for those farmers who have historically marketed their cotton most efficiently.

It is my hope that this amendment will encourage the USDA to look into ways that the original intent of the PIK program for cotton can be implemented. I strongly support the PIK program and applaud its success in reducing surpluses and bringing supply into much better balance with demand. PIK has already gone a long

way to help bring our farm economy out of the impending crisis we were facing late last year. Now, as the details of the PIK program are worked out, it is important that we do not dampen the successfulness of the program with inequities in the way farmers receive their PIK entitlements. I urge the USDA to give a hard look at the ways that have been suggested to solve our shortfall in CCC owned cotton without requiring the harvest for PIK option. I hope we can reach a fair decision for all those involved.

(The name of Mr. BOREN was added as a cosponsor of the amendment.)

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 1441) was agreed to.

AMENDMENT NO. 1442

(Purpose: To provide funds for the purpose of maintaining, developing, and increasing the export of agricultural commodities and products of the United States)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an amendment numbered 1442.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a) Out of any funds made available to the Commodity Credit Corporation by this Act, the Secretary of Agriculture shall utilize not less than $5,000,000, or an equivalent value of commodities owned by the Commodity Credit Corporation, to provide—

(1) direct or blended credit for foreign purchasers in excess of such credit programs otherwise funded by this Act;

(2) bonus incentives for foreign purchasers;

(3) commodity distributions or monetary assistance for United States producers; and

(4) any combination or paragraphs (1), (2), and (3);

for the purpose of maintaining, developing, or increasing the export of agricultural commodities and products, including value-added products, produced in the United States.

(b) To the extent practicable, the expenditures and contributions required by this section shall be targeted by the Secretary of Agriculture of facilitate sales of United States products in markets in which foreign competing products are, in the Secretary's determination, subsized directly or indirectly resulting in a competitive disadvantage for such United States products.

Mr. MATTINGLY. Mr. President, this amendment embodies an idea several of my colleagues and I have had for quite some time. The amendment I offer today is designed to counter the use of unfair agricultural subsidies by our trading partners which have accounted for the drastic loss of American farm exporters' fair share of foreign markets.

I say I had this idea for some time now, because I have seen firsthand the unwillingness of our trading partners to negotiate or roll back their unfair and mostly illegal farm subsidies. This certainly was apparent to me when I attended the General Agreement on Tariffs and Trade (GATT) ministerial meeting in Geneva last November. Our trading partners appeared convinced that our protests against massive export subsidies and trade barriers amount to nothing more than empty gestures and political posturing. Unfortunately, much of this perception is based upon our failures in the past to actually pursue protests and threats with meaningful action.

Because of our inability to secure any reasonable commitment from our trading partners, I introduced in the 97th session of Congress, and again this session, bills to correct the inequity created by unfair foreign subsidies in markets overseas for U.S. farm goods. The intent of those bills was to make available to American farm exporters surplus Commodity Credit Corporation (CCC) stocks to lower their cost of production and to increase export sales.

I also want to commend Senators HELMS, DOLE, COCHRAN, HUDDLESTON, and all my other colleagues for their continuing efforts to help American farmers by promoting their exports. I would hope we can all agree to act now and not let American farmers continue to suffer from the devastating export situation they face.

Sir Roy Denman, head of the delegation of the European Communities, told me with no equivocation that European subsidies were nonnegotiable. While I find his comment appalling, at the same time it motivates me to bring about fairness in agricultural trade for our farm exporters.

Therefore, the purpose and substance of my amendment I offer today is not new. It merely is another attempt to obtain relief for U.S. exporters of agricultural goods, including value-added products, and to bring about fair trade. It does not add to the amount recommended for appropriation by the committee. It would simply require the Secretary of Agriculture to utilize funds available for the activities of the CCC and would permit the Secretary to substitute surplus CCC commodities for all or a part of the funds. The provisions of the amendment permit maximum flexibility for the Secretary of Agriculture.

The mere threat of action by the United States, as provided for by Senate approval of this amendment, would be a powerful lever our trade negotiators could use at the bargaining table as they seek fair treatment. I believe the amendment sends a loud and clear message of our determination to use every available resource in an effort to stop unfair subsidies.

I know many of my colleagues share my concerns regarding this critical problem. However, we, the Congress must convince the administration to take firm and meaningful legal action to back up our protests and to help restore vitality to the agricultural sector of our economy.

The amendment asks for $5 million from available funds of the CCC or an equivalent amount of CCC-owned commodities to be used in the export area. This level of funding will allow only a small volume of expected sales; but, properly targeted, it can be very significant in sending a strong message to those we trade with who continue to use unfair subsidies.

It will give the Secretary of Agriculture wide flexibility to choose what U.S. agricultural products will be used in what amounts and in what markets.

The amendment would provide U.S. negotiators with an effective tool in discussions with our foreign trading partners who continue to use unfair practices.

Various people from my State have come to me—among them, the egg and poultry producers—with various proposals. The provision of this amendment encompass a lot of things about which they have come to me, as well as people from other States.

For example, it would allow giving the amount of surplus butter equal to a foreign subsidy to foreign purchasers of, say, poultry or eggs.

I urge the support of all Senators for this amendment.

Mr. COCHRAN. Mr. President, I compliment the Senator from Georgia for offering this amendment. He brings to the attention of the Senate a very important issue. This area needs the full support and activity of the Department of Agriculture if we are going to compete successfully in the international marketplace to help move some of the surplus commodities in an effective way, to help get market prices up, and to create a better opportunity for our farmers to operate at a profit.

This amendment would require that at least $5 million of CCC funds, or the equivalent in CCC-owned commodities, be spent for various export promotion activities in fiscal year 1984. The export promotion activities may include the following.

First. Direct or blended credit, in excess of that otherwise funded by the 1984 Appropriations Act;

Second. Bonus incentives for foreign purchasers;

Third. Commodity distributions or monetary assistance for U.S. producers.

To the extent practicable, activity is to be directed to markets where the United States is at a competitive disadvantage, due to competitors' subsidies.

The Omnibus Budget Reconciliation Act of 1982 directed USDA to spend $175 million on export promotion programs in each of fiscal years 1983-85. In fiscal year 1984, it is anticipated they will spend $100 million on direct export credits, and $75 to $90 million in areas as yet unspecified. If this plan remains unchanged, it will more than accommodate the Mattingly amendment by spending more than $5 million on direct export credit programs.

Therefore, the amendment would have no adverse impact on budget numbers. We think it is a good idea, and we recommend that the amendment be accepted.

Mr. EAGLETON. We have no objection, Mr. President.

Mr. HELMS. Mr. President, I support the amendment of the Senator from Georgia, and I urge the Senate to adopt it. It is another much-needed effort to stand up for American farmers and to counter the unfair trade practices of other countries. Moreover, it is not a new expenditure. It simply earmarks funds that are already being appropriated and is a cost-effective action to counter foreign export subsidies.

The EEC is undoubtedly the greatest violator of free and unsubsidized trade in agricultural products. For years, the United States has conducted ongoing bilateral and multilateral negotiations in an attempt to persuade the EEC to stop its predatory trading practices. But to no avail. Just last week, we ended 6 months of intensive bilateral negotiations with the EEC on agricultural trade problems with absolutely no satisfactory settlement. This recent failure follows last November's GATT Ministerial in Geneva where the EEC was successful in blocking a concerted effort on the part of a number of nations to resolve the issue of agricultural export subsidies.

It is becoming increasingly evident that the United States must take stronger steps to persuade other nations to stop employing predatory trading practices and to protect U.S. markets and U.S. farmers in the face of heavy and unfair competition in the international market. That is certainly what the Committee on Agriculture, Nutrition, and Forestry intended when we reported S. 822—the Agricultural Export Equity and Market Expansion Act of 1983. I believe this is also the intent of the amendment offered by the Senator from Georgia and therefore I strongly support it. I agree with the Senator from Georgia that this amendment will help send a strong signal to those nations using unfair subsidies that the United States will no longer sit idly by and watch our markets erode.

The United States cannot afford to be passive on this issue. For every year that goes by while the other nations capture markets through predatory export subsidies, this country suffers from lost exports. Lost export markets cause not only declines in farm income, growing agricultural surpluses, and higher taxpayer costs, but also fewer jobs and less economic growth throughout the entire economy. Lost sales also have a negative impact on the U.S. balance of payments and contribute to our escalating trade deficit.

At recent hearings before the Joint Economic Committee on agriculture trade issues, Under Secretary for International Affairs and Commodity Programs, Dan Amstutz testified that "subsidies of the EEC alone have cost the United States $5 to $6 billion a year in exports since 1980. If conditions do not change, the loss could be up to $8 billion by 1987."

I believe we must make every effort to insure that conditions do change. And I believe this amendment will be part of that effort by helping the United States regain and retain its competitive edge in world agricultural markets. Therefore, I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1442) was agreed to.

AMENDMENT NO. 1443

(Purpose: To pay additional claims for the elderly feeding program)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 1443.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, following line 22, add the following:

"For an additional amount for the elderly feeding program, $875,000, to pay outstanding claims for meals served in fiscal year 1979."

Mr. LEVIN. Mr. President, the amendment I am offering today will provide an additional $875,000 for the elderly feeding program, to pay outstanding debts that are owed to eight States by the Department of Agriculture for meals served to the elderly during fiscal year 1979. An increase in the appropriation for this program is necessary to pay back Michigan and seven other States that did not receive a complete reimbursement from the U.S. Department of Agriculture of case in lieu of assistance for meals that were served to the elderly during 1979. This is an acknowledged debt. The Department of Agriculture clearly wants to pay these small debts, and they willingly acknowledge that these debts are in fact owing.

The problem was first brought to my attention recently when I received a copy of a letter from the director of the Office of Services to the Aging in Michigan, Olivia P. Maynard, to the State treasurer, Mr. Robert A. Bowman. The letter requested Mr. Bowman's assistance in recapturing the $656,147 owed to the State of Michigan by the USDA from 1979. On May 17, 1983, I wrote to Secretary Block calling the situation to his attention and asking him to take appropriate action to remedy the problem. On June 10, 1983, I received a response to my letter to the Secretary from George A. Braley, Deputy Administrator of Special Nutrition Programs, which informed me that "the appropriated funds for fiscal year 1979 were expended." The letter went on to say: "We are cognizant of the hardship Michigan and other States may have experienced as a result of this and hope that it can be remedied in the near future."

Mr. President, I received assurances from the USDA since first notifying the Department of its claim during 1980. While the USDA has repeatedly recognized its obligation to Michigan and the other States affected by the shortfall, it has not sought to obtain from the Congress the funding necessary to make good on its assurances that the money owed would be forthcoming.

In December 1981, the Acting Director of the Food Distribution Division of the USDA wrote to the former director of the Office of Services to the Aging in Michigan and indicated that the USDA would request the funds necessary to pay back the State. His letter states: "Please be advised that we remain cognizant of the situation and are making every effort to obtain the necessary funds to pay Michigan and a few other States. It is hoped that the funds will become available soon."

But it is now June 1983, and the State of Michigan, along with seven other States, has yet to be reimbursed by the USDA because of lack of an appropriation. The seven other States—Pennsylvania, Georgia, South Carolina, Wisconsin, Iowa, Utah, and Arizona—have smaller claims than does the State of Michigan. Nevertheless, each of these States has a valid claim against the Department which should have been remedied long ago.

Mr. President, I appreciate the willingness of Senator EAGLETON, ranking minority member of the Subcommittee on Agriculture Appropriations and the chairman of the subcommittee, Senator COCHRAN, to accept this

amendment. It will insure that our Government pays its debts, owing since 1979 to eight of our States.

I believe the amendment is agreeable to the managers of the bill.

Mr. COCHRAN. Mr. President, I compliment the Senator from Michigan for offering this amendment. It relates to the failure of the Department of Agriculture to pay valid claims amounting to $864,000 to certain States. What has happened is this: In 1979; the elderly feeding program was a separate appropriation account. Now, it comes under the food donations program. Since it is an entitlement program, the amount of money Congress appropriates for this purpose cannot be exceeded. This is what happened in this case. They simply ran out of money before all the claims were received. There was no cutoff time, under the law, for submitting claims. But there is language in this bill stating that in 1984, final reimbursement claims for service of meals, submitted within 90 days following the month for which the reimbursement is claimed, shall be reimbursed from funds appropriated.

Mr. President, these are valid claims; they remain unpaid, and I recommend that the amendment be accepted.

Mr. EAGLETON. Mr. President, I wish to join as a cosponsor of the amendment that is offered by my colleague from Michigan, and I ask unanimous consent that it be so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, this amendment provides additional funding to the Department of Agriculture to pay valid, fiscal year 1979 claims submitted by elderly feeding program projects. Under this program, projects are reimbursed in either cash or commodities for meals served to eligible recipients. Current law provides no time limit within which claims must be submitted. The claims for fiscal year 1979 in question were submitted to USDA over 3 years ago, but have never been paid because USDA had no funds available with which to pay them. USDA had neglected to inform us until just last week that these valid claims were on the books and had not been paid.

I would be remiss not to reemphasize the point already made by the Senator from Mississippi that we have added new language to the bill this year which requires that, for fiscal year 1984, only final reimbursement claims for service of meals submitted within 90 days following the month for which reimbursement is claimed shall be eligible for reimbursement. This language should help insure that this late payment problem does not reoccur in the future.

Mr. President, the issue is clear. We owe these elderly feeding projects money for meals they served, and we have done so for almost 4 years. It is about time we paid the bill. I urge the adoption of the amendment.

Mr. RIEGLE. Mr. President, I am pleased to join my distinguished colleague from Michigan, Senator LEVIN, in supporting an amendment that provides additional funds for the elderly feeding program, $875,000, to pay outstanding claims for meals served in fiscal year 1979.

The elderly feeding program and its related nutrition services evolved from nutrition demonstration projects first funded under the Older Americans Act Amendments of 1968. These projects were designed to develop techniques for improving diets, fostering social interaction, and facilitating the delivery of social services for elderly persons. The meals are intended to improve the health of the program participants, and to attract isolated older persons to a place where services and opportunities are available.

Congregate nutrition services are available at least once each day, 5 days per week along with outreach, transportation, counseling, recreation, nutrition education, information and referral, and other support services. In many cases, congregate "meal sites" have evolved into senior centers which act as community focal points for the needs of older persons. In addition, for many elderly people congregate meals, or "meals on wheels," may be the difference between continuing to live independently and being institutionalized.

Home delivered nutrition programs are available for those individuals in need. Home delivered meals are served at least once per day to individuals who are homebound by reason of illness, incapacitating disability, or who lack adequate transportation to a congregate site.

All of these services are utilized by a large and still growing number of elderly Americans, with many more still on a waiting list. In Detroit, for example, the home-delivered meal service covers 1,500 people. The waiting list is 1,500. The estimated need is 16,800. In 1981, the Detroit Health Department delivered two meals a day at a cost of $1.43 to the homebound, utilizing over 800 volunteers to do the delivery. With increased funds, larger numbers of needy people will be able to be helped rather than having to live with hunger.

Funding for these valuable services is allotted to State agencies on aging which in turn award funds to area agencies on aging for administration within specified planning and service areas. Area agencies provide funds to agencies and organizations for the delivery of a wide range of supportive services—with special emphasis on access, in-home and legal services—and congregate and home-delivered nutrition services.

Despite the importance of this program, Federal reimbursement of 1979 State claims has still not occurred. For example, eight States—Pennsylvania, Georgia, South Carolina, Michigan, Wisconsin, Iowa, Utah and Arizona—still have claims that have not yet been paid. The toal cost of these claims is $863,846. The Department of Agriculture acknowledges the validity of these claims and supports efforts to resolve this problem. The amendment that is currently being proposed by Senator LEVIN would remedy this situation by providing enough funds to make up for this particular deficit.

I join with Senator LEVIN in his commitment to these elderly feeding programs and urge all of my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, let me just in passing thank the floor managers of this bill for their cooperation, both of them, and their staffs, who worked very closely with us on this. It is a very small item, and it took more staff time probably than the amount would indicate it should, but the amount is a real one and the principle is an important one that this Government should pay its debts. Both floor managers of this measure have responded to that principle I think beautifully, and I am very grateful to them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1443) was agreed to.

Mr. COCHRAN. Mr. President, we are at a point now where we have just a few amendments that are scheduled to be considered.

I hope Senators who do have amendments that are in order will come to the Chamber and call up these amendments so we can move along in the consideration of the bill.

I am hoping that there will be no more than maybe two or three record votes on the remainder of these amendments that are to be considered.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 1444

Mr. HELMS. Mr. President, I have an amendment which I sent to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 1444.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, strike "for the period October 1, 1983 through August 15, 1984" on lines 20 and 21;

On page 47, strike ", for the period October 1, 1983 through July 10, 1984" on lines 14 and 15; and

On page 48, strike ", for the period October 1, 1983 through September 6, 1984" on lines 6 and 7.

Mr. HELMS. Mr. President, I offer this amendment in order to have truth in packaging in this appropriations bill. Just as I commended the chairman and members of the committee last year for their honest approach to the budget numbers, this year I feel obliged to raise an objection to the large increases for food stamps and other nutrition programs which are virtually concealed in this bill.

I make that observation as chairman of the authorizing committee, the Committee on Agriculture, Nutrition, and Forestry.

It is appropriate that this bill is for the fiscal year 1984 because the report, like the book, has some confusing language in it. I know it is not intentional, but nonetheless a casual reading of the report would not precisely disclose what it involved.

The contention is made that "The amount provided is the same as the budget requests" as if—and I repeat for emphasis—as if the appropriation is the same as the request by the administration.

Mr. President, this is not the case at all. Rather the same funding has been recommended but for a shorter period of the fiscal year; in other words, only partial-year funding.

The net result is that the full-year funding for all of these programs could be, and undoubtedly will be, substantially above the request made by the administration.

I wish to be careful in my choice of words. I think we should stop playing games with the numbers in terms of Federal spending. Whatever we intend to spend, we should be forthright and precise as to what we contemplate spending and what we are voting to approve in terms of spending.

We are not doing that when we approve partial-year funding, particularly when the amount for the partial year is the same as the funding for the entire previous year.

It is a little bit ironic that this legislation comes before us at the very time we are considering the fiscal year 1984 budget. If we pass this bill as it stands, the Senate will be acknowledging that we have given up on spending restraint, and if it passes in its current form, I believe that the President will veto this bill, and I frankly could and would not blame him for doing so.

It should be clear that this bill is a prime candidate to be one of the first, if not the first, appropriations bills to be vetoed because of the excessive spending contained in it.

I do not mean to be blunt, but I think we should have truth in spending, and I do not suggest when I say that there is any deliberate attempt to conceal what we are spending. There just is not sufficient clarity in the way we are presenting the figures for it to be fully understood by all Senators let alone the public and let alone the taxpayers who, after all, are footing the bill.

As to this amendment, all it would do, Mr. President, is this: It would strike the partial-year dates which are included in the bill. These are included for the child nutrition programs, for the special supplemental food program for women, infants, and children, and the food stamp program.

The effect would, therefore, be to provide 12 months funding rather than the 10 and 11 months appropriation periods which are included.

And I point out that if these appropriations are prorated out to full-year funding, the increase in spending would be well over $1 billion.

Now, I am among those Senators who feel we have seen enough of these supplemental appropriations bills. I think it is bad enough when we have to increase spending because of unforeseen circumstances but when we build into the spending process a plan to spend more money in a future supplemental then I do not think we are being fair to ourselves and I do not think we are being fair to the taxpayer.

If more money is needed down the line, we can take a look at that through the authorizing committee. We can study it and we can report out whatever is necessary. But to engage in this partial-year funding mechanism, which disguises how much money we really intend to spend, is not fair to anyone involved.

Having said that, Mr. President, I have been advised by the White House that the President supports this amendment as consistent with his budget, and I say again that if we do not adopt this amendment, we are running not a slight risk, but a great risk, that this entire bill will be vetoed. I guess it boils down to whether we want to hold to what has been reported or whether we want a bill.

The President may decide to veto this bill for other reasons even if this amendment is adopted. But the point is we will lessen the chance somewhat of a veto if this amendment is adopted, and I urge its adoption.

Mr. COCHRAN. Mr. President, first let me state that I share with the Senator from North Carolina the hope that the President will sign this appropriations bill. There is a considerable amount of funding in the bill for programs that the Senator from North Carolina fully supports, and that the Senator from Mississippi fully supports. We are trying to make sure that we have adequate resources available for soil conservation practices and many other programs that are vitally important to the well-being of those who are trying to make a living on the farms and on the ranches of this great Nation. We know they are hard pressed in their effort to do that.

As we pointed out earlier today, we are trying our very best to be forthright and candid with the Senate in the area of funding levels for the child nutrition, food stamp, and WIC programs.

As I pointed out at that time, the President's request is accompanied by a request for legislation that would involve substantial changes reducing the costs of the feeding programs, specifically the child nutrition programs and the food stamp programs.

At this time, however, Congress has not enacted those legislative changes, so that under current law and under eligibility standards prescribed by current law, the amount of funding that is being requested, by the President is going to be inadequate over the course of the next fiscal year to pay for the programs.

The reason for that is that eligibility for benefits under these two programs is defined by law. The Government makes a commitment that if a person has a certain income level, and if other qualifications are met, he is entitled to benefits under the child nutrition programs or the food stamp program. This committee, in my judgment, ought to provide whatever level of funding is required so that the Government can meet its obligations under the law that creates that eligibility for benefits.

If we were to decide we are spending too much money for food stamps or in the child nutrition programs, we should not refuse the appropriate and adequate level of funds to cover the Government's obligations. Rather, the Congress ought to reduce the cost of the program by eliminating from eligibility persons who are now by the terms of the law eligible for the benefits.

I think we do not really have an argument about the fact that the Government has an obligation once it defines that obligation by law to provide the funds to meet the obligation. That is really what this amendment brings to the Senate's attention.

The Senator is absolutely correct that unless there are changes made by law in eligibility, the amount of money appropriated in this bill will not be

adequate to fully fund the program for the entire fiscal year 1984. We point out in the bill the dates on which it is anticipated that the Government will run out of money in these programs. We specify those dates not for the purpose of trying to hide anything, but for the purpose of trying to show clearly to the Senate and to anyone interested the fact that the requested funding is going to be inadequate unless changes are made in the eligibility of recipients under this program.

As a matter of fact, it is expected that the costs of these programs will be some $1.3 billion more than the funding level provided in this bill unless changes are made legislatively.

I am fully confident that if the changes are not made, the administration will come in with a request for a supplemental appropriation, as they have done this year.

I might say that in the recently passed supplemental appropriations bill there was provided over $1 billion for the food stamp program because, while some changes were made in eligibility, and some costs were restrained, we still incurred obligations under the law that exceeded the anticipated levels at the beginning of the last fiscal year.

Last year, there was a difference in the way this committee responded to this situation. Senators may remember that because of the prolonged process in getting passage of a budget resolution and the delay that that caused to appropriations bills coming to the floor, we were almost through the legislative year before we had an opportunity to bring the appropriations bill for the Department of Agriculture and related agencies to the floor. There was no real time available for any legislative changes that would have brought the cost of the program in line with the administration's budget request.

This year there is time available, so rather than appropriate now the total amount expected to be needed to fully fund the program under existing law, we simply appropriate the amount requested, but point out that unless existing law is changed, those funds will be exhausted on certain specified dates during the next fiscal year.

This gives the legislative committee ample opportunity to work its will if changes are needed to comply with the President's request. The President has not just requested a certain level of funding, but the administration has also requested that legislative changes be made so that the requested appropriation will provide adequate funding for the benefits as defined by law.

That is the reason why the dates are included in the bill, and I am hoping the Senate will understand the issue here. It certainly is not that the committee is trying to hide anything or disguise the real cost of these programs. We all know that these, particularly the food stamp program, have become very expensive items and that is the big ticket item that is identified in these amendments.

I am hoping the amendment will be rejected, although I certainly sympathize with the motives of the Senator from North Carolina in bringing this to the attention of the Senate. I assure him and others that there certainly is no effort being made to disguise the truth about this. More funds are going to be needed unless legislative changes are made.

Mr. HELMS. Mr. President, I certainly appreciate the comments of my friend from Mississippi. I point out that he and I work very closely together on the Committee on Agriculture, Nutrition, and Forestry, and there is no member of that committee for whom I have greater respect.

To whatever extent we have a disagreement on this, certainly there is not any suggestion whatsoever of concealment on his part. It is the circumstances which do whatever concealing is in existence in the measure.

The question is this: Which comes first? Do we set an appropriations level and then determine how much has to be done to the authorizing legislation, as we have done in the past? Do we operate in an orderly manner and let the authorizing committee, which is the Committee on Agriculture, Nutrition, and Forestry, determine legislative changes under its purview, which is uniquely the responsibility of the committee?

That is the point the Senator from North Carolina is making. Are we going to take responsible action or are we going to just assume that no legislative changes will be made? That is what this bill proposes to do and certainly that is the effect.

Now, some Senators may say that this bill is policy neutral. But it is not neutral. The attempt, for whatever may be its motivation, is to set in motion a guarantee that a supplemental request will be needed next year. The same result may be a consequence of the proposal of the Senator from North Carolina, but at least this amendment would have been a straightforward effort to set the process straight. That is the reason, as chairman of the relevant authorizing committee, I do not believe we ought to continue to be involved in partial year funding. We need to appropriate the proper amount at the outset for the entire fiscal year.

Let me say, again, Mr. President, to the distinguished occupant of the chair, to Senators present here on the floor, and to Senators who may be listening in their offices on the loudspeakers, that we run a very real risk of a veto of this bill. Now, I will not say to Senators that adoption of the pending amendment will eliminate that risk, but certainly this amendment will diminish the risk of veto. And it may boil down to whether we want to reject this amendment or do we want a bill that will be enacted into law and signed into law by the President.

So I urge approval of the amendment. I respectfully differ with my friend from Mississippi. This is one of the rare times that we do differ, because he is a distinguished Member of the Senate, he is my friend and I treasure my association with him on the Committee on Agriculture, Nutrition, and Forestry.

I hope the amendment will be approved.

The PRESIDING OFFICER. Is there further debate?

Mr. EAGLETON. Mr. President, I would like to make three points with respect to the amendment as offered by the Senator from North Carolina.

Point one, the bill reported by the committee funds the nutrition programs under a current services concept. What the committee has proposed is a hold-harmless approach, allowing the authorizing committees to take action on the legislative proposals of the administration if they desire to do so.

However, what we are not proposing is that the benefits under these programs be reduced while the authorizing committees decide if they want to reduce them or not. There is a sequence of events in the Congress. The sequence, in brief, is that authorizing comes first. They decide what the parameters of the program are and then funds are appropriated pursuant to that authorization.

Point two, to stretch out the food stamp dollars for the full fiscal year may very well result in across-the-board benefit reductions for all of the program participants. This would do nothing to reduce fraud or abuse in the program, but instead would mean that every poor person, whether they be an elderly person or a child or a working parent, would have their food allotment reduced. Food banks and soup kitchens throughout the country have seen dramatic increases in participation in their programs by food stamp recipients who cannot make their food dollars stretch out for the whole month. The pending amendment would only make that situation worse, in my opinion.

Finally, point three, with respect to WIC—and I think the Senator's amendment is particularly egregious, to say the least, with respect to WIC—the President's budget proposed a level of funding which would only support a participation level of 2.14 million people. The administration's current estimates are that WIC participation will reach between 2.8 and 3 mil-

lion people by the end of fiscal year 1983. The pending amendment could, therefore, result in 900,000 participants—and participants in WIC are pregnant women, infants, and children that have been shown to have a nutritional deficiency—900,000 such participants would be dropped from the program.

So, from my point of view, for those three reasons, Mr. President, I recommend voting against the Helms amendment.

(Mr. ABDNOR assumed the chair.)

Mr. DOLE. I will just take 1 minute. Mr. President, I wish to join the Senator from Mississippi and the Senator from Missouri in opposition to the amendment. I think, first of all, if there are still areas of waste or fraud that we ought to address in the food stamp program, then that is the responsibility we have in the authorizing committee and one that we are going to fulfill. There is always room for improvement in a program like food stamps, but, during the last 2 years we have gone about as far as we can in benefit reductions to recipients.

As chairman of the Nutrition Subcommittee, I think I have made it clear over the past few months that we are not just going to turn our backs, because we cannot do any more in food stamps. I think we have an obligation in all the programs over which we have jurisdiction to continuously monitor these programs to determine whether or not we can reduce the Federal cost and reduce the cost to the taxpayers in ways that will more effectively target benefits and increase program efficiency.

Overall, we have done a substantial amount of cost reduction in the food stamp program—over $2 billion per year—and in the child nutrition programs. Maybe we ought to be spending a little more on the WIC program, because it is very cost effective.

It would be my hope that we could defeat this amendment for the reasons outlined by the distinguished subcommittee chairman and ranking minority member. I think they have presented an evenhanded approach to funding the domestic nutrition programs.

If we are going to force the Congress, directly or indirectly, to either reduce benefits across the board or somehow make massive budget cuts in the program, I think that is a choice that we should properly make through the authorizing legislation, and the regular committee process.

Mr. President, for the first time since 1977, we do not have to make any major changes in the food stamp program. Last year, the program was reauthorized for 3 years, and this year we do not have to raise the spending ceiling in order to accommodate supplemental appropriations. Also, we do not have to fulfill any reconciliation instructions. After the layer upon layer of massive changes during the last 6 years, this program deserves a period of stability.

In my view, we have made a lot of progress in addressing problem areas in the nutrition programs, and a lot of it is due to the efforts of the distinguished chairman of the committee, Senator HELMS. but we have to monitor these programs continuously. We have a few social programs under the jurisdiction of the Finance Committee—medicaid, welfare, and other programs. I would indicate that in some of those areas we have gone about as far as we can go in budget cuts. There are a lot of other areas on the spending side over which we have jurisdiction that have hardly been touched at all. We are looking at some of those programs in the Senate Finance Committee to see if we can make appropriate savings.

Mr. President, the fiscal year 1984 agriculture appropriations bill which we are now considering contains partial-year funding for the Federal nutrition programs: it funds the special supplemental food program for women, infants, and children (WIC) through July 10; it funds the school lunch and other child nutrition programs through August 15; and it funds the food stamp program through September 6.

The Appropriations Committee funded these programs for only part of the year, because the funding levels contained in the President's request were too low to carry the programs through the full year unless major benefit reductions are enacted.

Therefore, I oppose the amendment introduced by the chairman of the Agriculture Committee. This amendment would maintain the same funding level as in the committee bill, but it would require this funding to be spread over the entire 12 months.

EVENHANDED APPROACH OF APPROPRIATIONS COMMITTEE

Mr. President, the Agriculture appropriations bill reported by the committee under the distinguished leadership of the Senator from Mississippi, Mr. COCHRAN, represents an evenhanded approach to funding for domestic food assistance.

With regard to the food stamp program, this bill provides the amount of funds requested by the administration, but specifies that these funds are available only through September 6, 1984. If the Congress subsequently enacts the administration's proposed budget cuts totaling $766 million in food stamps, then no additional food stamp funds will be needed. If Congress does not enact these budget reductions, supplemental appropriations would be provided next year to carry the program through the remainder of September.

Spreading the funding level for child nutrition programs over the full year is an attempt to gain leverage for the administration's proposed budget cuts of $300 million, which would be in addition to the $1.5 billion a year in cuts enacted in 1981. These cuts reduced child nutrition funding by 30 percent and school lunch enrollment by about 3 million children.

The appropriations bill provides $1.060 billion for WIC through July 10, in order to maintain WIC participation at 2.8 million persons. This is the number of low-income women, infants, and children that CBO estimates will be participating in WIC at the end of fiscal year 1983. Under the Helms amendment, the $1.060 billion would be spread over the entire 12 months of fiscal year 1984, which USDA estimates would serve 2.15 million persons next year.

CONCLUSION

Mr. President, this amendment should be defeated, because it implies benefit reductions for the nutrition programs if the partial-year funding is stretched over the entire 12-month 1984 fiscal year.

Mr. President, I oppose the amendment.

Mr. COCHRAN. Mr. President, I remember when I served in the House of Representatives there was a great debate about the fact that the food stamp program had gone completely out of control. The distinguished occupant of the chair probably remembers that debate when it was first brought up. There was a great deal of argument over how we would control the cost of this runaway program, the cost that was going to escalate to as much as $5 billion a year.

There were great differences of opinion about how you go about controlling the cost, because it was a period of high unemployment and economic recession. The cost of the program went up automatically, in effect, because if a person was entitled to benefits under the terms of the law, the Government appropriated the dollars to meet its obligation.

There are a lot of programs like that.

It is not a pure entitlement program, because it does come up each year for direct appropriations under the law by which it was created. But it was never intended, and this came out in debate several years ago and I am sure other Senators are familiar with this, that the Congress would act to control the program by capping the level of spending available during each fiscal year. That was tried. That is what is being attempted here, in a way.

I am not suggesting that the amendment is not straightforward, because it certainly is. But what it would do, in effect, is hold the level of funding at a point below which we anticipate the programs to actually cost.

The point is that in the House we tried to legislate control of this program by imposing a cap—by saying, "During this fiscal year, we will spend no more than $5 billion on the food stamp program."

As I remember, about 8, 9, or 10 months of the year went by, and we were about to run into that cap. The question became, did the Congress sit back and watch all of the beneficiaries of these programs lose total benefits or suffer across-the-board cuts for the balance of the year by the Congress abiding by the legislated cap?

What happened was, the Congress voted to raise the cap. We went through this every year—imposing a cap and then voting to raise it.

I am afraid that is what we will be putting ourselves through, Mr. President, if we adopt this amendment. We would, in effect, be approaching a limit on funding that we know is not going to be adequate to provide benefits to those who are eligible for benefits under the law.

For that reason, I am hoping the Senate will see that we are making an effort to fully acquaint Senators with the facts about the inadequacy of the requested funding unless legislative changes are made to cut the cost of the program. If we are going to cut the cost of the program, these cuts ought to be made by the authorizing committee, not by the Appropriations Committee.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

First let me point out for the record that what we are talking about is a food stamp program which would cost for this fiscal year $11.6 billion. The emphasis of this amendment, Mr. President, is not on the merits of individual programs. What we are really talking about is the integrity of the appropriations process.

This happens to be the first and only bill reported by the Appropriations Committee which includes partial-year funding, the only one. All the other programs in all the other Departments have been given full-year funding. I have to wonder what is so unique about these programs that causes us to make an exception in the process for them alone.

I am willing to enter into any sort of agreement with my friends who are members of the Agriculture Committee and Senators who are not. But I agree with the administration, and the administration agrees and supports this amendment, that partial-year funding involves arithmetic that will mislead not only Members of Congress but the public in terms of the cost. This is the reason that the cost of government has escalated.

I have worked with Senator DOLE in so many areas to reduce spending. It pains me to differ with Senator DOLE and Senator COCHRAN, two of my best friends in the Senate. But I just do not understand why we should single out one group of programs for partial-year funding when partial-year funding has not been included for any other department or any other program in Government.

The reason why the Appropriations Committee did not recommend higher levels of funding is, perhaps, that the total cost would have given great concern to a lot of people who are watching the cost of the Federal Government.

I am in sympathy with a lot of programs, but I think we ought to be up front and forthright and say what they are going to cost. Then, if not enough has been appropriated, the authorizing committee can monitor it, study it, and make whatever recommendations to the Senate that would be appropriate.

I say to the Senator as chairman of the Agriculture Committee I will be glad to call hearings and schedule a markup for anything that is necessary, but I am just arguing for the process. I confess a measure of concern when we single out one group of programs for partial-year funding. If we start this sort of business with one program, it is going to spill over into others.

The budget process of the Senate is already in trouble. We all know that. It may be that it has broken down. But I certainly do not want the appropriations process to follow in that sort of difficulty. I frankly have that concern, Mr. President, if this amendment is not approved.

I say again the administration strongly supports this amendment, and I would hope we would approve it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there any further debate?

Mr. MELCHER. Mr. President, I wonder if it would be objectionable before we go to the vote on the Helms amendment to lay it aside temporarily to get an amendment that I have that is going to be accepted?

Mr. HELMS. Mr. President, I certainly have no objection to accommodating the Senator if that is his wish.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1445

(Purpose: To provide an appropriation of $5,000,000 for additional Animal Cancer Research within the amount appropriated in the bill)

Mr. MELCHER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 1445.

On page 8, line 10, strike out the period and insert the following: ": *Provided further*, That of the appropriations hereunder not less than $5,000,000 shall be available for additional animal cancer research to carry into effect the provisions of Public Law 96-469."

Mr. MELCHER. Mr. President, this proposal is not an add-on. It is earmarked within the $57,682,000 of basic research money that is available to Agricultural Research Service. We would include an additional $5 million for animal cancer research.

There is in the bill, contemplated among that $57 million-plus for research by the Agricultural Research Service, approximately $7,250,000 that would be for animal or bird cancer research. I am suggesting that we earmark another $5 million of those funds in order to make sure that we have a greater effort in animal cancer research. There is considerable need for pursuing it with a little more vigor.

The amount we appropriate annually for our research on humans is about a billion dollars to the National Institutes of Health. So the amount I am proposing seems very low. Nevertheless, it is a very important part of the cancer research we do.

We do have economic loss in domestic animals that are produced for consumption here in this country or for export, so that is one facet of it. To minimize that economic loss, we need to continue our cancer research on animals through the Department of Agriculture annually. The two dovetail together—that is, the research we do on animals and the research we do for human beings.

As an example of that, there has been an outstanding breakthrough in animal cancer research that occurred just this past spring, when the Ribi Immune Chem Research Laboratory in Hamilton, Mont., got licensed by the Department of Agriculture for immunotherapy treatment for cancer eye in cattle and sarcoid tumors in horses. This type of vaccine proved to be successful in the tests that were run on both cattle and horses, ranging from 75 percent up to 93 percent cure.

This laboratory has told us that they filed with the Food and Drug Administration a notice of claimed investigational exemption for a new drug. If that is accepted by the Food and Drug Administration, the Ribi Immune Chem Co. will conduct clinical trials to determine the treatment's value for use in combating human cancer.

In addition to that, Mr. President, at this spring's meeting of the American Association for Cancer Research, a couple of very interesting papers were given on the subject of the "Effect of

Antibodies to Bacteria Containing Choriogonadotropin Like Protein on Growth of a Transplantable Tumor" and another one along the same line, the "Effects of Antibodies to Choriogonadotropin (CG) in Malignant Growth. III. Lewis Lung Carcinoma."

I mention all this, Mr. President, because the public law we are adding earmarked funds for specifically allows for grants to be given to colleges and accepted research laboratories throughout the country to further the research for animal cancer control.

I strongly urge the acceptance of the amendment. I think it is very reasonable and wise.

Mr. COCHRAN. Mr. President, I thank the Senator from Montana for offering this amendment and bringing to the attention of the Senate the fact that it is very important for the Government to continue its work in animal cancer research. We are advised by the Agricultural Research Service that it is conducting about $6.5 million of research in this area in fiscal year 1983. The amendment would clearly indicate the intention of Congress that a specified amount of money would be made available for this work. It does not add any new money to the bill. We recommend that the amendment be accepted.

Mr. EAGLETON. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1445) was agreed to.

Mr. MELCHER. Mr. President, I wonder if it would still be agreeable and in order for a brief colloquy to transpire between myself and the manager of the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent that we set aside the Helms amendment for the purpose of a colloquy with the Senator from Montana.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I understand the legislative appropriations conference report is at the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I hope we can take that up next if the managers would agree to temporarily lay aside the pending measure. I believe the minority leader is on his way to the floor.

I am told that the Senate is ready for the vote now on the Helms amendment. I believe we can do the legislative appropriations conference report, though, without a rollcall. If we could wait just a minute to see if I can clear that, it might expedite it.

Mr. COCHRAN. If the Senator will yield, we can proceed, then, with the colloquy.

Mr. BAKER. Yes, Mr. President.

Mr. MELCHER. Mr. President, the Senate recently approved, in the Senate supplemental appropriations bill, an add-on for soil conservation work, approximately $35 million. The add-on is in several conservation programs for use throughout the United States. Since that supplemental appropriations conference report has not come back for final action by the Senate, I ask the chairman of the Subcommittee on Agricultural Appropriations if it is likely that that amount or nearly that amount will be accepted by the conferees, and if whatever is accepted by the conferees is included in this bill, can they be melded together for a sensible, sound conservation effort in the coming year?

Mr. COCHRAN. Mr. President, if the Senator will yield, we are very hopeful that the amount of funding that is contained in this bill, together with that provided in the supplemental appropriations, will be adequate to help move us forward in the effort to protect the soil and water resources of the Nation. We know we are confronted with an increasingly serious problem when we find in our farmland resources today—we are seeing some 10 times per acre per year eroding away into the streams, silting up the streams, and causing flood damage in many areas.

In my State, I know we have seen the ravages of the flooding and erosion occur in a very dramatic way in this year.

There is, in this bill, about $600 million for the Soil Conservation Service and about $220 million for the Agricultural Stabilization and Conservation Service. These are conservation agencies which are charged with the responsibility of administering technical assistance programs for farmers, landowners, and ranchers, providing funds which, in many cases, are matched with local funds to help create protection for land and water resources.

I cannot assure the Senator, however, that the conference on this bill or on the supplemental appropriations bill will keep the total amount of funds that we have provided for soil conservation activities, but I can assure the Senator, and do that in behalf of the Senate, that I will urge acceptance of the Senate figures that were added in the supplemental.

I do know, too, that the chairman of the House Appropriations Committee is a strong proponent and supporter of soil conservation activities. I am optimistic that a substantial portion of the funds that were included in that bill at the request of the Senator from Montana will be retained. I could be surprised, and I cannot make that assurance, but I certainly do assure the Senator that I will make every effort to see that a substantial amount of those funds or all of them are retained in that bill.

I appreciate the Senator for bringing that to our attention at this time.

Mr. MELCHER. I thank my friend from Mississippi.

Mr. COCHRAN. Mr. President, inasmuch as the majority leader was considering asking that we turn to the legislative appropriations conference report and I do not see him on the floor at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. WILSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as I indicated earlier, the conference report on the legislative appropriations bill is here. I have consulted with the minority leader, with the distinguished chairman of the Rules Committee, and the chairman of the Appropriations Committee, and I am prepared on this side to go forward with consideration of that conference report at this time, if the minority leader is.

Mr. BYRD. Mr. President, I have checked the matter on this side. There is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, then I ask unanimous consent that the business pending before the Senate be temporarily laid aside and the Senate proceed to the consideration of the conference report on H.R. 3135, the legislative branch appropriations conference report.

I further ask unanimous consent that there be a 2-minute time limitation to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. D'AMATO. Mr. President, I submit a report of the committee of conference on H.R. 3135 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending June 30, 1984, and for other purposes, having met, after full and free conference, have

agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, June 29, 1983.)

Mr. D'AMATO. Mr. President, the conference agreement on H.R. 3135, legislative branch appropriations for fiscal year 1984, provides $1,473 million in new budget authority for the legislative branch. This is $2 million under the amount provided on this floor last week in Senate consideration of the bill. I stated at that time that the committee-reported bill was six-tenths of 1 percent over the 1983 level, including funds provided in the Senate-passed version of the supplemental appropriations bill. Now we are five-tenths of 1 percent over the same fiscal year 1983 level.

On the substantive Senate amendments to the legislative branch appropriation bill, the following outcome was reached. The conferees recommend an appropriation of $14,653,000 for the Office of Technology Assessment and a new personnel ceiling of 139. For the Architect of the Capitol, the agreement provides $167,000 for additional security equipment for the Capitol Grounds, $90,000 for new office intrusion alarm installations, no funds for a computerized graphics system, and report language which retains the driver-messenger in the Office of the Architect but which precludes him from transporting the Architect or other employees of the Office between their domiciles and place of employment. The agreement also deletes language requiring the Commission on the West Central Front to appoint a consulting architect to aid in the restoration of the west front. This issue will be before the conferees on the supplemental appropriations bill, which contains the funds for the west front restoration, and I intend to pursue it further in that forum. Finally, Mr. President, the conferees agreed on the appropriation of $36,620,000 and five new positions for the Congressional Research Service and language providing for additional review of the CRS budget. However, that language requiring the additional budget review was deleted on the House floor earlier today on a point of order. The result is that the agreement before the Senate appropriates $36,620,000 for CRS and makes no change in the way the CRS budget is handled.

If no other Senators wish debate, I urge the Senate to adopt the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BYRD. Mr. President, I yield back the time on my side.

Mr. D'AMATO. I yield back my time.

The conference report was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, the conference report on H.R. 3135 provides $1.5 billion in new budget authority for fiscal year 1984. Including prior-year outlays, fiscal year 1984 outlays associated with the reported bill would be $1.5 billion.

These amounts are consistent with the assumptions in the fiscal year 1984 first concurrent resolution on the budget.

I support the conference report and commend the subcommitte for keeping spending within the budget and the President's request.

I ask unanimous consent that a table comparing the bill to the fiscal year 1984 budget resolution, the House bill, and the President's request be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	[1]	0.2
H.R. 3135, conference agreement	1.5	1.3
Total for legislative branch subcommittee	1.5	1.5
Senate subcommittee allocation under first budget resolution	1.5	1.5
H.R. 3135:		
President's request	1.5	1.5
House-passed [2]	1.5	1.5
Senate-passed	1.5	1.5
Conference agreement	1.5	1.5

[1] Less than $50 million.
[2] Assumes Senate level for Senate operations.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the amendments reported in disagreement be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the amendments in disagreement.

The bill clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $881,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $94,900,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,123,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $775,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $15,354,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses for the Office of the Legislative Council of the Senate, $1,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $856,000 for each such committee; in all, $1,712,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $390,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $32,869,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $9,174,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Effective October 1, 1983, the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

SEC. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

SEC. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, for his offie (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

SEC. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

SEC. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 107. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriation Act 1963 (2 U.S.C. 60j) on or after October 1, 1983 shall not apply to any individual whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: $36,620,000

Mr. D'AMATO. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate.

The motion was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the Senator from New York for his handling of this conference report, as well as the managers on the minority side.

I especially give my thanks to the manager of the agriculture appropriation bill for permitting us to lay aside that matter in order to proceed with the conference report.

AGRICULTURE APPROPRIATIONS, 1984

The Senate continued with the consideration of H.R. 3223.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from North Carolina.

Mr. COCHRAN. Mr. President, I know of no further debate that anyone seeks on this amendment, and we are prepared to go forward with the vote. I understand that the yeas and nays have been ordered.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The PRESIDING OFFICER (Mr. COHEN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 24, nays 73, as follows:

[Rollcall Vote No. 177 leg.]

YEAS—24

Armstrong	Helms	Symms
Denton	Humphrey	Thurmond
East	Kasten	Tower
Garn	Laxalt	Trible
Goldwater	Lugar	Wallop
Grassley	McClure	Warner
Hatch	Nickles	Wilson
Hecht	Quayle	Zorinsky

NAYS—73

Abdnor	Eagleton	Metzenbaum
Andrews	Exon	Mitchell
Baker	Ford	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gorton	Nunn
Biden	Hart	Packwood
Bingaman	Hatfield	Pell
Boren	Hawkins	Percy
Bradley	Heflin	Pressler
Bumpers	Heinz	Proxmire
Burdick	Huddleston	Pryor
Byrd	Inouye	Randolph
Chafee	Jackson	Riegle
Chiles	Jepsen	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Specter
DeConcini	Levin	Stafford
Dixon	Long	Stennis
Dodd	Mathias	Tsongas
Dole	Matsunaga	Weicker
Domenici	Mattingly	
Durenberger	Melcher	

NOT VOTING—3

Boschwitz	Hollings	Stevens

So Mr. HELMS' amendment (No. 1444) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senate will come to order. We will not proceed to recognize any Senator until such time as the Senate is in order. Those Senators standing in the front row of the Senate Chamber please take their seats.

The Senator from Montana.

AMENDMENT NO. 1446

(Purpose: To prohibit the obligation and expenditure of funds appropriated under the act to provide certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land)

Mr. BAUCUS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 1446.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 626. (a) Except as provided in subsection (b), none of the funds appropriated by this Act may be obligated or expended to provide, to any person who produces an agricultural commodity on highly erodible land, any of the following:

(1) Price support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act.

(2) A loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

(3) Crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(4) A disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(5) A new loan made, insured, or guaranteed, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, that will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(b) Subsection (a) shall not apply to—

(1) any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity planted by a person before the date of enactment of this Act;

(3) any agricultural commodity planted by a person during any crop year beginning before such date;

(4) any loan described in subsection (a) made before such date; or

(5) any agricultural commodity produced using a conservation system which—

(A) has been approved by a soil conservation district and is based on technical standards set forth in the Soil Conservation Service technical guide for the soil conservation district, or

(B) in an area where no soil conservation district exists, has been approved by the Secretary.

(c) For purposes of this section—

(1) the term "agricultural commodity" means any agricultural commodity normally produced by annual tilling of the soil, including one-trip planters; and

(2) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification systems as in effect on the date of enactment of this Act. The land capability class for a field shall be that determined to be the "predominant" class under regulations issued by the Secretary of Agriculture.

Mr. BAUCUS. Mr. President, this amendment would prevent any funds in this bill from being spent to provide Government incentives for crops grown on newly plowed, fragile grasslands. There is no doubt that denying these Government incentives for "sodbusting" is an action that must be taken as soon as possible.

My distinguished colleague from Colorado (Mr. ARMSTRONG) has been leading the fight to pass a sodbuster bill for the last several years. I am sure this Congress this year is going to somehow in some way directly face this issue and pass a bill that limits sodbusting. As I am sure the distinguished chairman of the Agricultural Subcommittee knows, the sodbuster bill drafted by Senator ARMSTRONG was passed by the Senate overwhelmingly—69 to 29—as an amendment to the 1983 agriculture appropriations bill.

The sodbuster bill enjoys the support of virtually every agriculture and conservation organization across the country. We now have the support of the administration as well. Twenty-seven Senators have cosponsored the bill introduced by the Senator from Colorado. Yet so far Congress has not acted or taken action to discourage this practice of sodbusting.

Mr. President, I ask unanimous consent that a recent Time magazine article entitled "Carving Out a New Dust Bowl" appear in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAUCUS. Mr. President, this June 27 article deals with some of the sodbusting that has gone on in Montana in the past several months. You have to stretch your imagination to understand what transforming a 28,000-acre ranch or a 50,000-acre ranch into cropland looks like. In case you think I misspoke those numbers, I am talking about 50,000 acres of fragile grassland going under the plow—that is nearly 78 square miles of land exposed to wind and water erosion.

The whole purpose of the sodbuster bill is to deny Government incentives to those who break up this fragile grassland. We are not trying to tell a landowner what he can or cannot do with his land. However, we are saying that the Government should not be subsidizing a practice that will lead to massive erosion problems.

The sodbuster bill will not stop erosion, we know that. It will help cut down the roughly 5 billion tons of top soil this country loses to erosion each year.

Let me stress that this action is needed quickly and that is the reason for the amendment. The time has come for us to do something. We passed it last year, it was thrown out in committee, and I think it is time that we pass a bill this year because America is very concerned about the massive dust bowl situations that will occur. It is going to be a dry year, maybe 2 dry years, and we do not know whether that is so or not; we do not know when they are going to come, but they are going to come, and to minimize another dust bowl situation we have to discourage the unnecessary breaking up of grassland. So I urge adoption of the amendment.

EXHIBIT 1

CARVING OUT A NEW DUST BOWL—SODBUSTING IS CHANGING THE FACE OF GREAT PLAINS FARMING

Earlier this month 500-h.p. diesel tractors, brand-named Big Bud 525 and Steiger Panther, pushed 60-ft.-wide chisel plows into the gentle prairie around the hamlet of Winnett, Mont., quickly transforming what once was Wayne Bratten's 28,000-acre ranch into a raw wound of overturned earth. Eastern Colorado Wheat Farmer Emmett Linnebur became a part owner of the Crow Rock Ranch near Miles City, Mont., and used a fleet of ten supertractors to tear into 50,000 of its acres for wheat planting. In recent years, tractors have bulldozed some 6.4 million acres of marginal grasslands in Montana and Colorado and an estimated 27 million acres scattered across the rest of the U.S.

While this frenzy of rangeland transformation has made money for some, for others it has raised the secter of an environmental calamity. Explains Steve Meyer, executive vice president of the Montana association of conservation districts: "When you remove the vegetation on rangelands, you're depleting a resource. If steps aren't taken, we face the possibility of another Dust Bowl."

Critics of sodbusting, as the increasingly common practice of slicing grazing lands into wheat farms is called, say that most of the marginal land of the Great Plains cannot support commercial exploitation. With less than 20 inches of precipitation a year, the region is semiarid. These marginal soils, where they are not too rocky or saline, are often too sandy for farming or are packed with calcium and lime. When overturned by plow blades, valuable topsoil only a few inches thick becomes vulnerable to wind and rain erosion; once gone, it takes decades to replace. The sodbusters are either big operators who buy land and plow on a major scale, or small ranchers who break their own land for a quick cash fix. "I want to make a buck," concedes John Greytak, 53, a former Datsun dealer and present grain operator who since 1974 has broken 250,000 acres of grazing land, mostly in Montana, and stores some 30 percent of his wheat production in giant bins (for which the Government pays him 26.5¢ per bu. each year). Robert W. Thomas has put more than 20,000 acres of northern Colorado rangeland under the plow since 1979 and claims to have made at least $1 million on the recent sale of a 9,480-acre tract of prairie land that he planted in wheat.

Sodbusters buy rangeland at prices that are relatively low because of today's depressed livestock industry, plow and plant the acreage in wheat, then sell the cultivated land, sometimes to buyers unfamiliar with the region and the fragility of the range's topsoil. Since the mid-1970s, planted prairie tracts have shot up in value because of speculation in cropland as an inflation hedge and federal farm programs such as PIK (payment in kind).

PIK allows farmers to sell federal surplus grain if they agree to plant less wheat in a given year. If a farmer with 100 acres of wheat land wishes to apply for PIK, he must first have farmed the land for two years. Once his application is accepted, he can take some or all of the land out of production in the third year and ask the Government for, say, 80 to 95 percent of the grain that the land would have produced. The farmer can then sell that wheat for the highest price he can get. The national average this year: $3.50 per bu. Last week Agriculture Secretary John R. Block offered a plan to extend PIK to the 1984 harvest in order to make further reductions in the price-depressing wheat surplus.

While not directly affecting most speculators right now, the existence of PIK has helped encourage sodbusting. In one area of Montana, for example, undeveloped land that sold for $100 an acre recently fetched more than twice that price when tilled in wheat. Says Ronald Miller, a federal district conservationist: "As long as a person can come in and almost immediately double his money, the problem is going to continue."

Loans, federal subsidies such as deficiency and disaster payments, and price supports for crops help sodbusters as well as other agricultural producers. Entrepreneurs apply for price supports and, as required by federal law, take 15 percent to 20 percent of their cropland out of production. In effect, range plowers break prairie land that may have little agricultural value and collect money for keeping it out of cultivation. Says Bernie Spanogle, district forest ranger at the Pawnee National Grassland in Colorado: "People are farming the federal crop programs, not the land."

Though land-use regulation is the virtual preserve of state and local governments, Colorado Republican Senator William Armstrong has introduced a "sodbuster bill" backed by the Reagan Administration and the Montana Stockgrowers Association, a group traditionally opposed to land-use controls. It would deny federal payments of any kind for crops grown on highly erodible land. A companion bill is pending in the House. Local officials are also beginning to take action. A new law in Weld County, Colo., requires sodbusters to prepare a conservation plan and obtain a permit from the county commissioners. This spring Colorado strengthened an existing law that permits counties to enforce conservation measures and make violators responsible for destruction caused by their plowing.

For many residents of the northern Great Plains, such legislation cannot come soon enough. Edith Phillips, 71, of Weld County, is suing Sodbuster Thomas for $150,000 because of waves of dirt that she claims are blowing off his plowed acreage and onto her homestead. Says she: "There's nothing but dust out there. You can't breathe." Admonishes Bill Brown, a Montana rancher: "The Government shouldn't be subsidizing bad farming practices."

Mr. HELMS. Mr. President, I agree with the Senator from Montana on the substance of his amendment and I commend him for bringing the matter before the Senate. He is right. The Federal Government should not be in the business of subsidizing agricultural production on lands having the potential for soil erosion problems reminiscent of the Dust Bowl days.

Farmers are plowing up fragile lands at an alarming rate. We cannot prevent this from happening, but we have a responsibility to discourage this activity.

A Montana rancher was quoted in a recent article in Time magazine, which I believe the Senator has just put in the RECORD. He discussed the sodbusting and he said: "The Government shouldn't be subsidizing bad farming practices." I could not agree more with the statement.

I say to the Senator that the Committee on Agriculture, Nutrition, and Forestry, of which I have the privilege of serving as chairman, is very concerned about this situation. The committee has already held hearings on S. 663, a bill introduced by the distinguished Senator from Colorado (Mr. ARMSTRONG), which will address this problem. In fact, the committee had scheduled for tomorrow a markup on this legislation, but I doubt that there will be very many Senators around. We will schedule that markup just as soon as we return after the recess. We anticipate that legislation will be reported with no significant problems.

We have worked closely with Senator ARMSTRONG and with the Department of Agriculture, particularly the Soil Conservation Service, on S. 663, and have a good understanding of the immediacy of the problem in some States where farmers are plowing up land that should not be put into intensive crop production. I have done everything I can as committee chairman to expedite this legislation through the legislative process.

I will be delighted and honored to work with the Senator from Montana. I will do my best, as chairman of the authorizing committee, to bring this legislation before the Senate.

Mr. JEPSEN. Will the Senator yield?

Mr. HELMS. Yes, I yield to the Senator.

Mr. JEPSEN. Mr. President, as chairman of the Subcommittee on Soil and Water Conservation, I held hearings the last session of Congress and I held hearings this session of Congress on what we call the sodbusting bill, sponsored by the Senator from Colorado, Senator ARMSTRONG. There is a unanimity of support for this. It has received great accord and great support from all areas of the conservation associations and groups.

In what we call sodbusting, which is a general term that has been given to

this, in the area of fragile soil generally, this is a very broad area and must be very carefully defined so that, indeed, we have a bill when we are finished with it. As the distinguished chairman of the Agriculture Committee has stated, we are going to have a markup. That is how fast we are moving on it. I expect that it will be passed out of the Senate. I hope that the House will act on it. We hope the Senator from Montana will help us when that time comes.

But that bill has been completed. It has had hearings and a great deal of thought has gone into defining just what the fragile soil is and how to go about getting the job done so that we are not tied up in courts for years and years once legislation is passed.

The thrust of the Senator's proposal is admirable. I support it. But I suggest that we do have the vehicle and we do have the hearings. We have had the research, we have the language, and it is coming down the pike, being carefully worked on, and thought through.

I hope that the Senator would wait and join with us to pass that when the time comes.

Mr. COCHRAN. Mr. President, I express my appreciation to the Senator from Montana for bringing this issue up at this time. I do not agree however, that we need the amendment attached to this bill.

I think the fact that we are discussing this illustrates the importance of this issue to the Senate. Having the chairman of the Agriculture Committee and the chairman of the Soil and Water Conservation Subcommittee on the floor to express the intent they have of moving the legislation forward in a timely fashion, I think, is reassuring.

I recall a year ago I chaired the hearings on the Armstrong bill and, at that time, we approached the subject with some degree of reluctance and caution because of the perceived difficulties at the Department of Agriculture for administering this kind of new program. But I am convinced that it can be done and it ought to be done.

But it does need to have the careful attention of a legislative committee. The markup session ought to be the forum in which these various issues and potential problems can be explored in detail with some considered conclusions reached. It is probably not appropriate to attach the amendment to this bill.

I am hoping the Senator will be satisfied with these assurances and the additional assurance that I will join with him in urging the majority leader to find some time on the schedule to bring the bill to the floor once the Agriculture Committee has dealt with it.

Mr. BAUCUS. Mr. President, I appreciate the representations of the chairman of the subcommittee, as well as the chairmen of the appropriation subcommittee and the authorizing committee.

I must remind the Senate that this same measure passed by a vote of 69 to 27 on the agriculture appropriations bill last year. It enjoys vast, strong support in this body. I am, therefore, very much inclined to press the issue again and push it for a vote, because the body has spoken and the issue is very dire and the need is very great.

On the other hand, I very much respect the legislative process. The authorizing committee is meeting. It has scheduled a hearing tomorrow, which probably will not take place because we will probably adjourn this evening. Nevertheless, the authorizing committee is scheduled to meet. Listening to the Senator from North Carolina, the chairman of the committee, as well as the chairman of the appropriations subcommittee, it is obvious to me that the Senate is making every effort to accommodate the wishes of the entire body to get it passed.

I see the majority leader on the floor. I am wondering if I might ask a question of our distinguished majority leader.

Assuming we get the sodbusting bill out of the authorizing committee in due course, that is, in 2 or 3 weeks, may I ask the majority leader what is the likelihood that we could get the sodbusting bill scheduled before the Senate before the August recess?

Mr. BAKER. Mr. President, I thank the Senator. In anticipation of that question, I discussed this matter with my own staff who are charged with scheduling and coordinating requests from the several committees for scheduling of time.

Let me say, first, to the Senator that I understand the importance of scheduling this measure when it is reported and as it is reported and I promise him I will make every effort to do that. Whether I can give him an outright promise to do it during those 3½ weeks between July 11 and August 7 is something I will have to explore more closely, because I fear that time will be used primarily for two things: First, the Department of Defense authorization bill, which probably will take a long time, and the remaining appropriations bills; and approriations bills, of course, must take priority.

But if we do not make it during that period, I can assure the Senator it would be my intention to schedule it as soon as possible and, in this case, it would be as soon as possible after the Labor Day recess. But I do not rule out the possibility that we could do it during the July period. I assure the Senator that if we can work it in, say, to a time between appropriations bills or other matters, I am perfectly agreeable to doing that. I will be glad to cooperate with him and the manager of the bill so that we can get the earliest possible consideration.

Mr. BAUCUS. Mr. President, might I have the majority leader's assurances that it will be brought up, say, by September 15?

Mr. BAKER. Mr. President, if the Senator will please spare me from that, I am standing here without my scheduling calendar and without my staff. There are 13 committees that have reporting jurisdiction, regular standing committees. If I make that commitment, I am afraid that I may make 1 friend and 12 enemies.

So let me stand on the commitment that I made. I will do my best to do it as soon as possible. I think the prospects are very good that we can do it as the Senator requests before the 15th of September. But spare me the absolute commitment, because I thank the Senator knows when I make a commitment I bend over backward to keep it, literally, I would rather not make it unless I am sure I can keep it.

Mr. BAUCUS. Mr. President, I appreciate the position the majority leader is in. He cannot make these kinds of commitments at any great length because of the reasons he has already indicated.

I thank the majority leader for his comments.

Mr. BAKER. I thank the Senator. I promise him I will work with him to try to see that it is scheduled as soon as possible.

Mr. BAUCUS. I thank the majority.

Mr. President, with those assurances, I feel very confident we will get this bill through quite quickly. I, therefore, withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMENICI. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. DOMENICI. Mr. President, I would like to commend my distinguished colleagues, Senators HATFIELD and COCHRAN, and my fellow members of the Senate Appropriations Committee for reporting this bill. Last year the Agriculture appropriation bill was not completed until the lameduck session in December. We are nearly 6 months ahead of last year's schedule.

I support the Agriculture appropriations bill—H.R. 3223—as reported by the committee. This is the first appropriations bill to be considered by the Senate since adoption of Senate Concurrent Resolution 27, the first concurrent resolution on the budget for fiscal year 1984.

H.R. 3223 appropriates $34.4 billion including $410 million from the permanent section 32 account, for agriculture, food assistance, and other related programs.

The bill does not fund the food stamp program, WIC program and

other child nutrition programs for the full year. If these programs are to receive their full year funds a later requirement of about $600 million will be necessary. The bill also reduces CCC funding by $500 million, which will probably be needed later in the year.

Compared to the first concurrent resolution on the budget, the bill is identical to the subcommittee's crosswalk allocation in budget authority.

Including the outlays from prior appropriations, and including possible later requirements, total budget authority equals the budget crosswalk allocation and total outlays exceed the budget crosswalk allocation by about $185 million.

Clearly the budget crosswalk to the Appropriations Committee could be assigned differently by the Appropriations Committee to its subcommittees. Further, while this bill is estimated to exceed outlays by $0.2 billion as assumed in the budget resolution for the subcommittee, I note that the two appropriation bills passed by the Senate, and amended in conference, offset these increased outlays. The HUD appropriation bill as amended in conference and the energy and water appropriation bill as passed by the Senate have outlays of about $0.6 billion below the budget crosswalks for those subcommittees. I therefore can state that the appropriation actions to date accommodate the higher outlays in this bill.

I therefore urge my colleagues to support the bill as reported by the Appropriations Committee. I am sure that the Appropriations Committee will address any items within the Agriculture Subcommittee's jurisdiction that need further consideration in a later supplemental appropriation bill.

With regard to the credit budget, the reported bill provides $17.8 billion in new direct loan obligations and $7.5 billion in new primary loan guarantee commitments. In direct loan obligations, the bill is $0.3 billion over the budget assumptions for the subcommittee. In primary loan guarantee commitments, the bill is $1.2 billion under the budget assumptions for the subcommittee.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budget and the President's budget requests be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ATTACHMENT 1.—AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	0.4	[1] 1.8
H.R. 3223, as reported by the Senate Appropriation Subcommittee June 21	34.0	20.8
Possible later requirements:		
Full-year funding food stamps	+0.1	
Full-year funding child nutrition	+0.2	+0.2
Full-year funding WIC	+0.3	+0.3
CCC funding	+0.5	
Total for agriculture, rural development, and related agencies	35.5	23.1
Senate subcommittee allocation under first budget resolution	35.4	22.9
House-passed H.R. 3223	35.5	23.1
President's request	34.1	22.0
Total compared to:		
First budget resolution allocation		+0.2
House-passed H.R. 3223		+0.2
President's request	+1.4	+1.3

[1] Includes $196 million in outlays associated with the Senate-passed fiscal year 1983 supplemental.

ATTACHMENT 2.—AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES SUBCOMMITTEE CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New primary loan guarantee commitments
H.R. 3223, as reported by Senate committee (total for Agriculture Subcommittee)	17.8	7.6
First budget resolution assumptions	17.5	8.8
House-passed	17.8	9.4
President's request	12.3	6.5
Subcommittee total compared to:		
First budget resolution assumptions	+0.3	−1.2
House-passed		−1.8
President's request	+5.5	+1.1

Mr. DOMENICI. Mr. President, the bill before us today contains no fiscal year 1984 funding for the range caterpillar control program of the Animal and Plant Health Inspection Service. In fiscal year 1983, $160,000 was appropriated for control of the range caterpillar. This has been an ongoing program of the Department of Agriculture for several years. Although funding for this activity has been decreasing, scientists at New Mexico State University and personnel from the New Mexico Department of Agriculture have continued to battle this pest year after year. We are coming very close to eradication of the range caterpillar. Frankly, at this time, I am unsure as to whether or not funds for an Animal Plant Health Inspection Service cooperative program will be necessary in fiscal year 1984.

As many of my colleagues are aware, Federal participation in such a pest control effort is extremely important because of the landownership pattern in New Mexico and other Western States. This so-called intermingled, or checkerboard, landownership creates a situation where Federal participation on a one-third, one-third, one-third basis with State and private interests is almost mandatory to insure the effectiveness of such control programs.

In New Mexico, a range caterpillar control program is currently underway from available fiscal year 1983 funds that will treat approximately 200,000 acres of land. Until we can determine whether this program is successful in completely eradicating this pest, we will not know whether a repeat effort will be required again next summer. Our hope is that the program will be successful, and we will not need this program in the future.

For this reason, I do not seek to add funding to this bill for control of the range caterpillar. However, I am reserving the right to seek funding for this program in an appropriations measure later this year if that need arises. I would hope that if further efforts to insure the eradication of this pest are necessary, the Appropriations Committee and this body will give it due consideration.

Mr. President, I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

ANNOUNCEMENT OF POSITION ON HELMS AMENDMENT NO. 1444

Mr. BOSCHWITZ. Mr. President, I was not here for the rollcall vote on the Helms amendment to the agricultural appropriations bill. I would like to state that had I been here, I would have voted against that amendment. Unfortunately, I was in the building but could not be found by my staff. Therefore, I missed the vote. I would have voted against it had I been here.

AMENDMENT NO. 1447

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ), for himself and Mr. BOREN proposes an amendment numbered 1447.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52: On line 18 strike out "$872,000,000" and insert in lieu thereof "$936,000,000"; on line 18 strike out "$402,000,000" and insert in lieu thereof "$466,000,000"; on line 23 strike out "$650,000,000" and insert in lieu thereof "$682,000,000"; on line 24 strike out "$650,000,000" and insert in lieu thereof "$682,000,000".

Mr. BOSCHWITZ. Mr. President, I am offering an amendment which will maintain Public Law 480 funding for fiscal 1984 at the level that is necessary to assure the volume of Public

Law 480 shipments this coming fiscal year will be the same as this year's volume. This will enable American agriculture to continue to assist developing countries and famine stricken countries at a time when they need it the most, without reducing the overall level of assistance.

Mr. President, what has happened is that prices of commodities have risen and the appropriations for Public Law 480 have remained approximately the same. Since the prices have risen and since there is a great strength in the dollar, the result is that we will be able to ship fewer commodities to the hunger stricken nations of the world with the same money. The result is that we need to increase somewhat the moneys in order that the shipments to the famine afflicted portions of the world be maintained during this very difficult year.

There is drought and famine in several areas of the world, but particularly in Africa. Developing countries are facing debt crises which constrain their abilities to import goods, including food. The famine in Africa is the worst in decades. The details and severity of the famine are outlined in a number of articles that appeared in the Washington Post, and also the article on Tuesday, June 7 in the New York Times.

I ask unanimous consent, Mr. President, that that New York Times article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 7, 1983]

FAMINE IN AFRICA IS CALLED WORST IN A DECADE

(By Bernard Weinraub)

WASHINGTON, June 6.—A drought affecting 18 countries in Africa is causing increasing concern among United States and international relief officials, who say that the region faces the worst food shortages since the early 1970's when at least 200,000 to 300,000 people starved to death.

Donald C. Kimmel, director of the Food and Agricultural Organization's office here, said that reports reaching the organization made it clear that "we are coming into something far worse than what we had in 1972-73." The organization itself has termed the situation in Africa "extremely serious."

State Department officials, who are pressing for an increase in the United States' $244 million food aid program for Africa, said that border and internal unrest in nations such as Ethiopia, Chad, Mozambique and Angola had seriously compounded the food shortages. Roads have been shut, stranding trucks carrying food supplies, and thousands of farmers have fled to urban and border regions, the officials said.

With many African nations suffering their second year of drought—and with an estimated five million refugees within Africa—the food shortages present "a forbidding picture," said a World Bank official. What makes the situation ominous, he said, is that the drought and food shortages are not limited to one area, as in the early 1970's, but are afflicting nations all through the continent south of the Sahara.

In recent days a private F.A.O. report received here has painted an especially bleak portrait of nations such as Chad, where "starvation deaths are reported," Ethiopia, the Central African Republic, Mozambique, Tanzania, Botswana, Lesotho and Swaziland.

Food experts noted that nations outside Africa, such as Cambodia, Indonesia, Nepal and the Philippines, have also been serverely affected by drought. But, officials said, the situation in Africa is especially serious because this is the second year in a row that nations there have suffered drought.

Beyond this, officials said, inept bureacracies and a lack of government machinery to deal with food emergencies have left some African nations almost powerless to deal with the crisis. "Look at Chad," said one United States official. "Every few months you get a new government and a new agricultural minister. There are 50 miles of paved roads in the country. You go to the Agriculture Ministry and they don't even have pens and pencils."

Underlying the overall problem is the crucial issue of Africa's birth rate and food production. In the last few years the birth rate has risen at a rate of about 3 percent annually, which is double the increase in the continent's food production.

United States, Food and Agriculture Organization and World Bank officials declined to estimate how many Africans have starved to death in recent months. Officials said, essentially, that it was impossible to determine how many children and adults had died of dehydration and illnesses related to hunger.

SIX NATIONS AFFLICTED IN 1970'S

Officials recalled that in a belt of six countries south of the Sahara, perhaps 300,000 Africans, and possibly far more, were believed to have died of starvation in the early 1970's, largely because of drought. The countries—some of them affected by the current drought—were Mauritania, Senegal, Mali, Upper Volta, Niger and Chad.

F.A.O. officials said that 18 countries had been especially hard hit by the current drought. They are Botswana, Cameroon, Cape Verde, Chad, Ethiopia, Ghana, Djibouti, Lesotho, Mali, Mauritania, Morocco, Mozambique, South Africa, Swaziland, Tanzania, Togo, Zambia and Zimbabwe. Three of these—Morocco, South Africa and Zimbabwe—are suffering drought but not experiencing serious food shortages, F.A.O. officials said.

In recent weeks, Edouard Saouma, director general of the F.A.O. in Rome, has sent telegrams to 27 nations, including the United States, seeking urgent assistance in "helping African countries bilaterally and multilaterally" in buying food and protecting livestock production.

United States officials indicated that the State Department would probably seek an additional $18 million in emergency food aid for stricken African nations, bringing the overall total of food assistance to the continent for this year to $262 million. Last year Africa received $266.2 million in food aid.

AFRICAN EXPORTS LAGGING

Mr. Kimmel, the F.A.O. representative here, said that the food situation in Africa seemed worse than the situation a decade ago, partly because many African countries had found themselves unable to earn foreign exchange from traditional export products such as cocoa, rubber and coffee, whose prices are depressed on the world market. At the same time, he noted, industrial nations have sought to reduce their imports because of economic restraints.

"In times of bumper harvests, major exporting nations are less willing to step up food aid because of the costs," Mr. Kimmel said. "Someone has to pay for it. Someone has to pay to ship it."

Although World Bank and United States officials emphasized the seriousness of the immediate African situation, their concern also focused on the long-term impact of the drought on Africa's food needs. In southern Africa, for example, river levels are at 50-year lows, leading to "salt water intrusion on the land that kills everything you want to grow," said one State Department official.

Moreover, officials pointed out, a "vicious cycle" exists in many African nations in which population pressures force families to eke out livelihoods on barely arable lands, thus exploiting and exhausting the land and preventing it from recovering fertility. At the same time land is increasingly being used for livestock and many areas are deprived of forest cover because trees are cut for fuel.

Mr. BOSCHWITZ. Mr. President, this is not the time to reduce our assistance to these countries, as would be the case if we adopted the committee's recommendation for fiscal year 1984.

While the committee's recommendation indicates a slight increase in the value of shipments, the volume of shipments under Public Law 480 will decline by 6 percent in fiscal year 1984. That is nearly 400,000 tons of food, Mr. President. That is an important amount, particularly when we see so much famine in so many parts of the world, and particularly, as I say, Mr. President, in Africa.

My amendment would maintain that volume of shipments for fiscal year 1984 and it would only be maintained at the same level as fiscal year 1983. This will require a total appropriation of $1.148 million, about $96 million more than the committee recommendation, which is $1.052 million. This includes an increase of $64 million in title I and title III appropriations, and $32 million in title II appropriations.

Mr. President, as you may know, title I is the concessional loan title of Public Law 480. Title II is the grant portion. We would increase the title I concessional loans by $64 billion, and the title II grants by $32 million. Both are considered outlays inasmuch as title I loans are concessional loans, but those loans have been repaid in the past and should be repaid this year. So, in a way, the increase that we are asking for really, is only $32 million to meet the needs of the world hunger which is so acute at this moment.

Mr. President, at a time when developing countries are struggling against financial crises, famine, and other calamities we should not reduce the real level of our assistance under Public Law 480, the food for peace program.

The real level of assistance is the volume we ship. My amendment will help to assure that this volume does not decline.

Mr. President, I ask unanimous consent to have printed in the RECORD a table making certain comparisons.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF PUBLIC LAW 480 APPROPRIATIONS FISCAL YEAR 1983 (ESTIMATED), AND FISCAL YEAR 1984 UNDER THE COMMITTEE RECOMMENDATION AND THE BOSCHWITZ AMENDMENT

	Fiscal year		
	1983	1984 committee	1984 Boschwitz
Titles I and III	$859,000,000	$872,000,000	$936,103,000
Title II	650,000,000	650,000,000	681,786,000
Total program level	1,509,000,000	1,522,000,000	1,617,999,000
Costs financed from receipts, prior year balances and CCC funds	−481,000,000	−470,000,000	−470,000,000
Total appropriation	1,028,000,000	1,052,000,000	1,147,999,000

PUBLIC LAW 480 TITLES I AND III: FISCAL YEAR 1984 APPROPRIATIONS REQUIRED TO SHIP SAME TONNAGES AS IN FISCAL YEAR 1983

	Fiscal year	
	1983	1984
Feedgrains	$36,525,000	$38,199,000
Wheat	503,197,000	519,399,000
Rice	118,908,000	133,954,000
Cotton	11,261,000	14,000,000
Vegetable oils	107,300,000	119,777,000
Initial payment to exporters [1]	−27,201,000	−23,000,000
Total commodity costs	749,990,000	802,329,000
Ocean transportation	109,010,000	133,774,000
Total expenses	859,000,000	936,103,000

[1] Initial payments to exporters are payments by importers to exporters to meet U.S. obligations. The President is authorized to require such payments upon delivery and the payments diminish required appropriations.

PUBLIC LAW 480 TITLE II FISCAL YEAR 1984 APPROPRIATIONS REQUIRED TO SHIP SAME TONNAGES AS IN FISCAL YEAR 1983

	Fiscal year	
	1983	1984
Feedgrains	$47,941,000	$47,515,000
Wheat and products	184,614,000	208,788,000
Rice	20,470,000	22,089,000
Vegetable oils	105,140,000	114,091,000
Dairy products	15,873,000	15,873,000
Other foods	35,002,000	32,470,000
Total commmodity costs	409,040,000	440,826,000
Ocean transportation	240,960,000	240,960,000
Total expenses	650,000,000	681,786,000

Mr. COCHRAN. Mr. President, I reluctantly rise to oppose this amendment offered by the Senator from Minnesota. I do so with the full understanding that he has made some very compelling arguments in support of the amendment. The only reason I can identify for opposing the amendment is that, frankly, there is no provision in the budget resolution to increase the funding level. We are going along with the President's requested level of funding for this program for this next year. We are right at a point where we are up against the constraints of the budget resolution and we do not want to get the bill vetoed.

There has been some suggestion already today, in discussion of some earlier amendments, that this bill may be targeted as one of the first bills that the President is urged to veto by some members of his staff or others in the administration. I am hoping we can avoid that, Mr. President.

I am hoping that, in conference with the House, we can work out a report which both the Senate and the House can approve and which the President can sign. That is certainly going to be my objective. Adding this amendment, although the program has a great deal of merit, I think, is going to make it more difficult for us to work in conference toward getting the kind of conference report that we shall need in order to keep the bill from being vetoed.

I am sympathetic to the need to sell more of our agricultural commodities in foreign markets. I think that we already do have some additional requests from the administration for authority to make donations to countries which are not able to purchase our agricultural commodities, even under the concessional sales provisions of the Public Law 480 program. Congress has not yet provided the full authority the administration has requested. But here we are, with an abundance of surpluses—corn, wheat, dairy products—a wide range of surplus commodities which can be donated, which would be an act that is consistent with the effort to remove this burden from market prices so that our farmers who are operating at a loss in some cases can enjoy an opportunity for a profit.

I am hoping that we can see more of our surplus farm commodities used to help feed those in foreign countries who cannot adequately provide for their own nutritional needs. We have many unmet needs here at home as well, of course. I think an effort is being made to meet that obligation.

It is with a great deal of reluctance, Mr. President, that I urge the Senate to reject the amendment. The Senator from Minnesota, I know, has done a great deal of work in this area of identifying unmet needs in the area world hunger, and I congratulate him for that. But I do not think that this amendment is going to help us get a bill which the President can sign. That is my main concern. I reluctantly urge the Senate to oppose the amendment.

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent to add as cosponsors to this amendment Senators BOREN and BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Minnesota.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 61, nays 36—as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—61

Abdnor	Glenn	Mitchell
Andrews	Gorton	Moynihan
Armstrong	Grassley	Murkowski
Baucus	Hawkins	Nickles
Biden	Heinz	Packwood
Bingaman	Huddleston	Pell
Boren	Humphrey	Percy
Boschwitz	Inouye	Pressler
Bradley	Jackson	Pryor
Bumpers	Jepsen	Randolph
Burdick	Johnston	Riegle
Chafee	Kassebaum	Rudman
Cohen	Kennedy	Sarbanes
Cranston	Lautenberg	Sasser
D'Amato	Leahy	Simpson
Danforth	Levin	Specter
DeConcini	Long	Symms
Dodd	Matsunaga	Trible
Durenberger	McClure	Tsongas
Exon	Melcher	
Ford	Metzenbaum	

NAYS—36

Baker	Hart	Proxmire
Bentsen	Hatch	Quayle
Byrd	Hatfield	Roth
Chiles	Hecht	Stafford
Cochran	Heflin	Stennis
Denton	Helms	Thurmond
Dixon	Kasten	Tower
Dole	Laxalt	Wallop
Domenici	Lugar	Warner
Eagleton	Mathias	Weicker
East	Mattingly	Wilson
Garn	Nunn	Zorinsky

NOT VOTING—3

Goldwater	Hollings	Stevens

So the amendment (No. 1447) was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have reached a point where we have only one other technical amendment.

We understand the Senator from New York, who had an amendment, is prepared to put a colloquy in the RECORD and not push for a vote on the amendment.

Is that correct?

Mr. MOYNIHAN. I thank the distinguished manager of the legislation. That is correct.

Senator GORTON, Senator DOMENICI, and I wish to do that if we may.

Mr. COCHRAN. Mr. President, there was an amendment also provided for in the order by the Senator from New Hampshire (Mr. HUMPHREY). We have been advised that he does not intend to offer that amendment.

So, I ask unanimous consent that the order previously entered be amended by striking the provision for the amendment of the Senator from New Hampshire (Mr. HUMPHREY) and the amendment of the Senator from New York (Mr. MOYNIHAN).

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I yield to the Senator from New York for the purpose of engaging in his colloquy.

Mr. MOYNIHAN. I thank the distinguished Senator from Mississippi.

Mr. President, this is a colloquy with Senator GORTON and Senator DOMENICI which has been agreed to. It has to do with the fact that in the bill before us there is $34 billion in new budget authority but an additional $15.1 billion in off-budget direct and guaranteed loans.

Our colloquy points out the need for Congress to establish a credit budget, in the budget process, which will give us a complete sense of the actual impact on the economy of the legislation we adopt.

Altogether, we are going to have upward of $150 billion in credit in the appropriation bills that will be coming through. If the Senator from Washington will allow me, may I restate:

Mr. President, that the appropriations bill for Agriculture, rural development and related agencies for 1984 recommends some $34 billion in new budget authority. However, what is not being discussed here today is a total of $15.1 billion that is also in this bill for off-budget direct and guaranteed loans. This amount represents $15 billion in Government resources over and above the $34 billion that we are discussing today.

Mr. GORTON. Yes; the Agriculture appropriation bill before us will provide funding for three major Federal credit program agencies: The Rural Electrification Administration, the Farmers Home Administration, and the Commodity Credit Corporation. A number of programs in these agencies date back to the 1930's. Yet while the operations of the Federal Government for many decades have not been confined to simple cash outlays, the Federal budget process, including the appropriations process, has yet to recognize the true scope of activity that is presented in this Agriculture appropriations bill. Little is being said, for example, about a $4.7 billion loan guarantee program in the Rural Electrification Administration, or $1.1 billion in off-budget direct loans in the same agency.

Mr. MOYNIHAN. There is virtually no discussion of this because we lack a Federal credit budget; and it is only through a framework such as this, that the true magnitude of the bill before us would be discernible.

Mr. GORTON. This week I joined with Senator MOYNIHAN and Senator METZENBAUM in proposing legislation that would create a credit budget. The consideration of this agriculture appropriations bill presents an appropriate occasion to point out why this legislation is so critical. The operations of the Farmers Home Administration are an excellent example of my point. There is authority for some $3 billion in direct loan outlays by the Farmers Home Administration contained in this bill. Yet there is no logical reason why these outlays would not be added into the Federal deficit, and be included equally in the debate in the budget process—but they will not be. They are credit programs, currently financed through the Federal Financing Bank, and therefore moved off-budget. It is understandable, that in the absence of a credit budget, that the Congress does not consider off-budget outlays under the same stringent criteria devoted to on-budget outlays.

Mr. MOYNIHAN. Yes, but these off-budget outlays have the same effects on the financial markets, on private investment, and interest rates as do the outlays that are counted in the budget deficit. In 1982, off-budget outlays amounted to $14 billion, and the estimates for 1983 and 1984 are currently above $17 billion, according to CBO and the Senate Budget Committee.

Mr. DOMENICI. I agree that we need much greater coordination between Budget and Appropriations Committee actions on Federal credit activities, and that ultimately we will need a strong Federal credit budget as part of the budget process.

I compliment the Senator for his remarks.

Mr. DECONCINI. Mr. President, on page 22 of the Appropriations Committee report on H.R. 3223, the committee notes the importance of the Pima cotton research program being carried out at Tempe, Ariz., and directs that, within available funds, $200,000 be provided to continue a viable and effective breeding program, and to provide a research associate for the director of that program. Am I correct in assuming that the $200,000 is in addition to the current program funding level?

Mr. COCHRAN. The committee does recognize the importance of the American Pima cotton improvement program to the entire cotton industry, and it is the committee's intent that, within funds available for cotton research, $200,000 additional be made available to this program.

Mr. DECONCINI. I thank the distinguished chairman of the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies for this clarification and for his support for cotton producers throughout the Nation.

Mr. BUMPERS. Mr. President, during the full committee markup of the Agriculture Appropriations bill, I asked whether funds for the mosquito research-riceland agroecosystem program and the integrated pest management program, both currently conducted by the University of Arkansas under the USDA-CSRS special grants budget—Public Law 89-106—where included in the Mosquito Research line item and the pest management line item, respectively, of the fiscal year 1984 appropriation for the Cooperative State Research Service. Both the integrated pest mangement program and the mosquito research-riceland agroecosystem program are very important in our efforts to improve strategies for pest management. The distinguished chairman of the Agriculture Subcommittee, Senator COCHRAN, agreed to seek clarification. Is my understanding that the two University of Arkansas programs are, in fact, included in the respective USDA-CSRS special grants line items. Am I correct?

Mr. COCHRAN. I thank the Senator for his inquiry about these two important programs. Appropriations for them are included, as the Senator described, in the bill.

Mr. GORTON. Mr. President, I have a question for the Chairman of the Appropriations Subcommittee on Agriculture, the Senator from Mississippi. Senator, I have been queried by constituents who are concerned about the possible redirection of Agricultural Research Service research from areas where it has been very important, according to a 6-year implementation plan proposed by the Department. The committee report, however, appears to reaffirm that the USDA is to continue its broad program of research, applied as well as basic, and in particular, that areas of research such as varietal research are to be continued. Am I correct?

Mr. COCHRAN. The Senator from Washington is correct on both counts. It is the sense of the committee that the agriculture sector continues to re-

quire research support from the ARS on a broad front. Any changes from that position, such as those implicit in the Department's recently proposed 6-year implementation plan, must certainly be scrutinized by Congress. With respect to varietal research, I would add that it is only one example of many areas where it is the sense of the committee that the USDA should continue its research efforts. Any changes in ARS's research activities that would be implemented through the so-called 6-year plan should be presented to the appropriate committees of Congress for review prior to implementation.

Mr. GORTON. I thank the Senator.

Mr. HELMS. Mr. President, I wonder if I might engage the distinguished chairman of the subcommittee, Mr. COCHRAN, in some discussion and possible clarification regarding the provision contained in the food stamp section of the appropriations bill before us relating to community mental health centers.

As a general rule, the Food Stamp Act of 1977 does not permit publicly operated institutional agencies to participate in the food stamp program; however, certain private, nonprofit residential programs are permitted.

I want to be certain that I understand that the provision relating to food stamp approval—for participation—of publicly operated community mental health centers has the limited intent of restoring eligibility for food stamp approval to certain publicly operated residential programs serving alcoholics which are federally funded through block grants.

It would not significantly expand the potential for food stamp approval to include types of institutional living arrangements not now being approved. Rather, it is aimed at correcting a limited problem whereby residential alcoholic treatment programs have been, in a few recent instances, denied food stamp approval simply because of the public versus private nature of the operating agency.

The provisions would allow publicly operated residential alcoholic treatment programs to be approved, as long as the public agency administering the programs is a community mental health center federally funded through the block grant system—a very limited exception to the general rule against food stamp approval of publicly operated institutions. It also leaves to the authorizing committee the long-run resolution of what types of institutional settings may be approved.

Mr. COCHRAN. The Senator is correct. This provision is an interim response to a particular problem that has surfaced recently in my own State of Mississippi, and which may come up in a few other instances.

The U.S. Department of Agriculture has recently ruled that residential alcoholic treatment programs operated under the aegis of publicly operated community mental health centers are not eligible for food stamp approval. The justification for this ineligibility was that the programs do not fit the requirement that appropriate programs be private. This ruling has put such programs at a disadvantage.

I should note that roughly 800 of the federally funded community mental health centers in the country are publicly operated, and a small minority operate residential alcoholic treatment programs—so we are talking about a limited category of programs.

It would be this minority within a minority that would be affected by this provision. Unfortunately, they appear to be concentrated in Mississippi—at least those which have been identified.

The provision before us would simply put those few alcoholic treatment programs run by publicly operated community mental health centers on a par with those run by private nonprofit entities.

Mr. HELMS. I thank the Senator and commend him for having acted on behalf of the centers of concern to him. I will certainly entertain his suggestions for a long-term solution to this problem through an amendment to the Food Stamp Act of 1977 which can be dealt with through the Committee on Agriculture, Nutrition, and Forestry.

Mr. COHEN. Mr. President, I note language in the committee report on the agricultural appropriations bill concerning Farmers Home Administration rental assistance (RA). Does the committee intend by this wording that the recent administrative notice (AN)-799 FmHA directive be rescinded enabling a rural housing project to receive 100 percent RA as has been done in the past?

Mr. COCHRAN. Yes. Congress has consistently required the FmHA to target assistance to the poorest, worst-housed citizens in rural communities through the RA program, even if that results in 100 percent RA.

Mr. COHEN. The report language states that a market only has to be shown to exist for persons and families eligible for those payments. Will there be a requirement to demonstrate a market able to pay the proposed rents?

Mr. COCHRAN. No. The committee felt this requirement in rural areas where the poorest, worst-housed citizens reside.

Mr. COHEN. In Maine, for example, we have three areas in particular which require 100 percent RA. The FmHA RA program represents for many the only possibility of housing in economically depressed areas of my State. In FmHA Administrator Charles Shuman's May 23 letter to me he does acknowledge that the agency needs to assist the neediest persons. Yet his recent AN-799 directive states:

> It is strongly advised and recommended that State Directors adhere to the 40 percent limitation on allocating RA units to projects as indicated in paragraph VA, 3 of Exhibit C to FmHA instruction 1944-E. * * * this will assure to some extent that RRH projects will not be more than 40 percent dependent on RA for full occupancy and/or totally dependent on the availability of RA units in the near future.

It continues, "In allocating RA units for new construction to RRH projects in your state, you should evaluate and rank all projects as if none were to receive RA units." This AN is, in effect, telling State Directors not to build any projects if they require more than 40 percent RA. This would further mean that the poorest, worst-housed citizens in the poorest towns in Maine will never be eligible for decent and affordable housing through the FmHA program. Is it the committee's feeling that these citizens' housing needs can only be met if the 40 percent limitation on RA is eliminated?

Mr. COCHRAN. Yes. The Senator's understanding is correct that it is the clear intent of the committee that the proposed 40 percent limitation not be implemented.

Mr. COHEN. I thank the chairman for his explanation.

AMENDMENT NO. 1448

(Purpose: To provide a $5,000,000 contingency fund for the Food and Drug Administration for emergency-related activities)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Mississippi (Mr. COCHRAN), for himself and Mr. EAGLETON, proposes an amendment numbered 1448.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 54, line 7, after the figure $364,410,000 insert the following: ", of which $5,000,000, to remain available until expended, shall be available to meet unanticipated costs of emergency activities not provided for in budget estimates."

Mr. COCHRAN. Mr. President, this amendment is sent to the desk in behalf of the Senator from Mississippi and the Senator from Missouri (Mr. EAGELTON). It is technical in nature and provides language in the bill that was inadvertently omitted from the bill.

It simply permits the Food and Drug Administration to have available until expended from funds appropriated in the bill, an amount for emergency ac-

tivity in connection with the recall and investigation of possibly dangerous substances. This matter is addressed in Senate Report No. 98-160, which accompanies this bill, H.R. 3223. No additional funds are necessary, as they are included in the dollar amount immediately preceding the language contained in the amendment.

What we are doing by this amendment is providing funding for unanticipated emergency events which might significantly increase the Food and Drug Administration's direct costs, such as overtime, travel, transportation, and per diem to carry out the recalls of such items as canned salmon and infant formulas. In 1983, the agency incurred additional direct costs related to Tylenol and other product-tampering incidents. Such recalls and investigations not only distort the agency's program plans by forcing the cancellation or deferral of other activities, but they also substantially increase direct costs as field personnel must work longer hours and travel great distances for prolonged periods to be sure that potentially hazardous products are off the market, or to identify and isolate the cause of a potential hazard as quickly as possible to limit the public risk. Such a fund would eliminate the need for emergency supplementals and the uncertainty in managing the agency resources which results when national emergency situations require a sudden increase in expenditures.

Outlays would not be encountered until such situations are encountered. These funds would remain available until expended, and the agency would seek restoration of this contingency fund through the regular budget cycle.

Senator EAGLETON, ranking minority member of the Subcommittee on Agriculture, Rural Development, and Related Agencies, is a cosponsor of this amendment.

I do not think there is any further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. COCHRAN's amendment (No. 1448) was agreed to.

Mr. HELMS. Mr. President, I want to call attention to some very curious language in this Agriculture appropriations bill with regard to funding for the special supplemental food program for women, infants, and children.

The bill states that—

> Funds provided shall be expended in such a manner as to insure that the average participation during the period from October 1, 1983, through July 10, 1984, does not fall below 2,800,000 persons.

I do not know how State, local, or Federal officials are supposed to know how to administer such a provision. Are they supposed to go out recruiting WIC participants if the participation is below that level?

Mr. President, it should be noted also that the basis for the 2.8 million persons is one which is constantly changing. That was the estimate of the Congressional Budget Office earlier this year based on the assumption that 2.8 million persons would be participating by the end of fiscal year 1983. That may not be the case at all by the time the fiscal year begins.

Most recent participation levels indicate approximately 2.4 million persons. While there is expected to be some increase, based on the additional funding contained in the jobs bill earlier this year, that is by no means guaranteed.

It seems imprudent in the extreme to specify minimum levels of participation.

I should also point out that funding at the level contained in the appropriations bill would result in exceeding the current authorization level by the end of fiscal year 1984.

If the authorized level is insufficient, our committee will need to assess the participation characteristics to determine whether a lifting of the ceiling is appropriate.

There are a good number of concerns, first identified by the General Accounting Office, about the uniformity in defining "nutritional risk" of participants. In some areas, apparently belonging to a particular group or social class may make one eligible regardless of one's actual nutritional status.

I think we must recognize that when a program such as WIC begins to have 20 percent of all infants enrolled in it, we need to scrutinize whether it is being sufficiently targeted to the poor who are undernourished or whether it has grown beyond its original purpose.

Nonetheless, with regard to the specific language contained in the bill, I think it is likely to be unenforceable if it even can be deciphered.

I also want to comment on the unanimous consent request adopted earlier changing the Puerto Rican language to provide a 3-month delay for implementing a noncash form of assistance. I believe that the compromise on Puerto Rico is a good one. I feel strongly that the prerogatives of the authorizing committees should not be infringed upon by the Appropriations Committee. I can imagine the uproar which would ensue if any authorizing committee attempted to appropriate money.

I recognize that this is the vehicle which is moving at the present in a timely manner which could provide some relief for Puerto Rico's current October 1 deadline for changing to some noncash form of assistance.

I believe that the Puerto Rican government should have the option of establishing the form of assistance that they believe is most effective. They have chosen a cash form which, by most reports, has worked quite well. Indeed, the support for the system has been widespread. The use of cash has been coupled with many improvements in the operation of the program which have been urged by many competent caseworkers across the country for years.

This amendment will insure that Puerto Rico does not have to change the assistance on October 1. Yet it will preserve the prerogatives of the Committee on Agriculture, Nutrition, and Forestry to deal with the long-term solution to the problem later this summer.

I commend my colleagues for their agreement to this compromise. I assure them that this matter will receive careful consideration in due course before our committee.

AGRICULTURE APPROPRIATIONS BILL REMAINS UNFAIR TO U.S. CONSUMER

Mr. PELL. Mr. President, I have decided to vote against Senate passage of the agricultural appropriations bill because I believe it remains far too generous to the private agricultural industry and unfair to taxpayers and consumers. It is particularly unfair to heavily burdened families relying upon food stamps.

At a time when the majority of the Senate has approved deep cuts in essential health, education, and employment programs and, particularly, at a time when the Nation is saddled with a rapidly growing deficit, a subsidy laden agricultural appropriations bill cannot be justified.

Although this bill contains funding for vital child nutrition programs and food stamps, the amounts are woefully inadequate. The Congressional Budget Office has reported that the appropriated funding level will result in a loss of about $50 to $100 per recipient family in food stamp benefits.

It is wrong to ask taxpayers to pay for overblown price-support programs that only assure consumer prices will remain high. When we are asking our citizens to tighten their belts, I cannot support the payment of massive subsidies to the agricultural industry nor the cuts in food stamp benefits for those who need them.

Mr. LEVIN. Mr. President, I would like to commend my colleagues from Missouri and Mississippi for their fine work on the Agriculture appropriations bill, H.R. 3223, that is before the Senate today. There are several items included in the bill that are of special interest to the State of Michigan and I would like to mention two of them to my colleagues.

First, the Agriculture appropriations bill includes $200,000 for research on dioxin in the food chain. This research project will be performed at Michigan State University, one of the oldest

land grant colleges created in the United States. Its long-standing agricultural expertise makes it a wise choice for this important project. As my colleagues remember, the fiscal year 1984 budget for HUD-independent agencies, which was just given final approval by the Senate, includes funding for the Environmental Protection Agency to finally begin a serious research program to examine the health effects of dioxin. The research program proposed in the Agriculture appropriations bill will complement that work.

The bill also includes $100,000 for research to limit asparagus yield decline due to fusarium root rot. Although we in Michigan are very concerned about this growing problem—which has decimated asparagus production in some States—because we are the third greatest asparagus producer in the United States, all States that grow this delectable vegetable will benefit from this research effort. I have worked with farm groups in Michigan who persuaded me of the value of the asparagus research project. And as one who has tried personally to produce asparagus, I have great respect for those who have been more successful in that venture than I. I commend my colleagues on the Appropriations Committee for recommending that this program be funded and I urge the Senate to accept the recommendation of the committee.

Mr. BENTSEN. Mr. President, I commend my distinguished colleagues on the Agricultural Appropriations Subcommittee, the Senator from Mississippi (Mr. COCHRAN) and the Senator from Missouri (Mr. EAGLETON), for the excellent work which they have done in balancing the many needs which are represented in this bill. I especially want to commend the action which they and the other members of the Appropriations Committee have taken on brucellosis research. The committee has acted to fund increased research on this cattle disease in an effort to at last find an answer to the challenge offered by this troublesome disease.

For several years I have called for expanded brucellosis research, and Texas has played an important role in developing the research plan that this bill would fund today. Over 2 years ago, the Independent Cattlemen's Association of Texas set out to formulate a positive research plan that would answer many of the unknowns about the brucellosis disease. Repeated calls to many private drug firms brought only frustration, despite the cattlemen's willingness to provide both funding and animals to a research project.

However, on July 25, 1982, the Austin American-Statesman carried an article about the synthetic vaccine work of Dr. Richard Lerner of Scripps Laboratory in California. Dr. Lerner had discovered a breakthrough technology in creating a synthetic vaccine for hoof-and-mouth disease. The ICA leadership contacted Dr. Lerner with the question, "Could the same technology be applied to brucellosis?" The answer was positive, but with the caution that a great deal of preliminary work was necessary. Dr. Lerner referred the cattle organizations to Pittman-Moore, a research and development subsidiary of Johnson & Johnson.

ICA repeated its question to Pittman-Moore and again got encouragement. A meeting was held last fall in ICA's Washington office to discuss the possibility of a synthetic vaccine for brucellosis control. Pittman-Moore agreed to assist in developing a research program and it was decided that other cattle organizations and the leading brucellosis scientists should be brought into the planning process.

As a result, on March 30, 1983, the Independent Cattlemen's Association hosted a meeting in Dallas to discuss research possibilities for brucellosis. The meeting was dubbed the "Conference on Innovative Approaches to Brucellosis." The following groups were invited and attended: The Associated Milk Producers, the Texas & Southwestern Cattle Raisers Association, the National Cattlemen's Association, and the Texas Animal Health Commission. Brucellosis scientists from the University of Florida, Cornell University, Texas A&M University, and Oklahoma State University were also present, as were representatives of Pittman-Moore and Johnson & Johnson.

At the encouragement of Congressman WES WATKINS, Oklahoma State agreed to host a followup session the next week in Poteau, Okla. This meeting was also referred to as the "Conference on Innovative Approaches to Brucellosis," and it was at this meeting that the research protocol we are funding today was worked out.

This is not the only work that has been done on this subject, Mr. President. Scientists with the Texas Agricultural Experiment Station are engaged in a number of brucellosis research projects, including a cooperative effort with scientists at Cornell University on a subunit nonviable vaccine. This research into the specific sources of brucellosis immunity offers promise both in the development of more effective vaccines and in the development of screening tests that can quickly and accurately distinguish animals which have brucellosis from those which have been vaccinated for the disease.

Also, scientists at the Science Research Center for Hardin-Simmons University, located in Abilene, Tex., have this year developed a "killed Strain 19" vaccine that has demonstrated to be 93 percent effective in early tests with guinea pigs. These scientists are hopeful that they, too, can perhaps qualify for some of the research funding that we are discussing today.

The encouraging part of the brucellosis challenge, Mr. President, is that cattlemen and scientists are working together to find some of the answers to the challenges this disease offers. The research we are funding today is a constructive, positive action and I hope my colleagues will join me in supporting it.

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Mr. PRYOR. Mr. President, I wish to commend the distinguished chairman and ranking minority member of the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Senator COCHRAN and Senator EAGLETON, as well as the other members of the Senate Appropriations Committee for including $2,425,000 in the 1984 appropriations bill for facilities at the National Center for Toxicological Research in Jefferson, Ark.

This support reflects an awareness that NCTR is conducting important research into complex problems. I am confident that the Appropriations Committee, as indicated in the committee report, will continue to consider the future construction needs at NCTR.

As a component of the Food and Drug Administration, NCTR conducts research programs to study the biological effects of potentially toxic chemical substances found in man's environment and develops improved scientific procedures for evaluating the safety of chemical toxicants and their long-term effects.

The emphasis is on problem solving, not just problem identification. Too often Government researchers simply devote their attention to the identification of the problem. NCTR takes this process to the next and most important step, by directing substantial research toward finding ways to detoxify substances which have harmful effects on man.

NCTR is pursuing a myriad of research projects, including research into effective cleanup methods of dioxin, nutrition research to determine carcinogenic impacts of certain chemicals in food products, as well as DES and saccharin research. As you can see, NCTR is involved in timely research which demands attention now, for our protection and for the protection of those who follow.

The importance of the type of work which takes place at NCTR must not be lost on Congress. It is critical that we understand our responsibility to commit adequate resources to an area

with such potentially dramatic human implications.

Mr. President, although NCTR is administered primarily by the FDA, it conducts research for many Federal agencies. Besides FDA, it is currently involved in projects for the Environmental Protection Agency, the Consumer Product Safety Commission, the Department of Agriculture, and the Department of Defense.

I had the pleasure of visiting NCTR in April and I was most impressed with the quality of scientific study. What NCTR needs now, though, is a chance to expand to its fullest potential. In doing so, I am confident it will repay our investment many times over. An investment today could mean the saving of many lives in the future.

Again, Mr. President, let me express my appreciation to my colleagues who have been instrumental in the effort to recognize the need for Federal support at NCTR. I ask that this support be unwavering, just as our fight for a healthy environment must be.

Mr. President, I am pleased that the Senate Appropriations Committee has expressed, in the committee report, its agreement with the directive of the House of Representatives that the Department of Agriculture review a proposal for the establishment of a plants material center under the auspices of the Soil Conservation Service, to be located at the Southwest Family Farms Research Center in Booneville, Ark. This center would provide suitable plant species needed to solve critical soil and water conservation problems in the four major land resource areas of Arkansas, Oklahoma, and Missouri. The Booneville, Ark., site offers a convenient focal point of cooperative effort with the Soil Conservation Service, the Agriculture Research Service, Arkansas Cooperative Extension Service, the Arkansas Agriculture Experiment Stations, the Arkansas Association of Conservation Districts, the Arkansas Soil and Water Conservation Commission, and the other agencies involved in solving critical resource conservation problems.

I commend the committee for its action.

Mr. President, I am pleased that the committee has included language in its report regarding a program for inventorying and monitoring ground water resources and irrigation needs. The language provides funds under a proposal by the Arkansas Association of Soil Conservation Districts to expand the pilot project begun by the Soil Conservation Service and the AAWSCD in Jackson County, Ark., in response to the water crisis in 1980.

The threat to ground water sources nationwide is well documented. Arkansas faces a severe threat and this proposed program would be invaluable to irrigation agriculture, other ground water users, and many local, State, and Federal agencies. The data gathered through this proposed program would provide an effective "early warning" system through which orderly management and alternative sources could be developed. The Soil Conservation Service and the U.S. Geological Survey strongly support this proposal, and expertise gained in establishing and operating the program could be made available to other interested States.

I commend the committee for its action.

IMPORTANCE OF THE AGRICULTURAL EXTENSION SERVICE AND OF THE 4-H CLUB PROGRAM

Mr. PRESSLER. Mr. President, as the Senate considers the 1984 Agricultural appropriations bill, I would like to express my strong support for agricultural research and extension programs and for the funds provided for these programs. In past years, I have spoken on this issue and would like to do so once again. I have made these same statements many times before, but believe it is important that we continue to recognize the great value of these programs.

I am pleased to see the Appropriations Committee increased the funding level for these programs above the administration's request and the House allowance. These will be Federal dollars well spent. I firmly believe that if we are to continue to increase agricultural productivity, great strides in agricultural research and a continued effective extension service is essential. This is especially important in these days of slowing rates of increases in farm productivity.

Having grown up on a small family farm, I know from personal experience that the Cooperative Extension Service has been very effective in increasing farm productivity. The Cooperative Extension Service has been an excellent example of cooperation among Federal, State, and local governments for more than 100 years.

I have personally been involved with 4-H and other vocational education groups since I was a young boy. In fact, today I had the pleasure of addressing a group of over 120 4-H'ers from South Dakota. As a member of the local 4-H club, the Humboldt Hustlers, for 9 years, I enjoyed many great experiences such as these young people have experienced today. I was fortunate enough to attend two 4-H club congresses in Chicago, the 1961 World Agricultural Fair in Cairo, Egypt, and I had the honor of giving the "National Report to the President" to the late John F. Kennedy in the White House in March 1963.

More recently, I had the opportunity to address the 50th National 4-H Conference in April 1980, and this year I was honored by being presented the "Partner in 4-H Award," the highest honor in 4-H.

While not all young people are as fortunate as I was in my 4-H involvement, these youth organizations are still extremely important in the lives of a great number of young people. The 4-H is the fastest growing youth organization in the country. In 1970, 4-H membership was 3 million, and presently 4-H has about 5.8 million members. 4-H serves not only rural America. Of the 5.8 million participants, 39.5 percent live in cities of populations over 10,000 and only 20.5 percent actually live on farms. But this 20.5 percent means that 37 percent of all farm youths are members of 4-H.

To help young people 4-H offers programs in all areas. A recent study of 4-H in inner city Detroit showed a 60-percent reduction in juvenile crime in the immediate area. In the rural area, 4-H'ers produce millions of pounds of farm products which contribute greatly to the American economy. In all areas of the country, 4-H members learn important characteristics such as sportsmanship, animal husbandry skills and management techniques. These skills will be of great value to these young people later on in life.

Many of the benefits young people receive from 4-H and other programs are because of the dedication of adult leaders. These leaders are area and county extension personnel and volunteers. County extension agents and home economists spend about 31 percent of their time on 4-H program activities and volunteer leaders spend about 10 hours for every 1 hour a professional staff person spends. A study has shown that each 4-H club leader gives an average of $1,000 per year in terms of mileage, materials donated and contributions given without record. This means the 4-H program is very dependent on the services of dedicated volunteers and this makes it a very cost-effective program.

Federal expenditures on agricultural research and extension activities are dollars well spent. The average Federal outlay for 4-H members is only $12.75, and America gets a return of about 10 times that amount in the value of volunteer services, and contributions that are stimulated by this investment. This does not take into account the future increases in productivity of agriculture and other areas that this research and training will create. This is especially important today because of the great importance of agricultural exports and the reduced rate of increase in farm productivity.

Mr. President, I have made all of these arguments before, but believe we should commend the Extension Service frequently for their good work.

Mr. THURMOND. Mr. President, I rise in support of S. 257, legislation

making Agriculture appropriations for the fiscal year 1984.

I am pleased that this bill includes $192,000 for a special research grant to study the problem of peach tree short life. For years, the premature death of peach trees has resulted in tremendous economic loss for peach producers throughout the Southeast. The problem intensified in 1980 when the EPA suspended the use of DBCP, the only known chemical effective in controlling peach tree short life.

Mr. President, in addition to this serious problem, peach producers in South Carolina have suffered massive crop losses, due to inclement weather, for the past 2 years. The South Carolina Peach Council estimated this year's crop loss alone at $50 million.

In short, the peach industry in the Southeast is experiencing its worst crisis in recent history. It is imperative that research to eliminate the problem of peach tree short life continue so that we can provide relief to the beleaguered peach industry, and I am glad that the Appropriations Committee had the foresight to continue funding of this project.

In addition, Mr. President, I am pleased that the Appropriations Committee has provided $1.9 million for the boll weevil eradication program. This program is designed to reduce and eliminate boll weevil populations on cotton farms in North and South Carolina. It is considered so important to cotton producers in those two States that this past January they passed a referendum to pay at least 70 percent of the cost of that program themselves.

Mr. President, the Appropriations Committee has also included $4.7 million for the witchweed eradication program. Witchweed is a parasite that contaminates corn corps and spreads with unyielding determination when unchecked. The witchweed eradication program has been successful in releasing 50 percent of the infested acres in South Carolina from quarantine, and has given corn producers in South Carolina reasonable hope that the witchweed problem can be eliminated from the entire State in the near future.

Mr. President, these programs are vital to agriculture in my area of the country. I commend Senator THAD COCHRAN for his able leadership as chairman of the Agriculture Appropriations Subcommittee, and I thank him and the other members of that committee, on behalf of the farmers of my State, for their efforts in this area.

Mr. COCHRAN. Mr. President, I think we can go to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there is no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment, may I congratulate the managers of this bill once again for their excellent handling of a difficult matter.

It gives me great pause to say what I am about to say. I am going to vote for this bill partly because I have urged the Senate to take it up and pass it before we get out of here because I am so anxious to see the Senate address its responsibility to deal with appropriations bills.

But, Mr. President, this bill is more than $1 billion over the administration's budget. It is well over the congressional budget, and, may I say—and there is no element of intimidation, as I am sure everyone knows, in this—may I say unless significant improvement in this bill can be made in conference it will be my intention to vote against the conference report and try to defeat it.

But I think we owe it to the Appropriations Committee and to the Senate to go ahead, send this to conference and hope the conferees on the part of the Senate will do what must be done in order to bring it within the guidelines making it acceptable to the Congress and to the President.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. Yes, I yield.

Mr. HELMS. I agree with what the distinguished majority leader said. I wonder if the distinguished chairman of the Budget Committee has the figures in mind as to how much this is over the President's budget and how much it is over the congressional budget resolution.

Mr. DOMENICI. About an hour ago I addressed the Senate for a few moments and included a summary of tables.

The bill as it was reported to the floor, when you figure in what is expected to be spent for food stamps for the full year, which is not disputed, and the fact that CCC is about $500 million under, and that probably will not be realized for a year, the bill as reported is $1.4 billion in budget authority compared with the President's $1.3 billion in outlays.

However, the bill as reported was right on the mark in terms of the Congressional budget resolution.

On the floor I am told we added about $200 million in budget authority and outlays, so you can add that to each of the numbers, and that makes the bill that is before us about $385 million in outlays over the budget resolution and about $200 million in budget authority over the resolution which we passed.

Mr. HELMS. I thank the Senator.

Mr. BAKER. Mr. President, I now ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER. Mr. President, part of $9.5 billion that is in this bill, a big chunk of it, is to reimburse the Commodity Credit Corporation for the cost of the payment in kind program (PIK). There will be more PIK costs to come, but I would like to point out to the Senate that the PIK program was advocated very vigorously by the administration.

While I have no quarrel with providing additional funds for the agricultural producers of this country, and indeed PIK has done that, I must note it is a very expensive agricultural program, and goes in the direction that I and farmers would prefer not to go, that is, curtailing production. Agricultural producers want to produce and to get paid in the markeplace with decent prices.

Most of this agricultural appropriation bill is for increasing production and increasing efficiency. What we are lacking right now is the will and the vigor of the administration and Congess to make sure that the agricultural abundance we have is either sold abroad or is used as part of our foreign programs in a true sense to help our neighbors around the world.

PIK can succeed but so far it is only succeeding in a limited way on a very costly price basis. We are probably going to end up with about $12 billion in obligations for the Commodity Credit Corporation for the first year of operation of PIK, and that is by far the largest, the most generous and the most costly, of all the agricultural programs that I know of. We need a sound policy of improving agricultural prices, sales abroad, and using food for peace to help agriculture and the country. PIK is only temporary.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Colo-

rado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—77

Abdnor	Ford	McClure
Andrews	Glenn	Melcher
Baker	Gorton	Metzenbaum
Baucus	Grassley	Mitchell
Bentsen	Hatch	Packwood
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Heflin	Pryor
Boschwitz	Heinz	Quayle
Bradley	Huddleston	Randolph
Bumpers	Inouye	Riegle
Burdick	Jackson	Rudman
Byrd	Jepsen	Sarbanes
Chafee	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Cranston	Kennedy	Stafford
D'Amato	Lautenberg	Stennis
DeConcini	Laxalt	Thurmond
Denton	Leahy	Tower
Dixon	Levin	Trible
Dodd	Long	Tsongas
Domenici	Lugar	Warner
Durenberger	Mathias	Wilson
Eagleton	Matsunaga	Zorinsky
Exon	Mattingly	

NAYS—18

Armstrong	Hecht	Nunn
Chiles	Helms	Pell
Danforth	Humphrey	Proxmire
Dole	Moynihan	Roth
East	Murkowski	Symms
Garn	Nickles	Wallop

NOT VOTING—5

Goldwater	Hollings	Weicker
Hart	Stevens	

So the bill (H.R. 3223), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I move that the Senate insist on its amendments to H.R. 3223 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The motion was agreed to and the Presiding Officer appointed Mr. COCHRAN, Mr. MCCLURE, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. MATTINGLY, Mr. SPECTER, Mr. HATFIELD, Mr. EAGLETON, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, and Mr. SASSER conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1983, H.R. 3069—APPOINTMENT OF CONFEREES

The PRESIDING OFFICER. The Chair appoints the following as conferees on the part of the Senate on the supplemental appropriations bill, H.R. 3069: Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. RUDMAN, Mr. STENNIS, Mr. INOUYE, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. BURDICK, Mr. DECONCINI, and Mr. BUMPERS.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I understand that we have received the conference report from the House of Representatives on the energy and water appropriations bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I have consulted with the chairman of the Appropriations Committee, with the President pro tempore, who I believe is prepared to proceed, and with the minority leader.

Mr. President, I submit a report of the committee of conference on H.R. 3132 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceeding of the RECORD of today, June 29, 1983.)

Mr. HATFIELD. Mr. President, I bring before the Senate today the conference report on H.R. 3132, the Energy and Water Development Act for Fiscal Year 1984. The conferees resolved the differences in the bill between the House and the Senate on Tuesday. The conference report and statement of managers have been filed as House Report 98-272 and it has been printed in the RECORD. Therefore, I shall not elaborate on all the items which were in disagreement, but I do want to sketch an outline of some of the important elements of the proposal which is before us today.

Before doing so, Mr. President, I wish to compliment our friends from the House, particularly the chairman of the House subcommittee, Mr. BEVILL, and the ranking minority member, Mr. MYERS, for the cooperation displayed in the conference meeting. I also want to thank the Senate conferees, particularly the ranking minority member and former chairman of the subcommittee, Senator BENNETT JOHNSON, for their support and cooperation during the conference on this measure.

Mr. President, the conferees did resolve the differences between the House and the Senate versions. I do take this opportunity to express my deepest appreciation to the ranking member of our committee, the Senator from Louisiana (Mr. JOHNSTON), and for the extraordinary performance on the part of the staff, as well, of the committee.

Mr. President, I believe we have reached, through long hours of negotiation, a reasonable agreement which should be cleared by the Senate and sent immediately to the President for his signature. This bill is certainly not a budget buster. The total of the bill is over $300 million below—I repeat, $300 million below—the President's budget request. Moreover, the conference agreement is nearly $30 million below the President's budget request for domestic spending programs.

As recommended by the committee of conference, the conference agreement provides $14,307,045,000 in new budget authority for energy and water development through the activities of the Department of Energy, Corps of Engineers, Bureau of Reclamation, and several independent agencies. To be specific, the amount of the conference agreement is $303,626,000 below the administration's budget request in budget authority. Based on Congressional Budget Office estimates this conference total is at least $100 million in budget outlays below the congressional budget estimates.

To reach this level of savings, the conferees were faced with some extremely difficult decisions. In many cases, after careful consideration, we agreed to the lower amounts for many programs and activities.

The conferees provided for specific reductions in budget authority by appropriation account rather than using a general reduction to the total of the bill as proposed by the House. As a result, the recommended funding level for most accounts is closer to the lower levels proposed by the Senate. Arriving at these lower amounts for specific appropriation accounts clearly shows our continued commitment and dedication to fiscal restraint.

Mr. President, the conference report and statement of managers provides much detail, and therefore, I shall summarize in rather general terms the appropriations provided for in the conference agreement.

Title I of the conference agreement provides appropriations for the U.S. Army Corps of Engineers civil works

program. The conference report provides a total of $2,641,386,000 which is an increase of $49,592,000 over the Senate level and a reduction of $54,038,000 below the House bill.

The Corps of Engineers funding level is $139,986,000 above the budget request, but $715,599,000 below the fiscal year 1983 level. Of the total amount, about one-third or $894,104,000 is provided for ongoing construction projects. The bill contains no new construction starts for either the Corps of Engineers or the Bureau of Reclamation.

For title II, the Bureau of Reclamation, the conferees recommend a total of $961,690,000, which is only $16,700,000 more than the Senate bill and $26,290,000 less than the House-passed bill.

The conference agreement contains $10,011,291,000 for Department of Energy programs in title III. This includes $1,951,609,000 for energy supply, research and development activities; $638,250,000 for general science and research activities; $378,763,000 for power marketing administrations and $29,582,000 for the Federal Energy Regulatory Commission. The energy accounts include $208,859,000 for solar, geothermal, and renewable energy development; $636,647,000 for nuclear fission activities including $346,500,000 for breeder reactor systems; and $470,750,000 for fusion energy development.

In the energy title, the conference agreement provides $6,547,375,000 for atomic energy defense activities. This is $277,700,000 below the budget request but still a total of $844,175,000 over the fiscal year 1983 level.

While I would have favored additional reductions in this account, the conferees proposed to reduce by 5 percent the 20-percent increase proposed by the administration. If we assume a healthy 5-percent inflation estimate, there is still a 10-percent real growth in energy defense over the previous year.

Frankly, I believe this type of increases at a time of growing budgetary problems illustrates our misplaced priorities in this energy budget.

Under the Reagan administration, funding for the energy defense activities at DOE has increased nearly 80 percent since fiscal year 1981, and the funding for production of nuclear warheads and nuclear bombs more than doubled from fiscal year 1981 to fiscal year 1983. These increases go far beyond our efforts to modernize, safeguard, and maintain the current nuclear weapons stockpile. The nuclear weapons program now consumes over 65 percent of the amount provided in the bill for energy activities. This is three times the total amount of funding provided for all energy technologies in the energy supply, research and development account. I submit that energy security and independence is every bit as important to our national strength and security as is our nuclear arsenal and nuclear stockpile. It is not an either/or proposition, of course, but we must move away from our tendency to think of our national security only in terms of hardware and sophisticated weaponry.

Under the atomic energy defense activities account, two items deserve special mention. First, the conferees adopted the Senate position to include the full budget request of $30 million for MX warhead production facilities. These funds were fenced, however, and the obligation of the funds is contingent upon approval by the Armed Services Committees and the Committee on Appropriations in order to insure that expenditures on warhead production is consistent with congressional action on the MX missile system.

For Project 82-D-109, production facilities for the 155 millimeter artillery fired atomic projectile, the conferees included $50 million as proposed by the House. The conference agreement, however, prohibits the obligation of these funds unless the President certifies to Congress that formal notification has been received from NATO countries in which such weapons are sought to be deployed that the country has approved replacement of the old 155 millimeter shell with the new 155 millimeter round.

Mr. President, the conference agreement includes $692,678,000 for seven independent agencies and commissions in title IV, including $145,000,000 for the Appalachian regional development program, $465,800,000 for the Nuclear Regulatory Commission, and $78,229,000 for the Tennessee Valley Authority.

Mr. President, again I express my thanks and deep appreciation to my friend and colleague, the distinguished Senator from Louisiana (Mr. JOHNSTON), who is the ranking minority member of this committee. I especially commend him for his dedication and support. It is a great pleasure to work with him. I extend my personal thanks to him.

Finally, Mr. President, both the majority and minority staff of this committee come in for special thanks—on the minority side, of course, Proctor Jones, and our majority staff members, Steve Crow, David Gwaltney, and Gloria Butland. I think they are especially to be commended for their diligent work on this bill.

Mr. President, I ask unanimous consent that a copy of the comparative statement of new budget authority be printed in the RECORD following my remarks.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New BA enacted	New BA estimates	New BA House	New BA Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
TITLE I—DEPARTMENT OF DEFENSE—CIVIL									
Department of the Army									
Corps of Engineers—Civil									
General investigations	129,042,000	110,400,000	148,733,000	118,435,000	133,810,000	+4,768,000	+23,410,000	−14,923,000	+15,375,000
Construction, general	1,506,405,000	820,700,000	892,829,000	885,779,000	894,104,000	−612,301,000	+73,404,000	+1,275,000	+8,325,000
Flood control and coastal emergencies	29,877,000	10,000,000	10,000,000	10,000,000	10,000,000	−19,877,000			
Revolving Fund			9,500,000		9,500,000	+9,500,000	+9,500,000		+9,500,000
Flood control, Mississippi River and tributaries, AR, IL, KY, LA, MS, MO, and TN	403,052,000	290,000,000	310,330,000	297,960,000	300,480,000	−102,572,000	+10,480,000	−9,850,000	−2,520,000
Operation and maintenance, general	1,187,667,000	1,161,300,000	1,215,032,000	1,170,620,000	1,184,492,000	−3,175,000	+23,192,000	−30,540,000	+13,872,000
General expenses	96,000,000	103,000,000	103,000,000	103,000,000	103,000,000	+7,000,000			
Special recreation use fees	4,942,000	6,000,000	6,000,000	6,000,000	6,000,000	+1,058,000			
Total, title I, new budget (obligational) authority, Department of Defense—Civil	3,356,985,000	2,501,400,000	2,695,424,000	2,591,794,000	2,641,386,000	−715,599,000	+139,986,000	−54,038,000	+49,592,000
TITLE II—DEPARTMENT OF THE INTERIOR									
Bureau of Reclamation									
General investigations	32,474,000	31,831,000	34,431,000	31,981,000	33,831,000	+1,357,000	+2,000,000	−600,000	+1,850,000
Construction program	640,570,000	699,388,000	711,538,000	683,818,000	693,818,000	+53,248,000	−5,570,000	−17,720,000	+10,000,000
Operation and maintenance	140,866,000	134,091,000	134,291,000	134,291,000	134,291,000	−6,575,000	+200,00		
Loan program	55,106,000	41,500,000	52,970,000	40,500,000	45,000,000	−10,106,000	+3,500,000	−7,970,000	+4,500,000
(Limitation on direct loans)	(26,922,000)	(40,332,000)	(51,802,000)	(43,322,000)	(51,802,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New BA enacted	New BA estimates	New BA House	New BA Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
General administrative expenses	39,928,000	53,400,000	53,750,000	53,400,000	53,750,000	+13,822,000	+350,000	.....	+350,000
Emergency Fund	1,919,000	1,000,000	1,000,000	1,000,000	1,000,000	−919,000	.....	.....	.....
Total, Bureau of Reclamation	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+50,827,000	+480,000	−26,290,000	+16,700,000
Total, title II, new budget (obligational) authority, Department of the Interior	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+50,827,000	+480,000	−26,290,000	+16,700,000
TITLE III—DEPARTMENT OF ENERGY									
Energy Supply, Research and Development Activities:									
Operating Expenses	1,897,096,000	1,855,960,000	1,713,112,000	1,720,444,000	1,708,012,000	−189,084,000	−147,948,000	−5,100,000	−12,432,000
Plant and Capital Equipment	352,976,000	243,665,000	251,097,000	233,265,000	248,597,000	−104,379,000	+4,932,000	−2,500,000	+15,332,000
General reduction	.....	.....	.....	−10,000,000	−5,000,000	−5,000,000	−5,000,000	−5,000,000	+5,000,000
Subtotal	2,250,072,000	2,099,625,000	1,964,209,000	1,943,709,000	1,951,609,000	−298,463,000	−148,016,000	−12,600,000	+7,900,000
Uranium Enrichment Activities:									
Operating Expenses	1,232,036,000	1,570,600,000	1,576,600,000	1,616,600,000	1,614,600,000	+382,564,000	+44,000,000	+38,000,000	−2,000,000
Plant and Capital Equipment	710,100,000	669,400,000	658,400,000	638,400,000	643,400,000	−66,700,000	−26,000,000	−15,000,000	+5,000,000
General reduction	.....	.....	.....	−20,000,000	−23,000,000	−23,000,000	−23,000,000	−23,000,000	−3,000,000
Subtotal	1,942,136,000	2,240,000,000	2,235,000,000	2,235,000,000	2,235,000,000	+292,864,000	−5,000,000	.....	.....
Gross revenues	−1,968,319,000	−2,240,000,000	−2,235,000,000	−2,235,000,000	−2,235,000,000	−266,681,000	+5,000,000	.....	.....
Net appropriation	−26,183,000	.....	.....	.....	.....	+26,183,000	.....	.....	.....
General Science and Research Activities:									
Operating Expenses	411,853,000	479,750,000	481,750,000	472,750,000	475,750,000	+63,897,000	−4,000,000	−6,000,000	+3,000,000
Plant and Capital Equipment	123,316,000	165,500,000	161,500,000	172,500,000	162,500,000	+39,184,000	−3,000,000	+1,000,000	−10,000,000
General reduction	.....	.....	.....	−10,000,000	.....	.....	.....	.....	+10,000,000
Subtotal	535,169,000	645,250,000	643,250,000	635,250,000	638,250,000	+103,081,000	−7,000,000	−5,000,000	+3,000,000
Nuclear waste disposal fund	217,325,000	306,675,000	306,675,000	306,675,000	306,675,000	+89,350,000	.....	.....	.....
Atomic Energy Defense Activities:									
Operating Expenses	4,375,700,000	5,215,125,000	5,084,325,000	5,098,925,000	5,081,825,000	+706,125,000	−133,300,000	−2,500,000	−17,100,000
Plant and Capital Equipment	1,328,000,000	1,610,450,000	1,474,050,000	1,401,950,000	1,466,050,000	+138,050,000	−144,400,000	−8,000,000	+64,100,000
Subtotal	5,703,700,000	6,825,575,000	6,558,375,000	6,500,875,000	6,547,875,000	+844,175,000	−277,700,000	−10,500,000	+47,000,000
Departmental administration:									
Operating Expenses	381,482,000	346,510,000	366,075,000	356,075,000	361,075,000	−20,407,000	+14,565,000	−5,000,000	+5,000,000
Plant and Capital Equipment	15,593,000	4,981,000	4,981,000	4,981,000	4,981,000	−10,612,000	.....	.....	.....
Subtotal	397,075,000	351,491,000	371,056,000	361,056,000	366,056,000	−31,019,000	+14,565,000	−5,000,000	+5,000,000
Miscellaneous revenues	−175,541,000	−209,619,000	−209,619,000	−209,619,000	−209,619,000	−34,078,000	.....	.....	.....
Net appropriation	221,534,000	141,872,000	161,437,000	151,437,000	156,437,000	−65,097,000	+14,565,000	−5,000,000	+5,000,000
POWER MARKETING ADMINISTRATIONS									
Alaska Power Administration, operation and maintenance	3,945,000	3,210,000	3,410,000	3,410,000	3,410,000	−535,000	+200,000	.....	.....
Bonneville Power Administration Fund Borrowing Authority	249,500,000	203,500,000	123,400,000	123,400,000	123,400,000	−126,100,000	−80,100,000	.....	.....
(Limitation on direct loans)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	.....	.....	.....	.....
(Limitation on guaranteed loans)	.....	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)	.....	.....	.....
Southeastern Power Administration, operation and maintenance	3,964,000	20,594,000	20,594,000	20,594,000	20,594,000	+16,630,000	.....	.....	.....
Southwestern Power Administration, operation and maintenance	20,756,000	36,229,000	36,229,000	36,229,000	36,229,000	+15,473,000	.....	.....	.....
Western Area Power Administration, construction, rehabilitation, operation and maintenance	149,750,000	219,630,000	184,630,000	204,630,000	194,630,000	+44,880,000	−25,000,000	+10,000,000	−10,000,000
Western Area Power Administration, emergency fund	337,000	500,000	500,000	500,000	500,000	+163,000	.....	.....	.....
Subtotal	428,252,000	483,663,000	368,763,000	388,763,000	378,763,000	−49,489,000	−104,900,000	+10,000,000	−10,000,000
FEDERAL ENERGY REGULATORY COMMISSION									
Salaries and expenses	86,139,000	94,582,000	89,582,000	94,582,000	89,582,000	+3,443,000	−5,000,000	.....	−5,000,000
Revenues Applied	.....	−60,000,000	−60,000,000	−60,000,000	−60,000,000	−60,000,000	.....	.....	.....
Subtotal	86,139,000	34,582,000	29,582,000	34,582,000	29,582,000	−56,557,000	−5,000,000	.....	−5,000,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND									
Geothermal loan guarantee and interest assistance program	.....	2,100,000	2,100,000	2,100,000	2,100,000	+2,100,000	.....	.....	.....
Total, title III, new budget (obligational) authority, Department of Energy	9,416,008,000	10,539,342,000	10,034,391,000	9,963,391,000	10,011,291,000	+595,283,000	−528,051,000	−23,100,000	+47,900,000
Operating Expenses	(6,886,023,000)	(7,845,346,000)	(7,484,363,000)	(7,512,295,000)	(7,485,763,000)	(+599,740,000)	(−359,583,000)	(+1,400,000)	(−26,532,000)
Plant and Capital Equipment	(2,529,985,000)	(2,693,996,000)	(2,550,028,000)	(2,451,096,000)	(2,525,528,000)	(−4,457,000)	(−168,468,000)	(−24,500,000)	(+74,432,000)
TITLE IV—INDEPENDENT AGENCIES									
Appalachian Regional Commission: Salaries and expenses	2,900,000	.....	2,500,000	2,700,000	2,700,000	−200,000	+2,700,000	+200,000	.....
Funds Appropriated to the President: Appalachian regional development programs [1]	165,133,000	80,000,000	150,000,000	125,000,000	145,000,000	−20,133,000	+65,000,000	−5,000,000	+20,000,000
Delaware River Basin Commission:									
Salaries and expenses	241,000	191,000	191,000	191,000	191,000	−50,000	.....	.....	.....
Contribution to Delaware River Basin Commission	269,000	269,000	269,000	269,000	269,000	.....	.....	.....	.....
Total, Delaware River Basin Commission	510,000	460,000	460,000	460,000	460,000	−50,000	.....	.....	.....
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	55,000	.....	68,000	68,000	68,000	+13,000	+68,000	.....	.....
Nuclear Regulatory Commission: Salaries and expenses	462,504,000	466,800,000	465,800,000	466,800,000	465,800,000	+3,296,000	−1,000,000	.....	−1,000,000
Susquehanna River Basin Commission:									
Salaries and expenses	.....	.....	191,000	191,000	191,000	+191,000	+191,000	.....	.....
Contribution to Susquehanna River Basin Commission	217,000	230,000	230,000	230,000	230,000	+13,000	.....	.....	.....
Total, Susquehanna River Basin Commission	217,000	230,000	421,000	421,000	421,000	+204,000	+191,000	.....	.....
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund	216,433,000	61,229,000	78,679,000	75,229,000	78,229,000	−138,204,000	+17,000,000	−450,000	+3,000,000
Water Resources Council: Water resources planning	4,083,000	.....	.....	.....	.....	−4,083,000	.....	.....	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New BA enacted	New BA estimates	New BA House	New BA Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
Total, title IV, new budget (obligational) authority, independent agencies	851,835,000	608,719,000	697,928,000	670,678,000	692,678,000	−159,157,000	+83,959,000	−5,250,000	+22,000,000
TITLE V—GENERAL PROVISIONS									
Sec. 507 General Reduction			−235,720,000					+235,720,000	
Grand total:									
New budget (obligational) authority	14,535,691,000	14,610,671,000	14,180,003,000	14,170,853,000	14,307,045,000	−228,646,000	−303,626,000	+127,042,000	+136,192,000
(Limitation on direct loans)	(66,922,000)	(80,332,000)	(91,802,000)	(83,332,000)	(83,332,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)	
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)			

[1] FY 1984 estimate proposed in the Budget for later transmittal

Mr. HATFIELD. Mr. President, to reach the level of savings in this conference report, of course the conferees were faced with some extremely difficult decisions but, in many cases, after careful consideration, we agreed to the lower amount for many programs and activities.

I want to stress again for those who have tendency to look upon this bill as the so-called bill with all the "pork" in it, this bill is certainly a lean bill that has been reduced in dollars and has, at the same time, I point out, Mr. President, increased again the military spending, the nuclear weapons program by $840 million over last year. That is 10 percent real growth over last year. So it ought to satisfy almost everybody.

Mr. President, at this point I yield to my colleague from Louisiana (Mr. JOHNSTON) for any opening remarks he might wish to make.

Mr. JOHNSTON. Mr. President, I join with my distinguished colleague from Oregon in commending this bill to our Senate colleagues. The differences were resolved in a manner, I think, which was both fair and favorable to the Senate approach. As he pointed out, the bill is in fact $303 million less than budget request. It is $228 million less than the fiscal year 1983 appropriation.

Mr. President, this is the bill in which the Corps of Engineers construction projects are contained. I think that some Members of this body have gotten an undue impression as to the amount of the Corps of Engineers construction project total. As in the case of this total budget, that part which goes to the Corps of Engineers construction is down as well. This bill appropriates less than $1 billion for the total Corps of Engineers construction projects. Less than one-tenth of 1 percent of the total Federal budget goes for the Corps of Engineers construction projects, which is down considerably from just a few year ago.

A few years ago, we had $1.8 billion in Corps of Engineers construction, $1.5 billion last year. Now we are down to $884 million. So, for those who regard such projects as being "pork," this bill represents very good news. For those like myself, who regard those projects as being the infrastructure of the country and badly needed, this bill does not represent such good news. But for all of us who are concerned about the size of the budget, it does indeed represent good news because of the modest size of the bill.

Mr. President, I also join in congratulating the distinguished Representative from Alabama, the chairman of the House committee, TOM BEVILL, and the distinguished ranking minority member in the House, JOHN MYERS, for their excellent work. They make a fine team and they are a pleasure to work with.

Most of all, however, Mr. President, I congratulate again our distinguished chairman of this committee, MARK HATFIELD, for the really outstanding work which he does on this committee. I have been chairman of this committee in the past, so I know very well how difficult it is to do justice and be fair at the same time. Mr. HATFIELD is able to do that in such an unusually evenhanded and satisfying way. He can say no to those who ardently propose their request in such a way that no one is mad. That, indeed, is quite an accomplishment. So, Mr. President, I congratulate him and urge my colleagues to vote aye on this conference report.

Mr. HATFIELD. Mr. President, I thank my dear friend and colleague (Mr. JOHNSTON) for his gracious remarks.

LOSS OF FLUID TEST FACILITY CONSORTIUM

● Mr. McCLURE. Mr. President, I seek clarification from the chairman of the Appropriations Committee. Would the Senator from Oregon (Mr. HATFIELD) please clarify a point in the conference report? It is my understanding that the conference report provided $15 million for the Loss-of-Fluid Test Facility in the funding provided for light water reactor systems.

Mr. HATFIELD. Mr. President, the Senator's understanding is correct.●

Mr. BUMPERS. Mr. President, I should like to discuss for just a moment a matter that is in this bill. I do not intend to ask for a rollcall.

Mr. PROXMIRE. If the Senator will yield, I do intend to ask for a rollcall. I ask for the yeas and nays on passage of this conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, has the Senator from Oregon reported the amendments in disagreement?

Mr. HATFIELD. No, Mr. President, I have not.

Mr. BUMPERS. Let me just raise this point, Mr. President. There is an amendment in disagreement, amendment No. 25. It deals with the production of 155mm neutron weapon artillery shells.

We do not now store neutron weapons in any form on the soil of any of our NATO allies. One of the reasons we do not, of course, is that we presently do not have permission to do so. But I make this point: A lot of people may not realize that it is the Energy Committee that authorizes the money for all nuclear weapons for our defense programs. It is the Subcommittee on Energy Appropriations, of course, that appropriates the money pursuant to that.

When the Energy and Water Appropriations Subcommittee met and reported its bill out on June 16, here is what the accompanying report said on the question of project 82-D-109, which is the proposed production of 155-mm neutron artillery shells. It said:

> The Department is currently in production on an 8-inch artillery warhead and the Lance missile warhead. Military leaders acknowledge that there is little, if any, military value to these weapons unless they can eventually be deployed in Europe. Uncertainty surrounds these deployment decisions and there has been no discernible progress to date. The uncertainty of deployment also applies to the 155mm artillery warhead regardless of its final capabilities.
>
> In view of these considerations and, due to the current budget constraints the committee believes it is ill-advised to proceed to spend billions of dollars on the W82 at this time.

I heartily concur in that committee report as far as it goes.

Mr. President, the House committee apparently did not feel quite as uncomfortable about producing neutron artillery shells as the Senate committee did; they had $50 million for the construction of a facility to produce 155-mm shells in their bill. When our

committee went to conference with their committee, this issue came up. I commend the Senator from Oregon for what he tells me was the very best deal he could get. I know that he is very sensitive to this issue, as am I. But here is what came out of the conference committee:

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows—

And here is the meat of the coconut:

Delete the matter stricken by said amendment and insert the following:

: *Provided*, That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—

(1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled.

So far so good, even though we do not propose to build nearly as many 155-millimeter enhanced radiation shells as we already have nuclear shells in our existing inventory.

(2) formal notification has been received—

By the President—

from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapon.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference includes $50,000,000 for Project 82-D-109, 155mm artillery fired atomic projectile production facilities. The conference agreement would prohibit the obligation of the funds pending a Presidential certification.

Mr. President, I want to point out that while I know that if I ask for a rollcall on this amendment in disagreement it would be overwhelmingly approved, and I am not going to do that, I am speaking at this moment to raise the red flag. This is just like fighting with my wife; those I win just are not over. We have not heard the last of this issue.

We do not need this weapon. The Europeans have not given us permission to store enhanced radiation weapons on their soil. We have under production right now the Lance missile warhead and the 8-inch shells——

Mr. TOWER. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. TOWER. Did the Senator say that the Europeans have never given us permission to store enhanced radiation warheads on their soil?

Mr. BUMPERS. I think I know what the Senator is driving at, and I know at one time President Carter jawboned them into saying yes and he changed his mind.

Mr. TOWER. That is right. That is exactly what happened. As a matter of fact, the German Government did agree to it.

Mr. BUMPERS. I think the Senator is correct, based on my knowledge of published reports, of that. But in any event, that is a very volatile issue in Europe right now.

One of the questions I want to ask the managers of the bill, concerns the requirement that the President must certify to the Congress that he has received permission to deploy 155's on the soil of the nation where we want to deploy them. My question is, how is that nation to notify the President? Is that going to be a classified communication or will it be open and public?

Mr. HATFIELD. It is a formal notification, I would say in answer to the Senator. It is formal notification that is required. The assumption is that the formal notification will be a public notification.

Mr. BUMPERS. I am sorry; I did not hear the Senator.

Mr. HATFIELD. I might call the attention of the Senator to the fact—he probably already knows it—that the language the Senator read from the report is also in the bill. We had the language, the fencing language the Senator quoted placed in both the bill and the report to underscore the position of the committee to withhold such moneys until we had this kind of formal notification. We built a fence around it.

Let me add one other point. Because it is a required formal notification, the assumption is that it will be a public notification.

The $50 million is to build the production facilities. We will have another crack at the question of moneys required to actually start production of the shells, so that we really have not crossed that bridge yet.

I might say that in general the committee, as the Senator knows, has dropped for about 6 years the production money requests, and we had hoped to be able to maintain that position in the conference.

Circumstances have changed, and obviously as we best assessed the conference yesterday this is the kind of position that we could really develop and hammer out, coming from at least the perspective of myself. I oppose the production of such a weapon.

I might gratuitously add that we have fully funded in this particular bill nine weapons systems, and we felt that that was in itself sufficient, including the fact that it was $840 million over last year's level.

But that was not the mood that we assessed in the conference yesterday, and so I want to assure the Senator—and I agree with his position, and he knows of my agreement—my position on this is very clear, but this I believe is the best defensive fallback position the committee from the Senate was able to obtain.

Mr. JOHNSTON. Will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. JOHNSTON. Mr. President, I say to the distinguished Senator from Arkansas that I share the skepticism of the Senator from Oregon on this particular weapon system. This is in one sense a nose under the tent in that it is the start of funding of a most expensive weapon system. The exact number on the cost of this is classified, but I do not think we would be breaching any classified information to say that it is in the billions of dollars——

Mr. BUMPERS. It is a very significant amount of money.

Mr. JOHNSTON. On a total lifecycle cost, and we should not get into a multibillion-dollar funding program until we know, first, that we can deploy this weapon. That is the reason for our fencing language. But more than that, whether we have any real use for it. What we are talking about here, is many, many weapons. I will not say what the number is, but it is disbursed down at the cannon level, at the battery level, so that apparently the decision to use this weapon would be disbursed over a broad number of units at the tactical level. The range is very short and the number of people involved is very great. It seems to me that command and control for the weapon would be most difficult. The use of the weapon would be very difficult because you would probably be shooting into your own territory where you are going to have your own people. I think we ought to have a first-class decision making debate and consideration of this matter before we get into the huge, huge cost that this weapon system would entail. We will have the chance to do that as part of the Department of Defense authorization.

I congratulate the Senator from Arkansas for shining the light of public scrutiny on this particular weapons system. Now is the time to consider it, not after we have spent hundreds of millions of dollars in the program and then decide to cancel it.

Mr. BUMPERS. The Senator from Louisiana has just made my case for me.

I want to make the point that we spent weeks around here debating the MX, and that was a legitimate debate, Yet, here is something I consider to be a monumental decision because of all the very cogent points the Senator has just made: No. 1, do we need it? No. 2, is it cost-effective? No. 3, when we get to the command and control part of it, who is going to have the authority? Some battalion commander? Are we going to put this under the control of a battalion commander? Or are those things going to be set up in such a way that they cannot be fired except on

authority at the highest level? Those decisions have to be made.

I want to raise one other question: Is it the Senator's understanding that under the amendment, the only requirement on the President is a simple certification to Congress? The Senator from Oregon says he would presume that this certification would be public, that the public would be notified that a North Atlantic Treaty Organization country that we want to put these things in has given its permission, and the President would certify that to Congress. At that point the building of a $50 million facility could go forward without any further action on the part of Congress. Is that correct?

Mr. JOHNSTON. That is correct. The President must certify publicly to Congress that which is very clear—that permission has been received from a certain named nation in NATO where the weapon would be deployed, that permission has been given to deploy this weapon—that is, to exchange this version of the 155-millimeter shell for the one that is presently deployed. That specific permission must be made public and presented to Congress.

Mr. BUMPERS. Is it the Senator's understanding that there is now no money authorized or available for the production of this weapon?

Mr. JOHNSTON. That is correct. This money is for the building of the facility.

Mr. BUMPERS. So if the President proposes to build the facility, and before he can go foward with production, he would have to come back to Congress.

Mr. JOHNSTON. He cannot build the facility unless he certifies to Congress that he has the requisite permission. There is no money here for production. This money is all for building the facility.

Mr. BUMPERS. Once he certifies, he has the right to go ahead and build the facility. But before going into production, he has to come back to Congress and ask for authorization and for money, at which time we hope we would have an opportunity for a full-fledged debate to cover all these things.

Mr. JOHNSTON. The Senator is correct.

Mr. BUMPERS. Does the Senator from Oregon concur in that?

Mr. HATFIELD. Yes. That is one of the reasons why we had a little argument in the committee as to whether or not the NATO alliance commitment was sufficient. The Senator from Louisiana said nations—he wanted to know nation by nation as to this approval, because that was the crux or the key to the whole fencing idea.

So I have to confirm what the Senator from Louisiana has stated to the Senator from Arkansas—that that is our understanding and that that is the legislative intent.

Mr. BUMPERS. I thank both floor managers for the opportunity to express myself on this matter and for their responses, which I find to be instructive.

I also think that probably they did get this money fenced and that was the best we could get under the circumstances. I am happy to know that we will have another shot at this down the road.

Mr. HATFIELD. I thank the Senator from Arkansas. He has been very helpful.

A TACTICAL NUCLEAR CAPABILITY—DO WE NEED IT?

Mr. SYMMS. Mr. President, the purpose of our nuclear weapons is to prevent war by acting as a deterrent. Should deterrence fail, they should provide the means by which to terminate the conflict rapidly on terms favorable to the United States and its allies.

In order to accomplish this mission, our nuclear forces must be perceived by potential enemies as a viable deterrent. They must provide the NATO alliance with the flexibility to respond to aggression in kind or at any escalated level of intensity which competent authority should direct. This means that we must take action to establish and maintain a full spectrum of military options ranging from conventional to strategic nuclear response. To either unwittingly or deliberately permit gaps in the spectrum of possible responses to exist is to place our Nation's security in jeopardy and to increase the probability of war.

A case in point is the urgent need to replace the current, aging 155mm nuclear artillery projectile, W-48, with the modernized projectile designated the W-82. The old W-48 round is based on outdated technology and is nearing the end of its useful life. Modernization of our capability to cover the zero to 30-kilometer range band is long overdue. The W-82 will, in combination with the improved 8-inch nuclear round already in production, provide the capability necessary for a variety of responses by ourselves and our allies.

Without modernization, we will develop a gap in our spectrum of capabilities at the short-ranges. The Senate position in the fiscal year 1984 energy and water appropriations bill strikes the administration's request and thus prevents this modernization. The 155mm is our most numerous cannon system. Thus, the system which provides the greatest potential for flexibility is the very one which will be deprived of an effective nuclear delivery capability. If we commit to fund the W-82 nuclear projectile, as I believe we should, in the conference on the fiscal year 1984 energy and water appropriations and thus provide a viable and potent replacement for our older system, we will have taken a significant step in the direction of securing peace through deterrence.

The 155mm makes up the bulk of NATO's short-range nuclear capability and is the dominant fire support weapon in the NATO force structure. If these howitzers are provided with an effective nuclear capability, it provides the Soviets a serious targeting problem and improves the overall survivability of other systems. Failing to provide a replacement nuclear projectile would have the opposite effect, greatly simplifying their problem of detecting and attacking the more limited number of other short-range nuclear capable systems.

The current projectile, W-48, has been deployed since 1963. It is rapidly losing effectiveness against the increasing numbers of Soviet and Warsaw Pact armored forces. The replacement W-82 projectile will have improved effectiveness by an order of magnitude and will have vastly improved safety and reliability features, badly needed in our stockpile of deployed warheads. This part of the tactical nuclear modernization permits the overall level of deployed warheads to be reduced as more effective ones are made available.

A modern 155-millimeter nuclear capability, along with the less numerous 8-inch and Lance short-range systems, prevents war by permitting effective response to aggression across the spectrum of possible attacks. It is important that we provide our forces in the field with the best possible capability so there is no misunderstanding on the part of the Soviets that we have the resolve to face any aggression.

The Soviets and their Warsaw Pact allies know full well that if they choose to attack Western Europe, their only hope for success would be to strike and win quickly before we and our NATO allies can send reinforcements. They would attempt to mass overwhelming forces quickly at key breakthrough points, creating as much as 10-to-1 ratios in maneuver battalions and tanks with which to overwhelm NATO forces. While NATO has a significant arsenal of conventional weapons with which to counter that mass of enemy forces, I believe it simply would not be sufficient to successfully halt such overwhelming odds; NATO forces would be overpowered by sheer numbers.

The modernized 155-millimeter nuclear projectile would change that possible scenario dramatically. To achieve large force ratios, the Soviets must mass their troops, tanks, and artillery close to the intended battle areas, within range of NATO's artillery, before they attack. This creates very lucrative nuclear targets. The capability of our nuclear artillery to decisive-

ly strike these targets causes the Soviets a great deal of uncertainty about massing those forces, thus making the outcome of any attack very uncertain. Without certainty of success, the Soviets would be loathe to attempt an attack in the first place. Of our existing nuclear artillery weapons, the modernized 155-millimeter nuclear round would most enhance this deterrent quality because of the large numbers of 155-millimeter howitzers in NATO's arsenal.

It should be noted that the Soviets are putting increased emphasis in modernized short-range nuclear force. In the past 5 years, the Soviets have more than doubled their short-range nuclear force. They have fielded three new cannons: the 203-millimeter gun, the 152-millimeter gun and the 240-millimeter self-propelled mortar. All are nuclear capable and give the Soviets an ability to deliver low-yield nuclear strikes close to their own troops, a capability they have not had in the past.

Since the 1960's, the Soviets have had a doctrine which calls for tactical nuclear strikes to open gaps for rapid movement of tank divisions. When that doctrine was formulated, the Soviet arsenal consisted of large, cumbersome, and relatively inaccurate weapons not well suited to it.

With the fielding of these new nuclear cannons, the Soviets are gaining the capability to execute that doctrine. Unless we take positive, decisive action to counter them, recent Soviet deployments will put us at an extreme disadvantage in short-range nuclear systems. The edge that NATO once had in this area, and cannot afford to lose, is rapidly fading because of the growing obsolescence of our nuclear artillery warheads. The development, production, and fielding of the W-82 is an integral part of our counter to the Soviet upgrade. Its funding support is critical to that effort and is the reason I believe the Senate conferees should recede to the House in conference of the fiscal year 1984 energy and water appropriations on this matter.

There has been concern expressed in the Congress with regard to the costs, deployment, and nuclear freeze implications of developing an improved 155-mm nuclear artillery projectile. Additionally, some have suggested that conventional alternatives, particularly the so-called smart munitions should be sought as a means of avoiding the need to develop modernized nuclear artillery shells. Let me address these concerns.

With regard to costs, the major share of most nuclear projects is associated with Department of Defense delivery systems. The total program costs for this artillery projectile—DOD and DOE—are very low since the force stucture to operationally use it is already fielded in the form of NATO's 155mm cannon battalions and batteries which fire conventional rounds as well. The direct production costs for the nuclear warhead are comparable to other warheads now in production and do not represent a departure from the general trend of cost rises due to inflation.

Because the W-82 would replace an already existing 155mm nuclear projectile, we do not face the issue of introducing a new type of system into Europe. Since first availability of this replacement round will be in the 1988 timeframe, we should not prejudge the political climate for deployment to Europe at that time. Nor should a nuclear freeze argument apply to this improved weapon. The round is many times more militarily effective than its predecessor and we will replace the current 155mm projectile on a one-for-one basis. When considered with other improvements in short-range systems, the overall result will be a net reduction in the number of weapons. In order to maintain our deterrrent capability on a continuum, current plans call for the old rounds to be phased out as the new ones are phased in.

I believe the W-82 round will raise the threshold for the use of nuclear weapons. The replacement 155-mm projectile will discourage Soviet first use of their recently expanded tactical nuclear capability. It will reduce the potency of the expanding Soviet conventional force and act as a deterrent to the initiation of combat in the first place. It should be remembered that our use of the weapon is strictly controlled by the President as in the case of current rounds.

Conventional alternatives of a comparable nature do not truly exist at this time. No conventional system provides the same capability to catastrophically alter force ratios or deter Soviet first use of their short-range nuclear forces. Even if conventional munitions were available, the number of them which would be required to inflict damage comparable to that of which the W-82 is capable would be prohibative. For example, the cost of a Copperhead attack on an enemy armored unit would be approximately twice the cost of a W-82 strike which produced the same degree of damage. I wholeheartedly support this program, which is vital to our capability, to deter aggression, and I urge my colleagues in the conference on the fiscal year 1984 energy and water appropriations bill to recede to the House position on this issue.

● Mr. CHILES. Mr. President, I support the conference report on the energy and water appropriations bill for fiscal year 1984, H.R. 3132.

Particularly important to the State of Florida is language approved by the conferees on this bill regarding a possible study of the Cross-Florida Barge Canal project in my State. Language was included in the report accompaning the Senate version of this bill which opposed additional study of this project. That language is as follows:

Cross-Florida Barge Canal Restudy, Fla.—The U.S. Army Corps of Engineers is currently in the process of determining if additional Federal funds should be utilized to carry out a restudy of the Cross-Florida Barge Canal project. This effort is a result of advisory language included in the House report of the fiscal year 1982 supplemental appropriations bill which proposed the use of up to $450,000 for the purposes of an economic analysis of the Cross-Florida Barge Canal.

The Committee recognizes that this project no longer has an official sponsor at either the State or Federal level. The 1977 study by the Corps recommended against the completion of the Canal. No Federal funds for construction have been appropriated since 1970. The Florida Governor and Cabinet opposed the project and support legislation to deauthorize the Canal. The Florida Legislature has expressed similar views. The U.S. Senate has twice passes legislation to deauthorize the Canal, and legislation is presently pending in the House and the Senate to accomplish deauthorization.

Most recently the State of Florida has expressed its oposition to the restudy attempt. It is the State's position that these funds could be better spent by applying them to more environmentally acceptable projects. For this reason, the Committee believes that no further funds should be utilized for the purpose of studying the Cross-Florida Barge Canal.

A final decision is still pending by the U.S. Army Corps of Engineers as to whether to proceed with this study effort. The language in the Senate bill, now affirmed by the conference committee, offers appropriate guidance to the corps on this matter.

I have introduced legislation in the Senate to deauthorize the Cross-Florida Barge Canal. A companion bill has been introduced in the House of Representatives by Congressman BUDDY MACKAY who represents the district through which the uncompleted portion of the canal would be built. Deauthorization has twice passed the Senate and I am hopeful we will see action again on my bill in the context of an omnibus water project bill later this year.

In the meantime, it makes little sense for the corps to undertake and finance further study of the project, and I am pleased that the conference committee on H.R. 3132 has affirmed the position of the Senate on this question.●

● Mr. PRYOR. Mr. President, I am pleased that the conference committee has approved an appropriation of $3.5 million to provide for public access and recreational facilities for the Felsenthal National Wildlife Refuge in south Arkansas.

This funding will be the first step in fulfilling a Corps of Engineers commitment made when it proposed condemnation of thousands of acres of private land in connection with navi-

gation development on the Ouachita and Black Rivers.

Witnesses before the Senate subcommittee pointed out that these facilities are desperately needed. Not only are they needed to provide access to the refuge by sportsmen and the general public but also to insure proper operation and maintenance of the refuge by the Fish and Wildlife Service.

I commend the distinguished chairman and ranking minority member of the Energy, Water Appropriations Subcommittee, Senator HATFIELD and Senator JOHNSTON, for their efforts on this matter.●

● Mr. HUMPHREY. Mr. President, I wonder if I might engage the chairman of the Appropriations Committee in a colloquy relative to the conference's provision of funds for the Department of Energy's extend burnup program.

First, I would like to thank the Senator from Oregon for his attention to the Department of Energy's extended burnup program and for restoring $4.5 million for this program in conference. This program is very small in cost and, according to the General Accounting Office, will save the country's electricity ratepayers over $13 billion before the year 2000 for a total outlay over the next few years of only $33 million in constant 1981 dollars. The House provided $9 million to continue this program. Because of the tightness of the budget I understand the conference was forced to reduce this figure to $4.5 million. To make sure that this program is not terminated before its benefits are achieved, I was hoping that I could ask the chairman some questions.

Mr. HATFIELD. The Senator is correct. It was the conference's desire that the extended burnup program be continued.

Mr. HUMPHREY. Then it was not the intention of the conference that any money be spent to terminate existing contracts, that instead the program should be continued so that Congress will have the opportunity to continue to fund the project in fiscal year 1985?

Mr. HATFIELD. The Senator is correct. It was our understanding that the House conference intended that the money it provided for this program not be used to cancel existing contracts.

Mr. HUMPHREY. It then is the sense of the conference that the program will continue in fiscal year 1985 and is likely to be funded at some level in fiscal year 1985?

Mr. HATFIELD. The Senator is correct.

Mr. HUMPHREY. I thank the chairman of the committee for his assistance.●

Mr. DOMENICI. Mr. President, I would like to commend my distinguished colleagues, Senators HATFIELD and JOHNSTON, and the members of the Senate Appropriations Committee for completing congressional action on the energy and water development appropriation bill 3 months before the new fiscal year begins.

I support the conference agreement on the energy and water development appropriation bill.

H.R. 3132 provides $14.4 billion in budget authority, and $7.9 billion in outlays for fiscal year 1984 for the activities of the Department of Energy, the Department of Interior (water programs), the Department of Defense—Army Corps of Engineers, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and other agencies.

With outlays from prior-year budget authority taken into account, the Energy and Water Development Subcommittee is $0.9 billion in budget authority and $0.4 billion in outlays below its Senate crosswalk allocation under the first budget resolution.

Mr. President, I ask unanimous consent that a table showing the relationship of the conference agreement to the congressional spending budget and the President's budget request be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ATTACHMENT I.—CONFERENCE—ENERGY-WATER SUBCOMMITTEE—SPENDING TOTALS

[Dollars in billions]

	Fiscal year 1984	
	BA	O
Outlays from prior-year budget authority and other actions completed		[1] 6.8
H.R. 3132, conference agreement	14.4	7.9
Total for Energy-Water Subcommittee	14.4	14.7
Senate subcommittee allocation under first budget resolution	[2] 15.4	[2] 15.1
Possible amount over (+)/under (−) allocation	−0.9	−0.4
H.R. 3133:		
President's request	14.7	7.9
House-passed	14.3	7.7
Senate-passed	14.3	7.8
Conference agreement	14.4	7.9

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98–8, the Emergency Jobs Appropriation Act and with the Senate-passed fiscal year 1983 Supplemental Appropriation bill (H.R. 3069).

[2] This allocation reflects the conference agreement on the first budget resolution.

Note: Totals may not add due to rounding.

THE PROPOSED RESTART OF THE L-REACTOR AT THE SAVANNAH RIVER PLANT IN AIKEN, S.C.

Mr. THURMOND. Mr. President, I rise to comment on the amendment offered by the distinguished Senator from Georgia (Mr. MATTINGLY), regarding the proposed restart of the L-reactor at the Savannah River Plant, which was accepted by the conference committee considering the 1984 energy and water appropriations bill, H.R. 3132. As I understand his amendment, I believe it is an important step forward toward the restart of the L-reactor.

It is my understanding that this amendment endorses the concepts in the memorandum of understanding. Under this memorandum of understanding, the State of South Carolina will issue an NPDES permit to allow the Department of Energy to restart the L-reactor, which permit shall contain a schedule of compliance. Then, after this permit has been issued, the Department of Energy will pursue mitigative actions to bring the operation of the L-reactor into compliance with the NPDES permit on the schedule contained in the permit which must be agreeable to both the State and the Department of Energy.

Mr. HOLLINGS. Mr. President, on behalf of myself and Mr. MATTINGLY, I want to state the intent behind an amendment that the two of us introduced yesterday in the energy and water development conference committee. That amendment deals with the L-reactor at the Savannah River Plant, S.C.

Our proposal, a modified version of what had earlier passed the Senate, was accepted by the conference committee. To insure that the provisions and intent of this amendment are clear, I would like to take a minute today to state precisely how Senator MATTINGLY and I interpret it. Our interpretation is as follows:

The L-reactor section of the conference report provides that no funds shall be available for the purpose of restarting the L-reactor at the Savannah River Plant until the Department of Energy completes an environmental impact statement and until the Department is issued a discharge permit pursuant to the Federal Water Pollution Control Act. The section provides that the EIS shall be expedited.

The section also provides that the discharge permit shall incorporate the terms and conditions provided in the memorandum of understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated with the L-reactor restart. This provision is not intended in any way to amend the Federal Water Pollution Control Act, to grant the Department of Energy any exemption to the provisions of that act, or to amend or restrict the authority and discretion of the Federal and State agencies responsible for administering that act. It is intended solely to direct the Department of Energy, as a condition that must be met before the Department can accept any such discharge permit, to commit itself to carrying out its studies and mitigation programs listed in the memorandum of understanding with the State of South Carolina.

The section also defines the term "restarting." One part of that definition includes activities that would result in cooling system testing discharges which exceed the volume, frequency, and duration of test dis-

charges conducted prior to June 28, 1983. This provision is intended to permit, before the completion of the EIS, the kind of short-duration, L-reactor, cooling system tests conducted in the spring of 1983. However, full-scale, multiday tests of the kind originally planned for the late summer of 1983 would be prohibited until the completion of the environmental impact statement.

Mr. President, I understand that the distinguished chairman of our Appropriations Committee (Mr. HATFIELD) agrees with me and Mr. MATTINGLY in our interpretation of this section of the conference report.

Mr. HATFIELD. The Senator is correct. I do agree with his interpretation of the L-reactor language, including his statement that this language in no way amends the Federal Water Pollution Control Act.

Mr. HOLLINGS. I thank the Senator from Oregon. I also thank Senator MATTINGLY and the distinguished ranking member of the Energy and Water Development Subcommittee (Mr. JOHNSTON) for the role they have played in our committee's discussions of the L-reactor.

Mr. MATTINGLY. Mr. President, a short while ago, the junior Senator from South Carolina (Mr. HOLLINGS) inserted for the RECORD his interpretation of my amendment to the Energy and Water Development Appropriations Act of 1984 relating to the restart of the L-reactor at the Savannah River Plant, Aiken, S.C.

I simply want to take this opportunity to say that the language of this bill is clear and distinct in intent and purpose. It mandates the Department of Energy to successfully complete an environmental impact statement and then to live up to its commitment to the State of South Carolina to conduct studies and mitigate thermal effects upon issuance of a discharge permit. It should not be construed to either enlarge or diminish the rights of South Carolina in dealing with DOE and issuance of discharge permits in regard to the L-reactor.

Mr. BAKER. Mr. President, I understand that the Senator from West Virginia (Mr. RANDOLPH) is on the way to the floor and has brief remarks he wishes to make before the adoption of the conference report. Will the chairman give me just a moment to find out?

Mr. BYRD. Mr. President, this conference report on the energy and water development appropriation bill for fiscal year 1984 contains many projects and programs of interest to the people of West Virginia. Perhaps the most discussed project from a West Virginia point of view has been the Stonewall Jackson Dam in West Virginia. I am pleased that the Congress has agreed with the President's request to provide $26 million for continued construction of this project. This congressional decision will permit the U.S. Army Corps of Engineers to award a contract for construction of the dam this summer. I will have more to say about the importance of this dam in a moment.

The fiscal year 1984 energy and water development appropriation bill also contains $3.6 million to continue construction of the Tug Fork and other section 202 flood control projects near the West Virginia/Kentucky border as well as operation and maintenance funds for various locks and dams operated by the Corps of Engineers in the State. I am also pleased that this bill contains $145 million for Appalachian regional development programs; $100 million of this amount will fund continued work on the Appalachian regional highway system including corridor G which will link Charleston with the Kentucky border at Williamson, W. Va., when this highway is completed.

Mr. President, there has been, I believe, a lot of misinformation about the benefits and the need for the Stonewall Jackson flood control project. I would like to take this opportunity to set the record straight. First, let me point out that the administration supports the construction of the Stonewall Jackson Dam. Why is that? The President recognizes the value and importance of completing this dam. The benefits of completing the Stonewall Jackson Dam exceed the remaining costs by more than 50 percent. So, clearly this dam makes good economic sense.

Now, some people have questioned why other alternatives to this dam could not be pursued. Why, for example, would not a series of small watershed projects provide the same level of flood protection and other benefits as the Stonewall Jackson Dam but at much less cost? I asked the same question many years ago before we proceeded with this dam and have recently received reconfirmation of what I have known all along. In a June 13, 1983, letter from the Soil Conservation Service I was informed that "A series of small upstream reservoirs could not achieve nearly the same degree of benefits as envisioned for the Stonewall Jackson Dam." The letter noted further that such a series of small watershed projects "would be marginally feasible, at best," and that such a project "would require a dam on the main stem of the West Fork, and, consequently, the land rights requirements would be similar." It is apparent to me from the words of the Soil Conservation Service, and they are the experts in this matter, that a series of small watershed projects is not a practical solution to the problems of the people in northern West Virginia; and, in any event, the main feature of the watershed project would be a dam on the main stem on the West Fork. So, I see little benefit in the primary alternative which has been recommended.

One of the principal benefits of the Stonewall Jackson Dam will be improved water quality. Many of the opponents have stated that the method of improving water quality by increasing polluted stream flows with supplemental fresh water from the reservoir, a process known as pollution dilution, is not a recognized means of water quality improvement. In response to this objection it should be noted that the Environmental Protection Agency has reviewed all aspects of this dam, including water quality, and the EPA gave its approval to the dam on December 4, 1979. So, the Stonewall Jackson project is not some unholy environmental monster. Furthermore, the construction of this project envisions making improvements to specific sources of pollution downstream from the dam, but much of the adverse water quality comes from general pollution sources, such as acidic water drainage from the lands on either side of the river. This general pollution cannot be cost-effectively eliminated, but we can diminish its harmful effects on the river's environment by adding additional flows of fresh water during the dryer summer months in particular, and, that is what the Stonewall Jackson Dam is designed to do.

Now, in addition to all these benefits, the Stonewall Jackson Dam construction program will employ between 300 to 500 people over the next 6 or 7 years. So, the dam has the added benefit of providing a significant number of jobs for West Virginians now when the State's economy is particularly depressed. I make no apologies for my efforts to fund productive work for the people of my State when the project is economically sound as is the Stonewall Jackson Dam.

Now, Mr. President, yesterday during the conference committee discussion of this matter no opposition was raised by the House Members with respect to the merits of this dam. After the House conferees agreed to the $26 million restoration necessary for continued construction of this dam during the coming fiscal year, one Member of the House suggested that much of the earlier House opposition to this dam stemmed from bitterness on the part of some Members who believed that I had blocked their congressional pay raise about 3 years ago. We discussed this matter at some length during the conference meeting yesterday; but the point is, that this opposition to the Stonewall Jackson Dam had no relation to the merits of the project itself. So, I hope I have put that matter to rest once and for all.

Mr. President, I wish to thank the distinguished chairman of the Energy and Water Development Appropriation Subcommittee for his leadership and fairness in shepherding this bill through the appropriations process. Chairman HATFIELD was, as always, very ably assisted in this task by the ranking Democratic member, Senator JOHNSTON. I also thank Mr. BEVILL and Mr. MYERS, chairman and ranking members of the House conferees. I thank all of the House and Senate conferees.

Mr. President, I ask unanimous consent to have printed in the RECORD certain telegrams and letters that I have received relating to this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARLESTON, W. VA.,
May 27, 1983.

Hon. ROBERT C. BYRD,
Capitol, Washington, D.C.

The Stonewall Jackson Dam project is totally supported by my administration as currently proposed and planned by the U.S. Army Corps of Engineers. I have personally been involved with this project since early in my first administration and I am convinced that its completion is in the best interests of the citizens of our State.

This project will provide flood protection and low flow benefits for the West Fork River, as well as the Monongahela River, outstream flood protection will be provided for a 100-year frequency storm and make available additional lands for development and other lands for redevelopment. Other projects benefits and increased water supply potential, recreational benefits and improvement in downstream water quality that cannot be met by any other proposed alternative. The potential for downstream development and resultant economic gains, as well as reduction of flood losses, are significant benefits. The recreational potential of the planned State park associated with this project is among the highest of any in West Virginia.

To date, $70,000,000 has been spent on this project, seventy three percent of the relocation of persons has been made and 90 percent of the needed land has been acquired. It is important that this progress continues, particularly at this time when unemployment is so high. I, therefore, solicit your support in expediting funding to this project for its completion.

JOHN D. ROCKEFELLER IV,
Governor of West Virginia.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
June 10, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: This is in response to your recent inquiry as to whether the Corps of Engineers still supports the Stonewall Jackson Lake, West Virginia project in light of passage of a House of Representatives floor amendment for the deletion of further funding of the project in Fiscal Year 1984.

The Stonewall Jackson project is a multipurpose reservoir project authorized in 1966 for construction by the Corps of Engineers. This project provides benefits which exceed costs, is supported by local interests, and will help alleviate numerous water resource problems pertaining to flood control, water supply, water quality control, and recreation, as well as create numerous construction jobs during a period of high unemployment. Therefore, we believe it is in the public interest to proceed with the Stonewall Jackson Lake project.

This project has been supported by the current and past Administrations for construction as evidenced by continuous funding in the budget for the past seven years. Although initial funds for land acquisition were appropriated in Fiscal Year 1970 and for construction in Fiscal Year 1971, the decision of the Governor in 1977 to support the project was a key step in permitting construction to proceed. At that time, the entire West Virginia Congressional delegation, both House and Senate, also supported the project. As of this date, approximately $86 million has been allocated to the project. These funds have been applied not only to land acquisition, but to major relocation of highways, a compressor station, utilities, and other facilities that would otherwise interfere with construction of the project. In addition, procurement contracts for components of the outlet works have been awarded and, as you know, the main dam contract was advertised for bids on 24 May 1983. We believe, based on our current evaluation of remaining benefits and remaining costs, that the project remains well-justified, and it would not be appropriate to halt construction at this time.

I trust this responds to your request, and I am available to answer any other questions you may have on this subject.

Sincerely,

C. E. EDGAR III,
Brigadier General, U.S. Army,
Acting Director of Civil Works.

DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Washington, D.C., June 13, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: As you requested, I have reviewed our files, that relate to the Stonewall Jackson dam proposed for construction by the Corps of Engineers near Weston, West Virginia. Further, I have discussed the project with our planning staff in the West Virginia state office and with planning specialists here in our National Headquarters who are familiar with the situation. I have the following information to report:

1. Several years ago, the Soil Conservation Service investigated a potential small watershed project upstream from the proposed Stonewall Jackson dam. This, however, was after the dam had been authorized. Therefore, we assumed the dam would be installed so far as our investigation was concerned and we concluded our analysis of benefits at the tailwaters of the Stonewall Jackson dam. The project we investigated, known as Upper West Fork, was determined not to have benefits that exceeded the costs.

2. Another potential small watershed project on a tributary known as Stone-Coal Creek which enters downstream from Stonewall Jackson was also investigated and found to be marginally feasible. Since the study, however, a power company has installed a dam on this tributary and, we understand, incorporated flood control into the design.

3. If a small watershed project were formulated to replace the proposed Corps project, our judgement is that it, too, would require a dam on the main stem of West Fork, and, consequently the landrights requirements would be similar.

Based on the foregoing, it is our considered opinion that a series of small upstream reservoirs could not achieve nearly the same degree of benefits as envisioned for the Stonewall Jackson dam. Such a project would be marginally feasible, at best. The agriculture interests, of course, are concerned about the reported inundation of 20,000 acres of land. (We do not have information readily at hand to verify that amount.) Although small dams would have less adverse impact on that land, substantial amounts would obviously be required if adequate flood control were provided.

We trust this is the information you are seeking. If we can provide further discussion, please let us know.

Sincerely,

JOSEPH W. HAAS,
Deputy Chief for Natural
Resource Projects.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Philadelphia, Pa., December 4, 1979.

Col. JOSEPH YORE,
District Engineer, Pittsburgh District, Corps of Engineers, Federal Building, Pittsburgh, Pa.

DEAR COLONEL YORE: We have reevaluated the Stonewall Jackson Dam, Lewis Co., West Virginia project as described in Public Notice 79-M2. Our initial evaluation of the project led us to determine that a supplemental Environmental Impact Statement and a new 404(b) assessment should have been performed. This recommendation was made because EPA had not received updated project information since 1971, and because the 404(b) evaluation was too narrow in the consideration of environmental impacts to only areas under the dam.

On November 6, 1979, representatives from your office visited EPA to present the updated project information which had been prepared since 1971. This data indicates that the Corps of Engineers, utilizing accepted "Principles and Standards", has repeatedly updated project justification and determined project feasibility. During the updating, impacts of existing SCS flood control impoundments were considered, recent population projections were utilized, and a more current interest rate was selected for benefit/cost evaluations. Your staff demonstrated through referencing studies of similar projects, that water quality degradations resulting from inundation adjacent to coal mining areas should not be significant. In addition, we were informed that some 9000 feet of stream to be channelized was not new work neglected in the Environmental Impact Statement. The streams to be relocated will, indeed, be inundated after project compeltion.

Representatives from the Corps of Engineers and EPA further agreed that future project coordination on the parts of both Agencies must be geared to eliminate significant information gaps. Such gaps were instrumental in EPA's initial decision to challenge the Stonewall project. The existing rapport our Agencies enjoy will be improved by additional scoping and coordination efforts. In addition, while it is EPA's opinon that the 404(b) evaluation accompanying the project's Public Notice is inadequate, we understand that future Corps proposals will be accompanied by a thorough 404(b) assessment. In the case of impoundments these assessments will address impacts asso-

ciated with dam related stream and wetland inundation.

In view of the above, EPA offers no further objections to the Stonewall Jackson Dam project. Although we believe the 404(b) assessment is incomplete, we find that the aforementioned new information supplied to us by your office meets our 404(b) needs. In this instance, we therefore can submit our final project determination.

Thank you for the opportunity to review this matter. We are encouraged by the swift and thorough response demonstrated by your staff in resolving outstanding EPA issues.

Sincerely yours,

JOHN R. POMPONIO,
Chief, EIS and Wetlands Review Section.

HARRISON COUNTY COMMISSION,
Clarksburg, W. Va., June 16, 1983.

Hon. ROBERT C. BYRD,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: This letter is to advise that our Commission strongly supports the Stonewall Jackson Dam project. We feel this project is extemely important in flood control protection of life and property for our citizens in Harrison County. Also, this project would provide jobs for hundreds of persons, now unemployed. Housing, business and industry will prosper more in future years if this project becomes a reality.

We are enclosing a copy of an editorial from the Clarksburg—Sunday—Exponent—Telegram, June 12, 1983, which our Commission concurs with 100 percent.

Our Commission request you continue to give this vital project your strong support and backing. Thank you for your cooperation.

Very truly yours,

THOMAS A. KEELEY,
President.

RUBY KEISTER,
Member.

FRANK X. LOPEZ,
Member.

CLARKSBURG AREA
CHAMBER OF COMMERCE,
Clarksburg, W. Va., June 9, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: I'm writing on behalf of the Clarksburg Area Chamber of Commerce to let you know of our concern over the recent vote by the House of Representatives to delete funding for the Stonewall Jackson Dam Project. It is shocking to us that after all these years the House of Representatives could take such action solely on the plea of one Congressman whose position on the matter does not represent the views of the majority of Lewis Countians. Furthermore, his views are quite to the contrary of those in the North Central area of West Virginia.

We do not have to point out to you the benefits of the Stonewall Jackson Dam and why such project is vitally needed for the North Central area of West Virginia and the South Western area of Pennsylvania. You have shown and expressed your knowledge of and concern for the project many, many times in the past few years. We just want to inform you of our continuing interest in the project and of our willingness to lend our support in your effort to restore the funding for the dam.

Please let us know if we can do anything to assure funding and construction of the dam. We are willing to write and express our support to any member of the Senate that you may suggest. We will anxiously wait to hear from you.

Very truly yours,

JAMES RODNEY CHRISTIE,
Chairman, Environment and
Resource Committee.

CITY OF WESTON,
Weston, W. Va., June 15, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: First, I want to thank you for the picture you sent me which was taken when Mr. Adler, Mr. Kafer, and I were in Washington to appear before the Appropriation Committee on Energy and Water Resources. I want to hang it in my office.

I again want to ask your support for the continued funding for the Stonewall Jackson Lake Project. The supporters throughout Central West Virginia find it hard to believe Mr. Wise could undo what so many have worked so hard to accomplish. At this point with the land purchased, the people relocated, and two highways moved, it would be disastrous to stop the project.

I have been elected to public office for seventeen years and served as President of the Lewis County Chamber of Commerce. I have given a lot of time to the improvement of my community, and I feel I know what is needed in Weston, and we desperately need the construction of the Stonewall Jackson Lake.

I was happy to hear on the news that you were able to restore the funding in committee and know that you will do everything to persuade your colleagues to vote for the funding in the Senate.

Sincerely,

(MRS.) JEAN BENNETT,
City Clerk.

BUCKHANNON CHAMBER OF COMMERCE,
Buckhannon, W. Va., May 16, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate
Washington, D.C.

DEAR SENATOR BYRD: In place of the customary "Whereases" with which petitions are presented, the Buckhannon Chamber of Commerce offers the following statement in support of the continued construction of the Stonewall Jackson flood-control project for which thousands of acres of land have already been secured and its former occupants relocated, a gas pumping station and attendant support pipelines and facilities have been replaced, and both federal and state highways have been relocated:

What Leonardo da Vinci said in the 15th century about water—that "NOTHING can exist without it"—is just as true today as it was then!

And with belief in the truth of that simple statement, the Buckhannon Chamber of Commerce adds its support to the completion of the Stonewall Jackson Lake in adjoining Lewis County in recognition that an ample water supply is vital to the Growth of Central West Virginia.

Although this vast reservoir of water will result from a dam that is designed to eliminate ruinous flooding in the West Fork River Valley, it will provide still a third economic boom—the largest recreational facility in all West Virginia.

This lake project is currently employing about 250 men and women residents of Central West Virginia, and the continued construction of it assures continued employment of these people, and added employment of an estimated 400 people in further phases of construction, and permanent employment of an estimated 100 people directly by the lake itself.

It will eliminate tens of millions of dollars of flood losses to homeowners, commercial businesses, industries, utilities, churches, schools, governmental facilities, and others.

This gigantic reservoir will induce new industry to locate in Central West Virginia, further enhancing employment and other economic and social development.

This lake has had the long-standing support of both federal and state governments, with federal expenditures amounting to $85 million as of the end of fiscal year 1983. President Reagan has budgeted an additional $26 million for continued construction in 1984.

In support of this project which means so much to the continued development of Central West Virginia, the Buckhannon Chamber of Commerce, this 18th day of April, 1983, through action of its board of directors, offers its endorsement and urges that the Congress continues its support until the project is completed and operational.

Sincerely yours,

C. J. ZGONCE,
President.

CITY OF BRIDGEPORT,
Bridgeport, W. Va., June 10, 1983.

Re: Stonewall Jackson Dam Project.

Hon. ROBERT C. BYRD,
Washington, D.C.

DEAR SENATOR BYRD: The recent news of the actions by Representative Bob Wise and the House of Representatives concerning the discontinuance of funding on the Stonewall Jackson Dam project has prompted this letter to you.

On behalf of our 7,000 constituents our City Council and I want you to know that we are fully supportive of this project for the obvious reasons of flood control, recreation, and economic development that this completed project would bring to this area. Of immediate importance to Bridgeport is the water supply benefit that would occur.

Confronted with a severe shortage of water in our reservoirs in the mid 1960's we sought and received funding to construct a water line to Clarksburg in order to purchase a portion of our water needs from the Clarksburg Water Board. Earlier this year Bridgeport executed a forty (40) year agreement to purchase treated water from Clarksburg.

Furthermore, Clarksburg's source of water supply is the West Fork River. As you probably know, in addition to flooding the West Fork has experienced low flows during the summer months. Certainly not only Bridgeport, which is experiencing rapid commercial and residential growth, but many of the outlying towns and public service districts must depend on the West Fork River and Clarksburg for an adequate and safe supply of water.

We urge your continued support for this project and trust every effort will be made to reinstate its funding.

If there is anything further we can do. please advise.

Sincerely,

CHARLES M. LOAR,
Mayor.

MARION COUNTY CHAMBER
OF COMMERCE,
Fairmont, W. Va., May 20, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: At its regular monthly meeting on May 17th, 1983, the Board of Directors of the Marion County Chamber of Commerce unanimously adopted the attached Resolution in support of the Stonewall Jackson Lake project. For the reasons stated in the Resolution, we feel that the project would benefit our area and the State of West Virginia as a whole. We earnestly urge your continued support for this project.

Cordially,

GARY COX, *President.*

RESOLUTION

Whereas, the current economic recession in the United States has been particularly severe in northern West Virginia, and

Whereas, as a result of the recession, unemployment in West Virginia is at its highest level since before World War II, and

Whereas, there is currently under construction in Lewis County, West Virginia, on the West Fork on the Monongahela River, the Stonewall Jackson Lake for the multiple purposes of flood control, water supply for industrial and domestic consumption, and recreation, and

Whereas, the Lake project is currently employing about 200 men and women residents of northern West Virginia, and will employ additional people in future phases of construction, and will contribute to permanent, future employment from enhanced industrialization and tourism, and

Whereas, as of the end of fiscal year 1983, the federal government, through the U.S. Army Corps of Engineers, will have purchased 99 percent of the land required for the project, and will have spent approximately $85 million on the project, and

Whereas, in fiscal 1984, actual construction of the Stonewall Jackson Dam will begin, if Congress continues its appropriations for the project:

Now, Therefore, the Marion County Chamber of Commerce believes that:

(1) the Stonewall Jackson Lake is a worthwhile public project, providing needed flood protection, a needed water supply, and recreation for all West Virginians and Americans;

(2) its continued construction is immediately beneficial in lessening unemployment, and will continue to be beneficial in producing hundreds of new jobs in northern West Virginia;

(3) funding should be continued by the Congress until the project is completed.

Marion County
Chamber of Commerce,
GARY COX, *President.*

THE WESTON NATIONAL BANK,
Weston, W. Va., May 26, 1983.

Hon. ROBERT C. BYRD,
Minority Leader, U.S. Senate,
Washington, D.C.

DEAR SIR: I am very optimistic that you will lend the necessary time and effort required to see to it that the Stonewall Jackson Lake Project in Lewis County, West Virginia, is carried out to a successful completion. I shall not dwell on the history of this Project and its long time in coming to fruition, but rather shall emphasize some of the key issues at hand at the moment.

First, an area which the original construction of this much needed facility did not intend to address, has now become of critical import—that is, jobs. As you are no doubt aware, West Virginia has the highest unemployment rate in the entire United States. Accordingly, it is of critical importance that a project of the magnitude of the Stonewall Jackson Lake be completed in the near future and particularly be acted upon as soon as possible such that the jobs that will be created through this construction project can be most utilized at this critical time in our economy.

The two main reasons for which the Stonewall Jackson Dam Project was authorized are: Flood protection and water flowage control. In the immediate area below the proposed Dam is situated the Town of Weston, a town which has experienced 50 floods in the past 50 years. That is not to say that we have had annual floods, in fact we have had floods on more than one occasion in a given year but the average is a flood per year on the West Fork River, which is a branch or tributary of the Monongahela River which, as you know, ultimately flows into Pittsburgh to form part of the Ohio. Based on the frequency of floods and the tremendous damage that it causes both in personal hardship and economic hardship, there is justification for this project on that basis alone. However, the further benefit derived from controlling the water flow in the River, which conversely often experiences a very low level of flowage in the Summer time, can help aid local industry, including coal-washing plants, glass plants, and others, and further insure a constant water flow for the substantial amount of barge traffic that frequents the Monongahela River to which this River is a major tributary. Finally, a heretofore unmentioned benefit, but certainly a substantial one, is the recreational benefit of this project. The State of West Virginia has committed substantial resources once the Lake is completed to developing a major State Park at the location. The State Park system in West Virginia is one of the best in the Nation and our State Department of Natural Resources commitment to this project further indicates their feeling for the benefit of recreation at this project.

There has been a consistent amount of negative information and negative reaction to this project, as there is likely to be in any circumstance where certain people are required to be relocated and/or have no strong preference for a project of this type. The fact remains, that over 90% of the total peoople to be relocated, which is something on the order of 800 people, have already done so. Further, all the major labor groups that have any interest in this project whatsoever, supported it with the exception of United Mine Workers of America, whose position apparently is based upon some misinformation regarding the quantities of coal that might underlie this Lake. It is a well documented fact, that there are no substantial recoverable reserves that will be in any way damaged by the Lake proposed. Further, it is entirely possible that the United Mine Workers may reverse its position based on the fact that they have been given additional information and also the fact that all of their Brother Unions throughout the country that have taken a position have all taken a position in favor of this project. Lastly, all of the major business, civic, State Government and local Government entities have taken a position in favor of this project from an early date, and continue to support this strong position.

To support some of the information outlined in this letter I am aware of the fact that each and every Congressman shall receive a packet of information outlining the reasons for support of this project and an example of the variety of organizations and individuals who support it.

I am in the great hope that you will give your strong consideration to the support of this project, which although lacking the support of our own Congressman, does enjoy the support of our U.S. Senators Randolph and Byrd and further our other Congressmen from the other three Districts in this State. You might be interested to know, that our own Congressman Wise was soundly defeated in Lewis County, with the primary issue being one of the Dam, a project which his opponent favored. And further, that our County was most recently added to the District which Congressman Wise represents as a first-term Congressman and basically has no geographic or certainly watershed association with any other part of the District, rather its closer association is with the First District, which is represented by first-term Congressman Alan Mollohan.

Thank you very much for your time and consideration of this matter and we look forward to your support on this project.

Sincerely,

JOHN W. BURDISS,
Executive Vice President.

STONEWALL JACKSON
MEMORIAL HOSPITAL,
Weston, W. Va., May 23, 1983.

Hon. ROBERT C. BYRD,
Minority Leader, U.S. Senate,
Washington, D.C.

DEAR MR. BYRD: There is great concern in our community and specifically within our hospital that H.R. 3000 will pass and funding for the Stonewall Jackson Lake will be withdrawn. As a hospital Administrator I can assure you this would have a negative impact upon the delivery of health care in our patient area. Floods in downtown Weston force patients to do without health care or seek another more dangerous route over a mountain which can only be traversed with a four-wheel drive vehicle. I can assure you this is extremely dangerous and traumatic, especially for women about to deliver a child, cardiac, orthopedic and other cases that demand a minimum of time.

Without the lake our alternatives are slim and none. Watersheds, floodwalls and drainage will not do the job and will be just as costly when one considers the economic damage caused by floods. I strongly urge your support on this most vital issue.

Sincerely,

DAVID D. SHAFFER,
Chief Executive Officer.

AFL–CIO,
Charleston, W. Va., June 10, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The commitment that you have expressed for the continued development of the Stonewall-Jackson Dam Project is very much appreciated.

As indicated, the National AFL–CIO has supported this project.

Enclosed are two letters sent to the House of Representatives by the National office. At the proper time, I am sure they will assist us in another effort to refund the project. In addition, other contacts are

being made within the Building Trades Department to provide further assistance.

Please inform us when we can be of service.

Sincerely,

JOSEPH W. POWELL, *President.*

AFL-CIO,
Washington, D.C., June 8, 1983.

Hon. TOM BEVILL,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BEVILL: Next week the House is scheduled to consider H.R. 3132, the Energy and Water appropriations bill. We understand that an amendment will be offered to strike any additional funds for the continued development of the Stonewall Jackson Dam project on the West Fork River in West Virginia. The AFL-CIO opposes this amendment.

The AFL-CIO fully supports continuation of this important project for which Congress has already appropriated $83 million—more than a third of the estimated cost of the entire project. The dam is designed to alleviate reoccurring and serious problems of flood damage which has plagued Lewis County and surrounding areas. It will also have the ancillary benefit of improving the quality and supply of water in the area.

Equally as important it will provide 300 to 500 jobs in the construction of the dam. Additional jobs in supplier industries will also likely be created. In a state where unemployment is 21 percent—the highest in the nation—and with 60 percent of its construction workforce jobless, every new job created by this project is vital to the economic health of this depressed state.

We urge the House to reject any amendments designed to terminate or delay construction of this essential public works project.

Sincerely,

RAY DENISON,
Director, Department of Legislation.

LEGISLATIVE ALERT

AFL-CIO,
Washington, D.C., June 6, 1983.

DEAR REPRESENTATIVE: Next week the House is scheduled to consider H.R. 3132, the Energy and Water appropriations bill. We understand that an amendment will be offered to strike any additional funds for the continued development of the Stonewall Jackson Dam project on the West Fork River in West Virginia. The AFL-CIO opposes this amendment.

The AFL-CIO fully supports continuation of this important project for which Congress has already appropriated $83 million—more than a third of the estimated cost of the entire project. The dam is designed to alleviate reoccurring and serious problems of flood damage which has plagued Lewis County and surrounding areas. It will also have the ancillary benefit of improving the quality and supply of water in the area.

Equally as important it will provide 300 to 500 jobs in the construction of the dam. Additional jobs in supplier industries will also likely be created. In a state where unemployment is 21 percent—the highest in the nation—and with 60 percent of its construction workforce jobless, every new job created by this project is vital to the economic health of this depressed state.

We urge the House to reject any amendments designed to terminate or delay construction of this essential public works project.

Sincerely,

RAY DENISON,
Director, Department of Legislation.

BENNETT HOME & AUTO SUPPLY, INC.,
Weston, W. Va., June 16, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I am writing to thank you and commend you for your stand in favor of the Stonewall Jackson Lake and Dam Project. I have been a businessman for thirty-six years here in Weston, and I have suffered through the floods and droughts along side many others. I have witnessed the waste and destruction that has been experienced needlessly. Few who have lived and worked in Weston can doubt the need for this project. It is a logical and necessary step for flood control, guaranteed water supply, recreation and the creation of many needed jobs. I sincerely hope you will continue your much appreciated support and work toward the realization of this vital project.

Sincerely,

HOMER BENNETT.

WEST VIRGINIA GLASS
SPECIALTY CO., INC.,
Weston, W. Va., May 24, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOB: As one of the main industries here in Lewis County, we just want to acquaint you with our company and our position with regards to the much needed Stonewall Jackson Dam and Reservoir Project here in Lewis County, of which Weston is the county seat. We feel that this reservoir project is very imperative to the continued growth and success of, not only our firm, but to the other companies located here, as well as the entire community.

West Virginia Glass Specialty Company, Inc., is the largest hand blown glass factory in the United States, having the largest payroll in Lewis County, approximately $4,700,000 per year and employing more than 400 persons on a three shift, five day a week basis. Our glass is sold and distributed all over the United States, Canada, Puerto Rico, South American countries, and Europe.

Our factory property is located fairly near to the West Fork River, which runs northerly through our community. Everytime we have a heavy rainfall and flood threats of the West Fork River are publicized, our telephone start ringing, employees become jittery, and our workers start going home to protect their homes and property from the numerous floods that occur in Weston and Lewis County. For every day's loss of production, our employees now lose $12,000 per day in wages. Without production, overhead keeps going on and our factory is operating at a loss. If the flooding is severe, the draft on both of our continuous tanks is cut off in the basement area, forcing the cooling down of the heat, which again must be built up to working temperatures after the flood waters have receded. It is the fear and uncertainty of even small floods that is curtailing more and more production in our factory each year.

We wish to list some representative figures that prove the losses that our factory sustained in the disastrous 1950 flood.

Loss of 3 days of production at $10,000 per day	$30,000
Loss of broken glass due to stacked cartons tumbling into the flood water, plus water soaked cartons in the carton bins	25,000
Natural gas and electricity used to keep the glass tanks in readiness for working purposes; 3 days at $1,000 per day	3,000
Three days loss of wages to our employees at $5,000 per day	15,000
Total of above losses (approximately)	73,000

In 1978, Lewis County again suffered losses due to flooding of the West Fork River. At the time of the flood warnings, our employees became alarmed, many quit working and went home to protect their families and belongings, some left for the fear of not being able to get to their various homes along the river and outlying tributaries when the roads would be blocked. It is quite common, even with small floods, there is usually a one days loss of:

Wages to our employees	$12,000
One day loss of glassware production	25,000
One day loss of energy, such as gas and electricity to keep the large tanks properly heated for production after the flood	2,000
Total of above losses (approximately)	39,000

As you can readily determine from the above information, it is absolutely imperative that we obtain all the support we possibly can from our Congressmen and our Senators to receive continued funding appropriations toward the further planning and completion of the Stonewall Jackson Dam and Reservoir.

We hope that we can count on you for your concern and full support of this very important project. Thank you.

Sincerely,

JOHN C. WEBER, Jr.,
President and General Sales Manager.

HOPE NATURAL GAS CO.,
Clarksburg, W. Va., June 7, 1983

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I was greatly surprised to hear the vote of the U.S. House of Representatives Amendment by Congressman Wise of West Virginia to delete the Stonewall Jackson Dam project for future funding.

As you know, this project has been in the making for nearly 40 years and has been reviewed by many, many, governmental and private agencies. It has also passed the test of numerous court proceedings over the years. As we look to the future of economic development in West Virginia, I am sure you will agree that this project is essential for all future growth and development in the Monongahela River Basin area of this state. Had it not been for this project it would have been impossible to consider the SRC II project on the Monongahela River at Fort Martin.

I hope it will be possible for you and Senator Randolph to have this project for the people of West Virginia. As you well know, Congressman Wise does not represent the majority of constituents in his own district, let alone the state.

After the expenditure of $80 million for engineering and land acquisition, I do not believe it is a prudent decision to cancel the project under the present economic circumstances.

Any recommendations that you may have as to how we can assist in saving this project will be greatly appreciated.

Sincerely,

BURKEY LILLY,
Manager, Economic Development.

Mr. RANDOLPH. Mr. President, I wish to emphasize what the minority leader, Senator BYRD, has said. Those Members to whom he has expressed appreciation are deserving. I too extend our thanks to Senator HATFIELD, chairman of both the Appropriations Committee and its Subcommittee on Energy and Water Development; to Senator JOHNSTON, the subcommittees ranking minority member; and to Senator STENNIS, the committee's ranking minority member; and to the House subcommittee chairman, Representative BEVILL; and the ranking minority member, Representative MYERS. We are grateful also to the able majority leader, Senator BAKER.

I make special mention of Senator BYRD to whom I referred earlier. He is a member of the Appropriations Committee and was a member of the conference committee. Senator BYRD has worked diligently in respect to two programs of vital importance to the State of West Virginia on which I will comment. Our citizens will benefit from his effective efforts.

Mr. President, I support the Energy and Water Development Appropriations bill, H.R. 3132, as reported by the conference committee. It is a reasonable and balanced measure providing funds for a wide variety of activities in fiscal 1984. It should be adopted by the Senate.

I will limit my specific comments to two items included in this bill: Funds for continued development of the Stonewall Jackson Lake in West Virginia and for the operation of the Appalachian Regional Commission during the next year.

I am particularly gratified that the House conferees accepted the $26 million in construction funds for the Stonewall Jackson project. This amount was deleted on the House floor in what I consider to be an ill-advised action. I commend the Senate conferees for insisting on the retention of these funds.

The Stonewall Jackson Lake was authorized by the Congress in 1966 as a multipurpose project on the West Fork River in north central West Virginia. The total Federal cost is estimated at $205 million, of which more than $82 million have already been appropriated. It is important to understand that much of the preliminary work, such as land acquisition and relocation is virtually completed or well advanced. The $26 million recommended by the President would be used to begin construction of the dam, continued relocation and other activities associated with the project.

Mr. President, this project has strong support in an area which has long been plagued by severe flooding. Completion of the Stonewall Jackson Lake would greatly alleviate the incidence of flooding in several counties in West Virginia. It would be another link in the network of projects in our State that have been developed over the past 40 years.

West Virginia is a mountainous State with many streams. It is a State, however, without a single natural lake. Projects carried out by the Army Corps of Engineers have given us eight beautiful and useful lakes. Stonewall Jackson would be the ninth.

In addition to their value for flood control, these lakes have become highly developed and well used recreational assets. The Corps of Engineers recently reported that the eight existing lakes are utilized by nearly 6 million people annually for recreational purposes.

As with some other water projects in all parts of the country, there has been an element of controversy associated with the Stonewall Jackson Lake. There are those who believe it is unneeded and that its development is too costly or would result in undesirable consequences in the community in which it is located.

It is my position that the benefits of the project so far outweigh any possible negative considerations that it must be carried through to completion. Furthermore, the Federal Government has already invested more than $82 million in this activity. To stop it now would mean that these funds have for the most part been wasted.

Again, I commend the conferees for including the Stonewall Jackson Lake appropriation in this bill. I assure the Senate that it is a vitally needed development and one which has wide support in West Virginia.

Mr. President, I am also gratified that the conference committee has approved funds to continue operations of the Appalachian Regional Commission in 1984 at the $145 million level approved by the House of Representatives. It is a recognition that the vital work of the Commission must be extended. I am pleased that the Senate conferees agreed to the amount in the House bill. It has been my privilege and responsibility not only to sponsor the original Appalachian Act in 1965 but also the reauthorizations over the years.

For the past 2 years, the Appalachian Regional Commission has carried out its work with substantially reduced resources. Total appropriations for both the highway and nonhighway programs in 1979 of $380,920,000 were made available to the 13 States of the region. This amount was the highest since the Commission was established in 1965. In 1981 appropriations totaled $302,492,000 even after a presidentially requested rescission. For the past 2 years, the Commission has operated on approximately $150 million annually.

At this level, it is difficult to maintain a program that adequately responds to the needs of one of our Nation's most disadvantaged areas. The recent recession has had an even more severe impact on Appalachia than the rest of the Nation, making it necessary to extend every possible form of assistance to meet human needs and to create a sound and stable economy.

Appropriated funds for next year, therefore, should not be reduced.

Eighteen months ago the Governors of the 13 Appalachian States proposed to the Congress a plan to phase down the programs of the Appalachian Regional Commission in both the highway and nonhighway areas. This plan was carefully developed by the Governors in recognition of the reduced level of Federal financial support. For this reason it focused on the most pressing unmet needs of the region and on the most severely distressed counties of Appalachia.

Earlier this year the Governors unanimously adopted a bipartisan resolution reaffirming their support for the phasedown program. It is encouraging that in its report on this legislation the Committee on Appropriations endorses the concept of the Governors' program. It is my hope that the Congress this year will adopt legislation authorizing this program for the duration of the period recommended by the Governors. Such authorization is proposed in S. 65, which I introduced early this year. That measure has the cosponsorship of 21 of the region's 26 Senators, representing both parties. It has at least one sponsor from each of the region's 13 States except North Carolina.

It is important that multiyear authorizations be enacted for the ARC phasedown program for several reasons. It has become apparent in the past 2 years that the Congress does not agree with the President's recommendation to end the Appalachian program immediately and it has been continued through the appropriations process. Authorizing legislation, therefore, should be adopted to provide a basis for appropriations and to redirect the ARC programs in accordance with the recommendations of the Governors and the wishes of the authorizing committees which have guided this program since its inception 18 years ago. In addition, a multiyear authorization would permit the Commission and its States to make necessary long-range plans, particularly with respect to the highway program.

I recognize that in the absence of congressionally approved authorizations in the past 2 years, it was necessary for the Appropriations Committees to take certain initiatives. I am deeply appreciative of their actions in maintaining this program, which continues to have significant impact on the lives of the 20 million people of Appalachia.

Mr. President, I appreciate the opportunity to join others in commenting on this measure, and I hope it will receive very speedy passage.

Mr. BYRD. Mr. President, I wish to express my gratitude to my senior colleague for his kind remarks concerning me.

I want to say, in return, that the people of West Virginia are highly indebted to him, as are the people of this Nation, for the work he has done as chairman of the Public Works Committee and for the work he is continuing to do as the ranking minority member.

Mr. HATFIELD. Mr. President, I know of no other amendments or any other discussion, and I move that the Senate adopt the conference report. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) and the Senator from Arizona (Mr. GOLDWATER) would each vote yea.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER). Are there other Senators who wish to vote?

The result was announced—yeas 82, nays 12, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—82

Abdnor	D'Amato	Grassley
Andrews	Danforth	Hatch
Armstrong	DeConcini	Hatfield
Baker	Denton	Hawkins
Bentsen	Dixon	Hecht
Bingaman	Dodd	Heflin
Boren	Dole	Heinz
Boschwitz	Domenici	Helms
Bradley	Durenberger	Huddleston
Burdick	East	Inouye
Byrd	Exon	Jackson
Chafee	Ford	Jepsen
Chiles	Garn	Johnston
Cochran	Glenn	Kassebaum
Cohen	Gorton	Kasten
Lautenberg	Packwood	Stafford
Laxalt	Percy	Stennis
Leahy	Pressler	Symms
Levin	Pryor	Thurmond
Long	Quayle	Tower
Lugar	Randolph	Trible
Matsunaga	Riegle	Tsongas
Mattingly	Roth	Wallop
McClure	Rudman	Warner
Melcher	Sarbanes	Wilson
Moynihan	Sasser	Zorinsky
Nickles	Simpson	
Nunn	Specter	

NAYS—12

Baucus	Eagleton	Metzenbaum
Biden	Humphrey	Mitchell
Bumpers	Kennedy	Pell
Cranston	Mathias	Proxmire

NOT VOTING—6

Goldwater	Hollings	Stevens
Hart	Murkowski	Weicker

So the conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate the amendments in disagreement.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: ": *Provided further*, That of the amount herein appropriated $3,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: ": *Provided*, That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—

"(1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled; and

"(2) formal notification has been received from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapon."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"None of the funds appropriated by this Act, or by any other Act, or by any other provision of law shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and until issued a discharge permit pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) as amended, which permit shall incorporate the terms and conditions provided in the Memorandum of Understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated with such restart. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would achieve criticality, generate fission products within the reactor, discharge cooling water from nuclear operations directly or indirectly into Steel Creek, or result in cooling system testing discharges which exceed the volume, frequency and duration of test discharges conducted prior to June 28, 1983.

"Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials of South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in the preceding paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that such period shall not be reduced to less than thirty days, and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984."

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate concur in the House amendments and that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say to all Members that there will be no more votes prior to July 11.

Mr. President, may I take this opportunity to say once again that I think all of us owe a debt of gratitude to the chairman and ranking member and to the members of the Appropriations Committee on both sides. I do not recall that we have been able to make such good progress on appropriations bills so soon in a long, long time. It is due entirely to the cooperation of Members on both sides of the aisle, to the outstanding leadership of the chairman and the chairmen of the

subcommittees and the ranking members of the subcommittees.

It is in no small measure due to the excellent cooperation, which I am so personally grateful for, of the minority leader in arranging these matters so that the Senate could address them in a timely way and promptly.

Mr. President, I observe that the conference report on energy and water appropriations that we have just adopted is fully $300 million in budget authority under the President's request. It is $100 million in outlays under the President's budget. For a bill that is often thought of as a pork barrel bill, that is a remarkable accomplishment, indeed.

I wish to congratulate all Senators who had a hand in the production of this legislative effort.

Mr. BYRD. Mr. President, before the Senator proceeds, I will not say anything further with regard to congratulating and thanking members of the committee, for I have already done that. But the distinguished majority leader referred to me in his comments and I wish to thank him for that.

I would like to recall a sentence out of the Scriptures.

A man that hath friends must show himself friendly.

I think this can very well be applied to the majority leader. He has friends in this Chamber and it is because he, himself, is friendly, very accommodating, understanding, and considerate at all times. We all respect him and thank him for that.

Mr. STENNIS. Mr. President, if the Senator will yield, let me say this: I think, see, and I believe, since I have been here, that we have a team on this floor. The majority leader and the minority leader have the ability to make things go and move on their merits. A great deal of success is due to their work.

Mr. BAKER. Mr. President, I am extremely grateful for the remarks by the most senior Member of the minority, a man for whom I have such extraordinary respect, and a man who is my neighbor to the south in Mississippi, the ranking member of the Appropriations Committee, Senator STENNIS.

Mr. President, there is a great quantity of routine business that we can take care of. I really expect Members may not wish to remain to hear it, but the minority leader and I will have to stay around for a while.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 6:15 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER SENATOR MILTON R. YOUNG

Mr. STENNIS. Mr. President, during consideration of the energy and water development appropriations bill when the Senate, again, considered the merits of the Garrison diversion project in North Dakota, I recalled in a special way a dear friend of mine, the late Senator Milton Young of North Dakota.

On the occasion of his passing, and the statements made by others in his memory, I was, regrettably, absent from the Senate.

In tribute to his great service to the Nation and because of the great value that I placed on Senator Young's friendship and the deep respect which I developed for his abilities and judgment as a legislator, I would like to share with my colleagues and his many friends my personal feelings about Senator Young.

Our friendship developed from more than 34 years of service together in the Senate, especially during our close association as we worked together more than 20 years as fellow members of the Appropriations Committee.

He was a very effective, hard-working, dedicated Senator. He was not a showboat. Indeed, he seemed to avoid the spotlight. He was interested in matters of government as they applied to all areas of the Nation's interests. In his quiet, friendly way, he was an extremely effective legislator. He contributed to the work of the Senate and our committee as a team player. He was a reasonable man. A man who listened well to all sides of any question. Widely respected for his special insight and knowledge in agricultural matters, he was a great counselor and guide in legislative matters concerning this important part of the American economy.

By steady application of the basic values of hard work and self-discipline that he learned as a boy on a farm in North Dakota, Milton Young rose to being a great Senator and a great American. May his tribe increase.

I mourn his passing. I miss him and treasure our friendship. To his wife, Pat, my dear friend, and to his children, Mrs. Stennis and I offer our deepest sympathy and condolences. Mrs. Young was a longtime member of the Capitol Hill family and rendered much fine service to our country, all in her own right.

HEARINGS ON DEPARTMENT OF DEFENSE

Mr. TOWER. I would like to announce today that after the Congress completes its work on the Defense Authorization Act for fiscal year 1984, the Senate Armed Services Committee will begin a comprehensive series of hearings on the structure, organization, and decisionmaking procedures of the Department of Defense.

In my opinion, there are few issues as important to our national security as the organization and relationships of the defense elements of our executive branch and our military and whether such organization facilitates or impedes effective decisionmaking. A number of organizational issues have been repeatedly raised since World War II, and it is imperative in my opinion that the Committee on Armed Services in the Senate consider these issues and determine whether structural, organizational, or procedural changes in DOD, including the military services, are necessary. The tasks of providing for national security have grown in complexity; we must have the most effective defense organization possible to meet the enormous security challenges of today and tomorrow.

I now anticipate that these hearings will focus on five major sets of issues:

First, is the office of the Secretary of Defense, as presently constituted, designed to effectively manage the Department's overall effort? Has departmental decisionmaking become overcentralized in the Secretary's office? Do the staffs under the Secretary unnecessarily duplicate the work performed by the services? Are these staffs simply too large? And, perhaps most importantly, does the huge civilian bureaucratic structure stifle professional military judgment and innovation and invite too much civilian interference in technical military decisions?

Second, is the organization of the Joint Chiefs of Staff, as it is presently constituted, effective in performing its missions? Do the Joint Chiefs of Staff provide useful and timely military advice to the President and the Congress? Are the JCS properly positioned in the chain of command, or should the President directly command the JCS in wartime? Should the JCS be more significantly involved in resource allocations?

Third, how effectively do the unified commands function? Do they achieve the level of interservice cooperation that will be required should it be necessary to wage war? Are the unified commands effective planners? Will they be effective mobilization headquarters? To what extent are the force and program deficiencies identified by the unified commands emphasized in the resource allocation process?

Fourth, how well are decisions made in certain specific functional areas—such as budget formulation, procurement of weapons systems, and test and evaluation of weapons systems? Do multiple levels of review and long time lapses between the conception of a military requirement and the initial

operational capability of a system substantially increase system costs?

Fifth, are the organizational relationships between DOD and other parts of the Federal Government which become involved in national security planning—such as the National Security Council, State Department, Central Intelligence Agency, and Federal Emergency Management Agency—appropriate and effective? Do these relationships facilitate the formulation of a comprehensive national security strategy?

In these hearings, the committee will inquire into the findings of the Blue Ribbon Defense Panel which studied Defense Department organization in 1969 and 1970. The report of that panel identified as structural problems many of the same issues that we are considering today. It will be interesting to determine to what extent the proposals of that study effort have been implemented. In addition, these hearings will be an opportunity for the committee to consider whether another outside commission to study DOD organization would be appropriate and useful at this time.

I want to emphasize that these proposed hearings on Defense Department organization, structure, and decisionmaking processes are not intended as a criticism of any Presidential administration, and particularly not of this administration. The Department of Defense has grown under both Republican and Democratic administrations, and the complex bureaucracy at DOD is the result of a continuous, gradual organizational evolution. Our aim is to look at the institution as it now exists and to determine whether or not it is effective for the formulation and implementation of a sound national security policy. Incidentally, I suspect that any weaknesses we may identify in the DOD organization also exist in domestic agencies, and perhaps similar reviews of other executive branch departments would be useful.

I plan for the committee during this inquiry to hear from a large number of witnesses who currently hold government office as well as many persons who have previously served in government or are otherwise knowledgeable about this subject.

I have advised the Secretary of Defense about these hearings, and we will invite him to be the lead witness when essential committee business is completed. I think that these hearings, which are now scheduled to begin on July 26, will focus on a number of issues that are critical to our national security.

Let me emphasize again that I do not believe that the Department of Defense is alone in having too much of an over-layered bureaucracy. I believe that there is probably to much bureaucratic baggage in a number of departments around here, to the extent that clear lines of control, authority, and responsiblity and accountability are being obscured.

But, of course, our jurisdiction and our focus is on the armed services.

Again, let me emphasize this is not implied criticism of Secretary Weinberger. I think he has done an outstanding job given the bureaucracy that he inherited, and I think that under his management and leadership great strides have been made in trying to bring more efficiency into the operation and lower costs to our systems.

THE DEATH OF MAXIE ANDERSON

Mr. DOMENICI. Mr. President, I have lost a good friend. New Mexico has lost its greatest hero and the world has lost its greatest adventurer in recent history. Maxie Anderson, world famous balloonist, is dead at the age of 49, suffering a tragic accident in the love of his life, ballooning, in Europe, 25 miles from the East German border.

All of you know his heroic feats as a balloonist. In 1978, he and fellow Albuquerqueans Ben Abruzzo and Larry Newman became the first persons to ever float across the Atlantic Ocean in a balloon. The Double Eagle II, which made this first crossing, is in prominent display in our National Air and Space Museum in Washington, D.C.

In 1980, he and his son, Kris, became the first persons to ever cross the north American continent in a balloon named "Kitty Hawk." He gazed upon the shores of the Pacific Ocean when he took off and saw the waters of the Atlantic when he landed in the first ever successful attempt.

His life was, like many heroes, not without its failures. Three times he valiantly tried to circumnavigate the world in a balloon, and three times the weather and mechanical problems forced him down.

But his spirit never died and that is what made him the marvelous human being that he was, one of the finest and most honorable men I have ever known in my life. There is no question that he was a doer, and when he did things, he did them well. His business was a giant in New Mexico, one that he himself built from the bottom up. Maxie would have it no other way.

America has a big void with his tragic departure. We look to the movies for heroes at times, but here we had, as real as you and me, a true American hero. Those of us who knew him well, his family and his friends, know him first as a great father and a great person. I express my condolences to his family as I am sure all New Mexicans and Americans do at their more personal tragic loss.

We are all going to miss him. Maxie Anderson, the great balloonist and adventurer, a man with a heart as big as his dreams.

PRODUCTION OF 155MM ARTILLERY SHELLS

Mr. BURDICK. Mr. President, the Pentagon has asked us to break a 14-year ban on the production of lethal chemical weapons by producing 155mm binary artillery shells.

The main argument set forth by the Department of Defense in support of their request is that the Soviets have a vastly larger stockpile, and that our own is woefully inadequate.

Mr. President, it has been stated that our stockpile is inadequate. Indeed, in testimony before the Armed Services Committee, the Secretary of Defense testified that our stockpile is sufficient.

The entire question is outlined in a Washington Post article dated May 27, 1983. It clearly shows that claims that our stockpile of 155mm shells is too small are unsupported. I ask that the article be printed in the RECORD for the benefit of my colleagues.

The article follows:

PENTAGON ACKNOWLEDGES CHEMICAL ARMS SUPPLY

(By Walter Pincus, Washington Post Staff Writer)

Opponents of President Reagan's plan to build new chemical weapons have drawn from the Pentagon an acknowledgement that the United States already has stockpiled "hundreds of thousands" of usable 8-inch and 155mm artillery shells containing deadly nerve gas. A congressional aide says that "at least 10 percent of them" are in West Germany.

That stockpile is one reason opponents will urge the House to vote down—as it did last year—an administration request to break a 14-year moratorium on chemical weapons production in the United States.

The chemical weapons request is part of the defense authorization bill pending on the House floor.

The Pentagon is asking for $48.1 million to begin production of new 155mm binary chemical shells. These are regarded as easier to transport and safer to handle than the older, stockpiled nerve gas shells because they are made up of two non-toxic chemicals that become lethal only when mixed during firing.

Both the United States and the Soviet Union have signed the Geneva Protocol of 1925, which outlawed first use of chemical weapons by the signators. Nevertheless, each side has both chemical weapons and defensive equipment in case the other decides to break the treaty.

The Pentagon acknowledged existence of the stockpiled weapons in a reply to a written question at a Senate Armed Services Committee hearing. The transcript was published earlier this month and the relevant part to the reply was unclassified, apparently inadvertently.

A key Pentagon official conceded recently that the stockpile of existing 8-inch and 15mm chemical artillery shells is "approximately sufficient" for present purposes, although smaller than the Joint Chiefs of Staff would like. But he quickly added that

there were questions about how long these older shells would last and that some "are filled with [a] less useful persistent agent and . . . cannot be fired to the maximum range of the new howitzers."

The number of shells the Pentagon wants is classified, but defense sources said the Army's plans call for firing one nerve gas shell for every six conventional artillery shells, to keep the enemy in protective clothing.

The Reagan administration's multibillion-dollar, five-year plan to resume production of chemical weapons got a setback earlier this month when the Pentagon told the House Armed Services Committee that there were "technical problems" with the Bigeye bomb, an air-delivered binary weapon.

It was designed to carry a longlasting nerve gas deep behind enemy lines. Defense officials found, however, that it developed gaseous pressure inside the shell after the binary chemicals were mixed, but before it was dropped. Thus it could rupture and become dangerous to the aircraft carrying it.

The Pentagon asked the House committee to withhold the $43 million for fiscal 1984, which it had requested to start production of the bomb, while it tried to find a solution to the pressure problem. However, the Pentagon asked Congress to approve $66.5 million in the meantime for equipment and chemicals it would need to begin producing the bomb once the pressure problem was solved.

The Bigeye, according to a key Pentagon official, "is our most pressing need," and the decision to delay the bomb for a year was made "reluctantly."

Last Wednesday, Defense Secretary Caspar W. Weinberger held a meeting on Capitol Hill with Rep. Ed Bethune (R-Ark.), and other opponents of the chemical weapons production program. Bethune, whose district contains the Pine Bluff site where the binaries would be built, had introduced a resolution earlier this month that called for a freeze in the production of new chemical weapons.

At the meeting, according to congressional sources, Weinberger said he wanted to avoid a floor fight on the issue. He asked the members at least to support funds for equipment and chemical materials so that production of the bomb and artillery shells could begin at some later date.

TRIBUTE TO FORMER SENATOR MILTON YOUNG

Mr. MOYNIHAN. Mr. President, I would like to join my colleagues in paying tribute to Milton Young, the former Senator from the State of North Dakota. A remarkable man, known to many as Mr. Wheat, Senator Young was exemplary in his dedication to serving the needs of this Nation's farmers. His commitment to the strength of agriculture was unwavering. And, in this era of balance of trade deficits, we owe him our thanks for the strength of U.S. agriculture, which helps relieve those deficits.

Senator Young was, however, more than a protector of agriculture. He was also a grand teacher willing to help new Senators. Many here were given advice by him in his often humorous and always patient style. And that advice was indeed sound. Though Senator Young and I sat across the aisle from each other, I could not help respect his point of view. In part, I suppose, because in an odd way we were related—his wife being by marriage a cousin of my wife. He was first and foremost a man of integrity. His interest in serving his constituents was unquestionable.

The Senate indeed lost a great deal upon Senator Young's retirement in 1980. Now his family and friends sadly must share our sense of loss. We will all miss him.

MEMORIAL TO SENATOR MILTON YOUNG

Mr. PACKWOOD. Mr. President, the death of Senator Milton Young, occurring a few years after his retirement from long and superb service in the U.S. Senate, is a loss felt by me personally and by my wife Georgie. We extend to his family, and especially to his wife Pat, our deepest sympathy and appreciation for his many decades of distinguished public service.

I remember Senator Young for his effective and devoted leadership on behalf of the American farmer. I remember him for his half century of public service. I also remember his service as Secretary to the Senate Republican Conference. He held a leadership position in the Senate longer in the 20th century than any other Senator, Republican or Democrat.

Perhaps most poignant to me personally is my memory of Milton Young as a gentleman who served his constituents, the Nation, and the Senate selflessly, with good humor and humility.

It was a privilege to serve with him for his last 6 years in the Senate. Georgie and I extend our best wishes and friendship to Pat Young and her family.

MISS FRANCES H. SMITH, CLERK OF THE SUPREME COURT OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today to recognize the outstanding contributions of Miss Frances H. Smith, clerk of the Supreme Court of South Carolina, on the occasion of her retirement.

Miss Smith has served in numerous capacities in State and Federal Government for the past 46 years, and she is well known throughout South Carolina as a skillful and knowledgeable individual.

Miss Smith earned a bachelor of science degree from the University of South Carolina and was awarded the Algernon Sydney Sullivan Award for outstanding public service. After graduating, Miss Smith worked for the Federal Government for 5 years, before joining the South Carolina Insurance Commission in 1942.

In 1955, Miss Smith began her long and distinguished career with the South Carolina Supreme Court, serving as the secretary to the clerk. She was promoted to clerk of the supreme court in 1958 where she has served ably for the last 25 years.

Frances Smith is held in high esteem by members of the legal profession in South Carolina. Over the years, she has officially welcomed thousands of new lawyers into the legal profession. In fact, Miss Smith is one of the first persons new lawyers deal with during the process of admission to the State bar.

Mr. President, three words best describe the invaluable contributions of this remarkable lady: dedication, loyalty, and service. Although these attributes appropriately apply to Miss Smith's experience in public service, they also accurately describe the manner in which she performs all tasks, professional or otherwise.

She is a member of the National Conference of Appellate Court Clerks and the National Bar Admissions Administrators, serving on the executive committees of each of these organizations.

Miss Smith's dedication is not merely limited to professional organizations. For over 50 years she has been a member of the Washington Street United Methodist Church in Columbia, S.C. There she has served as a member of the administrative board, a trustee of the foundation, and a teacher in the children's department of her church.

Mr. President, the State of South Carolina owes a great debt of gratitude to Miss Frances H. Smith for her outstanding accomplishments, and she can take great pride in knowing that her achievements have made a tremendous impact in the judicial community. I know my colleagues in the U.S. Senate join me in saluting Miss Smith and wishing her many years of good health and happiness during her well-deserved retirement.

TENTH ANNIVERSARY OF THE CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWS PROGRAM

Mr. GORTON. Mr. President, I take this opportunity to congratulate the congressional science and engineering fellows program on its 10th anniversary.

This program places highly qualified, accomplished scientists, engineers, and other professionals in the offices of individual Senators, Representatives, and committees for a 1-year assignment. Fellows perform in much the same way as permanent, professional staff members and are involved

in varied legislative oversight and investigative activities.

The program is expertly overseen and coordinated by the American Association for the Advancement of Science (AAAS) on behalf of more than 15 separate professional scientific and engineering societies which currently sponsor fellows. Sponsoring societies include the American Chemical Society, the American Psychological Association, the American Physical Society, the American Philosophical Association, and the Institute for Electronics & Electrical Engineers. The fellows are drawn from both industry and academia.

The goals of the program are twofold. First, the fellows bring to Congress new insights, fresh ideas, and extensive knowledge and education in a variety of disciplines. The fellows provide their expertise to the Congress on many issues that have significant scientific or technical components. Second, the fellows convey back to their colleagues in the scientific community an understanding of the workings of the political and public policy processes as well as an understanding of the importance of interaction in the scientific and governmental communities.

Scientists still have much to learn about and to contribute to the policy process and to the application of science to social needs. We in government have much to learn about how to use science, and scientists and engineers, in the search for solutions to our most important national problems. Energy, space policy, the challenge of the information age, basic research funding and priorities, the mental and physical health needs of our citizens, transportation, the use and disposal of hazardous and radioactive compounds are all issues that have scientific or technical components, and are issues to which science and engineering fellows have made substantial contributions during their terms in Congress.

Mr. President, I think it is noteworthy that in 1973 the first such fellow, sponsored by the American Society of Mechanical Engineers (ASME), was placed with the Senate Commerce Committee. Over the years, the Commerce Committee, particularly the Science, Technology and Space Subcommittee, which I now chair, has benefited enormously from the contributions of these talented men and women. This year we were pleased to have had working with us Dr. Norine E. Noonan, one of two Science Fellows sponsored by the American Chemical Society. She is on the faculty of Georgetown University Schools of Medicine and Dentistry, where she is a well-trained and well-known scientist in her field of cell biology. Prior to joining our staff, Dr. Noonan gained experience working voluntarily with the Science, Research and Technology Subcommittee on the House Science and Technology Committee on a variety of legislative and oversight issues.

Mr. President, I ask my colleagues to join with me in congratulating this outstanding program on its 10th anniversary. I believe the involvement by these highly trained and motivated scientists and engineers in the governmental processes represents a real and substantial contribution both to Congress and the country. In light of the increasingly technological character of many of the critical issues before us, the congressional science and engineering fellows program may be even more timely now than at its beginning.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the names of the 1982-83 congressional science and engineering fellows and their assignments.

There being no objection, the list of names was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWS

Harley D. Balzer (AHA)—Representative Lee H. Hamilton (D-Ind.).

William Bedesem (ASME)—Science, Research and Technology Subcommittee, House Committee on Science and Technology.

David E. Bouchard (NSPE)—Subcommittee on Energy Development, House Committee on Science and Technology.

John J. Cahill (STATE)—Office of Ocean Law and Policy, U.S. Department of State.

John T. Chu (MAA, AMS, SIAM)—Senator Daniel K. Inouye (D-Hawaii).

Robert M. Cook-Deegan (OTA)—Health and Life Sciences Division, Office of Technology Assessment.

William J. Cromartie (AAAS)—Representative George E. Brown, Jr. (D-Calif.).

Teresa S. Cross (DUKE)—Representative Mervyn M. Dynally (D-Calif.).

Julia C. Crowley (OTA)—Energy Materials and International Security Division, Office of Technology Assessment.

Miriam Davis (CRS/AAAS)—Science Policy Research Division, Congressional Research Service.

Gray S. Garwood (SRCD)—Rep. Pat Williams (D-Mont.).

Ellen Greenberg (SRCD)—Senator Arlen Specter (R-Pa.), Subcommittee on Juvenile Justice, Judiciary Committee.

Richard H. Hersh (OTA)—Science Information and Natural Resources Division, Office of Technology Assessment.

Rush Holt (APS)—Representative Robert Edgar (D-Pa.).

Eric Hyman (OTA)—Office of Technology Assessment.

Anthony Jackson (SRCD)—Representative Ted Weiss (D-N.Y.).

Robert J. Kainz (CRS/AAAS)—Science Policy Division, Congressional Research Service.

Jack Lubowsky—Senator John Glenn (D-Ohio), Subcommittee on Energy, Nuclear Proliferation and Government Processes, Senate Government Affairs Committee.

Edward R. Long (AHA)—Representative Tom Harkin (D-Iowa).

Jerry L. Martin (APhA)—Representative Hank Brown (R-Colo.).

Orin E. Marvel (IEEE)—Senator Jeremiah Denton (R-Ala.).

Judith Meyers (APA)—Representative David R. Obey (D-Wis.).

Norine E. Noonan (ACS)—Subcommittee on Science, Technology and Space, Senate Committee on Commerce, Science and Transportation.

William J. Pollard (ESD)—Senator Carl Levin (D-Mich.).

David Pomerantz (APhA)—Representative Richard A. Gephardt (D-Mo.).

Zeda Rosenberg (ASM)—Representative David R. Obey (D-Wis.).

Ford C. Runge (STATE)—Bureau for Science and Technology, U.S. Agency for International Development.

Doyce Satterfield (IEEE)—Senator Howell Heflin (D-Ala.).

Richard K. Scotch (SRCD)—Representative Paul Simon (D-Ill.).

Gordon A. Smith (AIAA)—Subcommittee on Space Science and Applications, House Committee on Science Technology.

Phillip G. Sokolove—Representative Albert Gore, Jr. (D-Tenn.).

Carol M. Satuto (SRCD)—Representative Mario Biaggi (D-N.Y.).

David Stonner (APA)—Representative Claudine Schneider (R-R.I.).

Mark H. Tennant (ASME)—Senator Strom Thurmond (R-S.C.).

James R. Treglio (APS)—Senator Paul E. Tsongas (D-Mass.).

Scott M. Wagner (ESD)—Senator Donald W. Riegle (D-Mich.).

Randall Wedin (ACS)—Representative George E. Brown, Jr. (D-Calif.).

Arthur B. Weissman (AGU)—Senator Christopher J. Dodd (D-Conn.).

Ann L. Wilson (SRCD)—Senator Dale Bumpers (D-Ark.).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement

to the amendments of the Senate numbered 6, 10, 13, 35, 40, 43, 47, and 58 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 25, 26, 32, 33, 34, 53, and 59 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.R. 3190. An act to establish an improved program for extra-long staple cotton.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day".

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the legislative branch for fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 11, 12, and 15 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 2, and 17 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2065) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

At 3:46 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 16 and 22 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 17, 25, and 26 to the bill, and agrees thereto, each with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 48. Concurrent resolution providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983, to July 11, 1983.

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes;

H.R. 3398. An act to change the tariff treatment with respect to certain articles, and for other purposes; and

H.J. Res. 390. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

ENROLLED BILLS SIGNED

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the Speaker has signed the following enrolled bills:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies; and

H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3190. An act to establish an improved program for extralong staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

H.R. 3398. An act to change the tariff treatment with respect to certain articles, and for other purposes; to the Committee on Finance.

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984; to the Committee on Finance.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1327. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to restructure the Federal employees health benefits program to strengthen financial control over the program and enhance competition among participating health plans, and for other purposes; to the Committee on Governmental Affairs.

EC-1328. A communication from the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1329. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a resolution adopted by the Council on May 10, 1983; to the Committee on Governmental Affairs.

EC-1330. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on the financial condition of the Judicial Retirement System and the Judicial Survivor's Annuities System for calendar year 1982; to the Committee on Governmental Affairs.

EC-1331. A communication from the Attorney General of the United States, transmitting, pursuant to law, an evaluation of the U.S. Trustee Pilot Program for Bankruptcy Administration; to the Committee on the Judiciary.

EC-1332. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-1333. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the potential health and environmental hazards of uranium mine wastes; to the Committee on Environment and Public Works.

EC-1334. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on a claim for repayment of damages incurred in a shipping accident in the Panama Canal; to the Committee on Armed Services.

EC-1335. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on a claim for repayment of damages result-

ing from a shipping accident in the Panama Canal; to the Committee on Armed Services.

EC-1336. A communication from the Deputy Assistance Secretary of Defense, transmitting, pursuant to law, notice that the Department of the Navy plans to exercise authority for exclusion of the clause concerning examination of certain records by the Comptroller General; to the Committee on Armed Services.

EC-1337. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the conversion of the aircraft maintenance and fueling services activity at Fort Knox, Kentucky, to contractor performance; to the Committee on Armed Services.

EC-1338. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Planning and Management of Threat Simulators and Aerial Targets is Crucial to Effective Weapon Systems Performance; to the Committee on Armed Services.

EC-1339. A communication from the Chairman of the United States Commission on Civil Rights, transmitting, pursuant to law, a statement on equal opportunity in Presidential appointments; to the Committee on the Judiciary.

EC-1340. A communication from the Director of ACTION, transmitting, pursuant to law, final regulations, Part 1207 (Senior Companion Program), Part 1208 (Foster Grandparent Program), and Part 1209 (Retired Senior Volunteer Program); to the Committee on Labor and Human Resources.

EC-1341. A communication from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, an estimate on military personnel assigned ashore in NATO countries at the end of fiscal year 1984; to the Committee on Armed Services.

E-1342. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the industrial shop services function at the Chesapeake Bay Detachment, Naval Research Laboratory, Washington, D.C., to performance by contractor; to the Committee on Armed Services.

EC-1343. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the sixth performance evaluation report, dated June 6, 1983; to the Committee on Commerce, Science, and Transportation.

EC-1344. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "review of Alleged Improper Unemployment Compensation Payments"; to the Committee on Governmental Affairs.

EC-1345. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on proposed amendments to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1346. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes (Rept. No. 98-168).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1469. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children (Rept. No. 98-169).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1245. A bill to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

By Mr. HEINZ, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979 (Rept. No. 98-170).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WILSON, from the Committee on Armed Services:

Delbert L. Spurlock, Jr., of Virginia, to be an Assistant Secretary of the Army.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Maj. Gen. Edgar A. Chavarrie, U.S. Air Force, to be lieutenant general, Maj. Gen. Winston D. Powers, U.S. Air Force, to be lieutenant general, Vice Adm. Edward C. Waller III, U.S. Navy (age 57), to be placed on the retired list, Maj. Gen. Richard K. Saxer, U.S. Air Force to be lieutenant general, Lt. Gen. Julius W. Becton, Jr., U.S. Army (age 56), to be placed on the retired list, and Maj. Gen. Charles W. Bagnal, U.S. Army, to be lieutenant general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force there are 10 appointments to the grade of colonel and below (list begins with Charles P. Hatsell), in the Air Force there are 116 permanent promotions to the grade of colonel (list begins with Glen W. Alexander), in the Air Force there are 142 permanent promotions to the grade of lieutenant colonel (list begins with Louis W. Adams II), in the Air Force there are 45 permanent promotions to the grade of lieutenant colonel and below (list begins with John N. Rogerson), in the Air Force Reserve there are 16 promotions to the grade of lieutenant colonel (list begins with Robert F. Ackerman), in the Air Force there are 470 permanent promotions to the grade of major (list begins with Edward F. Augustyniak, Jr.), in the Marine Corps there are 6 permanent appointments to the grade of second lieutenant (list begins with Keith W. Danel), in the Navy there are 387 permanent promotions to the grade of commander (list begins with David J. Abbott) and Col. Erwin J. Rokke, U.S. Air Force, to be dean of the faculty, U.S. Air Force Academy. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the CONGRESSIONAL RECORD of June 13, 16, and 20, 1983, at the end of Senate proceedings.)

By Mr. HATCH, from the Committee on Labor and Human Resources:

Ford Barney Ford, of California, to be Under Secretary of Labor; and

John J. O'Donnell, of the District of Columbia, to be an Assistant Secretary of Labor.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

Treaty Doc. 98-2. International Coffee Agreement signed by the United States on March 23, 1983 (Exec. Rept. No. 98-11).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 1562. A bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities; to the Committee on Governmental Affairs.

By Mr. STEVENS:

S. 1563. A bill to amend section 204 of the Federal Property and Administrative Services Act of 1949 to authorize the deposit of cash proceeds from the disposal of excess or surplus property into the general fund of the Treasury for use to retire the national debt; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mr. METZENBAUM, Mr. DURENBERGER, and Mr. GRASSLEY):

S. 1564. A bill to amend the Internal Revenue Code of 1954 to deny certain tax incentives for property used by governments and other tax-exempt entities; to the Committee on Finance.

By Mr. SPECTER:

S. 1565. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. COHEN, Mr. RUDMAN, Mr. NUNN, and Mr. LEVIN):

S. 1566. A bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATCH:

S. 1567. A bill to permit disclosures from tax records of the addresses of individuals who have defaulted on health education loans; to the Committee on Finance.

By Mr. DODD:

S. 1568. A bill to authorize the Secretary of Commerce to provide insurance against losses caused by the imposition of export controls under section 5 or 6 of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 1569. A bill to authorize the Secretary of the Interior and other major Federal land managers to provide for the conservation and scientific study of vertebrate paleontological resources on public and Indian lands; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL:

S. 1570. A bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory; to the Committee on Finance.

By Mr. PELL:

S. 1571. A bill to amend the National School Lunch Act, to provide for the serving of nutritionally superior lunches under such act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. QUAYLE (for himself and Mr. LUGAR):

S. 1572. A bill to designate the Veterans' Administration Outpatient Clinic to be located in Crown Point, Ind., as the "Adam Benjamin Veterans' Administration Outpatient Clinic"; to the Committee on Veterans Affairs.

By Mr. DANFORTH (for himself and Mr. CHAFEE):

S. 1573. A bill to eliminate the retroactive application of certain provisions of Public Law 96-364; to the Committee on Finance.

By Mr. STENNIS:

S. 1574. A bill for the relief of Seyed Mohammad Hossein Paya; to the Committee on the Judiciary.

By Mr. SASSER (for himself, Mr. BYRD, Mr. DODD, Mr. METZENBAUM, Mr. STENNIS, Mr. RANDOLPH, and Mr. SPECTER):

S. 1575. A bill to improve the highway bridge replacement and rehabilitation program; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself and Mr. PRYOR):

S. 1576. A bill to create a Federal, State, and local drug forfeiture fund; to the Committee on the Judiciary.

By Mr. CHILES:

S. 1577. A bill to amend the Agricultural, Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to the same pack of container restrictions as are applicable to domestic tomatoes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. DOMENICI, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mr. LAXALT, Mr. PRYOR, and Mr. STEVENS):

S. 1578. A bill to clarify the application of the Federal antitrust laws to local governments; to the Committee on the Judiciary.

By Mr. ARMSTRONG:

S. 1579. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction; to the Committee on Finance.

By Mr. HEINZ:

S. 1580. A bill to provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. JOHNSTON, Mr. LONG, Mr. ZORINSKY, Mr. NICKLES, and Mr. BOREN):

S. 1581. A bill granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. METZENBAUM, Mr. PERCY, Mr. MOYNIHAN, Mr. KASTEN, Mr. DOMENICI, Mr. BOSCHWITZ, and Mr. PROXMIRE):

S. 1582. A bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings in the congressional budget process for direct loan authority and loan guarantee authority, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other have 30 days of continuous session to report or be discharged.

By Mr. PERCY.

S. 1583. A bill to extend for the 6-year period beginning on October 30, 1983, the duty on canned corned beef; to the Committee on Finance.

By Mr. DANFORTH:

S. 1584. A bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules; to the Committee on Finance.

Mr. DANFORTH (for himself and Mr. DOLE):

S. 1585. A bill to amend the Internal Revenue Code of 1954 to disallow the research and experimentation credit for contributions of certain scientific property used for research; to the Committee on Finance.

By Mr. INOUYE:

S. 1586. A bill for the relief of Mr. Johnny Guzon, Mrs. Juanita B. Guzon, Froilan B. Guzon, and Genivy B. Guzon; to the Committee on the Judiciary.

By Mr. HELMS:

S. 1587. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers who receive housing allowances; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. DECONCINI, Mr. KENNEDY, Mr. METZENBAUM, and Mr. BAUCUS):

S. 1588. A bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. DIXON, Mr. METZENBAUM, Mr. RIEGLE, Mr. GLENN, and Mr. GORTON):

S. 1589. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 and the Federal Supplemental Compensation Act of 1982 to provide alternative State triggers; to the Committee on Finance.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 1590. A bill to clarify the contractual authority of the Secretary of the Interior to deliver water to the North Platte Irrigation District project; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 1591. A bill to establish a Commission on an Alternative to the Legislative Veto; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. DOMENICI, Mr. JEPSEN, Mr. PRYOR, Mr. HEINZ, and Mr. MOYNIHAN):

S. 1592. A bill to amend title XVIII of the Social Security Act to correct provisions relating to the cap for hospice care; to the Committee on Finance.

By DURENBERGER (for himself and Mr. RIEGLE):

S. 1593. A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit; to the Committee on Finance.

S. 1594. A bill to expand the incentives of the investment tax credit, and for other purposes; to the Committee on Finance.

By Mr. TSONGAS:

S.J. Res. 125. Joint resolution designating the first week of October as "National Remanufacturing Week"; to the Committee on the Judiciary.

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. LUGAR, Mr. JEPSEN, Mr. LEAHY, Mr. ZORINSKY, Mr. PRYOR, Mr. HELMS, Mr. DOLE, Mr. COCHRAN, Mr. PERCY, Mr. BOSCHWITZ, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. QUAYLE, Mr. EAGLETON, Mr. BOREN, Mr. CRANSTON, Mr. HEINZ, Mr. RANDOLPH, Mr. STENNIS, Mr. FORD, Mr. HEFLIN, Mr. BAUCUS, Mr. EXON, Mr. RIEGLE, and Mr. BUMPERS):

S.J. Res. 126. Joint resolution to designate the week of July 17, 1983, through July 23, 1983, as "National Corn Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. SASSER, Mr. PRESSLER, Mr. THURMOND, Mr. DOMENICI, Mr. CHAFEE, Mr. MCCLURE, Mr. HECHT, Mr. RANDOLPH, Mr. GOLDWATER, Mr. BUMPERS, Mr. BOSCHWITZ, Mr. DECONCINI, Mr. EAST, Mr. HATCH, Mrs. HAWKINS, Mr. D'AMATO, Mr. HELMS, Mr. CHILES, Mr. INOUYE, Mr. LONG, Mr. MITCHELL, Mr. PRYOR, Mr. TSONGAS, Mr. HEFLIN, Mr. NUNN, Mr. STAFFORD, Mr. WILSON, Mr. HOLLINGS, Mr. TRIBLE, Mr. MELCHER, Mr. HEINZ, Mr. DURENBERGER, Mr. BRADLEY, Mr. BENTSEN, Mr. MOYNIHAN, Mr. PROXMIRE, and Mr. HUDDLESTON):

S.J. Res. 127. Joint resolution designating the week of May 27, 1984 as "National Tourism Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 171. A resolution prohibiting the extension of waiver authority under section 402 of the Trade Act of 1974 with respect to Romania; to the Committee on Finance.

By Mr. DECONCINI:

S. Con. Res. 49. A concurrent resolution expressing the sense of the Congress that our tax system has become so complex, economically counterproductive, outmoded, and riddled with exceptions, that the time has come to stop applying piecemeal, short term remedies, such as modification of the fringe benefit provisions, and to adopt a new tax system based on equity, efficiency, and simplicity, that will broaden the income base while simultaneously effecting a reduction in tax rates; to the Committee on Finance.

By Mr. MOYNIHAN:

S. Con. Res. 50. A concurrent resolution declaring that U.S. contributions to the United Nations should be reduced by the U.S. proportionate share of the United Nations funds used for the International conference to be held in Vienna, Austria, on July 11 to 13, 1983; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1562. A bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining rooms; facilities; to the Committee on Governmental Affairs.

NO FREE LUNCH ACT OF 1983

Mr. PROXMIRE. Mr. President, today I am introducing legislation which would require that Federal agencies and the U.S. Senate recover the costs of meals served in executive dining rooms. Let me first explain to my colleagues what this legislation will do and then why I believe it should be promptly passed.

Most Federal agencies here in the Washington area have executive dining rooms. Not just everyone can eat in these exclusive rooms. Admittance is limited, usually to those at the GS-15 level or higher. That limited access means that those fortunate enough to be admitted make good money—$50,000 to $60,000 a year or more. Those salaries are two to three times what the average American family makes.

Most of these dining rooms are not little cubbyhole affairs. Many seat over 50 and some nearly 100. As many as 20 employees—cooks and waiters—work in some of these dining rooms. Mr. President, they are not some conference room temporarily converted for the convenience of the agency head.

As a result of the scale of these dining rooms, they can be expensive to operate. In fiscal year 1981, the Pentagon spent about $450,000 each to operate dining rooms for the Secretary of Defense and the heads of the Army, Navy, and Air Force. Many civilian agencies spent between $50,000 and $100,000 to operate their dining rooms.

As might be expected, the prices charged for the meals did not come anywhere near covering the costs of providing those meals. In fiscal year 1981, it cost about $2,900,000 to operate these dining rooms while the revenues collected from those who ate there barely topped $500,000. The taxpayer paid the $2,400,000 difference. Thus we have the spectacle, Mr. President, of those earning two to three times the average taxpayer's wages using the coercive power of the Internal Revenue Code to force that same taxpayer to pay for their meals. That is just plain wrong.

My legislation would remedy this situation. It requires that those who eat in these dining rooms pay their cost of operation. Nothing more, nothing less.

Mr. President, this legislation establishes the same incentives for the Federal Government that any private businessman must face. If the dining room managers watch their costs, they can serve a meal at about the same price a private restaurant charges. If costs are allowed to balloon, then the prices charged will have to be increased. Nothing could be more fair.

I would apply the same rule to Senate cafeterias and dining rooms. Last year, it cost about $5 million to operate these dining rooms and all but $35,000 of that sum was paid by the patrons. Current policy is to break even on these restaurants and my bill would make this policy law.

The Senate should promptly consider this legislation. The Nation is facing unprecedented deficits. In an effort to control these deficits, we have slowed the rate of growth of many social programs, including food stamps. In addition, the administration strongly supports the concept of user fees. This legislation is a perfect vehicle to put that concept into practice.

Mr. President, in our efforts to control the deficit, we should be fair. Everyone should make a sacrifice, not just the poor. That "everyone" should include powerful Government officials, who are now eating in dining rooms heavily subsidized by the taxpayer.

I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "No Free Lunch Act of 1983".

SEC. 2. For the purposes of this Act, "executive dining room" means any dining room which is located in an office building used by any agency in the Executive branch and where breakfast, lunch, or dinner is available only to an officer or employee of the Government serving in a position in the Executive branch in grade GS-15 or above, Executive Level V or above, or colonel or above, or their guests or was available only to such officers or employees or their guests before the date of enactment of this Act.

SEC. 3. Each person receiving a meal in an executive dining room or a Senate dining facility shall be charged for such meal a price in an amount which is not less than an amount sufficient to defray the cost of providing such meal considering the cost of the food, labor, and utilities, and the depreciation of equipment used in providing such meal.

SEC. 4. Sums collected pursuant to section 3 shall be deposited in the Treasury of the United States as miscellaneous receipts.

By Mr. STEVENS:

S. 1563. A bill to amend section 204 of the Federal Property and Administrative Services Act of 1949 to authorize the deposit of cash proceeds from the disposal of excess or surplus property into the general fund of the Treasury for use to retire the national debt; to the Committee on Governmental Affairs.

NATIONAL DEBT RETIREMENT ACT OF 1983

Mr. STEVENS. Mr. President, today I am introducing a bill designed to begin the process of reducing the size of the national debt.

Every year we face the difficult task of balancing the budget. Only once in the last 20 years have we been successful. The current national debt is the result of decades of a "buy now, pay later" approach to financing of government programs. It is a debt that many Members of Congress and past administrations, both Republican and Democratic, supported in attempts to improve our society. But the deficits we produce each year do not go away. They continue to accumulate, increasing the size of our national debt.

In 1981, the public debt passed the 1 trillion mark for the first time. By May of this year that figure had reached almost $1.3 trillion. It is difficult to grasp what these huge numbers represent. Broken down into per capita terms, the debt in 1972 equaled just over $2,000 per person in the United States. In May of this year, the debt per person was well over $5,000.

Even more revealing is the cost of financing this debt. From 1954 to 1981 the Federal debt held by the public increased by almost four times. During this same time, the interest paid on the debt increased by 15 times. In 1982, the accrued interest cost on the debt was over $117 billion. By April of this year, we were adding another $1 million to that figure every 5 minutes. These are funds which do not go for

social programs, defense, or other worthwhile projects. We are merely paying the price for debt incurred to finance Government programs in the past.

Financing the national debt also has a severe impact on the private sector. Government borrowing reduces the available supply of credit, causing interest rates to climb. During the 1960's, the Government took 16.7 percent of the credit market. In 1982 Government borrowing used almost 60 percent of all private capital available.

These trends must be reversed. The unprecedented growth of the national debt is one of the greatest threats to our Nation's economic recovery.

Our bill provides for the use of proceeds from the sale of surplus Federal real property to help retire the public debt. Currently these proceeds go into the Land and Water Conservation Fund. Let me emphasize that our bill will not affect the required annual income level of the fund. Revenues from Outer Continental Shelf oil lands will continue to be deposited in the fund, insuring its integrity.

Our bill by itself will not solve this major problem facing Congress. From fiscal year 1983 to fiscal year 1985 the Property Review Board estimates that just over $2 billion will be generated from the sale of surplus property to help retire a $1.3 trillion debt. Obviously, additional measures are required. But this is a step in the right direction, and an important start in gaining control over a rapidly increasing national debt.

I strongly believe we can no longer delay taking firm action in addressing this issue. I hope you will join me in supporting this bill.

Mr. President, I ask unanimous consent that the materials and tables supplied to me by the Department of the Treasury, as well as the bill itself, be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Debt Retirement Act of 1983".

SEC. 2. (a) Subsection (a) of section 204(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(a)) is amended to read as follows:

"(a) Notwithstanding any other provision of law, all cash proceeds from any transfer of excess property under this title to a Federal agency for its use, and all cash proceeds from any sale, lease, or other disposition of surplus property under this title, shall be deposited in the general fund of the Treasury and shall be used solely for retirement of the national debt of the United States, except as provided in subsections (b), (c), (d), and (e) of this section.".

(b) The last sentence of subsection (b) of such section is amended—

(1) by striking out "miscellaneous receipts" the first place it appears and inserting in lieu thereof "the general fund of the Treasury and used solely for the retirement of the national debt of the United States"; and

(2) by striking out "miscellaneous receipts" in the proviso and inserting in lieu thereof "the general fund of the Treasury".

(c) Subsection (c) of such section is amended by striking out "miscellaneous receipts" in the proviso and inserting in lieu thereof "the general fund of the Treasury and used solely for the retirement of the national debt of the United States".

PUBLIC DEBT AND INTEREST PER CAPITA

Fiscal year	Per capita— Public debt outstanding	Per capita— Accrued interest cost
1972	$2,041.91	$104.61
1973	2,173.60	114.86
1974	2,238.07	138.36
1975	2,496.90	152.96
1976	2,950.15	172.27
1977	3,215.59	192.79
1978	3,521.78	222.27
1979	3,736.86	270.50
1980	3,975.97	327.90
1981	4,329.48	414.00
1982	4,909.15	504.40
May 1983	5,517.70	(1)

[1] Not available.

Note.—The above data is based on the Bureau of the Census' estimated population.

PUBLIC DEBT OUTSTANDING FOR FISCAL YEAR 1983 ROUNDED TO BILLIONS

Month and year	Statutory debt limitation	Public debt outstanding
October 1982	$1,290.2	$1,142.8
November 1982	1,290.2	1,161.7
December 1982	1,290.2	1,197.1
January 1983	1,290.2	1,201.0
February 1983	1,290.2	1,215.3
March 1983	1,290.2	1,244.5
April 1983	1,290.2	1,247.9
May 1983	1,389.0	1,291.4

Accrued interest cost per minute

Fiscal year	*Amount*
1972	$41,569.25
1973	45,980.59
1974	55,781.77
1975	62,148.02
1976	70,515.98
Transition quarter	61,153.38
1977	79,717.84
1978	92,646.22
1979	113,845.52
1980	142,428.13
1981	181,543.27
1982	223,271.67
April 1983	233,954.97

By Mr. DOLE (for himself, Mr. METZENBAUM, Mr. DURENBERGER, and Mr. GRASSLEY):

S. 1564. A bill to amend the Internal Revenue Code of 1954 to deny certain tax incentives for property used by governments and other tax-exempt entities; to the Committee on Finance.

GOVERNMENTAL LEASE FINANCING REFORM ACT OF 1983

● Mr. DOLE. Mr. President, I am today introducing with Senator METZENBAUM and Senator DURENBERGER the Governmental Lease Financing Reform Act of 1983. This bill will provide a comprehensive, fair system for treating leases by State and local governmental units, foreign tax-exempt entities, tax-exempt organizations, and the Federal Government. This bill will prevent the enormous end run on the Federal Treasury that has been attempted through the use of long-term tax-exempt lease financing.

LEASING HORROR STORIES

The press has been filled with examples of such transactions. I need only to highlight the most celebrated cases to make my point. The Navy has sought to lease support ships. Bennington College has sought to lease its entire campus. Columbus, Ohio, has sought to lease its entire electric powerplant. Mr. President, these are only the tip of the iceberg. The Treasury Department has estimated that we may lose billions of dollars annually if this loophole is not closed.

HOW DO THESE DEALS WORK?

Although many of my colleagues are undoubtedly suspicious that something has gone awry when they see tax-exempt entities selling off large proportions—if not all—all of their assets and leasing them back. But it may be helpful to explain simply how these deals work so that the threat to the Treasury Department and the Federal, State, and local budget processes will be fully understood.

First, all of the lessees—the users of the property—are tax exempt. Some are charitable organizations, some are foreign persons exempt from U.S. tax, some are State, local, and Federal governmental entities. Thus, the lessees are already paying no taxes—they are the preferred entities of our tax system, and properly so in this Senator's judgment.

What leasing permits these nontaxpayers to do is to trade on their tax exemption. Such entities are unable to use tax credits and accelerated depreciation—ACRS—which are designed to reduce the cost of capital for taxpayers. A lease permits the nontaxable entities to sell such tax preferences. As a result, such tax-exempt entities are able to obtain a negative tax rate through leasing.

Additionally, the use of leasing permits tax-exempt entities to reap substantial arbitrage profits when the capital disinvested from the property sold and leased back can be reinvested in high taxable yields. The result is an arbitrage opportunity that has been categorically prohibited in the case of more orthodox borrowing through the issuance of municipal bonds.

SUBVERTING THE BUDGET PROCESS

The combination of these two aspects of tax-exempt leasing explains only in part why this opportunity has become so attractive. Additionally, the use of long-term leasing permits State and local governments to avoid many of the ordinary limits on borrowing

(like voter approval). Thus, the something-for-nothing game of tax-exempt leasing subverts efforts by all governmental entities to maintain budget discipline.

THE IMPACT ON FEDERAL RECEIPTS

The impact on Federal receipts of tax-exempt leasing is substantial. That is because such transactions create deductions and rehabilitation credits where they did not exist before. It is this creation of deductions and credits that reduces Federal receipts.

WHAT THE BILL WOULD DO

Mr. President, the Governmental Lease Financing Reform Act of 1983 would address these abuses by eliminating the tax credits and accelerated depreciation for property subject to tax-exempt leases. By eliminating the availability of such tax benefits, the tax motivation for such transactions, leasing by tax-exempt will no longer be tax motivated. The tax law will again be neutral on the decison by tax exempts to lease or to buy. Tax exempt entities would continue tax exempt, but the ability to obtain a negative tax rate will be foreclosed.

CHANGES FROM H.R. 3110

This bill follows the leadership of Congressman PICKLE who introduced a similar measure, H.R. 3110. There are, however, substantial differences. I would like to highlight some of these differences.

HIGH TECHNOLOGY PROPERTY

Under the House bill, computers and other high technology short-lived property would be subjected to straight line depreciation over 12 years. That depreciation is substantially less than economic depreciation. As a result, it will be virtually impossible for colleges and universities to lease computers, even where a lease makes sense. The inability to obtain economic leases may have a devastating effect on our high-technology industries as well as our educational institutions.

This bill will provide a fair rule for high technology assets, and other short-lived property. Under that rule, if the property has a class life under the ADR system of 6 years or less and is leased for a term not in excess of 75 percent of that life, the property would be exempt from the general rules of this bill. That is because, without the credit, our preliminary analysis shows that ACRS provides no greater benefit than economic depreciation. Indeed, ACRS depreciation is slower than that allowed under prior law. Thus, there is no deferral benefit for tax-exempt users of such property to sell. Of course, if our preliminary analysis turns out to be incorrect and there is potential for abuse, I will support a modification of this rule.

REAL PROPERTY LEASES

Some of the most celebrated abuses involve leases of real property. The House bill seeks to stop those deals by requiring straight line depreciation of real estate over a term of 35 years. Unfortunately, the House bill is insufficient to prevent deals like that negotiated by Bennington College. To stop those deals, straight line depreciation over the greater of 40 years or 125 percent of the lease term is provided. Our bill so provides, thus finally accomplishing what the House bill intended to do. Additionally, because these benefits are available in any case in which there is a long-term lease of real property, the bill would apply regardless of whether the property was new or used. the bill would delete, however, the vague notion of the House bill that coverage should turn on a determination of which party has an economic interest in the property.

GENERAL RULE FOR PERSONAL PROPERTY

The House bill provides an artificial schedule of slow depreciation for leased personal property. As I noted, that schedule is too slow for short-lived personal property. It is also too long for certain long-lived property. The Senate bill would require straight-line depreciation over the ADR class life of property or 125 percent of the lease term, whichever is greater. This rule will prevent the unintended consequences of the House bill.

TREATMENT OF THE REHABILITATION TAX CREDIT

In what was apparently a drafting error, the House denied the rehabilitation tax credit to all property financed with industrial development bonds, regardless of whether there was a tax-exempt user. This error is corrected in the Senate bill and the rehabilitation tax credit is denied in any case in which there is a tax-exempt user. Thus, the double dip and arbitrage potential with the rehabilitation tax credit is prohibited under the general rule.

Second, there may be unintended impacts. For example, the bill as drafted may adversely impact taxable Government entities and certain foreign licensing of movies produced in the United States. Additionally, this bill may have an unintended impact on leases of personal property to the Federal Government for which an express appropriation has been made prior to May 23, 1983, and for which no tax indemnity has been provided. This Senator will seek to correct that unintended impact when this bill is considered by the Finance Committee. I understand that the Senator from Ohio has no objection to such an amendment.

EFFECTIVE DATE

Like the House bill, the Senate bill would apply generally to property placed in service after May 23, except to the extent covered by a binding contract on that date. The special rule for nonsafe harbor leases of mass transit property of the House bill is not included—it is far too early to be crafting special interest relief rules. However, we will monitor this area closely to insure that we do not have any unintended effects under this bill on legitimate transactions.

OUTSTANDING QUESTIONS

Despite our introduction of this bill today there remain a number of questions which we must explore when hearings are held next month. First, we need to assess whether the rules in this bill are adequate to prevent abuses in the leasing of short-lived property, while preventing unintended disruption of equipment markets. For example, we need to insure that leases of hospital diagnostic equipment are treated properly.

Third, there is some concern that the rules of this bill for real property and the rehabilitation tax credit may go beyond merely preventing the abuses we have targeted. If that is correct, then modifications may be appropriate.

Finally, I have noted previously that we must give careful attention to appropriate effect dates and transition rules and appropriate rules governing the treatment of foreign tax exempt entities.

I look forward to the further consideration of these important issues.

Mr. President, I ask unanimous consent that a more detailed, technical explanation of the bill be included in the RECORD following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TECHNICAL EXPLANATION OF THE GOVERNMENTAL LEASE FINANCING REFORM ACT OF 1983

Scope.—Property leased for substantial periods by tax-exempt entities would be subject to slower depreciation and denial of the investment tax credit. Tax exempt entities would be defined broadly as State, local and Federal governmental units, expressly tax-exempt organizations and effectively tax exempt foreign persons. Substantial periods would generally be defined by reference to the class life of the leased property. Foreign persons treated as tax exempts include foreign persons with respect to assets for which less than 20 percent of the income is subject to U.S. tax. Real property leases (i) in excess of 10 years; (ii) financed by IDBs; (iii) with a fixed price purchase option; or (iv) under a sale-leaseback or lease-leaseback are also covered.

Short-lived property.—Because there is no possibility of significant tax benefit transfers through short-term leases of short-lived property a special exemption for short-lived property leased for a term of 75 percent or less of its life (including extensions or renewals) would be provided. Short-lived property is defined as property with a class life of 6 years or less.

Short-term leases; Limited leases.—Personal property leased for less than the greater of 1 year or 30 percent of the class life (but not in excess of 3 years) and real property leased for not more than 3 years (1 year in the case of property eligible for the rehabilitation tax credit) would be exempt from the rules. Similarly, a lease of 50 percent or less of real property would also be exempt.

Effect.—If the bill applies to property, the investment tax credit would be denied (including the rehabilitation tax credit) and depreciation deductions are allowed on a straightline basis over the class life of property) or 125 percent of the lease term, whichever is greater. In the absence of a class life, personal property would be depreciated over 12 years on a straightline basis.

Distinction between leases and service contracts.—The definition in case law of service contracts would be narrowed by an express definition to deny the investment tax credit to property which is in substance leased by a tax-exempt entity.

Use of IDBs.—In the absence of tax-exempt use, use of IDBs would not trigger the limitations of the bill.

Effective date.—The bill would generally be effective for property placed in service after May 23, 1983, subject to a narrow binding contract rule like that of H.R. 3110.●

● Mr. METZENBAUM. Mr. President, I am pleased to join Senators DOLE and DURENBERGER today in introducing legislation that will bring to an end a costly and highly efficient tax avoidance practice known as sale and leasebacks by Government and tax-exempt entities. Through this practice, tax-exempt entities like cities and universities have, in effect, gone into the business of selling lucrative tax shelters to private investors.

How does this scheme work? Because a city, for example, does not pay Federal income taxes it is unable to take advantage of the investment tax credit and depreciation deductions associated with its property. But a city can sell the building to a taxpayer, who can take advantage of the lucrative tax benefits, and then lease the building back to the municipal government.

We have witnessed in recent months an explosion in the use of sale and leaseback transactions by Government and nonprofit entities. With the encouragement of accounting firms, tax lawyers, and trade associations, new deals have been closing almost daily.

Bennington College wants to sell its entire campus and lease it back.

The city of St. Louis wants to sell its city hall.

Baltimore has already sold its incinerator and firehouse.

Oakland no longer owns its museum or coliseum.

Who benefits?

The seller benefits because the sale price that it receives is far greater than the amount it must pay to lease back the building in question.

The taxpayer-investor benefits from substantial tax writeoffs purchased at bargain basement prices.

But, unfortunately, all of these gains come at the direct expense of the Federal Government and of every American who pays taxes to support that Government.

Mr. President, I believe that we must do more to assist our ailing cities and States. We must do more for education at every level. We should continue and strengthen our commitment to transportation, housing programs and other worthwhile and legitimate Federal efforts to meet the needs of our State and local governments.

But, I do not believe that we should be doing indirectly—through the tax code—the things which we are unwilling to do directly through the congressional authorizations and appropriations process.

The sale and leaseback scheme is a tax gimmick, most of whose benefits go to the tax shelter investor. Only a small part of the revenues lost to the Federal Treasury goes to the cities, the colleges, and the tax-exempt organizations. If it is our intention to assist these organizations and units of government, then it makes no sense whatever to do so in a way that allows tax shelter investors to skim most of the money off the top.

Our bill reduces the benefits of depreciation for property that is leased by nontaxable entities. It tightens the Internal Revenue Code provisions which deny the investment tax credit for property used by tax-exempt entities. It also extends that denial to foreign governments.

Mr. President, I am convinced that this legislation is necessary in order to stop what has become a uncontrolled hemorrhage of Federal revenue.

But I know that some people are unhappy about the legislation we are introducing today.

We are already feeling the pressure from the lawyers who stand to lose some legal fees.

We are hearing from the real estate developers.

We are hearing from the cities, States, and colleges. And we are even hearing from the foreign governments and foreign companies which are using the tax gimmick to subsidize their activities at the expense of the taxpayers of the United States.

On May 24, Senator DOLE and I had a colloquy on the Senate floor during which we announced our plans to introduce this bill. We also indicated that the bill would prohibit sale and leaseback transactions for property placed in service after May 23. The bill establishes that effective date.

Since May 24, the tax attorneys and financial consultants have been on notice that these tax scams would no longer be permitted. They were told that a transition rule would protect those who relied on existing law from any unfair financial hardship. That protection is included in the bill. It excludes projects subject to a binding contract as of May 23.

I believe that this effective date provision is fair. And I hope that we will be able to prevent exceptions from this rule from eating away at the thrust of the bill.

If we are truly serious about tax reform;

If we are truly serious about tax equity and fairness;

If we are truly serious about controlling the Federal budget;

Then we must begin to review the massive subsidies that we hand out year after year through the Internal Revenue Code. The sale and leaseback scheme is one of those subsidies that cannot be justified.

I look forward to working with Senator DOLE and others to move forward as expeditiously as possible with this important legislation.

Mr. President, I understand that the Senator from Kansas has a concern dealing with a Federal leasing arrangement that has been approved by the appropriate appropriations and authorization committees. It is my further understanding that the lease in question will not contain a so-called indemnity clause which was the subject of an amendment I offered on the floor earlier this month. And I might add that I appreciated the support of the Senator from Kansas on that amendment. I can assure the Senator that I will not object to his efforts to address the issue of this Federal lease as this legislation advances.●

● Mr. DURENBERGER. Mr. President, I am pleased to join my colleague, the chairman of the Finance Committee, Mr. DOLE, in introducing legislation to eliminate the sale-leaseback of property by tax-exempt entities.

My colleagues know that as chairman of the Intergovernmental Relations Subcommittee of the Governmental Affairs Committee I am most concerned about the problems of State and local governments and the effect the Federal laws have on these entities both directly and indirectly. I have also been deeply involved with the issues affecting other tax-exempt entities such as the nonprofits that serve so admirably in delivering services that governments would otherwise be called upon to do.

My colleagues also know of my strong interest in making the benefits of leasing available to all industries. My actions during debate on the Tax Equity and Fiscal Responsibility Act last year certainly demonstrate that commitment.

But use of leasing by tax-exempt entities is a horse of a different color, as the old saying goes. I am not criticizing the tax-exempt entities for utilizing leasing. They saw an attractive horse that could help them with their severe financial difficulties and took the opportunity to ride it aggressively.

This is one loophole we should waste no time in closing. The availability of leasing is important to achieve a level playing field among taxable entities. Without leasing, corporations who have no tax liability for a period of years are at a competitive disadvan-

tage to companies who can utilize the investment tax credit and ACRS in making the investments so necessary to greater productivity.

The benefits of the ITC and ACRS were never intended to flow to tax-exempt entities. The effect of these sale-leaseback arrangements is to confer benefit on the tax-exempt entity. But they confer even more benefit on high-income taxpayers who use it to shelter income. Unless we close this loophole, the Federal Treasury will be the real loser.

This bill is not the final answer to the issue. The transition rules need modification. The provisions on short-lived assets are an improvement over the House bill but still need review. Coverage of production credit associations should also be examined. And I am sure other issues will arise during the legislative process that we will address. This bill is an important first step, though, and I am pleased to join my colleagues in offering it.●

By Mr. SPECTER:

S. 1565. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

CAPITAL PUNISHMENT LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing a bill designed to protect all persons associated with our Federal prison system from violent death at the hands of prisoners serving life sentences for other crimes. The bill allows the death penalty for the murder of any person such as a prison official, a prison guard, a visitor, a lawyer, a reporter, or a fellow inmate. Those violent and hardened prisoners already serving life sentences far too often feel they have "nothing to lose" in killing someone in the prison, and this legislation is sorely needed to deter that conduct.

The level of violence in our prisons today is truly appalling. According to the Federal Bureau of Prisons, 136 inmates have been killed by other prisoners in the Federal prison system alone in the past 10 years. Seven Federal prison guards have been murdered in the same time period. Equally disturbing are the nearly 2,000 violent assaults on Federal correctional employees and over 3,500 assaults by inmates on other inmates during this time.

Unfortunately, the Federal prison system is only the tip of the iceberg. Nationwide 165 inmates were brutally murdered by other State prisoners in 1981 and 1982, according to the National Institute of Corrections. Seven correctional officers were killed in State prisons in 1981. Mr. President, this frightening level of barbarism and brutality must be stopped.

This legislation will apply to those prisoners already beyond redemption or rehabilitation—those already sentenced to life imprisonment for their prior heinous crimes. There is currently no provision in the Criminal Code that effectively deters these prisoners from striking again while in prison.

This bill does just that, allowing the jury or court to consider numerous relevant factors in determining whether to impose the death penalty, including whether the murder occurred during an escape attempt, a kidnaping, a prison riot, the taking of hostages, or a sexual assault, or as a result of drug dealing, or by use of a firearm.

Without a more severe punishment for such a murder than merely life imprisonment, assaults and killings will undoubtedly increase along with our growing prison population. Our Nation's correctional officers and our prisoners have the right to be protected from the violence of the most dangerous inmates. No prisoner ever should be able to feel immune from further punishment for his violent acts. We, as lawmakers, must act now to remedy this unjust and tragic situation. I, therefore, urge my colleagues to pass this important legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 51 of title 18 of the United States Code is amended by adding the following new section after section 1117:

"SEC. . MURDER BY FEDERAL PRISONERS.—

(a) Whoever, while confined in a federal correctional institution under sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

(b) For purposes of this section—

(1) 'federal correctional institution' means any federal prison, federal correctional facility, federal community program center, or federal halfway house;

(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death;

(3) 'murders' means committing first degree murder or second degree murder as defined by section 1111 of this title.

(c) A person shall be subjected to the penalty of death under this section only if a hearing is held in accordance with this section.

(d) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty under this section, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice (1) that the Government in the event of conviction will seek the sentence of death, and (2) setting forth the aggravating factor or factors which the Government will seek to prove as the basis for the death penalty. The court may permit the attorney for the government to amend this notice for good cause shown.

(e) HEARING BEFORE COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (d) and the defendant is found guilty of or pleads guilty to an offense under this section, the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury which determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury which determined the defendant's guilt has been discharged for good cause; or

"(D) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the Government.

A jury impaneled pursuant to paragraph (2) of this subsection shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than twelve.

(f) PROOF OF AGGRAVATING AND MITIGATING FACTORS.—Nowithstanding Rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under this section, no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sectence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (i) and (j) or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (j), information may be presented relating to any other aggravating factor.

Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establising the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The

burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

(g) RETURN OF FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (j) found to exist.

(h) IMPOSITION OF SENTENCE.—Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

(i) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) the defendant was less than eighteen years of age at the time of the crime;

"(2) the defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge;

"(3) the defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge;

"(4) the defendant is punishable as a principal (as defined in section 2(a) of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge;

"(5) the defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

(j) AGGRAVATING FACTORS.—The following aggravating factors shall be considered but are not exclusive:

(1) the defendant committed the offense during the course of seizing, confining, inveigling, decoying, kidnaping, abducting, carrying away, holding hostage, or holding for ransom or otherwise any person;

(2) the death or injury resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission or attempted commission of, an offense under section 751 (escape by prisoner in custody of institution or officer);

(3) the defendant committed the offense during the course of perpetrating or attempting to perpetrate a sexual assault on any person;

(4) the defendant committed the offense during the course of, on account of, or as a result of any transaction concerning or distribution of any controlled substance as defined by schedules I, II, III, IV, and V of section 812 of title 21;

(5) the defendant committed the offense while armed with, or having readily available, a firearm, as defined in section 921(a)(3) of this title;

(6) the defendant committed the offense during the course of inciting, organizing, promoting, encouraging, participating in, carrying out, or aiding or abetting any person in inciting, participating in or carrying on a riot as defined in section 2102 of this title;

(7) the defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

(8) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person;

(9) in the commission of the offense the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

(10) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

(11) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

(12) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

(13) the defendant committed the offense after substantial planning and premeditation to cause the death of a person.

(k) INSTRUCTION TO JURY ON RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION.—In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

(l) APPEAL FROM SENTENCE OF DEATH.—"In any case in which the sentence of death is imposed under this section the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"The court shall affirm the sentence if it determines that: (1) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, and (2) the information supports the special finding of the existence of any aggravating factor, or the failure to find any mitigating factors as set forth or allowed in this section. In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.".

(m) IMPLEMENTATION OF A SENTENCE OF DEATH.—"A person who has been sentenced to death pursuant to the provisions of this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

(n) USE OF STATE FACILITIES.—"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General."

By Mr. ROTH (for himself, Mr. COHEN, Mr. RUDMAN, Mr. NUNN, and Mr. LEVIN):

S. 1566. A bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money for the United States, or to parties to contracts with the United States, and for other purposes; to the Committee on Governmental Affairs.

PROGRAM FRAUD CIVIL PENALTIES ACT OF 1983

Mr. ROTH. Mr. President, I am introducing today, on behalf of myself and Senators COHEN, RUDMAN, NUNN, and LEVIN, a bill to create a mechanism whereby the Federal Government can more aggressively and effectively pursue fraud in Government programs.

Recently, the Permanent Subcommittee on Investigations concluded 2 days of hearings on false billing schemes by a major defense shipbuilding contractor. Seven months of intensive investigation uncovered mischarging, cross billing, and illegal cost shifting. This and other investigations have disclosed that, while Government and civilian auditors found many instances of fraud, no formal action was taken to recoup Government losses or to penalize the wrongdoers. Part of the reason for this inaction is the cumbersome legal process which is the only available avenue to correct these abuses. An unscrupulous contractor can take advantage of the current system, make millions in overcharges, and get away with a slap on the wrist. Proportionally, the few successful civil and criminal cases hardly present a deterrent.

An administrative civil penalty law will bring a swift, sure, and fair resolution to the current state of affairs. The presence of a third alternative will also act as a deterrent because it is a simple, straightforward, readily available mechanism to be used by the agency directly affected by the alleged fraud.

But the Program Fraud Civil Penalties Act is designed for use in any Government program where there is an identifiable loss or where the integrity of a program is put in jeopardy by false statements. And during 1981 the

General Accounting Office released a three-volume report entitled "Fraud in Government Programs—How Extensive Is It—How Can It Be Controlled." The report observed that during the period October 1976 to September 1979 the Government lost between $150 to $200 million as a result of fraud directly related to Government programs. Among its conclusions, the report recommended the enactment of an administrative penalty statute which would allow Federal agencies to impose appropriate monetary sanctions against persons, corporations, and other entities who engage in fraud upon the Government.

Among other things, GAO observed that current efforts to control fraud were primarily directed toward the filing of criminal and civil actions by the Department of Justice or by the imposition of relatively light administrative sanctions by the affected agencies. GAO concluded that for the reasons set forth below, these efforts were insufficient to address the magnitude of the problem and that a new statutory penalty must be enacted which would allow affected agencies to directly impose monetary penalties for fraud.

GAO estimated that during the reporting period, approximately 77,000 cases of fraud were detected. Of this number, only 12,900 cases were referred to the Department of Justice for criminal prosecution. The Department of Justice subsequently declined to prosecute 61 percent of these cases. Furthermore, GAO estimates that under new Department of Justice guidelines for white-collar-crime prosecutions, an even greater percentage of such cases will be declined.

Moreover, the Government rarely recovers an amount equal to the loss sustained. The GAO estimates that in approximately 1,500 criminal and civil cases, defendants were ordered to reimburse $14 million to the Federal Government. Administrative actions resulted in the proposed recovery of an additional $29 million. However, in many instances the Government achieved only a judgment against the individual and was not able to recover the full amount due.

Administrative civil penalties would give the Government an additional tool to serve as a deterrent against fraud and to recover Federal funds lost due to fraud. Ideally, this administrative mechanism would be used in appropriate circumstances when the Department of Justice declines to prosecute.

According to GAO estimates, 62 percent of all Department of Justice declination are based upon the following factors:

First, lack of prosecutive merit/jury appeal, 16 percent;

Second, small monetary loss to the Government, 14 percent;

Third, administrative action is more appropriate, 8 percent; and

Fourth, insufficient evidence for criminal prosecution, 24 percent.

It may be argued that the cases which comprise the majority of these declinations are clearly within the scope of a civil administrative proceeding.

Currently, administrative proceedings are primarily designed to deny an entity the right to continue to participate in a Federal program. As such, their effects are primarily prospective in nature, and are not designed to restore to the Government the funds lost as a result of the fraud.

The Program Fraud and Civil Penalties Act which I am introducing today is designed to create an administrative mechanism that will allow the affected agency to impose a monetary penalty for fraud. This penalty is cumulative with existing criminal, civil, and administrative penalties and is ideally suited to situations where the Department of Justice has declined to seek criminal action against a person who has committed fraud against a Federal program. The bill will also assist agencies in the collection of such penalties by allowing an offset of such penalties against any other outstanding Federal obligation owed to the liable party, including Federal tax refunds.

The bill contains eight sections which would amend title 5 of the United States Code by adding a new chapter 8 to create new administrative remedies for false claims and statements submitted to Federal agencies by persons seeking money, services, or property from the Federal Government. While current Federal law provides criminal penalties for false statements—for example, 18 U.S.C. 1001, 18 U.S.C. 494, 15 U.S.C. 645—and criminal and civil penalties for false claims—for example, 18 U.S.C. 287, 31 U.S.C. 321—the imposition of these sanctions requires the Department of Justice to initiate and conclude a criminal or civil suit in Federal court. Because the Department of Justice guidelines regarding the prosecution of Government fraud usually limits prosecution to instances where the Government has suffered a substantial and identifiable monetary loss, the Government is left without an adequate remedy for many false claims and statements, which do not result in a significant monetary loss to the Government, but which may have a detrimental impact upon the Federal program which received the claim or statement. This impact is best demonstrated by the following examples:

First, a large business falsely certifies its identity as being a small business for the receipt of a Federal small business set aside contract. The large business successfully underbids several bona fide small businesses and is awarded the contract. Later, after an administrative procedure relating to a challenge of the small business size status of the company, the large business is disqualified from the future receipt of such contracts. However, by such time the large business has fully and adequately performed the awarded contract. Under Federal law, the large business has filed false statements and false claims relating to the award and performance of the contract in question. However, the Government has received full value for the contract price. The primary loss to the Government is therefore in the undermining of the integrity of the small business set aside program, not in a monetary loss. The likelihood of prosecution in such instances is small.

Second, a contractor submits a falsely inflated claim to the Federal Government. In the course of an audit of the claim, the falsity of the majority of the claim is discovered and disallowed. The contractor is never paid for the false portion of the claim. In such a case, the contractor has submitted a false statement and a false claim to the Government. However, because the Government discovered the falsity of the claim prior to payment, the contractor's civil liability is limited to $2,000 under 31 U.S.C. 231, even if the false claim was for hundreds of thousands of dollars. Many more typical examples can be found in the GAO study.

This bill will allow the agencies who are the recipients of such false claims and statements to administratively adjudicate a civil penalty for such false claims and statements.

Such a penalty will give agencies a significant tool in policing the integrity of their programs. Furthermore, the deterrent effect of enhanced enforcement of civil penalties against fraudulent participants in Federal programs will assist the good faith participants in such programs. This legislation has been enthusiastically endorsed by Inspectors General and the GAO, while the administration has strongly endorsed the concept of administrative civil penalties.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis of the Program Fraud Civil Penalties Act of 1983 be printed at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1983

FINDINGS AND DECLARATIONS OF POLICY

By setting down its findings and declaring its purpose, Congress provides insight as to the remedial purpose of the statute, in aid to implementation. With the growth of fraud against the Federal government, it is clear that present remedies are inadequate to stem the flow of millions upon millions of dollars to those not entitled. Less money be-

comes available to the qualified and the deserving.

Given this predicate, federal agencies need an expeditious and administrative alternative to the courts in handling matters of false claims and declarations. In furtherance of this policy, all federal agencies victimized by such false claims and declarations are to have an administrative penalty mechanism compatible with existing procedures and in accordance with fundamental due process.

SECTION 801 DEFINITIONS

Section 801 sets out definitions of key terms used in the bill. The term "authority" is defined to encompass those agencies with substantial audit and investigative capability, specifically the 16 agencies and departments with statutory Inspectors General, together with Department of Defense, the Department of Treasury, the Department of Justice and the Postal Service.

The term "claim" is defined to include requests or demands for money, property or services, whether made directly to the government authority or a fiscal intermediary, including a state, political subdivision or other entity. Each individual voucher, claims form or other separate request or demand constitutes a separate claims for which a penalty could be imposed.

The term "statement" is defined to include all written representations and certifications of fact, whether made directly to the government authority or through a fiscal intermediary, including a state, political subdivision or other entity. Furthermore, no monetary loss need be sustained by the federal government as a result of the statement.

The bill creates the position of "investigating official" in order to enable those departments without a statutory Inspector General to conduct investigations of false claims and statements in a manner similar to an Inspector General investigation.

SECTION 802 LIABILITY FOR FALSE CLAIMS AND STATEMENTS

This section identifies false claims as those claims supported by false statements, or claims which seek payment for services not provided, or which were provided in violation of law or regulation. False statements are those which falsely misrepresent material facts or contain omissions which make a statement materially false.

This section establishes liability for claims and statements that are known by the presenter to be false. It provides for damages consisting of a civil penalty of not more than $10,000 for each false claim, plus an assessment of not more than double the amount of money or value of property or services including consequential damages, sustained by the United States as a result of such false claims and statements. Such damages also include the costs associated with the investigation. Such a penalty would be in addition to any criminal, civil or administrative penalty.

SECTION 803 DETERMINATION OF AUTHORITY HEAD AND SUBPOENA AUTHORITY

This section sets out the procedures to be followed by the government authority in imposing administrative sanctions and in issuing subpoenas in order to investigate false claims and statements.

An appropriate investigation is conducted by the investigating official. The results of the investigation are presented to a senior department or agency reviewing official. If this official determines that there is probable cause to conclude that a fraudulent claim or statement has been committed, the matter is referred to the authority head for an appropriate proceeding.

The respondent must be notified in writing of the anticipated administrative action and afforded an opportunity for a hearing on the record, at which time the person is entitled to be represented. The hearing would be governed by the Administrative Procedures Act. It is contemplated that, while cases will be developed by the Inspectors General and the investigating officials, the required hearing will be conducted and determinations reached by the principal officer of the agency or by an administrative law judge. Upon completion of the administrative determination imposing sanctions, which, except in unusual circumstances, must not be less than the amount of damages sustained by the United States, the person must be notified in writing of the findings and determination and of his/her right to judicial review under Section 904.

This section also expands the authority of the 16 Inspectors General to allow for the administration of oaths or affirmations and for the issuance of testimonial subpoenas in the investigation of such false claims and statements. This expansion of the subpoena authority is essential in order to enable the Inspectors General to develop adequate evidence of fraud for the administrative determinations which are authorized by the bill.

Similarly the section empowers the investigating official of the Department of Defense, the Department of Treasury, the Department of Justice and the Postal Service with the oath/affirmation administration and subpoena powers of the statutory Inspectors General.

This section also authorizes the Inspector General or the investigating official to seek the enforcement of any such subpoena in the United States district court.

SECTION 804 JUDICIAL REVIEW

This section provides that judicial review by a United States Court of Appeals may be obtained by filing within 60 days of notification of the administrative determination, a written petition urging that the administrative determination be modified or set aside. In reviewing the administrative determination, the findings of the government authority on questions of fact, if supported by substantial evidence on the record considered as a whole, are conclusive. Similarly the amount of penalties or assessments imposed is conclusive if within the statutory limits set out in Section 802. No new objection of evidence may be use before the appellate court that was not presented in the administrative proceeding, except in unusual circumstance, in which event the court may remand the case to the government authority for further proceedings. Further judicial review by the Supreme Court may be sought pursuant to 28 USC 1254.

SECTION 805 COLLECTION OF CIVIL PENALTIES AND ASSESSMENTS

This section states that unless judicial review is sought, the administrative sanction becomes final and may be enforced by a civil action in a United States District Court or asserted as a counterclaim or set off in any other civil action to which the United States and the person are parties. Penalties and assessments may be compromised or settled by the government authority except during the pendency of any appeal of an enforcement action, during which such authority vests in the Attorney General.

Where losses involve joint federal-state programs, funds recovered may be used to reimburse the state in the same ratio as the amount paid out by the state bears to the total payment of such claim, up to the amount actually paid out by the state. Except for this reimbursement to the states, funds recovered through administrative proceedings are to be deposited as miscellaneous receipts in the United States Treasury.

SECTION 806 LIMITATION

This section limits actions to those authorized by the Attorney General. If within 120 days of receipt of a request to initiate an administrative action, the Attorney General takes no action to restrict the initiation of administrative proceedings the authority may initiate the action as if the Attorney General has authorized it. This 120-day period is consistent with the existing time frame of Department of Justice review of such matters.

Any administrative action must be commenced within 6 years of the presentation of the false claim or statement and any civil enforcement action must be commenced within 3 years from the date of the sanction becomes final. If at any time during the administrative proceedings it appears, based on specific information that bribery, conflicts of interest, or other corruption involving any officer or employee of the government in connection with the claim or statement has occurred, such information must be reported to the Attorney General who, by written finding that continuation of the administrative proceeding may adversely affect any civil or criminal action related thereto, may stop the administrative proceeding. No proceeding shall be commenced if a claim exceeds $100,000.

SECTION 807 RIGHT TO SETOFF

This section authorizes setoff of civil penalties and assessments against any sum owing by the United States or a state to the person against who sanctions are imposed. Setoff authority may also be exercised with respect to any tax refunds due the person.

SECTION 808 REGULATIONS

This section requires the promulgation of regulations to implement the provisions of the bill, including regulations which must ensure that the role of the Inspectors General or investigating officials is limited to an investigative role.

Furthermore, the section also authorizes the Attorney General and the heads of the government authorities to enter into memoranda of understanding to provide for expeditious approval by the Attorney General of administrative proceedings.

SECTION 809 REPORTS

Investigating officials are to prepare annual reports summarizing their activities taken under this chapter. Such annual report shall be furnished to the agency authority head and to the appropriate committee of Congress in the same manner as the reports under section 5(b) of the Inspector General Act of 1978.

The new remedy provided by this bill would apply to any claim or statements submitted after Dencember 31, 1983.

S. 1566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Program Fraud Civil Penalties Act of 1983".

SEC. 2. (a) (1) The Congress finds that—

(A) fraud in Government programs is a serious and growing problem;

(B) present civil and criminal remedies for program fraud are not sufficiently responsive to this problem;

(C) fraud in Government programs results in the loss of millions of dollars annually; and

(D) fraud in Government programs undermines the integrity of these programs by allowing ineligible persons to participate and receive Federal funds to which they are not entitled.

(2) The Congress further finds that it is desirable to create an expeditious and inexpensive administrative procedure which Federal agencies may use to impose an administrative penalty for false, fictitious, or fraudulent claims and statements.

(b) The purposes of this Act are—

(1) to allow Federal agencies which are the victims of false, fictitious, and fraudulent claims and statements to have an administrative remedy penalizing persons who submit such claims and statements;

(2) to provide an administrative penalty procedure which is comparable with administrative penalty procedures with respect to Government contracts, personnel disciplinary proceedings, and Government grants; and

(3) to provide reasonable due process protections to all persons who are subject to the adjudication of administrative penalties for false, fictitious, or fraudulent claims or statements.

SEC. 3. (a) Title 5 of the United States Code is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—ADMINISTRATIVE PENALTIES AND ASSESSMENTS FOR FALSE CLAIMS AND STATEMENTS

"Sec.
"801. Definitions.
"802. False claims and statements; liability.
"803. Hearing and determination by authority head; subpena authority.
"804. Judicial review.
"805. Collection of civil penalties and assessments.
"806. Limitations.
"807. Right to setoff.
"808. Regulations.
"809. Reports.

"§ 801. Definitions

"(a) As used in this chapter—

"(1) 'authority' means any establishment as defined in section 11(2) of the Inspector General Act of 1978 (92 Stat. 1109), any executive department, any military department, and the United States Postal Service;

"(2) 'authority head' means—

"(A) the head of an authority, or

"(B) an official or employee of the authority designated, in regulations promulgated by the head of the authority, to make findings and determinations under this chapter on behalf of the head of the authority;

"(3) 'claim' means any request or demand, whether under a contract or otherwise—

"(A) to an authority for property, services, or money (including money representing grants, loans, insurance, or benefits); or

"(B) to a recipient of property, services, or money from an authority or to a party to a contract with an authority—

"(i) for property or services if the United States provided such property or services or any portion of the funds for the purchase of such property or services or will reimburse such recipient or party for the purchase of such property or services; or

"(ii) for the payment of money (including money representing grants, loans, insurance, or benefits) if the United States provided any portion of the money requested or demanded or will reimburse such recipient for any portion of the money paid on such request or demand;

"(4) 'statement' means any written representation or certification—

"(A) with respect to a claim; or

"(B) with respect to—

"(i) a contract with, or a bid or proposal for a contract with,

"(ii) a grant, loan, or benefit from,

"(iii) an application for insurance from, or

"(iv) an application for employment with, an authority, or any State, political subdivision of a State, or other party acting on behalf of, or based upon the credit or guarantee of, an authority;

"(5) 'person' means any individual, partnership, corporation, association, or private organization;

"(6) 'investigating official' means—

"(A) the Inspector General in an authority which is authorized an Inspector General by the Inspector General Act of 1978 (92 Stat. 1101) or any other Federal law; or

"(B) in the case of an authority which is not authorized an Inspector General by the Inspector General Act of 1978 (91 Stat. 1101) or any other Federal law, any official or employee of the authority when designated by the head of the authority to conduct investigations under the provisions of section 803(a)(1) of this title; and

"(7) 'reviewing official' means any official or employee of an authority—

"(A) whose rate of basic pay is equal to or greater than the minimum rate of basic pay for grade GS-18 under section 5332 of this title; and

"(B) who is designated by the head of the authority to make the determination provided in section 803(a)(2) of this title.

"(b) For the purposes of subsection (a) (3) of this section—

"(1) each voucher, invoice, claim form, or other individual request or demand for property, services, or money constitutes a separate claim whether submitted separately or together with other claims;

"(2) each request or demand for property, services, or money constitutes a claim regardless of whether such property, services, or money is actually delivered or paid; and

"(3) a claim shall be considered made to an authority, recipient, or party when such claim is made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of such authority, recipient, or party.

"(c) For the purposes of subsection (a)(4) of this section—

"(1) each written representation or certification constitutes a separate statement whether submitted separately or together with other statements; and

"(2) a statement shall be considered made to an authority although such statement is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of such authority.

"§ 802. False claims and statements; liability

"(a) For purposes of this chapter—

"(1) a claim is false when the claim—

"(A) includes or is supported by any false, fictitious, fraudulent, or intentionally misleading statement, document, record, or accounting or bookkeeping entry;

"(B) is for payment for the provision of property or services which the claimant has not provided, or has not provided in accordance with the terms of the contract on which such claim is based, or has provided in violation of any applicable Federal or State statute or regulation; or

"(C) is for the payment of an amount in excess of the amount which is properly due; and

"(2) a statement is false when a material fact—

"(A) is asserted in such statement and is false, fictitious, fraudulent, or intentionally misleading; or

"(B) is omitted from such statement and—

"(i) as a result of the omission, such statement is substantially false, fictitious, or fraudulent or, in the case of an intentional omission, is intentionally misleading; or

"(ii) the person making such statement has a duty to include such material fact in the statement.

"(b) Any person who, on or after the effective date of the Program Fraud Civil Penalties Act of 1983, knowingly makes, presents, or submits, or knowingly causes to be made, presented, or submitted, a false claim or statement, is liable to the United States for—

"(1) a civil penalty of not more than $10,000 for each false claim or statement; and

"(2) an assessment of not more than double—

"(A) the full amount of money paid to and the full value of property or services delivered to a person as a result of the false claim or statement of such person; or

"(B) the amount of damages, including the amount of consequential damages and the cost of investigating such false claim or statement, sustained by the United States as a result of the false claim or statement.

"(c) Except as provided in section 803(b)(5) or 805(f)(1) of this title, the total amount of the penalty and assessment determined under this section shall not be less than the amount of damages sustained by the United States as a result of the false claim or statement.

"(d)(1) The penalties and assessments provided in this section shall be in addition to all criminal penalties provided by law.

"(2) Except as provided in subsection (e) of this section, the authority head may use any administrative and contractual remedy authorized by any other applicable provision of Federal law in addition to the provisions of this chapter to impose or enforce a civil penalty and assessment for false claims and statements.

"(e) Notwithstanding any other provision of Federal law, a civil penalty or assessment imposed under any other provision of Federal law in any case subject to this chapter may be in any amount authorized in this section.

"§ 803. Hearing and determination by authority head; subpena authority

"(a)(1) The investigating official of an authority shall investigate allegations that a person is liable under section 802(b) of this title and report the findings and conclusions to the reviewing official of the authority.

"(2) If the reviewing official determines, based upon the report of the investigating official or upon information from any other source, that there is probable cause to believe that a person is liable under section 802(b) of this title, the reviewing official shall refer the allegations contained in such report to the authority head for a hearing. Before referring the allegations to the authority head, the reviewing official may refer the allegations to the investigating official and require the investigating official

to obtain more information with respect to the allegations.

"(b)(1) The authority head shall conduct a hearing on the record regarding any allegation referred to him pursuant to subsection (a) of this section to determine, based on the preponderance of the evidence—

"(A) the liability of any person under section 802(b) of this title;

"(B) the amount of damages suffered by the United States as a result of the false claim or statement creating the liability of such person; and

"(C) the amount of any penalty and assessment to be imposed on such person.

"(2) The person alleged to be liable under section 802(b) of this title shall be entitled—

"(A) to written notice of the hearing specifically setting forth all allegations and the date, time, and place for such hearing;

"(B) to be present at such hearing;

"(C) to be represented by counsel;

"(D) to present evidence; and

"(E) to cross-examine any witnesses.

"(3) Each hearing under paragraph (1) of this subsection shall be conducted in an impartial manner and resolve the issues expeditiously and inexpensively consistent with fundamental fairness. A written decision including findings and determinations shall be issued after the conclusion of the hearing.

"(4)(A) Except as provided in subparagraph (B) of this paragraph and section 804 of this title, the findings and determinations of the authority head issued in connection with a hearing conducted under paragraph (1) of this subsection are final.

"(B) If the authority head conducting the hearing under paragraph (1) of this subsection is an individual described in section 801(a)(2)(B) of this title, the amount of the penalty and assessment imposed on a person may be reduced by the authority head described in section 801(a)(2)(A) of this title to any amount not less than the amount provided in section 802(c) of this title.

"(5) The total amount of the penalty and assessment determined under this section may be less than the amount provided in section 802(c) of this title if the authority head determines that a lower amount is in the best interest of the United States and enters in the written decision and makes available for public inspection the determination and the reasons for the determination.

"(c) After a hearing pursuant to subsection (b) of this section, the authority head shall promptly send to any person determined to be liable under section 802(b) of this title written notice of the findings and determinations of the authority head and the right to judicial review under section 804 of this title.

"(d) For the purposes of an investigation under subsection (a) of this section the investigating official is authorized—

"(1) to administer oaths or affirmations; and

"(2) to require by subpena the attendance and testimony of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to conduct such investigation.

"(e) For the purposes of conducting a hearing under subsection (b) of this section, the authority head is authorized—

"(1) to administer oaths or affirmations; and

"(2) to require by subpena the attendance and testimony of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence which the authority head considers relevant and material to the hearing.

"(f) In the case of contumacy or refusal to obey a subpena issued pursuant to subsection (d) or (e) of this section, the investigating official or authority head, as the case may be, may invoke the aid of any district court of the United States where such investigation or hearing is being conducted, or where such subpenaed person resides or conducts business. The district courts of the United States shall have jurisdiction to issue an appropriate order for the enforcement of any such subpena. Any failure to obey such order of the court is punishable by such court as contempt.

"(g) Unless a petition is filed as provided in section 804 of this title, the determination of liability pursuant to this section shall be final and shall not be subject to judicial review.

"§ 804. Judicial review

"(a) Any person who has been determined pursuant to section 803 of this title to be liable under section 802(b) of this title may obtain review of such determination in the United States Court of Appeals for the circuit in which such person resides or in which the claim or statement upon which the determination of liability is based was made, presented, or submitted, or for the District of Columbia Circuit, by filing in such court, within sixty days after the date on which the notice required by section 803(c) of this title is sent, a written petition that such determination be modified or set aside. The clerk of the court shall transmit a copy of such petition to the authority head concerned and to the Attorney General. Upon receipt of the copy of such petition the authority head shall transmit to the Attorney General the record in the proceeding resulting in the determination of liability. Except as otherwise provided in this section, the courts of appeals of the United States shall have jurisdiction to review the findings and determinations in issue and to affirm, modify, remand for further consideration, or set aside, in whole or in part, the findings and determinations of the authority head, and to enforce such findings and determinations to the extent that such findings and determinations are affirmed or modified.

"(b) The findings of the authority head with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(c) The determination of the authority head as to the amount of any penalty and assessment shall be conclusive and shall not be subject to review except to determine whether such amount exceeds the maximum amount provided in section 802 of this title.

"(d) Any court of appeals reviewing, under this section, the findings and determinations of the authority head shall not consider any objection that was not raised in the hearing conducted pursuant to section 803(b) of this title, if any, absent a showing of extraordinary circumstances causing the failure to raise the objection. If any party shows to the satisfaction of the court that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the court shall remand the matter to the authority head for consideration of such additional evidence.

"(e) Upon a final determination by the court of appeals that a person is liable under section 802(b) of this title, the court shall enter a final judgment for the appropriate amount in favor of the United States, and such judgment may be recorded and enforced by the Attorney General to the same extent and in the same manner as a judgment entered by any United States district court.

"§ 805. Collection of civil penalties and assessments

"(a) The Attorney General, with the support of the authority head when required, shall be responsible for judicial enforcement of any civil penalty or assessment imposed pursuant to the provisions of this chapter.

"(b) Any penalty or assessment imposed in a determination which has become final pursuant to section 803(g) of this chapter may be recovered in a civil action brought by the Attorney General. In any such action, no matters that were raised or that could have been raised in a hearing conducted under section 803(b) of this title or in a review pursuant to section 804 of this title may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

"(c) The district courts of the United States and of any territory or possession of the United States shall have jurisdiction of any action commenced by the United States under subsection (b) of this section.

"(d) Any action under subsection (b) of this section may, without regard to venue requirements, be joined and consolidated with or asserted as a counterclaim, cross-claim, or setoff by the United States in any other civil action which includes as parties the United States and the person against whom such action may be brought.

"(e)(1) The United States Claims Court shall have jurisdiction of any action under subsection (b) of this section to recover any penalty and assessment if the cause of action is asserted by the United States as a counterclaim in a matter pending in such court. The United States may join as additional parties in such counterclaim all persons who may be jointly and severally liable with the person against whom such counterclaim is asserted.

"(2) No cross-claims or third-party claims not otherwise within the jurisdiction of the United States Claims Court shall be asserted among additional parties joined under paragraph (1) of this subsection.

"(f)(1) Except as provided in paragraph (2) of this subsection, the authority head may compromise or settle any penalty and assessment determined pursuant to section 803 of this title. No compromise or settlement under this subsection shall provide for a recovery of an amount less than the amount described in section 802(c) of this title unless the authority head makes the determination and takes the action provided in section 803(b)(5) of this title.

"(2) The Attorney General shall have exclusive authority to compromise or settle any penalty and assessment the determination of which is the subject of a pending petition pursuant to section 804 of this title or a pending action to recover such penalty or assessment pursuant to this section.

"(g) Whenever a penalty and assessment is imposed and collected pursuant to this chapter and part of any money paid or property or services delivered as a result of the false claim or statement on which such penalty and assessment is based was provided by a State or political subdivision thereof which has not previously been reimbursed

for such money or property, the United States shall reimburse such State or political subdivision the lesser of—

"(1) an amount bearing the same ratio to the civil penalty and assessment recovered as the amount paid, or the cost to the State or political subdivision of property or services delivered, by the State or political subdivision on the basis of such false claim or statement bears to the total amount paid, or total cost of property or services delivered, based on such false claim or statement; or

"(2) the total amount actually paid, or the total actual cost to the State or political subdivision of property or services delivered, by the State or political subdivision on the basis of such false claim or statement.

"(h) Except as provided in subsection (g) of this section, any amount of penalty and assessment collected under this chapter shall be deposited as miscellaneous receipts in the Treasury of the United States.

"§ 806. Limitations

"(a)(1) Prior to initiating a proceeding under section 803(b) of this title the authority head shall transmit to the Attorney General written notice of the intention to initiate such proceeding together with the reasons for such intention.

"(2) The authority head may initiate a proceeding under section 803(b) of this title if—

"(A) the Attorney General approves the initiation of such proceeding; or

"(B) the Attorney General takes no action to disapprove the initiation of such proceeding within ninety days after the date on which the notice required by paragraph (1) of this subsection is received or within such longer period after such date as is provided in a memorandum of understanding entered into by the authority head and the Attorney General with respect to such proceeding.

"(b)(1) No proceeding under section 803(b) of this title shall be commenced more than six years after the date on which the claim or statement alleged to be a false claim or statement is made, presented, or submitted.

"(2) A proceeding under such section is commenced by mailing by registered or certified mail the notice required in section 803(b)(2)(A) of this title.

"(c) A civil action to recover a penalty and assessment under section 805 of this title shall be commenced within three years after the date on which the determination of liability for such penalty and assessment becomes final.

"(d) If at any time during the course of proceedings brought pursuant to this chapter the authority head receives or discovers any specific information regarding bribery, gratuities, conflict of interest, or other corruption or similar activity in relation to a false claim or statement, the authority head shall immediately report such information to—

"(1) the Inspector General of the authority, if an Inspector General is authorized for the authority by the Inspector General Act of 1978 (92 Stat. 1101) or any other Federal law, for transmission to the Attorney General; or

"(2) the Attorney General, if the authority is not authorized an Inspector General by the Inspector General Act of 1978 (92 Stat. 1101) or any other Federal law.

"(e) If the Attorney General transmits to an authority head a written finding that the continuation of any proceeding under section 803 of this title may adversely affect any pending or potential criminal or civil action related to an alleged false claim or statement under consideration in such proceeding, such proceeding shall be immediately stayed and may be resumed only upon written authorization of the Attorney General.

"(f) No proceeding shall be commenced under section 803(b) of this title with respect to any claim, statement, or group of claims or statements submitted before the commencement of such proceedings by any person or group of persons acting in concert if (1) the amount of money or the value of property or services requested or demanded in such claim, statement, or group of claims or statements exceeds $100,000, or (2) the amount of damages, including the amount of consequential damages, sustained by the United States as a result of such claim, statement, or group of claims or statements exceeds $100,000.

"§ 807. Right to setoff

"(a)(1) The amount of any penalty and assessment which has become final under section 803(g) of this title, or for which a judgment has been entered under section 804(e) or 805 of this title, or any amount agreed upon in a settlement or compromise under section 805(f) of this title, may be deducted from any sum, including a refund of an overpayment of Federal taxes, then or later owing by the United States to the person liable for such penalty and assessment.

"(2) The authority head shall transmit written notice of each deduction made under this paragraph to the person liable for such penalty and assessment.

"(3) All amounts retained pursuant to this paragraph shall be remitted to the Secretary of the Treasury for deposit in accordance with section 805(h) of this title.

"(b) An authority head may forward a certified copy of any determination as to liability for any penalty and assessment which has become final under section 803(g) of this title, or a certified copy of any judgment which has been entered under section 804(e) or 805 of this title to the Secretary of the Treasury for action in accordance with subsection (a) of this section.

"§ 808. Regulations

"(a) The head of each authority shall issue rules and regulations implementing paragraphs (1), (2), and (3) of section 803(b) of this title and such additional rules and regulations as may be necessary to carry out the provisions of this chapter. Such rules and regulations shall insure that investigating officials are not responsible for making the determinations or conducting the hearing required in section 803(b) of this title or making the collections under section 805 of this title.

"(b) The Attorney General may enter into a memorandum of understanding with the head of any authority to provide expeditious procedures for approving or disapproving the initiation of proceedings under section 803(b) of this title and for referral of matters for action under sections 804, 805, and 806(e) of this title. Such memorandum of understanding may provide advanced authorization to initiate proceedings under section 803(b) of this title with respect to any particular type or class of alleged false claims or statements if not otherwise barred by section 806 of this title.

"§ 809. Reports

"(a) Each investigating official shall, not later than October 31 of each year, prepare an annual report summarizing actions taken under this chapter during the most recent twelve-month period ending September 30. Such report shall include—

"(1) a summary of matters referred to the authority head under section 803(a)(2) of this title during such period;

"(2) a summary of matters transmitted to the Attorney General under section 806(a)(1) of this title during such period;

"(3) a summary of all proceedings initiated by the authority head under section 803(b) of this title, and the results of such proceedings, during such period; and

"(4) a summary of the actions taken during such period to collect any civil penalty or assessment imposed under this chapter.

"(b) The annual report of an investigating official shall be furnished to the authority head not later than October 31 of the year such report is prepared. Each such report shall be transmitted to the appropriate committees and subcommittees of Congress in the same manner as the October 31 reports of Inspectors General are transmitted under section 5 (b) of the Inspector General Act of 1978 (92 Stat. 1103).".

(b) The table of chapters at the beginning of part I of title 5, United States Code, is amended by inserting after the item relating to chapter 7 the following new item:

"8. Administrative Penalties and Assessments for False Claims and Statements ..... 801.".

SEC. 4. The regulations required by section 808 of title 5, United States Code, as added by section 3(a) of this Act, shall be promulgated not later than one hundred and eighty days after the effective date of this Act.

SEC. 5. This Act and the amendments made by this Act shall take effect December 31, 1983.

By Mr. HATCH:

S. 1567. A bill to permit disclosure from tax records of the addresses of individuals who have defaulted on health education loans; to the Committee on Finance.

LOAN DEFAULT INFORMATION AMENDMENTS OF 1983

● Mr. HATCH. Mr. President, I am today introducing the "Loan Default Information Amendments of 1983." This legislation would permit disclosure from tax records, the addresses of individuals who have defaulted on health education loans.

A report conducted by the Government Accounting Office in 1981 disclosed that more than 28 percent of the borrowers in the health professions student loan and nursing loan programs were delinquent in payments by 90 days and that "low priority was placed on the billing and collecting of health profession and nursing student loans" by schools participating in the programs.

The report went on to state that the Department of Health and Human Services had not effectively monitored participating schools' collection efforts, but that the Department had recognized the importance of improving its program oversight and was taking steps to assist schools in reducing the high delinquency rates.

As a part of those efforts, the "Loan Default Information Amendments of

1983," recommended by the administration, extends the authority granted Federal agencies by the Debt Collection Act of 1982, to obtain addresses from taxpayer's records to institutions who participate in the HPSL and NSL programs.

The Debt Collection Act of 1982 allows the Secretary of the Treasury to disclose "the mailing addresses of a taxpayer for use by officers, employess, or agents of a Federal agency for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer for a debt owed to the Federal Government." But the HPSL and NSL programs were excluded from the new authority because it only related to "efforts to collect or compromise claims of the Federal Government." Because the HPSL and NSL programs are administered by the schools and not the government, these programs were not included under the Debt Collection Act. Extension of that authority to health profession and nursing schools will allow them to more efficiently process and collect deliquent loans while updating records and making funds available for more students to participate in these loan programs. Mr. President, I would like to request that the text of this proposed legislation be placed after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Loan Default Information Amendments of 1983".

DISCLOSURE OF LOCATION OF BORROWERS WHO HAVE DEFAULTED ON HEALTH EDUCATION LOANS

SEC. 2. Paragraph (4) of section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "or the Secretary of Health and Human Services" after "Secretary of Education" in the matter in subparagraph (A) preceding clause (i) and in the matter of subparagraph (B) preceding clause (i),

(2) by striking out "or" at the end of clause (i) of subparagraph (A) and of subparagraph (B),

(3) by adding "or" at the end of clause (ii) of subparagraph (A) and of subparagraph (B),

(4) by inserting the following after clause (ii) of subparagraph (A):

"(iii) made under part C of title VII or part B of title VIII of the Public Health Service Act,",

(5) by inserting the following after clause (ii) of subparagraph (B):

"(iii) any lender participating under part C of title VII or part B of title VIII of the Public Health Service Act,", and

(6) by inserting "or the Department of Health and Human Services" after "Department of Education" in the matter in subparagraph (A) following clause (iii) (as added by paragraph (4) of this section).●

By Mr. DODD:

S. 1568. A bill to authorize the Secretary of Commerce to provide insurance against losses caused by the imposition of export controls under section 5 or 6 of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

POLITICAL RISK INSURANCE ACT OF 1983

● Mr. DODD. Mr. President, today I am introducing legislation which would authorize a voluntary, self-financing program of insurance against losses from the imposition of national security or foreign policy export controls under the Export Administration Act. Export controls, while an important policy option for the conduct of foreign affairs, necessarily disrupt commerce and can otherwise undermine our domestic and international trade position. It is therefore important that the Federal Government take steps to reduce as much as possible the commercial problems associated with them. The frequency with which we impose controls, and the magnitude of the losses associated with those controls, require that we do what we can to protect American exporters from adverse financial consequences.

The rationale for this legislation should be clear to those familiar with the historical record of export controls. Under the Export Administration Act, the President is authorized to control or restrict exports on the grounds of national security, foreign policy, or short supply of important commodities. While recent controls on the export of pipeline equipment and, earlier, agricultural commodities to the Soviet Union were particularly noteworthy, numerous other sanctions have been imposed during the post-World War II period. Communist and non-Communist countries alike have been the objects of such treatment.

The authority to impose controls is an important policy option. Our Nation must have the ability to maintain its technological lead over our adversaries, particularly in militarily critical areas. We must also preserve maximum tactical flexibility in pursuit of our foreign policy objectives.

However, as important as such controls may be, the inevitably lead to new costs and losses to the American economy. As American exporters find their business interrupted, they lose sales and markets and their employees lose jobs. Last year, the Senate Banking Subcommittee on International Finance and Monetary Policy heard testimony that the 1980 embargo of agricultural exports to the Soviet Union resulted in estimated losses of over $11 billion of corn, wheat, and soybean output, 310,000 related jobs, and $3.1 billion in personal income earned in the United States. Similarly, the Commerce Department has estimated that controls on oil and gas equipment and technology sales to the Soviet Union would probably cost U.S. firms $300 million to $600 million in exports over 3 years.

Mr. President, it is important to note that the United States has imposed export controls far more frequently, and has a much more extensive export control system, than any of our major trading partners or allies. Our unique responsibilities as the leading diplomatic, commercial, and military power in the free world make it likely that export controls will be imposed in the future. However, the effective implementation of such controls will be seriously complicated if we continue to pay inadequate attention to the domestic economic implications of these controls. If the American people and the business community believe that the costs are too severe, the ability of the President to make best use of his authority will be seriously undermined. I am not suggesting that export controls are a necessary or desirable response to every action or situation we believe undermines our national interest. I do believe it is important that we take steps to minimize the adverse domestic impact of our response.

According to a staff survey performed at the State Department's Office of East-West Trade, many of our trading partners have fairly significant programs for covering losses arising from the imposition of export controls, even though these nations have rarely, if ever, imposed such controls. The West Germans have offered a limited quasi-public program of political risk insurance against losses due to export control actions by the West German Government. The Japanese Ministry of International Trade and Industry offers insurance covering losses due to Japanese export control actions. The French Foreign Ministry has indicated that, in the case of export control actions or embargoes, the Government will cover losses on sales of military equipment.

The United States, on the other hand, has imposed export controls far more frequently than any of these countries, but fails to display a correspondingly greater commitment to covering the losses which inevitably arise from such actions. I believe such a commitment is needed if we want to reduce the commercial complications associated with such controls.

The Political Risk Insurance Act of 1983 would authorize the Secretary of Commerce, who has primary responsibility for licensing exports and administering export controls under the Export Administration Act, to establish a program to provide exporters insurance against losses arising from the imposition of national security or foreign policy controls under that act. This program would be voluntary, and

exporters who elect to participate in the program would pay premiums as determined by the Secretary of Commerce. This legislation would limit total claims under the program to the total of accrued premiums in the fund and income from investments of the fund. As a result, the United States would not be liable for any claims in excess of the total of accrued premiums and investment income. The program would thus be self-financing and not add to the deficit.

The Secretary of Commerce would have broad authority to establish the program upon such terms and conditions as he deems appropriate. The Secretary may also act in conjunction with other Federal agencies and enter into reinsurance and other agreements with private insurers in order to carry out the program established by this legislation.

Mr. President, I believe that this approach is a responsible one and should not raise fears about unwarranted intrusion of the Federal Government into the private sector or the financial markets. As I mentioned earlier, the self-financing nature of this program precludes any increase in the deficit. Furthermore, programs authorized by this legislation are not intended either to compete with, or establish a basis for regulation of, private insurance providers. In sum, this legislation is intended to authorize a service which is in the national interest, but apparently not sufficiently available in order to protect that interest. I look forward to consideration of this measure by the Congress so that we can take whatever steps may be necessary to improve this measure and bring it into conformance with the purposes I have set forth.

Mr. President, I ask unanimous consent that the text of this legislation be included in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 4 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(g) INSURANCE AGAINST LOSS CAUSED BY EXPORT CONTROLS.—(1) The Secretary is authorized, upon such terms and conditions and in conjunction with such other Federal agencies as the Secretary may deem appropriate, to establish a program to provide exporters who elect to participate in the program insurance against losses, in whole or in part, caused by the imposition of export controls under section 5 or 6, including any losses incurred in the production and preparation for sale of goods or technology on which such controls are imposed.

"(2) The Secretary shall prescribe and collect premiums from participating exporters for insurance provided under this subsection, and shall establish premium rates at levels which assure that the program is run on an actuarially sound basis. Premiums collected under this subsection shall be deposited in a special fund which shall be available only for the purpose of this subsection. The Secretary may invest balances in the fund in excess of estimated current needs in obligations of the United States. Except to the extent of accrued premiums in the fund and any income on investments of the fund, the United States has no liability arising out of the imposition, expansion, or extension of export controls.

"(3) The Secretary is authorized to enter into agreements, including reinsurance agreements, with private insurers in order to carry out the insurance program under this subsection.

"(4) All determinations by the Secretary with respect to claims for losses covered by insurance under this subsection shall be final.".

SEC. 2. This Act shall be referred to as the "Political Risk Insurance Act of 1983".●

By Mr. PRESSLER:

S. 1569. A bill to authorize the Secretary of the Interior and other major Federal land managers to provide for the conservation and scientific study of vertebrate paleontological resources on public and Indian lands; to the Committee on Energy and Natural Resources.

PALEONTOLOGICAL CONSERVATION ACT OF 1983

Mr. PRESSLER. Mr. President, today I have the pleasure of introducing the Paleontological Conservation Act of 1983 for the consideration of my colleagues. This is one of those rare pieces of legislation that has tremendous support from a wide range of scientific, private, and commercial concerns. This bill deals specifically with the manner in which the Department of the Interior and its agencies promulgate rules dealing with the collection of fossils, minerals, and related items on public lands.

The Secretary of the Interior and other major Federal land managers, including the Secretaries of Defense and Agriculture and the heads of independent land managing or land holding agencies, are responsible for providing measures to insure that certain paleontological resources located on public and Indian lands are afforded systematic scientific study toward the enhancement of this Nation's natural resource heritage. As the lead Federal agency for the conservation and protection of natural resources, the Department of the Interior must provide overall policy direction for the administration of this act through the provisions of the national natural landmarks program.

The terribly confusing maze of rules that now exists has already caused a great deal of consternation among professional and amateur collectors. Last fall, in a misguided effort to revise some of these rules, the Bureau of Land Management came forth with a new set of regulations that resulted in a flood of protests from hobbyists, scientists, and commercial collectors. In a 60-day period, the BLM received nearly 1,200 pieces of mail, the vast majority of which opposed the proposed rule changes. Nearly every State was represented in the outcry. This is not a regional issue. Some 2 million rock hounds are tired of foolish, thoughtless BLM regulations. The latest revision would have required each party camping out—even for a single night—to obtain a permit from the appropriate Federal authorities.

The science of paleontology is highly specialized. Paleontology, simply put, is the study of fossils and past life forms. Our Nation is rich in fossil remains, which, in capable hands, can help unravel scientific mysteries. These valuable fossil resources need the protection this measure provides. The BLM personnel simply do not have the expertise needed in this unique field of study. Though small in number, paleontologists have widespread impact on the scientific community and the general public. The work of paleontologists provides an important link in our understanding of the history of life on Earth. From study of the past we gain insight into the future.

My proposal would provide a new and comprehensive framework on which more realistic regulations could be based. An advisory committee composed of experts both in and out of Government would be set up to promulgate these rules. This legislation will conserve and protect our precious vertebrate fossils, while at the same time allowing hobbyists the freedom to enjoy their activities.

It is a shame that during nearly a decade of personal and written contact with Government officials, the collectors have been unable to impress their concerns on these officials. The avenue of direct legislation appears to be the only viable means left for this large and unheard group. Legislation that has been applied to this area was originally placed on the books in 1906 and was never intended to serve as it has been forced to do. It is time for the Congress of the United States to act promptly.

I ask unanimous consent that a summary of the bill and two letters of support be entered in the RECORD at this point.

There being no objection, the material ordered to be printed in the RECORD, as follows:

A PROPOSED BILL: "PALEONTOLOGICAL RESOURCES CONSERVATION ACT OF 1983"

I. KEY ISSUES

Fossil vertebrates are one of the Nation's unique natural resources.

Fossil vertebrates are important scientifically (as the primary evidence of the history and diversity of higher life) as well as educationally (fossil vertebrates are major exhibits in Federal, State and private museums).

These national natural resources on public lands are constantly being exposed and lost to processes of weathering and ero-

sion. They can be saved only through collection and preservation.

Existing/proposed Federal policies and practices relating to fossil vertebrates *discourage* conservation of this natural history resource because

—They are "borrowed" from other disciplines (i.e., archeology) and are unsuitable for paleontology;

—They impede the activities of scientists and other professionals who are able to collect and preserve these resource materials in museums and other institutions.

Few other countries in the world are endowed with as rich a natural history heritage of fossil vertebrates as the United States.

No other country in the world can match the paleontological expertise (measured in numbers of qualified people or in technical facilities) that resides in our universities, museums and other scientific institutions.

Professional vertebrate paleontologists, scientists who are best qualified to preserve and interpret this aspect of our natural heritage, have been subjected for decades to administration strictures and legal actions. The Nation's fossil vertebrate resources cannot be adequately protected or conserved, nor made available for purposes of science and public education, unless the Federal government facilitates the activities of vertebrate paleontologists and other responsible groups.

II. PURPOSE

The purpose of the proposed bill is to promote the conservation and study of fossil vertebrates which represent an important component in our knowledge of the history of life on earth.

The bill will accomplish this end by facilitating the activities of scientists (i.e., professional vertebrate paleontologists) and responsible scientific commercial collectors.

The bill makes provision for hobbyist/fossil collecting groups, and encourages responsible cooperation between all citizens interested in paleontology.

Although certain Federal agencies are mandated to manage "objects of scientific interest," current and proposed managerial programs fail to do so because they are designed for administrative rather than for scientific or conservational purposes.

Fossil vertebrates are constantly being exposed and destroyed by the elements of weathering. Their conservation can only be achieved through programs that encourage proper collection of these resources.

The bill will enable the Federal government to participate meaningfully in vertebrate paleontology on public lands, but without unnecessary regulatory activity which engenders attendant costs to taxpayers, scientists, and scientific commercial collectors and hobbyists, and which is ultimately obstructive to science and education.

III. HISTORY

The Paleontological Society, Society of Vertebrate Paleontology, and the American Association of Paleontological Suppliers, have had longstanding concern over issues of Federal policy and regulations affecting the conduct of paleontological investigations on public lands. These concerns have been expressed repeatedly to the Department of the Interior both personally and in writing by the Societies' representatives. And yet major problems remain unsolved.

The Society of Vertebrate Paleontology initiated attempts to rectify permitting and regulatory problems in the 1950's. These efforts were intensified during the last eight years, but no effective response or action has ever been generated by any Federal agency.

In 1982 the Bureau of Land Management (BLM) promulgated proposed rules regarding the collection of geologic and hobby mineral materials (Federal Register, Vol. 47, No. 159, Aug. 17, 1982). These rules were developed without reference to any representations made by the professional community in the past, without consultation with any vertebrate paleontologist or scientific commercial collector, and without public hearings.

The proposed rules, had they been adopted, would have had a severely adverse impact on the ability of scientists and other legitimate collectors to pursue the preservation and study of fossil vertebrates. In face of a massive negative response, BLM has given no substantive indication that criticisms of the proposal would influence a revision, if any. Resolutions by scientific societies, and letters from vertebrate paleontologists and the heads of commercial enterprises, as well as hobbyists' representatives and amateur paleontologists, generated only form letter responses from offices other than those originally addressed.

IV. CRITICAL ISSUES

(1) The Department of the Interior is dealing with *scientific* issues in a managerial context. If the Department emphasizes management at the expense of science, the result will be ineffective in terms of the protection of natural resources, will be obstructive to the conduct of paleontology as a science, and will serve no public purpose.

(2) Field work in paleontology has been treated administratively by the Federal government as conceptually and methodologically the same as that in archeology. As a result, paleontologists face inappropriate legal and administrative difficulties in the conduct of their scientific investigations. The confusion over the difference between paleontology and archeology has been seemingly intractable over the years.

(3) No uniform policies and practices specifically for paleontology have ever been implemented by the Department of the Interior because BOR/OAHP, followed by HCRS, and then by other agencies and various land managing bureaus, have neither recognized the special requirements of paleontology as a science nor coordinated their policies and procedures regarding vertebrate fossils. As a result, paleontologists are confronted with a bewildering web of regulation, much of it conflicting or inappropriate, that stretches from Washington to the district offices of numerous land managing bureaus.

(4) The Secretary of the Interior's responsibility for scientific resources on public lands should be exercised through a central office staffed by responsive, qualified individuals who have the authority to coordinate the programs/policies of various land managing bureaus, down to the district and area levels. An advisory committee to oversee any program in vertebrate paleontology must have members drawn from the professional community because of the specialized and technical nature of this field/museum/laboratory science.

(5) Fossil vertebrates are far rarer than any other category of natural history materials, and their collection, preservation, and study represent a rigorous scientific discipline carried out by qualified personnel in state, federal, and private institutions, as well as by responsible scientific commercial collectors and amateur paleontologists who make available such material to museums and educational institutions.

SOCIETY OF VERTEBRATE PALEONTOLOGY,
June 7, 1983.

Hon. LARRY PRESSLER,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR PRESSLER: On behalf of the Society of Vertebrate Paleontology, I am writing to request that you introduce a bill entitled "Paleontological Resources Conservation Act of 1983." This legislation is urgently needed to promote the conservation and study of vertebrate fossils, as well as protect the ability of scientists and others to conduct research and to further public education.

The Society of Vertebrate Paleontology is a scientific association of professional, student and amateur paleontologists dedicated to advancing our knowledge of vertebrate evolution. The Society has attempted, in good faith, to work with the Department of the Interior for over eight years to rectify policies that have been detrimental to furthering the conservation of vertebrate fossils as a natural resource.

We have come to realize that only through specific legislation will Federal agencies adequately recognize the role of vertebrate paleontology in science and education, and participate meaningfully in the preservation and study of these rare fossils that document an important aspect of the history of life on earth.

Not only is the bill being promoted by professional scientists, but it receives widespread support from associations of commercial enterprises and groups of amateurs. This legislation, when enacted, will ensure that vertebrate fossils are not only conserved but will be utilized in ways that will enrich the public's understanding of this National natural history resource.

We are very grateful for your willingness to consider our request.

Yours sincerely,

FARISH A. JENKINS, Jr.,
Past President, Society of Vertebrate Paleontology (Professor of Anatomy and Biology, Harvard University; and Curator of Vertebrate Paleontology, Museum of Comparative Zoology, Harvard University).

AMERICAN ASSOCIATION OF PALEONTOLOGICAL SUPPLIERS,
Hill City, S. Dak., June 7, 1983.

Honorable LARRY PRESSLER,
Senate Russell Building,
Washington, D.C.

DEAR SENATOR PRESSLER. It is my honor to represent the American Association of Paleontological Suppliers in the presentation of the "Paleontological Resources Conservation Act of 1983." This Bill is the culmination of many months and even years of work by many individuals and organizations, whose concern is the protection and retrieval of Paleontological specimens and the Scientific data which they represent.

The "Paleontological Resources Conservation Act of 1983" is a perfect example of the cooperative efforts of concerned Americans of varied interest groups to create a comprehensive program—through Congressional channels—to clarify and implement programs of the Federal Government for the advancement of science and the protection of the public interest.

This proposed Bill, when passed by the Congress and signed by the President, will foster improved cooperation between the Scientific, Commercial and Amateur Paleontological communties. It will also result in a tremendous increase in the knowledge of past life and the history of our planet.

It is my hope that you will be the primary sponsor in the United States Senate for this Bill.

Sincerely,

PETER L. LARSON,
President, American Association of Paleontological Suppliers; President, Black Hills Institute of Geological Research.

By Mr. MITCHELL (for himself and Mr. DURENBERGER):

S. 1570. A bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules relating to inventory; to the Committee on Finance.

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1983

● Mr. MITCHELL. Mr. President, current debate on tax policy is dominated by concern over the Federal deficit. While this focus is necessary, it should not prevent us from considering needed reforms to our tax system. The legislation I am introducing today, along with Senator DURENBERGER, contains several proposals that would greatly simplify inventory accounting for tax purposes. Similar legislation is being introduced in the House by Representative NOWAK.

All businsses can benefit by a reform of inventory accounting rules, but such action is especially important in providing tax relief for small businesses, which tend to be more inventory-intensive than larger businesses. The business component of the Economic Recovery Tax Act of 1981 concentrated tax relief on capital-intensive firms, so many small businesses continue to operate under heavy tax burdens.

The 1981 tax bill did contain modest changes in inventory accounting rules. Yet that legislation was only a beginning, as evidenced by the study of inventory accounting methods that Congress directed the Treasury Department to conduct. The purpose of the legislation introduced today is to build on the 1981 legislation and to continue the debate on simplifying the rules governing inventories.

The most compelling argument for inventory reform is the tendency for inflation to increase the tax liabilities of business enterprises. The most commonly used method of accounting for inventories, the first in first out (FIFO) method, often results in an understatement of the cost of goods sold by a firm, which is deducted from gross income to determine taxable income. When this deduction is understated, taxable income and therefore tax liability are overstated.

When the 1981 tax bill was drafted, much attention was focused on the effect of inadequate depreciation allowances on business tax liabilities, inadequate inventory accounting has actually had a more significant impact on taxable income in each year in the last two decades. In 1981, inadequate depreciation added $16.8 billion to corporate taxable income, while inadequate inventory accounting added $24.6 billion to taxable profits. What makes these figures even more alarming is that inventories comprise a smaller portion of total assets than do capital assets. In 1978, corporate structures and equipment were valued at $1.4 trillion, while the value of corporate inventories was $0.4 trillion.

Businesses do have an opportunity to avoid this overtaxation by adopting the last in first out (LIFO) method of accounting. LIFO is not used very widely, however. This leads to the second argument for reforming inventory accounting rules, which is that present LIFO rules are too complex for most businesses, particularly small ones, to adopt.

Evidence of the complexity of LIFO can be found in the small percentage of firms using LIFO, even though substantial tax benefits often result. Of all corporations in 1976, only 3.7 percent of manufacturers, 2.5 percent of wholesalers, and 1.3 percent of retailers used LIFO.

Although the same rules apply to firms of all sizes, LIFO accounting creates the greatest administrative burdens on small businesses because they tend not to have the accounting resources to handle complex bookkeeping.

The Inventory Simplification and Reform Act addresses several issues. Many changes in the LIFO method are included to increase the number of businesses that use this method. The initial tax penalty of electing LIFO is reduced, and changes in the pooling and indexing requirements will greatly simply LIFO. The complex problems of LIFO recapture and the treatment of excess inventories are also addressed, and the conformity requirement would be repealed.

In addition to simplifying LIFO, this bill would allow businesses to use the cash method of accounting. This provision is directed at those businesses of whom even a simplified LIFO method would be too burdensome. For these firms, cash accounting is a much easier and more familiar method of accounting.

I ask unanimous consent that a fact-sheet describing the details of my bill be included in the RECORD.

There being no objection, the fact-sheet was ordered to be printed in the RECORD, as follows:

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1983

Section 1. Title of Bill.

Section 2. Repeal of LIFO Conformity Requirement.

Under the present law, a business electing LIFO must keep its financial statements and its tax statements the same. In other words, it cannot use LIFO for financial purposes and at the same time, use LIFO for tax purposes.

This bill would revoke the LIFO conformity requirement.

Section 3. Alleviating the Initial Penalty Associated With the LIFO Election.

If a business wants to elect LIFO, it is required to restore to cost over a three year period inventory writedowns taken in prior years. To alleviate this severe cash drain for the business, it would be permitted to restore inventory writedowns over a ten year period.

Section 4. Simplification of Inventory Pooling Requirements.

Subsection (a): Certain small businesses permitted to use one pool.

The bill would permit businesses with average gross receipts of less than $8 million to use one pool for LIFO.

Subsection (b): Principles for establishing inventory pools.

Wholesalers and retailers (not electing the preceding subsection) would be permitted to pool their goods based on either of the following methods:

1. According to the general expenditure categories of consumer goods described in the CPI Detailed Report; or

2. Based on groupings that are ordinarily and customarily used in their industry.

Section 5. Permitting Businesses to Use Regularly Published Government Price Indexes.

This bill permits any business electing LIFO to use an index based on general categories from the Consumer Price Index or the Producers Price Index.

Section 6. Permitting business to use certain internal indexes, without showing other methods are unsuitable or impractical.

The tax regulations place certain limitations on the type of internal price index a business may use for LIFO.

For businesses wanting to continue to use internal price indexes under LIFO, this bill would broaden the choice of internal indexes. This provision would permit many businesses to use the link chain method of indexing.

Section 7. Computation of LIFO Recapture Amount.

Section 403(b) of the Crude Oil Windfall Profit Tax Act of 1980 requires a corporation to recapture its LIFO benefit as ordinary income in certain specified situations. In general, this recapture occurs when a corporation distributes its LIFO inventory in a partial or complete liquidation of the business.

The bill would generally place limitations on the amount of the LIFO benefit which is recaptured for tax purposes. There would be recapture of the LIFO benefit only to the extent the corporation's product line prices increased at a greater rate than consumer prices. This provision shall apply to distributions and dispositions adopted after December 31, 1982.

Section 8. Cash Receipts and Disbursements Method (Cash Method) of Accounting.

A business may elect the cash method if its gross receipts are less than $2 million and if it meets the active participation test. In general, an active participant is someone who is actively involved in management and whose principal business activity is such trade or business. Further, the cash method business would not be permitted to purchase

inventories at the end of the year in excess of its reasonable needs.

Section 9. Treatment of Excess or Obsolete Inventory.

In general, the current tax law only permits a business to writedown its excess or obsolete inventory in certain narrowly defined situations. Often, these narrowly defined situations do not reflect the reality of current business practices.

The bill provides an objective standard for businesses in the treatment of the value of its excess inventory. It generally permits a business to reduce the value of its excess inventory over a five year period.●

By Mr. PELL:

S. 1571. A bill to amend the National School Lunch Act, to provide for the serving of nutritionally superior lunches under such Act; to the Committee on Agriculture, Nutrition, and Forestry.

SCHOOL LUNCH PROGRAM

● Mr. PELL. Mr. President, today I am introducing legislation that would call for schools to provide nutritionally superior lunches as a condition for participating in the national school lunch program.

My proposal is modeled after the school lunch program in Fulton County, Ga. Students in the Fulton County School District receive well-balanced, tasty, but nutritious, meals. Rather than eating foods that are high in fat, sugar, and salt they enjoy whole, unprocessed foods that are high in vitamins and nutrients.

In 1982 the General Accounting Office completed a study of this and other alternative school lunch programs. They verified the nutritional quality of the lunch and concluded that good food does not cost more. In Fulton County, all students are charged 83 cents for their lunch. In other districts, elementary students pay 70 cents and high school students pay 90 cents. In my view, this is an investment that we should make and can afford to make.

Our country is one of the most affluent, but unfortunately, it does not lead the world in the quality of its diet. A good American breakfast has always included bacon and eggs. Traditionally, Americans were taught to think that no meal was really complete without a large serving of red meat. Until recently, butter has been preferred over margarine, and ice cream, candy, and soft drinks are most of our children's favorite foods. In short, our affluence has promoted eating habits, generation after generation, which have contributed to needless and costly medical problems.

With all of our modern technology and in spite of the fact that 10 percent of our gross national product is spent on health care annually, our country still ranks 10th in life expectancy and 10th in infant mortality in comparison to other industrialized countries. The simple fact is that we are putting more and more of our health care resources into expensive equipment and treatment programs and our population is not a great deal healthier because of it.

The dietary habits and sedentary lifestyle of modern Americans represent a serious threat to public health. Recent scientific evidence has demonstrated that too much fat, too much sugar, or too much salt are linked to killer diseases. These findings have made it more apparent that in the future, major advances in health will result not from the curing of disease, but from its prevention. There is no doubt that all of us can improve our health by exercising more and being more selective about what we eat.

Our deplorable eating habits begin in the cradle and our young people depend upon junk food as staples in their diet. We do not teach our children the importance of good nutrition and, too frequently, we do not set a good example in our own dietary habits.

Three decades ago the Federal Government decided to do something about our inadequately nourished children and established the national school lunch program. Schools that participate in the program receive a Federal subsidy in exchange for providing a "nutritionally adequate" lunch. Through the years many nutritionists and educators have commented on the nutritional adequacy of the school lunch and have criticized the sale of so-called competitive foods that are available in school cafeterias. In spite of all the evidence that has come to light in recent years about the harmful effect of too much sugar in young people's diets, many schools have continued to permit the placement of vending machines in their cafeterias, filled with candy, soda, and other snack foods.

A number of schools around the country have voluntarily raised the standards of their lunch programs. I would like to see this trend continued and am introducing today legislation that would amend the National School Lunch Act so that schools and school districts will have to provide their students with a nutritionally superior lunch as a condition of participation in the program.

To qualify, schools would have to offer their students low-fat as well as whole milk. All breads would have to be whole grain. Meals would have to be low salt, low sugar, and low fat. The sale of soft drinks, candy, and sweets would be strictly prohibited as opposed to current Agriculture Department guidelines that simply limit their availability. I am hopeful that over a period of years more and more children will participate in this new program. Providing a well-balanced, nutritionally sound meal for our schoolchildren should encourage them to adopt good eating habits early on and enable them to build strong bodies and strong minds.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 9 of the National School Lunch Act (42 U.S.C. 1758(a)) is amended to read as follows:

"(a)(1) Schools participating in the school lunch program under this Act shall provide a nutritionally superior school lunch to its students. In order to meet the minimum requirements of a nutritionally superior school lunch, a school shall be required to—

"(A) provide the following items in the lunches which it serves:

"(i) unflavored low fat fluid milk;

"(ii) at least 2 ounces (1½ ounces for children under 8 years of age), edible portion as served, of lean meat, poultry, or fish; or the nutritional equivalent in cheese, eggs, cooked dry peas, beans, or peanut butter; or the nutritional equivalent in any combination of such foods (to meet the requirements of this subclause such foods must be served in a main dish or in a main dish and one other menu item);

"(iii) two or more vegetables or a salad, or both;

"(iv) one slice of predominantly whole grain bread or a serving of cornbread, biscuits, or rolls, made predominantly of whole grain flour, whole grain pasta, or whole grain rice; and

"(v) fresh fruit, canned fruit (packed in water), or other item which does not contain refined sugar, for dessert;

"(B) plan its lunches with a low content of fat, sugar, and salt, and not put sugar or salt in containers on cafeteria tables;

"(C) limit competitive food items to those which are permitted under this paragraph to be included in the lunch;

"(D) ban from sale on school premises any product which contains artificial sweetners or an excess of refined sugar, corn syrup, or salt, including, but not limited to, regular and artificially sweetened soft drinks, candy, chewing gum, ice cream, cake, pies, cookies, potato and corn chips, and pretzels;

"(E) offer in its cafeteria (during all hours of operation) one fresh fruit, at least one pure fruit drink, and low fat milk; and

"(F) establish a nutrition council, as provided in paragraph (2), to oversee the nutritionally superior school lunch program and to recommend ways to improve such program.

"(2) The nutrition council referred to in paragraph (1)(F) of any school shall be composed of members appointed by the principal of the school concerned and may include the principal, a dietitian, school athletic director, a student representative, and such other members as the principal may consider appropriate.

"(3) Each school system shall have the authority to develop portion quantities for food items required by subclauses (i), (iii), (iv), and (v) of paragraph (1)(A) in order to meet the food and nutritional needs of children according to their ages, to reduce plate waste, and to insure that the lunches provided are more cost effective.

"(4) The Secretary shall, within ninety days after the date of the enactment of this paragraph prescribe such regulations as the Secretary considers necessary to administer the provisions of this subsection and shall include in such regulations procedures necessary to ensure that all schools participating in the school lunch program are complying with the provisions of this subsection.

"(5) Nothing in this subsection shall be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students.".●

By Mr. QUAYLE (for himself and Mr. LUGAR):

S. 1572. A bill to designate the Veterans' Administration Outpatient Clinic to be located in Crown Point. Ind., as the "Adam Benjamin Veterans' Administration Outpatient Clinic"; to the Committee on Veterans' Affairs.

ADAM BENJAMIN VETERANS' ADMINISTRATION OUTPATIENT CLINIC

● Mr. QUAYLE. Mr. President, I am pleased to have my distinguished colleague from Indiana (Senator LUGAR) join me in introducing legislation to designate the Veterans' Administration Outpatient Clinic, to be located in Crown Point, Ind., as the Adam Benjamin Veterans' Administration Outpatient Clinic.

The late Adam Benjamin served the residents of northwest Indiana in Congress nearly 6 years, until his untimely death last September. Adam and I came to the U.S. House of Representatives together in 1977 and it was my great privilege and honor to work with him. Even though our political parties were different, there were many areas of agreement, and our efforts on behalf of Indiana were harmonious and productive.

Adam Benjamin's regrettably short life was dedicated to helping people most in need of assistance. Many individuals and groups in Indiana will long remember his dedicated service to them as a legislator. As an example of this tireless work on behalf of his constituents, I would like to recall his efforts on behalf of our deserving veterans of military service. The veterans residing in northwest Indiana came to him with a particular problem: that of assuring proper health care in a VA facility reasonably close to home. On November 30, 1981, at Adam Benjamin's invitation, the House Veterans Affairs Subcommittee on Hospitals and Health Care came to northwest Indiana to determine the need for a veterans' outpatient clinic. After 18 months of deliberation, the Veterans' Administration announced on May 24, 1983, their intention of establishing an outpatient clinic in Crown Point.

I believe it is a fitting and appropriate action to honor Adam Benjamin by naming the VA clinic after him. Indeed, I think this veterans' clinic stands as a symbol of all Adam stood for. For those of us who knew him and his indefatigable work on behalf of those he represented, the Adam Benjamin Veterans' Administration Outpatient Clinic will serve to honor a dedicated public servant who is sorely missed.●

By Mr. SASSER (for himself, Mr. BYRD, Mr. DODD, Mr. METZENBAUM, Mr. STENNIS, Mr. RANDOLPH, and Mr. SPECTER):

S. 1575. A bill to improve the highway bridge replacement and rehabilitation program; to the Committee on Environment and Public Works.

NATIONAL BRIDGE IMPROVEMENT ACT OF 1983

● Mr. SASSER. Mr. President, I am today introducing S. 1575, the National Bridge Improvement Act of 1983. I am pleased to introduce this legislation along with my distinguished colleagues, Senator BYRD, Senator DODD, Senator METZENBAUM, Senator STENNIS, and Senator RANDOLPH, and Senator SPECTER.

Mr. President, the Nation was saddened and shocked by the recent bridge collapse of Interstate 95 at Greenwich, Conn. The loss of life was tragic. The economic disruption caused by this accident is unfortunate.

The national news in reporting this tragedy at the Mianus River noted that, "For want of a pin, a bridge may have been lost." That may have been true in this situation, but this is not an isolated case.

Bridges all over this country are in a state of disrepair and dilapidation. The causes of this situation are legion. State and local governments, strapped by the recession, are often unable to devote considerable sums for bridge repair. Federal funding for bridge rehabilitation and repair is still inadequate despite funding increases contained in the Highway Improvement Act of 1982. And, most unfortunately bridge repair programs are overlooked as Federal, State, and local governments grapple with more immediate and compelling problems.

But the fact of the matter is that bridge repair and rehabilitation is a major national problem. In August 1981, the General Accounting Office found that 200,000 bridges were deficient or obsolete. By December 1982, the U.S. Department of Transportation classified nearly 250,000 bridges as inadequate, seriously deteriorated, or obsolete. In less than 18 months nearly 50,000 bridges fell into the category of needing substantial repair.

More and more bridges are approaching the end of their useful life, and yet not enough is being done to keep pace with this problem.

The national bill for bridge repair is estimated to be a staggering $41 billion. These funds cannot be raised overnight, but we can make a constructive start in dealing with our bridge problem by quick action on S. 1575.

I previously introduced this legislation in the 97th Congress with the cosponsorship of Senator ROBERT C. BYRD, Senator STENNIS, Senator RANDOLPH, Senator HART, Senator COCHRAN, Senator HEINZ, Senator METZENBAUM, and Senator SPECTER. Hearings were held on this bill but, unfortunately, no final action was taken on this legislation in the 97th Congress.

We are making some progress on our bridge problem. More Federal money will be spent on bridge rehabilitation and repair through 1986. But we can also attack our bridge problem by other means as well. S. 1575 provides us with those means.

S. 1575 addresses our national bridge repair problem in a timely and effective fashion.

It requires the Department of Transportation to review and encourage the compliance of all Federal and State agencies with current national bridge inspection standards.

It reviews the criteria for assigning priorities for bridge repair and rehabilitation so as to better concentrate limited funding on bridges most in need of repair.

The bill also establishes procedures for the rapid completion of the national bridge inventory, and provides for a public information program regarding the safety of our bridges.

Mr. President, this legislation grows out of a comprehensive report done by the General Accounting Office (GAO) on the problem of unsafe bridges. This excellent report, completed in 1981, provides much background information that should be of great value to my colleagues.

Mr. President, I ask unanimous consent that the National Bridge Improvement Act of 1983, S. 1575, and a summary of the 1981 GAO report of unsafe bridges be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bridge Improvement Act of 1983".

REFERENCES AND DEFINITIONS

SEC. 2. (a) Except as otherwise specifically provided, whenever in this Act a reference is expressed in terms of a section or other provision, the reference shall be considered to be made to a section or other provision, respectively, of title 23, United States Code.

(b) As used in this Act—

(1) the term "Secretary" means the Secretary of Transportation;

(2) the term "bridge" means a structure on which a highway crosses over waterways, other topographical barriers, other highways, and railroads;

(3) the term "highway" shall have the meaning provided in section 101(a);

(4) the term "Federal-aid system" shall have the meaning provided in section 101(a);

(5) the term "improvement" includes replacement and rehabilitation;

(6) the term "deficient" means structurally deficient or functionally obsolete;

(7) the term "highway bridge replacement and rehabilitation program" means the highway bridge replacement and rehabilitation program establishment under section 144; and

(8) the term "national bridge inspection standards" means the national bridge inspection standards established under section 116(d).

FINDINGS AND PURPOSE

SEC. 3. (a) The Congress finds that—

(1) of the more than five hundred and fifteen thousand bridges in the United States, almost four out of every ten are deficient;

(2) deficient bridges increase the potential for traffic deaths, injuries, and property damage, and add to fuel consumption, air pollution, and the cost of goods and services; and

(3) the total cost to replace and rehabilitate deficient bridges nationwide is rapidly approaching $42,000,000,000.

(b) The purpose of this Act is to make effective revisions of the highway bridge replacement and rehabilitation program in order to ensure the replacement and rehabilitation of the deficient bridges in the United States in a timely and efficient manner, the fair distribution of Federal funds within the various States for replacement and rehabilitation of bridges, and the compliance of the States with the national bridges inspection standards.

BRIDGE IMPROVEMENT PROGRAM

SEC. 4. The Secretary shall—

(1) revise, consistent with the provisions of section 144 (b) and (c), the criteria for assignment of priorities for bridge replacement and rehabilitation under such section to concentrate Federal funding on bridges most in need of replacement and rehabilitation;

(2) establish a formal procedure for the exercise of the Secretary's discretion in selecting highway bridge replacement and rehabilitation projects for the obligation of funds under section 144(g) to ensure consideration of the costs and benefits of each such project and the classification of the bridge under section 144 (b) and (c) in each such project;

(3) establish administration guidelines for the distribution of highway bridge replacement and rehabilitation apportioned funds throughout each State under section 144(j) with provisions for flexibility with respect to State administration of the apportioned funds; and

(4) monitor the distribution of highway bridge replacement and rehabilitation program apportioned funds throughout each State under section 144(j).

NATIONAL BRIDGE INSPECTION STANDARDS

SEC. 5. (a) The Secretary shall—

(1) review each State's compliance with the national bridge inspection standards;

(2) revise such standards—

(A) to improve inspection requirements, including decreasing the maximum time lapse between inspections;

(B) to define precisely the factors to be considered and the methods used in rating the condition of bridges; and

(C) to establish a standard for timely processing data resulting from inspections under such standards;

(3) assess the need for greater State and local government authority for inspection of bridges;

(4) encourage the States to take the actions necessary fully to comply with the national bridge inspection standards relating to posting limits on bridges and closing bridges; and

(5) ensure that all Federal agencies maintaining bridges comply with the national bridge inspection standards.

(b)(1) No later than January 1, 1984, the Secretary shall prepare and, to the extent permitted by law, implement a plan of action designed to result in full compliance by the States and local governments with the national bridge inspection standards.

(2) In preparing the plan required by paragraph (1) of this subsection, the Secretary shall consider the imposition of penalties and other sanctions against the States and local governments not fully complying with such standards.

NATIONAL BRIDGE INVENTORY

SEC. 6. Not later than January 1, 1984, the Secretary shall—

(1) establish procedures to ensure the rapid completion and maintenance of accurate inventories of bridges under section 144 (b) and (c); and

(2) inventory all bridges maintained by Federal agencies.

PUBLIC INFORMATION

SEC. 7. The Secretary shall prepare a plan for a public information program with respect to the weight limits, closings, and hazards, if any, of each bridge. The Secretary shall include in such plan provisions for administration of such program by the States.

REPORT TO CONGRESS

SEC. 8. The Secretary shall prepare and transmit to the Congress, not later than July 15, 1984, a report on the administrative actions taken under the provisions of this Act and the results of such actions. Such report shall include—

(1) recommendations for legislative action as the Secretary considers necessary to ensure that—

(A) the bridges most in need of replacement and rehabilitation are always selected for funding under the highway bridge replacement and rehabilitation program;

(B) there is a fair and equitable distribution of such funding throughout each State; and

(C) the States fully comply with the national bridge inspection standards; and

(2) the Secretary's recommendations with respect to whether the Congress should increase the maximum per centum of apportioned funds which may be expended under section 144(g) for projects to replace or rehabilitate highway bridges located on public roads, other than on a Federal-aid system.

SUMMARY

The United States has more than 500,000 bridges, and slightly over 200,000—or almost 4 out of every 10 bridges—are deficient. The Federal Highway Administration currently estimates that it will cost $41.1 billion to rehabilitate or replace these bridges. (See p. 9.)

National bridge inventory data shows that about 98,000 bridges are structurally weak or unsound and must be closed, restricted to lighter vehicles, or immediately rehabilitated to prevent further deterioration and collapse. The other 102,000 deficient bridges are functionally obsolete because they are narrow, have inadequate underclearances, have insufficient load-carrying capacity, or are poorly aligned with the roadway and can no longer safely service today's traffic. In total, it is reported that about 120,000 bridges are or should be posted for lower weight limits; over 3,700 bridges are reported as closed to all traffic. (See pp. 5, 11, and 25.)

The December 1967 collapse of the Silver Bridge over the Ohio River between West Virginia and Ohio killed 46 people and focused national attention on bridge conditions. Shortly thereafter, the Congress established two major bridge safety programs: a program of periodic inspections to identify bridge conditions, maintenance needs, and safety problems and a program to provide Federal funds to the States specifically to help replace unsafe bridges. (See p. 1.)

GAO reviewed these programs at the request of Senator James Sasser of Tennessee and found that limited Federal bridge program funds are not always used on bridges most in need of attention. GAO also found that Federal agencies, States, and local governments are not fully complying with national standards for bridge inspection.

BETTER TARGETING OF FEDERAL BRIDGE FUNDS NEEDED

The Federal Government has become the major source of funds—particularly through the Federal bridge program—to replace or rehabilitate deficient bridges, and many State and local governments depend heavily on these funds. (See p. 25.) Bridge program funding authorizations have totaled $5 billion from the program's beginning in fiscal year 1972 through fiscal year 1982. Authorizations averaged about $120 million per year for the program's first 7 years and slightly over $1 billion for the last 4 years. (See p. 18.) Initially limited to bridges on the Federal-aid highway system, subsequent legislation in November 1978 expanded the programs to also include bridges off the Federal-aid system. (See p. 1.)

Under the bridge program, the Federal Government contributes up to 80 percent of replacement or rehabilitation costs, and State and/or local governments provide the rest. Some bridges are being replaced or rehabilitated under other Federal-aid programs and some are being replaced or rehabilitated solely with State and local funds. However, at current funding levels, it will take years to eliminate the deficient bridges already identified. Additional bridges will need replacing during this period, and continued inflation at the current rate would more than double the cost in 10 years. (See pp. 4 and 25.)

In view of the size of the bridge problem and the limited amount of funds available, it is essential that program funds be used for bridges most in need. However, GAO found that the Federal Highway Administration's project eligibility criteria do not concentrate on bridges in the worst condition and most in need;

Many worthy projects are funded, but bridges most in need are not always selected; and

Funds have been apportioned to the States based on incomplete and outdated needs data.

Most of the program funds are apportioned to the States. However, $200 million annually are to be used as discretionary funds by the Secretary of Transportation for bridges whose replacement or rehabilitation cost would be greater than $10 million or twice the respective States' fiscal year authorizations. (See pp. 4 and 26.) The Federal Highway Administration selects the bridges

for discretionary funding (subject to final approval by the Secretary of Transportation). The States select the bridges to be replaced or rehabilitated with the regular bridge program funds. (See pp. 41 and 42.)

Each bridge receives a sufficiency rating, which is the method used to evaluate the adequacy of a bridge to remain in service in its present condition. A rating of 100 would represent an entirely sufficient bridge—one that needs absolutely no work. A 0 rating would indicate an entirely insufficient or deficient bridge—one that has many safety problems and should be closed. The lower the rating, the higher the priority for replacement. (See pp. 6 and 42.)

The Federal Highway Administration's eligibility criteria are broad. The definition of a deficient bridge includes a wide variety of bridge inadequacies and conditions. Under the criteria, deficient bridges with sufficiency ratings of 80 or below on a scale of 0 to 100 are eligible. Those with ratings below 50 can be replaced or rehabilitated. Those with ratings of 50 through 80 generally can be rehabilitated only. (See pp. 42 and 60.)

The States selecting many bridges with low sufficiency ratings for Federal funding. In the 10 States that GAO examined project approval data, about 40 percent of the bridges selected for funding had ratings below 20. However, the States also are selecting some bridges with relatively high ratings. For the 10 States, 534, or about 21 percent, of the 2,544 bridges selected had ratings of 40 or above and many of these had ratings of 60 or above. (See p. 50.)

Federal Highway officials said that they encourage the States to select bridges with lower sufficiency ratings, but the States may select any eligible bridge and many factors, some unique to an individual State, enter into the selection process. (See p. 53.)

The Federal Highway Administration is selecting bridges for discretionary funding with relatively high sufficiency ratings when other eligible bridges have much lower ratings and are in much worse condition. The major reason is that bridges with legislative history are selected first. The Federal Highway Administration considers bridges to have legislative history if they are mentioned in congressional committee reports or the Congressional Record as candidates for discretionary funding. More and more bridges are receiving legislative history. (See pp. 41 and 59.)

Apportionments to the States have not been based on complete and current needs data which is available. For example, fiscal year 1982 apportionments will be based on 1978 data that does not include many bridges that are eligible for the program, such as those off the Federal-aid system. (See pp. 27 and 36.)

RECOMMENDATIONS

GAO is recommending that the Secretary of Transportation direct the Administrator of the Federal Highway Administration to:

Revise the bridge program's project eligibility criteria to concentrate on bridges in the worst condition and most in need of replacement or rehabilitation but still provide some flexibility for State and local governments.

Develop a formal selection process for discretionary projects to properly weigh factors such as sufficiency ratings, costs, and benefits. (See p. 61.)

GAO is also recommending that the Congress, in future bridge program authorizations, have the Secretary of Transportation use the latest available needs data, including bridge needs of the Federal-aid system, to apportion program funds. (See p. 37.)

See pp. 37 and 38 for additional recommendations.

BETTER COMPLIANCE WITH NATIONAL BRIDGE INSPECTION STANDARDS NEEDED

The major aspect of the National Bridge Inspection Program is that State and/or local governments maintain a bridge inventory and comply with the inspection standards. (See pp. 1, 3, and 87.)

GAO found that State and local governments have made progress since the program's start, but they are not fully complying with the standards. For example:

Some inspectors do not meet the minimum qualifications for training and experience.

Some State and local governments are not inspecting their bridges at least every 2 years as required by the standards, and some local governments are not inspecting their bridges at all.

The initial inventory and inspection of bridges, particularly bridges off the Federal-aid highway system, has not been completed. (See p. 83.)

Structurally weak bridges are not always being properly closed or posted for lower weight limits to protect against bridge collapses. Even if bridges are properly posted or closed, the postings and closing are often ignored by the public. Bridge weight limit enforcement is limited, and fines for violations are small and ineffective. (See p. 97.)

Federal agencies, such as the Bureau of Land Management, the Forest Service, and the National Park Service, own about 14,000 bridges, These agencies are not required to comply with the National Bridge Inspection Standards for most of their bridges, but they do have inspection programs. However, the agencies were not always complying with their own requirements, and some of the programs did not conform to the national standards. GAO beleives that the public should be able to expect the same degree of safety when traveling in national parks and on other Federal lands as the standards provide for on State and local government bridges. (See pp. 100 and 105.)

RECOMMENDATIONS

GAO is recommending that the Secretary of Transportation direct the Administrator of the Federal Highway Administration to assess the States' and local governments' compliance with the National Bridge Inspection Standards and develop a strategy for bringing about full compliance. (See pp. 83 and 97.)

GAO is also recommending that the Congress require Federal agencies that own bridges to comply with the National Bridge Inspection Standards. (See p. 106.)

Other recommendations are noted on pages 84 and 98.

AGENCY COMMENTS AND GAO'S EVALUATION

To expedite report issuance, Senator Sasser directed GAO to obtain only Federal Highway Administration's oral comments. Its officials told GAO that their comments do not necessarily represent those of the Secretary of Transportation.

Federal Highway Administration officials generally agreed with GAO's recommendation to use the latest needs data to allocate Federal bridge funds. The officials said that they will continue to encourage the States to select bridges in the lower range of sufficiency ratings. However, they also said that State and local officials need flexibility when selecting projects, and factors other than the sufficiency rating must be considered.

GAO also believes that selecting officials need flexibility. However, the bridges most in need of immediate attention are not always being selected. The bridge program, which is currently funded at slightly over $1 billion per year, cannot effectively be directed at all deficient bridges, which the Federal Highway Administration estimates would cost $41.1 billion.

Federal Highway Administration officials said that they have established an implementation plan and factors such as sufficiency ratings, costs, and benefits have been and will continue to be considered when selecting discretionary projects. They stated, however, that the program has received much congressional direction through the legislative history process.

The 1978 Surface Transportation Assistance Act gives the Secretary of Transportation broad discretion to select projects for discretionary funding. In GAO's opinion, it is the Secretary's responsibility to select the most worthy projects, and the current selection method does not ensure that this is done. (See pp. 38, 61, and 62.)

Federal Highway Administration officials did not indicate agreement or disagreement with GAO's recommendation concerning State and local government compliance with the National Bridge Inspection Standards. The officials commented on the items that GAO said should be considered during development of a strategy for bringing about full compliance. (See pp. 84, 85, and 98.)

Federal Highway Administration officials' comments on GAO's other recommendations are contained in the body of this report. (See pp. 38, 39, 40, 85, 86, 99, and 106.)●

By Mr. SASSER (for himself and Mr. PRYOR):

S. 1576. A bill to create a Federal, State, and local drug forfeiture fund; to the Committee on the Judiciary.

FEDERAL, STATE, AND LOCAL DRUG FORFEITURE FUND ACT OF 1983

● Mr. SASSER. Mr. President, on behalf of myself and the Senator from Arkansas, Mr. PRYOR, I am today reintroducing legislation to facilitate cooperation between Federal, State, and local law enforcement agencies in combating drug trafficking.

During the last 2 years in this country, 42,000 people have been murdered and 6 million homes have been burglarized, and law enforcement personnel are convinced that this surge in criminal activity is largely drug related. Drug trafficking is big business for organized crime. The estimate for the value of the illicit drug trade is $80 billion. That figure would make it the second largest corporation in the United States, behind Exxon and slightly ahead of Mobil.

The byproduct of this illegal industry is more violent crimes each year. In Tennessee, there were 19,019 violent crimes in 1981. These included 8,920 assaults, 7,916 robberies, and 448 murders. Other States fared no better. Georgia's violent crime total was 29,958. And Florida is experiencing a virtual crime epidemic due to in-

creased drug activity. In July 1982, in Cleveland, Tenn., Federal, State, and local law enforcement agents confiscated 1,200 pounds of pure cocaine worth nearly $400 million. Also seized were vehicles, weapons, and $450,000 in cash. This is the second largest cocaine seizure in U.S. history. Law enforcement officials believe the drugs were flown into Tennessee directly from Colombia.

In 1981 there was a similiar raid in Sevier County, Tenn., which dispelled all thoughts that the 1982 seizure was a fluke. This raid netted 600 pounds of pure cocaine with an estimated street value of $200 million. Officials say they only know about less than 1 percent of the illegal drugs coming into Tennessee and estimate that cocaine alone is a $500 million a year business in east Tennessee.

While drug enforcement is primarily a Federal responsibility, our State and local police are increasingly being drawn into the fight, for two reasons. First, many of the most successful drug seizures require close Federal-State cooperation. The work does not begin and end with the arrests. Months and months of groundwork are necessary—surveillance, checking of leads, and building up the record of evidence necessary to obtain a conviction. State and local law enforcement agents are an integral part of the efforts—efforts which require more and more of scarce resources.

In the seizure at Cleveland, Tenn., for instance, agents of both the Tennessee Bureau of Investigation and DEA had the major suspects under surveillance for a number of months. Knoxville's organized crime unit had also conducted surveillance operations and officers from Cleveland, Knoxville, and Bradley County were involved in the effort. Without the dedicated effort of State and local law enforcement personnel, the Federal agents would simply be swamped in the drug flow. This cooperation, however, costs the departments in time and manpower—resources that are increasingly in short supply in these times of budget restraint.

The second reason for the increasing involvement of State and local officials is that they are the ones left to cope with the rising crimewave that results from increasing drug traffic. They are the ones who must cope with the vicious thugs who make our people feel unsafe in their own homes and afraid to walk the streets at night. These local crimes are the kinds that touch most people's lives—muggings, robberies, thefts, and often murder. While much of their cause and solution lie beyond the resources of local law enforcement, their control is a local responsibility.

Because of the increasing State and local involvement in Federal drug enforcements and the increasing crime which they are called upon to deal with, I am today reintroducing the Federal, State, and Local Drug Forfeiture Fund Act. This legislation has five main parts:

First, proceeds from the liquidation of assets seized in drug enforcement efforts would be put into a special trust fund.

Second, 50 percent of the funds available in any one year would be earmarked for Federal drug enforcement, prevention, and education efforts.

Third, 30 percent of the total available money would be available to the States on a per capita basis for the same purposes.

Fourth, the remaining 20 percent would be discretionary funds under the control of the Administrator of the Drug Enforcement Administration. These would be available for particularly promising programs in States where sufficient funds were not available under a State's block grant allotment. This will compensate States which fare poorly under block grant formulas but which have a worthy program which should be funded.

Finally, in any drug operation in which there was significant State and local participation, the State would receive 20 percent of the proceeds from that particular operation, right off the top.

Mr. President, the bill I am reintroducing today is a result of extensive discussions with Tennessee officials, law enforcement personnel, and U.S. and State district attorneys. It is one approach of many that might be offered and it would help to compensate State and local agencies for their cooperation in what are often primarily Federal cases.

I want to stress that the money available for the trust fund would be available for drug abuse prevention and education programs as well as for enforcement purposes. While enforcement is important, we must remember that drug treatment and education programs can also be extremely valuable in educating our youth about the damage of drugs. This will help reduce the favorable image of drugs which drug dealers use as they prey on our young people. Consequently, this measure insures that drug abuse and education programs will receive their fair share of the available funds.

I intend to speak out further on this matter in the weeks ahead and draw the attention of my colleagues to this passing national problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal, State, and Local Drug Forfeiture Fund Act of 1983".

SEC. 2. (a) Congress finds that—

(1) the rising level of drug trafficking indicates a need for increasing the resources allocated to drug enforcement, treatment, and education;

(2) the proceeds from drug enforcement operations should be utilized in the effort against drug trafficking and drug abuse;

(3) State and local law enforcement agencies are frequently significantly involved in Federal drug enforcements;

(4) such State and local cooperation entails significant expense to such agencies; and

(5) the proceeds from Federal drug enforcement efforts should be shared with State and local agencies.

(b) The purpose of this Act is to provide that proceeds from Federal drug forfeitures, security forfeited by drug offenders jumping bail, and fines imposed on drug offenders are used for Federal, State, and local drug law enforcement, treatment, and education activities.

SEC. 3. Section 1963 of title 18 of the United States Code is amended—

(1) in subsection (a)—

(A) by striking out "and" immediately before "(2)"; and

(B) by striking out the period at the end and inserting in lieu thereof the following: ", and (3) in cases in which the racketeering activity consisted of any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under State law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States, any proceeds or profits derived from any interest, security, claim, or property or contractual right, described in clause (1) or (2) of this subsection.";

(2) in subsection (c), by striking out the period at the end and inserting in lieu thereof the following: ", except that the Attorney General shall provide for the use of any such property forfeited in cases in which the racketeering activity consisted of any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under State law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States, for Federal, State, and local drug law enforcement, treatment, and education activities as provided in section 511(h) of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 881(h))."; and

(3) by adding at the end the following new subsection:

"(d) If the racketeering activity consists of any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under State law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States, it shall be presumed that all assets or other property of the convicted person are subject to forfeiture under this section, unless such convicted person proves otherwise by the preponderance of the evidence.".

SEC. 4. (a) Section 408 of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 848) is amended—

(1) in subsection (a)(2)(A) by adding after the phrase "the profits obtained by him in such enterprise" the following: ", including any profits and proceeds, regardless of the form in which held, that are acquired, derived, used, or maintained, indirectly or directly, in connection with or as a result of a violation of paragraph (1)"; and

(2) in subsection (a)(2) by adding at the end thereof the following flush material: "Any property forfeited under this section shall be disposed of as provided in section 511(h) of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 881(h))."

(b) Subsection (e) of section 511 of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 881) is amended to read as follows:

"(e) Whenever property is forfeited under this title the Attorney General shall dispose of the property as provided in subsection (h)."

(c) Section 511 of such Act is further amended by adding at the end thereof the following:

"(h)(1) There is hereby appropriated, to remain available until expended, for each fiscal year beginning after the date of the enactment of this subsection a sum equal to the proceeds from the disposition and sale during the immediately preceding fiscal year of all property, not required to be destroyed by law or harmful to the public, forfeited in cases under (A) this subsection, (B) section 408 of this Act, and (C) section 1963 of title 18, United States Code, where such forfeited property relates to drug racketeering, to be used as provided in paragraph (2). In addition and notwithstanding any other provision of law, any money paid as a fine by an offender as punishment for any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under Federal law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States and any security forfeited for failure to appear for proceedings under chapter 207 of title 18, United States Code, in connection with such offenses, shall be available for use as provided in paragraph (2).

"(2) The fund created by paragraph (1) shall be administered by the Drug Enforcement Administration and shall be distributed on an annual basis as follows:

"(A) 50 per centum to be retained by the Drug Enforcement Administration to be used for Federal level drug law enforcement, treatment, and education activities;

"(B) 20 per centum to be retained by the Drug Enforcement Administration to be distributed under regulations of the Attorney General to specific State and local programs that demonstrate effectiveness in drug law enforcement, treatment, and education activities; and

"(C) 30 per centum to be distributed to the States on a per capita proportional basis to be used for State level drug law enforcement, treatment, and education activities.

"(3) Notwithstanding any other provision of this section, where a State participates in a drug seizure in a substantial manner, as determined by the Attorney General, such State shall be entitled to 20 per centum of the proceeds from the property forfeited as a part of the seizure to be paid out of the fund created under this subsection."●

By Mr. CHILES:

S. 1577. A bill to amend the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to the same pack of container restrictions as are applicable to domestic tomatoes; to the Committee on Agriculture, Nutrition, and Forestry.

RESTRICTIONS ON IMPORTED TOMATOES

● Mr. CHILES. Mr. President, I am introducing today legislation to amend section 8(e) of the Agricultural Marketing Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to require that imported tomatoes conform with pack-of-container standards imposed on domestic tomatoes under marketing orders.

This legislation seeks to clarify section 8(e) with respect to the requirements imposed under marketing orders on the pack of the container in which tomatoes are shipped. This amendment is entirely consistent with the original intent of section 8(e) and is offered only to revise an interpretation of that section which the U.S. Department of Agriculture has adopted. The resolution of the current disagreement between domestic producers and the Department on this issue is important to an orderly marketing situation for tomatoes and to the ability of domestic producers to effectively compete with imports.

The original purpose of section 8(e) of the act was to ensure that all restrictions imposed by marketing orders on the handling of domestically grown agricultural commodities should apply equally to imported commodities. Section 8(e) was intended to ensure that market regulations would have equal benefit to both domestic and foreign producers. It is in no way aimed at excluding or curtailing imports. Rather, its aim is to put imports and domestic produce on an equal footing with respect to marketing orders. In the case of tomatoes, the Senate report accompanying the act states—

> Imports of tomatoes . . . would be prohibited if they did not comply with grade, size, quality, and maturity provisions of all marketing orders applicable to the same commodities produced in the United States.

By marketing order, domestic producers of fresh tomatoes are prohibited from mixing different grades of tomatoes in a shipping container, or mixing different sizes of tomatoes. Since tomatoes from the standpoint of pricing and to the orderly marketing of fresh tomatoes.

However, the Department of Agricultural maintains that the prohibition against the mixing of grades of sizes within a container is not a grade or size regulation, but a pack regulation. The Department further maintains that pack regulations cannot be imposed on imports under section 8(e) of the Agricultural Marketing Agreement Act.

As a result of the Department's interpretation, foreign shippers are permitted to ship different grades and sizes of tomatoes in a single container, while U.S. producers must comply with the pack regulation. A substantial volume of the tomatoes sold in the United States are foreign grown. Because pack restrictions are not applied to these tomatoes, the buyer does not know what he is getting and the domestic producer is placed at a disadvantage.

I am convinced that the solution to this problem lies in clarifying amendment to section 8(e), which would apply pack regulations to imports.

Such a clarification would benefit the grower, shipper, importer, and, ultimately, the consumer of tomatoes. Enactment of this legislation would incur no additional cost to the Government. It would not create hardship for other States or for foreign producers, and would not create a trade barrier. It would standardize the sizes and grades of tomatoes offered for sale in the United States, and equalize the competition between domestic and foreign producers.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(e) of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608e-1), is amended—

(1) in the first sentence—

(A) by inserting ", or regulating the pack of any container of tomatoes," after "eggplants produced in the United States"; and

(B) by striking out "and maturity" each place it appears and inserting "maturity, and, in the case of tomatoes, pack of container"; and

(2) by inserting "and, in the case of imported tomatoes, such restrictions on the pack of any container," after "classifications" in the fourth sentence.●

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. DOMENICI, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mr. LAXALT, Mr. PRYOR, and Mr. STEVENS):

S. 1578. A bill to clarify the application of the Federal antitrust laws to local governments; to the Committee on the Judiciary.

LOCAL GOVERNMENT ANTITRUST ACT OF 1983

Mr. THURMOND. Mr. President, on behalf of myself and my distinguished colleagues, the Senator from Arizona (Mr. DECONCINI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. HATCH), the Sena-

tor from Alabama (Mr. HEFLIN), the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. LAXALT), the Senator from Arkansas (Mr. PRYOR), and the Senator from Alaska (Mr. STEVENS), I am pleased to introduce today the Local Government Antitrust Act of 1983. This legislation is designed to clarify the application of our Federal antitrust laws to conduct by local units of government, and to private conduct authorized by them.

In *Parker* v. *Brown*, 317 U.S. 341 (1943), the Supreme Court held that the Sherman Act "must be taken to be a prohibition of individual and not State action." Thus, the Court found that where a restraint of competition is created by the State and amounts to an act of government, the Sherman Act does not reach it.

Until relatively recently, most antitrust academics and practitioners alike assumed that the State action doctrine applied not only to States, but local units of governments as well. However, in *City of Lafayette, La.* v. *Louisiana Power & Light Co.*, 435 U.S. 389 (1978), the Supreme Court held that Parker immunity for local governments was not automatic, but rather must be derived from the State, with the local government entity acting "pursuant to State policy to displace competition with regulation or monopoly public service." Last year, in *Community Communications Co., Inc.* v. *City of Boulder, Colo.*, 455 U.S. 40 (1982), the Court found that a State's grant of home-rule powers to a municipality was insufficient authorization by the State to cloak the municipality in State action immunity.

While the Boulder majority opinion suggested that this decision "did not threaten the legitimate exercise of governmental power," (quoting Lafayette) the dissent concluded that the Court's action would "impede, if not paralyze, local governments' efforts to enact ordinances and regulations aimed at protecting health, safety, and welfare * * *"

During the 97th Congress, the Committee on the Judiciary conducted hearings on the implications of Boulder and Lafayette. The policy question highlighted by these hearings is clear: Are there sufficient and compelling reasons to treat the legitimate activities of local government differently from those of State government under the antitrust laws? Within reasonable limitations, I believe the answer to this question is no.

Consequently, the legislation we introduce today seeks to modify Boulder and Lafayette. Let me emphasize that this legislation does not automatically extend protection from the antitrust laws to local governments. Rather, local governments are given protection from the antitrust laws only to the extent that State government entities would be protected for similar activity. In addition, local governments must clear two more hurdles: the activity in question, first, must otherwise be valid under State law; and second, must not involve the sale of goods or services by the local government in competition with private persons.

Mr. President, I believe this is a reasonable approach to resolving the questions presented by Boulder and Lafayette. The legislation balances the need for local governments to go about their daily functions without the paralyzing fear of antitrust lawsuits, with the need to preserve the integrity of our Federal antitrust laws. The Committee on the Judiciary will begin hearings on this legislation as soon as practicable, and I look forward to the participation of all interested parties.

Mr. President, I request unanimous consent that the entire text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Local Government Antitrust Act of 1983".

SEC. 2. The Federal antitrust laws shall not apply to any law or other action of, or official action directed by, a city, village, town, township, county, or other general function unit of local government in the exercise of its regulatory powers, including but not limited to zoning, franchising, licensing, and the establishment of monopoly public services, but excluding any activity involving the sale of goods or services by the unit of local government in competition with private persons, where such law or action is valid under state law, except to the extent that the Federal antitrust laws would apply to a similar law or action of, or official action directed by, a State. For purposes of this section, the term "Federal antitrust laws" means the antitrust laws, as such term is defined in the first section of the Clayton Act (15 U.S.C. 12), and section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

By Mr. HEINZ:

S. 1580. A bill to provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes; to the Committee on Labor and Human Resources.

EXCELLENCE IN EDUCATION ACT

Mr. HEINZ. Mr. President, today I introduce the Excellence in Education Act of 1983. I am pleased to be joined by my good friend, Congressman BILL GOODLING, the ranking member of the House Subcommittee on Elementary and Secondary and Vocational Education, who is introducing this same bill in the House of Representatives today.

What I have in mind, Mr. President, is simply to recognize and reward those school districts across America that are working to eliminate excessive electives, like bachelor living, and toughen up high school graduation requirements; those schools that invite parents and community business leaders to be volunteer tutors in math, science, and reading; those principals that stop students from wandering into class 10 minutes late and that inspire all of their teachers and students alike to excel; those teachers and departments that incorporate new technologies into the curriculum and demand more homework; and those students who are striving to achieve excellence.

And, Mr. President, let me remind my colleagues that there is good news out there on educational achievement. Earlier this month, the Pittsburgh public schools reported that the 1983 test scores are up dramatically from a year ago in mathematics, language, and reading. I congratulate those students, and their parents and teachers, as well as the school board, Superintendent Richard Wallace, and his administrators for the gains that have been achieved.

The Excellence in Education Act of 1983 would build on just such local efforts. It would authorize the Secretary of Education to award grants of up to $40,000 to 1,500 schools across America over the next 3 years. The schools would be selected on a competitive basis by local school districts, chief State school officers and the Secretary of Education.

The Secretary will make the awards to schools that demonstrate a commitment to pursue excellence. Schools with the concurrence of district leadership will be authorized to use the funds to implement recommendations of the recent reports for improving educational standards and instruction, such as:

To modernize and improve secondary school curricula;

To eliminate excessive electives and to increase graduation requirements in the basic subjects;

To implement attendance policies with clear sanctions to reduce student absenteeism and tardiness;

To experiment with the longer schoolday or longer school year;

To provide incentives to teachers, teams of teachers and teaching departments for outstanding performance, including, one, financial awards and two, administrative relief such as the removal of paperwork and extracurricular duties; and

To demonstrate new and promising models of school-community relationships, and business-education partnerships including the use of nonschool personnel and community volunteers to alleviate shortages in areas of instruction such as math and science education.

The bill is unique among Federal education programs because rather than targeting specific curriculum

areas or specific groups of children, it is designed to allow local educators to fashion their own plans for improving the total school environment; an objective supported by recent research on effective schools.

The small grant approach is one being pursued in Pittsburgh, San Francisco, and other urban areas by local private sector education funds and by the Ford Foundation. Typical of this approach is the recent announcement by the Washington Post of annual awards of $2,000 to outstanding teachers and a $25,000 sum for school systems for special projects.

To encourage further public/private partnerships in public education, the legislation sets aside 20 percent of the award money for schools that match Federal funds with private sector contributions.

Mr. President, I applaud our current Secretary of Education, the Honorable Terrel H. Bell, and the administration for establishing the National Commission on Excellence in Education and for giving its findings such high visibility. The Commission's report, "A Nation at Risk," is a thoughtful, critique of this country's educational apparatus. It is a sobering analysis, one that merits all the attention it is getting. Not since the late 1950's, when the Russian sputnik shattered our complacency, have we focused so extensively on the status of our educational product and its importance to the future of our Nation.

The Commission's report and subsequent reports by the Twentieth Century Fund and the National Task Force on Education for Economic Growth have focused the Nation's attention on American education. The Commission's report states:

> In the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our future as a Nation and a people.

The reports and their recommendations ignited in the Nation's Capitol a firestorm of political rhetoric and heated debate about who is to blame and what should be done to respond to the crisis of mediocrity.

Fortunately for all of us there is no disagreement on the largest point—that our educational system is in trouble, needs assistance, and must be fixed. A consensus is building across the country that education is central among all the issues we face in the 1980's. It will have more affect on our economic growth, our social well-being and our national defense of the 21st century than anything else we do in the next several years.

Mr. President, education must be at the top of this Nation's political agenda. I concur with the National Commission when it states emphatically that:

> The Federal Government has the primary responsibility to identify the national interest in education. . . . It must provide the national leadership to ensure that the nation's public and private resources are marshaled to address the issues discussed in this report.

I believe, Mr. President, that we in Congress must take the first step to ignite the fire for excellence in local schools across this country. That is my intent.

As an early and active supporter of the establishment of the U.S. Department of Education, I felt that it had two critical functions—to secure the Federal responsibility to assure equal educational opportunity for the disadvantaged; and to identify and define the national interest in education and provide visible leadership. The Commission identified the national risk posed by inattention to academic excellence. It defined excellence in the following terms: For individual learners, it means performing on the boundary of individual ability; for schools, it means setting high expectations for all learners and assisting all students to work to the maximum of their capabilities; and for a society, it means setting educational policies and providing the resources that allow each learner and each school to achieve their educational goals.

Mr. President, I am hopeful that Congress will enact this legislation quickly. By doing so it will give the U.S. Department of Education the opportunity to fulfill its mandate to exercise national leadership and it will allow the Secretary of Education to maintain the momentum he and the President have already created.

I would emphasize for all my colleagues that this bill with its authorization of $50 million for 3 years will not provide the fuel for achieving and maintaining excellence in every public school in America. This bill will not put a chicken in every pot, or a $5,000 check in every teacher's palm. It does not even attempt to do that because I do not believe that setting teacher's salaries is the role of the U.S. Department of Education. Indeed, I shudder to think of the ramifications of such a level of Federal fiscal involvement in America's public school. The Federal Government has neither the right nor the wherewithal to set salaries and standards or to establish broad educational policy. But I repeat, it must exercise national leadership.

As Haynes Johnson argued in a recent editorial in the Washington Post of June 19, 1983, we have to get "back to basics, a basic American idea of merit, of a national commitment to public education, backed by a national determination to do whatever is necessary, including the expenditure of whatever it takes in public funds to insure . . . that no person's child can possibly want the means of a good education." The Excellence in Education Act is a modest part of the solution. It will demonstrate congressional commitment to igniting the fire for excellence in local schools across America.

Mr. President, I ask unanimous consent that the Excellence in Education Act of 1983 appear in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excellence in Education Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, and conducted with the participation of school principals, school teachers, parents, and business concerns in the locality.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the meaning given that term under section 198 (a) (17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

SEC. 4 (a) The Secretary is authorized, in accordance with the provisions of this Act, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this Act.

(b)(1) There are authorized to be appropriated $16,000,000 for the fiscal year 1984, $17,000,000 for the fiscal year 1985, and $17,000,000 for the fiscal year 1986 to carry out the provisions of this Act.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 7.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 8.

SELECTION OF SCHOOLS FOR AWARDS

SEC. 5. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this Act. Each local educational agency desiring to participate in the awards program authorized by this Act shall submit a proposal

nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this Act. Each such submission shall be made to the chief state school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this section shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this Act in a successful manner.

(3) Each proposal submitted under subsection (a) shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of subsection (a).

(b)(1)(A) The chief state school officer of each State shall in each fiscal year from the nominations made pursuant to subsection (b) select 25 schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate 5 schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief state school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination; and

(G) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with subsection (b) of this section. Each such submission may include such additional information as the chief state school officer (the chief educational officer as prescribed in subsection (c)(1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than 500 schools from among the nominations submitted pursuant to subsection (c) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (c)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which include provisions for—

(A) modernization and improvement of secondary school curricula;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects:

(C) attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations involving alternatives to the conventional school day and school term;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards and administrative relief such as the removal of paper work and extra duties;

(F) demonstrations involving creative combinations of independent study, team teaching, laboratory experience, and technology utilization; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as the current shortage in math and science teachers, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

SEC. 6. (a)(1) A school award made to a local educational agency pursuant to this Act may not exceed $25,000 in any fiscal year or a total of $40,000.

(2) The amount of each individual school award made pursuant to this Act shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this Act may not be made for more than two school years. No individual school may be eligible for any additional award under this Act.

SPECIAL SCHOOL AWARDS

SEC. 7. (a) From the amount reserved under section 4(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 5 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67⅔ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

SEC. 8. (a) From the amount set aside under section 4(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this Act are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 4(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this Act in achieving the national objectives in improving instruction and the achievement of the students.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. JOHNSTON, Mr. LONG, Mr. ZORINSKY, Mr. NICKLES, and Mr. BOREN):

S. 1581. A bill granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

● Mr. DOLE. Mr. President, I would like to take this opportunity to introduce legislation which will enable the Central States to enter into a regional compact for the more efficient management of their low-level nuclear waste. This bill seeks to secure congressional consent for the Central Interstate Low-Level Radioactive Waste Compact, an agreement already approved by the State legislatures of Kansas, Oklahoma, Nebraska, Louisiana, and Arkansas. This compact was formulated in response to the Low-Level Radioactive Waste Policy Act passed by Congress in 1980, and requires the formal approval of Congress for its implementation. I urge my colleagues to support this legislation.

Low-level waste is commonly defined as any radioactive substance which is not classified as high-level waste and is generally confined to materials that have become contaminated with radioactivity at commercial power reactors, hospitals, research institutions, and industrial sites. Samples of low-level waste include paper towels, gloves, clothes, animal carcasses, liquids, and sludges. This waste does not incorporate spent reactor fuel, waste generated by reprocessing spent fuel, or waste elements heavier than uranium.

Originally, low-level waste produced by the States was deposited at three waste treatment sites located in Nevada, Washington, and South Carolina. As the volume of low-level waste increased nationwide, the ability of these sites to process and monitor this waste was severely diminished, creating potentially dangerous operating conditions and causing several States to express concern over the managment procedures and safety standards employed at these overburdened waste facilities. When the Nevada and Washington sites closed in 1979, it became apparent that an alternative approach to the disposal of low-level waste was urgently needed.

Congress responded by passing the Low-Level Radioactive Policy Act of 1980. This act directed individual States to assume complete responsibility for the treatment and disposal of low-level nuclear waste products generated within their borders and encouraged the States to join a regional compact to facilitate the economical and efficient management of these ra-

dioactive materials, subject to congressional approval.

There are two significant advantages with pursuing the compact approach to low-level waste management. The first involves financial considerations. It is costly for States, especially those which generate small amounts of this waste, to develop instate facilities that will have to be monitored for a minimum of 100 years. The compact enjoins party States to share the costs involved with maintaining a regional treatment facility. Second, the compact grants the States more autonomy in handling their low-level waste disposal problem by allowing party States to ban the importation of waste generated outside the region.

The congressional mandate only stipulates that States must act before January 1, 1986. Each State retained the option, therefore, of rejecting the compact concept in favor of developing an instate waste management facility or ceasing generation of its waste. However, since it would be difficult, if not impossible, to halt the production of this waste, and, recognizing the high costs involved with constructing and maintaining individual State facilities for storing the radioactive waste, the regional compact has become the preferred option.

The central interstate compact is not the only cooperative agreement of this kind. The Northwest, Southeast, and Rocky Mountain States have or are in the process of finalizing similar compact agreements for the treatment of low-level waste. Last January, the Northwest conference States presented their ratified compact to the Congress for approval, and it is expected that the Southeast and Rocky Mountain regions will follow suit shortly.

I would like to take a moment to trace the developmental stages of the Central Interstate Low-Level Radioactive Waste Compact. After Congress passed the Low-Level Policy Act, Kansas and Oklahoma initiated discussions among interested States in the Central region to explore the feasibility of entering into a cooperative agreement for the expeditious processing of low-level waste. The State conferees agreed that the compact approach would be the most desirable waste management method and established a set of preliminary guidelines for staging its planning and development. In July 1981, State representatives from Arkansas, Kansas, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas began drafting the statutory language delineating the terms of the Central Interstate Compact.

This compact represents a cooperative effort to provide for a regional facility with sufficient capacity to manage all radioactive waste generated within the region. Each party State would have access to this facility, provided that the State deposits its waste in compliance with the terms of the compact and accepts responsibility for the packaging, containment, and transportation of the waste materials. Any State which fails to uphold its obligations would be subject to having its privileges suspended or its membership revoked.

Mr. President, the Central States have demonstrated their willingness to compact for the coordinated management of low-level nuclear waste. However, before the States can take active steps to implement this newly developed management system, the Congress must grant its consent to the compact. It is our responsibility to act now to permit the States to pursue the course which they have charted for themselves, and in light of the 1986 deadline set by Congress, I would urge my colleagues to give expenditures consideration to and support for this legislation.●

By Mr. GORTON (for himself, Mr. METZENBAUM, Mr. PERCY, Mr. MOYNIHAN, Mr. PROXMIRE, Mr. KASTEN, Mr. DOMENICI, and Mr. BOSCHWITZ):

S. 1582. A bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings in the congressional budget process for direct loan authority and loan guarantee authority, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

FEDERAL CREDIT CONTROL ACT OF 1983

Mr. GORTON. Mr. President, Senator METZENBAUM and I, along with Senators PERCY, MOYNIHAN, KASTEN, DOMENICI, BOSCHWITZ, and PROXMIRE are introducing today the Federal Credit Control Act of 1983. The bill would integrate control of Federal credit activity into the congressional budget process and institute impoundment control procedures for direct loan and loan guarantee authority.

One of the purposes of the Congressional Budget and Impoundment Control Act is to establish national budget priorities. To achieve this purpose, the Budget Act specifies the information on Federal spending and revenues to be included in the President's budget and congressional budget resolutions. Congress is also required to determine aggregate levels of spending and revenues.

Since the formation of the congressional budget process in the mid-1970's, it has become clear that the information contained in the President's budget and in the congressional budget resolutions does not portray adequately the level of Government financial activity. A vast array of Federal direct loan and loan guarantee programs are not fully accounted for, or do not appear at all, in the budget's spending totals.

Further, congressional budget resolutions and current impoundment control procedures do not control Federal credit activities. The Budget Act does not require the Congress to determine aggregate levels of Federal direct and guaranteed lending or the distribution of such activities among the functions of the budget. The Impoundment Control Act does not require congressional review and disposition of Presidential actions to impound direct loan or loan guarantee authority provided by law.

The Federal Credit Control Act would implement the recommendations for the temporary Subcommittee on Federal Credit established by the Senate Budget Committee during the 97th Congress. The temporary subcommittee, which I chaired and whose ranking minority member was Senator METZENBAUM, held hearings on the issues of credit budget information and control and made a detailed report in December of last year. The subcommittee followed upon the work done in the 96th Congress by a special Subcommittee on Control of Federal Credit, also established by the Budget Committee, which Senator METZENBAUM chaired.

Testimony presented to the temporary subcommittee indicated that the volume of Federal credit activity has increased tremendously in the last 10 years. By the end of fiscal year 1984, Federal direct loans outstanding will have nearly quadrupled, rising from $61 billion in 1974 to over $225 billion. Federal guaranteed loans outstanding will have more than doubled, increasing from $180 billion to over $450 billion.

The total effect of this level of activity in Federal credit programs on the Nation's financial markets is one that has been debated considerably. Federal participation in the U.S. credit markets in 1982 totaled over 40 percent of all funds raised. Many believe that as a result Federal credit programs exert upward pressure on interest rates which then crowds out private borrowers who are not assisted by the Government.

The temporary subcommittee concluded that Federal direct loan and loan guarantee programs are too significant a policy tool and have too large an impact on particular private borrowers and, in the aggregate, on the credit markets as a whole, to be excluded any longer from the congressional budget process. The bill we are introducing today would enable the Congress to control the overall level of Federal direct and guaranteed lending and to review Presidential proposals to impound direct loan and loan guarantee authority, in a manner consistent with the control over spending now

provided by the Congressional Budget and Impoundment Control Act.

Consistent with the recommendations of the temporary subcommittee, the Federal Credit Control Act utilizes and refines the credit budget which Presidents Carter and Reagan included in their budget submissions for fiscal years 1981 through 1984. The bill incorporates portions of similar legislation introduced in recent years by Senators PERCY, LEVIN, and MOYNIHAN, and Representatives MINETA and BETHUNE.

This legislation also completes S. 711, the Truth-In-Budgeting Act of 1983, which Senator PROXMIRE has introduced and Senator MOYNIHAN and I have cosponsored. S. 711 would institute proper budgetary treatment of agency credit transactions with the Off-Budget Federal Financing Bank (FFB). This budgetary reform would bring a large portion of off-budget spending into the budget, would simplify the credit budget, and, in combination with the legislation we are introducing today, would increase greatly congressional control over Federal spending and credit activities.

One further point, Mr. President, last week on July 23, the U.S. Supreme Court ruled in Immigration and Naturalization Service against Chada that the legislative veto in its present form was unconstitutional. Part of the bill we are introducing today includes sections relating to the impoundment provision of the Budget Act which are likely to be subject to the Chada decision. Recognizing this possibility, we would hope that upon examination of the credit bill by the Budget Committee, adjustments can be made in the bill to reflect the Supreme Court decisions.

I would submit for the record a summary of the provisions of the bill we are introducing and an explanation of the major differences between the measure and similar Senate bills introduced in the 98th Congress. I would also submit the report of the temporary Subcommittee on Federal Credit of the Senate Committee on the Budget and ask that it be printed in the RECORD as well.

In closing, let me say again that it is our view that enactment of the Federal Credit Control Act of 1983 is necessary for the Congress to carry out the purpose of the Congressional Budget Act to establish national budget priorities. We would hope that we can see the passage of this measure in the 98th Congress.

Mr. MOYNIHAN. Mr. President, this Congress has spent a significant amount of time during the past decade debating spending priorities in the Federal budget, and frequently, the importance and frailties of the budget process itself. Yet while we have become well informed about such budgetary issues as the relative proportion of projected deficits as a share of GNP, and the rate of growth of Federal outlays, the fastest growing part of the Federal budget has been all but ignored. This is the off-budget use of Government resources, meaning direct loans and loan guarantees. While on-budget spending has doubled in the last decade, guaranteed loans and direct loans have grown more than fourfold.

Studies by the Congressional Budget Office, the Office of Management and Budget, as well as numerous outside research and academic institutions, leave little doubt that Federal direct loans and loan guarantees have become important means of providing Government services. It is clear that these Federal credit instruments can be powerful mechanisms for allocating credit to particular uses. But as with other Government programs, Federal credit programs represent the use of scarce resources. This occurs because the total volume of credit in the economy is limited by, among other factors, Federal monetary policy, the level of interest rates and supply of savings.

The credit budget approved by both houses of Congress last week as part of the first budget resolution for fiscal year 1984 constitutes the highest Federal loan level yet contemplated by either the executive or legislative branches. The total credit budget in the fiscal year 1984 resolution is $154.6 billion. Yet it received virtually no attention—due largely to the absense of a formal credit budget framework. The credit budget targets in the budget resolution are only advisory, and therefore provide no procedural force.

This state of affairs has had a number of unfortunate consequences. As the use of these credit resources has not been subjected to adequate congressional scrutiny, it has been possible for some groups to benefit tremendously from their use, while other, equally deserving groups, have not realized that they have been left out. For example, off-budget programs that serve primarily rural and agricultural interests have grown nearly 10-fold in the last decade, while on-budget programs in the community development area, which largely serve urban areas, have grown at a rate that is less than one tenth as great.

I am very pleased to join with Senator GORTON and my fellow cosponsors in sponsoring the Credit Budget Reform Act of 1983. This legislation developed from Senator GORTON's work on the Budget Committee's task force on Federal credit. It is an important bill for many reasons.

First, we will not be able to begin the process of devising Federal credit policies without adequate information available in a recognized credit budget framework. Although the administration has been publishing credit budget information, and although the Congress has obligingly set advisory targets, we have not created a formal structure within which to work. This formal structure is critical: It will provide a standardized measure of alternative volumes and types of credit resources, for it is not possible to do anything about a problem in Government until there is some agreement on how to measure it. We consider this legislation at the very moment the administration is contemplating a decrease in its data collection efforts for the credit budget. This further emphasizes our need for a strong credit budget, and for congressionally specified reporting requirements.

Second, the bill provides definitions for direct loan authority and guaranteed loan authority. The credit budget to date has been confusing to many and readily accessible to only a few in Congress. Policy can be shaped only if the terms are understood.

Third, the bill includes language that prohibits the administration from impounding loan guarantees. Early in fiscal year 1982, the Reagan administration announced a program to unilaterally reduce new Federal loan guarantee commitments by $20.3 billion, thus reducing guarantee commitments in 14 agencies. These were congressionally authorized programs, reduced without any congressional involvement. Congress should not accept unilateral administrative reductions in loan guarantee authority.

This legislation has grown from over 2 years of hearings and analysis, ably led by Senator GORTON. It includes an important set of recommendations for budgetary reform.

Mr. METZENBAUM. Mr. President, 4 years ago I initiated the first Special Subcommittee on Federal Credit under the Senate Budget Committee in an effort to get a handle on the tremendous surge in off-budget credit activities by various agencies of the Federal Government. Today, after numerous hearings and a truly bipartisan effort, I am glad to join with my colleague from Washington, Mr. GORTON, in introducing legislation that I believe will go far toward accomplishing that goal.

The steep growth in Federal credit borrowing—in the form of direct loans, loan guarantees, loans by off-budget agencies and by Government-backed agencies—has become a major problem. It has distorted accurate Federal budgeting and has extended Federal intervention in the private credit markets.

During the past few months, Congress has agonized over how to control the rising on-budget Federal deficits. But little attention has been directed to the problem of controlling the rising off-budget deficits caused by

these credit activities. In 1972, the total volume of outstanding direct loans and loan guarantees stood at $241 billion. By 1982, that total had increased more than three times to $765 billion. and despite efforts to control spending, both on and off-budget, Federal credit activity has continued to expand at an alarming rate, with more than $103 billion in new loans and loan guarantees issued in fiscal year 1982, another $151 billion in new credit commitments expected in fiscal year 1983, and still another $147 billion in new commitments anticipated by fiscal year 1984.

By itself this huge increase in Federal credit activity alters private market choices. But when combined with the rapidly growing Federal deficits that have occurred during the Reagan administration, the intrusion of the Federal Government into the private credit markets is truly alarming. Altogether, funds raised under Federal credit auspices will account for well over one-quarter of the total net funds raised by nonfinancial and financial borrowers in the domestic credit markets.

This increase in Federal borrowing and Federal credit activities is especially significant in a period of tight money, because Federal credit programs serve to channel available credit toward the favored programs and away from others. In other words, as the Federal Government directs the allocation of available credit through its borrowing to pay for the deficits and through its Federal loans and loan guarantees, there will be less money available to finance new loans for industries, for emerging companies, for home purchases, for new car loans, and for other consumer purchases—all of which are essential for the long-term sustained economic growth which we all desire.

This explosion of Federal credit activity is, ironically, partially the result of efforts in recent years to control on-budget spending. Time and again we have seen examples where Congress has authorized programs—worthwhile programs for development, for farmers, for housing, and others—that utilize direct Federal loans and off-budget loan guarantees in order to avoid budget scrutiny. If a program is funded through direct appropriations, it is subject to the budget process. But if that program is financed through credit activities, that scrutiny can be avoided.

The legislation we are introducing today attempts to deal with the gamut of issues raised over the past 4 years during our credit task force hearings. It is legislation drafted to accommodate many of the concerns raised by other Senators and Congressmen, by the administration, by the Federal Reserve Board, by federally-backed agencies, and by representatives of the private sector.

This bill deals with several highly technical concerns, but underlying it are a few broad concepts:

First, as the Credit Subcommittee report states, budgetary treatment of Federal direct loans and loan guarantees is incomplete in the context of today's unified budget. Specifically, today's budget practices substantially undercount the true level of Federal spending and borrowing.

We recognize that several steps have been taken in the past few years to correct this glaring omission. Since 1981, the concurrent budget resolutions passed by Congress have included targeted ceilings for new direct loan obligations and new loan guarantee commitments. But without legislation, such targets are virtually unenforceable, except for partial enforcement provisions adopted by the Appropriations Committee.

Second, we believe that putting these varied Federal credit activities on budget and subjecting them to the regular scrutiny of the budget process will result in better policy choices. The congressional budget process is designed primarily as a tool for setting priorities on revenues and spending. Adding these credit totals by function and in the aggregate will not increase the burden substantially, but would have the desired effect of giving Congress the information needed to make hard choices. In reality, how can we set budget allocations for programs without looking at these credit programs? Surely a farm credit program is equally important in that policy choice as is a direct appropriations. Surely it is just as important for Congress to know if we are providing economic assistance to another country through loan guarantees as through direct spending programs.

Third, this legislation starts from the premise that Federal credit activity, taken as a whole, has grown topsy-turvy and must be curbed. It is consistent to focus on the on-budget Federal deficits and spending issues to the exclusion of the off-budget credit activities. Both are equally important.

Throughout the hearings we held on credit activities, I was especially concerned about the inconsistent manner in which different Federal agencies treat the problem of loan defaults. During testimony I zeroed in on that issue again and again. We learned that each Federal agency that issues loan guarantees and direct loan commitments handles the problem of default in its own way. In one agency, a loan is considered in default if it is more than 30 days overdue, but another agency may give the borrower a grace period of several months.

Many agencies have no effective way to oversee the loans and loan guarantees that they issue and are unable to enforce payment of those loans if they fall into arrears. This legislation would correct those shoddy practices by requiring the administration to develop a standard definition of default, one that would be enforced evenly by all Federal agencies. In my opinion, this is an absolute necessity. If a person, or company, seeks a Federal loan or loan guarantee for any purpose, he must be willing to repay that commitment on time in accord with terms of the contract. As has been often noted, a defaulted loan becomes the same as a grant. We owe it to the taxpayers of this country not to allow that to happen with this huge volume of outstanding loan and guarantee commitments.

Finally, Mr. President, I want to emphasize again the bipartisan nature of this legislation and of the task force and subcommittee hearings that have preceded. Controlling Federal credit is a concern I have long had, and it is shared by many of my colleagues on both sides of the aisle. The first task force, which I chaired, included myself, Senator CHILES, and Senator BOSCHWITZ. The second group, the temporary subcommittee, has been chaired by Senator GORTON and includes myself and Senators BOSCHWITZ, KASTEN, ARMSTRONG, SASSER, and MOYNIHAN. During our hearings, we heard testimony from Members of Congress from both parties and from across the political spectrum.

We are proud of the work we have accomplished in bringing the issue of Federal credit growth out into the open. We believe this legislation must be adopted, both to insure the integrity of the budget process and to promote continued economic growth. We urge our colleagues to join us in this effort.

By Mr. PERCY:

S. 1583. A bill to extend for the 6-year period beginning on October 30, 1983, the duty on canned corned beef; to the Committee on Finance.

EXTENSION OF DUTY ON CANNED CORNED BEEF

● Mr. PERCY. Mr. President, I am introducing a bill today which would retain the present duty on imported canned corned beef for a period of 6 years beginning this October.

There is virtually no domestic production of canned corned beef. In fact, this product, all of which is imported, amounts to only 0.02 percent of the total U.S. meat supply.

Nearly all canned corned beef is imported from two countries: Argentina and Brazil. The present duty is 3 percent and will remain at that level until October 30, 1983, when the duty on Brazilian corned beef will rise to 7½ percent.

The present 3-percent duty was originally enacted in 1979 when a trade treaty was signed with Argenti-

na. At that time the duty was 7½ percent and Argentina did not qualify for special status under the generalized system of preferences (GSP). Because of most-favored-nation arrangements, the 3-percent duty was also instituted for all other countries exporting this product to the United States. The Argentine treaty was terminated on October 30, 1982, but that country now qualifies for GSP treatment for its canned corned beef. Brazil, with more than 50 percent of the U.S. market in this product, does not qualify, and thus would be faced with a 7½-percent duty while the Argentine beef would enter duty free. Chicago is a major center for the distribution of imported canned corned beef. A tariff rise would have adverse effects on the firms in my State which deal in this product. Sales margins on canned corned beef are low and many distributors carry the product as a staple which leads to sales of other product lines. If the duty on Brazilian imports is more than doubled, many of these firms would suffer losses, possibly contributing to more unemployment in what already is a troubled economic period.

Mr. President, I believe that this duty retention is fair and sensible. There is no domestic commercial production of this kind of meat. The resultant price differential between Brazilian and Argentine canned corned beef will only hurt the American consumer who buys Brazilian beef, the vast majority of which is in consumer-sized cans.

In addition, by standardizing the tariff for all exporting countries of this product, the United States would underline its commitment to free trade. It is fair to our trading partners and, most importantly, the American consumer would benefit from a less expensive product which is not even available in this country.

Brazil has also given us something in return by agreeing to withdraw its complaint to the GATT about U.S. ethyl alcohol imports.

The House Ways and Means Committee has added this duty retention to a House bill. I also am aware that two of my colleagues have introduced bills recently which would affect the tariff on canned corned beef. This bill which I introduce today is endorsed by both the Canned and Cooked Meat Importers' Association and the administration, and I urge my colleagues' support also.●

By Mr. DANFORTH:

S. 1584. A bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules; to the Committee on Finance.

FOREIGN TAX CREDIT CONFORMITY ACT OF 1983

● Mr. DANFORTH. Mr. President, I am today introducing legislation to correct an inequity in the Internal Revenue Code which the Congress inadvertantly created with the passage of the Tax Reform Act of 1976.

Present law allows taxpayers who are subject to U.S. tax on foreign source income to claim a foreign tax credit for the amount of foreign taxes paid on such income. This credit is based on the principle that the country in which the income is earned has the first right to tax the income, even if the taxpayer, whether corporation or individual, is resident in another country. The country of residence, in turn, has a residual right to tax this income, but is limited by its obligation to insure that double taxation does not result.

In some countries, double taxation is avoided by exempting foreign source income from tax altogether. However, in the United States, the foreign tax credit system provides a dollar-for-dollar credit against U.S. tax liability for income taxes paid to foreign countries as a means of avoiding double taxation.

Under law prior to 1976, however, it was possible, in certain cases, for a taxpayer to derive a double tax benefit through the use of the foreign tax credit. This occurred where a taxpayer had taxable income from U.S. sources, but losses from foreign sources. The foreign losses had the effect of reducing U.S. taxable income and taxes by decreasing the taxpayer's worldwide taxable income, on which the U.S. tax is based. When the business operations in the foreign countries subsequently became profitable, the foreign tax credit was allowed for the taxes paid to the foreign country in the subsequent year.

Thus, unless the loss country had a net operating loss carryforward provision or some similar method of using prior losses to reduce subsequent taxable incomes, the taxpayer received a second tax benefit when income was derived from that country because, by use of the foreign tax credit, no U.S. tax was paid on income from that country, even though earlier losses from that country had served to reduce the taxpayer's tax on its U.S. income.

An example will help illustrate the problem that existed before the 1976 act:

	Year 1	Year 2	2-year total
Foreign source income (loss)	($100)	$100	0
U.S. source income	100	100	$200
U.S. taxable income	0	200	200
Foreign tax (46 percent)	0	46	46
U.S. tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1]46	46
Net U.S. tax	0	46	46
Excess foreign tax credit	0	0	0

[1] Foreign tax credit limitation: Foreign source income ($100)/total taxable income ($200) × U.S. tax ($92) = $46.

Thus, in this example, the taxpayer, with a 2-year total U.S. taxable income of $200, pays U.S. tax of only $46—one-half the amount that you would expect.

The Tax Reform Act of 1976 addressed this "double tax benefit" problem by adopting what has become known as the foreign loss recapture rule, which is found in section 904(f) of the code. Under this provision, in cases where a loss from foreign operations reduces U.S. tax on U.S. source income, the taxpayer is, in effect, required to recapture the tax benefit if the company subsequently derives taxable income from its foreign sources.

In general, the recapture is accomplished by treating a portion of subsequent foreign source income as income from domestic sources. The effect of recharacterizing the foreign income as domestic is to reduce the allowable foreign tax credit for the year. Thus, under 904(f), the outcome of the example above would be as follows:

	Year 1	Year 2	2-year total
Foreign source income (loss)	($100)	$100	0
U.S. source income	100	100	$200
U.S. taxable income	0	200	200
Foreign tax (46 percent)	0	46	46
U.S. tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1] 0	0
Net U.S. tax	0	92	92
Excess foreign tax credit	0	46	46

[1] Foreign tax credit limitation: Foreign source income (zero, since it has been recharacterized as U.S. income/total taxable income ($200) × U.S. tax ($92) = 0.

Thus, under section 904(f), the taxpayer is denied the double tax benefit, and pays, over the 2-year period, $92 of U.S. tax on $200 of U.S. income. The fact that the taxpayer has paid $46 of foreign tax on zero foreign income is a concern, but one which is appropriately addressed by the foreign country—for example, by allowing the taxpayer to carry the loss from year 1 to year 2, as under U.S. law.

Since the Congress was concentrating on the "double tax benefit" problem while the Tax Reform Act of 1976 was under consideration, it is not surprising that the act failed to anticipate the existence of the opposite set of circumstances, which can lead to, in effect, a "double tax detriment." This can happen when a company has net income from foreign sources, but domestic losses.

This has recently come to light as a problem because of the unfortunate

loss position that many American corporations, particularly those in the basic industries, find themselves. In such cases, where the company also has foreign source income on which it has paid foreign tax, the company will have excess foreign tax credits which are unlikely ever to be used. Again, an example will help illustrate the problem:

	Year 1	Year 2	2-year total
Foreign source income	$100	$100	$200
U.S. source income (loss)	(100)	100	0
U.S. taxable income	0	200	200
Foreign tax (46 percent)	46	46	92
U.S. income tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1] 46	46
Net U.S. tax	0	46	46
Excess foreign tax credit	46	0	46

[1] Foreign tax credit limitation: Foreign source income ($100)/total taxable income ($200) × U.S. tax ($92) = $46.

Thus, over 2 years, the company has paid a total of $138 in taxes—$46 U.S., $92 foreign—on net income of $200 (consisting solely of foreign source income)—a rate of 69 percent. The excess foreign tax credit of $46 is unlikely to be utilized unless the company has future income from countries with lower tax rates than the U.S. rate.

While the excess credit may be carried back 2 years or forward 5, these carryover periods are insufficient in most cases to allow the credit to be used. This compares with a carryover period for net operating losses and investment tax credits of 3 years back and 15 years forward. Further, the requirement that current year credits be used before credits carried from other years are used also reduces the likelihood that the excess credits will ever be used. Net operating loss and investment tax credit carryovers, on the other hand, are used in the order they are earned.

It is apparent that, in enacting section 904(f) in 1976, Congress merely overlooked the need for a parallel provision for the recapture of domestic losses to avoid double taxation. The provisions of this bill are, therefore, technical rather than substantive in nature.

This amendment provides for a "mirror-image" provision to section 904(f). Under the bill, therefore, a company may recapture domestic losses in subsequent years in which it has domestic income by recharacterizing the subsequent domestic income as foreign source income, to the extent domestic losses have served to reduce the foreign tax credit available to the taxpayer.

An example, using the same facts as the example above, will illustrate how the new domestic loss recapture would work:

	Year 1	Year 2	2-year total
Foreign source income	$100	$100	$200
U.S. source income (loss)	(100)	100	0
U.S. taxable income	0	200	200
Foreign tax (46 percent)	46	46	92
U.S. income tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1] 92	92
Net U.S. tax	0	0	0
Excess foreign tax credit	46	(46)	0

[1] Foreign tax credit limitation: Foreign source income ($200, since the domestic loss from year 1 is "recaptured", i.e., domestic income from year 2 (up to the amount of the prior year's loss) is treated as foreign source income)/total taxable income ($200) × $92=$92.

Thus, under the provisions of the bill, the taxpayer in this situation pays a total of $92 tax. All the tax paid is foreign, which is appropriate since the taxpayer's income for the period is all foreign source. Thus, this amendment would provide for symmetry of treatment between domestic losses and foreign losses, as under section 904(f).

Over time, a taxpayer should not be allowed to accumulate foreign tax credits based on a cumulative amount of foreign source income which is greater than the foreign source income the taxpayer actually had. Similarly, a taxpayer should not be forced to pay tax on an amount of income which is greater than the income the taxpayer actually had. Section 904(f) of current law prevents the first from occurring; the provisions of this bill will prevent the second.

The bill has a further amendment which conforms the treatment of unused foreign tax credits to the treatment of unused investment tax credits, other credits, and net operating losses. Unused foreign tax credits may, under current law, be carried back 2 years and forward 5. However, net operating losses, the investment tax credit, the targeted jobs tax credit, the alcohol fuels credit, and the research and experimentation credit may be carried forward 15 years. This helps assure that the credits a taxpayer earns will eventually be of use.

As I have previously noted, the utilization of foreign tax credits carried from other years is made difficult by the fact that, unless a taxpayer has foreign source income from a country with a lower rate of tax than that of the United States, the limitations on the credit will prevent the use of credits. The domestic loss recapture provisions will help companies with domestic losses in years they pay foreign taxes to avoid losing the use of those foreign tax credits. However, there will continue to be limits on the ability of taxpayers to use earned foreign tax credits. Therefore, this bill provides that the carryover period for unused foreign tax credits will also be 15 years.

Further, the bill also provides that the "ordering" rules for the use of the credits will be conformed to those of NOL's and the other credits, so that they will be used in the order earned, rather than requiring that the current year's credit be used before any carryover is used.

Mr. President, this bill does not propose substantive amendments to current law. It does not affect the definition of what constitutes foreign taxes for purposes of the foreign tax credit. It should have virtually no effect on revenues, since any revenues which might be collected in future years if the bill is not passed would be windfall revenues which were not anticipated under current law.

The bill does not provide any new benefits to business; it merely implements the fundamental principle that the foreign tax credit should be allowed, but limited, to the extent income of U.S. taxpayers is subject to taxation by both the United States and a foreign country.

I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Tax Credit Conformity Act of 1983."

(b) AMENDMENT TO 1954 CODE.—Whenever in this Act an amendment is expressed in terms of an amendment to, or an insertion in, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. RECAPTURE OF OVERALL DOMESTIC LOSS.

(a) IN GENERAL.—Subsection (f) of section 904 (relating to limitation on foreign tax credit) is amended by substituting in lieu of the title and paragraphs (1) and (2) thereof the following new title and new paragraphs (1) and (2);

"(f) RECAPTURE OF OVERALL FOREIGN AND DOMESTIC LOSSES.—

"(1) OVERALL FOREIGN LOSS.—

"(A) IN GENERAL.—For purposes of this subpart and section 936, in the case of any taxpayer who sustains an overall foreign loss for any taxable year, that portion of the taxpayer's taxable income from sources without the United States for each succeeding taxable year which is equal to the lesser of—

"(i) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

"(ii) 50 percent (or such larger percent as the taxpayer may choose) of the taxpayer's taxable income from sources without the United States for such succeeding taxable year,

shall be treated as income from sources within the United States (and not as income from sources without the United States).

"(B) OVERALL FOREIGN LOSS DEFINED. For purposes of this subsection, the term 'overall foreign loss' means the amount by which

the gross income for the taxable year from sources without the United States (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) for such year, including the amount, if any, that is treated as income from sources without the United States for such taxable year under paragraph (2), is exceeded by the sum of the deductions properly apportioned or allocated thereto, except that there shall not be taken into account—

"(i) any net operating loss deduction allowable for such year under section 172(a), and

"(ii) any—

"(I) foreign expropriation loss for such year, as defined in section 172(h), and

"(II) loss for such year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

"(2) OVERALL DOMESTIC LOSS.—

"(A) IN GENERAL.—For purposes of this subpart and section 936, in the case of any taxpayer who sustains an overall domestic loss for any taxable year, that portion of the taxpayer's taxable income from sources within the United States for each succeeding taxable year which is equal to the lesser of—

"(i) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

"(ii) 50 percent (or such larger percent as the taxpayer may choose) of the taxpayer's taxable income from sources within the United States for such succeeding taxable year,

shall be treated as income from sources without the United States (and not as income from sources within the United States).

"(B) OVERALL DOMESTIC LOSS DEFINED.—For purposes of this subsection, the term 'overall domestic loss' means the amount by which the gross income for the taxable year from sources within the United States for such year, including the amount, if any, that is treated as income from sources within the United States for such taxable year under subparagraph (1), is exceeded by the sum of the deductions properly apportioned or allocated thereto, to the extent such loss offsets income from sources without the United States for the taxable year, except that there shall not be taken into account any loss for such year which arises from fire, storm, shipwreck, or other casualty, or from theft, to the extent such loss is not compensated for by insurance or otherwise."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

SEC. 3. EXTENDED CARRYOVER PERIOD FOR EXCESS FOREIGN TAX CREDITS; ORDERING RULE FOR FOREIGN TAX CREDIT.

(a) CARRYOVER PROVISION FOR EXCESS CREDITS ARISING IN 1979 THROUGH 1981.—Subsection (c) of section 904 is amended by inserting at the end thereof the following new sentence: "In the case of an amount deemed by this subsection to be an excess tax paid with respect to a taxable year beginning after December 31, 1978, and ending before January 1, 1982, the first sentence of this subsection shall be applied by substituting 'in each of the 15 succeeding taxable years' for 'in the first, second, third, fourth or fifth succeeding taxable years,' in the first sentence."

(b) CARRYOVER AND ORDERING RULE PROVISIONS FOR CREDITS ARISING AFTER 1981.—Subsection (a) of section 904 is amended to read as follows:

"(a) GENERAL RULE.—

"(1) FIRST-IN-FIRST-OUT RULE.—The amount of the credit allowed by section 901(a) shall be an amount equal to the sum of—

"(A) the foreign tax credit carryovers carried to such taxable year,

"(B) the amount of the credit determined under section 901(a) for such taxable year, plus

"(C) the foreign tax credit carryback carried to such taxable year,

and subject to the limitations imposed by paragraphs (2), (3), (4) and (5). The credits allowable under subparagraph (A) shall be used before the credits allowable under subparagraphs (B) and (C), and the credits allowable under subparagraphs (A) and (B) shall be used before the credits allowable under subparagraph (C).

"(2) LIMITATION IN TAXABLE YEAR.—The total amount of credit taken under section 901(a) in paragraph (1) shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For purposes of the preceding sentence, in the case of an individual, the entire taxable income shall be reduced by an amount equal to the zero bracket amount.

"(3) CARRYBACK AND CARRYOVER OF EXCESS TAX PAID.—If the sum of the amount of the foreign tax credit carryovers to the taxable year under paragraph (1)(A) plus the amount determined under paragraph (1)(B) for the taxable year exceeds the amount of the limitation imposed by paragraph (2) for such taxable year (hereinafter in this subsection referred to as the 'unused credit year'), such excess attributable to the amount determined under paragraph (1)(B) shall be—

"(A) a foreign tax credit carryback to each of the 2 taxable years preceding the unused credit year, and

"(B) a foreign tax credit carryover to each of the 15 taxable years following the unused credit year and,

subject to the limitations imposed by paragraphs (4) and (5), shall be taken into account under the provisions of paragraph (1) in the manner provided in such paragraph. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 17 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried and then to each of the other 16 taxable years to the extent, because of the limitations imposed by paragraphs (4) and (5), such unused credit may not be taken into account under paragraph (1) for a prior taxable year to which such unused credit may be carried.

"(4) LIMITATION ON CARRYBACKS.—The amount of the unused credit which may be taken into account under paragraph (1)(C) for any preceding taxable year shall not exceed the amount by which the limitation imposed by paragraph (3) for such taxable year exceeds the sum of—

"(A) the amounts determined under paragraphs (1)(A) and (1)(B) for such taxable year, plus

"(B) the amounts which (by reason of this subsection) are carried back to such taxable year and are attributable to taxable years preceding the unused credit year.

"(5) LIMITATION ON CARRYOVERS.—The amount of the unused credit which may be taken into account under paragraph (1)(A) for any succeeding taxable year shall not exceed the amount by which the limitation imposed by paragraph (3) for such taxable year exceeds the sum of the amounts which, by reason of this subsection, are carried to such taxable year and are attributable to taxable years preceding the unused credit year."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 904 is repealed.

(2) Subsection (d), (e) and (f) of section 904 are redesignated as subsections (c), (d) and (e) respectively.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall be effective upon enactment.

(2) The amendments made by sections (b) and (c) shall be effective with respect to taxable years beginning after December 31, 1981.●

By Mr. HELMS:

S. 1587. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers who receive housing allowances; to the Committee on Finance.

DEDUCTIONS OF CERTAIN EXPENSES BY MINISTERS

● Mr. HELMS. Mr. President, in early January of this year the Internal Revenue Service published Revenue Ruling 83-3. In part, this ruling provides that ministers may no longer deduct interest and taxes paid on a personal residence to the extent the amounts expended are allocable to tax-exempt income. The ruling is scheduled to take effect on July 1, 1983, for certain ministers and on January 1, 1985, for others.

Mr. President, it is common practice in the United States for a minister to be given a housing allowance by his church. Under section 107 of the Internal Revenue Code this allowance is excludable from the minister's gross income. Up to now ministers have, fully within the letter of the law, deducted interest and taxes from their income just like other taxpayers. In their case, however, this deduction has an additional benefit because some of their compensation, in the form of a housing allowance, is exempted from gross income by section 107. With Revenue Ruling 83-3, making a new application of section 265, the IRS is attempting to diminish the benefit of section 107 to the clergy.

Mr. President, some would question even whether the IRS should be making, on its own, what appears to be an outright change in substantive law. In any event, my bill would prevent the IRS from enforcing Revenue Ruling 83-3 and would leave in place the status quo on housing allowance tax deductions for the clergy. That is its sole and simple purpose.

Traditionally, Congress has tried to promote religion by refraining from taxing religious activities and by providing certain tax benefits for those involved in religious activities. We provide these tax benefits because of the longstanding recognition by the American people that Government exists to serve the common good of society. Government is the servant, not the master, of the people. Therefore, it is perfectly proper for the Government to give preferred status to certain institutions in society for the public good. Religion certainly occupies such a place in American society. Given the recent inclusion of the employees of religious institutions in mandatory FICA coverage under the 1983 social security amendments, it is surely not too much to ask that ministers retain the full benefits of their current housing allowance tax deduction.

Mr. President, the bill I introduce today is identical to H.R. 1905 which has been introduced in the House of Representatives by Congressman STAN PARRIS.

Mr. President, I ask unanimous consent that the text of Revenue Ruling 83-3 and of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT RELATING TO DEDUCTIONS FOR THE PAYMENT OF CERTAIN EXPENSES BY MINISTERS WHO RECEIVE HOUSING ALLOWANCES

(a) IN GENERAL.—Paragraph (1) of section 265 of the Internal Revenue Code of 1954 (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to income described in section 107."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any deduction for any taxable year beginning after December 31, 1982.

SECTION 265.—EXPENSES AND INTEREST RELATING TO TAX-EXEMPT INCOME

26 CFR 1.265-1: Expenses relating to tax-exempt income. (Also Sections 107, 117, 162, 163, 164, 7805; 1.107-1, 1.117-1, 1.162-1, 1.163-1, 1.164-1, 301.7805-1.)

Deductions; expenses and interest relating to tax-exempt income. Veterans and other students may not deduct educational expenses, and ministers may not deduct interest and taxes paid on a personal residence, to the extent the amounts expended are allocable to tax-exempt income. Rev. Ruls. 62-212 and 62-213 revoked.

REV. RUL. 83-3

Issues

(1) May a veteran deduct educational expenses if the amounts expended are allocable to veterans benefits that are exempt from taxation?

(2) May a minister deduct interest and taxes paid on a personal residence if the amounts expended are allocable to a rental allowance excluded from gross income under section 107 of the Internal Revenue Code?

(3) May a student deduct educational expenses if the amounts expended are allocable to a scholarship that is excluded from gross income under section 117 of the Code?

Facts

Situation 1.—During a taxable year, an unmarried veteran with no dependents, who is an attorney employed by a law firm, received five monthly payments totalling $780 from the Veterans' Administration pursuant to 38 U.S.C. section 1651 et seq., which provides for educational assistance allowances. The purpose of the allowance is to meet, in part, the expenses of a veteran's subsistence, tuition, fees, supplies, books, equipment, and other educational costs. 38 U.S.C. section 1681(a) (1979). Based upon the legislative history behind 38 U.S.C. section 1681 (1979), it is determined that Congress intended one-half of the allowance to be attributable to subsistence and one-half to be attributable to educational costs. See S. Rep. No. 269, 89th Cong., 1st Sess. 17 (1965). These payments are exempt from taxation under 38 U.S.C. section 3101(a) (1979). The taxpayer incurred expenses for tuition, fees, books, and other expenses in connection with three courses of advanced law education taken at a local university. The employer required the attorney to take the three courses as a condition of continued employment.

During the year, the veteran incurred and paid expenses of $1,054 for the education.

Educational expenses for courses required by the employer as a condition of continued employment generally are deductible as ordinary and necessary business expenses under the provisions of section 162 of the Code, provided the taxpayer elects to itemize deductions.

Situation 2.—During the taxable year, a minister of a gospel who is employed as a pastor of a church received $19,000 as compensation from the church and a combined rental and utility allowance of $6,300. The rental and utility allowance is excludable from the gross income of the minister under section 107 of the Code, to the extent used to rent or provide a home.

During the year, the minister used the rental and utility allowance, together with other funds, to make monthly payments for the residence in which the minister lived. Those payments totaled $8,400 and consisted of principal ($500), insurance ($400), real estate taxes ($1,400), interest ($4,000), and utility costs ($2,100). The minister incurred no other expenses directly related to providing a home during the taxable year. Interest and real property taxes paid are generally deductible expenses under the provisions of section 163 and 164 of the Code, respectively, provided the taxpayer elects to itemize deductions.

Situation 3.—Same as in Situation 1, except the taxpayer is not a veteran and the $780 qualified as an amount received as a scholarship solely attributable to tuition that is excludable from gross income under section 117 of the Code.

Law and analysis

Section 162 of the Code allows as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business.

Section 163 of the Code allows as a deduction all interest paid or accrued within the taxable year on indebtedness.

Section 164 of the Code allows, except as otherwise provided, as a deduction for the taxable year within which paid or accrued, state and local real property taxes.

Section 265(1) of the Code provides that no deduction shall be allowed for any amount otherwise allowable as a deduction that is allocable to one or more classes of income other than interest (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by subtitle A of the Internal Revenue Code, or any amount otherwise allowable under section 212 that is allocable to interest (whether or not any amount of such interest is received or accrued) wholly exempt from the taxes imposed by subtitle A.

Section 1.265-1(c) of the Income Tax Regulations provides that expenses and amounts otherwise allowable that are directly allocable to any class or classes of exempt income shall be allocated thereto, and expenses and amounts directly allocable to any class or classes of nonexempt income shall be allocated thereto. If an expense or amount otherwise allowable is indirectly allocable to both a class of nonexempt income and a class of exempt income, a reasonable proportion thereof determined in the light of all the fact and circumstances in each case shall be allocated to each.

The purpose of section 265 of the Code is to prevent a double tax benefit. In *United States* v. *Skelly Oil Co.*, 394 U.S. 678 (1969), 1969-1 C.B. 204, the Supreme Court of the United States said that the Internal Revenue Code should not be interpreted to allow the practical equivalence of double deductions absent clear declaration of intent by Congress. Section 265(1) applies to otherwise deductible expenses incurred for the purpose of earning or otherwise producing tax-exempt income. It also applies where tax-exempt income is earmarked for a specific purpose and deductions are incurred in carrying out that purpose. In such event, it is proper to conclude that some or all of the deductions are allocable to the tax-exempt income. See *Heffelfinger v. Commissioner*, 5 T.C. 985 (1945), which held that Canadian income taxes on income exempt from U.S. tax are not deductible in computing U.S. taxable income; *Banks v. Commissioner*, 17 T.C. 1386 (1952), which held that certain educational expenses paid by the Veterans' Administration that were exempt from income tax, were not deductible; *Christian v. United States*, 201 F. Supp. 155 (E.D. La. 1962), where a school teacher was denied deductions for expenses incurred for a literary research trip to England because the expenses were allocable to a tax-exempt gift and fellowship grant; and Rev. Rul. 74-140, 1974-1 C.B. 50, which concludes that the portion of the state income tax paid by a taxpayer that is allocable to the cost-of-living allowance, a class of income wholly exempt under section 912 of the Code, is nondeductible under section 265.

In *Manocchio v. Commissioner*, 78 T.C. 989 (1982), a taxpayer attended a flight-training course that maintained and improved skills required in the taxpayer's trade or business. As a veteran, the taxpayer was entitled to an educational assistance allowance from the Veterans' Administration pursuant to 38 U.S.C. section 1677 (1976) equal to 90 percent of the costs incurred. Because the payments received were exempt from taxation under 38 U.S.C. section 310(a)

(1976), the taxpayer did not report them as income. The taxpayer did, however, deduct the entire cost of the flight training course, including the portion that had been reimbursed by the Veterans' Administration. In a reviewed opinion, the court held that the reimbursed flight-training expenses were nondeductible under section 265(1) of the Code.

In Manocchio, the petitioner contended that the Service was estopped from challenging the claimed deduction because of petitioner's reliance on the holding of Rev. Rul. 62-213, 1962-2 C.B. 59, that held that expenses for education, paid or incurred by veterans, that are properly deductible for federal income tax purposes, are not required to be reduced by the nontaxable payments received during the taxable year from the Veterans' Administration.

In rejecting petitioner's argument, the court stated that the Internal Revenue Service has very broad discretion to correct a mistake of law in a ruling and do so with retroactive effect. The court states: "Given the fundamental differences in the way these benefits are computed, we cannot say that respondent's decision to treat them differently for tax purposes is 'so devoid of rational basis' as to constitute an abuse of discretion." 78 T.C. 989, 1002, 1003.

In all three situations, the taxpayer has incurred expenses for the purposes for which the tax-exempt income was received. Permitting a full deduction in each situation would lead to a double benefit not allowed under section 265 of the Code.

Holdings

In Situation 1 and Situation 3, the amount of the itemized deductions for tuition, books and other expenses connected with further education must be decreased to the extent the expense is allocable to the amounts received for such expenses from the Veterans' Administration or as a scholarship, as the case may be.

In Situation 2, the amount of the itemized deductions otherwise allowable for the interest and real estate taxes must be decreased to the extent the expenses are allocable to the rental allowance received from the church.

The following demonstrates one reasonable method of allocation under section 1.265-1(c) of the regulations that will be accepted by the Internal Revenue Service.

In Situation 1, the $1,054 of educational expenses that otherwise qualify for deduction is decreased by one-half of $780 (or $390), computed by multiplying $1,054 (the amount of the expense that is otherwise deductible) by a fraction, the numerator of which is $390 (the amount of the reimbursement allocable to deductible educational costs) and the denominator of which is $1,054 (the total of all expenditures to which the reimbursement is applicable): $1,054×390/$1,054=$390. Therefore, the itemized deduction for educational expenses under section 162 is $664 ($1,054−$390).

In Situation 2, the $4,000 of interest otherwise deductible under section 163 of the Code is decreased by $3,000, computed by multiplying $4,000 (the amount of the interest otherwise deductible) by a fraction, the numerator of which is $6,300 (the combined rental and utility allowance) and the denominator of which is $8,400 (the total of all expenditures to which the rental and utility allowance is applicable), or $4,000×$6,300/$8,400=$3,000. Therefore, the deduction for interest allowable under section 163 in Situation 2 is $1,000 ($4,000−$3,000).

In Situation 2, the $1,400 of real estate taxes otherwise deductible under section 164 of the Code is decreased by $1,050 computed by multiplying $1,400 (the amount of the real estate taxes otherwise deductible) by a fraction, the numerator of which is $6,300 and the denominator of which is $8,400 (as indicated in the preceding paragraph), or $1,400×$6,300/$8,400=$1,050. Therefore, the itemized deduction for real estate taxes allowable under section 164 in Situation 2 is $350 ($1,400−$1,050).

In Situation 3, the $1,054 of educational expenses that otherwise qualify for deduction is decreased by $780, computed by multiplying $1,054 (the amount of the expense otherwise deductible) by a fraction, the numerator of which $780 (the amount of the scholarship) and the denominator of which is $1,054 (the total of all expenditures to which the reimbursement is applicable): $1,054×$780/$1,054=$780. Therefore, the itemized deduction for educational expenses allowable under section 162 is $274 ($1,054−$780).

Effect on other revenue rulings

Situation 1 and 2 of this revenue ruling are similar to the situations in Rev. Rul. 62-213, 1962-2 C.B. 59, and Rev. Rul. 62-212, 1962-2 C.B. 41, which hold that the amounts paid by the taxpayers are fully deductible.

Rev. Rul. 62-212 and Rev. Rul. 62-213 are revoked.

Prospective application

Under the authority contained in section 7805(b) of the Code, this revenue ruling will not be applied to educational expenses paid by veterans who are currently enrolled in an educational program and incurring expenses under the circumstances described in Situation 1 until the end of the current academic year, but no later than June 30, 1983. Further, this revenue ruling will not be applied to ministers under the circumstances described in Situation 2 until the end of the minister's current contract year, but no later than June 30, 1983.

Section 7805(b) will not be applied in Situation 3 because that situation is like Manocchio, cited above, and the rational of that case is equally applicable to the facts of Situation 3.

SECTION 453A.—INSTALLMENT METHOD FOR DEALERS IN PERSONAL PROPERTY

26 CFR 1.453-2(c): Installment income of dealers in personal property.

Installment method for dealers in personal property; state sales tax imposed on consumer; sales tax excluded from total current price. In cases in which the state sales tax is imposed on the consumer, the sales tax must be excluded from the total contract price for purposes of computing taxable income from installment sales under section 453A of the Code and the regulations thereunder.●

By Mr. LEAHY (for himself, Mr. DECONCINI, Mr. KENNEDY, Mr. METZENBAUM, and Mr. BAUCUS):

S. 1588. A bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; to the Committee on Governmental Affairs.

APPLICATION OF CERTAIN PRIVACY AND EMPLOYMENT LAWS TO CONGRESS

Mr. LEAHY. Mr. President, earlier this year the Senate cafeteria workers, who are unable to organize like other Federal workers, took their case to the International Labor Organization in Geneva. It did not escape the attention of the press that the other case before the ILO this term involving labor organization troubles was the case involving Solidarity. Now there is no comparison in my mind between workers in a Communist country and any workers in the United States. At the same time, workers in the House and Senate do not enjoy the rights of other Federal workers, and I can understand the frustration of the men and women who serve us every day here on the Hill and who feel like second-class citizens.

The plight of the cafeteria workers results from the fact that over the last 75 years Congress has exempted itself from important statutes that apply to other employers in the country, including the Civil Service Reform Act, the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination in Employment Act of 1967, the Equal Pay Act, and the Occupational Safety and Health Act.

Collectively, these laws spell out civil, social, physical, and financial rights and standards for all Americans—except if they work for Congress. This double standard is a plain injustice to those who, in a quite literal sense, make our work possible and it is a source of embarrassment to us all.

It is to end this discrimination that I am today introducing the Fair Employment in Congress Act. Its purpose is simple. It removes the congressional exemption from each of these laws. It rights the injustice. It removes the source of the embarrassment.

Removing the congressional exemption from the Civil Rights Act of 1964 and the bill amending it, the Equal Employment Opportunity Act of 1972, would make Congress subject to the same restrictions on employment discrimination that apply in the rest of the country.

Similarly, subjecting Congress to the provisions of the Fair Labor Standards Act and the Equal Pay Act would give legal standing to the women who currently, and all too correctly, charge that they are not receiving equal pay for equal work.

The Civil Service Reform Act was a historic step forward for the Federal workers around this Nation, who can now organize, bargain with management, complain about unfair labor practices, and seek fair settlement of grievances. The rights do not, and should not, include the right to strike, but the rights they do have are significant and will surely result in better protections for Federal workers, and, I think it safe to say, a better work force as well. There is no reason this

law should not apply to workers in the Congress.

The Occupational Safety and Health Act is an example of the kind of law that should apply to all working Americans. Congressional employees deserve a safe and healthy work environment, and we in the Congress should have to live by the same standards we set for the rest of the country's employers.

The Age Discrimination in Employment Act speaks to a bias that has no place in a nation where young and old need each other in the workplace, where innovation and experience are both needed for productivity. Should this formula apply any less in Congress?

Let me note for those colleagues who have followed my earlier versions of this bill, that I am focusing attention in this bill solely on the employment relationship, leaving the Privacy Act and the Freedom of Information Act to separate legislation. Recent discussions with several of my colleagues lead me to believe that these two important statutes raise issues very distinct from the employment issues in the balance of the bill. Separate treatment of the Privacy Act and the Freedom of Information Act will give both the present bill and the bill I plan to introduce soon covering those two statutes a much better chance of enactment.

Over the years that I have advocated passage of the bill I am now introducing for the fourth time, colleagues have stressed the special nature of the legislative process and the independence of our branch of government. It is frequently commented that Senators and Congressmen require an unrestricted choice of staff because of the absolutely confidential relationship between a member and his or her advisers. To impose on that right of choice a set of outside standards would be a limitation on the exercise of conscience that is the first duty of any Member, so this argument goes.

I will be the first to say that we are different in important respects from the executive branch, but I must add that the differences can be dealt with. I cannot see why cafeteria workers should not be able to organize, just because it might not be appropriate to allow legislative assistants to do so. On the other hand, neither cafeteria workers nor LA's ought to work in unhealthy conditions.

My approach in presenting this legislation is to presume that Congress ought not to enjoy a blanket exemption from the laws we have applied to others in this Nation. There should be new and complete hearings on this proposal, and I will do my best this year to see that hearings are held. During those hearings it will be possible to evaluate the concerns of those who think that Congress will be weakened if the present language of these laws is applied to it without alteration. Again, I believe that our presumption must favor application of the existing language of the several statutes included in the bill, but the important point is that we need hearings to be able to learn where that presumption should be allowed to stand and where it should not. Without hearings, we will never begin to consider reforms that are long overdue.

Mr. President, I ask unanimous consent that a statement by a longstanding supporter of this legislation, my very good friend Senator DECONCINI of Arizona, be included in the RECORD, and in addition the following: the text of the bill, a summary of the bill, and an editorial that appeared in the Washington Post on May 31, 1983, entitled, "Citadel of Privilege."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to eliminate the exemption for the Congress or for the Federal Government, as the case may be, in the provisions of Federal law described in this Act.

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 2. Section 717 (a) of the Civil Rights Act of 1964 is amended by striking out "in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service" and inserting in lieu thereof "in all units of the legislative branch of the Federal Government, and in those units of the judicial branch of the Federal Government having positions in the competitive service".

LABOR-MANAGEMENT RELATIONS

SEC. 3. Paragraph (3) of section 7103 of title 5, United States Code, is amended by inserting ", any unit of the legislative branch" before ", the Library of Congress".

FAIR LABOR STANDARDS; EQUAL PAY

SEC. 4. Section 3(e)(2)(A)(iii) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(iii) in any unit of the legislative branch of the Government, or in any unit of the judicial branch of the Government which has positions in the competitive service,".

AGE DISCRIMINATION IN EMPLOYMENT

SEC. 5. The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended by inserting before the period a comma and the following: "except the term 'employer' does include the United States for each unit of the legislative branch of the Federal Government".

OCCUPATIONAL SAFETY AND HEALTH

SEC. 6. (a) Section 3(5) of the Occupational Safety and Health Act of 1970 is amended by inserting after "United States" the following: "(except the term 'employer' does include the United States for each unit of the legislative branch of the Federal Government)".

(b) Section 3(6) of such Act is amended by inserting before the period the following: ", and the employees of any unit of the legislative branch of the Federal Government shall be deemed to be employed in the business affecting commerce for the purpose of this Act".

EFFECTIVE DATE

SEC. 7. The amendments made by this Act shall become effective thirty days after the date of enactment of this Act.

SHORT TITLE

SEC. 8. This Act may be cited as the "Fair Employment in Congress Act".

Brief Summary of Senator Leahy's Fair Employment in Congress Act, Introduced June 29, 1983

Section One: Enacting clause.

Section Two: Equal Employment Opportunity. Repeals the exemption from the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972 thus subjecting Congress to anti-discrimination provisions of the acts.

Section Three: Labor Management Relations. Includes Congress in the Civil Service Reform Act, enabling congressional employees to enjoy rights granted to other federal employees (including the right to organize, bargain with management, complain about unfair labor practices, seek fair settlement of grievances).

Section Four: Fair Labor Standards; Equal Pay. Includes Congress in the Fair Labor Standards Act of 1938 and the Equal Pay Act making Congress subject to the equal pay provisions of the acts.

Section Five: Age Discrimination in Employment. Repeals the exemption from the Age Discrimination in Employment Act of 1967 thus subjecting Congress to the anti-discrimination provisions of the act.

Section Six: Occupational Safety and Health. Repeals the exemption from the Occupational Safety and Health Act thus subjecting Congress to the job safety and health provisions of the act.

Section Seven: Effective date. All sections thirty days after enactment.

Section Eight: Short title. This Act may be cited as the "Fair Employment in Congress Act".

[From the Washington Post, May 31, 1983]

CITADEL OF PRIVILEGE . . .

Forever, it seems, a little plantation has existed on Capitol Hill. Sen. Patrick Leahy calls it the last plantation in America. It's the Senate cafeteria, whose 230-plus mostly black and Hispanic workers are denied by their senatorial employers the right to unionize—a right those same senators would not dream of trying to deny to people in the same line of work, or almost any other, elsewhere in America. In their frustration, the cafeteria employees have even petitioned the International Labor Organization, the United Nations agency that helps officially squashed labor unions, like Poland's Solidarity, try to regain their rights.

The rationale cited in defense of the Senate's practice is, as you might imagine, constitutional: the separation of powers. It is said that Congress cannot permit a group of its workers to be covered under the Civil Service Reform Act, the basic law that allows federal workers to organize unions and bargain with the government, because then the executive branch would be policing the legislative branch. How many senators would care to stand up in public and render such a fancy and unpersuasive alibi for denying people their basic rights?

Anyway, the Library of Congress, also part of the legislative branch, is unionized.

So are the Government Printing Office and the General Accounting Office. Does anyone doubt that the reason the cafeteria employees are singled out arises from the very unhappy tradition of disrespect for this group long evident on the Hill?

But what was most revealing about The Post's update of the cafeteria workers' plight yesterday was an accompanying list of the other federal laws, besides the Civil Service Reform Act, from which Congress exempts itself: the Occupational Safety and Health Act, the Freedom of Information Act, the Civil Rights Act, the Equal Pay Act, the National Labor Relations Act, the Privacy Act, the Age Discrimination in Employment Act, plus the District of Columbia's health, fire safety and building construction codes.

Some of these exclusions are familiar. Taken together, they convey an impression of a towering citadel of privilege resting at a place where equality under the law ought to be the guiding rule. The rest of us should not have been sitting idly by, deferring, mostly by saying nothing, to this anomaly. The change that would allow the cafeteria workers to organize should be only the beginning of a long overdue process of review.

● Mr. DeCONCINI. Mr. President, the one big business that ignores governmental regulations and gets away with it is the Congress. We operate like all other businesses, yet we reserve the right to hire, fire, pay, and discriminate at whim. Since the 1930's this body has been making fancy speeches and prescribing cures to end the injustice in the American workplace. In over 40 years of legislation, we have carefully excluded ourselves from taking responsibility for our actions. Congress can no longer afford to be the exception, we must be the rule. We must set the example for the rest of the country. If we want business to respect our ability to legislate, then Congress needs to take the lead and show that the laws we pass are fair by following them ourselves. Therefore, I join Senator LEAHY in cosponsoring his bill.

We can no longer ignore the Civil Rights Act of 1964, the Equal Pay Act, the Equal Employment Opportunity Act and many other vital pieces of legislation. We must offer our employees appropriate recourse under the law. Representative LYNN MARTIN's research into this issue revealed some disturbing figures: Of staff paid over $40,000 per year, 77 percent are men, of those paid less than $20,000 per year, 79 percent are women. These numbers may not be indicative of discrimination but they should be investigated so an intelligent conclusion can be reached.

Mr. President, we are caught in a hypocritical trap. Let us vote to work our way out of it and begin recognizing such essential rights as minimum pay, worker safety, and equal employment opportunity. Mark Twain once wrote: "To do good is noble. To advise others to do good is also noble, and much less trouble." We, as elected officials do not have to accept and perpetuate this shameful double standard. Let us cast a vote for justice and responsibility.●

By Mr. LEVIN (for himself, Mr. DIXON, Mr. METZENBAUM, Mr. RIEGLE, Mr. GLENN, and Mr. GORTON):

S. 1589. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 and the Federal Supplemental Compensation Act of 1982 to provide alternative State triggers; to the Committee on Finance.

UNEMPLOYMENT BENEFIT LEGISLATION

● Mr. LEVIN. Mr. President, today I am introducing legislation which will correct the absurd situation that has developed in which some States with continuing high unemployment are ineligible for extended unemployment benefits while other States with lower rates of unemployment still can receive these benefits.

My State of Michigan, which has a total unemployment rate of 14.9 percent—almost 50 percent higher than the national average—has just triggered off extended benefits, thereby reducing unemployment benefits in Michigan by 13 weeks. In addition, benefits under the Federal supplemental compensation program, which are on top of the benefits provided through the regular 26-week State program and the extended benefit program, have been cut down by 2 weeks. At the same time, States such as Wyoming, Alaska, and California, which have averaged lower rates of total unemployment continue to be eligible for extended benefits. Clearly, logic has been stood on its head.

We can point to the changes made in the 1981 reconciliation bill as being behind this twisted result. We can point to the reconcilation bill's raising the trigger level for extended benefits from a 5-percent insured unemployment rate (IUR) to a 6-percent IUR. The insured unemployment rate is calculated by dividing the number of people receiving regular State unemployment benefits by the people working in jobs covered by unemployment insurance. We can point to the reconciliation bill's exclusion of people receiving extended benefits from the calculation of the IUR as being discriminatory against States such as Michigan for which long-term high unemployment has become an all to real fact of life. We can point to the illogic of treating someone who has been unemployed for 23 weeks as being unemployed for the purpose of determining the IUR, but not including someone who has been unemployed for 30 weeks, even though the latter person may be suffering more from the effects of sustained unemployment.

But pointing to these problems is not enough. It will not put food on people's tables or money in their pockets. Furthermore, attempts to just repeal outright the 1981 changes have been tried but have not met with success. So a more innovative approach is necessary; one which focuses on the simple objective of making sure that States with the highest rates of total unemployment are eligible for extended benefits.

I believe that the legislation which we are introducing today offers just such an approach.

First, it keeps in tact the current trigger levels, thereby not refighting old or lost battles.

Second, it adds a new trigger level which States have the choice of opting out of. This trigger level would be a total unemployment rate (TUR) of 11 percent. In the States for which the Bureau of Labor Statistics compiles seasonally adjusted data for the TUR on a month-by-month basis, the 11-percent trigger level would be determined by looking to the most recently available TUR data for those States. This provision would cover the 10 most populous States in the Nation for which the statistical sample is large enough to make the TUR an accurate measure of labor market conditions.

In the remaining States and jurisdictions, the 11-percent trigger would be determined by looking to the rolling 12-month average of the TUR for those areas, and by looking at the most recently available 1-month data. If an area's TUR is over 11 percent by both measures, it would also be eligible for extended benefits. This two-pronged test is an attempt to increase the sample size as well as to approximate a seasonal adjustment.

Third, the Department of Labor is directed to conduct a study to determine what common measure can be used for all 50 States and eligible jurisdictions to better reflect labor market conditions. In the best of all possible worlds, we would conduct this study first before any further legislative changes are made. But we cannot afford to wait while people are suffering.

Fourth, this new 11 percent trigger calculation would apply to the highest tier of the Federal supplemental compensation program. Therefore, the States experiencing the greatest degree of economic distress would be eligible for the full benefits of the extended benefit program as well as the Federal supplemental compensation program.

In conclusion, let me say this. If this country wants to have an extended benefit program, then it should be fair and it should not be a program that is merely a hollow shell. It should be a real program that provides real benefits. The legislation I am introducing today will do this.

I ask unanimous consent that the text of the legislation follow my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"STATE 'ON' AND 'OFF' INDICATORS

"(d)(1) There is a State 'on' indicator for a week if—

"(A) the rate of insured unemployment under the State law for the period consisting of such week and the immediately preceding 12 weeks—

"(i) equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, and

"(ii) equaled or exceeded 5 percent; or

"(B) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins equaled or exceeded 11 percent; or

"(C) in the cases of a State not described in subparagraph (B)—

"(i) the average monthly total rate of unemployment for such State for the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent, and

"(ii) the total rate of unemployment for such State for the final month of the 12 month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent.

"(2) There is a State 'off' indicator for any week for which there is not an 'on' indicator.

"(3) A State may provide by law that the determination of whether there is a State 'on' or 'off' indicator shall be made as if subparagraph (A) of paragraph (1) did not contain clause (i) thereof, and the figure '5' in clause (ii) thereof were '6'; except that, notwithstanding any such provision of State law, any week for which there would otherwise be a State 'on' indicator by reason of subparagraph (A) of paragraph (1) shall continue to be such a week.

"(4) A State may provide by law that subparagraphs (B) and (C) of paragraph (1) shall not apply to such State.

"(5) For purposes of this subsection, the rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment under the State law for the first four of the most recent six calendar quarters ending before the close of such period.".

"(b) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by adding at the end thereof the following new paragraph:

"(4) A State shall be deemed to be in a '6-percent period' for a week if—

"(A) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins equaled or exceeded 11 percent; or

"(B) in the case of a State not described in subparagraph (A)—

"(i) the average monthly total rate of unemployment for such state for the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent, and

"(ii) the total rate of unemployment for such State for the final month of the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent.".

(c) The amendments made by subsections (a) and (b) shall apply with respect to compensation payable for weeks of unemployment beginning after the date of the enactment of this Act.

(d) The Secretary of Labor shall conduct a study, and shall report the results of such study to Congress not later than two months after the date of the enactment of this Act, with respect to alternatives to the rate of insured unemployment, which would be available with respect to all States, which might provide a more accurate measurement of the employment and labor market situation in each State.●

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 1590. A bill to clarify the contractural authority of the Secretary of the Interior to deliver water to the North Platte Irrigation District project; to the Committee on Energy and Natural Resources.

IRRIGATION ALONG THE WYOMING-NEBRASKA BORDER

● Mr. WALLOP. Mr. President, today I am introducing a bill, together with my colleague from Wyoming, Senator ALAN SIMPSON, which will resolve a long standing issue between the Bureau of Reclamation and some irrigators along the Wyoming/Nebaska border. Congressman DICK CHENEY of Wyoming is introducing the same legislation in the House of Representatives. Our bill will allow the irrigators to continue to conduct their annual silt run as they have in years past.

During water's natural flow, it picks up loose particles of matter or silt which the currents then carry downstream until they settle out again. A graphic example of this can be seen in Louisiana at the mouth of the Mississippi River. The broad delta there was created by the silt that dropped out of the river when it slowed down as it reached the sea. Over the years, this rich sediment has built up into the delta which is plainly visible today.

Since early Egyptian times, farmers have also used this process as a water conservation measure. They purposely flush silt-laden water through their irrigation canals and ditches. As the water flow slows, the silt settles out and lines the canals and coats the fields. This layer acts to seal the ditchbanks thus reducing water losses. For years, the irrigators have used this practice in their farming practices.

During the 1940's, the Bureau of Reclamation initiated negotiations with the North Platte project irrigators to obtain the power generation rights at Guernsey Dam. These negotiations were successful and in 1952, an amendatory contract was signed between the parties. Unfortunately, that contract did not mention the silt run issue.

This contractual silence has led to a continuing dispute between the irrigators and the Bureau of Reclamation regarding the irrigators' right to conduct the silt run. Several years after the contract between the Bureau of Reclamation and the irrigation districts was signed, the Bureau implemented a power interruption charge. The Bureau reasoned that since it is forced to cut back on its electrical power generation at Guernsey Dam during the silt run, the irrigators should pay for the foregone revenue.

However, the irrigation districts strongly disagree. They point out such a charge is not specifically provided for in the contract, and they are understandably concerned that the charge could greatly escalate in the future at the Bureau of Reclamation's whim. The Bureau of Reclamation did not assess any charge for years immediately after the 1952 contract, and Bureau personnel promised that the districts would never have to pay any such charge. It should be noted that this is a unique case. As far as everyone knows, no other Federal facility is involved in a silt run so there is no overall policy on this question.

Although the irrigation districts have paid the charges through 1981, under protest, they refused to do so last year. The Bureau now is threatening not to conduct any more silt runs, which would be disastrous for farming in western Nebraska and eastern Wyoming.

The legislation which Senator SIMPSON and I are proposing today would clarify this issue and allow the districts to continue the run as they have since the project was built—a practice which ultimately reduces the amount of water needed to irrigate the farmers crops and results in the availability of more water for everyone.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Act of June 17, 1902 (32 Stat. 338), as amended by Public Law 97-293, and subject to—

(1) the laws of Wyoming and Nebraska governing the appropriation, diversion, and use of water;

(2) any agreements between the irrigation districts which comprise the North Platte Project; and

(3) the provisions of any applicable interstate compact or court decree,

the Secretary of the Interior, or his designate, shall provide silt-laden waters from the North Platte Project, Wyoming and Ne-

braska, upon the request of the irrigation districts supplied by the Project without any special charge or payment of any kind which is not specifically provided for or enumerated in any existing contractual agreements between the Bureau of Reclamation and the irrigation districts. The United States shall not assert any legal claims against the irrigation districts as a result of such deliveries which are made prior to the enactment of this Act.●

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. DOMENICI, Mr. JEPSEN, Mr. PRYOR, Mr. HEINZ, and Mr. MOYNIHAN):

S. 1592. A bill to amend title XVIII of the Social Security Act to correct provisions relating to the cap for hospice care; to the Committee on Finance.

CAP ON HOSPICE CARE

Mr. DOLE. Mr. President, I am introducing today a measure to correct a provision in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) related to the cap amount for hospice care. As my colleagues are aware, through TEFRA we created hospice care, a new type of benefit available to medicare beneficiaries. Based on legislation I introduced in late 1981, S. 1958, the provision in TEFRA provides hospice coverage for persons judged to be in the last 6 months of life. In such a situation, a medicare beneficiary can elect to receive hospice care for up to 210 days. Coverage under the election includes home care for the dying patient, counseling for the patient, pain-relieving drugs, and medical supplies. "Respite care," which is temporary assistance in caring for the family member who is dying, will also be available to ease the strain placed on family members by the need for constant attendance.

Many believe, as I do, that it is less costly to care for a patient at home, forgoing expensive hospital treatment. But more importantly, hospice care is more humanitarian. Rather than being in a hospital, alone much of the time, hospice care will allow an individual to remain at home, surrounded by family and friends. But there is a problem with the hospice provision as enacted. In a statement made before this body on June 8, 1983, I described a problem that exists as a result of a misinterpretation of a CBO estimate.

As I noted on June 8, when S. 1958 was originally introduced, the per capita reimbursement for a hospice patient could not exceed 75 percent of the per capita medicare expenditure during the last 6 months of life for persons dying of cancer. Based on Congressional Budget Office data prepared last summer, it was assumed that the average cost to the medicare program for the last 6 months of life of beneficiaries dying of cancer was approximately $19,000. With this estimate as a base amount, the payment cap for hospice care would have been nearly $14,600 in 1983. However, information at that time indicated the actual per capita cost for hospice patients was below $6,000. Because of the CBO data, the House Ways and Means Committee, when considering the hospice amendment last summer, decided to alter the cap so that a hospice would receive an amount that was a truer reflection of the costs of care. The new formula, which became part of the TEFRA amendment, provided for a cap based on 40 percent instead of 75 percent of the base amount. This would have resulted in a payment cap of about $7,600.

However, we have since discovered that the CBO information provided at that time included two errors. In stating that $14,600 was the cap amount, the CBO should have said that this was in fact the base amount. Forty percent of that amount produces a much lower cap ($5,800) than Ways and Means expected. Further, in estimating this amount, CBO failed to use the specific legislative language which required updating by the medical component of the CPI. CBO instead updated the base to reflect actual medicare expenditure inflation. This again resulted in an inflated base-cost estimate.

The outcome of all of this is that the administration has determined that based on the statute, the cap amount for 1984 will be a little over $4,200. This is significantly lower than the $7,600 cap we had anticipated, and in fact may be too low for this group of patients. This problem has been the subject of the articles in the Washington Post, New York Times, and Wall Street Journal.

The bill I introduce today corrects the consequences of basing the limit on a per capita cost estimate which is now quite different than that available when TEFRA was being considered. It establishes a fixed cap amount which is a reasonable reflection of the costs of care, and a cap amount which will increase or decrease in future years to reflect medical care price changes.

Mr. President, I urge my colleagues to give this bill their serious consideration.

By Mr. DURENBERGER (for himself and Mr. RIEGLE):

S. 1593. A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit; to the Committee on Finance.

S. 1594. A bill to expand the incentives of the investment tax credit, and for other purposes; to the Committee on Finance.

INVESTMENT TAX CREDIT LEGISLATION

Mr. DURENBERGER. Mr. President, the adoption of accelerated cost recovery was an historic reform, as was reenaction of the investment tax credit 10 years earlier. These dual investment incentives mean lower capital costs, more efficient use of investment dollars, and a cost base more competitive with industries in other nations for those industries able to take advantage of their provisions.

But applying the title Economic Recovery Tax Act to legislation centering on ACRS is somewhat misleading. It may be accurate for some companies and some industries, but it ignores the broad diversity of the American economy.

Like all tax incentives, ITC and ACRS have inherent limitations. Because they are tax incentives, they can only benefit industries that are already yielding profits against which the incentives can be claimed. That is fine for high growth, high profit, capital intensive industries. But there are hundreds of thousands of unemployed steel workers, auto workers, railroad employees, and miners in this country who can testify that there is more to the American economy than high growth and high tech.

Our economy is not a homogeneous unit. It has various sectors which respond to different stimuli and recover at different rates. For a national economic policy to be effective it must incorporate incentives targeted to the particular needs of each of its sectors, be they high technology, basic industries, agriculture, or service industries.

As recovery continues, the historic changes made in ACRS will accelerate the recovery of high growth industries. But it is also fair to say that ITC and ACRS benefits have had and will continue to have only limited impact on the basic industries which harbor the greatest capital investment needs. Under current investment incentives, they will clearly lag behind the rest of the economy in recovery, if they recover at all.

It is a fact of life that the industries facing the greatest need for reinvestment—because they have the oldest physical plants—are also among the economy's least profitable. Steel, automobiles, rail, airlines, and mining are good examples. These basic industries have three troublesome factors in common.

First, each is a true basic industry, employing large numbers of people, and producing a product essential to the Nation's economy.

Second, each is facing immense capital investment needs as it seeks to modernize aging plants and equipment. It is also generally true that these industries have diverted millions of dollars in investment capital to socially rather than economically productive investments, such as pollution control equipment. These are unquestionably valuable investments, but

they have done little to make basic industries more competitive.

Third, in the face of these growing investment needs, each of these basic industries is facing inadequate earnings on an industrywide basis.

No one would deny that modernization of these basic industries is essential to any recovery, to any reindustrialization plan. It is essential to the Nation's future. But ACRS, ITC, and other existing investment incentives will not accomplish the goal. These incentives are virtually useless to the industries that lack profitability. In fact, these earned but unusable credits may actually be harming the basic industries by lowering the cost of capital for their competitors, and making them attractive takeover targets for tax motivated mergers. This bias in the Tax Code has been a major factor in producing the trend toward concentration that has appeared so noticeably in American industry over the past three decades.

Today, I am introducing two bills that go to the heart of this bias, and would provide basic industries with a level playing field. They would give steel, autos, and other basic industries full access to the investment incentives now beginning to benefit other industries. The bills, though different in form, proceed from a common premise.

It is a big mistake to suggest that unemployed basic industry employees in high unemployment areas like Minnesota's Iron Range are the only stakeholders in these reforms. The products produced by basic industries are indeed basic to every phase of our lives. Through the jobs we hold, the products we consume and the military forces that protect us, we all have a stake in the passage of these proposals.

BASIC INDUSTRY REINDUSTRIALIZATION ACT (REFUNDABLE INVESTMENT TAX CREDIT)

The refundable investment tax credit (RITC) is the only tax reform proposal capable of applying the ITC's incentives to basic industries. It also is completely consistent with the theory behind ITC—to render investment dollars a higher priority resource allocation by making every investment dollar worth $1.10. The 10-cent-per-dollar refund granted under refundability is no greater loss to the Treasury than the 10-cents-per-dollar credit being granted to industries that now qualify for the ITC. An industry receiving refunds under an RITC proposal receives no greater benefit than an industry which presently receives the credit. In each case, the benefit rendered (or tax revenue lost) is identical. Only the form of the benefit/loss differs; that is, refund versus tax writeoff.

Without refundability, there are substantial differences between the benefits rendered industries and companies within an industry which qualify and those which do not. The present, nonrefundable ITC creates an anomaly—focusing billions of dollars in Federal assistance on the industries that need it least, while denying any assistance to those industries which need it most. In a sense this overstates the point, since American industry has a general need for tax and investment incentives. But without refundability, the ITC will remain one of this Nation's most poorly targeted tax-planning mechanisms.

The refundable investment tax credit will resolve these defects in the ITC, and take a long overdue step toward developing a tax policy that can meet the unique needs of America's basic industries. It is a bill designed to put the hundreds of thousands of workers who depend on these basic industries back to work.

The Basic Industries Reindustrialization Act will make the investment tax credit refundable for certain classes of industry, extending the benefits of the ITC to those basic industries with the greatest capital investment needs, but the least ability to benefit from other tax measures due to inadequate earnings.

The Basic Industries Reindustrialization Act would yield multiple advantages for American industry and the workers who depend on it. The last decade has illustrated that when industries begin experiencing financial difficulties, new investment is invariably the first item deferred. Over a period of years this has a cumulative effect. Decreased investment means higher unit costs, and loss of competitive advantage. These factors further weaken the industries' cash position, which magnifies the incentive to defer investment. It is a vicious cycle that has been repeated in most basic industries.

The refundable investment tax credit is the only tax reform proposal that attacks this cycle at the onset, by providing financially troubled industries with both the incentive and the liquidity to maintain adequate levels of capital investment. It is a form of preventive maintenance, which can go a long way toward preventing the kind of complete investment collapse experienced in a number of troubled American industries. It makes more sense to focus such assistance at the point where a company hits break-even level, that is, where the vicious cycle begins, than it does to pour billions of dollars into bailing out industries after they have suffered a complete financial collapse.

The refundable tax credit would have significant primary and secondary employment impact—primary in the industries qualifying, secondary in the industries producing the capital goods needed by these basic industries. By definition, refundable tax credits have a high correlation with new investment. No other form of financial assistance for basic industries gets this big a bang for the buck. In addition, the refundable tax credit gives the Federal Government the ability to have near absolute control over where the refunded dollars are spent. Under a refundable credit system, a company must spend money invested in qualifying property to qualify for the credit. Qualifying property can be defined in any way that Congress deems socially desirable. This makes the RITC a very precise tax-planning tool.

Making the ITC refundable would also counter the present law's inherent tendency to use Federal tax subsidies to widen disparities among members of the same basic industry. As Senators LONG and KENNEDY described the problem in a letter to former Treasury Secretary Blumenthal:

> Two firms in the same industry may purchase identical equipment. Yet, one firm may be placed at a competitive disadvantage, because it is not eligible for the 10-percent investment tax credit. It is difficult to understand, for example, why a major Federal subsidy like the investment tax credits should be designed in a way that enables General Motors to pay $90,000 for a $100,000 machine, while requiring American Motors to pay the full $100,000.

From both an economic and a philosophical standpoint, refundable investment tax credits are clearly preferable to the bailouts, subsidies, and import restrictions which have thus far been the only real alternative for assisting reindustrialization of the basic industries.

The Basic Industries Reindustrialization Act is not a mechanism for bailing out failing companies and otherwise healthy industries. It focuses only on basic industries which lack profitability on an industrywide basis. Nor is it accurate to suggest that the benefited industries have been singled out for special treatment. They have already been singled out by their inability to draw significant benefits from the tax incentives in current law. The bill I offer will simply enable those industries to share in the capital incentives we already have granted.

Refundability is a tool, and it is important to recognize that this bill is only one approach to using that tool. The coverage of the bill can be expanded to whatever degree the responsible committees deem advisable. Or, by controlling the percentage refundable in any given year, the concept can be fit within any budget parameters. The targeted approach embodied in this bill is designed to focus on the industries in greatest need, while keeping the cost of the bill within reasonable budget parameters. The possibilities for targeting the refundable tax credit are limited only by the ingenuity of those Senators and Representatives on the tax-writing committees.

The legislation I offer today is a workable, cost efficient means to resolve the problems of basic industries and both a worthy and necessary supplement to the Economic Recovery Tax Act.

THE WORK OPPORTUNITIES AND RENEWED COMPETITION ACT OF 1983

Every argument I offered on the refundable ITC applies with even greater force to ACRS, which has a far greater financial impact on the industries it benefits. For the same reason, it has a far more negative impact on the industries whose marginal profitability prevents them from gaining access to these benefits. The bill will address these problems by permitting a company with earned but unusable credits or ACRS deductions to redeem the benefits with the Treasury for 85 percent of their value. There would be two conditions on the redemption:

First, the refund must be reinvested in qualifying investment property, and

Second, the full (100 percent) value of the redeemed credit would be subject to recapture over a 6-year period. This is an essential provision because the reinvestment requirement creates a new credit, and if there were no recapture the redemption would give rise to an infinitely expanding credit.

The bill is of limited duration, designed to prevent basic industries from being shunted out of the capital markets during the critical recovery stage, and also designed to give Congress time to address the fundamental bias issue through more comprehensive change in the code.

While the bill has negative revenue impact in its initial 2 or 3 years, it reduces the value of outstanding unused tax benefits by 15 percent—a staggering sum of money. While some of these credits would never have been claimed, the combination of the 15-percent surrender and the recapture requirement will render the bill a solid revenue raiser over the full 6-to-7-year period.

I ask unanimous consent that a summary and section-by-section analysis of the WORC bill be printed at this point in the RECORD, and I further ask unanimous consent that it be followed by the full text of each bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE WORK OPPORTUNITIES AND RENEWED COMPETITION ACT OF 1983

I. BASIC EXAMPLE OF THE CONCEPT ALLOWING THE FORFEITURE OF INVESTMENT TAX CREDITS IN EXCHANGE FOR A DISCOUNTED CURRENT PAYMENT LINKED TO NEW INVESTMENTS

At the end of its 1982 taxable year, the taxpayer has $1,000 of investment tax credits (ITC) that cannot be used either in the current year to reduce tax liability or as a carryback to earlier years to produce a tax refund. Current law requires such ITCs to be carried to later years in which they can be used. The bill allows the taxpayer to forfeit the $1,000 of ITC carryovers in exchange for $850 to be paid by Treasury in 1983 and 1984 in conjunction with the investment by the taxpayer of $1,000 in new equipment. A requirement of this forfeiture mechanism is that the taxpayer's tax liability be increased by $1,000 by the end of 1990 at a rate that is no slower than $200 per year from 1986 through 1990. Comparing the present value of the anticipated future use of the $1,000 of ITCs with the value of the $850 exchange, the taxpayer would determine whether or not to elect to forfeit all or none of the $1,000 of ITC carryovers.

This example illustrates the basic concept of the reinvestment credit legislation: to provide approximately equal access to the intended cash flow benefits of the investment tax credit without regard to the particular annual profit/loss variation that may occur from one company to another.

II. OUTLINE OF TECHNICAL DEFINITIONS AND MECHANICS OF OPERATION OF THE CONCEPT

The reinvestment credit

Excess credit: As of the end of its 1982 taxable year (either calendar or fiscal), the taxpayer can compute the amount of ITC (excluding ESOP percentages) which is unusable either to reduce 1982 tax liability or as a carryback to earlier years. This amount is called the "excess investment credit." While this amount may change as a result of audits of 1982 and earlier years, it will not be affected by carrybacks of NOLs and other tax attributes from years after 1982.

Election: Within 180 days of enactment or by the date for filing the return for 1982, the taxpayer may elect to treat the excess investment credit as the new "reinvestment credit." The excess investment credit then ceases to be a carryover to later years. The taxpayer is allowed to elect an amount that is less than the excess investment credit, but the full amount is still forfeited as a carryover. The election is irrevocable, and once made the amount elected cannot be changed.

Election by affiliated groups: Affiliated groups filing consolidated returns must elect on a consolidated basis for the excess investment credit for the entire group as of the end of the 1982 taxable year. If a corporation joins the group after the end of the 1982 year, the election with respect to such corporation can be made only for that corporation and shall apply only with respect to its excess investment credit.

Discounted payment

Having forfeited the ITC carryovers by electing the reinvestment credit procedure, the taxpayer will receive discounted payments from the Treasury equal to 85 percent of its qualified investment in reinvestment credit property during the eligible period from the effective date of the provision through December 31, 1984.

Qualified investments: Under the bill, "qualified investment" means—

(1) the basis in new ITC property that is placed in service during the eligible period,

(2) qualified progress expenditures during the eligible period,

(3) amounts paid during the eligible period by the taxpayer for construction or acquisition of property, and

(4) amounts chargeable to capital account during the eligible period for self-constructed property.

Special rules will prevent double-counting of these items.

Reinvestment credit property: Qualified investments must be made in "reinvestment credit property" which means—

(1) new ITC property,

(2) qualified progress expenditure property,

(3) property which can reasonably be expected to fall into items (1) or (2) when placed in service.

The bill specifically excludes public utility property, any property in an ADR class in which the taxpayer did not own property before the end of its 1982 taxable year, office furniture and fixtures, livestock, and property used in the trade or business of furnishing recreational, food, lodging or personal services.

Information return: The discounted payments become due only after the taxpayer files an "information return" that provides information regarding the qualified investment in reinvestment credit property. The return may be filed with respect to any period that is not less than one month and does not include more than one taxable year.

Computation of a payment: The amount of qualified investment in reinvestment credit property shown on an information return reduces the balance of the reinvestment credit. (The balance cannot fall below zero.) An amount equal to 85 percent of such reduction is the discounted payment that must be made by the Treasury within 45 days of the filing of an information return.[1]

Recapture: Recapture events are treated as follows;

(a) Original ITC property: In the event that ITC property which gave rise to part of the excess investment credit is disposed of or otherwise ceases to be ITC property with respect to the taxpayer, the normal ITC recapture rules continue to work. If this reduces the excess investment credit as originally determined at the end of the 1982 year, the "Overstated Election" penalty, as set forth below, will apply.

(b) Reinvestment credit property: If reinvestment credit property is disposed of or otherwise ceases to be ITC property with respect to the taxpayer, the taxpayer may be required to pay additional tax equal to the lost amount of investment. Such tax can be reduced or completely avoided by the taxpayer if either—

(1) its remaining qualified investment in reinvestment credit property equals or exceeds the total amount actually reported on information returns, or

(2) the result in (1) above can be achieved by counting qualified investment in property that would be reinvestment credit property if the eligible period were extended through December 31, 1985.

Theft and casualties do *not* trigger this recapture rule. The tax imposed by this rule cannot be offset by tax credits.

Affiliated groups: The entire reinvestment credit remains within an affiliated group, and reinvestment can take place anywhere within the group. The subsequent disposition of a subsidiary which contributed to the excess investment credit does *not* carry with it any reinvestment credit attributes. But the disposition of a subsidiary which owns reinvestment credit property *does* trigger the "Reinvestment Credit Property" recapture rule noted above because the property will have left the taxpayer.

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[1] To interact with technical features of the Internal Revenue Code, the bill treats the 85 percent of qualified investments in reinvestment credit property as an overpayment of tax which is then refunded by Treasury.

Overstated election: If the taxpayer either deliberately or unintentionally (e.g., due to later audit adjustments that reduce the ITC carryovers to 1982) elects an amount of reinvestment credit that is greater than the actual excess investment credit as subsequently determined, the entire amount of the excess election will be treated as an underpayment of tax and will be payable as such by the taxpayer.

Repayment of reinvestment credit

The reinvestment credit mechanism requires the repayment of the entire elected amount, not just the 85 percent discounted payment. (If the qualified investments in reinvestment credit property do not fully exhaust the credit, i.e., if a portion remains unused, the repayment is based on the actual amount by which the credit is reduced.)

Higher interim taxes: By electing an amount of reinvestment credit, the taxpayer foregoes the use of such ITCs as carryovers to years after 1982. By so doing, the taxpayer may pay higher taxes in 1983 and later years than would have been the case if the ITCs had been retained and used. Such higher taxes are one form of repayment of the reinvestment credit.

Additional tax: To the extent that higher interim taxes do not fully repay the reinvestment credit, the bill requires the computation and payment in taxable years 1986 through 1990 of such additional taxes as are necessary to meet a schedule of 20 percent per year until 100 percent of the reinvestment credit is repaid.

Reinstatement of credits

When the election of the reinvestment credit is made, the elected amounts are suspended in time rather than allowed as carryovers to later years. When the reinvestment credit is repaid, the credits are reinstated at specific times and in a specific order.

Types of credits: There are four types of credits:

(1) the "cancelled credit" (i.e., the amount of higher interim taxes);

(2) the "unused reinvestment credit" (i.e., the amount of elected reinvestment credit that is not reduced by qualified investments);

(3) the "overstated election credit" (i.e., the excess of the elected amount over the actual excess investment credit), and

(4) the "repaid reinvestment credit" (i.e., the additional tax paid under the 20 percent annual minimum computations).

Timing: The unused reinvestment credit will be taken into account for taxable years ending after 1984. The overstated election credit will be taken into account for taxable years ending after 1985. The repaid reinvestment credit will be taken into account for taxable years for which the additional tax is paid.

Ordering: Beginning with the earliest ITC amounts still viable at the end of the 1982 taxable year, credits will be attributable to such amounts in the following order—

(1) first, the cancelled credit;

(2) second, the unused credit;

(3) third, the overstated credit; and

(4) fourth, the repaid reinvestment credit.

Safe harbor leasing

Reinvestment credit property which gives rise to a discounted payment will not be eligible for safe harbor leasing.

SECTION-BY-SECTION DESCRIPTION OF THE "WORK OPPORTUNITIES AND RENEWED COMPETITION ACT OF 1983"

OVERVIEW OF THE STRUCTURE OF THE ACT

The Work Opportunities and Renewed Competition Act of 1983 (the "Act") implements the new reinvestment credit mechanism by—

(a) amending various sections of the Internal Revenue Code (the "Code") related to the investment tax credit (the "ITC") in order to calculate the amount of the reinvestment credit and to reinstate some portions of the reinvestment credit as ITC carryovers in later years,

(b) inserting new sections and provisions into the Code to create the reinvestment credit, to compute the discounted payment by Treasury that is provided in exchange for the election of the credit, and to guarantee repayment by the taxpayer of the discounted payment, and

(c) amending the overpayment, refund, and underpayment sections of the Code to initiate the discounted payments by Treasury and to impose penalties on the electing taxpayer in certain situations.

The following description is presented in the order in which the new Code provisions are set forth in the sections of the Act. The paragraph headings refer to the new or amended sections of the Code, unless it is specifically noted that a section of the Act is being discussed.

SECTION 1 OF THE ACT

The short title of the Act is set forth. Amendments and insertions referred to in the Act are expressly applied to sections or other provisions of the Code.

SECTION 2(A) OF THE ACT—THE AMOUNT OF THE REINVESTMENT CREDIT

§ 46(i)—The Amount and the Election of the Reinvestment Credit

Code section 46 (relating to the amount of the ITC) is amended by adding a new subsection (i) that allows the election of the reinvestment credit by the taxpayer and defines the basic terms necessary to the computation of the elected amount.

§ 46(i)(1)—Election; Loss of Carryover. The taxpayer is allowed to elect to treat any portion of the "excess investment credit" (a defined term) for the "excess credit year" (a defined term) as the "reinvestment credit" which is described in, and is subject to the rules of, new Code section 59 that is described below. For an electing taxpayer, the entire excess investment credit—not just the amount elected as the reinvestment credit—shall be excluded from ITC carryback or carryover computations until later years as allowed by the special rules in new Code section 46(b)(4) described below. Thus, although the electing taxpayer will not be required by the Code to elect to treat all of the excess investment credit as the reinvestment credit, the effect of the failure to make a 100 percent election is the loss of the carryover with respect to the unelected amount for three taxable years. This carryover restriction will penalize primarily the taxpayer who elects an amount of reinvestment credit that is substantially smaller than the full excess investment credit in anticipation that the unelected portion will be a fully usable ITC carryover in the very near future.

§ 46(i)(2)(A)—Timing of the Election. The election of the reinvestment credit shall be made not later than the later of—

(1) the last day for filing the tax return for the excess credit year (including an extension of time), or

(2) 180 days after enactment of the Act.

§ 46(i)(2)(B)—Consolidated Returns. Affiliated groups of corporations that file a consolidated return for the excess credit year must make the reinvestment credit election through the common parent with respect to the consolidated excess investment credit of the entire group. A corporation which has become a member of the affiliated group after the end of the excess credit year of the group must take a separate election that applies only to its excess investment credit. Thus, although the new member is a member of the group during the reinvestment period under new Code section 59 and the repayment period under new Code section 60, both of which are described below, the separate election requires that the reinvestment credit mechanism of such member be treated separately for all purposes rather than combined with the consolidated computations of the group.

§ 46(i)(2)(C)—Irrevocable Election. Once made, the taxpayer's reinvestment credit election cannot be revoked under any circumstances. Furthermore, the taxpayer cannot change the amount elected. Thus, once made, the election binds the taxpayer to the decision to use the reinvestment credit rules rather than the regular ITC carryover rules. Similarly, the election of an amount create the potential for taxpayer penalties if such amount is subseqently determined to be more or less than the actual excess investment credit.

§ 46(i)(2)(D)—Filing the Election. The taxpayer shall file the election with the District Director where the current taxable year's return will be filed. This election can be filed without prior Treasury regulations in order to accelerate the implementation of the reinvestment credit process.

§ 46(i)(3)—Definition of Terms

§ 46(i)(3)(A)—"Excess Investment Credit." "Excess investment credit" is a defined term that is precisely calculable at any point in time. In general, it is the total amount of ITC that was available but unusable by the taxpayer as of the end of the "excess credit year," which is defined below. This amount is calculated as the sum of—

(1) the ITC carryovers to such year, plus

(2) the ITC generated in such year, minus

(3) any ITC attributable to employee plan percentages (i.e., ESOPs and TRASOPs), minus

(4) the ITC limitation for such year (i.e., the 90 percent limitation on tax liability), minus

(5) the ITC carryback allowable from such year that is used with respect to prior years.

Furthermore, the excess investment credit is determined as of the close of the excess credit year. Thus, carrybacks of net operating losses (NOLs), capital losses, and foreign tax credits to such year or to earlier taxable years from later taxable years will not change the amount of excess investment credit. However, revisions to various income, deduction and credit computations in the excess credit year, or in a prior year that affects the excess credit year, such as through audit adjustments, will affect the amount of the excess investment credit.

§ 46(i)(3)(B)—"Excess Credit Year." The term "excess credit year" means the taxpayer's last taxable year which ended before January 1, 1983. Thus, for calendar year taxpayers, 1982 was the excess credit year while for June 30 fiscal year taxpayers, the year July 1, 1981 through June 30, 1982 was the excess credit year.

§ 46(i)(4)—Interaction with NOL Carryback Election. A taxpayer that experienced an NOL in its excess credit year and that made an election under section 172(b)(3)(C) to relinquish the 3-year carryback of such NOL is allowed to revoke such election at the time of the reinvestment credit election, if it elects to treat as reinvestment credit all of the excess investment credit that is attributable to such revocation (i.e., the additional ITC carryover that are generated by the reduced tax liability limitation in the years to which the NOL is carried back). Such revocation must be made in a statement that is attached to the election that is made under section 46(i) with respect to the reinvestment credit.

SECTION 2(b) OF THE ACT—THE REINVESTMENT PROCESS' DISCOUNTED TREASURY PAYMENTS

§ 59—The Reinvestment Credit

§ 59 (a), (b)—Overpayment of Tax; Reductions in the Reinvestment Credit. The process of exchanging currently unusable ITCs for discounted payments from the Treasury begins with the elected amount of reinvestment credit as the base number. This credit is then reduced by amounts of "qualified investment" in "reinvestment credit property" shown on an "information return" for an "information return period." (These are defined terms that are discussed below.) An amount equal to 85 percent of each such reduction in the credit is then deemed to be an overpayment of tax by the taxpayer for the taxable year in which the information return period falls.

The reinvestment credit can also be increased by recapture events described below, thereby creating the potential for additional reinvestment reductions. The net reduction under section 59(b)(2) (i.e., aggregate reductions less aggregate recapture increases) cannot reduce the reinvestment credit to less than zero.

§ 59(c) (1), (2), (4)—Recapture Generally. If, prior to 1986, any reinvestment credit property in which the electing taxpayer has qualified investment is disposed of or otherwise ceases to be ITC property with respect to the taxpayer, the taxpayer will recapture as additional tax an amount equal to the excess of the net reduction in the reinvestment credit (under section 59(b)(2)) over the total amount of qualified investment in reinvestment credit property that remains after the disposition or cessation event. This computation takes into account the entire amount, or pool, of qualified investment in reinvestment credit property for taxpayers who have cumulative qualified investments that exceed the reductions in the reinvestment credit claimed on the information returns (i.e., they have more qualified investment than the amount of elected reinvestment credit). Thus, the disposition or cessation removes qualified investment from the total pool, but as long as the remaining level of qualified investment exceeds net reductions, there is no recapture.

The calculation of the amount of additional tax required by recapture will be made as of the end of the taxable year, rather than at the time of the event. Casualties and thefts will not be treated as dispositions or cessations for purposes of this section. The additional tax will be treated as a tax for purposes of chapter 1 of the Code, excluding for purposes of claiming credits under sections 31 through 45.

§ 59(c)(3)—Substitution for Recapture. The taxpayer who suffers a recapture event described above is allowed to add to the total pool of qualified investment in reinvestment credit property such additional amounts as would be eligible if the definition of reinvestment credit property covered the period through December 31, 1985 rather than through December 31, 1984.

§ 59(d)—Definition of Terms

§ 59(d)(1)—"Qualified Investment." The term "qualified investment" means—

(1) the basis of new ITC property placed in service by the taxpayer,

(2) qualified progress expenditures (as defined by section 46(d)(3)) of the taxpayer,

(3) amounts paid to other persons by the taxpayer for acquisition of property by, or construction of property for, the taxpayer, and

(4) amounts chargeable to capital account by the taxpayer for self construction of property.

Such amounts are eligible only with respect to the period after September 30, 1983 through the end of 1984. The overlap of various payments and amounts among the four categories is not to be counted twice. The definition qualifies the full basis of property placed in service during the designated period, even if progress payments were made, or the property was acquired, prior to the designated period.

§ 59(d)(2)—"Reinvestment Credit Property." The qualified investment must be made in "reinvestment credit property," which means—

(1) new ITC property,

(2) progress expenditure property, or

(3) property which it is reasonable to believe will be new ITC property when it is ultimately placed in service by the taxpayer.

The "reasonable belief" standard for the third category of property is to be applied based on the facts known at the close of the information return period. Property specifically excluded from the definition includes public utility property, property in an ADR guideline class in which the taxpayer (or a predecessor taxpayer) had not invested prior to the end of the excess credit year, office furniture and fixtures, property used in the trade of business of furnishing recreational, food, lodging or personal services, and livestock.

§ 59(d)(3)—"Information Return." The taxpayer will report the qualified investment in reinvestment credit property by filing an "information return" which provides information with respect thereto. The return is to be filed with the District Director where its current year tax return will be filed.

§ 59(d)(4)—"Information Return Period." The information return can be for any "information return period" of not less than one month and not more than one taxable year. The period must begin after September 30, 1983 and end before January 1, 1985.

§ 59(e)—Overstated Election

An electing taxpayer who first elects an amount of reinvestment credit that exceeds the excess investment credit and then reports qualified investments in reinvestment credit property that reduce the reinvestment credit by an amount that is greater than the excess investment credit will be treated as having underpaid his tax under section 6651. The underpayment will be the amount equal to the excess of the net reduction under section 59(b)(2) over the actual excess investment credit, and such amount may be assessed by the IRS in the manner of a mathematical or clerical error on a return.

The electing taxpayer can trigger this penalty by knowingly electing an excessive reinvestment credit (i.e., an amount which is greater than the excess investment credits which he can substantiate) and then filing information returns and claiming refunds with respect to the full amount. However, because the excess investment credit is a defined term, the amount of which may change due to audit adjustments for the excess credit year or earlier years, the taxpayer also may inadvertently elect an amount which is later determined to be excessive. But the penalty only applies after the taxpayer has already benefitted from the 85 percent payment that follows the filing of information returns.

§ 59(f)—Affiliated Group as "the Taxpayer"

In the case of an affiliated group that has made the election through the common parent as required under section 46(i)(2)(B), the entire group is treated as the taxpayer for purposes of section 59. Thus, either the disposition of reinvestment credit property by a member of the group or the disposition by the group of a member which owns such property triggers the recapture provisions of section 59(c). But the reductions in reinvestment credit under section 59(a), which give rise to the overpayment and refund, are calculated with respect to the entire group. Therefore, the elected amount of reinvestment credit remains with the entire group (which is the taxpayer) even though a member whose unusable ITC contributed to the excess investment credit subsequently ceases to be a member of the group. In short, the elected amount of reinvestment credit cannot leave the group, but the qualified investment in reinvestment credit property can be disposed of by, or cease to be reinvestment credit property with respect to, the group.

This circumstance does not apply when a member of the group has made a separate election as required under section 46(i)(2)(B)(ii). A departure from the group by this member or a disposition or cessation event with respect to its property affects only the single members, not the entire group.

§ 60—Recapture of Reinvestment Credit Refunds

The Act requires the repayment of the discounted payments that are refunded to the taxpayer through the overpayment provisions. Such repayment can occur either in the form of higher taxes in the years 1983, 1984 and 1985 (because the ITC carryovers have been given up), or as an additional tax from 1986 through 1990 (under the provisions of new Code section 60), or through a combination of the two.

§ 60(a), (b), (d)—The Additional Tax. The amount of the additional tax is based on the amount of the net reduction (i.e., the qualified investment less recapture taxes) in the reinvestment credit as determined under section 59(b)(2), not just the 85 percent which has been refunded. The full amount of additional tax will be payable at the rate of 20 percent per year for the five taxable years ending in 1986 through 1990. Each year's calculation is cumulative; for example, 60 percent of the total amount (or 20 percent times 3 years) must be paid through the third year. But the calculated amount for each year is then reduced by the sum of—

(1) such additional taxes paid in preceding years, plus

(2) the aggregate of "cancelled credits" through the current year.

The term "cancelled credit" means the excess of the amount of ITC that could

have been claimed in a given year if the section 46(i) reinvestment credit election had not been made, over the amount of ITC that was actually available in such year after the election was made. Thus, the cancelled credit is the full dollar amount of the ITC that was actually usable in a later year but that was foregone by the taxpayer in exchange for the discounted payment in an earlier year.

§ 60(c)—Additional Tax Not Creditable. The additional tax under section 60 will be treated as a tax for purposes of chapter 1 of the Code, excluding for purposes of claiming credits under sections 31 through 45.

SECTION 2(C) OF THE ACT—REINSTATEMENT OF THE EXCESS INVESTMENT CREDIT

The reinvestment credit election enables the taxpayer to forego currently unusable ITCs in exchange for a discounted payment. As part of the process, the entire excess investment credit—not just an elected amount of reinvestment credit—is suspended as an ITC carryover. To the extent that the benefit of the discounted payment is either repaid as an additional tax under section 60 or is not received at all because the taxpayer fails to make sufficient reinvestments, the ITC carryover is restored for the taxpayer's potential benefit.

§ 46(b)(4)—Reinstatement Procedures

To reinstate amounts of excess investment credit and to provide for an ordering for the use of credits that comprised the excess credit at the close of the excess credit year, Code section 46(b) is amended by inserting a new paragraph (4).

§ 46(b)(4)(A), (C)—Timing. If the excess investment credit exceeds the cancelled credit (as defined above), the difference is reinstated in three categories for use by the taxpayer.

(1) The "unused reinvestment credit," which is that portion of the elected amount which exceeds the net reductions under section 59(b)(2) (i.e., the portion of the elected amount which is not used by the taxpayer) is reinstated for taxable years ending after December 31, 1984.

(2) The amount by which the excess investment credit exceeds the elected amount of reinvestment credit (i.e., the amount by which the election under-states the excess investment credit) is reinstated for taxable years ending after December 31, 1985.

(3) The "repaid investment credit," which is the aggregate of additional taxes imposed under section 60(a), is reinstated for the taxable year in which such tax is imposed.

Since the cancelled credit produces its benefit through the discounted payment and is neither repaid nor unused, there is no need to reinstate it for the taxpayer's use.

§ 46(b)(4)(B)—Ordering Rule. The ITCs that gave rise to the excess investment credit as of the end of the excess credit year must be accounted for in a specified order as the reinstatement process moves forward. Cancelled credits are treated as the oldest ITC carryovers. Unused credits follow the cancelled credit. The understated election amount is third. The repaid reinvestment credit is allocated to the most recent ITCs. The reinstated credits are subject to the 15-year carryover period as though they had not been suspended as ITC carryovers. Thus, for example, a repaid investment credit that is reinstated in 1990 and is attributable to an ITC arising in 1982 has only 7 additional carryover years after 1990, not the full 15.

SECTION 2(D) OF THE ACT—OVERPAYMENT AND REFUND

§ 6401(d)—Overpayment. The overpayment provisions of section 6401 are amended by adding new subsection (d) to specify that 85 percent of the section 59(a) reductions in reinvestment credit are treated as overpayments of tax.

§ 6431—Refund. A new Code section 6431 is added to require the Treasury to refund the amount determined under section 6401(d). Such refund is to be paid within 45 days of the filing of the information return which reports the qualified investment that gives rise to the refund.

SECTION 2(E) OF THE ACT—EXCLUSION OF REINVESTMENT CREDIT PROPERTY FROM SAFE-HARBOR LEASING

The safe harbor leasing provisions of section 168(f)(8) are amended by excluding from the definition of "qualified leased property" an amount of reinvestment credit property that equals the net reductions in the reinvestment credit under section 59(b)(2).

SECTION 3 OF THE ACT—EFFECTIVE DATE

The amendments shall be effective upon enactment to allow the election to be made. The effective date of the reinvestment period is fixed in the bill as October 1, 1983.

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Work Opportunities and Renewed Competition Act of 1983."

(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment or an insertion is expressed in terms of an amendment to, or an insertion of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SECTION 2. EXCESS INVESTMENT CREDIT TREATED AS REINVESTMENT CREDIT.

(a) DETERMINATION OF EXCESS INVESTMENT CREDIT AMOUNT; ELECTION OF REINVESTMENT CREDIT.—Section 46 (relating to the amount of the investment credit) is amended by inserting after subsection (h) the following new subsection (i):

"(i) ELECTION TO TREAT EXCESS INVESTMENT CREDIT AS REINVESTMENT CREDIT.—

"(1) IN GENERAL.—The taxpayer may elect to treat all or any amount of the excess investment credit for the excess credit year as the reinvestment credit for purposes of section 59. In the case of a taxpayer electing under this subsection, the excess investment credit shall not be an investment credit carryback or carryover under subsection (b) except as provided under paragraph (4) thereof.

"(2) TIME AND MANNER OF MAKING ELECTION.—

"(A) IN GENERAL.—An election under this subsection with respect to the excess investment credit for the excess credit year shall be made not later than the later of—

"(i) the last day, including any extension of time, for filing the taxpayer's return of tax imposed by this chapter for the excess credit year, or

"(ii) 180 days after the date of enactment of this subsection.

"(B) CONSOLIDATED RETURNS.—

"(i) AFFILIATED GROUPS AS OF THE END OF THE EXCESS CREDIT YEAR.—In the case of an affiliated group (as defined in section 1504(a)) of corporations that make a consolidated return under section 1501 for the excess credit year, the election under this subsection shall be made by the common parent and shall apply to the consolidated excess investment credit of members of such group except a member of such group that is subject to clause (ii).

"(ii) MEMBERS ADDED TO AN AFFILIATED GROUP AFTER THE END OF THE EXCESS CREDIT YEAR.—In the case of a corporation which becomes a member of an affiliated group after the end of the excess credit year of such group, the election under this subsection shall be made only by such member and shall apply only to the excess investment credit of such member.

"(C) IRREVOCABLE.—The election made under this subsection shall not be revoked, and the amount elected shall not be changed.

"(D) FILING.—The election under this subsection shall be filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the current taxable year.

"(3) DEFINITIONS.—

"(A) EXCESS INVESTMENT CREDIT.—For purposes of this section, the term 'excess investment credit' means the excess of—

"(i) the amount of credit determined under subsection (a)(1) for the excess credit year, as of the close of such year, determined without regard to—

"(I) subsection (a)(1)(C), and

"(II) any amount attributable to the employee plan credit (within the meaning of section 48(o)(3)), over

"(ii) the sum of—

"(I) the limitation determined under subsection (a)(3) for the excess credit year, determined without regard to any carryback of a net operating loss determined under section 172, a net capital loss determined under section 1212, or a foreign tax credit determined under section 904, to the excess credit year or any taxable year preceding such year from a taxable year ending after such year, plus

"(II) the amount of carryback from the excess credit year allowable under subsection (b)(2).

"(B) EXCESS CREDIT YEAR.—For purposes of this subsection, the term 'excess credit year' means the last taxable year which ends before January 1, 1983.

"(4) SPECIAL RULE FOR REVOCATION OF A NET OPERATING LOSS CARRYOVER ELECTION.—Notwithstanding the last sentence of section 172(b)(3)(C) (relating to an election to relinquish a net operating loss carryback), in the case of an election made under such section prior to the enactment of this subsection to relinquish the carryback period with respect to a net operating loss for the excess credit year, such election shall be revoked if the taxpayer—

"(i) elects under paragraph (1) to treat all of the excess investment credit attributable to such revocation as reinvestment credit for purposes of section 59, and

"(ii) attaches a statement of revocation of the election made under section 172(b)(3)(C) to the election made under paragraph (1)."

(b) REINVESTMENT CREDIT.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by inserting after section 58 the following new part and new sections:

"PART VII—REINVESTMENT CREDIT

"Sec. 59. Reinvestment Credit.

"Sec. 60. Recapture of Reinvestment Credit Refunds.

"SEC. 59. REINVESTMENT CREDIT.

"(a) OVERPAYMENT OF TAX.—

"(1) GENERAL RULE.—An amount equal to 85 percent of each reduction determined under paragraph (2) shall be treated as an overpayment of tax under section 6401(d) for the taxable year which includes the information return period.

"(2) REDUCTION IN REINVESTMENT CREDIT.—The reduction determined under this subsection shall be equal to so much of the qualified investment of the taxpayer in reinvestment credit property as is reported on an information return filed for an information return period.

"(b) REDUCTIONS AND INCREASES IN REINVESTMENT CREDIT.—

"(1) IN GENERAL.—The amount of reinvestment credit, as elected under section 46(i), shall be reduced (but not below zero) by the net reduction as determined under paragraph (2).

"(2) NET REDUCTION.—For purposes of this section, the net reduction is the sum of—

"(A) the aggregate amount of reductions determined under subsection (b), less

"(B) the aggregate amount of any increases in tax under subsection (c).

"(c) RECAPTURE OR SUBSTITUTION OF QUALIFIED INVESTMENT.—

"(1) GENERAL RECAPTURE RULE.—If at any time before January 1, 1986, any reinvestment credit property in which the taxpayer has qualified investment is disposed of, or otherwise ceases to be section 38 property with respect to the taxpayer, the tax imposed by this chapter shall be increased by an amount, determined as of the close of the taxable year, equal to the sum of—

"(A) the net reduction determined under subsection (b)(2), less

"(B) the amount of qualified investment in reinvestment credit property as determined after taking into account all such dispositions or cessations.

"(2) SPECIAL RECAPTURE RULE FOR CASUALTIES, ETC.—Paragraph (1) shall not apply to reinvestment credit property that is disposed of or otherwise ceases to be section 38 property with respect to the taxpayer on account of its destruction or damage by fire, storm, shipwreck, or other casualty, or by reason of its theft.

"(3) SUBSTITUTION.—For purposes of the determination under paragraph (1)(B), the amount of qualified investment in reinvestment credit property with respect to which the disposition or cessation has occurred may be reduced by amounts which would constitute qualified investment in reinvestment credit property if 'January 1, 1986' were substituted for 'January 1, 1985' in subsection (d)(1).

"(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall be treated as tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchapter.

"(d) DEFINITIONS.—

"(1) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means the aggregate of—

"(A) the basis of each new section 38 property of the taxpayer (as defined by section 48(b)) placed in service by the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(B) qualified progress expenditures (as defined by section 46(d)(3)) of the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(C) to the extent not included in the amounts described in subparagraphs (A) or (B) for the taxable year, the amount paid by the taxpayer to another person for acquisition of property by the taxpayer or for construction of property for the taxpayer, and

"(D) to the extent not included in the amounts described in subparagraphs (A) or (B) for the taxable year, the amount which is property chargeable to capital account with respect to property being constructed by the taxpayer

during the period after September 30, 1983 and before January 1, 1985.

"(2) REINVESTMENT CREDIT PROPERTY.—

"(A) IN GENERAL.—For purposes of this section, the term 'reinvestment credit property' means property which is—

"(i) new section 38 property (as defined by section 48(b)),

"(ii) progress expenditure property (as defined by section 46(d)(2)), or

"(iii) property which it is reasonable to believe, based on the facts known at the close of the information return period, will be described in clause (i) when placed in service by the taxpayer.

"(B) EXCLUDED PROPERTY.—For purposes of this section, the term 'reinvestment credit property' does not include—

"(i) public utility property (within the meaning of section 167(1)(3)(A)),

"(ii) property described by the Secretary in any asset guideline class pursuant to section 167, only if the taxpayer (or any predecessor taxpayer) had not placed in service any property in such asset guideline class prior to the end of the excess credit year (as defined in section 46(i)(3)(B)),

"(iii) office furniture and fixtures,

"(iv) property used in carrying out the activities of wholesale, retail or, distributive trade,

"(v) property used in providing personal, financial or professional services,

"(vi) property used in the trade or business of providing recreation, lodging, food and beverages, or

"(vii) livestock.

"(3) INFORMATION RETURN.—For purposes of this section, the term 'information return' means a return signed by the taxpayer and filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the taxable year, which provides information with respect to the qualified investment in reinvestment credit property.

"(4) INFORMATION RETURN PERIOD.—For purposes of this section, the term 'information return period' means a period beginning after September 30, 1983 and ending before January 1, 1985 and comprising not less than one month and not more than one taxable year, for which an information return is filed by the taxpayer.

"(e) OVERSTATEMENT OF REINVESTMENT CREDIT.—If the net reduction determined under subsection (b)(2) exceeds the excess investment credit (as defined by section 46(i)(3)(A), the entire amount of such excess shall be treated as an underpayment of tax under section 6651 (relating to failure to file a tax return or to pay tax) and may be assessed in the same manner as in the case of a mathematical or clerical error appearing upon the return.

"(f) TREATMENT OF AFFILIATED GROUP.—For purposes of this section, in the case of an affiliated group that has made on election subject to section 46(i)(2)(B), the affiliated group shall be deemed to be the taxpayer.

"SEC. 60. RECAPTURE OF REINVESTMENT CREDIT REFUNDS.

"(a) INCREASE IN TAX.—There shall be added to the amount of tax imposed by this chapter on a taxpayer electing under section 46(i) the amount determined under subsection (b).

"(b) COMPUTATION OF ADDITIONAL TAX.—

"(1) IN GENERAL.—The amount determined under this subsection shall be the excess of—

"(A) the applicable percentage of the net reduction in the reinvestment credit (as determined under section 59(b)(2)), over

"(B) the sum of—

"(i) the aggregate amount of cancelled credit for the taxable year and for all preceding taxable years, plus

"(ii) the aggregate amount of additional tax imposed by subsection (a) for all taxable years preceding the taxable year.

"(2) APPLICABLE PERCENTAGE.—The applicable percentage of any taxpayer for any taxable year under this subsection shall be determined under the following table:

For the taxable year ending:	*The applicable percentage is:*
In 1986	20
In 1987	40
In 1988	60
In 1989	80
In 1990	100

"(c) SPECIAL RULE.—Any additional tax imposed under subsection (a) shall be treated as a tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchapter.

"(d) CANCELLED CREDIT.—For purposes of this section, the term 'cancelled credit' means the amount by which—

"(1) the credit allowed by section 38 for the taxable year, determined without regard to the election made under section 46(i), exceeds

"(2) the credit allowed by section 38 for the taxable year."

(c) REINSTATED INVESTMENT CREDIT.—Section 46(b) is amended by inserting after paragraph (3) the following new paragraph (4):

"(4) REINSTATEMENT OF AMOUNTS OF EXCESS INVESTMENT CREDIT AMOUNT AS CARRYOVERS.—

"(A) IN GENERAL.—The amount, if any, by which the excess investment credit (as defined by subsection (i)(3)(A)) exceeds the amount of cancelled credit (as defined by section 60(d)), determined as of the end of the taxable year, shall be taken into account under subsection (a)(1)(A)—

"(i) to the extent of the unused reinvestment credit, for taxable years ending after December 31, 1984,

"(ii) to the extent of the amount by which the excess investment credit exceeds the reinvestment credit, for taxable years ending after December 31, 1985, and

"(iii) to the extent of the amount of repaid reinvestment credit, for taxable years for which a tax is imposed by section 60(a).

"(B) ORDERING RULE FOR USE OF EXCESS INVESTMENT CREDIT.—The unused credits comprised in the excess investment credit shall be allocated, in the order of the unused credit years to which they are attributable—

"(i) first to the amount of cancelled credit (as defined by section 60(d)), then

"(ii) to the amount of unused reinvestment credit, then

"(iii) to the amount, if any, by which the excess investment credit exceeds the

amount elected under subsection (i), and then

"(iv) to the amount of repaid reinvestment credit.

"(C) DEFINITIONS.—

"(i) UNUSED REINVESTMENT CREDIT.—For purposes of this subsection, the term 'unused reinvestment credit' means the amount by which—

"(I) the amount elected under subsection (i), exceeds

"(II) the net reduction determined under section 59(b)(2) as of December 31, 1984.

"(ii) REPAID REINVESTMENT CREDIT.—For purposes of this subsection, the term 'repaid reinvestment credit' means the aggregate amount of tax imposed by section 60(a)."

(d) OVERPAYMENT OF TAX; TAX REFUND.—

(1) Section 6401 is amended by inserting after subsection (c) the following new subparagraph (d):

"(d) REINVESTMENT CREDIT.—The term 'overpayment' includes the amounts determined under section 59(a) (relating to the reinvestment credit)."

(2) Subchapter B of chapter 64 of subtitle F (relating to rules of special application of abatements, credits and refunds) is amended by inserting after section 6430 the following new section 6431:

"SEC. 6431. REINVESTMENT CREDIT.

"(a) REFUND GENERALLY.—The overpayment of tax determined under section 6401(d) (relating to the reinvestment credit) shall be refunded by the Secretary to the taxpayer following the filing by the taxpayer of an information return, as defined in section 59(d)(3). Such refund payment shall be made within 45 days of the filing of such return."

(e) EXCLUSION OF REINVESTMENT CREDIT PROPERTY FROM SAFE HARBOR LEASING ELECTION.—Section 168(f)(8)(D)(iv), as amended by section 208(b)(3) of the Tax Equity and Fiscal Responsibility Act of 1982, is amended by deleting "or" at the end of subclause (IV), by substituting a comma and "or" in lieu of the period at the end of subclause (V), and by inserting after subclause (V) the following new subclause (VI):

"(VI) reinvestment credit property (as defined in section 59(d)(2)) except to the extent of the qualified investment (as defined in section 59(d)(1)) in such property that is in excess of the total amount of qualified investment that is equal to the net reduction determined under section 59(b)(2)."

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply upon enactment.

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Basic Industries Reindustrialization Act."

SECTION 1. SUSPENSION OF LIMITATIONS ON INVESTMENT CREDITS.

(a) SUSPENSION.—Section 46(a) of the Internal Revenue Code of 1954 is amended by inserting a new paragraph (8) to read as follows:

"(8) Suspension of limitations.—

"(A) IN GENERAL.—Paragraph (3) of this subsection shall not apply to so much of the credit allowed by section 38 as is attributable to application of the regular percentage to qualified investment (determined under subsections (c) and (d)) of a taxpayer if such qualified investment is with respect to the seven-year period beginning with the taxpayer's taxable year ending after January 1983.

"(B) ORDER OF APPLICATION.—For purposes of this paragraph, the amount of credit allowed in any taxable year shall be determined by reference first to property to which this paragraph does not apply.

"(C) REPORT BY PRESIDENT.—The President shall submit to Congress a report on or before December 1, 1989 recommending whether the 7-year period described in subparagraph (A) of this paragraph should be extended.

In making such recommendations the President shall take into account to the extent possible in each case the projected level of investment credits to be generated in years subsequent to the report, the investment needs of industry, and the projected ability of such industry to utilize the benefits of the investment credits so generated on a current basis without the benefits of this paragraph.

(b) EXCESS CREDIT TREATED AS OVERPAYMENT OF TAX.—Subsection (O) of section 6401 of the Internal Revenue Code of 1954 (relating to excessive credits) is amended—

(1) by inserting "38 (relating to investment in depreciable property)," before "39" the first place it appears, and

(2) by striking out "39 and 43" and inserting in lieu thereof "38, 39, and 43".

(c) CONFORMING CHANGES.—

(1) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(f) TIME INVESTMENT CREDITS CONSIDERED PAID.—For purposes of sections 6511 and 6512, the taxpayer shall be considered as paying an amount of tax on the last day prescribed by law for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments) equal to so much of the credit allowed by section 38 (relating to investment credit) as is treated under section 6401(b) as an overpayment of tax.".

(2) The heading for section 6611 (d) of such Code is amended to read as follows:

"(d) ADVANCE PAYMENT OF TAX, PAYMENTS OF ESTIMATED TAX, CREDIT FOR INCOME TAX WITHHOLDING, AND TIME INVESTMENT CREDITS, CONSIDERED PAID.—"

SEC. 2. TENTATIVE REFUND OF INVESTMENT TAX CREDIT.

(a) Section 6411(d) of such Code (relating to tentative carryback and refund adjustments) is amended as follows:

(1) by inserting after the words "tentative refund" the words "of so much of the credit allowed by section 38 (relating to investment credit) as is treated under section 6401 (b) as an overpayment of tax for the taxable year, or";

(2) by deleting the word "and" at the end of subsection (1)(B);

(3) by inserting immediately after "(C)" in subsection (1) the words "in the case of an application for a refund of an amount treated as an overpayment of tax under section 1341(b)(1),";

(4) by deleting the period at the end of subsection (1)(C)(v), and substituting therefor a comma followed by the word "and"; and

(5) by adding at the end of subsection (1)(C) the following new subsection:

"(D) In the case of an application for a refund of the amount of a credit allowed by section 38 (relating to investment credit) and treated as an overpayment of tax under section 6401(b), set forth such information in such detail and with such supporting data as the Secretary may prescribe by regulation.".

(b) Section 6213(b)(3) of such Code (relating to assessments arising out of tentative carryback or refund adjustments) is amended by adding a comma after "carryback" and by inserting immediately before the words "he may assess" the words "or the amount creditable under section 38 and treated as a refund under section 6401(b),".

SEC. 3. AUTHORIZED OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. TSONGAS:

S.J. Res. 125. Joint resolution designating the first week of October as "National Remanufacturing Week"; to the Committee on the Judiciary.

NATIONAL REMANUFACTURING WEEK

● Mr. TSONGAS. Mr. President, the growth of the remanufacturing industry in this country represents potential relief for America's unemployment and natural resource problems. Remanufacturing offers significant benefits in reduced energy and mineral consumption, and reduced solid waste disposal problems. It is labor intensive and offers consumers alternative goods at significant cost savings.

In order to recognize the contribution that remanufacturing can make I am introducing a joint resolution to designate the first week in October as National Remanufacturing Week.

I would also like to share with my colleagues remarks made by Harry A. Holzwasser, president of Arrow Automotive Industries, Inc., regarding the remanufactured car industry. Mr. Holzwasser's statement illuminates an innovative concept that could stimulate industry, create jobs, and fill a presently unmet consumer demand.

Mr. President, I ask unanimous consent that the full text of the joint resolution and a copy of Mr. Holzwasser's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 125

Whereas remanufacturing offers employment opportunities to workers in regions of our country hard hit by recession and plant closings at a time when we need more meaningful private sector jobs;

Whereas remanufacturing offers jobs which will remain in our country at a time of job exporting;

Whereas the industrial process of remanufacturing results in tremendous savings of our vital nonrenewable mineral resources by salvaging nine pounds of material for every pound used at a time when our country is becoming increasingly aware of the need to conserve mineral resources;

Whereas remanufacturing has proven to be extremely energy efficient with an energy recapture ratio four to six times that used in the original manufacturing process at a time of need to conserve energy in the United States;

Whereas remanufacturing offers products and parts equal to or better than new prod-

ucts and parts at a cost to the consumer 30 per centum to 50 per centum less than the new product or part at a time when our country needs to contain inflation;

Whereas remanufacturing contributes to the reduction of our country's solid waste disposal problems; and

Whereas remanufacturing now spans industries ranging from automotive to image reproduction to dispensing machines to telephones; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first week of October be officially designated as National Remanufacturing Week throughout these United States.

DESIGN FOR REMANUFACTURING

(By Harry A. Holzwasser)

I appreciate the opportunity to speak to you.

To me, this is a very special occasion. I spend a lot of my time talking to people who sell or buy auto parts. Invariably someone complains that "they" don't make automobiles the way "they" used to. Or "they" ought to do this or that to help simplify the automotive service industry. And so on. Then everything would be all right.

Now I am privileged to have the opportunity to talk to "they", and suggest that "they"—meaning you—have a momentous opportunity to affect one of America's largest industries, the automotive aftermarket, and at the same time take a positive step on behalf of automakers as well. I am talking about the challenge of designing and building automobiles for remanufacturability.

Although many of you are no doubt familiar with remanufacturing, let me tell you briefly about our industry. Let me begin by making an important distinction between remanufacturing and rebuilding.

Rebuilding, as this slide shows, is the process of dismantling a piece of equipment, replacing the elements that are broke or worn out, then putting it back together.

Remanufacturing, on the other hand, is a production-scale process in which, automotive parts are disassembled, the components reconditioned or replaced, and parts are precision built from a random selection of these components on an assembly line. As these slides show, all functional components are removed in the remanufacturing process, then inspected and replaced with new components where necessary.

And there is another difference between rebuilding and remanufacturing. Remanufacturers, to one degree or another, re-engineer. For example, we may re-engineer a part to eliminate a flaw that we discover to be responsible for shortening the part's original life.

Or we may redesign a part, or consolidate many parts, to allow them to serve as replacement for a variety of makes and models. General Motors for many years made two different starters for its V-8 engines—a high-torque unit for the larger V-8's and a low-torque version for smaller V-8's. We replace all low-torque starters with better performing high-torque ones. In another instance, alternators are re-engineered to be free of potentially damaging voltage spikes. We also make consolidations to reduce parts numbers and inventory requirements for all segments of the distribution chain.

The result of remanufacturing is that a part made by GM, Ford, Chrysler, Honda, Toyota, etc. becomes a part with the Arrow label on it. It carries our logo and our warranty. It is as good as a new replacement part in terms of its expected performance and life, or it is better.

Arrow and other major remanufacturers today carry out their businesses no differently than new parts manufacturers—from the assembly line, to testing, to quality control. Producing a broad line of parts is also fundamental to those of us whose operations are national in scope.

Arrow has three plants—in Spartanburg, South Carolina, Morrilton, Arkansas, and Santa Maria, California—and our product line includes 16 parts or systems for passenger cars, light and heavy trucks, farm vehicles and heavy-duty industrial and construction equipment.

Arrow's own history mirrors that of the industry. The company was founded in 1929 as a rebuilder, came of age during World War II when new parts production was virtually suspended, and now is one of the largest remanufacturers in the nation.

Today more than 2,000 companies, most of them small and regional in scope, are engaged in rebuilding or remanufacturing for the automotive aftermarket. We at Arrow and other major remanufacturers must depend on our own reputations and quality standards in order to compete successfully.

This guarantee of quality is one reason I stress the difference between remanufacturing and rebuilding. In addition, I believe that remanufacturing can play an important role in helping us enjoy a more sane and stable economy than we have witnessed in recent years. The key will be our success in achieving wider recognition that something that is not new can be just as good as something that is new.

Already a new public attitude is emerging. Consumers are beginning to demand that what we manufacture be designed to last, and be built well enough to be worthy of maintenance and repair.

I know well that engineers are quite familiar with what constitutes this kind of product quality and what does not. To be more specific, I know that you, as automotive engineers, could design and build an automobile that would be nearly indestructible and functionally beautiful as well. I recognize that we all must pay heed to the cost and marketing requirements that strongly influence ultimate design. If what we make is not salable, because it is unaffordable or doesn't catch the consumer's fancy, whether the product is cars or soap, our science is wasted.

A great deal of engineering in the automotive industry in recent years might be termed engineering for weight-reduction, for the ultimate purpose of saving fuel. For example, as the chart shows, starters in many General Motors cars have become progressively lighter over the past decade. Look at the specification differences in early and late model Delco starters. Some of the windings in the field coil have been removed, the overall size of the solenoid has been reduced and the thickness of the field housing wall is considerably thinner.

Then there is engineering for increased manufacturing productivity—designing components that can be made faster, to reduce cost. In the case of the same Delco starter, GM previously used four screws to fasten pole shoes in the field case. Now the entire assembly is press-fit which makes it more difficult to remanufacture because of the shearing effect caused by disassembling and reassembling the unit. This reduces the interference fit and shortens the life span of the field case.

Engineering directed at reducing materials cost leads to the same end. There is no question that America's automotive engineers have responded creatively to the imperatives of energy, labor and resource economics although in the difficult economy of recent years the payoff has not been fully realized.

Under these same pressures, I believe Americans have become more cost and quality-conscious. And the kind of economy that produced record car sales in the late 1970's is gone. People are no longer prepared to incur great personal debt, while tossing out perfectly serviceable vehicles all for the prestige of having the newest car on the block.

Hard experience, I believe, has made today's public more practical. Many people are having lots of experience with older cars, perhaps for the first time, and are finding out just how long-lasting their cars really are. I believe this enforced pragmatism has much to do with the inroads being made by foreign cars. Perhaps the most difficult task facing our domestic industry is restoring our reputation for world leadership in quality. It will take time and it will depend in no small part on how dependable and serviceable current models prove to be when they are two, three or even seven years old, which is nearly the age of today's automotive fleet. As you know, the fleet of imported cars today is much younger, averaging only three years, so perhaps the Datsuns and Toyotas haven't been truly put to the durability test yet.

How can engineering for remanufacturing play a part in all this?

In the broadest sense, engineering for remanufacturing means engineering for the longest possible product life. That does not suggest that components won't wear out or occasionally break. But it does mean that when an auto part succumbs to wear and tear, it can be replaced cost effectively. This is the role of remanufacturing. An M.I.T. study documented that, on the average, 80 percent by weight of a broken or worn-out part is unaffected and requires only minimal work such as inspecting and cleaning in the remanufacturing process. The re-use of these components has benefits that can be measured in a number of ways.

It saves enormous amounts of energy. According to this M.I.T. study of the industry, water pumps remanufactured in just one year save the energy equivalent of 2.2 million gallons of fuel oil. That's enough oil to heat 1,600 New England homes for the winter.

It also represents the re-use of tons of steel that otherwise would, at best, be recast into something else, or at worst, would rust in some junkyard. These measures of the contribution of automotive remanufacturing are not insignificant. As you may know, our industry is the major source for many replacement parts. For example, more than 90 percent of the alternators, starters, and distributors installed in America as replacements are remanufactured, not new.

The energy and material savings achieved in remanufacturing are not ends in themselves. They do help to explain why remanufactured parts are substantially less expensive than new parts. For example, a new alternator for a 1980 Chevrolet V-8 5-liter engine typically retails for $194.15. A remanufactured alternator for the same vehicle averages $85.25. A new water pump for the same car costs $62.14, compared to $48.30 for a remanufactured pump, a new

starter costs $193.85, a remanufactured starter costs $87.80.

We are talking about a $3 billion industry: Remanufacturing is a substantial factor in the automotive aftermarket. Since our products cost 40 to 60 percent less than new replacement parts, our revenues of $3 billion represent another $5 billion to $7 billion unspent by the car and truck-owning public in keeping their vehicles going.

To put it another way, we help your consumers keep down the cost of using your product. We enhance your reputation for producing a long-lasting vehicle, which can help you sell new cars. And as I've indicated, I believe that in the years to come, consumers will make their judgments about which car to buy based in large measure on their experience of its quality and durability. And brand loyalty, the basis of repeat sales, will be rooted in these attributes.

Engineering for remanufacturing is part and parcel of creating durable quality. In recent years, we have tracked the increasing use of plastics and aluminum in automotive assemblies that has resulted from engineering for weight reduction. And we've seen what can only be called short-cuts—design compromises that make the component less expensive to produce without due regard to its life or remanufacturability.

I should mention before I cite any examples that the standard set by American car manufacturers over the years has been a high one. Even under today's pressures we find, for example, that a typical domestic starter is made to stand more wear and tear than that of the typical import. American alternators have a higher load capacity. And so on.

Unfortunately there is an increasing number of instances of cost and weight engineering that are, in our view, shortsighted. Here are just a few examples:

The use of aluminum in place of cast iron in water pumps. Chrysler, for example, made this switch in the mid-1970's. This saves a few pounds. While in general, aluminum components are salvageable, in remanufacturing, an acidic solution in the water causes oxydation and often these aluminum castings have to be replaced.

The use of molded commutators in starter armatures. Traditionally these elements were segmented copper. Ford switched as long ago as the late 1960's, to molded phenolics that have to be replaced in remanufacturing.

Similarly, the brush holders for starters and alternators were individual units of stamped steel. At ford, for example, this gave way in the late 1970's to a single plastic unit holding several brushes. The brush holders wear more rapidly and cannot be remanufactured.

The use of dipped plastic insulation in place of wrapped wire is common in Japanese imports, Chrysler and General Motors vehicles. Previously repairing the wire was a simple matter of re-wrapping. Replacing or repairing the plastic covering, now, in remanufacturing, is a messy, costly and time consuming process.

Plastic pistons are being used in brake calipers, in place of drop forged steel. Only twenty percent are usable in remanufacturing. Chrysler was the first to adopt plastic pistons but Ford and, more recently, General Motors have followed suit.

An example, of a short-cut in design is leaving out the bronze bushings in distributor housings. The result is metal to metal wear ruining the housing. Formerly we simply punched out the bronze bushing and replaced it while preserving the housing.

I am not an engineer, but my associates tell me there is a rich field where keen engineering minds can find opportunities to make parts more remanufacturable.

I do not suggest that the average car-owner is going to be aware of these or other examples in which life expectancy is shortened by making remanufacturing more costly or impossible. Indeed, the increasing sophistication of components and the increasing use of electronics will probably make do-it-yourselfers more rare rather than more common.

At the same time, however, the car owner is keenly aware of the cost and frequency of repair—more keenly aware than in the past because he is keeping his car longer—and that is not likely to change.

In the past, the new car buyer anticipated that in two years or so he would be trading his car in for another new one. He considered himself to be getting in under the wire—before the breakdowns and repairs began.

As for the buyer of that two-year-old car, he traditionally anticipated that he might get lucky, and if not, well, that's to be expected in a used car.

So the car buyer has really had only two choices—the new car, traditionally styled for today but not for tomorrow, or the used car, purchased with less money and offering correspondingly less confidence in its dependability.

I believe that car buyers ought to have a third choice, one that provides reasonably priced, mechanically secure transportation. The day will come when we have remanufactured cars—and I hasten to add that if such an eventuality seems a competitive threat to Detroit, it would not be. Its annual sales would very likely be measured in thousands, not millions.

Already, companies have sprung up that remanufacture such prestige cars as the BMW 2002 of the early 1970s. But what I'm describing is creation of a practical, low-cost, and above all mechanically secure transportation alternative for those whose choice would otherwise be a used car, or none at all. A remanufactured car could have new paint, a refurbished interior, and most important of all, remanufactured mechanicals throughout to give the vehicle an entirely new lease on life. It would carry a warranty and be priced midway between a new car and a traditional used car.

As I envision it, remanufacturing sites would be regionally localized businesses, franchised or co-owned. The "cores", of course, would be components that today find their way to remanufacturers and bodies that presently end up in the crusher. Buyers could bring their own used vehicle in for remanufacture or buy one off the floor. Trade-ins would be remanufactured as well. Naturally, the cars chosen for remanufacture would have to be popular production cars such as, for example, the Olds Cutlass of the early 1970's.

We should look to other industries who have already taken this idea to heart and put it into practice. IBM is just one example of companies who are building remanufacturability into the design of their new equipment. Why shouldn't automotive engineers do the same? Listen to an expert in automotive remanufacturing before making new design decisions. If the idea sounds plausible to you, then I have made the point that I wanted to: The American public wants automobiles, new or otherwise, that are engineered to last. Engineering for remanufacturing is very much a part of this.●

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. LUGAR, Mr. JEPSEN, Mr. LEAHY, Mr. ZORINSKY, Mr. PRYOR, Mr. HELMS, Mr. DOLE, Mr. COCHRAN, Mr. PERCY, Mr. BOSCHWITZ, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. QUAYLE, Mr. EAGELTON, Mr. BOREN, Mr. CRANSTON, Mr. HEINZ, Mr. RANDOLPH, Mr. STENNIS, Mr. FORD, Mr. HEFLIN, Mr. BAUCUS, Mr. EXON, Mr. RIEGLE, and Mr. BUMPERS):

Senate Joint Resolution 126. Joint resolution to designate the week of July 17, 1983, through July 23, 1983, as "National Corn Week"; to the Committee on the Judiciary.

NATIONAL CORN WEEK

● Mr. DIXON. Mr. President, I am pleased to introduce, together with many of my Senate colleagues, a joint resolution to authorize and request the President to designate the week of July 17, 1983, through July 23, 1983, as "National Corn Week." The purpose of this resolution is to honor the American corngrowers and others responsible for the benefits that the United States reaps from the various uses of this important agricultural product.

American farmers utilize one-fifth of the total U.S. farmland or approximately 84 million acres to produce over $20 billion worth of corn; 40 percent of this corn production is exported, which substantially benefits the U.S. balance of payments. The conversion of corn into alcohol fuels can further help the American balance of payments by making us more independent of foreign energy sources. These and many other contributions that are of benefit to all Americans make those involved in corn production deserving of this recognition.

Mr. President, I ask unanimous consent that the text of the resolution be printed in full at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows;

Whereas corn is the largest grain crop in both production and cash value grown in the United States;

Whereas July is critical to the final stages of corn growth;

Whereas corn production utilizes one-fifth of the total United States farmland or eighty-four million acres;

Whereas more than one million American farmers unite to produce a total of over seven billion bushels of corn a year valued at twenty billion dollars;

Whereas corn can be easily converted into a fuel for automobiles, trucks, and tractors to make the United States more independent of foreign energy sources;

Whereas corn ranks as one of the most efficient plants on earth for converting solar energy into food;

Whereas a refined corn product in the form of starch or syrup is contained in a

quarter of all food products in supermarkets, to sweeten, color, flavor, and texture such products;

Whereas the United States corn growers produce almost half of the corn crop of the world and provide seventy percent of the corn in world trade to feed millions of people;

Whereas forty percent of the corn produced in the United States is exported to benefit the American balance of payments by seven billion dollars; and

Whereas corn is a large factor in the United States foreign exchange, bringing in more dollars than all other grains combined: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of July 17, 1983, through July 23, 1983, is designated as "National Corn Week", and the President is authorized and requested to issue a proclamation calling upon interested groups to celebrate the week with appropriate programs and activities that stress the importance and the benefits of American corn production for the people of the United States and the world.

By Mr. WARNER (for himself, Mr. SASSER, Mr. PRESSLER, Mr. THURMOND, Mr. DOMENICI, Mr. CHAFEE, Mr. MCCLURE, Mr. HECHT, Mr. RANDOLPH, Mr. GOLDWATER, Mr. BUMPERS, Mr. BOSCHWITZ, Mr. DECONCINI, Mr. EAST, Mr. HATCH, Mrs. HAWKINS, Mr. D'AMATO, Mr. HELMS, Mr. CHILES, Mr. INOUYE, Mr. LONG, Mr. MITCHELL, Mr. PRYOR, Mr. TSONGAS, Mr. HEFLIN, Mr. NUNN, Mr. STAFFORD, Mr. WILSON, Mr. HOLLINGS, Mr. TRIBLE, Mr. MELCHER, Mr. HEINZ, Mr. DURENBERGER, Mr. BRADLEY, Mr. BENTSEN, Mr. MOYNIHAN, Mr. PROXMIRE, and Mr. HUDDLESTON):

S.J. Res. 127. Joint resolution designating the week of May 27, 1984, as "National Tourism Week"; to the Committee on the Judiciary.

NATIONAL TOURISM WEEK

● Mr. WARNER. Mr. President, today I am joined by 37 of my colleagues including my able friend, the Senator from Tennessee (Mr. SASSER) who cochairs with me the Senate Tourism Caucus, the distinguished chairman of the Senate Tourism Subcommittee (Mr. PRESSLER) and the distinguished chairman of the Senate Judiciary Committee (Mr. THURMOND), in introducing a Senate joint resolution declaring the week of May 29, 1984 "National Tourism Week."

Mr. President, during the Nation's bicentennial, I had the privilege of serving as the administrator of the American Revolution Bicentennial Administration. It was during my tenure in that position that I developed a deep understanding of the importance of tourism as a moving force in our economy and as a medium enabling people throughout our land and abroad to develop a better understanding of one another.

Travel and tourism is America's second largest retail industry. It employs more than 4.6 million people, and generates over $17 billion in local, State, and Federal tax revenue.

In 1981, travel by Americans within the United States reflected expenditures for goods and services of $179 billion, while visitors coming to the United States spent an additional $12.2 billion. These expenditures supported over 5 percent of the nonagricultural payroll employment in 1981—more than 10 percent of the 40 million new jobs created since 1958.

Looking at the foreign travel picture, in 1981, the U.S. Travel Data Center estimated that in 1981 63,000 visitors were in the United States on an average day—23 million visitors in 1 year, supporting nearly 300,000 American workers. Worldwide, the United States benefits from 11.5 percent of the total international travel expenditures.

With this perspective in mind, I became actively involved in travel and tourism issues when I came to the Senate in 1979. As a member then of the Senate Commerce Committee, I had the pleasure of working with the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. PRESSLER) and the then-Senator from Nevada Mr. Cannon in developing the National Tourism Policy Act.

I also had the opportunity to work with my distinguished cochairman (Mr. SASSER) in forming the Senate Tourism Caucus which has evolved over the past 3 years as a catalyst to bring Senators together on travel and tourism issues.

This year, more than any I can remember, the Senate has aggressively turned its attention in support of numerous travel and tourism measures including the resolution I am introducing today.

Mr. President, I am very proud to represent my colleagues in bringing this bill to the floor for the Senate's consideration. To me, this measure reflects the significance Congress places in the travel and tourism industry. This measure reflects the importance with which the Congress views the travel and tourism industry, and it reflects the value Congress places in the contributions made by the travel and tourism industry to our economy and to America's standing with its world neighbors.

It is my hope that this resolution will receive a swift, but full hearing in the Judiciary Committee and be reported out in time to enable the travel and tourism industry to take full advantage of the special week this resolution seeks to designate.●

● Mr. SASSER. Mr. President, I am pleased to join with Senator WARNER in introducing this resolution calling for the designation of the week of May 27, 1984, as National Tourism Week.

It seems wholly appropriate to take such action in the wake of reports yesterday that the U.S. merchandise trade deficit worldwide soared to a record-high $6.9 billion for the month of May, and that the U.S. Commerce Department is projecting an annual trade deficit for 1983 of $70 billion.

No single industrial initiative is going to reduce or eliminate the trade deficit, but I will submit that few industries benefit the U.S. trade picture so immediately and directly as does the travel and tourism industry. A well-placed investment in travel and tourism can reap scores, yes hundreds, of times its size in economic benefits.

Travel receipts make up over 6.5 percent of the U.S. gross national product. Domestic and international travel in 1981 represented $191 billion in expenditures in the United States, was responsible for a $40 billion payroll, 4.6 million in directly related and 2.2 million in indirectly related jobs, generated $9.3 billion in Federal tax revenues, $6.6 billion in State tax revenues and $2 billion in local tax revenues.

Yet, despite record trade deficits and despite the importance of travel and tourism to our national economy and to the tax base of Federal, State and local governments, the Federal Government has not been especially sensitive to the needs of this industry.

Data released recently by the Travel and Tourism Council show that the United States, on a per capita basis, ranks at the bottom of nearly every international index of spending aimed at promoting travel and tourism.

Beyond the per capital rankings, other measures are even more disquieting. As of 1981, the United States maintained fewer overseas Government tourism offices that the Governments of Spain, Italy, Greece, Morocco, Malaysia, Germany, Yugoslavia, Kenya, Finland, Sri Lanka, Macao, Korea, Norway, Hong Kong and Thailand.

Clearly, there is more that we can do. The Congress has become sensitive to the issue. Established in 1980, the Senate Tourism Caucus now numbers over 70 members. We in the Senate last month approved the authorization for funding for the U.S. Travel and Tourism Administration (USTTA).

Though there may be differences of specifics on other parts, pending Department of Trade legislation gives USTTA a significant role. today's introduction complements these actions.

A National Tourism Week will encourage all those concerned with the future and the health of the vital travel and tourism industry to appreciate and understand the real, tangible economic benefits this industry provides.

I hope my colleagues will agree to expeditious passage of this resolution.●

ADDITIONAL COSPONSORS

S. 163

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 163, a bill to amend title XII of the Public Health Service Act to provide for demonstration programs relating to emergency health care for children.

S. 217

At the request of Mr. THURMOND, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 217, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 237

At the request of Mr. WALLOP, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 337

At the request of Mr. PACKWOOD, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 602

At the request of Mrs. HAWKINS, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 602, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 619

At the request of Mr. TSONGAS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 619, a bill to reauthorize, extend, and enhance existing Federal programs to encourage conservation and the use of renewable energy by this Nation's consumers.

S. 764

At the request of Mr. WARNER, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 836

At the request of Mr. PELL, the names of the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Hawaii (Mr. INOUYE), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 836, a bill to provide for the continuation of the National Diffusion Network.

S. 871

At the request of Mr. MITCHELL, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 871, a bill to amend the Public Works and Economic Development Act of 1965, as amended.

S. 1113

At the request of Mr. D'AMATO, the names of the Senator from Louisiana (Mr. JOHNSTON) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1144

At the request of Mr. HEINZ, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1170

At the request of Mr. PRYOR, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1170, a bill to establish a Director of Operational Testing and Evaluation in the Department of Defense, and for other purposes.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1276

At the request of Mr. MITCHELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1276, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1325

At the request of Mr. MCCLURE, the names of the Senator from Colorado (Mr. ARMSTRONG) and the Senator from Nebraska (Mr. ZORINSKY), were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1356

At the request of Mr. D'AMATO, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 1356, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts with law firms for the collection of indebtedness owed the United States.

S. 1360

At the request of Mr. HART, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1360, a bill to establish a grant program to provide for a centralized system of child care information and referral.

S. 1363

At the request of Mr. HART, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1363, a bill to protect human health and the environment by establishing adequate controls on the management of hazardous wastes.

S. 1382

At the request of Mr. STEVENS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1382, a bill to amend the Communications Act of 1934 to insure availability of basic telephone service at reasonable rates.

S. 1444

At the request of Mr. MELCHER, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 1444, a bill to deny most-favored-nation status to any country that in the judgment of the President denies religious freedom to its citizens.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1475, a bill to to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1537

At the request of Mr. DANFORTH, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the four following fiscal years.

S. 1541

At the request of Mr. BYRD, the name of the Senator from New York (Mr. MOYNIHAN), the Senator from Tennessee (Mr. SASSER), the Senator from Utah (Mr. GARN), the Senator from Texas (Mr. BENTSEN), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S.

1541, a bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise unaccounted for in Southeast Asia.

SENATE JOINT RESOLUTION 19

At the request of Mr. INOUYE, the names of the Senator from Connecticut (Mr. WEICKER) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize and request the President to designate the period August 26, 1983, through August 30, 1983, as "National Psychology Days."

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. TSONGAS) and the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 84

At the request of Mr. GARN, the names of the Senator from Tennessee (Mr. SASSER), the Senator from Maryland (Mr. SARBANES), the Senator from Michigan (Mr. RIEGLE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Utah (Mr. HATCH), the Senator from Rhode Island (Mr. PELL), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Joint Resolution 84, a joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. RUDMAN, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Oregon (Mr. PACKWOOD), the Senator from Connecticut (Mr. DODD), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Maine (Mr. COHEN) was added as cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 116

At the request of Mr. KASTEN, the names of the Senator from Wyoming (Mr. WALLOP), the Senator from Georgia (Mr. MATTINGLY), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week."

SENATE JOINT RESOLUTION 119

At the request of Mr. HUMPHREY, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Louisiana (Mr. LONG), the Senator from North Carolina (Mr. EAST), the Senator from Kansas (Mr. DOLE), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. SASSER, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. MOYNIHAN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 120, a joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American.

SENATE RESOLUTION 137

At the request of Mr. KASTEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as cosponsor of Senate Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 158

At the request of Mr. JACKSON, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. SASSER), the Senator from Maine (Mr. COHEN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 158, a resolution expressing the sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America.

SENATE RESOLUTION 168

At the request of Mr. DECONCINI, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 168, a resolution expressing the sense of the Senate with respect to the provision of emergency assistance to the people of Ethiopia.

AMENDMENT NO. 1316

At the request of Mr. GLENN, the names of the Senator from Massachusetts (Mr. TSONGAS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Amendment No. 1316 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

SENATE CONCURRENT RESOLUTION 49—RELATING TO FRINGE BENEFITS TAXES

Mr. DECONCINI submitted the following concurrent resolution, which was referred to the Committee on Finance:

S. CON. RES. 49

Whereas the United States economy is in terrible condition, with output stagnated and unemployment at unacceptably high levels;

Whereas the Federal tax system is held in disrepute by a majority of Americans because it is riddled by deductions, credits, exemptions, and exclusions from income, such as fringe benefits, which make it basically unfair;

Whereas these perverse subsidies of the tax system draw resources into unproductive uses to the ultimate detriment of the economy and well-being of all Americans;

Whereas fringe benefits, deductible by employers, but not taxable to the recipient, are completely outside the current tax system;

Whereas efforts to bring some of these fringe benefits within the grasp of the Internal Revenue Service, while continuing to exclude other types of fringe benefit income, is a classic example and continuation of the ruinous tax policy "by bandaid" approach that is at the core of so many of our economic and fiscal ills; and

Whereas recent studies have demonstrated beyond dispute the negative effects of our present tax system on growth, employment, innovation, productivity, and capital generation, and have gone on to offer alternative approaches to taxation that offer realistic hope of economic revitalization based upon a sane and simple tax system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the raising of additional revenues through the taxation of some fringe benefits, while leaving others untaxed, is symbolic of the pitiful, shameful, and inadequate effort to reform our tax system and should not be pursued,

(2) a complete overhaul of our tax system is necessary and the adoption of a tax system based on equity, simplicity, and efficiency must occur in the near future, and

(3) any broadening of the base of revenue that would be a part of a new tax system must be accompanied by a reduction of the tax rates applied to income.

Mr. DECONCINI. Mr. President, the papers have been filled with stories about the administration's renewed effort to tax what they refer to as "fringe benefits" in certain areas of employment.

Frankly, Mr. President, I find the continual attack on certain groups by this administration to be petty and cynical at best. As in so many other respects, the administration plays favorites regarding who and what it wants to tax. Its tax reductions favor the rich at the expense of the middle and lower income classes and its new tax proposals are aimed at those same middle and lower income groups. Through all of this, the administration appears to be steadfast in its resolve not to support broad tax reform.

A fundamental principle that has traditionally been embodied in the laws of our Nation is the idea that the tax burden should be shared equitably among all groups. This is absolutely not the case today. Our tax code is a disgrace. All those who have a sound knowledge of the subject concur. It is a tax code which blatantly favors the rich at the expense of everyone else.

Now, the administration wants to eliminate a few of the benefits that trickle down to middle income Americans. They specifically want to tax any tuition assistance that university professors receive, benefits received by airline employees, and special merchandise discounts often given employees in factories and stores. We are in the midst of a national debate on the quality of education with politicans of every stripe seriously pondering the question of how to attract qualified people to the teaching profession. For years, universities and colleges have used tuition assistance as a way to lure good people since sufficient funds have not been available to make salaries comparable to private sector jobs. Now the administration wishes to take this one benefit away through an unfair tax policy.

At the same time that the administration would tax away any potential benefits that accrue to Americans of moderate means, it makes no effort at all to eliminate things like the "three martini lunch" and interest deductions which primarily affect the higher income brackets.

Our Tax Code is one long series of special treatments for different groups and businesses. To selectively remove the exemptions of some groups while leaving exemptions in place for other similarly situated is, at best, discriminatory, and at worst, just plain cynical.

What is needed to achieve an equitable tax system is a complete overhaul of the system which will replace special interest provisions with a cohesive system that treats all people equally. I am convinced that a flat-rate tax system, similar to S. 557, which I have proposed, is the only way this can be accomplished. If the administration is truly interested in tax reform, let it adopt my proposal, or a similar proposal.

In the meantime, I think it should lay off university professors, airline employees, and others who would bear the brunt of the administration's latest tax proposals. It is hardly equitable to punish a few while retaining special privileges for the many.

Therefore, Mr. President, I am introducing a concurrent resolution asking that the Senate Finance Committee and the House Ways and Means Committee, as well as the administration, direct their attention to overall tax reform as opposed to the kind of piecemeal, discriminatory proposals that have been recently advanced.

SENATE CONCURRENT RESOLUTION 50—RELATING TO U.S. CONTRIBUTIONS TO THE UNITED NATIONS

Mr. MOYINHAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 50

Resolved by the Senate (the House of Representatives concurring),

Whereas the U.S. Government has expressed in law its opposition to the use of United States contributions to the United Nations to support programs for the Palestine Liberation Organization or for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it; and

Whereas the United Nations has announced the convening in Vienna, Austria, on July 11 to 13, 1983, of an international conference, the effect of which is to provide a propaganda platform resulting in political benefits to the Palestine Liberation Organization: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress declares that, in accordance with the policy enunciated in several prior laws, United States contributions to the United Nations should be reduced by the United States proportionate share of the amount of United Nations funds used to support the international conference to be held in Vienna, Austria, on July 11 to 13, 1983.

Mr. MOYNIHAN. Mr. President, I am today submitting a concurrent resolution urging the administration to withhold from the American contribution to the United Nations this year the proportionate U.S. share of funds that will be spent on an International Conference on the Fascist-Racist Alliance between South Africa and Israel, a meeting scheduled to convene in Vienna July 11-13, 1983. Representative TOM LANTOS of California will be introducing identical legislation later today in the House of Representatives.

As it is unusual to devote a congressional resolution to an event otherwise as obscure as a U.N. conference in Vienna—one of thousands of U.N. meetings that will take place around the world in the course of this year—a bit of background may be in order.

Senators will recall that in each of the last two authorization acts for the Department of State, legislation covering 4 fiscal years, Congress has included requirements that the American contribution to the United Nations be reduced by an amount related to sums spent by U.N. agencies on programs providing political benefits to the terrorist Palestine Liberation Organization. The two most notorious PLO fronts have been cited explicitly in the legislation: the Special Unit on Palestinian Rights in the Secretariat, and the General Assembly's Committee on the Exercise of the Inalienable Rights of the Palestinian People.

This latter group had been established by the U.N. General Assembly during the time I served as this country's Permanent Representative to the United Nations, on November 10, 1975—the same day, significantly, the General Assembly adopted the notorious resolution equating Zionism with racism. Very much in the slanderous, vicious spirit of that resolution, the committee has since been a prominent and active clearinghouse for materials and meetings devoted almost exclusively to the misrepresentation of events in the Middle East, to mendacious attacks on Israel and the Jewish people. Often as not the committee has been a fountain of anti-Semitism in the U.N. system.

The reasons for the unusual restriction on American contributions to the U.N. system are therefore clear and compelling. I need not elaborate on the methods or purpose of the PLO.

At the time the Senate last considered this issue, in June 1981, I proposed that Congress add another dimension to this restriction. It had become clear to many of us that there were many other programs and projects outside these two groups equally devoted to sanitizing and promoting the PLO in international forums. It was equally clear that the Congress is not well equipped institutionally to oversee the many myriad workings of the vast U.N. bureaucracy. Accordingly, one part of the amendment I offered on the floor on June 17, 1981—an amendment that became section 104 of Public Law 97-241—required the State Department to review all the budgets of every U.N. agency—

To determine which projects have the primary purpose of providing political benefits to the Palestine Liberation Organization.

Section 104 also requires that an amount equal to 25 percent, the U.S. proportionate share, of funds allotted to any such program benefiting the

PLO "or entities associated with it" be withheld from our contribution. Finally, section 104 requires that a report be sent annually to Congress about this.

No such report has yet been sent to Congress.

Moreover, the Department of State has apparently not been able to determine that there are programs providing political benefits to the PLO. One clear instance, however, recently came to light and is the object of the resolution I am submitting today.

On May 20, 1983, a U.N. committee, chaired by a Mr. Vladimir A. Kravets, of the Ukraine, announced that a conference would be convened in Vienna on July 11-13 of this year to examine: "The Fascist-Racist Alliance between South Africa and Israel." The purpose of such a conference is manifest in the title. Its objective is to promote the fallacious idea that Zionism is a form of racism indistinguishable from the doctrine of apartheid that governs life in South Africa. This is very much in the spirit of the General Assembly resolution adopted on November 10, 1975, equating Zionism with racism. It is also of a whole with the ongoing, now decades old, campaign inspired by the Soviets to paint Israel as an outlaw nation, in a class with contemporary South Africa, whose racial policies are morally repugnant.

The inevitable beneficiary of such a conference would be the PLO, which continually seeks to undermine the good name and reputation of Israel in its campaign to win political legitimacy in the international arena. As its own program of terrorism and perpetual obstructionism with respect to efforts to establish peace in the region cannot win many friends, it has instead devoted its political efforts to attacks on Israel.

The Vienna conference I have cited, devoted as it is to the promotion of the mendacious idea that an alliance of some sort exists between South Africa and Israel, would clearly provide political benefits to the misbegotten PLO. The unmistakable intentions of Congress when it adopted section 104 was to require the State Department to withhold funds because of such a conference.

On June 14, I wrote to the Secretary of State expressing my hope that the Department would make the appropriate announcement with respect to this conference.

Yesterday, I received in reply a letter from Assistant Secretary of State Powell A. Moore which said, in effect, that maybe the United States will withhold the money and maybe it will not. Mr. Moore wrote that:

> The Department is seeking information about the ultimate character and costs of the Conference. Upon receipt of that information, we will determine what action should be taken.

Mr. President, I submit that it should already be clear what the United States must do if we are to retain our credibility at the United Nations. Having committed ourselves in law and in principle to withhold funds if the U.N. agencies were to continue to devote extraordinary resources to the perpetuation of tension and the promotion of conflict—as the conference in question so manifestly does—we will invite only contempt if we fail to do so now.

So, in cooperation with Congressman LANTOS of California, I propose that the Congress should make known its view that the United States should abide by the spirit of section 104 of Public Law 97-241, and withhold funds in this instance.

I would note in conclusion that the United States, under a new policy being put into effect this year, will not turn over to the United Nations the assessed contributions for the calendar year 1983 until the beginning of the next fiscal year, that is until after October 1. So this question will not become moot simply because the date of the conference will pass in 2 weeks' time.

I invite colleagues who may share my view to become cosponsors of this concurrent resolution.

I ask that the letters to which I have referred, as well as the texts of several related documents, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 14, 1983.

HON. GEORGE P. SHULTZ,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I write to inquire about what seems to be a serious—and suddenly urgent—oversight in the conduct of our policy with respect to the United Nations. At issue is American credibility there.

The Congress has twice in recent years written into State Department authorization legislation provisions I have sponsored requiring that the United States withhold from its contribution to the U.N. our proportionate share of what is spent on two P.L.O. front groups operating within the U.N. system (the Secretariat's "Special Unit on Palestinian Rights" and the U.N.G.A.'s "Committee on the Exercise of the Inalienable Rights of the Palestinian People"). The reasons for this unusual restriction are clear and compelling; I need not elaborate on the purposes or methods of the P.L.O.

At the time the Senate last considered this issue, in June of 1981, I added a new dimension to this expression of American opposition to the program of the P.L.O. It had become clear to us here in the Congress that we simply do not have available the resources to permit a thorough accounting of other pro-P.L.O. activities and programs in the U.N. system. Accordingly, on June 17, 1981, I offered an amendment (which eventually became Section 104 of Public Law 97-241) requiring an annual review by the administration of the budgets of the United Nations and its specialized agencies—

"to determine which projects have the primary purpose of providing political benefits to the Palestine Liberation Organization."

The amendment also required that an amount equal to 25 percent (the U.S. proportionate share) of the funds alloted for any such project benefiting the P.L.O. "or entities associated with it" be withheld from our regular contribution to the United Nations or the specialized agency involved, and that a report on this be submitted to Congress. No such report has yet been sent to Congress.

Activities promoting the P.L.O., however, continue at the U.N. Most recently, a press release (#GA/AP/1445) issued in New York on May 20, 1983, announced that the U.N.'s Special Committee against Apartheid, chaired by Mr. Vladimir A. Kravets of the Ukraine, would convene an "International Conference on the Alliance between South Africa and Israel at the Vienna International Centre from 11 to 13 July 1983."

It is apparent from the release itself that the primary purpose of this conference is to provide political benefits to the Palestine Liberation Organization—not only through the false allegation that an "alliance" exists between these two countries, but also through the mendacious insinuation that there are doctrinal similarities between Zionism and Apartheid. In the environs of the United Nations, I state on the basis of personal experience there, such slanders should be understood to be intended precisely to promote the P.L.O.

May I suggest that the United States must announce that it will accordingly withhold the American share, 25 percent, of the funds expended on this—or any similar—program or project sponsored or supported by the United Nations.

If we ignore the proposed conference, or try to explain it away, having committed ourselves in principle and in law to withhold funds, we will invite only contempt from our adversaries and disillusionment among our friends.

I hope you will shortly be able to inform me that the U.S. will be withholding funds from the U.N. because of this conference, and that the report required by Section 104 is forthcoming.

Sincerely,

DANIEL PATRICK MOYNIHAN.

U.S. DEPARTMENT OF STATE,
Washington, D.C., June 23, 1983.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: The Secretary has asked me to reply to your letter of June 14, 1983 concerning United States withholding of its assessed contribution to the United Nations for projects which have the primary purpose of providing political benefits to the Palestine Liberation Organization (PLO).

The Department has been diligent in attempting to ascertain the amount of funds the United Nations has expended on such projects. So as to assure compliance with P.L. 97-241, the Department has held back $3 million to cover any required withholdings through fiscal year 1983. We believe this is a prudent step since we have seen no evidence that UN expenditures on activities subject to withholding would amount to as much as $12 million, thus implying a requirement to withhold $3 million. Should we not have adequate margin to impose the necessary restrictions, we would simply

withhold the indicated additional amounts from our fiscal year 1984 appropriation.

The Department is not satisfied with the responses received thus far from the United Nations in reply to our requests for information regarding amounts budgeted by the UN for PLO related activities. As a result, the Department has not closed its books on previous years, let alone this year. The Department intends to submit the requisite report to the Congress with the close of fiscal year 1983.

The International Conference on the Alliance between South Africa and Israel, which was authorized by a General Assembly resolution of December 9, 1982, is part of the 1983 work program of the UN Special Committee against apartheid. The U.S. voted against the resolution, and the Department is seeking information about the ultimate character and costs of the Conference. Upon receipt of that information, we will determine what action should be taken. In any case, the U.S. share of funding for the Conference itself would come from fiscal year 1984 appropriations not yet received.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative and Intergovernmental Affairs.

[From Public Law 97-241, Aug. 24, 1982, State Department Authorization for fiscal year 1982 and 1983]

RESTRICTIONS RELATING TO THE PALESTINIAN RIGHTS UNITS AND PROJECTS PROVIDING POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

SEC. 104. (a) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity); and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity); and

(3) 25 percent of the amount budgeted for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose primary purpose is to provide political benfits to the Palestine Liberation Organization or entities associated with it.

(c) The President shall annually review the budget of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing political benefit to the Palestine Liberation Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

(d) Subsections (a)(3) (b) shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies, for projects whose primary purpose is to provide humanitarian, educational, developmental, and the other nonpolitical benefits to the Palestinian people.

[Department of Public Information, Press Section, United Nations, N.Y., press release, GA/AP/1445, May 20, 1983]

INTERNATIONAL CONFERENCE ON ALLIANCE BETWEEN SOUTH AFRICA AND ISRAEL TO BE HELD IN VIENNA, 11 TO 13 JULY

The following statement was issued today by the Acting Chairman of the Special Committee Against Apartheid, Vladimir A. Kravets (Ukraine):

The Special Committee against Apartheid is holding an International Conference on the Alliance between South Africa and Israel, at the Vienna International Centre from 11 to 13 July 1983. The Conference is being organized in co-operation with the Afro-Asian Peoples' Solidarity Organization, the Organization of African Trade Union Unity and the World Peace Council.

The agenda of the Conference includes an analysis of the relations between South Africa and Israel and their implications and ramifications, as non-governmental organizations and others.

Participants in the Conference will include representatives from United Nations bodies, the Organization of African Unity (OAU), the League of Arab States and other intergovernmental organizations, national liberation movements, non-governmental organizations, and experts.

The Special Committee attaches great importance to this Conference in the light of resolution 37/69 F on relations between Israel and South Africa, adopted by the General Assembly on 9 December 1982.

SENATE RESOLUTION 171—RELATING TO TRADING STATUS OF ROMANIA

Mr. HELMS submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 171

Resolved, That the Senate does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 3, 1983, with respect to the Socialist Republic of Romania.

● Mr. HELMS. Mr. President, on June 3 President Reagan recommended to Congress that most-favored-nation trade status to Romania be renewed. This renewal was recommended mainly because Romania indicated that the education repayment imposed on potential emigrants by the Government would be rescinded.

Rescinding the education tax would certainly be a first step in improving the emigration situation in Romaina; however, to the best of my knowledge, the United States has still not received any written assurances from the Romanian Government that this tax has in fact been rescinded, nor that it will be reinstated during the coming year.

Mr. President, for the record, let me state precisely what this education tax entails. Citizens wishing to emigrate from Romania have been required to pay hard currency for any schooling received beyond the 10-year compulsory level before being permitted to obtain a passport for emigration. This tax amounts to $3,700 for a person with a high school education, and $4,000 per person for each year of college education. This education repayment is no more than an obvious ransom whereby people are literally purchased out of Romania by sympathetic friends in the West, and runs counter not only to the Jackson-Vanik amendment to the Trade Act of 1974, but also to all of the international human rights agreements to which Romania has subscribed.

When Foreign Minister Andrei met with our State Department last month, a period of work/job service was mentioned as a substitute for the hard currency payment currently in force in return for higher education. If the education tax were replaced by an unreasonable period of time for such work/job service, Romania would be taking backward steps from the goal of improving their emigration situation—especially if anything over a 3-year period of such service were proposed. Before committing ourselves to the extension of MFN, these matters should be clarified so there are no misunderstandings on either side.

Last year assurances were given that processing time for emigrants would be reduced to 9 months the first year and 6 months thereafter. Assurances were also given that harassment of emigrants would cease.

Mr. President, I would cite two examples from the many cases that have come to my attention. First is the case of Maria Harangus, a citizen of Timisoara, Romania. Maria Harangus has been asking for permission to emigrate from Romania since 1979, and is an English teacher by profession. Finally, in 1982, she was given an application for emigration which she completed. Not only was she told that she would never be allowed to emigrate, she was also removed from her job, and told that she would not be allowed to teach English for a period of 10 years.

Another case is that of Nicolei Teodarache and family, citizens of Bucharest, Romania. The Teodarache family applied for emigration in 1980. They were flatly refused permission to emigrate. Nicolei Teodarache's son, Mircea, was beaten by the police in the street, and Nicolei Teodarache was removed from his job 6 months ago.

Not only were the assurances of last year not honored, but an education tax was imposed on emigrants, making free emigration close to impossible.

Furthermore, last year the Romanian Government ordered that all citizens register their typewriters and the print styles of all typewriters.

It appears that instead of improving, the situation in Romania has worsened. The same emigration problems of last year are still in existence. Moreover, the imposition of a totally new education tax can only be viewed as a cynical bargaining chip—an attempt to make the emigration process so onerous that even a return to the status quo would seem to be a relief.

Therefore, Mr. President, I send to the desk, a resolution of disapproval for the extension of most-favored nation trade status with respect to the Socialist Republic of Romania.●

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION, 1984

ZORINSKY (AND OTHERS) AMENDMENT NO. 1439

Mr. ZORINSKY (for himself, Mr. ANDREWS, Mr. BOREN, Mr. BURDICK, Mr. EXON, and Mr. MELCHER) proposed an amendment to the bill (H.R. 3223) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes, as follows:

On page 62, after line 2, insert a new section as follows:

"SEC. 626. None of the funds provided by this Act may be used to conduct a producer reserve program for wheat and feed grains, or a payment-in-kind land diversion program, under which the Commodity Credit Corporation, in making payments to producers for storage of a commodity by the producer, provides payment for such storage in an area at rates that are less than the rates at which the Corporation provides payment for the storage of the commodity in commercial storage facilities in the area.".

TRIBLE (AND OTHERS) AMENDMENT NO. 1440

Mr. TRIBLE (for himself, Mr. WARNER, Mr. MATHIAS, and Mr. SARBANES) proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 8, line 19, strike out "$23,227,000" and insert in lieu thereof "$27,727,000, of which $4,500,000 shall be available only for the construction of Phase III of the Virginia-Maryland Regional College of Veterinary Medicine".

ANDREWS (AND OTHERS) AMENDMENT NO. 1441

Mr. ANDREWS (for himself, Mr. BOREN and Mr. BENTSEN) proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 26, line 11, following the figure $9,673,636,000, insert the following: ": *Provided*, That the Secretary of Agriculture is directed in connection with all commodities, under the payment-in-kind program, particularly cotton, to carry out the original commitment to producers."

MATTINGLY AMENDMENT NO. 1442

Mr. MATTINGLY proposed an amendment to the bill H.R. 3223, supra, as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a) Out of any funds made available to the Commodity Credit Corporation by this Act, the Secretary of Agriculture shall utilize not less than $5,000,000, or an equivalent value of commodities owned by the Commodity Credit Corporation, to provide—

(1) direct or blended credit for foreign purchasers in excess of such credit programs otherwise funded by this Act;

(2) bonus incentives for foreign purchasers;

(3) commodity distributions or monetary assistance for United States producers; and

(4) any combination of paragraphs (1), (2), and (3);

for the purpose of maintaining, developing, or increasing the export of agricultural commodities and products, including value-added products, produced in the United States.

(b) To the extent practicable, the expenditures and contributions required by this section shall be targeted by the Secretary of Agriculture to facilitate sales of United States products in markets in which foreign competing products are, in the Secretary's determination, subsidized directly or indirectly resulting in a competitive disadvantage for such United States products.

LEVIN (AND EAGLETON) AMENDMENT NO. 1443

Mr. LEVIN (for himself and Mr. EAGLETON) proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 49, following line 22 add the following:

For an additional amount for the elderly feeding program, $875,000, to pay outstanding claims for meals served in fiscal year 1979.

HELMS AMENDMENT NO. 1444

Mr. HELMS proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 44, strike "for the period October 1, 1983 through August 15, 1984" on lines 20 and 21;

On page 47, strike ", for the period October 1, 1983 through July 10, 1984" on lines 14 and 15; and

On page 48, strike ", for the period October 1, 1983 through September 6, 1984" on lines 6 and 7.

MELCHER AMENDMENT NO. 1445

Mr. MELCHER proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 8, line 10, strike out the period and insert the following: ": *Provided further*, That of the appropriations hereunder not less than $5,000,000 shall be available for additional animal cancer research to carry into effect the provisions of Public Law 96-469."

BAUCUS AMENDMENT NO. 1446

Mr. BAUCUS proposed an amendment to the bill, H.R. 3223, supra, as follows:

At the end of the bill, add the following new section:

SEC. 626. (a) Except as provided in subsection (b), none of the funds appropriated by this Act may be obligated or expended to provide, to any person who produces an agricultural commodity on highly erodible land, any of the following:

(1) Price support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act.

(2) A loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

(3) Crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(4) A disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(5) A new loan made, insured, or guaranteed, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, that will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(b) Subsection (a) shall not apply to—

(1) any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity planted by a person before the date of enactment of this Act;

(3) any agricultural commodity planted by a person during any crop year beginning before such date;

(4) any loan described in subsection (a) made before such date; or

(5) any agricultural commodity produced using a conservation system which—

(A) has been approved by a soil conservation district and is based on technical standards set forth in the Soil Conservation Service technical guide for that soil conservation district, or

(B) in an area where no soil conservation district exists, has been approved by the Secretary.

(c) For purposes of this section—

(1) the term "agricultural commodity" means any agricultural commodity normally produced by annual tilling of the soil, including one-trip planters; and

(2) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification systems as in effect on the date of enactment of this Act. The land capability class for a field shall be that determined to be the "predominant" class under regulations issued by the Secretary of Agriculture.

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 1447

Mr. BOSCHWITZ (for himself, Mr. BOREN, and Mr. BAUCUS) proposed an amendment to the bill, H.R. 3223, supra, as follows:

On page 52: On line 18 strike out "$872,000,000" and insert in lieu thereof "$936,000,000"; on line 18 strike out "$402,000,000" and insert in lieu thereof "$466,000,000"; on line 23 strike out "$650,000,000" and insert in lieu thereof "$682,000,000"; on line 24 strike out "$650,000,000" and insert in lieu thereof "$682,000,000".

COCHRAN (AND EAGLETON) AMENDMENT NO. 1448

Mr. COCHRAN (for himself and Mr. EAGLETON) proposed an amendment to the bill, H.R. 3223, supra, as follows:

On page 54, line 7, after the figure $364,410,000 insert the following: ", of which $5,000,000, to remain available until expended, shall be available to meet unanticipated costs of emergency activities not provided for in budget estimates"

REHABILITATION AMENDMENTS OF 1983

CHILES AMENDMENT NO. 1449

(Ordered to lie on the table.)

Mr. CHILES (for himself, Mr. DOMENICI, and Mr. PELL) submitted an amendment intended to be proposed by them to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes, as follows:

At the end of the bill, add the following new title:

TITLE III—OTHER AUTHORIZATIONS

MODIFICATION OF CERTAIN RECONCILIATION ACT LIMITS

SEC. 301. (a) Section 506 of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $112,000,000 for the fiscal year 1984".

(b) Section 527 of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $825,000,000 for the fiscal year 1984".

AMENDMENT TO RAISE THE CEILING FOR VOCATIONAL AND ADULT EDUCATION

Mr. CHILES. Mr. President, when the Rehabilitation Amendments of 1983, S. 1340, comes before the full Senate for consideration, I will be offering an amendment, on behalf of myself, Mr. DOMENICI, and Mr. PELL to raise the authorization ceilings for vocational and adult education programs.

When Congress passed the Omnibus Budget Reconciliation Act of 1981, we placed a cap or ceiling on the amount that could be appropriated for vocational and adult programs at $735 million for vocational education, and $100 million for adult education. In the case of vocational education, we did not lower the maximum authorization level of over $1 billion, we simply limited the amount that could be appropriated, through 1984, at $735 million.

For fiscal year 1983, vocational programs are funded at over $728 million, just $7 million below the cap, and adult education is receiving $95 million, only $5 million less than the ceiling. That leaves us in a real bind when we sit down to determine appropriations for fiscal year 1984 for these programs.

There is a general consensus that vocational and adult education programs are critical ones that should be maintained and continue growing to meet the training needs of youth, and the basic education and retraining needs of adults.

We are still experiencing unemployment rates of over 10 percent. Unemployment among black Americans is over 20 percent, and 45 percent of the Nation's black youth cannot find work. Yet our defense and domestic industries are facing critical shortages of workers with high technology skills. Not too long ago we enacted a special appropriations package to create jobs through existing programs. No additional funds were added to vocational or adult education programs because of the ceilings. We are neglecting an important rung in the ladder to economic recovery if we do not adequately fund these programs in 1984.

The budget resolution we adopted has ample room to accommodate the ceilings I am proposing with my colleagues today. The House version of the Rehabilitation Act amendments contains the same levels for vocational and adult education. As the Education Subcommittees in the House and the Senate continue to work on the various proposals to reauthorize vocational education after 1984, I think we ought to adopt these ceilings so the program can continue the gains it has made in the meantime.

VETERANS DISABILITY COMPENSATION AND SURVIVORS BENEFITS AMENDMENTS OF 1983

CRANSTON AMENDMENT NO. 1450

(Referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (S. 1388) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, as follows:

On page 6, between lines 18 and 19, insert the following new title:

TITLE III—EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

SEC. 301. (a) Subject to subsection (b) and notwithstanding section 5004(a)(1) of title 38, United States Code, or any other provision of law not to exceed $25,000,000 in funds that were appropriated to the Veterans' Administration construction, major projects, account and that the Administrator of Veterans' Affairs has determined are no longer needed either for the projects for which such funds were appropriated or for contingencies arising in the Veterans' Administration's construction program may be expended in fiscal year 1984 for the purpose of undertaking in fiscal year 1984 working drawings for the construction or alteration of any medical facility in order that such construction or alteration can, subject to appropriations therefor, be undertaken in fiscal year 1985, except that no funds may be expended under this paragraph for working drawings for the replacement or new construction of a complete health-care facility.

(b)(1) The amount obligated for working drawings under subsection (a) for any one medical facility shall not exceed $2,500,000.

(2) No working drawings for the construction or alteration of any particular medical facility shall be undertaken under subsection (a) unless 30 days prior to undertaking the drawings the Administrator has provided to the Committees on Veterans' Affairs and on Appropriations of the House of Representatives and the Senate written notice thereof and of the estimated range of the total cost of such construction or alteration and of the cost of the drawings.

(c) For the purpose of this section, the term "medical facility" shall have the meaning specified in section 5001(3) of such title.

On page 6, line 19, strike out "III" and insert in lieu thereof "IV".

On page 6, line 20, strike out "301." and insert in lieu thereof "401.".

ATLANTIC SALMON CONVENTION ACT

PACKWOOD AMENDMENT NO. 1451

Mr. BAKER (for Mr. PACKWOOD) proposed an amendment to the bill (S. 925) to make certain technical corrections in the Atlantic Salmon Convention Act of 1982, as follows:

Strike out all after the enacting clause and substitute the following:

TITLE I—MARINE FISHERIES PROGRAMS

SEC. 101. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

SEC. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is

unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

SEC. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

SEC. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

"(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

SEC. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

SEC. 202. (a) Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802) shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b) notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)), filed with the Immigration and Naturalization Service of the United States Department of Justice prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United States.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

PUBLIC BUILDINGS AUTHORIZATION ACT OF 1983

DANFORTH (AND BENTSEN) AMENDMENT NO. 1452

Mr. BAKER (for Mr. DANFORTH, for himself, and Mr. BENTSEN) proposed an amendment to the amendment No. 1434 to the bill (S. 1287) to authorize appropriations for the Public Buildings Service of the General Services Administration for the fiscal year 1984, as follows:

On page 3, "SEC. 7." is amended to read as follows:

"SEC. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest, in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building that the Administrator and the Chairman of the United States International Trade Commission jointly determine is suitable to its headquarters operations and in a location in downtown Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The selection of the building shall be made with the concurrence of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

"(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building, and to assure that conditions therein are safe, presentable and suitable to the normal operations of these agencies.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator and the Chairman of the United States International Trade Commission jointly determine that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

METZENBAUM AMENDMENT NO. 1453

Mr. METZENBAUM proposed an amendment to the bill, S. 1287, supra, as follows:

At an appropriate place in the bill insert the following:

The Federal Building located at 550 Main Street, Cincinnati, Ohio, shall hereinafter be named and designated as the "John Weld Peck Federal Building." Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Weld Peck Building."

DEFENSE DEPARTMENT AUTHORIZATION

KENNEDY (AND OTHERS) AMENDMENTS NO. 1454 THROUGH 1456

Mr. KENNEDY (for himself, Mr. HOLLINGS, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding any other provision of this bill, no funds are authorized for the research, development, testing, evaluation, procurement, or military construction of the MX missile, except that $279 million shall be authorized for research, development, testing and evaluation of the small follow-on missile, and $75 million shall be authorized for research, development, testing, evaluation of the "hard mobile" concept.

Mr. KENNEDY (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to the bill, S. 675, supra as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding any other provision of this bill, no funds are authorized for research and development, or procurement of the B-1B bomber.

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 675, supra as follows:

At the end of the bill, add the following new section.

SEC. . Notwithstanding any other provision of this bill, the total funds authorized by this bill shall not exceed an increase of 5 percent real growth in budget authority over the amount appropriated for the programs authorized in the Defense Department authorization for fiscal year 1983.

AMENDMENTS TO THE DEFENSE DEPARTMENT AUTHORIZATION

Mr. KENNEDY. Mr. President, yesterday the Senate Armed Services Committee voted to report the Department of Defense authorization bill for fiscal year 1984. I voted against the measure because I believe it is the product of budgetary manipulation and because it provides funds for the MX missile, the B-1 bomber and other weapon systems that I consider wasteful or destabilizing.

When this bill comes to the floor following the July 4 recess I intend to offer three amendments:

An amendment to eliminate all funding for the MX missile except that associated with the development of the "small missile" and "hard missile" concepts.

An amendment to eliminate funding for the B-1 bomber.

An amendment to limit the increase in real growth in funding for defense to 5 percent over the fiscal year 1983 level.

DISABILITY AMENDMENTS OF 1983

LEVIN (AND COHEN) AMENDMENT NO. 1457

(Referred to the Committee on Finance.)

Mr. LEVIN (for himself and Mr. COHEN) submitted an amendment intended to be proposed by them to the bill (S. 476) to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes, as follows:

On page 2, strike out lines 6 through 19 and insert in lieu thereof the following:

"(7)(A) Except as provided in subparagraph (B), no benefits under this section, and no child's, widower's, or widow's benefit based upon disability, may be terminated on the grounds that the physical or mental impairment or combination of impairments on the basis of which such benefit was payable has ceased, did not exist, or is no longer disabling, unless the Secretary makes a finding that there has been a significant improvement in the individual's impairment or combination of impairments, or there have been advances made in medical or vocational therapy or technology which have directly benefited such individual, so that such individual clearly demonstrates the capacity to perform substantial gainful activity.

On page 3, line 10, before the semicolon insert ", if the Secretary has made a finding, based upon a complete vocational analysis which takes into account the individual's age, education, and work experience, that such individual clearly demonstrates the capacity to perform substantial gainful activity".

On page 4, line 3, after "evidence" insert ", including diagnostic tests,".

Beginning on page 4, line 15, strike out through page 6, line 3, and insert in lieu thereof the following:

"(d)(1) Any preliminary decision rendered by a State agency (or by the Secretary in the case where disability determinations are made by the Secretary as provided in subsection (i)) with respect to an individual's rights for a payment under this title, including any such preliminary decision regarding a new entitlement and any preliminary decision regarding termination of or change in an existing entitlement, in the course of which a determination relating to disability or to a period of disability is required and which is in whole or in part unfavorable to such individual shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, the preliminary decision, the reason or reasons upon which the preliminary decision is based, and a request that the individual, if he disagrees with the preliminary decision, appear personally and submit additional medical evidence. Such statement of the case shall be transmitted in writing to such individual. An individual (or a spouse, divorced spouse, surviving divorced spouse, surviving divorced father or mother, child, or parent, who makes a showing in writing that his or her rights may be prejudiced by such preliminary decision) must notify the Secretary within 30 days after notice of such preliminary decision is received by such individual of such individual's intention to appear personally and submit additional evidence. Failure to appear personally or to submit additional evidence shall not extinguish the right to a hearing under subsection (e) with respect to the same preliminary decision, but such failure to appear personally or to submit additional evidence shall be noted in the individual's case record. The Secretary may schedule a personal appearance for an individual no sooner than 15 days after the Secretary receives notice from the individual that such individual wishes to appear personally, unless the individual requests an earlier hearing date. The personal appearance shall be made at a place which is reasonably accessible to such individual.

"(2) A review of the preliminary decision under paragraph (1) shall include a review of the medical evidence and medical history available at the time of such preliminary decision, and any new medical evidence submitted, including evidence observed or received at the personal appearance. On the basis of such review the State agency or the Secretary may affirm, modify, or reverse the preliminary decision.

On page 7, lines 4 and 5, strike out "after review under paragraph (2)".

On page 7, line 8, after "review" insert "under paragraph (2) (or if no such review was requested, the individual whose disability was the subject of such decision)".

On page 8, lines 1 and 2, strike out "a decision under this section which has been affirmed after review under subsection (d)" and insert in lieu thereof "a decision under subsection (d)(4)".

On page 8, lines 11 and 12, strike out "notice that such decision has been affirmed after a review under paragraph (2)" and insert "notice referred to in subsection (d)(4) has been received by the individual making such request".

On page 17, line 7, strike out "and" at the end thereof.

On page 17, between lines 7 and 8, insert the following:

(3) in paragraph (1), by adding at the end the following new sentence: "In the event that the Secretary on his own motion undertakes a review of an allowance decision made on the basis of such a hearing, the additional period shall end with the month preceding the month in which a final decision of the Secretary is made.".

On page 17, line 8, strike out "(3) by" and insert "(4) by".

On page 20, line 10, strike out "medical signs and".

On page 20, lines 12 and 13, strike out "which show the existence of a medical condition that could reasonably be expected to produce" and insert "which demonstrate".

On page 20, line 16, after "individual" insert "and his treating physician".

On page 20, line 18, strike out "medical signs and".

On page 21, strike out lines 1 and 2, and insert "RESPONSE BY SECRETARY TO COURT DECISIONS".

On page 21, line 19, strike out "either".

On page 21, lines 20 and 21, strike out "all beneficiaries, or must request" and insert "all beneficiaries within the jurisdiction of that court, unless the Secretary requests".

On page 21, line 23, after the period add the following: "If the Supreme Court does not agree to review the case, the Secretary shall be bound by the decision within the circuit in which it was rendered until such time as the Supreme Court rules on the issue involved and reaches a different result.".

On page 22, line 1, insert "(1)" after "(b)".

On page 22, line 3, strike out "on or after" and insert "prior to, on, or after".

On page 22, after line 3 add the following:

(2) In the case of a decision referred to in paragraph (1) for which a request for review cannot be made by reason of the expiration, occurring prior to the date of the enactment of this Act, of the time for making such a request, the Secretary of Health and Human Services shall acquiesce in such decision in accordance with the provisions of subsection (a), but such acquiescence shall not apply (unless the Secretary acquiesced in such decision prior to such date of enactment) with respect to periods of time occurring, and applications filed, prior to such date of enactment.

MULTIPLE IMPAIRMENTS

SEC. 10. (a) Section 223(d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual is able to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of such individual's impairments, without regard to whether any one impairment would be considered severe when considered separately.".

(b) The amendment made by subsection (a) shall be effective with respect to determinations made on or after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, today Senator COHEN and I are submitting for the RECORD an amendment which we will be offering to S. 476, our bill to amend title II of the Social Security Act. S. 476, which reforms the continuing review process in the social security disability program, was introduced by Senator COHEN and myself on February 15, 1983. As of today, we have 24 cosponsors. They are Senator HEINZ, Senator SASSER, Senator DURENBERGER, Senator BOREN, Senator SPECTER, Senator KENNEDY, Senator DIXON, Senator PRYOR, Senator MATSUNAGA, Senator GLENN, Senator NUNN, Senator KASTEN, Senator MOYNIHAN, Senator COCHRAN, Senator DECONCINI, Senator ANDREWS, Senator LAUTENBERG, Senator BOSCHWITZ, Senator RIEGLE, Senator HUDDLESTON, Senator HAWKINS, Senator PELL, Senator D'AMATO, and Senator QUAYLE.

Since the time of introduction, we have conferred with many interested parties on the substance of our bill. Because several of the suggestions for improving the bill are so important, we have decided to place these amendments in the RECORD at this time. These amendments do not deviate from our intended purpose at the time S. 476 was introduced, they merely clarify and improve upon our earlier language.

Let me take this opportunity to urge the Finance Committee to focus its attention soon on this matter of vital importance to the severely disabled people in our country. The legislation we passed last Congress to continue the payment of benefits under title II disability through appeal to an administrative law judge expires on October 1. We must have something in place to correct the deficiencies in the disability reviews by that time. It is a complicated program with complicated problems, and we urge the Finance Committee to move quickly to consideration of its reform.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee and the House Small Business Committee's Subcommittee on SBA and SBIC Authority, Minority Enterprise and General Small Business Problems, will hold a joint oversight hearing on the small business development center program, on July 6, 1983. The hearing will begin at 8:30 a.m. and will be located in the north auditorium of the Federal Building, fourth floor, 915 Second Avenue, Seattle, Wash. For further information, please contact Robert Dotchin, Staff Director of the Small Business Committee, at 224-5175.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STAFFORD. Mr. President, much attention has been given recently to the decline in our Nation's public capital investment, with a rise in the backlog of need, both for new investment and the rehabilitation of existing investment. These public investment needs over the next 20 years have been estimated as high as $3 trillion. Yet, at the same time, the percentage of our gross national product spent on infrastructure continues to decline, and now stands at a level well below that of any other major western industrialized nation.

The Committee on Environment and Public Works will hold a hearing on Friday, July 15, 1983, to continue our evaluation of this Nation's infrastructure needs. The hearing will take place at 10 a.m. in room SD-406 of the Dirksen Senate Office Building. The bills that will be considered are: S. 23, S. 532, and S. 1330.

The Committee on Environment and Public Works has held 6 days of hearings so far during this Congress on the issue of infrastructure and jobs. As a result of those hearings, we reported S. 724, now pending under a re-referral agreement in the Committee on Energy and Natural Resources. But we have yet to act on the public investment portion of that package.

At the July 15 hearing, we expect to examine the recent infrastructure study developed by the Congressional Budget Office, as well as one undertaken by the U.S. Conference of Mayors and National League of Cities.

While it is our intention to hold this hearing to a restricted list of public officials, I invite persons and groups that did not testify during the previous hearings to contact the committee or to submit testimony, in the event time becomes available. They should contact Hal Brayman at 202/224-7866.

Once the hearing has been completed, I would hope that our committee may be able to consider these bills at a markup session.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Public Lands and Reserved Water. On Tuesday, July 26, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building, the subcommittee will receive testimony on the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act. (43 U.S.C. 315 et seq.), at the White Sands Missile Range, N. Mex. On Thursday, July 28, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building, the subcommittee will receive testimony on S. 5, to designate certain public lands in the State of California as wilderness, and for other purposes; H.R. 1437 and S. 1515, bills entitled the "California Wilderness Act of 1983."

Those wishing to testify at either of these hearings should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SUBCOMMITTEE ON WATER RESOURCES

Mr. ABDNOR. Mr. President, I want to take this opportunity to advise my colleagues that the Subcommittee on Water Resources will hold a hearing on inland navigation projects and policy on Monday, July 18. The bills to be discussed will include S. 669, appropriate portions of S. 947, and S. 1554, the administration's bill that was introduced yesterday by Chairman STAFFORD.

As in the past, it will be my hope to accommodate as many people as possible in testimony.

Mr. President, this hearing will be the eighth hearing of the Subcommittee on Water Resources since April 22. These hearings have addressed the major water resources issues of cost-sharing, project authorizations, deep-port user fees, urban water problems, and dam safety. To date, the subcommittee has received oral testimony from 47 witnesses from 16 States, including testimony from nine of my Senate colleagues.

In short, Mr. President, the subcommittee is laying the foundation for the development of an omnibus water resources act. The hearing scheduled for the 18th of July will continue this process. It is my hope that the subcommittee will begin before the August recess, to mark up such legislation.

The July 18 hearing will begin at 10 a.m. in room SD 406 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON NUTRITION

Mr. DOLE. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Nutrition will hold hearings on the commodity distribution program on Tuesday, July 12.

Specifically, the subcommittee is interested in receiving testimony on the effectiveness of the program; administrative problems encountered by USDA, the States, and local recipient agencies in program operations; the displacement of commercial sales; and the question of extension of the current program beyond the 6 months authorized in the jobs bill.

The hearing will begin at 9:30 a.m. in room 328-A Russell Senate Office Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION

Mr. COCHRAN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices will hold a hearing on S. 1368, which would authorize the Secretary of Agriculture to issue marketing orders relating to the handling of eggs. The hearing is being held at the request of Senator HOWELL HEFLIN, sponsor of the legislation.

The hearing will be held on July 14 at 9:30 a.m. in room 328-A Russell Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SMALL BUSINESS: FAMILY FARM

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Small Business: Family Farm, of the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, June 29, to hold a hearing on the impact of Canadian imports on small family farm.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL COMMISSION ON SOCIAL SECURITY REFORM

Mr. DOLE. Mr. President, in March, during Senate consideration of the Social Security Amendments of 1983, I asked that a summary of the activities of the National Commission on Social Security Reform be included in the RECORD. It has been brought to my attention that this material was never printed, so at this time I ask that this summary be included in the RECORD.

The summary follows:

MEMBERS OF THE COMMISSION

APPOINTED BY THE PRESIDENT

Alan Greenspan, Chairman—Chairman and President, Townsend-Greenspan and Company, New York, NY. Dr. Greenspan is a distinguished economist and a former Chairman of the Council of Economic Adviser (under President Ford).

Robert A. Beck—Chairman of the Board and Chief Executive Officer, Prudential Insurance Company of America, Newark, NJ. Mr. Beck played an important role in developing the position on social security of The Business Roundtable and other important business groups.

Mary Falvey Fuller—Management Consultant, San Francisco, CA. Ms. Fuller was a member of the 1979 Advisory Council on Social Security.

Alexander B. Trowbridge—President, National Association of Manufacuters, Washington, D.C. Mr. Trowbridge was Secretary of Commerce under President Johnson.

Joe D. Waggonner, Jr.—consultant, Bossier Bank and Trust Company, Bossier City, LA. Mr. Waggonner was a Member of Congress from Louisiana in the 87th to 95th Congresses and was active in social security legislation as a member of the Committee on Ways and Means.

APPOINTED BY THE MAJORITY LEADER OF THE SENATE, IN CONSULTATION WITH MINORITY LEADER

William Armstrong—Senator from Colorado and Chairman of the Subcommittee on Social Security, Committee on Finance.

Robert Dole—Senator from Kansas and Chairman of the Committee on Finance.

John Heinz—Senator from Pennsylvania, Chairman of the Special Committee on Aging, and member of the Committee on Finance.

Lane Kirkland—President, American Federation of Labor-Congress of Industrial Organizations. Mr. Kirkland has, for many years, played an active role in the development of labor's position on social security.

Daniel Patrick Moynihan—Senator from New York and Ranking Minority Member of the Subcommittee on Social Security, Committee on Finance.

APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN CONSULTATION WITH THE MINORITY LEADER

William Archer—Representative from Texas and Ranking Minority Member of the Subcommittee on Social Security, Committee on Ways and Means.

Robert M. Ball—Visiting Scholar, Center for the Study of Social Policy, Washington, D.C. Mr. Ball was Commissioner of Social Security in 1962-1973 and held various positions with the Social Security Administration during the preceding 25 years.

Barber Conable—Representative from New York and Ranking Minority Member of the Committee on Ways and Means.

Martha E. Keys—Director of Educational Programs, The Association of Former Members of Congress, Washington, D.C. Ms. Keys was a Member of Congress from Kansas in the 94th and 95th Congresses and, as a member of the Committee on Ways and Means, was active in social security legislation.

Claude D. Pepper—Representative from Florida and Chairman of the Committee on Rules. Previously, he was Chairman of the House Select Committee on Aging and formerly was a Senator from Florida.

SUMMARY OF ACTIVITIES OF COMMISSION

On December 16, 1981, President Reagan promulgated Executive Order 12335, which established the National Commission on Social Security Reform. The National Commission was created as a result of the continuing deterioration of the financial position of the Old-Age and Survivors Insurance Trust Fund, the inability of the President and the Congress to agree to a solution, and the concern about eroding public confidence in the Social Security system.

The Executive Order provided that the National Commission should: ". . . review relevant analyses of the current and long-term financial condition of the Social Security trust funds; identify problems that may threaten the long-term solvency of such funds; analyze potential solutions to such problems that will both assure the financial integrity of the Social Security System and the provision of appropriate benefits; and provide appropriate recommendations to the Secretary of Health and Human Services, the President, and the Congress."

In carrying out its mandate, the National Commission met ten times, on approximately a monthly basis. Because of the brevity of the time in which to complete its work, the National Commission held no public hearings. However, it reviewed the results of the many hearings, studies, and reports of other public bodies, including Congress, the 1979 Advisory Council on Social Security, and the 1981 National Commission on Social Security. The National Commission on Social Security Reform sought the advice of a number of experts and thoroughly examined a wide variety of alternative approaches.

The Commission agreed that there was a financing problem for the Old-Age, Survivors, and Disability Insurance program for both the short run, 1983-89 (as measured using pessimistic economic assumptions) and long range, 1983-2056 (as measured by an intermediate cost estimate) and that action should be taken to strengthen the financial status of the program. The Commission recognized that, under the intermediate cost estimate, the financial status of the OASDI program in the 1990s and early 2000s will be favorable (i.e., income will sig-

nificantly exceed outgo). The Commission also recognized that, under the intermediate cost estimate, the financial status of the Hospital Insurance program becomes increasingly unfavorable from 1990 until the end of the period for which the estimates are made.

The Commission studied a large number of options that would solve the financing problems of the Social Security program, both short-range and long-range. These are summarized in some 55 pages of its report.

The Commission was able to reach a consensus for meeting the short-range and long-range financial requirements, by a vote of 12 to 3.

The members of the Commission voting in favor of the "consensus" package agreed to a single set of proposals to meet the short-range deficit. They further agreed that the long-range deficit should be reduced to approximately zero. The single set of recommendations would meet about two-thirds of the long-range financial requirements. Seven of the 12 members agreed that the remaining one-third of the long-range financial requirements should be met by a deferred, gradual increase in the normal retirement age, while the other 5 members agreed to an increase in the contribution rates in 2010 of slightly less than ½ percent of covered earnings on the employer and the same amount on the employee, with the employee's share of the increase to be offset by a refundable income-tax credit.

A more complete description and rationale for the solution to the long-range financing problem supported by the Senator from Kansas is presented in the next section. The second following section gives an overall statement of the achievements of the Commission, as developed jointly by Congressman Conable, a member of the Commission and the Senator from Kansas.

SUPPLEMENTARY STATEMENT ON MEETING THE LONG-RANGE FINANCING REQUIREMENTS BY COMMISSIONERS ARCHER, BECK, CONABLE, DOLE, FULLER, GREENSPAN, HEINZ, AND TROWBRIDGE [1]

The recommendations made in the "consensus" package fail to meet the long-range goal of providing additional financing equivalent to 1.8 percent of taxable payroll. The shortfall is an estimated .58 percent of taxable payroll. We believe that this should be derived by a delayed, slowly phased-in increase in the "normal" retirement age (the age at which unreduced retirement benefits are available to insured workers, spouses, and widow(er)s—which is age 65 under present law).

The major reasons for this proposal are:

(1) Americans are living longer.

(2) Older workers will be in a greater demand in future years.

(3) The disability benefits program can be imporved to provide cash benefits and Medicare to those between age 62 and the higher normal retirement age who, for reasons, of health, are unable to continue working.

(4) Because the ratio of workers to beneficiaries is projected to decline after the turn of the century, younger generations are expected to pay significiantly increased taxes to support the system in the 21st century. An increase in the normal retirement age will lessen the increase.

(5) Given sufficient notice, coming generations of beneficiaries can adjust to a later retirement age just as earlier generations adjusted to age 65.

Although we believe that greater action in this direction may be desirable, we are suggesting only enough change to produce approximately the needed .58% of taxable payroll. The recommended change would apply only to the normal retirement age. Early-retirement benefits would continue to be available beginning at age 62 for insured workers and spouses and at age 60 for widows and widowers, but the actuarial reduction factors would be larger. The minimum age for eligibility for Medicare benefits would continue to be the "normal" retirement age for OASDI benefits. Disability benefits are now available under somewhat less stringent definitions for those aged 60-64. However, because some workers, particularly those in physically demanding employment, may not benefit from improvements in mortality and be able to work longer, we assume that the disability benefits program will be improved prior to the implementation of this recommendation to take into account the special problems of those between age 62 and the normal retirement age who are unable to extend their working careers for health reasons.

Under our proposal, the normal retirement age would be gradually increased—one month each year—to age 66 in 2015, beginning the phase-in with those who attain age 62 in 2000. Beginning with those who attain age 62 in 2012, the normal retirement age would be automatically adjusted (on a phased-in basis) so that the ratio of the retirement-life expectancy to the potential working-lifetime (from age 20 to the "normal" retirement age) remains the same over the years as it was in 1990. The estimated long-range savings of this proposal is 0.65% of taxable payroll.

ADDITIONAL VIEWS OF SENATOR ROBERT J. DOLE AND CONGRESSMAN BARBER B. CONABLE, JR.

When the National Commission on Social Security Reform was created on December 16, 1981, few people had real confidence in what the commission could accomplish. And little wonder. For the better part of a year, social security had been embroiled in political controversy. The system moved closer to insolvency as proposals for financial reform were subjected to partisan political attack. The 15 selected as commission members, moreover, embodied widely divergent views. At least to outsiders, these members probably seemed incapable of reaching any true bi-partisan consensus.

In the last several days, the commission accomplished what some said was impossible. With the cooperation and approval of President Reagan and House Speaker O'Neill, the commission forged a consensus reform package with broad bipartisan support. As detailed earlier in this report, the package is designed to close the short-term deficit identified by the commission, and go a long way toward closing the long-range deficit. It requires concessions from all of the parties who have a stake in social security—current and future beneficiaries, taxpayers, and government employees who do not now contribute to the system. While no one member is happy with every specific recommendation, the important fact is that a consensus was reached on how to save the sytem. The bipartisan reform package, which we plan to introduce into the Senate with Senators Heinz, Moynihan, and others, and into the House, merits speedy congressional action.

Agreeing on the essential provisions of a social security solution was by no means the only accomplishment of the commission. It should be noted that the commission reached unanimous agreement on the size of the short- and long-term deficits in the social security cash benefit programs (old-age and survivors insurance and disability insurance). That is, in concrete dollar terms, the commission quantified the seriousness and the urgency of the financing problem. In our judgment, $150-$200 billion is the amount required to keep the system (excluding medicare) solvent through 1990. Over the very long term, the next 75 years, the needs of the system amount to about $25 billion a year (in 1983 dollar terms) over and above currently scheduled tax income. Only a year ago, partisan lines were drawn between those who did and did not believe there was any financing problem at all before the year 2000.

In addition, the National Commission provided a valuable forum for the diverse views on social security. With the able leadership of Chairman Alan Greenspan and with the expert assistance of Executive Director Robert Myers, members of both political parties were able to work together in studying the social security financing problem and options for financial reform. The interests of the elderly, organized labor and business, and the general taxpayer were all well represented. In recent weeks, we engaged in intensive negotiations which were, to a large extent, absent of the political partisanship that so seriously damaged efforts for responsible reform in 1981.

Finally, we believe the commission's recommendations are significant in that they narrowed the range of realistic options for closing the deficits. Realistic options were not judged to include, nor was there any support for, proposals to reduce or eliminate benefits for people now on the rolls. Options under consideration involved restraining the growth of benefits in future years and providing additional financing through some form of revenue increase. Current and future beneficiaries should be reassured by the unanimously held view that social security is an important and vital program that must be preserved.

With these accomplishments under our belts, we in Congress are in a strong position to hammer out the details of legislation in the early months of the 98th Congress. The expiration of interfund borrowing and the likely inability of the retirement program to pay full benefits in July make prompt action essential.

THE FINANCING PROBLEM

While the commission report accurately reflects the size of the social security financing problem, perspective may be provided by some additional facts. Most importantly, without prompt Congressional action, the social security retirement program will not be able to pay benefits on time beginning in July. In fact, were it not for "interfund borrowing," authorized by Congress in 1981 to permit the reserves of each social security trust fund (old age and survivors insurance, disability insurance, and hospital insurance) to be used to help pay benefits from another, the retirement program would have stopped meeting its monthly payments on time two months ago. With the authority for interfund borrowing now expired (as of December 31, 1982), July is when all of the the money borrowed from the other two trust funds—$17.5 billion in total—finally runs out.

[1] Source: Report of the National Commission on Social Security Reform, January 1983.

Reauthorizing interfund borrowing cannot help the retirement program for long. The retirement program is so large—accounting for 73 percent of all social security spending—and its borrowing demands are so heavy, the rest of the system could be insolvent before the year is out. The Social Security Board of Trustees, the Congressional Budget Office, and a wide variety of private actuaries and economists all agree that additional trust fund revenues must be provided or savings must be achieved if the social security system is to remain solvent through the remainder of this decade.

While it is the short-term financing problem that is immediately pressing, the long-term financing problem is equally serious, if not more so. The Social Security Board of Trustees reports that the combination of the baby-boom generation retiring and gradually lengthening lifespans will lead to a dramatic increase in the cost of social security—about 55 percent between 2005 and 2035 alone. In the year 2035, when the young people of today are beginning to retire, the actuaries expect that the elderly population will account for 21 percent of the overall population (as compared to 11 percent today), and the typical 65 year old will have a life expectancy of 17 years (as compared to 14.5 years today). The effect will be to decrease the ratio of taxpayers to beneficiaries from just over 3:1 today to 2:1, helping to generate the enormous long-term deficits we now foresee.

According to the social security actuaries, the long-term deficit in the non-medicare social security programs is 1.8 percent of taxable payroll. This is the figure adopted by the National Commission. To translate, it means that over the next 75 years, the actuaries project that benefits will outstrip payroll tax income, in dollar terms, by about $25 billion per year, or $2 trillion in total (expressed in 1983 dollar terms). Including medicare, the long-term deficit has been estimated at 7.01 percent of taxable payroll, or nearly $8 trillion in total.

HOW MUCH DOES THE SYSTEM NEED?

How much the system needs in additional financing depends on how we expect the economy to perform in the years ahead and how much of a "safety margin" is accumulated in reserves. Each set of forecasts provides a different view of the needs of the system, as illustrated in the table below.

ADDITIONAL RESOURCES REQUIRED IN THE NEAR-TERM TO BRING OASDI RESERVES UP TO CERTAIN LEVEL [1]

[In billions]

	Additional resources required [2]		
	CBO	1982 trustees' intermediate (II–B)	1982 trustees' pessimistic assumptions
Percent of 1 year's expenditures desired at beginning of 1990:			
9 percent (1 mo)	56.6	62	187
13 percent	68.7	70	195
15 percent	74.7	74	200
20 percent	89.9	88	216
30 percent	120.1	113	246
50 percent (6 mo)	180.7	163	303

[1] Table includes the effects of the Tax Equity and Fiscal Responsibility Act of 1982. Target reserve levels are attained in even annual increments.
[2] CBO estimates and Trustees' estimates are not directly comparable because CBO numbers include added interest on larger trust fund balances, while Trustees' numbers do not.

The commission settled on $150–200 billion as the amount required in the years 1983–89 to ensure the solvency of the system through 1990. This is roughly consistent with achieving a reserve ratio (reserves relative to annual outgo) of 15 percent by 1990, under the 1982 Board of Trustees' pessimistic assumptions.

Several points are worth noting in this regard. First, planning for a low growth decade is prudent in light of the experience during the 1970s. (The pessimistic assumptions in the 1982 Board of Trustees Report project the economy will perform much like in the past 5 years.) The failure to anticipate, both in 1972 and 1977, that prices would grow more rapidly than wages, and therefor benefits would grow more rapidly than tax income, is why we are in the situation we are in today. Second, a reserve ratio of 15 percent is not, in and of itself, a "goal". At this level, reserves would be lower than at any point in history. Accumulating considerably larger reserves is desirable, although this would be difficult to do very quickly. We believe we express the views of all members of the commission when we say that it is our hope that the economy will perform better than we assumed when we made our estimates and that a larger reserve cushion will accumulate. Finally, if the medicare program were under consideration as well, the reserve needs of the system would be considerably higher.

NOT A NEW PROBLEM

Given the partisan debate that raged over Social Security in 1981, some people may have lost sight of the fact that the financing crisis is *not* a new problem. Trust fund reserves have been on a down-hill course for years. As Table 1 indicates, prior to 1970, there were always reserves on hand capable of financing a year's worth of benefits or more—that is, reserves equal to 100 percent or more of annual outgo. By 1976, reserves had fallen to 57 percent of outgo, and today, the combined reserves of the system stand at about 15 percent of annual outgo, only 8 weeks worth of benefits. The situation is even worse, at least today, when medicare is excluded.

TABLE 1.—HISTORICAL OASDHI RESERVE RATIOS, 1950–83

[Assets at the beginning of each year as a percent of outgo during the year]

Calendar year	Trust funds				
	OASI and DI combined	OASI	DI	HI	OASDHI
1950	1,156	1,156			1,156
1955	405	405			405
1960	186	180	304		186
1965	110	109	121		110
1970	103	101	126	47	95
1971	99	94	140	54	93
1972	93	88	140	47	87
1973	80	75	125	40	76
1974	73	68	110	69	73
1975	66	63	92	79	69
1976	57	54	71	77	60
1977	47	47	48	66	50
1978	37	39	26	57	40
1979	30	30	30	54	34
1980	25	23	35	52	29
1981	18	18	21	45	23
1982	15	15	17	53	22
1983 [1]	11	8	11	39	16

[1] Estimated using Trustees' intermediate (II–B) assumptions.
Source: 1982 OASDI and HI Trustees' Reports.

TABLE 2.—HISTORICAL LEVELS OF OASDHI TRUST FUND ASSETS, NUMBER OF MONTHS' WORTH OF BENEFITS ON HAND

Calendar year	Number of months' worth of expenditures on hand at beginning of year		
	OASDI	HI	OASDHI
1950	138.7		138.7
1960	22.3		22.3
1965	13.2		13.2
1970	12.4	5.6	11.5
1975	8.0	9.4	8.3
1980	2.9	6.2	3.5
1982	1.8	6.3	2.6

Among other public groups to report in the last 5 to 10 years, the social security advisory councils of 1975 and 1979, an expert consultant panel of actuaries and economists, reporting in 1976, and President Carter's Commission on Pension Policy and the National Commission on Social Security, both reporting in 1981, all underscored the seriousness of the short- and long-term financing problem. Social security's financing problem dates to the early 1970's and even earlier, when Congress increased benefits and expanded eligibility without facing up to the cost of doing so.

THE TIME FOR ACTION IS NOW

There is no denying that we have a big job ahead of us in Congress. We face many difficult decisions as to the details of the legislation, and the adequacy of the measures proposed. The balance of the long-term deficit will also have to be addressed. In our view, a balanced solution to this problem will involve bringing the cost of social security into line with the ability of our working population to finance the system. The tax burden is already heavy, and the confidence of young people critically low. As reflected in the additional views, a majority of commission members recommends increasing the retirement age, for people retiring in another 20 or 30 years, as an equitable way of reducing long-range costs.

The American people—the 36 million people receiving benefits as well as the 116 million working people who support the system—deserve more than another "quick fix" that holds the system together until the next crisis comes along. They deserve the speedy consideration of this bi-partisan package of recommendations. Confidence in the long-term viability of social security will only be restored by enacting measures that put the system back on a sound financial footing and do so without imposing an unrealistic tax burden on present and future workers.

Within a matter of weeks, the House Ways and Means Committee and the Senate Finance Committee will begin the task of weighing the options and then drafting social security financing legislation. We feel confident that the essential elements of the reform package we now recommend, as endorsed by President Reagan, Speaker O'Neill, Majority Leader Baker and others, will be adopted by the Congress and enacted into law by May. Moving quickly to shore up the nation's largest domestic program is in all of our interests.

STAFF OF THE COMMISSION

Finally, the Senator from Kansas would like to pay special tribute to the fine staff of the National Commission. Under the able leadership of Robert J. Myers, who served as Executive Director, the staff labored long and excellently in providing us with compre-

hensive explanations of the complex issues involved and the possible methods of solving the financing problem. The staff's expertise on social security matters was invaluable to the work of the Commission. Their part in this great and successful endeavor is greatly appreciated.

The professional staff of the National Commission included: Robert J. Myers, Executive Director, Nancy J. Altman, Merton C. Bernstein, E. Annette Coates, Suzanne B. Dilk, Renato A. DiPentima, Susan A. Dower, Elizabeth T. Duskin, Timothy J. Kelley, Eric R. Kingson, Edward F. Moore, Virginia P. Reno, Bruce D. Schobel, and Carolyn L. Weaver, who, I should add, also covered social security matters for the Senate Finance Committee.

SHERIFFS COMMENT ON PRISON STUDY

● Mr. SASSER. Mr. President, during the past month much attention has been given to the crisis-level condition of American prisons and prison populations, and what Federal, State and local governments ought to do about this condition. Overcrowded and understaffed, the local jail and what we do about it represents one of the most serious law enforcement challenges confronting us in the immediate future.

In a comprehensive report on this situation entitled "Jails: Intergovernmental Dimensions of a Local Problem," the U.S. Advisory Commission on Intergovernmental Relations, on which I serve, made a series of recommendations regarding the problem. First and foremost among these is that the Federal role should not be expanded and that if there is to be Federal involvement in this area, it should be based on a clear and convincing national need and the Federal involvement serve a concise national purpose.

Shortly after the release of the ACIR report, I addressed the annual conference of the National Sheriffs Association (NSA) in Nashville, where a number of sheriffs emphasized to me points which the NSA had raised about the ACIR report.

The sheriff in America probably has more to do in dealing with prisons and prison populations than any other law enforcement official. As such, the sheriff's observations on any report concerning itself with prisons deserve close attention.

In general, the sheriffs welcome the thrust and the recommendations of the ACIR report. There are several points raised by the sheriffs, however, which deserve the scrutiny of lawmakers at all levels of government.

For these reasons, I ask that a statement of observations on the ACIR report by the National Sheriffs Association be printed in the RECORD at the conclusion of my remarks and that an ACIR release which summarizes the report accompany the sheriffs' statement.

These two documents should help to illuminate understanding of a problem that deserves both attention and action.

The statements follow:

COMMISSION SAYS NO TO EXPANDED FEDERAL ROLE IN LOCAL JAILS

Many jails are in a state of crisis, agreed members of the Advisory Commission on Intergovernmental Relations at their June 16 meeting. There was no disrupting the fact that a substantial number of local jails are overcrowded, frequently house inapprorriate populations, and sometimes do not meet basic constitutional standards. However, in the Commission's view, the solution to this crisis lies in a strong state/local partnership, not increased federal financial assistance. The Commission therefore voted against establishing a national commission on corrections practices and said that an expanded federal role in such traditionally local areas as jails should be based on a clear and convincing demonstration of national purpose. Without such a demonstration, no new federal program should be established.

The Commission also called for a more balanced, less prescriptive federal judicial role with regard to local jails. The Commission stated its belief that federal (and state) courts should confine their role to insuring that appropriate legislative and executive officers produce reasonable plans for bringing unconstitutional institutions into compliance. In recent years, the courts have taken extremely specific stands demanding compliance with court-designed plans. "One of the major problems with court orders is that they are aimed at specific constitutional violations as opposed to the systemwide reforms that are almost always required," testified Baltimore County Councilman John O'Rourke at the ACIR hearing on jail reform. On behalf of the National Association of Countries, Councilman O'Rourke agreed that the courts role should be less intrusive. On the morning of the Commission's meeting, ACIR called seven expert witnesses to testify about local corrections—all stated that indeed the local jail crisis exists and that specific steps are needed to put these local houses of corrections in order.

Commission members agreed that a series of reform measures were necessary. Although ACIR could not support an expanded federal role, the Commission did recommend continued federal efforts in the areas of corrections research and development, in training local correctional personnel, and in providing technical assistance and information to local agencies. Further, the Commission recommended amending the Federal Property and Administrative Services Act of 1963 so that the national government may donate surplus property for corrections purposes.

The strengthened state/local partnership to improve jail conditions recommended by the Commission includes a series of steps states can take to alleviate the burdens local governments must bear. In the Commission's view, states should:

Adopt guidelines for removing certain populations from local jails when practicable—for example, the young, the mentally ill and the publicly inebriated are all too often, research reveals, placed in jail as a last resort;

Adopt sentencing guidelines based on legislatively-predetermined population maximums at the state and local levels;

Fairly compensate localities for housing state prisoners;

Encourage localities to make increased use of community-based alternatives for punishing offenders of less serious crimes and to expand the use of pretrial release when there is a reasonable expectation that public safety will not be threatened. Also, states should enact defendant-based percentage bail laws to ease the financial burden of bail on poor defendants; and,

Allow local correctional facilities to contract with private companies so that inmates can produce certain goods and services as long as they are not directly competing with private sector goods and services.

The Commission recognized that, fundamentally, jails are a local responsibility and that setting basic standards for their operation first lies with local governments. Because states are also responsible for ensuring that these facilities meet basic constitutional standards, they should, if they have not already done so, set standards (in consultation with local officials) to protect basic constitutional rights. Further, where lacking, states should establish state correctional commissions to develop comprehensive policies.

The Commission recommended that local governments upgrade their jail personnel practices and management where necessary. Also, localities should make provision for academic training for inmates or, at a minimum, provide access to local facilities, such as libraries.

ACIR's recommendations on jail reform were based on the findings from its study, Jails: Intergovernmental Dimensions of a Local Problem. Following consideration of this study, the Commission received oral reports on the status of general revenue sharing renewal legislation; a subcommittee meeting on the Constitution and Federalism; and pending bills to change ACIR's membership. The Commission is expected to meet again in September.

ACIR is the national, bipartisan commission established by the Congress in 1959 to monitor intergovernmental relations and make recommendations for change. Its members includes federal, state and local elected and appointed and private citizens. Dr. Robert B. Hawkins of Sacramento, California is chairman.

NSA OBSERVATIONS ON RECOMMENDATIONS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS JAILS: INTERGOVERNMENTAL DIMENSIONS OF A LOCAL PROBLEM

The Advisory Commission on Intergovernmental Relations (ACIR) is to be commended on its thorough job of jail research. The people might disagree with the recommendations or agree; some would argue for a prioritizing of the issues. The National Sheriffs' Association is grateful for the opportunity to participate in the Commission's deliberation on Jails: Intergovernmental Dimensions of a Local Problem.

The recommendations would indicate a good deal of thought and consideration has been given to their formulation. In general NSA concurs with the thrust, but we would like to make observations on recommendations which we feel could benefit by deleting or amending certain portions.

RECOMMENDATION A.2: KEEPING INAPPROPRIATE POPULATIONS OUT OF JAILS.

NSA has been a member of the National Jail Coalition since its inception and as everybody knows its reason for being is to remove the juvenile, the mentally ill and re-

tarded, and publicly inebriated detainees from jails to more appropriate settings for treatment and/or confinement. The recommendation is weakened by the inclusion of the words "where resource constraints render these proposals impracticable etc.". Groups for years, including NSA, have agreed that this action should be taken, but all too often nothing is done. A recent article in Federal Probation in reference to confining the mentally ill in jail made the point that since progress has not been made that Jail Administrators, etc. should just accept the fact that the mentally aberrant will be confined in jails and opt for a jail treatment model. (i.e., mental health counselors who work for the Jail or some other forms of community resources provided). This last sentence is nothing but a "cop out" for things can be accomplished if priorities are set right. It is interesting to note that last year in the Harper case, the West Virginia Supreme Court ordered that chronic alcoholics no longer be confined in jails even though public drunkenness in West Virginia is still a crime. Realizing the dearth of resources to deal with the problem, the Court ordered the State to make available some 14 million dollars through a State Department of Health to develop alternative counseling and treatment centers.

RECOMMENDATION A.5: REMOVING STATE PRISONERS FROM LOCAL JAILS

Most Sheriff's would say "it's about time!" We agree that jails should be properly reimbursed for holding state prisoners, for often counties are grossly underpaid. Recently on a trip to Autauga County, Alabama we learned that the Sheriff was reimbursed by the State at the rate of $1.75 per day for each state inmate in the Autauga County Jail.

We feel, however, that this recommendation is too weak. We propose a clause which says, in effect that "no more than 20% of the jail's population shall be state prisoners without the express approval of the Sheriff". Further, any money derived by local governments from this kind of arrangement should go directly into the jail budget of the Sheriff and not into the county general fund. This was one of the main factors in the crowding of the New Jersey jails—the state gave the money over to the Boards of County Freeholders. The Sheriff of Monmouth County, New Jersey got fed up and finally sued the State Department of Corrections in an attempt to force the removal of nearly 200 state sentenced inmates from the crowded county jail. (Page 10 of The Pre-Trial Reporter, December 1982). Part C—Standards and State Assistance.

RECOMMENDATION C.1: STATE STANDARDS, MONITORING, AND REIMBURSEMENT

We think that this recommendation could be made stronger. States should be urged to enact legislation providing funding for jail renovation and capital construction and technical assistance. Once the state has agreed to provide the money, it should insist upon jail standards which are mandatory. In this regard the powers of state jail inspectors should be increased which would enable the inspectors to compel compliance without the necessity of getting a court order. Failure to comply would mean the withdrawal of state support and failure to comply with *life safety* standards would be basis for closing the jail down.

RECOMMENDATION C.2: UPGRADING JAIL PERSONNEL

This is a good recommendation. We feel it could be improved by the inclusion of another sentence which would further explain the last clause "pay particular attention to personnel and training in mandating standards for local jails". States should be encouraged to appoint jail advisory training committees composed of Sheriffs and jail staffs to guide the development of implementation of such training. In states involved in correctional training, it is often left up to the State Department of Corrections staff who reasonably have more interest in state institutions than they do jails. Often state trainers have never worked in a jail. There is a big difference between a jail and a prison and a considerable difference in the kinds of problems confronting people who work in them. For example, more than 6,000,000 people are processed through American jails in contrast to penal institutions where prisoners will be there for a considerable length of time. The jail suicide rate is 3½ times higher than the national average and much higher than experienced in state prisons. Accordingly, good training would indicate a great deal more time spent on suicide prevention techniques with jail officers.

Recently, Supreme Court Justice Burger at Pace University in New York City said institutions should be involved as training schools and factories with fences instead of "human warehouses". Justice Burger addressed areas touched on in Recommendation C-5. NSA would like to emphasize the point made by the Chief Justice in regards to:

Cooperation by leaders of business and labor in the development of programs designed to produce goods in the jail and prison setting. NSA feels this would help to eliminate a great deal of idleness, frustration and dead time with which many prisoners are now confronted.●

VOICE OF AMERICA

● Mr. LAXALT. Mr. President, the Voice of America has a mandate from this body—expressed in the VOA Charter, signed into law 7 years ago—to "present the policies of the United States clearly and effectively." I am pleased to say that VOA is taking effective steps to meet this mandate in its editorial program begun 1 year ago on June 1 under the leadership of USIA Director Charles Z. Wick; the former Director of VOA, John R. Hughes; and continued under current VOA Director Ken Tomlinson. Daily editorials are broadcast in English and in 41 other languages worldwide—to Eastern Europe, the Soviet Union, Afghanistan, Latin America, and elsewhere. These brief broadcasts replace the old, less clearly identified, VOA commentaries. And that in turn ensures that listeners know where the news ends and where the expressions of opinion, reflecting U.S. policy, begin.

I think that taken together with the VOA mandate to represent the news accurately and reliably, nothing could be more important in countering Soviet misinformation, and disinformation, about this country. I should like to have printed in the RECORD a few of these editorials to let the American people know that the principles we stand for, and the policies we are pursuing, are indeed being conveyed to the people of the world.

The editorials follow:

WHAT TERRORISM WILL NOT DO (OLE 17)

Announcer: Next, a VOA Editorial, reflecting the views of the U.S. Government.

Voice: There are limits to how much can be added to what is already known about the nature of terrorist acts such as Monday's bombing of the American Embassy in Beirut. Indeed, after a certain point, these carefully planned demonstrations of savagery make the words used to describe them lose their meaning.

But there is something that can and should be said about the impact of terrorism. Terrorism is, by its nature, a public action. It is a tactic that uses the sacrifice of innocent individuals for its shock value. That people's lives are taken or threatened is almost incidental. The terrorist is simply interested in the political reaction that hurting his victims will produce.

We don't know yet how many innocent people were killed and injured in the bombing of our Embassy in Lebanon. We are still searching for bodies and looking for survivors. But we do know that this act of terrorism—and others like it—will not achieve any larger purpose. We will not allow terrorism—in the Middle East or elsewhere—to alter our policy one iota. Not one iota.

It is not to spite the terrorist that we have adopted this policy. It is because we consider it the best defense against this tactic. We and other governments are well aware of how difficult it is to prevent terrorist acts from being committed. There are always people with a sadistic streak, or those with a psychological need for attention. But most terrorist groups claim that they are not unbalanced. If so, our defense is a strong one.

Because we can make sure that there is no rational reason for the terrorist to believe that his actions will bring about the political results he wants. We will not respond to acts of terrorism—except with added vigilance and increased determination to find the perpetrators.

We acknowledge that terrorism can inflict terrible private suffering. We share the grief of the families of the victims. But terrorism can have a public impact only if we let it. And that we are determined not to do.

Announcer: That was a VOA Editorial, reflecting the views of the U.S. Government.

GETTING TOUGH (OPL 03)

Announcer: Next, a VOA Editorial, reflecting the views of the U.S. Government.

Voice: Poland's military leaders have responded to last week's May Day demonstrations of popular support for Solidarity with a new wave of repressive activity. It is exactly the wrong response. Unfortunately, it is very much in character.

Actually, the new repressions started before the May Day demonstrations ended. Police attacked pro-Solidarity demonstrators with tear gas, water cannon and truncheons. One man was reportedly killed in the city of Nova Huta, where the big Lenin steel mill is located.

But demonstrators are not the only targets. A gang of thugs reportedly broke into the Convent of the Franciscan Sisters in Warsaw Tuesday evening and beat up workers there who have been helping the families of interned Solidarity activists.

Another target is the internationally acclaimed Polish filmmaker, Andrzej Wajda,

whose motion pictures include "Man of Iron," the award-winning film about the rise of Solidarity. Mr. Wajda was dismissed by the government from his position as head of the Warsaw film association. And the government's official spokesman is once again engaging in public criticism of Solidarity's former leader, Lech Walesa—which is a good indication that popular support for Mr. Walesa continues to be strong.

The Polish authorities have evidently learned nothing. They still think that if they just act tough enough, they will intimidate Solidarity's supporters and the reform movement will finally fade away.

But threats didn't stop Solidarity. Martial law failed to put an end to support for the independent unions. Police violence hasn't silenced the Polish people. And, as the Polish bishops demonstrated by issuing a list of demands to the government on Thursday, the Roman Catholic Church in Poland refuses to abandon the people's cause.

It is time the military authorities in Poland—and their Kremlin sponsors—understood one essential point: their repressive tactics have only served to increase the polarization between the people and the government. Rather than helping the country return to normal, they have prevented it.

It is time the military authorities tried conciliation. However dubious they may be about it, they surely must see that their current pressure tactics will never work.

Announcer: That was a VOA Editorial, reflecting the views of the U.S. Government.

SMALL BUSINESSES, BIG REWARDS (80033)

Announcer: Next, a VOA Editorial, reflecting the views of the U.S. Government.

Voice: Louis Ruiz and his son, Frederick, are the owners of a small California business that makes Mexican-food products. They are accustomed to hard work and long hours. They are not accustomed to the spotlight of public attention. But last week, that is exactly what they got. In a White House ceremony in Washington, their small business was honored as America's National Small Business of the year.

Mr. Ruiz was born in Mexico. He and his U.S.-born son started their business by themselves in 1964. It was a risky venture. But it is succeeding. Indeed, it has succeeded so well to date that it now employs more than 200 people. Last year, the Ruiz business sold almost ten million dollars worth of its products.

Small businesses may seem insignificant compared to huge, well-known corporations. But in fact, they are an important part of our economic system—and that of other free-market countries. Small businesses produce vital goods and services—accounting for about forty percent of national production in the United States. And small businesses produce jobs—about one-half of all employment in this country's private sector.

Small businesses contribute to their countries' development and prosperity in other ways, as well. Many innovative ideas for production and technology come from small businesses, which compete with bigger, established firms by finding new products, services, and methods to meet customer demand. Just a few successful examples of small businesses' successful ingenuity are the zipper, the aerosol can, and the heart pacemaker.

Running a small business can be risky. It can fail. But it can also be rewarding—as the Ruiz family, its employees and customers know. And when a country pursues policies that encourage the development of small businesses, it can expect rewards as well—innovation, employment, and productive activity.

Countries with free-market systems know this. But even some communist countries are now recognizing it too, as they allow the existence of small private farming and shops as a way to save their struggling economies. Nations which seek to develop need to do as much, and more: small businesses should be permitted to exist—and to expand. This is one way to promote economic growth—and to spread a society's wealth among all its people.

That was a VOA Editorial, reflecting the views of the U.S. Government.●

KTW

● Mr. EAST. Mr. President, organizations that oppose the common law and constitutional rights of Americans to keep and bear arms have launched a campaign to ban "cop-killer bullets." Many sincere Americans and some of my colleagues support legislation aimed at achieving this seemingly worthy objective.

Before we rush to enact such legislation, I hope my colleagues will consider the technical problems with such proposals. I ask that an article by Warren Cassidy that appeared in Reports from Washington of June 30, 1983 and an article by Neal Knox from the July-August 1983 Handloader magazine be printed in the RECORD.

The articles follow:

[From Handloader magazine, July-August 1983]

THE KTW FLAP

(By Neal Knox)

The controversy over KTW or armor-piercing bullets is a tempest in a teapot, a great wringing of hands over a nonexistent problem. These bullets can penetrate the light body armor that police wear; what makes them a nonproblem is that not one has penetrated armor while someone wore it. The "cop-killer" bullets that antigun organizations, publicity-seeking congressmen, and the news media have assaulted so furiously have never killed a cop—or even wounded one—by penetrating light body armor. But this situation may change now because of the mass education of crooks that has resulted from the furor.

Once again, the antigun forces have capitalized upon public ignorance about firearms and have assigned mystical properties to some elemental laws of physics. The "magical property" of the KTW bullet was supposedly its DuPont Teflon coating, an excellent lubricant that was said to allow the bullet to slide through the fibers of the vest. I even saw a press bulletin that told the public that the "problem" had been solved because DuPont refused to allow any more Teflon to be sold to bullet makers.

Certainly, the KTW bullet, the French Arcane, or any other pointed, hard, fairly fast bullet—with or without a lubricant coating—can penetrate light body armor and could thus kill an officer. But so can a knife or an ice pick.

Handgun Control Inc., as part of its endless efforts to find a soft spot through which to attack the ownership of handguns, has launched a series of page-deep ads in major newspapers across the country. Those ads make it appear that no reasonable person could oppose a ban on "cop-killer" bullets, that in fact anyone who does oppose such legislation is in favor of killing cops.

"The police want them banned," the ads proclaim; "The NRA doesn't." Some NRA members have told me that they were embarrassed to belong to an organization that takes such an unreasonable position—which is precisely what Handgun Control Inc. had hoped to achieve.

Of course, the ads don't mention that technical experts who testified for the BATF, Secret Service, and FBI during hearings on the so-called cop-killer-bullet bill last year all testified against it. They pointed out that the bill would have no real effect on crime—but that legislation of the type that was envisioned would make countless types of other ammunition illegal, since many standard loads are also capable of penetrating light body armor.

The NRA Institute for Legislative Action has had a terribly difficult time opposing anti-KTW legislation. The institute's difficulty is this: no honest citizen has a need for a bullet that is designed to penetrate body armor, but many of us do have legitimate reasons for owning and using ammunition that can do it but was designed for other purposes and uses; if ILA starts telling how easy it is to defeat such armor—and the kinds and types of loads that can do it—there are going to be some police officers killed. ILA doesn't want to have any part in teaching hoods how to kill cops. Such problems obviously don't worry outfits like Handgun Control Inc, but they do worry the NRA.

As most knowledgeable hand-loaders know, light body armor comprises about eight (Type I) to sixteen (Type II) layers of woven Kevlar, a super-strong fiber used in the manufacture of automobile tires. Almost any hard, pointed high-velocity handgun bullet can penetrate it. So also can any centerfire-rifle bullet, including most of those that the Contender pistol is chambered for (which would, under the language in some bills, make even a .30-30 round illegal to possess), and so can any shotgun load. And while really powerful soft nosed handgun loads such as the .41 Magnum or .44 Magnum may not penetrate the vest, they can kill its wearer anyway, through blunt-shock trauma.

As soon as the KTW flap started, almost two years ago, the man who had conceived and developed the light vest called me, angry and horrified about what the publicity would do to remove the protection that the vests have given officers. He said that it had never been his intention, nor the other developers', to provide total protection against everything, for that would have meant a heavy, cumbersome "flak jacket" that the officer would wear ony in times of obvious need but would be too uncomfortable for every-day wear.

The object, he said, was to achieve a compromise between comfort and protection against the "perceived threat." The main threat to the officer is his own gun, which is used to kill about twenty percent of those officers who die by gunfire. At the time—a dozen or so years ago—most officers were armed with .38 Specials, so the light Type I vest was designed to stop that relatively low-powered bullet. When police began to be armed with higher-powered guns, principally the .357 Magnum, the perceived threat

became greater, and the less-comfortable Type II and IIa vests were developed.

The rarely seen KTW bullet was available when light body armor was developed, and the people in the Police Standards Bureau knew about it. They also knew that the KTW and a bunch of other bullets would go through the vest as if it was a cotton T-shirt. But the Type II vest can stop about eighty-five percent of the available handgun bullets, and that is a remarkable achievement for armor that is light enough to be worn regularly and routinely.

My old friend—who is a handloader and a long-time reader of Handloader—was justifiably proud of the perceived-threat compromise that he and his colleagues had worked-out, for some four hundred police officers have been spared death or serious injury because of his imaginative developmental work—and some generous congressional funding.

But he fears, as I do, that the education of crooks as a result of the KTW flap will cause more deaths as thugs learn that so many officers are wearing vests that offer no protection against either more-powerful armament or a bullet between the eyes.

Most robbers have generally armed themselves with small, low-powered handguns that fire soft, low-velocity bullets that the Type I vest can easily stop—and that are also usually survivable even without the vest. As you know, and I'm afraid that many potential assassins have learned, if the attack upon President Reagan had been made with something more powerful than a .22 rimfire—such as the 9mm Parabellum used in the attack upon Pope John Paul—the results would unquestionably been far, far worse.

Therefore, for years, I have been appalled by the foolish attempts of misguided, ignorant people to prohibit the manufacture, sale, and possession of small low-powered handguns—the so-called Saturday-night specials. If they were to be eliminated by the wave of a magic wand—laws having no such magical power—the certain result would be a mass turn to only slightly less concealable but more-powerful handguns or (Heaven forbid!) more sawed-off shotguns. And if anyone doubts that they aren't concealable, I invite him to observe the faint bulges caused by the machine guns carried under the unbuttoned coats of the Secret Service agents who protect the President.

While President Reagan was speaking at the NRA meetings in Phoenix, he briefly touched upon KTW legislation, suggesting that there be a stiff, mandatory additional sentence for anyone using "or possessing" ammunition that is "designed to penetrate" light body armor while he commits a crime of violence. With some tightening of the language used, we gun owners would have no objection to such legislation, for it's already against the law for anyone to rob or to murder, with or without a gun, and the penalties that are usually pronounced are deplorably light.

However, any such federal legislation should be limited to federal jurisdictions, for—in the first place—the federal government has no constitutional basis for invading the domain of states' police powers. And in the second place, the Justice Department won't bring charges when state laws against robbery, murder, and the like have been violated; that's why no charge is brought against a robber who uses a federally illegal sawed-off shotgun or machine gun to rob a liquor store.

Further, if possession is to become a federal felony with a mandatory sentence, it should be carefully spelled-out as "possession as an element of the offense"—a bullet designed to penetrate armor, loaded in a gun used in committing the violent offense—and the gun or cartridge would be considered to have been used if it was an element of the crime of violence, whether or not the trigger was pulled.

Such nit-picking is necessary to prevent something like this: an off-duty police officer, let's say, who beats-up a guest for making a pass at his wife, and gets sent to prison for five years because his service revolver, loaded with KTW bullets, is hanging on a hook by the door. Don't scoff that this is a far-fetched scenario; I know a man—a school teacher, a respected member of his community—who was sentenced to five years in a federal penitentiary for the possession of a target rifle, which was prohibited to him under the gun-control act because he had been convicted of robbery twenty years earlier, when he was eighteen.

While the NRA can not support legislation such as the President proposed, since it violates the fundamental principle that no bullet, cartridge, or other inanimate piece of metal is inherently evil, I do not believe that the Institue for Legislative Action would object to such carefully drafted legislation, particularly on the state level.

The KTW issue is going to have to be addressed, for it's quite clear that it isn't going to go away. And it's equally clear that our opponents haven't the slightest qualm about continuing to stir the issue, even at the cost of educating the crooks and getting some policemen killed.

I saw a graphic example of public and media ignorance about these matters a few months ago. In what appeared to be a live TV news report, an enthusiastic young reporter was showing the "bullet-proof" vests that had just been issued to his local police department (which certainly informed the thugs who were tuned-in) and gloweringly commenting about the availability of certain handgun bullets that would penetrate them (educating the crooks still further). "But," he said brightly, "it will easily stop a twenty-two like this one."

Then, putting the vest on, he stepped back from the camera and said something like "and to show you just how good they are . . . ." He held his arms to each side as an out-of-focus pistol came into view, was pointed at him, and was fired. With a look of astonishment and pain, he staggered backward, almost collapsing, weakly crying, "It hurts! It hurts! It hurts!"

That idiot could have been killed. If he had talked with anyone who knew something about guns, or vests, or armor-piercing bullets, or the fact that some bullets can do things that they weren't designed to do, he wouldn't have let himself be shot. And he wouldn't have been setting policemen up to be shot in the head or with a more powerful gun.

[From Reports from Washington, June 30, 1983]

KTW: SETTING THE RECORD STRAIGHT

(By Howard Cassidy)

National Rifle Association members and supporters across America undoubtedly are aware of the controversy surrounding KTW, a brand name of so-called armor-piercing ammunition. We have discussed this issue before, but unfortunately, legislative and media attention continues to focus on the KTW phenomenon. It's time to set the record straight on KTW. It's time to lay to rest, once and for all, the inaccuracies, half-truths and outright lies that have been spread about KTW and legislation, known as the Biaggi-Moynihan bill, which calls for a ban on armor-piercing ammunition.

The NRA is against the Biaggi-Moynihan bill for a single, solid reason: Because the legislation would ban virtually all types of sporting ammunition, and there appears to be no feasible or acceptable way to amend the measure to include only armor-piercing ammo. That is not simply the opinion of the NRA. It is the belief, arrived at after much study and deliberation, of the nation's top ballistics and legal experts.

As drafted, the bill would require the U.S. Treasury Department to determine which handgun bullets, when fired from a handgun with a barrel length of five inches or less, are capable of penetrating the equivalent of 18 layers of Kevlar, a synthetic fiber which is the standard composition of most police bullet-resistant vests.

The Treasury Department then would publish its findings in the Federal Register, and 60 days after publication those bullets defined as "prohibited" would be banned from further manufacture, import, sale or use—except for law enforcement or military purposes.

What does such a definition mean, in real terms, to the average hunter or competitive shooter? It is not exaggerating to state that the definition effectively could ban nearly all sporting ammunition. Again, the NRA is not alone in taking such a stand.

In testimony before the House Subcommittee on Crime last year, the Treasury Department's assistant secretary for enforcement stated that "any attempt to define projectile-type ammunition as (Biaggi-Moynihan) would seek to do, invariably includes a wide range of ammunition commonly used for hunting, target shooting or other legitimate and long-established sporting purposes."

A spokesman for the Justice Department told the same committee that ". . . our continuing study of this issue revealed that there are serious flaws in the broad ban on armor-piercing handgun ammunition proposed in (Biaggi-Moynihan). Moreover, in certain handgun calibers, the effect of a ban on armor-piercing bullets would effectively deprive firearms owners of the use of their weapons by rendering illegal all presently available commercially manufactured ammunition."

To this day, the Treasury and Justice Departments remain opposed to the bill; their ballistics and legal professionals have been unable to come up with a practical, enforceable definition on armor-piercing ammunition—a definition that would not penalize millions of law-abiding gun owners.

There is another key question that must be answered, a question all too often overlooked: Why is such legislation necessary in the first place? This question is prompted by a brief look at the facts.

Fact: Not a single armor-clad police officer ever has been shot with armor-piercing ammunition, contrary to the rhetoric espoused by the media and gun control groups, who have labeled the ammunition as "cop-killer bullets."

Fact: KTW-type ammunition never has been openly distributed to the general public; the ammunition historically has been available only to the police and military for highly specialized purposes. In fact, such agencies can obtain the ammunition only under tight restrictions, which include placing orders for the ammo on official de-

partment letterhead and including an official department purchase order.

Fact: Armor-piercing ammunition has been in existence since at least World War I, yet never has presented any problem for law enforcement agencies anywhere in the world.

Why, then, is there such a furor to solve a problem that does not exist? The answer, unfortunately, may have more to do with publicity for gun control groups than with good government.

Handgun Control, Inc. recently stepped up its campaign to win passage of Biaggi-Moynihan. In a deluge of letters to Capitol Hill and in strongly worded advertisements, HCI has urged Congress to ban the "cop-killer bullet"—a bullet that already is banned to the public.

Clearly, armor-piercing ammunition is not used by hunters or competitive shooters. The ammunition is for specialized law enforcement and military uses only. The NRA understands this.

What the NRA does not understand, and will not tolerate, is the implication that the association's opposition to the bill somehow is tantamount to signing the death certificates of America's police officers.

The NRA record of cooperation with law enforcement agencies—in marksmanship training, safety and general police support—is impeccable. The NRA is vitally concerned about the safety of the nation's police; tens of thousands of rank-and-file officers, in fact, are NRA members. The Biaggi-Moynihan bill, no matter what its intentions, will not serve to protect our nation's law enforcement community; and the NRA is deeply distressed that the adverse and undue publicity given this issue may have jeopardized the safety of thousands of dedicated officers.

It's time to clear up the confusion surrounding Biaggi-Moynihan. It's time to cut through the smoke screens that have clouded this issue. It's time for America's gun owners and sportsmen to urge their congressmen to oppose Biaggi-Moynihan (H.R. 953 and S. 555).

It's time, once and for all, to defeat this woefully flawed legislation.●

UNITED STATES-SOVIET LONG-TERM GRAIN DEAL

● Mr. ABDNOR. Mr. President, trade has become a vital part of U.S. agriculture. Since foreign sales now account for 25 to 30 percent of gross farm income, new markets must be developed and maintained.

In developing these markets, the United States must prove its reliability in providing agricultural products. The Soviet grain embargo damaged the U.S. reputation as a nation that keeps its promises. This grain embargo, additionally, hurt the American farmers. Farmers need foreign markets, so they can maintain a decent level of income.

Currently, the United States has a chance to restore its reputation as a reliable world exporter and to restore to the farmers a foreign market for their products. The U.S. Government must sit down with the Soviet Government and develop a long-term grain agreement. The United States needs to recapture the market it once lost.

Furthermore, the step toward developing a long-term grain agreement with the Soviets must not stop there. The U.S. Government must continue to develop additional long-term grain agreements with other foreign countries. The best way to pull the American farmers out of the depressed state they are in is through the development of reliable long-term grain agreements.

In a recent article by the Office of Technology Assessment, "Technology and East-West Trade: An Update," the effect of the Soviet grain embargo on U.S. reliability in foreign markets was discussed. I would like to highlight some of the discussion presented in the section "The Impact of Export Administration Policy on the U.S. Economy."

Most critics of the embargo view its consequences as potentially more serious in the long-term than in the short-term. They argue that it has given the United States the reputation of being an unreliable supplier, and that other countries are now doubtful of the certainty of U.S. agricultural supplies. For instance, Mexico, which signed a grain supply agreement with the United States in 1980, is reportedly now considering signing long-term supply agreements with other countries. In addition to seeking alternative sources of supplies, importing countries may also be encouraged to become self-sufficient in grain or find substitutes. Another potential longrun impact is increased production in other grain-exporting countries.

Moreover, the sanctions may well have a long-term adverse effect on the U.S. reputation as a dependable business partner to countries other than the U.S.S.R.:

Any company in the world considering the purchase of American technology as opposed to, say, Japanese technology, now has to think about the possibility that the U.S. Government at some point in the future for foreign policy reasons may undertake sanctions against that company to stop exporting that product to some other country.

These were just a few points brought out in the report, but one can see how the U.S. must rebuild itself as a reliable food supplier. I would encourage members of the Senate to review this study and to use it for background information.

Once again, I urge this administration to develop a long-term grain deal with the Soviet Union and with other foreign countries. In this process, the American farmer will benefit; the American people will benefit; and the American economy will benefit.●

FRED SANCHEZ

● Mr. RIEGLE. Mr. President, I wish to recognize Fred Sanchez of Flint who spent almost 30 years striving for the citizens and workers of Michigan.

Mr. Sanchez was born in San Antonio, Tex., in 1928. He emmigrated to Michigan where he joined UAW Local 326 of Flint in 1954. Mr. Sanchez spent most of his life with the UAW and rose to become a general board member of the UAW-CAP for over 10 years and the chairman of the CAP Committee for Labor for 6 years.

In addition, Mr. Sanchez was very active in the community; he was a representative of the Spanish-speaking peoples in the area and is an active member of the Democratic Party in Genesee County.

Fred Sanchez retired from the UAW on February 1, 1983, but continues to aid the community. The citizens and workers of Genesee County and Michigan owe a great debt to Fred Sanchez for his efforts have truly enhanced our lives.●

FOREIGN SERVICE OFFICERS

● Mr. PELL. Mr. President, on May 28 the Washington Post ran a front-page article on the replacement of Thomas Enders as Assistant Secretary of State for Inter-American Affairs. The article quoted an unidentified administration official who stated that this action reflected "unhappiness with the execution of U.S. policy" in Central America. This same official added that "You do not handle Central American policies with tea and crumpets on the diplomatic circuit." I believe that this comment is an unwarranted and unjustified slur against members of the Foreign Service as well as an unfair, albeit only implied, criticism of Mr. Enders' performance.

As a former Foreign Service officer and as one who has personally known outstanding career diplomats such as George F. Kennan, Charles E. Bohlen, and the late Llewellyn Thompson, I can state uncategorically that Foreign Service officers have the dedication, ability, training, and courage to serve the United States under the most difficult conditions and to implement the complex and delicate policies that we pursue in our relations with other nations. To suggest that career diplomats pass the hours at teas or cocktail parties is an affront to the outstanding men and women who represent the United States abroad—a job which is becoming increasingly dangerous as the tragic bombing in April of the American Embassy in Beirut demonstrates.

Over the years, I have differed with Mr. Enders on matters of policy. Nevertheless, I respect his diplomatic abilities and believe that he is an outstanding representative of the Foreign Service. In my view, he and his colleagues deserve to have their contributions recognized not only by the American people but by those in the administration which they serve.

Mr. President, I ask that the text of the Washington Post article be printed in the RECORD following my remarks.

The article follows:

[From the Washington Post, May 28, 1983]

REAGAN HAS ENDERS REPLACED AT STATE DEPARTMENT

(By John M. Goshko and Lou Cannon)

President Reagan yesterday removed Thomas O. Enders as assistant secretary of state for inter-American affairs, an action that reflected "unhappiness with the execution of U.S. policy" in Central America, according to an administration official.

Several administration officials said the change will lead to a tougher U.S. policy in Central America, controlled directly by the White House rather than through the State Department.

Enders will be replaced by Langhorne A. (Tony) Motley, a land developer and Republican Party stalwart from Alaska who has been ambassador to Brazil for the last two years.

The official who spoke of Reagan's "unhappiness" also praised Enders' diplomatic abilities, which he said would be put to proper use in his new post as ambassador to Spain. But, in a shape implied criticism of the way Enders had performed his present duties, he added, "You don't handle Central America policies with tea and crumpets on the diplomatic circuit."

Several administration officials said U.S. policy in Central America now seems likely to increasingly bear the stamp of Reagan's national security affair, William P. Clark. He is sympathetic to the view, shared by U.N. Ambassador Jeane J. Kirkpatrick, that even tougher measures are required to combat leftist guerrillas in El Salvador and to counter the influence of Cuba and the leftist Sandinista government of Nicaragua in that region.

They regarded Enders as favoring a diplomatic solution to the civil war in El Salvador. Reagan agrees with Clark and Kirkpatrick that the guerrillas must be defeated militarily, the officials said.

One official added that Reagan decided to "put his own people" in key Central America policy-making positions even before he made his speech on Central America to a joint session of Congress on April 27.

However, other sources in the administration cautioned that it would be incorrect to assume there will be swift and radical changes in Central American policy, which is under heavy fire from liberals in Congress. In particular, these sources disputed the idea that Enders' departure means that Clark has wrested control of the policy from Secretary of State George P. Shultz.

Shultz, who announced the change yesterday to reporters aboard Air Force One en route to the Williamsburg, Va., economic summit, praised Enders as "a great man" and said the move was made because it was time for a "rotation in the State Department, and we do make changes."

The extent of Shultz's involvement in the decision was not clear, but one official said that the secretary "fully concurred" in the switch. This suggested that Shultz did not initiate the move. But he was said to be pleased with the elevation of Motley, who has been given almost universally high marks as ambassador in Brazil.

On the surface, Enders' replacement would seem to be a relatively unremarkable move, as his job is nominally a second-echelon position in the governmental hierarchy. However, it seems certain to stir controversy because U.S. involvement in Central America is a subject of emotional national interest and Enders has been regarded as the principal architect of U.S. policy in the region.

In the view of many officials, Enders' problem was that he had come to exercise a power over Central American policy decisions far greater than is normally granted to assistant secretaries of state. That was particularly the case after Shultz took office last summer and found himself forced to devote most of his time to the Middle East and other problems.

In the process, Enders became, as one source put it, "a man caught in the middle. Although he got on well with Congress, he still was pushing a policy fiercely opposed by liberals fearful of increasing U.S. involvement. At the same time, his efforts to build support with the liberals made him highly suspect to hard-core conservative who thought him insufficiently vigorous in his anti-communism."

As the civil war in El Salvador dragged on inconclusively, Enders also found himself increasingly on a different wavelength than Clark, Kirkpatrick and other in-house critics from the Pentagon and the CIA who disputed the State Department's approach.

As one senior official put it, "It was like what happens when a baseball team is on a losing streak. You get a lot of agitation to fire the manager, and Enders was regarded throughout the government as the manager on Central America."

Clark and Kirkpatrick's disenchantment came to a head in February when it became known that Enders had prepared a position paper advocating a two-track policy of pursuing the civil war in El Salvador while seeking to promote negotiations with representatives of the guerrillas. This was opposed by administration hard-liners as potentially opening the way for the guerrillas to negotiate a share of power in the Salvadoran government.

The uproar caused by that incident in conservative circles forced Shultz to exercise greater supervision over Enders' activities. But by then the demand for Enders' ouster had become a crusade for conservative Reagan supporters.

At the same time, the president began to turn increasingly to Clark and Kirkpatrick for advice on Central America. The sugar import quota for Nicaragua was virtually eliminated despite Enders' objections. He was unable to fill the key deputy slots in his bureau because of a power struggle over the ideological orientation of those considered for the jobs. And, in what was widely regarded as a slap at Enders, former Florida senator Richard B. Stone was named a special emissary for Central America.

Enders' replacement, Motley, is held in high regard by Republican conservatives. And, although he went to Brazil two years ago with the reputation of "a real estate salesman from Alaska," he has won considerable praise from Brazilian officials and other diplomats for skillful performance.

Motley, who was born and raised in Rio de Janeiro, speaks Portuguese. He arranged Reagan's visit to Brazil last December and acted as his interpreter in meetings with Brazilian President Joao Figueiredo.

However, Motley's Latin American experience has been confined largely to Brazil. State Department officials said he has no real experience with Central America.●

WE LOVE YOU FLAG

● Mr. GOLDWATER. Mr. President, nearly every day, I venture to guess, each of us has occasion to see the U.S. flag. Because it is an everyday occurrence, it probably falls into the category of routine. While it may be routine to many of us, the flag has profound implications as to what it means and the symbolism it contains.

From the early days of our country during our fight for independence until the present time, the flag of the United States has represented an ideal that stretches back to prerecorded history—freedom. Everywhere our flag has gone, it has shown to friend and foe alike that the United States was willing to make the ultimate sacrifice to preserve our freedom.

This ideal was foremost in Col. William Baugh's mind when he wrote a poem commemorating Flag Day for the U.S. Air Force's Space Command newspaper, Space Time. The reason for the special poignancy behind Colonel Baugh's tribute is that he describes his feelings for our flag that sustained him during his 6-year captivity as a POW in North Vietnam.

Mr. President, I think all of my colleagues as well as the rest of the people should read Colonel Baugh's poem and reflect upon the words he has written and understand what the U.S. Flag means to all of us. Therefore, I ask unanimous consent that Colonel Baugh's poem be printed in the RECORD for each and every one of us.

WE LOVE YOU FLAG

You helped us keep the faith.
You gave us something to put our faith in
Something to salute
A reason to live.
You represented everything we resisted for.
You were the symbol of freedom.
You represented those who spoke out against our government
As well as those who would give their lives for the cause.
The "V" never understood what you represented.
We defied the "V" and gave you respect each day.
You symbolized our country.
You were freedom—the good life, the ability to say what you feel without fear of reprisal—the answer to all that was good to us.
In solitary we would salute you alone.
In torture we would call on you for courage.
In groups we would organize and salute you in unison.
When confined and restrained we would salute you in silence.
You were my strength, you gave me a reason to live, to resist, to endure.
Those dark days when all was down you gave me something to hold on to—a symbol of resistance.
They didn't understand how powerful you were.
Why resist when Americans were speaking out in protest?
Because you represented that freedom, the freedom of speech.
When your freedom is gone you realize how great you are, my flag.
When I see you today, waving in all your glory, it worries me that you are taken for granted—How many living Americans realize what a great country you represent?
Strength

Freedom
Right
Grit
Hold on
Hang in there
One day at time

I know from where I draw my strength, from where I take my stand, for like the mighty oak my roots are in the fertile land.

"We Love You Flag," was penned by Col. William H. Baugh, a retired Air Force officer and former prisoner of war. A fighter pilot, Colonel Baugh was flying an F-4 mission over North Vietnam in January 1967 when he was shot down and captured. He remained a POW at Hanoi until March 1973.●

A COMPREHENSIVE APPROACH TO ARMS CONTROL

● Mr. LEAHY. Mr. President, on May 20, 1983, I asked unanimous consent to have printed in the RECORD some valuable material on a nuclear freeze proposal prepared by Mr. Christopher Paine of the Federation of American Scientists. One of the most useful parts of that material was a table 5 containing the outline of a comprehensive nuclear freeze and reductions agreement. Unfortunately, table 5 was not included in the material as printed in the RECORD. This greatly diminishes the value of Mr. Paine's excellent statement on a nuclear freeze proposal.

I ask, therefore, that the entire statement of Mr. Paine before a panel organized by the Federation of American Scientists, including the missing table 5, be printed in full in the RECORD at this point.

The material follows:

[Prepared testimony of Christopher E. Paine]

RETHINKING ARMS CONTROL: ADVANTAGES OF A COMPREHENSIVE APPROACH

The burden of my testimony today is that a comprehensive approach to ending the nuclear arms race is both politically and technically feasible, and in fact offers distinct verification and security advantages over more limited approaches.

Although traditional thinking about arms control comes encased in a veneer of purportedly technical constraints, close examination reveals that these are not purely technical constraints, but rather limits based on subjective—indeed highly political—determinations of the "national interest" and the fragility of the nuclear balance. For example, if you believe that the balance in specific measures of nuclear capability is an oracle of geopolitical fortune, you will probably demand high levels of on-site inspection to monitor each and every incremental improvement in the Soviet nuclear arsenal, on the grounds that the United States must be able to respond promptly to Soviet efforts to change the balance, no matter how small these may be in relation to the total arsenals.

On the other hand, if you believe, as I do, that the destiny of world affairs depends far less on the balance in nuclear capabilities than on the dangers arising from the race to maintain these capabilities, then you are likely to have a far different set of preferences. Specifically, if one reaches the conclusion that the nuclear balance is, within a fairly broad range of disparities, inherently stable with respect to the deliberate initiation of nuclear conflict, then one is willing to tolerate a comprehensive agreement characterized by lower-levels of monitoring confidence for marginal changes in the Soviet arsenal, in exchange for a halt in the overall process.

Between these two extremes lies a wide and fertile ground for exploration and compromise. It behooves us all to examine the actual range of possibilities that really do exist, rather than continue to dwell in the small box (see Figure 1) defined by the present Administration's ideological and strategic preoccupations.

[Figure 1 not reproducible for the RECORD.]

For example, it is often said that in addition to National Technical Means (NTM) the Freeze will require "on-site inspection," which the Soviets will presumably be unwilling to grant. What kind of National Technical Means? What kind of "on-site" inspection? And can these be used in combination? There are many possible combinations (Table 1) of current (and feasible near-term) NTM, intrusiveness, frequency of coverage, cooperative measures, and information exchange, yielding a wide range of possible confidence levels when applied to a broad spectrum of possible agreements. Some of these possibilities are spelled out in Table 2.

[Tables 1 and 2 not reproducible for the RECORD.]

EXPLANATION OF TABLE 2.—ILLUSTRATIVE MODES OF MONITORING COMPLIANCE

1. Remote monitoring by National Technical Means outside Soviet territory.
2. Remote monitoring by tamper proof NTM located within Soviet territory.
3. On-site monitoring by non-intrusive inspections using technical means.
4. On-site monitoring by mildly intrusive inspections using technical means.
5. Intrusive "Quota" Inspections.
6. Intrusive Continuous On-Site Inspection.
7. Inspection by the Public (report a violation if you've seen or heard of one).
8. Data base exchange.
9. Cooperative measures on request (removal of shielding against NTM).
10. Inspection by Interrogation, hierarchy of requests for clarification and responses, leading to a prima facie case of violation or compliance with the right to request inspection to resolve doubts.

Similarly, the problem of treaty compliance is not a simple "yes they are—no they are not"; kind of problem. There is in fact a wide range of possible forms of treaty noncompliance (Table 3) and a wide range of possible responses to treaty violations (Table 4). We need to know, for example, which violations in Table 3 should be paired with which remedies in Table 4? What kinds of treaty violations threaten our security such that they would justify abrogation, and what kind of violations would merit lesser actions. In short, there is a great deal of investigation to be done here, and from one perspective, perhaps the most we can say is to admit the scale of our current ignorance and get to work. One way of looking at the range of possibilities is summarized in Figure 1, which attempts to show geometrically how differences in three important subjective preferences relating to arms control can affect the domain of possible agreement.

[Tables 3 and 4 not reproducible for the RECORD.]

EXPLANATION FOR TABLE 3.—FORMS OF TREATY NONCOMPLIANCE

Level I—High-Level Cheating:

1. Intentional Systematic violation on Executive orders to achieve Treaty Breakout/Strategic Superiority.
2. Intentional violation on Executive orders to achieve new capability within Treaty regime.
3. Intentional violation on Executive orders to achieve marginal improvements within Treaty regime.
4. Intentional violation on Executive direction to maintain or increase confidence in existing weapons.

Level II—Bureaucratic Non-Compliance:

5. Intentional Chiseling at Lower Military/Industrial echelons to achieve new capability within Treaty regime.
6. Intentional Chiseling at Lower Military/Industrial echelons to achieve marginal improvements within Treaty Regime.
7. Intentional Chiseling at Lower Military/Industrial Echelons to maintain/increase confidence in existing weapons.
8. Unintentional violations at lower echelons due to inadequate education/information/supervision (e.g. overenthusiastic major turns on air defense radar unit to track incoming RV's).

Level III—"Apparent" Violations:

9. Conscious exploitation of treaty ambiguities, loopholes.
10. Genuine difference of interpretation regarding a treaty provision.
11. "Apparent violations" which arise from developments which are inherently ambiguous at certain stages but which are later revealed to be consistent with treaty requirements.
12. Involuntary temporary non-compliance arising from circumstances beyond leadership control (war, natural disaster, internal political upheaval).
13. Signatures registered by monitoring systems mistaken for prohibited activity (e.g. gas fire for ground-based laser, earthquake for nuclear test).
14. Charges of violations arising from inadequate information concerning activity under observation.

EXPLANATION FOR TABLE 4.—POSSIBLE REMEDIES TO TREATY VIOLATIONS

1. Reinterpretation of Treaty Provisions to eliminate violation.
2. "Consent Decree" not to engage again in specific forms of activity whether or not these are judged to be "violations" of the agreement.
3. "Tit for Tat" limited retaliation in response to prohibited activity, limited in scope but not necessarily identical to adversary's action.
4. Denial of rights under the treaty, such as inspections or data exchange, until prohibited activity ceases.
5. Withdrawal from part of the Treaty until adversary violations cease.
6. Suspension of Compliance with Entire Treaty until violations cease.
7. Withdrawal from the Treaty.
8. Punitive International Sanctions.

However, I would like to suggest that there are sound technical and political grounds for believing in the validity of the comprehensive approach. This is set forth in detail in Table 5 and represented schematically in Figure 2, "A Nuclear Weapons Freeze Verification Flow Chart." What we really care about, and what we are really trying to stop, is represented at the far

right hand side of the chart—a freeze on the number and the characteristics of deployed nuclear weapons and delivery vehicles. We are very concerned about this with or without a treaty. A treaty limiting numbers alone is fine, but this in no way addresses the dangers arising from Soviet improvements in the performance characteristics of their weapons, which we would continue to monitor with a great deal of interest. At a minimum, a deployment freeze which also prohibited modernization would allow us to probe the Soviets concerning these characteristics, thereby improving our intelligence concerning the Soviet nuclear threat.

[Figures 1 and 2 not reproducible for the RECORD.]

However, if we are really serious about limiting Soviet improvements, we would obviously pursue test restrictions. Presumably these would greatly impede the flow of improvements filtering into deployed Soviet nucelar forces, increasing our confidence in the deployment freeze and increasing our knowledge of Soviet missile capabilities through: an NTM non-interference clause; non-encrytion of telemetry; provisions for advance notification of tests; and data exchange under the agreement.

However, a testing and deployment freeze would leave an unconstrained Soviet production potential for rapid "breakout" from the treaty constraints, a frequency recurring nightmare among those who are inclined towards intense distrust of the Soviets. Since this potential would exist with or without an agreement, as would the potential for an American response, and presuming one makes the judgment that the prevailing nuclear balance is not all that delicate, why not freeze the production of dedicated delivery vehicles, nuclear warheads, and fissionable materials? As long as the Soviet clandestine production potential remained below a given threshold, over a given period of time, and we felt comfortable with both those estimates, a production ban would seem to offer nothing but advantages—increased confidence that the deployment freeze was limiting future as well as present deployments and increased confidence that the Soviets were not running a secret test program, on the grounds that they are not likely to produce something they have not tested. And while the Freeze would not directly ban research and development on new warheads and delivery systems, it would dramatically limit the design parameters of such systems as well as the incentives for pursuing them.

In short, while certain individual provisions of a freeze agreement might be monitored with only a moderate degree of confidence, the increased scope of the freeze generates increased opportunities for monitoring Soviet compliance, multiple requirements for cheating to increase deployed military capability, and multiple chances for detecting Soviet violations. Thus the overall chance of detecting Soviet cheating on the agreement could be as high or higher for the freeze than for more limited agreements. And under the verification provisions of a freeze agreement, we could seek clarification of a far wider range of Soviet military activities than we can at present, or than we could under the President's START proposal.

These observations add up to the conclusion that the main task of arms control negotiations at the present time is not to rework the strategic balance through a combination of selective nuclear reductions and broad-based modernization, but rather to coordinate a halt in the offensive nuclear weapons programs of the two sides. This would complement the defensive ABM freeze we already have in place and close the loopholes in the SALT II structure. Reductions could be negotiated and implemented simultaneously with a freeze, resolving "stability" problems by throwing away weapons rather than be building more of them. Thank you for hearing me, and I certainly will try to answer any questions you may have.

OUTLINE OF A COMPREHENSIVE NUCLEAR WEAPONS FREEZE AND REDUCTIONS AGREEMENT: WHAT, WHY, WHEN, AND HOW

Intent of the agreement: The intent of the freeze segment of the agreement is to end the dangerous competition between the United States and the Soviet Union in the testing, production, and deployment of nuclear weapons and their primary delivery systems. A freeze would prevent the deployment of new nuclear weapons systems designed for preemptive strikes on the nuclear weapons systems of the opposing side, and stop additional deployments of existing types nuclear weapons and delivery vehicles. By putting an end to the counterforce weapons race, the freeze would place a cap on the threat to both the deterrent forces and the population of the superpowers as well as other nations affected by their nuclear arsenals. Circumvention of this intent through the increase by either party of "dual-capable" delivery systems configured for nuclear strike would be considered a violation of the agreement, and thus a noncircumvention clause is included to reflect this understanding.

Reducing the nuclear threats to each side's deterrent forces and population is the task of the reductions segment of the agreement. (It is not the intent of the freeze portion of the agreement to significantly reduce the nuclear deterrent threats posed by both side's nuclear arsenals by preventing the maintenance of these systems, thereby degrading their reliability. However, the tight test restrictions called for in the agreement would prevent the attainment of the high levels of confidence required for preemptive attacks on hardened targets. In short, the freeze would not impede deterrent confidence, but it would impede first-strike confidence.) Issues of crisis stability arising from the assymetrical nature of the respective nuclear forces can and should be solved through reductions of the most threatening and vulnerable forces rather than through mutual expansion and modernization.

Duration of the agreement: The proposed agreement on a comprehensive nuclear freeze would be of indefinite duration—like its nuclear defensive counterpart, the ABM Treaty—with provision for a review conference every five years which would consider possible revisions of, or withdrawal from, the agreement. In the interim, the Standing Consultative Commission would deal with compliance questions and any other pertinent issues raised by either party. The need for renewal of production of existing types for the purposes of replacement could be raised by either party at any time and considered in the light of ongoing and planned reductions. Renewed production would be authorized only by negotiated exceptions to the Freeze Agreement, and would take effect at the conclusion of each five year review conference and expire at the beginning of the next review conference.

Main provisions: The proposed Comprehensive Nuclear Freeze and Reductions Agreement would have the following main provisions:

TABLE 5

Provision	Why	When	How verified
I. DEPLOYMENT			
The proposed agreement would freeze the number and characteristics (within certain agreed limits) of dedicated nuclear delivery vehicles deployed by both sides, and the number and characteristics of their associated reentry vehicles and nuclear warheads. This freeze would include the following categories of weapons:	Will enhance both "crisis stability" and "arms race stability" by reducing reciprocal fears of surprise attack; end diversion of resources; improve East-West relations; assist non-proliferation objectives.		Monitoring the number of deployed systems would be achieved primarily through National Technical Means (NTM) including Imaging Reconnaissance Satellites, Electronic Recce. Sattellites, and Ocean Surveillance Satellites. While some characteristics could be monitored directly, others would be monitored indirectly by monitoring Soviet missile tests.
1. Intercontinental Ballistic Missiles	MX and new Soviet ICBM would threaten hardened silos and command posts. So would Trident II.	Before 1986	
2. Submarine Launched Ballistic Missiles		Before 1988	
3. Intermediate-Range Ballistic Missiles	Pershing II poses destabilizing short warning threat	Before 1984	Aircraft and ships equipped with a wide range of surveillance devices would be useful for monitoring deployment of cruise missiles.
4. Long-Range (600km.+) Ground, Sea, and Air-Launched Cruise Missiles.	Cruise complicates arms control	Before 1984	
5. Medium-Range and Battlefield Ballistic Missiles	Represent nuclear warfighting escalation threat and threat to allies.	Before 1984 or ASAP	Ground-based listening post assist in monitoring Soviet battlefield missile units.
6. Nuclear Air Defense Missiles	Could undermine deterence	Same as above.	
II. STRATEGIC BOMBERS			
The proposed agreement would place a ceiling on strategic bombers at current levels (328 US vs 250 Soviet). Each side would be permitted to deploy one new strategic bomber, but with no net increase in the number or the total payload of the bombers, and without modernization of the weapons.	Bomber modernization could also be precluded by agreement, but U.S. bombers are old and also have conventional roles, as do Soviet bombers.	1984–1990	Primarily by National Technical Means; number of new bombers could not exceed SALT Limits, and total payload of new bomber force could not exceed total payload of older force.

TABLE 5—Continued

Provision	Why	When	How verified
III. NONCIRCUMVENTION PROVISION			
Each side would undertake not to significantly increase the number or alter the roles and missions (e.g. conventional-to-nuclear) of the following types of weapons from those prevailing at the time the agreement enters into force:	To prevent circumvention of long-range delivery vehicle freeze and stabilize nuclear balance in specific "theaters".	Before significant deployment of long-range SLCMs.	Primarily by National Technical Means, but also by non-intrusive or mildly intrusive inspections for the presence of nuclear weapons on ships and subs using advanced portable detection technology.
Intermediated/Medium Range Bombers and Strike Aircraft. Howitzers units equipped for firing AFAPs. Subs equipped with Short-Range Cruise Missiles, SUBROC nuclear-tipped torpedos, etc.	Because these systems are used in combat in their conventional roles, they pose perhaps greatest danger of nuclear escalation in Soviet-American crisis confrontation.		Ban on production of nuclear warheads and bombs (Section V) would increase monitoring confidence.
Surface ships with ASROCs, Nuclear Air Defense Missiles Short Range Cruise Missiles, etc. Anti-sub and Anti-ship aircraft equipped with short/medium range ALCMs and nuclear depth charges.			To ease verification requirements, both sides could agree to ban long-range conventionally armed cruise missiles, or restrict their deployment to vessels whose non-nuclear status could be monitored with high-confidence.
IV. TESTING			
1. The Agreement would ban the flight testing of all "new types" of delivery vehicles included in the deployment freeze (Section I above) whose characteristics exceed certain permitted variances from agreed baselines, using previously tested types as the standard for measurement.	To stop the development of new more accurate and reliable weapons which could be used in a preemptive strike; increases confidence that deployment freeze is being observed.	Immediately	Primarily by National Technical Means, including ground-based telemetry listening posts and Cobra Talon, Cobra Dane, and Cobra Judy radars. Strong provision banning interference with NTM and enencrytion of telemetry would facilitate monitoring.
2. A low annual limit, with appropriate provisions for advance notification, could be set for reliability tests of currently operational missiles.	Optional provision if considered necessary by one or both sides	Soon after above	Same as above.
3. All nuclear explosive testing would be banned, with possible negotiated exceptions for reliability tests of existing warheads.	To prevent development of new sizes and types of warheads for new RVs and "warfighting" nuclear missions; furtherance of non-proliferation objectives.	Immediately	Primarily by NTM, including global and on-site remote monitoring networks; provisions for data exchange, query inspection, leading if necessary to on-site visit.
V. PRODUCTION			
The proposed agreement would ban:			
1. The production of intercontinental and submarine launched ballistic missile stages and final assembly of all nuclear missile types included in the dedicated nuclear delivery vehicle deployment ban.	To enhance verification of the nuclear weapons system deployment ban; limit and vastly complicate breakout potential; save money.	1984–1988	Primarily by NTM, with provisions for data exchange, cooperative measures, leading to on-side inspections of facilities whose output can not be adequately determined.
2. The fabrication of fissile and fusion components for nuclear weapons, and their final assembly into nuclear warheads and bombs.	Same as above; also impedes violation of non-circumvention provision by restricting supply of warheads for tactical/theater systems.	1984–1988	Same as above. Existing facilities would be closed and replaced by single warhead-maintenance facility.
3. The production of special nuclear materials for weapons purposes, except for strictly limited production of tritium and enriched uranium under effective safeguards.	Same as above, but also enhances non-proliferation by strengthening IAEA.	1984–1988	NTM plus IAEA safeguards, declarations of existing stocks, bilateral on-site visits to ambiguous facilities.
VI. REDUCTIONS			
1. Reductions in the limits and sublimits of SALT II would begin immediately upon entry into force of the agreement. A 7.5 percent annual reduction would yield, for example, a 50 percent reduction in ten years.	Without reductions, freeze over time could become unstable; reductions can also ameliorate stability concerns arising from asymetrical forces and capabilities.	1983–?	Primarily by NTM.
2. Soviet reductions of SS–4, SS–5, and SS–20 missile launchers associated with 572 European INF warheads would begin immediately in accordance with a two-year schedule of 24 warheads per month.			Primarily by NTM.
3. Reductions in forward deployed nuclear warheads in Europe and elsewhere.	Reduces chances for nuclear escalation, terrorist seizure of weapons.	(?)	Non- or mildly-intrusive on-site inspections using portable NTM such as neutron generators.●

THE WORLD FOOD COUNCIL MEETING IN NEW YORK

● Mr. DANFORTH. Mr. President, this week the World Food Council, which was created by the U.N. General Assembly in 1974, is holding its annual ministerial meeting in New York City. It is the first meeting of the Council held in the United States. It is an occasion to make Americans glad that the WFC exists and to remind us that so much is yet to be accomplished in solving the problem of world hunger.

Nine years ago the United States and 35 other member nations of the WFC pledged to mount a major effort to drive hunger from the face of the Earth. Secretary of State Kissinger issued a stirring challenge:

> Therefore, today, we must proclaim a bold objective—that within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacity will be stunted by malnutrition.

Today, as we approach the first decade of WFC's existence, we must stand in judgment of how the member nations have responded to the Council's leadership. The report card is mixed. Hunger continues to be a prime subject in the news. Reports from drought-striken Ethiopia and parts of southern Africa are horrifying. Affluent nations are slow to respond. Children by the thousands die every day from diseases related to malnutrition.

Yet things could be considerably worse. Under WFC coordination some countries have achieved new levels of food security assisted by international organizations and aid from the developed nations. Even though international organizations are sometimes slow in response to the problems of world hunger, they still remain one of the best means available to deal with these problems.

The World Food Council does not engage directly in relief and development programs but it is the lead agency in coordinating and recommending programs to be implemented by other international organizations and countries. Agriculture ministers and secretaries from the 36 member nations of the WFC meet annually to review global progress toward solving problems of food production, distribution, and consumption.

The World Food Council has demonstrated what a small, policy-oriented international agency can do. It has been effective because it has avoided the pitfalls of huge multinational and national bureaucracies.

A very important effort of the World Food Council has been its promotion of "national food strategies" for 50 developing countries. Without a food strategy, many developing countries look at their problems in a piecemeal fashion. For example, an effort might be made to overcome problems in agricultural production while difficulties of distribution of food to poor people are ignored. Or, a country might devote its energies exclusively to subsidizing a cheap food policy for its urban population using American food aid while depriving its farmers of adequate prices for their produce.

A national food strategy encourages a country to examine its food system in its entirety, from the field to the home of the consumer. A food strategy also helps the leader of a country focus on the importance of a well-nourished populace.

The World Food Council has been an active adviser in international food trade and assistance. It was instrumental in negotiating a new Food Aid Convention. The result has been an administration of food aid that is more sensitive to the needs of poor people.

The Council was a leading advocate of the special cereal facility which was begun by the International Monetary Fund in 1981. The facility helps poor countries finance purchases of food on the international market.

Now the WFC faces the awesome task of assisting the many countries that have been devastated by a worldwide recession to maintain adequate nutritional levels among their people. It will need all of its accumulated knowledge and wisdom to act as global pilot, steering the developing nations through the shoals of financial insolvency toward food security.

The support of the United States for the World Food Council remains vital to the fight against world hunger. It is our hope that under the leadership of Secretary Block, the U.S. delegation will commend the leaders of the Council for their accomplishments, reaffirm American support for the Council, and pledge to redouble U.S. efforts to coordinate its food trade and aid policies with the strategies of the Council.

My colleague, Senator LEAHY of Vermont, has informed me that he shares my high opinion of the World Food Council and my hopes for its future success.●

THE 150TH ANNIVERSARY OF THE FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST OF GRAND BLANC

● Mr. RIEGLE. Mr. President, today I recognize the 150th anniversary of the First Congregational United Church of Christ of Grand Blanc.

On July 13, 1833, the members of the original congregation met at the house of Deacon Josiah Owen and organized the First Congregational Church of Grand Blanc; then one of only two Protestant churches between Pontiac and the Straits of Mackinaw.

For the next 125 years the church grew steadily and provided support and guidance for many citizens of Grand Blanc. In 1958 the congregation merged with the United Church of Christ and became the First Congregational United Church of Christ. In 1968, through a valiant fundraising drive, the church moved to its present home at Perry and Belsay roads. While the church does have a new name and a new home, it maintains its links with the past and uses the 1885 church bell to call the members of the congregation each Sunday.

The First Congregational United Church of Christ of Grand Blanc has served its community for 150 years and deserves our recognition, respect, and congratulations.●

PROMPT ACTION NEEDED ON ENTERPRISE ZONES

● Mr. QUAYLE. Mr. President, as a cosponsor of S. 863, the administration's enterprise zone bill, I feel this concept promises to brighten the economic future of many areas in this country. It has much potential for both job creation and revitalization of distressed communities.

In my State of Indiana, as in many others, the State legislature has already enacted legislation to make ready for enterprise zones. I am glad that we in the Senate have passed this urgently needed legislation and I hope that my colleagues on both sides of the aisle and in both bodies will continue the momentum toward enactment in the forthcoming conference committee.

The Indianapolis Star, in a recent editorial, outlined the need for congressional action on this important initiative. While this editorial was written before the Senate acted on enterprise zones and although it fails to note that the President and his administration have taken the lead in promoting the bill, the following editorial illustrates grassroots enthusiasm and optimism for enterprise zones. I ask that the editorial in the Indianapolis Star be printed at this point in the RECORD.

The editorial follows:

[From the Indianapolis Star, June 2, 1983]

GIVE THIS IDEA A CHANCE

After two years of debate and no action, the enterprise zone concept keeps coming back in Congress.

Enterprise zones, originally proposed by Reps. Jack Kemp, R-N.Y., and Robert Garcia, D-N.Y., have attracted all sorts of criticism, much of it having nothing to do with the Kemp-Garcia proposal.

The idea is to provide incentives for businesses to move into blighted and rundown urban areas. Most of the incentives are in the form of tax breaks, including tax credits for new jobs, as well as credits for hiring disadvantaged workers. The legislation is also designed to reduce the regulatory burdens on businesses that would move into these areas.

Some of the critics have complained that the zone concept would lead to "slave labor" and abuse of workers. But the Federal proposal does not allow for exemptions of the minimum wage.

Other critics have complained that businesses outside these zones would be at a disadvantage against those in the zone. That's true, but rates based on any geographical unit may leave a few unavoidable inequities. The point is: Certain areas that desperately need business are not attracting investment.

The Kemp-Garcia legislation is an experiment, providing for 75 zones to be designated by the Secretary of Housing and Urban Development. Several states, including Indiana, have already established the zone concept on a state level. Obviously the cities and states that have moved farthest ahead with their own initiatives should be prime candidates for the Federal zones.

It's past time for the Congress and the Reagan administration to get moving on this idea. If the critics have better ideas, they should bring them forward. But something needs to be done to relieve the tax burden that holds back small businesses from expansion. Bruce Hinton, head of a Baltimore construction firm, complained in a Reader's Digest article about how taxes and regulations frustrate his life. "Over 50 percent of my time is devoted to Federal, state and local paper work."

With a reduction in that burden, he says, he could expand and hire more people.

Mark Hernandez, general manager of Philadelphia Conquest Manufacturing Co., offered similar thoughts. "Taxes hold us back a lot. You can't project any sort of expansion. We could hire more men immediately—we have the work available—but we can't produce enough to pay them after paying Federal taxes."

The enterprise zone concept is not new. Similar plans are already working successfully in a few American cities, including Indianapolis, through property tax incentives and use of special development areas. The idea ought to be expanded by Congress this year.●

PATIENTS SUFFER WHILE CONGRESS SITS

● Mr. JEPSEN. Mr. President, for the last 4 years I have been trying to seek the adoption of legislation making the robbery of a controlled substance from a pharmacy a Federal offense. While I have been successful in getting the Senate to pass this important legislation, our colleagues in the House of Representatives have been reluctant to act on my proposal.

Although I believe the record is quite clear that Federal action is necessary, many people still seem to question the seriousness and severity of this problem. For this reason, I ask that an article entitled, "Cancer Patients Facing Dilemma of Pain" appear in the RECORD at the conclusion of my statement.

Mr. President, this article does an excellent job of pointing out the practical effects of our failure to act on this important issue. For the most part, proponents of pharmacy robber legislation have focused their attention on the impact on the pharmacists. Let there be no mistake, the problem is very real and very serious for these hardworking and dedicated professionals. This article, however, takes a slightly different approach, it points out the impact of this problem on the public—the people who have a legitimate need for controlled substances.

I want to commend the American Medical Association for this timely and important article. I hope that all of my colleagues would take a few moments and read this important contribution to the fight for enactment of pharmacy robbery legislation.

The article follows:

[From the American Medical News, June 24, 1983]

CANCER PATIENTS FACING DILEMMA OF PAIN

(Because of the growing threat of armed robbery, many pharmacies no longer stock narcotics, making badly needed drugs unavailable for cancer patients)

(By Lisa Krieger)

A young New York man hospitalized for terminal bone cancer on the side of his face

wanted to go home for Christmas. Despite many phone calls, he was unable to find a pharmacy in his community that would stock oral morphine. He decided to go anyway.

The next morning, recalls his physician, Ronald Kanner, MD, of the Albert Einstein College of Medicine, the young man was back in the hospital. "He was in the emergency room, suffering from intractable pain," he says.

"Physicians can talk about new scientific approaches and prescribing techniques for cancer, but there is one serious limiting factor: narcotic analgesics are not available to patients," says oncologist Kathleen M. Foley, MD, of Memorial Sloan Kettering Cancer Center in New York.

A survey in the Bronx revealed that 17 of 33 pharmacies did not carry narcotic analgesics. Of those that did, only two carried methadone and two carried oral morphine. In Manhattan, two major hospitals have closed their outpatient pharmacies that carried narcotic analgesics.

The inaccessibility of cancer drugs is not limited to New York. Pharmacies in Miami, St. Louis, Detroit, Washington, D.C., and other large cities report that they are taking narcotic analgesics off their shelves. This trend has been supported by the American Pharmaceutical Assn. House of Delegates, which recently adopted a policy upholding "the rights and responsibilities of individual pharmacists to determine their inventory, and dispensing practices, based on patient need, practice economics, practice security, and professional judgment."

Says National Assn. of Retail Pharmacies spokesman John Rector: "This isn't just the fringe. A significant percentage of pharmacies no longer carry controlled substances. As a result, there's a growing unavailability of products for people who need them."

The problem, pharmacists complain, is crime. According to the Drug Enforcement Agency, there were 5,020 drug-related thefts of pharmacies in 1982; of these, 996 were armed robberies. An estimated 15.5 dosage units were diverted from pharmacy shelves to addicts. One bottle of Dilaudid, which costs $4,000 retail, can be sold on the street for $26,660. "There is no pharmacist that would risk his life for drugs for a cancer patient," Dr. Foley says.

One reason cited for the upswing in pharmacy crimes is the decreased flow of illegal drugs into the country. But although the quantity of illicit drugs has dropped, the addictive need, street demand, and monetary incentives to steal have not. Addicts and drug traffickers now turn their attention to the manufacturers, distributors, and dispensers of pharmaceutical drugs.

"When word gets around that you have drugs, you are inviting crime. We used to carry Biphetamine (a dextroamphetamine and amphetamine complex) until two months ago. The last two bottles were stolen and probably ended up on the street. We decided to stop contributing to the Dallas drug problem, so we no longer stock the product," says Deborah Cartwright, a Dallas pharmacist.

One young pharmacy employee says she has been plagued with nightmares for three years, after a robbery in which her eyes were covered with adhesive tape, her hands were tied behind her back, and a gun was held to her head. "To this day, I cannot comfortably 'browse' in a drug store," she says.

Independent pharmacies are more common targets than the larger chain pharmacies, which can afford to pay for guards, security alarms, employe training programs, and architectural designs that ease supervision of the building. Any store that stays open during "off-hours" or serves a "bad" neighborhood, though, is vulnerable. "You have to seriously weigh the risks associated with these community services, in light of the increasing wave of violence," says Rhode Island pharmacist Thomas Gibson.

As community pharmacies take narcotics off their shelves, wholesale pharmacies find themselves caught with larger and larger inventories. The result, they claim, is an increasing incidence of warehouse theft. Last year, one of every four members of the National Wholesale Druggists Assn. reported an attempted crime.

One recent robbery spree by a 33-year-old drug addict spread across the country like a road map, targeting 12 wholesale pharmacies between California and Louisiana until he was caught and convicted. Trying to raise money for his bail, his wife burglarized a New Jersey Dilaudid wholesaler.

Hospital pharmacists say that they, too, are becoming victims of attack. The pharmacy of one 494-bed hospital in Providence, R.I. has been the site of two attempted hold-ups within the past two years.

Says Jackson, Calif., hospital pharmacist Lin Kokana: "If desperate addicts or criminals want the stuff, they will get it from us. Hospitals are obliged, by the nature of their function, to carry these high-risk products."

Pharmacist Roland P. Galley of Arlington, Va., adds this point: "When a pharmacist closes the doors of his pharmacy because he fears for his life or because it is economically impossible for him to continue his practice because of crime, he is not the only loser. It is the community which also suffers. This problem must be viewed not merely as a law enforcement problem, but also as a real and substantial public health problem."

Faced with the dilemma, some physicians decide to assume the risk themselves. Unbeknownst to the public, they stock small personal pharmacies so that they can offer a ready supply of drugs to their patients. Sometimes they act as a "go-between," calling pharmacies around town to locate drugs.

Even legitimate physicians can encounter obstacles here: Oncologist Dr. Kanner recalls telephoning a pharmacy, only to have a suspicious pharmacist later call the hospital administrator to verify his identity. A patient trying to locate a drug, he says, will get no answer at all. "It's an enormous inconvenience," he says.

Once a pharmacy is located, some physicians will try to arrange a special monthly order for their patients. Pharmacies may ask that the prescription be placed as needed, then require that the patient pick it up when it arrives.

For the cancer patient, this may mean traveling to distant neighborhoods or through crime-riddled areas to a methadone clinic. Relatives picking up prescriptions for house-bound patients may be challenged, asked to wait for telephone verification from the physician, or rejected outright. Addicts sometimes imitate cancer patients—carrying lists of chemotherapeutic and narcotic drugs, in appropriate doses, on stolen prescription pads—so everyone must be checked, pharmacists say.

A legitimate patient may be eyed with suspicion. "The cancer patient looks like the classic drug addict: in pain, wasted, thin, chronically ill, and poor. Patients with sickle-cell anemia—young, black, with repeated bouts of pain—have a particularly hard time getting drugs," says Joanne Lynn, MD, former staff member of the President's Commission on Bioethics.

"The patient is made to feel guilty about taking the drug. He feels like a local junkie," Dr. Foley says. Adds Dr. Lynn: "It adds a real stigma to be taking narcotics. It's a continual reminder of their cancer, underscoring the problem. They feel vaguely immoral or indecent."

Congress is showing serious interest in the problem: Four new bills (H.R. 605, H.R. 1032, H.R. 1255, and H.R. 1661) would make robbery of controlled drugs from pharmacies a federal offense. Hearings were held this year to rally support for the problem. Pharmacists say that this legislation would encourage investigation of pharmacy crimes by federal authorities; the National District Attorneys Assn. rebuffs such legislation, saying that staff shortage would regulate pharmacy crimes to low-priority status. The Justice Dept. supports the thrust of the legislation, but has proposed three limiting amendments.

Experts in the medical and pharmaceutical community each see other possible solutions.

"Pharmacists should be required to stock these drugs. What are drug stores for—to sell tampons? I understand their fears, but they have a responsibility to relieve pain," says Harold S. Mirsky, MD, an oncologist with Washington Internal Medicine Group.

Hospitals could become the central dispersal center for narcotics if kept very secure, Dr. Kanner says. "Make narcotics hospital-based, using four to six hospitals in a city, then keep them well-guarded," he suggests.

Pharmacists say that if they could "hold" prescriptions 24 to 48 hours, they could discourage addicts. "Just give us a tool, so we can refuse a prescription if we want to. Legitimate patients will come back, but addicts will get scared. Make it easier for a pharmacist to say, 'No' " says James P. Powers of the Florida Pharmacy Assn.

An increasing number of pharmacists have resorted to arming themselves with guns. "Anticipating the next robber, I have a bullet-proof glass in front of my typewriter, a double-barreled shotgun with buckshot, and concrete bricks lining my prescription case completely," pharmacist Carl Hubbs of Riverside, Calif., recently wrote in a letter to the magazine *American Druggist*. "The front counter is brick-lined. A pistol is under the cash register, and my wife has one in her office. We have to protect ourselves. I will not be intimidated by any criminal."

Meanwhile, patients in their final days of disease are trying to find their own solutions. "These patients are already dying, and they and their families are trying to cope with that," Dr. Foley says. "Then they have to cope with the bureaucracy of the drug situation."●

LEGISLATIVE VETO

● Mr. CHILES. Mr. President, recently the senior Senator from Georgia (Mr. NUNN) addressed the Georgia Municipal Association on a very timely and important subject, the Supreme Court decisions affecting the legislative veto. Senator NUNN provides a cogent analysis of the significant issues raised by this decision and the challenges it presents to the legislative

and executive branches. I commend the Senator's comments to the attention of my colleagues and ask that the text of his remarks be printed in the RECORD.

The text follows:

STATEMENT OF SENATOR NUNN

I am honored to have an opportunity to join you as you celebrate 50 years of leadership on behalf of the people of our State. Since 1933, the Georgia Municipal Association has been at the cutting edge of the struggle to move Georgia forward as one of the most progressive and dynamic States in the Union.

Your patient, persistent and steadfast efforts have paid great dividends for the State of Georgia in:

(1) Broadening the Tax Base for our local governments

(2) Training and education of city officials

(3) Making our State a leader in Vocational Education and Regional Planning

(4) Increasing Home Rule powers of local governments

(5) Bringing about a mature and productive relationship between State Government and City Government and between our Cities and our Counties

I am doubly honored to be personally present as you pay tribute to 26 years of outstanding service by your executive director Elmer George. I have known Elmer on a close and personal basis for almost two decades. I have observed first hand his effective leadership—not just on behalf of Georgia's cities—but on behalf of all of the people of our State.

If Georgia ever begins a governmental Hall of Fame—Elmer George's name will be at the top of the list.

Elmer recently wrote "Georgia city officials have never backed off from their responsibilities and the opportunity for service. The decade of the 1980's provides a real challenge and there is no doubt that you will face it as you have in the past—with dedication and continued progress."

Elmer has captured in these few words not only the spirit of the Georgia Municipal Association but also the life story of Elmer George:

(1) Unwillingness to back off from responsibility

(2) Viewing each challenge as an opportunity for service

(3) Facing the future with optimism and with dedication to continued progress.

I salute you Elmer and I salute the Georgia Municipal Association for your dedicated service which has made an indelible imprint on our beloved State.

I know that most of you are concerned about the status of revenue sharing. The budget resolution which just passed leaves room for a 450 million dollar increase in the 4.6 billion annual figure.

There is general agreement in Congress that revenue sharing for local government will be renewed. Congress will consider whether to increase the 4.6 billion per year; whether to change the revenue sharing formula from current personal income and tax effort factors to a new measurement based on State fiscal capacity; and whether to add back the State revenue sharing cut in 1980.

After all the debate, I expect the Senate to pass a 3 year reauthorization at current levels and I am hoping this will be done in the near future.

In 1933, when Georgia city officials gathered in Macon, Georgia to form the Georgia Municipal Association, this was the beginning of a fundamental realignment of governmental power in our State.

Thursday June 23, 1983 will be remembered as the beginning of a fundamental restructuring of the powers between the executive and legislative branches in Washington. I refer, of course, to the Supreme Court decision handed down last week declaring that the legislative veto is unconstitutional. The legislative veto began in 1932—one year before the Georgia Municipal Association was formed—when Congress gave President Hoover the right to reorganize the executive branch subject to congressional veto. This procedure has grown immensely in recent decades and now covers at least 200 statutes now on the books—including:

(1) The War Power Act

(2) Foreign Military Sales

(3) Presidential Impoundment of Appropriated Funds

(4) International Trade

(5) Energy Conservation

(6) Natural Gas Price Controls

(7) Presidential Reorganization

(8) Most recently under leadership of Congressman Levitas—Federal agency rules and regulations

Without getting into a long and tedious discussion of the Constitutional issues let me summarize the importance of this issue by quoting Justice Byron White's dissent—

"The decision strikes down in one fell swoop provisions in more laws enacted by Congress than the court has cumulatively invalidated in its entire history"

Without a doubt the balance of power has been altered and only time will tell which branch of government has been strengthened and which weakened.

The Federal Government became involved in the 1960's and 1970's in virtually every facet of American life. Congress became accustomed to addressing every conceivable problem by passing vague laws with broad delegations of authority to the Executive Branch. In effect Congress got in the habit of—identifying the problem and telling the Executive Branch to go forth and solve it. Under those circumstances the Congressional veto was an inevitable and necessary mechanism designed to assure a review of Executive Action by Elected Officials. This way of doing business will now have to change.

We will be facing this change in an era that is vastly different from earlier periods of our history. We live in an era when:

(1) Our principal adversary has the ability to decimate America with nuclear weapons between breakfast and lunch

(2) We live in an era when America is involved in critical foreign policy and national security decisions in virtually every region of the world

(3) We live in an era when Federal agencies have broad rule making and regulatory authority over every facet of American life.

(4) We live in an era when hundreds of complicated complex decisions have to be made on safety and environmental matters on a case by case basis

(5) We live in an era when computers—semi conducters—bio-technology—and genetic engineering—are vitally changing our economy and our lives

The dangers that could grow out of this court decision are evident: Governmental chaos—governmental paralysis—runaway bureaucracy making decisions with no review by elected officials—abuse of power by the President—and finally over-reaction by Congress in taking away Executive power.

All of these dangers can be avoided but this will require an unprecedented degree of cooperation and comity between the President—the bureaucracy and the Congress.

In the short run the President and the Executive Branch would be wise to adhere to the present law, notwithstanding the Supreme Court decision, particularly in areas involving foreign policy and defense policy—for instance—the War Powers Act and Foreign Military sales. An abuse of power by the President in these areas would cause a congressional reaction that could leave the Executive Branch in a position of impotency in foreign and defense policy—we cannot afford this reality or even this perception in a nuclear age.

In the long run—this Supreme Court decision will accelerate the need for fundamental change in Congress as an institution. Congress must become an effective and efficient part of the 20th century.

(1) Congress must begin to pass specific laws with clearer mandates

(2) Congress must spend more effort in the time consuming and tedious job of oversight of existing programs

(3) Congress must find a way to rid ourselves of cumbersome procedures which prevent timely action to overrule Bureaucratic regulations and rules which are outside the scope of Congressional intent

Congress also must streamline its budgetary procedures so the members of the Legislative and the Executive Branch can spend less time in duplicating and overlapping committee hearings.

For starters I believe we should consider:

(1) Two year budgets—two year appropriations.

(2) Merging the Budget Committee and the Appropriations Committee—and giving the resulting committee the full powers of the Budget Committee.

(3) Eliminating the dual process of authorizations and appropriations by abolishing authorizations and giving the authorizing committees full appropriating authority subject to the budget guidelines.

(4) Finally we must reduce the size and the scope of the Federal Government. We must give more power for decisionmaking to State and local Governments.

I am convinced that both liberals and conservatives would agree with this conclusion if they simply followed a Congressman or Senator around for one week. Because of the size and scope of the Federal Government, the Members of Congress are called on to be city councilmen—county commissioners—and State legislators. Finally if time permits—Congressmen and Senators—address those issues affecting our economy—or Foreign policy and our National security which only our Federal Government can address.

There is never a convenient time for this type Governmental review and reform—but the Supreme Court decision has left us no choice—the time is now.

Abraham Lincoln said during another junction of our Nation's history—

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew and act anew."

This is our challenge as a nation—I am confident we will meet it.●

ORBIT '81

● Mr. LAUTENBURG. Mr. President, I would like to honor the Camden, N.J. high school students whose experiment aboard the space shuttle *Challenger* has filled New Jersey, and the Nation, with pride. What these students did is remarkable. Working with the RCA Corp., the South Jersey Chamber of Commerce and NASA, they designed an experiment to test the effects of weightlessness on the social structure of carpenter ants. The data they gathered from this project, and the conclusions they reach, will be of great interest to the scientific community. What their effort in developing this project means, and what lessons can be learned from them, are of even greater interest to us all.

The project arose in response to a desire to increase interest in science among students at Camden and Woodrow Wilson High Schools, located in one of the poorest cities of its size in the country. These schools, while lacking in financial resources, have a staff of dedicated educators who became catalysts in the formation of a partnership aimed at making science a challenge for their students. The coalition that they formed required the participation of schools, industry, and Government to achieve a mutually beneficial goal.

RCA donated equipment, expertise, and a grant for the $10,000 cost of securing a place aboard the shuttle *Challenger.* The South Jersey Chamber of Commerce provided funds for an enriched science curriculum. With the efforts of many dedicated teachers, the groundwork was laid for Orbit '81. As a result, students with little prior interest in science were given a chance to work in depth on a science project that promised a real sense of personal accomplishment. It is their response to this challenge that makes this project so exciting and so momentous.

About 15 students at each of the two high schools were chosen, and they became directly involved in the planning and execution of the project. They took enriched science courses and did extra work to acquire the knowledge necessary to produce a sound experiment. The perseverance they displayed throughout the program was striking. When the $30,000 cost of the NASA container appeared prohibitive, they designed and built their own, with NASA's approval, for $75. Their interest in science, sparked by their involvement in the shuttle project, continues today, as many are currently pursuing college degrees in science.

Orbit '81 belonged to the entire student bodies of these two schools, and the spirit of learning that it generated permeated the high school environment. Enrollment in elective science courses rose by 35 to 50 percent. Students in fine arts, music, and drama put on exhibits, the journalism class put out a special newspaper, and the industrial arts classes executed the project plans.

Mr. President, the students at Camden and Woodrow Wilson High Schools were not the sole beneficiaries of this effort. There is an acute shortage of scientists and technicians in this country, and it will benefit the Nation as a whole to have available the talents of these students whose interest in science was sparked by Orbit '81. As this country seeks to rebuild its resources in math and science education, we can look to what has been done in Camden as an example of what can happen when young people are given the resources and the incentive for learning. Everyone connected with the Orbit '81 project has shown that American students are capable of rising to the challenges posed by education in an age of technology.

It is with the greatest pleasure that I salute the students of Camden and the sponsors of Orbit '81 for what they have accomplished, for the pride they have brought to New Jersey, and for the lessons they have taught all of us.●

THE VASHCHENKO FAMILY

● Mr. LEVIN. Mr. President, June 27 marks what is perhaps the most important date in the lives of the 16 members of the Vashchenko family. Two days ago, on June 27 of 1983, they arrived in Vienna after having struggled for over 20 years to emigrate from the Soviet Union. Yesterday, they flew to Israel to begin their new lives in their new home. Lydia Vashchenko, the oldest daughter, phoned me yesterday from Tiberius and asked me to extend the family's heartfelt thanks and deep appreciation for the countless hours and endless energy expended by our Government and by the many groups, organizations, and individuals on their behalf. Mr. President, we saw on June 27 the successful resolution of a human rights case that so many of us had for so long labored to achieve.

We first became acquainted with the family 5 years ago on June 27, 1978, when six of them along with two members of the Chmykhalov family traveled 3,000 miles from Chernogorsk, their hometown in Siberia, to the American Embassy in Moscow. They went at the invitation of Embassy officials in Moscow. They went at the invitation of Embassy officials to receive emigration advice. But because a member of their party was dragged away before entering the Embassy, the remaining seven determined they must stay in the Embassy to avoid a similar fate. Their visit turned into a 4½-year stay. The world came to know them as the "Siberian Seven" and has followed their story ever since.

On June 27, 1979, 1980, 1981, and 1982, many of us in the Senate and in the House of Representatives joined with countless others to pledge our continued support to advancing their case. During the last Congress, 73 of my colleagues cosponsored legislation I introduced on behalf of the families. Individuals and organizations across the United States and Western Europe worked tirelessly toward successfully resolving the families' emigration problems. Despite all efforts, the situation remained stalemated—the Soviets insisted that the seven leave the Embassy and return to their hometown to apply for emigration.

Then in late December 1981, Lydia Vashchenko went on a hunger strike to protest Soviet inaction. She grew so weak that she had to be removed to Moscow's Botkin Hospital. While recuperating in the hospital, Lydia wrote me that she had decided to return to Chernogorsk to reapply to emigrate in accordance with the Soviets' demand. In February 1982, Lydia did return home and again filled out the necessary papers. After that, we waited and hoped—we waited and hoped until April of this year when we received word that Lydia had arrived in Vienna on the first leg of her journey to her new home in Israel. Once in Israel, she sent the necessary invitation to her family in an effort to speed up their emigration.

On June 27, 1983, exactly 5 years after the seven had entered the American Embassy, the remaining 15 members of the Vashchenko family flew into Moscow and were met there by Lydia. On June 27, the Vashchenko family achieved what had for two decades been their cherished goal—emigration to a new home.

Mr. President, the long-awaited conclusion in the Vashchenko emigration story is certainly gratifying and deserves notice here in the Senate and throughout the free world. But we must remember that while the Vashchenkos have happily realized their life-long dream, the Chmykhalovs remain in Chernogorsk working to likewise fulfill their dream. Today as we rejoice at what June 27, 1983, has brought to the Vashchenkos we should commit ourselves with renewed energy and vigor to see that the Chmykhalovs and thousands of others seeking to emigrate will be able to celebrate a special day when long-sought goals are achieved—a day when dreams come true.●

MORE QUESTIONS THAN ANSWERS ON CHEMICAL WEAPONS

● Mr. LAUTENBERG. Mr. President, soon the Senate will consider the ques-

tion of whether or not the United States should resume production of lethal chemical weapons and end a 14-year moratorium on such production. Members of the other body recently voted to continue this moratorium, because the majority of Members found that proposals to resume chemical weapons production raised more questions than answers.

Many of these questions were outlined in a report from the General Accounting Office in April entitled "Chemical Warfare: Many Unanswered Questions." The GAO report, in turn, has prompted a broader debate in other publications, including a recent article in Science magazine.

This article examined many of the findings of the GAO report, which cast doubt on administration estimates of Soviet capabilities in this area, questioned the alleged benefits of resuming production of chemical weapons, and raised a host of concerns associated with potential dangers to civilian populations.

The article highlights GAO's conclusion that "money intended for binary production might better be spent on defensive training," an area of clear U.S. deficiency, and on more effective and efficient defensive equipment.

In these and other points, Mr. President, the article presents a clear analysis of the independent GAO report. I ask that it be printed in the RECORD following my remarks. I urge my colleagues to consider these questions seriously before abandoning our long-standing chemical weapons production moratorium.

The article follows:

[From Science, May 20, 1983]

CONGRESS QUESTIONS BINARY WEAPONS PLAN—A NEW REPORT BY THE GENERAL ACCOUNTING OFFICE POKES HOLES IN THE ADMINISTRATION'S JUSTIFICATION FOR CHEMICAL MUNITIONS

Opponents of the Reagan Administration's plan to build new binary chemical weapons recently received some fresh ammunition from the General Accounting Office (GAO). The agency's auditors concluded, in a report released on 5 May, that the Administration has amassed insufficient evidence to support its claim that binary weapons are both needed and highly useful. "The general picture is that the chemical weapon system is not perceived as a credible deterrent, little is known about its functioning or its usefulness, and a large amount of money is being sought for it. We are particularly concerned that so many questions remain unanswered," the GAO report states.[1]

Acting at the request of the House Foreign Affairs Committee, GAO auditors examined open literature and classified documents in search of evidence that the Soviet Union has a substantial offensive capability in chemical warfare, as the Administration claims. They also looked for evidence that existing U.S. stocks of chemical weapons are too small to offset the Soviet threat. They searched for evidence that binary weapons, which contain two nonlethal chemicals that combine in mid-air to form a toxic gas, are superior to existing, unitary weapons, which contain just the toxic gas. Finally, they looked for evidence that the Administration's plan will bring the Soviets to their knees at Geneva, where negotiations are under way to ban all chemcial weapons. In each instance, they found little substantiation.

Representative Clement Zablocki (D-Wis.), who chairs the Foreign Affairs Committee, says that the report raises "many disturbing questions," and that it "underscores the importance of our pursuing a chemical weapons arms control agreement, rather than initiating a chemical arms race." He hopes that its publication will induce others in the House to endorse H.R. 822, which would delete all funds for binary weapons production without disrupting plans for enhanced defensive measures. As of 5 May, the measure had 79 co-sponsors. Last year, a similar measure attracted 251 votes.

The Pentagon is of course unhappy. Theodore Gold, the deputy assistant secretary of defense for chemical matters, says that the report is "absurd, and filled with errors." He says that many of GAO's questions would have been answered if only they had read the most appropriate material and spoken to the most appropriate officials, including himself. The GAO explains that its research was finished last spring, before Gold was appointed, and that in any event, Gold declined to rebut a draft of the report with specific information.

The GAO concludes that the Administration's estimates of Soviet capabilities are highly uncertain. "In some cases, the reasoning seems to have been based on presumed knowledge of the Soviet chemical warfare inventory from World War II, lack of evidence that these weapons were ever destroyed, knowledge of current Soviet weapons delivery systems, and assumptions that the Soviets would have updated their capability. The extent of this guesswork can be seen in estimates that are given for the proportions of Soviet shells, warheads, and bombs containing lethal chemicals—they range from 10 to 50 percent."

The implication is that by relying on old information about weapons and fresh data about Soviet defensive capabilities, the United States might be overestimating Soviet offensive capabilities. Gold admits that "we don't know everything we need to know, such as the size and mix of their chemical arsenal, but we know something about their production capability, we know they have a stockpile, and we know the agents and type of delivery systems they have. It adds up to a persuasive case that the Soviets have a formidable capability to wage chemical warfare."

The GAO report says that even the size and reliability of the existing U.S. stockpile is highly uncertain, a claim that Gold also denies. "This is a serious charge, and totally false," he says. "There is a valid question about what the usefulness of the stockpile will be at the end of the decade, and we have an expert committee, chaired by John Margrave of Rice University, that is looking into this right now. But we know the size of the stockpile today."

The GAO also suggests that the United States lacks a coherent doctrine for waging chemical warfare, and says that "no steps are being taken to protect civilian populations." It notes that the Institute for Defense Analyses is only now attempting to assess the value of specific chemical weapons on the battlefield, as well as the most appropriate mix of chemical and conventional weapons. Again, Gold disagrees. "Particularly over the last several years, we have been evolving several things that would fall under the description of doctrine," he says.

The GAO also questions whether binary weapons will be superior to existing, unitary weapons. It points out that the binary Bigeye bomb, which is to be dropped from aircraft, will be difficult to control, as it must be activated while en route to a target and released within a few minutes for maximum effectiveness. If the release mechanism should fail, the Bigeye could overheat and detonate beneath the plane. Gold acknowledges that this is a problem, and says that the Administration will delay production of the Bigeye until its design is improved.

The GAO report goes on to imply that money intended for binary production might be better spent on defensive training, an area where the Soviets genuinely appear to be ahead. Only 14 hours of U.S. Army basic training are now devoted to nuclear, biological, and chemical warfare. Defensive equipment also needs work. Although the standard U.S. chemical protection suit can be worn consecutively for 14 days, no system has been provided for the disposal of bodily wastes. In addition, the mask partly obstructs vision. The GAO noted that "all the sources we reviewed agree that the services have between zero and limited ability" for protection of soldiers and civilians in groups.

Finally, the GAO report says that the Administration has failed to adequately study the impact of binary weapons production on the prospects for arms control. "While it seems that binaries present new and possibly greater verification problems, little is known about what the specific problems are or their possible solution," the report says. This conclusion, like the others, is obviously disputed by the Administration. But one thing is clear: If the Administration wants to win friends and influence people on the chemical warfare issue, it will have to make a better public presentation of the facts.●

[1] "Chemical Warfare: Many Unanswered Questions," (GAO/IPE-83-6, General Accounting Office, Washington, D.C., 29 April 1983).

WHO NEEDS CHEMICAL WEAPONS?

● Mr. MITCHELL. Mr. President, the Members of the House voted to continue this country's moratorium on the production of lethal chemical weapons initiated, as you know, by President Richard Nixon. Mr. President, the ball is now in our court, and I am pleased to submit for the RECORD a Washington Post editorial on the subject dated May 25, 1983.

The editorial outlines succinctly the major issues in the debate. It cogently describes the problems that have arisen with Bigeye bomb which, it turns out, can explode while still in the aircraft heading toward its target.

It concludes that it is up to Congress to continue this moratorium on production of chemical weapons, which has been our policy for 14 years.

The editorial follows:

WHO NEEDS CHEMICAL WEAPONS?

The administration keeps plugging away to put the United States back in the business of making new chemical weapons, whose manufacture President Nixon renounced in his first term. This year it seeks $48 million for 155 mm binary chemical artillery shells and $66 million for equipment and chemicals for Bigeye binary bombs. But its case for building these weapons gets no better and in some ways gets worse.

The basic case remains that the United States must modernize its CW stockpile to meet the Soviet CW threat in Europe. But why must a chemical threat be met with chemicals? Almost all Europeans react in revulsion against their prospective use by either side. Fortunately, NATO has many other military means with which to deter and defend against a Soviet attack of whatever sort. Europe is not Laos or Afghanistan, the places of limited means where the Soviets or their clients use chemicals still.

Meanwhile, events raise other considerations. The new binary weapons are hailed for their safety features. But last year the Pentagon discovered the Bigeye bomb might explode in the plane en route to target, and it was forced to defer a request for production funds. The very real issue of the danger chemicals pose to *users* is further illuminated by accounts of the accident at a Soviet chemical facility in Sverdlovsk in 1979: about 1,000 people were said to have died.

Soviet or Soviet-sponsored use of chemical and biological agents in Indochina and Afghanistan has given the West a powerful political argument. At the same time, such use has raised the requirement for solid verification measures at the long-running Geneva negotiations on destroying old chemical weapons and banning new ones. Few people expect early results from those talks.

But that supplies no good reason for the United States to resume production of weapons of dubious military value and heavy, negative political weight. Such weapons are not, politically speaking, a big-ticket item like the MX, but there is a considerable bureaucratic investment in them. The burden is on Congress, especially the House, to ensure that the United States does not break the production moratorium that it established 13 years ago, to its honor and profit.●

IDA NUDEL

● Mr. RIEGLE. Mr. President, last week the Senate approved Senate Resolution 125, which expressed our sense that the Soviet Union should allow Ida Nudel to emigrate to Israel. This action is visible evidence of the grave concern that we have for her and our continuing belief that freedom should be hers.

The Soviet Jews represent the 11th largest of the 110 nationalities, ethnic groups, and linguistic minorities in the Soviet Union. Although these nearly 3 million Jews are an integral part of the economic fabric of their country, they continue to be denied the rights afforded them and all persons under the Helsinki accords. The Soviet Jewish population are repeated victims of discrimination in virtually every aspect of daily living: employment, education, housing, and travel.

Among those individuals for whom this discrimination has been particularly harsh is Ida Nudel. Often called the "Guardian Angel of the Prisoners of Conscience," Ida Nudel's life has been one of continual harassment, persecution, and abuse. In 1978, she was arrested and charged with "malicious hooliganism" for publicly hanging a banner from her balcony requesting a visa to join her sister in Israel. Ida's visa application has been ignored, despite numerous outside efforts to help her. Hence, she is being denied not only the basic right to travel and to live amongst her own people, she is being denied a reunion with her only remaining relative.

We must not forget Ida Nudel or others like her; they remain the conscience of the world.●

CONTINUING REPRESSION OF SOVIET JEWS

● Mr. DOLE. Mr. President, on June 23, 1983, the Commission on Security and Cooperation in Europe and the House Subcommittee on Human Rights and International Organizations met jointly to review the plight of Soviet Jewry. The hearing reaffirmed that the Soviet treatment of Jews is of vital importance to all freedom-loving nations. As Theodore Mann, immediate past chairman of the National Conference on Soviet Jewry, reminded those present, "When the rights of a minority are threatened . . . all people are threatened."

As cochairman of the Commission on Security and Cooperation in Europe, I am deeply concerned with the recent deterioration of conditions for Soviet Jews and with the ominous character of Mr. Andropov's Jewish policy.

The long history of anti-Semitism in the Soviet Union is profoundly disturbing. The issue, Mr. President, is of critical importance at the present time. The testimonies of Mr. Mann, Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, Lynn Singer, president, Union of Councils for Soviet Jews, William Korey, director, Public Policy Research, International Council of B'nai B'rith, and Igor Tufeld, a refusenik who emigrated in 1977, give us a valuable insight into the tragic predicament of Soviet Jewry.

DETERIORATION IN EMIGRATION

Emigration patterns reveal a crisis situation for Soviet Jews. The sharp decline in emigration figures is a vivid indication of the Soviet Government's refusal to abide by its international commitments. In 1979, 51,300 Jews were allowed to emigrate. In 1982, that number dropped to only 2,700. The average monthly emigration figure for 1983 stands at a mere 100.

Routinely, Jewish emigration applicants are dismissed from work. They and their families are social outcasts and become targets of officially condoned harassment. Children are subject to verbal and physical assaults in school. Many letters containing invitations from relatives in Israel, necessary in applying for emigration, are confiscated.

In a disturbing development, the recently organized so-called Anti-Zionist Committee alleged that emigration is down because "family reunification has essentially been completed."

Mr. President, this is clearly contrary to the facts. Every Member of Congress is well aware of many thousands of Soviet Jews who desire to emigrate, but have so far been prevented from doing so. Judicial repression of Soviet Jews has intensified. The Soviets continue to harass those Jews who attempt to exercise their fundamental human right to emigrate, and even to practice their religion. Currently, 16 Jewish activists are serving sentences. And two are awaiting trial. Their crime—an attempt to maintain their Jewish identity.

SUPPRESSION OF JEWISH CULTURE

The Soviets continue to subject Jews to arbitrary arrests and periodic searches. Homes are raided and teaching materials confiscated. Hebrew teachers who tutor small groups of students, are threatened by the KGB. Hebrew books are not available and materials sent from abroad are confiscated. Although there are 60 synagogues in the Soviet Union, only 3 are known to have rabbis. The result of this suppression is the denial of Jewish cultural expression. The purpose of this policy, as Mr. Korey stated, is to hasten "forced assimilation."

Mr. President, recently the effort on the part of the Soviet Government to break the will and spirit of Soviet Jews has taken a new and vicious turn. For many years now the Soviet Union has led a virulent anti-Semitic propaganda campaign under the guise of "anti-Zionism": They have equated Zionism with every conceivable evil.

Under the Andropov regime, anti-Semitism has become institutionalized. The number of anti-Semitic articles in the Soviet press has increased. Even youngsters read these articles in official Soviet children's publications. This propaganda is also found in radio and television broadcasting, as well as in books.

Mr. President, the most recent manifestation of Soviet anti-Semitism deserves our attention. In April of this year, the Soviets established the "anti-Zionist committee of the Soviet Public." A special institution legitimizing the state policy of anti-semitism. This propaganda drive evokes images of the SS Nazi era and Stalin's anti-Zionism campaign. These developments are sobering and frightening. They are

graphic examples of man's inhumanity to man.

Mr. President, both the Commission on Security and Cooperation in Europe and the U.S. delegation to the Madrid meeting of the CSCE, on which I serve as cochairman, have consistently spoken out on behalf of Soviet Jews denied their fundamental rights. I pledge that we will continue to express our deep concern and to insist that the Soviet Government adhere to its human rights commitments under the Helsinki Final Act.●

WHAT DO WE DO AFTER WE DETECT A SOVIET SALT VIOLATION?

● Mr. McCLURE. Mr. President, I ask that the attached excellent article entitled "After Detection—What"? by Fred Charles Ikle published by Foreign Affairs in January 1961 be reprinted in the RECORD. This article is extremely relevant 22 years after its original publication, because the U.S. Government is currently grappling with how to react to a pattern of detected Soviet violations of SALT and other arms control agreements.

Fred Ikle, the author, is now Under Secretary of Defense for policy in the Reagan administration. His classic article offers some good advice now to the Reagan administration. In essence, Ikle argues that the technical issue of detection of arms control violations dominates the arms control verification debate, but that insufficient attention is paid to the political problems of violations challenge and arms control treaty enforcement. He argues that:

The West has paid insufficient attention to the strategems which a detected violator can pursue to avoid or mitigate whatever action an aroused world opinion might take.

Ikle points out that the Soviets long ago acknowledged the presumed deterrent effect of world public opinion. Khrushchev stated in regard to the 1963 Limited Test Ban Treaty:

If some side violates the assumed commitments, the initiators of this violation will cover themselves with shame, they will be branded by all the peoples of the world.

Unfortunately, however, the Soviets have evidently behaved as if the above statement were not true. They themselves have chosen to manipulate or ignore world public opinion.

Ikle points out two requirements for the enforcement of compliance with arms control treaties: The injured party must acknowledge the fact that there has been a violation, and the injured government must be willing to increase military expenditures and to offend pacifist feelings. He notes a problem entailed in each of these requirements. First, the injured government may subtly bias or suppress the evidence of the detected violation in order to avoid the serious implications of dealing with a violation. Second, the breaking of a major disarmament agreement will almost certainly require new military measures such as a full scale rearmament program. Ikle cites Winston Churchill's 1935 Parliament speech accusing the British Government of watering down the facts of Nazi rearmament in violation of the Versailles Treaty and the Naval Agreement of 1935, in order not to have to rearm themselves. Finally, Ikle quotes the late British Prime Minister Baldwin's 1938 reply to Churchill's 1935 charges of Nazi violations:

Supposing I [Baldwin] had gone to the country and said that Germany was rearming and that we must rearm; does anybody think that this pacific democracy would have rallied to that cry at that moment? I cannot think of anything that would have made the loss of the election from my point of view more certain.

Ikle concludes that this Baldwin admission suggested that there may have been something deliberate about the watering down of intelligence at the highest level of the British Government, as Churchill charged in 1935. Historically, democratic governments are often prone to the politics of appeasement, rather than enforcement.

Ikle also points out cogently the main motivation a violator might have:

A potential violator might enter into agreements solely in order to seek gains by violating them. He would calculate that there would always be a chance of his escaping detection or that "restorative measures" might be delayed or frustrated for political reasons. And if he lost out on these chances, a mere return to the status quo would leave him no worse off than before he entered into the agreement. The violator, in fact, would be playing a profitable game: "heads you lose, tails we're even."

Finally, Ikle quotes a blue-ribbon committee report of 1960 about potential Soviet compliance with a nuclear test ban treaty:

A nation which violates such an agreement [i.e., a potential nuclear test ban treaty] automatically sets into motion an arms race from which there may never be an end.

This is a rather grim prediction and obviously the panel believed that the threat of an unlimited arms race would deter potential arms control treaty violators.

Ikle concludes that there are two main deterrents to Soviet arms control violations, and one prerequisite to a U.S. challenge of Soviet arms control violations. He states correctly that "the evidence of violation must therefore be such as to impress the public as authoritative and impartial." This is precisely what President Reagan's National Security Council Verification Panel is trying to do now in its ongoing study of the pattern of Soviet arms control violations. The credibility of their studies must be maximized. Ikle also stated:

Those who wish to prevent the violation of arms control agreements must deter potential violators by their evident determination to make a double sacrifice. In the event a violation occurs they must be ready to assume a greater economic burden for defense, and they must risk a step-up in military competition.

This is precisely what faces the United States today.

The article follows:

AFTER DETECTION—WHAT?

(By Fred Charles Iklé)

The current debate on arms control and disarmament puts great stress on the problem of how to detect violations of whatever agreements may be reached. To this end inspection schemes and instruments for detection are developed, their capabilities and limitations discussed, and efforts made to test and improve them. Indeed, the technical question of detection dominates not only the domestic debate but also the international disarmament negotiations.

Yet detecting violations is not enough. What counts are the political and military consequences of a violation once it has been detected, since these alone will determine whether or not the violators stands to gain in the end. In entering into an arms-control agreement, we must know not only that we are technically capable of detecting a violation but also that we or the rest of the world will be politically, legally and militarily in a position to react effectively if a violation is discoverd. If we focus all our attention on the technicalities of how to detect a violation, we are in danger of assuming that our reactions and sanctions will be adequate.

A potential violator of an arms-control agreement will not be deterred simply by the risk that his action may be discovered. What will deter him will be the fear that what he gains from the violation will be outweighed by the loss he may suffer from the victim's reaction to it. In other words, even if we can develop an inspection system that makes the probability of detection very high, a nation contemplating a violation will not be deterred if it thinks it can discourage, circumvent or absorb our reaction.

We have learned (almost too late, in the case of the nuclear test ban) that an opponent may thwart our detection techniques by evasive techniques of his own. We should also realize that he may thwart the consequences of detection—which we count on to deter violations—by military or political strategems. We must study, therefore, not only what our opponent may do to avoid detection, but also what he may do to escape the penalty of being detected.

Let us discuss the question of what may happen when an evasion is detected under four general headings: (1) the reaction of world opinion; (2) the political reaction by the injured country; (3) various military measures that the injured country could undertake in an effort to restore the situation that would have existed without an arms-control agreement; and (4) military and political measures that would go beyond this "restoration."

II

World opinion, it is sometimes argued, will help to enforce disarmament agreements. World opinion supposedly will turn against the violator, provided he is discovered and "convicted" in an internationally accepted forum. He will lose prestige and influence in the uncommitted countries. In addition, var-

ious world-wide political reactions are expected to work to his disadvantage.

"World opinion" is such an amorphous concept that one finds it difficult to determine just how it can injure a violator of arms-control agreements. Speeches or resolutions in the United Nations, or critical editorials in the world press, are not likely to hurt him very much. One reason world opinion is so impotent is that its memory is so short. If the world's reaction cannot be translated immediately into substantive political or military changes damaging to the violator, it will lose all force.

The Soviet suppression of the Hungarian revolution illustrates the point. This gave an exceptionally violent shock to world opinion—in fact, more violent than many possible violations of arms-control agreements are likely to be. This is particularly true since evidence of a violation might often be equivocal and involve technicalities hard for the public to understand. Some of the most cherished beliefs of the West and also of the uncommitted countries were flouted in Hungary: a popular revolt against a dictatorial régime in a small nation was crushed from outside by a large power. Agreements were broken in the most flagrant fashion. One was the promise given by the Soviet-installed Kadar Government to the Jugoslav Government not to take punitive action against Imré Nagy when he left sanctuary in the Jugoslav Embassy. Another was the invitation extended to General Maléter and other delegates of the legal Hungarian Government to negotiate the withdrawal of Soviet forces—a trap to catch and execute them. Yet if one tries to list the penalties that world opinion imposed on the Soviet Union and the Kadar Government for these violations of its most sacred norms and of several important articles of the United Nations Charter, there is very little to record. There was a slight loss in the strength of Communist Parties in Western Europe (confined mostly to intellectuals on the fringe of the Party), but the loss is no longer noticeable. The strain on President Tito's relations with Moscow and the strengthening of NATO ties (particularly with Iceland) were largely ephemeral. Kadar has not been officially recognized as Hungary's legal representative in the United Nations; but he has been sitting in the General Assembly.

Other recent events have aroused world opinion, such as the Peking régime's violent repressions in Tibet and its violations of the Indian border. Yet in February 1960, only a few months after indignation in India had reached its peak, the Communists increased their vote in Kerala from 35 to 43 percent. And many of Communist China's neighbors continued to favor her admission to the United Nations.

Perhaps significantly, when Khrushchev discussed the nuclear test ban before the Supreme Soviet in January 1960, he chose to emphasize the reaction of world opinion as a deterrent to disarmament violations. By arguing that it was a sufficient deterrent, he tried, in effect, to brush aside the problems of inspection and control. But even if one assumed that the reaction of world opinion constituted an adequate sanction—an assumption challenged above—inspection would still be essential. A violator who does not risk being detected obviously does not need to fear world opinion. In any case, the West has paid insufficient attention to the stratagems which a detected violator can pursue to avoid or mitigate whatever action an aroused world opinion might take.

Many devices are available for this purpose. Thus the violator can frustrate the international inspection system and prevent it from reaching an official finding (study of Communist obstruction of inspection in North Korea reveals a large bag of such tricks). Or he can blame the other side for having violated the agreement first, and thus confuse the issue, or even generate an adverse political reaction against the injured party. Or he can accuse the other side of fabricating the evidence as a pretext for breaking the agreement or for covering up some other misdeed. Or he can assert that the agreement is obsolete in view of what he claims are changed political or military conditions and denounce it unilaterally prior to the intended violation (this would be analogous to the Soviet declaration that the Four-Power Agreements on Berlin were no longer valid). Finally, if some unfavorable reaction in world opinion is unavoidable, it may turn out that the violators "will cover themselves with shame"—as Khrushchev argued when he spoke about the nuclear test ban: "If some side violates the assumed commitments, the initiators of this violation will cover themselves with shame, they will be branded by all the peoples of the world." Yet, six weeks before making this assertion that a nuclear test ban would be enforced by world opinion, Khrushchev had this to recommend: "International reactionary circles are still trying to discuss the so-called 'Hungarian question' in the United Nations. Let them keep it as a souvenir if this consoles them."

Not only may the violator be contemptuous of world opinion, but he also may justify his acts on the grounds that they are demanded by the welfare of "the people" or by History—History being his conception of a superior morality that takes precedence over world opinion. "Had we not helped you," Khrushchev told the Hungarian Communists, "we would have been called stupid, and History would not have forgiven us this stupidity."

III

To be effective, a sanction must be applied as a result of governmental decisions by the injured countries. In democratic countries, government decisions are influenced by active public opinion, or, more precisely, by the conception of public opinion held by the government leaders. In these circumstances, democratic governments might experience serious political difficulties in reacting effectively to a detected evasion:

(1) The injured government must acknowledge the fact that there has been a violation. If the violation is open and well-publicized, no difficulty exists. But if evidence of the violation is equivocal or based on secret intelligence, the government may be reluctant to acknowledge the evasion or feel unsure of its ability to convince public opinion. For example, an admission that the control agreement had failed might be exploited at home by the political opposition, particularly if the agreement had been made originally by the party in power. In such a situation some decision-makers may favor an interpretation which casts doubt on the intelligence data relating to evasion or which belittles the importance of the evasion. Responsible decision-makers seldon distort evidence deliberately.[1] But the interpretation of complicated information is often a matter of judgment and discretion; hence subtle biases may decide the issue. Responsible officials would be particularly disinclined to accept equivocal evidence about an evasion of a disarmament agreement if they had previously been forced to defend the agreement against partisan charges that it might be violated. Yet a democratic government could institute only minor penalties against an evasion without informing legislative bodies and the public about the exact situation and explaining the need for drastic retaliatory or corrective measures.

(2) The injured government must be willing to increase military expenditures and to offend pacifist feelings. Now the reaction to a localized or minor violation need not disturb the defense budget appreciably (the new military equipment needed to counteract the North Korean violations of the rearmament clause was not a heavy burden); but the breaking of a major disarmament agreement will almost certainly require new military measures, perhaps a full-scale program of rearmament. The decision to react firmly and regardless of expense will be a hard one. Public opinion may not approve, especially if the evasion occurred gradually or if it merely consists of a resumption of some activity that had been discontinued—such as testing. If knowledge of the evasion is based exclusively on clandestine intelligence sources that cannot be revealed, the opponent's denial may find receptive ears among domestic opposition groups.

We have already questioned the effectiveness of world opinion as a sanction against arms-control evasions. It is ironic that it may be domestic public opinion—or rather the government's conception of it—that actually prevents effective sanctions being taken. The classic instance of this, and one that may have been a contributing cause of World War II, was England's reluctance to rearm in response to Hitler's violations of the Versailles rearmament restrictions. With what he called "an appalling frankness," Prime Minister Baldwin explained in 1936 why his own government had been unable to react:

"You will remember at that time [1932-33] the Disarmament Conference was sitting in Geneva. You will remember at that time there was probably a stronger pacifist feeling running through this country than at any time since the war. You will remember the election at Fulham in the autumn of 1933, when a seat which the National Government held was lost by about 7,000 votes on no issue but the pacifist. . . . I asked myself what chance was there . . . within the next year or two of that feeling being so changed that the country would give a mandate for rearmament? Supposing I had gone the country and said that Germany was rearming and that we must rearm, does anybody think that this pacific democracy would have rallied to that cry at that moment? I cannot think of anything that would have made the loss of the election from my point of view more certain.[2]"

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[1] When Germany violated rearmament restrictions in the 1930s, Winston Churchill suspected that "somewhere between the Intelligence Service and the ministerial chief there has been some watering down or whittling down of the facts." (Speech of May 22, 1935, in "While England Slept." New York: Putnam, 1938, p. 190.) Prime Minister Baldwin's later admission suggested that there might have been something deliberate about this "watering down," and perhaps at the highest level.

[2] Baldwin's reply to Churchill as quoted in Churchill, "While England Slept." New York: Putnam, 1938, p. 333.

(3) The injured government must accept the new risks created by its reaction to the violation. It may see more than the domestic difficulties involved. For example, it may have embarked on long-range policies which seem more promising and important than counteracting an accomplished evasion, and it may hesitate to jeopardize them.[3]

It has been argued that all countries will be deterred from violating a major arms-control agreement in present circumstances because to do so would set off an unrestricted arms race that would eventually lead to disaster for the guilty as well as the innocent.[4] But this is an assumption which may not be shared by a country set on violating the agreement. Its leaders may reason that the very prospect of an unrestricted arms race might itself inhibit the injured party from reacting to the violation. And in fact the injured party might feel it safer to write off the violation as a loss rather than risk new dangers by a policy of rearmament—especially if it now finds itself in a weaker military position as a result of having complied with the agreement.

This dilemma is most serious. For example, the nuclear test ban conference adopted an article on March 19, 1959, upon the insistence of the United States and the United Kingdom, affirming a country's "inherent right" to withdraw from the treaty if its provisions, "including those providing for the timely installation and effective operation of the control system," are not being fulfilled. This article might be of cardinal importance in connection with China's accession to the test-ban treaty, because part of the control system would have to be installed in China. But would it give the Western powers much leverage against Chinese obstructionism? In the absence of a known instance of illegal testing, would the West be willing to withdraw from a test-ban treaty with the Soviet Union, resume testing and risk accelerating the arms race merely because the "timely installation" of the control system was being prevented by China?

(4) The injured government may have to reach agreement with allies before it can react. All disarmament agreements of current interest involve the United States with one or more of its allies. It is usually a difficult task to prepare a joint negotiating position vis-à-vis a Communist opponent. Agreeing on a Western response to a violation will raise anew the problem of allied coördination. The stronger and more explicit the reaction proposed, the more difficult it will be to achieve agreement. And all the problems of domestic public opinion and partisan politics discussed above will be evident in the allied nations whose coöperation is required.

IV

The military sanctions against evasion of an arms-control agreement can either be confined to measures that restore the situation that would have existed without the agreement or they can go further. Let us call the former "restorative measures." If the violator resumes testing, the injured country will do likewise; if the violator resumes testing, the injured country will do likewise; if the violator reoccupies his part of a neutralized zone, the other will move back into his; and if the violator rearms, his opponent will rearm to the same extent.

The problem of deterring violations has often been oversimplified by assuming that a detected evasion would automatically be taken care of by the cancellation of the agreement and the application of such "restorative measures." But three conditions have to be met if "restorative measures" by themselves are to be an adequate deterrent:

(1) The potential violator must fear the risk of being detected.

(2) He must also fear that a detected violation will cause an unwanted response by the injured country.

(3) He must not expect a violation to bring him an irrevocable advantage that would outweigh whatever gain he derives from abiding by the agreement.

The importance of the first condition is fully recognized. The second condition depends on the political factors we have just discussed. Both these conditions are needed for deterring an evasion by any type of sanctions, whether "restorative" or "punitive." Here we are interested in the third condition, because if it is not met, "restorative measures" alone are inadequate.

This third condition is not met, for example, if an agreement comprises several arms-control measures in such a way that the separate measures, taken individually, favor either one side or the other. The agreement remains in the interest of both parties only if all measures are observed. Violation of a part of it cannot be deterred by the threat of "restorative measures" confined only to this particular part. Additional sanctions are required. Otherwise the violator can break just those control measures that are not to his advantage. He will stand to gain if his violation remains undiscovered or ignored; and he will also gain if the violated part of the agreement is cancelled, because the residual agreement will then be more to his advantage.

This is precisely what happened with the Korean armistice. The clause prohibiting the introduction of new military equipment was violated by the Communists from the first day, but cancellation of this clause by the United Nations Command did not come until four years later. So the Communists gained on the first count. They also gained on the second count (after the United Nations eventually instituted "restorative measures"), because the residual armistice agreement was more favorable to them than the original agreement. (It was they who had been primarily constrained by the cancelled rearmament clause.)

It might be argued that an arms-control measure can survive only if all its separable components are equally in the interest of both parties. If this argument is true, the future for disarmament agreements is bleak. It is hard enough to arrive at over-all agreements that will not, over time, seem disadvantageous to one side or the other. But individual components of an agreement are inevitably of unequal value to opposing nations. For example, in addition to the Korean armistice, several of the current proposals for disengagement zones are composed of very unequal provisions.

There are other situations where the threat of "restorative measures" would be insufficient to deter an evasion. The violator may gain an irrevocable technological lead or an irreversible strategic advantage. As has often been pointed out, if American and Soviet troops were withdrawn from Western and Eastern Europe, the United States might find it difficult or impossible to return in the event that Soviet troops moved back in. Western alliance arrangements might have lapsed, the American troops might have been demobilized, and in any case they would have to be transported a greater distance—not to mention the American public's unwillingness to send "the boys" back overseas, particularly under a threat of nuclear war.

To sum up, "restorative measures" will not deter a nation contemplating a violation of a disarmament agreement in those situations where our third condition is not met, namely, when the violator expects to gain less from abiding by the agreement than from abandoning it. Indeed, a potential violator might enter into agreements solely in order to seek gains by violating them. He would calculate that there would always be a chance of his escaping detection or that "restorative measures" might be delayed or frustrated for political reasons. And if he lost out on these chances, a mere return to the status quo would leave him no worse off than before he entered into the agreement. The violator, in fact, would be playing a profitable game: "Heads you lose, tails we're even."

V

Where the threat of "restorative measures" is not enough to deter evasions, additional penalties are required. But to deter a world-be violator effectively they must be credible.

By far the most important and practical penalty would be a general increase in the military effort, going beyond what would be required to restore the pre-agreement situation. (A threat to start a war would not be equally credible and would therefore be less effective.) Suppose the aggrieved nation increases its defense budget by $20 billion. (As a result of the North Korean aggression, the United States increased its national security expenditures from $13 billion to $52 billion.) If the violator does not follow suit, he will become relatively weaker than he was before breaking the disarmament agreement. If he does follow suit, he would, in effect, be "fined" the equivalent of $20 billion, though of course both sides would bear this burden.

The injured country may be able to step up its defense effort in ways that do not require a large increase in the budget and still impose significant penalties on the violator: for example, by changing the deployment and readiness of weapons, or by resuming military activities that were voluntarily limited beforehand. However, in doing this the injured party must be prepared to run the risk that such a "punitive" increase in its defense effort will renew or accelerate the arms race. Actually, the violator may wish to avoid an arms race with so determined an opponent; he may be unwilling or unable to pay his full "fine" and have to accept a loss in relative military strength.

Those who wish to prevent the violation of arms-control agreements must deter potential violators by their evident determination to make a double sacrifice. In the event a violation occurs they must be ready to assume a greater economic burden for defense, and they must risk a step-up in military competition. The willingness to make such sacrifices involves less, however, than

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[3] Churchill was aware of this when he was pleading for a more effective response to Hitler's treaty violations: "Then it is said—and I must give this explanation of the extraordinary fact—that 'we were laboring for disarmament,' and it would have spoiled the disarmament hopes if any overt steps to raise our Air Force had been taken." Speech of May 22, 1935, *op. cit.*, p. 190.

[4] For example, the Committee on Science and Technology of the Democratic Advisory Council wrote on March 14, 1960, about the nuclear test ban: "A nation which violates such an agreement automatically sets into motion an arms race from which there may never be an end."

would be required to deter limited aggression. To do that successfully a country must be willing not only to accept increased defense costs if deterrence fails, but also to suffer casualties and face the risk that the limited conflict may expand.

Political sanctions are likely to be less effective than an increased defense effort, although they may play an important complementary role. What they might be is difficult to predict in the abstract. If the potential violator is cautious, this uncertainty may help to deter him; if he is adventurous, like Hitler, he will gamble on his ability to meet and overcome the political reaction.

The remaining question is how to make the penalties of evasion seem more inevitable and severe and the gains more dubious. Parliamentary governments are more likely to take strong action against a violation if they are supported by public opinion. The evidence of violation must therefore be such as to impress the public as authoritative and impartial. A finding by an international organization will be influential in this regard, especially with public opinion outside the countries directly affected. An international body, however, has many weaknesses that can be exploited by a violator. Ideally, one would want the best of both worlds: the greater authenticity and dramatic impact that an international inspectorate provides, and the flexibility and versatility of national intelligence systems. One should at any rate avoid entering into arms-control arrangements that are administratively closed to intelligence information. The current draft treaty for the nuclear test ban sets up a rigidly confined scheme from which intelligence information is essentially excluded.[5] The Antarctica treaty, on the other hand, provides for complete freedom of inspection by anyone without any international mechanism (except suggestions for arbitration in the event of "disputes").

The deterrence of evasions could also be strengthened if parliamentary governments took steps to simplify and speed up their decision-making procedures. The United States Government, for example, has sometimes adopted enabling legislation to facilitate quick Presidential action, in order to disabuse a potential aggressor of the idea that partisan conflict or public quarreling about constitutional limitations or the issue at hand might inhibit an effective response. The Formosa resolution of 1955 is an example of Congressional authorization for the President to take action on the basis of his finding alone. The United Nations Participation Act of 1945 authorizes the President to act upon a decision by an international body, the United Nations Security Council. To strengthen a disarmament agreement both types of authorizations might be useful and a good time to enact the appropriate enabling legislation would be when Congress ratifies an arms-control treaty.

The power and influence of the legislative branch of the government might be brought to bear in other ways so as to increase the likelihood that the reaction to an evasion would be prompt and strong. Special parliamentary committees might assume an explicit responsibility for all arms-control agreements, and stand ready to mobilize legislative support for any necessary response to some breach of a treaty. The Joint Committee on Atomic Energy, which has privileged access to classified information and is on intimate terms with the executive, offers appropriate administrative precedents. Thus Congress might create a "Joint Committee on the Observance of Arms Controls" to demonstrate its determination to make arms-control agreements succeed.

An effective response will often require coordination and agreement among allies. The difficulties which this involves might be lessened by making arrangements in advance for joint action. First, in order to ensure agreement as to the fact of evasion, all evidence could be evaluated by an interallied agency permanently set up for this purpose. To minimize considerations of domestic politics, it should not have the responsibility for recommending any action. The next step by the allied governments might be a relatively minor one, on which agreement could easily be reached, namely to give publicity to the committee's findings; for example, they might forward a report on the evasion to the United Nations or to an international control system provided by the disarmament treaty. From this point on, the allied governments having jointly held and publicized their interpretation of the violation would feel under more compulsion to reach agreement on the effective sanctions needed.

It may be argued that allied governments cannot be "tricked" into such a procedure, because if they are opposed to or afraid of vigorous action they will avoid taking the first step: the evaluation of evidence. This arrangement would have force if the procedure were to be determined *after* the violation had been charged. But it is proposed here that by a preparatory agreement the Allies shall firmly establish the procedure at the time they conclude the arms-control treaty, when they are still fairly confident that the other side will adhere to it, hence are less opposed to a firm commitment for joint action against what seems a remote contingency.

All these political measures must be planned to the accompaniment of whatever military preparations will be necessary to deal with violations of the agreement. For instance, under an agreement that prohibits only the testing of certain weapons, both sides will remain free to continue research and development. The country that is determined to abide by the agreement cannot afford to neglect this research without opening the way for a potential violator to gain and then exploit a technological lead. Unless the public understands this fact, parliamentary governments will be handicapped in maintaining a research effort for weapons whose testing has been prohibited. The same problem would also arise under an agreement which does not prohibit the development of a weapon but does prevent the deployment of it—for example, a ban on placing weapons of mass destruction in orbit.

A program to deter evasion of arms-control agreements, like the one suggested here, does raise some additional problems for which an analogy can be found in the strategy of deterrence against nuclear attack. First, there is the problem of carrying out a threat if deterrence fails, that is, of imposing sanctions in the event of evasion or of retaliating in the event of attack. An advance commitment to carry out the threat is rational and necessary for a policy aimed at deterrence; but carrying out the threat after deterrence has failed may be undesirable or even irrational. Second, a policy of deterrence has to cope with accidental violations of the agreement, just as a policy of deterrence against nuclear attack has to control the risk of accidental war. In the former case, both sides will wish to correct the unintended violation and preserve the agreement; in the latter, both will want to avoid or correct an "accident" before it leads to full exchanges of violence. Third, there is some resemblance between the advantage of a first strike in mutual deterrence against nuclear attack and the advantage of gaining time through an evasion in certain arms-control agreements. None of these analogies is exact, of course. But they do suggest that ideas in the literature on deterrence can be as relevant to the prevention of violations in arms-control agreements as they are to the prevention of war.●

[5] Both the Soviet and the Western drafts allow the parties to select their annual quota of on-site inspections freely from among seismic disturbances that meet certain criteria. However, should a violation be unaccompanied by such a disturbance (*e.g.* a muffled underground test), the violator would not have to permit an inspection and the international control system would remain closed to all other evidence.

THE FOURTH OF JULY

● Mr. GLENN. Mr. President, as we prepare to celebrate our Nation's birthday on Monday, I would like to share with my colleagues an article, "Thoughts on an American Birthday," which appears in the current issue of Ladycom magazine. The writer, Barbara Cummings, is the wife of an Army enlisted man now stationed in Waco, Tex.

In this article, the writer brings out that patriotism and love for our country is not taken for granted by our military personnel and their families stationed overseas.

I ask that the article, "Thoughts on an American Birthday," be reprinted in full in the RECORD.

The article follows:

Fizzled sparklers, warm potato salad, and "Mom and apple pie" speeches make up a large part of our collective American experience. But have you ever wondered where the accompanying sentiments go after the Fourth of July?

Granted, American patriotism is an elusive, often complicated, emotion, but the unconditional love of country it demands seems to be more readily embraced by military families than civilians, and taking this a step further, by American military stationed overseas. Perhaps we are just more attuned to it than our non-military counterparts; maybe living daily with the commitment does that. And maybe it is possible to appreciate our way of life more at a distance when we have a tangible basis for comparison. Despite our varied motives, the fact remains that that flag-waving, brass-band strain of American pride spreads like crabgrass on foreign soil, while it seems to require vigilant nurturing here at home.

At home, especially since Watergate, our cynicism colors our patriotism. Our patriotism is cross-cut by images of baby-kissing politicians whose greedy handshakes mask their insincerity; of smoke-filled rooms where deals are cut; of the hard-nosed push for cash during an election race. Still others associate unabashed Americanism with naiveté and blind optimism. But somehow, Americanism comes to be a more basic, more emotional, more simple trait among those overseas.

I recall a Fourth of July celebration several summers ago in Italy. Humidity shimmered on the North Forty that day. Our clothes clung to us in sweaty wrinkles. It seemed so much hotter than early July, even for Italy, yet clusters of us waited for the by-now familiar ritual to begin. You see, nearly all of us had gathered every Fourth during our tours of duty to hear the cannons blasted 50 times in accompaniment to an alphabetical reading of the States. It may sound corny, but it was *very* important to us. We all stood there, misty-eyed, cheering, feeling very proud and probably more American than we had ever felt in our lives. America may have been 3,000 miles and a DEROS date away, but it had never been more immediate or real.

It would be misleading and unfair to say our flag-waving tendencies died with the last fireworks. They were in evidence, albeit in varying degrees, all through the year. I remember getting off a bus one foggy, coat-dampening winter evening only to stumble upon a large, noisy group of Americans clogging a sidewalk. Upon further inspection, I realized that they were crowded in front of a television store window display, cheering the United States Hockey Team, much to the amusement of passing Italians.

And still another episode comes to mind: that of a packed room full of GIs, cheering an NFL playoff game broadcast via satellite. I don't really remember their taking sides in the game. I just remember their excitement watching something that, before, they probably had taken for granted.

There is a postscript to all of these memories. After I returned to the States and found myself slipping into the mundane cycle of a normal American existence, Gen. James Dozier was freed by a crack team of Italian police. At that time, I watched with amazement the bored nods of approval from my fellow citizens. Soon afterward, I wrote a friend still in Italy to ask about her reaction to his thrilling release. She replied, describing the excitement and pride that had spilled into the streets. She said it seemed like every American has had a radio on blaring the news of the rescue. Newsmen had spoken of "another victory for patriotism over terrorism."

Somehow, I *knew* she'd say that.●

U.S. FOREIGN POLICY AND DOMESTIC COMMERCE

● Mr. ABDNOR. Mr. President. I am greatly concerned that foreign policy decisions often have been made without due regard to their economic impact on U.S. business. A very significant portion of this country's economic system is highly dependent upon foreign sales and purchases. A foreign policy decision can have a devastating economic impact on a domestic industry. The 1980 Russian grain embargo imposed by the Carter administration is a classic example.

While I would not suggest that national security should be secondary to economic impact, I question the extent to which economic consequences have been taken into consideration—if at all—when foreign policy decisions are made. In my judgment, maintaining incentives and rewards within our economic system is also in our Nation's interest. It is not in our best interest to use "national security" as a catch-all excuse to justify unwarranted intrustion into international trade.

With that thought in mind I asked the General Accounting Office (GAO) to research the organization of the Reagan administration's foreign policy decisionmaking process and how compensation is made to industries when export controls are imposed.

I ask that excerpts from GAO's May 12 letter report, entitled "Interagency Structure of Economic and Foreign Policy Decisionmaking" (GAO/ID-83-41), be reprinted in the RECORD.

The excerpts are as follows:

EXECUTIVE BRANCH ORGANIZATION

Under the Reagan administration, interagency policymaking is formally structured and extensively used. High-level interagency policymaking is carried out through a group of senior interagency groups associated with the NSC, and a number of cabinet councils. Senior interagency groups (SIGs) are set up under the NSC umbrella for foreign affairs, defense policy, intelligence policy, and international economic policy. They are chaired respectively by State, Defense, the Central Intelligence Agency, and Treasury. Interagency groups (IGs) typically focus on limited issues and have varying membership, size, and responsibilities depending on the issues under review. As may be expected, the NSC groups are concerned mostly with international political and military issues.

A series of cabinet councils set up by President Reagan to deliberate administration policies are, on the whole, concerned with domestic issues. Such issues, of course, encompass international economic concerns. To date, seven councils have been established, each chaired by the President with a cabinet-level chairman pro tempore, and each group has an Executive Secretary in the White House Office of Policy Development at the level of Special Assistant to the President or above.

The Cabinet Councils (and Secretary-rank chairman pro tempore) are: Economic Affairs (Treasury); Commerce and Trade (Commerce); Food and Agriculture (Agriculture); Natural Resources and the Environment (Interior); Human Resources (Health and Human Services); Management and Administration (Counsellor to the President) and Legal Policy (Attorney General).

The Cabinet Council on Economic affairs has reportedly been the most active of the councils. Although it was initially envisioned as a forum for domestic economic concerns, the council has considered such international issues as the yen-dollar exchange rate and U.S. participation financial institutions.

The Cabinet Council on Commerce and Trade, has been a relatively active council. It has operated in tandem with the Trade Policy Committee, an interagency group established in the 1962 legislation setting up the Office of the U.S. Trade Representative (OUSTR). Most trade issues continue to go through the Trade Policy Committee, chaired by the Ambassador-rank Trade Representative. When agreement cannot be reached on an issue through the trade policy structure, however, and Presidential determination is required, the issue will go before the Cabinet Council on Commerce and Trade. This council has also commissioned a study of U.S. competitiveness in high technology industries. The remaining councils are neither as involved in international affairs nor as active overall.

SENIOR INTERAGENCY GROUP ON INTERNATIONAL ECONOMIC POLICY

To coordinate foreign and international economic policies, a new Senior Interagency Group on International Economic Policy (SIG-IEP) was set up in the summer of 1982. The need for this group was highlighted by differences over such issues as the U.S. embargo of energy-related equipment to the Soviet Union and frictions with the European Common Market over exports of subsidized agricultural products. To ensure that domestic and international economic policies would be fully consistent and integrated, the President's directive named the Secretary of the Treasury as chairman of the SIG-IEP in addition to his role as chairman pro tempore of the Cabinet Council on Economic Affairs.

As originally proposed by the National Security Advisor, the SIG-IEP was to be set up within the NSC system and chaired by the Secretary of State with the Secretary of the Treasury as vice chair. The SIG-IEP was to funnel information on international economic policy issues from other interagency bodies to the NSC, focus government attention on important international economic issues, and monitor the implementation of U.S. policies in international economic affairs.

As finally set up, in a memo from President Reagan to the Cabinet of July 23, 1982, the SIG-IEP took on a somewhat different role. The objectives set out in the President's memo were to

"(1) develop, review, and prepare alternatives and recommendations on international economic policy issues as they relate to foreign policy, (2) develop a comprehensive international economic policy as it relates to foreign policy, and (3) coordinate the preparations for international economic summit conferences."

The latter objectives are much broader and seemingly more substantive than those originally envisioned. In addition, the Secretary of the Treasury was given the chairmanship rather than the Secretary of State, who is the vice chairman. The SIG-IEP was also given the authority to form its own working group instead of using the existing NSC structure, and it established a mid-level interagency support group chaired by the Assistant Secretary of Treasury for International Affairs.

Membership of the SIG-IEP includes the Secretaries of State, Agriculture, Commerce, and Defense; Director of the Office of Management and Budget; U.S. Trade Representative; Chairman of the Council of Economic Advisors; Director of the Central Intelligence Agency; Assistant to the President for National Security Affairs; and Assistant to the President for Policy Development; as well as the Secretary of the Treasury. Other domestic officials with a seeming interest in foreign and international economic issues, such as the Secretary of Labor, are not members.

In his role as chairman pro tempore of the Cabinet Council on Economic Affairs (CCEA), the Secretary of the Treasury is to provide leadership in the debates on international issues with major economic policy implications and, as chairman of SIG-IEP, to provide leadership in the debates on international economic issues with major foreign policy implications. The CCEA provides Treasury with a vehicle for presenting analysis to the Cabinet, and the SIG-IEP

with a mechanism for providing analysis to the NSC.

The last international economic summit was held prior to the SIG-IEP's creation and as a consequence the SIG-IEP has not prepared for such meetings. In November 1982, responsibility to coordinate preparation for economic summit conferences was given to the Under Secretary of State for Economic Affairs. However, there is to be a substantive role for the SIG-IEP in the administration's preparations for the summit to be held in Williamsburg in May 1983. To date, the SIG-IEP has made no effort to develop "a comprehensive economic policy as it relates to foreign policy," the second objective set out in the President's July memo and, since it has not staff or resources of its own, any future attempts to develop such a policy will likely entail assigning segments to different agencies.

Under its mandate to develop, review, and prepare alternatives and recommendations on international economic policy issues, however, the SIG-IEP's meeting schedule has been extensive. From July 26 to October 15, it met at least 11 times to consider issues including grain sales to the Soviet Union, pipeline sanctions, and U.S.-India relations. More recently, it has met to develop an administration position on renewal of the Export Administration Act. According to the SIG-IEP's executive secretary, the decision to use the SIG-IEP to consider a wide range of issues was made to gain broad participation from a variety of agencies, even though a smaller group may have been more efficient. Over time, however, the range of issues considered has somewhat diminished.

Under the leadership of the Treasury Department, we have been told the SIG-IEP has been used both as an informational forum to bring cabinet members up to date on various issues and as a forum to either reach consensus and report recommendations to the President through the NSC or to surface disagreements and clearly define options.

ISSUES IN COMPENSATION

The idea of compensating private companies, their employees, and the communities in which they are located for costs incurred as a result of export controls received renewed interest after President Reagan imposed sanctions against the Soviet Union as a result of the imposition of martial law in Poland. Such assistance has long been provided to those groups adversely affected by imports, and recent agricultural legislation contains provisions to protect against and compensate for agricultural embargoes. The administration's recent proposal to reauthorize the Export Administration Act provides some protection to exporters of nonagricultural products when export controls are imposed for foreign policy reasons. This appendix summarizes earlier experiences of groups requesting compensation for import and export-related reasons and discusses insurance programs used by major U.S. trading partners.

AGRICULTURAL SECTOR

Following the Soviet invasion of Afghanistan in January 1980, President Carter suspended the shipment of about 18 million metric tons of agricultural commodities to the Soviet Union for foreign policy and national security reasons under the authority of the Export Administration Act of 1979. Under the direction of the President, the Department of Agriculture took a number of actions, which included direct government purchases of grain and grain contracts to offset the impact of such a suspension.[1] It was the first time the Federal Government had done this.

Partly as a result of the suspension, the Congress adopted legislation that provides protection to the agricultural sector from losses arising from future foreign policy actions. In the Agriculture and Food Act of 1981, passed in December of that year, the Secretary of Agriculture is required to compensate farmers under certain conditions for losses due to national security or foreign policy embargoes through direct payments and/or loans. President Reagan lifted the embargo on April 24, some 7 months before the law was passed.

Additional legislation was passed in the last Congress that attempts to minimize damage to the agricultural sector as a result of export controls. The Futures Trading Act of 1982, enacted in January 1983, states, in part, that the "President shall not prohibit or curtail the export of any agricultural commodity or the products thereof under an export sales contract entered into before the President announces an action that would otherwise prohibit or curtail the export of the commodity or products."

NONAGRICULTURAL PRODUCTS

According to Commerce Department officials, Commerce is not required to compensate firms whose products are subject to export controls. In the wake of the Afghanistan sanctions, however, several actions were taken. The Conference Report on appropriations for the Departments of State, Commerce, and Justice and related agencies in April 1980 authorized the Small Business Administration to provide up to $4 million in disaster loans to small businesses that had suffered substantial economic injury. A group of travel agencies that had been adversely affected by the U.S. boycott of the 1980 Moscow Olympics petitioned the Small Business Administration for redress. The President vetoed the appropriations bill before any settlement was made.

Also as a result of the invasion of Afghanistan, the Department of Commerce curtailed and subsequently banned U.S. phosphate exports to the Soviet Union in February 1981. The administration concluded that domestic producers had sustained losses and that jobs had been lost as a direct result of the controls. There was some discussion of Government compensation at that time, but no action was taken.

ADJUSTMENT ASSISTANCE

Compensation for import-related injury has been provided under the Trade Act of 1974. Approximately $3.87 billion was paid to workers and $329.2 million in direct and guaranteed loans to firms since the program's inception. The amount of assistance has been declining and the President, in his fiscal year 1984 budget submission, recommended that adjustment allowances be discontinued.

During the last session of Congress a bill was introduced to provide similar assistance to workers and firms that suffer economic injury because of the imposition of certain export controls. Provision was made for retraining and relocation allowances for workers and loans or guarantees to firms. In its end of the year report last year, the President's Export Council unanimously endorsed a resolution calling for compensation for firms and workers who lose their jobs as a result of certain controls on exports.

EXISTING INSURANCE PROGRAMS

The Export-Import Bank Act of 1945, as amended, authorized Eximbank to insure against losses on export contracts due to political risk. This authority has been delegated to the Foreign Credit Insurance Association, a group of private companies, which has focused on losses due to political risks in the country of destination. Insurance against U.S. export control action prior to shipment is available but requires the purchase of a preshipment rider which specifically insures against the risk of loss due to political factors between the time of contract and the time of shipment. The preshipment policy requires payment of an additional premium and is generally purchased when the exporter expects a significant delay between contract and shipment. Preshipment policies are not generally purchased for sales of inventory items but for capital goods that are being manufactured to the buyer's specifications and for which there is no readily available alternative buyer. This coverage has been rarely used, however, and claims have been infrequent.

Many OECD countries have programs which are analogous, in that separate policies to cover risks between time of contract and time of delivery must be purchased. Government involvement in such schemes varies. The Government of Japan underwrites insurance policies to cover losses related to export controls as part of an overall export insurance law, but has not paid any claims. The Italian Government offers coverage, if it has been specifically applied for, against government actions in general. A private Dutch firm underwrites most political insurance risk in the Netherlands, and the West German system also depends almost solely on the private sector.

CURRENT INITIATIVES RELATED TO EXPORT CONTROL

A number of current initiatives deal with Government compensation and insurance for export controls and restrictions on the effects of their use. The sanctity of contracts is addressed in a bill to amend the Export Administration Act of 1979 which has been introduced in the current legislative session. As was provided for agricultural goods, this bill states in part that export controls imposed shall not apply to exports contracted for prior to the imposition of controls. Another recently introduced bill authorizes the Overseas Private Investment Corporation to issue insurance against losses incurred from the imposition of export controls.

Wide debate continues over the impact of adopting such legislation. According to administration officials, requiring the U.S. Government to reimburse manufacturers/exporters who suffer losses as a result of foreign policy-based export controls would force the Government to quantify the cost of using such controls. This in turn could either (1) liberalize the use of foreign policy sanctions because businesses would not be left "holding the bag" or (2) make foreign policy sanctions more costly and therefore less attractive to use.●

[1] For a critical discussion of Agriculture's actions and the resulting cost to the Government see GAO's report "Lessons to be Learned from Offsetting the Impact of the Soviet Grain Sales Suspension," July 27, 1981 (CED-81-110).

CHESAPEAKE BAY EROSION STUDY AUTHORIZED

● Mr. STAFFORD. Mr. President, under new rules of the Committee on Environment and Public Works, resolutions to authorized water resources studies by the Army Corps of Engineers must be approved by the full membership of our committee. Until this year, this responsibility had rested with the chairman and ranking minority member. But I, for one, believe that rule was too restrictive, not encouraging others on the committee to participate in the process.

Yesterday, the committee approved the first of these resolutions under the new procedures. This resolution authorizes the Corps of Engineers to undertake a study of erosion problems along Chesapeake Bay.

Mr. President, I want to express my commendation of Senator MATHIAS for his leadership in developing this study, and to state my belief that this study will prove to be a most important one.●

HAPPY BIRTHDAY, AMERICA

● Mr. D'AMATO. Mr. President, as we approach the Fourth of July and prepare to celebrate the birth of our Nation's independence, it is with special pride that I recognize the efforts of a fellow New Yorker who has composed a special song in honor of this national holiday.

Mr. Joe Rescigno of Eastchester, N.Y., pays tribute to our country in a new anthem entitled, "Happy Birthday, America." While Mr. Rescigno does not contend his song should replace "The Star Spangled Banner" as our national anthem, he would hope that it could be adopted some day as an official song for the Fourth of July.

As a patriot who was born and raised in the suburbs of America, Mr. Rescigno composed "Happy Birthday, America" as an inspiration to all Americans and to commemorate our national heritage. In his hometown, his anthem has received great public acclaim amongst senior citizens and other civic organizations. Stories have appeared in the local press and his song has been aired on local radio, as well as sung at community gatherings.

Given the great acclaim Mr. Rescigno has achieved through the composition of "Happy Birthday, America," I would like to offer my own tribute to his efforts as a songster and patriot. I commend him upon his achievement and offer the lyrics of "Happy Birthday, America" to my colleagues for consideration as a special Fourth of July anthem.

The lyrics read as follows:

Happy birthday, dear America
Happy birthday, dear America
July 4 is your birthday
God bless you today.
We are all proud of you
We love your stars and stripes
Of red, white and blue
You were born with freedom and justice, too.
Your liberty bell is echoed
Across oceans, seas and lands
This echo becomes louder
For all people everywhere.
We are proud to broaden you
In this great wide world
We celebrate and thank you
Forever and ever.●

ISLAND OF PEACE PARK

● Mr. DURENBERGER. Mr. President, 15 years ago, Ed Wilmes of St. Paul sat on top of a rubbish pile alongside the Mississippi River and looked at the land around him. What he saw was a peaceful place, a lush and green place, a place of contemplation. It was a place that reminded him, his personal difficulties aside, of just how beautiful life can be.

He also thought about the early days of his life, about family picnics and about having to watch his crippled mother sit in a chair while the rest of the family ran through the park.

These thoughts stirring in his head, Ed Wilmes did not sit still for long. Believing that one man can move a mountain, Ed went about gathering support for a park accessible for the elderly and the handicapped.

In my early days of public service, I was chairman of the Metropolitan Open Space Commission, and that is where I first met Ed. Armed only with an idea, he came to the commission to gather support and financing for his idea; his "Island of Peace" park.

Because the commission, as commissions sometimes go, had bigger problems dealing with bigger facilities at the time, Ed's idea was set aside.

But Ed persisted.

In time, he obtained the needed support and financing for the park, and today, 15 years after he first sat on the rubbish pile "Island of Peace" park sits in its place on 140 acres of land alongside the Mississippi River—complete with trails designed for wheelchairs, picnic tables for wheelchairs, and a visitors center.

The park is a big success, enjoyed by thousands of people, thanks to Ed.

And as Ed so proudly told a reporter, "One man still can make a difference." And that is a good lesson for all of us.

I would like to share Ed's special story and ask that the St. Paul Pioneer Press article from June 19, 1983, be reprinted in the CONGRESSIONAL RECORD.

The article follows:

[From the St. Paul Sunday Pioneer Press, June 19, 1983]

PEACE PARK SPRINGS FROM A LIFE OF PAIN

(By Patrick Marx)

It was the summer of 1942. Ed Wilmes, a young man with ambitions to play professional baseball, aborted his dream for World War II.

Wilmes eagerly enlisted in the U.S. Navy to seek adventure. But his youthful decisions seeded wartime experiences that led to a life of aimless drunkenness.

Despite his alcohol problem—he is only three months away from his last drink—and though he is virtually penniless, Wilmes, 60, has succeeded in establishing a priceless and perhaps a timeless legacy, a dream that began on Omaha Beach.

It's called the Island of Peace Park, a 140-acre park along the eastern shore of the Mississippi River in Fridley, a few blocks north of Interstate 694 just west of University Avenue.

Designed and crafted by Wilmes, the park is a special place for the handicapped and the elderly. Were it not for Wilmes, Islands of Peace wouldn't exist.

"We call him the founder," said David Torkildson, director of the Anoka County Park system that oversees the park. "His efforts to provide a special place for handicapped people have won recognition that the handicapped have been slighted in the parks systems."

The park took 13 years to develop, but it represents Wilmes' lifelong quest for meaning, for a place to call home.

Perhaps the idea began with Wilmes' handicapped mother.

Born in Milwaukee, Wilmes is the son of a wood carver. His mother suffered from severe hip problems resulting from a fall when she was a child.

"It was really something to go on a picnic and have to set her on a chair while we went out into the woods," Wilmes recalled. "It's something you don't forget."

A troubled youth, Wilmes sought gratification from sports. Shortly before the war, he said, he played baseball in the old Florida League for an old Boston Braves farm club.

He quit the league to join the Navy, where baseball ended and his affection for booze began.

The summers of '42 and '43 passed uneventfully. Wilmes did state-side duty in the Washington, D.C., area as a pharmacist's aide. With time on his hands, he gleefully whiled away the hours drinking.

Early in 1944, however, Wilmes was jolted by orders to join an amphibious unit in Great Britain to prepare for an assault on Normandy.

D-Day, June 6, 1944. Wilmes boarded LST 230 with his unit, Foxie 29 and headed for Utah Beach to transport battlefield wounded and dead away from the front.

Wilmes' left elbow and left leg were shattered by shrapnel, along with his dream to play pro ball.

"It was a rough crossing," he remembered. They say forget, but I never want to. I think of my buddies often. Just doesn't go away. I don't want to say much about it. Guilt. That's when I got the idea of finding a peaceful place.

Though the idea may have germinated then, it took four decades to blossom.

During the '50 and '60s, Wilmes drifted through the Midwest: Chicago, South Bend, Indianapolis, to name a few stops.

"I was a meatcutter, a meat salesman and a meat inspector. I would go from job to job. I never got fired for drinking, but was told to knock it off or lose my job.

Eight times he was hospitalized for alcoholism and complications caused by his war injuries. And with each hospital stay among

disabled and elderly veterans, he said, the idea for a "place for them" grew, stronger.

In 1966, Wilmes came to the Veterans Hospital in Minneapolis suffering from internal bleeding. During his recuperation, he often wandered along the river.

"I would sit in a tavern along U.S. 10 watching people go north for boating and I'd go back to the hospital where they had nothing," he said.

"Sometime in 1968 I came to visit this place," he said. "Right over there on a rubbish heap I got the idea to make the Islands of Peace."

Wilmes stood in front of the park's reception center facing west—a deep forest bordering the river. At his back was a parking lot and several apartment complexes in full view of Interstate 694.

It's a strangely peaceful place; one side urban, one side wild and lush.

Park trails are low, easy and black-topped. A Fridley VFW post donated an electric golf cart so the disabled could move around. Picnic tables are cut to allow those using wheelchairs to roll right in.

"The plants are close to the trails to allow those in wheelchairs to touch them and the fragrant trees like the lilacs are set out so the blind can scent them," said Wilmes.

Hobbling on his cane, followed by his 13-year-old golden retriever Grandy, Wilmes proudly squired guests through the spacious three-room reception center. The center was built by volunteer union workers with $150,000 appropriated by the Minnesota Legislature.

He pointed to a console television donated by Minnesota Twins owner Calvin Griffith; to couches, tables and chairs donated by Wickes Furniture Stores; to plywood donated by Plywood Minnesota; to a dozen rods and reels and to a huge brass Liberty bell donated by Onan Corp.

"If I had a list of the people who donated to this, it would be taller than the IDS Tower," Wilmes said. "The Army, the Navy, the Girl Scouts, the Boy Scouts, the Protestants, the Catholics, the Republicans and the Democrats.

"It's totally accessible, but it's not exclusively for the handicapped or the elderly. I said 'no' to that because that would isolate them. This is open to the public."

In the corner of a rear room stands a small bunk, covered with a tattered and faded bedspread. A colorless, messy room where Wilmes hides his loneliness.

"Sure I get disappointed a lot," he said, welcoming a stranger to his private world. "I have deep feelings of hurt when I see things that don't work.

"I don't have no anger but I have periods of aloneness. I cut myself off. I'd drink alone," he said. "It's a lonesome life where sometimes you can turn to only one thing and that's the bottle."

An easy chuckle.

"Booze and water," he cracked. "Kesslers' stock must have gone down when I quit."

Wilmes slid into the golf cart. He waved to passers-by on the trail, an elderly couple and several children who visit him often.

Sights and scents of nature. Freshly cut grass. The rush of wind through hardwood trees. Park benches he carved out of wood stumps. Newly planted saplings. The muddy brown river.

Abruptly, he stopped the cart. His watery brown eyes gazed across the river.

"If the president of the United States wants to know about peace, let him come here and see it. It's not people disagreeing, but agreeing to do something together," he said. "I feel as if God put his hand on this land."

He puffed his chest and dramatically announced that he was responsible for all this, not boasting, but to say that individuals still make a difference.

"Look at me, I have no money, no education, but I've put my feelings and my heart ahead of my intelligence to get things done.

"Persistence is the key word," said Wilmes. "I keep going back and I don't take no for an answer.

"There's a way to reach people. I don't send fancy brochures or work over the telephone. I tell people to come out here to see what we've got. Nothing can take the place of that."

Minnesota Rep. Wayne Simoneau, who represents the area, attests to Wilmes' persistence. And to Wilmes' craftiness.

"He will call a television station and say a U.S. senator is coming out," said Simoneau. "Then he'd turn around and call the senator and tell him the media was coming."

Over a cup of coffee, with his dog at his feet, Wilmes' eyes filled again.

"I'm just an old codger marking time," he said, "but I ain't wasting none of it now."●

INCREASES IN LOCAL TELEPHONE RATES

● Mr. HOLLINGS. Mr. President, over the past decade we have made a firm commitment in domestic telecommunications to a procompetitive policy and away from a monopoly environment with Government regulation. We have found that an effectively working marketplace in telecommunications provides us with so many more goods and services at lower cost that Government oversight pales by comparison. We have also found, however, that this procompetitive approach should not be followed blindly.

We must temper this new policy so it best serves our national interests. First, we must insure that we have a marketplace that is effectively competitive prior to deregulation. Many sectors of the telecommunications market are competitive today; others clearly are not.

Second, in the international arena, it is clear that we must continue to coordinate use of the electromagnetic spectrum and to deal with foreign nations whose interests in a free market often diverge with ours. In such an environment, a role for the Federal Government remains necessary.

Third, we must insure that our telecommunications system is capable of meeting our national security/emergency preparedness needs. This objective, if properly addressed, can be met consistent with the marketplace approach.

Finally, we must insure that the American public has access to telephone service at reasonable charges. Access to telephone service is far more a necessity than a luxury. All people must be offered a reasonable opportunity to use this service. That is the issue I wish to address today.

We in the United States today have the best telephone service in the world. We owe a large debt to the developer of this service—AT&T. Not only has AT&T developed high quality service, it has done so with reasonable charges. The result is that almost all people in America now enjoy the use of the telephone.

Local telephone rates have been stable for almost two decades, allowing most Americans to obtain telephone service. Today, however, these local rates are increasing. Inflation is certainly a major factor for the increases we see today. Another significant factor is the move to a competitive marketplace, including the new policies to allow more rapid depreciation and to end many subsidies. A further factor is the drive by telephone companies to modernize their plant and to increase their rates of return.

A good example of how these factors work is the recent rate request by the Southwestern Bell Co. In Texas, this telephone company is seeking $1.2 billion in added revenue from local ratepayers; $502 million of this total is to recover added costs and to boost the rate of return to 13.57 percent—from less than 10 percent today. Another $450 million is for more accelerated depreciation, and $249 million is for interstate and intrastate access charges—as a replacement for the long distance contributions.

For the marketplace to work properly, price must be based on cost. As part of this, competitors must not have unfair advantages; for example, in depreciating equipment, and internal subsidies must be eliminated. The end result of all of these factors is that local telephone rates will increase, possibly to a level that will cause certain subscribers to discontinue service. Clearly, such a discontinuation of service is unacceptable.

The twin goals of competition and adequate service at reasonable charges need not conflict. The question is how can both goals be met. I believe that we should begin right away to address this problem.

It is out of my general concern that something must be done—rather than the specifics of the proposal—that I am joining Senator STEVENS on his telephone rate legislation, S. 1382. This is the only concrete proposal so far introduced in the Senate. It is based on legislation previously before this body. I am cosponsoring it to send a signal that we must act now to ensure the continuation of quality telephone service at reasonable rates.

My joining as a cosponsor of S. 1382 should not be taken as an endorsement of the particulars of this proposal. It is only one of the many ways we might approach the universal service issue. It, however, is a start. Let me take a moment to offer some of my

concerns with this bill and, in doing so, spell out the direction we should be headed.

First, any subsidy must be based on costs, not rates. While rates may in certain circumstances reflect costs, far too often they do not. Jurisdictions establish rates based on very different criteria, only one of which is cost. In addition, basing a subsidy on rates rather than costs may, in fact, cause rates to increase, since any rate increase will be paid partially or possibly totally by others.

Second, we should give subsidies to those who genuinely require it. If we give subsidies to all people living in areas with higher than average telephone rates, we will surely be subsidizing those who certainly can afford telephone service.

Third, we should not be subsidizing inefficiency and mismanagement. Any subsidy must be linked to efforts to bring down the cost of telephone service.

Fourth, all those who receive a subsidy should be held accountable for its proper use. All legislation must contain provisions to insure the subsidy is used to hold down rates for those who need it.

Fifth, any legislation on this issue must confront the problem of carriers and users bypassing the local telephone exchange. If a subsidy is improperly levied, bypassing may increase. The end result will be a significant decrease in revenues for the local telephone exchange. We should not prevent those who wish to bypass, after all this is entirely consistent with out procompetitive approach. On the other hand, we should not create incentives to bypass. The bypass problem should be explicitly addressed in legislation. In doing so, we must be wary about imposing surcharges on bypassers without sufficient information about the marketplace and that therefore might well significantly skew service offerings. One way to handle this problem is to give no incentives for or against bypassing and impose the same fee on all providers.

Sixth, legislation must contain some flexibility to meet new situations. I am, however, wary about giving the Federal Communications Commission or any other regulatory body too much discretion. I believe Congress should give very explicit directions in this important area. Further, we should carefully examine whether Government regulators have the resources and skills to handle any authority given them.

Seventh, any system to raise funds for a subsidy must be open and accountable. In addition, we should be careful about instituting a scheme where the funds raised and expended can grow and grow without proper control. This issue of fiscal accountability has been and is one of tremendous importance to me. We are, after, all, using the public's money.

Eight, Congress has a responsibility to carefully oversee any subsidy scheme. Any legislation on this issue must include provisions for regular and automatic review by Congress.

There is no doubt that the issues involved with the increases in local telephone rates are complex. It is clear these rates are going up for many reasons. What can or should be done about the move of the local telephone companies to modernize? What about the need for more rapid depreciation? We also need to examine the issues of cost allocation, and, perhaps most importantly, the issue of what is universal service. Finally, we have to be careful about losing benefits we have gained through the competitive marketplace. Our scope of review should thus be broad, and while need to act, we should not act in haste.

Legislation to address the problem of increased telephone rates and the resulting loss of service is a problem we need to deal with now. A resolution will not come easily. Rates are going up for many reasons. I will be examining each new proposal carefully to see if it best meets the twin goals of quality service at reasonable charges and a competitive marketplace.●

TUITION TAX CREDITS

● Mr. DURENBERGER. Mr. President, the Supreme Court today upheld the constitutionality of Minnesota's tuition tax deduction in *Mueller et al. v. Allen* (No. 82-195, June 29, 1983). As a result of this ruling, the question whether tuition tax credits are permissable has, in all probability, been answered. There are, however, significant differences between the Minnesota law and the tuition tax credit legislation awaiting floor action, S. 528.

The most important distinction, in my opinion, is the availability of the deduction for all Minnesota parents with children in elementary and secondary schools. If a tuition tax credit program is to succeed, it cannot be restricted to families with children enrolled in nongovernmental organizations. The program must be structured as governmental tax policy aid to all children, not just those who patronize a particular class of institution.

It is therefore my intention to offer an amendment to S. 528 when it comes to the Senate floor to extend the credit to families with children in public schools who are paying tuition.

I also intend to work to see this legislation expanded to include not only tuition, but also fees, books, and transportation. This change would also help bring S. 528 closer in scope to the Minnesota law.

If we are to have a serious and informative debate on this issue in the Senate, I believe it is imperative that these amendments be adopted. I have written to President Reagan and am hopeful that the administration will be supportive of these proposals. I ask that a copy of my letter and the Courts opinion be included in the RECORD.

The material follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., June 29, 1983.

The PRESIDENT,
The White House,
Washington, D.C. 20500.

DEAR MR. PRESIDENT: The Supreme Court's decision in *Mueller et al. v. Allen* (No. 82-195, June 29, 1983) is a positive forecast for the future of tuition tax credits in the United States. Your leadership on this issue and your efforts to make quality education a priority in your Administration are to be commended.

Although the Court, in all probability, has answered the question whether tuition tax credits are permissible, there are several very important distinctions between the Minnesota law, which the Court upheld, and the pending tuition tax credit legislation. The most significant distinction, in my opinion, is the availability of the deduction for *all* Minnesota parents with children in elementary and secondary schools. The Court relied heavily upon the neutrality of the Minnesota statute to distinguish *Nyquist*, 413 U.S. 756, and uphold its constitutionality.

"Other characteristics of § 290.09(22) argue equally strongly for the provision's constitutionality. Most importantly, the deduction is available for educational expenses incurred by *all* parents, including those whose children attend public schools and those whose children attend non-sectarian private schools or sectarian private schools." (Page 8)

Judging from the reliance the Court placed upon this provision of the Minnesota law, it is my belief that your legislation must provide tax credits for both public and private school tuition to be constitutional.

If a tuition tax credit program is to succeed it cannot be restricted to families with children enrolled in non-governmental organizations. The program must be structured as governmental tax policy aid to *all* children—not just those who patronize a certain class of institution.

Tuition tax credits are not a trade-off between public and private education. Effective consumer choice can only exist in an environment where both systems are strong. Consumers must have access to alternatives, not only between government and nongovernment systems, but more importantly, among differing systems within each sector. Tuition tax credits are not an excuse to weaken traditional governmental support for the "public school" system. On the contrary, a commitment to consumer choice means a recommitment to the principles underlying that support.

Our goal must be to expand consumer choice and return financing alternatives to the real decisionmakers—the parents. We cannot afford, from either a policy perspective or a constitutional perspective, to discriminate among consumers.

For these reasons, I will offer an amendment on the Senate Floor to extend the tax credit to families with children in school—public or private. Although this amendment was not adopted when I offered it at the

Senate Finance Committee Mark-Up, I believe the Court's decision now mandates adoption of this amendment.

I also intend to work to see this legislation expanded to include, not only tuition, but also fees, books, and transportation. This change would enhance the pending legislation by bringing it closer to the Minnesota law.

If we are to have a serious and informative debate on this issue in the Senate, I believe it is imperative that my amendments be adopted. I hope that you will be supportive when that time arises.

Thank you very much.

DAVE DURENBERGER,
U.S. Senator.

[NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.]

SUPREME COURT OF THE UNITED STATES

Syllabus

MUELLER et al. *v.* ALLEN et al.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 82-195. Argued April 18, 1983—Decided June 29, 1983

A Minnesota statute (§ 290.09(22)) allows state taxpayers, in computing their state income tax, to deduct expenses incurred in providing "tuition, textbooks and transportation" for their children attending an elementary or secondary school. Petitioner Minnesota taxpayers brought suit in Federal District Court against respondent Minnesota Commissioner of Revenue and respondent parents who had taken the tax deduction for expenses incurred in sending their children to parochial schools, claiming that § 290.09(22) violates the Establishment Clause of the First Amendment by providing financial assistance to sectarian institutions. The District Court granted summary judgment for respondents, holding that the statute is neutral on its face and in its application and does not have a primary effect of either advancing or inhibiting religion. The Court of Appeals affirmed.

Held: Section 290.09(22) does not violate the Establishment Clause, but satisfies all elements of the "three-part" test laid down in *Lemon* v. *Kurtzman*, 403 U.S. 602, that must be met for such a statute to be upheld under the Clause. Pp. 3-14.

(a) The tax deduction in question has the secular purpose of ensuring that the State's citizenry is well educated, as well as of assuring the continued financial health of private schools, both sectarian and nonsectarian. Pp. 5-7.

(b) The deduction does not have the primary effect of advancing the sectarian aims of nonpublic schools. It is only one of many deductions—such as those for medical expenses and charitable contributions—available under the Minnesota tax laws; is available for educational expenses incurred by *all* parents, whether their children attend public schools or private sectarian or nonsectarian private schools, *Committee for Public Education* v. *Nyquist*, 413 U.S. 756, distinguished; and provides aid to parochial schools only as a result of decisions of individual parents rather than directly from the State to the schools themselves. The Establishment Clause's historic purposes do not encompass the sort of attenuated financial benefit that eventually flows to parochial schools from the neutrally available tax benefit at issue. The fact that notwithstanding § 290.09(22)'s facial neutrality, a particular annual statistical analysis shows that the statute's application primarily benefits religious institutions, does not provide the certainty needed to determine the statute's constitutionality. Moreover, private schools, and parents paying for their children to attend these schools, make special contributions to the areas in which the schools operate. Pp. 7-14.

(c) Section 290.09(22) does not "excessively entangle" the State in religion. The fact that state officials must determine whether particular textbooks qualify for the tax deduction and must disallow deductions for textbooks used in teaching religious doctrines is an insufficient basis for finding such entanglement. P. 14.

676 F. 2d 1195, affirmed.

REHNQUIST, J., delivered the opinion of the Court, in which BURGER, C. J., and WHITE, POWELL, and O'CONNOR, JJ., joined. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, BLACKMUN, and STEVENS, JJ., joined.

[NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.]

SUPREME COURT OF THE UNITED STATES

No. 82-195

VAN D. MUELLER and JUNE NOYES, PETITIONERS *v.* CLYDE E. ALLEN, JR., et al.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

[June 29, 1983]

JUSTICE REHNQUIST delivered the opinion of the Court.

Minnesota allows taxpayers, in computing their state income tax, to deduct certain expenses incurred in providing for the education of their children. Minn. Stat. § 290.09 (22).[1] The United States Court of Appeals for the Eighth Circuit held that the Establishment Clause of the First and Fourteenth Amendments was not offended by this arrangement. Because this question was reserved in *Committee for Public Education* v. *Nyquist*, 413 U.S. 756 (1973), and because of a conflict between the decision of the Court of Appeals for the Eighth Circuit and that of the Court of Appeals for the First Circuit in *Rhode Island Federation of Teachers* v. *Norberg*, 630 F. 2d 855 (CA1 1980), we granted certiorari. —— U.S. —— (1982). We now affirm.

Minnesota, like every other state, provides its citizens with free elementary and secondary schooling. Minn. Stat. §§ 120.06, 120.72. It seems to be agreed that about 820,000 students attended this school system in the most recent school year. During the same year, approximately 91,000 elementary and secondary students attended some 500 privately supported schools located in Minnesota, and about 95 percent of these students attended schools considering themselves to be sectarian.

Minnesota, by a law originally enacted in 1955 and revised in 1976 and again in 1978, permits state taxpayers to claim a deduction from gross income for certain expenses incurred in educating their children. The deduction is limited to actual expenses incurred for the "tuition, textbooks and transportation" of dependents attending elementary or secondary schools. A deduction may not exceed $500 per dependent in grades K through six and $700 per dependent in grades seven through twelve. Minn. Stat. § 290.09.[2]

Petitioners—certain Minnesota taxpayers—sued in the United States District Court for the District of Minnesota claiming that § 290.09(22) violated the Establishment Clause by providing financial assistance to sectarian institutions. They named as respondents the Commissioner of the Department of Revenue of Minnesota and several parents who took advantage of the tax deduction for expenses incurred in sending their children to parochial schools. The District Court granted respondent's motion for summary judgment, holding that the statute was "neutral on its face and in its application and does not have a primary effect of either advancing or inhibiting religion." 514 F. Supp. 998, 1003 (D Minn. 1981). On appeal, the Court of Appeals affirmed, concluding that the Minnesota statute substantially benefited a "broad class of Minnesota citizens."

Today's case is no exception to our oft-repeated statement that the Establishment Clause presents especially difficult questions of interpretation and application. It is easy enough to quote the few words comprising that clause—"Congress shall make no law respecting an establishment of religion." It is not at all easy, however, apply this Court's various decisions construing the Clause to governmental programs of financial assistance to sectarian schools and the parents of children attending those schools. Indeed, in many of these decisions "we have expressly or implicitly acknowledged that 'we can only dimly perceive the lines of demarcation in this extraordinarily sensitive area of constitutionl law.' " *Lemon* v. *Kurtzman*, 403 U.S. 609, 612 (1971), quoted with approval in *Nyquist*, *supra*, at 761.

One fixed principle in this field is our consistent rejection of the argument that "any program which in some manner aids an Institution with a religious affiliation" violates the Establishment Clause. *Hunt* v. *McNair*, 413 U.S. 734, 742 (1973). See, *e.g. Bradfield* v. *Roberts*, 175 U.S. 291 (1899); *Walz* v. *Tax Commission*, 397 U.S. 664 (1970). For example, it is now well-established that a state may reimburse parents for expenses incurred in transporting their children to school, *Everson* v. *Board of Education*, 330 U.S. 1 (1947), and that it may loan secular textbooks to all schoolchildren within the state, *Board of Education* v. *Allen*, 392 U.S. 236 (1968).

Notwithstanding the repeated approval given programs such as those in *Allen* and *Everson*, our decisions also have struck down arrangements resembling, in many respects, these forms of assistance. See, *e.g., Lemon* v. *Kurtzman, supra; Levitt* v. *Committee for Public Education*, 413 U.S. 472 (1972); *Meek* v. *Pittenger*, 421 U.S. 349 (1975); *Wolman* v. *Walter*, 433 U.S. 229, 237-238 (1977).[3] In this case we are asked to decide whether Minnesota's tax deduction bears greater resemblance to those types of assistance to parochial schools we have ap-

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Footnotes at end of article.

proved, or to those we have struck down. Petitioners place particular reliance on our decisions in *Committee for Public Education* v. *Nyquist, supra,* where we held invalid a New York statute providing public funds for the maintenance and repair of the physical facilities of private schools and granting thinly disguised "tax benefits," actually amounting to tuition grants, to the parents of children attending private schools. As explained below, we conclude that § 290.09(22) bears less resemblance to the arrangement struck down in *Nyquist* than it does to assistance programs upheld in our prior decisions and those discussed with approval in *Nyquist.*

The general nature of our inquiry in this area has been guided, since the decision in *Lemon* v. *Kurtzman,* 403 U.S. 602 (1971), by the "three-part" test laid down in that case:

"First, the statute must have a secular legislative purpose; second, its principle or primary effect must be one that neither advances nor inhibits religion . . .; finally, the statute must not foster 'an excessive government entanglement with religion.' " *Id.,* at 612-613.

While this principle is well settled, our cases have also emphasized that it provides "no more than [a] helpful signpost" in dealing with Establishment Clause challenges. *Hunt* v. *McNair, supra,* 413 U.S., at 741. With this *caveat* in mind, we turn to the specific challenges raised against § 290.09(22) under the *Lemon* framework.

Little time need be spent on the question of whether the Minnesota tax deduction has a secular purpose. Under our prior decisions, governmental assistance programs have consistently survived this inquiry even when they have run afoul of other aspects of the *Lemon* framework. See, *e.g., Lemon* v. *Kurtzman, supra; Meek* v. *Pittenger, supra,* 421 U.S., at 363, *Wolman* v. *Walter, supra,* 433 U.S., at 236. This reflects, at least in part, our reluctance to attribute unconstitutional motives to the states, particularly when a plausible secular purpose for the state's program may be discerned from the face of the statute.

A state's decision to defray the cost of educational expenses incurred by parents—regardless of the type of schools their children attend—evidences a purpose that is both secular and understandable. An educated populace is essential to the political and economic health of any community, and a state's efforts to assist parents in meeting the rising cost of educational expenses plainly serves this secular purpose of ensuring that the state's citizenry is well-educated. Similarly, Minnesota, like other states, could conclude that there is a strong public interest in assuring the continued financial health of private schools, both sectarian and non-sectarian. By educating a substantial number of students such schools relieve public schools of a correspondingly great burden—to the benefit of all taxpayers. In addition, private schools may serve as a benchmark for public schools, in a manner analogous to the "TVA yardstick" for private power companies. As JUSTICE POWELL has remarked:

"Parochial schools, quite apart from their sectarian purpose, have provided an educational alternative for millions of young Americans; they often afford wholesome competition with our public schools; and in some States they relieve substantially the tax burden incident to the operation of public schools. The State has, moreover, a legitimate interest in facilitating education of the highest quality for all children within its boundaries, whatever school their parents have chosen for them. *Wolman* v. *Walter,* 433 U.S. 229, 226 (POWELL, J., concurring in part, concurring in judgment in part, and dissenting in part).

All these justifications are readily available to support § 290.02(22), and each is sufficient to satisfy the secular purpose inquiry of *Lemon.*[4]

We turn therefore to the more difficult but related question whether the Minnesota statute has "the primary effect of advancing the sectarian aims of the nonpublic schools." *Committee for Public Education* v. *Regan,* 444 U.S. 646, 662 (1980); *Lemon* v. *Kurtzman, supra,* 403 U.S., at 612-613. In concluding that it does not, we find several features of the Minnesota tax deduction particularly significant. First, an essential feature of Minnesota's arrangement is the fact that § 290.09(22) is only one among many deductions—such as those for medical expenses, Minn. Stat. § 290.09(10) and charitable contributions, Minn. § 290.21—available under the Minnesota tax laws.[5] Our decisions consistently have recognized that traditionally "[l]egislatures have especially broad latitude in creating classifications and distinctions in tax statutes," *Regan* v. *Taxation with Representation,* —— U.S. —— (1983), in part because the "familiarity with local conditions" enjoyed by legislators especially enables them to "achieve an equitable distribution of the tax burden." *Madden* v. *Kentucky,* 309 U.S. 83, 87 (1940). Under our prior decisions, the Minnesota legislature's judgment that a deduction for educational expenses fairly equalizes the tax burden of its citizens and encourages desirable expenditures for educational; purposes is entitiled to substantial deference.[6]

Other characteristics of § 290.09(22) argue equally strongly for the provision's constitutionality. Most importantly, the deduction is available for educational expenses incurred by *all* parents, including those whose children attend public schools and those whose children attend non-sectarian private schools or sectarian private schools. Just as in *Widmar* v. *Vincent,* —— U.S. —— (1981), where we concluded that the state's provision of a forum neutrally "open to a broad class of nonreligious as well as religious speakers" does not "confer any imprimatur of State approval," so here: "the provision of benefits to so broad a spectrum of groups is an important index of secular effect."[7]

In this respect, as well as others, this case is vitally different from the scheme struck down in *Nyquist.* There, public assistance amounting to tuition grants, was provided only to parents of children in *nonpublic* schools. This fact had considerable bearing on our decision striking down the New York statute at issue; we explicitly distinguished both *Allen* and *Everson* on the grounds that "In both cases the class of beneficiaries included *all* schoolchildren, those in public as well as those in private schools." 413 U.S., at 782, n. 38 (emphasis in original).[8] Moreover, we intimated that "public assistance (*e.g.,* scholarships) made available generally without regard to the sectarian-nonsectarian or public-nonpublic nature of the institution benefited," *ibid.,* might not offend the Establishment Clause. We think the tax deduction adopted by Minnesota is more similar to this latter type of program than it is to the arrangement struck down in *Nyquist.* Unlike the assistance at issue in *Nyquist,* § 290.09(22) permits *all* parents—whether their children attend public school or private—to deduct their children's educational expenses. As *Widmar* and our other decisions indicate, a program, like § 290.09(22), that neutrally provides state assistance to a broad spectrum of citizens is not readily subject to challenge under the Establishment Clause.

We also agree with the Court of Appeals that, by channeling whatever assistance it may provide to parochial schools through individual parents, Minnesota has reduced the Establishment Clause objections to which its action is subject. It is true, of course, that financial assistance provided to parents ultimately has an economic effect comparable to that of aid given directly to the schools attended by their children. It is also true, however, that under Minnesota's arrangement public funds become available only as a result of numerous, private choices of individual parents of school-age children. For these reasons, we recognized in *Nyquist* that the means by which state assistance flows to private schools is of some importance: we said that "the fact that aid is disbursed to parents rather than to . . . schools" is a material consideration in Establishment Clause analysis, albeit "only one among many to be considered." *Nyquist,* at 781. It is noteworthy that all but one of our recent cases invalidating state aid to parochial schools have involved the direct transmission of assistance from the state to the schools themselves. The exception, of course, was *Nyquist,* which, as discussed previously is distinguishable from this case on other grounds. Where, as here, aid to parochial schools is available only as a result of decisions of individual parents no "imprimatur of State approval," *Widmar,* at ——, can be deemed to have been conferred on any particular religion, or on religion generally.

We find it useful, in the light of the foregoing characteristics of § 290.09(22), to compare the attenuated financial benefits flowing to parochial schools from the section to the evils against which the Establishment Clause was designed to protect. These dangers are well-described by our statement that "what is at stake as a matter of policy [in Establishment Clause cases] is preventing that kind and degree of government involvement in religious life that, as history teaches us, is apt to lead to strife and frequently strain a political system to the breaking point." *Nyquist, supra,* 413 U.S., at 796, quoting, *Walz* v. *Tax Comm'n,* 397 U.S., at 694 (Harlan, J., concurring). It is important, however, to "keep these issues in perspective":

"At this point in the 20th century we are quite far removed from the dangers that prompted the Framers to include the Establishment Clause in the Bill of Rights. See *Walz* v. *Tax Comm'n,* 397 U.S. 664, 668 (1970). The risk of significant religious or denominational control over our democratic processes—or even of deep political division along religious lines—is remote, and when viewed against the positive contributions of sectarian schools, and such risk seems entirely tolerable in light of the continuing oversight of this Court." *Wolman,* at 263 (POWELL, J., concurring in part, concurring in the judgment in part, and dissenting in part).

The Establishment Clause of Course extends beyond prohibition of a state church or payment of state funds to one or more churches. We do not think, however, that its prohibition extends to the type of tax deduction established by Minnesota. The historic purposes of the clause simply do not encompass the sort of attenuated financial

benefit, ultimately controlled by the private choices of individual parents, that eventually flows to parochial schools from the neutrally available tax benefit at issue in this case.

Petitioners argue that, notwithstanding the facial neutrality of § 290.09(22), in application the statute primarily benefits religious institutions.[9] Petitioners rely, as they did below, on a statistical analysis of the type of persons claiming the tax deduction. They contend that most parents of public school children incur no tuition expenses, see Min. Stat. § 120.06, and that other expenses deductible under § 290.09(22) are negligible in value; moreover, they claim that 96% of the children in private schools in 1978–1979 attended religiously-affiliated institutions. Because of all this, they reason, the bulk of deductions taken under § 290.09(22) will be claimed by parents of children in sectarian schools. Respondents reply that petitioners have failed to consider the impact of deductions for items such as transportation, summer school tuition, tuition paid by parents whose children attended schools outside the school districts in which they resided, rental or purchase costs for a variety of equipment, and tuition for certain types of instruction not ordinarily provided in public schools.

We need not consider these contentions in detail. We would be loath to adopt a rule grounding the constitutionality of a facially neutral law on annual reports reciting the extent to which various classes of private citizens claimed benefits under the law. Such an approach would scarcely provide the certainty that this field stands in need of, nor can we perceive principled standards by which such statistical evidence might be evaluated. Moreover, the fact that private persons fail in a particular year to claim the tax relief to which they are entitled—under a facially neutral statute—should be of little importance in determining the constitutionality of the statute permitting such relief.

Finally, private educational institutions, and parents paying for their children to attend these schools, make special contributions to the areas in which they operate. "Parochial schools, quite apart from their sectarian purpose, have provided an educational alternative for millions of young Americans; they often afford wholesome competition with our public schools; and in some States they relieve substantially the tax burden incident to the operation of public schools." *Wolman*, at 262 (POWELL, J., concurring and dissenting) If parents of children in private schools choose to take especial advantage of the relief provided by § 290.09(22), it is no doubt due to the fact that they bear a particularly great financial burden in educating their children. More fundamentally, whatever unequal effect may be attributed to the statutory classification can fairly be regarded as a rough return for the benefits, discussed above, provided to the state and all taxpayers by parents sending their children to parochial schools. In the light of all this, we believe it wiser to decline to engage in the type of empirical inquiry into those persons benefited by state law which petitioners urge.[10]

Thus, we hold that the Minnesota tax deduction for educational expenses satisfies the primary effect inquiry of our Establishment Clause cases.

Turning to the third part of the *Lemon* inquiry, we have no difficulty in concluding that the Minnesota statute does not "excessively entangle" the state in religion. The only plausible source of the "comprehensive, discriminating, and continuing state surveillance," 403 U.S., at 619, necessary to run afoul of this standard would lie in the fact that state officials must determine whether particular textbooks qualify for a deduction. In making this decision, state officials must disallow deductions taken from "instructional books and materials used in the teaching of religious tenets, doctrines or worship, the purpose of which is to inculcate such tenets, doctrines or worship." Minn. Stat. § 290.09(22). Making decisions such as this does not differ substantially from making the type of decisions approved in earlier opinions of this Court. In *Board of Education* v. *Allen*, 392 U.S. 236 (1968), for example, the Court upheld the loan of secular textbooks to parents or children attending nonpublic schools; though state officials were required to determine whether particular books were or were not secular, the system was held not to violate the Establishment Clause. See also *Wolman* v. *Walter, supra; Meek* v. *Pittenger, supra.* The same result follows in this case.[11]

For the foregoing reasons, the judgment of the Court of Appeals is *Affirmed.*

FOOTNOTES

[1] Minn. Stat. § 290.09(22) (1982) permits a taxpayer to deduct from his or her computation of gross income the following:

Tuition and transportation expense. The amount he has paid to others, not to exceed $500 for each dependent in grades K to 6 and $700 for each dependent in grades 7 to 12, for tuition, textbooks and transportation of each dependent in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363. As used in this subdivision, "textbooks" shall mean and include books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and shall not include instructional books and materials used in the teaching of religious tenets, doctrines or worship, the purpose of which is to inculcate such tenets, doctrines or worship, nor shall it include such books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature."

[2] Both lower courts found that the statute permits deduction of a range of educational expenses. The District Court found that deductible expenses included:

"1. Tuition in the ordinary sense.

2. Tuition to public school students who attend public schools outside their residence school districts.

3. Certain summer school tuition.

4. Tuition charged by a school for slow learner private tutoring services.

5. Tuition for instruction provided by an elementary or secondary school to students who are physically unable to attend classes at such school.

6. Tuition charged by a private tutor or by a school that is not an elementary or secondary school if the instruction is acceptable for credit in an elementary or secondary school.

7. Montessori School tuition for grades K through 12.

8. Tuition for driver education when it is part of the school curriculum." 514 F. Supp., at 1000. The Court of Appeals concurred in this finding.

In addition, the District Court found that the statutory deduction for "texbooks" included not only "secular textbooks" but also:

"1. Cost of tennis shoes and sweatsuits for physical education.

2. Camera rental fees paid to the school for photography classes.

3. Ice skates rental fee paid to the school for calculators for mathematics classes.

5. Costs of home economics materials needed to meet minimum requirements.

6. Costs of special metal or wood needed to meet minimum requirements of shop classes.

7. Costs of supplies needed to meet minimum requirements of art classes.

8. Rental fees paid to the school for musical instruments.

9. Cost of pencils and special notebooks required for class." *Ibid.* The Court of Appeals accepted this finding.

[3] In *Lemon* v. *Kurtzman, supra*, the Court concluded that the state's reimbursement of nonpublic schools for the cost of teacher's salaries, textbooks, and instructional materials, and its payment of a salary supplement to teachers in nonpublic schools, resulted in excessive entanglement of church and state. In *Levitt* v. *Committee for Public Education, supra*, we struck down on Establishment Clause grounds a state program reimbursing nonpublic schools for the cost of teacher-prepared examinations. Finally, in *Meek* v. *Pittenger, supra*, and *Wolman* v. *Walter, supra*, we held unconstitutional a direct loan of instructional materials to nonpublic schools, while upholding the loan of textbooks to individual students.

[4] Section 290.09 contains no express statements of legislative purpose, and its legislative history offers few unambiguous indications of actual intent. The absence of such evidence does not affect our treatment of the statute.

[5] Deductions for charitable contributions, allowed by Minnesota law, Minn. Stat. § 290.21, include contributions to religious institutions, and exemptions from property tax for property used for charitable purposes under Minnesota law include property used for wholly religious purposes, Minn. Stat. § 272.02. In each case, it may be that religious institutions benefit very substantially from the allowance of such deductions. The Court's holding in *Walz* v. *Tax Commission*, 397 U.S. 664 (1970), indicates, however, that this does not require the conclusion that such provisions of a state's tax law violate the Establishment Clause.

[6] Our decision in *Nyquist* is not to the contrary on this point. We expressed considerable doubt there that the "tax benefits" provided by New York law properly could be regarded as parts of a genuine system of tax laws. Plainly, the outright grants to low-income parents did not take the form of ordinary tax benefits. As to the benefits provided to middle-income parents, the Court said:

"The amount of the deduction is unrelated to the amount of money actually expended by any parent on tuition, but is calculated on the basis of a formula contained in the statute. The formula is apparently the product of a legislative attempt to assure that each family would receive a carefully estimated net benefit, and that the tax benefit would be comparable to, and compatible with, the tuition grant for lower income families." Indeed, the question whether a program having the elements of a "genuine tax deduction" would be constitutionally acceptable was expressly reserved in *Nyquist, supra*, 413 U.S., at 790, n. 49. While the economic consequences of the program in *Nyquist* and that in this case may be difficult to distinguish, we have recognized on other occasions that "the form of the [state's assistance to parochial schools must be examined] for the light that it casts on the substance." *Lemon* v. *Kurtzman, supra*, 403 U.S., at 614. The fact that the Minnesota plan embodies a "genuine tax deduction" is thus of some relevance, especially given the traditional rule of deference accorded legislative classification in tax statutes.

[7] Likewise, in *Sloan* v. *Lemon*, 413 U.S. 825, 832 (1973), where we held that a Pennsylvania statute violated the First Amendment, we emphasized that "the State [had] singled out a class of its citizens for a special economic benefit." We also observed in *Widmar* that "empirical evidence that religious groups will dominate [the school's] open forum," —— U.S., at ——, might be relevant to analysis under the Establishment Clause. We address this below, pp. 12-13, *infra.*

[8] Our full statement was that:

"*Allen and Everson* differ from the present litigation in a second important respect. In both cases the class of beneficiaries included *all* schoolchildren, those in public as well as those in private schools. See also *Tilton* v. *Richardson, supra*, in which federal aid was made available to *all* institutions of higher learning, and *Walz* v. *Tax Comm'n, supra*, in which tax exemptions were accorded to *all* educational and charitable nonprofit institutions. . . . Because of the manner in which we have resolved the tuition grant issue, we need not decide whether the significantly religious character of the

statute's beneficiaries might differentiate the present cases from a case involving some form of public assistance (*e.g.*, scholarship) made available generally without regard to the sectarian-nonsectarian, or public-non-public nature of the institution benefited. . . . Thus our decision today does not compel . . . the conclusion that the educational assistance provisions of the "G.I. Bill," 38 U.S.C. § 1651, impermissibly advance religion in violation of the Establishment Clause." 413 U.S., at 782, n. 38. See also, *id.*, at 775.

[9] Petitioners cite a "Revenue Analysis" prepared in 1976 by the Minnesota Department of Revenue, which states that "Only those taxpayers having dependents in nonpublic elementary or secondary schools are affected by this law since tuition, transportation and textbook expenses for public school students are paid for by the school district." Pet. Br., at 38. We fail to see the significance of the report; it is no more than a capsule description of the tax deduction provision. As discussed below, and as the lower courts expressly found, the analysis is plainly mistaken, as a factual matter, regarding the effect of § 290.09(22). Moreover, several memoranda prepared by the Minnesota Department of Revenue in 1979—stating that a number of specific expenses may be deducted by parents with children in public school—clearly indicate that the summary discussion in the 1976 memorandum was not intended as any comprehensive or binding agency determination.

[10] Our conclusion is unaffected by the fact that § 290.09(22) permits deductions for amounts spent for textbooks and transportation as well as tuition. In *Everson* v. *Board of Education*, 330 U.S. 1 (1947), we approved a statute reimbursing parents of *all* schoolchildren for the costs of transporting their children to school. Doing so by means of a deduction, rather than a direct grant, only serves to make the state's action less objectionable. Likewise, in *Board of Education* v. *Allen*, 392 U.S. 236 (1968), we approved state loans of textbooks to *all* schoolchildren; although we disapproved, in *Meek* v. *Pittenger* and *Wolman* v. *Walter* direct loans of instructional materials to sectarian schools, we do not find those cases controlling. First, they involved assistance provided to the schools themselves, rather than tax benefits directed to individual parents, see pp. ——, *supra*. Moreover, we think that state assistance for the rental of calculators, see J. App., at A18, ice skates, *ibid.*, tennis shoes, *ibid.*, and the like, scarcely poses the type of dangers against which the Establishment Clause was intended to guard.

[11] No party to this litigation has urged that the Minnesota plan is invalid because it runs afoul of the rather elusive inquiry, subsumed under the third part of the *Lemon* test, whether the Minnesota statute partakes of the "divisive political potential" condemned in *Lemon*, *supra*, 403 U.S., at 622. The argument is advanced, however, by amicus National Committee for Public Education and Religious Liberty *et al.* This variation of the "entanglement" test has been interpreted differently in different cases. Compare *Lemon* v. *Kurtzman*, 403 U.S. 602, 622-625, with *id.*, at 665-666 (WHITE, J., dissenting); *Meek* v. *Pittinger*, *supra*, 421 U.S., at 359-62, with *id.*, at 374-379 (BRENNAN, J., dissenting). Since this aspect of the "entanglement" inquiry originated with *Lemon* v. *Kurtzman*, *supra*, and the Court's opinion there took pains to distinguish both *Everson* v. *Board of Education*, 330 U.S. 1 (1947), and *Board of Education* v. *Allen*, 392 U.S. 236 (1968), the Court in *Lemon* must have been referring to a phenomenon which, although present in that case, would have been absent in the two cases it distinguished.

The Court's language in *Lemon I* respecting political divisiveness was made in the context of Pennsylvania and Rhode Island statutes which provided for either direct payments of, or reimbursement of, a proportion of teachers' salaries in parochial schools. We think, in the light of the treatment of the point in later cases discussed above, the language must be regarded as confined to cases where direct financial subsidies are paid to parochial schools or to teachers in parochial schools.

[Supreme Court of the United States, No. 82-195]

VAN D. MUELLER AND JUNE NOYES, PETITIONER *v.* CLYDE E. ALLEN, JR., ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

(June 29, 1983)

Justice Marshall, with whom Justice Brennan, Justice Blackmun and Justice Stevens join, dissenting.

The Establishment Clause of the First Amendment prohibits a State from subsidizing religious education, whether it does so directly or indirectly. In my view, this principle of neutrality forbids not only the tax benefits struck down in *Committee for Public Education* v. *Nyquist*, 413 U.S. 756 (1973) , but any tax benefit, including the tax deduction at issue here, which subsidizes tuition payments to sectarian schools. I also believe that the establishment Clause prohibits the tax deductions that Minnesota authorizes for the cost of books and other instructional materials used for sectarian purposes.

I

The majority today does not question the continuing vitality of this Court's decision in *Nyquist*. That decision established that a State may not support religious education either through direct grants to parochial schools or through financial aid to parents of parochial school students. 413 U.S., at 780, 785-786. *Nyquist* also established that financial aid to parents of students attending parochial schools is no more permissible if it is provided in the form of a tax credit than if provided in the form of cash payments. *Id.*, at 789-791; see *ante* at 7-8, & n. 6. Notwithstanding these accepted principles, the Court today upholds a statute that provides a tax deduction for the tuition charged by religious schools. The Court concludes that the Minnesota statute is "vitally different" from the New York statute at issue in *Nyquist*. *Ante*, at 9. As demonstrated below, there is no significant difference between the two schemes. The Minnesota tax statute violates the Establishment Clause for precisely the same reason as the statute struck down in *Nyquist*: it has a direct and immediate effect of advancing religion.

A

In calculating their net income for state income tax purposes, Minnesota residents are permitted to deduct the cost of their children's tuition, subject to a ceiling of $500 or $700 per child. By taking this deduction, a taxpayer reduces his tax bill by a sum equal to the amount of tuition multiplied by his rate of tax. Although this tax benefit is available to any parents whose children attend schools which charge tuition, the vast majority of the taxpayers who are eligible to receive the benefit are parents whose children attend religious schools. In the 1978-1979 school year, 90,000 students were enrolled in nonpublic schools charging tuition; over 95% of those students attended sectarian schools. Although the statute also allows a deduction for the tuition expenses of children attending public schools, Minnesota public schools are generally prohibited by law from charging tuition. Minn. Stat. § 120.06. Public schools may assess tuition charges only for students accepted from outside the district. § 123.39, subd. 5. In the 1978-1979 school year, only 79 public school students fell into this category. The parents of the remaining 815,000 students who attended public schools were ineligible to receive this tax benefit.

Like the law involved in *Nyquist*, the Minnesota law can be said to serve a secular purpose: promoting pluralism and diversity among the State's public and nonpublic schools. But the Establishment Clause requires more than that legislation have a secular purpose. *Nyquist*, 413 U.S., at 773. "[T]he propriety of a legislature's purposes may not immunize from further scrutiny a law which . . . has a primary effect that advances religion." *Id.*, at 774.[1] Moreover, even if one "'primary' effect [is] to promote some legitimate end under the State's police power," the legislation is not "immune from further examination to ascertain whether it also has the direct and immediate effect of advancing religion." *Id.*, at 783-784, n. 39. See *e.g.*, *Wolman* v. *Walter*, 433 U.S. 229, 248-254 (1977); *Meek* v. *Pittenger*, 421 U.S. 349, 364-366 (1975).

As we recognized in *Nyquist*, direct government subsidization of parochial school tuition is impermissible because "the effect of the aid is unmistakably to provide desired financial support for nonpublic, sectarian institutions." *Id.*, at 783. "[A]id to the educational function of [parochial] schools . . . necessarily results in aid to the sectarian enterprise as a whole" because "[t]he very purpose of those schools is to provide an integrated secular and religious education." *Meek* v. *Pittenger*, 421 U.S., at 366. For this reason, aid to sectarian schools must be restricted to ensure that it may be not used to further the religious mission of those schools. See, *e.g.*, *Wolman* v. *Walter*, 433 U.S., at 250-251. While "services such as police and fire protection, sewage disposal, highways, and sidewalks," may be provided to parochial schools in common with other institutions, because this type of assistance is clearly "'marked off from the religious function'" of those schools, *Nyquist*, *supra*, at 781-782, quoting *Everson* v. *Board of Education*, 330 U.S. 1, 18 (1947), unrestricted financial assistance, such as grants for the maintenance and construction of parochial schools, may not be provided. *Nyquist*, *supra*, at 774-780. "In the absence of an effective means of guaranteeing that the state aid derived from public funds will be used exclusively for secular, neutral, and nonideological purposes, it is clear from our cases that direct aid in whatever form is invalid." *Id.*, at 783.

Indirect assistance in the form of financial aid to parents for tuition payments is similarly impermissible because it is not "subject to . . . restrictions" which "'guarantee the separation between secular and religious educational functions and . . . ensure that State financial aid supports only the former.'" *Id.*, at 783, quoting *Lemon* v. *Kurtzman*, 403 U.S. 602, 613 (1971). By ensuring that parents will be reimbursed for tuition payments they make, the Minnesota statute requires that taxpayers in general pay for the cost of parochial education and extends a financial "incentive to parents to send their children to sectarian schools." *Nyquist*, *supra*, at 786. As was true of the law struck down in *Nyquist*, "it is precisely the function of [Minnesota's] law to provide assistance to private schools, the great majority of which are sectarian. By reimbursing parents for a portion of their tuition bill, the State seeks to relieve their financial burdens sufficiently to assure that they continue to have the option to send their children to religion-oriented schools. And while the other purposes for that aid—to perpet-

Footnotes at the end of article.

uate a pluralistic educational environment and to protect the fiscal integrity of overburdened public schools—are certainly unexceptional, the effect of the aid is unmistakably to provide desired financial support for nonpublic sectarian institutions." *Id.*, at 783.

That parents receive a reduction of their tax liability, rather than a direct reimbursement, is of no greater significance here than it was in *Nyquist*. "[F]or purposes of determining whether such aid has the effect of advancing religion," it makes no difference whether the qualifying "parent receives an actual cash payment [or] is allowed to reduce . . . the sum he would otherwise be obligated to pay over to the State." *Id.*, at 790. It is equally irrelevant whether a reduction in taxes takes the form of a tax "credit," a tax "modification," or a tax "deduction." *Id.*, at 789–790. What is of controlling significance is not the form but the "substantive impact" of the financial aid. *Id.*, at 786. "[I]nsofar as such benefits render assistance to parents who send their children to *sectarian* schools, their purpose and inevitable effect are to aid and advance those religious institutions." *Nyquist, supra*, at 793 (emphasis added).

B

The majority attempts to distinguish *Nyquist* by pointing to two differences between the Minnesota tuition-assistance program and the program struck down in *Nyquist*. Neither of these distinctions can withstand scrutiny.

1

The majority first attempts to distinguish *Nyquist* on the ground that Minnesota makes all parents eligible to deduct up to $500 or $700 for each dependent, whereas the New York law allowed a deduction only for parents whose children attended nonpublic schools. Although Minnesota taxpayers who send their children to local public schools may not deduct tuition expenses because they incur none, they may deduct other expenses, such as the cost of gym clothes, pencils, and notebooks, which are shared by all parents of school-age children. This, in the majority's view, distinguishes the Minnesota scheme from the law at issue in *Nyquist*.

That the Minnesota statute makes some small benefit available to all parents cannot alter the fact that the most substantial benefit provided by the statute is available only to those parents who send their children to schools that charge tuition. It is simply undeniable that the single largest expense that may be deducted under the Minnesota statute is tuition. The statute is little more than a subsidy of tuition masquerading as a subsidy of general educational expenses. The other deductible expenses are *de minimis* in comparison to tuition expenses.

Contrary to the majority's suggestion, *ante*, at 12–13, the bulk of the tax benefits afforded by the Minnesota scheme are enjoyed by parents of parochial school children not because parents of public school children fail to claim deductions to which they are entitled, but because the latter are simply *unable* to claim the largest tax deduction that Minnesota authorizes.[2] Fewer than 100 of more than 900,000 school-age children in Minnesota attend public schools that charge a general tuition. Of the total number of taxpayers who are eligible for the tuition deduction, approximately 96 percent send their children to religious schools.[3] Parents who send their children to free public schools are simply ineligible to obtain the full benefit of the deduction except in the unlikely event that they buy $700 worth of pencils, notebooks, and bus rides for their school-age children. Yet parents who pay at least $700 in tuition to nonpublic, sectarian schools can claim the full deduction even if they incur no other educational expenses.

That this deduction has a primary effect of promoting religion can easily be determined without any resort to the type of "statistical evidence" that the majority fears would lead to constitutional uncertainty. *Ante*, at 13. The only factual inquiry necessary is the same as that employed in *Nyquist* and *Sloan* v. *Lemon*, 413 U.S. 825 (1973): whether the deduction permitted for tuition expenses primarily benefits those who send their children to religious schools. In *Nyquist* we unequivocally rejected any suggestion that, in determining the effect of a tax statute, this Court should look exclusively to what the statute on its face purports to do and ignore the actual operation of the challenged provision. In determining the effect of the New York statute, we emphasized that "virtually all" of the schools receiving direct grants for maintenance and repair were Roman Catholic schools, 413 U.S., at 774, that reimbursements were given to parents "who send their children to nonpublic schools, the bulk of which is concededly sectarian in orientation," *id.*, at 780, that "it is precisely the function of new York's law to provide assistance to private schools, the great majority of which are sectarian," *id.*, at 783, and that "tax reductions authorized by this law flow primarily to the parents of children attending sectarian, nonpublic schools." *Id.*, at 794. Similarly, in *Sloan* v. *Lemon*, 413 U.S., at 830, we considered important to our "consider[ation of] the new law's effect . . . [that] 'more than 90% of the children attending nonpublic schools in the Commonwealth of Pennsylvania are enrolled in schools that are controlled by religious institutions or that have the purpose of propagating and promoting religious faith.'"[4]

In this case, it is undisputed that well over 90% of the children attending tuition-charging schools in Minnesota are enrolled in sectarian schools. History and experience likewise instruct us that any generally available financial assistance for elementary and scondary school tuition expenses mainly will further religious education because the majority of the schools which charge tuition are sectarian. Cf. *Nyquist, supra*, at 785; *Lemon* v. *Kurzman*, 403 U.S., at 628–630 (Douglas, J., concurring). Because Minnesota, like every other State, is committed to providing free public education, tax assistance for tuition payments inevitably redounds to the benefit of nonpublic, sectarian schools and parents who send their children to those schools.

2

The majority also asserts that the Minnesota statute is distinguishable from the statute struck down in *Nyquist* in another respect: the tax benefit available under Minnesota law is a "genuine tax deduction," whereas the New York law provided a benefit which, while nominally a deduction, also had features of a "tax credit." *Ante*, at 7–8, and n. 6. Under the Minnesota law, the amount of the tax benefit varies directly with the amount of the expenditure. Under the New York law, the amount of deduction was not dependent upon the amount actually paid for tuition but was a predetermined amount which depended on the tax bracket of each taxpayer. The deduction was designed to yield roughly the same amount of tax "forgiveness" for each taxpayer.

This is a distinction without a difference. Our prior decisions have rejected the relevance of the majority's formalistic distinction between tax deductions and the tax benefit at issue in *Nyquist*. See *Byrne* v. *Public Funds for Public Schools*, 442 U.S. 907 (1979), aff'g, 590 F. 2d 514 (CA3); *Grit* v. *Wolman*, 413 U.S. 901 (1973), aff'g, 353 F. Supp. 744 (SD Ohio 1972).[5] The deduction afforded by Minnesota law was "designed to yield a [tax benefit] in exchange for performing a specific act which the State desires to encourage." *Nyquist, supra*, at 789. Like the tax benefit held impermissible in *Nyquist*, the tax deduction at issue here concededly was designed to "encourag[e] desirable expenditures for educational purposes." *Ante*, at 8. Of equal importance, as the majority also concedes, the "economic consequence" of these programs is the same, *ante*, at 8, n.6, for in each case the "financial assistance provided to parents ultimately has an economic effect comparable to that of aid given directly to the schools." *Ante*, at 10. See *Walz* v. *Tax Comm'n*, 397 U.S. 664, 699 (1970) (opinion of Harlan, J.). It was precisely the substantive impact of the financial support, and not its particular form, that rendered the programs in *Nyquist* and *Sloan* v. *Lemon* unconstitutional. See *Nyquist*, 413 U.S. at 790–791, 794; *Sloan* v. *Lemon*, 413 U.S., at 832.

C

The majority incorrectly asserts that Minnesota's tax deduction for tuition expenses "bears less resemblance to the arrangement struck down in *Nyquist* than it does to assistance programs upheld in our prior decisions and discussed with approval in *Nyquist.*" *Ante*, at 5. One might as well say that a tangerine bears less resemblance to an organge than to an apple. The two cases relied on by the majority, *Board of Education* v. *Allen*, 392 U.S. 236 (1968), and *Everson* v. *Board of Education*, 330 U.S. 1 (1947), are inapposite today for precisely the same reasons that they were inapposite in *Nyquist*.

We distinguished these cases in *Nyquist, supra*, at 781–782, and again in *Sloan* v. *Lemon*, 413 U.S., at 832. Financial assistance for tuition payments has a consequence that "is quite unlike the sort of 'indirect' and 'incidental' benefits that flowed to sectarian schools from programs aiding *all* parents by supply bus transportation and secular textbooks for their children. *Such benefits were carefully restricted to the purely secular side of church-affiliated institutions* and provided no special aid for those who had chosen to support religious schools. Yet such aid approached the 'verge' of the constitutionally impermissible." *Sloan* v. *Lemon, supra*, at 832 (emphasis added in part).

As previously noted, *supra*, at 6, the Minnesota tuition tax deduction is not available to *all* parents, but only to parents whose children attend schools that charge tuition, which are comprised almost entirely of sectarian schools. More importantly, the assistance that flows to parochial schools as a result of the tax benefit is not restricted, and cannot be restricted, to the secular functions of those schools.

II

In my view, Minnesota's tax deduction for the cost of textbooks and other instructional materials is also constitutionally infirm. The majority is simply mistaken in concluding that a tax deduction, unlike a tax credit

or a direct grant to parents, promotes religious education in a manner that is only "attenuated." *Ante*, at 11-12. A tax deduction has a primary effect that advances religion if it is provided to offset expenditures which are not restricted to the secular activities of parochial schools.

The instructional materials which are subsidized by the Minnesota tax deduction plainly may be used to inculcate religious values and belief. In *Meek* v. *Pittenger*, 421 U.S., at 366, we held that even the use of "wholly neutral, secular instructional material and equipment" by church-related schools contributes to religious instruction because "'[t]he secular education those schools provide goes hand in hand with the religious mission that is the only reason for the schools' existence.'" In *Wolman* v. *Walter*, 433 U.S., at 249-250, we concluded that precisely the same impermissible effect results when the instructional materials are loaned to the pupil or his parent, rather than directly to the schools. We stated that "it would exalt form over substance if this distinction were found to justify a result different from that in *Meek*." *Ibid.* It follows that a tax deduction to offset the cost of purchasing instructional materials for use in sectarian schools, like a loan of such materials to parents, "necessarily results in aid to the sectarian school enterprise as a whole" and is therefore a "substantial advancement of religious activity" that "constitutes an impermissible establishment of religion." *Ibid.*

There is no reason to treat Minnesota's tax deduction for textbooks any differently. Secular textbooks, like other secular instructional materials, contribute to the religious mission of the parochial schools that use those books. Although this Court upheld the loan of secular textbooks to religious schools in *Board of Education* v. *Allen*, *supra*, the Court believed at that time that it lacked sufficient experience to determine "based solely on judicial notice" that "the processes of secular and religious training are so intertwined that secular textbooks furnished to students by the public [will always be] instrumental in the teaching of religion." 392 U.S., at 248. This basis for distinguishing secular instructional materials and secular textbooks is simply untenable, and is inconsistent with many of our more recent decisions concerning state aid to parochial schools. See *Wolman* v. *Walter*, 433 U.S., at 257-258 (MARSHALL, J., concurring in part and dissenting in part); *id.*, at 264-266 (STEVENS, J., concurring in part and dissenting in part); *Meek* v. *Pittenger*, 421 U.S., at 378 (BRENNAN, J., concurring in part and dissenting in part).

In any event, the Court's assumption in *Allen* that the textbooks at issue there might be used only for secular education was based on the fact that those very books had been chosen by the State for use in the public schools. 392 U.S., at 244-245. In contrast, the Minnesota statute does not limit the tax deduction to those books which the State has approved for use in public schools. Rather, it permits a deduction for books that are chosen by the parochial schools themselves. Indeed, under the Minnesota statutory scheme, textbooks chosen by parochial schools but not used by public schools are likely to be precisely the ones purchased by parents for their children's use. Like the law upheld in *Board of Education* v. *Allen*, 392 U.S. 236 (1968), Minn. Stat. §§ 123.932 and 123.933 authorize the state board of education to provide textbooks used in public schools to nonpublic school students. Parents have little reason to purchase textbooks that can be borrowed under this provision.[6]

III

There can be little doubt that the State of Minnesota intended to provide, and has provided, "[s]ubstantial aid to the educational function of [church-related] schools," and that the tax deduction for tuition and other educational expenses "necessarily results in aid to the sectarian school enterprise as a whole." *Meek* v. *Pittenger*, 421 U.S. at 366. It is beside the point that the State may have legitimate secular reasons for providing such aid. In focusing upon the contributions made by church-related schools, the majority has lost sight of the issue before us in this case.

"The sole question is whether state aid to these schools can be squared with the dictates of the Religion Clauses. Under our system the choice has been made that government is to be entirely excluded from the area of religious instruction . . . The Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice, and that while some involvement and entanglement are inevitable, lines must be drawn." *Lemon* v. *Kurtzman*, 403 U.S. 602, 625 (1971).

In my view, the lines drawn in *Nyquist* were drawn on a reasoned basis with appropriate regard for the principles of neutrality embodied by the Establishment Clause. I do not believe that the same can be said of the lines drawn by the majority today. For the first time, the Court has upheld financial support for religious schools without any reason at all to assume that the support will be restricted to the secular functions of those schools and will not be used to support religious instruction. This result is flatly at odds with the fundamental principle that a State may provide no financial support whatsoever to promote religion. As the Court stated in *Everson*, 330 U.S., at 16, and has often repeated, see *e.g.*, *Meek* v. *Pittenger* 421 U.S., at 359; *Nyquist*, *supra*, at 780, "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion."

I dissent.

FOOTNOTES

[1] As we noted in *Nyquist*, it is "firmly established" that a statute may impermissibly advance religion "even though it does not aid one religion more than another but merely benefits all religions alike." 143 U.S., at 771. See, *e.g.*, *Wolman* v. *Walter*, 433 U.S. 229, 248-254 (1977); *Meek* v. *Pittenger*, 421 U.S. 349, 364-366 (1975).

[2] Even if the Minnesota statute allowed parents of public school students to deduct expenses that were likely to be equivalent to the tuition expenses of private school students, it would still be unconstitutional. Insofar as the Minnesota statute provides a deduction for parochial school tuition, it provides a benefit to parochial schools that furthers the religious mission of those schools. *Nyquist* makes clear that the State may not provide any financial assistance to parochial schools unless that assistance is limited to secular uses. 413 U.S., at 780-785.

[3] Indeed, in this respect the Minnesota statute has an even greater tendency to promote religious education than the New York statute struck down in *Nyquist*, since the percentage of private schools that are nonsectarian is far greater in New York than in Minnesota.

[4] Similarly, in *Meek* v. *Pittenger*, 421 U.S., at 363, we held "that the direct loan of instructional material and equipment has the unconstitutional primary effect of advancing religion because of the predominantly religious character of the schools benefiting from the Act." See *id.*, at 366. We relied on a finding that "of the 1,320 nonpublic schools in Pennsylvania that . . . qualify for aid under Act 195, more than 75% are church-related or religiously affiliated educational institutions." *Id.*, at 364. This could not possibly have been ascertained from the text of the facially neutral statute, but could only be determined on the basis of an "empirical inquiry." And in *Wolman* v. *Walter*, 433 U.S at 233, the Court relied on a stipulation that "during the 1974-1975 school year there were 720 chartered nonpublic schools in Ohio. Of these, all but 29 were sectarian. More than 96% of the nonpublic enrollment attended sectarian schools, and more than 92% attended Catholic schools."

[5] In *Byrne* v. *Public Funds for Public Schools*, 442 U.S. 907 (1979), aff'g, 590 F. 2d 514 (CA3), we summarily affirmed a decision striking down a program of tax deductions. The amount of deduction was fixed at $1,000 for each dependent attending a tuition-charging nonpublic school. This decision makes clear that the constitutionality of a tax benefit does not turn on whether the benefit is in the form of a deduction from gross income or a tax "credit."

In *Grit* v. *Wolman*, 413 U.S. 901 (1973) aff'g, 353 F. Supp. 744 (SD Ohio 1972), we summarily affirmed a decision invalidating a system of tax credits for nonpublic school parents in which the amount of the credit depended on the amount of tuition paid. This decision demonstrates that it is irrelevant whether the amount of a tax benefit is proportionate to the amount of tuition paid or is simply an arbitrary sum. The Court's affirmance of the result in each of these cases was a "decision on the merits, entitled to precedential weight." *Meek* v. *Pittenger*, 421 U.S., at 366-367.

The deduction at issue in this case does differ from the tax benefits in *Nyquist* and our other prior cases in one respect: by its very nature the deduction embodies an inherent limit on the extent to which a State may subsidize religious education. Unlike a tax credit, which may wholly subsidize the cost of religious education if the size of the credit is sufficiently large, or a tax deduction of an arbitrary sum, a deduction of tuition payments from adjusted gross income can never "provide a basis for . . . *complete subsidization of* . . . religious schools." *Nyquist*, *supra*, at 782, n. 38 (emphasis in original). See also *id.*, at 779, 787, n. 44. *Nyquist* made clear, however, that absolutely no subsidization is permissible unless it is restricted to the purely secular functions of those schools. See, *e.g.*, *id.*, at 777-779, 787-788.

[6] For similar reasons, I would hold that the deduction for transportation expenses is constitutional only insofar as it relates to the costs of traveling between home and school. See *Wolman* v. *Walter*, 433 U.S., at 252-255 (reimbursement of nonpublic schools for field trip transportation impermissibly fosters because the nonpublic schools control the timing, frequency, and destination of the trips, which, for sectarian schools, are an integral part of the sectarian education). I would therefore reverse the judgment of the Court of Appeals and remand for a determination whether the insignificant deductions that remain—*e.g.*, deductions for transportation between home and school and for pencils and notebooks—are severable from the other deductions.●

KINDER: KIDS IN NEED DESERVE EQUAL RIGHTS

● Mr. RIEGLE. Mr. President, last week the Senate Finance Committee held 2 days of hearings on S. 888, the Economic Equity Act, of which I am a cosponsor. The second day of hearings focused on the child support provisions of the bill. Several witnesses from my own State of Michigan came to testify in support of the bill. Patricia Kelly and Patricia Turner from my hometown of Flint, Mich., offered the members of the committee valuable insight into the severe limitations of child support enforcement provisions across the Nation. Michigan is a leader in the collection of child support dollars; 13 percent of all child support

dollars in the Nation are collected in Michigan. Nevertheless, Ms. Turner and Ms. Kelly, cofounders of KINDER—Kids in Need Deserve Equal Rights—argue that national leadership in this area is necessary to prevent increasing numbers of women and children from moving into poverty and the welfare system.

I commend to the attention of the Senate the informative testimony of Patricia Kelly and Patricia Turner of KINDER, a national organization based in Flint, Mich., committed to increasing the effectiveness of the child support system and ask that it appear in the RECORD.

The testimony follows:

TESTIMONY BY PATRICIA KELLY

Gentlemen, my name is Patricia Kelly. I am Co-founder and President of KINDER, (Kids In Need Deserve Equal Rights), a national organization based in Michigan comprised of parents and citizens united to seek improvements in the family law system as it pertains to children. I am also a welfare mother, a fact of which I am not proud, but I'm sure you'll agree by appearance I'm not what most people envision a typical welfare mother to look like, I am though sadly enough all too typical.

Before I was divorced 3½ years ago, my husband, our three young children and I lived a typically middle class existence in the suburbs. My husband's income was nearly $50,000 per year. I did not work outside the home during the seven years of our marriage, but rather choose to devote myself to raising our children. Within weeks of filing for divorce it became necessary for the children and I to move to an inner-city housing project and apply for AFDC. My husband refused to pay child support even though he was a working General Motors employee.

The road to recovery for women like myself and their children is long and in many cases endless. Today my ex-husband owes nearly $12,000 in back child support, has quit his job, is successfully evading his financial responsibility to our children, and expects the government to support them. Even though I have a part-time job in broadcasting, my income potential is limited and I will most likely require some sort of government aid for the next ten years until my youngest son graduates from high school.

For millions of women like myself child support is the lifeline enabling us to be self-supporting and productive. The extremely high costs of housing, food, clothing, utilities and child care along with the fact that many women have few job skills and choose the traditional role of mother and housewife first, results in female heads of households and their children becoming poverty stricken after divorce.

Although America claims to be a child-oriented society the statistics tend to prove otherwise. Currently one out of five American children is being supported through social programs. One-quarter to one-third of the absent fathers never pay a dime in child support, and some government officials estimate that only one out of ten absent fathers pays on time in full. The county in Michigan where I live, Genesee, has been lauded as one of the best in the area of child support collection nationwide. Michigan comprises 4 percent of the American population and collects at least 13 percent of all child support dollars collected nationally. Although rated among the best, the county in which I live only collects on the average $600 per year per child which breaks down to a scant $11 per week and only $1.65 per day. Obviously, if a custodial mother of three is lucky enough to collect the average $600 per child annually she will have to be generating more than four times as much through employment to reach the poverty level.

My personal experience with the child support enforcement system and my additional knowledge through dealing with KINDER members nationally is that the current child support enforcement system encourages welfare dependence. Working mothers not on AFDC find very little help in collecting child support while women on welfare see stepped up enforcement. The federal government offers many financial incentives to each state to encourage offsetting welfare costs but offers few to encourage non-AFDC collections. This policy literally forces millions of women and children onto welfare and "Uncle Sam" becomes the child supporter unnecessarily. In many cases if child support payments were received regularly the family would not even qualify for government aid. The discrimination in collections is further proven by the tax intercept program. Last year millions of dollars were successfully collected through the attachment of tax refund checks, but again only to offset welfare costs, not for the non-AFDC families. The first step toward improving the child support collection system is to insure equal enforcement of all court support orders. It is strictly a matter of dollars and "sense"—the costs of mandatory wage assignments, tax-intercepts, and administrative overhead will be much less taxing than supporting the family through AFDC, food stamps and Medicaid.

I strongly encourage the passage of Title V of S. 888. If America's children are to be its future we have to provide a stable environment for every child. Title V of S. 888 will begin to rectify the frightening trend where the federal government is the child supporter and re-direct the financial responsibility of child rearing where it has always belonged, with the natural parents.

TESTIMONY BY PATRICIA TURNER

Senators, I am Patricia Russell Turner, co-founder of KINDER—Kids In Need Deserve Equal Rights, an advocacy group of parents and concerned citizens united to improve the enforcement of court orders related to child support, visitation and custody. KINDER has members across the country, the majority of whom are custodial mothers who are not receiving their court-ordered child support payments.

In March of this year the ABC news program "20/20" featured a segment on child support problems entitled "Daddy, Can You Spare A Dime?" Following, the broadcast, viewers were invited to call an 800 toll-free number as KINDER volunteers conducted a nationwide call-in survey. Responses from nearly 3,000 custodial and non-custodial parents in 48 states pinpointed severe problem areas in child support enforcement. In one week's time an estimated 80,000 people from across the country attempted to contact us, as supported by information supplied by AT&T. Clearly, child support enforcement is an enormous problem and parents are searching desperately for answers.

These parents are trying to deal with an antiquated system which has been to this point a low priority in many jurisdictions. As more divorce and paternity cases flood already overcrowded courtrooms each day, the system becomes less capable of enforcing order, leaving many parents powerless to collect child support payments. Arrearages continue to accumulate into thousands and thousands of dollars and nothing is done.

Fifty-one percent of survey respondents reported that they had been on AFDC at one time or another since their divorce. Of these, two-thirds had applied for welfare because of lack of child support. Eighteen percent of the respondents are currently AFDC recipients. Of these, 90 percent had applied because of nonpayment of support. Two-thirds of the AFDC respondents stated that they were capable and willing to work, had a plan for child care and would be off the welfare rolls if their child support was received.

The majority of callers were non-ADC mothers. Non-payment of support leaves them in a precarious situation. Working custodial mothers can walk a tightrope between self-sufficiency and poverty. For many of them, child support payments are needed to pay for child care while the mother is working to support the family. If she does not receive the payments, child care and work expenses can place the family on the borderline of the poverty level. After many futile attempts to collect, many women cannot afford attorneys and give up, oftentimes reverting to AFDC dependence. To the working woman, the collection system can appear indifferent to her family's struggle to survive financially. In many locations selective enforcement is practiced with welfare dependence acting as a trigger mechanism for stepped-up enforcement, due to financial incentives to collect on these cases. Millions of American families are trapped in this "Catch-22" situation.

All these problems are compounded when they involve intercounty or interstate enforcement. There is a disturbing lack of uniformity in determining the amount of support, in considering continued medical coverage for the children, in prioritizing enforcement efforts and in methods used to collect, from county to county, from state to state. No county or state in the country collects even 50 percent of its court-ordered support.

A full 94 percent of survey participants reported that they did not receive child support on a regular basis. Hundreds of them have contacted KINDER since the "20/20" broadcast in hopes that something could be done for their children. It is on behalf of all these children that I urge your consideration today.

The child support system in this country is not working. Why? Because this problem has been swept under the rug for far too long. Because the current weak and inadequate system fosters parental irresponsibility. Because selective enforcement of AFDC cases can backfire by indirectly discouraging working women who seek to remain in the workforce to support their families. Because the majority of court support orders in this country aren't enforced effectively, if at all.

Passage of Title V of S. 888 would establish the federal government, the largest employer in the world, as a model employer by providing for automatic wage assignments upon issuance of a court order for support. It would provide definitive guidelines for the Title IV-D program, which is currently mired in the ambiguity of protecting all children according to the law, and yet held

accountable for performance by an AFDC scorecard. It would provide mandates for the states to follow, which would provide some measure of uniformity and begin to rectify the staggering problem of interstate enforcement.

I see Title V of S. 888 as a very positive and long-overdue measure for millions of American families, for the American taxpayers, who have spent billions of dollars on welfare programs when able-bodied parents refuse to support their children, and for the future welfare of America.●

HONORING MSGR. BELA VARGA

● Mr. D'AMATO. Mr. President, it is my pleasure to honor today, Msgr. Bela Varga as he celebrates his 80th birthday. Monsignor Varga's accomplishments in helping countless refugees during World War II should not be forgotten today by the free world.

In the Hungarian village of Balatonboglar, 50,000 Polish soldiers and civilians fleeing the Nazis and later the Soviets, as well as 2,200 French soldiers escaping from Nazi prison camps, found a brave and resourceful friend in Msgr. Bela Varga, whose Church of the Sacred Cross became the center and haven of refugee relief for these hapless victims many of these refugees got away to fight again. Others, especially imperiled Jews, got forged documents from Monsignor Varga that enabled them to settle in Hungary.

Monsignor Varga was first elected to the Hungarian Parliament in 1939 as a member of the liberal Smallholders Party. During the war he participated in the resistance against the Nazis and spent a brief time in prison.

In Soviet-occupied Hungary's only free election, in 1945, the Smallholders Party won a resounding majority and later installed Monsignor Varga as Speaker of Parliament. But political liberty in Hungary was short-lived. In 1947, he fled to Vienna and was airlifted to freedom.

As ranking member of Hungary's last freely elected Parliament, Monsignor Varga came to the United States and rallied other Hungarian exiles to share in his freedom.

The French Government has also honored Monsignor Varga in the past by decorating him with France's Legion of Honor, in rememberance of the refugees he saved.

Over the years he has prayed that his country would not be forgotten by the free world. And so on his 80th birthday I see this as a fitting occasion to commemorate those who suffer for freedom in Hungary today and especially to honor the man who made freedom possible for many, and continues to be a pillar of hope to Hungarians everywhere.

VOICE OF DEMOCRACY WINNER

● Mr. HUDDLESTON. Mr. President, every year thousands of American young people make their voices heard through essays entered in the Veterans of Foreign Wars' "Voice of Democracy" contest. This year's winners again provide us outstanding examples of the fine quality of our youth today. I am particularly proud that one of the winners was one of Kentucky's own. Miss Kathryn McKee of Cynthiana placed third in the nationwide contest with her essay on this year's topic, "Youth, America's Strength."

I would like to take this opportunity to commend the VFW for sponsoring this fine competition, which year after year gives young Americans a chance to show just how much they care about our great democracy, and at the same time demonstrate to all of us their unique talents for written and oral expression. I am particularly impressed by the lyrical and poetic qualities of Miss McKee's essay. The others, I am sure, reflect similar care and creativity. To Miss McKee and all the winners, to the national VFW and all the local posts, to all those who entered the competition and those who assist in the effort to educate and nurture our youth, let us offer our many thanks and our highest commendations!

I ask that Kathryn's essay be reprinted at this point in the RECORD.

The essay follows:

YOUTH-AMERICA'S STRENGTH

Your old men will dream dreams and your young men will see visions . . . are words of wisdom found recorded in the Bible. Dreams and visions are much the same thing as they culminate, without the barriers of age, into hope for the future.

America's eternal circle of strength is found not in the material comforts we enjoy, but in the people who compose the greatest democracy ever created. The people of my generation are America's youth and we are a part of the never-ending circle which upholds American ideals, and we can be America's strength, but first we are our country's hope. The hope for citizens to defend her, to respect here, and to improve her. We are the hope for the strength of the future.

I am young and I am overflowing with a vigorous ambition to tackle age old difficulties whose solutions have eluded the wisest of preceding generations. Because of my youth, I am naive and cannot understand the complexities of America's difficulties. Likewise, I am unable to fathom the depth of my good fortune in natural citizenship.

It will be a long time before I can comprehend. First I must join the marching ranks of young soldiers and sailors, doctors and nurses, pilots and prisoners of war who defend our heritage of freedom.

I must join the parade of businessmen and executives who shape our economic destiny. I must walk with ambassadors and missionaries who proclaim the hope for peace and the desire for stability worldwide.

I must be the representatives and the senators, the Cabinet members and spokesmen, and the Presidents who mold America's destiny and exhibit the fruit of her hope.

But not yet. Now I am the student who learns how to express her wish for tomorrow and touch her elusive vision. I cannot be strong yet. I cannot shoulder a burden I have yet to understand—but I can learn. I need to be nurtured and protected so I can learn how to defend. And then I can understand.

Do not depend on me too much America. I cannot carry the load alone and I know you will not expect me to do so. I must drink of Ponce de Leon's mythical fountain of youth and mature into the hope and strength of tomorrow.

Because youthfulness is as much an attitude as an age group, America's real strength lies in the undaunted flexibility of her people that allows us all to be eternally young and forever fortified.

The sage advice found in the book of Timothy, "Despise not the days of your youth" must be the pattern followed by today's young people. We must cherish the time of our development rather than press for an irresponsible maturity. We must be patient and we must ask America to believe in us. And then—the hope which we have envisioned must blossom into a tangible element of an eternal circle of strength.

ALASKA STATEHOOD DAY

● Mr. MURKOWSKI. Mr. President, tomorrow marks the 25th anniverary of passage of the Alaska Statehood Act by the Senate. In the quarter century since that day both Alaska and the Union have benefited in many ways from their association.

Mr. President, this past Monday President Reagan signed Senate Joint Resolution 42, honoring the silver anniversary of Alaska statehood and naming January 3, 1984 "Alaska Statehood". I ask that the President's statement on that occasion be inserted in the RECORD at this point, along with the text of Senate Joint Resolution 42.

I would like to take this opportunity to thank Becky Gernhardt of Senator STEVENS' staff, Jim Lexo of Congressman YOUNG's staff, and Mary McGuire of my own staff, for their effort in the passage of Senate Joint Resolution 42, and for their enthusiastic help in preparing for the celebration of Alaska Statehood Day.

The President's statement follows:

STATEMENT BY THE PRESIDENT

I'm delighted today to take the first step toward what will be for all Americans a proud and joyous moment: the celebration of the 25th anniversary of Alaska's statehood. Alaska was admitted to the Union on January 3, 1959; then, as now, Alaska was a treasure house of natural resources and a State of undisturbed vistas and incomparable beauty.

In many ways, the story of Alaska and her people is America's story, the struggle of courageous men and women with a wild and bounteous frontier. Today the State of Alaska reminds us of this rich heritage and our own continuing efforts toward developing a Nation while seeking to preserve its irreplaceable beauty and resources.

The resolution which I am signing speaks of Alaska's material wealth. It notes that Alaska provides one-eighth of the Nation's gold, one-fifth of its oil production and two-fifths of its harvested fish. Alaska possesses ten of the sixteen vital materials needed for the Nation's security and all of this has resulted in the national treasury collecting $3

for every $1 of Federal money that is spent in this rich and vital State.

As the resolution notes, the United States has reaped economic rewards from Alaska many times greater than its original $7 million investment. But Alaska's contribution to our Nation goes far beyond this. All Americans benefit from the commitment and courage, the vitality and frontier spirit of the people of Alaska. Alaskans and Alaska remain an inspiration to all Americans and a reminder of the richness, diversity, and beauty of America's heritage.

Today, with the sponsors of this resolution, Senators Stevens and Murkowski and Congressman Young, I call on all Americans and all levels of government to join with me in celebrating Alaska Statehood Day with appropriate ceremonies and recognition.

(The President signed S.J. Res. 42, in the presence of the Alaska Delegation, designating January 4, 1984 as the 25th Anniversary of Alaska's Statehood.)

S.J. RES. 42

Whereas July 7, 1983, marks the twenty-fifth anniversary of enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorizes the entry of Alaska into the Union on January 3, 1959;

Whereas the State of Alaska is still growing and developing based on the principle established by the Alaska Statehood Act;

Whereas the Alaska Statehood Act is the foundation of the union between the State of Alaska and the United States of America which has been to the benefit of both parties;

Whereas many commitments between Alaska and the Federal Government are still being fulfilled;

Whereas the State of Alaska is a storehouse of this Nation's natural resources;

Whereas Alaska provides one-eighth of the Nation's gold; one-fifth of the Nation's oil production; and two-fifths of its harvested fish all to the benefit to the Union;

Whereas Alaska possesses ten of the sixteen strategic minerals needed for our Nation's security;

Whereas the Federal Government collects $3 in taxes from Alaska for every $1 it spends there;

Whereas the United States has reaped economic rewards from Alaska many times greater than its original $7,000,000 investment;

Whereas the people of Alaska contribute to the cultural diversity and cultural resources of this Nation; and

Whereas the Alaska Statehood Act authorized Alaska's entry into the United States of America and provided the basis for these benefits shared by Alaska and the Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 3, 1984, be known as "Alaska Statehood Day" in honor of the silver anniversary of the entry of Alaska into the Union. The President is requested and authorized to issue a proclamation calling upon the people of the United States; and the Federal, State, and local governments to observe "Alaska Statehood Day" with the appropriate ceremonies and recognition.●

SOLVENCY OF THE RAILROAD RETIREMENT SYSTEM

● Mr. MITCHELL. Mr. President, I rise to bring to the attention of my colleagues a joint resolution adopted by the Maine Legislature expressing the need for prompt congressional action to insure the solvency of the railroad retirement system.

In 1981, Congress rescued the railroad retirement system from bankruptcy by enacting a compromise funding plan that was expected to keep the system solvent for the next 10 years. However, the system is near collapse once again because of the recession which has caused a sharp, unexpected loss of jobs in the railroad industry and a drop in payroll tax revenues during the last 2 years. The problem has been exacerbated by the increased number of claims for railroad unemployment benefits, some of which have had to be drawn from the retirement system. If Congress does not take remedial action, pension benefits to retirees will be cut 40 percent this fall and more in the fall of 1984.

Fortunately, rail labor and management have devised a compromise plan to rescue the retirement system. That plan, embodied in H.R. 1646 and S. 1074, would foster solvency by changing benefits, increasing payroll taxes and providing for certain borrowing provisions.

H.R. 1646 has been reported by the House Energy and Commerce Committee and recently ordered reported by the House Ways and Means Committee. However, no action has been taken in the Senate yet other than hearings conducted by the Senate Committee on Labor and Human Resources.

Mr. President, the leadership of both houses of the Maine Legislature has acknowledged the dependency of beneficiaries on the railroad retirement system and the critical need for corrective action to stave off bankruptcy. I commend their expression of concern to my colleagues in the Senate and urge them to act expeditiously on the compromise funding plan.

Mr. President, I ask that the resolution be printed in the RECORD at this point.

The resolution follows:

JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION TO SUPPORT THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition the Maine Congressional Delegation as follows:

Whereas, many residents of the State of Maine are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

Whereas, many residents of the State of Maine are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

Whereas, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic affect on the ability of these beneficiaries to meet normal living expenses; and

Whereas, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

Whereas, House Resolution 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

Whereas, House Resolution 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an evenhanded approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge that the members of Congress representing the State of Maine should actively support and vote favorably on House Resolution 1646, the Railroad Retirement Solvency Act of 1983; and be it further

Resolved: That suitable copies of this resolution be transmitted immediately to the members of the Maine Congressional Delegation.●

THE L-REACTOR AT THE SAVANNAH RIVER PLANT, AIKEN, S.C.

● Mr. MATTINGLY. Mr. President, a short while ago, the junior Senator from South Carolina (Mr. HOLLINGS), inserted for the RECORD his interpretation of my amendment to the Energy and Water Development Appropriations Act of 1984 relating to the restart of the L-reactor at the Savannah River Plant, Aiken, S.C.

I simply want to take this opportunity to say that my amendment is clear and distinct in intent and purpose. It mandates the Department of Energy to successfully complete an environmental impact statement and then to live up to its commitment to the State of South Carolina to conduct studies and mitigate thermal effects upon issuance of a discharge permit. It should not be construed to either enlarge or diminish the rights of South Carolina in dealing with DOE and issuance of discharge permits in regard to the L-reactor.●

S. 1434, INTERSPOUSAL INDIVIDUAL RETIREMENT ACCOUNT

● Mr. D'AMATO. Mr. President, on June 3, 1983, I introduced legislation, S. 1434, to establish an interspousal individual retirement account (IRA) or $2,250 regardless of the lesser earning spouse's income.

Under current law, a married couple with only one working spouse may establish an IRA for up to $2,250. But if that spouse earns less than $250, the maximum interspousal IRA is only $2,000 plus the income of the lesser earning spouse. For instance, if a housewife earns $50, the maximum interspousal IRA cannot exceed $2,050. Thus, an incentive has been created for individuals to either not accept earned income or cheat on their tax returns. My bill rectifies this situation by raising the maximum interspousal IRA to $2,250 regardless of the income of the lesser earning spouse.

While this issue may appear to be a rather minor point, I recently received a letter from one of my constituents that demonstrates the need for passage of S. 1434. Mr. Harold W. Wilder wrote me about his wife, Barbara, who earns $100 per year as an election inspector. Because of her earnings, the Wilders were only permitted to contribute $2,100 to their IRA. If, however, Mrs. Wilder had no income, the Wilders could have established an IRA for $2,250. Mrs. Wilder has, therefore, been placed in the awkward position of being penalized for serving the community. This situation should not be allowed to continue uncorrected.

Mr. President, I ask that this letter be printed in the RECORD in its entirety.

The letter follows:

CANTON FEDERAL
SAVINGS & LOAN ASSOCIATION,
Canton, N.Y., June 21, 1983.

Hon. ALFONSE M. D'AMATO,
Hart Office Building,
Washington, D.C.

DEAR SENATOR D'AMATO: Just learned of your bill—S. 1434—to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account. You have my wholehearted endorsement!

This is something that has bothered my wife and I for sometime now. My wife's only income is approximately $100 per year as an election inspector, which means she can't take advantage of the spousal IRA. She's thought of resigning as an inspector, but feels this is one of her civic duties. It puts her in a real quandary.

Thank you for your attempt at rectifying a glaring oversight in the original legislation.

Sincerely yours,

HAROLD W. WILDER,
President.●

THE TELECOMMUNICATIONS ACT OF 1983

● Mr. BINGAMAN. Mr. President, I reached my decision to vote for S. 66 after hearing from the many interests in my State who were deeply concerned about this bill and its impact on their businesses and the public.

The cable industry is just now starting to grow to a mature part of the many telecommunications delivery systems. S. 66 provides the needed incentives for these companies to take their place in the market.

PUBLIC ACCESS

Some concerns have been voiced to me that there were basic concerns that S. 66 will jeopardize cable television as a community resource; some fear cable will not be open to citizens, consumers, educators, librarians and community groups. I recognize the importance of these questions and carefully evaluated the protections provided. Senator LAUTENBERG's amendment, which was incorporated into the bill reported to the Senate, responds to this concern. The amendment provides that franchising authorities negotiate access to educational as well as governmental users. Moreover, it would certainly seem to be in the best interest of the cable system to see this access is maintained as part of its service to its community.

RATE REGULATION

In the area of rate regulation, the cable owners would be guaranteed a rate increase tied to the regional consumer price index. This section of the bill will discourage any attempt by the cable franchise to raise rates to unreasonable levels.

FRANCHISE RENEWALS

The bill provides the cities and the cable companies a fair treatment without crippling reasonable regulatory oversight. S. 66 provides that judicial review is de novo only when a fair and adequate hearing is not provided by the franchising authority.

ABROGATION OF CONTRACTUAL DUTIES

In my view, the bill as passed provides enough flexibility to revise the terms of the cable operators' contracts under the "significant change in circumstances" portion. There is also a strong presumption in favor of freely accepted contractual obligations. The terms of the contract will be a product of negotiations between the two parties.

TELEPHONE RATES AND UNIVERSAL SERVICE (ABDNOR AMENDMENTS)

Finally, one of the major concerns about this bill was with the potential impact on telephone rates. In my home State of New Mexico, the data business is in its infancy. If you pull away the data revenues of our Bell operating company, it could cause a substantial rate increase for business, residential and rural customers. This was an area which the bill did not address to my satisfaction. I voted for an amendment offered by Senator ABDNOR which affirmed the importance of universal service because I feel it is important that telephone rate increases be kept to a minimum. I supported a second amendment, which was not adopted, which would have placed data companies under State public utility commission regulation. I believed this would provide additional protection for telephone ratepayers.

I voted for S. 66 because I believe that deregulation is necessary in order to promote competition in the marketplace. I will keep a close eye on the cable industry to see that the provisions of the bill are carried out according to the spirit and intent of Congress.●

CHEMICAL WAR

● Mr. QUAYLE. Mr. President, in recent weeks there has been a new surge of interest in the question of whether or not the Soviet Union and their surrogates, Vietnam and Laos, are using chemical and toxin weapons.

Quite frankly Mr. President, I am getting tired of reading reports that continue to cast doubt that these heinous weapons are being used. Anyone who does a thorough investigation of the evidence that exists can come to only one conclusion: deadly chemical and toxin weapons are being used. They are being used against innocent people in Afghanistan, Laos, and Cambodia in violation of these people's basic human rights, international law, the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention.

What disturbs me the most is the fact that those who still are unsure whether these weapons of terror are being used seem to completely ignore the fact that men, women, and children have died. These naysayers want scientific proof that chemicals and toxins are being used. Yet even when they have proof that mycotoxins exist in samples of "yellow rain," they do all they can to refute the evidence. They would rather theorize and sit back as academicians or scientists and study the question some more. Meanwhile, defenseless and innocent people are dying or literally being gassed from their homeland.

The U.S. Government is right in being outspoken in condemning the Soviet Union, Laos, and Vietnam for using chemical and toxin weapons. It would have been unconscionable for us as a nation to stand quietly by while knowing thousands were dying, suffering or being driven from their villages by these outlawed weapons.

No matter how much proof we have, there will always be some who will not be satisfied. That is their right as citizens in this country of ours. But, before they try to discredit the governments charges, they should consider all the evidence, including: biological samples which contained toxins, in-

telligence reports, radio intercepts, refugee reports, medical and doctors' reports, observations of refugee workers and journalists findings. The available information and intelligence reports show without a doubt that these weapons have been used.

Mr. President, this weekend's feature article in Parade magazine titled "How the Soviets Use Chemicals to Wage War," is one of the best pieces to date on the subject.

Al Santoli writes from first hand knowledge on this issue, as he recently spent a month in Thailand investigating the use of chemical and toxin weapons. Shortly after he returned, I had an opportunity to talk with him. He impressed me with his knowledge of the subject, but more importantly, he impressed me with his concern for the innocent people who are the victims of these attacks.

Santoli's article ends with a compelling quote from a 25-year-old Hmong resistance fighter who told him, "If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong people will no longer have any life left."

We cannot hide our eyes to the fact that these weapons are being used. We in this Chamber and others in Government service must continue to raise this issue whenever possible. The world must be made to understand the death, terror and suffering that is being rained on the people of Afghanistan, Laos, and Cambodia.

Al Santoli is to be commended for his excellent article, and I highly recommend it to my fellow Senators. I ask that it be reprinted in the RECORD.

The article follows:

[From Parade magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

The PHU BIA Mountains of Laos are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood sputting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack, Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 million Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremours and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it, but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the current Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, PARADE spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed the adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt; if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German Textbook of Military Chemistry:

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air or

in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribespeople and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. campabilities in chemical-biological weaponry reveals some frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000, compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southest Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration. U.S. armor is woefully unprotected.

A massive Soviet surprise attack on NATO could render our forces defenseless. The Soviets have the ability to spread chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 percent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping canisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Laos who described these effects to PARADE.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960s. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical experts. "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

In Cuba, Soviet instructors described the effects of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book *Yellow Rain*, says: "Why are the Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison stategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine." Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returend from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at Ban Vinai refugee camp on the Mekong River in Thailand, PARADE spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct destruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starving, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."●

HOBBS ANTIEXTORTION ACT

● Mr. JEPSEN. Mr. President, I take this opportunity to commend my distinguished colleague from Iowa, Senator GRASSLEY, for his introduction of legislation to make the Hobbs Antiextortion Act apply evenhandedly to all Americans.

As a cosponsor of Senator GRASSLEY's bill, S. 462, I have joined in his efforts to revise by statute the Supreme Court's erroneous interpretation of the Hobbs Act in the 1973 Enmons decision.

The Hobbs Act was enacted in 1946 to curb a rising tide of violent labor/management disputes. Congressman Samuel Hobbs, author of the bill, stated in crystal-clear terms that the law was designed to apply to all Americans. "[C]rime is crime, no matter who commits it; . . . and extortion, extortion, whether or not the perpetrator has a union card," said representative Hobbs.

Despite this unequivocal congressional mandate, five Supreme Court justices ruled in Enmons that union officials engaged in legitimate labor disputes need not fear prosecution for extortion under the Hobbs Act.

This unique exemption of a privileged few from a law meant to apply to all Americans is counter to our

cherished principles of justice and equality before the law.

The need for legislation to correct this injustice was articulated eloquently by Senator GRASSLEY in his testimony before the Senate Judiciary Subcommittee on separation of powers.

I urge my colleagues to join Senator GRASSLEY and me in support of this legislation; and I ask that Senator GRASSLEY's statement be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR CHARLES E. GRASSLEY BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON SEPARATION OF POWERS

Mr. Chairman, thank you for your diligence in scheduling this hearing so early in this session. The bill, S. 462 before us, has a rapidly growing list of cosponsors which include Senators Thurmond, Dole, Simpson, Goldwater, Jepsen, Trible, Nickles and Helms.

This legislation, which I introduced on February 3, amends the federal extortion and robbery statute, commonly referred to as the Hobbs Act, which is found at Section 1951 of Title 18, U.S. Code. The enactment of this bill will leave no doubt as to congressional intent in enacting the Hobbs Act. We will punish the actual or threatened use of force or violence regardless of the objective, regardless of the perpetrator's claim to such property.

Until the Supreme Court's 1973 Enmons decision no person or group was exempted from coverage by this statute. Any actual or threatened use of force or violence to obtain property was a "wrongful" use of force or extortion. The objective that was sought through the violence was irrelevant. Resorting to violence was not condoned as a means to settling a dispute.

The Enmons case arose out of a strike by the employees of a utility company seeking a new collective bargaining agreement. Five specific acts of violence were charged, including the firing of high powered rifles at three transformers, the draining of oil from a transformer, and the blowing up of a transformer installation. The Government contended that the statutory language unambiguously and without qualification proscribed interference with commerce by extortion; that, in terms of the statute extortion included the obtaining of property from another by threats or violence; that wages were property of the employer; and that violence in the course of a strike to obtain such property fell within the literal language of the act.

Nevertheless, five members of the Supreme Court held that violence during a strike to achieve legitimate collective bargaining objectives was not intended by the Congress to be covered by the Hobbs Act. The majority emphasized that a broader interpretation of the statute would apply its coverage to "the worker who threw a punch on the picket line, or the striker who deflated the tires of his employer's truck." I emphasize here today, that my legislation explicitly exempts minor incidental incursions. It is an affirmative defense to a prosecution under this bill, if the defendant's conduct consisted solely of minor bodily injury, or minor damage to property not exceeding $2,500.

By continuing to adhere to the decision in Enmons, we are in effect bolstering the concept that the end—pursuit of legitimate collective bargaining objectives—justifies the means used whether that involves systematic destruction of property, maiming or killing. We have the opportunity through enactment of S. 462, to mandate (decree) that no extortive violence by either party to a labor dispute will be exempt from the coverage of the Hobbs Act.●

HUNGER IN AMERICA

● Mr. HOLLINGS. Mr. President, a little over 2 weeks ago I attended the annual meeting of the U.S. Conference of Mayors in Denver. At that time Senator ANDREWS and I held a hearing with a number of the mayors on the problems of hunger in America.

That hearing brought out many of the facts we all suspected. It proved that in this land of plenty there is hunger at an unprecedented level. It showed that 3 years of unproductive and uncaring budget cuts by the administration have put thousands more of our citizens on food lines. And it highlighted that even the Herculean efforts of our local governments cannot close the gap—there are simply too many hungry Americans for the local agencies to care for.

Carl T. Rowan has written an excellent piece on our meetings with the mayors. He aptly sums up what is good government—mayors who face up to the problem of hunger and attempt to feed their people—and what is bad government—a President who wears blinders to talk about "economic recovery" and asserts that no one is being hurt by his policies. The President may be able to ignore the facts, but the mayors cannot. What Detroit Mayor Coleman Young calls "the most prevalent and insidious" problem facing the cities is a national shame and a national problem. Unfortunately, this administration has allowed us to go backward in our national efforts for a solution.

I highly recommend this article to my colleagues. I submit it for the RECORD along with a copy of my statement at the hearing.

The material follows:

[From the Washington Post, June 17, 1983]

FACING HUNGER

(By Carl T. Rowan)

I have seen the victims and heard the cries of hunger in this city, within blocks of the Capitol. I have seen hunger on a grotesquely sweeping scale in the Sahel region of Africa. So I know how it depresses the well-fed, pushes them to guilt, to see the tumefied bellies, the bony joints, the gaunt faces of children who don't get enough to eat. That is why a lot of state legislators, congressmen and White House officials stay away from the no-jobs ghettos where more and more soup kitchens have sprung up, and from the rural pockets of poverty where people count on distributions of surplus cheese and butter.

A president who avoids seeing the dramatic increase in the number of Americans who go hungry can continue to talk about "economic recovery" and assert that nobody is really being hurt by his policies. But the nation's mayors cannot play the callous "out of sight, out of mind" game. They can't hide from the suffering. To their credit, they tried at the 51st annual meeting of the U.S. Conference of Mayors to make those of us who eat regularly understand that hunger is making a comeback in America and is now what Detroit Mayor Coleman Young calls "the most prevalent and insidious" problem facing the cities. The mayor of Oakland, Calif., complains that he was unable to get supplemental food for 30,000 people who need it. San Antonio, Texas, officials say that whereas they provided emergency food aid to 10,000 families in 1982, they expect 50,000 families to ask for help in 1983.

At their Denver conference the mayors heard what most of them surely already knew: that hunger is causing or aggravating a lot of illnesses and thus adding immensely to the Medicare and Medicaid burdens. I have made it a point on recent speaking and other trips to go into the areas of hunger, soup kitchens, etc. I have looked at the people in these food lines and have seen that many are candidates for hospital emergency rooms. I look at some of the older people who are so desperate for food that they abandon pride, whatever, and stand in line for charity—and, yes, my heart bleeds. But it is the hungry children for whom I truly weep. Millions of youngsters have seen their fathers and mothers lose their jobs even as the Reagan administration was forcing 3 million children out of the school lunch program.

President Reagan and Education Secretary Terrel Bell can give speeches about "master teachers" and "educational excellence" until they fall from exhaustion, but these youngsters who live in homes of hunger, and are denied adequate food at school are not going to become scholars. Destruction of school lunches and other programs comes a lot easier if you stay in a secluded world where you never see the degradation of those who must beg for bread, or you never hear the crying of a hungry child.

STATEMENT OF SENATOR ERNEST F. HOLLINGS AT SENATE AGRICULTURE HEARING ON HUNGER, DENVER, COLO., JUNE 13, 1983

Thank you Mr. Chairman. It is indeed an honor to be here today to discuss the problems of hunger and food distribution with our distinguished panelists. I welcome them and look forward to their thoughts and comments.

Whenever I am with a group discussing hunger, it leads me to think of that saying by Henry Adams—"Practical politics consists in ignoring the facts." But this problem can not be ignored and the practical politics is no politics. But as we all know, that is a difficult message to convey to the present Administration.

It was some 15 years ago that I stumped my home State and other parts of the Nation to learn first hand the story of hunger and poverty in America. What I and others discovered was shocking. There were literally millions of underfed and hungry people in this land of plenty. Cases of Kwashiorkaor and other starvation related diseases were found. In many poverty areas, rates of nutrition deficiency diseases among our children equalled those of third-world countries.

But this country exhibited its greatness and responded with a noble effort to eliminate hunger from our midst. And for a time we were succeeding. Yet now, as we all are aware, hunger is starting to come back.

The first reason for this is our current economic position. Millions of American families, who never in their wildest dreams could have imagined it, are now without jobs and destitute. They are victims of that hoax called "supply side." They have been mugged by an arrogant and irresponsible administration that gambled with their futures, cut taxes for the wealthy few, and drove the economy to its knees. These are our neighbors and friends. These are the same people who studied hard, worked hard, and rightly expected to enjoy the fruits and security of the American dream.

Yet now they are faced with indefinite layoffs, expiring unemployment benefits, and depleted savings. They have had to chose between heating and eating during the winter. They have had to wait in food lines at their own churches in order to make it through the month.

Some have dubbed this group the "new poor." But new or old, they are hungry, confused, and frightened. And, they deserve better.

Another reason for the resurgence of hunger is what I like to call "check-out line" analysis. We've all heard it—the constituent who complains about seeing some person buying steak or filet with food stamps. Indeed, our President has made it an acceptable form of social comment when he talked about the fellow who bought an orange with foodstamps, used the change to buy a pint of vodka, and then enjoyed a screwdriver. But when the President was last in either a food or liquor store is the question I would like answered.

Yet the image of the so-called "cheater" persists. And for a program such as food stamps, the effect is invidious. The American people, who are sincere in their belief that none of our citizens should go hungry, soon begin to believe the story and withdraw their support.

And it isn't just some crank or extremist that plants these fables. That would be bad enough. It is also the administration that continues to play games and recycle ugly myths. It is the administration that continues to let the public believe the program is fraught with fraud and abuse when it isn't. It is the administration that continues to imply that the Democrats are irresponsible spenders when Jimmy Carter and the Congress cut the fat, waste, and fraud out of the program in 1980 and 1981. It is the administration that continues to cry for more cuts—a billion dollars in this year's budget—when we have already cut the program by over $3 billion per year for the last two years. In short, it is the administration that lies instead of leads.

But what the administration doesn't tell anyone about is how the program works or who it serves. It doesn't tell you that benefits now average less than 47 cents per person per meal. It doesn't tell you that over one-half of the recipients are children or that 78 percent of the recipients are either children, the elderly, the disabled, or single parents. It doesn't tell you that the average monthly household income of recipients is under $350. And, it doesn't tell you that most of the unemployed are unable to get food stamps because they are fortunate enough to still own a car or some other personal asset.

Another trend that must be reversed is the short-sightedness of our policy makers. By this I mean the "pennywise and pound foolish" attitude that exists when we fund many of our nutrition programs.

Part of this is due to the problems of misinformation and myths that I just mentioned. But equally devastating is the refusal of many in Congress and the administration to look at the facts. Without a doubt, there are few government programs as effective as those in the nutrition area. And this is particularly true with regard to our children.

For example, take the Supplemental Food Program for Women, Infants, and Children (WIC). Every $1 spent on the prenatal component averts $3 in hospitalization costs by significantly reducing the number of low birth-weight infants. The neonatal mortality rate for infants born to WIC mothers is only one-third that of comparable groups.

Or, look at the child nutrition and school lunch programs. Even the Department of Agriculture, which cut the progam by 30 percent last year—the largest cut in any entitlement—has released studies that show these programs having substantial nutritional impacts on children, particularly lower income children.

And you in local government know that the cost-efficient saving from these programs are not exclusively federal. These savings reduce Medicaid, AFDC, special education, and other programs that are part of everyone's budget—Federal, state, and local.

Yet the response of the administration is more B-1's and MX's and less nutrition. More for programs that are ineffective and fat and less for programs that are effective and starving.

And finally, we are seeing more hunger because our local agencies simply cannot handle the load. Americans can and will pull together. But local food programs are literally overwhelmed by the magnitude of those who need help.

For example, last year over one-half of the emergency food programs saw their case loads increase by 50 percent. A third of the programs saw a doubling in the number of recipients. Because of this, nearly a fourth of the agencies had to turn people away and two-thirds are now limiting the number of times a person can get food. Usually, it is now once a month.

And the people being served are changing. It is no longer the fellow looking for a bowl of soup and sermon. More and more it is the newly unemployed and more and more it is entire families with children. Additionally, the number of families who are seeking aid because their food stamps no longer last through the month is increasing at a dramatic rate.

But again, the administration is callous and uncaring. The same crowd that preaches "volunteerism" refuses to fully unshackle the necessary forces for success. We need to not only free up the millions of pounds of commodities rotting in warehouses, but we must give the state and local governments the where-with-all to deliver them.

As we can all see, the problems we face are immense. We have economic, social, and political barriers to hurdle before we can eliminate hunger in this country. Right now we are going backwards. But I am confident that it is not impossible. All that is required is leadership and candor. The American people will respond.●

SOVIET COMPLIANCE WITH ARMS CONTROL TREATIES

● Mr. SYMMS. Mr. President, I ask to have printed in the RECORD a letter addressed to President Reagan by a number of Senators, dated June 20, 1983, expressing support for his efforts to study the problem of Soviet compliance with arms control treaties in the National Security Council Verification Panel.

The letter follows:

U.S. SENATE,
Washington, D.C., June 22, 1983.

Hon. RONALD REAGAN,
The President, the White House, Washington, D.C.

DEAR MR. PRESIDENT: We strongly support your efforts to thoroughly study the problem of Soviet compliance with arms control treaties in the National Security Council Verification Panel. Preserving the integrity of the arms control process is of great importance.

We sent you a letter on May 12, 1981 questioning Soviet compliance with the SALT I Anti-Ballistic Missile Treaty. Since then, there have been many reports of new Soviet violations or circumventions of SALT and other arms control treaties.

In testimony to the Senate Foreign Relations Committee on June 15, 1983, Secretary of State Shultz criticized "Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond." Schultz added that the United States is "becoming increasingly concerned about Soviet practices—including the recent testing of ICBMs—that raise questions about the validity of their claim of compliance with existing SALT agreements."

Mr. President, we respectfully request that you continue your NSC studies in order to answer our original letter and any other Congressional letters on Soviet arms control compliance. We are sure that you agree that the Congress and the American people have a right to know if the Soviets are violating or circumventing SALT treaties.

With warmest personal regards.

Sincerely,

Jake Garn, Steve Symms, James A. McClure, Ted Stevens, Jordon Humphrey, Chuck Grassley, Jesse Helms, Chic Hecht, Mark Andrews, Bill Cohen, Rudy Boschwitz, Jeremiah Denton.

Don Nickles, Frank H. Murkowski, John P. East, Orrin G. Hatch, Paula Hawkins, Bob Dole, Mack Mattingly, Roger L. Jepsen, Dan Quayle, Pete V., Domenici, Bob Kasten.

Bill Armstrong, Strom Thurmond, Malcolm Wallop, Jim Abdnor, Paul Laxalt, Paul Trible, Larry Pressler, Alfonse D'Amato, Warren B. Rudman, Richard Lugar, Pete Wilson.●

THE DEATH OF WILLIAM MILLER AND AN ELOQUENT TRIBUTE

● Mr. MOYNIHAN. Mr. President, few in the Chamber have not already been made aware of the passing of William Miller, the altogether distinguished former Member of the House of Representatives from New York and onetime running mate of our cherished colleague, Senator GOLDWATER.

Bill Miller was a good man and a splendid public servant. He came from that background and that set of experiences that made him a tough-minded and principled spokesman for conservatism and commonsense in public af-

fairs. And he understood, as well, the meaning of generosity of spirit when ministering to the private needs of family, friends, and those who are less fortunate. He is missed by those who value dedication and vigor in public service, and mourned by those who had the great fortune to have called him a friend.

Mr. President, Senator GOLDWATER delivered a moving and eloquent tribute to his friend and colleague, Bill Miller, at a service Monday last at the St. John's Catholic Church in Lockport, N.Y., and I should like to share his eulogy with my colleagues, as well as an obituary from the New York Times that appeared Saturday, June 25.

I ask that these two items be printed in the RECORD.

The material follows:

[From the New York Times, June 25, 1983]

EX-REPRESENTATIVE WILLIAM MILLER, 69, DIES; GOLDWATER'S 1964 RUNNING MATE

(By Douglas C. McGill)

William E. Miller, a former member of the House of Representatives who experienced brief national fame as Barry Goldwater's Republican running mate in the 1964 Presidential race, died yesterday at Millard Fillmore Hospital in Buffalo. He was 69 years old.

He had been admitted to the hospital June 5 for diagnostic tests and was in fair condition until he suffered a stroke on Saturday, according to a hospital spokesman.

After President Johnson's landslide victory, Mr. Miller quickly dropped from public view, emerging only occasionally, in interviews, to joke about his short stay in the spotlight.

Most memorably, in a 1975 television commercial, Mr. Miller cheerfully announced that wherever he went, he was not recognized without his American Express credit card. In 1979, he told a reporter that strangers sometimes reminded him that he was a celebrity, but not because he was Barry Goldwater's running mate.

REMEMBERED FOR COMMERCIAL

"They remind me more of the American Express card commercial," he said.

Among those who knew him, Mr. Miller was a successful man with a strong personality long before 1964. He was known as an acid-tongued extremely conservative Republican, a natty dresser and an expert at billiards, bridge and golf.

In Washington, Senator Barry Goldwater said of Mr. Miller, "He was one of the greatest men I have ever known and I feel his loss very deeply."

Asked by The Associated Press what qualities in Mr. Miller impressed him most, Senator Goldwater replied: "He was an outstanding member of Congress; he was one of the best national chairmen of the Republican Party we have ever had; he was a hell of a gin rummy player and a good poker player. He was the kind of a man other men like to be with. I think that's the best way to put it."

LIVED UP TO EARLY APPRAISAL

A high school English teacher remembered Mr. Miller as "a scrappy little son-of-a-gun," and throughout his life he repeatedly lived up to the phrase.

He was born in Lockport, N.Y., on March 22, 1914. His father was a factory janitor, and his mother ran a millinery. He was a star debater in high school. At the University of Notre Dame, he was elected head of the student government.

In 1938 he graduated from Albany Law School and was admitted to the bar. He began work the same year as a lawyer in Lockport. He was inducted into the army as a private in 1942, but later attended Officers Candidate School, was commissioned a first lieutenant and was assigned to the War Criminals Branch in Washington.

In August 1945, he was selected as one of the assistant prosecutors under Supreme Court Justice Robert A. Jackson at the Nazi war criminals trials at Nuremberg. The experience left a deep impression on him. Unlike many conservatives, he tended after the war to refer to Nazism, not Communism, as a symbol of ultimate evil.

In 1964, he was asked his opinion of the Conservative Party in New York State. "I don't approve of splinter parties," Mr. Miller said. "I saw what splinter parties made possible in Germany."

WAS A DISTRICT ATTORNEY

After the war, he was appointed Assistant District Attorney of Niagara County. Later, Gov. Thomas E. Dewey appointed him District Attorney, and he was elected to the post in the next election. He ran successfully for the House and served seven consecutive terms before joining the Goldwater ticket.

As a young Republican in Congress, Mr. Miller rapidly became known as an effective orator and as a "partisan hell-raiser rather than a lawmaker," as one biographer put it.

In 1960, he was elected chairman of the Republican Congressional Campaign Committee, and he won some credit for the 22 Republican House seats gained in the election that year.

POINTED PARTISAN ORATORY

That year, Mr. Miller endorsed Vice President Richard M. Nixon for President, at a time when Gov. Nelson A. Rockefeller still considered himself in the running for the Republican nomination. Even so, in 1961, Governor Rockefeller approved Mr. Miller's appointment as Republican National chairman, apparently feeling that a conservative New Yorker would be better in the job than a conservation Middle Westerner.

In these leadership roles of the early 1960's, Mr. Miller's talent for pointed partisan oratory took flight. He once called President Kennedy "the foundering father of the New Frontier," and advised him to learn the difference "between a sense of history and a sense of histrionics."

After Mr. Miller's nomination as Republican Vice President candidate, his sharp tongue became a cause of concern among other office-seeking Republicans, both moderate and conservative.

"I'm afraid that by the time Bill Miller gets through pummeling the President, Lyndon's going to sweep back into office on a national sympathy vote," a Michigan party leader said at the time, perhaps only partly in jest.

After the 1964 election, Mr. Miller retired almost completely from political life, although he did offer to campaign for Governor Rockefeller's re-election bid in 1966. The offer received a cool reception from Mr. Rockefeller.

At a 10-year reunion of workers who campaigned for Mr. Miller, he told the gathering: "I worked so hard as a candidate for Vice President, and it turned out so badly that I decided I'd never work again."

In fact, Mr. Miller continued to work as a senior partner in Miller Farmelo Cane & Greene, a law firm he had started in Buffalo in 1961. He practiced general law, with a specialty in banking. He was a frequent master of ceremonies at local ceremonies, was active on the boards of four corporations and two banks in the Buffalo area, and remained an avid golfer.

Mr. Miller is survived by his wife, the former Stephanie Wagner; a son Army Lieut. William E. Miller, Jr. of Washington; three daughters, Elizabeth Anne Fitzgerald of Lynchburg, Va.; Mary Karen Miller of Springfield, Mass.; Stephanie C. Miller of Los Angeles; and three grandchildren.

A Mass of Christian Burial will be said at 10:30 A.M. Monday at St. John's Roman Catholic Church in Lockport and burial will be at 1 P.M. Tuesday at Arlington National Cemetery in Virginia.

EULOGY BY SENATOR BARRY GOLDWATER FOR WILLIAM E. MILLER, ST. JOHN'S CATHOLIC CHURCH, LOCKPORT, N.Y., JUNE 27, 1983

Stephanie, members of your family and friends: Eulogy is a rather unusual word, not one that we use often. When we use it, it should be used with a real purpose and understanding. And even though I've called Bill Miller my friend for some 35 years, it's not the easiest task for me to do what I hope to do, and do it as well as he'd want me to.

I think we have to recognize in talking about a man like Bill that man was born to serve. It's the only reason that we are here. It is to do unto others as you would have them do unto yourself. And if they serve well, the dust that trails them as they walk down the path of life settles on all people, and makes all people better. Now the question comes: Did he serve well?

Yes, he served well. He served with love and devotion to his wonderful family. He served with love and devotion to his country. I remember night after night, day after day, as he and I, through our political times together, in talking about all things in general, he always got to Stephanie and his children. And one of the great things I liked about this man, and still do, is when he, as we all do, and many of us, many times, put our hand on the Bible and swear to defend the Constitution against all enemies, foreign and domestic, he meant it. Not everybody means it. That's one of our problems. He meant it; he demonstrated it by serving his country in times of war. He demonstrated it by serving his country in times of peace, in the field we call politics. Because of these things, and because of the way he was, and he is, to me, he made everyone of us better, and he made this country a better place to live.

So I can say with no prejudice, with a heart filled with promise and love, that the dust that will follow Bill, will follow his trail that he made through his life, will settle on us and remind us of our responsibilities to our God, our family, and our country.

Stephanie, it is my real honor here today to read a letter to you:

"DEAR STEPHANIE: Nancy and I were deeply saddened to learn of Bill's death. During the 1964 campaign, Bill Miller gained the respect and gratitude of all Americans for his capable articulation of the principles of our party.

All of us who have come after him are his beneficiaries, and we will remember his contribution for a long time to come. We pray that God will bless you and warm memories

sustain and console you and your family now, and in the days ahead.

Sincerely,

RONALD REAGAN."

I can't think of any more that I can say about my friend.●

RECEIPT OF MESSAGES DURING RECESS—ORDER OF PROCEDURE ON JULY 11, 1983

Mr. BAKER. Mr. President, first, I believe this request, which is in respect to the pending adjournment, has been cleared on the other side. I will state the request now for the benefit of the minority leader and other Senators.

Mr. President, I ask unanimous consent that, when the Senate adjourns pursuant to the resolution previously passed over until Monday, July 11, messages from the President of the United Sates and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

I further ask unanimous consent that during the adjournment of the Senate over until Monday, July 11, committees may be authorized to file reports on Tuesday, July 5, between the hours of 9 a.m. and 3 p.m.

Finally, I ask unanimous consent that when the Senate reconvenes on Monday, July 11, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with and, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each; provided further, that the morning hour be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, I modify the request so that the time for morning business will be 1 hour instead of 30 minutes, and the time to speak will be 10 minutes instead of 5 minutes.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Was the order entered for morning business to extend not past 6:15 p.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I have a file of material that I think we can deal with now.

Mr. President, I yield to the Senator from Oregon.

CONSTITUTIONAL AMENDMENT ON ABORTION—SENATE JOINT RESOLUTION 3

Mr. PACKWOOD. Mr. President, I move to reconsider the vote by which we defeated Senate Joint Resolution 3 yesterday.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. I observe, Mr. President, the Senator is within his rights to make that motion, and he apprised the leadership on both sides of his intention to do so.

TRIBUTE TO LEADERSHIP STAFF

Mr. BAKER. Mr. President, we have at the table at the front and on both sides of the aisle the hardest working, most efficient, and most carefree staff I have ever seen in my life. I am referring to the floor staff of both the Republicans and the Democrats. I would not for one moment push them past the pace at which they are prepared to go because it is the staff, particularly this staff, more than anybody else who sees that the Senate functions in the orderly and constitutional way which is required of us and expected of us.

Mr. BYRD. Mr. President, I also share those feelings expressed so ably by the majority leader. We have a very diligent and dedicated staff, very skillful, and they are well liked by the Members of this body.

It is said that "He that is diligent in his business may stand before kings." The staff may not stand before kings, but they certainly ought to be recognized for their ability, devotion, and dedication to the Senate and to the leadership on both sides.

May I say that they have always been nice to me, friendly and cooperative. I say that with respect to the staff on both sides of the aisle.

Mr. BAKER. Mr. President, I agree with every word spoken by the minority leader.

While the staff gets their papers in order, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have a series of unanimous-consent requests. I will state them now for the consideration of the minority leader.

SEQUENTIAL REFERRAL OF A BILL—S. 1101

Mr. BAKER. Mr. President, I ask unanimous consent that the period for sequential referral to the Committee on Agriculture, Nutrition, and Forestry of S. 1101, a bill to authorize appropriations for certain fishery programs, as reported by the Committee on Commerce, Science, and Transportation, be extended until July 20, 1983 for the sole purpose of considering the provisions of the first section of the bill; and that if the committee does not report by July 20, 1983, it shall be immediately discharged from further consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE TO HAVE UNTIL 6 P.M. TODAY TO FILE REPORT ON S. 979

Mr. BAKER. Next, Mr. President, I ask unanimous consent that the Banking Committee have until 6 p.m. this evening to file a report to accompany S. 979.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATLANTIC SALMON CONVENTION ACT AMENDMENTS

Mr. BAKER. Mr. President, I would inquire of the minority if he is in a position to consider action by unanimous consent on S. 925.

Mr. BYRD. Mr. President, this side of the aisle is ready to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 131, S. 925.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 925) to make certain technical corrections in the Atlantic Salmon Convention Act of 1982.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection the Senate proceeded to consider the bill.

AMENDMENT NO. 1451

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished junior Senator from Oregon (Mr. PACKWOOD) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. PACKWOOD, proposes an amendment numbered 1451.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and substitute the following:

TITLE I—MARINE FISHERIES PROGRAMS

SEC. 101. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

SEC. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

SEC. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

SEC. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

SEC. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

SEC. 202. Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802) shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b) notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)), filed with the Immigration and Naturalization Service of the United States Department of Justice, prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United states.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

● Mr. PACKWOOD. Mr. President, the Senate is now considering a bill to make certain technical corrections in the Atlantic Salmon Convention Act of 1982. In addition to technical corrections in the Atlantic Salmon Convention Act the bill contains several miscellaneous authorizations and technical changes to other laws which I believe are noncontroversial.

The package the Senate is considering contains the following:

1. Title I—Marine Fisheries Programs:

A. Section 101 contains a three year authorization of the Atlantic Tunas Convention Act of 1975.

B. Section 102 contains techical amendments to the Atlantic Salmon Convention Act of 1982.

C. Section 103 contains a one year authorization for the Fisheries Loan Fund (Section 4 of the Fish and Wildlife Act of 1956).

D. Section 104 contains clarifying amendments to the Anadromous Fish Conservation Act.

E. Section 105 contains a one year extension of the Soviet and Polish Governing International Fishery Agreements (GIFA's) and an approval of a new GIFA with the German Democratic Republic.

II. Title II—Miscellaneous Provisions:

A. Section 201 contains a provision to document the vessel Norden as a vessel of the United States.

B. Section 202 contains temporary authority for a corporation whose president is a resident alien to own U.S. documented vessels.

The purpose of section 101 is to authorize appropriations for the Atlantic Tunas Convention Act of 1975 for fiscal years 1984, 1985, and 1986. The act expires at the end of 1983. Moneys appropriated under this act are used to fund U.S. participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The purpose of section 102 is to correct a drafting error discovered after passage of the Atlantic Salmon Convention Act last year.

The purpose of section 103 is to authorize appropriations for 1 year for the fisheries loan fund—section 4 of the Fish and Wildlife Act of 1956. The loan fund consists of moneys from fees paid by foreign nations whose vessels conduct fishing activities in U.S. waters. The fund's stated purpose is to make loans to commercial fishermen for the purchase and equipping of fishery vessels. The committee will explore other possible uses later in the year.

The purpose of section 104 is to address questions raised by the National Marine Fisheries Service (NMFS) in regard to an amendment made last year to the Anadromous Fish Conservation Act. This additional amendment is intended to clarify for NMFS the intent of last year's amendment.

The purpose of section 105 is to extend for 1 year the expiring Soviet and Polish GIFA's and approve a new 5-year GIFA for the German Democratic Republic.

The purpose of section 201 is to allow documentation of the vessel

Norden so that it can engage in coastwise trade.

The purpose of section 202 is to temporarily allow Castle & Cooke, a U.S. corporation whose president is a resident alien, to own, operate, and document U.S. vessels.

Mr. President, I believe all of these items are noncontroversial and have been cleared with all interested parties. I therefore ask my colleagues to join me in offering their support.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1451) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 925) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

TITLE I—MARINE FISHERIES PROGRAMS

SEC. 101. That Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

SEC. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

SEC. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 and 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

SEC. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267)

proved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

SEC. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the Unites States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the Department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

SEC. 202. Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802), shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b), notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)), filed with the Immigration and Naturalization Service of the United States Department of Justice, prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United States.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC BUILDINGS AUTHORIZATION ACT OF 1983

Mr. BAKER. Mr. President, I am clear on this side to consider S. 1287, if the minority leader has no objections.

Mr. BYRD. Mr. President, the matter has been cleared on this side.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 176, S. 1287.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1287) to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1984.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1434

Mr. BAKER. Mr. President, I send to the desk an amendment of the distinguished senior Senator form Vermont (Mr. STAFFORD) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. STAFFORD, Mr. RANDOLPH, and Mr. MOYNIHAN, proposes an amendment numbered 1434.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 22 and 23 and on page 3, strike lines 1 and 2 and insert in lieu thereof the following:

"(a) Not to exceed $172,510,000 shall be available for fiscal year 1984 as follows:

"(1) For construction of public buildings (including funds for site and expenses) at the following locations and maximum construction costs:

Massachusetts, Waltham, Federal archives and records center (extension)	$1,621,000
Oregon, Portland, Federal office building	67,475,000
Tennessee, Knoxville, Federal office building	14,990,000
Washington, Seattle, Federal archives and records center (extension)	3,525,000

"(2) For demolition of the public buildings at the following location and maximum demolition cost:

California, Los Angeles, warehouses	$599,000

"(3) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

"(4) $83,300,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Pennsylvania, Pittsburgh, post office courthouse	$23,300,000
Other selected purchases including options to purchase	60,000,000

"(b) Not to exceed $181,332,000 shall be available for fiscal year 1984 as follows:

"(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

Arkansas, Little Rock, post office-courthouse	$4,269,000
California, San Francisco, Appraisers Building	1,200,000
Colorado, Denver, Federal Center Building 20	6,427,000
District of Columbia, Auditors Building	9,294,000
District of Columbia, Blair House	6,500,000
District of Columbia, Liberty Loan Building	2,757,000
District of Columbia, Pension Building	2,650,000
Georgia, Atlanta, Federal Annex	9,193,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Maryland, Baltimore, Middle River Federal Depot	1,892,000
Maryland, Suitland, Naval Intelligence Command Bldg. #1	9,760,000
Massachusetts, Boston, John F. Kennedy Federal Bldg	2,499,000
Michigan, Detroit, Federal building-courthouse	4,957,000
Michigan, Detroit, Patrick V. McNamara Federal Bldg	5,474,000
North Carolina, Asheville, Grove Arcade Fed. Bldg	8,364,000
Ohio, Cincinnati, post office-courthouse	1,138,000
Ohio, Cleveland, Anthony J. Celebrezze Federal Bldg	3,951,000
Pennsylvania, Pittsburgh, post office-courthouse	8,975,000
Texas, San Antonio, post office-courthouse	6,190,000
Utah, Ogden, Internal Revenue Service	3,036,000
Washington, Yakima, Federal building-courthouse	1,025,000

"(2) $14,000,000 for renovations and repairs of public buildings acquired by purchase; *Provided*, That prior to obligation of funds granted under authority of this subsection, approval of the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation is secured.

"(3) Section 3(a) of this Act notwithstanding, for design of renovations, alterations, and repairs of public buildings at the following locations and maximum costs:

District of Columbia, steam distribution system	886,000
Louisiana, New Orleans, Hebert Federal Building	611,000

"(4) $59,465,000 for renovations and repairs of public buildings at project costs of less than $1,000,000;

"(5) $3,500,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000."

On page 3, redesignate subsections "(b), (c), (d) and (e)" as "(c), (d), (e), and (f)," respectively.

On page 4, after line 17, add new sections as follows:

"Sec. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building suitable to its headquarters operations and in a location in downtown Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

"(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator determines that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

"Sec. 8. Notwithstanding any other provisions of law, none of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be obligated or expended after the date of enactment of this Act for procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of mechanic."

AMENDMENT NO. 1452 TO AMENDMENT NO. 1434

Mr. BAKER. Now, Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Missouri (Mr. DANFORTH) and the distinguished Senator from Texas (Mr. BENTSEN) to amendment No. 1434 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. DANFORTH and Mr. BENTSEN, proposes an amendment numbered 1452 to amendment No. 1434.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT. No. 1434

On page 3, "Sec. 7." is amended to read as follows:

"SEC. 7. (A) The Administrator of General Services (hereinafter referred to as the administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest, in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building that the Administrator and the Chairman of the United States International Trade Commission jointly determine is suitable to its headquarters operations and in a location in downtown, Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The selection of the building shall be made with the concurrence of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

"(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building, and to assure that conditions therein are safe,

presentable and suitable to the normal operations of these agencies.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator and the Chairman of the United States International Trade Commission jointly determine that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

● Mr. DANFORTH. Mr. President, the amendment that I am offering, along with Senator BENTSEN, to the Public Buildings Authorization Act, is designed to insure that the International Trade Commission is able to relocate to a quality building that is suitable to its needs.

The U.S. International Trade Commission has a very special relationship to Congress. It is a uniquely independent agency, and conducts its investigations without the political pressures and policy considerations that impinge on the work of executive agencies. We in Congress can be assured that information supplied to us by the Commission is not colored by such considerations. As I have stated, both in the Finance Committee and on the Senate floor, the ITC is held in high regard by everyone who has had to deal with it. It is highly professional and has the unmatched record of never missing a statutory deadline. At a time when Congress and the Nation are increasingly concerned with trade issues, the work of this Commission assumes even more importance.

As you know, Mr. President, the Committee on Finance and, specifically, its Subcommittee on International Trade, which I chair, has oversight of ITC operations. During the course of our hearings on the Commission's budget for fiscal year 1984, we were advised by Chairman Eckes that the state of the ITC building was deplorable and that Commission staff was working under difficult, depressing, and in some instances, unsafe conditions. I personally visited the building twice; and last month, several other membes of the Finance Committee toured the premises. We concluded that this distressing neglect of the historic ITC headquarters should not continue.

In our markup of the Commission's fiscal year 1984 budget authorization, we agreed to urge strongly that the Public Works Committee rectify the situation. It is truly demeaning to house a key Government agency in such circumstances. The building has long been identified with the ITC and it was my hope, as well as that of various members on the Committee on Finance and the Committee on Environment and Public Works, that the ITC be allowed to remain where it is.

I was disappointed in the decision taken by the Committee on Environment and Public Works to relocate the ITC and very much appreciated Senator BENTSEN's effort—albeit unsuccessful—to prevent it. However, if adequate safeguards can be taken to insure that the ITC will be moved to a new location suitable to its needs, I will not seek reversal of the committee's decision. Clearly, the ITC has special needs, such as a large hearing room, that must be taken into account in choosing its new location.

I recognize that the committee attempted to provide some safeguards for the ITC; however, in view of the behavior of the GSA in the past with respect to the ITC, I am skeptical that the instructions in this legislation will adequately protect the ITC's interests. The current state of the building is deplorable. In the past, when Congress specifically appropriated funds for use by GSA to repair the ITC building, GSA chose to use less than a quarter of it. By the same token, assurances offered by the Administrator of GSA to the chairman of the ITC with respect to seeking his concurrence in any relocation effort did not prevent others in GSA from virtually demanding the ITC's removal to the totally unsatisfactory Bicentennial Building.

Therefore, we are offering this amendment and would appreciate the committee accepting its provisions.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1452) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 1434), as amended, was agreed to.

AMENDMENT NO. 1453

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 1453.

At an appropriate place in the bill insert the following:

The Federal Building located at 550 Main Street, Cincinnati, Ohio shall hereinafter be named and designated as the "John Weld Peck Federal Building." Any reference in a law, map, regulation document, record, or other paper of the United States to such building shall be held to be reference to "John Weld Peck Building."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1453) was agreed to.

● Mr. STAFFORD. Mr. President, S. 1287, the Public Buildings Authorization Act of 1983, and its companion amendment (No. 1434) together consititute the fourth annual authorization of GSA's public buildings program reported by the Committee on Environment and Public Works. In contrast to the piecemeal process for approving prospectuses on building projects by committee resolution, as established by the Public Buildings Act of 1959, this legislation assembles an annual program subject to the scrutiny of the entire Senate. In so doing it follows the authorization procedures set out in S. 452, the Public Buildings Act of 1983, and its predecessors S. 533 and S. 2080 which passed the Senate during the 97th and 96th Congress respectively.

The reform efforts of the committee have been designed to improve congressional control over the entire public buildings program and not just the prospectus level projects which constitute less than one-fifth of the total budget of the Public Buildings Service. An annual authorization provides an opportunity to evaluate GSA's progress in meeting its own goals for this program and to insure that congressional action complements and strengthens the agency's effectiveness. In those areas where the committee believes GSA to have ineffectively pursued its objectives, report language has advanced constructive criticism. Report 98-114 to S. 1287 (May 16, 1983) conveys the committee's assessment of the nature and adequacy of GSA's efforts.

For reasons given in my statement appearing in the CONGRESSIONAL RECORD on June 28, 1983 (S9348-9352) this years authorization by the committee has been accomplished in two stages. S. 1287 as reported on May 16 establishes an aggregate monetary authorization for the public buildings program. Amendment No. 1434, which I introduced June 23 on behalf of the committee, specifies those new construction and repair and alteration projects costing in excess of $1 million that have been approved by the committee. These projects can be regarded as fully authorized candidates for further action by the Senate Committee on Appropriations. Descriptions of each project are included in my June 28 statement in the RECORD.●

The PRESIDING OFFICER. If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Public Buildings Authorization Act of 1983".

SEC. 2. No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be made by the Congress or obligated by the Administrator unless it has been authorized by the Congress in accordance with this Act.

SEC. 3. (a) No public building construction, renovation, repair, or alteration shall be commenced unless an appropriation has first been made in the same fiscal year for which such appropriation is authorized and for the estimated cost of completion of such construction, renovation, repair, or alteration.

(b) Beginning in fiscal year 1985, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over the entire term in such amounts as are specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

SEC. 4. There is hereby authorized to be appropriated for fiscal year 1984 not to exceed in the aggregate the amount of $2,169,813,000 from the revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), for the real property management and related activities of the Public Buildings Service of which:

(a) Not to exceed $172,510,000 shall be available for fiscal year 1984 as follows:

(1) For construction of public buildings (including funds for site and expenses) at the following locations and maximum construction costs:

Massachusetts, Waltham, Federal archives and records center (extension)	$1,621,000
Oregon, Portland, Federal office building	67,475,000
Tennessee, Knoxville, Federal office building	14,990,000
Washington, Seattle, Federal archives and records center (extension)	3,525,000

(2) For demolition of the public buildings at the following location and maximum demolition cost:

California, Los Angeles, warehouses	$599,000

(3) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

(4) $83,300,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Pennsylvania, Pittsburgh, post office courthouse	$23,300,000
Other selected purchases including options to purchase	60,000,000

(b) Not to exceed $181,332,000 shall be available for fiscal year 1984 as follows:

(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

Arkansas, Little Rock, post office-courthouse	$4,269,000
California, San Francisco, Appraisers Building	1,200,000
Colorado, Denver, Federal Center Building 20	6,427,000
District of Columbia, Auditors Building	9,294,000
District of Columbia, Blair House	6,500,000
District of Columbia, Liberty Loan Building	2,757,000
District of Columbia, Pension Building	2,650,000
Georgia, Atlanta, Federal Annex	9,193,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Maryland, Baltimore, Middle River Federal Depot	1,892,000
Maryland, Suitland, Naval Intelligence Command Building No. 1	9,760,000
Massachusetts, Boston, John F. Kennedy Federal Building	2,499,000
Michigan, Detroit, Federal building-courthouse	4,957,000
Michigan, Detroit, Patrick V. McNamara Federal Building	5,474,000
North Carolina, Asheville, Grove Arcade Federal Building	8,364,000
Ohio, Cincinnati, post office-courthouse	1,138,000
Ohio, Cleveland, Anthony J. Celebrezze Federal Building	3,951,000
Pennsylvania, Pittsburgh, post office-courthouse	8,975,000
Texas, San Antonio, post office-courthouse	6,190,000
Utah, Ogden, Internal Revenue Service	3,036,000
Washington, Yakima, Federal building-courthouse	1,025,000

(2) $14,000,000 for renovations and repairs of public buildings acquired by purchase: *Provided,* That prior to obligation of funds granted under authority of this subsection, approval of the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation is secured.

(3) Section 3(a) of this Act notwithstanding, for design of renovations, alterations, and repairs of public buildings at the following locations and maximum costs:

District of Columbia, steam distribution system	$886,000
Louisiana, New Orleans, Hebert Federal Building	611,000

(4) $59,465,000 for renovations and repairs of public buildings at project costs of less than $1,000,000.

(5) $3,500,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000.

(c) Not to exceed $880,500,000 shall be available for fiscal year 1984 as follows:

(1) $28,201,000 for rental increases due to lease expirations and for expansion space, and

(2) $852,299,000 for payments in fiscal year 1984 to provide for space under lease prior to fiscal year 1984, including increases in operating costs and taxes.

(d) Not to exceed $686,500,000 shall be available for fiscal year 1984 for real property operations.

(e) Not to exceed $103,471,000 shall be available for fiscal year 1984 for program direction.

(f) Not to exceed $145,500,000 shall be available for fiscal year 1984 for payment of principal, interest, taxes, and any other obligation for public buildings acquired by purchase contract.

SEC. 5. Funds appropriated under section 4 of the Act for construction, renovation, repair, or alteration shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided,* That construction, renovation, repair, or alteration has commenced in the same fiscal year which funds are made available.

SEC. 6. Ten per centum of the funds made available pursuant to this Act to the Public Buildings Service for renovation, alteration, and repair of public buildings and for payment of leases on buildings shall be available for repair or alteration projects and leases, respectively, not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agencies. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

SEC. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest, in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building that the Administrator and the Chairman of the United States International Trade Commission jointly determine is suitable to its headquarters operations and in a location in downtown, Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The selection of the building shall be made with the concurrence of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within sixty days of enactment of this Act and every thirty days thereafter on the progress in meeting the provisions of this section.

(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building, and to assure that conditions therein are safe, presentable and suitable to the normal operations of these agencies.

(c) The transfer required by subsection (a) shall be made at such time when the Administrator and the Chairman of the United States International Trade Commission jointly determine that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes.

SEC. 8. Notwithstanding any other provision of law, none of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be obligated or expended after the date of enactment of this Act for procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of mechanic.

SEC. 9. The Federal building located at 550 Main Street, Cincinnati, Ohio, shall hereinafter be named and designated as the "John Weld Peck Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to John Weld Peck Building.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I have cleared on this side Calendar No. 246, which is H.R. 1746. I inquire of the minority leader if he is in a position to clear that item for action at this time, as well as the accompanying Budget Act waiver, which is Calendar Order No. 268, Senate Resolution 157.

Mr. BYRD. Mr. President, both those items are cleared on this side.

Mr. BAKER. I ask the Chair to lay before the Senate Calendar No. 268, Senate Resolution 157, the Budget Act waiver to accompany H.R. 1746.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A Senate Resolution (S. Res. 157) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 157) was considered and agreed to as follows:

S. RES. 157

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 1746. Such waiver is necessary because H.R. 1746 authorizes the enactment of new budget authority which would become available in fiscal year 1983 and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974, for such authorizations. Such waiver is also necessary because H.R. 1746 authorizes the exercise of new budget authority which would become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required in section 402(a) of the Congressional Budget Act of 1974, for such authorizations.

The waiver of section 402(a) is necessary to permit the Navajo and Hopi Relocation Commission to fulfill its statutory mission of implementing Public Law 93-531 (88 Stat. 1712).

H.R. 1746 provides an authorization increase to $7,700,000 from the preexisting level of $5,500,000 for section 14 activities under Public Law 93-531 (88 Stat. 1712), and a new authorization of $15,000,000 for fiscal year 1983 through 1987, for section 15 activities under Public Law 93-531 (88 Stat. 1712).

The House Appropriations Subcommittee on Interior has included funds in its fiscal year 1984 markup for implementation of these program activities. The sums provided in the subcommittee markup are included in the President's fiscal year 1984 budget request. The Appropriations Committees of the Senate and the House of Representatives have, therefore, had adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION AUTHORIZATION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 1746, Calendar Order No. 246.

The PRESIDING OFFICER. Is there objection? Without objection, the bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1746) to authorize appropriations for the Navaho and Hopi Indian Relocation Commission.

Mr. BAKER. Mr. President, I ask unanimous consent that that item be temporarily laid aside and recur as the pending business at the suggestion of the majority leader after consulting with the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for that, I say to my friend, the minority leader, is that one Senator on this side had asked to be present on the floor at the time of consideration of this item. I should like to have him advised that we are doing so at this time.

THE CALENDAR

Mr. BAKER. Mr. President, there are three other items that are cleared for action on the Calendar at this time. I identify all three for the consideration of the minority leader. They are Calendar Order Nos. 266, 269, and 270. Is the minority leader in a position to clear for action by unanimous consent all three or any of that list of items?

Mr. BYRD. Mr. President, Calendar Order Nos. 266, 269, and 270 have been cleared on this side.

EL SALVADOR

The Senate proceeded to consider the bill (H.R. 1271) with regard to Presidential certifications on conditions in El Salvador.

● Mr. GLENN. Mr. President, I sincerely appreciate the leadership's cooperation in bringing this measure to the Senate floor in a timely fashion. In Public Law 97-113 the Congress established a process whereby the continuation of U.S. military aid to El Salvador was dependent upon certification by the President every 6 months that the Government of El Salvador was making significant progress in several important areas; namely, control of its security forces, compliance with internationally recognized human rights, implementation of economic and political reforms and commitment to elections, including good faith efforts to begin discussions with all major political factions which have declared their willingness to find and implement an equitable political solution. In addition, in the first certification only, the President was required to include a section on the progress being made in the investigation of the murders of four American churchwomen and two land reform specialists. Obviously the Congress fully expected that these crimes would be completely investigated and those responsible brought to justice at the earliest possible date. In retrospect, Mr. President, we were unduly and unfortunately optimistic. Now, over 2½ years later, as we await the final Presidential certification required under Public Law 97-113, two more Americans have been brutally murdered and no one has been brought to justice for these crimes. The bill we are considering today, H.R. 1271, seeks to insure that a report on progress in the investigation of the murders of the Americans remains an integral part of the certification due on July 20. This bill passed the House by a vote of 416 to 2 on June 7 and was approved yesterday by the Senate Foreign Relations Committee without dissent. Further, the Foreign Relations Committee has recommended that the certification process, including permanently this item, be extended for the fiscal year 1984.

One can easily understand the despair and frustration of the families of the murdered Americans. They have

waited over 2½ years for justice, only to be disappointed time and again. Not only are the murders personal tragedies for the family and friends of those killed but also they remain a major issue in the U.S. relationship with El Salvador, coming to symbolize, as they have, the broad pattern of violence against civilians by the ultraright and elements of the security forces which are tragically commonplace in Salvadoran society. My concern about the threat this violence poses to democratic development in El Salvador prompted me to introduce an amendment to the fiscal 1984 foreign assistance bill which conditions our continued military aid on a demonstration of a good faith effort by the Government of El Salvador to begin the process of eradicating the violence and terrorism of the "death squads" and the ultraright. I believe that the brutal murders of the Americans should not be allowed to drop from our consciousness, nor be downrated in the context of our bilateral relationship with El Salvador. The families of the murdered Americans deserve the persistence of their Government in seeing that the deaths of their loved ones are fully investigated; I believe the American people expect no less. We cannot leave this important business unfinished. The bill before us would insure that this item remains integral to the certification process. Thus I trust my colleagues will give it their deserved support.●

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY ASSISTANCE TO THE PEOPLE OF ETHIOPIA

The Senate proceeded to consider the resolution (S. Res. 168) expressing the sense of the Senate with respect to the provision of emergency assistance to the people of Ethiopia.

● Mr. PERCY. Mr. President, I am pleased to cosponsor the resolution of the Senator from Arizona. We are all aware of the reports coming out of Ethiopia about the large-scale hunger problem.

In fairness to the administration, I want to point out for the record that the U.S. Government has already provided $3.3 million in humanitarian aid in fiscal year 1983 to benefit Ethiopia. This includes 180 tons of milk powder, 160 tons of vegetable oils, and 1,100 tons of blended foods. In addition, we have funded a Catholic Relief Services program supplying 8,200 tons of food.

We should also be fully aware of the fact that the problem in Ethiopia is not simply a matter of food shortages brought on by drought. Internal military conflicts, a limited number of working transport vehicles, and the lack of good roads have hampered the distribution of whatever food supplies are already on hand. Moreover, there have been allegations, as there often are in international relief efforts, of diversion of food supplies.

If, as some observers predict, the hunger problem continues to worsen, the appeals for assistance will also continue. Whatever the international response is, it must be combined with a determined effort on the part of the Ethiopian Government itself to facilitate equitable distribution of the relief supplies.

Unfortunately, some of the reported public statements of administration officials have contributed to a perception that the United States may be limiting its aid for political reasons. Indeed, United States-Ethiopian relations are not very good. Just earlier this month, we heard another anti-American harangue by the country's leader, Colonel Mengistu.

Nevertheless, longstanding American policy opposes the use of food as a political weapon. This policy reflects the generosity and compassion of the American people. We must reaffirm that policy today.

Mr. President, I ask that my recent letter to Peter McPherson, Administrator of AID, regarding Ethiopia be printed in the RECORD at this point.

The letter follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., June 27, 1983.

Hon. PETER MCPHERSON,
Administrator, Agency for International Development, Washington, D.C.

DEAR PETER: I am writing to you about the drought and hunger situation in Ethiopia. As you are well aware, reports continue to reach us about the magnitude of the problem. Already the specter of mass starvation has been raised if the international community, and especially the United States as the world's major food supplier, does not respond adequately and quickly.

It is my understanding that AID has approved some limited requests for assistance, but many observers are concerned that the response so far has been very modest compared to the need. An appeal from the UN Disaster Relief Organization is apparently still pending for additional emergency food and medical supplies and for transport assistance to facilitate the distribution of those food supplies which are already on hand. I also understand that Ethiopia may be removed from the list of countries slated to receive Title II P.L. 480 in FY 1984.

I am disturbed that the United States Government may be allowing a perception to develop that for political reasons our country is turning its back on a human crisis to which we would otherwise generously respond. If our contributions will make the difference between people living or dying, then there really is no choice involved. I urge you as Administrator of AID to respond to the calls for additional assistance fully and expeditiously.

Warm regards,

CHARLES H. PERCY,
Chairman.●

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

The resolution, with the preamble, is as follows:

S. RES. 168

Whereas hundreds of thousands of Ethiopians are presently threatened with starvation;

Whereas tens of thousands of Ethiopian children will not live until the November harvest unless emergency food assistance is provided them in the immediate future;

Whereas existing supply routes and transportation facilities are inadequate to get emergency food aid to relief distribution points in Ethiopia;

Whereas the United States has a longstanding policy of providing emergency humanitarian relief to the people of a foreign country threatened with starvation regardless of the political differences the Government of the United States may have with the government of that foreign country; and

Whereas the humanitarian assistance programs of the United Nations and European countries cannot adequately meet the extraordinary needs of the Ethiopian people without the help of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should exercise the authority vested in him by law to make available immediately to the starving people of Ethiopia emergency food supplies and other emergency supplies and to take such actions as may be necessary to insure that the food and other emergency supplies made available by the United States are transported to those areas of Ethiopia that are experiencing famine.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ICE CREAM DAY

The resolution (S. Res. 169) to express the sense of the Senate that July 15, 1983, should be observed as "National Ice Cream Day" was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 169

Whereas ice cream is a nutritious and wholesome food enjoyed by millions of people throughout the United States;

Whereas the ice cream industry uses nearly 10 per centum of the milk produced by United States dairy farmers, thereby contributing substantially to the economic well-being of the Nation's dairy industry;

Whereas the ice cream industry has annual sales of over $3,000,000,000 and provides jobs for thousands of United States citizens; and

Whereas the Nation's dairy-farmer-owned cooperatives will hold a National Ice Cream

Celebration during the week of July 10 through July 16, 1983: Now, therefore, be it

Resolved, That it is the sense of the Senate that July 15, 1983, should be celebrated as "National Ice Cream Day", and that all citizens should be encouraged to observe such day with appropriate ceremonies and activities.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, I am advised that the Senator who wished to be present on the floor indicates that he is prepared for the Senate to go ahead with this consideration at this time.

Therefore, in accordance with the authority previously granted and assuming that the minority leader will concur with that, I ask unanimous consent that the Hopi Indian bill be considered.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION AUTHORIZATION

The Senate continued with the consideration of H.R. 1746.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1746) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, that completes my folder of items that are cleared for action on the Calendar of Legislative Business. I have on this side a number of items that are cleared for action on the Executive Calendar.

May I inquire once more of the minority leader if he is in a position to approve for action by unanimous consent the nominations beginning at the top of page 2 under the Office of Personnel Management, to include all of the nominations on page 2 and all of the nominations on page 3.

Mr. BYRD. Mr. President, there is no objection on this side.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, in view of that, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of executive business.

Mr. BAKER. Mr. President, I ask unanimous consent that these nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

OFFICE OF PERSONNEL MANAGEMENT

David H. Martin, of Maryland, to be Director of the Office of Government Ethics.

DEPARTMENT OF EDUCATION

Peter H. Raven, of Missouri, to be a Member of the National Museum Services Board for a term expiring December 6, 1987. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

Lee M. Thomas, of South Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Robert Brendon Keating, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

L. Paul Bremer III, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Hume Alexander Horan, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan.

Robert E. Fritts, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROBERT BRENDON KEATING TO BE AMBASSADOR TO MADAGASCAR

Mr. CRANSTON. Mr. President, in the Foreign Relations Committee, I voted against the nomination of Robert B. Keating to be Ambassador to Madagascar for two reasons which lead me to doubt his qualifications.

First, I am not satisfied with Mr. Keating's explanation for the letters he wrote, while a member of the U.S. Law of the Sea (LOS) delegation, to various individuals in industry criticizing the changes in the administration's operating instructions to the delegation. These letters, purportedly written as "private" communications by Mr. Keating, can be fairly read only as being intended to create misgivings on the part of the industry recipients about the then new negotiating instructions. Despite Mr. Keating's suggestion that his superior, Assistant Secretary James Malone, had authorized the writing of these letters, Mr. Malone has advised the committee that, although he was aware of the letters, he did not authorize them.

Second, based on the record, I reluctantly conclude that Mr. Keating withheld information from the committee about having, while a member of the LOS delegation, actively solicited from industry representatives support for an ambassadorial nomination. At our May 18 hearing, Mr. Keating flatly denied doing so. Four industry representatives have since advised the committee that Mr. Keating had solicited their endorsements at that time, in some cases on numerous occasions.

I find Mr. Keating's explanations with respect to these two matters to be so lacking in candor and credibility that I am unable to conclude that he has the requisite qualities and qualifications to represent the United States and its policies and interests as an official U.S. Government emissary overseas.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that completes the action on the Executive Calendar. I am advised that at least one Senator wishes to speak and that he is in the Chamber. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE REA LOAN PROGRAMS

Mr. BOSCHWITZ. Mr. President, I should like to briefly comment on a statement that I heard made earlier on the floor by my distinguished colleague from the State of Washington (Mr. GORTON) when he was talking about the credit budget in a colloquy together with Senator MOYNIHAN from New York.

I am a cosponsor of the bill that he introduced today with respect to the credit budget.

The PRESIDING OFFICER. The Senate will be in order so the Senator from Minnesota can be heard.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. I am a cosponsor, Mr. President, of the credit budget bill that the Senator from Washington has introduced today. I admire his work on the Budget Committee, where I serve with him. Few Members of the Senate know more about the budget and its processes than does Senator GORTON.

I admire him for the hard work that he has done in that committee. Indeed, I think that he has helped create a good deal of forward progress.

I want to speak a little bit about the colloquy, however, that he held with Senator MOYNIHAN about the REA. He spoke about the $1.1 billion in direct loans that the REA will make this year, and he also spoke about the loan guarantees. Indeed, they should be part of the credit budget. Normally when we speak about direct loans in the Senate Chamber, we refer to loans that are an on-budget expense. It is important to note that in the agricultural appropriations bill that we passed today, there was a figure somewhat less than $30 million for the REA and rural telephone, and that was all for administrative expenses. None of these loans about which the Senator from Washington has spoken impacts the budget, inasmuch as it is a revolving fund. All these loans will be made directly from that revolving fund, and there is not a budget impact.

It is interesting to note that the REA has been efficient in the way it has administered loans over the years. Its staff has declined significantly since 1951. The staff time taken to process these loans has been cut nearly in half.

It is also important to note that as of September 30, 1982, the Rural Electrification administration has collected more than $9.9 billion in principal and interest payments from its rural electric and telephone borrowers and that total losses to date have amounted to less than $45,000.

That is a remarkable record, Mr. President. It is remarkable when we think of how many homes have been able to have the advantages of telephones and electricity because of the remarkable and meaningful work the REA has done over the years. Without the REA and the rural telephone programs, the rural parts of America would certainly not have been able to retain the importance in our community that they now have. They perhaps would have almost shriveled away in the face of their competition from the urban parts of our country.

So it is important to note, as we consider the agricultural appropriations bill, that all the money appropriated this year goes only for administration. The insured loans are made out of a revolving fund. Although it is important to gather together and quantify all off-budget loans and credit guarantees in a budget format, the loans made in REA do not have a budget impact.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, I indicated earlier to the minority leader, and I have stated on the floor, that it is the wish of the leadership on this side to proceed to the consideration of the Department of Defense authorization bill when we return on Monday, July 11.

I have had extensive conversations with the minority leader, with the chairman of the committee, with Senator KENNEDY, and others, and I believe we have an understanding on how this matter will be arranged and handled. I am prepared now to put the request.

I ask unanimous consent that at the conclusion of the time for the transaction of routine morning business on Monday, July 11, 1983, as previously ordered, that the Senate then turn to the consideration of S. 675, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I feel lonely. After all we have been through for the last few weeks and all we have accomplished, I find that only the leadership is here. I have consulted with the minority leader, who has just left the Chamber this momemt, who indicates he has no further matter to place before the Senate. I do not. I see no Senator seeking recognition.

ADJOURNMENT UNTIL MONDAY, JULY 11, 1983

Mr. BAKER. Therefore, Mr. President, with some enthusiasm, I move, in accordance with the provisions of Senate Concurrent Resolution 48, that the Senate now stand in adjournment until 12 noon on July 11, 1983.

The motion was agreed to; and at 6:05 p.m., the Senate adjourned until Monday, July 11, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 29, 1983:

THE JUDICIARY

Stephen J. Swift, of California, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office, vice Leo H. Irwin, retired.

Judith W. Rogers, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of 15 years, vice Catherine B. Kelly, retired.

Bruce D. Beaudin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years, vice John D. Fauntleroy, retired.

A. Franklin Burgess, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years, vice Joseph M. F. Ryan, Jr., retired.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989, vice Bertram R. Cottine, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 1983:

DEPARTMENT OF EDUCATION

Peter H. Raven, of Missouri, to be a member of the National Museum Services Board for a term expiring December 6, 1987.

DEPARTMENT OF STATE

Robert Brendon Keating, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

L. Paul Bremer III, of Connecticut, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Hume Alexander Horan, of New Jersey, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan.

Robert E. Fritts, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

OFFICE OF PERSONNEL MANAGEMENT

David H. Martin, of Maryland, to be Director of the Office of Government Ethics.

ENVIRONMENTAL PROTECTION AGENCY

Lee M. Thomas, of South Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

HOUSE OF REPRESENTATIVES—*Wednesday, June 29, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *June 28, 1983.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, June 29, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Enable us, O God, to see the many avenues of life where acts of charity toward others are beneficial for those who give and those who receive. May we recognize opportunities for good works wherever we meet people, whether with families, or friends, at work or play, with individuals or with the structures of society. Help us to understand that Your love, O God, is not limited to places of worship or the liturgies of faith, but exists wherever people gather together in Your beautiful creation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 373. An act to provide comprehensive national policy dealing with national needs and objectives in the Arctic; and

S. 1341. An act to revise and extend the Education of the Handicapped Act, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that proceedings under the 1-minute rule will be postponed.

The Chair at this time recognizes the gentleman from Massachusetts (Mr. BOLAND).

CONFERENCE REPORT ON H.R. 3133, HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 23, 1983.)

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from New York (Mr. GREEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 3133, as well as on the Senate amendments reported in disagreement, and that I may include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the gentleman from New Hampshire for his courtesy in permitting us to move ahead with the conference report on this bill. We have assurances from the majority leader of the Senate that if this conference report reaches the Senate by a quarter past 11 this morning, the Senate will vote on it and send it down to the President. This will be the first time in 7 years, that an appropriation bill has been passed by both bodies and sent to the President for signature before the end of June. This is a bit of a record.

Mr. Speaker, we bring back to the House today the conference report on the 1984 HUD-independent agencies appropriation bill. As we all know, this has been a difficult and trying year for the budget process. When it became clear that the first budget resolution would be delayed, the House decided to move ahead with its appropriations bills—and this was the first appropriations bill passed.

I was very pleased that the conference report on the first budget resolution was adopted by both bodies last week. In fact, that occurred on the same day we were reaching agreement in conference on the differences in this bill. Absent the formal section 302(b) allocations, we made assumptions and informal allocations to each subcommittee. I am happy to report to you that this bill is within the levels that were apparently assumed in the budget resolution as finally approved.

In the past few weeks we have all heard veiled—and sometimes not so veiled—threats from the White House that the President will veto appropriations bills that bust the budget. Well, this bill is above the President's budget request. It provides $55.8 billion in new budget authority, which is $6.2 billion over the request—virtually all of which is in the assisted housing area. For outlays, however, we are below the budget request—by over $100 million in 1984.

This is a good bill—the conference agreement reached with the Senate is a very responsible one. This bill is also one that I can guarantee you the President will sign.

Let me give you some of the specifics. For assisted housing the bill provides up to 100,000 incremental units, including 5,000 units of public housing new construction. We have not provided a single new public housing unit for the past 2 years. This action begins to redress that problem. The bill also provides 2,500 Indian housing units and 14,000 units for the section 202 elderly or handicapped program. We have also raised the limitations on FHA and GNMA loan commitments above the budget request—so that these limitations will not hamper

housing construction and economic recovery.

Once again this year the Solar Bank has been funded—at $25 million—an increase of $5 million over 1983. The community development block grant program, UDAG and general revenue sharing have all been funded at or near the President's requested levels.

The Consumer Product Safety Commission gets a boost of $3 million over the budget request of $32 million to reverse the declining trend in that agency in the past few years.

For the Environmental Protection Agency this bill includes every penny that Administrator Ruckelshaus requested in his recent budget amendment—plus $30 million for combined sewer overflow projects above the request.

The question of how to go about rebuilding EPA has been a controversial one. When the House acted on this bill the gentleman from Colorado's amendments added some $220 million. At that time I questioned whether EPA could effectively spend that much money, and I urged that we give Mr. Ruckelshaus a chance to make his own recommendations.

I have the greatest respect for Mr. Ruckelshaus and confidence in his ability to put EPA back on the right track. It was my pleasure to hear his address on June 22 before the National Academy of Sciences, and I hope other Members had the opportunity to attend. His remarks went right to the heart of the problem and the importance of relying on solid scientific evidence to make sensible decisions over very tough and sometimes emotional issues related to public risk and the environment. I recommend his remarks to you strongly if you did not have the chance to attend.

I also would like to congratulate Mr. Ruckelshaus for bringing some outstanding people into top management positions at EPA. His selection of Al Alm, currently his special assistant, deserves special mention. I have known Al Alm for more than 10 years since he was at the Council on Environmental Quality and at EPA in the early 1970's. He has proven his abilities time after time and I am glad to see him as part of the fine team Mr. Ruckelshaus is assembling at EPA.

As I have said before, I think we have good reason to have confidence in EPA today. I promised the Members of the House when this bill was on the floor for passage that the Appropriations Committee would give favorable consideration to Mr. Ruckelshaus' revised budget request. And that is exactly what this conference report does. This bill includes everything the EPA Administrator considers his Agency needs—additions above the original request of $165,500,000 and 800 people in the operating programs and $100 million and 300 people for Superfund. And, $30 million has been added for combined sewer overflow projects.

These are substantial increases and I am convinced that this is the responsible way to put EPA back on track. If you refer to the statement of the managers—pages 9 and 10—in the conference report you will find specific allocations and directions that assure priority areas are funded.

For the Federal Emergency Management Agency, we have again denied most of the increases requested for civil defense crisis relocation. We have, however, added more than $20 million for those activities that are related to a truly "integrated" civil defense program.

For NASA, this bill adds $71 million above the request. Of this net increase, $50 million is for orbiter and engine spares to assure the reliability and effectiveness of the shuttle—and $45 million to partly accommodate a serious funding problem within the space telescope program.

Science education activities in the National Science Foundation are funded at $36 million above the budget—for a 1984 total of $75 million. The committee believes this add-on will help reverse a long slide in science and math in this country.

Mr. Speaker, I share the concern of others that the Nation maintain and expand the number of highly qualified engineering and computer science professionals. It is my strong desire that the National Science Foundation target, through the grant awards process, those emergency programs which have demonstrated their ability to integrate students into high technology and engineering industries, and are in the process of or plan to upgrade their facilities in order to provide for a better learning/research environment, including the development of a computer science counterpart to their engineering programs.

Overall, the Veterans' Administration is funded approximately at the administration's request—after the use of $60 million in savings for the working reserve is considered. The $60 million reduction in the major construction request is offset by the increased use of savings from completed construction projects.

Mr. Speaker, the statement of the managers indicated that the 1984 medical care appropriation includes funding to support 190,554 FTEE's. That number should be 190,544.

In summary, the conference agreement before you today is a balanced and sensible bill. It provides a minimum level for subsidized housing—it will begin to rebuild EPA—it will increase science education by 150 percent above 1983—it funds all the existing programs critical to veterans—and it provides sufficient funds for each of the other independent agencies. I urge you to adopt this conference agreement.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
HOUSING PROGRAMS									
Annual contributions for assisted housing (contract authority)	8,651,475,689	3,595,860,896	12,644,138,000	7,954,862,810	9,912,928,000	+1,261,452,311	+6,317,067,104	−2,731,210,000	+1,958,065,190
(Increased limitation for annual contract authority)	(519,711,198)	(509,636,806)	(771,315,000)	(809,954,229)	(636,336,000)	(+116,624,802)	(+126,699,194)	(−134,979,000)	(−173,618,229)
Housing payment certificates (contract authority)			312,500,000					−312,500,000	
(Limitation on annual contract authority)			(62,500,000)					(−62,500,000)	
Rent supplement (rescission of contract authority, indefinite)	−2,830,360,000	−2,374,777,000	−2,374,777,000	−2,374,777,000	−2,374,777,000	+455,583,000			
(Limitation on annual contract authority, indefinite)	(−105,160,000)	(−93,326,000)	(−93,326,000)	(−93,326,000)	(−93,326,000)	(+11,834,000)			
Rental housing assistance (rescission of contract authority, indefinite)		−483,120,000	−483,120,000	−483,120,000	−483,120,000	−483,120,000			
(Limitation on annual contract authority, indefinite)		(−13,320,000)	(−13,320,000)	(−13,320,000)	(−13,320,000)	(−13,320,000)			
Housing payments (appropriation to liquidate contract authority)	(9,538,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(+1,159,000,000)			
Housing for the elderly or handicapped fund (authority to borrow)	564,358,000	436,102,000	626,502,000	626,502,000	626,502,000	+62,144,000	+190,400,000		
(Limitation on direct loans)	(634,200,000)	(476,000,000)	(666,400,000)	(666,400,000)	(666,400,000)	(+32,200,000)	(+190,400,000)		
Congregate services program	4,000,000					−4,000,000			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
Payments for operation of low-income housing projects	1,350,000,000	1,636,500,000	1,431,000,000	1,362,200,000	1,362,200,000	+12,200,000	−274,300,000	−68,800,000	
Indian housing grants		76,000,000					−76,000,000		
Housing counseling assistance	3,500,000		5,000,000		3,500,000		+3,500,000	−1,500,000	+3,500,000
Federal Housing Administration fund	240,022,000	252,974,000	252,974,000	252,974,000	252,974,000	+12,952,000			
Portion applied to debt reduction	−128,392,000	−173,334,000	−173,334,000	−173,334,000	−173,334,000	−44,942,000			
(Limitation on guaranteed loans)	(45,900,000,000)	(39,800,000,000)	(45,900,000,000)	(50,900,000,000)	(50,900,000,000)	(+5,000,000,000)	(+11,100,000,000)	(+5,000,000,000)	
Temporary mortgage assistance payments (limitation on direct loans)	(45,000,000)	(56,390,000)	(56,390,000)	(56,390,000)	(56,390,000)	(+11,390,000)			
Total, Federal Housing Administration fund	111,630,000	79,640,000	79,640,000	79,640,000	79,640,000	−31,990,000			
Nonprofit sponsor assistance (limitation on direct loans)	(1,790,000)	(1,880,000	(2,632,000)	(2,632,000)	(2,632,000)	(+842,000)	(+752,000)		
Government National Mortgage Association									
Special assistance functions fund: (limitation on direct loans)	(500,000,000)					(−500,000,000)			
Payment of participation sales insufficiencies	2,726,000	1,997,000	1,997,000	1,997,000	1,997,000	−729,000			
Guarantees of mortgage-backed securities (limitation on guaranteed loans)	(68,250,000,000)	(58,650,000,000)	(58,650,000,000)	(68,250,000,000)	(68,250,000,000)		(+9,600,000,000)	(−9,600,000,000)	
Total, Government National Mortgage Association	2,726,000	1,997,000	1,997,000	1,997,000	1,997,000	−729,000			
Total, Housing programs (net)	7,857,329,689	2,968,202,896	12,242,880,000	7,167,304,810	9,128,870,000	+1,271,540,311	+6,160,667,104	−3,114,010,000	+1,961,565,190
SOLAR ENERGY AND ENERGY CONSERVATION BANK									
Assistance for solar and conservation improvements	20,000,000		25,000,000	25,000,000	25,000,000	+5,000,000	+25,000,000		
COMMUNITY PLANNING AND DEVELOPMENT									
Community development grants	4,456,000,000	3,500,000,000	3,470,000,000	3,463,200,000	3,468,000,000	−988,000,000	−32,000,000	−2,000,000	+4,800,000
(Limitation on guaranteed loans)	(225,000,000)		(225,000,000)	(225,000,000)	(225,000,000)		(+225,000,000)		
Urban development action grants	440,000,000	196,000,000	440,000,000	440,000,000	440,000,000		+244,000,000		
Urban homesteading	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
Rental rehabilitation grants		150,000,000		300,000,000			−150,000,000		−300,000,000
Total, community planning and development	4,908,000,000	3,858,000,000	3,922,000,000	4,215,200,000	3,920,000,000	−988,000,000	+62,000,000	−2,000,000	−295,200,000
POLICY DEVELOPMENT AND RESEARCH									
Research and technology	18,000,000	18,000,000	15,000,000	21,000,000	19,000,000	+1,000,000	+1,000,000	+4,000,000	−2,000,000
FAIR HOUSING AND EQUAL OPPORTUNITY									
Fair housing assistance	5,700,000	4,700,000	4,700,000	4,700,000	4,7000,000	−1,000,000			
MANAGEMENT AND ADMINISTRATION									
Salaries and expenses	307,500,000	303,107,000	300,000,000	300,950,000	300,950,000	−6,550,000	−2,157,000	+950,000	
(By transfer, FHA funds)	(267,723,000)	(271,114,000)	(271,114,000)	(271,114,000)	(271,114,000)	(+3,391,000)			
Total, title I, Department of Housing and Urban Development:									
New budget (obligational) authority (net)	13,116,529,689	7,152,009,896	16,509,580,000	11,734,154,810	13,398,520,000	+281,990,311	+6,246,510,104	−3,111,060,000	+1,664,365,190
Appropriations	6,859,448,000	6,151,278,000	5,957,671,000	6,184,021,000	5,890,321,000	−969,127,000	−260,957,000	−67,350,000	−293,700,000
Portion applied to debt reduction	−128,392,000	−173,334,000	−173,334,000	−173,334,000	−173,334,000	−44,942,000			
Contract authority	8,651,475,689	3,595,860,896	12,956,638,000	7,954,862,810	9,912,928,000	+1,261,452,311	+6,317,067,104	−3,043,710,000	+1,958,065,190
Rescission of contract authority, indefinite	−2,830,360,000	−2,857,897,000	−2,857,897,000	−2,857,897,000	−2,857,897,000	−27,537,000			
Authority to borrow	564,358,000	436,102,000	626,502,000	626,502,000	626,502,000	+62,144,000	+190,400,000		
(Appropriation to liquidate contract authority)	(9,538,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(+1,159,000,000)			
(Increased limitation for annual contract authority)	(519,711,198)	(509,636,806)	(833,815,000)	(809,954,229)	(636,336,000)	(+116,624,802)	(+126,699,194)	(−197,479,000)	(−173,618,229)
(Limitation on annual contract authority, indefinite)	(−105,160,000)	(−106,646,000)	(−106,646,000)	(−106,646,000)	(−106,646,000)	(−1,486,000)			
(Limitation on direct loans)	(1,180,990,000)	(534,270,000)	(725,422,000)	(725,422,000)	(725,422,000)	(−455,568,000)	(+191,152,000)		
(Limitation on corporate funds to be expended)	(267,723,000)	(271,114,000)	(271,114,000)	(271,114,000)	(271,114,000)	(+3,391,000)			
TITLE II—INDEPENDENT AGENCIES									
AMERICAN BATTLE MONUMENTS COMMISSION									
Salaries and expenses	10,669,000	10,837,000	10,837,000	10,462,000	10,462,000	−207,000	−375,000	−375,000	
CONSUMER PRODUCT SAFETY COMMISSION									
Salaries and expenses	33,508,000	32,000,000	34,500,000	35,000,000	35,000,000	+1,492,000	+3,000,000	+500,000	
DEPARTMENT OF DEFENSE—CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	6,682,000	8,203,000	8,203,000	8,203,000	8,203,000	+1,521,000			
ENVIRONMENTAL PROTECTION AGENCY									
Salaries and expenses	548,613,200	574,889,000	612,889,000	574,900,000	574,900,000	+26,286,800	+11,000	−37,989,000	
Research and development	119,000,000	142,669,000	165,600,000	142,700,000	142,700,000	+23,700,000	+31,000	−22,900,000	
Abatement, control and compliance	369,075,000	393,933,000	521,511,000	393,900,000	393,900,000	+24,825,000	−33,000	−127,611,000	
Buildings and facilities	3,000,000	2,600,000	2,600,000	2,600,000	2,600,000	−400,000			
Payment to the hazardous substance response trust fund	40,000,000	44,000,000	44,000,000	44,000,000	44,000,000	+4,000,000			
Hazardous substance response trust fund	210,000,000	410,000,000	335,000,000	410,000,000	410,000,000	+200,000,000		+75,000,000	
Construction grants	2,430,000,000	2,400,000,000	2,400,000,000	2,430,000,000	2,430,000,000		+30,000,000	+30,000,000	
Total, Environmental Protection Agency	3,719,688,200	3,968,091,000	4,081,600,000	3,998,100,000	3,998,100,000	+278,411,800	+30,009,000	−83,500,000	
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality	926,000	913,000	700,000	913,000	700,000	−226,000	−213,000		−213,000
Office of Science and Technology Policy	1,839,000	2,088,000	1,950,000	1,950,000	1,950,000	+111,000	−138,000		
Total, Executive Office of the President	2,765,000	3,001,000	2,650,000	2,863,000	2,650,000	−115,000	−351,000		−213,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
FEDERAL EMERGENCY MANAGEMENT AGENCY									
Funds appropriated to the President, disaster relief	130,000,000					−130,000,000			
Salaries and expenses	111,300,000	127,591,000	119,999,000	122,263,000	121,110,000	+9,810,000	−6,481,000	+1,111,000	−1,153,000
State and local assistance	154,591,000	209,716,000	169,176,000	187,566,000	169,176,000	+14,585,000	−40,540,000		−18,390,000
Emergency planning and assistance	154,007,000	185,100,000	141,583,000	157,258,000	146,308,000	−7,699,000	−38,792,000	+4,725,000	−10,950,000
National flood insurance fund	39,159,000	37,521,000	37,521,000	37,521,000	37,521,000	−1,638,000			
Portion applied to debt reduction	−39,159,000	−37,521,000	−37,521,000	−37,521,000	−37,521,000	+1,638,000			
Emergency food and shelter program	100,000,000					−100,000,000			
Total, Federal Emergency Management Agency	649,898,000	522,407,000	430,758,000	467,087,000	436,594,000	−213,304,000	−85,813,000	+5,836,000	−30,493,000
GENERAL SERVICES ADMINISTRATION									
Consumer Information Center	1,351,000	1,449,000	1,449,000	1,349,000	1,349,000	−2,000	−100,000	−100,000	
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Consumer Affairs	1,947,000	2,011,000	2,011,000	2,011,000	2,011,000	+64,000			
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
Research and development	5,542,800,000	5,708,500,000	5,803,500,000	2,016,900,000	2,011,900,000	−3,530,900,000	−3,696,600,000	−3,791,600,000	−5,000,000
Space flight, control and data communications				3,776,600,000	3,791,600,000	+3,791,600,000	+3,791,600,000	+3,791,600,000	+15,000,000
Construction of facilities	97,500,000	150,500,000	135,500,000	135,500,000	135,500,000	+38,000,000	−15,000,000		
Research and program management	1,168,900,000	1,247,500,000	1,237,500,000	1,242,500,000	1,238,500,000	+69,600,000	−9,000,000	+1,000,000	−4,000,000
Total, National Aeronautics and Space Administration	6,809,200,000	7,106,500,000	7,176,500,000	7,171,500,000	7,177,500,000	+368,300,000	+71,000,000	+1,000,000	+6,000,000
NATIONAL CREDIT UNION ADMINISTRATION									
Central liquidity facility:									
(Limitation on borrowing authority)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)				
(Limitation on administrative expenses)	(1,368,000)	(850,000)	(850,000)	(850,000)	(850,000)	(−518,000)			
NATIONAL SCIENCE FOUNDATION									
Research and related activities	1,060,000,000	1,250,700,000	1,242,400,000	1,112,600,000	1,140,300,000	+80,300,000	−110,400,000	−102,100,000	+27,700,000
U.S. Antarctic program activities				102,100,000	102,100,000	+102,100,000	+102,100,000	+102,100,000	
Science education activities	30,000,000	39,000,000	70,000,000	75,000,000	75,000,000	+45,000,000	+36,000,000	+5,000,000	
Science activities overseas (special foreign currency program)	2,200,000	2,600,000	2,900,000	2,900,000	2,900,000	+700,000	+300,000		
Total, National Science Foundation	1,092,200,000	1,292,300,000	1,315,300,000	1,292,600,000	1,320,300,000	+228,100,000	+28,000,000	+5,000,000	+27,700,000
NEIGHBORHOOD REINVESTMENT CORPORATION									
Payment to the Neighborhood Reinvestment Corporation	15,512,000	15,512,000	15,512,000	15,512,000	15,512,000				
SELECTIVE SERVICE SYSTEM									
Salaries and expenses	22,700,000	25,499,000	24,049,000	24,649,000	24,500,000	+1,800,000	−999,000	+451,000	−149,000
DEPARTMENT OF THE TREASURY									
Payments to State and local government fiscal assistance trust fund	4,566,700,000	4,566,700,000	DEFER	4,566,700,000	4,566,700,000			4,566,700,000	
Office of Revenue Sharing, salaries and expenses	6,612,000	7,678,000	7,378,000	7,278,000	7,278,000	+666,000	−400,000	−100,000	
Total, Department of the Treasury	4,573,312,000	4,574,378,000	7,378,000	4,573,978,000	4,573,978,000	+666,000	−400,000	+4,566,600,000	
VETERANS' ADMINISTRATION									
Compensation and pensions	13,430,800,000	13,842,000,000	13,842,000,000	13,842,000,000	13,842,000,000	+411,200,000			
Readjustment benefits	1,665,800,000	1,371,000,000	1,371,000,000	1,521,000,000	1,371,000,000	−294,800,000			−150,000,000
Veterans insurance and indemnities	6,400,000	7,400,000	7,400,000	7,400,000	7,400,000	+1,000,000			
Medical care	7,586,606,000	8,058,526,000	8,078,526,000	8,065,187,000	8,070,726,000	+484,120,000	+12,200,000	−7,800,000	+5,539,000
Medical and prosthetic research	152,665,000	156,325,000	162,325,000	162,325,000	162,325,000	+9,660,000	+6,000,000		
Medical administration and miscellaneous operating expenses	55,807,000	66,552,000	66,552,000	66,552,000	66,552,000	+10,745,000			
General operating expenses	688,000,000	719,088,000	712,088,000	712,088,000	712,088,000	+24,088,000	−7,000,000		
Construction, major projects	407,392,000	410,992,000	350,992,000	341,692,000	345,692,000	−61,700,000	−65,300,000	−5,300,000	+4,000,000
Construction, minor projects	141,748,000	193,878,000	193,378,000	177,185,000	185,378,000	+43,630,000	−8,500,000	−8,000,000	+8,193,000
Grants for construction of State extended care facilities	18,000,000	18,000,000	18,000,000	18,000,000	18,000,000				
Grants for construction of State veterans cemeteries	2,500,000	3,000,000	3,000,000	3,000,000	3,000,000	+500,000			
Grants to the Republic of the Philippines	500,000	500,000	500,000	500,000	500,000				
Direct loan revolving fund (limitation on direct loans)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)				
Total, Veterans' Administration	24,156,218,000	24,847,261,000	24,805,761,000	24,916,929,000	24,784,661,000	+628,443,000	−62,600,000	−21,100,000	−132,268,000
Total, title II, Independent Agencies:									
New budget (obligational) authority	41,095,650,200	42,409,449,000	37,916,508,000	42,520,243,000	42,390,820,000	+1,295,169,800	−18,629,000	+4,474,312,000	−129,423,000
Appropriations	41,134,809,200	42,446,970,000	37,954,029,000	42,557,764,000	42,428,341,000	+1,293,531,800	−18,629,000	+4,474,312,000	−129,423,000
Portion applied to debt reduction	−39,159,000	−37,521,000	−37,521,000	−37,521,000	−37,521,000	+1,638,000			
(Limitation on borrowing authority)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)				
(Limitation on direct loans)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)				
(Limitation on corporate funds to be expended)	(1,368,000)	(850,000)	(850,000)	(850,000)	(850,000)	(−518,000)			
TITLE III—CORPORATIONS									
Federal Home Loan Bank Board:									
(Limitation on administrative expenses)	(24,360,000)	(25,820,000)	(25,820,000)	(25,820,000)	(25,820,000)	(+1,460,000)			
(Limitation on nonadministrative expenses)	(40,680,000)	(40,570,000)	(40,570,000)	(40,570,000)	(40,570,000)	(−110,000)			
Federal Savings and Loan Insurance Corporation, (limitation on administrative expenses)	(1,120,000)	(1,245,000)	(1,245,000)	(1,245,000)	(1,245,000)	(+125,000)			
Total, title III, corporations	(66,160,000)	(67,635,000)	(67,635,000)	(67,635,000)	(67,635,000)	(+1,475,000)			
RECAPITULATION									
Grand total:									
New budget (obligational) authority	54,212,179,889	49,561,458,896	54,426,088,000	54,254,397,810	55,789,340,000	+1,577,160,111	+6,227,881,104	+1,363,252,000	+1,534,942,190
Appropriations	47,994,257,200	48,598,248,000	43,911,700,000	48,741,785,000	48,318,662,000	+324,404,800	−279,586,000	+4,406,962,000	−423,123,000
Portion applied to debt reduction	−167,551,000	−210,855,000	−210,855,000	−210,855,000	−210,855,000	−43,304,000			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
Contract authority	8,651,475,689	3,595,860,896	12,956,638,000	7,954,862,810	9,912,928,000	+1,261,452,311	+6,317,067,104	−3,043,710,000	+1,958,065,190
Contract authority, indefinite	−2,830,360,000	−2,857,897,000	−2,857,897,000	−2,857,897,000	−2,857,897,000	−27,537,000			
Authority to borrow	564,358,000	436,102,000	626,502,000	626,502,000	626,502,000	+62,144,000	+190,400,000		
(Appropriations to liquidate contract authority)	(9,538,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(+1,159,000,000)			
(Increased limitation for annual contract authority)	(519,711,198)	(509,636,806)	(833,815,000)	(809,954,229)	(636,336,000)	(+116,624,802)	(+126,699,194)	(−197,479,000)	(−173,618,229)
(Limitation on annual contract authority, indefinite)	(−105,160,000)	(−106,646,000)	(−106,646,000)	(−106,646,000)	(−106,646,000)	(−1,486,000)			
(Limitation on borrowing authority)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)				
(Limitation on direct loans)	(1,181,990,000)	(535,270,000)	(726,422,000)	(726,422,000)	(726,422,000)	(−455,568,000)	(+191,152,000)		
(Limitation on guaranteed loans)	(114,375,000,000)	(98,450,000,000)	(104,775,000,000)	(119,375,000,000)	(119,375,000,000)	(+5,000,000,000)	(+20,925,000,000)	(+14,600,000,000)	
(Limitation on corporate funds to be expended)	(335,251,000)	(339,599,000)	(339,599,000)	(339,599,000)	(339,599,000)	(+4,348,000)			
CONGRESSIONAL BUDGET RECAP									
Total	54,212,179,889	49,561,458,896	54,426,088,000	54,254,397,810	55,789,340,000	+1,577,160,111	+6,227,881,104	+1,363,252,000	+1,534,942,190
Amounts in this bill	(54,212,179,889)	(49,561,458,896)	(54,426,088,000)	(54,254,397,810)	(55,789,340,000)	(+1,577,160,111)	(+6,227,881,104)	(+1,363,252,000)	(+1,534,942,190)
Prior year outlays associated with this bill									
Total congressional mandatory and discretionary	54,212,179,889	49,561,458,896	54,426,088,000	54,254,397,810	55,789,340,000	+1,577,160,111	+6,227,881,104	+1,363,252,000	+1,534,942,190
Mandatory (total)	(15,103,000,000)	(15,220,400,000)	(15,220,400,000	(15,370,400,000)	(15,220,400,000)	(+117,400,000)			(−150,000,000)
(Mandatory new)	(15,103,000,000)	(15,220,400,000)	(15,220,400,000)	(15,370,400,000)	(15,220,400,000)	(+117,400,000)			(−150,000,000)
(Prior year)									
Discretionary (new)	(39,109,179,889)	(34,341,058,896)	(39,205,688,000)	(38,883,997,810)	(40,568,940,000)	(+1,459,760,111)	(+6,227,881,104)	(+1,363,252,000)	(+1,684,942,190)

Mr. Speaker, I yield to the gentleman from New York (Mr. BIAGGI).

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT AT 10 A.M. ON TODAY.

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 on Wednesday, June 29, 1983, for the purpose of marking up H.R. 1242—a bill to promote increased transportation of bulk commodities in the foreign commerce of the United States in U.S.-flag ships, to strengthen the defense industrial base, and for other purposes.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE) and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER) have been apprised of the markup date and time and are in accord with this request.

The SPEAKER pro tempore (Mr. EDGAR). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the subcommittee has fully explained the conference report, and in view of the time pressures to which the gentleman has alluded I shall not go over the same ground.

Let me simply add to what the gentleman has told the House that I have received this morning from the Office of Management and Budget a statement of administration policy, which reads as follows:

The administration supports passage of H.R. 3133, the HUD independent agencies appropriations bill, 1984. The bill embodies a careful effort by the Congress to meet important program needs while maintaining essential budget discipline.

So I can assure the Members on this side of the aisle that this bill has the full support of the administration.

It is self-evident that to develop a bill of this complexity at a time when much of the authorizing legislation for these appropriations has not been passed—indeed we have not had an authorizing bill in the housing field since 1980—and to develop that bill so that we can meet the very crucial needs that this country faces, while at the same time staying within the budgetary limitations that the administration seeks, I think is no small feat.

The leadership that the distinguished chairman of the subcommittee has given the Congress in developing and moving this legislation forward is something that should be set forth on the record, and the debt that the House owes him for that leadership should be expressed, and I am happy to do that this morning.

Mr. BOLAND. Mr. Speaker, I want to pay tribute to the other members of this subcommittee for the work they have done on this bill and particularly to the ranking minority member of this subcommittee, the distinguished gentleman from New York (Mr. GREEN). No other member of the committee spends more time in that subcommittee and is perhaps more familiar with the various and sundry issues that this bill occasions than he. The gentleman is an expert in the housing area, having served as the regional director of the Department of Housing and Urban Development in the city of New York for some time before he came to the Congress, and I must say that we depend upon his expertise and knowledge in this area. He serves us well. I am delighted to pay my compliments to the gentleman and congratulate him for the efforts that he gives to this committee and to the Congress as a whole.

Mr. NELSON of Florida. Mr. Speaker, I rise to give my support to the conference report making appropriations for the Department of Housing and Urban Development and independent agencies.

I would specifically like to thank the committee for their foresight in adding an additional $50 million on to the NASA appropriations for the space shuttle orbiter and engine spare parts.

Mr. Speaker, this additional money will allow the production lines to remain operational, leaving the option alive to authorize at a later date, a fifth orbiter.

In the next several years, NASA has plans to maintain a 24-36 annual shuttle launch schedule. This would be practically impossible without additional spare parts. In the long term, a schedule of this magnitude would require a fifth orbiter to be eventually included in the shuttle rotation.

Mr. Speaker, I am convinced that NASA will fulfill their goal to provide the United States with a program that will guarantee regular successful missions such as the most recent, launch and landing of STS-7, which succeeded in putting the first American woman in space.

We have the technology. These additional funds will allow for its continued improvement and usage.

● Mr. FRENZEL. Mr. Speaker, the HUD conference report should not be passed.

The House and Senate have reconciled two excessive bills into one excessive bill. The conference report gives the appearance of being the result of responsible legislating, by showing funding totals which are within the recently passed budget resolution levels. But when the budget resolution is as fat as the one Congress has just ratified, being within that budget is a less than commendable achievement.

The HUD conference report is $6.2 billion over the President's latest request. Most of this excess is due to

subsidized housing, because the conferees decided to provide $6.3 billion more for subsidized housing than there was requested. This bill is a camouflaged version of the same old thing: Congressional profligacy and disdain for restraint.

Further, the HUD conference report will require spring supplementals. Before the spending year is over, the HUD bill will have exceeded its budget resolution allocations, and the taxpayers will again have been victimized by congressional irresponsibility and backdoor budgeting.

Those who favor a continuation of the outdated spend and tax, spend and tax policies should vote for this conference report. Those who seek to release some of the burden borne by taxpayers, and who are willing to make the difficult decisions necessary to sustaining the economic recovery should vote against this conference report.●

Mr. DANNEMEYER. Mr. Speaker, while this bill has its flaws, especially from the standpoint of being far over budget, I would like to take a moment to mention to my colleagues that it does contain some worthwhile provisions. In particular, I would like to direct the attention of my colleagues to the section of the bill on page 19 that prohibits the EPA from using any of the funds appropriated to it for the purpose of imposing sanctions on areas of the country that have made all reasonable efforts to comply with Clean Air Act deadlines but simply have come up short. This section will not only give appropriate recognition to those areas which have made good faith efforts to comply with a law that Congress has failed to revise on schedule, but it will give other areas an incentive to continue their pollution reduction efforts.

As Members will recall, the circumstances which occasioned this amendment were as follows: In February of this year, the EPA started the process of imposing sanctions on 213 counties around the country that, for one reason or another, had not attained, or did not look like they would be able to attain, air quality standards by the deadlines set forth in the Clean Air Act. Absent a statutory provision or definition to the contrary, the EPA had little choice but to start imposing those sanctions since failure to judge intent by results would most certainly have opened the Administrator up to lawsuits by environmentalists determined to see the deadlines observed no matter what the consequences. Indeed, EPA's experience with the Superfund program underscored only too clearly the dangers of being lax with enforcement of a program under its jurisdiction. Therefore, it was incumbent on Congress, not EPA, to act if there was to be any relief from these sanctions or if enforcement of them was to be selective. The language contained in this bill constitutes such action and I am pleased to add that, subsequent to its adoption by the House on June 2 and by the Senate on June 21, the EPA has announced sanctions guidelines that follow along the general path set forth by this language. All of which means that nonattainment areas, which have submitted an acceptable SIP and have carried it out in good faith, should not have sanctions imposed upon them.

Mr. Speaker, since the adoption of this amendment by the House on June 2, a number of questions have been asked about how it is to be interpreted. One of the most popular has been "will states lacking an acceptable auto emission and maintenance program (I/M) get relief?" and the answer to that one is "no." Likewise, an area that failed to comply with emissions limits or otherwise failed to live up to its SIP would still be subject to the threat of sanctions. In short, this is not a violators relief provision. Not by a long shot. Instead, what we have here is a provision that will provide relief only for areas that have made every effort to comply with the law, that have done all that they were asked and all that they promised, and, through no fault of their own, have come up a little short.

Lest anyone think that this provision is going to lead to a sudden deterioration of air quality, or even a rapid decline in the rate of improvement in air quality, it should be noted that these sanctions are in some instances counterproductive. For instance, a ban on construction or modification of any industrial facility emitting more than 100 tons a year of a pollutant will preclude replacing a facility that emits 1,000 tons a year of that pollutant with one that emits 500 tons. Likewise, a cutoff of Federal highway funds, in addition to being unfair to those who have just been touched for that extra nickel-a-gallon gas tax, may well mean that a freeway that would eliminate daily traffic jams, featuring hundreds of cars idling for 15–20 minutes a trip, will not get built. The only real value of the sanctions lies in the incentives they provide for additional cleanup, which is why it makes little sense to punish those areas that have already done everything they were supposed to do.

One final point, Mr. Speaker, and that is now that the EPA Administrator has enunciated his sanctions policy generally speaking, it is my hope that the rule of thumb this amendment applies—namely that areas which have made all reasonable efforts to comply with the deadlines should not be penalized—will be applied to those areas facing 1987 deadlines for attainment of the ozone and carbon monoxide standards. To apply sanctions because an area cannot show attainment, even though it is doing everything it can, is not the best way to accomplish the objective we all share—cleaner air. Responsible citizens may bend every effort to accomplish what is difficult, but there is little incentive to attempt the impossible. What would make more sense, and this amendment is a step in that direction, is the development of a Clean Air Act sanctions policy that is both firm but fair.

● Mr. RICHARDSON. Mr. Speaker, I am very disappointed in the action taken by the conferees to drop two provisions of extreme importance to veterans, especially Vietnam era vets.

On June 7, this House overwhelmingly approved the emergency Vietnam veterans job training bill by a vote of 407 to 10. The Senate passed a similar measure by a unanimous voice vote and included $150 million for the program in their version of the HUD appropriation bill. However, funding for the Vietnam Veterans Job Training Act was dropped in conference. This will delay implementation of this much needed program for several months.

Mr. Speaker, Vietnam veterans are suffering from a staggering level of unemployment. Congress recognized this fact by passing an emergency program to assist them. The conference report sends the signal that although we recognize the unemployment problems facing Vietnam vets, we are not willing to provide the resources necessary to improve their situation.

I am also deeply concerned the conferees chose to drop the $150 million contained in the House appropriation bill for a Mortgage Assistance Act for Unemployed Veterans. H.R. 2968, the Veterans Mortgage Foreclosure Act, passed the House on May 24 by a convincing margin of 394 to 23. This bill would not require additional appropriations, but would be funded out of the VA direct loan revolving fund. The act would provide limited assistance to veterans who through no fault of their own are facing foreclosure on their home.

Mr. Speaker, the recession has forced millions of veterans out of work. It makes perfect sense to help these victims of the economy keep their homes until they can get back on their feet again.

The conferees noted they were deleting funds for both of these programs without prejudice regarding eventual authorizing legislation. But my colleagues know this legislation will be less likely now that the funds for the programs have been deleted.

Why was funding for these two veterans programs that enjoyed strong support in both Houses dropped by the conferees? Because the President sent a message to the conferees that he would not accept the HUD appropriation bill if it contained funding for

the Vietnam jobs training bill or the Veterans Mortgage Assistance Act.

Mr. Speaker, while the President had no problems with signing an emergency jobs bill a few months ago—he has seemingly singled out Vietnam veterans as not needing job training assistance. I heard hours of testimony in the Veterans Affairs Committee and I can tell my colleagues that Vietnam veterans are in desparate need of help. They simply want the Government, they so courageously served, to help them learn a vocation so they can make it on their own.

I also find it very strange that the President would oppose the Mortgage Assistance Act. We hear so often from the White House that the Government must save money where ever it can. Well, the Mortgage Assistance Act would save the taxpayers money. A CBO report reveals that with only a 60-percent payback rate on the mortgage assistance loans, the program would cost the VA less than if they had to acquire and sell property after foreclosure. I am at a loss why the President would oppose a program that would assist veterans while saving the Government money.

Mr. Speaker, our Nation's veterans must wonder what it will take before their President decides they deserve a helping hand.●

● Mr. ALBOSTA. Mr. Speaker, I rise in strong support of the conference report on HUD-independent agencies appropriations for fiscal year 1984, and in particular the $6 million earmarked in the legislation to monitor, test, and study dioxin around the country.

This legislation represents the culmination of 3 months worth of work that I have been involved in trying to get the Environmental Protection Agency do testing of, and monitoring for, dioxin contamination in Michigan and around the country so that we can begin to set safe levels for the regulation of dioxin in the United States. We need to answer the many serious questions that have been raised in the past 3 months about dioxin and its potential to harm human health. People in Michigan and around the country want and need answers to these questions.

The conference report we are considering today will give us the tools to find these answers. EPA is directed to undertake a comprehensive study both in Michigan and in other areas of the country. Research work into the human toxicity and disposal methods for dioxin is also required by this legislation. EPA is in the process of preparing its final plans for the dioxin study and by passing this conference report we can keep the dioxin study on a fast track to completion.

I urge adoption of the conference report providing funding for the Environmental Protection Agency in fiscal year 1984. I also want to thank the chairman of the subcommittee, the distinguished gentleman from Massachusetts, as well as other members of the House and Senate Appropriations Committee for being so supportive of funding for the EPA dioxin study.●

● Mr. COYNE. Mr. Speaker, I rise in support of H.R. 3133, the HUD-Independent agencies appropriations bill for fiscal 1984.

The need for adequate funding of our housing and community development programs has rarely been more apparent. As this administration continues its attempts to reduce new funding for assisted housing to near zero, this Congress, through the appropriations process, is making a firm statement in support of these critical programs.

I am especially pleased the conference report includes $2 million for a neighborhood development grant demonstration program. This innovative effort would, as provided in H.R. 1, allow the Department of Housing and Urban Development to assist neighborhood groups by making matching grants to promote development activities.

Mr. Speaker, such programs as HUD's urban development action grants work well for the big-ticket items of urban development. Neighborhood groups, which ususally have only a skeleton staff and minimal budgets, are easily lost in the shuffle when it comes to obtaining development assistance. The neighborhood development grant demonstration, which the conference committee would fund from the HUD Secretary's discretionary fund, is designed to make good use of the ideas initiated at the neighborhood level.

Here is how the neighborhood development grant program would work. A matching grant would be made available to eligible nonprofit neighborhood organizations which are carrying out projects to create permanent jobs, establish or expand businesses, or develop or rehabilitate housing. Other activities which could be eligible for a neighborhood development grant, not to exceed $50,000, are programs which deliver essential services or which promote or finance voluntary neighborhood activities.

The amount awarded by HUD would be from 3 to 10 times the amount raised by the neighborhood organization from individuals, organizations, or businesses in the area. The ratio used to determine the size of the grant would depend on the degree of economic distress in the neighborhood, the extent to which the proposed activities would benefit low- and moderate-income people, and the amount of participation from neighborhood businesses and individuals.

The conference report contains no appropriations for the ill-conceived housing voucher program, a proposal which, as designed by the administration, appears to be a convenient vehicle for lessening the Federal commitment to low-income housing. I commend the conferees on their decision not to fund a voucher program unless an authorization bill requires such appropriations.

The House will, I hope, soon have the opportunity to act on H.R. 1, the Housing and Urban Rural Recovery Act of 1983. It is my estimation that the House will agree with the Banking Committee's rejection of the voucher approach to low-income housing assistance. The bill reported by the committee also contains important revisions in the housing and community development law, including a restoration of the 25-percent tenant contribution to rent in assisted housing, which must me made if we are to repair the damage of the 1981 Gramm-Latta bill. In addition, the measure would revise and expand the urban homesteading program, authorizing a new emphasis on low- and moderate-income persons as the principal beneficiaries of this effort.

I urge a yes vote on the conference report on the HUD-Independent Agencies appropriations bill. I look forward to continuing the commitment of this Congress to housing and community development through prompt approval of the authorizing legislation, the Housing and Urban Rural Recovery Act of 1983.●

Mr. GREEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 99, not voting 20, as follows:

[Roll No. 226]

YEAS—314

Ackerman	Annunzio	Bates
Addabbo	Anthony	Bedell
Akaka	Archer	Beilenson
Albosta	Aspin	Bennett
Alexander	AuCoin	Berman
Anderson	Barnes	Bethune
Andrews (TX)	Bateman	Bevill

Biaggi	Harkin	Patterson
Bliley	Hatcher	Pease
Boehlert	Hawkins	Penny
Boggs	Hefner	Pepper
Boland	Hertel	Perkins
Boner	Hightower	Pickle
Bonior	Hillis	Porter
Bonker	Holt	Price
Borski	Horton	Pursell
Bosco	Howard	Quillen
Boucher	Hoyer	Rahall
Boxer	Huckaby	Rangel
Breaux	Hughes	Ratchford
Britt	Hutto	Ray
Brooks	Jacobs	Regula
Broomfield	Jeffords	Reid
Brown (CA)	Johnson	Ridge
Bryant	Jones (NC)	Rinaldo
Burton (CA)	Jones (OK)	Ritter
Campbell	Jones (TN)	Robinson
Carper	Kaptur	Rodino
Carr	Kasich	Roe
Chandler	Kastenmeier	Rose
Chappell	Kazen	Rostenkowski
Chappie	Kemp	Roukema
Clarke	Kennelly	Rowland
Clay	Kildee	Roybal
Clinger	Kogovsek	Sabo
Coelho	Kolter	Savage
Coleman (MO)	Kostmayer	Sawyer
Coleman (TX)	LaFalce	Scheuer
Collins	Lantos	Schneider
Conte	Leach	Schulze
Conyers	Lehman (CA)	Schumer
Cooper	Lehman (FL)	Seiberling
Coughlin	Leland	Shannon
Courter	Lent	Sharp
Coyne	Levin	Shaw
D'Amours	Levine	Sikorski
Daniel	Lewis (CA)	Simon
Daschle	Lewis (FL)	Sisisky
Daub	Lipinski	Skelton
Davis	Livingston	Smith (FL)
de la Garza	Lloyd	Smith (IA)
Dellums	Long (LA)	Smith (NE)
Derrick	Long (MD)	Smith (NJ)
Dickinson	Lowry (WA)	Snowe
Dicks	Lujan	Solarz
Dixon	Luken	Spence
Donnelly	Lundine	Spratt
Dorgan	Madigan	St Germain
Dowdy	Markey	Staggers
Downey	Marlenee	Stark
Duncan	Marriott	Stokes
Dwyer	Martin (NY)	Stratton
Dyson	Matsui	Studds
Early	Mavroules	Sundquist
Eckart	Mazzoli	Swift
Edgar	McCain	Synar
Edwards (AL)	McCloskey	Tallon
Edwards (CA)	McCurdy	Thomas (CA)
Emerson	McDade	Thomas (GA)
English	McGrath	Torres
Erdreich	McHugh	Torricelli
Evans (IL)	McKernan	Towns
Fascell	McKinney	Traxler
Fazio	McNulty	Udall
Feighan	Mica	Vander Jagt
Ferraro	Michel	Vandergriff
Fiedler	Mikulski	Vento
Fields	Miller (CA)	Volkmer
Fish	Mineta	Walgren
Flippo	Minish	Watkins
Florio	Moakley	Waxman
Foglietta	Molinari	Weaver
Foley	Moore	Weiss
Ford (TN)	Morrison (CT)	Wheat
Fowler	Morrison (WA)	Whitehurst
Frank	Mrazek	Whitley
Frost	Murphy	Whitten
Fuqua	Murtha	Williams (MT)
Garcia	Myers	Wilson
Gaydos	Natcher	Winn
Gejdenson	Nelson	Wirth
Gephardt	Nichols	Wise
Gibbons	Nowak	Wolf
Gilman	O'Brien	Wolpe
Glickman	Oakar	Wortley
Gonzalez	Oberstar	Wright
Green	Obey	Wyden
Gregg	Olin	Wylie
Guarini	Ortiz	Yates
Hall (IN)	Ottinger	Yatron
Hall (OH)	Owens	Young (AK)
Hall, Ralph	Panetta	Young (FL)
Hall, Sam	Parris	Young (MO)
Hamilton	Pashayan	Zablocki
Hammerschmidt	Patman	

NAYS—99

Andrews (NC)	Gunderson	Paul
Applegate	Hance	Petri
Badham	Hansen (UT)	Pritchard
Barnard	Hartnett	Richardson
Bartlett	Hiler	Roberts
Bereuter	Hopkins	Roemer
Bilirakis	Hubbard	Rogers
Brown (CO)	Hunter	Roth
Broyhill	Hyde	Rudd
Burton (IN)	Ireland	Russo
Carney	Jenkins	Schaefer
Cheney	Kindness	Schroeder
Coats	Lagomarsino	Sensenbrenner
Conable	Latta	Shelby
Corcoran	Levitas	Shumway
Craig	Loeffler	Shuster
Crane, Daniel	Lott	Siljander
Crane, Philip	Lungren	Skeen
Dannemeyer	Mack	Slattery
DeWine	MacKay	Smith, Denny
Dreier	Martin (IL)	Snyder
Durbin	Martin (NC)	Solomon
Edwards (OK)	McCollum	Stangeland
Evans (IA)	McDonald	Stenholm
Forsythe	McEwen	Stump
Franklin	Miller (OH)	Tauke
Frenzel	Montgomery	Taylor
Gekas	Moody	Valentine
Gingrich	Moorhead	Vucanovich
Goodling	Neal	Walker
Gore	Nielson	Weber
Gradison	Oxley	Whittaker
Gramm	Packard	Zschau

NOT VOTING—20

Byron	Hansen (ID)	McCandless
Crockett	Harrison	Mitchell
Dingell	Heftel	Mollohan
Dymally	Kramer	Smith, Robert
Erlenborn	Leath	Tauzin
Ford (MI)	Lowery (CA)	Williams (OH)
Gray	Martinez	

□ 1030

The Clerk announced the following pairs;

On this vote:

Mr. Mitchell for, with Mr. Robert F. Smith against.

Mr. Mollohan for, with Mr. McCandless against.

Mr. Williams of Ohio for, with Mr. Hansen of Idaho against.

Messrs. MacKAY, GUNDERSON, HANSEN of Utah, HARTNETT, BURTON of Indiana, RICHARDSON, and HOPKINS, Mrs. SCHROEDER, and Messrs. WHITTAKER, FRANKLIN, RUDD, and LAGOMARSINO changed their votes from "yea" to "nay."

Mr. DICKINSON changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 1: Page 2, strike out lines 6 to 24, inclusive, and insert:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $809,954,229: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $7,954,862,810: *Provided further*, That of the budget authority provided herein, $467,460,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,926,400,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), $1,600,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 14371), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, and, $1,149,510,000 shall be available for contracts entered into under the modified section 8 existing housing assistance program, of which $479,000,000 shall be used in conjunction with units also assisted under the rental rehabilitation program: *Provided further*, That the budget authority in the foregoing proviso for the modified section 8 existing housing assistance program and the rental rehabilitation program shall be available only to the extent that legislation authorizing the modified section 8 existing housing program and the rental rehabilitation program are enacted: *Provided further*, That notwithstanding any other provision of this Act, up to the first $1,575,000,000 in budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available for annual contribution contracts under the section 8 existing housing program (42 U.S.C. 1437f): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further*, That of the balance of merged amounts of budget authority provided herein, and not previously set-aside, $3,080,694,060 shall be available for obligation in 1984 to convert contracts assisted under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) and section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) to contracts assisted under section 8 of the United States Housing Act of 1937, as amended, and up to $2,292,598,750 shall be available for other contracts as authorized by section 5 of the United States Housing Act of 1937, as amended.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. BOLAND:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of

the matter stricken and proposed by said amendment, insert the following:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $636,336,000: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $9,912,928,000: *Provided further*, That of the budget authority provided herein, $389,550,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,550,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 14371), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, and $1,500,000,000 shall be deferred and shall not become available until January 1, 1984: *Provided further*, That the first $1,926,400,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall only be made available for assistance to projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Senate amendments numbered 6, 10, 13, 35, 40, 43, and 58 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

Senate amendment No. 6 reads as follows: Page 7, after line 13, insert:

Any fee charged in accordance with a contract by a contractor to recover indebtedness owed to the United States may be payable from the amount collected by such contractor, up to such amount as may be owed such contractor, in accordance with section 13(b) of the Debt Collection Act of 1982 (Public Law 97-365).

Senate amendment No. 10 reads as follows: Page 9, line 5, after "Development" insert ": *Provided further*, That any unit of general local government which was classified as a metropolitan city in fiscal year 1983 pursuant to section 102(a)(4) of the Housing and Community Development Act of 1974, as amended, shall continue to be classified as a metropolitan city for purposes of the allocation of funds provided herein for fiscal year 1984".

Senate amendment No. 13 reads as follows: Page 11, line 6, after "1985" insert ": *Provided*, That $4,000,000 of the foregoing amount is to be made available solely for a study of the costs of bringing the existing public housing stock into conformance with property and energy conservation standards established by the Secretary".

Senate amendment No. 35 reads as follows: Page 21, line 22, after "design" insert ": *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations if he determines that deferral of such action until the enactment of the next Appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities".

Senate amendment No. 40 reads as follows: Page 24, after line 21, insert:

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the U.S. Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $1,000 for official reception and representation expenses; $102,100,000, to remain available until expended: *Provided*, That receipts for support services and materials provided to individuals for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft.

Senate amendment No. 43 reads as follows: Page 25, line 10, after "tionally" insert ": *Provided further*, That no less than $34,000,000 shall be made available for merit based instructional materials development, evaluation and demonstration activities: *Provided further*, That up to $5,000,000 may be transferred from funds provided under this head to and merged with funds made available under "Research and related activities" for the purpose of conducting research on teaching and learning".

Senate amendment No. 58 reads as follows: Page 35, line 15, after "limitations" insert ": *Provided further*, That the preceding transfer provision shall also apply to the limitations provided in fiscal year 1983 and that these provisos shall be effective upon enactment of this Act".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendments of the Senate numbered: 6, 10, 13, 35, 40, 43, and 58 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 16, line 13, after "96-510" insert ": *Provided further*, That for the performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $6,415,000 is appropriated to the Department of Health and Human Services, to be derived by transfer from the Hazardous Substance Response Trust Fund."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $5,000,000 shall be made available to the Department of Health and Human Services on October 1, 1983, to be derived by transfer from the Hazardous Substance Response Trust Fund."

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate Amendment No. 26: Page 16, line 18, strike out "$2,400,000,000" and insert "$2,430,000,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment,

insert the following: "$2,400,000,000, to remain available until expended, and for projects under section 201(n)(2), subject to the approval of the Committees on Appropriations, $30,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 32: Page 19, line 24, after "$1,449,000" insert ", to be deposited to the Consumer Information Fund: *Provided*, That the revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,949,000: *Provided further*, That revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ", to be deposited into the Consumer Information Center Fund: *Provided*, That the revenues and collections deposited into the fund shall be available for necessary expenses, other than administrative expenses, of Consumer Information Center activities in the aggregate amount of $6,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1984 shall not exceed $1,449,000. Revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER. pro tempore. The clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 33: Page 20, strike out all after line 7 over to and including line 5 on page 21 and insert:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station, (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,016,900,000 to remain available until September 30, 1985.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of matter stricken and proposed by said amendment, insert the following:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,011,900,000, to remain available until September 30, 1985.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 34: Page 21, after line 5, insert:

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,530,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,776,600,000 to remain available until expended; provided, that up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred to any other NASA appropriation with the approval of Committees on Appropriations.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND, Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,500,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,791,600,000, to remain available until September 30, 1985: *Provided*, That up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred between such accounts with the approval of Committees on Appropriations.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 47: Page 26, after line 20, insert:

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, $4,566,700,000.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 47, and concur therein.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the

gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I very much appreciate the distinguished chairman of the Subcommittee on Appropriations yielding to me on this matter. I would like to take the occasion to make a brief background statement and then ask for a comment from the distinguished chairman.

This matter involves the general revenue sharing program. I have the distinction and privilege of chairing that Subcommittee on Intergovernmental Relations and Human Resources of the Government Operations Committee which has jurisdiction over authorizing the funding for this program.

At the time that the appropriations bill came before the House, the report stated that the committee has deferred action pending authorization decisions concerning possible additional funding for local and State governments.

Although the Government Operations Committee has reported the bill favorably, the authorizing process has not yet been completed. The Senate apparently has appropriated the same figure for localities, $4,566,700,000 that had been appropriated in the previous fiscal year.

The Committee on the Budget of the House had provided initially for an $800 million increase above last year's figure for localities and in conference with the Senate the figure has now been agreed to as $450 million. Obviously the amendment which the gentleman has offered does not account for that $450 million. He and I have had some private discussions and what I would like is for an indication on the record that when the final determination as to the new authorization figure is in fact arrived at, that the gentleman's committee will provide a vehicle, an opportunity for the finally arrived at authorization figure to be considered by this House.

Mr. BOLAND. Will my friend from New York yield?

Mr. WEISS. I yield to the gentleman.

Mr. BOLAND. The gentleman from New York has correctly stated the figures with reference to the general revenue sharing matter. As he indicated, this bill carriers $4,566,700,000 for the general revenue sharing program for fiscal year 1984. And it is, as he suggested, the amount carried in the bill for fiscal year 1983. His subcommittee and the committee that he sits on did recommend an authorization of $5,297,333,000 for local governments. The budget resolution conference report assumes $5,017,000,000 for general revenue sharing.

In the committee, because of the uncertainty surrounding the outcome of the authorization process, we deferred consideration of the budget request. We felt it made more sense to wait. However, in conference the Senate insisted on its position, which was to provide the budget estimate.

I want to assure the gentleman that if higher levels are ultimately authorized—and there is no doubt in my mind that they may be, because this particular program is of the highest priority to 39,000 communities throughout the United States—the action taken in the conference report in no way precludes us from providing additional funding to meet the authorization level in a subsequent appropriation vehicle. That vehicle might very well be a supplemental appropriation bill or it might very well be a continuing resolution.

As the gentleman from New York knows, the first payment to be made from fiscal 1984 appropriations is not scheduled, under current law, to be sent out until January 5, 1984. Between now and then there should be sufficient opportunities in a continuing resolution to provide necessary supplemental funding. Also, as I have indicated, additional funding could be provided in a supplemental appropriation bill. I am sure that this committee would go along with the authorization level because we recognize the importance of this program to the many localities that share in the general revenue sharing program.

Mr. WEISS. Mr. Speaker, I very much appreciate the assurances given by the gentleman and I thank him for yielding the time.

Mr. BOLAND. I thank the gentleman from New York.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. MONTGOMERY), the chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the chairman yielding. I think it would be proper if the chairman would let me bring up what has happened in this conference report pertaining to the veterans' jobs funding and also the veterans' mortgage assistance, as I understand it, these programs were not funded because the authorization had not become law. I am sorry I did not get here a little sooner to talk to the chairman about this. Would the chairman explain what happened to the funding of these veterans' programs?

Mr. BOLAND. If the gentleman from Mississippi will yield, this committee is conscious of the significance of this program. The Vietnam veterans' jobs training bill has been authorized by the Committee on Veterans' Affairs. It has passed both Houses, but it has not been signed into law.

Let me say to the gentleman from Mississippi, as he well knows, this subcommittee over the years has been the protector of veterans' appropriations bills. Oftentimes, the gentleman from Mississippi and his committee have congratulated this subcommittee for the actions they have taken regarding veterans' programs.

One of the reasons why we did not include the $150 million appropriation for this program is that it is an entirely new program, and has not yet been authorized. As the gentleman knows, and the other Members sitting in the House here today know, the Appropriations Committee oftentimes does appropriate for programs that have not been authorized by the authorizing committees. But those are programs for which there have been previous appropriations and are not brand new programs. There are three other programs in this bill that are brand new programs that have not been authorized. Let me say when the authorization bill is law, we can consider funding in a supplemental bill or in a continuing resolution—and we would be glad to do it.

□ 1045

Let me say that with respect to this program itself, the House version of this bill includes language which authorizes a veterans job training program. The authorizing committees of the House and Senate have a difference in how this program ought to be funded.

I want to congratulate the Veterans' Affairs Committee of the House on the manner in which it has handled this bill, because it includes language which authorizes this jobs training program, subject to the approval of funding in appropriations act.

On the other hand, the Senate bill, for all practical purposes, makes this program an entitlement. I think we ought to get away from entitlements. One of the reasons the budgets we have are so astronomical is because the entitlement programs that have been built into the budget process over the past years. So, on that basis alone, we thought that we had better wait until there is an authorization signed into law and at that time we would make provisions for the $150 million.

Mr. MONTGOMERY. I would like to thank the gentleman and his subcommittee, along with the gentleman from New York (Mr. GREEN), who have been very fair to us, but I am concerned. In our veterans committee we do try to control legislation that comes out of the committee to be sure that it will help the veterans. We thought these bills were needed, especially the Vietnam-era jobs bill. There is more unemployment under the Vietnam-era veteran then there are those who did not serve in Vietnam.

We whip right through this House another jobs bill that did not include the Vietnam veteran.

Also on the mortgage assistance for veterans, we thought in effect that would save that Government money

because it cost about $7,800 to foreclose on a veteran's house when he cannot make the payments. And we were giving him, under this appropriation, a little more time, giving them the benefit of the doubt. It was kind of a money saver.

I understand what the gentleman is saying, but we are still disappointed. We will work with the gentleman in the future, of course.

I have additional remarks I would like to make.

Mr. Speaker, I am disappointed in the action taken by the conferees on the issues in disagreement relating to veterans' affairs. It is obvious Vietnam veterans will be adversely affected by the action taken in conference on the HUD-independent agencies appropriation bill.

You will recall on June 7, the House, by a vote of 407 to 10, passed H.R. 2355, a bill that would enhance the employment opportunities of Vietnam veterans. The bill we passed authorized $150 million for fiscal years 1984 and 1985 for the employment of Vietnam veterans and the conference agreement on the first concurrent budget resolution included money for both fiscal years.

We were encouraged that the emergency Vietnam veterans jobs training bill could be quickly implemented because the Senate, on June 15, passed a similar measure by unanimous voice vote.

In addition, the Senate included the funding for the emergency Vietnam veterans jobs training bill when it passed the HUD-independent agencies appropriation bill on June 21. We had thought the prospects were good that the provision would have been accepted by the House but, unfortunately, that was not the case. I regret the conferees have seen fit not to include this money as it will delay the implementation of the emergency Vietnam veterans, jobs training bill for several months. This makes no sense at all in view of the tremendously high rate of unemployment among Vietnam veterans at this time.

Mr. Speaker, a provision contained in the appropriation bill when it passed the House would have allowed the Veterans' Administration to provide mortgage foreclosure assistance to many Vietnam veterans who are faced with the loss of their homes because of loss of jobs. The House had passed the veterans mortgage foreclosure bill (H.R. 2948) on May 24 by a vote of 394 to 23. Unfortunately, the funding provision for this measure was also dropped in conference.

It is hard for me to understand, Mr. Speaker, why these two issues were dropped in conference, when the House and Senate had no reluctance at all in passing the emergency appropriation jobs bill earlier this year that contained millions of dollars for job training for the elderly, summer youth, displaced persons, and other similar categories of individuals. I want everyone to understand, Mr. Speaker, that the Committee on Veterans' Affairs has done everything it could to help eliminate the unemployment problems Vietnam veterans have experienced for so long. Both the House and Senate authorizing committees have never failed to devote proper time and attention to this deserving group of American citizens.

I have grave concern about our priorities, Mr. Speaker, and because the funds for these two Vietnam veteran programs were dropped in conference I am concerned about their welfare. I hope the committee will reconsider when the authorizations become law and appropriate the funds.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I would like to associate myself with the gentleman's remarks and I would also like to commend the chairman of the committee for stating here publicly that if we move quickly and authorize the jobs program, that it in fact will be part of an additional resolution in the future.

I think the gentleman from Mississippi makes a good point. We have some of the highest unemployment among Vietnam-era veterans. And they are one of the highest populations of people in our society who have not found work and are in what is called long-term unemployment. These Vietnam veterans particularly are the ones that we used to fashion the jobs bill out of the Veterans' Affairs Committee. It is really critical that once the authorization passes both the House and the Senate and is signed by the President that we get the assurances of the Appropriations Committee that there will be no delay in the funding of that program, because it has been the intention of the House and I think the intention of the Senate, as well, that these Vietnam veterans not be neglected and that this jobs bill become part of the public law.

Mr. MONTGOMERY. As the gentleman knows, we try to control the flow of legislation coming out of the House Veterans' Affairs Committee; we do not try to overload and vote a lot of bills out of committee. When we do vote them out, we wish they would have the proper consideration and be funded.

Mr. EDGAR. That is correct. I thank the gentleman for his comments.

Mr. BOLAND. Mr. Speaker, just one more comment with reference to this particular item. If we had agreed to all the unauthorized new programs, this would have meant $150 million for the veterans job-training program, $150 for the veterans mortgage assistance program, $312.5 million for the housing certificate program, and $300 million for the rental rehabilitation program. All of these added together came to around $900 million—which we would have added to this bill. This bill, in my judgment, would then have been vetoed by the President.

There are a lot of other programs in this bill besides the veterans' programs. I think with the assurance we have given to the chairman of the Veterans' Affairs Committee and the distinguished gentleman from Pennsylvania, that when we get an authorization of $150 million for either one of these programs, I am sure that we will approve it.

In any event, even if the money were appropriated, it would not be available until October 1, 1983. By that time, if an authorization bill is in place, which is not an entitlement—I want to congratulate the House Veterans' Affairs Committee for its position in this area—if that is not an entitlement, I can assure the gentlemen who are concerned about this that this would be one of our first priorities. We recognize the importance of a jobs program to Vietnam veterans.

Mr. EDGAR. If the gentleman would yield further, I do not think there was any intention on the part of the House Veterans' Affairs Committee that it be an entitlement program, that it be a discretionary program that would be used. I commend the gentleman for his comments.

Mr. BOLAND. I thank the gentleman from Pennsylvania.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 29, line 25, strike out all after "expended" over to and including "Act" in line 7 on page 30 and insert ": *Provided*, That funds provided in the appropriation, "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further*, That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after final acceptance of the project by the Veterans Administration".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the matter stricken and proposed by said amendment, insert the following: ": *Provided*, That, except for advance planning of projects funded through the advanced planning fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That $15,000,000 of the advance planning funds provided in this Act for medical projects shall only be available for the advance planning of those projects proposed in fiscal year 1983 and prior years: *Provided further*, That funds provided in the appropriation "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further*, That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after final acceptance of the project by the Veterans Administration".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 59: Page 38, line 17, after "1974" insert "to travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. KAZEN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions were laid on the table.

PRIVILEGES OF THE HOUSE—ESTABLISHING SELECT COMMITTEE TO CONDUCT INVESTIGATION AND INQUIRY INTO ALLEGED ALTERATIONS OF AND OMISSIONS IN TRANSCRIPTS OF HEARINGS

Mr. WINN. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 245) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 245

Whereas on July 21 and 22, 1982, joint hearings were held by various subcommittees of three House committees, the Committee on Government Operations, the Committee on Science and Technology, and the Committee on Energy and Commerce, for the stated purpose of reviewing the activities of the Environmental Protection Agency during the preceding year;

Whereas several Members of the House, as members of these committees or subcommittees, participated in those hearings, and testimony was received from public witnesses at those hearings, all of whose statements and remarks during such hearings were recorded and transcribed;

Whereas the printed record of such hearings, an official House document entitled "EPA Oversight: One Year Review," was not received from the Government Printing Office until April 27, 1983;

Whereas such House document differs materially from the original transcript and record of such hearings, and allegations have been made that such document has been materially tampered with and purposefully falsified in that statement of Members of the House and of public witnesses have been significantly altered so as to change their meaning and intent and portions thereof omitted, without the knowledge or approval of such Members and witnesses;

Whereas the staffs of such committees had access to, and responsibility for, such transcripts and records, including the responsibility for the accuracy and protection of such documents;

Whereas certain documents, including those portions of the official transcripts of such hearings which may reflect changes made in the statements of the Members of the House and public witnesses present at said hearings, which are the property of the House, have apparently been improperly disposed of;

Whereas on March 31, April 14, 15, 29, and 30, and May 2, and 22, 1980, hearings were held by a subcommittee of the Committee on Government Operations entitled "Silver Prices and the Adequacy of Federal Actions in the Marketplace" and that certain testimony and statements of that hearing may also have been materially tampered with;

Whereas the alleged falsification of House documents may impact upon the legislative history of legislation considered by one or more committees of the House; and

Whereas such allegations reflect adversely upon the integrity of the proceedings of the House, the accuracy and protection of its records and documents, and the conduct of its employees: Now, therefore, be it

Resolved, That there is hereby established in the House of Representatives a select committee to investigate the alleged alterations of certain transcripts, as provided in this resolution (hereinafter referred to in this resolution as the "select committee").

SEC. 2. The select committee shall conduct a full, complete, and open investigation of—

(1) the alleged alterations of and omissions in the transcripts of the joint hearings to review the activities of the Environmental Protection Agency which were held on July 21 and 22, 1982, by various subcommittees of the Committee on Government Operations, the Committee on Science and Technology, and the Committee on Energy and Commerce;

(2) any and all allegations or charges that Members or employees of the House participated in, or had knowledge of, such alterations and omissions; and

(3) whether other House documents have been similarly altered or falsified.

SEC. 3. (a) The select committee shall be composed of an equal number of Members of the majority party and the minority party of the House, one of whom shall be designated as Chairman.

(b) For the purposes of this resolution, a majority of the members of the select committee shall constitute a quorum.

SEC. 4. (a) For purposes of carrying out this resolution, the select committee is hereby authorized—

(1) to sit and act, subject to the Rules of the House, at such times and places as it shall determine; and

(1) to sit and act, subject to the Rules of the House, at such times and places as it shall determine; and

(2) to require the attendance of such witnesses and the production of such papers and documents, by subpoena or otherwise, and to take such testimony and records, as it deems necessary.

(b) Subpoenas may be issued over the signature of the chairman of the select committee, or by any member of the select committee designated by the chairman, or by direction of a majority of the members of the select committee, and shall be served by such person or persons as the chairman of the select committee shall designate.

(c) The chairman of the select committee, or any member of such committee, may administer oaths to witnesses.

SEC. 5. The select committee shall report to the House at any time prior to, but not later than October 28, 1983.

The SPEAKER pro tempore. The Chair has examined the resolution and is satisfied that under the precedents it raises a question of the privileges of the House pursuant to rule IX.

The gentleman from Kansas (Mr. WINN) is recognized for 1 hour.

Mr. WINN. Mr. Speaker, I yield 30 minutes to the majority leader, the gentleman from Texas (Mr. WRIGHT) for the purposes of debate only.

□ 1100

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for yielding.

I shall simply state at this time that at the conclusion of the debate on this privileged resolution I will move to refer the resolution to the Committee on Rules. My purpose in so doing will be to preserve the procedures of the House as they have historically been honored.

Under the rules of the House, the Committee on Rules is, of course, the proper entity to which any motion to create a new committee normally is referred. Whether a new select committee should be created to investigate this one apparent aberration from the honor of the House or whether it should properly be referred to our Committee on Standards of Official Conduct is a judgment which properly ought to be made by the Committee on Rules. That is the purpose for which the Committee on Rules exists. If in its wisdom the Committee on Rules should determine that this entire matter rightly ought to be referred to our standing Committee on Standards of Official Conduct, then, of course, that committee can begin an investigation immediately.

The Committee on Standards of Official Conduct is in place; it is ready to go. It does not have to await the appointment of counsel, the appointment of Members, the creation of a new committee, the creation of new rules for a new committee. It can start immediately.

The matter involved in this resolution is indeed one which goes to the question of the honor and the integrity of the House. If transcripts of official proceedings have been tampered with, if it can be established that any individual, either a Member or an employee of the House, has sought to change or alter the meaning of testimony given before one of the House committees or the meaning and context in which any Member of this House has expressed himself or herself in such committee, then that matter needs to be called to the attention of the Members of the House. It needs to be called very forcefully to the attention of whomever it may be who may have committed such an infraction of the rules and the basic honor of this institution.

For that reason, it seems to me that it would be appropriate that we honor the rules of the House by referring this resolution, as it should be referred, to the Committee on Rules. If it rightly ought to be the subject of an immediate investigation by the Committee on Standards of Official Conduct, I am certain that that committee, in its usual expeditious way, in its usual businesslike, bipartisan way, will conclude that investigation.

Mr. Speaker, I reserve the balance of my time.

Mr. WINN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it disturbs me that we obviously are going to have "politics as usual" instead of having open hearings we have requested, those of us who have been wronged. We are now asking or we have been informed that they are going to ask that my preferential resolution be referred to the Rules Committee, which is controlled by the majority party 2 to 1 plus 1. That is why I say, "politics as usual," because in the changes in the original transcripts, the Republican or the minority comments were changed to appear in a negative light, while the Democrat or the majority comments were put in a very positive light, particularly after the changes were made.

Mr. Speaker, as I say, it disturbs me to ask for this question of privilege, but we should have open hearings on this. We cannot do that if this goes to the Ethics Committee. The integrity of this House and the three committees and the five subcommittees are involved, Mr. Speaker, and that is why we have had to take this route.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Kansas for yielding me this time, and I speak first as an aggrieved party whose comments were altered in the context of the comments that I had with the former Member, the gentleman from Connecticut, Mr. MOFFETT, were altered. But I also speak as an alumnus of the Ethics Committee, having served on that body during the 96th Congress which dealt with the Diggs matter, the Flood matter, the Abscam matter and several other matters.

Frankly, the historical procedures that this House has used to delve into official misconduct are not adequate in this special situation because it is very clearly an instance where the integrity of the House of Representatives and its proceedings is at stake on what we do in response to the alteration of the transcripts not only in the EPA hearings of 1982, but also in the silver market hearings of 1980.

The rules of the Committee on Standards of Official Conduct clearly state that during the investigatory stage of any misconduct investigation, everything becomes secret, it is heard behind closed doors, and any Member or employee that breaches that confidence places himself subject to discipline by the House of Representatives.

Furthermore, our rules state that any records that are in the possession of the Committee on Standards of Official Conduct become closed records. So the records that are presently now open to every Member by rule of the House, as soon as it goes over to the Ethics Committee gets put under lock and key and, consequently, the public might not know if there are further instances of misconduct involving the alteration of transcripts.

I think that the issue of this resolution is very clearly whether we as a House will put our house in order as quickly as possible and as openly as possible, to make sure that this does not happen again.

And there is also one other issue, and that is that the proceedings contemplated by this resolution will be just as much to protect the innocent as it will be to identify and punish the guilty. Anybody who appears before the Ethics Committee is placed under a cloud of suspicion among their colleagues and among the press, and I think that an open hearing will be able to determine which of our dedicated and loyal employees have not committed this misconduct and to clear their names and their professional reputations, just as it will be to identify and get rid of the rotten apples that have caused this disgrace upon the House of Representatives.

So I would urge the Members to vote for openness, to vote against a motion to refer offered by the gentleman from Texas (Mr. WRIGHT), and to vote in favor of the resolution of the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, we are faced with two important questions, both of which will be resolved in one vote.

The first question is: Are we capable of dealing with criminal misconduct by key employees of this House?

The second question is: How will we investigate this matter and assure the public that we have corrected our problem?

Let me deal with the first question first: Are we capable of dealing with questions of misconduct? So far, those of us who have a problem here, who have been aggrieved by this whole situation, have seen only efforts to bury the issue and keep it as far out of the public eye as possible. That disturbs me.

How will we investigate? Well, I think it is clear that any investigation should be open and fully accessible to the public.

Now, what about the vote that we are going to cast here on the motion to refer that will be offered by the majority leader? If we vote for that motion, we are not going to meet either one of those tests. What we would do with that motion is to refer this matter to the single most partisanly stacked committee of this House. That is hardly acting in a way which assures us that we are going to deal capably with the whole issue of criminal misconduct.

Also, the motion, according to the majority leader, is going to be probably aimed at moving it eventually to the Ethics Committee. At least that has been the traditional route after such a motion. That would mean that the investigation would be conducted behind closed doors, in secret.

Now, around here when we have dealt with abuse of power, arrogance of power, in the executive branch, we have made absolutely clear that those were to be public hearings. Right now, when we have some investigations going on of perhaps some campaign misconduct, boy, they are right out in the open, we are making certain that that is held right out in the open. And that is as it should be. I agree with that. But we ought to be doing the same thing with regard to our own misconduct here. We ought to be in the open. We are not going to have that if we go to the Ethics Committee.

We should have learned some things over the past decade. We should have learned that America expects us to zealously guard public integrity.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield on that point?

Mr. WALKER. I will, as soon as I am finished with my statement.

Mr. WRIGHT. All right.

Mr. WALKER. And only a select committee can make certain that we do zealously guard public integrity. America expects us to be open in our deliberations about misconduct. Only a select committee will assure us that we can be open.

The question here is clear. There will be a question you will vote on when we come to the motion to refer. Will we have cooperation? Or will we have coverup?

Your votes today will tell America just where you stand.

Mr. Speaker, I will be very glad to yield to the majority leader in whatever time I might have remaining.

Mr. WRIGHT. I appreciate the gentleman's yielding.

Mr. Speaker, I think the gentleman may be mistaken about the manner in which the Committee on Standards of Official Conduct operates.

When the gentleman from Pennsylvania says that anything that is referred to the Committee on Standards of Official Conduct is held in closed session, the gentleman is not accurate.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. WRIGHT. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania.

The truth of it is that the Committee on Standards of Official Conduct operates just as does a grand jury. Its proceedings are open following the discovery process. They are not closed. Only at the point where testimony may come respecting some possible criminal violation do those proceedings become closed. And that is a necessary requirement which would be applicable to any new or select committee that might be created.

Mr. WALKER. If I may reclaim my time, I made a very careful statement here, and it is the point which I think is clear and which I am right on. And that is that the investigation would be conducted behind closed doors and in secret.

In the investigatory stage, under the rules of the House and under the rules of the committee, they conduct their investigations in secret. That is the question that is before us: Should not this investigation be out in the public, where the public can witness what the problems were that come here, and to find out just exactly what took place? That is the kind of investigation that we have held all the time around here, it is exactly the kind of investigation that is being held in the Ethics Subcommittee right now, and I think that it is entirely proper that that is the kind of investigation that this House should hold when we have got questions of misconduct before us. That is what we are asking for. That is what the Ethics Committee, under its own rules, cannot give us. And it seems to me that that is the reason why we feel that this issue could be buried.

We also know that, once the issue goes to Ethics, that they conduct their in-secret investigation and a guilty party is identified, if that party is fired or resigns, the Ethics Committee loses jurisdiction over the matter, they no longer can pursue the mater because under the rules of the House they can only deal with employees, officers or Members of the House.

So, therefore, we could have a situation where the investigation could lead to absolutely nothing and nobody would even know that was going on.

I think that the Ethics Committee may be the right route on some things, but it is the wrong route here.

Mr. WRIGHT. Mr. Speaker, I yield myself 2 minutes, and I do this only to straighten out the record.

The gentleman from Pennsylvania means well, I am quite sure, but he very definitely misstates the fact when he declares that the Committee on Standards of Official Conduct operates only in secret. That is incorrect.

I do not believe there has been any occasion during the history of this committee for any Member of the House to question the validity of its findings or the propriety of its proceedings. That committee has operated from its inception as a completely nonpartisan committee. It was created expressly with half of its Members, members of the minority party and half of the majority party for the reason that we wanted a totally, completely bipartisan committee. It is a blue-ribbon committee.

□ 1115

To insinuate that somehow the proceedings of the Committee on Standards of Official Conduct are less than democratic or less than open or less than proper, or that any other special select committee could be created that would operate in a better or more democratic or more open fashion while still protecting the legal rights of those people who would be under investigation, I think, would be to engage in a misstatement of the actual facts.

Beyond that, it is inaccurate to state that the Committee on Standards of Official Conduct has jurisdiction only over Members and employees of the House.

The SPEAKER pro tempore. (Mr. KAZEN). The time of the gentleman from Texas (Mr. WRIGHT) has expired.

Mr. WRIGHT. Mr. Speaker, I yield myself 1 additional minute.

As Members who have been in this body for any length of time surely will recall, there have been numerous occasions on which the Committee on Standards of Official Conduct has sought and been granted subpena powers which reach far beyond the Members and employees of the House. I cite simply the very well known occasion in which we employed a special counsel, Mr. Jaworski, to investigate the allegations that were rampant under the so-called Koreagate scandal. In that instance, we brought people all the way from Korea, not even citizens of this country, and commanded them to appear, and they did appear.

So it really is not accurate at all to say that our Standing Committee on Standards of Official Conduct is inhibited or limited in its scope in any way whatsoever.

Mr. WINN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. HARNETT).

Mr. HARTNETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am really not all that familiar with the issue here, as to what was said and what was changed and what was transcribed. I guess it might be called a Committeegate, Mr. Leader, or Transcribegate, or something, but I think it really is phenomenal that half of last night's press conference of the leader of the free world was taken up by the liberal media wanting to know about Notegate. What happened to poor Jimmy Carter's little book? I understand that Reagan had a copy of it but he knew it really was not Jimmy Carter's authentic book because it did not have any quotes from Amy Carter in it. Half of the time of the press conference of the leader of the free world was dominated by the liberal media asking questions about Mr. Carter's book. That is a sad thought.

Mr. Strauss, the chairman of the Democratic Committee, was quoted "Why, I think we ought to appoint a special prosecutor." I think it is really ironic and phenomenal that here we have the rights of a minority Congressman, his right to be able to participate in what little participation we have in the committee process, Mr. Leader, and you a Democrat want a closed hearing. You know, we are told how many Members we can have and told how many staff members we can have, and now here he (the Republican Congressman) is trying to operate within the functions of that committee, with integrity and with honesty, and someone changed his testimony to some degree.

I think what we have here is the importance of letting us know that you, (Mr. WRIGHT) in all your righteousness, in all your fairness, would say to the minority Members of this House of Representatives and to the public, "We want this thing held in open hearings. We want you to know that we are protecting your rights honestly; not politically, but honestly and we want the American people to know that this Congress respects the rights of every Member, every individual Member, be he a Democrat or a Republican."

I think it is imperative that every Member in this House vote that this hearing be held in the open.

Mr. WRIGHT. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore The gentleman from Texas (Mr. WRIGHT) has 21 minutes remaining, and the gentleman from Kansas (Mr. WINN) has 20 minutes remaining.

Mr. WRIGHT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. I thank the gentleman for yielding this time to me.

Mr. Speaker, no one regrets this instance happening any more than this Member. Let me say from the beginning that the integrity of the Members of this House, this institution, have been damaged. Now let me also say what has been done.

It has been mentioned about the hearings of last year, in the last Congress, by some five subcommittees, of which two subcommittees were of the Committee on Science and Technology. About May of this year I learned that there appeared to be an alteration of the remarks of the gentleman from Pennsylvania (Mr. WALKER).

Immediately I instructed the general counsel of our committee to review that matter and make sure what the facts were and report back to me. He came back a few weeks later and said it appeared to be more than just one alteration, but it involved a number of them. It was our committee that went through, side-by-side, the printed transcript and also the actual transcript and pointed out some over 100 discrepancies, most of which were normal editing changes, that occurred and involved Members as well as witnesses before that committee.

The transcripts were compared after other errors of omission of materials for the record were discovered. We then, prior to the request of the minority, impounded all of the records and still have them impounded in my office under lock and key from both subcommittees dealing with this particular matter. I have made available and I have sent a letter to the gentleman from Kansas outlining the procedure whereby Members can have access to those, and I would like at this point to insert that letter into the RECORD.

The letter follows:

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
Washington, D.C., June 28, 1983.

Hon. LARRY WINN, Jr.,
House of Representatives,
Washington, D.C.

DEAR LARRY: Your request for documents and other information concerning the Natural Resources, Agriculture Research and Environmental Subcommittee and the Investigations and Oversight Subcommittee has been received, as well as the request to review those impounded materials pertaining to the Joint EPA Hearings.

As we discussed over the phone, I think it best to make the impounded materials available to any Members to review in the committee library inside the hallway of Room 2317. I am also asking the Sergeant-at-Arms to provide personnel for those periods when Members wish to review these materials.

In light of the pending request made to the Committee on Standards of Official Conduct for an investigation of the altered transcripts, all those files impounded by me are to be treated as Executive Session materials.

The attached lists of the two subcommittees contains (1) those hearings published for the 97th Congress, and those still in progress, and (2) those hearings held in the 98th Congress and the status of each.

In the past our Committee has sent the master transcripts to the GPO which are thrown out sometime after printing, and since the remainder of the hearing materials were also discarded once printed, all that can be done to reconstruct a complete record at this time for all the hearings in the 97th Congress would be to request the official reporter to make a copy of the record, if it is available. However, I am sending to you a box containing all those hearings for the 97th Congress that are printed and those transcripts that were located. The records for those hearings not yet completed by the NRARE subcommittee in the 97th Congress can be reviewed by checking with Regina Davis who is retaining the materials until our new hearing publication policy is established.

The records of each of the subcommittee hearings in the 98th Congress are retained in the respective subcommittee offices since they are sending out witness transcripts for review, and collecting the other materials that go in the record for each. As you know, both majority and minority staff are involved in this work. I would request that you contact either George Kopp or Bob Nicholas if you wish to examine those hearing records and files in the subcommittee offices.

Sincerely,

DON FUQUA, *Chairman.*

Mr. FUQUA. Furthermore, at the request of six members of the minority to have a meeting before the Committee on Science and Technology to review this matter, and prior to the actual meeting, there was a meeting called by the chairman of the Committee on Government Operations, the chairman of the Committee on Energy and Commerce, and myself, along with the ranking minority members of those committees, Mr. WINN of the Committee on Science and Technology, Mr. BROYHILL of the Committee on Energy and Commerce, and Mr. HORTON of the Committee on Government Operations.

We tentatively agreed at that time to recommend, since it transcended the three committees, that it go to the Committee on Standards of Official Conduct.

We, on June 15, corresponded with the chairman of the Committee on Standards of Official Conduct, Mr. STOKES, and requested that they have a vigorous, full and complete investigation, and it be undertaken immediately. I would like at this point, Mr. Speaker, to insert that letter into the RECORD.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1983.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to request that the Committee on Standards of Official Conduct undertake an investigation into the circumstances involving the alteration of a transcript published as "EPA Oversight: One-Year Review".

Joint hearings were held on July 21 and 22, 1982, by certain subcommittees of the Committee on Government Operations, Committee on Energy and Commerce, and Committee on Science and Technology. The original transcript of the hearing was altered during the process which led to publication.

Inasmuch as the alterations resulted in substantially changing the meaning of testimony of Members of Congress, we believe that an investigation of the matter can be most appropriately carried out by your Committee. We respectfully request that a vigorous, full, and complete investigation be undertaken immediately and that it be given the highest priority and completed with all possible speed.

We pledge our total cooperation and that of the majority and minority staffs of our committees and subcommittees.

Sincerely,

Jack Brooks, Chairman, Committee on Government Operations; Don Fuqua, Chairman, Committee on Science and Technology; John D. Dingell, Chair-

man, Committee on Energy and Commerce.

Mr. FUQUA. On June 23, the Committee on Science and Technology held about a 3-hour hearing, of which I have an unaltered transcript of that hearing, and the committee voted overwhelmingly and adopted a resolution to refer this matter to the Committee on Standards of Official Conduct, and at this point, Mr. Speaker, I would like to include in the RECORD the letter of transmittal, as well as the resolution that was adopted by that committee.

The letter follows:

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
Washington, D.C., June 29, 1983.

Hon. LOUIS STOKES,
Chairman, House Committee on Standards of Official Conduct, Washington, D.C.

DEAR MR. CHAIRMAN: I am transmitting herewith the Committee resolution on the requested investigation by your Committee into the alteration of the EPA hearing transcripts conducted last year on July 21 and 22.

The resolution was adopted during the Science and Technology Committee's meeting on June 23 called to discuss the altered transcripts.

Sincerely,

DON FUQUA, *Chairman.*

RESOLUTION

Resolved, That immediately upon the adoption of this resolution, the Chairman of the Committee on Science and Technology take all appropriate steps (1) to request the Committee on Standards of Official Conduct to undertake a prompt and thorough investigation of the alteration of the transcript of the Joint hearings conducted by subcommittees of the Committee on Science and Technology, the Committee on Government Operations and the Committee on Energy and Commerce on July 21 and 22, 1982, entitled "EPA Oversight: One-Year Review"; and (2) to provide for the publication of the transcript in its proper form, together with all materials that were requested to be supplied for the record; be it further

Resolved, That the Committee on Standards of Official Conduct is specifically requested to permit any Member of Congress access to any committee records transferred to said committee in the course of its investigation pursuant to the provisions of Rule XI of the Rules of the House of Representatives and that such records be treated as Executive Session records.

Mr. FUQUA. Mr. Speaker, since that time we have answered all of the requests that have been made by the minority, and those who say that this is trying to be swept under the table are certainly misinterpreting the facts as I understand them, Mr. Speaker, as it relates to this very serious matter.

Now, it has been pointed out that the Committee on Standards of Official Conduct is a bipartisan committee, equally divided by both parties, and I have always felt that their work and the product of their work was of the highest standard. The Ethics Committee operates somewhat as a grand jury, and certainly people who are innocent are entitled to some protection. Those who may be found guilty of transgressions in this particular case certainly should be punished to the fullest extent of the law.

So I think we have ample precedent. That is why the committee was established, that is why it is in operation, and it is ready to go. So I think we have every right to refer this to the Committee on Standards of Official Conduct that was set up in the beginning.

So there has been action. The three committee chairmen involved regret this as much as anybody. It is a serious breach of the ethics and the rules of this House, and I hope that we get to the bottom of it.

Mr. GREGG. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I will be happy to yield to the gentleman from New Hampshire.

Mr. GREGG. I appreciate the gentleman yielding.

Mr. Speaker, I just want to state, as I believe all the Members on this side have consistently stated, that the manner in which the chairman has gotten to the issue relative to the investigation within the staff we have been very appreciative of, and the fact that he had his staff review the transcripts.

But we still do have this serious issue of how the further investigation of identifying who did it, why they did it, when they did it, and how many people were involved, whether that is going to be in the open or be a closed session. That is a very serious issue and that is the issue remaining before us.

Mr. Speaker, I just want to point out to the chairman, as I am sure the chairman knows, that in the resolution which was passed by the committee, there was an amendment offered by the minority Members that we ask the Ethics Committee to hold open hearings. It was a clear question of directing the Ethics Committee to hold open hearings, and that amendment was voted down on a straight party-line vote. So there is no direction in the resolution that was passed by the Committee on Science and Technology to the Ethics Committee asking for open hearings as a result of that.

Mr. FUQUA. Well, the gentleman is correct, but that is up to the Ethics Committee. They make the determination. We cannot tell them or instruct them how they must conduct an investigation. They have rules that provide for that. Now, the Ethics Committee can vote to open their hearings if they so choose. It depends on the nature of the matter that is before them.

We did include in the resolution a part that was asked for by the minority, and we agreed that the material that was turned over to them from our committee be available to the Members. I have just had a chance to discuss that with the chairman of the Ethics Committee. He can speak for himself, but they feel as though that would not be any problem as far as records were concerned. But that is something that the Ethics Committee must decide.

As has been pointed out, they operate in a bipartisan fashion, whenever they have a meeting on this matter, they will consider all these issues and the procedures that they should operate by.

Mr. GREGG. Mr. Speaker, if the gentleman would yield further, if we, as a committee, in the Committee on Science and Technology, could ask them in our resolution to let us see the records, which is in clear contravention of the present rules of the House, which is rule XI, 2(e), I believe, which says that those records become secret and are not available to Members, we could have also directed and asked the Ethics Committee to have open hearings.

Mr. FUQUA. Mr. Speaker, I think if the gentleman will separate the two issues, one is records that are the property of the House of Representatives. The other is discovery information. That information, in my opinion, should remain privy to the members of that committee because they are, in effect, sitting as a grand jury. But as far as records of the House are concerned, we do it in matters relating to classified and intelligence information that are available to Members under certain procedures, and I have no problem with that. As a matter of fact, I would encourage the Committee on Standards of Official Conduct to do that.

□ 1130

Mr. GREGG. Yes; but if the chairman of the committee would yield, openness is the property of the American people. That is an even higher value of property. Openness in investigating how we run our institution is certainly the ultimate property of the American people in a democracy.

Mr. WINN. Mr. Speaker, I yield 3 minutes to the minority whip, the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me first, if I may, address a question to the distinguished chairman of the committee, the gentleman from Florida (Mr. FUQUA). I certainly know that he is trying to be cooperative, but just for general information I would like to make this inquiry because I do not know the answer.

We have been hearing a good bit of discussion on this matter for several days, and I know an effort is being made to sort of package this up and send it to the Ethics Committee, but

has there been some investigation already to try to ascertain the people that might have been involved with the various committees in altering these transcripts?

Does the gentleman have any idea of who is involved? I have not heard of anybody being named or anybody being dismissed; I have not heard of any action. Is there anything of that nature occurring?

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, we have had an internal investigation in our committee to try to determine exactly what happened.

As the gentleman knows, this Member has no authority over staff personnel of another committee. But we have had an internal investigation, and I would hope, since it transcends three committees, that there will be an opportunity for somebody with the proper credentials to investigate thoroughly and put witnesses under oath, probably including myself, even though I never saw the transcripts and never had anything to do with them. But I think they would certainly want to know how much I know about the information and would put me under oath.

Mr. LOTT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I recognize that this is an unusual step we are requesting today, but these are unusual circumstances. In the 15 years that I have been around here I never heard of transcripts being altered or Members' words being changed in a very derogatory way, and, therefore, I think it must be dealt with in this unusual way. The privileges of the House and the rights of individual Members of this House have been seriously breached.

The majority leader spoke of normal procedure, but the fact is that this is not a normal occurrence and it should not be shunted aside in any way that would provide anything less than total, full investigation and disclosure.

Now, several things worry me.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, I want to make it clear. The gentleman is imputing to me a suggestion that this thing should be shunted aside? Let me be sure we are clear.

Mr. LOTT. I said that the gentleman spoke of normal circumstances. These are not normal circumstances.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. LOTT. First, let me respond to this.

Mr. WRIGHT. I am trying to respond to an idea which the gentleman has sought to put into my mouth which never emanated therefrom.

Mr. LOTT. Mr. Speaker, let me state it again so the leader can understand what I said.

The majority leader spoke of the normal procedure, but the fact is that this is not a normal occurrence, and it requires immediate, full disclosure and action.

Would the gentleman like to respond to that?

Mr. WRIGHT. Yes; I surely would. The purpose of the Committee on Standards of Official Conduct is to investigate matters that are abnormal. If it was normal for there to be breaches of the honor of the House, then that would be a very sad commentary indeed.

The SPEAKER pro tempore. The time of the gentleman from Mississippi (Mr. LOTT) has expired.

Mr. WRIGHT. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi (Mr. LOTT) in order that I might respond further.

Mr. LOTT. Mr. Speaker, I thank the gentleman for extending this time to me, and I yield to the gentleman.

Mr. WRIGHT. This point also needs to be made clear. Under no circumstances are we suggesting that the matter should be shunted aside or swept under the rug.

Mr. LOTT. Mr. Speaker, let me make this point.

Mr. WRIGHT. Mr. Speaker, the gentleman has yielded to me, and I wish he would let me finish.

Mr. LOTT. Mr. Speaker, I have already yielded part of my time to the gentleman, and I would like to comment on that.

What the gentleman is suggesting is that this be sent to the Rules Committee; is that not a fact?

Mr. WRIGHT. Mr. Speaker, in response to the gentleman's statement that it needs to be investigated immediately, my conclusion is that it can be investigated much more expeditiously and much more quickly and the investigation can begin immediately——

Mr. LOTT. If it goes to the Rules Committee?

Mr. WRIGHT. If it is sent by the Rules Committee to the Committee on Standards of Official Conduct which is already in place.

Mr. LOTT. Mr. Speaker, let me ask this: Would the majority leader assure this body that the Ethics Committee will be able to begin immediately a total, open, full investigation of this matter?

I have reason to believe and know that the Ethics Committee has a very full platter right now, that it is very busy and very much involved in other matters.

The SPEAKER pro tempore. The time of the gentleman from Mississipi (Mr. LOTT) has again expired.

Mr. WINN. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I yield to the majority leader for a response on the fact that he knows and I know that the Ethics Committee is very busy.

Mr. WRIGHT. Mr. Speaker, I think that response is going to come in just a few moments from the chairman of that very committee, Mr. STOKES. He has been preparing to begin a full-scale investigation of this matter, and I think he can respond to the gentleman's question in a manner that the gentleman will find completely responsive and absolutely satisfactory.

Mr. LOTT. Mr. Speaker, this select committee is not unprecedented. It is the way we should go.

As a member of the Rules Committee, it greatly concerns me that this issue would be sent to the Rules Committee, which is obviously an arm of the Speaker and is probably the most partisan committee of this whole House.

I would urge my colleagues to give serious attention to a select committee that could move into this issue quickly, give it its full and total attention, make recommendations, and then go out of existence, so that the people and the Members of this body could hear totally what is involved and not have it go to a committee which is very much involved in other matters right now and would handle it in a less than totally open way. As a matter of fact, the Ethics Committee, by its very nature, must move forward in a very quiet procedure and not have everybody aware of what has transpired here.

I urge the Members to vote down the motion to refer, and bring this matter before the American people and a reluctant press.

The SPEAKER pro tempore. The time of the gentleman from Mississippi (Mr. LOTT) has expired.

Mr. WINN. Mr. Speaker, I would like to inquire of the Chair how much time remains for both the majority leader and this Member?

The SPEAKER pro tempore. The Chair will state that the gentleman from Kansas has 16 minutes remaining, and the gentleman from Texas (Mr. WRIGHT) has 11 minutes remaining.

Mr. WINN. Mr. Speaker, we certainly do want to hear from the chairman of the Ethics Committee, but first I yield 3 minutes to the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the one thing I have found in the 2½ years I have been in this body is that we have more than enough opportunity, both on the floor

and in committee, for disagreement over specific issues and philosophy, and one of the things that I have heard so often is that there may be a lot of disagreement in committee or a lot of disagreement on the floor, but when we walk out of the doors, we leave it behind, because as an institution, this institution has to function with a lot of controversy, with a lot of debate, and with a lot of disagreements, but we as individuals cannot carry that disagreement outside the doors.

To do that, we need trust. A Member told me when I first got here that the middle name of every Congressman should be "trust." I was told, "You have to trust other Members, and you have to be willing to have yourself trusted in." We have a remarkable form of government in that way.

What has happened here is a challenge to the integrity of this body and to the process, and we must insure that integrity with free and open debate and with free and open hearings. We must resolve this issue with the same openness that we resolve other major issues. To do it in any other way but to resolve this in the open is to put a cloud over that trust that we depend on to resolve the issues of the day.

A dark cloud currently hangs over several committees and several subcommittees. It is going to be impossible for members of the majority and of the minority to operate in a functional way that insures that that trust is maintained.

We have had witnesses come to us, witnesses who have testified in previous hearings, saying that their testimony has been changed. They are reluctant to come before these committees now because of a fear that their testimony will be changed in the future.

By referring this matter to the Ethics Committee, we will see that it goes into a cocoon, and we may go months without hearing from the committee. There is no obligation by the Ethics Committee to report this matter to the House.

As one of the affected Members, let me say that I no longer serve on the Committee on Government Operations, I no longer serve on the Committee on Science and Technology, and I do not serve on the Ethics Committee. As the Member whose remarks were changed more than any other Member's in this particular hearing, I will never have access to the hearings in the closed, secret sessions that will take place so that I find out who it was that changed my remarks, why they did it, and what is going to happen to that particular individual.

□ 1140

I think it is imperative that this institution resolve this matter openly. If we can resolve issues with the executive branch in open session, if we can subpena people to come down here to give us records that will be disclosed openly, then certainly we can clean our own house in a free and open manner.

I would hope that this House would vote against the motion to refer this to the Rules Committee and then on to the Ethics Committee and would, instead, vote for a select committee to investigate this matter.

Mr. WINN. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON. Mr. Speaker, just very briefly, as a new Member who has followed this matter fairly close, I am dismayed that there could be even the suggestion that this investigation be carried on in any except the most open setting possible under the rules of the House.

There is only one interest here and that is the public interest. There is only one way that the public interest can be served and that is through full investigation and complete and total openness. The public needs the opportunity to see and hear what words were changed, who did what actions, and to judge for themselves through the interchange in the public hearing setting the motivation of those who would take such reprehensible actions, which compromise the integrity of the legislative process and of the House of Representatives.

I urge my colleagues to support this resolution that establishes an independent committee to investigate the unprecedented sabotage of the democratic process and adopts a process about which there can be no question of its openness and no question of the public's access to the facts. The mere fact that an amendment to require the Committee on Standards of Official Conduct to hold open hearings was defeated on party lines creates the appearance of unwillingness, of reluctance, of a lack of commitment by the majority party to a full and open investigation of this matter. In my estimation, the altering of transcripts is as great a threat of our form of government as any action ever taken by any individual or group in our history. It strikes at the very heart of free speech, open government, and honest dialog.

This is a time when partisan concerns must be laid aside. The public interest demands full investigation and an open process. Only passage of this resolution will assure that.

Mr. WINN. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. LUJAN). Then we are anxious to hear from the chairman of the Ethics Committee.

Mr. LUJAN. Mr. Speaker, I want to thank the gentleman for yielding.

I was at the meeting where we referred this matter to the Ethics Committee and I think that is probably a good short step. I do not mean to be critical of what the Ethics Committee would do. I think they do a very fine job; however, I think that this thing is expanding every day. It was first a question of one set of hearings on EPA. Yesterday it came out that it was hearings on synfuels and silver.

I had my staff check and see what might have happened over in my committee, because I had heard rumblings about it.

Let me give you two examples of things that happened over in the Interior Committee. It was on the Subcommittee on Oversight and Investigations.

On June 19, 1983, the New York Times quoted a House subcommittee staff report which was provided to it concerning questionable investigative practices by the Nuclear Regulatory Commission. In fact, this subcommittee staff report was simply a comprehensive briefing paper prepared by the majority staff. No opportunity for review. It should have been called the majority staff report or majority staff briefing paper. This would have properly alerted discerning media people to the fact that it was a partisan political document presenting only one side of the issue.

The second incident occurred in early November 1982, and it is worse, when the same subcommittee's majority staff released portions of two Sandia National Laboratory reports to the Washington Post, characterizing them as conclusive comments by the labs on nuclear accident consequences. In fact, they were not the labs' conclusions, but rather represented conclusions reached by nontechnical members of the subcommittee's majority staff on ongoing technical studies. They were immediately and creditably discounted by the Nuclear Regulatory Commission, the Sandia National Laboratories, and knowledgeable industry technical staff as misleading and in many cases flat wrong, but not before they had been widely quoted by the national media just prior to the November elections, which included nuclear-related referenda in many States. Again, the minority staff was not allowed to review the majority staff report prior to release. In this case in particular, any dissenting opinions would have alerted the media to the lack of credibility of the majority staff conclusions.

Mr. Speaker, while neither of these examples represents the utter disregard for minority members' rights which occurred during the doctoring of the EPA hearing transcripts, they nevertheless document a majority staff attitude which does not give the minority due process and is not in the

best interests of the Congress or this Nation.

Mr. WRIGHT. Mr. Speaker, I yield 5 minutes to the very distinguished chairman of the Committee on Standards of Official Conduct, the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, I thank the distinguished majority leader for yielding to me.

First, let me say that as the distinguished gentleman from Florida (Mr. FUQUA) has said, his committee did write to the Ethics Committee and request that we investigate the matters under discussion at this time. Prior to that, we had received another letter signed by all three committee chairmen asking the Ethics Committee to conduct this investigation. Pursuant to the receipt of the first letter, I convened the Ethics Committee and presented the letter signed by all three chairmen to them, at which time the entire committee engaged in discussion relative to the investigation.

It was the unanimous opinion of the Committee on Standards of Official Conduct that they should conduct this investigation, that our committee was the proper committee to investigate this matter and that, in fact, the allegations did; in fact, impinge upon the integrity of the House, and for that reason we had authority to conduct the investigation.

I presented to the committee at that time a resolution which we had drawn up to give us the broad powers we would need to conduct this kind of an investigation for the House.

The committee discussed the resolution and agreed upon the introduction of the resolution. It was suggested to me, however, that rather than to follow the usual procedure of the ranking minority member from South Carolina (Mr. SPENCE) and I introducing the resolution, that we should attempt in this case because of the serious nature of it to get the three ranking minority members of all three committees to join in the cosponsorship of that resolution.

Pursuant to that, the gentleman from South Carolina (Mr. SPENCE) then agreed to undertake the matter of trying to get the leadership on the other side to work with him in order to try to get the three ranking minority members to sign on that resolution.

The resolution has been prepared now for almost a week. I have not been able to introduce it for the reason that I have not been able to get the concurrence and the cosponsorship of the three ranking Republican members.

We are prepared at this time to introduce the resolution. We are prepared to go forward with the investigation, but we need from the House the broad powers that are necessary to conduct this kind of an investigation. We have come to the House in every investigation with such a resolution and we have been given broad powers by the House to expedite the investigation.

Now, let me say with reference to any investigation that I have been involved in as chairman of either this committee or the House Select Committee on Assassinations, it is impossible to conduct an investigation in the open.

First, you defame, you degrade, you humiliate innocent persons, and no one in this House wants to be a part of that type of an illegal, unconstitutional procedure. Even when we conducted the investigations relative to the assassinations, after we had created in the House a Select Committee on Assassinations, for months we did all the investigatory work in executive session, where we not once on any occasion did we degrade, humiliate, or defame any innocent person.

We then had months of hearings in the open where all facets of both the King and the Kennedy investigation were aired in the public.

So that it is made patently clear, because some Members have made some very erroneous statements with reference to the fact that the Ethics Committee has not conducted open hearings, let me cite for you the fact in the Koreagate matters, we had days of hearings involving four Members of the House in open public sessions.

It is absolutely untrue to say that the Ethics Committee does not have open hearings. I might remind you that we had hearings with reference to former Member Sikes from Florida; former Member Diggs of Michigan; former Member Charles Wilson of California; former Member Lederer of Pennsylvania in the Abscam cases; former Member Myers of Pennsylvania in the Abscam cases; and former Member Jenrette of South Carolina in the Abscam cases. All of those former Members of the House were subjected to open hearings after we had done the preliminary investigatory work with reference to those cases.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Not at this time.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. WRIGHT. Mr. Speaker, I yield 2 additional minutes to the gentleman.

□ 1150

One of the Members of the House who spoke a few moments ago made the statement that the committee would have no obligation to make any type of report to the House.

In the resolution which we are prepared to file with the House and ask the House to adopt we provide specifically in that resolution that the committee must make a report of its findings to the House.

We have done this in every other investigation we have conducted. Even where Members of the House who were under investigation resigned during the course of that investigation, under our rules we were still required to make a report to the House naming those individuals and citing the facts and circumstances under which we were conducting the investigation.

In conclusion, let me just say there is absolutely no reason, in my opinion, for the House to create a select committee because a select committee would have to operate in the same way in which we conducted the business of the House Select Committee on Assassinations. The Ethics Committee is prepared to conduct this investigation. We have already begun to put into operation the mechanism for doing so, and all we need from the House would be the broad powers we would want under our resolution.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. During my period of time on the Ethics Committee we did an extensive investigation into ghost voting on the floor of the House. Were any of those hearings held in public?

Mr. STOKES. To my recollection in the ghost voting matters undertaken by the House there were no public hearings because we never proceeded to the point there was any alleged statement of violations, as the gentleman knows.

Mr. SENSENBRENNER. That is precisely our point.

Mr. WINN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS of California. I thank the gentleman from Kansas for the time.

The point the gentleman from Wisconsin is making is indeed one that I think is important.

As a former member of the Ethics Committee myself, and sitting through a number of public hearings on the Abscam question, let us remember these gentlemen were formally charged, but, as the current chairman of the Ethics Committee has pointed out, in the ghost voting cases no one was formally charged and all of those hearings were held in private, just as all of these hearings are going to be held in private.

We do not want to go into the way in which the Ethics Committee carries on its investigations but I think the point that people have to realize is that what apparently has occurred is about the most insidious thing to have occurred in the time that I have been here, and that is three terms. It is authoritarianism at its most extreme.

When someone decides that they do not like what you say and that they are going to change what you say and they believe that they have the ability to do it and get away with it, that is the height of arrogance. It is the most extreme abuse of power.

Unfortunately, there has been one party that has been in control of this body for over a quarter of a century, the bulk of the staffing in all of the committees is selected by that particular party, and it just seems to me that as far as this institution is concerned, for the mutual respect between members of both parties, and especially for the American public, that we show them that there is not the arrogance of power, that we show them that there is not the authoritarian aspect of someone deciding they do not like what you say and they are going to change what you say.

It seems to me that the quiet behind closed door hearings of the Ethics Committee will produce a result albeit sometime in the future and we will read a statement of what was determined to have happened or not happened. The American public has the right to know now and in public that the understanding, the cooperation between individuals in this House is to be honored and maintained. The hearings have to be public.

Mr. WINN. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Mr. Speaker, yesterday we took some time and we explained the specifics of what has happened here. Today what we are discussing is how we are going to try to get to the bottom of it.

The only issue before this body today is whether we are going to have an open hearing process or a secret hearing. The question has become whether to send this to the Rules Committee, which is sort of the first turnoff on a one-way street into a tunnel called the Ethics Committee; or whether we are going to have a select committee appointed here and that select committee is going to have an open airing of the matter.

There are seven basic reasons why we should not go to the Ethics Committee.

First is the issue of openness. That has to be the primary concern of this Congress. We are dealing here with the integrity of the system and the question of the public response to the system.

If we are not willing to give the public access to how we got into this problem, and give the public access as to how we are going to get out of it, then we might as well pack up our bags and go home because we are in the wrong country.

Second is the issue of uniqueness. This is an unusual situation. The Ethics Committee has never addressed this type of situation. We are talking about Members having their rights violated by staff of other Members, a very severe situation.

Third is the scope situation. The Ethics Committee, at least in the original resolution, was not talking in the terms of scope that now seems to be necessary, possibly two other hearings.

We have now heard today from the gentleman from New Mexico that even in the Committee on Interior and Insular Affairs there may be problems. The select committee has an obligation to go into all of these issues. The Ethics Committee would have to design its scope, I believe, in a much narrower sense.

Fourth is the issue of resignations. If the individuals identified as having altered the manuscripts resigned after 3 months of secret investigations by the Ethics Committee this question is then moot. The Ethics Committee loses jurisdiction once that individual staff member resigns and we no longer have the ability to attack the issue.

Fifth is the original resolution—now maybe that has been changed. We did not get to hear from the chairman of the Ethics Committee on this—but the original resolution the Ethics Committee was proposing talked in terms of "may" instead of "shall."

"There may be a report." We all know what that means.

Sixth is the issue of the fact that records which affect us as Members who have had our rights stomped upon will not be available to us as Members. Our entire records of these committees will end up in the Ethics Committee and we do not, under our rules, have access.

Seventh is again the question of what has been the traditional role of the Ethics Committee in this House. Let us be honest about it. The traditional role of the Ethics Committee of this House is to take a matter which has a fair amount of visibility, and which may not be something we are comfortable with, and move that matter into an arena where we do not have to deal with it in the open and we can deal with it in a much more calm, suppressed way.

For me the question is openness. I believe for the American people the question is openness. As I did comment to the chairman in a prior exchange, openness is not unique to this institution. It is the property of the American people.

If we do not have the courage to address our own problems in the open, then I do not think the American people are going to have much confidence in this House.

Mr. WINN. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island (Mrs. SCHNEIDER), another one of those wronged.

Mrs. SCHNEIDER. Mr. Speaker, I rise in strong support of the resolution calling for a select committee to investigate alterations of remarks by Members on official transcripts of committee hearings. While some of my colleagues have had the entire meaning of their remarks turned upside down by the alteration or outright elimination of entire sentences, my own comments appear to have been affected in relatively minor ways. For that reason, I want to make clear that I am not supporting this resolution because I have been personally injured, but because there is a higher principle involved.

As everybody knows, the official transcripts provide a legislative record that is often used to establish the intent of a particular amendment or bill. In addition, transcripts are often used in political debates during campaigns. Finally, they provide a historical record that may be used in the future to interpret congressional actions we take today. For these reasons, the official transcripts should be considered inviolable. Yet we have clear evidence that these transcripts have been altered, substantially in some cases, and that the alterations extend beyond the EPA hearings of last summer.

If we refer the incident to the Ethics Committee, as has been suggested, the investigation will be conducted in secret, and will be limited to last year's EPA hearings. We do not know where this incident begins or ends. The best way to find out is through an open hearing, conducted by a select committee that has a charter to look into all incidents of transcript alterations. For those of you who are afraid the incident would drag on indefinitely, I would point out that the resolution requires the select committee to report on its findings no later than October 28 of this year. This is a fair way to proceed, and I urge the adoption of this resolution.

□ 1200

The SPEAKER pro tempore. The time of the gentlewoman from Rhode Island (Mrs. SCHNEIDER) has expired.

The gentleman from Texas (Mr. WRIGHT) has 4 minutes remaining; the gentleman from Kansas (Mr. WINN) has 4 minutes remaining.

Mr. WRIGHT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, I have listened to the debate at great length and I understand every Member that may have grave concerns from both sides of the aisle about the alleged violations that have apparently taken place. I simply want to say that as a member of the Ethics Committee, I am somewhat concerned about the reluctance of some Members to refer issues that ought to go to the Ethics Committee, to that committee, be-

cause there seems to be a great deal of misapprehension about the work and the openness of the work of the Ethics Committee.

Let me say to you, as a member of that committee, that I have never served on a committee where I saw better cooperation from Republicans and Democrats on every issue, however sensitive that issue may be.

I have never seen more fairness exhibited in that committee, as far as alleged violations are concerned. There is no partisanship there. And the misapprehension that some Members apparently have is that these proceedings will not be made public or open. Well, let me say that there may be 500 depositions taken and there may be only 10 of those that will be directly involved in a violation. You do not want 450 innocent people paraded before the public simply for the sake of some political gain or whatever. That is unfair to the innocent.

The Ethics Committee is the committee, the committee that has been set up by this institution to take care of those violations of the public trust, the conduct of Members and employees of this House, and if you do not have the confidence or the faith in that committee which is made up of Republicans and Democrats alike, then this institution ought to rethink its prior action as to whether or not we want to keep the committee. This is the committee that was set up for the purpose to investigate this type of violation and we ought to let it do its work. Either this committee should have these allegations referred to it for proper disposition, or we should abolish the committee.

The SPEAKER pro tempore. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, if the gentleman has more than one speaker remaining, I would defer to the gentleman from Kansas.

Mr. WINN. No, I have only the majority leader and he will use up the remainder of our time.

Mr. WRIGHT. The gentleman refers to the minority leader?

Mr. WINN. The minority leader, yes, Mr. Speaker.

Mr. WRIGHT. Mr. Speaker, I yield myself the 2 minutes remaining.

Mr. Speaker, there is no reason on Earth for the creation of a separate committee. We have enough committees in this House; no need for the extra expense that would be involved, no need for the extra delay that would be involved by creating a new committee.

There is no need for the disparagement that I have heard expressed against the Committee on Rules and against the Committee on Standards of Official Conduct. Those who support the resolution express the desire for openness. Surely the regular committee is not subject to criticism on that ground. We have openness but we have responsible openness.

Madame La Farge operated in the open; she let the people vote on whether they would lop off the heads of those who were charged with crimes. A lynch mob operates in the open, sometimes under a tree.

The point is that we have in the House established procedures which have served this Republic well from its very inception. We try to be both responsible and open. We must be closed, of course, during the discovery process. As any attorney would know, you cannot perform that kind of function in open hearings. We have to protect the reputations of innocent people.

But once having completed the discovery process, then the Committee on Standards of Official Conduct traditionally has conducted all of its subsequent operations wholly in the open. It has conducted them in a responsible way, in a reputable way, in a way that has not been challenged or questioned.

We have the responsibility to uphold the institutions of this House in matters involving the honor and integrity of the House. Indeed, it is an important matter. It is for that very reason that I urge our Members to vote for the motion to refer this resolution to the Rules Committee in order that the inquiry may begin immediately by the proper committee of the House, the committee that has been created by the House for this express purpose.

For those reasons, in order that it may be done in an expeditious way, yes, in an open way, also in a responsible way that protects the rights of individuals as well as the honor of the House, I ask for an aye vote on the motion which I shall make at the conclusion of the debate to refer this matter to the Committee on Rules.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WINN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York.

Mr. CARNEY. Mr. Speaker, I rise in support of the resolution offered by the gentleman from Kansas.

One of the founding principles of our Nation, the ability of citizens to petition and be heard by their representatives on an issue is being threatened. This threat comes not from any legislation or lobbying effort, but rather from a blatant abuse of political power.

As we have noted this morning, the written record of at least one congessional hearing, of which I was a participant, has been intentionally distorted by a person or persons unknown, so as to totally distort the views presented by the members of the minority and witnesses testifying before the committee. Further, other speakers this morning have indicated that other hearing records may also contain equally egregious alterations. The integrity of the committees involved, and of this body, is at stake. We must, therefore, act expeditiously to uncover those responsible for these reprehensible acts.

The resolution offered by the gentleman from Kansas, of which I am a cosponsor, seeks to address this problem in a responsible, nonpartisan, and most importantly, an open manner. Unless the public has the ability to monitor the investigation, which would be virtually impossible if the matter is referred to the Ethics Committee, due to the rules under which that committee operates, the integrity of the hearing process will not be restored.

I, therefore, urge my colleagues to reject political expediency and support the resolution.

Mr. WINN. Mr. Speaker, I yield our remaining time to the minority leader, the gentleman from Illinois (Mr. MICHEL).

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MICHEL) is recognized for 4 minutes to close debate.

Mr. MICHEL. Mr. Speaker, may I first make the observation it is rather a unique experience to close the debate on the minority side of the aisle.

Second, may I say quite frankly that I do not relish the opportunity to take the floor today when it comes to another matter in which we have the integrity of this House at stake and a blemish upon the House, on the strength of what has happened.

We have before us a resolution called up as a question of privilege because the issue before us is the integrity of the House of Representatives and the record of its proceedings.

Mr. Speaker, this is of the highest order of importance in this body, even if in the public eye it does not rank among the high priorities of the Nation and even if, in the eye of the media, it does not rank in importance to campaign briefing books and the like.

But what is at issue here is the integrity of the House. This House lives and breathes through its records. The history of our Republic is written in good part on what is said, what is done here and how it is recorded.

Our records are the heart of our legislative process. Our records are the foundation on which the courts and the executive branch administer and interpret our laws.

In George Orwell's "1984" the record of the past was systematically distorted to suit the wishes of Big Brother; inconvenient facts were sent down the memory hole.

Have we come to a time when similar practices are occurring in this body? I cannot yet answer that question.

But the fact that there is reason to ask it is reason for extraordinary action here today. We are not dealing with revisions or extensions of remarks and we are not dealing with grammatical corrections here; we are dealing with deliberate, surreptitious and repugnant acts designed to discredit specific Members of the minority party in that hearing record.

And since we now know that these facts were committed in more than one instance, involving more than one hearing, more than one committee, standard operating procedures, I do not think, apply here.

Now, the majority leader said in his opening remarks he is going to move to refer this to the Rules Committee. I have one problem with that and that is as we began our deliberations on the rules on opening day of this Congress the Rules Committee was stacked 2 to 1 plus 1 in favor of the majority. Now I know that is tradition, the majority party has the power of determining that ratio and the Rules Committee is the arm of the Speaker around here. And I have real problems with that, just on the strength of the dynamics of the membership of the committee, with no disrespect to individual Members. It is simply a question of numbers.

Now in the Ethics Committee, I suppose if I had my druthers, I would take the Ethics Committee because it is six and six and I respect all the members of that committee who have to serve with long hours, with the lousiest, rotten job to do in this Congress, looking after wrongdoing of Members and our staff.

My problem with that is that you have got a full platter to attend to and it will be 6 months or more before you have ever gotten to the bottom of this and in the meantime whoever the culprit is, is going on doing the things he has always done.

I do not suspect a Member himself, I suspect it is staff. I have never had the privilege of chairing my committee or full committee but I run a pretty tight ship in my office.

I will tell you if there is any question about any one of those individual staff members doing something unethical, I would fire their you-know-what right quick.

If I were a chairman of one of these respective committees I will bet you I could detail pretty well, who was responsible.

Who do you delegate that authority to around here? We are bloated with staff and we cannot control it, ourselves.

I just think it is a darn right shame to have Members as outstanding as these Members are to have their character besmirched and their whole record distorted as I have seen in the record here.

□ 1210

I have to show my displeasure, as much as I hate, as I said, to take the floor on an occasion like this.

I would recognize that we have exceeded our time. On occasion the majority party has exceeded their time allotment as they close debate, but I will live by the rules.

I simply ask for support for the resolution of the gentleman from Kansas, and a vote against the motion to refer.

The SPEAKER pro tempore. All time has expired.

Mr. WINN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. WRIGHT moves to refer the resolution to the Committee on Rules.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 161, not voting 12, answered "present" 4, as follows:

[Roll No. 227]

YEAS—256

Ackerman	Boxer	Durbin
Addabbo	Breaux	Dwyer
Akaka	Britt	Dymally
Albosta	Brooks	Dyson
Alexander	Brown (CA)	Early
Anderson	Bryant	Eckart
Andrews (NC)	Burton (CA)	Edgar
Andrews (TX)	Byron	Edwards (CA)
Annunzio	Carper	English
Anthony	Carr	Erdreich
Applegate	Chappell	Evans (IL)
Aspin	Clarke	Fascell
AuCoin	Clay	Fazio
Barnard	Coelho	Feighan
Barnes	Coleman (TX)	Ferraro
Bates	Collins	Flippo
Bedell	Cooper	Florio
Beilenson	Coyne	Foglietta
Bennett	Crockett	Foley
Berman	Daniel	Ford (TN)
Bevill	Daschle	Fowler
Biaggi	de la Garza	Frank
Boggs	Dellums	Frost
Boland	Derrick	Fuqua
Boner	Dicks	Garcia
Bonior	Dixon	Gaydos
Bonker	Donnelly	Gejdenson
Borski	Dorgan	Gephardt
Bosco	Dowdy	Glickman
Boucher	Downey	Gonzalez
Gore	McCloskey	Schroeder
Gray	McCurdy	Schumer
Guarini	McHugh	Seiberling
Hall (IN)	McNulty	Shannon
Hall (OH)	Mica	Sharp
Hall, Ralph	Mikulski	Shelby
Hall, Sam	Miller (CA)	Sikorski
Hamilton	Mineta	Simon
Hance	Minish	Sisisky
Harkin	Mitchell	Skelton
Hatcher	Moakley	Slattery
Hawkins	Mollohan	Smith (FL)
Hefner	Montgomery	Solarz
Hertel	Moody	Spratt
Hightower	Morrison (CT)	St Germain
Howard	Mrazek	Staggers
Hoyer	Murphy	Stark
Hubbard	Murtha	Stenholm
Huckaby	Natcher	Stokes
Hughes	Neal	Stratton
Hutto	Nelson	Studds
Ireland	Nichols	Swift
Jacobs	Nowak	Synar
Jenkins	Oakar	Tallon
Jones (NC)	Oberstar	Tauzin
Jones (OK)	Obey	Thomas (GA)
Jones (TN)	Olin	Torres
Kaptur	Ortiz	Torricelli
Kastenmeier	Ottinger	Towns
Kazen	Owens	Traxler
Kennelly	Panetta	Udall
Kildee	Patman	Valentine
Kogovsek	Patterson	Vandergriff
Kolter	Pease	Vento
Kostmayer	Penny	Volkmer
LaFalce	Pepper	Walgren
Lantos	Perkins	Watkins
Leath	Pickle	Waxman
Lehman (CA)	Price	Weaver
Lehman (FL)	Rahall	Weiss
Leland	Rangel	Wheat
Levin	Ratchford	Whitley
Levine	Ray	Whitten
Levitas	Reid	Williams (MT)
Lipinski	Richardson	Wilson
Lloyd	Rodino	Wirth
Long (LA)	Roe	Wise
Long (MD)	Roemer	Wolpe
Lowry (WA)	Rose	Wright
Luken	Rostenkowski	Wyden
Lundine	Rowland	Yates
MacKay	Roybal	Yatron
Markey	Russo	Young (MO)
Martinez	Sabo	Zablocki
Matsui	Savage	
Mavroules	Scheuer	

NAYS—161

Archer	Edwards (OK)	Lewis (FL)
Bartlett	Emerson	Livingston
Bateman	Evans (IA)	Loeffler
Bereuter	Fiedler	Lott
Bethune	Fields	Lowery (CA)
Bilirakis	Fish	Lujan
Bliley	Franklin	Lungren
Boehlert	Frenzel	Mack
Broomfield	Gekas	Marlenee
Brown (CO)	Gilman	Marriott
Broyhill	Gingrich	Martin (IL)
Burton (IN)	Goodling	Martin (NC)
Campbell	Gradison	Martin (NY)
Carney	Gramm	Mazzoli
Chandler	Green	McCain
Chappie	Gregg	McCollum
Cheney	Gunderson	McDade
Clinger	Hammerschmidt	McDonald
Coats	Hansen (ID)	McEwen
Coleman (MO)	Hartnett	McGrath
Conable	Hiler	McKernan
Conte	Hillis	McKinney
Corcoran	Holt	Michel
Coughlin	Hopkins	Miller (OH)
Courter	Horton	Molinari
Craig	Hyde	Moore
Crane, Daniel	Jeffords	Moorhead
Crane, Philip	Johnson	Morrison (WA)
D'Amours	Kasich	Nielson
Dannemeyer	Kemp	O'Brien
Daub	Kindness	Oxley
Davis	Kramer	Packard
DeWine	Lagomarsino	Parris
Dickinson	Latta	Pashayan
Dreier	Leach	Paul
Duncan	Lent	Petri
Edwards (AL)	Lewis (CA)	Porter

Pritchard	Sensenbrenner	Taylor
Pursell	Shaw	Thomas (CA)
Quillen	Shumway	Vander Jagt
Regula	Shuster	Vucanovich
Ridge	Siljander	Walker
Rinaldo	Skeen	Weber
Ritter	Smith (IA)	Whitehurst
Roberts	Smith (NE)	Whittaker
Robinson	Smith (NJ)	Williams (OH)
Rogers	Smith, Denny	Winn
Roth	Snowe	Wolf
Roukema	Snyder	Wortley
Rudd	Solomon	Wylie
Sawyer	Stangeland	Young (AK)
Schaefer	Stump	Young (FL)
Schneider	Sundquist	Zschau
Schulze	Tauke	

ANSWERED "PRESENT"—4

Forsythe	Myers
Hansen (UT)	Spence

NOT VOTING—12

Badham	Ford (MI)	Hunter
Conyers	Gibbons	Madigan
Dingell	Harrison	McCandless
Erlenborn	Heftel	Smith, Robert

□ 1220

The Clerk announced the following pairs:

On this vote:

Mr. Ford of Michigan for, with Mr. McCandless against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

Mr. MAZZOLI and Mr. WILLIAMS of Ohio changed their votes from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2065), to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

TITLE I

SEC. 101. That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1983:

(a) For "Research and development," for the following programs:

(1) Space transportation capability development, $2,009,400,000;

(2) Space transportation operations, $1,545,600,000;

(3) Physics and astronomy, $562,100,000;

(4) Planetary exploration, $220,400,000;

(5) Life sciences, $59,000,000;

(6) Space applications, $313,000,000;

(7) Technology utilization, $10,000,000;

(8) Aeronautical research and technology, $320,300,000;

(9) Space research and technology, $143,000,000; and

(10) Tracking and data systems, $700,200,000; and

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Space Shuttle facilities at various locations as follows:

(A) Modifications for additional chillers for mission control center, Lyndon B. Johnson Space Center, $2,300,000;

(B) Modifications to mobile launch platform, John F. Kennedy Space Center, $27,300,000; and

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $11,700,000;

(2) Space Shuttle payload facilities at various locations as follows:

(A) Construction of cargo hazardous servicing facility, John F. Kennedy Space Center, $9,000,000; and

(B) Modifications to spacecraft assembly and encapsulation facility for cargo processing, John F. Kennedy Space Center, $3,000,000;

(3) Construction of frequency standards laboratory, Jet Propulsion Laboratory, $2,700,000;

(4) Modifications to space flight operations facility, Jet Propulsion Laboratory, $1,600,000;

(5) Construction of fluid mechanics laboratory, Ames Research Center, $3,900,000;

(6) Construction of aeronautical tracking facility, Hugh L. Dryden Flight Research Facility, $800,000;

(7) Modifications and addition for composite materials laboratory, Langley Research Center, $5,100,000;

(8) Modifications to 30- by 60-foot wind tunnel, Langley Research Center, $4,400,000;

(9) Modifications for small engine component testing facility, Lewis Research Center, $7,000,000;

(10) Modifications to icing research tunnel, Lewis Research Center, $3,600,000;

(11) Relocation of 26-meter STDN antenna, Spain, $1,700,000;

(12) Repair of facilities at various locations, not in excess of $500,000 per project, $19,500,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $24,500,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,800,000; and

(15) Facility planning and design not otherwise provided for, $9,200,000.

(c) For "Research and program management," $1,242,500,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 101(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 101(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 101(a) and 101(c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 101(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 101(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 103. Not to exceed ½ of 1 percent of the funds appropriated pursuant to subsection 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 101(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expendi-

ture to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 104. Notwithstanding any other provisions of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 106. The authorization for space transportation capability development includes provision for the production activities necessary to provide for a fleet of Space Shuttle orbiters, including the production of structural and component spares, necessary to ensure confident and cost-effective operation of the orbiter fleet, as well as provisions for maintaining production readiness for a fifth orbiter vehicle.

SEC. 107. Title III of the National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME AND INITIALS

"SEC. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the National Aeronautics and Space Administration which does not, in fact, exist.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice."

SEC. 108. Section 103(1) of the National Aeronautics and Space Act of 1958, as amended, is amended, by striking out " and (C)" and inserting in lieu thereof "(C) the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment, and (D)".

SEC. 109. Notwithstanding any other provision of law, there shall be transferred to NASA three government-owned tracts of NASA used land and improvements thereon (totalling approximately 33.5 acres) at Ellington Air Force Base, Texas, without any transfer of funds therefor.

SEC. 110. Any decision or proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or policy shall be implemented unless (A) a period of 30 days has passed after the receipt by each such committee of a full and complete statement of the decision or proposed policy and the facts and circumstances relied upon in support of such decision or proposed policy or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the decision or proposed policy.

SEC. 111. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1984".

TITLE II

SEC. 201. There is authorized to be appropriated $29,336,000 for the fiscal year 1984 for the purpose of operating the land remote sensing satellite system, including provision for storage of a backup satellite.

SEC. 202. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as it deems appropriate for any such transfer.

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

□ 1230

Mr. WINN. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Science and Technology to give a short explanation of what all is involved in this bill and if he would spell out for the Members some of the amounts of money involved.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. WINN. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, on April 26, 1983, the House passed H.R. 2065 which would authorize a total of $7,268,220,000 for the National Aeronautics and Space Administration. The bill in title II of H.R. 2065 of the House authorized to be appropriated $29,336,000 for the National Oceanic and Atmospheric Administration for fiscal year 1984 for the purpose of operating the land remote sensing satellite system.

On June 15, 1983 the Senate passed S. 1096 which would authorize $7,278,100,000 for NASA activities in fiscal year 1984 as well as $29,336,000 for NOAA Landsat activities in fiscal year 1984.

On Monday, June 27, 1983, the Senate passed H.R. 2065 with an amendment in the nature of a substi-

tute which represents a compromise worked out through informal discussions between members of the House Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation. This substitute amendment, which was adopted by the Senate, would authorize a total of $7,267,600,000 for the National Aeronautics and Space Administration in fiscal year 1984.

The total amount authorized in the substitute amendment is $620,000 less than the previous House action and $10,500,000 less than the amount previously authorized by the Senate.

Mr. Seaker, the differences between the action of the House and the Senate were indeed minor and the substitute amendment to H.R. 2065 which has been passed by the House represents a fair and equitable compromise between the previous action of the two Houses.

I am submitting for the RECORD a detailed explanation of the substitute amendment adopted by the Senate to H.R. 2065 on Monday, June 27, 1983:

EXPLANATORY STATEMENT OF THE SUBSTITUTE AMENDMENT

The NASA request for fiscal year 1984 totaled $7,106,500,000. The House authorized $7,268,220,000 and the Senate authorized $7,278,100,000. The substitute amendment provides a total authorization for fiscal year 1984 of $7,267,600,000 as follows:

SUMMARY OF ADJUSTMENTS TO H.R. 2065—NASA FISCAL YEAR 1984 AUTHORIZATION

	Budget request	House action	Senate action	Substitute amendment
Research and development:				
Space transportation capability development	$1,927,400,000	$1,999,400,000	$2,022,400,000	$2,009,400,000
Space transportation operations	1,570,600,000	1,570,600,000	1,535,600,000	1,545,600,000
Physics and astronomy	514,600,000	566,600,000	558,600,000	562,100,000
Planetary exploration	205,400,000	220,400,000	215,400,000	220,400,000
Life sciences	59,000,000	59,000,000	59,000,000	59,000,000
Space applications	289,000,000	306,000,000	321,000,000	313,000,000
Technology utilization	4,000,000	10,000,000	10,000,000	10,000,000
Aeronautical research and technology	300,300,000	311,600,000	328,300,000	320,300,000
Space research and technology	138,000,000	143,000,000	138,000,000	143,000,000
Tracking and data acquisition	700,200,000	700,200,000	700,200,000	700,200,000
Total	5,708,500,000	5,886,800,000	5,889,500,000	5,883,000,000
Construction of facilities	150,500,000	138,920,000	142,100,000	142,100,000
Research and program management	1,247,500,000	1,242,500,000	1,247,500,000	1,242,500,000
Grand total	7,106,500,000	7,268,220,000	7,278,100,000	7,267,600,000

The points in disagreement and the resolution of them are as follows:

1. NASA requested $1,927,400,000 for Space Transportation Capability Development activities.

The House authorized $1,999,400,000, a net increase of $72 million as follows: an increase of $70 million to increase funding for orbiter and engines spares and to maintain production readiness for a fifth orbiter; an increase of $10 million to continue contractor space station studies, to fund alternative concept studies, and to fund studies of a space platform serviced by an extended-duration orbiter; and a decrease of $8 million to reduce level of support for engineering and technical base activities.

The Senate authorized $2,022,400,000, an increase of $95 million as follows: an increase of $85 million for the initiation of procurement of a fifth Space Shuttle orbiter; an increase of $5 million for additional space station studies; and an increase of $5 million for the teleoperator maneuvering system.

The substitute amendment authorizes $2,009,400,000 for Space Transportation Capability Development activities including the following: an increase of $75 million for orbiter and engine spares, an increase of $10 million for space station studies, a decrease of $8 million in Engineering and Technical Base, and an increase of $5 million for the teleoperator maneuvering system.

2. NASA requested $1,570,600,000 for Space Transportation Operations activities.

The House authorized the NASA request.

The Senate authorized $1,535,600,000 a reduction of $35 million in the level of support for operations.

The substitute amendment authorizes $1,545,600,000, a decrease of $25 million, for Space Transportation Operations activities.

3. NASA requested $514,600,000 for Physics and Astronomy activities.

The House authorized $566,600,000 which is $52 million over the request and includes: an increase of $45 million for the Space Telescope program to offset cost overruns; an increase of $6 million in Research and Analysis for experimental and theoretical research ($4M) and for instrumentation ($2M); and an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis.

The Senate authorized $558,600,000, a net increase of $44 million over the request. This budget includes an increase of $50 million in Space Telescope for cost overruns; an increase of $4 million in Research and Analysis for experimental and theoretical research and mission definition; an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis; and a decrease of $11 million in Shuttle/Spacelab Payload Development which is a net of a $16 million decrease for Solar Optical Telescope and an increase of $5 million for Space Plasma Lab.

The substitute amendment authorizes $562,100,000 for Physics and Astronomy activities including the following: an increase of $45 million for the Space Telescope program, a decrease of $4.5 million for Shuttle/Spacelab Payload Development and Mission Management (the net result of a decrease of $7 million for the Solar Optical Telescope and an increase of $2.5 million for the Space Plasma Lab), an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis, and an increase of $6 million in Research and Analysis.

4. NASA requested $205,400,000 for Planetary Exploration activities in fiscal year 1984.

The House authorized $220,400,000, an increase of $15 million over the NASA request. The increase is in Research and Analysis for university research support and instrumentation and to partially restore the activity to fiscal year 1980 purchasing power.

The Senate authorized $215,400,000, an increase of $10 million over the NASA request. The increase is for Research and Analysis for experimental and theoretical research and mission definition.

The substitute amendment authorizes $220,400,000, an increase of $15 million for Research and Analysis activities.

5. NASA requested $289,000,000 for Space Application activities in fiscal year 1984.

The House authorized $306,000,000, an increase of $17 million over the request. This amount includes an increase of $9 million in Solid Earth Observations—for Agristars ($2M) to continue NASA participation; for Research and Analysis ($4M) for Snythetic Aperture Radar and Global Resource Information Systems studies; for Technology Transfer ($3M) for Application System Verification Tests. Also included is an increase of $3 million in Environmental Observations for Research and Analysis to support mission definition studies for Origin of Plasmas in the Earth's Neighborhood ($2M) and a study of Sun-Earth interactions ($1M). The House also authorized an increase of $5 million in Materials Processing for a university center for research on the seperation and purification of organic materials and to augment industrial research aimed at commercial applications.

The Senate authorized $321,000,000, an increase of $32 million over the request. This includes an increase of $12 million in Solid Earth Observations for future sensor development and data utilization activities in Agristars ($3M), Research and Analysis ($5M), and Technology Transfer ($4M). The Senate authorized an increase of $10 million for Environmental Observations in Space Physics/Advanced Technological Development for university research in the Origin of Plasmas in the Earth's Neighborhood program ($2M); for Upper Atmosphere Research Satellite experiments ($4M); for Atmosphere Dynamics and Radiation Research ($2M) for advanced microwave sounder; and for Ocean Processes Research ($2M) for an advanced scatterometer. The Senate also authorized an increase of $5 million in Materials Processing to continue de-

veloping technology including small scale hardware for preliminary flight experiments and validation of concepts and for research in the separation and purification of biomaterials. Finally, the Senate authorized an increase of $5,000,000 for the Communications program for research on advanced communications systems (beyond ACTS).

The substitute amendment authorizes $313,000,000 for Space Applications programs including the following changes: an increase of $9 million for Solid Earth Observation as provided in the House action; an increase of $7 million in Environmental Observations ($2 million to support mission definition studies for Origins of Plasmas in the Earth's Neighborhood and $5 million to be used at the agency's discretion for Upper Atmospheric Research Satellite Experiments, for Atmosphere Dynamics and Radiation Research, and for Ocean Processes Research with the expectation that NASA will be guided by the Committee comments in the Legislative Report accompanying S. 1096); an increase of $5 million for Materials Processing in Space activities for the establishing university centers for research on the separation and purification of organic materials, for small scale hardware for preliminary flight experiments and concept validation, and for industrial research aimed at commercial applications; and an increase of $3 million for advanced satellite communications technology development (beyond ACTS). Within available funds NASA is directed to undertake a study of Sun-Earth interactions as called for in the Legislative Report accompanying H.R. 2065. The Members also adopt the Senate provision calling for a study of the Space Applications program.

6. NASA requested $300,300,000 for Aeronautical Research and Technology activities in fiscal year 1984.

The House authorized $311,600,000 an increase of $11.3 million over the request. This increase is the net of an increase of $20 million for the Advanced Turboprop program, an increase of $14 million for civil systems technology, and a general decrease of $22.7 million in the Research and Technology base.

The Senate authorized $328,300,000, an increase of $28 million over the request. This increase is the net result of a general reduction of $15 million in the Research and Technology Base and an increase of $43 million in Systems Technology Programs. The Systems Technology increase would be applied as follows: Advanced Turboprop ($18M); Laminar flow control ($5M); Advanced Transport Operating System ($2M); Advanced Turbofan ($4M); General Aviation/Commuter Engine Technology ($3M); and $11 million for the following technologies, advanced composites, energy efficient engine, energy efficient transport, and aeronautical systems studies.

The substitute amendment authorizes $320,300,000. Within this amount, $20 million is authorized only for the Advanced Turboprop Program, including activities leading to a flight test by 1987. The total further reflects the net of a $22.7 million reduction in the Research and Technology Base and a $22.7 million increase to be applied at NASA's discretion to civil Systems Technology programs, including Advanced Transport Operating Systems, Laminar Flow Control, Small Engine Component Technology, Advanced Turbofan Research, Advanced Composites, Advanced Metallics, Energy Efficient Engine, Energy Efficient Transport and Aeronautical Systems Studies.

7. NASA requested $138,000,000 for Space Research and Technology activities in fiscal year 1984.

The House authorized $143,000,000, an increase of $5 million over the request. This increase is in the Research and Technology base for university instrumentation ($2.5M) and advanced chemical propulsion ($2.5M).

The Senate authorized $138,000,000 which was the level requested.

The substitute amendment authorizes $143,000,000 as provided by the House with the expectation that NASA will initiate steps, possibly through planning grants, to identify the needs of universities and colleges for modern research laboratories, instrumentation, equipment, student fellowships and faculty development in order to maintain a healthy university base to support our Nation's civil space program.

8. NASA requested $150,500,000 for Construction of Facilities activities in fiscal year 1984.

The House authorized $138,920,000 a decrease of $11,580,000 below the request. This decrease was the net result of a general reduction of $5 million, the deletion of $8.4 million for the Ellington Air Force Base property transfer and an increase of $1.82 million to provide for the disassembly of an Apollo Launch Umbilical Tower in a manner that would allow reassembly for historical preservation.

The Senate authorized $142,100,000 which would delete the $8.4 million in the request for the Ellington Air Force Base property transfer.

The substitute amendment authorizes $142,100,000 for Construction of Facilities activities reflecting the deletion of $8.4 million requested for the transfer to NASA of property at Ellington Air Force Base. The House and Senate authorization Committees agree that the Apollo Launch Umbilical Tower should be disassembled in a manner that would allow the tower to be reassembled for historical preservation. The House and Senate authorizing Committees further agree that the funding required to reassemble the tower should be the responsibility of government agencies or private groups having a direct interest in historical preservation.

9. NASA requested $1,247,500,000 for Research and Program management activities in fiscal year 1984.

The House authorized $1,242,500,000 a general reduction of $5 million below the request.

The Senate authorized $1,247,500,000, the level of the request.

The substitute amendment would authorize $1,242,500,000.

10. The House included a language provision in Sec. 1(a)(8) related to funding amounts for the Advanced Turbo-prop program.

Senate bill had no comparable provision.

The substitute amendment would delete the language added by the House.

11. The House included a language provision in Sec. 1(b)(1)(B) related to preservation of an Apollo Launch Umbilical Tower.

The Senate bill contained no comparable provision.

The substitute amendment would delete the language added by the House since NASA has already exercised the contract option as specified using fiscal year 1983 funding.

12. The House included a new Section 109 authorizing transfer to NASA of property at Ellington Air Force Base without any transfer of funds therefor.

The Senate bill included a similar provision as Sec. 1(h) with some technical changes.

The substitute amendment includes the Senate language as Section 109.

13. The House added language at the end of Section 106 providing for maintaining production readiness for a fifth orbiter vehicle.

The Senate added language at the end of Section 106 authorizing initiation of procurement of a fifth orbiter vehicle.

The substitute amendment adopts the House language but deleted the references to the size of the orbiter fleet as being four orbiter vehicles.

14. In adopting Section 107, a provision related to misuse of the agency name as proposed by the Administration, the House deleted the second sentence in subsection (b).

The Senate adopted as Sec. 108 the Administration provisions related to misuse of the agency name.

The substitute amendment would adopt the House language as Sec. 107.

15. The House included in a new Sec. 108 an amendment to the Space Act to include within the definition of aeronautical and space activities as specified in Sec. 203 of the Space Act the following: "the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment."

Senate bill had no comparable language.

The substitute amendment includes the new Sec. 108 amending the Space Act as included in the House bill to clarify the definition of aeronautical and space activities.

16. The Senate included a new Sec. 107 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science and Transportation and the House Committee on Science and Technology for review and approval.

The House bill included no comparable language.

The substitute amendment includes a new Sec. 110 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science and Transportation and the House Committee on Science and Technology for review thirty days prior to implementation.

Mr. WINN. Mr. Speaker, I thank the gentleman for the explanation. I know that many on our side are going to want to know if this is over the budget, and if so, exactly how much and what agreements were reached with the Senate.

Mr. FUQUA. If the gentleman will yield further, the budget request for this year was $7.106 billion. There was money asked, some $50 million, for spare parts for the space shuttle, and also some $45 million for the significant changes in the space telescope. That corresponds with the amount appropriated earlier today in the appropriation bill that carries this matter, so it is slight above that, but it is my understanding that the administration has no objection to the bill in its current form.

Mr. WINN. I thank the chairman. I wonder if the chairman could tell us

about the cost overruns on the space telescope and what problems might be?

Mr. FUQUA. That is an investigation that is going on at this time by the Space Science and Applications Subcommittee, as well as an internal review that is being conducted by NASA. I think the chairman of that subcommittee could more enlighten the Members as to the specifics of that investigation.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. WINN. I yield to the gentleman from Missouri?

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Speaker, I am sure that we are now on a good track on the space telescope. There will have to be additional funds, and we did put in additional funds in the 1984 budget, approximately $45 million. They anticipate that even with that NASA probably will have to reprogram some additional funds in 1984 also, and there will be additional amounts for 1985, but hopefully the matter is well being taken care of at the present time and there has been good oversight by NASA, especially on the management end of it, and anticipate that it will be completed now within the schedule presently contemplated.

Mr. WINN. Mr. Speaker, I thank the gentleman from Missouri, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida (Mr. FUQUA)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2769, CARIBBEAN BASIN ECONOMIC RECOVERY ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-273) on the resolution (H. Res. 246) providing for the consideration of the bill (H.R. 2769) to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2760, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983 AMENDMENT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-274) on the resolution (H. Res. 247) providing for the consideration of the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, HOUSING AND URBAN RURAL RECOVERY ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-275) on the resolution (H. Res. 248) providing for the consideration of the bill (H.R. 1) to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2957, INTERNATIONAL RECOVERY AND FINANCIAL STABILITY ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-276) on the resolution (H. Res. 249) providing for the consideration of the bill (H.R. 2957) to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, NATIONAL DEVELOPMENT INVESTMENT ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-277) on the resolution (H. Res. 250) providing for the consideration of the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2832, MULTILATERAL DEVELOPMENT BANK ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-278) on the resolution (H. Res. 251) providing for the consideration of the bill (H.R. 2832) to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2842, EXPORT-IMPORT BANK AMENDMENTS OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-279) on the resolution (H. Res. 252) providing for the consideration of the bill (H.R. 2842) to amend the Export-Import Bank Act of 1945 to establish the Competitive Tied Aid Fund, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3930, INTERNATIONAL ECONOMIC RECOVERY AND FINANCIAL STABILITY ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-280) on the resolution (H. Res. 253) providing for the consideration of the bill (H.R. 2930) to encourage the coordination of national fiscal and monetary policy in order to achieve sustainable and noninflationary economic growth on a worldwide basis, to amend the Bretton Woods Agreements Act to authorize an increase in the U.S. quota in the International Monetary Fund, to reduce financial pressures on developing nations, and to improve the supervision of international lending by U.S. banks, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KAZEN). The Chair will at this time take a very limited number of 1-minute speeches from those who are in the well at this time.

PRESIDENT IS READING FROM WRONG BRIEFING BOOK ON EDUCATION

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, today the President is going to Kentucky to take part in a carefully orchestrated event to demonstrate his support for vocational education.

Tonight the TV networks will carry President Reagan's statement that he strongly supports vocational education.

But in making that statement, Mr. Speaker, the President will once again be reading from the wrong briefing book. Let us look at what his record actually shows.

Last year he prepared cuts in vocational education funding of 32 percent and this year his prepared cut is 40 percent. The President's answer to our educational problems is less money and more prayer.

But for what should our students pray? For job skills? For a degree? For employment following graduation?

Mr. Speaker, excellence in education can only be achieved through a commitment to the funding necessary to obtain good teachers and state-of-the-art equipment.

That is the commitment which we in this Chamber share and which the President's record clearly shows that he lacks.

□ 1240

GRAIN SALES AGREEMENT AND TRADE DEFICIT

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, today's news contains a story indicating that the U.S. trade deficit for the month of May was a record $6.9 billion. This raises the estimated trade deficit for the year to $70 billion. Last week, it was announced that the first round of negotiations on a new long-term agreement on the sale of American grain to the Soviet Union has ended without producing any apparent results. Indeed, the two sides even failed to set a date for the next round of talks.

Mr. Speaker, these two announcements are cause for grave concern. Because of the importance of agricultural exports to our balance of trade, it was especially disappointing that the vital grain sales meeting adjourned without any progress.

If we are going to have a strong and prosperous economy in our Nation, we must regain and retain our share of international agricultural trade. Increased agricultural exports is the best, and really the only, long-term solution to the present financial problem facing American farmers. In addition, these exports benefit the entire economy through job creation and improved balance of payments.

Mr. Speaker, prior to the ill-advised 1980 grain embargo, American farmers held roughly 75 percent of the Soviet grain market. The value of all U.S. agricultural exports had increased for 13 consecutive years. However, the embargo revived the image of the United States as an unreliable trading partner. For 2 consecutive years, the value and volume of our agricultural exports has dropped. Our share of the Soviet market has fallen to 20 percent. Although the present administration lifted the embargo in 1981, it was slow to enter negotiations for a new long-term grain agreement. In the meantime, the Soviet Union, the world's largest importer of grain, has developed new sources, chiefly Argentina, Canada, and Western Europe. These nations rushed to fill the breech created when we restricted our sales, and now they, not we, supply most of the Soviet Union's grain import needs.

Mr. Speaker, as a result of these new suppliers, and an expected better-than-normal harvest this year, the Soviets today are dealing with us from a position of strength. They will no doubt drive a hard bargain and attempt to use these grain negotiations as means to gain political leverage. Though it will not be easy for us to recapture our previous share of this market, we must nevertheless keep trying. I urge our negotiating team to resume talks with the Soviets at the earliest possible date, and to conclude a meaningful agreement.

COVERUP OF LEGISLATIVE MISCONDUCT ALLEGED

(Mr. WALKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, by their deeds you shall know them. The same political party that is expressing indignation at revelations that our Nation's political processes may have been compromised in 1980 has just voted almost unanimously to say that a coverup of legislative misconduct is acceptable.

Reading someone else's briefing book is wrong, but doctoring public documents is not nearly so serious? This is arrogance of power at its worst.

Mr. Speaker, this is a sad day for integrity in this House.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the conference report on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. Mr. Speaker, pursuant to the order of the House of Monday last, I call up the conference report on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 28, 1983.)

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STRATTON. Mr. Speaker, reserving the right to object, I wonder if the gentleman from California (Mr. FAZIO) could advise me whether the amendment offered by the Senator from New York, Mr. D'AMATO, with regard to the restoration of the west front of the Capitol has been included in this conference report?

Senator D'AMATO offered an amendment that would provide for a consulting architect to oversee the restoration project, because the Architect of the Capitol, Mr. White, is to say the least, somewhat less than enthusiastic about restoration. Designating him to be the head of the restoration project would be a little bit like putting the fox in charge of the chicken coop.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am interested in knowing if the gentleman could respond to that question, and I yield to him for that purpose.

Mr. FAZIO. Mr. Speaker, I would be happy to respond.

As the gentleman knows, the item in question, the restoration of the west front of the Capitol, is part of the supplemental appropriation bill and not part of the 1984 appropriation bill for the legislative branch. It is true that Senator D'AMATO did include language in this bill as well as the supplemental

appropriations, but in conference yesterday he readily agreed to withhold on that language and to have that issue resolved in the supplemental. He did that voluntarily. I think he did it appropriately, given the fact that we actually do make the appropriation for the restoration in that bill, H.R. 3069, the fiscal year 1983 supplemental.

So I would say that it is not included in this bill, and it should not have been. It is not included, with the acquiescence of Senator D'AMATO. I made clear to him in our conference discussion that there will be no attempt to refight the issue of extension versus restoration at any point in the process. We are all dedicated to restoration, and we will consider Senator D'AMATO's suggestion on the merits at the time the conference meets on the supplemental.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for his explanation, and I do hope that when the supplemental conference report comes up, the gentleman from California will accept the wording of the D'Amato amendment, because that would make it perfectly clear that we will have somebody who has not had a long history of opposition to restoration in charge of that process.

Mr. TRAXLER. Mr. Speaker, will the distinguished gentleman yield to me under his reservation of objection?

Mr. STRATTON. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, as a member of the conference committee on the conference report that is before us, although I will not be a member of the conference committee on the supplemental, I feel constrained to say that the Architect of the Capitol is a very fine gentleman who is technically extremely competent and who is dedicated to fulfilling the desires and the wishes of the Congress. The Congress has spoken on the west front, and as far as the Architect of the Capitol is concerned, the issue is resolved, and I am confident that he will proceed with all haste to accommodate the decisions that were reached by this body and by the Senate.

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman's statement, and I trust that his prediction will be borne out.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California to dispense with further reading of the statement?

Mr. MYERS. Mr. Speaker, reserving the right to object, I had not intended to speak, but for the purposes of the colloquy here, let me ask this: When we look at the number of people the Architect has in his office, do we need one more to honcho this job? I quite agree with the thrust of this, that in the next bill, the supplemental, that a supervisor over the west front construction be considered, but can we not just have the Architect delegate one of his present architects that he has in his office to supervise this? Why do we always have to hire one more person to do these jobs?

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, let me ask, is that one of the 1,200 employees of the Architect who occupy so much of the space in the Capitol, that the gentleman is referring to?

Mr. MYERS. I do not know exactly how many there are, but I am sure, with the number of employees the Architect has—and I respect the Architect and think he does a good job—surely someone can be delegated from the existing staff to supervise this construction. I quite agree that it is probably necessary, but why must we hire one more person and go to that added expense to the taxpayers?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. FAZIO) will be recognized for 30 minutes, and the gentleman from California (Mr. LEWIS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conferees on H.R. 3135, the Legislative Branch Appropriation Act, 1984, have reached an agreement which provides appropriations totaling $1,473,359,000 for fiscal year 1984. This amount is $137,661,337 above the fiscal year 1983 level enacted to date and $22,119,200 below the budget estimates. The conference agreement is $264,961,250 above the amount in the bill as it passed the House; however, it includes $262,588,000 for Senate items not considered by the House. Traditionally, the Senate housekeeping items are left for decision and insertion by the other body and similarly the Senate does not act on our items.

If the items approved by the House in the fiscal year 1983 supplemental, H.R. 3069, and the supplemental items for the operations of the Senate are included, this conference agreement is only $6,390,737 over the fiscal year 1983 level. That is virtually a zero increase—only four-tenths of 1 percent—for fiscal year 1984 over the 1983 level.

Mr. Speaker, under leave I have already obtained, I will include a comparative tabulation of the conference action at this point in the RECORD.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
TITLE I— CONGRESSIONAL OPERATIONS						
SENATE						
Mileage of the Vice President and Senators and Expense Allowances of the Vice President, the Leaders, and Whips of the Senate						
Mileage of the Vice President and Senators	60,000	60,000		60,000	60,000	
Expense allowances of the Vice President, President pro tempore, majority and minority leaders and majority and minority whips:						
Vice President	10,000	10,000		10,000	10,000	
President pro tempore of the Senate	10,000	10,000		10,000	10,000	
Majority leader of the Senate	10,000	10,000		10,000	10,000	
Minority leader of the Senate	10,000	10,000		10,000	10,000	
Majority whip of the Senate	2,500	5,000		5,000	5,000	
Minority whip of the Senate	2,500	5,000		5,000	5,000	
Total, expense allowances	45,000	50,000		50,000	50,000	
Total, Vice President and Senators	105,000	110,000		110,000	110,000	
Salaries, Officers and Employees						
Office of the Vice President	991,000	1,031,000		1,031,000	1,031,000	
Office of the President pro tempore	133,000	139,000		139,000	139,000	
Offices of the majority and minority leaders	717,000	746,000		881,000	881,000	+135,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
Floor assistants to the majority and minority leaders	117,000	139,000				−139,000
Offices of the majority and minority whips	279,000	291,000		291,000	291,000	
Conference committees	876,000	1,012,000		1,012,000	1,012,000	
Offices of the secretaries of the conference of the majority and the conference of the minority	150,000	156,000		156,000	156,000	
Office of the Chaplain	80,000	83,000		83,000	83,000	
Office of the Secretary	5,660,000	6,602,000		6,602,000	6,602,000	
Administrative, clerical, and legislative assistance to Senators	90,996,000	94,900,000		94,900,000	94,900,000	
Office of Sergeant at Arms and Doorkeeper	27,378,000	32,123,000		32,123,000	32,123,000	
Offices of the secretaries for the majority and minority	710,000	775,000		775,000	775,000	
Agency contributions and longevity compensation	16,705,000	19,404,000		15,354,000	15,354,000	−4,050,000
Total, salaries, officers and employees	144,792,000	157,401,000		153,347,000	153,347,000	−4,054,000
Office of the Legislative Counsel of the Senate						
Salaries and expenses	1,155,000	1,314,000		1,280,000	1,280,000	−34,000
Office of Senate Legal Counsel						
Salaries and expenses	508,000	555,000		545,000	545,000	−10,000
Expense allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and secretaries for the majority and for the minority of the Senate	8,000	12,000		12,000	12,000	
Contingent Expenses of the Senate						
Senate policy committees	1,634,000	1,715,000		1,712,000	1,712,000	−3,000
Automobiles and maintenance	90,000	90,000				−90,000
Inquiries and investigations	43,199,500	45,698,000		45,698,000	45,698,000	
Secretary of the Senate				390,000	390,000	+390,000
Sergeant at Arms and Doorkeeper				32,869,000	32,869,000	+32,869,000
Miscellaneous items	37,900,500	42,508,000		9,174,000	9,174,000	−33,334,000
Postage stamps	11,000	11,000				−11,000
Stationary (revolving fund)	131,000	39,000		39,000	39,000	
Total, contingent expenses of the Senate	82,966,000	90,061,000		89,882,000	89,882,000	−179,000
Total, Senate	229,534,000	249,453,000		245,176,000	245,176,000	−4,277,000
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuitiees, deceased Members	60,663					
Mileage of Members						
Mileage of Members	210,000	210,000	210,000	210,000	210,000	
House Leadership Offices						
Office of the Speaker	676,000	721,000	721,000	721,000	721,000	
Office of the Majority Floor Leader	555,000	594,000	594,000	594,000	594,000	
Office of the Minority Floor Leader	617,000	667,000	667,000	667,000	667,000	
Office of the Majority Whip	470,000	548,000	548,000	548,000	548,000	
Office of the Minority Whip	408,000	475,000	475,000	475,000	475,000	
Total, House leadership offices	2,726,000	3,005,000	3,005,000	3,005,000	3,005,000	
Salaries, Officers and Employees						
Office of the Clerk	11,787,000	12,502,000	12,502,000	12,502,000	12,502,000	
Office of the Sergeant at Arms	16,284,000	17,173,000	17,173,000	17,173,000	17,173,000	
Office of the Doorkeeper	5,938,000	6,185,000	6,185,000	6,185,000	6,185,000	
Office of the Postmaster	1,769,000	1,845,000	1,845,000	1,845,000	1,845,000	
Office of the Chaplain	59,000	68,000	68,000	68,000	68,000	
Office of the Parliamentarian	495,000	575,000	575,000	575,000	575,000	
Office of the Parliamentarian	(305,000)	(368,000)	(368,000)	(368,000)	(368,000)	
Compilation of precedents of the House of Representatives	(190,000)	(207,000)	(207,000)	(207,000)	(207,000)	
Office of the Law Revision Counsel	716,000	741,000	741,000	741,000	741,000	
Office of the Legislative Counsel	2,601,000	3,085,000	3,085,000	3,085,000	3,085,000	
House Democratic Steering Committee and Caucus	511,000	542,000	542,000	542,000	542,000	
House Democratic Steering Committee	(391,000)	(413,000)	(413,000)	(413,000)	(413,000)	
House Democratic Caucus	(120,000)	(129,000)	(129,000)	(129,000)	(129,000)	
House Republican Conference	511,000	542,000	542,000	542,000	542,000	
Six minority employees	352,000	404,000	404,000	404,000	404,000	
Other authorized employees	936,000	977,000	977,000	977,000	977,000	
Technical assistant, Office of the Attending Physician	(40,000)	(42,000)	(42,000)	(42,000)	(42,000)	
L.B.J. interns and former Speakers' staff	(812,000)	(847,000)	(847,000)	(847,000)	(847,000)	
Miscellaneous items	(84,000)	(88,000)	(88,000)	(88,000)	(88,000)	
Total, salaries, officers and employees	41,959,000	44,639,000	44,639,000	44,639,000	44,639,000	
Committee Employees						
Professional and clerical employees (standing committees)	32,035,000	34,734,000	34,734,000	34,734,000	34,734,000	
Committee on Appropriations (Studies and Investigations)						
Salaries and expenses	3,750,000	3,700,000	3,700,000	3,700,000	3,700,000	
Committee on the Budget (Studies)						
Salaries and expenses	276,000	299,000	299,000	299,000	299,000	
Member's Clerk Hire						
Clerk hire	143,953,000	150,233,000	150,233,000	150,233,000	150,233,000	
Contingent Expenses of the House						
Allowances and Expenses						
Official expenses of Members	49,791,000	67,200,000	67,200,000	67,200,000	67,200,000	
Supplies, materials, administrative costs and Federal tort claims	8,337,000	9,208,000	9,208,000	9,208,000	9,208,000	
Furniture and furnishings	1,250,000	985,000	985,000	985,000	985,000	
Reporting hearings	700,000	850,000	700,000	700,000	700,000	−150,000
Reemployed annuitants reimbursement	2,300,000	2,300,000	2,300,000	2,300,000	2,300,000	
Government contributions	18,988,000	22,349,000	22,349,000	22,349,000	22,349,000	
Miscellaneous items	500,000	500,000	500,000	500,000	500,000	
Total, allowances and expenses	81,866,000	103,392,000	103,242,000	103,242,000	103,242,000	−150,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
Special and Select Committees						
Salaries and expenses	42,000,000	44,000,000	44,000,000	44,000,000	44,000,000	
Total, contingent expenses of the House	123,866,000	147,392,000	147,242,000	147,242,000	147,242,000	−150,000
Total, House of Representatives	348,835,663	384,212,000	384,062,000	384,062,000	384,062,000	−150,000
JOINT ITEMS						
Contingent Expenses of the Senate						
Joint Economic Committee	2,327,000	2,487,000	2,437,000	2,437,000	2,437,000	−50,000
Joint Committee on Printing	816,000	855,000	855,000	855,000	855,000	
Total, contingent expenses of the Senate	3,143,000	3,342,000	3,292,000	3,292,000	3,292,000	−50,000
Contingent Expenses of the House						
Joint Committee on Taxation	3,233,000	3,395,000	3,395,000	3,395,000	3,395,000	
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	633,000	653,200	653,200	653,000	653,000	−200
Capitol Police						
General expenses	945,000	1,612,000	1,612,000	1,612,000	1,612,000	
Capitol Police Board		213,000	213,000	213,000	213,000	
Total, Capitol Police	945,000	1,825,000	1,825,000	1,825,000	1,825,000	
Education of Pages						
Education of congressional pages and pages of the Supreme Court	271,000	295,000	295,000	295,000	295,000	
Official Mail Costs						
Expenses	55,196,000	107,077,000	107,077,000	107,077,000	107,077,000	
Capitol Guide Service						
Salaries and expenses	734,000	775,000	775,000	775,000	775,000	
Statements of Appropriations						
Preparation	13,000	13,000	13,000	13,000	13,000	
Total, joint items	64,168,000	117,375,200	117,325,200	117,325,000	117,325,000	−50,200
OFFICE OF TECHNOLOGY ASSESSMENT						
Salaries and expenses	12,575,000	14,600,000	13,933,000	15,800,000	14,653,000	+53,000
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	14,825,000	16,751,000	16,300,000	16,300,000	16,300,000	−451,000
ARCHITECT OF THE CAPITOL						
Office of the Architect of the Capitol						
Salaries	4,301,000	4,829,000	4,806,000	4,806,000	4,806,000	−23,000
Contingent expenses	210,000	210,000	210,000	210,000	210,000	
Total, Office of the Architect of the Capitol	4,511,000	5,039,000	5,016,000	5,016,0000	5,016,000	−23,000
Capitol Buildings and Grounds						
Capitol buildings	9,998,000	11,100,000	10,568,000	10,630,000	10,630,000	−470,0000
Capitol Grounds	4,921,000	3,199,000	3,199,000	3,199,000	3,199,000	
Acquisition of property as an addition to the Capitol Grounds	4,500,000					
Senate office buildings	20,308,000	17,540,000		17,412,000	17,412,000	−128,000
House office buildings	20,367,000	22,181,000	21,361,000	21,361,000	21,361,000	−820,000
Capitol Power Plant (operation)	23,100,000	23,867,000	23,792,000	23,542,000	23,542,000	−325,000
Total, Capitol Buildings and Grounds	83,194,000	77,887,000	58,920,000	76,144,000	76,144,000	−1,743,000
Total, Architect of the Capitol (except items in title II)	87,705,000	82,926,000	63,936,000	81,160,000	81,160,000	−1,766,000
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	33,851,000	38,950,000	35,543,550	37,700,000	36,620,000	−2,330,000
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	81,747,000	89,537,000	86,580,000	86,580,000	86,580,000	−2,957,000
Total, title I—congressional operations	873,240,663	993,804,200	717,679,750	984,103,000	981,876,000	−11,928,200
TITLE II—OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	1,827,000	2,043,000	2,018,000	2,018,000	2,018,000	−25,000
LIBRARY OF CONGRESS						
Salaries and expenses	126,803,000	134,298,000	130,728,000	130,728,000	130,728,000	−3,570,000
Authority to spend receipts	−6,500,000	−4,300,000	−4,300,000	−4,300,000	−4,300,000	
Net, salaries and expenses	120,303,000	129,998,000	126,428,000	126,428,000	126,428,000	−3,570,000
Copyright Office, salaries and expenses	15,477,000	16,199,000	16,181,000	16,181,000	16,181,000	−18,000
Authority to spend receipts	−5,000,000	−5,200,000	−5,200,000	−5,200,000	−5,200,000	
Net, Copyright Office, salaries and expenses	10,477,000	10,999,000	10,981,000	10,981,000	10,981,000	−18,000
Books for the blind and physically handicapped, salaries and expenses	33,384,000	35,691,000	35,099,000	35,099,000	35,099,000	−592,000
Collection and distribution of library materials (special foreign currency program):						
Payments in Treasury-owned foreign currencies	3,976,000	3,976,000	2,476,000	2,476,000	2,476,000	−1,500,000
U.S. dollars	462,000	486,000	486,000	486,000	486,000	
Total, collection and distribution of library materials	4,438,000	4,462,000	2,962,000	2,962,000	2,962,000	−1,500,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
Furniture and furnishings	1,226,000	1,657,000	1,524,000	1,524,000	1,524,000	−133,000
Total, Library of Congress (except Congressional Research Service)	169,828,000	182,807,000	176,994,000	176,994,000	176,994,000	−5,813,000
ARCHITECT OF THE CAPITOL						
Congressional cemetery	300,000					
Library Buildings and Grounds						
Structural and mechanical care	5,071,000	6,410,000	5,230,000	6,380,000	5,980,000	−430,000
COPYRIGHT ROYALTY TRIBUNAL						
Salaries and expenses	606,000	650,000	650,000	700,000	700,000	+50,000
Authority to spend receipts	−157,000	−170,000	−455,000	−490,000	−490,000	−320,000
Net, salaries and expenses	449,000	480,000	195,000	210,000	210,000	−270,000
GOVERNMENT PRINTING OFFICE						
Printing and binding	12,791,000	14,571,000	13,420,000	13,420,000	13,420,000	−1,151,000
Office of Superintendent of Documents, salaries and expenses	27,291,000	25,738,000	25,700,000	25,700,000	25,700,000	−38,000
Total, Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	39,120,000	39,120,000	−1,189,000
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	244,900,000	269,625,000	267,161,000	267,161,000	267,161,000	−2,464,000
Total, title II—other agencies	462,457,000	501,674,000	490,718,000	491,883,000	491,483,000	−10,191,000
Grand total, new budget (obligational) authority	1,335,697,663	1,495,478,200	1,208,397,750	1,475,986,000	1,473,359,000	−22,119,200
RECAPITULATION						
Title I—Congressional operations	873,240,663	993,804,200	717,679,750	984,103,000	981,876,000	−11,928,200
Title II—other agencies	462,457,000	501,674,000	490,718,000	491,883,000	491,483,000	−10,191,000
TITLE I—CONGRESSIONAL OPERATIONS						
Senate	229,534,000	249,453,000		245,176,000	245,176,000	−4,277,000
House of Representatives	348,835,663	384,212,000	384,062,000	384,062,000	384,062,000	−150,000
Joint items	64,168,000	117,375,200	117,325,200	117,325,000	117,325,000	−50,200
Office of Technology Assessment	12,575,000	14,600,000	13,933,000	15,800,000	14,653,000	+53,000
Congressional Budget Office	14,825,000	16,751,000	16,300,000	16,300,000	16,300,000	−451,000
Architect of the Capitol (except Library buildings and grounds)	87,705,000	82,926,000	63,936,000	81,160,000	81,160,000	−1,766,000
Congressional Research Service, Library of Congress	33,851,000	38,950,000	35,543,550	37,700,000	36,620,000	−2,330,000
Congressional printing and binding, Government Printing Office	81,747,000	89,537,000	86,580,000	86,580,000	86,580,000	−2,957,000
Total, title I—congressional operations	873,240,663	993,804,200	717,679,750	984,103,000	981,876,000	−11,928,200
TITLE II—OTHER AGENCIES						
Botanic Garden	1,827,000	2,043,000	2,018,000	2,018,000	2,018,000	−25,000
Library of Congress (except Congressional Research Service)	169,828,000	182,807,000	176,994,000	176,994,000	176,994,000	−5,813,000
Architect of the Capitol (Library buildings and grounds)	5,371,000	6,410,000	5,230,000	6,380,000	5,980,000	−430,000
Copyright Royalty Tribunal	449,000	480,000	195,000	210,000	210,000	−270,000
Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	39,120,000	39,120,000	−1,189,000
General Accounting Office	244,900,000	269,625,000	267,161,000	267,161,000	267,161,000	−2,464,000
Total, title II—other agencies	462,457,000	501,674,000	490,718,000	491,883,000	491,483,000	−10,191,000
Grand total, new budget (obligational) authority	1,335,697,663	1,495,478,200	1,208,397,750	1,475,986,000	1,473,359,000	−22,119,200

I will not attempt to speak to each of the items we considered in conference. There were a total of 22 amendments, 2 of which related solely to Senate housekeeping items. The remainder are explained fully in the statement accompanying the conference report.

I do wish to point out that this is a responsible conference agreement and another example of the willingness on the part of the legislative branch to control its own spending. We are maintaining a level budget compared to last year. We have checked and found that since fiscal year 1979, the legislative branch budget has grown at only 5.85 percent annually, while the entire Federal budget has grown at 10.78 percent annually—almost double the rate of increase of the legislative branch. We can be proud of these efforts, Mr. Speaker, and proud of the example in fiscal responsibility being set by the Congress and its support agencies.

Mr. Speaker, this is a good conference report. I urge its adoption.

□ 1250

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to share with the Members the difficulty that accompanies the responsibility for carrying this bill, which is the legislative appropriations bill, which includes that funding which allows the House of Representatives and the U.S. Senate to operate.

It is difficult because ofttimes, it is the funding for the legislative branch that people love to criticize. It is great sport to take shots at the way we fund our own efforts here in the House.

Mr. Speaker, having said that, I would like to take just a moment to express my deep appreciation and my respect for the work of my colleague, the gentleman from California (Mr. FAZIO), the chairman of this subcommittee. He has carried the load for the House and on more than one occasion has been willing to take the point, the heat, if you will, that sometimes surrounds this bill.

As the chairman has suggested in his remarks, this bill is a very conservative bill. As the conference report comes forth, the bill is essentially as it left the House, with the exception of two minor adjustments. Within the budget of the Congressional Research Service, there was an increase of approximately a million dollars, which involved in part additional employees for the support of their work. The report also includes an adjustment upward of $720,000 for OTA.

Mr. Speaker, I urge positive consideration of this conference report.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to my chairman.

Mr. FAZIO. Mr. Speaker, first of all, I would like to express my personal appreciation for the gentleman's accolades. I am not sure they are due, but they are certainly appreciated.

I would like for the record to say that I think there are probably few chairmen who have the privilege of working with such a cooperative and effective ranking minority member as I do.

I would like to express my appreciation not only to the gentleman from California, but to the other members of the subcommittee on a bipartisan basis, including the gentleman from Massachusetts (Mr. CONTE), the gentleman from Indiana (Mr. MYERS), the gentleman from Illinois (Mr. PORTER), and others on the other side who have been cooperative and bipartisan in terms of the spirit with which they have addressed the issues that affect this institution. It certainly should not be a partisan measure and it is not a partisan measure in the attitude of the numbers of this subcommittee, and for that I am very grateful.

Mr. LEWIS of California. Mr. Speaker, I appreciate the commendation of the chairman, as well as his remarks.

Mr. Speaker, I yield whatever time he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of this conference report on the fiscal 1984 legislative branch appropriations bill. I congratulate the chairman of the subcommittee and the ranking minority member and the other members of the subcommittee for the excellent and expeditious handling of this bill.

I had the privilege of placing my good friend, the gentleman from California (Mr. LEWIS) as the ranking member on the legislative appropriations committee this year and I want to publicly state that he has handled this task well. He has done a good job and we are all proud of him. This is no easy task, as is evident in the fact that this is the first legislative branch appropriations bill which will actually be enacted in 5 years. The pitfalls are many, the rewards few, and I believe the subcommittee has done a fine job.

The total amount provided in this conference report is $1,473,359,000, of which $982 million is for the operations of Congress itself and $491 million is for other agencies such as the General Accounting Office and the noncongressional activities of the Library of Congress and the Government Printing Office.

Mr. Speaker, there are probably no expenditures in the Federal budget which receive more attention and more scrutiny in the press and elsewhere than the funding of Congress. That is all right; we can stand the heat, and close scrutiny of any expenditure of Federal funds is advisable and correct.

But let us put this congressional budget in perspective. The fiscal 1984 budget resolution passed by Congress last week predicted Federal spending in the amount of $858 billion. Within that total is less than $1 billion for Congress. In other words, Congress, one of the three equal branches of our Government, accounts for slightly more than one-tenth of 1 percent of the Federal budget.

The Federal judiciary, with a budget of approximately $900 million, accounts for another one-tenth of 1 percent, leaving the executive branch, that sprawling conglomeration downtown and in countless other localities, accounting for 99.99 percent of the Federal budget.

Mr. Speaker, when we get to amendment No. 17 in disagreement, I will raise a point of order against language dealing with the budget of the Congressional Research Service. The language is not germane to the Senate amendment to which it is attached.

The language is clearly subject to the point of order and will be stricken.

I urge your support for the conference report.

Mr. LEWIS of California. Mr. Speaker, I would only like to say that from time to time I have had the occasion to question the privilege that the ranking member has given me. Having done that, on the other hand I appreciate very much the support of the gentleman from Massachusetts (Mr. CONTE).

● Mr. FRENZEL. Mr. Speaker, much has been made of the fact that this appropriation represents a modest increase for the legislature.

Compared to other appropriations, funding for the Congress has had smaller increases. What is wrong with the bill is that it would be too high if it were cut by 10 percent.

The base of legislative spending is too high. Our committee staffs are enormous, idle part of the year, and overactive at other times.

In the House alone, we spend hundreds of thousands of dollars each year just for new carpets. Our franking costs to mail unrequested correspondence to constituents are outrageous.

This bill may look all right compared to last year. Compared to commonsense, it is grossly excessive.

It ought to be defeated.●

Mr. LEWIS of California. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. FAZIO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 175, not voting 17, as follows:

[Roll No. 228]

YEAS—241

Ackerman	Gonzalez	Pepper
Addabbo	Gore	Perkins
Akaka	Gray	Pickle
Albosta	Green	Porter
Alexander	Guarini	Price
Andrews (NC)	Hall (IN)	Rahall
Annunzio	Hall (OH)	Rangel
Anthony	Hamilton	Ratchford
AuCoin	Hatcher	Reid
Barnes	Hawkins	Rinaldo
Bates	Hefner	Robinson
Bedell	Hightower	Rodino
Beilenson	Hillis	Roe
Berman	Horton	Rogers
Bevill	Howard	Rose
Biaggi	Hoyer	Rostenkowski
Boggs	Hughes	Roukema
Boland	Jeffords	Rowland
Boner	Jones (OK)	Roybal
Bonior	Jones (TN)	Rudd
Bonker	Kastenmeier	Russo
Borski	Kazen	Sabo
Boucher	Kennelly	Savage
Boxer	Kildee	Sawyer
Britt	Kogovsek	Scheuer
Brooks	Kostmayer	Schneider
Brown (CA)	LaFalce	Schroeder
Bryant	Lantos	Schumer
Burton (CA)	Lehman (CA)	Seiberling
Byron	Lehman (FL)	Shannon
Carper	Leland	Shaw
Chappell	Lent	Simon
Clarke	Levin	Sisisky
Clay	Levine	Smith (FL)
Coelho	Lewis (CA)	Smith (IA)
Coleman (TX)	Lewis (FL)	Smith (NE)
Collins	Lipinski	Smith (NJ)
Conte	Long (LA)	Snyder
Conyers	Long (MD)	Solarz
Cooper	Lowery (CA)	Spratt
Coughlin	Lowry (WA)	St Germain
Coyne	Luken	Staggers
Crockett	Lundine	Stark
D'Amours	Markey	Stokes
Davis	Marriott	Stratton
de la Garza	Matsui	Studds
Dellums	Mavroules	Swift
Derrick	Mazzoli	Synar
Dickinson	McCloskey	Tallon
Dicks	McDade	Thomas (GA)
Dixon	McHugh	Torres
Donnelly	McKinney	Torricelli
Dorgan	McNulty	Towns
Dowdy	Mica	Traxler
Downey	Michel	Udall
Dwyer	Mikulski	Vander Jagt
Dymally	Miller (CA)	Vento
Dyson	Mineta	Walgren
Early	Minish	Watkins
Edgar	Mitchell	Waxman
Edwards (AL)	Moakley	Weaver
Edwards (CA)	Molinari	Weiss
Evans (IL)	Mollohan	Wheat
Fascell	Moody	Whitehurst
Fazio	Morrison (CT)	Whitley
Feighan	Murphy	Whitten
Ferraro	Murtha	Williams (MT)
Flippo	Myers	Wilson
Florio	Natcher	Winn
Foglietta	Neal	Wirth
Foley	Nowak	Wolf
Ford (TN)	O'Brien	Wright
Fowler	Oberstar	Wyden
Frank	Obey	Yates
Frost	Ortiz	Yatron
Fuqua	Ottinger	Young (AK)
Garcia	Owens	Young (FL)
Gaydos	Parris	Young (MO)
Gejdenson	Patman	Zablocki
Gephardt	Patterson	
Gilman	Pease	

NAYS—175

Anderson	Gregg	Nielson
Andrews (TX)	Gunderson	Oakar
Applegate	Hall, Ralph	Olin
Archer	Hall, Sam	Oxley
Aspin	Hammerschmidt	Packard
Barnard	Hance	Panetta
Bartlett	Hansen (ID)	Pashayan
Bateman	Hansen (UT)	Paul
Bennett	Hartnett	Penny
Bereuter	Hertel	Petri
Bethune	Hiler	Pritchard
Bilirakis	Holt	Pursell
Bliley	Hopkins	Quillen
Boehlert	Hubbard	Ray
Breaux	Huckaby	Regula
Broomfield	Hutto	Richardson
Brown (CO)	Hyde	Ridge
Broyhill	Ireland	Ritter
Burton (IN)	Jacobs	Roberts
Campbell	Jenkins	Roemer
Carney	Johnson	Roth
Carr	Kaptur	Schaefer
Chandler	Kasich	Schulze
Chappie	Kemp	Sensenbrenner
Cheney	Kindness	Sharp
Clinger	Kolter	Shelby
Coats	Kramer	Shumway
Coleman (MO)	Lagomarsino	Shuster
Conable	Latta	Sikorski
Corcoran	Leach	Siljander
Courter	Leath	Skeen
Craig	Levitas	Skelton
Crane, Daniel	Livingston	Slattery
Crane, Philip	Lloyd	Smith, Denny
Daniel	Loeffler	Snowe
Dannemeyer	Lott	Solomon
Daub	Lujan	Spence
DeWine	Lungren	Stangeland
Dreier	Mack	Stenholm
Duncan	MacKay	Stump
Durbin	Madigan	Sundquist
Eckart	Marlenee	Tauke
Edwards (OK)	Martin (IL)	Tauzin
Emerson	Martin (NC)	Taylor
English	Martin (NY)	Thomas (CA)
Erdreich	McCain	Valentine
Evans (IA)	McCurdy	Vandergriff
Fiedler	McDonald	Volkmer
Fields	McEwen	Vucanovich
Fish	McGrath	Walker
Forsythe	McKernan	Weber
Franklin	Miller (OH)	Whittaker
Frenzel	Montgomery	Wise
Gekas	Moore	Wolpe
Gingrich	Moorhead	Wortley
Glickman	Morrison (WA)	Wylie
Goodling	Mrazek	Zschau
Gradison	Nelson	
Gramm	Nichols	

NOT VOTING—17

Badham	Gibbons	Martinez
Bosco	Harkin	McCandless
Daschle	Harrison	McCollum
Dingell	Heftel	Smith, Robert
Erlenborn	Hunter	Williams (OH)
Ford (MI)	Jones (NC)	

□ 1310

The Clerk announced the following pairs:

On this vote:

Mr. Ford of Michigan for, with Mr. Robert F. Smith against.

Mr. Heftel of Hawaii for, with Mr. McCandless against.

Messrs. RICHARDSON, GUNDERSON, and MRAZEK, and Ms. KAPTUR changed their votes from "yea" to "nay."

Mr. GORE changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the Clerk designate Senate amendments reported in disagreement in lieu of reporting such amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 1: Page 1, after line 7, insert:

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $881,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $94,900,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,123,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $775,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $15,354,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $856,000 for each such committee; in all, $1,712,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $390,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $32,869,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $9,174,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensa-

tion at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Effective October 1, 1983, the positions of Assistant to the Minority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

SEC. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

SEC. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished, and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1) for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

SEC. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

SEC. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

SEC. 107. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) in clause (8), by striking out "and" at the end thereof,

(2) in clause (9), (A) by striking out "ten percent" and inserting in lieu thereof "twenty percent", and (B) by striking out the period at the end thereof and inserting in lieu of such period "; and", and

(3) by inserting after and below clause (9) the following new clause:

"(10) reimbursement to each Senator for expenses for the procurement (with the prior consent of the Senate Committee on Rules and Administration) of computer equipment and computer and related servics, under contracts with the providers thereof acting as independent contractors.".

(b) The amendment made by subsection (a)(2)(A) shall be effective in the case of calendar years beginning on or after January 1, 1983, and the provisions of clause (10) of section 506(a) of the Supplemental Appropriations Act, 1973 (as added by subsection (a)(3) of this seciton), shall be effective with respect to expenses incurred after the date of enactment of this Act.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

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For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000.

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For Offices of the Majority and Minority Leaders, $881,000.

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For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

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For agency contributions for employee benefits, as authorized by law, $15,354,000.

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For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,280,000.

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For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

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For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all $12,000.

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For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

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SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

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For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

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(b) Effective October 1, 1983, the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

SEC. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting, ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

SEC. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

SEC. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

SEC. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 2: Page 1, after line 7, insert:

"SEC. 108. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriations Act, 1963 (2 U.S.C. 60j) are repealed, effective October 1, 1983; except that, any individual who on such date is entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service after such date.".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 107. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j) on or after October 1, 1983 shall not apply to any individual whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.".

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 11: Page 14, line 19, after "vehicle" insert ", hereafter to be used exclusively for official purposes".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 11, and concur therein.

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 12: Page 14, line 19, after "vehicle" insert "; security installations authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $167,000".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 12, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 15: Page 15, after line 5, insert:

SENATE OFFICE BUILDINGS

For all necessary expenses for mainteance, care and operation of the Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $17,412,000, of which $1,496,000 shall remain available until expended.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreemtnt to the amendment of the Senate numbered 15, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment number 17: Page 16, line 15, strike out "$35,543,550" and insert "$37,700,000".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$36,620,000 to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), and section 203(g) of such act is amended, effective hereafter, to read as follows:

"(g) The Director of the Congressional Research Service will submit to the Librarian of Congress for review, consideration, evaluation, and approval, the budget estimates of the Congressional Research Service for inclusion in the Budget of the United States Government.".

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONTE. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts makes a point of order.

The gentleman from Massachusetts (Mr. CONTE) will state his point of order.

Mr. CONTE. Mr. Speaker, do I have to state it now? May I reserve and just yield to the gentleman from California (Mr. FAZIO) for a few minutes?

The SPEAKER pro tempore. The Chair will permit the gentleman from California (Mr. FAZIO) to debate his motion briefly while the point of order is reserved.

Mr. FAZIO. I thank the Speaker and I appreciate the gentleman yielding to me.

This amendment in disagreement, relates to the Library of Congress and to the Congressional Research Service which is an integral part of the Library but which serves the committees and Members of the House and the Senate.

The conferees have added language which requires the CRS budget to be submitted through the Library for review, consideration, evaluation, and approval.

This language would be added to the Legislative Reorganization Act of 1946.

The situation now is that the CRS budget is submitted to the Congress without review through the Library of Congress.

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Every other component of the Library: The Copyright Office, the books for the blind and handicapped program, the Folk Life Center, the Law Library, the basic book collection program, all go through a budget review to screen out duplication of effort and to promote efficiency within the Library.

The CRS escapes that review and this independent budget authority is costing the taxpayers millions of dollars a year.

The CRS has duplicative personnel specialists, they have duplicative travel and training specialists, they have duplicative legal counsel, data processing, public affairs, and so forth. There are at least 60 jobs which CRS and the Library should review for possible duplication.

If the entire Library budget is coordinated as a whole, we believe that annual savings of $2 or $3 million may result and with absolutely no negative effects in the ability of CRS to serve the Members of this body or the Congress in general.

One more important point I would like to make. We have not changed CRS administrative independence with this language, that is guaranteed by the Reorganization Act itself. We have not abridged their organizational or reorganizational independence, that is still guaranteed by the Legislative Reorganization Act. And we have not changed their ability to hire consultants or other experts, that is also guaranteed by the act.

We are simply asking in this amendment to create some fiscal discipline and save some tax dollars.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I do not intend to take a great deal of time of the House, but I would like to comment on the work of the conference committee and commend the members for the very detailed and careful attention they pay to the work of this committee.

I have been more than impressed with the careful attention the House pays to such detail in the process. It is amazing that one could have communicated to so many Members a detail such as this amendment.

I have worked with the chairman of the subcommittee, not just on this subcommittee but for many years in public affairs. I know of his professional commitment to the kind of support that an adequate legislative body must have. We both have expressed our strong support for the work of the Congressional Research Service.

The interesting point here, Mr. Speaker, is that apparently a few Members actually do believe that this agency should be treated different than others. In this case we have a budget, admittedly a relatively small budget, which some suggest should not be subject to independent review. Indeed, the affiliate relationship of CRS with the Library of Congress makes it obvious that we would want to take every step to make certain that there is not duplication of services on the part of the several services involved here.

I think the House will want to look very carefully at why this agency seeks this kind of extended independence.

The SPEAKER pro tempore. Does the gentleman from Massachusetts (Mr. CONTE) insist on his point of order?

Mr. CONTE. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I make the point of order that the amendment embodied in the motion offered by the distinguished gentleman from California is not germane to the Senate amendment presently under consideration, and therefore that the gentleman's motion is in violation of clause 7 of rule XVI.

The gentleman's amendment has the effect of amending the Legislative Reorganization Act of 1970, and, for this reason, goes far beyond the scope of the Senate amendment and introduces a completely new subject. The amendment clearly is not germane.

It is equally clear, Mr. Speaker, that the germaneness test is applicable in the present parliamentary circumstances. In chapter 28, the most recent edition of Procedures in the House, it is stated in section 21 that:

Where a motion is offered to concur in a Senate amendment with an amendment, the proposed amendment must be germane to the Senate amendment. The rule of germaneness also applies to motions to recede and concur in a Senate amendment with an amendment.

Moreover, in the same section:

When considering a Senate amendment reported in disagreement by conferees, a proposal to amend must be germane to the Senate amendment.

Mr. Speaker, the germaneness test clearly applies and the amendment clearly is not germane. I ask that my point of order be sustained.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Speaker, I wish to be recognized on the point of order.

Mr. Speaker, I will speak only very briefly in support of the gentleman's point of order. I believe it is correct without any question. And I would like to express my support for the motivations of the gentleman in raising the point of order; namely, the Congressional Research Service—it is difficult to overstate the contribution that it makes to the deliberations of this body. I simply wanted to speak in favor of the gentleman's point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Speaker, I must say I do not concede the point; I do concede the point of order.

The SPEAKER pro tempore. The point of order is conceded and sustained.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the sum stricken and proposed by said amendment, insert "$36,620,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 25, 26, 32, 33, 34, 53, and 59 to the above-entitled bill.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

The message also announced that the bill from the House (H.R. 1183) entitled "An act to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981," did fail to pass the Senate.

The message also announced that the Vice President, pursuant to the provisions of sections 276(h)-276(k) of title 22, United States Code, as amended, appointed Mr. MATTINGLY, Mr. RANDOLPH, Mr. BINGAMAN, and Mrs. HAWKINS as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 1st session of the 98th Congress to be held in Puebla, Mexico, on July 7-10, 1983.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 3132, energy and water development appropriations, 1984, as well as on the Senate amendments reported in disagreement, and that I may include extraneous material and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

Mr. BEVILL. Mr. Speaker, pursuant to the order of the House of June 23, 1983, I call up the conference report on the bill (H.R. 3132), making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, and I ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Tuesday, June 28, 1983.)

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. BEVILL) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. MYERS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. Mr. Speaker, I am pleased to present the conference report on the fiscal year 1984 energy and water development appropriation bill for your favorable consideration. Our colleagues will recall that debate on this bill occurred in the House on June 6 and 7. The bill was passed by substantial margins in both Houses: 379 to 39 in the House on June 7, and 91 to 6 in the other body on June 22.

Mr. Speaker, our conference committee meeting was held on Tuesday of this week. I wish to compliment our friends from the other body, particularly the Senator from Oregon (Mr. HATFIELD) the chairman of the Senate subcommittee, and the Senator from Louisiana, (Mr. JOHNSTON) the ranking minority member, for the fine spirit of compromise displayed in the conference meeting. I also wish to thank my colleagues, the House conferees, for their support and their valuable contributions during the conference deliberations.

Now I would like to comment on various aspects of the conference agreement.

Mr. Speaker, this bill is certainly not a budget buster. It is a bill that can be signed by the President and is a bill that reflects the priorities of the House and Senate as well as the administration.

Mr. Speaker, the bill passed by the House contained $14,180,003,000 in new budget authority. That was $430,668,000 below the budget request. As the bill passed the Senate, it contained $14,170,853,000.

For the various agencies and programs under the jurisdiction of the Energy and Water Development Subcommittee, the committee of conference recommends $14,307,045,000 in new budget authority. This amount is $303,626,000 less than the budget request.

The conference agreement we present to you today is the culmination of 6 months of effort on the part of the House committee and the same review by the Senate committee. During this period we have heard testimony from hundreds of witnesses—contained in eight hearing volumes of thousands of pages.

The House took 2 days to consider the energy and water development bill on the floor. The Senate had a total of 41 numbered amendments to the bill. But, within those 41 amendments, there were nearly 400 individual items in disagreement. The conference agreement represents the best efforts of the House and Senate conferees to achieve consensus on those 400 items. Many items had to be reduced or changed to accomplish agreement with the Senate. In addition, we had to keep in mind the need to have a bill that was acceptable to the administration.

We think we have achieved an agreement that does all of this while maintaining most of the House position.

The Senate made more changes to the House bill than they had in many years. Your House conferees did their best to maintain the House position. However, to bring back a conference report that is within the budget target for the energy and water development programs, a great many items had to be compromised.

We would like more money for energy, for the weapons program, and for the water projects. But, if we have to stay close to the budget level, we could not provide all of the funds for all of the programs and projects to the extent we would have liked.

Mr. Speaker, I am pleased to advise the House that the conference agreement is under the assumed allocation under the budget resolution.

Mr. Speaker, the conference agreement contains $2,641,386,000 in title I for the Army Corps of Engineers. This is $54,038,000 less than the bill as passed by the House and $49,592,000 more than the Senate-passed bill. These funds will finance 214 water resources projects in the planning or construction phase, including 5 new planning starts.

For title II, the Bureau of Reclamation, the conferees recommend a total of $961,690,000, which is $26,290,000 less than the House-passed bill and $16,700,000 more than the Senate-passed bill.

This will fund 97 water resources projects in the planning or construction phase, including 4 new planning starts.

In my view, the conference agreement provides for a financially prudent and environmentally sound water resources development programs.

The conference agreement contains $10,011,291,000 for Department of Energy programs in title III. This includes $1,951,609,000 for "Energy supply, research and development activities"; $638,250,000 for "General science and research activities"; $378,763,000 for "Power marketing administrations," and $89,582,000 for the Federal Energy Regulatory Commission. The energy accounts include $253,059,000 for solar, geothermal and renewable energy development; $636,647,000 for nuclear energy development; $306,675,000 for the nuclear waste disposal fund; and $470,750,000 for fusion energy development. The conference agreement contains no funds for the Clinch River breeder reactor project pending further review of alternative financial possibilities.

ATOMIC ENERGY DEFENSE ACTIVITIES

The conference agreement provides a total of $6,547,875,000 for atomic energy defense activities. This is an increase of $844,175,000 over the fiscal year 1983 level and $277,700,000 below the President's budget request.

The increase over fiscal year 1983 results from the production of new weapons systems, renovation and rehabilitation of existing production facilities, inflation increases and the employment of additional personnel in R&D, testing and production of warheads.

Mr. Speaker, the conference agreement includes $692,678,000 for six independent agencies and commissions in title IV, including $147,700,000 for the Applachian regional development program, $465,800,000 for the Nuclear Regulatory Commission, and $125,500,000 for the Tennessee Valley Authority, of which $47,271,000 shall be derived from funds appropriated in fiscal year 1983.

I will insert a table in the RECORD at this point which summarizes the financial aspects of the conference agreement:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—ENERGY AND WATER APPROPRIATIONS BILL (H.R. 3132)

	Fiscal year 1983 enacted	Fiscal year 1983 estimates	House	Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
TITLE I—DEPARTMENT OF DEFENSE—CIVIL									
Department of the Army									
Corps of Engineers—Civil									
General investigations	129,042,000	110,400,000	148,733,000	118,435,000	133,810,000	+4,768,000	+23,410,000	−14,923,000	+15,375,000
Construction, general	1,506,405,000	820,700,000	892,829,000	885,779,000	894,104,000	−612,301,000	+73,404,000	+1,275,000	+8,325,000
Flood control and coastal emergencies	29,877,000	10,000,000	10,000,000	10,000,000	10,000,000	−19,877,000			
Revolving Fund			9,500,000		9,500,000	+9,500,000	+9,500,000		+9,500,000
Flood control, Mississippi River and tributaries, AR, IL, KY, LA, MS, MO, and TN	403,052,000	290,000,000	310,330,000	297,960,000	300,480,000	−102,572,000	+10,480,000	−9,850,000	+2,520,000
Operation and maintenance, general	1,187,667,000	1,161,300,000	1,215,032,000	1,170,620,000	1,184,492,000	−3,175,000	+23,192,000	−30,540,000	+13,872,000
General expenes	96,000,000	103,000,000	103,000,000	103,000,000	103,000,000	+7,000,000			
Special recreation use fees	4,942,000	6,000,000	6,000,000	6,000,000	6,000,000	+1,058,000			
Total, title I, new budget (obligational) authority, Department of Defense—Civil	3,356,985,000	2,501,400,000	2,695,424,000	2,591,794,000	2,641,386,000	−715,599,000	+139,986,000	−54,038,000	+49,592,000
TITLE II—DEPARTMENT OF THE INTERIOR									
Bureau of Reclamation									
General investigations	32,474,000	31,831,000	34,431,000	31,981,000	33,831,000	+1,357,000	+2,000,000	−600,000	+1,850,000
Construction program	640,570,000	699,388,000	711,538,000	683,818,000	693,818,000	+53,248,000	−5,570,000	−17,720,000	+10,000,000
Operation and maintenance	140,866,000	134,091,000	134,291,000	134,291,000	134,291,000	−6,575,000	+200,000		
Loan program	55,106,000	41,500,000	52,970,000	40,500,000	45,000,000	−10,106,000	+3,500,000	−7,970,000	+4,500,000
(Limitation on direct loans)	(26,922,000)	(40,332,000)	(51,802,000)	(43,332,000)	(51,802,000)	(+24,880,000)	(+11,470,000)		(+8,470,000)
General administrative expenses	39,928,000	53,400,000	53,750,000	53,400,000	53,750,000	+13,822,000	+350,000		+350,000
Emergency Fund	1,919,000	1,000,000	1,000,000	1,000,000	1,000,000	−919,000			
Total, Bureau of Reclamation	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+50,827,000	+480,000	−26,290,000	+16,700,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—ENERGY AND WATER APPROPRIATIONS BILL (H.R. 3132)—Continued

	Fiscal year 1983 enacted	Fiscal year 1983 estimates	House	Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
Total, title II, new budget (obligational) authority, Department of the Interior	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+ 50,827,000	+ 480,000	− 26,290,000	+ 16,700,000
TITLE III—DEPARTMENT OF ENERGY									
Energy Supply, Research and Development Activities:									
Operating Expenses	1,897,096,000	1,855,960,000	1,713,112,000	1,720,444,000	1,708,012,000	− 189,084,000	− 147,948,000	− 5,100,000	− 12,432,000
Plant and Capital Equipment	352,976,000	243,665,000	251,097,000	233,265,000	248,597,000	− 104,379,000	+ 4,932,000	− 2,500,000	+ 15,332,000
General reduction				− 10,000,000	− 5,000,000	− 5,000,000	− 5,000,000	− 5,000,000	+ 5,000,000
Subtotal	2,250,072,000	2,099,625,000	1,964,209,000	1,943,709,000	1,951,609,000	− 298,463,000	− 148,016,000	− 12,600,000	+ 7,900,000
Uranium Enrichment Activities:									
Operating Expenses	1,232,036,000	1,570,600,000	1,576,600,000	1,616,600,000	1,614,600,000	+ 382,564,000	+ 44,000,000	+ 38,000,000	− 2,000,000
Plant and Capital Equipment	710,100,000	669,400,000	658,400,000	638,400,000	643,400,000	− 66,700,000	− 26,000,000	− 15,000,000	+ 5,000,000
General reduction				− 20,000,000	− 23,000,000	− 23,000,000	− 23,000,000	− 23,000,000	− 3,000,000
Subtotal	1,942,136,000	2,240,000,000	2,235,000,000	2,235,000,000	2,235,000,000	+ 292,864,000	− 5,000,000		
Gross revenues	− 1,968,319,000	− 2,240,000,000	− 2,235,000,000	− 2,235,000,000	− 2,235,000,000	− 266,681,000	+ 5,000,000		
Net appropriation	− 26,183,000					+ 26,183,000			
General Science and Research Activities:									
Operating Expenses	411,853,000	479,750,000	481,750,000	472,750,000	475,750,000	+ 63,897,000	− 4,000,000	− 6,000,000	+ 3,000,000
Plant and Capital Equipment	123,316,000	165,500,000	161,500,000	172,500,000	162,500,000	+ 39,184,000	− 3,000,000	+ 1,000,000	− 10,000,000
General reduction				− 10,000,000					+ 10,000,000
Subtotal	535,169,000	645,250,000	643,250,000	635,250,000	638,250,000	+ 103,081,000	− 7,000,000	− 5,000,000	+ 3,000,000
Nuclear waste disposal fund	217,325,000	306,675,000	306,675,000	306,675,000	306,675,000	+ 89,350,000			
Atomic Energy Defense Activities:									
Operating Expenses	4,375,700,000	5,215,125,000	5,084,325,000	5,098,925,000	5,081,825,000	+ 706,125,000	− 133,300,000	− 2,500,000	− 17,100,000
Plant and Capital Equipment	1,328,000,000	1,610,450,000	1,474,050,000	1,401,950,000	1,466,050,000	+ 138,050,000	− 144,400,000	− 8,000,000	+ 64,100,000
Subtotal	5,703,700,000	6,825,575,000	6,558,375,000	6,500,875,000	6,547,875,000	+ 844,175,000	− 277,700,000	− 10,500,000	+ 47,000,000
Departmental administration:									
Operating Expenses	381,482,000	346,510,000	366,075,000	356,075,000	361,075,000	− 20,407,000	+ 14,565,000	− 5,000,000	+ 5,000,000
Plant and Capital Equipment	15,593,000	4,981,000	4,981,000	4,981,000	4,981,000	− 10,612,000			
Subtotal	397,075,000	351,491,000	371,056,000	361,056,000	366,056,000	− 31,019,000	+ 14,565,000	− 5,000,000	+ 5,000,000
Miscellaneous revenues	− 175,541,000	− 209,619,000	− 209,619,000	− 209,619,000	− 209,619,000	− 34,078,000			
Net appropriation	221,534,000	141,872,000	161,437,000	151,437,000	156,437,000	− 65,097,000	+ 14,565,000	− 5,000,000	+ 5,000,000
POWER MARKETING ADMINISTRATIONS									
Alaska Power Administration, operation and maintenance	3,945,000	3,210,000	3,410,000	3,410,000	3,410,000	− 535,000	+ 200,000		
Bonneville Power Administration Fund:									
Borrowing Authority	249,500,000	203,500,000	123,400,000	123,400,000	123,400,000	− 126,100,000	− 80,100,000		
(Limitation on direct loans)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)				
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+ 20,000,000)			
Southeastern Power Administration, operation and maintenance	3,964,000	20,594,000	20,594,000	20,594,000	20,594,000	+ 16,630,000			
Southwestern Power Administration, operation and maintenance	20,756,000	36,229,000	36,229,000	36,229,000	36,229,000	+ 15,473,000			
Western Area Power Administration, construction, rehabilitation, operation and maintenance	149,750,000	219,630,000	184,630,000	204,630,000	194,630,000	+ 44,880,000	− 25,000,000	+ 10,000,000	− 10,000,000
Western Area Power Administration, emergency fund	337,000	500,000	500,000	500,000	500,000	+ 163,000			
Subtotal	428,252,000	483,663,000	368,763,000	388,763,000	378,763,000	− 49,489,000	− 104,900,000	+ 10,000,000	− 10,000,000
FEDERAL ENERGY REGULATORY COMMISSION									
Salaries and expenses	86,139,000	94,582,000	89,582,000	94,582,000	89,582,000	+ 3,443,000	− 5,000,000		− 5,000,000
Revenues Applied		− 60,000,000	− 60,000,000	− 60,000,000	− 60,000,000	− 60,000,000			
Subtotal	86,139,000	34,582,000	29,582,000	34,582,000	29,582,000	− 56,557,000	− 5,000,000		− 5,000,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND									
Geothermal loan guarantee and interest assistance program		2,100,000	2,100,000	2,100,000	2,100,000	+ 2,100,000			
Total, title III, new budget (obligational) authority, Department of Energy	9,416,008,000	10,539,342,000	10,034,391,000	9,963,391,000	10,011,291,000	+ 595,283,000	− 528,051,000	− 23,100,000	+ 47,900,000
Operating Expenses	(6,886,023,000)	(7,845,346,000)	(7,484,363,000)	(7,512,295,000)	(7,485,763,000)	(+ 599,740,000)	(− 359,583,000)	(+ 1,400,000)	(− 26,532,000)
Plant and Capital Equipment	(2,529,985,000)	(2,693,996,000)	(2,550,028,000)	(2,451,096,000)	(2,525,528,000)	(− 4,457,000)	(− 168,468,000)	(− 24,500,000)	(+ 74,432,000)
TITLE IV—INDEPENDENT AGENCIES									
Appalachian Regional Commission: Salaries and Expenses	2,900,000		2,500,000	2,700,000	2,700,000	− 200,000	+ 2,700,000	+ 200,000	
Funds Appropriated to the President: Appalachian regional development programs [1]	165,133,000	80,000,000	150,000,000	125,000,000	145,000,000	− 20,133,000	+ 65,000,000	− 5,000,000	+ 20,000,000
Delaware River Basin Commission:									
Salaries and expenses	241,000	191,000	191,000	191,000	191,000	− 50,000			
Contribution to Delaware River Basin Commission	269,000	269,000	269,000	269,000	269,000				
Total, Delaware River Basin Commission	510,000	460,000	460,000	460,000	460,000	− 50,000			
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	55,000		68,000	68,000	68,000	+ 13,000	+ 68,000		
Nuclear Regulatory Commission: Salaries and expenses	462,504,000	466,800,000	465,800,000	466,800,000	465,800,000	+ 3,296,000	− 1,000,000		− 1,000,000
Susquehanna River Basin Commission:									
Salaries and expenses			191,000	191,000	191,000	+ 191,000	+ 191,000		
Contribution to Susquehanna River Basin Commission	217,000	230,000	230,000	230,000	230,000	+ 13,000			
Total, Susquehanna River Basin Commission	217,000	230,000	421,000	421,000	421,000	+ 204,000	+ 191,000		
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund	216,433,000	61,229,000	78,679,000	75,229,000	78,229,000	− 138,204,000	+ 17,000,000	− 450,000	+ 3,000,000
Water Resources Council: Water resources planning	4,083,000					− 4,083,000			
Total, title IV, new budget (obligational) authority, independent agencies	851,835,000	608,719,000	697,928,000	670,678,000	692,678,000	− 159,157,000	+ 83,959,000	− 5,250,000	+ 22,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—ENERGY AND WATER APPROPRIATIONS BILL (H.R. 3132)—Continued

	Fiscal year 1983 enacted	Fiscal year 1983 estimates	House	Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
TITLE V—GENERAL PROVISIONS									
Sec. 507 General Reduction			−235,720,000					+235,720,000	
Grand total:									
New budget (obligational) authority	14,535,691,000	14,610,671,000	14,180,003,000	14,170,853,000	14,307,045,000	−228,646,000	−303,626,000	+127,042,000	+136,192,000
(Limitation on direct loans)	(66,922,000)	(80,332,000)	(91,802,000)	(83,332,000)	(91,802,000)	(+24,880,000)	(+11,470,000)		(+8,470,000)
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)			

[1] Fiscal year estimate proposed in the Budget for later transmittal.

□ 1330

Mr. BEVILL. Mr. Speaker, we urge the Members to approve this conference report. The conferees feel that this agreement is the best that we could possible work out, and we urge the adoption of the report.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman BEVILL has presented the details of our conference report, and I will say that the conference with the other body was not the easiest that we have had in some years, because there were some items that were in strong disagreement. However, it is a conference report that should be acceptable to all Members. There are some exceptions to the conference report that will be discussed shortly by at least one Member on our side. However, it is a bill that I believe the President will sign. And that is very, very important. We hear a lot about what the President might do with some of our appropriation bills. But all indications are that the President will sign this.

Now, in fairness, the conference report was not completed until late last night, so we do not have an absolute promise from the White House. However, as the chairman has said, we are over $300 million under the President's request this year on this conference report; it is a bill, I feel certain, that will be agreed to.

Several Members this morning on both sides of the aisle have complained to this Member that their project that was very important to them was left out. We recognize that when you are in a conference you cannot do all things for all people. The bottom line is that we wanted a bill that we can send to the White House and which will be signed into law. The session with the other body was one of give and take. So we recognize that some people did not get their projects in. However, when we prioritized the items that were in disagreement, we had to go with those that at least in our judgment we felt were the most important. I think your conferees did a good job in working out our difference with the other body, and, most importantly, it is one that can be signed.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I noticed that the gentleman from Alabama had mentioned the appropriations for the Appalachian regional development programs as one of the special allocations made.

Can the gentleman tell me how it was that those sums were reduced from the original levels as appeared in the House version?

Mr. MYERS. What sum is the gentleman referring to now?

Mr. GEKAS. On page 30 of the bill, under title IV, Independent Agencies, where it says "Funds appropriated for the President for the Appalachian Regional Development Programs" in large numbers "37" and "38," where it was $150 million and it was reduced to $125 million and from $100 million to $80 million.

Can the gentleman tell me what the rationale was for that, if the gentleman recalls?

Mr. MYERS. Yes. If the gentleman recalls, we had $150 million in when it left the House. The other body, as I recall, put in $125 million. We put it back up to $145 million. That is the compromise. We did not get up to the House figure, but we did not go as low as the Senate figure.

Mr. GEKAS. Is the gentleman saying now that it is $145 million?

Mr. MYERS. Yes.

Mr. GEKAS. That is not clear to me.

Mr. MYERS. Line 17, page 30, $145 million.

Mr. GEKAS. My copy here says $125 million.

Mr. MYERS. It is $145 million. I think that is the Senate figure the gentleman probably has there.

Mr. GEKAS. I thank the gentleman.

The other question that I had posed to the gentleman in private which I wish to put on record but which the gentleman has, in a way, covered, is to the effect that the administration has not interposed any real objection to this bill; is that correct?

Mr. MYERS. Well, yes, the administration has objected, to be quite honest with you, to some sections of this bill. We do not have as much in weapons as the administration would like to see in the bill. We have put a few items in here that the Congress in its judgment felt were more important in priorities than the administration. However, the administration has not objected to this bill, has not registered any indication whatsoever that it might be vetoed.

So I feel very confident that this bill can be signed, because the bottom line that is most important to each of us and, certainly, to the administration, is how much money is going to be spent next year. And, as I indicated, and as the chairman also indicated, we are $228,646,000 under last year's level or the present year 1983 level, and we are $303,626,000 under the President's request. So we are well under, both last year and the President's request. I do not think there is any question but what this bill will be signed.

□ 1340

Mr. GEKAS. Mr. Speaker, if the gentleman will yield further, it is refreshing to be able to go to the final vote knowing that some bill is under the 1983 levels.

Mr. MYERS. Why can we not do this more often?

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE), the ranking member on the Committee on Appropriations.

Mr. CONTE. I thank my good friend, the gentleman from Indiana, JOHN MYERS, for yielding to me.

Mr. Speaker, I rise in opposition to the conference report on the fiscal year 1984 energy and water appropriations bill. I regret having to take this action, because as it left the House this bill was a reasonably balanced, responsible piece of legislation. Unfortunately, changes in the bill made in the conference with the other body have made the bill an irresponsible drain on the Federal taxpayers, and one that I find completely unacceptable.

I am particularly opposed to the action of the conferees in providing funding for two projects that were not funded in the House bill—the Garrison diversion unit in North Dakota, and the Stonewall Jackson project in West Virginia. As the printed conference report will indicate, I excepted to amendments 2, 3, and 12, dealing with the Garrison diversion unit and the Stonewall Jackson Dam.

Despite the 100 vote margin by which the House voted against the Garrison project last December, and the absence of any funding in the House-passed bill for the project this year, the conferees agreed to include the full $22.3 million provided by the Senate bill.

The problems with the Garrison project are not going to go away—they are going to get worse. The economic basis for the project is going to continue to deteriorate. With each passing month additonal evidence of the environmental damage that will be caused by this project comes to light. And the objections of our Canadian neighbors to this project, which will pollute Canadian waters and seriously injure the Canadian fishing industry, will continue to be an obstacle to improving diplomatic relations with Canada.

Mr. Speaker, for the Corps of Engineers' general construction program, the conference report provides $884.1 million, including $26 million for the Stonewall Jackson project in West Virginia. For those of my colleagues who may not recall, this is the same Stonewall Jackson project that was defeated by a vote of 213 to 161 on the floor of this House last June 6. This is the same Stonewall Jackson project that is going to provide only limited flood control benefits, is going to flood some 20,000 acres of farmland and force the relocation of 1,800 people, and is premised upon the use of the pollution dilution method of water quality enhancement, a method disapproved by Congress in 1972.

Mr. Speaker, this morning I received a letter from the National Taxpayers Union, expressing that organization's dismay at the restoration of funds for the Garrison and Stonewall Jackson projects, and pointing out that the "conferees have again buckled to the pressures of parochial interests and partisan politics."

Mr. Speaker, truer and sadder words have never been spoken.

Mr. CONTE. Mr. Speaker, perhaps the most telling illustration is the bottom line of this bill. The conference agreement provides $14.3 billion in new budget authority. This is $127 million above the House-passed bill, and $136.2 million above the Senate-passed bill.

As my colleagues know, the way to bring in a conference report that provides more money than was in either of the two bills going into conference is to fund the pet projects in each bill. So it can fairly be said that this bill has something for everyone—or at least something for everyone who was around when the pig was being butchered.

Mr. Speaker, a letter that I received this morning from the National Wildlife Federation states that in bringing this conference report to the floor, "the House conferees have acted in calculated disregard for the goals of the Nation's environmental movement, as well as the will of the House. Rather than reflecting a merit-oriented water development policy, funding for Garrison and Stonewall Jackson represents a costly political contrivance. Rather than affirming the will of the House, this conference report bows to the dominance of the Senate."

Mr. Speaker, I agree with the sentiments expressed in that letter, and urge the defeat of this conference report.

Letters follow:

NATIONAL TAXPAYERS UNION,
Washington, D.C., June 28, 1983.

Hon. SILVIO CONTE,
Rayburn House Office Building, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CONTE: We are dismayed at the restoration of funds for the Garrison Diversion Unit and the Stonewall Jackson Dam Projects in the Conference Report on the fiscal year 1984 Energy and Water Appropriations Bill. Despite decisive votes against both of these projects by the full House, its conferees have again buckled to the pressures of parochial interests and partisan politics.

We believe that spending limited federal funds on these two projects, the costs of which well exceed even speculative benefits, is not in the nation's best interests. To incur larger deficits or require taxpayers to pay for such projects when interest rates for home, auto, and small business loans remain prohibitive is unconscionable. In our judgement, the common citizen across America, whether from North Dakota, West Virginia, or elsewhere, would much prefer to see the congress come to grips with the serious budget deficit that threatens our longterm wellbeing before funding these projects.

We deeply appreciate the leadership role you, Congressman Wise, and others have taken to stop funding for such wasteful projects. We strongly support your continued efforts to persuade the congress to discontinue any further construction on either the Garrison Diversion Unit or the Stonewall Jackson Dam.

Sincerely,

JILL LANCELOT,
Director of Congressional Affairs.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., June 29, 1983.

Hon. SILVIO CONTE,
House of Representatives,
Washington, D.C.

DEAR MR. CONTE: I am deeply disappointed to learn that the conference report on H.R. 3132, the Energy & Water Development Appropriation Bill for Fiscal 1984, contains full funding for construction of the Garrison Diversion and the Stonewall Jackson Dam. Two better examples of misplaced Federal expenditures on obsolete projects would be hard to find.

In bringing such a conference report to the floor, the House conferees have acted in calculated disregard for the goals of the Nation's environmental movement, as well as the will of the House. Rather than reflecting a merit-oriented water development policy, funding for Garrison and Stonewall Jackson represents a costly political contrivance. Rather than affirming the will of the House, this conference report bows to the dominance of the Senate.

The Appropriations Committee received a vote of confidence from the House when the Conte motion to instruct House conferees to insist on the House position on Garrison was voted down last week. The ensuing action of the House conferees, however, indicates that the confidence of their colleagues was badly misplaced.

Sincerely,

JAY D. HAIR,
Executive Vice President.

FRIENDS OF THE EARTH,
Washington, D.C., June 29, 1983.

Hon. SILVIO O. CONTE,
House Committee on Appropriations, Rayburn House Office Building, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE CONTE: It should be profoundly disturbing to most members of the House of Representatives that the Conference Report for the FY 1984 Energy and Water Development Appropriations bill contains funding for some of the nation's most controversial water resources projects that were rejected in recent months by overwhelming House majorities. The Senate's funding levels for both the Stonewall Jackson Dam (WV) and the Garrison Diversion (ND) are included despite House rejection by more than 50 votes earlier this month for Stonewall and by 100 votes in December for Garrison.

We are aware that it is sometimes difficult for House members to vote to halt funding for wasteful and environmentally destructive projects, and to, in effect, cull out from such bills those projects which members feel fall far short of the minimum standards necessary to merit their support. However, the token resistance and near total capitulation by most of the House conferees on this bill essentially renders those difficult votes meaningless in any parctical terms.

In addition, we remain seriously troubled by the manner which was used in the bill report to circumvent House review of remaining funding for the Tennessee-Tombigbee Waterway through a huge transfer of 1983 "surplus" funds to be used to complete the project. The attached letter, sent to the House earlier this month, is self explanatory on this point.

We hope the House will continue to oppose funding for these unmeritorious projects. Far less costly alternatives exist to accomplish their purposes.

Finally, we are most grateful for the special efforts you and your colleagues have made regarding these projects and for your vital efforts to improve the overall water resources policies of the nation. From all of us, thank you again,

Most sincerely,

DAVID CONRAD,
Water Resource Specialist.

Mr. CONTE. Mr. Speaker, I have told many in the House that I knew if we did not instruct the conferees that the Garrison project would be back in the bill. At least for this year, I think that the gentleman from Alabama, the chairman of the subcommittee, has won.

I hate to think about the damage that this Garrison diversion project is going to do—damage that will be part of the legacy we leave for future generations. When we debated this issue several weeks ago, the gentleman from North Dakota wondered whether I

had traveled the breadth of North Dakota. In fact, I have traveled through North Dakota. I am familiar with the farmland and the wildlife refuges that will be destroyed by this project. I have also traveled all over Manitoba. In fact, I was in Manitoba only 2 weeks ago, and I can really empathize with the deep feelings of the people in Manitoba Province against this project and what it will do to them. A great part of people's livelihood in Manitoba comes from fishing. If the trash fish are transferred to Manitoba as a result of the building of this water project, it is going to be very, very costly for the people of the Province of Manitoba.

Mr. Speaker, I hope that this will be my last battle on the Garrison project.

I again thank my good friend from Indiana for yielding to me.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to my good friend and colleague, the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in the well today as an opponent of this particular conference report, but let me just say there are two reasons why I plan to vote "no." Those two reasons were stated, I think very articulately, by the gentleman from Massachusetts (Mr. CONTE). Mr. CONTE has done a good job of trying to teach Members of the House and the Senate the negative aspects of the Garrison diversion project. As he indicated in his closing words, he feels as though he has lost the battle, and I feel as though we have all lost a great deal in that battle.

Over 100 Members last December said that we ought not to commit funding to the Garrison diversion project, and yet, in the conference the Senate putting in language and funding and the conferees on the part of the House simply going along and agreeing to the Senate language. I find that very objectionable.

Second, my colleague from West Virginia did a great job on the House floor in talking about a project in his district that was very troubling and has been troubling to many of us for many years, called the Stonewall Jackson Dam. That project, too, is fully funded in this conference report. I commend the gentleman from West Virginia (Mr. WISE) for his leadership in fighting waste.

Putting those two projects aside for a moment, and commending both Members who fought very valiantly to delete the funds for those projects, I would like to commend the chairman of the subcommittee for clarifying language on the Tennessee Tombigbee Waterway. I, as a person who has opposed that project in the past, finally came to a position of saying let us find out how much the Federal Government will have to pay to finish the project.

Clearly stated in the CONGRESSIONAL RECORD on page H4588, the staff and the members of the conference have placed in this particular language the specific amount of $202 million of Federal commitment, $180 million that will come out of unobligated expenditures that were not expended in last year's funding, and an additional $22 million that will be needed.

While I still oppose this project, and while I hope that many of the communities in the States involved in this project will provide a great deal of additional local share, I think it is helpful to the full House and to the Senate to see clearly the language here as to exactly what the Federal commitment will be. I hope that this will be the final commitment to the Tennessee Tombigbee Waterway. That we will not expend any funds below Demopolis, and that we will get on to a national water policy based on merit and more equitable expenditure of the funds, and to provide cost-sharing on each project throughout the Nation, and to try to move to a national water policy that, in fact, represents the needs of the entire Nation and not simply the needs of a particular part of the country.

I plan to vote "no" on the conference report, but I do commend the chairman of the subcommittee for clarifying the numbers on the Tennessee-Tombigbee Waterway.

□ 1350

Mr. MYERS. Mr. Speaker, I yield 2 minutes to a very valuable member of the subcommittee, the gentleman from Arizona (Mr. RUDD), who understands the water problems of the country better than nearly any other Member here.

Mr. RUDD. Mr. Speaker, I support the conference report on H.R. 3132. The fiscal year 1984 energy and water appropriations bill. As a conferee on this bill, I can testify to the fairness and close scrutiny that was involved in hammering out an agreement with the Senate on funding the vital energy, water development, and national security programs funded under this bill.

On every point of disagreement between the two bodies, the conference committee carefully crafted compromises that recognize the expressed concerns of both Houses.

This conference report funds the crucial water development programs for this country. Under the leadership of both able chairmen, the gentleman from Oregon and the gentleman from Alabama (Mr. BEVILL) my ranking member, the gentleman from Indiana, the House and Senate subcommittee has taken strong, visionary strides toward a water development policy which will help this generation and the next. Water is the most precious resource we have. Its full development is crucial for the development and well-being of this Nation.

Under the programs funded here, we find critical flood protection, potable water development, and development of our waterways to help our commerce complete in the world market. The funds in this conference report for the Department of Energy go toward critical energy development and research as well as crucial national security programs.

I urge my colleagues to support this conference report.

Mr. MYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am deeply disturbed by the failure of the energy and water development appropriations bill conference committee to include funding for the Fox River locks in its bill. Continuation of this funding is vital.

For well over 100 years, the Army Corps of Engineers has been operating the lock and dam system of the lower Fox River, which runs for 39 miles between Lake Winnebago and Green Bay, Wis. This system has been instrumental in allowing for the settlement, transportation, and development of industry in Wisconsin. It represents an important part of our Wisconsin historic heritage.

In recent years, the Army Corps has attempted to request just enough funding to maintain the 19 locks and 13 dams for flood control purposes; however, the corps has not requested funding to provide for operation of the locks.

Last year, I and my colleagues were successful in having funds appropriated for operation of the Fox River lock system. Earlier this year, the House Energy and Water Development Subcommittee included sufficient funding in its bill to allow for operation and maintenance of the locks and dams. The full Appropriations Committee and the full House of Representatives agreed with the subcommittee's action. Unfortunately, the Senate did not go along. In a conference between the House and Senate, only enough funds were included to maintain the system for flood control purposes. This action must be corrected.

The Fox locks are important to my area in Wisconsin. They allow access to and from the Great Lakes for many thousands of small craft which transit the locks each year. In 1982, 27,000 crafts moved though the lock system. If the locks were to be closed, boaters would be denied access to either Lake Winnebago or the Great Lakes, as well as the Fox River itself.

Moreover, the jobs lost would number no fewer than 18 and possibly more. In addition to the jobs lost as a direct result of the lock closings, employees in the nearby travel and tourism-related industries would be affected. In short, a number of people would suffer if the locks are closed.

The people in my district, and particularly those who use the locks, are well aware that there is a problem with continued Federal funding of the Fox River lock and dam system. Therefore, the last Governor of Wisconsin, Lee Dreyfus, set up a task force to look at alternative means of funding the locks. I also established such a task force.

Each task force acknowledged that continued full Federal funding was not the long-term solution to keeping the locks open. In fact, each report examined various alternatives ranging from establishing user fees to turning the river and environs into a national park, such as was done with the Rideau Canal in Canada. However, each report also stated that, until alternatives could be implemented, Federal funding was necessary. Furthermore, each report indicated that some continued Federal assistance was also imperative.

In short, we are faced with a dilemma: On the one hand, the Federal Government wants to pull out as Federal officials seek ways to lessen the deficit; on the other hand, we have State and local governments and private citizens who are not yet in a position to assume responsibility for the lock operation in any substantive way.

It is because of this dilemma that I and other colleagues have worked to obtain Federal funding through fiscal year 1984. We must allow for a smooth transition, and not an abrupt withdrawal of Federal support. For this reason, I urge the Energy and Water Development Appropriations Subcommittee to take another look at this issue and to appropriate funding for the Fox River locks in legislation at the earliest possible time. At the same time, I make a pledge to do my utmost to work for a long-term solution to the operation of the Fox locks, hopefully involving a partnership between the Federal Government and State and local governments and interested citizens. Working together, I am sure we can meet this challenge.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to my good friend and colleague, the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I know that in the conference yesterday on the energy and water development appropriations bill for 1984, you fought very hard to convince the Senate to accept the House figures for many projects that we in this body felt were badly needed and fully justified. I was indeed sorry that you were unable to prevail in the case of two projects in which I am interested. These are the Vicksburg, Miss., Corps of Engineers Waterways Experiment Station which has a model of the San Pedro Bay as one of many worthwhile endeavors. And the second one is the dredging necessary to remove silting at the mouth of the Los Angeles River which resulted from the storms we had earlier this year.

While I appreciate the necessity to compromise with the Senate, which funded these projects at zero, splitting the difference with 50-percent funding just does not make good economic sense. In the case of Vicksburg, it will mean a disruption in the planned workload of the facility, and the result downstream will be a stretchout in the development of a plan for the badly needed expansion of both ports of Los Angeles and Long Beach. As you are fully aware, you cannot recruit the highly trained technicians needed to operate wave oscillation and flow circulation experiments as is done in the Vicksburg model overnight. Thus, a delay in funding which must eventually be made to meet the requirements of this project will cause a needless delay.

In the partial funding for the removal of the silt, one of the major costs of any dredging operation is moving and positioning the dredge and related equipment to where the work will be done. And this money will be largely wasted if the dredge is pulled out prior to complete removal of the silt. Sooner or later, this silt must be removed or we will face the possibility of flooding parts of downtown Long Beach, disruption of the vital passenger and freight service from the mainland to Catalina through Long Beach, and nullify the marina development in which large sums of money are currently being spent.

These projects are so vital and so fully justified that it would be my strong hope that after this legislation is signed in the law by the President, the Corps of Engineers, on its own, would immediately propose a reprograming of the needed sums—a relatively small amount considering their overall budget—into these two projects. As they were fully authorized and funded by the House, I would foresee no difficulty in obtaining rapid approval for reprograming. I think this is certainly the preferred route rather than the alternative, that of requesting these funds as a supplemental appropriation.

Mr. BEVILL. Mr. Speaker, I thank the gentleman from California (Mr. ANDERSON) for his explanation of the need for these projects and also the need for full funding, and I certainly agree wholeheartedly with the gentleman.

Mr. ANDERSON. Mr. Speaker, I thank the subcommittee chairman very much, and I sincerely appreciate his understanding and support in this matter.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to my good friend and colleague, the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I just wanted to rise for a moment and say that reluctantly I will support this conference report.

As the gentleman knows, I came to the floor along with others and battled to have the Stonewall Jackson Dam removed from the funding. The House, by a 40-vote margin, agreed on the merits of the case. The conferees then receded from their position, and the Stonewall Jackson Dam is included in this bill. I feel that is regrettable, but that is the way it goes.

I do want to say that I am supporting the conference report because it contains many other provisions that are vital not only to my State and my district, but to a large part of the country. The Appalachian Regional Commission is included, vital highway programs are included, and vital social programs are included, so I cannot in good conscience vote against the conference report because of my disagreement with one part of it, no matter how important that part is to me.

Mr. Speaker, I also want to thank the chairman of the subcommittee. While we disagreed on this one particular item, he has always been very candid with me and let me know exactly where I stand on it. As I say, I do support the conference report, and I do appreciate the opportunity to explain my feelings on this matter.

Mr. BEVILL. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I rise to pay my respects to the members of this subcommittee.

We could leave all the money in the world to our children, but if we leave them a wornout land, then they would have nothing on which to build. Of all the Members of Congress, none put in more tiring hours than the members of this subcommittee, especially the chairman, the gentleman from Alabama (Mr. BEVILL), and the ranking minority member, the gentleman from Indiana (Mr. MYERS). Each member of the subcommittee is to be commended. I am sure that they demonstrate in this bill, as they have for many, many years, that they are committed to look after the whole country.

Mr. Speaker, I commend them on doing their usual good job.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to my good friend and col-

league, the gentleman from West Virginia (Mr. MOLLOHAN).

□ 1400

Mr. MOLLOHAN. Mr. Speaker, I rise in strong support of the conference report. I know it contains projects which will be very meaningful to citizens across this country as those projects assure flood protection, and guarantee ample water supplies of good quality to needy communities. That is certainly true with regard to the Stonewall Jackson Lake and Dam project which will make these benefits available to almost 50,000 north central West Virginia citizens by controlling the West Fork River as it winds for nearly 100 miles through numerous communities in my congressional district. We will be particularly relieved to be protected from the regular flooding and pleased with the improvement to water quality.

This dam will be of great benefit to my district and is exactly the kind of infrastructure investment we need to make possible economic diversification and growth. I appreciate very much the committee's sensitivity to these needs, and I want to personally express my gratitude to the chairman of the subcommittee, the gentleman from Alabama (Mr. BEVILL), and to the ranking minority member, the gentleman from Indiana (Mr. MYERS) for their assistance and hard work with regard to this bill.

Mr. Speaker, I support the conference report wholeheartedly and appreciate the efforts of the committee and conferees in regard to this most worthwhile project—the Stonewall Jackson Lake and Dam. The people of West Virginia are grateful.

Mr. MYERS. Mr. Speaker, I yield myself such time as I may consume.

Since this discussion started earlier, I had reflected that we had not heard from the administration on this bill. Since we got started on this conference report, we have. A number of people, particularly on this side, have asked the administration's position. For those who are interested, they have no objection to the bill as it is now being presented as a conference report.

● Mr. FRENZEL. Mr. Speaker, it has been said with some accuracy that the conference report on H.R. 3132 is within the budget resolution allocations.

Since the fiscal year 1984 budget resolution is little more than a Christmas wish list, it is not surprising that this conference report is within budget. Almost anything would fit in the excessive budget which Congress recently ratified. It is not a fit measure for fiscal responsibility.

It also appears that the conference report is within the President's budget request. In truth, that is only because funding for Clinch River has been removed. In the House version, the Appropriations Committee took Clinch River out and then spent all the Clinch River savings on its own favorite pork sausages.

I am also afraid that supplemental appropriations for new authorizations lurk, as usual, in the future. Supplementals are intolerable, but they have become a way of life here. Pork barrel projects and inevitable supplementals make this business as usual, spending as usual, irresponsible as usual.

The taxpayers demand something better than spending as usual, therefore I shall vote no.●

● Mr. STARK. Mr. Speaker, today as we consider the conference report on the energy and water appropriations bill, I would ask my colleagues to consider one thing. This conference agreement contains a cut of $29.25 million in the U.S. magnetic fusion energy budget. But, in contrast, it also includes an expenditure of $7 million for the acquisition of a buffer security zone around one of our national laboratories. I believe we have our priorities a little screwed up here.

The $7 million to be used for the buffer land is to ensure the security of one of our national laboratories. I suggest that a better way to insure our national security would be to proceed with the national magnetic fusion program, and worry about land acquisition once we have acquired a sufficient energy source to carry us into the next century. It will not matter how much land surrounds our laboratories if, in the next century, we are spending all our resources on acquiring imported energy, and have no funds left to run our labs.

Although I will vote for this conference report on its other merits, I am severely disappointed in the shortsightedness shown in this report with regard to our future energy needs. I believe we will be sorry.●

Mr. MYERS. Mr. Speaker, I yield back the balance of my time.

Mr. BEVILL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDGAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 82, not voting 14, as follows:

[Roll No. 229]

YEAS—337

Ackerman	Frost	McCurdy
Addabbo	Fuqua	McDade
Akaka	Garcia	McEwen
Alexander	Gaydos	McGrath
Anderson	Gejdenson	McHugh
Andrews (NC)	Gekas	McKernan
Andrews (TX)	Gephardt	McNulty
Annunzio	Gibbons	Mica
Anthony	Gilman	Michel
Aspin	Gingrich	Mikulski
AuCoin	Glickman	Miller (CA)
Barnard	Gonzalez	Miller (OH)
Bartlett	Goodling	Mineta
Bateman	Gore	Minish
Bates	Gramm	Mitchell
Beilenson	Gray	Moakley
Bennett	Guarini	Mollohan
Bereuter	Gunderson	Montgomery
Berman	Hall (IN)	Moore
Bethune	Hall, Ralph	Moorhead
Bevill	Hall, Sam	Morrison (WA)
Biaggi	Hamilton	Mrazek
Bliley	Hammerschmidt	Murphy
Boehlert	Hance	Murtha
Boggs	Hansen (ID)	Myers
Boland	Hansen (UT)	Natcher
Boner	Harkin	Neal
Bonior	Hatcher	Nelson
Bonker	Hawkins	Nichols
Borski	Hefner	Nielson
Boucher	Hightower	Nowak
Boxer	Hiler	O'Brien
Breaux	Hillis	Oakar
Britt	Holt	Oberstar
Brooks	Hopkins	Obey
Brown (CA)	Horton	Olin
Burton (CA)	Howard	Ortiz
Byron	Hoyer	Ottinger
Campbell	Hubbard	Owens
Carney	Hughes	Oxley
Carper	Hunter	Packard
Carr	Hutto	Panetta
Chandler	Hyde	Parris
Chappell	Ireland	Patman
Cheney	Jenkins	Patterson
Clarke	Johnson	Pease
Clay	Jones (NC)	Penny
Clinger	Jones (OK)	Pepper
Coats	Jones (TN)	Perkins
Coelho	Kaptur	Pickle
Coleman (MO)	Kasich	Porter
Coleman (TX)	Kazen	Price
Collins	Kemp	Pursell
Cooper	Kennelly	Quillen
Coyne	Kindness	Rahall
Craig	Kogovsek	Rangel
D'Amours	Kolter	Ray
Daniel	Kostmayer	Regula
Daschle	Kramer	Reid
Daub	LaFalce	Richardson
Davis	Lagomarsino	Ridge
de la Garza	Lantos	Rinaldo
Derrick	Leath	Roberts
Dickinson	Lehman (CA)	Robinson
Dicks	Lehman (FL)	Rodino
Dingell	Leland	Roe
Dixon	Lent	Roemer
Donnelly	Levin	Rogers
Dorgan	Levine	Rose
Dowdy	Levitas	Rostenkowski
Downey	Lewis (CA)	Rowland
Duncan	Lewis (FL)	Roybal
Dwyer	Lipinski	Rudd
Dymally	Livingston	Sabo
Dyson	Lloyd	Savage
Edwards (AL)	Loeffler	Schaefer
Edwards (CA)	Long (LA)	Scheuer
Edwards (OK)	Long (MD)	Schulze
Emerson	Lott	Seiberling
English	Lowery (CA)	Shaw
Erdreich	Lujan	Shelby
Evans (IL)	Luken	Shumway
Fascell	Lungren	Shuster
Fazio	MacKay	Siljander
Ferraro	Madigan	Simon
Fiedler	Marriott	Sisisky
Flippo	Martin (NY)	Skeen
Foglietta	Matsui	Skelton
Foley	Mavroules	Slattery
Ford (TN)	Mazzoli	Smith (FL)
Forsythe	McCain	Smith (IA)
Fowler	McCloskey	Smith (NE)
Franklin	McCollum	Smith (NJ)

Snowe	Thomas (GA)	Williams (MT)
Snyder	Torres	Williams (OH)
Solarz	Torricelli	Wilson
Spence	Towns	Winn
Spratt	Traxler	Wirth
St Germain	Udall	Wise
Staggers	Valentine	Wolf
Stangeland	Vander Jagt	Wortley
Stark	Vandergriff	Wright
Stenholm	Volkmer	Wyden
Stokes	Vucanovich	Wylie
Stratton	Walgren	Yates
Stump	Walker	Yatron
Sundquist	Watkins	Young (AK)
Swift	Waxman	Young (FL)
Synar	Wheat	Young (MO)
Tallon	Whitehurst	Zablocki
Tauzin	Whitley	Zschau
Taylor	Whittaker	
Thomas (CA)	Whitten	

NAYS—82

Applegate	Fields	Pashayan
Archer	Fish	Paul
Barnes	Frank	Petri
Bedell	Frenzel	Pritchard
Bilirakis	Gradison	Ratchford
Broomfield	Green	Ritter
Brown (CO)	Gregg	Roth
Bryant	Hall (OH)	Roukema
Burton (IN)	Hartnett	Russo
Conable	Hertel	Sawyer
Conte	Jacobs	Schneider
Conyers	Jeffords	Schroeder
Corcoran	Kastenmeier	Schumer
Coughlin	Kildee	Sensenbrenner
Courter	Latta	Shannon
Crane, Daniel	Leach	Sharp
Crane, Philip	Lowry (WA)	Sikorski
Crockett	Lundine	Smith, Denny
Dannemeyer	Mack	Solomon
Dellums	Markey	Studds
DeWine	Marlenee	Tauke
Dreier	Martin (IL)	Vento
Durbin	Martin (NC)	Weaver
Early	McDonald	Weber
Eckart	McKinney	Weiss
Edgar	Molinari	Wolpe
Evans (IA)	Moody	
Feighan	Morrison (CT)	

NOT VOTING—14

Albosta	Erlenborn	Huckaby
Badham	Florio	Martinez
Bosco	Ford (MI)	McCandless
Broyhill	Harrison	Smith, Robert
Chappie	Heftel	

□ 1410

Messrs. VENTO, BURTON of Indiana, MORRISON of Connecticut, MARTIN of North Carolina, SHANNON, and CONYERS changed their votes from "yea" to "nay."

Mr. SHUMWAY changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1420

COLLEGE LOANS AND GRANTS DENIED TO DRAFT VIOLATORS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I have some good news for America. The Solomon amendment, which denies college loans and grants to young men who are in violation of the Draft Registration Act will go into effect on Friday, July 1.

The U.S. Supreme Court, after a hearing by the full Court body, has, this afternoon, issued a permanent stay knocking out the Minnesota Federal judge's injunction against the law.

This is a major victory for the more than 11 million patriotic young Americans who have lived up to their obligations as U.S. citizens and obeyed the law of the land.

I urge all of you to notify your constituents immediately that this law will take effect on Friday, July 1, for the school year starting this September.

CONFERENCE REPORT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the Clerk designate each Senate amendment in disagreement by number as they are reached, and that they be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. VENTO). Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 16: Page 10, line 6, after "monument" insert ": *Provided further*, That of the amount herein appropriated not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior".

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 17: Page 10, line 6, after "monument" insert ": *Provided further*, That of the amount herein appropriated $6,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance".

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That of the amount herein appropriated $3,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde community ditch project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance".

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 22: Page 17, line 14, after "expended" insert ": *Provided*, That $3,000,000 of the proposed deferral No. 83-72 shall be made available for the Second Small Community Experiment project and shall remain available until expended".

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 19, line 23, strike out all after "expended" over to and including "missile" in line 2 on page 20.

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: Delete the matter stricken by said amendment and insert the following: ": *Provided*, That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—

(1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled; and

(2) formal notification has been received from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapons.

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 26: Page 20, line 2, after "missile" insert ": *Provided*, That none of the funds appropriated by this Act, or by any other Act, or by any other provision of law, shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)c of the National Environmental Policy Act of 1969. For purposes of this paragraph the term 'restarting' shall mean any activity related to the operation of the L-Reactor that would load fuel into the reactor core, achieve criticality, generate fission products within the reactor, or discharge cooling water from either testing or operations into Steel Creek."

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials in South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in this paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that the public comment period shall not be reduced to less than forty-five days and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein. In lieu of the matter proposed by said amendment, insert the following:

None of the funds appropriated by this Act, or by any other Act, or by any other provision of law shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes and Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and until issued a discharge permit pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) as amended, which permit shall incorporate the terms and conditions provided in the Memorandum of Understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated with such restart. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would achieve criticality, generate fission products within the reactor, discharge cooling water from nuclear operations directly or indirectly into Steel Creek, or result in cooling system testing discharges which exceed the volume, frequency and duration of test discharges conducted prior to June 28, 1983.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials of South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in the preceding paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that such period shall not be reduced to less than thirty days, and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, because of longstanding commitments in my congressional district, I was unable to cast several rollcall votes on June 28, 1983. I would like to list those rollcall votes by number and state how I would have voted had I been present:

Rollcall No. 221 "no."
Rollcall No. 222 "no."
Rollcall No. 223 "no."
Rollcall No. 224 "yea."
Rollcall No. 225 "aye."

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, June 29, 1983, Thursday, June 30, 1983, or Friday, July 1, 1983, pursuant to a motion made by the majority leader in accordance with this resolution, it stand adjourned until 12 noon on Monday, July 11, 1983, and that when the House adjourns on Thursday, June 30, 1983, it stand adjourned until 12 noon on Monday, July 11, 1983.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1984

Mr. DIXON, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3415), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. COUGHLIN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DIXON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3415, with Mr. HERTEL of Michigan in the chair.

The Clerk read the title of the bill.

□ 1430

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California (Mr. DIXON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr.

COUGHLIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is indeed a privilege for me to once again present to the House the annual District of Columbia appropriation bill.

The budget we present to the House today will finance the District government's operations during fiscal year 1984, and is virtually untouched from the one submitted by District officials on April 12, 1983. The committee shifted only $553,000 between five different programs and agencies, and, in addition, directed that District officials provide adequate funds in two areas—streetlighting and traffic signal costs, and reduction of the accumulated general fund deficit. Sources of funding for these latter two items are left to the discretion of the Mayor and council, who are responsible for adjusting priorities and making sure these obligations are properly funded. So, Mr. Chairman, for all intents and purposes, the budget that we present at this time is the one that was proposed and submitted by District officials back in April of this year.

FEDERAL FUNDS

The committee recommends a total of $544,590,000 in Federal funds for the operation of the District of Columbia government in fiscal year 1984 consisting of:

A Federal payment of $361 million which is the same as the fiscal year 1983 level but $25 million below the request due to lack of authorizing legislation;

A Federal contribution of $52 million to the police, fire, teachers and judges pension fund;

A Federal reimbursement of $16.5 million for water and sewer services furnished to Federal facilities; and

Federal loans of $115 million for the District's construction program.

The bill, as recommended by the committee, is consistent with the budget resolution which was adopted by the House and the Senate last week.

DISTRICT FUNDS

We recommended a total budget of $2,122,013,000 from District revenues. This amount is $123,171,100 above the fiscal year 1983 level and consists of $1,999,205,600 for operating expenses and $122,807,400 for capital improvement projects.

EMPLOYMENT LEVEL

Each year I have tried to keep the members advised on the progress the District government is making in reducing its employment base. In fiscal year 1980, the year before I became chairman, there were 39,105 positions in the District government. In this bill, the committee recommends a total of 31,913 positions which is a reduction of 527 positions below the fiscal year 1983 level and 7,192 or 18.4 percent below the number of positions that were available in fiscal year 1980.

Mr. Chairman, this reduction has come about through various management and administrative improvements initiated by District officials who on the one hand are trying to streamline the bureaucracy while at the same time improve service delivery.

GOVERNMENTAL DIRECTION AND SUPPORT

The bill includes $44,352,400 for the 18 agencies and activities funded under the governmental direction and support appropriation; 10 of the agencies are funded at their fiscal year 1983 level and have no increase whatsoever. The remaining eight have modest increases basically for increased pay costs. The committee recommends a total of $5,408,200 for the Council of the District of Columbia, the city's legislative body. This allowance is $416,900 above the fiscal year 1983 level to cover within grade salary increases, funding for the fiscal year 1984 pay adjustment, and underfunded salary costs. An increase of $20,000 is provided for the D.C. Auditor to annualize three positions initially approved last year. A total of $472,100 will be available for that office in fiscal year 1984.

Mr. Chairman, the committee continues to be concerned with the operation of the D.C. Board of Elections and Ethics. We raised this issue with the Mayor on the very first day of our hearings, and we followed up with the chairman of the elections board who explained that although some permanent corrective action has been initiated by the board, one of the significant problems stems from the transient nature of a large segment of the District's population and the inability to purge the files on the basis of a mail check. These problems are being addresed by the city council. The committee has requested the board to provide the committee with a comprehensive timetable and plan for assuring permanent improvements to the voter registration rolls. The committee recommends $2,468,700 and 41 positions for the operation of the board in fiscal year 1984. The increase of $856,900 will cover the costs associated with two additional elections scheduled to be held during the year.

We recommend $2,403,700 and seven positions for the D.C. Retirement Board which controls and manages the retirement funds for police officers and firefighters, judges, and teachers. The committee recommends continuation of the arrangement whereby 25 percent of the board's costs are financed from general fund revenues and 75 percent from retirement fund earnings. The committee notes the board's diligence in exercising its fiduciary responsibility under Public Law 96-122 which created the board and set forth its responsibilities.

ECONOMIC DEVELOPMENT AND REGULATION

The committee recommends a total of $56,603,000 for the departments and agencies included in this appropriation category. For the Office of Planning and Development, we recommend $2,843,000 for fiscal year 1984, a net decrease of $334,100 below the fiscal year 1983 appropriation level. This office, Mr. Chairman, is the District's central planning office and is responsible for producing, monitoring and updating the District's elements of the comprehensive plan.

For the Department of Housing and Community Development, the bill includes $19,376,500, of which $2,826,600 will be used to provide down payment assistance so that low income District residents will be able to buy homes. In addition, $2.5 million will provide for the rehabilitation of 100 units and $1 million will be used to acquire properties for rehabilitation.

For the Housing Finance Agency, we recommend $1,778,700 as requested. The primary function of this agency is to increase the supply and lower the cost of funds available for residential mortgages and construction loans, and in doing so, help alleviate the shortage of affordable housing for the city's low- and moderate-income residents.

The bill includes $307,100 to fully fund eight positions for the Commission on the Healing Arts Licensure. Mr. Chairman, this is a revenue producing activity responsible for approving or denying the licensure of applicants to practice medicine and other healing arts. Testimony was received by the committee to the effect that there is a backlog in all areas, and with only four of the eight positions filled, the committee has urged the Commission to move ahead in filling the four vacant positions and reducing the backlog of cases.

For the Department of Finance and Revenue, the bill includes the full budget request of $15,976,200 which is $1,136,100 above the fiscal year 1983 level. This Department expects to generate almost $1,3 billion in revenues for the operation of the District government in fiscal year 1984.

PUBLIC SAFETY AND JUSTICE

Under the public safety and justice appropriation, the committee recommends a total of $457,840,300 for fiscal year 1984, an increase of $52,963,500 above the fiscal year 1983 level. The committee recommends $139,820,900 for the Metropolitan Police Department. At our first hearing this year, the Mayor testified that 3,891 officers were on board. As some of you will recall, many Members of Congress were concerned that the city not reduce the level of uniformed officers, and District officials have concurred

in this concern by placing additional officers on the rolls to bring the force up to its full strength of 3,880 uniformed personnel.

There are two areas within the police department's budget that causes us some concern. First is the significant increase of $1,354,200 or 45.6 percent in police overtime costs which will total $4,320,000 in fiscal year 1984. Well over half of these costs are for court appearances by officers. We have discussed this subject with department officials during the past few years, and while there has been some acknowledgment of a program to reduce these costs, there is some concern with the effectiveness of those efforts. As a result, the committee has requested the criminal justice agencies of the District to coordinate their efforts with the objective of reducing overtime costs as well as the level of overtime. We have asked the Chief Judge of the Superior Court to chair this group and to report back to the committee when next year's budget is submitted.

The second area of concern is the police and fire health clinic which the District is not funding in fiscal year 1984. District officials explained that savings would result from closing the clinic—which is used by District and fire employees as well as the Federal Park Police and Secret Service on a reimbursable basis—and providing the same quality and level of service through other medical facilities operated by the District government, including D.C. General Hospital and clinics operated by the Department of Human Services. The committee held a special hearing on the city's proposal, and after receiving testimony from the various District officials involved in the development of the city's plan, it was not clear to the committee whether there would be any savings at all from closing the clinic. And the committee was not convinced that the level and quality of services provided by the clinic would be continued through other District facilities. Since the plan through which the proposal will be implemented was not completed at the time the subcommittee marked up, the committee is requesting quarterly reports on the city's progress in developing and implementing the plan. The reports are to include information on projected and actual savings as well as an objective comparison of the level and quality of service.

For the District's court system, the committee recommends a total of $44,372,200. The District's court system consists of the court of appeals, the superior court, and the court administration. This recommendation is $4,236,700 above the fiscal year 1983 level and includes increases to assist the courts in coping with their continually increasing caseload.

A total of $102,127,200 is included in the bill for the department of corrections and will fund an additional 92 positions above the fiscal year 1983 level enabling the department to respond to the security requirements of an expected increase in inmate population as well as provide court ordered security coverage. An increase of $5,968,000 or a total of $21,296,000 is included to cover the costs of District inmates assigned to facilities of the Federal Bureau of Prisons. A total of $491,900 and 21 positions have been approved for the District's support of the National Guard in fiscal year 1984. This allowance includes $33,200 and one new position requested by the commanding general as the minimum required to maintain the guard's current workload. We recommend the full request of $98.2 million as the District's contribution to the police and fire retirement system. This allowance is $13,233,000 above the fiscal year 1983 level and is determined by the board's actuary in accordance with Public Law 96-122, the D.C. Retirement Reform Act.

Mr. Chairman, we recommend $52,548,200 for the operation of the fire department in fiscal year 1984. This amount is $4,979,200 above the current year level and includes an increase of $312,000 to keep a five-man crew on the department's fire boat. District officials had proposed reducing the crew to two. The increase recommended by the committee also provides funding of $1,043,900 to annualize the costs of the four rescue squads which were partially funded in fiscal year 1983.

PUBLIC EDUCATION SYSTEM

We recommend a total of $473,597,100 for the operation of the public education system during fiscal year 1984. The committee's recommendation reflects an increase of $34,872,900 above the fiscal year 1983 level.

For the public school system, the bill includes $326 million or an increase of $19,482,200 which will allow the system to partially fund the cost of mandatory pay adjustments negotiated through employee contracts. These pay adjustments total $22 million and will require that an additional $2.6 million be redirected from other programs and services throughout the school system.

Mr. Chairman, I believe the school superintendent is doing an outstanding job. She has been particularly successful in involving the private sector with the school system, and I think the board is operating in fine fashion—in a manner that is in the best interest of our young people.

The committee recommends the full request of $68,975,000 for the teachers retirement and annuity fund. This is $13,092,000 more than the fiscal year 1983 appropriation and is based on the actuary's request in accordance with Public Law 96-122. We recommend $60,842,400 for the University of the District of Columbia in fiscal year 1984. The increase of $2.5 million above the fiscal year 1983 level is solely to fund pay adjustment costs. For the public library, we recommend $12,436,100 which is $1,189,800 above the fiscal year 1983 appropriation level. The increase recommended by the committee will fund the fiscal year 1984 pay adjustments as well as the initial costs of the library's video-rental collection.

HUMAN SUPPORT SERVICES

The bill includes a total of $486,778,600 for the departments and activities funded under this appropriation. The largest single budget under this appropriation is for the Department of Human Services and totals $353,891,100 of which almost one-third or $111,636,900 is for the District's medicaid program. Although this budget request contemplates new cost containment measures and continuation of currently successful ones such as the limit on reimbursements for outpatients and emergency room services, the District government and local hospitals are exploring alternative medicaid reimbursement policies for inpatient hospital care that will check the extraordinarily high rate of increase of recent years and replace it with a prospective payment structure to cap spending.

The committee has approved the budget request of $24,748,700 for payments by the District to St. Elizabeths Hospital for mental health care provided to city residents. While this allowance reflects no change from the appropriation for fiscal year 1983, the committee has increased the limitation included in the bill language by $4.7 million. This increase of $4.7 million, which will be provided from the additional Federal payment of $25 million now awaiting authorization action by the Congress, will provide a total payment in fiscal year 1984 of $29,448,700 or 19 percent above the fiscal year 1983 level. The administration requested that the District pay $54.6 million in fiscal year 1984, an increase of $29.9 million or 121 percent above the fiscal year 1983 appropriation. Clearly such an increase is unreasonable and beyond the District's capability. In last year's bill, the committee recommended and the House approved a $3.6 million or 15.7 percent increase in the District's payment to St. Elizabeths Hospital. This increase was deleted completely by the other body, and in conference, the House was successful in restoring only $1.8 million, so the final allowance was only 7.8 percent above the fiscal year 1982 appropriation. The committee is concerned with the level of the District government's payment to St. Eliz-

abeths Hospital and reiterates its support for the concept that the District's share of the operating costs of St. Elizabeths must increase to a level which reflects the heavy use of these services by District residents. The committee believes the increase of 27 percent, which reflects the District's anticipated payment of $4.7 million and the $1.8 million increase provided in fiscal year 1983, is reasonable, and urges the Federal Department of Health and Human Services to work closely with the District government in developing a fiscal year 1985 proposal which will accomplish the goal of increased District funding over a reasonable period of time.

The committee recommends the full budget request of $5,188,600 for the Office on Aging and $3,297,600 for the District of Columbia Energy Office. This latter amount includes $3 million earmarked for the complementary energy assistance program which provides assistance in the form of cash payments directly to 2,200 qualifying low-income recipients with household energy and utility expenses.

PUBLIC WORKS

Mr. Chairman, the committee recommends approval of the consolidation of two appropriation titles—transportation, and environmental services—into a single public works title. We recommend a total of $190,562,100 for the five agencies funded through this appropriation. This allowance includes $98,475,700 or a $6,390,000 increase for the District's share of the operating subsidies for metrorail and metrobus operations in fiscal year 1984. The committee has approved the Department of Transportation's full budget request of $31,190,200 which is $12.3 million below the fiscal year 1983 level. This reduction is due primarily to the District's proposal to shift $12 million in streetlighting and traffic signal costs from the District budget to the rate base for electrical consumers. While the committee has not taken a position on this issue, we are concerned that a budget was submitted by District officials based on a controversial idea which has resulted in the deletion of funds for basic services that are essential to the safety and well-being of residents and visitors. The committee wishes to place District officials on notice that future budgets are to be predicated on proposals that are within the limits of the Mayor and Council for final action.

In order to insure the timely payment of the city's street lighting and traffic signal costs, the committee has included language in the bill under section 130 directing the District government to continue to pay its street lighting and traffic signal costs on a monthly basis until all final administrative and judicial determinations have been made on a program which provides for these costs to be paid by the utility ratepayers. The sources of funds required for these payments are to be determined by the Mayor from funds provided in this bill in accordance with section 130.

A total of $25,601,600 is recommended from the general fund for the Department of Environmental Services. This allowance is $2,691,600 above the fiscal year 1983 level and will cover pay adjustment costs as well as other cost increases for equipment rental and the war on rats program. We recommend the budget request of $158,735,600 to repay the amount due the Federal Treasury on the $1.65 billion in outstanding loans borrowed by the city to finance its construction program.

REPAYMENT OF GENERAL FUND DEFICIT

Mr. Chairman, we recommend that $20 million be applied toward reducing the District's accumulated general fund deficit which is estimated to total $276 million at the end of fiscal year 1983. The committee's recommendation consists of $5 million in the District's budget request plus an additional $15 million which is to be identified by the Mayor and made available through reductions in amounts included in the bill or from additional revenues.

Mr. Chairman, District officials have reduced the deficit from $388 million in 1980 down to an estimated $276 million in fiscal year 1983 and, with the $20 million included in this bill, the deficit will be reduced even further to $256,410,000. In other words, the District will have reduced its deficit by more than one-third in a period 4 years, a feat they can be proud of and one that signals their commitment to sound financial management.

INTEREST ON SHORT-TERM BORROWINGS

The committee recommends $3,197,000 for this new account which will be used to pay interest and other costs associated with issuing short-term revenue anticipation notes. Issuance of these notes will allow the District to meet its seasonal cash flow financing needs which were met through interest-free repayable advances from the Federal Treasury through fiscal year 1983. In fiscal year 1984, the District plans to meet this need by going to the public market.

ADJUSTMENTS

The bill includes language allowing the Mayor to reduce the energy budgets and the additional gross pay budgets within one or several of the appropriation titles by $3,871,300 and $361,800, respectively.

CAPITAL OUTLAY

We recommend a total of $122,807,400 for 67 construction projects in fiscal year 1984. The committee's recommendations consist of $111,587,400 for 59 projects financed from the general fund and $11,220,000 for 8 projects from the water and sewer enterprise fund. These projects, Mr. Chairman, run the gamut from housing and public school facilities to highway and bridge work and the laying of sanitary sewerlines. A total of $78,022,100 is included for "public building construction" which includes the modernization of public housing, the completion of a career center for public schools, and the construction of central laboratories at D.C. General Hospital; $25 million are recommended for various highway and bridge projects and $19,783,300 will finance water and sewer work including almost $7 million as the District's share to complete the wastewater treatment plant at Blue Plains.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

Mr. Chairman, the bill includes $9,617,000 for the operation and administration of the Washington Convention Center, an 800,000-square-foot versatile facility located in the heart of the District and designed to accommodate large national and international conventions, trade shows, and meetings. The center officially opened on December 10, 1982, with the first show on January 5, 1983. Fiscal year 1984 will be the center's first full year of operation.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

The committee recommends $2,772,500 in non-Federal funds for the lottery and charitable games control board in fiscal year 1984. This board, Mr. Chairman, is responsible for operating and conducting a lottery and daily numbers game in the District and is authorized to issue licenses for the operation of bingo and raffles. The committee's recommendation is $1,588,000 above the fiscal year 1983 allowance and reflects the resources required to operate and conduct the lottery and charitable games activities. The District government anticipates receiving $40 million from the board's activities for deposit into the general fund during fiscal year 1984.

GENERAL PROVISIONS

The committee recommends the continuation of a number of general provisions that have been carried in the past. These general provisions appear on pages 15 through 23 of the bill and I will mention a few of them briefly. Language has been retained under section 119 of the bill prohibiting the use of Federal funds to perform abortions except to save the mother's life or in cases of rape or incest. This language is identical to that carried in the bill since fiscal year 1980. Section 129 removes District employees from the Federal employee pay ceiling and provides that the pay setting authority shall be the District's Merit Personnel Act as authorized by the Home Rule Act, rather than title 5 of the United States Code which was the pay setting

authority prior to home rule. Language has been added to section 124 modifying the District's reprograming policy. This modification requires that changes in the scope of capital outlay projects be subject to the reprograming policy currently in effect. As noted earlier, the committee has added a new general provision which requires the District government to continue making monthly payments for streetlighting and traffic signal costs until those costs are covered by other means through a program for which all final administrative and judicial determinations have been made.

CONCLUSION

Mr. Chairman, I have attempted to cover the highlights of the committee's recommendations. The committee report is available to Members and explains our actions in much more detail.

The committee held several days of hearings and questioned over 200 witnesses at some length, and let me assure the Members that this is a very tight budget.

The net increase in the general fund operating budget is $78 million or 4.3 percent above the fiscal year 1983 level, and almost all of that is for mandatory costs.

For example, of the $78 million increase, $42.1 million, or more than half is to cover pay adjustment costs; $26.6 million is mandated for the retirement funds for police officers, firefighters, judges, and teachers; and $5.9 million is for payment to the Federal Bureau of Prisons for District inmates housed in Federal facilities.

Mr. Chairman, it does not take a very sophisticated computer to come to the realization that very little of the increase was available for discretionary programs.

I want to take this opportunity to express my deep appreciation to the ranking minority member of our subcommittee, Mr. COUGHLIN. I have had the pleasure of working with the gentleman from Pennsylvania (Mr. COUGHLIN) for the past 3 years and there is no question that he makes my job on this subcommittee a lot easier because when we do not agree on an issue, we can at least be agreeable about it.

I would also like to thank Mr. NATCHER whose long experience as a member of this subcommittee and the chairman for a number of years has been very valuable.

Mr. GREEN of New York brings a lot of expertise to the subcommittee, especially in the area of housing, and he has always been supportive of the bill.

I would also like to thank Mr. STOKES of Ohio; Mr. WILSON of Texas; Mr. LEHMAN of Florida; Mr. SABO of Minnesota, one of the two new members on our subcommittee this year, and Mr. ROGERS of Kentucky, who is also a new member of our subcommittee.

Mr. Chairman, this is a good bill and I recommend it to the Members.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first congratulate the very able and courageous chairman of the subcommittee. He has done on this bill a superb job, as usual, in balancing the competing interests of, first, those who are in this city not as permanent residents, but in it because it is the Nation's Capital; second, the interests of those who are the permanent residents of this city and who desire to rule themselves; and third, the interests of this subcommittee in assuring that the District of Columbia does not run at a deficit and that it pays off its outstanding indebtedness.

The chairman has bent over backward in accommodating Mayor Marion Barry and the D.C. government, while at the same time preventing the subcommittee from becoming a rubberstamp. We are all grateful and owe him a debt of gratitude for his tact and his good judgment in handling this very difficult situation.

Let me also compliment the staff, Americo Miconi, who probably knows more about the District of Columbia than any other person in this country; Kenny Kraft, who loves working on this bill; and Mary Porter and the other members of the staff.

The D.C. appropriations bill does two things: it appropriates the Federal payment and it appropriates the entire D.C. budget.

The Federal payment in this bill is $361 million. That is the same as it was in 1983 and $25 million less than the President's request, which we just authorized on Monday. It is $27 million below the budget resolution.

Other Federal funds, as the chairman pointed out, include $16,520,000 for water and sewer services furnished to Federal facilities; $52 million for Federal contributions to the police, fire and teachers pension system; and $115 million in loans for the city's construction program.

The bill provides—and it is always amazing to hear this kind of figure, I think—a total of $2,122,000,000 for the District for its budget.

When counting Federal and other grants and reimbursements, a total of $2.8 billion is available.

This is a bipartisan bill. The chairman and I agreed upon everything, including some adjustments to the budget which the chairman has mentioned, but which I want to refer to, too.

The District proposed to charge its customers and the consumers of the District of Columbia for the cost of street lighting in this city. I personally happen to think that is a pretty dumb idea, but this subcommittee did not want to interfere with the District's decision. That is a decision of the City Council. And we did not interfere with the City Council's decision.

The chairman was insistent on that, but the procedure and the implementation of that program was nowhere to be seen. So the chairman simply said, "Well, until they implement the program, we certainly should require the city to pay its bills." And I think the chairman was exactly right on that. That was not interference in the District's government, but that was simply making sure that they pay their bills while they are trying to implement a procedure that they have enacted.

We also included more than $5 million the District had budgeted to pay off the cash portion of its long-term debt. That debt was $296 million in 1982, $20 million of it is to be reduced in 1983. The District of Columbia officials have been put on notice that the committee expects the full $20 million to applied and not spent on other things.

And we increased to $15 million the amount to be applied to that debt in 1984.

□ 1440

I believe strongly that it is a function of this subcommittee and a proper function of this subcommittee to insure that the District does operate on a balanced budget and that it pays off its accumulated debt. That is part of the responsibility under the Constitution of the United States of this Appropriations Subcommittee. It is an important thing because in order to have the District's credit to be good, so that it can appeal to the financial markets, it needs to have a regular, orderly procedure for paying off that accumulated operating deficit.

Third, the city's only fireboat is the only fireboat in the District of Columbia area. Just last week the fire at the Anacostia Naval Annex dormitory, which did $101 million worth of damage, would have been much worse if the District's fireboat had not pumped water out of the Anacostia River with which to aid the fire companies responding to fight the blaze.

The District, historically, has had a tendency to underfund and cut back on those very programs that are important to those who are in this city not as permanent residents but as visitors or as officials of government, because this is the Nation's Capital. It seemed to me pretty absurd to take the five-person crew of that fireboat and reduce it to two people, who would have been unable to man the boat in an emergency. It seems like a drop in the bucket, but an important drop in the bucket, because that fireboat was one of the few things that

can fill the bucket when necessary and combat those fires in this area.

Mr. Chairman, I think it is a good bill that we bring before you. Again, I feel the chairman has done a superb job. I take great exception to the recent editorial in the Washington Post indicating that this was interference of some sort, meddling, or colonialism, or something like that. If ever a chairman bent over backward not to meddle in the affairs of government, it was this chairman who brings this bill before the House. There are others, of course, who complain that we have not interfered enough and that we should be doing more in that area. I think this is a balanced approach. We have interfered only in those areas where we have a legitimate concern as a committee.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I rise in support of the bill (H.R. 3415) which will provide funding for the operation of the District of Columbia government of fiscal year 1984. I am encouraged by the fact that we are considering this measure relatively early in the year, and it may turn out to be the first appropriation bill to work its way through the process without the threat of a Presidential veto.

Mr. Chairman, as ranking member of the authorization committee for the District of Columbia, I really would like to start by congratulating my good friends, the chairman of the Appropriations Subcommittee on the District of Columbia and the ranking member. I think they have done serious and much needed work. They have been eminently fair. They have not interfered in the affairs of the city, but they have recognized the responsibility of the city for the money that it receives from this Federal entity, the Federal Government. I am very proud of associating with my good friends, the chairman and ranking member. We share the same desires and goals for the District, and I am very happy to endorse for the minority side of the authorization committee their entire effort.

Unlike the situation a few years ago, the committee has been able to work its will on the city's $2 billion-plus budget, and at the same time make very few specific changes in the funding levels requested by the locally elected officials. In the instances where assumptions have been questioned, the committee has exhibited great restraint and has provided the city with the greatest flexibility possible in determining how compliance with committee directives will be accomplished. This type of approach clearly shows strong support for the concept of home rule, and continues a trend that was begun several years ago. I trust the future will be characterized by a furthering of this partnership between Congress, the Mayor, and the Council of the District of Columbia.

There are three specific recommendations which I would like to briefly comment upon. Although the first of these does not involve any funding in the bill, it is perhaps one of the most important items mentioned in the committee report. I am referring to the discussion on pages 4 and 5 of the report concerning financial management in the city, and more specifically the automated financial management system which was established jointly by the city and Congress under Public Law 94-399. I will not belabor the specifics of the issue, since the content of the report is complete in that regard. I will simply state that as a member of the Temporary Commission on Financial Oversight of the District of Columbia, I am pleased to see that the General Accounting Office will conduct a review of the elemental components of the Financial Management System and report back to the Appropriations Committee by May 1, 1984. The results of that review will certainly be of great benefit to the city in determining what systems need revision or expansion. I trust that the final result will not be used to assess blame for shortcomings, but rather will be used to chart a course for improvements which will provide the private bond market with assurances that the city is fully capable of adequate financial management and is capable of issuing bonds.

Another recommendation which merits attention is found on page 41 of the report. Under the account titled "Repayment of general fund deficit" the committee recommends that a total of $20 million be applied toward reducing the city's accumulated deficit of $309 million. Although the city requested and budgeted only $5 million for this purpose, the committee has seen fit to raise the ante to $20 million, the same as the amount recommended for the current fiscal year. The $15 million difference is to be made available by the Mayor through spending reductions or increased revenues. I fully support this directive because it provides the Mayor with the flexibility of identifying the source of the extra $15 million, and it maintains the level of $20 million annually, which if continued into the future will eliminate the entire deficit with the least future impact on the citizens of the District of Columbia. The alternative proposals advanced by the city all involve the issuance of deficit bonds, a concept to which this Member is adamantly opposed.

The final recommendation of the committee that I would like to highlight concerns St. Elizabeth's Hospital, and I warmly applaud the report language found on page 38. There is no question that the city must work as quickly as possible to first, assume responsibility for its share of the costs, based on the number of D.C. residents using the facility, and second, work to assume full control of the facility itself from the Federal Government. However, there is much to be done before those initiatives may come to pass.

It is totally irresponsible to demand that the city, given its current delicate financial condition and the demands on its budget, suddenly double its dollar contribution to the operating costs of St. Elizabeths. A more rational approach, and one that I advocate, is to gradually increase the annual contribution of operating costs from the city, and get the Federal Government to gradually upgrade the facility, so that at some point in the future, the city will be ready to assume the financial obligation of a facility they will run. However, the facility itself must be brought up to standards before we dump it on the city government. In too many instances, the Congress and the Federal Government has done exactly that—dumped a serious problem on the city under the guise of increased local autonomy without providing adequate resources for the city to take over the operation. I do not intend to allow this to happen with respect to St. Elizabeths Hospital, and I am prepared to introduce legislation to prevent another fiasco. At this time, the General Accounting Office is studying this problem, and will recommend action to be taken by Congress and the executive branch.

Again, I applaud the committee for recommending in this legislation a rational and sensible course of action with regard to St. Elizabeths Hospital. I hope our colleagues will recall this provision when the appropriation bill providing funds for the Department of Health and Human Services comes to the floor, and if necessary takes the necessary action to put the two bills in harmony.

In conclusion, Mr. Chairman, I urge support of this bill and I wish to congratulate in particular the chairman of the subcommittee, the gentleman from California (Mr. DIXON), and the ranking member, the gentleman from Pennsylvania (Mr. COUGHLIN), for their leadership.

Mr. Chairman, I yield 5 minutes to the Delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 3415, the District of Columbia appropriation bill for fiscal year 1984. Let me, first, commend our colleague, Mr. DIXON, chairman of the Subcommittee on District of Columbia Appropriations, for his unflagging concern to protect the Fed-

eral interest in the governance of our Nation's Capital and his informed and caring support for the citizens of the District of Columbia.

H.R. 3415 contains $2.1 billion for fiscal year 1984 consisting of $1.8 billion in operating expenses from the general fund, $111 million in capital outlay from the general fund, $114 million for operating expenses for the water and sewer enterprise fund, $11 million for capital outlay for the "Water and sewer enterprise fund," $9.6 million for the "Washington Convention Center enterprise fund," and $2.7 million for the "lottery and charitable games enterprise fund."

The bill provides a total of $544,590,000 in Federal funds. This includes a Federal payment of $361 million which is $25 million below the amount requested. The increase in the Federal payment appropriation has been held up because of the need for authorizing legislation.

On June 27, the House approved my bill, H.R. 2637, which increased the Federal payment to the District from $361 million to $386 million for fiscal year 1984 and thereafter. Thus, the additional $25 million will be available to the District.

I do take exception, however, to a provision in the bill which requires that a total of $20 million be applied toward reducing the District's accumulated general fund deficit which totaled $309 million as of September 30, 1981. H.R. 3415 contains the District's $5 million request plus an additional $15 which the Mayor must identify and make available through reductions in amounts in the bill or through additional revenues.

Mr. Chairman, many of my colleagues were not Members of the House when the District of Columbia was granted home rule. The city's accumulated deficit condition occurred through decades of Federal financial management and budgetary decisions. Its impact became apparent only as the District moved toward financial operations as a separate entity, lacking benefits of the Federal power of deficit financing.

The current administration of Mayor Marion Barry identified the problems posed by the accumulated general fund deficit and moved to take appropriate actions to solve it. Since 1980, the District has:

Formulated and executed balanced general fund budgets in fiscal year 1981 and fiscal year 1982.

Reduced the accumulated general fund deficit by $82 million, including more than the amount referenced in Report 97-747 for fiscal year 1982.

Received clean independent audits in fiscal year 1980, fiscal year 1981, and fiscal year 1982.

Received the important MFOA Certificate of Conformance in Financial Reporting.

Formulated and successfully pursued important technical amendments to the Home Rule Charter borrowing authority.

Successfully issued over $100 million of District of Columbia revenue bonds for academic facility construction and low/moderate income multifamily rental housing.

Formulated and proceeded to execute a balanced fiscal year 1983 general fund budget.

Formulated and passed a balanced fiscal year 1984 general fund budget, with an allocation of $5 million to reduce the accumulated deficit.

Proceeded to adopt a 5-year series of water and sanitary sewerage service rate increases, designed to place the water-sewer enterprise on a balanced basis.

Given the limited powers of the District, I submit that this is clear and substantial evidence of the city's continuing commitment in this matter.

Mr. Chairman, the District has sought to halt the growth of the accumulated general fund deficit and eliminate any remaining accumulated deficit as outlined in the Mayor's 1980 Comprehensive Financial Plan. The city has succeeded with the former, as witnessed by planned and executed balanced budgets. With regard to the latter, the District proposed funding the accumulated deficit through the issuance of general obligation bonds, first to the Federal Government, then to the private municipal bond market. However, the requisite authority for the District to proceed was never appropriately enacted by the Congress.

To require the city to reduce items in its budget by $15 million or raise revenues by a like amount is to ask undue hardship on District taxpayers. I would hope, Mr. Chairman, that when this bill goes to conference, that this requirement might be reduced or eliminated.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE), the distinguished ranking minority member of the committee.

Mr. CONTE. Mr. Chairman, I rise in support of this bill making appropriations to the District of Columbia for fiscal year 1984. Although there is one aspect of the bill which disturbs me, I think that overall, the agreements reached by the majority and minority on this bill, have produced a funding measure which we should support.

Under the Federal funds category, for the Federal payment to the District to help the city offset the cost of the Federal presence, the committee has provided $361 million, a figure $25 million below the amount requested.

This Federal payment in lieu of taxes will help pay District operating expenses for such things as police, fire and rescue services; operation of the public education system; support for human service programs, public transportation services and a broad range of other programs and services provided by the District Government.

In addition to the Federal payment, other areas under the Federal funds category include a $52 million contribution to the police, firefighters', teachers' and judges' retirement funds;

A $16.5 million payment for water and sanitary sewer services furnished to Federal facilities, and $115 million in capital outlay and loans to the District to assist in financing such programs as correctional facility construction, heating system replacement in public schools, hospital modernization, and various other community enhancement initiatives.

The total amount appropriated by the committee in the Federal funds category is $544.6 million, a figure $20.4 million over the fiscal year 1983 level, and $25 million below the request.

The second category of funds in the bill, District of Columbia funds, consists of the D.C. general fund, which is the city's basic operating budget; the water and sewer enterprise fund; the lottery and charitable games enterprise fund; the Washington Convention Center enterprise fund and capital outlay funds for public building improvements and construction, and water and sewer system construction and rehabilitation.

For fiscal year 1984, the committee has approved nearly $1.9 billion for operation of the District Government out of the general fund. The largest portion of this total is dedicated to three areas of funding: Public safety and justice; the public education system and human support services.

In the public safety and justice portion, the Committee has approved $457.8 million, an increase of $48.6 million over fiscal year 1983. This figure includes increases to accommodate police overtime for court appearances, as well as increases in funds for security coverage at local confinement facilities, commensurate with projected increases in prison population levels, and court ordered levels of security coverage at local institutions.

For the public education funding level, the committee approved $473.6 million, a $34.8 million increase over fiscal year 1983. Within this figure are funding increases to accommodate pay adjustments for the Board of Education activities, and increases in the teachers' retirement fund.

For public education, this funding level will allow the Board of Education to maintain current pupil-teacher ratios, and build upon recent gains in areas of academic achievement, dropout prevention and improved school security.

The third major area of funding is human support services. In this area, the committee has provided a total of $486.7 million for fiscal year 1984. This figure is $19.8 million over the fiscal year 1983 level. The principal increase in this figure is associated with rises in the medicaid and medical charities funding levels to allow various health-oriented programs to continue at existing levels.

Earlier in my remarks, I noted that there is one aspect of this bill which disturbs me—that area is the St. Elizabeths Hospital situation.

In preparing its fiscal year 1984 Department of Health and Human Services budget, the administration assumed that the District Government would pick up a total of $54.5 million in reimbursements to St. Elizabeths for patient care of District residents. In the bill we are considering, the committee has approved a $24.7 million payment to St. Elizabeths, plus an addition of $4.7 million in limitation language, making a total of $29.4 million available for reimbursements to St. Elizabeths Hospital.

That leaves a shortfall of $25.2 million—the difference between the cost of providing patient care to District residents, and the actual amount which the District is paying to St. Elizabeths in reimbursements.

It also leaves a situation where 90 percent of the patients are District residents, with the District only paying 25 percent of the cost of caring for them. That means that either the costs must be picked up in Federal appropriations, or the hospital at some point will have to start scaling down operations.

Mr. Chairman, I am convinced that the funding gap between the operational cost of maintaining care for District residents, and the District's reimbursements, continues to rise. I would like to see the District Government accelerate its efforts, pursuant to past understandings, and work with the Department of Health and Human Services in developing a proposal to accommodate the goal of making St. Elizabeths Hospital an integral part of the District Government's community mental health center system.

I might just say here, Mr. Chairman, that I, and I am sure other members of the committee, would look favorably on any management initiatives on the part of the District government to apply excess revenues or program savings to the St. Elizabeths situation.

Beyond the three major areas of funding I mentioned, another area of funding provided for in the general funds category is the $190.5 million level in public works funding to accommodate such services as repair and maintenance of public buildings, streets, and bridges, and the providing of public transportation services.

We have also provided the latitude to allow the Mayor to further reduce the operating fund deficit by granting him the authority to make available for this purpose, funds he identifies through reductions in amounts in the bill, or from additional revenues. I know this is important to the ranking minority member (Mr. COUGHLIN).

In the capital projects fund, Mr. Chairman, the committee has provided $111.6 million for funding for capital projects in connection with the District's multi-year plan for development, modernization, and replacement of public facilities.

Examples of such projects include fire station replacement, building security improvements, and housing development projects.

The committee has also provided for the operational funds through which water and sewer services are provided to the District. Included in this budget are funds for the District's Washington aqueduct plant which produces and distributes potable water, as well as funds for operating the Blue Plains wastewater treatment plant.

Mr. Chairman, this bill covers many other areas which I will not get into at this time. In conclusion, I would like to say to the gentleman from California (Mr. DIXON) and the gentleman from Pennsylvania (Mr. COUGHLIN), as the chairman and ranking minority member of this subcommittee, you have delivered a good product. I do hope that we can in the near future resolve the problem of the District's reimbursement to St. Elizabeths Hospital.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I agree with the gentleman completely. I just feel, and I think the gentleman from Pennsylvania (Mr. COUGHLIN) would agree with me, that the District needs some additional time to work out this situation with the Office of Management and Budget. Obviously, we will have to do something about the $25 million shortfall by the time this bill reaches conference, although I am hopeful it will be resolved before that time. But I want to first give the District the opportunity to establish their priorities, and I am hopeful that by the time the bill goes to conference, this issue will have been resolved.

□ 1450

Mr. CONTE. I appreciate that. That is a fine explanation and, therefore, I will not offer an amendment I had considered offering.

Mr. Chairman, I include in the RECORD at this point a letter from David Stockman, Director of OMB, and a statement of administration policy.

The letters follow:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 23, 1983.

Hon. SILVIO O. CONTE,
U.S. House of Representatives,
Washington, D.C.

DEAR SIL: On Thursday, June 23, the House Appropriations Committee will consider the District of Columbia Appropriation bill. I want to express the Administration's concern over the Subcommittee's treatment of the District payment to Saint Elizabeths Hospital. Specifically, the Subcommittee decision to cap the payment at $29.5 million (54% of total cost) will seriously impair the ability of the District Government to both finance care for its residents at Saint Elizabeths and meet its legal obligations under Federal court order *Dixon* v. *Schweiker*. Given that fiscal year 1984 is the second of a ten-year phasedown of Federal subsidies to the District, the District Government should gradually assume increasing responsiblity for the funding and direction of mental health services in this city. Consequently, the Administration finds the 54% cap objectionable.

When the full Committee marks up the appropriation bill, I hope you will support efforts to amend upward or eliminate the limitation on the District's use of funds. This will not only assure full delivery of services at the health facility, but also underscore both Congressional and executive branch support for home rule.

Sincerely,

DAVID A. STOCKMAN,
Director.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1984 (DIXON (D), CALIFORNIA), JUNE 24, 1983

The Administration is concerned about the treatment in the bill, as reported by the Committee on Appropriations, of the District payment to Saint Elizabeths Hospital. Specifically, the Committee decision to cap the payment at $29.5 million (54% of total cost) will seriously impair the ability of the District Government to both finance care for its residents at Saint Elizabeths and meet its legal obligations under Federal court order *Dixon* v. *Schweiker*. Given that fiscal year 1984 is the second of a ten-year phasedown of Federal subsidies to the District, the District Government should gradually assume increasing responsibility for the funding and direction of mental health services in this city. Consequently, the Administration finds the 54% cap objectionable.

The Administration will support efforts to amend upward or eliminate the limitation on the District's use of funds. This will not only assure full delivery of services to the health facility, but also underscore both Congressional and executive branch support for home rule.

Mr. COUGHLIN. Mr. Chairman, I yield 6 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I recognize that the distinguished chairman of this subcommittee, the ranking member, and members of the committee and members of the staff worked long and hard and diligently to bring this bill to the floor. I had the privilege of serving on this committee for 2 years and I have had some questions about the manner in which the data

that was obtained from the District government is presented and, therefore, I wish to voice some criticism of the way the bill is put together, but not any criticism of the people who put the bill together.

Mr. Chairman, while I recognize the unique relationship that Washington, D.C., has with the Federal Government, I have strong reservations about the level of funding contained in this bill, H.R. 3415, the fiscal year 1984 District of Columbia appropriations bill.

While the supporters of this bill point out that the appropriation line item entitled "the Federal payment" is $361 million in this bill, this does not come close to the total amount of Federal effort for the Federal city. You must add to that, the payment by the Federal Government for water and sewer services of $16.5 million; a Federal contribution to the city pension fund of $52 million; and Federal loans of $115 million, for a grand total of $544.6 million. Add to this Federal contribution not included in this bill and you find a Federal effort totaling almost $1.1 billion.

Aside from the funding level in this bill, which I will discuss later, I find it ironic that we are lending the District of Columbia $115 million at a time when we are going to have to borrow almost $200 billion to keep the Federal Government running in fiscal year 1984. In addition, part of this appropriation includes over $16 million in revenue sharing. I would ask my colleagues: what revenue are we going to share? We are going to be $200 billion short next year and we plan to share $16 million with the District of Columbia. We certainly have plenty of revenue deficit to share if the District of Columbia would like to come forward and share some of that.

The largest component of the direct appropriations contained in this bill is the Federal payment. What is the Federal payment? For starters, it is a payment that has doubled in 10 years. In 1974, the payment was $185 million, now it will be $361 million.

Second, it is a payment made to the District of Columbia to compensate them for not being able to use the tax base represented by all the Federal buildings here in the Nation's Capital, that seems plausible. But I question how much the presence of all these Federal buildings represents a negative revenue impact for the Federal city. First, the city simply would not exist were it not for the Federal Government. Anyone who has tried to breathe the humid, hot air of a midsummer day would know the swamps upon which this city was built were not ideal. Second, this seat of government draws millions of tourists who spend a lot of time and money to see, walk through, and conduct business in the very buildings the District government cannot tax. Rather than a tax burden, these buildings are an attraction that generate millions and millions in revenue. We need to seriously examine whether, in fact, the federal presence constitutes a tax loss or tax gain for the city of the District of Columbia.

Aside from the fact that the Federal effort has more than doubled in the past 10 years, it should be noted that the population of this city has been declining steadily in that time period.

A study by the tax foundation in 1974 showed a comparison of 50 States and the District of Columbia in the amount of Federal revenues collected contrasted with the amount of Federal aid going into that area. The District of Columbia stood at the bottom of the list, with only 23 cents in Federal revenues collected for every dollar of Federal tax money spent within its borders. Strangely enough, while the amount of Federal assistance to the city has more than doubled in the 10 years after that, the latest estimate, done in 1982 by the tax foundation is that the same relationship for tax effort and tax expenditure in the District of Columbia is the same as in 1974. That is, for every dollar of tax money spent there, only 23 cents are taken out.

The District has grown in that period. We now boast a fine, a large convention center, not to mention the very large convention hotels that are almost unrivaled on the east coast. Yet this drain on the Federal Treasury for this city continues to grow.

I think it is time for the city to look to its own resources for the increasing civic needs of its population and this body should start to look for ways to curb the rate of growth of the Federal subsidy for this city, and put some limits on that overall expenditures by the Federal Government in this city.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. FIEDLER).

Ms. FIEDLER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I come to the well this afternoon to make some positive comments about the student achievement scores in the District of Columbia. As a former school board member from Los Angeles, I faced some of the same problems that they have in a large urban district like the District of Columbia.

I would like to offer my commendations to the parents, to the teachers, to the administration, and to the students for the outstanding job that they have done to increase students scores in this community. I think that as we debate the issue of education in the months ahead, it is important for us to look at successes across the Nation, and while this community certainly has some of the most serious problems in terms of large numbers of disadvantaged students, it seems as though they have found a formula for success, one that other communities across this Nation could emulate.

I would like to make a couple of points, if I may, regarding the kinds of things that they have done in the District of Columbia to try to improve student scores. Of course they have, in recent articles most of us have had a chance to read, made some real progress for the students of this community through these efforts.

One of the things that they did, and probably the most important, is that they developed a competency-based curriculum, meaning that students were expected to achieve a certain reasonable level each year, before they were promoted. They took promotion tests, tests which their teachers worked very hard to prepare the students for, and they taught them also how to prepare for the taking of tests, and in the process they were able to achieve a good deal in reading, vocabulary, math, and science.

The reduced class sizes also was a tremendous bonus for the students. The classes are going to be kept down to a 25-to-1 ratio. This, as well as the special efforts of the students themselves, their staff and administrators, and the support of the community, which permitted them to make the hard decisions to implement this kind of competency-based program, are substantial reasons why they have seen tremendous improvement in the achievement scores.

Mr. Chairman, I would like to thank the chairman of the committee, offer him my commendations, for making sure that they have an adequate budget, and also to my colleague on the Republican side for the special commitment that he has made. But most importantly, I would like us all to learn from this success and understand it is not just how much we spend, but it is the way in which we spend the money that we have that makes the difference.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Arizona (Mr. RUDD) and I have had detailed discussions as it relates to the Federal payment, so I will not go into those discussions today except to say that I do not want anyone to be misled by some of the comments that Mr. RUDD made, although I am sure that was not the intention.

The Federal payment of $361 million that the gentleman refers to is made to the District in lieu of property taxes on Federal buildings and land here in the city.

The Federal contribution of $52 million to the police, fire, judges, and teachers retirement funds was determined by this House and the Congress when they passed Public Law 96-122,

the D.C. Retirement Reform Act. I believe we should all realize that the retirement programs for the police, fire, judges, and teachers were approved by the Congress—not the District government—on a pay-as-you-go basis. These programs were approved prior to home rule, so it seems only fair that the Federal Government contribute toward funding the unfunded costs of those pension programs that were passed by the Congress.

The $16.5 million for water and sewer services provided to Federal facilities is, in my opinion, a bill owed by the Federal Government to the District of Columbia. The Federal Government is consuming the water and using the sewer services so it should pay for what it consumes and uses.

Now it is true that the District government has been able to borrow 30-year funds from the Federal Treasury. That ability will be eliminated completely in fiscal year 1985, and in this year's bill we have authorized the District to borrow from the Federal Treasury $115 million for which the city will pay the prime commercial rate plus an interest fee. So these funds are not free. For example, this year the District borrowed funds from the Federal Treasury and has to pay 14.2 percent interest, which in any calculation is not a gift to the District. In fact, one might say that the Federal Government is realizing a substantial benefit—it is taking no risk and it is earning 14.2 percent interest.

On those terms, Mr. Chairman, I do not think these Federal funds are really considered as gifts to the District of Columbia.

□ 1500

Again, Mr. Chairman, I thank all the members of the committee for their diligence and assistance in bringing this bill to the floor. I want to especially thank the gentleman from Kentucky (Mr. NATCHER), a very senior member of our committee. I also want to thank the ranking minority member, the gentleman from Pennsylvania, (Mr. COUGHLIN).

I would just conclude by saying that I would certainly like to thank the staff who worked very hard and very long hours on this bill in order to have it ready for the floor in a timely fashion. I want to particularly thank Americo Miconi who became sick while working on the weekend to get the bill and report ready, but notwithstanding his illness, he continued working so that we could have the bill on the floor for consideration today.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate the gentlewoman from California (Ms. FIEDLER) on her statement. It is so often easy to be critical and then not to recognize something that marks real progress that has been done, and I think it was very worthwhile to have the gentlewoman from California remark on that remarkable achievement and point out that progress is being made in that direction.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order against the bill?

If not, are there any amendments?

Mr. DIXON, Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. HERTEL of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 296, nays 124, not voting 13, as follows:

[Roll No. 230]

YEAS—296

Ackerman	Gaydos	Murphy
Addabbo	Gejdenson	Murtha
Akaka	Gekas	Myers
Alexander	Gephardt	Natcher
Anderson	Gibbons	Neal
Andrews (NC)	Gingrich	Nelson
Andrews (TX)	Gonzalez	Nowak
Annunzio	Gradison	O'Brien
Aspin	Gray	Oakar
Barnes	Green	Oberstar
Bartlett	Guarini	Obey
Bateman	Gunderson	Olin
Bates	Hall (IN)	Ortiz
Bedell	Hamilton	Ottinger
Beilenson	Harkin	Owens
Bennett	Hatcher	Packard
Bereuter	Hawkins	Panetta
Berman	Hefner	Parris
Bethune	Hertel	Pashayan
Bevill	Hightower	Patterson
Biaggi	Hillis	Pease
Bliley	Holt	Penny
Boehlert	Horton	Pepper
Boggs	Howard	Perkins
Boland	Hoyer	Pickle
Boner	Huckaby	Porter
Bonior	Hutto	Price
Bonker	Hyde	Rahall
Borski	Ireland	Rangel
Bosco	Jacobs	Ratchford
Boucher	Jeffords	Ray
Boxer	Johnson	Regula
Breaux	Jones (NC)	Reid
Britt	Jones (OK)	Richardson
Brooks	Kaptur	Ridge
Brown (CA)	Kastenmeier	Rinaldo
Bryant	Kazen	Robinson
Burton (CA)	Kemp	Rodino
Carney	Kennelly	Roe
Carper	Kildee	Roemer
Carr	Kogovsek	Rogers
Chappell	Kolter	Rose
Clarke	Kostmayer	Roukema
Clay	Kramer	Rowland
Clinger	LaFalce	Roybal
Coelho	Lagomarsino	Russo
Coleman (TX)	Lantos	Sabo
Collins	Lehman (CA)	Savage
Conable	Lehman (FL)	Scheuer
Conte	Leland	Schneider
Conyers	Levin	Schumer
Cooper	Levine	Seiberling
Coughlin	Levitas	Shannon
Coyne	Lewis (CA)	Sharp
Crockett	Lewis (FL)	Sikorski
D'Amours	Lipinski	Siljander
Daschle	Livingston	Simon
Davis	Long (LA)	Sisisky
de la Garza	Long (MD)	Skelton
Dellums	Lowery (CA)	Smith (FL)
Derrick	Lowry (WA)	Smith (IA)
Dingell	Lujan	Smith (NE)
Dixon	Luken	Smith (NJ)
Donnelly	Lundine	Solarz
Dorgan	Lungren	Spratt
Dowdy	MacKay	Staggers
Downey	Markey	Stangeland
Durbin	Marriott	Stark
Dwyer	Martin (NC)	Stokes
Dymally	Martin (NY)	Stratton
Dyson	Matsui	Studds
Early	Mavroules	Swift
Edgar	Mazzoli	Synar
Edwards (AL)	McCloskey	Tallon
Edwards (CA)	McCurdy	Tauzin
English	McDade	Thomas (CA)
Erdreich	McHugh	Thomas (GA)
Evans (IL)	McKernan	Torres
Fascell	McKinney	Torricelli
Fazio	McNulty	Towns
Feighan	Michel	Traxler
Ferraro	Mikulski	Udall
Fiedler	Miller (CA)	Valentine
Fish	Mineta	Vander Jagt
Florio	Minish	Vandergriff
Foglietta	Mitchell	Vento
Foley	Moakley	Walgren
Ford (TN)	Molinari	Waxman
Forsythe	Mollohan	Weiss
Fowler	Moody	Wheat
Frank	Moore	Whitehurst
Fuqua	Morrison (CT)	Whitley
Garcia	Mrazek	Whitten

Williams (MT)	Wolpe	Yatron
Williams (OH)	Wortley	Young (AK)
Wilson	Wright	Young (FL)
Wirth	Wyden	Young (MO)
Wise	Wylie	Zablocki
Wolf	Yates	

NAYS—124

Albosta	Gore	Oxley
Anthony	Gramm	Patman
Applegate	Gregg	Paul
Archer	Hall, Ralph	Petri
AuCoin	Hall, Sam	Pursell
Barnard	Hammerschmidt	Quillen
Bilirakis	Hance	Ritter
Broomfield	Hansen (ID)	Roberts
Brown (CO)	Hansen (UT)	Rostenkowski
Broyhill	Hartnett	Roth
Burton (IN)	Hiler	Rudd
Byron	Hopkins	Sawyer
Campbell	Hubbard	Schaefer
Chandler	Hughes	Schroeder
Chappie	Hunter	Schulze
Cheney	Jenkins	Sensenbrenner
Coats	Jones (TN)	Shelby
Coleman (MO)	Kasich	Shumway
Corcoran	Kindness	Shuster
Courter	Latta	Skeen
Craig	Leach	Slattery
Crane, Daniel	Leath	Smith, Denny
Crane, Philip	Lent	Snowe
Daniel	Lloyd	Snyder
Dannemeyer	Loeffler	Solomon
Daub	Lott	Spence
DeWine	Mack	Stenholm
Dickinson	Madigan	Stump
Dicks	Marlenee	Sundquist
Dreier	Martin (IL)	Tauke
Duncan	McCain	Taylor
Eckart	McCollum	Volkmer
Edwards (OK)	McDonald	Vucanovich
Emerson	McEwen	Walker
Evans (IA)	McGrath	Watkins
Fields	Mica	Weaver
Flippo	Miller (OH)	Weber
Franklin	Montgomery	Whittaker
Frenzel	Moorhead	Winn
Gilman	Morrison (WA)	Zschau
Glickman	Nichols	
Goodling	Nielson	

NOT VOTING—13

Badham	Harrison	Shaw
Erlenborn	Heftel	Smith, Robert
Ford (MI)	Martinez	St Germain
Frost	McCandless	
Hall (OH)	Pritchard	

□ 1520

Messrs. ALBOSTA, SLATTERY, and HUGHES changed their votes from "yea" to "nay."

Mr. DOWDY of Mississippi and Mr. SILJANDER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, due to official business in the District, I was absent from part of yesterday's proceedings during rollcall votes 222, 223, 224, and 225. Had I been present, I would have voted as follows:

Rollcall vote No. 222, "nay."

Rollcall vote No. 223, "nay."

Rollcall vote No. 224, "yea."

Rollcall vote No. 225, "yea."

REPORT ON RESOLUTION PROVIDING FOR APPOINTMENT AND EDUCATION OF HOUSE PAGES

Mr. MINISH, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-282) on the resolution (H. Res. 234) providing for appointment and education of House pages, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AND EDUCATION OF HOUSE PAGES

Mr. MINISH. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 234 and ask for unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 234

Resolved, That notwithstanding any provision of law, and until otherwise provided by law, the House of Representatives Page Board shall furnish, by contract or otherwise, educational services and related items for pages in accordance with this resolution.

SEC. 2. (a) Except as provided in subsection (b), a page—

(1) shall be in the eleventh grade;

(2) shall serve for a full academic year; and

(3) shall not have served as a summer page.

(b)(1) Notwithstanding subsection (a)(2), an unforeseen vacancy during an academic year may be filled, but no appointment to fill such a vacancy shall be for a period of less than two months.

(2) An individual who has completed the tenth grade and has not begun the twelfth grade may serve as a summer page. An individual who has served as a congressional page at any time during each of any two semesters shall not be eligible to serve as a page.

SEC. 3. As used in the first section and section 2 of this resolution, the term—

(1) "academic year" means a regular school year, consisting of two semesters;

(2) "page" means a page of the House of Representatives, but such term does not include a fulltime, permanent employee of the House of Representatives with supervisory responsibility for pages;

(3) "congressional page" means a page of the House of Representatives or the Senate; and

(4) "summer page" means a page serving other than during an academic year for a period determined by the Doorkeeper of the House of Representatives.

SEC. 4. The proviso in the text under the heading "EDUCATION OF SENATE AND HOUSE PAGES" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), shall not apply to minors who are employees of the House of Representatives.

SEC. 5. There shall be paid from the contingent fund of the House of Representatives such sums as may be necessary to carry out this resolution.

SEC. 6. (a) This resolution shall take effect on the date on which this resolution is agreed to, except that section 2 shall apply with respect to pages appointed after that date.

(b) Any individual who, on the date on which this resolution is agreed to, is receiving education under the proviso referred to in section 4 shall be entitled to receive such education through the earliest of the following: the last day of that person's employment, the last day of the school year involved, or June 30, 1983.

Mr. MINISH (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I would like to commend the gentleman for his diligent work in improving the education of congressional pages. The resolution now before the House is a good compromise which is a substantial improvement over H.R. 3034 which was adopted by unanimous consent on May 18 or the previous construction of House Resolution 234 which under a unanimous consent request I objected to the consideration thereof on June 16. As I understand the provisions of the resolution, a Member will be able to appoint a congressional page for either one, two, or three terms consisting of two academic terms and a summer term. It is also my understanding that the resolution requires congressional pages to be juniors in high school. While I would have preferred that both juniors and seniors be afforded the opportunity to serve as congressional pages, I do not intend to object to this provision.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof the following:

That notwithstanding any provision of law, and until otherwise provided by law, there

shall be paid out of the contingent fund of the House of Representatives such amounts as may be necessary to enable the House of Representatives Page Board to furnish, by contract or otherwise, educational services and related items for pages in accordance with this resolution.

SEC. 2. The page program shall consist of the two terms of the academic year plus a summer term.

SEC. 3. (a)(1) Except as provided in subsection (b), a page serving during an academic year—

(A) shall be in the eleventh grade; and

(B) shall serve for one full term or two full terms.

(2) Except as provided in subsection (b), a page serving during the summer term—

(A) shall have completed the tenth grade; and

(B) shall not have begun the twelfth grade.

(b)(1) An unforeseen vacancy occurring in a page position during an academic year may be filled, but no appointment to fill that vacancy shall be for a period of less than two months.

(2) An individual who has served as a congressional page at any time during each of any three terms shall not be eligible to serve as a page.

SEC. 4. As used in this resolution, the term—

(1) "academic year" means a regular school year, consisting of two terms;

(2) "page" means a page of the House of Representatives, but such term does not include a full-time, permanent employee of the House of Representatives with supervisory responsibility for pages; and

(3) "congressional page" means a page of the House of Representatives or the Senate.

SEC. 5. This resolution shall take effect on the date on which this resolution is agreed to, except that section 3(a)(1)(A) and section 3(b)(2) shall apply to terms beginning after November 30, 1983.

Mr. MINISH (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. MINISH) is recognized for 1 hour.

Mr. MINISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. MINISH. Mr. Speaker, the resolution implements the decisions of the House Page Board concerning a new page education program which will provide our pages with the excellent formal education they deserve. It also responds to the concerns raised by the Speaker's Commission on Pages. This new page education program will complement the excellence of the learning experience pages receive in their work for the House of Representatives.

This resolution provides that each calendar year would be divided into three terms, each of approximately 4 months. The resolution allows a page to serve one or two full academic terms, and the page could also be appointed to serve for a summer term, or part of a summer term.

The resolution provides needed continuity in skilled House floor pages, by allowing a page to serve 1, 2, or 3 terms, insuring overlap.

Finally, because some Members may already in good faith have made outstanding commitments to individuals to become academic term pages who will not be juniors this September, the resolution defers the junior requirement until the beginning of the second 1983 academic term.

The House Page Board, on whose behalf I introduce this resolution, is totally committed to the need to provide our pages with a quality formal education. Therefore, quality education for our pages is the central issue. Although there are Members who have had their differences over the resolution's limitation on the length of appointment of a page, in the greater interest of the formal education of our pages, most of them have agreed that a quality education must and will come first.

This resolution concerns whether or not pages, in spite of the unique requirements of their page duties, are entitled to a quality academic education, or should forfeit educational opportunity for the undeniable excellent learning experience of being a page. I am convinced that the two, page experience and page education, need not be mutually exclusive. They can and should coexist and complement each other to provide our pages with a truely beneficial experience while they are here.

I urge your support of this resolution.

Mr. FRENZEL. Mr. Speaker will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Minnesota for purposes of debate only.

Mr. FRENZEL. I thank the distinguished gentleman from New Jersey. I agree with him in the description of the bill.

This really is a bill emanating from the Page Board which was referred to the House Administration Committee only as a matter of jurisdictional convenience. The minority on the committee congratulates the chairman and the other members of the Page Board for splendid work on this bill and urges its immediate acceptance.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Arkansas for purposes of debate only.

Mr. ALEXANDER. Mr. Speaker, I rise in support of the resolution. As the chairman of the Speaker's Commission on Pages, I compliment the work of the committee and the work of the chairman. You have done your duty. I applaud you, sir.

Mr. Speaker, the action of the committee is an exception to the long history of neglect by the Congress in its actions on behalf of the pages. It carries out a deliberate plan which was recommended to be in the best interest of pages. A plan that includes their well-being, their conduct, and their education.

Throughout the years of history that have been written about the Congress the pages are an integral part of the democratic process and indispensible to the smooth functioning of this body. The resolution proposes to reward our pages with a good and proper education. I speak for the pages when I thank you for your excellent work. I support the resolution.

□ 1530

Mr. MINISH. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Indiana for debate purposes only.

Mr. MYERS. Mr. Speaker, I thank my chairman for yielding this time and rise in strong support of the resolution.

As the previous speaker just stated and I also was a member of the Speaker's Page Commission last year which made a rather indepth examination of our page program and found that we had come up short in many instances, particularly in education. Now, as a member of the Page Board and in fact the lone minority member of that Page Board I thank the chairman and the other members who are all the majority for the courtesies they showed this lone minority member here from the Republican side. But the Page Board has been absolutely nonpartisan. We have had one concern, that is the treatment of our pages who perform a very, very necessary function in this House of Representatives. We have been extremely lucky through the years. But the one think that came out glaring both in the Commission report as well as in our Page Board investigation and study, we are not treating our pages properly as far as education is concerned. This is what our Page Board is trying to do now, give quality education, proper treatment and care for these young people who do such a fine job for us.

I strongly support the committee's recommendations on this particular bill and thank the committee for its courtesies.

Mr. MINISH. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from California (Mr. FAZIO) for the debate purposes only.

Mr. FAZIO. Mr. Speaker, I congratulate the chairman. There is never a more difficult task than when one is charged with the responsibility of

making changes in a system that has been encrusted through the years with tradition.

No way could have been found to organize and more properly administer the page program that would have avoided conflict with a number of Members and the traditions in which they had engaged in dealing with pages through the years.

The gentleman who has taken the very difficult job of chairman of this Board has fought through these problems. I think the resolution that we have developed is flexibile and yet does provide for the formalities we need to bring to the page program, the improvements to their health, personal care, as well as their education, which too often had taken second place to the needs of this institution.

The gentleman is to be congratulated for his perseverance, forebearance, and patience in proceeding to this point.

It has been a privilege for me to serve with the gentleman and Mr. MYERS as well. I hope the Members will adopt this product of our efforts and I hope we can continue our cooperative effort with the Senate as well.

I believe we can be proud, at the end of this effort, of having reformed the page program, brought it to something that is consistent with current standards and at the same time preserve this unique institution which has served the Congress of the United States and a fine group of young Americans very well through the years.

Mr. MINISH. Mr. Speaker, let me take this opportunity to thank the gentleman for his remarks and to point out that without the help of Congressman FAZIO and Congressman MYERS, this job would have been insurmountable. Congressman WHITEHURST has also provided important help as chairman of the House Page Board's education task force.

Mr. Speaker, I yield for debate purposes only to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Mr. Speaker, I too want to join the others in commending the gentleman from New Jersey and the subcommittee for an outstanding job.

I also commend the gentleman for his willingness to look beyond the near future to an even better Capitol Page School with a broader vision. As we had discussed in a previous conversation, Dr. Hardison, Director of the Folger Library here on Capitol Hill, had made some suggestions which would make the Capitol Page School a model school in the United States. It could draw a third of its students from the pages, maybe a third from the diplomatic or international set, and a third from students drawn around the Washington area.

This could become a laboratory, a model school, perhaps under the direction of the Department of Education. It could become a learning laboratory as well as a model school. I appreciate the gentleman's willingness to listen to that suggestion and perhaps in the future after this current plan is implemented, improving it in those respects.

I commend the gentleman from New Jersey.

Mr. MINISH. I thank the gentleman for his comments. As I indicated to the gentleman earlier that is something that has been referred to the task force under the able leadership of Mr. WHITEHURST.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ASPIN). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is now on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. MINISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislation days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONSUMER PRODUCT SAFETY AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2668.

The gentleman from Missouri (Mr. SKELTON) has been designated as Chairman of the Committee of the Whole, and the Chair requests the gentleman from New York (Mr. GARCIA) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2668), to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, with Mr. GARCIA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Monday, June 20 all time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

SHORT TITLE

SECTION 1. (a) This Act may be cited as the "Consumer Product Safety Amendments of 1938".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY

Mr. SHELBY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SHELBY: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Consumer Product Safety Amendments of 1983".

SEC. 2. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon, and by adding after paragraph (9) the following:

"(10) $35,700,000 for the fiscal year ending September 30, 1984;

"(11) $37,485,000 for the fiscal year ending September 30, 1985; and

"(12) $39,360,000 for the fiscal year ending September 30, 1986.".

Mr. SHELBY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. DINGELL. Mr. Chairman, reserving the right to object, and I do not think I will object, I would like to inquire of the gentleman from Alabama, is this the same amendment that the gentleman offered in committee?

□ 1540

Mr. SHELBY. Mr. Chairman, if the gentleman will yield, it is exactly the same.

Mr. DINGELL. Exactly the same. No changes whatsoever?

Mr. SHELBY. None, not that I know of.

Mr. DINGELL. Very well.

Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SHELBY. Mr. Chairman, we have heard a lot of rhetoric in the last several weeks about the issue before

us today, the reauthorization of the CPSC. Rhetoric about how this is the biggest consumer vote facing Members this session, how a vote against H.R. 2668 would be tantamount to voting against safe toys for children—rhetoric about how severely the agency has suffered under the budget knife of the past two Congresses—rhetoric about how the CPSC is unfairly subject to more restrictions on the public disclosure of information than any other health and safety agency—rhetoric about how the agency will be slowly phased out unless highly unusual minimum personnel ceilings are implemented to resist future possible attacks by the executive branch.

Mr. Chairman, we are still waiting for convincing arguments supporting this ill-conceived measure to surface—the truth is there is no rational argument which can surface to give credence to the Waxman bill. The rhetoric is drowned by the facts.

The Shelby substitute came within three votes of passing in the Committee on Energy and Commerce. The funding levels of $35.7, $37.5, and $39.4 million for fiscal years 1984-86 provide for a fiscally responsible 15 percent aggregate increase in funding over the 3 years. Mr. Chairman, these figures are not only responsible, they are generous, for the Consumer Product Safety Commission itself, in its own fiscal year 1984 budget request, only requested $34.9 million—$34.9 million, Mr. Chairman, an even lower fiscal year 1984 than my amendment provides.

Not only does the Waxman bill, H.R. 2668, exceed the fiscal year 1983 baseline figure of $34 million by a hefty 38 percent, but it exceeds the CPSC's own budget request for $34.9 million by 38 percent.

Mr. Chairman, I think it incredible and absurd that the opponents of my substitute criticize its funding levels as not fully and adequately providing the needed resources for the CPSC, when the CPSC itself has requested no where near the excessive funding level for fiscal year 1984 of $47 million that the Waxman bill calls for. The CPSC says it can carry out its mandate adequately with $34.9 million and a full-time staff of 624. Yet, proponents of H.R. 2668 assert that reductions in personnel over the last 3 years or so have resulted in parallel reductions in vital agency functions. They find especially worrisome the impact of staff reductions on the agency's scientific and technical capability. Mr. Chairman, the Commission itself, refutes the litany of statistics and rationale given to support the argument that more than 624 full-time employees are needed by the CPSC. Mr. Chairman, it is intrusive and presumptuous on the part of Congress to interject itself into this entirely management function. It is congressional arrogance to obstruct executive agency personnel levels decisionmaking. Who are we to set minimum ceilings when the Commission itself affirms its ability to operate sufficiently, protecting the public from dangerous products, at lower levels?

The Shelby substitute is pro-CPSC and proconsumer. The chairman has conveniently forgotten that just 2 short years ago, the committee upon which he served, and the Congress of which he was a Member, implemented several significant changes to the statutes within CPSC jurisdiction, all of which were intended to deal with perceived regulatory abuses of the Commission since its establishment. The criticism of the CPSC, which brought on these changes in 1981, arose not only from industry, as the chairman might want us to believe, but from nearly everyone, including other Government agencies, consumer groups, and Congress itself. These changes were well founded; they were agreed upon by a bipartisan consensus of Members, including the gentleman from California who now offest this wide-ranging bill. Any attempt to portray the changes implemented in 1981 as somehow unfair to the CPSC, anticonsumer or unnecessary is entirely inaccurate. My substitute would preserve intact these important 1981 reforms.

One important 1981 change placed requirements on the agency that prior to the release of non-Commission initiated information pursuant to a FOIA request, the Commission shall take reasonable steps to assure that the information is accurate, and that industry has an opportunity to submit comments in regard to the information to be disclosed.

What can possibly be proconsumer about repealing this requirement to permit the CPSC to release possibly false, misleading, and wholly inaccurate information about a particular product to the general public. Should that information concern a widely used, expensive substance or product, information which reflects negatively upon such a substance or product, released on CPSC letterhead, has the potential to create havoc in the marketplace, costly litigation and no end to consumer distress.

Is it so much to ask of a health and service agency with the vast jurisdictional mandate of the CPSC and the proven ability to do immediate harm to a thriving business, that they meet modest disclosure requirements which lend a higher degree of credibility to the agency itself and the work it undertakes? I certainly do not think so.

Mr. Chairman, I support the preservation of the CPSC, I support the laudable goals of the CPSC and its congressional mandate to protect public safety, acting as a means of preventive medicine for the public and industry, but I adamantly do not support the methods by which H.R. 2668 claims to accomplish these goals. The ill-conceived repeal of current protections and safeguards in place barely 2 years, and the exorbitant increase in funding levels is not sound fiscal policy and does not serve the consumers' best interests. My substitute is fiscally responsible, pro-CPSC, proconsumer, and deserves my colleagues consideration and support. I urge its adoption.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. SHELBY. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

I would like to ask the gentleman if the language to which he has referred to, which is in the legislation, which says as follows: "The Commission shall employ on a permanent basis not fewer than the full-time equivalent of 650 officers and employees." Whether that language is not unprecedented, to say the least, "not fewer than."

Mr. SHELBY. It is unprecedented as far as I know. I have not researched everything, but I have not seen that in any legislation that we have dealt with on the committee. I know some of the Members have been there longer than I have.

Mr. LUKEN. If the gentleman will yield further, I have seen some research that has been made as to a partial list of statutes setting personnel levels. My observation is that for the most part they refer to military statutes establishing a certain personnel level, authorized level of personnel, and that this is just about the only one which is so blatant as to say that the "Commission shall employ not fewer than."

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. SHELBY) has expired.

(At the request of Mr. LUKEN and by unanimous consent, Mr. SHELBY was allowed to proceed for 3 additional minutes.)

Mr. LUKEN. If the gentleman will continue to yield, it seems clear that if under this legislation, if the Commission were able, because of a slow year or because of a slow period for many reasons, not enough accidents reported, for any reason, that it did not really need the level, the authorized strength which is not fewer than 650, that the Commission would be obliged by this legislation to waste the taxpayers' money.

Mr. SHELBY. That would be my understanding of it. I do not see how we as Members of Congress can mandate functions for management personnel around the country in a situation like this. I believe this is clearly a job for the executive branch of Government.

Mr. LUKEN. If the gentleman will yield further, it occurs to me that

there has been a great deal of conversation because of the Supreme Court decision about a week ago about separation of powers, the legislative veto.

□ 1550

I would want to emphasize that I, for one, am not just talking about the sometimes technical aspects of separation of power. But what we have here is a precedent-setting move by the Congress to say that a commission must employ "not fewer than" a certain number. I think it is a dangerous precedent. I think, despite anything else that might be in the legislation—and I associate myself with much of what the gentleman has said—that is an indication of the tenor, the thrust of this legislation, and I would support the gentleman's alternate suggestion.

Mr. SHELBY. I would like to point out one other thing. The Commission itself did not ask for these personnel management mandates. They did not do it, and I do not think that we should do that.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Shelby substitute. This is perhaps the most important consumer vote facing the Members in this session. According to the recent Lou Harris poll, the American public strongly supports the Consumer Product Safety Commission. In fact, almost half of those surveyed wanted to strengthen CPSC, and an overwhelming 88 percent wanted the agency to provide greater safety for children's toys.

The committee bill, H.R. 2668, responds to this public demand for greater product safety by giving CPSC adequate funding, staff and authority to protect the public. The Shelby substitute cuts the funding in the committee bill by over $60 million. It offers no protection against further staff cuts, makes no regulatory reforms, does not provide greater toy safety and continues the gag on the agency when information is requested under the Freedom of Information Act.

The Shelby substitute should be rejected because it is anticonsumer, anti-CPSC, and anti-industry.

Let me explain why I make this charge. First, the Shelby substitute cuts the funding levels in the committee bill by over $60 million. H.R. 2668 adopted a level of funding equivalent to what the agency had in fiscal year 1981, because that is the amount of money the agency needs to protect the public against dangerous products. The budget cuts imposed upon CPSC since fiscal year 1981 have drastically reduced product safety in the marketplace. Agency inspections have decreased by 44 percent; recall checks are down 64 percent; investigations have dropped by 14 percent. The cuts have also forced the agency to delay many important safety activities.

For example, CPSC was forced to postpone research needed to upgrade a 30-year-old flammability standard for wearing apparel because they did not have the funds to do it. Even public education and information activities have been severely curtailed. The agency had to decline invitations to make information available about hazardous products because they did not have enough funds. They had to shift their funding back and forth simply to stay alive.

The Shelby substitute does nothing to redress this lack of safety in the marketplace. It merely perpetuates an already bad situation.

The Shelby substitute extends the agency for 3 years. We have tried to give it a longer period of time so that they could make important management decisions.

The Shelby substitute does not protect CPSC from further crippling staff cuts.

The General Accounting Office reports that the agency has lost 32 percent of its technical and scientific staff. How can this agency protect the public if it has lost 32 percent of the scientific staff to advise them about hazards in consumer products? Rather than replace this lost technical talent, OMB has proposed even deeper staff cuts.

Industry recognizes that these staff cuts mean that CPSC cannot protect the public from dangerous products. For example, under the current law, companies are required to tell CPSC when one of their products has a defect which poses a substantial hazard to the public. This is so CPSC can work with the industry to develop a voluntary standard to correct the problem. But the reports to the agency have dropped by 52 percent. Companies apparently realize that cuts in the agency's field staff make it unlikely that they will ever find out about these dangerous products.

The cuts in staff also hurt the industry. When the good name of a product is called into question, we ought to have a CPSC that can investigate the allegations and resolve the issue quickly and correctly. Denying the agency adequate technical staff prevents it from making these fast determinations. It also increases the possibility of error, and this ill serves the business community, as well as the consumer.

Fourth, the Shelby substitute simply eliminates many of the rulemaking reforms in H.R. 2668. It strikes the provision in H.R. 2668 which allows the agency to recall dangerously defective toys.

Under current law, some manufacturers must advise the agency when one of their products is dangerously defective. But this provision does not apply to most toymakers. While greater toy safety is supported by 88 percent of the American people, in a recent Lou Harris survey, the Shelby substitute drops this provision that would lead to greater toy safety.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 5 additional minutes.)

Mr. WAXMAN. The Shelby substitute further strikes the provision in H.R. 2668 that permits the Commissioners of the agency to write opinions of agency's actions without getting clearance from industry. Can you imagine that? The Consumer Product Safety Commission, if it wants to give out information in its files, it has to go to industry and ask them if it is OK. Industry quite often, as you might expect, will say, "No, I do not want the public to know about these complaints about dangerous products until you have gone through a very exhaustive procedure." After that period of time, which could involve months, if not years, I do not know how many additional consumers may be injured because the public is not even informed that there is product that is causing injuries or at least from which many people have been injured.

The Shelby substitute strikes the provision in H.R. 2668 that permits the Commissioners to write their opinions. It strikes the provisions which permit the agency to respond to requests for information under the Freedom of Information Act in the same manner as every other health and safety agency. We are not changing the law to give the CPSC any different standing but to bring it in par with every other health and safety agency in the Federal Government under the Freedom of Information Act.

H.R. 2668 makes a modest change to permit the agency to release information other than confidential or trade secret information. That is still being protected.

Mr. Chairman, the American public expects greater product safety. H.R. 2668 responds to that demand by giving the agency adequate funding and staffing and authority.

The Shelby substitute does not. It maintains the budget and staff cuts that have caused a decline in product safety. It does not ease the regulatory burdens on industry, it does not provide greater safety regarding toys, as demanded by an overwhelming majority of the public.

I urge all of my colleagues to support the bill and to reject the Shelby substitute for the sake of consumers and of industry.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. The gentleman has made a statement that I think perhaps he would like to correct, because he was implying that manufacturers could somehow legally hold up information which would reasonably support a conclusion that there is a defect in their product.

Now, the gentleman knows that under section 15(b) of the law every manufacturer that receives information that there is a defect in his product must immediately inform the Commission.

Mr. WAXMAN. If I might reclaim my time, the gentleman is abosolutely correct in his statement of the law. But if we do not have people out in the field to go out and check on what is going on, I think the gentleman understands that, despite all of the laws that we have on the books dealing with a lot of restraints on behavior, there are people who are going to be more likely to break the law and ignore their mandate under the law because they do not expect they will ever be caught.

□ 1600

We want the CPSC to have enough funding to hire staff to go out and do the investigations and make sure that the business community is responding.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield for a comment?

Mr. WAXMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman well knows, most of the products that have been taken off the market, the vast majority of them unsafe products, have been as a result of the reporting of the manufacturers and not because of staff of the CPSC.

Mr. WAXMAN. The gentleman is absolutely correct in that statement. The way the CPSC has worked is in cooperation with industry. They have responded well to that statutory framework in the law because they know the CPSC has authority to go ahead with rulemaking and they have urged them to go along further with the requirements that the public expects.

But unless the agency has enough staff, scientifically, to determine what is going on, whether the agency has enough enforcement officials, I think we are going to find a breakdown in the fabric of this legislation. In fact, we have already seen it since we have the dramatic cuts in 1981 and 1982.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

Mr. Chairman, I point to the gentleman and Members of the House that, as the gentleman from Alabama (Mr. SHELBY), indicated, this amendment came within three votes of passage in the full committee. So it is not a far-out proposal. It was very well debated in the committee.

But one item I do not recall was debated in the committee is the one that was just brought up before and I would like the gentleman to address it, because I do not recall, and I have not been able to find, anything that goes this far in restricting an agency in saving the taxpayers' money, inefficiency, that the language says, and I am wondering if the gentleman really supports this.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(On request of Mr. LUKEN and by unanimous consent, Mr. WAXMAN was allowed to proceed for 3 additional minutes.)

Mr. LUKEN. I have not been able to find anything that says that the Commission must employ not fewer than the full-time equivalent of 650 officers. In addressing that question, it just does not set an authorized strength; it says "not fewer than." So if they do not have the work at any given time, they are going to have to keep up the payroll and pay people to loaf, or shuffle papers, or do whatever.

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, I certainly would not want them to have people on the payroll who were not working, and we are not trying to require that of them. No one here would want that.

But as we had pointed out to us in the hearings in the subcommittee, and as we had pointed out in the markup in the subcommittee, because this issue was definitely discussed in subcommittee, we have seen the Office of Management and Budget try to squeeze down on the staff of the Consumer Product Safety Commission to the point where I believe they are trying to jeopardize the ability of that agency to respond to its mandate.

We put in a provision saying that if the money is available and the CPSC can use that money for staffing, as they have claimed they well can, we do not want the Office of Management and Budget coming in and saying, "Even though the Congress has approved this, we are not going to let them hire this additional staff."

Mr. Chairman, I would like to point out for my colleague's benefit that we have had a history with this agency. In 1981 this was the first regulatory agency up for reauthorization and the Reagan administration said, "Let us kill it. Let us abolish it." And then they saw they could not accomplish that result and they said, "Let us remove it as an independent agency. Let us put it within the Department of Commerce," and, of course, that would have just been a way to bury that agency so they could not function. We were able to oppose that successfully, but we still have, and I believe this is a fair statement to make, an Office of Management and Budget that has declared war against the Consumer Product Safety Commission and has done everything it could possibly do to hamper it. That is why we have that provision in there.

Mr. LUKEN. Mr. Chairman, if the gentleman would yield further, I believe the court said something, or one of the Justices said something about the Founding Fathers have decided that there are more important values than efficiency sometimes, in the legislative veto case.

I appreciate what the gentleman is saying and what his point of view is, and he may well be right in that respect with regard to his position vis-a-vis the OMB and their actions here, but do we really want to go far enough, this Congress, to set a precedent, and I am asking the gentleman how far he wants to go in other statutes, in setting a floor on personnel that an agency will handle? Is this going to be a precedent? Are we going to be doing this every time we have a conflict with Dave Stockman?

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, I think the Consumer Product Safety Commission has been an unprecedented case. The administration has gone out of its way to try to hurt this agency. They tried to abolish; they could not. Now they are trying to set barriers upon it. And I believe that we need to, and Congress make clear, that we are supporting the overwhelming public opinion that says they want an independent Consumer Product Safety Commission to look at safety, and we ought to protect it.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has again expired.

(On request of Mr. LUKEN and by unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. LUKEN. Mr. Chairman, if the gentleman would yield further, I would finish on that point very quickly.

I made the points. I think it is obvious, and rhetoric is not necessary. We do have a division of powers and we do not have complete efficiency, and I understand what the gentleman is trying to get at, but I do not think we want to set a precedent for the FTC, for the EPA, and for all of these other agencies that the administration does not seem to like and they want to crack down on, just because we have that particular problem.

I think we should look further down the road rather than to set a precedent and say we are going to employ

fewer than. I wish the gentlemen would agree to some kind of an amendment.

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, I would refer the gentleman to the charts that we have here. They show a drastic reduction in the technical staff and in the ability of the Consumer Product Safety Commission to carry out its job. We have heard this from the members of the Commission, some of whom were appointed by the President. This is an independent regulatory agency. It is not part of the administration itself, and one way for an independent agency to be made less independent is for an administration, working through the Office of Management and Budget, to try to reduce its personnel levels, even if the Congress authorizes and appropriates sufficient funds to employ those people, because they do not want them to go out and enforce that law as successfully as we want them to when Congress passed this legislation.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to my colleague, the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Can the gentleman point out to the Members of this body who are here any other agency of the executive branch of Government where the Congress has precised and stipulated that there be a certain minimum of employees in that particular agency for the performance of its mission?

Mr. WAXMAN. I have before me a partial list of statutes setting personnel levels.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has again expired.

(On request of Mr. DANNEMEYER and by unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Mr. Chairman, I have before me the authorization and appropriations for the Nuclear Regulatory Commission, which was Public Law 96-295; the Coast Guard Authorization Act of 1982; the Council on Wage and Price Stability; the Department of Defense Authorization Act; Intelligence Authorization Act; Small Business Administration; Supplemental Appropriations Rescission Act of 1981; Veterans' Health Program Extension Improvement Act; Veterans' Disability Compensation, Housing and Memorial Benefits Amendments of 1981.

These are statutes that have some kind of personnel levels set in them.

Mr. DANNEMEYER. If the gentleman will yield further, do the agencies or offices the gentleman has just read each provide by an act of Congress what the level of staffing shall be? Is that what the gentleman is saying?

Mr. WAXMAN. In many cases we do spell that out; in other cases, we try to express the congressional will on what we expect those agencies to do and the staffing levels we expect them to have.

Mr. DANNEMEYER. Is the gentleman representing that in each of the agencies he has just related, that Congress has stipulated the precise minimum of employees which shall be employed in those agencies?

Mr. WAXMAN. No, I am not, and, of course, as I pointed out to our colleague from Ohio (Mr. LUKEN) the CPSC is an exceptional case.

Mr. DANNEMEYER. It is unique.

Mr. WAXMAN. And that is why I believe we ought to take this exceptional measure of providing a guarantee of staffing that the Consumer Product Safety Commission I think needs in order to do its job. If you look at the chart that we have here, it shows that tremendous reduction in personnel, scientific, and technical staff. I cannot see how anybody can argue that they are able to do their job. I know industry comes in and complains all the time. They want a fast decision. They do not want to wait around because CPSC cannot get to their case because they do not have enough personnel to deal with it.

Mr. DANNEMEYER. Mr. Chairman, if the gentleman will yield further, the gentleman did not come right out and say that the Reagan administration is opposed to the CPSC, but one could possibly get the impression from what words the gentleman did use that perhaps the gentleman is making that statement with respect to the Reagan position.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has again expired.

(On request of Mr. DANNEMEYER and by unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER: Just let me state my question.

Is the gentleman aware that a letter dated June 22, 1983, signed by David Stockman, is supportive of the continued existence of the CPSC and in support of the Shelby amendment in the nature of a substitute? Is the gentleman aware of that?

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, of course they are in favor of the Shelby substitute because it further cuts the Agency's funding.

□ 1610

I must admit to the gentleman that when I made the charge that the Reagan administration is unfriendly and has been actively hostile to the CPSC, I stand by that position, because they absolutely wanted to abolish it in 1981. When they could not do that, they wanted to put it in the Department of Commerce. They did not want it to be independent and the way they want to destroy its ability now is to be able to cut back on its funding and its personnel levels so that they cannot deal with their job.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield further?

Mr. WAXMAN. Yes.

Mr. DANNEMEYER. Is the gentleman aware of a letter from Vice President BUSH, dated June 22, 1983, in which he speaks on behalf of the Presidential Task Force on Regulatory Relief, that he is supporting the Shelby substitute for the continued existence of the CPSC? Is the gentleman aware of that?

Mr. WAXMAN. I do not deny the fact that the Reagan administration is supporting the Shelby substitute, that he is in effect offering the Republican administration's position.

I say to those who care about the CPSC, as Members of Congress, if we want to support a Consumer Product Safety Commission in a nonpartisan way, we ought to back this agency up. We did that in 1981 when it was the Reagan administration recommendation to abolish the agency and Democrats and Republicans joined together to say, "We want to have that agency, because we know our constituents support this function of government." That is to look at products and find out if they are going to harm people, to look at toys and see if babies are going to be injured by a trunk that will fall down and bang them on the head or other toys that may explode, other hazards that we can sue after the fact, in some cases to recover under the liability; but we certainly would like to prevent those injuries.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Shelby substitute.

As a member of the Committee on Energy and Commerce and of its Subcommittee on Health I was active in every stage of the consideration of this legislation. Some of my colleagues have ably pointed out the faults of the bill as reported: funding levels millions of dollars above the administration request; requiring employment levels that tie the hands of the Commission and the entire executive branch; relaxation of information disclosure restrictions that could result in the release of inaccurate information; allowing amendments to existing rules to circumvent the normal regulatory process; and, allowing CPSC to assess civil penalties in defiance of a court order.

I would like to relate to my colleagues two reasons why I believe the Commission is simply not equipped to

handle such a broad expansion of its regulatory powers and discretion. In the handling of at least two cases, the Commission has demonstrated itself virtually incompetent to handle its current regulatory authority, much less these new powers.

First, let me bring to my colleagues' attention the ureaformaldehyde foam insulation case. It has been alleged that ureaformaldehyde foam can cause cancer. Yet formaldehyde is among the most ubiquitous substances in our society. My own family has used it in their business for a hundred years without a single case of cancer. The British medical community, among others, found the CPSC's eagerness to regulate this substance to be incredible. The CPSC regulated not based on scientific evidence, but on a few hearsay incidents. At the beginning of this proceeding, ureaformaldehyde foam insulation represented a $189 million per year growing business, mostly composed of small businessmen and women. For consumers the product offered an inexpensive, and often for older homes the only practical, means to save energy.

The Commission's sloppy behavior in this case was recognized in a unanimous decision by a three-judge panel in the fifth circuit which totally overturned the CPSC's ban on urea-formaldehyde foam. Of course, it's too late for the thousands of small businesses that are now bankrupt. Still, the CPSC refuses to yield. Last week they turned down a request to rehear the formaldehyde case, even though they have yet to decide, after several extensions, whether to appeal the fifth circuit ruling.

The fifth circuit found that the Commission erred in so many ways it is difficult to count: They failed to establish a record of sufficient scientific evidence; they failed to allow opponents of the rule the hearing they are by law entitled to; they acted under the wrong statute.

This type of ban, affecting thousands of small businesses and millions of homeowners should not be undertaken lightly. Only 19 such bans have been approved in the 10-year history of the Commission: that's only two a year, and I hardly think it unreasonable to expect the Commission to comply with its governing statute that often.

The bill before us addresses this problem not by telling the Commission to shape up, but by specifically providing that in the future, such sloppy regulatory efforts as the formaldehyde case will be OK as far as Congress is concerned.

In light of the Supreme Court's recent ruling on the legislative veto, it is even more important to preserve the type of procedural safeguards as the substitute would do rather than erode them as the committee's bill intends.

In the second case, I would like to point out to my colleagues the Commission's sorry record in complying with previous mandates of Congress. Two years ago we told the CPSC to revise their rulemaking process with a number of specific steps. It was only on the 17th of this month, 2 years later, that the Commission even proposed regulations to implement our last reauthorization. The committee's bill proposes to overturn many of those changes ordered by Congress 2 years ago before they even go into effect, much less before they are given a proper amount of time to be tried and tested.

The Commission's demonstrated and repeated contempt for Congress, science, businesses and even the public has been well-demonstrated. Procedural safeguards against rabid regulation by rumor are necessary. Those safeguards would be merely preserved by the Shelby substitute, they would be gutted by the committee's bill, I urge my colleagues to support the substitute.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BLILEY) has expired.

(On request of Mr. LUKEN, and by unanimous consent, Mr. BLILEY was allowed to proceed for 2 additional minutes.)

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Chairman, I think something more might be said in view of the discussion by the gentleman from California about the level of authorization here. As a practical matter, is it not true that the administration requested $34 million for the ensuing year, that the level under the Shelby substitute is $35 million, a slight increase, and that the bill which we have would be a significant increase to, I believe, something like $47 million.

Mr. BLILEY. That is correct.

Mr. LUKEN. So that what we are talking about, therefore, is not a decimation of the Consumer Product Safety Commission as it now exists or as it has existed or as it was authorized by this Congress a couple years ago, but we are talking about basically a continuation of the levels of authorization which were envisioned at that time.

Mr. BLILEY. That is correct.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the gentleman from Alabama.

Mr. SHELBY. Mr. Chairman, I thank the gentleman for yielding.

The gentleman mentioned a few minutes ago about the repeal of the procedural safeguards. I think we are dealing with basic substantive law here.

Does the gentleman realize that the procedural safeguards that would be repealed by the Waxman bill would be the right to cross examine witnesses, which is basic to this country; the application of formal rules of evidence, that would be abolished; the right to an automatic stay of regulations pending judicial review. Those kinds of things bother me and I know they bother the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, if I may reclaim my time, that is exactly what the Fifth Circuit Court said in its three-judge panel. I do not think we should take any man's livelihood away without him having the right to question and examine witnesses.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the chairman.

Mr. WAXMAN. Mr. Chairman, I do not know if the gentleman is aware of the fact that the Reagan administration has said that section 701(e) rulemaking provisions are so cumbersome that they propose limiting their use and following instead the procedures that have been set out in this bill for banning poisonous ingredients in foods.

I think the gentleman is defending a procedure that has been unworkable. I think all those safeguards are in the law now in the way that the administration thought was appropriate for the Food and Drug Administration.

Mr. BLILEY. I am not aware of it.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(At the request of Mr. SHELBY, and by unanimous consent, Mr. BLILEY was allowed to proceed for 5 additional minutes.)

Mr. BLILEY. I am not aware of that; but however, I think the statement of the court in the UF case is far more compelling in this instance. Poisonous food is one thing, but we are talking about a rule that was put in where clear evidence has not been shown that it would have the effects that the CPSC alleges.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. Will the gentleman from Virginia ask the gentleman from California if he proposes that for the FDA, why he has not introduced that legislation and called for hearings and markup with respect to the Food and Drug Administration?

Mr. WAXMAN. Mr. Chairman, will the gentleman from Virginia yield?

Mr. BLILEY. I am happy to yield.

Mr. WAXMAN. Mr. Chairman, let me just respond to the gentleman from North Carolina.

I think the administration has a good point when they talk about the

cumbersome proceedings. At the FDA there are two major 701(e) proceedings dealing with peanut butter and labeling requirements for foods for special dietary uses that took over 10 years.

□ 1620

That is why the Reagan Administration says the 701(e) procedures are too cumbersome. I agree with them, and let us not burden the CPSC with a procedure that may take 10 years before it can protect the public from a dangerous product.

Mr. BROYHILL. If the gentleman would yield, would that mean that the gentleman from California is ready with some needed reforms in the regulatory process of the Food and Drug Administration?

Mr. WAXMAN. If the gentleman will yield, I am always prepared to discuss reforms in the food and drug area and other areas within our jurisdiction.

Mr. BROYHILL. I will wait and see as to whether or not the gentleman will be consistent in his views as they apply to the Food and Drug Administration and his colloquy here, and also as it applies to the Consumer Product Safety Commission.

Mr. WAXMAN. If the gentleman will yield, I would point out to the gentleman from Virginia that when you talk about the funding levels, you are talking about an agency that was cut about 25 percent in 1981. If you use that cut, which crippled them so badly, as the base for the wholesale cut in funding, then I think——

Mr. BLILEY. If I may reclaim my time, I think a 38-percent increase as proposed in the chairman's bill is excessive.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I will be happy to yield to the gentleman from Alabama.

Mr. SHELBY. I appreciate the gentleman yielding.

I wanted to make a further comment on what we were talking about a moment ago, and that is the regulatory procedure changes in the Waxman bill. I know the gentleman from Virginia has read and I know he is familiar with this because we were in the committee, but it is my understanding now under the Waxman bill, if it became law, that when CPSC takes regulatory action, that is banning of a product on the market under the FHSA, they will now be permitted under the Waxman bill, if it becomes law, to use informal notice and comment with opportunity for oral presentations and rulemaking rather than the presently required more formal adjudicatory type proceedings that the gentleman and I are talking about. In other words, it would make it easy to ban products, ruin businesses, put people out of work, and I am not sure that it is going to help the American consumer any more.

Mr. BLILEY. I agree with the gentleman and thank the gentleman and yield back the balance of my time.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words and rise in support of the substitute offered by the gentleman from Alabama.

Mr. Chairman, I am in favor of the amendment that has been offered by the gentleman from Alabama (Mr. SHELBY). I support it for two reasons, one of which is, of course, that I do believe that the Consumer Product Safety Commission should be reauthorized and I support the years in the Shelby amendment, and I support the dollar levels that are specified in that amendment.

But the second reason I support the gentleman's amendment is that I am concerned about the numerous amendments that are contained in the gentleman from California's bill. I think that those provisions are so bad that they fall under their own weight and they deserve to be defeated.

I would point out to the Members that this Commission does have very broad jurisdiction. They have jurisdiction over thousands and thousands of consumer products and some 2½ million manufacturers of consumer products for the marketplace who are under the jurisdiction of this Commission.

So I mention that just to underscore the importance of making sure that we as legislators are making those decisions today to make sure that this commission is making then, later on, decisions in our name. In other words, we have given them lawmaking powers, and it seems to me that we should be very careful as we delegate those lawmaking powers to these independent commissions, especially because now the legislative veto which is contained in the basic law has been repealed and has been overturned by the Court last week.

So there again we should be far more careful as we delegate the lawmaking powers to these independent agencies.

I would point out two or three concerns very briefly that I have about the bill that is before us and why I support the amendment offered by the gentleman from Alabama.

First, the Waxman bill increases the authorized funding by a fiscally irresponsible 58 percent. Also, in addition, it unwisely interjects the Congress into management functions by establishing minimum employment levels.

That is the first time in my experience that I have seen that. It may be that there are one or two programs around here where we have done that, but this is the first time I have seen it.

It also statutorily doubles the number of field offices. As a member of the committee I have no idea as to the need for increased field offices. There are no other health and safety agencies that I am familiar with that have been accorded this kind of treatment; that is, minimum employment levels and statutorily writing into the law the number of field offices that would be required for that particular agency.

I think just that one area alone would invite a veto. It would seem strange to me if the gentleman is serious about getting reauthorization of this commission that he would want to invite a veto.

It would seem to me that he would want to work in a bipartisan way to get this commission reauthorized so that it could continue doing the job it is mandated to do and that is to protect consumers from unsafe products that are out there in the marketplace.

I would point out to the Members that the part of the law that has resulted in the recall of more products than any other part of the law is section 15(b) which is the self-reporting requirement. It requires the manufacturers to report on themselves if they determine and find that there is an unsafe product, there is a defect in the product that they manufacture out there in the marketplace. It is this self-reporting that has resulted in the recall of some hundreds of millions of products from the marketplace, and not the agency employees who are out there inspecting or working to make inspections out in the marketplace.

Mr. Chairman, I could go on and on, but in the interest of time I will stop here and hope that the Members will vote for the Shelby substitute which is a reaffirmation of the support for the commission, but at the same time would amend out these troublesome amendments that have been put in by the gentleman from California.

● Mr. FRENZEL. Mr. Chairman, I rise in opposition to H.R. 2668, and in strong support of the Shelby-Broyhill substitute Consumer Product Safety Commission reauthorization bill.

The committee bill calls for a 50-percent increase in funding, a spending binge unacceptable in the face of potential $200 billion deficits.

Moreover, the bill preserves this egregious overspending by extending the authorization of the Commission for 5 years. In my view, a 5-year authorization is excessive, even if one were to embrace the more intrusive role for the CPSC envisaged in the committee bill. A new long life and the bulging wallet provided in this bill is a license to make mischief.

Mr. Chairman, I believe that the CPSC should be reauthorized. There are dangerous products, and their use should be conditioned, or they should be removed from the marketplace. In Federal agencies however, more is

almost never better. A large increase in staff, and a doubling in the number of regional offices, do not necessarily mean that fewer hazardous products will be produced. But it certainly means a huge increase in regulation, and corresponding increases in consumer costs.

Proponents indicate that the number of recalls has decreased since 1981, along with inspections and investigations. There are no comparable figures, however, that the public's safety is at greater risk, or that injuries have increased.

Polls have also been cited indicating support of the CPSC. It would be difficult, indeed, to oppose an organization charged with protecting consumer safety, unless one knew the means by which their safety was being guarded. I think most people prefer better regulation, Mr. Chairman, not more regulation. I urge support of the Shelby-Broyhill substitute.●

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the House rose; and the Speaker, having resumed the chair, Mr. SKELTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2668), to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, had come to no resolution thereon.

REQUEST FOR CONSIDERATION OF HOUSE RESOLUTION 254, AUTHORIZING INVESTIGATION BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of the resolution (H. Res. 254) to authorize an investigation by the Committee on Standards of Official Conduct, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GREGG. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CONSUMER PRODUCTS SAFETY AMENDMENTS OF 1983

The SPEAKER. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2668.

□ 1630

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2668) to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, with Mr. SKELTON in the chair.

The CHAIRMAN. When the Committee rose earlier today, there was pending an amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY).

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this legislation will be a fruitful searching ground for future editors and publishers of movements in politics in America because it is illustrative of one of the three major premises of the pursuit of the liberal political ethic in America today.

And those three premises are, if it moves, regulate it. That is the first principle.

The second principle is: If it grows, tax it.

The third principle is: If it makes a profit, investigate it, it must be doing something illegal.

Now, these three principles are of equal importance.

This magnificent piece of legislation talks about achieving a small step toward the first principle, if it moves regulate it.

If we have toys played with by children in America, for the sake of the good of the order, let us have a Federal agency investigate them and if those toys move, regulate them. Why? Because we are pursuing the principle that is the No. 1 objective of the liberal ethic in America.

This legislation does that, and in spades. And I rise in support of the Shelby alternative because in my humble opinion it is the lesser of the two evils that we have before us.

One of the features that has not yet been talked about that is contained in the basic legislation, not in the Shelby substitute but in the basic legislation, is the expansion of the jurisdiction of the CPSC to cover fixed-site amusement parks.

Now, it is puzzling to me, when I hear my distinguished colleague from California (Mr. WAXMAN) talk about the overburdened investigators of the staff of the CPSC, and he bemoans the fact that there has been a reduction of that staff and yet, at the same time, he seeks by the legislation to expand the jurisdiction to an activity that is not currently covered under the jurisdiction of the CPSC, fixed-site amusement parks.

Now, there is something inconsistent there.

If the staff is overworked in regulating what moves in America, why do they want to expand their jurisdiction to fixed-site amusement parks?

And bear in mind, colleagues, that 21 States in the Union now have laws on the books that regulate and police fixed-site amusement parks for protecting the interest of the public.

Eight other States, besides the 21, are in the process, at some stage in their legislatures, of enacting laws to regulate fixed-site amusement parks.

If those eight would proceed to a conclusion successfully, that would make a total of 29.

One has to wonder, do we need two regulatory agencies in this country to send representatives to check on fixed-sites amusement parks? Think of the dream to the Federal bureaucrat, working in Washington, D.C., his mouth must lather with joyous anticipation, when he would get an order from a superior, "friend, I have news for you, for your faithful work and performance we are going to send you to Disneyland, California, for the sake of conducting an investigation on that fixed-site amusement park to see if it complies with Federal standards that we have not yet developed, but we want you to go out there, ride around, look around and see what you can regulate because we must protect the public safety and interest. And of course, after you go to Disneyland, U.S.A., in California, you can go to Orlando, Fla., and inspect Disney World."

Think of the horizons that this legislation will open up for the overburdened bureaucrats that labor in anonymity in the halls of Washington, D.C.

Travel requests, whether to travel first class or coach, meals, per diem when they are inspecting these sites.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. All these fine things happen for the bureaucrats of our Nation's Capital if we adopt the basic legislation sponsored by my colleague, Mr. WAXMAN and fail or reject the amendment offered by the gentleman from Alabama (Mr. SHELBY).

I suggest we do not need to expand the jurisdiction of the CPSC by making it applicable to fixed-site amusement parks. Mr. SHELBY's alternative is a much more credible one, 3 years authorization instead of 5.

Bear in mind the Supreme Court has taken away our legislative override.

So, if we give this 5 years of untended life, we may be compounding our ability to supervise what they are doing.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman.

Mr. SHELBY. I thank the gentleman.

Mr. Chairman, I wanted to point out to the gentleman from California and I know he knows this, he has worked on it in the committee before and we have served on that committee for 5 years together, we came up together, but does he realize that among other things, that the Waxman bill would do, it would repeal some of the procedural safeguards that are applicable to the release of inaccurate or misleading information that we have some balance of now? In other words, the safeguards that we have for the Consumer Products Safety Commission, if the Waxman bill was passed, they could just really disrupt and probably destroy some good businesses without any real hearings?

Mr. DANNEMEYER. I am glad my colleague pointed it out.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman.

Mr. GEKAS. I simply want to state that if this bill goes through unamended I would like those investigators to come to the Hershey Park amusement area in my district, so they could see a safe enterprise. I would not restrict them to Disneyland.

Mr. DANNEMEYER. I think that will be high on the list.

The Shelby substitute offers 5 percent growth for authorization in each of the next 3 years, it is responsible growth, and I think we should adopt it.

Mr. GRAMM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, let me begin by trying to go back and straighten out some of these budget numbers. As I listened to our distinguished chairman from California, I got the idea that the Shelby amendment was cutting the budget of the CPSC. And that kinds of shocks me because I have been concerned about SHELBY'S amendment, because it raises the budget of the CPSC by $700,000 more than they asked for.

In fact, the Shelby amendment provides a 5-percent growth in authority beyond the inflation rate, providing real growth in a regulatory agency. So, the first point I would like to be sure no one is confused about is this assertion that the Shelby amendment is cutting the budget of the CPSC. The Shelby amendment is raising the budget of the CPSC in authorization and it is raising it in nominal and in real terms by increasing that budget above the inflation rate, but it is not increasing that authorization by 38 percent next year as is proposed by the gentleman from California.

Now, I do not know how many people have been following the equities market and the bond market in the last 2 days, but we are seeing a lot of jittery nerves in the economy about this deficit and about this big budget we have adopted in terms of its deficits and its level of expenditures.

□ 1640

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

I fully appreciate and applaud the gentleman's long hard work on the budget and to keep down spending I can understand his concern about the levels of authorization that are in the Shelby substitute, but I would urge him to vote with us on this so as to not have the more excessive authorizations that we find in the Waxman substitute.

Mr. GRAMM. Let me say to my colleague I intend to overcome my reservations and support the Shelby amendment because even in Texas mathematics, 5 percent is less than 38 percent.

Mr. BROYHILL. I appreciate that.

Mr. GRAMM. So the first point to clarify once again, the Shelby amendment increases authorization, it does not decrease it, but it does not increase authorization by a totally unjustified 38 percent.

Second, the gentleman from California had a big chart and I could not see it from where I was sitting, but I have here a letter from the Consumer Products Safety Commission to Mr. WAXMAN, which outlines scientific personnel levels at three different benchmarks, 1979, 1981 and 1982, beginning and end of the year.

I would like to run down those, because as I look at these benchmarks, I do not see the kind of personnel layoffs and agency destruction that I heard the gentleman describing.

In terms of scientific personnel in 1979, they had 22. In 1981, they had 10 and they have got 10 at the end of 1982. In engineers, they had 13 in 1979, in 1981 they had 10, now they have 15. In terms of economists, they had 16 in 1979, they had 11 in 1981, and I guess they could not live without the 16, because they are back up to it now. In terms of mechanical engineers, they had 15 in 1979, they had 12 in 1981 and they have 10 now. In terms of other scientific personnel, they had 47 in 1979, 48 in 1981 and 53 now.

So in terms of scientific personnel, from the middle of the Carter administration to the end, it dropped from 124 to 101 and it is back up to 112.

I do not see this agency being gutted.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

I have in my hand a report by the U.S. General Accounting Office. It is called the attrition of scientists in three regulatory agencies. On page 2, where they are talking about the Consumer Product Safety Commission, they said:

> This agency which is much smaller than FDA and EPA has a smaller proportion of scientific and technical personnel and lost about 32 percent of both its scientific and technical personnel and its total work force during the period under consideration. Staffing levels in this agency were already declining in period one and the rate of decline significantly accelerated in period 2, especially among non-scientific personnel.

Mr. GRAMM. If I may reclaim my time to answer, I have here a letter that was sent to our colleague from California—it looks to me to be about a 75-page letter—which explains why that the GAO study was incorrect in the opinion of CPSC and outlines the differential.

The point I am trying to make here is that looking at scientific personnel, not at——

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 4 additional minutes.)

Mr. GRAMM. Simply making the point so that I might continue, as I look at CPSC's response to the GAO, and as they outline their technical personnel, chemists, general engineers, economists, mechanical engineers, electrical engineers, and others, we do not see the precipitous decline in personnel, in fact, we see personnel at a peak in 1979, declining in 1981, and rising from 1981 to 1982.

Mr. WAXMAN. If the gentleman will yield further, I have some estimates here, the same letter that the gentleman referred to, where the percent change from October 1979 to December 1982, the chemists were down 54.5; for mechanical engineers, down 33.3; electrical engineers, 27.3. We have reductions in personnel and I think the only difference between what CPSC was saying and GAO is whether they are going to categorize somebody as scientific in the same way. But what we have had is a reduction in personnel and a reduction in the ability of CPSC to do its job.

Mr. GRAMM. Reclaiming my time, the gentleman chooses 1979, October 1, 1979, as a base mark. That is in the midst of the Carter administration.

So many of these reductions that the gentleman claims to be grievous attempts by the Reagan administration to gut this poor innocent agency,

in fact, we had a peak personnel level in 1979.

Mr. WAXMAN. If the gentleman will yield, he is misrepresenting my position. My comparison was from 1979 to 1982. And we showed the reduction in that time period and that is when the Reagan administration came in.

Mr. GRAMM. We can play all day with numbers, but I can take 1981 as a benchmark and show an increase of 10.9 percent from 1981 to 1982.

So the point I would like to make, rather than get into a long argument about numbers, No. 1, the Shelby amendment increases the budget; it does not cut it.

No. 2, the effort to rein in this runaway agency is not just a Reagan effort. It was a Carter effort. We adopted in this body, in the 97th Congress, a reform of the CPSC to try to give some guidelines to the functioning of this agency. Perhaps one of the most important and most needed was simply a requirement that when this agency was going to release information to the press, that before that information could be released, unless there was an imminent hazard, that they notify the company that was involved and give them an opportunity to respond.

Now, what we would have here is a repeal of that provision.

As the gentleman knows in hearings that were held during the 97th Congress, we found businesses that because of leaked information, that had never been approved by the Commission, that companies had been driven out of business.

Now I can find no reason that we ought not to give a business, that has invested in its good name, an opportunity to respond to CPSC before CPSC, through information that may not have been sanctioned by the Commission, goes out and destroys their good name.

Mr. WAXMAN. If the gentleman will yield, what we have provided is that this is an accusation by the CPSC; they must consult with business, they must establish the veracity of any charge they make. But what we also provided is that they have newspaper clippings in their files. And as a Freedom of Information Act request, to get that information about claims that have been made, they can release it the same as any other agency under the Freedom of Information Act, but they also had to put a disclaimer that it was not information they were claiming to be accurate. I think that is reasonable.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 3 additional minutes.)

Mr. GRAMM. Having a disclaimer in information that is given out from the CPSC does not protect the good name of a company. All a company has is its good name. People do not make toys to hurt children. They make toys to make money and to give children pleasure. The companies that are irresponsible go broke. We are not saying do not regulate them. All we said in a bipartisan act of this Congress was, if you are going to say that there is a problem, give the company an opportunity to have its day in court, so to speak. To me that seems the most reasonable of all possible requests that we could have.

So I think it is imperative that we adopt the Shelby amendment, that we raise the budget of this agency by 5 percent, but not by 38 percent, and that we preserve the safeguards that it is our job to provide as Congress.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from Alabama.

Mr. SHELBY. I thank the gentleman for yielding.

The gentleman is talking about figures and I know the gentleman knows a lot about it, but it is my understanding that the administration recommended to this agency $32 million, that the Senate authorized $35 million, that our own Appropriations Committee is talking about $34.5 million, that CPSC itself requested $34.9 million, and the gentleman from California is asking the Congress for $47 million. Something is wrong.

Mr. GRAMM. If the gentleman would let me reclaim my time, it is obvious that the gentleman from California is not trying to authorize. The gentleman from California is trying to dictate to an agency. He is trying to override the 1980 elections by forcing us to hire and pay people to do things that the Congress has said last term they did not want done, and that the Commissioners of the agency do not want to undertake.

□ 1650

This is an effort to mandate administration through the legislative process, and for that reason, if for no other, it ought to be defeated.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, I do not know that the 1980 election said that we want to protect the good name of a business that may be manufacturing a product that is hurting people, injuring them, causing them to have to go through the tremendous pain and suffering that could be prevented. This Consumer Product Safety Commission was approved in 1981, notwithstanding the 1980 election, and it was approved by the Congress, with a wide bipartisan margin, and it is supported by the American people because we care about the good names of the businesses, and we want to protect them, but we also care about children who end up being squeezed and killed in cribs, and we want a crib standard to protect them.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 1 additional minute.)

Mr. GRAMM. Mr. Chairman, we in fact did reauthorize CPSC in 1981 with guidelines from this Congress to require that CPSC exercise prudence. We simply required in an item referred to by the gentleman from California that in the cases where there had not been official action by the Commission, that before information was leaked that was harmful to a business, the business be called in and given an opportunity to respond to those charges. That does not delay the process. But what it does do is to give the business in question, the people who have spent their lives building the good name of their product, an opportunity to consult with CPSC before their product and its market and their good name are destroyed.

Now, I cannot see how anyone can say that is unreasonable, unless one believes that every businessman was a sinister person.

Mr. LUKEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama, and I would like to concentrate on two principal reasons for this.

One is the injection into the Waxman bill this year of coverage of fixed-site—that means theme parks, the big parks—amusement parks which this Congress took out of the bill 2 years ago after complete hearings and deliberation, and we decided that this Consumer Product Safety Commission did not have jurisdiction over fixed-site amusement parks because they did not have the expertise and because fixed-site amusement parks were not products in the sense of the products which they are used to inspecting and regulating. We came to that conclusion. And before the ink was dry on that law, before this industry which has a good record, has had a chance to establish self-regulation, we are back here amending it and saying now we want to cover the fixed-site amusement parks.

Second, I am for it principally because of the very unwise language in this amendment, which has already been mentioned, which does not set an authorized level, as most of the precedents cited by the gentleman from

California do. This is not a question of authorizing so many people for the Coast Guard or authorizing so many people for the FTC. This says there shall be a minimum of employees whether they need them or not. That is bad law and we should not pass it under any circumstances.

The only one that I can find, of all of the precedents that have been offered which did establish a floor, a minimum, was one for the National Oceanic and Atmospheric Administration, and it followed with the language saying that the Secretary could disregard that language if he so chose.

So there is not any precedent for it, and we should not get into it.

But I am concerned because the amusement park amendment in the Waxman bill will be counterproductive. I am afraid it will in fact be an unsafe amendment.

Two years ago we decided amusement parks could regulate themselves—they had a pretty good record—and that it would be better than turning it over to the CPSC which did not have qualified people.

There is a basic question to answer: Is there any record to indicate that fixed-site parks deserve regulation? There are over 500 parks that would be affected by this amendment, over 175 million visitors and 1 billion rides.

Now, those are a lot of numbers. Keep in mind 1 billion rides per year. Yet according to CPSC's own estimates, there were 11,000-and-some-odd injuries on all carnival rides, fixed site and carnivals. Of those, there were only 438 estimated serious enough to require hospitalization.

In subcommittee we found out some amazing things about CPSC's estimate. The gentleman from Oregon, who is rising now, offered that amendment, and the people from CPSC came in and told us about it and we talked to them about it. They take the number of actual injuries reported of 71 emergency rooms, and then they multiply it by the 5,000 to 6,000 hospitals there are in the country. That has no regard to where these theme parks are located. So the statistics are bogus, to say the least.

But even if you take the estimates of CPSC to be true and accurate, that is, 438 hospitalized injuries from 1 billion rides, there is absolutely no way of determining, by CPSC's own admission, how many are due to mechanical failure, preventable, or carelessness by the passengers, nonpreventable. If CPSC had jurisdication, by their own admission, they cannot tell the Congress that they could have prevented a single death or injury. They cannot tell us that.

Therefore, let us look at the work of CPSC with regard to carnival rides. CPSC has had throughout this period of time jurisdiction over carnival parks. Under questioning, Commissioner Zagoria, who has been pushing coverage for fixed-site amusement parks, could not tell us now many injuries were due to carnival rides, which they have jurisdiction of now, or how many were due to fixed-site amusement parks.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. LUKEN) has expired.

(By unanimous consent, Mr. LUKEN was allowed to proceed for 3 additional minutes.)

Mr. LUKEN. Mr. Chairman, let us take the words of Mr. Zagoria himself. He could not tell us anything when he appeared at our markup. He could not give us the answers to any of these questions. But he did appear before a group back in 1979, and here is what he said. This is the Commissioner of the CPSC. He said:

So you can readily understand we feel we are spread very thin. I should also add in talking about the 140 investigators * * * that all of these are generalists. None of them, to my knowledge, has been trained or is experienced in inspecting such equipment as amusement parks.

None of them are trained in inspecting amusement parks.

He went on to say:

Our best role at the Federal level might be one of acting as a coordinator and resource for State agencies.

I will go along with that.

For the reasons I have outlined, we are probably well advised to refer to the individual States in the direct regulation of amusement rides.

I think, in the interest of the riders, that is what the CPSC should do. They do not have any expertise.

The first suggestion, he said, is "to provide States with opportunities for exchanging information and establishing of communications."

Here is what Commissioner Zagoria of the CPSC said:

The Commission might help organize and sponsor training of State inspectors.

They might.

A third is that the Commission could serve as a clearinghouse for information on unsafe rides.

They could not do any harm doing that.

And, finally—

The Commission could provide help by way of engineering testing or similar technical assistance.

□ 1700

They might. They admit they do not have any expertise, but they might do that.

So finally, my colleagues, I would say that the CPSC has had experience with carnivals. It has not been able to tell us anything about it. We are confronted with an interesting issue here. The assumption is that if there is a problem, we need Federal regulation to solve it. I do not think that the record, and I just talked about the record, supports the fact that we need Federal regulation in this area.

The burden of proof should fall to the agency. It has not sustained that burden of proof. This industry, the amusement park industry, is a very safe one, with a good record compiled of self-regulation, and for this reason, and because of the very unfortunate language on putting a floor underneath the personnel, I would support the Shelby amendment.

Mr. WYDEN. Mr. Chairman, I rise in opposition to the Shelby substitute.

Mr. Chairman, I would like to use my time to focus in particular on the question of fixed-site amusement parks and to try to set the record straight about some misconceptions that I think our colleagues may have on this subject.

I happen to think that families in this country have a right to expect that when they put their youngsters on a ride that that ride is going to be a safe one and not one that could end in a tragedy. I think the U.S. News & World Report in their June 27, 1983, issue showed clearly why this body should be concerned about safety at fixed-site amusement parks. That publication reports that more than 25,000 people have been injured in the past 2 years at permanent amusement parks and theme parks.

Because of this evidence, I offered in the subcommittee and my colleagues in the full committee accepted it as well, a grant of jurisdiction to the Consumer Product Safety Commission over amusement park rides at fixed sites that is extremely limited in nature. The Commission may not issue rules, for example. They cannot go to court to have such rides declared an imminent hazard. Under my amendment, however, the Commission can collect information on such fixed-site rides and investigate accidents involving those rides, and then after a hearing order corrective action for rides that present a substantial hazard. Further, under my amendment the Commission has not been given any authority whatsoever to write standards, as it can for other products within its jurisdiction.

My amendment means that while we protect American families, there will be absolutely no paperwork, and no red tape or bureaucracy for amusement parks, the vast majority of which, I would like to emphasize, as I did in the committee, are good, decent business persons who provide a safe product. Under my amendment the Commission would only be given authority to investigate incidents to determine if a product is defective. That is the very same jurisdiction it has under section 15 for all other products such as thermostat control valves, ovens, toasters, and the like.

Finally, I would like to touch on one other point that our colleague from Ohio mentioned: That the States ought to be focusing on this area of amusement park regulation.

Less than half the States, 21 to be exact, have done anything to protect the safety of our families in this area. Of those 21 States, not all cover fixed-site rides. Few of the States have the enforcement powers, the personnel, the financing, and the expertise to pursue amusement ride hazards as they ought to. My own State of Oregon is one example, and they are supporters of the fixed-site amusement park amendment that is in the bill.

Finally, the Commission employs competent mechanical, electrical, and structural engineers who have the requisite expertise to handle amusement park hazards.

For all these reasons, I would urge my colleagues to stand up for the families of this country, who have a right to expect that when their youngsters go on a ride that the ride is going to be a safe one. Let us reject the Shelby amendment.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's remarks in support of the amendment. Having served on the Subcommittee on Appropriations for the Consumer Product Safety Commission, I have observed over the years that they do intend to have flights of fancy sometimes, although they do some commendable work, such as the asbestos and hair dryers.

I noticed one time they came before us when they were going to regulate CB radio antennas. I asked how many people died as a result of CB radio antennas, and indeed, they produced some figures about how people died on CB radio antennas. But the fact was that it was not from any electrical shock or anything like that from the antennas; it was because people went up on the roof of their house to put the home station on and fell off the roof. They do have that kind of flights of fancy.

Mr. Chairman, I certainly associate myself with the gentleman's remarks.

Mr. OXLEY. I thank the gentleman for his comments.

Mr. Chairman, I rise in support of the amendment because of my reservations with the bill before us. My concerns cover virtually the entire bill but are especially strong with respect to the proposed changes to section 6(b) of the Consumer Product Safety Act. The bill would completely reverse the long-held congressional view—stated when the Congress first passed the act in 1972, recognized by the U.S. Supreme Court in the GTE Sylvania case, and then restated by Congress just 2 years ago in the 1982 amendments—that good public policy requires a careful balancing of interests between access to product information within the files of the CPSC and the need to protect business and consumers from the release of false and misleading information.

The need for the present law requirements now applicable to Commission disclosures in response to FOIA requests is made necessary because of the vast jurisdiction of the CPSC and its attendant ability to do immediate and irreparable harm to a business and cause unwarranted consumer confusion through the release of inaccurate product specific information.

Now, I am familiar with the argument that the current law requirements are too burdensome, but I do not think they are valid. I ask my colleagues to examine what the law now says the CPSC must do prior to disclosing information pursuant to an FOIA request. If this is done, it will be found that the Commission, before disclosing 6(b) information, must first, allow the business in question a reasonable opportunity to submit comments in regard to such information, must second, take reasonable steps to assure that the information to be disclosed is accurate, and must third, take reasonable steps to assure that disclosure is fair in the circumstances and reasonably related to effectuating the purposes of the act.

It seems to me that these requirements, on their face, are reasonable, fair, and most capable of being implemented by the agency in a timely fashion. I implore my colleagues not to retreat from the present law requirements which would occur if H.R. 2668 were to pass without the Shelby substitute.

So, I strongly support the Shelby substitute, which would maintain the current language under 6(b) that has a long congressional and judicial history of protecting not only small business but also the consumer as well. I ask for support of the Shelby amendment.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman from Ohio for yielding and commend him on his statement.

Mr. Chairman, as I have reviewed this legislation in committee and again here on the floor, it has occurred to me that the authors of this bill seem to think that if a little consumer safety is good, then a lot of consumer safety must be even better.

As the gentleman from Alabama and the gentleman from North Carolina have pointed out in their substitute, that is not necessarily so. I think that when we look at this measure as proposed by the committee and the gentleman from California and see a 5-year reauthorization with a 58-percent aggregate increase in funding, we all have to sit back, pause, and figure out what is wrong; it is too long an authorization and the funding increases just are too great; they are not justified.

But when we really know something is wrong with this legislation is when we observe that this is a case where Congress tries to interject itself into the management process by saying that we are going to set mimimum employment levels in the agency and that we are going to double the number of regional field offices.

It seems to me that when Congress is at a time of fiscal austerity in Government and high deficits, mandating that agencies not only double the number of employees but then not have to justify increases above that, that we have somehow taken leave of the commonsense that I think most of our constituents hope we will use when we make decisions. I cannot believe that Members of Congress really want to take that kind of action, and I think that if they are reviewing carefully what is happening here, that whether they are liberal or conservative or moderate, commonsense is going to tell them that the action being taken is, above all, unreasonable.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. OXLEY) has expired.

(On request of Mr. TAUKE and by unanimous consent, Mr. OXLEY was allowed to proceed for 3 additional minutes.)

Mr. TAUKE. And beyond that, Mr. Chairman, it is a rather blatant attempt by Congress to interject itself into what should be administrative functions and decisions.

□ 1710

In addition to these reasons, it seems to me that the Shelby substitute ought to be adopted primarily because of the procedural safeguards that it maintains that are now in the law. We had huge problems just a couple years ago with this agency because the agency would often put out information concerning product safety that was inaccurate and unfair. That was not a service to consumers; it scared consumers. It was not a service to industry, because it would cause a business that may not even have a legitimate problem to lose customers.

Because of that kind of problem, Congress said that it just made sense to give businesses and industries an opportunity to respond to allegations before they were made public.

Now the gentleman from California and those who support this legislation want to repeal that and put us back to where we were before. How short our memories must be.

In 1981, we really did take some positive steps to strike a proper balance between consumer interests and business interests. We struck a proper balance between the roles of Congress and the executive branch. We adopted legislation that was fair and balanced. It seems to me that this year we need not go back and try to rewrite the statute all over again. What we should do is allow what is working well to continue to work to protect the consumers and to insure that business operates within the guidelines of decency.

It seems to me also that we want to insure that Congress operates within the scope of its proper role and that is as policymaker, not as administrator.

Mr. Chairman, I commend the gentleman from Alabama and the gentleman from North Carolina for offering a substitute which makes a great deal of sense. I hope all Members of Congress, regardless of affiliation or philosophy, will see that this is not a question of affiliation or philosophy, but a question of commonsense, and vote for the Shelby-Broyhill substitute.

AMENDMENT OFFERED BY MR. ROWLAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY

Mr. ROWLAND. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ROWLAND to the amendment in the nature of a substitute offered by Mr. SHELBY: At the end of the matter proposed to be inserted by the amendment insert the following:

"SEC. 3. In fiscal years 1985 and 1986 the Consumer Product Safety Commission shall use funds appropriated under the amendment made by section 2 for the Flammable Fabrics Act to include within the definition of articles of wearing apparel surgical drapes which are used to completely or partially cover patients undergoing surgery."

Mr. ROWLAND. Mr. Chairman, the amendment merely states that surgical drapes will be considered as wearing apparel, rather than interior furnishings, with reference to flammability.

Mr. Chairman, there are instances in operating rooms where oxygen may possibly escape and lower the kindling point of surgical drapes and cause a severe fire. So for this reason I think it is appropriate to offer this.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. I would yield.

Mr. SHELBY. Is this the amendment the gentleman was talking to me about; is this similar to what the gentleman from Illinois (Mr. MADIGAN) has been pushing?

Mr. ROWLAND. That is correct.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. I yield.

Mr. WAXMAN. Mr. Chairman, I want to commend the gentleman on this amendment. This issue was raised by the gentleman from New York (Mr. GILMAN) before our hearings with some people who came in to complain about the gap in the coverage by the Consumer Product Safety Commission.

We adopted that recommendation and it is part of our bill. I was surprised that the people who put together the substitute did not have this provision in there. I am pleased to see that they are willing to accept it for the substitute.

I would join with the gentleman and the gentleman from Alabama (Mr. SHELBY) in urging adoption of this amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. Yes; I yield.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding and I commend him for his amendment to the Shelby amendment.

This provision that was in the original Waxman bill was also in legislation that was introduced by myself and the gentleman from New York (Mr. GILMAN). We are delighted that it was incorporated in the original bill. I am disappointed that it was not in the Shelby substitute and I commend the gentleman for taking care of this very, very important area, that exposes people in the operating rooms of our country to unnecessary peril.

Mr. Chairman, I rise in strong support of the pending legislation to reauthorize for the next 5 fiscal years the important programs and work performed by the Consumer Product Safety Commission.

When one considers the fact that everyone in this Nation to one degree or another is a consumer—one begins to realize and appreciate the importance of an agency such as the Consumer Product Safety Commission. It is therefore appropriate that on this 10th anniversary of the establishment of the CPSC that we adopt a bill that gives far more than just an extension of authorizations—but a 5-year mandate to continue and expand their important work. We compliment the length of the reauthorization by providing adequate funding levels to insure the resources are there to do the job.

I am especially pleased that section 11, subsection (c) of this bill addresses a very important issue which was the subject of a bill I introduced earlier this year, H.R. 2423. The issue has to do with safety in the operating rooms of our Nation. The specific issue has to do with an urgent need to reclassify surgical drapes which are worn by some 20 million Americans each year in medical procedures.

At the present time, surgical drapes are designated as "interior furnishings" by the CPSC. This in many respects removes them from a number of regulations including those dealing with flammability. Last year two dedicated doctors from my home State of New York representing the New York State Society of Anesthesiologists provided me with some information that linked surgical drapes to fires which occurred in operating rooms. According to Drs. Ralph Milliken, chairman of the operating room safety committee of the society, and Dante V. Bizzarri surgical drapes when used in combination with high energy devices common to operating rooms have a high flammability potential. Specifically when used in conjunction with fiber optics, lasers, and cautery present surgical drapes a direct fire hazard in the operating room to both patients and medical personnel.

Following this information and in conjunction with the CPSC I introduced H.R. 2423 together with my distinguished colleague from New York (Mr. GILMAN) who was also deeply concerned. The bill called for a redesignation of surgical drapes from "interior furnishings" to "wearing apparel" thus making it specifically under the purview of the Flammable Fabrics Act. The committee report addresses the issue:

Testimony was presented to the subcommittee from the New York State Society of Anesthesiologists asserting that surgical drapes were highly flammable and that the lack of an effective flammability standard covering drape manufacture increased the risk of burn injuries to patients undergoing surgery.

The Committee proposal is necessary due to an interpretation by the CPSC that surgical drapes are "interior furnishings" rather than "wearing apparel" within the meaning of the FFA. By clarifying that surgical drapes should be classified as articles of wearing apparel, the committee intends that 360 days following enactment of this act that surgical drapes will be manufactured to comply with the CPSC's standard for the flammability of clothing textiles (16 CFR 1610).

While the number of incidents of fires in operating rooms caused by surgical drapes is not extensive—it is no excuse for us not to act. First, there is not much of a procedure in effect today for the reporting of operating room fires suggesting that this may be a bigger problem than we presently know. What we are doing in a sense is applying a dosage of preventive medicine. We know that the modern equipment used in operating rooms provide ignition sources and the surgical drapes become the fuel of the fire. It would seem that the potential does exist for fires unless more stringent

standards can be imposed on the drapes.

The issue here is fundamental. We seek to make nothing more than a simple change in designation for surgical drapes. If we succeed we will be taking a profoundly important step in improving safety in our Nation's operating rooms. There is apprehension enough among people when facing surgery, there is no reason to promote further anxiety due to fear of fire. I urge support of the committee reported bill.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. Yes; I yield to the gentleman.

Mr. SHELBY. Mr. Chairman, I just want to restate that I join with the gentleman at the proper time and urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. ROWLAND) to the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. SIKORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Shelby-Broyhill substitute.

Since 1966, the Freedom of Information Act has embodied a principle basic to democracy and essential to the operation of government—the public's right to know. The proposed substitute would do serious harm to the spirit if not the letter of the Freedom of Information Act.

The CPSC treats requests under the FOIA in a manner different from any other Federal agency. The process greatly hinders the agency's ability to respond promptly to FOIA requests from the public and provides manufacturers unprecedented discretion to influence, if not control, the exchange of public information.

The Shelby substitute would leave in place a process which has brought agency implementation of FOIA to a virtual standstill.

In the past, 85 percent of FOIA requests to CPSC were responded to in 10 days or less. Now 75 percent of the requests require from 1 to 6 months before document collection even begins; 450 FOIA requests are pending right now at the agency with some dating back to 1981.

Under the Shelby substitute, even the written opinions of Commissioners regarding agency actions would have to be sent to manufacturers for review 30 days prior to release. If a company did not like what a Commissioner wrote, they could go to court to enjoin publication.

I am sure Members would find such provisions intolerable if applied to minority views on committee actions. They are no less objectionable when applied to the views of Commissioners at a Federal regulatory commission.

Mr. Chairman, what the business community is legitimately actually concerned about is the release of inaccurate information by an agency which bears the imprimatur of the agency. They want to be assured that when information is released under the agency's imprimatur it is accurate. I cannot blame them.

This is a concern which the committee addressed. H.R. 2668 specifically provides that all agency generated press releases, reports and studies require verification for accuracy before public release. Verification would include sending the documents to industry for review and comment in advance of public disclosure. Even with these protections—protections I might add that are not provided by any other health or safety agency—not EPA, FTC, FDA, OSHA, FAA, NRC, USDA, NSHA, or NHTSA—the committee went even further. It required that the agency stamp every document released under FOIA with a disclaimer. The disclaimer clearly states that the document has not been reviewed for accuracy and therefore cannot be construed to represent an agency endorsed document.

In short, the proposals in section 4 of the committee bill are modest reforms. They carefully balance the legitimate concerns of industry with the rights of the citizens of the United States under FOIA.

Mr. Chairman, business has a right to be protected from damaging disclosures by Federal agencies of inaccurate information. The committee bill provides this protection in a thoughtful and reasoned manner.

I urge defeat of the amendment.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. Yes, I yield.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

I hope our colleagues listened carefully to the gentleman's description of how we have changed the Freedom of Information Act standards, because it was represented earlier today that we are allowing also irresponsible statements to be made without the agency checking these things out.

In fact, however, we keep that requirement that the Consumer Product Safety Commission must go through a procedure to talk to industry, to get their reactions, to make sure, including that the veracity of the statements they make are accurate.

As far as Freedom of Information Act requests for simple information, they are not going to be any different than the Environmental Protection Agency, the National Highway Traffic Safety Administration, the Food and Drug Administration, or the U.S. Department of Agriculture. They are going to be handling Freedom of Information issues exactly the same way as every other Federal agency.

□ 1720

We are not changing anything other than to say they should be treated the same as other agencies.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

I support the Shelby substitute for several reasons. Among them are these:

It is a 3-year reauthorization instead of 5. I think 5 years is too long, as the gentleman from Iowa (Mr. TAUKE) indicated.

The funding is increased by approximately 5 percent per year as compared with nearly a 40-percent increase the first year in the Waxman bill.

It requires a minimum number of employees, at least 650 employees, and requires the number of field offices to be doubled to 10 and indicates that the number shall not be subject to review or approval by any persons in the executive branch of Government. I think this is an intrusion on the management function of the executive branch.

It goes the wrong direction as far as procedural policies are concerned.

Public disclosure is no longer required. Companies can be accused and convicted without time for investigation.

It goes the wrong direction in the Flammable Fabrics Act. It eliminates the cellulose standard. It adds an unnecessary toxicology advisory board, and it adds controls over the fixed amusement parks, as the gentleman from California (Mr. DANNEMEYER) indicated.

For all of these reasons I support the Shelby amendment and hope it will be passed.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Texas.

Mr. GRAMM. Mr. Chairman, the gentleman from Minnesota who spoke prior to the last speaker talked about protection for the manufacturer. I would like to read very briefly current law which the Waxman amendment would change, and then talk about the Waxman language.

Current law adopted by the 97th Congress says with respect to product specific information, the CPSC prior to the release of such information shall provide the manufacturer or private labeler of such product with a reasonable opportunity to submit comments to the commission in regard to such information. That is current law. And, of course, the Shelby amendment, would just simply preserve current law.

As a substitute the Waxman amendment would substitute the following language which the gentleman from Minnesota claims protects the manufacturer:

In responding to requests for information which were made under section 552 of title 5, United States Code, the Commission shall mark, in a prominent place, each document to be released pursuant to such a request with the following statement: "This document has been released by the Consumer Products Safety Commission pursuant to the Freedom of Information requirements of title 5 and it has not been reviewed for accuracy for the purpose of your request."

I submit, Mr. Chairman, that in no way does this provision substitute for an opportunity to comment and in no way can this disclaimer prevent sensational information from destroying the good name of a manufacturer, destroying that manufacturer's business.

That is why the Shelby substitute should be adopted.

Mr. NIELSON of Utah. Reclaiming my time, I would like to commend the gentleman from Texas for his statement.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WAXMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY, AS AMENDED

Mr. WAXMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN to the amendment in the nature of a substitute offered by Mr. SHELBY, as amended:

At the end of the matter proposed to be inserted by the amendment insert the following:

DISAPPROVAL OF RULES

SEC. 3. (a) During the period for which funds are authorized to be appropriated under the amendment made by section 2, no consumer product safety rule promulgated under section 9, no regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or regulation promulgated under section 4 of the Flammable Fabrics Act may take effect if, within 90 days of continuous session of the Congress which occur after the date of the promulgation of the rule or regulation, a joint resolution disapproving such rule is enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

Mr. BROYHILL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WAXMAN. I thank the gentleman.

Mr. BROYHILL. Will the gentleman yield?

Mr. WAXMAN. I will be pleased to yield.

Mr. BROYHILL. Mr. Chairman, this is a version of the legislative veto. As I understand what it requires is that no rule would go into effect unless a joint resolution is passed; is that correct?

Mr. WAXMAN. The gentleman is partially correct. It provides that no regulation or rule would go into effect for 90 days, and then Congress would have an opportunity to pass a resolution.

Mr. BROYHILL. A resolution of disapproval?

Mr. WAXMAN. The gentleman is correct, a joint resolution of disapproval.

Mr. BROYHILL. This is an amendment to the Shelby substitute?

Mr. WAXMAN. The gentleman is correct.

Mr. BROYHILL. Is that what the Clerk read? Is that what it was, an amendment in the nature of a substitute?

Mr. WAXMAN. If I might try to point out to the gentleman, I have been advised by those who know parliamentary procedure that the practical effect of this would be to amend the Shelby substitute so that if this were adopted the Shelby substitute would have this language added to it. That is the practical effect we are trying to accomplish.

PARLIAMENTARY INQUIRY

Mr. BROYHILL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROYHILL. Is that the way the amendment is drawn?

The CHAIRMAN. The Chair would state this is a perfecting amendment to the Shelby amendment.

Mr. BROYHILL. It is an amendment to the amendment in the nature of a substitute?

The CHAIRMAN. The gentleman is correct.

Mr. BROYHILL. Mr. Chairman, I have no objection to the amendment.

Mr. WAXMAN. I appreciate the gentleman's support for the amendment. I would like to outline what the amendment does.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Alabama.

Mr. SHELBY. I have no objection to the amendment.

Mr. WAXMAN. I thank the gentleman.

But if I might point out to the Members, I do want to explain this amendment because I think it is an important decision we are making with regard to a Supreme Court ruling that surprised many of us last week.

The Consumer Product Safety Commission has been one of those agencies which had a provision for legislative veto. Since the Supreme Court has ruled unconstitutional the legislative veto, the question now thrust upon us is how does Congress protect their prerogatives if we want some way to protect excesses by regulatory agencies.

Soon we will have a proposal by our colleague from Georgia (Mr. LEVITAS), and that proposal seeks to address the issue by requiring that every time there is a proposed regulation Congress would have to adopt that regulation and the President would have to sign it. I believe that kind of a proposal would relegate a regulatory agency into a body that will simply make recommendations to us for additional laws. That could mean interminable delays, if not permanent stopping of regulations that a regulatory agency thinks appropriate.

What we are proposing as an alternative is an amendment that provides that no Consumer Product Safety Commission rule will take effect for 90 days, during which time Congress may reject it by passage and enactment of a joint resolution.

Unlike the Levitas amendment, I think this is clearly constitutional. I think there are some constitutional questions that would still remain for the Levitas proposal.

But I think there are very practical advantages to this type of approach. It does not call upon Congress to affirm every agency rule, amendment, or revocation of a rule. It permits Congress to focus our attention on those matters that are truly controversial or constitute an abuse of authority.

Further, the substitute amendment does not indefinitely delay CPSC regulations which may prevent deaths and serious injuries.

If Congress had to go ahead and pass a new law to adopt every suggested regulation we could have a very long period of time, many years, before some of these regulations would take effect, and the public would be vulnerable to all of the hazards that would be there in the meantime.

Let me give you an example involving the Food and Drug Administration. In the recent case of the Tylenol poisonings, both the industry and the FDA wanted regulations regarding tamper resistent packaging. Moving as quickly as possible, it took the agency several months to promulgate the regulations.

The Levitas proposal would delay indefinitely those regulations, which by the way, in that particular case industry, the Food and Drug Administration and the public all desperately wanted.

□ 1730

At least under the substitute amendment those regulations would have taken effect in 90 days if for some reason Congress did not act. CPSC does not promulgate many regulations but it is hard to imagine any justification for delaying indefinitely a standard which prevents infants from strangling in their cribs——

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Or a standard which prevents hundreds of child deaths and thousands of poisonings each year; while consumers are put at risk under this Levitas proposal, so is industry. The probable effect of that effect upon judicial review is most troubling.

Under current law agency rules must be promulgated in accordance with detailed procedures and supported by substantial evidence. However, under the Levitas proposal any defect in agency procedures or lack of evidence to support the rule may be cured by congressional affirmation of the rule. Thus, the Levitas amendment may deny an industry a meaningful judicial review of that rule. Finally, the amendment to the amendment in the nature of a substitute permits Congress to control the administrative process without stripping CPSC of its rule-making authority. The Levitas amendment, however, turns CPSC into little more than a study commission. They could study all these problems, they could come up with regulations and then Congress could act the same as we could now without this proposal before us. I know we are hard-pressed to think of an alternative to the legislative veto. I think this is a reasonable alternative. I think it allows us to exercise our oversight jurisdiction in a way that would prevent the excesses that we saw which led to the adoption of the legislative veto. I would urge my colleagues to support the amendment to the amendment in the nature of a substitute as a valid means of controlling the legislative process and urge them to reject the Levitas amendment if offered.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I personally have no objection to this committee adopting the Waxman amendment. I think the substitute, and the bill, are improved with this amendment.

However, this amendment is simply a good first step; but for reasons that I will point out in a moment, it does not go far enough.

It is certainly better than a poke in the eye with a sharp stick, but it still is not really the best solution to dealing with this problem.

Let me expain why it is not: The Waxman amendment provides that CPSC rules could be disapproved by the enactment of a joint resolution—a resolution of disapproval passed by both Houses of Congress and signed by the President—within 90 days after referral of the rule to the Congress. This is a step in the right direction. It is a so-called form of legislative veto. But there is a problem with the approach.

The problem is that the resolution of disapproval which a Member of this body might introduce would be referred to the subcommittee chaired by the gentleman from California, and there is a strong likelihood that if the gentleman from California liked the rule, and did not like the resolution of disapproval, this House would never even have the opportunity of expressing itself on the matter.

That is the inherent weakness. As I say, it is better than nothing. But it would in fact leave to the distinguished gentleman from California, whom I respect and whom I admire greatly, the decision as to whether or not the rule should go forward or not go forward. And it seems to me that what we are looking for in trying to reestablish this balance is a mechanism that would do what the Supreme Court, in effect, said, and that is provide that Congress should act through legislation.

The amendment which I will be offering takes the first cut that the gentleman from California has made with his amendment, but my amendment carries it a step further. My amendment offers a better procedure by assuming that the Members of this House have an opportunity to express themselves on whether or not the rule should go forward.

Let me deal with two specific points that the gentleman from California has alluded to as problems with my amendment.

The first is he said there would be delay in seeing some of the good rules come forward. Now, I have been in this House long enough to know that when this House wants to move expeditiously on important matters, bills can be introduced in the morning and be passed by sundown.

In this instance the resolution of approval of a regulation from the CPSC would be assigned to the Committee on Energy and Commerce, turned over to Mr. WAXMAN's subcommittee and if he thought it was a good rule, I have no doubt that we would see it come flying out of that committee in very short order and the House would be able to work its will, again in very short order, as was done, for example, in the saccharin situation several years ago.

So, the fear that there would be delays, I think, is really a false fear, because it would not happen. The gentleman from California would call the shots about timing and we would have plenty of opportunity to act expeditiously on it.

The gentleman from California also expressed concern about Congress having to approve masses of rules. But that fear is also unfounded in the case of the CPSC which we are considering today.

I am not suggesting that the procedure I am proposing today should apply in all cases of rulemaking by all agencies; indeed, there are many reasons why it should not apply in all cases. But in the instance of the Consumer Product Safety Commission this procedure would work. I think it is very important to realize that the CPSC which is to be authorized for 5 years under the bill we are considering, and for 3 years under the substitute, has been given very broad authority.

And this authority was delegated with a legislative veto in place.

If now the legislative veto does not exist and the broad delegation does, we have then the worst of both possible worlds. In the 10 years of the existence of the Consumer Product Safety Commission, they have only issued 35 mandatory rules. So, we are not talking about a mass of rules to be considered. Three a year is what you are looking at on the average if they continue at the same pace.

The Waxman amendment is a step forward and for that reason I urge its adoption, but when action on it is com-

pleted I will offer an amendment which I think will go a step further and put us in a better position.

I yield back the balance of my time.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words. I will not take the full time. I commend the chairman from California (Mr. WAXMAN) for this amendment.

While it is true the chairman of the subcommittee is a very impressive individual and he does wield a good deal of influence on the Health and Environment Subcommittee, the committee is very independent and we do have very close votes occasionally. I think if a rule came through which was abhorrent to the House, I am sure at least 1 of those 19 members would bring it to our attention. So, I think the Levitas concern is ill founded, and I support the Waxman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN) to the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY, AS AMENDED

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment in the nature of a substitute offered by Mr. SHELBY, as amended: At the end of the matter proposed to be inserted by the amendment insert the following:

APPROVAL OF RULES

SEC. 3. (a) No funds appropriated to the Consumer Product Safety Commission for fiscal year 1984, 1985, or 1986 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Product Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

(By unanimous consent, Mr. LEVITAS was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Georgia (Mr. LEVITAS) is recognized for 10 minutes.

Mr. LEVITAS. I thank the Chairman.

I offer this amendment, Mr. Chairman, to respond to the problem that has been created for us by the Supreme Court decision of last week dealing with the question of legislative veto.

□ 1740

And while it is still unclear how broad that decision is and just precisely what it applies to, a fair reading of that opinion would indicate that all legislative or congressional actions to reject rules or regulations which have already been provided for in the law, are no longer possible.

This, of course, creates a number of problems, since many of the delegations of authority that have heretofor been granted were granted in conjunction with a legislative veto. And where there was a broad delegation of authority to an agency to issue a rule or regulation, it was done with the understanding that the legislative veto was in place to curb the excesses of overzealousness on the part of the agencies, or to deal with the situation of where an agency goes beyond the intent of Congress in issuing regulations.

Without an effective mechanism to put the delegation of authority and the control of the Congress back together, we will end up with the worst of both possible worlds. We will end up with a broad delegation of authority, with no legislative veto to act as a curb on that authority. So, if that is where we are after the Court decision, we have now turned over the entire ball game, the entire decisionmaking process, to the unelected officials who are issuing these regulations and who have never—as the distinguished majority leader of this House once observed—have never suffered the inconvenience of running for public office.

Without the legislative veto, we are committing to the agencies the same broad power of legislation that the Congress itself has, but the agencies will have this power without any check by the elected representatives of the people.

Now in the situation of the Consumer Product Safety Commission, for example, you have a group of commissioners who have never been elected by anybody. They are not even in the executive branch of Government to be controlled by the elected President. They are off in an independent agency. And I suggest that with the exception of one or two of my more scholarly colleagues in this House, I daresay that very few Members of this body could name the commissioners on the Consumer Product Safety Commission. Most could not even name a majority of the commissioners. And in some instances, not even one could be named.

And yet, these commissioners are the people who will have the authority to write regulations under a broad delegation of power while we sit helplessly by incapable of doing anything. It seems to me that the American people would demand that we, their elected officials, have some say so in that process before the regulations go into effect.

Not everybody in this country, not every business in this country can afford to spend a couple of hundred thousand dollars in hiring a lawyer to go to court and see if they can overturn a regulation. Instead they look to their elected officials, who are chosen to make the laws that govern their lives, when they have problems with a regulation.

Now let me turn for a moment to the Supreme Court decision. I am not going to quarrel with whether the Supreme Court decision was correct or incorrect. I will leave that to the law review writers over the years. Because

what we are doing today is trying to correct the impact of that decision and I predict this will be the first of many, perhaps even hundreds, of occasions where we are going to have to restructure this delicate balance between the executive and the legislative branches of Government.

The one thing, however, that did come through in that Supreme Court decision was that Congress must act, if it acts at all, by legislation.

My amendment provides that legislation. A joint resolution, passed by both Houses of Congress, and signed by the President, would put into effect a regulation, a rule, that has the broad scope, and the force and effect, of a law passed by the Congress. With the adoption of my amendment, the regulation would indeed be a law passed by the Congress.

I am not looking back at the Supreme Court decision. I feel like a person on a baseball team, who has seen an umpire call a player out, who was obviously safe. And everybody in the stadium knew that this person was safe. But the people on that ball team better not complain about the call of the umpire. They ought to get on with doing something about winning the game and put that behind them. That is what we are doing today.

The amendment that I have offered is one that has already been looked at by the Justice Department. The Justice Department having prevailed in the Supreme Court decision, has advised us that this amendment, which I am offering, is constitutionally consistent with the opinion of the Supreme Court in the case decided last week.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for yielding.

I just want to be very clear that we understand exactly what the gentleman's amendment would provide.

Is it accurate that the gentleman's amendment provides that there shall be no rulemaking or additional regulations propounded by the agency under this act that will take effect until first new rules or new regulations shall have been affirmatively approved by the Congress?

Mr. LEVITAS. That is the effect of the amendment. It actually works in a different way. It does not affect the validity of the regulation that is issued by the agency. It simply says that no funds for its implementation can be appropriated without the enactment of a joint resolution approving the legislation.

And I should point out that in the 10-year history of the Consumer Product Safety Commission they have issued a total of 35 of these regulations.

Mr. WRIGHT. Thirty-five regulations?

Mr. LEVITAS. Over a 10-year period, which means about three a year on the average. And I would imagine most of them being noncontroversial would have had no problem in securing approval by Congress.

Mr. WRIGHT. I thank the gentleman.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, I would remind the gentleman again that the vast majority of unsafe products that have been taken off the market, have been taken off as a result of the language in section 15(b) of the act, which has been there since the implementation of this program, which requires the manufacturers, who have knowledge of a defect in a product that is out in the marketplace, that they must report on themselves.

So that self-reporting has resulted in the taking off of the marketplace unsafe products far more than through rulemaking.

Mr. LEVITAS. I thank the gentleman.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

The gentleman's proposal, which the gentleman is offering in addition to the legislative veto which we have just adopted, would say that we are not vetoing a rule, we have got to affirmatively adopt the rule; is that correct?

Mr. LEVITAS. The gentleman is correct. In fairness let me say this: That that would in effect give to either House of the Congress, or to the President, the right to effectively veto a rule, because, as the gentleman knows, in order for a joint resolution to pass, it must pass both Houses and be signed by the President. So obviously, if one House defeats the joint resolution, it would in effect veto the regulations.

Mr. WAXMAN. I do not see the two as being consistent. Under the provision we just adopted, we said that if a regulation may be vetoed by the Congress, it would not take effect for 90 days, and that could be vetoed by a joint resolution; the gentleman is saying that while we can veto it, it would not take effect unless we adopted it as we would any other piece of legislation. How does the gentleman reconcile the two?

Mr. LEVITAS. Well, it is my view, and I say this to the gentleman from California, that the approach that I have offered is an improvement over the approach that the gentleman from California has offered. And that this bill, assuming it passes the House and is then in conference with the other body, would afford to the conferees an opportunity in a more deliberate context to decide which of these two mechanisms is preferable and thereby give us the opportunity to have the one which is the most effective in accomplishing our purposes.

□ 1750

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. LEVITAS was allowed to proceed for 4 additional minutes.)

Mr. LEVITAS. I want to put this into context. This is not a hypothetical or an ideological argument. When the gentleman's committee reported out this legislation for a 5-year extension of the Consumer Product Safety Commission and made some other changes in that law, the Supreme Court decision had not yet been rendered. I suggest to the gentleman that if that decision had come prior to the gentleman's marking up this bill, the members of his committee would have looked very closely at the delegations of authority given to the Consumer Product Safety Commission to make a determination as to whether or not you wanted that broad delegation to continue without the legislative veto. That not being the case, all I am trying to do is maintain the status quo in the relationship between the CPSC and the Congress as it existed prior to the Supreme Court decision. I am not suggesting we go any further. I am simply suggesting that we maintain the right of the Congress to do what we thought we had the right to do before last week.

Mr. WAXMAN. If the gentleman will yield to me further, before last week's decision we thought the Congress could come in and veto a regulation that we thought was inappropriate and excessive by the regulatory agency involved. What we have just adopted was the ability of Congress to go ahead and veto again a regulation. The gentleman is not maintaining the status quo prior to the Court decision; he is saying that these regulatory agencies will do nothing but make recommendations to us for laws and nothing will go into effect until we act.

Mr. LEVITAS. Let me correct the gentleman. I tried to do that earlier. I am not talking about these regulatory agencies; I am talking about the Consumer Product Safety Commission.

I have no doubt that in the next year or two we are going to have to address a number of these statutes and come up with procedures for a number

of agencies that will redress this newfound imbalance between the agencies and the elected Congress. I am simply suggesting that, for the time being, this procedure preserves that status quo with regard to the CPSC. It is an attempt to deal with this problem now rather than let the genie out of the bottle, and risk not getting it back in for 3 or 5 years.

Mr. WAXMAN. If the gentleman will yield to me further on that point, the gentleman has made as an argument why he thought we ought to have this provision that is now before us that if a committee chairman or subcommittee chairman in either this body or the other body did not like a rule, then that individual could refuse to bring up a veto resolution.

Now, of course, if a committee chairman or a subcommittee chairman did not like the rule, he could refuse to bring up legislation to put into effect that regulation.

So we have the opportunity after the regulatory authority and the Consumer Product Safety Commission has made a decision that they ought to do a certain thing with a product that may be hazardous or have a certain standard, that everybody have an opportunity, if some interest group is powerful enough, to veto that regulation from going into effect, either at the committee level, subcommittee level, House or Senate level, Presidential level, and everything is geared and tilted to rejecting a proposal rather than enacting it.

Mr. LEVITAS. Let me say this: As I read the Supreme Court decision, the Supreme Court admonished the Congress to utilize its legislative powers in dealing with the control and accountability of the regulatory agencies.

What I have proposed, as the Justice Department has already suggested, is perfectly consistent with that and carries out that purpose. A joint resolution is a legislative act and would follow the regular procedure.

Now, in terms of the power of the subcommittee chairman or the committee chairman, the question is: Is the subcommittee chairman or the committee chairman more likely to favor or oppose the rules and regulations coming out of the Consumer Product Safety Commission?

I would suggest again, living in the world of reality, that it is a fact he would be more likely to favor those rules.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has again expired.

(On request of Mr. KINDNESS and by unanimous consent, Mr. LEVITAS was allowed to proceed for 4 additional minutes.)

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding, and I take this time only to congratulate the gentleman for the thoroughness with which he has approached this problem that is presented now in the light of the Supreme Court decision in the Chada case.

As pointed out a little while ago in the colloquy with the gentleman from California, I think quite correctly, the approach to dealing with this matter does have to be a tailored approach. It seems to me quite appropriate that, in the case of the Consumer Product Safety Commission, the amendment offered by the gentleman from Georgia is very appropriate and does not present a harmful or hurtful situation at all.

Some might say, though, that if this approach were taken with the Internal Revenue Service, with the multiplicity of regulations and interpretations that are involved in their functioning, this would be unworkable.

There are at least four categories of actions subject to legislative veto that have developed over the last 50 years that require different and separate treatments. This is one in the rulemaking area which I think can be served quite appropriately by the approach offered in the gentleman's amendment, which I thoroughly support, and it may be applicable in more places. But I do not think that we should jump to the conclusion that it could be universally applicable, certainly not in the case of formal rulemaking, where there is rulemaking on the record, with hearing and certain formalities in due process.

Very likely this could not apply to article II duties of the President, as presently affected by the War Powers Act. And probably in the budgetary area and appropriations and impoundments and rescissions, and so on, different mechanisms will have to be developed.

We are in a state of change—one might say revolution—in the development of our governmental process. It began some time ago, perhaps, but it was highlighted by the Supreme Court's decision in the Chada case. We are at a breakwater point, a time when we have to look for new ways to deal intelligently with the operations of our governmental processes, and I congratulate the gentleman for his approach in this case which seems to me to make eminent sense. It may, on the other hand, give us the experience to indicate refinements that ought to be developed.

I would have to say that the developments that may occur as a result of the gentleman's amendment here and going foward in point of time may very well teach us that the legislative veto was a really good mechanism as exercised over recent years. But still, we must find within the bounds of the Constitution and the Supreme Court decision a way to operate now, and this I believe is tailor-made and appropriate. I congratulate the gentleman and I support his amendment.

Mr. LEVITAS. I thank the gentleman for doing so.

There are some people who believe that Congress probably should never have delegated rulemaking authority, to being with, certainly not as broadly as we have. They hold that the Congress has the responsibility to legislate under the Constitution and we have really abandoned that responsibility and abrogated that function to the agencies through the broad delegation of rulemaking authority. And with the delegations as broad as we see in the case of the Consumer Product Safety Commission, and with the fact that we are not talking about a large number of regulations, albeit very important ones, there is neither a burden nor an inconsistency with the constitutional framework to say to the Congress: If it is as important a rule as you say it is, why should we not have the buck stop with us?

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, perhaps the gentleman from Georgia (Mr. LEVITAS) might want to give me a little attention in a minute, because he and I have discussed this matter several times before.

I have very mixed feelings about the legislative veto. The Supreme Court has ruled on the subject. But I do not want to see a situation develop where executive branch agencies become nothing more than advisory committees to the U.S. Congress. And that conceivably could happen if the proposal of the gentleman from Georgia were applied to every single rule and every single agency, that no rules would take effect without Congress acting affirmatively. I think that is probably an unrealistic view of how the process should operate. At the same time, I recognize that the gentleman is applying it only to this agency. And with the Waxman amendment on there, it does indicate that rules could go into effect if Congress does nothing during that wait-and-see time period.

But I again want to bring to the attention of my colleagues that the best oversight that we can have is through the appropriations process, because the power of the purse is our major power, our congressional power in this country. By House rules and rules of the Democratic Caucus we have limited that oversight process, because what we have said is that we will not permit any riders on appropriation bills except within the province of the Appropriations Committee and on those rare occasions—the gentleman from California (Mr. WAXMAN) has

used it on one occasion—if you can come to the House and you can do it on the full floor, if you can go through a torturous process by which you got to get the committee to rise and defeat that motion to rise and offer the proposition.

Now, when we dealt with that in the full House and in the Democratic Caucus, we were dealing with that rule in the context of a legislative veto. We have no more legislative veto. And, therefore, I would urge my colleagues to talk to the leadership of both parties and maybe try to get the Rules Committee to approach this subject once again, now that the Supreme Court has spoken, because it is time, I believe, to revise that rule and come back so that any Member of this body, just not on the Appropriations Committee, can come to this floor and put a rider on an appropriations bill at least with respect to pending rules and regulations.

□ 1800

Mr. LEVITAS. If the gentleman will yield, while I am not sure I agree with him that the appropriations process is the best way to deal with this type of matter, it certainly is a very effective way.

Mr. Chairman, the way my amendment is structured, I suggest, is designed to do exactly what the gentleman has said. My amendment does not deal with the validity of the regulation. It gets at the appropriations process, providing that no funds authorized can be appropriated for the rule, in order to get around the rule that was adopted by the House at the beginning of this session of Congress, because what it in effect gives us the opportunity to do is bypass the cutoff rule on the appropriations bill, and where we have said through the adoption of this procedure that I have proposed there shall be no funds authorized to be appropriated for this purpose, we have done precisely what the gentleman from Kansas has suggested.

But what I am saying to my colleagues today is something very important. If we do not do this, we have left the entire delegative authority at this agency with no effective control because the proposal of the gentleman from California, while it is better than nothing—as I said, it is better than a sharp stick being poked in your eye—it still does not really get at the type of responsibility that we should have, and the people today are going to have a chance to vote whether they want to turn this power over to the unelected bureaucracy in this case, I am not talking about all agencies or all rules, or whether they want to say, "Look, I got elected to Congress. I am responsible to my people and I am prepared to stand up and pass a bill, a joint resolution, when it is appropriated."

Mr. GLICKMAN. I think the gentleman is probably trying to do in a similar way what I am talking about here. I just like the routine process of appropriations bills because they provide a regularity through the oversight process where this can come up on an annualized basis and it will not require specialized action.

I just fear that without this kind of rider revision that Members will feel reticent about raising the issue or else do the opposite and raise the issue every single time when somebody comes down here and knocks on our door and says, "We do not like this particular rule."

Mr. BROYHILL. Mr. Chairman, will the gentleman yield for a comment?

Mr. GLICKMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's comment on this issue. I certainly agree with him. I was not for the rules change that was made with respect to amendments on appropriations bills, but having said that, I do not like to see appropriations bills cluttered up with these kinds of amendments.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has again expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, if the gentleman will continue to yield, I really think this is a better way to deal with those regulations that are passed under authority, by the way, that have been granted generally by the authorizing committee and not the Committee on Appropriations.

So it seems to me it is a responsibility of the authorizing committee to be the committee that has the main responsibility of looking over the shoulder at the work product of these agencies.

Mr. GLICKMAN. Well, there are many ways to skin a cat. I guess the proposal that I am talking about is the most democratic-type proposal because in many cases you cannot get these proposals through an authorizing committee, even under the Levitas approach and permitting any Member of Congress to offer an amendment to an appropriations bill clearly democratizes the process. Yet, it also confuses and in some sense bogs down the process, as we have seen during the last few years.

But I just thought this point needed to be raised on the House floor as we are talking about legislative veto.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to reinforce a point the gentleman from Kansas is making with respect not to rulemaking as much as an area of great concern to many of us, and that is the article II powers of the Presidency. Right now I am not sure we have a mechanism other than the mechanism suggested by the gentleman from Kansas to exercise some degree of interaction and control over actions, for example, now controlled under the War Powers Act.

I would thoroughly agree with the gentleman that the Members of this House ought to be able to raise the questions that sometimes involve very important policy considerations. During the appropriations process, those purse strings are the most important element of the functioning of this House.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am well aware of the fact that the distinguished gentleman from Georgia has for a long time had an active interest in the matter of legislative veto and the fashion in which these matters should be reviewed by the Congress. I am, of course, sympathetic with his concerns and with the scholarship and effort that has gone into the handling of that matter by the gentleman from Georgia.

The harsh fact of the matter is that the amendment now offered carries with it an enormous number of problems. Let me try and outline some of the questions that I think the House and this committee should answer before it adopts a proposal of this kind.

First of all, have there been any proper hearings or consideration of the matter to ascertain the full meaning both of INS against Chada, and also to ascertain how this amendment would work. The answer is, there have been none, and no one can make a definitive statement at this time as to whether this proposal is constitutional or not constitutional. No one can make a definitive statement as to what would be the rights or the duties of any person under this particular matter.

One of the most interesting consequences that has to be explored, I believe, is what is the impact of this proposal on the regulatory process. The question has to be asked: What must be done with regard to judicial review by a person who is affected by the amendment that is offered by the gentleman from Georgia?

No one can tell. When must a person who feels himself injured or adversely affected by a regulatory action commence his appeal? Must he commence his appeal prior to the time that the

Congress adopts it and enacts it into law, as it must affirmatively, by saying that the action of the agency was defective by failing to comply with the Administrative Procedures Act, by failing to afford adequate notice to some person who has been affected by this action which is taken, and to complain that lack of notice was there, or that he had not been afforded opportunity to be heard or that the record was not adequate or that some other defect had occurred in the administrative process?

Then if the Congress moves forward and affirmatively enacts that which would have been found under current law to be a defective action, what then must the individual do? Can he then go to court to appeal? That is highly doubtful, and let me explain why.

A similar situation obtains in connection with the granting of transatlantic airline routes. If a person finds himself adversely affected and badly impacted by an action that is taken by the CAB in awarding a transatlantic airline route, the courts will say, "You are too early. You cannot come here before this court because the President has to act."

So the individual says, "Very well, I will wait." And he waits until the President has acted, and then when he goes into the court, the court says, "Dear friend, you are too late. The President has acted, and that is a foreign policy question."

Now, under the amendment offered by my good friend from Georgia, it may be too early to appeal because the Congress has not acted and it is not a final action under the Federal Rules of Civil Procedure and under the court cases. But then when he goes into the Congress and the Congress acts, it becomes plain that his action is then too late to complain about procedural defects in the adoption of the rule.

□ 1810

There is no way of knowing what are the consequences of this particular matter.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield at that point?

Mr. DINGELL. I will be glad to yield to the gentleman.

Mr. LEVITAS. I would like to address that particular point before the gentleman goes into his argument.

Mr. DINGELL. I know what the gentleman's intentions are, but the language of the amendment is very silent.

Mr. LEVITAS. Let me address the question of the due process matter. Before the regulation can be proposed by the Consumer Products Safety Commission, there is a procedure by which comments can be received and heard and taken into account. That record will be very much before the gentleman's committee when it decides whether to report favorably or unfavorably.

Mr. DINGELL. Well, supposing then my committee chooses to disregard that question and we simply say that we are not going to be moved by this complaint. We are just going to hammer this thing through. Then what complaint is that fellow going to have about the failure of due process once the Congress has ratified that thing?

Mr. LEVITAS. That is the most important redress.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. LEVITAS, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. Of course.

Mr. LEVITAS. It has the most significant redress that is afforded to anybody and certainly is more redress than he has under the rulemaking authority of this Consumer Products Safety Commission. He goes to his elected official and says to his elected official, "I have been done wrong. I want redress," and this procedure is spelled out very clearly. There were hearings on this and discussion on this in the Constitutional Convention in 1789 in Philadelphia where it said that the Congress, acting through both Houses, has the right to pass legislation and it is the people who hold them accountable.

Mr. DINGELL. Mr. Chairman, I thank the gentleman, but the gentleman totally disregards the fact that if the Congress then chooses to disregard the procedural defect which the individual has very wisely and properly pointed out, deny him due process, deny him adequate notice, that the gentleman who wishes to complain about the situation and the unfair treatment before the regulatory agency may be stripped of his rights to really appeal and to deal with that question.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, I thank the gentleman for yielding.

I wanted to say that I think the gentleman is raising some very good questions. I wanted to make a larger point and I was going to get my own time, and will, but I do not think there will be any objection if we go ahead and continue in this manner.

I think so far as the discussion that I have heard, and I came over because I heard the discussion taking place, is a discussion about how are we going to deal with the questions raised by the INS against Chada decision.

I think certainly it is a complex matter. We are not going to resolve these many questions here today, it is quite obvious.

I have always been a supporter of the legislative veto concept of the gentleman from Georgia because we have found ourselves in this very situation so often.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Mr. Chairman, I yield to the gentleman.

Mr. BETHUNE. I have always supported the gentleman from Georgia, because we find ourselves in the situation where the fourth branch of Government is unruly and out of hand and so we out of political expediency, as the court noted, have fashioned this particular tool as a way to try to oversee them. That is all well and good.

What concerns me is that we might get started with the effort to resolve the situation here today before we get down to asking ourselves some questions that are even more fundamental and basic than the questions raised by the gentleman from Michigan.

I make this point. Let us back up and discover why was it that we ever got into the business of legislative veto in the first place. It seems to me the court hit the nail on the head by noticing that we had assumed for ourselves more responsibilities here in Washington than we could discharge; so consequently, we had to figure out ways to overcome the strictures of the Constitution. We devised this hybrid measure.

The point I am trying to make is this. There is no way that we can resolve this question, given the time we have before us today. I do not mind supporting one or the other of the proposals here today to keep the matter under tow for the time being, but I think we have got to start asking ourselves whether or not we made a mistake 50 years ago when we assumed for ourselves all the responsibilities that we now hold as a Central Government.

Maybe we ought to ask ourselves, is the Supreme Court wisely pointing out to us the same lesson the forefathers might have pointed out if they were here, that we ought to delegate out to the States and localities as much as we can and let them do some of the regulatory burden and some of the oversight responsibilities, so that we can focus on larger issues.

The point I am making is that I am willing to go along here today with the full understanding that this is a first step and we are not only going to talk about ways to deal with Chada in the context in which we find ourselves today, but we are going to back up and ask ourselves about these fundamental questions also and the genesis of the legislative veto. That is the extent of

the contribution I would like to make today.

I would hope to participate in the debate as it unfolds over the years to come.

Mr. DINGELL. Mr. Chairman, I thank the gentleman.

There are some other questions that need to be asked. What happens to an industry which is adversely affected by the amendment offered by the gentleman from Georgia?

Does the industry have to prepare to comply and to speculate as to whether or not that matter and that order is final?

Does the industry have to commence to spend money to comply even before the Congress has acted, not knowing what the rights of that agency are before the Congress and not having the clearly defined practices of the courts wherein the courts fix not only the rights of the individual, but the time at which the rules and the regulations which are subject to appeal would go into place?

The answer is that there is no appreciation of what would happen with regard to that.

Now, let us look a little further. Let us ask about relatively minor or trivial actions. Are they going to demand the affirmative action of the Congress to be enacted into law under the amendment offered by the gentleman from Georgia? The answer is that no matter how trivial the action of the regulatory agency might happen to be, including changing one line or one word or one comma, the Congress must reenact that proposal.

Now, of course, this is going to increase the cost to the taxpayers and it is going to increase the delay and the uncertainty that afflicts the citizen who is concerned with the regulatory process.

Beyond this, there are some other questions. How will it impact upon the individual citizen? Will this confer a benefit on those who could go to the Congress, as opposed to the folks who can go to the local courthouse?

The big corporation that has a Washington office will achieve an advantage by this.

Will the ordinary citizen who lives in Sheboygan or someplace like that have the same right? The answer to that question is no, he will not.

The harsh fact of the matter is that I am sure the gentleman from Georgia has the best of intentions, but this is a piecemeal approach to a very major problem. The Congress should defer consideration of this kind of amendment until such time as we have a clear appreciation of what it is that the amendment does.

There have been no opportunities for hearings. There has been no opportunity to hear from constitutional experts, from scholars of the law, to ascertain whether businessmen or consumers who might be affected by this matter in fact want the adoption of this amendment.

The amendment should be rejected. It is bad, it is ill-timed and it should be held off until proper consideration can be afforded before the proper committee.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I might point out the very peculiar parliamentary procedure status that we are in, we have before us the Shelby substitute, which is a substitute for the committee's recommendation. As I pointed out in the debate earlier, I oppose the Shelby substitute for a number of reasons, because I think the Shelby substitute will do harm to the Consumer Product Safety Commission as a regulatory agency.

We have now an amendment by the gentleman from Georgia (Mr. LEVITAS) to the Shelby substitute, which adds on to the Shelby substitute, even though we have a legislative veto amendment, an additional legislative veto amendment, I think somewhat contradictory, but the gentleman claims that he thinks they are consistent.

I have talked to the gentleman from Alabama (Mr. SHELBY) and if I might engage him in a dialog, I understand the gentleman from Alabama supports the Levitas amendment and will vote for it. Is that a correct statement? I yield to the gentleman.

Mr. SHELBY. Mr. Chairman, I appreciate the gentleman yielding.

I do. I have no disagreement with the gentleman from Georgia's amendment and I have not spoken for it, but I told him that I would not oppose it. That is where I am now.

Mr. WAXMAN. I appreciate the gentleman's comments.

Since the gentleman from Alabama has a substitute pending and he is willing to have his substitute amended by adding the legislative veto provision that we offered and was adopted, as well as the Levitas legislative-type veto proposal, then I would support it as an amendment to Shelby; however, should the Shelby substitute be defeated, and I would urge my colleagues sincerely to defeat the Shelby substitute, then we will have the opportunity to vote on the Levitas amendment again, because I am sure the gentleman from Georgia (Mr. LEVITAS) will offer his amendment at that time.

□ 1820

Mr. DINGELL. Will the gentleman from California yield?

Mr. WAXMAN. I will be pleased to yield.

Mr. DINGELL. I just want my colleagues in the House to appreciate one thing. This body is badly overloaded right now and we do not have the time to properly consider matters that are of great constitutional and great legislative and great financial importance.

If this kind of an amendment is adopted, the Congress will be so overloaded with trivia and piddling matters that we will be incapable of carrying out our essential functions, and we will have, in effect, become a court of review, and we will spend all of our time engaging in piddling undertakings and our attention to great matters will simply no longer be available.

I urge this matter to be rejected.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I think the gentleman from Michigan has made an interesting point that would be applicable to other agencies and other bills, but my understanding is that the Consumer Product Safety Commission has had an average of about three rules per year. Really most of their activities were about 5 years past. They have not been that active in producing rules in recent years.

This would certainly not be the right answer, as was pointed out earlier, in dealing with the Internal Revenue Service or any other number of agencies. But in this case I think it is a carefully applied approach that makes some sense.

Mr. WAXMAN. If I might reclaim my time, it is my purpose that should the Shelby substitute be defeated, and I hope it will be, that we will have a head-to-head vote on two proposals, on the legislative veto, and I would join my chairman of the full committee, the gentleman from Michigan (Mr. DINGELL), in opposing the Levitas proposal.

I think what that Levitas proposal will do as policy is relegate an agency like the Consumer Product Safety Commission, and I suppose other regulatory agencies when they come up for renewal, to merely study commissions.

If we want to fund study commissions I think we are wasting the taxpayers' money, because these commissions do nothing but study these problems and come up with recommendations, the same as any other commission, and we can maybe adopt them and maybe not.

Mr. DINGELL. Will the gentleman from California yield?

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. I would just like my colleagues to know what they are doing in this body, because the gentleman from Georgia (Mr. LEVITAS) you may be assured, will be back with this amendment pointing to the precedent of having had this matter adopted

with regard to the Consumer Product Safety Commission.

What does this mean in terms of changes, in terms of the way the regulatory bodies function?

First of all, there were 15,222 pages of final rules adopted by regulatory agencies; 6,288 were the number of final rules. That is the IRS, Consumer Product Safety Commission, the FTC, the Food and Drug Administration, and everybody else down there who are writing these things.

Proposed rules cover 12,130 pages on a 3,729 total proposed rules.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(On request of Mr. DINGELL and by unanimous consent, Mr. WAXMAN was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. In addition to this, there are 320 pages of Executive orders which for all intents and purposes fall into the same fashion. They are notices of rulemaking that involved 25,432 pages. This is a total of 58,494 pages of rules issued in 1982.

What the gentleman from Georgia is going to have the body do is to review every single one of those or they simply will not be adopted. If an industry has a complaint, a very legitimate one, as did the auto industry about the airbag situation, we can be absolutely assured that that action will be bogged down in the same kind of mess that some obnoxious and undesirable rule will be. The courts will be absolved of a massive workload which will be transferred to the House of Representatives and to the Senate, and we will be in an unholy mess here.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I will be pleased to yield.

Mr. LEVITAS. I thank the gentleman.

First of all, after listening to all those facts recited by the distinguished gentleman from Michigan I wish I had said that. I think it makes a real case for why we need to have some control over the agencies.

But let me give the gentleman from Michigan my assurance that I would not ever think of applying this mechanism to all of the rules and regulations that are issued. There are going to have to be other mechanisms designed for that. But in this instance, and you are talking about reauthorization without an opportunity to do anything except deal with it in the manner I have suggested, which is perfectly constitutional and consistent with the Supreme Court decision.

Mr. DINGELL. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. There is no assurance that this is constitutional. What the gentleman is telling us is that he views this as some kind of curious smorgasborg where he will offer this particular set of rules in terms of why the Congress is going to review it in this particular agency, and then he will offer another one or offer none to quite a different one. The consequences of what the gentleman seeks to do are going to be a most curious impact on the citizenry who will never be quite sure which set of rules or congressional review will afflict them and what their rights might be under the Administrative Procedures Act or under the rules of the courts.

In consequence, we will have the most uneven and unfair application of law, and we will be functioning under totally untried and curious procedures which will cost enormous amounts of money and sow vast confusion throughout the land, and leave us in an unholy mess.

Mr. KINDNESS. Will the gentleman yield?

Mr. WAXMAN. I will yield to my colleague from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I would just like to point out that this debate on this point and some of the recitations of facts and figures that have been made here all point to how important it is that this body address the problem of regulatory reform. As the gentleman from Michigan and I have discussed privately as well as in a hearing recently, we have to find some better answers.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has again expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman.

We cannot say this will not work and that will not work, so let us sit here and sink in the quicksand. We must find answers.

I look forward to working with the gentleman from Michigan and others in finding better answers. But let us try to approach it through regulatory reform and not using that word, but perhaps somethng else that provides the answers to governing in a reasonable, rational way with the separation of powers.

I thank the gentleman for yielding.

Mr. WAXMAN. I thank the gentleman for his comments.

Mr. DINGELL. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman from California.

I commend my good friend from Ohio (Mr. KINDNESS). I would observe to the House that drafting this kind of broad, sweeping legislative package dealing with all manner of procedural change at 6:30 by the clock, on an evening when the House has had no opportunity to consider this is perhaps the worst way in the world that we can legislate.

The matter should be dealt with by a committee properly constituted to study the matter, to receive the testimony that is necessary so that we can know the consequences of what we do rather than having to engage in the sheerest kind of speculation.

Mr. WAXMAN. Mr. Chairman, just reclaiming my time, while I do not like the Levitas proposal, if the gentleman from Alabama (Mr. SHELBY) is willing to accept it as a part of his substitute, which I oppose, I think he should have the right to include this provision in his substitute. So I will, under these circumstances right now, vote for the Levitas proposal, and then after that urge that we defeat the Shelby substitute.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I will be pleased to yield to the gentleman from Alabama.

Mr. SHELBY. I appreciate the gentleman yielding.

As I said earlier, I do support the Levitas amendment and I will be glad to accept it as a part of my substitute.

Mr. WAXMAN. I thank the gentleman.

Mr. BROYHILL. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I would urge that we accept the Levitas amendment and then accept the Shelby amendment with the legislative veto approval amendments contained therein.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has again expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 30 additional seconds.)

Mr. WAXMAN. I just wanted to point out since we may be going into two votes that the Shelby substitute has been opposed by and is opposed by the Consumer Federation of America, the AFL-CIO, the National Council of Consumer Citizens, the Consumers Union, the American Academy of Pediatrics, the International Association of Machinists, and the International Ladies Garment Workers Union.

So I would urge a "No" vote on the Shelby substitute when we get to that point.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 2668, the Consumer Product Safety Act amendments which would authorize appropriations for fiscal years 1984-88 for the Consumer Product Safety Commission. This bill would insure that the Consumer Product Safety Com-

mission would be able to operate in an effective way and would offset the effect of the crippling budget cuts that this agency has suffered in the past 2 years and which have impacted negatively on the Commission's ability to protect the public health and safety.

This multiple-year authorization is necessary because the cuts made in fiscal year 1982 have resulted in substantial reductions in consumer safety, with agency inspections reduced by 44 percent, recall checks reduced by 64 percent, and investigations cut back by 14 percent. This much needed bill would authorize $47 million in fiscal year 1984, $49 million in fiscal year 1985, $52 million in fiscal year 1986, $54 million in fiscal year 1987, $57 million in fiscal year 1988. Additionally, this measure would set a minimum personnel level for the Commission at 650 full-time employees as compared with 889 in fiscal year 1981 and 636 in fiscal year 1983.

It is a commentary on the policies of this administration that it is necessary to require by statute that the Commission maintain a minimum personnel level in order that the agency be capable of enforcing the law. The General Accounting Office has reported that the Consumer Product Safety Commission has lost 32 percent of its scientific and technical staff in the preceding 2 years. It is also known, that the Office of Management and Budget would impose further cuts by 1985 that would have the effect of reducing agency staff by a total of 36 percent below the fiscal year 1981 numbers. Such reductions would cripple the agency's ability to protect our constituents against dangerous products.

Mr. Chairman, this 5-year reauthorization is very much needed and is not at all unusual. It will enable the Consumer Product Safety Commission to conduct the effective long range planning essential to its mandate to protect the public health and safety. This 5-year authorization will not prevent effective public policy oversight by the Congress, and it is my understanding that the Committee on Energy and Commerce will be conducting periodic and complete reviews of the Consumer Product Safety Commission's programs.

I urge support of H.R. 2668, the Consumer Product Safety Act amendments as it is in the public interest.●

● Mr. WALGREN. Mr. Chairman, I support H.R. 2668 which will continue the Consumer Product Safety Commission as an independent agency for 5 years. This bill will reaffirm the intent of Congress to act effectively to reduce unreasonable risks of injury caused by consumer products. As a member of the Subcommittee on Health and the Environment, which drafted this bill, I heard testimony that during the Commission's 10-year history there has been a decrease in injuries related to consumer goods and an improvement of production standards.

In 1973, Congress established the Consumer Product Safety Commission to protect the public from unreasonable risks of injury associated with consumer products. Since its creation, the Commission has encouraged and assisted in the development of voluntary standards by private groups, developed mandatory standards, banned products when necessary, and organized recalls and corrective activities with manufacturers to remove hazardous products from the market. By the late 1970's, an estimated 100,000 injuries and over 1 million potential injuries were averted by product recall alone. By increasing consumer and manufacturer awareness of product safety, the Commission has served the public well.

Much of the Commission's work has been for the safety of our children. One example is enforcing the Poison Prevention Packaging Act which requires child-resistant packaging for aspirin, prescription drugs, household cleaners and poisonous substances. Because of child-resistant packaging, over 10,000 injuries which would require emergency room treatment and approximately 50 deaths are prevented each year.

In the area of education, the Commission, with the help of State and local consumer affairs groups, has developed the expectant parent program to inform expectant parents about nursery furniture and equipment, sleepwear, toy safety, and poison prevention.

I am pleased the Energy and Commerce Committee, on which I serve, agreed to my amendment to H.R. 2668 requiring the Commission to hold a public hearing when deciding its annual agenda and priorities. Until recently, there was no real opportunity for public input in the priority-setting process. The staff received information from coroners, medical examiners, consumers, and newspaper articles. The staff then made recommendations to the commissioners based on the budget and various considerations such as the severity of the injury—and perhaps personal preferences. While votes were cast in a public session, there was no real opportunity for public input. As suggested by the American Academy of Pediatrics, my amendment requires the Commission to hold a public hearing on its annual agenda and priorities. This amendment will encourage input from people with experience with actual product problems. Doctors, for example, who have treated patients injured by a product will be able to share their concern about the product with the Commission. Also, it would work against possible staff biases with respect to the Commission's agenda.

Besides developing its own standards, in some cases, the Commission also relies on voluntary standards from industry. In fact, voluntary industry efforts to improve the safety of consumer products have proven to be one of the most cost-effective tools for reducing unreasonable risks of injuries from consumer goods. Over 102 voluntary standards are presently enforced. For example, the Commission works with the American Society for Testing and Materials to increase slip-resistance of bathtub and shower surfaces. This voluntary measure prevents over 100 deaths per year in bathtub slipping accidents. When voluntary standards cannot be developed, the Commission must develop mandatory standards, as they did for rotary power mowers.

In consideration of this bill, some controversy developed over agency disclosure of information that came to its attention. When the Commission informs the public about the safety of a consumer product, it must take reasonable steps to assure the accuracy and fairness of the information. However, under current law, if someone asks the Commission if they have received any information or evidence of hazard, before responding the agency must first give all such information to the manufacturer for review and comment. This requirement, while well intended, has resulted in much delay and inaction. Under the bill, the Commission would respond to the requester, but stamp each page with a disclaimer indicating that the agency has not yet determined the accuracy of the information or the hazard of a product. Thus, the Commission would not release the material with its imprimatur or make any suggestion that they have in fact determined that a product is unsafe; rather, the Commission would make the material available while determining its safety. This seems to be a reasonable approach that will inform the public of possible hazards, yet protect the integrity of a product and company if the information is adverse. This is in fact the way requests like this are handled under the Freedom-of-Information Act by all other Federal agencies.

In my view, H.R. 2668 is a reasonable, necessary bill. It strikes a good balance between the needs of industry and the needs of the consumer. In one public opinion poll, the Consumer Product Safety Commission was the only Government agency to receive a positive public rating. I would like to commend Congressman WAXMAN for his diligent efforts in leading us in the House in developing a sound bill that properly balances the interest of manufacturers against the need to safeguard the public from unnecessary

risk and harm. I urge my colleagues to support this legislation.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 2668, the Consumer Product Safety Amendments of 1983. This bill will reauthorize the Consumer Product Safety Commission (CPSC) over the next 5 years at a responsible level and it will restore the Commission's ability to rid the marketplace of dangerous products.

The Commission has the enormous responsibility of protecting the health and safety of the American consumer. Its jurisdiction extends over 15,000 consumer products and over 1 million manufacturers and retailers. Although the CPSC is the smallest health and safety agency in the Federal Government, it is one of the most effective. In its 10-year history, the Commission has recalled over 300 million dangerously defective products averting millions of serious injuries to consumers and countless expensive lawsuits against industry.

Regrettably, the Commission suffered a severe funding reduction in 1981. That shortsighted cut greatly reduced the effectiveness of the CPSC. Thirty-two percent of the Commission's scientific and technical personnel left the agency. Field inspections, recall checks, product investigations have all been curtailed dramatically. Eight CPSC field offices have been closed since 1981.

H.R. 2668 will remedy these problems by restoring the CPSC budget to realistic levels and by giving the Commission the same power to administer the law as other health and safety agencies enjoy. The 5-year authorization is reasonable and will allow necessary long-term planning. The bill also sets a minimum personnel level for the Commission at 650 full-time employees. This will prevent the administration from crippling the agency by reducing its staff as the Office of Management and Budget (OMB) has done in the past. OMB plans further cuts in 1985 that would reduce agency personnel by a total of 36 percent below 1981 level. We must not allow that to happen.

Mr. Chairman, numerous public opinion polls have clearly shown the American people want adequate protection in the marketplace. I urge my colleagues to vote for H.R. 2668 as reported by the Energy and Commerce Committee to provide the CPSC with the funds necessary to carry out its mandate to protect the public from unsafe products.●

● Mr. GILMAN. Mr. Chairman, I wish to express strong support of H.R. 2668, the Consumer Product Safety Commission amendments. There is no more deserving agency in the Federal Government than one which simply seeks to investigate and inform the public about products which are unsafe to handle or purchase.

In the first 10 years of its existence, the CPSC has demonstrated its dedication to the public welfare, having taken 3,174 actions against regulated products posing substantial hazards, resulting in the removal of nearly 300 million potentially hazardous product units from the marketplace. The Consumer Product Safety Commission has jurisdiction over the products manufactured or distributed by more than 2.5 million businesses—about one-half of all businesses in the United States, which produce an estimated 15,000 consumer products.

Among the statutes under the authority of the Consumer Product Safety Commission is the Flammable Fabrics Act, provisions of which I have been concerned about for several years. Inadequacies in this act were brought to my attention by Dr. Ralph Milliken, an anesthesiologist from my congressional district. In the last few years, operating room fires have become more and more prevalent due to the increased use of high technology instruments, including electrocauteries and lasers. These tools are used in surgery and come in contact with the surgical gowns and drapes used to cover the patient; consequently, the drapes are ignited and burns suffered by the patient as well as medical personnel present in the operating room. This serious problem is not known to the public generally, as most cases arising out of these incidents are settled out of court.

Because the surgical gowns and drapes used in hospitals are essentially paper, they ignite rapidly, and in an already tense situation, seriously disrupt the surgical process. Dr. Milliken testifed before the Health Subcommittee when hearings were held on amending the Consumer Product Safety Commission authorization, and provided the subcommittee with the results of his years-long investigation. Working with Dr. Milliken and the subcommittee, I was then able to have included in the bill a provision which would change the designation of surgical drapes, from one of "interior furnishings" to that of "wearing apparel." Because of this, surgical drapes will not be required to be more flame-resistant, and I urge the Consumer Product Safety Commission to adopt its most stringent standard in this matter, that of designating all surgical drapes and gowns as "children's apparel." A patient under anesthesia has no cognizance of what is going on around him, and he is totally helpless within the confines of the operating room under those cirsumstances. The patient is as helpless as an infant, and it is our responsibility, and that of the manufacturers of these gowns, to ensure the safety of both the patient as well as all medical personnel working in the operating room.

Mr. Chairman, I thank the subcommittee chairman, the gentleman from California (Mr. WAXMAN) for his assistance in including this provision as part of the bill, mindful of the fact that this portion of the bill can only be to the benefit of everyone. I was pleased that this section was adopted by the full Committee on Energy and Commerce.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The amendment to the amendment in the nature of a substitute, as amended was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 177, not voting 18 as follows:

[Roll No. 231]

AYES—238

Akaka	Daub	Hyde
Andrews (NC)	Davis	Ireland
Andrews (TX)	Derrick	Jacobs
Anthony	DeWine	Jenkins
Applegate	Dickinson	Johnson
Archer	Duncan	Jones (NC)
Barnard	Dyson	Jones (OK)
Bartlett	Edwards (AL)	Jones (TN)
Bateman	Edwards (OK)	Kasich
Bedell	Emerson	Kazen
Bennett	Erdreich	Kindness
Bereuter	Evans (IA)	Kramer
Bethune	Fiedler	Lagomarsino
Bevill	Fields	Latta
Bilirakis	Fish	Leath
Bliley	Flippo	Lent
Boehlert	Forsythe	Levitas
Boner	Franklin	Lewis (CA)
Boucher	Frenzel	Lewis (FL)
Breaux	Gekas	Lipinski
Britt	Gingrich	Livingston
Broomfield	Glickman	Lloyd
Brown (CO)	Goodling	Loeffler
Broyhill	Gradison	Lott
Burton (IN)	Gramm	Lowery (CA)
Campbell	Gregg	Lujan
Carney	Gunderson	Luken
Carper	Hall, Ralph	Lungren
Chandler	Hall, Sam	Mack
Chappell	Hamilton	Madigan
Chappie	Hammerschmidt	Marlenee
Cheney	Hance	Marriott
Clarke	Hansen (ID)	Martin (IL)
Clinger	Hansen (UT)	Martin (NC)
Coats	Hartnett	Martin (NY)
Coleman (MO)	Hatcher	Mazzoli
Coleman (TX)	Hefner	McCain
Conable	Hightower	McCloskey
Cooper	Hiler	McCollum
Corcoran	Hillis	McCurdy
Coughlin	Holt	McDade
Courter	Hopkins	McDonald
Craig	Horton	McEwen
Crane, Daniel	Hubbard	McGrath
Crane, Philip	Huckaby	McKinney
Daniel	Hunter	Mica
Dannemeyer	Hutto	Michel

Miller (OH)	Ritter	Stump
Molinari	Roberts	Sundquist
Mollohan	Robinson	Tallon
Montgomery	Roemer	Tauke
Moore	Rogers	Tauzin
Moorhead	Rose	Taylor
Morrison (WA)	Roth	Thomas (CA)
Murphy	Roukema	Thomas (GA)
Myers	Rowland	Valentine
Natcher	Rudd	Vander Jagt
Neal	Sawyer	Vandergriff
Nelson	Schaefer	Volkmer
Nichols	Schulze	Vucanovich
Nielson	Sensenbrenner	Walker
O'Brien	Shaw	Watkins
Olin	Shelby	Weber
Oxley	Shumway	Whitehurst
Packard	Shuster	Whitley
Parris	Siljander	Whittaker
Pashayan	Sisisky	Whitten
Patman	Skeen	Williams (OH)
Paul	Skelton	Wilson
Penny	Slattery	Winn
Petri	Smith (NE)	Wolf
Pickle	Smith, Denny	Wortley
Porter	Snowe	Wright
Pritchard	Snyder	Wylie
Pursell	Solomon	Young (AK)
Quillen	Spence	Young (FL)
Rahall	Spratt	Young (MO)
Ray	Stangeland	Zschau
Regula	Stenholm	
Ridge	Stratton	

NOES—177

Ackerman	Garcia	Ortiz
Addabbo	Gaydos	Ottinger
Albosta	Gejdenson	Owens
Alexander	Gephardt	Panetta
Anderson	Gibbons	Patterson
Annunzio	Gilman	Pease
Aspin	Gonzalez	Pepper
AuCoin	Gore	Perkins
Barnes	Gray	Price
Bates	Green	Rangel
Beilenson	Guarini	Ratchford
Berman	Hall (IN)	Reid
Biaggi	Hall (OH)	Richardson
Boggs	Harkin	Rinaldo
Boland	Hawkins	Rodino
Bonior	Hertel	Roe
Bonker	Howard	Rostenkowski
Borski	Hoyer	Roybal
Bosco	Hughes	Russo
Boxer	Jeffords	Sabo
Brooks	Kaptur	Savage
Brown (CA)	Kastenmeier	Scheuer
Bryant	Kennelly	Schneider
Burton (CA)	Kildee	Schroeder
Carr	Kogovsek	Schumer
Clay	Kolter	Seiberling
Coelho	Kostmayer	Shannon
Collins	LaFalce	Sharp
Conte	Lantos	Sikorski
Conyers	Leach	Simon
Coyne	Lehman (CA)	Smith (FL)
Crockett	Lehman (FL)	Smith (NJ)
D'Amours	Leland	Solarz
de la Garza	Levin	St Germain
Dellums	Levine	Staggers
Dicks	Long (LA)	Stark
Dingell	Lowry (WA)	Stokes
Dixon	Lundine	Studds
Donnelly	MacKay	Swift
Dorgan	Markey	Synar
Downey	Matsui	Torres
Durbin	Mavroules	Torricelli
Dwyer	McHugh	Towns
Dymally	McKernan	Traxler
Early	McNulty	Udall
Eckart	Mikulski	Vento
Edgar	Miller (CA)	Walgren
Edwards (CA)	Mineta	Waxman
English	Minish	Weaver
Evans (IL)	Mitchell	Weiss
Fascell	Moakley	Wheat
Fazio	Moody	Williams (MT)
Feighan	Morrison (CT)	Wirth
Ferraro	Mrazek	Wise
Foglietta	Murtha	Wolpe
Ford (TN)	Nowak	Wyden
Fowler	Oakar	Yates
Frank	Oberstar	Yatron
Frost	Obey	Zablocki

NOT VOTING—18

Badham	Florio	Kemp
Byron	Foley	Long (MD)
Daschle	Ford (MI)	Martinez
Dowdy	Fuqua	McCandless
Dreier	Harrison	Smith (IA)
Erlenborn	Heftel	Smith, Robert

□ 1840

The Clerk announced the following pairs:

On this vote:

Mr. McCandless for, with Mr. Florio against.

Mr. Dreier of California for, with Mr. Ford of Michigan against.

Mr. YOUNG of Alaska and Mr. NELSON of Florida changed their votes from "no" to "aye."

Mr. GONZALEZ changed his vote from "aye" to "no."

So the amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SKELTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2668), to amend the Consumer Product Safety Act to extend if for 5 fiscal years, and for other purposes, pursuant to House Resolution 227, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend the Consumer Product Safety Act to extend it for three fiscal years, and for other purposes."

A motion to reconsider was laid on the table.

□ 1850

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 861) to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BROYHILL. Mr. Speaker, reserving the right to object, I am not sure what the gentleman is requesting. I wish the gentleman would state again, under my reservation, what he is requesting.

Mr. WAXMAN. If the gentleman will yield, the House has adopted the bill as proposed to it by the Committee. I am now following that action and asking for the House to take up the Senate bill and amend that bill, under the terms of the House bill, which is the usual procedure.

The SPEAKER. The request of the gentleman from California follows the customary procedure. The procedure would be that the Clerk would next report the title of the Senate bill. If the Chair hears no objection to the unanimous-consent request to consider the Senate bill, the House will consider the Senate bill.

Mr. BROYHILL. So all we are doing then is adopting in the Senate bill what we just did?

Mr. WAXMAN. The gentleman is correct.

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I would ask the gentleman from California (Mr. WAXMAN) if it is his intention to insert in the Senate bill the House bill just adopted for the purpose of returning the Senate bill to the Senate for concurrence with the House amendment?

Mr. WAXMAN. If the gentleman will yield, what I propose to do is to insert in the Senate bill the text of the bill just adopted by the House of Representatives, and then I have no way to know what will happen thereafter, but this is the usual procedural motion after the House has acted on a House bill.

Mr. BROYHILL. Mr. Speaker, I have no objection if that is the request, and I withdraw my reservation of objection.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I do so to inquire: Is it correct that the House has adopted the action of the Committee of the Whole, and did so by a voice vote?

The SPEAKER. The House has passed the House bill, as amended.

Mr. LEVITAS. I thank the Chair, and I withdraw my reservation of objection.

Mr. SHELBY. Mr. Speaker, reserving the right to object, the procedure with the Senate bill would be for the House to adopt the same language that the House just passed, the Shelby substitute?

Mr. WAXMAN. That is correct.

Mr. SHELBY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Product Safety Commission Authorization Act of 1983".

DISCLOSURE TO CONTRACTORS

SEC. 2. Section 6(a)(8) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(8)) is amended by striking "or employees" and inserting in lieu thereof ", employees or representatives of the Commission (including contractors)".

CHRONIC HAZARD ADVISORY PANEL

SEC. 3. Section 28(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2077(b)(1)) is amended by inserting "that may be the subject of the Panel's investigation" immediately after "product".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(10) $35,000,000 for the fiscal year ending September 30, 1984; and

"(11) $35,000,000 for the fiscal year ending September 30, 1985.".

CONGRESSIONAL VETO

SEC. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except

that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of their other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader of their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill, S. 861, and to insert in lieu thereof the provisions contained in the bill, H.R. 2668, as passed, as follows:

That this Act may be cited as the "Consumer Product Safety Amendments of 1983".

SEC. 2. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon, and by adding after paragraph (9) the following:

"(10) $35,700,000 for the fiscal year ending September 30, 1984;

"(11) $37,485,000 for the fiscal year ending September 30, 1985; and

"(12) $39,360,000 for the fiscal year ending September 30, 1986.".

SEC. 3. In fiscal years 1985 and 1986 the Consumer Product Safety Commission shall use funds appropriated under the amendment made by section 2 for the Flammable Fabrics Act to include within the definition of articles of wearing apparel surgical drapes which are used to completely or partially cover patients undergoing surgery.

DISAPPROVAL OF RULES

SEC. 4. (a) During the period for which funds are authorized to be appropriated under the amendment made by section 2, no consumer product safety rule promulgated under section 9, no regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or regulation promulgated under section 4 of the Flammable Fabrics Act may take effect if, within 90 days of continuous session of the Congress which occur after the date of the promulgation of the rule of regulation, a joint resolution disapproving such rule is enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

APPROVAL OF RULES

SEC. 5. (a) No funds appropriated to the Consumer Product Safety Commission for fiscal year 1984, 1985, or 1986 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Product Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Consumer Product Safety Act to extend it for three fiscal years, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2668) was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 861

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, cross references, and typographical errors, and correct the title in the engrossment of the amendment of the House to the Senate bill, S. 861.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) entitled "An act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 17, 25, and 26 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) entitled "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 2, and 17 to the above-entitled bill.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3069. An act making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3069) entitled "An act making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. RUDMAN, Mr. STENNIS, Mr. INOUYE, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. BURDICK, Mr. DECONCINI, and Mr. BUMPERS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 925. An act to make certain technical corrections in the Atlantic Salmon Convention Act of 1982.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the program for the balance of the day and, since tomorrow is our getaway day for the July Fourth, recess, I think the Members would like to be brought up to date.

I yield to the majority leader for that purpose.

Mr. WRIGHT. I am delighted to respond to the distinguished minority leader.

This concludes the legislative business for today.

Upon our adjournment today, we will adjourn to convene at 10 o'clock tomorrow morning.

Tomorrow the House will take up, first of all, a resolution relating to an investigation by the Committee on Standards of Official Conduct.

Following that, the House will adopt rules only on the following three bills:

H.R. 2760, amendment to the Intelligence Authorization Act for fiscal year 1983; H.R. 10, National Development Investment Act; and H.R. 1, Housing Recovery Act of 1983.

We will do this in order so that on our get-back week from the Fourth of July home district work period, those bills might be available for our consideration in the House.

Having adopted those rules and that resolution, we would then proceed to the consideration of two measures tomorrow. One is House Concurrent Resolution 126, to commemorate the 100th birthday of Harry S Truman; and the other is H.R. 1398, providing

daylight saving time. We would complete consideration of that bill.

We would hope to be able to conclude all of that and to adjourn by a reasonable hour tomorrow, perhaps midafternoon, or even earlier, if everyone cooperates.

When we adjourn tomorrow we would adjourn to meet on Monday, July 11.

Mr. MICHEL. Might I interrupt the majority leader to ask, do we need a rule on the Harry S. Truman legislation, or did the House already adopt that?

Mr. WRIGHT. It is a resolution from the Rules Committee, I would respond, and, therefore, it does not need a rule. We would simply take it up. It has 1 hour of general debate.

Then on Monday, July 11, when we return, we hope not to have any votes of a substantive nature on that Monday.

There are three suspension bills scheduled, but we would postpone votes on the bills on the Suspension Calendar until Tuesday, July 12, if any recorded votes are demanded.

The suspension bills are:

H.R. 2163, to amend the Federal Boat Safety Act of 1971; H.R. 2809, to establish a U.S. Fish and Wildlife Foundation; and H.R. 3392, to freeze all tobacco price supports at fiscal year 1983 levels.

Having debated those bills, we would proceed to general debate only on two bills, H.R. 10, the National Development Investment Act, an open rule, with 1 hour only of general debate, the rule having been adopted; and H.R. 1, the Housing Recovery Act of 1983, which is a 2-hour open rule, and general debate only.

□ 1900

On Tuesday we meet at noon. We would have recorded votes on the suspensions debated Monday, if any have been demanded. We would proceed to complete consideration on H.R. 10, the National Development Investment Act.

Then on Wednesday we meet at noon. We take up:

H.R. 3021. Health insurance for the unemployed, subject to the granting of a rule; and

H.R. 2769. Caribbean Basin Economic Recovery Act under a modified 2-hour rule.

On Thursday and Friday we would meet at 10 a.m. We would hope to complete consideration of H.R. 1, the Housing Recovery Act of 1983, and take up H.R. 2957, the International Recovery and Financial Stability Act; that is, the International Monetary Fund, under an open 2-hour rule.

The House would adjourn by 3 p.m. on Friday of that week. Adjournment times on other days will be announced, and any additional program would be announced later.

Mr. MICHEL. Mr. Speaker, I notice the gentleman did not mention the intelligence matter on which we will consider the rule tomorrow. Is that left in limbo, as to whether or not we would or would not be considering that measure during that week of July 11?

Mr. WRIGHT. It has been requested by the chairman of the Committee on Intelligence, the manager of that bill, that we postpone until the following week, which probably would be on the 19th of July, the session which would be held in private, the executive session of the House, for the purpose of considering a matter relating to that intelligence legislation.

Mr. MICHEL. And furthermore, the way that rule was originally to be proposed or constructed was to have in that legislation all amendments be printed in the RECORD, I think, by July 11. In view of the slippage on consideration, would that date still hold, or would there be an adjustment for that?

Mr. WRIGHT. I think we would adopt the rule. The rule provides for printing of amendments by the 11th. If that rule is adopted tomorrow, then that would apply.

Mr. MICHEL. And would that date of July 11 also hold true for amendments printed in the RECORD for the housing bill, H.R. 1, by July 11?

Mr. WRIGHT. I am sorry to say I am not familiar with the provisions of that rule, but whatever the rule provides, assuming it is adopted tomorrow, would be governing.

Mr. MICHEL. Then in checking back, I see that we do have to have a rule for the 100th anniversary of the birth of Harry Truman, House Resolution 226, as reported by the Committee on Rules, so will we not have to take that up tomorrow also?

Mr. WRIGHT. The minority leader is correct. I was in error when earlier I stated that a rule was not required. The gentleman from Illinois is eminently correct. We will have to adopt a rule and then go to the consideration of the resolution itself.

Mr. MICHEL. So than we will have four rules to consider tomorrow morning.

Mr. WRIGHT. That is correct.

Mr. DANIEL. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Virginia.

Mr. DANIEL. Mr. Speaker, could the distinguished majority leader give us any indication of when we will finish the consideration of the defense authorization bill at this time?

Mr. WRIGHT. It is presently planned that we would take up that bill on the week of the 18th of July and would conclude it during the week. We have, as the gentleman is well aware, concluded most of the bill. Some small parts of it remain. We hope to be able to bring that bill back to the floor on the week of July 18, the second week after our return, and conclude it that week.

Mr. DANIEL. I thank the gentleman.

Mr. MICHEL. I wonder if I might ask the distinguished majority leader one further question, that being: Members have asked what the getaway time might be tomorrow. I know that is rather unpredictable at times, but with four rules to be considered, would the majority side consider clustered votes for four rules if we take them up one right after the other? Is that too much to ask?

Mr. WRIGHT. I know of no reason why that could not be accommodated, if it would facilitate voting. We might reasonably expect to handle it that way. Beyond that, I should hope that Members on both sides might be cooperative in limiting their verbosity and the description of the rules and on these two matters that we later will debate. If there is general cooperation on all sides, I think it reasonable to assume that we might get away by early afternoon. Absent that, of course, we could go later.

Mr. MICHEL. I thank the gentleman, and we will certainly do our best to cooperate on this side.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 13, 1983

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 13, 1983.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, JULY 13, 1983

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that when the House adjourns on Tuesday, July 12, 1983, it stand adjourned until noon on Wednesday, July 13, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON RESOLUTION AUTHORIZING INVESTIGATION BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. LONG of Louisiana. Madam Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file one priv-

ileged report. The report is on a resolution to authorize an investigation by the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. Is the objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday July 11, 1983, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT THURSDAY, JUNE 30, TO FILE REPORT ON H.R. 3021, HEALTH CARE FOR THE UNEMPLOYED ACT

Mr. ROSTENKOWSKI. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tomorrow, Thursday, June 30, to file its report to accompany the bill, H.R. 3021, the Health Care for the Unemployed Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Madam Speaker, reserving the right to object, it is my understanding, and I would ask the gentleman to confirm this, that if we do not do this, of course, the committee is discharged of the bill, and it has been reported out, even though it has not been fully drafted.

Mr. ROSTENKOWSKI. Madam Speaker, if the gentleman will yield, the gentleman from New York is correct.

Mr. CONABLE. And the effect will be simply, then, to leave the report of the Waxman subcommittee of the Committee on Energy and Commerce as the sole report on that bill, even though the Committee on Ways and Means has taken its step.

Mr. ROSTENKOWSKI. That is my understanding of the rules.

Mr. CONABLE. Therefore, if we are to have a report that includes the Committee on Ways and Means input, I have very little choice but to go along with the suggestion of the chairman.

Mr. ROSTENKOWSKI. The gentleman is correct.

Mr. CONABLE. And the gentleman is trying to preserve some Committee on Ways and Means input into this sequentially referred bill; is that correct?

Mr. ROSTENKOWSKI. The gentleman is correct.

Mr. CONABLE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL 4 P.M., FRIDAY, JULY 1, 1983, TO FILE CERTAIN REPORTS

Mr. ROSTENKOWSKI. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means have until 4 p.m. on Friday, July 1, to file its reports to accompany the following three bills:

H.R. 2163—To amend the Federal Boat Safety Act of 1971 and for other purposes;

H.R. 2809—To establish a U.S. Fish and Wildlife Foundation; and

H.R. 1646—To amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Madam Speaker, reserving the right to object, these bills have all been sequentially referred also; they come from other committees, have had their primary jurisdiction in other committees, and are being considered by the Committee on Ways and Means subject to a time limitation.

So the same comments made about the earlier bill refers to these as well; is that correct?

Mr. ROSTENKOWSKI. The gentleman from New York is correct.

Mr. CONABLE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING CERTAIN TECHNICAL CORRECTIONS IN ATLANTIC SALMON CONVENTION ACT OF 1982

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 925) to make certain technical corrections in the Atlantic Salmon Convention Act of 1982, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. FORSYTHE. Madam Speaker, reserving the right to object, I do so solely in order that we may tell the House really what we are doing.

These are a collection, really, of bills that have passed this body without even calling for a record vote. In addition to that, there are three GIFA's that are necessary to be passed before July 1. There are the Government International Fishery Agreements with the Soviet Union, Poland, and East Germany that are very necessary because there are American fishermen in joint ventures with these nations so I really do not believe that we have matters that are of great substance so far as the House is concerned.

□ 1910

There are two minor items that are involved here. Those deal with actions by the Senate in adding the U.S. Jones exemption on one private sailing vessel, and there is another small matter dealing with an officer required under the Jones Act.

Mr. Speaker, I yield to my chairman of the committee for any comments the gentleman would like to make under my reservation.

Mr. JONES of North Carolina. Madam Speaker, I thank the gentleman.

I would like to point out that the treaties we are referring to tonight, three of them with foreign nations, will expire tomorrow night at 12 midnight unless we enact this legislation. It is noncontroversial. It passed the House on suspension by a voice vote and it sailed through the Senate without much trouble. It is necessary legislation. Therefore, I ask that the request be considered.

Madam Speaker, the measure before us is very similar to H.R. 2784, which passed the House under suspension of the rules on June 13, 1983.

As passed by the House, this legislation dealt with a variety of fishery related matters, including reauthorization of the Atlantic Tunas Convention Act through 1986—a matter of about $100,000 per year. This act implements the International Commission for the Conservation of Atlantic Tunas, an agreement under which management and harvest of this species is carried out and related research is conducted. The language of S. 925 is indentical with respect to Atlantic tunas.

Both bills would amend the Atlantic Salmon Convention Act to clarify that our representatives on the Atlantic Salmon Commission are not Federal employees except for limited purposes and to conform that act's enforcement provisions with the Fishery Conservation and Management Act.

The fisheries loan fund and related provisions of the American Fisheries Promotion Act would be similarly extended for a 1-year period under both the House- and Senate-passed bills. This program uses fees collected from foreign fishermen to assist U.S. fishermen who are in danger of default on vessel loans. A provision of the Fish and Wildlife Act would also be extended for 1 year to authorize $150,000 to permit the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to utilize volunteers.

The House and Senate passed indentical provisions clarifying language in the Anadromous Fish Conservation Act regarding funding for interstate fishery plans.

Both bills give congressional approval for 1-year extensions of three governing international fishery agreements between the United States and the Governments of the Soviet Union, Poland, and East Germany, which would otherwise expire as of June 30, 1983. It is important that these agreements not be permitted to lapse because of the joint ventures which are carried out under them and which are highly profitable for U.S. fishermen.

Title II of the House-passed version of this legislation would have extended the provisions of the National Aquaculture Act; however, in view of committee jurisdictional problems in the Senate, this language has been deleted from the measure before us.

There are two amendments added by the other body which have not been considered by the House. They are the amendment granting domestic commerce privileges for the vessel *Norden* and the section—allowing a corporation operating with a resident alien president to continue to be considered a citizen of the United States for U.S.-flag vessel ownership purposes.

The vessel *Norden* is an 85-foot topsail schooner—sailing vessel—built in Denmark in 1919 and owned by a U.S. citizen. The *Norden* is a rare and historical vessel, the only commercial use for which is as a charter cruise ship capable of operating with five passengers. Since she was built outside the United States, she would be unable to lawfully operate between points in the United States, specifically in Puget Sound, unless this legislation specifically exempts the *Norden* from the prohibitions of standing law. We know of no vessel operating under the protection of U.S. cabotage laws that would be adversely affected by the grant of this waiver, nor do we believe anyone is likely to want to build a comparable sailing vessel in a U.S. shipyard or any shipyard for that matter. Consequently, the entry of the *Norden* into the domestic cruise trade can result only in a positive effect on employment and other benefits accruing from the profitable utilization of a maritime resource.

The amendment to this bill, which permits a corporation to continue to validly operate vessels under the U.S. flag even though its president is at this time a noncitizen, is carefully crafted to limit its application to a specific case. The vessel documentation laws require that, among other things, where a corporation is the citizen owning U.S.-flag vessels, the corporation's president or chief executive officer and the chairman of its board must be citizens of the United States. We have become aware of an inadvertence by one such corporation. The corporation in question—Castle & Cooke of Hawaii—is a well established business organization that only incidentally is an owner/operator of U.S.-flag vessels. Recently, as part of its reorganization, the corporation actively recruited a new president and engaged a candidate who had been resident of the United States for several years. Only after the president was engaged did it become apparent that the corporation had special and unique citizenship requirements imposed upon it as a result of its role as a vessel owner/operator. The amendment is limited both in time and scope to a president who has filed an application to file a declaration of intent to become a U.S. citizen. No other corporation can take advantage of the exception, and no loophole is created. The amendment would allow the corporation to be in compliance with the law (section 2 of the Shipping Act, 1916 (46 U.S.C. 802)) from the time the subject president assumed office until the president is granted the citizenship for which he has filed his declared intention, but in no event will the exceptional rights granted this corporation extend beyond March 1, 1987. The 1987 date was selected based upon our understanding of the time being consumed by the Immigration and Naturalization Service to process applications.

Madam Speaker, all of the provisions of this bill are worthy of favorable consideration by the Members of this House but I am especially concerned that this legislation receive immediate approval because of the detrimental impact on American fishermen that would result if the fishery agreements with foreign governments were permitted to expire—as they will do tomorrow without our favorable action. Joint ventures carried out under these agreements permit our fishermen to sell their catches directly to foreign processing vessels and to reap a good profit. These fishermen deserve our support for their efforts to keep the profits from American fishery resources here at home and I hope, particularly for their sake, that we can approve this legislation without further delay and send it on its way to the President.

Mr. FORSYTHE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There is no objection.

The Clerk read the Senate bill, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MARINE FISHERIES PROGRAMS

SEC. 101. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

SEC. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

SEC. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

SEC. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent"; and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

(B) the commission established by the Pacific Marine Fisheries Compact (as consent-

ed to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

SEC. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

SEC. 202. Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802) shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b) notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) filed with the Immigration and Naturalization Service of the United States Department of Justice, prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United States.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLADYS NOON SPELLMAN DEDICATION

Mr. SEIBERLING. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 680) entitled the "Gladys Noon Spellman Dedication," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HOYER. Madam Speaker, reserving the right to object, and obviously I will not object, I want to rise in strong support, obviously, of the immediate adoption of the Senate bill. I would prefer the House bill to be passed, but the Senate bill is a compromise and will, as the chairman knows, dedicate the Baltimore-Washington Parkway to the remembrance of the efforts that Gladys Noon Spellman, our former colleague, made not only on behalf of Prince Georges County, but on behalf of the Nation.

I want to rise to thank the chairman and the staff of the subcommittee specifically for the efforts that they have made in insuring the passage of this legislation.

We in the Fifth Congressional District who revered and loved Gladys Spellman appreciate very much his efforts and the efforts of the committee.

Mr. SEIBERLING. Madam Speaker, will the gentleman yield?

Mr. HOYER. I am glad to yield to the chairman.

Mr. SEIBERLING. Madam Speaker, first of all, I want to thank and commend our colleague, the gentleman from Maryland, STENY HOYER, for his patience, perseverence, and dedication in the long process of achieving passage of this tribute to our former colleague, Gladys Noon Spellman. He is a worthy successor to her in the district which she represented before he took that office.

I just would like to say that this bill, while somewhat different from the House bill in that it dedicates the Baltimore-Washington Parkway to Gladys Spellman and provides for suitable signs to be erected recording that fact, does not go as far as the House did, which would have named the parkway the Gladys Noon Spellman Parkway; however, the Maryland-maintained portion of the parkway is already named the Gladys Noon Spellman Parkway.

It does seem to me that this is a suitable tribute to our beloved former colleague and, therefore, in the interest of finally reaching the enactment of legislation on this, I think that the gentleman has made a wise decision.

I strongly support his action in supporting this legislation.

Mr. HOYER. Madam Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that Gladys Noon Spellman, elected to four terms in the House of Representatives from the State of Maryland, should be afforded recognition not only for her personal efforts in upgrading one of the Capital region's most important transportation corridors, but more broadly for the dedication, commitment, and concern she expended on behalf of the people of Maryland. The quality of her service to the public exemplifies the high ideals and principles she held paramount.

SEC. 2. The parkway, under the jurisidiction of the Secretary of the Interior, in the State of Maryland known as the Baltimore-Washington Parkway, is hereby dedicated to Gladys Noon Spellman in recognition of her efforts to upgrade a most important transportation corridor in the Capital region and more broadly, to recognize her service to people of Maryland and the Nation as a Member of the House of Representatives of the Congress of the United States.

SEC. 3. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to existing signs, materials, maps, markers, interpretive programs, or other means as will appropriately inform the public of the contributions of Gladys Noon Spellman.

SEC. 4. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, at a suitable location adjacent to the Baltimore-Washington Parkway, an appropriate marker commemorating the contributions of Gladys Noon Spellman.

SEC. 5. Effective October 1, 1983, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 283

Mr. RANGEL. Madam Speaker, I ask unanimous consent that the following Members' names be removed from the list of cosponsors of H.R. 283:

Messrs. MITCHELL, SCHEUER, and MINISH, Ms. OAKAR, and Messrs. SMITH of Florida, BARNES, and MCHUGH.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. BRYANT. Madam Speaker, I ask unanimous consent that all Members be permitted to extend their remarks, and to include therein extraneous material, on the subject of the special order speech today by the gentleman from Colorado (Mr. WIRTH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUPPORTING ROLES FOR 225 MILLION AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

● Mr. ALEXANDER. Madam Speaker, in the national drama now unfolding which features Ronald Reagan as President, there are some 225 million men, women, and children in supporting roles. I mean supporting quite literally, for I am sure that they wish the featured player well. But they must occasionally wonder, as I do, what script he is reading from.

For most Americans, life right now is a realistic drama of survival, but, when they listen to the President speak, he sounds as though he is in a different movie—a romantic fantasy in which facts are beside the point and reality is trivialized. Last week, defending his tax cut before a wealthy audience in Mississippi, he said that $50,000 was a pitifully low annual salary—hardly even middle class. Maybe this is so for Mr. Reagan and his well-heeled listeners. But not for most of the people of Mississippi, where the per capita income in 1980 was $6,508. Nor for my own State of Arkansas, with a 1980 per capita income of $7,180.

Mr. Reagan is charming and personable and no doubt well intentioned. But when he speaks about economics or when he addresses the financial plight of most Americans, he reminds me of the title character in "The Wizard of Oz"—he may be a very good man, but he is a very bad wizard.

The President and his assistant wizards have been trying to tell Americans for several months now that the recession is over, that a full recovery is underway, and so forth. Once again, Mr. Reagan is reading from a different script than the one which most Americans see. For the Nation as a whole, the unemployment rate is still in double digits, and even the administration does not pretend that the rate will be coming down appreciably any time soon.

Let me tell you what the facts are in my State of Arkansas and in the hard-pressed First Congressional District, which I have the honor to represent: in 1982 there were 99,000 Arkansans out of work, compared to 34,900 in 1972. These figures—from the first full year of the Reagan economic policy—are three times as high as those from a decade before, and the highest, in fact, since recordkeeping began.

In the 24 counties of the First Congressional District in 1982, there were 28,200 persons unemployed—compared to about 10,000 in 1972. Again, it's three times as many. The unemployment rate in the first district in 1982 was 13 percent, compared to 5.5 percent a decade before. In 1972, only 1 of my 24 counties had double-digit unemployment, but last year 16 of them were in that category. In two counties the rate of unemployment had tripled and in two others it had quadrupled.

As of April of this year, 15 of my 24 counties still had unemployment rates in the double-digit range. But let me bring the statistics home to you in the form of some case histories.

Let us take the case of Louis and Nancy Crook, who own Crook's Town & Country Hardware Store in McCrory, Ark. McCrory is in Woodruff County, which made national headlines last summer when the unemployment rate there reached 35 percent. Now it is leveled off a little; unemployment in the county was only 22.4 percent in April. "There are five stores in town that you can buy right now," Mr. Crook told a member of my staff today, "and I'll sell you mine," he said, "at 40 to 45 cents on the retail dollar."

Mr. Crook told a story of plummeting from a high of $100,000 in retail volume in 1978 to what he estimates might be $40,000 retail volume in 1983. Mr. Crook went on: "That's if we're lucky. What I'm going to do is try to ride out this year, but I'm trying hard to sell. There's no point in buying new stock when I can't even liquidate what I've got on hand. There's nobody that can buy anything. There's no recovery going on in Woodruff County."

Madam Speaker, the experience of the Crooks can be multipled several thousandfold across the State of Arkansas, where small businesses—starved too long by the recession which began in June 1981—are barely holding on to a precarious existence. Mr. Reagan talks of recovery, but he must be talking about Wall Street. Things are not so good on Main Street. Mr. Reagan, when he speaks of foreign policy, talks about falling dominoes; what I worry about is the falling dominoes in the towns and cities of my district, where unemployment and small business failure reinforce a catastrophe in progress.

Mine is largely an agricultural district, and surely no one needs to be reminded of the drastic decline in farm income, which has seen a national farm debt in excess of $200 billion and which undermines not only the farm family—which has been suffering not just recession but outright depression these last 2 years—but the small businesses, like the Crooks', which depend so heavily on farm purchasers.

But the first district had also begun to industrialize—and 20 years of progress in industrialization, along with the dreams of thousands of first district families—for college for their children or for meaningful vo-tech education—threaten to be wiped out overnight. Once again, I'll give you a case history.

For 20 years the Van Heusen Co. operated a shirt-manufacturing plant in Brinkley, Ark., in my district. The recession caused the company to close down its operations in Brinkley last year. With the loss of this factory went 400 jobs in Brinkley and Monroe County, and with those jobs went an annual payroll of almost three-quarters of a million dollars. Monroe County promptly became 1 of the 10 counties in Arkansas with the highest rate of unemployment.

Madam Speaker, the people of Woodruff and Monroe Counties, like the people of the entire First Congressional District, and of Arkansas, and of the Nation will survive this recession. They are Americans, and their American ingenuity will ultimately overcome the effects of misguided economic policies—particularly when these policies are subject to change next year by exercise of the ballot.

But the struggle to survive will involve enormous suffering and the sacrifice of many goals by our people. Mr. Reagan is now immersed in what appears to be a strategy for reelection in 1984, and he is trying to sell a fantastic vision of success for his economic policies, when the reality has been one of failure. In my district, people do not follow Mr. Reagan's script; what they read is a hard, ever-present reality.●

THE ALTERNATIVE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Madam Speaker, it is interesting to note how the American people react to the option of returning to the old and discredited tax and spend policies so dear to the heart of the congressional leadership. In May, according to an ABC/Washington Post poll, the public believed that the recession was not over by a 67- to 18-percent margin. Also during May, the Los Angeles Times found that only 11 percent thought the economy was tilted toward prosperity as opposed to 38 percent who placed it in the negative category. Although there

are recent signs of improvement, there remains a generally cautious public attitude on the state of the economy.

How bizarre then, that these same folks do not share the views of the House leadership as to how to deal with the Federal budget deficit. An April Gallup poll revealed that 55 percent of Americans want the scheduled July 1 tax cut to take effect without change; 28 percent would not mind seeing it postponed; only 5 percent favor elimination. And this margin held across all income groups.

Similarly, only 3 percent favor raising taxes to reduce the deficit as opposed to 50 percent who want further budget cuts; 18 percent would opt for a combination thereof. Beyond a doubt, the ill-conceived attempt to return to the high-taxing, high-spending ways of old is not what the American people have in mind when they urge us to do something about the budget mess we cannot seem to extricate ourselves from.

□ 1920

Lest any of us forget yesterday on the floor of the House, we had a modest effort just to freeze spending for cultural activities in one bill at the level that they incurred in 1983, and the proposal to freeze it, not cut it, but just freeze, failed in that it only received 150 affirmative votes.

It is a sad day for all of us when that is the best this House can do with respect to a modest proposal of that magnitude.

Over the course of the last several weeks this Member from California has taken the well of the House to talk about one of the most difficult things in Washington, D.C., to do; namely, to cut the Federal budget. Time and again we hear comments "Well, you cannot cut the budget, it is all full of entitlement programs, obligatory spending, that Members have difficulty if not a practical political impossibility of cutting."

I take this time today, and I will in the future, in order to explain how it can be done: Namely, an alternative budget that this Member presented to the House for its consideration or tried to in March of this year. When I went to the Rules Committee, controlled by the Democrats 2 to 1, and asked the Democratic leadership to make in order this alternative budget which would have given the Members of the House a chance to vote on a proposed budget for 1984, which had a deficit in it of $69 billion as opposed to the one that was passed by the House of some $202 billion in deficits, $69 billion as opposed to $202 billion. You would think why would not the Democratic leadership want the Members to have the record vote on how they voted on that proposal.

The answer is very simple. The leadership of the Democratic Party in this House does not want its Members to have to go to their constituencies in November 1984 and explain why they voted against cutting spending by this magnitude. If you do not have a rollcall vote you will not know how Members voted, and so they refused to make this alternative budget in order so that a rollcall vote would take place here on the floor of the House.

Spending categories of the Federal Government are divided into about 20 different areas. Over the course of the past week or so this Member from California has enumerated how we could cut spending in national defense, international affairs.

This evening I intend to briefly enumerate how we can cut spending in category 250 called general science, space, and technology, $600 million from the budget as a proposed savings; and in category 270 of energy, a savings of $1.6 billion.

I would like at this time just to read briefly through these categories or cuts of how we could achieve spending reductions of that magnitude.

Category 250, general science, space and technology. General science and basic resarch, Department of Energy, energy activities, energy programs: General science and research activities. In conjunction with decontrol and deregulation of energy development and production, energy companies should assume greater share of funding research; emphasize high priority programs only. Delete funding for nonenergy related physical sciences, cap at $400 million.

Other independent agencies, National Science Foundation: Restrict funding of low priority and nonessential programs, emphasize high priority and justifiable items only.

Fund 1984 obligations, cap research and related activities at $600 million.

Capping those two categories in the manner I have just described in 1984 would save in the budget process for this category $600 million.

In category 270, energy, energy supply, Department of Energy, energy activities, energy programs: Fossil energy research and development, fund 1984 obligations: Delete outyear funding.

Energy supply, research and development activities, terminate all except fission and fusion activities: Cap at $1.3 billion.

Department of the Treasury, the Bureau of Government Financial Operations, Energy Security Reserve, terminate synfuels subsidies. Fund 1984 obligations and delete outyear funding.

Category 272, energy conservation, Department of Energy, energy activities, energy programs: Energy conservation, area and regional development, adopt the President's proposals to phase out State and local assistance programs. Fund 1984 obligations. Cap outyear at $300 million.

Category 274, emergency energy preparedness, Department of Energy, energy activities, energy programs, strategic petroleum reserve. Existing stocks should be sold and replenished using sales receipts. High risk is involved by continuing to add to present stock—leakage, contamination. Fund 1984 obligations. Delete outyear funding.

Category 276, energy information, policy and regulation, Department of Energy, energy activities, energy programs, Federal Energy Regulatory Commission, retain regulatory activities only where monopoly services exist. Reduce 1984 funding to levels proposed by the President. Cap outyear funding at $30 million.

Energy Information Administration, terminate activities except for statistical analyses which can be transferred to the Department of Commerce. Fund 1984 obligations. Delete outyear funding.

Departmental administration, implement the President's proposal to dismantle the Department of Energy. Transfer necessary activities to other agencies. Fund 1984 obligations. Cap outyear funding at $100 million.

Adoption of these alternatives for 1984 in this category of 270, energy, would save for the budget resolution for 1984 $1.6 billion.

I would submit to my colleagues that we can rectify the error that we made in March by refusing to make this alternative or some other alternative of similar magnitude in order by proceeding to do so in September when the law requires that we have the second alternative budget resolution adopted. I cannot think of a better way in terms of accountability for each of the Members of the House to have an opportunity to have a voting record, because that is what this place is all about in terms of what we do around here, not what we say. How we vote is what is important, because our constituents will have an opportunity to determine if we truly mean it when we say we want to cut Federal spending and bring existing runaway Federal spending under control.

I yield back the balance of time.

LEGISLATIVE VETO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. LEVITAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Madam Speaker, I take this time as the first opportunity since the Supreme Court decision in the case of Immigration and Naturalization versus Chada dealing with the legislative veto to address some very important matters that have been thrust upon us as a result of that decision. I am sorely tempted to describe and discuss and comment on the merits or demerits of the decision itself. I will simply say that I commend to my colleague a careful reading of the dissenting opinion of Justice White, whose opinion I believe, like many of the great dissents of Justice Holmes and Brandeis, will one day become the law.

I will not comment on the merits of the majority opinion. That is, for the time being, the position of this Court, and I view this rather as a player in a baseball game who has seen the umpire call out one of his teammates on a bad call, and everybody in the stands saw that it was a bad call, but nevertheless the call was out and it stands. That player cannot stand around for the rest of the game complaining about the bad call.

□ 1930

What he does do is go forward and do his best and find other ways to win the ball game.

And that is what I think we must do and I think that is the juncture that we are presently at.

The legislative veto system evolved over a number of years and as my colleague, the gentleman from California (Mr. PASHAYAN) pointed out, it even predated the Constitution of the United States in the English parliamentary system.

But the system was simply a mechanism by which the Congress was enabled to delegate to the President or to the executive branch of Government or to independent agencies, discretion to take certain actions, do certain things, with the understanding that Congress, in the exercise of its plenary legislative power under Article I of the Constitution, would be able to look at that action, made pursuant to the delegation of authority, and if the Congress decided that that action was excessive or contrary to the intent of Congress or arbitrary or oppressive or, if you will, just plain stupid, it was within the province of the elected branch of Government, Congress, to reject that action.

Beginning with the latter days of the Hoover administration when President Hoover wanted to reorganize the Government, and proposed reorganization plans to the Congress to change the structure of Government, it was agreed to, provided there was a legislative veto.

And over the course of the last 50 years this mechanism has increased.

Let me say that I am not at all sure that this has necessarily resulted in better government.

It has, in some instances, resulted in Congress delegating powers which perhaps it should not have delegated as broadly as it did, or even at all. But at least the system was working in the sense that there was a balance between the powers that were delegated on the one hand and those that were retained to the Congress on the other hand.

The American people look to its elected representatives and holds them accountable for their government. The bureaucrats, the unelected officials in Washington are not accountable to the people. They are in most instances not even known by the people and have never suffered the inconvenience of running for public office and do not have to stand for election every 2 or 6 years in order to be evaluated on their performance.

So, it was with the Congress that this power lay. And in one fell swoop this Supreme Court decision has abolished this mechanism which, indeed, was working, and was retaining power for the people and in one fell swoop, eliminated almost 200 laws that had been put on the books in the last 50 years.

Now, we find ourselves in a position where our system of government as it evolved is involved in a train wreck of government. And we now have the responsibility to pick up the pieces and structure some new way of going forward in order to balance off the powers of the respective branches of government and to preserve for the American people their rights in elected government.

Now, what can be done? And what must we do?

Well, I think in the short term we are going to have to look at some very new approaches to dealing with this problem. We are going to have to be innovative and imaginative because in the last analysis Congress cannot lose in this struggle because we are the legislative branch of government.

So, some of the things we are going to have to do are, henceforth, be much more circumspect and specific and restrained in delegating any authority, and we must be very careful that we keep the agencies and the executive branch on a short leash.

The end result of this whole matter could very well be, that the Presidency, not this President, but the Presidency itself and the agencies of government, will end up with much more limited power and much more limited discretion because Congress simply cannot afford to make broad delegations of authority without some check upon it.

So, in the short term we are going to have to be very careful at looking at certain specific pieces of legislation cutting back delegations already made and being careful about some of those in the future and in some instances forgo it altogether.

We are going to have to keep these agencies on short leash and under short rations as far as appropriations are concerned so if they get out of hand they cannot be out of hand for too long before they have to come back to Congress for their budgets.

There are mechanisms available, one of which was demonstrated today, where in some instances and obviously it would not apply in all instances, there could be a requirement that in order for a regulation or a rule to take effect it must be adopted as legislation, itself, by the Congress.

And obviously if that is done and one House of Congress fails to pass the joint resolution, we have in effect exercised a legislative veto. There are problems with that which we may have to address. And there are circumstances when it could work, particularly in the case of major rules. It might be a feasible way.

Another system would be to utilize the Rules of the House of Representatives and to change the Rules of the House of Representatives in conjunction with legislation, legislation which would provide for a report-and-wait period, where an agency action is taken by the executive branch or one of the agencies and a rule or regulation is issued and they report to the Congress and wait some period of time before it goes into effect. Then under changed rules of the House we would provide that any committee that has jurisdiction over the agency issuing that rule or over the legislation creating that authority, would have the right to consider, and, if they so desire, report a resolution of disapproval to the House of Representatives.

And the House of Representatives, if it adopted that rule, would provide, again, by the rules of the House, that no appropriation could be made or would be in order that would fund a regulation disapproved or action disapproved under this procedure.

That does not affect the validity of the rule; it is not legislation; but it goes to the purse strings which the Supreme Court, the same Supreme Court in decisions has said are exclusively the province of the Congress to decide and we will have made the decision not to fund the regulation or the action in question.

There are many ways to skin this cat. There are other procedures that we can look at and other avenues we can follow. The report-and-wait mech-

anism itself can be expanded into broader usage.

But, in the last analysis, someone will propose, and I think perhaps correctly, that we must consider even a constitutional amendment to provide the Congress with the authority to exercise its legislative control over the agency in a manner that preserves for the American people their rights and privileges through their elected representatives.

And one last observation I would make at this point, Madam Speaker is this: I really believe we are at a crossroads, a critical crossroads in the evolution of our governmental system as a result of this Supreme Court decision which has brought about this train wreck of government. We are not going to solve this problem or sort out or restructure our system in the next 3 or 4 weeks or 3 or 4 months and I am afraid perhaps not even in the next 3 or 4 years. It is going to take a long time to sort this out and get the Government back on the right track.

I therefore would propose, Madam Speaker, that in cooperation with the President that we convene a conference on sharing of powers, or separation of powers, but a conference that would bring together leaders from the administration, leaders in the Congress, some of the great academic minds in the universities around this Nation; people at the think tanks in this Nation such as the American Enterprise Institute or the Brookings Institution; representatives from labor, business, and public interest groups, all of whom have an interest and a stake in this.

□ 1940

And bring the best thinking together and to bear on how we sort out a system which will retain control to the people through their elected representatives without the intrusion, inappropriately, into the discretions that are necessary in the Presidency and the agencies of government.

But this we must do. The Supreme Court's decision, however destructive it may have been, is not the last word on this subject. And it now befalls us, as a Congress, and it befalls the administration, representing the Presidency, and it befalls to the people of this country a means of coming back and sorting it out, because if we do not, we will simply see chaos and confrontation and government that is not only bad, but simply does not work.

The legislative veto is no longer available to the Congress as it had been previously. It is now our responsibility, on behalf of the American people, to see that we put in place mechanisms which will achieve the purposes that were sought to be achieved by the legislative veto before the Supreme Court's decision of last week.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to my good friend, the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Georgia for scheduling this special order on the Supreme Court's recent decision on legislative veto.

As my colleagues are well-aware from numerous news accounts, last Thursday, June 23, 1983, the Court, in Immigration and Naturalization Service against Chadha, held the one-House veto unconstitutional on the theory that the Congress legislated a result at variance with the decision by the Attorney General on a deportation case in violation of the bicameralism and presentment clauses of article I of the Constitution.

Because of the Court's broadly written opinion, it is generally believed that all legislative veto mechanisms, which are estimated to appear in approximately 200 Federal laws, are in jeopardy and will, in short order, be found to be unconstitutional.

Indeed, a preliminary analysis of the statutes which fall under the jurisdiction of the Committee on Energy and Commerce indicates that there are at least 24 statutes which contain some form of legislative veto. I am inserting a copy of this preliminary list in the RECORD for my colleagues' information.

As a strong proponent of the use of legislative veto as a means of curbing the excesses of overzealous bureaucrats, I feel that the legislative veto served as an important device for Members of Congress to assure themselves and their constituents that the laws enacted by the Congress were being carried out in a manner consistent with congressional intent.

Many important issues remain up in the air as a result of the Supreme Court's decision. For example, what is the status of the congressional veto of the Federal Energy Regulatory Commission's incremental pricing rule on natural gas? On May 20, 1980, Congress disapproved by a vote of 369 to 34 a rule promulgated by the Federal Energy Regulatory Commission which expanded the application of incremental natural gas pricing from industrial boiler fuel users, the only industrial users of natural gas now covered by incremental pricing, to all industrial facilities which use natural gas.

If incremental pricing is expanded to all industrial users of natural gas, this could cost industries millions of dollars in increased energy costs. Those industries that can, may well switch to other fuels. If they do, this will increase the fixed costs that residential natural gas consumers must bear, and increase oil imports. The uncertainty facing industrial natural gas users is, itself, disrupting their ability to plan.

To cite another example, the question arises as to the status of the Federal Trade Commission's used-car rule which both Houses of Congress overwhelmingly disapproved last Congress. Will the Federal Trade Commission simply implement the rule despite the clear and unequivocable knowledge of congressional intent on this particular issue? I hope not, but if the Federal Trade Commission decides to act in this manner, legislative veto, as we know it, will not be available to resolve the matter.

The Commission's used-car rule was disapproved by the Congress on the basis that it did not comport with congressional intent in the Magnuson-Moss Act. It is this very problem that the legislative veto was designed to deal with.

Indeed, an interesting theoretical question to ponder is whether the Federal Trade Commission—or any other regulatory agency—will in the future be more severely restricted in its mandate in the aftermath of the Supreme Court's decision in Chadha than it was before?

Some are interpreting the decision as significantly diminishing the power of the Congress. I do not dispute this analysis. However, I doubt the effect of this opinion will go unanswered by the Congress.

As those of us in the Congress continue to analyze this Court opinion, we must search, in the interim, for an appropriate response to assure that authority delegated by the Congress is exercised in a manner consistent with the will of this representative body.

Should we pull back on the amount of authority that has previously been delegated to the independent regulatory agencies and the executive branch? Or should we try to limit our response to making the legislative veto pass constitutional muster?

Another question comes to mind. Will the Democratic leadership inevitably regret the new House rule respecting riders on appropriations bills that was instituted at the beginning of this Congress? Without the authority to reverse executive decisions or agency rulemakings, Congress could well become increasingly frustrated with their lack of ability to insure that congressional intent is followed through the use of limiting language on appropriations measures. The House rule which makes this avenue of approach practically impossible may well become a deeply regretted one by its proponents.

It appears to me that the key question is, how should we, as elected officials, respond to the elimination of this review. Whatever course we take, I believe a legislative response is necessary and proper.

The ramifications of this decision are enormous. Congress must fully explore alternative mechanisms to check the exercise of unbridled regulatory authority. In the weeks and months ahead, I intend to fully participate in the debate as these questions are explored and an appropriate answer is formulated.

I thank the gentleman from Georgia for arranging for this special order on legislative veto this evening, and for giving us an opportunity to discuss it. I look forward to working with him in the future on this extremely important issue. Thank you.

Mr. Speaker, I would like to take advantage of the time that he has taken tonight for a few observations and a few remarks.

I want to commend the gentleman from Georgia for scheduling this special order for the purpose of discussing the Court's recent decision with respect to the legislative veto. All of our colleagues, of course, are aware of what has happened and there has been general discussion of this for the last several days. And because of this decision, it means, as the gentleman has so well stated, that some 200 Federal laws, where we have inserted the legislative response to agency actions are in jeopardy and apparently have been ruled as unconstitutional.

I might add as a preliminary analysis of the statutes that fall under the jurisdiction of the committee of which I have the honor of serving, the Committee on Energy and Commerce, it would indicate that there are at least 24 statutes that contain some type of legislative veto. And I am inserting a copy of this preliminary list that I have researched and it will be in the RECORD on behalf of my colleagues and for their information.

The list follows:

PRELIMINARY ANALYSIS OF STATUTES WITHIN THE JURISDICTION OF THE COMMITTEE ON ENERGY AND COMMERCE WHICH CONTAIN A LEGISLATIVE VETO PROVISION

1936—DECEMBER 31, 1975

Atomic Energy Act of 1954 (Public Law 83-703).

Atomic Energy Act Amendment, 1957 (Public Law 85-97).

Atomic Energy Act Amendment, 1958 (Public Law 85-568).

Trade Expansion Act of 1962 (Public Law 87-794).

Naval Petroleum and Oil Shale Reserves, 1962 (Public Law 87-796).

National Traffic and Motor Vehicle Safety Act Amendments 1970 (Public Law 91-265).

Atomic Energy Act Amendments, 1974 (Public Law 93-377).

Atomic Energy Act Amendments, 1974 (Public Law 93-485).

Trade Act of 1974 (Public Law 93-618).

Energy Policy and Conservation Act (Public Law 94-163).

1976-77

Naval Petroleum Reserves Production Act, 1976 (Public Law 94-258).

Energy Conservation and Production Act, 1976 (Public Law 94-385).

Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586).

1978

Department of Energy Act of 1978—Civilian Application (Public Law 95-238).

Public Utility Regulatory Policies Act of 1978 (Public Law 95-617).

Natural Gas Policy Act of 1978 (Public Law 95-621).

Emergency Interim Consumer Product Safety Standard Act of 1978 (Public Law 95-319).

1979, 1980

Federal Trade Commission Improvements Act of 1980 (Public Law 96-252).

Energy Security Act (Public Law 96-294).

Solid Waste Disposal Act Amendments of 1979 (Public Law 96-482).

Comprehensive Environmental Emergency Response, Compensation, and Liability Act, 1980 (Pub. Law 96-510).

1981

Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (Relating to regulations promulgated by the Consumer Product Safety Commission, approval of Secretary of Transportation's sale of Conrail, disapproval of amendments to the Amtrak's Route and Service Criteria, and disapproval of the Secretary of transportation's rules to reduce accidents, injuries, and deaths).

Union Station Redevelopment Act of 1981 (Public Law 97-125).

Nuclear Waste Policy Act of 1982 (Public Law 97-425).

I have been a strong proponent of the legislative vetos, as the gentleman from Georgia well knows. I have been a strong supporter of this as a means of curbing the excesses of overzealous bureaucrats. I do feel that the legislative veto has served as a most important device for Members of Congress to respond to those agency and departmental decisions that are made that affect our constituents to assure ourselves and our constituents that the laws that we have enacted are being carried out in a manner that is consistent with congressional intent.

I could go on here today, Mr. Speaker, with respect to a number of issues that do remain up in the air as a result of the Supreme Court decision. One of them pertains to an issue that we are debating all over the House, but in particular in a subcommittee of the Committee on Energy and Commerce, and that is in natural gas.

What is the status, for example, of the congressional veto of the Federal Energy Regulatory Commission's incremental pricing rule on natural gas? I am very concerned that if we let that rule stand, as you recall, the Congress disapproved by a vote of 369 to 34 a rule that had been promulgated by FERC. My concern about this is if incremental pricing is expanded to all industrial users of natural gas, it is going to cost industries millions of dollars in increased energy cost.

What is their response going to be? Their response is to switch to other fuels. If they do this, this will then increase the fixed cost that residential users of natural gas must bear and that could then again have an impact on increasing oil imports.

Just this one area where the Congress has already responded as to what could happen could have a disrupting effect in the marketplace, a disrupting effect on consumers.

And there are other examples that I can talk about in which the Congress has in the past responded with legislative veto.

One is the FTC's used-car rule. That was disapproved by the Congress, on both sides, on the basis that it did not comport with congressional intent and it is this kind of thing, this kind of problem that we need to respond to.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding.

I think it is a convenient point to mention on the so-called used-car case that myself and eight of our colleagues came together yesterday and have submitted a brief of the Supreme Court, an amici curiae brief, requesting that the court hold a hearing on the used-car case and to consider the legislative veto issued in that particular case, because it differs principally from the legislative veto situation in Chadha.

In the Chadha case, and that is the case we are here to talk about today, the court technically held unconstitutional a one-House legislative veto as it applies to a particular agency decision in respect to a particular individual, even a proceeding in the nature of an adjudicatory proceeding.

But as the gentleman from North Carolina has pointed out, in the so-called used-car case, we are talking about a two-House legislative veto as it applies to the authority to issue broad rules and regulations. And the brief that myself and others entered yesterday, which I should like to put in the RECORD, makes that distinction to the Supreme Court and asks the Supreme Court to reconsider the legislative veto argument in light of the difference in the used-car case and the FTC rules there.

The brief follows:

(No. 82-1044)

IN THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1982

United States House of Representatives, Appellant v. *Federal Trade Commission, et al.*

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

A Motion for Leave to file Amici Curiae Brief, and the brief Amici Curiae of the Honorable Charles Pashayan, Jr., the Honorable Trent Lott, the Honorable Charles Elson Roemer III, the Honorable Eugene A. Chappie, the Honorable Vic Fazio, the Honorable Thomas N. Kindness, the Honorable Norman Yoshio Mineta, the Honorable

Marvin H. Mickey Edwards, and the Honorable Gerald B. Solomon—Members of the United States House of Representatives, in support of appellant.

MOTION

This Motion to file the annexed *amici curiae* brief, in support of Appellant in *United States House of Representatives* v. *FTC*, S. Ct. No. 82-1044 ("*Used Car Case*"), out of time, is submitted for the reason that the Court's recent decision in *Chadha* v. *INS* has prompted *amici* to submit the annexed brief in the nature of intervening matter under Rule 22.6, for the Court's consideration. The interest of *amici*, The Honorable Charles Pashayan, Jr., The Honorable Trent Lott, The Honorable Charles Elson Roemer III, The Honorable Eugene A. Chappie, The Honorable Vic Fazio, The Honorable Thomas N. Kindness, The Honorable Norman Yoshio Mineta, The Honorable Marvin H. Mickey Edwards, and The Honorable Gerald B. Solomon, derives from their individual membership in the United States House of Representatives. The brevity of time makes it unlikely that Counsel of the House shall be able to file any further supplemental briefs under Rule 22.6.

Amici curiae believe that the Court should grant plenary consideration in the *Used Car Case* for the following reasons:

1. The statutory authority to issue broad rules and regulations in the *Used Car Case* is fundamentally different from the adjudicatory nature of the proceeding in *Chadha; see* Separate Concurring Opinion of Justice Powell in *Chadha* v. INS.

2. Historical materials, believed not to be before the Court in *Chadha*, exist that indicate that intrinsic in the legislative power vested in Congress by Article I is Congress's Constitutional right to reserve by statute the option to nullify agency or departmental rules and regulations by the legislative veto, all of which are non-textual to the Constitution.

As the dissenting justice opined, the decision may broadly affect the provisions in a wide range of statutes. The Court is well aware that statutes are to be saved from unconstitutionality if possible. The *Chadha* decision is too blunt an instrument to adjudicate the rule-making legislative vetoes at issue in the *FTC* case. Full argument and briefing will enable the Court to determine whether these devices, applied in a wholly different context from *Chadha*, are also unconstitutional.

The importance of the questions presented in this case can hardly be disputed, affecting as it does virtually hundreds of agency rules and regulations. Indeed, speculation has already arisen concerning the reach of *Chadha* to other legislative review devices, and to clarify the applicability of its ruling the Court should order full briefing and argument to make it clear whether the *Chadha* ruling is dispositive.

AMICI CURIAE BRIEF

Argument

The historical material submitted herewith fully indicates that legislative review and management of delegated legislation were used by both Parliament and the early American Congresses. This material alone provides support for granting plenary consideration in the *Used Car Case* to assess the different situation presented by rule-making review mechanisms.

I. The Historical Development of Delegated Authority and Its Management

Contrary to many statements made by counsel and in briefs in both the *Chadha* and the present case, neither delegated legislation nor the legislative veto find their origins in the 20th Century. Rather, the origins can be traced deep into British history, into the history of the American colonies, and into the history of the first American Congresses.

A. Delegated Authority

1. British: Apart from at least two early statutes, one passed by Parliament in 1337 (10 Edward III, c. 1), and the other in 1385 (III Rolls of Parliament 204), most scholars fix the reign of Henry VIII as the beginning of delegated authority in the modern sense. The Statute of Wales (34 and 35 Henry VIII, c. 26), enacted in 1542-43, authorized Henry VIII to issue rules for governing Wales, including the power to levy taxes (see also 28 Henry VIII, c. 17; and 1 Edward VI, c. 11; and 31 Henry VIII, c. 5). The Statute of Sewers, enacted in 1531, remarkedly modern, granted Commissions "full Power and Authority to make, constitute, and ordain Laws, Ordinances, and Decrees . . ." (23 Henry VIII, c. 5, s. 1). (For examples in the Seventeenth Century, see 12 Charles II, c. 22; 13 and 14 Charles II, c. 5; and 22 and 23 Charles II, c. 8.) Despite the fact the Eighteenth Century statutes were passed in great detail, Parliament continued delegating legislative authority. In 1769, for example, Parliament passed an act empowering certain harbor commissioners "to make such By-Laws, Rules, Orders, and Regulations, as shall be found necessary for the Purposes in this Act . . ." (9 George III, c. 8, s. 10). Some were couched in broad statutory terms (see, e.g., 2 George III, c. 32; 10 George III, c. 27; 15 George III, c. 65; 16 George III, c. 62; 31 George II, c. 25; 15 George III, c. 21; 6 George I, c. 18; 30 George II, c. 20; 19 George II, c. 5; 14 George III, c 19; 13 George II, c 3; and 30 George II, c. 1).

Others were passed to regulate the delegatee's affairs (see, e.g., 16 George III, c. 13; 31 George II, c. 18; 15 George III, c. 24; 15 George III, c. 21, 16 George III, c. 61; 6 George III, c. 24). Yet others combined these (see, e.g., 10 George III, c. 25; 9 George III, c. 13; 9 George III, c. 21; 15 George III, c. 60; 15 George III, c. 66; 9 George III, c. 22; 7 George III, c. 85; 9 George III, c. 22; 9 George III, c. 21; 14 George III, c. 56, and 9 George III, c. 31).

Particularly notable is Eighteenth Century British delegated legislation regarding the American colonies. Four are especially notable. In 1774, Parliament passed an act to discontinue shipping activities in Boston, and conferred on the King, by Order in Council, the power to make important legal definitions (14 George III, c. 19). Later that year, Parliament gave the Council for the Affairs of the Providence of Quebec the power to make ordinances (14 George III, c. 83). In 1765, Commissioners for Managing the Stamp Duties were granted the authority to make "Rules and Orders . . ." (George III, c. 13).

Most noteworthy is an act passed in 1778, granting Commissioners the power to make "Regulation, Provision, Matters . . ." to quiet disorder (18 George III, c. 13) *but they should not become effective until confirmed by Parliament.*

2. Early Congressional Delegated Authority: That the idea of delegated legislation was, along with other principles of English government, a part of the British inheritence which not only formed the background for the writing of the Constitution but also the guidance for Congressional practice, is evident from the early Acts containing provisions for delegated legislation. For example, in 1791, the Congress passed "An Act to incorporate the subscribers to the Bank of the United States," which provided, *"The President, Directors and Company, of the Bank of the United States* . . . [shall] . . . ordain, establish, regulations, as shall seem necessary and convenient for the government of said corporation" (1st Cong., Sess. III, Ch. 10). This Act is not dissimilar in form to the British Acts of the Eighteenth Century, containing provisions for delegated legislation. Thus, the early American Congresses took up the centuries-old Parliamentary practice of delegated legislation. It is clear that they regarded it as inherent in Article I legislative power.

B. The Legislative Management of Delegated Legislation

Like the subject it is meant to manage, the legislative veto evolved from its British antecedents, called the "laying system." While massive use of both delegated legislative authority and the laying system and legislative veto is a relatively modern phenomenon, its origins are traceable into British Parliamentary and American Congressional history. In each, again, it is clear that the early Congresses regarded procedural management of delegated legislation as intrinsic to its Constitutional legislative power.

1. British Antecedents: British statutes, many passed in the Eighteenth Century, required the delegates to lay before Parliament matters relating to finances or monies (see, e.g., 1 George I, c. 21; 23 George II, c. 24; 9 Anne, c. 21; 27 George III, c. 13; 33 George III, c. 29; 13 George III, c. 83; 33 George II, c. 11; and 31 George II, c. 38).

The laying procedure was also applied to account for government activities in general (see, e.g., 28 George III, c. 54; 29 George III, c. 66; 30 George III, c. 33; 23 George II, c. 31; 25 George II, c. 40; 24 George III (Session 2), c. 25; 33 George III, c. 52; 23 George II, c. 24; 30 George II, c. 1; 31 George II, c. 37; 12 George III, c. 37; 15 George III, c. 31; 15 George II, c. 29; 16 George II, c. 26; 18 George II, c. 25; 17 George II, c. 30; 22 George II, c. 42; 7 George III, c. 58; 10 George III, c. 40; 21 George III, c. 58; 26 George III, c. 43; 8 George II, c. 29; 9 George II, c. 42; and 26 George III, c. 107). Likewise, Parliament passed a few acts requiring the laying of judgments and decrees (see, e.g. 31 George II, c. 39, 2 George III, c. 37; 20 George III, c. 38; 22 George III, c. 80; 31 George c. 39; 2 George III, c. 37; 20 George III, c. 38; 22 George III, c. 80; 5 George III, c. 8; and 31 George II, c. 24).

Parliament passed statutes requiring that delegated legislation be laid. In 1791, the King himself was required to lay before Parliament orders he was authorized to make in respect the prices of corn (31 George III, c. 30; see also 33 George III, c. 65; 39 and 40 George III, c. 87; and 23 George II, c. 31)

Most importantly, in the 1778 Act cited *supra* (18 George III, c. 13), Parliament empowered certain colonial officials to issue regulations, *which could not take effect without Parliament's approval.* While this statute did not have an explicit laying provision, it is to be substantively inferred from the requirement for approval.

These measures taken by Parliament at oversight and management bear significant precedence for their development in the United States, and establish that the whole body of informal law and management developed along with formally enacted statutes.

2. American Control: It was indeed no more an accident that the early Congress adopted the laying procedure than the other British procedures (see, e.g., Burleigh Cushing Rodick, *American Constitutional Custom: A forgotten Factor In The Founding* (New York, 1953)). "The early House of Representatives also resembled the Commons in its system of standing committees, its committees of the whole, its rules for debate and the conduct of its members" (at 117).

Thus, in emulation of the British statutory language, several Congressional statutes required that the various delegatees "lay before" Congress various matters (see, e.g., 1st Cong., Sess. II, Ch. 22; 5th Cong., Sess. II, Ch. 38; 8th Cong., Sess. I, Ch. 46; 3rd Cong., Sess. II, Ch. 43; 4th Cong., Sess. I, Ch. 21; 10th Cong., Sess. II, Ch. 17; 3rd Cong., Sess. II, Ch. 45; 7th Cong., Sess. I, Ch. 32; 10th Cong., Sess. II, Ch. 28; 11th Cong., Sess. II, Ch. 37; 7th Cong., Sess. II, Ch. 27; 3rd Cong., Sess. I, Ch. 14; and 8th Cong., Sess. II, Ch. 26).

Most important, there are two notable examples of the laying of delegated legislation. After the Louisiana Purchase, the Congress in 1804 passed an act dividing Louisiana into two territories. In establishing the government for the territories, Congress granted rule-making authority to the governors, but made the rules subject to the legislative veto: "The legislative power shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory. . . . The governor shall publish throughout the said territory, all the laws which shall be made, and shall from time to time report the same to the President . . . *to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force* (8th Cong., Sess. I, Ch. 38, s. 4) (emphasis added)."

In 1805, the Congress passed an Act containing an almost identical provision (8th Cong., Sess. II, Ch. 31). These are among the clearest examples of the development of the legislative veto as an inherent aspect of Article I legislative power. The Congress clearly followed in the footsteps of Parliament in employing the laying procedure to control the delegate's exercise of delegated legislation. These Congressional statutes are indeed in the nature of the 1778 Act, cited *supra*, in which the delegated legislation should not become effective without Parliament's approval.

C. Conclusion

By vesting all the Legislative power in the Congress, the Framers had in mind more than the procedural sequence prescribed in Article I, Section 7, as circumscribed by Section 8 and the other limitations. The early Congress's adoption of Parliamentary rules, procedures, and the laying system, is evidence that the legislative power was meant to include both delegated legislation and its management by procedural device.

II. A Comparison of the British and American Doctrines of Separation of Powers

It is a mistaken notion in the United States that there is "no Constitution" in Britain and therefore no separation of powers. Certainly neither should be invoked to invalidate the historical development and precedent of delegated legislation and the laying system and legislative veto.

The orthodox view in British legal theory is that there is a British Constitution, much of it written (see, e.g., D.C. M. Yardley, *Introducton to British Constitutional Law* (London, Fourth Edition, 1974). It embodies a doctrine of separation of powers that separates the Crown as the executive from Parliament as the legislative (see, e.g., John Locke, *Second Treatise*, Chapter XII, Sec. 147, as supported by M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Oxford, 1976); Sir William Blackstone, *Commentaries on the Laws of England;* and Montesquieu, *The Spirit of the Laws;* see also various Eighteenth century British statutes, e.g. 12 and 13 William III, c. 2., prohibiting Crown officials from being members of Parliament; see also 6 Anne, c. 7; 15 George III, c. 22; 25 George III, c. 52; 22 George III, c. 80; 23 George III, c 87; 20 George III, c. 38; 20 George III, c. 49 and 20 George III, c. 54. See also various regency acts, 1 William and Mary, Second Session, c. 2; 12 and 13 William III, c. 2, and 5 George III, c. 27. see also, e.g., 16 George III, c. 34, and 5 George III, c. 8, for descriptions of the power to execute laws as vested in agents of the Crown.)

Members of the British Cabinet wear two hats: legislative, as ordinary members of Parliament; and executive, as agents of the Crown. While this arrangement would now violate the Ineligibility and Incompatibility Clauses, the division of these powers remains intact in British theory.

The methods of amending the two constitutions differ: in Britain, the *process* is the same for changing the constitution as for passing an ordinary statute. But the constraints of custom and convention play a prominent role in British Constitutional law, making changes in the British Constitution markedly more difficult, as it is more difficult to amend the American Constitution than to pass statutes.

In respect to the legislature's right to manage delegated legislation, the relationship between Congress and parliament is analogous and should offer support to the validity of the legislative veto.

III. Conclusion

The Court in *Chadha* implies that the Framers envisioned only a textual method of legislating. But British practice, well-known to the Framers and in many instances explicitly or implicitly incorporated in early Congressional practice, strongly indicates that the Constitution's Article I legislative power was intended to comprehend both delegated legislation and the legislature's right to review and manage it by parliamentary procedure.

Chadha concerned a particular agency action concerning a particular individual. In the *Used Car Case*, something quite different is at stake: broad rules and regulations affecting a class, which itself in the future will require individual application by the issuing agency.

Secondly, *Chadha* decided against a one-house legislative veto, whereas the *Used Car Case* involves a two-house legislative veto. The historical evidence is ample that both in Parliamentary and early Congressional practice, the historical right to manage delegated legislation was exercised by the *whole* legislature, Parliament or Congress.

On these two main distinctions, *amici curiae* submits that the Court should grant plenary consideration in the *Used Car Case*.

Mr. BROYHILL. If the gentleman will continue to yield, I appreciate the gentleman's contribution. The gentleman from California has been a student of the legislative veto process for many, many years, going back, I think, to this student days.

Mr. PASHAYAN. The gentleman is correct.

Mr. BROYHILL. And he is knowledgeable and well informed about this.

I would just like to conclude with a thought or two, if I could. I appreciate the indulgence of the gentleman from Georgia in lending me some of his time today, but as the gentleman knows, there has been a great deal of discussion, particularly those of us in committees that have utilized this device of legislative veto in the past. It raises a number of questions as to what will be the congressional response.

The gentleman from Georgia just a few moments ago said there will be a response. And of course what will that response be? Will it be that it will significantly diminish the power of the Congress? I do not think that it will, it may for a while, but I do not think it will do that for long. I doubt that the effect of the opinion will go unanswered by the Congress. I know that we are going to come up with response. Will it be that we will tend to start drawing back powers that we have written into these laws to give agencies broad rulemaking power, such as the Federal Trade Commission, which has broad powers to write trade laws that affect entire industries, not affecting one business, or individual businesses, but affecting total industries? Will we go back and take that law and reexamine it? Or will we come up with some other device that would give a congressional response to agency rulemaking?

We should, in my judgment, do this. We had a discussion earlier today in a colloquy with respect to the new House rule respecting riders on appropriations bills. The gentleman from Georgia was present at that time. Should we utilize riders on appropriations bills as the way of amending laws or a way of restricting authority of these agencies, reversing executive decisions?

□ 1950

I do not know that we should do this. I was not a proponent of that rule. But, on the other hand, I do not like to see appropriation bills coming cluttered up with these types of reponses. It does appear to me that one of the key questions, of course, is: What kind of legislative response is necessary and proper?

I like the idea that the gentleman has proposed, and that is to get some amendments to the rules of the House that do permit a response.

One of our problems has been when an agency makes a particular decision and then the committee that has jurisdiction over that decision, for whatever reason, will not consider your proposals, whereas we are convinced, at least in our conversations with Mem-

bers generally are convinced, that our ideas will be adopted by a majority in the House.

But Congress must fully explore all of the alternatives. We must act in order to check the unbridled regulatory authority that has been granted as a result of this Court decision.

I intend to work with the gentleman and to fully participate in the debate in these questions as we explore them in the next few weeks and in the months ahead. I do thank the gentleman for arranging this time this evening to give us an opportunity in a very short time to discuss this. I look forward to working with him and other interested Members, Members who are interested in this issue, on this extremely important issue in the weeks and months ahead.

Mr. LEVITAS. I thank my good friend from North Carolina for his very significant contribution to this discussion. The gentleman from North Carolina has truly been one of the leaders in not only the legislative veto fights that we have had over the years, but in an effort to make our Government more accountable and make certain that the rules and regulations that are issued are carrying out the intention of Congress and not the reverse, are within reason and are not unreasonable. I look forward to working with him in the days ahead as we attempt to fashion an appropriate response to work our way out of the mess that we now find ourselves in as a result of the Supreme Court decision.

Mr. BROYHILL. If the gentleman will yield, I want to thank the gentleman very much for those very complimentary remarks.

I would add one other area which is not legislative veto but at least it would provide some burden on the agencies to run these rules and regulations through what we call a regulatory analysis. The gentleman will recall that I originated some of the original words or legislative language around here as we attempted to add that to some of the bills. It is now in the Federal Trade Act. It is the requirement that rules be fed through some type of regulatory analysis. It is in the Consumer Product Safety Act, and we also have that in the pending so-called regulatory reform bill.

It would seem to me that that, too, should be made a part of this as we go forward in any proposals that we put forward, not only legislative veto, but also the requirement that the agencies put these proposed rules through some regulatory analysis, put them through the prism to see what colors come out.

Mr. LEVITAS. I thank the gentleman for his contribution.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding, and I, too, would like to compliment the gentleman from North Carolina (Mr. BROYHILL). He is one of the leaders of the House and a man who brings a broad and deep experience to this issue. I find it gratifying that a man of his long and eminent standing here in Washington regards it important that the Congress somehow try to grapple with the enormous amount of rules and regulations, especially issued by the agencies which are at least five or eight times as many each year as the Congress passes laws.

A real question of the age, one of the serious questions of the age, is: Can Congress seriously grapple with the enormous issuance of rules and regulations produced by the Federal bureaucracy every year?

I have an idea that I should like to share with the gentleman who, of course, is well known for taking leadership in regulatory reform and legislative reform, and I am happy to be a cosponsor of his H.R. 1776 which, of course, will go a long way in addressing these problems that we have been talking about if, of course, the Supreme Court should only allow us to do so. But I have an idea for a statute that I should like to get the opinion of from the gentleman in the well.

Perhaps we could pass a statute that has these four features in it: A generic requirement, with the exception of emergency rules and regulations, that all rules and regulations not take effect for 60 days after they have been proposed in the Federal Register and that they be laid before the Congress; that the Congress have an opportunity—and I mean by "the Congress" both Houses—to pass a resolution disapproving the proposed regulations.

Now, under the Chadha decision, if the Chadha decision is as expansive as some of us think it might be, that the concurrent resolution disapproving these proposed regulations would not have legal effect. So the agencies could go ahead and issue the regulations and make them become effective.

But under the statute I am thinking about proposing, the third part of the statute would say that if the Congress, within the 60 days, should pass a concurrent resolution disapproving the regulations, which still can take effect, that that creates a legal rebuttable presumption that the regulations are ultra vires of the statute, that is to say, it creates a legal rebuttable presumption that the regulations are beyond the congressional intent of the statute which the regulations are supposed to conform to.

The fourth part of this statute that I am thinking about developing and introducing would give the House of Representatives and the U.S. Senate, or Members individually of both of those bodies, standing in Federal appellate courts to challenge the regulations, having on their side, of course, the rebuttable presumptions that the regulations are in fact beyond the initial intent of Congress in passing the statute, which should be superior to the regulations.

I was wondering whether the gentleman thinks that is an idea worth consideration?

Mr. LEVITAS. Well, first of all, let me thank the gentleman from California for his contribution and also for the diligent effort he has made in the last number of years to work on this important issue of legislative veto. I certainly wish the gentleman all the luck in the world in the amicus brief that he has submitted to the Court.

I hope that the Court—although I have little expectation—will give it consideration and provide a further opportunity to review this matter.

With respect to the specific outline of proposal that the gentleman has made, even before the Chadha decision, which simply reinforced my feelings, I have for years declined to predict what the U.S. Supreme Court will do. That is like trying to find a black cat in a dark room at midnight. You just do not know where it is going to show up. So I would hesitate to presume what the Court would do either as to the question of how they would treat a rebuttable presumption, whether they would argue that Congress does not have the right to interpret the intent of laws, that is the role of the courts, or as to whether they would acknowledge the standing of a Member of Congress who was not specifically aggrieved as an aggrieved party in a case or controversy.

So leaving aside the constitutional or legal issues that might be involved, I would think that any mechanism of the sort, including the sort that the gentleman has proposed, is something that we really very seriously ought to consider, and this proposal, if the Court would let it stand, would be one of the arrows in our quiver of how you could get at these regulations which go beyond the intent of Congress, and it is just that type of innovative thinking and other innovative ideas that I hope this conference on sharing of power will focus on.

It is very likely that Congress has delegated too much power to the executive branch and to the agencies, and we have probably done it very sloppily and poorly when we have done it on many occasions.

□ 2000

If nothing else, the Supreme Court decision may force us to do a better job of legislating, and for that, regardless of what else, we may give them thanks.

One of the things that some of the Members of this House have found out in the last few days is that we are not just talking about vetoing rules and regulations issued by the unelected bureaucracy. Some of the people in this House who were opposing our efforts to get control over the bureaucracy have all of a sudden waked up to find that it applies to the War Powers Act, it applies to the Budget Control and Impoundment Act on rescissions and deferrals, it applies to the foreign military arms sales, it applies to the nuclear nonproliferation, and I could go on and on. Those are sort of pets of certain elements within our body who thought that they would be somehow immune when the Supreme Court struck down the legislative veto.

But the fact of the matter is, and I look forward to seeing the list that the gentleman from North Carolina will be putting in the RECORD, but if you look at Justice White's opinion and see how this spreads out over the entire area of government, powers that this Congress would have never, never delegated to a President or to an agency without some callback, I think demonstrates to me—I said I was not going to comment on the opinion of the majority, even though I am sorely tempted to, but I am about to weaken to that temptation, because what has happened, regardless of the legal merit of that opinion, or lack of merit, the majority's opinion displays an abysmal ignorance of the way in which our Government works.

What they have done with this opinion, not understanding the trade-offs, the lack of hermetically sealed compartments in government, but a workable system with checks and balances, what they have done is caused this train wreck of government.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding again.

Mr. Speaker, the gentleman commented, of course, on the fact that when the Court made its decision, it also had the effect probably of repealing the Budget and Impoundment Act, which means that the President may be able to impound funds.

That does raise an interesting question. There may be some of us, the budget cutters and others, who are for that, but on the other hand, it cuts both ways. Congress has passed these programs, they have appropriated funds to fund the various programs, and it may not be the intent of Congress to cut moneys in that area.

We do know, of course, that in some State legislatures the Governors are given item vetoes; however, in those cases there is at least a response by the legislative branch to that item veto which is not available in the case of impoundment.

So it may be that we need to take a look at this whole area of the powers of the President to impound funds.

Mr. LEVITAS. The gentleman is absolutely correct, and perhaps as we have this conference on the sharing of power and take a look at a possible constitutional amendment, there may be some tradeoff between a line-item veto on the one hand and a legislative veto on the other hand.

We get back to the fundamental question about this whole question, and that is a question that we ought to ask ourselves and our constituents ought to ask us: Who makes the laws in this country? Is it the elected Members of Congress who are accountable to the American people, or is it the unelected bureaucracy? I think that the Supreme Court at this point has said it is mostly the unelected bureaucracy and our responsibility is to get back to the Constitution and make sure it is the people who elect the representatives in this Republic.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows, I love rules and procedure and I spent some considerable time studying this version of rules and procedure, the legislative veto, but from the historical point of view and this device, the legislative veto, can be traced to our early Congresses.

In discussions between the gentleman and I, I think I pointed out to the gentleman, and I appreciate his recalling it earlier in his remarks, that in 1804, for example, the Congress passed a legislative veto provision, and that was in emulation of British statutes the Parliament had been using throughout the 18th century, the century in which our Constitution was written.

Surely the framers of our Constitution and our Founding Fathers in the early Congresses were aware that Parliament for centuries had been delegating the authority to various executive agencies or officials to issue rules and regulations, and Parliament had developed a scheme by which procedurally they could manage the production of these rules and regulations by a parliamentary device. In England it is called the Lane procedure, and here we call it the legislative veto. Our early Congresses did it. It was part of what the Congress and the framers assumed that legislative power meant when they vested, in writing the Constitution, all the legislative power in the Congress of the United States. It is one of the things the Legislature did, the Legislature being modeled principally after Parliament. That had been done for centuries. It was not that big a thing, really.

But historically, it has been the entire Legislature that has enjoyed the right, and not one of the Houses independently. Of course, in submitting the amicae brief, one of the points we hope the Court will decide on in the Chadha case is that it was a one-House veto. That one-House veto might well not be constitutional because there is no historical precedent for it. There is ample historical precedent for the entire Legislature, whether Parliament or Congress, exercising the right to manage these informal kinds of laws which, of course, rules and regulations are because they are not described in the Constitution at all.

In that sense, in this country, Congress is really acting not in a constitutional capacity, which it acts in when we pass statutes here. That is a constitutional capacity. Really, the legislative veto permits Congress to act in a statutory capacity, just as the issuing of rules and regulations is a statutory and not a constitutional law.

Mr. LEVITAS. I thank the gentleman for his historical perspective, which I hope will be persuasive to the Court.

In conclusion, let me say this, Mr. Speaker: Several days ago, after the Court's decision, and we began to relalize the impact of this upon the Congress, I remember having a conversation with a colleague of ours who has generally opposed our efforts at legislative veto over rules and regulations. He at first blush was rather pleased with the Court's decision; if not with the logic, at least with the result.

I said to him in the course of our conversation, "I know how you feel about rules and regulations. You like them. Therefore, you do not like to see them vetoed. But by the time you come back from the Fourth of July district work period, under this Court's decision, the President of the United States could have taken the following action without any legislative rejection procedure which now exists, or used to exist."

I said, "By the time you come back to Washington, the President of the United States could have deployed troops in El Salvador, he could have sold F-16's to Jordan, and he could have impounded all the money in the jobs bill," all three of which would have caused some discomfort to our colleague and his constituency.

Whereupon, he suggested, after reflection, that perhaps we needed to pass a 6-month moratorium on the exercise by the executive agencies and the President and the other agencies of any of the delegated powers until we have decided which ones we want to take away and which ones we want to restructure, which sort of brings it

home when it sort of begins to get your ox in the ditch.

The fact of the matter is, this is a broad, far-reaching constitutional matter affecting the course of Government. We will develop the mechanisms to redress this imbalance. It may not be as surgical or as neat as the legislative veto. They may not be as tidy. They may work with a great deal of meat ax effect.

□ 2010

It may tie the hands of the Presidency and agencies of Government, which really could use more discretion in some areas; but we will not permit a tyranny of the unelected and we will not permit a tyranny of the bureaucracy and we will maintain the power of the people through their elected representatives in this Republic.

● Mr. ALEXANDER. Mr. Speaker, I rise to commend my friend and colleague from Georgia (Mr. LEVITAS) for the superb work he has been doing on the legislative veto.

I believe the recent Supreme Court decision was a serious mistake.

I believe it demonstrated an unfortunate lack of understanding of the legislative process and the process of government.

I believe it will take months, perhaps years, to fully undo the damage of the Court's decision.

Mr. Speaker, the legislative veto has been a constructive bridge between the executive and legislative branches of government.

We live in a complex world, where government must make important decisions involving a multitude of controversial and technical questions.

This complexity has led Congress to delegate certain of its powers to regulatory agencies.

These regulatory agencies have on numerous occasions acted beyond the scope of commonsense and reason. At times they have acted beyond their legal mandate.

The result of their mistakes has been a frustration among the American people. They favor regulation that is cost effective and sensible. They are urgently concerned about environmental protection, regulation to protect safety and health and fair and free competition. They support these efforts and they support them strongly.

They do not support inefficient or unfair regulation.

They do not support regulation that reduces employment and raises the cost of doing business without a significant public benefit.

Congress—instead of abandoning Government regulation—sought to make it more fair and careful through the vehicle of the legislative veto. It is not the perfect vehicle but it has been the best one around.

For these reasons I am disturbed by the recent Supreme Court decision. It creates the danger of a tyranny by bureaucracy. It creates the opposite danger the Congress could overreact and strip regulatory agencies of powers they legitimately exercise in the public interest.

I hope cool heads will prevail.

Congress should carefully analyze the implications of the Supreme Court decision and devise a method of restoring the powers that the Supreme Court has just restricted.

I will be working closely with Mr. LEVITAS and others to consider different ways of accomplishing these objectives.

I particularly commend Mr. LEVITAS, who throughout this debate has conducted himself with vision, scholarship, and political acumen.●

EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. HARTNETT) is recognized for 60 minutes.

GENERAL LEAVE

Mr. HARTNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in regard to my special order here this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HARTNETT. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I appreciate this opportunity to address the House to share with my colleagues some observations on a trip I made from June 16-20 to El Salvador with 10 other Members.

The situation in El Salvador is very complex and I visited El Salvador to try to develop a better understanding of the problems faced by the people of that war torn and economically devastated country. The 3 days I spent in El Salvador do not qualify me as an expert on this issue. I will say, however, that those 3 days were very intense. While I did attend numerous official briefings, I also spent considerable time in the countryside, talking with people and listening to their views on the war, their government, their future, U.S. involvement, and what they felt the answers were to build a better future for their families and their country.

I had an opportunity to travel throughout the country, talking with everyone from the Human Rights Commission and leaders of the Catholic Church to military prisoners, shopkeepers, and 5-year-old kids living in squalid conditions that defy description. In those travels, I was very moved by the eloquence of the people of El Salvador that I met. I talked with a 16-year-old soldier who told me he joined the army "to protect my country and my family because I love my country," and others who just want to be left alone to work and live in peace.

From those conversations I realized that one of the most pressing needs in El Salvador is an improved ability of the people of El Salvador and their government to tell their story so that the people of this country and the world can understand that this is a war that touches the lives of El Salvadorans in a tragic and true sense.

Virtually no one I spoke with, from government officials to private citizens, said they wanted or needed American troops in El Salvador. They feel this is an El Salvadoran matter and should be handled by the people of that country. At the same time, virtually everyone I spoke with said the U.S. economic aid and military technical assistance were essential to the survival of any hope that one day El Salvador would become an economically viable nation in which basic freedoms are allowed. Few persons I spoke with doubted for a moment that the current government and progress that has been made there would collapse within months if U.S. assistance were terminated or substantially reduced.

In evaluating my trip, I have concluded that the future of the people of El Salvador will depend on continued economic and political reforms as well as continued military assistance.

Elections are scheduled this fall. The fact that 82 percent of the electorate voted in the last election is an encouraging sign and hope for the future.

The economy is currently in a shambles. Historically, El Salvador has had one of the highest poverty rates in the world. In recent years, the Government has broken up many of the large estates and distributed land to the peasants. These and other reforms have been helpful. However, the Communist-backed guerrillas have been methodically destroying bridges, power lines, and other public works and have prevented the harvesting of crops. The result is that in the last few years, the El Salvadoran economy has experienced a negative growth rate.

While a military victory may not be possible in the foreseeable future, a strong, well-trained military is essential to provide a relatively safe environment in which political and economic reform can continue.

Without the ability to provide security, political and economic reforms are doomed, a Communist-backed guerrilla victory is inevitable and the loss of any hope of assuring basic freedoms to the people of El Salvador is a virtual certainty.

Thus, I believe continued and even expanded economic assistance and military assistance, in the form of training and supplies are essential to give hope for a better future. There is no need or demand for U.S. troops in El Salvador, but continued assistance can give the people of El Salvador the time and ability to solve their own problems. I also believe the private sector and church groups in the United States should be encouraged to increase their involvement by providing technological expertise to improve agriculture, health care, industry, transportation, and housing in El Salvador.

Finally, I believe that more American elected officials and opinion leaders should be encouraged to visit El Salvador, to talk directly with and listen to the people. Such visits, I believe, would be valuable to improve understanding of the situation in that country among the American people.

Mr. Speaker, I had the good fortune to take a trip with the gentleman from South Carolina and other Members a weekend ago to El Salvador. I will briefly sum up some of my observations.

I might say at the beginning, visiting El Salvador for 3 days does not make me an expert and I am the first one to acknowledge that; but when we were there, we had the opportunity to have the traditional briefings from the government and from the military and different groups; but we also spent quite a bit of time going out into the field and talking with the peasants, the soldiers, and other people in that country.

I think it would be important for the American people if they could hear about El Salvador and what is going on in El Salvador through the lips and the individual faces of the different people in El Salvador and not always hearing it from the elected leaders in that country and in this country.

Virtually no one—no one that we spoke to in El Salvador thought that it would be necessary to have American troops in El Salvador. No one, absolutely no one from the government to the private citizens felt that that would be the case.

In evaluating my trip, I think that it is important that we continue the military aid that President Reagan is asking for. I think that is important, not because that will bring about an ultimate complete and total military victory. No one seems to be looking for and seeking a total military victory; but why the military is important and why the military assistance program and assistance and supplies are important is because the Communist backed guerrillas, and it is important to know they are backed by the Communists in Cuba and Nicaragua and ultimately from the Soviet Union, but the Communist backed guerrillas are destroying the infrastructure, the economic infrastructure of El Salvador. I have pictures here of bridges that have been blown up. They call it the Golden Bridge, which was destroyed; buses destroyed, powerlines destroyed, and eveywhere you go the guerrillas have done this.

What they have really done and the reason they have done this is to try to bring the government down by destroying its economic base.

What I cannot understand is how people from El Salvador, whether they be guerrillas or not, could destroy that economic base, which means that young children, 2 and 3 and 4 and 5 years old, starve because of that or do not have electricity or do not have power or do not have health care or do not have training or education.

In one province that we went in, San Vicente Province, a hundred and some schools had been shut down because of the Communist guerrillas that had come in and the government forces went back in to take over the province to open up the schools.

Who can want to shut down schools when young people are getting an education?

El Salvador is a very poor country. That is why the military is important, to allow economic growth to take effect so that they can house the people, train the people, educate the people and have health care.

Second, the military support is necessary so that they can continue to make the political reforms and gains that they are now making. No one will deny that there have been human rights violations in El Salvador still going on, but fewer today than ever before.

I would like to call publicly on the churches in this country, the corporations in this country, the civic groups in this country, to go down and bring additional economic aid to the refugees. We had an opportunity to go into a refugee camp and see the displaced poor people. The only group that was feeding those poor people was World Vision from this country, nobody else, not even their own government, nobody else.

I would like to see the churches, and I am a member of the Presbyterian Church and I hear the Presbyterian Church speaking out on so many issues that quite frankly they ought not to be speaking out on; this would be a great opportunity for my church, the Presbyterian Church, to go down there and give aid and feed these young kids in these refugees camps, inoculate them, give them shots for TB, have doctors go down there and help these people.

I would like to see universities, church groups, civic associations, corporations, and the medical profession go down there. Do not get involved in the war and the military aid, but go down there and help these impoverished young people.

There are two other points that I think would be helpful, if a lot more of our leaders in this country, both from Government, State, and local governments, mayors and State educators and all types would go down there and visit the people of El Salvador and talk to the 16- and 17-year-old soldiers out in the field, talk to the peasants that just want to be left alone to grow their cotton or grow their coffee, talk to the businessmen that are so tired of the Communist guerrilla violence and talk to them and see what they are actually saying.

In closing, Mr. Speaker, I want to thank the gentleman from South Carolina for giving us this opportunity. I want to thank the Members for allowing me to go on that trip and again urge that what the President is doing in El Salvador is correct. Let us continue that military aid, not to get that total military victory, but to bring about that economic growth so they can feed themselves, educate those children, and have a house and a home, as we like to have in America, and lastly, to continue to make the political reforms that they are making.

Mr. HARTNETT. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Yes, I yield.

Mr. HARTNETT. I had the pleasure of accompanying the gentleman from Virginia on this trip. I only want to observe what an astute observer the gentleman must be to have made the observations about the poor people of that country.

I think one of the finest things the gentleman said in his outstanding remarks tonight was the fact that our churches, and the gentleman mentioned the fact that he is a Presbyterian, I am a Catholic, and my own bishops have so concerned themselves with the many people who might die, who might die in a political holocaust, that they have spent countless hundreds of thousands of dollars having conferences and meetings, worrying about people who might die in a nuclear holocaust, when we have innocent children and poor people starving to death right now in El Salvador because of that internal strife.

I think the fact that the gentleman has called upon the American people through their churches and their charitable organizations to help those people is the solution and I commend the gentleman for his remarks and his contribution to this special order.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Yes, I yield.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman from Virginia for being an eloquent spokesman for this Congress. I like to

think perhaps my church, the Midway Baptist Church in San Diego, can become involved in sending some economic aid, some social aid down to those folks.

In listening to the gentleman's comments, I look at the statistics and I am reminded in fact of the $231.2 million that we are spending in fiscal year 1983. Of that, $204.9 million is economic aid to try to feed those children and clothe them and give them some of the things that they need to survive and only $26.3 million is military aid.

I thank the gentleman for his camaraderie and for his contribution to this trip. I think if our aid to Central America and our policy is shaped by the gentleman from Virginia, we are going to prevail.

I thank the gentleman for yielding.

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Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. HARTNETT. I now will yield to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my colleague from South Carolina for yielding.

I also want to thank my colleagues, 11 plus myself, who accompanied me and allowed me to accompany them on the trip to El Salvador. I was the token Democrat in the crowd and I appreciate the courtesy and the opportunity of going.

I also want, as a matter of record, Mr. Speaker, to thank the American officials and the officials of the El Salvadoran Government in that country. They treated us well. We had almost 4 full days of briefings in the countryside and in the city, and I found it very beneficial.

A couple of quick points, if the gentleman will allow me to continue.

First of all, I went because I read an article in a national publication that said that Members of Congress in this decade would be dealing with money issues and perhaps military issues, foreign policy issues, in Central and South America, and the article went on to point out that most Members of Congress had never been to the area. That article struck me a couple of months ago as being true, and so when this opportunity arose I quickly took it, and I thank you for allowing me to go.

I went asking myself four questions and I would like to try to answer briefly those four tonight. First of all, do the people of El Salvador need our help? Second of all, do the people of El Salvador deserve our help? Third of all, if we answer those first two questions in the positive, what kinds of help should we yield? Finally, what lessons from Vietnam, through Korea and back up to today should we learn in the kinds of assistance we give?

Do they need our help? It did not take us many hours in that country to answer that question yes.

The economy in El Salvador, unlike America, or Japan, or West Germany, or most other countries in the world is shrinking in size. We were told in El Salvador that over the last 2 years their gross national product was down an aggregate of 10 percent. The economy is based on commodities such as coffee, cotton, sugarcane, the price of which commodities is all down. And the economic infrastructure being destroyed has, as the gentleman from Virginia already stated, hurt the El Salvadoran economy.

El Salvador needs our help because as a nation it is not stagnant but, in fact, economically is shrinking.

Second of all, they need our help because they are in a desperate military situation. There are 6,000 to 8,000 rebels loose in the countryside who are in effect fighting the Government of El Salvador and bringing its military to a standstill. It is my belief after talking to the U.S. adviser in El Salvador that one-half of the countryside is controlled today, day in and day out, by the rebels, well armed, well trained, dedicated fighters, and they are giving the Government of El Salvador fits.

The answer to the question: Do they need our help, is a definite yes.

A tougher question is do they deserve, at a time of fiscal difficulty in this country, a third of a billion dollars in assistance outside of our borders to the south? I think the answer to that question is yes, too.

First of all, because of the proximity of El Salvador to the United States. We left Washington, D.C., and 4 hours later by jet we landed in El Salvador. That is a shorter period of time than it takes to fly from Washington to Los Angeles. It is that close to this country.

That is a selfish reason, but it is something that we have to consider.

We were told that there are 300,000 to 500,000 El Salvadoran former citizens now living in the United States, and that is a country still trying to maintain its freedom. If that freedom were to collapse, if the Communist rebels were to take over, as happened in Southeast Asia, for example, and the wholesale slaughter of human beings, the rigid imposition of a dictatorship, the foot soldiers, the foot people, the closeness of El Salvador to the United States would mean many more hundreds of thousands of immigrants.

Now that is a selfish reason. But let me give you more positively reason why I think the country of El Salvador deserves our assistance.

El Salvador is not a dictatorship. It is not a government that was imposed by someone else. A year ago they had free elections in El Salvador. Over 80 percent of the eligible voters risked literally their lives and their property to go vote in almost warlike conditions and 84 percent of the people for whom they voted now serve in the Government. The Government of El Salvador is a people's government and they are serving in that country today.

In addition, human rights has been brought up. It has been a disaster in many countries on this Earth and El Salvador is no exception. But the truth is in our meeting with the Human Rights Commission we found that the incidence of human rights violations is down by more than a half in a little over a year, not perfect, but progress.

Finally, there has been talk of land reform in El Salvador. They had a three phase program. Mr. Speaker, phase 1 has been implemented and carried out. Phase 3 is in the process now.

There is some discussion over phase 2. Phase 2 would take farms as small as 10 and 20 acres and divide. But we met on our trip with the Secretary of Agriculture in El Salvador, who is a graduate of a college in the United States, and he is talking of a way to keep the farms productive and allow the campesinos victory gardens, as a place to put their home and a place to call their own. Land reform is continuing in El Salvador.

To sum up all of those things, El Salvador is in close proximity to our country, the fact that they have had free elections and it is not a dictatorship; the fact that they are healthy politically; the fact that human rights conditions are improving; the fact that land reform is ongoing; I say the country and the Government of El Salvador deserve our assistance.

The final two questions: What kinds of help shall we give if we are going to give anything? Some would say that the problem is a military one and what we need to do is impose kind of our military view of the world in El Salvador.

That is not what they want. That is not what they are asking for.

All they are asking for in terms of military aid is the weapons with which to fight and the training by which they can win. They are not asking for American troops. They are not asking that our boys and our commanders go down.

They are asking that we give them some military help of a certain quantity on time so that they can fight their war to keep their country free.

In addition to the military help they are asking for economic aid, and because of all of the reasons I have listed here tonight, the economic aid is a necessary ingredient and part of the package.

For those people who sit in our country and think of Vietnam and look to El Salvador and say that a

military victory alone is possible are wrong. And those who sit here and say we can do nothing are wrong.

The clear evidence that we accumulated in our short visit was that the army units trained by the U.S. military establishment and trained in the United States are very capable of fighting in El Salvador. In fact some of the rebels avoid at almost any cost conflicts with our trained troops.

The form of help is economic and military; neither alone, but those together.

Finally, if my colleague from South Carolina will yield for a minute more, finally we were all bothered, I know I was in El Salvador with the kind of lessons we might have learned in the last 10 years in Vietnam and other places. What kinds of mistakes should our President and this Congress avoid when we view El Salvador?

Three come to mind. First, we should avoid the feeling that a military victory is the goal. The military are just a shield to allow our economic roots, to allow the political changes, to allow the democratic process to take hold and grow in El Salvador. Do not let anyone misunderstand me tonight. I am not asking that we can simply or easily win a war in El Salvador. We cannot win anything in El Salvador. Only the Salvadorans can win and they are not asking us to fight a war for them. They are asking them to help them fight that war.

The first mistake that we must avoid from the President of the United States down is to look at El Salvador and think only of the military.

The second thing that I think we ought to avoid is to feel that we can impose either our way of life or our rule in El Salvador. That should neither by our goal nor should be the process by which we try to assist that country.

We need to seek regional assistance in the area. From the Caribbean Basin Initiative of our President on up and down, we ought to encourage and promote regional solutions to the problems in Central and Latin America, because you see, it is not El Salvador alone. We know from our trip that the rebels are talking not just about El Salvador. They are talking from Nicaragua to El Salvador, to Guatemala, to Mexico, to all over the region. So we must turn to the region, the Contadora effort and all of the rest of it. The President must begin to emphasize the regional nature of the conflicts and encourage regional cooperation.

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And finally, the big mistake that we must avoid is the direction by which we look south; we must never look down.

I was impressed in El Salvador, yes, with the military, yes, with the Government, but most of all, the people. They deserve our help and our respect and we ought to look at them as true compatriots trying to defend their freedom and not look down, look straight ahead with them to promote freedom and democracy in Central America.

I thank the gentleman from South Carolina for allowing me to go on the trip. That is my biggest thing and thank him for allowing me to speak tonight.

Mr. HARTNETT. I thank the very able gentleman from Louisiana.

He may have been the lone Democrat but I will tell you this, he is a very eloquent spokesman for what unfortunately is a dying philosophy in the great Democratic Party.

I commend the gentleman for his dedication to human rights, decency and democracy in that brave and strugling little country of El Salvador.

Mr. ROEMER. If the gentleman will yield, I thank him, he said that just like I wrote it. I appreciate it.

I am reminded in my Louisiana homespun way that if you and I had a friend in trouble, we provide that friend some help. That is the kind of folks we are from Congress. We have a friend in Central America in trouble, and we ought to help him.

Mr. HARTNETT. The gentleman's remarks are very well taken. I hope your political future is as long as your heritage has been brave.

Mr. ROEMER. No comment, Mr. Speaker.

Mr. HARTNETT. I would like to yield such time as he may consume to the gentleman from Ohio, the very capable Representative (Mr. McEWEN).

Mr. McEWEN. Thank you, Mr. Speaker. I, too, wish to join my colleagues in commending the gentleman from South Carolina for taking this special order and allowing us this opportunity to convey to our friends throughout this country our impressions and insights upon our visit to our friend, El Salvador.

El Salvador's Government is now under duress and I think that one of the points that we need to convey to the American people presently is what was emphasized by the gentleman from Louisiana moments ago, that we are dealing with a representative government, elected by the people, in which 85 percent of the electorate went to the polls under extreme duress and chose their constituent assembly.

They were threatened by the rebel guerillas, the Communist-backed guerrillas, with death, with destruction on the way to and from the polling booths, with being sought out after the election and yet overwhelmingly the people of El Salvador chose democracy and freedom.

When we ask to support our friend with either economic aid or with military aid, we do so because we support the principles of democracy. We support the principles of representative government. And those of us who live in the central United States are sometimes not drawn into the geographic, geopolitical impact of where Central America is, vis-a-vis our homes in southern Ohio.

But as was pointed out by our previous speakers, Central America is only, in El Salvador's instance in particular, a 900-mile automobile trip to the border of the United States. It is a 2-day drive. And these people have called for our aid; they have called for our help and while we may have turned our back in some areas around the globe in the past, if we ignore these cries for assistance in democracy in Central America, I submit America will have to hold its ears because of the close proximity of these, our friends, in Central America.

My addition at that point would be also to emphasize what was shared with us not only by the economists, economic and political leaders, the Government leaders and military leaders, that the goal of the Communist-backed guerrilla effort which totals in the neighborhood of 1 to 1½ percent of the electorate, 1 to 1½ percent of the population of El Salvador, their dedicated mission is complete totalitarian control of all of Central America. And the insights shared with us from both, as I say, the Government leaders as well as the military leaders is that 7 to 10 million refugees will seek their protection, will seek their security in the United States of America.

And the purpose of our taking this special order tonight, and the purpose of our raising this issue in consciousness, to the important forefront of the American people is for them to understand precisely what is at stake in the years ahead, should we turn our back or ignore what is happening in Central America.

If those 7 to 10 million refugees from throughout Central America are forced to seek survival in the United States, this impact of 20,000 to 50,000 Central Americans in each congressional district across this country will make such a tremendous overload on our schools, on our hospitals, on our social welfare services, on our housing assistance efforts, that every Member of this Congress will have great amounts of effort and time and consideration being given to how to cope with that problem in the years ahead.

So, I say, as I may borrow from the gentleman from South Carolina, who so ably led our delegation, that America will have to face this issue now or face it later and I believe it is in the best interests of freedom that those who understand what is underway there, to begin to focus on this issue,

to do what they know to be correct and know to be right and that is to face this issue now in the best interests of freedom, in the best interests of democracy and as well in the best interests of the Government of the United States.

Mr. HUNTER. Will the gentleman yield?

Mr. McEWEN. I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

I appreciate the statements that he has made and the study that he has invested in this part of the world. I would ask the gentleman: It is my understanding that there are presently some 500,000 Salvadorans who can be classified as refugees from the struggle which is now taking place in El Salvador. I understand that about 200,000 of those people are now residing in Los Angeles.

I can recall reading an article the other day in one of the local newspapers which was entitled, "The President Invokes the Old Immigration Argument."

It appears to me that in fact this Nation has become a refuge, not only for Salvadorans, but for families, for Afghans and for a number of people across this world who have been forced, perhaps because the United States did not take the right steps when they could have taken them, did not make the investments that they should have made at an earlier time in the game. These refugees have openly sought refuge in the last great haven of democracy, and that is the United States. So, I think that the point that the gentleman from Ohio is making is a well-documented point. I think we are now the host to about 10 percent of Cuba's original population and I am sure that a great many of those fine people would have rather stayed in Cuba had they had the opportunity to live there under a democracy.

Unfortunately, the United States, as they have done historically, underestimated the importance of that sector of the world and the importance of being good neighbors to those people and the situation has arisen in which we have a great many people now fleeing from the crises in Central America today.

So, I appreciate the gentleman's statement. I can remember a statement that the gentleman made to me one time in describing the situation when we were down here, I think after listening to some of the leaders and listening to some of the problems that they had with their struggling democracy, because we talked to a number of leaders of opposing parties. Some of them as in the United States did not have complimentary things to say about the leaders of the other parties. I remember the gentleman from Ohio walking out of one of those meetings and saying that Benjamin Franklin left the Constitutional Convention and was asked by a lady what form of government, Mr. Franklin, do we have? He said, "You have a democracy ma'am, if you can keep it." At least that was the quote that the gentleman from Ohio gave me.

□ 2040

And I think that these folks have a democracy, if they can keep it, and if they can make it grow.

I appreciate the eloquence of the gentleman from Ohio and his appreciation of the situation and the investment in time and effort that he has given to this trip.

Mr. McEWEN. I thank the gentleman. And I would just also elaborate upon his observations concerning the situation of the refugees. And this is not speculation on our part, as the gentleman has mentioned. Ten percent of the population of El Salvador is presently within the borders of the United States. We have seen what a policy in Nicaragua has done to those people and the conditions in their country presently under a totalitarian Communist regime of Sandinista government.

And yet even more so, as the gentleman from Louisiana was pointing out, and as the gentleman from Virginia stated so eloquently, is the place where those 1 to 1½ percent guerrillas have entered the area, where they have destroyed the powerlines that provide the water purification system which forced the young children to drink polluted water and to cook polluted food and thereby increase disease and death and starvation. Where the guerrillas have done this throughout El Salvador, they have created refugee camps in their own country. And the gentleman from Virginia and I were able to tour some of those refugee areas and there is just simply no way that anyone can see the poverty and the contempt that obviously those Communist guerrillas have for the young people and society that they wreak this havoc on.

Mr. HUNTER. If the gentleman will yield further, do I understand the gentleman to be explaining the situation in that they have got to take a crop off of their fields this season. They have a short food supply. In fact, it is the guerrillas' plan and they are executing that plan presently to prohibit that harvest.

Mr. McEWEN. Absolutely; their goals are to bring the economy to a halt and they are afraid to death. They are scared to death of being placed in a democratic situation of where the Communist representatives have to get the support of the people through the ballot box. They understand that they do not have any chance in the world to be successful in that arena.

Therefore, they go through the countryside shooting the farmers, scaring them off of their land, destroying the infrastructure, as the gentleman knows, just a handful of rebels destroying one bridge on a railroad track can destroy the railroad track. Or one bridge across a river can destroy a highway. Knocking down one powerplant can destroy electricity services to many communities and thereby, as I mentioned, create health hazards in hospitals and water purification centers and all the rest. That is their goal. The Human Services and the Human Rights Commission, as well as the Peace Commission, on a regular weekly basis approach the guerrilla units petitioning them to come in and participate in the democratic process, to place their candidates on the ballot and to run for election and to seek the support of the people. And in every instance they decline to do so because they know they are not representing the people of El Salvador. They are not interested in their welfare, their actions prove that. They are interested in totalitarian overthrow of the Central American governments and that has been their design, not only in Cuba and not only in Grenada and not only in Nicaragua, but now as they are exporting it into Honduras and El Salvador.

Mr. HARTNETT. Mr. Speaker, I have had the privilege of traveling now with 11 truly dedicated Americans, who happen to be fine representatives of the congressional districts which they represent. I had the privilege of going to a troubled area of this world. Sometimes the unforeseen forces of circumstance often move in strange and awesome ways.

At this period in time, in this the last fifth of this 20th century, the unforeseen forces of circumstance has dealt 5 million people in an already overtroubled little nation a very cruel blow. The people of El Salvador are already troubled with poverty, with sickness, with hunger, with social problems, military problems. They do not need to be the focal point in the Western Hemisphere of whether or not democracy, as we know it and have known it for 207 years, is going to survive.

Those brave little people in that struggling minuscule nation have been asked to fight for 225 million Americans our battle for freedom and democracy. And surely as Travis at the Alamo years ago drew a line in the ground with his sword and said, "Let him who would fight cross over, but him who would live better fly."

The line is being drawn for all of America, be it Central, North or South, in El Salvador. You have heard described to you in far more eloquent terms than I could ever here tonight, tell you of the troubles that beseige

these brave people in El Salvador. What we are trying to do is call to the attention of the American people the problems that we as Americans are going to face if we let our neighbors in Central America down.

I could not better explain to you the refugee problem we are going to have, the disease, sickness, health, educational problems we are going to have, employment problems we are going to have.

I cannot better describe that to you than has been described by those who preceded me to this podium here tonight.

I find it strange that my colleagues over on this side of the aisle impose upon the Government of El Salvador restriction after restriction to receive a few paltry hundred million dollars. In 1961, a Democrat President stood on those steps outside. You remember his inaugural address because you remember the part that said, "Ask not what your country can do for you, but what you can do for your country."

You know what was said also by that President in that address on that very cold and bleak January morning, he said to the American people and to the world:

> Let every nation know, every nation, whether it wishes us ill or whether it wishes well that we, the American people, will pay any price. We will bear any burden, we will endure any hardship, we will oppose any foe and we will aid any friend in the defense of liberty and democracy at home and around this world.

Has that price now become too expensive when it may be $2 or $300 million? Has it become too expensive when it includes 55 military advisers in our neighboring country of El Salvador? Have we the American people forgotten our heritage, our Continental Congress? Have we forgotten our struggle for democracy?

Well, I can only tell you this, that our way of life as we know it, the love of all the great things of America that we hold so dear is now focused in Central America. And as was said by our colleague, it is a you-can-pay-me-now or pay-me-later situation. We, your Congress, can decide to aid El Salvador with a few hundred million dollars now in her struggle or we can pay later with hundreds of thousands of American lives when it becomes our struggle.

I cannot emphasize enough to my colleagues here in this Congress and to any Americans who might be listening the need for this great Nation of ours, the greatest nation in the world, to help a struggling neighbor and an endeared friend, do what we can to see that democracy in Central America, and particulary in El Salvador lives on for generations to come.

□ 2050

And as has been said by my colleague, the gentleman from Virginia, it is time the American people had the will and had the resolve not only to aid them through our churches but through our great government, and to say that we are drawing that line, that proverbial line, with our sword in the sand, and saying to Marxists and Communists around this world, "Communism stops here; we the American people are going to see to it that communism stops here in El Salvador."

Mr. Speaker, I urge my colleagues who have not been there to visit that troubled nation, and then you come back and see whether those brave people are not deserving of our help.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HARTNETT. I yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his leadership. He took this large delegation down to El Salvador and managed to keep everything running, managed to get us a well-loaded schedule. We got in, and we saw more commissions and more people and made more tours than we possibly thought we could make, and we want to express our gratitude to the gentleman from South Carolina, not only for his eloquence, but for his leadership on this trip.

Mr. HARTNETT. I thank the gentleman for his very kind words. I just hope that all of our colleagues will take it upon themselves to visit El Salvador.

Mr. HUNTER. Mr. Speaker, I think the situation has been well described by my colleagues who have preceded me. I would like to touch on just a couple of points.

We had a chance to talk with a number of politicians while we were in El Salvador, and we talked to politicians from most of the parties, the major parties. As I understand, there are six parties that are fairly substantial parties—there are a number of other smaller ones—and we talked mainly with the leaders of the Christian Democrats who took, I believe, 42 percent in the last election, and the members of the Arena Party, who took a much smaller percentage of the vote but who managed to hustle around and build enough coalitions with the other small parties that they captured a majority of the constituent assembly.

When I was listening to the various politicians talking, discussing their political situation, particularly talking about the other parties, I was touched by a feeling that, somehow, these people were on a road which was new to them but that they were becoming aware of what it takes to operate in a democracy—some of them for the first time—and this was confirmed by a number of our people, Americans who were down there observing the situation. A number of them are having to learn the give-and-take of politics. They are learning to compromise, they are learning to hammer out legislation and to persuade that gentleman from the other side of the aisle to work with them rather than to intimidate, perhaps, that person.

I can remember the political situation being described, in that early on the Arena Party managed to capture a coalition of the smaller parties and to capture the constituent assembly, but since that time some of the smaller parties have broken away. So now you have the Christian Democrat Party on one side, which is a major party, and you have the Arena Party on the other side, which is probably the second major party, and you have a number of parties in the middle who are now switching back and forth. There is a shifting balance of power, perhaps not unlike the shifting balance of power that has gone back and forth in this body from time to time over the past several years and perhaps over the past several sessions. So I think that we saw many good things. We saw a lot of problems and a lot of political problems, and I think we saw people who are genuinely frustrated in having to work with people they do not want to work with but that is politics.

And I think that this small nation, if we give it the shield that we have offered and that it has asked for, the military shield, if we give them that shield that will allow them to develop their democracy, develop their economy, I think this nation will sustain its democratic start and that it will become a strong nation.

I would like to turn, just very briefly, to the economic aid, to the aid package that we gave them for fiscal year 1983. The estimates were, I believe, $231.2 million. That was a total aid package we sent to El Salvador. We gave economic aid of $204.9 million and we gave military aid of only $26.3 million. As the gentleman from South Carolina knows, that $26.3 million is about the cost of some of our aircraft. We gave them the eqivalent of the cost of one aircraft for fiscal year 1983 for military aid.

The economic aid was broken down, roughly, into three groups: $30.1 million for direct assistance; $140 million for economic support fund; and $34.8 million for the food-for-peace program.

Now, I would like to finish now because I think that my colleagues have really told the story much better than I can tell it, and I do not think it needs repeating by me; but I would like to finish with a statement that was made by a Catholic representative to the Peace Commission, who is also a leader in the Catholic Church, and this statement was made by him, in answer to a question which was asked

of him, I believe by the gentleman from South Carolina. The gentleman asked him: "Do you think that we should help you? Do you think that outside aid from the United States, military aid, should be forthcoming?"

And he asked this question of a leader in the Catholic Church, not a government official, not a politician, not a soldier.

And the answer was this—and I took this quote down and I wrote it in my book, because I thought it was quite significant:

> We need to receive U.S. help as long as the guerrillas receive outside help. For us to do otherwise would be suicide.

I think that is the question that this Congress must face when we decide on how to vote concerning the question of military aid for El Salvador.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Ohio.

Mr. McEWEN. I appreciate the gentleman bringing to our attention the military and economic aid, and I think it is important for those who are not that familiar with exactly what this is all about to reemphasize again at this juncture that this is a struggling country economically and militarily, but most of our aid, over 70 percent, as the President has emphasized time and time again, is for economic aid.

The gentleman has pointed out precisely where that goes. As the guerrillas have forced the poor peasants off of their land, they are starving, and we are giving them food. As a destructive guerrilla is trained in Cuba and financed through Cuba and Nicaragua into placing charges on the support structures to a bridge or to a powerline or power tower, then it is incumbent upon the struggling government to finance that repair as rapidly as possible, and this amounts to hundreds of thousands of dollars which they do not have.

As we know, on an annual basis there are billions of dollars going in through Havana from the Soviet Union to finance these efforts. And, on the other hand, in order to keep some semblance of social structure, electricity, water, schools, food, the people of El Salvador have turned to the leader of the free world and asked for a miniscule touch of aid. I think it is important for the gentleman to emphasize, as he has, precisely where that goes and what it is used for.

We saw the entire El Salvadoran air force, which amounts to less than 5 or 10 individual aircraft, and it is a very, very small contribution to those who believe in the cause of freedom. I thank the gentleman for emphasizing that.

Mr. HUNTER. I thank the gentleman, and I thank the gentleman from South Carolina for taking this time and for giving us a chance to discuss this.

Mr. HARTNETT. I would say to my colleague, the gentleman from California, that certainly he has given of his time on that trip and since he has been back, with no personal gain and no political gain to my knowledge, to see to it that we do what we should do for our neighbors.

Mr. Speaker, I yield to the gentleman from Texas (Mr. FIELDS).

□ 2100

Mr. FIELDS. I would like to thank the gentleman for yielding this time to me, and also commend him, as others here before me have commended him not only for his leadership in this special order, but also for his leadership in putting together our trip to El Salvador. I have to confess that that particular trip had a profound impact on my thinking in terms of Central America.

Mr. Speaker, I must say that this impact began when I stepped on the plane and began to realize that El Salvador was closer to Houston, Tex., than Houston was to Washington, D.C., and it began to really crystallize the particular problem that we face in Central America and the immediate impact that it could have not only on my State, but also on my particular locality, Houston, Tex.

I think it might be appropriate at this point to insert in the RECORD exactly what we did while we were in El Salvador. I think there are probably many in the Chamber, many who are viewing elsewhere and many who will review this RECORD who will wonder what exactly did we do, what gave us the basis for drawing some of the conclusions that we have drawn, so I would like to run through very briefly what we did while we were in El Salvador, and then give and share some of my conclusions.

We got to El Salvador on Thursday night, June 16, went from the airport to our hotel room, got a minibriefing. The next morning we were up very early, which was Friday, June 17, and our first meeting was with Jose Napoleon Duarte, the former President of El Salvador.

I found that his remarks were very instructive. He basically said that his country wanted democracy. They did not want American troops. They did need some help from our country; that he was running for reelection, and that this particular election was significant because it would be the first time that one freely elected individual, President Magana, would pass power to another freely elected individual.

After that we had a briefing by some of our American experts. We had a briefing by some economic experts, who told us that the guerrillas were trying to keep the people from producing in the fields. They were trying to destroy the infrastructure of the country, the bridges, the utility towers; that the agrarian reform program which came from the influence of our country, basically giving each campesino 17 acres, was working; it was bringing the peasants into the process.

We were briefed by political experts who told us that there were really two extremes in the political process, the Christian Democrats, who would be considered liberal by our standards, and the Arena Party, which is very conservative, but the majority of influence and power was coming from the middle, from a coalition. The political experts put in perspective that this was a country that was ruled by the military for almost 200 years with the support of approximately 300 wealthy families. So we have a significant event. For the first time El Salvador has moved toward democracy, and this democracy is new.

We were told by military experts, by our military advisers, that the military was finally getting out of the barracks. They were going into the field. They had missions operating for reconaissance and that great strides were being made.

After those particular meetings, we went to the Human Rights Commission, which was chaired by Msgr. Freedy Delgado, and I must say I was very impressed, and again I felt that our country had been a very positive influence because this Human Rights Commission was made up of individuals who were average citizens, people from the military, people from the Catholic Church, and they acknowledge to us that they were not perfect in the area of human rights but that they were making strides.

At that particular time, I tried to put in perspective that for 200 years we have enjoyed democracy in this country, but after 200 years we are not perfect in the area of human rights and the preservation of rights of all people.

After that particular meeting, we met with a Peace Commission and were told by the chairman that there would be "feet people" coming to this country; that there were 500,000 Salvadorans living in this country, and that as many as 1 million would be refugees coming to the United States if that country was ever destabilized.

One of the significant events from that particular meeting was a question, something referred to by my colleague from California earlier, a question that originally came from Congressman RAY MCGRATH, from New York, when he asked Archbishop Revelo, who is the chairman of the Catholic Bishops' Council, "What should we do as a country? Should we unilaterally withdraw U.S. aid?" And his response was that the Catholic Church of El Salvador has always

been supportive of a political solution to the conflict, but from the moment that the guerrillas, who were up in arms and who were supported by all types of institutions that were outside of this country and institutions that have a lot of money and a means of communication at their disposal, and in addition to the political support from other countries, the guerrillas are feeling very powerful, thanks to all the support they get from abroad.

Also, these groups are in the United States that support the guerrillas, and from this position of strength, the guerrillas have tried to make it look as though they are offering a dialog. It would be suicide for El Salvador to discuss anything with the guerrillas under these conditions when we are not speaking from a position of equal strength.

Our own forces in El Salvador are very small. The armed forces are not designed to deal with the kind of situation we are facing now. Therefore, to cut off any military aid here in El Salvador would mean that the government in El Salvador would present itself to the guerrillas with their arms crossed.

Then Mr. HARTNETT followed with a question. He said:

Does the church view U.S. assistance as helpful in bringing about a peaceful solution? Do the bishops support continued security assistance by the United States as long as external support from Nicaragua continues to the guerrillas?

The Bishop replied,

This is just what I have been trying to say with my last exposition. As long as the other side continues to receive support from abroad, from Nicaragua and these other countries, it is only fair that the Government of El Salvador also receive aid because there will not be a just political solution if both sides cannot meet each other equally, at least on a basis of equal strength.

Which I thought was a very profound statement by Archbishop Revelo.

Later we had a luncheon with military trainers who again said no troops were needed; that they were very optimistic about the situation. They told us that there were 500 Salvadoran troops now being trained as officers at Fort Benning, Ga.

We then went to the Ilopango prison. I will have to confess that I was a little concerned about going originally, but I began to realize that there have been reforms even there. We met with a committee of political prisoners, and we learned that 500 political prisoners have been given amnesty.

That night we had dinner with the top 20 political leaders of El Salvador, who were enthusiastic about their past election and they were convinced that there had to be a transfer of power this fall.

I had a conversation with Doctora Castillo, who is vice president of the Constituent Assembly and is on the Constitution Committee. All of the people said that their desire was to bring the insurgents into the electoral process with guarantees.

The next day, Saturday, June 18, we took a helicopter ride over the guerrillas' strongest area and saw the blown out bridges, the destroyed utility poles. We saw that no one was working the fields. We saw the guerrillas stopping traffic 15 miles from San Salvador.

That night we had dinner with the military and their chief fear was the United States would abandon their commitment.

Now if I could with the remainder of my time tell you the conclusions that I drew from this particular visit.

I drew the conclusion that Central America is the most important international problem for this country for the remainder of this century.

The No. 1 problem we face in Texas and the rest of the country is the problem of potential refugees if El Salvador is destabilized. One-tenth of the population is in the United States at this particular point. And 500,000 people, a million more, have their suitcases packed, which means an immediate impact on jobs, schools, social services, and so forth and so on.

The second conclusion I drew was that El Salvador is not an isolated example. We talked with a major news team in Central America who had visited with the guerrillas, in fact, who had talked with the second in command of the guerrilla forces. He said that El Salvador meant nothing. That all of Central America was the target.

I also drew the conclusion that the people in El Salvador do not want communism. Eighty percent participated in the last free election.

Now in terms of what the United States should do, that is a very complex situation and I do not claim to have all of the answers.

I think the Caribbean Basin Initiative is very important economically, that we give them a trade status and give them ability to bring their goods into this country, actually give them some incentive and perhaps give them a special situation.

I think that we should continue to encourage their move toward human rights. I think that we should continue to recognize their democratic process and elections. I think that we should advocate that we not negotiate with the guerrillas, but instead we advocate to bring the guerrillas into the process. To negotiate with the guerrillas would be similar to us negotiating with the SDS back in the Vietnam war era. There is no meaning to it. They do not have popular support.

Finally, I think that we should continue to support the patriots who want to return democracy to Nicaragua. Daniel Ortega said that their revolution in Nicaragua was a revolution without borders. I think if we continue to support those who want democracy and who want to see democracy return to Nicaragua, the focus will be taken off El Salvador, it will keep the arms from Cuba and Moscow in Nicaragua, and it ends the base or the springboard for more Communist adventurism.

□ 2110

I say to the gentleman from South Carolina that there is a cancer at this particular point in Central America. We cannot and we must not allow that cancer to spread.

Mr. HARTNETT. Mr. Speaker, I thank the gentleman from Texas for his outstanding contribution.

Mr. Speaker, in summary, I would just like to say to my colleagues that 12 Congressmen left Washington to go to Central America 2 weeks ago, all of us from different parts of this country, most of us of the same type of philosophy and persuasion. We came back, I think, more committed and more assured than ever that this country has a vital stake in Central America, that we should do all that we can to help our struggling neighbors have their democracy, live as they choose, and be free from tyranny.

We thank the Speaker and we thank the staff for indulging us at this late hour.

MARTIN LUTHER KING, JR., HOLIDAY

The SPEAKER pro tempore (Mr. MOAKLEY). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, I take this time this evening because tomorrow is a historic day. The subcommittee, chaired by our distinguished colleague, the gentlewoman from Gary, Ind. (KATIE HALL), of the Population and Census Subcommittee will mark up the Martin Luther King, Jr., holiday bill, which would create January 15, the birthday of Martin Luther King, Jr., as a national public holiday; so a number of us thought it appropriate that we pay tribute to that subcommittee, its chairwoman in particular, the members who have heard some testimony that we think will cheer us on.

I would like to indicate that other participants in this special order by way of their statements are my colleague, the gentleman from Wisconsin (Mr. MOODY), the gentleman from Maryland (Mr. HOYER), the gentleman from New Jersey (Mr. RINALDO), the chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO), the gentleman from California (Mr. EDWARDS), the gentleman

from West Virginia (Mr. WISE), the gentleman from New Mexico (Mr. RICHARDSON), the gentleman from Minnesota (Mr. VENTO), the gentleman from Texas (Mr. FROST), the gentleman from Georgia (Mr. FOWLER), the gentleman from California (Mr. DELLUMS), the gentlewoman from California (Mrs. BOXER), and a number of others.

We have come a long way. It has been a long haul. I am just going to make this comment. The incredible thing about this struggle across the years is that Martin Luther King, Jr., has not only inspired some important retrospection on the part of many of our colleagues, some reconsiderations of views, but has also moved them to an eloquence that I think is even higher than is normal in this body.

I would just like to touch upon a few of the very moving statements that have been made in the course of the hearings chaired by the chairwoman of the subcommittee hearing this legislation.

I would like to now call on my colleague and yield to him such time as he may consume, the gentleman from California (Mr. BATES).

Mr. BATES. Mr. Speaker, I rise today to address the House of Representatives regarding the special order on Martin Luther King, Jr., national holiday.

I thank my colleague, Congressman JOHN CONYERS of Michigan, for his very patient and devoted efforts to bring about the passage of a resolution declaring Martin Luther King, Jr., birthday a national holiday.

I call tomorrow on the subcommittee and then on this Congress and on the American people to bestow this very high honor on the Reverend Martin Luther King, Jr. This is not simply another holiday. It is not simply recognition of the great contributions of this particular individual. It is much more than that, because Martin Luther King, Jr., was a man, a special kind of man in America, a black man; and we do not simply pay tribute to a man, but to all Americans who also happen to be black.

I think in paying this tribute we say to black America, "Slavery was wrong," and "Discrimination is still wrong" and we offer this day as a symbol of equal opportunity for all Americans to fulfill their dreams and Martin Luther King, Jr., dream of equality.

With this tribute we put the past behind and offer to every small black child in America a role model, someone to look to, someone that they, too, can succeed at whatever their goals, whatever their dream.

Mr. CONYERS. Mr. Speaker, I would like to thank my colleague, the gentleman from California, for his very thoughtful remarks and welcome him to the struggle. He has been an excellent companion as we have moved to what we hope will be the final legislative effort in this long battle.

Mr. Speaker, I would like to now yield to the gentleman from Texas (Mr. BRYANT) such time as he may consume.

Mr. BRYANT. Mr. Speaker, I wish to thank the gentleman from Michigan (Mr. CONYERS) for allowing me this time to participate in this special order and I commend the gentleman for bringing this particular action on our part at this time to the attention of the Congress prior to the hearing tomorrow morning on the bill that we are concerned about.

Mr. Speaker, Congress designates national holidays to honor the significant landmarks in our national efforts to achieve the liberty and level of civilization envisioned for us by our founders. It is a process by which we pay tribute to the ideals of those figures in our history who have contributed most to our national progress.

The question before Congress, as we consider this resolution establishing the birthday of Martin Luther King, Jr., as a national holiday, is whether or not the life of Martin Luther King, Jr.—his words and his deeds—contributed to our progress as a nation to the extent that we should set aside his birthday as a holiday.

I submit to you, Mr. Speaker, that the answer to that question is another question: "What single man or woman in our history has contributed more to guarantee that we live as a free people; what single man or woman in our history has contributed more to guarantee that each of us has equal opportunity; and what individual in our Nation's history has contributed more to guarantee that every individual lives with basic human dignity, than Martin Luther King, Jr?" The answer to this question is that no man and no woman has contributed more; and the answer is clearly that his birthday should become our newest national holiday.

At a time when segregation and racial discrimination were not only accepted practices, but in many places in our country were actually the law of the land, Dr. King spoke out clearly and said that no one who truly understood the American dream could allow the practice of discrimination against people on the basis of race to continue any longer.

In speaking out was his voice harsh? In speaking out did he advocate violence to right the grievous wrongs that had been suffered by him and his people? The answer is no.

No. He spoke eloquently and forcefully, but with love, about the rights of all people to life, liberty and the pursuit of happiness in America; and he advocated and practiced the most disciplined nonviolence, in the face of the most intimidating physical and psychological violence that could be mounted against him. It was the achievement of this worthy ideal by nonviolence to which he dedicated his life, sometimes in spite of the understandable impatience of many of his followers.

Every public moment of Dr. King's life was uniquely devoted to pointing this country and its people in the direction of our true national purpose.

Abraham Lincoln signed a proclamation abolishing slavery. But it was Martin Luther King, Jr., who, 100 years later, gave that freedom practical meaning for all Americans.

George Washington led a loosely confederated group of colonies in a war that gave us the greatest form of government and the greatest degree of individual liberty and opportunity in the world. Martin Luther King, Jr., waged peace to take us down the road to putting the American dream into practice.

With courage equal to that of any of our national heroes, without fear of death and without fear of the personal consequences to himself, Dr. King sought the promised land for all of us and brought us closer to it than we had ever come before.

Mr. Speaker, no man or woman contributed more to the completion of our national purpose than Martin Luther King, Jr. His birthday should be designated as a national holiday, not simply to pay deserved tribute to him, but also to give our Nation a day on which to renew our national commitment to eliminating all vestiges of inequality, all vestiges of injustice, and all vestiges of prejudice—to give us a day to renew our national commitment to the most basic American principles: Freedom, human dignity, and equal opportunity for all.

Mr. Speaker, I join my friend, the gentleman from Michigan (Mr. CONYERS) in cosponsorship and support of this resolution. I congratulate the gentleman for his leadership and I thank him for allowing me this time.

Mr. CONYERS. Mr. Speaker, I want my colleague, the gentleman from Texas, to know how much I value his support and appreciate the work that he has done in the memory of Dr. King in the years that he was in the State legislature in Texas as well.

Mr. Speaker, I yield now to my colleague, the gentleman from Wisconsin, Mr. JIM MOODY, such time as he may consume.

Mr. MOODY. Mr. Speaker, I am pleased to join with Congressman JOHN CONYERS of Michigan and 163 other colleagues as cosponsors of H.R. 100, a bill to create a national holiday in memory of Dr. Martin Luther King, Jr.

□ 2120

This bill has the support of political leaders, labor unions, civic groups, and American citizens throughout the width and breadth of our country. My own State of Wisconsin recently set aside a day of commemoration for this great man.

When I was in the State legislature in Wisconsin I sponsored similar legislation and I am now glad that it has passed.

Dr. King epitomized the nonviolent struggle against racism, and with his leadership and vision moved a whole nation forward toward racial justice.

A national holiday on his birthday would be a memorial to him and to all of his fellow Americans who struggled and continue to struggle for a just society.

I marched with Dr. Martin Luther King in August 1963, and on the steps of the Lincoln Memorial I heard his famous speech, "I Have a Dream."

We have yet to fully realize that dream in America, but we are infinitely closer because of the magnificent and lasting contribution of Dr. King.

I urge the Congress to favorably consider and quickly pass H.R. 100 in this session.

I thank the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I deeply appreciate my colleague's remarks and his dedication. I would like to remind those Members that are still here, as you talked about that day in 1963, the Speaker of the House began the testimony for this bill before the subcommittee a few weeks ago and he talked about that day, too. It so happened that TIP O'NEILL was in that audience as was I. Probably none of us knew each other then.

I would like to quote the Speaker before the subcommittee. He said:

People say what are the greatest talks that you have ever heard, the greatest talks that you have ever heard I suppose in my memory going down the road of recollection, I have to say that there were two. Kennedy's inaugural address, which was a thing of beauty, and Martin Luther King in September, I believe, of 1963. It was August.

I remember sitting out there at the Lincoln Monument in the sweltering heat, and admiring this man, the talent, the ability. To look at him, you knew that he was a leader. You knew that he had a cause. You knew that he was turning the nation around.

There were 150,000 people there that day. There was respect and admiration from everybody that was listening to his voice. But there was hatred cut in the fields, and we knew that. He was a man who helped changed the course of America.

Our Speaker went on to conclude:

We have not yet reached that promised land of equal opportunity that Dr. King sought. But because of him, we are at least on the route to that land. Today, all over the country, black Americans are demonstrating that power can be achieved through the ballot box.

And we professionals in the art of politics are watching and wondering what took so long. It was Martin Luther King that started it all. We in Congress have sought to ensure that right to the ballot box by extending the Voting Rights Act.

Believe me, without the help of Martin Luther King, it never would have been enacted. This committee is working to ensure that the man who made this progress possible is given the distinction that he deserves. That the young men and women who someday will grow up in full political freedom and participation in our country remember that man that made freedom possible.

By declaring Martin Luther King Day, we give this great American the place that he deserves with the truly great leaders of American freedom and democracy. If I have anything to say about it, he concluded, if I can use in any way the power of my office, Martin Luther King will have his day.

That began the testimony in the subcommittee chaired by the gentlewoman from Indiana (Mrs. HALL).

That was followed by the majority leader, JIM WRIGHT, who made a very moving address. I will quote just a couple of sentences by him. The majority leader said:

King believed passionately in nonviolence in the power of an idea to triumph irresistibly over physical force. He believed, and his life demonstrated, that love is a stronger force than hate.

How better shall we teach these truths than for the Nation to set aside a day to commemorate the life and teachings of this remarkable American who preached that our people are bound together by a single garment of destiny?

The eloquences go on, my colleagues. I will only quote just a line from the chairman of the Judiciary Committee, my dear friend, PETER RODINO, who reminded us that King was only 39 years old when he was killed; 39 years old, and it was incredible. I quote Chairman RODINO at this point.

Dr. King was still a young man—only 39—when he was killed. The assassin deprived Dr. King of the great and good years of what we call "middle age." That loss is no less sad in light of his willingness—often expressed—to risk death in the struggle for justice and freedom. It is equally sad that the nation and world have been deprived, all these years, of the presence, the voice and the wisdom of Dr. Martin Luther King, Jr. The firm, resolute, confident voice of freedom, of justice, of love, of non-violent action and peace is sorely missed now.

This kind of eloquence goes all through this hearing, all the speakers who are charged with that special vitality of a deep and compassionate understanding and commitment not only to make King remembered in our national history, but who understand what he stood for.

The last person I want to quote is another dear friend of mine, George Wald, professor emeritus of biology at Harvard University, and himself a Nobel Laureate, a recipient in 1967. Dr. Wald said this, among other things in statements that he submitted:

He was our American Gandhi. It is the fate of saints, first to be killed, then canonized. The time has come to recognize Martin Luther King as an exemplary figure in the American tradition. His meaning for us is unique. It comes not trickling down from the heights, but rising up from the base: from the great yearning of vast numbers of our people to fulfill the American promise, recorded in the second paragraph of our Declaration of Independence, spoken in Lincoln's Gettysburg address inscribed on the Statue of Liberty. Its main themes are freedom from discrimination, social justice, human dignity—a widening area of recognition in which one person is as good as another. Those are the things that Martin Luther King stood for; and left them, not hanging in the air, but like Gandhi, made of them a program for action, forced them as issues always non-violently, yet insistently, never compromising, never compromising, never giving up, whatever violence he himself and his companions encountered.

That American promise, never fulfilled needs constantly to be re-discovered and restated, and never more so than now.

That is what a Martin Luther King Day can do for us.

Mr. Speaker, I submit at this time for the RECORD additional speeches and information on this great man.

The information referred to follows:

FACT SHEET: STATES AND LOCALITIES THAT OBSERVE SOME TYPE OF KING HOLIDAY

STATE OBSERVANCES (AND DATES) (17)

Arkansas (1983).
California (1981) school holiday on January 15th.
Connecticut (1976) second Sunday.
Illinois (1973) January 15th or closest Monday.
Kentucky (1975) January 15th.
Louisiana (1977) January 15th.
Maryland (1974) January 15th.
Massachusetts (1974) January 15th.
Michigan (1979) closest Monday to January 15th.
Missouri (1979) January 15th.
New Jersey (1977).
North Carolina (1983) January 15th.
Ohio (1975) third Monday.
Virginia (1981) January 1st.
West Virginia (1982) January 15th.
Wisconsin (1983) January 15th or closest Monday.
South Carolina (1978) January 15th.

(All above States observe a holiday for King as a legal, public holiday. In certain States like Louisiana and So. Carolina, State employees have an option of observing with a day off one holiday out of a choice of two or three, including a King holiday. State Legislature of Kansas has called upon Congress to enact a national King holiday.)

PARTIAL LIST OF CITIES THAT OBSERVE KING HOLIDAY (LARGER CITIES)

Detroit, Cleveland, Milwaukee, Atlanta, Minneapolis, Birmingham, Memphis, District of Columbia, Louisville, KY., Philadelphia, Cincinnati, Chicago, St. Louis, Columbus, OH, New York City, and Baltimore.

PARTIAL LIST OF COUNTIES THAT OBSERVE KING HOLIDAY

Prince Georges County, MD.
Montgomery County, MD.
Wayne County, MI.
Fairfax County, VA.
Chambers County, AL.

Data derived from the Martin Luther King, Jr. Center for Non-Violent Social

Change. Data-collection continues, so that lists are incomplete.

CONGRESSIONAL SPONSORS OF KING HOLIDAY BILL (AS OF JUNE 2, 1983)

135 House Sponsors; 28 Senate Sponsors.

STATEMENT OF HON. THOMAS P. O'NEILL

Mr. O'NEIL. Thank you, Madam Chairman, members of the committee. I am indeed honored to be here today. As I walked down the corridor, I felt a little nostalgia. And I walked down to the office that I had 32 years ago when I was first elected. It was the number that I drew, 317.

And I walked in, and it is Mr. Borsky's office. I remember the first day that I walked down the corridor. And 318 was a man who had been elected as the United States Senator from Massachusetts, John F. Kennedy. And he was removing all his material and sending it to the Senate. I had taken his place.

I remember the building so well. This was Armed Services. And Jimmy Roosevelt was in the second office from me. Gene McCarthy was around the corner. I have not been able to get over to this section that often in recent years.

Memories, being in Washington so long, you recall so many things. People say what are the greatest talks that you have ever heard, the greatest talks that you have ever heard I suppose in my memory going down the road of recollection, I have to say that there were two. Kennedy's inaugural address, which was a thing of beauty, and Martin Luther King in September, I believe, of 1963.

I remember sitting out there at the Lincoln Monument in the sweltering heat, and admiring this man, the talent, the ability. To look at him, you knew that he was a leader. You knew that he had a cause. You knew that he was turning the nation around.

There were 150,000 people there that day. There was respect and admiration from everybody that was listening to his voice. But there was hatred out in the fields, and we knew that. He was a man who helped change the course of America.

And today we are talking about naming a day after him, a legal holiday. Well, Americans have gained a new interest in philosophy, and I am talking about the philosophy of India's Mahatma Gandhi that we listened to on radio, and watched on television and in the movies.

He was a man who led his people to freedom and dignity, not through the use of a gun, but through the use of principles of non-violence. Martin Luther King is America's Gandhi. He taught us, all of us, how to change our society for the better, and how to do it through peaceful means.

He taught us that the greatest force in human history is held not by generals or by arms, but by a person with moral strength. Martin Luther King asked for a society which judged men and women not by the color of their skin, but by the content of their character.

We have not yet reached that promised land of equal opportunity that Dr. King sought. But because of him, we are at least on the route to that land. Today, all over the country, black Americans are demonstrating that power can be achieved through the ballot box.

And we professionals in the art of politics are watching and wondering what took so long. It was Martin Luther King that started it all. We in Congress have sought to ensure that right to the ballot box by extending the Voting Rights Act.

Believe me, without the help of Martin Luther King, it never would have been enacted. This committee is working to ensure that the man who made this progress possible is given the distinction that he deserves. That the young men and women who some day will grow up in full political freedom and participation in our country remember that man that made freedom possible.

By declaring Martin Luther King Day, we give this great American the place that he deserves with the truly great leaders of American freedom and democracy. If I have anything to say about it, if I can use in any way the power of my office, Martin Luther King will have his day.

I will be glad to answer any questions.

STATEMENT OF HOUSE MAJORITY LEADER JIM WRIGHT ON MARTIN LUTHER KING HOLIDAY BILL, JUNE 7, 1983

Madam Chairman, I support setting aside January 15, the birthday of Dr. Martin Luther King, Jr. as a public holiday. Certainly there can be no harm in that; I think there may be some lasting good in it.

The purpose of a national holiday, of course, is to provide the American people an annual reminder of some greatly inspiring historic deed or of an inspirational life. It seems appropriate to me that on January 15, toward the beginning of every new year, we might well have a reminder for the Nation that we have a dream—a dream yet not wholly fulfilled but one which we pursue.

It is a dream of equality—equality of rights and opportunity for all the children of this land, and indeed for all of God's children everywhere. That was the dream espoused by Martin Luther King. It was for that he lived. It was for that he died.

Martin Luther King was martyred 11 years ago in Memphis. Since that time 14 of our States on their own have acted to commemorate his birthday as a holiday. They include such Southern States as Florida and Kentucky, and such border States as Maryland and West Virginia. There, too, the common citizenry embrace the dream and honor the memory of him who dreamed it, who worked and sacrificed and struggled for it, and in the end gave his life that the dream might live. During these years the stature of Martin Luther King has grown in historic perspective as has the memory of his deeds.

So I can see no harm at all in our setting aside this day—just as we have set aside Washington's Birthday, Columbus Day, Labor Day, Veterans Day, and other special occasions to commemorate something that is precious and endemic to the American spirit.

And surely quite endemic to the American spirit was the struggle of Dr. Martin Luther King, Jr., often against great odds, to achieve a status of equality, of dignity and self-respect, for the disadvantaged and dispossessed of our land. He was a hair shirt for the Nation's conscience. He believed that religion has a mission to comfort the afflicted, and that sometimes it is necessary to afflict the comfortable.

He believed passionately in nonviolence in the power of an idea to triumph irresistibly over physical force. He believed, and his life demonstrated, that love is a stronger force than hate.

How better shall we teach these truths than for the Nation to set aside a day to commemorate the life and teachings of this remarkable American who preached that our people are bound together by a single garment of destiny?

It will be well, Mr. Speaker, for future generations to remember his admonition, written from his imprisonment, much as the author of the Book of Revelation wrote from an unjust imprisonment, that each generation shall have to repent not only for the hateful things said and done by the bad people but also for the unthinking silence of the good people. These are teachings that speak to our Nation's soul, and they deserve to be remembered.

GEORGE WALD STATEMENT ON THE MARTIN LUTHER KING BILL

I am told that there are in fact no national holidays, each state setting its own; and that the President and Congress can declare only "federal legal holidays" applicable only for the District of Columbia and federal employes. Yet most states do observe the federal legal holidays, only two of which as yet commemorate persons: Christopher Columbus and George Washington.

I do not understand how our country came to regard Columbus as a national figure or his discoveries as a national event. He was an Italian navigator, setting out under a commission from the Spanish throne to find a new trade route to "the Indies", i.e., Asia. Unexpectedly he ran into the Bahamas and eventually landed on the South American continent on the coast of what is now Venezuela. Still thinking he had found the Indies, he called the peoples he found, soon to be decimated and their cultures destroyed, "Indians." What he discovered—only in the sense that Europeans had not known of it—was the Western Hemisphere. The North American continent was discovered by another Italian navigator, Giovanni Caboto (John Cabot), working for England, who landed probably in Newfoundland in 1497. America (North and South) is named quite undeservedly for a third Italian, Amerigo Vespucci, who never commanded a voyage of discovery.

I say all this, not at all to denigrate Columbus' achievement, but to forestall the thought that with personally designated national holidays so rare, one to honor Martin Luther King, Jr. might be inappropriate.

To say it plainly, claiming Columbus as a national figure is pure supererogation (Chutzpah: cf. American Heritage Dictionary).

George Washington was of course a monumental figure, decisive in procuring our independence and founding our nation. All honor to him. He is our father-figure.

Let Martin Luther King then be our son-figure the child of the American Evolution. What he calls forth is not only admiration, but emulation. We can't ask our fellow citizens or our children to emulate Christopher Columbus or George Washington, but one can ask then to grasp the meaning, to try to fulfill the purposes, to be American in the spirit of Martin Luther King. He offers us a lesson to be learned, perhaps never before needed so greatly as now.

He was our American Gandhi. It is the fate of saints, first to be killed, then canonized. The time has come to recognize Martin Luther King as an exemplary figure in the American tradition. His meaning for us is unique. It comes not trickling down from the heights, but rising up from the base: from the great yearning of vast numbers of our people to fulfill the American promise, recorded in the second paragraph of our

Declaration of Independence, spoken in Lincoln's Gettysburg address, inscribed on the Statue of Liberty. Its main themes are freedom from discrimination, social justice, human dignity—a widening area of recognition in which one person is as good as another. Those are the things that Martin Luther King stood for; and left them, not hanging in the air, but like Gandhi, made of them a program for action, forced them as issues always non-violently, yet insistently, never compromising, never compromising, never giving up, whatever violence he himself and his companions encountered.

That American promise, never fulfilled needs constantly to be re-discovered and restated, and never more so than now.

That is what a Martin Luther King Day can do for us.

STATEMENT OF HON. PETER W. RODINO, JR., IN SUPPORT OF H.R. 800 TO DESIGNATE DR. MARTIN LUTHER KING, JR.'S BIRTHDAY A NATIONAL HOLIDAY JUNE 7, 1983

DEAR MADAM CHAIRLADY: I appreciate the opportunity to submit testimony on a topic which is central to our nation's continuing commitment to bring about a fuller social justice. We are talking about a day of recognition for the American who laid the foundation for the civil rights movement in our country and who generated the drive for human rights around the world.

Fifteen years have passed since Dr. Martin Luther King, Jr. was assassinated in Memphis. Yet, we still do not have a national holiday to honor this man who aroused the conscience of this nation to live up to its great ideals of justice and equality for all men and women. How much longer must we wait for a national holiday devoted to reflection and recommitment to the notions of peace and human dignity? How much longer must we wait for a day to remember one of the most beloved leaders of our time? We should no longer delay honoring this great American and all he represents by designating Martin Luther King, Jr.'s birthday as a national holiday.

I am an original sponsor of legislation to designate Dr. King's birthday a national holiday. For over a decade, I have championed this cause in the hope that Americans will use this national observance to rededicate ourselves to fight bigotry and hatred, oppression and injustice everywhere—in effect, to work towards Dr. King's dream.

I do not propose this national holiday arbitrarily. I believe it takes a rare person or an extraordinary event to justify a national holiday. Martin Luther King, Jr. was much more than a rare person. He was unique in American history—as a man, as a leader, as an advocate for freedom. The events closely related to his leadership were more than extraordinary. They had, and will continue to have, an impact on American society.

This nation was founded by men and women who believed in justice, equality and freedom; who set as a goal that this nation should become one nation indivisible, with liberty and justice for all. This nation is now closer to the ideal that Martin Luther King, Jr. envisioned when he called upon all of us to come together to overcome the differences, the prejudices and, as one people, celebrate a nation that looks to the human spirit as a brother in each other.

The life of Martin Luther King, Jr. is replete with evidence of commitment to the realization of those goals. I think it is timely that we recognize those contributions. I think we are living in an era when human rights are just not two words that should be emptily spoken; but human rights should be the guiding spirit that motivates us all. We should be encouraged by the great sacrifices that were made by Dr. Martin Luther King, Jr.

Dr. King was still a young man—only 39—when he was killed. The assassin deprived Dr. King of the great and good years of what we call "middle age." That loss is no less sad in light of his willingness—often expressed—to risk death in the struggle for justice and freedom. It is equally sad that the nation and world have been deprived, all these years, of the presence, the voice and the wisdom of Dr. Martin Luther King, Jr. The firm, resolute, confident voice of freedom, of justice, of love, of non-violent action and peace is sorely missed now.

As I told the Southern Christian Leadership Conference in 1975: "They shot down the man—and they snubbed out his life—but they could not shoot down his dream. For his dream was stronger than life and more powerful than death. And the dream lives on."

A decade is too long to wait for a simple act to honor both Dr. King and his dream. Today—when we have a critical need for national inspiration—is the time to designate January 15th as a legal public holiday. Dr. Martin Luther King, Jr.'s dream lives on today, but we must nurture it with our attention, our respect and our faith. He sacrificed his life for this dream of a fully just America. Surely, we can dedicate one day to sustain the life of that dream.

Thank you Madam Chairlady.

STATEMENT OF LANE KIRKLAND, PRESIDENT, AMERICAN FEDERATION OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS ON H.R. 800, MAKING THE BIRTHDAY OF MARTIN LUTHER KING, JR., A NATIONAL HOLIDAY, JUNE 7, 1983

The AFL-CIO warmly supports passage of H.R. 800 to make January 15, the birthday of the late Dr. Martin Luther King, Jr., a national holiday.

Organized labor's support of that goal has not diminished but increased over the 12 years since it was first established by unanimous action of the delegates to the AFL-CIO's ninth constitutional convention in November 1971, a copy of which is attached.

No American in our time has more fully exemplified the spirit of brotherhood that alone can bring to birth a society of liberty and justice for all than Dr. King. Few in our country's history have matched his personal courage and unswerving fidelity to the cause of equal rights and equal opportunity.

The dream of mutual human cooperation and fairness already existed in the hearts of many Americans when Dr. King so movingly evoked it in the great speech of August 28, 1963, for which he will be forever remembered. In energizing the hopes of his fellow citizens and pointing the way to making that dream a reality, he forever changed the conditions of everyday life in America.

Trade unionists will never forget that he met his death while supporting the peaceful struggle of Memphis sanitation workers to achieve dignity and a living wage through collective bargaining. This kind of action was an essential part of the dream he pursued, on behalf of all his fellow citizens, to the end.

The passage of time has not diminished the force of the dream. Efforts before and after his death to tarnish his name and reputation have disgraced only those who sought to disgrace Dr. King. Efforts now under way to undermine and reverse the progress toward racial justice that Dr. King did so much to bring about are, in the same way, increasing the determination of those who share Dr. King's values to defend those values against all enemies.

Dr. King's memory has been honored by the legislatures of more than a dozen states and by growing numbers of employers and unions that have agreed to celebrate his birthday as a paid holiday.

It is time for the Congress of the United States to demonstrate that its members, too, share Dr. King's dream and hold his life in high honor. The AFL-CIO strongly urges support and enactment of H.R. 800.

[Adopted at November 1971 executive council meeting in Bal Harbour, Fla.]

DR. MARTIN LUTHER KING, JR.

Whereas, Dr. Martin Luther King, Jr. was an outstanding leader who in living his conviction carved on the conscience of America for all time to come, the meaning of "liberty and justice for all," and

Whereas, in lending his support to the concept of Trade Unionism and justice in the bitter struggle for human dignity in Memphis, Tennessee, in 1968, he paid the supreme price for his convictions, and

Whereas, the untimely death of Dr. King was a great loss to all Americans, robbing our nation of a leader of men, advocate of brotherhood and understanding and fighter for equality and justice, and

Whereas, the AFL-CIO is dedicated to the position to which Dr. King devoted his life, that all Americans of every race, color and background can live and work together in dignity and peace; therefore, be it

Resolved, That the AFL-CIO pledges to continue its efforts to bring about the day when the dream of Dr. Martin Luther King, Jr. for dignity, justice and peace for all shall be fully realized, and be it further

Resolved, That in honor of Dr. King and his outstanding place in our nation's history, the AFL-CIO calls upon the President and the Congress to enact federal legislation proclaiming Dr. King's birthday, January 15, a legal national holiday.

STATEMENT OF SENATOR EDWARD M. KENNEDY, MARTIN LUTHER KING, JR., NATIONAL HOLIDAY LEGISLATION, JUNE 7, 1983

I commend Chairwoman Hall and the members of this subcommittee for their continuing efforts on behalf of legislation to establish a Federal holiday honoring Dr. Martin Luther King, Jr.

I have joined 27 other Senators in cosponsoring legislation in the Senate to designate Dr. King's birthday as a public holiday. This legislation honors Dr. King not only for the strength of his leadership and the courage of his commitment to human rights, but also for his unique contribution to the fundamental principle that all people are created equal.

Similar legislation has been introduced in every Congress since Dr. King's death in 1968. It is long past time for our Nation to observe not only the birthday of one of the greatest men in our history, but the contributions of the members of an entire race, brought here not in hope, but in chains—who built so much of this land—and who in their own liberation have lifted the shadow of prejudice from so many of their fellow citizens. Martin Luther King's day must be a day for all Americans, because Martin Luther King's dream is the American dream.

Because he lived, millions of Americans were freed from the oppressive burden of segregation. Because he dreamed, millions more found hope that their own dreams of a better life could be achieved.

National recognition of Dr. King is especially timely now, when fundamental rights such as the right to open housing, the right to integrated schools, and the right to equal opportunity—issues for which Dr. King literally gave his life—are threatened more seriously than at any time in the history of this land. In the struggle of this era, let us recall the words of Dr. King himself: "However difficult the moment, however frustrating the hour, it will not be long, because truth pressed to earth will rise again."

In Atlanta in 1968, Dr. King called himself a "drum major for justice," a "drum major for righteousness," and a "drum major for peace." The image was an accurate one, because he was a leader of great marches. He took his message to Selma, to Montgomery, to Birmingham, to the Lincoln Memorial, and to Memphis. Above all, he was an apostle of nonviolence. He taught the Nation that change could be achieved without resort to violence, that the promise of America could be redeemed by peaceful means.

Peaceful means are also needed to resolve conflicts among nations. Dr. King was an early and eloquent voice against the Vietnam War. And we know that he would be an equally eloquent voice today against the nuclear peril. In this era of the MX missile and enormous stockpiles of nuclear weapons, nonviolent conflict resolution is essential to humanity's survival. The powerful grassroots movement in this country for a mutual, verifiable freeze on the testing, production and deployment of nuclear weapons reveals the commitment of the American people to peace on Earth.

We must find ways to reduce the dangers of confrontation between the United States and Soviet Union. We must find ways to help the developing countries of the world to meet their demands for economic justice in the global order. The fate of the Earth may well depend on the ability of all nations to resolve competing interests through nonviolent means. A national holiday honoring Dr. King will be a powerful symbol of America's commitment to peace and justice in world affairs.

In Dr. King's last address, the day before his death, he said that he had been "to the mountaintop." He spoke of his vision that true equality for all people could be achieved. In honoring Dr. King, we bring that vision a little closer to fulfillment. By establishing a national holiday to commemorate his name, we create a greater national awareness of his life and a greater national commitment to the achievement of his dream.

I welcome these hearings, and I look forward to the enactment of this important legislation.

STATEMENT OF HYMAN BOOKBINDER, WASHINGTON REPRESENTATIVE OF THE AMERICAN JEWISH COMMITTEE, JUNE 7, 1983

As I started to prepare this brief statement for presentation this morning, I looked up at the wall of my office on which an old, somewhat faded pennant was hanging. Faded from the sun which had reached it for some years before I protected it from the sun. I took it off the wall this morning and have it with me. It reads: "March on Washington for Jobs and Freedom—Wednesday, August 28, 1963 * * * I was there."

Yes, I was there. And this pennant is a precious memento. I do not worry about it fading any further. But I do worry about memories failing, I do worry about the challenge of that day receding; I do worry about the dream so magnificently painted for us by Martin Luther King fading away. That's why I am here this morning. I come to add my voice once more to the many others who believe that designating Martin Luther King's birthday as a national holiday will serve not only to honor this American giant, but will serve permanently to challenge our nation to make real and lasting that dream of his.

Later this year there will be ceremonies recalling that particular day 20 years ago. His speech will be recited by thousands of school children. His own voice will be rebroadcast over and over again on radio and television. And over and over again we will be told about this great Black leader describing his dream about a better future for Blacks. Yes, Reverend King was a Black man and he talked of Black dreams. But it is a mistake to think of him only as Black. Listen to his words on that memorable day:

"When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, Black men and White men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, 'Free at last! Free at last! Thank God Almighty, we are free at last.'"

Reverend King, it is true, was talking primarily to Black people that day; he was expressing the anguish primarily of Black people that day. How could he not in 1963, when the plight of his people had indeed become the central issue, a poignant reminder to all America that our nation had not yet found the means and the will to assure to *all* people the commitment to life, liberty, and the pursuit of happiness that is the foundation of America? Unhappily, that fact remains today all too true. Last Friday that unhappy fact was again summed up in a single statistic—Black youth unemployment over 50 percent!

But King's dream—and today's hearing—goes beyond the Black condition alone. It goes to the goal of a truly free and democratic and humane society for all people. He said it then, and we must say it today and every day—speaking up for "that day when all of God's children, Black men and White men—and women too—Jews and Gentiles, Protestants and Catholics will join hands and together declare "Free at Last, Free at Last."

While I do not presume to speak for all American Jews, of course, I hope that by my presence today I reflect the bond that unites all people who have felt the bitter pangs of bigotry, of persecution, of discrimination. As a proud Jew, I feel it both a privilege and an obligation to join with the Black community and with the Christian community to ask the Congress to declare the birthday of a Black man a day for all America to pause and remember the past, to assess the present, and to recommit itself to an even freer future for all Americans.

Let me say frankly that it is precisely because there are differences today on some specific issues on which Blacks and Jews may differ that it is important to assert our fundamental fraternity, our shared goals, our mutual concerns.

Only two days ago, the Washington Post reminded us of this interdependence by quoting a recent speech by John Jacob, President of the National Urban League:

"The single lesson we must draw from the history of Black-Jewish relations in America is that these two groups have shared each other's pain, helped each other's causes, and been closer than any other of America's groups."

Mr. Jacob went to note "the continued coalition on issues that primarily benefit people who suffer socio-economic disadvantage."

"Whatever the differences over issues," Mr. Jacob concluded, "both groups must live with the realization that anti-Semitism is the partner of anti-Black racism."

In this reference to "sharing each other's pain", Mr. Jacob has touched on what to me is probably the most important test of a civilized society. As a member of the U.S. Holocaust Memorial Council, I am pleased to note that the Congress met that test recently with creation of the Council, in its mandate to the Council to create a living memorial to the six million Jewish victims of the Holocaust and the additional millions caught up in Hitler's mad determination to wipe out the Jewish people. The Council consists of Christians as well as Jews, Blacks as well as Whites. The memorial we build will of course give special emphasis to the Jewish tragedy—but it will have universal meaning in the warning it will shout out against future genocides directed against any people.

The Congress now has another opportunity to meet that test of shared concerns. By approving the proposal to designate a national holiday in honor of Martin Luther King, the Congress will be remembering the painful past, acknowledging the cruel indignities we inflicted on our Black brothers and sisters, but also honoring a man who did so much to persuade the nation that the answer to hate was love, that the answer to violence was peaceful resistance, that the answer to intolerance and discrimination was full implementation of the democratic principles on which this nation was presumably based.

But a King holiday can—and I believe would—soon be more than an occasion to recall an unpleasant past. It could be the occasion for celebrating what's right with America, for recognizing the freedom, the unity, the tolerance that gives us our pluralist society, for hailing the cultural differences among our many religious and ethnic and racial groups, as well as the unity and brotherhood that binds them together. It would, in short, help us understand that our nation is enriched both by its diverse cultures and by its common culture.

We must not be naive. We must not fool ourselves. A national holiday honoring Martin Luther King is a symbolic gesture—albeit a very precious one. It must not be a substitute for substantive action on all fronts—legislative, executive, federal, local, private—to make a reality of our civil rights commitments. But such a holiday will be a timely challenge each year to our conscience. It will compel us to ask the simple—in fact, the very profound—question:

What have we done this past year to bring us closer to "one nation, under God, indivisible, with liberty and justice for all?"

Mr. CONYERS. Mr. Speaker, I would like to observe that my friend, the gentleman from New York (Mr. KEMP) has on this day added his name

as a cosponsor to the Martin Luther King holiday bill.

● Mr. FOWLER. Mr. Speaker, I am delighted to be able to address the House today in support of H.R. 800, a bill that designates January 15, Dr. Martin Luther King, Jr.'s, birthday, as a national holiday.

In my opinion, it is an oversight on our part that Dr. King's birthday is not already a national holiday. In the 15 years since his assassination on April 4, 1968, it has become overwhelmingly clear that this American was one of the greatest historical personalities of our times.

During his lifetime, Dr. King was a drum major for justice, for human respect, for freedom from oppression, and for equality for all. His unique contribution to the advocacy of these American values was his strict adherence to nonviolent protest. He held high the banner of nonviolence in the midst of one of our most intense periods of civil friction.

For these reasons, the life of Martin Luther King, Jr., stands out as a monument to the power of moral courage. His legacy of love for his fellow man needs to be proclaimed loudly for posterity. We cannot afford to let society forget that many of the great human concerns that Dr. King fought for linger on, improved, although not solved. For example, fair housing opportunities for all and adequate housing for the poor is still a major problem. Employment opportunities offered to anyone who can perform the task are still inadequate. Economic and political opportunities to join mainstream America are still restricted for many of our citizens.

A national holiday on Dr. King's birthday would not only honor his achievements—although this alone would justify a holiday—but it would offer a time for this Nation to rededicate itself to helping the least among us. Dr. King said it well in his famous letter from a Birmingham jail: "Human progress never rolls on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God. . . ." He goes on to say, "We must use time creatively, in the knowledge that the time is always ripe to do right."

I believe that now is the right time to make Dr. King's birthday a national holiday. On August 27, thousands of people from across the country will come to Washington to commemorate the 20th anniversary of the 1963 march on Washington where Dr. King eloquently gave his very poignant "I Have a Dream" speech. It would be a grand historical moment to have H.R. 800 on the President's desk for signature during this ceremony.

I am sure most of my colleagues here share the dream of America that Dr. King spoke of nearly 20 years ago. It is a vision of America that we as the representatives of fair-minded Americans work for every day we serve in Congress. We strive for a better quality of life for all Americans, because the progress of each community in America is tied to the state of the rest of the country.

By enacting a national holiday on Dr. King's birthday, we set aside time to rededicate ourselves to helping those most in need. This holiday would be a time for voluntarism and brotherhood, and a day for renewing the American spirit of concern for others.

We have the opportunity to correct the oversight of the past 15 years and make January 15 a national holiday. I trust that we will not fail to seize this chance.●

● Mr. DELLUMS. Mr. Speaker, last November, as a birthday present from two members of my staff, I received a copy of "Let the Trumpet Sound," the excellent recent biography of Dr. Martin Luther King, Jr. by Stephen B. Oates. Reading this book was a painful personal pilgrimage, as well as an act of intellectual, spiritual, and political homage to an extraordinary person who has been such a major force in my own life's commitment to the cause of world peace, human rights, and equal justice for all.

More important, reading this book reinforced my determination to see to it that H.R. 800 becomes a reality in the 98th Congress. Martin Luther King, Jr., was much more than a great American and the most noble of our Nobel Peace Laureates: He was a great human being whose life of commitment, action and sacrifice has been a beacon of hope and inspiration for nonviolent social change to literally millions of people around the world.

In America, he was the living embodiment of the highest principles professed in the Declaration of Independence: That all are created equal and endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness. He challenged the conscience of America by confronting both church and state on the spiritual and political immorality of segregation in our society. It was Martin Luther King, Jr., standing in the shadow of the Lincoln Memorial on August 28, 1963, who had the courage to stand up to white America on behalf of nonwhite America and say:

> When the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. . . . It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked "insufficient funds." We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

As a citizen of the world, Martin Luther King, Jr., carried his message into the global arena: The message of human rights, true brotherhood and sisterhood through the justice of shared equality, and the reconciliation of nations through diplomatic negotiation, rather than the violence of war and destruction. In accepting the Nobel Peace Prize in Oslo, Norway, in December of 1964, he spoke of "the need to overcome oppression and violence without resorting to violence and oppression." He then went on to say:

> I refuse to accept the cynical notion that nation after nation must spiral down a militaristic stairway into the Hell of thermonuclear destruction. I believe that unarmed truth and unconditional love will have the final word in reality. That is why right temporarily defeated is stronger than evil triumphant.

It was Martin Luther King, Jr., using his eminence as a Nobel Peace Laureate, who chose to speak out on the insanity and immorality of the war in Indochina, despite the warnings and threats of other so-called leaders in the civil rights movement. Early on, he warned that the bombs being dropped in Indochina would explode in the ghettoes of America. In a speech in Los Angeles, he directly challenged Lyndon B. Johnson's false claim that America could have both guns and butter with these words:

> The promises of the Great Society have been shot down on the battlefields of Vietnam. The pursuit of this widened war has narrowed domestic welfare programs, making the poor, White and Negro, bear the heaviest burdens. . . .

On April 4, 1967, in the speech at Riverside Church in New York City, he made one of the most cogent critiques of American cold war interventionism and escalation ever uttered by a public figure. His peroration was a cry from the heart that is even more poignant when read in the light of the madness of the contemporary nuclear arms race:

> Somehow this madness must cease. We must stop now. I speak as a child of God and brother to the suffering poor of Vietnam. . . . I speak for the poor in America who are paying the double price of smashed hopes at home and death and corruption in Vietnam. I speak as a citizen of the world, for the world as it stands aghast at the path we have taken. I speak as an American to the leaders of my own nation. The great initiative of the war is ours. The initiative to stop must be ours.

Were Martin Luther King, Jr., still alive today, he would be in the forefront of the movement to reverse the course of the nuclear arms race, and to prevent this Nation from continuing its overt and covert military intervention in Central America. And he would be in the forefront of the opposition

to this administration's concerted effort to turn back the clock on the progress that has been made in the fields of civil and human rights in the past 20 years—progress that has been achieved through the bloody sacrifice of many brave women and men in this society.

As we prepare to commemorate the 20th anniversary of the March on Washington, the legacy of Dr. Martin Luther King, Jr., is still, tragically, an unfulfilled dream. During a lifetime that was all too brief—only 39 years—Martin Luther King, Jr., was cursed, reviled and spat upon, beaten, jailed, and stabbed, denounced as an extremist by the media and as a nigger and a traitor in the highest councils of government. Finally, in an attempt to slay the dream, they slew the dreamer.

It is for us, the living, to make certain that his dream never dies. It is for us, the living, to insure that his life's work will be remembered beyond a statue inside the Nation's Capitol. It is for us, the living, to insure that a national holiday, commemorating the legacy of his commitment, achievement, and sacrifice will be a constant reminder of what this Nation can be—and ought to be. It is for us, the living, to fulfill his dream, in the words of the civil rights anthem, that "we shall live in peace someday . . . ."●

● Mr. MRAZEK. Mr. Speaker, a dream long held in the hearts of many Americans came to the surface on a steamy August day 20 years ago.

The dream had been there for generations, yet it took a special and courageous man to verbalize it, to shout it out, and to demonstrate it to a troubled Nation. And although he was called to put the dream into words, this messenger of hope and justice was not a dreamer. Instead, he was a realist, one of the few Americans of his time to understand that a nation divided among the races could not stand.

He had a dream, he told us, that one day the sons of former slaves and the sons of former slave owners would sit together at the table of brotherhood; that one day, dens of intolerance and racism would be transformed into oases of freedom and justice; and that one day his children would live in a nation where they would be assessed on the basis of the content of their character, not the color of their skin.

The realist who held these dreams and dared to confront a nation with them lives no more. For some in this country, his dreams have never lived, though laws have been passed and followed. But for many more of us, the dreams of Dr. Martin Luther King, Jr., have never died and will not die.

To force and hatred, Dr. King responded with love. He faced down heavily armed, insanely frightened men while himself carrying only truth and forgiveness as his weapons. In an era of great men and great deeds, he easily stands apart as the most consequential American political leader of our times, an American for all ages.

The memories of the sweltering mass shouting their agreement to Dr. King, framed as he was against the background of Abraham Lincoln, remains with many of us today as if it were yesterday. Those who felt the power of conviction surging from that multitude on August 28, 1963, will never be the same. But the forced march of life obscures the message of that day.

The conditions which spawned the passions of the early sixties largely have disappeared from our minds, if not our midst. We find it easier to forget painful episodes in our history—and Dr. King's message was not without discomfort. He forced each of us to confront the sickness of racism and intolerance, and to apply the lessons learned to similar situations involving others who are somehow different.

The passage of time also threatens the dream. I never escape the feeling when speaking to school groups that Dr. King's life and times have been reduced to flickering black-and-white images on infrequent television documentaries, scenes of freedom marches and police dogs and fire hoses and that special August day when the dream was handed down.

Our children now take for granted that they will sit next to others in class with different skin, compete with them on the playground and in the classroom and, perhaps, take them into their hearts. But our children must know of the struggle which preceded this normalcy. We must continue to teach them about the work of Dr. King and so many, many others.

Robert F. Kennedy captured perfectly the essence of the daily campaign waged by Dr. King and his followers to change the moral course of the country.

Each time a man stands up for an ideal—

He wrote—

or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope . . . and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

It is time that we granted Dr. King his proper niche in American history to place the man alongside his works. A common lament today is the lack of heroes and role models to inspire and instruct. Even in death, Dr. King remains a genuine national hero who has transcended his short stay with us. A yearly commemoration of his life and times would serve to trigger the collective American consciousness to this fact.

Every year since his death, a bill has been offered in this body by our colleague, Mr. CONYERS, to honor Dr. King on January 15, the day of his birth. Every year, nothing happens. The time has come to cast aside feeble excuses and to honor a man whose teachings and actions will live forever in America and beyond.

Dr. King's methods matched his message. The words he spoke in accepting the Nobel Peace Prize in 1964 still carry the strength and the passion they inspired on a great day for all Americans.

Nonviolence—

He said—

is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence. Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.

Then he was gone, a victim of the same horrible scourge of intolerance that has taken so many of the world's true visionaries in recent times. It is no small irony that, like Gandhi and Sadat and many more, the circumstances of his premature passing bore the stain of wanton violence.

Dr. King was a disciple of the teachings and methods of Gandhi. Each took his prominent place in human history without the benefit of great wealth, or well-placed families, or elected or appointed political office. Gandhi was but a lawyer, Dr. King but a preacher.

Nonetheless both were leaders of humanity. Both saw injustice in the world and dedicated themselves to eradicating it through nonviolent confrontation, a means by which they caused their enemies to see the evil in themselves. The power of Dr. King's message, like that of Gandhi before him, carried more influence than money could buy or ambition could contrive.

We live in the wake of Dr. King's dream today, but the reality of modest progress cannot be avoided. He spoke to us of arms control and peace, of gun control, of eradicating hunger and strife. We listened perhaps, but we did not hear.

He spoke of a united society based on the value of a person's spirit instead of visible differences and tangible assets. But today, we see a Nation in which blacks and other minorities have virtually dismissed our current administration as an ally in the cause of equality. An air of hopelessness exists as minority unemployment figures dwarf the intolerable numbers in our society as a whole, and as no answers are forthcoming, a feeling of despair permeates the dream and violates its spirit.

Such an atmosphere bodes ill for the continuation of blacks, Hispanics, and others in the mainstream of American society. We risk a fractured social

structure which can only be counterproductive to the dream, and to our goals as a Nation.

I call upon my colleagues at this time to take a step toward closing the widening gulf. The causes to which Dr. King spoke endure today. The mechanisms are in place. We hold our fate in our hands.

We have the opportunity to deliver our own message of hope and respect—our own dream. We can do so by taking the initiative and honoring Dr. King on the day of his birth.

True, this action will not take a single black youngster away from unemployment and desperation. It will not change the mind of a single irrational hater, feed a hungry child, or unite a broken home. But it is the proper step for a great nation to cause wider recognition and honor to be brought to the most deserving of its sons.

This would be such a step. This was such a man. I urge the passage of H.R. 800—a resolution honoring not only a man, but truth, hope, equality, and peace.●

● Mr. WEISS. Mr. Speaker, 20 years ago, Martin Luther King stood on the steps of the Lincoln Memorial and beseeched his listeners and this country to share his dream for humanity. While he spoke of the oppression of black Americans in 1963, he also spoke of the burden of oppression that prejudice places on society. He envisioned a time when our Nation would be free from injustice and inequality.

Since then, the struggle to fulfill his dream has been taken on by other groups against which society discriminates. Martin Luther King has become a symbol of the spirit which guides the oppressed to seek equality.

I am proud to join today with my colleagues in support of H.R. 800, to establish Martin Luther King's birthday as a national public holiday. In the 12 years that Dr. King led black Americans in the march toward freedom, he changed the course of our society. Through his firm belief in the democratic process and his adherence to nonviolent protest, Dr. King brought us closer to realizing the principles on which this country was founded—liberty, justice, and freedom for all. Where Dr. King saw injustice, he peacefully sought justice. From the time of the Montgomery bus boycott until his death in 1968, Martin Luther King faced adversity, violence, and the threat of death to bring his people and all of America the rights promised to all.

While we are a long way from fulfilling Martin Luther King's dream, I believe a national day of reflection on his birthday will help to guide us in the march toward freedom for all people.●

● Mr. FROST. Mr. Speaker, it has now been 15 years since the death of Martin Luther King, Jr., and in that time one might expect his memory to have faded and the importance of his work to have lessened. However, time has not diminished the contributions or the memory of Dr. King. The ideals he articulated and the goals he worked for are as valid today as they were a decade and a half ago. Certainly, it is fitting that the date of his birth be designated a national holiday.

Dr. King, as much as any one person in our history, charted a new course for this country—a course away from separatism and bigotry, toward togetherness and understanding. In doing so, he not only unlocked the door of opportunity for blacks in our society, but also planted in our Nation's conscience the realization that only by dedicating ourselves to the elimination of racial inequities and social injustice can we truly prosper.

Martin Luther King, Jr., died a young man, only 39 years old. Yet, in this short time, he laid the very foundation of the civil rights movement. And, through his leadership, the civil rights movement in this country became more than a vehicle for racial equality, it became a beacon of freedom for the oppressed and the underprivileged everywhere.

Of course, a national holiday is not needed just to keep alive the memory of Dr. King. His work and his words have left an indelible mark on our history. Rather, this special holiday is needed so that we, as a nation, can annually rededicate ourselves to creating the type society he envisioned.

Clearly, national support for a holiday honoring Dr. King already exists and is growing. Eighteen States, as well as the District of Columbia, have now designated special days in his honor. Also, hundreds of businesses throughout the country close down and allow employees time off in recognition of Dr. King's birthday.

In light of this, I strongly urge all my colleagues to join with me in giving truly national recognition to the contributions of Martin Luther King, Jr., and supporting the current proposal designating his birthdate as a national holiday.●

● Mr. RICHARDSON. Mr. Speaker, Congress' failure to enact legislation to make Martin Luther King's birthday a holiday is a disgrace. Fifteen years after Dr. King's assassination, this special order and this legislation should be unnecessary. Instead, January 15 should now be more than just a national holiday, it should be a part of our national culture.

Dr. King represented the best of American values. He taught a nation that social change, indeed social revolution, could be nonviolent and compassionate. He stood for social and economic justice and gave his life to these causes.

All of us who care about the plight of black Americans, Hispanics, the elderly, and those on low and fixed incomes may be expected to support this cause. But I believe making Dr. King's birthday a national holiday should be embraced by every Member of this body, regardless of political party or ideology, because Dr. King enriched the lives of all Americans. He changed the course of our Nation's history for the better.

We have a long way to go toward fulfilling Dr. King's dream, but we can never turn back and none of us should want to.●

● Mr. VENTO. Mr. Speaker, I rise in strong support of H.R. 800, which would create a national holiday to commemorate Dr. Martin Luther King.

As a cosponsor of this measure, I believe that congressional approval of this measure this year is a positive and appropriate remembrance of the 20th anniversary of Dr. King's "I Have a Dream" speech.

Twenty years after the speech which inspired the Nation to seek justice for all its citizens, the dream has not been fulfilled. For all too many people today face the blasted hopes, and the dark shadow of deep disappointment that Dr. King felt while writing from the Birmingham city jail in 1963.

Black unemployment remains at over 20 percent, and only half of black teenagers who want work can find jobs, yet national programs to help the poor are cut or eliminated. Urban policy suffers from neglect. And an unprecedented arms race threatens the country with moral and monetary bankruptcy. Through it all, the rich get richer, and the poor get poorer. The country has become seemingly deaf to the needs of the poor. It has failed to remember Dr. King's injunction that: "Injustice anywhere is a threat to justice everywhere."

We as a people must not lose our idealism. We as a people must not lose our commitment to social justice. Although the task at times seems hard and thankless, we can renew our strength by keeping mindful of our shared commitment and of the fact that we gain power as we work together.

Finally, we must let ourselves be inspired by the pragmatic realism of Martin Luther King whose dream many still live for, and who on the night before his assassination said: "I may not get there with you, but I want you to know * * * that we as a people will get to the promised land."●

● Mr. HOYER. Mr. Speaker, I am grateful for this opportunity to participate in this special order. I am privileged to have been a cosponsor of H.R. 800 and I commend my colleague, Mr. CONYERS, for the leadership he has demonstrated in continuing to

bring before Congress this legislation declaring the birthdate of Dr. Martin Luther King, Jr., a national holiday.

Dr. Martin Luther King, Jr. lived a life dedicated to the realization of a true democracy, where every man and woman would be considered equal before the law.

Today we no longer allow historians to seek only the contributions of "White Americans" or "Black Americans." We demand that our historians record the contributions of great Americans. Dr. Martin Luther King, Jr., was a great American. He was a great American during a period when America herself was not as great a nation as it should have been insofar as her people of color were concerned. He was a great American during a period when poet Langston Hughes appropriately reminded us of the black man's American heritage in, "I, too, sing America."

Since the founding of our Nation, great Americans have spoken of their visions, dreams, and prayers for America. Dr. Martin Luther King, Jr., shared with us his dream 20 years ago. Today his greatness is even more apparent and his words continue to urge us on the make America the America it was meant to be. Whether spoken from outside a "whites only" restroom, the shadow of the Lincoln Memorial, the front of a bus, or in a county jail, they remind us of the undeniable oneness that we share with each other. They remind us that in 1983, "Injustice anywhere is a threat to justice everywhere." They remind us that in 1983, we remain "* * * caught in an inescapable network of mutuality, tied to a single garment of destiny," and they remind us in 1983 that "Whatever affects one directly, affects all indirectly."

A holiday in commemoration of the birthday of Dr. King would set aside a time for this Nation to celebrate the American experience. This day will celebrate a man—a man who contributed immeasurably to the continued dedication of this free Nation and to the principles upon which it was founded.

The words of Martin Luther King are not dead. The problems he discussed have not disappeared. Martin Luther King woke this Nation to its moral and constitutional responsibilities. His dream for our American democracy is one that is shared by millions of men and women in this country, black and white, rich and poor, young and old. In honoring Dr. King by establishing a national holiday, we bring honor to all Americans who share that dream and the vision of a just and ethical America.●

● Mr. WAXMAN. Mr. Speaker, as a cosponsor of H.R. 800 and a supporter of similar legislation in past Congresses to honor Dr. Martin Luther King, Jr. I wish to join today in the special order calling attention to this legislation.

It has been 15 years now since Dr. King was assassinated and 15 years since my distinguished colleague from Michigan, Mr. CONYERS, first proposed that a national holiday be declared to celebrate his life.

As the years pass, Dr. King's achievements take on even greater significance and there is more reason to honor him and his accomplishments. By adopting H.R. 800, we would honor ourselves as well as Dr. King, for we would be recognizing the advances we have made toward the eradication of inequality and of racism.

We also, Mr. Speaker, would be reminding ourselves that the blights of inequality and racism are too often with us still and celebrating Dr. King would present us with the opportunity of rededicating ourselves to their elimination.

I urge my colleagues to join in supporting this legislation.●

● Mr. DIXON. Mr. Speaker, there are those who would argue that there should be a national holiday to honor the memory of Martin Luther King because there are no national monuments to the contributions black Americans have made in the development of the United States, and Dr. King is truly a monumental man.

I find no fault with this justification, yet I realize that a national holiday should encompass a spirit of nationalism that can be shared by all Americans. It is in this context that I speak in support of the resolution offered by Mr. CONYERS.

There has never been an American who has so actively labored in behalf of this country's democratic principles than Dr. King. He stood at a time when this Nation existed as two nations and awakened America's consciousness to the democratic tenets extolled by our Declaration of Independence and our Constitution.

He came down from the mountaintop and shared his dream of equality and justice, peace and humanity.

He gave his life trying to make that dream become a reality. He gave his life, trying to make Americans live up to our constitutional responsibilities.

He drew from the ideology of Jefferson and Lincoln, the determination of Tubman and Douglass, the compassion of the abolitionist, the humanity of the slave.

He inspired a belief in the fundamental truths inherent in the laws of this Nation—

Hope for equality;

Commitment to justice;

Availability of opportunity.

He left with us a strong sense of national purpose that is directly linked to social and economic policies that continued to shape our national agenda.

He left with us a memory of what America has stood for, and an image of what America is destined to be.

Yes, Martin Luther King, Jr. was a monumental man. He was also a quintessential American—

An advocate of the principles of democracy;

A defender of mankind's inalienable rights.

To commemorate his birth by establishing a national holiday is to honor the beliefs that all Americans hold dear. I urge my colleagues to support H.R. 800.●

● Mr. ROE. Mr. Speaker, I welcome the opportunity today to join my colleagues in supporting the passage of legislation to designate Dr. Martin Luther King, Jr.'s birthday as a national holiday.

In my judgment, the enactment of this legislation to establish January 15 of each year as a day of remembrance of this great man and the dreams he sought to achieve for us all, is long overdue.

Similar legislation has been introduced every year since Dr. King's death in 1968. There is much feeling of hope in both Houses of Congress that this will be the year when this most heroic of individuals receives the lasting tribute he so richly deserves.

This legislation, the Martin Luther King legal holiday bill, honors Dr. King not only for his leadership in the battle for human rights but also for his commitment and contributions to the basic principle that all men are truly created equal.

He was a man totally committed to the stirring ideals of justice and vehemently opposed to injustice. He had a dream; a vision of a world where men of all colors could live together in harmony and peace. His method of achieving that dream was through the use of nonviolent protest to highlight the injustice that was being brought upon his people.

That message came through loud and clear to both white and black Americans who joined hands and marched to break down the walls of hatred that segregation had built in our land.

His struggle for justice for his people reached all corners of the world and in 1964, at the age of 35, he was awarded the Nobel Peace Prize, becoming the youngest person ever to receive that honor.

The establishment of a national holiday in Dr. King's name will give ourselves and our children, who in many cases were not fortunate enough to be alive during his time, the chance to reflect on the words and deeds of this truly great man.

Let us rededicate ourselves to his dream which he so eloquently described:

Let us hope that the dark clouds of racial prejudice will soon pass away, that the deep fog of misunderstanding will be lifted from our fear-drenched communities, and that in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great Nation with all of their scintillating beauty.

I would like to thank the gentleman from Michigan, Hon. Representative JOHN CONYERS, JR. for allowing me the opportunity to participate in this most special order.●

● Mrs. BOXER. Mr. Speaker, it is timely that I come to speak today about a new national holiday which is quite tied to the Fourth of July holiday we are about to celebrate.

What is the purpose of a holiday? Holidays are a time to remember and to renew our commitment to freedom.

We tell our children about Washington's honesty on his birthday celebration—a national holiday. We tell our children about Lincoln's humility on his birthday celebration—a national holiday.

When we wish to point to courage and strength, in modern times, it is Martin Luther King whom we point to or should point to, and we should have a special day for him as well.

In a time when force and violence are all too frequent, parents and teachers point to Martin Luther King as the example of what can be accomplished through a commitment to the dignity of humanity and a commitment to peace.

We all acknowledge the tremendous courage of the Montgomery sit-ins and the march through Selma, Ala. Who among us is not moved beyond words when we hear the famous "I Have A Dream" speech, given in the shadow of Lincoln? Is there any modern American who more embodies the spirit of liberty and justice for all, more than Martin Luther King? His commitment to his beliefs led him to a conflict that asked of him the greatest of sacrifices. He did not shy away. He did not compromise. He laid down his life. What greater gift can a human being make than to lay down his own life for another?

We celebrate holidays in this country not just to remember but to celebrate who we are. Who we are is a people committed to freedom and justice. Who we are is a country that can raise from its people a figure such as Martin Luther King.

Is it not about time that we celebrated, through Martin Luther King Day, a reminder of what a truly great country this is? Is it not about time that we remember his legacy so that it will always remain a part of our heritage? Is it not time that we announce to this country, and to the world, that we honor Martin Luther King because he represents what is best about us? We are lovers of freedom and justice; we are determined; we are not quitters.

As people gather around this country to celebrate the Fourth of July, to celebrate those qualities that make it a country worth celebrating, let this body give them a new reason to celebrate. Let us give our people one more reason to be proud to share in the heritage of America.

I thank my colleague for this special order so that those of us who have the dream of making Martin Luther King's birthday a national holiday can give him this special honor.●

● Mr. RODINO. Mr. Speaker, I commend our distinguished colleague, Mr. CONYERS, for taking this special order on a subject which is central to our Nation's continuing commitment to bring about a fuller social justice. We are talking about a day of recognition for the American who laid the foundation for the civil rights movement in our country and who generated the drive for human rights around the world.

Fifteen years have passed since Dr. Martin Luther King, Jr., was assassinated in Memphis. Yet, we still do not have a national holiday to honor this man who aroused the conscience of this Nation to live up to its great ideals of justice and equality for all men and women. How much longer must we wait for a national holiday devoted to reflection and recommitment to the notions of peace and human dignity? How much longer must we wait for a day to remember one of the most beloved leaders of our time? We should no longer delay honoring this great American and all he represents by designating Martin Luther King, Jr.'s birthday as a national holiday.

I am an original sponsor of legislation to designate Dr. King's birthday a national holiday. For over a decade, I have championed this cause in the hope that Americans will use this national observance to rededicate ourselves to fight bigotry and hatred, oppression and injustice everywhere—in effect, to work toward Dr. King's dream.

I do not propose this national holiday arbitrarily. I believe it takes a rare person or an extraordinary event to justify a national holiday. Martin Luther King, Jr., was much more than a rare person. He was unique in American history—as a man, as a leader, as an advocate for freedom. The events closely related to his leadership were more than extraordinary. They had, and will continue to have, an impact on American society.

This Nation was founded by men and women who believed in justice, equality, and freedom; who set as a goal that this Nation should become one nation indivisible, with liberty and justice for all. This Nation is now closer to the ideal that Martin Luther King, Jr., envisioned when he called upon all of us to come together to overcome the differences, the prejudices and, as one people, celebrate a nation that looks to the human spirit as a brother in each other.

The life of Martin Luther King, Jr. is replete with evidence of commitment to the realization of those goals. I think it is timely that we recognize those contributions. I think we are living in an era when human rights are just not two words that should be emptily spoken; but human rights should be the guiding spirit that motivates us all. We should be encouraged by the great sacrifices that were made by Dr. Martin Luther King, Jr.

Dr. King was still a young man—only 39—when he was killed. The assassin deprived Dr. King of the great and good years of what we call middle age. That loss is no less sad in light of his willingness—often expressed—to risk death in the struggle for justice and freedom. It is equally sad that the Nation and world have been deprived, all these years, of the presence, the voice and the wisdom of Dr. Martin Luther King, Jr. The firm, resolute, confident voice of freedom, of justice, of love, of nonviolent action and peace is sorely missed now.

As I told the Southern Christian Leadership Conference in 1975:

They shot down the man—and they snubbed out his life—but they could not shoot down his dream. For his dream was stronger than life and more powerful than death. And the dream lives on.

A decade is too long to wait for a simple act to honor both Dr. King and his dream. Today—when we have a critical need for national inspiration—is the time to designate January 15 as a legal public holiday. Dr. Martin Luther King, Jr.'s dream lives on today, but we must nurture it with our attention, our respect and our faith. He sacrificed his life for this dream of a fully just America. Surely, we can dedicate 1 day to sustain the life of that dream.●

● Mr. FORD of Tennessee. Mr. Speaker, it is my pleasure to join my distinguished colleague JOHN CONYERS of Michigan in this special order for the Martin Luther King legal holiday bill, H.R. 800. I wish to commend Mr. CONYERS for his unrelenting efforts and determination in introducing and pursuing the establishment of a King national holiday.

National observance of King's birthday should symbolize the rebirth of our Nation and its people should dedicate themselves to the ideals for which King lived and died. This day would serve as a reflection of our determination to continue to strive for peace, unity and justice and provide us with an opportunity to reevaluate our commitment to these goals. By establishing Dr. King's birthday as a national holiday, we as a nation will be demonstrating our strong conviction in these

beliefs and our resolve to work for the humanitarian principles that rendered strength and duration to his efforts.

In these times of economic difficulty and moral aimlessness, it is necessary that we reflect and prosper from all possible sources of strength. The continued excellence of this country depends on the sustenance of every individual's rights, liberties and opportunities and these are the identical ideals for which King lived and gave his life. In oppression he fought for justice. In violence he responded nonviolently. In war he stood for peace. Martin Luther King was a man martyred in the cause of freedom upon which America was founded.

This bill commemorates King's life and legacy which are virtually inseparable from his unique contributions to this country. Dr. King was American in the truest sense, fighting for the ideals of this country that even this country was not living up to. He was not afraid of America's problems but faced them head on in a demonstration of unyielding devotion to improving the lives of all Americans. He perceived a dream and called on us to realize it, an America fitted to the specifications of its own constitution and ideals. Martin Luther King, a national figure dedicated to dependence on democratic processes, morality, and nonviolence as a method of protest, epitomized the American political philosophy. King said about his dream:

It is a dream deeply rooted in the American dream that one day this nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal. Now is the time to make real the promises of democracy.

Dr. King led the poor, the downtrodden, and the oppressed to breakthroughs in housing, employment, education, community development, and assured equal opportunity for all Americans in all aspects of life. He is a symbol of the ideals we hold dear as Americans. King was called an American hero in an era, supposedly, of antiheroes and it is time that we recognize him as such.

Martin Luther King's political actions were harnessed to a rigorous moral constraint. He recognized that injustice anywhere is a threat to justice everywhere, spoke out for freedom, equality, and justice all over the world and the world loved him. His crusade for mercy and justice pronounced that injustice is not to be tolerated. Dr. King made the distinction between just and unjust laws and was morally obligated to disobey the unjust just as he respected the just. An ardent proponent of American ideals, he labored intently to build "one nation indivisible, with liberty and justice for all."

Martin Luther King's memory sustains a model for all Americans and people of all nations in our search for peace and harmony among ourselves. He reminded us all of the significance of each individual's liberty and the brotherhood which ultimately exists between all men. He said:

In the final analysis all humanity is involved in a single process, and all men are brothers. Many of our white brothers have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.

His quest for freedom, equality, and social justice transcended national boundaries. King was an example of greatness for the entire world. He saw the struggle for civil rights and the struggle for peace bound together and fought diligently for both for all people. Without doubt, Martin Luther King was the greatest social prophet in the brief history of our country.

During his relentless struggle, Dr. King questioned and aroused the conscience of the Nation, stood at the forefront of the civil rights movement and launched a sincerely national commitment to social justice. Although he was frequently arrested, physically abused, constantly threatened with the possibility of death and finally murdered in cold blood, Dr. King never ceased to fight for our rights. Indeed, his life was taken from him as he gave to others. Although his tragic death can never be rectified, his compassionate life can be inscribed as part of our national heritage by a simple act of Congress. The enactment of H.R. 800 would serve as an appropriate testimonial to an extraordinary citizen who devoted his life to the cause of human rights. Action on this proposal is long overdue.

The public holiday is an honor which heretofore has been reserved for only Columbus, President Washington and important national events. May I respectfully imply that the honor should also be bestowed upon the greatest modern example of popular political action in this country, Martin Luther King. Honor in this way would also confer a great honor on black Americans and contribute to the recognition of the lives and dreams of all the people of this country. Dr. King, who rekindled a new pride in black American history and culture, continues to serve as a tremendous source of pride for all Americans. King is indeed an appropriate and worthy man to be the first black American afforded a national holiday in his honor.

The mood of Congress and the country can only be called tragic if monetary concerns are placed above such ideals as justice and human rights in importance. Every American citizen of good will should do everything in their power to fight for the passage of this legislation. A merely commemorative day grouped with the hundreds of insignificant ones is not sufficient. Martin Luther King's works, contributions and life demand a holiday.

Accept the challenge of making King's dream a reality. Embody in law the ideals which he embodied. Reaffirm a commitment to the cement of freedom which binds us all together. As brothers, we in Congress must unite to create a national holiday for Dr. Martin Luther King. After all, it is a celebration of the ideals for which America stands. King sacrificed his life for his dream of a fully just and great America. Surely we can set aside one day a year to keep that dream alive.●

● Mr. ADDABBO. Mr. Speaker, having cosponsored H.R. 800, the Martin Luther King legal holiday bill, I wish to express to my colleagues my most enthusiastic support of its passage.

The passage of this resolution is important in the light of modern advances in civil rights, to the many Americans of all races whose lives have been directly affected by the tremendous work of Dr. Martin Luther King, Jr. The fact that Martin Luther King Day presently is not celebrated by every State in our Nation, is inexcusable and merits rectifying.

Martin Luther King, Jr., through the practice of civil disobedience, gave the constitutional rights to peacefully assemble and petition a new meaning. His relentless energy in the exercising of these rights for a justified cause was phenomenal. He never shunned the danger in which he was placed and to which he finally fell victim. He exhibited firm faith in his God, in his country, and in the right of his people to walk alongside their white brethren, heads high and unashamed of their heritage. American, like any white individual, the black man placed in an inferior position in the society, saw in Dr. King the God-fearing leadership so sorely needed to appeal for what was rightfully his.

Dr. Martin Luther King, Jr., presented a manner of protest which, by its peaceful nature and gradual effectiveness, won him a Nobel Peace Prize. Considering the tribute paid this most dedicated individual by the international community, it is high time that we, here in the Congress, pass legislation authorizing Martin Luther King Day as a legal holiday. This measure is long overdue and I urge my colleagues' support.

We could never repay Dr. King for his tireless efforts in behalf of his fellow man, but we should not hesitate for a moment to do everything in our power to recognize his colossal contribution to the advancement of our Nation.●

● Mr. FASCELL. Mr. Speaker, Americans have witnessed a multitude of great leaders, men and women com-

pelled by an ideal, driven by a hope, and striving for a dream. One of the greatest leaders of our recent past was Dr. Martin Luther King, Jr. His infinite energy and high morality ignited that spark of freedom which awoke the American conscience and revived the American ideal that all men are created equal.

Since Dr. King's tragic assassination 15 years ago, I have supported the designation of January 15, the birth date of Martin Luther King, as a national holiday. This would be a day of reflection on the importance of nonviolent action in the pursuit of equality and justice, the principles for which Dr. King lived and died. It would be an inspiration to all people who strive to overcome the inequitable and seemingly insurmountable barriers of everyday life. The young dreamers of tomorrow would realize his tireless determination and admire his remarkable accomplishments.

A shy and thoughtful man, Martin Luther King had hoped to be an inspiring preacher in a small community. Instead, he became world renowned as the preeminent leader of the greatest modern example of popular political action, the civil rights movement. Dr. King's efforts were largely responsible for the success of the movement and America's increasing interest in the preservation of human rights around the world. In dedicating his life to mankind, he brought a new and higher dimension to human dignity. He urged all people to be proud of their heritage, to believe in their ideals, and, most importantly, to believe in themselves.

Motivated by his leadership, Americans of various races and religions gained a greater understanding and appreciation of our continued interdependence in fulfilling our national goals. Ultimately, nonviolence, equality, and freedom must prevail in this society which based its own revolution on these very same principles.

Now is the time to commemorate this great man and those ideals for which he stood. Let January 15 be an annual reminder of the skill, energy, courage, and fierce devotion Martin Luther King exemplified in his difficult struggle to let freedom ring.●

● Mr. MORRISON of Connecticut. Mr. Speaker, I am pleased and honored to join my colleagues in this special order, and I thank the gentleman from Michigan for sponsoring it. I strongly urge those Members of Congress who have not supported legislation to proclaim Dr. Martin Luther King's birthday a legal public holiday to take note of the expressions of support being given on the floor today.

Few people, if any at all, would deny that Martin Luther King, Jr. was a great man. This is not the issue. Rather, the issue is the absence of an appropriate formal occasion to call attention to Dr. King's life, his social commitment, his determination, and the values of justice and equality that he preached and lived. Last January, I sponsored a marathon from Washington, D.C. to New Haven in my Connecticut district. Ten members of the Dixwell Community House Bikila Track Club of New Haven ran the 400-mile relay along U.S. Route No. 1 to commemorate Dr. King's birthday. Although this relay lasted only 48 hours, it represented commitment, dedication, and strength. Martin Luther King, Jr. represented these values and more. He sacrificed his life for freedom, justice, and equality, the very principles upon which our country was founded. We in this Chamber—on both sides of the aisle—witnessed the growth and development of the civil rights movement during the 1950's and 1960's, but children growing up now can never experience the power and leadership that Dr. King brought to our Nation during those years. He preached patriotism, brotherhood, and human dignity, cornerstones of a strong nation.

In his book "Why We Can't Wait," Dr. King made reference to a quotation which I would like to repeat, that "justice too long delayed is justice denied." Currently, 19 State governments have acted to memorialize his birthday. H.R. 800, a bill to make January 15th a legal national holiday, is cosponsored by 165 Members of this House. Similar legislation has been introduced in every Congress since Dr. King's death in 1968, but never before has it come so close to passing in the House. Let us not let down his memory and all it represents.

Martin Luther King fought for legal, economic and social justice, but by failing to proclaim his birthday a national holiday, we are perpetuating the very injustice and inequality he fought to end. Rather, we should reaffirm the principles that Dr. King's life symbolizes. We should not delay any longer.●

● Mr. MATSUI. Mr. Speaker, I rise in support of H.R. 800, to designate January 15 as a national holiday in honor of Dr. Martin Luther King.

Dr. King was a visionary national and international leader of unparalleled distinction. Born into a dark and troubled world, he provided a beacon of hope that still guides millions of Americans.

A relentless campaigner for human rights, racial justice, and world peace, Dr. King's words remain insightful and much needed today. In fact, over the last 15 years the importance of Dr. King's efforts have become increasingly apparent.

I hope that this, the 98th Congress, will be remembered as the one that has the insight to take the initiative necessary to recognize formally the historic and invaluable contributions of Dr. King.

Facing a similiar debate, my home State of California, by an overwhelming margin, voted to make Dr. King's birthday a public holiday. I hope we can fulfill our responsibility to the Nation as a whole by similarly honoring Dr. King.●

● Mr. LEHMAN, Mr. Speaker, I urge the support and passage of legislation which would create a national holiday in honor of Dr. Martin Luther King.

Dr. King was a great American, who was committed to the principles of human rights and the ideal of equality for all. A national holiday for him would justly honor his achievements and the principles for which he stood.

One of Dr. King's most remarkable achievements was his use of nonviolence to bring about change. In a world filled with people who believed that violence was the only way to change things, he proved them wrong with his nonviolent tactics. His nonviolent campaign won him the Nobel Peace Prize.

Dr. King was a remarkable individual who was committed to the cause of a better America for everyone. A national holiday in his memory is rightly deserved.●

● Mrs. HALL of Indiana. Mr. Speaker, I join my colleagues today in this special order expressing our strong support to make the birthday of Dr. Martin Luther King Jr. a national holiday. As the new chairperson of the House Census and Population Subcommittee, which has direct jurisdiction over all national holidays and celebrations, I strongly support this legislation which honors Dr. King, not only for the strength of his leadership and the courage of his commitment to human rights, but also for his unique contribution toward the fundamental principle "that all people are created equal." By establishing a national holiday to commemorate his age, we create a greater national awareness of his life and meaningful national commitment to the achievement of his dream.

I have introduced legislation (H.R. 3345), to designate the third Monday in January of each year a national holiday to honor Dr. King's birth. On Thursday, June 30, the Subcommittee on Census and Population will begin markup proceedings on H.R. 3345.

I firmly believe that with the enactment of this legislation, we will be giving great recognition to the outstanding contributions Dr. King made to our society. An annual observance on a fixed day of each year will provide all Americans the opportunity to reflect upon the achievements of Dr. King.

I would like to thank all of my colleagues here today for their continued

support for this important legislation.●

● Mr. FISH. Mr. Speaker, I take great pride in joining my colleagues today to express my continuing support of H.R. 800, legislation designating Dr. Martin Luther King, Jr.'s birthday a national holiday. I have long been a supporter of this effort and I congratulate Congressman CONYERS for his 15-year pursuit of this worthwhile cause.

By furthering the civil rights of American blacks, Dr. King contributed to the cause of freedom for all Americans, regardless of race or creed. By strengthening the cause of justice, he inspired millions throughout the world in mankind's common aspirations.

Recognizing the birthday of Dr. King as a national holiday would be more than acknowledging the achievements of a great black civil rights leader. It would be the first time in our history that we commemorated the birth of an individual whose life was devoted to equal justice and opportunity for all Americans.

Last year the Congress partly recognized Dr. King's contributions by approving a bill to place a bust of him in the U.S. Capitol. Dr. King is the first black man to receive such an honor. While this is indeed an important achievement, it is not enough. That is why I have again lent my support to H.R. 800, to make Dr. Martin Luther King, Jr.'s birthday a legal public holiday.

Dr. King's message of redemption and reconciliation is no less meaningful today than during his lifetime. His life's work and unyielding adherence to achieving social change through nonviolence serves as a great example during these turbulent and troubled times.

Bestowing such an honor on Dr. King would transcend his status as a black civil rights leader. Such an act would recognize that Dr. King spoke as an American about the spiritual liberation of all people. This year we have a real chance to make our commemoration of his dream a permanent reality. He spoke of brotherhood, an end to poverty, of justice, of peace, to all mankind. We must continue to work together in furthering his vision of the future.●

● Mr. EDWARDS of California. Mr. Speaker, I want to thank Mr. CONYERS for providing this opportunity today to speak in support of a national holiday honoring Dr. Martin Luther King, Jr.

As many of us know, Congressman CONYERS has introduced and worked indefatigably for enactment of a Martin Luther King public holiday bill in each Congress since the week of Dr. King's assassination. I wish to commend Mr. CONYERS for his years of hard work and dedication to this bill and all it represents. I do feel, however, that 15 years of trying to get this holiday established is enough. It is only appropriate to permanently honor this great American, Dr. King, a man of incomparable accomplishments in the fight for civil rights.

By establishing a holiday to honor this champion of civil rights, we are providing ourselves and future generations the opportunity to rededicate this Nation each year to the causes of justice and peace so that we may never forget the many injustices Martin Luther King, Jr., sought to overcome.●

● Mr. DOWNEY of New York. Mr. Speaker, I rise today in support of national recognition of the birthdate of Martin Luther King. Our recognition will demonstrate an unwavering commitment to continue his struggle versus hatred, oppression, prejudice, and injustice. Martin Luther King had a dream; a national holiday will insure that his dream and the spirit he personified will remain instilled in the national conscience.

In 1955, the Nation's attention was drawn to Montgomery, Ala., as this unknown black preacher startled us with his leadership and courage in a citywide boycott against policies of segregation. In the many efforts to come, King demonstrated his dedication to a struggle of and for peace; methods of nonviolence that demanded attention against a backdrop of world violence. His speech in August 1963 remains as moving as any words delivered in modern times. "I have a dream," he explained and pleaded, "It is a dream deeply rooted in the American dream. From every mountain let freedom ring." It was this dream and the path he had chosen to achieve it that earned him the Nobel Peace Prize in 1968. King was the youngest individual and only the third black man to receive this honor. His assassination in 1964 left us shocked and questioning our own possibility of true humanity.

But King's vision of democracy, liberty, and freedom for all men and women continued in the lives of all his spirit touched. He delivered us a hope and reminded us that each man is heir to a legacy of worthiness. While today's civil rights achievements are rooted in Martin Luther King's efforts, his dream continues to remind us of how far we still have to go in the struggle for equality. And our struggle must remain devoted to nonviolence. For, as King would remind us, it is only through moral means that one can achieve moral ends.

Fifteen years later, I believe it is essential that Martin Luther King's beliefs and achievements be remembered. The Nation should be encouraged to reflect on the man and his principles, which ring as true today as ever. His statement that there is no longer a question of violence or nonviolence but of nonviolence or nonexistence could not be more pertinent in this age of nuclear debate and worldwide struggles for human rights. Mr. Speaker, I urge my colleagues to join me in support of a national commemoration of Martin Luther King. We should encourage the Nation to reflect on his ideals, and we must do no less than recognize the greatness of this individual who has changed the course of history.●

● Mr. KOSTMAYER. Mr. Speaker, In 1963, Dr. Martin Luther King wrote these words from a Birmingham jail cell, "We will have to repent in this generation not merely for the vitriolic words and actions of the bad people, but for the appalling silence of the good people." Let us end our silence with the declaration of Dr. King's birthday as a national holiday.●

● Mr. RINALDO. Mr. Chairman, 15 years have come and gone since Dr. King was taken from us; 15 years have come and gone since my friend JOHN CONYERS asked the American people to celebrate Dr. King's birthday as a national holiday. The time has come to realize Congressman CONYER's dream.

We set aside national holidays for very few people. We do not do it because some particular special interest or some ethnic group wants it. Such holidays are only for American heroes.

There are, I think, two reasons for celebrating Dr. King's birthday.

First, the noblest goals of the movement to give black Americans the civil rights to which they are entitled are in great part his work. There are others who have claimed to speak for black people. But Martin Luther King seems to have uniquely earned this honor. Others are respected or feared. He was loved. His words and deeds have had a great effect, not just on the form of the civil rights movement, but on the very character of black people. His noble dream has elevated black people everywhere.

But, second, and more important for our purposes, Dr. King's words transcend the lines of color. He spoke to all Americans as a citizen solidly in the tradition of constitutional law. He understood, even as Lincoln understood, that achieving human rights means respecting the law—because it is the law that protects the human rights of all of us.

In his most thoughtful and eloquent statement, the "Letter From Birmingham Jail," Dr. King wrote as follows: "In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty."

And when he spoke, he spoke in defense of the principles of democracy as he understood them. Of the nonviolent protesters he once said: "They were in reality standing up for what is

best in the American dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our Nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence." It is not too much to say that Dr. King revered the Founding Fathers, whose historic achievements was to liberate all men, white and, finally, black, together.

His dream and crowning vision was the reconciliation of the races. In the decisive sense, the age-old tension between white and black in our country is an aching reminder of the central, perhaps tragic, drama of a nation founded on the idea of enlightened consent. That tension reached its high point in the Civil War, when the experiment very nearly foundered. Dr. King's lifetime ambition was to overcome racial tension and affirm the success of the American experiment.

Dr. King was a genuine American hero. We who live in the world he helped to shape would do honor to the Constitution and the Declaration of Independence by honoring the birthday of Martin Luther King, their living spokesman.●

● Mr. CROCKETT. Mr. Speaker, I rise to strongly endorse the remarks made by my colleague and friend, JOHN CONYERS, concerning the bill he has introduced to make the birthday of Dr. Martin Luther King a national holiday.

I am a cosponsor of that bill, H.R. 800, and have worked with my colleagues in the congressional black caucus and other Members of the House in bringing to the attention of our other colleagues the significance this measure holds among our constituents and among the other peoples of the world.

Dr. Martin Luther King exemplified the courage and commitment to the American ideal that have always been the hallmark of our heroes. He was renowned not only by those working within our country for an end to racism, but also by all those individuals and groups around the world concerned with justice and equality. The effects of his labors were felt throughout our social and political structure. His methods of nonviolent confrontation of oppression and injustice were models for an intire generation, and will undoubtedly live on far beyond the specific issues he fought for.

Mr. Speaker, I urge each of my colleagues to honor Dr. King for his tremendous contributions to our society, and for the lasting impact he had as a representative of the American ideals. I urge each Member of the House to support H.R. 800, and to work for its adoption in the Senate.●

● Mrs. SCHROEDER. Mr. Speaker, I rise to congratulate the gentleman from Michigan (Mr. CONYERS) for keeping this issue alive. We should have created a national holiday commemorating the birth of Dr. Martin Luther King, Jr., in 1968 and we should do so now. There are few honors a nation can bestow on a citizen greater than creating a holiday in his or her honor. There are few citizens as worthy of this honor as Dr. King.

We now have nine regular holidays which are observed by Government agencies. They are New Year's Day, an observance of football and hangovers; Washington's Birthday, which we now call President's Day and which is only loosely related to the date on which George Washington was born; Memorial Day, to commemorate those who have died for the Nation; Independence Day, in remembrance of our Declaration of Independence from colonial rule; Labor Day, honoring the workers of America; Columbus Day, honoring an explorer who may or may not have discovered America; Veterans Day, honoring veterans of war; Thanksgiving Day, during which we remember the ill-clad, hungry Pilgrims by eating huge meals; and Christmas Day. Most of these days were created to honor something great in American history. Although many have been trivialized and fail to evoke rededication to the best in the American spirit, the holdiays were created to remind us of the best, in our past.

We should create a holiday to honor Dr. Martin Luther King because his life is an example of the best in America. His personification of a part of the American spirit is something not captured in any of our other national celebrations. Dr. King personified the inexorable, irresistible yearning for social justice of the American people. He represents that part of the American soul which will not tolerate prejudice and which will fight to right the wrong. Dr. King should be honored not just for what he did but also for how he did it. What he did was to lift up a huge segment of American society. He not only destroyed many barriers to social acceptance of blacks in American society, he also made us all aware of the intensity of our prejudice. As President Reagan said, before Dr. King led the civil rights movement, many of us were unaware that we have a racial problem. Dr. King did not win the battle for social justice, but he certainly made the battle visible. How he did this is most laudable. Rather than permitting his followers to vent their anger through violence, he channeled that energy into nonviolent confrontations.

So, we should have a King holiday to remind us of the greatness of Dr. King and to encourage us all to pay heed to our yearning for social justice. Regrettably, there is another reason to create a King holiday. As the memory of Dr. King fades from some minds, the consciousness of the poison of racial bigotry which still courses through the arteries of the American body politic has also faded. The statements of William Bradford Reynolds, the assistant attorney general for civil rights, in opposition to any affirmative action show how we, as a nation, have turned our back on the cause of racial equality, a cause we were all aware of during Dr. King's life. Creation of a holiday for Dr. King will surely create renewed awareness of the struggle he led. This renewed awareness will make certain that the views expressed by Mr. Reynolds will not be acceptable as Government policy. A King holiday will make it harder for a future President to appoint an individual to the top civil rights enforcement job in Government who does not believe in civil rights.

I urge my colleagues to join me in sponsoring this legislation.●

● Mr. MAZZOLI. Mr. Speaker, Dr. Martin Luther King, Jr., had a dream. He dreamed that all people, no matter their race, religion or sex would one day live together harmoniously.

Dr. King did not just dream about the possibility of fighting injustice. He worked to make his dream a reality. Martin Luther King was committed to realizing nonviolent social change. He vigorously fought for the right of all people to enjoy the fruits of civil and human rights.

Sometimes, due to the hectic pace of the world in which we live our attention is diverted from the important issues and social concerns of our society. But, we should never allow ourselves to forget the work of Dr. King. It should always remain fresh and timely.

The passage of H.R. 800 declaring January 15, the birthday of Dr. Martin Luther King, Jr. a national holiday, will insure that we recall always the accomplishments of a great American leader.

I urge my colleagues to vote in favor of legislation designating Dr. Martin Luther King, Jr.'s birthday a national holiday.●

● Mrs. SCHNEIDER. Mr. Speaker, it is my extreme pleasure to join today with 165 distinguished Members of the House and Senate in support of this measure to designate January 15 as a national holiday in honor of the great civil rights leader, Dr. Martin Luther King, Jr. Dr. King was one of a handful of individuals who have single-handedly shaped the course of this great country. His life stands as an example to all of us—regardless of the color of our skin—of the positive social change that can be accomplished through one person's thoughts and efforts.

The changes that his life foreshadowed make Dr. King a most fitting candidate for a national holiday. To fully appreciate these changes, one

must remember life in the United States before his work. Unfortunately, for many black citizens, life in the United States was characterized by inequality, hate, and absence of opportunity. Dr. King brought national attention to the plight of our black citizens and to the idea that the Federal Government must guarantee the rights of all citizens, regardless of their skin or creed. The 98th Congress continues to work to rid our society of all vestiges of inequality and prejudice. It was Dr. King who first set us firmly on the enlightened path which we are now attempting to pursue. All of us have had our lives enriched by his work.

Some have argued that a national holiday is unnecessary, that we are already aware of the tremendous personal contribution Dr. King made for the betterment of mankind. A national holiday, however, is not for us. The real beneficiaries of this holiday will be our children and grandchildren, those who will not remember the man in person, but will have the story of his life related to them by teachers and parents. The ideals for which Dr. King lived and died—equality, peace, justice, and liberty—are timeless and must always be protected. This holiday will allow future generations of Americans to take a day to reflect upon the role which these values play in their lives and in the strength of their country. I can think of nothing else which would better reward Dr. King and further the process of social change which he began.●

□ 2130

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 30 minutes.

Mr. MOAKLEY. Mr. Speaker, the sweeping Supreme Court decision in Chadha against INS, invalidating all forms of the legislative veto deals with a matter so focused at the inner subtleties of relations between the executive and legislative branches, that it is hardly surprising that much public, official, and media discussion has substantially distorted both the significance and the effect of the decision. In some respects, the Chadha decision means a good deal more than has been recognized yet and, in others that have caused undue alarm, may mean a good deal less.

Although my position has been characterized in opposition to the legislative veto, I think it is very important to understand that no one is really an opponent of the veto; Members have simply had honest differences on how and where it should be applied. Every President since Herbert Hoover has argued that the veto is unconstitutional, yet each of them has proposed a veto at one point or another. The former chairman of the Committee on Rules, Congressman Bolling was charged last year with killing the veto, but he is the author of the model for all modern vetoes, the Congressional Budget and Impoundment Act of 1974.

The question for Members has been the application of the veto in particular contexts. And I suspect that every Member has voted for and against the concept. So the Supreme Court decision should delight no one. Certainly the decision is a significant one and will force some very fundamental changes in the manner in which our Government operates. But assertions that the decision strikes a devastating blow to the Congress as regards its power relative to the President misgauges the long-range effects of the way Congress will handle this new balance in future legislation. But it also misjudges even the immediate consequences of what the decision really means with respect to about 300 statutes touched by it.

BACKGROUND OF LEGISLATIVE VETO

Mr. Speaker, the legislative veto has been in use for over 50 years and both Congress and the President have found the device convenient. Typically the way the device has come into being is that Congress and the President reach an agreement that the executive will be granted a specific power, which would not exist except for the enactment of the law, and Congress ties a limitation to that delegation—that the executive decison will be subject to a form of congressional nullification. It is important to note that the legislative record is rather clear that all administrations, notwithstanding their official posture of opposition to the veto, have been the authors of such compromises nearly as often as Congress.

In general, the approach is rather convenient. The President obtains some political advantage in that the fundamental principle of legislative physics—inertia—is turned to his advantage. Instead of sending up a recommendation and waiting for the whole process of enactment to run its course through subcommittees, committees, and the floor in each House and through conference, the executive issues a proposed regulation—or some other form of executive action—and, if any step of the nullification process falters during a set number of days, the matter becomes effective as the functional equivalent of law. Congress, for its part, retains roughly the same degree of control it would have had in the normal legislative process but structures the situation, where speed or flexibility is needed, to compensate for its own institutional weaknesses.

In this context, the veto works best when it is enacted as part of a negotiated agreement between the branches to improve management flexibility or response to emergency situations. The best examples of the former are laws which have given the executive authority to temporarily defer spending or implement less than departmental reorganizations, subject to congressional nullification. The War Powers Act is the best and strongest example of the latter.

Historically, the courts have been very reluctant to intervene in these kinds of political agreements between the other branches. Indeed, as recently as 1978, the Supreme Court allowed to stand a lower court ruling which affirmed a law which had allowed the President to adjust Federal pay scales annually, subject to a legislative veto.

Increasingly, however, there has been alarm about the proliferation in the uses to which the legislative veto has been put. The veto is on weakest grounds when foisted by Congress for its own convenience or inability to face hard choices. And such uses have become disturbingly more common in recent years than the cautious power sharing agreements between the branches which gave birth to the device.

And suddenly, in the past few years, congressional exuberance with the device has led to the birth of proposals for a generic legislative veto—a proposed law which would give Congress the power to review and nullify each regulation issued by the entire Government, about 7,000 a year. The issue reach a head last year when the Senate passed the proposal 69 to 25. A similar House proposal, which was not acted on, was cosponsored by a substantial majority of the House.

The results of such a proposal could have been disturbing and the potential for genuine paralysis in entire, important segments of the regulatory process was the great risk posed by a broad, generic veto.

And, unlike the hundreds of specifically linked agreements enacted since 1932, a generic veto, I believe, is nothing more or less than an unconstitutional effort to turn the entire process of National Government on its head, transferring to each branch the functions for which it has the least expertise and legitimacy.

It was becoming increasingly clear that the use of the legislative veto was a runaway train and there was increasing doubt of any ability to restrain the

device to its traditional and accepted uses. It was in response to this trend, I feel, that the Supreme Court has now been forced to intervene in a matter it had successfully sought to avoid deciding for a generation.

EFFECTS OF RULING

In this regard, the decision should not be viewed as a disaster or as a victory for anyone. Congress, admittedly, has lost a tool which has, in its better applications, proved useful and efficient. But, by restraining Congress from immersing itself in every item of regulation and adjudication, the court has saved Congress from drowning in detail it lacks the institutional capacity to manage, and freed it to act within the scope of its legitimate role for shaping national policy.

Clearly, the Chadha decision will force vast institutional adjustments to be made by Congress to prepare itself to work effectively under this new arrangement but I sincerely believe the long term effects could be salutory for Congress, the President and the Nation.

In the long run, the Congress will be strengthened in relation to the President, the bureaucracy, and the courts. It will be forced to write laws with greater specificity. Far less substance will be left for regulatory or judicial interpretation and powers of a legislative character will be delegated with narrower limitation both as to scope and duration.

But, I believe that initial discussion of the decision has even more significantly misjudged the short-term effects. The specific decision of the court applies to a single provision of the immigration laws and is correctly characterized as having found that provision unconstitutional. To the extent that it is interpreted as having shifted power from the legislative branch to the executive, however, that is correct only because the Court was able, in this case, to make two findings; the operative language of the ruling is, "We hold that the Congressional veto provision in section 244(c)(2) is severable from the Act and that it is unconstitutional."

The grounds on which the Court held the veto unconstitutional are so broad as to make clear the intention of the Court that its decision would govern lower courts in the review of more than 300 provisions of law that have used the device—a review that will probably take a decade or more.

It seems doubtful that any of these 300 laws will survive subsequent challenge; in the Chadha decision, the Supreme Court has left itself and the lower courts almost no room to maneuver on that matter.

NONSEVERABILITY

The particular law had authorized the Attorney General to suspend deportation of aliens in certain cases, and had provided that Congress could overrule that determination. By the Court finding the veto unconstitutional, Congress loses its power to review. By the Court finding that review severable from the delegation, the Attorney General retains his powers. But, had the Court been unable to find the two propositions severable, the entire arrangement would have fallen and the Attorney General would have been able to suspend deportations only by requesting that Congress pass a bill for the relief of individual in question.

As the courts begin to sort out the 300 remaining laws, Chadha will turn out to have been a rather exceptional case and the finding of severability will be impossible in the majority of cases.

Under a 1967 law, previously noted, Congress gave the President authority to revise the Federal pay schedules annually, subject to congressional disapproval. On the same constitutional basis on which Chadha was later decided, a group of Federal jurists sued for a pay raise proposed by the President but disapproved by Congress. The court ruled that it was inconceivable that Congress would have given the President the power to adjust pay if the determination were not subject to congressional review. The court was able to rule that the two matters were not severable and, if the veto of the President's authority was unconstitutional, that authority would fall with it. As a result, it was possible to hold that no claim existed without reaching the constitutional merits and, on appeal, the Supreme Court declined to review the case.

I think that this model is likely to be repeated in most court reviews stemming from the Chadha decision. And the manner in which it is repeated will satisfy no one. One of the most effective and articulate supporters of the veto, the gentleman from Georgia (Mr. LEVITAS), pointed out that the veto is neither conservative nor democratic, neither probusiness nor proenvironment. "It is," he astutely observed, "a two-edged sword." And I would echo his observation in predicting the effect of the unraveling of the legislative veto, as Chadha is applied to future cases.

The Congressional Budget and Impoundment Control Act of 1974, for example, establishes a flexible system for cooperative action between the President and Congress to rescind or defer Federal spending. There is no question that the one-House veto of Presidential proposals for deferrals is embraced by the Chadha decision. However, the act contains no severability clause and the legislative history clearly documents that Congress would never have granted deferral authority absent a congressional review mechanism—indeed, the bill was written in response to President Nixon's use of impoundments and restraint of that power was the clear, unequivocal purpose of the act.

Therefore, under Chadha, what is lost is not Congress' power to review spending decisions, but the President's authority to make them. But this is not something that should delight anyone. Although attempts have been made to use deferral authority for substantive purposes and some proposals have been disapproved, the general use of the device is purely ministerial and Congress has permitted more than three-fourths of the proposals to take effect. In the wake of Chadha, the President is legally required to obligate appropriations, even if everyone involved is in clear agreement that the appropriation is in excess of the amount needed. It is clear that a decision must be made quickly on how to resolve such a disaster within the terms of the Supreme Court decision, but it is equally clear that it is Congress which decides what that resolution is to be.

At the end of the last session, an appropriation was made for the MX missile but it could be spent only if Congress subsequently approved the release of the money. The method by which that approval was made is clearly overturned by the Chadha decision and the history of the law is that the appropriation would not have been made in the absence of the review. The review provision was adopted as an amendment that rejected a straight appropriation. And so the only proper legal course open to the President at this moment to handle MX funding is to come to Congress again for an appropriation everyone already thought he had.

The same situation will hold equally true for agencies and other instrumentalities of the Federal Government who now may think the Chadha decision frees them from congressional interference.

Those who would argue that the power of the D.C. City Council to make laws is severable from the congressional review of those laws will find little comfort in the legislative history of the enactment of home rule legislation and will find that issue further complicated by a specific constitutional requirement that Congress "exercise exclusive legislation in all cases whatsoever, over such District * * *."

SEVERABLE VETOES

Mr. Speaker, undoubtedly some cases will be discovered where it will be possible to find delegations severable from the congressional review mechanism applicable to determination under the delegation. But even in such cases, the effect of such shifts of power are likely to be smaller than expected.

A clear example would be the Federal Trade Commission. The severability

of a veto, adopted in the context of a routine 1980 authorization, for an agency established in 1914, leaves little doubt that congressional authority to overrule regulations of the Federal Trade Commissison was voided by Chadha.

But neither is there any question that the ability of the Commission to issue rules at all, and indeed the very existence of the FTC beyond September 30, depends entirely on the enactment of a pending authorization to which any change in the Federal Trade Act is probably germane.

Likewise, the nuclear waste bill, adopted last year, authorized the Secretary of Energy to fix a tax on nuclear generation of electricity to be placed in a trust fund for the development of a nuclear waste repository, subject to a legislative veto. During consideration of that bill, an amendment was adopted which required Congress to act by law, rather than a veto, to overturn State objections to siting decisions; the legislative history of the bill confirms that this change was made in response to constitutional reservations about the veto. That history, combined with an unequivocal severability clause, will probably permit the tax to stand without congressional review. But, although the delegation of taxing powers to the Executive is an extraordinary precedent, I am inclined to believe that Congress will find it has lost rather little power. The Executive wins freewheeling authority to tax utilities and deposit the proceeds in a trust fund. But any expenditure from that fund remains totally subject to the congressional authorization and appropriation process and to any requirements—including alterations in the tax—which Congress may choose to place in such bills.

REPLACING THE VETO

Mr. Speaker, in fashioning institutional remedies to the current situation, I would hope that all branches of government have registered a valuable lesson to be learned from Chadha. The process of government is—and quite legitimately—a political one. And the Nation is best served when that process is allowed to work, even with some tensions, with flexibility and a fair regard by each branch for the legitimate role of the others.

Throughout their history, the appropriations committees have handled routine adjustments during a fiscal year through a process known as reprogramings. The system is clearly not sanctioned by the Chadha decision, but that does not matter because the system is beyond the reach of the courts as long as both branches operate in good faith. Slightly simplified, the process is that, if the administration wants to transfer money from one purpose to a related one within the same appropriation, a letter is sent to the relevent subcommittees of the House and Senate Appropriation Committees. The committees vote on the matter and the administration abides by the decision. The committees are aware that the administration is under no statutory obligation to comply with arbitrary instructions and administration is aware that appropriations run for only a year and are usually revised to reflect any difficulties the committees have noted during the prior appropriation. But there is no rule of Congress nor any Federal law on the subject for any court to review. It is simply an accommodation based on restraint and a decent respect by each branch for the responsibilities and privileges of the other.

Where understood practices and comities between the branches are stretched beyond their understood terms, the branch damaged must be expected to respond with all the powers within its reach. The survival of our constitutional system requires that self-defense.

Presidential impoundment powers had actually proven useful tools for fiscal flexibility which served the purposes of both branches for a generation, under a variety of Democratic and Republican Presidents and Democratic and Republican congressional chambers. But, President Nixon dramatically abused the system. Indeed, it is not unreasonable to characterize his actions as an attempt to use impoundment to give the Presidency something the Constitution had deliberately denied it—an item veto of appropriation. In 1974, Congress responded to the constitutional threat by extinguishing impoundment powers and replacing it with the comparatively cumbersome congressional budget process.

The development of the War Powers Resolution is a case of obviously similar retrenchment of an informal system stretched too far.

The legislative veto, likewise, proved a useful and effective tool to both branches to provide comparable administrative and regulatory flexibility. But the zealousness with which Congress attempted to toss it onto a variety of laws began to shift the constitutional balance in such a manner that the Supreme Court was forced to rule more sweepingly than it might have wanted, on an issue I suspect it would have preferred not to address at all. Indeed, the record is rather clear that in 1978 the Supreme Court "ducked" a case that presented an opportunity to rule on the identical issues posed by the Chadha case.

COMMITTEE RESPONSIBILITIES

I am not distraught over the current situation, for reasons I think I have outlined clearly. But as we survey the results of the Chadha decision, it is rather clear that the courts' attempts to sidestep the issue in previous years was wise and that the interests of neither the President nor Congress have been advanced by this definitive constitutional resolution of the issues.

The immediate task, Mr. Speaker, involves all three branches and will be facilitated by the greatest possible caution and restraint by each. I am not prepared, at this juncture, to put forward specific recommendations.

No single committee of Congress can undertake these next steps. They involve the entire institution, and I am aware of no committee which does not have some law within its jurisdiction touched by Chadha. It is not necessary that all these laws be repealed or modified by Congress, nor that most of them become subject to judicial rulings.

In some cases, resolution will be forced on Congress. For example, at some point an individual will appear before the District of Columbia courts, charged with a matter which would not be a crime save that the previous Congress overturned a revision of certain D.C. criminal ordinance. The individual's attorneys will argue his case on constitutional grounds. Under Chadha, the congressional review mechanism is likely to fall, although there are constitutional peculiarities unique to that veto which could separate the case. Whether the courts strike down only the veto or the entire home rule delegation, the Committee on the District of Columbia will face a inescapable responsibility to fashion a legislative remedy.

Other vetoes will never be tested. The courts cannot rule hypothetically and issues must actually exist to be tested. We could hardly dispatch an ambassador-at-large to obtain the consent of some nation to an invasion because our Government needs to bring a test case of the War Powers Resolution. So, although it is not wholely satisfactory, we have to face the fact that we know as much today as we probably will ever know about the status of the War Powers Resolution. It is unlikely that the Committees on Foreign Affairs will be able to fashion a revision of the law within the terms of Chadha, but it is obviously required that the matter be examined.

In many cases, a decision will be made deliberately to avoid any clarification. It is possible that Congress and the President will simply decide, for example, to observe all the procedures of title X of the Congressional Budget and Impoundment Control Act, as a political accommodation. As I have stated, I expect that the congressional review of deferrals under title X would be struck down under the Chadha decision. But the nonseverability of Presidential deferral authority is sufficiently clear that neither branch has any incentive to test the law. So long as both branches operate with some comity, and avoid any effort to use the deferral section to deal entitlements, I

am inclined to doubt that their accommodation can ever come within reach of the courts.

But even in cases in which it is determined to leave a matter undecided, it is important that even that decision be reached as the result of careful committee review.

Mr. Speaker, I hope that each committee of the House will promptly begin a review of all of the laws within its jurisdiction touched by the Court decision to clarify these issues. In addition, I would strongly urge committees to review pending legislation very carefully. The Chadha decision is unequivocal and puts Congress on clear public notice of how the Federal judiciary will rule in these matters. An argument of nonseverability will be very difficult to sustain in the case of any delegation which involves a suspect review mechanism, enacted subsequent to the Supreme Court ruling.

In addition to these individual statutory and legislative reviews, I expect that the subcommittees of the Committee on Rules, will initiate hearings within the next month to study some of the broader institutional issues posed by the Chadha decision.

Mr. Speaker, the genius of our constitutional system is that the Presidency and Congress will always exist and have to work together. In the resolution of any confrontation, even one as sweeping as the Chadha, the question is whether the two, in reaching accommodations that replace the veto, have learned the lessons of recent history and can apply them with commonsense.

□ 2150

REAGAN ADMINISTRATION REFUSES TO AID STRICKEN LATIN AMERICAN DEMOCRACIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARNES) is recognized for 5 minutes.

● Mr. BARNES. Mr. Speaker, the Reagan administration talks a lot about democracy, but when the chips are down it does not do much about it.

The three struggling Andean democracies of Peru, Bolivia, and Ecuador have been hit by 6 months of flooding and drought which have caused more than $1 billion of damage. Five million people have lost their jobs, their crops, their homes—or their lives—as a result of these disasters.

In Bolivia, a quarter of the population has gone without rain for 8 months. One town of 100,000 people is without water. Seventy percent of the wheat and potato crop has been lost.

In Peru and Ecuador, 12 feet of rain has fallen in traditionally dry areas. Floods and mud slides have destroyed homes, roads, and bridges, isolating many towns for months. Unemployment is as high as 70 percent. Child mortality is up 300 percent.

What has our response been? Less than $55 million in Public Law 480 food assistance. Aside from that—nothing. AID is asking for the piddling sum of $100 million in disaster assistance for this region. OMB says it cannot find the money. But yesterday it found a spare billion dollars for the B-1 bomber.

The Dominican Republic, one of those Caribbean democracies the President is always saying he wants to defend, needs $200 million in credits by the end of this month to meet a short-term balance-of-payments shortfall that would place the Domincan Republic out of compliance with its IMF agreements. To help meet this immediate need, the Dominican Republic has requested of us $60 million in CCC credits—not a gift, but a loan. USDA and OMB could care less, and the White House does nothing.

Mr. Speaker, these are cases—and they are not the only ones—where timely infusions of relatively small amounts of money can significantly buttress the stability of friendly, democratic regimes. Why do we not care? When will the President put some modest resources where his rhetoric is?

I include pertinent briefing papers at this point:

NATURAL DISASTERS IN THE ANDEAN COUNTRIES

The three Andean democracies of Peru, Bolivia and Ecuador, already facing serious economic and financial problems, now have been buffeted by an unprecedented series of natural disasters that have further damaged their economies and caused widespread human suffering. What is particularly unusual about these disasters is their recurring, virtually non-stop nature.

All three countries have been hit by torrential rains and flooding—and this has continued over the past six months. At the same time, this inversion of the weather pattern has caused a large portion of the altiplano region of Southern Peru and Bolivia to experience a prolonged drought which has brought this already poor area to the brink of famine. These people, who have suffered for the past six months, expressed feelings of anguish and despair at what was happening to them, and to their families, homes and sources of income.

AGGREGATE DAMAGE ESTIMATES AND U.S. ASSISTANCE

The damages to date are estimated conservatively at about $300 million in Ecuador, $350 million in Bolivia and $750 million in Peru. A total of nearly 5 million people have been severely affected through loss of jobs, crops, homes and lives. A large portion of the agriculture areas of the countries has been devastated. Coming on top of the economic and financial crisis these countries are experiencing, the effects of these continuing natural disasters threaten the stability of democracy in the Andean subregion.

U.S. disaster assistance to date totals less than $55 million, the bulk of which is in Public Law 480 food assistance.

EFFECTS OF THE DROUGHT

In the drought area, farmers were forced to slaughter their livestock due to lack of pasture. The price of meat in Puno, Peru, has fallen to $.25/pound—one quarter of the Lima market price. Vegetables are in short supply and expensive. The potato crop, the staple of the altiplano areas of Bolivia and Peru, came up the size of marbles—one-third of which were worm-infested due to lack of resources to buy insecticides. A large proportion of the potato crop did not even come up. To survive, families have been forced to eat their seed potatoes.

Significant out-migration from the drought areas has taken place in both Peru and Bolivia. Others have sent their children to live in other parts of the country. Daily trains down to Arequipa, Peru from Puno are so crowded by migrating campesinos that an extra train had to be added to the schedule.

In Bolivia, more than 1.6 million people have gone without rain for almost eight months. That represents one-fourth of this country's total population. That would be the equivalent of 55-60 million in this country. The area affected is larger than the state of Texas. The people hardest hit have incomes as low as in Bangladesh.

The mining town of Potosi, with 100,000 people living at 14,000 feet above sea level, has exhausted its water supplies, and must haul water 40 km by railroad tank cars daily to survive.

The people of Potosi and the outlying rural areas expressed feelings of anguish, frustration and anger—anger at the Bolivian Government which they unfairly blame for not providing them relief from their suffering. On the Peruvian side of Lake Titicaca, the local campesino associations and workers in the Department of Puno staged a two-day general strike to dramatize their situation to the Peruvian Government. In a special report in the Peruvian press, drought conditions around Puno were characterized as "the horror of the slow death."

In Bolivia, crop projections for 1983 indicate that the country faces an immediate and serious food shortage due to major crop losses caused by the drought conditions in the altiplano and valley regions, and floods in the Santa Cruz agricultural zone. Losses of 70 percent of the potato and wheat crop have occurred in the Bolivian highlands. The deficit in the harvest of major food crops in both the altiplano and Santa Cruz is estimated to be over one million tons. This will require an additional $170 million in food imports at a time when the country is experiencing a very severe balance of payments shortfall. The economic impact of the loss of the 1982-83 harvests in terms of lost income to the Bolivian farmers is equivalent to more than $200 million. Industries that depend on agricultural products are being forced to close, pushing unemployment in Bolivia to alarming proportions.

Health conditions in drought areas have worsened due to consumption of contaminated water. Gastro-enteric diseases have increased dramatically.

EFFECTS OF THE FLOODS

In the flooded low land areas of Peru and Ecuador, the damage has been extensive and devastating. In the North of Peru, flooding mud flows and landslides have damaged many roads, isolating cities and towns for over four months. Piura, Peru's largest and most productive farm region, has been devastated. Unemployment in this department of 1.1 million people is estimat-

ed at 70 percent. Food is in short supply, crops have been destroyed and commerce brought to a standstill. Damage to the vital irrigation canals in this department has been extensive. The adjacent department of Tumbes has suffered similar destruction. The city of Piura, a commercial and agricultural town of more than 300,000, has been cut off from land transport and must be supplied by air. The city is partially covered with stagnant water, black or green with raw sewage. Forty thousand families in Piura have lost their homes—most by simply having the adobe walls "melt" away as a result of the flooding. Forty thousand more houses have been damaged. The 12 feet of rain that has hit Northern Peru has fallen in an arid region which normally gets no rain whatsoever. Water is normally drawn from the rivers that run down from the Andes through this desert to the sea.

Health problems are very serious, particularly in urban areas, due to stagnant water mixed with raw sewage. Gastro-enteric and respiratory diseases have increased sharply. The child mortality rate has increased threefold. Skin diseases and insect bites plague the residents. In Chulucanas, Peru, an agricultural center of 60,000 people, an American priest living there reported that the number of funerals per day have tripled. In one of the community health posts in that same town, 21 of 40 persons seen by the local doctor were treated for typhoid fever. Water one meter deep has repeatedly hit this community, taking with it all the adobe structures and leaving behind little more than mounds of earth.

Perhaps the most psychologically distressing aspect of the rains and floods is their recurrence. No sooner have people rebuilt or repaired damage than the floods return and cause new damage. This has gone on for over six months. Some have developed a sense of despair and helplessness; others have reacted with anger and frustration, blaming the government for not having warned them or protected them from the flooding.

In Peru, 27 major bridges have been lost. The Pan American Highway has extensive damage and disappears into a newly formed lake in the desert for several miles. In both Northern Peru and in the Guayas River Basin of Ecuador, almost 12 feet (141 inches) of rain has fallen in a six month period.

In Ecuador, record rainfall and heavy flooding from October 1982 to date have caused large scale economic losses in the coastal area, particularly in the Guayas River basin (which contains Ecuador's most productive agricultural area and its largest city, Guayaquil) and the Provinces of El Oro and Manabi. About 860,000 hectares are or have been flooded. Normally flooding is over by March; this year's extraordinary rainfall began in October, and is continuing. Major economic losses are conservatively estimated to amount to $300 million. Continued rains and flooding mean that the value of economic losses will continue to increase.

In the Guayas Basin, 20 major bridges have been lost. More than 600 miles of primary and secondary roads have been damaged. There has also been extensive damage to the railroad between Guayaquil on the coast and the highlands area. By February of this year more than 13,750 houses and 223 schools had been damaged or destroyed. The current numbers are even higher. In Santa Cruz in the Bolivian lowlands, flooding destroyed a large amount of unharvested and newly harvested crops, a large portion of the poultry industry and more than 16,000 homes. The floods washed out several sections of the Cochabamba-Santa Cruz highway, the main supply route to the eastern part of the country. Infrastructure damage is estimated at approximately $50 million.

Damage assessment by country

	Millions
Peru:	
A. Petroleum production lost	$250
B. Damage to petroleum pipeline and facilities	60
C. Agricultural production	170
D. Other infrastructure:	
(1) Roads and telecommunications	115
(2) Housing and urban services	105
(3) Agriculture infrastructure	28
(4) Other	10
Total	738
Bolivia:	
A. Agricultural production	170
B. Livestock	30
C. Agricultural infrastructure	70
D. Transportation sector	50
E. Losses to industries dependent on agricultural production	40
Total	360
Ecuador:	
A. Agriculture and livestock	207
B. Transportation system	83
C. Housing and schools destroyed	15
D. Manufacturing (physical infrastructure damage)	18
Total	323
Grand total	1,421

FACTSHEET

	Peru	Bolivia	Ecuador
Population	18.6 million	5.6 million	8 million.
GNP	$19.5 billion	$7.5 billion	$13 billion.
Population affected	+3 million	1.6 million	0.5 million.
Area affected	30 of ag. area (1 million acreas)	one-third country	One-third country.
Projected damage/loss estimate	$738 million	$360 million	$323 million.
Incremental FX requirements due to disaster	[1] $200 million	[1] $170 million	$75 million.
Projected decline in GNP due to disaster (rough estimates)	3–4 percent	4–5 percent	1–2 percent.

[1] Largely food imports

MEMORANDUM—BALANCE-OF-PAYMENTS GAP IN THE DOMINICAN REPUBLIC THREATENS IMF STABILIZATION PROGRAM

The Government of the Dominican Republic has, since the Inauguration as President of Dr. Salvador Jorge Blanco on August 16, 1982, taken a series of rigorous austerity measures with the purpose of overcoming an extremely serious financial situation. Effectively what the Dominican Republic has been doing is putting its own house in order.

The measures undertaken include: salary reductions in the public sector; a lengthening of the workday for Government workers; reductions in current expenditures; tax reform, including a new value added tax; a decrease in production costs of the public sector industries. These measures are all meant to substantially reduce the public sector deficit. The results of this policy have until now been highly satisfying.

Specific foreign exchange policies have been implemented to encourage a greater volume of exports and thus lower the deficit in the balance of payments. Accordingly, there have been increases in interest rates to promote repatriation of Dominican capital currently invested abroad. Additionally, drastic measures have been taken to reduce imports of nonessential goods. Moreover, amendments to the current foreign investment law have been sent to the National Congress with the express purpose of making the Dominican economy more receptive to foreign investment.

As part of the general framework of austerity measures and efforts to eliminate the deficits afflicting the economy, the Government of the Dominican Republic entered into an Agreement this past January with the International Monetary Fund (IMF). This Agreement allows the Dominican Republic to have the maximum recourse possible to the resources of the Fund. Also, an accord has essentially been reached with foreign commercial banks for the renegotiation of the foreign debt due in 1983. The formal agreement of renegotiation will have to be submitted to the National Congress for ratification. The Dominican Central Bank/IMF balance of payment projection for 1983, prepared last December, showed an equilibrium based on certain basic assumptions.

A new revision of this balance of payment projection shows a US$200 million gap resulting basically from US$100 million less in funds obtained in the renegotiation with foreign banks with respect to the projected figure, US$60 million less financing from the U.S. Government under GSM-CCC covering food imports and US$40 million less from the World Bank in sector loans.

This gap must be covered or otherwise the Dominican Republic would not be able to meet its balance of payments tests by June 30th, which is when it comes up for review next.

The possible sources of funding would be:

1. CCC financing from the U.S. Government.
2. Bridge financing from the U.S. Treasury.
3. Refinancing of official bilateral debt, including the U.S. debt, through the Paris Club.
4. Additional World Bank financing.

5. Commercial banks providing new lines of credit of a short term nature, to banks operating in the Dominican Republic, including Central Bank,. once the Dominican Congress has approved the foreign debt rescheduling.

The Government of the Dominican Republic requested in October, 1982, US$95.4 million for the GSM 102 Program. Of this amount, approval of only US$3.5 million for wheat and 6.0 million for swine repopulation and corn appears imminent. Nevertheless, our Ambassador in Washington has been informed that the remaining balance of our original request might not be obtained.

The lack of GSM 102 funds has already begun to create serious problems in the Dominican Republic. Stocks of wheat, corn and vegetable oil are at all-time lows and lack of corn has been the subject of front page stories of alarming nature in the Dominican press.

Since the beginning of calendar year 1983, the Dominican Republic has repaid to the United States, US$35 million in debt under CCC, Public Law 480 and Eximbank, while having received disbursements of new funds of only US$3.5 million. Thus, there is a net negative flow of official funds from the United States to the Dominican economy, precisely in a year of extreme difficulty for the Dominican economy because of the very low prices for all our main export items.●

H.R. 2760—COVERT ACTION IN NICARAGUA—EDITORIAL COMMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, when the House returns from the Independence Day district work period it will convene in secret session to discuss H.R. 2760.

This measure would end the ill-advised covert activity in Nicaragua while authorizing security assistance funds for overt arms interdiction efforts in the area.

In preparing for the forthcoming debate I ask all Members to consider the following editorial comments:

[From the Boston Globe, Apr. 3, 1983]

OUR WAR IN NICARAGUA

After looking the other way for a year, it's time for Americans to face up to major US responsibility for the secret war waged from Honduras against the government of Nicaragua, supposedly by exiled remnants of the Somoza dictatorship.

Discreetly buried near the bottom of a story in Time magazine's April 4 edition is a detailed description of the Byzantine command structure set up by the Pentagon and CIA to evade the will of Congress, which has tried to prohibit US aid to paramilitary groups "for the purpose" of overthrowing the Sandinistas. Meanwhile, the killing of a French doctor studying leprosy in Nicaragua renews disturbing questions about the tactics approved by the US-dominated command.

For months American church workers in northern Nicaragua border areas have confirmed Sandinista allegations that the anti-Sandinista attacks have been targeted, not at Nicaraguan troops or gun-runners allegedly heading for El Salvador, but at rural health workers, teachers, village leaders and the like. The attack that killed the French doctor a week ago appears to fit this pattern.

The covert war appears aimed at discrediting the Sandinista government in at least four ways. One aim is to alienate the rural populace by demonstrating that the Managua government cannot protect them. Another is to destroy fledgling electrification, literacy, health care and social service programs. A third is to prostrate the Nicaraguan economy, deflecting energy and resources into military mobilization, destroying crops and intimidating farm workers to prevent harvest of vitally needed cash crops. A fourth is to trigger political overreaction by the Sandinistas.

Citing sources in the exile movement, Time describes an American-dominated command with three parallel military staffs operating under the veneer of a "political coordinating committee" made up of Nicaraguan moderates and conservatives. The field staff consists of former officers of the National Guard under Somoza. Behind it stands a go-between body made up of Honduran officers, with an Argentinian and the CIA station chief in Honduras. The inner council, where the shots are called, is described as "all-American," part CIA and part drawn from the US Army's southern command in Panama. Overall coordinator is US Ambassador to Honduras John Negroponte, whose job, according to Time's sources, is to keep the Hondurans "in the game."

The Sandinistas have trod on many Nicaraguan toes since they came to power in 1979. Still, to all but a handful of Nicaraguans some things are far worse than the clumsy Marxism of the Sandinista directorate. One is the prospect of a return of the despised Somocistas, however, cleanly they may be laundered. Another is a return of gringo imperialism, however slyly disguised in a false-bottomed command structure.

Legislators as crusty and well-informed as Sen. Barry Goldwater and Sen. Daniel Patrick Moynihan, chairman and vice chairman of the Senate Intelligence Committee, now ask whether the Administration has deliberately violated the law's intent. Some in Congress are pressing for a flat prohibition on US support for any paramilitary group in the region. That's a no-nonsense remedy for an Administration whose connivings in the name of the American people have been too clever by half.

For a year most Americans have ignored the destabilization campaign against the Sandinistas, tacitly accepting the Administration argument that those gun-running leftists are getting what they deserve. With what we know now perhaps we'll rekindle a sense of fairness, anger and political common sense.

[From the Washington Post, Apr. 5, 1983]

THE PRESIDENT'S POLICY IN NICARAGUA

By inviting American reporters to see how they are doing, the guerrillas fighting the regime in Nicaragua have done something very important: they have shredded the threadbare veil in which the Reagan administration had cloaked its policy. This has been one effect of Post correspondent Christopher Dickey's absorbing reports.

The revelations come at a moment when Congress is becoming increasingly agitated about the American role. Its concern is not simply that the United States is sponsoring an armed intervention, one fraught with heavy regional political and military implications, against the leftist regime in Managua. Legislators have different views on the policy. They appear united, however, in their broader concern that the administration is conducting it in evident violation of the law.

Congress, through its intelligence committees, had approved plans for CIA action to interdict the flow of weapons from Nicaragua to El Salvador. The hitch arose when the administration moved on to operations directed against the Sandinista regime. As Don Oberdorfer reported on Sunday, troubled intelligence committee conferees last August attached to the intelligence authorization bill a secret document, a statement limiting the purpose of the operation to interdiction. Congress found it necessary to reaffirm the limitation in December in the Boland amendment, which the House passed 411-0. But correspondent Dickey's stories from Nicaragua make it crystal clear that, notwithstanding that law, the guerrillas are fighting to bring the Sandinistas down.

The result is the sharpest pinch President Reagan has experienced since he undertook to fight communism in Central America. The guerrillas are demanding that he stay firm in support—they no doubt calculate that the new exposure of their American-helped effort will make that effort harder to terminate—and Congress may be gathering itself to enforce a law, or at the very least to stage a debate, whose thrust will be to trim back that support. A painful collison looms. If Mr. Reagan does not put his policy back within the confines of the law, however, Congress will have no responsible alternative but to do it for him.

[From the Charlotte Observer, Apr. 7, 1983]

It now seems clear that the Reagan administration, which inveighs against Nicaraguan support for insurgents in El Salvador, has joined the government of Honduras in providing arms, training, intelligence information and a base of operations for rebels whose aim is to overthrow the government of Nicaragua.

That policy is illegal; Congress passed a law last year forbidding the United States from helping topple Nicaragua's Sandinista government. The administration argues that it isn't violating that law because its aim—unlike the aim of the rebels it is supporting—is merely to harass, rather than to overthrow, the Nicaraguan regime. Such hair-splitting is silly. By that line of reasoning, it is perfectly fine to support the anti-Sandinista guerrillas, but only if they are certain to fail.

Beyond the legalities of the policy, the thinking behind it raises serious problems. At best—barring some unforseen escalation that would be even more clearly illegal—the anti-Nicaraguan campaign will add to the tension and instability in a part of the world with too much of both.

In addition, the rebels we have chosen to support include the most scurrilous and violent supporters of Anastasio Somoza, who was, when he ruled Nicaragua, one of Central America's worst dictators.

We share the Reagan administration's disdain for the Sandanistas—who replaced Somoza's brutal government with a tyranny of their own. But the Reagan policy undercuts the moral and political ground from U.S. opposition to Nicaragua's meddling in the affairs of its neighbors. The self-righteous double standard is surely offensive to most Americans—indeed to anyone interested in

the pursuit of stability and justice in Central America—and the policy that rests on it seems curiously defeatist.

It may seem tough, and feel satisfying, to harass the left-wing government of Nicaragua. But the results are pitifully inept: The United States has chosen to squander its moral and political capital, not to mention considerable amounts of money, supporting a group of extremists who apparently have no chance of winning.

[From the Burlington (Vt.) Free Press, Apr. 7, 1983]

U.S. diplomacy in Latin America has for years been victim of the belief that countries in the region whose governments do not conform to Washington's standards should be regarded as hostile and subjected to pressures to change.

It is a vestige of this country's colonial era in the late 19th and early 20th century when presidents and lawmakers thought that nations south of the border were mere U.S. fiefdoms to be controlled and manipulated to serve the best interests of their large northern neighbor. Somehow the mistaken notion that Latin Americans are this country's children apparently still persists among many policymakers in Washington. It is a dangerous policy which can antagonize friends and foes in the region.

It is ironic too that those who zealously defend the rights of nations in other parts of the world to chart their destinies suddenly develop a severe case of myopia when it comes to conceding the nations of Latin America the same right of self-determination.

To prove that the failure of U.S. foreign policy in Latin America is not a recent phenomenon, it is only necessary to recall the abortive Bay of Pigs episode in Cuba over two decades ago. That fiasco, orchestrated with the covert support of Washington, was a classic example of muddled thinking and planning which could only result in a heightening of tensions between this country and Cuba. And it sent an unmistakable message to other nations in the region about U.S. intentions.

Now attention is focused on Nicaragua. Charges have been made that the Reagan administration is providing covert support for anti-Sandinista guerrillas in their attempt to overthrow the Nicaraguan government. There are persistent reports that U.S. military advisers are training the insurgents and are using U.S. weapons.

Sens. Patrick Moynihan, D-New York, vice chairman of the Senate Intelligence Committee, and Patrick J. Leahy, D-Vermont, a committee member, have said the Reagan administration may be violating U.S. law and a 1948 pact by supporting the guerrillas in the guise of intelligence activities. Under the Boland amendment, passed by Congress last September, money appropriated for intelligence work may not be used "for the purpose of overthrowing the government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." Signatories to the pact which established the Organization of American States in 1948 agreed not to interfere in each other's internal affairs.

"If one is to believe the detailed accounts seen in the press in recent days, the administration is actively supporting, and perhaps even guiding, a large-scale anti-Sandinista guerrilla movement now involved in open combat inside Nicaragua," Leahy said.

While Moynihan acknowledged that the Sandinista regime in Nicaragua was going the way of other totalitarian regimes, he said, "Nevertheless, the law is the law."

"You may not like the law," Leahy said. "You may not agree with the law. But it is the duty of the executive to enforce it, and the duty of Congress to see that it is being enforced."

Sen. Howard H. Baker Jr., R-Tenn., Senate majority leader, said many of his colleagues are deeply worried about reports that the Reagan administration is actively supporting the guerrilla movement in Nicaragua. He said he planned to go over the reports with the bipartisan leadership of the intelligence committee.

The White House has refused to discuss the nature of U.S. involvement and has maintained it is "complying with the law."

If reports of U.S. activity are verified, however, Congress must take immediate steps to stop the intervention and draw up stronger legislation designed to prevent such conduct in other Latin American nations.

President Reagan should not be allowed to decide which laws he will obey and which ones he will disregard.

More importantly, however, U.S. foreign policy toward Latin America should be scrutinized with an eye to a shift away from the interventionist diplomacy of the past to a hands-off approach which will allow the people of the region to map their own destinies.

This country should no longer play the role of big daddy by deciding the types of governments it wants in Latin America.

[From the Louisville Courier-Journal, Apr. 9, 1983]

REAGAN'S NICARAGUA POLICY MUST REMAIN WITHIN THE LAW

The U.S.-supported guerrilla war against Nicaragua's Sandinista regime may or may not be as dangerous, immoral and foolish as critics of the Reagan administration claim it is. But the extensive U.S. involvement certainly appears illegal and should be halted at once by President Reagan, whose oath of office requires that he uphold and execute all the laws of the land, not just those he finds convenient or to his liking.

By a 411-to-0 vote last December, Congress attached an amendment to a money bill insisting that no funds be used to overthrow the present government in Managua or to provoke a military clash between Nicaragua and neighboring Honduras. But a steady stream of news accounts from Washington, Honduras and rebel-held areas of Nicaragua provides overwhelming evidence that: (1) the anti-Sandinista guerrillas have been trained and equipped by the United States, and (2) they see their goal as ridding Nicaragua of a Marxist government, along with the Sandinistas' Cuban and Soviet-bloc advisers.

Perhaps President Reagan didn't intend for things to go so far, but the operation simply got out of hand. And pershaps administration sources are telling the truth when they say that U.S. support for the Nicaraguan rebels was intended merely to harass the Sandinistas and disrupt the alleged flow of Soviet-bloc arms from Nicaragua to leftist guerrillas in El Salvador.

But the rebels themselves, many of them former members of the hated Somoza regime's national guard, openly boast about the quality of their U.S.-supplied arms and equipment and their hope of toppling the Sandinistas. A Washington Post reporter even traveled with a band of rebels inside Nicaragua—at the rebels' invitation.

So it's no wonder that so many cries of indignation are being heard on Capitol Hill these days. Members of the Senate and House intelligence committees are especially upset. They, after all, are supposed to be kept informed by the executive branch of "covert" operations by the CIA and the Defense Department. Yet it seems that much of what they have learned of the anti-Sandinista rebellion has come from press and television reports.

Senate Majority Leader Howard Baker, usually a reliable supporter of the administration, concedes there is "great concern" among his colleagues about what's going on in Nicaragua. An angry Senator Daniel Patrick Moynihan puts it more bluntly: "It is absolutely necessary that the administration obey the law."

He's right. Experts on Latin America may disagree over how the United States should deal with a hostile regime in Nicaragua. One group, including two former secretaries of state and a former chairman of the joint chiefs of staff, just this week warned against "overt or covert (U.S.) intervention" in Central America. Experts inside the administration obvioulsy see things differently. But whatever the disagreements over policy, the law must be obeyed—as long as it is the law.

If Mr. Reagan sincerely believes that the law unwisely ties his hands and that U.S. security interests justify an attempt at "destablilzing" the Sandinistas, let him make that case to Congress. Until then, U.S. support for the Nicaraguan rebels should be halted.

[From the Idaho Statesman, Apr. 10, 1983]

There's no excuse for the Reagan administration's refusal to tell the American public whether the Central Intelligence Agency is supporting a guerrilla campaign in Nicaragua.

Though some espionage operations obviously require secrecy, the Nicaraguan guerrilla campaign is not among them. It is not, in fact, an espionage operation; rather, it is an armed attempt to overturn a government that by most accounts is still more popular with the Nicaraguan people than the deposed Somoza regime, whose National Guardsmen are among the leaders of the guerrilla effort.

If the Reagan administration is promoting guerrilla warfare in Nicaragua—and a number of sources say it is—then Congress and the public should be told.

Journalists reporting from Central America by and large appear to take American involvement in Nicaragua for granted. A recent story in the Washington Post, for example, repeatedly referred to the "U.S.-backed anti-government forces." A Los Angeles Times reporter, writing from Honduras, reports: "It is generally accepted here that the CIA . . . is supporting them (anti-Sandinista rebels), raising hell in Nicaragua."

Yet, the Reagan administration has never bothered to confirm or deny reports, first published in the Washington Post 15 months ago, about a $19 million CIA campaign to organize opposition to the Sandinistas. The standard reply from State Department officials is that they do not talk about espionage matters.

Writing recently in Foreign Affairs, New York Times Mexico bureau chief Alan Riding observed: "The purported purpose of the $19 million budget approved by President Reagan in late 1981 was to create a

paramilitary force to intercept the flow of arms to Salvadoran rebels. But the real objective was evidently different: to create an anti-Sandinista army capable of destabilizing and perhaps eventually overthrowing the revolutionary regime."

The truth is that nobody outside the Reagan administration, the CIA and the anti-Sandinista guerrilla groups really knows the extent of the American government involvement. It's past time for the American people to receive that information.

[From the Atlanta Constitution, Apr. 15, 1983]

NICARAGUA MISADVENTURE IS NO-WIN

U.S. Rep. Wyche Fowler, the Atlanta Democrat who chairs the House Intelligence Committee's oversight and evaluation panel, has not exactly said that the United States is the secret hand behind the guerrilla attacks that clearly are meant to harass and perhaps to oust the leftist Sandinista government of Nicaragua.

But returning from a brief visit to Nicaragua and El Salvador last week, Fowler said guardedly that U.S. activities in the region were not in full compliance with the Boland Amendment, enacted last December to prohibit the use of funds appropriated by Congress to support any military effort to overthrow the Nicaraguan government.

The amendment contains no mechanism to ensure enforcement, and Fowler said he will introduce legislation soon to set statutory standards for secret U.S. operations, giving Congress veto power over specific projects. This presumably would apply to U.S. "covert" support for the Nicaraguan insurgents—though it's worth mentioning that no supposedly secret U.S. operation in recent memory has had so many U.S. print and TV reporters looking over its shoulder.

Fowler raises an important legal question, but the most important question is not whether the manifest U.S. operation is legal, but whether it is wise.

Legal niceties aside, U.S. sponsorship of the Nicaraguan "contras"—as they call themselves—is a no-win game. Their leadership and their ranks are filled with exiled former National Guardsmen who served under the thoroughly corrupt dictatorship of Anastasio Somoza. While they have won to their cause an undetermined number of Indians persecuted by the Sandinista regime, they are despised by most Nicaraguans, Marxist or otherwise.

By its transparent support of the contras, the United states only helps its avowed enemies in Managua to justify their increasing tyranny and to squeeze out the remaining moderates. The operation makes political mediation between Washington and Managua impossible for other nations in the region that share Washington's justified distrust of the Sandinistas but cannot abide the contras. And in the long run, the United States invites scorn in the likely event that the contras fail—or revulsion in the unlikely event they succeed.

Fowler may have the right idea, at least in this case. Perhaps a few good congressmen, empowered to force the administration to think through its cozying up to the contras, would have spared us this hopelessly ill-considered adventure.

[From the Akron Beacon Journal, Apr. 16, 1983]

Greater forthrightness in U.S. policy there might or might not reduce the turmoil in Central America, but it would surely lessen the strife in Washington.

There's no body count, but otherwise the battles within the Congress and between the Congress and the Reagan administration seem almost as bitter as the rebel hit-and-run attacks and death-squad atrocities in El Salvador, the fighting in Nicaragua or the killings of Indians suspected of dissidence in Guatemala.

In the House, the author of a law bearing covert U.S. action aimed at overthrowing the Sandinista government of Nicaragua is accusing the administration of flouting that law in undercover support of rebel forces invading from Honduras.

The administration following a long-established policy of refusal to make public comment on any U.S. covert actions, won't say yes or no to widespread allegations that it has been helping in the training and arming of those forces in Honduras—but denies that it is violating the law.

If it is giving secret aid, the administration has offered hypothetically, it could be doing so within the limits of that law to either prevent the flow of arms from Nicaragua to Salvadoran guerrillas or make trouble, short of overthrow, for the hostile government in Nicaragua.

But Rep. Edward Boland, D-Mass., chairman of the House Intelligence Committee and author of the hands-off-Nicaragua "Boland amendment" signed into law last December, isn't persuaded. He said he will ask Secretary of State George Shultz and national security adviser, William Clark, to come and explain U.S. policy on Nicaragua more fully to the committee.

"It is my judgment that there has been an apparent violation of law," said Mr. Boland.

Rep. Berkley Bedell, D-Iowa, just back from a fact-finding tour in Honduras and Nicaragua, says the fighting is taking place near Nicaragua's northeastern tip on the Caribbean; any supposed arms flow into El Salvador would have to be occurring hundreds of miles west and south on or near the Pacific coast. "Interdiction," then, could be no part of the story.

"If the American people could have talked with the common people of Nicaragua, whose women and children are being indiscriminately kidnaped, tortured and killed by terrorists financed by American taxpayers," said Mr. Bedell, "they would rise up in anger and demand that support for the criminal activity be ended at once."

And Rep. Robert Torricelli, D-N.J., who was also on the fact-finding expedition, said John Negroponte, the U.S. amabassador to Honduras, told him that he and other Americans working in the area regard the Boland amendment as no more than "a legal triviality."

Meanwhile a foreign affairs subcommittee in the House rejected a Reagan request for extra military aid money for the Salvadoran government, called for prohibition of U.S. aid to the Nicaraguan rebels and of administration-proposed military assistance and sales to Guatemala.

But Rep. Henry Hyde, R-Ill., retorted that in the voting "we have rendered vulnerable the democratically elected government of El Salvador and protected the Marxist government of Nicaragua."

The tempers are flaring and the voices are loud. And at base the cause is a line of activity this country has never been good at and that runs counter to mainstream American thinking: cloak-and-dagger activity against governments we don't like and in support of ones we do.

We could get our own house into better order if all concerned accepted the realization that if the United States hopes to do anything well, it must do it out in the open.

[From the Charleston (W. Va.) Gazette, Apr. 16, 1983]

Finally, President Reagan has publicly acknowledged America's "secret war" in Nicaragua—one of the worst-kept secrets of recent time.

Last year, reports emerged that the CIA was helping followers of the late dictator Anastasio Somoza conduct guerrilla raids in Nicaragua against the Marxist regime that ousted Somoza. Rep. Edward Boland, D-Mass., called it a "dirty little war." By an overwhelming vote, Congress passed the Boland Amendment forbidding use of "military equipment, military training or advice, or other support for military activities . . . for the purpose of overthrowing the government of Nicaragua. . . ."

Despite the law, reports persisted that the administration was arming, training, transporting and otherwise aiding the "contra" rebels in their "spontaneous uprising" from camps on the Honduras border.

U.S. News & World Report said America spent $30 million on the contras. Time said an all-American military and intelligence staff is the "brains" of the guerrilla movement and U.S. Ambassador to Honduras John Negroponte coordinates factions. Columnist Mary McGrory said "the administration's message to Latin America is quite stark, even brutal: Go left and we'll get you. Remember Chile."

Last week, U.N. Ambassador Jeane Kirkpatrick was asked why the administration is violating the Boland Amendment. She denied that law is being broken. Through evasive half-answers, she hinted that U.S. support of the raiders isn't intended to overthrow the Nicaragua government but to pressure it to hold elections and stop fomenting rebellion in neighbor countries.

Wednesday, Rep. Boland accused the administration of breaching his amendment. Whereupon, President Reagan went public with the hairsplitting explanation: although the United States is backing rebels intent on overthrow, the United States isn't seeking overthrow.

The Daily Mail says the Boland Amendment should be repealed, legalizing the secret CIA action because of Nicaragua's "enslavement to Moscow."

If so, America might have to withdraw from the Organization of American States, whose charter says: "No state . . . has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state."

If the Reagan administration is fearful that Nicaragua will spread Marxist rebellion through Central America, why didn't the administration openly ask for national agreement that America should breach the OAS charter and support rebels against an established government? Why did the administration illegally work in secret to aid the rebels after Congress forbade it?

[From the New York Times, Apr. 18, 1983]

WITH GENERAL MICAWBER TO MANAGUA

President Reagan has finally dropped one shoe by conceding American involvement in a covert war against the leftist rulers of Nicaragua. It is perfectly legal, Mr. Reagan insists, though Congress has yet to endorse that view. And in the opinion of his United Nations Ambassador, Jeane Kirkpatrick, the

American cause is eminently moral—an assertion that should not be glibly dismissed.

But assuming morality and even legality, can the secret war succeed? For that matter, what is "success"? Does the Administration really expect a small émigré army to alter or topple the Marxist regime in Managua? If so, why are the regime's native opponents appalled by the secret war? And what are the risks of humiliation if this cloudy venture ends like the Suez War or the Bay of Pigs?

One need not admire the Sandinists to ask whether the true author of this muddle is Mr. Micawber, with his sublime faith that something better will somehow come along.

The laws pertaining to covert wars are not absolute prohibitions. For all its justifiable concern about America's war-making power, Congress refused four months ago to veto the appropriations that buy military aid for Nicaraguan rebels. It adopted a narrower restriction instead, barring such aid for the purpose of igniting war between Honduras and Nicaragua, or overthrowing the Managua Government.

The core of the President's legal case is that he is abiding by this unwelcome restriction. The operation's only purposes, he contends, are to pressure Nicaragua to reform itself and to interdict its smuggling of weapons to El Salvador. But these limited purposes are hardly shared by our émigré partners in insurrectional activity. They see the Sandinists as irredeemably totalitarian and want the operation to ignite a new revolution.

The Administration's moral argument is more compelling. If the Nicaraguan regime is now lost to despotism, it is not necessarily wrong to encourage its enemies. The Nicaraguans, including Sandinistas, who opposed the Somoza dynasty saw nothing immoral in demanding that Washington deny arms to the dictator and otherwise assist in his overthrow.

The holes in the Administration's case are practical. Its secret army is big enough to arouse nationalist fury, but too small to overcome well-armed revolutionaries. None of the decent democrats in the insurgent leadership can claim a real following inside Nicaragua. And the former Somoza National Guardsmen in its officer corps provide the perfect foil for Sandinist propaganda and resistance.

"I can't understand a thing," says Edén Pastora, a former Sandinist minister now among the rebels. "The Sandinists do everything possible to be overthrown, and the C.I.A. does everything possible to keep them in power." Siding with Mr. Pastora are two of the most prominent democratic exiles, Alfonso Robelos Callejas and Arturo Cruz.

The perverse result of this Micawber war is to divide the democrats who oppose the Sandinists, to harden Managua in its intransigence and to give a revolutionary regime a unifying gift. The Administration needs a strategy that is not only moral and legal but also persuasively wise.

[From the Milwaukee Journal, Apr. 18, 1983]

Much public attention has been properly focused on the possibility that the U.S. is violating a law that bans military aid to groups seeking the overthrow of the Sandinista government in Nicaragua.

Of equal importance are issues of wisdom, efficacy and even morality. Legalities aside, is it good public policy for the U.S. to support the Honduran-based rebels who are making war on the Sandinistas?

For a number of compelling reasons, the answer is no.

President Reagan and other top officials cagily refuse to acknowledge that aid is being provided. Yet they offer two points—theoretically—to justify action, both flimsy. They accuse the Nicaraguans of making massive arms shipments to antigovernment forces in El Salvador. But that extravagant claim has not been backed up by detailed, convincing evidence.

Officials also claim they could not be breaking the law because the aim of any U.S. aid would be to harass and reform the Sandinistas, not overthrow them. Well, the administration's goals may (or may not) be limited, but the contras themselves are more ambitious. They proudly proclaim their objective to be the destruction of the Sandinista regime.

The Honduran-based rebels are members of the Nicaraguan Democratic Force, led by former members of the National Guard of Nicaragua's widely despised and thoroughly discredited ex-dictator, Anastasio Somoza. Those rebels aren't numerous enough or strong enough to overthrow the Sandinistas. That means US support for them not only harms US relations with progressive Central American governments and organizations, but also is futile.

Indeed, the aid allows the Sandinistas to divert attention from their many failures and to consolidate their otherwise uncertain rule behind a banner of resistance to Yankee imperialism and Somoza-style facism.

There is another, more appealing, anti-Sandinista group in Central America: the Revolutionary Democratic Alliance, which is based in Costa Rica and led by disenchanted former Sandinistas, including Eden Pastora, who seem to be true patriots and progressives.

Pastora suffered grievously under Somoza and for that reason he and his colleagues want nothing to do with the Honduran rebels. Until recently, Pastora and his group have engaged in only political and diplomatic activity, largely because they are based in a country that has no army. However, over the weekend, Pastora declared a "new war of liberation" against the Sandinistas.

If the US is looking for an alternative political force in Central America, it should pay more attention to reformers like Pastora and cut ties to guerrillas who promise only failure and dishonor.

Pastora said it well in a recent interview: "The Sandinistas do everything possible to be overthrown and the CIA does everything possible to keep them in power."

[From the Miami Herald, Apr. 19, 1983]

The time has come for the Reagan Administration to justify to the public its policy concerning Nicaragua. That policy's goals may well be justifiable. Legitimate concerns about the spread of Cuban-style Soviet satellites into Central America motivate U.S. policy throughout the region. The American public shares those concerns.

The American public also has a right to know what its Government is doing about them. What is unjustifiable is American military intervention into Central America, directly or through proxy mercenaries, ordered secretly by the Executive Branch without the knowledge or consent of Congress or the American people.

A guerrilla war is being waged against Nicaragua's leftist Sandinista regime. To some uncertain extent, the United States supports the guerrillas. The Reagan Administration does not admit that publicly, but it also makes a point of not denying it.

Yet there is no question of U.S. involvement. The anti-Sandinista guerrillas freely admit that they get U.S. support. Television cameras reveal to all the guerrillas' American-made weapons and abundant supplies stamped "U.S.A." Senior members of Congress openly discuss the Administration's private admission that U.S. support flows to the guerrillas.

So far, Congress has given its uneasy assent to this. The Administration pledges before Senate and House intelligence committees that it backs the anti-Sandinista guerrillas only to shut off the flow of arms from Nicaragua to leftist guerrillas in El Salvador.

If true, that is precisely the sort of thing that the public and Congress could understand, and might well support. But where is the evidence? The Administration provides none. Meanwhile, the anti-Sandinista guerrillas freely admit that they fight not to interdict arms flows but to overthrow the Nicaraguan regime.

U.S. law prohibits U.S. aid for that purpose. The charter of the Organization of American States outlaws such intervention generally, and the Boland Amendment—adopted 411-0 by the House last December—prohibits such efforts expressly against Nicaragua.

What is at stake here is the authority to involve the United States in war. The Constitution reserves to Congress the power to declare war. After the Bay of Pigs and the Gulf of Tonkin Resolution—which gave the Executive open authority to wage war in Vietnam—Congress further expanded its authority through the War Powers Act. The Boland Amendment is but the latest assertion of this inherent congressional authority.

Clearly, the Reagan Administration believes that Nicaragua and the specter of communism in Central America threaten vital U.S. interests. If it believes that the threat warrants military action, then the course that it must take is clear. It must make its case to the people. It cannot make war secretly without breaking the law.

If the public agrees with the Administration—and the public would if the argument were sound enough—then Congress would grant the authority sought.

[From the New York Times, May 1, 1983]

A Path Out of the Secret War

Taken at his word, President Reagan has given Congress the advice it needs when it reviews America's involvement in a secret war against Nicaragua. In his definition of Central American policies last week, the President didn't deny the undeniable. He insisted the operations were lawful and limited to the objective of interdicting any arms traffic from Nicaragua to guerrillas in El Salvador and elsewhere.

So be it and so let Congress legislate. Committing American arms to a small band of Nicaraguan exiles has already offended common sense, scandalized Latin allies and worried C.I.A. professionals. It has also undermined the logic, and seriousness, of Mr. Reagan's strategy for containing pro-Soviet Nicaragua by dividing the very democrats in the region whose support is essential for success.

Congress should therefore welcome Mr. Reagan's unambiguous definition of United States policy toward the regime in Managua:

"We do not seek its overthrow. Our interest is to insure that it does not infect its neighbors through export of subversion and violence. Our purpose, in conformity with American and international law, is to prevent the flow of arms to El Salvador, Honduras, Guatemala and Costa Rica."

It would thus be not a rebuff but a reaffirmation if the House Select Committee on Intelligence votes this week to spell out limits on American actions against Nicaragua. The chairman, Representative Edward Boland, has in mind barring all aid for operations inside and against Nicaragua while budgeting $80 million for an open effort to interdict any arms shipments from Nicaragua to guerrillas elsewhere.

This tightening is needed because of the way the Administration has interpreted a previous Boland amendment, adopted in December. It prohibited use of American arms for the purposes of toppling the Nicaraguan regime or igniting a war between Honduras and Nicaragua. But the secret aid to some kind of combat continued, on the theory that it was enabling a 3,000-man exile army to "harass" and otherwise complicate the lives of Nicaragua's defenders. Never mind, apparently, that exiles led by officers who served in the national guard of the former Somoza tyranny had other objectives.

Mr. Reagan seems to have dropped this spongy distinction. One need have no sympathy for the Sandinistas to judge the operation a potential disaster. Stansfield Turner, the former C.I.A. director, warns that as covert actions build up momentum, they go dangerously out of control. In his view, the Nicaragua operation was risking "substantial damage both to our national interests and the C.I.A."

Ceasing this secret war won't weaken Mr. Reagan's Central American diplomacy, or take a bargaining card from former Senator Richard Stone, his newly designated special envoy to the region. The United States has abundant legitimate ways to express its dismay at Nicaragua's course and to rally the region's democrats. They constitute the "resources of diplomacy" that Mr. Reagan has yet to tap convincingly.

[From the Los Angeles Times, May 5, 1983]

RIGHT MOVE ON NICARAGUA

As a general rule of government in the United States, binding congressional initiatives on the fine points of foreign policy are to be eschewed. The Reagan Administration's well-publicized "covert" actions inside Nicaragua against its revolutionary government, however, forced Congress' hand. The House Select Committee on Intelligence took a necessary step when it voted to cut off money that the Central Intelligence Agency was using to support military activity in Nicaragua against the Sandinista regime.

Rep. Edward P. Boland (D-Mass.), the committee chairman, expressed a common concern when he said the CIA's anti-Sandinista strategy is "counterproductive" because the forces carrying out the covert activity include some former soldiers of hated Nicaraguan dictator Anastasio Somoza. The Sandinistas are clearly Marxist revolutionaries, and their totalitarian methods are dissipating the popular support that they had in Nicaragua after Somoza's overthrow. But even the most minimal U.S. support for Somoza's old forces helps the Sandinistas claim to be defenders of Nicaragua.

Some high-ranking U.S. military officers, who are worried about the spread of Marxist governments in Central America, nevertheless oppose using enough force to irritate the Sandinistas but not enough to overthrow them, and prefer no action inside Nicaragua to inconclusive action.

Outside Nicaragua is another story. Even as the committee voted to stop funding what has become the world's most overt covert operation, it voted to grant the Administration $80 million over the next two years to cut off supplies flowing from Nicaragua to El Salvador through neighboring nations.

That is a clear, and clearly supportable, goal of U.S. foreign policy in Central America. It is not so easily subject to distortion by the Sandinistas or by social democrats in Europe and elsewhere who still won't acknowledge what has happened to the revolution. It is consistent with the principle of non-interventionism that, in a formal sense anyway, is dear to the hearts of Latin Americans and is enshrined in the charter of the Organization of American States. It offers a plan for action that is clear instead of murky, definite instead of vague.

The Democrats on the House Intelligence Committee who voted the legislation out are moderate Democrats, and in fact the legislation was modified to give the Administration more running room. So it's too bad that the President didn't see it that way. He called it instead "very irresponsible," and indicated that he would try to have it overturned by the Senate, for the House is expected to agree with the committee.

The Reagan Administration stands a better chance of achieving its professed goal—containing Nicaragua's Marxist-Leninist revolution—if it abandons its activities inside Nicaragua than if it stands and fights for its right to conduct them. The later is a position that Congress and the people will not support

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[From the Christian Science Monitor, May 5, 1983]

NO TO COVERT ACTION

President Reagan has outlined a communist threat to United States security in Central America that is taken seriously by the House Intelligence Committee. Now the committee has voted for means to meet the threat without risking counterproductive CIA support of military operations in Nicaragua. The committee calls for $80 million in open and aboveboard aid to help Central American countries themselves prevent a flow of arms intended to overthrow any government in the region.

It is the flow of such arms through Nicaragua to El Salvador that the present US covert activities are designed to "interdict." Covert funds are prohibited by law from being used to overthrow the government of Nicaragua. Congress' concern is that, whatever the administration's limited intent, covert aid is going to groups of former dictator Somoza's supporters and others who do want to overthrow the Nicaraguan government.

Some supporters of the administration's covert activities note that Congress earlier rejected an amendment that would have specifically prohibited aid to groups intending the overthrow of the Nicaraguan government. But to aid such groups violates the spirit of the existing amendment prohibiting the use of funds for a US purpose of overthrowing that government.

This week's vote by the House Intelligence Committee, with all the Republican members in opposition, is only a first step. But it stakes out a clear position for debate and one that could save the US from current charges that it is violating international law against interventionism. The committee rules out expenditures by any US intelligence agency that would support directly or indirectly any military or paramilitary operations in Nicaragua.

The United States has had enough trouble with covert operations in the past to know that the burden of proof is on the side of showing that they do more good than harm. So far this has not been shown in Central America, and here is one "pragmatic" reason for Congress to be concerned. But covert operations are also fundamentally at odds with American democracy, and here is another reason for congressional concern that such actions not damage democracy in the name of protecting its security.●

INTRODUCTION OF LEGISLATION ESTABLISHING THE ECONOMIC COOPERATION COUNCIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, today I am introducing legislation to implement the initiative in rebuilding the road to opportunity: Turning point for America's economy to establish an Economic Cooperation Council.

I became convinced that this Nation needed an economic strategy when, over an 18-month period, members of the House Task Force on Long-Term Economic Policy, which I chaired, talked to leaders from business, labor, and industry; elected officials at the State and local levels; and experts from such varied fields as macroeconomics and basic research.

Two points were always made in such discussions: Our Nation cannot successfully compete internationally against nations utilizing strategic planning if we continue down the serendipitous trail whose only signposts read "Every business for itself. Good luck;" and second, if we hope to realize our full economic potential, the confrontational attitudes between labor and business and government must change.

This will not be an easy task. There is no single economic or industrial policy. For as in anything, the whole is the sum of its parts. We will not see a single piece of paper that represents a national strategy. Rather, we will develop a policy on steel, or autos, or telecommunications, or photovoltaics. Taken together, as they evolve, these parts will make up our economic policy through the strategies which we choose to pursue.

To craft legislation to create the mechanism capable of developing economic strategies, we first had to accept one major constraint—we could not have a monolithic national planning agency such as those found in the capitals of many of our competitors. We needed to build something which

would serve our needs and operate effectively within our free enterprise system.

Our Nation's Government cannot, and should not, make those critical decisions that determine which will be our economic winners and losers. It is the marketplace itself which has created our vital growing economy.

We are proposing the creation of an Economic Cooperation Council. Despite the rhetoric of campaign years, I believe that government has a role to play in our economy. There are things that government does well. In times of emergency, it must show leadership. Government can convene the involved parties, give them a neutral forum, help them resolve their differences.

An Economic Cooperation Council is necessary today, not to replace or supervise our economic system, but rather to convene its disparate elements and act as a resource.

Even the name was chosen for a purpose. We did not want to call it an industrial board or council. The perception might be that its mission was to address only the problems of our basic industries—although certainly that will be one of its initial tasks.

It is an economic council because, while it will explore the problems of our basic industries, it will also examine the service sector, and the thought-intensive, high-technology industries. It will take into consideration geographic factors, and demographic factors. It will address education needs, and research and development. This is not simply a solution for the problems of our smokestack industries.

The structure of the Council is important. It will function as an independent Government agency. It will be comprised of nine men and women, highly regarded experts and leaders, appointed by the President. Its members will be those who, like Leonard Woodcock or Irving Shapiro, for example, have the ability and the public respect to cross political or special interest lines and take a broad and open view on the future needs of our society; and the leadership to form consensus on the initiatives necessary to create a healthy economy for the future. They will be conveners and catalysts.

The components of the Council are basic and simple. First, it will collect pertinent data. One of the major failings of our current data is that, while there is a great deal of it, it is not organized in ways that allow rational economic decisions.

Government-collected data is uneven in quality, and, despite its mass, often it is not relevant to identifying and solving problems. And in today's world, the cutting edge of international competition is sharpened on the whetstone of intelligence. Without a proper data base, we cannot effectively compete internationally.

The data will then be analyzed, generally, and by sector, much as a Wall Street analyst would. It will give us the capacity to focus on immediate problems such as the automobile and steel industries, intermediate-range problems such as those facing our targeted industries, and the long-range problems in areas such as bioengineering, ceramics, and photovoltaics.

It will serve as an early warning system to detect flaws or weaknesses in our domestic enterprises before those weaknesses become debilitating or even fatal. If we had had such a council in 1970, possibly the shudders which rocked our economy following the first oil crisis could have been averted or at least softened.

The second major charge of the Economic Cooperation Council is to identify and direct national attention to emerging national problems, and then to build the consensus necessary to solve those problems. This includes bridging the gap between business and labor which has been widening over the past decade. No matter what plan is devised, or what technological breakthroughs we witness in the coming years, unless we develop a better relationship between labor and business, we will never reach our full potential for economic expansion.

A note of caution should be added, however. No matter how successful, the Economic Cooperation Council is no panacea. It will not solve today's problems tomorrow. But I believe that it can diminish or possibly forestall future economic problems.

As I mentioned earlier, it is not designed to pick winners and losers. It is designed to provide business and Government with the best information possible from which to make decisions. And it will lay out the alternatives on which to base those decisions.

The Economic Cooperation Council is not a partisan proposal, save to those philosophical ideologues who believe that the Government has no role to play.

More and more business executives have come to the realization that the invisible hand of Adam Smith no longer stabilizes a fair and open marketplace. Comparative advantages which should give our Nation solid world markets for our products have been short circuited by contrived advantages. Laissez is no longer fair. National planning, coupled with national financing and protectionist policies, have changed the classic equation.

Our domestic economy has suffered greatly in the past several years from foreign competition. And not because we lack raw materials. We are uniquely blessed. It is not because we lag in ingenuity or lack enterprise. We do not.

We have temporarily faltered because other nations have massed the resources and focused them at areas of opportunity. Their progress has not necessarily resulted from superior products. Indeed, there have been unfair practices. But we should not consider tariffs and domestic content proposals or quotas as permanent solutions to this competition.

We must develop the capability to again go on the offensive, to market aggressively. The establishment of an Economic Cooperation Council is not the ultimate answer. But it will give us the cornerstone which we now lack—plans, strategies—ways for our Nation to once again assert itself. At this point in the RECORD I include the following:

ECONOMIC COOPERATION COUNCIL—A SUMMARY

We need the capability to develop a long-term economic strategy for attaining sustained economic growth—a strategy that anticipates economic trends and identifies potential problems and opportunities.

As a centerpiece of this effort, we propose an Economic Cooperation Council. The Council we propose is not the monolithic national planning agency found in many of our competitors' nations. Rather, it is a tool to help us bring together the disparate resources and cooperation necessary to compete in an international economy. Our Economic Cooperation Council will have to address two very critical, but different, tasks.

First, it must collect or develop first class economic data to identify new markets and products, identify targeted foreign economic strategies, and uncover weaknesses in existing industries before these problems become fatal.

It must develop a small, elite group of analysts to interpret the data, to work with other government agencies involved with trade and economic policies, to disseminate both data and analyses to the private sector, and to present policy options to the Council itself, and any committees or sectoral councils it establishes.

Second, America needs a national forum for clarifying complex economic choices and building broad support for public initiatives. The Council itself would be an independent board of highly respected leaders, appointed by the President and confirmed by the Senate. Working with business, labor, Congress, the Executive Branch, and all other affected parties, either directly or through sectoral or regional councils, the Council would establish national economic goals and map out strategies to attain them. Most importantly, its primary purpose would be to develop compromise, consensus, and broad support for those strategies, breaking into the confrontational attitudes and rigid positions which have too often characterized public and private economic decision-making in the past.

The Council would have no power to order substantive action by the Congress, the Executive Branch, or the courts. It would be able to require responses to its strategies by the Executive Branch.

To increase the efficacy of the Council by coordinating the executive branch's dealings with it, we propose that a high-ranking Special Advisor for Economic Coordination be appointed by the President. He or she will act as the principal official responsible for coordinating executive branch economic policy and for providing liaison to the Council.

NATIONAL ECONOMIC COOPERATION COUNCIL—SECTION-BY-SECTION ANALYSIS

Sec. 201. Provides for the establishment of a National Economic Cooperation Council whose purpose would be to bring business, labor, education and all levels of government together to develop long-term strategies to solve national economic problems.

A nine member board is created to control the general policies and administrative direction of the Council. Members would be nominated by the President with the advice and consent of the Senate. Six of the nine appointees must come from lists of nominees submitted by the Speaker of the House and the Senate Majority Leader, three from each list. Members of the Board should have outstanding capabilities and a broad understanding of the U.S. economy and its place in the world economy.

It is not intended that Members represent a particular interest or faction in the economy; rather, to be effective they must have broad respect and confidence. The Board would be assured of a bipartisan approach by limiting to five the number of members which may be from the same party. The President could remove a member only for malfeasence in office. The members' terms would last six years with staggered appointments of three members every two years. The President will designate one member as Chairman of the Board for the remainder of that member's term. Those members not already serving in the government will be compensated for each day they perform Council work as well as a per diem and travel expenses when away from their residence. Those members already serving in government will be compensated only for periods of travel.

Sec. 222. Provides for the Council to appoint an Executive Director, after consulting the President and Congress. The Director may appoint the personnel of the Council and procure services within the limitations of the Board and civil service laws.

Sec. 223. Gives the Council the task of promoting the growth and vitality of the U.S. economy, operating as a convener and catalyst for action. The Council shall carry out this function by (1) collecting, critically analyzing and disseminating domestic and international economic data; (2) by evaluating existing policies at all levels of government and business in terms of their impact on American enterprises' ability to compete; and (3) by convening business, labor and government to develop and implement consensus strategies to strengthen the economy.

The Council is directed to work closely with the President and Congress during all stages of its activities and deliberations; and to work with all levels of government to increase the quality and consistency of data collection and dissemination to the private sector without duplication.

The Council is to arrange for the conduct of high quality analysis based on the best available data. This data will be used to spot both potential growth and decline in specific domestic and international markets and to find the means to reverse any such decline. The data will also be used to identify long-term needs in major sectors of the economy and specific regional economies and how to meet those needs, including the lessening of unemployment and social displacement caused by economic change.

The specific detail/sectoral work of the Council will be done by convening various sub-councils consisting of representatives from all appropriate levels or branches of government, business and labor, including representatives of geographical regions when needed. These sub-councils will then develop strategies for specific sectors of the economy or regions of the country.

Sec. 224. Gives the Council the authority to hold hearings and collect data as it deems appropriate. The head of any U.S. agency must provide information to the Council when it is requested by the Chairman of the Board.

If the Council determines that a policy or practice should be initiated or changed it may issue a report to the proper agency or area of the private sector recommending specific changes. The head of any federal agency receiving such a report has 60 days to advise the President and Congress of how it will carry out the recommendations of the Council or explain why it has not carried out the recommendations. If existing law precludes implementation, then the reply must contain proposals for legislation to remove the impediment.

To carry out its responsibilities, the Council may use the U.S. mails like other government agencies and obtain support services from the GSA. The Council may accept gifts and donations of services or property to help it carry out these responsibilities.

The Board is given subpoena power to collect information needed to fulfill it function.

Sec. 225. Provides for the creation of the Bureau of Economic Information within the Council. The Bureau will gather and evaluate the reliability and utility of information collected from departments and agencies of state, local, and federal government as well as nongovernmental sources. The Bureau will conduct research to gather data not available from the above sources. It will work with other departments and agencies of govenment to avoid duplication and to provide them with information needed to carry out their responsibilities. If the Bureau identifies information practices that need improvement, it may issue a special report to the agency, department, or establishment concerned, the President and Congress recommending changes in those practices. A recipient of this report must inform the President and Congress, within 60 days, of how it plans to carry out the recommendations or reasons for its failure to do so.

Sec. 226. Provides for the creation within the Council of a Bureau of Economic Analysis and Policy. The Bureau will be composed of top quality analytical staff. The Bureau will use information collected by the Bureau of Economic Information to identify trends in the economy and market opportunities which can be used to induce the growth and international competitiveness of American enterprises. Once these trends and opportunities have been identified, working closely with the private sector, the Bureau shall generate proposals for changes in government policies or practices which will facilitate American enterprises' ability to take advantage of these opportunities. The Bureau will also disseminate data and other economic information to the private sector and provide staff support to any regional or sectoral sub-councils. It will be the ongoing, institutionalized point of contact for all the government and private parties with which the Council works.

Sec. 227. Creates the position of Special Adviser for Economic Coordination to the President. The special adviser will be the principal liaison between the executive branch departments and agencies and the Council. The adviser will be responsible for the coordination of executive branch trade and economic functions and activities. He or she will either be the head of an executive department or an employee of the Executive Office of the President.

Sec. 228. Authorizes the appropriation of funds for the Council which is not to exceed 20 million dollars annually, beginning in fiscal year 1984 through fiscal year 1989.

Sec. 241. Allows the Board to delegate functions within the Council as is necessary and appropriate. The delegation of these functions does not remove from the Board the responsibility for the administration of such functions.

Secs. 242-248. Various administrative and technical powers and requirements.●

● Mr. LONG of Louisiana. Mr. Speaker, I am delighted to join many of my colleagues in sponsoring legislation to create an economic cooperation council. The creation of an economic cooperation council was a cornerstone of the program for economic growth with fairness developed within the Democratic Caucus last fall under the leadership of TIM WIRTH and DICK GEPHARDT.

I believe this legislation is critically important for three reasons:

First, our Nation needs it. We need the capacity to develop national goals and strategies for achieving sustained economic growth with fairness and for building a national consensus for meeting those goals and carrying out those strategies. And we need to foster greater cooperation among business, labor, Government, and the academic community—so together we can renew and expand on the American dream of work, fairness, betterment, and security. The economic cooperation council will provide us with the means to do both.

Second, Democrats from all regions of the country and representing all political philosophies agree on the need for an economic cooperation council. Colleagues representing the many wings of our great party were involved in the shaping of this proposal in an extraordinary process of participatory democracy within the Democratic Caucus.

Finally, this legislation provides clear evidence that the Democratic Party is once again brimming with ideas—that we have a vision for building a secure future for our people—a vision based on growth and fairness. The philosophy behind that vision was embodied in rebuilding the road to opportunity, that yellow book, we released last fall. Some legislation consistent with that vision—the fair tax act and the economic equity act to name two—have already been introduced. Other initiatives will be forthcoming in the weeks and months ahead.

Mr. Speaker, our country needs an Economic Cooperation Council, and I am pleased to join as a sponsor of the legislation to create it.●

NUCLEAR WASTE STORAGE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HIGHTOWER) is recognized for 10 minutes.

Mr. HIGHTOWER. Mr. Speaker, I want to take this opportunity to once again make a statement about the problem we continue to face as we struggle to find the best answers to the serious questions involved in establishing a viable and responsible nuclear waste storage policy.

The need for a nuclear waste storage policy is so evident that I am almost embarrassed to go into it yet another time. The United States uses nuclear materials in her national defense, in the production of hydroelectric power, and in many medical facilities. These nuclear materials generate radioactive waste, and that waste must be stored. It cannot be dumped or ignored. No matter how you feel philosophically about nuclear materials, the plain facts are that we already have nuclear waste and we must put it somewhere.

We in this Congress have talked many times of writing a nuclear waste storage policy. Valuable time was lost while we tried to arrive at some consensus on the matter. The latest efforts culminated in the Nuclear Waste Policy Act, signed into law by President Reagan on January 7, 1983, finally acknowledging the storage problem and asking DOE to prepare guidelines on viable storage sites. Still, it seems to me that we may be heading off in irresponsible directions, considering decisions without regard for their technical and scientific merits.

To me, commonsense dictates that a nuclear waste storage policy must take into account several things in determining the best possible site for storage: Scientific viability of the storage facility, economic feasibility and cost-benefit plans for transporting the waste to the storage site, proximity as much as possible to nuclear waste creation facilities and reprocessing plants, and safety considerations from the public's standpoint. We should choose a site that properly satisfies as many as possible if not all of these requirements.

Public safety will be a consideration no matter where nuclear waste is stored in this country. Even in areas devoid of human habitation, there will be concerns about the possible effect of radioactive waste on agricultural products and animals, and on vegetation and water supplies. Viability of the storage facility also will be a concern no matter where nuclear material is stored. Shall we use salt domes, basalt, tuff rock, or salt beds? Which will be the safest and the most efficient means of storage?

One concern, however, that will not hold true for every storage possibility seems to me the one that DOE is assigning the least importance, that is, making sure of the proximity of the storage site to facilities that produce nuclear waste. No matter where nuclear material is finally stored, it appears to be in the interests of the people of the entire country to move radioactive material around as little as possible. DOE, though, appears unconcerned about the ramifications of transporting such material over long distances. Most of the storage sites the Department is now looking at are far from the sites of nuclear waste production. What is going to happen to this material on the long trip from production to storage? The prospect of trucks and trains hauling nuclear materials in many different forms around the country is not a very comforting one to me, nor should it be to anyone else. Material that is moved a lot is bound to be more volatile than material that is moved very little. Certainly each movement involves new risks and new dangers, known and unknown.

Mr. Speaker, I am not the kind of person who looks upon all nuclear materials as anathema. There are valid, legitimate uses for this material, and the benefits of the atomic age can still mean many good things to humanity, but there are consequences for using it. One of these consequences is the unavoidable creation of nuclear waste. I acknowledge this, as most people do, and I accept it; my chief concern is that we devise a reasonable, safe method for storing the wastes that nuclear materials generate, a method involving minimal transportation, viable storage sites, and excellent safety precautions. I am not at this time confident that DOE has been properly taking into consideration all of these requirements.

The decisions made by this Congress and the DOE will determine the course of action for this country for many years to come. Once a place for the depository of these materials has been chosen and the process begun, that site will last for many, many years. Not just during my lifetime, but for the lifetimes of generations to come. Cost, because we must pay the bills, must be a matter of concern—but it must not be the only consideration.

If there has been an issue in recent years more deserving of more careful and thoughtful judgment on the part of all who share the responsibility, I do not know what it was. We must proceed in the wisest ways we are capable of moving with the thoughtful, sober judgments of our best minds.

□ 2200

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. HIGHTOWER. I would be happy to yield to my colleague, the gentleman from Texas.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding.

Mr. Speaker, I would like to join with my distinguished colleague from Texas and express my sentiments with reference to the First District of Texas, over in east Texas.

We share the gentleman's belief exactly as he has put forward those beliefs tonight. There has been a public outcry by all of those in my section of the State to the same persuasion as the gentleman has had in his part of Texas. They do not want those waste sites in areas that are highly populated, thickly populated, where the structure of the sand is such that it would be, I think, prohibitive to public health to have these sites located in those areas.

I think that if we can get enough public outcry that the people who are in a position to do something about this will certainly see that it is necessary and just one of the things that the people of the various areas are not going to stand for. There are many places throughout these United States where we have barren property, barren territory, not the thickly populated area that the gentleman has in his district and that I have in mine, in which this waste can be stored.

So I certainly join in and congratulate the gentleman on taking this special order to express himself on this very volatile issue.

Mr. HIGHTOWER. I thank the gentleman for his contribution.

Mr. Speaker, I yield back the balance of my time.

THE SMALL BUSINESS INDEPENDENT INVENTOR PATENT FEE ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 5 minutes.

● Mr. MITCHELL. Mr. Speaker, I am today introducing legislation designed to make the U.S. patent system more accessible to small businesses, independent inventors, and nonprofit organizations. This bill, an amendment to the patent and trademark laws, would exempt small businesses, independent inventors, and nonprofit organizations from payment of patent maintenance fees and from automatic patent fee increases.

Legislation passed in the 97th Congress providing additional funds for the Patent and Trademark Office (PTO) to upgrade patent services was well intended. The substantial patent fee increases contained in that legislation, however, and the imposition of maintenance fees for the first time in the history of the U.S. patent system, raised considerable concern within the small business community because of the chilling effect they will have upon innovation.

Public Law 97-247 not only increased fees for the present, it also authorized automatic increases every 3 years, indexing patent fees to the Consumer Price Index. I am introducing this legislation to remove a significant barrier to use of the patent system by small business, the most innovative segment of our society.

My bill provides as follows: That this act may be cited as the "Small Business Independent Inventor Patent Fee Assistance Act of 1983."

Section 41(b) of title 35, United States Code, is amended by striking the word "force." at the end thereof and inserting in lieu thereof the following:

Force: *Provided*, That independent inventors and nonprofit organizations as defined in regulations by the Commissioner and small business concerns as defined in section 3 of the Small Business Act and by regulations promulgated by the Small Business Administration shall be exempt from payment of all fees required by this subsection: *Provided further*, That notwithstanding the provision of subsection (f), the Commissioner shall not adjust the fees established under subsection (a) for such independent inventors, nonprofit organizations and small business concerns.

Small business is an acknowledged leader in innovation, applied research, and invention, and the principal creator of new jobs. The Small Business Committee has given diligent attention to initiatives designed to remove barriers to innovation to encourage small business participation in federally funded R&D. Patent legislation in the 96th Congress, Public Law 96-215 assured retention of patent rights by small businesses engaged in Government R&D efforts. The Small Business Committee was gratified with the widespread support of our colleagues in passage of the Small Business Innovation Development Act of 1982, Public Law 97-219, and other efforts to stimulate innovation and growth of new businesses.

But no matter how well intended, the recent increases in patent fees, the new maintenance fee, and the threat of future automatic increases in these fees impose additional barriers to invention and innovation by making patent protection unaffordable for a large segment of our population. Small businesses, independent inventors, and nonprofits will be forced to abandon patent protection long before the commercial value of the patent can be reasonably assessed.

Market potential often takes several years to discern. The zipper, patented in 1893 did not gain attention until about the time of World War I, and the Gillette disposable razor took nearly 17 years to prove itself. Chester Carlson waited many years and knocked on many doors before he was able to generate interest in his invention. Xerography, however, eventually changed the business world and created a new industry.

Many patent owners have proprietary interest, not in one or two, but in many inventions. For example, Jacob Rabinow, frequently honored as an outstanding entrepreneur and distinguished small business champion, is the holder of 218 patents. Creative individuals, small businesses, and nonprofits will have to elect from among their patentable ideas those most likely to succeed at a time when it is highly unlikely that marketability is or can be known. Inventors will be placed in the uncomfortable position of making a "Sophie's Choice" among their brainchildren, a difficult, if not impossible decision.

The patent fee system imposed by Public Law 97-247 was designed to permit full recovery by the PTO of their cost of operation. This concept in itself is faulty. Patent owners should not be required to pay for the U.S. patent system. While retention of patent rights may bring material rewards or prestige to an inventor, the ultimate value of invention and technological innovation is to the economy as a whole, by way of increased economy efficiency and additional goods and services. The imposition of substantial "user fees" upon independent inventors, small business concerns, and nonprofits is incompatible with the theory of public benefit and will discourage invention. Any such disincentive to use of the patent system by these special groups will tend to retard economic growth as they are a principal source of innovation and productivity increases, business start-ups, and new jobs. The public should share some of the cost because the public good is better served by encouraging the use of the patent system to stimulate invention, innovation, and commercial development.

Patents are of considerable value to all commercial entities, but are potentially of greater benefit to small businesses than to their larger counterparts who, because of size and marketing expertise, have other means of protecting intellectual property rights. Small businesses will be severally affected by the new increases and by the maintenance fees.

Maintenance fees have been adopted by other countries. Most countries, however, are less expensive in the beginning when market potential is unknown. The new maintenance fee schedule, in conjunction with the new filing and issuance fees, make U.S. initial patent costs the highest in the world. The present law imposes maintenance fees of $400, $800, and $1,200 to be paid for each patent held 3½, 7½, and 11½ years, respectively, into the life of the patent. The first such payment will be due in 1985. Even with the 50-percent fee reduction available for small businesses, individuals, and nonprofits, the burden upon these groups is onerous.

I applaud the efforts being made by the PTO to upgrade services and to strengthen the patent system. The PTO does, indeed, need additional funds and funds should be appropriated. But to require the PTO to recover costs of the system from inventor/entrepreneurs, or to permit 3-year ratcheting upward of such fees, cannot be justified. The maintenance fee is a tax upon the creative genius of our Nation and will result in widespread patent abandonment. Inventions without patent protection are not likely to be marketed, particularly when a small business is involved. Many opportunities for new technologies will be lost before commercialization is realized.

There were no hearings on the subject of maintenance fees. The fee schedule was not based on studies, but selected at random. This matter deserves to be fully discussed and the concerns of inventors fully considered.

Inventor groups want the law repealed. This bill would exempt small businesses, independent inventors, and nonprofit organizations from payment of maintenance fees and from automatic fee increases.●

BALANCED CHANGES IN THE FREEDOM OF INFORMATION ACT'S APPLICATION TO CENTRAL INTELLIGENCE AGENCY MATERIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, today I have introduced the Intelligence Information Act of 1983.

This legislation would exempt certain defined Central Intelligence Agency (CIA) operational files from the search and review process of the Freedom of Information Act (FOIA), thus permitting the agency to respond much more quickly to those FOIA requests which are at all likely to result in the release of information.

The legislation is a carefully crafted, narrow response to an equally narrow problem. It does not exempt the CIA from the FOIA and it will not result in the nondisclosure of any meaningful information which is now subject to disclosure.

Operational files, containing the CIA's most sensitive information, are now protected by the FOIA's (b)(1) and (b)(3) exemptions. On the surface these exemptions would appear adequate to protect the CIA's interests, and, in fact, no FOIA request has ever resulted in the release of information which the CIA maintains must be classified.

However, for every FOIA request, the CIA must still search all files for responsive information and must examine every line of such information to determine if it is releasable.

For security reasons, such searches and reviews must be performed by senior Operations Directorate (DDO) officers—not by clerical staff or FOIA professionals. The result is a 3-year backlog in responding to FOIA requests, the diversion of scarce intelligence resources away from their crucial primary mission, and the possibility of the inadvertent release of information identifying an intelligence source or method.

By eliminating the need to search operational files, from which virtually nothing is ever released, this legislation would let DDO personnel do the job for which they were trained, and eliminate the backlog, without withholding any meaningful information from the public.

Nonoperational files would still be subject to search and review. Such files include, among other information, both raw intelligence and the finished intelligence product. They also include reports prepared by the Office of General Counsel and the Office of Inspector General.

Furthermore, and most important, information pertaining to the following would not be covered by the proposed FOIA exemption:

U.S. citizens or aliens lawfully admitted for permanent residence who have requested information on themselves.

Any special activity the existence of which is not exempt from disclosure under the provisions of the Freedom of Information Act.

The subject of an investigation by the intelligence committees of the Congress, the Intelligence Oversight Board, the Office of Inspector General of the Central Intelligence Agency, or the Office of the Director of Central Intelligence for any impropriety, or violation of law, executive order, or Presidential directive in the conduct of an intelligence activity.

It seems to me that the legislation strikes a proper balance that will benefit both the CIA and FOIA requesters. However, it is not perfect, and will doubtless benefit from public discussion. The remaining significant issues will be addressed in hearings conducted by the Subcommittee on Legislation of the Permanent Select Committee on Intelligence. I am confident that they can be resolved and a reasonable and constructive measure enacted into law.

H.R. —

A bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Information Act of 1983".

SEC. 2. (a) The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VII—RELEASE OF REQUESTED INFORMATION TO THE PUBLIC BY THE CENTRAL INTELLIGENCE AGENCY

EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE

"SEC. 701. (a) Operational files located in the Directorate of Operations, Directorate for Science and Technology, and Office of Security of the Central Intelligence Agency shall be exempted from the provisions of the Freedom of Information Act which require publication or disclosure, or search or review in connection therewith.

"(b) Subsection (a) of this section shall not prevent the search and review of operational files for information concerning:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552);

"(2) any special activity the existence of which is not exempt from disclosure under the provisions of the Freedom of Information Act;

"(3) the subject of an investigation by the intelligence committees of the Congress, the Intelligence Oversight Board, the Office of General Counsel of the Central Intelligence Agency, the Office of Inspector General of the Central Intelligence Agency, or the Office of the Director of Central Intelligence for any impropriety, or violation of law, executive order, or Presidential directive in the conduct of an intelligence activity.

"(c) The provisions of subsection (a) of this section shall not be superseded except by a provision of law which is enacted after the date of enactment of subsection (a), and which specifically cites and repeals or modifies its provisions.

"(d) For the purposes of this title the term 'operational files' means those files which document:

"(1) the means by which foreign intelligence information, counterintelligence information, or counterterrorism information is collected through scientific and technical systems;

"(2) foreign intelligence operations, counterintelligence operations, or counterterrorism operations;

"(3) investigations conducted to determine the suitability of potential foreign intelligence sources, counterintelligence sources, or counterterrorism sources; or

"(4) intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services.

"(e)(1) Nonoperational files which contain information derived or disseminated from operational files shall be subject to search and review.

"(2) The inclusion of information from operational files in nonoperational files shall not affect the exemption under subsection (a) of this section of the originating operational files from search, review, publication, or disclosure."

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VII—RELEASE OF REQUESTED INFORMATION TO THE PUBLIC BY THE CENTRAL INTELLIGENCE AGENCY

"SEC. 701. Exemption of Certain Operational Files from Search, Review, Publication, or Disclosure.".

SEC. 3. The amendments made by section 2 shall be effective upon enactment of this Act and shall apply with respect to any requests for records, whether or not such request was made prior to such enactment, and shall apply to all cases and proceedings pending before a court of the United States on the date of such enactment.●

THE NEED FOR QUALITY EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ANDERSON) is recognized for 5 minutes.

● Mr. ANDERSON. Mr. Speaker, today I am pleased to welcome a group of students, their parents and teachers, from Signal Hill Elementary School to the Nation's Capitol. As the national debate on education continues, I believe the importance of spending time with parents and teachers, and especially with the young people who will be directly affected by what is or is not accomplished toward fulfilling this national goal, should not, under any circumstances, be overlooked.

As legislators, parents, and teachers, the key which we hold will unlock for our younger generations either a future characterized by stability and promise or, if as a nation we are unmoved, one met with frustration and disillusionment. I hope that we understand this and that we shall embrace the hopes of our young people by providing the quality education necessary for them to meet with conviction whatever challenges their futures may hold.

By laying the proper foundation for today's young people, we will be paving the way for the furtherance by them of national unity, harmony, and world peace.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HARRISON (at the request of Mr. WRIGHT), for today, on account of a necessary absence.

Mr. FORD of Michigan (at the request of Mr. WRIGHT), after 5 p.m. Tuesday and for today, on account of official business.

Mr. MCCANDLESS (at the request of Mr. MICHEL), for the balance of the week, on account of offical business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special

orders heretofore entered, was granted to:

The following Members (at the request of Mr. BRYANT) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. BARNES, for 5 minutes, today.
Mr. BOLAND, for 5 minutes, today.
Mr. WIRTH, for 5 minutes, today.
Mr. HIGHTOWER, for 10 minutes, today.
Mr. MITCHELL, for 5 minutes, today.
Mr. MAZZOLI, for 5 minutes, today.

(The following Members (at the request of SAM B. HALL, JR.) to revise and extend their remarks and include extraneous material:)

Mr. ANDERSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DANNEMEYER, prior to the vote on H.R. 3133.

Mr. NELSON of Florida, prior to the vote on the conference report on H.R. 3133.

(The following Members (at the request of Mr. WALKER) to and include extraneous matter:)

Mr. HILLIS in two instances.
Mr. BROOMFIELD.
Mr. LAGOMARSINO.
Mr. CONABLE.
Mr. MOORE.
Mr. GEKAS.
Mrs. SCHNEIDER.
Mr. GILMAN.
Mr. MADIGAN.
Mr. KEMP in three instances.
Mr. ROTH.

(The following Members (at the request of Mr. BRYANT) and to include extraneous matter:)

Mr. HAMILTON.
Mr. STARK.
Mr. EDGAR.
Mr. SMITH of Florida.
Mr. CORRADA.
Mr. RODINO.
Mr. MAVROULES.
Mr. FOLEY.
Mr. SOLARZ.
Mr. FLORIO.
Mr. COELHO.
Mrs. BOXER.
Ms. FERRARO in two instances.
Mr. ERDREICH.
Mr. SKELTON.
Mr. GARCIA in two instances.
Mr. BOUCHER.
Mr. NOWAK.
Mr. ADDABBO.
Mr. NICHOLS.
Mr. RATCHFORD.
Mr. ECKART.
Mr. LEHMAN of Florida.
Mrs. KENNELLY.
Mr. WHEAT.
Mr. TORRES in two instances.
Mr. FRANK.
Mr. PATTERSON.
Mr. WAXMAN in two instances.
Mr. DYSON.
Mr. FASCELL.
Mr. JONES of Tennessee.
Ms. KAPTUR in two instances.
Mr. MILLER of California.
Mr. RICHARDSON.
Mr. LANTOS.
Mr. DOWNEY of New York.
Mr. EDWARDS of California.
Mr. FOLEY.
Mr. CONYERS.
Mr. WEISS.
Mr. BATES.
Mr. BENNETT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings; to the Committee on the Judiciary.

S. 373. An act to provide comprehensive national policy dealing with national needs and objectives in the Arctic; to the Committee on Science and Technology.

S. 1341. An act to revise and extend the Education of the Handicapped Act, and for other purposes; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies; and

H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

ADJOURNMENT

Mr. SAM B. HALL, JR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, June 30, 1983, at 10 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 98th Congress, pursuant to the provisions of 2 U.S.C. 25:

SALA BURTON, Fifth District, California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1461. A letter from the Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice of the Army's decision to convert to contractor performance the training and audiovisual support center activity at Fort Belvoir, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1462. A letter from the Assistant Secretary of the Navy (shipbuilding and logistics), transmitting notice of a decision to convert the food service function at the Naval Submarine Medical Center, Groton, Conn., from performance by the Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1463. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

1464. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of a proposed 30-day extension of the statutory time limit for the Commission to render a decision in Docket No. 37487, Volkswagen of America, Inc. against The Baltimore and Ohio Railroad Co., et al. and an embraced proceedings, long-and-short haul application No. 43960, Motor Vehicles-Westmoreland, Pa. to Named Points in West, pursuant to 49 U.S.C. 10327(k); to the Committee on Energy and Commerce.

1465. A letter from the Director, Defense Security Assistance Agency, transmitting the Navy's proposed lease of defense articles to NATO Maritime Electronic Warfare Support Group (transmittal No. 18-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1466. A letter from the Assistant Attorney General for Administration, Department of

Justice, transmitting notice of a proposed new records system for the Department's U.S. judge and Department of Justice Presidential appointee records, pursuant to 5 U.S.C. 552(o); to the Committee on Government Affairs.

1467. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Land Policy and Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in aid of the work of the Bureau of Land Management, and for other purposes; to the Committee on Interior and Insular Affairs.

1468. A letter from the Secretary of Energy, transmitting the first annual revised program management plan for ocean thermal energy conversion systems, pursuant to section 3(b) of Public Law 96-310; to the Committee on Science and Technology.

1469. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the location and potential health, safety, and environmental hazards of uranium mine wastes together with appropriate recommendations for a program to eliminate these hazards, pursuant to section 114(c) of Public Law 95-604; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1470. A letter from the Comptroller General of the United States, transmitting the audit of the accounts of the Office of the Attending Physician revolving fund for the fiscal years ended September 30, 1982-81, pursuant to title III, Public Law 94-59, as amended (GAO/AFMD-83-62); jointly, to the Committees on Government Operations and House Administration.

1471. A letter from the Chairman, Motor Carrier Ratemaking Study Commission, transmitting a report on the Commission's findings and recommendations on Collective Ratemaking in the Trucking Industry, pursuant to section 14(b) of Public Law 96-296; jointly, to the Committees on Public Works and Transportation and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 246. Resolution providing for the consideration of H.R. 2769, a bill to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region (Rept. No. 98-273). Referred to the House Calendar.

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 247. Resolution providing for the consideration of H.R. 2760, a bill to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America (Rept. No. 98-274). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 248. Resolution providing for the consideration of H.R. 1, a bill to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other purposes (Rept. No. 98-275). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 249. Resolution providing for the consideration of H.R. 2957, a bill to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks. (Rept. No. 98-276). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 250. Resolution providing for the consideration of H.R. 10, a bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 (Rept. No. 98-277). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 251. Resolution providing for the consideration of H.R. 2832, a bill to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund (Rept. No. 98-278). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 252. Resolution providing for the consideration of H.R. 2842, a bill to amend the Export-Import Bank Act of 1945 to establish the competitive tied aid fund, and for other purposes (Rept. No. 98-279). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 253. Resolution providing for the consideration of H.R. 2930, a bill to encourage the coordination of national fiscal and monetary policy in order to achieve sustainable and noninflationary economic growth on a worldwide basis, to amend the Bretton Woods Agreements Act to authorize an increase in the U.S. quota in the International Monetary Fund, to reduce financial pressures on developing nations, and to improve the supervision of international lending by U.S. banks (Rept. No. 98-280). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3391. A bill to improve worker training under the Trade Act of 1974, and for other purposes; with amendments (Rept. No. 98-281). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINISH: Committee on House Administration. House Resolution 234. Resolution providing for appointment and education of House pages; with an amendment (Rept. No. 98-282). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. S. 929. An act to amend the act of July 2, 1940, as amended, pertaining to appropriations for the canal zone biological area (Rept. No. 98-283). Referred to the Committee of the Whole House on the State of the Union.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 254. Resolution to authorize an investigation by the Committee on Standards of Official Conduct (Rept. No. 98-285). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 2453. A bill to amend the Board for International Broadcasting Act of 1973 to provide for radio broadcasting to Cuba; with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than July 29, 1983, for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction pursuant to clause 1(h), Rule X (Rept. No. 98-284, Pt. I.). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WIRTH (for himself, Mr. BROOKS, Mr. LONG of Louisiana, Mr. GEPHARDT, Mr. STENHOLM, Mr. FLIPPO, Mr. LUNDINE, Mr. MINETA, Mr. FROST, Mr. MCHUGH, Mr. SABO, Mr. PANETTA, Mr. COELHO, Mr. LANTOS, Mr. KOGOVSEK, Mr. SYNAR, Mr. BEILENSON, Mr. DURBIN, Mr. BRYANT, Mr. WOLPE, Mr. WATKINS, Mrs. SCHROEDER, Mrs. BOGGS, Mr. SWIFT, Mr. SISISKY, Mr. HOYER, Mr. ALEXANDER, Mr. GLICKMAN, Mr. LEVINE of California, Mr. FRANK, Mr. LEVIN of Michigan, Mr. HEFNER, Mr. MCCURDY, Mrs. KENNELLY, Ms. FERRARO, Mr. HUGHES, Mr. HANCE, Mr. ASPIN, Mr. AUCOIN, Mr. BATES, Mr. PATTERSON, Mr. KOLTER, Mr. MURPHY, Ms. KAPTUR, Mr. PEASE, Mr. FEIGHAN, Mr. WALGREN, Mr. DERRICK, Mr. UDALL, Mr. LEATH of Texas, Mr. DELLUMS, Mr. BONIOR of Michigan, Mr. MCCLOSKEY, Mr. SKELTON, Mrs. BURTON of California, Ms. OKAR, Mrs. COLLINS, Mr. SIKORSKI, Mr. BERMAN, Mr. FAZIO, and Mr. WHITLEY):

H.R. 3443. A bill to amend the Employment Act of 1946 to establish a National Economic Cooperation Council, to improve the collection and use of economic data by the Government, to promote economic cooperation between labor, business, and Government, to develop consensus economic policies, and for other purposes; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

By Mr. CHENEY:

H.R. 3444. A bill to revise the authority of the Secretary of the Interior to deliver water to the North Platte irrigation project; to the Committee on Interior and Insular Affairs.

By Mr. CONABLE:

H.R. 3445. A bill to suspend temporarily the duty on diphenyl guanidine and diortho-tolyl guanidine; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. JENKINS, Mr. DUNCAN, Mr. GIBBONS, Mr. MARTIN of North Carolina, and Mr. THOMAS of California):

H.R. 3446. A bill to amend the Internal Revenue Code of 1954 to permit foreign pension plans to invest in the United States on a nontaxable basis; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 3447. A bill to promote orderly and efficient ocean transportation of dry bulk commodities in the foreign commerce of the United States, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Rules.

By Mr. FASCELL (by request):

H.R. 3448. A bill to amend the Hostage Relief Act of 1980; jointly, to the Committees on Foreign Affairs, Post Office and Civil Service, and Ways and Means.

By Ms. FERRARO:

H.R. 3449. A bill to amend the Public Health Service Act to provide for research concerning Reye's syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRENZEL:

H.R. 3450. A bill to provide for 6 month nonrecourse loans on commodities received as payments in kind; to the Committee on Agriculture.

By Mr. FRENZEL (for himself and Mr. GRADISON):

H.R. 3451. A bill to amend the Congressional Budget Act of 1974 to improve the congressional budget process, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. GONZALEZ:

H.R. 3452. A bill to provide a bonus payment of $10,000 for each veteran of World War I; to the Committee on Veterans' Affairs.

By Mr. GOODLING:

H.R. 3453. A bill to provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes; to the Committee on Education and Labor.

H.R. 3454. A bill to amend title 18, United States Code, to increase the term of imprisonment for certain offenses relating to carrying or using firearms, to eliminate eligibility for parole with respect to such term, and to require that such term be served before and consecutively to any related sentence or imprisonment; to the Committee on the Judiciary.

By Mr. HILLIS:

H.R. 3455. A bill to designate the Veterans' Administration outpatient clinic to be located in Crown Point, Ind., as the "Adam Benjamin Veterans' Administration Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. HOWARD:

H.R. 3456. A bill to clarify the duty of the U.S. attorney to bring before the grand jury certain matters certified by the President of the Senate or the Speaker of the House of Representatives; to the Committee on the Judiciary.

By Mr. JONES of Tennessee (for himself, Mr. COLEMAN of Missouri, Mr. HARKIN, and Mr. JEFFORDS):

H.R. 3457. A bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land; to allow farmers who plant perennial grasses and legumes as a means of building soil quality, rotating crops, or protecting land from wind and water erosion to enter a certified voluntary set-aside program; and to allow the Secretary of Agriculture to enter into long-term contracts with farmers to remove certain erosion-prone lands from cultivation; to the Committee on Agriculture.

By Mr. KOGOVSEK (for himself, Mr. KRAMER, Mrs. SCHROEDER, Mr. BROWN of Colorado, Mr. WIRTH, and Mr. SCHAEFER):

H.R. 3458. A bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Ways and Means.

By Mr. LOWERY of California (for himself and Mr. HUNTER):

H.R. 3459. A bill to amend title 10, United States Code, to eliminate the requirement that students in Junior Reserve Officer Training Corps units be citizens or nationals of the United States; to the Committee on Armed Services.

By Mr. MAZZOLI:

H.R. 3460. A bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes; jointly, to the Permanent Select Committee on Intelligence and the Committee on Government Operations.

By Mr. MINISH:

H.R. 3461. A bill to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. MITCHELL:

H.R. 3462. A bill to assist small business, independent inventors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 3463. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to make it clear that the recently enacted requirement of mandatory coverage for Federal employees does not apply to retired judges who continue to perform judicial duties; to the Committee on Ways and Means.

By Mr. NOWAK (for himself, Mr. DORGAN, Mr. WILLIAMS of Ohio, Mr. MITCHELL, Mr. MCDADE, and Mr. SMITH of New Jersey):

H.R. 3464. A bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself, Mr. BIAGGI, Mr. FISH, Mr. GILMAN, and Mr. RANGEL):

H.R. 3465. A bill requiring U.S. persons who conduct business or control enterprises in Northern Ireland to comply with certain fair employment principles; to the Committee on Foreign Affairs.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 3466. A bill to amend section 709 of title 32, United States Code, to permit the Secretary of Defense to approve certain regulations governing excepted service technicians of the National Guard, and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. RICHARDSON:

H.R. 3467. A bill to authorize assistance to help alleviate the human suffering arising from the civil strife in El Salvador; to the Committee on Foreign Affairs.

By Mr. RINALDO:

H.R. 3468. A bill to impose certain objective requirements on State legislatures and Federal courts with respect to the establishment of congressional districts on the basis of the most recent decennial census, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 3469. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the impact test velocity in the motor vehicle bumper standard established by the Secretary of Transportation shall be 5 miles per hour; to the Committee on Energy and Commerce.

By Mr. SEIBERLING:

H.R. 3470. A bill to permit small businesses to use interest-bearing demand deposits (NOW accounts); to the Committee on Banking, Finance and Urban Affairs.

By Mr. TALLON:

H.R. 3471. A bill to amend the Fair Labor Standards Act of 1938 to extend the hours in which 14- and 15-year-old employees may work; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 3472. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN:

H.R. 3473. A bill to amend title XVI of the Social Security Act to provide that reparations received by Holocaust survivors under the German federal compensation law shall not be considered income for purposes of determining an individual's eligibility for supplemental security income benefits or the amount of such benefits; to the Committee on Ways and Means.

By Mr. CONYERS:

H.J. Res. 310. A Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. DE LA GARZA (for himself, Mr. MADIGAN, Mr. AKAKA, Mr. ANNUNZIO, Mr. ANTHONY, Mr. APPLEGATE, Mr. ASPIN, Mr. AUCOIN, Mr. BATEMAN, Mr. BEDELL, Mr. BEREUTER, Mr. BETHUNE, Mr. BEVILL, Mr. BILIRAKIS, Mr. BOEHLERT, Mrs. BOXER, Mr. BRITT, Mr. BROOKS, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. CAMPBELL, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. COELHO, Mr. COLEMAN of Missouri, Mr. CONYERS, Mr. CORCORAN, Mr. CORRADA, Mr. DANIEL, Mr. DASCHLE, Mr. DAUB, Mr. DERRICK, Mr. DICKINSON, Mr. DINGELL, Mr. DURBIN, Mr. EDGAR, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FLIPPO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANKLIN, Mr. FRENZEL, Mr. FUQUA, Mr. GEKAS, Mr. GUNDERSON, Mr. SAM B. HALL, JR. Mr. HAMMERSCHMIDT, Mr. HANCE, Mr. HANSEN of Idaho, Mr. HARKIN, Mr. HATCHER, Mr. HEFTEL of Hawaii, Mrs. HOLT, Mr. HOPKINS, Mr. HUCKABY, Mr. HUGHES, Mr. JEFFORDS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KASICH, Mr. KEMP, Mr. KINDNESS, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LEATH OF TEXAS, Mr. LELAND, Mr. LEWIS of Florida, Mr. LOEFFLER, Mr. LUKEN, Mr. MCDADE, Mr. MCHUGH, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MATSUI, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. NICHOLS, Mr. NIELSON of Utah, Mr. O'BRIEN, Mr. OLIN, Mr. PANETTA, Mr. PENNY, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. REGULA, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Mr. ROSE, Mr. ROTH, Mr. SHUMWAY, Mr. SIMON, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH

of Florida, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STAGGERS, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TRAXLER, Mr. VANDERGRIFF, Mr. VOLKMER, Mr. WATKINS, Mr. WEAVER, Mr. WEISS, Mr. WHITTAKER, Mr. WINN, Mr. WOLF, Mr. WON PAT, Mr. WORTLEY, and Mr. YATRON):

H.J. Res. 311. Joint resolution to proclaim March 20, 1984, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.J. Res. 312. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 25th amendment to that Constitution; to the Committee on the Judiciary.

By Mr. LANTOS:

H. Con. Res. 138. Concurrent resolution declaring that U.S. contributions to the United Nations should be reduced by the U.S. propartionate share of the United Nations funds used for the international conference to be held in Vienna, Austria, on July 11 to 13, 1983; to the Committee on Foreign Affairs.

By Mr. RITTER:

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the Secretary of Health and Human Services should continue to review the social security disability program to insure that disability benefits for individuals are not arbitrarily terminated; to the Committee on Ways and Means.

By Mr. WINN (for himself, Mr. SENSENBRENNER, Mr. WALKER, Mr. GREGG, Mr. CARNEY, Mr. HILER, and Mrs. SCHNEIDER):

H. Res. 245. Resolution establishing a select committee to conduct an investigation and inquiry into the alleged alterations of and omissions in the transcripts of hearings held before certain committees and subcommittes of the House of Representatives; considered and committed to the Committee on Rules.

By Mr. STOKES (for himself and Mr. Spence):

H. Res. 254. Resolution to authorize an investigation by the Committee on Standards of Official Conduct; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 225: Mr. MOAKLEY, Mr. FORD of Tennessee, Mr. BRITT, Mr. STOKES, Mr. DUNCAN, Mr. WORTLEY, Mr. WEISS, Mr. SOLARZ, Mr. MCGRATH, Mr. CONYERS, Mr. MARTIN of North Carolina, Mr. JONES of North Carolina, Mr. MITCHELL, Mr. HORTON, and Mr. ACKERMAN.

H.R. 287: Mr. BARTLETT.

H.R. 565: Mr. HARKIN.

H.R. 717: Mr. BROOKS.

H.R. 748: Mr. RATCHFORD.

H.R. 800: Mr. ASPIN, Mr. KOGOVSEK, Mr. FLORIO, and Mr. ENGLISH.

H.R. 828: Mr. JACOBS

H.R. 829: Mr. JACOBS.

H.R. 1146: Mr. MARTINEZ.

H.R. 1199: Mr. MCDADE.

H.R. 1207: Mrs. COLLINS.

H.R. 1242: Mr. KILDEE, Mr. MCDADE, Mr. MCKINNEY, Mr. PATTERSON, and Mr. SUNIA.

H.R. 1285: Mr. RAHALL, Mr. YOUNG of Alaska, Mr. PEPPER, Mr. GARCIA, Mr. BONER of Tennessee, Mr. ROBERTS, Mr. LANTOS, Mrs. VUCANOVICH, Mr. BERMAN, and Mr. TRAXLER.

H.R. 1371: Mr. TORRICELLI.

H.R. 1540: Mr. MCNULTY.

H.R. 1603: Mr. YATES, Mr. BONIOR of Michigan, Mr. NEAL, Mr. ALBOSTA, Mr. COELHO, Mr. STUDDS, and Mr. MINETA.

H.R. 1644: Mr. MRAZEK and Mr. WALGREN.

H.R. 1689: Mr. CONYERS, Mr. HATCHER, Mr. STOKES, Mr. SCHUMER, Mr. SMITH of Florida, Mr. DYSON, Mr. MAVROULES, Mr. CROCKETT, Mr. MORRISON of Connecticut, Mr. BLILEY, Mr. FAUNTROY, Mr. MARKEY, Mr. HUGHES, Mr. LOWERY of California, Mr. FORD of Michigan, Mr. NIELSON of Utah, Mr. LEHMAN, of Florida, Mr. SOLARZ, Mr. SABO, Mr. BEILENSON, Mrs. BOXER, Mr. GOODLING, Mr. WAXMAN, Mr. MCNULTY, Mr. FAZIO, Mr. MCHUGH, Mr. BEREUTER, Mr. WEISS, Mr. PATTERSON, Mr. VENTO, Mr. RANGEL, Mr. RICHARDSON, Mr. EDGAR, Mr. ANDREWS of Texas, Mr. DASCHLE, and Mr. MRAZEK.

H.R. 1740: Mr. HAMMERSCHMIDT.

H.R. 1741: Mr. MRAZEK.

H.R. 1955: Mr. MOLINARI and Mr. NEAL.

H.R. 1991: Mr. BRITT.

H.R. 2042: Mr. YOUNG of Alaska, Mr. MOAKLEY, Mr. FRANK, Mr. LOWERY of California, Mr. BOSCO, Mr. D'AMOURS, Mr. SUNIA, Mr. HUGHES, Mr. LOWRY of Washington, Mr. FAZIO, Mr. MAVROULES, Mr. CONYERS, Mr. FORSYTHE, Ms. SNOWE, Mr. CARPER, Mr. RATCHFORD, Mr. BATEMAN, and Mrs. COLLINS.

H.R. 2053: Mr. CRAIG, Mr. MADIGAN, and Mr. WORTLEY.

H.R. 2059: Mr. BARNES, Mr. DONNELLY, Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. MILLER of California, Mr. MATSUI, Mr. GEJDENSON, Mr. CROCKET, Mr. HAWKINS, Mrs. SCHROEDER, Mr. CONTE, Mr. EARLY, Mr. RICHARDSON, and Mr. BROWN of California.

H.R. 2071: Mr. PENNEY, Mr. COLEMAN of Missouri, and Mr. ANDREWS of North Carolina.

H.R. 2073: Mrs. LLOYD.

H.R. 2124: Mr. JACOBS, Mr. DUNCAN, Mr. COELHO, Mr. EDWARDS of Oklahoma, Mr. MOORHEAD, Mr. MYERS, Mr. BRITT, Mr. THOMAS of Georgia, Mr. LEWIS of California, Mr. FRANK, Mr. ERDREICH, Mr. KASICH, Mr. DANIEL, Mr. HATCHER, and Mr. OLIN.

H.R. 2163: Mr. ORTIZ, Mr. PARRIS, Mr. JENKINS, Mr. STOKES, Mr. FOWLER, Mr. MCNULTY, and Mr. HUGHES.

H.R. 2164: Mr. KINDNESS.

H.R. 2204: Mr. BEDELL and Mrs. LLOYD.

H.R. 2300: Mr. MATSUI, Mr. PORTER, Mr. SCHUMER, and Mrs. COLLINS.

H.R. 2372: Mr. MARTINEZ.

H.R. 2382: Mr. ERDREICH, Mr. HAMILTON, Mr. REID, Mr. DANIEL, Mr. WATKINS, Mr. PARRIS, Mr. ENGLISH, Mr. YOUNG of Florida, and Mr. LAGOMARSINO.

H.R. 2449: Mr. FEIGHAN, Mr. BARNARD, Mr. HEFTEL of Hawaii, Mr. HUGHES, Mr. SUNIA, Mr. BATES, Ms. KAPTUR, Mr. COEHLO, Mr. MARTINEZ, Mr. MRAZEK, Mr. ANDREWS of Texas, Mr. TALLON, Mr. BEDELL, Mr. BENNETT, and Mr. WISE.

H.R. 2491: Mr. PRITCHARD, Mr. BARNES, Mr. STARK, Mrs. SCHNEIDER, and Mr. GEJDENSON.

H.R. 2685: Mr. THOMAS of California.

H.R. 2696: Mr. DYSON, Mr. BARNES, Mr. WOLF, Mr. SUNIA, Mr. ROE, Mr. WON PAT, Mr. YATRON, Mr. GARCIA, Mr. SCHUMER, Mr. LEHMAN of Florida, Mr. YATES, Mr. CONYERS, Mr. OWENS, Mr. SMITH of New Jersey, and Mr. BROWN of California.

H.R. 2697: Mr. DYSON, Mr. BARNES, Mr. WOLF, Mr. SUNIA, Mr. ROE, Mr. WON PAT, Mr. YATRON, Mr. GARCIA, Mr. SCHUMER, Mr. LEHMAN of Florida, Mr. YATES, Mr. CONYERS, Mr. VENTO, Mr. OWENS, MS. FIEDLER, Mr. SMITH of New Jersey, and Mr. BROWN of California.

H.R. 2698: Mr. DYSON, Mr. BARNES, Mr. WOLF, Mr. SUNIA, Mr. ROE, Mr. WON PAT, Mr. YATRON, Mr. GARCIA, Mr. SCHUMER, Mr. LEHMAN of Florida, Mr. YATES, Mr. CONYERS, Mr. OWENS, and Mr. BROWN of California.

H.R. 2711: Mr. BURTON of Indiana, Mr. SILJANDER, and Mr. TRAXLER.

H.R. 2715: Mr. BERMAN and Mrs. COLLINS.

H.R. 2790: Mr. MCCANDLESS, Mr. BROWN of Colorado, Mr. ANDERSON, Mr. FAZIO, Mr. REID, Mr. MCCAIN, Mr. BADHAM, Mr. MCNULTY, Mr. KRAMER, and Mrs. VUCANOVICH.

H.R. 2871: Mr. MCCANDLESS.

H.R. 2927: Mr. KINDNESS, Mr. LOWRY of Washington, and Mr. THOMAS of Georgia.

H.R. 2928: Mr. KOGOVSEK and Mr. DASCHLE.

H.R. 2956: Mr. ECKART.

H.R. 3016: Mr. VANDER JAGT, Mr. LOWRY of Washington, Mr. WON PAT, Mr. MITCHELL, Mr. D'AMOURS, Mr. LATTA, Mr. PANETTA, Mr. FLORIO, Mr. HUTTO, Mr. MARLENEE, Mr. OWENS, and Mr. LONG of Louisiana.

H.R. 3043: Mr. JENKINS, Mr. MARTIN of North Carolina, and Mr. PURSELL.

H.R. 3050: Mr. FASCELL, Mr. KOSTMAYER, and Mr. PATMAN.

H.R. 3072: Mr. RATCHFORD, Mr. LANTOS, and Mr. KOSTMAYER.

H.R. 3075: Mr. MCGRATH, Mr. CORRADA, Mr. GOODLING, Mr. GEJDENSON, Mr. WON PAT, Mr. FRENZEL, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. CONYERS, Mr. PATTERSON, Mr. RATCHFORD, and Mr. ACKERMAN.

H.R. 3104: Mr. CLINGER.

H.R. 3106: Mr. ACKERMAN.

H.R. 3110: Mr. HARKIN, Mr. BRYANT, and Mrs. BOXER.

H.R. 3196: Mr. ALBOSTA, Mr. BEDELL, Mr. CARR, Mr. DEWINE, Mr. EDGAR, Mr. FORD of Michigan, Mr. FRANK, Mr. KASICH, Mr. KILDEE, Mr. KOGOVSEK, Mr. LAFALCE, Mr. SIMON, and Mr. VENTO.

H.R. 3197: Mr. ALBOSTA, Mr. CARR, Mr. DEWINE, Mr. EDGAR, Mr. FORD of Michigan, Mr. FRANK, Mr. KASICH, Mr. KILDEE, Mr. KOGOVSEK, Mr. LAFALCE, Mr. SIMON, and Mr. VENTO.

H.R. 3198: Mr. DUNCAN.

H.R. 3200: Mr. SEIBERLING, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. D'AMOURS, Mr. MARKEY, Mr. OTTINGER, Mr. SIKORSKI, Mr. BERMAN, Mr. BARNES, Mr. TORRICELLI, Mr. LOWRY of Washington, Ms. MIKULSKI, Mr. DWYER of New Jersey, Mr. OBERSTAR, Mrs. BOXER, Mr. WEISS, Mr. MOLLOHAN, Mr. VENTO, Mr. MINISH, Mr. JEFFORDS, Mr. MITCHELL, Mr. FAUNTROY, and Mr. WILLIAMS of Ohio.

H.R. 3238: Mr. SABO and Mr. LAFALCE.

H.R. 3276: Mr. LEHMAN of Florida and Mr. OBERSTAR.

H.R. 3278: Mr. LEVINE of California, Mr. HUGHES, Mr. MITCHELL, and Mr. LENT.

H.R. 3348: Mr. LELAND, Mr. HANSEN of Idaho, Mr. SMITH of Iowa, Mr. ERDREICH, Mr. FRANK, Mr. FROST, Mr. WYDEN, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FEIGHAN, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. LIVINGSTON, Mr. RAHALL, Mr. ROE, Mr. SHANNON, Mr. STOKES, Mr. WILSON, Mr. VANDERGRIFF, Mr. DYSON, Mr. BIAGGI, Mr. GIBBONS, Mr. ZABLOCKI, Mr. SMITH of Florida, Mr. MRAZEK, Mr. MINISH, Mr. HANSEN of Utah, Mr. FASCELL, Mr. DEWINE, Mr. CONYERS, Mr. REID, Mr. PRITCHARD, Mr. OWENS, Mr. TOWNS, Mr. BARNES, Mr. HIGHTOWER, Mr. BONKER, Mr. COYNE, Mr. MARKEY, Mr. ACKERMAN, Mr. AKAKA, Mr. ANDREWS of

Texas, Mr. MITCHELL, Mr. BARNARD, Mr. BRITT, Mr. SIMON, Mr. YATRON, Mr. RATCHFORD, Mr. BREAUX, Mr. TAUZIN, Mr. CARPER, Mr. FLORIO, Mr. FUQUA, Mr. HEFNER, Mr. DWYER of New Jersey, Mr. BENNETT, Mr. BOUCHER, Mr. YOUNG of Missouri, Mr. SILJANDER, Mr. FAUNTROY, Mr. EDGAR, Mr. MURPHY, and Mr. MORRISON of Connecticut.

H.R. 3364: Mrs. COLLINS, Mr. ROYBAL, Mr. DIXON, Mr. TOWNS, Mr. CLAY, Mr. EDWARDS of California, Mr. MATSUI, Mr. HAWKINS, Mr. DELLUMS, Mr. STARK, Mr. HANCE, and Mr. WYDEN.

H.R. 3365: Mrs. COLLINS, Mr. ROYBAL, Mr. DIXON, Mr. TOWNS, Mr. CLAY, Mr. EDWARDS of California, Mr. MATSUI, Mr. HAWKINS, Mr. DELLUMS, Mr. STARK, Mr. HANCE, and Mr. WYDEN.

H.R. 3366: Mrs. COLLINS, Mr. ROYBAL, Mr. DIXON, Mr. TOWNS, Mr. CLAY, Mr. EDWARDS of California, Mr. MATSUI, Mr. HAWKINS, Mr. DELLUMS, Mr. STARK, Mr. HANCE, and Mr. WYDEN.

H.R. 3408: Mr. CONTE.

H.R. 3433: Mr. PEPPER, Mr. WAXMAN, Mr. WRIGHT, Mr. COELHO, Mr. FRANK, Mr. GEJDENSON, Mr. NOWAK, Mr. APPLEGATE, Mr. GAYDOS, Mr. WALGREN, Mr. KOLTER, Mr. MCNULTY, Mr. RICHARDSON, Mr. EVANS of Illinois, Mr. SIKORSKI, Mr. BOUCHER, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEHMAN of California, Mr. MCCLOSKEY, Mr. ORTIZ, Mr. COYNE, Mrs. HALL of Indiana, Mr. STAGGERS, Mrs. BOXER, Mr. TOWNS, Mr. YATRON, Mr. KILDEE, Mr. SIMON, Mr. WISE, Mr. EDGAR, Mr. RAHALL, Mr. HOYER, Mr. JACOBS, Mr. LOWRY of Washington, Mr. VANDERGRIFF, Mr. LUKEN, Mr. JONES of Tennessee, Mr. MINETA, and Mr. SUNIA.

H.J. Res. 20: Mr. HIGHTOWER, Mr. DOWDY of Mississippi, Mr. EMERSON, Mr. BIAGGI, Mr. WHITLEY, Mr. WINN, Mr. ANDREWS of Texas, Mr. DE LA GARZA, Mr. TAUKE, Mr. NEAL, Mr. WYLIE, Mr. WEISS, and Mr. WAXMAN.

H.J. Res. 49: Mr. MCKERNAN, Mr. SHUMWAY, Mr. RUDD, and Mr. HYDE.

H.J. Res. 71: Mr. TORRICELLI.

H.J. Res. 101: Mr. WEISS, Mr. PATTERSON, Mr. BATEMAN, Mr. BREAUX, Mr. DELLUMS, Mr. SCHEUER, Mr. CHAPPIE, and Mr. TORRICELLI.

H.J. Res. 103: Mr. SHUMWAY.

H.J. Res. 176: Mr. YOUNG of Florida, Mr. PORTER, Mr. HYDE, Mr. BADHAM, Mr. DYMALLY, Mr. MCCOLLUM, Mr. SHAW, and Mr. FRANK.

H.J. Res. 225: Mr. MARTINEZ.

H.J. Res. 233: Mr. BORSKI, Mr. CLINGER, Mr. COUGHLIN, Mr. COYNE, Mr. EDGAR, Mr. FOGLIETTA, Mr. GAYDOS, Mr. GEKAS, Mr. GRAY, Mr. HARRISON, Mr. KOLTER, Mr. KOSTMAYER, Mr. MCDADE, Mr. MURPHY, Mr. MURTHA, Mr. RIDGE, Mr. RITTER, Mr. SCHULZE, Mr. SHUSTER, Mr. WALGREN, Mr. WALKER, and Mr. YATRON.

H.J. Res. 254: Mr. MARTINEZ, Mr. MURPHY, Mr. SCHEUER, Mr. JEFFORDS, Mrs. KENNELLY, Mr. MOLLOHAN, Mr. WEAVER, and Mr. WHITTAKER.

H.J. Res. 268: Mr. BONIOR of Michigan, Mr. TAUKE, Mr. FORSYTHE, Mr. MARKEY, Mr. PASHAYAN, Mr. SHELBY, Mr. EDWARDS of Alabama, Mr. CHANDLER, Mr. MARTINEZ, Mr. SHUMWAY, Mr. WEISS, Mr. NICHOLS, Mr. SISISKY, and Mr. EVANS of Illinois.

H. Con. Res. 71: Mr. BATEMAN, Mr. LIPINSKI, Mr. SIMON, and Mr. DUNCAN.

H. Con. Res. 105: Mr. CONTE.

H. Con. Res. 137: Mr. HARRISON, Mr. ECKART, Mr. KINDNESS, Mr. QUILLEN, Mr. MITCHELL, Mr. MORRISON of Connecticut, Ms. MIKULSKI, Mr. MURPHY, Mr. FOGLIETTA, Mr. GAYDOS, Mr. MURTHA, Mr. KOLTER, Mr. WALGREN, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. COUGHLIN, Mr. YOUNG of Missouri, Mr. MCKINNEY, Mr. VANDER JAGT, Mr. KOSTMAYER, Mr. HILLIS, Mr. REGULA, Mr. BORSKI, Mr. WHITTEN, Mr. FORD of Michigan, Mr. GOODLING, and Ms. OAKAR.

H. Res. 166: Mr. WEISS.

H. Res. 186: Mr. WOLPE, Mr. KRAMER, Mr. WORTLEY, Mr. ACKERMAN, Mr. VENTO, Mr. DAVIS, Mrs. HALL of Indiana, Mr. WEAVER, Mr. EDWARDS of Oklahoma, Mr. HEFNER, Mr. FORD of Michigan, Mr. BOUCHER, Mr. DYSON, Mr. MCCLOSKEY, and Mr. BORSKI.

H. Res. 215: Mrs. HOLT and Mr. PAUL.

H. Res. 216: Mr. DEWINE, Mr. THOMAS of Georgia, Mr. BETHUNE, Mr. MONTGOMERY, Mr. CHANDLER, Mr. BLILEY, Mr. BADHAM, Mr. BATEMAN, Mr. FUQUA, and Mr. DREIER of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 283: Mr. MITCHELL, Mr. SCHEUER, Mr. MINISH, Ms. OAKAR, Mr. SMITH of Florida, Mr. BARNES, and Mr. MCHUGH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

153. By the SPEAKER: Petition of the city council, Bloomington, Minn., relative to the nuclear weapons policy of the United States; to the Committee on Armed Service.

154. Also, petition of city of Homestead, Fla., relative to economy; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 254

By Mr. SENSENBRENNER:

—On page 5, line 18, after the period, insert:

"SEC. 8. Notwithstanding any rule of the Committee on Standards of Official Conduct, all meetings, hearings, and depositions authorized by this resolution shall be open.".

EXTENSIONS OF REMARKS

A BARGAINING CHIP?

HON. NICHOLAS MAVROULES
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MAVROULES. Mr. Speaker, within the next few weeks, the House of Representatives must decide the critical question of whether to put the MX missile into production.

There are those in the administration who contend that there can be no arms limitation agreement unless the MX missile is produced and deployed. Is this correct? Is the MX missile a useful bargaining chip?

William M. Rose of Tulane University has written an article on this very subject. I would highly recommend its reading to my colleagues in the House.

The article follows:

MX: A USEFUL BARGAINING CHIP?

One of today's paradoxes is that under some conditions we must arm to disarm. Following this logic, new weapons are sometimes proposed to Congress on the grounds that they will serve as bargaining chips, which later can be traded away in arms control negotiations in exchange for Soviet concessions. The MX missile is the latest in a series of bargaining chips intended to give leverage to American negotiators.

Unfortunately, antagonists in the MX debate are giving us only caricatures of the bargaining chip tactic, claiming either that it always works or never works. Neither side suggests that the success of the tactic is contingent on circumstances that may vary from case to case. We deserve better, especially since this issue has become central to Congressional decision-making about the MX.

Will the Soviet Union give up its heavy, multiple warhead missiles in response to a Congressional decision to deploy MX? Supporters of MX, such as the Presidential Commission on Strategic Forces, think so. The Commission backs its argument with the anti-ballistic missile (ABM) case: The Soviets expressed no interest in ABM limitations until the United States began to deploy ABM as a bargaining chip.[1]

Opponents claim that the negotiating tactic does not work. For example, Gerard Smith, chief SALT negotiator in the Nixon Administration, tells us that the tactic will fail because bargaining chips "tend to take on a life of their own." He backs his argument by referring to the development of the cruise missile, a bargaining chip that became a building block in the arms race.[2]

If each was explaining the outcome of only the one example, each would be right. But they overgeneralize. The fact is, the bargaining chip tactic can succeed, but only under certain conditions. Because the ABM case met almost all of the conditions, it was a successful American bargaining chip. But it was the only one. The other bargaining chips met few of the conditions for success. MX also meets few of them, and thus it is likely to fail.

I shall begin by describing the sequence of events surrounding American bargaining chips. Then, as I discuss the relevant conditions, I shall explain the fate of these chips and examine whether or not MX meets the conditions.

PAST AMERICAN BARGAINING CHIPS

The Soviets were the first to begin to construct an ABM site, and as late as 1967 they rejected the idea of beginning SALT and limiting ABM. Early in 1968, President Johnson for the first time requested funds to produce and deploy the Sentinel ABM system. The Soviets then began to indicate interest in beginning SALT, and in August American satellites detected a halt to Soviet construction of their Moscow ABM site. When the Soviet Union intervened in Czechoslovakia in late August, however, President Johnson canceled a planned summit. Consequently SALT did not begin.[3]

Richard Nixon took office in January, 1969. On March 14, he announced that deployment of a different ABM system, Safeguard, would begin. It was to serve as an explicit bargaining chip designed to compel the Soviets to agree to limit ABM systems. Before long, Safeguard was also intended to compel them to limit their deployment of heavy ICBMs, the SS-9s. In June, Nixon said a reevaluation of American strategic needs had been completed, and the United States was prepared to begin SALT. The Soviets formally accepted his invitation four months later.

The delay resulted from two factors. First, it may have been intended to signal Soviet displeasure with the tactic and to strengthen American opponents of ABM. The ploy almost worked; the August 6 Senate vote to deploy Safeguard passed by only one vote. After this vote, however, the Soviets had a greater incentive to negotiate. Second, given the intensity of the Sino-Soviet border dispute in 1969, apparently the Soviets wanted to negotiate with the United States only after they began to negotiate with the Chinese. Otherwise they could have been accused of being less concerned about the world communist movement than about United States-Soviet relations. Negotiations with China began October 20, and five days later the Soviets announced their willingness to begin SALT.

SALT began in November. Almost immediately the Soviets expressed serious interest in ABM limitations, but they hesitated about limitations on offensive weapons. They finally agreed, in principle, to limit offensive and defensive weapons, privately in December 1970 and publicly on May 20, 1971. The final agreements were signed in Moscow on May 26, 1972.

The ABM Treaty permitted each side to have only two ABM sites. The Interim Agreement on Offensive Weapons limited numbers of missile-carrying submarines and offensive missiles. The Soviets agreed to deploy no additional huge missiles.

Some analysts claim that ABM failed as a bargaining chip. Robert Bresler and Robert Gray, for instance, argue that the tactic led the United States to "up the ante" in negotiations. Consequently, the 1972 ABM Treaty allowed the Soviets to have two sites. In contrast, before negotiations began in November 1969, they had only the Moscow site. Furthermore, these analysts argue that with only two American sites, the Soviet Union calculated that it needed no additional SS-9s to assure destruction of American targets. They conclude that American restraint in ABM site construction was the reason the Soviets agreed to limit heavy missiles.[4]

Bresler and Gray might be right about the connection between American ABM restraint and a Soviet willingness to limit the number of heavy missiles. It cannot be denied, however, that the ABM bargaining chip tactic served to stimulate the Soviets to begin SALT and negotiate seriously about limiting offensive and defensive weapons. It seems that beginning to deploy ABM, but only as a few sites was the optimal approach that disposed the Soviets to limit heavy missiles. Also, although the 1972 ABM Treaty permitted the Soviet Union to have two ABM sites, a 1974 Protocol to the Treaty reduced this number to one each. The Soviets still have their Moscow site, which would be effective only against a Chinese attack. The United States has dismantled its one site.

ABM did more or less succeed as a bargaining chip. Does that mean that the bargaining chip tactic always succeeds? Or does it succeed only sometimes? To answer these questions, we need to examine other American bargaining chips.

Other so called bargaining chips, with the exception of multiple independently-targetable reentry vehicles (MIRVs), were not true bargaining chips. Rather, they were part of a more amorphous approach—"negotiating from strength." They were never intended to be traded away in negotiations for specific Soviet concessions. This was true of cruise missiles, Trident submarines, B-1 bombers, expanded deployment of Minuteman III missiles, Mark 12A warheads, and MARV (maneuverable) warheads.[5]

MIRVs were invented in the United States in 1962. They had advantages of being able to penetrate an ABM screen and to strike more targets. Late in 1968, just after their testing began, they became part of the "negotiating from strength" approach. In 1969 another rationale was added: MIRV explicitly became a bargaining chip whose fate was linked to the fate of Soviet multiple warheads. At this time, the Soviets had begun testing multiple reentry vehicles (MRVs) which, unlike MIRVs, are not individually guided.

MIRV was first discussed in negotiations during Round Two of SALT in late 1969. The United States proposed a ban on testing, production, and deployment. The Soviets proposed a production ban without on-site inspection. Each rejected the other's proposal, and the MIRV issue was dropped. The United States began to deploy them in 1970. The Soviets began to test them in 1973 and to deploy them in 1974.[6]

Footnotes at end of article.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

EXPLAINING THE OUTCOMES OF BARGAINING

Why did ABM succeed as a bargaining chip, while all the others failed? To answer this question, we must understand that we are talking about a tactic intended to change the foreign policy of an adversary state. A country's foreign policy is influenced by both internal politics and perceptions of external constraints and opportunities. A bargaining chip is intended to influence the calculations of the leaders in the adversary state, so that they will see domestic and international advantages in making an arms control concession and see disadvantages in not making it.

Six conditions help us to understand the outcomes of the use of bargaining chips. Two of the conditions lie within the Soviet Union—its military bureaucracy and its economy. Three involve Soviet calculations about security, verification, and prestige. The final condition entails how well the United States implements the bargaining chip tactic.

For the MX to succeed as a bargaining chip, most of the following conditions must be met.

1. The Soviet Union should not have to dismantle effective, deployed weapons.

When an influential bureaucratic constituency favors retention of a weapon, it is harder to give it up than otherwise. Resistance by the military partially explains why an effective, deployed system has never been dismantled in response to a bargaining chip. The Soviets agreed to control ABM in part because its effectiveness was in doubt and it was not widely deployed. In contrast, few Soviets doubted the effectiveness of MIRV, even though the Soviet Union had not yet deployed any. Today, about 600 Soviet heavy missiles are deployed, and their effectiveness would be in doubt only if they were targets of a first strike.

2. The Soviet Union should save money or at least should not have to increase defense expenditures.

The ABM agreement met this condition. A MIRV ban would have met it too, given the limits on the number of missiles in the SALT I agreements. A ban on heavy missiles, however, would be costly. The Soviets would have to abandon their sunk investments in them and increase investments in other strategic systems, such as missile-carrying submarines, cruise missiles, and smaller land-based missiles. In all these areas, the United States has or is likely to have a qualitative advantage.

3. Mutual restraint of the United States and the Soviet Union should enhance, or at least should not threaten, Soviet security.

If a concession would either help or harm security, then security calculations tend to predominate. If the effects would be neutral or unclear, then other conditions assume more prominence.

ABM clearly met this condition. The agreement preserved the ability of missiles, once launched, to reach their targets, and it precluded the prospect of American superiority in ABMs.[7]

MIRV did not meet this condition. The American call for a ban on MIRV testing, production, and deployment would have left the Soviets permanently inferior in this vital technology. The Americans already had conducted extensive MIRV tests, while the Soviets had not yet begun to test. If an agreement to ban MIRVs were to break down, the Soviets would be at a disadvantage. In such a situation, the United States would at least temporarily possess a superior counterforce capability. The Soviet land-based deterrent capability would then be threatened. The Soviets therefore felt compelled to match the American MIRV capability.[8]

MX PRESENTS AN AMBIGUOUS PICTURE

As the Presidential Commission says, a ban on heavy missiles would help to ensure the invulnerability of other ICBMs. Also, if neither side has heavy ICBMs, or if both sides have them, then there would be equivalence in the ability of ICBMs to destroy other ICBMs. Currently, the Soviet Union has the advantage in this "counterforce" capability.

However, most strategic analysts agree equivalence in overall counterforce capability now obtains. We have advantages in strategic anti-submarine warfare and in ballistic and cruise missile accuracy. Neither side clearly has the advantage of being able to limit the damage that bombers can cause. Thus, when the Soviets consider counterforce capabilities, it is unclear why they should prefer a ban to mutual deployment of heavy missiles. Just as plausibly, they might break out of the SALT II limits—still unratified by the United States—and deploy more missiles or warheads on each missile in order to maintain equivalence in overall counterforce capability, as well as to ensure that enough warheads could survive an American attack. They could also adopt a "launch on warning" policy. In other words, unlike in the ABM case, an arms control agreement is not their only practical option.

4. An agreement should be verifiable without on-site inspection.

Satellites verify the ABM Treaty. A MIRV ban requires on-site inspection, because the United States already had tested MIRVs and because they are easy to conceal. A ban on heavy missiles can be verified without on-site inspection.

5. Soviet prestige should be enhanced or at least should not be threatened.

The ABM agreement affirmed the norm of equal status; the Soviets did not have to dismantle more weapons than the United States. They probably thought the sacrifices required in a MIRV ban lacked reciprocity. In the MX case, the Soviets would have to dismantle up to 600 SS-18s and SS-19s, while the United States would give up only its plan to deploy 100 MX missiles—hardly an affirmation of the norm of equal status. The inequality of concessions would make the Soviets believe that their prestige would suffer.

6. The Soviet Union should see agreement as the most rational action.

A prerequisite for such a perception is that the United States implement the bargaining chip tactic effectively. This requires clear and consistent communication of American demands and commitments. The ABM and MIRV cases met some of these conditions. MX meets few of them.

We have made it fairly clear that the Soviet Union must dismantle its heavy ICBMs in order to limit MX deployment. American commitments, however, are not established.

The Soviets may find as incredible our threat to deploy MX if they keep their heavy missiles. This could be so for two reasons. First, there are serious arguments against the MX on various grounds. Opponents claim that it is a "first strike" weapon, and that no basing mode can protect it from a Soviet attack. They argue that the existence of MX might tempt the Soviets to move to a "launch on warning" policy or even to launch a preemptive attack on MX. Second, a new American administration might come into office in January of 1984 and cancel the MX project.

The Soviets may also wonder about the credibility of our promise to trade MX away. Proponents have advanced additional arguments for MX independent of Soviet heavy missile deployment. In particular, the Presidential Commission says that an American heavy missile could serve to carry decoys and other penetration aids, which would be useful if the Soviets abrogated the ABM Treaty. It also says that MX could serve to launch satellites and thus could be used as a back-up to the space shuttle.[9] Therefore, the United States might want to keep the MX even if the Soviets agree to a ban on heavy missiles. This possibility would be even more likely if production and deployment of MX begins, for then MX will develop a larger bureaucratic constituency.[10]

CONCLUSIONS

On balance, more conditions work against the MX as a successful bargaining chip than for it. Consequently, we can expect the Soviet Union to keep its heavy missiles if the MX is deployed. Telling them to give up these missiles is telling them to give up a system that they already have, that works and that costs a lot of money. In return, they would face ambiguous security consequences and their prestige would suffer. Finally, they probably doubt the American ability to fulfill the commitments inherent in the bargaining chip tactic. Therefore, since the MX cannot be defended as a bargaining chip, it must be evaluated solely on its other merits and drawbacks.

(Wiliam Rose is a member of the political science faculty at Tulane University. In the fall he will be an assistant professor of government at Connecticut College.)

FOOTNOTES

[1] Report of the President's Commission on Strategic Forces (Scowcroft Commission), April 1983, p. 16.

[2] Gerard Smith, "Chips Are No Bargain." The New York Times, May 23, 1983.

[3] Sources for the entire ABM chronology are John Newhouse, "Cold Dawn: The Story of SALT," New York: Holt, Rhinehart and Winston, 1973, pp. 81-103, 151f, 156f, 163-165, 188, 193f, 217f, 238; Lyndon B. Johnson, "The Vantage Point: Perspectives of the Presidency, 1963-69," New York: Holt, Rhinehart and Winston, 1971, pp. 485-487; Gerard Smith, "Doubletalk: The Story of the First Strategic Arms Limitation Talks," Garden City, NY: Doubleday & Co., 1980, pp. 192-195, 223.

[4] Robert Bresler and Robert Gray, "The Bargaining Chip and SALT," Political Science Quarterly, Spring 1977, pp. 77-78.

[5] Bresler and Gray, Spring 1977, pp. 70-74, 79-85.

[6] Ted Greenwood, "Making the MIRV," Cambridge, MA: Ballinger, 1975, pp. 25-35, 92f, 99, 124f, 131-138; Newhouse, 1973, p. 158.

[7] Newhouse, 1973, pp. 101f, 156f.

[8] Newhouse, 1973, pp. 158-159; Smith, 1980, pp. 155-156.

[9] Scowcroft Commission, April 1983, p. 17.

[10] Graham Allison and F. Morris, "Armaments and Arms Control: Exploring the Determinants of Military Weapons," Daedalus, Summer 1975, p. 125.●

GEORGE WILL ON THE DISABLED AS CITIZENS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FRANK. Mr. Speaker, in the Washington Post on June 24, George

Will responds with eloquence and great logical force to the unfair attacks that have been made on Federal efforts to aid the disabled. As Mr. Will points out, Public Law 94-142, and section 504 of the Rehabilitation Act of 1973 seek essentially to remove social and physical barriers which keep disabled people from living the lives they are capable of living as citizens of the United States. There ought not to be partisan or ideological debate about the importance of such Federal policies, and I hope that Mr. Will's eminently sensible presentation of the case against segregating the disabled will be widely read.

The article follows:

[From the Washington Post, June 24, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register, Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers. Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive thought that a "key reason" why academic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups" such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handicapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now, just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practice creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce;

Although we conservatives believe government has been irrationally intrusive, we nevertheless know there are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, acting in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows subtlety in its conservatism.●

BEYOND THE BOTTOM LINE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BEREUTER. Mr. Speaker, one of the hottest public policy issues facing this Congress will be the debate over the need for an American industrial strategy. Innumerable congressional hearings, seminars, and meetings will be held to hammer out what the Congress, the administration, and the agencies of the Federal Government must do to revive our Nation's flagging industrial power.

Congress and the administration, however, cannot solve all of America's economic problems. Labor and management must work together and lead the Nation toward the solutions to our vexing productivity and competitiveness problems.

A column by Richard Corrigan in a recent issue of the National Journal makes several important observations in this regard. I encourage all of my colleagues to read the thought-provoking article.

The article follows:

BEYOND THE BOTTOM LINE

CAMBRIDGE, MASS.—High-technology gadgets won't cure the deep-seated ailments of American manufacturing companies. Nor will adoption of off-the-shelf Japanese-style management techniques. Nor will new trade or tax or subsidy strategies that may be drafted in Washington.

If the U.S. industrial sector is to reverse its slide toward obsolescence, it must first experience sharp pain and recognize what that pain signifies—that major internal surgery is necessary on the basic structure and operating style of large manufacturing enterprises.

Corporate management and organized labor alike must be willing to change their adversary approaches before big manufacturing firms can regain their capacity for real growth. Yet with few exceptions, both sides resist change, and confrontation between them has almost become institutionalized.

Corporate management should also pay increased attention to quality control and product development. Yet the very structure of big, diversified firms forces top-level managers to concentrate on short-term earnings instead of long-term investments; with dozens of different product lines under their jurisdiction, they lose touch with what is happening today on factory floors and in retail outlets and cannot frame a coherent, companywide research and development plan to compete in tomorrow's markets.

These off-the-cuff observations are drawn from a day-long seminar for journalists at the Harvard University business school here. A team of business school professors met with economics editors and writers at the background session to talk about the current state of American industry: that is, what's wrong with it.

It may sound flippant to talk about the need for long-term changes at a time when many industries are struggling to stay alive. As someone once observed, "When you're up to your eyeballs in alligators, it's hard to remember that your objective was to drain the swamp."

But long-term investments may be needed most when the business climate seems worst, Robert H. Hayes and David A. Garvin of the business school wrote in a 1982 Harvard Business Review article, "Managing as if Tomorrow Mattered." The authors said that company executives, using questionable methods to discount the future value of plant and equipment and research investments, too often have concluded that greater returns could be realized elsewhere and have let their own businesses wither.

"No company can break out of a disinvestment spiral by relying on the same financial logic that got it there," they said. "The only

remedy is to understand the shape of that logic as well as the direction in which it leads—and then to take an opposite course. Managers must be willing to reinvest at the very time such action appears least attractive. They must stop pouring funds into refurbishing their images and upgrade their factories instead. They must resist the lure of unfamiliar businesses and mind their own."

For such investments to pay off, managers will have to rethink and revise their operations. As a participant at the seminar put it, industries must first clean up their systems; then they can computerize them.

In Industrial Renaissance: Producing a Competitive Future for America (Basic Books, 1983), William J. Abernathy, Kim B. Clark and Alan M. Kantrow of the Harvard business school say that management software is as important as factory hardware. "If managers continue to view a production system as a limited, neutral piece of apparatus, which is to be blindly run according to fixed design specifications and used by rote to meet budgeted cost objectives and volume levels, they will enjoy no greater benefit from the new technology than if they had mistaken it for a coat rack," they wrote. "What is needed is a view of production as an enterprise of unlimited potential, an enterprise in which current arrangements are but the starting point for continuous organizational learning."

The introduction of new technology can bring social as well as economic benefits to the workplace, according to Richard E. Walton of the business school, but only if management and labor are receptive to it. In a presentation to a recent session here, Walton wrote:

"As a general proposition, today neither union officials nor managers recognize the extent to which new work technology can be better managed in the interests of both parties. They share, with many others in contemporary society, an assumption about 'technological determinism'—the idea that the side effects of technological progress are given and that individuals, organizations and society must learn how to cope with them. In fact, it can be argued that computer-based technology is the least deterministic, the most flexible technology to affect the workplace since the beginning of the industrial revolution. Because these technologies are less hardware-dependent and more software-intensive and because of the rapidly declining cost of computer power, the basic techology permits an increased number of technical options . . . each with a different set of human implications. As a first step, progress in better utilization of new technology requires a recognition of this potential by management and by labor leaders."

But all this talk about long-term investments, flexible manufacturing systems and cooperative labor relations seems to skip over the question of where the money will come from. Indeed, the Harvard business school is better known for fostering a bottom-line mentality than a future-oriented perspective in up-and-coming managers, as was noted at the seminar here.

And from a Washington vantage point, there was a notable lack of discussion here about what if anything the federal government ought to try next to rekindle the competitive fires of American industry. The discussion centered on changes inside industry, not in federal policy.

The consensus seemed to be that the depressed state of American industry is not a transient phenomenon that will soon be forgotten amid a resounding economic recovery. Instead, the theme was that if U.S. industry is ever to prosper again, management and labor must not merely adjust to change but initiate change.●

SHIRLEY CAESAR WILLIAMS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. VALENTINE. Mr. Speaker, last Sunday the city of Durham, N.C., witnessed a spectacular wedding between Shirley Caesar and Bishop Harold Ivory Williams.

Those of my colleagues who are fans of gospel music are surely familiar with Shirley Caesar's outstanding career. She was the first black female gospel singer to win a Grammy Award, and her music has consistently been near the top of the charts.

I am proud that my district staff assistant in Durham, Sandra Massenburg, spent 4 years working for Shirley Caesar outreach ministries.

Mr. Speaker, an article in yesterday's Washington Post describes the memorable wedding ceremony, and I am inserting it into the RECORD:

[From the Washington Post, June 27, 1983]

GOSPEL'S CAESAR SINGS HER VOWS

(By Lloyd Grove)

DURHAM, N.C.—"You are so beau-u-utiful to me," sang the groom. "Don't ever leave me o-o-oh," sang the bride. "Tell me that you love me, love me, love me, LOVE ME-E-E-E-E-E-E-!" she added with a smoky wail.

And with that, Shirley Ann Caesar, the reigning queen of gospel, was married today to Bishop Harold Ivory Williams of the Baltimore-based Mount Calvary Holy Churches of America in a ceremony of operatic dimensions, and wonderful theater that attracted gospel fans from around the country.

They came in every conveyance from bus to Mercedes and, in one instance, a fire-engine-red Lincoln Continental with blazing silver, spoked hubcaps. The ceremony, attended by about 2,500 fans, friends and family, took place on a flower-festooned stage under an arch of blinking lights in Durham High School Auditorium. The couple exchanged the traditional vows and also diamond rings—and a long kiss.

"This really is equivalent to a king's or a queen's wedding," said the singer's eldest brother, Julius Caesar. One of nine siblings to attend their sister's wedding, he crossed the Rubicon from Carson City, Calif., where he toils as a landscaper, to give her away. "Not even a president's wedding would have this type of pageant, if you will. But Shirley is a beloved young lady with friends and fans all over the world. Personally I think this is an historic occasion."

The couple was turned out all in white, the groom in top hat and tails, the bride in a lace dress with a 12-foot train. When the ceremony was over, the members of the crowd leaped to their feet and cheered, and the couple rode away in a buggy pulled by a team of Belgian horses, Later there was a reception for 1,500 with a cake eight feet long in the city's Civic Center.

It was the 44-year-old singer's first marriage, the 50-ish bishop's second. It was also, by most accounts, the most elaborate knot tying in the history for Durham, where Caesar was born poor, grew up fast and now lives in a mansion in the woods.

Not counting three officiating ministers, there were 140 people in the wedding party, including three best men, 23 bridesmaids, 14 junior bridesmaids, 14 junior groomsmen, a complement of flower girls, train bearers and candle-bearers, and two preschoolers acting the part of miniature bride and groom.

It took them nearly an hour to march to the stage inside the hundred-degree hall, where enough fanning to cause a small gale under normal circumstances did nothing to beat the heat.

Ann Caesar Price fanned her sister, the bride, with a large piece of cardboard as she sang a sensual counterpoint to Caesar's vocal passion.

"Harold, you've chosen me to be your wife," the bride sang, and the crowd roared. "I mean to love you, love you, LOVE YOU for the rest of My li-i-i-i-ife."

It was, top to bottom, a Shirley Caesar production, from the white plastic floral sheeting covering much of the stage to the pulsating chaselights lining the red-carpeted bridal aisle. They blinked in tandem with the archway lights up front, lending the large auditorium all the charm and luster of a carnival midway.

The music, meanwhile, ranged from "We Can Make It Together," sung by the bride, to Pachelbel's Canon, played by members of the Durham Youth Orchestra. As George Scott, one the original Five Blind Boys, sang "One in a Million," the wedding guests clapped and shouted encouragement. The wedding itself came off in high style, even though a fog machine rented to churn out mist during the vows refused to function in the airless hall. It all ended with hardly a dry eye, or anything undrenched.

"This wedding's costing me something like $25,000," said the bride at Saturday's rehearsal, "but I've never been married before, and I felt like this was a chance for me to feed the hungry and clothe the naked," Caesar said this in the cadence of a revivalist preacher and giggled. She bounced in her chair, her eyes shot off sparks, gospel music's bundle of dynamite."

Caesar began the rehearsal by skipping down an aisle, followed by a burly man with a walkie-talkie. "Hi everybody," she shouted huskily, and hugged one well-wisher after another on her way to the stage.

In a minute, Caesar had climbed on stage, and had wrested control of the rehearsal from the Rev. Dr. W. A. Reeves, a harried-looking gentleman whose business, the House of Reeves, is equally divided between funerals and weddings. Caesar grabbed Reeves' microphone and started barking orders about music, processions and decorations.

She showed the groomsmen how to march down the aisle and make an arch with their arms. She led the bridesmaids in a rendition of "Let's Break Bread Together."

Bishop Williams, the husband-to-be, watched from a far corner of the hall, his expression a mix of amusement and admiration. "I was nervous until yesterday," said Williams, a tall, distinguished man with twinkling eyes, "but now that it's finally about to happen, I feel great."

Williams and Caesar have known each other for years through the Mount Calvary Holy Churches, a pentecostal denomination

with adherents in 14 states. As he was climbing through the church hierarchy, she was gaining fame as a religious singer, starting at age 10 with the Charity Singers. Her father, Big Jim Caesar of the Just Come Four, died when Shirley was 12. She moved on to the legendary Caravans, and then launched a solo career that today combines concerts and recording dates with radio ministries and revival meetings.

She was the first black female gospel singer to win a Grammy, and has three gold albums, while her current release "Jesus I Love Calling Your Name" has been hovering in the firmament of the gospel charts.

She caught the bishop's eye after his first wife died in 1982, and they were engaged in January after a whirlwind courtship. "The first time he proposed was over the phone. Then he came to Durham and did it again from down on his knees. He was wonderful. I just jumped up and hugged him around his neck. This was in the Mr. Rib, out route 15 and 501."

Caesar was sitting in a back row holding hands with the beaming bishop. "You know, I've had lots and lots of proposals, but this time I knew." The bishop smiled more broadly. "Did you see my ring?" she asked.

She proffered a petite hand, on the fourth finger of which was a heavy gold ring. It was encrusted with nine sizable diamonds. "They represent the nine gifts of the church: love, joy, peace, long-suffering, gentleness, meekness, goodness, faith and temperance. Now I'm going to show you this," she said, and produced a small white envelope, from which she dumped into her palm an even bigger ring. This one had 30 diamonds, clustered in a swirl. "This is what I wear *after* the wedding."

Preparations proceeded apace. In the lobby outside, an assembly line of churchwomen stapled, rolled and tied with a ribbon 2,000 copies of the four-page wedding program, in one corner of which was advertised, "The Eleventh Annual Crusade Convention of The Shirley Caesar Williams Outreach Ministry." Shirley Caesar, inspecting the program, scrunched up her nose. "That 'Williams' shouldn't be there."

At a table nearby, a woman sat behind an exhaustive display of Mary Kay Cosmetics. The company had provided three staffers to apply mask, cleansing cream, toner, moisture balm and other unguents to the faces of the bridesmaids. Inside, one of three wedding photographers worked out his shots. "My problem," sighed Levi King, "is how can I take such a huge conglomeration of people, and photograph the total mass without making them look like a mess."

Carolyn Sharpe, the wedding consultant, shook her head. "This is too large an event not to have it done properly," she said, tapping her ballpoint pen on a yellow legal pad. "Obviously there are religious overtones and undertones regarding this wedding. But everything is being done in the greatest of taste. I want to underscore that. I don't want any agitations that this is being done in anything but good taste."

The groomsmen, carrying canes, sported silver-gray tails, silver hats and ascots. The junior groomsmen wore silver-gray short coats and bow ties.

The bridesmaids donned mint-green gowns of silk organza. And the bride was a vision in an Eve of Milady original design, with a high-crown collar, a beaded lace bodice, a scalloped back, bodice spires of schiffi whispers cascading from the shoulders, shadow pouf sleeves adorned with opalescent sequins, and flowing cathedral train.

"Don't you think she's entitled to it?" said the bride's 78-year-old mother, Hallie Caesar.

After honeymooning in Hawaii and London, the newlyweds will pursue their respective careers, with the bishop running the denomination from Durham, and Shirley Caesar Williams studying at nearby Shaw University in her spare time.

"I'm majoring in business management with a minor in religion," she said.●

STEVE MENO—A MODEL OF A GOOD FISHERMAN

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. WON PAT. Mr. Speaker, in a recent edition of the Guam Tribune there is a story about a good friend of mine, Mr. Steve Meno of Merizo, Guam. For many years Mr. Meno worked for the Government of Guam in the Department of Corrections. Since he retired in 1976, he has devoted his time to his greatest love, fishing.

All of us dream about the time we can quit the day-to-day job and go fishing. Steve Meno has done just this and he does it as well, as any man alive.

His specialty is fishing for the dangerous barracuda. And by all estimates, no one gets his share of this wily fish than does Steve Meno. He is a hard worker and an inspiration to all of us who long for the time when we can match our wits against the wind, the ocean, and the fish. Steve Meno is living proof that fishing can be a second career and with him goes the fond wishes of many of us here today.

I call the article in the June 21 Tribune to the attention of my colleagues and ask that it be reprinted here. Thank you.

[From the Guam Tribune, Tuesday, June 21, 1983]

FISHING GUAM'S WATERS

(By Renee Anderson)

I can't say that I'm a fisherman. I can't say that I like cleaning those creatures whose eyes never close. But, I can say I enjoyed seeking out and catching a few prestigious fishermen on this island. And although I enjoyed researching the story, I'm still skittish about walking through half the jungle, avoiding spider webs. It was fun, and we can learn something from our island fishermen.

I found Steve Meno at his house early Tuesday morning. Now Steve Meno isn't just any fisherman. He has a specialty as have all the other fishermen I interviewed. I'll mention that later in the article.

Steve Meno began working for the Department of Public Safety in 1945. His only contact with fishing was as a hobby.

In his own words, "When working with the department, I'd come home, get in my boat and start rolling."

Those were many years to fish for a hobby. In those years, Steve was reassigned as warden for the Department of Corrections. From there he went on to work with the Juvenile Justice system as the youth administrator for male detention. That was his last job for the government and then he retired. That was around 1976.

"The last time I went out was before this year's Merizo festival." He says he holds back now because he took a bad fall on a river embankment. But it doesn't hinder him totally from his trade.

He used to own an 18 footer. Now he owns a small boat that only holds four people. But he still owns all his necessary equipment. I learned that nets come in different sizes. There's ¼" nets that are used for small fish, and there are the ½" size nets that are used for the larger fish. Then there's the oversized rods, reels and varying sized fishing lines.

"When I go out, I go well equipped. I have all the necessary gear, fuel, and food when I go."

Steve's excitement can be heard in his voice. "I go out to the banks (Rota and Santa Rosa) because it's the best place to go. Right now the Santa Rosa Banks are the best place to go because of the weather."

Evidently there must be seasons that are the best to fish. "The best months to go out are November through May. And when I go out, I go out with the high tide."

Since he has his house right on the ocean, I asked if his family ever went out with him on his boat.

"During my daughter's younger days, she went out. Now she doesn't go. My wife doesn't like it. She either hits me or my boat. She doesn't like it." His laugh fills the patio.

So . . . what skill does Mr. Meno have? "My skill is knowing what type of fish I want to catch, and the different bait for each fish. My specialty is barracuda." He ends that statement with a strong tone. He doesn't have much excitement in his voice when he describes how he catches this fish. It's all a matter of fact tone of voice. As if there's no other way. "I use a wild line with a plug. When I catch him, I bring him in straight into the boat. It's dangerous true, but you just have to know how to handle it."

Steve's proud of his expertise. Two men taught him how to fish for barracuda, Jose Quinata of Umatac, and the late Isidro Manalisay of Merizo. Steve Meno is so sure of himself that every time he goes out fishing specifically for barracuda, he knows he'll catch. That's confidence.

"The best place for me to go is left of Cocos Island. There are five areas good for catching barracuda. I call them my deep freeze." He laughs his contagious laugh.

"Most fishermen don't like to tell their secrets," I mention casually. "Aren't you, or shouldn't you be, cautious of other fishermen finding out your secrets?"

Steve raises himself into a straight position. "I don't care about other fishermen. I've got all the right equipment. I'd like to challenge any fisherman on the island to fish barracuda. It's my specialty. I started fishing barracuda in the late 50s. People ask me to help them fish for barracuda and I help them, they have got to use the same equipment I have. You know I've got to go off island to get my lures? I've got to have right line size, I've got to know the time the fish bite, tide movement, and the bait I must use." He's proud of his trade.

Fishermen have different habits. Some go out early morning, others mid afternoon, and others at night. Steve won't go at 7:00

in the morning, "I must go at daybreak and I'll be back by 8:00. I don't go out all day."

That's just Steve Meno.

What about Tanishiro Ibutirang?

To get to Tanishiro Ibutirang, I had to hike a trail off the main road in Merizo to get to a small Micronesian Abai. Tanis, as he is called, and wife Maggie, have just come from digging for sweet potato. Tanis and his wife are originally from Palau. Maggie has now become fluent in Chamorro, but Tanis is fluent in Japanese. "I went to school in Japan," he says softly and then smiles.

He starts telling me the reason he came to Guam. "I came over here in 1947. My wife didn't come with me; she came later. I used to work in agriculture; milk cows, raise chickens and pigs. But I was still a fisherman. I've been fishing for 32 years." He chuckles lightly, and continues to speak.

"I fish for my family and some commercial. In Palau, most of the people fish to eat, not to sell. Everyone knows how to fish, so no one has to buy."

How does a man of Tanis' experience make a catch? With a speargun most of the time. What was his largest catch?

"Never weighed the big fish. At one time, I've caught shark, grouper. We never could weigh them before." I've caught a turtle a long time ago that weighed between 600 and 800 pounds. Spear fishing is my specialty."

Listening to Tanis talk of his ability I must admit I was impressed. Since he's been here, Tanis has farmed his land and fished in the ocean. All fishermen's work days depend on the weather, and Tanis is no different, except that he goes out mostly at night. "Sometimes I alternate my nights and fish in the day time."

Like Steve, Tanis says the best seasons to fish are between November and May, sometimes June. He uses a boat to go out, or sometimes he just swims. He does admit that since he's 54 he can ony dive between 20 and 30 feet.

"When I was younger, I dove between 50 and 52 feet." He no longer specializes in catching one type of fish. "Now, whatever we find we catch," he says matter of factly. Right now he's catching a lot of tataga.

The mainstay of his fishing gear is his spear gun. "I make my own spears. I use mahogany wood because it's stronger. If the wood is too soft the spear will bend, and when shot, it will not hit the target." He leans farther back and continues. "I have to have the right gear when I go out. I use a mask, or goggles, snorkel, fins, my spear gun and two spears. Sometime I must use two to catch a large fish. To kill it." Tanis motions with his hands what he does.

Because he spends most of his fishing time under water, I asked Tanis if he's suffered any ear problems.

"In 1978 I got an ear infection. I've had two operations. My doctor says not to go fishing anymore, but I like fishing. I've got to go out. I still have an ear problem, but I've got to go out."

He has a strong determination, and love for his work. His habit is to go out at low tide, but he can do all types of fishing.

"I do it all," he says. "I trawl, use nets, all of it."

Tanis is a true fisherman. His skill and experience span 32 years. And when he's not fishing, he's farming his land. He's a small commercial and family fisherman. What about the fisherman with large commercial interests? I'll look at them in my next article.●

THE POPE'S VISIT TO POLAND

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SIKORSKI. Mr. Speaker, the recent visit by Pope John Paul II has once again focused the attention of the world on Poland. I am pleased to join Congresswoman BARBARA KENNELLY, my colleagues in the House of Representatives, and millions of other Americans in solidarity with the Polish people. With them, we experience the renewal of faith and hope.

Pope John Paul II shared with all of us the insight that the right to form a union with like-minded individuals is a "right given by the Creator." God is with the courageous people of Poland. Their spiritual strength will grow despite the imposition of martial law and other forms of repression. Like the forbidden banners of the outlawed Solidarity union which blossomed among the crowds, the deep spiritual strength of the Polish people will always flourish.

The holy father peacefully opened up new possibilities in Poland. We in Congress are hopeful that General Jaruzelski will indeed lift martial law in July. we hope that he has the courage to go even further in his efforts to bring social justice to his ravaged country. The Government of Poland should enter into meaningful dialog with Solidarity. Prisoners of conscience should be released. The reforms begun by Solidarity should be restored.

While the recent visit by Pope John Paul II refocused our attention on Poland, we had never forgotten its suffering. We will never forget the deep spiritual strength of the Polish people, and we will always share their profound hope.●

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McCOLLUM. Mr. Speaker, this past Sunday Parade Magazine published an article on the widespread use of "yellow rain." The research and the accompanying photographs contained in the article document the deliberate use of chemicals as a method of warfare in Southeast Asia and Afghanistan. The seriousness of the proliferation of chemical warfare cannot be denied with Mr. Santoli's disclosure that:

The U.S. signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons.

I submit this article for the RECORD so that this issue will continue to receive the necessary attention of the public and Government officials.

The article follows:

[From Parade Magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

The Phu Bia Mountains of Laos are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood spouting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack. Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 million Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter

testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremors and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it. but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the current Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used to veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, Parade spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed the adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt; if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German Textbook of Military Chemistry:

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air, or in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribespeople and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. capabilities in chemical-biological weaponry reveals some frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000, compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southeast Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration, U.S. armor is woefully unprotected.

A massive Soviet suprise attack on NATO could render our forces defenseless. The Soviets have the ability to spread chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 percent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping canisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Loas who described these effects in Parade.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960's. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical expert, "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

In Cuba, Soviet instructors described the effect of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book "Yellow Rain," says: "Why are Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison stategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine."

Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returned from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at the Ban Vinai refugee camp on the Mekong River in Thailand, PARADE spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct destruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starvaton, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."●

AMENDING THE AGE RESTRICTIONS FOR EMPLOYMENT IN FEDERAL PRISONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GILMAN. Mr. Speaker, I rise to announce the introduction of legislation to correct a serious discriminatory practice within the Federal prison system. This concerns the manner in which a person is hired and eventually retired by the prisons.

Public Law 93-350 permits the Attorney General to promulgate regulations which prohibit the hiring of anyone over the age of 35 and mandates retirement at age 55. This extends to all prison employees regardless of that persons qualifications, experience, or physical condition.

Mr. Speaker, this law, and the regulations which have been promulgated under its authority, constitute "ageism"—discrimination because of chronological age—at its worst.

At present all prison employees are classified as law enforcement officers, irrespective of whether the position be cook, janitor, or secretary. As such they are eligible for early retirement and for augmented pensions. However, no one should be unwillingly forced out of their job due to arbitrary limitations.

The bill I have introduced will provide that no one, age 40 or under, could be refused a position based on his or her age. The bill also raises the mandatory retirement age to 60. I hope to extend these limits further if experience shows that such an expansion is appropriate—as I expect will be the case.

The fact is, if a person is physically and mentally able to perform their responsibilities, there is no reason to prevent their hiring or force their retirement. This kind of discrimination is intolerable. These age limits, are archaic and fail to truly represent the current level of a person's ability.

Mr. Speaker, I encourage my colleagues to join me in establishing new age limits more in keeping with the times. At this point in the RECORD I am inserting the text of my bill to enable my colleagues to fully consider its provisions.

The text of the bill follows:

H.R. 3428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3307(d) of title 5, United States Code, is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the", and

(2) by adding at the end thereof a new paragraph as follows:

"(2) The maximum limit of age for original appointments to a position as a law enforcement officer whose duties primarily involve detention activities may not be fixed under paragraph (1) at an age lower than 45 years.".

SEC. 2. The first sentence of section 8335(b) of title 5, United States Code, is amended—

(1) by inserting ", or 65 years of age in the case of a law enforcement officer engaged primarily in detention activities," after "55 years of age", and

(2) by striking out "that age" and inserting in lieu thereof "the applicable age".●

APSA CONGRESSIONAL FELLOWSHIP PROGRAM

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DYMALLY. Mr. Speaker, on the occasion of the 30th anniversary of the American Political Science Association (APSA) congressional fellowship program, I wish to place on record my appreciation and support for it.

I have the privilege to be associated with three APSA fellows from three different countries—one from Western Europe and two from Southeast Asia. They were Mr. Phicheth Kitisin from the Foreign Relations Division of the Thai National Assembly (Parliament), Mr. Eberhard Barg, a West Berlin law and political science student, and Mr. Ho Kin-Chai, a prominent journalist with an M.A. in political science, from Malaysia.

Mr. Kitisin was in my office from January until August 1981. He brought with him the experience in the Thai civil service. Thailand has long been a good friend of our country. It is also the frontline member of the Association of South East Asian Nations (ASEAN) which faces a precarious political situation in the Indochinese peninsula.

Recently, Mr. Eberhard Barg completed his fellowship program and returned to West Berlin to complete his study. During his stay (December 1982 to April 1983), he shared with me and my staff his feeling and perception in the beseiged city as well as the idealism of the new generation of West Germans. I understand that he and Dr. Bernard W. Kubbig, who served in Congressman EDWARD MARKEY's office, were the first batch of APSA fellows sponsored by the Marshal fund.

In about 2-months time, the third APSA fellow, Mr. Ho Kin-Chai, will complete his 10-month program (November 1982 to August 1983) and return to this country. Mr. Ho was a

former teacher before switching to journalism. He was also a former secretary-general of the Malaysian National Union of Journalists, as well as a director of the Confederation of ASEAN Journalists. His background bears the expertise he shared with me and my staff.

While we learned much about their countries and their regions, they observed how our system operates. I believe they gained a better understanding and appreciation of our system during their stay here.

In a world increasingly hemmed by rivalries, suspicion, misunderstanding, and sometimes paranoia, it seems to me that the APSA fellowship program makes an important step toward international understanding so crucial for peace and prosperity.

I commend the APSA for initiating this program in 1953 and I hope it will continue with the good work for many years to come.●

A CHANGE LONG OVERDUE IN DEFENSE THINKING

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FIELDS. Mr. Speaker, I would like to insert for the RECORD an article written by John H. Morse for the Washington Times. Mr. Morse describes President Reagan's recent call for more research on ballistic-missile defense as the first step toward recognizing our need for a balanced defense strategy, and eventual escape from the no-defense, all-offense strategy of the past two decades.

For too long, our country has failed to realize that the true purpose of a strong missile and civil defense program is to destroy aggressor confidence of success in a proposed nuclear attack. When strong defensive systems have been implemented to protect missile fields, an aggressor would think twice before initiating a first strike.

A strong missile and civil defense program provides the balance of strength our Nation needs to protect itself from foreign aggression. We must defend ourselves mentally as well as physically, and civil defense measures provide for the psychological strength that for years only the Soviets have enjoyed. I commend this article to the attention of my colleagues.

The article follows:

(From the Washington Times, Tuesday, Apr. 12, 1983)

A CHANGE LONG OVERDUE IN DEFENSE THINKING

(By John Morse)

President Reagan's call for more research on ballistic-missile defense marks him as the first president in two decades to recognize the devastating psychological consequences of a "no-defense, all-offense" strategy which leaves entire societies naked to ballistic missile attacks.

He also is the first to point the way and move toward eventual escape from this self-imposed strategic trap which the Soviets have baited and used so well over the last 20 years.

But even this president and other administration spokesmen seem to overlook some very important aspects of this long-overdue fundamental change in thinking, change which will draw Soviet fire, and the fire of many intelligent, well-meaning people whose minds are still imprisoned in the mental strategic rut of the last two decades.

The Soviets will pull out all stops to denigrate the new approach because, if it succeeds in gaining public understanding, it will remove or seriously blunt a major strategic advantage the Soviets have used very skillfully to erode the political cohesion of their Western opponents.

Two simple, self-generated concepts in the West have handed this major strategic advantage to the Soviets.

The first says that the best way to deter or to win is to build and use, if necessary, more firepower and destructive capability (killing power) than the other side. This means mass, weight and vast sums in ponderous weaponry, certainly in conventional forces, and to some extent in nuclear forces as well.

The second questionable tenet says there is no feasible defense against nuclear attacks, so don't try. This leaves societies naked to nuclear attack whenever an aggressor decides to strike.

As for the first, it largely shapes our military forces, conventional and nuclear, strategic and tactical, and leads to:

Endless requirements for ever-larger, more complex, more vulnerable, more costly, less agile, less suitable weapons systems and the forces to maintain and use them. Congress is rebelling.

Neglect of the methods used by successful commanders throughout history; as Alexander against the world of his day, Hannibal against the Romans, Washington against the British, to name but a few. They relied on innovation, flexibility, good intelligence, agility (mental and physical), speed, deception and surprise to confuse and disorient the enemy. They won with minimum forces and usually with minimum losses on both sides. They had the mental and physical equipment to fight that way. We lack both today.

Neglect of the 2,400-year-old teachings of Sun Tzu that the best commanders never forget that the enemy mind is their prime objective, not his body; that the best commanders win without fighting; that if they have to fight, they win with minimum losses—again by attacking the mind more than the body of their enemies.

As for no defense, the second questionable tenet, it has even more damaging consequences which also are clearly visible today. It:

Means a psychologically and physically naked Western world obviously wide open to such mental assaults as Sun Tzu recommended. Sun Tzu is required reading in all Soviet military schools, but not in ours. We see his sound, time-tested principles at work today in European and U.S. peace movements, and in current nuclear-freeze proposals, for example.

Obscures the real utility of missile and civil-defense measures in the nuclear age—that of destroying aggressor confidence in any nuclear-attack plan he might devise. When he can't possibly know how many, which ones, where—or even whether—his weapons will explode, or what their effects will be if they do arrive, he can't take chances. He must find some other way to attack our minds if we defend ourselves mentally as well as physically. Today we have very little physical or psychological leverage. Standing naked, as we are today, invites both mental and physical disaster.

Obscures the fact that defense systems, to provide the physical means to confound the minds of Soviet nuclear-strike planners now are feasible technically and fiscally. Several alternative systems of active defense could exist today on the earth's surface or in space, but we ignore them because of the outmoded theory that defense against missile attacks has no payoff unless it is perfect or near-perfect, coupled with the unsound intellectual argument that defense is both provocative and destabilizing in today's world.

Ignores the fact that the dominant technology of offense and defense always has shifted from one to the other throughout history and again over the last two decades.

Ignores the fact that the human mind cannot long endure a hopeless situation. Lack of defense against nuclear weapons has come to mean to many that there is no hope if the nuclear genie gets loose.

Say, for the sake of illustration, that the United States began to install defensive systems to protect our missile fields and, at the same time, proposed that the Soviets do the same: that each side build the best ballistic missile defense system possible. Once in place, who would undertake to test this capability, and how? By actual attack? Not likely.

So far, the Soviets have proven themselves much more strategically astute than we are. They have never entrapped themselves or allowed us to distort their strategic thinking into any offense-only strategy. On the contrary, they have always stressed a balance of offensive and defensive capabilities, and turned our reliance upon offense back on us—to sow fear, hopelessness and dissension among our own citizens and our allies.

It is high time for us to recognize the only real advantage that now gives the Soviet Union very real power over the West—that of superior strategic thinking on their part and full exploitation of our naive strategic analysis.

Reagan has pointed the best way out of our dilemma at last. A public that understands the real issues will support him.●

SUPPORTING THE JOINT RESOLUTION IN MOURNFUL COMMEMORATION OF THE 1933 UKRAINIAN FAMINE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 111 introduced by my colleagues, the gentlemen from New York, Mr. SOLOMON and Mr. FISH.

The Ukrainian struggle for independence is representative of many throughout the world. The subsequent

starvation of millions of people in the artificial famine of 1933, due to crop failures and government seizure of what little remained, illustrates how the Soviet Union "punishes" all those who fail to conform to their dogma. And a painful example it was, with over 8 million men, women, and children perishing as a result of this action.

The Soviet Union failed to address appeals from international organizations for intervention to aid the starving millions, including requests by the International Red Cross, and the Governments of Switzerland, Belgium, and Holland. The Soviet Union ignored their pleas, using the famine to commit genocide upon the Ukrainian people.

It has been the traditional policy of the United States to call attention to such heinous acts. The Soviet Union continues to utilize barbaric tactics whereever its presence exists and its dominance threatened. Afghanistan and Southeast Asia are only recent examples. The Soviet Union must realize that this kind of inhumane action will not be tolerated by the free world. As Members of Congress we should continually call attention to such atrocities and to call for action, just as former Representative Hamilton Fish, Sr., did in 1934 when he introduced a resolution condemning the Soviet Union for the barbaric destruction of the Ukrainian people.

The League of Ukrainian Organizations, to commemorate the Genocide of 1932-33, gathered on May 22 in Phoenix, Ariz., to remind the world of this sad period in history. During the ensuing 50 years, global concern for the plight of the Ukrainian people escaped recognition. Let us make certain that this does not happen again.

Mr. Speaker, I am honored to cosponsor this resolution commemorating this tragic period. Let us remind the world that the United States will continue to pursue liberty and justice for all people who seek it. The Soviet enslavement of the Ukrainian people, or any other people, threatens global relations and more importantly, world peace.●

SOVIET JEWRY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. STOKES. Mr. Speaker, I am honored and proud to be asked to participate in the Congressional Call to Conscience Vigil for Soviet Jewry. I also wish to take this opportunity to express my thanks to the distinguished gentleman from Colorado, Mr. WIRTH, for organizing this effort to comment on the flagrant denial of basic human rights in the Soviet Union.

Mr. Speaker, conditions have worsened for those of the Jewish faith living in the Soviet Union. Their rights are becoming more restricted and the human damage that accompanies this denial of freedom intensifies. Evidence of this hostile environment for rights and freedoms was brought to my personal attention by a business leader from my district whose son visited Benjamin and Tatyana Bogomolny less than 2 weeks ago in Moscow.

At the time of the visit, Benjamin had been hospitalized for a serious stomach ailment directly attributable to the strain he has experienced over the past 12 years since first applying for an emigration visa. Tatyana was released that same week after a 3-week stay in Moscow sanitarium for severe mental depression. She has painfully shared her husband's disappointments and turmoil.

Mr. Speaker, Benjamin and Tatyana Bogomolny are young by Western standards: they are in their mid-thirties, but the ravages of Soviet harassment have aged them. Since their first application to emigrate they have become frail, sick, and distraught.

In the late 1960's Benjamin was conscripted into the Soviet Army while in computer school. During this time his sisters and parents were granted a visa and they now live in Israel. Tatyana's family was also given permission to leave to go to Israel. Shortly after their departure, Benjamin was released from the Army and he and Tatyana were married. In 1972 they began their first of over 15 applications to emigrate to Israel to be with their families, all which resulted in cruel denials.

Mr. Speaker, with these denials also came reprisals affecting the Bogomolnys' capacity to earn a livelihood. The Soviet Government would not let Benjamin return to computer school after his first application to emigrate. He now earns what he can—between illnesses and hospitalizations—by doing odd jobs, working as a handyman. For the same reasons, Tatyana, trained as translator, has been officially denied a permanent job. She, too, finds but episodic employment, her professional training a casualty of her husband's and her belief in Judaism and their desire to join their families in Israel.

Some Soviet Jews who are denied both exit visas and a permanent job manage to survive on the shared pensions of friends and relatives. But the Bogomolnys are not even that fortunate, Mr. Speaker. The two are alone, isolated in a country that does not want or need them, yet refuses to unchain them from their unlivable situation.

In recent years the KGB has mounted an active campaign to add to Benjamin and Tatyana's misery. This campaign has been effective: the health and living conditions of this couple have deteriorated painfully. Many letters and packages sent by their families have, of course, failed to arrive. Their apartment has been ransacked several times, subjecting them to the theft of their personal possessions including religious books and family pictures and mementos. The KGB has also questioned Benjamin for his interest in Jewish books and lectures.

Mr. Speaker, the most recent violation of these two peoples' privacy took place in mid-April of this year when their home was once again broken into and ramsacked. The result was overwhelming: this was the reason for which Benjamin had to be hospitalized for 5 weeks and Tatyana lapsed into a deep mental depression which led to her being committed to a Moscow sanitarium for 3 weeks. Mr. Speaker, colleagues, what has happended to the Bogomolnys is an unequivocal example of the Soviet's stepped up campaign to wage psychological warfare against Soviet Jews.

On June 6 Soviet officials asserted that family reunification of Soviet Jews was complete. The Government declared that the vast majority of Soviet Jews who wished to emigrate had already received permission to do so. I challenge these assertions.

As of June 15, neither Benjamin nor Tatyana had been given permission to reunite with relatives in Israel.

I call on my fellow Members of Congress to continue to speak out against these violations of human dignity. My vigil continues until the persecution ends. My conscience will not rest until freedom is granted to the Bogomolnys and the thousands of others denied rights to their religious beliefs and the fundamental right to live in the pursuit of happiness.●

INTRODUCTION OF LEGISLATION INITIATING HELEN KELLER DEAF-BLIND AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GILMAN. Mr. Speaker, today I introduce a resolution honoring a group of courageous Americans. As we approach the anniversary of the birth of Helen Keller, it is fitting that we choose this time to recognize other individuals afflicted with deaf-blindness. My legislation proposes to designate the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week."

Just as Helen Keller had to fight to earn the respect of so many, deaf-blind Americans must still struggle to overcome not only their handicaps but

the many stigmata associated with their condition. A national deaf-blind awareness week would encourage and stimulate increased acceptance of the unique and special needs of this important segment of our population. In helping to end past isolation and neglect, this effort could aid in bringing about essential services for the training and rehabilitation of deaf-blind persons. These Americans should be allowed to develop their potential to the fullest degree possible so that they may realize a maximum measure of independence and contribute ever more positively to our Nation.

The plight of the deaf-blind is by no means new to Congress. In 1969, this body passed legislation establishing the Helen Keller National Center for Deaf-Blind Youths and Adults in Sands Point, N.Y. Hundreds of deaf-blind persons have been trained at this widely acclaimed facility. Nevertheless, the Helen Keller Center can serve only a small portion of the deaf-blind. Because of inadequate education, training, and rehabilitation services in other areas, many otherwise vital lives are not being nurtured, resulting in the tragic and immeasurable loss of potential human resources.

Mr. Speaker, I request at this point in the RECORD that a copy of my resolution be printed in full for review by my colleagues and I ask for their full support so that we may raise the public's awareness of this important concern.

H.J. RES. 309

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the anniversary of the birth of Helen Keller, the most accomplished, respected, and renowned deaf-blind American in our history, falls on June 27; and

Whereas deaf-blindness is one of the most severe of all disabilities, with respect to which some 40,000 Americans are deprived of two primary senses; and

Whereas the rubella epidemic of the 1960's, along with other pathologies, has resulted in deaf-blindness for approximately 6,000 of our children; and

Whereas because of the severity of deaf-blindness the cost of educating, training, and rehabilitating persons who are deaf and blind is high in comparison with other disabilities; and

Whereas this high cost causes many service agencies to be reluctant to serve deaf-blind persons, thus inhibiting the independence and self-sufficiency of such persons, and frequently resulting in their placement in custodial institutions; and

Whereas, although the Helen Keller National Center and its network, and regional deaf-blind centers serve a portion of this population, inadequate education, training and rehabilitation services to the deaf-blind population represents a terrible waste of human lives and resources, imposing a high economic cost on the nation; and

Whereas it is in the national interest to prevent this waste of human resources, foster independence, create opportunities for employment, and maximize the ability to achieve among our deaf-blind citizens; and

Whereas these objectives can be accomplished only through an increased public awareness of, and attention to, the needs, abilities, and potential contributions to society of persons who are both deaf and blind; and

Whereas it is highly appropriate to publicize the needs, abilities, and potential of all deaf-blind persons, and simultaneously to recognize Helen Keller not only as a beacon of courage and hope for our nation, but also as a symbol of what is possible for deaf-blind persons to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the President shall issue a proclamation designating the last week in June of 1984 as "Helen Keller Deaf-Blind Awareness Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

U.S. RESPONSIBILITIES AND ARMS CONTROL

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. BYRON. Mr. Speaker, issues of arms control and disarmament are as old as civilization. From ancient times to the present, in Western and non-Western cultures, philosophers have encouraged efforts of restraint from nations and statesmen, warning them not to become dependent upon arms and alliances. It has also been insisted, increasingly since the medieval times, that statesmen have an obligation not only to defend their own national interests but make serious attempts to construct an international political community in which power is constrainted by, at the same time it supports, the rule of law.

It is naive, false, and dangerous to ignore both the devastating nature of modern full-scale war and the fact that nuclear weapons have sharply raised the stakes and changed the nature of warfare.

Arms control requires a shared spirit of compromise to channel the modernization of strategic forces into more stable directions and less vulnerable deployments. U.S. arms control proposals and strategic arms programs need to be integrated and mutually reinforcing while encouraging the Soviets to move in similar directions and to reduce the risk of war by accident or miscalculation.

Arms control cannot be isolated from an effective U.S. deterrent. Deterrence is not just bluff; it is a perceived capability, coupled with an understood commitment to use our forces in retaliation against key elements of Soviet power.

At the same time, it is crucial that we remain acutely aware of the fact that verifiable arms control agreements cannot be addressed coherently without keeping in mind the nature of Soviet expansionism. We need only to look at the problems in Central America to ascertain that the military and economic attacks on those nations are included in Soviet calculations of overall advantage. On the eve of the Williamsburg economic summit, Secretary of State George Shultz stated that the reality of north and south is now a relationship of mutual responsibility in that we are all in one boat.

We should wonder how the world sees the task of disarmament as compared to the Congress and the American public. In this regard, it was interesting to note the survey by Denmark's reputable polling institute, Observa. The institute concluded 76 percent of those interviewed identified the Soviet Union as the "country which threatens peace" most among the superpowers. The poll gave the United States a 10-percent danger rating and 14 percent thought China will start the next war.

It was interesting to learn that the poll showed a market 12-percent increase in distrust of the Kremlin compared with last year's results. This shift has occurred despite the continued criticism of American policy from Danish peace movements.

We must admit that even though arms control, disarmament, and international peace were the basic ideas supporting the formation of the United Nations, the peacekeeping goal of that organization has not been fully realized. World conditions as they have existed since the end of World War II, and as it appears that they will exist into the foreseeable future, provide the stimulus and the necessity to continue to strive for effective arms control measures by all means.

The Armed Services Committee is assigned oversight responsibility of arms control and disarmament matters. The committee, in turn, assigned this responsibility to the Subcommittee on Procurement and Military Nuclear Systems on which I serve. In keeping with past practices, Chairman SAM STRATTON has appointed a Special Panel on Arms Control and Disarmament for the purposes of monitoring ongoing arms control negotiations, advising the subcommittee on pertinent issues, and to make studies on technical matters relating to arms control and disarmament such as the problem, of verification and alleged voilations of current arms control agreements. I have been given the assignment of chairing this special panel.

In confronting these awesome issues, I do not see myself as a crusader for one final solution to a complex set of problems. Rather, I see myself as a citizen of a great Nation and as a Member of Congress, both of which

have undertaken an enormous responsibility to persist in the long-run task of preserving both peace and stability for the entire world.

In carrying out the panel's responsibilities, I asked for, and received, authorization to lead the panel to Geneva to speak and confer with our negotiators there, Ambassadors Rowney and Nitze. This important visit will allow me, as chairman of the panel, and the other members to receive a first hand assessment of the talks, the progress or lack thereof that is being made, and the range of issues facing the negotiators.

In addition to the nuclear force structure talks, the panel members will also meet with Ambassador Abramowitz in Vienna on the conventional force reduction talks, commonly referred to as the mutual balanced force reduction negotiations. And, finally, in specific conjunction with the negotiations, I will be meeting with individuals at the International Institute for Strategic Studies, in London. The Institute is renowned for its expertise and assessment capabilities in international force structures and evaluations of international political developments.

The panel will be reporting on its investigation and hearings in September. There is much work that will need to be done in the meantime and these meetings will be important contributions to our efforts.●

CONCERN FOR THE NATION'S HOUSING INDUSTRY

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LEHMAN of California. Mr. Speaker, it is with a deep sense of concern for the Nation's housing industry that I join my colleague, the Honorable JERRY PATTERSON, as an original cosponsor of H.R. 3420 today. This Congress will be judged upon how well it deals with the issue of economic recovery and we would all agree that there can be no full economic recovery unless our housing industry is at full capacity.

That is why I have cosponsored this legislation to raise the Freddie Mac and Fannie Mae loan limits to levels more in keeping with the economic realities of the 1980's housing market.

It should be noted that this is a compromise—it is by no means everything that Fannie Mae and Freddie Mac, or the homebuilding industry wanted—but it does address in a realistic manner a serious problem—namely, the inability of these two agencies to make loans in high-cost areas.

For example, in Congressman PATTERSON'S district you simply cannot find livable housing as a result of the low-loan limit levels which are currently imposed on these loans. The situation in Representative PATTERSON'S district is not atypical. It is an economic fact of life shared by many other areas across this country, including four of the five counties in my California congressional district.

This bill would allow the current loan limit to be exceeded only in communities specifically designated by the Secretary of Housing and Urban Development as high-cost areas. Under this formula, and in these designated areas only, the loan levels could be increased by up to 33⅓ percent of 95 percent of the median home price, whichever is less.

There are a number of concerns that have been raised about this measure, concerns that are in good faith and reflect a fear that it will cause a drop in the credit resources available to low- and moderate-income persons. Were this the case, I would not cosponsor or support this bill. I believe that an examination of the past history of Fannie Mae and Freddie Mac will show that:

First. Past loan level increases have not adversely affected the amounts of capital supplied for the purchase of low- and moderate-income housing.

Second. This measure will not benefit high-income home buyers. In fact, the language limits the increase to high cost areas only, insuring that it will be the moderate income home buyer who will benefit.

Third. This bill will not squeeze out other potential creditors who may compete with Fannie Mae and Freddie Mac. The market will be there for those with the ability and the entrepreneurial spirit to enter the secondary loan market.

All this measure does is allow the agencies to have loan limits that keep pace with the borrowing needs of those communities that have home prices in excess of the national norm.

Mr. Speaker, our Nation's building industry needs this legislation to continue to turn around our housing market, to emply our people, and bring us out of the worst housing crisis since the Second World War. I hope my colleagues will join me in support of this bill.●

INVESTIGATING THE CONTINUING DISABILITY REVIEW WITCH HUNT IN CALIFORNIA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. STARK. Mr. Speaker, in light of the upcoming Social Security Subcommittee hearing on the disability program, I would like to share with my colleagues some important testimony received from field hearings I held in the San Francisco Bay area June 6.

The purpose of the field hearing was to find out how the continuing disability investigation (CDI) program was affecting Californians. I am sorry to report that my worst fears were only too fully confirmed. I found that the CDI process has had a devastating impact on mental disability recipients, the mental health facilities, and the rehabilitation programs in my State. I suspect the same is true across the country.

In the effort to ferret out cheaters: First, thousands of the disabled have become terror struck—regressing in their ability to cope with life, two, mental health facilities have been overwhelmed and unable to adequately deal with the mentally ill and, three, rehabilitation programs have gone by the wayside as the recipients in the programs have become unhinged by the very thought of being reviewed.

In short the disability program is being run with the heart of a Doberman Pinscher and the mind of a piranha. Not since the McCarthy era has there been a parallel to the way the mentally disabled are being treated. Just as McCarthy branded people and forced them to prove their innocence, the CDI witch hunt tells mentally disabled people that they are capable of working and then asks them to prove that they are not. Just as McCarthy lacked appropriate evidence, the CDI system does not require evidence of medical improvement to throw people off the roles. Further, just as McCarthyism destroyed lives, this CDI system is having the same devastating impact. Finally, just as we refused to let McCarthy go unchecked, we now must reform the CDI process to make it more humane and responsive to the needs of the disabled.

I would like to share some specific examples of how the CDI process has negatively affected people in my State. One mentally ill man after years of being hospitalized was finally coaxed into entering a rehabilitation program. When he learned that he would be reviewed, he became so upset that he had to be reinstitutionalized. Now the prognosis is that he will never try living outside of an institution again. Thus instead of a few hundred dollars a month in SSI benefits, the State of California will wind up spending thousands of dollars a year to take care of this man. Witness after witness convinced me that it makes a whole lot more sense to spend the few hundred dollars on SSI than the thousands for reinstitutionalization, imprisonment, or other forms of cost shifting to the States.

Mr. Speaker, throwing people in the water and telling them to sink or swim is actually going to cost the States far more than anyone could have anticipated.

When I asked one very conscientious mother of a mentally disabled son how we could find the cheaters, she quickly replied, "Anyone who can put together all of the documentation and paperwork within the prescribed time limit social security calls for could not possibly be mentally disabled." To the best of my knowledge Congress never intended the CDI process to be a "catch-22" for the mentally disabled. Unable to fully comply with SSA's demands, thousands have been left to sink, because they cannot swim as SSA claims.

Another counterproductive consequence of the CDI system has been the affect it has had on those trying to put their lives back together. One rehabilitation program director testifed that although only one person in the program was under review, this one review had resulted in the regression of every person in the program. So terrified were these people of losing their benefits that they could not concentrate enough to work on rehabilitating themselves. As a result, the goal of moving people off the rolls into productive employment is actually being negated by the CDI process as it is presently conducted.

Mr. Speaker, we must develop a system that helps these fragile people through the review process without destroying them. I believe we can do this and still catch the cheaters. The reforms the Secretary of Health and Human Services has announced in no way solve the problems I have described. We need at least a 6-month moratorium on reviewing any mentally disabled SSDI or SSI recipient. This will give the Congress and the mental health specialists the time to study what is needed in the way of reforms so that the CDI process can more humanely deal with this all too vulnerable population.

We must not forget that disability is an equal opportunity unemployer. If we fail these people and they are unjustly forced off the rolls we will ultimately pay a very high price not only in cost shifting to the States but in our moral commitment to justice. I urge my colleagues to support reforming the disability review system.●

OPPOSITION TO MX MISSILE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BEDELL. Mr. Speaker, as you know, on May 4, the House of Representatives approved passage of House Joint Resolution 13—a measure calling for a mutual, verifiable, and bilateral freeze on the testing, production, and deployment of nuclear weapons between the United States and the Soviet Union—by a vote of 278 to 149. However, since that time, the House has also approved authorization funding for the continued testing and eventual production of the MX missile.

While many of us are satisfied with the compatibility of these votes with one another—many of us accepting the MX as a bargaining chip from which we shall be able to elicit reductions in strategic force levels with the Soviet Union; others of us accepting limited numbers of MX missiles as a means of moving away from landbased MIRV'd ICBM forces and toward the single RV'd "Midgetman"—I for one am not.

Today, more than 25 private organizations conducted a press conference in the Capitol in which their shared purpose was to express, once again, their complete and unswerving opposition to our approval of the MX. As an original cosponsor of the nuclear freeze, as well as the author of a measure that would serve to prevent all nuclear testing, in all environments for all time (H.J. Res. 3), I would like to associate myself with the common effort of these organizations—the cancellation of the MX missile—and commend my colleagues' attention to a statement by the Friends Committee on National Legislation that was delivered at today's press conference.

STATEMENT BY THE FRIENDS COMMITTEE ON NATIONAL LEGISLATION IN OPPOSITION TO THE MX MISSILE

"National security is widely believed to depend on military strength: the more arms, the more security. We are convinced that, especially in an age of nuclear weapons, the opposite is true: the more 'strength,' the less security and the greater the hazard. The military expansion of each country provokes expansion by others and compounds the potential devastation of war. National arsenals have now reached levels of destructive power that defy comprehension. Yet the arms race continues." [1]

The MX is but one example of the dangerous and unnecessary expansion of our country's military arsenal. The U.S. policy of developing and building weapons capable of being used in a first strike further erodes our deteriorating relationship with the Soviet Union, thus making arms control agreements even more difficult to negotiate and threatening all nations with potential devastation. We urge the Congress to reject all funding for this weapon.●

[1] From the FCNL "Statement of Legislative Policy," approved by the General Committee November 14, 1981.

A TRIBUTE TO RABBI ISRAEL NOBEL OF EAST MEADOW, N.Y.

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McGRATH. Mr. Speaker, I would like to draw the attention of my colleagues to the accomplishments of a great spiritual leader in the community of East Meadow, which lies within my congressional district.

After 30 years of dedicated service to the East Meadow Jewish Center, Rabbi Israel Nobel will be retiring in August.

I can only echo the words of Henry Frankenberg, president of the East Meadow Jewish Center, who said of Rabbi Nobel:

For the past three decades, he has nurtured us spiritually, guided us in the ways of Torah and imbued us with a sense of reverence for our sacred tradition. Through his dedicated labors, we have grown not merely in numbers, but in understanding, appreciation and devotion to our heritage of Judaism. The religious education of children and adults has always been the center of his concern and of his tireless efforts, his scholarship, love of learning and sensitivity to moral values have molded the character of our Congregation.

Of Rabbi Nobel, the chairman of the center's board of trustees, Charles Hudes, said:

For the past 30 years, Rabbi Nobel has shared in our joys, encouraged and strengthened us in our difficulties and comforted us in our sorrows. His sympathetic understanding, wise counsel and never-failing helpfulness, born of his deep faith in God and man, have endeared him to all.

According to a fine article in the East Meadow Beacon, Rabbi Nobel received a bachelor of arts degree from Yeshiva University with which he has a deep-rooted and firm association. The university established a Rabbi Israel Nobel Scholarship Fund which has strengthened the ties that linked the center with this citadel of higher education.

During the Second World War, Rabbi Nobel served as a civilian chaplain at Camp Gordon, Ga., and the U.S. Naval Academy at Annapolis, Md.

Prior to becoming the center's first spiritual leader in 1953, Rabbi Nobel occupied pulpits in the South and in upstate New York.

During his center tenure, he became a leading force in the preservation and conservation of Judaism in East Meadow, and the center became a vital and flourishing institution where more than 2,000 people participate in the many religious programs initiated and implemented by Rabbi Nobel.

He has been in the forefront of many community activities to further interfaith programs. His work in support of the poor and the ill is highly

respected by religious, government and business leaders.

He is a chaplain in the East Meadow Fire Department and services Jewish patients in the Nassau County Medical Center by appointment out of the New York Board of Rabbis, where he is a member of the board of governors.

He is a member of the Mid-Island Health Center's Board of Directors and past president of the Long Island Commission of Rabbis; he is also the 2-year chairman of the board of education at the Hebrew Academy of Nassau County.

Among many other awards, Rabbi Nobel was the recipient of the East Meadow Jewish War Veterans Citizenship Award.

Mr. Speaker, I am pleased to recognize the many accomplishments of Rabbi Israel Nobel to the Village of East Meadow, for he is representative of the great spiritual leaders of our Nation.●

SOVIET JEWRY

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BONKER. Mr. Speaker, this is a time of celebration for those who believe in human rights and religious freedom as it is a moment of personal triumph for the Vashchenko family who, for 23 years, have aspired to practice their personal faith in a free country. This week Pyotr Vashchenko, his wife Avgustina, their 12 children and their daughter-in-law, Ludmilla, depart the Soviet Union for Israel, where they will join their oldest daughter, Lydia, who was allowed to leave the Soviet Union earlier.

The 5-year saga of the Vashchenko and Chmykhalov families is well known to all of us.

We were encouraged by their deeply held religious faith in a country that condemns and persecutes believers.

We were struck by their courage as they openly defied Soviet authorities who repeatedly denied their right to emigrate.

We were inspired by their sacrifice and suffering when they took up residence in the basement of the U.S. Embassy in Moscow.

We felt profound sympathy in 1981 when Lydia went on a prolonged hunger strike to draw attention to their plight.

Now we share the joy and relief this remarkable family must feel upon their release and the beginning of a new life in Israel.

At long last they can do what they have always longed to—freely worship and practice their faith.

Mr. Speaker, the Vashchenkos have been like a native family to us. We have lived through their ordeal, giving to them comfort while criticizing the regime which imposed their internal exile. Congressmen, religious groups, and private citizens have visited them, prayed for them, corresponded with them and sent gifts. President Reagan took a personal interest in their plight and petitioned the Soviet Government to let them go.

Since the Kremlin is mysterious, if not deceptive, about how these matters are decided, no one will know what single voice or action lead to their final decision. But without our persistance, it is unlikely that the Vashchenko family would be free today.

Last session, the Subcommittee on Human Rights and International Organizations conducted a series on religious persecution. It was the first time Congress has ever undertaken a systematic study of religious persecution and helped to publicize egregious violations of those who are persecuted because of their religious faith. Notable in our subcommittee deliberations was the plight of the Pentecostals in Russia, specifically the so called Siberian Seven. We heard from countless witnesses, including Members of Congress, about their plight, and received urgent pleas for our Government to elevate their cause to the highest level in the Kremlin. Letters sent by Members of Congress to President Leonid Brezhnev and to President Ronald Reagan in behalf of the families and a statement by Jane Drake, spokesman for the Society of Americans for Vashchenko Emigration, are included in the subcommittee report. A resolution sponsored by our colleague, BARNEY FRANK, House Concurrent Resolution 100—expressing the sense of the Congress with respect to the situation of two Russian families who have sought refuge in the U.S. Embassy in Moscow because of the suppression of their Pentecostal faith by the Government of the Soviet Union—was adopted by the House of Representatives.

In January 1983, Representative TOM LANTOS lead a delegation on a trip to Russia and certain Eastern bloc countries. We scheduled meetings with noted dissidents and their family members, including a special visit with the Pentecostals at the U.S. Embassy. It was a memorable experience for us, as it must be with anyone who meets with these devout and courageous people.

Our delegation was so moved that, later, when we met Vadim Zagladin, Member of the Supreme Soviet, and First Deputy Chief, International Relations Department of the Central Committee of the Communist Party of the U.S.S.R., we pressed hard on the issue. Here is a summary transcript of the discussion.

BONKER. Regarding human rights, we understand that our human rights policy has complicated relations between our countries. However, you should understand that it is institutionalized in our law, and enjoys widespread public support. It is not directed solely at the U.S.S.R., but all countries including our allies, and has resulted in actions against such countries as South Korea and countries in Latin America.

We are especially concerned with problems of emigration, family reunification, and such groups as the "refuseniks" and the Pentecostals. We are especially concerned over the recent drastic reduction in emigration of Jewish people by the Soviet Union.

LANTOS. We are all realists. We would all like to improve relations. To some extent, this is out of our control. However, we can do some things to improve relations. Symbols are very important. A great deal could be achieved if your government would make a few symbolic moves, such as improving the conditions of Soviet dissidents, Sakharov and Scharanksy and the pentecostals in the American Embassy in Moscow. It would make a great contribution if the pentecostals were allowed to leave the Soviet Union. If the new government under Chairman Andropov would make some symbolic gestures of goodwill, we would surely reciprocate.

ZAGLADIN. We have discussed problems of emigration and the Pentecostals with your Administration. However, that is not the basic problem. The right of an individual in the U.S.S.R. to leave his homeland exists only within the framework of our law. Reunification of families has been accomplished in hundreds of thousands of cases. There are sometimes problems of national security, when a person is on trial or in prison, or when his parents are dependent on him.

Scharansky was convicted of espionage. He cannot be released until he has completed his sentence. His health is not in danger. The Pentecostals have not been refused permission to emigrate, but the exit laws must be complied with.

GIBBONS. The Pentecostals have become our problem. Why can we not just put them on an airplane and take them with us, if they have not been denied the right to emigrate.

ZAGLADIN. They are Soviet citizens and not foreign nationals. If the Soviet emigration law is complied with, they can leave. I will give it serious thought.

That was the most positive sign on Soviet intention to date regarding the Pentecostals, and perhaps it marked a turning point in the Kremlin position.

The happiness surrounding release of the Vashchenko family, must be tempered by the fact that another family continues in exile in the basement of the Embassy. The Soviet announcement made no mention of the other two of the Siberian Seven—Timofei Chmykhalov and his mother. Religious persecution is an unfortunate way of life for believers, regardless of faith, in a society that denies God's existence. We celebrate with the Vashchenkos on the occasion of their release.●

IN MEMORIAM: SIR WILLIAM LILEY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. HYDE. Mr. Speaker, on June 15 the world lost one of its great contributing citizens when Sir William Liley, of New Zealand, died.

Another of the world's great contributing citizens, Joseph R. Stanton, M.D., has written a memorial to Sir William that is worthy of the man and the sad event, and I herewith share it with my colleagues:

[From the Pilot, Friday, June 24, 1983]

WORLD'S PRO LIFE MOVEMENT MOURNS DR. LILEY, 'FATHER OF FETOLOGY'

(By Joseph R. Stanton, M.D.)

Death came suddenly to Sir William Liley, as the "Father of Fetology" joined the ranks of the immortals June 15, 1983. A distinguished and kindly physician, a scientist of world renown, Dr. Liley's death brings to a close an illustrious career which opened the door to a new frontier in medicine.

Fetology—the study, diagnosis and treatment of the developing child in the womb, was described by Sir William as "the diagnosis, and treatment of the other patient in every human pregnancy." That new frontier was securely established in 1963 when Dr. Liley with consummate skill, using amniocentesis for diagnosis for the first time in history transfused a child within his mother's womb. Many persons are alive today who owe their lives to Dr. Liley's painstaking work and brilliant discoveries.

The ever increasing number of widely heralded new therapeutic medical and surgical procedures carried out on the sick babies in the womb today rest on the sure foundations established by the early and continuing efforts of Professor Liley. From that work, he was referred to as "the father of fetology." This, along with Knighthood conferred by Queen Elizabeth, and membership in the Pontifical Academy of Science, and a host of other honors, degrees, and fellowships, he wore with a simple and unassuming modesty.

Yet, he was not without a gentle humor. He once told me that after Queen Elizabeth had conferred Knighthood in the Order of St. Michael and St. George upon him, "whenever my dear wife, Margaret, on a very rare occasion might raise her voice to me, as wives on rare occasions are wont sometimes to do, I gently remind her that when our Queen addresses me these days it is as "our dear and beloved servant." That gentle humor and infinite compassion and skill Dr. Liley brought to the pregnant women and their tiny babies before as well as after birth.

His pioneering observations, preceding the development of ultrasound, defined the metabolism, the characteristics, and capabilities of the developing life in the womb. He revolutionized the medical and obstetrical perception of the fetus. Long considered a passive, relatively inert, passenger in the womb, through Dr. Liley's pioneering studies the fetus was shown to be dynamic individual being, "in very large measure is command of his own environment and destiny with a tenacious purpose."

In the "Secret World of the Unborn" in Reader's Digest in 1965, and in "The Fetus as a Personality," published in 1972, his studies were reported. He showed his tiny intra-uterine patients sucking their thumbs from early in pregnancy. He pointed out that it is this intra-uterine habit of long duration which often persists long after birth. He quantitated the presence of breathing, movements, swallowing, and getting hiccoughs during intra-uterine life, along with the remarkable agility of the unborn child in its intra-uterine state of neutral buoyancy, "unaffected by the tyranny of gravity."

Fetal comfort, he demonstrated, determined fetal position. He pointed out that oftentimes at night when a mother lies down it sometimes "takes Junior twenty minutes of rooting around to find the most comfortable lie." He demonstrated the response of the fetus to loud sounds outside the mother's body, and the reaction of the unborn child to procedures that are painful. He pointed out how actually painful is the actual process of birth to the emerging child with the great physical pressures sustained by that tiny body.

Who's Who, 1983 in seventeen lines starkly outlines the essential facts of a magnificent life. Married to Dr. Helen Margaret Irwin in 1953, the marriage brought forth two sons, three daughters and one adopted daughter. His wife, Dr. Margaret Liley, a pediatrician, eight years ago told her family of a tiny newborn in the hospital where she worked. Born with Downs Syndrome, the little girl was to be institutionalized. After a family discussion, the Liley family adopted and gave the name Stephanie Liley to that child. Such is one measure of a magnificent and loving Christian family.

When with Dr. Liley a short three weeks ago, he spoke lovingly of the home and family he had left to travel to Canada to testify on behalf of the unborn, and then to Boston for a brief visit with his daughter, Dr. Helen Liley. A special twinkle danced in his eye as he recounted eight year old Stephanie's latest accomplishments.

Stephanie, thousands of patients now alive, the profession of medicine, pregnant women and their unborn children of present and future generations owe an immense debt to the "father of fetology." The pro-life movement across the world mourns the loss of this erudite, gentle, kindly defender of the child in the womb.

To Dr. Margaret Liley, his beloved wife, and the family he so loved, from across the world we reach out in sorrow, in love, and in prayer for them and for his noble soul.●

RECESSION AFFECTS FEDERAL FOOD AND NUTRITION PROGRAMS

HON. GERALDINE FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Ms. FERRARO. Mr. Speaker, the combination of the deepest recession in 50 years and brutal cuts in Federal food and nutrition programs has made hunger once again a painful reality for millions of Americans. Through 2 years of Reagan budgets, spending on food stamps and child nutrition has shrunk and soup lines and demands on private charities have grown. Despite the very great and very commendable voluntary effort, however, the fact is that hunger, which had been all but eliminated in this country, is back.

It is hard for those of us who are comfortable beneficiaries of the bountiful produce of America's farms to imagine what it is to be truly hungry. But we must try. The anguish of a mother who must send her children to bed hungry, the pain of the children, or the silent suffering of elderly Americans who must choose whether to heat or to eat are real crises, and they demand our action.

The Reagan administration has remained blind to this growing tragedy. In his budget for this year, the President asked for another billion dollars in cuts in food stamps. Fortunately, the budget adopted last week rejected the President's request. Instead, it makes modest additions in various food programs including food stamps, school feeding programs, and WIC. The additions are not as great as I would have preferred, and they do not by any means compensate for the cuts of the last two budgets, but they will help millions of poor Americans have enough to eat.

The additional $300 million for WIC is especially critical. For in 1982, the first time in decades, cities around the country reported increases in infant mortality. In New York City, a study by the Food Law project made some depressing findings. In studying infant mortality from 1940 to 1982, they found that medical advances and social programs had achieved a steady drop in the infant mortality rate. But in 1982, the first full year the Reagan budget cuts were in effect, the rate was up in almost every area of the city.

The President has criticized the congressional budget, saying we have "thrown in the towel on controlling domestic spending." But what is clear, Mr. Speaker, is that the President has thrown in the towel on fighting hunger in this country.

In its Sunday News Magazine of June 12, the New York Daily News published an article titled "All the Hungry People." The article, written by Daily News reporter Bella English, describes the reemergence of hunger in New York City, the efforts being made to combat it, and how the Reagan budget cuts have contributed to the problem.

I commend the article to my colleagues.

[From the Sunday News Magazine, June 12, 1983]

ALL THE HUNGRY PEOPLE

(By Bella English)

In the past few months, more than 100 soup kitchens have stepped in where the feds and city government have stepped out. But it's not enough.

Alan Richardson looked in his refrigerator. There was a half-empty jar of mayonnaise, some relish and a can of soup. It was the end of the month—the darkest hour for the poor—and his disability check had disappeared with the rent, utilities and other bills. What would he feed his four children?

Richardson had been allowing himself only one meal a day, and his clothes hung loose on his 6-foot-3 frame. He often went to sleep at night to the sounds of rumbling in his stomach.

"But I have to have food for the kids," he said recently.

Richardson, a disabled Vietnam veteran, finally called the Food and Hunger Hotline. A day later, his refrigerator was full of turkey, hot dogs, chicken and milk. The cupboard contained sugar, cereal, peanut butter, jelly and yams. There was even some formula for the baby.

"I'm hungry a lot, but I try not to think about it," said Richardson, a 35-year-old Queens resident.

Hunger. It's a word one associates with Bangladesh, Appalachia and the Depression. Certainly it was an issue in the 1960s, when the government launched studies and subsequent social programs to fill the gaps in empty cupboards.

But today, with federal budget cuts, increasing unemployment and high food prices, hunger is no longer a distant enemy.

You can see it in the soup lines, where people—the elderly, families and individuals—walk miles and wait hours to get a single meal. You can see it in mothers who sneak an extra sandwich at soup kitchens to hide under their coats.

You can see it at dusk, when neatly-dressed people, most of them elderly, rummage through grocery and restaurant trash, ferreting our a rotting head of lettuce or some moldy potatoes.

You can see it in grocery stores, where shoplifting has increased dramatically.

If you look closely, you can see it in every neighorhood in New York. At St. Bartholomew's on Park Avenue, the limousines pull away as the hungry wait in line at the church's feeding program.

Most of all, you can see it in the faces and hear it in the voices of those who are suffering. Through ingenuity and out of desperation, some are finding ways to cope with empty wallets—and stomachs.

"If not for this, I wouldn't eat," said Manuel Aybar, 37, as he wolfed down a fish patty at a soup kitchen on First Avenue. "Sometimes I steal a banana or a few grapes from a produce stand." Aybar recently lost his job as a doorman.

There are the parents of five who give the kids one piece of bread each, hiding the rest of the loaf under the bed so there will be enough for the next day.

There is Jean Collins, who says she skips meals so her five children can eat. "We use a lot of coupons, we buy generic brands and we eat casseroles, because it's easier to disguise the fact that there's no meat," said Collins, surrounded by her youngsters at a feeding program run by the Children's Aid Society on the upper West Side. "I buy a whole chicken and we eat it for a week. Thank God for chicken."

The program, at the Frederick Douglass Housing Project, 830 Columbus Ave., was begun in February to feed 90 people twice a week. By March, more than 200 people were showing up for meals. Director Frances Cave told of one elderly client. "He came running in and we told him we were out of food. He said, 'Please, give me any leftovers. I have 50 cents. I'll pay you.' "

In the past several months in New York City, more than 100 soup kitchens and food pantries have sprung up, stepping in where the federal government has stepped out.

At the Stanley Isaacs Neighborhood Center, which serves upper Yorkville and East Harlem, director Carol Tweedy reports a 50 percent increase in those seeking breakfast and a 25 percent increase in the lunch program over the past two years.

"The most telling indication of hunger is that many of them come in with plastic bags, taking home whatever food they don't eat—a little rice, a few peas," Tweedy said.

Gretchen Buchenholz, director of the Church of the Holy Trinity's food pantry and two soup kitchens in Yorkville, tells of people who are given a package of raw chicken to take home. "Some start fires in oil drums to cook," she said.

One of her soup kitchens, on First Avenue at 91st Street, is around the corner from Elaine's, the elitist eatery; the other, on E. 88th Street, is half a block from Gracie Mansion and was opened to help meet the overwhelming demand at the first. "If you have hunger like this in one of the most affluent neighborhoods in New York, what must it be like in a poorer neighborhood?" she asks.

And then, of course, there is the hunger that you don't see—that of the homebound elderly, dependent on friends, relatives or programs like Meals on Wheels for their survival. For many, when the final meal of the week is delivered on Friday, it is often the last they will eat until Meals on Wheels comes around again on Monday.

Last year, the Nutrition Watch Committee, commissioned by former Gov. Hugh Carey, reported that it was "deeply shocked to discover that hunger, which had been largely eliminated through a variety of measures including food stamps and other feeding programs, is again on the rise in New York State."

Committee members recently launched a survey to determine the statewide extent of malnutrition, anemia, infant mortality and low birth weights—all symptoms of hunger and poor nutrition.

The Food Law Project studied infant mortality in the city from 1940 through 1982 and found that the rate had dropped steadily due to medical advances and social programs. But in 1982, the first full year after some of President Reagan's budget cuts took effect, almost every area in the city was up in infant mortality.

"After 40 years of consistent work to have the figure drop, it's sweeping up again," said, Debby Hoey, staff attorney for the Food Law Project. "Hunger plays a key role in that." In three areas—Bedford-Stuyvesant and For Greene in Brooklyn and Flushing in Queens—infant mortality rates were higher in 1982 than at any time since 1974.

Lou Dehavenon, a medical and urban anthropologist for the East Harlem Interfaith Welfare Committee, surveyed 285 people who came to the agency on a given day. Of those, 69 had not had anything to eat or drink for a day, 10 had not for two days, 61 had only had water the day they came in, and 81 had only had some other liquid—coffee, tea, milk or soda—that day. Only 64 had consumed solid food and a liquid the day they came for help.

Nancy Amidei, director of the Food Research Action Center in Washington, D.C., sees the causes of hunger as threefold: "Poverty is up, eligibility for federal programs is down, and those who do get help get too little."

Last year, the poverty rate nationally was 14%—higher than at any time since 1967—and experts predict it will increase this year. Some 32 million Americans are poverty-stricken, according to federal standards. (A working family of three is considered poor if its annual income is $7,760 or below.) One out of five children lives in a poverty household. Another 12 million people have "near poor" incomes just above the poverty line.

"In terms of food, America is what OPEC is to oil," Amidei said. "Hunger is particularly inexcusable, because in 1967, when we discovered starving children, Congress responded by introducing food stamps. By 1977, we had evidence that those programs had made a difference. But now, with the poverty rate higher than since the late '60s, instead of letting those programs grow to meet the need, Congress and the President have been busy cutting them back."

In New York City, almost all the federal food-assistance programs—child-care feeding, school lunch, summer feeding programs, food stamps and nutrition programs for senior citizens—are serving fewer people because of budget cuts. And even before the cuts, those served were a fraction of those eligible.

The Women, Infants and Children (WIC) feeding program, hailed as highly successful in providing prenatal and postnatal nutrition and preventing infant deaths and birth defects, is serving only one-third of those who are eligible, with long waiting lists.

Amidei, who has worked on hunger issues since the 1960s, tells of other symptoms that have recently reappeared throughout the country. "There are cases of babies with water intoxication because they're getting sugar water instead of milk, and babies who are three or four months old are showing up at hospitals weighing less than they did at birth."

Among the hardest hit has been the food-stamp program. Each year since 1981 has brought a new round of cuts, eliminating thousands in the city from the program and reducing benefits for the remaining caseload. Nationally, more than $3 billion has been cut from food stamps since 1981, and President Reagan is proposing another $1-billion cut for next year.

In 1982, New York City lost $70 million in food stamps because of stricter eligibility requirements. The number of people—mostly the working poor—receiving food stamps here dropped by 56,376 from January 1982 to January 1983.

The average disbursement to those on food stamps is 45 cents per meal, and some of the elderly and disabled get only 10 cents per meal. In New York, some 300,000 senior citizens live below the poverty level.

The dilemma is causing people to make tough choices, including one that is known as "the heat or eat" syndrome. Because the welfare rent grant has remained the same since 1976—$218 a month for a family of four—people are forced to use their basic clothing, food and transportation grant to supplement rent. Food stamps, originally meant to be a subsidy to the basic grant, are in fact becoming the food mainstay in many households.

Local programs such as the Food and Hunger Hotline, which funnels emergency food to the hungry, report an upsurge in calls for help. In the first three months of this year, the Hotline received 1,400 calls, nearly twice the usual number.

Workers say that the city bureaucracy and unreasonable regulations cause most of the cries for emergency food. "The person

with the attitude that there are enough programs around to take care of people is making the incredibly grandiose assumption that these programs work right and that they are reaching all those who are eligible," said Allen Kahan, Hotline coordinator. Added director Donna Lawrence: "The whole emphasis on the part of the federal and city governments is on fraud prevention, with the result that legitimate claims are being denied or delayed."

In an overzealous attempt to cut down on fraud, they say, the city has actually imposed regulations that are stricter than those of the federal government. Kahan and Lawrence tell story after story of having to intervene when unreasonable delays and strict rules prevent people from getting their food stamps, including a teenager who was thrown out of the house in the middle of the night by her parents. The girl had no money, and when she applied for food stamps, city workers told her she had to have two pieces of identification. The girl said she couldn't go back home to get proof because her father would beat her. Her case was denied.

In another case, a homebound 92-year-old woman could not get food stamps because the city forgot to send her photo identification, Kahan said, and the Hotline had to tide her over with food for a couple of weeks.

The city's Human Resources Administration is proud that it has vigorously dealt with food-stamp fraud, cutting the error rate from 25% in 1979 to 13% last year. But one-fourth of last year's errors were in underpayments to the legitimately eligible.

In 1980, a federal outreach program to inform people about food stamps was eliminated. But the city, using state funds, recently started its own information program. Still, anti-hunger workers said in a recent Mailgram to HRA Commissioner Jack Krauskopf that, despite thousands of inquiries and applications generated by the new program, the food-stamp caseload has not increased.

In the past two months, antihunger groups have formed a Coalition Against Hunger to make hunger a priority in the city government. Specifically, the coalition is asking for a citywide food office and city support for a food bank, which is scheduled to open in July, and aid for private soup kitchens. The food bank would collect donations from companies, retailers and wholesalers and distribute up to 10,000 pounds of food a day to feeding programs.

A private organization called City Harvest has begun distributing surplus food donated by various restaurants and companies to the hungry.

City Council President Carol Bellamy, who recently hired a staffer to deal with hunger issues, believes that the mayor's office should get involved. "There needs to be some coordination of anti-hunger work," she said. And City Councilwoman Ruth Messinger, whose office did a study on city food policy, calls hunger here "a disaster" and believes a citywide office is essential.

Those who work in feeding programs believe that they are merely offering Band-Aid treatment for ravages cause by federal cutbacks and unemployment. "There's just so much volunteers can do, just so many benefits the wealthy will throw for hunger causes," said Kathy Goldman of the Community Food Resource Center.

It is the first day of operation for a soup kitchen at PS 66 on E. 88th Street, and you can see poverty on unshaven faces, in hollow eyes and the swollen ankles of the old. The elderly stand in line with walkers and canes. Mothers carry babies.

Ivy Cruz has walked 25 blocks with her four children to get supper. Coaxing a stringbean into the mouth of her year-old son, she tells what various feeding programs mean to her. "We get $164 a month for food stamps," she said. "I buy potatoes and rice by the 10-pound bag, I buy the dented cans that are cheaper, and day-old bread. We still run short. Believe it or not, there are still people starving in New York City. No one should be starving with all the money that's here.

"Sometimes," she sighed, "it doesn't seem worth the effort. Myself I don't care about. But the children need to eat a good, hot meal."●

BILL MILLER INTERRED TODAY AT ARLINGTON NATIONAL CEMETERY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. KEMP. Mr Speaker, America, and especially western New York, lost a beloved friend and a great leader with the passing of former Congressman and Vice-Presidential candidate William "Bill" Miller on June 24.

Bill represented western New York in Congress from 1951 to 1965, and all the people of our area know how well he served their interests and contributed to our community. Bill was well known and highly regarded as a dedicated public servant, first as Niagara County district attorney and Congressman, and later in the broader roles of chairman of the Republican National Committee and Republican Vice-Presidential candidate in 1964.

As the Buffalo News noted:

The devastating defeat of the Goldwater-Miller ticket might have embittered a lesser man, but Mr. Miller emerged from that loss with aplomb and good humor.

The Republican Party could not ask for a more loyal and respected individual to carry the Republican banner, and the Goldwater-Miller ticket was one that ran with dignity and lost with honor, and indeed carried conservative ideas and patriotic principles to a level that helped advance this cause to victory in 1980.

Bill's devotion to his public role was great, but those of us who knew Bill know that his greatest devotion was to his God, his family, and his country. Bill was a great family man and a devout Catholic, and his priorities were always with his family and friends.

I attended Bill's funeral at St. John the Baptist Church in Lockport yesterday, and was moved by the eulogy of Senator BARRY GOLDWATER, his friend and running mate in 1964. To those who might ask if Bill Miller served well during his life, Senator GOLDWATER answered, "Yes, and with love and devotion."

Bill's wife Stephanie, his children Bill, Stephanie, Mary Karen, and Libby, all contributed beautifully to the Mass of the Resurrection celebrated by Rev. John Duggan. Our prayers and thoughts go out to them at this time. Edgar Guest's poem "Courage" is a fitting tribute to Bill:

Courage was never designed for show,
It isn't a thing that can come and go;
It's written in victory or defeat
And every trial a man may meet.
It's part of his hours, his days and his years,
Back of his smiles and behind his tears.
Courage is more than a daring deed;
It's the breath of life and a strong man's creed.

Joanne and I count ourselves lucky to be able to count Bill and Stephanie Miller and their beaufiful family among our friends. The American people owe him a great debt of gratitude, and we will miss his humor, his wisdom, his warmth, and his devotion to our country tremendously. Bill leaves a big legacy to his family, his community, his country, and to those of us in Congress and public service who face the task of carrying on the ideals for which he fought the good fight.

Mr. Speaker, Bill Miller was honored further today as he was interred at Arlington National Cemetery. I ask all my colleagues to join me in remembering the life and contributions of this wonderful friend.●

POPULATION CONTROL: PROGRESS, BUT NOT ENOUGH

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1982

● Mr. PRITCHARD. Mr. Speaker, I commend to my colleagues the following article by United Nations' Under Secretary General Rafael Salas, the Executive Director of the United Nations Fund for Population Activities, discussing the still startling problems the world faces if rampant population growth is not adequately checked. Ninety percent of the growth in population between now and the year 2000 will occur in the developing world. These developing nations are the least able to cope with a burgeoning population. Fortunately, an increasing number of these nations have recognized their overpopulation problem and have resolved to seek humane and effective solutions. Mr. Salas' article gives us a report on how far we have come in this struggle and how far we have yet to go in helping developing nations become self-sufficient and provide their citizens with a better quality of life. I urge my colleagues to read

Mr. Salas' article as printed in the International Herald-Tribune.

The article follows:

POPULATION CONTROL: PROGRESS, BUT NOT ENOUGH

(By Rafael M. Salas)

NEW YORK.—Largely unnoticed, two revolutionary changes have taken place over the last few years: World population growth is slowing; and virtually every developing country now has a specific population policy.

These changes have occurred because of Western initiatives—primarily American proposals—that resulted in the channeling of more than $1 billion over the last decade into programs for family planning, problems of urbanization and migration, aging, women's education and child care. Population is one of the few areas where Western development aid not only has produced tangible successes but also has generated an unusual self-help ethic among the countries of the Third World: For every $1 now contributed by the West for population programs, the developing countries put in $4.

But while the world annual population growth rate has dropped from 1.9 percent to 1.7 percent over the last five years, the rate is still higher than the figure of 30 years ago. And the figures remain startling: In about three years, world population will grow by about 240 million—slightly more than the current population of the United States—and in 33 years, the world's population will have doubled if present trends continue.

Of the world's current population of 4.6 billion, a quarter lives in what both the World Bank and the United Nations say are conditions of "absolute poverty," and many more face acute deprivation. Yet the fastest population growth is in those places where food, housing, sanitation and economic opportunities are in the shortest supply. UN studies show that at least 700 million people are malnourished—and this figure is likely to grow despite breakthroughs in agriculture.

Despite this continuing specter, the efforts of the richer countries seem to be slackening. The Brandt report two years ago pointed out that financial assistance from the West for population control was declining in real terms.

At the United Nations, we are now sifting through the last decade's experiences in population matters to formulate a new plan of action for world population control. Our recommendations and proposals will be presented in August 1984 at an international conference in Mexico City.

One of the starting points for the conference will be fertility and family size. Studies in developing countries indicate that many women have larger families than they would like, but in the countries surveyed, women still want an average of three to five children. This is fewer than a decade ago, but a long way from the stabilization point of slightly more than two children per family.

There still a large gap between population objectives and individual desires. How to reconcile the two, while respecting cultural values, is the question many governments face.

The answer lies beyond the conventional approaches to family planning. Individual preferences on family size generally change only when economic and social conditions allow such change. Education and jobs for women are vital: They give young women a choice other than marriage or expanding their family. In China and Sri Lanka, women go from school to university or a job and typically marry in their 20's. In Nepal and Kenya, girls commonly receive less schooling than boys, are not encouraged to work outside the home and often marry near the age of puberty. Families in China and Sri Lanka are among the smallest in the developing world; those in Nepal and Kenya are among the largest.

Another important issue for the Mexico City conference will be internal migration. Vast numbers of people have left the countryside only to find that resources in the cities are scarcely sufficient to support life. The answer may be to stimulate rural development and to pursue alternative forms of urban development.

International migration also poses difficult problems. Many thousands of people have crossed political borders illegally in search of work. An international accord is needed to protect their rights and establish the responsibilities of the countries they leave and those that receive them.

High mortality, especially infant mortality, is one of the characteristics of underdevelopment. One of the distinguishing marks of a successful population policy is a fall in the number of infant deaths, as health care improves. And experience has confirmed that women have fewer children when they know that those they have are more likely to survive.

Meanwhile, both developed and developing countries are seeing a great increase in the number of elderly people. This is a welcome sign of increasing life expectancy, but it raises problems of its own. Traditionally, old people were looked after within the family, but this becomes more difficult in today's changing world.

The last question is the balance between population, resources and the environment. The greatest consumption of resources and the greatest threat to a stable ecological system occur in countries where population growth is slow or static. Yet a growing population can severely strain the environment that supports it. This process can be seen most dramatically in the hills of Nepal, where a whole landscape, intensively cultivated and stripped of tree cover, is in the process of collapse.

Smaller families are not the solution to every social problem. Nor is it possible to establish the smaller family as the norm without considerable social change. But by bringing down average family size, there is a better chance that overall development efforts will succeed.●

A CASE STUDY IN THE PERILS OF INDUSTRIAL POLICY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. SHUMWAY. Mr. Speaker, the Banking Committee's Economic Stabilization Subcommittee, on which I serve, is currently in the midst of an extensive series of hearings on industrial policy.

The idea of industrial policy as a means of improving U.S. economic performance is now highly popular; the concept, however, is decidedly vague and ill-defined. It is, in fact, the very generality of the industrial policy debate which assures that the issue is so attractive to so many. Some focus on making existing Federal policy more coherent; others want to promote the "sunrise" sector and ease the economic transition thereto; still others are concerned with the survival of "smokestack" America. Running throughout, however, is the classic political and economic debate: reliance on the free market versus greater government intervention in the economy.

Proponents believe, by and large, that the economic success of our trading partners can be traced primarily to effective industrial policies. In particular, Japan is widely viewed as a nation where government, management, and labor have achieved a unique political and economic compact which leads to industrial targeting, credit allocation, job security, and unparalleled productivity. If imitation is the highest form of flattery, the administration's proposal for a Department of Trade and Industry can, in this context, perhaps best be seen as an American MITI.

Whether Japanese industrial policy is as comprehensive or effective as popularly portrayed, of course, is open to serious question. Today the subcommittee held its first hearing specifically on this issue, and foreign industrial policies generally. In this regard, I would like to commend to the attention of our colleagues a timely editorial which appeared in yesterday's Wall Street Journal. According to Kim Kihwan, president of the Korean Development Institute, it appears, based on the Korean experience, "best not to overrate the government's ability to implement a targeted national industrial policy that will produce better results than those yielded by the efficient operation of the free market."

The full text follows.

A CASE STUDY IN THE PERILS OF INDUSTRIAL POLICY

(By Kim Kihwan)

South Korea's industrial policy has often been pointed out as a successful example of a targeted national policy. Especially during the 1970's, the government played a central role in allocating resources in order to promote development of "strategic" industries. In the last two years, however, the government's view of this kind of targeting has changed considerably, and Korea is moving away from its old industrial policy toward a less active role in investment allocation. The Korean economy is now much too large and sophisticated to allow the degree of government intervention it has seen in the past.

Economic conditions in Korea in the early 1960s weren't very different from those in any resource-poor, low-income developing country today. Korea, already overpopulated, had wide unemployment and high population growth. In 1961, per capita GNP was $82, and domestic savings were negligible. Korea has no significant exports and suffered from chronic balance-of-payments deficits.

To deal with these problems the government adopted an outward-looking develop-

ment strategy which was very liberal for its time. The goal was to promote economic growth through the expansion of labor-intensive manufactured exports in which Korea had comparative advantage. Inefficient restrictions on interest rates were eliminated, the overvalued exchange rate was adjusted and tax incentives were granted for exporters to offset distortions caused by import barriers. In addition, administrative red-tape for export industries was reduced and customs procedures were simplified.

The result of these measures surpassed all expectations. Export growth in 1961-71 averaged nearly 40 percent. Propelled by this export growth, real GNP grew at an annual rate of 9.5 percent, and inflation was kept relatively low.

In the early 1970s, however, Korea's development strategy shifted significantly. Partly as a result of rising protectionism against Korea's labor-intensive manufactured exports, the government adopted a national industrial policy designed to accelerate the development of several specific industries, particularly steel, shipbuilding, machinery, electronics, nonferrous metals, power-generation equipment and petrochemicals—the so-called "strategic," or heavy and chemical industries. Although the primary purpose was one to restructure exports in favor of high value-added products, the policy was one of import substitution to the extent that it increased domestic self-sufficiency in these industries.

The strategic industries were given a wide variety of incentives, including preferential tax treatment, easy access to capital and protection against imports. Special funds and institutions were set up to channel investment into these industries, and loans were provided at favorable terms. The government pumped resources into the industries and, in the process, tampered extensively with the market mechanism through an over-valued local currency, artificially low interest rates and price controls.

To a certain extent, this policy was successful. The targeted industries achieved truly phenomenal rates of growth and led the nation to an annual average GNP growth of 10.4 percent in 1974-79. By 1982, more than half of Korea's exports came from the industries which had benefited from targeted government incentives.

This success, however, was achieved at the cost of introducing serious structural imbalances into the economy. The excessively low cost of capital, for example, led to over-investment in heavy chemical industries, while untargeted small and medium industries were unable to undertake needed investment owing to lack of access to funds.

In addition, the incentive system pushed the economy to grow rapidly, but the low interest rates on loans industries caused chronic excess demand for funds. This in turn stimulated the expansion of the domestic money supply and contributed to rapidly rising inflation. As the prices of daily necessities, produced for the most part by investment-starved small and medium industries, rose faster than the overall inflation rate, the cost of living for low-income households increased relatively more than that for high-income households.

As a result Korea's economic performance suffered, especially in 1979-80 when the country labored to recover from the triple blow of oil shock, political instability and world recession. As world trade volume dropped and Korea's export expansion slowed, the problems caused by the industrial policy became apparent. Saddled with excess capacity in the heavy and chemical industries and lack of investment in the more traditional labor-intensive sectors, Korea experienced a premature loss of competitiveness in world markets for labor-intensive light industrial goods.

The basic message from this experience is that excessive intervention in the market creates inefficiencies which eventually hurt economic performance. By creating a deep and prolonged gap between the real and the effective cost of capital in certain industries and by discriminating excessively among industries, the policies contributed to both a slowdown in export growth and adverse developments in equity and income distribution.

Changes in the last few years reflect the government's desire to rely more on the free-market allocation of resources. The policy of extending preferential access to credit and treatment in taxation to strategic industries is being phased out. In its place the government is moving toward an incentive system which is neutral with regard to firms and industries and which will allow the effective cost of capital to more accurately reflect the true cost.

Several major reforms are under way. The most important is the liberalization of the financial market.

The government has denationalized the five major commercial banks and is lifting restrictions on competition among different types of financial institutions. In addition, it is acting to increase the flow of funds to small and medium industries to correct the imbalances that arose in the late 1970s. Preferential tax programs are being revised to give more equitable treatment to different industries. The fairly complicated interest-rate structure has been simplified.

The new policies seem to be working. Korea achieved 6.4 percent growth in 1981 and 5.3 percent in 1982, in spite of the global recession. During the past two years Korea also made outstanding progress toward price stability. The inflation rate measured in wholesale prices was 2.4 percent, and in consumer prices, 4.8 percent in 1982. This year, the economy is expected to grow about 8 percent, with 1 percent to 2 percent inflation.

Korea holds some lessons for other countries considering similar incentive systems. However, the lessons may not be what some people believe them to be. In particular, for any economy which is as large or complex as Korea's, it seems best not to overrate the government's ability to implement a targeted national industrial policy that will produce better results than those yielded by the efficient operation of the free market.

U.N. FUNDS ARE FUNGIBLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PAUL. Mr. Speaker, I would like to bring the following article to the attention of my colleagues. It outlines the U.N. support for the South West African People's Organization (SWAPO), a Communist-backed guerrilla organization trying to gain control of South West Africa.

The U.N.'s sanctioning of SWAPO is but another reason to end U.S. participation in the United Nations. Under U.S. law, no funds contributed by the United States to the United Nations may be used to support SWAPO. The United States does, however, provide almost 25 percent of the total U.N. budget, and these funds are fungible. Our largess has enabled other nations to direct their more limited contributions toward the backing of terrorist organizations such as SWAPO and the PLO.

I urge my colleagues to carefully reconsider the implications of continuing to fund any of the activities of the United Nations. I hope my colleagues will join me in cosponsoring H.R. 855, a bill introduced by our colleague LARRY MCDONALD, which would end U.S. participation in the United Nations.

The article follows:

[From the Washington Inquirer, June 24, 1983]

UN BACKS SOVIET CLIENTS IN NAMIBIA

(By Daniel Quaye)

Since 1976, the United Nations has recognized the South West African People's Organization (SWAPO) as the "sole and authentic representative" of the Namibian people.

As a result, during the four years following that declaration the United Nations provided some $40 million to support that organization in its attempts to gain control of South West Africa/Namibia from South Africa.

But SWAPO's close political and military links with the Soviet Union and controversy surrounding its status as the only legitimate party have sparked criticism of the U.N. policy.

"Why has the United Nations, a self-proclaimed peace-keeping organization, decided that in some future Namibia professionals will come from the ranks of SWAPO and, in effect, train, feed, educate, clothe and give civilian training to the SWAPO guerrilla army?" asked Thomas Gulick, a Heritage Foundation policy analyst, who recently organized a United Nations assessment project study.

"What about the non-SWAPO groups in Namibia? Why do they not qualify for help from the U.N.? Why are they victims of U.N. double standards?" he asked.

Gulick said, "The U.N. and its specialized agencies have allocated a grand total of at least $40 million in aid either directly or indirectly to SWAPO for programs begun between 1977 and 1981 and for programs beginning and continuing during 1982-86."

The United Nations Development Program (UNDP) budget for 1977-81 earmarked $7.75 million for SWAPO; another $7.75 million has been recommended by UNDP officials for the 1982-86 budget, he said.

The United Nations' support is seen as a serious issue because of controversy surrounding military support SWAPO receives from the Soviet Union, and the fact that SWAPO is one of 45 parties representing Namibia's 1 million people. Many critics feel that the U.N. resolution proclaiming SWAPO the "sole authentic representative" of the Namibian people does not reflect the situation in the country today.

SWAPO representatives claim, however, that they are the dominant force in the

struggle for Namibian independence, and are entitled to U.N. support.

"It is not a matter of the U.N. liking SWAPO, but rather it is helping SWAPO because of its struggle for independence," said Hinyaneerwa Asheeke, an official of SWAPO.

But SWAPO's claim that it represents the majority of Namibians is not shared by all.

"From the United States' point of view, we don't support the fact that SWAPO is the sole representative of Namibia, and we don't participate in any way to support it," said a State Department official.

"No one knows who will speak for the Namibians until a supervised, free and fair election is held. Until that time we can't support any group, and the United States government disagrees with the fact that the U.N. supports SWAPO," the official said.

The secretary of the U.N. Council for Namibia, Yassin El-Ayouty, would not make himself available for comment on the policy. "As a world civil servant I am not supposed to grant an interview," he said.

Part of the problem is that the support SWAPO receives from the United Nations comes from many different sources.

"U.N. aid is channeled to SWAPO by the U.N. Council for Namibia in New York, which in turn funnels funding for aid projects to SWAPO through the U.N.-sponsored Institute for Namibia [based in Lusaka, Zambia]," he said.

According to Gulick, the "$183,000 spent on SWAPO's New York office in 1979 was part of the U.N. Council on Namibia budget, as are travel and subsistence expenses of SWAPO's members traveling with the council's missions, which amounted to $67,000 in 1979.

Another source of U.N. backing for SWAPO is the U.N. High Commissoner for Refugees (UNHCR). "From 1979 to 1981, the UNHCR allocated about $10 million for the Namibian refugee camps in Angola, SWAPO's main staging location for terrorist operations into Namibia," Gulick said.

On top of this, Gulick said, the United Nations Educational, Scientific and Cultural Organization (UNESCO), has a separate fund of about $4 million called "Aid to Refugees and National Liberation Movements," which is divided among the Palestine Liberation Organization, SWAPO and the two South African guerrilla groups, the African National Congress and the Pan-African Congress.

According to critics, the close connection between the United Nations and organizations such as SWAPO is suspect because of the major role the Soviet Union plays in guiding their policies.

According to Phil Nangolon, a former student of the U.N.-sponsored Institute for Namibia, he was forced to join SWAPO when he went to study at the institute.

"I had to become a member of SWAPO when I went to study at the institute. After one and a half years' membership in SWAPO, I was sent to the Soviet Union on a scholarship sponsored by the Moscow-based Afro-Asian Solidarity Committee.

"After completion of their studies, the students are recruited to work in SWAPO refugee camps in Lubango, a town located south of Angola, and Nyango, a town southwest of Zambia, or are sent to fight for SWAPO," Nangolon said.●

PROBE SHOULD BE OPEN

HON. JUDD GREGG

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GREGG. Mr. Speaker, I would like to take this opportunity to bring to the attention of Members an excellent editorial which appeared in the Waukesha Freeman, Waukesha, Wis. Clearly, the editorial summarizes the serious nature of transcript alteration which this Congress must confront. The editorial is as follows:

[From the Waukesha (Wis.) Freeman, June 27, 1983]

PROBE SHOULD BE OPEN

Someone—no one knows who—got his hands on the raw transcript of one of the many congressional hearings on the performance of the Environmental Protection Agency last spring and doctored them to make some members of Congress look good and others look foolish.

One of the members whose remarks were changed is Rep. F. James Sensenbrenner Jr., the Republican whose Ninth District includes part of Waukesha and northern Waukesha County. He's steamed, and we don't blame him.

After all, the subject of much of the EPA investigation was whether Reagan appointees to that agency had allowed political considerations to influence decisions affecting the environment. It was charged that Anne Gorsuch Burford and others (remember that cast of characters?) had ignored chemically contaminated land around the country because of corporate favoritism and, in the process, had callously endangered the health and safety of citizens.

Yet to purposely change the public record of congressmen and witnesses testifying before congressional committees is no less a form of pollution. To the extent that it diminishes public confidence in the accuracy of the records of government, the practice strikes at the integrity of government itself.

This is no mere analogy. Doctoring official transcripts to distort the remarks of political foes, perhaps for later use at election time, is a form of contamination. Whoever did it is no better than Burford, and in some ways worse. It is more difficult to restore credibility to government, as the nation learned after Watergate, than it is to clean up poison from the landscape.

Sensenbrenner asked for an open investigation by the House Science and Technology Subcommittee whose members heard the testimony that was later changed. But last Thursday that request was turned down and the matter was referred to the House Ethics Committee.

The problem with that is that the whole thing will probably die in that committee. For one thing, the Ethics Committee does not hold public hearings. The five or six Republican members whose remarks were altered will not be allowed to confront witnesses, nor will they be allowed to examine any evidence gathered by the committee. Worst of all, if the culprit (as it is now thought) is no longer working on the staff of any congressman, the Ethics Committee will have no jurisdiction over him or her. They have no punitive powers beyond the ability to hound a miscreant into resigning.

Yet this is a criminal matter. As offended as the congressmen are their constituents and the voting public at large.

This is properly a matter for the Justice Department. Any investigation ought to be able to lead to criminal charges and conviction if the message is to be made clear that the people will no more accept the pollution of the public record than they would the contamination of their drinking water.●

GOVERNMENT SURPLUS FOOD

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. HALL of Ohio. Mr. Speaker, on March 24, 1983, President Reagan signed into law the jobs bill, which contained a provision authorizing the Agriculture Department to distribute Government surplus food to needy people.

This added to the existing Agriculture Department giveaway program started December 1981, which distributed almost 300 million pounds of butter and cheese between December 1982 and February 1983.

However, last month the Agriculture Department announced it would soon cut by more than half the monthly amount of cheese it would distribute and would also reduce butter allocations.

This decision was made in the face of rising stockpiles of surplus food and an increase in the number of Americans living below the poverty line.

The Department of Agriculture has provided me with figures which show that the amount of surplus nonfat powdered milk has more than doubled from 447.9 million pounds at the end of fiscal 1979 to 1.2 billion pounds at the end of fiscal 1982. The amount of surplus cheese in Government warehouses has increased from under 50,000 pounds to 825.1 million pounds during the same period—an increase of over 16 times. The supply of butter has gone from 147.1 million pounds to 402.7 million pounds.

By the end of 1983, it is estimated that Government surplus stocks will total 715 million pounds of butter, 1.1 billion pounds of cheese, and a whopping 1.8 billion pounds of milk.

Keep in mind that these figures are only for uncommitted, or surplus commodities, and do not count the food which has been earmarked for domestic and foreign sales or relief programs required by law.

These numbers represent a pattern of shame while so many people go hungry.

The rate of hunger and malnutrition, particularly among children, is growing at an alarming rate, yet our storehouses are fat with milk, cheese, and butter.

In 1979, 26 million people were at or below the poverty level. This number increased to 30 million in 1980, and rose again to 32 million in 1981. Today, the number of people in America living at or below the poverty level is estimated to be 44 million. All risk malnutrition.

This represents an increase of 69 percent of poor Americans in just 5 years.

At this same time, we continue to spend millions of dollars every year just to store surplus food, even though we cannot give it out before it spoils. This kind of waste is the bureaucratic nightmare at its worst.

The Government spends more than $1 million a day just to store this food.

According to the General Accounting Office, some of the butter is over 5 years old, and some cheese and nonfat dry milk is between 2 and 3 years old.

The dairy products are purchased under the law by the Commodity Credit Corporation (CCC) directly from the farmers in an effort to maintain dairy price support. However, only until recently, as prices dropped unusually low and stocks skyrocketed, has much thought been given to how to get rid of the growing surpluses.

Government dairy stocks are kept in a system of about 600 privately owned warehouses nationwide. They are stored mostly in 500-pound drums of cheddar granules, 40-pound bricks of cheddar cheese, 68-pound blocks of butter, or 50-pound bags of powdered milk.

Let me make clear that I am suggesting nothing new. In the past, we have given away large quantities of food—sometimes more than we are today. In fiscal 1982, the Agriculture Department disposed of 530 million pounds of nonfat dry milk. This is less than the total amount of milk sold or given away in 1963, when 771 million pounds were disposed of.

The amount of butter and cheese distributed during this period was not substantially lower than today when taking into consideration the huge surpluses which have developed.

For example, in 1962, 200 million pounds of cheese were donated to domestic programs; 154 million pounds to the school lunch program alone. But in 1981, only 148 million pounds of cheese went to all our domestic programs.

In 1963, 169 million pounds of butter were shipped out of Government warehouses. In 1981, only 71 million pounds were disposed of.

The laws authorizing the Agriculture Department to sell and give away surplus commodities have changed little in 20 years. But a willingness to feed our people has.

The cheese and butter giveaway was one answer. The emergency food provision of the jobs bill was an extension of that answer.

However, that provision expires at the end of September, and additional legislation is needed to extend the program.

The Emergency Food Assistance and Commodity Distribution Act, which was recently passed by the House requires the Agriculture Department to distribute Government-owned surplus food to food banks and other emergency feeding centers. It also authorizes funds to assist local food relief organizations with some of the burdensome administrative costs of the program.

It continues and expands for 2 years the food distribution efforts created under the jobs bill. I was an original cosponsor of this bill.

Unfortunately, the companion bill in the Senate, which has passed the Senate Agriculture Committee, has not been scheduled for action by the full Senate.

Time is an important factor. Many Americans are hungry. The Senate must move quickly to respond to the House-passed measure and approve a program which will get our food out of the warehouse and into the mouths of the needy.

I fully intend to work to free the logjam and get this legislation moving.

Hunger is not a problem of the past. Nor is it a problem confined to isolated spots in the country. Hunger is here, today, in the United States. It is in the heart of our cities and in our towns. It is growing.

Unless Federal, State, and local governments join with private relief agencies in a united fight against hunger in America, we will witness a greater increase of its symptoms, malnutrition and disease.

In my district, the Dayton area, the Montgomery County Hunger Coalition offers a 3-day emergency food ration. During the first quarter of 1982, 10,314 applicants received assistance. One year later, this number more than doubled to 25,547.

In addition, the coalition has found it necessary to expand the program to provide additional food to recipients unable to feed themselves once the 3-day food supply had been exhausted.

Montgomery County is fortunate to have one of the most extensive systems of food relief agencies for an area of its size, including about 35 food pantries serving the needy. Many of these pantries as well as other nonprofit food distribution programs in the area are coordinated by the Emergency Resource Bank, on which I serve as a board member.

But even with our network, food is not easy to come by. Moreover, the cost of operating the system, even with volunteer assistance, remains high. The Hunger Task Force in Columbus, Ohio, which distributed 185,000 pounds of cheese, has been forced to quit primarily because of the expense and staff time required.

Therefore, I am particularly pleased that the recently passed House legislation provides financial assistance for storing, transporting, and processing food, in addition to just allowing the food to be distributed.

I first became involved in food issues when I led the fight in the House to restore nutritional requirements to the school lunch program after the Agriculture Department came out with regulations allowing catsup as a vegetable. I learned the effect of hunger and malnutrition, not just on individuals, but whole classes of people and our entire society.

Later, when I sponsored a luncheon for Congressmen featuring only food which was salvaged, or would have been discarded, I became aware of the tremendous amount of food wasted by private storage and transportation facilities, and the vast number of hungry people who could benefit from that food.

Now, I would like to do something about the food that the Government holds—at great expense to the American people—which will be wasted unless we do something about it.

There is no excuse to maintain such large stockpiles of food. We can get it to food banks and distribution centers like the Emergency Resource Bank. We can deliver it to the needy in Dayton, or any other city. We pay too great a price not to.●

THOSE WHO WOULD DISARM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, conservatives rarely find much to recommend the Washington Post—particularly its editorial pages—but the cost of an entire year's subscription is an indisputable bargain in exchange for the gem of a commentary by Aleksandr Solzhenitsyn on this morning's op ed page.

Mr. Solzhenitsyn's analysis of the nuclear disarmament movement is so perceptive and so compelling that it should be read by all Members of Congress, in the hopes that those misguided souls who, despite their commendable intentions, give encouragement to adversaries of the United States.

It is lamentable that prior to voting on the nuclear freeze resolution my colleagues could not have benefited from Mr. Solzhenitsyn's observation that the impetus behind this movement finds fertile ground in the "general confusion of minds in the West." I submit, as did others of my colleagues, that general confusion resides in the minds of many who assume that Soviet intentions are benign.

Mr. Solzhenitsyn, in my view, properly points out that this confusion results from "a veil of lies." He states:

There is nevertheless, such a veil of lies—and not in the East, where it is understandable and real—but a veil of lies here in the West, which results in the fact that the majority of the Western population, catastrophically, does not understand the situation of things in the world. And this is manifested not only in the nuclear movements. One sees it at every step.

He succinctly concludes that "this results in a low level of thinking capability."

What we need to ponder, Mr. Speaker, is Solzhenitsyn's ultimate question, which even the Post saw fit to highlight: They are protesting against nuclear weapons. But are they prepared to defend their homeland with nonnuclear weapons?

Solzhenitsyn concludes they are not. I am optimistic that through efforts such as his, such confusion will be dispelled.

Mr. Speaker, I submit the article from the Post to be inserted in the RECORD.

[From the Washington Post, June 28, 1983]

THOSE WHO WOULD DISARM

(By Alexandr Solzhenitsyn)

Q: Since Mr. Andropov came to power, there has been quite considerable exchange of rhetoric on the arms race, and throughout Western Europe during the past year or two there has been an upsurge in popular nuclear disarmament movements. What do you have to say to young people, the women of Britain's peace camps, and so on, about the issue of nuclear disarmament?

A: This problem is extremely complex and has a number of separate aspects. A feeling of disgust toward nuclear weapons is quite a normal one for every person, and I would not dare condemn any person on Earth for their disgust for nuclear weapons.

But we must also remember the origins of nuclear weaponry. We must remember that it was first invented in the West and first deployed in the West. It was used first by a very prosperous country which was winning even without those weapons. So as not to lose a hundred thousand of its own soldiers to complete the war with Japan, some 150,000 civilians were killed.

This choice is horrible in itself. I think that a disgust for nuclear weapons, and an even more forceful one than we see today, should have appeared among young people in the West—I say the West because they have the right of free speech—this disgust generally should have appeared in public opinion 40 years ago. But public opinion grabbed hold of the concept of the nuclear umbrella, and the public opinion of that time considered itself to be quite safe and comfortable under this nuclear umbrella. And this is the concept of the '40s—that the use of nuclear weapons is a moral one.

And it was shortsighted and foolish to assume that the West would always be the only possessor of nuclear arms. In the 1940s nobody would have believed that there would come a time when the Soviet Union would be even better armed in this respect. Admittedly, there was a very rational Baruch Plan at the time, and if, at that time, it had been possible to inaugurate a real control of nuclear arms, then, really, humanity would have escaped this threat. But the Baruch Plan was not realizable with the presence of Stalin and the communist camp to reckon with. It was naive and unrealistic to assume that the Soviet Union would not enter into competition in the arms race. This is the first aspect I wish to stress.

The second aspect: the contemporary Western movements for unilateral nuclear disarmament is only one manifestation of the general confusion of minds in the West. And I find this surprising when you take into account the full freedom of information, full freedom of expression. There is, nevertheless, such a veil of lies—and not in the East, where it is understandable and real—but a veil of lies here in the West, which results in the fact that the majority of the Western population, catastrophically, does not understand the situation of things in the world. And this is manifested not only in the nuclear movements. One sees it at every step.

Therefore, we in the East live with our eyes bound, and it's understandable that the East does not see what is going on. But the West, which has access to everything, also lives with its eyes closed. And this blindness, of course, is manifested most among young people, who tend to substitute real experience of life with ideas which they've simply encountered, who have not had the time to acquire experience of their own.

And yet they have been brought up in your free schools. They read your free press. Why, then, do they know so little? Whose generation is this? It's not a generation of communism. They do not have the criteria of distinguishing absolute Good from absolute Evil. They've been brought up even to regard these words as unacceptable—that one doesn't speak of good or speak of evil.

For instance, I know of one occasion when a student in an American university started arguing that one author had very wrong ideas, to which her professor responded by laughing merrily and said, "Do you really believe that there are such things as correct and wrong ideas?"

Western youth has absolutely no conception of what communism is. Its consciousness was confused, and this results in a low level of thinking capability. They don't even pause to ask themselves, "Why is it that in the Soviet Union they have protests against Western nuclear arms but not against their own?" I don't know . . . do your people photograph their own demonstrations? If they do, I think they will look back on those photos soon and weep.

These young people are protesting against nuclear arms. But are they prepared to defend their homeland with non-nuclear weapons? No, they're not. They are against any kind of struggle at all. They just want to give up altogether. They feel their carefree existence will go on forever. They believe Bertrand Russell, that it's better to be Red than dead. But I must say that here even Bertrand Russell was mentally lacking. He saw an alternative, where there is none in fact. There is no such alternative—because to be Red means to become dead, gradually. So there is no alternative. This is the second aspect of the question.

And now the third: Also the means and the Soviet money involved in the organization of these demonstrations. Having devoted my life to the study of Soviet communism, I really don't need any proof of this anymore. I didn't even need to hear about this Danish journalist who was passing on Soviet money for the demonstrations. When Lenin appeared in Russia in April 1917 and immediately became the recipient of German money by various underhand means, the entire transition from the February to the October Revolution was carried out with the aid of money, foreign money, because no other socialist party would have been able to publish to the extent that the communists did. And I have definite personal proof how Lenin and Trotsky organized payments in Petrograd for participation in demonstrations. And such a movement for "peace" was promulgated by Stalin in the late '40s while he did not have nuclear arms.

And the same money exchanged hands. All excellent conditions were created for those who would travel to congresses. I don't want to say that all these people have been bought, bribed, or are without conscience. They just see an excellent opportunity, as it were, to express their opinions. And the situation is the same, Soviet participation in today's European demonstrations is the same, and the degree of the participants' unawareness is the same.

Thus, to summarize the answer to your question: today's anti-nuclear demonstrations in Europe are a combination of 1) healthy feeling of human nature; 2) disinformation in Western society, especially among the youth; and 3) excellent Soviet organization.●

FREEZE CAMPAIGN ON MX

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I rise today to ask that the following remarks, provided by the nuclear weapons freeze campaign, be inserted in the RECORD:

The overriding objective of the nuclear weapons freeze campaign is a United States-Soviet freeze on the testing, production, and deployment of nuclear weapons. Consistent with this arm we consider the development and deployment of any new nuclear weapons such as the MX or its Soviet counterpart a dangerous escalation of the nuclear arms race, leaving both nations less instead of more secure and decreasing the prospects for a mutual freeze.

The campaign finds the so called arms-control rationale for congressional funding of the MX missile system, following the recommendations of the Scowcroft Commission and vague Presidential promises of greater "flexibility" in negotiations, to be directly antithetical to the complete halt of the United States-Soviet nuclear arms race which is our goal.●

TEN-YEAR CLASS REUNION OF GLEN COVE HIGH SCHOOL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MRAZEK. Mr. Speaker, I take this opportunity to bring a very special event to your attention. On July 3, the class of 1973 of the Glen Cove High School will gather to celebrate its 10-year class reunion. I would like to express my appreciation to Frank Venturino and John Alexander, cochairmen of the reunion 1973 committee for making this important and memorable occasion possible.

In light of recent reports of a "rising tide of mediocrity" in public education, it is particularly fitting that the class of 1973 has reconvened to celebrate and remember the remarkable educational experience they received. This occasion serves not only to recognize the excellent level of instruction provided by the staff of the Glen Cove school system, but to reaffirm those friendships and ties forged 10 years ago.

By remembering the special educational experience which they were afforded a decade ago, the class of 1973 holds open the possibility that quality education will once again be restored in this Nation. The accomplishments of the graduates of Glen Cove High School represent an important example for their own children and for the thousands of future graduates of the Glen Cove school system.

Let us not forget the importance of maintaining and rekindling the bonds of friendship which were forged among the graduates 10 years ago. Many of the alumni of the class of 1973 have traveled hundreds of miles to attend this reunion. If this occasion serves to reaffirm the cooperative working spirit embodied in the class of 1973, the trip will have been worthwhile.

Mr. Speaker, I salute the class of 1973 on this special occasion and wish them continued happiness and success. I commend the staff of the Glen Cove school system which made this collective experience possible. And I thank Mr. Venturino and Mr. Alexander once again for making this event a reality.●

THE 36TH ANNIVERSARY OF WKOX

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FRANK. Mr. Speaker, this July 3 marks the 36th year of operation of WKOX 1109, a news and entertainment radio station serving the Natick/Framingham area in Massachusetts, a portion of which I represent. During these years, WKOX has served the community well with its particular emphasis on local, national, and international news coverage. WKOX's lively morning talk shows and its music and entertainment programing have an enthusiastic following.

I take this opportunity to commend WKOX and its first-rate staff for its welcome contribution to the WKOX listening audience. Radio stations such as this one have become bulwarks in the community and, on occasions such as this, are deserving of the kind of special recognition that mention in the CONGRESSIONAL RECORD affords them. Congratulations to WKOX for its 36 years of service to the community with news, information, and entertainment.●

THE CONGRESSIONAL FELLOWSHIP PROGRAM OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION (APSA)

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, on this the 30th anniversary of the Congressional Fellowship Program of the American Political Science Association, I would like to recognize the important contributions this program has made to the Congress and to the American people.

APSA began this program in 1953 with six fellows. The program has expanded to currently include almost 50 men and women each year. In addition to American political scientists, the fellows include political scientists from West Germany and Southeast Asia, Federal executives, journalists, and six Robert Wood Johnson Foundation health policy fellows selected from academic health centers in the United States.

The health policy fellowship has been part of the APSA program for 10 years. The fellows have worked as legislative aids, special assistants on health matters, and as staff members of the health committees and subcommittees in both the House and Senate where they have had a significant impact on health policy and legislation.

I have been fortunate to participate in the program during the 93d, 96th, and 98th Congresses. The fellows provide expertise in their areas of interest which would not otherwise be available to a congressional office. Upon completion of the year on Capitol Hill, which often includes experience in both the House and Senate, the fellows return to their previous employment where their understanding of the political process becomes integrated and disseminated, with a kind of ripple effect, among their colleagues. This knowledge of the workings of government clearly enhances their future participation in the democratic process.

Many of the fellows have later returned to public service as government officials and Members of Congress. While this is not the goal of the program, it is an indication of the mutual value and cross-stimulation which often results from exposure to the Congress. I encourage my colleagues to take advantage of the opportunity to enrich their office staffs by participation in the APSA congressional fellowship program, as I have done, and wish the program well on its 30th birthday.●

EDUCATION AMENDMENTS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GREEN. Mr. Speaker, in 1972, Congress passed title IX of the education amendments prohibiting sex discrimination in education programs. Title IX covers virtually all areas of student life: admissions, financial aid, academic programs, health services, extracurricular activities, testing, and counseling. Schools at all levels are covered from preschools to graduate schools. The legislative intent of Congress was to remedy the gender-based disparities in opportunities available to students. It is a law that has made a difference. Prior to 1972, females were reluctant to enter vocational education programs despite the fact that such training led to high-paying jobs. By 1980, the percentage of female students in federally funded agriculture, technical, trade, and industrial programs had risen from 8 percent in 1972 to 30 percent. The academic world has also seen significantly increased numbers of women continuing their education and obtaining advanced degrees. In 1980, women earned half of all the masters degrees awarded.

Now title IX is being threatened. The scope of its applicability is slowly being reduced and diluted. Though legislation interpreting title IX to mean that compliance can be program specific has not been reintroduced in this Congress, there have been several court rulings narrowing the application of title IX in the same manner. In the past 2 years, two courts have interpreted the Supreme Court decision of 1974 involving title IX to mean that the ban on discrimination applies only to specific programs in universities receiving Federal aid, rather than to the entire institution if any part of it re-

ceives Federal aid. The Justice Department decided not to appeal these cases and promptly drew up guidelines for the Education Department reflecting this interpretation.

Most recently I participated in a press conference with my colleague, the gentlewoman from Rhode Island, expressing our concerns over what we see as an attempt to subvert the original intent of the law. We expressed our commitment to title IX by reaffirming our support for the enforcement of title IX as it was meant when passed by Congress. I have cosponsored Representative SCHNEIDER's House Resolution 190, reiterating congressional intent to make coverage of title IX as broad as possible, and would urge my colleagues to do the same.●

RICH SCHOOLS GETTING RICHER IN COMPUTERS—STARK BILLS WOULD HELP BRING EQUALITY IN COMPUTER EDUCATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. STARK. Mr. Speaker, the pressing need for the Computer Contribution Act of 1983 is exemplified in Newark, N.J. The difference in computer availability for students between the rich districts and the poor districts is extreme. While richer suburban schools are filled with computers, some poorer schools are lucky to have any computers at all. Newark's situation was outlined in an excellent article in the New York Times, June 24, entitled "Rich Schools Getting Richer in Computers."

I do not believe that the problem of funding computer education faced by Newark is unique. Nor do I believe that this is just an urban problem. Many rural schools do not have the resources needed to provide their students with training in computers.

It has become virtually axiomatic that computer training is essential for our youth. Yet, many schools cannot get the computers. Quoting from the Times article:

> Federal and State grants are likely to be limited, if available at all. And Newark school officials say they have had little luck when they approached major computer companies such as Apple, Radio Shack, and I.B.M. for help. All volunteered lecturers, but not the costly equipment that Newark schools need so badly.

Through tax expenditures, our legislation, H.R. 701 and H.R. 3098, will help put computers in the schools. Similar legislation in California is already putting thousands of computers in schools. We have an opportunity to help put computers in schools across the country.

The language of the computer bills is drafted to take lower income schools into account. The bills require a plan of giving that insures contributions throughout a cross section of the Nation, not just to rich schools. For example, H.R. 701 says in section B(ii):

> The contribution is made pursuant to a written plan of the taxpayer which shall seek to prevent undue concentrations of the taxpayer's contributions of computer equipment from the geographic standpoint or from the standpoint of the relative economic status of the donees' students.

Mr. Speaker, the computer bills H.R. 701 and H.R. 3098 are not going to eliminate the differences between rich schools and poor schools. But they will help provide many students with a chance. And is that not what America is about, being given a chance?●

TITLE IX OF THE EDUCATION AMENDMENT OF 1972

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Ms. KAPTUR. Mr. Speaker, we are witnessing an assault on title IX of the Education Amendments of 1972 which assures that—

> No person . . . shall, on the basis of sex, be subjected to discrimination under any education program or activity receiving federal financial assistance.

This attack is occurring as a result of this administration's lack of enforcement and restrictive administrative and judicial interpretations of the law. So grave are the administration's actions, that the U.S. Commission of Civil Rights recently warned that—

> Current policies, unless promptly reversed, could jeoparidize fundamental civil rights protections under Title IX.

Mr. Speaker, this law has enabled women to make great strides in every facet of education. Equal opportunity, however, will be thwarted if the administration proceeds on its present course.

The Supreme Court will soon consider the scope of title IX's coverage. It is important that the Department of Justice defend the broad program coverage of title IX, as Congress intended. At this critical juncture, it is also important that we support House Resolution 190 which reaffirms Congress commitment to title IX. The Federal Government cannot support discrimination.●

SUPPORT FOR TITLE IX

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. KENNELLY. Mr. Speaker, I rise today to express my strong support for title IX, which bars discrimination on the basis of sex in educational institutions receiving Federal funds.

I am very concerned about efforts by this administration to weaken the enforcement of civil rights law. A basic principle of our Government is the guarantee of equal opportunity. We have seen remarkable progress for women, minorities, and handicapped citizens over the last 25 years when afforded the full benefits of equal opportunity.

Today that progress is jeopardized. The administration is narrowly construing the intent of Congress in the enactment of civil rights laws. It is very important for Congress to reaffirm again the principle that no Federal funds be used to support the practices of discrimination and to reaffirm strong support for a broadly construed title IX. Our civil rights protections are all interwoven, and when the civil rights of one group are weakened, the civil rights of us all are weakened.

On that score, I would bring to my colleagues' attention a letter from the U.S. Commission on Civil Rights which underscores the point that a narrowly construed title IX threatens the protections of title VI, section 504, and the Age Discrimination Act of 1975.

The letter follows:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., June 14, 1983.

Hon. BARBARA KENNELLY,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE KENNELLY: Enclosed is a statement by the U.S. Commission on Civil Rights describing the Commission's growing concern about administration efforts to reduce Federal civil rights enforcement in education. The Commission believes that current policies, unless promptly reversed, could jeopardize fundamental civil rights protections under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.

Congress enacted these strong measures to ensure that Federal funds in no way support discrimination and to provide effective relief to the victims of discrimination. Over the years, this Commission consistently has found that only a strong Federal commitment to enforce these civil rights laws can bring about what Congress intended—equal opportunity. However, there are unmistakable indications that the Department of Education and Justice now are seeking to narrow the scope of Federal authority to enforce Title IX. Since Title IX is linked by language, legislative history and case law to

Title VI, Section 504 and the Age Discrimination Act, the whole fabric of civil rights protections is threatened.

The Supreme Court soon will consider how broad Federal enforcement authority is when it hears arguments in *Grove City College* v. *Bell.* In that case, the Third Circuit Court of Appeals supported long-established Federal policy that Title IX covers all education programs receiving or benefiting from Federal funds. It is uncertain whether the Department of Justice, in its *Grove City* brief due to the Supreme Court in July, will defend the Education Department's authority to enforce the broad program coverage of Title IX.

There is convincing evidence that Congress intended Title IX and related civil rights laws to prevent any Federal financial support for discrimination. How this issue resolved will determine whether the Federal government continues to require equal opportunity in the vast majority of programs supported by taxpayer dollars or, instead, severely limits its enforcement efforts.

In this statement, the Civil Rights Commission urges the President to stand with his predecessors in support of broad civil rights protections. The Commission also urges the Department of Justice to base its position in the *Grove City* case on the full legislative history of Federal civil rights laws in education. Further, the Commission encourages continuing and expanded Congressional oversight of civil rights enforcement in education and in other areas.

I hope you will find this statement informative and helpful. If you have any questions please do not hesitate to contact Carol A. Bonosaro, Assistant Staff Director for Congressional & Public Affairs at 254-8090, or William A. Lewis, Jr., Director of Congressional Liaison at 254-6626.

Sincerely,

JOHN HOPE III,
Acting Staff Director.●

MRS. FRANCES ALBRIER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DELLUMS. Mr. Speaker, over the past weekend, residents of the Eighth California District joined together to celebrate the great works of Mrs. Frances Albrier. I would like to share with my colleagues a small bit of her story, a story of unceasing devotion to improving the quality of life for all citizens of these United States.

Mrs. Albrier's career as a citizen activist spans six decades. It should remind each of us that the work of improving the station of all our citizens is a constant and difficult struggle. Here are but the highlights of her career.

After taking a bachelor's degree at Howard University, she moved to Berkeley, Calif. in 1920. She married, started a family, and went to work for the Pullman Co.—a reminder to us, considering her degree, of the discrimination faced by talented black women. In 1938, she was the first woman elected to the Alameda County Democratic Central Committee, of which she was to become secretary in 1956. During that year she managed the East Bay campaign headquarters for the Democratic ticket headed by President Franklin D. Roosevelt.

Her long career of public service includes membership on the boards of directors of the National Negro Congress, the Alameda County branch of the NAACP, South Berkeley Model Cities Neighborhood Council, and Herrick Memorial Hospital. Her presidencies include those of Local 456 of the Ladies Auxiliary, Dining Car Cooks, Waiters and Bartenders Union; Women's Art and Industrial Club, Oakland chapter; Community Service Welfare Center; Twentieth Century Democratic Club; San Francisco chapter of the National Council of Negro Women; and Berkeley Women's Town Council. There are many other directorships and presidencies, as well as other offices too numerous to mention here.

Her outstanding career has earned her the NAACP west coast region Fight for Freedom Award, the Sun Reporter Citizen of Merit Award for outstanding communtiy service, and the Honorary Service Award of the California Congress of Parents and Teachers, to name a few. Her leadership was acknowledged when she attended the Nigerian independence celebrations and by a resolution of the California Assembly Rules Committee recognizing her important work in the fight against "racial discrimination wherever it existed."

Frances Albrier is the model of citizenship. Her willingness to lead, contribute, and participate should inspire us all to rededicate our lives to the values of freedom, equality, and democracy. I am pleased to share in her celebration by bringing her good works to the attention of the House of Representatives.●

NEWARK CHURCH PROVIDES FOOD FOR NEEDY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. RODINO. Mr. Speaker, the following article appeared in yesterday's Newark Star-Ledger, and I think that my colleagues will be as interested as I was in learning of the outstanding work of the Unity Freedom Baptist Church in feeding the hungry. The dedication and altruism of Rev. Isaac Martin, Jr. of the church, as well as coordinator Milton Melvin, deserve our recognition and our praise.

The article follows:

CHURCH NOURISHES NEEDY WITH FOOD AND COUNSEL

(By Benilde Little)

The Unity Freedom Baptist Church is providing food for thought in more than one way.

Each Saturday the church, located at 739 S. 20th St., serves free, hot, full-course meals to anyone who is needy. On Wednesdays, the church takes meals to Bradley Court, a public housing complex, and to other centers where there is a large senior citizen population. The food program, which began earlier this month, served meals to 450 people on the first day.

"As black people we must take the initiative to take care of our own. We can not depend on welfare; we must help our brothers and sisters who are destitute," said the Rev. Isaac Martin Jr.

The pastor said the food center is the result of a long-awaited dream.

"I had a vision of this for a long time. I told him (the coordinator) what I wanted and he took care of it," Martin said.

The coordinator, Milton Melvin, explained that he got involved because "it was God's will."

"I was in the hospital. I have sugar (diabetes). I could've lost my legs, but I didn't. My life is for the church now. It opened my eyes and I decided whatever I can do to help, I'm willing," Melvin said.

Altruism is a trait the Melvin family shares. Early on Saturday morning, Melvin's wife Gloria and daughter Linda Clark cook the meals. "This week we'll probably be in the kitchen all day," Clark said with a smile. "We're serving fried chicken and they like that," she added.

"On the day we started (the program) there was a woman eating out of a garbage can. We had already closed the kitchen, but we opened it to feed her and her children. Many people we're reaching are like that," Melvin said.

"They're not only black. We're serving whites and Hispanics. And we're getting a lot of donations from whites, too," Melvin said.

Eighty-five per cent of the food funds, however, comes from the church and the staff is proud of that. Among some of the outside donors are Davis and Young Realty in Newark, Gilbert Wilson of Petty's drug store and City Councilmen George Branch and Ralph Grant.

Cornelius Martin, co-pastor, pointed out that the area the church is in is "not a Fifth Avenue."

"This is not Riverside (New York) where you have people like the Rockefellers. These people (the congregation) are working people who donate their money. And it's good because they can look at the program and say we're self-sufficient. We're also providing good role models for the children," said the younger Martin.

The church is also open everyday to provide food baskets to the needy.

Another new food center for the needy is the Community Food Bank, in the Ironbound section. The Bank provides uncooked food to 252 organizations, in 14 counties statewide.●

TRIBUTE TO PAUL KAPCHAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to invite my colleagues to join with me in congratulating Mr. Paul Kapchan on ascending to the presidency of the Flushing Merchants Association in Queens, N.Y.

Paul Kapchan has been a businessman for almost a quarter of a century. He has always been uniquely active in civic affairs and has demonstrated an acute commitment to the quality of life in his neighborhood. I have admired Paul's unusual stamina when involved with issues that affect every member of the Flushing community. As a founder of the Flushing-Whitestone Democratic Club, Paul has worked tirelessly on problems that could be remedied through the political process. As chairman of the Flushing Merchants Association's Crime Prevention Committee and as a member of the 109th Precinct Community Council, Paul has asserted his commitment in keeping our streets safe. As a member of the Downtown Flushing Development Corp., Paul has fought for the improvement and revitalization of the Flushing business district. In addition, Paul has been extremely active in securing temporary shelter for the homeless members of our community.

Paul Kapchan is a fine example of an individual who makes his community a strong, healthy, and safe environment in which to work and live. Paul is an asset to his community as a leader of outstanding dedication whose praiseworthy contributions serve as an inspiration to all of us. The Flushing Merchants Association could make no better choice for president than Paul Kapchan.●

THE PLO AND CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. HYDE. Mr. Speaker, a heightening theme in the on-going debate on Central America relates to the expanding role played by the Palestine Liberation Organization (PLO) in that troubled area. A question in the debate that arouses my curiosity is why some liberal Members of Congress feel so strongly about the depredations of the PLO in the Near East but seem so little aroused about the PLO's activities in, for example, Nicaragua.

The PLO actively supports, with training, arms, and funding, leftist guerrillas and terrorists in Nicaragua and El Salvador. Whether they expect the leftists there to mount, in repayment, anti-Jewish attacks or merely permit the PLO to mount its own attacks is of little moment. The result in either case bodes ill for Latin American Jews. It is ominous to note that terrorist attacks on Jews in Europe are 30 times what they were before the invasion of Lebanon. For all practical purposes, the Jewish community in Nicaragua has been driven from the country, causing people who are concerned about such things to wonder what is in store for the Jewish community in El Salvador if the left wins there.

Israel, for its part, is afflicted by no equivocal thinking about the PLO. It has recognized the threat posed by the Arab terrorist organization in Latin America and elsewhere and has responded. Its response includes support to anti-Communist governments to resist Communist guerrillas and terrorists. The reasons are simple: Israel is anti-Communist and Communists throughout the world are united in their enmity toward Israel. Israel is anti-PLO because the PLO is dedicated to its destruction.

Israel knows that anti-Communist and democratic governments must be defended from Communist and PLO influence. There is a very simple strategic motive underlying this realization: survival. Israel by its very nature also has an affinity for Jews throughout the world who are oppressed or endangered as Jews. It is entirely understandable then that Israel sees its strategic interests and the interests of world Jewry intricately linked with events in Central America. It is pity not more Americans see the interests of the United States similary involved.●

SPY DONALD MACLEAN AND THE KOREAN WAR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McDONALD. Mr. Speaker, contrary to some of the official histories of the Korean war, the Communist Chinese did rush into the war. It took long negotiations with the Soviets, who not only agreed to finance and supply the Chinese, but also were able to assure them that the Americans would confine the war to Korea. This assurance was possible because of the espionage work of the British spy Donald Maclean, among others. Donald Maclean died in Moscow last March, a very unhappy man. One version of this story appeared in the London Daily Telegraph of March 27, 1983, by John Miller, the paper's Moscow correspondent. I commend the article to the attention of my colleagues, who would learn from history the need to protect our internal security.

[From the London Sunday Telegraph, Mar. 27, 1983]

MACLEAN COUP IN KOREA WAR

(By John Miller in Moscow)

Donald Maclean, the British traitor who died in Moscow earlier this month, boasted that his spying for the Russians dictated the course and outcome of the Korean War.

A reliable Soviet source revealed yesterday that Maclean told him that he had achieved a "major espionage coup" for the Kremlin during the autumn and winter of 1950.

Maclean was quoted as saying that the secrets he gave the Russians about the formation of NATO and American nuclear weapons progress were "small beer" compared to the top-secret information about America's policies during the Korean War.

Maclean boasted that he gave Stalin on a plate every significant secret decision on the war taken by President Truman. Effectively, Maclean argued, it was he who got the Chinese deeply involved in the war and kept the Russians out of it.

Maclean was hailed as an "outstanding intelligence agent" at a private memorial service for him in Moscow on March 11.

Some reports have said that the service was attended by George Blake, another notorious spy for the Russians, but not by Kim Philby who also worked for the Soviet Union and did incredible damage to the cause of the West.

But Maclean's role as a major Soviet spy while working for the Foreign Office has not so far been referred to by the Soviet Press.

The Soviet source spelled out at some length Maclean's remarks about the part he played in formulating Soviet and Chinese policy during the Korean War, which broke out on June 27, 1950, when North Korea invaded South Korea.

Maclean return to England in May that year after having a nervous breakdown while head of chancery at the British Embassy in Cairo.

In October, he was appointed head of the American Department at the Foreign Office and quickly went to work, reading in on the progress of the war and the steady American and British advance to the Yalu river.

In the crucial month of November, he began passing to his Soviet control in London the top secrets on the conduct of the war which were flowing via his Foreign Office desk between the White House and No. 10 Downing Street.

It has been suggested that Maclean was deeply involved in betraying Britain—who had several thousand troops in Korea—at that vital point in the Cold War, but it has never been so openly stated.

The source said Maclean would tell the story when he was particularly depressed by the thought of ending his days in a twilight world and by the extent of his treachery on Stalin's behalf.

Maclean was quoted as saying that he took up his Foreign Office post as General MacArthur and the United Nations forces were pushing the enemy back up into North Korea.

Every key decision taken by President Truman landed on his desk and he knew that the American president had forbidden

General MacArthur to bomb the bridges over the Yalu river, fly reconnaissance over the area or engage Chinese aircraft in hot pursuit.

This information was reaching Stalin via the secret police headquarters in the Lubyanka, who passed it on to Chairman Mao Tse-tung, thus enabling the leaders of the two Communist giants quickly to appreciate that the United States was not going to send its troops into China.

Maclean said that this knowledge allowed the Chinese to commit large numbers of troops to the Korean fighting without fearing retaliation against their cities, up to and including the use by the Americans of the atom bomb.

It also allowed Stalin to give "all-out" military support to the Chinese without committing Soviet troops and having to worry too much about getting sucked into a war which could have led to World War III.

By May, 1951, when M15 had decided that Maclean was suspect and he was cut off from highly-secret documents, MacArthur had been removed from his command.

A few weeks later Maclean and Guy Burgess—another diplomat who was spying for the Russians—defected together to Moscow.●

NATIONAL CAMPAIGN TO STOP THE MX

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. AuCOIN. Mr. Speaker, the National Campaign to Stop the MX, a coalition of more than 50 national citizens, religious, arms control, and environmental groups, urges the U.S. House of Representatives to adopt the Bennett-Mavroules amendment to the fiscal year 1984 Defense authorization this July. The amendment to prevent production of the first 27 MX missiles is an important step toward controlling the dangerously accelerating nuclear arms race.

The MX must be stopped because it is the most destabilizing weapon ever proposed. With its unprecedented accuracy, the MX would compel the Soviets to "protect" their land-based missiles by adopting a launch on warning policy. Their adoption of such a hair-trigger approach would increase the incentive for the United States to adopt a similar policy, moving both sides ever closer to the brink of nuclear war. The survival of all of us depends on a reversal of the dangerously accelerating race toward more lethal, more destabilizing nuclear weapons like the MX.●

BOYS, 11 AND 13, SAVE FIVE CHILDREN IN FIRE

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. NELSON of Florida. Mr. Speaker, it is with great pleasure that I bring to the attention of the House, a rescue that recently occurred in my congressional district.

On June 12, Emerson Pinellas, age 11, and Damon Thomas, age 13, of Kissimmee, Fla. rushed into a burning apartment to save the lives of five small children. Because of the boys' brave actions in this time of crisis, the children, ages 6 months to 8 years old, escaped injury from what might have been a disaster. It is this kind of unselfishness and courage that contributes to the strength of this country. And for this reason, I believe its recognition is most justified. I have therefore, written to President Reagan, requesting appropriate Presidential commendation for Emerson and Damon. It is my hope that their actions will be recognized by a personal letter of merit from the President to further encourage such valor in our society. At this point in the RECORD, I request insertion of a New York Times article describing the incident:

[From the New York Times, June 13, 1983]

BOYS, 11 AND 13, SAVE FIVE CHILDREN IN FIRE

KISSIMMEE, FLA. June 12.—Two boys dashed into a burning apartment and pulled out five small children who sat obediently watching television as heavy smoke filled the room.

"If it wasn't for those boys, my children would have sat right there waiting for me to come back," said their mother, Kathy Brown. "My children are trained. When I tell them to stay, they stay."

None of the children, aged 8 years old, 5, 4, 2 and 6 months, were injured when the fire broke out in a bedroom at the first-floor apartment, possibly because of a short circuit, the authorities said.

Mrs. Brown said she left them in the apartment alone Friday evening while she walked to a store.

Emerson Pinellas, 11, and Damon Thomas, 13, were playing outside when a neighbor saw smoke.

"We pushed open the door and the kids were just sitting there," Damon said. "I grabbed one of the kids and pushed another one out the door. Then I ran back inside and got the oldest one out."

"The baby was sitting on the couch wearing only a Pamper," Emerson said. "The fire was coming right at her. I grabbed her and ran outside."●

HEMPSTEAD TOWN HONORS AMERICA ON FLAG DAY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LENT. Mr. Speaker, I rise today to bring to the attention of my colleagues the news of a notable patriotic event which took place in the town of Hempstead, N.Y., on June 14, 1983.

As we all know, June 14 is Flag Day. And in commemoration of this grand occasion, Hempstead Presiding Supervisor Thomas S. Gulotta joined with various veterans throughout Hempstead Town in a special flag-raising ceremony at town hall. The ceremony was dedicated to those members of the Armed Forces who are missing in action.

Mr. Speaker, in this day when too few Americans take the time to contemplate and honor the great virtues of our beautiful land and the great sacrifices made by those who have fought for it, I believe the participants at the Hempstead ceremony deserve to be singled out for recognition by this body. I am proud to report to my colleagues that those who took part in the ceremony were Jack Prismick of Baldwin, Arthur Irise of Floral Park, Hank Grinthal of Valley Stream, and Jim Monahan, Daniel Vola, Louis Gerwig, Dominick Guerriero, and Bill Whitehorne, all of Elmont.

Mr. Speaker, as one who has fought for 10 years for a full accounting of the POW's/MIA's in Southeast Asia, I congratulate Presiding Supervisor Gulotta and the veterans who participated in this ceremony, and know that my colleagues join me in this commendation. Their ceremony should inspire each one of us to redouble our efforts to secure a full accounting of the more than 2,000 American servicemen still listed as missing in action in Southeast Asia.●

TRIBUTE TO APSA'S CONGRESSIONAL FELLOWSHIP PROGRAM ON ITS 30TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. RITTER. Mr. Speaker, I would like to congratulate the American Political Science Association on the occasion of the 30th anniversary of its congressional fellowship program. This fine program makes Federal executives, political scientists, journalists, and foreign professionals available to congressional offices for 9 months each year as legislative assistants. The

expertise brought by these fellows broadens the scope of the congressional offices, while allowing them to learn the legislative process on a firsthand basis.

Since my election to Congress I have had a fellow participate, through my office, every year, the last two being Federal fellows from the APSA program. Dr. Peter F. Riehm, from the Nuclear Regulatory Commission was with me during the 1981–82 season and went on to become a consultant for KMC, Inc. Paulette Altringer, from the U.S. Department of the Interior, Bureau of Mines, is serving the 1982–83 season in my office. Both of these fellows have enthusiastically participated in technical issues before the Congress, adding their own expertise in each instance.

The type of sharing brought about by the APSA fellowship program needs to continue. It is important to keep inviting these high-quality people to the Hill. Their fresh ideas and varied backgrounds add a new dimension to the congressional process.

I would like to commend APSA for sponsoring such a well-run program, and express appreciation for my opportunity to participate. I would also like to recommend this program to my colleagues in hopes that it will continue to flourish in the future.●

ANOTHER ORGANIZATION OPPOSED TO THE MX: SANE

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McHUGH. As you know, Mr. Speaker, many organizations are on record opposing the MX missile. One of the most prominent of these is SANE. At this point, I would like to insert into the RECORD a recent statement by SANE regarding the MX.

The statement follows:

STATEMENT OF OPPOSITION TO THE MX BY SANE

In 1978 SANE became the first national organization in the U.S. to oppose the MX missile system. In 1979 SANE helped catalyze local opposition to the deployment of the MX in Utah and Nevada. In 1980, along with Carter delegate and Oregon state chairperson R. P. Joe Smith, SANE organized the MX fight at the Democratic National Convention. Since then SANE has continued to organize and oppose the MX missile in its myriad of basing schemes including airplane deployment, deep underground basing, fixed silo deployment (1981), Dense Pack and now fixed silo deployment (1983).

The MX missile system is costly, destabilizing and dangerous. In fixed silos, the MX missile will invite a devastating attack on the continental U.S. The MX missile will provoke a response on the part of the Soviet Union that will include new ICBM's and a doctrinal shift to launch-on-warning—a most destablizing move.

In the fiscal year 1977 DOD Authorization Conference Report the conferees agreed that "providing a survivable system should be the only purpose of this (MX) effort . . . (and) that none of this program's funds shall be expended in fixed or silo basing for MX." After more than 30 basing modes have been studied and rejected it is apparent that a survivable and publicly acceptable basing mode is not achieveable.

For all these reasons SANE urges that MX production be stopped—now.●

FREEDOMS FOUNDATION RECOGNIZES PHI ALPHA DELTA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CLINGER. Mr. Speaker, it is my great pleasure to announce that on June 15, 1983, Phi Alpha Delta law fraternity international, whose membership includes 15 Senators and 33 Members of Congress, was the recipient of the George Washington Honor Medal for its highly successful program in law-related education. The award, given by the Freedoms Foundation, was given in recognition of excellence in the category of community programs. Presented in the Capitol of the United States, the following citation was read to the assembled group of award winners:

The Juvenile Justice Office of Phi Alpha Delta has helped provide law-related education to more than 100,000 of the nation's youth and has participated in the training of more than 1,000 classroom teachers. Studies recently completed have shown that young people who receive such education are less likely to use violence, less likely to commit vandalism and be delinquent, and more likely to become useful citizens and active participants in our democracy. Law-related education has been a means for improving the attitude of citizens toward the legal profession.●

A TRIBUTE TO THE WING FAMILY

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PASHAYAN. Mr. Speaker, the United States has been called, correctly, a nation of immigrants.

Over 100 years ago people from mainland China began to settle in the city of Hanford, Calif., bringing with them the rich heritage of their culture and adding their skills and talents to the task of building this Nation.

In 1893 one of the Chinese immigrants, Gong Shu Wing, opened a restaurant in Hanford which was the forerunner of today's Imperial Dynasty restaurant operated by Richard Wing and other members of the Wing family.

As Gong Shu Wing's family grew, his sons gained the skills and knowledge that have helped to build the international reputation of the Imperial Dynasty.

Richard Wing, who served as a special security officer to Gen. George C. Marshall during World War II, took advantage of his service in Europe and the Far East to meet famous chefs and to hone his culinary skills.

Richard Wing's late brother built the restaurant's famous wine cellar, studying with Italian families in California's Napa Valley.

Richard Wing has been singled out for culinary honors by such prestigious organizations as the American Academy of Chefs, the Chevaliers Du Tastevin, the Chefs de Cuisine Association of California, and the California Wine Patrons. He has received two separate Cordon Bleu Awards for best dinner from the International Wine and Food Society, and was one of the first four chefs in the United States—and the only one from the west coast—named to the exclusive Black Hat Society.

The Escargot Society recently informed Mr. Wing that the Imperial Dynasty has served more gourmet snails than any other restaurant in the United States.

The world class reputation of the Imperial Dynasty has made it the top reason to visit the city of Hanford, according to that city's chamber of commerce. Those visitors have included many notables, gourmets, and lovers of fine food.

Other members of the Wing family help in the effort to make the family business a success and to contribute to the rich cultural mix of the city of Hanford.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CORCORAN. Mr. Speaker, due to other commitments, I was unable to be recorded as voting in one instance on June 16 and in two instances on June 23. Had I been present, I would have voted as follows:

Rollcall No. 200, adoption of rule (H. Res. 227) providing for House consideration of H.R. 2668, Consumer Product Safety Act, I would have voted "yes." House Resolution 227 passed by a vote of 390 to 2.

Rollcall No. 218, final passage of H.R. 1183, Tax Equity Act of 1983, I would have voted "no." H.R. 1183 passed by a vote of 229 to 191. I strongly opposed this legislation and voted earlier in support of a motion to recommit.

Rollcall, No. 219, motion to instruct conferees to oppose funding of the Garrison diversion unit in connection with H.R. 3132, energy and water development appropriation bill for fiscal year 1984, I would have voted "yes" (paired for). The motion was defeated by a vote of 150 to 215.●

IN SUPPORT OF THE CONFERENCE REPORT ON S. 273

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CORRADA. Mr. Speaker, I rise in support of the conference report on S. 273, a bill to extend through fiscal year 1984 SBA pilot program under section 8 of the Small Business Act.

The pilot procurement program under section 8a of the Small Business Act is very important for the economic and industrial development of Puerto Rico and a primary source of job creation.

Through the 8a program SBA provides eligible minority disadvantage firms in Puerto Rico as well as in the Nation with such contract, financial and technical support as may be needed to promote their competitive viability within a reasonable period of time.

Actually, there are in Puerto Rico a total of 27 small business concerns certified under the 8a programs. These firms are receiving more than $23 million in Federal procurement and, as a result, a total of 1,500 new jobs have either been created or maintained.

Also, as part of joint efforts between the government of Puerto Rico and the U.S. Government to improve the economic conditions of the Island and to increase employment opportunities, the SBA is expanding the Federal Government contract opportunities in Puerto Rico. This will be done by increasing the number of eligible firms under the 8a program to 45. This should give our island an additional input of $30 million in Federal contracts and help create 1,500 new jobs.

Small businesses are the cornerstone of our Nation's free enterprise system. Their growth and development is critical to our economic stability. By far, small businesses have proven to be the best single source of job creation. At a time when our Nation appears to be moving back toward economic health, that job creation small business contributes to an economic recovery must be recognized and supported.

I urge my colleagues to support S. 273.●

OPPOSE THE MX

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. BOXER. Mr. Speaker, I would like to share the remarks of Common Cause regarding the MX missile.

The MX is a costly, dangerous answer to a problem that never existed—the so-called window of vulnerability. It will be no less vulnerable to a Soviet attack than our Minuteman ICBM's; with more warheads it will make an even more attractive target. The MX could be protected only by adopting a launch-on-warning policy. That would put nuclear war on a hair trigger.

Proponents of the MX claim that we need it to get the Soviet Union to agree to nuclear-arms control. The more likely result, however, is that the Soviets will respond by further accelerating their own ICBM programs. We will not get arms control, but another round in the ever-escalating arms race.

Wasting money will not increase our national security. The MX is a fundamentally flawed weapons system. The time to stop it is now.●

THE HEALTH CARE COVERAGE FOR UNEMPLOYED WORKERS ACT OF 1983

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. MARTIN of Illinois. Mr. Speaker, today I introduced legislation providing health care coverage for the unemployed. I did so because the current legislative initiatives gaining momentum in the Congress all have one serious flaw—they all discourage and/or preclude community efforts that are trying to meet the health care needs of the unemployed.

I represent an area whose economic livelihood is largely dependent on the automobile, housing, machine tool, and steel industries. With that makeup, there is no wonder that unemployment has hit my constituents especially hard.

But in this adversity, the people of northern Illinois have joined together to help the unemployed. Their efforts include identifying and meeting the needs on a community level, closest to the people.

It never ceases to amaze me how often we, as Federal legislators, approve legislation that runs directly counter to private sector initiatives. Nonetheless, I do not intend to discuss the longstanding debate on public versus private problem solving.

What now concerns me is the growing momentum to implement costly Federal legislation that will discourage and/or preclude community efforts. It occurs to me that our effort should be directed toward strengthening already established private sector initiatives rather than undermining them.

Mr. Speaker, my legislation, the Health Care Coverage for Unemployed Workers Act of 1983, addresses the problem of undermining organized community initiatives. My legislation would encourage, not discourage, efforts that provide health care to the unemployed and their families.

In short, my legislation targets block grant funds to States according to their level and severity of unemployment. A State then must channel its allotted funds down to its counties based on their average unemployment rates for the most recent 12 months. In order to receive funds, however, the county must organize a communitywide effort to meet the health care needs of its unemployed. This can be accomplished in a number of ways, the most obvious being a cooperative effort among the county health department, the country medical society and countywide medical professionals.

The attractive element of my legislation is that not only does it encourage voluntary efforts but it also gives States the flexibility to determine the specifics of their own programs; for example, participant eligibility, duration and scope of coverage, and so forth. Moreover, this 2½-year program is temporary, providing $270 million for the remainder of this fiscal year but such amounts as may be necessary for the following 2 years according to their economic conditions.

Finally, Mr. Speaker, my legislation would make available grants to hospitals that treat the health care needs of the unemployed. This is a necessary safeguard to insure that the unemployed's acute health care needs are met.

The Health Care Coverage for Unemployed Workers Act of 1983, I believe, is a sensible and humanitarian approach to meeting the health needs of the jobless. As important, it is a fiscally sound alternative because my legislation calls for a corresponding revenue source to finance this effort; to be determined by the Congress.

It seems more appropriate to strengthen community efforts through a grant program that would enable self-help efforts to purchase needed supplies and equipment than to implement legislation that, in effect, will discourage their continuance.

In these times of limited Federal dollars, we must legislate responsibly. If community efforts presently underway are trying to meet the health care

needs of the unemployed, they should be encouraged and strengthened.●

COURAGEOUS SOVIET NEWSCASTER FIRED FOR TRUTHFUL REPORTING

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PORTER. Mr. Speaker, Americans appreciate our priceless freedoms guaranteed under the Constitution, among many others, the freedoms to practice our religion without fear of persecution, to speak and write openly even in criticism of our established institutions and to petition our Government to redress our grievances.

Critical American newscasts of U.S. actions in the Vietnam war have come to exemplify for many the essence of America's truly free press. Yet, when a Soviet newscaster recently characterized the presence of the Soviet military in Afghanistan as an invasion, he was immediately fired and subjected to mental tests.

Vladimir Danchev is the heroic journalist I speak of. His unscheduled, courageous and true reporting of the invasion of Afghanistan has led to his persecution and harassment by Soviet authorities.

Danchev's treatment graphically illustrates the vast difference in the way free speech and popular will is regarded by our Government and the Soviets. His treatment makes all of us proud of our American heritage and the precious freedoms that our rule of law guarantees to each one of us.

The Congressional Human Rights Caucus and all those who stand by the principles of freedom and human liberty praise the courage of this valiant reporter.●

UNION OF CONCERNED SCIENTISTS OPPOSE MX

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FRANK. Mr. Speaker, in the next few weeks, we will again take up consideration of the MX missile. Many of us in this House have consistently opposed this dangerous and destabilizing weapon, but few have worked harder on this issue both on the floor and in committee than Representative NICHOLAS MAVROULES. Among the groups he has worked with closely is the Union of Concerned Scientists a group whose technical expertise is unquestioned. As scientists who consider the moral implications of our technological advancement, they also command our respect and attention. Clearly, the union's position on the MX missile is relevant and very persuasive and I commend it to my colleagues.

The statement follows:

STATEMENT IN OPPOSITION TO PRODUCTION OF THE MX MISSILE: UNION OF CONCERNED SCIENTISTS

President Reagan has indicated his endorsement of the recent report of the Scowcroft Commission on Strategic Forces. The Commission's recommendations include a change in the U.S. negotiating position at the Geneva-based strategic arms reduction (START) talks, development of a mobile, single-warhead missile (Midgetman), creation of a continuing panel on arms control and national security policy—and production of at least 100 new MX intercontinental ballistic missiles.

The Union of Concerned Scientists wholeheartedly approves of efforts to obtain firm assurances from the Administration on its commitment to move toward negotiations based on warhead numbers. However, we vigorously oppose production of the MX as the political price that the nation must pay in order to obtain these concessions. Efforts to limit nuclear arsenals should not be held hostage to Congressional approval of any one specific weapon.

The argument that production of the MX is needed in order to force the Soviets into "serious" negotiations is untenable, for a number of reasons.

First, the Soviet Union is already testing its own version of the MX, the SSX-24. Production of the MX will only cause an acceleration of these efforts; it will not force the Soviet leadership into an agreement.

Second, it is the United States, not the Soviet Union, which has refused to approve three previously-negotiated arms control treaties (SALT II, the Peaceful Nuclear Explosions Treaty, and the Threshold Test Ban Treaty). Ratification of these treaties would do more to convince the Soviet Union that the United States is serious about arms control than would production of the MX.

Third, as long as the United States proceeds with what can only be perceived as a first-strike weapon, the Soviet Union must question the sincerity of the President's commitment to a new arms control regime.

Fourth, flight testing both the MX and a new, single-warhead missile will violate the Administration's stated commitment to abide by SALT II; again, a demonstration that the Reagan Administration is not seriously committed to arms control.

Finally, even with the latest revisions, the Administration's START proposal is so unbalanced that it has no real chance of being accepted by the Soviet Union. As A.C.D.A. Director Kenneth Adelman recently testified before the Foreign Relations Committee, the Administration is prepared to give up the planned force of 100 MX missiles only if the Soviet Union dismantles some 650 currently deployed SS-18 and SS-19 ICBMs. There is clearly no hope that such a one-sided proposal would even be considered by Soviet negotiators. Neither is there any indication that the Administration will move toward a more negotiable position.

A Congressional decision to begin production of the MX will only give the Soviet Union greater incentive to deploy an equivalent weapon. The history of U.S.-Soviet arms negotiations provides no evidence to suggest that the Soviet Union can be coerced or pressured into concessions advantageous only to the United States. The MX will not contribute to our security within the present arms control regime, nor will it help us to move to a regime based on warhead numbers. The Congress must not authorize production of this dangerous, destabilizing weapon.●

ONE INDIVIDUAL DOES MAKE A DIFFERENCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MATSUI. Mr. Speaker, one of our Nation's guiding philosophies has always been that one individual does make a difference. Our Nation was founded on the idea that individuals are important, and that as individuals they can do a great deal to improve lives of others.

I would like to draw to the attention of the House an example of a growing, excellent community service that had its genesis in the commitment of several individuals, and one in particular.

In my home city of Sacramento, the La Familia Counseling Center is providing a comprehensive counseling service to predelinquent and delinquent youth and their families. The approach of La Familia is unique—it is called "reawakening therapy," and was developed by La Familia's founder, Mrs. Zaida Fernandez. Each child is counseled in a very individual way, and the child's family is considered an integral part of that important effort.

Beginning as the only staff member, Mrs. Fernandez started the center in 1973 through a grant from the office of criminal justice planning. She has since assembled a staff of professional counselors attending to the needs of youth in that area. La Familia has, over the years, built a record of success that demonstrates what dedicated social service can accomplish.

Mr. Speaker, la familia means "the family." I was privileged recently to visit the center, and I can assure you that there is indeed a rich feeling of family there—there is warmth and dedication, a spirit which communities must cultivate in order to heal the wounds of the present and brighten tomorrow's opportunities.

I would like to commend before the House the work of the staff and the board of directors of La Familia Counseling Center. In particular, I wish to honor Anita Barnes, acting executive director, and the members of the board of directors: Mr. Richard Brandsma, president; Dr. Isabel Hernandez, vice president; Ms. Christine Martin, treasurer; Judge Michael Ullman, secretary; Mr. Jerol Brown; Mr. Bob Foster; Mr. Humberto Vargas; and City Councilwoman Eva Garcia.

I thank these individuals for their contribution and wish them many years of continued success.●

COMMEMORATING THE HEROIC STRUGGLE OF THE BALTIC PEOPLES IN THEIR BATTLE AGAINST SOVIET REPRESSION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CONTE. Mr. Speaker, earlier this week President Reagan signed into law a resolution designating June 14 as "Baltic Freedom Day." It has been 52 years since the Soviet Union invaded the Baltic countries to pursue and solidify their expansionist policies. During this week in 1941, over 30,000 Lithuanians were arrested, uprooted, and deported to camps inside Russia. Since then, the Soviet Union has tried to absorb this area and tried to crush the spirit of nationalism in the Baltic States. These invaders however, have been unsuccessful. The people of Lithuania, Estonia, and Latvia remain captive, yearning for freedom.

As demonstrated by Congress throughout this commemorative week the desire for freedom and the hunger for independence has survived the onslaught of Sovietization. The people of the Baltic countries remain ardent in their resistance to the Soviet Union. The Baltic people are a model to all who stand fast against the sharp sickle of communism, and as they resist, I reaffirm our commitment and support to their ongoing struggle.●

A TRIBUTE TO BILLY TAYLOR

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DOWNEY of New York. Mr. Speaker, the Congressional Arts Caucus recently presented its first award to Dr. Billy Taylor, an American who has been a leader in the realm of music education and who has made invaluable contributions to our Nation's culture through his work as a jazz musician.

While we honored Dr. Taylor for his outstanding achievements, he honored us with a performance by his trio which included Keith Copeland on percussion and Victor Gaskin on bass.

Jazz—America's classical music—has consistently expressed to the rest of the world our country's moods, thoughts, and feelings. Dr. Taylor represents the very best of this uniquely American and democratic artform.

Billy Taylor's talents span a broad spectrum. He is renowned as a pianist, composer, recording artist, arranger, and conductor, author, teacher, and lecturer, and radio and television star.

As a composer and arranger, he is credited with writing more than 300 songs. These works range from original music for the children's television program "Sesame Street," ballet music for the Broadway show "Your Arm's Too Short To Box With God," to "I Wish I Knew How It Would Feel To Be Free," one of the anthems of the civil rights movement.

Through the years, Billy Taylor has been heavily involved with the media. He was the first black artist to host a daily show on a major New York radio station and served as musical director of the award-winning "David Frost Show." Currently, he is in his fourth year as host of the Peabody Award-winning "Jazz Alive" on National Public Radio.

As founder of Jazzmobile, the pioneering organization which conducts weekly workshops and clinics in Harlem, Dr. Taylor has brought jazz greats, including Duke Ellington and Dizzy Gillespie, to audiences who would otherwise be unable to see these artists.

In recognition of his vast contributions and talents, Billy Taylor has received six honorary doctorates from major universities. From 1972 to 1978, he was a Presidential appointee to the National Council on the Arts, the highest accolade an American artist can receive. Operating in his role as national spokesman for the jazz community, he is credited with expanding the National Endowment for the Arts' budget for jazz from $92,000 to $1,200,000.

It is most fitting that the caucus has chosen this multitalented humanitarian, who has given so much to our Nation, to be the recipient of the first Congressional Arts Caucus Award.●

NATIONAL CHILDREN'S LIVER DISEASE AWARENESS WEEK

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MOLINARI. Mr. Speaker, last week, proclaimed by the President as the "National Children's Liver Disease Awareness Week," witnessed a significant event which could possibly alter both Government and private insurance policies for liver transplant operations.

A panel of medical experts gathered for 3 days under the auspices of the National Institutes of Health to discuss the state of the liver transplant science. A consensus document declared that the survival rate for these operations has increased significantly over the past 2 or 3 years due to a new drug, cyclcosporin, which prevents the body from rejecting transplanted tissue. The panel recommended that the liver transplant procedure be implemented more often and that a greater number of surgeons learn the technique.

This recommendation should effectively signal the Public Health Service to reevaluate the state of the liver transplant science. It is my hope that the PHS will conclude that the technique merits a new definition as a routine medical procedure rather than its current designation as "experimental." A new definition would render liver transplant recipients eligible for either Government or private insurance plans.

The Nation's top practitioners in the field of organ transplants have determined that liver transplant operations may be considered a valid method of therapy. Hopefully, this will lead to a change of policy on both the national and State levels regarding insurance payments for transplant operations.●

DISAGREEMENT WITH HOUSE AND SENATE CONFEREES

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. SHELBY. Mr. Speaker, I rise to voice my disappointment with the position recently adopted by the House and Senate conferees on the HUD-Independent agencies appropriations bill wherein they effectively killed the provisions of H.R. 2948, a bill to provide mortgage foreclosure relief for veterans with VA guaranteed home loans.

It is difficult to justify passing a bill by a vote of 393 to 24 and then subsequently agree to kill it in conference. It just does not make sense.

Mr. Speaker, I just do not understand how anyone could oppose this measure. This is a bill which prevents a veteran from losing his home and at the same time saves the Government money.

This program is totally different from other mortgage relief programs in that it is discretionary. It lets the administrator determine whether or not there is a reasonably good chance for the veteran to recover financially and repay the loan. The bill does not request any new appropriations. Funds would come from the VA's direct loan revolving fund. Therefore, it certainly is not inflationary and would not contribute to the Federal deficit.

It should be emphasized that the bill was designed to save the Federal Government money by eliminating much of the high costs currently incurred by the Veterans' Administration in paying claims of lenders, instituting foreclosure procedures, and reselling acquired properties. The Congressional Budget Office estimates that the VA would save $9.6 million over a 5-year period.

Mr. Speaker, it would be bad enough if the conferees had dropped only this emergency mortgage relief program, but they also deleted the $150 million to fund the emergency jobs training bill for Vietnam veterans. This is most tragic in view of the very high unemployment rate of Vietnam veterans.

Mr. Speaker, the actions in conference on this bill as it relates to veterans are in conflict with the wishes of an overwhelming number of the Members of this body. Thousands of veterans throughout the country will be very disappointed with this conference agreement.●

ASSOCIATION OF ASIAN INDIANS IN AMERICA HONORS INDUSTRIALIST SWRAJ PAUL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DYMALLY. Mr. Speaker, as one who has lifetime interest in the activities of India, I am pleased to bring to your attention the name of Swraj Paul. As one of India's leading expatriates he was recently recognized by the Association of Asian Indians in America for his outstanding achievements in community service and his contributions to international understanding. Swraj Paul, now a British citizen, was a friend and admirer of the late Prime Minister Nehru, and has maintained such a long, close relationship with Nehru's daughter, Prime Minister Indira Gandhi, that he is often described as India's de facto Ambassador at Large. He is the founder of the Indo-British Association, a group which promotes better understanding between the peoples of India and England.

Mr. Paul has been a staunch advocate for the value of education. He received his bachelor and master of science degrees from Massachusetts Institute of Technology in the field of mechanical engineering. To demonstrate his ongoing devotion both to education and to improve relations of India with other countries, Paul endowed the Jawaharlal Nehru Visiting Professorship, know as the Nehru Chair, at Cambridge University.

A prominent event in England is the Festival of India in which renowned Asian Indian performers like Zubin Mehta come from all over the world to perform before an international audience. Last year the festival was endangered because of a lack of funds. Swraj Paul took it on himself to raise 500,000 pounds and thus assure the success of the festival. For his many contributions to Asian Indians around the world, Mr. Paul was this year awarded Padma Bhushan, the Indian equivalent of a peerage.

For all his genius as an industrialist and his magnanimity as a philanthropist, Swraj Paul is a humble man with humble beginnings. He owned no car until 1975 and still walks to work. His family got its start in business through Paul's father who made buckets and brass fittings in a home workshop. Paul refers to the business as "steel bashing," and it is "steel bashing" on a large scale that earned Paul his initial fortune. His firms, the Caparo Group and Caparo Industries are now diverse industries with holdings in property, shipping, hotels, and tea in addition to metals.

Swraj Paul has earned the respect of industrialists around the world for the efficiency of his corporation. In fact Caparo has grown in recent years largely by purchasing companies which were faltering because of poor management and putting them on a profitmaking basis again. Recent large Caparo investments in Indian firms are being watched with great interest because they hold the promise of bringing these somewhat antiquated firms into the 20th century, albeit kicking and screaming. Understandably Paul is a interesting figure. He is one who must be reckoned with because his ideas are fast becoming a driving force in industry. I am happy to join the Association of Asian Indians in America in honoring Swraj Paul for his philanthropic efforts on behalf of Asian Indians everywhere.●

HOUSING REHABILITATION IN THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. GARCIA. Mr. Speaker, the Bronx business community has continued to support the rehabilitation of housing with the cooperation of tenant and community groups. Bronx landlords are working with these groups to revive multifamily housing units, an effort which is serving to anchor neighborhoods that as recently as a decade ago were facing a massive urban crisis.

Additionally, the Bronx has undertaken several public works projects to support the efforts to make improvements in residential areas. In 1983, the number of abandoned structures will actually be reduced through the efforts of many in the Bronx.

Community groups such as the Northwest Bronx Community and Clergy Coalition; bank groups such as the Community Preservation Corp., a consortium of 32 banks; private corporations such as the Aetna Insurance Co. and the Traveler's Insurance Co.; and New York City agencies such as the Housing Preservation and Development Commission are all working together to continue to successful rehabilitation. Programs such as section 8 have been helpful in encouraging this cooperation, and show the workability of Federal programs such as this.

I wish to continue to keep my colleagues informed of efforts being made to rehabilitate housing in the Bronx, and have therefore submitted a New York Times article citing several success stories.

[From the New York Times, June 12, 1983]

NORTHWEST COMMUNITIES WORKING WITH LANDLORDS

(By George W. Goodman)

From the breezy roof where he takes visitors for panoramic views of the Bronx to the sparkling tile lobby that must be crossed for a glimpse of the new boiler in the basement, the handsome brick apartment house at 114 West 183d Street is clearly the apple of Joseph Bodak's eye.

"Here you see what can be done to save housing in the Bronx," he said. "You can see the possibilities in fixing up the most beautiful buildings in New York City. It's not paradise now, but someday, maybe, who knows?"

Like thousands of other residential properties in the Bronx, the 66-unit apartment building in the University Heights section was facing serious problems in 1969 when Mr. Bodak and his partner Marc Fein bought it. The Dollar Savings Bank had foreclosed on the building's $205,000 mortgage, services had been shut off, water covered the lobby floor and a rent strike was in progress.

Using mostly his own funds first (and later, loans from Aetna Life & Casualty), Mr. Bodak brought the building back to habitability, just as he has 39 other residential buildings, all of them failing or near abandonment at the time of his takeover.

Mr. Bodak is one of many Bronx landlords who are successfully working with community organizations and tenants and using private and public financing, tax incentives and rent subsidies for the moderate rehabilitation of multifamily housing, thereby anchoring neighborhoods that less than a decade ago were on the brink of destruction.

Also strengthening these areas are public-works projects costing $22.4 million. The neighborhoods these programs are helping to preserve are in the northwestern part of the borough, just beyond the band of blight that had spread northward from the South Bronx.

"Considering things from a broad point of view, we feel the area has been stabilized," said Stanley Simon, the Bronx Borough President. As a result, he said, building abandonment has leveled off. "Last year, we estimated there were 50,000 abandoned structures," he said. "This year, it may range between 40,000 and 46,000."

According to Lois Harr, director of the Reinvestment Committee of the Northwest Bronx Community and Clergy Coalition, 140 moderate rehabilitation projects involving expenditures totaling $27 million are under way or have been completed. The coalition has been both leader and catalyst in these efforts.

"We had a tremendous problem with abandonment by building owners during the 1970's," said Harry Bluttal, vice president for Eastern Savings Bank. "Now most

people seem to think we've bottomed out and are starting on the upgrade." Mr. Bluttal's bank is a member of the Community Preservation Corporation, a consortium of 32 banks involved in rehabilitation.

"You can see the vast improvement in neighborhoods from year to year just by walking the streets of these communities," said Anthony B. Gliedman, the city's Housing Preservation and Development Commissioner, "and people of the community justly take credit for what is taking place."

Mr. Gliedman cited the importance of tax incentives under the J-51 program in encouraging rehabilitation projects. "I measure change with the advent of J-51," he said. "None of the work could have been accomplished without it, and its termination would represent the single most dangerous threat to rehabilitation efforts we've seen so far."

The program allows tax exemptions and abatements from reassessment for rehabilitated buildings. Under a proposed revision now pending in the State Legislature, abatement would be modified and exemption linked to new assessments.

Commissioner Gliedman and others credit the Northwest Bronx Coalition of Community and Clergy for motivating much of the rehabilitation effort. Formed eight years ago, the coalition covers the communities of North Kingsbridge, Forham-Bedford, Belmont-Crotona, Bedford Park, Kingsbridge Heights, University Heights, South Fordham, Mosholu-Woodlawn, Kingsbridge-Marble Hill and Jerome-Webster.

Its area of activity covers most of the northwestern quadrant of the borough—north of the Cross Bronx Expressway and west of the Bronx River.

Private institutions, such as Aetna, the Traveler's Insurance Company and the consortium of banks usually give priority consideration to projects endorsed by the coalition. "We believe neighborhood organizations have a right to self determination," said Martin F. Crean, Aetna's manager of urban real-estate investments. "We do not consider a project for financing unless the neighborhood has been involved in the selection and preparation of a request to us."

Aetna has committed $3.5 million for the moderate rehabilitation of 10 properties with loans at interest rates that range from 12.5 to 15.5 percent, based on the income and expenses of the properties. Terms are set for 10 to 15 years.

Typical among the projects proposed through the coalition and now completed are these:

The Commodore Apartments, a 66-unit, six-story apartment building at 2842 Grand Concourse, an area between the Kingsbridge section and Mosholu Parkway. Michael E. Laub and Irving Yasgur, the owners, put up about $50,000 on their own; $350,000 was provided through the bank consortium (30 percent at 1½ percent and the balance at 18 percent), and H.P.D. lent $105,000 at 1¼ percent to subsidize interest payments; the over-all rate on the two loans comes to 14.4 percent. Improvements included a new boiler, burner, roof and insulation, bathrooms, kitchens, doors and windows. Facades were steam-cleaned and painted. Rents went up 9 percent, to an average of $100 a room.

A large Art Deco building in three sections at 3250 Perry Avenue in the Mosholu-Woodlawn section. Owned by Peter Sinnott, a developer, its improvements include new windows, boiler and burner. Federal assistance was made available through a community-development block grant totaling $95,000; Mr. Sinnott put up $5,500 for carpeting. When improvements were finished, tenants paid a 9 percent rent increase, raising the average rental per room to $80 a month.

A $265,000 rehabilitation of a red-brick, 51-apartment building a block from the Williamsbridge Oval at 282 East Gun Hill Road, also in Mosholu Woodlawn, financed by the Community Preservation Corporation. Work was done on entrance doors, windows and sidewalks and a new roof and intercom system were put in. With an outlay of $14,000 of his own funds, David Diamond, the owner, borrowed the remaining funds from the corporation for 20 years at 11 percent.

Owners are allowed to raise rents on rent-controlled apartments for specific improvements, while a formula spells out percentage increases for rent-stabilized apartments that pays back the cost of the improvements over 5 years. In the rent-stabilized apartments in the Gun Hill Road building, an H.P.D. spokesman said, rents were raised 10 percent, while in the rent-controlled apartments the rents went up 20 percent.

A complete rent restructuring tied to a building's operating costs is permitted if the city is involved in the improvement program—as it was, for example, in the participation loan H.P.D. arranged in connection with the Commodore Apartments.

Until recently, when the higher rents made necessary by the rehabilitations exceeded 30 percent of tenants' incomes, they could get subsidies through the Federal Section 8 program, but such subsidies will not be available for projects completed after next year.

Commissioner Gliedman said all rehabilitation work completed before December 1984 would be protected against cutoffs in Section 8 Federal aid. "But projects concluded after that date will not be covered and tenants could face increases," he said. "In some cases, owners might be discouraged from undertaking rehabilitation. The problem could thus result in terrible consequences for the stability and restoration of communities."

According to James Buckley, executive director of the coalition, there are 35 moderate-rehabilitation projects now being planned that are threatened by cutbacks. "This means we have to scramble to find new funding sources," he said.

Describing the work of the coalition, Dennis Boyle, president of the Kingsbridge Heights Neighborhood Improvement Association, a participating organization, said: "Our strategy is to work together to have a greater impact on mutual problems, issues ranging from crime to housing."

William Frey, a member of the coalition's Housing Reinvestment Committee, said that "early on, we started analyzing the lending patterns of the local financial institutions before getting them to sit down with us to discuss their lack of involvement in the improvement of our community.

"At first we were not successful, but eventually, after we were forced to stage some picketing, we had some success in getting the banks to change policy."

Rather than seek funds for massive "gut" rehabilitation of neglected buildings, the coalition mostly sought financial help for system repairs—such things as boiler replacement, roofing, wiring, plumbing and weatherization of windows.

"We reasoned that we could best utilize our resources by trying to improve many sound houses," Mr. Frey said, "even those with problems, rather than trying to go after buildings on the verge of collapse."

A total of $22.4 million in public infrastructure improvements has been made concurrently with housing rehabilitation. The focus has been on upgrading parks, streets and roadways. Robert P. Castellanete, administrative manager for Borough President Simon, cited these:

An $8 million appropriation for sewer construction in Fordham, to be completed within the year.

A program of rehabilitating subway stations in Fordham and Norwood at a cost of nearly $5 million.

A $3.1 million program to connect incomplete streets in the West Bronx.

Improvements under way in five parks in Devoe, St. James, Fordham Landing, University Heights and areas of Mosholu Parkway, at a cost of nearly $2.3 million.

A $4 million reconstruction program for Fordham Road, the borough's most important commercial strip.

"We've spent nearly a half million for the improvement of sidewalks, trees, lighting and street resurfacing," Mr. Simon said, "all of which is necessary for commercial revitalization."

Others stress the need of improved housing as the foundation for broad, long-term community stability. Judge Howard Trussel of Housing Court said long-term improvements depended largely on relations between landlords and tenants.

"It's still a ticklish situation," he said, "but we can see the light at the end of the tunnel because of the small, truly competent owners like Joseph Bodak. He's proven that housing in the Bronx can provide income for the owner and a decent living standard, too."

Mr. Bodak, who is 55 years old, said he came to the Bronx from Warsaw in 1952 and, starting with a small 36-unit "cold-water" apartment building on Mosholu Parkway, gradually expanded his real-estate holdings.

"I like taking buildings with big problems because they make a good challenge," he said as he led a visitor through the Japanese-styled grounds of the Thomas Garden Apartments, a block-square, 171-unit five-story walkup development at 840 Grand Concourse.

The development was built by John D. Rockefeller Jr. in 1929. When Judge Trussel appointed Mr. Bodak in February 1982 to administer the building for the court, the pipes had burst and floors were buckling from water damage.

The interest rate on the first mortgage, held by the Eastern Savings Bank, was lowered by the city with a $600,000 second mortgage. When he took over as administrator, Mr. Bodak said, he arranged to take a third mortgage and control of the deed to protect funds he was spending for repairs. He then invested a little more than $400,000 of his own money in the building. The property is owned by the 636 Holding Corporation.

In only two instances, Mr. Bodak said, have he and Mr. Fein acquired properties they first ran as court-appointed administrators. "More often we like to take an old building at the point of foreclosure, fix it up and turn things around," he said.

At 840 Grand Concourse, he said, the rehabilitation work included installation of 160 new windows and the expenditure of $50,000 on parapets and bulkheads. Later, he intends to restore the setting for the courtyard's concrete bridges and lanterns.

Rents, which range from $90 to $300, will rise after the work is completed and all the costs are known.

"It will be beautiful again and the tenants will keep things up if they are well-organized," Mr. Bodak said. "I don't bother with buildings that don't have a strong tenant organization because they appreciate having a good landlord.

"Mine is like a social program, but it's a money-making business. If you know your business and you aren't in too big a hurry to make a fast profit, you can be successful in the Bronx."●

UNEMPLOYMENT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, I wish to address my colleagues this evening on one of the gravest concerns for both my district and the Nation, and that is the appalling rate of unemployment. I find this issue extremely disturbing because my district is suffering and struggling through some of the highest unemployment figures in the Nation. The Bureau of Labor Statistics has confirmed to me that, as of March 1983, four of the five counties in my district have an unemployment rate above 17 percent, and two of these, Merced and Stanislaus Counties, are above 20-percent unemployment for the same period. This is a 2-percent increase over the previous year. Both statistics are twice that of the Nation's averages. For the five counties combined, these percentages translate into nearly 105,000 people unemployed and represent an increase of 15,244 additional unemployed workers from March 1982 to March 1983.

The high interest rates produced by the current administration's increased deficit spending is creating havoc in both industry and agriculture in my district. The casualty list from the high interest rates keep increasing throughout my district. From canneries, to farmers, to many small businesses, the effect of the Reagan administration's deficit spending has been devastating. My district cannot afford to be continually crippled by these policies, and neither can this Nation. I present these troubling statistics, which characterize my district, as an illustrative fact to emphasize my concern, and that of the American people, about the present unemployment situation.●

STONEWALL JACKSON DAM PROJECT APPROPRIATION DELETED

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. EDGAR. Mr. Speaker, I would like to call to the attention of my colleagues to recent editorials from the Pittsburgh Press and the Pittsburgh Post-Gazette concerning the Stonewall Jackson Dam project in West Virginia. Both papers supported the efforts of Representative BOB WISE to delete an appropriation for the $205 million dam project, efforts which were successful in the House by a 216 to 161 margin on June 6 of this year. I also strongly supported BOB WISE's efforts, as did the majority of the Pennsylvania delegation in the House. Stonewall Jackson Dam is a bad project which ought to be stopped before any more money is wasted on it.

The editorials follow:

[From the Pittsburgh Press, June 12, 1983]

DAM REFRESHING

It's dam refreshing to hear of a congressman with the gumption to turn down a major pork-barrel project in his own district.

Even though he's only a freshman on the Washington scene, U.S. Rep. Bob Wise, a Democrat from Charleston, W. Va., last week was successful in blocking, at least temporarily, a $205-million dam on the West Fork River—because he thinks it's a damn shame.

He was able to muster a 216-161 vote against a House funding measure for the project. And he did this in the face of all the opposition his state and his own political party could muster, including its two powerful senators and governor.

His reason for taking all the political heat in his stand against the Stonewall Jackson Dam: "This thing's a turkey, and we all know it."

Maybe Rep. Wise and 215 of his colleagues know it, as reflected by their votes last week, but there are those who don't—or who don't want to—know it.

Count among them the two U.S. senators from West Virginia, Robert Byrd and Jennings Randolph, and West Virginia's Gov. Jay Rockfeller. Also, West Virginia's three other congressmen.

Plus Rep. Joseph Gaydos, the veteran Mon Valley Democrat, who in a speech against the blocking move was condescendingly paternal toward the new kid on the block: "You're not supposed to come up here into this House and upset everything we've done all these years."

What they've done all these years, seven years, in fact—with respect to the Stonewall Jackson Dam is moved about 1,800 people, 40 cemeteries, a small town and several major roads in north-central West Virginia.

All this for a dam on a river that has caused only $25 million in flood damage in 115 years.

And what they've also done all these years is spend about $76 million thus far on a dam that was supposed to cost only $34½ million.

What they haven't done yet, despite spending all that money, is start construction. And Rep. Wise is trying to make sure they won't.

Whether he will ultimately succeed remains to be seen.

What is already clear is that the voters of north-central West Virginia have a representative in Congress who has the courage of his convictions. And that's a rarity.

[From the Pittsburgh Post-Gazette June 15, 1983]

STONEWALLING STONEWALL

No pork-barrel plan is harder to kill than a dam project. But a David from West Virginia, 35-year-old freshman Rep. Robert Wise of Charleston may succeed in slaying a Goliath in his own state, the Stonewall Jackson Dam near Weston on the West Fork River, a tributary of the Monongahela River. He has just succeeded in persuading the House to delete a $26 million authorization for a U.S. Army Corps of Engineers start on constructing the dam.

It is unusual to say the least for a congressman to seek to eliminate a public works project in his own district. And the action may not stick for that very reason—West Virginia's two senators Robert Byrd and Jennings Randolph are strongly behind the project and will do everything they can to get the funds restored in the Senate.

The dam has other support in West Virgina, but it also has had plenty of opposition led by the Upper West Fork River Watershed Association. That group of citizens in the area of the proposed dam protests the taking of 20,000 acres of land for a 3,470-acre reservoir and cites a U.S. General Accounting Office study which concluded that the estimated $205-215 million cost of Stonewall, as it is familiarly called, would be considerably higher than any conceivable set of benefits it would provide over its life.

The association has been able to line up opposition from the West Virginia state Senate, the United Mine Workers, National Taxpayers Union, American Farm Bureau Federation, National Wildlife Federation, the West Virginia Council of Churches and newspapers such as the Charleston Gazette.

Stonewall Jackson is listed as a multipurpose dam, among its functions is flood control on the West Fork and the Monongahela (The West Fork combines with the Tygart to form the Mon) Rep. Joseph Gaydos of McKeesport supported the measure on the floor as a way to reduce flooding and water pollution as far downstream as Pittsburgh, 200 miles away.

Pittsburgh can hardly scoff at the utility of dams, considering the series built to safeguard the city after the disastrous 1936 flood. But it is doubtful that Stonewall would make that much difference here. Certainly, it has not been a household word hereabouts.

The Post-Gazette sees no reason for the Pennsylvania delegation to back Stonewall, and a great deal of merit in—for once—scuttling a pork-barrel project before it is too late.●

A CALL FOR NATIONAL HEALING: POPE JOHN PAUL II

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. PANETTA. Mr. Speaker, it is an honor to join the gentlewoman from

Connecticut in paying tribute to Pope John Paul II and the courageous words of hope he has carried to the people of Poland. To the millions who have turned out to hear the Pope during his pilgrimage to his troubled homeland, the pontiff's appeal for national unity and healing has been received in an extraordinary pageant of the spirit.

With each passing day His Holiness has addressed with greater vigor the many problems that beset his homeland. In homilies which spring with faith yet are steeled with determination to address issues of human freedom and national sovereignty, the Pope has given expression to the dreams which withered following the imposition of martial law. For their part, the Polish people have enthusiastically responded with gestures of equal poignancy: Thousands have risked reprisal by laying flowers on forbidden monuments or carrying symbols of the outlawed Solidarity labor movement.

At an open-air mass in Wroclaw which attracted a crowd estimated at nearly 1 million, the Pope declared: "The whole Polish nation must live in mutual trust, and this trust is based on truth." Words of such clarity have rekindled hope in a land that has long languished under the tyranny of fear.

We join today in paying tribute to this truly remarkable spokesman and his courageous stand for human freedom.●

FCC RULES ON NETWORK SYNDICATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. GEKAS. Mr. Speaker, in recent weeks, a number of my colleagues have joined in cosponsoring H.R. 2250, Mr. WAXMAN's proposal to bar the Federal Communications Commission from taking up for at least 5 years its pending consideration of repeal of the network financial interest and syndication rules. These rules currently prevent the television networks from joining in the financing and syndication of television programs.

I believe the proposed bill represents a danger to sound communications policy. My own State, Pennsylvania, agrees, and has filed comments with the FCC urging the repeal of these restrictive rules, and to provide a greater opportunity for Pennsylvania program producers to share in television production. I attach a copy of the Commonwealth's letter for your review.

Other States have filed similar letters, and I strongly urge my colleagues to look into the issues involved in H.R. 2250, and not endorse the moratorium proposed by H.R. 2250.

Those who want to see the rules retained or who want to block the FCC from even considering the continued wisdom of the rules in a telecommunications universe much different from that which existed when they were adopted claim that the rules are working just fine and Government should not try to fix something that is not broken. The fact of the matter is that the rules are not working properly; they have failed to achieve the objectives the FCC intended when they were adopted, and they have actually had the counterproductive effect of reducing the diversity of program supply to the networks.

What is critically important is that this is not my own conclusion but rather the combined conclusions of a variety of nonpartisan Government officials who have looked extensively at the practices of the video and movie program supply industry over the last 5 years: A special FCC staff that studied the operation of the rules for 2 years; the Bureau of Competition and Consumer Protection of the Federal Trade Commission which extensively analyzed the theory and practice of the rules; the National Telecommunications and Information Agency of the Department of Commerce; and the Department of Justice Antitrust Division. All these expert agencies and departments of Government have recommended that the rules be repealed.

And I can understand the rationale. Referring to figures compiled by the coalition that is urging the FCC to retain the rules, the average number of companies supplying prime time entertainment series to the networks declined from approximately the high sixties before the rules to the low forties after the rules were adopted. The rules have hurt small independent program producers because they have deprived them of an important source of risk capital—the major television networks.

The networks have stated publicly that if the financial interest and syndication rules are eliminated they will have additional resources to: program more original episodes instead of repeats; broadcast more original summer replacement programing instead of reruns; continue to finance miniseries and made-for-television movies which are popular but very expensive programing. To me, this is the kind of quality and diversity of programing that best serves the American public.

There are many complex issues involved in the debate over whether the rules should be repealed. There are a number of competing equities. That is precisely why the expert Government agency charged by this Congress with responsibility over telecommunications has spent over 5 years and millions of dollars studying the matter. They should be permitted to complete that process now.

It is clear that our country is undergoing a technological revolution that is transporting us to a new era in telecommunications. Each day we read about developments in the alphabet soup of new technologies: Cable subscriptions reach newer and newer heights; direct satellite-to-home broadcasting is authorized and COMSAT implements plans to launch such a satellite; thousands of applications are filed with the FCC for low power television transmissions; and the FCC authorizes the expansion of a microwave service called MDS which can provide multichannels of premium television programing to homes where cable television is unavailable.

But the more things change the more some things remain the same. The American viewer does not erect a television antenna, subscribe to cable television, install a satellite dish or a microwave receiving antenna to bring static into his home by some new technological marvel. No, the American viewer is interested in the programs that those technologies transmit. The American viewers interested in receiving the maximum number, most diverse and highest quality programing which can be produced. The financial interest and syndication rules are a roadblock to satisfying this demand. So while I commend the FCC for establishing policies that have encouraged the extensive development of new transmission technologies, I also applaud them for reconsidering at the same time anachronistic software policies that may prevent the technological revolution from realizing its full potential to serve the American public, and I strongly urge my colleagues to support the FCC in its effort to complete its pending docket.

OFFICE OF THE GOVERNOR,
Harrisburg, Pa., January 24, 1983.

Re BC Docket No. 82-345 (Proposed Repeal of the Syndication and Financial Interest Rules).

William J. Tricarico,
Secretary, Federal Communications Commission, Washington, D.C.

DEAR MR. TRICARICO: The Commonwealth of Pennsylvania is pleased to have this opportunity to express its views on the proposal to repeal the Commission's financial interest and syndication rules (47 C.F.R. § 73.658(j)). Pennsylvania strongly endorses repeal for two basic reasons.

First, as the Commission's own Network Inquiry Special Staff and others have concluded, the rationale behind these regulations cannot be supported. The Thornburgh administration is committed to reducing and eliminating unnecessary regulation at all levels of government.

Second, the rules appear to actually inhibit development of Pennsylvania's own video production industry and perpetuate the dominance of the established studios located primarily in California. This effect is unfairly depriving Pennsylvania of needed job opportunities.

The 1977 Census of Service Industries graphically demonstrated the geographic

imbalance of the video production industry in the United States. The census showed nearly 55 percent of total video revenues being generated in California, while Pennsylvania, though it ranks fourth in the nation in population, accounts for only about 1 percent of those revenues.

Pennsylvania, with the diverse skills and talents of its population, with its varied and historic geography, and with its sophisticated urban centers, should have a far greater share of this important industry. With some of the leading drama schools in the nation, world-renowned symphony orchestras, dance companies, and other cultural treasures, Pennsylvania could be a leader in the production of quality television programming.

The Thornburgh administration has taken several steps to promote motion picture and television development in the Commonwealth: publishing a Pennsylvania Production Manual, which contains lists of people, places, and services related to the motion picture and television industry; establishing a statewide network of contacts in every major city to provide local information and liaison services to production companies; and establishing standard procedures for handling each project which helps to guarantee an essentially problem-free production.

However, one of the obstacles facing small independent producers in Pennsylvania is obtaining necessary operating capital. Producing programs for network television is a risky business. Capital is generally available only from the major studios in California who can spread the financial risk on any one new program over a large portfiolio of new programs and existing programs which are already financial successes.

While the three television networks also have the risk-bearing abilities similar to the Hollywood studios, they are prevented by the rules from providing financing. This is an unfortunate and unnecessary restriction on the marketplace which hurts the private sector in our state. While we have no indications or guarantees that any of the networks would finance independent Pennsylvania producers, it is clear that the networks, unlike the California studios, are essentially neutral on the issue of what geographic location should derive the economic benefits from video production.

In fact, one of the networks, CBS, has a large potential production facility at its Philadelphia-based station. But, again, the rules prevent use of that facility for production of television programs suitable for airing on regional television stations in the tri-state Delaware Valley area or from syndicating outstanding programs nationally.

Permitting the three networks to purchase risky future interests from independent Pennsylvania producers would significantly increase the ability of those producers to obtain financing. In addition, producers might get bank loans more easily if networks could purchase syndication rights. In short competition between the network and the established California studios would strengthen the independent producer's hand and reduce the present strong incentives to relocate in California close to financing sources.

We realize repealing the rules will not, in itself, allow competition unless certain consent decrees also are modified or eliminated. But repeal would be an important first step, and would provide useful guidance for reevaluation of those decrees.

In conclusion, the Commonwealth on Pennsylvania commends the Commission for taking the first step toward relieving the distortions caused by the financial and syndication rules, and urges the Commission to repeal the rules.

Sincerely yours.

PAUL W. CRITCHLOW.
Director of Communications.●

INSURANCE RATES AND H.R. 100

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FLORIO. Mr. Speaker, the Energy and Commerce Committee has before it H.R. 100, the Non-Discrimination in Insurance Act. This legislation would eliminate discrimination in insurance on the basis of race, color, religion, sex, and national origin. It does in insurance what has been done in many other areas.

The insurance industry has decided to oppose this legislation. Although they first claimed that the legislation would endanger their solvency, suggested compromises have eliminated any adverse financial impact on the industry.

The industry now claims that they oppose the legislation because they are protecting their women policyholders. As part of their multimillion-dollar campaign to defeat this legislation, companies have begun a series of mailings to their stockholders and policyholders claiming that the bill will cost women money.

The letter which follows shows the tactics of the industry. It tells women that their rates will go up if the bill passes. The facts do not support the claim. The GAO has confirmed that when other factors are substituted for sex there is little or no change in the rates paid by women or men. Instead of immutable characteristics like sex, the industry would be forced to rely on valid statistics like miles driven or accident records. I inserted the GAO report in the CONGRESSIONAL RECORD on April 21, 1983, at page E1797.

The experience in several States which have required unisex rates bears out the fact that rates for women do not increase when discrimination is outlawed. Instead, the insurance companies rely on statistics which look at the individual characteristics of the insured, such as health, smoking, or driving record, to determine rates.

I do not believe that the campaign of distortion being waged by the insurance industry will succeed. The principle of eliminating discrimination is an important one, and when the facts are discussed it is clear that discrimination can be eliminated without the dire consequences suggested by the industry.

I also include a recent article by Jane Bryant Quinn from the July 4, 1983, issue of Newsweek which shows why women will benefit from the elimination of discrimination. This is a complex subject. I urge all Members to look at the facts carefully before they make up their minds on this legislation.

AETNA PERSONAL FINANCIAL
SECURITY DIVISION,
Hartford, Conn., June 1983.

DEAR AETNA INSURED: The cost of your auto insurance and premiums for life insurance purchases will increase dramatically if legislation now before Congress is enacted.

Unless you and thousands of others act immediately, legislation now pending in Congress will become law—and, as a result, you will pay unfairly higher auto and life insurance premiums.

House Bill 100 and Senate Bill 372 would force insurers like Aetna to disregard the simple fact that women as a group live longer than men . . . or that female drivers have fewer accidents than male drivers. We would be required by law to ignore statistics that prove you as a woman deserve lower rates than men on these coverages. These bills somehow consider such statistically proven distinctions to be unfair sex "discrimination."

We believe not considering these differences in setting insurance prices is unfair economic discrimination. For example, if these bills pass:

Costs of auto and life insurance would shift dramatically: women would pay more so that men could pay less;

Women insured by Aetna would pay from 11 percent to 55 percent more for auto insurance every year, depending upon their driver category and where they live;

Life insurance premiums for most women insured by Aetna will go up—10 to 25 percent;

In total women will pay $700 million more for auto insurance and $360 million more for life insurance, according to a study by the American Academy of Actuaries.

Those who support these measures claim that women will benefit in the area of pensions. The truth is, it is not clear who will benefit in the pension area: in some instances men will; in others women will. Overall, however, women will pay more for the insurance they buy as individuals than they will gain in benefits from other types of insurance and pensions. Over the course of your lifetime, a "typical" insurance package of individual coverages from Aetna could cost you up to $5,600 more than you now pay—if this legislation is not stopped.

Aetna strongly believes that all forms of unfair discrimination should be eliminated. We think the use of sex as a rating factor in insurance, however, is not unfair discrimination—nor is it really a civil rights issue. These distinctions are based on valid statistics upon which fair rates can be developed. To disregard these distinctions would create genuine unfairness.

If the cost of your insurance is important to you, there is something you can do right now. Your U.S. Senator or Representative, whose name appears below, serves on a committee that is currently reviewing this legislation. He or she might not realize that the legislation hurts the very women it is intended to help. Your letter can make a difference. Time is short. Won't you write today?

Very truly yours,

DEAN E. WOLCOTT,
Senior Vice President,
Personal Financial Security Division.

Key Members: Senate Commerce, Science and Transportation Committee: Address for All Commmittee Members: U.S. Senate, Washington, D.C. 20510.

Alabama: Sen. Howell Heflin.
Alaska: Sen. Ted Stevens.
Arizona: Sen. Barry Goldwater.
Kansas: Sen. Nancy Landon Kassebaum.
Kentucky: Sen. Wendell H. Ford.
Louisiana: Sen. Russell B. Long.
Missouri: Sen. John C. Danforth.
Nebraska: Sen. J. James Exon.
New Jersey: Sen. Frank R. Lautenberg.
Oregon: Sen. Bob Packwood, Chairman.
South Carolina: Sen. Ernest F. Hollings.
South Dakota: Sen. Larry Pressler.
Washington: Sen. Slade Gorton.
Wisconsin: Sen. Bob Kasten.
Virginia: Sen. Paul S. Trible, Jr.

Key Members: House Energy and Commerce Committee: Address for All Committee Members: U.S. House of Representatives, Washington, D.C. 20515.

Alabama: Rep. Richard C. Shelby.
California: Rep. Jim Bates, Rep. William E. Dannemeyer, Rep. Carlos J. Moorhead, Rep. Henry A. Waxman.
Colorado: Rep. Tim Wirth.
Illinois: Rep. Cardiss Collins, Rep. Tom Corcoran, Rep. Edward R. Madigan.
Indiana: Rep. Dan Coats, Rep. Phil Sharp.
Iowa: Rep. Tom Tauke.
Kansas: Rep. Jim Slattery, Rep. Bob Whittaker.
Louisiana: Rep. W. J. "Billy" Tauzin.
Maryland: Rep. Barbara A. Mikulski.
Minnesota: Rep. Gerry Sikorski.
Mississippi: Rep. Wayne Dowdy.
New Jersey: Rep. James J. Florio, Rep. Matthew J. Rinaldo.
New Mexico: Rep. Bill Richardson.
New York: Rep. Norman Lent, Rep. Richard Ottinger, Rep. James H. Scheuer.
Ohio: Rep. Dennis Eckart, Rep. Thomas A. Luken, Rep. Michael Oxley.
Oklahoma: Rep. Mike Synar.
Oregon: Rep. Ron Wyden.
Pennsylvania: Rep. Don Ritter, Rep. Doug Walgren.
Tennessee: Rep. Albert Gore.
Texas: Rep. John Bryant, Rep. Jack Fields, Rep. Ralph M. Hall, Rep. Mickey Leland.
Utah: Rep. Howard Neilson.
Virginia: Rep. Thomas J. Bliley, Jr.
Washington: Rep. Al Swift.

[From Newsweek, July 4, 1983]

THE GREAT UNISEX DEBATE

(By Jane Bryant Quinn)

Congress is considering legislation to end the practice of charging men and women different prices for insurance products. But would unisex rates help women, as the bill intends, or would they hurt? The insurance industry says they would hurt. But I'm persuaded that the drawbacks are small, compared with the gains.

Pensions: Most female workers today get the same pension incomes as similarly situated men, because the majority of pension plans are gender blind. But a woman might get less if she's in a public-employee plan or a private profit-sharing plan and takes her retirement benefit in the form of a life-time income.

Insurers blame the lower payments on female longevity. Women, on average, live longer than men, so a given sum has to stretch over more years. But biology need not be destiny in the matter of pensions. Thousands of employers pay men and women alike; why shouldn't the holdouts do the same? If you're in a discriminatory plan, unisex pricing would mean slightly more future income for women and less for men.

Insurance-industry attorney George K. Bernstein told Congress that women are not really entitled to equal pensions, because of the logic of their longer life spans. "If the concern of the sponsors [of unisex benefits] is that older women do not have sufficient income, let them properly characterize the bill as providing charity," he complained. But Bernstein's logic stops with women. Whites live longer than blacks and married men live longer than single men, yet neither whites nor married men pay for their longevity with smaller pensions. Only women have the honor. "The primary purpose of pension plans is to meet the need for retirement income," says actuary Donald S. Grubbs Jr. of Buck Consultants. "To provide less retirement income to a person of one sex than one of the other cannot be acceptable."

Unisex pricing would also help widows who collect survivors' pensions after their husbands die. In more than half of today's pension plans, the survivor of a male worker gets a smaller monthly income than the survivor of a similarly situated female worker. Unisex pensions would raise benefits for widows, thereby aiding all aging women, not just working women.

Life Insurance: Women who buy their own life insurance pay less than men of the same age, with the size of the discount varying widely. After a switch to unisex pricing, the average man would pay a little less for his policy and the average woman a little more. A $50,000 term policy might cost a 35-year-old woman an extra $50.

The insurance industry hits this point hard, in hopes of turning women against the bill. But unisex pricing means bigger benefits for widows, because men will get more life insurance for the same dollar. Furthermore, insurance and pensions are two sides of the same coin. If women reject equal insurance rates they'll lose equal pensions, too, and pensions are crucial to their fight for a decent standard of living.

Auto Insurance: A married woman gets her husband's rate, so any switch to unisex pricing is chiefly of interest to the unmarried. In most states, single women over 25 pay about 10 percent less than men, while younger women pay sustantially less.

Insurers warn that unisex rates mean higher prices for single women across the board. But in the four states that already mandate gender-blind auto rates, the results are mixed. Some young women are paying more and some aren't. The real winners from unisex pricing should be safe-driving young men, who stand to pay less if insurers set rates solely on the basis of personal driving characteristics.

Health Insurance: Most women are covered by employer plans which, under the law, cannot discriminate. In the individual market, 24 percent of the policies sold to people under age 65 are already written on a unisex basis, as are 10 percent of the disability policies and virtually all of the medigap policies for people age 65 and up.

The fair-insurance bill requires the rest of the industry to switch to unisex pricing, too. It also requires them to spread the expense of pregnancy among all their policyholders (as group insurance does), rather than burden younger couples with the full cost. Young families, women under 55 and men aged 55 to 65 might all pay less; their opposites would pay a bit more.

Many sectors of the insurance industry already live with unisex rates. It's long past time for all the rest to do the same.●

HONORING PHIL CHELNICK

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. ECKART. Mr. Speaker, I want to take this opportunity to honor Phil Chelnick, who has been an invaluable asset to his community in northeast Ohio since his emigration to the United States at the age of 15.

Having spent his childhood in the repressive atmoshere of the Soviet Union, Phil spent his adulthood in our country working to protect the rights and freedoms we often take for granted. While all of us here recognize Phil as an active advocate for senior citizens, he has also been a lifelong advocate for all of the people, standing against hunger, poverty, and unemployment and for education, civil and human rights, and peace.

A great friend of youth, Phil Chelnick has always managed to bridge the generation gaps he has encountered. He did this by talking to high school students and winning their respect. One of his most important projects, in my mind, has been his effort to get high school kids registered to vote. Phil has always lived his firm belief that people must take part in the political process if they are to institute change and reform. Whether it was as a delegate to the White House Conference on Aging, or as chairman of the Social Action Committee, Phil directed his best efforts to the task at hand.

Phil's energy and initiative, embodied in the network of the Social Action Committee, will be carried on now by Rose Schneider, a highly respected leader in our community. Founded by Phil 14 years ago, the committee has discussed and become involved with issues on a local, regional, state and national level.

I am glad to join the community in taking time out today to honor Phil. Our community is a better place today because of his efforts, and it will be a better place tomorrow as a result of Phil's legacy of compassion and commitment.●

DEBATERS SHINE IN THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. GARCIA. Mr. Speaker, I would like to bring to the attention of my colleagues the achievements of the Bronx High School of Science. Most often, Bronx Science is recognized for its accomplishments in science and mathematics. Today, however, I would like to focus on its debating team, which is second in the Nation. The team recently won the National Catholic Forensic League Grand Tournament and placed second in the National Forensic League Speech and Debate Tournament.

This commitment to a balanced quality education is truly commendable. Richard Sidikow, the debating team's coach, deserves special recognition as his diligence has resulted in the enrichment of the students, the school, and the Bronx.

Mr. Speaker, let me take this opportunity to once again voice my concern over Federal funding for education. We cannot cut funding and expect better schooling. The education of our youth is too important to neglect. I would also like to include an article from yesterday's New York Times on the debating team.

DEBATERS SHINE IN THE BRONX

(By Gene I. Maeroff)

At Bronx High School of Science, celebrated for its outstanding students and the awards they garner year after year in the Westinghouse Science Talent Search, an equally impressive—though far less widely known—record has been built in a different arena: high school debating.

Bronx Science's debating team, consistently strong since the mid-1970's, finished second in the country this year. Besides being runner-up to St. Francis High School of St. Francis, Minn., in the National Forensic League Speech and Debate Tournament a week and a half ago in Kansas City, Mo., Bronx Science last month in Chicago won the National Catholic Forensic League Grand Tournament, which accepts public school entrants.

"Although we are a high school of science and mathematics, we are really most concerned with preparing kids for leadership roles," said Milton Kopelman, the principal of Bronx Science. "Future scientists and mathematicians have to be articulate people who can defend positions they believe to be right and attack positions they believe to be wrong."

Mr. Kopelman's office is replete with evidence of the ability of Bronx Science's debaters to defend and attack positions: dozens of shiny trophies from debate tournaments that seem to cover every table and cabinet in the room.

Debating at Bronx Science is approached with a zeal akin to that with which the school's hard-working students pursue the intricate scientific and mathematical experiments they submit to the Westinghouse science contest.

The school's prominence in debate has attracted less notice, though, because few of the city's 110 public high schools have debating teams. Debating is a far less popular high school activity in New York City than in some other parts of the country.

NEW INTEREST IN DEBATING

That situation could change somewhat in the fall if Chemical Bank goes through with a plan to sponsor a city-wide speech tournament. Board of Education officials would like to stir greater interest among students in communications skills; the achievements of Bronx Science could inspire imitation throughout the city.

Bronx Science's team largely pays its own way to the tournaments, which are held on most weekends from September to June. The coach, Richard Sodikow, receives no extra pay for his efforts and says he contributes about $6,000 a year from his own pocket to support the team's travels.

Mr. Kodikow, an English teacher, has coached the team for 14 years. Next year he will still have his two top debaters, Robert Schein and Stuart Rabin, who will be seniors. The pair won 42 straight matches this year before losing the final round of the national championships.

Mr. Rabin, a tall, slender young man with dark hair, joined the team after someone told him it offered a chance to travel. He said he found he thrived on the competition.

"It feels like an athletic event, though sometimes I think debate is more grueling," he said. "In some tournaments we have to compete seven days in a row."

Debaters wear three-piece suits as their uniforms; the tools of their competition are 4-by-6 index cards, tens of thousands of them, toted in huge metal cases. The debaters must be able to refer to the cards quickly as they challenge each new point of the adversary.

Two students from each school compete in each match, but a school may enter several pairs in a tournament. Bronx Science, which has almost 100 students on its team, sends six to 10 pairs into every competition.

Bronx Science is so dominant that sometimes two of its debating pairs reach the finals together. At the Pace University City Hall Classic this year, all four teams in the semifinal round were from Bronx Science. The semifinals and the finals were cancelled and Bronx Science was declared winner.

All high school debating competition in the nation each year is built around a single resolution. This year the topic was "Resolved: that the United States should significantly curtail its arms sales to other countries."

AFFIRMATIVE SIDE DEFINES TERMS

A toss of a coin decides which sides must argue the affirmative and negative points of view. The affirmative is always presented first and sets the tone of the debate, trying to define the argument as narrowly as possible.

Bronx Science, for example, sometimes used an affirmative argument that centered on cutting off arms to South Africa alone. Such a tactic aims at forcing the negative side to debate in depth a point on which the affirmative side is extensively prepared.

On the other hand, when Bronx Science was assigned the negative and had to speak second, the team tried to have ready a refutation that could apply to almost any argument the affirmative might offer.

"This year," Mr. Rabin said, "no matter what kind of curtailment of arms sales they argued for, we would try to oppose it by saying it would cause a trade war."

Next fall, debate teams across the country will have to be ready for a new topic, "Resolved: that the United States should establish uniform rules governing the procedures of all criminal courts in the nation." Index cards painstakingly compiled over hundreds of hours last year can be dumped in the rubbish and new research will be needed.

Debating stars like Mr. Schein and Mr. Rabin will not wait until fall to begin. Like football players in preseason drills, they will attend a summer camp at Northwestern University for debaters who want to get an early start on the new resolution.

Mr. Schein jokes that anything enhancing his argumentative powers is desirable, "I got into debate because I liked to argue with my parents, but I was never allowed to win. Formal debate, in front of a judge, gives me a chance to win at least a few."●

RICHARD PETERS GIVES OUTSTANDING SERVICE TO CALIFORNIA AGRICULTURE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. COELHO. Mr. Speaker, it is an honor for me to recognize a distinguished constituent of mine who serves as president of the California State Board of Food and Agriculture, Mr. Richard Peters. As a farmer and a representative of farmers throughout the State of California, Richard is a hard-working, aggressive, and attentive spokesman for the interests of agriculture and consumers alike. His outstanding service to California agriculture and his entrepreneurial skills have made him a highly admired and respected individual. The fine qualities of Richard Peters are highlighted in the following article which recently appeared in the Fresno Bee:

FRESNO FARM EXPERIENCE GUIDES AG BOARD CHIEF

(Ron Goble)

Richard Peters is a congenial sort who enjoys people and other living things. That's the farmer coming out in him.

He also enjoys a good argument. He likes to stir things up to the point that people are ready to work together on a solution. That's the politician side of his personality.

Whether he is farming or politicking, Peters knows just one way to approach things—by throwing his heart and soul into every effort. He's always been that way, say friends who have known him since the early days.

It doesn't seem like too many years ago that he was doing hard manual labor as a youngster on his father's farm near Sanger. For a number of years he worked closely alongside his father, the late Ed Peters. Those were the times he learned about farming and developed many of his beliefs and convictions.

He says he owes a lot to his father. Peters always has been a hard worker. He had to be to develop a first-class farming operation that stretches from vineyards and orchards in the San Joaquin Valley to the desert

region of Riverside County and the Coachella Valley.

He puts in long work-days and seems to thrive on the pressure that comes with making the tough, critical decisions. Over the years he apparently made the right ones because he currently owns and farms more than a thousand acres of tree fruit and table grapes. In addition, he manages another 1,100 acres scattered throughout Fresno, Kern and Riverside counties.

Besides his actual farm responsibilites he now serves as president of the California State Board of Food and Agriculture, a body that advises Clare Berryhill, the Stanislaus County grape grower now holding down the state ag director's job, and Republican Gov. George Deukmejian on essential farm matters.

He was appointed to the board earlier this year by Deukmejian and quickly elected to serve that group as president.

So if he truly likes to live in the "pressure cooker" he is right where he belongs.

Peters calls himself a spokesman for agriculture—personal views aside; he says he wants what is best for farmers while not overlooking the needs of the consumers.

"Some farmers are having problems but only seem to want to talk about them in the local coffee shop," he suggested. "Farmers need to be united and more of them need to get involved in the decisions that impact their industry."

Peters makes no bones about getting people involved. He advocates a broad scope of government, rather than having a relatively small group of leaders calling the shots.

The more people involved in making a decision the more representative that decision will be, he said.

He talked about some of the public's misconceptions about agriculture, things like use of illegal aliens and poor wages.

"The farm industry is NOT the largest user of illegals by a long shot, but it's about the only industry the public ever hears about," he declared. "When someone mentions illegal aliens, the first thing most people think of is the farmer. The critics don't consider all the illegals hired by factories or the hotel business up and down this state."

Peters calls farm worker wages fair.

"Most of my workers make a minimum of $5 an hour plus coverage on a health program. Some critics complain about low wages paid by farmers, but they think nothing of some firm like I. Magnin that pays many of its workers minimum wage of $3.35 an hour," Peters said.

He is eager to meet with the other CDFA board members on a one-to-one basis, hear their complaints and get a better feeling for their opinions on these and other ag issues.

"And I want to reach out into the ag community and ruffle some feathers," he said. "If we can shake a few people up, we might get serious about airing out some of our differences."

Peters is one of 15 CDFA board members representing a wide diversity of agriculture and related fields. He is one of three representatives from the central San Joaquin Valley. Other board members include Dr. Charles Smallwood, dean of agriculture at Fresno State University, and George DeMedeiros, chief executive officer for Dairyman's Cooperative Creamery Association, Tulare.

"I believe the governor is looking closely at the board and Berryhill for good, sound advice and guidance," he declared. "While we are not a policymaking group, we provide valuable information and resource people.

"Our recommendations carry more weight in Sacramento now," he added. "That is something the board hasn't been able to say in the last eight years because there was no real commitment to agriculture by the administration (during the Brown years)."

He is encouraged by the way the new governor is getting the ag department back in order. The atmosphere in Sacramento, said Peters, reflects optimism. Berryhill is no newcomer to agriculture and has already done some housecleaning that the Fresnan says will stop the waste of public funds.

Peters is encouraging other board members to set up advisory groups of farmers to provide input on the key issues they face.

"We want our decisions to be based on what our constituents want," he said. "The small farmer (40 acres or so) should be represented along with the big oil company that owns and farms thousands of acres."

The Fresno farmer brings an extensive ag background to his new position and his diversification is one of the reasons for his success. Peters is as diversified a farmer as they come.

In addition to his farming enterprises, Peters started DIFCO, Diversified Irrigation and Farming Co., in partnership with Eric Wuhl and Frank Wisehard. DIFCO specializes in drip irrigation systems. And he is a partner with brother-in-law Charles Krikorian in Custom Manufacturing, which builds specialty farm equipment.

He does business under several names. Most of his personal operations are run under the name Richard Peters. Other enterprises and partnerships are listed under Richard Peters Farms, Cal Ridge, South Ridge and P & W Farms.

From 1952 to 1975 his life revolved around the Peters and Garabedian Packing plant at Hamilton and Second streets in Fresno and a Coachella Valley table grape operation.

His father grew plums, nectarines, peaches and grapes in partnership with John Garabedian since 1935. In 1964 Richard bought out his father's half interest in that venture.

Eight years later he and Garabedian sold nearly all of their 3,500 acres of farmland holdings to Superior Oil Co., Bakersfield. Then he started buying vineyards and orchard properties on his own.

He is now a partner in the Coachella Valley firm, Desert Valley Fruit Inc., with Fowler Packing Co. and they have a new packing facility on the drawing board which will handle the fruit they grow on Kern County ranches.

"I ran a fruit packinghouse for a long time and I wanted out of the day-to-day grind of the business. I love being outside in the farm setting and I also wanted to see some of the world," Peters said.

And see the world he does.

Either he takes a quick 500-mile-per-hour-glimpse from 43,000 feet up out the window of his $2 million Lear jet, or from the back seat of his five-passenger helicopter at a more modest speed and altitude that the birds in the orchards can appreciate.

The sleek white jet with red, gold and blue stripes lining its sides is based in a private hangar at the Fresno Air Terminal. One of three pilots, John Giacchi, said the plane is in the air four or five days a week.

The jet has made it possible for Peters to make better use of his time. He often flies from one of his desert ranches near the aptly-named town Thermal in Southern California to a state board meeting in Sacramento in about the time most people spend commuting to and from work—just under one hour. He uses the helicopter for the shorter commute to his Kern County operations.

Planes are nothing new to the Fresno native. For more than 15 years he owned and operated Airdorado, Inc., an air charter service. In 1977, he took in the Fowler Packing Co. as a partner. Peters started with a small twin-engine Comanche and graduated to a Piper Navaho and the versatile King Air.

He got out of the charter business about a year and a half ago and now maintains aircraft only for personal business use. Peters bought the Lear early this year.

While he doesn't consider himself a member of the Jet Set, being on the move is almost a way of life for Peters. He doesn't like to waste his time and he likes to get things done. This is reflected in his attitude toward the ag board.

"If we are not going to have a good, active board with some clout, I don't want to be tied to it," Peters declared. "I want to see things happen."

A red-lined copy of HR 2035, a bill signed by President Ronald Reagan, hangs on the wall of his rural Fresno office as testimony to that fact. He had never really been involved in the political arena prior to working on the passage of that measure.

The Coachella Valley Grape Growers League had toyed with the bill for a couple years when Peters decided to get involved. That was March 1, 1982; by Oct. 14 it was on the President's desk and signed.

The bill says that all imported grapes that are in direct competition with a federal marketing order "shall meet the requirements" of that marketing order.

"We don't want to kill business, but these imports from such countries as Mexico and Chile must meet our standards in the Coachella Valley before they will be accepted," Peters stressed.

He is proud of that bill because he sees that it will benefit U.S. farmers and consumers alike. And he believes the measure gives the industry some teeth to deal with inferior imports.

Not every hour of the day is devoted to work. A montage of pictures on his office wall focuses on outings to Disneyland and family-style events at home over the years. This shows another side of 48-year-old Peters—his personal life with his wife Barbara, and daughters, Cindy, Susan and Sharon.

While he admits he doesn't spend a lot of time at home just relaxing, he did make it easier for his wife to be with him by buying a second home in the Coachella Valley. Now Barbara can accompany him on some of his extended trips to the Southern California operations.

"Anyone can be a father, but it takes someone special to be a dad" reads a plaque which hangs behind his desk: Another hint at the importance he gives his family. One daughter is married, another is away at a fashion school and the youngest is living at home and attending her final year of high school.

In a corner of his office stands a cabinet full of mementos from friends, family and politicians: A holiday greeting card from the governor and his wife, Gloria; a bottle of Windsor Vineyard 1976 Cabernet Sauvignon "bottled especially for Richard Peters;" a couple models of vintage cars and even a paperweight from Democratic Congressman Tony Coelho.

Other pictures on the wall show Peters with some of the airplanes he has owned and prominent people such as Gene Autry, Deukmejian, former president Gerald Ford and Agriculture Secretary John R. Block.

From a farming perspective, last year Peters marketed some 140,000 boxes of table grapes from mostly young acreage. His tree fruit packed out at about 100,000 packages and he estimates that when all his acreage is in full production it will produce approximately 500,000 packages of fruit.

He grows peaches, plums, nectarines, apricots and table grapes. His entire farming operation—trees and vines—is under drip irrigation.

He has done some work developing new fruit varieties and has three patents of his own with three or four more pending.

There will be much more said about this Fresno farmer between now and 1987 when his term on the board expires. Some people will agree with his ideas and methods, others won't.

There is one thing for sure, everyone will know where he stands on an issue and he will strive for change in the farming industry—hopefully for the better.●

POPE JOHN PAUL II'S VISIT TO POLAND

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Ms. FERRARO. Mr. Speaker, on the occasion of the 600th anniversary of the Black Madonna of Czestochowa, one of the great religious icons of Polish Catholicism, the holy father, Pope John Paul II, has again brought his message of faith, peace, and love to his troubled homeland.

Just as the Black Madonna has for six centuries symbolized the resistance of the Polish people to oppression, John Paul II and Solidarity have become modern symbols of freedom and hope in Poland.

The earlier visit of the Pope, the historic and moving first visit of the first Polish Pope, inspired the establishment of Solidarity. As the trade union grew in numbers and strength, a new Polish national hero emerged. Lech Walesa gave voice to the hopes of millions of Poles, and demonstrated great courage and vision in trying to improve the lives of his fellow workers and their families. Walesa, a simple working man, led millions of his countrymen in a peaceful movement to bring economic justice to Poland. For his efforts, he was placed under house arrest by the illegitimate Jaruzelski regime.

The Jaruzelski government reacted to the free trade movement by imposing martial law and outlawing Solidarity. But whatever the current predicament in Poland, the events of the past week show that the Government is engaged in a futile effort. They can no more succeed at outlawing the spirit of Solidarity than they can stop the tide from washing up on the beach.

John Paul's recent visit again demonstrates where the true loyalty and true support of the Polish nation lie. It is not with a government and its army divisions and secret police, but with a man who comes to Poland, to his homeland, not with the strong-arm authority of army divisions, but with the moral authority and power conveyed by the force of truth and love and God. This solitary man, by speaking the name of the forbidden trade union, Solidarnosc, has written a new and stirring chapter in the ages-old struggle for human dignity and basic economic freedom.

Much has been said about what will come of this pilgrimage of the holy father. Some have wondered what would be the ultimate result, fearing the possibility of more severe crackdowns and repression after the Pope leaves Poland. These are serious questions, and in the short run they must concern all of us who cherish freedom and pray for its return to Poland.

But in the long run, the beacon of hope carried by John Paul is that the Polish people's yearning for freedom cannot and will not be crushed. From this proof of the indomitability of the human spirit, we can all take great pride.●

FOREIGN INVESTMENTS IN U.S. PENSION PLANS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. CONABLE. Mr. Speaker, Mr. JENKINS, myself, and others are introducing legislation today which would amend the Internal Revenue Code to permit foreign pension plans to invest in the United States on a tax-free basis.

This bill is offered for several reasons. First, it is a matter of long-standing U.S. tax policy that determinations of U.S. tax liability for foreign taxpayers should be based on U.S. standards. In this regard, present U.S. tax law exempts from U.S. tax the investment income of qualified U.S. pension and retirement plans, while U.S. source income of foreign pension plans is subject to U.S. withholding tax at rates of up to 30 percent. Since foreign pension plans are generally exempt from tax in their home countries, there is a very strong disincentive for foreign pension plans to invest in this country.

Mr. Speaker, this inequity in tax treatment between U.S. and foreign pension plans not only is against our general tax policy, but it prevents U.S. industry from tapping an important new source of capital. Foreign pension plans hold several hundreds of billions of dollars of assets. These plans have shown an interest in investing in the United States in order to diversify their investment portfolios and to lesson their dependence on the economies of their home countries. Funds from foreign pension plans can add to the pool of capital that can be made available to the U.S. economy to develop and revitalize our industrial base and to provide the capital that is being demanded by various groups ranging from our cities for urban development to our high technology firms for growth. Furthermore, since foreign pension plan investments are usually made on a long-term basis, they provide more stability than other forms of foreign investment.

Second, unlike many proposals that merely shift capital from one sector of the economy to another, this bill will actually bring new capital to this country. By adding to the U.S. capital pool, our proposal would also assist in the creation of new employment opportunities and would further pressure the lowering of interest rates. In addition, since foreign pension plans are not generally investing in the United States, or are structuring their investments so as to minimize U.S. tax, our proposal would have little or no tax revenue loss and would fit within our current budgetary restraints.

Mr. Speaker, our bill would allow foreign pension plans to make passive investments on a tax-free basis directly in the United States or through financial intermediaries such as banks, insurance companies or investment houses. The bill, however, limits the tax exemption to foreign pension plans that qualify for favorable treatment under the tax laws of the country in which they are organized; that are funded with assets which are segregated from those of the employer; and that are maintained primarily to provide retirement benefits for nonresident employees.

Finally, the bill would establish a framework of review under which the governments of foreign countries may be required to give favorable tax treatment to U.S. pension plans that want to invest abroad.

We believe that this bill will help to provide meaningful economic growth for this country and we urge our colleagues to support this legislation.●

UNEMPLOYMENT IN GEORGIA'S EIGHTH DISTRICT

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ROWLAND. Mr. Speaker, although my congressional district may not have the highest unemployment

levels in the country, I believe there are structural problems that may result in the unemployment levels in rural Georgia being among the most long lasting and far reaching.

Although the area I represent experienced somewhat of an economic boom in the 1960's and 1970's, many of the newly created jobs were in lower wage production plants.

Many of these plants were established as the economic core of an entire community, and now as foreign competition lures these industries to even cheaper labor overseas, the resulting economic structure is weakened. In many instances, there is no longer a base of economic growth upon which to build a prosperous community.

Textile mills have been particularly affected by foreign competition.

At one time, the combination of low wages, few unions, and relaxed regulations made the South a haven for industry. But in spite of these incentives, my district is comprised more of small businesses and branch industries than any corporate headquarters which might have stimulated growth within the human resource areas.

It is important for the Congress, when looking for areas of high unemployment, to focus more on the pockets of unemployment and the contributing factors.

For instance, targeting Federal assistance for the unemployed in Georgia using numbers only may result in a disproportionate share of aid being directed toward cities better equipped to stimulate their individual economic recovery.

The larger cities in Georgia are often more recession-resistant and able to rebound with a minimum amount of sacrifices. However, the more rural areas have not been able to manage as well.

Much of the economy in the eighth district, while diversified, is depressed. Georgia farmers are among some of the most debt-ridden in the South.

The other industries of my district—the poultry farms, the textile mills, the timber industry—have not been as quick to respond to signs of economic recovery.

There are some exceptions to this, however. The mobile home industry in my district has flourished during the slump in the real estate market for conventional housing.

Any temporary or long-term assistance offered to the ranks of the unemployed must take into consideration the causes of the unemployment and the demographic characteristics of those affected.●

UNEMPLOYMENT IN SOUTHWESTERN PENNSYLVANIA

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MURPHY. Mr. Speaker, there is no more urgent priority for this Congress than to put our Nation's men and women back to work.

In dry economic terms, unemployment is a key cause of the spiraling budget deficit that is inhibiting any real economic recovery: Every percentage point of joblessness adds $30 billion to the deficit. However, the human tragedy that is caused by unemployment can never be measured by percentage points. Permanent job loss can mean the shattering of families and even communities that were centered around an industry. The financial drain on the unemployed worker is combined with psychological, physical, and social strains, which can leave an individual totally devastated.

In my home district in southwestern Pennsylvania, the unemployment rate is well above the national average. For example, one of the hardest hit areas in my district is Fayette County where the unemployment rate is 26.1 percent. The current recession has had a dramatic adverse impact on our steel, mine, and factory workers. The United Steelworkers in our Local District 20 has 65,000 members, and presently 36,000 are without work. The loss of income for these unemployed steelworkers is compounded by a loss of health coverage. Although most health plans provide temporary coverage to those who are laid off, most of our unemployed have exhausted these benefits. There has also been a dramatic increase in mortgage foreclosures. Judge Papadakos from Allegheny County Court of Common Pleas said that there are 20,000 mortgages in foreclosures, which is 10 times higher than normal.

Many honest hard-working people in my district have seen their jobs vanish, and with them their financial stability, their health, and their families. Many of the effects of unemployment will last far longer than unemployment itself. It is clear that we must take immediate action to provide relief for our unemployed and their families.

I believe that the Federal Government can and must be an ally of the unemployed. Congress should take steps to make U.S. exports more competitive, provide assistance for the unemployed who are in jeopardy of losing their homes, work with management and labor to revitalize our industrial base and strengthen training and retraining programs. The Federal Government must play a more compassionate and comprehensive role in order to reduce the human suffering caused by unemployment.

Mr. Speaker, at this time, I would like to insert into the RECORD an article from the Chicago Tribune, which describes the plight of the steelworkers in my district.

The workers described in this article are exemplary of what is occurring all across our Nation. They are people who are accustomed to having job stability, but due to the recession, they are struggling to feed their families.

I hope that stories like these will convince the Reagan administration to put aside their rigid economic policies in the interest of finding real solutions to our Nation's No. 1 problem—unemployment.

[From the Chicago Tribune, Jan. 16, 1983]

RECESSION IS PRODUCING SHATTERED SPIRITS IN OLD STEEL MILL FAMILIES

(By Eileen Ogintz)

HOMESTEAD, PA.—At first, Mike Hrinda got embarrassed when he picked up the free food from his union. It hurt his pride. He was used to giving charity, not taking it.

"But then you see that everyone else is in the same shoes as you are," said the 35-year-old unemployed steelworker. ". . . And you just start to accept it as help from a friend. . . ."

"I never could have imagined that this would happen to me," he continued, noting that he was proud to be the third generation in his family to work in the same U.S. Steel mill in Homestead, a few miles from Pittsburgh. "I was making close to $30,000 a year," he said. "We always had spending money and we always put money aside . . . Now thinking about the future is the hardest part. I think it's a very bleak future."

Here in western Pennsylvania, in the towns that grew up around the huge steel mills near Pittsburgh, thousands of steelworkers like Hrinda have watched helplessly this past year as their lives and dreams have shattered. For generations, they tied their fortunes to the steel mills, and now the industry's severe problems are destroying them and crippling their communities—perhaps permanently.

"I don't think it can get any worse," said Lou Washowich, the mayor of McKeesport, the largest mill town in the region with 31,000 people and an unemployment rate over 20 per cent. "There's got to be light at the end of the tunnel someplace."

Others aren't so sure, however. The steel industry is reporting the lowest production levels since the Depression, with mills operating at only 30 per cent of capacity at the end of 1982, according to the American Iron and Steel Institute. Partly, this is caused by the recession and the collapse of the auto industry, construction and other big steel customers. Partly it's caused by changing modern technology that hits hard at mills in older areas like this one.

At the same time, imported steel is taking a bigger share—22 percent last year—of a smaller market. Experts explain that some foreign steel is cheaper, of better quality, and easier to obtain than comparable American steel.

Consequently, by last November, employment in American steel mills had reached the lowest level since records were begun in 1933, AISI just reported. Forty-four percent of American steelworkers are now out of

work—154,500 people—double the number unemployed a year ago, according to the United Steelworkers Union. And about 60,000 of them are in Pennsylvania, with most around Pittsburgh. Union spokesmen say the downturn in production in Chicago steel mills is not as severe as in Pittsburgh and as a result, layoffs, while considerable, are not as bad.

But no matter where they live, a good many of these unemployed steelworkers may never again work in a steel mill.

"It is our feeling that we'll never return to the high levels [of employment] we had before," said Jack Sheehan, a spokesman for the United Steelworkers Union in Washington, D.C. The union notes that 100,000 steel jobs have been lost just in the '70s as production slowed and some plants closed.

"Many people can't believe this is permanent," said Mike Stout, an official of United Steelworkers Local 1397, Mike Hrinda's union in Homestead where 5,000 of the steel mill's 7,000 employees have been laid off, most for close to a year. "They just keep hoping it's going to go away," Stout said.

Some are beginning to accept that their jobs are gone forever. Others are afraid to give up hope. No one knows what to do. "Do I just give up my 17 years in the mill?" asked Hrinda, who has a wife and four children to support.

"I go out looking for a job at least once a week," added George Kemp, who is 40 and had worked as a welder in the Homestead mill for the last 12 years until he was laid off last March. "I never collected unemployment checks before . . . I never wanted to . . . but there just isn't any work out there . . ."

"Sure you think about leaving," Hrinda interrupted. "But your roots are here."

Close to 30,000 unemployed steelworkers live here in the Monongahela Valley, Mon Valley to the locals, in the string of small mill towns that include Homestead and Braddock and McKeesport and Duquesne and stretch south from Pittsburgh through winding hilly roads along the Monongahela River. Most grew up here, their lives even as children revolving around the mills where their fathers and grandfathers and uncles worked.

And until now, despite intermittent layoffs, the mills were good to them. They earned as much as $12 an hour. They could afford houses and nice cars and vacations. They could buy as much meat as they liked and they didn't have trouble paying for groceries or their kids' new sneakers or carpet for the living room.

But the recession changed all of that, leaving them dumbfounded, trying to figure out where they went wrong—people who always worked hard, went to church, and believed in the American way. Now they must scramble to pay for mortgages and utilities and food on unemployment checks—the maximum being $198 weekly. A lot of families already have begun to use up their benefits and many don't qualify for food stamps.

Close to 40 union food banks have opened in the Mon Valley in the last year and are providing food for thousands of families, food partly paid for by voluntary deductions taken from working steelworkers' checks. "We spend as much as we can get and we still can't cover the need," said Steffi Domike, an unemployed steelworker herself who oversees one of the larger ones. "It's increasing every week . . . now we're feeding 1,600 families every four weeks."

Most everyone's savings are gone. After six months out of work, they lose their union medical insurance and just hope no one gets seriously ill. Some already have lost their homes. So many mortgages were getting foreclosed, in fact, that Nicholas Papadakos, administrative judge for the Allegheny County Court of Common Pleas, ordered a moratorium on sheriff's sales of homes which are owned and occupied by unemployed people. "We have 20,000 mortgages in foreclosure right now—that's about ten times higher than normal," Judge Papadakos said. "Something had better happen pretty soon or it could be worse than it was in the '30s."

Folks here are angry at their predicament and vent their frustration any way they can. They fight with their wives and their children and their friends. Some of them are drinking too much and using drugs.

"It's all predictable," said the Rev. James VonDreele, pastor of St. Mathew Episcopal Church in Homestead. "They say they're so tired of being so damn broke. The pressure is so great families are beginning to fall apart. These people just never have been through anything like this."

Now the region's clergymen and union leaders are trying to channel that anger for a positive—and political—purpose. They're constantly forming committees, having meetings, and planning rallys to both call attention to the region's desperate plight and to provide help for those who need it.

They've set up hotlines and the foodbanks, and started projects to get people everything from free medical care to help with fuel bills and mortages. They're even organizing a national march on the Capitol in Washington of unemployed workers from around the country. It's slated for March.

Now they want the Mon Valley region to be declared a federal disaster area. "We're living under disaster conditions as real as any earthquake or flood," declared the Rev. Douglas Roth, pastor of the Trinity Lutheran Church in Clairton at a meeting that drew more than 1,000 people to the First United Church in McKeesport last week. They didn't need much convincing that this was the right approach.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 30, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 1

9:30 a.m.
Judiciary
To hold oversight hearings on the effects of antitrust laws on the domestic steel industry.
SD-226

JULY 12

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold oversight hearings on the effectiveness of the commodity distribution program.
SR-328A

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine certain murder cases involving children.
SD-226

Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430

2:00 p.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1148, to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Community, Montana by the U.S. Court of Claims.
SD-628

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 1152, to provide consumers with certain cost information relating to consumer leases, and to extend certain disclosure requirements to rental-purchase agreements.
SD-538

Commerce, Science, and Transportation
To resume hearings on S. 1108, proposed Highway Safety Act, focusing on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials.
SR-253

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concur-

rent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

Labor and Human Resources
To hold hearings on home health care services.
SD-430

Small Business
Urban and Rural Economic Development Subcommittee
To hold hearings on certain small business capital formation proposals.
SR-428A

Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of VA medical staff, and to examine the location of certain VA facilities to rural areas.
SR-418

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

2:00 p.m.
Foreign Relations
Business meeting, to continue consideration of certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

JULY 14

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 1368, to permit the Secretary of Agriculture to issue marketing orders regulating the handling of eggs.
SR-328A

Small Business
Business meeting, to consider pending calendar business.
SR-428A

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on problems developing from the manufacture and distribution of imitation controlled substances known as "look-alike drugs".
SD-628

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

3:00 p.m.
Select on Ethics
Closed meeting to consider pending committee business.
S-207, Capitol

JULY 15

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine trends in the projected life expectancy of U.S. citizens.
SD-215

10:00 a.m.
Environment and Public Works
To resume hearings on national infrastructure issues, and on proposals to develop long-term public works job opportunities, including S. 23, S. 532, and S. 1330.
SD-406

JULY 18

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the U.S. Army Corps of Engineers, and to begin hearings on S. 669, authorizing the construction of a project for navigation at the Bonneville lock and dam, Oregon and Washington, and S. 1554, to provide for the recovery of a certain portion of Federal funds for the construction, operation, and maintenance of the national inland waterway system.
SD-406

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on the recent Supreme Court ruling to repeal the legislative veto.
SD-226

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on a Presidential commission report on excellence in education.
SD-430

JULY 19

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To resume hearings on S. 522, to remove certain juvenile offenders not being tried as adults from adult detention centers.
SD-226

Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366

Select on Intelligence
To resume hearings in closed session on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
SR-232A

2:00 p.m.
Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 564, to establish the U.S. Academy of Peace.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

JULY 21

9:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's program delivery.
SR-428A

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9:30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the pertussis vaccine.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SR-485

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings on the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management at the White Sands missile range in New Mexico
SD-366

Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on the problem of runaway and homeless children.
SD-226

Labor and Human Resources
Business meeting, to mark up S. 1133, to authorize funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1520, to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-562

JULY 28

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 5, to designate certain public lands in the State of California as wilderness, and H.R. 1437 and S. 1515, bills entitled the "California Wilderness Act of 1983."
SD-366

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

AUGUST 3

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

AUGUST 8

9:30 a.m.
Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement activities, focusing on the organized crime and racketeering section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SD-325

CANCELLATIONS

JUNE 30

9:30 a.m.
Rules and Administration
Business meeting, to consider H.R. 3034, to provide for the appointment and education of congressional pages, Senate Resolution 150, to authorize the printing of additional copies of the Joint Economic Committee print entitled "Changing Economics of Agriculture: Challenge and Preparation of the 1980's," and pending legislative and administration business.
SR-301

10 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1101, to authorize funds for fiscal years 1983, 1984, 1985, and 1986 for certain fishery programs, and S. 663, to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.
SR-328A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Business meeting, to consider pending calendar business; to be followed by the Subcommittee on Separation of Powers to mark up S. 462, to clarify certain provisions of the Hobbs Act relating to Federal jurisdiction over labor extortion matters.
SD-226

JULY 20

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, June 30, 1983*

The House met at 10 a.m.

Rev. Donald J. Young, Glen Carlyn Road Baptist Church, Falls Church, Va., offered the following prayer.

Let us pray:

O God, we acknowledge You as giver and sustainer of life and through Your Son provider of eternal life. We pray Your wisdom and guidance upon our leaders as they meet here today to deliberate on matters which not only affect your creation but Your people as well.

We acknowledge Your blessings upon us and give thanks to You for Your care and watching over us. We thank You for the freedom and liberties which have been given to us. Help us as we attempt to preserve them.

We pray Your wisdom and leadership upon our President and Your guidance as he as well as leaders of this great Congress lead us this day, as well as in the days to come.

We pray guidance upon them as they seek to be sensitive to the needs of the people they represent.

In Jesus our Lord's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1271. An act with regard to Presidential certifications on conditions in El Salvador;

H.R. 1746. An act to authorize appropriations for the Navajo and Hopi Indian Relocation Commission.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3223. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3223) entitled "An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. MCCLURE, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. MATTINGLY, Mr. SPECTER, Mr. HATFIELD, Mr. EAGLETON, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, and Mr. SASSER to be the conferees on the part of the Senate.

THE REVEREND DONALD J. YOUNG

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, let me say to the Members of the House of Representatives that it is an honor and privilege that I have to introduce and present to you Rev. Donald J. Young.

Rev. Donald Young is minister of Education at Glen Carlyn Road Baptist Church in Falls Church, Va. Reverend Young is a graduate of Southern Baptist Theological Seminary (December 1981), Louisville, Ky. His parents, Mr. and Mrs. Ralph Young, reside in Oaklawn, Ill., and he is married to Debbie Young, daughter of Mr. and Mrs. Lonnie Dye of Granite City, Ill. Reverend Young and his wife, Debbie, have one daughter, Dawne Renee.

I am very pleased to have had Reverend Young on the floor of the House of Representatives. May God continue to bless him in spreading the good news of the Gospel.

RESIGNATION AS MEMBER OF JOINT COMMITTEE ON PRINTING

The SPEAKER laid before the House the following resignation as a Member of the Joint Committee on Printing:

WASHINGTON, D.C.,
June 29, 1983.

Hon. THOMAS P. O'NEILL,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Please accept my resignation from the Joint Committee on Printing. Since I am no longer a member of the Committee on House Administration, it is appropriate that I be replaced by a minority member of that committee.

Sincerely,

LYNN MARTIN,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be no 1-minute speeches until after the resolutions are disposed of. The House will consider four resolutions that we hope to be able to adopt. It is expected that we will rise at a very reasonable hour today, in view of the fact that many Members have reservations to go back to their districts.

AUTHORIZING AN INVESTIGATION AND INQUIRY BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 254

Resolved, That the Committee on Standards of Official Conduct is authorized and directed to conduct a full and complete inquiry and investigation into improper alterations of House documents including, but not limited to the alleged alteration of transcripts of joint hearings entitled, "EPA Oversight: One Year Review", before certain subcommittees of the Committee on Government Operations, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives, Ninety-seventh Congress, second session, July 21, and 22, 1982, and to determine whether any individuals have violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct, or engaged in any other misconduct with respect to the events investigated. The scope of the inquiry and investigation may be expanded by the committee to extend to any matters relevant to discharging its responsibilities pursuant to this resolution or the Rules of the House of Representatives.

SEC. 2. The committee is authorized and directed to report to the House of Representatives any findings, conclusions, and recommendations it deems proper with respect to the adequacy of the present Code of Official Conduct or the Federal laws, rules, regulations, and other standards of conduct applicable to the conduct of Members, officers, or employees of the House of Representatives to prevent alteration of transcripts of hearings or other documents of committees of the House of Representatives.

SEC. 3. The committee, after appropriate notice and hearing, shall report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by

the House of Representatives and may provide such other reports of the results of its inquiry and investigation as the committee deems appropriate.

SEC. 4. (a) For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to request or compel—

(1) by subpena or otherwise—

(A) the attendance and testimony of any person—

(i) at a hearing; or

(ii) at the taking of a deposition by one or more members of the committee; and

(B) the production of things of any kind; and

(2) by interrogatory, the furnishing under oath of such information as it deems necessary to such inquiry or investigation.

(b) A subpena for the taking of a deposition or the production of things may be returnable at such places and times as the committee may direct.

(c) The authority conferred on the committee by subsections (a) and (b) of this section may be exercised—

(1) by the chairman and the ranking minority member acting jointly, or, if either declines to or is unable to act, by the other acting alone, except that in the event either so declines or is unable to act, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised, and the committee shall be convened as soon as practicable to render that decision; or

(2) by the committee acting as a whole.

(d) Subpenas and interrogatories authorized under this section may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them. A subpena may be served by any person designated by either of them and may be served either within or without the United States.

(e) Any member of the committee or any other person authorized by law to administer oaths may administer oaths pursuant to this resolution.

(f) All testimony taken by deposition or things produced by deposition or otherwise, or information furnished by interrogatory pursuant to this section, other than at a hearing, shall be deemed to have been taken, produced, or furnished in executive session.

SEC. 5. For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to sit and act, without regard to clause 2(m) of rule XI of the Rules of the House of Representatives, at such times and places within the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

SEC. 6. The committee is authorized to seek to participate and to participate, by special counsel appointed by the committee, on behalf of the committee and the House of Representatives in any judicial proceeding concerning or relating in any way to any inquiry or investigation conducted pursuant to this resolution, including proceedings to enforce a subpena.

SEC. 7. The authority conferred by this resolution is in addition to, and not in lieu of, the authority conferred upon the committee by the Rules of the House of Representatives. In conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to adopt special rules of procedure as may be appropriate.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: In section 3, strike "may provide such other reports of the results of its inquiry and investigation as the committee deems appropriate." and insert in lieu thereof the following: "shall in any event report to the House the results of its inquiry and investigation, and said report shall be made to the House not later than December 30, 1983.".

The committee amendment was agreed to.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom of the House in matters such as this, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT) for purposes of debate only, and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 254, which authorizes an investigation and inquiry by the Committee on Standards and Official Conduct, was reported by the Committee on Rules as a privileged resolution, and, in accordance with the rules of the House, it is to be debated for 1 hour in the House.

House Resolution 254 was introduced by the chairman of the Committee on Standards of Official Conduct, the gentleman from Ohio (Mr. STOKES) and by the distinguished ranking member, the gentleman from South Carolina (Mr. SPENCE). The Committee on Rules reported this resolution yesterday by voice vote after hearing testimony from these gentlemen, as well as the gentleman from Kansas (Mr. WINN), the gentleman from Pennsylvania (Mr. WALKER), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from New Hampshire (Mr. GREGG), and the gentleman from Indiana (Mr. HILER).

The resolution authorizes and directs the Committee on Standards of Official Conduct to undertake an investigation into improper alterations of House documents including but not limited to transcripts of joint hearings held July 21 and 22, 1982, before certain subcommittees of the Committee on Government Operations, the Committee on Energy and Commerce, and the Committee on Science and Technology to review the operation of the Environmental Protection Agency. The resolution authorizes and directs the committee to determine whether any individuals have violated the Code of Official Conduct or any law, rule, regulation, other standards of conduct, or engaged in any other misconduct with respect to the events investigated. An amendment was agreed to during the course of yesterday's hearing in the Rules Committee which directs the Committee on Standards of Official Conduct to report the results of their inquiry to the full House no later than December 30, 1983.

With adoption of the House resolution, as amended, the Committee on Standards of Official Conduct will investigate thoroughly all allegations of the alteration of the transcripts, and will report their findings along with any disciplinary action deemed necessary to the full House by the specified date.

I should point out to my colleagues that the provisions of clause 4(e)(1) of rule X of the Rules of the House of Representatives, empower the committee to conduct an investigation of alleged violations of the Code of Official Conduct or of any law, rule, or regulation of the House applicable to the conduct of Members, officers, or employees.

However, it was considered important by the Ethics Committee and the Committee on Rules to have a clear mandate from the full House of Representatives that the Ethics Committee pursue a complete investigation and inquiry into the alleged alteration of hearing transcripts and other committee documents, and to permit the committee to use special procedures to facilitate the investigation.

The resolution we are considering today provides the Committee on Standards of Official Conduct the discretion of determining the scope of the inquiry and of making recommendations to the House regarding the adequacy of existing laws, rules, and regulations applicable to Members of Congress.

In addition, the resolution grants the committee special procedural tools to facilitate its investigation into these matters. I should like to review these "special tools" for my colleagues. To begin with, House Resolution 254 authorizes the committee to request or compel, by subpena or otherwise, the attendance and testimony of any person at a hearing or at the taking of a deposition by one or more members of the committee, and the production of things of any kind.

In addition, the resolution grants the committee the authority to compel, by interrogatory, the furnishing under oath of such information it deems necessary to the investigation.

The resolution further allows the committee to meet without regard to clause 2(m) of House Rule XI at any time or place within the United States whether the House is meeting, has adjourned, or recessed.

The resolution authorizes the committee to participate, by special counsel appointed by the committee, on behalf of the committee or the House of Representatives in any judicial proceeding concerning this investigation, including proceedings to enforce a subpena. Similar authority has been granted for other investigations as well as the investigations conducted by the Ethics Committee during past Congresses.

The resolution also makes clear that authorities conferred upon the committee by means of the resolution are in addition to the committee's authority under House rules. Finally, the committee is empowered to adopt special rules of procedure as may be appropriate to facilitate this investigation.

Mr. Speaker, we are all deeply concerned over the allegations which have been raised of improper alteration of documents. It is vital to our function as policymakers that we are able to entrust completely the accurate representation of our ideas and opinions in official proceedings. The special tools granted by House Resolution 254 to the Committee on Standards of Official Conduct will facilitate the investigation and lay these questions to rest.

I recommend that we adopt this resolution so that the committee can proceed with a clear mandate from the full House and the tools with which to conduct an expeditious and judicious investigation. I urge my colleagues to vote in favor of the resolution.

□ 1015

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to apologize to the Members on our side of the aisle for not having knowledge of the fact in advance that we were not going to have 1-minute speeches first today. I know a lot of Members were here in anticipation of giving 1-minute speeches and were inquiring about what the time schedule would be.

If we had known before the 10 o'clock hour, I assure you the Members would have been so advised.

Mr. Speaker, I think it is fair to say that House Resolution 254 is not the first choice of most of us on this side of the aisle. My colleagues will recall that yesterday the gentleman from Kansas (Mr. WINN) rose to a question of privilege of the House and presented a privileged resolution, House Resolution 245, that would have created a bipartisan, select committee to investigate in open hearings the alteration of House transcripts and documents. But that resolution was referred to the Rules Committee on a motion offered by the majority leader.

Later yesterday afternoon, about 5 minutes of 5 o'clock, to be precise, the chairman of the Rules Committee notified me that there would be an emergency meeting at the 5 o'clock witching hour, not to consider the resolution offered by the gentleman from Kansas (Mr. WINN), but, rather, to take up a resolution introduced by the chairman of the Committee on Standards that same day.

His resolution would vest in the Standards Committee expanded authority to investigate the improper alteration of House documents including the transcripts from the joint hearings on the EPA witchhunt held in the last Congress.

Mr. Speaker, I have fully supported my colleagues on this side of the aisle who have been directly affected by these transcript alterations and who have pressed for a prompt, thorough, and open investigation.

The wrong that has been done to these Members and to the House goes to the very heart of what is defined by House Rule 9 as a question of privilege; that is, matters which affect both the integrity of the proceedings of the House and the rights, reputations, and conduct of Members in their representative capacities.

Mr. Speaker, the numerous examples of transcript alterations which have been previously cited in colloquys on this floor would seem to point to a pattern that may extend way beyond the three committees now being mentioned and involved. It seems to point to a pattern and a practice of malicious misconduct aimed at discrediting and defaming Members of this House.

As I have said before, in all of my years I have been around here, 15 years, I have never heard of this sort of thing occurring. But I fear, as I have talked to people and asked questions, that it is more widespread than maybe we realize; yet, and I am not talking about one side of the aisle or the other, it could be applicable to both sides.

We are not talking here about somebody's idea of a joke, as we had a few years ago when some 1-minute speeches or some speeches were turned in, in Members' names, but they really were not the ones that wanted those speeches turned in.

No, it is not that kind of a joke, which was a violation, by the way, of the rules, and involved the integrity of the House, too. And it is not an isolated dirty trick but, rather, a gross violation of the integrity of our committee proceedings which lie at the very foundation of our Nation's legislative process.

For if the legislative history made by the duly elected Representatives of the people is subject to malicious alteration and distortion by anonymous, nonelected staffers, then the credibility of this institution, the people's branch, is in serious jeopardy.

All our written records become suddenly suspect in the eyes of the people, the press, and the courts.

How much weight, for instance, are the courts likely to give to the legislative history we supposedly made as Representatives when the actual source of that history is in doubt? And yet that is the situation in which we find ourselves until the guilty are found and punished and adequate steps are taken to prevent the recurrence of such abuse.

Mr. Speaker, for these reasons, my first choice to deal with this was a special, select committee devoted exclusively to investigating transcript and document alteration in an open and expeditious manner.

This preference was not a vote of no confidence in our standing Committee on Standards of Official Conduct.

I do not mean that at all. I do not mean to imply that and I do not want members of that committee on either side of the aisle to feel that.

Rather, it was a realistic recognition of the need for a special mechanism to immediately restore confidence in the House, and also a recognition, at least on my part, that the Committee on Standards of Official Conduct is busy right now. They have a lot to do.

The Committee on Standards of Official Conduct is already investigating several serious matters, and I understand may be reporting in some way in the month of July. That has to be a burden, or an impediment to moving quickly in this particular situation.

It was therefore our feeling that the House might best be served by a short-term special investigating committee and we would like to have had that considered by the Rules Committee, but it was not considered.

Having said all of that, Mr. Speaker, let me indicate that I will support the pending resolution because I think it is important that we move on out in this situation.

We have been assured by the chairman of the committee and assured by all of the ranking Members and chairmen on this side of the aisle that this thing is not going to be shunted aside. It is going to be acted on quickly and I think it is important that we do that.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. The gentleman says that he intends to support the present resolution. Does the gentleman intend to support it even though there is a possibility that the rules that will be established by the investigating committee will not make this open to the public?

Mr. LOTT. Yes; yes, I will, even though I would prefer, and I asked these questions in the Rules Committee, that it be totally open, even to the subpenaed testimony.

But I must say this, and the gentleman is an attorney and must share some of this concern, the Committee on Standards of Official Conduct sometimes has allegations, rumors, which they must investigate and they must have subpenaed testimony. Sometimes it involves people who are totally affected who are totally innocent, but the mere fact that they are called in to give testimony or there has been a rumor that they may have

done thus and such, their own person is violated.

I really wrestled with this question. But I think we must be careful that we not in our exuberance to get to the bottom of this allow other people who are really fundamentally innocent to be besmirched by the process. Therefore I have confidence in the members of the Ethics Committee that they are not going to let this thing proceed in a covered up fashion.

If they do, we will mark that day and that process well. But until they do I just think we have to err on the side of not going that far.

I know there are people on this side of the aisle that will not agree with that particular point. But I do feel like there are other things that must be considered.

Mr. GEKAS. Will the gentleman yield further?

Mr. LOTT. I yield to the gentleman.

Mr. GEKAS. Then the gentleman is really saying he will support this because there is nothing else? This is the only ball game in town?

Mr. LOTT. That is basically it.

Mr. GEKAS. The gentleman would prefer the select committee but if there is no other way to bring the facts forward and put them on the record that this would be at least an alternative?

Mr. LOTT. The gentleman is right. That is right.

I will support any effort here today on the floor still to go with the select committee because I really and truly believe that that is the best way to go. But failing that, I believe it is important that this thing be moved forward here in the House and that it be pressed at the Justice Department as far as possible on the criminal violations and civil rights violations that have occurred here.

This is not the end of this matter. This is the beginning of getting it fully investigated.

But I do not think we should in any way impede moving forward. If you cannot have it the way you would prefer it you go forward with the next best available tool and this appears to be all that we may have at this point in view of the vote that occurred yesterday.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. LOTT. I would like to speak briefly about the resolution itself.

First, the resolution does expand the authority of the Ethics Committee to include all improper alterations of House documents; it authorizes the committee to determine whether any individuals have violated any rule, law, or standard, or engaged in any other misconduct; and it may investigate any matters relevant to the scope of the inquiry.

In short, Mr. Speaker, by the terms of this resolution the investigative authority of the Ethics Committee is expanded far beyond its normal jurisdiction under House rules.

Second, the resolution permits either the committee or the chairman and ranking majority member acting jointly, or either acting separately, subject to committee approval, to compel testimony and documents by subpena, deposition, or interrogatory.

Moreover, the resolution permits any Member of the committee to take depositions, which will greatly help to expedite the investigation.

Third, the committee is granted authority to use special counsel to participate in any judicial proceedings relating to the conduct of the investigation and enforcement of subpenas. Without this new authority the committee woud have to come back to the House each time any of its actions are challenged in the courts, or we could be forced to fall back on our power to punish for contempt, an imperfect mechanism for compelling compliance with subpenas as we well know.

Fourth, while the original resolution left the matter of a report open and sometimes the Committee on Standards of Official Conduct has submitted a report and other times, for a variety of reasons it has not, I thought it was absolutely essential in this instance that the House get a report in a timely fashion of what was being found by the investigation.

If after that timely report more investigation or more activity was involved, fine, they could still go ahead and do that but we must have a report and we must have a timely report to the House of what is involved here.

The majority on the Rules Committee, acting with the minority, did agree that that report language would be included in the resolution and that there would be a date certain to report, and that date certain is not later than December 30 of this year.

I thought that was an important feature because we do not want it to just disappear into a very busy committee without any report ever coming back.

Finally, the committee is authorized and directed to report to the House its findings and recommendations on the adequacy of existing rules and laws to deal with integrity of House documents in order to prevent such abuses in the future. I am hopeful new rules and safeguards are proposed that will eliminate any future opportunity for altering Member's remarks in such an improper and malicious fashion.

So, Mr. Speaker, I think I have covered it. I am obviously very much concerned about this matter. I do take it as being very serious and I know that the chairmen of the various committees also do.

I think it is very interesting that while the national press revels in an orgy with an irrelevant campaign issue, when on something that involves the rules of the House, the integrity of the institution, potential criminal activity as well as civil rights violations, no interest in this issue.

I hope the House will act more responsibly than those in the national media are, and I have to say that I think we are.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I regret that I have to take the floor this morning to debate this issue and that the time of the House will have to be further tied up to talk about what are admitted improprieties and criminal activities on the part of certain unknown staff members.

The chairmen of the three committees involved should have investigated this matter when it first came to light, identified who on the committee staffs were responsible for the transcript alterations, fired them, and referred the entire matter to the Justice Department for criminal prosecution that is bound to ensue since three Federal criminal statutes have been violated here.

But that has not happened and there has been a stonewalling of any effort to get to the bottom of this matter, to weed the rotten apples out, and to restore the integrity that is necessary for the proceedings of the House of Representatives.

□ 1030

Now, let us look at what has happened in the past week and a half. The gentleman from Mississippi (Mr. LOTT) told about the hurry-up emergency meeting of the Rules Committee yesterday that was called on 5 minutes notice to act on this resolution and to bring it up today. And I think we should recall what happened yesterday during the proceedings in the House on the Consumer Products Safety Commission authorization legislation, where, in the midst of a debate on a very important amendment, the committee suddenly rose, the Speaker resumed the chair and the gentleman from Ohio (Mr. STOKES) asked unanimous consent to bring this issue up without notice to the Members. Fortunately, our colleague from New Hampshire (Mr. GREGG) was present to object so that at least the Members would have some notice that this issue was coming up. There has been no contact by the Committee on Standards of Official Conduct or the chairman of the Committee on Government Operations or the Committee on Energy and Commerce with those of us whose comments in the hearings were butchered up, to try to see how we all could cooperate together to get to the bottom of this matter without having a formal Ethics Committee investigation.

Now, all these failures are history and we are here today and now and it does not do the House proud, but we have got to decide how to proceed.

As the gentleman from Mississippi has indicated, he is going to support this resolution on final passage and so am I because this is the last shot we have left. But I think we ought to vote down the previous question so that the special Standards Committee's rules that say that anything in the investigatory stage is held in secret, do not apply. If the previous question is voted down I intend to offer an amendment that says:

SEC. 8. Notwithstanding any rule of the Committee on Standards of Official Conduct, all meetings, hearings, and depositions authorized by this resolution shall be open.

This does not mean that everything has to go on in public, but what it does say is that the House rules, rather than the Standards Committee's rules on secret meetings prevail and that means there has to be a rollcall vote in the Standards Committee before they go into secret session.

Vote "no" on the previous question, adopt the amendment and then pass the resolution.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, this morning I heard on television the chairman of the Democratic National Committee calling for a special prosecutor on a campaign-related problem where criminal misconduct is alleged. Here today, with this resolution we are dealing with a problem where everybody who has reviewed the material admits flatly there are criminal violations involved and yet the Democrats in this House come before us today calling for treating this whole matter in a business-as-usual fashion.

We are not going to have business as usual when it comes to investigating the briefing book; the chairman of that subcommittee has already announced that he is going to hire additional investigators to take care of that matter. But yesterday in this emergency session of the Rules Committee the Ethics Committee chairman announced there that his committee could handle this thing with just the same amount of staff and the same amount of resources that they now have. In other words, no special attention here. Business as usual. But special prosecutors and all of that on the briefing book scandal.

It seems to me that what we are seeing here is a case of unmitigated hypocrisy. I think select committee was the right route to go, because what a select committee would do is assure a full and open investigation.

Yet, at the Rules Committee yesterday, even though the select committee resolution was brought to this floor and voted to go to the Rules Committee, the Rules Committee did not even take up that resolution, they did not even give it a cursory look. Instead they took up their own resolution which we have on the floor today. Did not even give the idea of the select committee a cursory look.

It seems to me that is hyprocrisy.

I suppose the process proposed here is better than nothing. But it certainly is not the vigorous action proposed when the Democrats think that they have some advantageous political issue of their own.

So, I too will probably vote for this resolution. It is all we have. But I think that it is clear that this House is not capable of fully investigating itself and therefore it seems to me that where this matter has got to go now is to the Justice Department.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Thank you, Mr. Speaker.

Mr. Speaker, I come to this floor today, I guess, as a Member who has learned a great deal in the last few weeks, a Member who has come to recognize that even in the most jaded moments we have reached a new low here. The fact that this House has decided not to take this matter up in the open is something which I think this House is going to regret in the future.

It seems to me that when Members, over six or seven Members have their words actually churned and reversed and redirected, that this House owes those Members a little more consideration. What has been an essentially very fast-track attempt to get this matter out of public eye.

The facts, the factors of the movement to the Rules Committee last night have been reviewed, the facts of the way yesterday's debate was carried have been reviewed, the factors of the attempt to get unanimous consent yesterday have been reviewed.

It is truly an unfortunate situation. I would like to add one other point. That is a point that has been raised here relative to the national press coverage of this issue.

It clearly is the ultimate hypocrisy that the national press has made a major issue out of what is an important issue, the Carter briefing books, and then totally ignored something which goes to one of the most fundamental rights the American people have and that is free and clear access to our Government.

I look at the Washington Post, for example, today a front page story on the Carter notebooks, today an editorial on the Carter notebooks. Well, what do they talk about with this issue, well, it is about 1½ column inches stuck on pages 3, 4, or 5. In the annals of yellow journalism this paper clearly gets a good solid lemon. And if truth in advertising were applied to the national media, especially to this newspaper today, they would have to print its columns at a 45-degree angle. This paper belongs in the trash because that is about what the quality of the reporting of this issue has been.

And as a practical matter the national media coverage of this has also been on the same level and if I sound frustrated, I am, obviously, and I am not going to win this battle and I will vote for the final resolution because it is the only choice we are going to have around here. But the fact is that we have been treated poorly here today, not only by this Congress has also by the national media and especially by the primary source in this city.

Thank you very much.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HILER).

Mr. HILER. I thank the gentleman for yielding.

Mr. Speaker, I too, am frustrated and rising to support this particular resolution; that was not the most preferred resolution I would like to have seen but it is the only one in town today.

I am somewhat disappointed of the events that took place in the last 24 hours. Yesterday morning Mr. WINN offered a privileged motion, Mr. WRIGHT offered a motion to refer that resolution to the Rules Committee, the House voted overwhelmingly to refer it to the Rules Committee. The Rules Committee did not even take up that particular motion, that particular resolution. But even before that time period, when we were in the 5-minute rule in debating the Consumer Products Safety Commission legislation, the Ethics Committee tried to pass by unanimous consent their resolution.

In my estimation that was totally subverting what the House voted to do just several hours before that. There was then an emergency meeting called in the Rules Committee, 5 o'clock; the Republican members did not even know what it was about. The resolution that was referred to the Rules Committee was not taken up. I hope that the investigation that will be undertaken by the Ethics Committee will be more orderly and more complete than the events of the last 24 hours. I think there is a tremendous irony in what is happening today. We are voting to send this matter to the cocoon of the Ethics Committee, while we read in today's paper how the broadened inquiry into the briefing book, the question of how the Carter documents came into the possession of the Reagan campaign is being investigated by the Justice Department at the request of the White House; additionally it is being considered whether to have a widened congressional inquiry into how the Reagan Campaign Committee obtained the documents.

The committee is going to decide whether to issue subpenas and hold public hearings.

We are going to hold public hearings, subpena powers on what happened down at the White House. Yet, when we are talking about what happened in this very House of Representatives with what is definitely criminal behavior we are going to hold it behind closed doors. I am pleased that the Rules Committee did include in the Ethics Committee resolution a provision which mandates that the Ethics Committee report to this House the result of its finding by December 30. I think that is a major plus for the resolution that the Ethics Committee is required to report.

So, those of us who are involved, the rest of the House and the American people will have a chance to know what did happen. I wish that this had taken place in a more open fashion. But I am happy that it is going to be investigated.

I yield back the balance of my time.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Thank you, Mr. Speaker.

I, too, want to deplore the double standard mentioned so often by my colleagues here, not only by virtue of the press coverage that has assumed an imbalance between the debate papers and this particular fiasco, but also with respect to the general public's feelings and knowledge about what happened.

I asked several staff members and several constituents at different times in the last few days: "Have you heard anything about the debate papers controversy?" Universally the answer was, "Yes, I saw it on the TV, read about it, I heard something about it."

I asked them, "Have you heard anything about the scandal in the House of Representatives whereby speeches and words and actions of Members of the House have been distorted, deleted, and altered by somebody, somewhere?" They said, "No," universally.

So, that double standard on press coverage and on notoriety exists without question. That is why I have so pointedly asked the gentleman from Mississippi (Mr. LOTT), as to whether or not the Ethics Committee is going to make any of this public. It must be made public and as soon as things are present that should be made public for the purposes of balancing this kind of situation.

In my judgment, we are seeing the first shot in what will be a new scandal which, when given the proper press coverage, will be called Altergate. That is a situation where people are altering our words and opening the flood gates of scandal. It is an Altergate situation.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, speaking as a member of the Ethics Committee, I would like to say that I view this, as a very serious matter. It goes to a very fundamental part of our entire process.

I, for one, and I am sure I speak for the Republican members on the Ethics Committee, are very concerned about this matter.

We do not intend to allow anything to be covered up.

This affects everyone on the majority and minority side in this body. It reflects on our entire system. We cannot afford to have the American people lose faith in our system, because if they do, all that we do is for naught.

I would like to say that we need additional powers, if we are to investigate this matter, those things concerning interrogatories, subpenas, and depositions, as has been point out already.

I would like to say one further thing in all fairness: Those people who have concerns about closed hearings, and I have heard some people say that there will be no open hearings, I would like to say this: There is a very good reason, in the investigative part of our committee proceedings, to require executive, closed hearings to keep from ruining the reputation of innocent people who can have their entire reputation, their families, their lives, destroyed by hearsay in an open hearing.

□ 1045

We cannot afford to let that happen.

If and when, in this part of our proceedings, we find evidence of wrongdoing, then that person is charged with allegations and the hearings then go open.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

What happens if that person should be fired or resign at the time the Committee on Standards has decided to formally charge him?

Mr. SPENCE. That still does not prevent the hearings from going open. As a matter of fact, I will give a hypothetical case to the gentleman—and he should know, he served on the committee. He is an attorney.

In an open hearing involving drugs, someone says: "Well, I heard that Joe sold drugs to Congressman Sensenbrenner." Open hearing. You cannot get that back. You have been harmed.

What we do in a closed hearing is to go to Joe. He says: "No, I didn't sell drugs to Congressman Sensenbrenner." That never goes open. It is a grand jury type proceedings there. Later on it goes open if we find basis for what he says.

The SPEAKER pro tempore (Mr. KAZEN). The time of the gentleman from South Carolina (Mr. SPENCE) has expired.

Mr. LOTT. Mr. Speaker, I yield the remaining minute to the gentleman from South Carolina.

Mr. SENSENBRENNER. If the gentleman will yield further, what happens when you ask Congressman SENSENBRENNER whether he ever brought drugs from Joe? Under the gentleman's procedures, even if Congressman SENSENBRENNER should want to testify in open, under oath, that he never bought drugs from anybody, under the gentleman's rules, that would have to be in closed hearings so that I could never exonerate myself in public until some time in the future when you come out with a report saying, "We have investigated this and he is innocent."

Mr. SPENCE. If the gentleman ever wants to go to that place and deny something he has not been accused of in public, the gentleman can feel sure he will have that opportunity.

Mr. SENSENBRENNER. I thank the gentleman.

Mr. LONG of Louisiana. Mr. Speaker, having no requests for time, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LONG of Louisiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 151, not voting 32, as follows:

[Roll No. 232]

YEAS—250

Ackerman	Bonker	Daschle
Addabbo	Borski	de la Garza
Akaka	Bosco	Dellums
Albosta	Boucher	Derrick
Alexander	Boxer	Dicks
Anderson	Breaux	Dingell
Andrews (NC)	Britt	Dixon
Andrews (TX)	Brooks	Donnelly
Annunzio	Brown (CA)	Dorgan
Anthony	Bryant	Downey
Applegate	Burton (CA)	Durbin
Aspin	Carper	Dwyer
AuCoin	Carr	Dyson
Barnard	Chappell	Early
Barnes	Clarke	Eckart
Bates	Clay	Edgar
Beilenson	Coelho	Edwards (CA)
Bennett	Coleman (TX)	English
Berman	Collins	Erdreich
Biaggi	Cooper	Evans (IL)
Boggs	Coyne	Fascell
Boland	Crockett	Fazio
Bonior	D'Amours	Feighan

Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (NY)
Matsui
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—151

Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hammerschmidt
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hyde
Jacobs
Jeffords
Johnson
Kasich
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Mazzoli
McCain
McCollum
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Moore
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Snowe
Solomon
Stangeland
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—32

Badham
Bedell
Bevill
Boner
Byron
Conyers
Daniel
Dickinson
Dowdy
Dreier
Dymally
Erlenborn
Fuqua
Hance
Hansen (ID)
Harrison
Heftel
Jones (NC)
Kemp
Leach
Lehman (CA)
Martinez
Mavroules
McCandless
McDade
Mrazek
Smith (IA)
Smith, Denny
Smith, Robert
Weaver
Whitten
Williams (MT)

□ 1100

The Clerk announced the following pairs:

On this vote.

Mr. Mrazek for, with Mr. Badham against.

Mr. Heftel of Hawaii for, with Mr. McCandless against.

Mr. Dymally for, with Mr. McDade against.

Mr. Boner for, with Mr. Denny Smith against.

Mr. Lehman of California for, with Mr. Robert F. Smith against.

Mr. MORRISON of Washington and Mr. LUJAN changed their votes from "yea" to "nay."

Mr. ROSTENKOWSKI changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KAZEN). The question is on the resolution.

Mr. LONG of Louisiana. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 409, not voting 24, as follows:

[Roll No. 233]

YEAS—409

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe

Snyder	Thomas (GA)	Whittaker
Solarz	Torres	Williams (MT)
Solomon	Torricelli	Williams (OH)
Spence	Towns	Wilson
Spratt	Traxler	Winn
St Germain	Udall	Wirth
Staggers	Valentine	Wise
Stangeland	Vander Jagt	Wolf
Stark	Vandergriff	Wolpe
Stenholm	Vento	Wortley
Stokes	Volkmer	Wright
Stratton	Vucanovich	Wyden
Studds	Walgren	Wylie
Stump	Walker	Yates
Sundquist	Watkins	Yatron
Swift	Waxman	Young (AK)
Synar	Weaver	Young (FL)
Tallon	Weber	Young (MO)
Tauke	Weiss	Zablocki
Tauzin	Wheat	Zschau
Taylor	Whitehurst	
Thomas (CA)	Whitley	

NOT VOTING—24

Badham	Erlenborn	Lehman (CA)
Bedell	Fuqua	Martinez
Boner	Hance	Mavroules
Byron	Hansen (ID)	McCandless
Daniel	Harrison	Mrazek
Dowdy	Heftel	Smith (IA)
Dreier	Kemp	Smith, Robert
Dymally	Leach	Whitten

□ 1115

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RETIREMENT OF MIKE PRELOH

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I take this opportunity to call to the attention of the Members of the House the fact that after 41 years and 6 months, Mike Preloh, the superintendent of the garage at the Rayburn House Office Building is retiring today. He had 36 years working for the Congress, preceded by 5 years in the military service.

Mike has had a very long and distinguished career of dedicated service to the Members of Congress and he has always been very helpful to me and to my staff and to everybody of whom I am aware. As a member of the Committee on House Administration, which has jurisdiction over the parking garages, I have had many occasions to deal directly and personally with Mike.

I think he has been an outstanding public servant. I know we will miss him. I know he has many friends here in the Congress who would like to be aware of the fact that he is retiring today after 41½ years of Government service, and I am sure that they will all join in wishing him well.

GENERAL LEAVE

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the retirement of Mike Preloh.

The SPEAKER pro tempore (Mr. KAZEN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5(b) of rule I, the Chair announces that he will postpone further proceedings today on each question of adopting resolutions or on ordering the previous question on resolutions reported from the Committee on Rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after all debate has been concluded on each resolution and after each question to be determined by a "nonrecord" vote has been disposed of, the Chair will then put the question on each resolution or on the previous question thereon, on which further proceedings were postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1, HOUSING AND URBAN RURAL RECOVERY ACT OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 248

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1) to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. Immediately after the short title has been designated by the Clerk, it shall be in order to consider amendments printed in the Congressional Record of July 11, 1983, by Representative Gonzalez of Texas and, if offered by Representative Gonzalez or his designee, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, all points of order against said amendments for failure to comply with the provisions of clause 5, rule XXI, are hereby waived, and said amendments shall be debatable for not to exceed one hour, equally divided and controlled by Representative Gonzalez and a Member opposed thereto, before they are considered for amendment under the five-minute rule. After the disposition of said amendments, the committee amendment in the nature of a substitute shall be considered for amendment. After said substitute has been read for amendment in its entirety, it shall be in order to consider an amendment in the nature of a substitute printed in the Congressional Record of July 11, 1983, by Representative Wylie of Ohio and, if offered by Representative Wylie or his designee, all points of order against said amendment for failure to comply with the provision of clause 5, rule XXI, are hereby waived, and said amendment shall be debatable for not to exceed two hours, equally divided and controlled by Representative Wylie and a Member opposed thereto, before it is considered for amendment under the five-minute rule. Amendments to the table of contents of the committee amendment in the nature of a substitute shall be in order at any time during the consideration of said substitute. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1130

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA), and pending that I yield myself such time as I may use.

Mr. Speaker, House Resolution 248 is an open rule providing for the consideration of H.R. 1, the Housing and Urban-Rural Recovery Act of 1983 with 2 hours of general debate. The rule is designed to preserve the options of the Members with alternative approaches to housing recovery and presents a fair and equitable parliamentary procedure for consideration of this bill.

The rule waives points of order under section 402(a) of the Congressional Budget Act which prohibits consideration of any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has

been reported on or before May 15 preceding the beginning of such fiscal year. The waiver is necessary because the bill as introduced authorizes various Federal housing, community, and economic development programs which would become effective upon enactment—presumably in fiscal year 1983—and because it was not reported in a timely fashion. However, during markup the Banking Committee adopted an amendment making the authorizations effective October 1, 1983, thereby curing the Budget Act violation.

Mr. Speaker, House Resolution 248 provides for the consideration of the Banking Committee amendment in the nature of a substitute as original text for the purpose of amendment. To facilitate the amendment process the rule also specifies that the substitute shall be read for amendment by titles instead of by sections with each title to be considered as read.

House Resolution 248 waives clause 5 of rule XXI to permit consideration of the committee substitute and two designated amendments. That rule prohibits appropriations in legislative bills. Various provisions of the committee substitute contain amendments which are effective in the current fiscal year, to housing and related laws. Many of those changes could allow funds already appropriated for fiscal year 1983 to be used for the new programs provided in the substitute. Thus, the waiver of clause 5, rule XXI is required. However, such waivers are usually noncontroversial in the case of bills making changes in multiyear funding programs.

Mr. Speaker, the distinguished subcommittee chairman, Mr. GONZALEZ, is to be commended for his diligence in shepherding this legislation through the Banking Committee and for his commitment to the preservation of our Nation's housing programs in the face of critical budgetary constraints. The gentleman will offer amendments designed to conform the bill to the fiscal parameters of the budget resolution.

Under the terms of this rule, there will be 1 hour of general debate of the Gonzalez amendments prior to the consideration of any other amendments. Since these amendments would apply to more than one title of the bill, they will be considered en bloc and will not be subject to a division. After the disposition of the Gonzalez amendments the committee substitute shall be considered for amendment and amendments to its table of contents shall be in order at any time.

After the committee substitute has been read for amendment in its entirety, Mr. WYLIE would be permitted to offer a substitute proposal which will be debatable for 2 hours prior to its consideration for amendment.

Although this resolution structures the amendment process, any germane amendment could be offered. Upon conclusion of consideration of the bill for amendent, one motion to recommit with or without instructions would be in order.

Mr. Speaker, H.R. 1 authorizes $13 billion for assisted housing programs for the poor, the handicapped, and the elderly. It authorizes $4 billion for rural housing programs under the Farmers Home Administration. A new housing program designed to encourage the production of multifamily housing is established by this legislation.

The bill provides $4.5 billion per year for community development block grants through fiscal year 1986 and authorizes up to $250 million for such grants in areas that are experiencing high levels of unemployment.

The bill sets aside $50 million for a homesteading program in which HUD would transfer vacant properties to local governments which in turn would offer them to needy families.

H.R. 1 continues the significant GNMA tandem program, which is essential under current market conditions, to permit construction of section 8 housing.

Mr. Speaker, difficult decisions confront the Congress, on the scope of our national commitment to decent and affordable public housing. This rule provides a reasonable basis for consideration of the merits of the basic housing issues under a fair and open procedure.

Mr. Speaker, I know of no opposition to this rule and urge adoption of House Resolution 248 so that we may proceed to the consideration of this vital legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation made in order by this rule is one of the biggest budget busters of the entire Congress.

This bill, the Housing and Urban-Rural Recovery Act of 1983 is $15.7 billion over the President's recommendation and $8 billion over the amount appropriated last year.

With all the talk about excessive budget deficits, there is no way we should be considering adopting a bill with such high authorization levels. Expressed in percentages, this bill embodies a 43-percent increase over fiscal year 1983's funding levels. We should be talking about reducing spending in this bill, or at the very least holding it to last year's levels. But this bill abandons even the pretense of fiscal responsibility.

Mr. Speaker, in addition there are program changes in this bill such as the rollback of tenant rents, which will aggravate our budget deficit situation for years to come. Specifically, the bill rolls back the public housing tenant rent contributions from 30 to 25 percent of income.

Mr. Speaker, certainly we do not want anyone to pay too much in rent as a percentage of income. But according to testimony in the Rules Committee, the average middle-class rental family is in fact paying well over 30 percent of its income in rent. It does not seem fair to me to have the average factory worker's family paying close to 40 percent of income for housing, and then decree by law that those who are on general assistance will not pay more than 25 percent.

Mr. Speaker, another thing in this bill which concerns me is that the previously enacted targeting provision, directing assistance to lower income families, defined as 50 percent of area median income or lower, would be repealed. Under this bill eligibilty would be restored to families earning up to 80 percent of area median income.

Mr. Speaker, there is another subject this bill fails to properly address, and that is rent control. There is general agreement that rent control—and even the mere threat of rent control—is a disincentive to rental housing development. Without an amendment to deny these new funds to communities that place rent controls on new nonsubsidized projects, the communities that do the most to discourage new production through rent control will be leading candidates for receipt of the funds. The project selection criteria put a heavy emphasis on the severity of the shortage of rental housing. The cities with a shortage of rental housing are the rent control cities. This bill would reward those cities that refuse to help themselves. It would do so at the expense of those communities which are trying to solve the rental housing shortage.

Mr. Speaker, there is one other concern that I raised in the Rules Committee, which should be mentioned here as well. That is the problem we have gotten into in the past of subsidizing rents in some pretty fancy buildings. These housing subsidies are supported by the taxes of working people, many of whom cannot afford to live in luxury housing. It is not fair to take the taxes of these working people, to support someone less productive or nonproductive, in better housing than the workers can afford. The committees establishing these programs should do careful oversight to prevent this misuse of taxpayers funds.

With regard to the administration's position, Mr. Speaker, at the time of the Rules Committee meeting we were informed that this bill is totally unacceptable to the administration. Ac-

cording to information provided by the Office of Management and Budget, if this bill were to reach the President's desk in its present form, it would be recommended for disappoval.

□ 1140

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman from Ohio for yielding me this time and rise in support of the rule.

In rising in support of the rule, I want to commend the gentleman from Rhode Island (Mr. ST GERMAIN), chairman of the full Committee on Banking, Finance and Urban Affairs, and the gentleman from Texas (Mr. GONZALEZ), chairman of the Housing Subcommittee, for their leadership and agreement to what I regard as a very generous rule on the housing bill.

It will, as has been suggested, provide for 2 hours of general debate on H.R. 1. Then there is a provision for 1 hour of general debate on some amendments which may or may not be offered by the gentleman from Texas (Mr. GONZALEZ). Then there are two hours of general debate on a substitute which I may or may not want to offer.

But in any event, as far as the rule is concerned, I see no problem. I support the waiver of the technical violation of clause 5, rule XXI and the Budget Act violations. The reason for the Budget Act waiver is that the original H.R. 1, as introduced, applied to fiscal year 1983. With the committee amendment, it will apply to fiscal year 1984.

Having said that, H.R. 1 is very controversial, as has been pointed out by the gentleman from Ohio (Mr. LATTA). To begin with, it is $15.7 billion over the administration's request and $8 billion over the amount appropriated last year.

In addition, there are numerous changes in existing law and several new programs to which we in the minority will object.

I should point out that although the bill was voted out of the House Banking, Finance and Urban Affairs Committee on a voice vote, I know of no members of the minority on the committee who would support the bill H.R. 1 in its present form.

I have talked with the chairman, the gentleman from Rhode Island (Mr. ST GERMAIN) and the gentleman from Texas (Mr. GONZALEZ) and I applaud their stated intent of bringing H.R. 1 into line as far as budget authority figures are concerned and, of course, we will want to take a look at that.

As has been pointed out by the gentleman from Ohio (Mr. LATTA) there are some other programmatic changes, such as the tenant rent provision, which we would still object to, as well as some other new and untried programs.

But, when H.R. 1 reaches the floor, I would hope that we can move expeditiously. There will be no intent on the part of the minority to engage in any dilatory tactics.

As I have suggested, there will be some changes in the law, and if the amendments which will be offered by the gentleman from Texas (Mr. GONZALEZ) do not meet these objections, then we will try to package those into a substitute which I may want to offer.

Mr. Speaker, I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, I would simply like to congratulate the Rules Committee on both sides of the aisle for coming up with a rule which I consider to be eminently fair.

I find great troubles with H.R. 1 as it is presently constituted, but this is not the time to argue the case, and that will take place, I believe, on Monday and ensuing days when we return.

I strongly support the rule and hope it passes.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the chairman of the full committee, the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Speaker, I rise in support of the rule and also to commend the chairman of the subcommittee, the gentleman from Texas (Mr. GONZALEZ), for his hurculean efforts on this legislation and also to compliment the ranking minority member of our full committee, the gentleman from Ohio (Mr. WYLIE), as well as the ranking member of the subcommittee, because, as was stated by the gentleman from Ohio (Mr. WYLIE), at no point has there been any dilatory tactics.

We have managed to disagree most agreeably.

As a result thereof, our committee work has been most pleasant for all parties concerned.

I wish to state at this time that I realize that the fact we reported out this bill on a voice vote was a matter of cooperation by the minority rather than approbation. I wish to make that statement.

I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this question will be postponed. Point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 10, NATIONAL DEVELOPMENT INVESTMENT ACT

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 250 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 250

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXXI, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment under the five-minute rule, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1150

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HALL) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 250 is an open rule providing for the con-

sideration of H.R. 10, the National Development Investment Act.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

It should be noted that the rule makes in order the Public Works Committee amendment in the nature of a substitute as an original text for purposes of amendment. In addition, the committee amendment in the nature of a substitute shall be considered by titles instead of by sections and each title shall be considered as read.

House Resolution 250 further provides for one motion to recommit with or without instructions.

There are no waivers granted under this rule.

Mr. Speaker, H.R. 10 extends and consolidates the programs of the Economic Development Administration and reauthorizes programs of the Appalachian Regional Commission. The Rules Committee was advised that the bill enjoys bipartisan support, and I am not aware of any opposition to this open rule. I would urge my colleagues to adopt the rule.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

This measure was voted out of the Committee on Public Works and Transportation by a vote of 50 to 0 and reported by the Committee on Banking, Finance and Urban Affairs by a voice vote.

I know of no opposition to the rule although the administration opposes the measure itself. But it is an open rule and the Members of this body will have an opportunity to discuss it freely and openly and offer amendments on the floor of the House when the bill is debated.

I live in the heart of the Appalachian region and I was on the Public Works Committee when the program first originated.

It has served a good purpose. This bill authorizes sums for the completion of activities authorized by the Appalachian Regional Development Act.

With regard to EDA, the eligibility requirements have been tightened.

The extension continues until 1991 on the Appalachian highway program, and until 1986 on the economic development program.

Admittedly, there is controversy involved on the bill but I know of no controversy whatsoever on the rule.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I will not take this time to explain the bill which is very simple in itself.

We did explain it in some detail at the hearing before the House Committee on Rules. I do want to thank the Rules Committee for reporting out a clean and straightforward rule that will give Members an opportunity fully to debate the legislation, to offer whatever amendments any Members may choose to offer. We do bring to the House an updating of both the economic development program and the Appalachian Regional Commission program which at this time and for the foreseeable future, however much the recovery may proceed with vigor, will still be needed by certain areas of the country which will unavoidably not share in the recovery and will need the targeted kind of assistance available under these two programs.

We will look forward to debating these programs and explaining the legislation in full on Monday, July 11. I want to thank the Committee on Rules again and particularly my colleague on the House Public Works Committee, the ranking member of the Economic Development Subcommittee, Representative CLINGER of Pennsylvania, who has cooperated fully and given of his time and talent and creative ideas to the shaping of this legislation.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 126, COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF HARRY S TRUMAN

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 226 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 226

Resolved, That upon the adoption of this resolution it shall be in order to consider the concurrent resolution (H. Con. Res. 126) providing for the commemoration of the one hundredth anniversary of the birth of Harry S Truman in the House, and the previous question shall be considered as ordered on said concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Missouri (Mr. TAYLOR) for the purposes of debate only. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 226 is the rule providing for the consideration of House Concurrent Resolution 126 which provides for the commemoration of the 100th anniversary of the birth of Harry S Truman.

The concurrent resolution establishes a bipartisan Joint Committee on Arrangements which is instructed to plan a joint meeting of the Congress honoring our 33d President. The joint committee is to be composed of 16 members: The Speaker of the House of Representatives, the President pro tempore of the Senate and seven Members from each of the two Houses. The joint committee is instructed to plan a program, issue appropriate invitations, and coordinate its functions with the activities of the Truman Centennial Committe, Washington, D.C. The joint committee is authorized to spend not more than $25,000 for these purposes.

Mr. Speaker, the rule reported from the committee is a simple one. It provides for consideration of the resolution in the House with the previous question considered as ordered. In effect, the process established for consideration is the same as that for a privileged resolution. House Resolution 226 would be considered in the House under the hour rule. As is customary, the floor manager would yield 30 minutes of the debate time to the minority. No amendment would be in order unless the floor manager yielded for that purpose.

Mr. Speaker, the procedure provided for in the rule is fully consistent with the practice of the Rules Committee in considering noncontroversial measures of this kind. The rule provides for the expeditious handling of House Concurrent Resolution 126 and allows adequate time to debate the matter fully.

Mr. Speaker, I urge the adoption of the rule.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 226 is the rule under which the House will consider the concurrent resolution to commemorate the 100th birthday of one of Missouri's most illustrious sons, President Harry S Truman.

The rule provides 1 hour of general debate for the consideration of House Concurrent Resolution 126. The rule provides for consideration of the resolution in the House, rather than in the Committee of the Whole. The effect of using this procedure is to preclude the offering of any motions or amendments, unless the floor manager yields for that purpose.

Mr. Speaker, this procedure is fully consistent with the practice of the House and of previous recommenda-

tions of the Committee on Rules in considering commemoration resolutions of this kind.

The essence of this rule is to provide for our consideration in the House of Concurrent Resolution 126, and since we will take that matter up momentarily, I urge the adoption of the rule.

□ 1200

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN of Missouri. Mr. Speaker, I would like to take this opportunity to extend my support for House Concurrent Resolution 126, which creates a joint committee to plan a joint session of Congress to commemorate Harry S Truman's 100th birthday.

I feel that a joint session of Congress would be appropriate to commemorate Mr. Truman's 100th birthday. His growing popularity today is based not only on what he accomplished as President, which was a great deal, but on the kind of man he was—his style. The admiration is for his buoyancy of spirit, his vigorous combativeness, and his invincible faith in the United States and its people.

What were once regarded as possibly faults—his impetuosity, shooting from the hip, and his writing of angry letters—now are seen as part of his spirit that let him stand the heat of tough decisions and stay in the most closely watched kitchen in the world.

His decisions set the pattern for American foreign policy for succeeding decades. That the United States did not, with the coming of peace, retreat once more into her traditional isolationism owes much to Truman's readiness to face the facts as he saw them, acknowledge his mistakes and change course where necessary.

This ability to grapple with the great issues of the time was especially striking for a man whom many had considered unfit for the task. That he was able to assume the burdens of world leadership for his country can be attributed not only to his innate toughness of mind and body, but to his lifelong study and keen sense of history.

A historic joint session of Congress would only be a fitting tribute to this great American.

Today we fully recognize and admire the leadership qualities Mr. Truman exercised in directing our country through difficult times. I strongly support creating a committee to organize a joint session of Congress to honor President Truman on his 100th birthday.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSIDERATION OF H.R. 1, HOUSING AND URBAN RURAL RECOVERY ACT OF 1983

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 248.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, House Resolution 248.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 110, not voting 32, as follows:

[Roll No. 234]

YEAS—291

Ackerman	Crockett	Hamilton
Addabbo	D'Amours	Hammerschmidt
Akaka	Daschle	Hansen (UT)
Albosta	Davis	Harkin
Alexander	de la Garza	Hatcher
Anderson	Dellums	Hawkins
Andrews (NC)	Derrick	Hefner
Andrews (TX)	Dickinson	Hertel
Annunzio	Dicks	Hightower
Anthony	Dingell	Hopkins
Applegate	Dixon	Horton
Aspin	Donnelly	Howard
AuCoin	Dorgan	Hoyer
Barnard	Downey	Huckaby
Barnes	Durbin	Hughes
Bates	Dwyer	Hutto
Beilenson	Dymally	Ireland
Bennett	Dyson	Jacobs
Berman	Early	Jeffords
Bevill	Eckart	Jenkins
Biaggi	Edwards (CA)	Johnson
Boehlert	English	Jones (OK)
Boggs	Erdreich	Jones (TN)
Bonior	Evans (IL)	Kaptur
Bonker	Fascell	Kastenmeier
Borski	Fazio	Kazen
Bosco	Feighan	Kennelly
Boucher	Ferraro	Kildee
Boxer	Fish	Kogovsek
Breaux	Flippo	Kolter
Britt	Florio	Kostmayer
Brooks	Foglietta	LaFalce
Brown (CA)	Foley	Lantos
Bryant	Ford (MI)	Leath
Burton (CA)	Forsythe	Lehman (FL)
Campbell	Fowler	Leland
Carney	Frank	Levin
Carper	Frost	Levine
Carr	Garcia	Levitas
Chandler	Gaydos	Lipinski
Chappell	Gejdenson	Livingston
Chappie	Gephardt	Lloyd
Clarke	Gibbons	Long (LA)
Clay	Gilman	Long (MD)
Coelho	Glickman	Lowry (WA)
Coleman (MO)	Gonzalez	Lujan
Coleman (TX)	Gore	Luken
Conte	Gray	Lundine
Conyers	Green	MacKay
Cooper	Guarini	Markey
Corcoran	Hall (IN)	Marlenee
Courter	Hall, Ralph	Marriott
Coyne	Hall, Sam	Matsui
Mazzoli	Penny	Spratt
McCloskey	Perkins	St Germain
McCurdy	Pickle	Staggers
McDade	Price	Stark
McHugh	Quillen	Stenholm
McKinney	Rahall	Stokes
McNulty	Rangel	Stratton
Mica	Ratchford	Studds
Michel	Ray	Sundquist
Mikulski	Regula	Synar
Miller (CA)	Reid	Tallon
Miller (OH)	Richardson	Tauke
Mineta	Ridge	Tauzin
Minish	Rinaldo	Taylor
Mitchell	Rodino	Thomas (GA)
Moakley	Roe	Torres
Molinari	Roemer	Torricelli
Mollohan	Rogers	Towns
Montgomery	Rose	Traxler
Moody	Rostenkowski	Udall
Moore	Roukema	Valentine
Morrison (CT)	Rowland	Vander Jagt
Morrison (WA)	Roybal	Vandergriff
Mrazek	Russo	Vento
Murphy	Sabo	Volkmer
Murtha	Savage	Walgren
Myers	Scheuer	Watkins
Natcher	Schneider	Waxman
Neal	Schroeder	Weiss
Nelson	Schumer	Wheat
Nichols	Seiberling	Whitley
Nowak	Shannon	Williams (MT)
Oakar	Sharp	Williams (OH)
Oberstar	Shelby	Wilson
Obey	Sikorski	Wirth
Olin	Simon	Wise
Ortiz	Sisisky	Wolpe
Ottinger	Skelton	Wortley
Owens	Slattery	Wyden
Panetta	Smith (FL)	Wylie
Parris	Smith (NE)	Yates
Patman	Smith (NJ)	Yatron
Patterson	Snowe	Young (MO)
Pease	Solarz	Zablocki

NAYS—110

Archer	Gregg	Pashayan
Bartlett	Gunderson	Paul
Bateman	Hartnett	Petri
Bereuter	Hiler	Porter
Bethune	Hillis	Pursell
Bilirakis	Holt	Ritter
Bliley	Hubbard	Roberts
Broomfield	Hunter	Robinson
Brown (CO)	Hyde	Roth
Broyhill	Kasich	Rudd
Burton (IN)	Kindness	Sawyer
Cheney	Kramer	Schaefer
Clinger	Lagomarsino	Schulze
Coats	Latta	Sensenbrenner
Conable	Lent	Shaw
Coughlin	Lewis (CA)	Shumway
Craig	Lewis (FL)	Shuster
Crane, Daniel	Loeffler	Siljander
Crane, Philip	Lott	Skeen
Dannemeyer	Lowery (CA)	Smith, Denny
Daub	Lungren	Snyder
DeWine	Mack	Solomon
Duncan	Madigan	Spence
Edgar	Martin (IL)	Stangeland
Edwards (AL)	Martin (NC)	Stump
Edwards (OK)	Martin (NY)	Thomas (CA)
Emerson	McCain	Vucanovich
Evans (IA)	McCollum	Walker
Fiedler	McDonald	Weber
Fields	McEwen	Whitehurst
Franklin	McGrath	Whittaker
Frenzel	McKernan	Winn
Gekas	Moorhead	Wolf
Gingrich	Nielson	Young (AK)
Goodling	O'Brien	Young (FL)
Gradison	Oxley	Zschau
Gramm	Packard	

NOT VOTING—32

Badham	Fuqua	Mavroules
Bedell	Hall (OH)	McCandless
Boland	Hance	Pepper
Boner	Hansen (ID)	Pritchard
Byron	Harrison	Smith (IA)
Collins	Heftel	Smith, Robert
Daniel	Jones (NC)	Swift
Dowdy	Kemp	Weaver
Dreier	Leach	Whitten
Erlenborn	Lehman (CA)	Wright
Ford (TN)	Martinez	

□ 1210

Mr. WIRTH changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF HARRY S TRUMAN

Mr. WHEAT. Mr. Speaker, pursuant to House Resolution 226, I call up the concurrent resolution (H. Con. Res. 126) providing for the commemoration of the 100th anniversary of the birth of Harry S Truman and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 126

Whereas the year 1984 marks the one hundredth anniversary of the birth of Harry S Truman on May 8, 1884;

Whereas Harry S Truman was born and reared in rural Missouri, enjoyed a boyhood reminiscent of Huckleberry Finn's, graduated from high school, made his living for a decade on a farm behind a plow, joined the Army in the First World War, and, as a captain, led Battery D, 129th Field Artillery, 35th Division, in combat in the Meuse-Argonne and at Verdun;

Whereas he served for a decade as judge (commissioner) of Jackson County, Missouri, and, among other responsibilities, oversaw the building of some of the first paved roads around Kansas City;

Whereas he was elected to the United States Senate and took his seat in 1935, serving as a member of the Senate Appropriations, Military Affairs, and Interstate and Foreign Commerce Committees, was instrumental in writing major pieces of legislation, including the Civil Aeronautics Act of 1938 and the Transportation Act of 1940, proposed and served as chairman of the Senate Special Committee to Investigate the National Defense Program (the "Truman Committee"), which was estimated to have saved taxpayers billions of dollars on war contracts;

Whereas under Franklin D. Roosevelt, he served as Vice President of the United States from January 20, 1945, to April 12, 1945;

Whereas upon the death of Roosevelt on April 12, 1945, Harry S Truman was sworn in as President of the United States at the climax of the Second World War and with almost no preparation for the historic military and diplomatic problems that were piling up on the United States, including the question of using the atomic bomb to end the war against Japan quickly so as to save Japanese and American lives in the end;

Whereas with modesty, courage, and commonsense he took up the cause of opposing Soviet expansion in Eastern Europe, the Balkans, the Black Sea Straits, and Iran, directed that, despite Roosevelt's sudden death, the United Nations Conference on International Organization meet in San Francisco as scheduled to establish the United Nations, and successful recommended that the Senate approve ratification of the charter, bringing the United States into the United Nations;

Whereas he presided over the turbulent task of postwar reconversion of the economy from wartime to a peacetime production, obtained passage of the landmark Employment Act of 1946 that declared that "it is the continuing policy and responsibility of the Federal Government to use all practical means . . . functions and resources" to foster "maximum employment, production and purchasing power", prevailed upon Congress to pass the National Housing Act of 1949 to provide low-cost housing and slum clearance, won a bitter battle in Congress to keep control of nuclear weapons in civilian hands, introduced legislation for national medical insurance that was the forerunner of Medicare, which has assured adequate medical treatment for millions of Americans, unified the Armed Forces in a new Department of Defense and created modern new organs of government, including the Council of Economic Advisers, the National Security Council, and the Central Intelligence Agency;

Whereas he directed that the United States be the first nation to recognize the new State of Israel in 1948 and began the special relationship that has existed between Americans and Israelis;

Whereas he ordered the racial desegregation of the armed services in 1948 and the same year submitted to Congress the first Presidential special message on civil rights, based on a report To Secure These Rights, which proved to have laid out the agenda for the civil rights reforms of the 1960's;

Whereas by his decision to institute an airlift at the time of the Soviet blockade of Berlin in 1948 and 1949, he balked an attempt by the Kremlin to dominate all of Germany, if not of Europe;

Whereas under his policies the former energy states of Japan and Germany (West Germany at least) were brought into a friendly and constructive relationship with the United States;

Whereas in 1950, he resolutely drew the line against further Communist expansionism and upheld the ideal of collective security by committing American forces—later joined by those of other members of the United Nations—to throw the invading North Korean Communist Army back to the 38th pararell in Korea, preserving South Korea, still a steadfast ally; and

Whereas he took as his slogan "The Buck Stops Here" and said in his farewell address of January 15, 1953, "I have tried to give it everything that was in me" and left office, after virtually two full terms, with employment and prosperity high and the Western World firmly allied against possible Communist aggression: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) in order to provide for an appropriate commemoration by the Congress of the centennial of the birth of Harry S Truman, thirty-third President of the United States of America, there is established a Special Joint Committee on Arrangements (hereinafter referred to in this concurrent resolution as the "joint committee") which shall be composed of sixteen members as follows:

(1) The President pro tempore of the Senate and the Speaker of the House of Representatives.

(2) Seven Members of the Senate to be appointed by the President pro tempore of the Senate, four upon recommendation of the majority leader of the Senate and three upon recommendation of the minority leader of the Senate.

(3) Seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three upon recommendation of the minority leader of the House of Representatives.

(b) The members of the joint committee shall select a chairman and a vice chairman from among its members. A majority of the members shall constitute a quorum for the transaction of business. Any vacancy in the membership of the joint committee shall be filled in the same manner in which the original appointment was made.

(c) For the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the joint committee shall not be taken into account.

SEC. 2. It shall be the duty of the joint committee to—

(1) make arrangements for a joint meeting of the Congress to be held on Tuesday, May 8, 1984, or such other day as may be designated by the Speaker of the House of Representatives, in the Hall of the House of Representatives in commemoration of the centennial of the birth of Harry S Truman;

(2) plan the proceedings of and issue appropriate invitations for such joint meeting; and

(3) coordinate the joint committee's arrangements with the activities of the Truman Centennial Committee, Washington, District of Columbia.

SEC. 3. The joint committee may—

(1) appoint an executive director, who shall serve without compensation, and accept such other volunteer services of individuals as it deems appropriate;

(2) adopt rules respecting its organization and procedures; and

(3) sit and act at such times and places as it shall deem appropriate.

SEC. 4. The expenses of the joint committee under this concurrent resolution may not exceed $25,000 and shall be paid from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

GENERAL LEAVE

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WHEAT. Mr. Speaker, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR), for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 126 which provides for the commemoration of the 100th anniversary of the birth of Harry S Truman. House Concurrent Resolution 126 was introduced on May 11, 1983 by the distinguished gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the Rules Committee (Mr. PEPPER), and the entire Missouri delegation.

The Committee on Rules reported this concurrent resolution on June 7,

1983, as a matter of original jurisdiction by an unanimous voice vote.

Honoring the accomplishments of our former Presidents and leaders has always been a bipartisan consensus in Congress. In fact, it would be difficult to overstate the importance of commemorating our leaders and national history.

Congress has previously created centennial commissions to plan national observances honoring Presidents from Washington and Lincoln to Wilson and Roosevelt.

In addition, Congress has met in joint session to mark the 200th anniversary of the birth of George Washington in 1932, the Lincoln sesquicentennial in 1959 and the 100th anniversary of Franklin Delano Roosevelt just last year.

The concurrent resolution establishes a 16-member, bipartisan joint committee on arrangements to provide for the centennial anniversary of the birth of Harry S Truman. The Joint Committee is responsible for planning a joint meeting of Congress to honor our 33d President; issuing appropriate invitations and coordinating its functions with the activities of the Truman Centennial Committee in Washington, D.C.

Mr. Speaker, the resolution further provides that the committee appoint an executive director who will serve without compensation and that the committee be authorized $25,000 for administrative costs which it may incur.

Congress has frequently appropriated funds for Presidential memorials. In 1982, Congress authorized appropriations for the construction of a memorial to the late President Franklin Delano Roosevelt. During the 96th Congress, Members provided $121,000 for the printing of a collection of essays entitled "Herbert Hoover: Reassessed." And in 1974, Congress observed the centennial anniversary of President Hoover's birth by authorizing $7 million to construct a building at the Hoover Institute at Stanford University.

Mr. Speaker, Harry S Truman was the seventh Vice President to succeed to the highest elected office in the land as a result of the death of a President. The circumstances under which he assumed the Presidency would have overwhelmed a lesser man. The Nation was at war and in shock at the loss of one of its most revered Presidents.

Truman admitted later that when he learned of F. D. R.'s death, he felt like, and I quote, "the Moon, the stars and all the planets had fallen on me."

But Harry S Truman, who grew up close to the soil in the Midwest, had the courage, indomitable spirit, vigorous intellect and endless energy to get the job done.

Harry Truman was born in Lamar, Mo., on May 8, 1884. He served in the U.S. Army as a Jackson County judge and as a U.S. Senator before assuming the Vice Presidency and finally, the Presidency.

The Presidency of Harry S Truman is firmly lodged in Presidential lore because of his now famous slogan, "The Buck Stops Here." But our 33d President contributed more to our country's history than catchy phrases.

Harry Truman assumed the Presidency and was faced with the responsibility of bringing a horrible war to a close and preparing Americans for life in a profoundly changed postwar era.

In a joint address to Congress, Truman said "Peace must be built upon power, as well as upon good will and good deeds." Harry Truman made the decisions to insure a just peace and bring this Nation safely and securely through a terribly dangerous and unsettled era.

He summoned the courage to push the war with Japan to an end by ordering the use of the first atomic bomb.

He fought to assure a lasting peace by advocating the establishment of the United Nations, by securing enactment of the Marshall plan to rebuild the economy of Western Europe and by creating the Truman doctrine to block Soviet expansion in Eastern Europe and around the globe.

Author Robert Donovan, who expertly chronicled the Truman Presidency, said that Truman's political views were a mixture of Wilsonian and Rooseveltian liberalism, midwestern progressivism and border-state conservatism. That mix enabled Truman to obtain passage of the landmark Employment Act of 1946 and the National Housing Act of 1949. He also introduced legislation for national health insurance that was the forerunner of medicare. Truman was also responsible for the creation of such modern Government institutions and agencies as the Council of Economic Advisers, the National Security Council, and the Central Intelligence Agency.

In 1948, President Truman ordered racial desegregation of the armed services and submitted the first Presidential message on civil rights— a message which would become the blueprint for civil rights reforms in the 1960's.

Mr. Speaker, it is the privilege of the Congress to have the opportunity to honor a man who in life carried his own greatness with unfailing humor and modesty.

Mr. Speaker, Harry S Truman was a doer, not a dreamer. He embodied the best of the principles that this Nation was founded on. He exemplified the courage, the patriotism, the desire, the humor, and the energy that helped mold this country into the world's greatest democracy. As long as Americans remain devoted to these principles, they shall cherish the memory and record of Harry S Truman.

I urge my colleagues to support the resolution.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 126 establishes a Joint Committee on Arrangements to provide for a joint meeting of Congress in commemoration of the centennial of the birth of our 33d President, Harry S Truman.

All of the members of the Missouri delegation are proud to be original sponsors of the concurrent resolution, which is brought to the floor today as a matter of original jurisdiction from the Committee on Rules. I am pleased to report that it is also cosponsored by our distinguished colleague from Florida, the chairman of the Committee on Rules, Mr. PEPPER, and the gentleman from Texas, the majority leader, Mr. WRIGHT.

The concurrent resolution establishes a 16-member special Joint Committee on Arrangements to plan and issue invitations for the joint meeting of Congress, which will be held on May 8, 1984, or on a day otherwise designated by the Speaker.

This date, May 8, 1984, is the 100th anniversary of the birth of President Harry Truman, and the joint meeting of Congress is viewed by those of us who introduced the concurrent resolution as the culmination of a full year of various commemorative events.

Mr. Speaker, most of our colleagues are aware that several years ago we here in the Congress chose to commemorate President Truman's service to the Nation in a very special way. We did not fashion a statue or some other such memorial; we created a living memorial known as the Harry S Truman Scholarship Foundation.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Missouri yield to me?

Mr. TAYLOR. I would be happy to yield to my distinguished colleague, the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Speaker, first let me compliment the entire Missouri delegation for the introduction of this resolution, and all the other Members who have cosponsored the resolution.

□ 1230

I think we will all look forward next year on May 8 to the commemoration by the joint session of Congress honoring Harry S Truman. I had the honor and privilege of serving in the House during his administration. In fact, I was first elected to the House in 1948 with Harry Truman. To my mind, he is one of our greatest statesmen in the history of this country.

Mr. TAYLOR. Mr. Speaker, I thank the gentleman from Kentucky for his kind remarks and for his contribution.

Mr. Speaker, since the inception of the scholarship fund in 1977, we have provided 264 young men and 259 young women with scholarships for study in the field of public service.

I am very proud to have served as a director of the Truman Scholarship Fund since its creation, for the scholarships we have awarded are among the most prestigious and significant education programs available to the young people of this Nation today.

Mr. Speaker, Harry Truman gave much of himself in service to this Nation, and I believe it is most appropriate that we here in the Congress pay our 33d President the high honor called for in this concurrent resolution.

As the gentleman from Missouri (Mr. WHEAT) has explained, the 16-member special joint committee will include the President pro tempore of the Senate and the Speaker of the House. Seven Members of the other body will be appointed by the President pro tempore, four from the majority and three from the minority side. Seven Members of the House will be appointed by the Speaker, four from the majority and three from the minority side.

The joint committee created by this concurrent resolution is similar to the one that we created in the last Congress to commemorate President Roosevelt, in that it will appoint a volunteer executive director, who will serve without compensation, and to accept other volunteer services as it deems appropriate.

The expenses of the joint committee are not to exceed $25,000 and they will be paid for out of the contingent fund of the House.

The joint committee will plan the proceedings for the joint meeting of Congress and issue appropriate invitations. The committee is instructed to coordinate its arrangements with the activities of the Truman Centennial Committee.

Mr. Speaker, Harry Truman was a man who assumed the awesome responsibilities of the President of the United States in a difficult and critical time in our history. He went on to prove that he was a man who could act decisively and shoulder the responsibilities that had to be made at that time.

Harry Truman brought World War II to an end. He set up the Marshall plan to assist war-torn nations abroad, and he gave vital support to freedom-loving countries throughout the world. He fought Communist takeover wherever it threatened, with such actions as the Truman doctrine in Turkey and Greece, and the Berlin airlift.

Harry Truman gave our Nation courageous leadership in a time when such leadership was essential.

He always considered himself to be "just a simple man from Missouri." He was not self-impressed with the role thrust upon him as President. He knew his shortcomings and he never thought of himself as infallible.

His courage, his integrity, his compassion and his commonsense and his remarkable ability to reach the people of this Nation and to gain their trust stands as a shining example for all of us who serve in Government today.

Mr. Speaker, I am proud to join my colleagues in urging passage of this resolution.

Mr. WHEAT. Mr. Speaker, I am honored to yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the sponsor of this bill, who has worked so hard in bringing it to this point in our consideration.

Mr. SKELTON. Mr. Speaker, a few minutes ago while I was waiting in the chair to take this matter up, the gentleman from Oregon (Mr. WYDEN) came up to me and he said, "Speak well, because we want President Truman to receive his just due today."

I might say that it is very difficult to use words and to have them properly reflect the life of such an outstanding Missourian and American.

Mr. Speaker, President Harry S Truman once commented to the National Conference of Editorial Writers that he enjoyed spending a good part of every morning going over the daily newspapers "to find out lots of things about himself that he had never heard of." The truth is, Mr. Speaker, President Truman was underestimated in his day, and time has shown us the wisdom of this man from Independence. The legislation we are considering today, House Concurrent Resolution 126, will give us an opportunity to record the achievements of one of America's finest Presidents, Harry S Truman.

This bill, to provide for the commemoration of the 100th anniversary of the birth of President Truman, calls for a special joint session of Congress to be convened on May 8, 1984. A bipartisan Special Joint Committee on Arrangements will be appointed by the House and the Senate leadership to plan the event and issue invitations. The record of this proceeding will be an invaluable historic document and a tribute to a great man and a great American. The entire Missouri delegation has joined me in cosponsoring this bill, as have over 100 other Members of this body.

The special joint session of Congress will be the highlight of a year of commemorative centennial events. For nearly a year now I have been working with the Truman Centennial Committee to lay the groundwork for the Truman centennial celebration. Together with the Missouri congressional delegation, we have been successful in achieving the passage of legislation which I authored to establish the Harry S Truman National Historic Site at his home in Independence, Mo. Additionally, the Postmaster General has confirmed plans to issue a commemorative postage stamp pursuant to legislation which I introduced in April. I am also pleased to announce that the Smithsonian Institute is planning a museumwide exhibition on President Truman.

The Truman Centennial Committee, under the direction of the Honorable Clark Clifford, has been coordinating other events. Most notable are a traveling exhibit which will tour the Midwest, and a documentary film tracing Truman's life from his birth in Lamar, Mo., to his retirement in Independence.

President Truman believed that "Men make history and not the other way 'round. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better." President Truman was just such a leader. The special joint session of Congress, which we are considering today, will provide us an opportunity to reflect on the man and to reflect on his legacy.

Harry Truman was a farmer and a merchant. He served his country in the Army, and his State as a county court judge and as a U.S. Senator. In 1945, Truman assumed the most awesome responsibility of his life and became the 33d President of the United States. As President, Truman made the fateful decision to use the first atomic weapon, which led to the end of World War II. He formulated a new direction for U.S. foreign policy, including opposition to Soviet expansion in Eastern Europe, establishment of the United Nations and the Marshall plan, and recognition of the new State of Israel. Simultaneously, President Truman presided over the turbulent task of postwar reconversion of the U.S. economy from wartime to peacetime production. He secured passage of the landmark Employment Act of 1946, as well as the National Housing Act of 1949. He saw to it that control of nuclear weapons would remain in civilian hands, and introduced legislation for national medical insurance that became the forerunner of medicare. And, with courage and commonsense, Truman ordered the desegregation of the Armed Services and submitted to Congress the first Presidential message on civil rights.

Truman had hoped that his epitaph would read "A Good Public Servant." Mr. Speaker, there is no argument that he was, and he was more. He was a leader with foresight. He was a loving father and husband, and a man of the people. At this time in our Nation's history, when our faith in ourselves and our Government seems to be easily shaken, we would be serving our fellow countrymen well by honor-

ing this simple man who did such great things for his Nation.

Mr. Speaker, I would be remiss if I did not thank my fellow Missourian, the gentleman on the Rules Committee (Mr. WHEAT), who as a fellow Jackson Countian of President Truman, for his assistance in this bill; also special thanks to the gentleman from Missouri (Mr. TAYLOR) who also serves on the Rules Committee and the entire Missouri delegation for its bipartisan and unanimous consideration and help on this bill.

Mr. Speaker, I urge the passage of this resolution.

□ 1240

Mr. TAYLOR. Mr. Speaker, I yield as much time as he may require to my colleague from Missouri (Mr. EMERSON).

Mr. EMERSON. It is with considerable nostalgia and enthusiasm that I am a cosponsor of this resolution and rise in strong support of it.

With nostalgia, I say, because it seems almost impossible that a whole century has passed since Harry S Truman was born.

I was born in 1938 when he was vigorously representing Missouri in the U.S. Senate. I can very vividly recall the era of his Presidency and his subsequent years.

Indeed, it has been my very personal pleasure to have known many of President Truman's contemporaries in Missouri, When he was a politician there, traveling about, the methods of politics were so much simpler than they are today where we are consumed with television and the radio and the print media. The way they used to do it was just get in a car and go, and go from county seat to county seat and meet whatever folks may be at the square and in the courthouse.

You can still travel around Missouri and find many people who had their personal visits with and have many, many fine personal recollections of that moment that they spent with Harry Truman.

It is with enthusiasm also that I rise in support of this resolution because I think it is appropriate to reflect on the life, the times, and the contibutions of Harry Truman. Indeed, to reflect on his commitment and his tenacious spirit. He added greatly to the lore of politics and government and, indeed to our language. He was not as polished in his speech perhaps as were his contemporaries, President Roosevelt and Prime Minister Churchill, but he could nonetheless get very much to the point, often in a very witty and pungent manner.

As a matter of fact, I reflect almost daily upon one of my very favorite quotes from President Truman. I say reflect almost daily on it because it comes to mind frequently serving in this Chamber. He once said of one of his adversaries, he said:

He is a man so firmly in possession of the truth that the facts don't matter very much.

The facts and the truth did indeed matter a great deal to Harry Truman and I think it is altogether fitting and proper that we honor him in the manner contemplated by this resolution. I heartily encourage my colleagues to give it their strong support and yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, I thank the gentleman for the opportunity to comment on this legislation and lend my support to House Concurrent Resolution 126. I first wish to commend the gentleman from Missouri (Mr. SKELTON), the Missouri delegation, and the majority leader for their dedicated attention and hard work in getting this bill considered by the House.

As the Members of this body know, Congress has officially commemorated other notable Presidents on the anniversary of their birthdays, including George Washington, Abraham Lincoln, and Franklin Delano Roosevelt. I feel it is only fitting that we honor this country's 33d President.

President Truman was a man of the people and an exceptional President who took this Nation through some troubled times. I happened to be an infantryman in Europe when President Roosevelt passed away. We all remember some of the significant events during Mr. Truman's term as President, his Marshall plan, the dropping of the A-bomb during World War II, the Truman doctrine, his 1948 whistlestop campaign, and of course we cannot forget Truman—the piano player.

This measure is a fitting tribute to the life, and memory of the gentleman from Missouri. Last month, Congress approved the legislation to designate the Harry S Truman home in Independence, Mo., as a national historic site. And today we will approve the resolution establishing the commemoration of the 100th birthday of Missouri's favorite son. Mr. Chairman, I urge the adoption of House Concurrent Resolution 126.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I am honored to rise today to speak in support of House Concurrent Resolution 126, which provides for the commemoration of the 100th anniversary of the birth of Harry S Truman.

President Truman played a pivotal role in shaping the end of the Second World War and the world in which we now live. In retrospect one can fully appreciate the importance of the decisions that were made during those years in terms of the effect they had on our present life.

His commitment to helping create a more democratic and just world is seen in the international front by his role in helping establish the United Nations and in the Berlin airlift. Domestically, he laid the groundwork for the historic civil rights laws of the 1960's by ordering in 1948 the racial desegregation of the Armed Forces and by issuing the first Presidential special message on civil rights.

In Puerto Rico, President Truman will always be remembered and honored as the President who negotiated our transition to greater self-government in 1952. With the enactment of the Puerto Rican Federal Relations Act as part of Public Law 81-600, Puerto Rico achieved more stability within its status as a territory of the United States. Although the Commonwealth status which we achieved in 1952 is not a permanent one, President Truman's role in focusing the Nation's attention on the status of Puerto Rico was of great consequence.

I look forward to the activities commemorating the birth of Harry S Truman and I urge my colleagues to approve this resolution.

Mr. Speaker, I recently visited with my colleague, IKE SKELTON, at the Truman Library and saw the Truman Home, and I believe that he is one of the greatest Americans that we have had in our history and certainly in the 20th century.

I urge my colleagues to support this resolution.

Mr. WHEAT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I strongly support this resolution.

I came to Congress in January 1949. Thirty years before that I met the first President of the United States that I had ever met when I was only 7 years of age, and that was Woodrow Wilson. And 30 years later I met Harry Truman.

I think if I never meet another President in my entire life I will have met two of the greatest men that have ever been President of the United States.

The affection that Harry Truman had for mankind and for his country and his dedication to principle is something we all know about. It is axiomatic.

Another part of Harry Truman which I was pleased to enjoy was the easy way in which he gave friendship. He would call me up and ask me to come down to the White House. I went to dinner there a number of times and met him in hotels and at other types of dinners and things like that. He seemed always very interested in talking with me because I was a veteran

and he was a veteran and he had a rapport with people who had been in the military.

I guess the thing I liked about him best was the fact that he was frank and open in his correspondence and conversation. He was so very candid and so very warm and so very frank and sincere in everything he said or did.

So, Mr. Speaker, I feel that the honor we are giving to the President here is certainly very much in order. Not only was he a great President, but he was also a great man, I am glad that in my youthful years as a Congressman I was able to share the friendship he so readily gave to all Members of Congress.

Mr. TAYLOR. Mr. Speaker, I would just like to say at this time on behalf of the Missouri delegation we want to express our appreciation to you and to the Members of the House for the consideration of this resolution which we are proud to present on behalf of our favorite son from Missouri, Harry Truman.

I urge adoption of the resolution and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, we have heard a great deal today about the esteem in which our former President was held. Last month I had the opportunity to meet with Margaret Truman Daniel, who talked about the lack of recognition during President Truman's time.

□ 1250

Although it is belated, I am glad to have the honor not only to represent the district, part of the district along with Mr. SKELTON from which Harry Truman came but to participate in Congress honoring our former President in the 100th year of the Commemoration of his birthday.

● Mr. COLEMAN of Texas. Mr. Speaker, I wish to join my colleagues in supporting House Concurrent Resolution 126, providing for the commemoration of the 100th anniversary of the birth of Harry S Truman. It is fitting and proper that the Congress should provide a forum to pay tribute to one of its distinguished former Members and one of our Nation's greatest leaders.

Harry S Truman was born in Lamar, Mo., on May 8, 1884. After serving time in the U.S. Army during World War I, he was elected judge of the Jackson County Court in Missouri in 1922. Two years later, Harry Truman became presiding judge of the court and was again elected in 1930. His accomplishments include a strong administrative background, especially as a builder of some of the first paved roads.

I would also like to highlight some of his legislative accomplishments. During his first Senate term, Harry Truman worked hard in support of the New Deal. As an active member of the Interstate Commerce Committee, he helped to produce the Civil Aeronautics Act of 1938 and the Transportation Act of 1940. As head of the Special Committee to Investigate the National Defense program, Harry Truman led an attack on the waste and graft in the World War II defense program.

Harry S Truman served as Vice President in 1944 under President Franklin D. Roosevelt, and on April 12, 1945, Harry Truman was sworn in as the 33d President of the United States. On May 8, President Truman sought and received the unconditional surrender of Germany and helped establish the United Nations, one of the first forums for international debate and resolution. As President, he also brought America into the atomic age.

President Truman's accomplishments in foreign affairs were significant. He enlarged post-World War II foreign policy, which prompted the recovery and reconstruction of Western Europe and Japan. A series of foreign aid policies on behalf of the United States from 1947 to 1949 included the Truman doctrine, which granted aid to Greece and Turkey and promised assistance to other nations threatened by outside pressures; the Marshall plan, which used American economic resouces to stimulate the recovery of European economies outside the Soviet sphere of influence; and the North Atlantic Treaty Organization (NATO), the first peacetime military alliance.

In domestic affairs, President Truman expanded and improved established programs and defended them against hard opposition. One of his domestic victories was the passage of the Housing Act of 1949, which included a provision for public housing. On behalf of civil rights, he worked harder than any of his predecessors. His personal concern about the plight of black Americans and America's racial climate moved the former President to act. He fought vigorously to obtain passage of a law assuring equal job opportunities for blacks, and eliminating poll taxes, lynchings, and discrimination on public transportation.

President Harry S Truman's accomplishments in both domestic and foreign affairs have been eminent, and I am pleased to support this resolution.●

● Mr. ANDERSON. Mr. Speaker, I rise in support of House Concurrent Resolution 126, a bill to commemorate the 100th birthday of Harry S Truman.

As you know, this legislation provides for the establishment of a bipartisan special joint committee on arrangements, composed of 16 persons—including the Speaker of the House, the President pro tempore of the Senate, seven Members of the House and seven Members of the Senate, to officially commemorate the 100th anniversary of the birth of our 33d President, Harry S Truman. In addition, the joint committee will work closely with various individuals and organizations across the country to coordinate a nationwide series of commemorative events.

A veteran of World War I, President Truman was elected in 1922 as judge of Jackson County, Mo. In 1934, he began a 10-year career in the U.S. Senate. While a Member of this prestigious body, Harry Truman played a pivotal role in the development of numerous measures designed to help all Americans. And, it was he who thought up the idea of establishing the Senate Special Committee to Investigate the National Defense program. Commonly referred to as the Truman Committee, it was instrumental in searching out millions of dollars of waste in our Nation's defense program. We could only wish we had Harry Truman with us today to hear his views on waste in the defense budget, 1980's style.

Being elected in 1944 as President Franklin D. Roosevelt's Vice President, he was sworn in as President upon the death of Roosevelt on April 12, 1945. As we know, he entered the oval office at a chaotic time in the history of the modern world. However, President Truman, in a style only he could carry, met and conquered the many challenges of the day. His many contributions to world peace, civil rights reform and his understanding and compassion for common folk will live for years to come.

As you know, Mr. Speaker, the Congress has officially commemorated other notable Presidents on the anniversaries of their birthdays, including George Washington, Abraham Lincoln, and Franklin D. Roosevelt. Surely, Harry Truman should be added to this list.

Harry S Truman was a friend of mine, and I know he will be remembered by historians as one of the greats. He was a fighter, but he was fair. He looked out for the people like no one else could, and the 1948 Presidential campaign can attest to his skills and courage. Almost single-handedly he won that hotly contested election. Who can forget the now-historic photograph of President Truman holding the newspaper with the headline, "Dewey Defeats Truman."

Again, I urge my colleagues to vote in support of this legislation to honor one of the greatest Americans who has ever lived.●

● Mr. GEPHARDT. Mr. Speaker, I rise in support of House Concurrent Resolution 126, providing for establishment of a special joint congressional committee to plan activities in conjunction with the commemoration of

the 100th anniversary of the birth of President Truman.

The Congress has a tradition of participating in commemoration of significant dates in American history and honoring former Presidents. Most recently, the celebration last year of the centennial of President Roosevelt's birth was an impressive and memorable occasion.

In keeping with that tradition, this bill will provide for congressional participation in the events planned for next year to commemorate the 100th anniversary of President Truman's birth, in coordination with the Truman Centennial Committee, the Truman Library, and the Harry S Truman Library Institute.

President Truman was a truly outstanding leader who, upon the untimely death of President Roosevelt, moved into office to complete the work of his predecessor in winning the war and assuring the peace that followed. Under his guidance, the Nation was restored to prosperity under new challenges in a greatly changed environment. The rest of the world that was so ravaged by war was rebuilt through his Marshall plan and stabilized by the establishment of the United Nations. President Truman also rose to meet the new challenges brought on by greatly altered world power relationships, particularly standing up to the growing Soviet threat to the fragile peace. His Truman doctrine has been the foundation of most of our postwar strategic planning and foreign policy.

It is most fitting that the Nation celebrate this man who contributed so much to the postwar world. I have been pleased to join in sponsoring this resolution that will assure congressional participation in the important events to commemorate Harry Truman's centennial.●

Mr. DYSON. Mr. Speaker, in the year you joined the House as a young Representative from Massachusetts, Harry Truman departed the White House for his clapboard home in Independence, Mo.

During his 7 years as President, he concluded the peace with Germany and Japan; presided over the transition to a peacetime economy, launched the Marshall plan and the Berlin airlift and initiated the modern struggle for guaranteed civil rights. His achievements, so long overlooked by political pundits, could be listed in great detail, but President Truman would have objected to such elaborate attention. He was a simple fellow of few words, and any commentary should be fashioned after his model: short and sweet, and if not sweet, at least short.

I am delighted by the idea that on the 100th anniversary of Mr. Truman's birth the Congress will have a joint committee—on which you will sit—to assist in organizing a commemorative celebration. Mr. Truman was no stranger to Maryland. Indeed, not far from my home in St. Mary's County is the small island of Jefferson, where Mr. Truman would convene with Governor Richie and call to the poker table a quorum of the area's finest players for the purpose of demonstrating the random probabilities of drawing an inside straight. Few in politics could ever bluff Maryland's Albert C. Richie, in a legislature or on a card table. But President Truman seldom worried at his game, and it is said, never bluffed.

Clearly and strongly I support House Joint Resolution 126. I encourage any colleague who may consider these times too tumultuous to permit such celebration to recall the turbulent years of the Truman presidency. We should never be too busy to reflect on the trials of those who did so much to open a period in American history which, even as we speak, may be facing its most grueling challenge.

● Mr. WON PAT. Mr. Speaker, I am pleased to join my colleague Congressman IKE SKELTON in saluting President Harry S Truman's 100th birthday.

I well remember the days of Harry Truman in the White House. And so do my fellow Guamanians. He was responsible for so much of the gains my territory made in the early 1950's. It was Mr. Truman who overrode the opposition of the old War Department and transferred Guam from the Department of the Navy to the Department of Interior. That single step did as much as anything to institute civilian, rather than military, government for a territory which had been ruled by the U.S. Navy since 1898.

Second, it was President Truman who supported and later signed legislation known as the Guam Organic Act which granted American citizenship to the people of my territory. All too often Americans take their citizenship for granted, not realizing what a cherished possession it really is. We on Guam do not take our citizenship for granted. I know what it was like not to have citizenship and my American citizenship is one of my most prized possessions—thanks in part to the wisdom and friendship of President Truman.

Obviously, we on Guam remember Mr. Truman with the fondest memories. And we always will. On this occasion I am honored and proud to join with my colleagues here today and look toward Heaven and say "Mr. President, happy 100th birthday." Thank you.●

Mr. WHEAT. I yield back the balance of my time.

Mr. Speaker, I urge the adoption of the resolution.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 226, the previous question is considered as ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 5, not voting 46, as follows:

[Roll No. 235]

YEAS—382

Ackerman	D'Amours	Hall (OH)
Addabbo	Daschle	Hall, Ralph
Akaka	Daub	Hall, Sam
Albosta	Davis	Hamilton
Alexander	de la Garza	Hammerschmidt
Anderson	Dellums	Hansen (UT)
Andrews (NC)	Derrick	Harkin
Andrews (TX)	DeWine	Hartnett
Annunzio	Dickinson	Hatcher
Anthony	Dicks	Hawkins
Applegate	Dingell	Hefner
AuCoin	Dixon	Hertel
Barnard	Donnelly	Hightower
Barnes	Dorgan	Hiler
Bartlett	Downey	Holt
Bateman	Duncan	Hopkins
Bates	Durbin	Horton
Bedell	Dymally	Howard
Beilenson	Dyson	Hoyer
Bennett	Early	Hubbard
Bereuter	Eckart	Huckaby
Berman	Edgar	Hughes
Bethune	Edwards (AL)	Hunter
Bevill	Edwards (OK)	Hutto
Biaggi	Emerson	Hyde
Bilirakis	English	Ireland
Bliley	Erdreich	Jacobs
Boehlert	Evans (IA)	Jeffords
Boggs	Evans (IL)	Jenkins
Bonior	Fascell	Jones (OK)
Bonker	Fazio	Kaptur
Borski	Feighan	Kasich
Bosco	Ferraro	Kastenmeier
Boucher	Fiedler	Kazen
Boxer	Fields	Kennelly
Breaux	Fish	Kildee
Britt	Flippo	Kindness
Brooks	Florio	Kogovsek
Broomfield	Foglietta	Kolter
Brown (CA)	Foley	Kostmayer
Brown (CO)	Ford (MI)	Kramer
Broyhill	Ford (TN)	LaFalce
Bryant	Forsythe	Lagomarsino
Burton (CA)	Fowler	Lantos
Burton (IN)	Frank	Latta
Campbell	Franklin	Leath
Carney	Frenzel	Lehman (FL)
Carper	Frost	Leland
Carr	Garcia	Lent
Chandler	Gaydos	Levin
Chappie	Gejdenson	Levine
Cheney	Gekas	Levitas
Clarke	Gephardt	Lewis (CA)
Clinger	Gibbons	Lewis (FL)
Coats	Gilman	Lipinski
Coleman (MO)	Gingrich	Livingston
Coleman (TX)	Glickman	Lloyd
Conable	Gonzalez	Loeffler
Conte	Gore	Long (LA)
Conyers	Gradison	Long (MD)
Cooper	Gramm	Lott
Corcoran	Gray	Lowery (CA)
Coughlin	Green	Lowry (WA)
Courter	Gregg	Lujan
Coyne	Guarini	Luken
Craig	Gunderson	Lundine
Crockett	Hall (IN)	Lungren

Mack	Pease	Snowe
MacKay	Penny	Snyder
Madigan	Perkins	Solarz
Marlenee	Petri	Solomon
Marriott	Pickle	Spence
Martin (IL)	Porter	Spratt
Martin (NC)	Price	Staggers
Martin (NY)	Pritchard	Stangeland
Matsui	Pursell	Stark
Mazzoli	Quillen	Stokes
McCain	Rahall	Stratton
McCloskey	Rangel	Studds
McCollum	Ratchford	Stump
McCurdy	Ray	Sundquist
McDade	Regula	Swift
McEwen	Reid	Synar
McGrath	Richardson	Tallon
McHugh	Ridge	Tauke
McKernan	Rinaldo	Tauzin
McNulty	Ritter	Taylor
Mica	Roberts	Thomas (CA)
Mikulski	Robinson	Thomas (GA)
Miller (CA)	Rodino	Torres
Miller (OH)	Roe	Torricelli
Mineta	Roemer	Towns
Minish	Rogers	Traxler
Mitchell	Rose	Udall
Moakley	Rostenkowski	Valentine
Molinari	Roth	Vander Jagt
Mollohan	Roukema	Vandergriff
Montgomery	Rowland	Vento
Moody	Roybal	Volkmer
Moore	Rudd	Vucanovich
Moorhead	Russo	Walgren
Morrison (CT)	Sabo	Walker
Morrison (WA)	Savage	Watkins
Mrazek	Sawyer	Waxman
Murphy	Schaefer	Weber
Murtha	Scheuer	Weiss
Myers	Schneider	Wheat
Natcher	Schroeder	Whitley
Neal	Schulze	Whittaker
Nelson	Schumer	Williams (MT)
Nichols	Seiberling	Williams (OH)
Nielson	Sensenbrenner	Wilson
Nowak	Shannon	Winn
O'Brien	Sharp	Wirth
Oakar	Shaw	Wise
Oberstar	Shelby	Wolf
Obey	Shumway	Wolpe
Olin	Shuster	Wortley
Ortiz	Sikorski	Wyden
Ottinger	Siljander	Wylie
Owens	Sisisky	Yates
Oxley	Skeen	Yatron
Packard	Skelton	Young (FL)
Panetta	Slattery	Young (MO)
Parris	Smith (FL)	Zablocki
Pashayan	Smith (NE)	Zschau
Patman	Smith (NJ)	
Patterson	Smith, Denny	

NAYS—5

Archer	Crane, Philip	Paul
Crane, Daniel	McDonald	

NOT VOTING—46

Aspin	Fuqua	McCandless
Badham	Goodling	McKinney
Boland	Hance	Michel
Boner	Hansen (ID)	Pepper
Byron	Harrison	Simon
Chappell	Heftel	Smith (IA)
Clay	Hillis	Smith, Robert
Coelho	Johnson	St Germain
Collins	Jones (NC)	Stenholm
Daniel	Jones (TN)	Weaver
Dannemeyer	Kemp	Whitehurst
Dowdy	Leach	Whitten
Dreier	Lehman (CA)	Wright
Dwyer	Markey	Young (AK)
Edwards (CA)	Martinez	
Erlenborn	Mavroules	

□ 1300

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JULY 1, 1983, TO FILE REPORT ON H.R. 3392

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Friday, July 1, 1983, to file a report on the bill, H.R. 3392.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT ON S. 273, EXTENSION OF 8(a) PILOT PROGRAMS

Mr. MITCHELL. Mr. Speaker, I call up the conference report on the Senate bill (S. 273) to amend section 8(a)(1) of the Small Business Act.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 23, 1983.)

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) will be recognized for 30 minutes, and the gentleman from Pensylvania (Mr. MCDADE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

□ 1310

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on the bill (S. 273) which would reopen during fiscal years 1984 and 1985 two minority enterprise pilot programs to be conducted by the Small Business Administration.

The first of these programs is a pilot procurement program under which the Small Business Administration has the exclusive authority to determine which procurement needs of a Federal department designated by the Presidnet (other than the Department of Defense or a component thereof) are suitable for inclusion in the Small Business Administration's 8(a) program. Under this program, the Small Business Administration contracts to provide goods and services to Federal departments and agencies and then subcontracts the work to a socially and economically disadvantaged firm.

This pilot originally was enacted into law in 1978 by Public Law 95-507 and the President selected the Army as the Department which would participate. During its 3-year existence, only 14 contracts valued at some $100 million were included. Based on these small numbers, the committee is not able to evaluate the results of this pilot and thus is recommending that it be reinstated for an additional 2 years.

The only basic change from this proposal as it passed the House as H.R. 861 is that the Defense Department and its components are excluded from further participation. Thus, the President will be selecting a civilian agency to participate in the pilot.

The second pilot also was originally enacted in Public Law 95-507. Under this pilot, the Small Business Administration was authorized to waive Federal bonding requirements for 8(a) contractors who cannot obtain a surety bond if they are startup concerns and have not participated in the 8(a) program for over 1 year.

It took the Small Business Administration more than 2 years to adopt final regulations and it never did adopt standard operating procedures or issue instructions to field offices as to implementation of the program. Of course, this resulted in no waivers ever being granted.

I find this situation to be intolerable as in effect a Federal agency is simply deciding that a pilot program is not going to succeed and thus they will not even try it. This is a decision to be made by the Congress and it will be made after the Small Business Administration conducts the pilot program and after we are able to evaluate its results.

I have made this position known to the agency and I am hopeful that they are now willing to move forward and give both of these pilot programs a fair and adequate test.

I want to thank my colleagues who worked on this legislation and particularly the ranking minority member, JOE MCDADE.

I urge approval of the conference report.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my distinguished colleague, the gentleman from Maryland (Mr. MITCHELL), and I rise in support of this legislation. We have worked together and brought the House a good bill. It is supported by all of the members of our committee on both sides of the aisle and by the administration. It is a good bill. We have the word of our Administrator of the SBA that he is going to make this program work. I believe he will.

Mr. Speaker, I urge my colleagues on both sides of the aisle to adopt its legislation.

Mr. WILLIAMS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MCDADE. I yield to the gentleman from Ohio, who has contributed so much to this and other pieces of legislation in our committee, and I congratulate the gentleman for the work he has done.

Mr. WILLIAMS of Ohio. I thank the gentleman from Pennsylvania for his kind remarks, and I want to compliment the chairman and the ranking minority member of the committee for the fine work they have done.

Mr. Speaker, I rise in strong support of the conference report.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. DAUB), who probably has more input into this bill than anybody on our side of the aisle. Although I stand here, the gentleman from Nebraska has done more than anybody to make it work.

Mr. DAUB. Mr. Speaker, I appreciate the gentleman's kind words.

Mr. Speaker, I want to thank the chairman of the committee for his diligence in getting this matter resolved. I think the 8(a) program, particularly, although the bonding program is important, is a good program. I am particularly delighted to recall to the chairman and the ranking minority member our colloquy with respect to the technology shift, so that we can develop some nontraditional small business opportunity. I think the conference report brings us that opportunity, and I urge my colleagues to support passage of this legislation.

Mr. McDADE. Mr. Speaker, I urge passage of the conference report, and I yield back the balance of my time.

Mr. MITCHELL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ADDABBO), a member of the committee.

Mr. ADDABBO. I rise in strong support of the conference report on S. 273 which would extend the 8(a) pilot program and the surety bond waiver pilot program until September 30, 1985.

Under Public Law 95-507, the 8(a) pilot program was established to grant SBA the authority to select contracts from an agency, designated by the President, for inclusion in the 8(a) program. This authority is sorely needed since under the regular 8(a) program SBA can only receive those contracts which individual agencies voluntarily offer.

It is unfortunate that this administration has chosen to ignore the needs of the minority business constituency. As the author of Public Law 95-507, I find it necessary to constantly remind SBA that the purpose of the 8(a) program is to promote the business development of minority-owned firms so that they may become competitively viable in the free enterprise system. The 8(a) pilot program, is important not only to redirect the agency's purpose to business development, but also to help minority-owned firms receive the lucrative, sophisticated contracts they have been historically denied. SBA must fulfill congressional intent by being forceful and aggressive with the designated agency.

The surety bond waiver program, first authorized by Public Law 95-507, is of critical importance to minority businesses. However, SBA has never implemented this pilot program.

Minorities have historically had difficulties in obtaining bonding for contracts that they are otherwise capable of performing. It is for this reason that the surety bond pilot program was established. The program authorizes SBA to waive all Federal bonding requirements for its 8(a) contractors who are start-ups and in the program for 1 year or less, provided certain conditions are met. However, SBA did not waive a single bonding requirement for any 8(a) contractor. An extension is needed to determine the effectiveness of this program and to let the SBA know, in the clearest terms, that it is the Congress which makes the law.

I urge all of my colleagues to support the extension of these two programs. It is incumbent upon the Congress to show the minority business community that we, unlike the administration, will not turn our backs on their needs.

Mr. MITCHELL. Mr. Speaker, I want to thank my colleagues who have worked on this legislation. There was a bipartisan effort, it has been very successful and we do urge the approval of the report.

● Mr. CORRADA. Mr. Speaker, I rise in support of the conference report on S. 273, a bill to extend through fiscal year 1984 SBA pilot program under section (8) of the Small Business Act.

The pilot procurement program under section 8a of the Small Business Act is very important for the economic and industrial development of Puerto Rico and a primary source of job creation.

Through the 8(a) program SBA provides eligible minority disadvantage firms in Puerto Rico as well as in the Nation with such contract, financial and technical support as may be needed to promote their competitive viability within a reasonable period of time.

Actually there are in Puerto Rico a total of 27 small business concerns certified under the 8(a) programs. These firms are receiving more than $23 million in Federal procurement and, as a result, a total of 1,500 new jobs have either been created or maintained.

Also, as part of joint efforts between the Government of Puerto Rico and the U.S. Government to improve the economic conditions of the Island and to increase employment opportunities, the SBA is expanding the Federal Government contract opportunities in Puerto Rico. This will be done by increasing the number of eligible firms under the 8(a) program to 45. This should give our island an additional input of $30 million in Federal contracts and help create 1,500 new jobs.

Small businesses are the cornerstone of our Nation's free enterprise system. Their growth and development is critical to our economic stability. By far, small businesses have proven to be the best single source of job creation. At a time when our Nation appears to be moving back toward economic health, that job creation small business contributes to an economic recovery must be recognized and supported.

I urge my colleagues to support S. 273.●

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include extraneous matter, and that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 6, not voting 60, as follows:

[Roll No. 236]

YEAS—367

Ackerman	Boucher	Dellums
Addabbo	Boxer	Derrick
Akaka	Britt	DeWine
Albosta	Broomfield	Dickinson
Alexander	Brown (CA)	Dingell
Anderson	Brown (CO)	Dixon
Andrews (NC)	Broyhill	Donnelly
Andrews (TX)	Bryant	Dorgan
Annunzio	Burton (CA)	Downey
Anthony	Burton (IN)	Duncan
Applegate	Campbell	Durbin
Archer	Carney	Dymally
AuCoin	Carper	Dyson
Barnard	Carr	Early
Barnes	Chandler	Eckart
Bartlett	Chappie	Edgar
Bateman	Cheney	Edwards (AL)
Bates	Clarke	Edwards (CA)
Bedell	Clinger	Edwards (OK)
Beilenson	Coats	Emerson
Bennett	Coelho	English
Bereuter	Coleman (MO)	Erdreich
Berman	Conte	Evans (IA)
Bethune	Cooper	Evans (IL)
Bevill	Corcoran	Fascell
Biaggi	Coughlin	Fazio
Bilirakis	Courter	Feighan
Billey	Coyne	Ferraro
Boehlert	Craig	Fiedler
Boggs	Crockett	Fields
Bonker	D'Amours	Fish
Borski	Daschle	Flippo
Bosco	Daub	Florio

Foglietta	Lungren	Roybal
Foley	Mack	Rudd
Ford (MI)	MacKay	Russo
Ford (TN)	Madigan	Sabo
Forsythe	Markey	Savage
Fowler	Marriott	Sawyer
Frank	Martin (IL)	Schaefer
Frenzel	Martin (NC)	Scheuer
Frost	Martin (NY)	Schneider
Garcia	Matsui	Schroeder
Gaydos	Mazzoli	Schulze
Gejdenson	McCain	Schumer
Gekas	McCloskey	Seiberling
Gephardt	McCollum	Sensenbrenner
Gibbons	McCurdy	Shannon
Gilman	McDade	Sharp
Gingrich	McEwen	Shaw
Glickman	McGrath	Shelby
Gonzalez	McHugh	Shumway
Gore	McKernan	Shuster
Gradison	McKinney	Sikorski
Gramm	McNulty	Siljander
Gray	Mica	Simon
Green	Mikulski	Sisisky
Gregg	Miller (CA)	Skeen
Guarini	Miller (OH)	Skelton
Gunderson	Mineta	Slattery
Hall (IN)	Minish	Smith (FL)
Hall (OH)	Mitchell	Smith (NE)
Hall, Ralph	Moakley	Smith (NJ)
Hall, Sam	Molinari	Smith, Denny
Hamilton	Mollohan	Snowe
Hammerschmidt	Moody	Snyder
Hansen (ID)	Moore	Solarz
Hansen (UT)	Moorhead	Solomon
Harkin	Morrison (CT)	Spence
Hatcher	Mrazek	Spratt
Hawkins	Murphy	Staggers
Hefner	Murtha	Stangeland
Hertel	Myers	Stark
Hiler	Natcher	Stokes
Holt	Neal	Stratton
Hopkins	Nelson	Studds
Horton	Nichols	Stump
Howard	Nielson	Swift
Hoyer	Nowak	Synar
Hubbard	O'Brien	Tallon
Huckaby	Oakar	Tauke
Hughes	Oberstar	Tauzin
Hunter	Obey	Taylor
Hutto	Olin	Thomas (CA)
Hyde	Ortiz	Thomas (GA)
Jacobs	Ottinger	Torres
Jeffords	Owens	Torricelli
Jenkins	Oxley	Towns
Johnson	Packard	Udall
Jones (OK)	Panetta	Valentine
Kaptur	Parris	Vander Jagt
Kasich	Pashayan	Vandergriff
Kastenmeier	Patman	Vento
Kazen	Patterson	Volkmer
Kennelly	Pease	Vucanovich
Kildee	Penny	Walgren
Kindness	Perkins	Walker
Kogovsek	Petri	Waxman
Kolter	Pickle	Weber
Kostmayer	Porter	Weiss
Kramer	Price	Wheat
LaFalce	Pritchard	Whitley
Lagomarsino	Quillen	Whittaker
Lantos	Rahall	Williams (MT)
Latta	Rangel	Williams (OH)
Lehman (FL)	Ratchford	Wilson
Lent	Ray	Winn
Levin	Regula	Wirth
Levine	Reid	Wise
Levitas	Richardson	Wolf
Lewis (FL)	Ridge	Wolpe
Lipinski	Rinaldo	Wortley
Livingston	Ritter	Wyden
Lloyd	Roberts	Wylie
Loeffler	Robinson	Yates
Long (LA)	Rodino	Yatron
Long (MD)	Roe	Young (AK)
Lott	Roemer	Young (FL)
Lowery (CA)	Rogers	Young (MO)
Lowry (WA)	Rose	Zablocki
Lujan	Roth	Zschau
Luken	Roukema	
Lundine	Rowland	

NAYS—6

Crane, Daniel	Leath	McDonald
Crane, Philip	Marlenee	Paul

NOT VOTING—60

Aspin	Dreier	Martinez
Badham	Dwyer	Mavroules
Boland	Erlenborn	McCandless
Boner	Franklin	Michel
Bonior	Fuqua	Montgomery
Breaux	Goodling	Morrison (WA)
Brooks	Hance	Pepper
Byron	Harrison	Pursell
Chappell	Hartnett	Rostenkowski
Clay	Heftel	Smith (IA)
Coleman (TX)	Hightower	Smith, Robert
Collins	Hillis	St Germain
Conable	Ireland	Stenholm
Conyers	Jones (NC)	Sundquist
Daniel	Jones (TN)	Traxler
Dannemeyer	Kemp	Watkins
Davis	Leach	Weaver
de la Garza	Lehman (CA)	Whitehurst
Dicks	Leland	Whitten
Dowdy	Lewis (CA)	Wright

□ 1320

Mr. GIBBONS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

● Mr. LELAND. Mr. Speaker, I rise briefly to ask that the record reflect how I would have voted on rollcall vote No. 236, agreeing to conference report on S. 273. I was present to vote all day, but I was unavoidably delayed at the time of rollcall vote No. 236, and I was not able to get to the floor on time to cast my vote. Had I been present, I would have voted to agree to the conference report.

I thank the Speaker for this opportunity to set the record straight.●

□ 1330

NATIONAL ATOMIC VETERANS' DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 68) to authorize and request the President to designate July 16, 1983, as "National Atomic Veterans' Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I will not object, but I merely wanted to take this opportunity to inform the House that the minority has no objection.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I thank the chairman of the subcommittee for bringing up this particular recognition day for "atomic veterans."

On July 16, 1945, mankind's future was altered as never before, for on this day man became witness to the most incredible unleashing of physical power ever to befall his eyes. Trinity, the world's first atomic weapon was exploded that day. Our world and our lives have been changing ever since.

The servicemen who observed this and 234 subsequent nuclear detonations know better than anyone just how irrevocably one's life can change when touched by these awesome instruments of war. Now, some 38 years later, a quarter of a million veterans are living, painfully, with the effects that these explosions may have had on their bodies.

Although the evidence is still inconclusive, recent medical and statistical studies suggest a positive correlation between certain diseases and exposure to ionizing radiation. A 1980 study by the Center for Disease Control in Atlanta indicates that of 3,224 participants in the 1957 nuclear test explosion "Smoky," the incidence rate for leukemia is nearly three times the normal estimate; findings by physicians at the Radiation Research Institute in Berkeley, Calif., suggest an extraordinarily high incidence rate of rare forms of muscle and bone diseases among atomic veterans; and preliminary health surveys of 700 detonation observers conducted by the National Association for Atomic Veterans resulted in more than half of those questioned reporting mental and/or physical birth defects in their children.

Despite this and other medical data, the Veterans' Administration takes the position that the average doses of radiation received by the servicemen involved was too low to have manifested physical injury. In fact, of the 3,000 radiation-related claims submitted by atomic veterans or their widows to the Veterans' Administration, only 65 have been awarded.

As time drags on, these veterans grow evermore afraid that no one is listening—that no one cares. The fear they harbor is real. The fear they harbor is exclusively their own. Only atomic veterans know the lonely feeling of traveling through life wondering if the firery blase they witnessed years ago is still shaping and clouding their world today.

In a sense, the most tragic facet of the peril that pervades atomic veterans' lives is the uncertainty surrounding the fate of their health and their children's well-being.

So, let these unique and patriotic veterans be certain that someone cares—that someone will delve deeper into their plight and attempt to calm their worry. Let them know that someone, at least, sees their suffering and hears their cries.

July 16 comes once a year to most of us. In the lives of others it is a day

that repeats itself every time chemotherapy for cancer is undergone, every time a retarded son or daughter is born.

I urge you today to vote in recognition, in support, and in honor of these our atomic veterans. Vote to give them July 16, 1983, as a day which will stand for the importance of resolving issues related to the exposure of these men to ionizing radiation.

● Mr. MINETA. Mr. Speaker, today we have the opportunity to recognize the plight of over 250,000 Americans who served their country honorably and at great personal sacrifice. I am speaking of the former servicemen who were exposed to ionizing radiation during tests of nuclear weapons between 1945 and 1962. Between 1945 and 1962, there were at least 235 atmospheric nuclear weapons tests conducted in the Pacific and American Southwest. Tragically, as a result of their presence at these test sites, many of these veterans, as well as their children, are suffering from cancer and other diseases attributable to radiation exposure.

The negative consequences of these tests were not adequately assessed and proper precautions for the protection of the servicemen were not taken. Also, there was not sufficient monitoring of the nuclear exposure experienced by the servicemen.

Mr. Speaker, these veterans admirably fulfilled their obligation to serve the United States. Today, we have the chance to take an initial step toward assuring that the Government of the United States lives up to its obligations to these veterans by voting in favor of House Joint Resolution 210. This resolution focuses attention on the concerns of "atomic veterans" by designating July 16, 1983—the 38th anniversary of the first detonation of an atomic weapon—as "National Atomic Veterans' Day." I strongly urge all of my colleagues to vote in favor of this resolution.●

Mr. VANDER JAGT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 68

Whereas approximately two hundred and fifty thousand veterans of the United States, while serving in the active military, naval, or air service during the period beginning in 1945 and ending in 1963, witnessed and participated in at least two hundred and thirty-five atmospheric nuclear weapons tests conducted in the Pacific Ocean and the Southwestern United States or served in Hiroshima or Nagasaki during the period of the occupation of Japan by the military forces of the United States immediately following World War II;

Whereas these Atomic Veterans patriotically served their country meeting the needs of national defense during this critical period in history;

Whereas the health of many of the Atomic Veterans and of many of the natural children of such veterans may have been adversely affected by the exposure of such veterans to ionizing radiation from the detonation of atomic or nuclear weapons;

Whereas the Congress recognizes the patriotism and dedication of the Atomic Veterans and the importance of resolving the issues arising from the problems caused by the exposure of the Atomic Veterans to ionizing radiation; and

Whereas July 16, 1983, is the anniversary of "Trinity", the first detonation of an atomic weapon, which took place at Alamogordo Air Force Base in New Mexico on July 16, 1945: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating July 16, 1983, as "National Atomic Veterans' Day" and calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN BUSINESS WOMEN'S DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 18) designating September 22, 1983, as "American Business Women's Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I will not object; but I wanted to inform the House that the minority unanimously supports this resolution.

● Mr. COURTER. Mr. Speaker, I rise in support of Senate Joint Resolution 18 designating September 22, 1983, as "American Businesswomen's Day."

During World War II many women began to fill jobs left vacant by men who joined our armed services. By the end of the war 37 percent of the American work force was female. By 1970 the number had increased to 43 percent, and in 1980 the number of women working in the United States has almost doubled that of post-World War II and reached 65 percent.

In my opinion, women should be recognized for their outstanding contributions and accomplishments to the American business community.

All women, including the unsalaried homemakers and corporate executives are all making an important contribution to our way of life in this country. It is for these reasons that I urge my colleagues to support this resolution to honor American businesswomen by acknowledging their contributions and accomplishments.●

Mr. VANDER JAGT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 18

Whereas there are forty-three million working women integrally involved in determining the direction of both the private and public sectors of our Nation;

Whereas American businesswomen hold active, responsible, decisionmaking roles at all levels of business, and thus influence the direction of our Nation; and

Whereas the Congress recognizes the important contributions of American businesswomen to our Nation's continuing vitality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 22, 1983, is designated "American Business Women's Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PORT WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 173) to authorize and request the President of the United States to issue a proclamation designating the 7-day period commencing October 2, 1983, as "National Port Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I will not object, but I yield to the distinguished gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Joint Resolution 173, which recognizes the importance of the inland, Great Lakes, and coastal ports of our Nation. Ports have always played a significant role in our history and in the economic development of the United States. Today we are the preeminent

trading nation of the world and over 95 percent of our products moving in international commerce pass through our ports. In recent years these shipments amounted to almost 2 billion short tons of waterborne commerce contributing over $35 billion annually to the gross national product.

As a lifetime resident of New York City, I fully appreciate the importance of a healthy port to the economic life of a region. Just as the historic "Boston Tea Party" sparked a political revolution, an improvement at any port has an economic impact far beyond the expectations of the principle participants.

In recognition of this vital role played by our ports, Congress has in each of the last 5 years passed resolutions urging the President to designate the first week in October as "National Port Week." I would point out that both President Carter and President Reagan have wisely heeded our counsel.

Each session Congress considers literally hundreds of these commemorative resolutions, yet only a handful obtain the requisite number of cosponsors. The support of National Port Week by 222 Members of this House is a significant reflection of concern for a vital resource. The action we take is highly valued by port officials throughout our great land.

I thank you for your support of this resolution and may I remind my colleagues that we still must act on what I view as a priority item—the enactment of meaningful port development legislation during this session of Congress.

Mr. VANDER JAGT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 173

Whereas the ocean, Great Lakes, and inland river ports and terminals of our Nation constitute a valuable national asset which have fostered commerce and industry and have contributed to the growth of America's cities;

Whereas the past development of public ports in the United States was a result of fruitful cooperation with the Federal Government constructing and maintaining the navigable waterways and harbors and local municipalities assuming primary responsibility for land-based port facilities;

Whereas our ports are vital links in the United States transportation system and are indispensable to the foreign and domestic commerce and to the national security of our Nation;

Whereas the preservation and improvement of our national network of commercial ports is vital to expanded international trade and the attainment of a favorable trade balance;

Whereas the commercial ports of the United States are responsible for the continued employment of more than one million workers and, in 1982, generated a total of $70,000,000,000, in direct and indirect benefits to the United States economy and over $1,500,000,000 to the balance-of-payments accounts; and

Whereas there is vital need to focus public attention upon the value of a viable and competitive system of commercial ports: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the seven-day period commencing October 2, 1983, as "National Port Week" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe that week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL REYE'S SYNDROME WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 34) designating "National Reye's Syndrome Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I rise really in support of the resolution.

Mr. Speaker, first, may I express my profound thanks and appreciation to the gentlewoman from Indiana, Mrs. KATIE HALL, chairman of the Subcommittee on Census and Population of the House Committee on Post Office and Civil Service. As we all know, Congress oftentimes is accused of not moving expeditiously on legislative issues. Such is not the case involving this legislation, Senate Joint Resolution 34, designating the week of November 7 through November 13, 1983, as "National Reye's Syndrome Week." It was only a few days ago that we were able to collect the necessary number of sponsors—now totaling nearly 230—and so notified Chairman HALL. In literally a few working hours, I am privileged to be on the floor to thank Chairman HALL, the entire membership of the House Committee on Post Office and Civil Service, especially my Michigan colleague and its chairman, WILLIAM D. FORD, and to seek House passage this afternoon of Senate Joint Resolution 34.

I represent, as mentioned earlier, nearly 230 Members of the House who graciously lent their support to this legislation. I would add that it is particularly good to count both Mrs. HALL and BILL FORD as cosponsors. I am also very pleased to inform you that identical legislation in the Senate, sponsored by Senator DONALD W. RIEGLE, has met with similar success.

It is our highest hope that the resolution will truly help to inform all parents of the symptoms and results of Reye's syndrome so that they can prevent serious harm to their children.

It is ironic that this year, 1983, marks the 20th anniversary since Dr. Ralph Douglas Reye, an Australian pathologist, first described the symptoms and course of this disease. Even after 20 years, most regrettably, Reye's syndrome remains, to a large extent, a medical mystery.

But, two persons, who in my personal interest and involvement in this matter, deserve the greatest credit and recognition of all, would not accept that "mystery." Doris and John Dieckman lost their 11-year-old son, John Stewart Elliott Dieckman, to Reye's syndrome on April 12, 1976. Since that time the Dieckmans have devoted fantastic time and effort in the battle against this dreaded disease. Today is a special day for this House of Representatives, but it is an even greater day for the Dieckmans and so many others like them who have carried on a most valiant fight against Reye's syndrome.

Their perseverance, along with hundreds of others, has led to the National Reye's Syndrome Foundation. Now, with increased research activity into the cause of RS going on throughout the country at medical research centers, this resolution would be a wonderful complement to boost public interest, awareness, and concern in Reye's syndrome. The activities of National Reye's Syndrome Week will accelerate and generate even greater concern and support in fighting this disease which strikes children.

No one really knows the number of victims. One Federal health official believes there may be 1,000 cases a year nationwide. An independent researcher thinks there is a submerged "iceberg" of undiagnosed Reye's that may total several thousand cases a year. But nobody knows for sure.

But, to this day, we do know it remains a mystery. No known cause and no preventative, no certain cure.

We, here today, are contributing—probably in a most small way—but contributing—to give those so involved in this fight the means and the possibility of doing even better in the months and years ahead.

I am very proud to be a part of this effort, and I am equally proud of our U.S. House of Representatives in volunteering to help.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 34

Whereas Reye's syndrome is a disease of unknown cause which normally attacks healthy children eighteen years of age and under, both male and female, which can kill or cripple more than half of its victims within several days by attacking the muscles, liver, brain, and kidneys, and which affects every organ in the body;

Whereas Reye's syndrome is recognized by the Food and Drug Administration to be one of the top ten killers among all children's diseases;

Whereas Reye's syndrome was first recognized as a specific illness in 1963 and is a new illness in name only since children have been affected for decades by the illness and Reye's syndrome cases have been improperly diagnosed;

Whereas the reporting of cases of Reye's syndrome is required in only one-half of the States (for the purpose of this joint resolution, "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the other territories and possessions of the United States);

Whereas volunteer Reye's syndrome organizations are established throughout the United States and are supported by thousands of parents;

Whereas national Reye's syndrome volunteer organizations exist to encourage involvement of the Federal Government in supporting Reye's syndrome research; to encourage coordination of the treatment and research efforts by the various Reye's syndrome treatment and research centers; to establish Reye's syndrome as a reportable disease in every State; to establish at the Center for Disease Control a position for the review of data on Reye's syndrome patients; to sponsor a multicenter research study by recognized authorities on Reye's syndrome; to sponsor programs to educate parents and medical professionals with respect to diagnosis and treatment of the illness; and to raise funds for research into cause, prevention, and treatment of Reye's syndrome;

Whereas Reye's syndrome incidence continues to increase at a pace greater than the attention of the public, the Federal Government in general, and the Congress in particular; and

Whereas the chief executive officers of several States have declared certain periods of time as Reye's syndrome weeks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in congress assembled, That the week of November 7 through November 13, 1983, is designated "National Reye's Syndrome Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

□ 1220

MEDICARE CRISIS DEMANDS COMPREHENSIVE SOLUTION

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, exploding increases in health care costs threaten the solvency of the medicare program. This past March the Congressional Budget Office predicted that, without corrective action, medicare will be broke by 1987 or 1988 and will run increasing deficits every year thereafter. These deficits could approach $300 to $400 billion by 1995. Legislation is pending before the Congress to establish a "National Social Security Reform" type of commission to examine the financial problems of the medicare system. Already an advisory committee to the Social Security Administration is proposing additional benefit reductions in medicare to forestall this impending crisis.

This developing issue should sound familiar to my colleagues who this year witnessed the dismantlement of social security pension benefits under the guise of saving the program. Like the social security debate, I fear that proposed solutions to the medicare problem are already being limited to further benefit reductions, user fee increases or limits on provider reimbursements. Each of these solutions, enacted individually or in combination, would deprive many elderly of needed health care and would not meet the medicare deficit unless implemented in draconian fashion.

Solutions which are limited to medicare benefit cuts or fee increases will not meet the medicare deficit because the root cause of the problem is not limited to medicare. The financial ills which plague medicare are reflective of the inability of the medical industry to control health care costs. Even at a time when the overall rate of inflation has been reduced dramatically, health care costs continue to rise to record heights. In 1982, hospital costs increased 13.3 percent, more than triple the general rate of inflation, and are projected to increase 13 percent annually for the next decade for medicare beneficiaries.

The rising costs of medical care have lead some to wonder whether the country can sustain its commitment to the poor and elderly. Coronary bypass operations cost from $20,000 to $40,000 each. Hip replacements with associated hospitalization and therapy run from $5,000 to $10,000 per patient; and the costs of renal dialysis now exceeds $2 billion a year.

Because almost three-quarters of medicare expenditures go for reimbursement to hospitals, these rapidly escalating costs contribute greatly to increasing medicare program costs. Since 1970 medicare outlays have increased almost an average 18 percent each year, and in fiscal year 1982 they were over $50 billion. With health care costs expected to double in the next 7 years, the fiscal pressure on medicare will be enormous. Despite 2 years of medicare cuts totaling $22 billion, the CBO estimates that medicare spending will also soon double, reaching $112 billion by 1988. Between 1983 and 1988 this is an annual average increase of 14.4 percent.

The response of the Congress to this problem cannot be limited to simply imposing additional copayments, deductibles, and premiums on medicare beneficiaries. Since 1976 the part A deductible has increased by almost 200 percent. The part B deductible has increased by 25 percent in the last 3 years. Per capita, the part A coinsurance charges borne personally by the elderly have increased 345 percent over the last 10 years. Physician services not paid by medicare is increasing faster than the elederly's income. Total physician charges passed on to beneficiaries have increased 200 percent over the last 5 years and now exceed $2 billion.

The result is that seniors, on average, now pay 20 percent of their income for health care, the same amount as they did in 1965 when medicare was enacted.

The administration's 1984 budget included $2 billion in additional medicare cuts. Together, the changes suggested would shift $10.4 billion in medicare costs to the elderly over the next 4 years. Hospital costs for the average medicare recipient would increase by 100 percent in 1984 alone.

Clearly, health care in this Nation is at crisis. The magnitude of this problem will not yield to simple solutions. It will not be met by denying medicare or medicaid assistance to the elderly and poor of our Nation, nor by simply cost shifting to private paying patients and other third party payors. Rather, a comprehensive approach is needed to hold down health care costs. Several States, including my own State of New Jersey, are attempting to restrain hospital costs by enacting mandatory cost restraint programs. The success of these programs depend on strong utilization review programs to insure that hospitals are neither over nor under-

paid for their services. I find it contradictory, Mr. Speaker, that this year the administration would seek a $2 billion reduction in medicare benefits, and at the same time propose the elimination of mandatory utilization review which helps contain costs by decreasing unnecessary hospital use.

THE IMPACT OF THE INTERNATIONAL MONETARY FUND ON THE POOR IN BORROWING NATIONS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, before the House begins debate on the bill to increase the International Monetary Fund (IMF) quota, I hope that my colleagues will consider the impact IMF policies have on the masses of poor people in the borrowing nations. In country after country, export-led development policies have often substituted for internal policies aimed at self-sufficiency. In addition, IMF's strategy of using austerity as a solution to the payments problem further damages the ability of the poor to meet their basic needs.

Several years ago, Congress passed legislation requiring the U.S. Executive Director to the IMF to insure that loan agreements do not adversely affect borrowers' plans for economic development and the basic human needs of their poorer citizens. This provision was added to the law because many then in Congress were concerned that the IMF was unnecessarily damaging the chances for long-term economic growth as well as forcing the poor to bear most of the short-term burden.

Implementation of this provision is even more crucial today than it was 3 years ago. Yet, to many experts, it appears that this excellent legislation has been ignored. This situation requires further investigation. Tomorrow, joined by many colleagues, I will be sending a letter to Secretary Regan, asking him to describe the steps the Treasury Department has taken to implement this legislation.

A prompt response is clearly imperative.

VOCATIONAL EDUCATION

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, yesterday in Kentucky President Reagan extrolled the virtues of vocational education, yet he proposes a 39-percent reduction for fiscal year 1984 for vocational instruction, a $350 million cut that would seriously impair the effectiveness of this program.

In my State of Wisconsin this would cut us down from $17 million in Federal aid in 1981, to $10 million in fiscal year 1984.

One example of the excellent programs which would be cut by the President's proposal in Wisconsin is the displaced homemakers' program. This program retrains people, usually women, who have worked for years as caretakers, child rearers, cooks, and housemaids, at no salary, of course, and have suddenly lost their means of support due to divorce or death of the spouse.

About 80 percent of the displaced homemakers are over 40 years old and have particular difficulties trying to enter the job market. Last year, 51 percent of those enrolled in the displaced homemakers' program obtained jobs after this training and produced incomes and tax revenues far in excess of the cost of the program.

This is but one example of the vital, successful, and cost-effective help which vocational education provides in my State.

Mr. Speaker, the unemployment rate in this country has been hovering above 10 percent. Wisconsin's rate is over 11 percent, partly resulting from national forces, but also as a result of important structural changes in our economy as we move from smokestack industries. In this context, vocational and adult retraining becomes even more important in that preparation.

Mr. Reagan's new found love for vocational education is commendable, but it is directly contradicted by his relentless tries to emasculate the budget in that area.

□ 1340

CARTER BRIEFING PAPERS

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, the American people are entitled to all the facts relating to the theft of the Carter briefing papers.

President Reagan is not providing these facts. Instead he has asked the Justice Department to conduct an investigation.

This is not good enough. The administration is not qualified to investigate itself.

Mr. Speaker, we have in chapter 39 of title 28, United States Code, a procedure for the appointment of independent counsel, formerly special prosecutor, in situations where there are allegations of violations of Federal criminal law by executive branch officials. Under these provisions, the Attorney General can apply for an independent counsel if he determines that the investigation of such alleged criminal activity may result in a political conflict-of-interest for the Department of Justice.

Under the provisions of chapter 39, the Attorney General would apply to a special division of the Federal Circuit Court of the District of Columbia for the appointment of independent counsel by that division of the court.

Mr. Speaker, we do not know who is responsible for the release of these important documents to members of the Reagan Presidential campaign. We do know that high ranking members of the Reagan administration have admitted receiving these documents, and we have reason to believe that they knew that they had been inappropriately acquired from the Carter campaign.

The Attorney General should go to the court and request the appointment of an independent counsel in this matter, for there is clearly a political conflict-of-interest.

FEDERAL SUPPORT FOR VOCATIONAL ADULT EDUCATION PROGRAMS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, it is said that when you give a man a fish you feed him for a day but when you teach a man to fish you teach him to feed himself for a lifetime.

In pursuit of this principle, vocational and adult education programs, to which the American people have given their support over the years through the Congress, have given the opportunity to millions of our citizens to gain work skills that are needed to feed, to clothe, and to house themselves for a lifetime.

Graduates of vocational education programs have become productive, taxpaying citizens in our society and not the jobless dependents of the Federal welfare system.

Surely these programs are worthy investments we can make in our future. However, Mr. Reagan's proposed budget would reduce vocational education programs by 39 percent. In my home State of Arkansas over 12,000 people seeking skills to get jobs would be denied that opportunity if the President's program were adopted. It means our capacity to attract new industry to our State and to provide new jobs and lower unemployment will be severely handicapped.

Mr. Speaker, not only is the President refusing our people the opportunity to fish, he is chasing them away from the fishing hole and surrounding it with barbed wire and posting it with a sign that says "No trespassing."

SURPLUS FOOD

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, last Monday Mr. OBERSTAR, Ms. KAPTUR, Mr. ECKART, and I went to Kansas City to tour the Inland Cave of Beatrice Food, 1 of 600 sites containing the more than 3 billion pounds of surplus food.

We had an agreement that the media, including the electronic media, could tour with us. When we arrived the rules had changed and no cameras were allowed. Therefore we Members decided not to tour.

Mr. Speaker, what do they have to hide? Is the cheese moldy? Is the milk caked?

How much is being wasted when 20 million Americans go to bed hungry every night?

We are calling upon the GAO to tell this Congress how much surplus food is wasted, thrown away. We are also asking the Government Operations Committee to determine if the Department of Agriculture put pressure on Beatrice Foods not to allow the American people to view the conditions of this food.

We think it is a disgrace and we will get to the bottom of this issue.

RETIREMENT OF MAJ. GEN. ENRIQUE MENDEZ

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, it is with a deep sense of satisfaction that I take this opportunity to recognize and commend an outstanding serviceman and fine Puerto Rican, Maj. Gen. Enrique Méndez, for his 28 years of unyielding service to our Nation and the U.S. Army.

Today General Méndez is retiring from the U.S. Army with a remarkable military record.

He finished his outstanding military career in the position of Commander of the Walter Reed Army Medical Center to which he was appointed by President Reagan in September 1981. Prior to his position at Walter Reed, General Méndez's assignments included those of Deputy Surgeon General of the Army; Director, Health Care Operations in the Office of the Surgeon General; Deputy Chief of Staff for Operations, Health Services Command, San Antonio, Tex.; Director of Nonresident Health Education at the Academy of Health Sciences in San Antonio, Tex., and Chief, Medical Corps Career Activities Division. His outstanding performance of duties has earned him various awards which include the Loyola University Alumni Award; Legion of Mint with Oak Leaf cluster; Army Commendation Medal; Expert Field Medical Badge, and Distinguished Service Award from the Federal Health Care Executive Institute Alumni Association.

He retires as the highest ranked Puerto Rican and Hispanic Officer in the U.S. Army Medical Corps and having nurtured a personal legacy of credentials. The people of Puerto Rico are justly proud for his achievements, standards of excellence and unyielding dedication to the ideals that make the United States such a great Nation. He has become, and will be for years, a model of achievement and excellence for younger Puerto Ricans and Hispanics aspiring to serve their country.

General Méndez returns to the Island to be in charge of the Ponce School of Medicine where I am sure his vast experience in the field will lead him to excel. I congratulate General Méndez for his outstanding career in the service of our Nation and wish him and his dear wife Olga the best in their future.

INITIATING TALKS WITH THE SOVIET UNION TO EXPLORE NEW OPPORTUNITIES FOR COOPERATIVE EAST-WEST VENTURES IN SPACE

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today I am introducing, along with six of my colleagues, a concurrent resolution expressing the sense of Congress that the President initiate talks with the Soviet Union to explore new opportunities for cooperative East-West ventures in space.

Moving toward cooperation rather than militarization in space can reduce one significant possible arena for a deadly nuclear superpower confrontation.

Our resolution calls on the United States and the U.S.S.R. to renew the 1972 Treaty on Space Cooperation. This 5-year agreement pledged the United States and the Soviet Union to cooperate in the exploration of space. It was first signed by President Nixon and was renewed by President Carter in 1977. Unfortunately the Reagan administration has allowed it to expire.

Under this treaty our two countries formed working groups and successfully conducted joint experiments and shared data on a regular basis. Perhaps the greatest single achievement of the 1972 space agreement was the Apollo-Soyuz mission of 1975.

The signing again of a joint space exploration treaty would provide our two nations with an important opportunity to pursue the policies of cooperation rather than confrontation.

I urge my colleagues to join us in supporting this worthwhile resolution.

THREE IS ENOUGH

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, today marks the third anniversary of the Synthetic Fuels Corporation. Three years ago today legislation was signed authorizing and appropriating $17.7 billion with the goal of producing 2 million barrels of oil equivalent per day. We were told that the Corporation would probably never spend any of the money—it was to be used for loan and price guarantees for productive ventures.

Mr. Speaker, an examination of the Corporation's record indicates that this is not the case. I do not have the time to describe every uneconomic synfuels project that has received—or soon will receive—massive Federal subsidies in the name of "energy security." Suffice it to say that it now appears that the Corporation could actually spend all of its appropriation—without even coming close to its production goal.

But it is not too late. If we act now we can prevent the Corporation from committing billions of tax dollars to unjustified projects. I urge my colleagues to support H.R. 3380, which I have introduced with Mr. WEBER, which would abolish the Synthetic Fuels Corporation.

EFFECTS OF TELEPHONE DIVESTITURE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, there is growing concern across our Nation about the real impact of telephone divestiture and local telephone rates. There is every indiction that local phone rates may skyrocket as early as January 1984.

As an original member of the House Select Committee on Aging I am especially apprehensive about what this will mean to our Nation's elderly. Will the divestiture of the telephone industry disconnect many elderly from the outside world? What can we do to stop it?

If local phone rates rise senior citizens will be faced with something else vital to their lives that they cannot afford. The fastest growing segment of our elderly population are those living alone. In fact, almost one-third of all seniors live alone. For many of them, the telephone is the main, if not only, link they have with the outside world, with remaining family and friends, with the medical community, with the police and fire department. Will divestiture cause a telephone to become a

luxury an older person cannot afford—when it is really a necessity?

We have an obligation to protect elderly consumers from the impending increases in telephone rates. It is a critically important issue which must be given top priority by Congress.

□ 1350

DR. WILLARD FRANK LIBBY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, today I call the attention of my colleagues to the great work and contributions of Dr. Willard Frank Libby.

Throughout his life, Dr. Libby contributed to our society through the application and advancement of science. Despite his rigorous schedule, he consistently became involved in activities and issues which needed attention. Among his many accomplishments, he contributed heavily to increasing the standards and broadening the scope of our science educational system. He also dedicated most of his career toward solving with new technology many of the problems he saw facing our society.

Among his biggest contributions, Dr. Libby invented the diffusion barrier, a process still utilized to enrich most of the fuel for light water reactors outside the Communist-bloc countries. This process has enabled the United States to gross over $6 billion and profit by $3 billion through the sale of reactor fuel. Although most of his work on this project was initiated while not under Federal employment, Dr. Libby joined in with many scientists during World War II in signing over the rights on his work to the Government. With the war requiring sacrifices from so much of the country, he felt it to be his duty in the interests of our national security.

While Dr. Libby has been recognized by scientific institutions throughout the world, including being awarded the Nobel Prize in 1960 for his invention of the radiocarbon dating system, the U.S. Government, a body which has benefited so greatly from his work, has not given Dr. Libby the recognition and appreciation which his work deserves.

For this reason, I am requesting that the Congress join me in requesting the President of the United States to award, posthumously, the Presidential Medal of Freedom to Dr. Willard Frank Libby. Today, I have introduced a House resolution expressing these views, and urge my colleagues to add their support to this endeavor.

The text of the resolution follows:

H. RES. 255

Resolution to express the sense of the House of Representatives that Doctor Willard Libby, inventor of the diffusion barrier, should receive, posthumously, the Presidential Medal of Freedom

Whereas Dr. Willard Frank Libby invented the diffusion barrier, a process utilized to enrich most of the fuel for light water reactors outside of the Communist bloc countries;

Whereas Dr. Libby's enrichment process has enabled the United States to gross $6,000,000,000 and profit by $3,000,000,000 through the sale of reactor fuel;

Whereas Dr. Libby devoted his career to the effective application of science to solving significant and profound social problems;

Whereas Dr. Libby discovered many new radioactive elements important to our understanding of the structure of matter;

Whereas Dr. Libby invented radiocarbon dating, for which he was awarded the Nobel Prize in Chemistry in 1960, enabling the human progress toward civilization to be dated for the last 50,000 and perhaps 100,000 years;

Whereas Dr. Libby made use of tritium, produced by atmospheric weapons tests, to measure the time for exchange of atmosphere between rivers and oceans, exchange between the hemispheres, and exchange between the stratosphere and troposphere, a major contribution to geophysics, agriculture, and meteorology;

Whereas Dr. Libby contributed to the important field of superconductivity by discovering a new class of metals, stable only at high pressures, and demonstrating their superconductive properties, of great potential value in decreasing the expense of electrical distribution processes;

Whereas Dr. Libby developed the theory of catalysis and proved that electron tunneling is a major part of catalysis, a theory which is currently being utilized and has reduced the cost of the manufacturing of chemicals, foods, and fuels, and is expected to further reduce such costs in the future;

Whereas Dr. Libby consistently encouraged the expansion of roles and education in the sciences, through creation of the profession of health physicist, to regulate radioactive emissions and to be independent evaluators of reactor design for safety and health, of which there are now some 10,000 professionals, and through design of the profession and degree of Doctor of the Environment, to address and manage problems of the environment, of which there are now 60 graduates;

Whereas he trained and graduated 102 Ph. D. chemists and taught more than 2,000 graduate and undergraduate chemistry students;

Whereas Dr. Libby has been recognized by distinguished scientific societies throughout the world, including the National Academy of Sciences, the Royal Swedish Academy of Science, the Hiedelberg Academy of Science, and the Bolivian Society of Anthropology;

Whereas, Dr. Libby has been the recipient of many honorary degrees and awards for his pioneering research, in addition to the Nobel Prize, including the Columbia University Chandler Medal, the American Chemical Society Award for Nuclear Applications in Chemistry, the Elliott Cresson Medal of the Franklin Institute, the Willard Gibbs Medal, and the Albert Einstein Medal Award; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the Nation, was established in 1945 to appropriately recognize Americans who have made an especially meritorious contribution to the security or National interest of the United States, world peace, or cultural or other significant public or private endeavors: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should award, posthumously, to Willard Frank Libby, the Presidential Medal of Freedom in honor of his outstanding career and extensive contributions to the advancement and application of science.

FLYING THE F-16

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, I recently had one of the most exciting moments of my life. It was a moment of immense pride and national achievement. I was a copilot of the F-16.

I feel certain that when the history of our time is chronicled, the development of the F-16 will be hailed as one of man's greatest achievements.

As I floated through the beauty of our free, clear skies I felt the freedom of God's world as captured by man's own imagination and skills.

As in all moments in history the machines—as magnificent as they may be—pale in comparison with the quality of the men and women who develop and operate them.

F-16 pilots such as Lt. Col. Milan Zimer, Lt. Col. Joseph L. Oberle, Lt. Col. John L. Nystrom, Jr., Capt. Jack L. Ivy, Col. Ronald R. Fogelman, and airmen such as S. Sgt. Mary Richardson and Airman First Class Stanley Nykita, who service them as ground crews are some of the greatest patriots of our time.

They risk their lives every day to keep us free and light the fires of freedom with their talents, dedication, and selfless determination to keep us free.

Mr. Speaker, if you have not flown the F-16, I invite you to do so for I believe you will join me in my admiration for this marvelous aircraft and the pilots who fly it.

BIPARTISAN DEBATE ON EDUCATION POLICY

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, there should be no doubt in any of our minds that education policy must become one of this body's most critical concerns. No longer must we speculate about the condition of American education: Numerous and well-respected studies have been released within the last 3 months that detail the declining quality of education in this country. But the first question that faces those

of us concerned about education policy is whether this Congress will debate education policy in a serious way or allow the debate to degenerate into partisan rhetoric that is so useless in terms of our developing constructive alternative education policies. The public wants, the public expects, the public demands that informed, serious debate. I would share with my colleagues a recent editorial from the Dallas Times Herald which speaks to this question. In the words of the editorial:

> The education issue, obviously, is an extraordinarily important one, and it deserves serious debate by serious people, not disingenuous posturing by politicians seeking electoral gain."

It is my hope that we will address questions of education policy seriously and with a sensitivity for its complexity and importance to the future. The new Education Policy Task Force of the Republican Research Committee, which I cochair with my colleague Congresswoman NANCY JOHNSON, will play a role in the serious-minded articulation of education policy issues and the development of constructive alternative solutions for our colleagues to consider. I hope that Members from both sides of the aisle will engage in that serious-minded debate.

WORK OPPORTUNITIES AND RENEWED COMPETITION ACT OF 1983

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, as an original cosponsor of H.R. 3434, the Work Opportunities and Renewed Competition Act of 1983, I applaud my colleague from Oklahoma (Mr. JONES) for his diligent work.

This legislation could provide significant investment toward modernization of our basic manufacturing industries. As the Representative from Pennsylvania's Lehigh Valley, the home of this country's second largest steel company, the Nation's major producer of heavy trucks and other manufacturing industries, I am aware of the kind of capital investment needed to revitalize our basic industries and make them competitive again.

Basic industries such as steel, autos, and railroads have not been able to take advantage of investment tax credits they have earned because they have not realized sufficient profit to use the credits to offset their tax liability. The Work Opportunities and Renewed Competition Act of 1983 unlocks these tax benefits by allowing companies with unused investment tax credits to obtain 85 percent of the value of their credits when reinvested in new plants and equipment. The restrictions on the types of investment are clear and the full value of the reinvestment tax credit must be paid back by 1990.

This bill offers new hope for the steel industry as well as other basic industries. And most important, it provides a means to make those industries more competitive and helps put America back to work.

WE NEED CONSTRUCTIVE BIPARTISAN DEBATE ON THE EDUCATION ISSUES

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. I thank the Speaker.

Mr. Speaker, the President today carries his campaign for a serious national debate on education to Louisville, Ky. In recent weeks we have seen the President initiate the first major dialog on education in many, many years.

Our colleagues in the House of Representatives have participated in this debate sometimes constructively and not so constructively at times.

A dear colleague letter circulated earlier this week to our Democratic colleagues from the Democratic leadership referred to the President's current efforts as campaign extravaganzas.

Democratic Members were invited to join in making a response to the President's campaign trip and were later urged to talk about reductions in vocational education projects.

Mr. Speaker, that is destructive rhetoric. What the country needs at this time is a serious national debate and dialog on the substantive issues that the President presented to the country, issues such as merit pay, attracting quality teachers, what constitutes a basic curriculum for America's children going into the next century? What length of school year and school-day should we be contemplating? What are the priorities within our curriculum?

We are prepared to discuss these issues substantively on the Republican side and my colleagues from Texas (Mr. BARTLETT) and from Connecticut (Mrs. JOHNSON) have formed a task force on the educational issue to insure that on our side of the aisle the debate is positive and constructive.

We need the same kind of response from the other side of the aisle.

DEMOCRATIC PROCESS ONLY AS GOOD AS OUR EDUCATION SYSTEM

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, as important as money is to providing quality education to the children of America, it cannot and does not assure or create excellence in the classroom experience.

I am proud of the creative teachers in my district who have quietly and wisely developed new approaches with remarkable results. They give students the opportunity to work with local industry and use their new knowledge to develop and broaden the vocational curriculum and are enabling male and female students to consider nontraditional careers.

It is healthy that the quality of education in America should become the focus of a national debate. In a very real sense our democratic process will be only as good as our educational system and our economy only as strong as our schools and colleges.

Statistics as well as the experience of children and parents have given rise to deep concern. Let us address honestly the funding issues, but let us look also anew at better recognition of our excellent teachers, revitalizing parent involvement, issues of discipline and social promotion, redefinition of basic education, and all those matters that have surged to the fore.

□ 1400

GENERAL LEAVE

Mr. DYSON. Mr. Speaker, I ask unanimous consent that all Members be allowed to have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order of the gentleman from Illinois (Mr. ROSTENKOWSKI).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LET FCC ACT ON TV NETWORKS RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 30 minutes.

● Mr. CORCORAN. Mr. Speaker, I strongly urge my colleagues to oppose H.R. 2250, Mr. WAXMAN's proposal to bar the Federal Communications Commission from completing its consideration of repealing the financial interest and syndication rules. These rules, adopted in 1970, prohibit the three networks from owning and syndicating television programing. The Commission is nearing its decision on whether the rules are needed to insure competition and diversity in television viewing options.

According to this bill's sponsor, the rules "insure competition and diversity." My friend from Colorado, Mr. WIRTH, a cosponsor of the bill, says: "We must only deregulate when it is

warranted by the level of competition."

Let us look at the rules in these contexts. First, what is the degree of competition in the production of television programing? In its comments on the rules of January 26, the Assistant Attorney General for Antitrust and his staff stated:

The program supply market appears to be competitive. The market is not concentrated, firms are able to exist holding small market shares, costs of production are constant, and there is substantial new entry.

In reply comments, the Antitrust Division noted that a report prepared for proponents of the present rules "recognizes that 'previous economic studies have shown that television program supply is competitive' " and that " 'rules governing the network relationships with suppliers are not likely to have significant economic effects in the program supply market.' Thus, the Department believes that there is no support for the position that the rules enhance competition in program production."

In studying the rules during the Carter administration, the Federal Communications Commission network special inquiry staff found that, in 1978, the four leading suppliers of network programing provided 36.6 percent of the shows distributed by networks in terms of program hours, with the top eight providing 52.5 percent. Both percentages increased since the rules took effect in 1970. If there is concentration in this marketplace which affects competition, it is in the large production houses. Still, sources of programing appear to be competitive, and in such a situation the networks have no incentive to produce in-house, nor do they show any eagerness to do so.

Next, what about diversity of programing? Under the rules, the networks retain their authority to ascertain the tastes of the American viewing public and to decide on programing options in that light. Again, the Antitrust Division finds no benefit from the rules.

In sum, the Department believes the current rules do not increase the diversity of programming supplied to networks. The production market is competitive, and the networks' position as arbiters of the common taste is unchanged. In our view, proponents of the rule have failed to justify retention of the rules on "diversity" grounds.

In responding to a commentary in support of the rules, the president of the National Hispanic Arts Endowment, René Enriquez of the "Hill Street Blues" cast argued—

I feel that the major studios and production companies have simply not developed properties to feature Hispanics. At present, I know of only four Hispanic actors in prominent roles * * *. I am convinced that, by again allowing the networks to particapate in the syndication field, there will be greater diversity of programing and much greater opportunity for minority actors and minority production companies.

To expand on Mr. Enriquez's last remark, let me again quote from the Justice Department comments of January—

If larger, established producers are better able, and hence more willing, to bear risk than smaller or new producers, the current rules may make the larger producers relatively better off and new entry.

I am concerned about the degree of choices our citizens have in selecting television programing, and for most Americans the alternatives are the independent "free" television stations such as WGN and WFLD in Chicago. Their sources of programing are largely reruns of programs first aired by networks, and the rules were designed in part to insure that these independent stations would have fair access to syndicated programs. Of course, since 1970 many additional options have become available to television viewers; access to them is increasing all the time, and the advent of low-power television stations in the near future will substantially contribute to this.

Producers of television programs are not forced to relinquish rights to syndication of their products, and indeed they have considerable power to resist network entreaties to do so. In its reply comments, the Antitrust Division staff noted that major studios are "able to spread risk across a large number of programs," that they can hedge risks by having programs on each network and that "many major investors can pool the risk of investment * * * with other unrelated risks to build a diversified portfolio." Therefore, the producers are well-equipped to resist network bids for programs which do not, in the seller's eyes, reflect the program's worth even before it is aired.

Further, the Commission may concur with the Justice Department that "a narrow rule that only bars the networks from syndicating or exercising any control over the syndication of off-network prime time series" is appropriate. The key element of "The Department's Forced Sale Rule" suggestion would—

Require the networks to sell syndication rights in a one time sale without legal restrictions to a third party no later than a fixed time after the end of the network run.

Given that there are no competitive or diversity benefits from the existing, broad rule, this approach is clearly preferable to the current circumstance.

So, the purposes of imposing the rules in 1970 are either not fulfilled by their existence or can be met by more focused means. With syndication opportunities insured, by rule or otherwise, the only real effect of the rules is to unfairly treat the networks. Pay television services and independent television stations can today hold a financial interest in and the syndication rights to the programing they air, but not the networks.

A recent New York Times article pointed out that the pay services HBO and Showtime are "offering program fare that until now has been the exclusive province of the networks: original made-for-television films, miniseries, and continuing comedy and drama series." I hope this heightened diversity continues in this and other forms of television, but as that occurs we must adjust our policies to accommodate the change. Either we must include all programing under the rules or we must revise them.

A California coproducer contacted by my staff during my study of this issue, saying that HBO usually insists on obtaining all rights to programing when acquiring its first-run license, urged that the rules be expanded to encompass developing media. My preference is definitely for deregulating such transactions except where that would give rise to inefficient antitrust actions with respect to syndication.

In Illinois' largest city and television market, Chicago, all three network-affiliated stations are owned and operated by the networks. While the independent stations in Chicago can own and syndicate programing, the rules restrict the ability of the stations owned and operated by networks to provide many interesting and high-quality program services. For example, WBBM, the CBS-owned Chicago station, has produced an acclaimed series of concerts by the Chicago Symphony. It may well have been of considerable interest to viewers in other Midwestern locales, but the rules preclude WBBM from syndicating the series.

Syndication would allow these "O&O's" to produce programs at an initial financial loss that may be recovered through sales to other stations, increasing program diversity locally and elsewhere. These programs would undoubtedly include those centering on matters of public concern, which should be of special interest to my colleagues.

In Illinois, we have many talented producers and substantial production facilities, and the rules' potentially adverse impact on small- and medium-sized producers' financing opportunities is thus important to the growth of this industry in our State as across the country. "Because the financial interest and syndication rules establish unnecessary restraints and limit the available financing sources, Illinois urges that they be repealed," wrote the State Commerce Department director on behalf of the State.

In both the Carter and the Reagan administrations, the Commission has devoted substantial resources to studying effects of the rules in action. The

inquiry conducted during the tenure of the Carter administration concluded that—

The principal effects of these rules has been to remove the networks from the syndication business and to deny networks and suppliers a variety of arrangements for financing program development and production which appear to have been mutually beneficial [and that] there may have been a tendency, as a result of the enactment of the rule, for concentration to increase in the program supply industry. Small suppliers who were previously able to shift risk to the network are unable to do so to the same extent.

The vote by the Commission on proposing review of the rules was 7 to 0. Other expert Federal agencies have commented in support of revamping the rules.

As I said at the outset, after many years of consideration, the Commission is preparing to rule on the present need for, effectiveness of, and appropriateness of the rules. Let us permit the Commission to act. Any further action by Congress on this matter may be taken after it does so, and with the benefit of its analysis in hand. I ask my colleagues to contemplate these remarks in considering H.R. 2250.●

THE FAIR HOUSING AMENDMENTS ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 10 minutes.

● Mr. FISH. Mr. Speaker, today, I am introducing legislation to amend title VIII of the Civil Rights Act—the Fair Housing Amendment Act of 1983. This bill will greatly strengthen the methods of enforcement under title VIII and broaden the classes of individuals protected by the antidiscrimination provisions of that statute.

The introduction of this bill today clearly reflects a bipartisan concern in the House of Representatives over the ned for a stronger Federal fair housing law. Joining with me as the principal cosponsor is my friend and colleague, DON EDWARDS, chairman of the Judiciary Committee's Subcommittee on Civil and Constitutional Rights. The Honorable PETER RODINO, the able and distinguished chairman of the full Judiciary Committee, is also a cosponsor. In addition, we are joined by JULIAN DIXON (chairman of the Congressional Black Caucus), BILL CLINGER (chairman of the House Wednesday Caucus), BOB GARCIA (chairman of the Congressional Hispanic Caucus), PAT SCHROEDER (cochair, Congressional Caucus for Women's Issues), BILL GREEN, STU MCKINNEY, JIM LEACH, CLAUDINE SCHNEIDER, and GEORGE MILLER.

Our bill is endorsed by the Leadership Conference on Civil Rights, a coalition of 165 national organizations, including the NAACP, the Urban League, the League of Women Voters, the League of United Latin American Citizens, the U.S. Catholic Conference, the National Council of Churches, the AFL-CIO, the ACLU, the National Organization for Women, and the National Council of Senior Citizens.

Everyone agrees that the existing enforcement mechanisms in title VIII are inadequate. Under current law, the Secretary of the Department of Housing and Urban Development can attempt only to resolve discrimination complaints filed with his agency through the "informal methods of conference, conciliation, and persuasion." But title VIII grants HUD no authority to compel conciliation agreements or enforce any final agreement which might result. Any agreement reached is purely voluntary in nature.

Furthermore, the litigation authority of the Department of Justice in title VIII cases is limited to those instances where the Attorney General concludes that there has been a pattern or practice of discrimination or where the denial of equal housing opportunity raises issues of general public importance. The third method of enforcement, private suits by individuals alleging discrimination, presumes that the individual has both the time and the resources to pursue a private civil action. While there may be good faith disagreements over the best manner in which to strengthen enforcement under title VIII, there is a universal consensus that existing enforcement powers must be enhanced.

The bill we are introducing today provides for an administrative hearing process, utilizing independent administrative law judges appointed by a Presidentially selected three-member Fair Housing Review Commission. A complainant would have the right to intervene in this hearing process. If the initial decision of the administrative law judge is not affirmed by the Fair Housing Review Commission, review of the final order may be sought in the appropriate Federal circuit court of appeals. It is important to emphasize that, under this bill, administrative enforcement is a last resort. Before a case is referred for a hearing, the Secretary of HUD must attempt conciliation and may, with the consent of both parties, refer the case to the Department of Justice for binding arbitration. The Attorney General will continue his responsibility to pursue pattern or practice suits as well as cases which pose issues of general public importance.

The ability of an individual to pursue private action is also enhanced under the bill. The statute of limitations for such actions is expanded from 180 days to 2 years. The bill also removes the language in the current law which greatly restricts an individual's eligibility for attorney's fees and removes the $1,000 limitation on punitive damages.

The classes of individuals protected by title VIII is expanded to include handicapped persons and families with children. A landlord must allow a handicapped lessee to make reasonable modifications in the premises. However, where the landlord resides on the premises, the handicapped person is responsible for the restoration of the premises at his/her own expense upon leaving.

This legislation also recognizes that strong fair housing enforcement must occur at the State or local level. Thus, the Department of Housing and Urban Development would continue its review of State or local laws to determine whether or not they are "substantially equivalent" to the Federal law. In instances where HUD has certified a State or local law, a complaint would be referred to the appropriate State or local agency, which would then proceed to hear and decide the case. HUD would be no longer involved. Only in those instances where substantially equivalent State or local laws do not exist, would the administrative process at the Federal level be invoked. Of course, an aggrieved individual retains his or her right to pursue a private civil suit up until the time an administrative proceeding has commenced. Finally, this bill codifies existing case law with respect to title VIII coverage of property insurance and real estate appraisers. See: *U.S.* v. *American Institute of Real Estate Appraisers*, 422 F. Supp. 1072 (N.D. Ill., 1977). *Dunn* v. *Midwestern Indemnity*, 472 F. Supp. 1106 (S.D. Ohio, 1979). The legislation makes it clear that a discriminatory act in any phase of the real estate financing chain would violate the terms of title VIII.

Identical legislation has been introduced in the Senate by Senator MATHIAS with 38 cosponsors. I am hopeful that the Judiciary Committees in both Houses of Congress will soon be able to turn their attention to this important and necessary legislation.●

PERSONAL EXPLANATION

Mr. CONTE. Mr. Speaker, on rollcall No. 147, on June 2, 1983, the vote on the Wirth amendment to H.R. 3133, I was absent because of official business. Had I been present I would have voted "aye."

EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, last week I advised my colleagues that the administration had dispatched a group of military medical personnel to El

Salvador. Those people arrived in El Salvador only a matter of hours before a rocket and machinegun attack on the American Embassy there. Yet I wonder how many of my colleagues are aware that the number of American military advisers in El Salvador has just taken a 50-percent upward jump, or that this latest team is endangered by attacks, or that the violence in El Salvador is on a steady upward trend.

I know that the central legislative players in the game of Central America are primarily concerned about maintaining some kind of influence over how the game is played, in light of last week's Supreme Court decision striking down the one-House legislative veto. I understand that the latest authorization of money for Central America had been predicated on the idea of a legislative veto—that the administration would exchange cash today for a mortgage on administrative power down the line. But now that the one-House legislative veto is shorn away as a skivvy behind which to hide an unwillingness to grasp the nettlesome issue of whether to provide aid at all, some new device must be found. So I understand that in light of the need to strike some new bargain on aid for Central America, heads are distracted from the reality of the daily flow of events. But if we watched those events, and if we understood what is taking place, we would raise the real issue—why provide military aid at all? Why should the United States involve itself in what is more a civil war than anything else?

We hear the cry of Marxism, and the talk about how the rebels are getting aid from this, that or another Communist source. Marxism may well be the language of some of the rebels, but the root of rebellion is not in some foreign ideology—it is in the daily grind of poverty, ill health, injustice, and repression. It is in the anger, frustration, and disgust of people who know the contempt in which they are held by the countrymen who have ruled their lives for generations. The rebels use terror, and they have terror directed against them in turn. They are considered no better than dogs, rabid dogs at that, by the right-wing powers that be in El Salvador. Little wonder that there is rebellion.

As for Marxism, the truth is that rebels, no matter how just their cause, have been ignored by ourselves. We did not promote the cause of decency and justice; we simply sat by and let the Marxists enter the vacuum. If the rebels are Marxists, we, more than any other power, made them that way.

Suppose we want to undo the Marxists? Should we rely on military force? No, because a military force can do nothing about the issues of decency and justice. A military force can take ground, and it can provide security, but it cannot run decent schools, provide essential services, administer justice, or solve ages-old economic and social abuse. Only determined and decent governments can do those things—reach out to the people, hear their needs, and provide redress for grievances. And this is the nub of the issue in El Salvador. There is no sign that the rich and potent people of that country sympathize with the plight of their fellow citizens, let alone intend to provide meaningful help and hope for them. Indeed, the far right of El Salvador is very close to pushing through draft constitutional language that would frustrate hopes for future land reform, and might also wreck the usefulness of land reform that has already taken place. No, far from launching on efforts to cure the festering sores that rebellion feeds on, the most powerful elements in El Salvador remain adamantly opposed to any action that would change the existing order. They count on the United States to provide the aid they need to pull their chestnuts out of the fire. Their hands will never be sullied by the hard work of decent government, and their minds will not be troubled by the worryings of conscience. And so they feed the rebellion, and with each stage of its growth, they expect more help from the United States. And so far, our Government, oblivious to the lessons of Vietnam, Nicaragua, Iran, or anyplace else, responds with eagerness and alacrity.

The administration says that we have to provide aid because the rebels are getting help from outside sources—Nicaragua, Cuba, Libya, and so on. But rebellions of any consequence normally do get outside aid, and that includes our own American Revolution. Do we forget that our Revolution would probably have failed without the French assistance wangled by Benjamin Franklin, in his long mission to Paris? Do we forget the contributions of Lafayette? Do we forget, indeed, the direct military intervention provided by Admiral DeGrasse and his fleet of French ships off Yorktown? We would do well to remember that the enemies of England were more than happy to add to the King's discomfort by aiding his rebellious subjects in America. Likewise, we would do well to remember that our own Civil War would have had a profoundly different outcome if Jeff Davis had been able to obtain the help he desperately tried to get form European powers—help that never came, because the military possibilities looked so bleak after the Battle of Antietam. The rebellion of the Confederacy might have been doomed even with outside help—but the point is, such help was essential if there was to be even the ghost of success. So it is nothing new for rebels to seek help from the enemies of the powers that be, in this century or the 18th, or long before that.

Simply to say that rebels are getting aid from our enemies does not justify our providing aid to autocrats or fools. If we want democracy, we have to provide help to people who believe in democratic government. If we want to oppose marxists, we have to oppose them with ideas, not just guns—because they are appealing to the idea of justice and hope, and those ideals have great power when a people are oppressed and without hope. And it is not enough simply to spout slogans. Slogans do not replace teachers. Campaign jingles do not replace medical care, and they do not provide clean water. Radio messages do not feed anybody, and combat helicopters do not plow or seed fields. If we really want to pull the teeth of the Marxists, we have to do it by insisting that the Government of El Salvador go out and deal with their people—stand with them, not over them, stand by them, not above them. But we do not insist that the Government of El Salvador really grapple with the ills of their country—merely that they pay lipservice to the idea of reform.

And in fact, our policy likewise ignores the most pressing needs of the people of El Salvador. The medical team that has just arrived there will be assigned to caring for war casualties. That is necessary, and it is well and good. But the need for medical care among the civilian population is ignored, no matter that conditions in the country are inexpressably bad. If our own medical teams cannot aid the people of El Salvador, why can we not insist that the Salvadoran Government provide teams and clinics of its own?

The reason is that our policy ignores the cause of the Salvadoran civil war, or rebellion, or, as they call it there, El Problema, the problem. So it is that we provide aid for an army that sweeps through towns and villages, clears roads once in a while, and spreads general destruction, when we ought to be insisting that the military forces provide real security and that the Salvadoran Government provide real services and real help to the people who are caught in the middle. It does no good to capture a town by day and desert it at night. We should have learned that, if nothing else, in Vietnam. And no amount of aid, no amount of terror, will hold a government up forever. We should have learned that in Nicaragua, or in Iran. By ignoring the people of El Salvador, we consign them to oblivion or rebellion, whichever approaches first.

The Government of El Salvador has not demonstrated itself to be worthy of its own people's trust; why should we extend our trust and help? Our policies thus far have not insisted on

realistic and credible reform in El Salvador, which is the key to the whole situation. No, we simply press ahead with blind eyes. Meanwhile, here in the Congress, we concentrate on how to retain influence, even as the commitment of American military men rises, and the far right wing of El Salvador squeezes out the voices of reason and moderation, and with them, any hope that our contribution of treasure, and soon blood, will do anything more than buy them a few more days on the throne.

I say that we ought to confront the issue and set the policy—aid for a government that is something better than a shabby oligarchy, but nothing for a government that we would not ourselves accept if we had to live under it. We ought to get out of El Salvador. The government there has made its own trouble, shows no sign that it has learned anything, and has no inclination of doing anything more than using the United States as their proxy. It is Vietnam all over again. We do not have to make the same mistakes all over again, Get our troops out, or get them a government that works with them, not one that every day merely exploits their expertise, and brings them closer to peril. Look at the events, consider what is happening, and the consequences.

At this point I insert in the RECORD two newspaper stories relating to the dispatch of medical personnel.

The articles follow:

[From the San Antonio Express, June 28, 1983]

HEALTH SERVICE MEDICS HEAD TO EL SALVADOR

(By Ralph Winingham)

Members of Army Health Services Command, which has its headquarters at Fort Sam Houston, are among 26 military doctors and specialists in El Salvador, officials said Monday.

"The 26-member team left Sunday," Department of Defense spokesman Lt. Col. Carroll Williams told the Express Monday. "The only team breakdown we have is that some of them are from Health Services Command and some are from Forces Command."

It's not known if any members of the team are from Fort Sam Houston since Health Services Command oversees eight Army medical centers and 30 hospitals throughout the world. Forces Command is headquartered at Fort McPherson, Ga., and supervises all the Army's combat and reserve units in the United States.

Williams said names and duty stations of the team members are being withheld for security reasons.

Officials at Health Services Command Headquarters referred all questions about the team to the Pentagon, but added a defense spokesman is scheduled to make a statement about the team on Tuesday in Washington, D.C.

"We have been trying to get information about the team for five days," the services command spokesman said.

Williams said the team will be in El Salvador for about six months to train Salvadoran military medics and to provide health care to civilians when possible.

The medical group is not included in the administration's self-imposed 55-man limit on military advisers in the country, officials said.

The team includes one doctor, one nurse, four medical technicians, one warrant officer and 19 enlisted members. Military officials have said none of the team members are women.

Assignment of the team to El Salvador, which has prompted criticism from U.S. Rep. Henry B. Gonzalez and other congressmen, followed reports that as many as 35 percent of injured Salvadoran soldiers die from their wounds.

Military authorities said the rate was unusually high and compared the figures with a 1-in-28 death-from-injury rate for American soldiers during the Vietnam War.

Gonzalez has opposed the medical team assignment on the grounds President Reagan took the step without the approval from the U.S. House or Senate.

"The president did this on his own," Gonzalez said in June when the plans were released. "We have every sign the administration is about to deepen our involvement in El Salvador."

[From the San Antonio Light, June 23, 1983]

GONZALEZ CRITICIZES MEDICS' DUTY

WASHINGTON.—As the first group of Army medical corpsmen prepares to leave for El Salvador, unequipped with firearms, they enter a highly dangerous situation where they might be picked off by shooting terrorists, says Rep. Henry B. Gonzalez.

"If they get killed, I will hold President Reagan personally responsible," he added.

Gonzalez, D-San Antonio, said he is being informed of the lack of preparations and protection for these medics by "men who are affected." He declined to give their names, but he said he has been in touch with men engaged in the activities of El Salvador.

"The team of 13 medics will include only one doctor, not more, one male nurse, one administrator and corpsmen, not one-third of them doctors as the White House said earlier," the congressman said.

"They go without even quarters prepared for them and it is not certain how or where they will be housed," he said. "They have been told that they will not be equipped with firearms to defend themselves, but they were allowed to bring along their own arms if they possess a weapon like a gun. I think this ia an outrage."

Mr. GONZALEZ. Mr. Speaker, we are looking down a tunnel that grows longer and darker. We have the power to change that, or to get out. But we can only change a wrongheaded policy, or get out, by taking responsibility. Sadly, it looks as if not even the carnage of Vietnam, the wreckage of Iran or anything else, emboldens Congress to summon up the courage to do what is right and responsible in El Salvador—insist on reform, real reform, or get out.

□ 1420

FINANCIAL SERVICES LEGISLATION—MODERN-DAY TOWER OF BABEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, last May I addressed the House posing a number of questions regarding current terminology used to describe the financial services industry. Since then I feel at times like it must have felt during the days when the Tower of Babel was being constructed. The confusion of voices and sounds emanating from trade group offices downtown, corporate headquarters in New York, the executive branch, the banking agencies, and the Halls of Congress is truly unbelievable.

Examples of this confusion abound. The U.S. League of Savings Institutions in a recent letter stated:

> The U.S. League is increasingly concerned about the high level of interest being shown by powerful investment banking and other securities firms in acquiring savings institution subsidiaries . . . We are also apprehensive about acquisitions of savings institutions by major retail organizations.

Yet the U.S. League is apparently not concerned about numerous savings and loans, through a service corporation subsidiary, offering their customers a full line of brokerage services. Nor is it apprehensive about the ownership today of savings and loans by a major steel company, by an oil and gas producer, by insurance companies, or by the largest retailer in the country.

The chairman of Prudential Insurance Co., is reported in the Washington Post to have supported a moratorium on cross acquisitions as a way of giving Congress time to do a comprehensive review of the banking implications of the mergers that are taking place. Yet Prudential has received notice from the FDIC that the FDIC has no objection to its acquisitions of a commercial bank in Georgia which Prudential will operate as a nonbank.

The chairman of Citicorp, in commenting on mergers of banks and nonbank companies, is quoted in the same article as saying:

> "That horse is long since out of the barn. To freeze this picture is, in effect, to allocate markets to those companies shrewd or lucky enough to be first off the mark.

Yet Citicorp is the largest horse that is out of the barn and is obviously enjoying its romp in the unfenced pastures of South Dakota.

The Federal Reserve Board has expressed concerns about these nonbank banks, about the agency's ability to control monetary policy, and about its regulatory authority over bank holding companies. The Board sent proposed legislation esablishing a moratorium on cross acquisitions to the Con-

gress last week. Yet the Board's legislation does not address the issue of bank and bank holding company acquisitions or chartering of discount brokerage operations. It argues that those activities are permissible under its interpretation of section 4(c)(8) of the Bank Holding Company Act—nonbanking activities section of the act. Its moratorium legislation, however, would effectively bar the operation of a statutory provision which permits nonfinancial companies to acquire savings and loans.

The Treasury Department is opposed to a moratorium and instead will apparently request the introduction of its so-called affiliate proposal. That bill, at least as it was drafted in the last Congress, would provide new and expanded powers for banks and bank holding companies. Yet that proposal did not include savings and loans or savings banks which as a result of legislation enacted in the last two Congresses compete head-on with commercial banks and bank holding companies. Reportedly the Department's new version will address this issue.

Assistant Attorney General Baxter, representing the Antitrust Division of the Justice Department, testified before the Senate Banking Committee recently. In commenting on arguments that relaxing restrictions on interstate banking, for example, would lead to the demise of small banks and would result in concentration of economic resources, Mr. Baxter stated:

> Neither of these related arguments appears valid. For most banking services, there is little evidence of substantial economies of scale. Thus, smaller banks should be able to achieve efficient operating levels and continue to provide competitive services to a wide range of customers . . . . In addition, increasing the potential for new entry into presently concentrated markets should improve the competitive performance of existing firms.

Yet Mr. Baxter does not amply address the concerns of many persons that economies of scale may not be the real issue. The demands by major banks for new product offerings suggest that there may be economies of scope which allow larger firms to operate efficiently at sizes far above those suggested in studies limited solely to examination of traditional banking services like deposit taking. In addition, he does not address the question many raise about potential concentration of economic resources by suggesting that new entry into presently concentrated markets should improve the competitive performance of existing firms. In part, the issue is whether the old definitions of markets used to consider mergers and acquisitions in the banking field are totally relevant today. Do we, in fact, have a national market in which the largest firms—the Citicorps, the Bank of Americas, the Merrill Lynches—are the only ones who can realize economies of scope by virture of their being out of the barn first?

If we truly want to allow Congress time to decide these issues in a rational manner and to provide legislation which will shape the financial system of the future, then it might be wise to take all of these often confusing and conflicting positions into account and to enact moratorium legislation which really shuts the barn door and which brings as many of the horses back into the barn as possible. Such an approach would not prejudice congressional deliberations by structuring a moratorium in a manner which suggest that certain activities for banks are OK or that these are not. The bill which I am introducing today provides a true moratorium and would force all parties to work to produce permanent legislation which will give this Nation a financial system that will serve the country well in the future.

The bill would impose a moratorium, effective January 1, 1983, on all cross acquisitions of financial services firms. Thus, securities firms, nonfinancial firms, and insurance companies would be prohibited from acquiring banks and savings and loans. Banks and savings and loans, in turn, would be prohibited from acquiring or establishing brokerage operations or insurance companies. Depository financial institutions, whether national or State chartered, would be restricted to engaging in those activities which were permissible pursuant to Federal and State law as of January 1, 1983. The depository institution regulatory agencies would be prohibited from writing regulations or offering interpretations which would expand on powers or activities permissible for depository institutions. Thus, all regulations considered since January 1, 1983, with the exception of those implementing specifically the Garn/St Germain Act, would be nullified.

Mr. Speaker, I am convinced that if supporters of a moratorium are serious about providing a calmer atmosphere in which Congress can consider financial services legislation then this approach is more equitable and would eliminate the prejudice which exists in the various proposals suggested to date. if we do not adopt such an approach, then it may well be better to consider legislation which directly addresses the issues that have been raised in recent months. Examples would include the expected Treasury Department affiliate proposal, the legislative recommendations of the insuring agencies discussed in their reports to the Congress this spring, and other proposals which would realine the financial services industry. No matter which approach, the country should not continue to be battered by the confusion of voices and sounds from the financial industry, the Congress and those in the Federal or State executive branches of government.●

H.R. 2760—COVERT ACTION IN NICARAGUA EDITORIAL COMMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

● Mr. BOLAND. Mr. Speaker, when H.R. 2760 comes to the floor in July, the House will be asked to vote for or against covert military intervention in Nicaragua.

This vote will be preceded by a rare secret session of the House.

I urge all Members to participate in this historic debate and to become familiar with the crucial matters that will be discussed. They are extremely important to the direction of this Nation's foreign policy as well as to the vitality of the method the Congress has chosen to oversee the Nation's intelligence activities.

The following newspaper editorials bear on our discussion of H.R. 2760 and I commend them to all Members.

[From the Washington Post, May 7, 1983]

A "REAGAN DOCTRINE"?

President Reagan's admiration for the "freedom fighters" currently attacking the Sandinistas led him the other day to state a "Reagan doctrine" that is sure to haunt him if he allows it to stand. Like the "Brezhnev doctrine," to which it bears an unfortunate family resemblance, it justifies a great power's decision to violate the sovereignty of other states.

Mr. Reagan got into the subject by observing that "there is a kind of bias in the treatment of guerrilla fighters. It depends on what kind of a government they are opposing." It sounded as though he were about to lay down a common standard by which all guerrillas should be judged.

Immediately, however, he drew a distinction between the "guerrillas" who, he said, are fighting the elected government of El Salvador not to bring freedom but to restrain freedom, and the "freedom fighters" in Nicaragua. What people refer to as "the government of Nicaragua," he said, came "out of the barrel of a gun. . . . Other than being in control of the capital, you might say, and having a handle on all the levers—what makes them any more a legitimate government than the people of Nicaragua who are asking for a chance to vote for the kind of government they want?"

Is Mr. Reagan asserting a right to encourage the overthrow of governments that take power by force and deny the vote? Few governments in the world would survive both tests. On the left, no sitting government led by a Marxist-Leninist party came to power by means other than revolution or coup, and none offers authentic elections. Is Mr. Reagan going to support Soviet and Chinese "freedom fighters"? Think of the many governments of the right that took and hold power by force alone. Is the president going to arm guerrillas against the regimes in Chile and Argentina?

In brief, the "Reagan doctrine" is a nonstarter. It shows that there is no good way to rationalize undermining governments

with which one is not formally at war. Any effort to raise such a standard leads to logical absurdities and invites ambitious governments of other persuasions to develop their own lame and arbitrary excuses to play dirty.

[From the Miami Herald, May 8, 1983]

THE CIA'S WAR

Nicaragua's regime is unelected, undemocratic, repressive, and potentially a menace to its neighbors. It is allying itself with the Soviet camp. The United States and its Central American friends are justified in condemning the Sandinista regime for its failings. They are right to be concerned about its potential threat to the region, up to and including the United States.

Nevertheless, the House Select Committee on Intelligence merits unqualified commendation for its effort to halt the CIA's secret war against Nicaragua. However legitimate the U.S. concerns about the Sandinista regime—and they are legitimate—trying to topple the regime by a CIA-led and financed mercenary army is a huge mistake. The Senate Intelligence Committee's vote for a "compromise" on Friday was, by contrast, a cop-out. That panel voted merely to delay a decision too long overdue already.

The CIA's secret war is against the law. Last December's "Boland Amendment" prohibits it. Perhaps more important, Article 15 of the charter of the Organization of American States (OAS) prohibits it. That article states that "no state or group of states has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of any other state." The day that the U.S. Government cavalierly abandons obedience to the rule of law is the day that it accepts anarchy and force as the global order. Congress is right to resist that day's arrival.

The CIA's secret war is counterproductive. Intended to hurt the Sandinistas, instead it provides them a hated foreign enemy—Yankee imperialism—to rally their nationalistic people behind and to justify their repression as necessary under trying circumstances.

The House committee's Democrats cite this concern as primary in their vote to shut off the CIA's war. Those Democrats, such as Wyche Fowler of Georgia, are regarded as moderates—not radicals, not "Commiesymps." Their stance underscores the absence of a political consensus behind the Administration's policy. History teaches that no such policy can long succeed when a divided nation refuses to support it. This policy risks revival of the bitter division that tore this nation grievously not long ago.

It also exposes the CIA anew to scorn and restriction after it was just rebuilding itself following the shakeup it underwent in the 1970s. Further, the policy hands the Soviets a propaganda coup; Central America is being called the U.S. Afghanistan, the U.S. East Europe, the U.S. empire.

Perhaps worst, this policy risks inflammation of a violent reaction against "Yankee imperialism" throughout the hemisphere. Panama, Colombia, Venezuela, and Mexico—the truly big strategic "dominoes" of the region—are united in opposing such U.S. intervention. They seek instead a regionally negotiated solution, one that would permit the Sandinistas to govern Nicaragua, however badly, because Nicaragua is sovereign.

The House committee voted to spend $80 million to block arms flows from Nicaragua, or elsewhere, to guerrillas in El Salvador. That was the Administration's alleged purpose for the CIA's covert war. The committee agreed; it just wants the aid now to be overt, and directed through legitimate regional governments, not mercenary armies. Good.

President Reagan is on target in denouncing the Sandinistas for betraying Nicaraguans. The Sandinistas promised elections and pluralism. Instead, they are delivering a contemptible government. By all means the United States should denounce them and help contain their aggression. But it is not up to Washington to determine who governs Nicaragua, or how. It most certainly is not up to the CIA.

[From the New York Times, May 8, 1983]

ONLY LEGAL WARS ARE WORTHY WARS

We are back to arguing not just about the wisdom of waging war but who decides.

President Reagan has assailed a House committee for prohibiting aid to a rebel army operating inside Nicaragua. But only days before, the President solemnly told Congress that his only aim was to interdict the flow of weapons *from* Nicaragua to guerrillas in other countries. He explicitly denied any desire to violate laws or treaties or to promote the overthrow of Managua's Marxist regime.

Not quite, it now turns out. Speaking more spontaneously, the President said he opposed any legal expression of those restraints, for which the House Select Committee on Intelligence had just voted. He denounced it as an irresponsible, dangerous precedent, leaving the executive branch unable "to carry out its constitutional responsibilities."

But Congress indisputably shares those responsibilities. Unless it does, practically speaking, there's no sustaining any foreign war or intervention.

The authors of the Constitution gave Congress exclusive power to "declare" war, but they well understood the likely inclination to wage undeclared war as well. As a contemporary of the founders, Justice Chase, wrote in supporting a unanimous Supreme Court in 1800: "Congress may declare a general war, or Congress may wage a limited war; limited in place, in object, in time."

The reason for this power-sharing was brilliantly anticipated by James Madison: "The management of foreign relations appears to be the most susceptible to abuse of all the trusts committed to a Government," he wrote, because it could be "concealed or disclosed, or disclosed in such parts and at such times as will best suit particular views."

Congress reaffirmed that doctrine when it overwhelmingly enacted a War Powers Resolution in 1973. It provides that a President cannot lawfully engage American forces for more than 90 days without express authorization by Congress. And special committees were established to authorize covert operations in which American honor and sense were at risk. The current Congress has accepted that responsibility in approving aid to Afghan insurgents who are resisting Soviet invaders.

In grasping now for a unilateral executive war power, President Reagan ignores his own failure to make a convincing case for covert aid to any Nicaraguan émigré army. He has been ambiguous about his motives and coy about the émigrés, piling confusion on contradiction in his policy.

Neither purism nor partisanship explains why Americans see a difference between aiding "freedom fighters" in Afghanistan and rebel forces in Nicaragua. The reason is distrust of an ill-defined policy for Central America. If Nicaragua is waging a significant war against El Salvador and deserves retribution or invasion, let the case be made openly, for Congress to judge.

[From the Philadelphia Inquirer, May 10, 1983]

CONGRESS ALSO HAS A ROLE IN DECIDING U.S. INTERESTS

What business does the Sandinista regime of Nicaragua have in trying to overthrow the government of neighboring El Salvador? None whatsoever. "It is the ultimate in hypocrisy," President Reagan declared in his televised address to a joint session of Congress, "for the unelected Nicaraguan government to charge that we seek their overthrow when they are doing everthing they can to bring down the elected government of El Salvador."

By the same token, though, what business does the United States government have in trying to overthrow the Sandinista regime, repressive as it is to its own people, unfriendly as it is to the United States?

For several months the CIA has been arming and training some 3,000 to 4,000 anti-Sandinista guerrillas, many of them partisans of the repressive Somoza regime that the Sandinistas overthrew. It has been engaged in this "covert" action that everyone knows about notwithstanding the Boland amendment that congress adopted last December prohibiting the United States from providing covert aid to military forces "for the purpose of" overthowing the Sandinista regime.

Mr. Reagan's response to that has been disingenuous at best. "We do not seek its overthrow," he declared in his address. "Our interest is to ensure that it does not infect its neighbors through export of subversion and violence. Our purpose, in conformity with American and international law, is to prevent the flow of arms to El Salvador, Honduras, Guatemala and Costa Rica."

Taking him at his word, and ignoring a last-minute warning by CIA director William J. Casey of a possible "bloodbath," the House Select Committee on Intelligence has approved a measure specifically prohibiting the use of funds "for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual."

The committee also, however, authorized $80 million for overt aid to "any friendly government," meaning for the most part El Salvador and Honduras, to interdict the flow of arms to El Salvador from Nicaragua or anywhere else, like Cuba and the Soviet Union.

In an Oval Office news conference, Mr. Reagan, referring to the Nicaraguan insurgents as "freedom fighters," denounced the committee vote as "literally taking away the ability of the executive branch to carry out its constitutional responsibilities." That's not the issue. Members of Congress, also elected by the people, also have the constitutional responsibility to make their own judgments as to whether the policy of the executive branch is in accord with America's national interests.

This policy is not. The House panel's counterpart in the other body, the Senate Select Committee on Intelligence, has made its own judgment. It has voted to put the administration on a short leash, allowing

funds for covert operations in Latin America to continue through Sept. 1 but insisting on Congress' right to grant or withhold approval of specific covert operations.

Beyond that, the issue is not simply that the administration is dong what it denounces others for doing; and doing what it says it is not.

The issue of that what the administration is doing is leading into a blind alley.

Support of the detested Somocistas is a sure way of uniting Nicaraguans behind the Marxist-oriented Sandinistas, whose violations of human rights and mismanagement of the economy have disenchanted so many Nicaraguans who once supported them. It is also a sure way of raising throughout Latin America the specter of an "imperialist" United States that intervenes at its own will or whim in Latin American affairs.

The United States has the right to stop any flow of arms from Nicaragua. It ought not to encourage the flow of support to the Sandinista regime.

[From the Louisville Courier-Journal, May 25, 1983]

WITH A WINK AND A GRIN, REAGAN TAKES ON MANAGUA

In Central America's hottest war, leftist guerrillas are fighting—with an undetermined amount of help from Nicaragua—to overthrow the U.S.-supported government in El Salvador. In the region's second-hottest war, U.S.-supported guerrillas are fighting to overthrow the leftist Sandinista government in Nicaragua. That much is clear. What isn't clear, because of a smokescreen of hypocrisy and legalisms, is the official U.S. goal in the Nicaragua conflict.

The Reagan administration, mindful of congressional restrictions on U.S. aid to the anti-Sandinista guerrillas, insists that it has no intention of toppling the government in Managua. That would be illegal. Instead, the administration says the purpose of this not-so-secret war is to interrupt the flow of arms from Nicaragua to the Salvadoran guerrillas. And of course no one in the administration has conceded publicly that the U.S. is helping the anti-Sandinista guerrillas, who nonetheless have been described by the President as "freedom fighters."

But the Nicaraguan rebels themselves aren't so coy. They have boasted to American reporters of being the best armed guerrilla force in Latin America, thanks to the U.S. taxpayer, and they promise they'll eventually kick the Commies out of Managua.

Can they do it?

A Democratic member of the House Intelligence Committee claims that CIA Director William Casey has predicted the guerrillas have a good chance of success. Mr. Casey denies it, and several key members of Congress, including Representative Lee Hamilton of Indiana, can't recall the CIA chief making such a prediction.

This is an odd situation. In effect, the administration is saying that an army of freedom fighters—who may or may not be armed by the U.S.—has been dispatched to Nicaragua to "tie one for the Gipper." Winning isn't allowed under the rules. And the director of the CIA bristles at the suggestion that he even believes an inadvertent victory is likely.

This sort of nonsense is inevitable when the government of an open society like the United States tries to conduct a large-scale "covert" operation abroad. Everyone knows what's going on, and the official "no comments" become a joke. The joke reached the national television audience during a presidential press conference last week. A reporter noted that Mr. Reagan has described the Sandinista regime as "oppressive and inimical to our interests in the Western Hemisphere" and asked why the United States didn't openly support the Nicaraguan rebels. To the merriment of the White House press corps, and with a big grin of his own, Mr. Reagan answered, "Because we want to keep on obeying the laws of our country, which we are obeying."

A president who can laugh at himself is worth having around, but a president, who laughs at his ability to tiptoe past the law presents a few obvious problems. Even lawmakers who generally agree with Mr. Reagan's Central America policies must have winced when he made light of aid restrictions passed by Congress.

The Democratic-controlled House appears inclined to tighten those restrictions. In the Senate, however, the prevailing feeling seems to be that the anti-Sandinista guerrillas should be allowed to fight a while longer with U.S. support. That would give Mr. Reagan a few more chances to crack jokes about how he's obeying the law (wink, wink), and maybe the freedom fighters will even succeed in capturing Managua. Then the President could get back to what he enjoys best: lambasting the Soviet Union for meddling in other countries' affairs.

[From the Louisville Courier-Journal, June 2, 1983]

REAGAN, PUBLIC FAR APART ON CENTRAL AMERICA POLICY

The Reagan Administration and the American public seem headed in opposite directions on the sensitive question of U.S. involvement in Central America's wars. In a recent Washington Post-ABC News poll, for instance, respondents opposed the President's planned increase in military aid to El Salvador by a 3-to-1 margin. Yet all the signs in Washington point to an even more determined U.S. effort to defeat communism in the region by military means.

One such sign was the firing last weekend of Thomas O. Enders as the State Department's senior official on Latin American affairs. Mr. Enders, despite his considerable credentials as a hard-liner, is said to have favored a dual policy that included talking to Salvadoran guerrillas, as well as shooting at them. He also worried that the administration's approach to the Salvadoran conflict was drifting too far out of line with the prevailing views of Congress and the American people.

Public opinion polls and growing unease on Capitol Hill suggest that his concern was well founded. But the administration is pushing ahead anyway with plans to escalate the U.S. presence in this troubled region. One hundred additonal American military advisers will be dispatched this month to Honduras, to train Salvadoran troops. And the number of American advisers in El Salvador itself may soon be increased, despite the murder there last week of the deputy chief of the 55-member U.S. military contingent.

The Reagan administration also is continuing its drive to harass—and perhaps to topple—the leftist Sandinista regime in Nicaragua. And now come reports that the CIA wanted to overthrow yet another leftist regime, this one in tiny Surinam, a former Dutch colony north of Brazil. That project evidently was scuttled several months ago only after congressional intelligence committees objected.

Here again, administration policy is out of step with public sentiment. Seventy-eight percent of the respondents to the Washington Post-ABC poll opposed "secret" U.S. efforts to overthrow the Nicaraguan regime, and 63 percent said there were no circumstances under which the United States should try to topple any Latin American government.

This isn't to suggest that foreign policy should bob like a cork on the waves of public opinion. But in a democracy, foreign policy—and domestic policy, too, for that matter—cannot succeed if the electorate isn't persuaded that its leaders are following a sensible course. Despite a televised speech to Congress and numerous statements in press conferences, Mr. Reagan evidently has failed to persuade most Americans that his policies in Central America will pay off.

Their skepticism is understandable. The war in El Salvador is going badly for the U.S.-supported government there, and most reports from Nicaragua indicate that raids by U.S.-backed rebels operating from Honduras have failed to produce the popular, anti-Sandinista uprising some in Washington had hoped.

Meanwhile, the economies of both countries deteriorate—with the exception of coffin-making, the region's growth industry of the '80s. Tough-minded policymakers in the White House don't flinch at the carnage and are convinced that the side with the most will and patience will triumph. But Americans are notoriously impatient people. Considering the costs and consequences of the long, grinding war in Vietnam, impatience now may even be a virtue.

[From the Boston Globe, June 3, 1983]

CONGRESS AND CENTRAL AMERICA

After two years of groping toward a military statement that would postpone the "loss" of El Salvador until after the 1984 elections, the Reagan Administration is panicking and lurching off the deep end. Sensing a defeat in the field, the President has apparently decided to escalate, a decision that can expand Central American violence indefinitely, but that cannot conceivably extract "victory" at a reasonable cost in American blood, treasure, reputation and self-respect.

Congressional critics must toughen their stand on this issue now or accept major responsibility for a still avoidable disaster.

With the purging of Assistant Secretary of State Thomas Enders and US Ambassador to El Salvador Deane Hinton, control of US policy has been concentrated in the hands of UN Ambassador Jeane Kirkpatrick and national security adviser William Clark.

Enders and Hinton, both foreign service professionals willing to implement almost any policy, lacked one quality essential to this Administration: the true-believer's faith that rightwing dogma will reshape reality. Eventually they concluded that compromise in El Salvador could be preferable to open-ended escalation. For this they were axed.

The Reagan policy can best be summarized as: not on our watch. Its corollary is: pin the blame on the Democrats.

The Administration's fondest wish would be to win a Thatcher-style war, but the politics of Central America do not remotely resemble last year's Falklands crisis. The only alternative—other than a negotiated peace—is expanding US involvement as quickly as possible. The barrier to that is Congress, which accurately reflects the overwhelming skepticism of the American

people, both about the nature of the threat in Central America and about the purported Reagan remedies. The escalation, therefore, must be stealthy.

With many congressional critics apparently stunned into silence, the Administration has moved quickly to deepen US military involvement. Reports now indicate plans to increase the 55-man force of military advisers in El Salvador as much as tenfold and to create a major base in Honduras; surveillance flights from Panama have begun training for strafing missions; a "white paper" rehashing "political-military" assertions about Cuban involvement has been reissued; Hinton and Enders, among the few officials with the experience and grit to confront Kirkpatrick from within, have been fired.

Meanwhile, US support for the "secret" war against Nicaragua continues, in defiance of the House Intelligence Committee, in violation of the UN and Organization of American States charters and in contempt of US law.

By ruling out a negotiated peace, the Reagan Administration is radicalizing Central America and will hand Cuba and the Soviet Union an advantage they could not possibly gain on their own.

Legislative critics must get their electoral jitters under control. If at this clear turning point in United States policy toward Central America they are Red-baited into silence by a "Who lost El Salvador?" campaign, they will share the blame, the disgrace and eventually the retribution of the voters.

[From the Philadelphia Inquirer, June 10, 1983]

CONGRESS MUST BREAK STEP ON CENTRAL AMERICA POLICY

Up to now, there has been one way that Central America has not seemed at all like Vietnam: There has been vigorous debate, within the administration, in the Congress, and in all sorts of public forums, including on campuses, about the United States' role—before that role has reached the point of no return.

In Vietnam, the United States was deep in the jungle before anyone knew it and tromping deeper without clear purpose until it lost its way and, finally, its will. It is not wandering—unsuspectingly, at least—into Central America.

Up to now, it has been an open-eyed venture. President Reagan tried to pull the wool over with his covert operation in Nicaragua—advertising it as a way to stop arms to Salvadoran guerrillas (while aiming it at toppling the anti-American Sandindista government).

The House Intelligence Committee didn't buy his bill of goods. In a rare public report, it said it was obvious the President was casting his lot—meaning U.S. military aid—with insurgents tainted by old ties to the regime of deposed dictator Anastasio Somoza.

And now by a vote of 20-14, the House Foreign Affairs Committee has recommended cutting off all covert aid to those rebels—setting the stage for a full-blown floor fight over whether the Congress should tie the President's hands in broadening the regional conflict or give him free rein.

As that fight approaches, there is disturbing news on several fronts. Upset that his single-minded military adventurism was not thoroughly embraced by Assistant Secretary of State for Inter-American Affairs Thomas O. Enders and Ambassador Deane R. Hinton, Mr. Reagan has removed them. Among Mr. Enders' sins, it is reported, was his refusal to publicize a stale CIA report on Communist subversion in the Caribbean.

The President has a right to expect a coherent foreign policy, but an unchallenged one could put zealous anti-Soviet ideologues in the driver's seat. Information from the war zone quickly becomes propaganda when "team players" take charge.

Were earnest economic and social programs blossoming behind the United States' screen of military protection, there would perhaps be more validity to stay that course. But in El Salvador, for example, there is little encouragement on those fronts. Thousands of peasants thought to be eligible for land ownership, according to a study by that country's largest farmers union, are suddenly finding themselves evicted. And as U.S. military doctors are dispatched, there are charges that the rightist Salvadoran government—not the guerrillas—deepened the crisis in rural health care by closing down the country's only medical school.

Meanwhile the U.S. troops trickle in—a new contingent of 120 Green Beret trainers is about to leave for a U.S.-funded base in Honduras, bringing the U.S. complement there to 300.

This is not aimless wandering. The Congress knows full well where this sort of policy—open-ended and based on a military solution—leads. The House committees have shown their reluctance. It is now up to the full House and the Senate to turn off the funding before—as in Vietnam—the nation finds itself bogged down in a war that cannot be won with bullets.

[From the Boston Globe, June 11, 1983]

A SPEECH THAT MATTERS

For 40 minutes at the Harvard commencement Thursday, Carlos Fuentes turned the platform from which he spoke into the stage of history. He spoke at the right moment—when the United States government gives every sign of being poised to commit tragic errors in Central America that can stain our national heritage and convulse the hemisphere, perhaps for decades. This Mexican writer and diplomat proffered a rare gift, a speech that matters.

The Reagan Administration is waging an illegal, undeclared war against Nicaragua and slipping a steadily increasing flow of military personnel into the region. The US government supports a status quo that is morally and perhaps even militarily indefensible.

The Administration insists that Latin American turmoil is of "Marxist-Leninist" manufacture and, on principle, refuses to negotiate differences with the left in El Salvador, with the Sandinista regime in Nicaragua or with Fidel Castro in Cuba, who is labeled "the source." Yet by responding militarily, the White House is embarked on a course that can extend Nicaraguan and Salvadoran violence indefinitely and spread it throughout the region, but not end it.

"Is Fidel Castro some sort of superior Machiavelli whom no gringo negotiator can meet at a bargaining table without being bamboozled by him?" Fuentes asked at Harvard. "I don't believe it.

"The army continues to outwit everyone in El Salvador, including the United States. It announces elections after assassinating the political leadership of the opposition, then asks the opposition to come back and participate in these same hastily organized elections—as dead souls perhaps?"

Fuentes spoke not as a hostile critic but as a critical, anxious friend. He traced the history of unresolved tensions rooted in Latin culture that are finally being released and stressed the consequences of misinterpreting struggles to resolve ancient "family quarrels" as a sinister process that must be quashed by Washington lest it be controlled by Moscow.

His message above all was: Negotiate. Stop spurning the peace feelers from Sandinistas and Salvadoran leftists. Stop rejecting the good offices of Colombia, Mexico, Panama, Venezuela, France and Spain who in the past 18 months have made numerous efforts to sow the seeds of a political settlement. Curb the North American arrogance that makes many US policy makers believe, not only that the entire hemisphere belongs to this nation, but that they alone have the prescription for its ills.

Although by now it is clear where the Reagan Administration is heading, many in Congress have yet to speak out. Public opinion as measured in polls is said to run strongly against the Reagan policy, but because of fear of being branded "soft" or sanguine about an alleged Soviet menace, many potentially influential critics have not yet found their voices.

Sometimes in the course of human events words matter. The Harvard speech of Carlos Fuentes is a call to be heeded.

[From the Boston Globe, June 17, 1983]

FIGHT HARDBALL WITH HARDBALL

President Reagan ended his April 28 address to Congress on Central America with an appeal for bipartisan support—followed in the next and last breath with a partisan threat: "Who among us would wish to bear responsibility for failing to meet our shared obligation?"

Many Democrats sense the sickening slide toward regional war inherent in the deteriorating situation in El Salvador, the mounting tension on the Nicaraguan-Honduran border, and the steady escalation of the US military commitment, but still they are keeping a low profile. They foresee echoes of 1950s McCarthyism in the 1984 campaign and fear taking on the President too directly.

Although the House intelligence and Foreign Affairs Committees have both voted to cut funds for the intervention inside Nicaragua, they have tiptoed around evidence that the Administration has violated congressional stipulations that CIA money not be used to overthrow the Nicaraguan government or spark a border war, but solely to "interdict" alleged arms traffic to El Salvador.

The House Intelligence Committee reported plaintively in mid-May: "There are certainly a number of ways to interdict arms, but developing a sizeable military force and deploying it inside Nicaragua is one which strains credibility as an operation only to interdict arms." This was a wan understatement. Anti-Sandinista leaders have been making perfectly clear they care nothing about arms interdiction and everything about counterrevolution. It's equally clear they're dependent on US support.

The Democratic leadership hopes to stop US support for CIA activity inside Nicaragua by attaching a cut-off amendment to the 1984 Intelligence Authorization bill which pays for CIA operations starting Oct. 1. President Reagan would face the choice of accepting that amendment or shutting down the CIA, but obviously the Administration will respond fiercely.

To set the scene for that confrontation, Congress should fight hardball with hardball. Copious revelations about the covert war in Nicaragua provide an opening. There's self-evident reason to assume CIA operatives have participated in contra discussions of overthrowing the Nicaraguan government. If so, they have broken the law, and if their superiors knew about it, they have broken the law.

It's time for a serious probe. The House Intelligence Committee's oversight subcommittee has the power to initiate an investigation and to compel documents and testimony, just as was done, for example, after the Bay of Pigs invasion, the U2 incident or the overthrow of the Allende government in Chile.

In addition to being aggressive politics that will neutralize incipient McCarthyism, such a probe would be politically healthy. American confidence in our system of government is undermined when the executive branch defies Congress with impunity on a matter of war and peace. We are a more law-abiding people than Reagan Administration behavior suggests these days.

Congress should drive that point home.

[From the New York Times, June 24, 1983]

THE REFUGEES ARE COMING!

For weeks, officials in Washington have been muttering darkly about a potential tidal wave. Unless the public supports more military spending to combat troublemaking communists in Central America, then watch out: hordes of poor refugees will start pouring in. Now, the muttering is no longer low-level or anonymous. It's coming straight from the President.

If the flood of Southeast Asian boat people was a problem, he says, just imagine what it will be like when the "feet people" start marching north from Central America. That's scare-mongering, and of a contradictory sort. The surest way to avoid a refugee tide is to keep it from arising in the first place. The present Reagan policy risks creating more refugees, not fewer.

Some of the portents emanate from the Army. Three weeks ago, The Washington Post reported that an unnamed general has been warning that so many Latin Americans will flee communism that we'd need to recall some troops from Europe to seal our southern border.

The State Department's Refugee Affairs office has been ringing a similar alarm. In a paper dated May 17, H. Eugene Douglas injected figures into the fears. It estimates the refugee potential at 2.33 million. Not 2 million, not 2½ million, but 2.33 million. Such precision means sophistication, and credibility, right? The figure, it turns out, is what you get if you make the dubious assumption that 10 percent of the region's population will take flight.

Such fanning of fears was unattractive at lower levels. But this week, President Reagan joined in. Speaking in Mississippi, he said, "We must not listen to those who would disarm our friends and allow Central America to be turned into a string of Marxist dictatorships. The result could be a tidal wave of refugees—and this time they'll be 'feet people' and not 'boat people'. . . ."

There is some basis for expecting new refugee pressure. Continuing violence has already pushed hundreds of thousands across one border or another. Mexico has just tightened its border against Salvadorans, Guatemalans and others, using the same logic that the United States uses against illegal migrants from Mexico. An accelerating flow of migrants to this country would strain our law enforcement—and conscience.

The surest way to avoid a refugee tide is prevention, and that means caring about more than military assistance. Arms alone would, if anything, increase the number of refugees. Which side do frightened people typically take? The side of safety. The longer the combat goes on, the more people who will be scared out of their wits, homes and countries.

To shout, "The refugees are coming!" is neither a humane refugee policy nor a persuasive agrument for Mr. Reagan's larger policy.

[From the New York Times, June 26, 1983]

THE "CONTRA" REVOLUTION WON'T WORK

If the Reagan Administration has a dream about Nicaragua, it is this: With modest American support, the foreign-based insurgencies may catch fire inside the country and topple its leftist regime. . . . If not, the junta may be forced to broaden its base, become less Marxist, more nonaligned. . . . If not that, maybe it will be drained by diversionary battles and kept from spreading revolution in Central America during President Reagan's watch.

For all its heavy cost in lives and dubious legality, this is a policy. And the skirmishing at Nicaragua's borders has powerfully concentrated the attentions of the Sandinistas in Managua. They know their geography and understand that if the war grows, they can expect only modest help from Havana and Moscow.

That alone may explain their signals for direct negotiation with the United States.

What about? Some Sandinistas say they are ready to satisfy American concern about the alleged flow of arms to El Salvador, and to allay our fears of Cuban or Soviet bases in Nicaragua. Perhaps, they'll even talk about democracy, which many hemisphere governments find deplorably lacking.

But in return, the Nicaraguans want recognition of their right to pursue an independent course, without harassment. Even to test these offers, therefore, the Administration would have to give up its dream that insurgents might capture the country.

The choice is between trying to cash in our bargaining chips and disappointing the forces we have hitherto encouraged—or going for broke.

There is nothing irredeemably immoral about backing the "contras." Our role in the war ought then to be open, with aims that can be measured. And the Latin opposition to interference would have to be met with the argument that the Sandinistas themselves had abundant foreign help in overthrowing the Somoza dictatorship.

The overwhelming argument against that course is practical: the "contras" cannot succeed. They have no propsect of being militarily strong enough. Even if they were, they are fatally burdened by the Yankee colossus on their backs.

The difference in Central America between getting help from the north and help from the south is not a matter of geography, but history. Having sponsored the right-wing dictatorships that have now spawned leftist revolution, it is too late for us to appear as only benign democrats. Similarly, it is too late in Nicaragua for former servants of the Somoza regime, no matter how honorable, to present themselves as democratic saviors.

The exiles we support fight with the conviction that Nicaragua seethes with unrest. But in the major cities, where the Sandinistas won their revolution, no unrest is evident.

And Nicaragua is not Guatemala, where the C.I.A. managed the overthrow of a leftist President Arbenz in 1954; he led a regime, not a revolution. Nor does the situation resemble Chile, where American meddling helped destabilize the elected Allende government in 1973; the Chilean army, crucially, was not of the left.

Overt intervention with the Marines did block leftists in the Dominican Republic in 1965 and is the only hemisphere intervention that paved the way for stable, democratic government. But Americans were able to seal off that island and find an effective partner in President Balaguer.

The apter precedent for Nicaragua is Cuba, and America's sponsorship of an ill-fated invasion by exiles in 1961. The Sandinistas, like Cuba's Fidelistas, are exploiting the invasion threat to excuse their failures and to solidify their rule.

If we still hope to alter the course of Nicaragua's revolution we need to learn what accepting it will buy. America's legitimate concerns involve hemisphere security and guarantees against foreign bases and alien arms. Perhaps the Sandinistas will not discuss these issues in good faith, even in return for guarantees of their own security. But it would be unforgivable not to test them before the Central American fire spreads.●

EDITORIAL COMMENTS ON H.R. 2760 COVERT ACTION IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. FOWLER) is recognized for 10 minutes.

● Mr. FOWLER. Mr. Speaker, as the time draws near for the House to work its will on the issue of U.S. support of military intervention in Nicaragua, it is well to reflect on a conclusion drawn in 1975 by the Senate Select Committee To Study Government Operations With Respect to Intelligence Activities. In its discussion of paramilitary programs, that committee observed:

> There are two principal criteria which determine the minimum success of paramilitary operations: (1) achievement of the policy goal; and (2) maintenance of deniability. If the first is not accomplished, the operation is a failure in any case; if the second is not accomplished, the paramilitary option offers few if any advantages over the option of overt military intervention. On balance, in these terms, the evidence points toward the failure of paramilitary activity as a technique of covert action.

The "covert" action operation in Nicaragua fails on both counts. Obviously, it is no longer covert and thus deniability can no longer be maintained. Nor has it achieved the stated policy goals of interdicting arms bound for El Salvador or turning the Sandinista revolution inward. These are the conclusions of the Permanent Select Committee on Intelligence in its thoughtful report accompanying H.R. 2760 (H. Rept. 98–122, pt. 1).

I urge all of my colleagues to read the report, as well as the following pertinent editorial comments.

[From the Honolulu Advertiser, Apr. 28, 1983]

Ronald Reagan gave one of his most forceful presidential speeches last night before a joint session of Congress. It was an eloquent appeal for the $600 million in military and economic aid he wants for Central America.

But more than a well-written speech expressively presented is required to sell Congress and the nation on what strikes many as too much of a military approach to a problem far more complex than guerrilla warfare.

Central America may not be Vietnam for several good reasons. But, for some, Reagan's speech evoked haunting memories of past presidents standing before Congress' urging more of the same failed approach.

In short, there is reason to question both some of his stronger statements—including that "the national security of all the Americas is at stake," particularly in El Salvador—and his emphasis on military means to meet the challenge.

To doubt the president's approach is not to make light of communist activity in the region. The Soviet Union and its Caribbean proxies, Cuba and Nicaragua, seek to exploit instability. And the impounding of weapons hidden as medical supplies aboard Libyan air transports is another sign of outside involvement.

However, the communists and the international terrorists associated with them are able to find opportunities in Central America born of economic and social conditions that predate regional superpower rivalries.

The economic exploitation of landless poor and indigenous Indian tribes; systems of oligarchic political control; dangerous disparities between the few who are rich and the many who are poor, and abysmal human rights records—these are the realities of Central America that have allowed insurgencies to flourish.

Unless and until those deep-seated problems are dealt with, the Soviets and their supporters will continue to find fertile ground to tend.

Reagan's speech recognized some of this. He said he wants to bolster human rights efforts encourage economic development and allow "dialogue and negotiation."

But this administration's record in those areas is unimpressive. In El Salvador, abuses of human dignity continue at an alarming rate. Land reform has been stalled for nearly a year. And Washington has consistently rejected negotiation as a means of resolving El Salvador's woes.

Neither Congress nor the people would support a "sell-out" of Central America to the communists. But that is not what is at stake, despite the president's claims.

If our national interests were fully at risk, the president ought to be willing to commit American troops, and be ready to tell the Congress and the people just that. Instead, he got his biggest applause for saying U.S. troops would not be sent to Central America.

Indeed, the focus of America's assistance efforts must be on alleviating the conditions that allow guerrilla activity to thrive. It should not be on arming of regimes, present or exiled, that stand as symbols of continued repression.

Whether negotiations, the alternative approach advanced by congressional Democrats and others, will work in this situation is uncertain. It is a gamble involving elements that can be unstable and untrustworthy.

But it seems far less of a gamble than a military approach with some dubious allies and proven losers.

[From the Lincoln (Nebr.) Star, Apr. 29, 1983]

No one in his right mind would argue with President Reagan when he says that Central America is vital to the interest of the United States. That position would apply specifically, also, to beleagured El Salvador and Nicaragua, two key nations in the region at the moment.

It was to secur the appropriations he wants for the defense of these two nations that Reagan addressed a joint session of Congress Wednesday night. What the president said about the vital nature of these two nations and all of Central and South America is correct. What was wrong with the speech was any real explanation of where we are going in both El Salvador and Nicaragua.

Congress appears on the verge of substantially reducing U.S. aid to the rightest government of El Salvador and of ending aid for supposedly covert operations against the leftist government of Nicaragua. Congress is so disposed because we do not appear to be winning in either country.

There seem to be endless reports out of El Salvador as to the violations of basic human rights on the part of government forces. There are seemingly valid reports of revolutionary forces operating throughout the nation with near impunity. Just yesterday, an impressive list of doctors released a report on their recent visit to El Salvador. The report characterized the health care delivery system as in total collapse, with up to three people sharing a single sick bed in many areas.

In Nicaragua, there appears to be no question that the U.S. is aiding revolutionary forces opposed to the Sandinista leftist regime there, on the grounds that Nicaragua is a funnel for the shipment of arms to Salvadoran guerrilla forces. But we are fighting a government in Nicaragua that appears from various reports to have greater loyalty from more of its citizens than does the government we are helping in El Salvador.

In Nicaragua, the government appears to be making progress in the unification of its nation. In El Salvador, the government appears barely able to sustain itself. If we are right, why is it that we seem to be on the losing side in each case?

Sen. Christopher Dodd of Connecticut responded to the Reagan speech for the Democrats. Among other things, he noted that governments were not so much the enemy or the foe in Central America as are such things as hunger, ill health, ignorance, persecution and other elements of a generally deprived quality of life.

That is what bothers us about the Reagan speech and the U.S. position in Central America. We seem to be hung up on ideology, on political labels, when the real struggle there is for human rights and dignity. We do not appear to have a clear vision of where we are really going in Central America or, if we did, how we would get there or how long it would take.

What we seem intent upon doing is pouring money into the region to support causes we perceive to be ideologically in accord with our own but which do not seem in practice, ever to quite rise to minimum levels of such ideology. Certainly, one cannot fault the president's intentions but his means lack any ring of conviction. His speech did not remove the growing doubts that engulf this country's fundamental pursuits in South America.

[From the Minneapolis (Minn.) Star and Tribune, Apr. 29, 1983]

In one respect, President Reagan's Wednesday-night address to a joint session of Congress sent critics of his Central American policy scurrying for cover. By resorting to a seldom-used and politically risky tactic—assembling Congress to hear a direct presidential appeal on a specific issue—Reagan convincingly demonstrated that his concern about the area, and communist expansionism there, is real.

Only the most hardened cynic could believe that the president would so commit his, and the nation's, prestige to a cause he doesn't hold dear. Thus Senator Christopher Dodd of Connecticut, in delivering the official Democratic response, felt constrained to assert that "all partiotic Americans" oppose the establishment of Marxist states and the introduction of Soviet military bases and offensive missiles in Central America and "are fully prepared to defend our security and the security of the Americas, if necessary, by military means."

As Reagan pointed out, the purpose of his meeting with Congress was not to resolve a crisis but to prevent one. But while few may now be willing to contest the seriousness of the Central American problem, the president failed to bring critics over to his view of what the problem is or how best to resolve it. Reagan believes that the region's troubles derive from a Marxist effort to destablize existing governments. His responses leans heavily toward military aid. Others contend that poverty and dictatorial regimes are the real villians. Their response emphasizes economic and political reform.

It would be naive to suggest that the problem isn't partly military or that U.S. military aid is unnecessary. If nothing else, the army of El Salvador must be professionalized if it is to protect rather than threaten its own people.

It's equally naive to believe that either El Salvador or Nicaragua are democracies waiting to happen, and that all it will take is some economic help and judicious non-intervention by Washington, Moscow and Havana. Skill in popular government does not come readily to countries with such long histories of political repression.

But economic aid and political reform are still the better bets for addressing Central American problems. And although Reagan made some significant bows in that direction, he continued in his speech to stress the military threat and to press for more U.S. military assistance in the area.

And while he pledged U.S. support for negotiations—"both among the countries of the region and within each country"—he offered no plan to take the initiative in arranging them. Yet as Dodd would later say, that is where U.S. involvement in Central America should begin, by using U.S. power and influences "to achieve an immediate cessation of hostilities in both El Salvador and Nicaragua" and "to work for negotiated political settlements," perhaps through such Latin American allies as Mexico, Panama, Venezuela and Columbia.

Reagan seems intent on pursuing a Central American policy base on warmaking rather than peacemaking. The situation

there is serious, but the course being pushed by the president seems more likely to make it worse than better.

[From the Des Moines (Iowa) Register, Apr. 29, 1983]

Fruitful discussions are impossible with someone who pays no heed to what others say, persisting only in repeating the starting position—louder and more passionately but with no change in substance. This is how President Reagan is conducting U.S. policy in Central America.

Two years ago, the administration said that (1) Central America is vital to U.S. interests (certainly true) and (2) conflicts there must be viewed in East-West terms. If you accepted that it was indeed the bad-guy marxists vs. the good-guy democrats, it followed that the United States should jump in militarily to keep the enemy from the door.

If, instead, you saw Central American conflict as indigenous, born of years of oppression and landlessness, then U.S. military involvement was much harder to defend and the solution much more complicated.

Over the past several years, the messages from visitors to Central America have stirred deep concern in Congress and among the public about that original Reagan position.

The Salvadoran forces have behaved poorly in the field, killed tens of thousands of civilians, and seem unable to gain the advantage over a much smaller guerrilla force. Other nations have urged the United States to push the Salvadoran government into negotiations, but the Reagan administration rejects negotiation as forced power-sharing.

U.S. activity in Nicaragua, visitors have reported, cannot be excused as the simple interdiction of arms to Salvadoran guerrillas; the U.S. government supports those who would overthrow the Nicaraguan government. The forces backed by U.S. aid are largely supporters of the ousted—and infamously repressive—Somoza regime.

Reagan on Wednesday dismissed as propaganda these messages—from such varied sources as members of Congress on fact-finding tours led by the Central Intelligence Agency, journalists and former diplomats. Instead, he repeated his original message: The United States must stamp out communism in the Americas, and Congress and the nation must support his military effort to do so.

Reagan wasted no words, in addressing an unusual joint session of Congress, on the troubling questions of how his effort might prevail, why it has had such a sorry record so far or how long it might take to work.

He charged those who would question this blind policy with counseling "passivity, resignation and defeatism." That is both unfair and untrue. Those who question Reagan's policy seek an open, thoughful discussion of what is really at stake in Central America, what would be the most productive U.S. role there and what outcome the nation is hoping for.

That discussion, as Reagan showed by singing his same old tune on Wednesday, is something he is either unwilling or unable to engage in.

[From the Oregonian, Apr. 29, 1983]

President Reagan gave a masterful performance, delivering to Congress a well-honed, artfully constructed speech on Central American policies, arguing that American security is at stake. But he failed to offer any plan for settling the conflicts in El Salvador and Nicaragua or offer any new reasons that would end the deep national skepticism that his policy is the right one.

Aside from the fact the president was laying his personal prestige on the line in an unprecedented way, little was produced that should convince the American people that his military efforts have any chance of succeeding or will do more than escalate the bloodshed.

Instead of arms, the people of Central America need jobs, industry and economic support. Instead of more killing, they need a chance to live in peace. Such an end can come only from a massive effort by the administration to begin negotiations between belligerents. It must pull out all of the stops, as it often has done in the Middle East, using traveling negotiators, such as an equivalent of Philip Habib. The El Salvador government opposes any "middlemen" negotiators, but it is in no positon to set such conditions when it is seeking U.S. support.

Sen. Christopher Dodd, D-Conn., reacting for the Democrats to the president's full-court press on the Congress, argued eloquently that the power and influence of the United States should be used to end the fighting and get talks going. He contended that the current U.S. policy in Nicaragua weakens the very groups supporting a democratic society.

Military escalation In El Salvador, as proposed by the president, is the road to disaster. it cannot succeed because the people have no stomach for the military rulers and their daily death squads. Upping the military ante will only force the other side to raise its bets. There is scant evidence, however, that the Cubans and others helping the revolutionists are prepared to match the heavy economic aid America can afford.

The issue is not the cost of the arms the president wants, but the fact that the policy behind their use is a loser. This should encourage Congress to limit or reduce appropriation requests for more weapons.

The United States has a long history of being on the wrong side in Latin America. The president cannot rectify that record by parading promises of not sending in more U.S. soldiers or technical aids, because the people of this nation no longer trust government or presidential promises. American presidents are notorious for backing down on pledges to stay out of wars.

Pleading that the "national security of all the Americas is at stake in Central America," as Reagan did in his speech to the joint congressional session, is extravagant rhetoric, which even he did not back with factual scenarios.

That the tiny, poverty-stricken nations of the Caribbean are some kind of a national threat justifying the Reagan policy is not salable. The public was not with the president before the speech, and it should not be with him after it. They can clearly see he is being hypocritical when he proclaims El Salvador is making gains on the human rights fronts, or that a few more millions spent on arms can make a difference. The people know a dark, endless tunnel when they see one, and they know instinctively where Ronald Reagan, a dyed-in-red "confrontationalist," would take them. Congress should have no part of it.

[From the Louisville (Ky.) Times, Apr. 29, 1983]

Employing the best and worst of the skills that earned him the nickname "the Great Communicator," President Reagan went to Capitol Hill Wednesday to salvage his supplemental aid package for El Salvador. He gave Congress ample reason to continue questioning his goals for Central America.

The delivery was, to be sure, both forceful and colorful. He conjured up images of Nazi Germany and the Red menace and reminded us all that Central America is much nearer our shores than Indochina. In short, the address was a powerful call to arms.

Well, not really arms, the President and his apologists quickly added. "There is no thought of sending American combat troops to Central America; they are not needed—indeed, they have not been requested there," Mr. Reagan said in attempting to head off comparisons to developments early in the nation's Vietnam involvement.

Doubtless those who recall Lyndon Johnson's 1964 campaign pledge never to send American boys to do the job that Asian boys should do have the jitters. Indeed, the sweeping promises in the address, during which Mr. Reagan equated the survival of the disreputable government in San Salvador with democracy, should make every listener question what limits, if any, he would place on American military assistance.

Given the nature of Central America's turmoil, the speech was irrelevant. It sidestepped disturbing charges that the United States has encouraged insurgents who are trying to topple the government in Nicaragua. It did a minuet with the vision of negotiations but kicked them in the pants by emphasizing military solutions.

"This is a mind-boggling gamble that the President is taking," declared Sol Linowitz, the former U.S. special ambassador whose field is Latin America. "He has to in now. Anything less, in the eyes of the world, would be a humiliating defeat for the United States—and a humiliating defeat for him." Mr. Linowitz was co-chairman of a panel that recently urged a "many sided dialogue" to settle long-something issues in Central America.

The President's disdain for negotiations may still win him some points with the hard-liners who are his political allies. However, his demand for a military victory exposes a dangerously narrow attitude that ignores underlying social and economic sources of conflict. Sen. Christopher Dodd of Connecticut who offered a Democratic rebuttal to Mr. Reagan's speech, made that clear.

Things just aren't quite the way the President paints them. The Sandinista regime in Nicaragua derives its support more from nationalism than from its Marxism. Hostility against Washington is not founded upon disrespect for democracy but, instead, upon American enthusiasm for propping up dictators past and present who bolster landed interest at the expense of others. El Salvador may be making "progress" in political killings, but so far in 1983, nearly 1,300 noncombatants have been slain by government security forces, according to the Catholic archdiocess in San Salvador.

Small wonder that Congress is doubtful about Mr. Reagan's request for an additional $60 million this year in military aid for El Salvador. On Tuesday, a House subcommittee halved the request—citing the government's continued human rights violations and disdain for civil liberties as the reason.

So long as these outrages continue, Congress has a right to its doubts. And Mr. Reagan's claim that our efforts in Central America are to "support democracy, reform and human freedom" remains at odds with the reality of the situation there.

[From the St. Petersburg (Fla.) Times, Apr. 29, 1983]

With its tone of moderation and its appeal to bipartisanship, President Reagan's address to Congress on El Salvador probably won some additional public support. But the address lacked an essential element, a program that offers a reasonable hope of attaining the goals for the region that every American supports.

The reason the President's policy toward Central America is in trouble and the reason Congress is so skeptical is that the policy has not worked in the past and seems unlikely to succeed in the future.

That's dangerous. When a President of the United States says, as Mr. Reagan did Wednesday night, that this country has "a vital interest, a moral duty and a solemn responsibility" in Central America, he had better have a means of protecting that vital interest. If he doesn't, and he believes his own words, then he has committed this nation's honor and resources to a very risky effort.

We believe the United States has both vital interests and ideological hopes in Central America. Our vital interests are that there be no Soviet bases in the region and that Soviet offensive weapons be kept out of the region. To protect those interests, we have in the past dealt with the Soviet Union and should do so in the future.

North Americans also have good wishes for Central America. We would hope that its people could enjoy the fruits of democratic self-government and the free enterprise system. We should help them reach those goals, but we should not confuse our hopes with our vital interests.

President Reagan sees the insurgency in El Salvador as inspired, financed and supplied by the Soviet Union, Cuba and Nicaragua. If those three nations did not exist, the insurgency probably would have come into being because for years in most of Central America selfish landowners and a corrupt military have exploited the poor. Most people in Central America desperately need change, but the king of problems they face cannot be solved by militiary aid to repressive governments.

Sen. Christopher J. Dodd, who spoke after Mr. Reagan, has figured out that the United States has spent more than $1-billion in El Salvador since the President took office—$140,000 for every guerrilla in that country. It would be cheaper to buy them out. No expenditure of U.S. dollars will work unless the United States and its allies can earn the support of those in El Salvador and other nations who see the guerrillas as offering them more hope for the future than the government.

At the insistence of the House of Representatives, Mr. Reagan agreed to appoint a special envory to Central America. The ambassador's assignment will be to help bring both sides in this conflict to the negotiating table.

If the President had selected a skilled negotiator respected by both sides for this assignment, and given that person sufficient authority, that would have been the most promising aspect of his address. His nomination instead of former Florida Sen. Richard Stone, who recently hired out as a registered foreign agent for the government of Guatamala, raises questions about the President's commitment to a negotiated settlement.

[From the Hartford (Conn.) Courant, Apr. 29, 1983]

Set aside "passivity, resignation, defeatism," advised President Reagan in his address to a joint session of Congress. Rise to meet "this challenge to freedom and security in our hemisphere," he counseled lawmakers Wednesday night.

Congress does not suffer from passivity or defeatism, and it is insulting for the president to even imply that legislators don't care what happens in Central America. The substance of Mr. Reagan's message—unless we "defend" ourselves in El Salvador, we will have to fight communism in the U.S.A.—ought to induce outrage.

Instead, members of Congress gave him standing ovations.

Why? The president knows how to deliver a speech that arouses the red, white and blue in us. He is, after all, a professional actor.

Mr. Reagan tried to draw from the national reservoir of fear and patriotism. If Congress doesn't authorize what he wants, Soviet-style communism will implant itself in Central America, he warned. And what patriotic American wants that to happen?

There is another—more rational—side to the dilemma. Connecticut Sen. Christopher J. Dodd presented it well in his televised response to the president, on behalf of the Democrats: "We cannot afford to found so important a policy on ignorance—and the painful truth is that many of our highest officials seem to know as little about Central America in 1983 as we know about Indochina in 1963."

The truth about Central America is that the region has suffered for generations from the evils of poverty, disease and illiteracy—and subjugation by a small, feudal class. The United States, always reluctant to upset the status quo, still finds more evil in insurrection than in police state brutality.

So far in Mr. Reagan's presidency, Congress has authorized $700 million for El Salvador. But Mr. Reagan wants more. The president, as Mr. Dodd noted, wants to spend $140,000 in tax dollars for each of the 7,000 guerrillas our government claims are in El Salvador.

The insurgents would not be defeated if the United States spent $1 million per head. That's not how guerrillas are overcome. "Unless . . . oppressive conditions change, that region will continue to seethe with revolution . . .," said Sen. Dodd.

Thus far, the United States has not changed these conditions. On the contrary, Central America is probably where the United States has come closest to attempting to establish a permanent colonial overlordship. The Reagan administration's latest plan, to appoint a special envoy, is reminiscent of the old British viceroys who were instructed to keep the natives in line. No wonder, then, that even the Salvadoran Chamber of Commerce denounced the idea of a special envoy.

Mr. Reagan chose not to mention the 30,000 deaths in El Salvador, most of them at the hands of government forces. He said nothing about the growing number of political prisoners, about the Salvadoran government's defiant attitude toward U.S. requests for prosecution of the murderers of American citizens.

Congress should refuse to give Mr. Reagan more money to save the oligarchies in El Salvador and Guatemala and to topple the radicals in Nicaragua. Economic assistance yes, but not a cent more than has already been authorized for the military.

The American people would be better served if their president made all aid in the region contingent on unconditional peace negotiations among the warring factions. The pope has suggested such talks, as have the leaders of Mexico, Panama, Venezuela and Colombia. Why not Mr. Reagan? Why not, as Sen. Dodd said, have the United States move with the tide of history, rather than stand against it?

The tide of history is not communism. It is freedom from subjugation by megalomaniacs abroad and at home.●

INTRODUCTION OF "UNEMPLOYMENT INSURANCE AND ADJUSTMENT ACT OF 1983"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, today, I am introducing a bill to make more retraining, education, and relocation assistance available to America's workers, without creating new costs and demands on the Federal budget. This new bill, the Unemployment Insurance and Adjustment Assistance Act of 1983, uses the established mechanisms of the unemployment insurance (UI) program and improves the operation of that $30-plus billion program by permitting workers to use a portion of the benefits they would otherwise have drawn on a week-by-week basis to fund retraining, relocation, and education services.

The idea for this bill is drawn from the trade adjustment assistance program and from a proposal submitted this winter by the President relating to employment vouchers—but corrects many of the shortcomings in that proposal, and contains new ideas on how to make the existing UI program more effective.

As our Nation's record unemployment drags on, it is clear that the Ways and Means Public Assistance and Unemployment Compensation Subcommittee—on which I am privileged to serve as ranking majority member—will be holding additional hearings on UI legislation. It is my hope that the new ideas contained in this legislation can be considered at such future hearings.

I would like to discuss briefly the need for a change in UI and retraining policies, how this legislation would work, and what it would cost.

THE NEED FOR NEW RETRAINING ASSISTANCE

Mr. Speaker, change is rapidly overwhelming the American economy. Just some 15 years ago, when the economy was much less sensitive to foreign trade and sustained growth made it easy for the unemployed to shift out of dead-end occupations and into new productive enterprises, people had little need for things like labor adjustment assistance.

Now they need it badly.

Because of the recent back-to-back recessions there is more chronic unemployment today than at any other time since the Great Depression. And, according to a study released by the Joint Economic Committee only a couple of weeks ago, people are remaining unemployed for far longer than any time since 1948.

These structurally and long-term unemployed are losing their homes and the assets that they have sometimes worked their entire lives to put together. They are falling victim to debt collectors as they fail to meet the payments they had every right to expect to be able to pay. Most of them have been left stranded without health insurance. And, this is particularly serious as more of these people are ravaged by health problems, even serious illness, brought on by the worry of having to survive, and to provide for their families. In fact, the death rate has been shown to increase with unemployment. Most suicide victims belong to the ranks of the unemployed. Crime increases. Many older workers lose hopes of retirement as they lose the benefits they would have collected if they had remained on the job. In a study of unemployed Ford autoworkers in New Jersey, half the workers still had no jobs after 2 years, and for those over age 40, the vast majority of them remained unemployed.

Now, there is a moderate recovery underway. However, what sets this recovery aside from previous ones is that the jobless are not being hired back into the economy, at least not in any significant numbers. Since last autumn, unemployment has exceeded 10 percent. Most economists expect it to remain at 9 to 10 percent through the end of the year, if not longer. If the history of recent recessions is any yardstick then there seems to be a very good chance that it will not be coming down much lower than this, even if the economy really picks up steam again. We are probably stuck at a new and higher plateau of joblessness and human suffering.

Some experts are saying that the U.S. economy may have already reached a natual or permanent unemployment rate of 6 to 9 percent. According to occupational forecasters who testified to Congress this April, by the year 2,000, we may consider an 8.5-percent unemployment rate perfectly acceptable—with 3.5 percent of the labor force constantly rotating out of dead-end jobs and retraining for new ones.

But even this prediction may be optimistic, if we do not quickly act to provide a national program for retraining and readjustment assistance for the unemployed.

As if the individual suffering is not outrageous enough, then consider, too, the havoc that his kind of unemployment is wreaking on the entire economy. According to Robert B. Reich, a leading advocate of industrial policy and author of "The Next American Frontier":

> Every 1-percent increase in the jobless rate costs roughly $75 billion in lost production of goods and services, $25 billion in lost taxes, and $5 billion in unemployment compensation.

Although this joblessness cuts across all occupations, most of it is concentrated in semiskilled and unskilled blue-collar occupations. During previous recessions, most of these people could count on being called back to their old jobs when the economy picked up again. Even though they were technically counted as unemployed, they enjoyed the kind of job security from recession to recession. They knew they would be hired back. This is no longer true. Over the last 3½ years, almost 3 million jobs have been lost in manufacturing industries. And, most of these workers will never be hired back.

Job loss has been blamed mostly on two things: Foreign trade competition and structural changes in the economy. Both are facts that we must learn to live with. Countries like Japan and West Germany have gained a competitive foothold in numerous markets for U.S. manufactured or processed goods. The introduction of new technologies and manufacturing processes, like microprocessors and robotics, have contributed to the loss of inumerable jobs. By 1990, General Motors has planned to have installed 20,000 robots on its production lines. According to Harley Shaiken, an MIT researcher, 40,000 GM jobs will be lost—about the current domestic employment at Chrysler Corp.

Business has always responded to foreign trade and new technology with a shifting of resources and new job opportunities for the dislocated worker. This is part of a process of natural industrial restructuring. But what makes the unemployment associated with it so much more of a problem today is the fact that it is occurring more rapidly than ever before. For most of this country's existence, foreign trade has played only a minor role in the economy. Today, its importance is growing by leaps and bounds each year. Change in the technology is occurring faster all the time. Representative ALBERT GORE, chairman of the Subcommittee on Investigations and Oversight of the House Committee on Science and Technology has said that "we are entering an era when few people will be able to count on the skills they learned in school to carry them through a lifetime of work." It is a reality that is becoming true for more of us each day.

The traditional remedies for dealing with unemployment have not trained people for new careers. Unemployment insurance (UI) is the main program for out-of-work Americans. But, while temporarily providing a very limited financial cushion—weekly subsistence—it does little else. Trade adjustment assistance, which is set to expire this year, has been poorly managed and reserved exclusively for the use of a very narrowly defined set of import-affected workers—and its provisions for retraining assistance have been little promoted or used. It deserves the name given to it by many workers—"funeral assistance." Even if continued, this has become a minor program because of budget cuts.

The UI provides just one type of income maintenance assistance for people. But, the main program for the jobless needs to be a more flexible type of assistance strategy, it it is going to meet the needs of workers in a changing economy. Too many Americans are languishing on UI benefits, without using the period of unemployment to obtain new skills to match today's and tomorrow's jobs. Too many job seekers are forced to stay at home, collecting the unemployment checks, because the money is barely enough to get by on, let alone fund job-hunting trips to areas that offer a better chance for finding a job. Money for educational courses which might lead to a new job is out of the question.

Mr. Speaker, today I am introducing legislation that is designed to help break the unemployment bottleneck. Titled the "Unemployment Insurance and Adjustment Assistance Act of 1983" (UI-AA), my proposal will improve the effectiveness of the existing UI program by allowing people the option of getting retrained for the skills that they need in today's economy and the chance to get to where the jobs are.

UI-AA is a flexible assistance strategy. It improves the flexibility of the existing UI program by allowing UI recipients the option of obtaining the cash value of any extended benefits available in their States, early on in their unemployment, to fund retraining, education, job search, and relocation expenses. Under this bill, soon after applying for regular UI benefits, the individual would be allowed to form a pool of capital out of any extended benefits he would have been eligible for—this includes both today's extended benefit program, the Federal supplemental compensation program, and any new programs beyond regular UI which may be enacted. This pool of capital can then be used, even while he continues to collect regular UI benefits, to pay some of the costs he will need to cover to become employed again.

HOW WILL UI-AA WORK?

It is really very simply. Under this legislation, unemployed workers will be allowed to trade in and obtain the

cash value of the various types of extended UI benefits available to them if they had remained unemployed throughout their eligibility for UI benefits. In return, three different types of adjustment assistance will be made available to them, either singly or in combination. These are: First, retraining assistance; second, education assistance; and third, job search and relocation assistance. Like the regular UI program, UI-AA will be administered by the State employment security agencies (SESA's). The unemployed individual will apply directly to the appropriate SESA, as he would for regular UI benefits, and he may do so at any time within 30 days of establishing eligibility for regular UI benefits.

RETRAINING ASSISTANCE

UI-AA may be used to refund a firm's cost in retraining a worker, as long as an offer of indefinite or reasonably permanent employment is made after retraining. The SESA's will develop and maintain lists of employers willing to participate in the program and refer applicants to appropriate employers. If an employer accepts an applicant for participation in its training program, and the training results in permanent employment, then the employer will be reimbursed for the cash value of any retraining provided. This reimbursement is made out of the applicant's UI-AA pool of capital and may not exceed the cash value of any extended benefits that would have been available to the participant. Further, to protect workers who are already on the job, employers will need to certify to the SESA that UI-AA hiring will not displace existing employees. By providing employers with payments to help cover the retraining costs, UI-AA will provide incentives for firms to train and make some of those who are hardest hit by unemployment. Since the worker will be receiving his regular UI benefits during the training period, the compensation agreements which normally occur between companies and trainees can be adjusted accordingly, thus providing another incentive to the firm to attempt retraining.

EDUCATION ASSISTANCE

Under UI-AA, the UI recipient can choose to trade in all or a portion of his pool of capital to pay for a SESA-approved educational program. At the same time that he is enrolled in an educational program, he may continue to receive his regular UI benefits. This will allow him to still cover his basic living expenses and, at the same time, dramatically improve his job marketability. The SESA's will provide referrals to approved educational programs.

JOB SEARCH AND RELOCATION ASSISTANCE

UI-AA can help pick up the tab for job search and relocation expenses incurred in trying to find a job outside of the normal commuting area. To pay for job search expenses, the SESA will need to determine that there are no reasonable job opportunities available to the unemployed worker in his commuting area. Relocation expenses will be allowed when it is necessary for the individual to relocate as a condition of exployment.

GROUP APPLICATIONS FOR ASSISTANCE

This is a feature that makes UI-AA especially attractive. Under this provision, communities, firms, and labor unions can take the leadership for developing plans to assist the unemployed. Basically, UI-AA provides a mechanism for establishing and accepting group applications for assistance. For example, a plant is going to be shut down because it is producing an outmoded product or noncompetitive product. The company knows that it has the equipment or capital resources to switch production to a different kind of product. However, the company also knows that it does not have the skilled work force to produce the new product. So, under normal circumstances, all or most of the plant's employees would lose their jobs. But, with UI-AA, the company can make a group application for assistance that, if accepted by the SESA, will provide for the retraining of the plant's work force and allow workers to be hired back immediately. Of course, individuals would not be bound to accept assistance under the group application and would preserve their rights to collect UI benefits and apply individually for UI-AA, if they chose to do so. Given the option of keeping their jobs, many workers would probably opt for group assistance.

Labor unions whole communities, or any governmental unit may also make group applications for assistance on behalf of the unemployed, or about-to-be unemployed. If a town in West Virginia, where 90 percent of the work force is engaged in coal mining, suddenly learns that the town's only coal mine is about to be shut down, an application can be made to fund job search and relocation expenses outside of the area, where jobs may be more plentiful. A local auto, steel, or textile workers union might design a training program to give unemployed members new industrial skills that will help them get jobs.

HOW MUCH WILL UI-AA COST

UI-AA can provide, depending on the State, up to a few thousand dollars to fund assistance for any one individual. That is a substantial amount, and should insure that the retraining or other adjustment assistance provided will be substantial—and not just another program to pay lipservice to the problem of unemployment. Even though we are talking about no small amount of money, little or no extra cost is involved. The same financing mechanism that pays for extended and other additional unemployment benefits and that determines the Federal/State share of cost will be used, becaused the UI-AA is operated through the UI program. And, because so many people are already using up all of their unemployement benefits without finding jobs, the costs will really be about the same. The same amount of money that is already being spent on extended types of UI benefits will be spent on extended benefits—and UI-AA. This legislation simply allows people to use those benefits that they would use anyway in new and creative ways.

COMPARISON WITH ADMINISTRATION PROPOSAL

Earlier this year, the administration put forth a proposal to allow UI recipients to trade in their Federal supplemental compensation benefits for vouchers which employers could then use as tax credits if they hired the unemployed. There were a number of problems with this piece of legislation (H.R. 2149). Organized labor was opposed to it, and rightfully so, because it would not have prevented firms from laying off workers to hire new ones—and receive the accompanying tax credits. UI-AA specifically protects existing employees from being affected by the program in this way. Also, the administration proposal was a simple employment subsidy tied to a temporary plan to extend Federal supplemental compensation benefits. UI-AA is not. UI-AA is a permanent proposal to promote retraining and labor adjustment through the UI system for as long as any types of extended assistance are available. At current unemployment rates, that could well be a long time. So, UI-AA will be available as long as umemployment remains out of hand to put working cash in people's hands to get help, to get trained for new occupational skills, to get moved to where the jobs are located in this country.

The administration proposal contained a provision that would have allowed States to spend up to 2 percent of State UI tax receipts on retraining programs. Some States complained that they were already having trouble enough trying to fund regular UI benefits, let alone trying to take away some of that money to use for other purposes. My proposal will not assess extra burdens on the already overtaxed State UI funds. Federal and State funds that are already being spent on the various types of extended UI benefits will simply be transferred into new, constructive uses.

Currently, in the United States, there is no efficient means for shifting unemployed workers into economic sectors that are stable or can be expected to grow in the future. The results of such inaction are increasingly painful in a world that is changing everyday. We are locked into a global economy that will punish those who

do not innovate with poor economic performance, rising joblessness, and lower living standards. Most of our major trade competitors have major training and retraining programs. Among them, West Germany, Japan, France, and Sweden, are training people for new jobs, new occupations that are becoming important as restructuring takes place in their own economies. If America does not climb on the bandwagon, we will soon be left behind. As can be seen from the inroads that foreign trade is making in our economy, and particularly, the enormous displacement of workers that is occurring because of our own failure to compete, we are already being left behind.

UI-AA can provide enough assistance to help retrain people for many of the skills that are in demand right now. There is, today, a growing demand for skilled and semiskilled machine operators, computer programers, computer operators, assemblers, optical workers, and people who can maintain, repair, and service complex machinery and equipment. According to Reich:

> There are now about 1 million unfilled skilled and semiskilled jobs. America is already short an estimated 60,000 skilled machinists. * * * The average age of America's tool and diemakers is approaching 50 years; if present trends continue, within the next decade this vital reservoir of skills * * * threatens to dry up.

There are countless jobs that are now going unfilled because the unemployed lack the skills to obtain them. UI-AA can bridge that critical gap. It is an active response to the problems of unemployment. It can help get America back on its feet in the world economy. And, its time has come. Without it, we continue to slip into the lonely company of nations that have no destiny.●

STATEMENT OF CHAIRMAN ROSTENKOWSKI ON INTRODUCTION OF H.R. 3475 TAX LAW SIMPLIFICATION AND IMPROVEMENT ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 15 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, today, Hon. BARBER B. CONABLE, JR., and I are introducing H.R. 3475, the Tax Law Simplification and Improvement Act of 1983. This legislation culminates months of effort by our congressional staff in identifying major problem areas in the law and developing proposed solutions in a collaborative process. The bill also contains a number of provisions which have been requested by the administration or suggested by others as needed improvements or simplifications to the structure of the tax law.

Mr. CONABLE and I wish to express our gratitude to those who worked on preparing this bill as well as to the staff of the Treasury Department for their assistance and to those groups such as the American Bar Association and the American Institute of Certified Public Accountants that suggested areas for study, proposed solutions and deliberated with our staff to develop the product we are introducing today. We look forward to receiving additional recommendations for improving the provisions of the bill during its consideration in the months ahead.

At this point, I will generally summarize each title of the bill. A more detailed technical explanation follows which includes a description of each section.

Title I contains a major and long overdue revision of the estimated tax provisions for individuals. We believe these revisions will vastly simplify and rationalize the statutory provisions relating to estimated payments. We hope taxpayers will benefit from a more coherent and understandable set of rules in this area, given that over 8 million taxpayers now must make such payments.

Title II is the "domestic relations" title which includes revisions to the rules which govern the tax treatment of property transfers at divorce, alimony payments, and the dependency exemption for children of divorced parents as well as amendments to the so-called innocent spouse rules. The American Bar Association first urged the tax-writing committees and the Department of Treasury to address the problems with the present law provisions in the domestic relations area, particularly with regard to property transfers and alimony payments. The ABA also proposed detailed solutions to these problems, many of which are reflected in whole or in part in the proposals we are recommending.

Many of the tax-related problems experienced upon marital dissolution result from the application of differing State laws. On the question of property transfers, tax results differ depending on whether the State is a common law or community property State. Some States have enacted special statutes in an effort to overrule Federal law. Similarly, in distinguishing alimony from other types of payments, a determination of whether the payment is on account of a support obligation is made under State laws with varying results. Finally, under the present law dependency rules, the IRS is often the unwitting and unwilling party to a dispute between parents over who contributed more in support of the child.

The provisions proposed in the bill have several policy objectives but paramount is the goal of insuring comparable tax treatment to similarly situated taxpayers. Thus, the elements of present law which force a reliance on the vagaries of State and local law would be eliminated. Second, every effort is made to remove the IRS from disputes between spouses. Further, it is hoped that greater certainty is provided to the spouses, even those without expert counsel, as to the tax consequences of their decisions. In the main, we have attempted to achieve this goal by insuring that the parties will receive what they expect and not be surprised by unforeseen tax consequences. More objective rules are also used where possible. Finally, the innocent spouse rules would be liberalized and made more evenhanded by allowing relief in cases of similar inequity.

Title III of the bill represents an attempt to simplify and clarify the investment tax credit at-risk limitation added by the Economic Recovery Tax Act of 1981 (ERTA). The current rule has posed significant administrative problems for the Treasury Department and taxpayers. Under the bill, the at-risk limitation would be modified so as to reduce a taxpayer's credit base by amounts of nonrecourse financing. Where nonrecourse debt provided by an unrelated commercial lender (or the Government) is not more than 80 percent of the credit basis, the at-risk limitation would not apply. Special rules are provided for basis or tax adjustments where taxpayers subsequently either increase or decrease amounts at-risk. Generally, in the case of partnerships or subchapter S corporations, nonrecourse determinations would be made at the partner or shareholder level. In the case of subchapter S corporations, however, recourse debt at the corporate level would retain its character at the shareholder level if the financing is related to property used by the corporation in an active trade or business with at least three full-time employees. The modified rule generally would apply to property placed in service after enactment. However, a taxpayer would be permitted to elect the rule as if it has been included as part of ERTA so long as all at-risk property within the ambit of ERTA is treated similarly.

Title IV contains two changes related to the estate tax provisions. One solves a longstanding difficulty related to charitable split interest transfers. As a permanent rule to replace the ad hoc extensions of time to amend the governing instruments of these trusts, the bill would permit reformation of charitable split interest instruments under certain conditions. Second, the law would be amended to better effectuate the original purpose of the alternative valuation provision of present law by permitting its use only where the basis of the estate and the estate tax liability are reduced as a result.

Title V would make several changes needed in provisions affecting foreign income and foreign taxpayers. These provisions include a much needed definition of "resident alien" to assist taxpayers and practitioners in determining when a U.S. tax liability is owed by aliens present in the United States for varying amounts of time. The ABA has been most helpful in directing our attention to this area and in assisting in the development of a proposal along with the Treasury Department. The proposal would also prevent married nonresident aliens from using the community property laws of their home country to split income for U.S. income tax purposes.

Several provisions are included to clarify and improve the foreign personal holding company rules. One change would better coordinate the foreign personal holding company rules with the controlled foreign corporation (CFC) rules of subpart F of the Internal Revenue Code to provide that a CFC's income is taxed under subpart F to the extent that the subpart F income exceeds foreign personal holding company income. The bill would also clarify the attribution rules for purposes of determining ownership of a foreign personal holding company. Code section 1248 is amended to liberalize present law with regard to accumulated earnings and profits of a CFC, to prevent double counting of foreign tax credits, and to clarify rules applicable to indirect ownership of a CFC.

Finally, this title contains provisions to deal with a longstanding problem regarding so-called stapled stock. In several instances, U.S. corporations have attempted to avoid the subpart F rules and the antiboycott rules by splitting off their foreign operations and conducting them through separate corporations. In these cases, the stock of the two (or more) entities is "stapled" or "paired" so that a shareholder cannot trade the stock separately. The management of the two companies may be the same.

The bill would provide generally that where a foreign and a domestic corporation are stapled entities, the foreign corporation would be treated as domestic. In addition, stock in a domestic corporation which constitutes a stapled interest with respect to stock of another domestic corporation would be treated as owned by the latter corporation.

Title VI contains a number of minor provisions recommended by the Department of Treasury as changes that would simplify or improve their operations.

Title VII includes several noncontroversial changes requested by the Tax Court and a more substantive proposal designed to improve the representation of taxpayers involved in small cases before the court. Under the proposal, taxpayers could be represented in the Tax Court under the "small case procedure" by certified public accountants and enrolled agents authorized to practice before the IRS. However, the Tax Court would no longer be required to give a special examination to non-attorneys in order to permit such persons to practice before the Tax Court in regular cases.

Title VIII would simplify and rationalize the income tax credit provisions in the Internal Revenue Code. The credits would be grouped into logical categories and the various rules concerning limitations and carryovers would be conformed and simplified. The business credits would be combined into one credit, limited to 100 percent of the first $25,000 of tax liability and 85 percent of the remainder. A 3-year carryback and 15-year carryforward period is allowed. Substantive change would be made with respect to the present law limitation on the targeted jobs credit (which is 90 percent of tax liability), the alcohol fuels credit (which is 100 percent of tax liability but is ineligible for carrybacks), the business energy and R and D credits (which are 100 percent of tax liability) and the ESPO credit (which is 90 percent of tax liability).

Title IX repeals several obsolete provisions of the code. Specifically, code section 1251, relating to recapturing certain farm losses, and code sections 405 and 409, relating to retirement bonds, would be repealed.

REVENUE EFFECT

The technical exploration of the act follows:

TECHNICAL EXPLANATION OF THE TAX SIMPLIFICATION AND IMPROVEMENT ACT OF 1983

TITLE I. ESTIMATED TAX REVISIONS

Present Law

Under present law, individuals are required to pay estimated taxes on income that is not subject to withholding, under certain circumstances. An individual who fails to pay in full an installment of estimated tax on or before the due date could be subject to a civil penalty computed as a nondeductible interest charge under the rules of section 6621.

In general, there is no penalty for underpayment of estimated tax if the installment payments (including withholding) equal or exceed 80 percent (66⅔ percent for farmers and fishermen) of the tax due for the year. In addition, there are four exceptions to the civil penalty for failure by an individual to pay estimated tax in the proper amount. No penalty is imposed if: (1) total payments of estimated tax (withholding plus estimated tax payments) equal or exceed the amount shown as tax on the preceeding year's return, if a return showing liability for tax was filed for the preceding year and such preceding year was a taxable year of 12 months; (2) total estimated tax payments generally equal or exceed 80 percent (or, in certain cases 66⅔ percent) of the tax which would be due if the income already received during the current year were placed on an annualized basis; (3) total tax payments equal or exceed 90 percent of the tax which would be due on the income actually received from the beginning of the year to the end of the month before the month in which the installment was due, as if such months constituted the taxable year; or (4) total tax payments equal or exceed the tax based on the facts shown on the return for, and the law applicable to, the prior year's return, but computed under the current year's tax rates and exemptions.

Further, additional exceptions have been added in recent years. In TEFRA of 1982, an exception from the penalty was added for those who had no tax liability in the preceding year (if the individual was a U.S. citizen or resident for the year). In ERTA of 1981, an exception was provided where the tax due, after credits, is less than a minimal amount (e.g., $200 in 1982, $300 in 1983, $400 in 1984, and $500 in 1985 and thereafter).

In TEFRA, the requirement for a declaration of estimated tax was eliminated and a provision was added to clarify that installment payments of estimated tax are only required when the penalties would apply (that is, if payments don't equal or exceed 80 percent of the tax due for the current year).

Explanation of Provision

In general, estimated taxes for individuals would be simplified, clarified, and consolidated, as would the penalty for failure to make adequate installment payments of estimated tax. The law would be further clarified to establish that the amount of required payments is the lesser of 80 percent of the tax due as shown on the current year's return or 100 percent of last year's tax. An exception would be provided where the taxpayer can show that the installment payments made over the year were adequate for each quarter based on an annualized income concept (e.g., the income for quarter(s) to date, annualized for year). In determining the installment payments required based on the prior year's return, math errors and amended returns made before the due date for an installment would be taken into account.

The other present law exceptions would not be retained except the general exception, based on having a small amount of tax due not covered by withholding or where there was no tax liability at all in the preceding year. (Those eliminated would be: 1) last year's income at this year's tax rates and 2) assuming period to date is full taxable year, 90 percent of the tax is paid.) However, the Secretary of the Treasury would be permitted for the first time to waive the penalty for reasonable cause. It is intended that such waivers be granted only in extraordinary circumstances, such as destruction by fire or other casualty of the taxpayer's records and, in some cases, the death or serious illness of the taxpayer.

The installment due date for the second payment would be changed from June 15 to July 15 so that the payments would be quarterly except for the September 15 installment (4/15, 7/15, 9/15, 1/15).

Finally, the periods of underpayment for calculation of the penalty would be clarified and the penalty would be imposed only on the amount of underpayment.

TITLE II. DOMESTIC RELATIONS

A. Property settlements

Present Law

Under present law, the Supreme Court has ruled that a transfer of appreciated property to a spouse (or former spouse) in exchange for the release of martial claims results in the recognition of gain to the

transferor (*United States* v. *Davis* (370 U.S. 65 (1962)). The spouse receiving the property receives a basis in the asset transferred equal to its fair market value. These rules do not apply in the case of the equal division of community property, and the IRS has ruled that this rule does not apply to the partition of jointly held property. The tax treatment of divisions of property between spouses involving other various types of ownership under the different State laws is often unclear and has resulted in much litigation.

Explanation of Provision

The bill provides that the transfer of property to a spouse incident to a divorce would be treated, for income tax purposes, in the same manner as a gift. Thus, gain or loss would not be recognized to the transferor, and the transferee will receive the property at the transferor's basis. This rule would apply whether the transfer is for the relinquishment of marital rights, for cash or other property, for the assumption of liabilities or for other consideration. This rule will also apply in the case of transfers of property between spouses during marriage.

A transfer will be treated as incident to a divorce if the transfer occurs within one year after the parties cease to be married or is related to the divorce.

Where an annuity is transferred, or a beneficial interest in a trust is transferred or created, incident to divorce or separation, the transferee would be entitled to the usual annuity treatment, including recovery of the transferor's investment in the contract (under section 72), or the usual treatment as the beneficiary of a trust (by reason of section 682), notwithstanding that the annuity payments or payments by the trust qualify as alimony or otherwise discharge a support obligation. The transfer of a life insurance contract to a spouse incident to a divorce or separation generally would no longer result in the proceeds of the policy later being includible in income, since the policy would have a carryover basis and therefore the transfer for value rules (section 101(a)(2)) would not apply.

The bill would apply to transfers after the date the bill is enacted. However, it will not apply to transfers pursuant to instruments in effect before such date unless the parties elect to have these provisions apply.

B. Alimony

Present Law

Under present law, payments of alimony pursuant to a decree of divorce or separate maintenance, a written separation agreement or decree for support or maintenance are deductible by the payor and includible in the income of the recipient. The amount is deductible in computing adjusted gross income and thus is allowable whether or not the payor itemizes his or her deductions.

In order to be treated as alimony, a payment must meet several requirements. The payments must be in discharge of a legal obligation imposed upon or incurred by a spouse because of a family or marital relationship. It must be imposed under the decree of divorce or separate maintenance or under a written instrument incidnet to the divorce or separation, made under a written separation agreement, or required under a decree of support or maintenance.

Also, a payment must "periodic." A payment will not qualify as "periodic" if it discharges a principal sum, unless the sum may be paid over a period exceeding 10 years from the date of the divorce or separation decree, instrument or agreement. Then the annual amount treated as alimony cannot exceed 10 percent of the principal sum.

Payments which are fixed by the decree or agreement as child support are not treated as alimony and therefore are not deductible by the payor or includible in income of the recipient.

Explanation of Provision

The bill would amend the definition of alimony. The requirement that the payment must be made on account of a marital obligation imposed under local law would be repealed and the present law requirement that the payment be "periodic" would not be retained.

Under the bill, an alimony payment must meet several requirements. The payment must be made in cash and received by the payor's spouse (or former spouse). A payment may qualify as alimony if there is constructive receipt where a payment made to a third party is for the benefit of the spouse. The payment must be made under a decreee of divorce or separate maintenance or under a written instrument incident to the divorce, a written separation agreement, or a decree requiring support or maintenance payments. The parties could not be members of the same household at the time the payment is made. However, this provision is not intended to deny alimony treatment for any payment made shortly before the payor departs from payee spouse's household.

A payment would qualify as alimony only if the payor (or any person making a payment on behalf of the payor) has no liability to make any payment for any period following the death of the payee spouse. A provision for a substitute payment, such as an additional amount to be paid as child support after the death of the payee spouse, would prevent a corresponding amount of payments to the payee spouse from qualifying as alimony. Amounts payable under a life insurance contract on the life of the payee spouse would not be treated as a liability which would affect the status of other payments made by the payor spouse.

In order to prevent a one-time lump-sum payment (or similar payment) from being disguised as alimony, the bill would require, except in the case of a decree for support or maintenance, deductible payments to be one of a series of payments where it is reasonable to expect that at least one-half of the alimony payments will be made more than one year after the first payment is made.

Finally, no payment would qualify as alimony if the payment is for property transferred from the payee spouse. It is not intended that this rule would apply to the extent the payments are for the relinquishment of the payee spouse's martial rights or support rights under local law. In applying this rule, the fact that the payee spouse has otherwise made a net transfer of assets to the payor spouse would indicate that payments are for the transfer of property.

By clearly designating in a written agreement, the parties could provide that otherwise qualifying payments would not be treated as alimony for Federal income tax purposes.

A provision would be added to provide that the Internal Revenue Service may require the payor spouse to furnish on his or her tax return the name and social security number of the payee spouse, and that the payee must furnish that number to the payor. A $50 penalty could be assessed against any party for failure to comply with the applicable requirement.

These provisions would generally apply to divorce or support decrees and agreements executed after 1983. The provision would also apply with respect to the modification of a prior instrument where the modified instrument expressly so provides.

C. Estate and gift tax treatment of transfers of property in exchange for marital rights

Present Law

Under present law, transfers of property (other than certain terminable interests) between spouses are not subject to gift or estate taxes.

With several exceptions, transfers of property in satisfaction of marital or property rights to a former spouse are taxable gifts. A transfer of property between former spouses is not subject to gift tax if the transfer is pursuant to a written agreement entered into not more than two years prior to divorce and is in settlement of marital or property rights or to provide a reasonable allowance for the support of minor children (section 2516). In addition, property transfers ordered by a divorce court having the power to order the disposition of the property are not taxable gifts. Finally, the transfer of property in discharge of a former spouse's right to support is not a taxable gift.

For estate tax purposes, a claim of a former spouse based on the release of marital or property rights is not deductible in computing the taxable estate unless the claim is based on a court decree where the court had the power to determine the marital or property rights of the spouse. Also, a claim based on the release of support rights may be deductible.

Explanation of Provision

The bill would allow an estate tax deduction for claims arising under a written agreement in settlement of marital or property rights where the agreement would have qualified transfers as non-taxable for gift tax purposes (under section 2516). Thus, where the transferor dies prior to completing the transfers under the written agreement, no estate tax will be imposed with respect to the property transferred by the estate. This provision would apply in the case of decedents dying after the date of enactment of the bill.

D. Dependency exemption

Present Law

In the case of a child of divorced parents, present law contains both a general and a special rule with regard to claiming the dependency exemption. In general, the child is to be treated as the dependent of the parent having custody for the greater portion of the year. However, the other parent (*e.g.*, the "non-custodial" parent) may claim the exemption under the special rule if (i) the decree or agreement provides the exemption to the non-custodial parent and such parent provides at least $600 for support of the child or, in the alternative, (ii) the non-custodial parent provides $1,200 or more for support and the custodial parent cannot establish having provided more support.

These rules have been the source of many disputes between parents with regard to the amounts paid by the respective parties for support, disputes to which IRS has been an unhappy party. In a recent GAO survey, the support test for children of divorced parents was cited as one of eight major tax law issues causing complexity for taxpayers and the IRS. These disputes also form a major share of the Tax Court caseload involving domestic relations issues.

Explanation of Provision

The present law provisions would be substantially simplified and disputes with the IRS reduced by providing that the dependency exemption for the child of divorced or legally separated parents (or parents who live apart for the last six months of the year) shall be allocated to the custodial parent unless the custodial parent signs a written declaration that such parent will not claim the child as a dependent for the year. This statement must be attached to the tax return of the non-custodial parent claiming the exemption. Further, in these same situations, either parent would be allowed to include, for purposes of the medical deduction, medical expenses paid for the child by the parent (whether or not the child is technically a dependent of the taxpayer's).

Conforming and simplifying amendments would be made to Code sections 143(b) (married individuals living apart), 2(b) (head of household), 43(c) (earned income credit), and 44A (child care credit). In addition, two of these sections would be amended to provide rules that are consistent within these sections. Section 143 is amended to conform to the present rule in section 44A to the effect that one spouse must be absent from the household for the last six months of the year, rather than the entire year, for the couple to be considered unmarried. Section 2(b), conferring head of household status, would be amended to conform to the present rule in section 143 and section 44A that the household must be maintained as the principal place of abode for the child for more than one-half of the year, rather than for the entire year.

The provisions would generally apply to payments made in taxable years beginning after 1983. However, if the parents have entered into a qualified agreement prior to January 1, 1984, under which the noncustodial parent was allocated the exemption and such parent provides at least $600 for the child's support during the year, then the noncustodial parent may continue to claim the exemption.

E. Innocent spouse

Present Law

Under limited circumstances, a spouse may be relieved of liability for certain amounts of tax (including interest, penalties, and other amounts) due on a joint return. The circumstances are where gross income was omitted which is attributable to one spouse and which is in excess of 25 percent of the amount of gross income stated in the return. The other spouse must establish that he or she had no reason to know and did not know of the omission. Finally, taking into account whether the other spouse significantly benefitted from the items omitted and all other facts and circumstances, it is inequitable to hold the other spouse liable for the liability attributable to the omitted items. In determining to whom items of gross income are attributable, community property laws are disregarded.

Explanation of Provision

The bill would expand the present law innocent spouse provisions in order to relieve such spouses of income tax liability in more situations where such relief is warranted. For example, relief would be extended to all substantial understatements of tax due to the erroneous items of one spouse. Substantial understatement means one which exceeds 10 percent of the tax due or $500, whichever is less. Erroneous items include claims of deductions or credits for which there is no basis, as well as omissions from gross income. The significant benefit test of current law would be eliminated because of the difficulty of applying it in deductions and credit situations.

Similar relief would be afforded with respect to items of community property income where a spouse had no reason to know of such income.

The amendments would apply to all open tax years.

TITLE III. AT-RISK REVISIONS

Present Law

Under present law, the allowance of investment credits is subject to an at-risk limitation. The limitation applies to the same business activities and the same category of taxpayers that are subject to the loss limitation rules of section 465. The investment credit is not allowed for amounts invested in qualifying property to the extent the invested amounts are not at-risk, within the meaning of section 465(b). Accordingly, amounts generally are not considered at-risk if (1) the taxpayer is protected against the loss of the invested amount, (2) the amount was borrowed and the taxpayer is not personally liable for repayment of the debt, (3) the lender has an interest other than as a creditor in the business activity in which the property is used, or (4) the lender is a related party to the taxpayer. Amounts at-risk for qualifying property are only those amounts considered at-risk under section 46(c)(8)(B) that are directly attributable to investment in the property.

Present law contains two exceptions applicable where, under the general rule, amounts would be considered not at-risk. The exceptions apply with respect to property financed by certain third-party lenders and certain energy property. These two exceptions apply only to amounts otherwise considered not at-risk.

Under the first exception, amounts borrowed with respect to section 38 property (other than convertible debt) no later than the taxable year the property is placed in service generally will be considered at-risk if the taxpayer at all times has a minimum 20-percent at-risk investment in the property (determined without regard to the exception) and the amount borrowed is owed to either a qualified lender or a Federal, State, or local government.

Qualified lenders include banks, savings and loan institutions, credit unions, insurance companies, qualified pension trusts, and other persons actively and regularly engaged in the business of lending money. The lender must not be related to the taxpayer. In addition, the qualified lender may not be either a person who receives a fee with respect to the taxpayer's investment in the qualifying property (*e.g.*, a promoter) or a person related to such person, nor may the qualified lender be the person who sells the qualifying property to the taxpayer or a person related to such person.

Present law also contains a safe harbor rule for loans related to qualified energy property. This special safe harbor rule applies only to solar or wind energy property, recycling equipment, qualified hydroelectric generating property, biomass property, equipment for converting alternate substances into alcohol fuels, geothermal equipment, and ocean thermal energy equipment. In order to qualify under this safe harbor, the taxpayer must have a minimum of 25-percent at-risk investment in the property as determined under the general rule. In addition, any nonrecourse financing for the property (other than financing by a qualified lender that is considered at risk) must be a level payment loan. A level payment loan is a loan repaid in substantially equal installments. The installments must include both principal and interest and the principal portion must increase commensurate with the decrease in the interest portion.

In the case of a partnership, the investment credit at-risk rules do not apply to the partnership, but apply to each partner to whom the loss limitation rules of section 465 apply. Thus, the calculation of amounts at-risk is made by each partner to whom the at-risk rules apply. Property placed in service by a partnership is considered to have been placed in service by the partners. Determinations of whether the taxpayer has acquired property or borrowed money from a related person are made with respect to each partner. As a result of changes made by the Subchapter S Revision Act of 1982, similar rules apply in the case of an S corporation and its shareholders.

The investment credit recapture rules generally govern recapture upon the disposition (or cessation as qualifying property) of section 38 property. A special recaputure rule applies to dispositions of property that are subject to the special rules for certain energy property.

The at-risk limitation on the investment credit does not apply to property placed in service before February 19, 1981, or property placed in service on or after such date if the property was acquired by the taxpayer under a binding contract entered into before February 19, 1981.

Explanation of Provision

The provision would revise the at-risk limitation on the investment credit in Code section 46(c)(8). The revised limitation would reduce the credit base (or cost, in case of used property) of section 38 property by the nonqualified nonrecourse financing with respect to that property. The provision would apply with respect to property placed in service during the taxable year and use inactively subject to loss limitation under section 465.

Nonqualified nonrecourse financing would include any nonrecourse financing which is not qualified commercial financing. The provision would define qualified commercial financing as any financing with respect to property if (i) such property is acquired from an unrelated person, (ii) the amount of nonrecourse financing does not exceed 80 percent of the property's credit basis, and (iii) such financing is borrowed from a qualified person or represents a governmental loan. Qualified commerical financing would not include convertible debt. Further, a qualified person would mean any person actively and regularly engaged in the business of lending money and who is not related to the taxpayer, not a person from whom the taxpayer acquired the property, and not a person who receives a fee with respect to the taxpayer's investment in the property (e.g., a promoter).

The provision defines related person as defined in Code section 168(e)(4), which generally follows the section 267(b) and 707(b)(1) related party rules but substitutes a 10-percent threshold for the 50-percent common ownership or capital interest thresholds respectively.

The provision would include a general rule providing that in the case of partnerships or Subchapter S corporations, the determination of whether a partner's or shareholder's

allocable share of any financing is nonqualified nonrecourse financing shall be made at the partner or shareholder level. The determination of any partner's or shareholder's allocable share would be made in the same manner as the credit allowable by section 38. A special rule, however, would be provided for certain recourse financing of S corporations.

Under the special rule, an S corporation shareholder would be treated as liable for his allocable financing share if the financing is recourse at the corporate level and is provided with respect to qualified business property. For the purposes of this special rule, qualified business property means property used by the S corporation in an active trade or business which during the entire taxable year has at least 3 full-time employees substantially all of whose services are directly related to the corporation's business. Specifically excluded from the qualified property definition for the special rule would be master sound recordings or other tangible or intangible assets associated with literary, artistic or musical properties.

The provision would include rules for the treatment of subsequent increases and decreases in nonqualified nonrecourse financing. Generally, the provision would treat a decrease in nonqualified nonrecourse financing as additional qualified investment. Any such increase in a taxpayer's qualified investment would be deemed to be additional qualified investment made by the taxpayer in the year in which the property was placed in service. Any credit allowable as a result of an increase in qualified investment would be treated under the provision as earned during the taxable year of the causative decrease in nonrecourse financing. Similarly, for net increases in nonqualified nonrecourse financing, the tax with respect to the taxable year shall be increased by an amount equal to the decrease in credits allowed under section 38.

The provision would also include a number of technical conforming amendments to the special qualified energy property rules in section 46(c)(8)(F) and elsewhere.

The modification resulting from the provision generally would apply to property placed in service after the date of enactment in taxable years ending after such date. At the election of the taxpayer, the amendments made by the provision would apply as if included in the Economic Recovery Tax Act of 1981 (ERTA). Any such election would apply to all property of the taxpayer to which the ERTA rules applied.

TITLE IV. ESTATE AND GIFT TAX PROVISIONS

A. Charitable split-interest transfers

Present Law

The Tax Reform Act of 1969 imposed new requirements that must be met in order for a charitable deduction to be allowed for income, gift, and estate tax purposes for the transfer of a split interest to charity (i.e., part charitable and part noncharitable). In the case of a remainder interest in trust, the interest passing to charity must be in either a charitable remainder annuity trust, a charitable remainder unitrust, or a pooled income fund. In the case of an "income" interest passing to charity (i.e., a charitable lead trust), the "income" interest must either be a guaranteed annuity or a fixed percentage of the fair market value of the trust (determined at least annually).

Certain exceptions to these new rules were provided in the case of wills executed, or property transferred in trust, on or before October 9, 1969, in order to allow a reasonable period of time to take the new rules into account. However, many persons created instruments which did not comply with these new requirements. As a result, Congress provided a limited rule, which was extended several times, that the governing instruments of charitable split-interest trusts could be amended to meet the new rules. The latest extension provided that instruments of both charitable lead trusts of charitable remainder trusts which were executed before December 31, 1979, could be amended or judicial proceedings to amend begun through December 31, 1981, in order to conform such instruments to the 1969 Act requirements for a charitable deduction to be allowed for income, gift, or estate tax purposes.

Explanation of Provision

The bill would provide a permanent rule permitting reformation of charitable split interest instruments which do not meet the statutory requirments in cases where the instrument evidences an intent to comply with the 1969 Act rules but fails for technical reasons. In addition, the bill would require that the actuarial values and durations of the charitable and noncharitable interests in the trust generally remain the same before and after the reformation. The bill would treat the premature death of an income beneficiary of a charitable remainder trust as the equivalent of reformation. The bill also would permit the period of limitations to be re-opened until December 31, 1985, to allow tax benefits to accrue for otherwise closed estates and provides an effective date which conforms to all of the prior provisions under the law which expired in 1981.

B. ALTERNATE VALUATION DATE ELECTION

Present Law

Under present law, the value of property included in the decendent's gross estate for Federal estate tax purposes generally is determined on the date of the decedent's death. However, the executor may elect to have values determined as of the alternative valuation date, which generally is the date six months after the date of the decendent's death. The alternate valuation date election was intended to lessen the impact of the estate tax when property values decline shortly after the decedent's death.

An heir's income tax basis in inherited property generally is equal to the estate tax value of the property. Under this rule, it is possible to increase the income tax basis of inherited property by electing alternate valuation in the typical case where the value of property has increased since the date of death. Moreover, this increased basis can be achieved under present law even where there are no additional estate taxes from electing alternate valuation. The opportunities to increase income tax basis by electing alternate valuation without adverse estate tax consequences are expanded by the increase in the unified credit and enactment of the unlimited marital deduction in the Economic Recovery Tax Act of 1981, since those changes increase the number of estates that have little or no estate tax liability regardless of whether they elect alternate valuation.

Under present law, the alternate valuation date election can be exercised by the executor only if the estate tax return is filed within the time prescribed by law (including extensions which are granted).

Explanation of Provision

Because use of the election for income tax planning purposes clearly is not the purpose of the alternate valuation provision, the bill would permit an alternate valuation election only where the basis of the gross estate and the estate tax liability of the electing estate are both reduced. The bill also allows the executor to elect alternate valuation on a late filed return (as well as a timely-filed return) as long as the late return is the first estate tax return. The bill would apply to estates of decedents dying after the date of enactment of the bill.

TITLE V. FOREIGN PROVISIONS

A. Definition of a resident alien

Present Law

Resident aliens are subject to U.S. tax on their worldwide income at the regular graduated rates. Nonresident aliens are subject to U.S. tax only to the extent their income is from U.S. sources or is effectively connected with the conduct of a trade or business within the United States. Certain passive U.S. source income of nonresident aliens is subject to tax at a flat 30 percent rate (unless the rate is reduced by treaty).

The Internal Revenue Code does not define the terms resident alien or nonresident alien. Treasury regulations define the term on the basis of the alien's intentions with regard to the length and nature of his stay in the United States. This rule is easy to manipulate and difficult to enforce.

In certain cases, individuals who earn U.S. source income may seek to minimize their U.S. tax liability by claiming that they are taxable on a fiscal year basis rather than a calendar year basis and thus allocating their U.S. income to more than one fiscal year if such an allocation is beneficial (e.g., they have income for only a part of each fiscal year).

Explanation of Provision

The bill would provide a definition of resident aliens for U.S. tax purposes. Aliens who do not meet this definition would be nonresident aliens. For income tax purposes, an individual would be considered a resident if the individual:

1. Is a lawful permanent resident of the United States at any time during the calendar year (the "green card test"),

2. Has an application for an immigrant visa pending at any time during the year and is physically present in the United States during at least 60 days, or

3. Is present in the United States for a substantial period to time—at least 183 days during a 3-year period weighted toward the present year (the "substantial presence test").[1]

If an individual were present in the United States for fewer than 183 days during the year and if the individual established that he had a closer connection with a foreign country than with the United States and had a tax home in that country for the year, the individual would not be subject to tax as a U.S. resident despite the substantial presence test. If an individual were present in the United States for 183 days or more, this "closer connections/tax home" exception would not apply.

[1]This substantial presence test would compare 183 days to the sum of (1) the days present during the current year, (2) two-thirds times the days present during the preceding year, and (3) one-third times the days present during the second preceding year.

In addition, certain individuals (e.g., diplomats, teachers, trainees, students) that meet the substantial presence test would be considered nonresident aliens unless the facts and circumstances indicate that they intend to reside permanently in the United States. Teachers and trainees generally could be exempt from the substantial presence test for only two of any six years, and students generally for only five years.

The bill would explicitly authorize the Secretary of the Treasury to require aliens who claim exemption from the substantial presence test to file statements explaining the basis for their exemption.

The bill would define presence during a day to be presence at any time during the day, but would exempt commuters from Canada and Mexico from this rule.

A taxpayer who has not established a taxable year for any period prior to the time he becomes taxable in the United States would be taxed on a calendar year basis. A taxpayer who establishes a fiscal year would determine residence on a calendar year basis, and he would be subject to tax as a resident for any portion of his fiscal year within a calendar year of residence.

These provisions would apply to taxable years beginning after December 31, 1983.

B. Treatment of community property income of nonresident aliens

Present law

Under a progressive income tax such as that of the United States, less tax is imposed on lower incomes. Therefore, when married taxpayers split their income, they reduce their combined tax liability. Under Code section 879(a), if one member of a married couple is a U.S. citizen or resident while the other member is a nonresident alien, the couple may not generally reduce U.S. tax by use of community property laws to split their income. However, if both members of the couple are nonresident aliens from a community property country, they may be able to split the U.S. earned income of one spouse in order to reduce their U.S. tax liability. A comparable couple from a common law country could not split income in this manner.

Explanation of Provision

The bill would provide that a married couple both of whom are nonresident alien individuals may not use community property laws to split the U.S. earned income of one spouse for computing U.S. tax liability. The rules of Code section 879(a) are extended to such couples.

This provision would apply to taxable years beginning after December 31, 1983.

C. Coordination of subpart F with foreign personal holding company provisions

Present Law

Congress enacted the foreign personal holding company rules in 1937 to prevent U.S. taxpayers from accumulating investment income tax-free in foreign "incorporated pocketbooks." In 1962, Congress imposed tax on the U.S. shareholders of incorporated tax haven companies by adding the Subpart F rules to the Internal Revenue Code. The Subpart F rules, as amended, impose tax on related party sales and services transactions through tax haven base companies, on insurance of U.S. risks, on investment of foreign earnings in U.S. property, on certain foreign oil-related income, and on certain passive income taxable under the 1937 rules as amended. In cases where there is overlap between the foreign personal holding company rules and the Subpart F rules, the foreign personal holding company rules take priority. That is, a taxpayer who generates any income that is taxable under the foreign personal holding company rules may avoid the Subpart F anti-tax haven rules that year under certain court decisions.

Explanation of Provision

The bill would repeal the rule that taxation under the foreign personal holding company rules precludes taxation under the Subpart F rules. The bill would provide that a controlled foreign corporation's income is taxed under Subpart F to the extent that it would be taxable under both Subpart F and the foreign personal holding company rules. In addition, the existence of foreign personal holding income would not preclude taxation of Subpart F income to the extent the Subpart F income is greater.

This provision would apply to taxable years of U.S. shareholders beginning after the date of enactment.

D. Foreign personal holding company attribution rules

Present Law

If five or fewer U.S. citizens or residents own at least half of the stock of a foreign corporation that has primarily passive income, that corporation will be a foreign personal holding company. In that case, the foreign corporation's shareholders who are U.S. citizens and residents must pay tax on the corporation's earnings.

The foreign personal holding company rules treat an individual as owning stock that is actually owned by certain other persons, such as family members. These rules apply even when the family members from whom the ownership is attributed are nonresident aliens. In addition, interposition of a foreign partnership holding company arguably allows avoidance of the foreign personal holding company rules.

Explanation of Provision

The bill would repeal the rules that attribute ownership of stock actually owned by a nonresident alien to the alien's U.S. blood relatives. In addition, the bill would prevent taxpayers from interposing foreign partnerships or other foreign entities between themselves and the foreign corporation to avoid the foreign personal holding company rules.

The provisions would apply to taxable years of foreign corporations beginning after December 31, 1983.

E. Ordinary income treatment on disposition of stock of certain foreign corporations (section 1248)

Present Law

When a U.S. person sells or exchanges stock of a controlled foreign corporation, some of his gain may be taxed as ordinary income, not as a capital gain (Code section 1248). The purpose of this rule is to deny capital gain treatment to income accumulated in foreign corporate solution. The gain is ordinary (dividend) income rather than capital gain only to the extent of earnings and profits (E&P) that were accumulated while the shareholder held the share and that were not previously taxed by the United States.

(i) Double counting.—When a U.S. person sells his interest in a controlled foreign corporation and recognizes dividend income on account of accumulated E&P, the E&P of the controlled foreign corporation does not lose its "taint" in the hands of the new owner. If the new owner receives a distribution from the controlled foreign corporation, the new owner is subject to tax at ordinary income rates on account of the E&P accumulated while the first owner owned the stock. In addition, the new owner may claim foreign tax credits for taxes imposed on the controlled foreign corporation that the first owner has already credited. This double credit could reduce U.S. tax on other foreign income of both owners of the controlled foreign corporation.

(ii) Indirect ownership.—Taxpayers may take the position that they can avoid ordinary income treatment on E&P of a controlled foreign corporation by a series of transactions between related parties. The first step in this series is the contribution of the stock in the corporation to the capital of a second controlled foreign corporation. The second step is the sale or exchange of the stock of the second corporation (which now owns the first corporation). Taxpayers may contend that the E&P of the first foreign corporation accumulated before the contribution of its stock to the second corporation is not subject to ordinary income treatment. The reason for this possible contention is a rule in the Code that may superficially indicate that E&P accumulated during direct ownership does not count when a U.S. person disposes of an interest held directly (as a second-tier subsidiary).

Explanation of Provisions

The two provisions described below would each apply to sales or exchanges of stock of controlled foreign corporations that occur after the date of enactment.

(i) Double counting.—The bill would provide that to the extent that accumulated E&P has previously characterized income as ordinary income, that same E&P would not again characterize income as ordinary income. In addition, foreign taxes of a controlled foreign corporation that one U.S. taxpayer has credited would not again be creditable.

(ii) Indirect ownership.—The bill would clarify current law to provide that E&P accumulated by a foreign corporation accumulated while controlled by U.S. owners is subject to ordinary income treatment whether its U.S. owners controlled it directly or indirectly.

F. Stapled stock

Present Law

Taxpayers have devised schemes for tax avoidance wherein the stock of two (or more) entities is "stapled" or "paired" so that a shareholder cannot trade the stock separately. Often, however, the management of the two entities is the same.

Foreign corporations whose shares are sufficiently dispersed among U.S. persons are not subject to the U.S. rules that (1) subject tax-haven type activities to tax or (2) discourage compliance with international boycotts. Widely held U.S. corporations have attempted to avoid these rules by splitting off their foreign operations and conducting them through separate corporations. The stock of the foreign and domestic corporations is stapled together.

In addition, stapling of stock of two or more domestic corporations could allow shareholders to benefit from multiple surtax exemptions and from multiple accumulated earnings tax credits. In addition, companies may split off certain investments into a separate company that will qualify for special tax treatment, such as Real Estate Investment Trust (REIT) or Regulated Investment Company (RIC) benefits.

This special treatment would not be available if the companies were consolidated.

In these examples, and potentially in any case where tax benefits among related parties are limited or where tax penalities may be imposed on related parties, companies might use stapled stock to appear to be unrelated.

Explanation of Provision

The bill would provide generally that where a foreign and a domestic corporation are stapled entities, the foreign corporation would be treated as domestic. The bill also would provide rules governing stapled stock of two or more domestic corporations. In determining controlled corporation status or stock ownership, stock in a corporation which constitutes a stapled interest with respect to stock of another corporation will be treated as owned by the latter corporation. All stapled entities would be treated as one in determining whether any one is a REIT or RIC. In addition, the Secretary of the Treasury could prescribe regulations to prevent avoidance or evasion of Federal income tax through the use of stapled entities.

The bill would apply to entities 50 percent or more of the beneficial ownership of which could be transferred only in tandem with interests in another entity. This provision would take effect on the date of enactment of the bill. However, for interests stapled before the date of introduction, the amendment would not apply until January 1, 1985.

TITLE VI. MISCELLANEOUS TREASURY ADMINISTRATIVE PROVISIONS

A. Simplification of reporting requirements

Present Law

Under present law, the Department of the Treasury is required to report to the Congress regarding specific statutory provisions on an annual or other periodic basis. These reports include four tax policy reports in the international tax area. Treasury is required by statute to submit annual reports on both the Domestic International Sales Corporation (DISC) and international boycott provisions. The Committee reports on the Tax Reform Act of 1976 also required an annual report on possessions corporations. An annual reporting requirement regarding provisions affecting Americans working abroad was amended by the Economic Recovery Tax Act of 1981 to place it on a four-year cycle.

Also, the Tax Reform Act of 1976 required the Department of the Treasury to publish annually information on the amount of tax paid by individual taxpayers with total incomes of $200,000 or more. The report presently includes tables using the following four income measurements: expanded income, adjusted gross income (AGI), AGI plus tax preference items (which are exclusions from gross income or deductions in arriving at AGI), and AGI less investment interest and expense (to the extent that it does not exceed investment income).

Preparation of these reports is time consuming and expensive. Summary data on these topics can be included in Statistics of Income (SOI) publications on a regular basis, enabling Congress and other groups to monitor these Code provisions and making frequent specific reports less necessary. The Treasury Department has expressed a commitment to insuring that all SOI studies, and in particular those in the international area, are completed in a timely fashion and are relevant for tax policy analyses.

Explanation of Provision

Several of the statutory reporting requirements would be simplified. The reports on DISC and Possessions Corporations would be placed on two-year cycles and the International Boycott report would be required for every four-year period. The high income taxpayer report would be simplified by reducing the number of income concepts to two, AGI and expanded income.

B. Removal of limitation on working capital fund

Present Law

Under present law, the Department of Treasury's Working Capital Fund is limited to $1 million. This Fund now provides for the financing of centralized, Department-wide services such as printing procurement and reproduction, telephone, and teletype functions. The cost of inventories and equipment and other assets has increased significantly since the Fund was established in 1970, although the ceiling has not changed. Also, this arbitrary dollar limitation forces the Department to make business judgments in terms of the capital ceiling rather than what is most cost beneficial for the Department.

Explanation of Provision

The $1 million limitation on this Fund would be removed.

C. Increase in limitation on real property redemption revolving fund

Present Law

Under Internal Revenue Code section 7810, the revolving fund for the redemption of real property is limited to $1 million. This fund is used by the I.R.S. in exercising redemption rights upon sale of property on which the I.R.S. has a lien.

Redemption rights are exercised when the Service concludes that the sale price of such property is significantly below fair market value and that the sale price does not provide sufficient receipts to cover the government's lien, typically because other liens have greater priority. The I.R.S. undertakes to resell such property at a profit sufficient to cover the delinquent taxes, interest, and penalties of the taxpayer-lienor. Any excess profit is then available to the taxpayer and other creditors. In each instance, the Service attempts to obtain a 25-percent cash deposit from a prospective purchaser prior to making the redemption. Usually the redemption must occur within 120 days of the foreclosure sale.

This action can only be taken if there is a sufficient amount in the section 7810 revolving fund. The Fund is repaid upon subsequent sale of the property. The $1 million figure was set in 1966. Increases in the number of taxpayer delinquences, escalating real property values, and a greater frequency in foreclosures have repeatedly combined to temporarily drain the revolving fund. In addition, on several occasions the Service has been constrained to pass up redemptions requiring funds in excess of $1 million usually at the ultimate expense of the Treasury.

Explanation of Provision

The limitation on the real property redemption revolving fund would be increased to $10 million.

D. Secretary of Treasury's acceptance of gifts and bequests

Present Law

At present, the Department of the Treasury has authority to accept voluntary services in connection with the sale of public debt obligations (31 U.S.C. 77a). Also the Department has joint authority with the General Services Administration to accept gifts for the purpose of reducing the national debt (31 U.S.C. 901) and for defense purposes (50 U.S.C. 1151). However, the Secretary of the Treasury does not have general authority to accept gifts and bequests on a departmentwide basis to carry out departmental functions. The Comptroller General has ruled that agencies may not accept gifts and bequests for assisting them in carrying out governmental functions in the absence of specific authorization (36 Comp. Gen. 268). At present, there are numerous statutes authorizing various agencies to accept gifts in connection with their operations, e.g., the Department of Commerce (15 U.S.C. 1522), the Department of Transportation (49 U.S.C. 1657(m)), and the Department of Housing and Urban Development (42 U.S.C. 3535(k)). In addition, department-wide gift authority is possessed by the Departments of Agriculture and State and numerous other agencies for the conduct of agency activities.

Explanation of Provision

The Secretary would be authorized to accept gifts and bequests of property for the purpose of aiding or facilitating the work of the Department of Treasury. Gifts and bequests of money and the proceeds from sales of other property so received would be deposited in a separate fund of the Treasury to be disbursed upon the Secretary's order.

E. Repeal of stamp requirements

Present Law

Section 5205 of the Internal Revenue Code provides for the use of strip stamps, which are the paper strips placed over the neck and cap of distilled spirits containers. The stamps are printed by the Bureau of Engraving and Printing at a current cost of $1.6 million annually. The stamps are distributed to distillers and bottlers at no charge. Although section 5205 authorizes the use of alternate closure devices, Government-supplied stamps are the closure devices most frequently used.

For many years, strip stamps were numbered and generally controlled by Federal employees physically located at the distillers premises. The stamps were applied to containers after the Federal employees were satisfied that the spirits had been bottled in conformance with Federal laws and had determined the appropriate tax. However, the Distilled Spirits Tax Revision Act of 1979 (26 U.S.C. 5001 et. seq.), enacted in part to simplify and modernize the distilled spirits tax system, significantly changed the Federal regulation and taxation of distilled spirits. The act eliminated the need for the physical presence of Federal employees at distilled spirits plants to control certain operations, including the determination of taxes on distilled spirits before bottling. Consequently, strip stamps are now provided to distillers and placed on distilled spirits containers generally before the tax has been determined or paid.

In short, the strip stamp no longer signifies that the tax on the spirits has been paid or that the spirits have been lawfully bottled. The only practical purpose strip stamps now serve is to provide consumers some assurance that the bottled contents have not been tampered with. Such assurance can be provided equally well by alternative sealing devices provided by the distiller.

Explanation of Provision

The stamp requirements for distilled spirits would be repealed.

F. Extension of period for court review of jeopardy assessment

Present Law

Internal Revenue Code section 7429 provides for a court review of the reasonableness and propriety of the Government's action in making a jeopardy assessment. The Court is required to decide the matter within 20 days. However, section 7429 contains no provision to insure that the Government has been served with notice that the action has commenced. As a result, in some instances, the Government has not been served with the taxpayer's pleadings until shortly before the 20 days is about to expire and has not had time to adequately prepare its case.

Explanation of Provision

Code section 7429 would be amended to provide that if the Court determines that proper service was not made on the Secretary, the 20-day period for court determination would not begin to run until proper service is made on the Secretary.

TITLE VII. TAX COURT PROVISIONS

A. Representation

Present Law

Under present law, taxpayers using the "small case" procedure can appear pro se or be represented by an attorney. These are cases involving $5,000 or less, where more informal procedures are used but no appeal is permitted. In addition, because Code section 7452 provides that no qualified person shall be denied admission to practice before the Tax Court by reason of his failure to be a member of any profession, the Tax Court permits others to practice before the Court after passing a special exam. This exam covers the Federal Rules of Evidence, Rules of Practice and Procedures of the Tax Court, and the substantive tax law. Those who take the exam and successfully complete it, primarily accountants, may then represent taxpayers before the Court in both "small" and regular cases. However, in recent years a very small number of persons have applied to take the exam, and less than 10 percent have successfully passed it.

Explanation of Provision

This provision would permit taxpayers to be represented in the Tax Court under the "small case procedure" by certified public accountants and enrolled agents who are authorized to practice before the I.R.S., effective on the date of enactment. In addition, the Tax Court would no longer be required to give a special examination to non-attorneys in order to permit such persons to practice before the Tax Court, effective in 1984. Since the small case procedure is, by design, an informal one, this proposal would allow qualified accountants to represent taxpayers in small tax cases (without taking the Tax Court exam), but the exam would no longer be available to non-attorneys wishing to represent taxpayers in regular cases.

B. Survivor annunities

Present Law

Under the survivors annuity plan for Tax Court judges, the annuity payable to a surviving dependent child is based on the amount payable to a surviving spouse, subject to certain dollar limits. If a judge is survived by a spouse and a dependent child or children, the annuity payable to each such child is equal to one-half the annuity of the surviving spouse, but not to exceed the lesser of $900 per year divided by the number of such children or $360 per year. If a judge leaves no surviving spouse, but leaves a surviving dependent child or children, the annuity payable to each child is equal to the annuity to which a surviving spouse would have been entitled, but not to exceed $480 per year.

These maximum annuity amounts have not been changed since 1961, although the limits for annuities to surviving children of other federal judges have been increased.

Explanation of Provision

The maximum annuities receivable by dependent survivors of deceased Tax Court judges would be increased from $900 per year per family ($360 per child) to $4,644 per year per family ($1,548 per child). The comparable amounts for dependents with no surviving parent would also be increased. These maximum limits are equal to those currently in effect for other federal judges. These changes would be effective for annuities payable for months after the date of enactment.

C. Assignment of proceedings

Present Law

Section 7456(d) provides that the chief judge of the Tax Court may assign any declaratory judgment proceeding, any small tax case proceeding, and any other proceeding where the amount in dispute does not exceed $5,000 to be heard by the commissioners of the Court, and the Court may authorize a commissioner to make the decision of the Court with respect to any such proceeding.

Explanation of Provision

A technical change would be made in Code section 7456 to make clear that the chief judge may assign certain other proceedings to special trial judges for hearing and to write proposed opinions, subject to review and final decision by a Tax Court judge.

D. Special trial judges

Present Law

Code section 7456 authorizes the chief judge of the Tax Court to appoint "commissioners", who shall proceed under rules promulgated by the Court.

Explanation of Provisions

The title of "Commissioner" would be changed to Special Trial Judge, effective on the date of enactment.

E. Publicity of Tax Court proceedings

Present Law

Code section 7461 provides that all reports of the Tax Court and all evidence received by the court shall be open to public inspection, except that after its decision in a case has become final, the Court may permit the withdrawal of documents from the record or make such other disposition thereof as it deems advisable.

Rule 103(a), Tax Court Rules of Practice and Procedure, provides that the Court may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including an order requiring that a deposition be placed under seal, that a trade secret or other information not be disclosed or be disclosed only in a designated way, or that documents or information be filed in sealed envelopes to be opened only as directed by the Court. Rule 103(a) was derived from Rule 26(c), Federal Rules of Civil Procedure, and is declarative of existing case law protecting trade secrets and other confidential commerical information from public disclosure.

Explanation of Provision

Section 7461 would be amended to make clear that the Tax Court may take action necessary to prevent the disclosure of trade secrets and other confidential information. The amendment would take effect on the date of enactment.

TITLE VIII. SIMPLIFICATION OF INCOME TAX CREDITS

Present Law

Present law provides a series of nonrefundable tax credits which are allowable to reduce a taxpayer's tax liability. The credits have been added to the Internal Revenue Code over the years on an ad hoc basis and the interrelationship among the various credits has never been rationalized. Thus, for example, the credits are allowable against tax in the chronological order they have been added to the Code, which may result in certain credits being unusable where no carryover is provided while a lower-numbered credit for which a carryover is provided was used up.

The various business credits are also usable in different chronological orders—the investment credits are used on a FIFO basis, and the other credits are used on current year first basis. The tax liability limitations for the different business credits vary. The investment tax credit (other than energy credit) limitation is 100 percent of the first $25,000 of tax and 85 percent of the tax is excess of $25,000. The targeted jobs credit is 90 percent of tax liability; the ESOP credit is 100 percent of the first $25,000 or tax liability and 90 percent of the tax in excess of $25,000. The remaining business credits, including the energy credit, are 199 percent of tax liability. The investment credit, targeted jobs credit, research activities credit, and ESOP credit have a 3-year carryback period and these credits plus the alcohol fuels credit have a 15-year carryforward period.

Explanation of Provisions

Under the bill, the personal credits—the dependent care credit, credit for elderly and disabled, residential energy credit and political contribution credit—would be allowable against tax before all other credits. Next the foreign tax credit, orphan drug credit, and fuel production credit would be allowable against tax under the conditions of present law.

The business credits—the investment tax credit (both the regular and the energy credits), targeted jobs credit, alcohol fuels credit, research credit, and ESPO credit—would be combined into one general business credit. This credit would be allowable against 100 percent of the first $25,000 of tax liability and 85 percent of the remaining tax liability. The credit would be used on a FIFO basis whith a 3-year carryback and 15-year carryforward period.

The bill would be effective for taxable years beginning after 1983.

TITLE IX. DEADWOOD PROVISIONS

A. Certain farm losses (section 1251)

Present Law

Code section 1251 was enacted in 1969 to prevent certain high income taxpayers from using farm losses to defer their non-farm income and then later obtaining capital gains on the disposition of their farm property. The Tax Reform Act of 1976 terminated these provisions with respect to farm losses incurred after 1975.

Explanation of Provision

The bill would repeal the provisions of section 1251, as deadwood, since they no longer serve a meaningful function. The repeal would be effective for taxable years beginning after 1983.

B. Qualified bond plans and individual retirement bonds

Present law

Under present law (section 405 of the Code), an employer plan to purchase and distribute U.S. bonds to his employees or their beneficiaries is deemed to be a qualified pension plan if the plan meets most of the requirements under section 401 (a) and (d) relating to qualified pension, profit-sharing, and stock bonus plans. Contributions under the plan must be used solely to purchase bonds for employees. Qualified bond purchase plans are limited to investment in bonds issued under the Second Liberty Bond Act. The terms of such bonds provide for payment of interest only upon redemption, may be purchased only for an individual, cease to bear interest 5 years after death, are not transferable and may be redeemed prior to death only if the individual has attained age 59½ or becomes disabled. Contributions to a qualified bond purchase plan are deductible under section 404 in the same manner as qualified pension plan contributions under section 401. Present law provides an income exclusion and basis rules for beneficiaries of qualified bond purchase plans. In addition, rollovers of redemptions into individual retirement accounts or annuities are permitted.

Under Code section 409, individual taxpayers may utilize U.S. bonds issued under the Second Liberty Bond Act for the purpose of establishing and maintaining an individual retirement arrangement. Second Liberty Bond Act issues used for this purpose must provide for the payment of interest only on redemption (no interest is allowable if redeemed within 12 months of issue), cease to bear interest when the individual attains age 70½, and are not transferable. Section 409 bonds may pay interest up to 5 years after the death of the owner, but in no case beyond the date the owner would have attained age 70½. The registered owner of a section 409 bond may not contribute on behalf of any individual for the purchase of such bonds in excess of $2,000 for any taxable year.

Upon redemption, the entire proceeds of the retirement bond are included in gross income. Proceeds from the redemption of section 409 bonds may be excluded from gross income in certain instances when rolled over into an individual retirement account or annuity under section 408, a qualified trust under section 401(a), a qualified annuity plan, or a section 403(b) tax-sheltered annuity. Present law includes a 10-percent penalty tax on redemptions of a section 409 bond prior to the time the owner attains age 59½, unless the owner becomes disabled.

Explanation of Provision

Sections 405 and 409 would be repealed and technical and conforming changes would be made to other provisions of the Code. The provisions would be effective with respect to obligations issued after December 31, 1983. A special rule would provide that, notwithstanding the terms of any bond described in section 405(b), such bond may be redeemed at any time after the date of enactment.●

● Mr. CONABLE. Mr. Speaker, today, Mr. ROSTENKOWSKI and I are introducing the Tax Law Simplification and Improvement Act of 1983. This legislation if the result of months of effort by our congressional staffs in identifying major problems areas in the law and developing proposed solutions in a collaborative process. The bill also contains a number of provisions which have been requested by the administration or suggested by others as needed improvements or simplifications to the structure of the tax law.

I wish to express my gratitude to those who worked on preparing this bill as well as to the staff of the Treasury Department for their assistance and to those groups, such as the American Bar Association and the American Institute of Certified Public Accountants, that suggested areas for study, proposes solutions and deliberated with our staff to develop the product we are introducing today. We look forward to receiving additional recommendations for improving the provisions of the bill during its consideration in the months ahead.

The bill consists of nine titles.

Title I contains a major and long overdue revision of the estimated tax provisions for individuals.

Title II is the "Domestic Relations" title which includes revisions to the rules which govern the tax treatment of property transfers at divorce, alimony payments, and the dependency exemption for children of divorced parents as well as amendments to the so-called innocent spouse rules.

Title III of the bill represents an attempt to simplify and clarify the investment tax credit at-risk limitation added by the Economic Recovery Tax Act of 1981 (ERTA).

Title IV contains two changes related to the estate tax provisions.

Title V would make several changes needed in provisions affecting foreign income and foreign taxpayers, including a much needed definition of "resident alien" to assist taxpayers and practitioners in determining when a U.S. tax liability is owed by aliens residing in the United States for varying periods of time.

Title VI contains a number of minor provisions recommended by the Department of Treasury as changes that would simplify or improve their operations.

Title VII includes several noncontroversial changes requested by the Tax Court and a more substantive proposal designed to improve the representation of taxpayers involved in small cases before the court.

Title VIII would simplify and rationalize the income tax credit provisions in the Internal Revenue Code.

Title IX repeals several obsolete provisions of the code.

The statement of Mr. ROSTENKOWSKI today concerning the bill provides a more detailed explanation of the bill and a technical description of its provisions.●

VIETNAM VETERANS ART EXHIBIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

Mr. DASCHLE. Mr. Speaker, ABC's "Good Morning America" last November highlighted a Chicago art show entitled, "Vietnam: Reflexes and Reflections." Drawing exclusively from the art works and experiences of Vietnam combat veterans, this artistically acclaimed show first opened in Chicago to the largest crowds to attend any 1981 opening there.

It is a privilege for me to tell you that this extraordinary art exhibit will soon be on display in the Cannon Rotunda from Septmber 12 to 23. The exhibit was on display in the Senate Russell Building last week.

The exhibit was also on display at the Washington Project for the Arts gallery and, after leaving Washington, will be on tour through several States. I heartily encourage all Members and staff to view this marvelous exhibit. Following are two articles from the Stars and Stripes which describe the exhibit as well as a brief description of those artists who will have their work on display:

[From the Stars and Stripes, June 9, 1983]

VIETNAM VET ARTISTS BASK IN PRAISE

(By Dan McCurry)

WASHINGTON, D.C.—A collection of the work of combat veterans of Vietnam, entitled "Vietnam: Reflexes and Reflections," opened this week in Washington, DC to an enthusiastic and thoughtful response from the Nation capital's discerning art community.

One of the largest opening night crowds in their 6-year history turned out in a Friday night drizzle to see this latest exhibition at the gallery of the Washington Project for the Arts.

Reaching beyond the confines of this city, WPA tapped the collections of the Vietnam Veterans Arts Group, a nationwide network of professional and part-time artists, all of whom saw combat during the war in Southeast Asia.

"Reflexes and Reflections" solidified the growing reputation of the VVAG's work which had already earned strong critical acclaim in its midwestern shows.

"Our patrons were often overwhelmed by the power of these pieces, and the artists' technical mastery," observed Helen Brunner, WPA's Program Director.

"The majority of our patrons are working professional artists or art lovers from the corporate world, and they were amazed by the quality of this exhibit and its immediacy," Brunner said.

Here was war, seen from the level of a fox hole, from the open doors of helicopters, in the severely damaged faces of women and children, and through the eyes of the men who survived its holocaust.

"No individual soldier saw it all," observed Frank Dahmer, an artist and West Virginia

farmer, "but in this major collection by the VVAG, we see the impact of that war integrated into a whole."

The show includes an impressive slide/sound presentation of the artists' time in Vietnam, collected by VVAG members from around the country.

When the television camera crews and reporters left, the opening night crowd became primarily a family affair, with artists greeting fellow vets with whom they had shared previous exhibits.

Others brought their wives to stand before a painting or photograph, relating, many for the first time, some incident reflected there which still interrupted their sleep.

Children played along the gallery floor, unmindful of the large stone sculptures over their heads, stopping occasionally to fix their eyes on some particular composition whose subject matter was duly registered for later questions.

The wheelchairs of paralyzed veterans were carried up the steep gallery stairs and maneuvered through the crowd to find old friends and familiar scenes in oil and ink.

Gold Star Mothers took time out from serving as hostesses to reflect on similar art works and stories from other wars.

"So many different impressions of the war, and so many still stay with you," reflected Imogene Cupp, whose son was killed in Vietnam. "After all these years, it still leaves me kind of touchy."

The artists themselves were sensitive to the suggestion that their works might be considered just an exhibit about the war. For them, it was a clear demonstration of the artistic development of a generation of some of the best new artists who had first been sent off to fight.

"I am an artist, a professional," emphasized John McManus, a Los Angeles sculptor whose work has received national attention. "I am a professional artist, not a professional veteran, And my work should be judged on that basis."

Their critics agreed. "I felt the hearts of these men," related Maude Barnett, an 80-year old Grand Rapids, MI mother of a WWII casualty. "I cried inside at their wonder and at the bafflement in so many pictures. And I saw the signs of hope."

A non-profit organization, VVAG raised the funds to ship their art to Washington, DC by holding a raffle in Chicago, It is their hope that the results of this extraordinary show will bring the funding necessary to keep the exhibit intact and circulating nationally in museums and galleries.

In the past 3 years, shows of the art of other Vietnam veterans have been held in New York, San Francisco, Minneapolis, Chicago and most recently during the New Mexico Memorial Day observances.

By far, the most successful were the Chicago openings of 1981 and 1982, from which VVAG was organized.

The Washington, DC, exhibit is sponsored by the *Stars and Stripes,* the National Endowment for the Arts, the DC Commission on the Arts and Humanities, the Friends and Patrons of the Washington Project for the Arts, the Gold Star Mothers of America and the Gold Star Wives of America.

Senators Alan Simpson, Mark Hatfield, Charles Percy and Congressmen Tom Daschle, Tom Downey, "Sonny" Montgomery, Dan Rostenkowski and Jamie Whitten, are also sponsoring the event which is scheduled to be exhibited in the Rotunda of the Senate's Russell Office Building June 20-24, and the House Cannon Office Building September 12-23, after it leaves the WPA gallery.

[From the Stars and Stripes, June 23, 1983]

SENATE LEADERS VIEW VETS' ART

WASHINGTON, D.C.—An exhibit of the Vietnam Veterans' Art Group was the focus of a week of intense interest on Capitol Hill with a showing of the Vietnam combat veterans' work in the Senate's Russell Rotunda gallery.

Crowds estimated by the Capitol Security police at 3,000-5,000 each day, reviewed the pieces of this outstandingly successful art group.

"Vietnam: Reflexes and Reflections" was the title of this exhibit which attracted 91 Senatorial sponsors in addition to the Stars and Stripes.

Despite a budget debate on the Senate floor, a number of Senators, their aides and committee staff members attended opening night ceremonies.

"Why should the Senate sponsor such an art show?," a reporter asked Sen. Charles Percy (R-IL).

"Because it was in this Senate," replied the Chairman of the Foreign Relations Committee, "that we finally managed to stop that undeclared war in Vietnam,"

"The surest course on the path of peace," Percy wrote to his fellow senators, "must alway be guided through the still-fresh memories of the true face of war. This art work retains that vision for all of us."

The opening night's crowd included a cross section of Washington, DC's political and cultural leadership with representatives from all branches of the military services, the Vietnam Veterans Memorial Foundation, the Red Cross, the Veterans Administration, the White House, the Gold Star Mothers, and the Gold Star Wives.

While television cameras were focusing on individual artists, the overall collection received the professional attention of the staff from the Smithsonian Institution and the curators of the combat art collections of the Army, Navy and Marine Corps.

"The power of this work is often overwhelming," observed Sen. Alan Simpson (R-WY), Chairman of the Veterans Affairs Committee.

A long supporter of the art work of fellow Wyoming veteran and POW, Ted Gostas, Simpson encouraged other exhibits which "can be a magnet attracting those many veterans with fine artistic talents."

The President of the veterans' art group. Joe Fornelli, and executive director, Sondra Varco, recounted the group's phenomenal two-year success in creating a growing national network of artists around the country.

A larger collection of VVAG art remains on exhibit at the Washington Project for the Arts, 404 7th St. NW, Washington, DC, throughout the month of July.

Dr. Dan McCurry, coordinator of the Senate exhibition, reminded the opening night crowd that the questions of the Vietnam experience were again under debate as Congress develops a policy in Central America.

"Many of these art works show the tragedy and hopes of children caught in battle. In this art are the lessons of war," he said, "lessons which we all must teach to our own children."

Why this high-powered support for the veterans' art show? "The visual arts can certainly play a major role in the American citizen's understanding of any international disturbance," said Sen. Charles Percy.

"Policymakers, especially, need the benefit of those insights borne out of creative work done while in the midst of the pain and courage found in conflicts," Percy said.

In addition to the Capitol Hill exhibits, the artist's group will also feature a larger showing of their work at the downtown galleries of the Washington Project for the Arts. This exhibit will run from June 3 to July 31.

None of these exhibits were professional combat artists in Vietnam. They were issued bullets, not pallets for paint. So in their work, they used film or pencil, paints from coffee or roots, and sculpted with the metal from shell casings or with bamboo.

From these materials found in the field, these solders gave artistic shape to that war which was so profoundly reshaping their own lives.

Not surprisingly, the VVAG did not begin in an officer's mess or at a veterans' reunion. Rather, they came together, in 1981, in answer to notices placed in publications as diverse as "The New Art Examiner" and "Soldier of Fortune."

Since those earlier notices, and their successful Chicago showings, art work has continued to pour in to the VVAG office. Recent requests for inclusion in the Washington show have come from Australian veteran artists and from an Oklahoma group of "Native American" veterans, whose Vietnam art incorporates distinctively Indian styles.

Members of the VVAG come from all regions of the country. Some are full-time professional artists. The majority must pursue their art on the side. But each work and every artist shows the intensity of the Vietnam experience.

Dr. Dan C. McCurry, an artist and member of the group's advisory board, summed up this history: "These veterans were often injured twice, first on the battlefield and again in that war's political conflicts at home.

"Their art work, expressing these most significant events in their lives, was often hidden away. VVAG encourages veterans to search in their cellars, in their old suitcases, and in their souls for those creative works whose public presentation can now strengthen us all," McCurry said.

The importance of this exhibit lies not only in its artistic impact, but in the artist's sensitive handling of a very difficult period in American history. No war can equal Vietnam in the number of soldiers who carried cameras to record a reality not meant to fit into the evening news.

"Each time I look at these pieces, I get a sense of the humanity of our soldiers there," relates Sondra Varco, coordinator of the artists' group and mother of four children.

"These artists were struggling to remain human in the midst of incredible inhumanities, sometimes of their own doing," she said.

"We did not ask for a particular kind of art, but I was surprised at the many pictures of children and showing a clear affection for the individual Vietnamese. In other art pieces, the pain, terror, courage, and spirit of comradeship are unmistakable," Varco said.

The art world has been equally positive in its response. Curator of the Museum of Contemporary Art, Mary Jane Jacobs, praises "These honest works which speak powerfully of experience. Historically, it is imporant to re-encounter this chapter of American history in a fresh and insightful way."

"There is an important spiritual regeneration which is the true essence of the show," adds Dr. Francis A. Ruzick, head of the Art Dept. of the University of Georgia.

For the veteran artists, however, the major strength of their work is its ability to evoke the lessons and experiences of Vietnam. Richard Aztlan, Chicago police officer and a VVAG founder, sees the art show working much as did the Vietnam Veterans Memorial wall.

"I want this to be not only an art show," he said, "but also an opportunity for those who are not as artistically articulate to come with their families and show them what they have been through."

Slides of these works have been studies and critiqued in university and gallery art classes from coast to coast. They have been presented to groups as diverse as Sunday School classes, community centers, libraries, gallery clubs, and the Chicago Union League Club's membership of corporate and financial leaders.

But its impact is greatest with veterans' outreach centers. Dr. Leonard Porter, Team Leader and an artist at an outreach center, reports using the art extensively with veterans prior to counseling sessions.

"Many of the guys find it easier to open up through their art work," he said. "Then we can deal with their other hard issues."

Dr. Porter is accompanying several busloads of veterans to the Washington shows.

Following their exhibit in the Capital, the VVAG art is scheduled to be shown in Texas, Wisconsin and California. They would welcome invitations from museums, universities, and other groups.

Most importantly, this artists' network invites other veteran artists to submit slides of their own work for consideration for inclusion in the future VVAG shows.

A non-profit, volunteer organization, the Vietnam Veterans' Arts Group can be reached at 627 S. Hamlin, Park Ridge, Ill. 60068; telephone 312-823-3775; or 312-823-3325.

VIETNAM VETERANS ART GROUP, PARK RIDGE, ILL.

ARTIST MEMBERS

Robert Buono, Hammond, Ind. Professional sculptor working in multi-media. MFA from Art Institute of Chicago. Buono has had a number of one-man shows in Illinois and Indiana. Served in Vietnam from late 1966 to early 1968 with the Army's 9th Infantry Division and the 11th ACR.

Michael Boyett, Nacogdoches, Tex. Professional artist and sculpture. An original member of the VVAG, Boyett has had a number of one-man shows across the country. He is highly respected for lifelike sculpture. Served in Vietnam from 1968 to 1969 with the 9th Infantry Division.

Ned Brodbrick, Berwyn, Ill. Professional artist and freelance illustrator. One of the founding members of the VVAG, Brodbrick studied at the Art Academy of Chicago. He has had numerous shows in Illinois. Served in Vietnam from 1967 to 1968 with 3d Marine Division.

Douglas Clifford, Newton, Mass. Director of Veterans Affairs in Boston. He was a combat photographer with the Air Force and has had extensive show of his photography. Served in Vietnam from 1968 to 1969 with the Air Force.

Russell Elder, DeKalb, Ill. Media professor at Northern Illinois University. Elder has had a number of one-man shows of photography and been published extensively. Served two tours in Vietnam, 1967 and 1968–1969, with the Navy.

Joseph Fornelli, Park Ridge, Ill. Professional artist working primarily in watercolor. Fornelli has been widely published and has paintings hanging in a number of museums. He has been featured on TV and has won numerous award. Fronelli was a founding member of the VVAG and is the current president of the group. Served in Vietnam from 1964 to 1965 with the Army's 501st Assault Helicopter Company.

Frank Dahmer, Princeton, W. Va. media consultant and retired army officer. Dahmer has won numerous awards for writing, photography and electronic production. His art is primarily watercolor and graphic prints. Served three tours in Vietnam, 1966, 1969, 1970 with the UARV Artillery, Task Force South and the 25th Infantry Division.

Michael Duffy, Denver, Colo. Professional artist working primarily in watercolor and oil Duffy has won numerous awards for his art work. Served in Vietnam from 1968 to 1969 with IIFFV Artillery.

Art Dockter, Fargo, N. Dak. Professional photographer. His works have been shown throughout Minnesota and North Dakota. Served in Vietnam from 1969 to 1970 with the 1st Air Cavalry Division.

Randolph Evans, Chillothe, Ill. Professional artist working in oil portraits. Evans has had several one-man shows. Served in Vietnam during 1970 with the Armys 155th Aviation Company.

Thomas Gilbertson, Denver, Colo. Professional Artist. BFA and MFA from San Jose State University (Calif). an orginal member of VVAG, Gilbertson has had a number of one-man shows in Colo. Served in Vietnam from 1967 to 1970 with the Army.

Randolph Harmes, St. Peter, Minn. Professional artist working primarily in sculpture. Harmes had had a number of one-man shows in Minn. and Iowa. Served in Vietnam from 1967 to 1968 with the Army.

Frank Howery, Kankakee, Ill. Electrician with art as a hobby. Shown only with the VVAG. Served in Vietnam from 1969 to 1970 with the Air Force.

William Hoin, Lancaster, Pa. Professional artist working with multi-media and weaving. He has had a number of shows in Pennsylvania and Chicago. Teaches art. Served in Vietnam from 1963 to 1964 with the Army Security Agency.

Willian Hackwell, Chicago, Ill. Professional photographer. His work is social photography whose pictures tell the story of people's relationship with their environment. Hackwell has had numerous one-man shows of his work. Served in Vietnam from 1969 to 1970 with the Air Force.

Meredith Jack, Houston, Tex. Professional sculptor and teacher at Lamar University, Beaumont. Tex. Jack has had numerous shows throughout the United States. Served in Vietnam from 1969 to 1970 with the Army.

Wayne Kline, Albuquerque, N. Mex. Professional artist working primarily in graphic arts. MFA from Florida State University. Numerous one-man shows across the country. Served in Vietnam during 1968 with the Marines.

Karl Michel Atlanta, Ga. Professional artist working in pastels and watercolors. MFA from University of Georgia. Numerous one-man shows across the country. Served in Vietnam from 1967 to 1970 with 25th Infantry Division.

Kevin Kelley, Richmond, Va. Professional sculptor. MFA from Virginia Commonweath University. Kelley has had a number of shows in Virginia and surrounding states. Served in Vietnam from 1967 to 1968 with the Army.

Jay Allen Kidwell, Kingman, Ariz. Professional sculptor and teacher at the Mohave College in Arizona. MFA from the University of Georgia. Kidwell has been shown extensively across the country. Served in Vietnam from 1968 to 1969 with the Navy.

Ulysses Marshall, Washington, D.C. Noted Washington artist working primarily in watercolor. Served in Vietnam during 1965 with the 173d Airborne Brigade.

Brian Maxfield, Dekalb, Ill. Professional artist and sculptor with a BFA from Northern Illinois University. Maxfield has had numerous shows in the northern midwest. Served in Vietnam during 1970 with the 101st Airmobile Division.

John Miller, Grand Canyon, Ariz. Professional sculptor of a number of well known bronzes. Miller has had a number of exhibitions of his work. Served in Vietnam from 1968 to 1969 with the 173d Airborne Brigade.

Grady Myers, Boise, Idaho. Editorial cartoonist with the Idaho Statesman. In addition to newspaper work, Myers has done animated film work that has received wide acclaim. Served in Vietnam from 1968 to 1969 with the 4th Infantry Division.

James N. McJunkin, Austin, Tex. Professional photographer with numerous exhibits under his belt. His book, "Visions of Vietnam," will be published in the fall of 1983. Served in Vietnam from 1970 to 1971 with 1st Signal Brigade.

John D. McManus, Los Angeles, Calif. Professional sculptor with a number of works on disply throughout Calif. McManus is presently artist in residence at Santa Monica College. Served two tours in Vietnam 1966–1968 with the 1st Signal Brigade.

Josef Metz, Chicago, Ill. Professional artist working primarily in oil. Metz has had a number of shows around the world. Served in Vietnam 1969 to 1970 with the 1st Infantry Division.

Gary Newman, Wood Dale, Ill. Bank president with photography as a hobby. Newman has exhibited his photos and lectured extensively. Served in Vietnam during 1970 with the 1st Aviation Brigade.

Richard Olsen, Athens, Ga. Professional artist and professor at the University of Georgia. He was one of the original members of the VVAG and had the earliest war time service of the members. Extensively shown. Served in Vietnam from 1962 to 1963 with the 33d Transportation Company (early air assault company).

John Plunkett, Brooklyn, N.Y. Professional artist whose work has been shown extensively on the east coast. MFA from Rhode Island School of Design. Served in Vietnam from 1969 to 1970 with the 25th Infantry Division.

Neil H. Pollack, Wilmette, Ill. Goldsmith and jewelry designer. Pollack does woodcarving and photography and has extensively shown his work. Served in Vietnam from 1967 to 1969 with 1st Logistical Command.

Leonard Porter, St. Anne, Ill. Doctor of psychology with the Government. Porter has pursued art as a hobby and uses it extensively in his profession for therapy. Served in Vietnam during 1969 with the Army.

Michael Page, Richmond, Va. Professional sculptor and student in advanced art. Served in Vietnam from 1967 to 1968 with 1st Infantry Division.

Scott Neistadt, Dubois, Wyo. Rancher with an art hobby. His work is primarily in

pen and ink. Served in Vietnam during 1968 with the Navy.

John Shimashita, Crestwood, Ill. Television media specialist. Has done extensive still photography shown only with the VVAG. Served in Vietnam from 1968 to 1969 with the Army.

Karl Clark, Springfield, Ill. Prisoner in Vienna, Illinois. His work is done in pencil (all he has) and is taking the time to develop his talent. Served in Vietnam from 1969 to 1970 with the Army.

J. Michael Rumery, Houston, Tex. Professional artist. He works both in painting and sculpture. Shown extensively in Texas. Served in Vietnam from 1967 to 1969 with the 173d Airborne Brigade.

Dale Samuelson, Chicago, Ill. Professional artist. He has had several shows of his multi-media works. One of the founding members of the VVAG and present vice president of the group. Served in Vietnam during 1968 with the Marines.

Charles Shobe, Bakerton, W. Va. Professional artist. He has had several one man shows of his work. Served in Vietnam from 1967 to 1968 with the Marines.

Michael Helbing, Indianapolis, Ind. Professional artist with numerous shows and exhibitions. Served in Vietnam from 1969 to 1970 with 1st Infantry Division.

Richard Yohnka, Clifton, Ill. Professional artist and teacher. MFA from Northern Illinois University. His work is well known throughout the midwest. Served in Vietnam from 1971 to 1972 with the 101st Airmobile Division.●

SPACE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEVINE) is recognized for 5 minutes.

Mr. LEVINE of California. Mr. Speaker, today I am introducing along with six of my colleagues, a concurrent resolution, which has been introduced in the Senate by Senators MATSUNAGA and PELL, to express the sense of Congress that the President should initiate talks with the Soviet Union to explore new cooperative East-West ventures in space. Our two countries have a successful history of working together in planetary exploration, space biology, and joint manned and unmanned missions. These cooperative projects have not only expanded our knowledge of outer space, but have created a continuous and open line of communication between ourselves and the Soviets.

At a time when both countries are working toward deployment of antisatellite and other space-related weapons, it is absolutely imperative that we continue to maintain an open dialog with the Soviets regarding future space policy. I am interested in seeing the United States and the Soviet Union pursue a new kind of space policy, one which focuses on the cooperative exploration and exploitation of space, rather than a military course which escalates a new arms race, and undermines prospects for successful arms control negotiations.

This resolution calls on the United States and the Soviet Union to renew the 1972 Treaty on Space Cooperation for peaceful purposes. This 5-year agreement was first negotiated and signed by President Nixon in 1972, and was renewed by President Carter in 1977. Regrettably, the Reagan administration allowed the treaty to expire last year.

Mutual ventures in space offer unique opportunities for the United States and the U.S.S.R. Greater direct contact between the two nations eases real and perceived tensions. Rather than fuel misguided competition between the two nations, joint space activities focus attention on peaceful missions where the scientific interests of both countries. Given the costs of planetary missions and space exploration in general, space cooperation makes sense. In preventing duplication of experimentation, space cooperation can enhance the efficiency and cost-effectiveness of our own space program. Additionally, both countries benefit scientifically from shared information. Renewing this treaty would in no way hamper our ability to continue to work separately on our own space projects. The 1972 space cooperation treaty makes no specific reference to information that must be shared by both countries. The fact that the Soviets were more secretive about their space activities than we are, suggests to me that the United States would have much to gain as a result of increased sharing of space information.

International space cooperation is now more important than ever. In addition to the two space powers, most of West European countries, Russia's allies in Eastern Europe, China, Japan, and India are all advancing in space exploration and experimentation. Space systems now apply to such varied uses as communications, meteorology, the study of Earth resources, and oceanography. There is probably no nation in the world that is not affected by some aspect of space science. As the United States and the U.S.S.R. are still the leaders in space, it is important that the two countries develop a more open relationship, and inform one another more completely about their respective space programs.

When Congress created NASA in 1958, it authorized that agency to pursue policies to foster greater international cooperation and peaceful application of knowledge gathered through joint space ventures. Joint cooperation between the United States and U.S.S.R. culminated in 1975 when three American astronauts in an Apollo spacecraft linked up in Earth orbit with two Soviet cosmonauts in a Soyuz spacecraft. Born out of the 1972 space cooperation treaty, the Apollo-Soyuz mission was a great international success on many fronts.

Scientists from both nations were thrust into a multiyear working relationship which called for constant communication, and an open sharing of ideas, equipment, manpower, and technology. In 1973, the Soviets admitted for the first time an American delegation to the previously top secret Soviet mission control center for the purpose of coordinating communications and tracking. The following year, American astronauts visited the Soviet launch site at Tyuratam and Soviet cosmonauts trained in Houston. Before the project was concluded, the Soviets and Americans had negotiated and signed 133 documents, an unprecedented achievement.

It should be noted that the Apollo-Soyuz mission had its share of practical immediate scientific benefits. During the mission, the two nations successfully demonstrated new technology for international space rescue capabilities. The Soviet-American docking also had a more special, enduring significance.

In describing the potential benefits of the project, NASA in 1975 pointed out that "in perspective, the most important result of this international manned mission may be the mutual confidence and trust it creates—confidence and trust that may be significant not just for what people working together may accomplish in space, but also for what peoples working together may achieve on earth."

While the success of the Apollo-Soyuz mission was made possible by the period of détente in the early 1970's, the success of the rendezvous encouraged both nations to enter into new agreements designed to enhance their working relationship in outer space. A new Soviet-American agreement was concluded in May 1977 which established the basis for space cooperation in the post Apollo-Soyuz period.

In 1977, the Soviet Academy of Sciences and NASA agreed to study the "Objectives, Feasibility and Means of Accomplishing Joint Experimental Flights of a Long-Duration," utilizing the long orbital capacity of the Salyut space station and the reusable shuttle space vehicle. The two nations also pledged to continue cooperation in a wide range of space science and space applications activities and agreed to resolve problems of international law on the peaceful use of space. For the next several years, the United States and U.S.S.R. continued to make important gains in space cooperation. For example, American scientists provided radar maps of Venus produced by a Pioneer spacecraft to help Soviet scientists select landing sites. In return, the Soviets shared data from these missions with American scientists. There has also been significant cooperation and continuing exchange

of data with the Soviets regarding various biological experiments. Three satellites carrying test animals were sent into space by Russians in 1975, 1977, 1979. The United States participated in these missions by providing the experiments and received in return the results of the experiments. Because the United States did not have a biosatellite program, and therefore could benefit at minimum cost from the Soviet life sciences program, American participation in this program was especially beneficial.

As a result of increased political tensions between ourselves and the Soviets, recent official space cooperation between the two nations has been greatly curtailed. Discussion of future cooperation in the field of planetary science were canceled last year by the Reagan administration. Working groups established under the 1972 space cooperation agreement to arrange for joint ventures in space meteorology, environmental studies, lunar and planetary exploration, and space biology and medicine have disbanded. Instead, the two space powers have begun to enter the most threatening and destabilizing period in the history of space development.

The Soviet Union has already developed an antisatellite weapon. The Soviet ASAT system has only limited capability and can only strike targets in low Earth orbit, and therefore is not a direct threat to our military communications satellites at this time. However, Soviet development of an ASAT weapon has prompted the United States to begin testing a much more versatile and accurate ASAT system. The American ASAT system is small and will be carried on F-15 jets. As a result the Soviets will have great difficulty determining the number of ASAT's in our inventory, and predicting where and when they will be launched.

Mr. Speaker, I fear that full deployment of an American ASAT system will launch an arms race in space. This new phase of arms competition is particularly dangerous and destabilizing because the weapons involved already threaten our reconnaissance satellites and may eventually threaten the nerve centers of our strategic nuclear arsenal—the early warning, and communications satellites that alone can insure that an accident or miscalculation does not deteriorate into global holocaust. Unless we guarantee the protection of our satellites, international weapons verification will become less credible, and the move toward meaningful arms control will be less feasible.

Rather than engage in a costly and destabilizing space arms race, the two space powers should attempt to work more closely together. In the immediate sense, space cooperation can provide both countries with valuable, new scientific information at a reduced cost. Ultimately, it is my hope that once we and the Soviets begin to address officially the notion of cooperation in space, our attention will be drawn to our mutual interests and the need to protect them. We will not begin to ease tensions with the Soviets until we begin to work with them. If we are committed to preserving peace, then we must find an alternative to the present military course of space development. The alternative not only serves the interests of the two space powers, but all of mankind.●

LEGISLATION TO IMPLEMENT BAIL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

● Mr. PORTER. Mr. Speaker, I am introducing legislation to implement bail reform to allow judges, when making decisions regarding pretrial detention, to consider the danger the accused may pose to society.

As my colleagues may be aware, the Attorney General's Task Force on Violent Crime strongly recommended reforming Federal bail practices that are dictated by the Bail Reform Act of 1966. This act has been criticized for its liberal regulations allowing the release of persons accused of crimes and its stringent requirements for judges making decisions regarding defendants. Under current law, judges are permitted only to consider whether or not the accused is likely to appear at his trial when deciding to grant or deny bail.

There is wide support for the concept of permitting judges to consider the potential threat the accused may pose to society. It is the responsibility of legislators to provide the tools that the court system needs to protect the safety of citizens. This legislative proposal recognizes that there is a problem of criminal recidivism, and there is documentation of accused criminals who are released prior to their trials committing other criminal acts. If the judge denies bail, the defendant would be detained for a relatively short time before his trial, as guaranteed under the Speedy Trial Act of 1974.

I urge my colleagues to joint me in supporting this legislative initiative.●

REPORT FROM THE COMMITTEE ON THE BUDGET ON 1983 CONGRESSIONAL BUDGET

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974. I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1983.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., June 29, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the resolution of June 23, 1983, and the current CBO estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of legislative business.

With best wishes,

Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 91

REFLECTING COMPLETED ACTION AS OF JUNE 29, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	877,200	807,400	604,300
Current level	865,128	805,560	604,400
Amount under ceiling	12,072	1,840	
Amount over floor			100

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $12,072 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $1,840 million in outlays for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that exceeds $100 million for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

—

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., June 29, 1983.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Purusant to section 308(b) and in aid of section 311(b) of the

Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1983 budget H. Con. Res. 91). This report for fiscal year 1983 is tabulated as of close of business June 28, 1983, and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	864,283	804,549	604,400
2. Entitlement authority and other mandatory items requiring further appropriation action	845	1,012	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses			
Current level	865,128	805,560	604,400
Second Budget Resolution, revised, H. Con. Res. 91	877,200	807,400	604,300
Current level is:			
Over resolution by			100
Under resolution by	12,072	1,840	

Sincerely,

JAMES BLUM
(For Alice M. Rivlin, Director.)

PARLIAMENTARIAN STATUS REPORT SUPPORTING DETAIL, FISCAL YEAR 1983, AS OF CLOSE OF BUSINESS JUNE 28, 1983

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	476,492	469,033
Enacted previous session	484,011	465,953
Offsetting receipts	−133,407	−133,407
Enacted this session:		
Economic Development Authorization deferral disapproval, H. Res. 74		5
DOE Strategic Petroleum Reserve deferral disapproval, H. Res. 80		6
1983 supplemental jobs bill, P.L. 98–8	15,736	7,336
Offsetting receipts	−5,159	−5,159
Social Security Act Amendments of 1983, P.L. 98–21	26,610	731
MX missile approval, S. Con. Res. 26		50
Total, enacted	864,283	804,549
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Advances to Unemployment Insurance Trust Fund	615	615
Offsetting receipts	−615	−615
Payment to Civil Service Retirement	342	342
Offsetting receipts	−342	−342
Civilian agency pay raises	791	902
Black Lung Disability Trust Fund	54	54
Mass Transportation Capital Fund		55
Federal Disability Insurance Trust Fund	220	220
Offsetting receipts	−220	−220
Payment to Social Security Trust Fund	1,180	1,180
Offsetting receipts	−1,180	−1,180
Total	845	1,012
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses		
Total, current level as of June 28, 1983	865,128	805,560
Second budget resolution, H. Con. Res. 91	877,200	807,400
Amount remaining:		
Over ceiling		
Under ceiling	12,072	1,840

Note: Detail may not add due to rounding.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BYRON (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 30 minutes, today.

Mr. FISH, for 10 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. BOLAND, for 10 minutes, today.

Mr. FOWLER, for 10 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 15 minutes, today.

Mr. DASCHLE, for 5 minutes, today.

Mr. LEVINE of California, for 5 minutes, today.

Mr. PATMAN, for 60 minutes, on July 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DYSON, during debate on House Concurrent Resolution 126, today.

Mr. SIMON, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,569.75.

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. ROGERS.

Mr. BROOMFIELD in two instances.

Mr. COLEMAN of Missouri.

Mrs. SMITH of Nebraska.

Mr. PORTER.

Mrs. JOHNSON.

Mr. SNYDER.

Mr. GOODLING in two instances.

Mr. LAGOMARSINO.

Mr. CHENEY.

Mr. STUMP.

Mr. FISH.

Mr. DANNEMEYER.

Mr. GRADISON.

Mr. MCEWEN in two instances.

Mr. WEBER.

Mr. MCKERNAN.

Mr. PARRIS.

Mr. BROYHILL.

Mr. PHILIP M. CRANE.

Mr. GINGRICH.

Mr. RUDD in two instances.

Mr. WHITTAKER.

Mr. DICKINSON.

Mr. YOUNG of Alaska.

(The following Members (at the request of Mr. DYSON) and to include extraneous matter:)

Mr. COLEMAN of Texas.

Mr. MAZZOLI.

Mr. LAFALCE.

Mr. KILDEE.

Mr. BONIOR of Michigan in five instances.

Mr. BOLAND.

Mr. PANETTA.

Mr. MCDONALD.

Mr. SMITH of Florida.

Mr. CONYERS.

Mr. MCNULTY.

Mr. SOLARZ in two instances.

Mr. GORE.

Mr. WEISS.

Mr. LEVITAS in two instances.

Mr. RODINO in four instances.

Mr. GEPHARDT.

Mr. HUBBARD.

Mr. MCHUGH.

Mr. WIRTH.

Mr. WON PAT.

Mr. VENTO in three instances.

Mr. ZABLOCKI in two instances.

Mr. HAMILTON.

Mr. MILLER of California.

Mr. LELAND.

Mr. SIMON.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. GEPHARDT). Pursuant to the provisions of Senate Concurrent Resolution 48, 98th Congress, the House stands adjourned until 12 o'clock meridian, Monday, July 11, 1983.

Thereupon (at 2 o'clock and 20 minutes p.m.), pursuant to Senate Concurrent Resolution 48, the House adjourned until Monday, July 11, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1472. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to continue to authorize reimbursement for expenses incurred by certain members of the uniformed services who are deprived of their quarters aboard ship; to the Committee on Armed Services.

1473. A letter from the Secretary of the Treasury, transmitting the Treasury Department's review of the annual audit of the Student Loan Marketing Association for the calendar year 1982, pursuant to section 439(k) of the Higher Education Act of 1965, as amended; to the Committee on Education and Labor.

1474. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report on foreign military sales as of March 31, 1983, pursuant to section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1475. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1476. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreement, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1477. A letter from the Acting Comptroller of the United States, transmitting a list of reports issued or released by the General Accounting Office during May 1983, pursuant to section 234 of the Legislative Reorganization Act of 1970, as amended; to the Committee on Government Operations.

1478. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1479. A letter from the Clerk, U.S. Court of Claims, transmitting a copy of the court's judgment order in case No. 87-D, *The McDermitt Paiute Shoshone Tribe* v. *The United States*, pursuant to 28 U.S.C. 2509; to the Committee on Interior and Insular Affairs.

1480. A letter from the General Counsel, Federal Labor Relations Authority, transmitting a draft of proposed legislation to amend chapter 71 of title 5, United States Code, to provide for the operational continuity of the Office of the General Counsel of the Federal Labor Relations Authority during a vacancy in the position of the General Counsel; to the Committee on Post Office and Civil Service.

1481. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10 and title 14, United States Code, to authorize the President, in time of war and national emergency, to prescribe a course of instruction of not less than 3 years at the U.S. Military, Naval, and Air Force Academies, and to appoint graduates from the U.S. Military, Naval, Air Force, and Coast Guard Academies as commissioned officers without Senate confirmation; jointly, to the Committees, on Armed Services and Merchant Marine Fisheries.

1482. A letter from the Comptroller General of the United States, transmitting a report on the Office of Personnel Management's system of internal controls of the civil service retirement and disability fund (AFMD-83-19, June 28, 1983); jointly, to the Committees on Government Operations and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 27, 1983]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 1519. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 98-115, Pt. II). Ordered to be printed.

[Omitted from the Record of June 28, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1510. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 98-115, Pt. III). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 1510. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 98-115, Pt. IV). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 30, 1983]

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3021. A bill to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes; with an amendment (Rept. No. 98-236, Pt. II). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 3324. A bill to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs (Rept. No. 98-286). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1234. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States; with an amendment (Rept. No. 98-287, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. FORSYTHE, Mr. TALLON, Mr. ROE, Mr. LAGOMARSINO, Mrs. SCHNEIDER, Mr. FUQUA, Mr. NOWAK, Mr. BIAGGI, and Mr. WON PAT):

H.R. 3474. A bill to establish national standards for construction and siting of artificial reefs in the waters of the United States in order to enchance fishery resources and fishing opportunities, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Ways and Means.

By Mr. ROSTENKOWSKI (for himself and Mr. CONABLE):

H.R. 3475. A bill to amend the Internal Revenue Code of 1954 to simplify and improve the tax laws; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 3476. A bill to amend the Clean Air Act to promote competitiveness in the motor vehicle aftermarket and to preserve consumer freedom of choice to select parts and service of the consumer's own choosing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANNEMEYER (for himself, Mr. CORCORAN, Mr. PASHAYAN, Mr. MCDONALD, Mr. SENSENBRENNER, Mr. KINDNESS, and Mr. BLILEY):

H.R. 3477. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Energy and Commerce.

By Mr. DASCHLE:

H.R. 3478. A bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise unaccounted for in Southeast Asia; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DUNCAN:

H.R. 3479. A bill to amend title 18 of the United States Code to exempt newspapers from the prohibition against depositing in letter boxes mailable matter on which no postage has been paid; to the Committee on the Judiciary.

H.R. 3480. A bill to amend the Internal Revenue Code of 1954 to disregard tax-exempt interest in computing the amount of social security benefits included in income; to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 3481. A bill to establish a Department of Trade and Industry as an executive department of the Government of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. FISH (for himself, Mr. EDWARDS of California, Mr. RODINO, Mr. CLINGER, Mr. DIXON, Mr. GARCIA, Mr. GREEN, Mr. LEACH of Iowa, Mr. MCKINNEY, Mr. MILLER of California, Mrs. SCHROEDER, and Mrs. SCHNEIDER):

H.R. 3482. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE (for himself and Mr. MILLER of California):

H.R. 3483. A bill to amend title 23, United States Code, to provide incentive grants in order to encourage States to adopt and enforce laws requiring the proper use of child restraint systems by children in motor vehicles, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the issuance of a Federal motor vehicle safety standard, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. GRADISON:

H.R. 3484. A bill to amend the Federal Financing Bank Act of 1973 with respect to the budget treatment of the Federal Financing Bank; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. HAWKINS (for himself, Mr. JEFFORDS, Mr. GILMAN, Mr. AKAKA, Mr. LANTOS, Mr. VENTO, Mr. MINETA, Mr. MORRISON of Connecticut, Mr. PRICE, Mr. DOWNEY of New York, Mr. NOWAK, Mr. ACKERMAN, Mr. GARCIA, Mr. ROE, Mr. APPLEGATE, Mr. FEIGHAN, Mr. WALGREN, Mr. FOGLIETTA, Mr. SWIFT, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. PEPPER, Mr. BARNES, Mr. BONKER and Mr. BOEHLERT):

H.R. 3485. A bill to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 3486. A bill to promote maritime safety on the high seas and navigable waters of the United States and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LATTA:

H.R. 3487. A bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction; to the Committee on Ways and Means.

By Mr. McDONALD:

H.R. 3488. A bill requiring U.S. persons who conduct business or control enterprises in the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yugoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yeman to comply with certain fair employment principles, prohibiting any new loans by U.S. financial or lending institutions to the Government of the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yugoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yemen or to corporations or other entities owned or controlled by the Government of the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yougoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yemen and prohibiting the importation of products or produce grown, manufactured, or assembled in the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yugoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yemen; jointly, to the Committees on Foreign Affairs; Banking, Finance and Urban Affaris; and Ways and Means.

By Mr. MATSUI:

H.R. 3489. A bill to amend the Internal Revenue Code of 1954 to exempt from the Federal unemployment tax payments made with respect to deceased employees; to the Committee on Ways and Means.

H.R. 3490. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of produced film rents for purposes of the personal holding company tax; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 3491. A bill to amend chapter 207 of title 18 of the United States Code with respect to detention of defendants before trial in criminal cases; to the Committee on the Judiciary.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 3492. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to order members of the Retired Reserve with over 20 years of continuous active duty and members of the Fleet Reserve and Fleet Marine Corps Reserve to active duty under the same conditions as are applicable to retired members of the regular components; to the Committee on Armed Services.

H.R. 3493. A bill to amend title 10, United States Code, to provide that companies of the Corps of Cadets of the U.S. Military Academy may be commanded by commissioned officers of the Navy, Air Force, and Marine Corps, as well as by commissioned officers of the Army; to the Committee on Armed Services.

H.R. 3494. A bill to repeal section 4351(b) of title 10, United States Code, relating to the reexamination and readmission of cadets of the U.S. Military Academy who fail to pass a required examination; to the Committee on Armed Services.

H.R. 3495. A bill to amend title 32, United States Code, to extend the period of time during which all elements of a National Guard unit must complete a training assembly; to the Committee on Armed Services.

By Mr. RATCHFORD:

H.R. 3496. A bill to make certain repairs on a bridge on Interstate Route 95 in Greenwich, Conn., eligible for emergency relief under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. RODINO:

H.R. 3497. A bill to defer proposed amendment to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. BERMAN):

H.R. 3498. A bill to provide assistance to victims of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 3499. A bill to impose a moratorium on certain acquisitions and on the commencement of new activities by depository institutions and depository holding companies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SIMON (for himself, Mr. HAMILTON, Mr. UDALL, and Mr. PRITCHARD):

H.R. 3500. A bill to establish the Soviet Union and Eastern Europe Exchange Commission to provide additional financial support for exchange programs between the United States and the Soviet Union and countries of Eastern Europe; to the Committee on Foreign Affairs.

By Mr. STARK:

H.R. 3501. A bill to assist unemployed individuals in obtaining permanent employment by providing such individuals an option under which they will receive retraining, education, and relocation assistance in lieu of certain extended or other additional unemployment compensation benefits; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. SYNAR (for himself, Mr. WRIGHT, Mr. FOLEY, Mr. ALEXANDER, Mr. MICHEL, Mr. LOTT, Mr. BROOKS, Mr. MAZZOLI, Mr. SAM B. HALL, JR., Mr. SMITH of Florida, Mr. FISH, Mr. MOORHEAD, Mr. HYDE, Mr. KINDNESS, Mr. SAWYER, Mr. SENSENBRENNER, Mr. DEWINE, Mr. JONES of Oklahoma, Mr. BOLAND, Mr. FUQUA, Mr. MONTGOMERY, Mr. COELHO, Mr. CONABLE, Mr. JENKINS, Mr. ROSE, Mr. SHELBY, Mr. FROST, Mr. WHITLEY, Mr. DASCHLE, Mr. ANTHONY, Mr. HEFNER, Mr. DWYER of New Jersey, Mrs. BYRON, Mr. IRELAND, Mr. SHARP, Mr. DOWDY of Mississippi, Mr. LUKEN, Mr. TALLON, Mr. SKELTON, Mr. VALENTINE, Mr. ACKERMAN, Mr. VOLKMER, Mr. BREAUX, Mr. BRITT, Mr. JACOBS, Mr. MURPHY, Mr. SCHEUER, Mr. HUBBARD, Mr. WALGREN, Mr. KOSTMAYER, Mr. FORD of Tennessee, Mr. STENHOLM, Mr. BONER of Tennessee, Mr. HUTTO, Mrs. LLOYD, Mr. FLORIO, Mr. MCCURDY, Mr. ENGLISH, Mr. WATKINS, Mrs. HALL of Indiana, Mr. TOWNS, Mr. DERRICK, Mr. CARPER, Mr. HARRISON, Mr. NICHOLS, Mr. FLIPPO, Mr. SPRATT, Mr. WILSON, Mr. TAUZIN, Mr. ANDREWS of Texas, Mr. GEJDENSON, Mr. MADIGAN, Mr. RITTER, Mr. FORSYTHE, Mr. CHAPPIE, Mr. COURTER, Mr. SMITH of New Jersey, Mr. HILER, Mr. GRAMM, Mr. DAUB, Mr. WHITTAKER, Mrs. ROUKEMA, Mr. BLILEY, Mr. EDWARDS of Alabama, Mr. BURTON of Indiana, Mr. SOLOMON, Mr. PORTER, Mr. THOMAS of California, Mr. O'BRIEN, Mr. GREGG, Mr. COUGHLIN, Mr. OXLEY, Mr. WEBER, Mr. PASHAYAN, Mr. COATS, Mr. CORCORAN, Mr. WORTLEY, Mr. MCKINNEY, Mr. LOWERY of California, and Mr. PETRI):

H.R. 3502. A bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product; to the Committee on the Judiciary.

By Mr. VENTO:

H.R. 3503. A bill to amend the Federal Deposit Insurance Act to simplify certain reporting requirements imposed on persons seeking to acquire control of an insured bank; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JACOBS:

H.J. Res. 313. Joint resolution to amend the Constitution of the United States to provide for one-House vetoes of executive branch rules and regulations issued pursuant to acts of the Congress; to the Committee on the Judiciary.

By Mr. MATSUI:

H.J. Res. 314. Joint resolution designating the week of July 17 through July 23, 1983, as "Sutter Community Hospitals Week"; to the Committee on Post Office and Civil Service.

By Mr. REGULA:

H.J. Res. 315. Joint resolution requesting the President to negotiate the creation of a United States-People's Republic of China student exchange for understanding program; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI (for himself, Mr. YATRON, Mr. SOLARZ, Mr. IRELAND, Mr. BARNES, Mr. WOLPE, Mr. CROCKETT, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. BERMAN, Mr. FEIGHAN, Mr. GARCIA, Mr. BROOMFIELD, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mr. LEACH of Iowa, Mr. HYDE, Mr. SOLOMON, Mr. SILJANDER, Mr. ZSCHAU, Mr. MICA, and Mr. LEVINE of California):

H.J. Res. 316. Joint resolution providing for the establishment of U.S. diplomatic relations with the Vatican; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself, Mr. FOLEY, Mr. LEACH of Iowa, Mr. GORE, Ms. SNOWE, Mr. PRITCHARD, and Mr. MINETA):

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that the President should initiate talks with the Government of the Soviet Union, and with other governments interested in space activities, to explore the opportunities for cooperative East-West ventures in space, as an

alternative to an arms race in space; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Res. 255. Resolution to express the sense of the House of Representatives that Dr. Willard Libby, inventor of the diffusion barrier, should receive, posthumously, the Presidential Medal of Freedom; to the Committee on Post Office and Civil Service.

By Mr. PHILIP M. CRANE (for himself, Mr. SCHULZE, Mr. SILJANDER, Mr. KEMP, Mr. SPENCE, Mr. STUMP, Mr. SENSENBRENNER, Mr. MCDONALD, Mr. SUNDQUIST, Mr. SOLOMON, Mr. KASICH, Mr. HARTNETT, Mr. ROGERS, Mr. DANIEL B. CRANE, Mr. CARNEY, Mr. RUDD, and Mr. RITTER):

H. Res. 256. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Romania; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE:

H. Res. 257. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Hungary; to the Committee on Ways and Means.

H. Res. 258. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

203. By the SPEAKER: Memorial of the Assembly of the State of New York, relative to the present ratio of aid to Turkey and Greece; to the Committee on Foreign Affairs.

204. Also, memorial of the Assembly of the State of New York relative to passage of H.R. 1242 and S. 1000; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RICHARDSON introduced a bill (H.R. 3504) for the relief of Antonio Torres; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 108: Mr. GRADISON.

H.R. 220: Mr. COUGHLIN, Mr. ROTH, Mr. MCEWEN, Mr. EDWARDS of Alabama, Mrs. MARTIN of Illinois, Mr. THOMAS of Georgia, Mr. MOORHEAD, Mr. SUNDQUIST, and Mr. SHUMWAY.

H.R. 516: Mr. CORCORAN.

H.R. 656: Mr. DIXON, Mr. HAMILTON, Mr. LANTOS, Mr. DWYER of New Jersey, Mr. AKAKA, Mr. TOWNS, Ms. KAPTUR, Mr. MARTINEZ, Mr. MOAKLEY, Mr. LEHMAN of Florida, Mrs. KENNELLY, and Mr. DELLUMS.

H.R. 679: Mrs. SCHNEIDER, Mr. STAGGERS, and Mr. CHAPPELL.

H.R. 895: Mr. HERTEL of Michigan, Mr. FORD of Tennessee, Mr. LELAND, Mr. FLORIO, Mr. RATCHFORD, Mr. FRANK, Mr. GINGRICH, Mr. EDGAR, Mr. ROE, Mr. HOYER, Mr. GORE, Mr. LOWRY of Washington, Mr. FEIGHAN, and Mr. PATTERSON.

H.R. 898: Mr. CLINGER.

H.R. 904: Mr. MCKINNEY.

H.R. 905: Mr. COLEMAN of Missouri.

H.R. 953: Mr. COUGHLIN and Mr. BATES.

H.R. 965: Mr. DWYER of New Jersey, Mr. DAUB, Mr. KOGOVSEK, and Mrs. HOLT.

H.R. 1015: Mrs. COLLINS.

H.R. 1016: Mr. WISE and Mr. HYDE.

H.R. 1027: Mr. ACKERMAN, Mrs. BOXER, Mr. DEWINE, Mr. FEIGHAN, Ms. FERRARO, Mr. GEJDENSON, Mr. KOGOVSEK, Mr. LEVINE of California, and Mr. VANDER JAGT.

H.R. 1029: Mr. LEVINE of California and Mr. VANDER JAGT.

H.R. 1030: Mr. BATES, Mr. BOSCO, Mr. GEJDENSON, Mr. LEVINE of California, and Mr. VANDER JAGT.

H.R. 1146: Mr. GOODLING.

H.R. 1256: Mr. HUGHES.

H.R. 1341: Mr. BROWN of California.

H.R. 1397: Mr. MORRISON of Connecticut, Mr. ANDERSON, Mr. HEFTEL of Hawaii, Mr. MURPHY, Mrs. KENNELLY, Mr. WISE, Mr. SEIBERLING, and Mr. WOLPE.

H.R. 1444: Mr. BADHAM.

H.R. 1543: Mrs. BURTON of California.

H.R. 1587: Mr. NEAL.

H.R. 1604: Mr. BRITT.

H.R. 1616: Mr. HANSEN of Idaho, Mr. LUJAN, Mr. STANGELAND, and Mr. MOLLOHAN.

H.R. 1776: Mr. REGULA, Mr. LEATH of Texas, and Mr. PATTERSON.

H.R. 1920: Mr. HERTEL of Michigan, Mr. GRAY, and Mr. BORSKI.

H.R. 1943: Mr. WEAVER.

H.R. 1955: Mr. BONER of Tennessee, Mr. MCCURDY, and Mr. LEWIS of California.

H.R. 1959: Mr. EVANS of Illinois, Mr. RAHALL, and Mr. WEAVER.

H.R. 1976: Mr. CRAIG, Mr. DELLUMS, Mrs. SCHNEIDER, Mr. CHANDLER, Mr. PURSELL, and Mr. BONKER.

H.R. 1984: Mr. COOPER, Mr. DENNY SMITH, Mr. LATTA, Mr. OLIN, Mr. NATCHER, Mr. LOWERY of California, Mr. DURBIN, Mr. PERKINS, Mr. KOSTMAYER, Mr. BORSKI, Mrs. JOHNSON, Mr. LEWIS of Florida, Mr. PHILIP M. CRANE, Mr. BRITT, Mr. GOODLING, Mr. NEAL, Mr. BONER of Tennessee, Mr. AUCOIN, Mr. DUNCAN, Mr. SISISKY, Mr. FAZIO, Mr. SHARP, and Mr. WHITEHURST.

H.R. 2053: Mr. ECKART.

H.R. 2073: Mr. MOORHEAD and Mr. PASHAYAN.

H.R. 2088: Mrs. COLLINS.

H.R. 2097: Mr. GRAY.

H.R. 2099: Mr. SCHUMER, Mr. BILIRAKIS, and Mr. SOLOMON.

H.R. 2100: Mr. SCHUMER and Mr. ROYBAL.

H.R. 2125: Mr. HARRISON.

H.R. 2126: Mr. BRITT.

H.R. 2127: Mr. CORRADA.

H.R. 2242: Mr. MORRISON of Connecticut, Mr. HERTEL of Michigan, Mr. FRANK, and Mr. LOWRY of Washington.

H.R. 2374: Mr. CORRADA, Mrs. BOXER, Mr. FRANK, and Mr. FLIPPO.

H.R. 2406: Mr. LIVINGSTON, Mr. LEWIS of Florida, Mr. HEFNER, Mr. ZABLOCKI, Mr. PORTER, Mr. WHITLEY, Mr. MOLLOHAN, Mr. BARNARD, Mr. WILSON, Mr. BLILEY, and Mr. PARRIS.

H.R. 2432: Mrs. COLLINS and Mr. KOLTER.

H.R. 2468: Mr. MORRISON of Washington, Mr. COATS, Mr. RATCHFORD, Mr. SABO, Mr. ACKERMAN, and Mr. NIELSON of Utah.

H.R. 2651: Mr. MORRISON of Connecticut, Ms. SNOWE, and Mrs. COLLINS.

H.R. 2652: Mr. MORRISON of Connecticut and Mrs. COLLINS.

H.R. 2809: Mr. WRIGHT, Mr. DINGELL, Mr. JONES of Oklahoma, and Mr. SIMON.

H.R. 2841: Mr. SEIBERLING, Ms. KAPTUR, Mr. ALBOSTA, and Mr. STOKES.

H.R. 2869: Mr. AKAKA.

H.R. 2928: Mr. PASHAYAN.

H.R. 2949: Mr. WINN, Mr. BEREUTER, Mr. LEACH of Iowa, Mr. NIELSON of Utah, Mr. HARTNETT, Mr. COLEMAN of Missouri, Mr. COATS, Mr. WOLF, Mr. HYDE, Mr. GINGRICH, Mr. SLATTERY, Mr. CONABLE, Mr. EDWARDS of Oklahoma, Mr. STUMP, Mr. ROGERS, Mr. MCEWEN, Mr. DICKINSON, Mr. TAUKE, Mr. LOEFFLER, Mr. GUNDERSON, Mr. GLICKMAN, Mr. PHILIP M. CRANE, Mr. WHITTAKER, Mr. ROBERT F. SMITH, Mr. WEBER, and Mr. THOMAS of California.

H.R. 2977: Mr. WOLF and Mr. ANDREWS of Texas.

H.R. 3009: Mr. ADDABBO, Mr. BARNES, Mr. BEDELL, Mr. BIAGGI, Mr. BERMAN, Mr. BONIOR of Michigan, Mr. BROWN of California, Mr. CONYERS, Mr. CORRADA, Mr. CROCKETT, Mr. DYMALLY, Mr. FAUNTROY, Ms. FERRARO, Mr. HORTON, Mr. KOGOVSEK, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LOWRY of Washington, Ms. KAPTUR, Mr. MITCHELL, Mr. MURPHY, Mr. OTTINGER, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. PEPPER, Mr. RANGEL, Mr. RATCHFORD, Mr. ROE, Mr. STOKES, Mr. SUNIA, Mr. SMITH of Florida, Mr. WEISS, Mr. WHITTAKER, Mr. WON PAT, Mr. YATES, Mr. TOWNS, and Mr. ACKERMAN.

H.R. 3010: Mr. ADDABBO, Mr. BARNES Mr. BEDELL, Mr. BIAGGI, Mr. BERMAN, Mr. BONIOR of Michigan, Mr. BROWN of California, Mr. CHAPPIE, Mr. CONYERS, Mr. CORRADA, Mr. CROCKETT, Mr. DYMALLY, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. HORTON, Mr. KOGOVSEK, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LOWRY of Washington, Ms. KAPTUR, Mr. MITCHELL, Mr. MURPHY, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. PEPPER, Mr. RANGEL, Mr. RATCHFORD, Mr. ROE, Mr. SIMON, Mr. STOKES, Mr. SUNIA, Mr. SMITH of Florida, Mr. WEISS, Mr. WHITTAKER, Mr. WON PAT, Mr. YATES, Mr. TOWNS, and Mr. BEVILL.

H.R. 3024: Mr. GOODLING.

H.R. 3046: Mr. PRICE, Mr. HUBBARD, Mr. PATTERSON, Mr. SKEEN, Mr. MCCAIN, Mr. NIELSON of Utah, Mr. PACKARD, Mr. PASHAYAN, and Mr. HANSEN of Idaho.

H.R. 3072: Mr. HAWKINS.

H.R. 3091: Mr. BOSCO, Mr. WON PAT, Mr. QUILLEN, Mr. HANSEN of Idaho, Mr. SMITH of New Jersey, Mr. HYDE, Mr. DAUB, Mr. FORSYTHE, and Mr. SMITH of Florida,

H.R. 3137: Mr. KOGOVSEK and Mr. DWYER of New Jersey.

H.R. 3141: Mr. LOWRY of Washington, Mr. MITCHELL, Mr. BERMAN, Mr. CORRADA, Mr. WIRTH, Mrs. LLOYD, and Mr. EVANS of Illinois.

H.R. 3176: Mr. GRAY.

H.R. 3192: Mr. MARRIOTT.

H.R. 3254: Mr. STOKES, Mr. WON PAT, Mr. FAUNTROY, Mr. SMITH of Florida, Ms. MIKULSKI, Mr. JEFFORDS, Mr. ECKART, Mr. OTTINGER, Mr. VENTO, Mr. ACKERMAN, and Mr. GOODLING.

H.R. 3264: Mr. WHEAT, Mr. OWENS, Mr. RANGEL, Mr. CONYERS, Ms. KAPTUR, Mr. SIMON, Mr. MRAZEK, and Mr. ACKERMAN.

H.R. 3314: Mr. DWYER of New Jersey, Mr. OBERSTAR, Mr. FAUNTROY, Mr. OWENS, Mr. CONYERS, and Mr. SIKORSKI.

H.R. 3321: Mr. MADIGAN, Mr. ADDABBO, Mr. CORRADA, Mr. CHAPPIE, Mr. MONTGOMERY, Mr. DURBIN, Mr. WHITTEN, Mr. HORTON, Mr. JEFFORDS, Mrs. ROUKEMA, Mr. MCKINNEY, Mr. COUGHLIN, Mr. GREEN, Mr. BEREUTER, Mrs. JOHNSON, Mr. SAWYER, Mr. CLINGER, Mr. STUMP, Mr. EMERSON, Mr. SOLOMON, Mr. GREGG, Mr. WALKER, Mr. SPENCE, Mr. GEKAS, Mr. STENHOLM, Mr. MCCOLLUM, Mr. NICH-

OLS, Mr. YOUNG of Alaska, Mr. ASPIN, Mr. O'BRIEN, Mr. NATCHER, Mr. MCCURDY, Mr. WATKINS, Mr. NIELSON of Utah, Mr. SKEEN, Mr. FIELDS, Mr. EVANS of Iowa, Mr. HIGHTOWER, Mr. BROWN of Colorado, Mr. ROGERS, Mr. CAMPBELL, Mr. BROOMFIELD, Mr. ZABLOCKI, Mr. BETHUNE, Mr. ROBINSON, Mr. WINN, Mr. BILIRAKIS, Mr. WHITEHURST, Mr. EDWARDS of Oklahoma, Mr. MACK, Mr. GOODLING, Mr. HANCE, Mr. ROTH, Mr. DEWINE, Mr. SCHAEFER, Mr. MCCAIN, Mr. BOEHLERT, Mr. FRANKLIN, Mr. MOLINARI, Mr. WHITTAKER, MS. FIEDLER, Mr. RICHARDSON, Mr. RINALDO, Mr. LENT, Mr. QUILLEN, Mr. SUNDQUIST, Mr. BURTON of Indiana, Mr. HOPKINS, Mr. BLILEY, Mr. DAVIS, and Mr. HUTTO.

H.R. 3354: Mr. TORRICELLI, Mr. GRAY, Mr. BERMAN, Mr. ROE, Mr. EVANS of Illinois, Mr. WORTLEY, Mr. HORTON, Mr. HOWARD, Mr. MOORE, Mr. FORSYTHE, Mr. GUARINI, Mr. RODINO, Mr. MINISH, and Mr. TRAXLER.

H.R. 3371: Mr. GILMAN, Mr. FRANK, Mr. WEISS, Mr. DICKS, Mr. MATSUI, Mr. DINGELL, Mr. RODINO, Mr. SISISKY, Mr. SAM B. HALL, JR., Mr. ADDABBO, Mr. DIXON, Mr. MITCHELL, and Mr. RAHALL.

H.R. 3392: Mr. MADIGAN, Mr. QUILLEN, and Mr. ROWLAND.

H.R. 3433: Mr. PEASE, Mr. MITCHELL, Mr. DWYER of New Jersey, Mr. MICHEL, Mr. MURPHY, Mr. SAVAGE, Mr. CONYERS, Mr. WHEAT, Mr. ERDREICH, Mr. ZABLOCKI, Mr. ASPIN, Mr. PANETTA, Mr. KOGOVSEK, Mr. GORE, Mr. RATCHFORD, Mr. BIAGGI, Mr. REGULA, Mr. BOEHLERT, and Mr. GEPHARDT.

H.J. Res. 1: Mrs. BURTON of California.

H.J. Res. 71: Mrs. VUCANOVICH.

H.J. Res. 153: Mr. SISISKY, Mr. WHEAT, Mrs. KENNELLY, Mr. CORRADA, Mr. DELLUMS, and Mr. OLIN.

H.J. Res. 225: Mr. TRAXLER.

H.J. Res. 228: Mr. WEISS, Mr. MCCURDY, Mr. HANSEN of Utah, Mr. OWENS, Mr. BOUCHER, Mr. EDWARDS of Oklahoma, Mr. DOWDY of Mississippi, Mr. BRITT, Mr. RANGEL, Mr. GRAMM, Mr. WHITTEN, Mr. DORGAN, Mr. FROST, Mr. HUBBARD, Mr. ROWLAND, Mr. BROOKS, Mr. COELHO, Mr. GEPHARDT, Mr. SPRATT, Mr. CLARKE, Mr. SPENCE, Mr. CHAPPIE, Mr. DYMALLY, Mr. TAUKE, Mr. WEBER, Mr. MOLLOHAN, Mr. STAGGERS, Mr. MYERS, and Mr. HOPKINS.

H.J. Res. 273: Mr. CHANDLER, Mrs. BOGGS, Mr. SNYDER, Mr. BILIRAKIS, and Mr. HANSEN of Idaho.

H.J. Res. 295: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ALBOSTA, Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BATEMAN, Mr. BERMAN, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. BRITT, Mr. BROOMFIELD, Mr. CAMPBELL, Mr. CLARKE, Mr. D'AMOURS, Mr. DANIEL, Mr. DAUB, Mr. DE LUGO, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. FORSYTHE, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GEKAS, Mr. GRAY, Mr. GREEN, Mr. SAM B. HALL, JR., Mr. HANSEN of Idaho, Mr. HORTON, Mr. HOYER, Mr. HUTTO, Mr. JEFFORDS, Mr. KASICH, Mr. KEMP, Mr. LAFALCE, Mr. LANTOS, Mr. LELAND, Mr. LENT, Mr. LIVINGSTON, Mr. MCGRATH, Mr. MCNULTY, Mr. MARKEY, Mr. MAVROULES, Mr. MOAKLEY, Mr. MOORE, Mr. MURPHY, Mr. NEAL, Mr. OBERSTAR, Mr. OWENS, Mr. PANETTA, Mr. PATTERSON, Mr. PURSELL, Mr. RANGEL, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. SIMON, Mr. SKELTON, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr. SUNIA, Mr. TORRICELLI, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. VENTO, Mr. WAXMAN, Mr. WHITLEY, Mr. WILLIAMS of Ohio, Mr. WILLIAMS of Montana, and Mr. WON PAT.

H. Con. Res. 107: Mr. ADDABBO, Mrs. KENNELLY, and Mr. EDWARDS of California.

H. Res. 160: Mr. JEFFORDS, Mr. HUGHES, Mr. MITCHELL, Mr. OWENS, and Mr. GOODLING.

H. Res. 190: Mr. WILLIAMS of Montana, Mr. BONIOR of Michigan, Mr. COEHLO, Mr. SMITH of New Jersey, Mr. ZABLOCKI, Mr. VENTO, Mr. CONYERS, Mr. VANDERGRIFF, Mr. HERTEL of Michigan, Mr. COYNE, Mr. GOODLING, Mr. MARTINEZ, Mr. KOGOVSEK, Mr. ACKERMAN, Mr. CARPER, and Mr. SAVAGE.

H. Res. 191: Mr. GRAY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

155. The SPEAKER presented a petition of the city council, San Antonio, Tex., relative to the budget of the National Institutes of Health; which was referred to the Committee on Appropriations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

By Mr. LAFALCE:

(Amendment to the amendment in the nature of a substitute by the Committee on Public Works and Transportation.)

—Page 49, after line 8, insert the following:

"(c) No assistance may be provided under this title for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation would not significantly and adversely affect unemployment in, or the economic base of, the area from which the industrial or commercial plant or facility would be leaving.".

—Page 60, after line 21, insert the following:

"(e)(1) The Secretary, in consultation with the Secretary of the Treasury and such other departments and agencies as the Secretary considers appropriate, shall conduct a study—

"(A) regarding the financing needs for the construction, repair, and rehabilitation of public facilities in order to improve the condition of such facilities so that such facilities can adequately meet present levels of service;

"(B) regarding the ability of State and local governments, including special public authorities which own or operate public facilities, to meet such financing needs;

"(C) to determine—

"(i) the present level of financing for public facilities;

"(ii) the types of financing used to meet such financing needs;

"(iii) those obstacles which affect the ability of State and local governments to meet such financing needs;

"(iv) the access, or lack of access, of State and local governments to the private credit market;

"(v) the ability of the private credit market to absorb such financing needs on a taxable or tax-exempt basis;

"(vi) the extent to which debt limitations affect the ability of State and local governments to meet such financing needs, including a survey of such debt limitation factors with respect to each State; and

"(vii) the ability of State and local governments to increase taxes, or impose or increase user fees, in order to meet such financing needs; and

"(D) regarding such other factors as the Secretary deems appropriate in order to assist the Congress in determining the total financing needs necessary to improve such public facilities.

"(2)(A) The Secretary shall transmit to each House of the Congress an interim report not later than June 30, 1984, and shall transmit a final report to each House of the Congress not later than December 31, 1984.

"(B) The final report shall contain a detailed statement on the findings and conclusions of the Secretary, together with the Secretary's recommendations for such legislative or administrative actions as the Secretary considers appropriate.

"(3) For purposes of this subsection, the term 'public facilities' shall only include the following: non-Federal aid roads and bridges; water supply and distribution systems; sewer systems; solid waste disposal systems; and transportation facilities which represent an element of local, State, area, or regional economic development, such as airports, ports, waterways, and docks.".

—Page 62, strike out line 4 and all that follows through line 9, and insert in lieu thereof the following:

"(b) Of sums authorized to be appropriated under subsection (a) of this section—

"(1) not to exceed $13,000,000 in the fiscal year ending September 30, 1984, and not to exceed $15,000,000 in each of the fiscal years ending September 30, 1985, and September 30, 1986, shall be available for purposes of subsections (a) through (d) of section 202; and

"(2) not to exceed $2,000,000 in the fiscal year ending September 30, 1984, shall be available until expended for purposes of section 202(e).".

—Page 64, line 6, strike out the semicolon and insert in lieu thereof the following: ", except that the term 'Indian tribe' shall also include those bodies, authorities, organizations, entities, or groups not recognized by the Secretary of the Interior, if—

"(A) such body, authority, organization, entity, or group is recognized, as of May 5, 1983, as a tribe or other similar appropriate entity by the State in which it is located and such State, as of May 5, 1983, holds land in trust of behalf of such tribe or other similar appropriate entity; and

"(B) the project or assistance involved will be located on such land held in trust or on tribal land;".

H.R. 2760

By Mr. MICA:

—On page 2, strike out line 20 and all that follows through line 10 on page 5 and insert in lieu thereof the following:

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany H.R. 2760 (98th Congress), but in no event earlier than October 1, 1983, unless before that effective date the President, after consultation with the Congress, has submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate in writing a new plan providing for the interdiction of arms being shipped from or through Nicaragua to forces hostile to the Government of El Salvador. In formulating such a plan, the President shall consider whether it would be useful to pursue direct bilateral

negotiations between the United States and the Government of Nicaragua; multilateral negotiations among selected Western Hemispheric countries; involving the Organization of American States, the United Nations, or any other nation or nations in a diplomatic or peacekeeping role; involving other countries in the process of arms interdiction using United States military supplies and training; and any other policy that will stop the shipment of arms from Nicaragua to El Salvador. The plan submitted pursuant to this subsection shall cease to be implemented and the prohibitions contained in subsection (a) shall take effect if—

"(1) the Government of Nicaragua has, by formal action, agreed that it will cease all its activities involving the furnishing of arms, personnel, training, command and control facilities, or logistical support for military or paramilitary operations in or against any country in Central America or the Caribbean, and the Government of Nicaragua has reaffirmed the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979; and

"(2) the cessation of such activities, and the reaffirmation of such commitments, has been verified by the 'Contadora Group' consisting of Mexico, Panama, Venezuela, and Colombia, or by the General Assembly of the Organization of American States, or by the President of the United States in a report to the Congress.".

Page 5, after line 10, insert the following new section:

SEC. 2. The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone, including the activities permitted by this Act, are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on in the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the America people.

(b) Therefore, it is the sense of the Congress that—

(1) the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, as well as the immediate conditions in the region, and to help build the necessary national consensus on a comprehensive United States policy for the region; and

(2) such commission should—

(A) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(B) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

—On page 2, strike out line 20 and all that follows through line 10 on page 5 and insert in lieu thereof the following:

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany H.R. 2760 (98th Congress), but in no event earlier than October 1, 1983, unless before that effective date the President, after consultation with the Congress, has submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate in writing a new plan providing for the interdiction of arms being shipped from or through Nicaragua to forces hostile to the Government of El Salvador. The plan submitted pursuant to this subsection shall cease to be implemented and the prohibition contained in subsection (a) shall take effect if—

"(1) the Government of Nicaragua has, by formal action, agreed that it will cease all its activities involving the furnishing of arms, personnel, training, command and control facilities, or logistical support for military or paramilitary operations in or against any country in Central America or the Caribbean, and the Government of Nicaragua has reaffirmed the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979; and

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(A) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(B) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

H.R. 2969

By Mr. BROWN of Colorado:

—Page 69, after line 18, add the following new section:

BENEFITS FOR WIDOWS OF CERTAIN RETIRED RESERVISTS

SEC. 1043. (a) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse or a dependent child of a member or former member of the uniformed services who—

(1) died during the period beginning on September 21, 1972, and ending on September 30, 1978; and

(2) at the time of his death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(b) An annuity under subsection (a) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if the member or former member had died after September 30, 1980, and had elected under section 1448(a)(2)(B) of such title to participate in the Survivor Benefit Plan established by such subchapter and had made a designation under section 1448(e) of such title to provide an annuity to become effective on the first day after his death.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "dependent child" has the meaning given such term in section 1447 of title 10, United States Code.

(4) The term "Secretary concerned" has the meaning given such term in section 101(8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(e) This section shall apply to annuity payments payable for months after August 1984. No benefit shall accrue to any person by virtue of the enactment of this section for any period before September 1, 1984.

EXTENSIONS OF REMARKS

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1983

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. NOWAK. Mr. Speaker, on behalf of our Nation's inventory intensive businesses, I am introducing H.R. 3464, the Inventory Simplification and Reform Tax Act of 1983. The bill, which is a refined version of the measure introduced last Congress, is designed to provide business with a modest degree of tax simplification and equity.

In specific, H.R. 3464 provides for a dramatic change in the tax treatment of business inventories. It is a balanced package of relief designed to help all sizes and types of firms. Joining me today in introducing the bill in the House are Representatives DORGAN, LYLE WILLIAMS, MITCHELL, MCDADE, and CHRISTOPHER SMITH. Senators GEORGE J. MITCHELL and DAVE DURENBERGER are also introducing the companion measure in the Senate.

INVENTORY ACCOUNTING REFORM AND THE ECONOMIC RECOVERY TAX ACT OF 1981

During the 1981 tax debate and as chairman of the Subcommittee on Tax, Access to Equity Capital and Business Opportunities, I testified before the Ways and Means Committee on the need to provide a coordinated package of tax relief for small business. I stressed that each industrial sector had its own unique capital formation needs and, thus, not all businesses benefited to the same degree from a given tax relief measure. For example, while inventory reform is viewed as an important means of increasing the internal cash flow of small wholesalers and retailers, the adminstration call for accelerated depreciation reform focused on the needs of capital intensive businesses.

As reflected by the so-called accelerated cost recovery system (ACRS), the administration's position on depreciation reform was ultimately adopted and included in the Economic Recovery Tax Act (ERTA) of 1981. In contrast, ERTA only began the road toward tax equity for our Nation's inventory-intensive businesses. This is evidenced by the fact that ERTA mandated the Department of Treasury to complete an inventory tax simplification study and analysis by December 31, 1982.

Since the 1981 legislation, the pendulum and debate over tax policy has shifted dramatically. Members of Congress are now calling for tax equity and the need to close tax loopholes. I fully support this notion. However, we will never achieve true reform without providing our inventory intensive businesses with a modest measure of tax relief and equity. In essence, inventory tax reform should be considered an integral component of the current tax policy debate.

ROOT OF THE PROBLEM—THE COMPLEXITY AND UNCERTAINTY OF THE LAW AND REGULATIONS

The tax regulations provide that a taxpayer must keep an inventory in every case in which the production, purchase, or sale of merchandise is an income-producing factor. In general, the regulations also require a business to use the accrual method of accounting with respect to its purchases and sales of inventories.

Of the two accrual methods for determining the cost of items in the closing inventory, the most widely used is the first-in, first-out (FIFO) method. The preferred method is the last-in, first-out (LIFO) method, as it lessens taxable income in periods of high rates of inflation.

Small business does not use LIFO. However, based on 1978 IRS statistics on corporations, only 2.5 percent of all wholesalers and 1.5 percent of all retailers use LIFO.

PERCENTAGE OF CORPORATIONS USING LIFO IN 1976 AND 1978 [1]

Type of business	Total returns filed for year	Number using LIFO	Percentage using LIFO
Manufacturers:			
1976	212,333	7,720	3.64
1978	223,471	8,478	3.79
Wholesalers:			
1976	226,875	5,698	2.51
1978	254,682	6,323	2.48
Retailers:			
1976	407,666	5,219	1.28
1978	465,920	6,763	1.45

[1] 1976 corporation statistics, Statistics Division, IRS, August 1980 and 1978–79 Statistics of Income, Corporation Income Tax Returns, Internal Revenue Service Pub. 16 (5–82).

In particular, some businesses are not even reporting inventories. For example, 25.5 percent of all retailers filing corporate returns in 1978 did not report any inventory to the IRS. Additionally, 37 percent of all corporate wholesalers and 29.1 percent of all corporate manufacturers did not report any inventory for that year.[2] These statistics could be interpreted to suggest that many small businesses have difficulty maintaining business records for inventory purposes. To help this type of business, one provision of my bill permits specified small businesses to use the case receipts and disbursements method—cash method—of accounting. In essence, it is the simplest of all accounting methods.

[2] 1978–79 Statistics of Income, Corporation Income Tax Returns, Internal Revenue Service Pub. 16.

Mr. Speaker, besides cash accounting, H.R. 3464 provides our Nation's inventory intensive firms with a dramatic simplification of the LIFO inventory method. It also permits businesses to write down excess or obsolete inventory over a 5-year period. In summary, my bill will help elicit discussion of a most important issue for our Nation's businesses. I include the following:

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1981—SUMMARY OF BILL

Section 1. Title of Bill.

Section 2. Repeal of LIFO Conformity Requirement.

Under the present law, a business electing LIFO must keep its financial statements and its tax statements the same. In other words, it cannot use FIFO for financial purposes and at the same time, use LIFO for tax purposes.

This bill would revoke the LIFO conformity requirement.

Section 3. Alleviating the Initial Penalty Associated With the LIFO Election.

If a business wants to elect LIFO, it is required to restore to cost over a three year period inventory writedowns taken in prior years. To alleviate this severe cash drain for the business, it would be permitted to restore inventory writedowns over a ten year period.

Section 4. Simplification of Inventory Pooling Requirements.

Subsection (a): Certain small businesses permitted to use one pool.

The bill would permit businesses with average gross receipts of less than $8 million to use one pool for LIFO.

Subsection (b): Principles for establishing inventory pools.

Wholesalers and retailers (not electing the preceding subsection) would be permitted to pool their goods based on either of the following methods:

1. According to the general expenditure categories of consumer goods described in the CPI Detailed Report; or

2. Based on groupings that are ordinarily and customarily used in their industry.

Section 5. Permitting Businesses to Use Regularly Published Government Price Indexes.

This bill permits any business electing LIFO to use an index based on general categories from the Consumer Price Index or the Producers Price Index.

Section 6. Permitting business to use certain internal indexes, without showing

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

other methods are unsuitable or impractical.

The tax regulations place certain limitations on the type of internal price index a business may use for LIFO.

For businesses wanting to continue to use internal price indexes under LIFO, this bill would broaden the choice of internal indexes. This provision would permit many businesses to use the link chain method of indexing.

Section 7. Computation of LIFO Recapture Amount.

Section 403(b) of the Crude Oil Windfall Profits Tax Act of 1980 requires a corporation to recapture its LIFO benefit as ordinary income in certain specified situations. In general, this recapture occurs when a corporation distributes its LIFO inventory in a partial or complete liquidation of the business.

The bill would generally place limitations on the amount of the LIFO benefit which is recaptured for tax purposes. There would be recapture of the LIFO benefit only to the extent the corporation's product line prices increased at a greater rate than consumer prices. This provision shall apply to distributions and dispositions adopted after December 31, 1982.

Section 8. Cash Receipts and Disbursements Method (Cash Method) of Accounting.

A business may elect the cash method if its gross receipts are less than $2 million and if it meets the active participation test. In general, an active participant is someone who is actively involved in management and whose principal business activity is such trade or business. Further, the cash method business would not be permitted to purchase inventories at the end of the year in excess of its reasonable needs.

Section 9. Treatment of Excess or Obsolete Inventory.

In general, the current tax only permits a business to writedown its excess or obsolete inventory in certain narrowly defined situations. Often, these narrowly defined situations do not reflect the reality of current business practices.

The bill provides an objective standard for businesses in the treatment of the value of its excess inventory. It generally permits a business to reduce the value of its excess inventory over a five year period.●

MX MISSILE

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RUSSO. Mr. Speaker, in anticipation of the upcoming consideration of MX missile funding after the July Fourth work period, I would like to offer for the consideration of my colleagues a letter in opposition to the MX from the environmental group Greenpeace.

GREENPEACE U.S.A.,
Washington, D.C., June 23, 1983.

DEAR MEMBER OF CONGRESS: Greenpeace U.S.A., a national environmental organization with more than 280,000 supporters, emphatically opposes the further testing, development, and deployment of the MX missile.

The overwhelming vote by the House of Represenatatives last December rejecting the Densepack basing mode for the MX, was a significant acknowledgement that the era of land-based ICBM's was drawing to an end. MX missiles based in existing Minuteman silos, the basing mode now advocated by the President, is no more supportable—and is probably even less so—than Densepack.

In 1981, President Reagan called for deployment of the MX in Minuteman silos as an interim measure until agreement could be reached for a more permanent basing arrangement. Congress rejected this proposal then, and should do so now. Senator John Tower said during the 1981 debate:

"By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at . . . It's of little use to us unless the Soviets are convinced it can survive an attack."

We are distressed that Congress recently reversed its decision of last December, releasing $625 million for testing and development of the MX. The MX will not enhance our national security and thus should be stopped now before production of this dangerous weapon begins.

Sincerely,

ERIC M. FERSHT,
Director, Disarmament Campaign.●

CLARIFICATION OF VOTE IN FAVOR OF REPRESENTATIVE CONTE'S GARRISON DIVERSION MOTION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WEISS. Mr. Speaker, for purposes of setting forth a comprehensive record of my positions I want to indicate the basis of my vote in favor of the motion offered by the distinguished gentleman from Massachusetts (Mr. CONTE) to instruct the House conferees on the energy and water development appropriation bill to insist that the compromise measure reflect the House position on the Garrison Diversion project.

Representative CONTE's motion deserved support because I believe House conferees negotiating with Senate conferees on any legislative disagreement should be expected to represent the sense of their House colleagues. Funding for the North Dakota diversion project was rejected last December in this Chamber by a 100-vote margin; this year's appropriations bill also includes no funding for Garrison. House conferees therefore have no basis for support of such funding in conference.

However, my support for the Conte motion should not be interpreted as a vote in opposition to funding phase 1 of the Garrison Diversion project.

The Federal Government made a promise to the people of North Dakota in the 1940's that it would build a diversion project in exchange for 500,000 acres of prime land the Government wanted to take from North Dakota and permanently flood in order to create a hydroelectric power dam. The Federal Government got its dam, the the Garrison Dam, but the people of North Dakota never received their end of the bargain. Because I believe Congress is wrong to renege on that commitment, I have historically supported phase 1 of the project.

Nothing will do more to destroy the relationship between the American people and their Government, than a violation by the Government of promises solemnly made.●

A CHILD'S VIEW OF THE SOVIET UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. LANTOS. Mr. Speaker, we were all gratified to see the release of the Vashchenko family from the Soviet Union. But there are still many infringements of human rights still taking place. I commend to my colleagues' attention this poignant column from the Denver Post by Lillian Hoffman, cochairman of the Colorado Committee of Concern for Soviet Jewry.

The column follows:

SOME SOVIET YOUNGSTERS TO LOOK UP, SAMANTHA

In late April, a great deal of media coverage was given to 10-year-old Samantha Smith of Manchester, Maine, who had written a letter to Yuri Andropov.

The Soviet leader's reply was, in Samantha's words, proof that he was not as grim a man as she had imagined. He invited her to visit the Soviet Union so she can meet children her age and "see for yourself . . . everybody stands for peace and friendship among nations."

We think that Samantha Smith should accept this invitation to tour the Soviet Union. Perhaps she could see some of the children who cannot come to the U.S. to see her. She should ask to meet the following Soviet youngsters:

Dorina Paritsky, whose father, Alexander, was sent to prison for three years for "anti-Soviet slander." He had been running an unofficial university for refuseniks (those denied an exit visa) who were not permitted to go to regular universities. Paritsky was put in a punishment cell for refusing to lift heavy logs after he had suffered a heart attack. Dorina has just returned from a month in the hospital; her illness was brought on, in part, by nervous tension due to her father's incarceration.

Jewish children in Leningrad, who were going to attend a *Purimspiel* (a play celebrating the Jewish holiday of Purim). As they reached the apartment where the play was held, they found it sealed off by 25 militiamen. Ten children against 25 men.

Anna, the 14-year-old daughter of Alexie Murzhenko. Murzhenko, a Christian, was sentenced in 1970 to 14 years in prison for attempting to leave the Soviet Union. Unfortunately, he is now suffering from advanced tuberculosis.

Pentecostal Christian children in Chernogorsk, Siberia, who in April 1982 were sever-

ly beaten by the KGB when they tried to hold a peaceful demonstration. And because their parents were out of money, the children were forced to forage for food in the garbage heaps. They are members of the Vashchenko family, some of whom had found refuge in the U.S. Embassy in Moscow in 1978.

Marina Tiemkin, who was 13 years old in 1973 when she was kidnapped and taken to a youth camp for "re-education." Marina had asked to leave the Soviet Union with her father, Alexander, now living in Israel. Alexander has not heard from Marina for several years. There have been countless cases of separation of families, some for as long as 12 years.

Jewish children, who face a massive "anti-Zionist" campaign. Pedogogika, the Soviet state publishing house, has announced the issue of a book entitled, "The Poison of Zionism," intended for pupils of "more advanced age." The announcement made in Moscow recently, suggest that the subject of anti-Zionism is becoming required reading for Soviet pupils in the 12-to-18 age group.

Evgeny Ozerov of Leningrad, cousin of a Denver Jewish family, is deaf. His parents have not let him learn sign language because of the taunts of his schoolmates. A brilliant student despite his handicap, he has stopped wearing his hearing aid to school because the children pull it out and stamp on it. He and his parents are considered traitors because of their desire to leave the Soviet Union.

Jewish boys, who are prevented from having a Bar Mitzvah. Jews are the only nationality of more than 100 nationality groups who have been denied their constitutionally guaranteed rights—to study their culture and religion, to study Hebrew, to gather together to conduct cultural seminars or celebrate their holidays.

If Samantha is allowed to visit these children, who are among thousands who have been denied the right to leave, she will understand the reality of Soviet life. She will realize that Andropov's signature on her letter promising peace is not any more binding than Soviet signatures on international agreements on human rights, and most recently on the third basket of the Helsinki Accords.

This latest agreement signed by the Soviets, and violated by them time and again, guarantees the right of citizens who wish to leave to do so and for the reunification of families.

Hopefully, Samantha will address these issues in future letters to her new friend, Yuri Andropov.●

NATIONAL AGRICULTURE DAY

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. DE LA GARZA. Mr. Speaker, I have today introduced legislation which would proclaim March 20, 1984, as National Agriculture Day for next year. As chairman of the Agriculture Committee, I am pleased to present this resolution with the cosponsorship of Hon. EDWARD R. MADIGAN of Illinois, the ranking minority member of our committee.

Farm and city people together have been celebrating National Agriculture Day with a wide and encouraging variety of events for more than a decade. Every year since 1981, the celebrations have been carried out with the added support of laws enacted annually by the Congress and proclamations issued under those laws by the President.

A large number of our colleagues in the House have already joined us as cosponsors of the 1984 resolution. I hope and expect that in the very near future, we will again be joined by enough to make up a majority of the House. This will be a fitting and welcome demonstration of the fact that this body understands and appreciates what a healthy agricultural economy means to the welfare of all Americans.

We know, Mr. Speaker, that these last few years have been difficult ones for the farmers and ranchers of our country. Like many other Americans, they have been going through an economic wringer of great severity. Like other Americans, they hope for better times in the future, and they hope for the understanding of their fellow Americans as they try to recover from the impact of economic blows that have put many farmers out of business.

Is there a good reason for the Nation in general to treat the farm sector as an asset to us all?

I believe there is. I believe that if American farmers were not as productive as they are, if American agriculture was not as efficient as it has become, the American people would be far worse off than they are today. For example, Agriculture Department studies show that the average consumer spends a smaller percentage of his or her disposable income on food today than 20 years ago. Other studies show that these gains have come in a time when consumers were continuing to increase their demand for services associated with prepared foods—a trend that has resulted in reducing the farmer's share of the consumer food dollar from about 38 cents two decades ago to about 37 cents last year.

For the money we spend, we get the best, safest and most varied selection of goods in the world. And we get that food and fiber supply with a regularity and dependability that makes many Americans take it for granted.

Once in a while, however, we should stop taking this abundance for granted. If it were suddenly interrupted, the consequences would be serious and dramatic. I believe we need to remind ourselves and our countrymen that there is also drama of a high order in the fact that American farmers and ranchers, and those who work with them on the land are giving us the ability to sustain not only life, but a rising standard of living—and they are making it possible for less fortunate people to get adequate diets as well.

There is another facet to this observance. Farmers and ranchers today make up only a very small percentage of our people. But in a broader sense, a great many Americans are involved in agriculture. The men and women who work in farm supply industries, in processing farm products and in distributing and selling them—they are all part of agriculture, and there are many millions of them. They, too, have a stake in the observance of National Agriculture Day.

Finally, we should remember that agriculture is a bulwark of our national economy. Agricultural exports are down this year, partly because of the world recession. But they still make up a major segment of our participation in international trade and a basic element in the health of the overall economy.

The sum of all these facts is that American agriculture, while most citizens do not have much personal contact with farms and ranches, is basic to the welfare of all of us as individuals and all of us collectively, as a nation. That is why I hope Members will again join in cosponsoring and passing our resolution to designate next year's National Agriculture Day.●

COMMISSIONING CEREMONY FOR U.S.S. "FLORIDA"

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BENNETT. Mr. Speaker, on June 18 at Groton, Conn. The Trident submarine U.S.S. *Florida* was duly commissioned and the principal address on that occasion was made by Florida's able and greatly revered U.S. Senator PAULA HAWKINS. I am happy to include in the CONGRESSIONAL RECORD a copy of her speech, filled as it is with wisdom and comments appropriate and helpful to us all:

I am deeply honored to represent the people of the great state of Florida at the commissioning of this new vessel—U.S.S. *Florida.*

As the daughter of a career Navy man, I have vivid memories of attending commissioning ceremonies as a young child with my father. Even then, I could sense the importance of such events. So this opportunity to participate in this ceremony today carries a very personal significance for me.

U.S.S. *Florida* is a vessel whose awesome capabilities will be a vital force for the preservation of peace and the American way of life.

Obviously our nation's defenses have travelled a long way since the name Florida graced the bow of a sidewheel steamer.

It is appropriate that the first vessel to bear the name Florida in 50 years be one of the importance of this Trident submarine. Speaking for the people of the state of Florida, we are honored to have such a namesake.

This new ballistic missile submarine will be one of the most important elements in the defense of the United States and the free world. The nuclear triad composed of land-based I.C.B.M.s, submarine-based I.C.B.M.s and bombers has formed the basis for preventing nuclear war for over thirty years. Of these, our sea-based deterrent has steadily gained in importance. American submarines have long been known for their technological sophistication, and the trident program carries on that impressive tradition. The result is a significant increase in the effectiveness of our sea-based ballistic missile forces, enhancing an already potent force for peace.

I am certain that there is not a man, woman or child here today that would not rejoice at the opportunity to dismantle the armed forces of the world including our own, and to redirect defense spending into programs that could increase the well-being of our society. I would welcome the day when, in the words of the Biblical prophet, Isaiah, we could "beat our swords into plowshares." This is a dream buried deep in the heart of man, and a hope toward which we must continually strive. Furthermore, I believe that we must be willing to take risks for peace, that we must be willing to put forward Herculean efforts to decrease the chance of war. In that regard, we can not be naive. We can not gamble with the lives and freedom of the people we serve. History tells us why. In the last two thousand three hundred years of recorded events, there have been only two hundred and seventy years of peace. It is sad to say, but the record for peace is not good. For every year of peace, we have had ten years of war. My father fought in a war, and so has my husband, and I am determined to expend every effort to see that neither my children nor their children ever have to take up arms against another man. Yet we can not—we must not—turn a blind eye towards the lesson of history. To ignore this lesson, I believe will invite the very disaster we seek to avoid.

Many people mistake the purpose for weapons such as that we are commissioning here today. We call them warships and yet their very purpose is to preserve the peace. Nothing illustrates this better than to examine the mission of this boat. That mission is solely to deter war. I am sure that Secretary Lehman, Captain Powell and every individual who serves onboard this boat would all agree that if the missiles aboard *Florida* are ever fired, they will have failed in their mission, not succeeded. But make no mistake, the missiles and ships such as U.S.S. *Florida* are vital not only to preserving the peace but also preserving our freedom and our way of life so that we have something worthwhile to pass on to our children. We can not afford, for what ever reason, to ignore the threat nor the intentions of any hostile nation. The Soviet military buildup has continued unabated, in the last ten years. The Soviets continue to outnumber us in a number of critical areas such as manpower, artillery, tanks, tactical aircraft, surface ships, and submarines. The Soviet Army continues to occupy Afghanistan. Soviet repression of the Solidarity movement in Poland has succeeded in stifling the voice of freedom and liberty there. The Soviets or their proxies continue to station troops throughout the Middle East and Africa. The Soviet Politburo has allowed its Vietnamese allies to run amok in Cambodia bringing suffering to the Cambodian people and destruction in their society. In other parts of the Far East, hundreds of thousands have been slaughtered in the name of communism. The Soviet and Cuban influence in Latin American affairs had wreaked havoc by spreading revolution throughout the Caribbean, our own backyard.

We ignore lessons of history at our own peril. While we must remain alert for pronouncements from the Kremlin that might reflect a change of purpose, we must not be fooled as Prime Minister Neville Chamberlain was fooled by Adolph Hilter at Munich, 1938. We must watch carefully to see if Soviet actions echo their words.

In an age of thermonuclear weapons, the issues of war and peace take on a very special significance. We are now at an unprecedented point in history.

The technical capability of destroying nations within a matter of minutes does exist. This is a terrifying prospect, and one which has led men and women of sound mind to wish that nuclear weapons had never been invented. The genie, however, cannot be put back into the bottle. That's why it is so vital that we continue to search for ways to deal with the realities that confront us. Until we are able to sit down with those who threaten us and eliminate the weapons of mass destruction I believe that we owe it to ourselves and future generations to maintain the military strength of our armed forces. Only strength will deter war. Those who think that military strength causes war should remember the words of Carl Vinson who served as Chairman of the House Armed Services Committee. He said, "The pacifist will tell you that military and naval strength cause war. Such a statement is about as logical as one which declares that crime can be abolished by destroying our police forces, that disease can be eradicated by abolishing our hospitals and that fires can be eliminated by abandoning our fire departments." I believe that Carl Vinson was right and that we as a nation cannot be foolhardy when it comes to the question of military strength. We must maintain the strength of our armed forces to convince any nation that it cannot win in an attack against the United States.

There are several key elements maintaining the necessary strength to deter military conflict. Without a doubt the most important is people. It's not missiles, or ships, or tanks, or any of the other things that we so commonly think of as a measure of a nation's military strength. The key to this nation's survival of the feedom and way of life that we hold so dear is—people. It's steelworkers, housewives, and businessmen. It's doctors, sailors, and farmers. It's lawyers, truckers and dockyard workers. It's all the people who comprise our great land, who share in its freedom and contribute to its bounty. It is they who are our frontline of defense. It is their vision, and their hope that form the foundation of our nation's strength. And I believe it is a solid foundation. As long as any potential foe is convinced of the will of the American people to defend their liberty and freedom, no country will dare aggression.

This invaluable service rendered the nation by our men in uniform and those civilians who participate in operation of the day to day defenses of our country should not go unrecognized. Without the men and women who have made and are making sacrifices in the service of their country we would be a nation without any means of defending itself. All too often we take the men and women in uniform for granted. As the daughter of a career Navy man, I know what sacrifices are necessary, and I know of the real impact that these sacrifices have on individuals and their families. From my heart I would like all of those men and women in the Armed Services to know how much I appreciate their service and their efforts. I know that I express the gratitude of both the people of Florida and all Americans in thanking our military personnel both active and retired. I also want to take time to mention and recognize the men and women who have labored to fashion this great vessel. The product of your toil and skill will serve as a valuable addition to the efforts to maintain peace.

As a free people we know we must be eternally vigilant. Furthermore we must remember that we live in a dangerous world, a world filled with violence and conflict between nations, a world which respects strength and tramples weakness. We are therefore bound both by moral obligation, history and our Constitution to promote the peace and prosperity of our people. The first and most solemn obligation of our government must always be to provide for the defense of all Americans. Educated and uneducated, rich and poor, black and white—all benefit from the peace and protection provided by our nation's defenses. Without our freedom and liberty all else is meaningless. I want to say in closing that: Today is a proud day for Florida. Today is a proud day for the United States. Today is a proud day for the free world.

IS THE PRESIDENT A PART-TIME STUDENT?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MILLER of California. Mr. Speaker, while there is little doubt that our Nation's educational system has its share of problems, I am disturbed by the President's conclusion that one of those problems is excessive Federal interference. Over the last two decades the Federal Government has taken critical steps to assure equal access to education for members of our society with special needs—the minorities, the disabled and the disadvantaged.

During the past several weeks education has become the President's newfound interest. It is evident, however, that although the President preaches "the basics," he does not practice them. A little more reading and a little better arithmetic and the President would recognize that the Federal programs he so casually criticizes are essential components of our Nation's educational system.

If he has any doubt, the President would be well advised to consult the States and local governments. But if the President does not have the opportunity to speak with educators, I commend him and my colleagues to an article which recently appeared in the National Journal:

[From the National Journal, June 6, 1983]

AN "F" FOR FACTS

(By Rochelle L. Stanfield)

It's a beguiling point of view: that the quality of our public schools began going down when federal aid to education began going up. What makes it so appealing to President Reagan is that it offers the easiest solution to today's educational problems: if the federal government does less, the schools will do better.

A recent flood of reports painting a grim picture of elementary and secondary education has given the President his opportunity. Probably the most devastating criticism came from Reagan's excellence commission, whose report, "A Nation at Risk: the Imperative for Educational Reform," concluded that "the educational foundations of our society are being eroded by a rising tide of mediocrity that threatens our very future." Critics particularly deplore the students drift away from tough science and mathematics courses.

The President has pounced on this report to support his goal of a dramatically reduced federal role in education. While the quality of education was declining over the past two decades, Reagan said in his April 30 radio broadcast, "the federal presence in education grew and grew. Parental control over local schools shrank. Bureaucracy ballooned until accountability seemed lost."

At his May 17 news conference, Reagan responded to a question about the decline by saying, "I think you can make a case that [education] began to deteriorate when the federal government started interfering in education." And on May 21, Reagan told the graduating class of Seton Hall University in New Jersey that the nation will not get its money's worth out of elementary and secondary education until "we reverse some of the dangerous trends of recent years. And that means restoring parents and local government to their rightful role in the educational process."

As political rhetoric, that might be fine. But it is not so fine as a reflection of the history of federal education policy.

The so-called federal intrusion into elementary and secondary education has been limited almost exclusively to enforcement of civil rights laws—access to equal education for minorities and the handicapped—and federal aid to help give the disadvantaged an equal educational footing. It has had nothing to do with the education of the average kid—the focus of most of the recent concern.

Most of the "intrusion" in the civil rights area resulted from court mandates that school districts provide all children with their constitutional rights. Most of the money whose growth Reagan so roundly disparages goes to the disadvantaged and handicapped—$4.5 billion of the $6.5 billion for elementary, secondary and vocational education in fiscal 1983—and the regulations that govern its use have been applied over the years after school districts failed to use the funds properly.

Not even Reagan's Education Secretary, Terrel H. Bell, denies the great success achieved by those programs. "I can testify to this committee that our Title I programs [for the disadvantaged] are successful," Bell told the House Education and Labor Committee in May 1981.

Surveys by the National Assessment of Educational Progress in 1970, 1974 and 1979 showed that minority and poor urban children were narrowing the reading and math gap with all other students. Most education experts say Title I of the 1965 Elementary and Secondary Education Act was the major reason.

Other statistics show the over-all success of the federal "intrusion." Between 1970 and 1980, while the proportion of high school dropouts rose from 8 per cent to 8.8 per cent for all 16- and 17-year-olds, it dropped for black youths from 12.8 per cent to 6.9 per cent. Between April 1960 and March 1981, the median amount of school for the 25-to-29-year-old population rose slightly from 12.3 12.8 years, while blacks and other nonwhite races nearly caught up, jumping from 10.8 to 12.7 years, according to the National Center for Education Statistics.

The President may want to do away with this federal intrusion, but the National Commission on Excellence in Education does not. It specifically called on the federal government to "help meet the needs of key groups of students such as . . . the socio-economically disadvantaged, minority and language minority students and the handicapped" and to protect "constitutional and civil rights for students and school personnel."

What about the average kids who opted for "the history of movie making" instead of chemistry? They have never been the concern of the federal government. With almost no exceptions, their schooling has been financed, governed and regulated by state and local governments. Over the years, the states let high school science and math requirements slip, for example, while the local school districts let teachers' salaries lag behind competing professions. There is plenty of blame to heap on them.

Reagan calls for a return of parent and local government power in education. It has always been there. In fact, part of the problem has been that state and local voters—including parents—mounted the property tax revolts in the 1970s that denied schools the financing they needed to keep up.

The excellence commission, along with other recent groups studying educational reform, recommend a variety of steps to reverse the slide. They are corrently addressed to state and local governments, where the responsibility lies. Among the recommendations are more stringent graduation requirements, longer school days and school years and more competitive, market-sensitive salaries for teachers. Most states have initiated educational reforms or are looking into the problem this year.

The problem is the cost. Graduation requirements can be changed with the stroke of a pen, but almost everything else requires cash. Denis P. Doyle, director of education policy studies for the American Enterprise Institute for Public Policy Research, conservatively estimates a $13.5 billion price tag just to extend the school day to seven hours and the school year to 11 months and to pay teachers enough to make the profession attractive in the market place. Do Reagan and the commission members really expect the states and localities, already drowning in red ink, to come up with that kind of money?●

REFUGEE SUCCESS STORIES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, the huge influx of refugees in 1980 brought disruptions and hardships to the Miami area. Nevertheless, south Florida made a tremendous effort to absorb these new arrivals.

Many of these persons have put much hard work into their efforts to become productive members of our society and to maintain their vision of the American dream. The individuals described in the following newspaper articles show that those who struggle to be here, as well as those who are fortunate enough to have been born here in the United States, can have freedom and a better life.

The articles follow:

[From the Miami Herald, Sept. 23, 1982]

REFUGEE WORKS TO BE FREE OF CHARITY

(By Marcia Cummings)

At $5 an hour, Janet Jean Baptiste is not getting rich—but he is making more money than he ever earned before.

Haitian refugee Baptiste cleans offices from 7 p.m. to 3:30 a.m., five days a week, at a Coconut Grove boat yard.

For Baptiste, who rides a bicycle from his rented room in the Grove to his job, his employment is a big step up from Oct. 26, 1981.

That was the date Baptiste, 22, landed on Miami Beach in a waterlogged boat. He was one of 33 persons aboard. Another 30 originally in the boat had drowned en route.

The Haitian expatriate and pilgrim was detained at the Krome Avenue Detention Center.

"I left Haiti because there were a few things I didn't like," said Baptiste through an interpreter. "I was having a lot of problems with the government."

Krome wasn't much of a welcome to America, he added.

"If one doesn't comply with the rules, then others are made to suffer," Baptiste said. "I went through a lot at the camp."

He was released in August under the sponsorship of the United Methodist Churches and the United Methodist Committee for Relief (UMCOR).

For awhile, Baptiste lived with friends in Florida City.

Church members from Kerr Memorial, Cutler Ridge, Perrine-Peters and Leisure City United Methodist churches in South Dade became his guardian angels. They helped him meet his immediate needs: learning English and finding work, shelter, transportation, food and clothing.

Francis Monson and Charlie Alvarez of Cutler Ridge United Methodist, 20740 Old Cutler Rd., found Baptiste a job at the boat yard.

"We needed a janitor." said Alvarez, production manager at the firm. "Since our church was helping to sponsor him, I figured I would give him a chance. So far he's doing well. He does his work, minds his own business and is always smiling."

"It is competitive, but I could not do this kind of work in Haiti," Baptiste said.

Baptiste's new life still is unsettled as he waits to learn if a federal judge will deny political asylum to Miami's Haitians. The status of the area's Haitian refugees is pending in U.S. federal court.

But Baptiste hopes for the best.

Last week, he received his first U.S. paycheck and immediately planned to open a bank account.

"We discussed what he was going to do with his money," said Lucille Bates, coordinator of the UMCOR's Haitian Resettlement Program. "He kept some for his food and rent and is saving the rest. He's making more money than I do. I think it's great."

Baptiste is one of 20 Haitians sponsored by UMCOR. Each Haitian is supervised directly by one Methodist church. The churches are as far south as Florida City and as far north as Delray Beach.

UNCOR gave each refugee a resettlement grant of $120 and provides a weekly maintenance check of $37.50.

Program sponsors also ensure that each refugee has an attorney and reports weekly to the resettlement center at Grace United Methodist, 6501 N. Miami Ave.

"Right now the program is a success because they are all reporting every Sunday," explained Bates, who supervises the weekly check-in.

Each of the 20 men is quizzed on address changes, any arrests, job hunting and food or clothing needs.

While they waited their turn Sunday in the small library of Grace Methodist, the Haitians chatted quietly at first, then became animated as old friends filed in and volunteers served punch and cookies.

At the desk, they listened carefully to the weekly questions asked in Creole by interpreters.

After reporting, the men received their checks. Those who needed food were given bags of beans and rice. Those who needed clothing were directed to a nearby table.

Louis Jacque Paul, sponsored by the Kendall United Methodist Church, 7600 SW 104th St., eagerly inspected a Winn-Dixie bag filled with shirts, shoes and trousers given him. He is working part time at a Holiday Inn.

Baptiste didn't need food or clothing Sunday. He is working full time now. He also is studying English.

"I hope to accomplish something good for myself in this country," he said.

[From the Miami Herald, June 15, 1982]

2 REFUGEES SET PACE FOR OTHERS

(By Nery Ynclan)

Two years ago, they were 10-year-old refugees who spoke no English, had no friends and faced an uncertain future in their new homeland.

On Monday, Maria Medina and Alina Pagan walked across the stage of South Miami Elementary School to accept awards from their school, the School Board and the city of Hialeah.

The girls had made the academic honor roll. They got A's and B's in all eight subjects, competing in regular classes.

"I was shocked and surprised and happy," said Maria, who came to the United States with her parents during the Mariel boatlift. "In my country there is no freedom. You have to study politics all the time. Here, I learn about everything."

"They are really an example to all of us," said Hialeah Mayor Raul Martinez, who presented the girls plaques from the city at the annual awards assembly.

"I was a refugee 22 years ago and I had the opprotunity to join the mainstream," he added.

School principal Helen Stolte said, "They competed for grades against all the other students and still made honor roll."

Dade schools are filled with thousands of refugee children from Cuba, Nicaragua, Haiti and other Latin countries. They enter a program that teaches them English quickly while helping them not to fall behind in other subject areas.

Stolte said that Alina, from Nicaragua, and Maria are examples of how the program is working.

Their parents have picked up bits of English from the two girls, who stress to them that a new country and a new life means they, too, should master the new language.

"I teach my parents how to say certain things they need to know," Alina said. "You can't go around life with a translator to speak for you."●

HONORING CARLOS J. GARCIA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. TORRES. Mr. Speaker, I rise to pay honor to Attorney Carlos J. Garcia, an outstanding man dedicated to serving the people of East Los Angeles, Los Angeles County, and our Nation.

On July 8, 1983, Carlos Garcia is being recognized by the East Los Angeles Community Union. They do this because of his long service as one of its pioneers, earliest professional staff, legal director, and later general counsel.

Carlos was born in Los Angeles on February 13, 1937. The eldest child of Lucia and Moises Garcia, he attended local public schools in East Los Angeles. A graduate of the University of California in 1959, he went on to the University of San Fernando Valley Law School. He is a member of the California State Bar and is authorized to practice before the U.S. Supreme Court.

Mr. Speaker, Carlos was raised as a Mormon and as a youth was sent to Brazil by the Church of Jesus Christ of Latter-Day Saints. His missionary duties included the administration of church units in addition to his normal missionary work. Through his work with the Brazilian people, he learned the Portuguese language to compliment his existing fluency in Spanish.

Carlos Garcia's service to his church, community, and family is exemplary. He works diligently as a seminary instructor and is a bishop responsible for 800 members. He has served in important leadership positions, most notably as the chairman of the Mexican-American Programs Foundation, chairman of the Ad Hoc Committee on Housing Committee for East Los Angeles and as the treasurer of the Ad Hoc Committee to Incorporate East Los Angeles.

He started his early student work as a social case worker for the County of Los Angeles, later becoming a hearing examiner for the city of Los Angeles. In 1967, the State of California assigned him as a rehabilitation counselor working with prison inmates prior to their release. The role as a professional rehabilitation counselor was tailored for Carlos and he later won appointment as a city commissioner to the Human Relations Commission.

Apart from his civic, church, and community endeavors, Carlos has been a devoted son, husband, and caring father. He married Nancy Berkemeyer and they have raised five children: Brenton, Theron, Camille, Dalan, and Arlan.

Mr. Speaker, if East Los Angeles is synonymous with Carlos Garcia it is because he has given so much of his life and work to benefit the community where he was born and raised. He is retiring from TELACU and will continue to follow his legal profession. I know he will continue to feel compassion for his community.

I ask my colleagues in the House of Representatives to join with me and the people of East Los Angeles in wishing Carlos Garcia success and happiness in all his future endeavors.●

CALVIN COOLIDGE: A GREAT LEADER FOR DEMOCRACY AND PROSPERITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. KEMP. Mr. Speaker, one of the best educated and most underrated Presidents of this century is Calvin Coolidge. He knew a remarkable amount of American and colonial history, and probably understood the principles of the Declaration of Independence and democracy better than any American since Abraham Lincoln.

On economic policy, Calvin Coolidge instituted a series of radical tax cuts for all taxpayers, generating a period of unparalled prosperity for the entire country.

Even Calvin Coolidge's strongest opponents agreed he had complete and utter integrity and restored confidence in Government after the scandals of the Harding administration.

I commend to my colleagues the following pearls of wisdom from President Coolidge's philosophy, thoughtfully reprinted by Marvin Stone, editor of U.S. News & World Report. I can think of no better way to celebrate Calvin Coolidge's birthday than to read and learn from the ideas of one of our greatest Presidents.

HAPPY BIRTHDAY, MR. COOLIDGE

(By Marvin Stone)

Once again, we mark Independence Day by recalling the good sense of our 30th President (1923-29). Calvin Coolidge was born on July 4, 1872—the only President with such a distinction. "Silent Cal" may have had his detractors, but the Vermonter's philosophy has worn well through the years. A sampling from the record:

No person was ever honored for what he received. Honor has been the reward for what he gave.

Americans have not fully realized their ideals. There are imperfections. But the ideal is right. It is everlastingly right. What our country needs is the moral power to hold to it.

It is of infinite importance to demonstate that legislation is used not for the benefit of the legislator, but of the public.

Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men of talent. Genius will not . . . the world is full of educated derelicts. Persistence and determination alone are omnipotent. The slogan "press on" has solved and always will solve the problems of the human race.

The benefit of one is the benefit of all, and the neglect of one is the neglect of all.

Don't expect to build up the weak by pulling down the strong.

There is no dignity quite so impressive, and no independence quite so important, as living within your means.

It has always seemed to me that common sense is the real solvent for the nation's problems at all times—common sense and hard work.

Ultimately, property rights and personal rights are the same thing. The one cannot be preserved if the other be violated.

The meaning of America is not to be found in a life without toil. Freedom is not only bought with a great price; it is maintained by unremitting effort.

Men do not make laws. They do but discover them. Laws must be justified by something more than the will of the majority. They must rest on the eternal foundation of righteousness.

Large profits mean large payrolls.

Industry, thrift, and self-control are not sought because they create wealth, but because they create character.

There is no right to strike against the public safety by anybody, anywhere, anytime.

Prosperity is only an instrument to be used, not a deity to be worshipped.

The world has had enough of the curse of hatred and selfishness, of destruction and war. It has had enough of the wrong use of material power. For the healing of the nations there must be good will and charity, confidence and peace. The time has come for a more practical use of moral power, and more reliance on the principle that right makes its own might.

If you see 10 troubles coming down the road, you can be sure that nine will run into the ditch before they reach you.●

OPPOSITION TO THE MX MISSILE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WOLPE. Mr. Speaker, in the weeks ahead, the House will be again called on to make an important decision regarding the MX missile. As we approach a vote authorizing the MX for fiscal year 1984, I think it is vitally important that Members of this body realize the extent of the opposition to the MX among the American people. The following statement by the American Baptist Churches of the United States briefly, but cogently, summarizes the case against the MX. I commend the statement for the attention of all my colleagues.

OPPOSITION TO THE MX MISSILE

The American Baptist Churches USA opposes the MX missile, because it destabilizes the current international military balance and needlessly escalates the arms race. If the MX is deployed, it will have a negative impact on the peace and security of both our country and the Soviet Union. It is a superpowerful, superaccurate, first-strike weapon which does nothing but provoke the Soviets to build their own first-strike weapons.

The MX is not needed by the United States as a bargaining chip. The MX is not needed to modernize the U.S. nuclear forces, nor is it needed to close an imaginary window of vulnerability. The MX is not an appropriate means by which the U.S. can show its resolve to defend itself against attack. The MX is not an effective counter to recent Soviet adventurism. The MX will give the citizens of the United States and the entire world a new chapter in the vicious upward spiral of the arms race, leading to new fears and new threats of destruction. We do not need this missile.●

STATEMENT BY THE COALITION FOR A NEW FOREIGN AND MILITARY POLICY IN OPPOSITION TO PRODUCTION OF THE MX MISSILE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. KENNELLY. Mr. Speaker, I rise to bring to the attention of my colleagues a statement by the Coalition for a New Foreign and Military Policy in opposition to the MX missile, a position I fully support:

The Coalition for a New Foreign and Military Policy, on behalf of its 51 member organizations, strongly opposes the beginning of production of the MX missile.

For many years, MX advocates justified the program as needed to overcome the growing vulnerability of the U.S. land-based missile force. With that rationale a thing of the past, now the program is being continued as part of an arms control regimen which we believe cannot possibly succeed, and which, in any event, should not be allowed to justify production of a weapon which has no military rationale.

The recent letter by Arms Control and Disarmament Agency Director Kenneth Adelman to the Senate Foreign Relations Committee, shows how unreasonable the new case for the MX really is. As Senator JOHN TOWER once put it, the MX "is of little use unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks."

We wonder how serious this administration is about arms control, when it antes up the MX, which by this analysis is virtually worthless, as a bargaining chip equal in value to the entire Soviet force of modern ICBM's.

We see no possibility that construction of the MX will make it easier to negotiate the kind of agreement needed to stablize the strategic balance. On the contrary, production of the first-strike MX missile, together with development of other hard-target-destroying weapons, will only add to the distrust driving the arms race into a new and much more dangerous phase.

Richard Healey, Executive Director; Robert W. Tiller, American Baptist Churches, Coalition Co-Chair; Nancy Sylvester, IHM NETWORK, Coalition Co-Chair.●

LATEST SOVIET HYPOCRISY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues this editorial printed on Monday, June 20, 1983, in the Oxnard Press-Courier. This is yet another prime example of the constant harassment and racial discrimination and oppression by the Soviets against its Jewish population.

LATEST SOVIET HYPOCRISY

It is hypocritical enough that the Soviet Union's new Anti-Zionist Committee contends that few, if any, Soviet Jews still wish to emigrate.

But during a recent press conference in Moscow, the newest official Soviet government committee also asserted there is no discrimination against Jews in the Soviet Union.

The committee's mendacity is preposterous. The whole world knows how the Soviet government oppresses Jews.

In recent years, young Jews have been largely excluded from the country's leading colleges and universities. Many who applied to emigrate have been demoted or fired from their jobs. Others have been stripped of academic degrees.

Far from not wanting to leave, at least 300,000 of the country's 1.8 million Jews had written to relatives abroad by 1979 for invitations to emigrate. Such invitations are required for permission to leave the country. The number of Jews allowed to depart, however, dropped from a high of 51,000 in 1979 to less than 2,700 last year.

Moreover, Russian authorities now intercept and refuse to deliver all invitations to emigrate mailed from abroad.

Ironically, the Kremlin's latest campaign against Jewish emigration comes as representatives of the Soviet bloc and the West meet in Madrid to monitor the Helsinki Act on human rights. This is the 1975 accord in which the West ratified East Bloc postwar boundaries in exchange for Russian agreement to respect human rights, including the right to emigrate.

The Anti-Zionist Committee is just one example of how the Kremlin pays lip service to the Helsinki Act while making a mockery of human rights. While maintaining an invasion of Afghanistan abroad, the Soviets have jailed or exiled all avowed human rights activists and other dissidents within the country.

The Western nations should continue to insist in Madrid that the Kremlin honor its agreement to permit free emigration and other civil liberties for Jews and, indeed, all people in the Soviet Union.●

NATIONAL AGRICULTURE DAY—A TRIBUTE TO AMERICA'S FARM FAMILIES

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MADIGAN. Mr. Speaker, today, Mr. DE LA GARZA of Texas, chairman of the House Committee on Agriculture, and I have introduced a resolution requesting the President to proclaim March 20, 1984, as National Agriculture Day. We are joined in cosponsorship by our fellow committee members and we hope that our other colleagues in this body will join in support.

It is appropriate that we call attention to the accomplishments of American farmers and ranchers, to that small but essential percentage of our population who produce the food, fiber, and forest products on which we all depend.

Agriculture is indeed a basic business of the Nation's economy—food provider to the Nation and much of the world, the Nation's biggest industry and largest employer.

In a nation whose progress has been geared to its productivity, the American farmer has emerged as a world class champion. Today's farmer produces enough for himself and 77 other persons, including the needy and hungry in many of the world's have-not countries.

At the turn of the century, farming was powered by muscle power—horse, mule, and human muscle—and one farmer produced only enough food and fiber for himself and six other persons. In the early 1900's, mechanization on the farm began to take important shape. As more tractors, harvesters, trucks, and automobiles were purchased by farmers, more acres which had been needed to produce the feed for working farm livestock were released for food production.

With the development of farm mechanization came also the development of agricultural research, technology, and the farmer's know-how. Better seeds, better feeds, better breeds became the hallmarks of the farmer's progress.

And as the farmer's production increased, less manpower was needed on the farm. More people found it possible and profitable to leave the farm and take up other pursuits that helped provide the goods and services for a growing population. The unparalleled productive capacity of American agriculture has truly become the envy of the world—and our Nation's greatest asset.

Agriculture today is an essential part of the long continuum of progress that has helped make America great. And it is the purpose of the resolution we have introduced today to provide for national recognition of that fact.●

CYPRESS CENTURIONS AWARDS NIGHT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. PATTERSON. Mr. Speaker, it is with pride that I ask my colleagues to join me in recognizing the achievements of the Cypress High School Class of 1983 Award recipients.

These students are being honored for their academic excellence in a university preparatory curriculum, exceptional contribution to school and/or community, superior achievement in a specific curriculum, and exemplary leadership among peers.

Mr. Speaker, to properly honor the Cypress High School Award recipients, I would like to read into the CONGRESSIONAL RECORD the names of these outstanding students:

Eric Aguirre, Paul Anh, Robert Allman, Joanne Amash, John Anderson, Michael Appleby, Adela Augsburger, William Augsburger, Robert Baba, Tahirk Baloch, Robin Balowitz, Philip Bardowell, Beth Barger, Kenny B. Batdorf, Terri L. Blake, Benjamin Boer, Dawn Brennan, Sharon Brown, Kristin L. Burgess, Sean Byerly, Dwayne A. Carrington, Clara Choe, Cindy Chio, Lori J. Cleave.

Michelle Colletti, Rhonda L. Corgard, Robin L. Cox, Cathy Craven, Cora Croce, Steven D. Daly, Jeff Dangaran, Leslie Davis, Brian S. Dean, Colette M. Dern, William T. DeRouchey, Mark DiMaggio, John Donaldson, Wendy Ellerston, Joseph W. Eustaguio, Rose V. Feliciano, Danyelle E. Frakes, Susan Fulbright, Jayne Garrett, Mark Gellerman, Rick Gessay, Glenn P. Getler, Patti Goclowski, Brenda Godsey.

Daksha Gorajia, Alex Gianette, Ariana Graff, Jon Harb, Suzanne Hawkins, Kathleen Hays, Gary Henderson, Sona Herbertson, David Higgins, Nass Hikida, Greg Hill, Bihn Hong, Quyen Hong, Van Hong, Colin Howell, Sheri Inouye, Graciela Jesperson, Anne Johanson, Cynthia Jones, David Keough, Laura Lampert, Patrice Langevin, Anita Lem, Deborah Levine.

Amy Liedahl, Kenneth Lin, Byron Lindros, Scott Lippon, Jeff Lowery, Lisa Lowy, Paul Lynch, Lina Ma, Gary Mah, Sanja Malis, Steve Martin, Leslie Margetich, Laura Marmitt, Diane Marsalla, Obert McCarter, Tracey McDonough, Lauren McKenna, Cornelia McMurray, David Meldrum, David S. Miller, Auesha Mirza, Allen Mon, Kevin Mon, Scott Montanja, Kevin Morello, Kim Moyer, Marlene Murcia, Scott Murphy, Kathryn Noyes, Viola Ng, Joe Nguyen, Khanh K. Nguyen, Dale Ohashi, Maria Ohmoto, Patty Ohmoto, Julie Orton, Kenneth W. Owens, Traci Paul, Shannon Peterson, Kim Amh Pham, Thuy T. Pham, Kevin E. Pollock.

Timothy S. Powers, Robert Puskas, Ron Ramirez, Michael Roberts, Matthew Rocke, Susan Rogers, Beverly Rodriguez, Rosalia I. Rodriguez, Kirby Rollins, Steven Ross, Dennis Rudolph, Loretta Salcido, Ricki Scholl, Suzi Sharum, Janiece S. Shelton, Paul Shirts, Tammy Shrigley, Tammie J. Siefert, Steven Slick, Etan Swenson, Karen L. Summers, Alex Takagi, Krista C. Taylor, Inger C. Thompson, Lorraine Terpening, Corrine Terres, Dee Tidwell, Khai Tran, Thanh Tran, Thuhang Tran, Thunh Tran, Toan Tran, Adel Truisi, Anthony Tubbs, Dale Turner, Teresa Valis, Robert Walker, Shellie Walker, Eric A. Watanabe, Wendy L. Weinberg, Thomas Wickenhisser, Kenneth L. Wong, and Jannette Yang.

Mr. Speaker, please join me in saluting these outstanding young people for their worthwhile achievements. These students have not only instilled pride in their school, but in their families and community as well.●

CAPTIVE NATIONS VIGIL COMMITTEE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BROOMFIELD. Mr. Speaker, I enthusiastically support the fine efforts of the Captive Nations Vigil Committee. As all of my colleagues know, the committee is organizing a commemoration of those people who have lost their freedom and independence over the years to Communist totalitarianism. The commemoration will begin on July 1, and will end on July 2 at the end of a 24-hour "Chronology of Betrayal," during which a chronological history of those nations which have fallen under Communist domination will be read. In addition, a participant will read the names of the many victims of communism in those lands. In addition, testimony will be given by those who have witnessed Communist atrocities in their homelands.

I congratulate the fine efforts of the committee and I am proud to rise with my colleagues and compatriots throughout this great land in voicing our strong support, unwavering admiration, and sympathy for those nations suffering under the grip of communism.

It is appropriate that the committee is paying special homage to those men and women of many nations who do not enjoy the independence, liberty, and human rights accorded to us in democratic nations around the world. Years ago, most Americans thought only of Eastern Europe when they thought of repression and human rights violations. This year, the violations of human freedom cover the front pages of our newspapers and Americans need no reminders of the reality of communism today. The horror of life in many countries is constantly before us. News of the deprivation of human rights in the Soviet Union and other nations comes to us with every morning's newspaper.

The suppression of human rights—freedom of thoughts, conscience, religion, and self-determination—is prevalent in many nations. It has spread from Eastern Europe to Afghanistan, and from Southeast Asia to Cuba. Through terror and deceit, the Communists have been ruthless in their efforts to control the captive peoples in these lands. Yet the hunger for freedom cannot be destroyed. It will not be destroyed by those oppressive regimes. Let us always remember that, though the struggle for freedom is painful, it is a battle well worth pursuing and a war that will be won. At this very moment, our Nation is assisting the struggling democracies in Central America and is trying to provide economic assistance to foster political stability in those beleaguered nations so that democracy can bloom. Who would want America to stand by and watch our nearby allies be slowly but surely added to the list of captive nations.

Our President's recent remarks and programs give me encouragement that the battle for freedom will be won. Unlike many past Presidents, President Reagan is vitally interested in the issue of captive nations and has made a personal commitment to this vital question. During this very period when the forces of communism are aggressively reaching out to entice more countries into their grasp, President Reagan is doing all that he can to spread the word to friend and foe alike that our Nation will not stand idly by and watch formerly free nations fall victim to communism.

I was recently encouraged by the President's efforts to dispatch Vice President BUSH to Europe to establish and talk about the International Democrat Union, an organization which will carry on the work of promoting democracy.

We should all be proud of our democratic and open system and should not be shy about telling democracy's story to the rest of the world. If we fail to accept this challenge, more countries will surely be added to the already long list of captive nations. With the importance of their mission in mind, I salute the efforts of the Captive Nations Vigil Committee and wish them well in their endeavors.●

STATEMENT FROM NATIONAL EDUCATION ASSOCIATION ON MX MISSILES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FASCELL. Mr. Speaker, I would like to share with our colleagues a statement from the National Education Association (NEA) concerning the upcoming vote on procurement funds for the first 27 MX missiles. While I believe we need a well-trained and well-equipped defense, I share the NEA's concern about the production of excessive nuclear weaponry which can only result in a continuing and escalating arms race.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., June 29, 1983.

DEAR REPRESENTATIVE: The House of Representatives is expected to vote soon after the July 4th recess on funding authorization for the first 27 MX missiles. This is an issue of overriding importance for the future direction of our country's national security and arms control policies.

Halting funds for production will not jeopardize our national security. Production, however, will result in another dangerous escalation of the arms race by both sides.

NEA strongly urges you to oppose any funds for production or development of the MX missile and to support the Bennett/Mavroules amendment which would delete $2.5 billion for production of the first 27 missiles.

Sincerely,

LINDA TARR-WHELAN,
Director of Government Relations.●

NEW YORK STATE LEGISLATURE ADOPTS RESOLUTION IN SUPPORT OF ETHIOPIAN JEWS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SOLARZ. Mr. Speaker, last month the New York State Legislature adopted a resolution, introduced by Senator Manfred Ohrenstein, calling upon the United States to assist this ancient Jewish community. Because of the importance of this issue, I insert this resolution in today's CONGRESSIONAL RECORD.

Similar legislation is currently before the House. I recently introduced House Concurrent Resolution 107, which expresses the concern of the Congress for the plight of the Jewish community in Ethiopia. I hope that other Members will join the 48 Members who have already cosponsored this resolution.

The Ethiopian Jewish community has survived centuries of conversion attempts by missionaries, and harassment and persecution by various regimes.

Freedom of religion is officially recognized in Ethiopia. However, according to the State Department's "Country Reports on Human Rights Practices for 1982," the Falasha, meaning "stranger or landless one," have suffered from obstacles to the practice of their religion, and other severe discrimination.

The Falasha are also among the 800,000 Ethiopians hard hit by the severe drought, Ethiopia's worst since 1973, that has swept the northern parts of the country.

As a result of their ongoing difficulties in Ethiopia, many of the Falasha have sought to emigrate so that they might live in freedom and practice their religion without interference. Unfortunately, the Ethiopian Government frowns upon emigration. Despite these restrictions, several thousand Ethiopian Jews have fled over the borders to neighboring countries where they live as refugees.

Mr. Speaker, I would like to commend and congratulate New York State Senator Manfred Ohrenstein and his colleagues for passing this resolution. Mr. Ohrenstein has long been a champion of humanitarian causes, and his resolution in support of the Ethiopian Jews eloquently asserts the importance of providing assistance to this long-suffering people.

RESOLUTION

(Legislative resolution calling upon the Government of the United States, through its President, its State Department and its Congress, to extend the help of its diplomatic offices to the Ethiopian Jews by negotiating with the several countries where they now live to permit them to depart for other hospitable shores of their own choosing)

Whereas, The Ethiopian Jews are amongst the oldest continuous Jewish communities in existence, their history extending back for three thousand years; and

Whereas, From heights of power and influence in that African country, they were finally defeated in battle and forever after experienced only poverty, landlessness, political impotency, religious persecution and discrimination; and

Whereas, Once numbering nearly one million, their present census has been radically reduced to only twenty thousand, of which several thousand are suffering bitterly as helpless refugees in another county in the Horn of Africa; and

Whereas, They have daily prayed for centuries that they might be able to live in peace and security amongst their kinsmen in other lands; and

Whereas, The United States has always been a haven for the persecuted and downtrodden of other countries, immigrants who after arrival have contributed significantly to the development of this great land; and

Whereas, This ancient group is in danger of actual physical extinction unless immediate large scale assistance is forthcoming

from a generous and powerful country like the United States; now, therefore, be it

Resolved, That this Legislative Body does hereby call upon the Government of the United States, through its President, its State Department and its Congress, to extend its diplomatic offices to this helpless group of people by negotiating with the several countries where they are now living to permit them to depart for such other hospitable shores of their own choosing; and by providing whatever assistance is necessary in the form of a significant number of visas, grants for travel and maintenance, and aid in their absorption in this country, if such is required; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the United States, the Secretary of State, the entire New York State Congressional Delegation, and to such other individuals and organizations that can assist in this lifesaving mission.●

DIVEST IN SOUTH AFRICA

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, as a member of the Arms Control and Foreign Policy Caucus, I would like to urge my colleagues to consider the merits of a debate sweeping universities across the country regarding American investment in South Africa. There seems to be a growing ground swell of support for U.S. divestiture.

I would like to commend to my colleagues the following New York Times op-ed piece, "No, Instead Divest," of June 24, 1983 by Harvard professors Michael Joseph Smith and Stanley Hoffmann, who argue first, that foreign investment in South Africa does not increase U.S. leverage over South Africa's internal policies; second that American investment does not necessarily benefit black workers and third that continued investment in South Africa runs the risk of condoning, perhaps even strengthening, injustice.

I would urge each member to read this article, to consider its message not only to American universities, but especially to ourselves as legislators who will be considering next month various proposals that review our Nation's ties to South Africa.

. . . No, Instead Divest

(By Michael Joseph Smith and Stanley Hoffmann)

Cambridge, Mass.—Why should American universities divest from companies that do business in South Africa? The most powerful reason is the character of the South African regime: No government since Nazi Germany has been so infected with an official ideology of racial supremacy.

Repression in South Africa is institutionalized throughout society. Blacks are systematically denied the most basic human rights. Philosophers often disagree about whether these basic human rights are essentially civil and political in character or social and economic, but in South Africa, the issue does not arise: The majority population of blacks, Asians and the people of mixed race known as colored lives under a minority regime that forcibly prevents them—with all the trappings of legality—from exercising both their political and economic rights. In short, South Africa is a uniquely malign, racist police state for which the sanction of corporate withdrawal is appropriate.

Of course, many of those who favor continued investment and business-as-usual with South Africa disapprove of apartheid. The problem is how best to demonstrate our disapproval and affirm our commitment to the values of universal human dignity that are at the heart of all institutions devoted to the pursuit of learning and truth. Opponents of divestiture argue, first, that it is ineffective; second, that it is costly; third, that it may even make things worse for those most oppressed; and fourth, that divestiture amounts to naive moralism. Harvard University's president, Derek Bok, for example, recently said proponents of divestiture are "counseling us to run from evil rather than work to overcome it. . . . Realistically, there is little that a university in the United States can do to overcome the evils and injustices in a land far removed from our own."

We respectfully disagree. Universities in particular have a special responsibility to act in accordance with the values upon which they are founded, and that responsibility may entail taking a clear and unambiguous stand for what is right—even if its effects are not immediate. The movement to abolish the slave trade and prohibit slavery in early 19th century Britain is instructive here: Had its leaders been guided by considerations of immediate effectiveness and cost, their campaign would have died at birth. On some basic issues, doing the right thing is important in itself. On apartheid, universities should be leading, not apologizing.

Of course, many argue that shareholder resolutions to require adherence to the voluntary code devised by the Rev. Leon Sullivan, a Baptist minister, for businesses operating in South Africa are more effective than divestiture and withdrawal. But even if such efforts aimed at promoting "change from within" were lasting and sincere—a dubious assumption, at best—they have obviously failed to make the slightest dent in the overall system of apartheid. If anything, the situation in which 250,000 people are arrested each year for violations of restrictive racial codes has become worse.

Concerning the financial cost of divestiture, we appreciate the problem but believe it to be overstated. No one is asking universities to dump all their stock at a loss tomorrow. What matters is establishing the principle of divestiture as a goal.

Will divestiture exacerbate conditions among black workers? In certain cases it might—but very major black leader and group has nevertheless called for corporate withdrawal. As Bishop Desmond Tutu, General Secretary of the South African Council of Churches, has said, "We ask our friends to apply economic pressure . . . . Our last chance for peaceful change lies in the international community applying political, diplomatic and especially economic pressure."

Moreover, it is doubtful that foreign investment has improved the position of black workers. The gap between white and black wages is widening, and employment opportunities remain vastly unequal. More and more, the assertion that American investment helps poor blacks smacks of questionable rationalization.

Finally, proponents of divestitute are charged with seeking an unattainable moral purity. Certainly the danger of ineffectual moralism exists—and as teachers of ethics in international relations we are well aware of its pitfalls. But there is also a danger of justifying present policies of investment: pious hypocrisy or the (however reluctant) condoning of evil.

We believe it is not naive, but moral, to divest. Divestiture means more than washing our hands of the guilt of association. It is a constructive act designed to put pressure on an evil system and demonstrate in the clearest way possible that American universities are committed to the fundamental value of our common humanity.●

HONORING THE EAST LOS ANGELES COMMUNITY UNION 1981-82 BOARD OF DIRECTORS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. TORRES. Mr. Speaker, Senator Robert Kennedy when serving as a U.S. Senator from New York, set into motion legislation that was to have far-reaching effects for poor people in America. He was the prime mover of title VII of the Economic Opportunity Act. Title VII authorized the U.S. Government to assist qualified urban and rural communities in answering unattended socio-economic problems through a community-controlled organization.

Early in 1968, the University of California at Los Angeles (UCLA) and the United Auto Workers (UAW) had joined together with other concerned unionists and community residents to improve the quality of life of the largest Mexican-American barrio in the United States. This became the mandate for the East Los Angeles Community Union (TELACU).

Supported by title VII designation as a community development corporation, it forged boldly ahead designing and setting strategies for resolving chronic unemployment, substandard housing, needed transportation, inadequate health care, and a myriad of other issues.

Mr. Speaker, the most notable aspect of this undertaking was that from the very inception of TELACU, its board of directors—made up of some of its original pioneers and community residents—were the driving force behind the plan to rebuild the face of East Los Angeles. Today, they direct and authorize venture strategies in an effort to create community income and job opportunities.

Mr. Speaker, TELACU stands out today as a model community-controlled organization. Known throughout the United States and the world as

an example of how low-income Americans working through great adversity, hard work, democratic principles, and commitment to their community can indeed succeed.

Mr. Speaker, on July 8, 1983, TELACU will honor many of its early founders and 1980-81 board members. I have the honor to submit to my colleagues in the House of Representatives, the names, posts, and dates of service of the TELACU board members. They are to be commended for having accepted a challenge at a time in history that was bleak and dark for poor people. Today, there is light and optimism and they leave a legacy for others to follow with pride and to emulate with honor.

THE EAST LOS ANGELES COMMUNITY UNION BOARD OF DIRECTORS, 1981-82

Joe L. Gonzalez, Chairman, 1/1/81 to 10/5/82.

Dolores Carrillo, Interim Chair Secretary, 10/5/82 to 12/31/82 and 1/1/81 to 10/5/82.

Mauricio Terrazas, 1st Vice Chair, 1/1/81 to 10/26/82.

Jay Candelaria, 2nd Vice Chair, 1/1/81 to 12/31/82.

George Solis, Treasurer, 1/1/81 to 12/31/82.

Jose Elizondo, Member, 1/1/81 to 12/31/82.

Carlos G. Garcia, Member, 1/1/81 to 12/31/82.

Pilar Hernandez, Member, 1/1/81 to 12/31/82.

David C. Lizarraga, Member, 6/23/81 to 12/31/82.

Gordon Moreno, Member, 1/1/81 to 12/31/82.

Antonio Parocua, Member, 1/1/81 to 4/19/82.

Hank Gonzalez, Member, 4/28/81 to 4/19/82.

Fernando Guzman, Member, 4/28/81 to 3/16/82.

Alex Sotomayor, Member, 1/1/81 to 5/27/82.●

EXPORT ADMINISTRATION ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. ROTH. Mr. Speaker, during July the House may begin consideration of the Export Administration Amendments Act of 1983 (H.R. 3231). No other trade statute so intimately intertwines international trade, foreign policy, and national security. Recently, the Committee on Foreign Affairs approved amendments to the existing statute which impose on the executive branch requirements to eliminate certain national security controls or limit the effectiveness of foreign policy controls.

For more than 30 years, this legislation has enabled Congress and the President to cooperate and jointly determine the degree to which militarily sensitive goods and technologies should not be sold, directly or indirectly, to the Soviet Union and other potential adversaries. In light of the Supreme Court's invalidation of the legislative veto, it is all the more important that Congress and the White House find a common ground on export control policy.

In the Subcommittee on Economic Policy and Trade, we have worked diligently to strike a proper balance between business, Congress, and the administration. I share my colleagues' concern that U.S. trade policy encourages exports. However, the primary purpose of the Export Administration Act is to restrict exports. The justifications for these restrictions must meet a prescribed set of conditions. Among the primary objectives of the current act are "to reduce the number of items subject to validated license controls" for reasons of national security and "to establish a set of criteria and procedural requirements to govern the use of foreign policy controls." Republicans and Democrats on the committee were unanimous in endorsing these objectives when the current law was written in 1979.

The approach reflected in H.R. 3231 eliminates a number of important national security and foreign policy controls as opposed to adding definition and clarity to the conditions enabling the President to act. If the legislation as drafted were to become law, there would no longer be a requirement for U.S. exporters to obtain validated export licenses for exports to most of Western Europe and Japan. At the same time, the bill obliges the President to undertake negotiations with our major trading partners to improve multilateral export controls over militarily sensitive goods and technologies.

Since 1949 the United States has participated in an informal coordinating committee of Western trading nations, known as Cocom, to restrict the transfer of militarily related items to the Soviet Union. As a result of the administration's deep concern over the transfer of such goods and technologies to the Soviets, the first high-level meeting of Cocom principals was held in January 1982. As a result of this ministerial meeting, and a subsequent meeting in October 1982, Cocom by unanimous agreement accepted the U.S. position to consider placing technologies—as opposed to products—on its list of controlled items. If the United States weakens its commitment to maintaining and enforcing a system of multilateral export controls, the Europeans and the Japanese will surely respond by weakening their own controls. The only winner will be the Soviets, who have embarked on a massive campaign to acquire the fruits of Western research and development.

There are alternatives to eliminating without a suitable replacement export controls which do protect the national security. It involves Congress requiring the executive branch to develop a list for goods, technologies, and keystone equipment which are genuinely militarily critical to the Soviets. The bill contains an amendment complete a militarily critical technologies list. It offers an alternative to several other provisions which lift controls instead of attempting to improve the control system.

H.R. 3231 also severely restricts the President's ability to impose the conduct of modern diplomacy; there are very few options before the President. There are times when the United States must be able to react with all deliberate speed to make its position known. One of the few instruments of crafting foreign policy is economic and trade sanctions. Foreign policy controls must be guided by four principals:

First, they must be timely;

Second, they must control exports for the United States;

Third, they must, to be effective, have extraterritorial application;

Fourth, they must include the authority, in certain special circumstances, to place foreign policy objectives over the terms of existing contracts.

However, the committee approved the elimination of extraterritorial controls in the absence of a joint resolution—the same instrument required for a declaration of war. International trade is a partnership between the President and Congress. Rather than restricting his foreign policy authority, Congress has the legislative prerogative to set down guidelines in which the President can exercise his constitutional responsibilities.

When this legislation comes to the floor, amendments will be offered to clarify and define the President's authority to control exports. Provisions in H.R. 3231 which compel the President to place individual export sales above major policy and national considerations should be modified.

The Export Administration Act is a highly complex and technical statute. It must be approached from three vantage points: Trade, national security, and foreign policy. There must be a balance among these factors. This legislation is very complex and lends itself to multiple value judgments. Therefore, I ask that my colleagues review this legislation in detail.●

THE MAGIC CITY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. ERDREICH. Mr. Speaker, industry created the city of Birmingham, Ala. Incorporated in 1871 with a population of only 1,200, it became a

booming town 20 years later that was nicknamed "The Magic City" because of its rapid growth.

Birmingham is the only spot in the world where iron ore, limestone and coal, the raw materials necessary for making iron and steel, are found in abundance. Coal and ore mining and steel production brought jobs to hundreds of thousands in the area in the early 1900's and economic prosperity to the city.

Basic changes in many industries and today's poor economic conditions may have stilled many of the coke furnances and closed many coal and ore mines in Jefferson County, but the life and activities that abounded when Birmingham was the "Industrial Center of the South" will endure, thanks to Mrs. Marjorie White of Birmingham, author of the book "The Birmingham District: An Industrial History and Guide." Mrs. White is also the author of "Downtown Birmingham—Architectural and Historical Walking Tour Guide."

I would like to commend Mrs. White for her accomplishments and for her desire to make certain that the history of the growth and development of Birmingham and Jefferson County is preserved for future generations.

The text of an article in the June 13, 1983, Birmingham Post-Herald applauding Mrs. White for her activities, follows:

[From the Birmingham Post-Herald, June 13, 1983]

THE MAGIC CITY

(By Carolyn Stern)

People came out of their houses in Docena and Brookside to stare and wave at the Greyhound bus that labored around corners designed for one-lane auto or buggy traffic.

It was a painless history lesson for the bus passengers. They were getting a first-hand look at towns that make up the industrial past of the Birmingham area, described in "The Birmingham District: An Industrial History and Guide."

Author Marjorie White stood at the front of the bus, giving a running commentary on the workers' and superintendents' houses, company stores and ghost towns.

The tour, and others like it, represent the third and final point of Mrs. White's research of the area over the past eight years.

She says her purpose has been to document the history, publish it and, above all, to get people out on tours to see the remnants of the time around the turn of the century when Birmingham was just awakening to its strength as an industrial giant of the South.

"In recording the past, we're taking the best from the past and interpreting it for future generations."

A romance language major, with a master's degree from Yale University, Mrs. White says she didn't take history in college because "it was too boring."

Born in Pittsburgh, she lived in Chicago before moving to new Orleans when her father, Dr. Herbert Longenecker, became president of Tulane University.

She says she and her parents "worked out a deal" about her college education—that if she stayed at home and went to Newcomb College (at Tulane), she could travel in the summer and increase her language proficiency. She spent summers in Canada, Mexico and Europe.

Her husband, Jim, is from Birmingham and they moved back in 1968.

Mrs. White taught French for a while at the University of Alabama in Birmingham, and one student remembers that she made learning French as much fun as learning history.

Along with verb conjugation and study of Antoine de Saint Exupery's "The Little Prince," the class learned to give a rousing rendition of "La Marseillaise" and feasted on Camembert cheese, French bread, strawberries and champagne.

When she and her husband started their family (three children in three years), Mrs. White says she realized her traveling might be somewhat curtailed, so she turned her attention to finding out about the town in which she lived.

After becoming associated with the Birmingham Historical Society in 1975 and finding there was no definitive guide to Birmingham's history, she took on the chore of developing one.

Though she calls the Birmingham District book (published in 1981) her "magnum opus," she is also the author of "Downtown Birmingham—Architectural and Historical Walking Tour Guide," published in 1977.

Tours of the downtown area began in 1978, and Boy and Girl Scouts earn badges declaring they have taken part in identifying landmarks and architectural details.

Mrs. White says she tried out the student tours on her children. "And they gave me their opinions. When they were younger, they said, 'Why do you want to do that? Those buildings are so dirty.' "

Now Marjorie Lee, 13, James, 12, and Goodloe, 11, work along with their mother on her projects. Marjorie Lee served as hostess on the recent bus tour, passing out apples, lemonade and cookies.

Mrs. White credits her husband, who is an investment banker, with practical assistance on book publishing. "It was my husband who had the writing and publishing expertise—and financial background."

She says the role of volunteer fits in with her lifestyle.

"I couldn't work 9 to 5. I think my own creativity would be killed. I put in 40-50 hours a week with the historical society, but not 9 to 5."

It's easy to believe her statement that she never gets nervous or bored. She doesn't have the time. She has enough projects lined up to occupy her for at least another three lifetimes.

Now she's working at Sloss Furnance, helping chart foundations of coke ovens that are being uncovered. She says she spends her time fighting fire ants and noonday heat instead of relaxing in her backyard with a cool lemonade because, "They need help."

And the project is interwoven with her research for the Birmingham District, she says. Coal from the mining towns like Cardiff, Brookside and Blossburg was brought to the Sloss Furnace.

"Plus," she says, "I've never been on a 'dig' before, and it's right here in downtown Birmingham."●

A HERO RETURNS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Ms. KAPTUR. Mr. Speaker, it is with great pride that I rise today to bring to your attention the story of one of my constituents, Mr. Alexander Drabik of Holland, Ohio.

During World War II, Sergeant Drabik was in command of a unit of Army riflemen. On March 10, 1945, at Sergeant Drabik's initiative, this unit crossed into German territory over the Rhine River at Ramagen. By capturing this bridge and breaking down German defenses beyond it, Mr. Drabik's surprise maneuver was instrumental in assuring the Allies victory in Europe. As the first American to set foot over the Rhine at Ramagen, Mr. Drabik was hailed as a hero and praised as a soldier with an extraordinary ability to lead and inspire others. This feat has been called the turning point of the war on the western front according to the Chicago Sunday Times. For his bravery, Alexander Drabik was awarded our Nation's second highest medal of valor, the Distinguished Service Cross.

I stand today to tell you of Mr. Drabik's action because 37 years after first crossing the Rhine, Mr. Drabik will soon travel to Germany for a reunion with his unit. As Mr. Drabik returns to visit Germany, I believe it is fitting that we assure him that his brave actions during the war are not forgotten, and that we again commend his courage and the courage of those who served under him.●

IN OPPOSITION TO THE MX MISSILE

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RATCHFORD. Mr. Speaker, I would like to share with my colleagues an open letter to the U.S. Congress from the Lawyers Alliance for Nuclear Arms Control in opposition to the land-based MX missile.

The National Board of Directors of the Lawyers Alliance for Nuclear Arms Control, Inc. unanimously calls upon the Congress of the United States to adopt an immediate six-month moratorium on MX missile production funds in fiscal year 1984. Believing that the recent action of the Congress in authorizing 1983 testing funds for the MX was ill-considered, the Lawyers Alliance views a six-month moratorium as a minimum necessary step to preserve our national interests and security.

Congress should impose this six-month moratorium so that the United States may seek a mutual and verifiable freeze on test-

ing and deployment of all new multiple-warhead ICBMs. The procedure would be similar to that taken with regard to the 1983 testing funds and would be consistent with the overwhelming approval by the U.S. House of Representatives of the Freeze resolution on May 4, 1983.

Moreover, in letters to Members of Congress on May 11 and 12, 1983, the President pledged to take new steps to advance nuclear arms reduction. These steps cannot be taken and evaluated before the Congress votes on the procurement of the MX missile unless there is a moratorium. This moratorium would allow the President to comply with commitments made to Congress in securing 1983 funding, and provide an opportunity to seek a mutually beneficial freeze on new American and Soviet multiple-warhead land-based missiles.●

SERGEANT HAMPTON, DEDICATED PUBLIC SERVANT, RETIRES FROM THE CYPRESS POLICE DEPARTMENT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. PATTERSON. Mr. Speaker, on June 17, 1983, a very dedicated Cypress police officer was honored by his family, friends, and many appreciative citizens for his loyal service to the community. He was honored on the occasion of his retirement. I know my colleagues in the House want to join with me in honoring this man.

Police Sgt. Walter F. Hampton is a 21-year veteran of the Cypress Police Department. He was first hired as a police officer on January 22, 1962. In 1968, he became a police agent, and was promoted to the rank of police sergeant in 1969.

Sergeant Hampton has had a very distinguished career. He holds the distinction of being honored as the first Officer of the Year in Cypress in April 1967. In addition to the commendations he has received for his outstanding work, Sergeant Hampton has attended many specialty schools. He has earned the intermediate, supervisory, and advanced certificates from the Commission on Peace Officer Standards and Training.

Sergeant Hampton's career has included work as the vice intelligence officer, the watch commander in the patrol division, and the operational supervisor of the support services division. He has also served in the investigations division.

Sergeant Hampton has had the loving support of his wife, Patricia, for over 33 years. The Hamptons are La Habra residents, and have been blessed with three children.

Mr. Speaker, the contributions of Sergeant Hampton to the security, safety, and betterment of the Cypress community can never be fully recognized. I know my colleagues in the House wish to join with the many Cypress citizens in wishing this fine man every success as he begins a new phase in his life.●

NEED TO PROVIDE EFFECTIVE SOIL CONSERVATION PROGRAMS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. JONES of Tennessee. Mr. Speaker, the problems of soil erosion and the need to provide effective soil conservation programs is a challenge that the Congress has faced often in the past. Despite our continued record of support for soil conservation programs, we still have a serious problem of soil erosion and waste in this Nation. Such waste cannot be allowed to continue without extracting a serious toll on our future economic strength, so it is a matter of vital concern to all of us.

Our traditional approach has been to provide research, education, technical assistance, and economic incentives to farmers, ranchers, foresters, and other land users, in order that they might be encouraged to carry out good soil conservation management as part of their daily operations on the land. This approach is widely supported and has been credited with prevention of tremendous amounts of damage that would otherwise have occurred.

But the record today tells us that the traditional approaches continue to fall short. Soil erosion rates are too high, and farmers are finding it hard to install and maintain needed conservation systems. Part of the problem, I believe, is the impact of Federal farm programs themselves. Too often, they provide the financial incentive which leads farmers to carry out land-destructive practices or else penalize the farmer who tries to do a good job on his land. I am convinced that these adverse effects of Federal programs—even if they are completely unintentional effects—can and must be stopped.

It is in that light that I am today introducing the Soil Conservation Act of 1983. I am indeed pleased that three of my colleagues from the House Agriculture Committee are also joining me as original cosponsors: Mr. COLEMAN of Missouri, the ranking minority member of the Conservation Subcommittee which I chair; Mr. HARKIN of Iowa; and Mr. JEFFORDS of Vermont.

This bill has three operating titles. The first would halt the Federal subsidies that have helped underwrite the cultivation of marginal lands. It would not prevent a farmer from cultivating any land he wishes to cultivate, but if it is land where the scientifically determined capability is such that continuous cultivation will result in excess soil erosion or land damage, the farmer would have to farm that land without the assistance of Federal income support or financial incentive programs.

The second title would allow farmers who wish to utilize crop rotations, grass or legume seedings, hay, pasture, or similar crops as a means of preventing soil erosion and building up their soil to do so without running the risk of incurring penalties in the event of a future crop stabilization program. The device proposed in this legislation is a "certified voluntary set-aside," where farmers would certify to the U.S. Department of Agriculture that certain lands are being set aside on a voluntary basis for conservation purposes. These voluntary set-asides would not cost the Federal Government any money—the farmers would not be paid for setting them aside. Through this program, we could cut back on surplus crop production and improve soil conservation at the same time—and at no public expense.

But when a future farm program is announced, the farmers who have entered the certified voluntary set-aside would have some advantages over their neighbors who have chosen to raise grain fence-to-fence. That would reverse the situation we have today, where the fence-to-fence grower has the advantage.

Under this legislation, the farmer with the voluntary set-aside would have his normal crop acreage base computed on the basis of the crop rotation in effect at the time he entered the voluntary set-aside. In other words, he would not lose his crop history because of a good conservation system. If a mandatory set-aside is called for, he would be able to designate any of his voluntary set-aside acres to meet those mandatory requirements. By complying with any regulations imposed by the Secretary at that time, he could meet the program requirements more easily as a result of having voluntarily chosen a conservation system and having gone through the effort to keep it certified with USDA.

Mr. Speaker, neither of these programs would cost the Federal Government anything significant in terms of Federal outlays. All that either of them would require would be modest administrative costs. No funds would be needed for direct payments to farmers. These programs would not solve all our conservation problems, however, and there will be other programs needed which would require continued Federal appropriations. I believe that these low-cost, commonsense approaches should be instituted as soon as possible in order to keep budget outlays down and make the other Fed-

eral conservation programs that much more effective.

The third title in the Soil Conservation Act of 1983 is what I call the "conservation reserve program." It would consist of a paid diversion aimed at the croplands which suffer the most serious soil erosion. Soil erosion studies indicate that erosion damage is far higher on some croplands than on others. Again, these are lands which can be identified by the Soil Conservation Service on the basis of their scientifically determined soil properties, slope, and climate.

I believe that getting these lands out of intensive crop use would be the most cost-effective way for the Nation to dramatically reduce soil erosion and the tremendous price it is extracting from us all. The increased water pollution, flooding, dust storms, and other damage coming from those seriously eroding croplands damages every American, and I think it is in the public interest to pay what is needed to halt that damage. This is a program which would require Federal spending—I see no way around that. But I do feel it would be cost-effective spending and would result in more than a dollar's worth of damage reduced for every dollar we spend.

Mr. Speaker, I urge my colleagues in the House to seriously study the proposals contained in the Soil Conservation Act of 1983. I think they offer the chance to move toward Federal programs that do the job without excessive Federal outlays and with full regard for the private rights of farmers. The need is significant, and the time to move is now.

At this point, I insert the text of the Soil Conservation Act of 1983 to be printed following my remarks.

H.R. 3457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Soil Conservation Act of 1983.

TITLE I—POLICY, FINDINGS, AND DEFINITIONS

POLICY

SEC. 101. Congress hereby reaffirms its policy to promote soil and water conservation, improve the quality of the Nation's waters, and preserve and protect natural resources through the use of effective conservation incentives that encourage farmers participating in all federal programs to carry out good soil conservation management on a voluntary basis and through the minimization of federally-funded incentive programs that have the effect of encouraging farmers to violate basic soil conservation principles in their agricultural operations.

FINDINGS

SEC. 102. Congress finds that—

(1) lands classified as "erosion-prone" or "highly erodible" under the Land Capability Classification System typically have estimated annual soil erosion rates from sheet, rill and wind erosion that are from double to ten times as high as the average soil erosion rates for all croplands;

(2) the Land Capability Classification System, as outlined in USDA Handbook 210, dated in 1961, has proven to be a reliable guide, based on scientific soil measurements, to predict the capability of different soils to sustain continuous cultivation without excessive soil erosion damage;

(3) that there are lands currently being cultivated which are eroding at such serious rates that their continued productivity is doubtful, while serious problems of airborne dust, drifting sand dunes, and sediment in water are being created as a result;

(4) that Federal programs which provide economic incentives and income support to farmers are, under certain conditions, having the effect of encouraging or subsidizing the cultivation of erosion prone and highly erodible lands;

(5) the substantial benefits of growing grasses and legumes in a crop rotation for building soil productivity and reducing soil erosion have long been recognized by agriculturalists and conservationists; and,

(6) many farmers who would otherwise use perennial crops such as grasses and legumes in a crop rotation with grain and other cash crops are discouraged from doing so out of fear that a future crop stabilization program will not recognize those acres as part of the cropland base, and will not allow such acres to be designated as land currently in conservation use thereby meeting the set-aside provisions in the stabilization program.

DEFINITIONS

SEC. 103. As used in this title—

(1) the term "agricultural commodity" means any agricultural product planted and produced by annual tilling of the soil, including one-trip planters; and

(2) the term "conservation district" means any district formed under state or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such districts may be called "conservation districts," "soil conservation districts," "soil and water conservation districts," "resource conservation districts," "natural resource districts," or a similar name.

(3) the term "erosion-prone cropland" means land classified by the Soil Conservation Service as classes IIIe, IVe, VI, VII, and VIII under the Land Capability Classification System and upon which cultivated or rotation crops have been grown in three out of the past five years.

(4) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification System.

(5) the term "Land Capability Classification System" is an interpretive grouping of soils based on a system set forth in U.S.D.A. Handbook 210, "Land-Capability Classification" and administered by the Soil Conservation Service. The definitions and specifications for all classes of land under the Land Capability Classification System, including the definitions of "erosion-prone cropland" and "highly erodible land," shall be those in effect on the day of enactment of this Act and published in the Federal Register within 60 days of such passage. The capability class for a field shall be that determined by the Secretary of Agriculture to be the "predominant" class under regulations issued by the Secretary.

(6) the term "Secretary" means the Secretary of Agriculture.

TITLE II—PROGRAM ELIGIBILITY ON HIGHLY ERODIBLE LAND

SEC. 201. (a) Except as provided in subsection (b) and notwithstanding any other provision of law, following the date of enactment of this Act any person who produces an agricultural commodity on highly erodible land shall be ineligible, as to that commodity produced on such land, for—

(1) any type of price or income support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act of (15 U.S.C. 714 et seq.) or any other Act;

(2) a loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(4) a disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(5) a new loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, if the Secretary determines that such loan will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(b) Subsection (a) shall not apply to—

(1) any land which was cultivated by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity crop planted by a person before the date of enactment of this Act;

(3) any agricultural commodity crop planted by a person during any crop year beginning before the date of enactment of this Act;

(4) any loan described in subsection (a) made before the date of enactment of this Act; or

(5) any agricultural commodity crop produced using a conservation system that has been approved by a conservation district and that is based on technical standards set forth in the Soil Conservation Service technical guide for that conservation district. In areas where no conservation district exists, the Secretary shall determine the adequacy of the conservation system to be used in the production of any agricultural commodity on highly erodible land.

TITLE III— CERTIFIED VOLUNTARY SET-ASIDE

SEC. 301. (a) Notwithstanding any other provision of law, the Secretary shall formulate and carry out a program to allow owners and operators of cropland as defined in subsection (c) to certify that certain croplands have been planted to approved perennial crops of grass or legumes as part of a crop rotation pattern designed to reduce soil erosion or build soil productivity. Such certification shall be renewed annually by a statement to the Secretary wherein the continued existence of an adequate stand of the approved crop on the designated land is verified.

(b) For purposes of establishing a list of approved grass and legume crops to be used in each county, the Secretary shall utilize the state and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act who shall, prior to determining such list, consult with

the conservation district in the county, the Soil Conservation Service, and the local agent of the Cooperative Extension Service.

(c) Croplands eligible for certification under subsection (a) shall be classified by the Soil Conservation Service as Class I, II, III or IV (or any subclass within those major classes) under the Land Capability Classification System, and shall have been managed for the production of harvested crops as defined in Subsection (d) for the five (5) preceding years.

(d) For the purpose of establishing cropping history, the Secretary shall require farmers to certify that eligible croplands have been used for the harvest of field crops, grass seed, hay, haylage, or other forage products by mechanical means or grazing livestock, or have been managed as a grassed waterway or grassed filter strip as part of a soil conservation system developed in cooperation with the conservation district. If normal or planned harvest in any of the preceding five (5) years was prevented by a natural disaster that prevented normal harvest or reduced crop growth to the extent that no harvest was feasible, the Secretary may consider the land as having been used for approved cropland purposes during that year.

SEC. 302. (a) In the administration of any future commodity stabilization program authorized under the Agricultural Act of 1949 or any amendment or subsequent amendment thereto, the Secretary shall allow farmers who have certified lands under Section 301 prior to the announcement by the Secretary of such commodity stabilization program and who have maintained those lands in the voluntary set-aside program through annual reporting to designate those certified lands as cropland in rotation for the purpose of establishing a normal crop acreage base for their farm.

(b) In designating conserving use acreage under any future commodity stabilization program authorized under the Agricultural Act of 1949 or any amendment or subsequent amendment thereto, farmers may designate lands certified under Section 201 prior to the announcement by the Secretary of such commodity stabilization program as set-aside land or conserving use acreage under the rules of such commodity stabilization program, providing that all conditions established by the Secretary as to management and harvesting of crops on set-aside land or conserving use acreage are met by the farmer.

TITLE IV—CONSERVATION RESERVE PROGRAM

SEC. 401. (a) Notwithstanding any other provision of law, the Secretary may formulate and carry out a program with owners and operators of erosion-prone land to assist such owners or operators to make, in orderly progression, changes in their cropping and land use systems needed to conserve, develop, protect, and use the soil and water resources of their farms, ranches, or other lands and to implement the soil and water conservation measures and practices needed under such changed systems and uses. In assisting such owners and operators, the Secretary shall provide contracts covering other than erosion-prone land upon a demonstration by the conservation district that a serious soil erosion problem exists on such land.

(b) The Secretary may enter into contracts of not less than seven or more than fifteen years for the purpose of carrying out this section. In such contract, the owner or operator shall agree—

(1) to effectuate a plan approved by a conservation district for the farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirements thereof are waived or modified by the Secretary;

(2) to forfeit all rights to further payments under the contract and refund to the United States all payments, with interest, received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil conservation district and the Administrator of the Soil Conservation Service, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

(3) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments under the contract and refund to the United States all payments received thereunder, unless the transferee of any such land agrees with the Secretary to assume all obligations under the contract;

(4) not to adopt any practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract; and,

(5) to such additional provisions as the Secretary determines are desirable and are included in the contract to effectuate the purposes of the program or to facilitate the practical administration thereof.

(c) In return for such agreement by the owner or operator, the Secretary shall agree to provide technical assistance, to share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest, and to pay an annual land rental fee on those acres of erosion-prone cropland that are placed in a conservation use for the duration of the contract.

(d) In determining the amount of cost-sharing for conservation measures and practices under this section, the Secretary shall determine that part of the total cost that is necessary and appropriate to effectuate the installation and maintenance of the conservation plantings and practices for a normally expected life of such a planting or practice. Payment shall be made in accordance with a formula developed by the Secretary to take into consideration—

(1) the costs of establishing and maintaining the agreed-upon coservation measures, plantings, and practices for a normal lifespan;

(2) the severity of the erosion hazard on the land to be converted from cropland to permanent cover; and,

(3) the willingness of the owner or operator, as evidenced in the contract, to apply the conservation measures as specified in the contract early in the life of the contract and maintain them for their normally expected life.

(e) In determining the amount of land rental to be paid for the retirement of erosion-prone cropland to conserving uses for the life of the contract, the Secretary shall accept bids from the owners and operators. In considering bids for acceptance, the Secretary shall give priority to those that will give a combination of—

(1) the lowest cost per ton of soil saved on the diverted land, as calculated by the difference between the estimated soil loss on the pre-contract cropping system employed by the owner or operator and the system that will be installed as a result of the contract; and,

(2) the lowest cost per acre/year of erosion-prone cropland diverted, taking into account both the amortized value of the cost-sharing required for installation of conservation measures and practices and the proposed per-acre rental fee contained in the bid proffered by the owner or operator.

(f) Notwithstanding any other provision of law, payments under this section shall be made in cash or in in-kind commodities in such amounts as agreed upon and specified in the contract.

(g) The Secretary shall provide the owner or operator the option to elect to receive payments under this section on a schedule, as outlined in the contract, that provides for a close correlation between the time the costs for conservation measures and practices are incurred by the owner or operator and the time the Secretary makes the payments to the owner or operator.

(h) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

(i) The Secretary shall provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops to establish vegetative cover for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

(j) In carrying out the program authorized by this title, the Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation.

TITLE V—RULES AND REGULATIONS

SEC. 501. The Secretary shall, within one hundred and twenty (120) days after the enactment of this Act, publish in the Federal Register regulations implementing this title, including the technical definition of erosion-prone land.

TITLE VI—ADDITIONAL AUTHORITY

SEC. 601. The authority provided by this title shall be in addition to and not in place of other authorities available to the Secretary and the Commodity Credit Corporation for carrying out soil and water conservation programs.

TITLE VII—AUTHORIZATION FOR APPROPRIATIONS

SEC. 701. There is hereby authorized to be appropriated such sums as are necessary for the administration of this Act.●

H.R. 2676

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BATES. Mr. Speaker, I rise today in support of federally funded research into the field of aquaculture.

As a long time advocate of research into alternative food sources, I am pleased to see that the House Merchant Marine and Fisheries and the Agriculture Committees have taken

such responsible action to see to the passage of the provisions in H.R. 2676. This bill will significantly serve to strengthen the national commitment to the aquaculture industry by providing $6 million in fiscal years 1984 through 1986.

Aquaculture is merely a new name for a time honored technology of producing food from the sea and from fresh water sources. Up to the present time it has been sufficient to allow traditional methods to gather these resources. Populations pressures, pollution, and the growing dependence upon these resources makes it crucial that we begin to treat our oceans and inland waterways as the all important resource that they are.

The United States is now just fifth in the world in the production of food resources from aquatic plants. For the sake of the Nation and the world as a whole, we must continue building upon the many accomplishments that have already been made in this field.

There is an undeniable and growing need for the plants and animals which are produced from aquacultural farming. As we deplete the resources of our oceans and inland waterways by pollution and over-harvesting, we begin to understand the importance of a controlled environment in which to cultivate this resource. We must recognize the great demands that will be put upon the United States to produce food and technology for a hungry world.

The National Marine Fisheries Service has estimated that aquaculture enterprises could produce 20 billion pounds of fish in 25 years. At present consumption levels, this would meet the demands of the entire State of California 12 times over.

It is estimated that by the year 2000, the demand for many aquatic foods will have doubled. It is clearly evident that unless something is done to plan ahead for this increased demand, we will have food shortages on our hands.

We need to continue Federal funding of aquaculture research to provide for the future of this critical food resource. After a time, further aquaculture advances will be supported by profit in the industry. Continued research is the primary step to insure that aquaculture will play a major role in feeding the people of the world.●

STINGTIME FOR POACHERS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. NICHOLS. Mr. Speaker, as you all know, I am an avid fisherman and hunter. I enjoy the sport thoroughly, as do many of my colleagues. However, as I was reading this week's copy of Newsweek, I was shocked and appalled to discover that there are citizens of the United States who are wantonly destroying our Nation's wildlife, not for sport, but greed. These poachers take game in our national parks and make a tremendous profit. For example, poachers can get anywhere from $2,500 to $20,000 depending on the animal. There is a market for elk antlers where hunters get $6.50 a pound from dealers. The dealers in return can get $42 an ounce for the ground antler in San Francisco. Not only that, but the gallbladder of a black bear is worth $3,000 in Asia.

These poachers are needlessly depleting our wildlife preserves, an action opposed by nature lovers and outdoorsmen.

Our National Fish and Wildlife Service is doing all it can to stop this horrible nightmare, but because of the high profitability of poaching, the illegal activities are multiplying.

I am disgusted to know that there are U.S. citizens who are breaking our wildlife laws at the expense of irreplaceable resources.

Environmentalists and sportsmen should be outraged by these reports. Personally, I condemn these repugnant actions and take this opportunity to denounce those who ruthlessly and illegally use our national wildlife for personal gain.

For the RECORD, I submit a copy of "Stingtime For Poachers," an article from the June 20, 1983, Newsweek which highlights the problem of poachers in our national parks.

The article follows:

STINGTIME FOR POACHERS

They are accused of offering the most-prized trophy animals of the Rockies, and for prices ranging from $2,500 to $20,000—depending on the beast—a kill was guaranteed. How could a hunting business make such a promise? By guiding clients onto public land after the fall hunting season closed, when elk, bighorn sheep, mountain goats and mountain lions are at lower elevations and much less on their guard. Last week, thanks to five undercover agents for the Fish and Wildlife Service, the business abruptly went out of business. Seven hunting guides, including Denver police detective Dale Leonard, were indicted in Colorado, and nine more indictments are expected in Montana. State and federal agents claim they have cracked the biggest poaching ring ever uncovered in the Rockies.

The Colorado operation illustrates the service's new emphasis on "sting" work. In the past, Fish and Wildlife agents and their state counterparts looked on themselves simply as game wardens, keeping an eye out for the rural poacher who killed to feed his family. With the upsurge in commercial exploitation of wildlife on public land, however, that attitude is changing rapidly. In recent years, federal agents have been deployed undercover to combat poachers in Alaska, where walruses are being hunted for their tusks; in California, where Indians have been accused of sweeping king salmon from streams with gill nets, and around Lake Erie, where in one case 1 million pounds of walleye were lifted illegally. Agents have also tracked Indians who kill bald eagles for their feathers. "This commercialization of wildlife has been prevalent in Africa, Europe and Asia for years," said Terry L. Grosz, the Fish and Wildlife Service's enforcement chief in the Rockies. "We're just finally catching up to [it]."

The reason for the rise of poaching in the United States is straightforward: profitability. The Colorado ring allegedly hunted black bears as a sideline to obtain their gallbladders and paws—two items prized by Asians. Small enough to fit inside film canisters, the bladders are sold by hunters to dealers in the United States for $100 apiece and retailed in Asia for $3,000, where in dried form they are marketed as medicine and aphrodisiacs. Bear-paw pads are sold as food (a dinner can run to $150), and grizzly claws for necklaces. Until late in 1981, when well-publicized arrests by the California Department of Fish and Game seemed to scare off much of the trade, illegal hunts were making serious inroads into the California bear population.

Aphrodisiacs: The Asian herbal-medicine market accounts for what is perhaps the West's most persistent poaching problem: the trade in elk antlers. Sold to Asians both here and abroad, ground elk antlers are used in everything from vitamins to aphrodisiacs. Every year representatives of Korean buyers make their way to tiny Gardiner, Mont., which abuts Yellowstone National Park; they assemble at the Blue Goose Bar—the hangout for "horn hunters." Hunters get $6.50 a pound, with the average set of antlers weighing 25 pounds. Dealers make their profits, too; ground antlers sell for $42 an ounce in San Francisco, says one agent who estimates that $1.5 million to $2 million worth comes out of the Yellowstone area each year.

Antler hunters can be ruthless. The U.S. attorney in Cheyenne, Wyo., is expected to announce soon the indictment of poachers who last year allegedly chased to exhaustion at least eight winter-weakened elk inside Yellowstone. After hacking the antlers off their heads, they left them to bleed to death. In most cases, though, elk antlers can be obtained without killing. Horn hunters sneak around Yellowstone and neighboring areas each spring, collecting the antlers the bull elk have shed. Federal law prohibits the removal of any natural features from a park, and the rangers take that to include the cast-off antlers. This spring Yellowstone recruited rangers from other parks—raising their number from two to seven—and set up decoy piles of antlers with hidden cameras to try to catch the poachers in the act. The result: 28 arrests, about half the number of horn hunters apprehended in 1982. "They're getting better every year," grumbles ranger Randy King.

With current penalties for poaching rarely exceeding a light fine, the only way to curtail it is to prohibit the buying and selling of game-animal parts. That has already been done in California and Oregon. However, Colorado, Wyoming and Montana, home to great herds of big game, allow trophies or antlers to be sold provided they are taken legally—and the contrary can seldom be proved. For the game police, then, the only recourse is undercover work. "The resource we are protecting is limited," says one agent. "So I want these guys to know something—their next partner may be us."—Micheal A. Lerner with Jeff B. Copeland.●

VOCATIONAL EDUCATION IS A MUST TO NATIONAL NEEDS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Ms. KAPTUR. Mr. Speaker, I rise today to urge my colleagues to strengthen the Federal Government's small but critical involvement in a unique part of our educational system—vocational education. Though the Federal Government provides only 10 percent of the funding for all vocational education programs throughout the country, this commitment is crucial nonetheless for the growth and sustenance of this proven job—development initiative.

I have witnessed, in my own community, the tremendous ability of vocational education to bring labor, business, and Government together to meet the training needs of the workplace. Mr. Speaker, if we acquiesce to the President's desire to consolidate the vocational education system, fewer skilled workers will be available to meet growing industry needs, unemployed workers will lose a chance to be retrained, and young people who might have gained valuable work skills will be lost as contributing members of our society. I urge my colleagues to oppose this administration's efforts to wipe out a national-level commitment to a worthwhile endeavor. The Nation is getting an invaluable return on a minimal investment.

Mr. Speaker, the impact of the President's vocational education consolidation proposal on Ohio and my district would be disastrous.

IF THE PRESIDENT'S PROPOSAL IS ENACTED

The current total budget for VEA programs is over $707 million for the States. The President's proposal would cut funding for vocational education by 43.46 percent.

Ohio would lose a total of over $14 million ($14,399,910).

In the aggregate, Ohio would have to eliminate almost 400 programs (disadvantaged, handicapped, full-time adult, consumer/homemaking, guidance counseling, career education), drop over 1,300 personnel, and leave almost 110,000 Ohioans unserved (108,396).

IMPACT ON THE NINTH DISTRICT IF THE PRESIDENT'S PROPOSAL IS ENACTED

Vocational education programs provided in the ninth district include accounting and computing, auto mechanics, data processing, carpentry, construction electricity, food service, health and community services, heating and air-conditioning, welding, machine trades, horticulture, and industrial agricultural equipment.

The Toledo School District has seen a decline in Federal assistance for vocational education. Toledo School District funding for vocational education has been:

Fiscal year:	
1980	$608,671
1981	413,972
1982	367,515
1983[1]	408,353
1984[2]	343,000

[1] Includes fiscal year 1983 continuing resolution.
[2] Under the administration proposal, these funds will have to pay for vocational and adult education.

In addition, the superintendent's office at Penta County vocational schools (which provides vocational education programs in the Swanton, Northwood, Maumee, Rossford, and Anthony Wayne School Districts) has informed me that in the last 2 years, the school lost $44,000 of Federal money for their programs for disadvantaged and handicapped students. This necessitated the loss of two staff persons. Their guidance counselor reimbursement rate was also reduced so as to increase their costs by $10,000. This could have required terminating up to five people, but the school found the funds to keep them on staff. Further, if the block grant proposal were enacted, the school estimates they would lose a total of over $160,000 which would require terminating as many as eight staff members in administration and programs for the handicapped. The level of services would also be severely impaired.

The President of Owens Technical College in my district, has said that adoption of the block grant approach at a reduced funding level ($500 million) would "wipe them out." Owens would lose $300,000, which would necessitate termination of around 10 instructor/professors.

RHODE ISLAND RESPONDS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. SCHNEIDER. Mr. Speaker, yesterday the Wall Street Journal printed an article on the State of Rhode Island which, in the opinion of the congressional delegation, seriously misrepresented the resilient character and wonderful environment of our State. Today, Senators PELL and CHAFEE and our colleague, Mr. ST GERMAIN, and I responded. I would like to share our reply with our colleagues (attached).

Thank you, Mr. Speaker.

U.S. SENATE,
Washington, D.C., June 29, 1983.

Mr. ROBERT L. BARTLEY,
Editor, The Wall Street Journal,
New York, N.Y.

DEAR MR. BARTLEY: The harsh and unfair portrait of Rhode Island in a recent article painted a grossly inaccurate picture that brings the Wall Street Journal's reputation for objectivity into serious question.

That unbalanced article did less than paint Rhode Island "warts and all." It painted the warts alone. It dismissed, almost as asides, many of Rhode Island's unique charms and strengths. Beauty is, of course, in the eye of the beholder . . . but we do not think that you looked closely enough.

Our state has economic problems which we freely acknowledge and are working to solve. Rhode Island has forged a strong, creative partnership of labor, business and government—the Rhode Island Strategic Development Commission—to find new solutions. The firestorm of protest ignited in our state by your article is convincing proof of both the depth and strength of this coalition.

While we understand our problems, we also understand that the solutions to these problems can be found in our strengths. Rhode Island offers a total environment and a quality of life that many have found to be among the very best in the United States.

Employers, for generations, have valued the character and reliability of Rhode Island's workforce. Much of this unique character flows from the ethnic and cultural richness of our people, who have combined from many backgrounds to make Rhode Island one of the most diverse and interesting States in America.

The compact size of our state, while perhaps a source of continuing good humor for residents and non-residents alike, also means that our residents can live in city, rural or suburban settings and still be only minutes from work or from the beaches that ring the Rhode Island coastline.

Rhode Island is a beautiful State that has something to offer everyone—breathtaking beaches, old world and new world neighborhoods, industries to provide jobs, entertainment and opportunities for growth and new businesses.

Cross pens, Gorham silver, Bostitch staplers, Brown & Sharpe machine tools, Trifari jewelry, American Tourister luggage, General Dynamics submarines, all these and many more are products of Rhode Island.

We invite you to visit Rhode Island and hope you will bring along any editors or reporters who have grown weary of commuting or tied of the high prices of "big city" living and would like to improve the quality of their lives.

You may discover what we have known all along. Rhode Island is a great way of life. We are proud to represent the fine people of this State.

Warm regards.

Sincerely,

JOHN H. CHAFEE,
CLAIBORNE PELL,
CLAUDINE SCHNEIDER,
FERNAND J. ST GERMAIN.●

LEGISLATION TO PROVIDE FOR CONTINUATION OF THE GUERNSEY SILT RUN

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. CHENEY. Mr. Speaker, I represent the members of the irrigation districts located in the Wyoming part of the North Platte irrigation project, which itself is located in both Wyoming and Nebraska. For many years,

the irrigation districts have employed on a seasonal basis a natural water conservation practice known as the silt run. A silt run allows water released from storage and containing silt to flow into the irrigation project distribution systems, lining those distribution systems and increasing their conveyance efficiency substantially.

In the past few years, the North Platte project and the Secretary of the Interior have disagreed about whether, and on what terms, the silt run should be allowed to continue. The disagreement occurs essentially because the United States some time ago purchased certain hydropower facilities from the project and now claims the right to maximize power output from them even though this would impair or prevent the silt run, a custom which clearly predates the purchase of the facilities.

I have reviewed the correspondence between the Department and the irrigation districts concerning the dispute. I have also reviewed additional materials collected and supplied to me by the irrigators. On the basis of this review, I believe it is likely that representatives of the U.S. Government promised the irrigation districts during the hydropower negotiations that the customary silt run could continue. Recent Department of the Interior analyses of the dispute appear to concede that such promises were made.[1] Nothing in the contracts between the United States and the project is to the contrary.

For these reasons, I remain unconvinced by the Department's position that its contracts, although silent on this issue, do not allow or require the continuation of the silt run, or that they would allow the Department to impose unspecified, and potentially very burdensome changes on the irrigators if the silt run interrupts power generation.

It seems to me that in this situation, the Government should be required to keep its promises, and this is what the legislation I am introducing today would do. The legislation would require the Department to continue the silt run in return for only those charges already explicitly spelled out for water deliveries under existing contractual agreements.●

[1] Guernsey Silt Run—Power Interference charges: An Analysis Report, pp. 25-27 (DOI, April, 1983).

THE REYE'S SYNDROME ACT OF 1983

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. FERRARO. Mr. Speaker, today I am introducing the Reye's Syndrome Act of 1983. I urge my colleagues to join in supporting the bill.

The legislation I am introducing today is identical to a bill I introduced in the last Congress. It has been sponsored in the Senate by Senator MELCHER, and cosponsored by 11 other Senators.

When I first introduced legislation to increase research on Reye's in 1979, the disease was very obscure, known only to those American families whose children had been afflicted by it and those members of the medical research community who were trying to understand it.

Since then, Reye's has become more widely known by the general public. Through the work of the National Reye's Syndrome Foundation, which now has 64 local chapters, public awareness has been increased of the dangers of Reye's and the need for strong support of efforts to combat the disease. One measure of the increased awareness is the fact that 226 Members of the House have cosponsored a resolution, introduced by Representative VANDER JAGT, to declare the week of November 7 "National Reye's Syndrome Week." I am pleased to be a cosponsor of House Joint Resolution 49, and I urge the Committee on Post Office and Civil Service to act promptly to bring it to the floor.

Unfortunately, the strides that have been made in publicizing the dangers of Reye's have not been matched by similar strides in curtailing those dangers. While research is being conducted and some progress has been made, we still know very little about the causes of Reye's, and even less about possible cures.

There are some things we know. We know Reye's most often follows viral infections like influenza, chicken pox, or German measles, and it is most likely to strike young children, though young people up to age 18 have been afflicted. While doctors do not understand the cause of the disease, it can be successfully managed if the patient is under the care of experienced medical professionals.

Sadly, all too often Reye's is fatal because neither parents nor the family doctor recognize it quickly enough. In 1982, according to the Center for Disease Control, there were 200 reported cases of Reye's Syndrome in this country. Of these, 66, or approximately one-third, were fatal, with other cases still unresolved.

The legislation I am introducing today is designed to give the National Institutes of Health the resources to increase its research effort on Reye's. The bill establishes within NIH a Reye's Syndrome Coordinating Committee which shall fund basic and clinical research on Reye's, including its causes, diagnosis, early detection, and treatment.

To fund the research, the bill provides $1.5 million for each of the next 3 years. In addition to the research money, the bill also provides $150,000 a year for the next 3 years for the operations of Reye's Mobile Research Teams. One of the problems in establishing a body of data on Reye's has been the failure to get experienced personnel to areas undergoing Reye's outbreaks. The Mobile Research Teams would be able to gather information on the onset, diagnosis, treatment, and outcome of Reye's cases, and to attempt to identify anomalous community factors that may contribute to the occurrence of Reye's.

Mr. Speaker, this bill will cost less than $2 million a year to combat a disease that threatens our most priceless possession—our children. In these times of tight budgets, it is hard to imagine a more justifiable expenditure of funds. When one out of every three children who contract this disease are dying, we have a responsibility to do everything we can to find a treatment. I seek the support of my colleagues for this worthy cause.●

INTRODUCTION OF THE EL SALVADOR HUMANITARIAN ASSISTANCE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RICHARDSON. Mr. Speaker, I am introducing today a bill entitled the "El Salvador Humanitarian Assistance Act of 1983." This legislation would provide assistance to persons in El Salvador who have been displaced and are suffering as a result of the war in that country.

Much has been said about how the United States should respond militarily to the political problems in El Salvador. But we have oftentimes overlooked the hundreds of civilians who have had their homes destroyed, their crops burned, their businesses wiped out, and their livelihoods snatched away. Prompt economic assistance by the United States is necessary to alleviate the human suffering arising from the civil strife in El Salvador.

The legislation I am introducing would amend section 495I of the Foreign Assistance Act of 1961 authorizing $5 million, in addition to the amounts already available to the President, for the relief and rehabilitation of needy people in El Salvador; $3 million of this authorization is earmarked to be available through international relief agencies to the Archdiocise of San Salvador and other organizations in El Salvador that provide food, medical care, clothing, and other basic needs to the civilians in this war-torn nation.

In addition, the President is encouraged to use other funds allocated under the Foreign Assistance Act for the relief of the suffering Salvadoran citizens.

Over the past few years, this Nation has sent millions of dollars in military equipment and advisers to the government in El Salvador to assist them in their war against guerrilla insurgents. But the bitter fighting continues in this small Latin American country, while families are without shelter, and children are without food or clothing.

If we feel it is necessary to send military aid to El Salvador to protect them from leftist take over, then we should certainly provide their citizens with the basic human needs which have been robbed from them as a result of the ongoing war. I urge my colleagues to join with me and cosponsor this much-needed and important legislation.●

SOME COMMENTS ON THE FEDERAL RESERVE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 29, 1983, into the CONGRESSIONAL RECORD:

SOME COMMENTS ON THE FEDERAL RESERVE

The appointment of Paul Volcker to another four-year term as Chairman of the Board of Governors of the Federal Reserve System has been described as President Reagan's most important personnel decision. When one considers all the appointments a President makes—Secretary of State, Justices of the Supreme Court, and so on—the description may sound exaggerated, but I have come to believe that it is not.

In times past, the selection of a Federal Reserve chairman caused scarcely a ripple in the national news media. Indeed, I suspect that until recently, most people would not have known the chairman's name. There are several reasons for the position's increased prominence. First among them is a growing appreciation of monetary policy's role in the ration's economy. One does not have to subscribe to the "monetarist" school of thought (which favors growth of the money supply at a steady, non-inflationary rate) to understand why the experts now pay much more attention to monetary policy than they did a few years ago. Interest rates and money supply are now generally recognized as very powerful tools in the hands of national economic managers. Another reason for the extraordinary rise in interest in Mr. Volcker's position is that misuse of the principal devices of fiscal policy—taxing and spending—has prompted a discouraged public to believe that the President and Congress can do little more than pile up huge deficits. The Federal Reserve, people are beginning to think, is the place to produce sound economic policy. The Federal Reserve is by and large an independent agency, even though the President names its Chairman and his six fellow governors. The governors are appointed for fourteen-year terms, so they are quite insulated from the political whims of the President and Congress. The Federal Reserve is also self-supporting, despite the fact that it is a creature of Congress (to which its chairman reports twice a year). It derives most of its revenues from interest income on its large partfolio of Treasury securities purchased in the course of open market operations, so it does not need congressional appropriations.

There are strong reasons to maintain the independence of the Federal Reserve. It can look at the economy objectively, without the political lens that the President and Congress must use. It can go against the political trends. Without a tightening of monetary policy in 1981 and early 1982, it is difficult to say where we would have been in the fight against inflation. Even so, given the extraordinary power that the Federal Reserve exercises, it is rather amazing that the governors are not accountable in any very direct way to the President or Congress. Although few would argue that the Federal Reserve should lose its independence, there is an effort afoot to make the governors more accountable. There is no clear consensus as to what the Federal Reserve should be doing or how it should be doing it, but increased accountability to political authorities could be achieved in several ways: we might require the Federal Reserve to issue more explicit economic goals; we might have the governors serve coterminously with the President; we might bring the Secretary of the Treasury into the key decision-making processes of the Federal Reserve.

The Federal Reserve's lack of accountability is no academic matter. In its successful effort to stop inflation, the Federal Reserve adopted policies which caused the highest unemployment in forty years and a record number of business failures. My view is that the Federal Reserve engaged in "economic overkill," bringing enormous and unnecessary hardship to millions of Americans in 1981 and 1982. In the pursuit of its worthy goal, the Federal Reserve was too insulated from the people. Had it been more accountable to the people, it would have been more sensitive in implementing its anti-inflation program. Had it implemented its policies more carefully, the deepest phase of the recession might have been avoided and the recovery might have begun sooner.

My judgment is that we have relied too much on monetary policy in recent years to run the economy. The President and Congress have not managed fiscal policy with skill and vision, and the principal burden of conducting economic policy has fallen squarely on the shoulders of the Federal Reserve. But the country cannot have a balanced and productive economic policy if the Federal Reserve acts alone. The Federal Reserve has been able to avoid the disaster of runaway inflation, but only by pursuing a policy of low growth, high joblessness, and high interest rates.

I believe that the key economic decisions in the near future will be made at the Federal Reserve. Unfortunately, the odds are that the President and Congress will not shrink the deficit enough to help. The appointment of Mr. Volcker probably means that ridding the economy of inflation will continue to be a main focus of monetary policy. For the balance of the year and perhaps well into 1984, the prospect is for continued recovery with interest rates staying close to present levels. The problem looming ahead for the Federal Reserve is the likelihood of a clash between monetary and fiscal policies. As the recovery picks up steam, the private sector will demand more credit. The deficit-ridden government will begin to compete seriously with private borrowers. There will be upward pressure on interest rates. Thus, the Federal Reserve will face tough choices: either it will have to loosen monetary policy and risk renewed inflation, or it will have to stay on its anti-inflation course and risk higher interest rates, a sinking economy, and an increase in unemployment. In order to avoid the extremes, the Federal Reserve will have to tread a very narrow path.

For the present, the question is whether the Federal Reserve can engineer a non-inflationary recovery despite record deficits and rising pressure for an easier monetary policy. It must do this against a backdrop of great international financial instability, at a time when many developing nations are finding it difficult to maintain payments of billions of dollars on commercial bank debts. The weeks ahead will be a time of genuine testing for the Federal Reserve.●

REFUSENIK—YULI KOSHAROVSKY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FEIGHAN. Mr. Speaker, I am extremely proud and honored to be a member of the 98th Congressional Class for Soviet Jewry and would like to take this opportunity to announce that I have "adopted" refusenik Yuli Kosharovsky.

Yuli Kosharovsky is living a nightmare tragically common among Soviet Jews. In 1971, he lost his job as a radio-electronics engineer when his state-controlled employer learned that Yuli had applied for a visa to Israel. In a manner typical of the oppressive Soviet policy toward Russian Jews, Soviet officials then rejected Yuli's visa application on the grounds that he was a security risk.

In 1980, Yuli's security classification was removed, but he was again refused a visa—this time because his invitation to Israel was not from a relative of the "first degree."

Despite these setbacks, Yuli remains determined to maintain his Jewish heritage. He began studying with a leading refusenik Hebrew teacher and has become an important authority and teacher of Hebrew literature. Once again, however, Yuli has experienced the anguish of Soviet religious repression. The KGB recently shut down his teaching activities and confiscated all of his Hebrew teaching materials.

Yuli continues to persevere in his quest for religious freedom despite frequent threats of arrest and imprisonment. He has become a leading activist for religious liberty and human rights, and he is more committed than ever before to the mission of spreading

Jewish culture throughout the Soviet Union.

As Members of Congress and as proud citizens of a nation where religious freedom is the rule rather than the exception, I ask you to join Yuli in his struggle and condemn this latest evidence of Soviet injustice.●

PUERTO RICO'S ROLE IN THE CARIBBEAN BASIN INITIATIVE

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. CORRADA. Mr. Speaker, Puerto Rico continues to be deeply committed to the Caribbean Basin Initiative and the promise it offers to ameliorate the economic and social conditions of the poor countries in the region. Since 1898 when Puerto Rico was ceded to the United States, Puerto Ricans have been blessed with the freedom of democracy. The "poorhouse of the Caribbean," as Puerto Rico used to be called, is now termed "a successful experiment in democracy." The economic incentives granted to industries coming to the island permitted Puerto Rico to achieve an unparalleled development never before attained in this region.

Although still poor in comparison to the States of the Union, Puerto Rico is experiencing a standard of living higher than any Caribbean or Latin American nation. We have no vision of grandeur, but rather the perception that, in light of the growing Cuban and Soviet interference in the region, the economic development of the Caribbean is an important step in consolidating the democratic states that now stand on the peril of disintegration. Because of Puerto Rico's close political ties with the United States, its 3,200,000 U.S. citizens and the cultural traits that bind it to our Hispanic neighbors, Puerto Rico can serve a vital function in promoting the Caribbean Basin Initiative.

Puerto Rico is ready to do its share toward helping the Caribbean region. Already the island's government, in coordination with the Department of State and with AID funding, has signed an agreement with the Government of Jamaica to train 7,000 Jamaicans in construction skills such as masonry, carpentry, electricity, and plumbing. At a cost of $320,000, the program is a primary step in narrowing the gap of misunderstanding between the United States and the Caribbean nations.

In October 1983, the island is scheduled to complete the training of 32 officials of the Jamaican National Investment Promotions, Ltd., an equivalent of Puerto Rico's Economic Development Administration.

In addition, Puerto Rico's Governor Hon. Carlos Romero-Barceló and members of his administration have been negotiating with the Governments of the Dominican Republic, Costa Rica, Haiti and the Eastern Caribbean nations to create and expand similar kinds of assistance programs.

The Caribbean Basin Initiative has been approved by the Senate and by the House Ways and Means Committee. It will soon come up for consideration by the full House of Representatives. It is of utmost importance that once the CBI is approved, we continue to closely monitor and assess the needs of these countries. U.S. aid will help the Caribbean nations procure the necessary infrastructure and provide adequate health and education facilities for its citizens. The promise of economic development embodied in the CBI will revive the currently depressing situation that yields to social and political turmoil. This condition is the perfect setting for Cuban and Soviet unwarranted intervention. With their so-called wars of national liberation, Communist allies intrude in the internal affairs of these countries with the promise of a better future. As seen in Cuba, Nicaragua, Grenada, and recently Surinam, there has been no better future. However, it is clear this situation could have been avoided had the pressing need for economic development and social justice been addressed long ago.

Puerto Rico can play an important role in the region. We are proud to be part of the United States and our people are noble defenders of the American democratic system. The Caribbean Basin Initiative is an example of the American commitment to improve the conditions of our neighboring countries; a commitment essential to our own national security. Economic development is the key to assure ourselves that conditions in the Caribbean will not become too perilous for democracy to prevail.●

GERMAN REPARATIONS PAYMENTS AND SSI ELIGIBILITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WAXMAN. Mr. Speaker, today I am reintroducing a bill I introduced last session which would exempt German reparations payments from income for the purpose of determining eligibility for supplemental security income.

In 1980, my constituent, Felicia Grunfeder, was denied $119 monthly SSI benefits because she receives monthly reparations payments of about $200 from the West German Government for mental and physical injuries she suffered during World War II. Ms. Grunfeder was sent to a concentration camp as a 5-year-old child where she remained until the end of the war.

Germany's reparations are largely symbolic of that country's accepted responsibility for its war crimes. We all know that, no matter how generous, they can only partially compensate for the revolting crimes committed against Holocaust victims. I do not believe when Congress passed the Social Security Act it intended to deny welfare and health benefits to a poor person who would otherwise be eligible were she not receiving token payments from Germany for the torture she underwent and survived at the hands of the Nazis.

Ms. Grunfeder's reparations payments are now counted as unearned income, putting her over the eligibility limit of $1,752 of outside annual income by some $648. Only legislative action can remedy this grave injustice to her and others in the country who have been denied SSI benefits for the same reason.

Federal disaster relief and tribal settlement payments are already excluded from income when SSI eligibility is determined, but only as the result of special statutory and regulatory exclusions. Recently, the Ninth Circuit Court of Appeals ruled that Federal legislation for such an exclusion for German reparations payments is necessary to exempt them from being considered as countable income.

This legislation does not affect many people or involve much money. It is not retroactive. The restoration of the SSI benefits would occur only after enactment. It only affects Americans who are otherwise eligible for SSI benefits except for the counting of their reparations payments. Individuals like Ms. Grunfeder have suffered immeasurably, perhaps more than several lifetimes of pain, and our Government should move quickly to correct this basic oversight in our laws.●

A SAUDI PRINCE PASSES THROUGH, PLEADING FOR KIDS AND A PEACE PLAN

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FOLEY. Mr. Speaker, His Royal Highness Prince Talal bin Abdul Aziz Al Saud, was in my State of Washington this week touring our hospitals and promoting the U.N. Children's Fund which we all know as UNICEF. The work of this fine organization and Prince Talal's generous and untiring support of it merit our serious consideration.

While he was in San Francisco, Prince Talal had an unfortunate incident in which a picture was taken and run by the press. As the Seattle Post Intelligencer reported:

The picture, taken at a children's science exhibit showed the Prince holding a musical instrument and the caption said he was singing. The picture made him look foolish in the Arab World, he said, because he and other Muslims are celebrating their holy month Ramadan, and singing is forbidden. He does not sing anyway, he said, and someone simply had handed the instrument to him to demonstrate its use.

I commend excerpts of a report of the Prince's visit by the Post Intelligencer to your reading:

A SAUDI PRINCE PASSES THROUGH, PLEADING FOR KIDS AND A PEACE PLAN

A Saudi Arabian prince winds up a worldwind tour of Seattle today, breaking fish with Indians and giving two of his daughters a tour of Children's Orthopedic Hospital.

Yesterday, his Royal Highness Prince Talal bin Adul Aziz al Saud, 50, urged the United States to take a stronger role in bringing peace to Lebanon and toured an Asian health center in the International District with Seattle Mayor Charles Royer.

"Hey Prince!" yelled one enthusiastic youngster outside the International District Community Center at 416 Maynard Avenue South. The Prince turned, gold robe and white headdress ripping around his ample frame, and blew the applauding crowd a kiss.

Talal, known as "The Children's Prince" for his fundraising on behalf of the United Nations Children's Fund—UNICEF—arrived Monday in his private 727 jet to promote UNICEF and his brother's peace plan for the Middle East. He made some more stops in Los Angeles, San Francisco and leaves today for Chicago or Washington, D.C., after a baked salmon lunch with Indian Tribal leaders in Discovery Park.

He is the 23rd son of the late King Saud and half-brother to Saudi Arabia's King Fahd. The Prince served in several government posts, including that of Minister of Finance in the 1950's and 60's, but was expelled from the ruling circle after going into exile in Egypt to protest the way the country was being run. Talal maintains homes in Virginia, Paris and London as well as the palace in Saudi Arabia. He reconciled with his brothers in 1964 but has limited his work to fundraising and has stayed out of politics.

Monday night, Boeing president Malcolm Stanper hosted a private dinner at Canlis' for the Prince, Royer, George Weyerhaeuser and a few other community leaders. The Prince praised Boeing's support for the UNICEF program.

At a world affairs council luncheon yesterday, Talal urged the United States to increase its efforts to solve the Lebanese crisis and to pressure Israel to provide a home for Palestinian refugees.

He also issued a statement to the press criticizing a picture taken of him by a San Francisco newspaper.

The picture, taken at a children's science exhibit showed the Prince holding a musical instrument and the caption said he was singing. The picture made him look foolish in the Arab world, he said, because he and other Muslims are celebrating their holy month Ramadan, and singing is forbidden. He does not sing anyway, he said, and someone simply had handed the instrument to him to demonstate its use.

Before the Prince's speech, sixteen children from the Highline Chicano Pre-school entertained with Spanish dancers but the dais was so high the people at the head table could not see the dancers. The Prince and Royer left their seats to stand at the side of the room to see part of the dances.

Speaking in a deep, resonant baritone, the Prince apologized for his English and read a 13 page speech about the Palestinian problems in Lebanon and the Middle East.

"We cannot have peace in our land as long as what has been called the 'Palestinian problem' exists," the Prince said. "The Palestinian problem, I must remind you, involves people, not objects which can be swept away. Neither can the Palestinians' aspiration for nationalism be swept away. It has been tried by their best equipped foes, and it will not work."●

NOW ACCOUNTS FOR SMALL BUSINESSES

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SEIBERLING. Mr. Speaker, the Monetary Control Act of 1980 (Public Law 96-221) authorized the Nation's banking institutions to offer their customers the use of negotiable order of withdrawal (NOW) accounts. For millions of this country's consumers, interest-bearing checking accounts are an attractive method of banking.

As enacted, Public Law 96-221 permits NOW accounts to be used only by individuals and by not-for-profit organizations, such as religious or charitable groups. Evidently there was concern at the time that permitting everyone, including businesses, to use NOW accounts would cause a massive shift in deposits from banks which were not then offering NOW accounts to those which were.

That does not seem to be a problem anymore. Accordingly, I am today reintroducing legislation to authorize the use of NOW accounts by small businesses. In today's economy, I think our small businesses need every break they can get, and I see no reason why they should continue to be denied the use of interest-bearing checking accounts. I hope the 98th Congress will take prompt action on my bill.●

CONGRESSIONAL SALUTE TO THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE'S POLITICAL LEADERSHIP DEVELOPMENT PROGRAM

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to Jonathan S. Kessler and Madeline Stifel, the vital forces behind the American Israel Public Affairs Committee's (AIPAC) political leadership development program (PLDP). This program under the superb direction of Jonathan Kessler, has built a network of informed, articulate, and politically astute students.

The political leadership development program has recently been named winner of the 1983 B'nai B'rith Haber Award for its excellence in a program designed to involve college students in the American political process. PLDP was established 3 years ago by AIPAC to coordinate a network of informed and articulate student activists nationwide. This program hosts workshops, seminars, and conferences throughout the country on both college campuses and on State and regional levels. Since the establishment of the PLDP, over 5,000 students from 350 college campuses in all 50 States have become more involved in the political process.

AIPAC coordinates the efforts of the political leadership development program with the B'nai B'rith Hillel Foundations on college campuses. PLDP also reaches the unaffiliated student by offering a political outlet. The program works closely with the College Democrats and the College Republicans, thus, extending activism opportunities to students who have not previously been involved with foreign policy issues.

I would like to mention several students, whom I want to honor for their contributions in making their college campuses more politically aware in regard to U.S. relations around the world: Sandy Curtis, Florida International University, Michael Fischer, University of Florida, Gainesville, and Barry Weinberger, University of Miami, Law School.

The political leadership development program has earned the highest respect and esteem of all of us in Congress for the quality of its leadership and excellence in education. Jonathan Kessler has spent countless hours personally cultivating students, visiting college campuses and encouraging students to participate in the political process.●

WHY DOES IRAN KILL BAHAIS?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FRANK. Mr. Speaker, the terrible brutality of the Khomeini regime in Iran becomes more and more apparent daily. One of the gravest crimes that regime is now committing against humanity is their merciless persecution of the Bahais.

There is no more blatant case of religious persecution in the world today than that which is taking place in Iran against the Bahais. I believe it is incumbent upon all of us to speak out as strongly as we can in an effort to persuade the Ayattollah Khomeini and his government to stop their campaign of eradication of Bahais.

Roy Mottahedeh recently described the horrors of this anti-Bahai campaign in the New York Times and I submit his analysis to be reprinted here:

[From the New York Times, June 22, 1983]

WHY DOES IRAN KILL BAHAIS?

(By Roy P. Mottahedeh)

PRINCETON, N.J.—News of the barbarous execution on Thursday and Friday of 16 Bahais in the southern Iranian city of Shiraz has shattered the small remaining hope of many well-wishers of the Iranian revolution who kept saying, as I did: "Wait, give it time."

Six men and 10 women, including three teenage girls, without publicly announced charges or public trial, were hanged, apparently for the mere crime of adherence to a religion. For, as the Islamic judge explained to the newspapers: "It is absolutely certain that in the Islamic Republic of Iran there is no place whatsoever for Bahais and Bahaism."

It is becoming increasingly unclear for whom there is a place in Iran.

It was possible to understand why the Iranian Government felt that there was no place for the radical left, which advocated armed struggle against the existing Government.

It was harder—but just possible, given the deep differences between peoples about ideas of propriety—to understand why there was no place for women who went out in public without their hair covered.

It was even harder to understand why there was no place for the Iranian Communist Party, which had repeatedly and slavishly declared itself to be in total support of the Ayatollah Ruhollah Khomeini.

But no room for the Iranian Bahais?

No room for 300,000 Iranians who specifically repudiate rebellion against any duly constituted government such as the present Government of Iran?

No room for the only people who, besides the Zoroastrians, consider Iran a sacred land and revere the Persian language as a language of revelation?

For the only religion in Iran besides Islam that, however much it may look to a prophet subsequent to Mohammed, accepts the belief of Moslems that the Koran is an infallible revelation from God, presented in a text that, unlike the Old and New Testaments, has never been corrupted by the tampering of men?

Well-wishers of the revolution waited and gave it time—and for what?

To see the promise of parliamentary democracy blasted by an intolerance of any political party that meekly disagrees with the Government?

To find the universities still largely shut four years after the revolution, while Iranians suffer from a severe shortage of qualified teachers and technical experts?

To see proud, courageous Iranian soldiers lay down their lives in human wave attacks in the stalemated war against Iraq, a country that is a third the size of Iran in population and wealth?

Perhaps today's Iranian authorities find the Bahais a good focus for their genocidal fantasies precisely because this Government wishes to make clear that it wants nothing to do with early hopes for a Government religious in morality and democratic in method. Hang a few teenage girls, and everyone will get the point: The rulers of Iran do not need to consult the Iranian people because they know what's best for Iran, whether Iranians like it or not—and, by the same token, they do not want a freely given moral consensus because they trust only coercion.

Shiite Islam, the religion of the great majority of the Iranian people, puts a greater emphasis on reason than does any other form of Islam or do most other religions in the world. Then why the irony—why do the present rulers of Iran so desperately distrust reason?

Do they trust coercion more because they have secretly admitted to themselves that they are unable to change anyone's opinion through reasoned discussion?

Or, do they really believe that reason—or, for that matter, any form of persuasion that can win meaningful assent to religious truth—operates only on people who live in the shadow of the hangman's noose?

The Islamic Republic of Iran—how neatly and thoroughly it has come to belie every part of its name.

It is hardly Iranian in that it finds it necessary to hang 16 Bahais—in addition to the scores it has killed in recent years—merely for the "crime" of professing a religion that believes Iran to be a sacred land.

It is hardly a republic: A state that so terrifies and coerces its people is a republic in only some contorted sense of the word.

It is hardly Islamic in the spirit of the Koranic verse (10:99): "If it had been your Lord's will, they would all have believed, all who are on earth! Will you then compel mankind, against their will, to believe?"

It is, in fact, hardly religious—it is difficult to imagine any tradition motivated by the spirit of true religion, that would not cry: "Shame on these cowardly killers of defenseless people!"●

SHORE UP! INC. FOSTER GRANDPARENTS PROGRAM

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. DYSON. Mr. Speaker, the Shore Up! Inc. Foster Grandparents program recently held their Seventh Annual Grandparent Recognition Picnic in Salisbury, Md. This event marks another successful year for a much needed and appreciated community service.

Initiated on the lower Eastern Shore in 1976 and operated by Shore Up! Inc., this program aids children who have special needs in physical, social, emotional, and mental growth and development by providing them with caring, comforting adults whose life experiences enable them to give affection, understanding, and love on a 1-to-1 basis. In this rapidly changing and very pressured world, these Foster Grandparents pass on their own life values and goals to the children of today who need such direction.

Sixty Foster Grandparents now serve in Dorchester, Wicomico, Somerset, and Worcester Counties, at retardation and handicap facilities, and at various Head Start centers throughout the area. I applaud the care and dedication which these 60 people have shown by joining their lives with the lives of their spiritual, if not biological, descendents, and recognize the program for its 7 years of worthwhile existence. In special recognition of their unselfish contributions, I offer my personal commendation to the following Foster Grandparents:

FOSTER GRANDPARENTS

Dorchester County: Hazel Chester, Maggie Dennis, Emma Jones, Maggie J. Jones, Agnes Pinder, Grace Pinder, Iona Robinson, Mildred Sharp, Mildred V. Stanley, Claris Washington, and Helen M. White.

Worcester County: Leona Hayes, and Clara B. Mills.

Somerset County: Helen Ballard, Lena Brittingham, Nora Brown, Pearl V. Coulbourne, Gladys M. Handy, Beulah Landon, Curtis Landon, Nellie K. Tyler, Reverand Walter B. Ward, Sereta White, Margaret Whittington, and Jeanette Wilkins.

Wicomico County: Pearl Adams, Margaret Barkley, Audrey W. Dix, Elsie Dix, Mary Dukes, Renager Dutton, Dora Elzey, Sarah D. Evans, Gertrude Foreman, Mary Gale, Martha Garland, Annie Handy, Charles Holbrook, Minnie M. Hudson, Alice Johnson, Jessie Jones, Mary Lawrence, Mary Layman, Henry McCleese, Leila McCowan, Essie M. Mason, Emma Moore, Eva Morris, Pauline Morris, Blanche Palmer, George Palmer, Luna S. Pusey, Milton Rider, Audrey Schnidt, Alverta Smiley, Carrie Smith, Mary Smith, Rosalee Turner, Ocie Wooten, and Harry Wright.●

JUGI TANDON RECEIVES OUTSTANDING ACHIEVEMENT AWARD FROM ASSOCIATION OF ASIAN INDIANS IN AMERICA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. DYMALLY. Mr. Speaker, I am pleased to join the Association of Asian Indians in America in honoring

Sirjang Lai "Jugi" Tandon for outstanding achievement. On Saturday, June 25, 1983, the association presented Mr. Tandon with an award in recognition of the fact that this Asian Indian American has, over the past 23 years, risen to the height of corporate success. Inc. magazine lists Jugi's company, the Tandon Corp., as the fifth fastest growing company in the country. Others have achieved success in the corporate world, but few of them have risen as far or as fast as Jugi Tandon.

In 1960, Jugi migrated to the United States from Punjab, India. He took a job as a busboy in a District of Columbia restaurant, and showing great initiative, put himself through college, earning a master of engineering degree from Kansas University and an M.B.A. from Santa Clara University. With that training under his belt, he was snapped up by IBM. In the course of his engineering career, he worked for IBM, Memorex, and Pertec. But all the time he was working for these corporations, Jugi was also learning much about corporate strategy. He realized that in the computer industry, perhaps even more so than in other industries, a mass market is achieved by selling a superior product at a reduced price.

By 1975, he was ready to try his hand at business. Recording heads were his first project. He and his wife, Kamla, used to solder the heads in their own home. His product was soon in such demand that he was able to open a manufacturing plant in the United States, and, later, to open branches in India, Singapore, and Sri Lanka. The year 1978 saw Tandon Corp. enter the floppy disk market. Growth in high technology is occasionally spectacular for those with the right idea at the right time. And Jugi had the right idea. By 1982, Tandon Corp. was the world's largest independent producer of random access disk drives.

Between 1975 and 1980, the Tandon Corp. grew from a kitchen-table operation to a $22 million corporation, and earning have more than doubled each year since 1980. It is expected that the corporation will gross $1 billion per year in the not too distant future.

Jugi, for all his success, has remembered his beginnings and the impetus that was given to his career by proper training. I wanted most especially to recognize Sirjang Lal "Jugi" Tandon's achievements because success has not isolated him from the need of others. In the 31st District of California, we have a job training program known as the Compton-OIC Technological Training Institute. The program is worthy of note because of its alliance with industry. The institute is financed largely by industries, and training is provided in the work environment of the industries themselves. Jugi has been one of our solid corporate sponsors. He has been eager to extend a helping hand to those who, like himself, understand that hard work along with proper training is the best formula for success.

Jugi Tandon is truly the embodiment of the American dream. He began with nothing besides vision and drive, and these carried him to the frontline of American industrialists. But success is not the only element of the American dream. We are a generous people, willing to give of our riches for the benefit of others. Jugi is the exemplification of all that is best about Americans. He is a magnanimous man, and it is a privilege for me to acknowledge the achievements of this great-souled person before my colleagues in the Congress. His example is worthy of our emulation.●

CONTINUING TRADGEDY IN EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. EDWARDS of California. Mr. Speaker, for several years I have been quite concerned over the continuing tragedy in the former Portuguese colony of East Timor, a predominantly Roman Catholic island territory invaded and illegally occupied by Indonesian military forces in late 1975. On Sunday June 26, the Washington Post carried what may be the most positive news to come out of East Timor since the Indonesian invasion: That after nearly 8 years of bitter armed conflict, a meeting has recently taken place within East Timor between representatives of the Indonesian military and Timorese guerrillas resisting the Indonesian occupation. The Indonesian Embassy in Washington denies that such a meeting took place, but other diplomatic sources confirm the authenticity of the Post's report. This meeting could ultimately represent a first step toward an honorable termination of a war that has already claimed countless lives. It is generally acknowledged that at least 100,000 East Timorese have died as a result of the Indonesian invasion, but some sources believe that the true figure exceeds 250,000—out of an original population that was less than 700,000. If a just peace is on the horizon for East Timor, this would be excellent news indeed.

Some recent history is in order. A statement dated May 13 of this year, from a group of Catholic priests in the Diocese of Dili—the capital of East Timor—speaks of the horrors that have afflicted their country. The statement, sent to Catholic bishops' conferences throughout the world, tells of "moral and physical violence" against the people of East Timor, including "the execution of those who surrender," and "the execution of whole groups of those captured." It speaks of "disappearances and the destruction of whole families" as well as "hunger and disease throughout all of East Timor." We must remember that East Timor had already experienced a war-induced famine from 1978 through 1980 that was credibly compared with the cataclysm that struck Cambodia during that period.

Congressional concern about East Timor has been growing. Last October, for example, 84 Members of the House and Senate signed a letter to President Reagan asking that the Timor tragedy be accorded "priority attention" in meetings held during Indonesian President Suharto's state visit to Washington. On June 10, 72 Members of the House signed a letter to Robert Hawke, the Prime Minister of Australia—a country with longstanding ties to East Timor—asking him to implement the positive platform on the Timor issue that was adopted by his Labor Party in 1982. These initiatives, spearheaded by our esteemed colleague, TONY P. HALL of Ohio, who has worked diligently on the Timor issue since 1979, have been aimed at generating national and international action and publicity. Along these lines, in the days to come, I will be seeking support, with Representative HALL, for a letter addressed to Portuguese Prime Minister Mario Soares. This letter will underscore humanitarian and diplomatic matters involving Portugal, a nation that bears great responsibility toward East Timor because of its four centuries of colonial administration and its hasty abandonment of the territory in 1975. In recent years Portugal has taken some positive diplomatic steps concerning East Timor, and deserves to be commended as well as encouraged to expand these measures.

From another quarter, it is reassuring to note that on June 12, the nationally circulated Sunday supplement, Parade magazine—which has tens of millions of readers—published an informative article on East Timor, by Irving Wallace, David Wallechinsky, and Amy Wallace. Entitled "The Forgotten War," this article stresses American involvement in the East Timor events and has made an immeasurable contribution toward furthering popular awareness of the issue. The appearance of articles of this sort insure that East Timor will not remain forgotten.

The stage is set, then, for a just settlement to the conflict. The crucial issue of self-determination for East Timor is being raised. It is increasingly clear that there can be no lasting humanitarian solution to the East Timor tragedy without a corresponding polit-

ical solution. No matter how long it may take, voices must be raised to help guarantee that the people of East Timor will receive their rights under international law.

For the benefit of my colleagues, I would like to include for the RECORD the June 26 article from the Washington Post, the June 13 article from Parade magazine and the translated text of the May 13 message from the East Timorese priests.

[From the Washington Post, June 26, 1983]

JAKARTA AIDES REPORTEDLY MET TIMOR REBELS

(By Peter Wise)

LISBON.—East Timorese guerrillas have met secretly with Indonesian military officials to negotiate a demand for self-determination after declaring a cease-fire in their eight-year war to free the remote Southeast Asian island territory from Indonesian occupation, according to a highly placed source here in the Portuguese capital.

Top-ranking Indonesian officers traveled by helicopter from the island capital, Dili, to a jungle base in the interior twice in March to negotiate with the leaders of the Revolutionary Front for an Independent Timor, known in Portuguese as Fretilin, according to this source.

The source, a well-placed non-Fretilin Timorese who arrived here recently from the former Portuguese colony, asked not to be named. He said the Indonesian delegation headed by the military commander of East Timor, Colonel Purwanto, and an intelligence officer flew to Lari Guto in the rugged eastern region of the territory for meetings March 21 and 23.

Fretilin leader Sha Na Na, 39, and his general staff reportedly centered the talks on three principal demands: a cease-fire, government notification to the United Nations that it is willing to negotiate with the rebels, and a self-determination act supervised by the United Nations and neighboring states.

The source in Lisbon said the governor of East Timor, Mario Carrascalao, a liberal Timorese who took office in 1982, attended the meetings, together with two Roman Catholic priests. The guerrillas are predominantly Catholic.

[An Indonesian Embassy spokesman in Washington, Mgurah Gedhe, said Friday that "there was no such meeting" and that "we are not aware of any fighting" in East Timor. The State Department's desk officer for Indonesia, Alfred M. Lehn, said the fighting was at a low level and noted that Jakarta had made clear its intention to seek an end to the insurgency.]

Abilio Araujo, a Fretilin Central Committee member based in Lisbon, confirmed the details of the meetings and said photographs, recordings and documents of the negotiations would be released at a meeting of Fretilin representatives.

This is the first report of negotiations between the two sides since Fretilin withdrew to its mountain strongholds to wage its guerrilla campaign against Indonesian invasion forces in October 1975.

The island, about twice the size of Hawaii, historically was divided between the Portuguese eastern half and the Dutch west, where Indonesia's claim was not contested. Portugal abandoned East Timor during a three-month civil war among three independence movements. Fretilin emerged the victor. Neighboring Indonesia then invaded, alleging an independent Timor could pose what a general described as "a Marxist threat to our soft underbelly."

Relief agencies estimate that more than 150,000 islanders perished during the hostilities and the famine and disease they provoked. The East Timorese population is now about 560,000 according to Indonesian census figures.

After the fighting Indonesia pronounced East Timor its 27th province and said the population had accepted integration. It imposed a selective news blackout that diminished reports of guerrilla warfare and virtually sealed off the island from the outside world, according to Timorese refugees here.

The Jakarta government has persistently denied well-documented and consistent reports from refugees, church sources and international human rights organizations that there have been mass executions, thousands of disappearences, torture, widespread fire-bombing of villages and other human rights violations.

It was not clear from which side the current reported truce initiative came. The non-Fretilin source in Lisbon said the guerrillas appeared to be negotiating from a position of strength, having regrouped 6,500-strong under a new leadership after setbacks last year.

Indonesian authorities say, however, that the guerrillas have been reduced to a few hundred ill-fed and ineffective men. Despite Indonesia's undoubted military superiority, observers here say, Jakarta may be seeking a respite in a war that it apparently cannot win, a war in which the guerrillas—with their intimate knowledge of the island and at least the passive support of the population—are able to hold Indonesian battalions to a stalemate.

A second motive behind Jakarta's reported role in the negotiations could be a determination to win international support for its presence in Timor by casting itself as a peacemaker and seeker of dialogue. After an intense diplomatic campaign, Indonesia has steadily reduced the number of nations supporting a U.N. resolution calling for its immediate withdrawal. Last year the motion, consistently opposed by the United States, passed by only 4 votes.

STATEMENT BY A GROUP OF PRIESTS OF DILI DIOCESE

A group of priests of the diocese of Dili wish to send to the Episcopal Conferences and to the whole world its voice, which it hopes will be an echo of the social and religious situation in East Timor.

This group feels responsible for the life of its diocese; it knows closely the various forms of agony caused by a war which, for 7 years, has been tormenting its people; it knows in a word the REALITY of the people, because the group shares in its own flesh the drama which is being carried out in East Timor; the group knows the suffering and the anxieties of its people and witnesses helplessly the whole process of annihilation presented under the disguise of truth and we foresee the implacable extermination of the people.

This group feels disappointed and profoundly hurt, knowing that members of the Indonesian Catholic Church have joined in the chorus of campaigns carried on inside and outside Indonesia and the defamation of its Prelate, accusing him presumptively of falsehood, exaggeration and irresponsibility in his affirmations and attitudes; when his is the only voice raised in defense of the people on whom silence and fear are imposed and for whom the exercise of freedom of expression will only result in imprisonment or disappearance.

The group affirms its Solidarity with the martyred people and wants to affirm also its solidarity with the clear position assumed by its Prelate in defense of those denied their fundamental human rights, attesting the truth of the following:

Moral and physical violence;

Arbitrary imprisonment, the resettlement of families and whole villages;

The execution of those who surrender;

Executions without trial or after summary judgment;

Disappearances and the destruction of families;

The execution of whole groups of those captured;

Hunger and disease throughout all of East Timor.

[From Parade magazine, June 12, 1983]

THE FORGOTTEN WAR

(By Irving Wallace, David Wallechinsky, and Amy Wallace)

Few people have heard of East Timor, yet it is the scene of one of the bloodiest wars in recent history—a war being fought with arms supplied by the U.S.

In August 1975, in the face of a coup and civil war, Portugal yielded its sovereignty over the eastern half of Timor, a small island 400 miles north of Australia. On Dec. 7, shortly after East Timor proclaimed its independence, Indonesian forces attacked with tanks, napalm and heavy artillery, shooting unarmed civilians in the streets. Indonesia's plan was to crush the new nation and annex it—quickly and without attracting notice.

U.S. officials knew of the attack in advance. Yet they did nothing to prevent it, though it was carried out with U.S. weapons supplied specifically for defense. When the UN voted to condemn the aggression five days after it began, this country abstained, presumably fearful of antagonizing oil-rich and pro-West Indonesia.

Today, East Timor is a devastated land, its farms abandoned, its towns in ruins, its economy destroyed. Disease and starvation are rampant, and the bloodshed continues. Out of a population of 600,000, as many as 250,000 have died in the war. Though Indonesia officially annexed East Timor in 1976, the remaining nationalist guerrillas occasionally emerge from their mountain strongholds to battle Indonesian troops. Meanwhile, thousands of civilians and political prisoners have been forced into interment camps, where they risk disease, torture, sexual abuse and murder.

Despite East Timor's desperate plight, only a few food shipments have been allowed in since 1979; the Red Cross was finally permitted to treat political prisoners in 1982. Most foreign journalists, however, still are barred. Thus the holocaust rarely receives press coverage. During talks with President Reagan in Washington last year, Indonesian President Suharto never mentioned East Timor. Neither did President Reagan.

For more information about East Timor, write to: East Timor Human Rights Committee, Dept. P. Box 363, Clinton Station, Syracuse, N.Y. 13201.●

INTRODUCTION OF A SOCIAL SECURITY COVERAGE BILL

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MOORE. Mr. Speaker, today I am introducing a bill to correct a problem which arose as a result of language in the recently enacted Social Security Amendments of 1983, Public Law 98-21.

In that legislation, we provided for social security overage, starting January 1, 1984, for Federal judges. Our intention was to insure that this group of Government officials would be covered essentially in the same way as Members of Congress and appointed officers of the executive branch. We were striving for equity, but in the process we achieved an unintended result.

This result is, in effect, a penalty on senior judges, who have retired but who return to active service from time to time to help meet workload needs of the Federal judiciary. When these retired judges do return to the bench in the future, they will be required to pay social security payroll taxes. This understandably will have an adverse impact on their decision to return to active service, and we certainly did not intend that consequence when we agreed to extend social security coverage to Federal judges generally.

The bill I am introducing today would correct this situation by exempting the computation of these retired, senior judges from the social security payroll tax when they do return temporarily to active service.●

CROWN POINT CLINIC NAMED AFTER THE LATE ADAM BENJAMIN, JR.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. HILLIS. Mr. Speaker, today, I am introducing a bill which would name the new Veterans' Administration Outpatient Clinic in Crown Point, Ind., after the late Adam Benjamin, Jr.

Congressman Benjamin ably served the people of the First Congressional District of Indiana as a Member of the House of Representatives from 1977 until his untimely death on September 7, 1982. A tireless worker, Adam worked very hard to bring this new outpatient clinic to northwest Indiana and his efforts, obviously, have paid off.

The VA recently announced it would build a new outpatient clinic in Crown Point, a city located about 25 miles south of Adam's hometown of Hobart. The facility will be equipped to handle 50,000 outpatient visits a year when it opens in 1986.

For years, hundreds of northwest Indiana veterans have been forced to drive to the Hines VA Hospital in Chicago—a difficult and time-consuming commute especially at rush hour. The Crown Point Clinic means the end of that inconvenience and the beginning of a strong veterans health care program in northern Indiana.

As a member of the House Committee on Veterans' Affairs, I am particularly pleased at the VA decision to locate its new clinic in Crown Point, a city I now represent. Crown Point is a progressive and safe community that is anxious to assist VA officials in finding the best location for the new clinic. Adam would be pleased to know that the clinic will not only solve the transportation problems of hundreds of area veterans but also provide at least 100 jobs to the community.

Throughout his all too brief but distinguished career in the House, Adam Benjamin represented the people of northwest Indiana and Crown Point with a dedication to his job that was second to no other Member.

He knew better than anyone how difficult and dangerous it was for northern Indiana veterans to drive into Chicago and he prevailed upon the VA to come up with a remedy.

Northwest Indiana deserved an outpatient clinic, he argued, and the excellent system of highways and interstates in the Calumet region would make the clinic accessible to thousands.

Sadly, Adam did not live long enough to see his goal accomplished. The VA announced its decision to build in Crown Point last month, 8 months after Adam's sudden death. While I played some role in the final decisionmaking process, I am convinced that, without Adam's persistence, the Crown Point Clinic would still be only a dream.

I can think of no better tribute to the memory of Adam Benjamin and the hard work he put into securing the clinic for northern Indiana than to name the hospital facility after him.

In addition to his service in the House, Adam had a distinguished military career. He served in the Marine Corps from 1952 through 1954 and then entered the U.S. Military Academy in West Point where he graduated in 1958. He then served 3 years in the U.S. Army.

With his many years of Government service—10 years in Indiana State government and 5 years in the U.S. House—and his 10 years in the Armed Forces, there is no doubt in my mind that Adam is deserving of this honor. I urge my colleagues on both sides of the aisle to support this bill and name the new Crown Point hospital facility the Adam Benjamin Veterans Administration Outpatient Clinic.●

INTRODUCTION OF THE EL SALVADOR HUMANITARIAN ASSISTANCE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RICHARDSON. Mr. Speaker, I am introducting today a bill entitled the El Salvador Humanitarian Assistance Act of 1983. This legislation would provide assistance to persons in El Salvador who have been displaced and are suffering as a result of the war in that country.

Much has been said about how the United States should respond militarily to the political problems in El Salvador. But we have oftentimes overlooked the hundreds of civilians who have had their homes destroyed, their crops burned, their businesses wiped out, and their livelihoods snatched away. Prompt economic assistance by the United States is necessary to alleviate the human suffering arising from the civil strife in El Salvador.

The legislation I am introducing would amend section 4951 of the Foreign Assistance Act of 1961 authorizing $5 million, in addition to the amounts already available to the President, for the relief and rehabilitation of needy people in El Salvador. $3 million of this authorization is earmarked to be available through international relief agencies to the Archdiocise of San Salvador and other organizations in El Salvador that provide food, medical care, clothing, and other basic needs to the civilians in this war-torn nation.

In addition, the President is encouraged to use other funds allocated under the Foreign Assistance Act for the relief of the suffering Salvadoran citizens.

Over the past few years, this Nation has sent millions of dollars in military equipment and advisors to the Government in El Salvador to assist them in their war against guerilla insurgents. But the bitter fighting continues in this small Latin American country, while families are without shelter, and children are without food or clothing.

If we feel it is necessary to send military aid to El Salvador to protect them from leftist take over, then we should certainly provide their citizens with the basic human needs which have been robbed from them as a result of the ongoing war. I urge my colleagues to join with me and cosponsor this much needed and important legislation.●

IN SUPPORT OF SECTION 190: TAX CODE HELP FOR THE HANDICAPPED

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. STARK. Mr. Speaker, in January, I introduced H.R. 901 which would extend for 2 years section 190 of the Internal Revenue Code which provides a deduction for businesses which make their facilities accessible to the handicapped. Today, I wish to reemphasize the need for prompt action on this legislation.

The most fundamental approach to increase the employment opportunities for disabled people is to remove architectural barriers that restrain their mobility. Despite this basic reality, section 190 is the only inducement in the Tax Code to make buildings accessible. In fact, with the exception of a few clauses benefiting the blind, 190 is the only statement in the code directly benefiting the handicapped. Remarkably, Congress has failed to renew this provision.

By losing section 190, the resistance to considering disabled people as potential employees will return. Though the costs of making a building accessible are usually small, the absence of any economic incentives will even make these costs prohibitive. Without the benefit of such tax incentives, the typical proprietor is much more likely to make expenditures for cosmetic improvements rather than to provide accessibility. In short, without 190, we can only urge businesses to make their facilities accessible, because it is the morally right thing to do; with 190, we can argue money. Business, as we know, responds more readily to money.

Mr. Speaker, some have expressed concern as to the effectiveness of section 190. Unfortunately, it is impossible to produce quantifiable arguments that point to its successes or failures. Because of certain reporting procedures, the Treasury Department is unable to provide numbers or even estimates as to how many businesses took advantage of 190. The only way we can evaluate its success is to look at the individual efforts of people across the country to remove architectural barriers. I am happy to say that such examples are numerous and encouraging.

A study published by the U.S. Department of Labor, in June 1982, and titled "Accommodations Provided to Handicapped Employees by Federal Contractors," made several recommendations on how to bring about the removal of these barriers. First on its list was for the Federal Government to provide tax credits for such accommodations. The study concluded: "The policy option cited by most firms as providing a strong incentive for firms to hire and accomodate handicapped workers is the provision of tax credits." A similar conclusion was reached a year later by Gerben Dejong in Scientific American.

So, while the approach of tax incentives seems to be the proper one, we must still ask whether the rather obscure section 190 has been effective. I have received several reports and articles that would indicate that 190, combined with strong community support, has had significant effect in various regions of the country. Baco Raton, Fla., and Nassau County, N.Y., are two such communities where accessibility for the handicapped has been greatly improved through the use of 190. The greatest example of how 190 can be effective if combined with strong community support is found in Suffolk County, N.Y. The Suffolk County Office of Handicapped Services began an extensive informative letter campaign to inform local businessmen of the deductions available through 190. The result was that most of the 226 shopping centers in the areas voluntarily added parking spaces, built ramps, and cut curbs, thus making their facilities accessible. The director of the program wrote: "I sincerely believe that pointing out the availability of this Federal tax deduction was the key to obtaining such an overwhelmingly voluntary response."

As the median age of Americans continues to rise along with the incidence of severe disability, we will find ourselves with more and more citizens who need special access to buildings. They must have this access to lead full and meaningful lives. Thomas Deniston, a veteran of the Vietnam war and a quadraplegic, wrote to me about this problem. He said that he was disturbed that the Tax Code allows a 10-percent tax credit for the restoration of historic buildings while we allowed section 190 to expire. He concluded: "The past is dead; we are living!" The quality of that life can, at least in part, be improved by the extension of 190.

Therefore, I again urge that we act quickly to extend this vital provision in the Tax Code.●

DEATH IN BEIRUT

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. BOXER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Francisco Chronicle, Apr. 27, 1983]

DEATH IN BEIRUT

EDITOR.—My uncle, Thomas Blacka, died in Beirut April 18; the latest casualty in the Byzantine tragedy. He went downstairs for a cup of coffee and was blasted into oblivion. I'm torn apart by negative thoughts as I try to understand what is happening over there. I feel the grief of personal loss. Disappointment that my government had no better protection against this worst case scenario. Incredulity that hatred exists that can justify such indiscriminate and anonymous killing. Frustration that man-made philosophies can so divide genetically identical peoples. Anger over religious intolerance that evokes a diety to legitimize the most heinous of crimes. Pity over the waste of so much talent when and where it is so desperately needed. And fear that this vestige of reptilian behavior could easily unleash devastation of unprecedented magnitudes throughout the world.

There is not solace here, only hate and despression. These are not what solve world problems. Quiet, middle-aged accountants like Tom Blacka do. He went to Lebanon to help stop the death in that corner of the globe. He knew that only international infuence could stablize a region where the locals have failed to for 10,000 years. He also knew that real peace will be won not with a gun but with economic and social permanence. He went to the front armed with irrigation systems and garbage trucks. He carried not a flag or holy book, but rather the standard of human dignity. He knew it was risky. He had been under fire many times before, but he believed his efforts toward civil stability were the only way to a genuine peace and therefore worth the risk. He was a man of overwhelming courage and as much a hero as any dogface who ever stormed a pilbox. He sacrified his most precious commodity for the benefit of others not even his blood.

Tom Blacka died in Beirut, a victim of philosophical fervor. Nothing will bring my uncle back, but what he lived for must go on for all our sakes. May he have been the vanguard of a legion of builders in a land of destruction.—John B. Rose, Brownsville, Calif.●

BALLOON CRASH TAKES LIFE OF MAXIE ANDERSON AND DON IDA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SKELTON. Mr. Speaker, I was certainly saddened to learn of the balloon crash yesterday that took the life of Maxie Anderson and Don Ida in the Bavarian Forest. I had an occasion to speak with Maxie Anderson several years ago, I was most impressed by his enthusiasm and humility. His feats will be long remembered and I know that he will be an inspiration to generations that follow, as he truly set the example of accepting difficult challenges, I know that all Members of this body join me in extending sympathy to his family.●

HOUSE REAFFIRMS FEDERAL ARTS SUPPORT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to thank my fellow Members of Congress for their overwhelming vote in favor of Federal arts support as recommended by subcommittee chairman SIDNEY YATES and his committee in the interior appropriations bill.

Legislation emerging from the 89th Congress more than 17 years ago declared that "a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity * * *" and that "it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry, but also the material conditions facilitating the release of this creative talent."

Legislation, the National Foundation on the Arts and Humanities Act of 1965, recognized the vital importance of Federal support for this Nation's arts and humanities and set the stage for America's cultural growth and expansion during the next decade and a half. Figures documenting this growth have been presented at numerous hearings. Orchestras, theaters, opera and dance companies, and museums have multiplied. Artists' spaces, which were almost nonexistent in 1965, now number in the hundreds. In 1965 there were only 23 State arts agencies, now all States and jurisdictions have agencies. In 1965 no State had a council devoted soley to the humanities, now all States have such agencies.

In fiscal years 1982 and 1983, the Reagan administration proposed drastic cuts to the Federal arts agencies which were a strong part of the growth in the arts in America. Fortunately, Congress wisely kept these cuts to a minimum. Nonetheless, the effect of the Federal budget cuts has been a reduction or even elimination of many important educational programs and outreach programs. Dance touring has been cut; theaters have eliminated special ticket prices for schoolchildren and senior citizens; museums have raised admission prices. Budget reductions of any kind in arts and humanities funding could threaten the very existence of many local arts groups nationwide. Cuts of the magnitude that the President proposed would destroy the very core of Federal arts and humanities programs.

The $165 million in the Interior appropriations bill for the National Endowment of the Arts, the $150 million for the National Endowment for the Humanities, and the $21.5 million for the Institute of Museum Services represent a strong statement that the arts and humanities are an important aspect of our society. These 1984 levels for funding approved by the full House will insure a healthier arts community and economy thus creating a climate in which the arts and humanities can flourish and preserving our Nation's diverse cultural heritage.●

WESTPORT, MO., CELEBRATES 150TH ANNIVERSARY

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WHEAT. Mr. Speaker, residents of the Westport community this weekend will begin a summer celebration of the founding of Westport 150 years ago. I am honored to have the opportunity to participate in the inaugural event at the Penn Valley Community College in Kansas City on Sunday.

I would like to briefly share with my colleagues the history of Westport, which is an inspiring example of urban revitalization.

The history of Westport is a remarkable story, from its birth on the Santa Fe Trail in the 1830's, to its annexation by Kansas City at the turn of the century and to its inspiring rebirth in the 1970's.

John C. McCoy opened a trading post on the Santa Fe Trail 150 years ago and the Westport community was born. The hard work of McCoy and other enterprising pioneers turned Westport into a vibrant town, and soon Westport became a gateway to the new West. The town developed into a major outfitting center for wagon trains on the Santa Fe, California, and Oregon Trails.

After reaching a population of 5,000 in 1855, Westport became an incorporated town in 1857. But the Civil War years were hard on its citizens—many of whom were Southern sympathizers. A major battle was fought there, and the town was occupied by Union troops.

In the postwar period, Westport could not maintain the momentum in business and commerce that it had gained in the 1840's and 1850's. Kansas City officials decided to annex the town about the turn of the century. Kansas City developed into one of the Nation's great metropolitan centers in the 1900's, but Westport's fortunes declined. The community suffered from the loss of business to Kansas City, and Westport, with many of the area's finest 19th century residential structures, sadly became a deteriorating community.

Fortunately, in the late 1960's, some visionary local leaders, imbued with the same pioneering spirit that emboldened Mr. McCoy to open his trading post, saw a future for Westport. Those people formed Westport Tomorrow in 1971, an organization committed to rebuilding confidence in the community and creating a pleasant place to live. Their strategy was built on preserving the existing buildings, planned new development compatible with most of the area's housing and a unique partnership between business, residents, and government.

Largely due to the efforts of those people and Kansas City officials, Westport is presently known as the "bridge between yesterday and tomorrow." The reasons are obvious. Westport is the cultural heart of Kansas City with its numerous art galleries and fine arts groups, including the Nelson-Atkins Museum of Art, the Kansas City Art Institute, and the UNKC Conservatory of Music.

Westport is also a thriving business community with several corporate headquarters located in the area, including H&R Block, Kansas City Life Insurance, and Sutherland Lumber Co. Westport can also boast of two of the city's most prominent shopping and entertainment districts, the Country Club Plaza and Westport Square/Old Westport.

Most importantly, Westport is people, 35,000 people living and working together to form an enjoyable community. A walk through the 4-square-mile area of Westport is testimony to the rebirth of this proud community. The fruits of the labors of the local leaders and area residents can be seen in the beautiful facade of the Westport Bank, the spectacular restoration of Westport Square and the charming blend of architectural styles through Westport's 15 neighborhoods.

The revitalization of this community with such a proud heritage is truly remarkable. I urge community leaders nationwide to emulate Westport's model of urban rebirth.●

HAYSI PROJECT STALLED BY CONFERENCE

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BOUCHER. Mr. Speaker, it was with great regret that I learned this morning of the refusal of the Senate conferees on the energy and water appropriations bill to agree with the House-approved funding for the Haysi reservoir and flood control project in Dickenson County, Va.

With the assistance and support of Chairman BEVILL of the House Energy and Water Appropriations Subcommit-

tee, H.R. 3132 included $500,000 for U.S. Army Corps of Engineers studies on the Haysi project. Unfortunately, the other body did not include the Haysi funds in its appropriations bill, and Senate conferees apparently refused to accept the House language.

The Haysi reservior and flood control project was first authorized by the Congress 38 years ago. It was reauthorized in 1977. The people of the Haysi area have waited patiently for this urgently needed flood control project, and I am hopeful that in the future the other body will be more cooperative in our effort to fund this needed project.●

IRONBOUND EDUCATIONAL AND CULTURAL CENTER HOLDS FESTIVAL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RODINO. Mr. Speaker, this weekend we celebrate our Nation's 207th birthday, and all over America there will certainly be Independence Day festivities. I would like to call the attention of my colleagues to one such festival that will be held in my home city of Newark, the Multi-Ethnic Festival and Parade sponsored by the Ironbound Educational and Cultural Center.

The center is a neighborhood social service agency, and the festival helps to support its programs. Represented at the festival will be the Newark Fire Department, the Bronze Shields, the Youth Council of the IECC, local Scouting troops, and, of course, the many ethnic groups that comprise the city of Newark. Amusement rides, games, ethnic foods, and a parade on July 3 are the highlights of the festival.

Perhaps the single most important aspect of our country is the diversity of its people and the blend of many heritages that have contributed to our history. This festival is an excellent illustration of how people of different cultural and ethnic backgrounds can bring the best of their particular heritage to work toward the advancement of our society as a whole.

I salute all of the participants in the IECC festival, and would like to mention in particular, the executive committee of the IECC: Vincent J. Aresti, president; Ms. M. E. DaCunha, vice president; Donald Bernard, vice president; Manuel J. Corte, vice president; Elizabeth Del Tufo, secretary; Rose A. Leonardis, treasurer; Paul N. Gilbert, legal counsel; Joseph J. Parlapiano, legal counsel; Richard A. Pereira, executive director; and Jesse E. Kasowitz, program administrator and also festival coordinator. Ms. Del Tufo, who is the director of the Essex County Cultural Affairs Department, will serve as grand marshal for the parade.

Mr. Speaker, the spirit of '76 is certainly alive and well in Newark this weekend, and I know the festival will be a tremendous success.●

TRIBUTE TO JAMES F. "BUCK" BURSHEARS

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BROWN of Colorado. Mr. Speaker, next month, the town of La Junta, Colo., will celebrate the 50th anniversary of one of the Nation's most successful Boy Scout troops. It is appropriate that we take special note of the achievements of this troop and, most especially, the contribution made to it by its founder and only scoutmaster, James F. "Buck" Burshears.

Every year since 1933, seventh grade boys from La Junta and the surrounding area have been invited to become members of Boy Scout Explorer Troop 2230, better known as the Koshare Indian Dancers. The Scouts of this troop have taken as their full-time project the preservation of the American Indian heritage through the performance of Indian ritual dances. They have been phenomenally successful. Today the Koshare Indian Dancers have over 100 dances in their repetoire and are nationally known for the realism and historical accuracy of their costumes and dancing.

The boys raise money for their Scout troop by performing in public. Neither the boys or their scoutmaster personally receive any money. But the troop's earnings and contributions from the community have enabled it to acquire Indian artifacts as part of its effort to promote an appreciation of American Indian culture.

The Koshares' success has taken them from their first clubhouse—an abandoned chicken coop on the Colorado prairie—to the Koshare Kiva and Indian Museum, which houses one of the world's largest collections of Indian lore, artifacts, paintings, and sculpture.

In the summer, thousands of Boy Scouts and other youth groups from all over the United States visit La Junta to watch the Koshares dance and to see their museum exhibits.

When he started the troop 50 years ago, Buck Burshears wanted it to have a challenging interest that would be fun and give each boy an opportunity to experience leadership and responsibility early. Buck is fond of telling his Scouts, "You don't have to wait to be a man to be great. Be a great boy."

The older Koshare boys, the chiefs, are responsible for teaching the younger boys the dances, costumemaking, and the Scout tests. If a young boy does well, he is elected a brave, and, eventually, a chief. In turn, he then becomes responsible for teaching younger boys. The Koshare chiefs also help make decisions about the management of the troop's earnings and the maintenance of their meeting place, the Kiva, and the museum.

The Koshares' accomplishments are impressive. More impressive are the lessons they have learned from Buck Burshears that have made such achievements possible. Buck has helped instill the boys with many qualities: Leadership, a sense of responsibility, confidence, self-discipline, and a knowledge of how to work with others in a joint endeavor. Most importantly, he has taught them that in life success is no accident. Excellence in education and effort is needed to succeed.

Over 2,000 boys have been Koshare Indian Dancers. The best testimonial to Buck himself is that over 500 of them have become Eagle Scouts, and over 90 percent of them have gone on to college.

Buck Burshears has received many awards and honors for his outstanding contribution to the education and growth of these young people. He is the recipient of Scouting's highest honor, the Silver Buffalo. In 1982, the Colorado State Legislature and Gov. Richard Lamm named Buck Colorado's "Citizen of the Year." He is an hororary member of the Chippewa and Blackfoot Indian Tribes and has been honored as a "human treasure" by the nation of Japan.

I am pleased to have this opportunity to also honor Buck and to express my wish that the Koshare Indian Dancers will continue to benefit from his wisdom and guidance for many years to come.●

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. KOLTER. Mr. Speaker, today I rise to explain my vote on the Interior appropriations bill for fiscal year 1984—H.R. 3363.

Acknowledging the fact that the Interior Appropriations Subcommittee's recommendations for the Department of Energy fossil energy programs in fiscal year 1984 represent an increase over the administration's request for fiscal year 1984, I would submit that my colleagues have failed to increase funding in an area I consider to be an important component of our national energy policy.

I call attention to the fact that funding for surface coal gasification research was reduced from a total of $39 million in fiscal year 1983 to $27 million for fiscal year 1984. This represents a cut of over 30 percent. One example of a surface coal gasification facility that was not funded was the Homer City coal gasification research test facility in Homer City, Pa. Over the past 7 years this facility has contributed substantial amounts of valuable coal research data to the Nation's coal data base. Tests were run on Montana rosebud coal as well as Pittsburgh seam coal. Currently tests are being run on Illinois No. 6 coal. Over 100 skilled research technicians are employed at the facility. The Homer City facility is the last of its kind in the Nation and it would be a tremendous error to close it.

There is no doubt in my mind that we must use the window of opportunity we currently enjoy to prepare for the next energy crisis. When foreign oil trinkles into this Nation because of circumstances beyond our control, the people of this country will ask: Why did the Congress not have the foresight to prepare for it?●

SOUTH AFRICAN CRISIS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WEISS. Mr. Speaker, as a member of the Arms Control and Foreign Policy Caucus, I would like to express my concern about the present continuing human rights crisis in South Africa, where daily over 20 million nonwhites (be they black, colored, or Asian) are humiliated and discriminated against by law.

Let me quote a remark Secretary of State George Shultz made recently before the Senate Committee on Foreign Relations. He most aptly stated that, "Human rights cannot be relegated to international politics." I would venture to state that this administration has done exactly that in South Africa. In the hopes of improving communications with the racist South African Government, we have lifted export controls, vetoed economic sanctions in the U.N., persuaded the IMF to loan the South Africa Government $1 billion (almost exactly the amount they have spent on a war preventing Namibian independence) and continually refused to speak out against the inhumanities directed at the black majority.

If this administration truly believes that human rights supersede international politics in importance, then it should not hesitate to support the provisions in the Export Administration Act (H.R. 3231), reported by the Foreign Affairs Committee, which would change our ineffective and insupportable policy toward South Africa. This legislation, which may reach the House floor by the end of July, would restore export restrictions on the Government of South Africa, restrict bank loans which help stengthen the system of apartheid, ban the sale of the South Africa Krugerrand in the United States, force U.S. businesses in that nation to observe fair employment practices, and finally, reaffirm our commitment to the basic human rights of all people throughout the world.●

BUMPER BILL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SCHUMER. Mr. Speaker, I would like to call to your attention my reintroduction of what has become popularly known as the Bumper bill. This amendment to the Motor Vehicle Information and Cost Savings Act would require that the impact test velocity for the motor vehicle bumper standard be restored from 2½ miles per hour to 5 miles per hour.

Restoring the threshold of damage standards will result in greater savings for motorists. Fewer replacement parts would be needed and insurance costs would thus decline. Though the National Highway Traffic Safety Administration (NHTSA) cites savings to consumers as its reason for originally lowering the standards, I am of the opinion that if any savings are realized at all, they would certainly seem to be negligible.

The average automobile owner in Brooklyn pays in excess of $1,000 annually in auto insurance even with the 5-miles-per-hour standard. Under a 2½-mile-per-hour standard it is more than likely that there will be increased damages sustained in minor accidents, which will represent a tremendous cost in terms of repairs, insurance, and lost job time. These costs will far exceed the $28 savings per new car customer which the NHTSA claims will result from lowered standards.

In light of today's advanced technology, reducing safety standards does not seem to be the optimum way of making automobiles more fuel efficient. Our auto industry, which is presently on the rebound, is employing new design techniques which utilize advanced aerodynamic styling. The application of scientific formulae means a great deal more in terms of gas saving, which is one alleged goal of the lowered standard, than a lighter bumper.

It is my hope that my colleagues recognize the impending dangers in allowing this relaxation of damage standards for automobile bumpers to go unheeded. A decline in damage and safety standards is neither good for industry or consumers.

It is my firm belief that restoring the 5-mile-per-hour bumper standard will benefit many. I urge my colleagues to join me in my battle for greater consumer protection.●

THE 20TH ANNIVERSARY OF KALAMAZOO-NUMAZU SISTER CITY AFFILIATION

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WOLPE. Mr. Speaker, I rise today to salute the 20th anniversary of the sister-city affiliation of Kalamazoo, Mich., and Numazu, Japan. As many of my colleagues are aware, the sister city relationships which bind many of our municipalities with cities abroad are a result of President Eisenhower's people-to-people international program, which was founded in 1956. Although the program ceased to be a function of the Federal Government in 1961, the sister city program has since prospered as a private endeavor.

Kalamazoo and Numazu became officially affiliated in 1963. Under the sister city program, the two cities have developed a broad range of contacts and interactions. Mayoral delegations have exchanged visits on at least four occasions. Teachers from Kalamazoo and professors from Western Michigan University have traveled to Japan. A special scholarship program has resulted in Kalamazoo students studying in Numazu and a number of Numazu students studying in Kalamazoo. Several elementary and junior high schools have established sister-school relationships, resulting in an exchange of pen-pal letters, art exhibits and numerous gifts.

I can personally testify to the warmth and value of this sister city affiliation. While serving as a member of the Kalamazoo City Council, I had the opportunity to visit Numazu. It is an experience I will long treasure. The genuine feeling of friendship with which I was received by the people of Numazu made a deep impression on me. I know many of my fellow citizens in Kalamazoo have experienced the same warm friendship.

On July 29 a delegation from Kalamazoo headed by Mayor Caroline Ham will again visit Numazu to mark the 20th anniversary of the Kalamazoo-Numazu sister city affiliation. On this happy occasion we can all join in saluting a program which has, in a very real and personal way, promoted true friendship between the Japanese and American peoples. I congratulate the

leaders of Kalamazoo and Numazu for their efforts to foster a strong sister-city relationship.●

UNEMPLOYMENT IN ARIZONA

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McNULTY. Mr. Speaker, no problem surpasses the problem of unemployment among the people of southeastern Arizona in the summer of 1983. The years of expansion as part of the well-known "Sun Belt" growth were so vital and profound that our people were not well equipped to face the consequences of the current recession, nor the failure of the economic policies of this administration to restore economic vitality since taking office.

Copper production and smelting is one of the fundamental strengths of southeastern Arizona. As I address this House this evening, the hard fact is 14 of the 28 mines in Arizona are shut down totally. Of the State's 24,000 copper miners, 11,000 are unemployed. Many have been unemployed so long that they are now exhausting their unemployment compensation benefits. Small businesses are suffering near record failures. This is paticularly so in the small towns of my district that are totally dependent on the copper industry for their well being. Of those fortunate enough to still be working in copper production and processing, many are involuntarily working reduced hours.

Congressional District 5 also includes the border with Mexico and the havoc visited upon the economy, particularly the commercial economy, of the border is unbelievable. Declines of as much as 60 percent in gross revenues are not at all uncommon.

Hundreds of jobs have disappeared from the nonmetropolitan counties which I have the honor to represent. Hundreds of men and women have left their homes in despair, looking for new employment opportunity in Phoenix and Tucson, the two great urban centers of the State. Yet the unemployment in Pima County and Tucson, its central urban place, remains at 10.3 percent.

Recovery is following a very slow path indeed for the area taken as a whole. The only bright light is in the residential home construction industry in Phoenix and Tucson. In both these areas home permit activity is running at very high, nearly record levels. There is every reason to believe this pace cannot be continued as excess demand is satisfied and any rise of interest rates will place homeownership out of the reach of people who for now can hope to purchase a home.

It is of the utmost urgency that this House continue to insist on budgetary restraint and budgetary responsibility. The House is to be commended, in my view, for pressing to restrain the growth in new Federal debt in the coming fiscal year, and for resisting pressures from the administration to throw out the budget process altogether. It is bad enough to confirm a budget with $180 billion in deficit. It is less than responsible to present higher budget deficits as the administration has done for the coming year and for as many years as the eye can see. The financial markets and the American people have every reason to view such financial planning as imprudent. The recovery thus far is frail at best.

We must demonstrate that we are committed as a nation to help the unemployed and to help Americans who want to work to return to work. The House has shown its understanding through passage of a jobs bill and the American Conservation Corps legislation. We soon shall have the opportunity to consider the Coal Slurry Transport Act from which several hundred thousand jobs will shortly be created. This is the kind of legislation that America wants and expects.

Congress can and must respond to the economic emergency facing this Nation. I am proud to be part of this effort and I congratulate my colleagues who this evening in this forum of the Representatives of the American people are focusing the attention of the Nation on this, America's No. 1 problem.

Mr. Speaker, I ask permission to append to this statement a copy of my newsletter of June 1983 which extends and documents the points I have made concerning the plight of Arizona's No. 1 industry, the copper mining and smelting industry.

COPPER: THE SLOW REVIVAL OF ARIZONA'S NO. 1 INDUSTRY

Copper is a stricken industry. I know it, and southern Arizonans know it better than anyone. Similar problems afflict other American industries, such as automobiles, steel and timber, and as a result the Federal government has been slow to understand the depth and severity of copper's problems. My colleagues from other copper producing states and I frequently find ourselves explaining our all-too-familiar problems to people who are hearing the facts for the first time.

One primary concern since becoming the Representative from Arizona's Fifth District has been to advance bills and policies that will permit copper workers to go back to work, allow mines to operate in a market where they can make a respectable profit, and give the small businessmen and women of southeastern Arizona the opportunity to plan for a better future.

This is a report on the progress we have made, keeping in mind that much remains to be done.

The copper industry, America's most important nonferrous mineral industry, was afflicted severely by the national recession, and remains in poor health. Some 11,000 of Arizona's 24,000 copper workers are still out of work. A good fraction of the remainder are involuntarily working reduced hours. Of the 28 mines in Arizona, 14 are shut down completely. Every major copper producer lost money in 1982, and in some cases the losses were quite substantial. For example, Phelps Dodge Corp. lost $74 million last year, the largest loss in its history, and Kennecott Corp. reported a loss from its metals operations of $189 million.

Small businesses in Arizona, many of which provide goods and services directly to the copper mines, have also suffered on account of the copper recession. At the end of 1981, 90 percent of the members of the trade association serving the copper industry had laid off workers and reduced salaries, and a number of companies had simply gone out of business.

This downward trend has had severe impacts on state and local governments. Recession and unemployment translate into decreased tax revenues, which mean smaller government payrolls and diminished public services. For example, Pima County experienced a loss of $2 million in sales tax collections over the past two years as a result of the slowdown in copper. Greenlee County sales tax revenue fell off 57 percent in one year. Statewide, the Arizona Office of Economic Planning calculates that in the second half of last year, state sales tax revenues fell a full $12.1 million. Such sharply reduced revenues, directly due to the hard times in copper, force state and local officials to make extremely difficult decisions on how and whether to fund vital and necessary public services.

In short, a healthy copper industry is critical to a healthy Arizona.

Copper has always been a boom and bust industry. But in the past, downturns have been followed quickly by strong improvements in prices and demand that restored payrolls and profits. This recession has proved far more severe, and it is increasingly clear that we are not going to have that strong bounce-back which we could count on in earlier times.

A number of factors lead us to this conclusion, but to know the full story we must look at the copper situation worldwide—and specifically at the relatively recent changes in who owns the copper mines and smelters of the world. When I became a practicing attorney in Bisbee 32 years ago, virtually all the mines and smelters in the world were privately owned. No more. Today, 40 percent of the world's copper production capacity is controlled by governments, primarily governments of Third World nations who are mining not just for profit but to keep their people at work (which helps to insure governmental stability) and to earn hard dollars on the international market.

These governments, as a rule, keep copper in production no matter what is happening to demand. So, when prices fall in the international market, it is the private producers—almost exclusively in the United States and Canada—who shoulder the burden. Through August of last year, U.S. production had fallen off 23 percent, while production abroad had actually increased 2 percent.

Moreover, this deliberate overproduction is often bankrolled by multilateral development banks, frequently with U.S. approval. I have identified several cases this year in which the International Monetary Fund (IMF) has bailed out countries that insist on expanding copper production without regard for market conditions. For example,

the Chilean national copper company, CODELCO, the world's largest copper producer, increased production by more than 15 percent from 1979 to 1982, just as the global recession was taking hold. Earlier this year, Chile was forced to go to the IMF to borrow $327 million to compensate it for the revenues it lost due to the low price of copper. The IMF and other institutions have propped up or bailed out other nations for similar questionable business judgments, to the tune of $468 million in the case of the IMF alone. These are potentially dangerous practices.

A look today at the future of copper must always lead us to one conclusion: new markets must be found for the mineral. The decline in American automobile sales and housing construction have lowered dramatically domestic demand for copper. Copper has always had to compete with other metals in industrial uses, and technological advances in other industries, such as communications, have also reduced the need for copper. A general restoration of our economy will pick up some, but not all, of the slack, and it is clear that in the longer term American copper companies will have to find new customers. Company executives with whom I talk assure me that they are willing and able to do this.

In fact, there is a growing understanding on the part of management and labor of the fact that the boat in which we all find ourselves is lower in the economic water than we would like to have it. There is a need for cooperation and mutual support if the industry is going to rescue itself. Productivity gains will have to be achieved in an atmosphere of teamwork.

The third member of the team, however, is our government, and it is there that much work still needs to be done. The current Administration has yet to propose an industrial policy that brings trade and financial practices into a form that will encourage enterprise and production. And it continues to support international loans to prop up projects that compete directly with our depressed industry. I have sponsored or cosponsored several bills that would help to address these underlying problems, and will continue to work on them.

The road ahead has many uncertain prospects before we can expect to see a fully-recovered, healthy copper industry again. But we have every right to expect to see it, and if we continue to work together we will see it.

COPPER BILLS PENDING

Congressman Jim McNulty has sponsored or cosponsored the following bills this year in an effort to improve prospects for economic recovery in the copper industry:

H.R. 2412, which would direct the U.S. government to purchase immediately $85 million worth of copper for the domestic strategic stockpile, which remains several million tons below its authorized level.

H.R. 2413, which would apply a tariff on copper imported from countries which impose little or no environmental controls on copper production facilities.

H.R. 2946, which would prohibit U.S. approval of multi-lateral bank (World Bank, IMF) loans to nations for further production of a commodity already in surplus in the world.

H.R. 2945 would expand that same principle to the board of directors of the U.S. Export-Import Bank.

CANANEA SUBSIDIES TYPIFY U.S. DILEMMA

One of the biggest obstacles to recovery in the domestic copper industry has been the worldwide copper "glut" caused by overproduction in nations which, because of heavy subsidization, can ignore the normal supply-and-demand forces of the world market. The United States frequently assists foreign copper producers, and thus hinders its own copper recovery. A particularly vexing example of this dilemma is right at our own doorstep: in Cananea, Sonora, Mexico.

The Cananea mine and smelter is undertaking a major expansion, with the help of a $75.7 million loan from the U.S. Export-Import Bank. In addition, the United States had backed a $50 million loan from the World Bank to Cananea, although that loan has since been tabled. The expansion will triple the production capacity of Cananea, allowing the company to produce an additional 100,000 metric tons of copper per year for an already-depressed market. In addition, post-expansion Cananea could emit 500 tons of sulfur dioxide per day from its stacks—more than all seven Arizona smelters combined will be allowed under Clean Air Act regulations scheduled to take effect in 1988.

Congressman NcNulty and 13 other members of Congress from both parties protested the U.S. participation in the Cananea expansion in a March 17 letter to President Reagan, arguing that the project will have "serious adverse effects on the American economy and environment."

The letter was cosigned by Arizona Senators Dennis DeConcini and Barry Goldwater, Arizona Reps. Morris K. Udall, Bob Stump, Eldon Rudd, and John McCain; New Mexico Senators Pete V. Domenici and Jeff Bingaman, New Mexico Reps. Manuel Lujan, Jr. and Bill Richardson; Montana Senators Max Baucus and John Melcher, and Montana Rep. Pat Williams.

[From the Los Angeles Times, June 26, 1983]

U.S. HELPS NEIGHBORS—COPPER MINERS ANGRY AS AID CROSSES BORDER

(By Bill Curry)

KEARNY, ARIZ.—For more than a year, Ernesto Estrada has watched his life slowly undermined by unemployment.

He has lost his house, and his truck is next. He has seen his once-healthy paychecks from the Kennecott copper mine up the road replaced by sparse $115-a-week unemployment checks, food stamps and five-pound bricks of free surplus cheese.

His $11.50-an-hour job as a shovel operator in the yawning Kennecott mine has given way to a federally funded job-retraining course, one of those designed to help U.S. workers who are jobless because of foreign competition.

ONE OF 11,000 JOBLESS

But the federal government itself has also provided foreign aid to that competition, copper mines in underdeveloped nations. And it has supported loans to them through multilateral lending agencies like the World Bank.

Ernie Estrada is only one of an angry army of 11,000 unemployed copper workers in Arizona, the nation's No. 1 copper-producing state.

But 20 miles across the border, a Mexican copper mine is booming, in part because of U.S. assistance.

"I was working toward getting the kids out of school, getting an education, and things would get better for us—the American Dream—and somebody comes along and cuts the strings," said Estrada, 45, a father of three who has worked 26 years at Kennecott's Ray Mine here. "All this foreign aid and we got people in the United States who can't even afford to buy a pound of beans."

International development efforts, according to data compiled by Phelps Dodge Corp., the nation's second-largest copper producer, have helped six nations expand eight copper projects in the last four years alone.

Although the practice is government policy with well-intentioned international goals, it has the effect of subsidizing employment abroad in an industry with widespread unemployment at home. And that dilemma has brought a new and critical examination of U.S. efforts to develop Third World nations suffering from high unemployment and low standards of living.

The result of this new scrutiny could be an important change in U.S. developmental efforts overseas, and billions of dollars in loans and countless numbers of jobs could be at stake worldwide.

But regardless of the outcome, the current debate has already revealed an intricate network of national and international practices rife with conflict.

For example, to create jobs, political stability and foreign exchange in underdeveloped regions, primarily in Africa, South America and Mexico, world lending institutions, with U.S. approval, have subsidized the development and operation of foreign copper facilities. Critics contend that this development has come at the expense of U.S. mines, which have been forced to shut down, and U.S. miners, who have been laid off, as copper prices fell to the lowest levels in four decades.

Government-owned copper companies in other nations, meanwhile, have actually increased production to maintain export earnings, driving copper prices still lower.

Chile, for example, depends on copper exports for 43% of its foreign exchange, and in 1982 it ran its mines at 110% of their listed capacity despite a world oversupply of copper. Meanwhile, the International Monetary Fund approved $880 million in loans to Chile.

"This deep pocket (of international loans) is obviously not available to finance continued operations in the Western United States," Yale University economics professor Paul W. MacAvoy has written. "In effect . . . American companies and their domestic employees have absorbed all the worldwide (copper) industry's reduction in employment . . .

"And not much is gained by telling unemployed Arizona copper mines that American loans supporting the low-cost sales of Chilean production are in the long-run interests of all nations."

Other conflicts are noted:

The U.S. copper industry has complained about loans to foreign mines, yet it has made its own copper investments overseas.

Loans from the U.S. government's Export-Import Bank have helped create copper jobs overseas at a time of unemployment in the copper industry at home, but those same loans have also created jobs for other U.S. workers, who build such things as mining equipment purchased with the Export-Import Bank loans.

"Our bread is buttered on both sides of the border," admits a spokesman for the mining-supply industry in Arizona.

"The United States (is) shooting itself in the foot," contends Rep. James F. McNulty Jr. (D-Ariz.), who has introduced legislation designed to restrict assistance to competing commodity producers overseas. "It is time the United States started paying attention

to the conditions in its own economy before it decides to assist similar economies abroad."

McNulty spoke at a congressional subcommittee hearing May 20 on the role of U.S. assistance to foreign copper producers. The hearing was prompted by disclosures that the World Bank, with U.S. approval, and the Export-Import Bank of the United States had approved separate loans, totaling millions of dollars, to help triple production at the Compania de Minera Cananea copper mine in Cananea, Mexico, just 20 miles from the Arizona border.

At the time, much of Arizona's copper industry was shut down and its work force unemployed.

Moreover, a World Bank agency has reported that its role "has been particularly significant" in arranging an additional $400 million in private bank loans to the mine.

A BELEAGUERED ALLY

The bank loans were an effort to help a beleaguered and friendly ally. In Mexico, where estimates of unemployment and underemployment run as high as 40 percent of the labor force, the vast expansion of the Cananea mine and smelter is considered necessary to preserve the jobs of 2,360 workers.

In addition, the expansion will create 770 new jobs, which a secret report prepared by the World Bank's International Finance Corp. describes as well-paying jobs with generous fringe benefits: health care, schooling, cooperative purchasing—and 455 houses to be built for new employees.

Moreover, the company plans to recruit the new workers from the northwestern region of Mexico, where chronic joblessness impels many to migrate illegally to the United States in search of work. The Cananea mine expansion would offer some of them skilled and semiskilled jobs in Mexico instead.

Through copper exports from the mine, the expansion is also expected to earn Mexico much-needed foreign exchange. Mexico's disclosure to New York bankers last Aug. 20 that it could not repay its loans was the beginning of the current international debt crisis.

So on July 15, 1982, the International Finance Corp., with the U.S. representative voting "yes," approved a $50-million loan for Compania de Minera Cananea. The United States contributes about 30% of the international agency's funds.

More important, the agency arranged private financing to produce a total of $450 million toward the $1-billion cost of tripling Cananea's copper production. In addition, the Export-Import Bank provided $75 million in loans to finance the purchase of more than $100 million in mining equipment from U.S. firms.

The International Finance Corp. loan has since been put on hold because of Mexico's burdens from debts and perhaps because of the opposition originating in Arizona. But the Mexican government considers the expansion a high-priority project, and Cananea is continuing it at a slower pace. Company officials are expected to return to the international agency as the expansion, from 50,000 to 150,000 metric tons a year progresses.

Nonetheless, the issues raised by the agency's help and the U.S. government's Export-Import loan continue. For whatever the intentions of the assistance, it spawned a hailstorm of objections in Arizona where thousands of copper workers had lost their jobs and some, like Estrada, would lose their houses while Mexican workers stood to gain both jobs and houses.

"SEEMS INCONCEIVABLE"

"I spent a good deal of time trying to help our people improve their living conditions," Al Skinner, a retired United Steel Workers of America Representative, told the subcommittee hearing last month, "and it seems inconceivable to me that our government is taking the taxpayers' money to guarantee loans to foreign countries that are subsidizing industries that compete with American industry and undermine our whole industrial progress.

"The unemployed deserve something better than that."

"We use to fight forced overtime," said Donald Shelton, president of the United Steel Workers local in Oracle, Ariz., "and now we don't know where the next meal is coming from."

Another issue has also arisen. Arizona's copper smelters are spending hundreds of millions of dollars for air-pollution control equipment, and the Cananea smelter appeared to pose a threat to the industry's efforts—and to Arizona's air—by increasing pollution from its expanded production.

Concern about that brought together environmentalists, management and labor in a fleeting coalition to criticize the U.S. and multilateral efforts to help Cananea.

"It was like a veneer," Michael Rieber, professor of mineral economics at the University of Arizona in Tucson, said of the unusual alliance. "But they're all right about one thing: Cananea will displace jobs in the United States. Cananea is a low-cost, world-class mine."

What the coalition sought was U.S. government action to thwart federal and international loans to competing and polluting projects that could hurt U.S. industries. Such lending is a small portion of Third World development loans; the bulk is provided by private banks. However, the multilateral lending agencies arrange and influence much of that lending as well.

Cananea declined to appear before the hearing, conducted by the House subcommittee on mining, forest management and the Bonneville Power Administration. But it said in a prepared statement that it plans to pursue anti-pollution control at its expanded facility. It maintained that the current facilities have reached capacity and "expansion is necessary."

The company pointedly noted that it bought $25 million in U.S.-made products last year, and added that its additional copper production will be consumed in Mexico, not exported.

The International Finance Corp., however, said that the additional output will be exported initially. Whichever is true, Cananea will add to worldwide copper supplies and therefore is likely to slow recovery of the market and the recall of thousands of U.S. copper workers.

Cananea was once owned by Americans, including the Anaconda minerals subsidiary of Atlantic Richfield Co. Now, as Cananea grows under Mexican government and private ownership, Anaconda has retrenched. It has demolished its smelter in Anaconda, Mont., and its Butte, Mont., mine will close indefinitely on June 30.

In fact, says Rep. McNulty, 14 of 25 major American copper mines are shut down. Some will almost certainly never reopen. Here in Kearny, Kennecott's Ray Mine and its smelter in nearby Hayden are closed indefinitely. Of 1,853 workers, all but 184 have been laid off "until the economic conditions permit," said Richard W. Banghart, vice president and general manager.

The mine and smelter can produce 100,000 tons of copper a year, but since May 2, 1982, the bustling open-pit mine has been eerily quiet, the smelter cold and lifeless. There is some agriculture in the area, but towns like Kearny, Hayden—and Cananea—exist because of copper.

RELATIVES IN MEXICO

The people here, in fact, have other ties to Cananea than the same belt of copper that they work. "I have relatives over there," says Hayden Mayor Carmelita Hart, "but I could care less."

"We all have relatives down there," added Luis Fontes, 50, a repair foreman who has worked at the Ray Mine for 30 years. The mine takes its name from the town it swallowed when it was expanded in 1958.

Kennecott donated the land for the new town of Kearny, population 2,650, unemployment rate 40%. Jobs paying $25,000 a year were once common at the mine, said Banghart, but in the last year, a $40-million-plus payroll has simply vanished.

"When the community is working," said Bob Morales, 35, a diesel mechanic laid off in Kennecott after 15 years, "the community is rich."

But in the last year, the number of food stamp recipients here has risen from 86 to 740; the number of families on welfare from 19 to 39. "Life was super," said Frances Marin, who has three teen-age daughters and was supporting them with her $11.27-an-hour truck-driving job at the mine. She now supports them with $282 a month in federal Aid to Families With Dependent Children and $165 in federal food stamps.

Once middle-class, Marin was recently elected to the board of a local community action agency—as the low-income representative. "I never thought I'd be on welfare," she said.

She is renting a house that another mine family must sell. Out front, the "For Sale" sign joins many others in Kearny. They seem as numerous as the saguaro cactuses in the hills nearby.

Some homes, however, are just empty. One is Ernie Estrada's old place at 447 Jamestown, the little red-brick bungalow with the foreclosure sale notice on the front window. "I had it built from the ground up," said Estrada, who was born in Ray. He, his father and two of his brothers together have worked more than 100 years at the mine.

"Two days after Thanksgiving, we moved out."

Now he is renting a smaller, rundown house for $125 a month, but he is behind in the rent.

His unemployment checks will run out in September, when he finishes his federally funded training classes.

"If you were getting benefits because of foreign competition and the government was helping the competition," said Jerry Bribiescas, mayor of Mammoth, Ariz., and an employee of Magma Copper, "you, too, would be furious."●

NATIONAL HOME CARE WEEK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. PANETTA. Mr. Speaker, on May 12, I was joined by Representatives CLAUDE PEPPER and BARBER CONABLE in sponsoring House Joint Resolution 268, to designate the week beginning November 27, 1983, as "National Home Care Week." To date, this resolution has been cosponsored by more than 90 House Members. Senator HATCH has sponsored a similar measure in the other body.

When I introduced this resolution, a letter from the National Association for Home Care in support of this resolution was made referenced to in my statement. However, this letter was omitted from inclusion in the CONGRESSIONAL RECORD. At this time, I am including this letter in the RECORD for the attention of my colleagues. Once again, I urge support for the National Home Care Week resolution. Following is a text of the letter:

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, D.C., May 3, 1983.

Hon. LEON E. PANETTA,
House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PANETTA: This is to thank you for your support in creating National Home Care Week. We are most grateful for your having introduced this resolution last year. National Home Care Week proved to be a tremendous success. We greatly appreciate your asking Congress to once again designate the week after Thanksgiving as "National Home Care Week," and warmly endorse this measure.

Best regards,
Sincerely,

VAL J. HALAMANDARIS,
President.●

HUNGER PROGRAMS IN MACOMB COUNTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, many people in Macomb County, in both government and private organizations, are working to meet the needs of the hungry. In spite of these efforts, hunger programs are strained by the growing number of people who need their services and the lack of adequate resources. The following exerpts describe the status of some of these programs.

SCHOOL NUTRITION PROGRAMS

(By Chacelle Russell, Food Service Consultant, Macomb County Schools)

In the recent National Evaluation of School Nutrition Programs report prepared for USDA it is noted that the biggest single determinant of School Lunch Program participation is meal price.

Before the Omnibus Reconciliation Act of 1981, the average charge to the elementary child was $.68 per meal.

In 1980-81 $.76, 1981-82 $.93 and the average charge to the student currently is $1.07. As schools were forced to raise their prices due to rising costs, inflation and reductions in federal assistance, the resultant loss of participation closely follows the national rate of 1 percent participation loss for each $.01 the price goes up. The price increase of 64 percent has resulted in a decrease in participation of 60 percent. A Federally subsidized meal is offered both free and reduced priced. The reduced price is to help financially struggling families who do not qualify for a free meal. Generally these are often the working poor.

As reported in the National Evaluation of School Nutrition Programs report, the Breakfast Program serves mostly poor children and this is again true in Macomb. In 1979-80, four districts offered breakfast, served 67,000 meals of which 92 percent were free or reduced priced. Presently two districts are serving breakfast—43,000 meals of which 98 percent are free and reduced priced. The two districts who dropped the program did so because of lack of funding and rising costs.

We provide for many children their only meal of the day. We care about our children and we are concerned that East Detroit where 50 percent of the meals served were free or reduced priced no longer can afford the program and that Roseville where 55 percent of the children served were free or reduced priced has closed the elementary feeding program.

We recognize that with any program, there will be a small percentage of abuse and surely school lunch is no exception. However, there is great concern for the reams of paperwork now required to complete and verify any application. The "new poor" are especially sensitive to the loss of dignity they are subjected to as they bounce between agencies. Directors hope that one complete application, easily verified could be developed. Many people who we now serve have worked and contributed to these programs through their tax dollars for years and deserve to receive this needed help with dignity.

THE WIC PROGRAM

(By Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission)

The Women, Infant and Children Program serves pregnant women and children up to the age of five. The program provides coupons for fresh eggs, milk, cheese, orange juice, fortified cereals and fortified formulas. It is designed as a supplement for women, infants and children at nutritional risk. Every dollar spent on the food component of the WIC program can save us as much as three dollars in immediate medical costs according to a Harvard University study. At this point the cost to the government in extended hospital care in the neonatal unit may run to $40,000. By contrast the cost of getting a WIC participant through a pregnancy runs to $450.

Congress rejected severe funding cuts for WIC in the last several years, but the fact that funding has been kept steady in the face of inflation means that it has in reality been significantly reduced. In 1982, in Michigan we served 77,117 people. In 1979 and 1980, we served 77,452. In February 1983, the caseload was 78,554. Money was turned back in 1981. The problem is that there has been insufficient money to cover administrative costs.

In Michigan, children in many areas were dropped from the program when their nutritional status was normal perhaps at one year. There is no follow up to determine if the child needs supplements again, between that point and entrance in school, i.e., whether or not if the supplement is discontinued the childs health becomes once again at risk. In the past, mothers have tried to stretch their own allotment to cover the three or four year old dropped from the program.

In addition, last year reductions were made in the coupon package, in an effort to increase the number served in Michigan to 90,000 in 1983. It is estimated based on the 1970 census, that 210,000 are potentially eligible which means that the program is falling 120,000 short of need based on the 1970 census. The question is what would be the need given the increased unemployment, reductions in health service and the termination of benefits for many people if the estimates were to be based on the 1980 census.

THE FOOD STAMP PROGRAM

(By Leland E. Hall, Director, Office of Food Programs, Michigan Department of Social Services)

The food stamp program has dramatically expanded between January 1979 and March 1983. In the state as a whole, the caseload has increased 96 percent and the value of monthly benefits during that period by 250 percent. The caseload in Macomb County during 1979-83 period has gone up 75 percent and monthly expenditures by 206 percent.

In 1983 alone, more than a million people will receive food stamps each month and the annual benefits will exceed half-a-billion dollars. Comparable 1983 figures for Macomb County are: 50,000 people will receive benefits each month for an annual value of $21 million.

It is quite plain that the food stamp program provides a good deal of assistance for needy people. The statistics relating to the amount of benefits per family and individual make it equally plain that the benefits do not fully meet food needs. For example, statewide benefits average about 49 cents per person per meal while in Macomb County the comparable figure is 47 cents per person per meal.

It should also be noted that one of the Reagan Administration's approaches to reducing federal spending was to delay for almost two years any benefit adjustments resulting from food price inflation. This too diminished a family's food purchasing power and there is reason to believe that many people who are in need of food assistance from private charities have not had enough food stamps to meet their needs. I should add here, however, that they probably never had enough to meet them. What appears to be different now is that people require assistance who never have before. The specific evidence on this point is very scarce but given what we know about the economy and the amount of food stamp and other assistance that has been available, hard data is probably unnecessary to conclude that people need help in feeding their families for a month. The food stamps run out, the energy bills are due, and the rent is in arrears—they have no place to turn but to private groups.

(E)mergency funds (provided by the Jobs Bill) have been most necessary, but we firmly believe that the food stamp program has provided and should continue to provide a regular avenue for dealing with hunger and malnutrition in America. At least some part of the current emergency is best understood as a measure of that program's inadequacy.

SURPLUS COMMODITY DISTRIBUTION

(By Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission)

National surveys found that our previous reliance on surplus foods or commodities rarely provided even minimumly adequate nutrition and frequently left the most vulnerable seriously malnourished, because what happens to be in surplus does not make up a reasonable nutritious diet. * * * There are very few foods currently in government warehouses other than dairy products (approximately a ten year supply of dried milk, processed cheese, and butter). * * * Fruits, vegetables and meats are rarely in the surplus stocks, most perishable items simply can't be. Commodities impose the monotony of eating the same foods day after day, and disregard individual tastes, religious beliefs, and cultural preferences. Health Departments have fought to remove the highly salted, high fat, sweetened commodity foods from their menus because of concern for the nutritional problems in the senior population. In addition, many poor people can't use surplus commodities.

In the 1960's, the average surplus food package for a family of four, weighted 95 pounds. It couldn't be carried on the bus or subway or by anybody very old, or pregnant or young, or without access to a car. Storage was a constant problem, families couldn't easily use bulk amounts of wheat or soybeans or corn, and warehouses were plagued with roaches, mice and worse.

Commodity food giveaways are not the answer. They will never be able to provide a reasonable diet and there can never be enough distribution points to make the food accessible. Giving some of our "surplus" foods to the hungry Americans will not solve the problem of the surplus four billion. That involves agriculture policies beyond the matter at hand. A block of salty, high fat cheese is no substitute for food stamps. In some programs such as the institutional feeding programs, bulk foods can be used and stored, a separate distribution system is not required and the trap inherent in old surplus commodity distribution programs for individuals can be avoided. They are helpful for emergencies, but only for short periods of time.

EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM

(By Marilyn Rudzinski, Director, EFNEP)

The Cooperative Extension Service is a department of Michigan State University, whose function is to provide non-formal educational programs based on the needs of local county residents. The programs are funded cooperatively by Federal, State and County governments through the United States Department of Agriculture, Michigan State University, and the Macomb County Board of Commissioners. Cooperative Extension Service programs address educational needs. Federal funding for the Cooperative Extension Service, and consequently EFNEP is under the Farm Bill for the Department of Agriculture.

The Expanded Food and Nutrition Education Program teaches basic food buying, preparation, sanitation and nutrition skills to low income homemakers and families on a one-to-one basis by para-professional nutrition aides.

With limited funding at its inception in 1969, the program serviced 27 Michigan counties. Now only 17 counties are able to offer the program, due to lack of funding. The 1984 budget requests a decrease of 42 percent. Further county reductions are inevitable. Macomb County Expanded Food and Nutrition Education Program will suffer staff reduction or possible elimination.

The Expanded Food and Education Program offers people an opportunity to help themselves. That is Michigan Cooperative Extension Service basic philosophy. Give people the opportunity to develop skills that form the basis for decision making to maintain and enhance long range quality of life.

Therefore, we recommend that food supplement programs are maintained based on need and that the House Agricultural subcommittee recommendations which restores funding for the Expanded Food and Nutrition Program to its existing level be supported.

UNITED COMMUNITY SERVICES

(By Margaret J. Szmanek, Planner, Macomb Division, United Community Services)

United Community Services of Metropolitan Detroit (UCS) is a community-based human service planning organization. In the tri-county area, along with the United Foundation, UCS serves as the local United Way. In that framework, UCS works extensively with volunteers.

In the last several months, the Macomb Division has been extensively involved in the organization and implementation of various food distribution programs, in response to the critical food shortage many unemployed persons are experiencing. In some instances, efforts to meet this basic need—providing food to hungry persons—have been hampered by the inability of the cooperating food-providing agency or organization to distribute large amounts of food without adequate staff or volunteers. This occurs when large donations of food from corporations and businesses or purchased through governmental grants is suddenly made available for distribution with specific timetables, but with no provision for administrative costs, additional labor, or time to organize volunteers.

We must encourage governmental entities, when making grants or programs available, to include funds for administrative and personnel costs.

MACOMB EMERGENCY FOOD PROGRAM

(By Teri De Schryver, Coordinator, Macomb Emergency Food Program)

The Macomb Emergency Food Program has functioned continuously since 1975, structuring a network of over 60 collection and 28 distribution sites. Recent food collections generated by the "hunger emergency" provided abundant supplies of food. The major contributor was the GM-UAW Care and Share donation.

During the GM-UAW project, over six hundred prepared boxes of food were distributed to families in Macomb County weekly. Prior to this project approximately 250 families were receiving emergency food assistance each month. These families average four persons in size and food service averages slightly over five days per family.

Preliminary surveys show that 51% of families and individuals who received food during the GM-UAW food project were on public assistance. Fifty-seven percent were families in our current target group of so called "new poor." An example of the later is a request received through our office last week. A family consisting of a husband, wife and five young children recently moved to Macomb County from Detroit. The husband was permanently laid off from Ford's 3½ years ago. Because employment since that time has been sporadic and meager, the family lost two homes before moving to East Detroit. In spite of the fact that both parents have Masters degrees, the family is subsisting on temporary employment, plus ADC and Food Stamps. Requesting emergency food was humiliating for this mother who began to work as a volunteer in the site that had assisted her.●

CONGRESS SPENDS BUCKS, BUT PASSES BUDGET BUCK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GINGRICH. Mr. Speaker, the liberal Democrats and defeatist Republicans in Congress are irresponsibly voting for big spending bills and then blaming President Reagan for the deficits. We members of the optimistic wing of the Republican Party believe it is possible to control spending and to shift from a liberal welfare state to a conservative opportunity society. We are committed to supporting the President's vetoes of irresponsible spending.

The Atlanta Journal-Constitution defined the need for this confrontation as irresponsbility when it wrote the following editorial.

[From the Atlanta Journal-Constitution, June 26, 1983]

CONGRESS SPENDS BUCKS, BUT PASSES BUDGET BUCK

The halls of Congress are now replete with breast-beating, the sounds of pious members entoning that they have done their job, arriving at a budget resolution.

They will, they say, present this fiction to the nation, but they bear, they say, no responsibility for what the evil Ronald Reagan does with the individual spending bills. Whoop-te-doo.

The budget, agreed to by the House Democratic leadership with the reluctant consent of Senate Republican leaders, is a pipe dream. It calls for $12 billion in new taxes in the next year, with $51 billion in new taxes for the following two fiscal years.

Increasing taxes in a recession is folly. Congress has done that several times in the last two years. To increase taxes during a fragile economic recovery is suicidal. The president is opposed and we hope he sticks to that opposition, rather than compromising on tax increases as he did last year.

The recovery is exceeding expectations. The release this week of growth projections of 6.6 percent was great news. But every expert adds cautionary notes. Most see the recovery imperiled if interest rates rise.

Most see interest rates triggered by the staggering federal deficit.

Which brings us back to Congress. Its budget does virtually nothing to narrow the deficit. It sets up a confrontation with the president by holding defense spending to a 5 percent increase. It adds billions in nonmilitary spending and it calls, really, for a blank check on tax increases.

The president had suggested contingency taxes to reduce the deficits. His tax plan would have been triggered in 1985 and 1986 if inflation moved up and out of control again.

Congress rejected that notion and went even farther astray. Its members earmarked $8.5 billion in pork-barrel spending as a contingency. If Congress agreed, that largesse would be used to relieve the effects of a recession that is all but over.

Such political legerdermain fools no one. Congress wants to continue to spend—as its appropriations committees prove daily—even in the face of a deficit most optimistically put at $170 billion. Even with the new taxes.

We have no desire to see a budget confrontation, with vetoes, attempts to override them and the usual scare stories about the government running out of check-writing authority.

But Congress simply cannot continue to avoid the larger picture, its decision to view individual programs on their own, rather than as part of the whole budget has led to eight straight deficit-spending years.

The Reagan administration has offered compromises on defense spending, but Congress refuses to consider altering the domestic side of the budget. That standoff deserves confrontation—and more of the president's basic lessons in economics for the American people.●

A GROWING ECONOMIC AND DIPLOMATIC RESOURCE FOR AMERICA

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RUDD. Mr. Speaker, the strength of America's free market system has always been one of our Nation's greatest assets in the ongoing struggle for freedom and democracy in the world. More recently, the balance of food power has become a prominent ingredient in East-West relations and has brought out a clear ideological disparity the world cannot ignore.

The proven failure of the Soviet economic system—a centralized, wholly government-controlled structure which offers no private enterprise, no individual decisionmaking, no incentives or profit, no flexibility—cannot go unnoticed. In the agricultural sector, for instance, the Soviets employ 26 million workers—or slaves—yet still cannot feed their own people.

Our Nation, by contrast, has fewer than 4 million farmers who can produce twice as much food, and more. The ultimate irony is that we have to take measures to slow American agricultural production to prevent oversupply.

As the Soviet Union relies more heavily on American grain exports, the issue of food as a diplomatic tool becomes increasingly apparent in our bilateral relations. The significance of this issue should not be overlooked within the debate on overall strategic balance in the world.

A recent interview published in the International Wildlife issue for July-August 1983, with Lester R. Brown, an authority on world agriculture and resource matters, provides insight on this development. The article, "Russia's Achilles' Heel," follows:

RUSSIA'S ACHILLES' HEEL

(Food is the earth's most critical resource, and increasingly it is becoming a political issue. Here, Lester R. Brown, an authority on world agriculture and renewable resources, makes some astonishing observations about how American abundance and Soviet farm problems may lead to easing of tensions between the super powers. Brown, a founder of the World-watch Institute, a Washington-based think tank, was interviewed by International Wildlife editor John Strohm.)

Q. Has the balance of food power shifted decisively between the two superpower?

A. Yes! Last year for the first time U.S. farmers doubled the grain output of their Soviet counterpart, 331 million tons to 165. The Soviets are in deep trouble on the farm front.

Q. How bad?

A. Last year the U.S.S.R. imported 45 million tons of grain—more than any country in history. More than half of that came from North America. As of early 1983, the Soviets appeared to be trying to reduce grain imports from the U.S. to punish the Reagan administration for its now-abandoned pipeline embargo.

Q. But the Soviets used to export grain.

A. They did until 1970. That year they exported 8 million tons; the U.S. exported 38 million tons. But in 1981 U.S. grain exports had skyrocketed to a staggering 115 million tons, while the Soviets had to import 34 million tons.

Q. And that's why you believe corn, wheat and soybeans may be as important as nuclear warheads in dealing with the Soviets?

A. I believe the shift in the agricultural power balance in favor of the U.S. provides an opportunity to reshape relations with the Soviet Union.

Q. What happened? Are the Soviets failures as farmers?

A. Not exactly. Much of their land is too hot, or too cold, too wet or too dry. Corn won't mature in the Moscow region which is as far north as Hudson Bay. But the real problem is that the Soviet system just doesn't work very well with farming.

Q. What do you mean by that?

A. Farmers' freedom to make their own decisions in response to market forces is one reason U.S. farmers get 16 tons of grain per ton of fertilizer used. In the Soviet Union, they get only 6 tons per ton of fertilizer, because it's often used inefficiently, if not wastefully.

Q. Why's that?

A. Farm management which is made-in-Moscow simply can't respond to real needs of farmers in the field. In agriculture five-year plans distort the situation they are intended to manage.

Q. If centralized planning hurts Soviet agriculture, why is the U.S. plagued by crop surpluses? Our farms are getting bigger and bigger, with fewer farmers.

A. It's not the same. About 2.4 million farms—mostly family owned—account for cultivation of 350 million acres in the U.S. The Soviet Union has 20,800 state farms averaging 13,000 acres each and 26,000 collectives averaging 9,000 acres each.

Q. Productivity per person must be terribly low on Soviet farms.

A. True. The Soviet farm labor force totals 26 million; the U.S. 3.7 million.

Q. So with only one-seventh the manpower, American farmers produce twice as much food?

A. Correct. And this is what worries the Kremlin. A centralized agricultural system relying on five-year-plans cannot begin to match the flexibility of a system in which basic decisions are made by individual farmers.

Q. What can they do about it?

A. I'm afraid that fixing the ills of Soviet agriculture without reforming the system will be like treating the symptoms of an illness rather than the cause.

Q. Let's get back to diplomacy. Can Soviet farm problems be a boon to peace?

A. Each day in 1982 two 20,000-ton freighters loaded with grain left the U.S. for the Soviet Union. No other country has dominated world grain trade as the U.S. does. The Soviets are probably not going to war against the country that has helped raise the standard of living of the Russian people while masking failures of their own system.

Q. What's the significance of all that?

A. This massive new commercial link may represent the most important change in relations between the two countries since the Cold War.

Q. In what way?

A. The Soviets know they need us to produce food for their people to eat. They may talk belligerently but in effect, we have become their agricultural partners and I believe we can negotiate political problems from a position of strength. In the final analysis, the long line of grain-laden ships that links U.S. farms with Soviet dining tables may come to dominate overall relations.●

REMEMBERING BILL MILLER

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LAFALCE. Mr. Speaker, former Republican Vice Presidential nominee William E. Miller passed away in Buffalo this past week. Bill died on Friday, June 24, at the age of 69. I extend my own and my family's deepest sympathies to Bill's lovely wife Stephanie and their children: Elizabeth Ann, Mary Karen, William E., Jr., and Stephanie.

I know the people of his native Lockport are joined by his former colleagues in the House and the people of the State of New York, and the entire country, in mourning the loss of a man who contributed to the Nation's political life for so many years.

Bill served western New York as Congressman from the Lockport, Buffalo, and Niagara Falls area for seven terms—the old 42d and 40th District. He also served his party as chairman of the Republican National Committee for 3 years and joined Senator BARRY GOLDWATER as Vice Presidential standard bearer for the 1964 campaign and election.

Mr. Speaker, after Bill's return to private life he came back home to Lockport, resumed the practice of law but continued his involvement in bettering his community, region, and State. Governor Rockefeller appointed him chairman of the Niagara Frontier Transportation Authority. Bill also remained close to President Ford and provided political assistance and policy advice both before and during Ford's White House years.

As recently as last year, Bill spoke out on the issues facing the Nation: the state of the economy, defense spending and its effects on the economy, and the ominous build up of nuclear arms by the superpowers.

Mr. Speaker, in the course of his political and business affairs, Bill occasionally returned to Washington. I was privileged to spend some time with Bill, and learn from his many years of experience serving the congressional district I now represent. He was always willing to help and advise when asked. His company was always enjoyable, his wit was always entertaining, and his concern for the best interests of the people he represented a continuing one.

There are a number of Members still serving in the Congress who were colleagues of Bill's. There are many throughout the country who were closer personally and politically to him. However, Mr. Speaker, the association we built up in the past few years was helpful to me and the district and personally gratifying. Bill Miller could certainly be a strong partisan but he also could be, and was, a good friend. We shall all miss him.●

HONORING U.S. COMMITMENTS: A COMMENTARY BY JACK BINGHAM

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McHUGH. Mr. Speaker, all of us who were privileged to serve in the House of Representatives with Jonathan Bingham know that Jack was a man who believed in keeping his word. Thus, it is hardly surprising that he would be in the forefront of those arguing that the United States should honor its commitments as a nation.

Unfortunately, as Jack has pointed out in a recent article in the Christian Science Monitor, the United States has failed thus far to honor its commitment to the International Development Association (IDA), a failure that has potentially far-reaching consequences.

As Jack points out, IDA plays a critical role in promoting equitable economic development abroad and in advancing U.S. interests in the developing nations. Because we have a clear stake in its work, our commitment to IDA is thus a test of our leadership as a nation in the world community. "Unless the United States acts boldly to provide the necessary leadership," Jack argues, "it will forsake not only an institution but the very ideas that have helped to build a better world."

Because this issue will soon be coming before the House for consideration, Mr. Speaker, I am inserting a copy of Jack Bingham's article into the RECORD at this point. I hope that our colleagues will read it carefully for Jack has an important message that we in Congress should take seriously.

The article follows:

[From the Christian Science Monitor, June 22, 1983]

WILL U.S. ABANDON ITS LEADERSHIP ON WORLD AID?

(By Jonathan Bingham)

A little-reported failure by the United States to honor its international commitments is undermining America's role as a world leader at a crucial time.

The failure is this:

In 1979 the US agreed to provide $3.2 billion to the sixth replenishment of the International Development Association (IDA-6), the World Bank's credit window for the least-developed nations. The agreement negotiated with 32 other donors was to provide funds for IDA-6 in equal installments during 1981, 1982, and 1983.

From the beginning, the US reneged on its commitments. First, in 1981, the Reagan administration decided to make unequal payments, with the larger payouts coming later. Next the Congress appropriated less money than the administration requested, forcing the US to spread its payments over four rather than three years.

Now even that radically altered timetable may be upset. In order to fulfill the four-year schedule, the administration asked for $945 million for this year. Congress appropriated only $700 million and is balking at a $245 million supplementary IDA appropriation request. If Congress does not pass the supplementary measure, the US contributions to IDA-6 will almost surely slip over into a fifth year.

For many Americans, the response to this breach of faith has been, "So what? We have our own problems." Unfortunately that view ignores the lessons of the last 35 years, which show that US leadership in international economic development redounds to America's interest as well as the interest of the nations it helps. Those lessons are particularly important today when the world economy is receiving its greatest test in recent memory.

Following World War II the US pioneered the concept of international economic assistance. It started the first major bilateral foreign aid program, the Marshall Plan, and the first aid effort aimed at poorer nations, the Point Four program. The US was the driving force behind establishment of the United Nations Relief and Rehabilitation Administration, the International Monetary Fund, and the World Bank, including its IDA affiliate founded in 1960.

Inspired and sometimes prodded by the US, 34 noncommunist nations now have bilateral foreign aid programs of their own. These allies—many once recipients of foreign aid themselves—are shouldering an increasingly large share of multilateral assistance funding. In the twenty-odd years since IDA was founded, the US portion of contributions to replenishments has dropped from more than 42 to 27 percent of the total.

But just as the US has prompted other nations to assume more responsibility for third-world development so can it reverse this trend by setting a negative example. Only 26 of the 32 donors made their 1982 payments to IDA-6, and the delayed contributions and failure of other countries to ante up until the US fulfills its pledges reduced planned IDA activities last year by 35 percent.

As Treasury Secretary Donald Regan pointed out on Capitol Hill recently, US foot-dragging is hurting relations with developing and developed countries. European nations, who took the lead in providing a special $2 billion contribution to sustain IDA lending through 1984, have warned the State Department they will not bail out IDA again and that agreement for a badly needed seventh replenishment will not be reached until the US honors its current pledge.

Typically the debate over IDA has concentrated on whether development assistance works. My own firm conviction after more than 30 years of following aid activities is that it does. Some of the developing countries we helped in the past have turned into our fastest-growing trading partners, such as Taiwan and South Korea.

But it is not enough to calculate the contributions of institutions like IDA in dollars and cents. IDA is part of an overarching international framework built up since World War II that helps to promote economic and political harmony.

The World Bank, for instance, consistently reinforces international codes of conduct essential for the growth and stability of global commerce. A Reagan administration Treasury study last year noted that the bank, through IDA and its other arms, emphasizes open trade and realistic exchange rates, and "maintenance of sensible fiscal and monetary policies" by recipient countries.

The inability of the World Bank to provide assistance through IDA-6 may not only erase economic gains among the poorest countries, who cannot borrow from commercial banks but who desperately need external assistance to weather the current global recession. It may also prompt nations to defect from the international economic system by restricting trade or defaulting on loans to commercial banks.

Walter Bagehot once wrote, "The characterisic danger of great nations like the Romans or the English, which have a long history of continuous creation, is that they may at last fail from not comprehending the great institutions they have created."

His warning applies no less today. Unless the US acts boldly to provide the necessary leadership, it will forsake not only an institution but the very ideas that have helped to build a better world.●

FRIENDS OF THE EARTH OPPOSE MX FUNDING

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SEIBERLING. Mr. Speaker, many national organizations have now taken a stand in opposition to deployment of the MX missile system. One of these is Friends of the Earth, a national environmental organization with 35,000 members in the United States and sister organizations in 27 other countries. At their request, I am placing in the RECORD the organization's formal statement opposing further funding, testing, and deployment of the MX missile system and pointing out that the threat of nuclear war is the greatest environmental problem faced by mankind.

The full text of the Friends of the Earth statement follows these remarks:

STATEMENT OF OPPOSITION TO FURTHER MX FUNDING

Friends of the Earth, a national environmental organization with 35,000 members in the U.S. and sister organizations in 27 countries worldwide, opposes further funding, testing and deployment of the MX Missile System. We believe the threat of nuclear war to be the greatest environmental problem faced by mankind. We further believe that a convincing case can be made on both political and military grounds that approval of the MX program is unnecessary, and will increase rather than decrease the risk of nuclear war.

The MX cannot be justified on military grounds. It fills no defensive purpose, and will only be useful in scenarios in which the U.S. strikes first. It will encourage "launch-on-warning" strategies by the superpowers. Neither can it be justified on political or arms control grounds. It will not force the Soviets to "come to the bargaining table" or eliminate their existing ICBMs. The only Soviet response will be deployment of a counterpart weapon, currently being tested.

The fundamental argument behind Congressional MX approval is that the MX may act as "leverage" to force serious arms control policy revisions out of the Reagan Administration. However the Administration's arms control concessions to date have been paltry at best. The chances of further substantial concessions are slight. Congress may achieve small changes in Administration positions, but major changes resulting in a world somehow safer with the MX than without it are extraordinarily unlikely.

We encourage Congress to oppose further funding of this misguided weapons system.●

HUNGER IN MACOMB COUNTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to submit this testimony concerning hunger in Macomb County for the RECORD.

Hunger is no stranger in Macomb County. Teri DeSchryver, director of the Emergency Food Program can certainly tell you that. Captain Pouff of the Salvation Army who houses the Community Kitchen could verify that too. And hunger is not a new phenomena. What is new is the numbers of people on fixed limited incomes in our County who are hungry. We know we have many disabled people unable to earn a living who are just barely making ends meet. Possibly familiar to us are single parents—mostly mothers who are either unable to work because of small children, few skills etc. or are working at subminimum wage and receiving supplemental food stamps or AFDC.

But a combination of soaring unemployment rates, (Macomb County is around 19 percent—above the states average—some communities are over 25 percent) coupled with a severe state fiscal crises, has mushroomed the number of citizens in need in social programs. This has resulted in many people in need with fewer resources and many going hungry.

For example, the purchasing power of an AFDC grant is down 35 percent from 1979 levels. General Assistance is worse. The state was forced to reduce grants by 7.5 percent (of 1979 grant) which at that time was only 85 percent of poverty level as defined by U.S. government. General Assistance was reduced by 10 percent. Governor Blanchard's budget proposal to restore 5 percent of the grants still won't bring them back to 1979 level. Our grant levels are very close to surrounding states. It is a myth that people flock to Michigan to receive higher benefits.

SHARON GIRE,
Director, Northeast Interfaith Center, Fair Federal Budget Coalition.

NUTRITION PROGRAMS FOR OLDER ADULTS

State and Federal funding for the nutrition progams under the Older Americans Act is allocated to the county projects through area agencies on aging. The area agencies monitor local projects, and provide technical assistance to the staff.

Macomb County Community Services Agency is the direct provider of the nutrition program under the capable hands of the Project Director, Jane Buller.

The nutrition program is funded by a combination of sources: Federal Older Americans Act dollars, State dollars administered by the Office of Services to the Aging, Department of Labor USDA reimbursement, as well as support from Macomb County. Over $80,000 of program income donated by the participants also contributes to expand the program.

The nutrition program has two parts: the congregate nutrition program, funded by the Federal dollars, and the home delivered meals program funded with State dollars.

The nutrition program is available to any older adult over age 60, as well as handicapped individuals living in subsidized senior housing. In addition to the Older Americans Act Nutrition Program, Macomb County provides a number of Meals on Wheels for homebound persons under age 60 through the Community Services Agency.

The Macomb County Nutrition Program will serve 109,725 meals in fiscal year 1983. 4,500 persons will be served daily at the 21 congregate sites, and 400 persons in the home delivered meals program.

Three new sites were recently opened. These sites will expand the service to areas of the county where service has been limited. The opening of these sites is especially important since the home delivered meals are packaged at each site and delivered to the residents in the surrounding area. Over 300 volunteers were recently honored for their service in the past year. The volunteers not only deliver meals, but also provide a personal contract, sometimes the only one the homebound person has.

The home delivered meals programs, after much trial and error, has come up with a system of delivery that has eliminated long waiting lists in this county. The number of people that can be helped has increased considerably. Careful monitoring of the length of time a participant actually needs a home delivered meal has decreased the number of persons getting long term assistance, thereby making more meals available for emergency and/or short term illnesses. Health professionals in the county have praised the system, testifying that the frustration of not being able to obtain a meal for a seriously ill person has been virtually eliminated.

The nutrition program is vital to the older adults in this county. On the basis of the population explosion of this age group alone the need will increase tremendously in the next 10 years. The over 60 population has increased from 46,000 in the 1970 census to over 83,000 in the 1980 census. St. Josephs Hospital estimates that this number has already grown to 97,000 since that census was taken. In addition, people are living longer. In 1981 only 1,800 persons over age 60 died in the entire county. This indicates that the older elderly are becoming a significant segment of the population that will need nutrition services. We are seeing that increasingly the older elderly are the ones attending the nutrition sites.

The chance to get out of their homes and eat a nutritious meal in the company of others increases the well being of the elderly. Studies have shown that the health and well being of participants increases measurably when only three meals are eaten at the site per week. In my opinion, this is the best preventative medicine program available to older adults.

The benefit to the homebound is immeasurable. Having the meal delivered to the home for a short time when illness strikes, or having a meal coming in regularly when unable to prepare meals for themselves has kept many county residents out of nursing homes.

The program director of Clemens Towers, subsidized senior housing in Mt. Clemens, related that previously when residents became ill and could not take care of themselves, even for a short time, they would be required to move. Now, she reports, with the meals available for a few weeks they can bounce back and continue to live independently in their own place.

Service providers in the county are reporting an increase in the number of older adults with multiple needs. They are observing that as the population ages, the needs are increasing for in-home services. The outreach, personal care, homemaker, chore programs and the home delivered meals are the only thing keeping many of these people out of costly institutions.

In addition, discharge planners from the hospitals report that there is a crisis in the making as hospitals are refusing admittance to chronically ill older adults and discharging them as quickly as possible because of lower reimbursements allowed under medicare. Discharge planners are alarmed as to where the care is going to come from for these people. The importance of home deliv-

ered meals take soon a greater significance under these conditions.

State money has been reduced for the home delivered meals program while Federal money has been held at a maintenance level for the congregate program. Although Macomb County will receive an increase in funds in 1984 due to the adjustments for population, there is a continued need for funding of the nutrition programs and other support services.

One of these support services that is vital to the nutrition program is transportation. The ability of the isolated low income, the frail and the handicapped elderly person to access the nutrition sites is an increasing problem. Formerly county CETA drivers were used to provide transportation for these special populations. For example, in East Detroit eleven former handicapped participants could not continue at the site after this program was eliminated. Local municipal credit funds have not been able to fill the gap as the money is controlled by the municipality and in the majority of cases is not targeted to provide transportation for these people to the nutrition sites. Everywhere you go in the county, you hear of the pressing need for transportation for the elderly and handicapped. The SEMTA small buses are designed for transporting the elderly and handicapped, however, because the federal government allows none of the transportation funds to be used for operation of the kind of individualized transportation needed for a special population is too costly to provide. A shift in the priorities of transportation at the federal level is one of the most pressing needs.

One final point—although there is sometimes criticism that many of the people going to the nutrition sites do not really need the meal, the Area Agency and the project staff continue to stress the targeting of the socially and economically disadvantaged, the minority population, and the handicapped. The low income of many older people in the county, especially the women, and the isolation and loneliness of many of the participants cannot be identified by looking at outward appearance. By not having a means test for services, the Older Americans Act does not segregate the haves from the have nots, they all can participate and interface with each other at the sites. Federal support to maintain this position in the Older Americans Act, is vitally important to all older Americans.

BARBARA RICHARDS,
Services Coordinator/Macomb County Area Agency on Aging 1-B.●

THE NEWARK BOYS CHORUS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RODINO. Mr. Speaker, last Wednesday my office and the Halls of Congress were alive with the sound of music—the beautiful voices and harmonies of the Newark Boys Chorus.

These tremendously talented young performers were here in Washington as part of the Smithsonian Institution's Annual Festival of American Folk Life, which this year featured the State of New Jersey. I had the distinct pleasure of hearing them perform twice—once at the Smithsonian at a reception for the festival, and earlier that day in my office. I could not recall the last time I heard such lovely voices and perfect precision.

The chorus was established in 1967 by the Newark Symphony as part of an effort to involve more members of the community in music. The result was so successful that it soon became apparent that the boys would require their own special school. In addition to regular academic curriculum the members of the chorus have rehearsal 3 hours every day. It is obvious to anyone who hears them that the result of their hard work is an exceptionally rewarding experience.

Only 12 members of the school were able to visit us in Washington, and I look forward to hearing the entire chorus sometime soon.

I want to thank the 12 members who performed for us—Lenny Wright, Marcellus Mitchell, David Holley, James Peterson, Shindana Montegue, Jon Williams, Tamon Foster, Elliot Warren, Alfred Barcliff, Nware Burge, Alan Zamora, and Brian Gibbs—as well as the two faculty members who accompanied them, Larry Emery and David Butterfield, for enriching the day for all who heard them.●

JUDGING WILLIAMSBURG

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for June 1983 into the CONGRESSIONAL RECORD:

The newsletter follows:

JUDGING WILLIAMSBURG

The May 1983 Williamsburg Summit among the leaders of seven major industrialized nations of the West was both a success and a disappointment. How it is judged depends on the perspective from which it is viewed.

From the point of view of Western security, the summit must be judged a success. In fact, the most salient action at Williamsburg was the issuance of a statement on arms control. With a nod to the concept of sufficient military strength, the leaders called for arms control based on the principles of verifiability and equality. They avoided the polemics that have tended to characterize Mr. Reagan's individual remarks on the Soviet Union in the recent past. There was no mention of an "evil empire" or a "focus of evil in the modern world". Nonetheless, the leaders were firm. Without progress and agreement on arms control, deployment of intermediate-range American missiles in Europe will proceed. The statement on arms control bore the clear imprint of the allies. The signatures of Messrs. Mitterrand and Nakasone reinforced a signal to Moscow of military resolve and cohesion in the West.

From the point of view of politics, the leaders also did well. Since three of them faced imminent elections and the host, Mr. Reagan, is acting more and more like the candidate for reelection next year, they had an understandable incentive to win political points on Williamsburg's very public stage. Each of them did so, and none of them was embarrassed either by substantive missteps or by statements made in haste.

From the point of view of procedure, Mr. Reagan deserves particular credit for a successful outcome at Williamsburg. He seemed to arrange the meeting very well. He demanded and provided an atmosphere that gave the leaders the chance to discuss important affairs in a relaxed and informal manner. As Mr. Trudeau observed, the host took a gamble when he insisted on an unstructured conference, but the gamble paid off. By all accounts, the discussions were frank and creditably led. Mr. Reagan kept them free of acrimony, and the leaders, not their advisors, played the central role. Furthermore, he did not press too hard on sensitive issues, such as East-West trade. Such a meeting of the leaders, sitting together to analyze problems and seek solutions, is a very powerful symbol for all the world.

From these varying points of view, nearly everyone had reason to be pleased with Williamsburg. It is in the review of all-important economic results that questions about success arise.

It is difficult to argue that the leaders succeeded in conveying to a skeptical world the impression that they were prepared to grapple with tough economic problems. They had a clear duty to cut through disagreement and map out a common response, but Williamsburg yielded no ringing message of economic hope, no real optimism regarding the strength of the global recovery, no sense of confidence that American deficits and interest rates will come down, and no genuine feeling of economic direction and purpose. The economic product of the summit was lackluster at best.

The allies appear to have been especially disappointed by Mr. Reagan's failure to commit himself unequivocally to lower deficits and interest rates. Without this commitment, they left Williamsburg uncertain that he has a workable plan to restart the world's economy by achieving vigorous and sustained economic growth in the United States. Their uncertainty was clearly expressed in the final declaration. The best Mr. Reagan could manage was an acknowledgement that the allies see "signs" of recovery. They seemed to reject his assurances that the world's economy is on the mend. Millions of unemployed people and dozens of nations crushed by international debt will derive scant hope from the Williamsburg Declaration.

No one has the right to expect miracles at summits, but modest progress is another issue altogether. At a minimum, progress at Williamsburg would have included both a commitment by the United States to trim deficits and interest rates and a program of economic stimulus in countries with low rates of inflation. However, Mr. Reagan hedged, and there was no indication that restrictive economic policies in low-inflation countries will change.

The summit's treatment of international debt was further reason for disappointment. Given the precarious situation of Mexico, Brazil, and other major debtor nations, it can only be described as Williamsburg's astonishing lapse. The leaders failed to give their unqualified endorsement to the World Bank, the International Monetary Fund, and the General Agreement of Tariffs and

Trade. Their pledge to resist protectionism was welcome, but it was made both without recognition of existing protectionist practices and without reference to the concrete measures needed to eliminate hidden subsidies and other trade-distorting devices. Moreover, there was no call for another round of global trade negotiations, and the leaders did not forswear new efforts to restrict trade or increase subsidies. Also, they failed to express their support for any increase in the resources of the International Development Association, the single most important multilateral institution which assists the poorest nations.

There is always a risk that leaders will try to do either too much or too little when they meet with one another face to face. At Williamsburg, too little economic work was attempted. We were justified in expecting a better record of economic accomplishment from this most visible and important of summits.●

HARRISON TWEED AWARD

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SAWYER. Mr. Speaker, the Grand Rapids Bar Association and its pro bono program has been nominated for the Harrison Tweed Award. This award is given in recognition for legal services to the indigent.

Before I came to Congress, I was a practicing attorney in Grand Rapids for 30 years. During my early years in practice, I was seriously involved in instituting a pro bono project, which proved itself extremely efficient once in force. When the Federal Government created legal assistance for the indigent, pro bono programs nationwide dried up as the private bars let the Federal programs take over. Now, in the light of financial restraints being imposed upon legal services, the private bars have been called upon to assist the fiscally ailing Government project.

Federal funds for Legal Aid of Western Michigan were cut by 25 percent in 1982, resulting in staff diminution of 42.9 percent and the closing of one-half or the area's legal aid offices. In September 1982, the Grand Rapids Bar organized their pro bono program, with Patricia Jackson as coordinator. They have had an overwhelming response from more than half their members who have pledged their time and/or money. I find their project consummately impressive, productive, and very valuable for the indigent, whom legal aid can no longer afford to assist. From the project's conception in September to June 1 of this year, $29,170 has been received, well over 500 cases have been committed and 525 members were in participation. Many of the large law firms made responses to the program as firms, rather than individual firm members.

This program offers the options of financial or hourly service to the low-income community. Participants may first, accept four pro bono cases per year; second, contribute $100; or third, accept two cases and contribute $50. The voluntary enrollment system has proven itself superlative. I am extremely proud of the way the Grand Rapids Bar has rallied to the legal needs of the poverty stricken in western Michigan. their excellence merit is beyond question. These words cannot possibly express my pride in them for their efforts and achievement in this direction.●

WALL STREET JOURNAL EXPOSES ABUSES IN DAY LABOR CAMPS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. MILLER of California. Mr. Speaker, men and women desperate for work have been flocking in ever-increasing numbers to day labor camps throughout the country. Those camps provide temporary manual laborers to industry. According to a story in the Wall Street Journal, the operators of those establishments typically collect from $6 to $15 per hour for each worker supplied, while paying the worker the minimum wage of $3.35 per hour. In many instances, that minimum wage is severely eroded by questionable deductions for food, shelter, work clothes, medicine, and transportation. In some cases, there are allegations that workers are physically prevented from leaving the camps.

The Wall Street Journal is to be commended for exposing the plight of the temporary day laborer. Staff reporte George Getschow, at considerable personal risk, joined work camps in Texas and Louisiana to provide us with a chilling inside account of what it is like to fight for part-time work at the bottom of our industrial structure.

Because of the blatant abuse of minimum labor standards detailed in this article, the Subcommittee on Labor Standards that I chair has launched a major investigation of the day labor market. We are planning hearings in July to determine what Federal, State, and local authorities can do to eliminate the intolerable conditions described by the Wall Street Journal in the article that follows:

THE DAY LABORER'S TOIL IS HARD, PAY MINIMAL, SECURITY NONEXISTENT

(By George Getschow)

HOUSTON.—It's 5 a.m., and the 120 tenants of Krash Cabin, a filthy flophouse run by one of the many day-labor outfits on the fringes of downtown, are getting their instructions from the burly bunkhouse manager: "Get your asses out of bed before I throw you out," he shouts.

One man, exhausted after digging ditches for 10 hours in 85-degree heat the day before, begs to be allowed to recuperate in his bunk. "I'm too sick to work today," he tells Bob McClarity, the tattooed bunkhouse boss. "I don't give a damn," barks the boss, hauling him out of his bunk. "This ain't a charity hospital."

Indeed it isn't. The men in Krash Cabin are shipped out day and night to unload boxcars, shovel cement, clean coke ovens or handle other dirty, often dangerous, temporary work. The company that runs the operation collects $6 to $15 an hour for the labor but pays the workers the minimum wage of $3.35.

Then it manages to get a good part of that pay back by deducting from the day's pay voucher assessments for lodging, locker rentals and perhaps work clothes or gloves. To cash the voucher, the worker must go to the company tavern and pay for a drink, whether he wants one or not. Though his work is often hazardous, he it told his employer doesn't have workers' compensation coverage. "It's a slave shop," says the Rev. James Chapman, a local street minister.

Yet this and similar day-labor outfits in this Sun Belt City know their labor pool will be full each day with a growing mob of desperate job seekers willing to endure such conditions. "Sure it's slavery," says Kenneth Sweet, a laid-off auto worker from Detroit with a wife and three children. "But a man's got to feed his family somehow."

Companies providing temporary manual laborers—which operate much differently from suppliers of clerical and other white-collar temporaries—enjoy virtual immunity from supervision. They are not, for instance, considered employment agencies, which in most states face strict licensing requirements and fee reviews. They function under their own rules and have lobbied hard to keep it that way, helping stamp out several federal and state legislative attempts to impose curbs on the industry.

NOBODY'S RESPONSIBILITY

Thus, the country's estimated two million day laborers are on their own. Their employers, unregulated and in a highly competitive business, spend little to protect them. The companies to which they are sent feel little responsibility, mostly regarding the workers as a convenient tool to handle fluctuations in demand, union problems or menial tasks.

Labor unions largely ignore day laborers, too. Because the temporaries work only for brief periods and are often afraid of getting blacklisted, "it would be hard to organize them," says Bill Hogan Jr., a Teamsters official in Chicago. Some observers, such as former Texas Labor Commissioner Jackie St. Clair, believe another reason unions lack interest is that "day laborers do most of the dirty, nasty work that the unions couldn't get their own members to do."

It isn't uncommon for companies to use day laborers as strikebreakers. And Carlene Walker, the head of a Denver firm called Stand-By Personnel, says striking unions occasionally hire her laborers to man picket lines.

A four-month investigation, during which this reporter interviewed scores of day laborers across the country and spent time as a worker in several Houston labor pools (including Krash Cabin), suggests that many U.S. day laborers face some of the same abuses as powerless workers of the 19th century did during the Industrial Revolution.

They frequently work in hazardous conditions. At the same time, there sometimes is scant provision for compensating them if they do get hurt. Various fees may be assessed against their meager wages. Clauses in their contracts may largely preclude them from stepping up to permanent work at a company to which they are sent. And, of course, they can be fired any time.

NO WINOS NEEDED

They also face discrimination at the hiring hall and often exploitation at the job site. Customers of the labor-pool firms have used temporary laborers for every task from high-speed water blasting to mopping up radioactive waste. Young "troublemakers" tend to get blackballed, and old-timers tend to get left behind when jobs are assigned.

Gene, a toothless alcoholic and 20-year veteran of Houston's labor pools, sits on a bench—under a sign reading "Employment Unlimited is an Equal Opportunity Employer"—while a dispatcher picks out the strongest-looking from a milling crowd of 150 men. "They've got all these guys to work for them, and they don't need me anymore," he says with disgust.

"Before things went to hell," Gene continues, "you know, before the economy got bad, all they had was drunks and drifters like me here. But now everybody's working out of these pools. Guys with trades, guys with families. Hell, a guy told me he was a geologist the other day. I couldn't believe it."

Industry officials confirm this impression. They say the long recession has created a new class of day laborer; the Northerner who has lost his job, exhausted his unemployment benefits and set out for the Sun Belt in a fruitless search for work.

Many people expect the trend to continue even after the economy recovers, as workers displaced by automation and capacity cutbacks in basic industries enter the ranks of what economists call the structurally unemployed. Some fear that such people will wallow in a sort of poor people's economy, without unemployment benefits, health insurance or other support.

Jon Mason, a 23-year-old from Maine who came to Houston looking for work in offshore drilling, instead haunts the labor pools "with all these other guys from Michigan, Ohio and Indiana." He gets work only two or three days a week, earning not enough to feed a French poodle," and so one day is standing in line at a downtown center to sell blood plasma. He says he does so twice a week, every week, earning $15 in all. "Strange way to make a living, isn't it?" he muses.

Dr. Gene Boisaubin, a physician at a county-run charity hospital, says he is "amazed at how these people survive. A lot of them have health problems, and they're working in hard jobs at the same time that they're ill." They keep on, he believes, "because they don't have a choice; if they don't go in, they might lose their jobs."

Mr. Chapman, the street minister, notices that most day laborers "seem chronically downcast and depressed." But they are afraid to protest their situation, he says, and besides, "who can they complain to? The city doesn't care about them because if these places (labor pools) didn't exist, these people would be out panhandling or causing other trouble."

LIQUIDATED DAMAGES

As many day laborers see it, their best hope is to happen to get a steady "ticket" to one company for several weeks and make such a good impression there that they are offered a job. That has happened to a lucky few, such as Harry Davis, who was hired as a truck driver at a steel-distributing company. But the odds are against it. "Many employers won't hire you," Mr. Davis says, "because they think only tramps and losers work in labor pools."

That isn't the only obstacle. Another is the "liquidated-damages clause" found in many day-labor contracts. Such clauses state that if a company gives a full-time job to a temporary worker who was sent over, it must pay the labor pool a fee, either all at once or over a period of weeks.

That fee is $696 for a day laborer at a Houston firm called Quality Temporary Service. The woman who runs the firm, Diane Birch, concedes that liquidated-damages clauses may discourage clients from offering employment to temporary workers. But she says the clauses are "only fair," given the cost of recruiting and retaining the laborers.

Some temporary workers try to deal with their seemingly inescapable situation by buying beer and other gifts for the bunkhouse bosses, hoping to improve their chances of getting a steady work ticket. But the recent weakening of Houston's robust economy has reduced demand for day laborers. This change has put pressure on the labor pools and forced dozens out of business. It also has meant an even tighter squeeze for workers, because many surviving day-labor firms have found a way to keep their profit margins up: by retrieving more of the money they pay out in wages.

ITEMIZED DEDUCTIONS

For example, most Houston firms have started charging their laborers $1 a day or more for transportation to and from the job site. Many sell the workers used work clothing at a big markup. One company, called Anybody Anytime, even charges its laborers a $1-a-day "maintenance fee" for the cost of cleaning up its hiring hall.

On a recent afternoon, a pipe-yard crew is returning to Krash Cabin, the men's faces dark as charcoal and their skin stinging from hauling creosote-coated drill pipe in the hot sun. As the laborers line up at the bar to redeem their pay vouchers, Angelo, the gruff, barrel-chested bartender, asks each one what it will be.

"Nothing today, thanks," one young man says.

"Then that will be 75 cents," Angelo mutters, deducting it from his pay.

"But I need the money," the young man protests.

"That's your problem," says Angelo.

Some day-labor firms go one step further. At least one outfit deducts Social Security taxes from its employees' wages but doesn't report or turn over the taxes to the government. "It's very easy to do," explains the president of this firm, "because in the temporary-labor business, only about 5% of the W-2s are ever picked up and filed."

NO VACANCY

Taking advantage of a lack of low-cost housing in Houston, several day-labor outfits have leased old garages or warehouses and gone into the hotel business. At Krash Cabin, the bunkhouse for one of several labor pools in Texas controlled by a man named Charles Joekel, workers pay $5 a night in cash or $6 on credit, which is deducted from their wages.

To make sure the hotel is always full, Mr. McClarity, the bunkhouse boss, advises laborers they must stay there if they want a "guarantee" of work the next day. Yet after two nights there, many men find themselves still on the bench but now $12 deeper in debt. They will usually get a work ticket the third day, but it will bring in just enough to pay off their lodging debt, buy some dinner and get another bunk for that night.

When a laborer does get a ticket, it may involve more than he bargained for. A few years ago Rice University asked a firm called Peakload Temporary Services for some people to mop up a room in the basement of the physics building. What Peakload says it didn't know was that the room was commonly called the "hot room"—that it was a place where experiments in radioactivity were done.

"There was a lot of spillage in there, and it was pretty damn radioactive," says G. C. Phillips, the director of Rice's nuclear laboratories. But he insists the job wasn't dangerous and says the temporary workers were brought in only because Rice's maintenance people didn't know how to do it.

Day laborers, however, aren't apt to be specialists. They may find themselves demolishing a shaky building one day and cleaning out a chemical tank the next. "They generally receive no training and no supervision, and they work in the least-safe elements of a company," says Alfred Johnson, the general manager of an agency called the Texas Workers Compensation Assigned Risk Pool. As a result, he adds, "they have an extremely high rate of injuries."

Industry officials say that in many states, day-labor operators are forced to purchase workers' compensation insurance through government-run assigned-risk pools. Many private insurers simply refuse to cover them because of high injury rates.

Diane Follis, a caseworker at Ben Taub, a county hospital in Houston, says, "One of my biggest referrals are day laborers, because if they get hurt, they have no resources to fall back on."

HANDY ARRANGEMENT

This toll is viewed with indifference by most companies that use temporary laborers. "We have no background at all on these guys," says Robert Houlgrave, an executive of Hughes Tool Co.'s offshore division. "The labor pool just delivers them to us in a van and takes them back when we're done with them." It's a nice arrangement, he adds, "because we don't have the hassle of taking out insurance policies on them, paying benefits or handling a mountain of paper work. The labor pool takes care of all that."

At least, sometimes it does. Raymond Doman, a 33-year-old unemployed truck driver from Indiana, learned to his dismay that some labor pools choose not to carry workers' compensation coverage, as they are free to do in Texas. While lifting pipe at an oilfield-supply company two months ago, Mr. Doman herniated two spinal disks. A doctor told him never to do manual labor again.

Mr. Doman, who has a wife and child, went to his employer, Lone Star Labor. He says the firm's manager, Harold Pinley, refused to help and told him not to come back. Mr. Pinley says he doesn't remember anyone named Doman but confirms that Lone Star doesn't carry workers' compensation. It has "private insurance," he says, declining to explain further.

Mr. Doman now is attempting to collect from the oilfield-supply firm at which he was injured. Meanwhile, he faces a $1,900 hospital bill and a landlord threatening eviction. So what does he plan to do?

"What else can I do?" he asks, popping a pain pill. "I'm going to hit another labor pool."

About a year ago, some of the labor firms that do carry workers' compensation decided to start their own insurance company, called United Employers Insurance Co. They did so, says Hugh Plummer, a lawyer for the company, to reduce premium costs and "have more control over our own claims." But as Mr. Johnson of the Assigned Risk Pool sees it, such a situation "may intimidate (an injured worker) against filing a claim out of fear that he might lose his job."

PERSUASIVE BOSS

Although federal law requires overtime pay after 40 hours of work in a week, most day-labor operators at least in Houston, refuse to pay overtime unless all the hours are clocked on one job. Again, the fear of being blackballed apparently keeps laborers from complaining too loudly.

Occasionally, however, a worker is insufficiently deterred by this prospect. That is the situation late one night at Krash Cabin. It is midnight, and most of the weary residents are asleep in their Army-surplus cots, oblivious to the rain coming in through the roof, to the rats scouring the garbage on the floor, and to a raucous argument in the office of Bob McClarity, the bunkhouse boss.

"I want my money!" demands the disgruntled day laborer, who feels he has been cheated of his overtime pay after working two straight shifts at Hughes Tool Co.

"I don't owe you nothing!" bellows the boss.

But the laborer doesn't let up. Suddenly, a blast resonates off the walls of the bunkhouse, sending awakened residents to their feet and the protesting laborer fleeing out the door.

"What the hell was that?" blurts a shaken resident. "Was somebody shot?"

"Hell, no. I missed him," says the boss, swinging his pistol at his side and smiling at the hole in the ceiling. "But don't worry. He won't be back."

AUTO EMISSION WARRANTIES AND THE CLEAN AIR ACT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. DANNEMEYER. Mr. Speaker, for the last 2 years, Congress has attempted, so far unsuccessfully, to pass legislation reauthorizing the Clean Air Act. But, while the need for such legislation is all too evident, the consensus necessary to pass it has not, as yet, developed. Nor, by most accounts, is it likely to develop in the near future which, in turn, suggests that the time has come to introduce individual pieces of legislation to address those problems in the Clean Air Act which have developed since 1977 but which have not been resolved.

One such problem is the matter of auto emission warranties. When Congress first passed the current Clean Air Act back in 1970, it required that auto manufacturers provide, through their dealerships, a 5-year, 50,000-mile warranty on auto emission control system parts. The idea was to assure that the pollution control equipment just being installed on new cars would be properly maintained so that the envisioned air quality benefits could be realized. However, it soon became evident that this 5-year, 50,000-mile warranty requirement had an unintended and detrimental side effect; namely that it gave auto dealerships a competitive advantage over independent auto parts stores and repair shops. What person, knowing that the auto dealer from whom he or she purchased the car would fix the auto emission system for nothing, would go to an independent store or shop and pay for emission control parts or repairs? Moreover, once at the dealership for the free auto emission control work, how often would that person have the dealer make other repairs, again to the detriment of the independent auto supply or repair businessperson? The answers being obvious, Congress incorporated into the 1977 Clean Air Act Amendments a provision reducing the emission control system warranty requirement to 2 years or 24,000 miles for all parts except catalytic converters, thermal reactors and items having the sole or primary purpose of reducing vehicle emissions. The thought, and intent, clearly was that such a change would reduce the anticompetitive effects of the emission control system warranty in a way that would not be totally inconsistent with the purposes of the Clean Air Act. However, in making this change, Congress did not take into account what the EPA might do on its own.

The continuing role that EPA would play in this matter did not become evident until May 1980 when the agency sharply expanded the list of parts that it defined as being "solely or primarily" intended to reduce auto emissions. The net effect was to increase the number of parts subject to the 5-year, 50,000-mile warranty which, in turn, has renewed fears of an adverse business effect on independent auto parts stores and other independent businesses engaging in various aspects of auto repair. Indeed, this concern has developed to the point that, when the Energy and Commerce Committee was considering a Clean Air Act reauthorization bill last year, a number of my constituents contacted me in hopes that the provision could be altered. As things turned out, I was far from the only Member so contacted as independent service stations, auto parts stores, tire dealers—many of whom do repair work as well—and specialty repair shops all over the country expressed a similar concern. The result was that the Energy and Commerce Committee included in a draft Clean Air Act bill (H.R. 5252) language rolling back both the production and the performance warranty on all auto emission parts to 2 years or 24,000-miles—consistent with what Congress had intended back in 1977. The only exception was the State of California which was permitted to retain its own, tougher warranty provisions.

Had H.R. 5252 become law, there would be little need to introduce legislation on auto emission control system warranties. But it did not become law, as I need hardly remind any of my colleagues. Therefore, the problem remains with us and, to deal with it, I am today introducing a bill that would restore the 2 years, 24,000-mile auto warranty requirement to its rightful place in the law. Enactment of that measure would not only promote fair competition in the auto parts and repair industry, but it would save the consumer money. People may not think they are paying for warranties when they take their car in for covered repairs but, in fact, they have already paid for those repairs in the price they paid for their car and that price might be higher than it would have been if they had gotten the repair work done at an independent auto repair place. Moreover, enactment of this legislation would not compromise the basic objectives of the Clear Air Act. Auto emission inspection and maintenance (I/M) programs, the facilitation of which is the real objective of these auto warranty requirements, have not produced the expected results in States like Arizona and New Jersey where they have been tried and scientific studies indicate they will only reduce air pollution by 2 to 4 percent in certain areas where they have not been fully implemented, such as Los Angeles and Houston. Thus, there is much to be gained and little to be lost by adoption of 2 year, 24,000 mile auto emission system warranty legislation and I invite my colleagues to join me in pushing for its enactment.●

THE ELIMINATION OF HUNGER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, as the following witnesses so clearly remind us, we not only have the capacity to address the problem of hunger, we are bound to do so by the most fundamental principles that define us as a nation.

THE ELIMINATION OF HUNGER—A NATIONAL OBLIGATION

In the Third World—in most under-developed countries—over 70 percent of the children under ten years of age are malnourished. Historically, the United States has been a beacon-light of hope and material assistance to hungry and homeless people in many places very far from where we sit

today. My basic request today would be that we affirm the full comprehensiveness of the hunger issue—and deal with hunger wholistically—both locally and globally.

For the past ten years, Bread For The World has insisted that local hunger and global hunger are inseparable concerns. In 1976 both Houses of Congress passed Right to Food Resolutions, affirming that enough food is an inalienable human right for every person. That continues to be our basic, central position today.

Over the past few years there have been drastic reductions in food aid made available by the Congress for hungry persons, both domestically and overseas. The tragedy of the present moment is that hungry people here at home are increasingly being pitted against hungry people in other lands—all being forced to squabble for a share of smaller and smaller funds available.

This competition among the poor for food enough to eat deflects attention from the fact that enormous transfers have been made of food dollars into military hardware. For example, U.S. Foreign Aid has historically been concerned about hunger and poverty in developing countries; yet the foreign aid budget is becoming increasingly imbalanced. For Fiscal Year 1984, President Reagan has requested $15 billion for foreign assistance authorization. Of the funding requested, 61 percent is for "security assistance" (arms), and only 38 percent for development—a virtual reversal in the priorities of U.S. Foreign Aid. The same kind of pattern is discernable in every domstic feeding program.

ROGER POHL,
Coordinator, Bread for the World, 12th Congressional District.

The right of all to life, liberty and the pursuit of happiness, flows from an even more basic ethical principle: the respect owed to the dignity of every human person. We have inalienable rights because of our dignity as persons. But among these rights the most basic is the right to food. For, as the "right to food" resolutions clearly argue, no other rights would have much meaning if persons are denied the food they need to adequately sustain and nourish life. Hence in speaking of society's responsibility to feed the hungry we are speaking of an essential, basic right upon which all other rights depend. Disputes may arise as to how society ensures this right, but our own government has already enunciated the right and society's ethical responsibility in its regard.

Fr. ARTHUR F. MCGOVERN, S.J.,
Professor of Philosophy, University of Detroit.

I appreciate this opportunity to speak at the hearing today on the subject of hunger. I would like to focus my remarks primarily on those people that I see being served by present programs and also say some things about the people that we do not serve at all.

At the outset, let me make it clear I do not believe our present methods of dealing with hunger are adequate, constructive or humane. It is my feeling that most of us really do not understand those people in our society who are outside the main stream. I am not speaking of the workers who are temporarily laid off or the people who have chosen a vagabond lifestyle. I am talking about the people in our society who, for the most part, may always be on the outside looking in.

At Grace Church we have a food shelf. In order to avail oneself of our service, the person must either go through the Macomb County Emergency Food program or come to our door and hope somebody will answer. To those of us in the middle class, it seems a simple procedure, but for many outside the structure it is not. Some of these people do not have telephones or even access to telephones. They are not great communicators; asking a stranger for food is not easy for anyone, but particularly difficult for those who find communication unnatural.

Once these people are received, they get between 3-5 days supply of food. Not only that, but the food they get is given to them, they are not allowed an opportunity to choose what they want. Can you imagine having to go to the store every three days and instead of picking out the food you want, being given an allotment by a total stranger. Some may think that people of this type do not deserve any better treatment and that is why I think our system needs radical change. Let me share with you two brief incidents:

One, a man came and asked for food. I started to put together a food package and he saw me putting rice into the box. He said, "I'm sorry, Reverend, but I don't eat rice." My initial reaction was extreme anger. In my heart I was saying, "We have collected all this food so you can eat and now you're being ungrateful." Upon deeper reflection, I realized that, first of all, he was expressing a truth—that is, he did not eat rice—and secondly, he was doing nothing more than I would do if I went into a grocery store; buying only those things that I enjoy eating.

The second incident involved a retarded couple, one of whom also has a severe physical handicap. Parenthetically, let me say that many of the people who come for food suffer multiple maladies—physical, emotional, and mental. This couple came around Christmastime and wanted a turkey. I was very busy and quite surely, but I was able to give them a turkey because we had a good supply on hand. Four days later I received a card in the mail, barely legible. It was a thank you from this couple for the kindness I had extended them. How ironic! I was barely civil and yet they experienced it as kindness. I'm afraid that says a lot about the way we treat the outsiders.

In both of these instances I have mentioned adults, because they are the ones who come for food, but in 90 percent of the cases, children are involved. I am sure there are some people who would take advantage of any system, however complex or simple, and I know there are people who take advantage of our present systems, but these people are definitely in the minority. It is my considered opinion that everyone in this society has a right to food, and the children of our culture should never be denied food whatever the status of the parents.

In addition to the people who come in, what about those we never see? What about the many people too proud to ask for food? What about those who have lost so much energy that they don't feel like walking down to the church where somebody may or may not answer the door? What about those who literally lack the skills to perform the simple tasks of carrying on a phone conversation or communicating with another human being? What of those with no means of transportation who cannot carry relatively heavy bags of groceries considerable distances?

I am not trying to glamorize people in need of food. As a matter of fact, they are not glamorous at all. They are usually unkempt, oftentimes they smell, and their manners aren't always the best. Again, they are not like you and me. They are on the outside. They will stay on the outside as long as we keep them there. Our present systems do that and because we do not deal adequately with these people and the problem of hunger, we continue to produce them in ever-increasing numbers.

In a western film that I saw some time ago, one of the characters—a wealthy woman—states that "the Indians are almost noble until you see them stoop to eat dog meat." The protaganist says to her, "Have you ever been hungry, lady? I don't mean just ready for breakfast!"

There are too many people in our society who think hunger is just being ready for breakfast and too many people who get no breakfast or lunch.

I know my time is up but I urge you, Congressman, to work for that day when all your constitutents think of hunger as just being ready for breakfast.

Thank you.

RICHARD SMITH,
Pastor, Grace Episcopal Church, Mount Clemens.

LIST OF WITNESSES

HUNGER HEARING—MAY 27, 1983

Opening—(10:00-10:15):

Congressman David Bonior—Statement concerning the economic situation in Macomb County and its hunger programs.

Overview—(10:15-10:30):

Sharon Gire—Director, Northeast Interfaith Center, Fair Federal Budget Coalition—Purpose of Hearing.

Maryann Mahaffey—Chairperson, Michigan Statewide Nutrition Commission—The scope of hunger in Michigan.

Rev. Roger Pohl—Pastor, First Bethany United Church of Christ, St. Clair Shores—Bread for the World—International implications of hunger.

Affected Individuals—(10:30-11:00):

Ms. Sandy DuBois—Chesterfield Township—Client of WIC Program—How WIC Program helped her.

Katherine Wectorek—Senior citizen—The necessity of home-delivered meals.

Tony Moscato—Clinton Townwship—Long-term unemployed auto worker—Impact of cuts in benefits.

Rev. Richard Smith—Pastor, Grace Episcopal Church, Mount Clemens—sponsor of food bank—Description of person seeking assistance from volunteer food bank.

Agencies—(11:00-11:30):

Connie Schultz—Registered Dietician, WIC Program, Macomb County Health Department—Facts and statistics as to how women and children are aided by the WIC Program.

Ms. Corliss Brown-Lloyd—Nutrition Services Coordinator, Area Council on Aging—Facts and statistics as to programs available to senior citizens and how they are utilized.

Kenneth Cettle—Coordinator, Emergency Food and Shelter Program, Michigan Department of Social Services—Facts and statistics as to what programs are available, who uses them, and how successful the various programs are.

Ms. Teri DeSchryver—Director, Macomb County Emergency Food Program—Weaknesses in the service of voluntary programs.

Ms. Chacella Russell—Food Service Consultant, Macomb Intermediate School District—Facts and statistics on children assisted through the School Lunch Program.

Long-range effects —(11:30-12:00):

Dan Lafferty—Health Officer, Macomb County Public Health Department—Long-range effects of poor nutrition on public health.

Will Ireland—Program Director, Macomb County Mental Health Department—Interrelationship of mental health and nutrition.

Karlene Harbor—Supervisor, Patient and Family Counseling, St. Joseph Hospital, Mount Clemens—Effects of poor nutrition on the sick and their recovery.

Ms. Margene Wagstaff—Nutritionist, Wayne State University—How learning capacities are enhanced or hindered by nutrition.

Recommendations—(12:00-12:30):

Marilyn Rudzinski—Program Director, Expanded Food and Nutrition Program, Macomb County Cooperative Extension Service—How nutrition education programs can be expended to prevent nutrition problems.

Rev. Art McGovern, SJ—Professor of Philosophy, University of Detroit—Moral and ethical reasons why a society should accept responsibility for feeding its hungry.

Beverly McDonald—Staff, Michigan Legal Services—Recommendations for making food programs cost-effective.

Margaret Szymanek—Planner, United Community Services—Ways for volunteer programs to augment governmental food programs on an organized, appropriate basis.●

POPE JOHN PAUL'S VISIT TO POLAND: A REBIRTH OF HOPE AND PATRIOTISM

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SOLARZ. Mr. Speaker, the recent visit of Pope John Paul II to Poland vividly illustrates the incredible effect that a determined and courageous man can have on the fate of a nation.

For 8 days the people of Poland experienced a rekindling of hope and pride as they lined the streets, crowded the stadiums, and flocked to the churches to see and hear their beloved Pope.

They risked the possible disapproval of their government to tumultuously welcome John Paul, not only as the spiritual head of their church, but as the defender of human dignity, a champion of human rights, and a compelling witness to the love of the Polish people for freedom.

To the Government of Poland, Pope John Paul preached that "the sovereignty of the state is deeply linked to its capacity to promote the freedom of the nation."

To the people of Poland he preached the need for spiritual renewal, patience, and greater solidarity in the continuing effort to bring Poland back to its place in the community of nations.

Urging a greater dialog between the government and the people, the Pope called for an end to martial law, for the release of political prisoners, and for closer ties between Poland and the West, particularly the United States.

Despite the government's determination to keep Lech Walesa in the background, the Pope demanded and received a meeting with the head of banned Solidarity movement. For Lech Walesa's courageous efforts to bring greater freedom and justice to the workers of Poland are of such a magnitude that none can ever forget his contributions, neither the Holy Father nor any lover of freedom could, nor overlook the sufferings he had endured. History may well record that it was the efforts of these two great men which literally rewrote the history of modern Poland.

But perhaps the greatest impact of the Pope's visit to Poland was to focus the world's attention on this tiny nation, and the brave and courageous Polish people who have endured centuries of oppression in their desire to remain a nation.

May the Holy Father's visit and the continuing courage and determination of the Polish people lead their government to allow greater freedom and to seek improved ties between our two nations.●

DENY RENEWAL OF MOST FAVORED NATION TRADE STATUS TO ROMANIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, today I am introducing legislation to disapprove the President's request for a waiver under section 402 of the Trade Act of 1974, as amended. The intention of this resolution is to deny renewal of most favored nation (MFN) trade status to the Socialist Republic of Romania.

As you know, under section 402 of the Trade Act, MFN for Communist countries is closely alined with improvement in emigration procedures in the country in question. A number of Members in both the House and the Senate have expressed concern regarding the granting of special trade status to Romania when they are aware of difficult emigration procedures and practices in that country and of numerous cases of suffering both by individuals and families wishing to emigrate and by political and religious dissidents. A substantial improvement in emigration procedures and practices and resolution of specific cases of suffering would be welcome by myself and my colleagues as we address the issue of special trade advantages for the Communist country of Romania.

President Reagan has based his request for renewal of most favored nation special trade status for Romania on assurances that the Socialist Republic of Romania "will no longer require reimbursement to the State of education costs as a precondition to emigration, and that it will not create economic or procedural barriers to emigration."

Mr. Speaker, not only words and assurances, but also deeds, are necessary to convince Members of the U.S. Congress of the validity of these promises regarding economic and procedural barriers to emigration. I and many of colleagues are frankly quite skeptical of these assurances provided by the Government of Romania. Romania has been granted special MFN status for the past 8 years, and we have no evidence of any significant improvement in its emigration procedures nor indeed of its human rights practices in general over that period of time.

Our concerns in this regard are supported by reports of a number of organizations reporting on emigration and human rights in Romania. For example, earlier this month, the Commission on Security and Cooperation in Europe reported as follows:

> Last year, 12,972 people emigrated from Romania to the FRG; 1,512 to Israel; and 2,463 to the United States. Figures alone, however, do not give an accurate emigration picture. Behind virtually each one of these departures were months and *often years of harassment and procedural and economic obstacles* apart from the "education tax." (italic added; CSCE Digest, June 8, 1983)

The semiannual report by President Reagan to the Commission on Implementing the Helsinki Final Act by Romania, which covers the 6-month period between December 1, 1982 and May 31, 1983 was recently released; it states flatly that "* * * there has been no overall improvement in the Romanian divided family record during the 6-month reporting period," and that the number of unresolved cases involving divided families has actually increased since the last report. The report also discusses "repressive policies on human rights matters" and cites "extensive harassment in Romania of religious, political, and cultural dissidents;" active persecution of individual priests and pastors; and "the beating and harassment of ethnic Hungarian dissidents."

Regarding Romania's human rights practices, the report states that:

> Repressive policies on human rights matters makes its position more compatible with those of the Soviet Union and some other Eastern European countries.

We also have noted the report developed by staff of the Senate Foreign Relations Committee dated April 1983, which states that:

> It has been reported that often * * * individuals desiring to emigrate are harassed at their workplace or fired from their jobs and that their children and spouses are also harassed.

Mr. Speaker, these are disturbing observations reported by highly respectable organizations, and should be considered in a most serious light by all who may be tempted to believe that after 8 years of MFN based on promises, Romania's assurances this year will result in actual significant improvements.

There are other factors regarding the recent assurances of the Romanian Government which also give concern. One action that should be quite fresh in the memory of each of us here in the Congress is the imposition by the Romanian Government last year of the so-called education tax. This was a thinly disguised emigration tax imposed on prospective emigrants as the latest in a systematic campaign by the Government to harass and intimidate prospective emigrants. The tax amounted to a ransom, for the many thousands it amounted to was far beyond the means of most Romanians, and, importantly, it was decreed that it was only to be paid in convertible, that is, Western currency—and Romanians are prohibited by law from possessing convertible currency. My colleagues can draw their own conclusions on what effect the education tax had on any Romanian's hopes for emigration.

The action of the Romanian Government in imposing this tax last year, only a few months after MFN had again been assured by the Congress, was viewed by a number of us here as particularly provocative in light of the fact that only several weeks prior to the imposition of the tax, the Romanian Government had assured our Assistant Secretary of State for Human Rights and Humanitarian Affairs that rumors about imposition of an emigration tax were entirely unfounded.

The Romanian Government has recently given our President assurances that this tax will no longer be imposed as a precondition to emigration. This may be so; however, there is no indication that the decree issued last November imposing this tax has been abrogated or will soon be abrogated. It remains on the books. Further, there is no indication that there is to be any change in the requirement set forth in the same decree that persons whose emigration application has been approved must pay in convertable (Western) currency all medical expenses; or that there is any change in the requirement that the real property of such persons pass into State ownership. These provisions remain on the books.

In addition, there is no indication whatsoever that the very general assurances that it will not create any economic or procedural barriers to emigration are backed up by any concrete action on the part of the Romanian Government. Mr. Speaker, these assurances are simply not sufficient to convince me nor many of my colleagues that would-be emigrants are no longer evicted from their dwellings, nor subject to such actions as arbitrary arrest; arbitrary imprisonment (on trumped-up charges of economic crimes; including theft and parasitism): confiscation of ration cards; confiscation of ID cards (without which purchases cannot be made); harassment of family members, including children and spouse; harassment on the job; job dismissial and/or demotion; deprivation of place in school; confiscation of household goods without compensation; transfer to jobs in other areas of the country; military conscription; and—for persistent applicants for emigration—incarceration in psychiatric hospitals. All of these specific forms of harassment have been reported by the various interested Western organizations as late as this year.

We should ask ourselves why we here in the Congress have permitted renewal of MFN year after year for a country which continually violates not only the letter but also the spirit of section 402 of the Trade Act, also known as the Jackson-Vanik amendment; for the purview of section 492 is not confined solely to emigration practices. In the words of the U.S. Helsinki Watch Committee:

> The spirit of the (Jackson-Vanik) amendment has been interpreted to include the human rights situation as a whole.

In this regard, the U.S. Helsinki Watch Committee states earlier this month that "Romania's MFN status has become more and more unjustifiable," and that:

> Romania's internal policies have deteriorated to the point where Romania is now one of the worst human rights offenders in Eastern Europe.

The experience regarding the education tax, together with the disconcerting report of the Commission on Security and Cooperation in Europe (CSCE), the President's semiannual report to the Commission on Implementing the Helsinki Final Act by Romania, the report of the U.S. Helsinki Watch Committee, and the report of the staff of the Senate Committee on Foreign Relations should be enough to give any of us serious reservations with regard to Romania's assurances to the United States in anticipation of another year of MFN.

In the past, some have argued in favor of granting special trade concessions to Romania in exchange for the leverage it might give our country in attempting to effect real improvements in their internal policies where those policies affect emigration and human rights. I believe that this year, those who make an effort to review all the information available will reach the conclusion that I and many of my colleagues have already reached: That there has been no appreciable long-range improvement by the Government of Romania in its emigration nor its human rights policies during the entire 8 years it has enjoyed MFN and the special trade concessions MFN allows.

The Romanians have a word for being exceptionally tricky which is used frequently by almost everyone. It is "smecher." Each summer, just prior to and during Congress MFN review, Romania has succeeded in being just that—smecher—visiting numerous congressional offices, assuring Members and staff that real reforms are being instituted, presenting frequent letters and lists showing the latest numbers of persons granted permission to emigrate. Once MFN is assured for another year, that government "lapses back into its previous disregard for human rights and for any assurances it may have made to the U.S. Government." (U.S. Helsinki Watch Committee) it seems to work every time.

If the carrot has failed (and indeed it has) the time is long overdue to apply the stick. After careful and extensive study, I and a number of my colleagues have determined that MFN status for Communist Romania should not be renewed again this year. If it is not, perhaps the United States may finally be taken seriously when it offers generous trade concessions to Communist countries in exchange for meaningful human rights and emigration reforms. Until now they have had no reason to think we mean what we say.●

THE PATENT TERM RESTORATION ACT OF 1983

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SYNAR. Mr. Speaker, for a decade or more, patent protection for medicines, pesticides, chemicals, and other innovations has been steadily eroding by lengthening premarket approval by Federal regulatory agencies. Today I am introducing the Patent Term Restoration Act of 1983 to correct this problem in patent law. I believe the effect of enactment of this legislation will be to encourage research and to provide American consumers with new and better medicines and foods.

The dimensions of the problem are serious. In 1981, for example, new drugs lost more than 10 years of the 17 years of patent protection enjoyed by virtually every other form of invention. Some new drugs actually entered the market with no patent protection whatsoever. The consequences of the problem are equally serious. Companies are discouraged from investing in research, the rate of new discoveries is

slowed, and the market effects of new product competition are delayed.

The United States is rapidly losing its preeminence in the field of drug research, an area in which we are traditionally the world leader. Twenty years ago the United States did 60 percent of the world's pharmaceutical research; today, it does less than one-fourth. In 1981 75 percent of the new drugs approved here were either compounds licensed by foreigners or compounds directly marketed by foreign firms.

Congress never intended that patent law disadvantage one form of innovation vis-a-vis others. The concept of encouraging innovation through patent protection is in our Constitution and for almost a century we have provided 17-year patent terms.

My bill offers a simple remedy: It would permit inventors to recover some of the patent protection lost while the new product clears tests required by the Federal Government. No product would get more than 7 years restored.

Mr. Speaker, we all recognize the importance and value of private sector research today. Patent protection is a vital component. I believe the Patent Term Restoration Act is a fair and needed solution to a growing problem. I encourage the House of Representatives to move quickly toward enactment.●

MAINTAINING DIPLOMATIC RELATIONS WITH THE VATICAN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ZABLOCKI. Mr. Speaker, it is my distinct privilege today to introduce what I believe is an historic piece of legislation providing for the maintenance of U.S. diplomatic relations with the Vatican.

I am pleased to be joined in this effort by a majority of the members of the House Foreign Affairs Committee on a fully bipartisan basis. It is also my understanding that the administration is encouraged by this proposal.

Mr. Speaker, I want to be the first to concede that this legislation may raise questions or concerns. For example, it could be misconstrued by some as somehow trespassing on a deeply rooted American principle and tradition embodied in the notion of separation of church and state.

On that count I want to reassure my colleagues and others potentially concerned that I fully support that cherished principle. It is not my intent—nor does this legislation have the effect—of violating that wise dictum which has governed this great democracy of ours for more than 200 years.

In taking this action I am motivated only by practical considerations, all of which culminate in what I firmly believe to be in the best national interests of the United States. That clear result will be evident from an objective review of the facts.

What are those facts? First, the United States is virtually alone in not having full and formal diplomatic relations with the Holy See. Currently some 106 countries in the world maintain such relations, including a broad cross section of Communist and non-Communist and developed and less developed nations from all corners of the world. By contrast, the United States maintains only an Office of Personal Representative in the Vatican.

Perhaps the most compelling fact of all supportive of this proposal resides in the overwhelming reality that the Holy See is an international focal point at which there is confluence of vital information and diplomatic contact. From the fact flows the many benefits with would result for the United States from a full diplomatic relationship.

There is one added fact rooted in history which also underscores this proposal. It is interesting to recall that the United States did maintain full relations with the Vatican from 1848 to 1868. For reasons no longer clear, we withdrew our ambassador and let relations lapse. Over the years, however, special temporary missions to the Vatican were appointed by Presidents Franklin Roosevelt, Harry Truman, and others. In 1970 President Nixon appointed Henry Cabot Lodge as Special Presidential Envoy to the Vatican. President Carter named Robert Wagner to the post in 1977. At present, William A. Wilson is President Reagan's Special Presidential Envoy.

For the many good reasons I have just outlined I believe it is time that we extend that effort by restoring full diplomatic status to our relations with the Vatican. To do so is in the best interests of the United States. It is surely in the best interests of world peace. I urge support of the joint resolution.●

HERE, OPPORTUNITY SPEAKS ENGLISH

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RUDD. Mr. Speaker, are bilingual education programs and ballots printed in foreign languages helping new citizens adopt to American life, or are they in fact promoting division in American society and lost opportunity for a large segment of the population?

The answer, I firmly believe, is that here in America opportunity speaks English.

Having spent several years on diplomatic assignment in Latin America, I can testify to the importance of knowing the Spanish language, and the many cultural differences that go along with the Latin American lifestyle, as well as the nationality and other variations among the Latin countries. Being fluent in Spanish was a necessity for my service in each of these nations.

In the United States of America, the English language plays no less a role in our national heritage. Our Constitution was written in English, our Founding Fathers and early pioneers spoke in English, and our entire national history has been written in English. It is a well-known fact that one of the basic requirements for becoming a citizen in our country is a working knowledge of English.

And why not? Almost all political debate is conducted in English. Every major newspaper and most all media sources communicate in English. Without understanding of the English language, an American citizen could not even become involved in the political process or be able to make political choices with all the facts. Since almost all business activity is conducted in English, that citizen would also be left out of the mainstream of the American economy.

I have long opposed voting ballots printed in foreign languages and Federal bilingual education programs which go beyond the goal of teaching foreign language-speaking children learn English. If one chooses to be an American citizen, then you have to survive in a nation that conducts its entire process and legal system through the English language.

The preservation of the immigrants' national culture and language within the family unit is also important for the strength of this Nation. It keeps the family together.

But the real strength lies within the family, one's religious beliefs, and in the institutions that our Nation was built on. We have built the strongest, the freest, and the best government system on Earth through these institutions, and the English language has played a major role in the growth of each of these strengths. Immigrants seek a better life in the United States of America because of these long-established institutions and because America offers more to our citizens, and new citizens, than any other nation on Earth.

The importance of the English language was recently highlighted in the report by the 20th century fund task force on education:

Anyone living in the United States who is unable to speak English cannot fully participate in our society, its culture, its politics.

A recent column on this subject in the Washington Post, by Neil Pierce, "Here, Opportunity Speaks English—Will Bilingualism Condemn Immigrants to the Ultimate Racism," provides insight into this question, and I recommend its reading to my colleagues in Congress.

[From the Washington Post, June 26, 1983]

HERE, OPPORTUNITY SPEAKS ENGLISH—WILL BILINGUALISM CONDEMN IMMIGRANTS TO THE ULTIMATE RACISM?

(By Neil Pierce)

This year the federal government is spending $138 million to subsidize bilingual education programs in schools across the land. State and local governments are publishing ballots in Spanish and many other languages. Philadelphia and the state of Florida are offering civil service examinations in Spanish. There are only 11 states in which one needs to know English to take a driver's license test.

And increasingly, the question is being asked—Why?

Critics say bilingual education programs—originally sold as a way to help foreign language-speaking children make a transition to English—have become an end in themselves. Behind the programs are bilingual education teachers (some with a shaky knowledge of English themselves) and cultural organizations with a vested interest in the ongoing bilingual school curricula financed by federal dollars.

There's even a National Bilingual Education Conference that draws hundreds of delegates from as far as our Pacific territories for national lobbying conferences in luxury hotels. The theme at the last meeting, in Washington, was "Bilingualism—In The National Interest"—a far cry from short-term, transitional programs in the schools.

Now a prestigious Twentieth Century Fund task force on education, headed by the University of Massachusetts' Robert Wood, asks what good all the bilingual education programs achieve. "Anyone living in the United States who is unable to speak English cannot fully participate in our society, its culture, its politics," says the panel. It recommends "that federal funds now going to bilingual programs be used to teach non-English-speaking children how to speak, read, and write English."

On a parallel track, the English language has finally acquired its own organized lobby. It's called U.S. English and it's open to all "who agree that English is and must remain the only official language of the people of the United States."

The proponents of "English first" have to know they're playing a dangerous game. All so easily, they can be labeled as racist, reactionary, xenophobic, anti-Hispanic.

But the leaders of U.S. English are hardly know-nothings. Their honorary leader is a semanticist of Oriental origin, himself an immigrant—former Sen. S. I. Hayakawa from California, who proposed a constitutional amendment affirming English as the official language of the United States. And the president is Gerda Bikales, who learned four languages—German, Yiddish, Flemish and French—before she was finally taught English after her arrival in America at the age of 16 when her family fled Nazi-occupied Europe.

U.S. English, which so far operates on a shoestring at its offices at 1419 21st St. NW in Washington, is not against Americans' full mastery of foreign languages. One of the most intriguing things about the group is its requirement that its board members be masters of at least one foreign language.

But on putting English first in the schools, the group is adamant. "As a child," says Bikales, "I found language barriers could easily be overcome. Arriving in America without knowledge of English, I nevertheless learned it very fast. So did my friends among the immigrant students in my New York City high school."

And so can, she claims, immigrant children today.

Where bilingual issues reach redhot Latin intensity is among those Hispanics who envision a large, independent Spanish-speaking nation within the American nation—an American Québec, as it were. Asked about taxpayer-supported Spanish education, Miami Mayor Maurice Ferré is quoted in the May issue of Esquire as responding:

"We demand this because we recognize that culture is vitally important if we are going to be able to solve our problems." But Ferré—who also boasts "you can go through your whole life without having to speak English at all" in today's Cuban-dominated Miami—doesn't necessarily speak for all Hispanics.

"Middle-class ethnics romanticize public separateness and trivialize the dilemma of the socially disadvantaged," writes the Mexican-American novelist, Richard Rodriguez, author of "Hunger of Memory." America is a place where you don't lose your culture—you gain one."

The questions that remain for us all—native English-speaking and modern-day immigrant alike—are these:

Why should ballots be printed in foreign languages when practically all political debate—the very essence of responsible citizenship—is conducted in English?

Why should driver-license tests be given in foreign languages—except for foreign visitors, or for a limited time—when road signs, warnings and the voice of the traffic policeman are all in English?

Why shouldn't bilingual education be limited—as U.S. English recommends—to "a program of short-term instruction that uses the child's home language to help him for the first few months"?

Any other choice consigns youngsters to segregated classrooms, to life-times of minimal of nonexistent English, outside the mainstream of American business and public life. It could be the ultimate racism.●

WHAT SHOULD OUR NATION'S POSTURE BE IN REGARD TO NATIONAL DEFENSE?

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. PARRIS. Mr. Speaker, for months this House has heard many differing views concerning what our Nation's posture should be in regard to national defense. At this time we are making decisions which will affect our generation and those yet to come, I feel it would be wise for my colleagues to examine an analysis submitted by the Defense Intelligence Agency to Congress Joint Economic Committee, declassified and released on June 22, detailing the dangerous Soviet military advantage.

Many in Congress disagree with the administration's position that the Soviet military buildup in recent years has won the U.S.S.R. leadership in nuclear as well as conventional weaponry. They argue that we are stronger than the administration will admit, and that it is not necessary to spend as much as requested in order to regain arms equality with the Soviets.

Mr. Speaker, an examination of this Defense Intelligence Agency study reveals that we are well behind the Soviets in armed strength, and they are ready and willing to increase their pressure for domination throughout the world. Moscow's commitment to military spending and achievement is not diminishing. Instead of leveling off or declining in the face of smaller rates of economic growth, defense spending continues to increase at its historical rate of 4 percent annually and is absorbing an even large share of total national resources. Military related industries receive the highest quality goods and they are given priority when it comes to capital investments. The Soviet's present 5-year plan calls for a 43-percent growth in defense machinery output by 1985 which will further strengthen the Soviet military industrial base, already the largest in the world.

Supporters of the nuclear freeze tell us that rough parity exists between Soviet and American arsenals. If this is the case, nuclear parity requires us to invest all the more heavily in conventional arms, since the time has long passed when we can rely on a preponderance of nuclear forces to deter Soviet adventurism. Furthermore, freeze proponents contend we and the Soviets already have enough weapons to destroy the world, and making more will not add to either side's strength. I would point out that such an argument cannot be made with regard to conventional weapons. Nuclear freeze advocates cannot ignore the DIA's corroboration that the Soviet Union is the world's largest weapons producer which surpasses the United States in all significant categories.

For example, the Soviets produced 750 tactical combat aircraft in 1981, just as they did in 1977. By comparison, the United States produced fewer than 300 aircraft, even below the annual attrition rate. During 1981, the Soviets produced more than twice as many tanks, 40 times more surface-to-air missles, and three times more naval vessels than the United States. As a result, the Soviet Union fields a growing number of modern and qualitatively improved weapons systems while

the United States is barely able to keep its own inventory from shrinking.

The danger we face from a military buildup throughout the world by a nation that has a consistent history of using the arms it produces is more serious, more potentially dangerous, than any we have ever before encountered. We cannot ignore it, and we have no alternative but to reduce that danger by increasing our deterent power.

If you recall the words of our first President George Washington:

To be prepared for war is the most effective means of preserving peace.

Because we are committed to peace, we have a moral obligation to insure America's defense credibility.

As the DIA testimony before Congress indicates, the administration has no other choice if it is serious about insuring national security, and ultimately preserving world peace.●

HAPPY BIRTHDAY, EARL HAYS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ROGERS. Mr. Speaker, today is a special day for the faculty and student body at one of the great colleges in my district, Sue Bennett College in London, Ky.

For today marks an anniversary, and begins a countdown for another special day coming 2 years from now.

Today, Earl Hays, president of Sue Bennett College, marks his 66th birthday. Two years from now, on this same day, President Hays will step down as president, having served in that capacity for some 24 years already.

Mr. Speaker, President Hays has done much during his tenure at Sue Bennett to make it the outstanding institution of learning it is today. Since 1949, Mr. Hays has served in several capacities, and has seen both enrollment and the school's budget increase by some 400 percent. Not one to sit on his laurels, Mr. Hays has much left to accomplish during his final 2 years as president, including a new computer science program, and expansion of evening classes.

Earl Hays has accomplished much already during his many years of service to his school and community. He is without a doubt one of the finest college administrators in Kentucky. As a teacher, a leader, an academician, and citizen, Earl Hays has given service to his school and community above and beyond the call of duty.

On this, his 66th birthday, I ask my colleagues to join me in saluting the fine work and excellent record of Earl Hays of Sue Bennett College. I know you share my wish for him for a successful conclusion to his work there, and for health and happiness in the years ahead.●

UNIVERSAL TELEPHONE SERVICE AND PROTECTING TELEPHONE RATES

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WHITTAKER. Mr. Speaker, there has been considerable speculation in recent months that telephone companies, including Southwestern Bell Telephone Co., which serves my State of Kansas, may increase the rates they charge for local telephone service, and that these rate increases may be so drastic that numerous residents will decide to discontinue telephone service.

Predictions about skyrocketing phone rates have been rife since AT&T and the Justice Department reached an out-of-court settlement on the restructuring of the phone system—and the Federal Communications Commission issued additional rulings deregulating the telephone industry. Many experts have predicted that local phone rates could double or triple as a result of these actions—and that rural Americans, senior citizens, and other vulnerable groups could be priced out of the market.

As a member of the House Energy and Commerce Committee, the committee with jurisdiction over the telecommunications industry, I am alarmed by such predictions. It is imperative that telephone rates not be allowed to rise dramatically, because substantial rate increases would put an end to universal telephone service. In today's society, universal access to telephone service is essential for almost everyone. Steep rate hikes would threaten the continued availability of this essential service for many people. As Members of Congress, we must recognize that the telephone is not a luxury item, especially in our rural areas where it provides a very essential business and social service.

Unfortunately, predictions of impending rate hikes and consumer hardships are being made in the dark. Because the FCC has not gathered the necessary data, no one knows exactly what impact developments now occurring in the telecommunications industry will have on rates—or how many people will be forced to give up their telephone, or to choose between their phone and needed food or fuel—as a result of divestiture and deregulation.

That is why I have joined in sponsoring legislation, House Resolution 231, calling upon the FCC to begin an immediate investigation to determine the effect of the FCC rulings and the restructuring of AT&T on telephone rates and service. Once this study is completed, the resolution directs the FCC to provide Congress with estimates of how many Americans would suffer economic hardship or would be forced to disconnect their phones as a result of these changes. The resolution also requests that the House Subcommittee on Telecommunications begin considering legislation that will insure the affordability of basic phone service to all Americans.

Mr. Speaker, this resolution is not the complete answer to rising phone costs. It is, however, an important first step to insure that all Americans have access to phones at a price they can afford. I am going to carefully monitor ongoing developments in the telecommunications industry and if it is necessary for Congress to intervene with legislation in order to keep telephone rates at reasonable levels, I will be out front urging passage of legislation.●

LABOR DEPARTMENT WOULD OUTLAW LABOR

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GOODLING. Mr. Speaker, recently, columnist Donald Lambro wrote an article entitled "Labor Department Would Outlaw Labor." It is not ironic for the Labor Department to outlaw rather than create jobs? I refer specifically, as does the article, to the Labor Department's ban on "homework"—on the right to make such products as women's clothing, handerchiefs, buttons, buckles, jewelry, gloves, and mittens, in the home. Mr. Speaker, these restrictions should be lifted. What we need in this country are more employment opportunities, not less. I therefore commend the following article to your attention, and to the attention of my colleagues, for it clearly reveals the absurdity of homework restriction.

LABOR DEPARTMENT WOULD OUTLAW LABOR

(By Donald Lambro)

While President Reagan and Congress wrestle over a jobs bill, the Labor Department is actually trying to take jobs away from a group of hardworking Wisconsin women.

This little-noticed story is not just another isolated bureaucratic nightmare which we have come to expect out of Washington. Rather, it is typical of numerous cases throughout the government in which obstacles thrown up by antiquated special-interest laws are preventing hundreds of thousands—perhaps millions—of jobs from being created.

Consider the plight of a group of Ripon, Wis., women who help to support their families by embroidering skirts and blouses in their homes. The Labor Department, in

spite of its name, wants to put them out of work.

Department bureaucrats are actively enforcing a 1943 regulation that forbids Americans from producing six crafts categories in their homes for profit: embroidery, women's apparel, gloves and mittens, buttons and buckles, jewelry and handkerchiefs.

A ban on knitted outerwear was erased from the books in 1981 by Labor Secretary Raymond Donovan. That decision was reached after angry Vermont housewives, who make a living knitting ski sweaters and hats in their homes, were compelled to go to Washington at their own expense to plead for their jobs.

Now another group of women who want to work in their homes instead of a factory are once more pleading with the feds not to take away what, in many cases, is their sole means of livelihood.

Championing their cause is the Center on National Labor Policy, a young, aggressive public-interest law firm that specializes in little-guy-fights-City Hall cases and whose lawyers successfully defended the knitters. Recently, the CNLP filed suit in District Court in Milwaukee against the Labor Department, whose actions would effectively shut down Silent Women, Inc., the company that buys the women's embroidery.

To his credit, Donovan originally had proposed repealing all regulations that forbid these cottage industries. However, bitter labor union opposition—particularly from the International Ladies Garment Workers Union (ILGWU)—forced him to back down.

The unions say that they merely want to prevent "sweatshop" conditions. Yet, the real reason for their intense opposition is that these women are competing with union-dominated factories, often turning out work that is as good or better than that being manufactured in America's garment centers. Moreover, notes CNLP executive director Steve Antosh, "Homeworkers don't pay union dues."

What else do the unions fear? ILGWU President Sol Chaiken blurted out his confession during a heated debate last year with a Vermont knitter on Phil Donohue's TV show: "You want every worker to be free to work at home at whatever they desire to do, under whatever conditions they want to work." Exactly. But to Chaiken, "That's anti-social, it's wrong."

Tell that to the Vermont knitters, Sol—some of whom are still out of work today because a few firms refuse to buy their merchandise for fear of government reprisals. Tell that to Mary Clements of Ripon, Wis., whose livelihood would be denied if the feds and the unions have their way.

"I do this because I want to be with my kids," she says of her home embroidery work. "The No. 1 reason for doing a job like this is because you have children at home."

The average homeworker earns between $3,000 and $10,000 a year from embroidery work, depending on the time she spends on her craft. All of the workers for whom CNLP is suing the Labor Department earn more than the minimum wage, and in some cases they earn much more than local factory pay scales.

Indeed, Mrs. Clement's business has become so profitable that she and her husband have added a separate sewing room to their home.

Removing the ban on these home industries would legalize what is already being practiced in many low-income homes. More important, it would open up vast new employment opportunities for the jobless, would allow welfare mothers to free themselves from a life of dependency and would let working mothers keep their children at home instead of putting them in costly day-care centers.

It is estimated that by 1990 about 15 million jobs will be done at home in the United States, much of it through computers. But instead of encouraging this sensible trend, with all of the benefits it can bestow, the government is doing its utmost to discourage it.

CAPTAIN THOMAS BAYLEY; A MODEST HERO

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McKERNAN. Mr. Speaker, it has been said that ours is an age without heroes. But I rise to praise one of my constituents, Capt. Thomas Bayley of Scarborough, Maine, who has proved beyond a doubt that heroism is alive and well in America today. Captain Bayley, who is 23 years old, recently received the American Merchant Marine Seamanship Trophy for a daring rescue he accomplished at sea last December. Retired Adm. Harold E. Shear presented him with this coveted award in Portland, Maine, at the opening of a new fish pier. I am proud to recount the story of Captain Bayley's extraordinary bravery:

December 12 of last year found Captain Bayley and his crew aboard their fishing vessel the *Kathleen and Julie II* some 90 miles off Cape Cod; the winds were strong, the seas rough, and the constant freezing rain made the visibility poor. Shortly before noon another fishing vessel, the 124-foot trawler *Robert Powell*, began to take on water rapidly through a leak in her engineroom, and her captain ordered the crew to prepare to abandon ship in an inflatable raft. The captain of the sinking vessel radioed a "mayday" which Captain Bayley heard and to which he responded; the vessels were 30 miles apart, the wind was blowing at 50 knots, and there were 12-foot seas. By 2:45 the crew of the *Robert Powell* had abandoned the ship, which sank soon thereafter.

Captain Bayley pushed his boat without mercy most of the day in order to reach the crew of the sunken vessel in time. When he reached the scene, darkness had set in, and it was snowing hard. Visibility at this point was very bad, and only through good fortune did the crew of Captain Bayley's boat spot an emergency flare fired by the shipwrecked men. After several passes, Captain Bayley's crew was able to throw a line to the men in the raft, which by this time had become so deflated that the men inside were up to their waists in freezing water. Unable to winch the raft aboard, Captain Bayley left the wheelhouse and went aft. There he lay on his stomach and bellied down the stern ramp, and, with his crew holding his legs, he successively locked arms with each of the survivors on the raft and pulled them to safety.

Captain Bayley is a modest man, who maintains that any fisherman would have done the same thing for him, given the circumstances. He is, however, a most unusual man. At great risk to himself, he saved the lives of his fellow mariners. I join my colleagues, and all those who know the perils of going to sea, in congratulating Captain Bayley for his selflessness and heroism.●

COLEMAN INTRODUCES SODBUSTER LEGISLATION

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. COLEMAN of Missouri. Mr. Speaker, today I join my colleagues and subcommittee chairman, Mr. JONES, in introducing the Soil Conservation Act of 1983.

Today we face a nationwide soil erosion problem which is, at least in part, the result of outdated Federal farm policy. In the 1970's, our national policy was to plow fence row to fence row in order to meet both domestic and international demands for our agricultural products. Today we face a twofold problem as a result.

First of all, as we all know, we have huge surpluses which continue to depress agricultural markets. Second, much of the soil that farmers plowed up during the 1970's to meet rising demand was highly erosive. In more conservation-oriented times, these lands would have been left as natural grass lands and pasture.

The Soil Conservation Act of 1983 is designed to turn millions of these acres of land back to a natural state. A great deal of our erosion problems could be solved by returning some 30 million acres now in cropland to grassland.

In my home State of Missouri, 3.1 million acres of farmland, about 8 percent of our State total, is eroding away at the rate of 42 tons of soil per acre per year.

The Soil Conservation Act of 1983 provides incentives for farmers to return some of their lands to pasture and to continue good crop rotation systems. There are mechanisms within the bill to protect farmers from losing out when the next land diversion or PIK program is announced. And, farmers who cropped highly erodible land prior to 1982 are grandfathered so they would not be penalized for following a Government-encouraged program in the last decade. However, our

act will discourage any further sodbusting on lands that have been identified as highly erodible by the Soil Conservation Service.

Mr. Speaker, we can no longer, as a matter of Federal policy, allow agricultural methods and programs that encourage our fragile soil resources to be washed off our hills and into our lakes and rivers. I believe the Soil Conservation Act of 1983 addresses the concerns of both farmers and conservationists. I am hopeful that any flaws which the bill may have at this point can be ironed out so that we can come forth with a reasonable approach that will make for sound conservation policy and good farm policy, as well.●

HUNGER IN MACOMB COUNTY

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to submit for the RECORD a summary of hearings convened May 27, 1983, in my home district on the impact of hunger. We heard testimony from a variety of witnesses—experts as well as individuals who spoke of their own experience with hunger. The data we collected clearly document that hunger is a pervasive and growing problem in Macomb County. Its roots lie in the economic crisis that has devastated so many of our once thriving communities, and in the cutbacks in funds for social programs that once provided assistance to so many families struggling to make ends meet. The evidence gathered in Michigan confirms reports from elsewhere in the country and compels us to address hunger as an urgent national problem.

I would like to thank the Macomb County Fair Federal Budget Coalition/Interfaith Center for inviting us to conduct this hearing, and express appreciation to all who testified. I am sorry that space limitations prevent me from submitting everyone's testimony in full.

The summaries follow:

HUNGER IN MACOMB COUNTY—INDICATORS, CAUSES, EXTENT

In 1975, the Governor established a state nutrition task force which ultimately became the Michigan Statewide Nutrition Commission. It was created so that we could approach the issue of nutrition as a part of preventive health, as well as monitoring existing programs, making recommendations as to improvements in programs, and fostering nutrition education. We seemed to have made a great deal of progress. Then in 1981, with the federal budget cuts and the escalating unemployment, hunger began to return to Michigan. Hunger is not only evident in the lines of people waiting for surplus cheese, in the new soup kitchens with people in business suits and whole families now in line, but also in the more scientific and clear cut data from pediatric hospitals around the country as well as in the Detroit nutrition surveillance study. That study is now documenting lower weight, lower height for age, and more obesity—a disease of malnutrition resulting from eating foods that are cheap and high in carbohydrates.

Two years ago the Michigan Statewide Nutrition Commission initiated a study of the emergency food problem in the State of Michigan. We discovered that by the third week of the month most emergency depots were running out of food.—Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission.

Basically, the majority of our clients are unemployed people, short term as well as structurally unemployed—the "new" as well as the "old poor".

Currently Macomb County holds 182,741 people, or 26.3 percent of the county's population, who are either unemployed or dependent on some kind of transfer payment. This group is 8.4 percent larger than it was fifteen months ago. The unemployment rate was 19.3 percent in March, 1983, a full 18 percent higher than it was January 1, 1982, and 13.5 percent higher than the state's rate for the same month. As a result of this situation, residents in large numbers have been forced onto assistance rolls; in March, 1983, $6.6 million in cash, emergency needs and food stamp benefits were provided to 47,245 needy people, representing an average total individual benefit for the month of $139. In the first quarter of 1983, the county Department of Social Services received 5,413 requests for cash assistance, and opened 2,574 cases—only 47 percent of the total requests. The other 2,839 applicants were denied. During this same period, 1,581 cases were closed but the county experienced a net increase in caseload of 1,000.

Federal decisions in the past two years to reduce assistance programs—including jobs programs—have worsened their condition and swelled their ranks in two interrelated ways: (1) their nutritional, shelter and other basic needs are not being met; and (2) the reduced amount of money which they have available to spend in the local economy on these basic needs is resulting in a reduction in the local activity which these expenditures generate, which in turn is having a domino effect, causing a further loss of jobs which forces an ever increasing number of people onto assistance rolls.

The seriousness of program cutbacks for children is realized when we consider that of the 72 million youngsters in the country, 10 percent are dependent on AFC and food stamps for survival. In Michigan the rate is higher: currently 16 percent of the state's children are dependent on these assistance programs, 488,999 of 3.1 million. Macomb County is more fortunate; only 8 percent of its children are thus dependent. However, 19,000 children is a large investment in the county's future, and their unmet nutrition, shelter, medical care and educational needs must be given consideration.—Mike Foley, Michigan Legal Services.

Clearly, in Michigan, the problem of hunger has been accentuated by a troubled economy. Additionally, the high cost of living, the rapidly increasing costs of medical care, and the red tape found in bureaucracy continually makes it difficult for all citizens of all ages to seek and receive aid for their problems. Hunger among our senior citizens, our unemployed, in pregnant women, infants, and children trying to grow, trying to mature to adolescence and adulthood is clearly evident.

Recently, the infant mortality rate in Michigan experienced one of the greatest year-to-year increases since World War II. Michigan was ranked as 36th worst among the 50 states relating to infant mortality. While it is difficult to specifically determine whether or not hunger was a key component of this increase, one can surely speculate that infant mortality is and was affected by the number of people unemployed, by the general decline in our economy and, subsequently, by the ability of families and individuals to adequately acquire necessary and essential subsistence.—(Daniel C. Lafferty, Health Officer, Macomb County Health Department.)

EFFECTS OF HUNGER ON HEALTH AND BEHAVIOR

Population groups known to be at high risk regardless of socio-economic status are women of child-bearing age, children and adolescents, and the elderly. There is no single test to quickly determine malnutrition. One cannot go out on the street in our society and see a starving child. People in the twenty to fifty-five year age range can withstand food withdrawal of the 10 percent to 20 percent level for long periods of time. Nothing will show up except that they will be hungry, irritable, less effective at their work, and short tempered. This can lead to spouse and child abuse, depression, substance abuse and suicide.

There are other groups with greater risks. A 10 percent to 20 percent food intake reduction for the elderly, will not only make them hungry, but will make them more susceptible to disease. They will die a little earlier.

Then there are the very young trying to grow, learn and socialize. Intake reduction slows their growth rate and their ability to learn. They sit in school and they are hungry. They have assignments to do and instead they are thinking about eating. Learning falls off tremendously. Every year we get three, five and seven year old grade level scores on math, reading, etc. We talk about the schools getting better or worse, when in fact it is sometimes simply that the kids are eating better or worse. It would often be more beneficial to look at the kids nutritional status when looking for reasons why a school district's test scores went down. Hungry kids do have school problems.

In summary, the first to go when there is hunger is learning; the second is socialization—the ability to interact and interrelate; the third is the ability to perform on the job; and the fourth is the increase in disease and illness.—(Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission.)

Research on nutrition and learning capacity gives some idea of where the problems are. It gives a starting point for determining how to deal with the effects of hunger. It demonstrates the complexity of the relationships between mental performance and food intake.

A pregnant girl or women who does not eat properly is likely to have a low-birthweight infant whose mental and physical development is delayed.

An infant who does not get enough to eat during the first six months of life may experience general stunting of growth and reduced brain size. The nervous system is af-

fected. Even after successful treatment, developmental lags may still show—in hearing and speech, in eye and hand coordination, in problem-solving ability, in behavior. The degree of improvement depends as much on environmental and social stimulation as on food intake.

Children with poor food intakes over periods of months and years have lower scores on IQ and achievement tests. They lose the motivation to learn—are not curious about what goes on around them and they lack the desire to do anything new.

Children and adolescents who are malnourished develop iron deficiency anemia. Anemia is associated with behavioral disturbances and low achievement in school. Anemia and insufficient calories lead to infection and disease. More days are missed from school and the opportunities for learning are decreased.

It is important to be aware of short-term effects of hunger also—the impact of temporary food deprivation. In these situations, behavior patterns rather than IQ performance are affected. Nevertheless, disruption of behavior patterns in learning situations ultimately will adversely affect IQ performance.—(Margene Wagstaff, Director, Medical Dietetics, Wayne State University.)

There is extensive literature that discusses the relationship between diet and mental health. It is important for those of us who are working in the field of mental health to recognize that there is a direct relationship between "food" and "mood." Some of the correlations which have been observed in many patients between diet and psychological disorders include subnutrition, and abnormal conditions involving sodium and potasium metabolism, sugar metabolism, ascorbic acid, and vitamin B_6. These nutritional variables have been associated with behavior disorders such as depressive psychosis, affective illnesses, schizophrenia, and depression. Some of the less serious behavior disorders include irritability, fatigue, mental confusion and uncontrolled emotional outbursts.

Clinicians in our Macomb County Community Mental Health program who deal every day with individuals and families seeking counseling and treatment for emotional problems have indicated to me that there is a need when assessing clients to be very careful in exploring the areas of diet, nutrition, and history of unemployment in properly diagnosing and treating clients.—Willard Ireland, Program Director, M.I. Division, Macomb County Mental Health.●

DEMOCRACY: AMERICA'S BEST EXPORT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to share with my friends in the House a most interesting article concerning the new International Democrat Union in London. This group will concern itself with carrying on the great work of promoting democracy. I salute the President and Vice President BUSH for their fine efforts in supporting this institution. The free world has waited far too long to begin tooting its own horn about the strengths of our system.

For far too long, supporters of communism and socialism have very professionally and successfully extolled the strengths and benefits of their own systems. Their coordinated efforts to disseminate information about their systems is both aggressive and well orchestrated. Is there any wonder that many of the smaller countries of Africa, and in other parts of the world, are turning to communism or socialism rather than taking a good look at the benefits and proven strengths of democratic forms of government? The free world must go on the offensive. It is time that we commit ourselves as a nation to assisting democratic development. It is now or never.

The administration has been very active in promoting democratic institutions around the world. The genesis of many of these ideas was President Reagan's speech to the British Parliament last year. His original plan has grown and blossomed since that time.

Last November, I had the pleasure of attending the Conference of Free Elections here in Washington. Representatives of 34 democratic nations participated in this valuable and long-overdue effort to help show the world how to build democracy by the expansion of free elections. At that meeting, the President noted that the key to democracy was a free citizen placing his vote in a ballot box, and thereby directly affecting his own destiny. The Conference objectives included providing concrete assistance to countries interested in establishing free elections, advocating the right to free elections more actively, and expanding human rights discussions and activities, to include positive steps that foster free institutions.

As an outgrowth of the President's efforts, H.R. 7020 was introduced in the House last year. This effort is designed to establish the U.S. Academy of Freedom whose function would be the development and implementation of programs to promote the growth of democracy and the creation of free and open societies throughout the world.

Recently, a bill for the establishment of a National Endowment for Democracy was passed by us in the House. This program is part of the appropriations for the U.S. Information Agency and is a response to the felt need to increase the U.S. public diplomacy effort overseas in a manner which involves U.S. private sector initiatives to strengthen democratic values and institutions abroad.

I am certain that the United States will work closely with the newly established International Democrat Union to encourage the development of democracy around the world.

I again commend the President for his efforts in supporting the International Democrat Union. I am confident that America will play an active role in the group and will produce a positive program for international action to give new momentum to the spread of freedom. Although democracy is not a fragile flower, it needs cultivating. Let us hope that this international effort to promote democratic institutions will be successful in fostering the growth of democratic processes around the world.

With this in mind, let me recommend the following Washington Post article to all of you.

The article follows:

[From the Washington Post, June 25, 1983]

BUSH PROMOTES WORLD CONSERVATIVE GROUP

(By Peter Osnos)

LONDON, June 24.—Vice President Bush joined other leading conservative politicians from 19 countries today in launching the International Democrat Union, an organization, Bush said, to "carry on the great work of promoting democracy."

British Prime Minister Margaret Thatcher, West German Chancellor Helmut Kohl and the prime ministers of Denmark and Norway were on hand. They were among representatives of parties in 14 European countries, Japan, Australia, New Zealand, Canada and the United States that are members of the group.

In addition to Bush, the United States was represented by Republican National Committee Chairman Frank J. Fahrenkopf, Jr. His Democratic counterpart, Charles T. Manatt, was present, but only as "an observer."

For the Europeans especially, such intra-party organizations are nothing particularly new. The Socialist International is a long-standing group with members from 40 countries who meet regularly, and European conservatives formed a similar organization in 1978.

But American participation reflects an initiative that began with the Reagan administration and has drawn some support from Democrats as well for a more systematic effort to bolster democratic parties around the world. In his remarks today, Bush recalled that President Reagan pledged such an effort in a speech to the British Parliament a year ago.

The International Democrat Union's chairman, Alois Mock of the Austrian People's Party, picked up that theme in his opening statement, asserting: "Political ideas have no national frontiers, and we will not be slow to export ours. For too long many of us have left the promotion of ideas to the left."

Bush, Thatcher, Kohl, and other speakers stressed the contrast between their own democratic societies and the repression in communist nations. "Ten years ago," Thatcher said, "people were writing about the crisis of democracy. Today, attention has turned to the crisis of state socialism."

The vice president singled out U.S. support for the "free nations" of Central America, which he said are receiving "the aid they need to build and perfect democracies of their own."

Speaking at the start of an eight-nation European trip in which he will explain administration policy in Central America, Bush pointed out that U.S. economic assistance to the region is three times as great as

the military aid earmarked to help the countries "resist attempts at subversion by forces beholden to totalitarian powers."

Later, at a press conference, Bush acknowledged that many Europeans, including some from countries represented in the new conservative organization, are uneasy about U.S. intentions in Central America. "Our objectives are honorable," Bush said. "We just haven't gotten out as well as we should what motivates this president in Central America."

This morning Bush conferred with Thatcher and her new foreign secretary, Sir Geoffrey Howe. Saturday he flies to West Germany and later will visit other countries including Scandinavia and Ireland.

The union brings together the European Democrat Union and a similar group formed last year by the Pacific countries. It will be based at the headquarters of Britain's Conservative Party and in time is likely to be one of the agents of the U.S. program to boost democratic parties. A bill for the establishment of a National Endowment for Democracy has been passed by the House, although its exact nature is still not fixed.●

THE TEMPLETON ADDRESS BY ALEXANDR SOLZHENITSYN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McDONALD. Mr. Speaker, Alexandr Solzhenitsyn delivered a very significant address in England on May 10, 1983. In his talk he developed the theme that the cause of Russia's troubles was that she had forgotten God and that this applied to the rest of the world, also. He stressed that there was still time to turn the situation around if people would return to God and give up their material goods. He is quite correct when he stressed that the ideological battle in the world is between things spiritual and material. The Soviet Union knows this and that is why they fear the Bible more than our ICBM's. I commend the text of this Templeton Address to the attention of my colleagues.

THE TEMPLETON ADDRESS

(By Alexandr Solzhenitsyn)

Over half a century ago, while I was still a child, I recall hearing a number of older people offer the following explanation for the great disasters that had befallen Russia: "Men have forgotten God; that's why all this has happened."

Since then I spent well-nigh fifty years working on the history of our revolution; in the process I have read hundreds of books, collected hundreds of personal testimonies, and have already contributed eight volumes of my own toward the effort of clearing away the rubble left by that upheaval. But if I were asked today to formulate as concisely as possible the main cause of the ruinous revolution that swallowed up some sixty million of our people, I could not put it more accurately than to repeat: "Men have forgotten God; that's why all this has happened."

What is more, the events of the Russian revolution can only be understood now, at the end of the century, against the background of what has since occurred in the rest of the world. What emerges here is a process of universal significance. And if I were called upon to identify briefly the principal trait of the entire twentieth century, here too, I would be unable to find anything more precise and pithy than to repeat once again: "Men have forgotten God." The failings of human consciousness, deprived of its divine dimension, have been a determining factor in all the major crimes of this century. The first of these was World War I, and much of our present predicament can be traced back to it. It was a war (the memory of which seems to be fading) when Europe, bursting with health and abundance, fell into a rage of self-mutilation which could not but sap its strength for a century or more, and perhaps forever. The only possible explanation for this war is a mental eclipse among the leaders of Europe due to their lost awareness of a Supreme Power above them. Only a godless embitterment could have moved ostensibly Christian states to employ poison gas, a weapon so obviously beyond the limits of humanity.

The same kind of defect, the flaw of a consciousness lacking all divine dimension, was manifested after World War II when the West yielded to the satanic temptation of the "nuclear umbrella." It was equivalent to saying: Let's cast off worries, let's free the younger generation from their duties and obligations, let's make no effort to defend ourselves, to say nothing of defending others—let's stop our ears to the groans emanating from the East, and let us live instead in the pursuit of happiness. If danger should threaten us, we shall be protected by the nuclear bomb; if not, then let the world go to hell! The pitifully helpless state to which the contemporary West has sunk is in large measure due to this fatal error: the belief that the only issue is that of nuclear weapons, whereas in reality the defense of peace reposes chiefly on stout hearts and steadfast men.

Only the loss of that higher intuition which comes from God could have allowed the West to accept calmly, after World War I, the protracted agony of Russia as she was being torn apart by a band of cannibals, or to accept, after World War II, the similar dismemberment of Eastern Europe. The West did not perceive that this was in fact the beginning of a lengthy process that spells disaster for the whole world; indeed the West has done a good deal to help the process along. Only once in this century did the West gather its strength—for the battle against Hitler. But the fruits of that victory have long since been lost. Faced with cannibalism, our godless age has discovered the perfect anaesthetic—trade! Such is the pathetic pinnacle of contemporary wisdom.

Today's world has reached a stage which, if it had been described to preceding centuries, would have called forth the cry: "This is the Apocalypse!"

Yet we have grown used to this kind of world; we even feel at home in it.

Dostoevsky warned that "great events could come upon us and catch us intellectually unprepared." That is precisely what has happened. And he predicted that "the world will be saved only after it has been possessed by the demon of evil." Whether it really will be saved we shall have to wait and see: this will depend on our conscience, on our spiritual lucidity, on our individual and combined efforts in the face of catastrophic circumstances. But it has already come to pass that the demon of evil, like a whirlwind, triumphantly circles all five continents of the earth.

We are witnesses to the devastation of the world, be it imposed or voluntarily undergone. The entire twentieth century is being sucked into the vortex of atheism and self-destruction. This plunge into the abyss has aspects that are unquestionably global, dependent neither on political systems, nor on levels of economic and cultural development, nor yet on national peculiarities. And contemporary Europe, seemingly so unlike the Russia of 1913, is today on the verge of the same collapse, for all that it has been reached by a different route. Different parts of the world have followed different paths, but today they are all approaching the threshold of a common ruin.

In its past, Russia did know a time when the social ideal was not fame, or riches, or material success, but a pious way of life. Russia was then steeped in an Orthodox Christianity which remained true to the Church of the first centuries. The Orthodoxy of that time knew how to safeguard its people under the yoke of a foreign occupation which lasted more than two centuries, while at the same time fending off iniquitous blows from the swords of Western crusaders. During those centuries the Orthodox faith in our country became part of the very patterns of thought and the personality of our people, the forms of daily life, the work calendar, the priorities in every undertaking, the organization of the week and of the year. Faith was the shaping and unifying force of the nation.

But in the seventeenth century Russian Orthodoxy was gravely weakened by an ill-fated internal schism. In the eighteenth, the country was shaken by Peter's forcibly imposed transformations, which favoured the economy, the state, and the military at the expense of the religious spirit and national life. And along with this lopsided Petrine enlightenment, Russia felt the first whiff of secularism; its subtle poisons permeated the educated classes in the course of the nineteenth century and opened the path to Marxism. By the time of the revolution, Russian educated circles had virtually lost the faith; and amongst the uneducated, its health was threatened.

It was Dostoevsky, once again, who drew from the French Revolution and its seething hatred for the Church the lesson that "revolution must necessarily begin with atheism." That is absolutely true. But the world had never before known a godlessness as organized, militarized, and tenaciously malevolent as that preached by Marxism. Within the philosophical system of Marx and Lenin and at the heart of their psychology, hatred of God is the principal driving force, more fundamental than all their political and economic pretensions. Militant atheism is not merely incidental or marginal to communist policy; it is not a side effect, but the central pivot. To achieve its diabolical ends, communism needs to control a population devoid of religious and national feeling, and this entails a destruction of faith and nationhood. Communists proclaim both of these objectives openly, and just as openly put them into practice. The degree to which the atheistic world longs to annihilate religion, the extent to which religion sticks in its throat, was demonstrated by the web of intrigue surrounding the recent attempts on the life of the Pope.

The 1920s in the USSR witnessed an uninterrupted procession of victims and martyrs amongst the Orthodox clergy. Two metropolitans were shot, one of whom, Veniamin

of Petrograd, had been elected by the popular vote of this diocese. Patriarch Tikhon himself passed through the hands of the Cheka-GPU and then died under suspicious circumstances. Scores of archbishops and bishops perished. Tens of thousands of priests, monks, and nuns, pressured by the Chekists to renounce the word of God, were tortured, shot in cellars, sent to camps, exiled to the desolate tundra of the far North, or turned out into the streets in their old age without food or shelter. All these Christian martyrs went unswervingly to their deaths for the faith; instances of apostasy were few and far between. For tens of millions of laymen access to the Church was blocked, and they were forbidden to bring up their children in the faith: religious parents were wrenched from their children and thrown in prison, while the children were turned from the faith by threats and lies. One could argue that the pointless destruction of Russia's rural economy in the 1930's, the so-called dekulakization and collectivization, which brought death to fifteen million peasants while making no economic sense at all, was enforced with such cruelty, first and foremost, for the purpose of destroying our national way of life and of extirpating religion from our peasants. The same policy of spiritual perversion operated throughout the brutal world of the Gulag Archipelago, where men were encouraged to survive at the cost of the lives of others.

And only atheists bereft of reason could have decided upon the ultimate brutality being planned in the USSR today, to be perpetrated against the Russian land itself, whereby the Russian North is to be flooded, the flow of the northern rivers reversed, the life of the Arctic Ocean disrupted, and the water channelled southward, toward lands already devastated by earlier, equally foolhardy, "feats of communist construction."

For a short period of time, when he needed to gather strength for the struggle against Hitler, Stalin cynically adopted a friendly posture toward the Church. This deceptive game, continued in later years by Brezhnev with the help of show-case publications and other window dressing, has unfortunately tended to be taken at its face value in the West. Yet the tenacity with which hatred of religion is rooted in communism may be judged by the example of their most liberal leader, Khrushchev: for though he undertook a number of significant steps to extend freedom, Khrushchev simultaneously rekindled the frenzied Leninist obsession with destroying religion.

But there is something they did not expect: that in a land where churches have been levelled, where a triumphant atheism has rampaged uncontrolled for two-thirds of a century, where the clergy are utterly humiliated and deprived of all independence, where what remains of the Church as an institution is tolerated only for the sake of propaganda directed at the West, where even today people are sent to the labor camps for their faith, and where, within the camps themselves, those who gather to pray at Easter are clapped in punishment cells—they could not suppose that beneath this communist steam roller the Christian tradition would survive in Russia! It is true that millions of our countrymen have been corrupted and spiritually devastated by an officially imposed atheism, yet there remain many millions of believers: it is only external pressures that keep them from speaking out, but, as is always the case in times of persecution and suffering, the awareness of God in my country has attained great acuteness and profundity.

It is here that we see the dawn of hope: for no matter how formidably communism bristles with tanks and rockets, no matter what successes it attains in seizing the planet, it is doomed never to vanquish Christianity.

The West has yet to experience a communist invasion; religion remains free. But the West's own historical evolution has been such that today it, too, is experiencing a drying up of religious consciousness. It, too, has witnessed racking schisms, bloody religious wars, and enmity, to say nothing of the tide of secularism which, from the late Middle Ages onward, has progressively inundated the West. This gradual sapping of strength from within is a threat to faith that is perhaps even more dangerous than any attempt to assault religion violently from without.

Unnoticeably, through decades of gradual erosion, the meaning of life in the West ceased to stand for anything more lofty than the pursuit of "happiness", a goal that has even been solemnly guaranteed by constitutions. The concepts of good and evil have been ridiculed for several centuries; banished from common use, they have been replaced by political or class considerations of short-lived value. It has become embarrassing to appeal to eternal concepts, embarrassing to state that evil makes its home in the individual human heart before it enters a political system. Yet it is not considered shameful to make daily concessions to an integral evil. Judging by the continuing landslide of concessions made before the eyes of our very own generation, the West is ineluctably slipping toward the abyss. Western societies are losing more and more of their religious essence as they thoughtlessly yield up their younger generation to atheism. What other evidence of godlessness does one need, if a blasphemous film about Jesus is shown throughout the United States, reputedly one of the most religious countries in the world? Or if a major newspaper publishes a shameless caricature of the Virgin Mary? When external rights are completely unrestricted, why should one make an inner effort to restrain oneself from ignoble acts? . . .

Or why should one draw back from burning hatred, whatever its basis—race, class, or zealous ideology? Such hatred is in fact corroding many hearts today. Atheist teachers in the West are bringing up a younger generation in a spirit of hate for their own society. Amid all the vituperation, it has been forgotten that the defects of capitalism represent the basic flaws of human nature, freed from all limitations just as the various human rights are; that under communism (and communism breathes down the neck of all moderate forms of socialism, which are unstable)—under communism the very same flaws become completely unbridled in any person with the least degree of authority; and that everyone else under that system truly does attain "equality"—the equality of destitute slaves. Such incitements to hatred are coming to characterize today's free world. Indeed, the broader the personal freedoms are, the higher the level of prosperity or even of abundance, the more vehement, paradoxically, is this blind hatred. The contemporary developed West thus demonstrates by its own example that human salvation can be found neither in the profusion of material goods nor in merely making money.

This unquenchable hatred then spreads to all that is alive, to life itself, to the world with its colors, sounds and shapes, to the human body. The embittered art of the twentieth century is perishing from this ugly hate, for art is fruitless without love. In the East art has collapsed because it has been forcibly knocked down and trampled, but in the West the fall has been voluntary, a decline into a contrived and pretentious quest where the artist, instead of attempting to make known the divine plan, tries to put himself in the place of God.

And here again, the same result is produced both in East and West, through a world-wide process, by the same cause: that men have forgotten God.

Confronted by the onslaught of world-wide atheism, believers are disunited and frequently bewildered. And yet the Christian (or post-Christian) world would do well to note the example of the Far East. I have recently had an opportunity to observe in Free China and in Japan how, despite the apparently lesser precision of their religious concepts, and despite the same unassailable "freedom of choice" that exists in the West, both the society and the younger generation have preserved a moral sense to a greater degree than is true in the West, and have been less affected by the destructive spirit of secularism.

What can one say about the lack of unity among the various religions, if Christianity has itself become so fragmented? In recent years the major Christian Churches have taken steps toward reconciliation. But these measures are far too slow: the world is perishing a hundred times more quickly. No-one expects the Churches to merge or to revise all their doctrines, but only to present a common front against atheism. But for such a purpose the steps taken are much too slow.

There also exists an organized movement for the unification of the Churches, but it presents an odd picture. The World Council of Churches seems to care more for the success of revolutionary movements in the Third World, all the while remaining blind and deaf to the persecution of religion where this is carried through most consistently—in the USSR. Not to see the facts is impossible; must one conclude, then, that it is deemed expedient not to see, not to get involved? But if that is the case, what remains of Christianity?

It is with profound regret that I must note here something which I cannot pass over in silence. My predecessor in receipt of this prize last year—in the very months that the award was made—lent public support to communist lies by his deplorable statement that he had not noticed the persecution of religion in the USSR. Before the multitude of those who have perished and who are oppressed today, may God be his judge.

It seems more and more apparent that even with the most sophisticated of political maneuvers, the noose on the neck of mankind draws tighter and more hopeless with every passing decade, and there seems to be no way out for anyone—neither nuclear, nor political, nor economic, nor ecological. That is indeed the way things appear to be.

Before the mountains, nay, the whole mountain ranges of such global events, it may seem incongruous and inappropriate to recall that the primary key to our being or non-being resides in each individual human heart, in the heart's preference for specific good or evil. Yet this remains true even today, and it is, in fact, the most reliable key. The social theories which have promised so much have demonstrated their bankruptcy, leaving us in a dead end. The free

people of the West could reasonably have been expected to understand that their environment includes numerous freely nurtured falsehoods, and not to allow lies to be foisted upon them so easily. All attempts to find a way out of the plight of today's world are fruitless without a repentant return of our consciousness to the Creator of all: without this, no exit will be illumined, and we shall be unable to find our way. The means we have left for ourselves are too impoverished for the task. We must first recognize the horror perpetrated not by some outside force, not by class or national enemies, but within each of us individually, and within every society. And particularly in a free and highly-developed society, for in that case we have surely done everything by ourselves and of our own free will. We ourselves, in our daily unthinking selfishness, are pulling tight that noose.

Let us ask ourselves: Are not the ideals of our century false? And is not our glib and fashionable terminology just as unsound, a terminology which leads to superficial remedies being proposed for each difficulty? In every field of endeavor they all must be subjected to a clear-eyed review while there is still time. The solution of the crisis will not be found along the well-trodden paths of conventional notions.

Our life consist not in the pursuit of material success but in the quest of worthy spiritual growth. Our entire earthly existence is but a transitional stage in the movement toward something higher, and we must not stumble and fall, nor must we linger fruitlessly on one rung of the ladder. Material laws alone do not explain our life or give it direction. The laws of physics and physiology will never reveal the indisputable manner in which The Creator constantly, day in and day out, participates in the life of each of us, unfailingly granting us the energy and existence; when this assistance leaves us, we die. In the life of our entire planet, the Divine Spirit moves with no less force: this we must grasp in our dark and terrible hour.

Instead of the ill-advised hopes of the last two centuries, which have reduced us to insignificance and brought us to the brink of nuclear and non-nuclear death, we can only reach with determination for the warm hand of God, which we have so rashly and self-confidently pushed away. If we did this our eyes could be opened to the errors of this unfortunate twentieth century and our hands could be directed to set them right. There is nothing else to cling to, in the landslide: all the thinkers of the Enlightenment can give us nothing.

Our five continents are caught in a whirlwind. But it is during such trials that the highest gifts of the human spirit are manifested. If we perish and lose this world, the fault will be ours alone.●

EFFECTIVENESS OF BILINGUAL EDUCATION

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. CORRADA. Mr. Speaker, bilingual instruction in a limited English-speaking student's native language, as a way of helping that student gain competence in the English language, continues to be a debatable issue. What facts we do have on the subject appear not to be conclusive, and oftentimes title VII funded research provides us with contradictory findings and conclusions.

With this in mind, I continue to be amazed by those who are opposed to bilingual education instruction, who keep referring to research studies which they say suppport their view that no single approach is best.

The most quoted of recent research on bilingual education is a 1981 review of national and local evaluations performed for the Department of Education by Keith Baker and Adriana de-Kanter, titled "Effectiveness of Bilingual Education: A Review of the Literature." The Baker-deKanter review is often misinterpreted to suggest that such English-only approaches as "immersion" or English as a second language (ESL) are superior to transitional bilingual education (TBE).

Baker-deKanter analyzed some 150 evaluation reports on programs for limited-English-proficient children and found 28 studies that met their criteria for relevance and technical quality. Of these 28, 25 involved transitional bilingual education evaluation studies, comparing TBE with other approaches for teaching English. There were also analyses that compared children on achievement in mathematics. What Baker-deKanter actually found was that:

Eleven out of 25, or almost half of the evaluation studies, when comparing TBE and other approaches, favored bilingual programs as a strategy for teaching English.

There were effects favoring TBE on mathematics outcomes in 9 out of 15 comparisons.

In summary then, when comparing the different approaches in teaching limited-English-proficient children with transitional bilingual education approaches, the evidence favoring bilingual instruction over other approaches was more consistently significant and favorable across a range of studies than was the evidence for any other single strategy.

Mr. Chairman, I would like to submit for the record a chart which summarizes and substantiates my remarks. The chart is adapted from the Baker-deKanter review. I would also like to include a narrative which further explains the chart in more detail.

NUMBER OF COMPARISONS SHOWING EFFECTS FAVORING TRANSITIONAL BILINGUAL EDUCATION (TBE) FOR OUTCOMES IN ENGLISH AND MATHEMATICS

[In 25 studies reviewed by Baker and de Kanter [1]]

Type of comparison and effect	Type of outcome [2]	
	English language	Mathematics
TBE versus Submersion (standard English medium instruction):		
Positive	10	2
No difference	15	9
Negative	5	3
TBE versus English as a second language:		
Positive	1	1
No difference	3	NA
Negative	1	NA
TBE versus Immersion:		
Positive	0	0
No difference	1	1
Negative	1	0

[1] Adapted from K. Baker and A. de Kanter, Effectiveness of Bilingual Education: A Review of the Literature. Final Draft Report. Office of Planning and Budget, U.S. Department of Education, September 1981.

[2] More than 25 results are shown in the table because some studies contained more than a single comparison.

STUDY FINDS EFFECTS FAVORING BILINGUAL PROGRAMS IN ALMOST HALF THE EVALUATION STUDIES REVIEWED

Results from a recent Department of Education report indicated that 11 out of 25 or almost half of the evaluation studies looking at comparisons between transitional bilingual education and other approaches favored the bilingual program as a strategy for teaching English. Further, of the remaining studies, most showed no differences between bilingual education and other approaches, while only a few showed differences favoring other types of instruction. A small number of studies conducted on English as a Second Language were found to show inconsistent results, while the one relevant study performed on immersion approaches favored the immersion strategy. Nevertheless, the evidence favoring bilingual instruction over other approaches was more consistently significant and favorable across a range of studies than was the evidence for any single other strategy for teaching English to limited English proficient children.

These results are contained in a 1981 review of national and local evaluations performed for the Department of Education by Keith Baker and Adriana de Kanter titled "Effectiveness of Bilingual Education: A Review of the Literature." The authors analyzed some 150 evaluation reports on programs for limited English proficient children and found 28 studies that met their criteria for relevance and technical quality. Of these, 25 involved transitional bilingual education (TBE), some with more than one analysis that compared children on English language outcomes, and some with analyses that compared children on achievement in mathematics. A summary of the comparisons between TBE and other types of programs across the 25 studies is contained in the accompanying table, which reveals the number of findings favoring the bilingual programs. The table also shows the number of findings by the type of program with which TBE was compared. Among other results there were effects favoring TBE on mathematics outcomes in 9 out of 15 comparisons even though there were no differences between TBE and submersions programs on English language outcomes.●

HOLLAND, MASS., CELEBRATES ITS BICENTENNIAL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BOLAND. Mr. Speaker, on June 26, I had the pleasure of attending a bicentennial celebration in the town of Holland, Mass. The festivities, highlighted by a stirring performance by the U.S. Coast Guard Band, were an exciting beginning to a community-wide bicentennial observance that will last until September.

Holland is a typically beautiful New England town that has its roots deep in the history of our country. It was settled in 1730 by Joseph Blodgett, a pioneer of courage and vision whose descendants are still active in the daily life of Holland. In 1783, Holland became a distinct municipal entity and took its name from Lord Holland, a British nobleman who was a staunch defender of the rights of the American colonies in the debates held in the British Parliament prior to the American Revolution.

Holland's proximity to the Quinnebaug River has colored much of its history. Farms, tanneries, and various types of mills lined the river providing food and jobs for the town's residents. In 1865, a dam was constructed to provide water for the mills, and Holland Lake was created. In 1955, when a flood destroyed the dam, a cooperative effort by the Federal and State governments, and the people of Holland, resulted in a new dam being built.

Since the turn of this century, Holland has been a bustling resort community. The waters of Holland Lake provide ample opportunity for swimming, boating, fishing, and other forms of summer recreation. Anyone who has visited the town, as I have had the pleasure of doing on many occasions, cannot help but be impressed by its beauty, the friendliness of its citizens and their obvious pride in, and love for, their town.

Mr. Speaker, I want to congratulate the people of Holland on their town's 200th birthday. The bicentennial committee, chaired by Leo Gelineau, has done a magnificent job in planning a number of events to commemorate this historic occasion. The spirit that was evident to everyone who attended last Sunday's concert was a clear indication that not only will the bicentennial celebration be a success, but that there will be many more happy birthdays in Holland's future.●

SOVIET ESPIONAGE ON THE RISE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. YOUNG of Florida. Mr. Speaker, the countries change, but the headlines remain the same, "Soviet Official Expelled for Spying."

Already in the first 6 months of this year, 96 Soviets have been asked by 15 host nations to leave their diplomatic posts and return to the Soviet Union. Most often these expelled diplomats are charged with spying. They were known to have stolen or purchased sensitive military secrets, technology, or microfilm. Soviets have also been expelled for conducting effective active measures campaigns aimed at discrediting host nations.

The Swiss Government ordered in April that the director of the Bern bureau for the Communist publication Novosti be expelled because the bureau "served as a center for disinformation, subversion and agitation." Swiss authorities also said the bureau was used for the "political and ideological indoctrination" of young members of the Swiss peace and antinuclear movements and for planning street demonstrations.

The American people should not be fooled into believing this only happens in other nations. As a member of the Permanent Select Committee on Intelligence, I regularly receive information from the CIA and FBI concerning the activities of Soviet agents in the United States. FBI Director William Webster estimates that 1,000 or more of the 3,000 Soviet diplomats working in the United States are Communist agents or spies. Three Soviet agents were expelled from our country on April 21, for recruiting Americans as spies, purchasing secret documents about our weapons and aerospace systems, and obtaining other classified information.

The Soviets who are apprehended in the United States and other nations represent only a small number of those who actually are involved in spying activities and the amount of information that is confiscated from these agents is negligible compared to the amount the Soviets successfully smuggle out of these countries.

It is important that the American people know that the Soviets are aggressively engaged in espionage and active measures operations in the United States and throughout the world. The Intelligence Committee I have the privilege of serving on has held a series of hearings to examine these types of Soviet activities. The committee heard testimony in February 1980 from Ladislv Bittman, the former deputy chief of the Disinformation Department of the Czechoslovakia intelligence service, who was the first high ranking Communist disinformation officer to provide information to our committee about the variety and extent of Soviet propaganda and forgery efforts. At my request, the committee last July held another hearing on Soviet disinformation activities and heard testimony from Stanislav Levchenko, a former KGB active measures officer in Japan. Testimony about his experiences in Japan expanded our insight into Soviet active measures operations.

The testimony of these two former high-level Communist agents, as well as information we receive from other witnesses and U.S. intelligence officials confirms that the Soviet methods and aims of their disinformation and espionage operations are essentially the same in all countries, including the United States. Although much of the information we receive is classified, I have been able to release declassified portions of some of these hearings so the American people can be aware of the lengths to which the Soviets will go to achieve their ultimate goal of world domination. Without this type of information, Americans cannot fully understand the serious threat the Soviets pose to world peace.

Mr. Speaker, as part of my effort to help inform my colleagues and the American public, I would like to submit for the RECORD, following my remarks, a list of Soviet officials who have been expelled this year from nations throughout the world.

EXPULSIONS OF SOVIET OFFICIALS, 1983

SWITZERLAND

January 7, 1983: Two unidentified Soviet diplomats, one a member of the Soviet Consulate General in Geneva and the other an official of the Permanent Soviet Mission to the United Nations in Geneva, were expelled on espionage charges.

The Swiss Foreign Ministry charged the two diplomats with gathering information about papers required for "settling or getting married" in Switzerland. The ministery did not cite the signficance of such data, but Swiss media speculated that it could have been used by Soviet intelligence in establishing illegal agents in the country.

Since World War II, Switzerland has expelled more than 100 foreign diplomats and officials for espionage. Four-fifths of the deportees were from the Soviet bloc. The Swiss Government has said that since 1948 it has uncovered 240 spying cases, of which 160 were connected with East European countries.

GREAT BRITAIN

January 12, 1983: Vladimir Chernov, a translator at the International Wheat Council in London since 1978, was expelled for espionage.

DENMARK

February 10, 1983: Evgeniy Motorov, first secretary at the Soviet Embassy in Copenhagen since 1979, was expelled on espionage charges. Motorov had collected classified information on advanced military technology.

NETHERLANDS

February 13, 1983: Dutch authorities expelled Alexander Konoval, third secretary at the Soviet Embassy in the Hague, on espionage charges.

ITALY

February 14, 1983: Viktor Pronin, deputy commercial director in Rome for Aeroflot, and Italina microfilm expert Azelio Negrino were arrested on espionage charges. The two were apprehended as Pronin was about to pick up microfilmed plans of NATO installations in northern Italy and of the European-designed Tornado aircraft which was due to come into service with NATO air forces. Pronin, reported to be a KGB colonel, and other Soviet intelligence officers has approached Genoese industrialist Negrino a year ago and offered him "huge sums of money" in exchange for microfilms and other documentation of political and military secrets.

February 16, 1983: Two unidentified Soviet officials employed in Italy by the Soviet merchant marine organization "Morflot" were expelled on espionage charges, according to press reports. It is not known if they were involved in the Pronin affair.

FEDERAL REPUBLIC OF GERMANY

February 17, 1983: West German officials arrested Gennadiy Batashev, a KGB operative and Soviet trade mission member in Cologne. Batashev was charged with trying to buy documents on secret coding machines used in NATO countries and reportedly had offered his contact $2,000 for the documents.

ITALY

February 24, 1983: Viktor Konayaev, deputy commercial director of the Italian-Soviet petroleum shipping company Nafta-Italia, was arrested by Italian police for complicity in the Pronin affair.

SWITZERLAND

March 3, 1983: Swiss authorities expelled Lt. Col. Vladimir Lugovoy, Deputy Soviet military attache in Bern, for espionage. Lugovoy was detained by police as he was trying to make contact with a possible informant in Lausanne. Lugovoy's predecessor was deported last April after Swiss authorities apprehended him carrying classified documents concerning a third country.

FRANCE

Late March 1983: The French Government ordered the expulsion of 45 Soviet diplomatic and military officials and two Soviet correspondents based at various Soviet installations throughout France. Investigations by the French counterespionage service had found the Soviets "engaged in a systematic search on French territory for technological and scientific information, particularly in the military area," according to a French Interior Ministry statement. All 47 Soviets, known to Western intelligence agencies to be affiliated with either the KGB or the GRU, left France on April 15, 1983.

The Interior Ministry statement noted that the number of Soviet residents in France had increased by about 1,400 over a 10-year period, standing at 2,406 at the beginning of 1982. Of that group, about 700 were believed to hold official passports, an increase of about 500 over the 10 years. News agencies quoted French counterespionage officals as saying that about one-third of the 700 were considered professional intelligence agents.

The Soviet Embassy in Paris issued a statement on April 5 protesting the "totally unfounded and arbitrary" expulsion order. The statement said that the French Government would have to bear full responsibility for any "adverse consequences" for bilateral relations.

GREAT BRITAIN

March 31, 1983: British authorities expelled Soviet Embassy assistant air attache Lt. Col. Gennadiy Primakov and Soviet New Times correspondent Igor Titov for espionage. Another Soviet diplomat not in the United Kingdom at the time, second secretary Vladimir Ivanov, was declared persona non grata and will not be permitted to return.

SPAIN

April 1, 1983: The Spanish Foreign Ministry confirmed the expulsion sometime in March of an unidentified Soviet Embassy official for espionage. He was the 11th Soviet diplomat to be expelled from Spain since the re-establishment of diplomatic relations between Madrid and Moscow in 1977.

GREAT BRITAIN

April 15, 1983: British authorities expelled Soviet Embassy Third Secretary Anatoliy Chernaev in retaliation for the USSR's April 8 expulsion of a British air attache and correspondent.

UNITED STATES

April 21, 1983: Three Soviet diplomats—Soviet Embassy Military Attache Lt. Col. Yevgeniy Barmyantsev, and UN Soviet Mission employees Aleksandr Mikheyer and Oleg Konstantinov—were expelled on espionage charges. Barmyantsev, an identified military intelligence (GRU) officer who the FBI said was known to have tried to recruit Americans as spies, was apprehended April 16 as he retrieved eight rolls of undeveloped 35-millimeter film from a dead drop in rural Montgomery County; the film was reported to have contained photographs of classified US documents. Mikheyev, reportedly attached to the USA/Canada Institute in Moscow, was expelled for trying to obtain highly classified information from a congressional aide. Konstantinov, an identified intelligence operative, was apprehended by authorities April 2 on Long Island when he met an American from whom he was trying to obtain secret info about US weapons technology and the US aerospace industry.

AUSTRALIA

April 22, 1983: Soviet Embassy First Secretary Valeriy Ivanov, identified by Foreign Minister William Hayden as a KGB operative, was expelled on espionage charges. Foreign Minister Hayden said that Ivanov "threatened Australia's National Security" and in an April 29 interview charged Ivanov with "seeking to recruit spies," according to Australian radio.

SWITZERLAND

April 27, 1983: Soviet Embassy First Secretary and press attache Leonid Ovchinnikov departed Switzerland; newspaper accounts reported that Swiss authorities wanted him to leave.

April 29, 1983: The Swiss government ordered the closure of the USSR's Bern-based Novosti bureau, charging in a statement that it had been used as a center for the "political and ideological indoctrination" of young members of the Swiss peace and antinuclear movements and for planning street demonstrations. The director of the bureau, Alexi Dumov, was ordered expelled.

Swiss authorities said that the Novosti bureau had "served as a center for disinformation, subversion and agitation" rather than as a news agency.

IRAN

May 7, 1983: Eighteen Soviet diplomats—Nikolay Kozyrev (counselor), Gennadiy Avrilov (first secretary), Anatoliy Kachekov (counselor), Guseyn Guliyen (first secretary), Valeriy Samanyan (second secretary), Valeriy Markov (third secretary), Vyacheslav Zarya (first secretary), Viktor Kiselev (third secretary), Vladimir Kabalev (attache), Colonel Yevgeniy Sherifanov (military attache), Col. Andrei Verbano (military attache), Anatoliy Lapashin (deputy commercial attache), Yuriy Ogarev (commercial assistant), Vladimir Plakhtin (counselor), Major Aleksandr Pantelev (military attache), Mikhail Sharov (commercial assistant), Barkhas Artynov (consul in Esfahan) and Allakhverdi 'Asadollayev (first secretary)—were expelled for "interference in the internal affairs" of Iran through "establishing contacts and taking advantage of treacherous and mercenary agents," according to Tehran radio. Another broadcast reported that Soviet diplomats were told to restrict their activities and to try not to leave their homes, while the TASS bureau had been closed and Soviet banks and economic installations in Iran nationalized.

BELGIUM

May 13, 1983: Yevgeniy Mikhailov, director-general of Elorg, a joint Belgian-Soviet company specializing in the planning and organization of computer and information systems, was expelled on espionage charges. Mikhailov's predecessor, a Mr. Christoph, also was expelled from Belgium in 1976 for espionage. Mikhailov's expulsion was the result of illegal activities aimed at obtaining classified industrial and military information.

FEDERAL REPUBLIC OF GERMANY

May 17, 1983: Four Soviet officials—second secretary Yevgeny Shmagin, Col. Viktor Marchenko (both with the Soviet Embassy in Bonn), Boris Kozhevnikov and Oleg Shevchenko (both attached to the Soviet trade mission in Cologne)—were identified in a West German weekly as intelligence agents and reportedly recalled to Moscow. Shmagin was reported to have sought to enlist agents and influence the West German antinuclear movement; Marchenko (described as a GRU operative) sought secret data from electronics companies; Kozhevnikov had gathered secret information on medical research and sought to bribe industry officials with offers of trade and cash to gain secrets; and Shevchenko was reported to have recruited students as agents.

THAILAND

May 20, 1983: Soviet Embassy commercial officer Viktor Baryshev, identified as a GRU lieutenant colonel, was expelled by Thai authorities on espionage charges. Baryshev was apprehended May 19 while in possession of secret documents on Thai military installations and forces along the Thai-Kampuchean border.

JAPAN

June 21, 1983: Arkadiy A. Vinogradov, first secretary at the Soviet Embassy in Tokyo, was expelled for attempting to steal computer secrets and set up an industrial spy ring.

NORWAY

June 22, 1983: Lt. Col. V. F. Zagrebenev, assistant military attache at the Soviet Embassy in Oslo, was expelled for military espionage.●

H.R. 1242

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mrs. SMITH of Nebraska. Mr. Speaker, on the day that H.R. 1242 was reported out of the Merchant Marine Subcommittee to Merchant Marine and Fisheries full committee, 19 agriculture organizations sent a letter to the Members of Congress opposing expansion of maritime cargo reservation (preference). I urge every Member of Congress on both sides of the aisle to take special note of the contents of this letter and to cosponsor my resolution, House Concurrent Resolution 136 opposing further expansion of cargo preference.

The material follows:

JUNE 29, 1983.

Dear Representatives:

The undersigned agricultural organizations urge you to join a growing, bipartisan group of members of Congress in opposition to expanded maritime cargo reservation. We invite you to become an original cosponsor of the attached sense-of-the-Congress resolution, soon to be introduced by Representative Virginia Smith.

Expanded cargo preference on farm and fertilizer exports will increase consumer costs, eliminate jobs, depress producer income, and reduce foreign sales of U.S. agricultural commodities, value-added products and fertilizer.

Cargo reservation guarantees that a fixed percentage of U.S. cargoes must be shipped in U.S. commercial maritime vessels, which charge up to 300 percent above the world average. This additional transportation cost amounts to about 30 percent of the value of agricultural exports.

If passed along to our foreign customers, increased cargo preference costs will render American bulk farm exports uncompetitive. When added to U.S. import costs, foreign products, such as fertilizer, will become more expensive for consumers. The agricultural marketing chain will be forced to pass cargo reservation costs back to producers in the form of lost income.

When the U.S. Treasury is forced to underwrite cargo preference for government shipments, valuable tax revenues are lost. Last year, preference subsidies contributed at least $150 million to the widening federal deficit.

Lost farm trade also means lost jobs. Each $1 billion in agricultural exports employs 30,000 Americans. In fiscal year 1982, farm exports created $41 billion in additional business in the nonfarm community, business that would not have existed without those exports.

We urge you to support U.S. agriculture to prevent Congress from "taxing" American producers to pay for expanded maritime cargo preference programs. To become an original cosponsor of Representative Virginia Smith's resolution, please phone her office at 225-6435.

Sincerely,

Gary D. Myers, The Fertilizer Institute; Macon Edwards, National Cotton Council of America; Tim Clarke, Florida Phosphate Council; Elbert Harp, Grain Sorghum Producers Association; Roy Henwood, Millers' National Federation; George Watts, National Broiler Council; John Baize, American Soybean Association; Wayne Boutwell, National Council of Farmer Cooperatives; Alvin E. Oliver, National Grain & Feed Association; Robert E. Petersen, National Grain Trade Council; Carl Schwensen, National Association of Wheat Growers; Ed Anderson, National Grange; Michael Hall, National Corn Growers Association; Stephen Gabbert, Rice Millers' Association; Robert D. Fondahn, Protein Grain Products International; Joseph Halow, North American Export Grain Association; Sheldon Hauck, National Soybean Processors Association; Larry W. Kleingartner, National Sunflower Association; and Al Pope, United Egg Producers.

H. CON. RES. 136

Resolved by the House of Representatives (the Senate concurring):

Whereas the United States balance of merchandise trade was a negative $31.8 billion dollars in 1982;

Whereas the United States share of world exports has declined from 15.4 percent in 1970 to 13 percent in 1982;

Whereas one out of every eight United States manufacturing jobs is for export production and 20 percent of our industrial production is exported;

Whereas agriculture is the nation's largest employer with approximately 1,300,000 export-related jobs;

Whereas the value of agricultural exports has dropped 18.9 percent since 1981 and United States agricultural market share has dropped precipitously for such commodities as course grains, wheat, cotton, soybean meal and oil, * * * poultry;

Whereas increased ocean shipping costs will negate numerous United States efforts to promote exports;

Whereas current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

Whereas increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, non-ferrous refining, and paper industries;

Whereas trade barriers have proven harmful to United States industry, labor and consumers in the past;

Whereas world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

Whereas national defense interests will not be served by increased US-flag bulk capacity;

Whereas the Effective United States Controlled Fleet, which is controlled by United States companies and subject to requisition by the United States government, remains a strong and competitive force in the world's ocean shipping industry;

Whereas the U.S. Merchant Marine is uncompetitive in the world market with US-flag bulk shipping costs as much as 300 percent higher than the world average;

Whereas ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that further expansion of cargo preference, whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

JOHN BRADEMAS COMMENTS ON INTERNATIONAL EDUCATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SIMON. Mr. Speaker, I have earlier commented on President Reagan's ill-advised request for no funds for international education in fiscal year 1984 budget.

I have read that the Secretary of Defense has even expressed shock at such a devastating move, a move that would, if followed by Congress, seriously damage the Nation's ability to understand people and events in the rest of the world.

The time for action on the 1984 appropriation for education is fast approaching. I urge my colleagues to read carefully the excellent testimony of the author of the International Education Act, our former colleague and now president of New York University, Dr. John Brademas.

John Brademas speaks from two decades of experience on the House Education and Labor Committee and from his knowledge of the world generally and of the needs of the academic world. We are indebted to him for his comments on the crucial issue of international education funding.

STATEMENT OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

Mr. Chairman, I address you today from the dual perspective of one who served as a Member of Congress for twenty-two years and is not a university president.

During my time in the House of Representatives, I served on the Committee on Education and Labor, where I took part in shaping most of the legislation enacted during the last two decades to strengthen education at all levels. Since July of 1981 I have been president of New York University, the largest private university in the nation.

I should like to direct my comments today to a subject that was my principal concern during my former career, continues to be in my new one and, moreover, is a subject that deserves far more attention than it has received—international education.

It must be obvious to us all that none of the challenges of our time is more urgent—or more difficult—than building a structure of relationships among the nations of the world that will prevent war and encourage peace.

I firmly believe that one of the ways to achieve this objective is through greater knowledge and understanding of other peoples and cultures of this planet.

My intention in this statement, therefore, is to present the strongest case possible for funding of international education in fiscal 1984 at a level of $35 million: $30 million for

the range of programs and activities supported by Title VI of the Higher Education Act; and $5 million, the current level of funding, for a small but critical component of the Fulbright-Hays program.

In making this request, I am joined by higher ecucation institutions and associations, including the following:

American Council on Education.

Association of American Universities.

National Association of State Universities and Land-Grant Colleges.

American Association of State Colleges and Universities.

Association of American Colleges.

American Association of Community and Junior Colleges.

National Association of Independent Colleges and Universities.

Council of Independent Colleges.

Association of Catholic Colleges and Universities.

Association of Jesuit Colleges and Universities.

National Association of Schools and Colleges of the United Methodist Church.

National Association for Equal Opportunity in Higher Education.

Association of Urban Universities.

Additional, this testimony is being submitted with Princeton University, with whom NYU participates in a nationally recognized Center for Near Eastern Studies and with the endorsement of several sister New York Universities who share this concern, such as Columbia University.

As you know, Title VI of the HEA, currently funded at $21 million, constitutes the entire Federal effort in the sphere of international education. Through the 90 National Resource Centers located at institutions of higher learning throughout the United States, and through fellowship programs, research grants and outreach services, Title VI seeks "to assist in the development of resources and trained personnel for international study, international research and foreign language study."

Mr. Chairman, as a legislator I felt keenly the need to improve the capacity of our institutions of learning to produce the scholars and the research that could help us, as a nation, to better understand and communicate with other peoples of the world.

The justification for federal support of such efforts is straightforward and compelling: without a sure knowledge of other languages and cultures, the United States will not be able to compete effectively in the world marketplace, to ensure a strong defense posture, to conduct a rational and viable foreign policy.

Now, as the head of a major university, I have been impressed by the substantial progress our colleges and universities have made in developing and maintaining programs to meet the nation's needs for knowledge of foreign areas.

If I may refer to the university I know best, New York University has several strong language and area study programs. Prominent among them are the Hagop Kevorkian Center for Near Eastern Studies, the Institute of French Studies, Deutsches Haus, and the Center for Latin American and Caribbean Studies. New York University offers courses that focus on 34 foreign countries and sponsors 20 programs abroad. The NYU-Princeton Joint Center in Near Eastern Studies has been designated as a National Resource Center, one of twelve Middle Eastern Studies Centers in the country.

When I delivered my inaugural address as thirteenth president of New York University, I said that one of my principal objectives for our University would be to strengthen our programs in international studies and research.

I cite just two examples of new initiatives at New York University: We have just announced the creation next fall of a Center for Japanese Business and Economics at our Graduate School of Business Administration while this month we are starting an NYU Executive Management Training Program in Athens to provide business administration courses to senior level managers from Greek business and industry, both from private firms and public enterprises.

But, Mr. Chairman, New York University and other colleges and universities cannot be expected to assume this full burden of strengthening international studies and research for the Nation. Federal support is crucial to our efforts.

Let me outline for you the pressing need I see for an enhanced commitment to international education. I shall also demonstrate how the drastic cuts proposed by the Administration will severely impair our capacity to advance our knowledge of other nations of the world and thereby endanger our economic health and national security.

We live in a time when information, trade and people move with unprecedented speed across national borders. We can all prosper—indeed, survive—only if we have a deeper and broader knowledge of the countries and cultures of this planet. Americans need to advance their understanding of other peoples and countries and help them—in turn—better understand us.

The globe on which we live is, in the universal scheme of things, small and interdependent. As one commentator has noted ". . . what was until recently the American century has turned into the global century." Conflicts in the Middle East, civil war in Central America, unrest in Poland, a poor grain harvest in the Soviet Union, the invasion of Afghanistan—these are all events that reach far across international borders.

In such a world, how well are we preparing the Americans to understand other nations, other cultures, other peoples? And how well are we preparing other peoples to understand us?

In my view, we are not doing very well.

There is simply no question that the people of the United States, in whose lands, for better or for worse, lies much of the responsibility for building a peaceful and stable world, must do a far better job of learning about the rest of it.

Four years ago, let me recall, a 25-member Commission on Foreign Language and International Studies, chaired by James Perkins, former President of Cornell University, reported to President Carter on what the Commission described as America's "scandalous incompetence" in foreign languages.

The Commission members declared themselves profoundly alarmed by the results of their inquiry. Here are two of their findings:

1. Over 40 percent of twelfth graders were unable to place Egypt correctly on a map while 20 percent were equally ignorant about the location of France or China.

2. Only 15 percent of American high school students studied a foreign language, down from 24 percent in 1965; and the decline continues.

The recent report from the National Commission on Excellence in Education said that in 1980 only eight states required that high schools offer foreign language courses and no state required that students take them.

The hostage crisis in Iran provided a dramatic illustration of our failure to understand another country and its culture. An analysis published in the New York Times noted that "for ten of the hostages' fourteen months in captivity, the United States negotiated with the wrong leaders in Iran, the secular, titular leaders rather than the religious leaders who held the real power."

Moreover, the United States is neglecting to educate other peoples about our values, purposes and policies.

Richard Gardner, former U.S. Ambassador to Italy, asserts that such neglect is the reason that "so many students, workers, and intellectuals in Europe, Japan and the developing countries are convinced that both the Soviet Union and the United States represent threats to their interests."

Misperceptions increasingly distort our relations with our European allies. Growing anti-American tendencies have been documented among Europe's young leaders, the so-called "successor generation," whose perceptions of America are shaped by Vietnam and Watergate rather than by Care packages and the Marshall plan.

How have such situations come about?

There is no single explanation for this costly and dangerous ignorance.

But whatever the reasons it seemed clear at one time that we as a nation were willing to extend our commitment to overcome that ignorance.

I was first elected to Congress in 1958, the year the National Defense Education Act became law, under the leadership of President Eisenhower and with support from both Democrats and Republicans in Congress. That, of course, was the year after the Soviets had launched Sputnik and shocked Americans into a reevaluation of the state of education in our country.

Our response to Sputnik was NDEA, a massive education effort to regain our international leadership in science and technology. Through Title VI of NDEA, we sought to strengthen our national expertise in foreign languages and area studies.

I am sorry to say that we have consistently failed to fund this Title adequately. In its first twenty-two years, the average annual authorization for Title VI was nearly $37 million but the average annual appropriation was less than one-third that amount. And despite an annual authorization of $75 million in the years from 1974 to 1980, the appropriation for Title VI programs never exceeded $17 million for any of those years.

Three years ago, when Title VI was expanded to embrace new activities and placed in the legislative vehicle of the Higher Education Act, the authorization for Title VI was cut by more than half. These cutbacks came at the same time that the President's Commission on Foreign Languages and International Studies, after a year-long survey of international education needs across levels of learning, was calling for an immediate Federal expenditure of $178 million.

If you would allow me a personal reminiscence, I also recall that the International education needs across levels of learning, was calling for an immediate Federal expenditure of $178 million.

If you would allow me a personal reminisence, I also recall that the International Education Act of 1966 of which I was author and which called for grants to colleges and universities in the United States to support study and research about foreign people and cultures and important issues in interna-

tional affairs, was similarly ignored in the funding process.

Although President Lyndon Johnson signed this Act into law, Congress never voted one penny to turn our sound intentions into effective action.

Yet I believe that had these commitments to international education we sought been carried through fully, we might have been far better prepared to deal with problems we have suffered in Iran, Vietnam, Central America and elsewhere.

Now I have been speaking up to this point of what I perceive to be the problems of inadequate support for programs of international education. Most distressing of all is that the present Administration is embarked on a drive to eliminate entirely funds for international education and research.

The Administration's proposed budget for fiscal 1984 calls for "zero-funding" of all foreign language and international studies in Title VI of the Higher Education Act.

I do not believe that Mr. Reagan has considered fully the devastating consequences of this drastic proposal.

Let us look more closely at what the impact would be for international studies in our country.

The Reagan budget would eliminate Federal funds for the 90 National Resource Centers for Foreign Language and International studies, depriving the Centers of the critical margin of support needed to maintain their activities.

Approximately 80 percent of the training in less commonly taught languages—such as those of Africa, Asia, the Soviet Union and Eastern Europe—is conducted through these Centers.

I do not think that anyone would dispute the success of Title VI in improving foreign language skills. The number of less common languages offered in American colleges and universities has increased from 37 in 1958 to 100 today. And despite declining enrollments in language programs overall, from 1968 to 1977 enrollments for less commonly taught languages increased by nearly 40 percent.

In the past five years, however, in the face of static funding, such enrollments have again started to spiral downward. It is especially distressing to witness the decline in the number of students learning the crucial languages of the Soviet Union, Africa, and Asia. A further cut in funds will only aggravate this bleak situation.

Federal funds have never supplied more than 10 to 15 percent of the actual operating costs of the language and area studies programs of the National Resource Centers. Yet this amount is crucial in enabling the Centers to attract other funds from institutional, state and private sources. Moreover, Federal support provides the margin of survival for critical center functions, such as the maintenance of costly library collections and support services.

The Administration's proposed cut-off of Title VI funds would also eliminate 700 graduate fellowships for intensive study of the languages and cultures of Africa, Asia, Latin America, the Middle East, the Soviet Union and Eastern Europe. Because such study often requires long-term research and training in the country of specialization, it is particularly expensive. Students, therefore, genuinely need these fellowships. The loss of these fellowships could also mean the loss of the next generation of faculty to teach foreign languages and international studies on our nation's campuses.

Yet another result of the Administration's ill-conceived proposal would be the elimination of support of programs to strengthen international studies at our colleges and universities through curriculum revision and faculty development. Currently, under Title VI, 35 institutions are receiving 2-year grants to improve the teaching of international studies. The Reagan budget would end such support. If you consider that the average college student takes just one course with international content and that only 5 percent of prospective teachers do so, the need for these programs becomes painfully obvious.

The Reagan requests would also cut Federal funds for university outreach and extension programs to upgrade precollege international studies, and would slash grants to send school administrators and teachers abroad to help them develop new curricula.

Finally, the Reagan budget would end Federal funds for programs to improve the international understanding and expertise of our country's businessmen and women.

A survey by D. Richard Lambert, Director of the Southeast Asian National Resource Center at the University of Pennsylvania, provides graphic and specific evidence of what such budget cuts would mean for our colleges and universities.

If Mr. Reagan has his way:

At the University of Illinois, the professional library staff that administers one of the country's few Soviet Reference Services will be disbanded. The facility and its staff are an invaluable resource for business, government and other sectors, annually training some 280 librarians from across the country in biblographic work on the Soviet Union and serving as a clearing house of all information—economic, military, political—on the U.S.S.R.

Indiana University would be forced to discontinue training in the Sino-Soviet, Soviet-Afghan and Soviet-Iranian border languages, a program so important that intelligence agencies hire students away before they complete their program.

At the University of Texas the work of a publisher which for years has provided the most reliable information available on Latin America will be severely impaired. If one considers our problems in El Salvador, Nicaragua and elsewhere, the need for this service is apparent.

At the University of Pittsburgh courses on international security analysis and public policy would disappear while at Georgetown University, one of the country's few training centers for translators and interpreters, activities would be severely hampered.

Let me observe here that the value of the services and programs I have cited are not restricted to the higher education community. Title VI supports a range of activities to aid elementary and secondary schools, businesses, government and the media.

For example, the Princeton-NYU Center on Near Eastern Studies, one of the 90 National Resource Centers supported by Title VI, not only offers a formal academic degree program but sponsors informal lectures, films, and exhibitions and provides information and service to businesspeople, journalists, government officials, and the wider public.

Because of the dramatic events of the last few years in the Middle East—the taking of American hostages in Iran, the Iraq-Iran war, the resurgence of Islamic fundamentalism, the crisis in Lebanon—the Princeton-NYU Center has received and responded to an unprecedented number of inquiries and requests for information from our faculty, from business and government groups.

It is ironic that Mr. Reagan is urging steep cuts at a time of increasing evidence of the need for more rather than less international education and exchange.

The National Council on Foreign Language and International Studies issued a report last year—"National Manpower Targets for Advanced Research on Foreign Areas"—that in a careful and comprehensive way documented our need for more well-educated specialists concerned with foreign languages and areas.

The Task Force which prepared this document said, "As measured by any reasonable standard of what we need to know about the rest of the world, we (the United States) are faltering badly."

The Task Force warned that "the vulnerability we invite by neglecting fundamental and applied knowledge and research about foreign areas threatens our security and our commercial, diplomatic and cultural interests. Though less visible, it is no less serious than the vulnerability we would face through neglect of our military preparedness."

Another recent report from the International Research and Exchanges Board noted that the Soviet Union probably has three times as many academic specialists working on American foreign policy as we have working on Soviet foreign policy.

It is dismaying to learn that the Soviets annually offer Latin Americans nearly 5,000 fellowships, 10 times the number the United States makes available to Latin America. In 1980-81 for example, the Soviet bloc countries provided 105 fellowships to students from El Salvador, compared to 18 offered by the United States.

Now everyone knows that a cornerstone of President Reagan's programs is voluntarism. I for one would be delighted if the corporate sector and private foundations were able to fill the void left by the elimination of Title VI funding. But you and I know that this is impossible.

A wholly unprecedented and impossible level of corporate and foundation support would be necessary even to approach replacing all Federal dollars cut by Mr. Reagan—cuts for education, the arts, social welfare and other programs.

Let me make yet a different point.

I do not believe that it is even appropriate public policy for our national government to abdicate its responsibility to help strengthen international studies and research. This is now an established national purpose that is far too vital to our economic strength and defense posture to be left to private philanthropy.

I remind you that the National Commission on excellence in Education in its recent report said, "The Federal government has the primary responsibility to identify the national interest in education."

I would further observe that I and my colleagues in the higher education community are not alone in our concern about the adverse impact of a cutback in funding for international education and foreign language studies.

Only two months ago, Secretary of Defense Caspar Weinberger wrote to Secretary of Education Bell urging restoration of Title VI funding to at least its current level. In that letter (attached to this statement), Mr. Weinberger reminds Mr. Bell that our Armed Services Committees were so concerned about the erosion of our national ex-

pertise in foreign language and international studies that they mandated a Defense Department study to assess the need for "a national research resource base" to promote the study of foreign languages and nations. Mr. Weinberger further notes that the defense and academic leaders conducting this study agree with him about the seriousness of cutting Title VI.

"Consequently, I would urge you to consider restoring, and if possible, increasing the funds for International Education and Foreign Language Studies," concludes the Secretary of Defense.

Let me then close my remarks by saying simply that it must be evident that so perilous is our common life on this precious earth that we must, all of us, commit every fiber of our minds and spirits to the quest for a stable peace and a world of freedom and justice.

To be able effectively to pursue this most important of objectives, however, we must know and understand one another, at least know more and understand more than we do today.

I believe that this is a special responsibility of our colleges and universities—even as it is of our elected leaders.

I urge you to appropriate $35 million for Title VI programs for fiscal 1984.

THE SECRETARY OF DEFENSE,
Washington, March 11, 1983.

Hon. T. H. BELL,
Secretary of Education,
Washington, D.C.

DEAR TED: I recently learned that the proposed 1984 budget for "International Education and Foreign Language Studies," (Title VI of the Higher Education Act of 1980 as amended and Sec. 102(b)(6) of the Fulbright-Hays Act), has been reduced from its 1983 level of $26 million to zero.

I am seriously concerned about the zero-funding of this program, and would urge you to consider restoring these funds at least to the 1983 level. My concern is shared by other officials within the Department of Defense, and members of the academic community on whom we depend for both a solid research base in area studies, as well as for production of foreign language specialists.

The erosion of our national expertise in foreign languages and area studies is also of concern to House and Senate Armed Services Committees. The Conference Report accompanying the Department of Defense Authorization Act of 1983 requires Defense to undertake an assessment of the need for "a national research resource base which promotes the study and understanding of foreign languages and nations, in particular, the Soviet Union. . . ."

We are now in the process of conducting this study as required by the conferees, and expect to have a report of our findings and recommendations available within a year. We will be happy to keep you or your staff informed of our progress. Working with us on this project is a group of distinguished leaders in this area, drawn equally from the defense and adademic communities. It was the consensus of this group that the elimination of funds for International Education and Foreign Language Studies will seriously impair the nation's ability to maintain even a modest program in this area. I understand that this cut eliminates funding for the nation's 90 Foreign Language and Area Studies Resource Centers, 14 of which focus on the Soviet Union and Eastern Europe; 700 fellowships for students to pursue advanced degrees; the nation's entire research program devoted to developing teaching materials for 170 different foreign languages; and funding for four Fulbright-Hays programs that in the past have annually supported more than 1000 scholars, teachers and prospective teachers in foreign languages and area studies.

Consequently, I would urge you to consider restoring, and if possible, increasing the funds for International Education and Foreign Language Studies.

Sincerely,

CASPAR WEINBERGER.[1]

FRUITS OF THE REVOLUTION: ETHNIC AND RELIGIOUS PERSECUTION IN TODAY'S NICARAGUA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to call the attention of my colleagues to a press release from the Anti-Defamation League of B'nai B'rith regarding persecution of the Jewish community in Nicaragua. In addition, my friends in the House will also find a recent communique concerning the Catholic Church in Nicaragua equally interesting. I have provided the text of the statement concerning the church in Nicaragua.

It is truly unfortunate that the revolutionary Government of Nicaragua has chosen to force the small Nicaraguan community of Jews into exile. The Sandinistas have confiscated Jewish-owned property, and have taken over the only synagogue in Managua. I am certain that all of us will agree that this uncalled for action is inexcusable and represents blatant anti-Semitism.

The forced exodus of the Nicaraguan Jewish community, numbering about 50, took place after the Somoza regime was overthrown. Their ouster was reportedly effected by subtle and direct threats or by forcible measures. After the 1979 Sandinista victory, the president of the Nicaraguan Jewish community, a 70-year-old man, was jailed. He was falsely accused of stealing land and was forced to sweep streets during his confinement. Six months later, the Sandinistas summarily ousted him from his factory and took it over. A Jewish engineer who was traveling outside of Nicaragua when the Sandinistas took control, was told by the Government that he should not return to his country "for his own safety because he and his brother-in-law were considered enemies of the revolution."

In addition, the Sandinistas converted the synagogue in Managua into a childrens' social club, covering exterior Stars of David with propaganda posters and adorning the inside walls with anti-Zionist propaganda.

Even though there is no longer a Jewish community in Managua, a Nicaraguan newspaper, which often reflects Government policy, published articles which were filled with anti-Semitic statements. The Sandinista Government was unresponsive to the B'nai B'rith's Anti-Defamation League's appeals to end these human rights violations. Why has that troubled government turned on a small helpless ethnic group?

Perhaps Nicaraguan Foreign Minister Miquel d'Escoto Brockman's problems with the Jews in Managua stem from his perception of Israel and its so-called role in Central America. The Foreign Minister recently said:

> There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion.

Although I am shocked at what the Sandinista Government has done to the small Jewish community in Nicaragua, I really should not be surprised. The blatant anti-Semitism of the Soviet Union and the Cuban Government has been exported to its friends and allies across the sea in Central America. It would appear to me that the salesmen of communism should change their sales pitch. They should say that a true Communist revolution brings opportunities and benefits to everyone except the Jewish community.

In addition to expelling the Jews from Nicaragua, the Sandinistas have launched an all out attack on the Catholic Church in that almost completely Catholic land. After gratuitously insulting the Pope during his recent visit to Managua, and cat calling while His Holiness was saying mass, the regime is now trying to eliminate Catholicism from that country. Just recently, a high Sandinista official told the head of the Vatican delegation that Nicaraguan Archbishop Obando y Bravo was "an enemy of the revolution." Others in the Government have described him as a "counterrevolutionary."

I believe that the regime is striking out at the church and at the Jews because that revolution has failed. To draw attention away from its own failings and broken promises, the Sandinistas are attacking so-called external and internal enemies. Let us think about the unfulfilled promises of that revolution. Where is the pluralistic government and the free elections that were promised? Where are the real and effective social and economic reforms that the poor masses were guaranteed? Why are the stores in downtown Managua bare and basic consumer items hard to find? Where are the moderates in the present Government? All forced out of the regime? Why have so many active supporters of the revolution left that Government to take up arms against it? Where is the mixed economy that the

original revolution promised? Why did they court the West in the early days of the revolution to the tune of $1.6 billion in economic aid from Western nations, to include $124 million in assistance from the United States, and then run to the Cubans and the Soviets?

The Sandinistas have radicalized the revolution and are trying to convince all Nicaraguans that communism is the answer and the ultimate panacea which will cure the nation's ills. The so-called representative government in Managua is feeding communism to the poor and unsuspecting peasants in that country, and the peasants and others are now beginning to realize that they have been sold a bill of goods. Let the buyer beware. In spite of the Sandinistas' efforts to convince the masses in their country that the United States, the "Contras," the Catholic Church, and Nicaraguan Jews are the real enemies of the revolution, the basic facts show that the revolution has failed and that no amount of crying wolf about external and internal enemies will save that shabby effort.

With these thoughts in mind, let me recommend the following Nicaraguan bishops' statement, which refers to the Sandinistas' efforts to disrupt the Pope's visit, to all of my friends in the House.

We, the Bishops of the Episcopal Conference of Nicaragua, together with the priests, religious members and laymen, with faith in Christ and His church, wish to express our feelings concerning the Pope's pastoral visit to our country.

First, once again, we are thankful to the Lord for the invaluable grace of having among us the vicar of Christ, who with paternal kindness wanted us to share the richness of his enlightening word, full of faith, hope and love, in order to give us courage and strengthen our faith in God and His church.

It is therefore, a great consolation to know that the Pope's word has been received with gratitude, veneration and hope by the Nicaraguan Catholics, and undoubtedly will produce fruits in our Catholic people, who distinguish themselves by their generosity and love toward the church.

In contrast to these wonderful and growing attitudes, we have to regret and strongly disapprove the unparalleled lack of respect shown against the eucharist sacrament and the vicar of Christ himself, not by the Catholic people—who were the vast majority—but by a minority who acted with the idea of turning a solely religious and church act, as is the sacrifice of the mass, into a political party act on the afternoon of the fourth of March in Managua.

We are also glad to verify that the attitude of the Catholic people—who were the majority—and its priests, who spontaneously and quickly responded by expressing their discontent through acts of penance and vindication, and we wish that this attitude, proof of the great faith of our Catholic people, be a stimulus to consolidate and confirm their traditional devotion to the eucharist sacrament and their strong and absolute support of the Pope, pastor of the world's people.

We call upon all the faithful Catholics of our diocese, so that they remain intimately united with the Pope, to offer through sacrifices, prayers and the study of his messages, a true expression of the Gospel, the true bread of the word of God, to give them life.

May the Virgin Mary's meditation help us, the Nicaraguans to be always constant in our vocation of unity and fidelity to the true church.

Issued in the city of Managua, on the twenty fifth day of the month of March, nineteen hundred and eighty-three. Feast of the ascension of the Lord.●

JESUS WAS A COMMUNIST: MARYKNOLLS ARE AT IT AGAIN

HON. LARRY P. McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McDONALD. Mr. Speaker, Patrick J. Buchanan recently wrote a very interesting column on a book being touted by the Maryknoll Order of the Catholic Church by one, Jose Miranda. This column appeared in Human Events of July 2, 1983. The book, according to Buchanan, describes how we all have misunderstood Christ's teaching all these years. He really preached revolution on Earth. Mr. Buchanan describes how this book appears to fit the predilection of the Maryknoll Order revolution and revolutionaries. I commend the item to the attention of my colleagues, who I feel should weigh Maryknoll testimony on Capitol Hill accordingly.

MARYKNOLLS ARE AT IT AGAIN

(By Patrick J. Buchanan)

Upon some religious teachings, it has seemed heretofore all Catholics were in concurrence: That Jesus Christ, the son of God, was sent by the Father to redeem mankind through his agony, suffering and death. That he came not to establish a temporal kingdom, but to lead men to the Kingdom of Heaven.

Well, apparently, we had it all fouled up. So claims a new "Biblical manifesto" lately published by Maryknoll, the foreign missionary service of the American Catholic Church. Jesus, you see, "had the character of a hardened revolutionary," he engaged in "revolutionary political activity," he "was executed for political sedition." "Without a doubt, Jesus had placed himself at the head of a burly group of his followers in an action which can only be characterized as an assault on the temple."

The title of this manifesto from which the above is a representative sampling is "Communism in the Bible." Its author, Jose Miranda. Its message: Jesus of Nazareth was the first Sandinista, an avowed Communist whose revolution collapsed because it was a "Communist island in an economic sea characterized by exploitation" of the poor. "For any Christian to claim to be anti-Communist," writes Jose, "without a doubt constitutes the great scandal of our century."

What of the Polish pope, his Holiness John Paul II? Well, in opposing communism, the "pope and the other powerful ones are not fighting atheism, but us who are Christians, who believe in God and Jesus, and who only want to see the Gospel become reality."

And that often quoted passage in which Jesus tells the disciples, "My Kingdom is not of this world"? Well, we must understand, Jose explains, this is a Biblical mistranslation, hoked-up by "escapist theologists" who wish us to focus on some future paradise.

"Jesus never said his kingdom is not of this world. It is so simple that it is unthinkable that this text can have been appealed to in good faith for centuries in order to place the kingdom in another world when the exact opposite is explicitly taught in all the other texts of Old and New Testaments. Including the Lord's Prayer. . . ."

"To speak of a kingdom of God in the other world is not only to found new religion without any relationship with the teaching of Christ. . . . It is to assert exactly the contrary of what Christ teaches. . . . The fact that tradition has taught for centuries that the Kingdom is in the other world only demonstrates that the tradition betrayed Jesus and founded another religion completely different."

"For Jesus, whether Conservatives like it or not, was in fact a Communist. . . . Judas 'carried the purse,' so they had everything in common, and each received according to his need."

While I had never thought of Judas as a bag man for Judean Bolsheviks, let us not impede this pilgrim's progress. Jesus enjoined us to feed the hungry, did he not. Jose asks. "How are we going to get food to all who are hungry, if we leave the means of production in private hands, which necessarily destines these means to the augmentation of capital, not to the satisfaction of the needs of the population?"

Who are the enemies of true Christianity? The answer is repeated and repeated: the rich, who are indistinguishable from the "unjust." Where many of us were taught that evil resides in the human heart, Miranda patiently instructs, in his chapter, "The Problem of Evil: A Social Problem," that "this so-called problem of evil has served exegesis as a pretext for distracting itself from the true message of the Bible, which is a tightly packed condemnation of wealth."

Indeed, the Bible fairly commands us to become active revolutionaries: "To the extent that one does not participate in the revolutionary struggle, one participates in the benefits of a society which lives essentially by exploiting and oppressing the poor. Merely abstaining from the struggle continues aiding and abetting criminal acts, and therefore, constitutes complicity."

But, surely, Jesus of Nazareth, the Prince of Peace, did not preach violent revolution. Wrong, again. Violence "is not only permitted, it is commanded, by the one true God." "Jesus explicitly approves and defends the use of violence. It is dogmatic theology, not Jesus, which has decreed that the characteristic of Christianity is non-violent, nonvindictive justice."

"It is criminal to defend repression by the procedure of quoting to the oppressed the verse about 'turning the other cheek.' Supporters of official theology will have to be punished for discouraging the struggle against injustice with this verse."

One gets the impression that Jose, who preaches violent revolution from an academic armchair in Mexico City, is unlikely to do much of the punishing, or revolutionizing for that matter, other than with the foolscap in his typewriter.

But Jose's doctrine that Fidel is following in the footsteps of Jesus is not the issue here. What is the Maryknoll Order of the Catholic Church doing funding publication of a book that preaches class hatred, exalts violence, denigrates transcendence, contradicts church dogma concerning the nature of Christ, mocks church tradition, and insults the pope?

Why do the American bishops continue to permit the Castroite fathers of the Maryknoll Order to spread their heretical horse manure right where the flock is supposed to graze? Why have the publishers of Orbis Books, Maryknoll House, not been sent packing with Sister Mansour? ●

AIRCRAFT FIRE DANGERS

HON. GEORGE E. BROWN JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROWN of California. Mr. Speaker, since the Air Canada fire earlier this month, Americans have been more aware of the dangers of fire on aircraft carriers. Recently, the Federal Aviation Administration indicated that they will be issuing new regulations requiring a protective coating on airplane seats to make them more fire-retardant. I commend the FAA actions, but there is still more that can be done by individuals and legislators. I recommend to my colleagues an article in the Christian Science Monitor by Mr. William N. Plymat. His correlation between drinking, smoking, and fires is especially noteworthy.

[From the Christian Science Monitor, June 22, 1983]

HOW TO REDUCE FIRE DANGERS ON PLANES

(By William N. Plymat)

Investigators may finally conclude that an electrical short and not a carelessly discared cigarette caused the fire in the Air Canada jet earlier this month. But still there is a severe fire danger to the public from the combination of smoking and drinking on planes.

In the past few months a number of new bars have been constructed on concourses at the Chicago airport and I have observed many persons drinking before boarding planes. It may be true elsewhere. I've seen such a new bar in the Des Moines airport.

Thus in many cases a drink or two is obtained before boarding. Then on the plane first-class passengers get offered free drinks. Rep. Charles E. Bennett, Democrat of Florida, has a bill in Congress to ban free drinks and cigarettes from airplanes (HR 54). Some years ago there was a limit of "two drinks." Now attendants may refuse drinks only to person who appear intoxicated.

By the time lunch or dinner is served many passengers have had four or five drinks within an hour. In the air at 35,000 feet cabins are pressurized to an altitude of 6,000 to 8,000 feet and oxygen is limited so it takes longer to metabolize drinks. Some say that one drink at such altitude is equal to two on the ground at 1,000-foot altitude.

A passenger may have drinks before lunch or dinner and then have a cigarette. The passenger then goes to the restroom on the plane and remembers that a flight attendant reminded passengers at the start of the flight that smoking is not permitted in the toilet for safety reasons. And so an alcohol-impaired passenger looks for a place to drop his cigarette. And in such a case is very apt to be careless and drop it in the bin for waste paper towels.

This danger is further increased by the fact that cigarettes contain chemicals put there to keep them burning until usually they burn out in an ash tray after about 20 minutes. A bill to stop manufacturers from doing this is in Congress but appears to be locked up in a committee. Many wonder if campaign contributions to committee members from the tobacco industry have had an influence. In the New York Assembly recently such a bill passed by a vote of 123 to 13, in spite of extensive lobbying by tobacco interests, and it is hoped it will pass in their Senate.

What should be done?

The government or carriers could ban smoking and/or drinking on planes, and airports could close down their new bars. One Texas airline bans all smoking on its planes and seems to be doing well. Carriers could cut out the free drinks in first class and in several ways reduce the overall consumption on the planes.

A special reason for cutting out drinking on planes is the danger that exists in the case of crash landings. In such cases everyone is supposed to be off the plane in 90 seconds under Federal Aviation Administration rules. In the case of a packed plane there is real danger that an impaired passenger may move slowly or stumble and block aisles.

Automatic fire extinguishers and smoke detectors can be placed in all toilets on planes. And new inflammable materials can be used inside planes. Passengers can reduce their own personal risk too. They can start their flights on planes taking off early in the morning, enabling them in most cases to reach their destinations before the noon lunch period when drinking usually starts. Passengers can also advise one airline flying from St. Louis to Washington to drop its wine-tasting parties in flight. The airline serves three small glasses of different wines with refills offered to each passenger. And after that, they can buy drinks.

The public can also advise one carrier that brags about its new flying cocktail lounges on its large planes that it does not approve of this feature. And in some cases it can elect to travel on Amtrak.

(William N. Plymat, chairman emeritus of Preferred Risk Insurance Company, is a member of the U.S. Commission on Drunk Driving.)●

RODINO INTRODUCES BILL TO HELP INNOCENT VICTIMS OF CRIME

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RODINO. Mr. Speaker, I am introducting today, along with my colleague from California, HOWARD BERMAN, legislation that will authorize the Federal Government to assist State and local efforts to aid the innocent victims of crime.

For many years public concern about crime translated primarily into efforts directed at criminals—apprehending them, prosecuting them, and punishing them. While there was sympathy and concern for the victims of crime, for a long time little of a tangible nature was done to improve the lot of crime victims. Indeed, it has been pointed out that the criminal justice system actually victimized them again.

This bleak picture began to improve in recent years. Some 38 States established crime victim compensation programs to reimburse victims for out-of-pocket expenses incurred as the result of a physical injury caused by crime. In addition, in many places throughout the country, crime victim assistance programs have been established to provide victims with services designed to offer emotional support and to insure that victims are treated humanely. Some assistance programs focus on particular categories of crime victims—as is the case with rape crisis centers and domestic violence shelters—and some of them deal with crime victims generally as is the case with victim/witness assistance units in prosecutors' offices.

Last year the President appointed a Task Force on Victims of Crime to recommend steps that could be taken to insure better treatment for crime victims. That task force released its final report late last year, and I am happy to note that it recommended enactment of Federal legislation along the lines of the legislation that I am introducing today. The legislation will provide Federal aid for crime victim compensation and crime victim assistance programs and will do so with revenues from a crime victims fund that is largely raised from criminal wrongdoers—through criminal fines, forfeitures, and penalty assessment. In addition, as suggested by the President's task force, the excise tax on handgun transfers will go into the fund.

Mr. Speaker, my legislation will enable the Federal Government to aid programs that provide the innocent victims of crime with badly needed services and assistance. I urge my colleagues to support it.

A section-by-section analysis of the Victims of Crime Act of 1983 follows:

SECTION BY SECTION ANALYSIS OF THE VICTIMS OF CRIME ACT OF 1983

TITLE I—CRIME VICTIM COMPENSATION

Title I of the legislation authorizes federal assistance for crime victim compensation. Section 101 authorizes the Attorney General to make grants to eligible state crime victim compensation programs. The grant is for up to 50 percent of the "covered costs" (defined in section 103) of compensating the victims of state crimes, and for 100 percent of the "covered costs" of compensating the victims of crime that occur within the state that are subject to exclusive federal jurisdiction.

Section 102 sets forth the 6 criteria that a state crime victim compensation program must meet in order to be eligible for federal assistance:

First, the program must offer compensation for medical expenses and loss of wages attributable to a physical injury resulting from a "compensable crime" (which is defined in section 103 of the bill), and for funeral expenses attributable to a death resulting from a "compensable crime".

Second, the program must promote crime victim cooperation with the reasonable requests of law enforcement authorities.

Third, the program must be able to reduce an award to a victim to the extent of the victim's contributory misconduct.

Fourth, the state must be subrogated, to the extent of any award made to a victim, to any claim that the victim has against the person who committed the crime that gave rise to the award.

Fifth, the program must not, in the making of awards, discriminate against persons who are not residents of the state.

Sixth, the program must compensate victims of exclusively federal crimes occurring within the state to the same extent that it compensates victims of state crimes.

Section 103 of the legislation defines 3 terms used in title I. Section 103(1) defines "covered costs" to mean amounts awarded to crime victims as compensation, but it does not include any amount that is awarded for pain and suffering or property lose or that is double recovery for loss. Section 103(2) defines the term "state" to include the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of United States. Section 103(3) defines "compensable crime" to mean any crime that the state designates as covered by that State's crime victim compensation program.

TITLE II—CRIME VICTIM ASSISTANCE

Title II of the legislation authorizes federal assistance for crime victim assistance programs.

Section 201(a) authorizes the Attorney General to make grants to the chief executive of each state for the purpose of financially supporting qualified crime victim assistance programs. The chief executive, in carrying out section 201(a), is directed to promote the goal of providing the greatest possible number of crime victims and their families with the services described in section 202(2). Section 201(b) sets forth how grants under section 201(a) are to be allocated. Each state will receive a pro rata share of the first $7,200,000 available for victim assistance grants. The remaining money available will be distributed on the basis of state population.

Section 202 sets forth the 5 criteria that a crime victim assistance program must meet in order to qualify for financial support.

First, the victim assistance program must be established exclusively to provide services directly to crime victims generally or to any specific category of crime victims generally or to any specific category of crime victims and must be a nonprofit private organization, a program of a state or local government, or a combination of such organizations or governments or both.

Second, the program must provide crisis intervention services on a 24 hour a day basis without regard to the financial status of the victim, mental health counseling, and information about and referrals for (1) medical and mental health treatment, (2) victim assistance and compensation, and (3) the investigation and prosecution of crime.

Third, the program must promote coordinated community efforts to aid crime victims and their families.

Fourth, the program must utilize volunteers in performing services for which grants can be made under Title II.

Fifth, the program must demonstrate independent support by receiving financial support from sources other than grants under Title II.

Section 203 defines 2 terms used in Title II. Section 203(1) defines "state" to include the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States. Section 203(2) defines "crisis intervention services" to mean counseling to provide emotional support to crime victims in crises arising from the occurrence of crime.

TITLE III—CRIME VICTIMS FUND

Title III of the legislation sets up a crime victim fund for use in making grants under Titles I and II.

Section 301(a) establishes in the Treasury of the United States a Crime Victims Fund. Section 301(b) provides that this Fund consist of: (1) all fines collected in federal criminal cases; (2) the proceeds of all forfeitures in federal criminal cases; (3) the taxes imposed on pistols and revolvers under section 4181 of the Internal Revenue Code that are received in the Treasury; and (4) penalty assessments under section 3013 of title 18, United States Code, that are collected from defendants convicted of federal offenses.

Section 302(a) provides that grants under Titles I and II of the legislation can be made only from the Fund. Section 302(b) divides the revenue in the Funds between grants for victim compensation and grants for victim assistance. For any fiscal year, not more than 80 percent of the Fund may be expended for victim compensation. The remaining 20 percent, plus any part of the Fund that remains after grants for victim's compensation are made, are to be used for grants for victim assistance.

Section 303 ensures that states are treated equally in receiving victim compensation grants. It provides that each state shall receive the same percentage of its covered costs for compensating state crime victims.

TITLE IV—CHANGES IN CRIMINAL FINE LEVELS AND RELATED MATTERS

Section 401 amends chapter 229 of title 18, United States Code, to increase the maximum fines that can be imposed upon defendants convicted of federal crimes. The maximum fine levels will be the greater of the amount set forth in the provision defining the offense or the following:

(1) if the offense is a felony or a misdemeanor resulting in the loss of life, $250,000 if the defendant is an individual and $1,000,000 if the defendant is an organization;

(2) if the offense is a misdemeanor punishable by imprisonment of up to one year, $100,000 if the defendant is an individual and $250,000 if the defendant is an organization;

(3) if the offense is a misdemeanor punishable by imprisonment of up to 6 months, $50,000 if the defendant is an individual and $150,000 if the defendant is an organization;

(4) if the offense is a misdemeanor punishable by imprisonment of up to 30 days, $25,000 if the defendant is an individual and $75,000 if the defendant is an organization; and

(5) in any other case, $15,000 if the defendant is an individual and $50,000 if the defendant is an organization.

In addition, if the offense resulted in pecuniary gain to the defendant or death or serious bodily injury or loss, damage or destruction of property, the court may fine the defendant up to twice the gain derived or loss caused, if that amount is greater than the above. Finally, the court is directed, when determining whether to impose a fine (or the amount of a fine), to consider several factors, including the defendant's ability to pay, the pecuniary loss caused by the offense, and the need to deprive the defendant of illegally obtained gains.

Section 402 of the bill requires federal courts to impose a penalty assessment on all persons convicted of federal offenses. The assessment is $50 in the case of a felony and $25 in the case of a misdemeanor, and it is to be collected in the same manner in which criminal fines are collected.

TITLE V—EFFECTIVE DATES

Title V of the legislation provides that the Act takes effect on October 1, 1983 and that grants under the Act may be made with respect to the fiscal year ending September 30, 1984 and succeeding fiscal years.●

RESULTS OF QUESTIONNAIRE FROM THE FOURTH DISTRICT OF KENTUCKY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SNYDER. Mr. Speaker, I learned long ago that no matter how much we talk or how many pages of the RECORD we fill with sage comments, we are not the experts. We might like to think so, but we are not. The real experts are the people back home who have to live with the laws we dish out by the carload. They know our laws from daily experience. They know our regulations on a firsthand basis. When we do a good job, it is their success—and when we make a mistake, it is their misfortune.

This year again I asked the experts, the people of the Fourth District of Kentucky, to share their opinions with their Congressman through a questionnaire. Once again the response of the level-headed people of the Fourth District evidences that they care and are concerned about the direction of their Government. Thirteen thousand of them filled out and returned the questionnaires and many of them added their own personal comments and suggestions on a wide range of topics. Their thoughtful remarks have reconfirmed my belief that we would have more answers, fewer problems, and be in much better shape if more of us took the time to listen to the people we represent.

Since the questionnaire dealt with issues which are national in scope, my colleagues should find the results interesting. It is even quite likely that the opinions of the people in Kentucky's Fourth District might reflect the views of a good many of their own constituents.

The tabulations are self-explanatory but one point, in particular, caught my attention. That is, that in the Fourth District of Kentucky, there does not seem to be any overwhelming mandate for massive cuts in defense spending or for tampering with the tax cuts enacted in 1981. However, there is convincing support for cuts in food stamps, SSI, AFDC, et cetera, and even more overwhelming support for cuts in foreign aid.

Listening to the budget debate here on the floor over the past few weeks and months one could get the distinct impression that a good many of my colleagues have missed this message. Defense alone has been singled out for budget reductions. Foreign aid has been treated with kid gloves and the welfare budget has been padded with billions of extra dollars over and above the amounts requested by the President.

The results of this questionnaire indicate that my constituents do not accept the theme that has been bandied about ad nauseam here in the House that suggests that welfare programs have already been slashed to the bone and can stand no more cuts. These results indicate that my constituents do not accept the idea that foreign aid is some untouchable spending progarm that should be exempt from restraint. I suspect that if my colleagues checked, they would find that their constituents, by and large, agree with the people of the Fourth District.

Questionnaire results follow:

QUESTIONNAIRE

[Figures in percent]

	Yes	No	Undecided
1. To reduce the deficit, should Congress postpone tax cuts scheduled in existing law?	47.4	51.2	1.4
2. Congress is in the process of approving a $4 or $5 billion jobs bill. Should Congress follow up on this with another, larger jobs program?	25.6	73.2	1.2
3. Should Congress again propose the equal rights amendment to the Constitution and start the ratification process all over?	20.3	78.2	1.5
4. Do you approve of the way President Reagan has handled his job?	61.0	33.1	5.9

When Congress works on a budget, the budget is broken down into "functional areas." The following list outlines the amount of money President Reagan proposes to spend in 7 of the largest functional areas in fiscal year 1984. Together, these 7 functional areas (plus the interest on the national debt) account for 95 percent of all Federal spending. Indicate with an "S" if you would spend the same or more; or an "L" if you would spend less than the President has proposed.

[Figures in percent]

	More/ Same	Less	Undecided
5. Income security: $282.4 billion:			
a. Social security and civil service retirement—$207.8 billion	73.9	24.8	1.3
b. Food stamps, SSI, AFDC, unemployment compensation, and housing assistance—$74.6 billion	32.9	65.4	1.7
6. National defense: $245.3 billion	55.7	42.8	1.5
7. Health: $90.6 billion	65.7	31.7	2.6
8. Veterans' benefits: $25.7 billion	73.2	24.4	2.4
9. Education and training: $25.3 billion	66.2	32.4	1.4
10. Transportation: $25.1 billion: Highways, airport development, etc. (much of the jobs bill mentioned in question 2 falls in this area)	60.1	38.5	1.4
11. International affairs: $13.2 billion: Category includes foreign aid, international financial organizations, etc	13.4	84.6	2.0

DEMOCRACY AND TOTALITARIAN COMMUNISM

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McEWEN. Mr. Speaker, on Friday and Saturday, July 1–2, 1983, the Captive Nations Vigil Committee, a project of The National Center for Public Policy Research, has scheduled a commemoration of those people who have lost their freedom to Communist totalitarianism.

The first major activity to be celebrated on the Washington Mall is a 24-hour "Chronology of Betrayal" beginning at noon which will provide the history of those nations which have fallen to communism. Then at 1 o'clock on Saturday, the Committee will sponsor a "Commemoration Ceremony," at which time, captive national ethnic groups will be able to relate their own experiences in the loss of freedom.

I commend this effort in the days before our own Nation's celebration of Independence, and wish to submit my letter to the Captive Nations Vigil Committee in testimony to the importance of these activities:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 29, 1983.

Ms. AMY MORITZ,
Director, Captive Nations Vigil Committee, Washington, D.C.

DEAR MS. MORITZ: Allow me to commend your efforts, and those of your colleagues at The National Center for Public Policy Research, for your commitment to freedom and the commemoration of the victims of communism since 1917. I refer, of course, to the Captive Nations Vigil Committee's planned activities on the Washington Mall over the July 1–2 period, which will underscore America's moral obligation to support the efforts of free peoples resisting communist tyranny.

As we approach our own day of national celebration over the independence which we enjoy, it is fitting to recognize the plight of the people who have found themselves on the vanguard of communist oppression. Thomas Jefferson, who understood better then most the concepts of freedom upon which our nation was conceived, stated, "Eternal vigilance is the price of liberty." Fortunately, when America first called for help, the French, the Dutch and others were there to respond.

Not long ago, the United States Capitol was filled with shocking photographs depicting the mass murders carried out by the communist government in Cambodia during the last five years of the 1970s following the American troop withdrawal from Southeast Asia. These murders took place without regard for any legal or judicial process. The victims were often abducted and tortured before they were killed. While, perhaps, the worst example of communist atrocity since the Stalinist purges of the 1930s, it, nevertheless, graphically illustrates the real promise of communist "freedom fighters" elsewhere in the world.

Against the background of Cambodia, Ethiopia, South Yemen, Angola, Afghanistan, the Sudan, and earlier the countries of Southeast Asia and Eastern Europe, we will hear ample testimony from the victims of these countries. But we must remember that the tide has not yet turned. What is today happening in Central America is but the latest chapter in this ongoing saga. The Free World looks to America for hope. It is through our recognition of the experiences of these victims that we will meet this challenge, and uphold the cherished ideals and love of freedom of our forefathers.

For this reason, I offer my wholehearted endorsement of your activities on the Washington Mall, and encourage others to do likewise.

With warmest regards,
Sincerely,

BOB MCEWEN,
Member of Congress.●

JAMES C. MILLER'S COMMONSENSE FTC LEADERSHIP

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROYHILL. Mr. Speaker, a recent issue of Business Week contained a profile of the new leadership at the Federal Trade Commission. Under the leadership of James C. Miller III, the FTC has taken a more responsible approach to its consumer protection and procompetition missions. By substituting sound, thorough economic analysis for social theory as Commission decisionmaking criteria, Chairman Miller has gone a long way toward restoring commonsense to Commission deliberations, planning, and actions.

However, I must remind my colleagues that Chairman Miller is but one vote on a five-member Commission. There is still the prospect for unwarranted or ill-advised Commission action, despite the best efforts of the Chairman and his staff. Therefore, we must continue to devise means and procedures to protect against FTC regulatory excesses, a job we started with the 1980 FTC Improvements Act; and, a job which we may continue, and improve upon when we consider the FTC's reauthorization this year.

Mr. Speaker, I commend Chairman Miller for his efforts to get the FTC back on the right track, as discussed in the following Business Week article:

[From Business Week, June 27, 1983]

THE FTC'S MILLER PUTS HIS FAITH IN THE FREE MARKET

One of the best-known statues in Washington stands outside the Federal Trade Commission building. It depicts a man reining in a rampaging horse, and it is supposed to represent the FTC curbing the excesses of business. But of late it could well symbolize commission Chairman James C. Miller III checking the agency itself.

"I didn't come here to do business as usual," Miller declares. "I have strong views about what should be done." He says he wants neither to fire up the agency nor close it down. "I am trying to eliminate the excesses of the past and change the adversarial atmosphere," he says. He hopes that stance will appease critics so that the FTC can "retain the authorities that [it] needs to operate."

Its operations were broadly defined when Congress set the agency up: to go after "unfair methods of competition" and "unfair or deceptive acts or practices in commerce." The wording is so general that the FTC has often wandered into areas more social than economic. Miller wants to sharpen the focus, using strict economic analysis to bring specific cases rather than impose detailed rules on an entire industry.

SAFE, SENSIBLE, SOUND

The agency must rule shortly on the proposed joint venture of General Motors Corp. and Toyota Motor Corp. to build a small car in the U.S. The deal's size—$300 million—and opposition from other U.S. auto makers ensure that whatever the commission decides will be criticized. Antitrust ambiguities befog the case, but Miller devoutly believes that adequate data and economic analysis can pierce any gloom. "I anticipate that when I finish my review," he says, "I'll make up my mind quite strongly."

Such bedrock faith in economic analysis is at the heart of Miller's approach. That is not surprising. He earned a doctorate in economics from the University of Virginia in 1969, served on the staff of President Ford's Council of Economic Advisers, and was a resident scholar at the American Enterprise Institute. Since coming to the FTC, he has beefed up its Bureau of Economics and installed young lawyers who share his faith as heads of the consumer protection and antitrust operations. "What he's done is return the commission to where it can be viewed as a safe, sensible, and sound agency," says Alan H. Silberman, the Chicago lawyer who heads the American Bar Assn.'s committee on the FTC.

Miller's way is to move cautiously. He believes in prosecuting only when economic analysis proves that the marketplace is being harmed—and that the FTC can do something about it. That often means deferring to corporate judgment as to what is best for the marketplace. "[The regulators] are going to give more credence to the analysis businessmen make on how to promote their own self-interest," says Silberman.

But the agency cannot always bow to the wisdom of business. Although Miller rails at those who measure an FTC chairman by the number of cases brought, cases do have to be brought. The difference is that the staff now looks for ones where an economic injury is direct and demonstrable.

COOPERATION

As a result, FTC economists are assuming a bigger role. Wendy Lee Gramm, who heads the economics bureau, makes sure that proposed lines of attack really will make the marketplace more efficient. In the antitrust area, "we're particularly concerned about restraints on innovation," says Timothy J. Muris, head of the FTC's Bureau of Competition.

In consumer protection, the emphasis is on out-and-out fraud rather than such social problems as television advertising aimed at children. Under Miller, the commission has moved against such schemes as selling diamonds on the promise that they will go up in value, assuring investors that a particular agent can guarantee winning marketable oil and gas leases in government lotteries, and running help-wanted ads that are come-ons for questionable training programs.

The Miller FTC tends to opt for solutions that rely on industry cooperation. "An economic analysis can tell you what the incentives or disincentives are for a given industry or particular company to provide [for instance] more information to consumers," notes Carol T. Crawford, chief of the Bureau of Consumer Protection. "Is there some little way we can tinker that will flip the incentives to get what we want to get?"

If the market itself will solve a problem, then it should be allowed to work, Miller and company believe. However, Congress has given the FTC specific laws to enforce, such as the Equal Credit Opportunity Act. The commission used that law to attack finance companies that refused to lend to the elderly. But if the companies' refusal created a market vacuum for other finance companies to promote loans to the elderly, why didn't Miller simply let the market do so? "There just may well be some times when our judgment is better," the chairman ruefully admits.

A NEW MAJORITY

Miller is constrained by the fact that he is merely one of five commissioners. He can pick the bureau chiefs who oversee agency staffs, but the staffers themselves often have independent views. For instance, the commission is considering curbing finance companies' ability to collect overdue debts. The heads of the FTC bureaus argue that it would also raise costs and pinch off credit to the poorest risks. But staff members of the Consumer Protection Bureau are pushing for the measure anyway.

They may be successful. Many times, Miller has found himself on the losing side. Former Chairman Michael Pertschuk and the two non-Reagan Republicans on the commission, David A. Clanton and Patricia P. Bailey, do not share Miller's view that they must prove economic damage before acting. Their majority has approved what Miller calls "obvious departures from the agenda I have set," such as imposing extensive disclosure obligations on funeral directors, a move Miller says is not justified by the record. He also disagrees with an antitrust finding against Du Pont, Ethyl, and PPG Industries declaring that in a concentrated market it may be unlawful to warn customers—earlier than contracts require—of planned price hikes.

But the opposition is likely to dwindle. Clanton's term runs out in September. President Reagan's choice as a successor will probably be in the Miller mold. The most junior member of the commission, economist George W. Douglas, not only tends to agree with Miller but also co-authored a book on deregulation with him in 1974.

And the commissioners who differ with the chairman have little power to shape the agenda. Says Miller: "I probably do a lot less horsetrading than has typically been the case." The big question, however, is whether he really has broken the horse—whether he has redirected the agency in fundamental enough ways so that a change in the White House and at the FTC will not wipe away his reforms.●

TRIBUTE TO ENSIGN PAM CORWIN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SCHEUER. Mr. Speaker, and my colleagues, it is indeed a great pleasure to call to the attention of this Congress and our Nation the achievements of Ens. Pam Corwin and her recent victory in the Women's Intercollegiate Dinghy Championship.

Ens. Pam Corwin, USN, 1983 graduate of U.S. Navy Academy, Annapolis, Md., won first place in the Women's Intercollegiate Dinghy Championship. Ensign Corwin sailed to victory in division A, comprising the Nation's top female sailors.

The championship was held in Corpus Christi, Tex., June 3–6 with 16 colleges and over 90 sailors competing in the two division round robin finals. Ensign Corwin was the skipper of a 420 and M1c. Melanie Kirby crewed the winning sailboat.

The U.S. Naval Academy took first place with 126 points, followed by Tufts University with 140 points; third place was taken by Yale University with 147 points. The Perpetual Trophy is on display at the U.S. Naval Academy, Sailing Hall of Fame.

Following the championship, Ensign Corwin's election to honorable mention All-American Intercollegiate sailor was announced.

Ensign Corwin's next competition will be the U.S. Women's Double Handed Championship. The first and second place winners of the U.S. Women's Double Handed Championship will be sponsored by the U.S. Yacht Racing Union in the Women's Double Handed World Championship to be held during November in New Zealand.

Ensign Corwin has been sailing since the age of 5, entered and won her first regatta at the age of 9 and has been a member of the U.S. Naval Academy Sailing Team since 1980.

Ensign Corwin graduated from Mattituck High School and follows the family tradition of sailing. Her grandfather, Richmond S. Corwin of Southold, sailed actively on the Great South Bay as a young man. Her father, Richmond S. Corwin, Jr., better known as

Mike, has raced competitively on the east coast for over 35 years.

The Corwin family is one of Long Island's oldest families dating back to before the American Revolution. Ensign Corwin's parents, Mr. and Mrs. Richmond S. Corwin, Jr., are residents of Mattituck, Long Island, N.Y. and Annapolis, Md.●

MEDICARE'S FUTURE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SMITH of Florida. Mr. Speaker, the financial health of the medicare system is the next crisis the elderly and Congress will have to face.

Many articles have been written about solutions to the crisis. For the elderly there is nothing more frightening than to hear repeatedly that a program upon which they depend for their health care will reduce benefits and cost them more. Recently, the Miami Herald published a three-part series concerning medicare. I would like to share the concluding article which focuses on the human element that sometimes gets lost in the debate over cost. I hope that my colleagues will consider the suggestions made in this article as we consider the future of medicare.

The article follows:

[From the Miami Herald, May 4, 1983]

IN FUTURE, PATIENTS TOO "COSTLY" MAY DIE

(By Robert D. Shaw, Jr., and Jane Daugherty)

Rhythmic green blips on the heart monitor offer silent testimony that Medicare patient Celia Bate lives.

Her yellowed, motionless face on the white pillow prompts a second, reassuring glance at the blinking machine. Then a thin hand, a single black bruise from fingers to wrist, flutters as she turns to view the surgeon.

She tries to smile, but manages only to erase the grimace of pain for a moment. "He's the most wonderful thing," Bate, 70, says of Dr. Leon Manheimer.

Once, twice, three times in the last three weeks he has rescued Bate, a retired accountant, from almost certain death. Her pain is impossible to measure. The cost to Medicare so far amounts to $33,668.82 for hospital charges alone.

"Unfortunately, this is a big expense for Medicare," Manheimer says as he reviews her chart. "But what is a human life worth?"

His question foreshadows what promises to be a major national debate: Will America, through Medicare, ration health care to its old?

Everyone seems to agree that the geometric growth of Medicare spending is the fast track to bankruptcy of the federal health-care fund; costs must be controlled.

But at whose expense? That of patients? Doctors? Hospitals? Are the days of limitless Medicare spending over?

Will America tell some sick, old people that certain operations are too expensive, certain technologies unavailable, that their life expectancy is too short to warrant certain costly procedures?

Celia Bate did not have to face those questions. On April 13, Manheimer, 69, the respected chief of general surgery at Miami Beach's Mount Sinai Hospital, cut a 12-inch slash across her abdomen to expose a life-threatening tumor.

Two minutes into the surgery, the green-clad surgeon froze. "I was shocked when I saw the extent of the cancer," he says frankly. "The question was, should we do anything or not? There was no way to get it all."

Excising the half-pound tumor required an intricate triple bowel resection and cutting a temporary colostomy. In intensive care later, Bate almost died of respiratory failure. Then, potentially lethal juandice struck.

"She's still very sick. She's miserable. But she has a chance to go on to complete recovery with chemotherapy and radiation therapy," Manheimer said.

In a hoarse whisper, Bate said, "I've always been a fighter. I got polio when I was 18 months old. Need I say more? But I'm tired of fighting."

Manheimer agonizes almost daily over such suffering, such life-and-death decisions.

Working at a hosptial with one of the highest percentages of Medicare patients in the state, he estimates that three out of four of his surgical patients are covered by Medicare.

Like many doctors, he questions whether the federal government, through regulations and restrictions on Medicare coverage, should make such decisions.

"If Medicare tells you. 'For this type of operation, we'll cover [expenses] for two weeks,' what would happen to Celia Bate?" Manheimer worries. "What would a private, for-profit hospital say to her then? She is a valuable person, a lovely person. She has a good life. I think she's going to survive this. . . ."

UNNEEDED SURGERY

But there are some knife-happy surgeons, who, for the love of Medicare money, subject elderly patients to unneeded operations, Manheimer acknowledges.

"There's no question that there is some unnecessary surgery." he says. "But another case I have of a rabbi with a nonemergency hernia repair is an example of (some) so-called unnecessary surgery."

The rabbi is "young-old" by Manheimer's definition, an active 66-year-old with a pacemaker.

"There's no question that his hernia was not life-threatening, not an emergency, but I was able to use a local anesthetic subjecting him to less stress and minimizing the risk to his heart," he said.

Medicare will pay an estimated $1,730 for the rabbi's hospital stay.

Yet Reagan Administration officals say that there is simply not enough money to go around, that some way has to be found to staunch Medicare's outpouring of cash. And while few want to talk about it, a major dilemma that cost-cutters must confront is summarized in one staggering statistic:

Just 8.8 percent of all Medicare beneficiaries account for about 70 percent of Medicare's total annual outlays. This year, that amounts to $40.1 billion of the program's projected spending of $57.3 billion.

Of these, more than half—or 5.2 percent of all beneficiaries—are dying, most of chronic illnesses like cancer, congestive heart failure and emphysema:

Death comes slowly and expensively. One recent Medicare study said 28 percent of the program's outlays—or $16 billion based on this year's budget—was spent on people in their last year of life.

GADGETS GIVE LIFE

The remaining "high cost" patients—who will use a projected $24.1 billion in medical care this year—are by and large the beneficiaries of the revolution in technology and new procedures that has swept through American medicine. In many cases, they owe their lives to it.

They are literally kept alive on dialysis machines—at a cost of $17,500 a year. Their clogged arteries have been bypassed at a cost of $20,000; their heartbeats are regulated by a $10,000 pacemaker. Or, like Celia Bate, the ravages of cancer are held at bay by surgery, radiation and chemicals.

Some can see again because of a $1,500 cataract operation; others walk thanks to a $4,500 hip replacement. As more and more of the elderly live longer and longer—85 and older is the fastest-growing age group in America today—the demand for these services is certain to grow.

William Hsiao, professor of public health at Harvard University, defines the situation in these terms: "The present blank-check [Medicare] system is giving everyone a Rolls-Royce."

"I will argue that you want to give everybody a Volkswagen, but I do not necessarily see that America is rich enough yet to give everyone a Rolls-Royce [in medical care]."

The former chief actuary for the Social Security Administration's health-care programs, Hsiao projected that Medicare spending could be cut by 10 percent without "any decrease in the care that will restore people to some reasonable quality of life."

He suggests that by eliminating heroic measures in the care of people who have no hope of surviving to live an "enjoyable life," much pain and suffering could be saved in addition to Medicare millions.

But who decides?

Dr. Joanne Lynn, a professor of geriatric medicine at George Washington University, says, "Unless the patient and his family vigorously reject it, I, as a doctor, have more incentive to provide every service than to raise the issue of whether society can afford it.

"All I get for my troubles (if I limit care) is trouble—potential malpractice or criminal charges. But there's every incentive to treat vigorously: I make a lot of money."

To Lynn, who was the assistant director of the President's Commission on Medical Ethics, what's needed is "some shared notion of what is fair." But devising such a notion—particularly in the context of a politically aware and active elderly population—borders on the impossible.

"We can't—and we won't—be making decisions on who can have dialysis or heart bypasses or whatever," says Sen. David Durenberger (R. Minn.), chairman of the Senate health subcommittee. Instead, he advocates letting Medicare beneficiaries decide those issues by adopting a voucher system.

Vouchers, also advocated by the Reagan Administration, would give every Medicare recipient what amounts to a check in an amount roughly equal to the program's average expenditure for people of similar ages and geographic location. The recipient

could then purchase as much—or as little—health-insurance coverage as he believed he could afford.

"People are going to have to make these decisions for themselves. I don't think I should be making them (for them)." Durenberger says. "The marketplace is somehow going to have to tackle that."

Harvard economist Marc Roberts insists that the debate must focus on how to allocate scarce resources.

"Certain kinds of rationing are politically and morally unacceptable," Roberts says. "On the other hand, there are lots of ways that we spend (health care) resources that are not beneficial."

Roberts cited the widespread remodeling of still-serviceable hospital bed space as an illustration. Medicare now allows hospitals to "pass through" capital costs, that is, include in their charges the cost of such projects and their financing.

"That's total craziness," Roberts said, noting that one Massachusetts hospital elected to replace a 30-year-old building with a fancy new one. That will push the daily rate Medicare will pay for capital costs from $10 a bed to $250.

"That's not saving any lives," he said. "But Medicare will pay for it."

Dr. Robert Butler, former head of the National Institute on Aging, said he fears that Medicare rationing "may occur in a covert, non-deliberate manner" when people can't get into hospitals when they need to.

"Some of the rationing should occur at the expense of doctors' incomes," said Butler, a psychiatrist who now heads the geriatrics department at New York's Mount Sinai Hospital.

Instead, the Reagan Administration is taking a "blame-the-victim approach" that will have dire consequences for some older Americans, Butler said.

Perhaps so—but the likelihood for the immediate future is that neither the Reagan Administration nor any of its critics will be able to muster anything close to a political consensus on what to do about Medicare's costs.

"There's a basic element of human dignity involved here," says Rep. Henry Waxman (D., Calif.), who is considered one of the ranking congressional experts on health care. "Denying health care to people who are sick is inconsistent with our values."

What, then, is his solution?

"I don't hold out any hope for an absolute solution to Medicare's costs," Waxman retorts. "And frankly, I'm very skeptical right now of anyone who claims he does have the answer. We haven't even thought out the questions very clearly—yet."●

HUNGER'S IMPACT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, we can comprehend the true impact of hunger and the import of programs designed to alleviate it only when we take the time to listen to the personal experience of others. At the Macomb County hunger hearing, we were privileged to hear from several people who told of the despair that hunger can bring and the hope offered by the W.I.C. program, meals for the aged, the care and share program, and others.

I know it is very difficult for people to reveal this kind of personal experience, and I want to express my deep appreciation for their testimony. It is statements such as the following that I believe can move this country to a greater understanding of the problem of hunger and to a commitment to eliminate it.

HUNGER'S IMPACT—PERSONAL TESTIMONIES

First of all I'd like to thank you for your efforts in bringing this to Washington for all of us here. I've been laid off a year and a half. I've been a taxpayer for over 25 years. The last layoff was Christmas of '81. I went on ADC. I am an ADC father. I have a 14 year old son at home. It began in March when I first got on ADC. It took me almost a month and a half—we were out of everything. They were, they had no concern for some reason that we were not in need. They started job club program for us to pay us $1.80/day. It was a requirement to go to school for six weeks otherwise we would lose our ADC. There is about 25 people in there and their incentive was to find work is to pay you $1.80 for every job interview you went on. And the cost to go find work at a minimum wage is less money than you're making on ADC to spend $10 worth of gas to seek several jobs for minimum wage to receive $1.80 for each interview seems awful ridiculous to me, but this is their program or else you're off.

My car insurance has expired. I can't renew it, I haven't got the money. My license, it's on renewal, I can't buy that either. My phone is off. I have no transportation to go look for work if I wanted to. I have electrical shut-off notice here $102. They don't care. They want their money. I bet my Allstate is cancelled. I get $92 a month for my son and myself for food stamps. You don't have to be a mathematical genius to know that's $1.50 for each of us a day to live on. At the end of the month, it's pretty scant. If it wasn't for the Care and Share Program, the UAW put out, to give me some food for the last three months, I was beyond the end of it * * *

At the end of the month, it's hectic and when you bring this hunger back to Mr. Reagan, I wish you would tell him not to visit an average family in San Clemente—to come to Michigan and visit an average family at the end of the month and break bread in the house with no bread to be broken. And if he wants to fight my kids over the last box of Kraft Macaroni and Cheese, he's welcome to try. Because that's what it's down to. And it's ridiculous.

I'm not begging for money. I paid my dues. Over a quarter of a century I've worked and through no fault of my own economically we are down the tubes because of his policies and I'm not buying it. We need more, we don't need less. We have to raise our standards of living, not lower our standards of living. We're American citizens. We're not second class citizens, and I thank you again, and that's about all I have to say. —Tony Moscato's personal testimony.

I'm Catherine Wechorek and I live in Mt. Clemens, in one of those housing projects. I'm here to talk to you about what happened to me and my husband, Steve. We are both 64 and live in Mt. Clemens. We were starving last year. We lived in Warren in an upper flat that cost $380 including gas and electricity. Our income was $433 a month from SSI and social security. That left us with $53 a month. Before we moved, we didn't have much money. A lot of food we had to go without. We ate very little meat. Mostly ate canned goods. We didn't know what to think. We sat in the living room. I sat in the kitchen and our stomachs growling. In the middle of the month we just ate potatoes and macaroni. We didn't call anyone. We tried to pull the best we could. We didn't want to talk. We figured that we would be doing the wrong thing.

We never told our families much. I have a mother in a nursing home. A sister who is good to us. Two brothers in Detroit and Southfield. Steve has a sister in Florida who bought us three bags of groceries once. Friends helped us. They gave us cupcakes and on valentines day gave us a cake with a heart on it. But we still felt out of place because those stairs were so steep. Steve walks with a walker. He only got out of the apartment twice in two years, so we were castout.

Then we met Evelyn Powers who is an angel from the Council of Ages. She got us home delivered meals. When we first got the meals it was hard to get used to the food. We couldn't eat as much as before. I don't know. Maybe my stomach got smaller. When we got the meals, every day was a party. We were excited to see what the meal was. The volunteers were good, real polite and nice. Another nice one is Mr. Fox and Sandra Becks in the Mt. Clemens housing. Evelyn got us a real nice apartment and we now pay $79 a month. We get food stamps and take dollar rides to go shopping. We can even walk home using my little market cart to carry the food. I freeze frozen fruit in the summer and can cook my own meals. I am happier now. I joined the Y and went swimming. I joined the church and we have real nice times. We have parties, pick strawberries and have pancake breakfasts. Instead of going down hill, I feel myself coming up. My sister knows the change too and is glad. I can't forget what happened to us, but I can hope that it won't happen again. I am very grateful to the meals, Evelyn Powers, and the Council of Ages. Thank you.—Catherine Wechorek's personal testimony.

Hi, my name is Sandy. Speaking to you today is terrifying, but what scares me even more is the possibility of the WIC program being cut.

As a cashier in a grocery store I was familiar with the program for quite some time, but I never dreamed I'd be on it. It wasn't until I was without of a job and seven months pregnant that a neighbor suggested I apply for the program. I had lost 3 pregnancys and was having trouble with this one too.

I learned alot on my first visit at the WIC office. When I got pregnant I was 5 feet 6 inches tall and weighed 95 lbs. At 7 months I weighed 120 lbs. What my weight should have been when I got pregnant. The nutritionist there set up a balanced meal program for me. Six weeks later Luke was born weighing 6 lbs. 15 ozs.

Although my diet had improved, Luke and I were still having problems. Luke was not gaining enough weight and my body was not producing enough milk. I stopped nursing and Luke was started on the program.

At one year Luke weighed 13 lbs. and for awhile we were afraid that he would be diagnosed as failure to thrive. At this point it doesn't sound like the program works very well. What I have learned and now under-

stand is that it takes time to rebuild your body after you have depleted it. My body could not give to Luke what it did not have and that put Luke on a deficit. There are no quick miracles in nutrition.

I know the WIC program is successful. To me the WIC program is a complete program. They do more than just give information. Knowing that you should drink milk when you're pregnant doesn't help when you can make 3 gallons of Kool-Aid for the same price of a gallon of milk. What the WIC program does is also supply what you need for a balanced diet. But they don't stop there either. They also provide you with follow up visits with a nutritionist who helps you check on your progress and encourages you in the areas that your doing well. They also suggest alternatives in the areas you fall short in. This reinforces and gives you positive goals to work towards.

I know that the program works. When I became pregnant again I got right on the program. I weighed 120 lbs. at the beginning and gained 81 lbs. through the pregnancy. I didn't have a single problem in the whole 9 months. Rachael weighed 8 lbs. 5 oz.

Till the day I die I will always feel bad about the slow start Luke had. At 4 months Rachael weighed 13 lbs. At 2 years Luke weighed 26 lbs. Luke has always been small and I tried to accept that he would always be small. But because of the continued help from the WIC program he makes progress. We can't imagine what would have happened if he wasn't on the program. The sweetest words I've ever heard and the best testimony WIC could ever get happened twice in the same week. Last week while talking to other mothers on 2 separate occasions someone commented on how big Luke was for his age. I thought I was going to cry.

If the WIC program were cut today I would be part of a sad success story. Because the WIC program does work right, I know too much to go back to poor eating habits at the expense of my children. Whats sad is the many women who have not had the chance to learn what I have and the many children who will not have the chance to grow like Luke has.

I don't know how I would pay for the milk-eggs and cheese. I don't smoke, drink. We don't have desserts and we buy our clothes at the thrift shop. Something would have to be cut. I don't know where, and I hope I never have to find out.—Sandy Du Bois' personal testimony.●

BACKGROUND DOCUMENTS ON NICARAGUA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McEWEN. Mr. Speaker, for the benefit of my colleagues, I am today submitting the first of certain documents which I feel will be useful to the ongoing discussion by this House of current developments in Nicaragua. The material consists of statements by Ambassador Jeane J. Kirkpatrick, U.S. Permanent Representative to the United Nations, in the Security Council, in response to complaints against our country by Nicaragua during March-April 1982.

The commentary follows:

STATEMENT BY AMBASSADOR JEANE J. KIRKPATRICK, MARCH 25, 1982

In his letter requesting this meeting, the coordinator of the Nicaraguan government, Mr. Daniel Ortega Saavedra, made some extraordinary charges against the government of the United States. We naturally desire to respond to the grave charges that Mr. Ortega has leveled against our policies and our intentions.

The essence of Mr. Ortega's complaint is that the United States is about to launch a "large-scale military intervention" against his country. Thus he wrote, in the letter in which he requested the meeting, of "an ever increasing danger of a large scale military intervention by the armed forces of the United States [which] constitutes a grave threat to the independence and sovereignty of the Central American countries and to international peace and security." He spoke of the "interventionist strategy of the government of the United States" and of statements and "concrete actions that clearly evidence an intervention to attack Nicaragua and intervene directly in El Salvador." To support his arguments, Mr. Ortega charges us with the "systematic repetition of . . . aggressive statements [which] seriously affects the normal conduct of international relations . . . with bellicose statements." The United States' actions, Mr. Ortega asserts, violate the Charter of the United Nations, the "principles and goals" of the United Nations, and constitute a "grave threat to the independence and sovereignty of the Central American countries and to international peace and security."

The attack made by Nicaragua is not haphazard; its charges are not random: The government of Nicaragua has accused the United States of the kinds of political behavior of which it is guilty—large-scale interventions in the internal affairs of neighbors, persistent efforts to subvert and overthrow by force and violence the governments of neighboring states, aggressive actions which disrupt the "normal conduct of international relations" in the region—acts and intentions inconsistent with the Charter of the United Nations. These charges—as extravagant as they are baseless—are an interesting example of projection, a psychological operation in which one's own feelings and intentions are simultaneously denied and attributed—that is, projected—to someone else.

Hostility is the dominant emotion and projection the key mechanism of the paranoid style of politics which, much to our regret, has characterized the political behavior of the Sandinista leadership. The principal object of Sandinista hostility, I further regret to say, is the government and people of the United States.

Nigaragua's new politicial elite—which calls itself Sandinista—has constructed a historical myth to justify its demand for full power. According to this myth, the United States is responsible for all problems and disasters—natural and social—that Nicaragua has ever suffered; the Sandinista anthem describes us as the enemy of mankind; and Sandinista ideology defines us as implacably opposed to national independence, economic development, and peace. Since the moment of their arrival in power the Sandinistas have predicted that the United States was about to overrun them. The Yankees are coming, they have reiterated. The counter revolutionaries will get us if we don't silence criticism, mobilize the population, destroy freedom.

The familiar totalitarian assertion that they are surrounded by enemies internal and external has been heard again and again to justify the elimination of opponents and the concentration of power in a tiny, one-party elite.

In the past two and one-half years, Nicaragua's hopes for greater freedom, democracy and security from government tyranny have very nearly died as the new rulers moved expertly first to establish and then, progressively, to exercise control over the various sectors and institutions of Nicaraguan society. The extension and consolidation of power has followed the pattern of "coup d'etat by installments" (Konrad Heiden's description of the Nazi seizure of near total power of German society).

One step at a time the Sandinista directorate moved against the faint-hearted "bourgeois" democrats in their ranks. One sector at a time they have moved against Nicaraguan society—now seizing radio, television stations, newspapers, now nationalizing new industries, now tightening control of the economy, now moving against the independent trade unions, now banning a bishop from access to television, now organizing and reinforcing the Sandinista Defense Committees that bring the revolution, with rewards, demands, and surveillance, into every neighborhood.

Alongside it all came a dramatic, extraordinary expansion of Nicaragua's army, militia and international role. Today's National Guard is many times the size and strength of the one that reinforced Somoza's regime. It reinforces a political machine many times more sophisticated than Somoza's.

A political scientist describing the Nazis' consolidation of power in a single German town noted, concerning that process of destruction of society and politicization of human relations:

"Hardly anyone in Thalburg in those days grasped what was happening. There was no real comprehension of what the town would experience if Hitler came to power, no real understanding of what Nazism was."

It is no easier to understand what is happening to Nicaragua. And at each stage the government's demand for power has been accompanied by new changes concerning enemies without and within.

We are confronted in Nicaragua with the familiar patterns of doublespeak with which would-be totalitarian rulers of our times assault reality in the attempt to persuade us, and doubtless themselves, that making war is seeking peace; that repression is liberation; that a free press is a carefully controlled one. Thus on February 19, 1982, Daniel Ortega solemnly assured the opening session of an international conference (COPPAL) that the forced, violent tranfer of Miskito Indians was naturally carried out only to protect their human rights.

In their statement of February 18, 1982, Nicaragua's Bishops described these forced relocations as involving grave violations of the human rights of individuals, families, and entire populations of peoples. These include:

Relocations of individuals by military operations without warning and without conscientious dialogue;

Forced marches, carried out without sufficient consideration for the weak, aged, women and children;

Charges or accusations of collaboration with the counterrevolution against all residents of certain towns;

The destruction of houses, belongings and domestic animals;

The deaths of individuals in circumstances that, to our great sorrow, remind us of the drama of other peoples of our region.

Given this pattern, it is no surprise that last week, as Commander Ortega levelled new charges against the United States, the Nicaraguan government suspended its constitution and promulgated a new Law of National Emergency that threatens to eliminate the limited liberty and pluralism that remains.

All discussions in the Sandinista-controlled Council of State of the proposed media and political parties laws have been suspended.

The Ministry of Interior has made an unspecified number of "preventive arrests" of people who are suspected of having ties with counterrevolutionaries.

Radio Catolica has been closed down indefinitely and all radio news programs, except official statements, are prohibited.

La Prensa and all other media are required to submit news stories for prior censorship. Yesterday it was unable to publish since 50 percent of the paper was found objectionable.

Opposition political leaders have been informed that they cannot leave the country; the passport of one politician was seized when he attempted to make a routine trip abroad.

A new "patriotic tax" is to be imposed on businesses to help finance its latest mobilization campaign.

Thus the dialectic of revolution unfolds; liberation has already produced its antithesis in Sandinista Nicaragua. Old familiar arguments are invoked to justify new, more effective repressions.

It did not need to be thus. Nicaragua's new government could have satisfied the longing of its people for peace instead of making war on the people. They could have accepted the United States' offer of friendship. The United States government did not oppose the Sandinista rise to power. It has not attempted to prevent its consolidation. With our help, the government of Nicaragua received more loans in two years from the International Development Bank than the Somoza government had received in any decade. The fact that the United States government gave the Sandinistas moral and political support in the crucial phases of the civil war, cut off their opponents' supply of arms, ammunition and gasoline, and negotiated the resignations of Somoza and Urcuyo, did not affect the Sandinista leadership's view of the United States' attitudes—neither did the 75 million dollar supplemental aid bill rushed through Congress to assist in the job of reconstruction nor our active support for Nicaragua's credit applications in multilateral lending institutions. The United States provided more aid than any other government to the Sandinista regime during its first 18 months in power.

Did this support from the United States alter the Sandinista leadership's hostility? Alas, it had no such effect.

By its words and deeds, the United States government—the Congress and the Executive branch—demonstrated not only its respect for the sovereignty of the Nicaraguan political process, the right of Nicaraguans to detemine their own government, but also our desire to give a boost to Nicaragua's new government, to help it overcome the devastation of civil war. But Sandinista ideology overcame the reality of United States assistance. The fact of United States support for economic reconstruction and national independence in Nicaragua proved less powerful than the stereotype—we remained the Yankee enemy of mankind.

Like others in this century who have seized power by force, the Sandinista leaders are haunted by the expectation that they will fall victim to the violent intrigues by which they won power and exercise it.

It is, of course, they who systematically seek to subvert and overthrow neighboring governments. El Salvador has the misfortune to be the principal target.

A clandestine support system established in 1978 at the time of the Nicaraguan civil war continued to operate after the fall of Somoza in July 1979 with a new final destination—El Salvador. The existence of this support system has been repeatedly and vigorously denied by Nicaraguan and Cuban spokesmen. Yet a considerable quantity of solid information shows that those denials are false.

Nicaragua offers a support system with three major components: external arms supplies, training, and command and control.

Within weeks after the fall of Somoza in July 1979, the Sandinistas began to cooperate in support of the Salvadoran insurgents by establishing training camps and the beginning of arms supply networks. This clandestine assistance initially involved local black markets and relatively limited resources. In 1980, after meetings in Havana had unified Salvadoran Marxists into a single military command structure, the Sandinista leadership agreed to serve as a conduit for an arms trafficking system of unprecedented proportions, originating outside the hemisphere. That structure remains in force today.

Arms and ammunition for the Salvadoran insurgents reach Nicaragua by ship and occasionally by direct flights from Havana to Nicaragua. Three Nicaraguan ships, the Monimbo, the Aracely and the Nicarao, frequently transport arms and ammunition to Nicaragua from Cuba in their cargo. Salvadoran guerrilla headquarters near Managua arranges for their shipment into El Salvador. The timing of the resupply operations appears to be coordinated with the planned level of fighting, since before each surge in the fighting we have detected large deliveries.

When a clandestine shipment of arms is captured or a safehouse is found containing arms and terrorist supplies, it is often impossible to know with certainty whether the ultimate recipients are Guatemalan, Honduran, Costa Rican or Salvadoran terrorists, since the arms supply networks established by Cuba and Nicaragua are funneling lethal military supplies to terrorists and guerrillas in all four countries.

A few examples, chosen from among dozens, will illustrate the pattern of arms flow.

The Papalonal airfield provides a clear case of the direct airlift of weapons from Nicaragua to guerrillas in El Salvador. Papalonal is a commercially undeveloped area 23 nautical miles northwest of Managua, accessible only by dirt roads. In late July 1980, the airfield was an agricultural dirt airstrip approximately 800 meters long, but by early 1981 the strip was lengthened by 50 percent to approximately 1,200 meters. A turnaround was added to each end. A dispersal parking area with three hardstands—a feature typical of a military airfield—had been constructed at the west end of the runway. Three parking aprons were cleared, and six hangar/storage buildings were constructed on the aprons; the hangars were used to stockpile arms for the Salvadoran guerrillas. C-47 flights from the airbase corresponded with sightings in El Salvador, and several pilots were identified in Nicaragua who regularly flew the route into El Salvador. This particular route was closed in March 1981, but some air infiltration continues to this day, despite difficulties in pilot recruitment.

Weapons delivery by overland routes from Nicaragua passes through Honduras. Several examples of this arms traffic can be identified. Honduran authorities have intercepted various shipments of arms en route from Nicaragua and in concealed caches in Honduras. In early January 1981, for example, Honduran police caught six individuals unloading weapons from a truck enroute from Nicaragua. The six identified themselves as Salvadorans and as members of the International Support Commission of the Salvadoran Popular Liberation Forces (FPL). They had in their possession a large number of altered and forged Honduran, Costa Rican, and Salvadoran passports and other identity documents. This one truck contained over 100 M-16/Ar-15 automatic rifles, fifty 81-MM mortar rounds, approximately 100,000 rounds of 5.56-MM ammunition, machine gun belts, field packs, and first-aid kits.

In April 1981, Honduran authorities intercepted a tractor-trailer truck which had entered Honduras at the Guasule crossing from Nicaragua. This truck was apparently heading for Guatemala. Ammunition and propaganda materials were hidden in the side walls of the trailer. The same arms traffickers operated a storehouse in Tegucigalpa, Honduras, with a false floor and a special basement for storing weapons.

A special legislative commission established in June 1980 by the Costa Rican legislature confirmed in its May 1981 report that a clandestine arms-supply link between Costa Rica and Nicaragua was established during the Nicaraguan civil war, and that the link continued to function between Costa Rica and El Salvador once the Sandinistas had come to power in Nicaragua.

In April and July 1981, Guatemalan security forces captured large caches of guerrilla weapons at safehouses in Guatemala City. Several of the vehicles captured at the Guatemala City safehouses bore recent customs markings from Nicaragua, thus suggesting that the operation was part of the well-established pattern.

Within the past three months, shipments of arms into El Salvador reached unprecedented peaks, averaging out to the highest overall volume since the "final offensive" last year. The recent Nicaraguan-Cuban arms flow into El Salvador has emphasized both sea and—once again—overland routes through Honduras.

Last month, A Salvadoran guerrilla group picked up a large shipment of arms on the Usulutan Coast after the shipment arrived by sea from Nicaragua.

On March 15, 1982, the Costa Rican judicial police announced the discovery of a house in San Jose with a sizeable cache of arms, explosives, uniforms, passports, documents, false immigration stamps from more than thirty countries, and vehicles with hidden compartments—all connected with an ongoing arms traffic through Costa Rican territory to Salvadoran guerrillas. Nine people were arrested: Salvadorans, Nicaraguans, an Argentine, A Chilean and a Costa Rican. Costa Rican police so far have seized 13 vehicles designed for arms smuggling. Police confiscated some 150 to 175 weapons from mausers to machine guns, TNT, fragmentation grenades, a grenade launcher, ammunition, and 500 combat uni-

forms. One of the captured terrorists told police that the arms and other goods were to have been delivered to the Salvadoran guerrillas before March 20, "for the elections."

Nicaragua's fraternal assistance to its neighbors is not limited to arms. Training is also provided. This coordinated Nicaraguan and Cuban political and military training creates the framework for the use of the arms by guerrillas operating within El Salvador and elsewhere in Central America. Since at least mid-1980, Salvadoran guerrillas have been trained in Nicaragua in military tactics, weapons, communications, and explosives at temporary training schools scattered around the country and on Sandinista military bases. At several military sites in Nicaragua, Salvadorans receive training under guidance from Cuban and other foreign advisors. For more specialized training, guerrillas transit Nicaragua for Cuba. They are provided false identity documents to help them transit third countries. Guerrillas trained in Cuba are reinfiltrated through Nicaragua back into El Salvador. The attacks on Ilopango Airport in January 1982 and on the El Oro bridge in October 1981 were clearly performed by saboteurs who had employed the benefits of such sophisticated training.

Honduran police raided a safehouse for the Moranzanist Front for the Liberation of Honduras (FMLH) on November 27, 1981, in Tegucigalpa. And while the Honduran police were attempting to search the house, a firefight broke out. The police ultimately captured several members of this group. This cell of the FMLH included a Honduran, a Uruguayan, and several Nicaraguans. The captured terrorists told Honduran authorities that the Nicaraguan government had provided them with funds for travel expenses, as well as explosives. Captured documents and statements by detained guerrillas further indicated that:

The group was formed in Nicaragua at the instigation of high-level Sandinista leaders;

The group's chief of operations resided in Managua; and

Members of the group received military training in Nicaragua and Cuba.

Guerrillas at one safehouse were responsible for transporting arms and munitions into Honduras from Esteli, Nicaragua.

Command and control services are also provided by Nicaragua. Planning and operations are guided from this headquarters where Nicaraguan officers are involved in command and control. The headquarters coordinates logistical support for the insurgents to include food, medicines, clothing, money—and most importantly—weapons and ammunition. The headquarters in Nicaragua decides on locations to be attacked and coordinates supply deliveries. The guidance flows to guerrilla units widely spread throughout El Salvador.

The pattern is clear. It continues to this day. We very much wish the government of Nicaragua would cease its efforts to repress its people and overthrow neighboring governments. We thought perhaps progress to this end was in sight. Frankly we are surprised by the Nicaraguan government's decision to expand and embitter regional conflict at this moment.

Mr. Ortega says it is because Nicaragua fears that the United States government is about to invade. But, of course, that is ridiculous. The United States government is not about to invade anyone. And we have so stated on many occasions.

It is true that once it became aware of Nicaragua's own intentions and actions, the United States government undertook overflights to safeguard our own security and that of other states who are threatened by the Sandinista government. These overflights, conducted by unarmed high-flying planes, and for the express and sole purpose of verifying reports of Nicaraguan intervention, are surely no threat to regional peace and stability. No, the threat to regional and world peace lies in the activities these photographs expose. One can understand the government of Nicaragua's preference that no such photographs exist.

The United States is frankly surprised and puzzled by Nicaragua's appeal to this Council. As most members of the Security Council understand, Mr. Ortega's contentious charges come at a time when we and others are looking for a basis on which to settle peacefully the differences of the parties involved. The government of Nicaragua has attempted to broaden and deepen the conflict. Only last week the government of Nicaragua stated a desire to negotiate but then, after two high government officials visited Cuba, called for this meeting to air baseless charges in this most public and important forum.

The United States seeks peace in Central America. We have repeatedly attempted to explore ways with the Nicaraguans in which our governments could cooperate in alleviating the tensions in the area. We have submitted proposals to the Nicaraguan government, and we have received no response. Instead, the Nicaraguan government replied—in October—as it has today—by sending Daniel Ortega to the United Nations to deliver an attack on the United States.

Assistant Secretary of State Thomas Enders went to Managua last August, to try to communicate with the leaders of the government of Nicaragua, to offer a way out of confrontation if they would restrain their military buildup and cease their support for insurgencies in neighboring countries. At that time we offered a specific agenda for discussions; we offered to consider their concerns if they would consider ours. We also agreed to restrain public rhetoric while this proposal was considered.

The response was not long in coming. On September 15, Humberto Ortega made a major speech in Managua during which he vilified the United States, and on October 5, Nicaraguan Junta Coordinator Daniel Ortega addressed the United Nations General Assembly, attacked the United States for past intervention in Central America, accused the United States of causing the world's economic problems, and attacked us laughing.

In recent weeks our Secretary of State has met with the Foreign Minister of Mexico in yet another attempt to engage the Nicaraguans in a meaningful dialogue. And how has the Nicaraguan government again responded? By again sending Mr. Ortega to the United Nations, apparently in search of a propaganda victory—and an exacerbation of conflict.

The Nicaraguan government has said it wants peace; it has stated that it wishes better relations with the United States. But, unfortunately, its actions do not match its pretentions. If the Nicaraguan government was genuinely interested in alleviating tensions, would it continue to act as a conduit for war material aimed at subverting the government of El Salvador? Would it have undertaken a campaign of systematic violence against the Indian communities on the East Coast, displacing 25,000 Indians from their ancestral homes on the pretext of a security threat from a peaceful, democratic neighbor? Would it have doubled the number of Cuban military and security advisors in the past year? Would it have continued seeking to augment its military forces and arsenal? Would it have declared a state of siege effectively neutralizing the opposition? And, most importantly, would it have continued incessantly to pour arms into El Salvador, even increasing the flow of arms, bullets, and now propaganda just when the people of El Salvador have been given an unprecedented opportunity to express their views?

Given this history we are understandably skeptical when the government of Nicaragua declares it want peace, or that it wishes better relations with the United States. How, we ask, is this professed interest in peace reconciled with Comandante Humberto Ortega, when he states that the opposition will be "hanged from the lampposts?" Or with Comandante Bavardo Arce when he tells us that the Nicaraguan government will continue to pour arms into El Salvador, no matter what we do or say?

In spite of this harsh response on the part of the government of Nicaragua, our offer to engage in a dialogue was repeated by Secretary of State Haig at the OAS General Assembly meeting in December, 1981. Secretary Haig said, "the United States has made proposals to Nicaragua to normalize relations. If Nicaragua addresses our concerns about intervention and militarization, we are prepared to address their concerns. We do not close the door to the search for proper relations." Again, the Nicaraguan government has not responded to our offer.

On February 24, 1982, President Reagan said "we seek to exclude no one [from the benefits of our Caribbean Basin Initiative]. Some, however, have turned from their American neighbors and their heritage. Let them return to the traditions and common values of this hemisphere and we would welcome them. The choice is theirs."

Finally, just a few weeks ago, the President of Mexico offered his good offices in the effort to reduce tensions between Nicaragua and the United States. We welcomed that initiative. In a press conference in New York on March 15, Secretary Haig reiterated the five points which we believe can serve as the basis for an improvement of relations between the governments of the United States and Nicaragua and which were conveyed earlier to the Nicaraguans.

A commitment to mutual non-aggression through mutual high-level reassertion of our Rio Treaty engagements.

A United States political commitment on the activities of Nicaraguan exiles in this country.

A regional undertaking by Nicaragua not to import heavy offensive weapons and to reduce the number of foreign military and security advisers to a reasonable, low level.

A proposal to the United States Congress for renewed United States aid to Nicaragua.

Action by the Nicaraguans to get out of El Salvador—to wind up the command and control, the logistics operations, including delivery of weapons and ammunition, and operation of training camps.

And now, even as representatives of the Mexican and United States governments are consulting on this initiative, the government of Nicaragua, fully aware of what is going on, has once again made a move that can only increase tensions, not reduce them.

Although we find its actions puzzling, we have not interposed any objections to the request of Nicaragua that an opportunity be

granted for their head of state to present an exposition to the Council, even though the government of Nicaragua, for whatever reasons, chose to ignore procedures well-established in both the Charter of the United Nations and the Charter of the Organization of American States. As members of this Council know, Article 52 of the United Nations Charter encourages efforts to achieve the peaceful settlement of disputes through regional arrangements and gives priority to them. Article 23 of the OAS Charter specifically singles out the role of the OAS in settling regional disputes before such disputes are referred to the Security Council.

The government of Nicaragua should be among the first to recall the existence under the OAS of the 17th meeting of Foreign Ministers which dealt in 1978 and 1979 with events in Central America threatening to the peace of the region. Indeed, in 1979, the Nicaraguan Government of National Reconstruction termed the resolution of the 17th meeting of Foreign Ministers as "historic in every respect." That meeting was never terminated. The question of Central America remains before the OAS. Just yesterday, in the Permanent Council of the OAS, the Foreign Minister of Honduras made serious proposals for efforts to bring peace to Central America.

The Organization of American States, thus, not only has jurisdiction of this matter in accordance with the provisions of the United Nations and OAS Charters, it is also formally seized of the matter. It is clear that the OAS is the appropriate and primary forum for consideration of the matters addressed by Nicaragua.

We appeal once again to the government of Nicaragua to join with us and other neighboring governments in resolving differences, ending interventions, living in peace in this hemisphere.

STATEMENT BY AMBASSADOR JEANE J. KIRKPATRICK, MARCH 26, 1982

By way of reply, I should like to begin by thanking the various members of the United Nations who have spoken today in support of the principles of national self-determination, national independence, strict respect for territorial integrity, the principles of non-intervention in the affairs of other states. Those are principles which are very dear to my country and which the United States in its foreign affairs does its very best to honor in a serious and consistent fashion.

I should like also to express the United States' sincere agreement with the principles of International Law which were cited by the distinguished representative of Guyana and various other speakers today, particularly with reference to the use of force and threats of force in the affairs of nations. The United States is very profoundly committed to the principles of non-use of force in international affairs and committed also to following and abiding by the principles of the Charter of the United Nations concerning the use and non-use of force.

I should also like to express the solidarity of the United States with all those people who hope for change, for democracy and developoment in Central America.

I cannot forbear noting that there have been some rather odd disjunctions between some aspects of political reality and political symbolism today. I find it interesting, as an observer of political affairs as well as a representative of my country, to hear the government of Vietnam speaking with such conviction about the principle of respect for national independence. I trust that members of the United Nations would all agree that respect for the principle of national independence should apply in Kampuchea as well as in the rest of our countries. Similarly I found it interesting yesterday to listen to the representative of Angola pay homage to the principle of respect for national independence since Angola is a nation, of course, whose national independence is in some sense subject to the will of thirty thousand, twenty five thousand, twenty thousand, however many thousand foreign troops who occupy that land with the consent of that government which is here invoking the principle of national independence.

I find it, I suppose, particularly interesting to listen to the representative of the government of Cuba commenting on peaceful affairs in this hemisphere and respect for the principles of national independence and non-intervention. Cuba is a very strange nation which today, as members of this Council know, maintains some 40 thousand soldiers in Africa alone where those troops dominate two countries, doing for the Soviet Union there what the Ghurka mercenaries did for 19th Century England. In Central America, Cuba is attempting to export aggression, subvert established governments and intervene in a most persistent and massive fashion in the internal affairs of more than one nation in that region. In Nicaragua alone it maintains no less than 1,800 to two thousand security and military personnel. In other words, as Assistant Secretary Thomas Enders noted yesterday in his testimony before the Congress of the United States, "Cuba is a would-be foreign policy giant superimposed on an economic pigmy whose peoples have had to sacrifice all hope for a rising standard of living in order to gain advantages in foreign affairs." Those advantages are largely purchased for it by some three billion dollars annual economic aid from the Soviet Union and a great deal more military aid of course. My country naturally welcomes any move of the government of Cuba toward greater concern for economic development and well-being of its people.

Finally, commenting on the use of language and the realities of politics, it occurred to me that members of the Council might be interested in a recent article concerning Sandino and Sandinismo in Nicaragua, since we are discussing here the letter of the Coordinator of the Nicaraguan junta. A prestigious writer, Pablo Joaquin Chomorro y Cardinale, was assassinated in the final days of the Somoza regime, as you perhaps know. His death was a precipitating factor in the successful revolt against the Somoza regime leading eventually to the installation of the current junta in Nicaragua. Pablo Joaquin Chomorro was a very highly respected writer whose name is from time to time invoked by the leaders of the revolution but not as often as that of Sandino. And he was, of course, the editor and publisher of La Prensa, the last remaining independent newspaper in Nicaragua—which may or may not have been permitted to publish today. Chomorro wrote:

"Sandino should be exalted precisely as a contrast to the Communists who obey signals from Russia and China. Sandino fought against the United States Marines but he did not bring Russian Cossacks to Nicaragua as Fidel Castro did in Cuba. There is a great difference between the Communist Fidel Castro who in his false battle for the independence of his country has filled it with Russian rockets, soldiers, planes and even canned goods, and a Sandino who defended the sovereignty of his ground with homemade bombs but without accepting the patronage of another power. For this reason, Sandino was great because he was not handed over to Communist treason as Castro but fought within an Indo-Hispanic limit. Naturally the Communists who attacked and slandered Sandino when he was in the mountains now try to use him because they have no moral people to restrain them. Sandino was a pure product of our time, very different from the products exported by Russia or China and as such we must exalt and preserve his memory. The value of his exploits is a Nicaraguan value, not Soviet, and his nationalism is indigenous not Russian. Sandino is a monument to the dignity of our country and we must not permit the Communists with whom he never communed to besmirch his memory in order to use his prestige and to succeed, someday, on the pretext that they are fighting imperialism in delivering over our land to Russia as Castro did with Cuba."

I would finally like simply to mention that there has been a good deal of talk of change in Central America today and there has been a good deal of invocation of hope for change for the people of Central America. The government of the United States hopes very much for change in Central America; we hope it will be as peaceable as possible and bought at as low a price to the people of Central America as possible. An example of peaceable change may be observed this very weekend in El Salvador where free elections with a free press, free assembly, with competition among parties and candidates will take place. The risks of free election are, as every office holder knows, very great. When a government risks a free election it risks being defeated. It takes a very brave government who is more committed to freedom and democracy than to retaining power to run such a risk. My government congratulates the government of El Salvador for being willing to risk its power for the sake of freedom.●

SOVIET ANTI-ZIONIST PROPAGANDA INCREASES

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BARNES. Mr. Speaker, when we learned that the Vashchenkos had actually left the Soviet Union, we accepted the good news and perceived their release as a step toward an easing of restrictions on Soviet emigration, as well as a genuine gesture on the part of the Soviet Government. I hope that the Chymkhalovs will also soon be leaving.

Today, however, I was dismayed to read on the front page of the Washington Post about the recent publication of the "Class Essence of Zionism," an anti-Semitic book, which is yet another tactic the Soviets are using in their propaganda campaign against their Jewish citizens.

As the Post reports, the book, reviewed favorably in the official Soviet press, charges, among other things,

that Zionists collaborated with Nazis in World War II to exterminate Jews who were not Zionists. This obvious lie is part of the recent wave of increased official anti-Semitism in the Soviet Union that has resulted in a sharp decrease in the number of Jews allowed to emigrate from the Soviet Union. Only 421 Jews have been allowed to leave so far this year, a small percentage of the number who emigrated in past years.

The Soviet Government, by encouraging the dissemination of this book, is condoning a distorted and false picture of history. The Soviet Government is acting in a blatantly discriminatory way, against internationally recognized human rights standards.

I want to recommend that my colleagues read the following Washington Post article, which describes the contents of the book:

[From the Washington Post, June 30, 1983]

SOVIET BOOK ASSAILS JEWS

(By Dusko Doder)

Moscow, June 29.—The recent publication here of a blatantly anti-Semitic book—charging, for example, that Zionists collaborated with the Nazis in the mass executions of the Holocaust—coincides with a fierce anti-Zionist and anti-Israeli propaganda drive designed to discourage Jewish emigration from the Soviet Union.

The book, which has been warmly reviewed in the official Communist press, comes after a Kremlin decision last fall to practically close off the Jewish exodus to Israel. According to figures compiled by western organizations, Jewish emigration from the Soviet Union dropped from a high of more than 51,000 in 1979 to 2,688 last year. In the first four months of this year only 421 Jews are known to have been allowed to emigrate.

In his preface to "The Class Essence of Zionism," Lev Korneev, who has a doctorate in history and is regarded as an expert on Zionism, recalls themes reminiscent of some of the most bitter periods of anti-Semitic sentiment of the Stalinist era, asserting that Jews in ancient times were involved in commerce and that "profit was their ideology."

This phrase provides the key to the understanding of the book, in which Korneev uses Marxist terminology of class struggle for a savage attack on the "Jewish bourgeoisie" in the Soviet Union and elsewhere.

Korneev claims that Jewish bankers and industrialists financed the mad monk Rasputin in an effort to influence the last czar, Nicholas II. He gives examples of Jews in other countries achieving prominence and occupying influential positions.

Jews everywhere, Korneev writes, are citizens of a Jewish nation, and that "automatically puts Jews in the role of a fifth column in any country"—a "double loyalty" that is exploited by imperialists, Jewish elites and Israeli secret service agencies.

Korneev's book and the accompanying anti-Zionist drive have pressed home this common theme of singling out the Jewish community as a people with "dual loyalties." Such a climate is widely viewed as being designed to make it more difficult for Jews to assert their Jewishness and demand the right to emigrate to Israel.

How many of the 2 million Soviet citizens of Jewish background would like to emigrate is not known. For the past eight months, Soviet officials have insisted that most Jews who wanted to leave already have and that Jewish emigration has come to an end.

That argument was advanced recently by officials of an anti-Zionist committee set up in April to wage a propaganda war against Zionists and discourage Jews from applying to emigrate. There is currently a drive, reflected in letters to newspapers, to establish a committee to combat Zionism in Moscow.

The reason for the curtailment of Jewish emigration is believed to be the Kremlin's assessment that it was losing too many trained specialists while gaining nothing in return.

One aspect of the campaign is reflected in numerous articles claiming that Jewish emigres lead a desolate life in Israel and in the West and in accounts about would-be emigrants who changed their minds and decided to stay in the Soviet Union.

Historically, Russian Jewry has been subjected to various forms of repression, including forcible conversion, occupational and geographic restrictions, and persistent attempts to "denationalize" Jewish culture.

While some czars such as Alexander I were relatively tolerant, others were fanatically anti-Semitic, notably Alexander III, under whose regime major pogroms were carried out.

Lenin, the founder of the Soviet state, opposed any form of anti-Semitism. His successor, Josef Stalin, disliked the Jews, and he established an "autonomous region" for them in Birobidzhan in the Soviet Far East. Toward the end of his life, Stalin was on the verge of launching an anti-Semitic campaign with the so-called "doctors' plot," an allegation that Jewish physicians were planning to poison him.

In recent years, anti-Semitism has been more subdued, despite Moscow's major anti-Zionist drive after the 1967 Arab-Israeli war. The distinctions between anti-Zionism and anti-Semitism, although blurred, were nevertheless observed.

"The Class Essence of Zionism," published here this spring, attempts to eliminate distinctions between anti-Zionism and anti-Semitism.

Its publication raises the question of how such a work that violates the Kremlin's stated policy toward nationalities and ethnic groups could have been published. But the fact that the book has received favorable reviews in the official press, including the government newspapers Izvestia and Sovietskaya Kultura, is indicative of the current climate created at least in part by the authorities.

Izvestia said the book would be received with "great interest" by the general reading public. Sovetskaya Kultura, an organ of the Central Committee, said the author's research was "interesting and convincing," and it praised him for writing a "necessary and courageous" volume.

In newspaper articles in recent months, including one in Pionerskaya Pravda, a national newspaper for school children, Korneev has charged that Zionists are trying to turn all Jewish citizens into "traitors."

His articles also assert that all profits from the sales of Levi jeans are channeled directly to "Zionist militarists." He has charged that because the state uses its money for military purposes.

His book is a more ambitious attempt to substantiate this line of thinking. He goes systematically through Jewish history and religion purportedly examining Zionism in its social, economic and political context.

The Jews themselves, Korneev writes, are to be blamed for anti-Semitism. The reason for this allegedly rests on the exploitation of gentile population by wealthy Jews all over the world rather than on racial or religious grounds.

However, the latter play a secondary role in the emergence of anti-Semitism, Korneev writes. He advances the argument that Russian anti-Semitism dates back to the Mongol period, when Genghis Khan and his successors ruled what is now the Soviet Union and allegedly used Jews as tax collectors, a task that the Jews carried out "ruthlessly," he adds.

He charges that pogroms of Jews in czarist Russia and the Ukraine frequently were started by the Jews themselves because "the Zionists wanted to have people emigrate to Palestine."

Korneev argues that "from the very beginning" of the Soviet state, international Zionism sought to undermine socialism, collaborating with anti-Soviet counterrevolutionary leaders.

He then claims that Jewish and Zionist organizations took part in the mass execution of Jews during World War II. The Zionist leadership, he charges, participated in the extermination of hundreds of thousands of non-Zionists and helped Hitler seize power in Germany.

"If it had not been for the Zionist-Nazi alliance, the number of victims, including Jewish victims in World War II, would have been smaller," he writes.

The book, published in an edition of 10,000 copies by Kiev publishing house, has created a controversy among Soviet intellectuals.

At a recent press conference with the newly formed Soviet Anti-Zionist Committee, the question of Korneev's book was raised by western journalists, who asked how the committee regarded the book. The committee's deputy chairman, Samuel Zivs, a law professor, refused to discuss the book and asserted that the Soviet government is against any form of nationalism and anti-Semitism.

Another committee member, Yuri Kolenshnikov, said, however: "This committee in the future will fight against wild and wrong accusations in books which have been written by a few authors and unfortunately have been permitted to be published."●

NASA's VIP LIST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. STUMP. Mr. Speaker, the planned landing site of the Space Shuttle was not the only aspect of this recent and historic mission to be overcast by dark clouds.

I would like to enter in the RECORD and bring to the attention of my colleagues and the American people the following article from the Arizona Republic regarding VIP's at the shuttle launch.

THE OTHER JANE FONDA

Millions of fawning Americans have lionized actress Jane Fonda by buying her diet and exercise book, thereby adding to her

considerable wealth and making her a best-selling author.

There is another Jane Fonda, however, one that she might want to forget, but one whom others cannot forget.

Fonda was the darling of extreme left wing groups who took her anti-American venom deep into the enemy camp in North Vietnam during the war, and willingly consorted with communists to aid and abet their propaganda, even as American prisoners of war were rotting and being tortured in nearby camps.

Arizona Rep. John McCain is one whom will never forget.

McCain, a third generation naval hero, was a prisoner of the North Vietnamese [his Navy jet having been shot down while on a mission] when Fonda arrived in Hanoi for a visit with her communist hosts.

McCain refused to meet with Fonda when she was in Hanoi with the communist hosts, and thereby contribute to the communist propaganda triumph.

For refusing to share the spotlight with Fonda, McCain's captors broke both of his arms.

McCain has now written the National Aeronautics and Space Administration, protesting NASA's decision to "showcase" Fonda and her husband, radical Tom Hayden, as Very Important Persons at last Saturday's launching of the space shuttle *Challenger.*

McCain does not argue the right of Fonda and Hayden to attend the space launching.

But he correctly questions the judgment of NASA in honoring Fonda and Hayden, given her record as a willing and unapologetic propagandist for a wartime enemy.

McCain will always carry a deformed arm as a result of Fonda's visit to North Vietnam.

As for Fonda, she merely has become more famous and immensely wealthier.●

WATT'S ACTIONS DO NOT MIX WITH HIS WORDS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. VENTO. Mr. Speaker, faced with one of the most dismal public opinion ratings ever recorded by a public official, Secretary of the Interior James Watt has been on the stump in an effort to make known the "truths" of the program he has been carrying out at the Department of the Interior. Unfortunately, the "truths" he is attempting to spread in numerous public speeches and media interviews are more fiction than fact.

As a member of the Interior and Insular Affairs Committee, I have had many opportunities to view and take part in a Secretary Watt performance. Make no mistake, his public statements and testimony are a performance, carefully crafted and delivered to focus on a particular view, regardless of the public record.

Even a polished performance has not been able to protect Secretary Watt from the numerous public statements he has made and positions he has taken that have created a public furor and rejection of his work as Secretary of the Interior. What has evolved from this litany of public statements and positions that have been repulsed by the public is a siege mentality at the Department of the Interior in which the Secretary cried foul and claimed he had not been able to present his care to the public.

The Secretary has since undertaken one of the most ambitious travel itineraries of any cabinet member, making himself available for speeches and interviews all over the United States. Instead of clearing up the record through these numerous public speeches and interviews, the Secretary has only served to muddy the waters further, and is attempting to create a false impression to the public as to just what the Secretary has and has not done during his tenure at the Department of the Interior.

The attached article from the Cleveland Plain Dealer illustrates point for point the misstatements the Secretary has been foisting on the public in an effort to counter his poor public standing. I commend the article to the attention of my colleagues so that they may have a better understanding of the real thrust of Secretary Watt's policies at the Department of the Interior.

The article follows:

[From the Cleveland Plain Dealer, June 9, 1983]

SECRETARY JIM WATT—HIS TRUTH CRUSADE IS A HEAP OF FALSEHOODS

(By Bill Strall)

WASHINGTON.—Secretary of Interior James G. Watt has persistently employed false statements and half-truths in his crusade to spread the "truth" about his stewardship of public lands and natural resources.

Watt made at least half a dozen factual errors in just one 30-minute CBS television interview program March 27.

On this show and in other forums, Watt tenaciously has brushed aside attempts to debate his figures and statements.

On CBS, on other broadcasts and in official Interior Department statements:

Watt claimed he had not imposed a moratorium on the purchase of new national parklands.

He did impose a moratorium.

Watt denied he ever supported the idea of exploring for oil and gas in wilderness areas.

He did support it.

Watt took credit for boosting historic preservation in America.

Soon after taking office, Watt canceled a longstanding Interior program of aid for historic preservation.

Watt declared there is no truth to reports he considered selling some national park system lands.

Watt is on the record saying the country has acquired too much parkland and that the ideas of disposing of some of it would be considered.

Watt boasted that Congress has supported him on all issues.

Congress repeatedly has rejected Watt proposals.

Watt's office declined a request for an interview. The Interior Department office of public affairs, however, provided written responses on specific points. In general, they acknowledged Watt's comments as a matter of record and sought to explain the statements within the context Watt intended.

For instance, on wilderness areas, the department said: "The secretary's remarks as quoted in the draft article are a matter of record. They do not however, reflect the whole story."

The issues of Watt's "truth" campaign, however, go beyond details of complex federal programs. The misstatements made on CBS March 27, and elsewhere, involve basic national policy. Those statements go to the heart of Watt's programs to encourage development of the nation's public lands and to halt the parkland and wilderness expansion.

In this campaign, Watt has given Americans an inaccurate picture of the state of the nation's parklands and resources upon taking office in 1981 and of actions he has taken since. At times, he has told Congress, and even the president, one thing and then gone on television to tell the American people something else.

Watt has been at odds with his own words. He now denies statements he made. He disclaims actions he took or tried to take.

Complaining that "I can't get the full truth out," Watt has made the rounds of the interview programs in an effort to shore up the credibility of the Reagan administration's record on the environment.

To Watt's critics, some of his comments are so sweepingly erroneous, they do not seem to be worth challenging. However, using charts, citing his own statistics and by being better prepared than his questioners, Watt may have come across to uninformed viewers as effective and credible.

For instance, Watt declared on CBS' "Face the Nation" that "we have gone forward with the full support of the Congress."

Instances of congressional opposition riddle the pages of the Congressional Record. One case was Watt's major initial proposal to change current law so he could use money from the Land and Water Conservation Fund for national park maintenance, repair and construction. The law now limits most of those funds to purchase of park and recreation lands. Congress has repeatedly refused to change it.

In another key Watt program, Watt boasted that "not one congressman has cast one vote at any time against" his sweeping five-year program for leasing outer continental shelf lands for oil and gas exploration and drilling. He is right, technically—because no vote was ever taken. The law provides that such plans go into effect automatically unless Congress specifically votes to reject them during a 60-day review period. Members of Congress are on record as voting against specific lease sales contained in the plan.

Watt insisted on "Face the Nation" that he had not imposed a moratorium on acquisition of new lands for the national park system. "That's obviously not the truth," Watt told moderator George Herman when Herman said he had read about the moratorium.

"No. I've tried to correct that three times on this program," Watt added later when asked about park acquisitions. "Let me say it once more. That is simply not true. We've asked for money every year to acquire additional parklands. Every year."

This contradicts what Watt has done and what he had told Congress and President Reagan over the past two years:

In a report to Reagan early this year. Watt said: "Beginning in 1981, we instituted a moratoriun on adding new units to the park system until needed work in existing parks can be accomplished."

In a statement to the Senate Energy Committee Feb. 24, 1981, Watt said, "At this time, we are proposing a moratorium on new federal land acquisition. This would save nearly $400 million over the next 19 months. We would limit funding during this period to court awards and a limited number of emergency purchases . . ."

And an Interior Department press release on May 7, 1981, said: "Watt said he had placed a moratorium on newly acquisitioned land by the Interior Department as part of major redirection of the parks program.

(In its response, the Interior's office of public affairs said: "There is no moratorium and has been none since June 1981. Watt opposes establishment of new parks, with special exceptions like the Harry Truman home, during this period of tight budgets, but he does not oppose necessary acquisitions of land for existing parks.")

The Interior Department budget has contained funds for purchase of lands for addition to the national park system.

Most of the $240.4 million appropriated in 1982 and 1983 and proposed for fiscal 1984, however, has been mandated by the courts to pay for land acquired or condemned before Reagan and Watt took office.

Watt's 1984 budget for the National Park Service asks $54.7 million for acquisition of parklands. All but $1.4 million of that total—$53.3 million—is budgeted in expectation that Interior will have to pay the money under court order.

No money is budgeted to buy hundreds of thousands of acres of new national park lands authorized by Congress in recent years.

Watt's comments on land acquisition constitute a turnabout on that subject. On "Meet the Press" in January, he lauded the Carter record of cutting back on land purchases, adding, "We've cut it since we have been there. We think that was a good Carter decision." On CBS in March, he decried the Carter reductions and said, "We have sought to restore that."

Watt's arguments are valid in the sense that he has increased spending on facilities such as water and sewage systems and roads in the parks, but the overall Carter budget for park operations, maintenance and construction did not decline in the precipitous fashion Watt claims.

His figures look impressive in part because the 1983 and 1984 budgets include $175 million in highway and road construction funds that come out of the new 5-cent-a-gallon gasoline tax for roads.

The budget increases for which Watt can take credit have little to do with the impression Watt has fostered that the natural resources of the parks themselves have deteriorated and are being rescued by him.

The Carter budget for park operation and maintenance but not construction, increased from $426.1 million in 1977 to $502.4 million in 1981, the year Reagan took office. In 1983, Reagan asked for $539.7 million and Congress appropriated $564.5 million.

Watt failed to tell the full story of another critical Interior issue: whether oil, gas and mineral development should be allowed in wilderness areas.

On "Face the Nation," Watt insisted he always opposed any such activities.

And on the "Larry King Show," Watt said: "Never have we proposed that we would drill or mine the national parks or the wilderness . . . It's the law and we never would have proposed it in the first place."

But on April 22, 1981, Watt told a meeting with the Los Angeles Times' Washington bureau: "Congress has allowed exploratory drilling and mineral activity in wilderness areas. So I'm not changing anything there. That law Congress put into being in 1964 and I think it's right."

And Watt acknowledged, in a March 9, 1982, address to the Izaak Walton League in Des Moines, that the department had granted oil exploration leases on wilderness areas, as had his predecessors.

(Interior responded that Watt voluntarily pledged in early 1982 not to issue any leases in wilderness areas through the end of Congress' 1982 session so lawmakers could consider changes. In February 1982, he proposed a law that would ban all drilling in wilderness areas until the year 2000 unless the president declared a national emergency. The proposal has not gotten out of committee. "This chronology clearly shows that the secretary had indeed been seeking to amend the law to ban leasing in wilderness when he made the 1982-83 statements," Interior said.)

Other Watt statements and the record:

Sell parks: "There's no truth to that at all. There's never been a proposal that we would sell any parkland." ("Face the Nation.")

In a meeting with reporters Feb. 19, 1981, Watt was asked if he was looking to reduce the amount of national parklands. "We're looking at the options. We're open to a lot of ideas. In my judgment, some of the areas in the National Park Service system are not of the significance that deserve the national protection and the commitment of tax dollars."

Offshore oil: Watt said his new five-year plan reversed the "erratic and unpredictable" leasing schedule of his predecessor, Democrat Cecil Andrus. (Statement to House Interior Committee, Jan. 26, 1983.)

The plan was adopted by Andrus before Watt took office. Watt altered it to accelerate the schedule of sales and increase the acreage available to industry.

"For the first time, seven OCS sales were held in one year." (Watt press release, Jan. 11, 1982.)

Alaskan oil: "We leased onshore resources in Alaska for the first time in 15 years." (Letter to Reagan, Jan. 20, 1983.)

Leasing in the National Petroleum Reserve-Alaska was banned by Congress until 1981. The ban was lifted by Congress at the request of President Carter.

Coal: "There has not been a prohibition against coal leasing in any state at any time . . . You'll see that we have leased more acres than did the Carter administration for coal." ("Face the Nation.")

Watt may have meant a prohibition during his term, but did not say that. The Nixon administration imposed a coal leasing moratorium on all federal lands in 1971. The moratorium was in force until Dec. 20, 1980, when Andrus called for the first lease sale in nearly a decade.

Mining: "The facts are that under our new program, there are more inspectors to enforce reclamation of mined lands than ever in the history of the program." ("Face the Nation.")

Watt did not say so, but he was talking about a total of state and federal inspectors. Watt's own chart showed that the number of federal inspectors was cut from 180 to 69 under him.

Mining rules: Asked if he had proposed changes in the rules governing strip mining, Watt said, "Absolutely not." ("Face the Nation.")

In January, he told Congress that "by the end of February, we will have rewritten 91% of all of the Office of Surface Mining's regulations."

Hunters, fishermen: Watt said, "We're for hunters and fishermen . . . I'm a hunter. Boy, and I champion hunting causes. So the people that hunt and fish, they think Jim Watt's the greatest." ("Larry King Show.")

The 4.5-million National Wildlife Federation composed primarily of hunters and fishermen, called for Watt's resignation. NWF Executive Vice President Jay D. Hair told Reagan that "the overwhelming majority are opposed to policies Mr. Watt has adopted or advocated."

Environment: ". . . We have accomplished these initiatives with more stringent environmental protection stipulations at all phases of the leasing process than any previous administration imposed." (Letter to Reagan, Jan. 20, 1983.)

On March 28, 1983, U.S. District Judge A. David Mazonne of Boston halted a Watt-proposed offshore lease sale in the Georges Bank off the Massachusetts coast. The judge said the sale might have violated four different federal environmental protection laws.

(Interior responded that the ruling would be appealed. Such rulings have been made in the past only to be overturned and the lease sales permitted.)

Clean air, water: "I could not conceive, Bob (Robert Novak, the show's co-host), that this administration would have to contend with a cantankerous Congress that would allow the Clean Air Act, the Clean Water Act, the Toxic Waste Dump Act—I think that's what it's called—and the Safe Drinking Water Act to expire during the last Congress. What did the Congress do? They voted themselves a raise, but did not address those pieces of legislation." (Evans-Novak program.)

Congress addressed all those programs during 1982. None of the laws expired. They continue in force until Congress passes new legislation.

(Interior responded: "Certainly these problems were addressed by the Congress to the extent that legislation was introduced. However, they were not 'addressed' to the extent that legislation was enacted to provide long-term solutions to the problems. The Congress was evidently unwilling to devote the attention and energy needed to resolve these issues.")●

REPORT ON EL SALVADOR TRIP

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. McGRATH. Mr. Speaker, I want to commend my colleague, TOM HARTNETT, for taking this special order to give Members who visited El Salvador 2 weeks ago the opportunity to discuss their observations. Nothing is more important to the American people and Members of this body than a realistic discussion of conditions in El Salvador and the options which are

available to the U.S. Government in dealing with this situation.

In the past, I have been highly critical of what I have seen in El Salvador, and I remain deeply concerned about the bloodshed—bloodshed which has been caused by both the leftist guerrillas, government military and paramilitary forces. Further, I remain concerned that the Salvadoran system of justice has been so slow to act with respect to the murders of the four American churchwomen slain in El Salvador nearly 3 years ago.

My 4 days in El Salvador have by no means made me an expert on that country and its deep problems. But I came back with a better understanding of what the Magana government is up against and a better appreciation for why continued U.S. assistance is needed.

The problems facing El Salvador today have roots several hundred years old. Solving those problems and ending a pattern of violence which has existed for scores of years is not an easy process. Difficult as the process would be under the best of circumstances, it is made more difficult by an armed insurrection, financed heavily by outside interests, which is aimed primarily at the destruction of the economic and public infrastructure of El Salvador.

But progress is being made. It is slow by our standards, but it is real and significant. On the human rights front, senseless violence continues on both sides. But two items are significant. First, a human rights commission has been established and is chaired by Monsignor Fredy Delagado and composed of seven members representing all sectors of Salvadoran society. Second, the human rights record of Salvadoran combat regiments trained in the United States has been exemplary, and stands in marked contrast to some of the reports of atrocities by other government troops.

In the area of land reform, progress is clear. At the end of May, some 51,000 farmers had filed for land under phase III of the land reform program, which allows former renters and sharecroppers to claim land they have previously worked. A total of 198,000 acres, or 5.5 percent of the country's farmland has been claimed. Including family members, approximately 300,000 rural people now benefit from secure tenure to the land they till. Under all aspects of the land reform program, 21 percent of the arable land in El Salvador has been redistributed.

Unfortunately, in the realm of judiciary reform, less progress is being made. By no means can the Salvadoran judiciary be considered honest and independent. Bribery of judges is still very much in evidence, and threats to judges and their families is in many ways a national pastime. I do sense that national leaders in El Salvador want very much to improve their judicial process, but even under the best of circumstances the Salvadoran judicial code is different from our own, and as slow as our court system is, the Salvadoran system is even slower. Nonetheless I sincerely hope that the accused murderers of the American churchwomen will be brought to justice before the summer is out. I hope, as a member of the Human Rights Commission told me, that the Salvadoran Government "means business" in this case.

A few words must be said about the electoral process. As everyone knows, the Salvadoran elections of 1982 were highly successful and remarkably free of irregularities. El Salvador has scheduled new elections for December of this year. A quasi-independent "Peace Commission" established earlier this year has announced an amnesty program for guerrilla members who are willing to pursue their goals through the electoral process. Many Salvadorans have already taken advantage of the amnesty offer, and shortly before we arrived in El Salvador, 500 of the 700 political prisoners held in Salvadoran jails were released. It seems to me that political reconciliation must be advanced through democratic processes, and those parties who are truly interested in the long-term welfare of the people whose interests they claim to represent should be willing to "put up or shut up." A million and a half Salvadorans voted with ballots not bullets in March 1982. They deserve the right to make that choice again.

Very few individuals oppose the economic assistance we have been giving to El Salvador. But I am firmly convinced that the economic aid we give to El Salvador would be wasted if we did not give the Salvadoran Government the bare minimum it needs to maintain its stability—and we are talking about a bare minimum of assistance. U.S. military assistance to El Salvador is supported not only by Government leaders in that country but by leaders of the Catholic Church in that country as well. The church officials I spoke with told me that an aid cut off would be disastrous. They echoed in large measure an editorial comment in the official Catholic Church newspaper, Orientation, which stated in part:

> Although we admit that El Salvador has not advanced as far as necessary with respect to human rights, we believe that it would be unjust to abandon us to our own fate only to fall unavoidably into the hands of those who give no sign of respecting such rights.

Human rights, democracy, and reform in El Salvador should be the goals of the United States. But we do not enhance the opportunity for these ideas to flourish unless we are willing to give the Salvadoran Government the reasonable opportunity to survive. The democratic processes which we take as second nature are not firmly rooted in Salvadoran society. They will never take root if we are going to abandon the Salvadoran people who believe in them.

There must be no mistaking the fact that the United States has direct national and security interests in El Salvador, and indeed in all of Central America. I will just cite three.

If some people are pained at the plight of boat people fleeing Vietnam and Cambodia, they will be terrified at the thought of 10 million or more people surging northward out of Central America. There are upward of 10 million illegal aliens in this country already, and 500,000 Salvadorans now living here. How will 10 million more be absorbed into our society without causing a substantial drain on the resources of our States and cities and a loss of jobs in an already tight job market?

Second, we must remember that El Salvador is not like Vietnam in that it is on our doorstep. A series of Communist takeovers in Central America would be a threat to the Panama Canal; a threat to Mexico; and a threat to the sealanes through which 50 percent of our trade passes.

Third, what does it do to our long-term credibility if we simply wash our hands and walk away from this vital area? Recent history is replete with examples of failed U.S. commitments to our allies. Those people who have traditionally looked to the United States for leadership will have yet another reason to rely on someone else.

But in the final analysis, we do not even have to look at this issue in terms of our own national interest. We need look no further than the perspective of the Salvadoran people. Whatever the negative effects a cut off of military aid would have on our own interests, the impact on the people of El Salvador would be infinitely worse.●

DEFER EFFECTIVE DATE OF RULE CHANGES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RODINO. Mr. Speaker, today I am introducing a bill to defer the effective date of proposed amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. These rules govern cases in Federal courts.

The proposed amendments were submitted by the Supreme Court to Congress on April 28, 1983, pursuant to provisions of law known as the Rules Enabling Acts. The acts authorize the

Court to propose amendments to existing rules of "practice and procedure" by transmitting them to Congress after the start of a regular session, but no later than May 1. The amendments take effect 90 days after transmittal, unless Congress acts to the contrary. The purpose of the 90-day delay is to provide Congress with an opportunity to review the proposals.

The proposals transmitted last April 28 have stimulated a significant amount of controversy. The Committee on the Judiciary, which I chair, has received requests from members of the bench and bar, and from the academic community, to delay or disapprove the proposed rule changes. There have been a number of law review articles written that raise significant questions about specific aspects of the changes, as well as about the overall thrust of the changes.

The proposals to alter the Federal Rules of Civil Procedure, according to the Advisory Committee notes explaining the proposals, are intended to cure perceived abuses in the discovery process; though there is dispute about the extent of any alleged abuse. Accordingly, the proposals to change rule 11 impose upon attorneys the additional burden of certifying the "reasonableness" of the discovery device employed, "given the needs of the case * * * and the importance of the issues at stake in the litigation." In addition, under proposed changes to rule 16, the trial court would be required, within 120 days of the filing of the complaint, to issue a scheduling order that limits the time for the filing of motions and the completion of discovery and other matters. The judge, prior to trial could eliminate "frivolous" claims and evidence and impose sanctions, including attorneys fees—to be paid by a party, the attorney or both—for failure to abide by the scheduling order. Moreover, the proposed amendment to rule 26 would authorize the judge to limit discovery and require the judge to impose sanctions for failure to comply with the certification requirement.

These proposals would undoubtedly alter the character of the relationship between the litigants and the court in civil actions. Under the present rules, and consistent with our adversarial system of justice, the judge's role is that of impartial arbiter, and it is primarily up to the litigants to control the manner in which the litigation proceeds. The proposals shift the burden to the courts to process the cases expeditiously. Judges, practitioners, and scholars have suggested that the proposals place too much unchecked power in the hands of the judges and do little to enhance the efficiency of the courts. They voice concern that scarce judicial resources will be diverted to managerial tasks and, at the same time, that the new provisions will stimulate new cases and further divert the attention of the judges.

Similarily, the proposals to change the Federal Rules of Criminal Procedure will have a significant impact on the disposition of criminal cases in Federal courts. The proposals affect various aspects of the criminal justice process. For example, the proposed change in rule 23(b) would permit a verdict by a jury of 11 when 1 juror is justifiably excused after the jury has begun deliberating on the verdict. Critics of the proposed change argue that relaxing the longstanding 12 member jury rule will foster pressure to remove a recalcitrant juror and thereby interfere with the traditional, unanimous verdict.

The proposals would amend rule 11, which sets forth specific procedures for accepting a plea of guilty or nolo contendere, by adding a harmless error rule that permits a court to disregard any deviations from the specified procedures unless the deviation affects substantial rights. In 1975, Congress redrafted the rule to insure that a defendant pleading guilty or nolo contendere is fully aware of the consequences of his or her decision. The record of the proceeding enables an appellate court to assess the voluntariness of plea and thereby protects against groundless attacks on the plea proceeding by disgruntled defendants. Critics argue that the new section will thwart the purpose of rule 11 by allowing courts to accept pleas even though, as disclosed by the record, the defendant has not been fully informed about the consequences of the plea as specified in the rule.

Another proposal would permit a court to extend the life of a grand jury—now 18 months—by 6 months upon a finding that the "extension is in the public interest." Congress addressed the issue of the proper length of the term of a grand jury in 1970. Congress determined then that a court could extend the life of the grand jury but only under well-defined circumstances. The proposed amendment permits the extension arguably for any reason. Critics suggest that, aside from encouraging sloppy work by prosecutors, this provision enables the Government to wield even more than the considerable power it already has by enlarging the time within which one may be incarcerated for contempt. They suggest such a change is unnecessary in light of the few cases in which an extension may be appropriate and the court's current power to convene a special grand jury.

I have mentioned only some of the changes. The package of materials contains others, many of which have produced letters of concern and requests for delay.

The purpose of my bill is to defer the effective date of the amendments so that we can take a close look at them. The critics of the proposed changes include: Federal judges, bar associations, law professors, lawyers in private practice, and public defender associations. Some of the critics have questioned the wisdom of the specific amendments; some have questioned the power of the court under the Rules Enabling Acts to promulgate rules that affect the substance of litigation; and some have even questioned the constitutionality of various proposals. It may be that the opponents of the specific changes are sounding unnecessary alarms, but it would be an abdication of our responsibility under the Rules Enabling Acts to ignore these alarms.

I do not have the answers to the questions raised by the critics. The questions, however, are important ones which the Congress should have an opportunity to debate. The Enabling Acts provide 90 days within which Congress must act if it is to partake in the rulemaking process. This time period does not permit a detailed examination and resolution of the questions. My legislation will give Congress the time it needs to do that job. Accordingly, I urge my colleagues to support this bill to defer the effective date of the rules changes.●

CHILD HIGHWAY SAFETY

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GORE. Mr. Speaker, today I rise to introduce a bill to improve child highway safety. Over the last three decades we have seen the death rate for preschool children decline by 53 percent. Virtually all of this decline resulted from a 62-percent reduction in death rates for medical illness. In contrast, the combined rate of child pedestrian and child passenger deaths remained unchanged. Highway death is the only major cause of death for these children that has not declined. In fact today it is the single leading cause of death in children. For this reason I believe we must immediately recognize that highway deaths and injuries are the No. 1 public health threat that all our children face.

The bill I am introducing today provides a program to meet this challenge. It encourages each State to combine their wisdom and experience in administering programs within their State, with the knowledge accumulated through implementation by many States of model child highway safety programs, to put forth a child highway safety program that will work best in that individual State.

The Federal Government's interest in protecting the Nation's children has a long, successful history. Federal dol-

lars have been well spent for State programs in maternal and child health, nutrition, primary care, and immunizations. The combined Federal/State programs in these areas have resulted in the significant decline of deaths due to medical illness I cited earlier. We must now also turn our attention to motor vehicle safety and put an end to the senseless and easily preventable tragedy of so many of our children needlessly dying on our highways.

I am especially proud to introduce this bill as it builds upon the hard work of many of my fellow Tennesseans. I particularly would like to note the efforts of Dr. Robert Sanders, Dr. Sam Carney, Dr. Ed Caldwell, and Mr. Edward Casey. Mr. Casey of Nashville, Tenn., first had the idea for a child passenger safety law back in 1975. Dr. Robert Sanders of Murfreesboro, Tenn., with the help of his wife Pat and Drs. Carney and Caldwell, worked tirelessly to see that dream realized. Through an act that has truly demonstrated unique dedication, they have taken Mr. Casey's idea and today can share a large part of the credit in the great strides that have been made.

In 1977 Tennessee became the first State to enact child highway safety legislation. I am happy to report that this law and the carefully crafted programs that emerged to complement this law have met with dramatic success. Since the law took effect in 1978, there unfortunately have still been 71 deaths among children age 0 to 4 years, but only two of these deaths involved children using safety restraints; and of those two, one was registered in an accident classified as nonsurvivable and in the other, officials suspect the device may have been improperly installed. Even more important, State estimates show that at least 80 young lives have been saved in the 5½ years since Tennessee's law was implemented. As a result, Tennessee's program now serves as a model many States choose to follow. As of today 40 States plus the District of Columbia have joined Tennessee in passing similar legislation mandating the use of child restraints by preschool children.

This has been a fine beginning. However, experience has shown that the enactment of a law is just that, only a beginning. For a successful program leading to a reduction in deaths and injuries the law must be part of a larger comprehensive strategy.

There are several important steps that the bill I am introducing today takes to provide just that strategy.

First, it provides incentives to encourage all States to pass laws requiring the proper use of child passenger restraints. Second, it helps States with the initial resources and expertise necessary to build their law into an effective program tailored to their local needs. Third, it stresses the importance of education as a means of achieving the desired behavior changes. Fourth, it provides for child safety seat longer programs, a provision particularly important for low-income families. Fifth, it encourages States to recognize the equally important problem of child pedestrian safety.

Accidental deaths of child pedestrians is a problem that is not often discussed, so I would like to share some figures with my colleagues that illustrate the importance of including a child pedestrian program as an integral part of this legislation. In 1981, National Highway Traffic Safety Administration (NHTSA) data show in the 0- to 4-year age group there were 329 pedestrian deaths as compared to 633 passenger deaths. However, in the 5- to 9-year age group there were 549 pedestrian deaths as compared to 390 passenger deaths. Recent studies completed by the Department of Transportation have resulted in the availability of a comprehensive program for child pedestrian safety. This program, which is available to States, has been demonstrated extremely effective in reducing deaths and injuries caused in motor vehicle accidents involving child pedestrians.

Clearly the time is right for us to act. We have the means and the technology to prevent many of these tragic deaths. We need only recognize the problem and provide the States with the means to implement effective comprehensive programs to complement their laws. This bill does that. I urge my colleagues to join in support of this legislation. I look forward to working with all concerned parties to insure that American children are adequately protected.

Mr. Speaker, the text of the bill follows:

H.R. 3483

A bill to amend title 23, United States Code, to provide incentive grants in order to encourage States to adopt and enforce laws requiring the proper use of child restraint systems by children in motor vehicles, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the issuance of a Federal motor vehicle safety standard, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Highway Safety Act".

SEC. 2. (a) The Congress finds that—

(1) motor vehicle accidents are the leading cause of death for children;

(2) motor vehicle accidents are a leading cause of serious injury to and disability of children;

(3) child pedestrian deaths account for one-half of the total highway deaths of children and primarily occur in heavily populated areas;

(4) child restraint systems when used properly are 90 percent effective in preventing deaths of children and 67 percent effective in preventing disabling injuries to children;

(5) State laws requiring the use of child restraint system have resulted in dramatic reductions in both deaths of and injuries to children;

(6) State laws requiring the use of child restraint systems when implemented together with child safety seat loaner programs and education programs result in comprehensive State programs that significantly enhance the effectiveness of such laws;

(7) education programs concerning child pedestrian safety which target countermeasures to specific types of highway accidents have been demonstrated to be an effective means of substantially reducing the number of child pedestrian deaths; and

(8) current State initiatives, although extremely encouraging, lack the resources necessary for successful implementation of comprehensive and effective child highway safety programs.

(b) It is the purpose of this Act to provide States with incentive grants to assure the timely and widespread enactment of child highway safety laws and implementation of comprehensive and effective child highway safety programs.

SEC. 3. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 409. Child highway safety programs

"(a)(1) Subject to the provisions of this subsection, the Secretary shall make grants to those States which establish and implement child passenger safety programs. Such grants may only be used by recipient States to implement such programs.

"(2) Except as provided in paragraph (4), a State shall be eligible for a grant under this subsection for a fiscal year if (A) it has in effect a law that requires the proper use of child restraint systems by children in motor vehicles and that includes an enforcement program, and (B) it enters into such agreements as the Secretary may require under paragraph (3).

"(3) No grant may be made to a State under this subsection in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require—

"(A) to ensure that the State will maintain in such fiscal year its aggregate expenditures from non-Federal sources for child passenger safety programs (excluding expenditures for acquisition of child restraint systems) at or above the average level of such expenditures in its three fiscal years preceding the date of enactment of this section;

"(B) to ensure that the State will establish and implement in such fiscal year a program to lend or rent, at reasonable rates, child restraint systems to parents and guardians of children who are required to use such systems in motor vehicles under the laws of such State;

"(C) to ensure that the State will expend in such fiscal year an amount, which is not less than 60 percent of the amount of the grant, for establishment and implementation of a program to educate the public and law enforcement personnel concerning (i) the need for using child restraint systems, (ii) the proper installation and use of such systems, and (iii) the manner in which the law requiring proper use of such systems will be enforced; and

"(D) to ensure that the State collects, and submits to the Secretary, annually such data as the Secretary shall require on (i) the number of deaths of children as a result of

motor vehicle accidents, (ii) the number of injuries to children as a result of motor vehicle accidents, (iii) the types of motor vehicle accidents, (iii) the types of motor vehicle accidents that result in deaths of or injuries to children, and (iv) the usage of child restraint systems by children in motor vehicles involved in such accidents.

The Secretary shall, by regulation, establish minimum standards for the programs referred to in clauses (B), (C), and (D). The minimum standards for the program referred to in clause (B) shall include, but not be limited to, a standard which requires that child restraint systems be lent or rented to parents and guardians who are economically disadvantaged at rates which such parents and guardians are able to afford. The minimum standards for the program referred to in clause (C) shall include, but not be limited to, a standard which requires that at least one-third of the amount expended by the State pursuant to such clause in any fiscal year shall be expended for establishment and implementation of nonmedia promotion and education programs. Funds expended by a State under clauses (B), (C), and (D) may include Federal funds provided by a grant made to the State under this subsection.

"(4) No grant may be made to a State under this subsection in fiscal year 1987, 1988, or 1989, unless such State—

"(A) received a grant under this subsection in fiscal year 1984, 1985, or 1986; and

"(B) demonstrates to the satisfaction of the Secretary—

"(i) a reduction in the mortality rates, injury rates, or both, for children required in such State to use child restraint systems in motor vehicles; or

"(ii) an increase in the usage of child restraint systems by such children in motor vehicles involved in accidents;

from calendar year 1983 (or calendar year 1979, 1980, 1981, or 1982 if the Secretary determines such calendar year is more appropriate for comparative purposes) to the last calendar year of calendar years 1984, 1985, and 1986 in which such State received a grant under this subsection.

"(5)(A) Subject to subparagraph (B), the Secretary shall determine the amount of a grant made under this subsection for a fiscal year to a State.

"(B) The maximum amount of a grant made under this subsection for a fiscal year to a State shall be determined by the Secretary so as to reflect the extent to which the child passenger safety program such State is implementing in such fiscal year exceeds the requirements established under paragraph (2); except that such maximum amount shall not exceed 9 percent, and shall not be less than 4.5 percent, of the amount apportioned to such State for the fiscal year ending September 30, 1983, under section 402 of this title.

"(C) A grant for the maximum amount authorized under subparagraph (B) for a fiscal year may only be made under this subsection to a State which is implementing in such fiscal year a law which, at a minimum, requires the proper use of a child restraint system in a motor vehicle by all children—

"(i) who weigh less than 40 pounds,

"(ii) who have a height of less than 40 inches, or

"(iii) who are less than 4 years of age.

"(b)(1) Subject to the provisions of this subsection, the Secretary shall make grants to those States which establish and implement child pedestrian safety programs. Such grants may only be used by recipient States to implement such programs.

"(2) Except as provided in paragraph (4), a State shall be eligible for a grant under this subsection for a fiscal year if (A) it enters into such agreement as the Secretary may require to implement an effective child pedestrian safety program, and (B) it enters into such agreements as the Secretary may require under paragraph (3).

"(3) No grant may be made to a State under this subsection in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require—

"(A) to ensure that the State will maintain in such fiscal year its aggregate expenditures from non-Federal sources for child pedestrian safety programs at or above the average level of such expenditures in its three fiscal years preceding the date of enactment of this section;

"(B) to ensure that the State will expend in such fiscal year an amount, which is not less that 60 percent of the amount of the grant, for establishment and implementation of a program to educate the public and law enforcement personnel concerning the need for child pedestrian safety, the types of child pedestrian accidents most often occuring within the area, and the countermeasures which will prevent those accident types;

"(C) to ensure that the State collects, and submits to the Secretary, annually such data as the Secretary shall require on (i) the number of deaths of children as a result of motor vehicle accidents, (ii) the number of injuries to children as a result of motor vehicle accidents, and (iii) the types of motor vehicle accidents that result in deaths of or injuries to children, and

"(D) to ensure that the State will expend in such fiscal year an amount, which is not less than 40 percent of the amount of the grant, for child pedestrian safety programs in urban areas.

The Secretary shall, by regulation, establish minimum standards for the programs referred to in clauses (B) and (C). The minimum standards for the program referred to in clause (B) shall include, but not be limited to, a standard which requires that at least one-third of the amount expended by the State pursuant to such clause in any fiscal year shall be expended for establishment and implementation of nonmedia promotion and education programs. Funds expended by a State under clauses (B), (C), and (D) may include Federal funds provided by a grant made to the State under this subsection.

"(4) No grant may be made to a State under this subsection in fiscal year 1987, 1988, or 1989, unless such State—

"(A) received a grant under this subsection in fiscal year 1984, 1985, or 1986; and

"(B) demonstrates to the satisfaction of the Secretary a reduction in the number of child pedestrian deaths or injuries or both from calendar year 1983 (or calendar year 1979, 1980, 1981, or 1982 if the Secretary determines such calendar year is more appropriate for comparative purposes) to the last calendar year of calendar years 1984, 1985, and 1986 in which such State received a grant under this subsection.

"(5)(A) Subject to subparagraph (B), the Secretary shall determine the amount of a grant made under this subsection for a fiscal year to a State.

"(B) The maximum amount of a grant made under this subsection for a fiscal year to a State shall be determined by the Secretary so as to reflect the extent to which the child pedestrian safety program such State is implementing in such fiscal year exceeds the requirements established under paragraph (2); except that such maximum amount shall not exceed 3 percent of the amount apportioned to such State for the fiscal year ending September 30, 1983, under section 402 of this title.

"(C) A grant for the maximum amount authorized under subparagraph (B) for a fiscal year may only be made under this subsection to a State which enters into an agreement with the Secretary to implement a child pedestrian safety education program which, at a minimum, includes the following:

"(i) designation of a single agency to carry out such program;

"(ii) identification of circumstances and factors which result in child pedestrian accidents, including an assessment of types of child pedestrian accidents; and

"(iii) use of targeted countermeasures for each type of child pedestrian accident.

"(c) After consultation with the Surgeon General, the Secretary shall issue regulations to carry out this section, including but not limited to, regulations to establish mandatory safety standards for child restraint systems and minimum standards regarding enforcement of child restraint system laws. Final regulations to carry out this section shall be issued not later than 180 days after the date of enactment of this section.

"(d) Of the amount appropriated to carry out this section for any fiscal year, the Secretary shall set aside $500,000 to carry out in such fiscal year evaluation, research, and demonstration projects concerning child pedestrian safety and child passenger safety. Such projects shall be designed to reduce mortality and injury rates for children resulting from usage of motor vehicles. The Secretary, acting through the National Highway Traffic Safety Administration, shall enter into contracts with persons who have experience in evaluating or implementing child highway safety programs to carry out such projects.

"(e) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $64,000,000 for the six-fiscal-year period ending September 30, 1989. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.

"(f) For purposes of this section, the term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except (1) any vehicle operated exclusively on a rail or rails, (2) any vehicle providing taxicab service, and (3) any vehicle having a capacity of 15 or more passengers.".

(b) The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end there of the following:

"409. Child highway safety programs.".

Sec. 4. Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following new subsection:

"(j)(1) Not later than 4 months after the date of the enactment of the Child Highway Safety Act, the Secretary shall promulgate a Federal motor vehicle safety standard under which manufacturers of passenger motor vehicles would be required to install in such vehicles anchorages, or provide predrilled holes in such vehicles to attach tether anchorages, for child restraint systems.

"(2) For purposes of this subsection—

"(A) the term 'passenger motor vehicle' means any motor vehicle which is a passenger car or multipurpose passenger vehicle (as defined in section 571.3 of title 49, Code of Federal Regulations, as in effect October 1, 1982); and

"(B) the term 'child restraint system' has the meaning given such term by section 571.213 of title 49, Code of Federal Regulations, as in effect October 1, 1982.".●

WHAT HAPPENS WITHOUT THE LEGISLATIVE VETO

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LEVITAS. Mr. Speaker, the problems facing our Government after last week's Supreme Court decision on the legislative veto have long been anticipated by James Sundquist, of the Brookings Institution. In an article written by Sundquist which appeared in the Los Angeles Times, on February 26, 1982, and which I placed in the RECORD on March 4, 1982, he predicted that a logjam would occur in Government without the legislative veto.

Following the Court's decision, Mr. Sundquist wrote, in the Washington Post on June 26, 1983, of the effectiveness of the legislative veto and of the purpose it served. Mr. Sundquist observes that "Insofar as this device of accommodation is now rendered unavailable, the two branches are condemned that much more often to the confrontation, stalemate and deadlock that so frequently leave the government of the United States impotent to cope with complex problems."

While it does us no good to bemoan the decision of the Supreme Court, I think that it would behoove us to review Sundquist's arguments. As we look for alternatives to the legislative veto, Mr. Sundquist's discussion reminds us of the severity of the problem we face. At this point I would like to place in the RECORD the articles by James Sundquist.

[From the Los Angeles Times, Feb. 26, 1982]

LEGISLATIVE-VETO ISSUE: WILL IT END IN A LOGJAM?

(By James L. Sundquist)

A constitutional dispute a half-century old appears finally headed for resolution by the U.S. Supreme Court, with profound implication for the practical conduct of government. At issue is a device invented in 1932 to enable Congress to delegate power to the President or to agencies of the executive branch, yet reserve the right to veto actions taken under the executive power.

Critics of the legislative veto contend that it permits Congress to meddle in the administration of laws, exerting improper influence and authority over decisions that should belong exclusively to the executive. They can make a strong case, but it overlooks a practical reality. If Congress is not permitted to veto actions taken under delegated power, it can simply refuse to delegate the powers in the first place. It can retain the decision-making authority, to be exercised through statute, but that will further clog the overloaded congressional calendar and result in delays and deadlocks on matters that urgently require action.

The specific case before the court arises from a ruling by the 9th Circuit Court of Appeals in San Francisco a year ago that struck down a legislative-veto provision in the statute regulating the deportation of aliens. Late last month, the Circuit Court for the District of Columbia rendered a much broader decision in a natural-gas-pricing case, appearing to outlaw the legislative veto in all forms and circumstances as a violation of the separation-of-powers doctrine of the Constitution. If the Supreme Court upholds that position, the veto provision in about 200 statutes will be invalid.

The veto came into being as a compromise in 1932, when Congress was unwilling to give President Herbert Hoover a free hand to reorganize government bureaus, yet could not do the job itself. Its solution was to authorize the President to issue reorganization orders provided that the House or the Senate could disapprove any such order within 60 days. Although Hoover signed the bill, his attorney general concluded a few months later that the arrangement was unconstitutional and a bad precedent. The Justice Department has stuck by that position ever since, sometimes (as, notably, in the Carter Administration) while the President was acquiescing in, or even advocating the legislative-veto provisions as the way to break legislative logjams.

How will those logjams be broken in the future if the legislative veto is outlawed? Certainly in many cases the executive branch will not gain power but will be the loser. Reorganization of the government is a case in point. Congress will be no more willing to trust President Reagan or any future President to recast the governmental structure on his own than it was willing to trust Hoover. Every reorganization will have to be achieved through a congressional act, and few that are controversial are likely to become law.

In the War Powers Resolution of 1973, the legislative veto was the key to settling an even older and more urgent constitutional issue, over who has the power to involve the United States in war. Congress was again reluctant, and understandably so, to give the President carte blanche to use military forces anywhere in the world solely at his own discretion. Yet it recognized that sometimes the President has to act in crises, immediately and forcefully. The artfully crafted compromise that was adopted—over President Richard M. Nixon's veto—authorized the President to respond to emergencies with military force, but gave Congress the right to reverse the President's decision.

In the Impoundment Control Act of 1974, the President is prohibited from refusing to expend appropriated funds, but is allowed to defer expenditures, subject to a legislative veto. Without such a cimplified procedure, every such action would have to go through the full legislative process. The result would inevitably be fewer deferrals—in other words, more spending.

Similarly with regulatory agencies. For Congress to have review veto power over rules and regulations can be pernicious, but without it the legislators can simply withhold authority—telling the Federal Trade Commission, for example, to draft its regulations as proposed bills, to be enacted into law.

The list of cases could go on. But they all add up to this: If the executive branch finally wins its case against the legislative veto, it will live to regret its victory. Tension and conflict will increase within the government, many deadlocks between the branches will prove unbreakable, and problems that demand urgent attention will go unresolved.

The Supreme Court may hold that in interpreting the constitutional language it is not permitted to take practical considerations into account, although there are many occasions when it has done so. But the constitutional separation of powers surely introduces enough difficulties into the operation of the government already, without the addition of a new rigidity that would prevent statesmen from working out on a case-by-case basis the kind of power relationships that so far—on balance—have served the country well.

[From the Washington Post, June 26, 1983]

WITHOUT THE LEGISLATIVE VETO . . . MORE CONFRONTATION, STALEMATE, DEADLOCK

(By James L. Sundquist)

When the Supreme Court on Thursday outlawed the legislative veto, one wire service in its lead paragraph described the action as a "shattering blow to congressional power."

Reporters who must interpret an event within minutes of its happening can be forgiven a hasty judgment. But this particular judgment certainly qualifies as premature. A better guess is that, in the long run, the Supreme Court decision will prove to be a shattering blow to executive power.

Which branch won, however, is not the important consideration. The crucial point is that the court—if its ruling turns out to be as sweeping as it at first appears—has destroyed an ingenious device that has been worked out, usually cooperatively, by practical people in both the legislative and executive branches to overcome the conflict that is inherent in a government of separate and independent branches.

The court in its decision took some pride in defending and preserving the separation of powers written into our governmental structure by the Founding Fathers 200 years ago. One need not second-guess the court in divining what the Fathers had in mind. The court majority is, in all probability, quite right in its interpretation of 18th-century political philosophy. But it is a pity that that philosophy could not in this instance have somehow been made to accord with the practical experience of politicians and administrators in trying to fulfill the responsibilities of government in 20th-century America.

The fundamental problem, in trying to make the government of the United States work effectively, is not to preserve the separation of powers but to overcome it. For anything of consequence to be accomplished, the executive and legislative branches must be brought from confrontation into a reasonable degree of harmony. The legislative veto is a device that has served that purpose, providing even in cases of severe disagreement and distrust a frame-

work wherein decisions can still be made expeditiously and actions taken. Insofar as this device of accommodation is now rendered unavailable, the two branches are condemned that much more often to the confrontation, stalemate and deadlock that so frequently leave the government of the United States impotent to cope with complex problems.

The first and longest use of the legislative veto is as good a case as any to illustrate the utility of the device. Fifty years ago Congress, recognizing that the departments of the government need to be reorganized from time to time to keep abreast of changing responsibilities, reached the obvious conclusion the Congress would not and could not do that job. To make all the necessary organizational changes through the legislative process was just too tedious, difficult and complicated—requiring hearings, committee consideration and floor debate in both houses, and House-Senate conference committees whenever the houses disagreed. Given this procedure, reorganization questions tended not to be considered at all; the structure of the government remained essentially frozen while its responsibilities grew and changed. One answer would have been to let the president, as the head of the executive branch, organize it as he pleased. Yet Congress was unwilling to give any president *carte blanche* to create and dissolve agencies and move them from department to department. So the legislative veto was invented: let the president reorganize the executive branch, but subject to the right of Congress to veto any scheme before it took effect. Under this arrangement, which has been satisfactory to both Congress and presidents alike for half a century, the structure of the government has generally been kept abreast of the times. Now and then Congress rejects a presidential reorganization plan, but most of the plans have been allowed to take effect, and the laborious and—for this purpose—ineffective legislative process has been circumvented.

Since its invention in the 1930s, the legislative veto has been used over and over again, by now more than 200 times. In my judgment, it has been overused, applied more frequently than it should have been. But each case has been a matter of executive-legislative negotiation, in the course of hammering out one or another practical compromise, and most have been mutually acceptable. In fact, in many cases, the legislative veto has been the means of achieving historic compromises that have resolved central constitutional questions over which the two branches have quarreled for decades. One such example is the War Powers Resolution of 1973—passed over President Nixon's veto, to be sure—which, until last Thursday, had settled the question of the extent to which the president may engage in military operations without a declaration of war by Congress. Another is the Congressional Budget and Impoundment Control Act of 1974, which was welcomed by President Nixon as the resolution of the acrimonious dispute over whether the president could refuse to spend money Congress had appropriated. In both cases, the president is given a limited delegation of authority: he may act, but Congress can reverse him if it disagrees.

The supposition that the court decision strikes "a shattering blow" at congressional power rests on the premise that in the absence of the veto the president will receive, instead of restricted grants of authority, unrestricted grants. But there is no reason whatever to believe that Congress will behave that way. In most circumstances where Congress has demanded a veto as the condition for granting power to the executive, it will simply retain the power in itself—which, constitutionally, it has every right to do. It will tell the president to recommend instead of giving him a contingent right to act.

In the case of reorganization, for example, it has never given a president unrestrained authority except during war emergencies—either before or after the legislative veto was invented. We can safely conclude it will not do so in the future. So, as a practical matter, the court has returned the country to the old days; if the government is to be reorganized in any significant respects, it will have to be done by statute—which means it will rarely be reorganized at all.

In the case of impoundment of appropriated funds, where the president and Congress have been routinely deferring expenditures under the simple legislative veto procedure, a blanket authorization to the president is likewise not conceivable. So deferrals will have to be enacted by statute, which can only mean that they will be fewer and more money will be spent. In these and many other matters, presidents and executive agencies will have less, not more, real delegation of authority.

Besides simply refusing to grant discretion in the first place, Congress has many other means of forcing the executive branch to behave as the legislators wish. Executive actions now subject to legislative vetoes can be barred through riders on appropriations and authorization bills. Those procedures are, compared with the legislative veto, clumsy and cumbersome—but they have been, and can be, totally effective. Assuming that Congress will continue to be jealous of its powers and suspicious of presidents and their subordinates—surely a safe assumption—the court's decision can be expected to increase friction between the branches, load an already overloaded Congress with more responsibilities that it is ill-equipped to handle, replace simple with complex processes of congressional control and, on occasion, tie the government in knots, without reducing congressional power in the least.

But there is one saving thought. In the process of amending the Constitution, the executive branch plays no formal part, either in the federal government or in the states. Amendments are proposed by Congress, with no need for approval by the president, and they are ratified by the state legislatures, with no approval by the governors. So, if legislators desire to restore the legality of the device they have invented and fostered—and if executives as a matter of principle resist—the constitutional amendment process is stacked heavily in favor of the legislators. The "shattering blow," if such it be, can be recouped with the executive branch merely a bystander in the process.●

LEGISLATION TO PROVIDE FOR CONTINUATION OF THE GUERNSEY SILT RUN

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. CHENEY. Mr. Speaker, I represent the members of the irrigation districts located in the Wyoming part of the North Platte irrigation project, which itself is located in both Wyoming and Nebraska. For many years, the irrigation districts have employed on a seasonal basis a natural water conservation practice known as the silt run. A silt run allows water released from storage and containing silt to flow into the irrigation project distribution systems, lining those distribution systems and increasing their conveyance efficiency substantially.

In the past few years, the North Platte project and the Secretary of the Interior have disagreed about whether, and on what terms, the silt run should be allowed to continue. The disagreement occurs essentially because the United States some time ago purchased certain hydropower facilities from the project and now claims the right to maximize power output from them even though this would impair or prevent the silt run, a custom which clearly predates the purchase of the facilities.

I have reviewed the correspondence between the Department and the irrigation districts concerning the dispute. I have also reviewed additional materials collected and supplied to me by the irrigators. On the basis of this review, I believe it is likely that representatives of the U.S. Government promised the irrigation districts during the hydropower negotiations that the customary silt run could continue. Recent Department of the Interior analyses of the dispute appear to concede that such promises were made.[1] Nothing in the contracts between the United States and the project is to the contrary.

For these reasons, I remain unconvinced by the Department's position that its contracts, although silent on this issue, do not allow or require the continuation of the silt run, or that they would allow the Department to impose unspecified, and potentially very burdensome, charges on the irrigators if the silt run interrupts power generation.

It seems to me that in this situation, the Government should be required to keep its promises, and this is what the legislation I introduced yesterday would do. The legislation would require the Department to continue the silt run in return for only those charges already explicitly spelled out for water deliveries under existing contractual agreements.●

[1] Guernsey Silt Run—Power Interference charges: An Analysis Report, pp. 25-27 (DOI, April 1983).

FAILURE OF U.S. POLICY IN CENTRAL AMERICA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. VENTO. Mr. Speaker, our policy toward Central America raises some of the most serious and troublesome questions facing our Nation today. This administration has instituted a policy which places increasing emphasis on military aid and on military solutions to problems which are the result of social, economic, and political injustice.

This policy is not in the best interests of the United States, nor is it in the best interests of the people of Central America. Instead of relying on military assistance to prop up governments with little popular support, we should be using our considerable influence to encourage progressive and equitable development in the region.

Two recent articles illustrate the inherent fallacies in the Reagan administration's policy. The June 16 editorial from the St. Paul Pioneer Press discusses the counterproductive nature of our military aid. It also points to the chilling possibility that this administration may become a victim of its own cold war rhetoric and become so deeply involved that it cannot extricate itself from deeper and deeper military involvement. The second article was published in the New York Times on June 17. It was written by our former Ambassador to El Salvador, Murat Williams. This article poignantly illustrates the futility of this administration's propensity to rely on military solutions. More specifically, he identifies the social and economic inequalities of life in El Salvador, which prevent the Salvadoran military from gaining the support of the people or even the support of Salvadoran troops.

Mr. Speaker, these are both excellent articles which reflect my concerns about our current path in Central America, and I believe they also reflect the concerns of the majority of the American people. I commend them to the attention of my colleagues.

[From the St. Paul Pioneer Press, June 16, 1983]

SINKING KNEE-DEEP IN CENTRAL AMERICA

The United States military involvement in Central America becomes deeper and deeper by the day. Soon it may be at the point of no return.

Tuesday, 100 (possibly more) U.S. Army Special Forces troops—Green Berets—arrived in Honduras. They are there, ostensibly, to train several thousand Salvadoran troops in guerrilla warfare. But they will also train soldiers "from other Central American countries" (read: anti-Sandinista Nicaraguans), and a Honduran army spokesman said their main purpose is the training of Hondurans.

Whatever they are supposed to be doing, they ought not to be doing it.

There is a congressionally-imposed limit of 55 on the number of American military advisers in El Salvador. Sending 100 Green Berets to train Salvadorans in neighboring Honduras obviously is the administration's sneaky way of getting around that limit, in defiance not only of Congress but of the American people, who have expressed through public opinion polls and in other ways, their strong objection to further military involvement in Central America.

Nor should the Berets be in Honduras to train "other" Central Americans. Such a move gives the lie to the protestations of the Reagan administration that the United States is doing nothing to overthrow the Sandinista regime in Nicaragua. Few have ever actually believed these protestations; each new step toward direct intervention makes them sillier and more hypocritical.

Well, then, what about just training Hondurans? Shouldn't we help them protect themselves against a revolution that might bring communism to yet another small republic?

Rather than protecting them against a revolution, sending U.S. troops to Honduras will probably only hasten its coming. The move will almost certainly strengthen the hand of the Honduran military—like nearly every other Latin military, eager to grab power—and weaken the young and shaky civilian-run government. A military coup will in turn bring greater repression and fuel more insurgency.

The 100 Green Berets are by no means the only American presence in Honduras. They joined about 90 "advisers" already there. There are another 60 military personnel at a radar station (it's supposed to trace shipments of arms from Nicaragua to El Salvador). The CIA is said to have about 100 operatives in the country. There are reports of plans for as many as six American-built (and American-manned?) airfields.

The consequences of the administration's policies range in unpleasantness from merely promoting the growth of anti-American feeling throughout Latin America to, at worst, another wrong-headed, hopeless war, fought for all the wrong reasons in the wrong places.

[From the New York Times, June 17, 1983]

LIMITS IN AIDING SALVADOR

(By Murat W. Williams)

MADISON MILLS, VA.—"Give me one regiment of my old First Division and I can clean up all Central America." Those were the words of a United States Army adviser in El Salvador 35 years ago—in 1948, after he had spend some months on duty as director of the Salvadoran military academy.

I listened with respect because he had had a spectacular war record with the First Division of the United States Army in Europe. Since then, I have often wondered whether he was among the Pentagon planners who recommended sending troops to Vietnam, first in modest numbers and then in hundreds of thousands.

I have wondered more recently whether one of his like-minded successors is making plans now to reinforce the American advisers in El Salvador and whether he will ultimately feel that perhaps two regiments of the "Big Red 1," the old First Division, or the Marine Corps will suffice to "clean up" Central America.

If so, I hope they will hesitate long enough to review the military record of the uniformed forces in El Salvador whom we have grappled to our bosoms as gallant democratic allies. Those of us who have known these forces have rarely been impressed by the Salvadoran Army's military skills. Even the troops most recently trained seem to find invincible opponents in the outnumbered guerrillas whom they have met in jungles and dusty village streets.

It may prove too much to build an effective army out of the young conscripts, pressed into service to fight for a system that has done them little good, under officers who have been steadily maligned by their countrymen. The Salvadoran chief of staff convicted in New York in 1976 for trying to sell $2.5 million worth of machine guns to gangsters demonstrated the kind of corruption that our advisers may still have to confront.

Our training has many limits. Salvadoran country boys often do not have the minimum literacy to qualify for United States training camps. City boys may have the qualifications, but on their return they find life in the jungles harsh and unfamiliar. Two-thirds of the American-trained conscripts have not re-enlisted for further service. Youths from the upper classes have been conspicuously and completely absent from the army rank-and-file. The boys in uniform come almost entirely from families with no stake in the system and nothing to lose—with nothing to fight for.

These are the troops upon whom President Reagan risks our honor. He should consider the lesson we should have learned long ago—in many countries—that advice, training and military matériel are not enough to make military success.

It will be a disaster if we let our commitment of advice and supply go so far that, when it proves inadequate, we must inevitably follow it up with a regiment, or two, or three, of our own best troops.

It will be unpardonable if under the illusion of "not losing El Salvador," we should send American troops to Central America in an intervention that could "lose" the whole of Latin America.

The Reagan Administration proposes to increase the number of advisers in El Salvador and the volume of military aid. Whom will the Americans advise and who will use the weapons we supply? The same military establishment that has been receiving our advice and advisers for at least 37 years. (We sent our first Air Force mission to El Salvador in 1948 and an American officer was director of the military academy as far back as 1946). Our advisers have been good men. Our missions have been skillful. But during almost the entire time we have advised, trained and supplied the Salvadoran military forces, the main preoccupation of the leaders of those forces has been with their own domestic politics.

One need not labor the point that the military officers generally worked to help the wealthy landowning class maintain an oligarchical system. Despite occasional efforts for reform, especially in the early years of the Alliance for Progress, more often than not the military officers served the landed families—and received ample rewards. In the past decade or so, many officers began to ask why they should serve the landed families and not themselves. Today, most of the old landowners are dispersed abroad and military officers have increasingly become landowners.

Never has the system brought notable benefits to the rank-and-file soldiers. Seldom in this century have the higher aspirations of patriotism motivated the

troops. Teen-aged youths, seized by press gangs and marched off to barracks with their thumbs tied behind their backs, could scarcely know what they would fight for if the time came to use the guns we have provided.●

PRESERVE FOR THE FUTURE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mrs. JOHNSON. Mr. Speaker, the spirit of preservation of our artistic heritage and of community giving still thrives in Connecticut. I rise to commend and to recognize the numerous individuals who have committed their time to the preservation of the Hill-Stead Museum in Farmington, Conn. This is a proud example of volunteers at work as a team to preserve for the future an outstanding representative of the past.

The Hill-Stead Museum is truly a national treasure. The home of a pioneer American woman architect, Theodate Pope Riddle, this unique house-museum, designed by Stanford White, contains a $25 million art collection which has been open to the public since 1946. Hill-Stead boasts a magnificant collection of impressionist paintings. Major canvasses by Monet, Degas, and Manet grace Hill-Stead's walls. Superb Japanese woodcuts, exceptional furniture, bronzes by Barye, Chinese porcelains of the Ming and Sung periods, an outstanding series of clocks—all add to Hill-Stead's beauty, charm, and legacy. Last year, 12,000 visitors toured Hill-Stead, an increase of more than 30 percent over the previous years.

In 1982, the Friends of Hill-Stead, a volunteer group of 1,200 individuals, accepted the challenge of raising a $1 million fund to preserve this splendid house for the enjoyment and education of present citizens and future generations. Raymond D'Argenio, senior vice president/communications, United Technologies Corp., serves as chairman of the Friends of Hill-Stead. Barbara Mooney, vice chairman of the campaign and a director of the Friends of Hill-Stead, has volunteered 2 years of her time to run the day-to-day operation.

Thanks to the generous and dedicated Friends of Hill-Stead, the many individuals and businesses who are working so untiringly to make this drive a success, this outstanding museum will continue to function as a place where new generations of students and scholars can come to study and savor its treasures. I salute all who have recognized, by contributing to the preservation of Hill-Stead, that the quality of the lives we share is very dependent on our willingness to give to one another.●

MARITIME SAFETY ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. JONES of North Carolina. Mr. Speaker, at the end of the second session of the 97th Congress, I introduced legislation, H.R. 7038, to promote maritime safety on the high seas and navigable waters of the United States. This legislation was the result of extensive hearings and investigations conducted by the Committee on Merchant Marine and Fisheries during the 97th Congress.

After holding two major full committee hearings on two major marine casualties—one on the loss of the vessel the SS *Poet* which disappeared in October 1980, and the other on the sinking of the mobile offshore drilling vessel, the *Ocean Ranger,* in February 1982—and after investigating other significant major marine casualties such as the Sunshine Skyway Bridge accident and the sinking of the *Marine Electric,* I have decided to reintroduce the Maritime Safety Act, with minor revisions.

The first part of the bill raises the lid placed on civil liability penalities for unlawfully operating without a certificate of inspection from $500 per offense to $5,000 per day. When the semisubmersible drilling vessel, the *Ocean Ranger,* sank on February 14, 1982, killing 85 men, it was operating without the legally required certificate of inspection issued by the Coast Guard. A one shot $500 penalty was no deterrent considering that the operation was leasing the drilling vessel for approximately $100,000 per day. The $5,000 per day penalty in the new bill will serve as a deterrent to operating a vessel without a current certificate of inspection.

The original H.R. 7038 penalty of $50,000 per day for knowingly operating without a certificate of inspection has been reduced to a maximum of $10,000 per day of violation. Another feature of the new bill is imposing mandatory penalties when a violation occurs. H.R. 7038 in the 97th Congress made the imposition of penalties discretionary. The Secretary retains discretion, however, to modify, compromise, remit, or mitigate the amount of the penalties.

The second part of H.R. 7038 focuses on communication between the owner of the vessel, the master, and the Coast Guard. The bill requires an owner to report to the Coast Guard when the owner has not heard from the vessel in over 48 hours. At the Merchant Marine and Fisheries Committee hearing on the disappearance of the cargo vessel, the SS *Poet,* testimony was given that the owner of the missing vessel did not report to the Coast Guard until 10 days had passed since his last communication with the ship. With such delayed notice there was scarce opportunity for the Coast Guard to assist the vessel.

H.R. 7038 also requires the master of the vessel to report to the vessel's owner at least every 48 hours. Thus, this section of the bill stresses the necessity of communication in making the marine environment safe. The importance of communication is seen also in section 3(c) of the bill which authorizes $5 million in both 1985 and 1986 to fund not more than 50 percent of the cost of purchasing and installing marine satellite telecommunications systems on vessels of 1,000 gross tons or more.

The final section of the bill permits the Coast Guard to investigate all acts of marine incompetency or misconduct committed by any person licensed by the Coast Guard. The rationale behind this section is that the agency which issues a marine officer's license, representing that the holder of the license is safe and qualified, should also be able to revoke that license if there is evidence of marine incompetency or misconduct, whether or not the officer is operating under a Coast Guard license or some other marine license. Under H.R. 7038, the negligence of a licensed marine officer will be admissable as evidence in a determination of the status of a Federal license.

The intent of H.R. 7038 is to improve the marine safety environment without imposing onerous burdens upon those involved in maritime work. It is a bill which requires all groups—industry, operators, and Federal agencies—to improve their own operations in order to better insure the safety of life and property at sea.

I look forward to working with the maritime community on this bill dedicated to improving safety at sea.●

TIME FOR NHTSA ACTION ON AUTOMATIC CRASH PROTECTIONS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WIRTH. Mr. Speaker, last week, the Supreme Court ordered the National Highway Traffic Safety Administration to reconsider its rescission of the standard requiring automatic crash protections—seatbelts or airbags—as standard equipment on American automobiles. The Court called NHTSA's action in repealing this lifesaving rule "arbitrary and capricious." I agree.

The standard was supposed to be effective for 1982 model year cars, but has been delayed over and over. In the meantime, Americans have continued

to die or be injured because they do not have access to this lifesaving technology. Automatic crash protections work, and the time is long past due to get them into every automobile this country produces.

In this morning's Washington Post, George Will presents a lucid and comprehensive report of the sorry tale of delay and inaction in implementing the standard. I take exception only with Mr. Will's assertion that a new statute is needed to enforce the will of Congress. Congress has already spoken—and spoken clearly. It is time for NHTSA to act, and act expeditiously. I have written to Secretary Dole, insisting that she move forward quickly to establish a timetable for implementing the standard, and that such a timetable be in place no later than September 1, so that 1985 model year cars can be equipped with these necessary protections.

I commend Mr. Will's article to you.

AIRBAGS: THERE OUGHTA BE A LAW

(By George F. Will)

Government in Washington often is war carried on by other means. It is an interminable war of indecisive battles between factions of the government. Government needs more battles like those at Thermopylae, Tours, Hasting, Waterloo—battles where issues were settled.

Consider the war over automobile airbags, a war now in its second decade. If you think the Supreme Court ruling last week settled things, think again.

The ruling came a few days after the court's decision striking down the legislative veto. That decision focused attention on how much of the legislating process is delegated by the legislature to the executive branch: Congress expresses sentiments and asks an executive department or independent agency to turn the sentiment into law—into rules regulating behavior.

In 1966 Congress directed the secretary of transportation to issue safety standards that "shall be practicable, shall meet the need for motor-vehicle safety and shall be stated in objective terms." Congress authorized judicial review of all regulations. Such semi-legislation is an invitation to protracted conflict, and many parties—insurance organizations, auto manufacturers, consumerists, medical groups—accepted the invitation.

There have been approximately 60 separate rule-making actions in the history of Standard 208, issued in 1967. In 1967 seatbelts were required. When it became clear that few persons used belts, DOT began considering "passive restraints." Those are devices the effectiveness of which does not depend on any action by occupants of a vehicle. Automatic seatbelts fasten to doors and secure occupants when the doors close. Airbags are inflatable devices carried in dashboards and steering columns. They inflate when deceleration forces become severe; then they quickly deflate.

In 1969 the Nixon administration proposed passive restraints. In 1972 it said such restraints would be required in vehicles manufactured after Aug. 15, 1975. Challenged in court, that decision was upheld. Manufacturers opted for the "ignition interlock"—cars would not start until belts were buckled. An enraged public began performing appendectomies on their cars, dismantling the interlocks. The loud complaints awoke Congress, which, acting with a speed not seen since Pearl Harbor, forbade the interlock and, for good measure, gave itself a legislative veto (decreased) over subsequent standards.

The bureaucratic machinery clanked on, producing (to touch only high points) President Carter's requirement of passive restraints and President Reagan's rescinding thereof. The Reagan administration argued that the life-saving potential of airbags, which is not disputed, would not be realized. This because in 99 percent of all cases manufacturers would satisfy the "passive restraint" requirement with automatic seatbelts designed to be easy to detach, and most of these would be detached by the cars' owners.

The court concluded (all nine justices concurring, at least in part) that this decision was capricious. So? So "further consideration of the issue is required." World without end, amen. Victoria Will, age 2, may become a lawyer—don't almost all American children?—and earn her living litigating the airbag war.

And yet . . .

The court said that a minimal requirement of Congress' directive is consideration by DOT of the possibility that the logical response to the faults of detachable seatbelts is to require nondetachable belts, or airbags. At the risk of seeming radical, or perhaps reactionary, I suggest it is time for the lawmakers to make law.

Sen. John Danforth (R-Mo.) is prepared to play the part of Charles Martel, who at Tours in 732 A.D. sent the Moors packing. Danforth's bill says, among other things: "Each manufacturer of passenger automobiles shall install airbags in each passenger automobile manufactured on or after Sept. 1, 1985." That is what a law looks like.

And after 14 years the evidence is in and vindicates passive restraints. Spending on medicine—often on attempts to recover health lost unnecessarily—is becoming a threat to the nation's economic health. The only substantial and immediately achievable improvements of public health would cost the public treasury nothing. They would come from less smoking, less drinking, less overeating, more exercise. And more use of seatbelts. Use of seatbelts would cut fatalities in half and injuries by two-thirds.

For 54 years motor vehicles have been the nation's leading cause of accidental deaths and injuries. Last year an average of 126 Americans a day died on highways. A conservative estimate is that if airbags had been required during the last decade, the lives saved would number many more than the lives lost in Vietnam. The savings to the private economy and the public treasury would have been scores of billions of dollars.

Honorable persons can disagree about what the law ought to be. But surely it is time for Congress to say what the law shall be.●

PEDRO L. G. MAFNAS HONORED

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WON PAT. Mr. Speaker, my colleagues will be interested to know that one of my constituents, Mr. Pedro L. G. Mafnas of Guam has been honored to be nominated for inclusion in the next edition of "Who's Who in American Law Enforcement."

A man with numerous honors, Mr. Mafnas has been a security guard at the Guam Department of Public Works for many years. He has an outstanding reputation and this latest honor is one he richly deserves.

At a time when our prisons are overcrowded and pressures grow each day on security guards, men such as Pedro L. G. Mafnas serve as reminders of the high degree of professionalism which exists in their community and as a reminder to others what can be accomplished through integrity and hard work.

At this time I insert a brief article about Mr. Mafnas which appeared in the June 16, 1983, Pacific Daily News:

[From the Pacific Daily News, June 16, 1983]

(By Linda Cefre)

WHO'S WHO NOMINEE

Pedro L. G. Mafnas, a security guard at the Department of Public Works, has been nominated to be included in this year's edition of Who's Who in American Law Enforcement.

Mafnas received a citation award in preventing the destruction of the 1981 Public Works Week exhibits and displays. He also completed a professional security training course at the Guam Community College and first aid training. He received a certificate for firearms qualification from Miles Security Agency and a certificate of recognition from Public Works.

The edition is published and distributed nationwide only once evey three years. This year's edition will be published this fall. Who's Who in American Law Enforcement is a non-profit project of the American Police Academy J. Edgar Hoover Memorial.●

THE LEGISLATIVE VETO—NOW THAT IT IS GONE

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LEVITAS. Mr. Speaker, here we are a week after the Supreme Court decision ruling that legislative vetoes are unconstitutional, and the Congress and the executive branch are trying to sort out what this decision means for the realities of government. In an article which appeared in the New York Times today, Bernard Schwartz, a noted professor at New York University Law School, discusses why the legislative veto was so important to the oversight work of the Congress.

As Schwartz points out:

There is not much point in merely criticizing the legislative veto decision.

But we must look to alternative means of control. For as Schwartz says:

The legislative veto enabled the legislature to assume an effective role as supervisor of the executive. There is no more important role for the contemporary legislature.

At this point, I place Mr. Schwartz's article in the RECORD:

[From the New York Times, June 30, 1983]

THE "LEGISLATIVE VETO"—NOW THAT IT'S GONE

(By Bernard Schwartz)

The United States Supreme Court's crucial role rarely has been more dramatically illustrated than by its decision last week striking down the so-called legislative veto, under which Congress could annul executive action by simple resolution. At one stroke, the Court cast more than 200 laws containing legislative veto provisions into legal limbo. According to the Court, the Constitution requires that all legislation be presented to the President for his signature or veto and does not permit Congress to enact what amounts to veto-proof "legislation" that infringes upon the President's authority and thus violates the separation of powers.

Yet, as Justice Benjamin N. Cardozo wisely observed, "the separation of powers between the Executive and Congress is not a doctrinaire concept to be made use of with pedantic rigor." Indeed, despite the Supreme Court's decision, the Constitution never has been construed as setting up a rigid separation of powers. The key principle is a system of checks and balances—not a watertight separation among the branches. The only absolute separation that has ever been possible is in the theoretical writings of a Montesquieu, who looked across at foggy England from his sunny Gascon vineyards and saw a complete separation of powers that did not in fact exist in the English Government at that time.

As the dissent by Justice Byron R. White points out, the Court's decision that all "lawmaking" must be shared by Congress and the President "ignores that legislative authority is routinely delegated to the executive branch, to the independent regulatory agencies." If Congressional action under the legislative veto technique is "legislative" action that must be shared, why is the same not true of executive of administrative promulgation of orders, rules and regulations, which the legislative veto attempts to control?

The key issue is, indeed, one of control. The great need in an era of expanding administrative authority is to establish effective safeguards outside the executive branch.

Congress is the one organ of Government both responsive to the electorate and independent of the White House. The legislative veto enabled the legislature to assume an effective role as supervisor of the executive. There is no more important role for the contemporary legislature.

"The political philosopher," wrote Woodrow Wilson, "has something more than a doubt with which to gainsay the usefulness of a sovereign representative body which confines itself to legislation to the exclusion of all other functions." Important though the legislative function itself may be, a legislative body is hardly worthy of the title of Congress if it merely grinds out laws as a sausage-maker grinds out sausages.

However, since the Constitution is what the judges say it is, there is not much point in merely criticizing the legislative veto decision. The Supreme Court's condemnation is in such sweeping terms that it signals the death knell of direct Congressional attempts to review executive and administrative action. Yet, as John Stuart Mill tells us, "The proper office of a representative assembly is to watch and control the government." What tools are left to Congress by the Court decision to enable it to perform this function?

None that is as effective as the legislative veto. Congress can, to be sure, enact laws limiting executive authority and overruling invalid administrative exercises of power. These will, however, be subject to Presidential veto and the President will rarely agree to restrictions upon his own Administration's authority.

It is also unreal to assume that Congress will now impose detailed restrictions in laws delegating power to the executive. The modern trend has been all the other way. Congress has neither the time nor the expertise needed to draft detailed standards limiting delegated authority.

In addition, Congress is too often unwilling to make the hard choices needed to set defined policies for the executive. It has always been easier to pass a statute with vague language about the "public interest"—high-sounding and meaningless in terms of restricting executive power.

With the legislative veto now gone, it will be all but impossible for Congress to exercise its vital role of what Wilson called "vigilant oversight of administration." The Court decision will insure that we realize more than ever that oversight is the noun of the verb overlook as well as oversee.●

RHODE ISLAND RESPONDS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mrs. SCHNEIDER. Mr. Speaker, yesterday the Wall Street Journal printed an article on the State of Rhode Island which, in the opinion of the congressional delegation, seriously misrepresented the resilient character and wonderful environment of our State.

Today, Senators PELL and CHAFEE and our colleague, Mr. ST GERMAIN, and I responded. I would like to share our reply with our colleagues.

U.S. SENATE,
Washington, D.C., June 29, 1983.

Mr. ROBERT L. BARTLEY,
Editor, the Wall Street Journal,
New York, N.Y.

DEAR MR. BARTLEY: The harsh and unfair portrait of Rhode Island in a recent article painted a grossly inaccurate picture that brings the Wall Street Journal's reputation for objectivity into serious question.

That unbalanced article did less than paint Rhode Island "warts and all." It painted the warts alone. It dismissed, almost as asides, many of Rhode Island's unique charms and strengths. Beauty is, of course, in the eye of the beholder . . . but we do not think that you looked closely enough.

Our state has economic problems which we freely acknowledge and are working to solve. Rhode Island has forged a strong, creative partnership of labor, business and government—the Rhode Island Strategic Development Commission—to find new solutions. The firestorm of protest ignited in our State by your article is convincing proof of both the depth and strength of this coalition.

While we understand our problems, we also understand that the solutions to these problems can be found in our strengths. Rhode Island offers a total environment and a quality of life that many have found to be among the very best in the United States.

Employers, for generations, have valued the character and reliability of Rhode Island's workforce. Much of this unique character flows from the ethnic and cultural richness of our people, who have combined from many backgrounds to make Rhode Island one of the most diverse and interesting States in America.

The compact size of our state, while perhaps a source of continuing good humor for residents and non-residents alike, also means that our residents can live in city, rural or suburban settings and still be only minutes from work or from the beaches that ring the Rhode Island coastline.

Rhode Island is a beautiful State that has something to offer everyone—breathtaking beaches, old world and new world neighborhoods, industries to provide jobs, entertainment and opportunities for growth and new businesses.

Cross pens, Gorham silver, Bostitch staplers, Brown & Sharpe machine tools, Trifari jewelry, American Tourister luggage, General Dynamics submarines, all these and many more are products of Rhode Island.

We invite you to visit Rhode Island and hope you will bring along any editors or reporters who have grown weary of commuting or tired of the high prices of "big city" living and would like to improve the quality of their lives.

You may discover what we have known all along. Rhode Island is a great way of life. We are proud to represent the fine people of this State.

Warm regards.

Sincerely,

JOHN H. CHAFEE,
U.S. Senator.
CLAIBORNE PELL,
U.S. Senator.
CLAUDINE SCHNEIDER,
Member of Congress.
FERNAND J. ST GERMAIN,
Member of Congress.●

ARTIFICIAL REEFS

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BREAUX. Mr. Speaker, today I am pleased to introduce legislation which will promote responsible and effective efforts to establish artificial reefs in U.S. waters. When properly designed, constructed, located, and maintained, artificial reef structures serve to enhance the habitat, diversity, and production of fishery resources; enhance U.S. recreational and commercial fishing opportunities; and increase the overall production of U.S. fishery products in the United States. In fact, the local and national environmental and economic benefits of a re-

sponsible artificial reef program are substantial.

This legislation, therefore, would provide the Corps of Engineers with specific authority to approve proposals to construct artificial reefs as well as standards for the evaluation of such proposals. In order to insure proper coordination between the oceanographic and other physical characteristics of a proposed artificial reef site, and the design and materials to be utilized in the construction of an artificial reef, the legislation further authorizes the Secretary of Commerce, through the National Marine Fisheries Service, to develop a long range plan for establishing artificial reefs in U.S. waters. The plan will be utilized by the Corps of Engineers as a benchmark by which to evaluate the quality of future artificial reef construction proposals. The result, I believe, will be a responsible and well coordinated program to maximize the benefits and minimize the potential detriments of artificial reef construction.

Although some nations such as Japan have spent in excess of $1 billion in government funds on highly successful artificial reef programs, there has been little, if any, interest expressed by the U.S. Government in such a program. Instead the legislation would provide encouragement to the private sector to donate appropriate materials to interested artificial reef construction permit holders. Provided that certain standards are met, the legislation specifies that artificial reef material donors would be eligible to claim a tax credit for those expenses incurred in providing such materials. Such expenses include only those that are above and beyond those expenses that would be incurred in the normal manner of disposition of such materials. Such artificial reef expenses eligible for the tax credit would include, but are not necessarily limited to, excess transportation costs, additional costs for preparing the materials in a suitable manner necessary to comply with the applicable permit for such artificial reef, and any expenditure for research on, or associated with, the utilization of such materials on a specific artificial reef site. It is intended that the inclusion of such research costs will encourage private sector research and development efforts on artificial reefs in lieu of analogous yet absent Federal activities. In fact, the intent of this entire legislation is to encourage and facilitate private sector, and State and local government initiatives to carry out virtually all artificial reef construction activities in compliance with minimal, yet necessary Federal requirements.●

THE TRUTH-IN-BUDGETING ACT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GRADISON. Mr. Speaker, today I am introducing a revision of the Truth-in-Budgeting Act of 1983 (H.R. 2868). This revised bill contains several changes to H.R. 2868, reflecting suggestions made by various parties since the Ways and Means Committee hearings on H.R. 2868 on May 22, 1983.

The basic intent is the same—to require agencies to show all of their transactions with the Federal Financing Bank (FFB) onbudget and in their budget accounts. Current law enables some agencies to transfer their spending to the offbudget FFB. My legislation would put the FFB onbudget by scoring all FFB transactions in onbudget accounts of the agencies actually conducting the programs (the FFB itself conducts no programs). My bill would not reduce the FFB's efficiency in marketing agency debt, and would only change the way in which agency transactions are recorded to reflect program activity more accurately.

Contrary to the intent of the Congress when it passed the Federal Financing Bank Act of 1973, the FFB created a crack in the budget process which quickly ruptured into a flood of offbudget spending—over $100 billion since 1975, and all for credit programs.[1] Until the strategic petroleum reserve was placed offbudget (effective in 1982) the FFB was used to record over 95 percent of offbudget spending each year.

The establishment of the FFB provided an accounting vehicle that has permitted agencies to transfer records of their actual activity (i.e., net spending) from their own books to the books of the offbudget FFB. Some of this spending also bypasses the normal appropriations process.

Agencies transfer their activities to the FFB in two general ways. The first involves direct loans. Agencies combine direct loans into a bundle (called participation certificates or certificates of beneficial ownership, CBO's) which they "sell" to the FFB. These transactions are recorded on the agency's books as sales even though the Government still owns the loan assets. In effect, the agencies have hidden their program levels in the nebulous offbudget accounts of the Federal Financing Bank. This is no small exercise; since 1975, some $60 billion of direct loans have been "sold" to the FFB.

The second way involves loan guarantees. In the case of a true loan guarantee, an agency issues the guarantee to a private party, who secures a loan from a private financial institution. However, agencies routinely arrange to sell the loan guarantees to the FFB, thus transforming the loan guarantees into direct Government loans from the FFB. Thus, not only is the original loan guarantee erased from the agency's budget, but the direct loan also is scored as an FFB loan, not an agency loan. This, too, was clearly not the intent of the legislation that created the FFB.

My bill would end these accounting wizardries by making the accounting honest and straightforward. The "sale" of loan assets to the FFB would be recorded as the agency borrowing it really is, and the sale of loan guarantees to the FFB would be recorded as direct loans from the originating agency which they are.

In a hearing on H.R. 2868, the Treasury Department, Office of Management and Budget, Congressional Budget Office and General Accounting Office all supported the legislation, with technical amendments. They testified that spending hidden in the FFB should appear in the agencies' budgets and the unified budget. In addition, the recently adopted budget resolution expressed the sense of the Congress that "Federal agencies selling loan assets to or guaranteeing loans originated by the Federal Financing Bank should have the budget authority and outlays resulting from those transactions reflected in their agency budgets."

The revised bill differs from H.R. 2868 in its determination of what loans would be required to be financed through the FFB. As originally drafted, H.R. 2868 would have required all agencies to offer their loans to the FFB, which would have had to buy all "suitable investments" that would not disrupt existing private secondary markets (such as for Ginnie Mae securities). The Secretary of the Treasury would have determined what is a suitable investment and what is undue disruption of private markets. Thus, the Secretary would have had to determine what agencies would have to use the FFB for financing.

The revised bill defines statutorily which loan programs would be required to use the FFB. Only programs which were at least 20 percent financed through the FFB during fiscal year 1982 would be required to continue to be FFB financed. No other current nor any future programs would required to use the FFB. For example, Ginnie Mae would not be required to use the FFB, though it would retain the option, exactly as in current law.

[1] During the decade of the 1970's, budget outlays increased 151 percent yet direct loans and guaranteed loans outstanding increased 250 percent and 171 percent, respectively. During the same period, net direct loans and net guaranteed loans increased 436 percent and 459 percent, respectively.

As another example, because less than 20 percent of low-income public housing loans were financed through the FFB in fiscal year 1982, future loans would not have to be made through the FFB.

H.R. 2868 also would require new loan programs to offer their loans to the FFB. The revised bill gives agencies running new programs the option of using the FFB. The revised bill does not affect existing loan guarantees which are privately financed—that is, "true" guarantees. It would, however, correct the current practice in which agency loan guarantees are converted into FFB direct loans, an accounting legerdemain difficult to match with congressional intent. In other words, the bill would have no effect on any existing loan guarantee programs which insure private obligations.

The revised bill would fully accommodate any future programs that provided for true loan guarantees. Agencies would have the option of FFB financing which, if exercised, would be recorded as agency direct loans—in contrast to the current practice of showing the transaction both as an agency loan guarantee and an FFB direct loan.

The current practice of FFB financing loan guarantees flies in the face of the widely held principle that Government funds only be expended based on an explicit appropriation of budget authority. Currently, FFB-financed loans are made on the basis of the permanent, indefinite budget authority of the FFB. By requiring future direct loans to be recorded as such on the originating agency's books, this bill permits Congress to decide explicitly on the type of spending authority most appropriate to the affected programs. As a result, Congress will have the same direct spending control over these programs as it presently has with nearly every other Government program.

At the same time, the bill leaves intact the current exclusion of loan guarantee authority from the definition of budget authority as defined in the 1974 Budget Act. The relationship between budget authority and loan guarantee authority is appropriately a budget process issue and not a Federal Financing Bank issue.

Opposition to H.R. 2868 has centered on the basic intent of the bill. Some agencies and interest groups are concerned about having their programs funded more openly and on budget. Yet the bill is in no way prejudicial to the affected programs, unless one believes that these programs are incapable of competing face-to-face, up front, and onbudget with other Federal programs. The affect of this bill is to create a level playing field.

It is hard to make a case for misrepresenting the activity levels of several Federal agencies, yet this is precisely what is happening, and why we need remedial legislation. Whether deliberate or by happenstance, these exceptions to accepted budget accounting principles undermine the confidence people have a right to expect in the way the Federal budget displays the activities and programs of their Government.●

CONSTITUENTS RESPOND

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. HUBBARD. Mr. Speaker, it is a pleasure to share with you and my colleagues the results of my annual questionnaire for 1983.

In February of this year I distributed the questionnaire through the First Congressional District of Kentucky. A total of 34,812 western Kentuckians responded to the questionnaire and on June 6 the tabulation of responses was concluded and announced to the Kentucky media.

The questionnaires were tabulated by my staff and by 100 college students at Murray State University and the community colleges at Henderson, Madisonville, Hopkinsville, and Paducah, Ky.

I would like to take this opportunity to express my appreciation to the following faculty and students for their hours of effort in scoring the many questionnaires.

Murray State University—Dr. Winfield Rose, chairman of the political science department, and students Kim Thurman, Tamie Marret, Patricia Holland, Gerald Watkins, Monica Sturdivant, Bridget Bufkin, and Tanya Smith.

Henderson Community College—John Sistarenik, professor of history and political science, and students Ricky Abel, Belinda Abell, Beverly Drake, Susan Dixon, Jerry K. Hurt, Brent Hood, Kim Hahn, John Guthrie, Jeffrey D. Kelley, Anthony W. Neal, Patricia Ann Walker, Kane Morgan, Ashly McCormic, John R. Wroten, Patricia Johnson, and Bonnie Harmon.

Madisonville Community College—Tim Cantrell, chairman of social sciences, and students Cynthia Frederick, James K. Ramsey, Marie Ramsey, Jon Todd Tolbert, Lou Ann Russell, Denise L. Martin, Richard L. Curtis, Trixie Y. Lamb, Rebecca Ricks, Tandy Perkins, Rob Towery, Marty D. Cook, Sammy Scott, Robert Lee Curtis, Derrick Helton, Crawford Jent, Kathleen Angel, Virginia Fugate, Helen Langston and Helen Wilcox.

Hopkinsville Community College—Don Hoover, associate professor of social science, and students Norman Petrie, Petra Wesley, Andy Adams, Donna Gupton, Ronald Ramage, Malcolm Perry, Bruce Marklin, Leroy C. Davis II, Daryl Russell, Janet L. Adams, Beth Meighen, Ron Stewart, Wanda Colley, Carla Shelton, Ron Seybold, and Leslie Herndon.

Paducah Community College—Dr. Chun Ro, chairman, division of social science, business and related technologies, and students Judy Albritten, Greg Barnes, Joy Beckman, Janet Bernelle, Danny D. Beyer, Michelle Boaz, Carol Brandon, Scott Brian, Hosea Chatman, Jr., Rebecca J. DiSilvestro, Barry Dublin, Deborah L. Figert, Kelly Giles, Kathy Grant, Claudette Guhy, Phillip Harned, Darlene Heflin, Jessie Ingram, Jeff Kunsman, Lou Ann Geveden Latta, George F. Mahin, Jr., Bruce McGary, LaDonna Melton, Joan C. Mendenhall, Pat Morphew, Courtney Neel, Charles Owens, Greg Ray, Paula Jill Reeves, Harold Riley, Wendy Roof, Gina Smith, Keith Steele, Dianna Sumner, Joe Swatzell, Barry Theobald, E. T. Tidewell, Robert L. Tracy, Kim Williams, Carl Winstead, and Jean Wurth.

The following are the results of my 1983 questionnaire.

[In percent]

	Yes	No	No opinion
1. Which single development during the next 12 months would make you most confident about the nation's economic recovery?			
(a) Lower interest rates	22		
(b) Less inflation	13		
(c) Lower taxes	6		
(d) Less unemployment	44		
(e) Balanced budget	15		
2. Supporters of coal slurry pipeline legislation emphasize it would create new incentives for Kentucky's coal reserves and decrease America's dependence upon OPEC oil. Railroad and trucking companies now hauling coal are among the opponents of this legislation. Do you favor coal slurry pipeline efforts?	58	30	12
3. Are you in favor of the Paducah home (known as "Angles") of the late former Vice President Alben W. Barkley being purchased and maintained by the federal government as a national historic site?	28	67	5
4. As a means of helping those persons who are unemployed, would you favor:			
(a) Establishing federally funded vocational programs	54		
(b) Reducing the minimum wage for teenagers	40		
(c) No opinion	6		
5. As a means of reducing the size of the federal budget deficit, would you favor:			
(a) Freezing military pay	11		
(b) Repealing the 10-percent tax cut scheduled for July	31		
(c) Cutting domestic spending	31		
(d) Freezing federal civilian pay	27		
6. Do you think Congress should slow down the growth of military spending to help balance the budget?	51	44	5
7. If an acceptable basing mode for the MX missile can be found, would you favor its production and deployment?	56	35	9
8. Do you believe the United States should cut back on military and economic aid to Israel?	64	32	4
9. Do you support the recently enacted Payment-in-Kind (PIK) program that allows farmers to idle land in exchange for grain being held by the federal government?	56	38	6
10. Should the U.S. subsidize grain sales abroad in order to compete with highly subsidized European farmers?	42	47	11
11. In light of some recent farm foreclosures by the Farmers Home Administration, should Congress allow FmHA to defer payment of interest and principal for one year if the borrower can show he or she could stay in farming and pay off the debt in the future?	83	13	4

12. Do you think Congress should allow clean air laws to be weakened?	32	61	7
13. Do you think the U.S. Constitution should be amended to:			
(a) Require a balanced budget	55	26	19
(b) Permit prayer in public schools	72	17	11
(c) Include the Equal rights Amendment (ERA)	24	58	18
14. Should families who sent their children to private elementary or secondary schools receive a break on their taxes?	32	63	5
15. Do you approve of the job Ronald Reagan is doing as President?	42	51	7
16. Should the United States send more weapons and military advisers to El Salvador?	29	63	8
17. Should the U.S. government require cars sold in the U.S. to be made mostly with U.S. parts and labor?	68	27	5
18. Beginning in July, banks and other financial institutions will withhold 10% of interest and dividends earned by savers and investors. This money, paid directly to the IRS, will apply toward income taxes that are due or can be refunded. Do you want Congress to repeal this 1982 law?	68	28	4
19. Should Congress appropriate more money to help low and moderate income families pay their heating bills?	49	45	6
20. Do you feel the United States should begin reducing nuclear weapons on its own?	30	65	5

OBSERVATIONS ON NICARAGUA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I bring to the attention of my colleagues an article by Lawrence E. Harrison entitled "We Tried to Accept Nicaragua's Revolution, the Sandanistas Couldn't Live With a Positive Image of the United States."

Mr. Harrison's observations should be carefully studied by my colleagues and the American people.

The article follows:

[From the Washington Post, June 30, 1983]

WE TRIED TO ACCEPT NICARAGUA'S REVOLUTION—THE SANDINISTAS COULDN'T LIVE WITH A POSITIVE IMAGE OF THE UNITED STATES

(By Lawerence E. Harrison)

The Sandinista Government of National Reconstruction was installed four years ago, on July 19, 1979. Three days later, I arrived in Nicaragua in a Flying Tigers DC-8 stretch jet loaded with food—the first of many such flights—to take charge of U.S. assistance programs, the most tangible evidence of our commitment to build a new relationship with Nicaragua.

I left Nicaragua two years later on July 1, 1981. During those two years, the U.S. government was the most important source of food aid and one of the most important sources of financial aid to revolutionary Nicaragua. We provided assistance valued at $120 million, including 100,000 tons of food. We had tried very hard to build that new relationship. But the effort failed, principally, I believe, because the Sandinistas could not live with a positive image of the U.S. government. They did not try at all. And many in the United States cheered them on.

Within a few months of the installation of the Government of National Reconstruction, an article appeared in the Sandinista newspaper Barricada announcing the imminent arrival of 600 Cuban teachers. I called on the minister of education, with whom I had been working to reactivate an old school construction loan, to express concern that so large a number of Cuban teachers would be interpreted in the United States as a Cuban takeover of the Nicaraguan education system. The minister replied that the government would welcome qualified teachers from any country.

I told him that the United States would certainly be interested in sending teachers, possibly through the Peace Corps. He responded, somewhat apologetically. "You know, we Latin Americans have a view of the Peace Corps which would make it an inappropriate vehicle." (He meant, " We Latin Americans of the Left." What he had in mind was symbolized by the move "Blood of the Condor," which depicts Aryan-looking Peace Corps volunteers engaging in genocidal sterilization programs in Bolivia.)

At the end of 1979, as a result of the intervention of then junta member Alfonso Robelo (who is now allied with ex-Sandinista Eden Pastora's guerrilla movement), we received Sandinista approval in principle to start a Peace Corps program. After a lengthy study, the Peace Corps sent in a husband-wife team as co-directors. Both were experienced in Latin America, altruistic, and totally committed to building a new relationship with Nicaragua. After six months of being fobbed off by the Sandinistas, they left. Not one Peace Corps volunteer was accepted.

We often expressed our concern to Sandinista officials about the line in the Sandinista anthem, "We shall fight against the Yankee, enemy of humanity." In November 1979, Jaime Wheelock, one of the most influential *comandantes* and a person with whom I sustained a very frank dialogue throughout my two years in Managua, told me that the word "poverty" was going to be substituted for "the Yankee." Soon thereafter, I was told the same thing by then economic czar (and Stanford MBA) Alfredo Cesar, who has since defected. The change was never made.

At about the same time, a U.S. congressional delegation, led by Rep. Dante Fascell (D-Fla.), visited Managua at Ambassador Larry Pezzullo's initiative. Fascell was extremely effective, as were his colleagues, Lee Hamilton (D-Ind.), Matthew McHugh (D-N.Y.) and David Obey (D-Wis.). They pressed hard on the issues of political pluralism and nonalignment in very intense meetings with both the junta, which was increasingly becoming a figurehead, and the Sandinista National Directorate, which is where the real power resides. The congressional group was particularly forceful on the question of elections. In each session they were told that national reconstruction had to be the first priority but that the Sandinistas were committed to elections.

When Alfonso Robelo resigned from the junta in April 1980 and went into opposition, he was promptly labeled a traitor by the Sandinistas. In a conversation with Jaime Wheelock, I tried to explain our concept of dissent. I got nowhere—there is no Spanish word that accurately captures the nuances of "dissent." A day or two later I experienced similar frustration in a conversation about dissent with a young U.S.-trained cabinet minister who had on his desk a bottle of Cuban rum and a copy of "Das Kapital." At one point, he suddenly beamed and said, in English, "Now I know what you're talking about—civil disobedience!"

He has since defected.

A few months later, Larry Pezzullo and I were in Washington to lobby in Congress for the much-delayed $75 million special appropriation for Nicaragua. The Sandinista minister of health, with whom I was working on several programs, was also in Washington, and we had dinner together. During the conversation I complained about inaccuracies and distortions in Barricada, the official Sandinista newspaper, and El Nuevo Diario, which closely followed the Sandinista line. Both sounded very much like Cuba's official newspaper, Granma, particularly in their treatment of the United States. The minister's response: "You don't understand revolutionary truth. What is true is what serves the ends of the revolution."

The August 1980 ceremony to celebrate completion of the literacy campaign was a chilling experience. I had been invited to sit with the *comandantes* and the cabinet because AID had contributed food and some vehicles to the campaign. The ambassador sat in nearby stands with the diplomatic corps.

The Plaza of the Revolution was mobbed with kids in uniform shouting slogans in response to the urgings of leaders on the platform. I was reminded of films I had seen of Nuremberg in the 1930s.

Comandante Humberto Ortega gave the principal address. In the midst of a series of attacks on the United States, he announced that elections would not be held until 1985, thereby reneging on a commitment to opposition groups for early elections. Moreover, he assured his audience, the elections of 1985 would be nothing like the corrupted elections held in the United States. Larry Pezzullo and I both walked out.

My youngest daughter, Amy, then 16 years old, worked during the summer of 1980 as a volunteer with a Nicaraguan organization, Genesis II, which promoted breast-feeding and provided help to orphanages. The head of the organization was Geraldine Macias, a former American Maryknoll nun married to Edgard Macias, vice minister of labor. At the end of the summer (shortly after the completion of the literacy campaign), we had a get-together at our house for Amy and her co-workers. The evening was a little strained because some of the Genesis II people were totally committed to the Sandinista cause and doubtless felt uncomfortable being in the USAID director's house. The Maciases may have felt that way.

Two years later, after the Sandinista security police threatened his life, Edgard sought asylum in the Venezuelan embassy. The Maciases and their children arrived in Washington soon thereafter. They were treated as lepers by many left-leaning church people in the Washington area who had formerly been their friends. The Maciases have found it very difficult to get work and have been living on a shoestring ever since.

In a recent letter to friends, they said:

"Since leaving Nicaragua we have had access to documentation of [the Sandinistas] and some of [their] former members that proves beyond a doubt that their plans from 1979 on were to deny political and religious freedom. Documents that also show how their methods resemble Somoza to the point they appear as a mirror image: rapes, torture, disappearances, murders, threats, and control of unions and community groups through the formation of their 'elite' political party."

During the last part of 1980, the Partners of the Americas program between the state of Wisconsin and Nicaragua, which had endured for some 15 years, ran into trouble. Most of the activities were focused on the

Atlantic Coast. Among other problems, the Sandinistas attempted to take over the Partners' educational radio station (they subsequently did take it over); two Wisconsin plastic surgeons were harassed during a visit to Puerto Cabezas, where they did some highly complicated surgery free; and the Sandinistas circulated the word that Partners personnel were CIA agents.

The ambassador sent a letter to the junta expressing his concern, and I called on the *comandante* responsible for the Atlantic Coast. After I ran down the litany of problems, the *comandante* said, "You have to understand, Mr. Harrison, that Americans are not very popular in this country." I replied that I had lived in Nicaragua for 18 months, traveled extensively, and had the impression that, notwithstanding Sandinista efforts to paint us as devils, most Nicaraguans liked Americans. I added that this seemed to be particularly true on the Atlantic Coast.

He paused for a few moments, then broke into a broad grin and said, "You're right."

Norma Pineda, an accountant, was the senior Nicaraguan employee of the USAID mission, an admirable professional and human being. Her husband, Byron, had been a lieutenant colonel in a noncombatant unit of the National Guard. Just prior to their triumphal entry into Managua, the Sandinistas announced that National Guard members who had committed no crimes had nothing to fear. Despite the pleadings of family and friends to seek asylum in a nearby embassy, Byron Pineda chose to stay in his house because, as he told his wife, "I have done nothing wrong."

About two weeks after the installation of the Sandinista government, Pineda was arrested and much of his property was confiscated. He was tried some six months later and sentenced to 11 years in jail. As in thousands of other cases, all that was proven by the prosecution was that he had been a member of the National Guard.

A few months later, the Sandinistas told Pineda that he would be freed if his wife would provide information on USAID activities to the government. She refused. He was, however, released to house arrest toward the end of 1980, perhaps because of representations the ambassador and I made at high levels of government. Shortly after, he was told that he would be returned to prison if he failed to persuade his wife to become a spy and if he refused to engage in spying activities himself.

A few weeks after that Norma Pineda left Nicaragua. Byron Pineda sought asylum in the Peruvian embassy in Managua, where he has lived for more than two years.

Late in 1980, the Latin American Studies Association, an organization of U.S. intellectuals interested in Latin America, held its annual meeting in Bloomington, Ind. Junta member Sergio Ramirez and Foreign Minister Miguel d'Escoto attended and were given a hero's ovation. James Cheek, then deputy assistant secretary of state for Latin America, was jeered and heckled. (Cheek, one of the Foreign Service's most distinguished and enlightened specialists on Latin America, had played a crucial role in U.S. disengagement from Somoza as far back as 1974.)

In a subsequent Latin American Studies Association newslettter, Harvard Professor and Association President Jorge Dominguez described the Bloomington meeting as "one of the darkest moments of my professional life . . . appalling . . . scandalous . . . damnable."

I returned to the United States on July 1, 1981, and retired from AID early in 1982. I have been at Harvard working on a book on the relationship between culture and development. In December 1982, I was asked to appear on a panel at the John F. Kennedy School of Government at Harvard. The principal speaker was Francisco Fiallos, then Nicaraguan ambassador to the United States. Despite a subdued speech on Nicaragua's economic problems, Fiallos was given a hero's ovation by the 300 people in attendance. My comments focused on Sandinista human rights abuses and, in particular, Sandinist reneging on commitments to pluralism and nonalignment. I was booed and jeered repeatedly.

One week later, Fiallos defected.●

CALL TO CONSCIENCE VIGIL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. MAZZOLI. Mr. Speaker, for the past few years I have taken part in the congressional Call to Conscience Vigil in an attempt to draw attention to the plight of Soviet Jews and other prisoners of conscience who are denied basic human rights and privileges—such as the right to practice their religion freely and to emigrate.

In particular, I am concerned about the plight of Miss Galina Vilchinskaya. Miss Vilchinskaya, at 24, has already served 3 years in a Siberian concentration camp for teaching children's Bible classes during summer vacation.

She was released last August, only to be taken into custody again in November. The last word from her was that she was being held in a jail in Vladivostok for interrogation. Her family was denied permission to see her.

Mr. Speaker, as one of many concerned Members participating in this year's vigil, I hope the Soviet Union will exhibit respect for basic human rights and privileges and allow its citizens like Miss Vilchinskaya to follow their consciences and practice their religion without fear of punishment from the state.●

THE TRUTH ABOUT THE ADMINISTRATION'S VOCATIONAL EDUCATION PROPOSAL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GOODLING. Mr. Speaker, those who say that this administration has not kept in close contact with the vocational education community are wrong. When the administration submitted its original vocational education proposal it was obvious to many of us that changes were necessary. When the President and the Secretary of Education resubmitted their bill (H.R. 2940) the changes were included. They were asked to include a set-aside for the handicapped in order to assure that handicapped individuals receive equal opportunity for participation in vocational education. They agreed to this change. They were asked to include an authorization of appropriations for such sums as may be necessary rather than the level prescribed in their budget. They agreed to that change. They were asked to include more emphasis on sex equity activities, including programs for displaced homemakers. They agreed to that change as well. They also agreed to permit funding for day care and for the operation of State and local advisory councils. The administration has clearly shown that it is willing to listen to outside advice, and I believe that H.R. 2940 has improved as a result. Many groups have testified to this point. It is time that the truth comes out.●

JARRETT GOODMAN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ASPIN. Mr. Speaker, I would like to call your attention to a remarkable man who has been of unvaluable service and inspiration to his community.

Mr. Jarrett Goodman of Milton, Wis., a Vietnam veteran, earned a discharge from the service in a most tragic way. He lost part of his right leg when he stepped on a landmine. Mr. Goodman is now employed by the Postal Service and delivers mail daily on a route that spans 60 miles.

Recently, he was honored in Washington as the U.S. Postal Service's handicapped employee of the year. This award was shared with four other postal employees. I bring this to your attention now because Mr. Goodman is representative of a group of people who have not let their handicaps hinder their active lifestyle. With the help of an artificial leg, Mr. Goodman still participates in his favorite sports—softball, basketball, hunting, and fishing.

It is gratifying to know medicine and technology today are capable of giving the support needed to assist the handicapped in carrying on as close to a normal lifestyle as possible.

I would like you to join me in honoring Mr. Goodman not only for his ability to overcome his handicap, but for the inspiration he serves to his community and the inspiration he should be to us all.●

JUSTICE FOR SENIOR CITIZENS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. DYMALLY. Mr. Speaker, anyone who has brought a case into a court of law knows how inconvenient the sometimes lengthy legal proceedings can be. Moreover, the length of time one must wait before a case is brought to trial can be excessive. Our overworked judicial system, unfortunately, can not provide for all citizens what the Constitution is supposed to guarantee us—a speedy and public trial. This failing in our Nation's legal system hurts one group of people most of all, the elderly, who simply do not have the time to wait month after month, year after year, for their case to be processed and adjudicated. Today I have introduced a bill that would remedy this particular failing in the legal system by compelling the courts to expedite and decide upon all cases brought by citizens 65 years or older within 1 year from the date which the particular action was brought.

This particular problem was brought to my attention by a constituent of mine, Henry Herriford, who is president of the 50/50 club in Compton. He wrote an impassioned personal letter to me, stating that "due to the long delay in court trials * * * the chance of a citizen 70 years or more living to have his chance in court * * * is not guaranteed. He felt that Congress should * * * make a rule that no one over 65 has to wait more than 1 year before coming to court on a hearing."

I agree with Mr. Herriford. The Nation's elderly deserve to gain justice from our legal system. Those citizens who have neither the time nor the strength for such a long wait for their case to be heard must be allowed to have a quick and speedy trial. Let us make the judicial system more fair to the elderly.●

VOCATIONAL EDUCATION

HON. JAMES R. "JIM" OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. OLIN. Mr. Speaker, in today's economy, vocational education is a smart investment. It gives us the skilled workers that will make us more productive. It helps put people in the work force and keep them off welfare.

Small businesses, which create most of our new jobs, frequently cannot afford their own job training programs and rely on vocational education to supply them with skilled employees. At a time when our rapidly changing workplace is demanding a greater number of skilled workers, how can the President justify cutting vocational education by nearly 40 percent?

Easing unemployment and fueling the recovery requires the shared efforts of business, labor, community leaders, and all levels of government. Vocational education is an essential element of this effort.

We are all very much aware of education and its role in achieving our economic, social, and defense goals. Maybe the President's visit to Kentucky will make him more aware of the contribution that vocational education makes. On behalf of nearly 300,000 vocational education students in Virginia, I hope so.●

HONORING ANTHONY QUINN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. TORRES. Mr. Speaker, I am sure each of my fellow colleagues would agree Anthony Quinn is one of the few truly international stars of the theatrical industry. He is also an individual who over the years I have come to know, work with, and above all respect.

Born in Chihuahua, Mexico, of a Mexican mother and an Irish father, Tony was brought to the United States during the turmoil of the Mexican Revolution. Settling in East Los Angeles he grew up in the barrio and like so many other young people Tony worked hard shining shoes. He attended local schools and became an accomplished musician and eventually graduated with aspirations of one day becoming an actor.

In the late 1940's Tony made his Broadway debut in the critically acclaimed "The Gentleman From Athens." Following his crowd-pleasing performance, he starred in the national tour of "A Streetcar Named Desire," and in its Broadway production in 1950. He again toured the country starring in "Born Yesterday." While performing in New York during this time, Tony was also participating in the developing movie industry.

Tony's accomplished list of notable films includes: "Viva Zapata" and "Lust for Life." For his performance in these two films he won the coveted Oscar from the Academy of Motion Picture Arts and Sciences. His other pictures include: "Zorba the Greek," "La Strada," "The Guns of Navarone," "Lawrence of Arabia," "Wild Is the Wind," "The Visit," "The Shoes of the Fisherman," "Requiem for a Heavyweight," "A High in Jamaica," "Jesus of Nazareth," and "The Greek Tycoon."

In addition to his superior theatrical abilities, Mr. Speaker, Tony is an artist in more ways than one. He is an author, painter, and a sculpturer. In 1972, Tony authored "The Original Sin" and is currently working on three more books. Late last year his sculptures and paintings were unveiled at the Center Art Galleries in Honolulu, Hawaii. Among these artifacts 40 received high critical acclaim.

During the 1960's and 1970's Tony supported the Congress of Mexican-American Unity. He headed dozens of stars of the stage and screen in promoting fundraising events for the benefit of the congress. He has also identified with the social movements of years past and the quest for justice among the farmworkers of the Southwest. Recently he was honored by having a library in East Los Angeles dedicated in his name.

Mr. Speaker, I ask my fellow colleagues to join me in paying tribute to this outstanding individual and thanking him for his years of entertaining work and contribution to our country.●

IN DEFENSE OF CHILDREN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. MAZZOLI. Mr. Speaker, a few Sundays ago we celebrated Father's Day 1983. Across the Nation families celebrated the special relationship which exists between father and child.

While Father's Day was—and should have been—a joyous occasion, Father's Day 1983 also stood as a somber reminder to fathers—and mothers as well—of the duty to protect the children who came into their lives and enrich them so greatly.

On this Father's Day, I renewed my commitment to protect the lives of and the rights of all children. And the challenge is daunting.

Recent statistics have indicated that nearly 1 million cases of suspected child abuse and neglect are reported annually. Approximately 12 million children remain in poverty. Nine million children have no known source of regular health care. Eighteen million children have never seen a dentist.

Fathers, mothers, and, really, all citizens of this country have the responsibility to provide our Nation's youth the opportunity to lead full and productive lives. And in a special way we must protect the rights of the unborn who—although unable to defend their own rights—represent the very future of our society.

So, Mr. Speaker, on Father's Day 1983, I hope all my colleagues—not only we who are fathers—pledged themselves to improving the lot of all America's children.●

FOREIGN LANGUAGE SUPPORTERS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SIMON. Mr. Speaker, recently the Education and Labor Committee reported to the House H.R. 2708, the Foreign Language Assistance For National Security Act of 1983.

Unfortunately, the report was filed before I had the opportunity to submit a list of 31 Members who wished to cosponsor H.R. 2708.

I would like to publicly acknowledge these 31 individuals, thank them for their support for language education, and apologize to them for this error.

The Members who were mistakenly excluded from cosponsoring my foreign language bill are: Mr. HARRISON, Ms. OAKAR, Mr. PRICE, Mr. WON PAT, Mr. SOLARZ, Mr. BEILENSON, Mr. SMITH of Florida, Mr. SUNIA, Mr. BROWN of California, Mr. FRANK, Mr. FORD of Tennessee, Mr. LANTOS, Mr. RATCHFORD, Ms. KAPTUR, Mr. KILDEE, Mr. WEAVER, Mr. ROSE, Mr. WISE, Mr. CLINGER, Mr. HAMILTON, Mr. VENTO, Mr. DURBIN, Mr. DE LA GARZA, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. PORTER, Mr. HERTEL of Hawaii, Mr. MRAZEK, Mr. GAYDOS, Mr. BADHAM, and Mr. FISH.●

INSULT TO INJURY

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WISE. Mr. Speaker, as I was listening to the news on the radio today, I learned that the Japanese Government has announced its intention to end its voluntary restriction on the export of cars to our country, beginning next year. To my disbelieving ears, this news came as a shock indeed.

The administration, in its attempt to head off the progress of the Fair Practices in Automotive Products Act (H.R. 1234), the domestic content bill, has been referring to these export restrictions as all but cast in stone.

Well, the Japanese Government has just displayed, once again, its feelings toward the American worker—the American auto and heavy industry worker in particular. This news hits this country when more than 360,000 auto workers and an additional 600,000 workers in auto-related industries are wondering where their next house payment and meal are going to come from. This news stabs like a sharpened knife into the belly of the auto industry in our country—and could not have come at a more inopportune time.

Mr. Speaker, I think that this news shows clearly—terribly clearly—why we should enact H.R. 1234 with all due haste. Clearly, we must take steps to protect ourselves. It appears as though if we do not, no one will.●

RULE ON THE HEALTH CARE FOR THE UNEMPLOYED ACT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means yesterday favorably ordered reported H.R. 3021, with an amendment in the nature of a substitute. This legislation would provide for a program of grants to States to provide health care benefits for the unemployed.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a closed rule on title II of our committee amendment.●